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UNITED STATES OF AMERICA

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PROCEEDINGS AND DEBATES OF THE 97th CONGRESS
SECOND SESSION

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Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, March 2, 1982*

The House met at 12 o'clock noon.

The Reverend James P. Archibald, Good Shepherd United Methodist Church, Silver Spring, Md., offered the following prayer:

Almighty God, who has challenged humankind to govern themselves responsibly, help those who have been elected to this sacred trust. Be a source of comfort to each Member of Congress, enabling them to deal with the stresses that are always with them. Be in their homes and with their families. Enable them to patiently persevere when the highest ideals appear to be impractical. Guide their efforts to negotiate when solutions are not readily available.

Lift before all of us the sacredness of every person; those who are Americans, as well as all others who are in the human family. Make us always mindful of the importance of striving for peace even when our selfish desires are not satisfied. Make Your will, rather than our own might, our highest priority. May the deliberations of this body reflect Your will, O Lord, our Creator and Sustainer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appear to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 15, not voting 77, as follows:

[Roll No. 9]

YEAS—342

Addabbo
Albosta
Alexander
Anderson
Annunzio
Anthony
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bevill
Bingham
Blanchard
Bliley
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Broomfield
Brown (CA)
Brown (CO)
Brown (OH)
Broyhill
Byron
Carman
Carney
Chappell
Chappie
Clinger
Coats
Coleman
Collins (TX)
Conable
Conte
Corcoran
Courter
Coyne, James
Coyne, William
Craig
Crane, Philip
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Daub
de la Garza
Deckard
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Dreier
Duncan
Dunn
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
Emery
English
Ertel
Evans (DE)
Evans (GA)
Evans (IN)
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fithian
Flippo
Florio
Foley
Ford (TN)
Fountain
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Grisham
Guarini
Gunderson
Hall (OH)
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hyde
Ireland
Jeffords
Jeffries
Jenkins
Johnston
Jones (TN)
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
McKinney
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Ottinger
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roe
Roemer
Rogers
Rose
Rosenthal
Roth
Roukema
Rousselot
Rudd
Russo
Sawyer
Schneider
Schulze
Schumer
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
Stangeland
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Tauke
Tauzin
Taylor
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Washington
Watkins
Waxman
Weaver
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki
Zeferetti

NAYS—15

Butler
Coughlin
Dickinson
Gejdenson
Goodling
Harkin
Jacobs
LeBoutillier
Miller (OH)
Mitchell (MD)
Sabo
Schroeder
Walker
Weber (MN)
Yates

NOT VOTING—77

Akaka
Andrews
Applegate
Bethune
Biaggi
Brooks
Burgener
Burton, John
Burton, Phillip
Campbell
Cheney
Chisholm
Clausen
Clay
Coelho
Collins (IL)
Conyers
Crane, Daniel
Davis
Dellums
DeNardis
Derrick
Derwinski
Dornan
Downey
Early
Edwards (OK)
Erdahl
Erlenborn
Evans (IA)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Fary
Fascell
Fish
Foglietta
Ford (MI)
Forsythe
Fowler
Goldwater
Gregg
Hagedorn
Hall, Ralph
Hance
Hartnett
Hutto
Jones (NC)
Jones (OK)
Kennelly
Lee
Leland
Long (LA)
Long (MD)
Lowry (WA)
Marks
Mattox
McDade
McHugh
Michel
Moffett
Murtha
Obey
Oxley
Pursell
Rinaldo
Rodino
Rostenkowski
Roybal
Santini
Savage
Scheuer
Seiberling
Skelton
St Germain
Swift
Synar
Thomas
Wilson
Young (AK)

□ 1215

So the Journal was approved.

The result of the vote was announced as above recorded.

PRIVATE CALENDAR

The **SPEAKER**. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

REMEDIOS R. ALCUDIA, CHRISTOPHER, EZRA, VERMILLION, AND PERISTELLO ALCUDIA

The Clerk called the bill (H.R. 1547) for the relief of Remedios R. Alcudia, Christopher, Ezra, Vermillion, and Peristello Alcudia.

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LASZLO REVESZ

The Clerk called the bill (H.R. 1352) for the relief of Laszlo Revesz.

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Wisconsin.

There was no objection.

THE REVEREND JAMES P. ARCHIBALD

(Mr. **BEDELL** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **BEDELL**. Mr. Speaker, it is my privilege to welcome to the Chamber today Rev. Jim Archibald, who is the pastor of the Good Shepherd United Methodist Church in Silver Spring, Md. Reverend Archibald came to Silver Spring from the Capitol Hill Methodist Church, where my wife and I had the good fortune of coming to know him here. We frequently go out to Silver Spring because of the great message that he gives, in our opinion, for us out there.

I believe that we are most fortunate in the Washington area to have a pastor of this quality and this capability. My wife and I have come to know both Jim and his wife, LaVerne, and it is a real privilege and pleasure to have him give the prayer here before this body today.

I join my colleagues in welcoming him.

A LETTER FROM THE ALAMO

(Mr. **WRIGHT** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **WRIGHT**. Mr. Speaker, I have asked unanimous consent that I may address the House for 1 minute and that in so doing I may read the immortal letter of William Barret Travis written from the Alamo.

Since this is the 2d of March, the date on which Texas declared its independence from Mexico, I want to read to you one of the great letters of all time, written by William Barret Travis from the beseiged Alamo:

> To the people of Texas and all Americans in the world—
>
> I am besieged, by a thousand or more of the Mexicans under Santa Ana—I have sustained continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the Fort is taken. I have answered the demand with a cannon shot and our flag still waves proudly from the walls. I shall never surrender or retreat. Then, I call on you in the name of liberty, of patriotism and everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—victory or death.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3269, MALT BEVERAGE INTERBRAND COMPETITION ACT

Mr. **RICHMOND**. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H.R. 3269, the Malt Beverage Interbrand Competition Act.

The **SPEAKER** pro tempore (Mr. MINISH). Is there objection to the request of the gentleman from New York?

There was no objection.

STUDENTS WIN ON STUDENT AID

(Mr. **PEYSER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **PEYSER**. Mr. Speaker, yesterday we had over 5,000 young college students, both graduate and undergraduate students, here in Washington. They were not here to burn flags or to storm buildings. They were here to state their case quite simply for the need for the continued aid for student education in the United States.

It is hard to put into words the feelings I had about them, Mr. Speaker. In a nutshell, they were tremendous. They were great young people whose parents could really be proud of the way they acted, the way they conducted themselves, and the great knowledge they had on the subject matter.

Mr. Speaker, after hearing a number of my Republican colleagues who yesterday stepped forward to say that they would no longer support any cuts in the student aid program and knowing where our Democratic colleagues are, these students have won the battle, and I am convinced that student aid programs will not only survive, but they will remain at least at the same levels and, hopefully, next year in 1983 get back to where they belong.

STRONG CONGRESSIONAL ACTION NEEDED ON EL SALVADOR

(Mr. **BROWN** of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **BROWN** of California. Mr. Speaker, today the House has before it the opportunity to take a historical action, a long overdue initiative that shows the only way to end the Salvadoran tragedy, by passing House Concurrent Resolution 226. In addition to that action, the Congress will have to act decisively, denying military and other aid to the discredited Salvadoran regime, so as to force the junta to enter into negotiations with the broad spectrum of opposition parties.

It is profoundly disturbing to have to conclude, after considered judgment, that this administration is totally committed to a military solution in El Salvador and is not open to any suggestion that other alternatives exist. It is disturbing because this policy condemns thousands more to suffering and death, until the day when a political settlement of necessity takes hold. It is also disturbing because it entirely disregards the loud outcry heard from our own citizens, who have flooded newspapers, talk shows, and the Congress with their opposition to the current extreme hardline policy in Central America.

This administration displays little if any understanding and concern for the real causes of the ongoing civil strife. It is beyond comprehension how anyone can label as "Soviet inspired Marxists" the bulk of a people who oppose a terrorizing regime in a country where malnutrition runs at 60 percent, illiteracy is rampant, inflation is soaring, and the economy is in ruins. Many observers have noted that the people who oppose the junta in El Salvador would be considered straight middle-of-the-roaders in the United States.

By painting itself into a tight corner, the administration has violated one of the fundamental tenets of diplomacy, which is to leave oneself options. A potentially constructive initiative, the Caribbean Basin package, was recklessly delivered wrapped in a high-pitched belligerent diatribe. This stands in stark contrast with the Mexican proposal for mediation, offered only a few days earlier. The much-praised and hopeful Mexican initiative went entirely unmentioned.

I am concerned that my colleagues will fail to act decisively, in the expectation that the elections of March 28 will offer some new way out of the present stalemate. This is hoping against hope, adding 1 more month of surely intensified violence to that already pained country. I will not elaborate on the inadequacies of the elections, a subject of extensive discussions in Congress and in the media in recent times. One must recognize, however, that the elections will determine only which of six ultra right wing parties, and a seventh discredited and decimated "centrist" party represented by President Duarte, will take the helm if the military allows. To the extent that the military now allow Duarte a completely paralyzed presidency, it is clear that the elections, as proposed, are a part of a military, not a political, solution to the problem. The bulk of political thought in that country is not being allowed to participate.

It is thus important for the Congress not to allow the Salvadoran elections to be passed off to the American public as the kind of participatory democratic exercise with which we are familiar. We all wish we could close our eyes and have the elections turn out fairly democratic, with some international credibility, so that we, the ultimately responsible public officials, would not have to confront the ugly reality. This will not come to pass. We will have to work actively and decisively if continued tragedy is to be avoided.

It is a dangerous state of affairs when an administration carries out a rigid, inflexible foreign policy that meets with strong opposition from within the Nation and the Congress, not to mention our allies overseas. I have been in the Congress long enough to have seen this before, and I hope my colleagues can draw from the lessons of history. It is not only because we run the risk of another quagmire and loss to the United States that we should avoid a military posture in El Salvador. It is because what is taking place there is morally reprehensible and untenable in the long run. People are not expendable for the sake of someone's geopolitical world view.

I urge my colleagues to vote for this resolution, as a first step in what I hope would be a strong congressional role in reversing present policy.

TEXAS INDEPENDENCE DAY

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, today I also have the envious delight of reminding the House that today is March 2, Texas Independence Day, as so eloquently described by our majority leader.

Knowing full well, Mr. Speaker, that at least half the House wishes they were Texans, and the other half does not know any better than not to, I have endeavored to bring a little bit of Texas to the House. If anyone here is so unfortunate as to never have savored Texas chili, then I suggest they wait only long enough to hear the end of my remarks before hastening to the House Capitol dining room to get a bowl of Texas red hot chili. This is venison chili from the central Texas area. Those of you who are familiar with venison chili probably scented it this morning when you woke up, because this is one of the best batches we have ever whipped together; so you chili veterans, I know, will want to leave immediately, go below and get your batch of Wick Fowler's Texas venison chili which I am serving for the 14th time in a row.

Congratulations to all of you. May the Lord help you!

□ 1230

BILL ALEXANDER OF ARKANSAS LISTENS "TO THE FOLKS BACK HOME"

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, the President has repeatedly challenged Members of Congress to listen "to the folks back home" before making our decisions about his budget proposals. I am listening and I am reading their letters, and this is what I am finding.

In a letter printed in the Arkansas Gazette on February 15, written by a constituent of mine in Van Buren County:

> It's beginning to look more and more like the people were sold a bill of goods in the last election, which they may long regret.

In a letter to me from Marked Tree, Ark.:

> Mr. Reagan's words put up or shut up is a challenge to the average American citizen to speak up against Mr. Reagan's bullying tactics and determination to subject the working class American to the whims of himself and his rich friends.

A year ago people in Arkansas were angry but confident that Reaganomics would revive the economy as President Reagan promised. Today—with Arkansas unemployment standing at 12.1 percent—the highest rate in the history of our State—our people are telling me they are afraid of the record deficits Mr. Reagan's economic policy has produced and are only faintly hopeful that Reaganomics will end the recession it has created.

The letters from which I have quoted are not isolated cases. They are indicative of the conspicuous difference in the attitudes of my constituents that I am observing in 1982 compared to the same period in 1981.

The people I am hearing from are the youngsters in elementary school worried about their future education.

They are the farmers pleading for help to save their livelihood from the threat of the Reagan administration's high interest rate, tight farm credit, and low commodity price policies.

They are the schoolteacher and her 70-year-old storekeeper husband, who still works a 10-hour day, and who together paid for the first 4 years of their son's college education and are now seeing the family dream of his becoming a doctor shattered by the Reagan administration's student financial assistance policies.

And, I am hearing from the business people who are worrying about what the Reagan administration's high interest rate policies are doing to their businesses and about the growing threat of bankruptcy that is already overtaking businesses across the Nation at an increasingly rapid rate.

Yesterday's announcement that the leading economic indicators were down for the ninth straight month in January adds to the current worries of our people. These are the indicators that normally signal, 2 months in advance, significant turns in the Nation's economy. The signal we are getting now tells us that the end of the recession is not yet in sight. And, administration spokesmen admitted yesterday that our national unemployment rate could reach 10 percent, the highest in 40 years, before it begins to come down again.

This news about the economic indicators strengthens my belief, the belief of many of my constituents, and of many of our colleagues that if this administration continues to refuse to take action to help bring about an end to the recession, the Congress will have to work out a bipartisan solution alone. Efforts are underway in that direction and we must work to strengthen them.

PROHIBIT ACCESS FEES ON HUNTERS USING FEDERAL LANDS AND WATERS

Mr. VENTO. Mr. Speaker, during the last week of February, the Republican administration through the Secretaries of Interior, Agriculture, and Army submitted proposed legislation which would have set up broad new categories for the imposition of user fees for the use of public lands and national parks. Of particular concern was section 3(k), that would have authorized the appropriate Secretary to require an admission permit for the occupancy and use of Federal lands for hunting and fishing.

This new section, which really targets hunters and fishermen, would have meant the breaking of new ground in terms of Federal charges for sportsmen. Although the administration subsequently withdrew this legislation, it was only because of strong negative reactions by Members of Congress. The administration's intent remains clear. While claiming to support the prohibition of hunting and fishing licenses, the administration is ready to reinterpret the law and extend fees on hunters' and fishermen's access to Federal lands or waters, in effect proposing a de facto license procedure.

To counter such an ill-conceived proposal, I am today introducing legislation to prohibit the imposition of access fees for hunters and fishermen using Federal lands or waters. This bill retains the existing provisions in law where a fee is specifically authorized.

I urge my colleagues' support for this legislation.

H.R. 5691

A bill to amend the Act of September 3, 1964 (78 Stat. 987) and for other purposes

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 4(g) of the Act of September 3, 1964 (78 Stat. 987) is amended by inserting at the end thereof:

"Notwithstanding any other provision of law, no agency, department, board, or commission of the United States shall charge any fee for any use of Federal lands or waters under their jurisdiction related to recreational activities associated with the pursuit of or taking of fish and wildlife."

THE $120 BILLION VODKA DEFICIT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, recently several Republican Senators made a pilgrimage to the White House to express concern over the projected $120 billion deficit. According to one of the pilgrims, Reagan deflected their consternation with an anecdote about someone buying vodka with food stamps.

I have an anecdote also. There was once this President who spent his political capital on a $120 billion deficit.

We need an agenda, not anecdotes. I have submitted an alternative defense budget. I hope we all roll up our shirt sleeves and work on the budget agenda rather than tell more anecdotes.

At this point in the RECORD I include an article from the Washington Post.

[From the Washington Post, Mar. 2, 1982]

SENATOR FINDS PRESIDENT ON "DIFFERENT TRACK"

A senior Republican senator says he and other GOP leaders sometimes are dismayed in their meetings with President Reagan because he responds to their concerns "on a totally different track" from the issue at hand.

For example, when the Senate budget chairman recently expressed consternation with a deficit exceeding $100 billion, Reagan told an anecdote about someone buying vodka with food stamps, according to Bob Packwood, who heads the Senate Republican Campaign Committee.

Reagan concluded the story with "That's what's wrong," said Packwood. "And we just shake our heads," the senator added.

Packwood attributed the problem to what he termed Reagan's "idealized concept of America," that is basically white, male and Protestant. And that view, the Oregon senator said, is destroying the GOP's appeal among blacks, Hispanics and Jews.

He said he feared that Reagan's positions on abortion, the equal rights amendment and the handling of tax exemptions for schools that discriminate by race will cause lasting damage to the party.

"The Republican Party has just about written off those women who work for wages in the marketplace," Packwood said. "We are losing them in droves. You cannot write them off and the blacks off and the Hispanics off and the Jews off and assume you're going to build a party on white Anglo-Saxon males over 40.

"There aren't enough of us left," he said.

"Pete Domenici [chairman of the Senate Budget Committee] says we've got a $120 billion deficit coming and the president says, 'You know a person yesterday, a young man went into a grocery store and he had an orange in one hand and a bottle of vodka in the other, and he paid for the orange with food stamps and he took the change and paid for the vodka. That's what's wrong.'

"And we just shake our heads," said Packwood.

Nonetheless, Packwood said he thinks Reagan "still has an amazing popular appeal" and can win reelection overwhelmingly. But that's different from building a majority Republican Party, he said

ADMINISTRATION'S PHILOSOPHY ON STUDENT AID HARD TO UNDERSTAND

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I, too, wish to join my other colleagues in welcoming the students here from the many university and college campuses throughout the country to decry the cuts by the administration in student aid for university and college students.

I do not understand the philosophy of this administration in providing for those cuts and at the same time providing over a billion and a half—a billion and a half dollars—for additional foreign aid, including military aid. I do not understand the philosophy of an administration which says that we must send our money overseas and at the same time cut back at home. I believe that this Congress should tell this administration that we need to hold the line on foreign aid. We need to strengthen this country from within first. We need to provide education for our children and our youth.

LET US IMPROVE CIVIL RIGHTS ENFORCEMENT

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, today I cosponsor a proposal offered by my colleagues HAMILTON FISH, JR., and M. CALDWELL BUTLER, which would reorganize civil rights enforcement mechanism in the executive branch of the Government. I favor any realinement of civil rights enforcement which will help minorities get prompt and efficient enforcement of their civil rights complaints. Under current practice, virtually every department or Government agency has its own civil rights enforcement office. This diversity of enforcement cannot but limit what government can do to protect minorities from civil rights violations.

Moreover, my colleagues' bill would set up mandatory procedures through which civil rights complaints can be handled and justice can be most efficiently and effectively served. My lone reservation with regard to this legislation involves the new standard of "reasonably foreseeable effects" which would attach to some violations of civil rights upon passage of this act. As I understand it, this standard is no more than a "reasonable man" negligence standard, common to tort law. If so, I do not anticipate any real difficulties. If on the other hand, it represents a major expansion of civil rights law into the use of "effects," as isolated from intent, then I will have some problems.

I look forward to seeing the subcommittee record when this legislation, as yet unnumbered, is referred to the Judiciary Subcommittee on Civil and Constitutional Rights, to learning more about the standard of "foreseeable effects" and its application to the caseload of civil rights complaints within the executive branch.

CONFERENCE REPORT ON S. 1503—STANDBY PETROLEUM ALLOCATION ACT OF 1982

(Mr. CORCORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORCORAN. Mr. Speaker, if you like bureaucracy, gasoline lines and high prices, approve the conference report on S. 1503, the Standby Petroleum Allocation Act.

Remember how well petroleum price and allocation controls worked during the summer of 1979, and during the Arab oil embargo in 1974? Perhaps the third time will be the charm.

Let us not find out. For once, let us not repeat the mistakes of the past. Let us not get ourselves embroiled once again in the business of regulating our way into shortages and high prices. Please do not think that because this law is labeled the "standby" instead of "emergency" petroleum allocation act that we will not have the same problems we had under the EPAA. A scheme of price and allocation regulations implemented under the authority this act grants to the President could last indefinitely, subject only to a one-House veto every 150 days. Even assuming that the one-House veto provision is constitutionally valid, imagine how difficult it would be for us to decontrol petroleum.

If any further proof were needed, S. 1503 resurrects word-for-word the conflicting end-user priorities contained in section 4(b)(1) of the EPAA. Should S. 1503 be enacted, we will be faced with all these end-users in September when the President's regulations are sent up to lay before Congress for 30 days.

There is nothing "standby" about the problems we will have attempting to satisfy all the firms and individuals who believe they are statutorily entitled to a leg-up on everyone else.

We do not need these headaches.

The country does not need this legislation.

It sends the wrong message to business and consumers—rely on the Federal Government.

I urge you to vote "no" when you are asked to approve the conference report on the Standby Petroleum Allocation Act.

NUDEL SHOULD BE ALLOWED TO EMIGRATE TO ISRAEL

(Mrs. HECKLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HECKLER. Mr. Speaker, later this month, the Soviet Union is expected to release from internal exile one of the most courageous and inspiring women of our times: Ida Nudel.

As the Member of Congress who "adopted" Ida Nudel's cause, and have called for her release for many years, I am of course heartened that this brave woman's period of intense agony in solitary confinement is about to come to a close.

But for Ida Nudel—whose only crimes against the state were her unshakeable commitment to her Jewish faith and heritage and her compassion in caring for those who had been imprisoned by that state—her release from exile will only be a partial triumph.

The triumph of Ida Nudel will be complete only when she is allowed to realize the goal that has sustained her through her confinement: The freedom to emigrate to Israel, to rejoin her sister, and to practice her faith in peace.

It has been 11 years since Ida Nudel first challenged the Soviet authorities to allow her to leave. She has endured harassment, public abuse, and—for the last 4 years—exile in Siberia.

She has borne all of this with dignity, and her towering faith has inspired all of us who care about the freedom of the human spirit.

It is time that this towering faith of Ida Nudel be redeemed—that her triumph of endurance be transformed into total victory.

It is time for the Soviet Union, at long last, to allow Ida Nudel to return to her spiritual homeland. I ask all my colleagues to join in the effort to insure justice for this woman of courage and faith.

THE REVEREND VINCENT T. TANZOLA, S.J.

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, it is my sad duty to report to the House the death of a member of my staff, Father Vincent Tanzola, who passed away in my office on February 10.

Father Tanzola was born in New York City on June 30, 1925. He was ordained a priest on September 18, 1948, and entered the Society of Jesus on September 14, 1955. He was a graduate of Ohio State University and received doctorate degrees in sacred theology, law, and Greek and Latin. He was active in the American Pro-Life movement and founded the International Documents Center, which is designed to preserve the world's valuable manuscript collections.

For the past 2½ years, Father Tanzola served on my Washington staff. He was a man of high principle, loyal to this country and its ideals and absolutely dedicated to his fellow workers. He will be deeply missed by all whose lives he touched.

RADIO STATION WMAL COMMENDED FOR EFFORTS ON BEHALF OF FIGHT AGAINST LEUKEMIA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. WOLF. Mr. Speaker, In these economic times when private initiative is especially important to fund needed programs, I would like to commend radio Station WMAL in Washington, D.C., for its outstanding efforts on behalf of the fight against leukemia and its listeners who year after year, respond with totals that are higher than anywhere else in the country.

WMAL's ninth annual Leukemia Radiothon, the weekend of February 27 to 28, brought a record of more than $317,000. WMAL gives up its entire commercial product for this 25-hour period which is devoted exclusively to raising funds for this most worthy cause. The host of the radiothon is Bill Mayhugh who has worked tirelessly on this project since it was launched 9 years ago—a project that has brought more than $1 million for leukemia research in the Washington area.

And aside from those familiar personalities who appear before the microphones, there are many WMAL production and technical staffers who deserve special mention. Along with producer Eileen Griffin, I would like to commend the efforts of Janice Iacona, Maureen Morales, Glenn Gardner, Tony Renaud, Pat Anastasi, Joanie Miller, Donna Harrell, Ed Painter, Ray Shannon, Vickie Hill, Steve Stefany, Larry Krebs, Karen Henry, Carol Highsmith, Marla Bane, Ondine Marquer, David Fox, Linda Cobb, Bonita Bing, Mike Dawson, Linda McQueeney, Pat Ryan, Dianne Earley, Helen Sawyer, Phyllis Larrymore, and Brigid Reed.

Certainly the contribution of the Greater Washington Chapter of the Leukemia Society of America must also be recognized. Executive Director Jim Fitzgerald and his staff provide outstanding support.

Two related efforts played a large role in the success of the project. The Leukemia Casino Night chaired by Pennie Abramson and Michael Epstein raised nearly $102,000 of the total. They were assisted in this effort by the Golden Nugget of Las Vegas and Atlantic City and their personnel—company President Shannon Bybee, his executives and managers, Boone Wayson, Mike Moore, Alan Anderson, and Bob Culton and many other talented employees. In addition, the bartenders of Washington added nearly $48,000 to the radiothon by donating proceeds of the Annual Bartenders Ball chaired by Craig Goodman. About

2,800 people donated to the ball and more than 150 Washington area restaurants and related service organizations and companies contributed to the ball's success.

Finally, I would like to submit the editorial that was broadcast on WMAL the morning after the successful effort. It summarizes the spirit that made this private initiative such an outstanding success.

LEUKEMIA RADIOTHON, MARCH 1 AND 2, 1982

I'm Andy Ockershausen, Executive Vice President of WMAL, Inc., with an AM-63 opinion * * *

For many years, WMAL has been proud to say—"we like to be in Washington, D.C."

We've never been more proud than this weekend when you, our listeners, pledged a record, over 317-thousand dollars to help fight leukemia.

It was our 9th annual Leukemia Radiothon * * * and over those years you've donated more than a million dollars to the Leukemia Society of America.

That money has gone to support research and treatment * * * to help parents whose children are suffering from the disease * * * and to help educate doctors and the public.

Your generosity speaks for itself. On behalf of our Radiothon host Bill Mayhugh, the entire WMAL staff, the Leukemia Society, and the people who will benefit from your gifts * * * thank you.

As Jackie Gleason would say—Washington—"You're the greatest."

AUTHORIZING SECRETARY OF THE ARMY TO RETURN TO FEDERAL REPUBLIC OF GERMANY CERTAIN WORKS OF ART

Mr. WHITE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4625) to authorize the Secretary of the Army to return to the Federal Republic of Germany certain works of art seized by the U.S. Army at the end of World War II, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 3, after "That" insert "(a)".

Page 1, line 5, after "of," insert "certain".

Page 2, line 1, after "art." insert "Such committee shall include one member designated by the United States Holocaust Memorial Council (established pursuant to the Act entitled "An Act to establish the United States Memorial Council" (94 Stat. 1547; 36 U.S.C. 1402)).".

Page 2, line 6, strike out "SEC. 2." and insert: (b)

Page 2, lines 8 and 9, strike out "the first section of this Act" and insert "subsection (a)".

Mr. WHITE (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Texas?

Mr. WHITEHURST. Mr. Speaker, reserving the right to object, and I will not object, I want to commend the gentleman for his labors in bringing this legislation to what appears to be a successful conclusion.

Could the gentleman, for the benefit of the House, just explain the slight changes made in the bill when it came back from the Senate?

Mr. WHITE. Mr. Speaker, if the gentleman will yield, I thank him for asking the question.

Mr. Speaker, H.R. 4625, an act to authorize the Secretary of the Army to return to the Federal Republic of Germany certain works of art seized by the U.S. Army at the end of World War II, was amended by the Senate in two instances. One of the amendments was strictly technical in nature and provided that only certain works of art would be returned. The second provided that the committee which will review the art to determine its suitability for return to Germany will include one member designated by the U.S. Holocaust Council.

Both those amendments are acceptable to the Committee on Armed Services. Accordingly, I urge that the House concur in them.

Mr. WHITEHURST. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous matter, on the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

□ 1245

SENSE OF CONGRESS THAT THE PRESIDENT SHOULD PRESS FOR SAFE AND STABLE ENVIRONMENT FOR FREE AND OPEN DEMOCRATIC ELECTIONS IN EL SALVADOR

Mr. BARNES. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 226) expressing the sense of the Congress that the President should press for unconditional discussions among the major political factions in El Salvador in order to guarantee a safe and stable environment for free and open democratic elections.

The Clerk read as follows:

H. Con. Res. 226

Whereas it is necessary for the major political factions in El Salvador to renounce violence in order to promote a free and open electoral process;

Whereas extreme abuses of internationally recognized standards of human rights must be overcome to make it possible for candidates throughout the political spectrum to engage in political activities safely;

Whereas it is important that the constituent assembly elections scheduled for March 1982 be considered valid by all political factions which oppose the policies of the present government in El Salvador;

Whereas it is important that the constitutent assembly elections scheduled for March 1982 be considered valid pursuant to accepted international principles governing elections, including article 21 of the Universal Declaration of Human Rights; and

Whereas the Government of El Salvador has declared its willingness to accept international observers for the elections, which should provide such elections greater acceptance and credibility: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should press for unconditional discussions among the major political factions in El Salvador in order to guarantee a safe and stable environment for free and open democratic elections.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Maryland (Mr. BARNES) will be recognized for 20 minutes, and the gentleman from New York (Mr. GILMAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARNES).

Mr. BARNES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 226 expresses the sense of Congress that the President should press for unconditional discussions among the major political factions in El Salvador in order to guarantee a safe and stable environment for free and open democratic elections.

The reasons for the resolution are made clear in the whereas clauses, which argue as follows:

First, all political factions in El Salvador should renounce violence in order to promote a free and open electoral process.

Second, human rights abuses must be overcome to make it possible for all candidates to engage in political activities safely.

Third, it is important that the constituent assembly elections scheduled for later this month be considered valid by all political factions, and meet accepted international principles of validity including those enumerated in article 21 of the Universal Declaration of Human Rights.

Fourth, the Government of El Salvador has declared its willingness to accept international observers for the elections.

Mr. Speaker, the elections are in extreme danger. The left has not renounced violence in order to participate in the elections, and the security forces have not curbed human rights abuses so as to make it possible for all candidates to campaign safely. The results of the elections will not be accepted by the left, and charges and countercharges of fraud by the parties that are participating in the elections make it doubtful that the results will be accepted as valid even by those parties. There is even a danger that a coalition of rightwing, antidemocratic parties will win the elections.

I am not one of those who has opposed these elections. I do not have the high hopes that some have that the elections will contribute to ending the war, but I think they are worth a try. But if the elections are to have a positive outcome, it is very important that we try to find ways to improve the climate for the elections, and ways for the democratic left to participate. We have not tried hard enough. The hour is very late, but I think Congress should go on record in favor of at least trying, through discussions among the factions, to create conditions whereby the elections will be meaningful.

Mr. Speaker, House Concurrent Resolution 226 is a clean resolution reflecting actions taken by the Subcommittee on Inter-American Affairs, which I have the honor to chair, and the full Foreign Affairs Committee on the original resolution (H. Con. Res. 197). House Concurrent Resolution 197 was adopted by unanimous voice vote in both the subcommittee and full committee, after all amendments, including those offered by the minority, were accepted. Although the administration has not to my knowledge taken a formal position on the resolution, after it was reported by the subcommittee a high-ranking official of the State Department indicated to me that the resolution reflected the administration's position. Accordingly, I would think this is an essentially noncontroversial measure, and I urge its adoption.

I wish to congratulate the gentleman from Pennsylvania (Mr. YATRON) for his leadership on this issue, and I yield him such time as he may consume to speak on the resolution.

Mr. YATRON. Mr. Speaker, I stand before this House today, greatly concerned and distraught, over the pathetic and volatile state of affairs, in El Salvador. There is a fear spreading throughout the United States that our present policies toward this beleaguered country are bringing us a step closer to military intervention and open armed warfare. I certainly hope this is not the case, but I have not seen any indications that an end to the war is imminent or the continual abuse and murder of innocent people has in the least bit subsided. In fact, it is becoming blatantly clear, that with every passing day, the violence is escalating, destroying the private sector and increasing the already startling death toll in this impoverished Central-American nation.

Mr. Speaker, the purpose of this resolution is to urge the President to press for unconditional discussions between the revolutionaries and the Duarte government in hopes that they can resolve this conflict and establish a peaceful and stable environment for all major political factions to safely participate in the electoral process.

The focus of this resolution is on elections as a political solution. However, unless a concerted effort is made by the Government of El Salvador to lay the foundation for peace prior to elections, the violence will continue and the democratic process will again be subjected to fraud and corruption.

This resolution does not advocate a sharing of power between the guerrillas and the government nor does it seek to give anyone on the negotiating table what they have been trying to achieve on the battlefield. What this resolution does seek to do is to strengthen the hands of the people of El Salvador to determine their own political destiny thereby weakening the radical elements in the El Salvadoran military who are responsible for the repressive policies of the civilian-military junta.

Mr. Speaker, the Reagan administration has had over a year to freely implement its policies in El Salvador and to this end is increasing military assistance to the junta in hopes of achieving a military victory.

We are slowly reaching a point of no return. Clearly, there is a Soviet-Cuban threat in the Western Hemisphere which seeks to establish client states in Central America. However, if we continue with our military policies without exhausting the political alternatives we will be playing into Castro's hands, radicalizing the left against the United States, and precluding any opportunity, to develop a sound economic and strategic relationship with a new government.

President Duarte's policies are being continually undermined by the military leadership in El Salvador exemplifying the control that the rightwing extremists have in the government. By pressing for unconditional discussions we can strengthen President Duarte's efforts to politically resolve this dispute with the leftist opposition forces.

During the past year I have met with various members of the private sector and the academic community as well as active supporters and critics of the present regime in El Salvador.

In every meeting I have had almost everyone claims that their side has the support of the people. Frankly, I have not seen any legitimate independent surveys or polls taken in El Salvador indicating that either side has the popular support they claim. The only way the people of El Salvador can freely exercise their will for the first time in over 50 years is through elections in a safe and nonviolent environment with the broadest possible participation of all parties throughout the political spectrum. The present conditions in El Salvador are not conducive to the electoral process and will therefore accomplish little or nothing in terms of ending the war.

Mr. Speaker, President Duarte has invited the revolutionaries to lay down their arms and participate in elections. This offer was rejected by the diplomatic and political leadership of the guerrillas for a variety of reasons which I may not necessarily support.

However, whether one supports the revolutionaries or not, if they were to unilaterally disarm and enter San Salvador to participate in elections they would be placing their lives in the hands of the army and security forces which could prove to be fatal.

What does the administration stand to lose by pressing for unconditional negotiations? If frank and open discussions among the guerrillas, the Government, and other political factions under international supervision can bring about a consensus as to how this conflict can be fairly resolved, then the administration will have strengthened its bargaining position with a future freely elected Government. The importance of this cannot be overstressed.

If negotiations fail, we will at least be able to expose those elements who do not favor a political solution.

In the final analysis, the warring factions in El Salvador are at a crossroads and must come to a decision as to which path they will follow:

A cease-fire, discussions, and elections; or the continuation of a prolonged military struggle.

The former should be welcomed by a strong commitment by the United States to achieve these objectives.

Mr. Speaker, I believe this resolution identifies the goals which will bring about a safe environment for free and open democratic elections. Only in this way can we truly achieve a just and lasting peace in El Salvador.

Mr. BARNES. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise to record my strong support of House Concurrent Resolution 226.

I would first like to call attention to the superb work of the sponsor of the resolution, Mr. YATRON, and the chairman of the Subcommittee on Inter-American Affairs, Mr. BARNES, and the ranking Republican, Mr. GILMAN. They have brought to the floor a resolution which received wide bipartisan support from the members of the Committee on Foreign Affairs. They are to be commended for the extensive efforts which they devoted to this matter and for preparing a clear, responsible statement of congressional policy.

The resolution before us today as our colleague, the chairman of the subcommittee, Mr. BARNES, has outlined, expresses the sense of Congress that the major political factions in El Salvador enter into unconditional discussions in order to guarantee a safe and stable environment for free and open democratic elections.

It is a resolution which is supportive of a major U.S. foreign policy objective toward that beleaguered country—namely, the promotion of a successful and meaningful exercise of the democratic process.

It is a resolution which offers the best hope for an eventual settlement of a tragic conflict and one which I firmly believe merits our bipartisan support.

Mr. Speaker, the recent history of El Salvador is one of bloodshed and violence—and a degree of human suffering which is beyond the comprehension of most Americans. It is my profound hope that the elections which are scheduled for the 28th of this month will prove to be an important milestone toward reducing the level of civil strife and will provide the basis for an eventual peaceful settlement.

For this vital effort to succeed, however, a minimal level of safety and security must be provided to a substantial part of the electorate and this requires movement toward discussion and cooperation among the often bitterly divided political forces in the country. Unless that basic security is provided, in fact, the results may well be of little value.

At the same time, Mr. Speaker, we must recognize that preparations for the forthcoming elections are being carried out under the most difficult of circumstances—as the fighting continues and even escalates on both sides. The Duarte government must be given due credit for making a reasonable effort to obtain the participation of the opposition forces in the election. For instance, it has permitted electronic campaigning by candidates to minimize the physical danger to which they might otherwise be exposed. It has also ruled that political parties allied with the guerrillas may be registered for the election—but still, it should be noted, those opposition groups have not been willing to submit their political programs to the judgment of the Salvadoran people.

Mr. Speaker, it is my fervent wish that the election process in El Salvador will move forward, despite these difficulties, with a minimum of violence and disruption—and that the results will lead to a brighter future for this devastated nation.

In that spirit, I strongly urge my colleagues to vote for the adoption of this resolution.

Mr. GILMAN. I yield myself such time as I may consume.

Mr. Speaker, as the ranking minority member of the Subcommittee on Inter-American Affairs and a cosponsor of this legislation, I have worked closely with its author, the gentleman from Pennsylvania (Mr. YATRON) to help bring this bipartisan initiative to the floor. The intent of this resolution is not to challenge the policies of the Duarte government or the stated administration objectives, but to focus congressional attention on the critical need to strengthen the processes for a free and open election.

Mr. Speaker, by this legislation, we seek to encourage the broadest possible participation in the electoral process in El Salvador by all political factions who are truly dedicated to a peaceful democratic solution to the conflict. In this effort, we sought to underscore the need to renounce violence and human rights abuses from all sources from the right and from the left as being detrimental to a free and open electoral process.

The Government of El Salvador has scheduled elections for a national constitutional assembly to be held on March 28 of this year. This important first step toward a return to democratic government has been strongly supported by the Catholic Church of El Salvador, the major peasant labor organizations, and the private sector. In addition, the members of the Organization of American States voted overwhelmingly to endorse the election and send an official observation team to join those representing the some 60 individual nations invited to participate.

All of us hope and pray that the conflict in El Salvador will end by peaceful means. The best way to accomplish that objective is through the renunciation of violence and full participation in free, fair and open elections. Every effort should be made to include in the electoral process all legitimate political factions who are dedicated to a peaceful democratic solution. House Concurrent Resolution 226 calls for unconditioned discussions in order to guarantee a safe and stable environment for free and open democratic elections.

Accordingly, I urge my colleagues to join us in this effort to support a democratic solution in El Salvador by passing House Concurrent Resolution 226.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BROOMFIELD), the distinguished ranking minority member of our committee.

Mr. BROOMFIELD. Mr. Speaker, at the outset, I also would like to commend the chairman of the Subcommittee on Inter-American Affairs, the gentleman from Maryland (Mr. BARNES) as well as the ranking minority member, the gentleman from New York (Mr. GILMAN), and certainly the sponsor of this resolution, the gentleman from Pennsylvania (Mr. YATRON), for bringing this resolution to the floor.

I support House Congressional Resolution 226, which expresses the sense of Congress that the President should press for a safe and stable environment for free and open elections in El Salvador. This resolution is easy to support because the President already is doing precisely what the Congress is encouraging him to do.

Our administration has called all along for free and open elections. Our administration has reaffirmed that these elections must be conducted in a safe and stable environment in order to protect the integrity of the electoral system, as well as to protect the lives of those who wish to campaign. I am sure, therefore, that President Reagan will welcome this concurrent resolution which clearly supports his own efforts on behalf of freedom and democracy in El Salvador.

It is noteworthy that all of the moderates and even the rightwing elements in El Salvador have agreed to pursue the electoral process in hopes of ending internal strife. The acting archbishop of El Salvador has backed the election as well as the Pope. The OAS has overwhelmingly endorsed elections in El Salvador and has agreed to send observers. I understand 19 countries have agreed to send observers to the election. Only the leftwing Communist guerrillas have refused to participate in the election. They have declared that they will do everything possible to disrupt it. It is again obvious that the Cuban-backed guerrillas have no interest in supporting democracy, but only in instilling a Communist dictatorship similar to that existing in Nicaragua as well as Cuba.

I call on my colleagues today to back this resolution which expresses our desire that free and open democratic elections should be conducted in a safe and stable manner in El Salvador.

Support for the resolution is support for both President Reagan's ongoing policy and certainly support for the efforts of the Duarte government to bringing about democracy in Central America.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. Rousselot).

Mr. ROUSSELOT. Mr. Speaker, I support the Yatron resolution (H. Con. Res. 226). It seems to me that this resolution is quite different from so many which have attempted to advance one particular side of the tragic situation in El Salvador or the other. This resolution highlights the fact that there will be constituent assembly elections in El Salvador next month and it underscores the importance that these elections be conducted in a free and fair manner so as to represent truly the will of the people in that tragic country.

It is unfortunate, in my view, that certain of the wording of this resolution falls into the code word category used by one side or another in the El Salvador conflict. The call for unconditional discussions, for example, picks up terminology used frequently by the forces of the extreme left or Marxists elements. Their code word, unconditional, is a smokescreen among other things for their requirement that there be a restructuring of the armed forces of the Government of El Salvador before any final solution to the problem can be negotiated. This, of course, is setting out in advance a condition which can only be completely abhorrent to the other side of the bargaining table.

It strikes me as passing, strange, in conditions of armed conflict, that one side requires the dismantling of the structure of the other side before a final solution to the conflict can come about. But the use of this particular code word and some other terminology subject to manipulation by one side or the other is subordinate to the far more important point with this resolution. That is that the Yatron resolution states the prevailing sentiment in this House in support of an electoral process which the Government of El Salvador is attempting to bring about even under excruciatingly difficult circumstances. From all signs that I have been able to see to date, these elections will be conducted in the best possible manner under the circumstances.

It seems to me that we should applaud this effort on behalf of the Government of El Salvador and it further strikes me that the Yatron resolution does just that. I, therefore, give my support to this effort. Far too many seem inclined to criticize the Government of El Salvador and to overlook the many attempts that it is making to seek a just and a peaceful solution to the terrible problems that plague that country. The elections are one such attempt and I believe that they deserve our wholehearted support.

Mr. BARNES. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. Weiss).

Mr. WEISS. Mr. Speaker, I rise in support of House Concurrent Resolution 226, which expresses congressional support for unconditional discussions among parties in El Salvador to facilitate the elections scheduled there for later this month. I do so, however, with concern that this message not be wrongly interpreted to give congressional credence to the Salvadoran electoral process, which as currently framed is unjust and undemocratic.

I first want to commend the gentleman from Maryland (Mr. Barnes), the distinguished chairman of the Subcommittee on Inter-American Affairs, for his concern for this matter and his leadership in getting to the truth of the situation in El Salvador.

The Salvadoran Government, led by President Jose Napoleon Duarte but dominated by rightwing and military forces, does not have the support of the Salvadoran people. In the last few years, the Government has not even been able to carry out the few reforms it had promised, including the highly touted agrarian reforms. Very little redistribution of resources has taken place, and the peasants and campesinos have little more than they did when the current junta came to power.

Instead, the Government relies on military force to suppress and defeat dissent and public opposition. Military or paramilitary rightwing groups have killed as many as 30,000 innocent Salvadorans, and hundreds of thousands of others have fled the country fearing their lives and their security.

Hope for fair and open elections later this month has been dashed. Military rule has made free and full participation impossible, opposition political parties are excluded from official participation in the elections, and sadly the elections could worsen the problems they are intended to ease.

The Reagan administration, meanwhile, has staunchly defended and supported the Salvadoran Government. Already, 77 U.S. military personnel are stationed in El Salvador, and the President has sent more than $80 million in military aid to the Duarte regime. An additional $18 million is being spent to train Salvadoran soldiers at U.S. Army bases.

The administration already has said that it will escalate U.S. aid to El Salvador. The President is asking Congress for $60 million in additional military aid to the Duarte goverment in fiscal 1983. This is a drastic 250-percent increase over the $26 million we authorized for the current fiscal year and does not include discretionary funds available to the President.

The President's certification report on conditions in El Salvador submitted to Congress in Janaury reported more of what the President wished to hear and less of what was actually taking place in El Salvador. Politically motivated murders and torture have increased significantly during the past year. Amnesty International reported that perhaps 12,000 innocent Salvadorans were killed last year.

There is little hope that this climate will allow the Salvadoran people to vote freely on March 28. It is simply too late to neutralize the charged military atmosphere there.

Negotiations, however, are long overdue. The Reagan administration has thus far rejected proposals for talks among major political factions in El Salvador in favor of a military solution. Yet the proper role for the United States in El Salvador is in encouraging negotiations that might lead to peace and might include all segments of that embattled society in shaping a truly democratic society.

For this reason, I support House Concurrent Resolution 226. Its provision urging unconditional talks is a welcome breath of fresh air in a debate that has until now unfortunately focused predominantly on military assistance.

Mr. BARNES. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Speaker, I do not know how much good this resolution will do, but I support it because it puts us on the side of those who would settle their differences by ballots and not by bullets.

The one consistent plea of Latin Americans, too often ignored, has been the insistent plea for self-determination.

We have no right to dictate the decision of what party governs El Salvador. That is not our choice to make.

We do have both right and obligation, in the interest of a peaceful neighborhood, to insist that the choice be made by the Salvadoran people themselves—not through the process of force and fear and terror, but through the process of fair and free elections.

The elections which are set for March 28 provide the only present hope—and quite possibly the last hope—of salvaging a democratic political system in this little nation which lies at the pulsating heart of Central America.

The Government now headed by Jose Napoleon Duarte has asserted its complete willingness to abide by the results of those elections. We should do the same. And we should urge with whatever persuasion we possess that all other parties do likewise.

While our entreaties may be wholly ignored by the terrorists, we should implore them by every peaceful means at our command to abandon their boycott of the elections and to encourage rather than discourage their followers to participate.

There can be no intellectual or moral respectability in acts of terror designed to sabotage the election process. And let us make it clear that our call for talks among all parties is in no way aimed at subverting that process and substituting a cynical process of private power brokering behind the people's backs.

In the long and checkered history of our relations with the countries of Latin America, we have been sometimes a source of inspiration and sometimes a source of resentment and fear. On occasions we have smothered them with a bear hug, and for long periods frozen them with the indifference of benign neglect.

When we have backed the electoral process and peaceful local self-determination, we have been consistent with our own ideals and have been worthy of their respect.

When we have not, we have betrayed those ideals and blurred our image.

In the great liberating upheavals of the last century, men like Bolivar and O'Higgins and San Martin and Benito Juarez looked to the United States for their model and their political inspiration.

In 1948 we backed electoral democracy in Costa Rica, and for 23 years it has been a model of progressive democratic government.

In the 1950's, we backed elections in Venezuela, and a democracy has emerged from the ashes of the military oligarchy.

In the 1960's John F. Kennedy withdrew diplomatic recognition from a military junta in Peru and agreed to restore it when free elections were resumed. They were.

In the aftermath of Trujillo's dictatorship in the Dominican Republic, we joined with other members of the OAS to insure free elections, and for the past [illegible] years a constitutional democracy has survived.

Those have been our finest hours. When we have tried to interfere by overpowering force, or by covert action to destabilize the constituted governments in Chile and Guatamala, we have betrayed our own principles and in the end have betrayed our own credibility.

There are democratic forces emerging in the Caribbean. The tender plants of political freedom in Honduras and Jamaica, in Costa Rica and now in Panama, need to be watered and nourished and encouraged not alone by word but by example.

To that end I support this resolution and the elections of March 28 as the only legitimate and honorable way in which to solve the difficulties and stop the needless bloodshed in El Salvador.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona, (Mr. RUDD).

Mr. RUDD. Mr. Speaker, I would like to commend my friends and colleagues, the gentleman from Pennsylvania (Mr. YATRON) and the gentleman from New York (Mr. GILMAN) for their dedication in attempting to find some sort of help for what is going on with our friends and neighbor to the South.

Mr. Speaker, the resolution that we have before us today urges negotiations between the recognized Government of El Salvador and the Communist-rebel forces who are engaged in a violent struggle even now. The proponents of this resolution portend that before free and democratic elections can take place, the two sides should sit down and resolve their differences to provide a stable environment for these crucial elections. In any way that you look at it, I believe this is putting the cart before the horse.

What this approach would achieve is exactly what the leftist forces and their Communist suppliers in Havana and Moscow are hoping for: That is to give the Communist insurgents the legitimacy which they have been unable to gain for themselves through terroristic coercion and bloodletting.

The violence in El Salvador has made one thing clear: The rebels aim is nothing less than to strap the El Salvadoran people in the bonds of communism and to further the entrenchment of communism in Central America. Recent reports attest that the leftist guerrillas have lost any popular support and would win less than 1 percent of the vote in proper elections.

Our perception of this situation must be crystal clear, and we must be scrutinizing of any action which we take which will send signals down into the area about our resolve to defend against the spread of communism.

The Government of El Salvador has declared its willingness to accept international observers for the scheduled elections to insure that candidates and participants would act in freedom and safety. There is every reason to believe that the will of the people will be expressed in the scheduled elections, and I believe that we should support the Government in proceeding in the fairest manner by carrying out these elections promptly and without putting any unnecessary roadblocks in the way of the elections. This administration is working for that desired result, one desired by all of us, to achieve tranquility and peace in the area. That is what the people of El Salvador want. That is what we all want. To put out any sort of a resolution at this time would simply cloud that issue and give legitimacy to the Communist forces.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Mr. Speaker, as a cosponsor to this resolution, I urge my colleagues to give it their full and bipartisan support.

I would like to stress one issue above all, and that is that it is very clear that in the last month or so there has been a defined change in the American public perception of the El Salvador issue, particularly as it relates to the stationing of American advisers in El Salvador. The stationing of those advisers jeopardizes bipartisan support for the administration's foreign policy; it jeopardizes the prospects of the administration's party in the fall election; and it jeopardizes, above all, the influence of the President on a whole spectrum of issues, economic as well as security.

I cannot think of a more propitious time for our advisers to be returned home.

I also cannot think of a more propitious time for the administration to welcome neutral third-party involvement in negotiations. In this regard, the recent initiative of the President of Mexico, Mr. Lopez Portillo, stands out as a beacon of hope.

Earlier this morning, the Secretary of State indicated—and I think very tragically—that the involvement of Mr. Lopez Portillo would only be constructive if there were preconditions to Nicaraguan behavior. Preconditions at this time could not be less meaningful to the situation in El Salvador, and this resolution points to the need for negotiations without conditions. That is exactly what this country needs at this time. I urge Members of my party as well as the majority to give this resolution their fullest support.

Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 226, which I have joined in sponsoring.

Through years of lack of foresight, faulty analysis, false economies, inadequate planning, and incomplete recognition of the full range of our interests in El Salvador and its region, we are today faced with a situation which presents us with a narrow range of options, none of them very appealing.

This is sad, frustrating, and irritating. And I'm afraid that in our now somewhat desperate consideration of the problem, too many of us are missing too many important elements in the picture.

Some are turning a blind or callous eye to the atrocities which are undeniably being committed by groups and forces with at least a formal loyalty and responsibility to the Salvadoran Government.

Others fail just as blindly to recognize both the dramatic reforms which the current Government is carrying out, and the progressive nature and democratic credentials, earned in previous elections, of the Government's civilian leaders.

We are also presented with accounts which omit entirely the abuses and outrages, the death and destruction committed by the guerrilla opposition in its effort to take politicial power by force.

Then, there are too many who fail to appreciate adequately the extent to which at least some of those in the struggle believe they are fighting oppression and seek only justice.

And finally, there are also too many who seem to assume that because the guerrillas are fighting against a government with a military component, they are merely seeking to end repression and are backed by the majority of the people. There is no evidence to support this view, and considerable evidence to the contrary.

Amidst all this selective vision, Mr. Speaker, we need to be sure that we are looking as clearly and honestly as we can, and we need to take the most balanced and reasonable position that we can. After all, we have interests to defend in El Salvador. They include our national security interests, our real need to protect against the introduction into this nearby area of forces alien to the region and hostile to us. We also have a basic commitment to economic and social justice, and a fundamental, unshakable interest in the survival and success of democracy—true democracy—wherever possible.

In protecting and pursuing our interests, we will have to expect to apply our resources, including various kinds of assistance, carefully aimed and closely monitored. But not least of the resources we need to apply is some thoughtful, steady, skillful, balanced diplomacy.

In all of this the Congress has a role to play—and that brings me to the resolution before us. It was first introduced last fall by the distinguished gentleman from Pennsylvania, and received extremely careful and thoughtful consideration by both the Subcommittee on Inter-American Affairs and the Committee on Foreign Affairs.

As a result of the commendable initiative of the distinguished gentleman from Pennsylvania and of the unusually thoughtful treatment the resolution received, we are presented today with a resolution of considerable balance, and commendable focus on the essence of the problem.

To begin with, it avoids useless and possibly irritating efforts to place blame, and focuses instead first on the importance of bringing the violence and the abuses of human rights in El Salvador to an end. Mr. Speaker, I see no grounds for objection here.

The resolution then stresses how important it is that the elections scheduled for the end of this month find broad acceptance, both in El Salvador and elsewhere, and that there be some objective standards and judges for measuring their validity. While it is always possible to quibble over words, I see no basis for objecting to the thrust of these provisions.

Finally, the resolution calls on the President "to press for unconditional discussions among the major political factions in El Salvador in order to guarantee a safe and stable environment for free and open democratic elections."

Mr. Speaker, this is important. The goal—our goal—in El Salvador must always be democracy, and it must always be the only kind of democracy worthy of the name: one based on free and open elections. Discussions—or negotiations—may validly be used to help create or improve the conditions for elections, but we must guard carefully against being drawn into supporting negotiations which would take the place of elections. The right of any group to speak for the people must be validated, and there is only one place to do it: the ballot box.

In El Salvador, with elections scarcely 4 weeks away, the hour is short, and the need is urgent. If at all possible, the appeals of this resolution should be heeded: The violence and abuses should end, and elections of the freest, cleanest, and most open sort should be held. Whether the resolution will be heeded of course remains to be seen. But by passing the resolution, we can place ourselves, in the eyes of the Salvadoran people and of the people of a watching world, squarely in favor of an end to killing and the beginning of a truly democratic process in which the voice of the people will prevail.

I therefore urge our colleagues to join in support of House Concurrent Resolution 226.

Mr. BARNES. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Speaker, I rise in support of this resolution, notwithstanding the source and nature of some of the support that has been expressed for it.

Let me say that the Secretary of State did not welcome it when he was asked about it in committee this morning, and the reason it bears my name is that it flies in the face of the administration's position.

Mr. Speaker, I rise in strong support of the Yatron resolution. I congratulate the author of the resolution for articulating a policy that can be supported both by those who respond primarily to the emotional and humanitarian aspects of the crisis in El Salvador, and those who are seeking simply to analyze in a cold-blooded fashion where the best foreign policy interests of the United States reside.

This is in stark contrast to Reagan administration policy—which serves neither humanitarian goals, nor the best political interests of the United States.

The President and his spokesmen have expressed opposition time and time again to precisely the sort of unconditional discussions called for in this resolution. The administration has demanded that any such discussions occur subsequent to military surrender by the opposition, and that these discussions be limited to participation in the elections this month. The Yatron resolution attaches no such conditions or limitations. Rather, it recognizes that unconditional discussions are necessary to create "a stable environment" before "free and open democratic elections" will be possible.

President Reagan's opposition to such discussions make sense, if at all, only if you accept the premise that those in opposition to the Salvadoran junta are unalterably wedded to violence, and unwilling to negotiate with sincerity a peaceful resolution of the conflict. This may be the case, but I submit that this has not been proven, that there is considerable evidence to the contrary, and that Reagan administration policies, if pursued without change, will preclude any opportunity for any outcome other than total military victory by one side or the other, an outcome which could not occur without the even more massive shedding of blood.

The administration alleges that the opposition seeks to negotiate only as a ploy for time, and that it seeks to win at the bargaining table what it cannot win on the battlefield. No statement could seem better calculated to insure more violence.

If the opposition is bluffing, let us call the bluff, not raise the stakes.

Military aid to the tiny country of El Salvador is growing almost as fast as spending for domestic social programs is shrinking. The level of violence in El Salvador has, nevertheless, not been reduced: the opposition is stronger than ever; and the terrorists of the right remain out of control.

The United States should not continue to signal thumbs down to the negotiating and mediation proposals put forward by the opposition, by the church, by Mexico and other Latin American countries, or by various international political groups. The time has come in El Salvador to stop the fighting and start the talking.

Toward this goal, the Yatron resolution represents an important first step. I strongly urge its approval.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, the Yatron resolution is a good statement of the objectives which we ideally seek for obtaining a peaceful solution to the conflict in El Salvador. Its goals are ones supported by this administration, and President Duarte himself has encouraged the rebelling political factions to return to El Salvador and participate in building a democracy.

The word "negotiation" has been used several times here in connection with this resolution. If you will read the resolution, you will find there is no reference to negotiation. The words used are "unconditional discussions." There is quite a difference.

Both President Duarte and this administration are committed to a political, not a military, solution in El Salvador.

The resolution calls for the Duarte government to actively support the March 28 constituent assembly elections and the role of international observers.

The resolution calls for control of human rights abuses, a goal which we all support. Even such a staunch human rights advocate of the Washington Post—attached—believes President Reagan was correct in certifying that the junta in El Salvador is committed to human rights, reforms, and elections.

The Organization of American States, the Catholic bishops of El Salvador, peasant labor organizations, and the private sector, all have stated their strong support for the electoral process.

Finally, the resolution called for all major political factions to renounce violence in order to promote the free electoral process. That is perhaps the key element in this resolution. Some seem intent on placing the burden for achieving the goals of this resolution just on the junta in El Salvador. But what do the sponsors of this resolution propose in the way of bringing pressure against the guerrillas fighting in El Salvador to have them renounce violence and lay down their arms and agree to participate in the constituent assembly elections? Unilateral disarmament is no more realistic for achieving peace and insuring free and democratic institutions in El Salvador than it is in any other part of the world. Having the guerrillas accept the principles of this resolution would be the real triumph. I hope that can be achieved.

As our administration and the Duarte government seek a political solution to the crisis there, I believe we in the Congress can best serve the cause of peace and freedom by encouraging the political process.

The general thrust of the resolution is supported by the administration. Secretary of State Haig just this morning made that point before the Foreign Affairs Committee.

However, and unfortunately, certain aspects of the resolution detract from its basic scheme of support for the electoral process and may lead to misinterpretation. Due to procedures under which this resolution is being brought before the House, we cannot at this time make or even consider the needed changes. Nonetheless, I believe the central message of this resolution—support for free, fair, and open democratic elections in a peaceful environment—is important enough for me and all of us to lend our support.

[From the Washington Post, Jan. 29, 1982]

CERTIFYING EL SALVADOR

Congress had demanded that the president, in order to continue aiding El Salvador, certify that the junta is committed to human rights, reforms and elections. Yesterday the president so certified. We think he did the right and necessary thing. It's evident, however, that the situation in El Salvador is confused and dismal enough that, had a president wanted to, he might have marshaled grounds to go the other way.

The trouble lies not in the decision Mr. Reagan made but in the nature of the hurdle Congress forced him to jump. Many people in and out of Congress fear that the junta is a loser, unable to tame the extreme right sufficiently to fight the extreme left effectively. They could turn out to be right. But probably most congressmen who voted to set up the certification procedure did not mean that the president should take it literally and use it to cut off the junta. Rather, they surely meant to be giving the president at once a way to push the junta harder and an incentive to do so. Now that Mr. Reagan has certified the aid, however, some of them are feeling aggrieved.

They might better inquire more rigorously into what it is they mean to do. It is well to press the administration to be more attentive to rights, reforms and elections. This administration has needed pressing. It is misleading, however, to proceed as though El Salvador were a fresh issue on which the United States had the luxury of making an up-or-down judgment every six months, as the law stipulates, on the basis of the junta's rights record.

A little history: burned by Anastasio Somoza's replacement by a Cuba-oriented regime in Nicaragua, Jimmy Carter undertook a bold, preemptive political intervention in El Salvador. Ronald Reagan is following basically the same policy. Call it a grit-your-teeth policy: to support a reformist junta, with a lot of bad eggs in and around it, in order to avoid a Somoza-Sandinista choice. For critics to narrow their focus to the teeth-gritting without considering the policy's larger aims is shallow and unfair.

For people who can't take the junta, the honest response is not to say the junta is—surprise—beset and flawed, but rather to make the case that it's acceptable to the United States if El Salvador goes the Cuban way. Perhaps this will have to be said of Guatemala, burdened by a regime that seems beyond the pale even of the conservative Ronald Reagan, let alone of the liberal Jimmy Carter. El Salvador, however, is another story: the place where both presidents decided it was worth hanging on.

Mr. BARNES. Mr. Speaker, we have 2 minutes remaining on this side and we have three speakers.

I ask unanimous consent that my time be extended by 1 minute so that I can yield 1 minute to each of the three Members who are seeking time to address the House.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. WALKER. Mr. Speaker, reserving the right to object, one of the reasons for bringing this resolution up under this procedure is so it could not be amended and so that there could be limited discussion on it.

Mr. BARNES. None of the Members are seeking to amend the resolution.

Mr. WALKER. Well, if the gentleman would let me finish my statement, the problem, of course, that you have brought up under suspension of the rules so that it comes up under a time limitation.

My understanding is that there are a number of Members on this side that might have some amendments to offer if this resolution were brought up under the regular procedures of the House.

Therefore, I would say to the gentleman that while I understand his problem with regard to time, I will feel constrained to object, simply because the procedure picked was the gentleman's own.

Mr. BARNES. Well, I thank the gentleman for his courtesy to our colleagues in not permitting them the 60 seconds to speak.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. WALKER. Mr. Speaker, I object.

The **SPEAKER** pro tempore. Objection is heard.

Mr. BARNES. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Speaker, this resolution is based on two fundamental assumptions. The first is that the only way to achieve peace in El Salvador is through an electoral process in which the people of that country will be given an opportunity to freely and fairly determine their own future.

The second assumption is that, given the nature of the situation and the conflict in El Salvador, the only way to get an agreement between the major political factions in the country on an electoral process in which they can have some confidence is through unconditional discussions between those factions in an effort to find a way and a formula through which all sides can have some confidence that the results of such an election will be respected.

It is no more realistic to expect the guerrillas to lay down their arms and participate in an election supervised by the current security forces than it would be to have the security forces lay down their arms to run an election supervised by the guerrillas.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Speaker, I will not take more than half a minute and I would like to yield the other half minute to my colleague, who seems to be under the pressure of time.

I support this resolution. I am not flying in the face of our administration or our President by doing so and I would like that understood. There is a difference between negotiations and discussions and I welcome this resolution.

Mr. Speaker, I yield 30 seconds to the other side.

The SPEAKER pro tempore. The gentlewoman will remain on her feet. She is yielding 30 seconds to a Member on this side.

Mr. BARNES. Can I reserve 30 seconds for our colleague?

The SPEAKER pro tempore. The gentleman from New York has the time at this point.

Mr. GILMAN. I yield 30 seconds to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR of Michigan. Mr. Speaker, U.S. policy toward El Salvador has reached the point of impasse. On the one hand, the Reagan administration has claimed that the human rights record of the Salvadoran junta has improved, and has thus sanctioned increased military aid. U.S. officials continue to speak the extravagant rhetoric of the cold war, and raise the spector of further U.S. military involvement.

On the other hand, evidence collected by reputable international organizations, by journalists, by church officials, and by Members of this Congress disputes the administration's claims on human rights and calls to question the wisdom of our actions in El Salvador. The American people have expressed their anxiety over the situation in recent polls showing that a majority do not favor increases in U.S. military aid to El Salvador.

Meanwhile, each day brings reports of the mounting death toll in El Salvador.

Today, we address the issue of how to break this deadlock, halt the spiraling violence, and encourage a political solution to the conflict in this war-ravaged nation. This resolution goes to the heart of a problem that has for too long been obsecured by ill-considered rhetoric and imprudent action. By urging the President to press for unconditional discussion among the major political factions in El Salvador, it compels us to search for the circumstances that will guarantee a safe and stable environment for free and open elections.

These circumstances do not now exist in El Salvador. Violence, fear, and intimidation limit participation in the electoral process. Leaders of opposition parties—who have for decades sought a democratic solution in El Salvador—have been marked for death by the armed forces. The ballot box offers no freedom of expression to a people who are daily suffering the brutalities of a civil war.

Unless elections are placed in a broader context of political conciliation, they will be neither democratic nor bring about a peaceful resolution to the Salvadoran conflict. For this reason, I call upon the Members of this body to support this timely resolution.

I am also asking my colleagues to take an additional step that I believe will contribute to a viable political solution in El Salvador. A most promising avenue has been opened by Mexican President Lopez Portillo, who has offered to serve as a mediator among the polarized factions in Central America. President Lopez Portillo's offer is an historic opportunity that we cannot afford to ignore. Congressman JIM LEACH and I are circulating a letter to President Reagan asking him to consider President Lopez Portillo's peace initiative. I hope others will join us in this effort.

I urge the Members of this Congress to accept the challenge offered by President Lopez Portillo last week, when he said:

> Let us together prevent the catastrophe. It is possible. The consequences of failure are unthinkable. I appeal to men of good will; let us give each other a last opportunity. We will know how to make use of it.

Mr. Speaker, I rise on the theme that my colleague from New York (Mr. SOLARZ) was building upon and that is: In order for this electoral process to be meaningful in El Salvador, it seems to me that there has to be negotiations. I support the resolution that is before us; but in addition to that, I would urge my colleagues to seriously consider a letter that is being circulated by the gentleman from Iowa (Mr. LEACH) and myself and others on this side of the aisle that calls upon President Reagan to look into the issues raised by President Portillo and consider them for lasting solutions to the problems in Nicaragua as well as to those problems that are pending before us now in El Salvador.

Mr. GILMAN. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I just returned from Rome where I had the privilege of having lunch with three members of the government—deputies in the Italian Government—and they said that all the emphasis in their media on El Salvador is being orchestrated by the far left to divert attention from Poland and Afghanistan.

Free Lech Walesa. There should be marches in the streets in Amsterdam to free Lech Walesa. Instead, they are worrying about El Salvador.

Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. GARCIA) or as much time as I have left.

Mr. BARNES. And I yield my remaining time to the gentleman from New York (Mr. GARCIA) as well, Mr. Speaker.

Mr. GARCIA. Mr. Speaker, I thank both my colleagues.

Mr. Speaker, I would just like to say that I think that this debate is probably one of the most important debates that is going to take place on this floor.

Mr. Speaker, the crisis in El Salvador is escalating. Over 30,000 people have died since the 1979 coup; the economy is in a shambles, the society is split apart, and there are no signs that the situation will improve unless negotiations take place between all legitimate political groups in that country. The left, as well as the junta, must be able to begin a constructive dialog before elections can take place.

The elections will have no real meaning unless they are preceded by negotiations. The civil war will not stop for the elections. Both sides must lay down their arms, a reorganization of the military would be helpful in achieving this end, and elections must take place if there is to be any peace in El Salvador. But it is only through negotiations that any of this can be achieved.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GILMAN. Mr. Speaker, I yield an additional 30 seconds to the gentleman from New York (Mr. GARCIA).

Mr. GARCIA. The United States must bear partial responsibility for the problems in El Salvador. We must use our influence to bring about negotiations, then elections, in El Salvador.

I, therefore, support House Concurrent Resolution 226, calling for negotiations and elections in El Salvador.

V. S. Naipaul, the Trinidad-born writer, said that—

> Politics have to do with the nature of human association, the contract of men with men.

Let us try and help the people of El Salvador draw up a contract based on peace and understanding, not carnage and terror.

● Mr. **BROWN** of California. Mr. Speaker, earlier today I expressed my belief that U.S. policy toward El Salvador, aimed as it is toward a military solution rather than a political resolution, is fundamentally wrong. I realize that many of my colleagues would like to believe the Reagan administration's approach is workable. I cannot agree.

For those who still have faith in the policies the administration is pursuing, the following essay by a former member of the ruling junta should demonstrate, better than my own words have, that the present policy cannot work.

I also want to take the opportunity to place in the Record the statements made by Mr. Ruben Zamora, diplomatic representative of the opposition forces, on the occasion of a congressional workshop on El Salvador that took place on November 5, 1981. That conclave was organized by the gentleman from Texas, Representative Leland, and I had the privilege of being one of the cosponsors. Mr. Zamora's statements were reprinted in the New York Times of January 22, 1982.

I hope my colleagues will take the time to read Mr. Zamora's article, because it represents the official policy of the opposition, whose views have been greatly distorted and misquoted in this country. If we forget for a moment that the United States is embroiled in that conflict on the side of one of its combatants, Mr. Zamora's position will appear to be coming from a detached, middle-of-the-road observer. It is frightening that people are being slaughtered in El Salvador for holding to views that, in our country, would barely raise attention.

El Salvador: An Election Is Bad News

(By Adolfo Arnoldo Majano)

The plan to hold an election next month in El Salvador, while not the direct cause of the country's current problems, is certainly one of the contributing factors. As a participant in the October, 1979, coup and as a former member of the governing junta, I believe that the election should not be held, that negotiations between all representative forces in the country take place first.

No election held in a climate of violence, with limited participation and little if any discussion of issues, can accomplish a legitimate peace in El Salvador. Negotiations would reveal the true obstacles and deep problems that are preventing peace, and thus would establish a framework for what must be done to reconcile our society.

Although social injustice is at the root of El Salvador's crisis, the immediate principal problem that Salvadorans confront is that of human-rights violations. These keep the people in constant fear and escalate the conflict.

More and more Salvadorans also are drawn into the social turmoil caused by unemployment and economic crisis. This touches all of the population, from the professional sector to the political resistance movements to the non-conformist fringe.

The magnitude of El Salvador's problems indicates that the present government lacks both a base to sustain itself and the possibility of having its programs accepted by the people. The government has exhausted all political possibilities of resolving the problems by cutting off dialogue with the opposition and negating the participation of other sectors in the govenment. Above all, the junta's effort will fail because it has lost all credibility and authority by masking or failing to cope with gross human-rights violations.

Negotiations would also cause these problems to be brought into the open, where they might be dealt with. Whatever solution might be reached it must respect the integrity of the military forces that demonstrated the spirit of justice by supporting the coup two years ago.

On Oct. 15, 1979, when the present civilian-military government was installed, the leaders of the coup issued a proclamation that attempted to synthesize the primary aspirations of our countrymen. As we stated, the coup's general objective was to correct the imbalance and inequities within a framework of mutual understanding among all sectors of Salvadoran society.

Those of us in uniform aspired to disengage the military from all partisan politics and to play a new role, that of a professional armed force to protect and defend our country. This new role would merit the respect and appreciation of our fellow citizens, and would prevent our being used by any party or group for its own interests.

Since then, the balance has shifted and power is held entirely by a small group. These people are responsible for taking our nation into a wider, more perilous arena of conflict, pitting the military against their countrymen. This has compromised national and military prestige and endangered the very future of the armed forces, for a population that has suffered under a corrupt military may decide to do away with it entirely.

Hardly anyone in El Salvador has been untouched by the tragedies generated by this conflict. An estimated 30,000 have died, 300,000 have fled to other countries or to refugee camps, and 300,000 others have been displaced from their homes within the country.

El Salvador's only hope is to return to the principles that we held in the 1979 coup. With dissenters shut out, elections will not accomplish this.

Elections in my country have set a terrible precedent of fraud and death. The few who have held power in collaboration with the military have never allowed the results of any honest election to be implemented.

Thus it would be much better to negotiate our differences and establish a natural transition that recognizes the new equilibrium of political forces within our country. Through negotiations, we can determine the shape of the future government, and then hold clean, authentic, democratic elections.

Only by such means can El Salvador's disputed political power be resolved, not by some superficial plan designed by the junta and totally disconnected from the reality of El Salvador today.

Although I have withdrawn from public life, I appeal to the international community to assist my country, first of all by respecting El Salvador's right of sovereign self-determination.

(Col. Adolfo Arnoldo Majano represented moderates in the Salvadoran military as a member of the junta established by the 1979 coup. Conservatives took over the junta a year later, and Majano resigned in protest. After being held in prison, he was deported last March. He now lives in Mexico.)

Saving Salvador—Mr. Zamora's Remarks at a Congressional Conference of the Fund for New Priorities in America

(By Ruben Zamora)

There are two different approaches to finding a political solution to the conflict in El Salvador.

The first was proposed by the Salvadoran Government and is supported by the Reagan Administration.

The other has been proposed by the Salvadoran opposition—the broad alliance of progressive political parties, peasants' and labor unions, professional associations, and popular mass organizations that form the Democractic Revolutionary Front and by the five political-military organizations now united in the Farabundo Marti National Liberation Front—and is supported by the Roman Catholic Church as well as several European and Latin-American countries.

The Government's proposal is just to have elections for a Constitutent Assembly in March, allowing the Democratic Front (not the National Front) to participate if it completely renounces violence and breaks its ties with the National Front.

In principle, the two fronts are not opposed to elections; in fact, they believe that elections should be part of a comprehensive solution to the Salvadoran conflict. The electoral process is a good instrument for the people to express their will—when the opportunity really exists to choose freely.

In the context of the present war and of Salvadoran history, however, there are absolutely no conditions for free and fair elections. There is a state of siege; in recent decades, elections have always been fraudulent and have no meaning for the people; there is a complete lack of confidence in the coercive apparatus through which the country has been ruled for so long and which is still very much entrenched in the power system.

In such circumstances, for the two fronts to lay down their arms to those who have been killing our people for years would be naive, suicidal. Why should we do such a stupid thing, when, in addition, even United States sources recognize that the war is going in favor of our side? What they are doing is asking us to surrender, and that is something we are never going to do.

The two fronts have proposed, instead, a negotiated political solution, a comprehensive settlement that would include but not be limited to elections and which would require previous talks.

Why do we propose such a negotiated political solution? Because we feel responsible for the future of El Salvador and know what the prolonging of the war—one that was forced upon us—would mean; because we are sensitive to the suffering of our people; because we do not wish United States intervention with Marines, although in such a case we would continue the struggle indefinitely, and the conflict would become completely regionalized. If all of that could be avoided by a process of political discussion, it is our responsibility to go through it.

We propose that the peace talks be conducted under five principles: first, the talks should be held between the Government and the Democratic and National Fronts. That means we will not accept any attempt to separate the forces of the fronts. Such a division would not lead to any realistic solution. Second, there would be witnesses from other governments, since, otherwise, deep mistrust could easily lead the talks nowhere. Third, the talks must be comprehensive—they should attempt to tackle the fundamental roots of the situation. Fourth, the Salvadoran people must be objectively informed; it is their interest that is at stake, and their broad support is necessary for an effective settlement. El Salvador's news media are totally controlled and manipulated by the oligarchy; thus, arrangements are necessary to avoid oligarchic manipulation of information. Finally, there should be no preconditions for the talks. A cease-fire could be a matter for discussion as part of the process itself.

For the agenda, we propose two fundamental and broad issues. The first one is the new economic and political order that would be sought after the discussions. Our program for economic and political change—based on principles of truly democratic and pluralistic representation of different social and political groups, complete respect for the human rights of the population, the creation of a mixed economy and an international policy of national independence and nonalignment—would be brought to the negotiating table. The second item is the restructuring of the armed forces. We are not calling for their destruction but for a process of making one out of the two armies that now exists: the popular army of the two fronts and the junta's army. For a political settlement to be successful, two opposing armies can not coexist. Unless we are able to form one with elements from both sides, peace can not be achieved.

Although difficult, a negotiated political solution seems the only rational possibility to end the war.

(Ruben Zamora is a leader of the Democratic Revolutionary Front in El Salvador.)●

● Mr. CORRADA. Mr. Speaker, I join in this resolution expressing the sense of the Congress that President Reagan should press for unconditional discussion among the major political sides in El Salvador in order to guarantee an environment conducive to free and open democratic elections.

The deteriorating situation in that troubled country is of direct importance and interest to our country. We are committed to insure that the Government of El Salvador is a faithful and democratic representation of the will and choice of its people. Only then can we be assured that no outside influence is attempting to disrupt the democratic process to impose their own choice of the Government to the detriment of the Salvadoran people.

I urge my colleagues to vote in favor of this resolution so that we may send a clear signal to the world of the position of the U.S. Congress on this important issue.●

● Mr. BEDELL. Mr. Speaker, as you know, House Joint Resolution 226 expresses the sense of the Congress that the President should press for unconditional discussions among the major factions in El Salvador in order to guarantee a safe and stable environment for free and open democratic elections in El Salvador. I believe this measure merits our fullest support and I urge my colleagues to vote in favor of its passage.

As you are all aware, since the President's decision to provide the Duarte regime with additional military assistance, the levels of political violence committed by both leftwing and rightwing extremists has increased. Meanwhile, our role in this conflict has become more complicated. U.S. personnel have been seen carrying M-16 automatic rifles and U.S. helicopter pilots are alleged to have ferried Salvadoran troops on combat missions.

The present situation is grave and appears to be worsening. As always, the end result is greater degrees of violence and more human suffering. Clearly, the present internal, political climate in El Salvador is not conducive to free and open elections.

Nonetheless, there is cause for hope. Hope that is reinforced by passage of House Joint Resolution 226. In the last several weeks, a clear momentum toward open discussions between the various factions in El Salvador has been growing. Ruben Zamora, leader of the Democratic Revolutionary Front, has endorsed a negotiated political settlement between the Duarte regime, the Democratic, and National Revolutionary Fronts. Last week, President Lopez Portillo of Mexico offered to act as a conduit in an effort to bring peace to Central America. Finally, last week President Reagan presented a plan to the Organization of American States that would promote greater economic and social development throughout Central America and the Caribbean Basin.

Each of these proposals merits our consideration. Each of these proposals helps to establish a framework under which discussions and negotiations for a peaceful and internal settlement to El Salvador's problems could begin. Passage of House Joint Resolution 226 demonstrates congressional commitment to promote peaceful solutions to the problems of El Salvador and the Caribbean Basin.

Although the hour is late, we must never blush from attempts at negotiation. Further, we should keep in mind the dramatic success that was scored by British- and United States-sponsored initiatives that led to a peaceful resolution to Zimbabwe's internal conflicts. This resolution attempts to buy time for El Salvador's future; time that could lead to a cease-fire agreement and constructive dialogs among all concerned parties in El Salvador and time that could lead El Salvador away from the violence that has marred its recent past.

For this reason, I support House Joint Resolution 226 and encourage my colleagues to join me in support of its passsage.●

● Mr. FRENZEL. Mr. Speaker, today's resolution calls for the President to urge the major factions in El Salvador to participate in discussions leading to safe elections next month. I, of course, will vote for this resolution, but I am not at all optimistic about the situation there.

The violence in El Salvador continues, with atrocities being committed by both sides. Obviously, free and open elections offer the best chance of moving toward a peaceful settlement. For such elections to be truly representative, though, two conditions would have to be met: all the major factions would have to participate and the violence would have to cease. Realistically, I see little chance of either happening soon.

Last year President Duarte invited all political parties to participate in the March 1982 elections for a constituent assembly. So far, the left has refused to participate and is doing all it can to discredit the election process. They may have some legitimate reasons for not participating; namely, fear of reprisals by the right and of the type of fraudulent practices that robbed the 1972 elections from Duarte and the Christian Democrats.

However, the left may also be afraid that they could not win the elections and hence do not want to give them legitimacy by participating. It is especially difficult for us to gage the popular support for the various factions in El Salvador. The failure of last year's final offensive to attract widespread support for the guerillas makes one question their popularity; other events indicate otherwise.

Probably the only thing we know for sure is that most El Salvadorans are tired of the fear and violence caused by the excesses of both sides in the civil war. Discussions on how to bring all parties into the election process would be a welcome development. Therefore, in spite of my fear that the factions in El Salvador are simply too polarized to make any real progress likely at this time, I shall cast one hopeful vote for this resolution.●

● Mr. BOLAND. Mr. Speaker, I strongly support the passage of House Concurrent Resolution 226.

As my colleagues are aware, the Government of El Salvador has scheduled constituent assembly elections for March 28. A great deal is at stake in both the conduct and the outcome of these elections. If all parties to the conflict in El Salvador are encouraged to participate, and the Salvadoran people are free to vote without fear of violence or retribution, the elections might form a basis for a political settlement to the issues which divide the country. Building upon the results of free and open elections, the United States and other countries interested in facilitating negotiations between the leftists, the Christian Democrats, and the Salvadoran military might have a chance for success.

The upcoming elections represent an opportunity to begin a process that could end the bloodshed and destruction that has engulfed El Salvador. It is therefore imperative that every effort be made to insure that an environment is created in El Salvador which will make possible an election that represents the will of the Salvadoran people. Given the present level of violence in the country, and the short time remaining before the election date, the creation of that kind of environment will not be easy. It will only occur if the major political factions fully discuss procedures for participation in, and monitoring of, the elections, and it will only occur if those discussions begin soon. Our country, which has already made a sizable financial commitment to El Salvador, and which is being asked to increase the size of that commitment, has a responsibility to do what it can to encourage those discussions.●

● Mr. GONZALEZ. Mr. Speaker, no one could be opposed to the principle of a free and open election, such as is called for by the pending resolution. What troubles me is that the resolution speaks only to the desirability of democratic process; it does not call upon the powers that be to insure that the resulting constitutent assembly will have the power to be a real legislature. It does not state the sense of Congress that the Government of El Salvador should bend every effort to deal with the bitter poverty and hopelessness of generations that feed the violence in El Salvador—and in other places as well. It does not urge that our policy should be to encourage the formation of a government that is genuinely representative, genuinely responsive to its people, and genuinely responsible to the people, rather than to the oligarchy that has so long dominated El Salvador.

We cannot pretend that elections alone insure representative and democratic government. We all know that the forms of democracy exist even in the most rigid of dictatorships. Certainly we should appeal for elections, but we cannot neglect to appeal for elections that mean something.

Where in this resolution does it say that our sense is that genuine reform is needed in El Salvador? Where does it say that the government to be elected will be one that is, in fact, representative and responsive? Where does it say that the constituent assembly will have real power to act? Those are the things that count. We all know that the Russians and the Cubans have elections, and we all know that the forms of democracy existed even in the Reich. But we also know that Russian and Cuban elections mean nothing, because the so-called representatives have no power other than to act as parrots for the ruling powers. We cannot allow ourselves to be approving of any sham democracy, but the resolution does not speak to that.

We have to concern ourselves with the causes of the misery and bloodshed in El Salvador. Only when we face the fact that rebellion arises from the helplessness and hoplessness that feed bitter hatred, will we be on the right road. If we do not pursue a policy that addresses the causes of the rebellion, there is no way that elections will make any difference—especially if the elections turn out to be for a powerless and meaningless assembly. Where does it say in this resolution that the elections are the first step toward real reform?

Thus far in El Salvador, we have made the same sorry mistakes that were made in Vietnam. Our policy is directed almost exclusively to suppressing the rebellion, rather than to addressing and resolving its causes. We commit again such insane errors as sending troops to act as advisers, and then ship them out if they so much as carry a rifle. We pay well-guarded and safe bureaucrats extra benefits for being in a hazardous place, even while the soldiers, who are exposed and unguarded, get no hazardous duty pay at all. In Vietnam our Government went through the motions of supporting elections and carrying out reforms, but in the end nothing worthwhile ever happened. So it is in El Salvador today.

In Vietnam, we went through the motions of calling for international help and cooperation, but it was only for show. So it is today in the case of El Salvador.

I believe that what we must do is to seek real international cooperation in stopping the violence. I believe that this could be done by creating a multinational peacekeeping force under the aegis of the Organization of American States. It should not be an American force at all; it should be a Latin American force. It may be that we would have to pay for its costs—but we do that in the Middle East, and so there is precedent for such a thing. But it cannot be an American force, if it is to be accepted. It has to be a Latin force, by and for Latin peoples.

I believe that we must stand for policies that address the terrible problems of the people of El Salvador. That is what feeds the violence, more than anything else. That is what creates the opportunities that outside agents exploit. It seems axiomatic that if we cannot offer real hope, real progress, then we really have nothing at all to offer.

Most certainly the pending resolution speaks to a need that no one could deny. But what it does not speak to is the need for an American policy that seeks to lead, to do what genuinely needs to be done, that shows we have learned from the mistakes and tragedies of the past, and that will provide a real alternative to violence. It is not enough simply to call for the forms and rituals of elections; we have to call for real progress, for real reform, for a government that is real for the people, and not just for the oligarchs.

That, tragically, is what this resolution, for all its ideals and idealism, fails to do. If we want freedom in El Salvador, we have to give it a chance. To give it a chance we must create hope where there is none, provide opportunity where there is none, and provide the people what they have never had, and that is a voice in their own destiny. Those are the elements of freedom. Those are the tools that will defeat those who now are exploiting the bitterness and despair of generations of Salvadorans.●

● Mr. LOWRY of Washington. Mr. Speaker, over a year ago, I introduced a resolution which noted the alarming increase in violence in El Salvador and the need for a negotiated settlement to the conflict in that country. It affirmed the sense that a democratic government which respected human rights was necessary in order for stability to return to El Salvador. A year later, I am sad to note that that violence has not stopped, that respect for human rights has not increased, and that all the parties to the conflict have not yet begun talking to each other about the problems which are causing the war in El Salvador to continue.

More people died from violence in El Salvador last year than the year before. Systematic acts of kidnaping, torture, and murder continue to haunt the lives of ordinary citizens. Efforts toward a political solution to the violence have been obstructed. Earlier this year, I cosponsored House Concurrent Resolution 226 because I strongly believe that the role of the U.S. Government should be one of seeking a resolution of the crisis. The United States should urge unconditional discussions among the major political factions in El Salvador. I believe that passage of this resolution will be important in moving toward a situation where talks can be productive—a cease-fire and groundwork for a political settlement. While the elections in are only a month away and will not solve the inherent problems of El Salvador, I believe that if this Congress passes House Concurrent Resolution

226, it will be taking an important first step in the right direction.●

● Mr. LELAND. Mr. Speaker, I want to express my support for House Concurrent Resolution 226, which was debated today. This is an extremely important bill, and its meaning is clear: that "free and open democratic elections" cannot possibly be held in the climate of violence and terror maintained by the Government of El Salvador; and that "free and open democratic elections" can only be held in a "safe and stable environment"—an environment in which all parties and all citizens can express their political will without fear of death or persecution.

These appropriate conditions for democratic elections have never been the case in El Salvador. For decades political parties have participated in elections only to see the results of those elections tampered with or shamelessly overturned by the armed forces. President Duarte knows this best. The last elections in which he participated, in 1972, together with Guillermo Ungo, now President of the Democratic Revolutionary Front, as his running mate, were overturned by the armed forces. Jose Napoleon Duarte won that election and was jailed and tortured; Guillermo Ungo was sent into exile. It is this perennial fraudulent abuse of the electoral process by the armed forces and oligarchy of El Salvador that has brought the country to its present crisis. It is this failure of the electoral process (through fraud and abuse) to reflect the will of the Salvadoran people that has led broad sectors of the population and large part of the political spectrum to seek other means.

I have no reason to think that the situation with elections is any different now than it has historically been in El Salvador. The same people who orchestrated the 1972 and 1977 electoral frauds are today in firm control of the armed forces. Why should the Salvadoran opposition turn over their arms and participate in these elections, when they know they will suffer the same fate of brutal torture and death which befell Enrique Alvarez Cordoba, Juan Chacon, and the entire leadership of the Democratic Revolutionary Front in November of 1980. They know they will suffer the same fate as the four American women-religious. The time of the ingenuous is long passed in El Salvador.

I do not want to be misconstrued as appearing to oppose elections in principle. In principle, I strongly support elections as a means of expressing popular will. But these elections will be meaningless—indeed, they will only be one more episode in the long history of Salvadoran electoral abuse—if there are no prior unconditional negotiations between major political factions, to establish an environment in which truly free and open democratic elections can take place. In this respect, the only sector in El Salvador which opposes and truly fears open and democratic elections—in the truest sense of that phrase—is the group now in power. The Salvadoran opposition—both political and military—have repeatedly stated in the U.S. press and before this Congress, that they accept entering into elections, but only after negotiations are held to establish guarantees for democracy and an end to violence in El Salvador.

For this reason I support House Concurrent Resolution 226, and believe that it is a vote against the administration's and the Salvadoran Government's proposed "political solution," which is to legitimize a brutal and illegitimate rule by holding nonrepresentative and abusive elections. House Concurrent Resolution 226 is not a resolution in support of the March 28 elections—and there should be no misinterpretation of this. It is a clear vote in support of "unconditional discussions" before elections, and unconditional discussions without which there can be no "free and open democratic elections." For this reason I give my full support to this bill.●

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Maryland (Mr. BARNES) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 226.

The question was taken.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF CONGRESS THAT SOVIET UNION SHOULD RESPECT ITS CITIZENS' RELIGIOUS FREEDOM AND RIGHT TO EMIGRATE, AND THAT THIS SHOULD BE AN ISSUE AT THE FORTHCOMING U.N. HUMAN RIGHTS MEETING

Mr. BONKER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.J. Res. 373) expressing the sense of Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights at Geneva in February 1982, as amended.

The Clerk read as follows:

H.J. RES. 373

Whereas the Soviet authorities have mounted a triple assault on their Jewish community, (1) the number Jews allowed to emigrate has been reduced from a high of 4,746 in the month of October 1979 to a total of only 9,400 in all of 1981, the lowest number since emigration began, (2) frequent harassments, arrests, and trials have become an almost daily occurrence, and (3) unparalled assaults on Jewish self-study groups occur in the major urban areas; and

Whereas such harassment and obstacles to free movement violate the obligations of the Soviet Union to respect the rights of freedom of thought, conscience, expression, religion, and emigration, as provided for in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the final act of the Conference on Security and Cooperation in Europe at Helsinki, and the Constitution of the Union of Soviet Socialist Republics: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that—

(1) the President should instruct the United States delegation to the United Nations Commission on Human Rights meeting in Geneva in February 1982 to carry to the Commission the message that the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, should stop its harassments, arrests, and trials of the members of its Jewish community, and should stop its assaults on Jewish self-study groups;

(2) the Government of the Soviet Union should comply with its obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Final Act of the Conference on Security and Cooperation in Europe at Helsinki, and the Constitution of the Union of Soviet Socialist Republics, by ceasing the indiscriminate arrests and trials of Jewish activists, by ending the assaults on Jewish self-study groups, and by opening its doors to those who wish to emigrate;

(3) the President should express to the Government of the Soviet Union the strong and continuing opposition of the United States to such harassment of its citizenry, and the obstacles it presents to those who wish to emigrate; and

(4) the President should reiterate to the Government of the Soviet Union that the United States, in evaluating its relations with other nations, will consider the extent to which they honor their commitments under international law, particularly their commitments concerning human rights.

SEC. 2. The President shall transmit copies of this resolution to the Ambassador of the Soviet Union to the United States and to the Chairman of the Presidium of the Supreme Soviet.

The SPEAKER pro tempore. Is a second demanded?

Mr. LEACH of Iowa. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. BONKER) will be recognized for 20 minutes, and the gentleman from Iowa (Mr. LEACH) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it gives me great pleasure to speak in behalf of House Joint Resolution 373 as amended, a resolution expressing the sense of Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights this month.

House Joint Resolution 373, sponsored by our distinguished colleague from Colorado, Patricia Schroeder, was passed unanimously by the Foreign Affairs Subcommittee on Human Rights and International Organizations on February 3, and by the full Foreign Affairs Committee on February 25. The resolution has wide bipartisan support, and includes 102 cosponsors.

House Joint Resolution 373 is a particularly welcome resolution at this time because it instructs the U.S. delegation to the United Nations Human Rights Commission to carry our message of concern about Soviet violations of Jewish rights to emigration and freedom of religion to its current meeting in Geneva.

The year 1981 marked an unprecedented decline in human rights in the Soviet Union. Jewish emigration fell to its lowest point since emigration began in 1970. Harassment of Jewish study groups, confiscation of Jewish literature, and jailings and persecution of Hebrew teachers have increased. I would like to take this opportunity to again call upon the U.S.S.R. to honor their commitments under the 1975 Helsinki Final Act. I would also like to ask for compliance with the recently passed United Nations declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. This declaration calls upon all states to protect and promote freedom of religious belief or practice.

I am honored to support House Joint Resolution 373, and thank the Honorable Clement Zablocki, the chairman of the Foreign Affairs Committee for bringing this bill to the floor. I urge my colleagues to join me in supporting this timely resolution.

□ 1330

Mr. Speaker, I yield 2 minutes to the distinguished chairman of the full committee, the gentleman from Wisconsin (Mr. Zablocki).

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of House Joint Resolution 373, as amended, expressing the the sense of the Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights at Geneva in February 1982.

I would like to begin, Mr. Speaker, by making special mention of the Honorable Don Bonker, chairman of the Subcommittee on Human Rights and International Organizations, and the Honorable Jim Leach, ranking minority member, for their efforts and those of the subcommittee on considering this topic. The subcommittee has begun a series of hearings pursuing the matter of religious persecution. I wish to commend our colleagues for their diligence and continuing commitment to the spectrum of human rights issues.

The subjects of emigration and religious persecution have been raised at the Madrid meeting of the Conference on Security and Cooperation in Europe. In that forum, U.S. officials have strongly condemned Soviet anti-Semitism and religious intolerance, House Joint Resolution 373, now before us, urges that the Soviet Union strengthen its commitment to human rights concerns—specifically emigration and religious freedom; and additionally, that these matters be raised at the United Nations Commission on Human Rights currently underway in Geneva.

During consideration of House Joint Resolution 373, by the Committee on Foreign Affairs, an amendment to that measure was approved. The text of the amendment inserted emigration figures to exemplify the present situation in the Soviet Union. The statistics are grim—and steadily worsening. There has been a measurable decline in the number of Jews permitted to emigrate from the Soviet Union. Exit figures are at a 10-year nadir. The number of Soviet Jews allowed to emigrate has dipped from its 1979 high of 51,331 to only 9,400 during all of last year. The backlog of hopeful Jewish emigres in the Soviet Union is tremendous—an estimated 200,000 Soviet Jews have received letters of invitation from Israel. Such documents are deemed, by Soviet officials, as prerequisites to enable eligibility to emigrate. Jews are not the only Soviet ethnics confronted with restrictive Soviet emigration policies. Armenians and Germans are targets of such discriminatory policies as well.

As we are all aware, oppresive emigration procedures are not the extent of Soviet human rights violations. Restrictive Soviet practices pervade many areas affecting the lives and well-being of the Jewish community in the Soviet Union. Religious assemblies are prohibited, and Jews are singled out for harsher discriminatory policies than other elements of the population. Some are banished to psychiatric prisons for attempts to practice their religion while some are denied access to higher education and certain professions, and are often excluded from various organizations and professional associations, universities, and research endeavors.

Mr. Speaker, I urge the prompt passage of House Joint Resolution 373, as amended.

Mr. LEACH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentlemen from New York (Mr. McGrath).

Mr. McGRATH. Mr. Speaker, I wish to add my strong support for the measure now before us. The brutal attacks of the Soviet Government against those who wish to practice their religions and those who seek permission to leave the Soviet Union are reminiscent of darker days in Soviet history when rule by fear and terror characterized the regime of Joseph Stalin and other notorious leaders. Ostensibly, the Soviet Government has progressed from its violent past by joining many other nations in signing the Helsinki accords and other international declarations respecting religious freedom and the right to emigrate. In fact, official Soviet policy seems to have regressed.

The godless policy of Russification, which is a blatant attempt to destroy religious traditions in all of the Soviet Republics, is one example of Soviet contempt for international agreements respecting religious freedom. Harassment and imprisonment of Soviet Jews, Ukranian Catholics, and other groups are well documented and provided further evidence of official disregard for government promises to insure freedom of religion and the freedom to emigrate. An entire family of Russian Pentacostals has chosen to live in a self-imposed prison in our Embassy in Moscow rather than continue to live in constent fear of Soviet persecution.

It is imperative that we make Soviet human rights violations a key part of our foreign policy and that we continue to use our freedom to speak out against these violations in every available forum. I commend the gentlewoman from Colorado for her fine effort in this regard.

Mr. LEACH of Iowa. Mr. Speaker, I yield 3 minutes to the distinguished ranking minority member of the full committee, the gentleman from Michigan (Mr. Broomfield).

Mr. BROOMFIELD. Mr. Speaker, I thank the gentleman from Iowa for yielding. I also rise in strong support of House Joint Resolution 373, which expresses the sense of the Congress that the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate.

The Soviet Union, in defiance of every recognized standard of humanitarian activity, and contrary to its solemn obligations under the Universal Declaration of Human Rights, the International Convenant on Civil and Political Rights, the Final Act of the Conference on Security and Cooperation in Europe at Helsinki, and even the Constitution of the Soviet Union, has continued to subject the Jewish population of the Soviet Union to outrageous assaults on their personal dignity, their freedom to practice their religion, and their freedom to emigrate if they so choose.

The Soviet Union's barbaric behavior contravenes its public declarations to accept internationally recognized duties and responsibilities in regard to a country's own citizenry. The Soviet Union's oppression of the Jewish population transcends the political dimensions of communist ideology and focuses the world's scorn not only on the bankrupt theories of Marx and Lenin, but on the specter of deep-seated anti-Semitism in Soviet Russia today.

I urge all my colleagues to support this resolution. It not only expresses the sense of the Congress; it lets the Soviet Union know in clear language that we are holding them responsible for their actions, that we are looking closely into the treatment of its citizens, and that the world will never again turn its back on events affecting the Jewish community.

Mr. LEACH of Iowa. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER. Mr. Speaker, I rise in staunch support of House Joint Resolution 373, which would express the sense of Congress that the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate. The resolution would also recommend that these rights be raised at the 38th meeting—now in progress—of the United Nations Commission on Human Rights at Geneva.

It saddens me that we are again protesting the Soviet Government's outrages against freedom and dignity. Yet we must continue our pressure, because the war of harassment against the dissident community by the Soviet Government has been escalating.

The hunger strike of Andrei Sakharov and his wife, Yelena Bonner, is only one incident that dramatized the plight of those subject to such outrages. The conviction of Viktor Brailovsky, the courageous cyberneticist who refuses to renounce his Jewish heritage, is another entry in the litany of shame. The tribulation of Ida Nudel, recognized in a World Day of Protest, March 2, this very day, is still another.

These are but three of many cases, but their import is clear. The Soviet Government has not eased up on its relentless persecution of Jewish citizens and those who share their love for freedom. The exercise of religious freedom is a grave crime against the state in the Soviet Union, and we must never lose sight of that horrendous reality.

Rather than easing up, the situation is growing worse. Last year's emigration rate from the Soviet Union, was a tenth of what it was in 1979, while the number of those who wish to leave spirals.

We cannot stand mute while the situation worsens. We, who pride ourselves on freedom that we take for granted, have a solemn obligation to those for whom freedom is only a distant dream.

We must call upon the leaders of the Soviet Union to account for their actions. At the Commission on Human Rights in Geneva, at the Helsinki review meetings in Madrid—in every conceivable forum at every time and in every place—we must state the case for freedom.

Because if we do not, no one else will.

And so we must continue our efforts—our speeches, our telegrams, our resolutions (such as H. J. Res. 373)—in the knowledge that they carry the full weight and power of the truth. Truth—the truth of justice and freedom and decency—is a force that can humble the most arrogant of tyrants.

If we keep up the pressure—confront the Soviet Government with the conscience of the nation that it abuses—the cause of Soviet Jewry will be won.

It is up to us to continue the fight—today, tomorrow, however long it takes—because it must be won.

Mr. LEACH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 373, which I have been proud to cosponsor and which expresses the sense of Congress that the Soviets should respect the rights of its citizens to emigrate and to practice their religions.

For several years, many of our colleagues in the Congress have worked for the release of Soviet prisoners of conscience, and for the freedom of Soviet citizens to exercise their basic human rights. There was hope that the signing of the Helsinki accords would mark the end of an era of harassment and religious persecution in the Soviet Union. But, unfortunately we have since watched as, time and time again, the Soviets have violated the agreements which they entered into freely, and which guarantee the rights of Eastern Europeans to practice their religions, and to emigrate, freely.

We have gathered, time after time, to express our concern for the release of Soviet Jewish prisoners of conscience. But this is not a Jewish issue—it is an issue which affects members of all faiths in the Soviet Union. This is an issue of fairness, of liberty and of humanity.

As Americans, we are joined in our commitment to the principles which have been so grossly violated by the Soviet Union. We cannot, we must not let this issue be buried. We must persist in renewed efforts to encourage the Soviet Union to comply with internationally accepted human rights standards.

House Joint Resolution 373 urges the Soviet Government to comply with its obligations under various international accords to respect rights of freedom of thought, conscience, expression, religion, and emigration. It calls upon the President to join us in our opposition to the Soviet's current policy of persecution, and to send a message to the U.S. delegation to the United Nations Commission on Human Rights meeting in Geneva this month to reinforce our commitment to fight for human rights in the Soviet Union. Accordingly, I urge my colleagues to support this resolution.

Mr. LEACH of Iowa. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH), who shares coleadership on this issue with Mrs. SCHROEDER of Colorado.

Mr. SMITH of New Jersey. Mr. Speaker, I commend the gentlewoman from Colorado for her resolution and feel it is important that we act favorably today on House Joint Resolution 373. The resolution is similar to House Concurrent Resolution 219 which I introduced last November and I thank the 155 Members who joined me in cosponsoring that resolution. It is abundantly clear to me that this is a bipartisan issue that cuts across all religious and ideological beliefs—and includes conservatives, moderates, and liberals.

Mr. Speaker, the rights of individuals to practice their religion and emigrate freely are fundamental principles that should be respected by all governments. In light of the Soviet Unions' agreement to the Helsinki Final Act, the U.N. Declaration of Human Rights and other human rights accords, it is tragic, unnecessary, and morally wrong that they have reneged on their word to respect religious freedom and emigration rights.

This past January, I had the opportunity to travel to the Soviet Union and while there met with many Jewish refuseniks and other religious activists. The 9 days I spent in Moscow and Leningrad have left a deep and everlasting impression on me. It is difficult to imagine the extreme hardships that the refusenik families face on a daily basis, in their attempt to achieve religious and cultural freedom. Like job loss, imprisonment, and beatings.

Mr. Speaker, I have returned home with a deeper commitment to human rights and a deeper commitment to securing the rights of others to emigrate from the Soviet Union. I have also come home with a greater appreciation of our own fundamental freedoms and liberties. As a nation of immigrants, I am proud that the United States is the leader in promoting global emigration rights.

Mr. Speaker, today emigration is nonexistent for practically all citizens of the Soviet Union. Soviet authorities usually speak of the "reunification of families," usually meaning families torn apart by World War II and the postwar period, thus effectively avoiding the term "emigration."

Over the last few months, however, even emigration of Jews from the Soviet Union has virtually ceased. Since the Soviets began an effective form of emigration over a decade ago, more than a quarter of a million Jews have left the Soviet Union with Israel visas. This emigration reached its peak in 1979, when 51,000 Soviet Jews were granted exit visas. In 1981 only 9,447 Jews were permitted to leave—only 290 emigrated in January of this year.

Mr. Speaker, the crackdown on emigration includes tight eligibility requirements like the rule that requires that a Jew wishing to leave must receive a letter of invitation from a very close relative living in Israel. The Soviets insist that such a relative be of the first degree like a husband or wife, parent or child. Others need not apply. While in the Soviet Union we heard of many instances where the letters, even of the first degree did not get through the Soviet postal censors.

Mr. Speaker, it is troubling and disheartening that the Soviet authorities have retreated from their prior modest reforms and again have adopted a restrictive policy on emigration. Moreover, there is ample evidence to indicate a marked increase in harassments, job loss, arrests, and trials of Jews. Anti-Semitism is on the rise. Small Jewish religious and cultural seminars and informal Hebrew language study groups have been raided, disrupted, and disbanded by the KGB.

Mr. Speaker, I believe that it is important to stress that these repeated incidences of religious persecution by the Soviets are in direct violation of the commitments to freedom of thought, conscience, expression, or religion, and emigration made by the Soviet Union through its adoption of and participation as a signatory to the United Nations International Covenant on Civil and Political Rights, the Final Act of the Conference on Security and Cooperation in Europe at Helsinki, the United Nations Charter, and the Universal Declaration of Human Rights. Mr. Speaker, this is a matter of international concern, this is a matter of international law. To remain silent on "compliance failure" would render these human rights pacts meaningless.

Mr. Speaker, I know firsthand that the refuseniks are eager for us to know the reality of their situation. They are eager for us to take their cause to the free world. They know, as we do, that recognition of their right to emigrate—even if only partially secured—will be won only if the West makes it a priority issue.

We must show the Soviet Union that we in the United States care, that we remember these refusenik families, and that we shall never forget the hardships and the fears that these people face on a day-to-day basis. We must demonstrate to them that the U.S. Government ranks human rights as a top priority issue, and make them realize and appreciate the fact that on this particular issue, we shall not budge. They must know that in the United States, the basic issue of human rights is not a partisan one; that no matter what party controls the White House, the Senate, or the House, we, as free Americans, will not be satisfied until all of those who wish to be free are free.

Mr. LEACH of Iowa. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, as a cosponsor of House Joint Resolution 373, the Schroeder-Smith resolution calling on the President to instruct the U.S. delegation to the U.N. Human Rights Commission to raise the issue of religious freedom and emigration for Jews and others in the Soviet Union, I want to commend the chairman of the Subcommittee on Human Rights and International Organizations, as well as the chairman of the full committee, for acting expeditiously on this resolution so that it might be brought to the House floor before the U.N. Human Rights Commission completes its work next week.

Mr. Speaker, it is a well-known tragedy to the Members of this body that the Soviet Union has drastically cut back the number of Soviet Jews it is permitting to emigrate. On January 26, 1982, the New York Times reminded us of the historical tradition of Soviet authority in an editorial entitled "Still 'The Prisonhouse of Peoples.'" It stated:

> Permitting an orderly emigration and thus adhering to the Helsinki Final Act would not be just a favor to the United States. It would counter one of the oldest reproaches leveled at Russia. Even in czarist times, it grimly nicknamed "The Prisonhouse of Peoples" because so many ethnic minorities were sealed inside. They are now persecuted more brutally than even Communists in czarist times. Yet the new jailers call themselves enlightened.

The failure of the Soviet Union to comply with its obligations under numerous international human rights legal instruments cannot be ignored by this body and ought to be raised as a matter of pressing important before the U.N. Human Rights Commission meeting in Geneva.

The administration has expressed its assurances to us that the operative sections of House Joint Resolution 373 are fully consistent with administration policies. The State Department has also indicated that the United States may be able to speak on this issue during the remaining days of this session. Timely passage of this resolution will thus be seen by other delegations at the U.N. Human Rights Commission as the unified endorsement of the U.S. Congress and the American people.

Finally, I would like to recognize the efforts of other Members of this body who in many ways have drawn attention to this issue, either on an individual case-by-case basis or, as our colleague on this side of the aisle from New Jersey (Mr. Smith), has done, in a general framework by calling on the Soviet Union to end its current policies of restricting religious freedom and emigration by Jews in the Soviet Union. His efforts and those of many others have contributed to the successful progress of the legislation before us.

I would urge my colleagues to vote unanimously in favor of House Joint Resolution 373 as a signal to the Soviet Union and the U.N. Human Rights Commission of the undivided commitment of the U.S. Government and its people for religious freedom and the right to emigrate for all peoples.

Thank you.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BONKER. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. Rodino).

Mr. RODINO. Mr. Speaker, I am proud to be a cosponsor of House Joint Resolution 373. Its passage today will be a clear message of our continuing dedication to the principles of justice and human rights— a message not only to Soviet Jews but to oppressed people everywhere.

The Union of Councils for Soviet Jews has called current conditions the "bleakest period for Soviet Jewry" in more than a decade. Less than 400 Jews were allowed to leave the Soviet Union last November. Four thousand emigrated just 2 years previous.

There has been increased harassment, arrest, trial, and internal exiling of Jewish activists. There has been stepped-up assaults on Jewish cultural and scientific groups in an effort to destroy the Jewish cultural movement.

The rights that we take for granted—the rights to travel freely, to voice opinions, to worship as one chooses, to lead a productive life—are abused daily in the Soviet Union and in Eastern Europe.

In short, while reducing the number of exit permits it grants, the Soviet

Union has intensified the mistreatment and persecution of Soviet Jews that drive them to escape their homeland.

The plight of the Soviet Jews epitomizes why we must continue to nurture the principles of the Universal Declaration of Human Rights. We must continue to insist that the Soviet Union honor its international human rights commitments. We must continue to take the lead in protesting the oppression of Soviet Jews and to promote and protect basic human rights. We must continue to avail ourselves of every legitimate avenue and institution to persuade the leaders of the Soviet Union to open the doors to all those who wish to leave and to respect the fundamental rights of all those who choose to stay.

● Mrs. SCHROEDER. Mr. Speaker, I would like to thank all of my colleagues for helping me push through this resolution. The timeliness of this statement is crucial in that it will be brought before the 38th meeting of the United Nations Commission on Human Rights at Geneva, which ends later this month. I also want to thank our colleagues on the Senate side, Senator CLAIBORNE PELL and Senator RUDY BOSCHWITZ.

The Soviet Union's consistent denial of the basic freedoms of its citizens has long been a matter of grave concern to the American people.

The Soviet emigration procedures are restrictive, and thousands of potential emigrants are excluded from the application process itself. In 1980, Jewish emigration declined from 50,000 to 20,000. In 1981, Jewish emigration declined to less than 9,500. And each month since August of 1981, Soviet Jewry emigration has been at the lowest level in the 11-year history of the movement.

Repression of cultural, religious, and even scientific seminars continues unabated. This is, therefore, a particularly propitious time for this administration to make clear its unequivocal commitment to aiding Soviet Jews and other Soviet peoples in securing the rights guaranteed by the Soviet Government as a signatory of the Helsinki Final Act.

President Reagan has stated his commitment to "seek a broader interpretation of family reunification," to "identify and publicize specific examples of Soviet violations of human rights," and "to make it clear to the Soviets that their compliance with the various human rights agreements which they have signed will have a bearing on future bilateral trade and the exchange of technical and scientific information."

America has long been a symbol of freedom for the oppressed people of the East. It is only appropriate that the United States continue to aid in the struggle for the basic rights of Soviet Jews.●

● Mr. WEISS. Mr. Speaker, I rise in strong support of House Joint Resolution 373 which expresses congressional support for the rights of Jews in the Soviet Union. I want to commend the gentleman from Washington (Mr. BONKER). The distinguished chairman of the Subcommittee on Human Rights and International Organizations, for his leadership on this issue and for bringing this resolution to the floor.

More than 2.5 million Jews remain in the Soviet Union, where often their rights are withheld, their jobs are taken away from them, and their right to study the Hebrew language and to practice their religion is officially denied them. So long as these and other injustices exist, we cannot permit the world to believe that real human right exist in the Soviet Union.

Most glaringly evident is the restraint of free emigration conducted by Soviet officials against Jews. To give an idea of how serious the emigration picture is, only 368 Jews were granted exit visas by Soviet officials in October 1981, as compared to more than 4,700 in October 1979 and almost 1,500 in October 1980. This problem really is a crisis not only for Jews around the globe but for everyone who values basic human rights.

Only in the last 13 years have Jews been able to emigrate from the Soviet union without indiscriminate opposition by Soviet authorities. And yet even now that an official process for emigration has been established, the Soviet Government continues to make emigration a difficult and exhausting ordeal, often unobtainable for Jews. And there is no clearly foreseeable end in sight to this struggle.

Indeed, 1981 was, the bleakest year for Jews seeking to leave the Soviet Union since 1970. Not even 10,000 Jews were granted this right.

This sharp downturn also suggests the failure of the so-called quiet diplomacy. It is clear that unless we speak up for the basic rights of Soviet Jews we and they will not be heard

I believe that we must restate our support for human rights generally and for Soviet Jews specifically. The Soviet Union must be shown that America will not stand quietly by while Soviet Jews are prevented from being able to choose where they will live and how and what they will believe.

This crisis of Soviet Jewry is an indication too of the absence of concern on the part of Soviet officials for internationally recognized human rights. So long as the rights of Jews are abused, there can be no assurance of freedom or justice in the Soviet Union.●

● Mr. FRANK. Mr. Speaker, I am pleased to join my colleagues in strong support of House Joint Resolution 373, calling on the Soviet Union to cease its discriminatory policies against Jews and its low emigration rates. The gentlewoman from Colorado (Mrs. SCHROEDER), who authored the bill, and the gentleman from Washington (Mr. BONKER), who chairs the Subcommittee on Human Rights and International Organizations, have worked hard to produce a resolution that expresses the deep concern of the House, and sends a strong message to the Soviet authorities on this issue.

The problems facing Jews in the Soviet Union who wish to practice their religion or who wish to emigrate have been well documented by Members of this body who have recently returned from the Soviet Union, and from organizations that monitor Soviet activities on a regular basis. The facts are that the number of arrests of Jewish activists, the frequency of the harassment of Jewish religious and cultural leaders, and the dramatic decline in the emigration rate are clear signs of the intentional deterioration of the Soviet Union's practices toward Soviet Jews.

House Joint Resolution 373 is a clear statement of congressional concern for the treatment of Soviet Jews. It serves as a reminder to the Soviet Union that not only will the Congress not turn its back on such blatant violations of agreed-upon international accords, but that we consider this issue to be a priority in our bilateral relations.

The chairman of the Subcommittee on Human Rights and International Organizations, Mr. BONKER, has ably guided this resolution, and resolutions documenting other human rights abuses, through the Committee on Foreign Affairs. His efforts represent the continuing commitment of this body to the cause of human rights and the commitment of this body to the primacy of human rights in our bilateral relations with other countries. At a recent subcommittee meeting, the gentleman from Washington (Mr. BONKER) was instrumental in favorably reporting House Concurrent Resolution 100 to the full committee. This resolution expresses our concern for the Christian Pentecostals residing in the basement of the U.S. Embassy in Moscow. I look forward to the time in the near future when the House can devote itself to a discussion of the merits of this case as a further expression of its concern for human rights.

Mr. Speaker, at this crucial time for Soviet Jews, this body should be on record deploring the Soviet Union's mistreatment of its Jewish population. I urge the resolution's immediate adoption.●

● Mr. CORRADA. Mr. Speaker, I rise in support of House Joint Resolution 373 regarding the rights of Soviet citizens to practice their religion and to emigrate.

Once again, we must continue to press the Soviet authorities to refrain from harassing Soviet citizens for seeking to practice one of the basic human rights—freedom to worship according to your own beliefs in your chosen religion. But this right, which we take for granted in our country, is not enjoyed by millions of persons throughout the Earth, with the Soviet Union being a major violator of this right.

The right to emigrate is also a basic right of all human beings and one which allows you to leave a country that does not protect its own citizens. Every person has a right not to feel a prisoner in his or her own country. Unfortunately for thousands of Jewish persons in the Soviet Union, they are harassed for requesting a visa to emigrate out of the Soviet Union and, in most instances, forbidden from leaving the country.

I join with our colleagues in calling upon the President to instruct the U.S. delegation to the United Nations Human Rights Commission to address this issue at the current session in Geneva.●

● Mr. FROST. Mr. Speaker, I am pleased to see this resolution considered in the House today. The people of the United States have invested a lot of time and energy into the battle on behalf of Soviet Jews—only to see much of their progress toward freedom of religion in Russia reversed during the past 3 years. The Congress is justified—even obligated—to communicate the concern of the American people to the Soviet Union through official channels.

Mr. Speaker, the statistics tell the story. Jewish emigration from the Soviet Union has plummeted in just 3 years. In 1979, 51,320 Jews were granted exit visas. Last year, only 9,447 Jews were permitted to leave the country to join their families in other parts of the world. For the many Members of Congress who work on behalf of Soviet refuseniks, the explanations for visa denials are always the same: The individual cannot leave the country because he or she has had access to military secrets; or their family arrangements on the other end are not satisfactory; or the denial is accompanied with no explanation.

The real explanation is that there exists an anti-Semitic bias in the upper echelons of the Soviet bureaucracy and that bias rears its ugly head during times of tension between the United States and the Soviet Union. Jews have always been the pawns in the much larger superpower game. They lose their jobs, they are arrested on fabricated charges, they are harassed, and they are often ignored when ill or in need of other kinds of assistance. But the Jews are not demure and they do not accept their situation in silence. For that, they have become a thorn in the side of the Soviet Government and they are treated accordingly.

These people do not deserve the treatment they get. They most certainly deserve the respect of the American people and the attention of this Congress. I am planning a trip to the Soviet Union this summer and I intend to make my views known to as many Soviet officials as will listen to me. I am also going to try to visit with refuseniks and I will be proud to point to passage of this resolution as evidence of Americans' concern and support for their cause.●

● Mr. DERWINSKI. Mr. Speaker, I wish to join in voicing my support for House Joint Resolution 373, which expresses the sense of Congress in respecting the rights of the citizens of the Government of the Soviet Union in practicing their religion and in honoring their rights to emigrate from the Soviet Union.

The Soviet Union signed the Final Act of the Conference on Security and Cooperation in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights. However, the Soviet Union has failed to live up to the language of these basic accords. The severe decrease in emigration by Soviet Jews is a great cause for alarm, as well as the crackdown on refuseniks and dissidents held captive in the U.S.S.R.

The trials of Victor Brailovsky, Vladimir Kislik, and Kim Fridman exemplify the Soviet Government's denial of basic rights and its failure to honor its international agreements. Others who have been unjustly persecuted, such as Ida Nudel and Anatoly Shcharansky, merely wish to be reunited with their families in Israel. The attempts at free expression by Andrei Sakharov were met with official condemnation and his exile to Gorki. These actions represent gross violations of basic rights which must be addressed at every opportunity in order to constantly remind Soviet authorities of the implications of their failure to live up to their word.

We must direct attention to the inhuman treatment of the Soviet Jew but also call the sense of Congress to express our displeasure over the treatment of the Ukrainian Orthodox and Catholic churches as well as the Christian and Catholic churches in Lithuania, Estonia, and Latvia and other non-Russian nations held captive by the U.S.S.R.

The Kremlin continues to persecute and suppress the national churches in the U.S.S.R., and as we are painfully aware, the Soviets have historically denied religious freedom as a means to eradicate nationalism of the Ukrainians, Lithuanians, Estonians, Latvians, and other captive people. It is important for the United States to continue to champion the rights of national, cultural, and religious freedoms for all peoples held captive. There are millions who are looking to us to live up to that commitment.

From the viewpoint of human rights, religious genocide and U.S. interests, this resolution has considerable significance, and I urge the support for this extremely important and humanitarian measure.●

● Mr. LEHMAN. Mr. Speaker, as a cosponsor of House Joint Resolution 373, I would like to urge my colleagues to support passage of this resolution which concerns the rights of Soviet citizens to practice their religion and to emigrate. Passage of this legislation will place this issue among those to be raised at the Geneva meeting of the United Nations Commission on Human Rights.

During the last several months, the deterioration of Soviet Jewish life has reached alarming proportions. Persecution has increased for Jews who dare to apply for permission to emigrate from the Soviet Union. The loss of employment, daily harassment, beatings, elimination of telephone communication, arrests, and long prison sentences or internal exile on such spurious charges as "malicious hooliganism" or "parasitism" make up the core of systematic persecution encountered by the Jewish citizens of the Soviet Union.

Jews who dare to expect and demand their right to religious expression and their right to emigrate face this kind of severe punishment. And many Soviet Jews who wish to be reunited with their loved ones have suffered under these conditions for years. The situation for them and for other Jewish citizens is now worse than ever before.

Most deplorable is the Soviet Government's official exhibition of anti-Semitism. The Government crackdown on cultural practices such as the teaching of Hebrew or Soviet Jewish history, has made life unbearable for Soviet Jews. Systematic persecution takes the form of KGB searches of homes and seizures of materials pertaining to Jewish culture, and the arrests and charges directed at those engaged in Jewish cultural life have increased.

These gross violations of human rights affect all Jews in the Soviet Union. Anti-Semitic news articles, television programs, and books, all Government-sanctioned, are not uncommon. It has become more difficult for Jews to be accepted to universities and scientific institutes, and are, instead, the target of the military draft. Without applying to emigrate and without involvement in Jewish cultural activities, life for Jews in the Soviet Union is very bleak.

As life becomes more unbearable for Jews, the hope to seek a better life elsewhere has also been dealt a severe blow. The low figure of 9,447 Jews who emigrated from the Soviet Union in 1981 is less than one-fifth of the number of Jews permitted to leave the Soviet Union in 1979. This year, even fewer people were permitted to leave than in previous months.

The crackdown on Jewish emigration and on the Jewish cultural activities of Jews in general is alarming. The arrest of the distinguished Dr. Victor Brailovsky in 1980 after the opening of the Madrid review conference on the Helsinki agreement, the arrests and sentencing of Vladimir Kislik and others are part of a crackdown on Jews who dare to conduct scientific of cultural seminars.

The silencing of citizens whose human rights are violated has a very strong echo, one that is too loud to ignore.

It is essential that we in Congress increase the pressure to improve the situation of Soviet Jews, and intensify our efforts to persuade the Soviets to allow those who wish to emigrate to do so. If the present treatment of Jewish citizens continues, the number of Jews wishing to emigrate will increase, and the noise will become louder still. It is thus absolutely necessary that we continue to do all we can to seek improvement.

The Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe at Helsinki, as well as the Constitution of the Union of Soviet Socialist Republics, express well the right to freedom of thought, religion, and emigration. It is time that those who profess these commitments begin also to adhere to them. I will continue to do all I can to help make this possible.●

● Mr. KEMP. Mr. Speaker, when the Soviet Union signed the Helsinki accords its leaders committed themselves under international law to uphold the basic human right to worship God freely according to individual conscience.

Since that time we have witnessed a major crackdown against religious believers throughout the Soviet Union. Today we are celebrating the release of Ida Nudel, who has been exiled in Siberia these last 4 years—since the Helsinki agreement—for the simple crime of being Jewish in the Soviet Union. We still do not know if she will be allowed to emigrate.

In the basement of the American Embassy in Moscow today six Russian Pentecostal Christians are hoping and praying that another member of their family, Lidiya Vashchenko, will be released by the Soviet authorities and allowed to return to a grim exile within her own land.

Maybe the Soviet leaders think we did not really mean it when we signed the Helsinki accords. They have counted on our growing weary of dissidents, or even a little embarrassed at the hope persecuted believers are placing in America.

I want to commend my colleagues in the House for sending this strong message that the United States will not shut its eyes to religious persecution in the Soviet Union. And I join them in urging President Reagan to see that this issue is raised forcefully and repeatedly when the Commission on Human Rights meets in Geneva this month.●

● Mr. MINISH. Mr. Speaker, I rise at this time to express my vigorous support for the measure which is currently before us, House Joint Resolution 373. I would also strongly urge my colleagues to join me in supporting this bill which was introduced by the fine Congresswoman from Colorado Mrs. SCHROEDER.

House Joint Resolution 373 expresses the sense of Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the current meeting of the United Nations Commission on Human Rights in Geneva.

The alarming decline in Soviet Jewish emigration has been a grave concern of mine for sometime. Last November, I introduced House Concurrent Resolution 229 which calls upon the U.S.S.R. to end the current policies of Jewish emigration discrimination and expressing the sense of the Congress that the dramatic decline of Jewish emigration from the Union of Soviet Socialist Republics is morally reprehensible.

The statistics on Jewish emigration unfortunately speak for themselves. The marked decline in the number of Jews emigrating from the U.S.S.R. can be seen clearly since 1979. In that year, 51,320 Jews emigrated while in 1981 only 9,447 Jews were allowed to emigrate. This is a drop of nearly 42,000 people in 2 years. The statistics for January 1982 are even more discouraging with only 290 emigrants. If this trend continues, 1982 could represent an all-time low in Jewish emigration from the U.S.S.R.

However, aside from the problem of emigration, I have been deeply concerned about reports of increasing anti-Semitism in the Soviet Union. For prejudice in general, and anti-Semitism in particular, are ugly phenomenon. Behavior which defames or ridicules a religious or ethnic group cannot be tolerated. Whenever one group is defamed, the whole of humanity is pulled a little farther down. I therefore believe that there is a pressing need for this resolution to be passed today, so there can be no doubt that this great Chamber will not acquiesce in the face of anti-Semitism.

Mr. Speaker, I am proud to support this legislation today and once again urge its expeditious passage.●

● Ms. FERRARO. Mr. Speaker, I rise in strong support of House Joint Resolution 373 and I urge my colleagues to join me in that support.

I do so with firm conviction because I believe that, as Americans, we imperil our own deep sense of human dignity if we ignore the human rights violations being perpetrated against thousands of Soviet Jews, who ask nothing more than the right to leave the Soviet Union for Israel to practice their religion.

This is not just a matter of moral right; it is also international law. Soviet Jews are being harassed, arrested, and imprisoned for only one reason—because they are Jews.

This frightening anti-Semitism has flourished to the point that in 1981, about 30,000 Jews requested visas to leave the Soviet Union, but only 9,447 were approved. In 1982, the figures are alarmingly low, even more unsettling than in 1981.

The International Covenant on Civil and Political Rights is just one of many documents that guarantee the much-cherished freedom of travel and the freedom of religious expression. This administration and this Congress cannot remain fully faithful to the precious liberties secured by the Covenant unless we vigorously voice our strongest objections now to Soviet authorities. This is precisely what we seek to do here today.

As Americans, Jewish and non-Jewish alike, we share the luxury of living in a country that respects, even encourages, the robust exercise of our human rights. But, at the same time, we recognize that human rights cannot be limited to certain countries. They cannot be allowed to disappear at the boundaries to the Soviet Union. Human rights are universal and must be universally recognized.

The Soviet Government should immediately stop the further harassment of its Jewish citizens and allow open emigration to Israel as a necessary precondition for the free expression of religion for these people. Only when this is done will the Soviet signature on the Universal Declaration of Human Rights carry any meaning.●

Mr. BONKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BONKER) that the House suspend the rules and pass the joint resolution (H.J. Res. 373) as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BONKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

FEDERAL EMPLOYEES FLEXIBLE AND COMPRESSED WORK SCHEDULES ACT OF 1982

Ms. FERRARO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5366) to amend title 5, United States Code, to provide permanent authorization for Federal agencies to use flexible and compressed employee work schedules, as amended.

The Clerk read as follows:

H.R. 5366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees Flexible and Compressed Work Schedules Act of 1982".

SEC. 2. Chapter 61 of title 5, United States Code, relating to hours of work, is amended by inserting "SUBCHAPTER I—GENERAL PROVISIONS" before section 6101, and by inserting after section 6106 the following new subchapter:

"SUBCHAPTER II—FLEXIBLE AND COMPRESSED WORK SCHEDULES

"§ 6121. Definitions.

"For purposes of this subchapter—

"(1) 'agency' means an Executive agency and a military department;

"(2) 'employee' has the meaning give it by section 2105 of this title;

"(3) 'basic work requirement' means the number of hours, excluding overtime hours, which an employee is required to work or is required to account for by leave or otherwise;

"(4) 'credit hours' means any hours, within a flexible schedule established under section 6122 of this title, which are in excess of an employee's basic work requirement and which the employee elects to work so as to vary the length of a workweek or a workday;

"(5) 'compressed schedule' means—

"(A) in the case of a full-time employee, an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays, and

"(B) in the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays;

"(6) 'overtime hours', when used with respect to flexible schedule programs under sections 6122 through 6126 of this title, means all hours in excess of 8 hours in a day or 40 hours in a week which are officially ordered in advance, but does not include credit hours; and

"(7) 'overtime hours', when used with respect to compressed schedule programs under section 6127 and 6128 of this title, means any hours in excess of those specified hours which constitute the compressed schedule.

"§ 6122. Flexible schedule; agencies authorized to use

"(a) Notwithstanding section 6101 of this title, each agency may establish, in accordance with this subchapter, programs which allow the use of flexible schedules which include—

"(1) designated hours and days during which an employee on such a schedule must be present for work; and

"(2) designated hours during which an employee on such a schedule may elect the time of such employee's arrival at and departure from work, solely for such purpose or, if and to the extent permitted, for the purpose of accumulating credit hours to reduce the length of the workweek or another workday.

An election by an employee referred to in paragraph (2) shall be subject to limitations generally prescribed to ensure that the duties and requirements of the employee's position are fulfilled.

"(b) Notwithstanding any other provision of this subchapter, but subject to the terms of any written agreement under section 6130(a) of this title—

"(1) any program under subsection (a) of this section may be terminated by the Office of Personnel Management if it determines that the program is not in the best interest of the public, the Government, or the employees; or

"(2) if the head of an agency determines that any organization within the agency which is participating in a program under subsection (a) is being substantially disrupted in carrying out its functions or is incurring additional costs because of such participation, such agency head may—

"(A) restrict the employees' choice of arrival and departure time,

"(B) restrict the use of credit hours, or

"(C) exclude from such program any employee or group of employees.

"§ 6123. Flexible schedules; computation of premium pay

"(a) For purposes of determining compensation for overtime hours in the case of an employee participating in a program under section 6122 of this title—

"(1) the head of an agency may, on request of the employee, grant the employee compensatory time off in lieu of payment for such overtime hours, whether or not irregular or occasional in nature and notwithstanding the provisions of sections 5542(a), 5543(a)(1), 5544(a), and 5550 of this title, section 4107(e)(5) of title 38, section 7 of the Fair Labor Standards Act, as amended, or any other provision of law; or

"(2) the employee shall be compensated for such overtime hours in accordance with such provisions, as applicable.

"(b) Notwithstanding the provisions of law referred to in paragraph (1) of subsection (a), an employee shall not be entitled to be compensated for credit hours worked except to the extent authorized under section 6126 of this title or to the extent such employee is allowed to have such hours taken into account with respect to the employee's basic work requirement.

"(c)(1) Notwithstanding section 5545(a) of this title, premium pay for nightwork will not be paid to an employee otherwise subject to such section solely because the employee elects to work credit hours, or elects a time of arrival or departure, at a time of day for which such premium pay is otherwise authorized; except that—

"(A) if an employee is on a flexible schedule under which—

"(i) the number of hours during which such employee must be present for work, plus

"(ii) the number of hours during which such employee may elect to work credit hours or elect the time of arrival at and departure from work,

which occur outside of the night work hours designated in or under such section 5545(a) total less than 8 hours, such premium pay shall be paid for those hours which, when combined with such total, do not exceed 8 hours, and

"(B) if an employee is on a flexible schedule under which the hours that such employee must be present for work include any hours designated in or under such section 5545(a), such premium pay shall be paid for such hours so designated.

"(2) Notwithstanding section 5343(f) of this title, and section 4107(e)(2) of title 38, night differential will not be paid to any employee otherwise subject to either of such sections solely because such employee elects to work credit hours, or elects a time of arrival or departure, at a time of day for which night differential is otherwise authorized; except that such differential shall be paid to an employee on a flexible schedule under this subchapter—

"(A) in the case of an employee subject to such section 5343(f), for which all or a majority of the hours of such schedule for any day fall between the hours specified in such section, or

"(B) in the case of an employee subject to such section 4107(e)(2), for which 4 hours of such schedule fall between the hours specified in such section.

"§ 6124. Flexible schedules; holidays

"Notwithstanding sections 6103 and 6104 of this title, if any employee on a flexible schedule under section 6122 of this title is relieved or prevented from working on a day designated as a holiday by Federal statute or Executive order, such employee is entitled to pay with respect to that day for 8 hours (or, in the case of a part-time employee, an appropriate portion of the employee's biweekly basic work requirement as determined under regulations prescribed by the Office of Personnel Management).

"§ 6125. Flexible schedules; time-recording devices

"Notwithstanding section 6106 of this title, the Office of Personnel Management or an agency may use recording clocks as part of programs under section 6122 of this title.

"§ 6126. Flexible schedules; credit hours; accumulation and compensation

"(a) Subject to any limitation prescribed by the Office of Personnel Management or the agency, a full-time employee on a flexible schedule can accumulate not more than 10 credit hours, and a part-time employee can accumulate not more than one-eighth of the hours in such employee's biweekly basic work requirement, for carryover from a biweekly pay period to a succeeding biweekly pay period for credit to the basic work requirement for such period.

"(b) Any employee who is on a flexible schedule program under section 6122 of this title and who is no longer subject to such a program shall be paid at such employee's then current rate of basic pay for—

"(1) in the case of a full-time employee, nor more than 10 credit hours accumulated by such employee, or

"(2) in the case of a part-time employee, the number of credit hours (not in excess of one-eighth of the hours in such employee's biweekly basic work requirement) accumulated by such employee.

"§ 6127. Compressed schedules; agencies authorized to use

"(a) Notwithstanding section 6101 of this title, each agency may establish programs which use a 4-day workweek or other compressed schedule.

"(b)(1) An employee in a unit with respect to which an organization of Government employees has not been accorded exclusive recognition shall not be required to participate in any program under subsection (a) unless a majority of the employees in such unit who, but for this paragraph, would be included in such program have voted to be so included.

"(2) Upon written request to any agency by an employee, the agency, if it determines that participation in a program under subsection (a) would impose a personal hardship on such employee, shall—

"(A) except such employee from such program; or

"(B) reassign such employee to the first position within the agency—

"(i) which becomes vacant after such determination,

"(ii) which is not included within such program,

"(iii) for which such employee is qualified, and

"(iv) which is acceptable to the employee.

A determination by an agency under this paragraph shall be made not later than 10 days after the day on which a written request for such determination is received by the agency.

"(c) Notwithstanding any other provision of this subchapter, but subject to the terms of any written agreement under section 3130(a) of this title, any program under subsection (a) may be terminated by the Office of Personnel Management, or the agency, if it determines that the program is not in the best interest of the public, the Government, or the employees.

"§ 6128. Compressed schedules; computation of premium pay

"(a) The provisions of sections 5542(a), 5544(a), and 5550(2) of this title, section 4107(e)(5) of title 38, section 7 of the Fair Labor Standards Act, as amended, or any other law, which relate to premium pay for overtime work, shall not apply to the hours which constitute a compressed schedule.

"(b) In the case of any full-time employee, hours worked in excess of the compressed schedule shall be overtime hours and shall be paid for as provided by whichever statutory provisions referred to in subsection (a) are applicable to the employee. In the case of any part-time employee on a compressed schedule, overtime pay shall begin to be paid after the same number of hours of work after which a full-time employee on a similar schedule would begin to receive overtime pay.

"(c) Notwithstanding section 5544(a), 5546(a), or 5550(1) of this title, or any other applicable provision of law, in the case of any full-time employee on a compressed schedule who performs work (other than overtime work) on a tour of duty for any workday a part of which is performed on a Sunday, such employee is entitled to pay for work performed during the entire tour of duty at the rate of such employee's basic pay, plus premium pay at a rate equal to 25 percent of such basic pay rate.

"(d) Notwithstanding section 5546(b) of this title, an employee on a compressed schedule who performs work on a holiday designated by Federal statute or Executive order is entitled to pay at the rate of such employee's basic pay, plus premium pay at a rate equal to such basic pay rate, for such work which is not in excess of the basic work requirement of such employee for such day. For hours worked on such a holiday in excess of the basic work requirement for such day, the employee is entitled to premium pay in accordance with the provisions of section 5542(a) or 5544(a) of this title, as applicable, or the provisions of section 7 of the Fair Labor Standards Act, as amended, whichever provisions are more beneficial to the employee.

"§ 6129. Administration of leave and retirement provisions

"For purposes of administering sections 6303(a), 6304, 6307 (a) and (c), 6323, 6326, and 8339(m) of this title, in the case of an employee who is in any program under this subchapter, references to a day or workday (or to multiples or parts thereof) contained in such sections shall be considered to be references to 8 hours (or to the respective multiples or parts thereof).

"§ 6130. Application of programs in the case of negotiated contracts

"(a) Employees within a unit with respect to which an organization of Government employees has been accorded exclusive recognition shall not be included within any program under this subchapter except to the extent expressly provided under a written agreement between the agency and such organization.

"(b) An agency may not participate in a flexible or compressed schedule program under a negotiated contract which contains premium pay provisions which are inconsistent with the provisions of section 6123 or 6128 of this title, as applicable.

"§ 6131. Prohibition of coercion

"(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with—

"(1) such employee's rights under section 6122 through 6126 of this title to elect a time of arrival or departure, to work or not to work credit hours, or to request or not to request compensatory time off in lieu of payment for overtime hours; or

"(2) such employee's right under section 6127(b)(1) of this title to vote whether or not to be included within a compressed schedule program or such employee's right to request an agency determination under 6127(b)(2) of this title.

"(b) For the purpose of subsection (a), the term 'intimidate, threaten, or coerce' includes, but is not limited to, promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

§ 6132. Regulations; technical assistance; program review

"(a) The Office of Personnel Management shall prescribe regulations necessary for the administration of the programs established under this subchapter.

"(b)(1) The Office shall provide educational material, and technical aids and assistance, for use by an agency in connection with establishing and maintaining programs under this subchapter.

"(2) In order to provide the most effective materials, aids, and assistance under paragraph (1), the Office shall conduct periodic reviews of programs established by agencies under this subchapter particularly insofar as such programs may affect—

"(1) the efficiency of Government operations;

"(2) mass transit facilities and traffic;

"(3) levels of energy consumption;

"(4) service to the public;

"(5) increased opportunities for full-time and part-time employment; and

"(6) employees' job satisfaction and nonworklife.".

Sec. 3. The chapter analysis for chapter 61 of title 5, United States Code, is amended by inserting "SUBCHAPTER I—GENERAL PROVISIONS" immediately below the chapter heading, and by inserting the following items at the end of such analysis:

"SUBCHAPTER II—FLEXIBLE AND COMPRESSED WORK SCHEDULE

"6121. Definitions.
"6122. Flexible schedules; agencies authorized to use.
"6123. Flexible schedules; computation of premium pay.
"6124. Flexible schedules; holidays.
"6125. Flexible schedules; time-recording devices.
"6126. Flexible schedules; credit hours.
"6127. Compressed schedules; agencies authorized to use.
"6128. Compressed schedules; computation of premium pay.
"6129. Administration of leave and retirement provisions.
"6130. Application of programs in the case of negotiated contracts.
"6131. Prohibition of coercion.
"6132. Regulations; technical assistance; program review.".

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The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentlewoman from New York (Ms. FERRARO) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. CORCORAN) will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1978, this Congress authorized in Public Law 95-390 a 3-year experiment for Federal agencies on the use of alternatives to the traditional fixed schedule 8-hour workday. Since then, more than 325,000 Federal employees in 1,500 organizations have taken part in this experiment. H.R. 5366 permanently authorizes this successful program so that it will not expire on March 29, just 4 weeks from today.

Public Law 95-390 required the Office of Personnel Management to study the impact of alternative work schedules (AWS) on efficiency, transportation, energy consumption, service to the public, and quality of life for employees and their families. OPM found "that all of the alternative schedules used in the experiment were successful in most situations from the perspectives of experimenting organizations and individuals."

This Federal experience closely parallels the private sector experience. There is a substantial body of literature concerning the use of alternative work schedules in the private sector. Over 10 million full-time workers in thousands of different firms enjoy flexible schedules and compressed work weeks. These variations from the standard, fixed-schedule 8-hour workday evolved as a means of coping with social change, particularly the dramatic increase of women in the workforce, and the desire of all employees for a better accommodation between their working and personal lives. Employers found that they benefited from higher usage of buildings and equipment, decreased traffic congestion, and improved attendance, punctuality and morale. Employees felt they had more control over their working lives. Flexible schedules have also helped reduce the conflicts between work and personal needs, particularly for working women and others with household responsibilities.

The bill we are now considering, H.R. 5366, is nearly identical to Public Law 95-390, the existing authorization for the successful experiment conducted during the past 3 years. The program permits, but does not require, Government agencies to utilize flexible and compressed work schedules. Management retains broad discretion on the use of these alternative work schedules (AWS) to prevent disruption of agency operations or additional agency costs. Subject to collective bargaining agreements, management has the right, under this bill, to terminate any (AWS) program if it determines the program is not in the best interest of the public, the Government, or the employees. H.R. 5366 would continue the requirement for negotiating with exclusively recognized representatives concerning flexible or compressed work schedules.

Where employees demonstrate their desire to work compressed work schedules that extend beyond 8 hours in a workday or 40 hours in a workweek in order to shorten another workday or workweek, certain premium pay and scheduling provisions of title 5 and the overtime pay provisions of the Fair Labor Standards Act may be waived. As in the past, employees may request personal hardship exemptions from participating in the program, and of course coercion concerning employee rights is clearly prohibited.

At this point I would like to stress two important facts. First, this bill does not alter in any way the current relationship between employee organizations and management. The Civil Service Reform Act of 1978 (Public Law 95-454) clearly established changes in working hours as a subject for negotiation. This will not be affected by the enactment of H.R. 5366.

Second, and I hope my colleagues are listening closely, the Congressional Budget Office has found, "* * * there will be little additional cost, and perhaps some initial savings, resulting from enactment of this bill (H.R. 5366)."

The OPM has recommended that flexitime authorization be made permanent. However, the administration did not meet the requirement of Public Law 95-390 that a legislative proposal be submitted by September 30, 1981. When no recommendation had been submitted by the beginning of this session of Congress, I introduced legislation to avoid the disruption which would occur if the authorization was permitted to expire on March 29, 1982. That bill, which we are now considering, was reported without a single no vote by the Committee on Post Office and Civil Service. That I might point out is a very unusual occurrance.

GAO in its testimony on this legislation said that allowing the AWS program to lapse would have a severe impact on the morale of a demoralized Federal work force. The program in its present form is a success. It should be continued. I urge you to join me in accepting the wisdom of Will Rogers, "If it ain't broke, don't fix it." This program ain't broke, let's reauthorize it.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Speaker, I thank the gentlewoman for yielding me this time.

As the author of the flexitime legislation which was adopted a few years ago and which provided for the establishment of this experiment in flexitime on the part of the Federal Government, I want to pay tribute to the gentlewoman from New York (Ms. FERRARO) for bringing this legislation to the floor today. She has provided tremendous leadership in the effort to establish flexitime as a permanent part of the Federal Government.

I think that as we look back on this experiment, those of us who were here at its inception can honestly and truly say that the results have exceeded our fondest expectations. Three hundred thousand Federal employees participated in the program; 90 percent of those who participated reported that they were pleased with the opportunities it provided. And the great majority of the Federal managers who were responsible for supervising these flexitime experiments indicated that they were satisfied with the results as well.

There is an opportunity to make the conditions of employment a little bit easier for Federal employees. It helps families that are trying to deal with the problems of bringing children up in circumstances where both the father and the mother are working. And in a variety of other ways it improves the job satisfactions of Federal employees thereby leading to an improvement in productivity.

Yet if we do not enact this legislation today, the authority to continue the experiment will have expired, and one of the most promising personnel innovations in the history of the Federal Government will have ended. Consequently, we need this bill to continue the program. I would submit that not since "motherhood and apple pie" has there been an idea as meritorious as flexitime, and I appeal to my colleagues on both sides of the aisle to follow the leadership of the great gentlewoman from New York (Ms. FERRARO) in supporting this legislation so that we can continue to provide Federal employees with the opportunities which this legislation would make possible.

Mr. CORCORAN. Mr. Speaker, I intend to support this legislation, and I presently will describe my reasons for doing so, but one of our colleagues has a commitment he wants to keep, so I will defer at this point and yield 3 minutes to the gentleman from New York (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, I rise today in strong support of H.R 5366. It gives me great pleasure to do so because it is not often that this body has the opportunity to consider a bill that the Congressional Budget Office says will cost little or nothing, and may even save some money.

Private business in this country is way ahead of the Federal Government with experience using alternative work schedules. Employers report they have benefited from higher usage of buildings and equipment, decreased traffic congestion, and improved attendance, productivity, and morale among their workers. The report on the 3-year Federal experiment comes to the same conclusions.

And employees do like it. Federal workers in my district have apprised me of the benefits of flexible work schedules, both to themselves and to the Government. Offices can be open longer hours to serve the public, while individual employees can modify their work schedules to attend school, take care of family responsibilities, or even just catch a less-crowded bus home. It seems to me that given this chance to raise worker morale at no cost to the Government, we should grab it.

The Office of Personnel Management wants tighter controls on this program. What they are proposing in their bill is a new layer of unnecessary regulation and extra paperwork to arrive at a conjectural cost-benefit analysis. This is not control, it is bureaucracy at its least productive.

Congresswoman FERRARO's bill provides for broad management discretion in establishing limits on the use of flexible schedules to prevent the disruption of agency operations or additional agency costs. Of course there have been some problems in the past. Of course there will be some problems in the future. But I believe those problems are best worked out at the local level by the people involved, and not by OPM in Washington.

I urge my colleagues on both sides of the aisle to join me in supporting the continuation of flexible work scheduling in the Federal Government.

Mr. CORCORAN. Mr. Speaker, I yield myself 5 minutes. Mr. Speaker, this bill permanently authorizes agencies to utilize alternative work schedules such as the 4-day, 40-hour workweek or flexitime, in which employees arrange their work hours around core hours of the day during which they must be present. This legislation creates a permanent authorization to replace the experimental program that we authorized 3 years ago and which is due to expire on March 29.

I was a strong supporter of the legislation authorizing the original experiments, and in light of the almost uniformly favorable testimony and experimental results that we have received, I feel even more strongly now that this program should be continued as a permanent management tool. The Office of Personnel Management prepared for submission to the President and Congress an interim report evaluating the alternative work schedule programs that were implemented in 1,500 organizations covering over 325,000 employees. The results were extremely favorable. Approximately 30 to 35 percent of organizations reported improvements in efficiency, 50 to 60 percent reported no change, and only 10 percent reported small decreases in efficiency. There were increases in number of hours of availability to the public, increased morale, and small reductions in travel time. More than 90 percent of employees and 85 percent of supervisors desire to continue their alternative work schedules, and more than 79 percent of experimenting organizations judged the alternative work schedule experiment a success.

As indicated by these figures, the experiment was a roaring success. However, there were some instances in which the agencies were not happy with the results of an alternative work schedule experiment, and the bill provides that if the Office of Personnel Management determines that the program is not in the best interest of the public, the Government or the employees, it can be discontinued, unless the agency has signed a labor contract stipulating otherwise. In addition, if the head of an agency finds the program disruptive or costly, he or she is authorized to take necessary corrective action.

In light of the extremely positive results, there is no question in my mind that we should continue authorization of the program. The Office of Personnel Management has indicated that it would like the bill amended. Unfortunately, it did not respond in a timely fashion to requests for amendatory language, and the bill passed the Subcommittee on Human Resources, of which I am the ranking minority member, and the full committee without the minority having the opportunity to consider the Office of Personnel Management's proposals.

Given the time-bound nature of this legislation, I feel that the Office of Personnel Management must now turn to the other body to work its will with these proposals. The program expires on March 29, and failure to enact legislation by that date would cause unnecessary hardship and distress to Federal employees, as well as unjustifiable and expensive disruptions of the Federal Government.

Mr. Speaker, I rise in support of this legislation for several reasons. First of all, I had the privilege to serve on the Committee on Post Office and Civil Service when we first inaugurated this experiment, and as is so often the case, when we approach the problem in a sensible way and we give the Government an opportunity to digest it before we enforce it in a permanent fashion, I think we generally come out with a better product. That has certainly been the case in this instance because the experimental program has won universal approval.

We have had testimony before our committee from the General Accounting Office which went into considerable analysis and in-depth evaluation of the program, and they gave it an A grade. We had an evaluation from the agencies themselves, and almost universally their recommendations to our committee were that this experimental program ought to become permanent.

Finally, we come to what has developed into a little snag at the end of the line, and that is the Office of Personnel Management. I want to dwell on that for just a moment because I think our colleagues should be aware of the procedural problem that we face and why it is that at this point, in my judgment at least, we ought to pass this legislation today and allow it to proceed along the legislative path to the Senate, where whatever adjustments the Senate might want to make could be made and then subsequently resolved in conference.

The problem we face is that this experimental program terminates at the end of this month, on March 29, so we have but 27 days in effect in which to provide a legislative reauthorization of an experimental program which will become permanent.

We have attempted for quite some time to learn what the attitude of the Office of Personnel Management was on this legislation, and we have not always been provided with the kind of efficient response that would be desirable for the committee and for the House of Representatives as a whole.

On September 29, 1978, the experimental program was enacted. In September 1981, according to that legislation, the Office of Personnel Management was to provide the Congress with an interim report on flexitime, the alternative work schedule program. OPM did not meet that deadline. Then on November 9, 1981, it did submit a report to the Congress which I am pleased to have with me here today. I would say to my colleagues that it is very interesting to note that this in-depth evaluation by the Office of Personnel Management, the interim report by the President to the Congress which we received in November of last year, was very positive. In fact, there are no negative comments about this experimental program in this report.

Mr. Speaker, I say to the Members now that this is the group that is now asking us to set aside the legislation, and I quote from the report, as follows:

> It is recommended that Congress enact permanent legislation authorizing continued use of alternative work schedules in the Federal Government with provisions to assure that agencies provide appropriate control and oversight.

So, Mr. Speaker, I think it is clear that what we have here is a circumstance where, as an afterthought, so to speak, some of the bureaucrats within the Office of Personnel Management have come down to the Congress, after our committee, our subcommittee, and our full committee has taken action, and said, "Now, we have an amendment that we would like you to consider."

What we have suggested to them, I think, is very sensible and very appropriate, and that is, in view of the time sequence involved where the program would end on March 29, with all the disruption and havoc that would be caused by that event were we not to take action, that instead what we should do is take action today as we recommend, send the measure over to the Senate, and they can make whatever adjustments they want and we can come back in conference and resolve the differences and continue this program on which there is almost universal consensus in terms of its value.

There are problems, as I said, that OPM has with respect to one or two features. They can be addressed in the legislative process, and I would hope the Members of the House would recognize the program has met the test. It was an experimental program, and the response of those who have been part of it has been favorable. The response of management has been favorable, because, as the gentlewoman from New York has pointed out, throughout the experiment and the proposed legislation that is pending we retain for management the right to terminate this program at any time.

Mr. Speaker, I know that my friend, the gentleman from Illinois (Mr. HYDE) has a question, so I yield 3 minutes to him at this time.

Mr. HYDE. Mr. Speaker, I appreciate what my friend, the gentleman from Illinois (Mr. CORCORAN), has said, and I also appreciate the explanation of the gentlewoman from New York (Ms. FERRARO). I defer to the superior wisdom of the subcommittee which did hear witnesses and which, I am sure, is sensitive to the nuances and the problems involved in this sort of legislation.

But I am still troubled by an article which appeared on February 8, 1981 in the Washington Post by Barbara Palmer entitled "Does Anybody Labor at the Labor Department?"

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She visited the Labor Department, which was then basking in the warmth of flexitime. She said:

> Inside, the atmosphere seemed generally relaxed. At one desk, a woman was doing her knitting, while in another office a secretary seemed engrossed in her novel. Farther along I noticed another woman padding toward her office in a pair of fuzzy bedroom slippers.

Further in the article:

> Employees can play their radios "so long as the use does not disturb the productivity of the employee."

And I am told that if you walk through those offices, you see television sets on people's desks. Of course I want the workplace to be happy and productive.

The article continues:

> They can choose their own hours, but their bosses can set "coverage requirements" to assure, for example, that there are enough people to answer the phones at all times. They can work a 30-hour week, but only if they have built up a 10-hour credit by working overtime the previous week.
>
> These are the sorts of innovations that might work in an environment where both managers and workers are motivated by a goal of performance—

And the article goes on to say that these performance goals are not always omnipresent when you are working for the Government. I do not know.

But I just want to know if the complaints, the distressing instances cited in Barbara Palmer's article, were taken into consideration by the committee because the people in my district do not work like this. They have to show up at 8:30 and 9 o'clock and when you call in you have to be able to get somebody to answer the phone.

Mr. CORCORAN. Mr. Speaker, perhaps I could respond to the gentleman.

Mr. HYDE. All right, fine. I am just getting warmed up, but go right ahead.

Mr. CORCORAN. Mr. Speaker, I want to tell my friend, the gentleman from Illinois, that we certainly agree, and we were just as astounded and perplexed when we read that article in the Washington Post as he was. That is one of the reasons that the legislation that we submit to the House as permanent legislation, H.R. 5366, contains the following provision:

> "(2) if the head of an agency determines that any organization within the agency which is participating in a program under subsection (a) is being substantially disrupted in carrying out its functions or is incurring additional cost because of such participation, such agency head may—
>
> "(A) restrict the employees' choice of arrival and departure time,
>
> "(B) restrict the use of credit hours, or
>
> "(C) exclude from such program any employee or group of employees.

The point is that we retain for management the right, when they see the kind of abuse to which the gentleman referred, to discontinue the program, and I think they should.

Mr. HYDE. Would that supersede a labor agreement, though, made with the labor union?

The SPEAKER pro tempore. The time of the gentleman from Illinois (Mr. CORCORAN) has expired.

Mr. CORCORAN. Mr. Speaker, I yield myself 1 additional minute.

If there were this kind of abuse found in the course of a contract, the discontinuation of the program could not occur until the contract had ended.

Mr. HYDE. In other words, the contract between the labor union, which is one of the strongest in the country, prevails over this law we are going to pass?

Mr. CORCORAN. No; I would not say that. What I am saying is first, we have had the experience through the experiment; second, if there is an abuse, if we see disruption, if we see the kind of problem to which the reporter referred in the Washington Post, the Director of the agency, the head of the agency, could discontinue it.

Now, if we were in the final year of a contract, it could not actually be discontinued until that contract had expired.

Mr. HYDE. I am partially reassured. I thank the gentleman.

Ms. FERRARO. Mr. Speaker, I yield 5 minutes to the distinguished Chairman of the full committee, the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Speaker, I rise to express my support for H.R. 5366, the Federal Employees Flexible and Compressed Work Schedules Act of 1982, and to commend the chairwoman of the Human Resources Subcommittee for picking up the ball on this legislation when it was so clumsily dropped by the administration.

Today we have an opportunity which I expect will be rare during this session. We can cast a vote in favor of legislation which has the overwhelming support of both the labor and management representatives it affects. The 3-year Federal experiment with flexible and compressed workweeks which this Congress authorized back in 1978 has been a tremendous success. Even the administration's Office of Personnel Management attested to this success in its report on the experiment received last November.

The 3-year experiment will expire the 29th of this month unless this legislation is enacted. This should be a noncontroversial matter, and under normal circumstances there should be no problem meeting the March 29 deadline. But these are not normal times, and we are not considering this under normal circumstances. There are those who are working to scuttle this legislation, and I think the record should be clear, so that the Federal employees who benefit from this program know who is responsible if this legislation is not enacted in timely fashion.

First, there is the Director of the Office of Personnel Management. At the eleventh hour, in fact on the same day the committee filed its report on this legislation, February 22, OPM's legislative recommendations were finally received. This was too late for subcommittee or even full committee consideration.

Furthermore, despite OPM's glowing report on the success of the 3-year experiment, the Director recommended drastic changes in the authorizing legislation. What were these changes? First, the Director proposes to alter the scope of bargaining under title VII of the Civil Service Reform Act, and remove the initiation or termination of these programs from the bargaining table.

Second, the Director wants to have the authority to determine when employees under this program would get premium pay. He is not satisfied that the statute establishes premium pay entitlements. He wants to do this by regulation.

A second group threatening to scuttle this legislation is those who want to seize it as a vehicle to add nongermane amendments affecting the working hours of private sector employees working for Government contractors. Such a nongermane amendment would not be in order under the rules of this body. This legislation, as introduced and reported, has nothing to do with the private sector employees. Their hours and working conditions are under the jurisdiction of another committee.

The Director of OPM and the proponents of these nongermane amendments know their proposals would never pass if subjected to the normal legislative process. Let me assure them, they will never pass if tacked on to this bill. They will only insure H.R. 5366 will not be enacted, and a popular, no-cost program will end. If this happens, Federal employees will know where to place the blame.

Mr. CORCORAN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of the motion to suspend the rules and pass H.R. 5366, the Federal Employees Flexible and Compressed Work Schedules Act of 1982, and I want to commend the gentlewoman from New York, the subcommittee chairman (Ms. FERRARO), and the gentleman from Illinois (Mr. CORCORAN), the ranking minority member of the subcommittee, for their leadership in bringing this measure to the floor at this time.

As a long-time supporter of the alternative work schedule program, I was pleased that all of my colleagues on the Subcommittee on Human Resources supported H.R. 5366, and that the full Committee on Post Office and Civil Service favorably reported that measure by a voice vote.

H.R. 5366 would permanently authorize the AWS program. This program is currently authorized under Public Law 95-930, the Federal Employees Flexible and Compressed Work Schedules Act of 1978. However the authority for the experimental AWS program outlined in that act, expires at the end of this month on March 29, 1982.

The AWS program has afforded Federal employees the opportunity to participate in a number of work schedule designs other than the traditional 5-day, 40-hour work week. As a report prepared by the Office of Personnel Management indicated, the AWS program has been especially successful. Of the more than 320,000 employees participating in that program, 90 percent of nonsupervisory employees and over 85 percent of supervisors were satisfied with and wished to retain their AWS schedules.

Moreover, OPM found that the AWS program resulted in greater efficiency of Government operations; reductions in vehicle miles driven by those on compressed work schedules; increased public accessibility to Government services at agencies open longer because of flexible work schedules; and substantial increase in morale because of the employee's feeling that he had greater control over his worklife and more time to devote to personal, family, cultural, and social activities.

Accordingly, Mr. Speaker, I urge my colleagues to suspend the rules and pass H.R. 5366 so that what has proved to be a productive program, beneficial to both the Government and to its employees, can continue uninterrupted.

Ms. FERRARO. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), a member of the subcommittee.

Mr. HOYER. I thank the gentlewoman for yielding time to me.

Mr. Speaker, I would first like to commend the chairwoman for her timely and determined efforts in moving H.R. 5366 through committee and onto the floor in order to secure a permanent authorization of the adjusted work schedule program before it elapses on March 29.

The AWS program, sometimes referred to as flexitime, has proven to be a productive, efficient, and beneficial personnel program for the American public and the Federal work force. Since the AWS program began, Federal agencies have been more accessible to the public—especially for those individuals on the west coast who found Government offices in Washington closed due to the time differences. Employees have found that AWS offers them more control over their lives and thus enables them to be more productive and free of interruptions while on the job. In all, flexitime has proven to be a successful tool for the efficient use of personnel.

Mr. Speaker, as you well know, this has been a very difficult year for Federal employees: Minimal salary hikes, a reduction in health benefits and increases in annual premiums and deductions, large-scale reductions in force, and continued threats of further reductions in employee benefits have left the civil service demoralized and lowered productivity in all levels of government. I would hate to see a good program, a profitable program like AWS curtailed because the time ran out on it. So, Mr. Speaker, the bipartisan effort to enact a permanent authorization for flexitime is all the more important and warrants our decisive approval so that no interruption in the adjusted work schedules occurs on March 29.

It has been a pleasure for me to join my colleagues on both sides of the aisle in facilitating timely enactment of this legislation. Flextime has proven successful in this Nation's largest industries. It has been proven successful in the Federal Government. And, upon permanent authorization of AWS, we can be sure that we have taken another step toward accessible, efficient government.

Ms. FERRARO. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. SCHUMER) a member of the subcommittee.

Mr. SCHUMER. Mr. Speaker, I add my congratulations to the chairlady of our subcommittee, who has led our subcommittee so ably, not only through these hearings, but for the year and 2 months that I have served on it.

Many of us in America wonder how we are going to make our workers more productive. There are two ways to do it. One way is going to be unsuccessful, and that is to threaten, to cajole, to hit workers over the head. The other way, which is the Japanese way, which has proven so successful, is to tell our workers: We are in partnership with you, and we are going to make life easier for you, and you will be more productive for us.

That is what flexitime has proven. At a time when we seem to be putting all of the burdens that this country has on the backs of workers in general, and Federal workers in particular, we can be thankful that there is at least one program that moves us in a right and positive direction, as opposed to all the negative proposals that are coming out of this administration.

Mr. CORCORAN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, I rise to oppose this because of the procedure under which it is being brought before the House. This is a serious issue. It is one that ought to be discussed in its totality. We ought to have an opportunity to at least discuss amendments. Here we are, on the 2d of March, having had our ninth vote for the year earlier today on approving the Journal, but we do not have time, somehow, to go by the regular rules of this House. The Rules Committee is available today, this bill could go before the Rules Committee today and we could have it on the floor tomorrow. We could then have the opportunity to discuss the questions that the administration has raised with it.

To listen to some speakers, you would think that this concept was universally approved. While I agree in principle with the idea of flexitime, anybody who has even persued the Washington Post article on what has happened with flexitime over at the Labor Department, or spoken with some of the employees over at the Labor Department, knows that it is not working there. There are excesses and there are abuses that have taken place within this program. We ought to be able to address it. We ought not to be afraid to take more than an hour of our time to talk about this issue, particularly when the administration has some concerns about it. If we are going to blame the administration for the way the Government is working, we ought to give them the tools they think they need to make some of the corrections in the administrative branch.

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Ms. FERRARO. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. ANTHONY).

Mr. ANTHONY. Mr. Speaker, I rise today in strong support of H.R. 5366. Federal agencies have adopted a variety of flexible work schedules on an experimental basis over the last 3 years. The report on that experiment comes to the same conclusions that the private sector has come to in its decade-long experience; that is, that flexible work schedules result in higher usage of buildings and equipment, decreased traffic congestion, and improved attendance, productivity, and worker morale. Industries in my State have successfully utilized this concept.

Congresswoman FERRARO's bill will permanently authorize this successful program. In addition, I understand that the Congressional Budget Office states that not only will this bill not cost the Government anything, it may even save some money. We cannot pass up an opportunity that will yield benefits and save money at the same time.

This bill provides for broad management discretion in establishing limits on the use of flexible schedules to prevent the disruption of agency operations or additional agency costs. The Office of Personnel Management wants even tighter controls on this program; however, more controls would be counterproductive. What OPM is proposing is a new layer of unnecessary regulation and extra paperwork, not program control. I believe that problems are best worked out at the local level by the people involved, not by OPM in Washington.

I urge my colleagues to support H.R. 5366.

Mr. CORCORAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. WOLF), a member of the committee.

Mr. WOLF. Mr. Speaker, I rise in strong support of this bill.

I make three points: First, if there is a problem in the Department of Labor, let us change the management of the Department of Labor.

Second. The main blame with regard to where we are today is with the Office of Personnel Management. They have been asked time after time after time to come forward with their comments, and they have not.

Third. For those of my colleagues who are undecided, I will tell you that I think this bill is really a very important bill for the family. There are many situations where the mother will leave early in the morning and the father will be there when the son or daughter leaves for school and then there will be a parent there when they come home at the end of the day.

I happen to believe that it is extremely important and I would just urge all my colleagues to strongly support this bill. It is a good program. It works well.

Mr. Speaker, I rise in support of the motion to suspend the rules and pass H.R. 5366, the Federal Employees Flexible and Compressed Work Schedules Act of 1982, of which I am an original cosponsor.

During hearings before the Post Office and Civil Service Committee's Subcommittee on Human Resources, I listened carefully to those witnesses expressing their views on the alternative work schedules (AWS) program authorized as an experimental program in 1978. Those hearings demonstrated clearly that management, employees, and academic experts rate the AWS program as very successful. Indeed, in a September 1981 report to Congress, the Office of Personnel management stated that "more than 90 percent of employees and more than 85 percent of supervisors were satisfied with and wish to retain their AWS schedule." More than 1,500 Government organizations with over 325,000 employees participated in the AWS experiment. Supported unanimously by the Subcommittee on Human Resources, H.R. 5366 was reported by the Committee on Post Office and Civil Service on February 10, 1982.

The AWS program has permitted Federal employees to utilize work schedule designs which depart from the traditional 5-day, 40-hour work week. While new to the Federal Government, flexible work schedules, a variety of arrangements in which fixed times of arrival and departure are replaced by core working hours and expanded arrival and departure bands, and compressed schedules, such as the 10-hours-per-day, 4-day workweek, are increasingly common in the private sector. OPM reported that like the private sector, the Federal Government also benefited from alternative work schedules. The AWS experiment, OPM noted, resulted in greater efficiency in Government operations, reductions in total vehicle miles per week and increased use of mass transit and car/van pooling, reduced building energy consumption on nonwork days where compressed schedules were used, and increased public accessibility to Government services at agencies open longer because of flexible work schedules.

What was of critical significance in the OPM report, however, a finding corroborated by the testimony of employee association representatives, was the marked improvement in employee morale as workers were allowed increased control over the matching of interests outside the job with work requirements. Under AWS, employees are able to spend more time with their families, more effectively attend to their household responsibilities, and better structure their leisure time. Because working spouses are able to stagger their arrival and departure times, the AWS program means that at least one parent is able to see their child off to school in the morning, and be there at home when the child returns.

Mr. Speaker, one example of the success of the Federal Government's AWS program is evidenced at the U.S. Geological Survey's facility in Reston, Va. The Geological Survey's own independent evaluation of its AWS program reached much the same conclusion as the OPM report concerning the benefits of alternative work schedules. As one Geological Survey employee stated:

> The single most important factor regarding the use of the variable work schedules is the increased morale factor, and that management is giving employees the feeling that they are being trusted to use good judgment in planning their work day.

Mr. Speaker, both employers and employees vigorously support the alternative work schedule program, a program which has demonstrated its ability to increase Government efficiency and markedly boost employee morale. Because the current authority for the AWS program expires on March 29, 1982, I urge my colleagues to support the motion to suspend the rules and pass H.R. 5366.

Ms. FERRARO. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, let me first of all commend my colleague for the leadership she has put forth in this legislation.

I support this legislation very strongly and I wish to commend the committee.

I have a short colloquy that I would like to have with the chairman of the committee.

May I ask the gentlewoman, what assurances can the committee give that title VI of the GAO Policy and Procedures Manual for Pay, Leave and Allowances, will be enforced?

Ms. FERRARO. May I say to the gentleman from Iowa (Mr. BEDELL), before I answer, let me just say that I do appreciate because the gentleman did come before our committee and testify and his contribution to the work done by the committee was invaluable. As a result of the testimony of the gentleman from Iowa, in our report the committee directs OPM to insure a regulation that necessary time accounting systems are in place.

The committee will be reviewing conformance with that requirement during the oversight process.

Mr. BEDELL. I thank the gentlewoman.

Does the committee consider the accountability of time recording methods to be one factor to be considered regarding the effect of flexible time schedules on the efficiency of Government operations?

Ms. FERRARO. Absolutely. That is another matter which is specifically addressed in the report under the title of "Accountability" on page 7.

Mr. BEDELL. I thank the gentlewoman very much.

I should say that as far as I know I am the only Member of Congress who goes out and makes unannounced visits to various agencies of Government. I can tell you that, indeed, there are problems in the Department of Labor, because that is one of the places I have visited, but it is not the only one I have visited. There are a great number of places.

I find that there are a great many cases where people simply are not signing in or signing out under the current system.

As I met before the subcommittee, I urged them that the GAO require a system of signing in and signing out in order that when I sign in, the next person cannot sign in prior to the time I signed in, so that we have this accountability.

This does not require time clocks. It does not require anything very major; but in my opinion, unless we mandate that, indeed, there is going to have to be accountability where we see that people are working the full number of hours that they are supposed to work, there is going to be continual objections to flexitime, which I support. I support flexitime very, very much. I think it is imperative that we try to see that there is sequential accounting procedures as well as a way to avoid potential future problems.

Clearly, flexible time schedules and compressed work schedules should be permanently authorized for Federal employees. However, if appropriate accountability is not developed and implemented by GAO and OPM, additional congressional oversite may be needed which could very likely be followed by restrictive legislation. I urge GAO and OPM to consider sequential accounting procedures as a way to avoid this potential problem.

Thank you, Mr. Speaker.

Mr. CORCORAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Speaker, I have listened with considerable interest to the debate here this afternoon on this legislation. From some of the comments, you would think we are doing something really new and unique in the field of personnel management; but I would like to remind you that there are 10 million full-time workers in the private sector who enjoy flexible work schedules. These variations in fixed time have evolved as a means of coping with social change, particularly the dramatic increase of women in the work force. I think that, as my colleague, the gentleman from Virginia (Mr. WOLF) pointed out, is one of the most important aspects of this whole consideration.

I rise in support of the adoption of this legislation and trust that my colleagues will vote for it later this evening.

Mr. Speaker, I would like to express my strong support for H.R. 5366, which would permit and encourage the continuation of the flexitime program for Federal employees. In the past year, I have met with a number of Federal workers and their supervisors who report that flexible work schedules have worked well and should be continued. The adoption and implementation of flexible hour scheduling has enabled employees to gain some control over their hours of work. By adjusting their work hours, they can meet their personal needs and preferences and still maintain their commitment to their job.

There is nothing complex about this program, the concept is quite simple. Flexible hours are those hours that proceed and follow the set hours and the time in which employees can choose their own times of arrival and departure. Flexitime may not be used by an employee to reduce hours of work, nor can it be used by an employee to relieve another employee from fulfilling a basic workweek requirement. Flexitime merely enables individuals to adjust their schedules so they can take care of personal matters like child care responsibilities or make contributions to the community by engaging in activities such as Scouting or youth sports teams. In addition, there are many elderly and handicapped people who also benefit from flexitime because they can travel to work more easily outside the hours of peak traffic.

Mr. Speaker, flexible schedules have proven to have other important aspects that benefit both employee and employer. There is very convincing evidence which indicates that this type of work scheduling has increased productivity, reduced the use of sick leave and tardiness, and has increased employee morale. In many instances, the hours of service to the public has been extended because many individuals have chosen to work earlier or later hours than the normal 9 to 5 schedule. By carefully arranging work shifts, employers can operate longer hours, resulting in increased service to the public.

By giving the supervisors this responsibility, the program has operated in a way which the employee's choice of arrival and departure does not interfere with the duties and requirements that are required of that position.

Everyone benefits from flexible work schedules. The Federal Government benefits from the program because the increased morale has led to an increase in productivity. If we want Federal workers to be effective and efficient, we must give them our support by allowing this program to continue.

The general public also benefits from this program because flexible work schedules have increased operational hours and has meant greater accessibility to services being offered by the various agencies. Another advantage of flexitime is that there has been some reduction in the number of workers who travel during peak traffic hours. This has resulted in less traffic congestion and air pollution from auto emissions of stop and go traffic.

Most importantly, the employees who participate in flexitime have an opportunity, to some extent, to determine the conditions and circumstances of their own employment. In light of the anxiety and instability created by the reduction-in-force process, the problems surrounding the health benefits program, and the extremely low cost-of-living increase given Federal workers, it is critical that we continue this important program.

I strongly support this program and I appeal to my colleagues to support Federal employees, their supervisors, and the general public, by voting in support of H.R. 5366.

Mr. CORCORAN. Mr. Speaker, I yield myself the remaining time at my disposal.

Mr. CORCORAN. Mr. Speaker, let me just go over a couple points that have been raised, and they are two.

First, the significance of the bad experience that the experimental program has had in the Department of Labor and, second, the way in which under the time constraints that we have I believe we can properly address the concerns that the Office of Personnel Management has indicated.

No. 1, I think, as I said at the outset of this debate, that having taken the route of an experimental program first, we were in a position to learn what problems there might be with alternative work schedules and we have learned that. That is why the legislation before us contains, as I indicted in my colloquy with the gentleman from Illinois (Mr. HYDE) the kind of control, the kind of tools for management, so that if you have a circumstance, a regrettable circumstance like that reported with respect to the Department of Labor, there are two courses of action that can be taken.

No. 1, the Director, the Secretary of the Department of Labor, can cancel the program.

No. 2, the Office of Personnel Management can come forward and cancel the program.

I would submit that that is what should have been done in the last administration with that unfortunate example of what abuse we found.

No. 2, with respect to addressing the concerns of the agency, if we were to try at this late date, some 27 days before the program expires, the experimental program, we would simply not have the legislative time, particularly given the snail's pace of this second session of this Congress in order to take final action.

There is a consensus in the administration, there is a consensus in the Senate, there is a consensus in the House, that the experiment has been a good one. There has been concern about one or two particular additional management tools. I think we can address those once the Senate takes action and once the matter comes back to Congress.

I would hope that for those who want to kill the program, take the action that you choose. You are elected to do that, but if you are in favor of the program, if you want to see this kind of alternative work schedule which did not start with the Government, which did not start with this committee, but started with free enterprise before us, then the way to proceed, it seems to me, is to vote yes on this bill.

Ms. FERRARO. Mr. Speaker, I yield myself such time as I may consume.

I would first off like to thank the ranking member of the subcommittee for his cooperation and his leadership in the work that was done on this bill.

I would also like to mention that in addition to all the benefits that we have seen come from this experiment, and there are many—reduced absenteeism, reduced tardiness, improved morale, longer hours of service to the public—the incredible thing about it is that it has not cost the Federal Government additional money and will not cost additional money.

I think it is a good program. I would urge my colleagues to support its enactment into law.

● Mr. LEHMAN. Mr. Speaker, I would like to express my strong support for the passage of H.R. 5366, the Federal Employees Flexible and Compressed Work Schedules Act of 1982.

The Federal Employees Flexible and Compressed Work Schedules Act of 1978, which authorized Federal agencies and employees to experiment with flexible and compressed work schedules, will expire on March 29. However, in their report on this 3-year experiment the Office of Personnel Management found that the program had been successful, and recommended that Congress enact legislation to allow its continuation.

H.R. 5366 would permanently authorize a program that would permit but not require agencies to use flexible and compressed workweeks. There would be broad management discretion to limit the use of alternative work schedules to prevent agency disruption or increased costs, and coercion concerning employees, right to participate in alternative work schedules would be prohibited. H.R. 5366 authorizes the program to be terminated, subject to collective bargaining agreements, if it is found that the program is not in the best interests of the public, the Government, or its employees.

Not only does the bill contain adequate protections for the public, the Government, and the employees using alternative work schedules, but most importantly it would actually result in many positive benefits for all three of these groups. There would be an increase in the efficiency of Government operations, and extended hours of service to the public. The quality of life for the employees involved would be improved, because they would be given the flexibility to better meet both their family and work responsibilities.

The Congressional Budget Office has stated that passage of this legislation would result in "little cost, and perhaps some initial savings." I would therefore like to express my strong support for the passage of this bill that would help our Federal employees, while at the same time improving Government operations and service to the public.●

● Mr. DANNEMEYER. Mr. Speaker, today, as the House takes up under suspension H.R. 5366, I wish to address this issue of the alternative work schedules program. The 3-year experimental program expires on March 29 and Congress is faced with making it permanent, the reason H.R. 5366 is before us.

There is little controversy over the issue of flexitime, as the experience of the past 3 years has in general supported the arguments of its proponents; namely, that allowing flexible schedules would improve employee morale, make for more sensible logistics and day-to-day operations, and, thereby, help enhance agency productivity. Although there have been exceptions, they have not seriously detracted from the overall positive reaction to AWS.

As a result of the desire to continue the flexitime program on a permanent basis, and because there was no alternative that had been presented in time to be considered, given the March 29 deadline, the House Post Office and Civil Service Committee did on February 10 report out H.R. 5366. In neither full committee nor the Subcommittee on Human Resources did this bill have more able, diligent, and energetic support than that provided by the two ranking members of the subcommittee, Chairwoman GERALDINE A. FERRARO for the majority, and my good friend and colleague from Illinois, TOM CORCORAN, for the minority. They both deserve to be commended and congratulated on their very fine efforts, only one measure of which was the unanimous vote in favor of passage of H.R. 5366.

My only regret is that we were not in timely possession of certain amendments intended to insure and strengthen management controls over the flexitime program. For, though the provisions contained in H.R. 5366 are acceptable, I feel there is room for improvement in the area of designating ultimate decisionmaking authority. I believe that such authority ought to be vested in the chief administrative officials of departments and agencies.

Legislation which would incorporate these provisions might be introduced in the Senate this week. If subsequent action by the Senate sustains this revised version of flexitime, resulting differences to be ironed out during conference, I would urge my colleagues to carefully consider which proposal more adequately deals with the management controls necessary for the successful implementation of flexible work schedules.●

● Mr. BARNES. Mr. Speaker, I strongly support H.R. 5366, the Federal Employees Flexible and Compressed Work Schedules Act of 1982, which permanently authorizes alternative work schedules, commonly known as flexitime, in the Federal Government. Congress must pass and the President must sign this vital legislation before March 29, the date on which the current experimental flexitime program expires.

The use of compressed work schedules, varied days in the workweek and flexitime have been very popular among the more than 320,000 employees in 1,500 Federal organizations that participated in the experimental program. H.R. 5366 permits, but does not require, Federal agencies to develop flexitime. Of the agencies that did participate, 83 percent in the original experiment have expressed a desire to continue.

H.R. 5366 would enable Federal labor organizations to share responsibility with management for constructing flexitime programs by placing flexitime in the collective bargaining process. At the same time, Federal agencies will retain broad discretion to control the impact of flexitime on agency operations and costs. The Office of Personnel Management (OPM) has been given authority to terminate programs it deems not in the public interest.

Members of Congress have been apprised by OPM, however, that it would like to restrict flexitime. At hearings before the House Post Office and Civil Service Subcommittee on Human Resources, chaired by our colleague GERALDINE FERRARO, OPM representative Jim Morrison said that flexitime should be permitted only "in those limited and specific circumstances when they will improve productivity or provide greater service to the public, and only when their use will be cost effective."

OPM's position ignores flexitime's highly positive impact on employee morale. The General Accounting Office (GAO) recently reported that RIF's and furloughs, real or prospective, have taken a terrible toll and have led to measurable losses of productivity in some cases. In my view, abandoning or limiting flexitime under these circumstances would be extremely damaging to the effective operation of the Federal Government.

This legislation means a great deal to Federal employees. They believe that it will help them do a better job, and it will help keep them on the job. Flexitime will help the working mother with young children and the senior employee who is not ready to retire but cherishes 3-day stretches away from work. Flexitime treats Federal employees like the professional people they are, and I urge immediate passage of H.R. 5366.●

● Mr. MOFFETT. Mr. Speaker, I would like to take this opportunity to express my strong support for H.R. 5366, the Federal Employees Flexible and Compressed Work Schedules Act of 1982. As a member of the Congresswomen's caucus, I am aware of the importance of such legislation—which would allow greater flexibility in integrating work schedules with family life—for women in the Federal work force.

The Federal Government's 3-year experiment in alternative work schedules was a great success. In addition to increasing the efficiency of the Government's operations, it raised worker morale substantially. At a time when the bureaucracy is under heavy attack for insensitivity, inefficiency, and mediocrity, innovations such as these can go a long way toward making Government work again. By humanizing the bureaucracy, and making it responsive to the needs of its employees, the flexitime legislation we are considering today will undoubtedly improve the quality of Government services. I urge my colleagues to support the bill.●

● Ms. OAKAR. Mr. Speaker, I rise in support of Chairwoman FERRARO's bill, H.R. 5366, that would extend on a permanent basis the use of flexitime and a compressed workweek schedule for employees of the Federal Government. H.R. 5366 is needed to assure the continuation of this very successful experiment in alternative work schedules because existing authorization is due to expire less than a month from now, on March 29, 1982.

Flexitime and compressed work weeks have proven to be very popular among the 325,000 Federal employees who have participated in the program. These employees have been given a greater sense of responsibility in managing their own working hours. The result has been a dramatic improvement in morale and productivity.

Alternative work schedules have been of particular usefulness to working mothers who have been able to coordinate their working hours with their family responsibilities.

Mr. Speaker, this legislation can extend on a permanent basis the positive results achieved thus far with flexitime and compressed workweeks. I congratulate Chairwoman FERRARO for the fine work she has done on H.R. 5366 and urge my colleagues to support this bill.

Thank you.●

● Mr. KOGOVSEK. Mr. Speaker, I rise in support of the bill. The Federal Employees Flexible and Compressed work Schedule Act of 1978, established a 3-year experiment with alternative work schedules. The administration has reported the success of the program. According to the Office of Personnel Management, alternative work schedules: Increased the operational efficiency in 30 to 35 percent of the agency experiments, increased the use of mass transportation and car/van pooling by employees, and provided most employees with a greater feeling of control over their work lives and provided them with more time to devote to personal, family, cultural, and social activities. I might add that over 90 percent of nonsupervisory employees and over 85 percent of supervisors were satisfied with and wish to retain their alternative work schedules.

I urge my colleagues to support this legislation.●

● Mrs. SCHROEDER. Mr. Speaker, I rise in strong support of H.R. 5366, the Federal Employees Flexible and Compressed Work Schedules Act of 1982. This bill provides permanent reauthorization for alternative work scheduling (AWS) in the Federal Government. The current authority expires in less than 4 weeks.

In 1975, the Ford administration proposed enactment of legislation to permit experimentation with flexible and compressed work schedules by waiving the existing legal limitations on them. In 1978, Congress enacted Public Law 95-390 which established a 3-year experimental program.

The experiment has been very successful. There are 1,500 Federal installations, involving 325,000 Federal employees, that have used flexible scheduling. Many use the 4-day, 10-hour week. Some allow employees to bank up to 10 hours in a biweekly pay period, if they work more than the standard 8-hour day. Others permit 9-hour days, with 1 extra day off every 2 weeks. The program has improved employee morale by offering employees more control over their work schedules and lives. At the same time, it has benefited the Government by producing documented reductions in tardiness, absenteeism, and use of sick leave. Most importantly, the public has been better served because agencies in flexitime are often open more hours each day.

So, what we have is a highly successful, productivity enhancing program which is about to die. We should band together to keep it alive. Despite the fact that the Office of Personnel Management (OPM) issued a positive evaluation and recommended permanent reauthorization, the administration sent up legislative proposals after the committee had reported out the legislation. The legislative proposals are of the "kill it with kindness" variety. They add unnecessary and costly regulatory burdens to the program. We have enough controls on flexitime now.

Use of alternative work schedules originated in the private sector, where today more than 9.5 million workers are on flexible and compressed schedules. The reason for the growth of AWS in the private sector is that a carefully implemented alternative work schedules program provides a win/win situation for both employers and employees. It is a low cost way to improve productivity and increase employee morale since it does not require changes in the work process or technology. It is a change that requires little or no capital investment, yet has tremendous payoff for the organization.

Use of alternative scheduling is no excuse for sloppy management inside or outside the Federal Government. In fact it should encourage managers to review their management style. To assure a successful program, managers must do careful planning and insure that accountability is maintained. Employees are still required to put in their full 40-hour week. They are allowed, however, greater flexibility in the arrangement of their workday or workweek. Good management should have means, other than physical supervision, to insure that employees do their work.

Flexible work hours in the Federal Government does not mean that employees wander in and out of their offices at will. Managers must assure that there is adequate coverage at all times. Use of flexible hours helps them to have more coverage at all times, but use of flexible hours helps them to have more coverage during peak periods. Having the office open longer hours permits greater contact between headquarters and west coast offices that must do business with each other.

Like the experimental program, H.R. 5366 retains protections for the Government. The bill allows the Office of Personnel Management or an agency to terminate a program if it is determined that AWS is not in the best interest of the public or the Government, subject to collective bargaining agreements. During the Federal experiment 85 to 1,500 Federal programs were terminated in 13 departments or agencies. More than half of these were in two agencies, the U.S. Army and the Veterans' Administration. Yet, termination may not be the best method of dealing with abuse. Peer pressure on those who abuse the program can be an effective way to insure good faith compliance.

The bill furthermore specifies that if an agency head finds that the AWS disrupts its functions or results in additional costs, the agency head may restrict the employee's choice of arrival and departure time, restrict the use of credit hours, or exclude from the program any employee or group of employees.

In its testimony on H.R. 5366, the General Accounting Office testified that this bill gives the agency head and OPM the authority to terminate or restrict the program if there is a negative effect. It was the opinion of the GAO that the initial data indicates that AWS has not hurt Government efficiency and in many cases has improved it, at the same time that it has boosted employee morale. For that reason they recommended the enactment of H.R. 5366, which contains appropriate safeguards for the agency and OPM.

The Federal AWS experiment expires on March 29 unless it is reauthorized. The program has won widespread support throughout the Government. According to OPM's interim report, 90 percent of the employees and 85 percent of the supervisors using AWS wish to retain alternative work scheduling. I have heard from hundreds of employees who favor continuation of AWS. Finally, every major Federal employee union has endorsed the bill.

Flexitime increases employee morale and productivity. It has the potential for improving labor-management relations and taps the huge employee potential for improving productivity.

I commend the gentlelady from New York (Ms. FERRARO) for introducing this legislation and her subcommittee for its full support. I urge my colleagues to vote favorably on H.R. 5366. I am convinced that it contains adequate protections for both the Government and employees and should be permanently authorized before the program terminates on March 29.●

Ms. FERRARO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentlewoman from New York (Ms. FERRARO) that the House suspend the rules and pass the bill, H.R. 5366, as amended.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Ms. FERRARO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill, H.R. 5366, just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

GOLD MEDAL FOR QUEEN BEATRIX

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 348) to provide for the awarding of a special gold medal to Her Majesty Queen Beatrix in recognition of the 1982 bicentennial anniversary of diplomatic and trade relations between the Netherlands and the United States.

The Clerk read as follows:

H.J. RES. 348

Whereas Dutch antecedents in the United States go back to the early 1600's when a few doughty Dutch began to explore and settle Manhattan Island and the Hudson River Valley;

Whereas the Netherlands became the first nation in 1776 to salute the flag of the new American Nation;

Whereas John Adams, first United States Minister to the Netherlands and second President of the United States, signed a mutually advantageous Treaty to Amity and Commerce with the Netherlands in the decisive year of 1782;

Whereas the Netherlands was the source of a series of needed loans starting in 1782, which eventually totaled the equivalent of $12 million;

Whereas it is with the Netherlands that the United States has its longest peaceful and unbroken relationship;

Whereas the year 1982 will mark the two hundredth anniversary of the opening of diplomatic relations with the Netherlands;

Whereas these two centuries of official relations have been based on exemplary friendship, mutual trust and respect, and a perceived interest in practical forms of cooperation;

Whereas the thirty-six years of vigilant peace since the end of World War II have seen a remarkable growth in the United States-Dutch relationship; and

Whereas, in keeping with the spirit and content of the Treaty of Amity and Commerce, the United States and the Netherlands have become active partners in defense and commerce: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to present, on behalf of the Congress, to Her Majesty Queen Beatrix, a gold medal of appropriate design in recognition of the two hundredth anniversary, in 1982, of the establishment of diplomatic and commercial relations between the Governments of the United States and the Netherlands. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury. There is authorized to be appropriated not to exceed $22,000 after November 1, 1981, to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery overhead expenses, and the gold medal. The appropriation used to carry out the provisions of this subsection (a) shall be reimbursed out of the proceeds of such sales.

(c) The medals provided for in this section are national medals for the purpose of section 3551 of the Revised Statutes (31 U.S.C. 368).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Illinois (Mr. ANNUNZIO) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. WYLIE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 348 would authorize the presentation of a gold medal to Her Majesty Queen Beatrix of the Netherlands in recognition of the Bicentennial of diplomatic and trade relations between the Netherlands and the United States. I am proud to be one of the 226 cosponsors of this legislation.

The ties between this Nation and the Netherlands go back more than 200 years. Every schoolchild knows the story of the purchase of Manhattan Island from the Indians for $24 by Peter Minuet. This purchase led to the founding of New Netherlands, which later became New York. In 1776, as our forefathers began their struggle for independence, the Netherlands became the first nation to recognize the new nation when one of their warships saluted our flag.

The formal beginning of our unbroken 200-year history of friendship, mutual trust, and respect started when the two nations entered into a Treaty to Amity and Commerce in 1782.

This legislation will result in no net cost to the taxpayer. The cost of the gold medal will be reimbursed from the sale of bronze duplicates.

Last week the Subcommittee on Consumer Affairs and Coinage heard the testimony of the eloquent and distinguished gentleman from Michigan (Mr. VANDER JAGT). His remarks persuaded the subcommittee to unanimously pass this resolution so that we could bring it to the House floor today.

Queen Beatrix will be visiting the United States next month and she will be addressing a special joint session of Congress. I urge my colleagues to pass this legislation today so that we can have an opportunity to have the medal prepared in time for her appearance before the Congress.

Mr. WYLIE. Mr. Speaker, I yield myself 2 minutes.

Mr. WYLIE. Mr. Speaker, I rise in support of House Joint Resolution 348. I am a sponsor of the bill, as are most Members of the House of Representatives. This substantial support, I might say, Mr. Speaker, is a tribute to the leadership, persuasiveness and tenacity of the measure's principle sponsor, the gentleman from Michigan (Mr. VANDER JAGT), who I may say is a doughty Dutchman himself, and I want to compliment him for his success in getting this bill to the House floor so expeditiously.

This resolution, as has been mentioned, does provide for a gold medal to honor 200 years of a Dutch-American pact of amity and commerce. That record of friendship is the longest unbroken peaceful relationship of its kind with the United States of any foreign power. As stated in the resolution, the Dutch have made significant contributions to the United States over the course of more than 370 years.

□ 1430

They were early explorers and settlers in the Hudson Valley. The Netherlands was the first nation to salute the U.S. flag. It was among the earliest to grant diplomatic recognition to the United States when it became a nation, and in 1782 it was the source of much needed financial assistance for the new American Nation.

During the celebration of 200 years of treaty relations between our two nations, Queen Beatrix of the Netherlands will visit the United States. As one part of her visit, she will address a joint session of Congress on April 20. House Joint Resolution 348 is an important part of that visit. With timely action by the Congress, President Reagan will be able to present on behalf of our Nation a gold medal to the Queen to commemorate the 200th anniversary and commercial relations between the Netherlands and the United States.

Mr. Speaker, I might say that the President spoke on Dutch-American Friendship Year Celebration on February 17, 1982, and I submit the President's remarks at this point in the RECORD:

[Message of the President, Feb. 17, 1982]

DUTCH-AMERICAN FRIENDSHIP YEAR, 1982

April 19, 1982 marks the two hundredth anniversary of the establishment of diplomatic relations between The Netherlands and the United States of America. This is the United States' longest unbroken, peaceful relationship with any foreign power.

From the very beginning, Americans and Dutch were drawn together by mutual ideals. As early as 1776, the rebellious American colonies saw the republican Netherlands as a potential ally, while the Dutch viewed the North American colonies' struggle for independence as a parallel to their own historical struggle for freedom. The widespread sympathy and goodwill in The Netherlands for the success of the American quest for freedom was illustrated by several Dutch gestures that boosted colonial morale:

On the Dutch island of St. Eustatius in the Caribbean, the First foreign salute to the American flag took place on November 16, 1776; John Paul Jones was received as a hero in Amsterdam in 1779 when he landed with two captured British ships; and the Dutch Government entered into secret negotiations with the Continental Congress, starting in 1778, on the draft of a Treaty of Amity and Commerce.

But, most important, on April 19, 1782, John Adams was admitted by the States General of the Dutch Republic as Minister of the United States of America, thus obtaining the second diplomatic recognition of the United States as an independent nation. Adams also succeeded, on October 8, 1782, in signing the first Treaty of Amity and Commerce between the two countries. This shortly led to a series of vital loans totaling the equivalent of 12 million dollars. This recognition of the United States as an independent nation can be regarded as a culmination of our country's efforts to take its rightful place in the world community of nations as a sovereign state.

In the nineteenth century Dutch immigrants and capital continued to play an important role in the development of our young nation. A considerable part of upstate New York was developed by investments from The Netherlands, and the vast Louisiana Purchase was financed through loans placed in Amsterdam. Washington Irving wrote of the Dutch settlers of the Hudson Valley, and immigrants from Holland founded many new towns on the frontier of the 1840s in Iowa, Michigan and Wisconsin. The Netherlands helped finance much of the building of the great American railway systems which opened up the West and contributed three U.S. Presidents of Dutch descent—Martin Van Buren, Theodore Roosevelt, and Franklin Delano Roosevelt.

During the dark days of World War II, America was able to return this early support for our nationhood. Thousands of our young men are buried on Dutch soil, having given their lives in the liberation of The Netherlands.

Today, the United States and The Netherlands share a joint commitment to mutual security and the defense of freedom through our NATO partnership. Our close economic ties reinforce our common philosophic and political goals, and The Netherlands is now the top foreign investor in the United States—a clear sign of Dutch confidence in our country and its future.

While the particular expression of our policies and actions has not always been identical, the theme of common interests and shared ideals has been a hallmark of the continuously peaceful and productive relationship between the United States and The Netherlands for two hundred years.

In recognition of this long and fruitful relationship between our two countries, I call on all Americans to join with citizens of The Netherlands in observing 1982 with appropriate ceremonies and activities to recall the long-standing friendship and shared values of our two peoples.

RONALD REAGAN.

Mr. WYLIE. Now, Mr. Speaker, in urging support of the joint resolution I would like to yield 2 minutes to the distinguished principal sponsor of the joint resolution, my friend, the gentleman from Michigan. (Mr. VANDER JAGT.)

Mr. VANDER JAGT. Mr. Speaker, I thank the gentleman for yielding and for his kind words, and for his leadership on behalf of the joint resolution.

Mr. Speaker, I rise in support of House Joint Resolution 348, and to thank and commend the distinguished chairman of the Subcommittee on Consumer Affairs and Coinage for his leadership on this very important resolution, and to thank each and every member of that subcommittee.

As the chairman and the distinguished gentleman of Ohio have explained, this would authorize the President of the United States to present a gold medal to Queen Beatrix of the Netherlands. In a larger sense, however, it is an authorization of a gold medal of the American people to all of the people of the Netherlands in recognition of 200 years of continuous, unbroken friendship.

I hope all my colleagues join in recognizing this very unique and special friendship and relationship by voting overwhelmingly for the joint resolution.

Mr. WYLIE. Mr. Speaker, I thank the gentleman from Michigan for his contribution, and I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, it is a pleasure to rise in support of House Joint Resolution 348, to authorize a gold medal to be presented to Queen

Beatrix of the Netherlands on behalf of the Congress.

The 26th District of New York, which I am privileged to represent, was the site of many of the earliest Dutch settlements in the New World. Many place names, particularly in Rockland County, N.Y., reflect the heritage of their earliest settlers.

According to the Rockland County Data Book:

> In 1609, Henry Hudson sailed up the Hudson and dropped anchor (it is now believed) in Tappan Zee, off the spot that was later called Piermont. * * * David Pietersen DeVries was a Dutch navigator and an official in the Dutch East India Company, who, around 1640, bought a tract of land from the Indians in the area of what is now Tappan, and called it Vriesendael. Here he hoped, with emigrants from New Amsterdam, to found a permanent settlement where the inhabitants could trade peacefully with the Indians and get a living from the soil for themselves, their families, and their animals.
>
> His dream was shattered three years later when the Indians, enraged at being constantly defrauded by some of the settlers, attacked the settlement and reduced it to ruins * * *
>
> Two or three other settlements were founded after that, but it was not until 1675 that permanent colonization of the land began. In that year a young Dutch immigrant, Harmon Dowsa (whose family name of Talma has been variously spelled Talman, Taulman, and Tallman) established a home in Nyack. Eight year later, he induced several families to move into the area; this was the County's first permanent settlement.

Beyond the historic ties between the New World and the Netherlands, the warmth of the relations between our Governments over the years is worthy of approbation. The Dutch were the first to recognize our new Nation after the outbreak of the Revolution, and these friendly ties have never been broken.

Mr. Spencer, it is altogether fitting that we honor the Dutch nation by presenting a gold medal to Queen Beatrix on the occasion or her forthcoming visit to the United States. I commend the efforts of the gentleman from Michigan (Mr. VANDER JAGT) in sponsoring this bill and the cooperation and the efforts of the gentleman from New Jersey (Mr. ANNUNZIO), the distinguished subcommittee chairman and the ranking member of the subcommittee, the gentleman from Ohio, Mr. WYLIE, in bringing this bill before the House, in recognition of the 1982 bicentennial anniversary of diplomatic and trade relations between the United States and the Netherlands.

My colleagues may be pleased to learn that in April 1982, at the same time that Queen Beatrix will be visiting the United States, the American Women's Club of The Hague, and the bipartisan Committee of the Netherlands will be commemorating the bicentennial of John Adams' presentation of his credentials as the first U.S. Ambassador to The Hague.

Mr. WYLIE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of House Joint Resolution 348 authorizing a gold medal for Queen Beatrix.

This is a fitting tribute to the gracious sovereign of the Netherlands who will be addressing a joint session of Congress on April 20. 1982 marks the 200th anniversary of friendship between the United States and the Netherlands. In 1782 our two nations concluded a treaty of trade and friendship which was founded on the ideals of political and religious liberty. This was a sign of the strong interest the Dutch Republic had in the young American Republic. Dutch traders provided the colonists with arms and ammunition and the first official honors paid to the new flag of the United States in 1776 occurred when the Dutch saluted the ship of John Paul Jones. What John Paul Jones said then in response to the honors holds true today 200 years later:

> Let but the two Republics join hands and they will give Peace to the World.

Now, 200 years later and 30 years after her mother, Queen Juliana, addressed the U.S. Congress, we will have the good fortune to receive Queen Beatrix and reaffirm the close, historic ties between the Netherlands and the United States. I might add that I had the honor to meet with Her Majesty in January in The Hague when she received the delegations from the U.S. Congress and the European Parliament when we were meeting in the Dutch capital. I am now happy that we in Congress will be able to return the kind hospitality of Queen Beatrix and continue with her what was an extremely useful and interesting dialog.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for his contribution.

● Mr. COURTER. Mr. Speaker, I rise in support of House Joint Resolution 348 to award a gold medal to the people of the Netherlands when Queen Beatrix visits the United States in April during her 5-day state visit.

Three Presidents—Martin Van Buren, Theodore Roosevelt, and Franklin D. Roosevelt—had Dutch ancestors. William Penn, another major political figure in American history, had family links to the Netherlands.

The people of the Netherlands are a proud and hard-working people and were among our most progressive settlers. The Netherlands and the United States have stood together for 200 years.

Dutch-American bicentennial observance gives us an opportunity to reflect on the contributions of the Dutch-Americans and to expand on the two centuries of diplomatic and trade relations which have benefited the Netherlands and the United States so greatly.

I urge my colleagues to support this measure.●

● Mr. DERWINSKI. Mr. Speaker, I rise in support of House Joint Resolution 348, to award a special gold medal to Queen Beatrix to mark 200 years of diplomatic and trade relations between the Netherlands and the United States.

Her Majesty, Queen Beatrix, will address a joint session of Congress on April 20 during her state visit to the United States.

The Netherlands-United States bicentennial observance offers an appropriate opportunity to focus attention on the fact that people of Dutch descent have contributed immensely to our American heritage. For 200 years, the Netherlands and the United States have stood together in war and in peace.

The Dutch were among the earliest and most progressive settlers of Cook and Will Counties in Illinois. My lovely wife Pat is of Dutch ancestry.

During the Dutch-American bicentennial observance, we as Americans can prove we appreciate and want to expand on the two centuries of friendship which have benefited the Netherlands and the United States so greatly.●

Mr. WYLIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ANNUNZIO) that the House suspend the rules and pass the joint resolution, House Joint Resolution 348.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

NAMING A NUCLEAR-POWERED AIRCRAFT CARRIER U.S.S. "HYMAN G. RICKOVER"

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4977) to direct the President to name the next *Nimitz*-class nuclear-powered aircraft carrier as the U.S.S. *Hyman G. Rickover.*

The Clerk read as follows:

H.R. 4977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall name the next Nimitz class nuclear-powered aircraft carrier named after the date of the enactment of this Act as the United States Ship Hyman G. Rickover.

The **SPEAKER** pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida (Mr. BENNETT) will be recognized for 20 minutes, and the gentleman from South Carolina (Mr. SPENCE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BENNETT).

GENERAL LEAVE

Mr. **BENNETT**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent that all Members be allowed to extend their remarks on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. **BENNETT**. Mr. Speaker, I move to suspend the rules and pass the bill H.R. 4977, to direct the President to name the next *Nimitz*-class nuclear-powered aircraft carrier as the U.S.S. *Hyman G. Rickover.*

The bill would simply direct the President to name the next nuclear-powered aircraft carrier the U.S.S. *Hyman G. Rickover.* Presumably this would be the CVN-72, for which the Congress authorized long lead funding in fiscal year 1982.

The committee believes that there is no more fitting recognition of the contributions Admiral Rickover has made than to name a capital ship of the U.S. Navy in his honor. The nuclear-powered aircraft carrier is the keystone of the U.S. Navy surface fleet and the mightiest of ships of the Navy today.

The Secretary of the Navy has recently said that he would prefer to name a nuclear-powered submarine in honor of Admiral Rickover, and in testimony before the Seapower Subcommittee, Rear Admiral Kane, Director for Naval History, suggested that naming a nuclear-powered submarine would be an appropriate way to recognize the accomplishments of Admiral Rickover. Certainly this would be appropriate. However, just as Admiral Rickover's achievements and contributions are unique, the nuclear-powered aircraft carrier is a unique expression of the U.S. naval power and naming an aircraft carrier is a most fitting way to recognize Admiral Rickover's achievements.

Admiral Rickover is responsible for the introduction of nuclear power to the U.S. Navy. The nuclear powerplants that Admiral Rickover has been responsible for developing, building, and operating, have been used in aircraft carriers, cruisers, and submarines. Admiral Rickover also led the scientific, technical, and industrial team which developed and constructed the Shippingport, Pa., nuclear-powered, electric generating plant, the first commercial generating plant in the United States.

As these examples show, Admiral Rickover's accomplishments and contributions go far beyond the development of the nuclear submarine.

It is also important to note that Admiral Rickover has not sought this honor. He has stated to me and to others that he would prefer that no ship be named in honor of him.

I spoke with Mrs. Rickover about this matter in an attempt to better understand Admiral Rickover's feelings, and it is my judgment based on that conversation that if a ship is to be named for him that Admiral Rickover would prefer an aircraft carrier.

Certainly there is precedent for congressional action to direct the naming of a Navy vessel. An act of March 2, 1895, assigned the name *Kearsarge* to one of two battleships in the building program that year to commemorate the Civil War steam sloop-of-war which defeated the Confederate raider *Alabama.* An act of May 4, 1898, assigned the name *Maine* to one of three battleships in the supplementary building program for that year in commemoration of the armored battleship which had blown up in Havana Harbor earlier that year.

There is also precedent for naming aircraft carriers for distinguished Americans. A review of these names reveals that those so honored have been leaders in the executive branch, as in the case of Presidents Franklin and Theodore Roosevelt, Kennedy, and Eisenhower, and Secretary of Defense Forrestal; in the legislative branch, as in the case of Congressman Carl Vinson; and in the Navy, as in the case of Fleet Admiral Nimitz.

Finally, with the naming of the U.S.S. *Vinson,* long standing Navy tradition to honor only deceased persons in the naming of the Navy's ships was broken.

Admiral Rickover has dedicated his life to service to this country. His Navy career has spanned nearly six decades of naval service, with more than three dedades as Director of Naval Reactors. He has been responsible for the transformation of nuclear power for naval vessels from concept into reality. Much of this achievement came about despite impediments and opposition. Today there are more than 130 nuclear-powered vessels in the U.S. Navy, including four aircraft carriers and nine cruisers; and our country is much stronger because of their presence.

Admiral Rickover's accomplishments mark him as a great American. His dedication, foresight, and hard work have brought us to the point today that we are deploying ships that will operate for more than a decade without refueling. They are capable of steaming anywhere in the world without stopping to refuel and without slowing down to wait for support vessels. They are so reliable that we do not routinely consider their reliability. Their safety record is unsurpassed.

In passing this legislation we will not be simply giving honor to one who truly deserves it, we will be reminding future generations of Admiral Rickover's great accomplishments. This is good for the Navy and it is good for America.

The committee favorably recommends H.R. 4977 to the House for its approval.

Mr. **SPENCE**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure for me to speak in favor of this bill, H.R. 4977, which directs the President to name the next nuclear-powered aircraft carrier, U.S.S. *Hyman G. Rickover.*

In January 1955 the world's first nuclear-powered submarine, the U.S.S. *Nautilus* (SSN-571) put to sea, and its skipper, Comdr. Eugene P. Wilkinson, signaled the historic message "Underway on nuclear power."

This magnificent achievement was largely the result of Admiral Rickover's untiring efforts to coordinate the design and development of the Navy's nuclear propulsion program by many top professionals in industry, universities, and research organizations.

In the course of over 30 years since that breakthrough in naval propulsion, an impressive range of nuclear-powered naval vessels have joined the fleet; submarines, cruisers, and aircraft carriers.

It is interesting to contemplate how far or how safely the nuclear reactor program would have advanced. If in 1952, after twice failing of promotion from captain to rear admiral—"because his experience was too specialized"—the Congress had not intervened. Soon thereafter, the Navy Selection Board was directed to promote one engineering officer "experienced and qualified in the field of atomic propulsion machinery for ships."

Throughout his lifetime Admiral Rickover, the father of the nuclear Navy, has vigorously nurtured his infant's growth within a rigid discipline of excellence and high achievement. He has set and lived by standards few can match.

In an article entitled "Thoughts on Man's Purpose in Life . . . and Other

Matters," Admiral Rickover recently wrote:

> The deepest joy in life is to be creative. To find an undeveloped situation, to see the possibilities, to decide upon a course of action, and then devote the whole of one's resources to carrying it out, even if it means battling against the stream of contemporary opinion, is a satisfaction in comparison with which superficial pleasures are trivial. But to create you must care. You must be willing to speak out.

Well, as we all know, he has indeed been creative and outspoken and we have benefited from his guidance.

I am aware that Admiral Rickover does not approve of the action we are taking here today. He feels that honors such as this should not be bestowed on living persons. I appreciate his viewpoint. However, there is precedent for such action by Congress, and it is precisely because such honor is reserved for extraordinary accomplishment that I believe that today's proceedings are appropriate and deserved.

It is because of the rich legacy of accomplishment that he has left mankind that I think it is fitting that this unique naval officer should be honored by the American people by christening the next nuclear-powered aircraft carrier in his name.

● Mrs. HECKLER. Mr. Speaker, today I would like to express my deep appreciation for the long, brilliant, and selfless career of the distinguished Adm. Hyman G. Rickover, USN. His dedication to excellence, innovation, efficiency, and honesty set a high standard exemplified by the motto, "Why not the best?" This motto is a fitting description of his career.

As father of the nuclear navy Admiral Rickover made an enormous contribution to the defense of his country. Moreover, his exacting and persistent demands for economy and elimination of waste in procurement have probably saved billions of taxpayers' dollars over the years. On January 28, 1982, Admiral Rickover made his last appearance before Congress as a witness before the Joint Economic Committee, of which I am proud to be a member. His statement was an inspiring example of insightful wisdom and sober analysis.

The adoption of H.R. 4977, which calls for naming the next *Nimitz*-class nuclear-powered aircraft carrier after Admiral Rickover, would facilitate proper recognition of his outstanding and remarkable service to the U.S. Navy. I favor speedy passage of this bill.●

□ 1445

Mr. BENNETT. Mr. Speaker, I have no further requests for time.

Mr. SPENCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BENNETT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BENNETT) that the House suspend the rules and pass the bill, H.R. 4977.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order: House Concurrent Resolution 226, House Joint Resolution 373, and H.R. 5366, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

SENSE OF CONGRESS THAT THE PRESIDENT SHOULD PRESS FOR SAFE AND STABLE ENVIRONMENT FOR FREE AND OPEN DEMOCRATIC ELECTIONS IN EL SALVADOR

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 226.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. BARNES) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 226) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 396, nays 3, not voting 35, as follows:

[Roll No. 10]

YEAS—396

Addabbo
Akaka
Albosta
Alexander
Anderson
Annunzio
Anthony
Applegate
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bevill
Bingham
Blanchard
Bliley
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Broomfield
Brown (CA)
Brown (CO)
Brown (OH)
Broyhill
Burgener
Butler
Byron
Carman
Carney
Chappell
Chappie
Chisholm
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (TX)
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Daub
Davis
de la Garza
Deckard
Dellums
DeNardis
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Dreier
Duncan
Dunn
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
Emery
English
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Evans (IN)
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffries
Jenkins
Johnston
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
LeBoutillier
Lehman
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marks
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Murtha
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rosenthal
Roth
Roukema
Rousselot
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke

Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Watkins
Waxman
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

NAYS—3

Gonzales
Paul
Rudd

NOT VOTING—35

Andrews
Badham
Bethune
Biaggi
Brooks
Burton, John
Burton, Phillip
Campbell
Cheney
Collins (IL)
Conable
Derwinski
Dornan
Downey
Edwards (OK)
Erdahl
Erlenborn
Fary
Foglietta
Fowler
Goldwater
Hagedorn
Hance
Jeffords
Lee
Leland
Lowry (WA)
Mattox
McDade
McHugh
Moffett
Obey
Rostenkowski
Santini
Skelton

□ 1800

The Clerk announced the following pairs:

Mr. Mattox with Mr. Badham.

Mrs. Collins of Illinois with Mr. Bethune.

Mr. Moffett with Mr. Cheney.

Mr. Biaggi with Mr. Erdahl.

Mr. Andrews with Mr. McDade.

Mr. Brooks with Mr. Campbell.

Mr. Skelton with Mr. Derwinski.

Mr. Fowler with Mr. Conable.

Mr. Fary with Mr. Erlenborn.

Mr. Downey with Mr. Lee.

Mr. Obey with Mr. Hagedorn.

Mr. Leland with Mr. Jeffords.

Mr. Lowry of Washington with Mr. Edwards of Oklahoma.

Mr. Phillip Burton with Mr. John L. Burton.

Mr. McHugh with Mr. Hance.

Mr. Rostenkowski with Mr. Santini.

Mr. Foglietta with Mr. Dornan of California.

Mr. MOAKLEY changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF CONGRESS THAT SOVIET UNION SHOULD RESPECT ITS CITIZENS' RELIGIOUS FREEDOM AND RIGHT TO EMIGRATE, AND THAT THIS SHOULD BE AN ISSUE AT THE FORTHCOMING U.N. RIGHTS MEETING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 373, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BONKER) that the House suspend the rules and pass the joint resolution (H.J. Res. 373) as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 387, not voting 47, as follows:

[Roll No. 11]

YEAS- 387

Addabbo
Akaka
Albosta
Alexander
Anderson
Annunzio
Anthony
Applegate
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bevill
Bingham
Blanchard
Bliley
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Broomfield
Brown (CA)
Brown (CO)
Brown (OH)
Broyhill
Burgener
Butler
Byron
Carman
Carney
Chappell
Chappie
Chisholm
Clausen
Clay
Coats
Coelho
Coleman
Collins (TX)
Conte
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Daub
Davis
Deckard
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Dreier
Duncan
Dunn
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
Emery
English
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Evans (IN)
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hall (OH)
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffries
Jenkins
Johnston
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
LeBoutillier
Lehman
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marks
Marlenee
Marriott
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Murtha
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rosenthal
Roth
Roukema
Rousselot
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Spence
St Germain
Stangeland
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Watkins
Waxman
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

NOT VOTING—47

Andrews
Badham
Bethune
Biaggi
Brooks
Burton, John
Burton, Phillip
Campbell
Cheney
Clinger
Collins (IL)
Conable
Conyers
Crockett
DeNardis
Derwinski
Dornan
Downey
Edwards (OK)
Erdahl
Erlenborn
Fary
Foglietta
Fowler
Goldwater
Hagedorn
Hall, Ralph
Hance
Jeffords
Lee
Leland
Lowry (WA)
Martin (IL)
Mattox
McDade
McHugh
Moffett
Obey
Railsback
Roberts (SD)
Rostenkowski
Santini
Scheuer
Schneider
Skelton
Solomon
Whitley

The Clerk announced the following pairs:

Mr. Mattox with Mr. Badham.

Mrs. Collins of Illinois with Mr. Bethune.

Mr. Moffett with Mr. Cheney.

Mr. Biaggi with Mr. Erdahl.

Mr. Andrews with Mr. McDade.
Mr. Brooks with Mr. Campbell.
Mr. Skelton with Mr. Derwinski.
Mr. Fowler with Mr. Conable.
Mr. Fary with Mr. Erlenborn.
Mr. Downey with Mr. Lee.
Mr. Obey with Mr. Hagedorn.
Mr. Leland with Mr. Jeffords.
Mr. Lowry of Washington with Mr. Edwards of Oklahoma.
Mr. Phillip Burton with Mr. John L. Burton.
Mr. McHugh with Mr. Hance.
Mr. Rostenkowski with Mr. Santini.
Mr. Foglietta with Mr. Dornan of California.
Mr. Whitley with Mr. Railsback.
Mr. Scheuer with Mrs. Martin of Illinois.
Mr. Roberts of South Dakota with Mr. Solomon.
Mr. Crockett with Mr. Conyers.
Mrs. Schneider with Mr. DeNardis.
Mr. Clinger with Mr. Ralph M. Hall.

☐ 1515

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEES FLEXIBLE AND COMPRESSED WORK SCHEDULES ACT OF 1982

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5366, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. FERRARO) that the House suspend the rules and pass the bill, H.R. 5366, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 255, nays 142, not voting 37, as follows:

[Roll No. 12]

YEAS—255

Addabbo
Akaka
Albosta
Alexander
Anderson
Annunzio
Anthony
Applegate
Atkinson
AuCoin
Bailey (MO)
Bailey (PA)
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bower
Breaux
Brinkley
Brodhead
Brown (CA)
Byron
Carney
Chisholm
Clausen
Clay
Coelho
Conyers
Corcoran
Courter
Coyne, William
Crockett
D'Amours
Daniel, R. W.
Danielson
Daschle
Davis
de la Garza
Deckard
Dellums
DeNardis
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Dunn
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emery
Ertel
Evans (GA)
Evans (IA)
Evans (IN)
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Findley
Fish
Fithian
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Ginn
Glickman
Gonzales
Gore
Gradison
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harkin
Hawkins
Heckler
Hefner
Heftel
Hertel
Holland
Hollenbeck
Holt
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Jacobs
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
LaFalce
Lantos
Leach
Lehman
Lent
Long (LA)
Long (MD)
Luken
Lundine
Madigan
Markey
Marks
Marriott
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McKinney
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Moakley
Molinari
Moore
Mottl
Murphy
Napier
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Ottinger
Parris
Patman
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Rodino
Roe
Rose
Rosenthal
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shamansky
Shannon
Sharp
Shelby
Shuster
Simon
Smith (IA)
Smith (NJ)
Smith (PA)
Snowe
Solarz
St Germain
Stanton
Stark
Stokes
Stratton
Studds
Synar
Tauke
Tauzin
Taylor
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Washington
Waxman
Weaver
Weiss
Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wolf
Wolpe
Wright
Wyden
Yates
Yatron
Young (AK)
Zablocki
Zeferetti

NAYS—142

Archer
Ashbrook
Aspin
Bafalis
Barnard
Beard
Benedict
Bereuter
Bliley
Bouquard
Broomfield
Brown (CO)
Brown (OH)
Broyhill
Burgener
Butler
Carman
Chappell
Chappie
Clinger
Coats
Coleman
Collins (TX)
Conte
Coughlin
Coyne, James
Craig
Crane, Daniel
Crane, Philip
Daniel, Dan
Dannemeyer
Daub
Dickinson
Dreier
Duncan
Emerson
English
Evans (DE)
Fields
Forsythe
Fountain
Frenzel
Gibbons
Gingrich
Goodling
Gramm
Gregg
Grisham
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hendon
Hightower
Hiler
Hillis
Hopkins
Hubbard
Hyde
Ireland
Jeffries
Johnston
Kindness
Kramer
Lagomarsino
Latta
Leath
LeBoutillier
Levitas
Lewis
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Marlenee
Martin (NC)
McClory
McCollum
McDonald
McEwen
McGrath
Miller (OH)
Mitchell (NY)
Mollohan
Montgomery
Moorhead
Morrison
Murtha
Myers
Nelligan
O'Brien
Oxley
Panetta
Pashayan
Patterson
Paul
Quillen
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roemer
Rogers
Roth
Roukema
Rousselot
Rudd
Sawyer
Schulze
Sensenbrenner
Shaw
Shumway
Siljander
Skeen
Smith (AL)
Smith (NE)
Smith (OR)
Snyder
Solomon
Spence
Stangeland
Staton
Stenholm
Stump
Thomas
Walker
Wampler
Watkins
Weber (MN)
Weber (OH)
White
Whittaker
Winn
Wortley
Wylie
Young (FL)
Young (MO)

NOT VOTING—37

Andrews
Badham
Bethune
Biaggi
Brooks
Burton, John
Burton, Phillip
Campbell
Cheney
Collins (IL)
Conable
Derwinski
Dornan
Downey
Edwards (OK)
Erdahl
Erlenborn
Fary
Foglietta
Fowler
Goldwater
Hagedorn
Hance
Jeffords
Lee
Leland
Lowry (WA)
Mattox
McDade
McHugh
Moffett
Obey
Pease
Rostenkowski
Santini
Skelton
Swift

The Clerk announced the following pairs:

Mr. Mattox with Mr. Badham.
Mrs. Collins of Illinois with Mr. Bethune.
Mr. Moffett with Mr. Cheney.
Mr. Biaggi with Mr. Erdahl.
Mr. Andrews with Mr. McDade.
Mr. Brooks with Mr. Campbell.
Mr. Skelton with Mr. Derwinski.
Mr. Fowler with Mr. Conable.
Mr. Fary with Mr. Erlenborn.
Mr. Downey with Mr. Lee.
Mr. Obey with Mr. Hagedorn.
Mr. Leland with Mr. Jeffords.
Mr. Lowry of Washington with Mr. Edwards of Oklahoma.
Mr. Phillip Burton with Mr. John L. Burton.
Mr. McHugh with Mr. Hance.
Mr. Rostenkowski with Mr. Santini.
Mr. Foglietta with Mr. Dornan of California.
Mr. Pease with Mr. Swift.

Mr. ASPIN and Mrs. BOUQUARD changed their votes from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SOLOMON. Mr. Speaker, on rollcall No. 11, I was unaware that we were on a 5-minute vote. I missed that vote. Had I been present, I would have voted in the affirmative.

PERSONAL EXPLANATION

Mr. SWIFT. Mr. Speaker, I was discussing another legislative matter when the cluster vote on H.R. 5366 was taken.

I would have voted "yea" in favor of the flexitime bill.

JAMES A. FARLEY BUILDING

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the resolution (H. Res. 368) calling upon the U.S. Postal Service to designate the General Post Office Building, New York City, as the James A. Farley Building, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so simply to find out from the gentleman whether or not this has cleared the minority. I see no Members from the minority here on our side.

Mr. GARCIA. If the gentleman will yield, the answer to the question of the gentleman from Pennsylvania is: Yes, it has been cleared with the minority.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 368

Whereas James A. Farley served as Postmaster General of the United States from March 4, 1933, through August 31, 1940; and

Whereas the United States Post Office Department under the direction of Postmaster General Farley numbered among its accomplishments an operating surplus six of his seven years as Postmaster General, the reduction in the workweek for postal employees from forty-four to forty hours, the growth of the airmail service by thousands of miles, the erection of some one thousand five hundred post offices, and the placement of first-, second-, and third-class postmasters under the civil service; and

Whereas James A. Farley was a native and longtime resident of the State of New York; and

Whereas James A. Farley served the city of New York as port warden of the Port of New York and held numerous public and party offices in the State of New York; and

Whereas James A. Farley served his State and Nation over a lifetime of eighty-eight years with the highest distinction as one of the leading public figures of his time; and

Whereas the life of James A. Farley should serve as an example for present and future generations of Americans of the vital contribution which individual citizens can make to the life of the Nation through diligent public service; and

Whereas the long and distinguished service of James A. Farley should be permanently memorialized by the United States Postal Service on behalf of a grateful nation: Now, therefore, be it

Resolved, That the House of Representatives calls upon the United States Postal Service to designate the General Post Office Building, New York City, as the "James A. Farley Building".

The SPEAKER pro tempore. The gentleman from Michigan (Mr. FORD) is recognized for 1 hour.

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to yield my time to the gentleman from New York (Mr. GARCIA), who wishes to handle the bill on the floor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GARCIA. Mr. Speaker, a few weeks ago in this Chamber, we gathered to pay tribute to Franklin Delano Roosevelt on the occasion of the 100th anniversary of his birth.

It is only fitting that, in this centennial year, we also recognize and memoralize the achievements and contributions of one of the giants of the Roosevelt era—James A. Farley.

Jim Farley was perhaps the most widely known and visible member of the Roosevelt Cabinet during the prewar years. As Postmaster General, he was a superb manager of the Nation's vast and complex postal system. He achieved an operating surplus 6 of his 7 years as Postmaster General. He built some 1,500 new post offices and extended the infant Air Mail Service by thousands of miles. And most importantly, he brought about tremendous improvements in the working conditions of postal employees.

But Jim Farley, of course, was more than just the Postmaster General. He crisscrossed the Nation during the darkest days of the Depression making countless speeches and preaching FDR's gospel of hope at a time when despair threatened to tear apart the very fabric of America.

Jim Farley, I am proud to say, was also a New Yorker—and what a New Yorker. He loved the city, and it loved him. Except for his time of service in Washington, Jim Farley lived there all of his adult life, and participated actively in civic affairs until his death at the age of 88 in 1976.

Jim Farley was also one of the most astute politicians of his time—a politician in the best and purest sense of the word. He viewed politics as a means to an end, not an end in itself. He believed that good politics was necessary to good government, and he practiced the art as few ever have. Farley's outlook is best summarized by one of his most notable statements: "Politics is the noblest of careers."

There could be no more fitting tribute to this devoted public servant than to rename the General Post Office Building in New York City the James A. Farley Building. House Resolution 368 calls upon the Postmaster General to take such an action.

I ask all Members to join in memorializing the life and times of a great American, Jim Farley.

□ 1530

Mr. Speaker, I yield to my colleague, the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Speaker, I rise today as an original cosponsor of the resolution to designate the General Post Office Building in New York City as the James A. Farley Building.

Jim Farley, a native New Yorker, served his State and his Nation with distinction during a life of public service. A man of highest personal integrity, Jim Farley serves as an example for present and future generations of Americans of the contribution individual citizens can make to their country through public service and political activity.

He has been described as a powerhouse during Franklin D. Roosevelt's first two terms in office. Indeed, that same type of energy and dedication that he and others in FDR's administration possessed which helped lead the country out of the Depression is well worth recognizing during our current economic woes.

Throughout his career, Farley's style was to emphasize the personal. He shook thousands of hands, and had a legendary memory for the names and faces that went with them. "I like people," Farley often said, and boasted that he had 100,000 friends. Many people still remember seeing him in the New York City General Post Office, shaking hands, trading stories, and adding to that long list of friends.

James A. Farley compiled an admirable record of accomplishment as Postmaster General for 7 years under F.D.R. This year of the centennial of President Roosevelt's birth is a fitting time to remember Mr. Farley by putting his name on a building of the institution he served so well.

I urge that the House approve this resolution.

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I very much appreciate my colleague and distinguished friend, the gentleman from New York, for yielding to me, and I want to commend him and my other friends from New York, the gentlewoman from New York (Ms. FERRARO) and the gentleman from New York (Mr. SCHUMER) for bringing this resolution and legislation on the floor for action by the Congress and the House at this time.

Mr. Farley was, indeed, a giant in politics and government in his day and his day really lasted right on into our day. His reputation, obviously, will survive for many, many years to come.

The facility which is named in his honor is located in my district, the 20th Congressional District in New York, and on behalf of all my constituents in the 20th Congressional District, I want to express my appreciation and add to the words of commendation which have been spoken on behalf of Mr. Farley.

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from New York (Mr. SCHUMER).

Mr. SCHUMER. Mr. Speaker, I thank the gentleman and the chairwoman of our subcommittee for sponsoring this legislation.

Today the United States honors one of its faithful public servants and loyal New Yorkers, James A. Farley, whose political career culminated in his 7-year tenure as Postmaster General.

Jim Farley began his illustrious political career as the town clerk of Stony Point, N.Y., where he combined dedication and personal charm in learning the business of politics. During his service in New York he held three terms as the Stony Point town clerk, one term as Rockland County supervisor, and one term as a member of the New York State Assembly. In 1930, he was elected chairman of the New York State Democratic Committee. Mr. Farley was the catalyst behind Franklin Delano Roosevelt's campaigns for Governor of New York and for President of the United States. He was appointed Democratic National Committee chairman by President Roosevelt in 1932; he went on to direct Roosevelt's 1936 Presidential campaign.

In 1933, President Roosevelt appointed him to be Postmaster General. Under Mr. Farley's supervision, the Post Office ran as a well-oiled machine. It had an operating surplus during 6 of his 7 years, the postal employee's workweek was reduced from 44 to 40 hours, and some 1,500 new post offices were erected throughout the Nation.

Mr. Farley's service was an honor to New York and to the Nation. The designation of the General Post Office Building, New York City, as the James A. Farley Building is a fitting tribute to a great American.

Mr. GARCIA. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GUAM AIR RESERVE UNIT DOING FINE JOB

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WON PAT. Mr. Speaker, recently, the U.S. Air Force established a new Air Reserve unit known as the 349th Aerial Port Detachment under the Military Airlift Command. The unit is headquartered at Andersen Air Force Base on Guam and although the unit is only 1 year old, it has been doing an outstanding job.

This month's edition of the Air Reservist magazine (February 1982) has an excellent story about the 349th, and I ask that it be placed in the CONGRESSIONAL RECORD so that my colleagues may have the opportunity to know more about this fine unit. I am pleased that Col. David Palmer, director of Air Force affairs of the Reserve Officers Association of the United States, called this article to my attention, because it shows that the people of Guam are ever ready to do their part for the defense of this great Nation.

We on Guam have long placed a premium on patriotism, a fact reflected in the high percentage of our people from Guam who have served with much honor in the military forces of the United States. Today, this heritage of service to our Nation continues. Sgt. John San Nicolas of the 349th perhaps put it best when he told the writer of the article "to me, serving my country is part of being a Guamanian." His statement is echoed by his colleagues and I salute Sergeant San Nicolas and his fellow members of the 349th for a job well done.

Mr. Speaker, the article from the Air Reservist is as follows:

IT REALLY IS A GREAT WAY OF LIFE

(By Capt. Todd A. Fruehling)

A few years ago, a lot of people left the military service. Now, a lot of them are coming back, even at the far corners of the globe. When the Military Airlift Command's 349th Aerial Port Detachment 1 became the first Air Force Reserve unit on Guam, 38 of the original 64 recruits were prior-service noncommissioned officers. Their rediscovery of military life convinced them and the other new recruits that the Air Force really is a great way of life!

Activated on March 21, 1981, most of the people are now being trained as either air cargo or air passenger specialists. They assist the 605th Military Airlift Support Squadron with heavy weekend cargo traffic at Andersen AB. All of the prior-service NCO's are glad to be back in uniform.

"To me, serving my country is part of being Guamanian," commented Sgt. John San Nicolas. "I was a supply technician at the Air Force Academy, before I got out in 1971 to join the U.S. Postal Service here on Guam. I've always really loved the Air Force, and the responsibility I had working at the academy's armory. I almost joined the Army Reserve unit here, but waited for the Air Force to start one."

John wasn't the only one who "waited for the Air Force." After several years, the idea developed momentum in January 1981. Hoping to find 64 people among Guam's 100,000 residents, recruiters were overwhelmed by 500 applicants. Many had prior military service.

SMSgt. Thomas Fernandez, former liaison from the 605th Military Airlift Support Squadron for the new Reserve unit, gave patriotism as the primary reason for the high local response. A life-long resident of Guam, Sergeant Fernandez knows of when Guam was an occupied territory for two and a half years during World War II—the only time since the Revolutionary War that an American territory had been captured. That period cultivated a high level of patriotism which lasted through the Vietnam conflict, as well.

Sergeant Fernandez commented, "The people here feel a need to be part of the service. The new Reserve unit gives them an opportunity to keep building their future here through their civilian jobs, and also serve their country. Recruiting on the mainland has its ups and downs, but it's always high on Guam, as you can see by the initial response."

Col. John Sullivan commands the Guam unit as a part of the 349th Military Airlift Wing (Assoc.), at Travis AFB, Calif. The unit quickly organized its first unit training assembly on April 25. This early training opportunity to learn a new skill attracted many people into the new unit, even the returning NCO's.

A large proportion of the Reservists work for the Government of Guam, such as the Postal Service or Department of Education. Supervisors support everyone's involvement, and approval for any off-island Reserve training requirements is no problem. Final approval for government employee participation comes from Guam's Governor, Paul M. Calvo, who commented, "I fully support all Reserve participation because of the excellent leadership training it offers. The experience our young men and women acquire returns to our island, and benefits everyone for many years. These contributions are invaluable to our island's growth."

That leadership experience has already been tapped. Prior-service NCO's have provided valuable help to recruits new to the military. These experienced NCO's time outside the service gave additional motivation and incentive to the new enlistees.

Sgt. Robert Webb left the Air Force in May of 1979, and now announces for a local radio station. He reenlisted in the reserve to do the same job he had before he got out—a job he enjoyed. Robert felt that, "In civilian life, there are a lot of prejudices. One day you're in, the next day, you're out. In the military, everybody's equal, and has a chance. They really don't hold you back. Ever since I've been back in the Reserve, it's been like coming back to an old friend . . . I've got a chance, again, to do what I'm good at. It's a great way of life—every bit of it's true. It was for me, and I might even be back on active duty someday."

That idea helps A1C Enrique Torres rapidly adjust to the Air Force. He commented, "It's a great way of life in that it's a lot more like a civilian life-style. But our motto of 'The Air Force Reserve: A Great Way to Serve' is more appropriate. I've got six years to serve—and they're going to be great!"

THE WORK INCENTIVE PROGRAM (WIN)

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, last month when the House considered my bill to provide supplemental funds to the Labor Department for the State Job Service agencies, I indicated that the bill contained no funds for the work incentive program (WIN). So, today, I am introducing with 20 cosponsors, Mr. Oberstar, Mr. Reuss, Mr. Clay, Mr. Perkins, Mr. Dicks, Mr. Murphy, Mr. Moffett, Mr. Foglietta, Mr. Fauntroy, Mr. Vento, Mr. Rodino, Mr. Boland, Mr. de la Garza, Mr. Frank, Mr. Mitchell, Mr. Barnes, Mr. Applegate, Mr. Beilenson, Mr. Ottinger, and Mr. Corrada, an urgent supplemental appropriations bill to provide the Department of Health and Human Services with $76,842,000 in fiscal year 1982 funds for this program. I believe we must end this no-win situation. With this appropriation, the State-operated WIN offices will be able to continue the jobs search assistance that has been so successful in finding nonsubsidized, private sector jobs for AFDC welfare recipients.

The WIN program has been in existence in most States since 1968. It is recognized as a practical, humane, and cost-effective individual effort. The cost savings associated with this program last year were more than double its total operating costs.

But unless we act, the States are going to lose most or all of this resource. In my own State of Illinois, for example, 11 WIN offices are about to be closed and some 300 WIN employees themselves will be without jobs. In fact, I have just learned that these employees have today received their termination notices and will be without jobs on March 15. With your support we can keep the WIN program in place at a time when it is so clearly necessary. I urge passage of this bill.

Mr. Speaker, I append a copy of the hearings pertaining to the WIN program from the 1982 budget hearings before the Health and Human Services-Department of Labor appropriations hearings of the Natcher subcommittee:

WIN EVALUATION INFORMATION

Mr. Natcher. What new information do you have from evaluations of the WIN program?

Mr. Master. A major source of information for evaluating WIN program effectiveness is the WIN computerized management information system, MIS, which collects information on program participants, services provided, employment and grant reduction outcomes, and program costs.

One of the most important indicators of WIN performance as derived from the MIS is the "return on investment" figure which relates annualized welfare grant reductions resulting from the employment of WIN registrants to total program costs. This figure has consistently ranged from about 1.5:1.0 to 1.8:1.0 in recent years. That is, program benefits, as measured by welfare grant reductions for WIN registrants who have become employed, have been at least one and one-half times the total program expenditures in each year. In FY 1980, annualized welfare grant reductions were calculated at $632 million compared to total program costs of $372 million.

In addition to welfare grant reductions, WIN also calculates annualized wages of WIN registrants who have become employed in relation to total program costs. This figure has consistently run more than 4:1. In FY 1980, annualized wages were calculated at $1,953 million compared to total program costs of $372 million. These earnings represent benefits to the individuals, as well as generating some tax revenues for the government.

Furthermore, estimates of public medical care savings and food stamp savings for WIN registrants who become employed were calculated at about $203 million and $131 million, respectively, in FY 1980.

All of these figures indicate that WIN is returning more in the way of tax savings and other benefits to society than it is costing.

A major longitudinal evaluation of the WIN program carried out by an independent contractor tends to support this picture of WIN as a cost-beneficial program. The study followed-up a cohort of 1974-75 WIN participants through 1979. It established that particularly for women, who comprise the great majority of WIN registrants, the program has overall positive effects. In addition, the WIN work and training components—institutional training, on-the-job training, work experience, and public service employment—showed quite significant positive effects, as measured by increases in estimated life-time earnings and benefit-cost ratios. While the job search component, as it was operated in 1974-75, was not found to be cost-effective, since that time, WIN has instituted a much more structured and intensified job search component, including the very successful group job seeking approach. Subsequent studies have shown this approach to be about twice as effective in placing registrants in jobs as the earlier approach.

WIN PARTICIPANTS OFF WELFARE ROLLS

Mr. Natcher. What data do you have that shows WIN is successful in keeping participants off the welfare rolls for more than two years?

Mr. Master. We have no data on this issue for a two-year period. However, of the WIN registrants who enter unsubsidized employment, approximately half earn enough to be removed from AFDC welfare rolls. The rest have their welfare grants reduced, but not eliminated. A special study of job retention over a one year period shows that of all WIN registrants entering employment, about 55 percent still retained that job after 12 months. In addition, of those who were no longer found to be employed, while most returned to the welfare rolls, a significant proportion, about 20 percent, did not.

WIN EMPLOYMENT STATUS FOLLOWUP

Mr. Natcher. What system do you use for following up the employment status of former WIN participants?

Mr. Master. WIN contacts an individual 30 days after he or she enters employment, not only to see whether the person is still employed, but also to determine whether any additional service is needed. In FY 1980, the employment retention rate, as determined by this followup, was found to be 86 percent.

This past year a special study was completed which determined the retention rate at longer intervals. At 3 months the comparable rate was 67 percent, at 6 months 60 percent, and at 13 months 55 percent.

WIN PARTICIPATION REFUSAL

Mr. Natcher. What action can be taken against welfare recipients who refuse jobs or training?

Mr. Master. The Social Security Act in Section 402(a)(19)(A) provided that as a condition of eligibility for a welfare grant an individual who is not in one of the exempt categories must register with WIN for employment and training. The Act and the WIN regulations further provide that a mandatory WIN registrant who, without good cause, fails or refuses to accept employment or training must be deregistered from WIN with the resulting loss of eligibility for the welfare grant. The State welfare agency then must be notified to remove the individual's portion from the family grant.

During FY 1980, 14,401 individuals were deregistered, i.e., sanctioned, for having failed or refused to participate in WIN without good cause.

WAITING TO PARTICIPATE IN WIN

Mr. Natcher. Are there waiting lists of people who want to participate in the WIN program? (If so, how many are waiting?)

Mr. Master. Because of limited funding WIN is able to serve only a portion of its registrants. At any one time, about half of WIN registrants are in unassigned recipient status. These include registrants awaiting the beginning of program activity, those between component assignments, and those for whom no immediate program activity other than job referral is planned. In September 1980, 798,000 of 1,567,000 registrants on hand were in unassigned recipient status.

WIN FEMALE PARTICIPANTS

Mr. Natcher. Are most WIN participants female?

Mr. Master. Yes. In FY 1980, approximately three-fourths of WIN registrants were female.

FEMALE PARTICIPATION IN WIN HIGH

Mr. Natcher. What is the reason for the high percentage of female participants?

Mr. Master. Only persons who are applicants for, or recipients of, AFDC may register in WIN, and the majority of such persons are female. This is true even in States which provide AFDC payments for unemployed fathers. Less than half of the States now provide payments for unemployed fathers.

Most WIN registrants are required by law to register for WIN, as a condition of eligibility for AFDC. However, in addition to these mandatory registrants, many females register voluntarily hoping to receive services leading to employment.

WIN MANAGEMENT INFORMATION SYSTEM

Mr. Natcher. How much of the WIN budget is used to finance its management information computer system?

Mr. Master. WIN budgets about $300,000 of the Federal Program Direction and Evaluation activity for the computer system.

A WAY OUT OF THE NATION'S ECONOMIC TRAP: VIEWS OF TWO LEADING ECONOMISTS

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, I would like to call the attention of our colleagues to two stimulating newspaper articles dealing with the mess the country finds itself in as a result of the ill-advised actions taken last year in adopting the President's budget and tax programs.

One article, by Robert J. Gordon, appeared in the Washington Post for Sunday, February 28. The writer, a professor of economics at Northwestern University, sketches out what might now be the state of the economy if a different approach, one based on objective economic analysis instead of a rigid ideology, had been adopted last year.

One need not agree, and I do not agree, with all of Professor Gordon's specific suggestions to recognize the cogency of his overall appraisal and the soundness of some of his specifics. The latter include, especially: Gradual reform of taxes, emphasizing productivity and saving incentives; more Federal support for education, especially technical and vocational education; and improving defense preparedness at lower cost by eliminating wasteful practices and unnecessary weapons like the B-1 bomber.

His commentary on the administration's economic programs he himself aptly summarizes as follows:

> Reaganomics seems stunningly misdirected in almost every aspect, from its caveman monetary policy, to its gold-plated defense budget, to its disregard for the long-run payoffs of training and education. We still await the new broom of a politician, who will sweep away the liberal and conservative dogmas of the past, as well as the damage inflicted in 1981-82.

The other article, by Walter W. Heller, containing some practical recommendations for action this year, appeared in the Wall Street Journal of February 25. Professor Heller, former Chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson and now a professor of economics at the University of Minnesota, is generally credited with the successful tax and budget policies that led to the rapid economic growth, low inflation, and low unemployment rates of the early 1960's.

Citing projections showing that the deficit trap is far greater than the Reagan budget would have us believe, Mr. Heller states:

> Reaganomics is caught in a no-win trap: While denying any rift with the Fed, Mr. Reagan won't give an inch on the rapid military buildup and gigantic tax cuts that will put deficits into a triple-digit orbit for years to come. But unless these menacing deficits are brought within bounds, Mr. Volcker won't give an inch on a super-tight money policy that will prolong recession, stunt growth and abort recovery. Yet there is simply no way within the bounds of political tolerance, or human decency, to cut the 1983-86 deficits down to size via further assults on social programs.
>
> The truly sad thing about Mr. Reagan's budget stand—his stonewalling that masquerades as steadfastness—is that a strategically plausible, economically positive and politically palatable alternative lies within his reach.

Professor Heller then proceeds to outline the steps he believes the President should take, as follows:

Announce that he recognizes that his tax, budget, and defense programs are trying to do too much too soon;

Convene a summit "economic disarmament conference" among the White House, Congress, and the Fed to hammer out an agreed agenda to end the recession, promote sustained growth and curb inflation.

The centerpiece of the accord would consist of two parts:

First, agreement by the White House to slow the tax cuts and the defense buildup for 1983 and beyond while continuing to make carefully targeted cuts in nondefense spending—Heller would, however, accelerate the 1982 tax cuts; and

Second, a firm bargain with the Fed under which the Fed, in exchange for the deficit cutbacks it has been demanding, would agree to accommodate expansion by lowering real interest rates.

A Presidential appeal to big business and big labor to moderate their wage and price behavior in exchange for the improved job and profit opportunities generated by lower interest rates and more rapid expansion.

I agree with Professor Heller that it is hard to see anything but winners from such a program. As a Democrat who puts the country above the party, as I believe most of us do, I would rejoice if such action were taken by the President toward reversing the vicious cycle of recession, unemployment, and inflation we find ourselves in. However, if he declines to provide such leadership, then it must come from Congress itself. Clearly the time is at hand to put aside ideology and partisanship and pull together for the sake of our country.

The full text of the two articles follows these remarks:

[From the Wall Street Journal, Feb. 25, 1982]

A WAY OUT OF THE NATION'S ECONOMIC TRAP

(By Walter W. Heller)

Reaganomics is caught in a no-win trap: While denying any rift with the Fed, Mr. Reagan won't give an inch on the rapid military buildup and gigantic tax cuts that will put deficits into a triple-digit orbit for years to come. But unless these menacing deficits are brought within bounds, Mr. Volcker won't give an inch on a super-tight money policy that will prolong recession, stunt growth and abort recovery. Yet there is simply no way within the bounds of political tolerance, or human decency, to cut the 1983-86 deficits down to size via further assaults on social programs.

To see just how unyielding a trap we're caught in, one must appraise the true size of the deficit problem that Mr. Reagan and Congress have to surmount to head Mr. Volcker off at the gap. The basic raw materials for drawing up a "best bet" deficit profile are the two official budgets just issued:

The Congressional Budget Office (CBO) "baseline budget," which projects receipts and outlays under existing policies, that is, before any further spending cuts or tax increases.

The Reagan budget, which proposes sharp civilian budget cuts and modest tax increases and projects markedly lower interest costs and a faster defense buildup than the CBO budget.

The accompanying table gives a bird's-eye view of the two budgets and then offers a "modified Reagan budget" constructed on the following "best bet" assumptions:

THE 1982-85 BUDGET OUTLOOK

[In billion dollars]

	Fiscal years—			
	1982	1983	1984	1985
Congressional Budget Office				
Receipts	631	652	701	763
Outlays	740	809	889	971
Deficit	−109	−157	188	−208
President Reagan				
Receipts	627	666	723	797
Outlays	725	758	806	869
Deficit	−98	−92	−83	−72
Modified Reagan budget				
Receipts	631	658	710	772
Outlays	736	794	867	954
Deficit	−105	−136	−157	−182
Modified Reagan budget at high employment (6 percent unemployment)				
Receipts	684	700	743	802
Outlays	721	783	859	946
Deficit	−37	−83	−116	−144
Ratio high-employment deficit to GNP percent	1.1	2.2	2.9	3.3

Actual civilian budget cuts and tax boosts will be about half of the amounts projected by the President.

Defense spending will grow at the Reagan pace, reaching $292 billion a year by 1985 rather than the CBO projection of $263 billion. Congress will make some defense cuts, but they will be offset by price and cost increases exceeding the Pentagon's usual optimistic estimates.

Interest costs will be sharply above the Reagan estimates because deficits will be higher and interest rates, as CBO projects, will also be higher.

Under this modified Reagan scenario (which incorporates the optimistic Reagan projection that recession will soon be over and growth will then be sustained at about a 5% rate), the actual deficits would weigh in at $105 billion this year and rise to $182 billion by 1985.

Even if we shift to a steady "high employment" basis in order to eliminate the impact of economic fluctuations on the budget (and thereby to isolate and identify changes in fiscal policy), we find the deficit rising from $37 billion this year to $144 billion in 1985. The deficit at high employment would triple from 1.1% of GNP this year to 3.3% in 1985, reflecting the highly expansionary fiscal policy that is so troubling to the Fed.

These projected deficits are bad enough. But they are by no means a "worst case" estimate. They don't, for example, include off-budget borrowing that the White House optimistically forecasts at $60 billion for the next four years, when it is more likely to be $80 billion. And if real GNP were to grow at only 3% in 1983-84 instead of 5%, the deficits would rise a further $40 billion to $50 billion a year. Small wonder that the financial markets are assessing the deficit outlook between grim and grisly, and the outlook for interest rates between discouraging and devastating.

The budget trap, then, is far deeper than the Reagan budget would have us believe. And as the economic battle lines are now drawn, the prospects for escape are bleak. One could imagine Congress finding ways to cut non-defense spending by about $25 billion to $30 billion a year by 1984 and patching together tax hikes of another $25 billion to $30 billion by then. But that would still leave the modified Reagan budget $100 billion in deficit (or $60 billion at high employment).

That effort, while requiring great political will, would simply not provide a sufficient basis for detente with the Federal Reserve. Granted, in an economy wracked by three years of stagnation and recession. The Fed could on its own relent and seek to reduce the record-high real interest rates (long-term rates less prospective inflation rates). But Mr. Volcker has just thrown down the gauntlet again: Without sharp cuts in deficits, don't look for sharp cuts in interest rates.

The truly sad thing about Mr. Reagan's budget stance—his stonewalling that masquerades as steadfastness—is that a strategically plausible, economically positive and politically palatable alternative lies within his reach.

A Reagan initiative to lead us out of our economic trap would have the following main elements:

Announce that while he holds to his long-term goals, he recognizes that his tax, budget and defense programs are trying to do too much too soon; that the budgetary and monetary strains, the economic disruptions and the human costs are proving to be too great.

Convene a summit "economic disarmament conference" among the three co-ordinate branches of economic government—the White House, Congress and the Fed—to hammer out an agreed agenda to end the recession, promote sustained growth and curb inflation. (Under our separation of powers, it has to be an informal accord, not a contract signed in blood.)

The centerpiece of the accord would consist of two parts. The first would be a pledge by the White House to slow the tax cuts and the defense buildup for 1983 and beyond while continuing to make carefully targeted cuts in non-defense spending. Putting the final stage of the personal income tax cuts and indexing on "hold" would by itself cut the deficit by $60 billion to $70 billion by 1985.

Second, strike a firm bargain with the Fed (the 1951 accord provides a notable precedent) under which the Fed, in exchange for the deficit cutbacks it has been demanding, would agree to accommodate expansion by raising its monetary sights and lowering real interest rates. Such an accord would recognize the true lesson of the 1964 tax cut, namely, that tax cuts consistent with shrinking deficits can be accommodated rather than vetoed by Fed policy.

Having removed the monetary barrier to a climb-out from the rut of recession and stagnation, take a futher step to speed the day of recovery: speed the 1982 personal tax cuts—to Jan. 1 if technically feasible, otherwise to April 1. This would temporarily boost the deficit in a soft economy that can stand it, while paying off handsomely in speedier shrinkage of deficits as the economy expands.

Reinforce the improving inflation outlook—and we may well be on the threshold of a lower plateau of inflation—by a presidential appeal to big business and big labor to moderate their wage and price behavior in exchange for the improved job and profit opportunities generated by lower interest rates and more rapid expansion. Such an appeal would go against Mr. Reagan's grain. But perhaps he could undertake it in the name of the voluntarism in the private sector that he has so strongly urged.

It is hard to see anything but winners from such an economic disarmament agreement:

The President would emerge as an economic statesman willing to change course to get and keep the economy moving again.

Volcker the villian would become Volcker the valiant.

Incumbent Congressman could claim their share of the credit for the brighter economic skies generated by quicker tax cuts and lower interest rates and for bringing the gigantic future deficits under control.

Wall Street would rejoice in the lower deficits and interest rates, while Main Street would be relieved of the heavy yoke of intolerably high interest rates that threaten bankruptcies of financial institutions and small businesses in particular.

The business community in general, eager to capitalize on the accelerated depreciation bonanza in the 1981 tax act, would find its generous tax incentives, hitherto stifled by sky-high interest rates and weak markets, newly buttressed by falling real interest rates and strengthening markets.

MIGHT LIKE THE TRADE-OFF

Even the intended beneficiaries of the third-stage tax cut and indexing might like the trade-off facing them: In exchange for forgoing their tax benefits for a time, they would welcome the lower deficits, lower interest rates, rising stock and bond prices and higher income and investment that would grow out of Mr. Reagan's change of course.

Who might lose? If it were seen as a Reagan triumph rather than a response to Democratic initiatives, the reinvigoration of the economy might forestall the resurgence of the Democrats at the polls next November. But that's a risk that a truly loyal opposition has to take.

Mr. Reagan will have to recognize that by breaking the economic stalemate in this manner he can set the economy on a path of sustained expansion without reigniting the fires of inflation. There will be more for everyone. And if critics challenge Mr. Reagan for changing his course, he could parry their thrust with Winston Churchill's words: "I neither withdraw nor apologize for anything that I have said at any time, believing as I do that anything which I may have said at any time was perfectly justified by the special circumstances of that time and by the amount of information I may have had in my possession."

[From the Washington Post, Feb. 28, 1982]

THE ECONOMY: WHAT IF WE HAD DONE IT RIGHT?

SWEEP AWAY THE DOGMA—AND THE DAMAGE

(By Robert J. Gordon)

As usual each winter, journalists have focused myopically on the current debate about whether to push the buget a few inches to the left or right. To gain a fresh perspective and think in feet, not inches, let us rewind history to Jan. 20, 1981, and pretend that economic progress had never been sidetracked by Reaganomics. Our story takes the form of a set of policies instituted by an imaginary, newly elected party called "The Center."

As 1981 began, all Center Party officials agreed that the nation's two basic economic problems were excessive inflation and the disappearance of productivity growth. Also high on the agenda were the perennial problems of poverty and economic inequality. Two key decisions formed the heart of the new administration's program. First, the conquest of inflation had to take a back seat to raising productivity. Second, progress on productivity required abandonment of decades of liberal and conservative dogma; human capabilities and skills had to be developed without any further increase of the share of government spending in national income.

Ending inflation appeared to require either wage and price controls, or the traditional "brute force" method of tight money, layoffs and bankruptcies. But either of these solutions would have run into the same institutional roadblock: the unique American system of three-year union wage contracts having staggered expiration dates. If the United States had shared the Japanese system of one-year contracts expiring simultaneously each spring, then the new Center administration could have slowed the growth of wages, prices and the money supply simultaneously in the spring of 1981 when those contracts expired.

Because of the U.S. contract system, however, wage controls would be unfair and unworkable, while tight money would not instantly end inflation. Instead, each union would try to emulate the wage increases negotiated in still-effective 1979-80 contracts that they knew would continue to push up the cost of living in 1981-82. Thus, tight money would duplicate the Thatcher scenario in the United Kingdom—falling production and rising unemployment, with slower inflation coming slowly and painfully.

The Center administration rejected the high-unemployment solution to inflation. A tactic better suited to cavemen, it would have amounted to little more than the Federal Reserve's hitting the labor unions over the head with a club. The resulting blood bath would have been no ordinary recession, but a half-decade-long slump costing $1,000 billion, or $10,000 per family, in lost income and production. Even worse, the high-employment tight-money tactic would have derailed the more pressing task of resuscitating productivity growth. Faster growth required each worker to be provided with more modern equipment, and it was no less important to make workers better able to read, to program computers and otherwise qualify for skilled job slots. The caveman approach would erode the incentive to invest by cutting factory utilization and raising real interest rates, while making business firms unwilling and unable to provide manpower training.

The revival of productivity growth required a higher share of gross national product going to investment in plants, machines and people, and a smaller share going to consumption. To encourage saving, the Center administration introduced a five-year tax reform package that ended the taxation of saving by steadily lifting the legal limits on Keogh and IRA deductions, thus in effect shifting to a progressive consumption tax. At the same time, tax rules were rewritten to allow borrowers to deduct only "real" inflation-adjusted interest payments.

Administration officials were disturbed that the Japanese, with half our population, were training 50 percent more electrical engineers, that U.S. schools were starved for teachers of computer science, and that SAT scores had been falling for almost two decades. To foster human investment without raising the share of government spending in GNP, the federal budget was redirected away from enforcing environmental regulations that hindered productivity and from multi-billion dollar synthetic fuel projects that had little social payoff. To expand engineering and computer science training, bonuses were provided for teachers in these shortage areas. To stimulate vocational training, student loan programs were liberalized, but extra budgetary cost avoided by charging market interest rates and requiring borrowers to repay loans through IRS-enforced payroll deductions from future earnings. Reading skills in elementary and secondary schools were fostered by providing bribes for states to reorient curricula toward the "3 Rs." Ghetto youths were encouraged to stay in school by generous federal allotments of personal computers for inner-city classrooms. Ghetto jobs were encouraged by avoiding recessions, by elimination of the minimum wage and by a national identity card system to control competition for jobs by illegal aliens.

Also disturbing was growing evidence that a Japanese management takeover seemed to be the best way to boost an American factory's productivity, making officials doubt the superiority of U.S. business executives and graduate business education. As officials developed new corporate tax rules, they designed special breaks for firms that introduced profit-sharing bonus payments, greater in-plant worker-manager equality, and other hallmarks of Japanese industrial relations.

The administration saw through the media hysteria about inflation; the public was less bothered by inflation itself than by (1) the squeeze on real earnings imposed by the 1974 and 1979 oil price hikes, and by (2) the costs that inflation needlessly imposed through tax rules that soaked savers and rewarded borrowers. To cope with 1), a heavy tax was levied on oil imports to raise U.S. gasoline prices toward European levels, thus reducing oil demand and putting downward pressure on the OPEC oil price. The proceeds of the oil import tax were used to bribe the states to reduce their retail sales tax rates, thus minimizing its inflationary impact. To cope with 2), the tax reforms designed to encourage saving, including the shift to a progressive consumption tax, and the reform of interest deductions, had the side benefit of reducing the costs of inflation.

The tax reform and training subsidies were accomplished without a budget deficit, an apparent miracle that was achieved not just by avoiding a tight-money recession, but also through reform of Social Security financing that gradually increased the eligibility age from 65 to 68. Cost-of-living adjustments in Social Security benefits were omitted for one year to offset the mismeasurement of inflation by the consumer price index between 1977 and 1981. Defense preparedness was improved without a massive spending increase by the new administration's refusal to fund the B1 bomber, MX missile and other strategic programs of dubious value, and by a vigorous campaign against damn-the-cost weapons procurement.

Overall, the share of government spending in GNP was held constant, while tax rates were set to yield a surplus at a 6 percent unemployment rate. The Federal Reserve was instructed to keep the unemployment rate from rising above 7 percent, but to prevent it from falling into the "danger zone" below 6 percent, to avoid the acceleration of inflation that had occurred in 1964-69, 1972-73 and 1978-79. An unemployment rate below 6 percent could not be achieved by monetary expansion, but had to wait for the long-run payoff of training and education programs aimed at reducing the perennial mismatch between job requirements and the capabilities of unemployment individuals.

Compared with the Center Party's program, Reaganomics seems stunningly misdirected in almost every aspect, from its caveman monetary policy, to its gold-plated defense budget, to its disregard for the long-run payoffs of training and education. We still await the new broom of a politician who will sweep away the liberal and conservative dogmas of the past, as well as the damage inflicted in 1981-82.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 1, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you pursuant to the provisions of Rule L (50) that I have received a subpoena in *George H. Benford* v. *American Broadcasting Companies, Inc., et al.*, calling for the production of certain documents in my possession. This subpoena relates to a cause of action involving employees of the Select Committee on Aging.

Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *March 1, 1982.*

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 4:35 p.m. on Monday, March 1, 1982 and said to contain a message from the President whereby he transmits a Special Message on Small Business together with the First Annual Report on Small Business.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

REPORT ON SMALL BUSINESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Small Business.

(For message, see proceedings of the Senate of yesterday, March 1, 1982.)

□ 1545

FOURTEENTH ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION — MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Energy and Commerce, Merchant Marine and Fisheries, and Public Works and Transportation:

(For message, see proceedings of the Senate of today, March 2, 1982.)

TAX JUSTICE FOR FISHERMEN

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, I am today introducing legislation to ease a situation that has created a tremendous burden for commercial fishermen in California and in other areas of the country.

Because of a provision in the 1976 Tax Reform Act, fishermen working on a boat with fewer than 10 members in the crew are considered to be self-employed for Federal tax purposes, if they are paid by receiving a share of the boat's catch of fish or other forms of aquatic animal life.

I have been informed that this provision was originally designed for the benefit of a small number of fishermen in certain areas of the country who apparently favored such a revision of the previous law. However, this provision has proven to be very unfavorable to the commercial fishermen in my area and throughout the State of California for several reasons.

Under the 1976 act, only those fishermen who work on boats with crews of 10 or fewer men must pay self-employment taxes on a quarterly basis and large income taxes at the end of the year, since no taxes are withheld from their checks. This arrangement is not only unfair to this group of fishermen, but it actually works as an incentive for a boatowner to lower the number of crewmembers he employs in order to avoid contributing to social security and processing withholding taxes. In addition, this situation often results in treating the same fishermen in two different ways, depending on whether he works on a boat with fewer or more than 10 members.

The legislation I am introducing today amends the language in the Tax Reform Act of 1976 to make it apply only to boats with fewer than six crewmembers. This change removes most boats with reasonably sized crews from coverage, thus returning to the fishermen their status as employees, a status they have traditionally held. My bill is flexible, though, in that it permits very small crews to maintain their status as self-employed individuals for tax purposes.

It is clear to me that this provision of the Tax Reform Act of 1976 has created unnecessary confusion and unfair treatment of fishermen. I certainly hope that the House will agree and will move to end this injustice.

Mr. Speaker, I include the text of my bill at this point in the **Record**:

H.R. 5677

A bill to amend the Internal Revenue Code of 1954 to treat as employees, for purposes of withholding and social security taxes, certain fishermen who comprise the operating crew of a boat if the operating crew normally consists of more than 5 individuals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (20) of section 3121(b) of the Internal Revenue Code of 1954 (defining employment for purposes of the Federal Insurance Contributions Act) is amended by striking out "fewer than 10 individuals" and inserting in lieu thereof "fewer than 6 individuals".

(b) Paragraph (20) of section 210(a) of the Social Security Act (defining employment) is amended by striking out "fewer than 10 individuals" and inserting in lieu thereof "fewer than 6 individuals".

(c) The amendments made by subsections (a) and (b) shall apply to services performed after December 31, 1981.

WORLD DAY OF PROTEST FOR IDA NUDEL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. **Lent**) is recognized for 30 minutes.

GENERAL LEAVE

Mr. **LENT**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material, on the subject of this special order.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **LENT**. Mr. Speaker, I requested today's special order on behalf of a most remarkable, most courageous woman, the only Jewish woman now held as a Prisoner of Conscience in the Soviet Union, Ida Nudel. This special order is being held as part of a worldwide day of protest in support of her efforts to realize her greatest dream: Freedom in Israel.

It is tremendously gratifying to see so many of my colleagues sharing in this special order. I deeply appreciate the cooperation of my colleagues. Your support will be effective. The remarks of every Member participating today will be sent to Soviet President Leonid Brezhnev, and to his chief representative in the United States, Ambassador Antoly F. Dobrynin.

Mr. Speaker, in the long struggle for human rights, the epic story of Ida Nudel stands out like a lighthouse beam in the dark of night. Almost 11 years ago, Ida Nudel, an economist and a resident of Moscow, applied for an emigration visa to go to Israel. Her husband and sister were permitted to leave, but not Ida. As has been the case with thousands of Soviet Jews, the officialdom of the Soviet Union refused her request. They claimed that Ida Nudel possessed "state secrets" and could not be permitted to leave.

What a travesty! Her work actually dealt with maintaining hygienic standards in food stores and control of infection in foods. Ida herself has declared: "The biggest secret I had was in knowing where the mice built their nests."

For 7 long years, separated from her family, Ida Nudel continued her efforts to get her visa. Even more, she began to help and care for other Soviet Jews in similar circumstances, and particularly came to the aid of those who had been imprisoned for their efforts to win freedom. The beneficiaries of her ministrations began to call her "Guardian Angel." While her efforts won her the acclaim of the other refuseniks, they also resulted in increasing harassment and interrogations by the Soviet authorities. This persecution reached its climax on June 1, 1978, when she was arrested on a charge of "malicious hooliganism." Ostensibly her crime was to hang a banner outside her apartment that read: "KGB Give Me My Visa!" But actually, as she told the court, she was standing trial for her work over the past 7 years. She was sentenced to 4 years in exile in a bleak village in the remote wastelands of Siberia.

As she was sentenced she told the court:

> The past 7 years of my life for which I sit in the dock today were the most difficult and yet at the same time the happiest years of my life. During the past 7 years I have learned to walk proudly with my head held high as a human being and as a Jewish woman.

Throughout her years of lonely exile, Ida Nudel has kept that same indomitable spirit, that same indefatigable belief in the future. After her imprisonment, I adopted Ida Nudel as my Fourth Congressional District's Prisoner of Conscience, writing her every week to report on my efforts to win her freedom. One memorable day, I received a reply from Ida Nudel. In a postcard written from the small village where she is confined, Ida thanked me for my efforts and declared stoutly: "Don't give up, be stubborn and you will succeed." What great courage expressed by this woman!

Mr. Speaker, at this time I would like to yield to an outstanding colleague from the State of New York, a member of the House Committee on Foreign Affairs, Congressman **Gilman**.

Mr. **GILMAN**. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to take this opportunity to join my colleagues in this World Day of Protest on behalf of Ida Nudel and commend the gentleman from New York (Mr. **Lent**) for taking the time in this special order to devote attention to this important issue.

Ida Nudel has been called the "Guardian Angel" for her selfless work to aid Soviet Prisoners of Conscience like herself. Since she was sentenced, in 1978, to serve a 4-year sentence in exile in Siberia, Ida Nudel has received wide support from people throughout the United States. Along with many of my colleagues in the Congress, I have pleaded for Ida's release. Her imprisonment has been condemned by the United States as a severe violation of the Helsinki accords, in which the Soviet Union voluntarily promised to allow its citizens the exercise of their basic human rights.

Ida Nudel will be 51 years old in April. She is not only the sole Jewish woman prisoner, but also one of the three oldest Soviet Jews who are currently serving sentences.

Mr. Speaker, how much longer must Ida's endurance be tested? Her health is poor, and yet no action has been taken to improve conditions for her.

Ida Nudel was arrested in 1978 and sentenced on charges of "malicious hooliganism." If the attempt to exercise one's own basic human rights can be defined as such, then, certainly, we are all hooligans. Ida Nudel has been punished for maintaining principles to which we are all committed. And we must continue to fight for those principles, for Ida and for all Prisoners of Conscience throughout the world.

Ida Nudel is due to be released on the 20th of this month, nearly 11 years since she first petitioned the

Soviet Union for an exit visa. Once again, I join my colleagues in urging the Soviet Union to allow Ida to finally embark upon her chosen destiny, Israel.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. LENT. Mr. Speaker, I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I thank my colleague for yielding. I think there is little more to say when we hear of such suffering and such courage. I would like to associate myself with the remarks of the gentleman in the well.

I thank my colleague for giving me this time.

Mr. LENT. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN) for his remarks and commend him for the dynamic leadership that he has demonstrated over the years in the great fight for Soviet Jewry.

As the gentleman has indicated, today, freedom is closer than ever for Ida Nudel. It is anticipated that she will be released from exile later this month. We must make certain that she is also given that visa to Israel that she has sought for nearly 11 years. The Union of Council for Soviet Jews, working with Israel's President Navon, has organized an international protest today. That is why we are here in this Chamber today, Mr. Speaker. Our words here will be sent to the Kremlin to join those coming from all over the world. Our demand is simple and just. Give Ida Nudel her freedom in Israel!

Free Ida Nudel now!

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. LENT. I will be happy to yield to my colleague from New York.

Mr. WEISS. Mr. Speaker, I first want to commend the gentleman from New York (Mr. LENT) for arranging this special order. In Congress and across the Nation, he is highly regarded for his commitment to the rights of Soviet Jews.

The plight of Ida Nudel, "Guardian Angel" of the Soviet Prisoners of Conscience, concerns all Americans and everyone around the globe who cares about human rights. The harsh treatment that she has endured reminds all of us that the Soviet Union continues to deny basic rights to Soviet Jews.

Ida Nudel, the only Jewish woman being held as a prisoner of conscience in the Soviet Union, first attempted to emigrate in 1971. After her request was denied, she began her heroic efforts to support Soviet Jews who had been jailed for their beliefs. For the next 7 years, she was harassed, interrogated and falsely branded as a criminal. Finally, she was arrested for hanging a banner outside her Moscow home that said, "KGB, Give Me My Visa." They arrested her for "malicious hooliganism" and sentenced her to Siberia where she has been confined to a small village for the past 4 years.

The whole world knows of the struggles of Soviet Jewry and the denial of their rights to practice their faith or to emigrate to a land where they can do so in freedom. Only since 1969 have Jews been able, though with extreme difficulty, to emigrate from the Soviet Union. In the past couple years, however, the emigration of Jews has slowed considerably. The data for 1981 reveal a 90 percent decline from the peak emigration year of 1979 when more than 51,000 left the country.

As the door to emigration swings shut, life grows even worse for the Jews remaining in the country. In recent months, Soviet refusenik communities have been abused in several major Soviet cities. Jews who wish to study Hebrew, celebrate their holidays or attend Jewish events have had their homes invaded and their possessions confiscated. Their educational and employment opportunities have been severely restricted. Antisemitic propaganda remains pervasive in the Soviet media and is part of a compulsory indoctrination program for new army recruits.

On this World Day of Protest on behalf of Ida Nudel, we must let our voices be heard in strong support of human rights everywhere and specifically for Jews in the Soviet Union. The courage and spirit of Ida Nudel are an inspiration to all, reminding us that we must not rest in our protests. We must remind the Soviet Union that we will continue to speak out as long as Ida Nudel and others like her are being denied their basic human rights.

□ 1600

Again I want to express my appreciation to my distinguished friend from New York (Mr. LENT) for calling for this special order and for yielding this time to me.

Mr. LENT. I want to reciprocate and thank my colleague from New York for his sponsorship and for his contribution today.

● Mr. FRANK. Mr. Speaker, I wish to join my colleagues in expressing solidarity with concerned individuals throughout the world who are today observing a Day of World Protest for Ida Nudel, a Soviet Jew who has been serving a 4-year sentence in exile in Siberia.

The formal charge against her is "malicious hooliganism," but her real crime is that Ida Nudel has sought for almost 11 years to obtain a visa to leave the Soviet Union in order to join her sister is Israel.

Last year, a mere 9,249 Jews were allowed to leave the Soviet Union, compared to 51,000 in 1979. In this time of tense relations between the Soviet Union and the United States, the release of Ida Nudel would be seen by all as a welcome gesture of good will, and a step toward improved relations between our two nations.

Ida Nudel will be eligible for release from her Siberian work camp on March 20. Her sister in Israel last week said "She's had enough. She has a right to live in Israel as a human being." I agree and hope that our efforts here today will add to the growing international campaign urging her release.●

● Mr. FASCELL. Mr. Speaker, I am pleased to join our colleagues in the House in paying tribute to a remarkable and courageous woman. I commend Representative LENT for organizing this special order in honor of Ida Nudel.

Ida Nudel, a Soviet Jewish woman who turned 50 last year, is due to be released from Siberian exile on March 20, 1982. She has endured 4 years of hardship in a remote Siberian village, living among hostile neighbors and under primitive conditions. Her health has deteriorated during her forced isolation; for the past 4 years, she has been virtually cut off from her family and her many friends in the Soviet Union and the West.

The "crime" for which Ida was subjected to such harsh punishment was her 1971 application to emigrate to Israel and her selfless efforts in behalf of those Soviet Jews imprisoned for trying to emigrate. Tragically, in 1978, Ida joined the ranks of those she had so valiantly sought to help.

The plight of Ida Nudel has evoked concern in communities throughout Europe, Australia, Israel, North and South America. Her case was raised by the U.S. delegation to the Madrid review meeting of the Conference on Security and Cooperation in Europe (CSCE) of which I serve as vice chairman. Now, on the eve of her scheduled release, we in the Congress appeal to Soviet authorities to allow Ida Nudel to realize her long-held dream and be reunited with her only living relative, her sister, in Israel. Certainly, after paying so dearly for that right, she is entitled to exercise it.●

● Mr. BONKER. Mr. Speaker, I appreciate this opportunity to join my distinguished colleague, Representative NORMAN F. LENT, and others as we express our concern about Ida Nudel on this World Day of Protest in her behalf.

I, and the Subcommittee on Human Rights and International Organizations, which I chair, have long been involved in the case of Ida Nudel. Just recently, I sent yet another letter to the Soviet authorities urging that she be released when her sentence expires this month and permitted to join her sister in Israel. A copy of that letter follows.

As the only Jewish woman now held as a prisoner of conscience in the Soviet Union, Ida Nudel's case is expecially poignant. As such, she symbolizes the systematic harassment and persecution of the Jewish community in the Soviet Union, where literature is confiscated, Hebrew teachers harassed and jailed, and Jewish families separated through cruel and arbitrary emigration discrimination.

It is fitting that as the U.S. Congress pays special recognition to Ida Nudel, we also spoke out on the general problem of repression of the Jewish community in the Soviet Union by passing House Joint Resolution 373 a sense of Congress resolution sponsored by our distinguished colleague from Colorado, PATRICIA SCHROEDER. This resolution calls upon our President to make representation to the Soviet Union about this problem, and further instructs the President to send this message through our delegates to the United Nations Commission on Human Rights, currently meeting in Geneva. The resolution was passed by the Subcommittee on Human Rights and International Organizations on February 3, and by the full Foreign Affairs Committee on February 25.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., February 11, 1982.

Chairman L. I. BREZHNEV,
Moskva, Kreml, Generalnomu Sekretaryu, TSK KPSS i Predsedatelyu Prezidiuma, Verkhovnogo Soveta S.S.S.R., L. I. Brezhnevu.

DEAR MR. CHAIRMAN: Once again, I would like to take this opportunity to express my personal concern about the case of Ida Nudel, a political prisoner in internal exile in Siberia. It is my understanding that her sentence will be completed this March, and I earnestly hope that she will be released and permitted to emigrate to Israel.

Ida Nudel has suffered much. For humanitarian reasons, I appeal to you to let her join her sister in Israel.

Respectfully,

DON BONKER,
Chairman, Subcommittee on Human Rights and International Organizations.●

● Mr. ROE. Mr. Speaker, I rise today on behalf of a woman for whom the term "bravery" does not do justice. I am, of course, referring to Ida Nudel, the only Jewish woman now being held illegally in a Soviet prison camp as a political prisoner.

Ida Nudel will soon be released from that prison camp after 4 years of unwarranted detention. Her only wish is that she be allowed to emigrate to Israel where she can be reunited with her sister, who is Ida Nudel's only living relative.

I have joined with many of our colleagues in communicating with Ambassador Anatoly Doorynin urgently requesting that she be allowed to move to Israel as soon as she is released.

Mr. Speaker, Ida Nudel's only "crime" was her desire to help other Jewish prisoners of conscience and to leave the dreaded Soviet Union for a life of freedom in Israel.

Ida Nudel first applied for a visa to leave Russia in 1971, but that was rejected many times by the Soviet authorities. It was during this time that she became acquainted with the hundreds of other Jewish prisoners who had been jailed because of their outspokenness in the cause of basic human rights.

Her unselfish care for them earned her the title, "Guardian Angel of the Prisoners of Conscience," but also brought on the wrath of the Soviet secret police.

For many years Ida Nudel suffered punishments and humiliation at the hands of the KGB which attempted to brand her as a criminal. She was finally arrested on June 1, 1978, on a charge of "malicious hooliganism" for hanging a banner outside her Moscow apartment that read: "KGB Give Me My Visa." Following a sham of a trial, she was sentenced to 4 years in Siberia.

Mr. Speaker, I pray that life will shortly find Ida Nudel released from her bondage and allowed into the promised land of Israel.●

● Mr. ADDABBO. Mr. Speaker, today we once again join the ever-growing number of voices demanding freedom for Ida Nudel. Her case is a glaring example of the Soviet Union's failure to honor its international human rights commitments. We must call attention to her plight and remind civilized nations around the world that she, and countless others, have been continually harassed and denied the right to emigrate as guaranteed by the Helsinki accords.

In 1971, Ms. Nudel first applied for emigration from the Soviet Union. This request was denied, allegedly because of her knowledge of "state secrets." At this time she began her efforts to help care for and support jewish prisoners who had been jailed for their beliefs. For the next 7 years, Ida Nudel was harassed, intimidated, and libeled by the Soviet authorities. She was then arrested on the charge of "malicious holliganism"—an all too common charge in the Soviet Union—and sentenced to 4 years of internal exile in Siberia.

The Soviets maintain that their treatement of Ida Nudel is totally an internal Soviet matter. We must vehemently disagree. As a leader of the free world, the United States must constantly reaffirm its moral obligations to oppressed people everywhere. It is most important that we continue to remind the Soviet Union that we are both informed and deeply concerned about its policy toward its Jewish citizens.

Ida Nudel has devoted her life to fighting against the unrelenting persecution and oppression of Jews in the Soviet Union. Her unfailing spirit and courage in the face of continued harassment serves as a symbol of hope to those who speak out for fundamental rights and freedoms everywhere. We would do well today to remember Ida Nudel's words of March 1980:

> It seems to me that an individual's opposition to social injustice acquires significance only when it is supported and encouraged by the men of good will all over the world.●

● Mr. WIRTH. Mr. Speaker, I join my colleagues in the House—and thousands around the world—in demanding that the Soviet Government allow Ida Nudel to freely emigrate following her release from internal exile. Our protest is aimed at securing only this small measure of decency from Soviet authorities.

Ida Nudel has distinguished herself as a leading woman dissident in the Soviet Union. Her history—a story of personal courage and state persecution—is known to us all. What began as a simple attempt to emigrate grew into a tireless campaign of conscience. Our efforts are to insure that Ida Nudel's story does not end in despair.

Ida Nudel was banished to Siberian exile not because she pursued her own desire for freedom but because she represented the interests of others so well. In recognition of her efforts on behalf of prisoners of the Soviet state, she has come to be known inside and outside the Soviet Union as the Guardian Angel. Mr. Speaker, the task of guarding Ida Nudel's future is now ours.

During her trial, Ida Nudel told her prosecutors that she had "learned to walk proudly with my head high as a human being and as a Jewish woman." Hers is an example of the spirit that lives on in the Soviet Union despite crushing repression. It is a spirit that, with our help, will continue to live.●

● Mr. WAXMAN. Mr. Speaker, I am proud to join in a protest on behalf of Ida Nudel, who has protested and struggled on behalf of so many of her brethren in the Soviet Union. Ms. Nudel, an economist and resident of Moscow, first applied for an emigration visa to Israel in May 1971. Like countless others, her request was denied on the basis of "state secrets." For the next 7 years, Ida Nudel worked tirelessly to improve the lives of Jews imprisoned for their beliefs. She became known as the Guardian Angel of the Prisoners of Conscience, and inevitably attracted the attention of the KGB. Long years of harassment by the secret police culminated in her arrest on June 1, 1978, for hanging a banner outside her Moscow apartment which read "KBG, Give Me My Visa."

Ida Nudel is now the only Jewish woman held as a prisoner of conscience in the Soviet Union. In spite of internal exile in a small town in Siberia, she remains undaunted by her oppressors. As she herself has said, her 7 years of giving, that daily battle to earn for herself and others their unquestionable rights, are a source of strength and courage which belong to her and all those whose lives she has touched.

We call on President Brezhnev and Ambassador Dobrynin to perform their simple duty toward their countrywoman. Allow Ida Nudel to live in the land of her choice.●

● Mr. MOAKLEY. Mr. Speaker, I rise today to join with my colleagues and concerned citizens around the globe, in calling for the release from exile of Ida Nudel, the Guardian Angel of Moscow. This extraordinary woman has spent the last 7 years of her life in dedicated service to the cause of Soviet refuseniks. She has offered them care and shelter from the political vortex around them. With virtually no thought of her own safety, Ida Nudel provided protection for refuseniks who were seeking emigration visas to Israel. When there seemed to be nowhere else to go, these people could always find refuge with their Guardian Angel.

Ida Nudel's life has been continually plagued by the Russian KGB, who have had knowledge of her activities. Although there was little the secret police could do previously, they finally succeeded in arresting her, and subsequently sentencing her to 4 years in Siberian internal exile. Her continual desire to protect her fellow refuseniks finally led Ida to her present state of exile.

In this great country of ours, we have the ability to practice our diverse political views without fear of harassment or retribution. It is a right many of us have taken for granted. However, in the Soviet Union, it is a right citizens have little knowledge of. Or, if they try availing themselves of this privilege, they may find themselves in the difficult position of being imprisoned, as did Ida Nudel.

Today we are a part of a World Day of Protest for this remarkable woman, in order for her to obtain emigration rights to Israel. Let those of us, who have the cherished right of freedom, speak out for fellow human beings and clearly in the ears of the Soviet Union and all people as well, so that they will be assured that we care very deeply about Ida Nudel and the refuseniks in their quest for freedom.●

● Mr. FISH. Mr. Speaker, I join my colleagues today in a World Day of Protest on behalf of Ida Nudel. For the past decade, I have written letters, attempted contact with Soviet officials, and taken every step possible to seek the release of this brave and courageous woman. I appreciate the time taken today by the gentleman from New York (Mr. LENT) to again focus attention on the plight of Ida Nudel.

Ida Nudel is the only Jewish female Prisoner of Conscience in the Soviet Union. Her release is scheduled for this spring. Ida has spent 4 years in exile and suffered through harsh Siberian winters. She has withstood extremely difficult mental conditions as well, as the town in which she lives castigates her as a pariah, and her contact with the outside world is virtually nonexistent. We do not even know if she is aware of our efforts on her behalf.

Ida Nudel exemplifies the courage and stamina displayed by many Prisoners of Conscience who have suffered from Soviet repression and harassment. After filing her first exit visa application in 1971, Ida became actively involved in the Jewish emigration movement. She is known as the Guardian Angel of the many Prisoners of Conscience to whom she writes and expresses her moral and emotional support. Her only crime was her desire to emigrate and her tireless efforts to help those like her whose only dream is to live in freedom.

I have encouraged the U.S. Government to raise their voice on Ida's behalf. On January 20, I wrote to Secretary of State Alexander Haig, asking that he raise Ida's case with Soviet Foreign Minister Andrei Gromyko at their meeting. The response I received from the State Department reiterates the administration's commitment to expressing the great concern of the U.S. Congress and the American people for Soviet Prisoners of Conscience and the continued repression of Soviet Jews. The State Department letter notes that Secretary Haig raised the issue of basic rights with Mr. Gromyko and would continue to do so at every opportunity.

I would like to share my letter and the State Department's response with my colleagues. It is my hope that our efforts on behalf of Ida Nudel will enable her to soon be in Israel with her sister and fulfill her dream of freedom.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES
Washington, D.C., January 20, 1982.

Hon. ALEXANDER M. HAIG, Jr.,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I wish you continued success in your upcoming talks with Soviet Foreign Minister Andrei Gromyko. Your discussions last fall opened important channels of communication between our country and the Soviet Union and you are to be applauded for your efforts.

As you may recall, I wrote you at that time to urge you to express the continuing concern of myself and many of my colleagues in the House of Representatives over Soviet adherence to international agreements on basic rights. These include the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights. The continued decrease in Soviet Jewish emigration is quite distressing, with no relief in sight for the forseeable future.

The current situation faced by Ida Nudel is a prime case in point of Soviet failure to live up to its international commitments. Ida Nudel is the only female prisoner of conscience whose release is scheduled to occur this spring. She is one of the three oldest serving sentences in exile or jail. To date, all appeals on behalf of Ida Nudel have been rejected by Soviet authorities. One more winter of Siberian exile will clearly have a detrimental effect on her health in the future.

I would appreciate your bringing this situation to the attention of Foreign Minister Gromyko. The case of Ida Nudel is, of course, only one of many which Soviet authorities should be reminded at every opportunity. But her case deserves special notice after ten years of trying to join her family in Israel. Ida Nudel should be permitted to leave the Soviet Union as soon as possible. She has suffered enough.

Sincerely,

HAMILTON FISH, Jr.,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., February 10, 1982.

Hon. HAMILTON FISH, Jr.,
House of Representatives.

DEAR MR. FISH: I am responding to your letter of January 20 requesting that Secretary Haig raise with Soviet Foreign Minister Gromyko the general issue of Soviet persecution and harassment of its Jewish citizens as well as the specific case of Ida Nudel.

As you know, the United States Government has consistently encouraged Soviet authorities to be less harsh and more responsive toward Soviet Jews who desire to exercise fundamental human rights, in particular freedom of religion and emigration. Both publicly and via diplomatic channels, the United States has deplored Soviet harassment and imprisonment of individuals who seek only to worship as they choose or to emigrate from the USSR. We maintain a list of Soviet Jews who wish to emigrate which we present periodically to high Soviet officials to emphasize our concern for all those who are forced to remain in the USSR against their will. We have taken every appropriate opportunity to make the Soviets aware of our views on this issue.

The case of Ida Nudel has long been a matter of deep concern to the United States Government. We have taken an active interest in Ida Nudel's situation since 1978, when she was denied permission to emigrate from the USSR and was sentenced to four years' exile in Siberia. During the past year, Ms. Nudel's case has been cited by the U.S. delegation to the Madrid CSCE Review Conference as a prime example of how the Soviets have failed to honor the human rights provisions of the Helsinki Accords and her case has been raised with the Soviets via diplomatic channels. Officials from the Department of State have also remained in close contact with Ms. Nudel's sister, Elena Fridman, in an effort to help Ms. Nudel gain permission to emigrate from the USSR.

I am pleased to inform you that in his recent talks with Soviet Foreign Minister Gromyko in Geneva, Secretary Haig discussed the full range of humanitarian issues, including questions involving the plight of Soviet Jewry. It is our intention to continue to raise these issues in our future conversations with Soviet officials. Let me also assure you that whenever we meet with

Soviet officials, we shall keep fully in mind the great concern of the American people and Congress for the plight of Ida Nudel and others like her who are suffering for their attempts to exercise fundamental rights and freedoms in the USSR.

Sincerely,

Powell A. Moore,
Assistant Secretary for Congressional Relations.●

● Mr. FORD of Michigan. Mr. Speaker, I rise to join my distinguished colleagues in protesting the sentence of Ida Nudel by Soviet authorities and demand the leaders to permit her to emigrate to Israel upon her anticipated release on March 20. Our Guardian Angel has devoted her life to helping ease the conditions of other Prisoners of Conscience, and has fought against the Kremlin's unrelenting persecution and oppression of Soviet Jews.

Mr. Speaker, a courageous woman may be silenced temporarily, but while she is, there will be many of us to help with the cause. While Ida's struggle for freedom has been halted for the moment, we in this Congress will continue to call attention to her plight and we will remind civilized nations around the world that she, and countless others have been continually harassed and denied the right to emigrate from the Soviet Union as guaranteed by the Helsinki accords.

Ida Nudel's sentence of 4 years in Siberia for the dubious crime of displaying a banner from her balcony that read "KGB, Give Me My Visa" should be terminated and her emigration to Israel permitted. This woman, whose only crime was to ask that a basic human right be respected, will receive my deepest commitment to help her and others who are being held against their will in the Soviet Union.●

● Mr. PEYSER. Mr. Speaker, once again, we in the free world must condemn the Soviet Union's harsh treatment of so-called dissidents. Ida Nudel, known affectionately as the Guardian Angel for her activities on behalf of Soviet Jewish Prisoners of Conscience, was charged and convicted in June 1978 of "malicious hooliganism" and sentenced to 4 years in exile. When arrested, a banner was hanging outside her Moscow flat stating "KGB, give me my visa." The Soviet police claimed this was vandalism and proceeded to incarcerate her. It was, however, merely their means of quieting her pleas for justice.

By banishing Ida Nudel in 1978 to the dreadful quarters she now occupies in Siberia, the Soviet authorities assumed they were silencing this voice of justice. They were mistaken. From her forsaken village of exile, Ida wrote:

> I am fortunate that I, myself, add not only one page to the history of the Jewish resistance in Russia. I am fortunate that my efforts permitted thousands of Jews to leave this barbarous country. I am fortunate that during all these years I was helping prisoners of Zion, those who were chosen to cut the way to Israel by the price of their own freedom. But if our suffering will not force every one of you to rush to help us, then it is in vain.

Ida Nudel is expected to be released from exile on March 20. We, as Members of Congress, must actively fight for her freedom as well as for her right to immediately emigrate to Israel. We know Ida's health is poor and that she suffers from ulcers, kidney, liver, and heart conditions. May the next year find Ida Nudel in Israel, in good health, with her loved ones, where she belongs.●

● Mr. McGRATH. Mr. Speaker, I appreciate this opportunity to speak on the House floor and take part in this World Day of Protest on behalf of Ida Nudel. Once again we pose a public challenge to the Soviet Union to fulfill the commitment they made with respect to human rights in the Helsinki accords. Ida Nudel's steadfast resistence to official Soviet policies against religious freedom and emigration is an example of tremendous courage. With full knowledge of the fate which awaited her, Ida began a struggle against Soviet efforts to prevent Jewish emigration.

She has persevered through several years of official harassment, including malicious news accounts charging her with criminal activity, arrest and trial with no opportunity to make a defense, and finally a 4-year sentence to internal exile in Siberia. Ida Nudel's crime was the usual Soviet charge of malicious hooliganism, in other words, she sought the right to leave the Soviet Union and supported others in search of freedom. We have the chance today to bring out the truth about the activities of the KGB and the Soviet Government. The experiences of Ida Nudel since her original request for a visa would make people in our Nation cringe in disbelief. She has been repeatedly detained and subjected to brutal interrogations. Her home has been searched and ransacked on several occasions. I would like to know why the Soviets consider Ida Nudel such a threat to their security. I suspect it is because the Soviet regime fears the one power that their military might and police state cannot conquer, the human will for freedom.

In less than 3 weeks, Ida is scheduled to be released from internal exile. I urge every Member of this House to join our effort today to insure permission from the Soviet Government for Ida to emigrate to Israel to join her family. By doing so, you will take part in a worldwide humanitarian movement for human rights and freedom. This is the least we can do to help Ida Nudel and thousands of others who have carried on personal struggles in the face of tremendous adversity.●

● Mrs. KENNELLY. Mr. Speaker, I join my distinguished colleagues in urging the Soviet Union to grant an exit visa to Prisoner of Conscience Ida Nudel, and thereby honor its commitment to human rights as set forth in the Helsinki accords, to which the Soviet Union is a signatory.

Ida Nudel's is a story of great personal courage and heroism. Since 1978 Ida has been held a prisoner in Siberia on charges of malicious hooliganism. Her crime was that she dared to speak out for those, like herself, who wished to leave the Soviet Union to join family members outside the country.

Ida began speaking out for her fellow refuseniks in 1971, after her own application for an exit visa was denied. Harassed for 7 years by Soviet authorities, she was arrested and sentenced to internal exile in 1978 after hanging a banner outside her apartment window that read, "KGB, Give Me My Visa."

Happily, Ida is scheduled to be released later this month. Her exceptional bravery and horrible situation have attracted the attention of myself and many other Members of Congress who are all extremely encouraged by this news and celebrate with Ida's family and friends her long-awaited freedom.

But there is still one battle that remains for Ida Nudel, one every bit as crucial as that which she has been waging for the past 7 years, and one in which our continued support is just as vital. Upon release from the Siberian village where she is being held, Ida will reapply for an exit visa to Israel, where she hopes to join her sister, Elena Fridman.

For 7 years Ida Nudel, the Guardian Angel of Soviet Prisoners of Conscience, provided the support to her fellow refuseniks which enabled them to carry on their battle. For 4 years she has paid a terrific penalty for this humanitarianism. Now, at age 50, Ida's health has begun to fail, showing signs of four harsh winters spent in a Siberian wasteland.

It is time Ida Nudel was allowed to return to her own life, to the family and friends whose comfort has been denied her for so long.

I join my colleagues in calling on Soviet officials to grant an exit visa to Ida Nudel, and also in assuring them that our efforts on Ida's behalf will not diminish until she has been reunited with her family in Israel.●

● Mrs. HECKLER. Mr. Speaker, I rise today to join my colleagues here and throughout the world in both a tribute and a protest: A tribute to the courage of a single extraordinary woman and a protest against the policies of a government that has tried in vain to silence her.

It has been 11 years since Ida Nudel, whom I "adopted" in 1980, first applied for a visa that would allow her to leave the Soviet Union, so that she might practice the Jewish faith freely and in peace. In those 11 years she has been forced to endure the most cruel harassment, abuse, and finally, imprisonment. But she has kept her faith—and today it is vital that we show our faith in her.

Imagine, if you can, the courage and strength that made this one woman challenge the monolithic tyranny of the Soviet Government.

Remember that Ida Nudel not only spoke out for her rights—demanded her freedom—but also worked alone to help those who shared her plight.

For 7 years Ida Nudel cared for the sick and lonely who had been imprisoned by the Soviet authorities because they, too, had demanded their freedom. In those years she became known as the Angel of the Prisoners of Conscience, a solitary figure representing compassion and hope.

And by displaying those virtues so openly and proudly, she became a criminal.

The arrest and trial of Ida Nudel were, as all of us know, mockeries of the most basic concepts of justice. And her exile in Siberia for these past 4 years has stood as a reminder to all the world that Soviet justice is no justice at all, but merely the workings of a system warped by anit-Semitism and the fear of freedom.

This month Ida Nudel will finish her term of exile in Krivosheino, Siberia. She will have withstood the personal agonies and the public humiliation that have been heaped on her by the Soviet authorities. She will have demonstrated, for all the world, that even the most despotic of governments cannot crush the human spirit and its dedication to freedom.

For all of us who have worked and prayed for Ida Nudel during her ordeal, her release from exile will be a triumph, but only a partial one.

It will show that Ida Nudel has had the will to endure her torments. But to those of us who have followed her case for years, that will come as no surprise.

The triumph of Ida Nudel will be complete only when she has finally obtained the exit visa that has been her goal for these 11 years—and when she is reunited in Israel with her sister, Elena Fridman, who has worked so tirelessly on her behalf for so long.

We do not yet know whether the Soviet Government will, at long last, accede to the demands of an outraged world that this woman—and the thousands she represents—be granted the freedom that is by right hers.

But we are here today to put that Government on notice that if it cares at all about its place in the world community—if it aspires in the least to the acceptance of civilized nations, if it wishes to be viewed as anything more than the world's prisonhouse—then justice and freedom must be granted to Ida Nudel.

The Soviet Government cannot forever ignore the conscience of its own national. Nor can it expect to resist the tide of freedom that is the true driving force of history.

Today, we are uncertain about what the future holds for Ida Nudel. But we know what she has done—what she represents to those who share her quest for freedom—and what has sustained her through these years.

We know, and share, the faith and hope of Ida Nudel. It is up to us to do all we can to redeem that towering faith.●

● Ms. FERRARO. Mr. Speaker, today, as part of a World Day of Protest, we honor an heroic woman, Ida Nudel, whose life of sacrifice should dispell the pessimism of those who mistakenly believe that ours is a world without heroes.

I applaud the efforts of the Union of Councils for Soviet Jews, Representative NORMAN F. LENT, and other organizations and individuals active in coordinating this special occasion. It is a day to recognize a Soviet Jewish Prisoner of Conscience whose life of sacrifice also reminds us that the human will to religious freedom is so vibrant that no government, no matter how pervasive and ruthless its secret police, can ever sap its vigor.

In addition to participating in this World Day of Protest, I registered my concern for Ida Nudel's human rights last week in letters to Soviet President Leonid Brezhnev and Secretary of State Alexander Haig.

I hope my colleagues will take a few moments to express their thoughts as well about Ida Nudel to officials in both the American and Soviet Governments.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 24, 1982.
President LEONID BREZHNEV,
The Kremlin,
Moscow, U.S.S.R.

DEAR MR. PRESIDENT: In June 1978, Ida Nudel, a Soviet Jewish economist, was convicted of "malicious hooliganism" by your government and sentenced to a Siberian prison for four years. As her term nears its end, human rights advocates throughout the world are anxiously waiting to see if Ida Nudel will be allowed to emigrate to Israel and join her sister, the very issue that prompted here arrest in the first place.

In November 1978, just five months after Ida Nudel was arrested, voters in Queens, New York, elected me to the United States Congress and a short time later, I adopted her as my "Soviet Jewish Prisoner of Conscience." Since then, I have written to you and other Soviet officials, repeatedly asking you to arrange a time to meet with me and discuss this important case. Thus far, unfortunately, members of the Soviet government have evaded my inquiries. But they cannot escape the fact that Ida Nudel has become a symbol to the world, challenging the mistaken idea that a prison wall can forever crush the overpowering will to freedom.

In the name of human decency, it is time for the Soviet government to abide by its pledge contained in the Universal Declaration of Human Rights which emphatically declares, "Everyone has the right to leave any country, including his own, and return to his country." Ida Nudel seeks only to exercise two sacred rights guaranteed by international law—the freedom to travel and the freedom of religious expression.

Only Soviet officials, of course, can make Soviet policy, but your regime should know that this Congress, and the Americans they represent, would no more retreat from their shared commitment to Ida Nudel and the other "Soviet Jewish Prisoners of Conscience" than we would repeal our own Bill of Rights.

Once more, I implore you to erect no new barriers when Ida Nudel seeks to leave the Soviet Union for Israel. Only in this way can your government silence the thunderous outrage that has greeted your handling of her case until now. I will eagerly await a response from you to my request for the humane treatment of Ida Nudel.

Sincerely,
GERALDINE A. FERRARO,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 24, 1982.
Hon. ALEXANDER HAIG,
Secretary of State,
Department of State, Washington, D.C.

DEAR SECRETARY HAIG: As you speak for the United States in meetings with Soviet officials, it is imperative that you communicate the deep American concern about the treatment of Ida Nudel, a Jewish economist convicted of "malicious hooliganism" by the Soviet regime four years ago. With her term scheduled to end in March, human rights advocates around the world are anxiously waiting to see if Ida Nudel will be permitted to emigrate to Israel after leaving the Siberian prison where she has been held in dehumanizing conditions since 1978.

Ida Nudel did not kill, rob or slander anyone. This woman, known as the "Angel of Mercy" for her kindnesses to other prisoners, simply hung a banner from her Moscow flat reading, "KGB, give me my visa." For that expression of her will to freedom, Ida Nudel was arrested. The Reagan Administration, as it seeks to promote the cherished cause of human rights around the globe, should carefully note these words written by Ida Nudel while in exile, words that insist that pressure from the United States can positively affect the cause of human rights in the Soviet Union: "Through our suffering, we have been able to push the gates of the U.S.S.R. just slightly ajar. Through the tiny opening we have made in the Iron Curtain, Jews manage to get out of the Soviet Union. This in fact is our one solace through our ordeal. But the opening is small and vulnerable, and we implore all of you in the free world to keep a close watch on the opening and not to allow the gates to be slammed shut again."

As a member of Congress who has adopted Ida Nudel as her "Prisoner of Conscience," I implore you, Mr. Secretary, as the primary spokesman for American foreign policy, to warn Soviet officials that our country will not watch silently while the gates of freedom are slammed shut again.

Sincerely,

GERALDINE A. FERRARO,
Member of Congress.●

● Mr. DOWNEY. Mr. Speaker, 4 years ago Soviet authorities exiled Jewish refusenik Ida Nudel to the cold wasteland of Siberia. But no frozen prison can chill a heart that burns for freedom. Thus, Ida Nudel, who has fought since 1970 for her freedom, still fights for that same right today: for the visa to Israel that will mean freedom.

Ida Nudel's battle for freedom has carried her far beyond herself. Years of caring and providing for other Jewish prisoners also persecuted for their beliefs testifies to her selflessness. Her actions while in exile fill her heart, as it fills our hearts now, with extraordinary feelings.

Ida Nudel, the Guardian Angel of the Prisoners of Conscience, is an extraordinary woman. She turns now to us for help, as so many have turned to her. It is within our power to help one who has helped others so much; and just as she so readily extended her hand, we must extend ours. We must demand that Ida Nudel be granted the right to emigrate to Israel. I ask my colleagues to join me in this most noble of causes by protesting the Soviet Union's denial of her visa.●

● Mr. PATTERSON. Mr. Speaker, I rise today to urge the Soviet authorities to release Ida Nudel and grant her request for an emigration visa.

Ida Nudel made her initial application for a visa in May 1971. The request was denied because of state secrets. Shortly thereafter, she began her efforts to care for and support Jewish prisoners who had been jailed for their beliefs. Because of her tireless efforts on their behalf, she has since become known as the Guardian Angel of the Prisoners of Conscience. Unfortunately, this notoriety has not been well received by the KGB, the Soviet Secret Police.

On June 1, 1978, Ida Nudel was arrested by the KGB on a charge of malicious hooliganism. For a period of 7 years before her arrest, she had been subjected to various forms of official harassment, interrogations, and a malicious press campaign. After a trial during which she was permitted no representation and where no defense witnesses were called, she was sentenced to 4 years of internal exile in Siberia.

Ida Nudel is the only Jewish woman now held in the Soviet Union as a Prisoner of Conscience. She has never stopped believing in her cause and stands as an example of bravery in the face of the authoritarian Soviet regime.

Let me conclude by quoting from the statement Ida Nudel made at the close of her trial:

> If the remaining years of my life will be gray and monotonous, these seven years will warm my heart with the knowledge that my life has not been without purpose. None of you, my judges, is capable of finding a punishment that would take revenge and deprive me of the triumph and victory of these seven years.●

● Mr. BARNES. Mr. Speaker, during my freshman term in Congress, in November 1979, the Congress passed a resolution urging the Soviet Union to "release Ida Nudel from exile and allow her to emigrate to Israel so that she can be reunited with her sister and husband." In January 1980, the National Conference on Soviet Jewry, along with Members of Congress and the Congressional Wives for Soviet Jewry, worked to gather petitions, which were presented to Soviet officials on behalf of Ida Nudel and her many supporters in the United States, who today continue to demand her release. On April 27, 1981, serveral of us in the House hosted a reception in honor of Ida's 50th birthday. Today, still in exile in Siberia, Ida fights on for freedom.

Over 10 years ago, Ida Nudel first applied to emigrate from the Soviet Union and was refused. Seven years later in 1978, she courageously stood up to the Soviet authorities and in front of the world proclaimed "KGB, give me a visa to Israel." Her subsequent sentence to internal exile in Siberia is an attempt by the Soviet authorities to darken and empty her life, to kill her spirit, and to force her to abandon her religion and faith in justice. But her Soviet oppressors know little of the determination and perseverance of this woman. Despite illness and psychological and emotional pressures, she has not given up. We are telling Ida today that we are all with her and that we continue to protest the intransigence of the Soviet authorities. Ida knows too that she is a person who symbolizes the struggle of all Soviet refuseniks and so as we protest for her today, we also protest for those unknown to us who have made the sacrifices, who have faced the harassment, and who have had to endure the unjust punishments in their quest for freedom. Ida has broadened her quest by helping many Jewish refuseniks and prisoners, giving them a renewed hope, and supporting them in their Jewish faith and cultural heritage.

Today, of the many who have actively worked for the emigration of Soviet Jews and who are now serving sentences for their work, Ida is among the oldest and is the only woman. At her trials in 1978 she told us:

> I have learned to walk proudly with my head high as a human being and as a Jewish woman . . .

And—

> Every time I was about to help another friend, my heart filled with an extraordinary feeling unlike any other. Perhaps the closest such feeling is that which a woman feels when giving a new life.

This woman, well known and loved as the "Guardian Angel" who has helped so many, continues to bear, with hope and strong faith, the burden of her oppressor's justice.

We in the U.S. Congress, in the United States, and around the world are saying today that the Soviet Government must relent and let Ida Nudel go. The more uncompromising the Soviet Government's position becomes, the more forcefully we speak out and the greater, in number, we become. We are standing at the portal and will stand watch until Ida Nudel can cross the Soviet borders into freedom.

The Soviet authorities must understand our message clearly. We know what is happening to Ida Nudel. We know that she is due to be released next month from her arbitrary sentence of internal exile. We believe that she must at least be permitted to return home to live in Moscow—that is the very least we should expect from the Soviet authorities. The Soviet Government cannot forever try to blind itself from world opinion or from the unyielding protests of a world of people who despise injustice and inhumanity.

Mr. Speaker, I thank my colleague, Congressman LENT, for calling this special order today to recognize this World Day of Protest for Ida Nudel. Triumph and victory belong to her and this dream will live in her and us until—finally—she joins us in the free world.●

● Mr. LOWRY of Washington. Mr. Speaker, I am honored by the chance to participate in this World Day of Protest on behalf of Ida Nudel, the Guardian Angel of the Prisoners of Conscience, whose only crime has been to seek the rights that should be every person's by birth.

Everywhere in the world, all who believe in religious and personal liberty admire her courage and determination in the face of 7 years of harassment by KGB officials, a malicious press campaign, a trial which was a mockery of justice, and internal exile in Siberia. We honor Ida Nudel because she has, through her compassion and heroism, become able to walk proudly in a society which views individuality as a crime.

All across the Soviet Union, brave men and women are striving for the freedom that we in America are so fortunate to experience each day of our lives. Through countless quiet acts of humanity, they are creating a brilliant new chapter in the struggle for liberty. We must and shall continue to support them in every way possible.

Ida Nudel's achievement will continue to inspire us to support human rights. We shall remember her final words at her trial, on June 21, 1978:

> None of you, my judges, is capable of finding a punishment that would take revenge and deprive me of the triumph and victory of these seven years.●

● Mr. **FITHIAN**. Mr. Speaker, I join my colleagues today in a World Day of Protest on behalf of Ida Nudel, a courageous woman who is completing a long and harsh period of internal exile in the Soviet Union. Ida Nudel has been active in the support of Jewish refuseniks, and has herself been refused permission to emigrate to Israel since her first request for a visa in 1971. After being arrested for hanging a protest banner from her apartment window in 1978, she began the arduous Siberian exile which is now approaching an end.

As a proud, sensitive woman who dedicated herself to the care and support of other prisoners of conscience prior to her own arrest, Ida Nudel garnered the respect and admiration of people the world over. Known as the Guardian Angel, she is a strong and inspiring example to others who work for the freedom to worship in or the right to emigrate from the Soviet Union.

Like many others, I am disturbed by the increasingly stringent Soviet response to individuals who seek exit visas. And I am concerned for those Soviet citizens who endure harassment and persecution by their neighbors and their government because they choose to practice their religious faith or seek to emigrate from the Soviet Union. I join my colleagues today in calling upon the Soviet Union to honor its commitment to these principles as embodied in the Helsinki accords, and to recognize Ida Nudel's right to emigrate to Israel following her anticipated release from exile in March of this year.●

● Mr. **ROSENTHAL**. Mr. Speaker, I join my colleagues today in demanding that the Soviet Union grant emigration rights to Ida Nudel, who is scheduled for release on March 20, 1982 from her forced internal exile in Siberia.

For 3½ years she has struggled against the bitter Siberian conditions, her health progressively deteriorating. She is now the oldest prisoner of conscience and the only woman forced to endure these horrifying circumstances.

Ida Nudel deserves to be reunited with her family in Israel. Her only crime was the desire for freedom to practice her beliefs. It is a right she is guaranteed under the principles embodied in the Helsinki accords of 1975, signed and endorsed by the Soviet Union.

Today, I participate in protesting the unduly extended imprisonment of Ida Nudel, as well as the cruelty and persecution of individuals, who, like her, have been abused by a callous regime refusing to allow the Jews in its country to live in peace.

Ida's struggle has been our struggle as well. Her courage and strength should be rewarded by granting the exit visa she has waited to receive for one-fifth of her life. I have pledged to see Ida reunited with her sister and husband in Israel. I urge the Soviet Union to listen to this world protest, to abide by their agreements and to free Ida Nudel. She has fulfilled her sentence and it is imperative that she be allowed the right to travel to a country which will not subject her to the harassment she has endured for the past 11 years in the U.S.S.R.●

● Mrs. **HOLT**. Mr. Speaker, for almost 4 years, Ida Nudel has been enduring a sentence of internal exile in a remote Siberian village of the Soviet Union. She was sent into exile after years of protesting the treatment of Jews and the Soviet denial of their right to emigrate.

A courageous woman who dared to raise her voice against the police state, she is scheduled to complete her term soon. She wants to emigrate to Israel to be with her sister Elena, her only living relative.

We Americans cannot really comprehend what it must be like to live in a country which is a vast prison. I suspect you must actually live in it to know it.

It would seem to be a simple matter to allow a woman to go to live with her sister, but it is not a simple matter for anybody to leave the Soviet Union, or even to move from one city to another in that State.

But perhaps President Brezhnev can be persuaded to exercise compassion in this case. Perhaps he will give Ida Nudel her freedom.

I am pleased to join my colleagues in the U.S. House of Representatives to ask for her freedom.●

● Mr. **DERWINSKI**. Mr. Speaker, I wish to join with my colleagues in expressing my strong feelings on behalf of Ida Nudel, the "Guardian Angel" of Soviet Prisoners of Conscience. On this World Day of Protest, it is appropriate that we join in demanding that the Soviet leaders permit Ida Nudel who remains a symbol of hope for the 3½ million Jews in the Soviet Union who wish to emigrate to Israel to rejoin their loved ones.

This strong-willed, soft-spoken woman has devoted her life to helping ease the conditions of other Prisoners of Conscience, and has fought against the Kremlin's unrelenting persecution and oppression of Soviet Jews. Her desperation to leave for Israel in the face of continued Soviet refusal to grant her exit permission led her to hang a banner outside of her Moscow apartment in June 1978 with a simple plea, "KGB, Give Me My Visa." Soviet authorities responded by giving her 4 years of exile in Siberia, for her humanitarian request which they labeled as "malicious hooliganism."

Ida Nudel, the only Jewish woman now held in the Soviet Union as a "Prisoner of Conscience," is one of the most courageous fighters for freedom from the heartless Soviet regime. She has gained worldwide recognition and admiration as she continues to speak out against the injustices and inhumanities that the U.S.S.R. is perpetrating against its own people. The case of Ida Nudel, whose only request is to live where she wishes, is just one example of the harsh actions by the Kremlin.

Although Ida has never stopped fighting for the freedom to practice her religion in the country of her choice, the Soviet authorities continue to persecute this brave woman. As we salute Ida Nudel today, we let the Soviet Union know that their persecution of this woman must not be allowed to continue and that her anticipated release from exile on March 20 should be permitted. We must unite in protesting this brutal treatment of a most heroic woman, whose only crime is her desire for freedom. If we allow this type of inhumane persecution to continue without protest, it will simply encourage the Soviets to increase their persecution of the thousands of Soviet Jews who seek to leave the Soviet Union.

I join my colleagues in supporting this World Day of Protest on behalf of Ida Nudel and express our hopes for her freedom on March 20, and for the freedom of her fellow citizens.●

● Mr. **MOFFETT**. Mr. Speaker, I am pleased that Congress is taking this opportunity to focus attention on the plight of Ida Nudel, the "Guardian Angel" of Jewish refuseniks in the Soviet Union.

Currently serving the final days of a 4-year sentence of internal exile in Siberia, Ida Nudel embodies the courage and dedication of Soviet refuseniks, who are the victims of an increasingly brutal campaign of harassment and persecution by Soviet officials. She is but 1 of over 10,000 Jews currently seeking to leave the Soviet Union, yet her 10-year-old struggle to join her sister in Israel inspires respect and admiration both among her fellow refuseniks and those of us who are committed to human rights.

Mr. Speaker, these are indeed hard times for Soviet Jews. The emigration statistics just released for the month of February are the lowest in 10 years—only 283 Jews were permitted to leave the Soviet Union. And there is no indication that this disturbing trend will be reversed in the foreseeable future.

Perhaps the most important characteristic of a civilized nation is its respect for the basic rights of its citizens—including the right to religious expression and the right to emigrate to join one's family. These principles are firmly established by the Helsinki accords, which the Soviet Union has signed. It is important that we in Congress draw attention to the blatant hypocrisy of the Soviet Union, evidences by its denial of even the most basic rights to Soviet Jews. I am pleased that Congress passed House Joint Resolution 373 earlier today, and I am confident that action, along with this special order honoring Ida Nudel, will send a clear message to the Soviet Union that we are not ambivalent toward their barbarous persecution of Soviet Jewry.●

● Mr. LEHMAN. Mr. Speaker, no one illustrates the hope and cause of Soviet Jewry more than Ida Nudel. Known as the Guardian Angel of the Prisoners of Conscience, Ida Nudel has risked her own life as an activist and leader of the Moscow Helsinki Monitoring Group before being sent into a 4-year Siberian exile in 1978.

Nearly a year has passed since the House of Representatives paid special tribute to Ida Nudel, and in April Ida will spend yet another birthday, her 51st, in the isolation and captivity of internal exile.

Ida's life was devoted to helping fellow refuseniks whose daily lives became nightmares once they applied for permission to emigrate from the Soviet Union to Israel. She personified the guardian of moral and inner strength, courage, and determination characteristic of the Soviet Jewry movement. Even though she is no longer able to deliver the messages that provided so much encouragement to refuseniks cut off from the comforts of society, her sensitivity to the psychological needs of people who, due to their wish to live in Israel, are forced to suffer mental and physical harassment, continues to be felt. Her selfless activism became and remains a symbol of strength. While she is shut away and denied the caring in her own time of need which she extended to others, we must do what we can for Ida Nudel.

I have recently joined with many of my colleagues in sending a letter to Soviet Ambassador Anatoly Dobrynin urging that permission be given to allow Ida to be reunited with her family in Israel.

We in Congress must continue our call for Ida's release. And we must intensify our efforts to reopen the gates to Jewish emigration from the Soviet Union. As the 1981 Jewish emigration figure of 9,447 reveals, last year had the lowest rate of departure from the U.S.S.R. since 1971.

I call on my colleagues to work toward reopening the emigration for Soviet Jews and others who wish to be reunited with family in other parts of the world, and to protest the resurgence of anti-Semitic practices by the Government of the Soviet Union.●

● Mr. GREEN. Mr. Speaker, I am pleased to have this opportunity to speak out on behalf of Ida Nudel, the "Guardian Angel" of Soviet Jewish activists. Ms. Nudel is one of my "adopted" Soviet Prisoners of Conscience, and I have followed her case closely over the years. As she is due to be released from internal exile very soon, it is imperative that we let the Soviets know we have not abandoned this heroine.

Ms. Nudel was arrested on June 2, 1978, for "malicious hooliganism," the traditional charge made against Soviet Jewish activists who seek only to practice their religion or emigrate to Israel. She was arrested because she had hung a banner saying, "KGB, Give Me My Visa" outside her apartment window the previous day. But as she said after she was sentenced later that month, her real crime was that, "During these (past) 7 years I have learned to walk proudly with my head high as a human being and as a Jewish woman."

Ida Nudel first applied to emigrate in May 1971, but emigration was consistently denied for reasons of state security. This was a patent fabrication, as Nudel has no knowledge of state secrets. During the time between her application to emigrate and her arrest, Nudel lived alone in Moscow. Her apartment was raided frequently, and her personal effects often confiscated. Despite continual KGB harassment, Nudel continued her campaign to get permission to emigrate.

She also continued her efforts on behalf of Soviet Prisoners of Conscience, for which she came to be known as the "Guardian Angel." She wrote regularly to them and sent them packages necessary for their survival. Her expressions of solidarity with these Prisoners of Conscience are a model to all of us working for the freedom of citizens imprisoned because they stood up for human dignity.

In November 1973, Nudel entered a medical clinic for a heart condition. Soviet authorities attempted during her stay there to classify her as an alcoholic. This would have meant her being committed to a psychiatric hospital, and exposed to the insidious Soviet practice of repressing dissidents by using psychiatric "treatment." Thanks to public opposition to this prospect, she escaped this fate. Since then she has suffered from a number of serious illnesses, but has resisted treatment for fear of what could happen to her in a hospital.

Ida Nudel is serving her sentence in Krivosheino, a Siberian village of 6,000, most of them exiled criminals or their descendants. Her first home there was a hostel inhabited by 60 violent men who frequently threatened her with physical harm. In 1979, she was able to move to a one-room hut. She must walk long distances to carry provisions, a difficult task due to her recurring heart and kidney problems.

I recently heard from Elena Fridman, Ida Nudel's sister who emigrated to Israel from the Soviet Union in 1972, and whom Ida Nudel will join if she is permitted to emigrate. Ms. Fridman is very concerned about what will happen to her sister if she is not permitted to emigrate immediately upon her release from internal exile. She wrote:

> We cannot allow the Soviet authorities to believe that Ida has been forgotten after 3½ years of exile. They must be reminded that they will be held accountable for whatever further harm might befall her during this upcoming hazy period. Every effort must now be made to extract from her persecutors an answer as to what they have in mind now that they know they couldn't break her by isolating her in Siberian exile. She has suffered enough. I cannot even begin to imagine what sinister fate awaits her if and when she is allowed to leave Siberia as a Soviet ex-convict if she is not allowed to leave the Soviet Union directly from Siberia.

Seventy-four of my colleagues and I sent a letter on Friday to Soviet Ambassador Anatoly Dobrynin asking that Ida Nudel be allowed to join her sister as soon as she is released. I hope our effort will prompt action by the Soviets, and certainly intend to follow up on this effort with similar appeals to the Soviets. I also have written to the State Department about Ms. Nudel, and understand that Secretary of State Haig in fact mentioned the urgency of Ms. Nudel's case at his recent meetings with Soviet Foreign Minister Gromyko. I am pleased the State Department has taken this activist role on her behalf. Only continued pressure on the Soviets will bring about the freedom of Soviet Prisoners of Conscience.

Ida Nudel's only crime was to live proudly as a Jew. We must stand by her until she is freed and permitted to join her sister in Israel. Today's special order should serve to warn the Soviets that the United States will not countenance the oppression of good citizens like Ida Nudel. If we are successful, perhaps very soon Ida's dream, "that some day I will walk up the steps of an El-Al aircraft, and my suffering and my tears will remain in my memory only," will come true. Thank you, Mr. Speaker.●

● Mr. CARNEY. Mr. Speaker, today commemorates a World Day of Protest for a very brave woman. Ida Nudel has been aptly called the "Guardian Angel of the Prisoners of Conscience" in the Soviet Union. From 1971 until her imprisonment on trumped-up charges in 1978, Ida Nudel took an active role in supporting and caring for Jewish Prisoners of Conscience in the Soviet Union. Naturally her efforts, like all humanitarian and freedom-promoting efforts, earned her the wrath of the Soviet regime.

Ida Nudel, prior to her imprisonment, had been subjected to a nonstop campaign of harassment for 7 years. A false press campaign sanctioned by the authorities was undertaken to impugn her character and brand her a criminal. Her applications for an emigration visa were repeatedly denied. Finally, in 1978, Ida Nudel was charged with "malicious hooliganism," the state's code word for a dissenter. In a sham of a trial, she was convicted. The real basis of her conviction was the hanging of a banner from her window requesting the authorities to give her her visa. It is unimaginable that anyone in this day and age could be sentenced for an action which we in this country view as a natural right. Throughout her entire ordeal of arrest, trial, harassment, and exile in Siberia for the past 4 years, Ida Nudel never lost her courage.

At her trial, Ida Nudel exposed the Soviet system for the political weapon that it is—a weapon used against innocent people. "I am standing trial for the entire past 7 years of my life," declared Ms. Nudel. Referring to her work with dissidents she said:

> If the remaining years of my life will be gray and monotonous, these past 7 years will warm my heart with the knowledge that my life has not been without purpose. None of you, my judges, is capable of finding a punishment that would deprive me of the triumph and victory of the past 7 years.

Mr. Speaker, I hope that the messages of the Members of this Chamber will have an impact on Ms. Nudel's situation. She has been deprived of liberty needlessly for the past 4 years. We may only demand that she be released immediately. And when she is released, I hope that she will be able to emigrate to Israel. Justice and humanity demand better treatment of this brave individual. I join the call for freedom for Ida Nudel and pledge my continued support for her until she is released.●

● Mrs. SCHROEDER. Mr. Speaker, Ms. Ida Nudel applied for an exit visa from the U.S.S.R. to Israel in 1971. Since that time, she has been repeatedly harassed and interrogated. On March 20, 1982, she will complete her 4-year exile in Siberia.

Ms. Nudel is in poor health and is in constant pain. She is the only Jewish woman now held as a Prisoner of Conscience in the Soviet Union, Her courage, determination, and spirit are unsurpassed.

She walks proudly with her head high as a human being and as a Jewish woman. I join with the rest of my colleagues here on this World Day of Protest on behalf of Ida Nudel, to ask Soviet President Brezhnev and Soviet Ambassador Dobrynin to grant an exit visa for Ida Nudel allowing her to spend her remaining days with loved ones in Israel.●

● Mr. DWYER. Mr. Speaker, it is an honor for me to join today in this World Day of Protest on behalf of Ida Nudel, and I want to thank my colleague, Mr. LENT, for calling this special order.

Each one of us committed to the cause of liberty and justice must feel a special kinship with this brave freedom fighter, but more than this, a deep, abiding respect for her compassion and courage.

She has suffered greatly, but has emerged even stronger in her efforts to care for and support her comrades who have been jailed for their beliefs.

Dauntless and proud, Ida Nudel deserves our support. We owe it to this great woman to answer her call, "If our suffering will not force every one of you to rush to help us, then it is in vain."

In that spirit, I appeal to President Brezhnev and Ambassador Dobrynin, to whom these words will be sent, to permit Ida Nudel to emigrate to Israel.●

● Mr. KEMP. Mr. Speaker, it is heartening to know that Ida Nudel is about to be released from her 4-year exile to Siberia, a sentence ostensibly imposed for the crime of "malicious hooliganism;" in reality it was for the "crime" of being Jewish in the Soviet Union.

Ida will celebrate her 51st birthday in April. It would be fitting if the Soviet authorities could be prevailed upon to allow her to celebrate it in Israel, with her sister and her husband, whose indefatigable support and encouragement have helped sustain her through the harsh Siberian winters of her exile.

The United States has not been silent on this matter. Thanks to NORM LENT a bipartisan coalition of our fellow Members of Congress have expressed our deep concern over the treatment of Ida Nudel and other dissidents. I have joined others in speaking out frequently against the harassment of Ida, Anatoly Shcharansky, Vladimir Prestin, Andrei Sakharov, and Elena Bonner, to name a few. We've been personally assured by Elena Friedman, Ida's sister, that word does filter back to the dissidents that they have not been forgotten by the world outside their jail cells, and that this knowledge causes them to take heart and continue to hope for their freedom, and the freedom of all other Soviet citizens who desire only to be permitted to retain and practice their beliefs, or alternatively, to be permitted to emigrate to a country which will respect their views.

Our activities must not cease with Ida's release. We must continue to press the Soviet Government to allow her to emigrate to Israel, a request initiated in 1971 when she first applied for an exit visa. This application marked the beginning of her harassment by Soviet authorities, as it does in almost every case. We must continue to voice our protests to the Soviet Union against its policy of routinely denying exit visas for Jews, and using the visa application as a starting point for escalating harassment of the individual and the community.●

● Mr. FAUNTROY. Mr. Speaker, it is with a sense of concern and enthusiasm that I join with my distinguished colleague, Mr. LENT, in the World Day of Protest on behalf of Ms. Ida Nudel, a Prisoner of Conscience in the Soviet Union, serving a 4-year sentence in exile in Siberia.

Along with many of my colleagues, I have been aware of Ms. Ida Nudel's imprisonment for the "crime" of seeking the human right to emigrate from the Soviet Union. Like many of my colleagues I have often raised my voice in support of Ms. Ida Nudel's quest for freedom.

Once again, I join my colleagues in demanding that the authorities of the Soviet Union permit Ida Nudel to emigrate to Israel upon her anticipated release from exile on March 20, 1982.●

Mr. LENT. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

THE FEDERAL RESERVE

The SPEAKER pro tempore (Mr. BONER of Tennessee). Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, I have spoken with respect to the Federal Reserve Board, the fact that the Congress for more than two decades has overlooked or abdicated a very serious and continuing responsibility, ever since the enactment of the 1913 Federal Reserve Board Act. Also because of the long-standing need for the congressional oversight, and certainly review of the provisions of that act, inasmuch as this Board or agency by its persistent and willful ignoring of accountability either to the Congress or the Executive branch of the Government, therefore, is completely and has been completely out of control of the American people.

Being the main arbiter as to the destinies both as to the fiscal as well as monetary destinies of our country, I think that now at this stage, a crisis stage, it is obvious to even the most-distant citizen that this is a matter of urgent need for attention and some immediate action. But none is even visible on the horizon as forthcoming.

I also have addressed the House since my introduction of two resolutions and three separate bills in pursuance of this objective. There were two resolutions, one having to do with the impeachment of the current chairman of the Federal Reserve Board, Paul Volcker, and in pursuance of that I made the request of the chairman of the Judiciary Committee that he give serious attention. Unfortunately, a matter of this nature sometimes tends to sound bombastic and flamboyant and, therefore, is subject to some ridicule and some rather light-hearted and giddy-headed attention. This, of course, has been the suffering of this resolution I introduced.

However, never in my career, whether as a member of the city council of the city of San Antonio, Tex., or the 5 years that I served as a State senator in the State senate of Texas, or the 20 years and 3 months that I have had the honor of serving in this body, have I ever considered any part of my duties as a matter of levity or as a joke, or as a stratagem for a joke. If I have reached the point of introducing a resolution it is because I am in dead earnest, and I mean every word of it, and because I intend, and want, and seek, and will insist on serious consideration.

So I ask unanimous consent that at this point in the Record I may be permitted to place into the Record my November 12, 1981, letter addressed to Hon. Peter W. Rodino, Jr., and his reply to the same of December 11, 1981, to me. In this letter from Chairman Rodino I am advised that he received the resolution and that he has asked the staff of that committee to conduct a preliminary review of the resolution and any available evidence which would support such a resolution. However, he did stipulate, and I quote:

> Due to the extremely heavy legislative workload in these closing weeks of this session, I do not anticipate any action in the near future.

Since I have had no further word in light of the fact that he stated that he was going to instruct the staff to look into the general tenor of the possibility of the resolution, and also whatever constitutional basis there would be, I presume, for entertaining the resolution, and I assume that since I have had no further word, that either this has not been done yet or it has not been completed and, therefore, I anticipate some further correspondence from the chairman.

But in the meanwhile, it looks to me as if it will be up to myself to make the case and, therefore, I intend in the future, through this forum—it is the only forum available—to formulate, outline as if I were appearing before the Committee on the Judiciary, as if I were making the case and as if we had a full blown proceeding for the purpose of the Judiciary Committee hearing the nature of the resolution of impeachment against the chairman of the Federal Reserve Board. I will proceed on that basis and will deduce what I consider to be the satisfactory evidentiary matters laying the predicate on a constitutional basis for such a move.

However, it never has been my intention that this resolution would be the main instrumentality of action, for that would be, of course, I think rather foolish, foolhardy, because the real need is not the immediate impeachment of a chairman, even though I think that there are grounds, but it certainly would do one thing, and that is to at least bring to the attention of the Congress, even though it is in the forum of the Judiciary Committee that has no direct jurisdiction of what the Congress itself ought to be doing, first on the basis of another committee, the Banking Committee, and then the full Congress itself, and that is the bringing to accountability of those who are forging the destiny and, in fact, wrecking those destinies of fiscal and monetary well-being of this great country.

We are being held hostage, both President and Congress, and the people, and the small businessmen to this runaway Board that in its arrogant posturing before the Congress—I have been a member of the Banking Committee for the 20 years that I have served in the Congress, and at no time have we ever had a chairman or any member of that Board come before a committee and even show a willingness to render an accounting as to whether it is the methods, the judgments, the policies, and the procedures made in camera in the so-called open market committee, which is really a secret committee, which, in effect, determined policies that can make or break any administration in power, for it will determine exactly what it is the Treasury bill or note is going to call for. Ever since the changes in 1951, we are the only country in the world that handles our finances, even between the Department of the Treasury and the central banker, which is the Federal Reserve Board, the way we do. Not only are we being wrung dry through extortionate, not high, not usurious, but extortionate, criminal rates of interest. The idea that a country with an economy of the kind and a civilization of the kind and a Government of the kind of the United States would be fragilated with extortionate rates of as much as 21 percent prime interest rate is absolutely unthinkable, unacceptable, and, indeed, and, in fact, I charge it is criminal. What has been done has been the legalization of usury. We have made what has been illegal even since the days of Jesus Christ our Lord, even then it was illegal, we have legalized it.

Why? Because Congressmen, Presidents, Secretaries of the Treasury and the great mass of the so-called private sector leaders seem to say that these things are acts of God, that nothing can be done about it. High interest rates, you cannot do anything about it. There are all kinds of myths then as to why, and yet we let the Secretary of the Treasury, we let the Presidents, we let high ranking Members of the Congress, indeed the entire Congress over the last 20 or 30 years get away with this notion that it is not our responsibility.

When the people ask me why can you not do something about the fact that if I want to go and borrow money—this is a small businessman talking—in order to have a floor inventory from my store, I must pay 22 percent, 20 percent, 19 percent, 18 percent. I will say this for myself, even the idea of having to pay 10 percent is wrong and criminal and unnecessary, and weighing down like a giant dead hand smothering the engines of enterprise and production and industrial well-being in this country.

This morning coming to Washington from Texas one of the headlines in one of the Texas papers, in Dallas to be exact, was the fact that the great Braniff Airline was suspending half of the weekly payment of their employees. The main reason was their cash flow is in trouble. Why? Because how in the world can even that kind of a powerful business enterprise afford to borrow on a short-term basis at more than 17 percent or even more than 15 percent? It is incredible. It is unbelievable that this economy of the United States would be like an economy of a Third World country.

This is where I have always seen these interest rates this way, but those are countries that have what kind of economies? They are the most primitive where such things as mass production, mass consumption, based upon that third leg of that great financial stool, and that is consumer finance, so that if you live in any country south of us, beginning with Mexico, and for years if you wanted to borrow money, if you could to begin with, you could never get it unless you were willing to pay over 15, 16 percent. But then, the great variety and diversity of product in our country was made possible because, yes, essentially mass production, mass consumption. But that in turn, especially after World War II where Americans were now inured to abundance was made possible also not just because of mass production and such mass consumption as was then available, but because that was raised exponentially through consumer finance at reasonable amounts of payment that an average wage earner could buy.

□ 1615

Today why are our automobile sales down with respect to new cars? Well, it is simple. Anybody who lives in the United States does not have to be an economist to know that if you want to get any kind of a car today, it is difficult to do it for much less than $10,000, and if you borrow and try to pay on the installment, you are going to have to pay no less than 16 percent interest rate.

What does that mean? It means we are depriving the average American of the prime product of America. We in America like to talk about these lesser countries having one-crop economies. Well, what is it we have? Why are we in such distress now? Because of our one-crop economy, the automobile industry, principally, which is so interrelated with so many others, that you have now over 265,000 automobile workers alone unemployed. And the American automobile makers are saying they cannot sell their cars. Then some go off on tangents and some blame the Japanese and some blame the others, but always forgetting that at the bottom of it has been the fact that we are trying to regress. We have a President, we have an administration, and we have their supporters in the Congress that up to now have been rigid in their partisan support, who say that they can turn the clock back and that they can live and make peace with the usurers, with the extortionists, with those who are stifling every bit of activity, whether it is home buying, car buying, installment buying of any kind in this country.

This is the kind of thing that I believe that the Congress needs immediately as a matter of urgent necessity to address itself to. Of course interest rates can be controlled. Of course they are not acts of God. Of course it can be done, all within the constitutional framework of our civilization and Government. Of course it can. But it will not be done by those who are beholden to those who are profiting from these enterprises and extortionate rates of interest.

Even the Treasury itself. What did the Congress do on the insistence of the administration last year? We had nothing but a raid on the Treasury. We have not seen anything like this since Andrew Mellon was last giving the Treasury away 40 years or more ago. And what happened then? It took almost a revolt on the part of the American people and a lot of suffering and travail, as unnecessary then as it is unnecessary now, and far more inexcusable and unforgiveable now than perhaps we can say in retrospect was the case 40 or 45 years ago.

What I address myself to here today is the fact that if an airline like Braniff has to take it out on its employees while the chairman of the board and the President of the United States meet in secret, and the President has to meet furtively with the Chairman of the Federal Reserve, who condescended to meet with him—what happened? We do not know. All we know is that whatever the purpose of the meeting was, it is not stated who won. Certainly the Chairman of the Federal Reserve Board says that he is not only absolutely confirmed in his course of action, which has led to the highest interest rates in the history of this country, or any, for that matter, and to what is obviously not a recession but a depression.

The Congress. Disappointed as I am, I have faith only because the people, the plain, ordinary vanilla citizens, are way ahead of the politician and the President and his advisers and all of the economists' panjandrums, the people, the ones I have talked to, the ones I have visited with intimately, not only recently but through the years, the small, the truly small businessmen, they know, they know what the problem is, they know what the cause is, they know who is responsible, and they know what can be done about it. Maybe not in precise terms. After all, they are not the ones who are in the seat of power. That is our responsibility.

I say, Mr. Speaker, that the handwriting not only is on the wall, it is more than handwriting. It is a voice, strong, vibrant, clear, and it is emanating from the people, whether it is the small businessman in the adjoining State of Virginia, with whom I have talked, or a host of small businessmen in Texas, from Fort Worth to Brownsville, Tex., with whom I have met, or whether it is my own constituents. And if we ever continue in this frozen indifference that amounts to a callous disregard of what is happening now, as reflected in the President's state of the Union message this last month, in which, incredibly, a President, in fulfillment of a constitutional mandate to report on the state of the Union, never even mentioned the current vibrant, turbulent problems currently facing the Union, but gives us an address that could have been prepared a year ago, about some illusory program known as New Federalism, in which he does not even bother to first run a poll with the leaders in the legislatures or the Governors of the various States to see what if anything there is a possibility of reality in this illusory program. And as the Governors told him in their majority last week, they will have no use for it. This was the state of the Union. No mention about the 10-percent unemployment.

You know, percentages are percentages. But human beings are alive and kicking human beings. How can you imagine 10 million Americans—the truth is, it is more than 10 million—how can you imagine the anguish, the social destruction that is going on now with Americans who want to work, are able to work, are willing to work, but cannot find work, with the President saying, "By and by, my friend, Guyana-like, like Jonestown, take this potion, this will cure you, this is an economic recovery potion," and everybody rushes, mesmerized—the Congress, the private sector, the press, and, of course, all the partisans on the other side—just like a giant Guyana, like a giant Jonestown, and everybody is saying, "Well, this is a charismatic leader, we will take the potion because he says it is going to cure us, even though the people are dropping dead all around."

But let us never forget one thing about Guyana. Reverend Jones had some enforcers, and when a couple of the small ones and some of the younger ones and some of the older ones said to him, "Well, wait a while, maybe we won't," they were either shot or threatened to be shot. And this is what we are going to eventually get in America?

Well, Americans, let me tell you something: Nobody in Germany, in the Weimar Republic, would ever have said that would happen to Germany. And it did. The German people were not inferior. They were not less smart, they were not less virtuous than Americans then are now. And it happened there almost developing in that path, because all history shows us that when a country develops the set of forces that we have put in motion in this country now, and when you have failure, which is inevitable in this case, the inevitable thing then is for people to say, "We will take anything," just like in Germany, when the German worker could not find work and his dollar or mark could not buy anything, or whatever he got was insufficient with which to buy, and his children were crying for milk and bread and he could not get it—do we blame him? If the devil had come with pitchfork, horns and tail and brought a basket of groceries, he would have followed him. How can we blame him? And Hitler came along. And he did. He got the bag of groceries, even built the autobahns and everything else, and he gave them employment. But you know the rest. Some of us are of that generation. Most Americans today are not.

And yet here in the case of this agency known as the Federal Reserve Board where, through not misfeasance necessarily, but acts of omission, both the Congress, the people's representatives particularly, and the President have been content to forsake and strip naked the American people of any protection they can have from the predatory. We have always had predators. I have brought out here the history of the Federal Reserve Board, why in 1913 the Congress finally enacted, in a history so unnervingly parallel to what is happening today and that it is of course a source of dismay, almost demoralization for me, to see that even the likes of me would have to get up and speak in this manner. It certainly is not pleasant. And yet it has to be said. And maybe perhaps eventually not I, but somebody else—though time is on us and time is awasting, as we say—but hopefully it can, hopefully it can trigger, hopefully we can reach the marble halls of the real powerful, the plush corporate offices of the wielders of power in America. The Federal Reserve Board, as I told Chairman Volcker to his face when he appeared before the committee, is actually obedient only, out of the 14,000 commercial banks in this country, more or less, it is really obedient to less than 10 of them and what they want and what they dictate. And I think that the American people are entitled to know that that is where the decisions are being made that determine that the great American dream of a family having the right—not the privilege—to have a safe and decent home available to him and to his family or her and her family—that dream shattered.

Mr. Volcker says, "These policies, yes, they will result in the diminution of the standard of living for some Americans." Well, which? Ninety-five percent. All but David Rockefeller. Chase Manhattan Bank had a lot to do with determining the very resolution passed out of this House with respect to Poland and with respect to the agitating problems that are confronting us on the international level and which impinge on the domestic. And the Congress reacts immediately—$5 billion for the IMF so that it can help some of the so-called developing nations that are unable to make their payments to Chase Manhattan, the First City National and the others that have poured billions and billions and billions of dollars into these questionable ventures. Yet they are the ones that say that is not inflationary.

Mr. Volcker does not say that the Congress ought to cut back. But he says such things as food stamps, mind you, such things as grants at below interest rate payments, or loans to farmers or to small cities or to large cities for drainage, for sanitation systems, that is inflationary and must be cut. Subsidized housing programs, loans or grants, FHA, social security, oh, that is inflationary. But not $5 billion, not $1½ billion more last year than ever before for foreign aid, on the insistence of the same President who says that is not inflationary but $300 million is if it is for food stamps.

□ 1630

This is the inanity. This is the perversion of priorities. This is the wholesale abdication of trust and responsibility that I speak of and it is all focusing on this one great, gigantic, mammoth agency that has these tremendous powers without the least responsibility or accountability to the American people.

There is nobody in this Congress or anywhere else, even the only watchdog agency we have available to us, the General Accounting Office, they cannot tell me if there is such a thing as an Inspector General in the Federal Reserve Board.

I raised my voice a couple years ago. I was not heard much, like this is not; but nevertheless, I went on record and raised questions about highly questionable transactions; the Bunker millionaires of Texas attempting to corner the silver market and what I consider to be the improper use of banking credit. Instead of available to the average businessman, to the engines and mechanisms of our industry and factories, it was being used for speculative purposes of the most ruinous kind to try to corner the silver market.

That was done only because Mr. Volcker and the Federal Reserve winked. They did not enforce the law there. They did not have to account to anybody and they told the Congress so, and without a whimper the Congress has taken it and so have the Presidents.

I say that this grave responsibility rests upon us squarely and that it should be addressed immediately, that even 1 more month of any kind of fundamental interest charge of more than 10 percent is willfully wrong. It is criminal. It is not beyond the pale of control.

The day has not come when that inherent power in not in the people, and that means the representatives and agents of them, and that is us. That is upon whom this trust lays.

I am saying that one good place to start, even if it is just to get the initial action of attention on the part of the congressional level, is at least a consideration of my impeachment resolution by the Committee on the Judiciary; but at least also the other responsible committees, like the Banking Committee. Long ago we should have been having hearings on the accountability and lack of accountability on the part of the Federal Reserve Board.

When I also raised my voice at the same time about the so-called silver hoax transactions, I raised my voice about what was obviously a killing of millions and millions of dollars, because secret information was leaked out of the deliberations of the open market committee.

Now, if that happened in any other branch of the Government, it would have been subject to investigation. The best I could do was to get a response from the Federal Reserve Board then that they were going to appoint an in-house committee to look into the matter. If they did, nobody has heard. If they did anything, nobody knows what it is, and the GAO tells me they do not have the means to go into the Federal Reserve Board and look it over and the Congress will not do anything about it. When they last tried to do that a few years ago, when our committee had that great American and great Texan as its chairman, Wright Patman, we could not get the majority of our colleagues to go along with us.

The question is, why? What is so wrong, what is so violative of any inherent right to have accountability, an accountability of the most important kind, because it has to do with the very essence of the economic and financial well-being of the great Nation.

So I am hopeful that Mr. Rodino will, indeed, and in fact have already followed through on his promised instructions to the staff.

In the meanwhile, I promised them to do it myself and I will do it from this forum on future occasions.

Mr. Speaker, the letter to the Honorable Peter Rodino and his response is as follows:

November 12, 1981.

Hon. Peter W. Rodino, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, D.C.

Dear Mr. Chairman: As you know, I have introduced a resolution calling for the impeachment of Paul A. Volcker, Chairman of the Federal Reserve Board. This is to request that you set this matter down at the earliest possible time for public hearings.

I believe that Chairman Volcker is guilty of committing the most grave abuses of governmental power, subverting our system of government, and that he is unfit to continue in public office. He has systematically defied and obstructed congressional efforts to monitor, review and oversee monetary policy. He has thereby made it impossible for Congress to fulfill its legislative responsibilities with respect to economic policy.

Since introducing my bill, a number of our colleagues have expressed doubt to me that Chairman Volcker is guilty of violating any criminal laws and therefore could not be impeached. But you and the Members of Your Committee know, as well as I, that a government official need not violate the criminal statutes in order to be guilty of impeachable offenses under the Constitution.

Your own Committee took the broad view several years ago, when President Nixon's case was being considered, that impeachment is a Constitutional remedy provided to deal with serious offenses against our system of government. The accepted view is that an impeachable offense includes flagrant abuses of governmental power that undermine the structure, and the system of government, or undermine the integrity of the office or the Constitution.

By abusing his authority concerning the monetary activities of the Federal government, Chairman Volcker has virtually destroyed the check and balances principle that underlies our system of government. The powers he exercises exceed those delegated to his office by Congress and effectively negate attempts by the executive or legislative branches to formulate and adminster economic policy.

The chairmanship of the Federal Reserve Board, under Mr. Volcker, has become tantamount to an economic junta, unelected by the people and unaccountable to the people's representatives. So far as the national economy is concerned, we have become neither a nation of laws or even of men, but only of Paul A. Volcker.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

DECEMBER 11, 1981.

Hon. HENRY B. GONZALEZ,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR HENRY: I have received your letter concerning your resolution calling for the impeachment of Paul Volcker, Chairman of the Federal Reserve Board. I have asked my staff to conduct a preliminary review of your resolution and any available evidence which would support such a resolution. Due to the extremely heavy legislative work-load in these closing weeks of this session, I do not anticipate any action in the near future.

I fully understand the feelings which compelled you to introduce the resolution, and I am aware of your deep personal interest in the effective functioning of the Federal Reserve System and the American economy. I can appreciate your efforts to take whatever steps are necessary to ensure that our economy regains its health.

With warm personal regards,

Sincerely yours,

PETER W. RODINO, Jr.,
Chairman.

ILLINOIS-MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 60 minutes.

● Mr. CORCORAN. Mr. Speaker, I am pleased to introduce today legislation to establish the Illinois and Michigan Canal National Heritage Corridor which runs from Chicago to LaSalle, Ill. Ever since my election to Congress in 1977, I have introduced legislation to enhance and protect the beautiful and historic Illinois and Michigan Canal, which runs through my hometown in Ottawa, Ill.

A group of active volunteers who dedicated hundreds of man-hours to renovating the canal and some historically minded people who recognized the recreational and historic potential of the canal were the primary reason for my active legislative involvement.

In addition to this, I wrote to the Secretary of the Interior requesting a reconnaissance study by the National Park Service for the Illinois and Michigan Canal.

The resulting favorable report led to a further, more detailed study of the canal and the Des Plaines River Valley. Released last December, this excellent study was directed by Dr. John Peine—National Park Service—and formed the basis for the legislation I am introducing today, which creates a plan for development of the recreation, historic, and economic potential of the canal and river valley area. Working closely with Illinoisans concerned with the development of this Heritage Corridor plan, Dr. Peine's report calls for a partnership among Federal, State, local entities, and the private sector to develop the recreational potential in the area.

This grassroots approach to the study was reflected in the development of the legislation itself. Several meetings with members of the business community and representatives of historic, recreation, and conservation interests were hosted by congressional offices, resulting in the legislation introduced today. This bill represents several months of hard work and careful crafting to insure adequate representation of each partner.

Specifically, the bill creates a new national designation in the National Park System called a Heritage Corridor, which calls for no major Federal role in land acquisition or in operation and maintenance and no new environmental or access restrictions. Rather a Federal commission is created to coordinate the implementation of the goals listed in the National Park Service report.

The major functions of this Commission are to market the resources in the corridor and to assist in raising funds for projects to further develop the recreational potential of the canal and the Des Plaines River Valley.

The voting membership of the Commission would consist of equal ratios of public representatives, including a National Park Service representative, members of the business community, and representatives for conservation, historic and recreation interests, for a total of 15 members. All, except for the Park Service representative, would be appointed by the Governor of Illinois.

In order to determine the economic benefits that I feel assured will impact positively upon the corridor, I have also called for a study of the economic impact of activities recommended in the Park Service report. Matching funds by another funding source will be necessary to initiate the study, which must be completed no later than 6 months after this bill has become law.

The Commission will then be able to draw upon the conclusions of the study when coordinating the further development of the Heritage Corridor.

Furthermore, the Heritage Corridor designation is clarified in the legislation to allow no modification nor establishment of any regulatory authority of State and local government, including land use regulations, environmental quality, or pipeline or utility crossings. Participation in corridor programs by any firm, public or private owners is on a voluntary basis.

We are also requesting that the Interior Department provide technical assistance in the form of interpretative studies, feasibility studies and fundraising consultation. In addition, we have provided for the placement of two Interior Department personnel on the staff of the Commission.

Finally, the canal title question, which has been a source of controversy over the past years between the State of Illinois and the Army Corps of Engineers, has been resolved in this legislation.

The Federal Government is to release all remaining rights it holds to the title of the property associated with the canal except for the canal prism and towpath. The Secretary of Interior is instructed to release this section to the State only if satisfied that the State is fulfilling its commitment to using the canal for primarily recreational purposes.

This Heritage Corridor is an exciting new concept in park developments, and I am proud that Illinois, which has no national designation for recreation other than the 12-acre Lincoln homesite, can be the innovator of a new trend in national designations.

It reflects the new federalism philosophy supported by President Reagan and relies heavily upon cooperation among Federal, State, and county entities and the private sector.

Already we have a commitment by the State for the loan of two staff people, one each from the Department of Conservation and the Department of Commerce and Community Affairs.

The county forest preserves have also committed funds to developing trails which run through their districts. Members of the private sector, including prominent industries located in the corridor, have expressed an interest in taking advantage of the income tax deduction provision for donations to the Commission for the improvement of the corridor.

There is a lot of enthusiasm and support at the local level, too, with many canal towns already endorsing the concept along with State legislators and other individuals and organizations. Even before this Heritage Corridor idea was created, many persons donated time and money into improving the canal.

As a measure of the community's support, Mr. Speaker, I am pleased to mention that two organizations have recently been formed to provide a means of encouragement for the corridor project.

First, the Upper Illinois Valley Association was organized to bring together industrial interests along the corridor for the support of the creation of the Heritage Corridor. This association, led by the Ottawa-Silica Co. and Material Service Corp., has been actively involved in negotiations on the legislation and has successfully provided a focal point for industrial support for this project.

In addition, the Friends of the Canal Corridor was formed by interested individuals and conservation, historic, recreation, and other involved groups to display a broad spectrum of involvement from many communities working for the preservation of the historic Illinois and Michigan Canal Corridor.

Over 100 endorsements of support have been garnered by the Friends group, including local and statewide groups who recognize the potential value of the corridor.

I am happy to report that the business community has donated time into making legislation sensitive to their interests, too. Three Rivers Manufacturers Association, and in particular Caterpillar Tractor Co., Union Oil Co., Commonwealth Edison, Olin Corp., and Northern Petrochemical, have displayed exemplary leadership during the discussions on this bill.

In fact, I met with several representatives of business and industry recently and was presented with their ideas for improving the legislation, and many of these suggestions were incorporated into the bill I am introducing today.

I would also like to commend the Illinois Bell Telephone Co. for conducting a study which found that, if existing community resources in the Heritage Corridor were effectively marketed, 700 new full-time jobs would be created. Our area has been experiencing a bad economic downfall, yet this study shows that if we promote what we already have developed we could significantly and positively impact on the economic climate in north central Illinois.

Finally, I would like to commend the Open Lands project, particularly Gerry Adelmann, who has been a successful mediator between all parties concerned with the legislation. Open Lands laid the foundation for the cooperative negotiation between the conservation groups and the business community during the discussions on legislation.

The encouragement and on-going support for the corridor project is a credit to this not-for-profit organization. I hope this group will continue its leadership role in Illinois with regard to developing the recreational and historical potential of the Illinois and Michigan Canal and the Des Plaines River Valley.

The Secretary of the Interior Department, James Watt, has termed the Illinois and Michigan Canal National Heritage Corridor concept daring and precedent-setting. I am confident that we can live up to his enthusiastic description when implementing the Heritage Corridor project. I urge my colleagues to support our legislation.●

A MODEL FOR PUBLIC SERVANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. ROGERS) is recognized for 10 minutes.

● Mr. ROGERS. Mr. Speaker, I would like to bring to the attention of the Congress the retirement of an outstanding public servant, Mr. Squire Baker, the county court clerk in Clay County, Ky.

Mr. Speaker, it is not difficult to find men in public service who are capable in performing their duties. Nor is it difficult to find men in public service who are noteworthy because of their dedication to serving the public. But it is difficult to find a public servant who is both excellent in the performance of his duties and, at the same time dedicated to benefiting his fellow man. Mr. Squire Baker is just a man.

In following his career, I have long been convinced that Mr. Baker should serve as a model for other public servants. And it is for this reason that I would like to describe him for the public record.

First and foremost, he is a family man. His wife, Evelyn, and his children, Robin, Betty Sue, Janet, Fred, Margaret, and Kay are the kind of family many men only dream of having.

He is a church-going man and the kind of neighbor who is always on hand when there is any need.

And he is an old-school politician, a real mover and doer in local politics.

And through this all, he has been county court clerk in Clay County for 36 years. And he has been a public servant in the old-fashioned meaning of the word—he has taken care of the public's needs.

To give you an indication of the deep esteem and affection which his hometown holds for him, I would like to tell you a story I was recently told about this gentleman.

It seems an elderly lady came into the courthouse to record a deed one day. Mr. Baker helped her complete her business and recorded her deed. The lady asked what the fee was for the transaction and, in reply, Mr. Baker smiled and said that she was in luck. He told her that this was a Tuesday and that they always recorded deeds for free on Tuesdays.

Apparently this lady had been working hard to make ends meet. So as she walked out the door, Squire Baker took the money out of his own pocket and put it in the till.

That is typical of Squire Baker—family man, churchman, public servant. Clay County will miss him and America will be the poorer on the occasion of his retirement. But my only consolation is that I know that some men, even when they retire from office, will never stop serving the public and benefiting their communities. And Mr. Squire Baker is certainly one of these men.

Mr. Speaker, in looking through the halls of the bureaucracy in Washington and examining our own standards for public service, I can only suggest that we take a careful look at the record of Mr. Baker. His dedication and accomplishment in public service can be a needed reminder for us all.●

H.R. 5565, THE HEALTH IMPROVEMENT ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOGLIETTA) is recognized for 5 minutes.

● Mr. FOGLIETTA. Mr. Speaker, I rise today to introduce the Health Improvement Act of 1982. This bill would create an optional loan forgiveness program for recent graduates of medical, osteopathic, and podiatry schools, specializing in primary care, psychiatry or podiatry, who choose to locate their private practice in health manpower shortage areas.

As we move away from a national policy of providing scholarships, to medical schools, and low-interest loans for medical education, toward one of market-rate loans and debt burdens carried singularly by medical students and their families, we are creating adverse incentives for recently graduated doctors. The skyrocketing costs of medical education results in the need for most medical students to borrow large sums of money to complete their education. In Pennsylvania, many first-year medical students anticipate debts of $50,000 or more.

We should not deny that physicians, in view of their high future income potential, should pay the major share of their educational costs, but the dangers we face, and the incentives we create by not buffering debts of this magnitude are twofold: First, higher debts tend to draw physicians into higher paying specialties and geographic areas where there is greatest potential to pass their indebtedness onto patients and insurance, away from primary care specialties and underserved areas, and second, staggering tuition and fees discourage financially disadvantaged minority students from aspiring to careers in medicine.

The Health Improvement Act is a simple mechanism designed to keep our national commitment to assuring accessibility of quality health care for all Americans, and to enable recently graduated physicians who might otherwise opt for a more lucrative practice, to pursue a primary care, psychiatric or podiatric practice.

The Health Improvement Act incorporates a number of provisons designed to accomplish this dual goal. First, the bill would provide forgiveness for an increasing percentage of the physician's Federal direct loans or guaranteed loan obligations incurred during the course of the individual's medical education for up to 6 years, in exchange for a post graduate choice to serve as a primary care provider, psychiatrist or podiatrist in a health manpower shortage area. Second, the act would provide that those physicians who exercise this option agree to serve that medicaid population and accept assignment under the medicare program. Third, the bill provides a graduated schedule of loan forgiveness for up to 6 years, acting as an incentive to keep the physician in the underserved area for many years.

There are some significant differences between the loan forgiveness program and the National Health Service Corps, which is currently the primary vehicle for reducing geographic and specialty maldistribution of physicians.

First, the Health Improvement Act is available to primary care physicians who open private or group practice in an underserved area. The National Health Service Corps provides health professionals to areas classified as manpower shortage areas. Most of the NHSC recipients receive full tuition and stipend support while in medical school, for which they owe service on a year-for-year basis, and are paid a salary by the Federal Government during their payback years.

Second, under the Health Improvement Act, a commitment will be required only at the time when all medical students, regardless of financial need, are making their specialty and geographic decisions. Under the NHSC, the medical students' decision to pursue a primary care, psychiatry or podiatry specialty and to practice in an underserved area are made when the medical students need financial assistance prior to, or during their medical education. Besides requiring students to make premature career choices, the NHSC commits the Federal Government to subsidizing the education of students 4 to 7 years prior to the time when future manpower needs are known.

Third, under the Health Improvement Act, once a physician shortage area has been filled by a practitioner, the manpower shortage area designation would be removed to prevent unnecessary subsidization of personnel. Under the NHSC, the shortage area designation is removed only after a community or individual files a request for removal with the Secretary of HHS.

Fourth, the Health Improvement Act provides a graduated scale of loan forgiveness for physicians who remain in underserved areas for longer periods of time. The average length of service in the NHSC is 3 years.

Fifth, the Health Improvement Act is cost effective, allowing a maximum payment of $25,000 per year per physician for 6 years only. The annual NHSC scholarship cost is $15,629, and the average salary cost per NHSC member is $40,300.

Finally, it must be emphasized that the Health Improvement Act interferes in no way with the budgetary savings reached under reconciliation. No significant funding is authorized for the Health Improvement Act's loan forgiveness program until fiscal year 1985—when NHSC physicians serving in underserved areas complete their obligations.

The Federal Government has made a commitment to the poor, elderly, and the geographically isolated. The NHSC is just one example of that commitment to accessible health care for all Americans. The Health Improvement Act is designed to continue that commitment in a much more cost-effective way than the NHSC. The Government has long played a major role in the assurance of high quality health care. Denying a medical education to extremely qualified individuals simply because they are from low-income backgrounds impedes our pursuit of quality health care services. The Health Care Improvement Act is one fact of a number of long-range reforms needed to check the rate of increases in health care costs. Encouraging primary care services in other additional ways, including making competitive changes in our medicaid and medicare reimbursement mechanisms, will lead to lower costs to the Federal Government.●

JOE F. MEIS RETIRES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HUTTO) is recognized for 15 minutes.

● Mr. HUTTO. Mr. Speaker, last week the men and women of the U.S. Air Force and the Defense Department bade farewell to an exemplary public servant of nearly 42 years. Mr. Joe F. Meis, Principal Deputy Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations) retired from a combined military and civilian defense-oriented career, which started in 1940 as a member of the State of Oklahoma's famous 45th Infantry (Thunderbird) Division.

On February 26, 1982, Mr. Meis was singularly honored at a luncheon hosted by the former Congressman Bob Sikes of Florida. Joining in honoring Mr. Meis were members of the Florida delegation, headed by Senator LAWTON CHILES, senior Congressmen CHARLES E. BENNETT, and CLAUDE PEPPER, and Secretary of the Air Force Verne Orr.

Mr. Meis is the consummate professional civil servant. His service to the country as a member of the defense team is best categorized by his devotion to duty, the sacrifice of personal convenience and gain, and an all-consuming desire to make things better for those in the U.S. Air Force. During recent years, as the principal executive and adviser to the Assistant Secretary in the overall management of all manpower, reserve component affairs, and installations management programs, Mr. Meis was at the leading edge of the Air Force's efforts to improve the living and recreational needs of its people through numerous quality of life projects. He had a significant hand in the ongoing Air Force program to provide for necessary facilities modernization and improvement projects.

His biographical sketch, which is included in this special order, clearly shows the depth and breadth of his influence on the U.S. Air Force and our national defense efforts. It is with a great deal of pride and honor that I bring this matter to the attention of my colleagues in the House, in praise and expression of thanksgiving to this outstanding American citizen for his dedicated efforts in making the U.S. Air Force a better way of life for her people.

JOE F. MEIS, PRINCIPAL DEPUTY, ASSISTANT SECRETARY OF THE AIR FORCE (MANPOWER, RESERVE AFFAIRS AND INSTALLATIONS)

Mr. Joe F. Meis became Principal Deputy Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations) on March 1, 1978. As Principal Deputy, Mr. Meis functions as the principal executive and adviser to the Assistant Secretary and participates with him in the overall management of all manpower, reserve component affairs and installations management programs.

Mr. Meis was born in Hays, Kansas, on February 24, 1922, and attended public schools in Sharon Springs, Kansas. He studied at The George Washington University in the District of Columbia and the Federal Executive Institute at Charlottesville, Virginia. He is a member of the American Institute of Plant Engineers and the Society of American Engineers.

In September 1940, Mr. Meis joined the United States Army as a private, serving with the 45th Infantry Division at several stateside locations before moving overseas in 1943 to participate in the assault landings at Sicily, Salerno and Anzio in Italy and in Southern France. In 1946, Mr. Meis was released from active duty and joined the Colorado Air National Guard.

During the Korean War, he was recalled to active duty as a lieutenant colonel for service at Headquarters Far East Air Forces, Tokyo, Japan. He was released from active duty in 1953 and rejoined the Colorado Air National Guard. In 1954, Mr. Meis re-entered active duty and held positions at Headquarters United States Air Force and with the National Guard Bureau until 1968.

In July 1968, Mr. Meis joined the Office of the Assistant Secretary of the Air Force for Installations and Logistics as Real Property Maintenance Administrator in the Office of the Deputy Assistant Secretary for Installations. In March 1974, he moved up to become the Deputy for Installations Management. He was designated Acting Deputy Assistant Secretary for Installations on September 15, 1975, and served in that position until becoming Deputy Assistant Secretary for Installations six months later, a position he held until his appointment as the Principal Deputy Assistant Secretary. Mr. Meis was designated the Acting Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations) from May 19, 1979, through February 14, 1980.

His military decorations and awards include the Legion of Merit, Bronze Star Medal with one oak leaf cluster, European-African-Middle Eastern Campaign Medal with two service stars and an arrowhead, Korean Service Medal, and Combat Infantry Badge. He received the Pennsylvania Meritorious Service Medal in 1967 from the Governor of Pennsylvania. In 1973, he was awarded the prestigious Air Force Exceptional Civilian Service Award, followed, in 1977, by the award of the Air Force Meritorious Civilian Service Award. In 1979, Mr. Meis was awarded a second Air Force Exceptional Civilian Service Award. In 1980, Mr. Meis received the Presidential Meritorious Executive Award.

Mr. Meis is married to the former Louise E. Robertson of Abilene, Texas, and has three sons.●

IMPORTANCE OF SMALL BUSINESS TO THE NATION'S ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, in recent years, there has been an increased recognition of the importance of small business to the Nation's economy. Small business has been proven to generate jobs and innovations far more quickly and efficiently than large business; 97 percent of all business enterprises in the country can be classified as small.

Coupled with the growing appreciation of independent business has been an increased awareness of the importance of venture capital, money invested on a long-term basis in small and new firms with significant growth potential. During the last Congress, a major securities statute, the Small Business Investment Incentive Act of 1980, was passed for the purpose of facilitating venture investments in small businesses. Prior to the passage of the 1980 act, all public venture capital vehicles were regulated by the Investment Company Act of 1940. The Investment Company Act was originally designed to regulate mutual funds, and toward that end it has been extremely effective. However, as the modern venture capital industry evolved in the sixties and seventies, those venture firms which offered their stock to the public found that they also fell under the jurisdiction of the 1940 act.

That was a problem. Venture capital companies do not simply buy and sell stock in their portfolio companies—they make longterm, 7 to 10 year, loans and equity investments and provide substantial management assistance to nurture the growth of the small businesses in which they invest. Often, the small concerns require follow-on injections of capital after the initial investment is made. Venture capital companies, because of the nature of their business, found it extremely difficult to operate under the restraints of the Investment Company Act.

Congress recognized the special regulatory needs of the venture capital industry when it passed the Small Business Investment Incentive Act of 1980. While maintaining strong investor protection provisions, the 1980 act exempts public venture capital companies from the most troublesome aspects of the 1940 act. It allows them instead to elect treatment as business development companies (BDC's).

The new law is much more conducive to activity by public venture capital companies, and it is acceptable to both the SEC and the venture capital industry. To make the law fully effective, however, a technical amendment must be added to the Tax Code to provide BDC's operating under the 1980 act the same tax treatment they received as public venture capital companies under the 1940 act.

Under section 851 of the Tax Code, regulated investment companies that meet certain requirements can elect conduit tax treatment, thereby paying no income tax on earnings distributed to shareholders. One of these requirements is registration under the Investment Company Act of 1940.

Obviously, companies which elect treatment as BDC's under the 1980 act will no longer be registered under the 1940 act. The technical amendment I have introduced will simply extend conduit tax treatment to BDC's.

I urge my colleagues to support this legislation as the necessary and logical continuation of an effort by Congress to stimulate venture investments in small firms.

H.R. 5683

A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of business development companies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BUSINESS DEVELOPMENT COMPANIES.

(a) In General.—Subsection (a) of section 851 of the Internal Revenue Code of 1954 (defining regulated investment company) is amended—

(1) by striking out "or" at the end of paragraph (1),

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new paragraph:

"(3) which is a business development company within the meaning of section 2(a)(48) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(48)), as amended."

(b) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.●

U.S. REFUGEE RESETTLEMENT POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 5 minutes.

● Mr. MAZZOLI. Mr. Speaker, the Honorable HAMILTON FISH, JR., the ranking minority member of the Subcommittee on Immigration, Refugees, and International Law, which I have the honor to chair, recently delivered an excellent and thought-provoking address on the various refugee resettlement problems confronting this country.

His comments reflect the need for taking a careful look at our current resettlement policies, particularly as our subcommittee embarks upon its legislative task of reauthorizing the Refugee Act of 1980 during this session of the 97th Congress.

Congressman FISH makes several important administrative and legislative recommendations to improve the operation of our resettlement program and recognizes the need to share the resettlement burden on a more equitable nationwide basis. In his speech, he also addresses the need to develop more reasonable refugee placement policies and the desirability of a cooperative effort between the Federal, State, and local governments and the voluntary agencies in the development of those policies.

Congressman FISH also quite properly criticizes the "ready availability of prolonged cash assistance to refugees" and notes that the United States "is acculturating refugees to welfare and turning them into a dependent population."

I fully share Congressman FISH's concerns that refugees are relying on our welfare programs in increasing numbers and that dramatic measures must be taken to reduce the current welfare caseload.

Because of the importance and timeliness of Congressman FISH's remarks, I wish to insert them into the CONGRESSIONAL RECORD at this point so that they can be shared with my colleagues:

The Crisis in Refugee Resettlement

American voluntary agencies, after a long history of successfully resettling people from all parts of the world, have been losing refugees to the enticements of the public welfare system. An astonishing 67 percent of refugees in the United States three years or less—according to recent figures—receive cash assistance. "What we're starting to see," observed Joe Diaz, California's Deputy Director of Health, "is the beginning of a cycle in which you have the second and third generation going on welfare." Ambassador Marshall Green, the chairman of a special refugee advisory panel, found that ". . . there are mounting concerns in Orange County (California) and elsewhere over the increasing size of refugee welfare budgets . . . and the lengthening time many refugees appear to spend on welfare rolls." Mayor Gordon Bricken of Santa Ana, California, noted in recent immigration subcommittee oversight hearings that the "impact (of refugees) is positive in many ways, but the costs to communities like ours are tremendous." The Executive Director of a major refugee resettlement agency poignantly expressed the concern during our hearings that "we are pricing refugees out of the market." The Subcommittee heard an eloquent appeal from Charles Sternberg, on behalf of the American Council of Voluntary Agencies for Foreign Service, "that possible solutions to our domestic problems in resettlement not be sought by endangering human lives overseas."

The American people repeatedly have affirmed their concern for persons escaping persecution. The Select Commission on Immigration and Refugee Policy, a joint Presidential-Congressional Commission, expressed its support last year for the "continued U.S. commitment to the acceptance and aid of refugees, finding in that commitment not only a well-founded, humanitarian tradition but a means of both stabilizing world order and of reaping national benefit." Last summer Ambassador Green's advisory panel persuasively outlined the foreign policy dimensions of United States refugee policy toward Indochina. "United States assistance and resettlement," the Green report noted, "have been vital factors in maintaining stability and unity among (Southeast Asian) nations."

There is an important interrelationship between America's response to the world refugee situation and the continued vitality of our relationships with other countries. We know that Southeast Asian nations acted in direct reliance on American resettlement assurances in offering first asylum to hundreds of thousands of refugees. A radical and precipitous curtailment of our refugee acceptances would undermine American credibility in the region, detract from the close relations we have developed with these governments, and precipitate the loss of thousands of lives.

The United States appropriately is providing for a gradual reduction in levels of Indochinese refugee acceptances; we are phasing down the Indochinese refugee program in a way that is consistent with our international responsibilities. This year, the administration accepted a recommendation I submitted—together with two colleagues on the House Judiciary Committee—to reduce the ceiling on worldwide refugee admissions from a level of 217,000 for fiscal year 1981 to a level of 140,000 for fiscal year 1982. Last year's level was not reached, and absent an emergency in Poland or elsewhere, this year's level is adequate.

The United States, of course, vigorously should seek alternatives to resettlement in the United States. We must direct greater attention to reducing pull factors that induce the more casual refugee to leave Indochina. For example, testimony before the Immigration Subcommittee pointed to 41 refugee-related news items broadcast by the Voice of America's Vietnamese service during a four-month period last year. Twenty of these news items—an extraordinarily high number—dealt with rescues at sea. The VOA, in my opinion, must practice greater restraint and emphasize more balance in reporting refugee-related matters.

The relatively slim possibilities for rescues of "boat people" at sea are far exceeded by the chances of brutal treatment by pirates. Statistics compiled by the United Nations High Commissioner for Refugees document an 81% chance of pirate attack on refugee boats reaching Thailand—with an average of 3.4 separate attacks per boat. The unsettling reports of human cruelty include robbery, abductions, rape, and mass murder. News of this violence, which the United States abhors, should be brought home to people in Vietnam. Meanwhile our government should give strong support to efforts by the United Nations High Commissioner for Refugees to meet the piracy threat.

Our government, moreover, must encourage efforts by the United Nations High Commissioner for Refugees to arrange for voluntary repatriation to countries of origin. Finally, the United States must pursue, at the highest diplomatic levels, permanent settlement in countries of asylum and greater internationalization of the burden of refugee resettlement in third countries. Resettlement in the United States appropriately provides a solution of last resort to thousands of individuals and families seeking to escape persecution and reconstruct shattered lives.

The administration's consultation with Judiciary Committee members on refugee admissions took place this year against the background of a major change in public opinion. The recent illegal mass migration from Cuba and the continuing Haitian arrivals have caused many Americans to question our capacity to continue to perform a world leadership role in the acceptance of refugees. The flouting of our laws and the growing burdens resettlement imposes on states and localities are breeding resentment toward legitimate refugees. Public hostility and cost require a new look at resettlement policy.

A clear distinction needs to be drawn between legal and illegal flows. In recent months, I have participated in a series of House Immigration Subcommittee hearings focusing on the problems of illegal immigration. Congress, during the 1982 session, hopefully will adopt strong measures to discourage the flow of illegal immigrants to the United States. Part of this legislative effort will be directed at reducing the opportunities for illegal immigrants to obtain employment—since much research indicates that economic opportunity in this country serves as a magnet to people to enter illegally. Another important tool in addressing the illegal alien problem is the provision of adequate resources to the Immigration Service. Some of my colleagues and I succeeded in the last session in restoring the positions of hundreds of immigration enforcement officers. This year I plan to continue my efforts to provide the Immigration Service with the needed manpower to improve enforcement.

The present ceiling on refugee admissions represents only a fraction of the estimated hundreds of thousands of persons coming to the United States illegally each year. The appropriate agenda for the Congress is not to devise ways of abandoning America's role in providing hope, opportunity and freedom for persecuted people, but rather to bring the illegal flow under control. We can assert control over our borders and coasts while continuing to provide refuge to victims of persecution.

The American resettlement effort today focuses primarily on Indochinese. These refugees from Vietnam, Laos, and Cambodia have posed special resettlement problems and challenges. Unlike the Hungarian arrivals of the 1950s—who augmented an existing population of Hungarian descent that outnumbered them by a ratio of 18 to 1—the approximately 550,000 refugees from Indochina overwhelmed the 18,000 resident Indochinese. Soviet Jewish refugees in the 1970s—also in contrast to the Indochinese—benefited from a large existing ethnic community.

Historically refugee flows often bring people who share similar backgrounds. The Indochinese refugees, however, consist of distinct subgroups that speak separate tongues—and in the case of the Hmong possess no written language. Indochinese refugees, moreover, include city dwellers, farmers, and mountain tribesmen. Resettlement strategies obviously must be adapted to the needs of this diverse population.

We must address the serious problems in refugee resettlement if we hope to preserve the viability of a humane American response to refugee crises. U.S. News and World Report recently reported from California that "public services are stretched thin, funds for refugees are getting scarcer and a backlash of antirefugee sentiment is building up." A Congressional witness on behalf of the National Association of Counties pointed out that "counties are facing a tremendous impact of backlash." "Refugees," Mayor Gordon Bricken observed, "Have extemely strong motivation to adjust rapidly to our society, to recover lost status, and to make the American dream come true for themselves and their children." He concluded that "(w)e need to look at ways to tilt the incentives of the system away from welfare and toward rapid employment and self-sufficiency in order to use, and not frustrate, this potential productivity."

The time has come to recognize the pernicious effects of the ready availability of prolonged cash assistance to refugees. The Select Commission on Immigration and Refugee Policy last year recommended by a decisive vote that "refugee achievement of self-sufficiency and adjustment to living in the United States be reaffirmed as the goal of resettlement." A leader in voluntary agency resettlement efforts, Wells Klein, observed in testimony before the Select Commission that "seen as a group, refugees are not a dependent population, but rather a population in transition." The United States, unfortunately, is acculturating refugees to welfare and turning them into a dependent population.

The key to reversing this trend is greater reliance on the private sector. In this country refugee resettlement is undertaken largely by private voluntary agencies, the U.S. Catholic Conference, the American Council for Nationalities Service, and the International Rescue Committee, to name a few. The problem is that the Federal Government, instead of facilitating voluntary agency efforts to integrate refugees quickly into the work force, offers an alternative—prolonged cash assistance—that too often proves more attractive. Cash assistance is not an effective resettlement mechanism. The Director of Migration and Refugee Services for the U.S. Catholic Conference points out that "people resettle people" and "[T]here is no way that public agencies can provide the hands-on support system of caring neighbors and committed communities."

The Federal Government presently underwrites the full cost of cash and medical assistance provided to refugees during their first three years in the United States. The

Department of Health and Human Services—during the three-year period—provides reimbursement for that portion of the expense that normally constitutes the State's share. Financially eligible refugees who do not meet certain categorical requirements for the usual federal programs qualify for a special program of refugee cash and medical assistance—aid that is available only to refugees.

This policy fails to emphasize the importance of interim support directly related to the needs of an individual refugee or his family. Supportive services, with emphasis on health care, language instruction, and vocational counseling, are necessary during an initial stabilization period after entry to enable the refugee to adjust to a very different environment. Interim support is essential for many refugees but must be directed to the goal of early self-sufficiency. Some voluntary agencies are asking that administration of interim support funds be placed in the hands of those with demonstrated competence in case management. Privately administered temporary support, under this proposal, would replace the present federally administered program of refugee cash assistance. In addition, refugees no longer could turn to those public assistance programs that are available to citizens unless they first obtained the approval of their voluntary agency. The key differences between this proposal and the present system are first, the restoration of control to agencies with a commitment to refugee self-sufficiency, and second, the removal of the incentive for a refugee to postpone employment.

Refugees must have better access to social services designed to provide essential language training and employment counseling. Drastic cuts in social service funds are not cost-effective because they detract from our capacity to move refugees quickly into the work force. The social services portion of the refugee resettlement budget is minimal compared with the sums spent on cash assistance. We need to provide social services to refugees promptly after their arrival in order to avoid initiating the cycle of welfare dependency.

A major step in the direction of reducing reliance on cash assistance is a complete separation of Medicaid from welfare. A person in need of Medicaid today generally cannot apply without being offered cash entitlement programs. The spiralling costs of medical care make it impossible for many refugees to meet the health needs of their families during the initial period after entry into the United States—but this reality of modern life is no reason to introduce the refugee to our elaborate welfare system. Serious consideration should be given to providing voluntary agencies with authority to make determinations of Medicaid eligibility.

Several other initiatives can lead to major improvements in our refugee resettlement efforts. High concentrations of refugees in relatively few communities—basically 40 counties—have resulted in great strains on local economies and community services. A program of impact aid, designed to mitigate the adverse effects of large numbers of needy refugees, can assist local governments to meet the financial burden of providing essential services.

American refugee policy is formulated at the national level and represents, in substantial measure, a response to international developments. It is unfair, therefore, to impose excessive costs on a small number of counties. The Federal Government must face the reality of uneven distributions of refugees and provide assistance based on genuine community need. Assistance should not merely reflect numerical concentrations, because refugees, in various cases, have revitalized the economies of counties, instituted urban renewal efforts, and upgraded neighborhoods. Impact aid is needed when the refugee influx drains local resources.

The United States should develop a placement policy which recognizes the importance of family reunification, the capacities of communities to foster self-sufficiency, and the needs of refugees to cluster. The location of close family members predetermines the place of resettlement for many refugees; the bonds of family must be respected. The so-called "free cases"—refugees without close relatives—provide an opportunity for thoughtful placements in non-impacted areas. Opportunities for employment, the adequacy of housing, and the local capacity of voluntary agencies are all essential factors in these placement choices.

Small numbers of refugee families, left isolated from other refugees, are likely to experience loneliness, disillusionment, and serious adjustment problems. A cluster of critical size is necessary to provide refugees with a sense of familiarity and support in a strange land. The Select Commission recommended that "refugee clustering be encouraged." The Khmer Guided Placement Project, which targeted various American cities to receive Cambodian "free cases," represents a recent clustering effort—an attempt "to try to build stable Cambodian communities" in different parts of the country. The absence of a refugee infrastructure encourages the phenomenon of secondary migration—refugees leaving the community of initial resettlement in search of a more hospitable environment.

Secondary migration contributes in large measure to excessive refugee impacts in states like Texas and California. Refugees, moreover, also suffer because they experience again the dislocation of moving and must start all over in a new community. We need to combine more intelligent initial placements with inducements to remain in resettlement communities. Perhaps restricting some forms of assistance to places of initial resettlement can help deter secondary migration.

Ethnic groups in the United States have an important stake in the assimilation of refugees. The Hebrew Immigrant Aid Society offers a key example of a successful resettlement effort. We need an Asian Immigrant Aid Society or Indochinese Immigrant Aid Society to assist Southeast Asian refugees in the way HIAS assists Jewish refugees. The Asian American community should be involved actively in the assimilation of refugees from Indochina. Refugee resettlement is a cooperative effort, requiring the involvement of former immigrants and refugees with similar cultural ties. There is no substitute for cooperative interaction between refugees and individuals committed to their successful resettlement.

In recent months I have benefited greatly from the thoughtful advice of a number of individuals who have dedicated their lives to working with refugees. Various representatives of state and local governments, moreover, have shared with me their concerns about American refugee policy and their hopes for the future. The time has come for Administration officials, members of voluntary agencies, state and local officials with resettlement responsibilities, and Members of Congress to sit down together and face the serious problems and challenges that confront our refugee program.

The critical point is that we need not choose between unacceptable levels of public expenditures and an abandonment of our refugee program. We have the human resources in this country to resettle refugees at less public expense than in the past—and at the same time perform the resettlement task more effectively. I am confident that if we succeed in this effort—and I believe we will succeed—America in the years ahead will continue to respond with compassion to the plight of the persecuted of other lands.

Thank you.●

AUDIO AND VISUAL RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. BONER) is recognized for 10 minutes.

Mr. BONER of Tennessee. Mr. Speaker, I plan to introduce legislation tomorrow which will both protect the right of the individual to enjoy audio and visual recording devices in the privacy of their own homes as well as insuring privileges of the copyright by songwriters, performers, and producers. This legislation not only addresses the problems created by the U.S. court of appeals' ruling that home taping of television programs constituted a criminal act, but also, many of the problems surrounding the pirating of tapes and records.

Mr. Speaker, late last year, the U.S. Court of Appeals for the Ninth Circuit reversed a district court ruling and held that off-the-air recording of audiovisual materials by VCR owners for private use constituted copyright infringement. The court of appeals based its decision on the absence of an explicit exemption for home video recording in the Copyright Act of 1976. The court also held that home video recording does not fall within the "fair use" doctrine which provides a limited exemption from infringement for limited uses of copyrighted works.

In the wake of the decision by the court of appeals, several of my colleagues in both bodies introduced legislation which would create an exemption from copyright liability for private use of home video recorders. I support the basic goal of legislation which would exempt home video recorder use from liability for copyright infringement. However, I believe that Congress, in legitimizing off-the-air home video recording, also has a responsibility to protect the rights of those who create and own nontangible property. This legislation is consistent with the copyright clause of our Constitution, the protection of private property which is one of the basic precepts of our economy, and the principles and practice of modern copyright law in the United States and in other industrial democracies. It is time to change the law so it can take into account the introduction of a new and important technology such as video records. But to stop here would be to accept only a half loaf. We must also use this opportunity to assist the music industry in their efforts to protect themselves from pirating of recorded music.

The legislation I am introducing tomorrow will not only exempt owners of home video recorders from copyright liability but at the same time tie into the already existing mechanism, the Copyright Royalty Tribunal, for compensation to the creators and owners of copyrights such as songwriters, publishers, performers, and producers.

The Copyright Royalty Tribunal—CRT—an administrative body created by the Congress in the 1976 Copyright Act, would determine appropriate and reasonable royalty fees to be paid by the manufacturers and importers of VCR's and blank audio video cassettes. This royalty will provide fair compensation to the owners of audiovisual programs for the home recording of their works. The Tribunal would distribute the royalty fees to copyright owners on a yearly basis, as it now does for royalty fees owed for the use of copyrighted work by cable TV and jukeboxes.

The Copyright Royalty Tribunal is the appropriate body to determine the level of compensation and it will do so in a full, evidentiary hearing after it has received testimony from a variety of interested parties.

Mr. Speaker, recent advances in audio taping technology and the increased availability of inexpensive, easy-to-operate, high quality recording devices have led to a virtual explosion of home audio taping. According to a study by the Roper Organization in 1979, 22 percent of the population engages in home taping. A CBS survey concluded that, in 1979, 40 million people bought 270 million blank tapes.

Moreover, home taping is increasing, with 55 percent of the blank tape buyers surveyed by CBS saying that they are taping more than before. The latest estimates indicate the loss of over $1 billion in record sales and revenue due to the current home taping trend. The Warner Study, which is due to be released soon, will show the most recent figures indicating even greater losses from home taping.

The members of the music industry who compose the songs, publish them, and then create the sound recording, earn their revenues predominantly from the sale of those records. The record sale produces income for the record company and provides a royalty payment to the publisher and songwriter.

More fundamentally, the reward the songwriter earns for his or her creative work is usually only a few cents on the sale of each record. Unlike the sale of tangible property, such as a car, where the car maker gets the entire compensation at the first sale, the copyright holder depends on many sales to produce even a modest earning on his or her creative effort. Home taping cuts dramatically into those sales and thus robs the copyright owner of the full value of his or her legitimate earnings.

The recording business is exceedingly risky: 84 percent of the records released do not cover their production costs. Record companies rely on the revenue from the occasional hit to subsidize the others and to finance new recordings by unknown artists. Home taping siphons off those revenues so that there is significantly less resources available for the development of new artists. No industry can sustain such great losses and continue to operate for very long.

It is imperative that the Congress move without delay in passing this legislation. I will be talking with each of the other Members of Congress to seek your support on this vital legislation.

INTRODUCTION OF THE MOTOR VEHICLE IMPORT LIMITATION ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Dingell) is recognized for 5 minutes.

● Mr. DINGELL. Mr. Speaker, the time has come to limit the continued importation of foreign automobiles into this country. Our economy is in disarray. Our domestic automobile industry is being bludgeoned into a depression. Automobile workers are being displaced by the thousands by plant closures and production slowdowns.

This year imported automobiles have captured over 31 percent of our domestic market. This is up from the 26-percent market share in 1981. Domestic production of automobiles is down 37 percent from this time last year. Sales are down almost 16 percent from a year ago. All of this has resulted in the indefinite layoff of almost 246,000 auto workers and the temporary layoff of an additional 34,000 individuals. If this slump continues, we will witness additional plant closures pushing more workers into the ranks of the unemployed.

The voluntary import restraint agreement negotiated between the United States and Japan, which limits imports to between 1.6 and 1.7 million vehicles, has been ineffective in light of the massive decline in production and sales of domestic vehicles. The market share of imports continues to increase while the health of our automobile industry worsens. Stronger measures must, therefore, be taken.

My good friend and colleague, Mr. Hillis from Indiana, and I have, therefore, introduced legislation which is designed to substantially restrict the importation of foreign automobiles into the United States. The Motor Vehicle Import Limitation Act of 1982 would limit automobile imports to 10 percent of "domestic consumption" which is defined in the legislation as the quantity of automobiles produced in the United States during a calendar year, minus the quantity exported from, plus the quantity imported into, the United States. These calculations would be made in each year immediately preceding the determination of the import quota level. The Secretary of the Treasury would determine the actual number of vehicles a particular foreign manufacturer could import into the United States on the basis of previous market share.

The legislation also would provide for offset credits to foreign manufacturers who produce automobiles in the United States. For each vehicle produced in the United States, the foreign manufacturer would be permitted to import an equal number of automobiles into the United States over and above its quota limit. This will provide an incentive for foreign manufacturers to establish production facilities in the United States thereby creating jobs for American workers. The bill also provides an import exemption for U.S. manufacturers who produce automobiles in Canada and ship them into the United States.

We feel the Motor Vehicle Import Limitation Act of 1982 is legislation essential to the health of the domestic automobile industry and we call upon our colleagues for their support. The bill follows:

H.R. 5667

A bill to impose quotes on the importation of automobiles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Import Limitation Act of 1982".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) The term "automobiles" means on-the-highway, four-wheeled passenger automobiles provided for in item 692.10 of the Tariff Schedules of the United States (19 U.S.C. 1202).

(2) The term "domestic consumption" means the quantity of automobiles produced in the United States during a calendar year, less the quantity exported from, plus the quantity imported into, the United States during that year.

(3) The term "entered" means entered, or withdrawn from warehouse for comsumption, within the customs territory of the United States.

(4) The term "quota year" means each calendar year after 1982.

(5) The term "Secretary" means the Secretary of Commerce.

SEC. 3. IMPOSITION OF QUANTITATIVE LIMITATIONS.

During each quota year the total quantity of automobiles that may be entered may not exceed an amount equal to 10 percent of the domestic consumption during the immediately preceding calendar year.

SEC. 4. DETERMINATION OF QUANTITATIVE LIMITATION.

Not later than January 31 of each quota year the Secretary shall calculate, on the basis of the best available evidence, the domestic consumption during the immediately preceding calendar year, determine the total quantity of automobiles that may be entered under section 3 during that quota year, and immediately certify the determination to the Secretary of the Treasury.

SEC. 5. ADMINISTRATION.

(a) In General.—Subject to subsection (c), the Secretary of the Treasury shall take such actions as may be necessary to ensure that the quantity of automobiles that are entered during any quota year does not exceed the quantitative limitation determined under section 4 for that year.

(b) Allocation.—The Secretary shall allocate the total quantity of automobiles permitting entry during any quota year under this Act among supplying countries on the basis of the shares of the United States market for those articles supplied during a representative period. The Secretary shall certify such allocations to the Secretary of the Treasury.

(c) Offsets.—(1) A foreign manufacturer of automobiles that also produces automobiles in facilities within the United States may enter during any quota year a number of automobiles equal to the number produced by it within the United States during that quota year; and the number of automobiles permitted entry under this subsection shall not be charged against the quantitative limitation in effect for that quota year under section 4 and shall be in addition to any automobiles allocated with respect to that manufacturer under subsection (b) for that quota year.

(2) Automobiles that are entered duty-free during any quota year as Canadian articles pursuant to the Agreement Concerning Automotive Products Between the Government of Canada and the Government of the United States shall not be charged against the quantitative limitation in effect for that quota year under section 4; and Canada shall not be deemed to be a supplying country for purposes of subsection (b).

(d) Staging of Imports.—Any quantitative limitation imposed under this Act for any quota year shall be applied on a calendar quarter or other intra-annual basis if the Secretary determines that such application is necessary or appropriate to carry out the purposes of this Act.●

IMPACT OF U.S. LAWS ON GUAM MUST BE STUDIED

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. WON PAT) is recognized for 10 minutes.

Mr. WON PAT. Mr. Speaker, today I rise to introduce legislation which would establish a commission to study the impact of Federal laws on the territories.

The question of how the people of these islands are impacted by laws made for the 50 States has long been a troublesome one. We, on Guam, for example, have carefully studied this question and have come to the conclusion that many Federal laws actually hinder Guam's ability to be self-sufficient. This is to the point that many Federal laws actually have the reverse effect Congress wanted. Rather than encourage compliance with the law, statutes which are inappropriate for insular areas discourage such action because of high cost or unintended effects on our culture or lifestyle.

Let me point out one striking example of this: The Clean Air Act. Guam is faced with the prospect of paying over $20 million this year for sophisticated electronic scrubbers for our power-generating plants to keep down pollution in order to comply with the otherwise worthwhile law. Yet, unlike the States, the pollution from our power-generating smokestacks blows out to a sea that is empty for over 1,500 miles. The pollution bothers no one, yet all of the people of Guam may have to dig deeper into their pockets to pay for a device we do not need. Scrubbers are needed perhaps in the mainland but the law does not take into account the fact that island life and our environment is different.

I could cite other instances, but to do so would belabor the point: The territories do not seek to escape compliance with fair and just Federal laws; rather, we only ask that their impact on our way of life be considered before we are driven into bankruptcy and despair.

To help resolve this problem, I am today asking Congress to establish a commission which will examine the applicability or inapplicability of all Federal statutes to the territories. Its purpose mirrors that of a similar commission for the Commonwealth of the Northern Marianas which recently submitted a draft report to the Congress.

I initially proposed that we enter this review process in 1980. My bill (H.R. 7227) to create a Presidential commission for this purpose received administration support. Although it was not passed by the House prior to adjournment, the proposal was endorsed by the Senate.

In view of President Reagan's commitment to seek removal of burdensome and superfluous regulations, I am hopeful of obtaining administration support once again.

This was indicated during hearings last week before my Subcommittee on Insular Affairs, when the Assistant Secretary for Territorial and International Affairs recognized the need to remove unintentional restraints on territorial economies and improved application of Federal laws.

My legislation would accomplish this. I believe it merits expeditious approval. Thank you.

PREVENT ELIMINATION OF JOBS FOR SENIORS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am today introducing a concurrent resolution to express the sense of the Congress that funding appropriated for title V of the Older Americans Act, the Senior Community Service Employment project, should be maintained in future years at the level necessary to insure that its current 54,200 jobs and its other services are maintained or exceeded.

As you know, the administration in its proposed fiscal year 1983 budget has eliminated funding for title V entirely for future years. I am sure that I do not need to detail for any of my colleagues the tremendous benefits which this program has provided. Not only have 54,000 disadvantaged senior citizens across the Nation been provided with useful jobs to help supplement their incomes, but countless communities and individuals have benefited from the community service work provided by these workers. In addition, almost 100,000 seniors have benefited from job training and referrals provided through title V employment services for seniors. Needless to say, the Congress just passed a 3-year reauthorization bill extending all Older Americans Act programs, including title V, for 3 years.

Frankly, the administration's gutting of funding for title V is not only inhumane, but also is not cost effective. In fact, its proposal is but another example of shortsighted budgetary policy. Both through the assistance provided to communities through their work, and through the increased tax revenues provided through their paychecks, these workers actually save our Nation money.

In addition, of course, at a time when the social security system is in dire need of revenues, these workers are contributing to social security, rather than withdrawing full benefits from it.

Ultimately, however, the main concern regarding the administration's proposal rests in its direct impact on the senior citizens who benefit from the program. For many seniors, title V programs have meant the final hope for a self-sufficient and dignified existence, at an age when traditional employment opportunities shrink, and self-worth is hinged more and more to the desire to play a truly useful role in society. I am sure most of you, like myself, have received many letters from senior citizens in your own districts who directly or indirectly benefit from this program. At a time when we are asking so much of our Nation's disadvantaged, we should not eliminate such a cost-effective and worthwhile program as title V.

I hope all my colleagues will consider joining with me in this resolution, to express their unyielding commitment to full funding for title V, and opposition to its elimination.

The following is the text of the resolution:

H. CON. RES. 278

Resolution expressing the sense of the Congress that funding for community service employment programs for senior citizens for fiscal year 1983 and subsequent fiscal years should be provided at levels sufficient to maintain or increase the number of employment positions provided under such programs

Whereas community service employment programs under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) currently provide employment for 54,200 senior citizens;

Whereas community service agencies and community residents are benefited by the valuable community service work of these senior citizens;

Whereas these benefits to community service agencies and community residents, and the income tax and social security revenues resulting from the employment of these senior citizens, make these community service employment programs cost effective;

Whereas the Congress, in enacting the Older Americans Act Amemdments of 1981 (Public Law 97-115; 95 Stat. 1595), clearly expressed its intent that funding for community service employment programs should at least be maintained at current levels;

Whereas these community service employment programs provide hope for a self-sufficient and dignified existence to senior citizens who otherwise would face shrinking employment opportunities; and

Whereas the Budget of the United States Government proposed by the President for fiscal year 1983 entirely eliminates funding for these community service employment programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that funding for community service employment programs for senior citizens under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) for fiscal year 1983 and subsequent fiscal years should be provided at levels sufficient to maintain or increase the number of employment positions provided under such programs.●

FMHA RESPONSIBILITIES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. DASCHLE) is recognized for 5 minutes.

● Mr. **DASCHLE**. Mr. Speaker, I am today, along with Congressman BYRON DORGAN, introducing a bill which would direct the Secretary of Agriculture to exercise his deferral responsibility to FmHA borrowers who are unable to make their loan payments. These are FmHA borrowers who, in the view of FmHA have shown good management practices but whose economic situation is due to circumstances beyond their control and who, if they made such payment would have their standard of living unduly impaired. The bill also directs that FmHA exercise its responsibility to notify all borrowers of the existence of various servicing remedies, including deferral of loan payments, and requires appeal procedures. This bill adds a new provision that this deferral responsibility apply to family size farms.

We are introducing this legislation even though it may not be legally necessary—there are pending lawsuits which make the very persuasive case that both the granting of deferrals under certain circumstances and the publicizing of servicing remedies are already part of FmHA's duties. According to a pending lawsuit in Georgia, FmHA is taking the position that it does not have the responsibility to grant deferrals even through it may find that the farmer's inability to pay is due to circumstances beyond his control and that if he did pay it would unduly impair his standard of living. FmHA is also taking the position in this case that it has no obligation to inform borrowers about the servicing remedies provided by the Agricultural Credit Adjustment Act of 1978. By this embarrassing position, FmHA is free to consider, or not consider, a borrower's deferral eligibility behind closed doors. The borrower not only will not be involved in any way, but he or she will not even necessarily know that the deferral relief exists. That is not what Congress intended by the 1978 law, and that is not what the Constitution intended under due process. Programs are not passed by Congress to be put in a desk drawer.

We want, with the introduction of this bill, to keep the momentum going which was generated by the recent Agriculture Subcommittee on Conservation, Credit, and Rural Development hearings regarding FmHA credit policies, and to let FmHA know that Congress expects them to do everything possible to keep those farmers in operation who are good managers and who are temporarily unable to make payments due to economic circumstances beyond their control. If we do not act now, if FmHA does not stop its subtle and not-so-subtle pressuring of farmers into liquidation—by acceleration notices, by suggestions that farmers sell off land and equipment, by refusing credit—we will not have a family farm system any more. There has been for years a trend toward bigger and bigger farms. In addition, the average age of farmers is 59. If you combine those facts with the current situation of large numbers of farmers leaving agriculture—many of them younger farmers—not only we will not have a family farm system anymore but we will not even have a sufficient number of qualified farmers. Farming is an extremely complex profession and we must plan for the future—we cannot turn out farmers with a 6-month training course as though they were computer operators.

I mentioned earlier in this statement that the House Agriculture Subcommittee on Conservation, Credit, and Rural Development recently held hearings on FmHA credit policies and programs. It was one of the more frustrating experiences of my congressional career to try to pull out of USDA officials the true story of how many farmers are being forced out of business. Someone who had attended the hearing wrote me and said he appreciated the diligence with which the subcommittee members tried to "piece together" what is happening to farmers across the Nation. "Piece together" is exactly what we are being forced to do because of lack of cooperation by USDA, and frankly, an unwillingness on the part of USDA to publicly acknowledge the serious situation facing farmers. Undersecretary of Agriculture Frank Naylor, in response to written questions by Chairman ED JONES again evaded the questions regarding numbers of delinquencies, voluntary and involuntary liquidations by providing only partial answers. You can be certain that I will not, and other Members of Congress who are interested in agriculture will not, stop in our efforts to get the total picture of what is happening to American farmers.

H.R. 5666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 331A of the Consolidated Farm and Rural Development Act is amended by—

(1) inserting the designation "(a)" before the text thereof, striking out "section" and inserting in lieu thereof "subsection"; and

(2) adding at the end thereof a new subsection (b) as follows:

"(b) During the period beginning with the enactment of this subsection and ending September 30, 1983, the Secretary shall permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary for farm ownership purposes under subtitle A, farm operating purposes under subtitle B, disaster emergency purposes under subtitle C, or economic emergency purposes under the Emergency Agricultural Credit Adjustment Act of 1978, and shall forgo foreclosure of any such loan upon a showing by the borrower that he or she has demonstrated good management practices and that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payment on such principal and interest then due without unduly impairing the standard or living of the borrower. The Secretary shall permit interest that would accrue during the deferral period on any loan deferred under this subsection to bear no interest during of after such period." *Provided,* That the above provision be limited to family-size farms as determined by the County Committees in accordance with Section 333(b) of this Act: *Provided further,* That the Secretary shall adopt regulations which provide: (a) notification of all farm borrowers about the above deferral provisions and all other servicing alternatives offered by FmHA; (b) clear procedures by which borrowers can petition the Secretary for the above deferral provisions and all other servicing alternatives offered by FmHA; and (c) appeal of a decision which denies deferral or other servicing relief or refuses to forgo foreclosure.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LOWRY of Washington, for March 2 through March 9, on account of official business (at the request of Mr. WRIGHT).

Mr. OBEY (at the request of Mr. WRIGHT), for March 2 through March 9, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 1 hour, today.

(The following Members (at the request of Mr. PARRIS) to revise and extend their remarks and include extraneous material:)

Mr. DERWINSKI, for 5 minutes, today.

Mr. CORCORAN, for 60 minutes, today.

Mr. ROGERS, for 10 minutes, today.

(The following Members (at the request of Mr. SWIFT) to revise and extend their remarks and include extraneous material:)

Mr. FOGLIETTA, for 5 minutes, today.

Mr. HUTTO, for 14 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. BONER of Tennessee, for 10 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. CROCKETT, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WON PAT, for 10 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. DASCHLE, for 5 minutes, today.

Ms. MIKULSKI, for 15 minutes on March 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LEHMAN, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $3,388.

Mrs. SCHROEDER, today, on House Joint Resolution 3373.

(The following Members (at the request of Mr. PARRIS) and to include extraneous matter:)

Mr. WOLF.

Mr. ROUSSELOT.

Mr. MITCHELL of New York.

Mr. MOORHEAD in two instances.

Mr. DANIEL B. CRANE.

Mr. RUDD in two instances.

Mr. NELLIGAN in two instances.

Mr. LEE.

Mr. YOUNG of Florida in 10 instances.

Mr. DERWINSKI in two instances.

Mr. WHITEHURST.

Mr. LEBOUTILLIER.

Mr. LAGOMARSINO in two instances.

Mr. DOUGHERTY in two instances.

Mr. HILLIS.

Mr. PURSELL.

Mr. GINGRICH.

Mr. DORNAN of California in two instances.

Mr. GRISHAM.

Mr. DENARDIS in two instances.

Mr. MARLENEE.

Mr. SENSENBRENNER.

Mr. HILER.

Mr. COLLINS of Texas in three instances.

Mr. COURTER.

Mr. O'BRIEN in two instances.

Mr. EMERY.

Mr. THOMAS.

Mr. DAUB.

(The following Members (at the request of Mr. SWIFT of Washington), and to include extraneous matter:)

Mr. YATRON.

Mr. RATCHFORD.

Mr. VENTO in two instances.

Mr. SCHUMER in 10 instances.

Mr. STOKES.

Mr. MOFFETT in three instances.

Mr. DE LA GARZA in 10 instances.

Mr. LUNDINE in two instances.

Mr. BARNES.

Mr. KILDEE in two instances.

Mrs. CHISHOLM.

Mr. BRINKLEY.

Mr. FOLEY.

Mr. LOWRY of Washington.

Mr. ROSTENKOWSKI.

Mr. RAHALL in two instances.

Mr. LAFALCE.

Mr. HAMILTON.

Mr. BLANCHARD in two instances.

Mr. OBERSTAR.

Mr. MITCHELL of Maryland in two instances.

Mr. WALGREN.

Ms. FERRARO.

Mr. KASTENMEIER.

Mr. FAZIO.

Mr. FOGLIETTA.

Mr. MCDONALD.

Mr. LELAND.

Mr. WON PAT in two instances.

Mr. LONG of Maryland.

SENATE BILL REFERRED

A bill of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follows:

S. 1230. An act to provide for the minting of commemorative coins to support the 1984 Los Angeles Olympic games; to the Committee on Banking, Finance and Urban Affairs.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title which was thereupon signed by the Speaker:

H.R. 5021. An act to extend the date for the submission to the Congress of the report of the Commission on Wartime Relocation and Internment of Civilians.

ADJOURNMENT

Mr. BONER of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 3, 1982, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3231. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. Readiness of the Air Force's proposed sale of certain defense equipment to Saudi Arabia (Transmittal No. 82-43) pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3232. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Department of Defense's proposed sale of certain defense equipment to Korea (Transmittal No. 82-45), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3233. A letter from the General Counsel, Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983 and fiscal year 1984, and for other purposes; to the Committee on Armed Services.

3234. A letter from the General Counsel, Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for conservation, exploration, development, production, sale, and use of naval petroleum reserves and naval oil shale reserves, for fiscal year 1983 and for fiscal year 1984, and for other purposes; to the Committee on Armed Services.

3235. A letter from the Secretary of Education, transmitting final regulations for the library career training program, pursuant to section 431(d) of the General Education Provisions Act as amended; to the Committee on Education and Labor.

3236. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting volumes one and three of the annual report of the Energy Information Administration, covering calendar year 1981, pursuant to section 57(a)(2) of the Federal Energy Administration Act, as amended; to the Committee on Energy and Commerce.

3237. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment to Saudi Arabia (Transmittal No. 82-43), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3238. A letter from the Assistant Secretary of State for Congressional Relations, transmitting reports of political contributions, pursuant to section 304(b-2) of Public Law 96-465; to the Committee on Foreign Affairs.

3239. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during January 1982, pursuant to section 234 of the legislative Reorganization Act of 1970, as amended; to the Committee on Government Operations.

3240. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3241. A letter from the Director of ACTION, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3242. A letter from the Chairman, National Endowment for the Humanities, transmitting a report on the Endowment's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3243. A letter from the Executive Director, Upper Mississippi River Basin Commission, transmitting a the preliminary comprehensive master plan for the management of the Upper Mississippir River System, pursuant to section 101(a) of Public Law 95-502; to the Committee on Public Works and Transportation.

3244. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to plan and provide for the management and operation of a civil land remote sensing satellite system, and for other purposes; to the Committee on Science and Technology.

3245. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend title 5, United States Code, to limit eligibility for unemployment compensation for ex-servicemembers, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ZEFERETTI: Select Committee on Narcotics Abuse and Control, 97th Congress, 1st session. Annual report, part II, "Recommendations For a Comprehensive Program to Control the Worldwide Problem of Drug Abuse" (Rept. No. 97-418, Pt. II). Referred to the Committee of the Whole House on the State of Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. Oversight report on the Magnuson Fishery Conservation and Management Act of 1976 (Rept. No. 97-438). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 634 An act to authorize the exchange of certain lands in Idaho and Wyoming; with amendments (Rept. No. 97-439). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A BILL SEQUENTIALLY REFERRED UNDER TIME LIMITATION

Under clause 5, rule X, the following action was taken by the Speaker:

Referral of H.R. 4326 to the Committees on Armed Services, Energy and Commerce, Science and Technology, and Veterans' Affairs extended for an additional period ending not later than March 16, 1982; and H.R. 4326 sequentially referred to the Committee on Foreign Affairs and to the permanent Select Committee on Intelligence for a period ending not later than March 16, 1982, for consideration of such portions of the bill and amendment as fall within the jurisdiction of those committees under clause 1(i), rule XI and clause 2, rule XLVIII respectively.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 5657. A bill to amend the Tennessee Valley Authority Act; to the Committee on Public Works and Transportation.

By Mr. BENNETT:

H.R. 5658. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach the principles of citizenship; to the Committee on Education and Labor.

By Mr. BOLAND (for himself, Mr. Mineta, Mr. Conte, Mr. Howard, Mr. Fary, and Mr. Levitas):

H.R. 5659. A bill to authorize the Smithsonian Institution to construct a building for the Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street, Southwest, in the city of Washington: to the Committee on Public Works and Transportation.

By Mr. BENNETT:

H.R. 5660. A bill to direct the Secretary of the Army to set aside an appropriate area within the Arlington National Cemetery for the burial of cremated remains: to the Committee on Veterans' Affairs.

By Mr. BREAUX (for himself and Mr. Forsythe):

H.R. 5661. A bill to authorize appropriations to carry out fishery conservation and management during fiscal year 1983; to the Committee on Merchant Marine and Fisheries.

H.R. 5662. A bill to extend until October 1, 1983, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956; to the Committee on Merchant Marine and Fisheries.

H.R. 5663. A bill to authorize appropriations to carry out the Anadromous Fish Conservation Act during fiscal year 1983; to the Committee on Merchant Marine and Fisheries.

By Mrs. CHISHOLM (for herself, Mr. Weaver, and Mr. Moffett):

H.R. 5664. A bill to provide that, for a 10-year period, certain Federal land in the Black Hills National Forest shall be withdrawn from public use in order that the Lakota-Dakota (Sioux) Nation may use such land as a cultural and religious resource area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CORCORAN:

H.R. 5665. A bill to provide for the establishment of the Illinois and Michigan Canal National Heritage Corridor, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DASCHLE (for himself and Mr. Dorgan of North Dakota):

H.R. 5666. A bill to amend section 331A of the Consolidated Farm and Rural Development Act to defer payment of principal and interest of loans; to the Committee on Agriculture.

By Mr. DINGELL (for himself and Mr. Hillis):

H.R. 5667. A bill to impose quotas on the importation of automobiles; to the Committee on Ways and Means.

By Mr. EMERY:

H.R. 5668. A bill to amend title 38 of the United States Code to make independent entities eligible to receive funds under the disabled veterans' outreach program and to allow the Secretary of Labor to station disabled veterans' outreach program specialists at various locations; to the Committee on Veterans' Affairs.

By Mr. FLORIO:

H.R. 5669. A bill to amend section 112 of the Clean Air Act relating to hazardous air pollutants, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUGHES:

H.R. 5670. A bill to amend the Internal Revenue Code of 1954 to allow certain individuals who have attained age 65 or who are disabled a refundable tax credit for property taxes paid by them on their principal residences or for a certain portion of the rent they pay on their principal residences; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 5671. A bill to designate certain public lands in the State of Michigan as wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOORE:

H.R. 5672. A bill to terminate the coverage of employees of Livingston Parish, La., under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. MONTGOMERY (by request):

H.R. 5673. A bill to amend title 38, United States Code, to make adjustments and improvements in the vocational rehabilitation and education programs administered by the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MOTTL:

H.R. 5674. A bill to prohibit the U.S. Government from entering into, licensing, or otherwise approving any coproduction, licensed production, or other agreement involving the manufacture outside the United States of any U.S. origin defense articles unless the Congress expressly approves that agreement; to the Committee on Foreign Affairs.

By Mr. O'BRIEN:

H.R. 5675. A bill to amend section 2210(c) of the Omnibus Budget Reconciliation Act of 1981 to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act must attend postsecondary schools in order to qualify under such section 2210(c) for entitlement to such benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. O'BRIEN (for himself and Mr. Emerson):

H.R. 5676. A bill to authorize, on an emergency basis, the Government National Mortgage Association to provide assistance with respect to certain mortgages secured by newly constructed homes, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PANETTA:

H.R. 5677. A bill to amend the Internal Revenue Code of 1954 to treat as employees, for purposes of withholding and social security taxes, certain fishermen who comprise the operating crew of a boat if the operating crew normally consists of more than five individuals; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 5678. A bill to grant a Federal charter to the 369th Veterans' Association; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. Kindness, and Mr. McCollum):

H.R. 5679. A bill to revise title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. ROGERS:

H.R. 5680. A bill to amend the Emergency Agricultural Credit Adjustment Act of 1978 to require the Secretary of Agriculture to insure or guarentee loans having an aggregate principal balance equal to the maximum amount authorized in such act; to the Committee on Agriculture.

By Mr. ST GERMAIN:

H.R. 5681. A bill to amend the Internal Revenue Code of 1954 to deny depreciation deductions with respect to imported highway motor vehicles; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 5682. A bill to amend the Internal Revenue Code of 1954 to encourage increases in productivity by special tax treatment for certain employee bonuses which are determined on the basis of profits or cost savings; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 5683. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of business development companies; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 5684. A bill to amend title II of the Social Security Act to provide that no determination that an individual's disability has ceased may take effect until such individual has been notified thereof, to extend the transition period during which disability insurance benefits remain payable after a disability ends, and to permit the continued payment of disability insurance benefits while the recipient of such benefits is appealing a determination that he is no longer entitled thereto; to the Committee on Ways and Means.

By Mr. VOLKMER:

H.R. 5685. A bill to change the effective date for compensation for Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. VOLKMER (for himself and Mr. Clay):

H.R. 5686. A bill to designate certain lands in the Mark Twain National Forest, Mo., which comprise about 17,562 acres, and known as the Irish Wilderness, as a component of the national wilderness preservation system; to the Committee on Interior and Insular Affairs.

By Mr. WOLPE (for himself, Mr. Brodhead, Mr. Fazio, Mr. Young of Alaska, Mr. Ford of Michigan, Mr. Roberts of South Dakota, Mr. Dellums, Mr. Fauntroy, Mr. Bonior of Michigan, Mr. Pepper, Mr. Stark, Mr. Atkinson, Mr. Napier, Mr. Albosta, Mr. Corcoran, Mr. Lowry of Washington, Mr. Horton, Mr. Ottinger, Mr. Donnelly, Mr. Forsythe, Mrs. Chisholm, Mr. Jones of North Carolina, Mr. Whitehurst, Mr. Mitchell of Maryland, Mr. Evans of Georgia, Mr. Gramm, Mr. de la Garza, Mr. Mitchell of New York, Mr. Downey, Mr. Markey, Mr. Smith of Pennsylvania, and Mr. Patterson):

H.R. 5687. A bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are permitted to travel on such aircraft; to the Committee on Armed Services.

By Mr. WON PAT:

H.R. 5688. A bill to establish a Commission on Federal laws to study the application of the laws of the United States to Guam, the Virgin Islands, and American Samoa; to the Committee on Interior and Insular Affairs.

By Mr. FISH (for himself, Mr. Butler, Mr. Cheney, Mr. Clinger, Mr. Coughlin, Mr. James K. Coyne, Mrs. Fenwick, Mr. Frenzel, Mr. Gradison, Mr. Hillis, Mr. Horton, Mr. Hyde, Mr. Jeffords, Mr. Livingston, Mr. Lungren, Mr. McKinney, Mr. McClory, Mr. McDade, Mr. Petri, Mr. Pritchard, Mr. Regula, Mr. Railsback, Mr. Stanton, and Mr. Whitehurst):

H.R. 5689. A bill to provide for the civil rights of individuals within the jurisdiction of the United States; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. STARK:

H.R. 5690. A bill to amend the Trade Act of 1974 to establish a service industries development program in the Office of the U.S. Trade Representative; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. VENTO:

H.R. 5691. A bill to amend the act of September 3, 1964 (78 Stat. 987) and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. DOUGHERTY:

H.J. Res. 417. Joint resolution to authorize and request the President to issue a proclamation designating October 19 through October 25, 1982, as "Lupus Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. YATES (for himself, Mr. Oberstar, Mr. Reuss, Mr. Clay, Mr. Perkins, Mr. Dicks, Mr. Murphy, Mr. Moffett, Mr. Foglietta, Mr. Fauntroy, Mr. Vento, Mr. Rodino, Mr. Boland, Mr. de la Garza, Mr. Frank, Mr. Mitchell of Maryland, Mr. Barnes, Mr. Applegate, Mr. Beilenson, Mr. Ottinger, and Mr. Corrada):

H.J. Res. 418. Joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1982; to the Committee on Appropriations.

By Mr. PANETTA:

H. Con. Res. 278. Concurrent resolution expressing the sense of the Congress that funding for community service employment programs for senior citizens for fiscal year 1983 and subsequent fiscal years should be provided at levels sufficient to maintain or increase the number of employment positions provided under such programs; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEILENSON:

H.R. 5692. A bill for the relief of Jerry Plotkin; to the Committee on the Judiciary.

By Mr. HUGHES:

H.R. 5693. A bill for the relief of Dr. Roy E. Reichenbach; to the Committee on the Judiciary.

By Mr. ROGERS:

H.R. 5694. A bill for the relief of Roy A. Redmond, Jr.; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 5695. A bill for the relief of Modesto Lopez Briones; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. Gingrich and Mr. Hance.

H.R. 401: Mr. Lowry of Washington.

H.R. 556: Mr. James K. Coyne.

H.R. 756: Mr. Phillip Burton.

H.R. 757: Mr. Phillip Burton.

H.R. 1508: Mr. Hendon.

H.R. 1918: Mr. Early, Mr. Santini, Mr. Akaka, Mr. Whitehurst, Mr. Watkins, Mr. Miller of Ohio, Mr. Atkinson, and Mrs. Kennelly.

H.R. 2034: Mr. Campbell, Mr. Marlenee, Mr. Moorhead, Mr. Snyder, Mr. Addabbo, Mr. Kogovsek, and Mr. Ginn.

H.R. 2251: Mr. Neal.

H.R. 3048: Mr. Barnes.

H.R. 3220: Mrs. Martin of Illinois.

H.R. 3300: Mr. Weaver and Mr. Campbell.

H.R. 3632: Mr. Ratchford, Mr. Savage, Mr. Kastenmeier, Mr. Hiler, and Mr. Blanchard.

H.R. 3722: Mr. Badham, Mr. Flippo, Mr. Williams of Ohio, Mr. Shaw, Mr. Morrison, Mrs. Roukema, Mr. Wampler, Mr. Trible, Mr. Dyson, Mr. Marlenee, Mr. Neal, Mr. Dannemeyer, Mr. Hance, Mr. Natcher, Mr. Foglietta, Mr. Dickinson, Mr. Foley, Mr. Whitley, Mr. Bennett, Mr. Ralph M. Hall, Mr. Akaka, Mr. Hendon, Mr. Derrick, Mr. Hefner, Mr. Pickle, Mr. Oxley, Mr. Jones of North Carolina, Mr. Rose, and Mr. Beard.

H.R. 3824: Mr. Vander Jagt.

H.R. 3988: Mr. Benedict.

H.R. 4091: Mr. Miller of Ohio and Mr. Studds.

H.R. 4147: Mr. Moffett and Mr. Applegate.

H.R. 4227: Mr. Mottl, Ms. Ferraro, Mr. Fauntroy, Mrs. Collins of Illinois, Mr. Lehman, Ms. Mikulski, Mr. Hutto, Mr. Heftel, Mr. Wirth, Mrs. Martin of Illinois, Mr. Marks, Mr. Zefferetti, and Mr. Schumer.

H.R. 4349: Mr. Latta.

H.R. 4391: Mr. Stokes and Mr. Seiberling.

H.R. 4449: Mr. Robinson.

H.R. 4450: Mr. James K. Coyne, Mr. Bailey of Pennsylvania, Mr. Garcia, Mr. Gibbons, Mr. Horton, Mr. Lowry of Washington, Mr. Minish, Mr. Morrison, Mr. Rahall, Mr. Rinaldo, Mr. Schumer, and Mr. Won Pat.

H.R. 4460: Mr. Florio and Mr. Mottl.

H.R. 4535: Mr. Downey and Mr. John L. Burton.

H.R. 4708: Mr. McDade, Mr. Nelligan, Mr. O'Brien, Mrs. Byron, and Mr. Patterson.

H.R. 4751: Mr. Duncan, Mr. Lujan, Mr. Kindness, Mr. Hatcher, Mr. Hammerschmidt, Mr. Gingrich, Mr. Jeffries, Mr. Wortley, Mr. Rahall, Mr. Santini, Mr. Murphy, Mr. McClory, Mr. Frost, Mr. Smith of Pennsylvania, Mr. Craig, Mr. Benedict, Mr. Gibbons, Mr. Smith of Oregon, Mr. English, and Mr. Mottl.

H.R. 4786: Mrs. Fenwick, Mr. Young of Missouri, Mrs. Smith of Nebraska, Mr. White, Mr. Jones of Tennessee, Mr. Bafalis, Mr. Coughlin, Mr. Hagedorn, Mr. Bereuter, and Mr. Jeffords.

H.R. 4835: Mr. Levitas, Mr. Washington, Mr. English, Mr. Barnard, Mr. Neal, Mr. Moffett, Mr. Conyers, Mr. McGrath, Mr. Weaver, and Mr. Peyser.

H.R. 4868: Mr. Jenkins.

H.R. 4929: Mr. Clay.

H.R. 4974: Mr. Peyser.

H.R. 4996: Mr. Johnston, Mr. Hartnett, Mr. Gibbons, Mr. Wilson, Mr. Smith of Pennsylvania, and Mr. English.

H.R. 4997: Mr. Howard.

H.R. 5004: Mr. Vander Jagt.

H.R. 5022: Mrs. Chisholm, Mr. Clay, Mrs. Collins of Illinois, Mr. Dymally, Mr. Edgar, Mr. Evans of Georgia, Mr. Fazio, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Hatcher, Mr. Kogovsek, Mr. Luken, Mr. Rangel, Mr. Ratchford, Mr. Savage, Mr. Shumway, Mr. Skeen, Mr. Stokes, and Mr. Wyden.

H.R. 5055: Mr. Taylor, Mr. Stangeland, Mr. Coats, and Mr. Murtha.

H.R. 5060: Mr. Price.

H.R. 5104: Mr. McDade, Mr. Fascell, and Mr. Marks.

H.R. 5117: Mr. Goldwater.

H.R. 5146: Mr. Weaver, Mr. Simon, and Mr. Kildee.

H.R. 5147: Mr. Whittaker.

H.R. 5150: Mr. Kramer and Mr. Hopkins.

H.R. 5176: Mr. Spence, Mr. Neal, Mr. Foglietta, Mr. Brooks, and Mr. Wolf.

H.R. 5180: Mr. John L. Burton, Mr. Hoyer, Mr. Dellums, Mr. Downey, Mr. Frank, Mr. Lantos, Ms. Oakar, Mr. Weber of Ohio, Mr. Stanton of Ohio, Mr. Morrison, Mr. Hagedorn, Mr. Daniel B. Crane, Mr. Richmond, Mr. Molinari, Mr. Boland, Mr. Lee, Mr. Mottl, Mr. Shaw, Mr. Shelby, and Mr. Brown of California.

H.R. 5200: Mr. Bafalis, Mr. Molinari, Mr. Montgomery, and Mr. Mottl.

H.R. 5211: Mr. Hagedorn, Mr. Lagomarsino, Mr. Gingrich, Mr. Forsythe, Mr. Tauke, and Mrs. Collins of Illinois.

H.R. 5357: Mr. Akaka and Mr. Gibbons.

H.R. 5364: Mr. Skeen, Mr. Frank, and Mr. Chappie.

H.R. 5421: Mr. Markey.

H.R. 5446: Mr. Lowry of Washington.

H.R. 5469: Mr. Mottl and Mr. McKinney.

H.R. 5481: Mr. Bingham, Mr. Brown of California, Mr. Butler, Mr. Clinger, Mr. Corcoran, Mr. Fish, Mr. Foglietta, Mr. Forsythe, Mr. Gincrich, Mr. Kildee, and Mr. Roe.

H.R. 5567: Mr. Stanton of Ohio, Mr. Horton, Mr. Stark, Mr. Dyson, Mr. Sawyer, Mrs. Fenwick, and Mr. Goldwater.

H.J. Res. 90: Mr. Fields.

H.J. Res. 96: Mr. Nelson.

H.J. Res. 272: Ms. Fiedler, Mr. Brooks, Mr. Rousselot, Mr. LeBoutillier, and Mr. Sawyer.

H.J. Res. 340: Mr. Coelho, Mr. Foglietta, Mr. Neal, Ms. Ferraro, Mr. Garcia, and Mr. Kogovsek.

H.J. Res. 373: Mr. Green, Mr. Siljander, Mr. Roe, Mr. Fazio, Mr. Seiberling, Mr. Williams of Montana, Mr. Molinari, Mr. Jeffords, Mr. Bliley, Mr. Fithian, Mr. Jacobs, Mr. de Lugo, and Mr. Corcoran.

H.J. Res. 375: Mr. Fish, Mr. Rousselot, Mr. Whitehurst, Mr. Duncan, Mr. Oxley, Mr. John L. Burton, Mr. Rosenthal, Mr. St Germain, Mr. Derwinski, Mr. Tauke, Ms. Oakar, Mr. Kemp, Mr. Erdahl, Mr. Clausen, Mr. Miller of California, Mr. Murtha, Mr. Lantos, Mr. Brodhead, Mr. Robinson, Mr. Stratton, Mr. Emerson, Mr. Porter, Mr. Gray, Mr. Hall of Ohio, Mr. Corrada, Mr. Dowdy, Mr. de la Garza, Mr. Lott, Mr. English, Mr. Long of Maryland, Mrs. Bouquard, Mr. Skelton, Mr. Biaggi, Mrs. Byron, Mr. Scheuer, Mr. Sunia, Mr. Brown of Ohio, Mr. McEwen, Mr. Anthony, Mr. Gradison, Mr. Lagomarsino, Mr. Annunzio, Mr. Simon, Mr. Bowen, Mr. Pepper, Mr. Florio, Mr. Washington, Ms. Ferraro, Mrs. Snowe, Mr. Hertel, Mr. Dicks, Mr. McCurdy, Mr. Mica, Mr. Montgomery, Mr. Hance, Mr. Murphy, Mr. Petri, Mr. Taylor, Mr. Hendon, Mr. McKinney, Mr. Fountain, Mr. Jenkins, Mr. Conable, Mr. Hoyer, Mr. Gunderson, and Mr. Solarz.

H.J. Res. 385: Mr. Wolf, Mr. Walgren, Mr. Smith of New Jersey, Mr. Williams of Ohio, Mr. Benedict, Mr. Coelho, Mr. Wolpe, Mr. Lantos, Mr. Smith of Pennsylvania, Mr. McCollum, Mr. Moorhead, Mr. Hyde, Mr. Gilman, Mr. Roe, Mr. Moore, Mr. Sharp, Mr. Smith of Oregon, Mr. Grisham, Mr. Frost, Mr. James K. Coyne, Mr. Obey, Mr. Siljander, Mr. Courter, Mr. McDade, Mr. Fascell, Mr. Bethune, Mr. Barnard, Mr. Kildee, Mr. Walgren, Mr. Bailey of Pennsylvania, Mr. Frank, Mr. Kogovsek, Mr. Yatron, Mr. McEwan, and Mr. Boner of Tennessee.

H.J. Res. 404: Mr. Brinkley, Mr. Daniel B. Crane, and Mr. Deckard.

H.J. Res. 416: Mr. Scheuer, Mr. Foglietta, Mr. Young of Missouri, Mr. Edgar, Mr. Frost, Mr. Dyson, Mr. Synder, Mr. Evans of Delaware, Mrs. Chisholm, and Mr. Lagomarsino.

H. Con. Res. 77: Mr. Rinaldo, Mr. William J. Coyne, Mr. Atkinson, Mr. St Germain, Mr. Foglietta, Mr. Stratton, Mr. Eckart, Mr. Hoyer, Mr. Schumer, Mr. Nelligan, Mr. Weaver, and Mr. Skelton.

H. Con. Res. 151: Mr. Green, Mr. Goodling, and Mr. Stark.

H. Con. Res. 159: Mr. Dannemeyer, Mr. Grisham, Mr. Parris, Mr. Gilman, Mr. McGrath, Mr. Murtha, Ms. Mikulski, Mr. Wortley, Mr. Wilson, Mr. Conte, and Mr. Mottl.

H. Con. Res. 216: Mr. Ford of Tennessee, Mr. Rinaldo, Mr. Howard, Mr. Evans of Georgia, Mr. Daschle, Mr. Stokes, Mr. Roth, Mr. Young of Missouri, Mr. Minish, Mr. AuCoin, Ms. Fiedler, and Mr. Weaver.

H. Con. Res. 226: Mr. Weaver.

H. Con. Res. 259: Mr. Bailey of Pennsylvania, Mr. Bedell, Mr. Donnelly, Mr. Horton, Mr. Jeffries, Mr. Jones of North Carolina, Mr. Kogovsek, Mr. LaFalce, Mr. Luken, Mr. Marlenee, Mr. Pepper, Mr. Ratchford, Mr. Rousselot, Mr. Sensenbrenner, Mr. Smith of Pennsylvania, Mr. Vento, and Mr. Weber of Ohio.

H. Res. 243: Mr. Gunderson.

H. Res. 284: Mr. Hoyer, and Mr. Weaver.

H. Res. 348: Mr. Wortley, Mr. Forsythe, Mr. Mitchell of Maryland, Mr. Fauntroy, Mr. Smith of Pennsylvania, Mr. Vento, Mr. Ford of Tennessee, Mr. Downey, and Mr. Roe.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3269: Mr. Richmond.

SENATE—*Tuesday, March 2, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable THAD COCHRAN, a Senator from the State of Mississippi.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Gracious, loving, heavenly Father, the next few months promise difficult days for the Senators and their dedicated associates. But no one came to the Senate seeking an easy task and they are prepared for the hard work and tough issues confronting them. Grant that the intensity of debate, the demanding decisions from within and the pressures of press and public from without will not be allowed to erode and weaken respect, honor, and unity.

We thank Thee for diversity which is of the very essence of unity. We thank Thee for the truth which emerges from the conflict of ideas. We thank Thee for the common purpose to which all are committed. Help us to see that love is stronger than any other force in history; that it is irresistable. Let love triumph here—love for God, for family, for peers, for all who serve in the Senate; love for country. Indeed, in obedience to Christ, love even for those who abuse us. Let the unconditional, unalterable, undiminished, unending love of God fill our hearts. We pray this in the name of Him who was Incarnate Love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 2, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THAD COCHRAN, a Senator from the State of Mississippi, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. COCHRAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, is it not correct that there is an order for the recognition of the distinguished minority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD), on a special order, to follow the execution of the time allocated to the two leaders under the standing order?

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator from West Virginia will be recognized for not to exceed 15 minutes.

Mr. BAKER. Mr. President, after the expiration of the times under the standing order and the time under the special order, if any time remains, there will be a brief period for the transaction of routine morning business.

If any time remains after the expiration of these times, prior to 9:30 a.m., I ask unanimous consent that that time be added to the transaction of routine morning business, in which Senators may speak for not more than 1 minute each, and that at 9:30 a.m., morning business end, and that under the previous order, the Senate resume consideration of S. 951, as previously ordered.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

SCHEDULE FOR TODAY

Mr. BAKER. Mr. President, under the previous order, at 9:30 a.m., the Senate will resume consideration of S. 951. Thereafter, not more than 2 hours of debate will ensue on the Johnston amendment No. 1252, with a vote thereon, to be followed by a vote on the Heflin amendment No. 1235, to be followed immediately by third reading and final passage.

It is the intention of the leadership to ask the Senate to recess from 12 noon to 2 o'clock, assuming that other and urgent business is not before the Senate at that time which requires it to act otnerwise, in order to permit Senators to attend official functions on both sides of the aisle, off the floor of the Senate.

I announced yesterday that at 2 o'clock today it was my hope that we could go into executive session for the purpose of considering the nomination of James Daniel Theberge to be Ambassador to Chile.

I inquire of the minority leader if he is in a position at this time to agree to such a request were one propounded?

Mr. ROBERT C. BYRD. Mr. President, that request would be agreeable on this side of the aisle.

Mr. BAKER. I thank the minority leader.

I have been handed a unanimous-consent request in respect to the nomination, which I believe has been submitted to the distinguished minority leader. I will state it at this time for his consideration and the consideration of the Senate.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF JAMES D. THEBERGE

Mr. BAKER. Mr. President, as in executive session, I ask unanimous consent that today, at 2 p.m., the Senate go into executive session to consider the nomination of James Daniel Theberge, to be U.S. Ambassador to Chile, and it be considered under the following time agreement: 15 minutes equally divided between the chairman of the Foreign Relations Committee and the ranking member or their designees; 30 minutes under the control of the Senator from Massachusetts (Mr. KENNEDY); 10 minutes under the control of the Senator from North Carolina (Mr. HELMS).

And that following the conclusion of the time allotted or the yielding back of time, the Senate proceed to a rollcall vote on the confirmation of James Daniel Theberge.

Further, I ask unanimous consent that it be in order now to order the yeas and nays on the confirmation of James Daniel Theberge.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

RESOLUTION REGARDING MARTIAL LAW IN POLAND

Mr. BAKER. Mr. President, there are two other items that I mentioned last evening, before the Senate recessed, to which I hope we can proceed.

I inquire of the minority leader if he has had an opportunity to address the possibility of taking up the resolution on Poland, to be offered by the distinguished Senator from Pennsylvania (Mr. HEINZ), and the conference report on S. 1503, the Standby Petroleum Allocation Act.

Mr. ROBERT C. BYRD. Mr. President, this side is prepared to proceed in accordance with the majority leader's request in connection with the Poland measure.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that when the Senate returns to legislative session after considering the President's nominee to be his Ambassador to Chile, the Senate then take up an unprinted resolution, to be offered by the distinguished Senator from Pennsylvania (Mr. HEINZ), for himself and others, in respect to the imposition of martial law in Poland and the release of Lech Walesa.

I do not anticipate any extensive debate on that matter. I am advised that perhaps 10 minutes of discussion will dispose of the issue. I do not include that time limitation in this request but, rather, that it be sequenced in accordance with the request I have now put.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STANDBY PETROLEUM ALLOCATION ACT

Mr. BAKER. Mr. President, in respect to the conference report on S. 1503, the Standby Petroleum Allocation Act, on which the Senate will act first, it appears to me, based on consultations on the floor on my own side—I say to the minority leader—that we may not yet have our ducks in a row on time limitation, so I will not put a request at this time in respect to that conference report.

Instead, I will instruct staff to inquire of Senators for their time requirements on this side, and I will be prepared later in the day to consult with the minority leader once again on a time limitation and a sequence for the consideration of that privileged matter.

It is my hope that we can take up the conference report on standby petroleum allocation this afternoon, perhaps to follow on immediately after the disposition of the resolution on Poland.

PROCEDURE TOMORROW ON RESOLUTION RELATING TO SENATOR WILLIAMS

Mr. BAKER. Mr. President, before I yield the floor, may I say that on tomorrow the Senate will begin consideration of the resolution reported by the Ethics Committee in respects to Senator HARRISON A. WILLIAMS, JR., of New Jersey.

I will not burden the time of the Senate at this point to repeat the admonitions that I expressed earlier and the urgent request that I had lodged previously that Members arrange their schedules in order to be in the Chamber for every moment of that debate.

I have sent a memorandum on more than one occasion to Members on this side of the aisle, and I am informed that the minority leader may perhaps have sent a similar memorandum.

The distinguished whips on both sides of the aisle have indicated that the matter would require the attention of Senators and objections would be lodged to committees meeting beyond the first 2 hours of the session of the Senate.

Mr. President, I have asked the Sergeant at Arms of the Senate to take extraordinary measures to assure that Members are notified that the joint leadership, if I may presume to say so, requests that all Members not only be in attendance in the Chamber to answer quorum calls and to hear the debate but that they remain in the Chamber.

So Members should not be surprised if they find representatives of the Sergeant at Arms stationed at each door to remind Members that their duty is here.

I recall vividly the procedure followed by our recent colleague, Senator Mansfield, now Ambassador Mansfield, in another and somewhat similar situation. I commend that portion of the RECORD to all Members for guidance on how this proceeding will be conducted.

It is my intention to the extent that I can do so to assure that Senator WILLIAMS has the benefit of the undivided attention and careful consideration and judgment of every Member of this Senate at every moment of this debate.

I do not mean that to sound harsh or preemptory, but there are few matters that are more personal and sensitive than consideration of a resolution is respect to the status of a colleague in the Senate.

Therefore, once again I urge Members, indeed I even presume to insist that Members attend these sessions, that they listen, that they remain in the Chamber, and those who do not should not be surprised to find that live quorums will be called for in order to try to assure the attendance of the entire Senate for the consideration of this sensitive matter.

I apologize to my colleagues for the preemptory tone of these remarks, but I feel a heavy duty to the Senate and a special responsibility in respect to Senator WILLIAMS. Therefore, I feel obligated to make these remarks at this time in this manner.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

SENATE RESOLUTION 329—EXPRESSING SENSE OF THE SENATE THAT NO CUTS BE MADE IN HOUSING PROGRAMS

Mr. ROBERT C. BYRD. Mr. President, I am today introducing a resolution which expresses the sense of the Senate that no cuts should be made in housing programs.

The housing industry is in a state of depression and such a state has not been seen since World War II. In 1981, there were fewer housing starts than at any time since 1946, falling below 1.1 million for the first time in 35 years.

Sales of new, single family homes were at their lowest levels on record during 1981.

And the new year has not brought new life to housing. Housing starts in January were below December's levels, and 44 percent below the year earlier levels. This continued depression was reflected in the January unemployment rate for construction workers, which was 18.7 percent, more than double the national average.

This depression concerns not only builders and real estate brokers. Every American has a stake in the future of our housing industry. During the next decade 41 million Americans will turn 30 and begin looking for their first home.

However, unless we increase the supply and affordability of housing most young people will never get the chance to make the great American dream come true. There are no longer enough houses being built to fill the needs of our citizens. During 1981 there were only 4.7 housing starts for every 1,000 people. This is the lowest rate since 1945 and compares to a start rate of 8.3 houses per 1,000 during the 1970's.

So millions of young couples may not be able to find a house in the next few years. But even if they could find one, most people could not afford it.

In 1975, the median priced house sold for $39,000, and with a standard 9 percent mortgage, families paid $333 a month. About 22 percent of American families could qualify for home purchases under that arrangement.

Today, the picture is dramatically different. In 1982, with interest rates hovering near 18 percent less than 5 percent of American families can afford a median priced home. A $60,000 loan at 18 percent interest requires monthly payments of $904 over 30 years and that means a family must make more than $50,000 a year to qualify for the loan.

I will remind my colleagues that the median income in America is only $21,000. This is 42 percent of the necessary annual salary for these loans.

But young couples are not the only ones who are hurt by high interest rates and depressed housing markets. American homeowners are currently losing money on their housing investment, for the first time in post-war history.

Most Americans cannot afford to invest in the high-flying world of stocks, municipal bonds, and capital investments. For them, a house is their single major investment. It is their retirement security. It is one piece of the world that is truly their own. Now, they can only watch as the value of their investment erodes.

This is no time to even consider ending Government support for housing. This is no time to abandon our homeowners and our young couples who hope to become homeowners.

Yet, the administration's 1983 budget ends housing support. In fact, Government participation in housing drops from $21 billion to negative $2.5 billion, because the administration wants to reach back to prior year authorizations and cancel them. The administration's message is loud and clear. They do not care about the plight of housing. They do not care about the plight of the American homeowner. They do not care about the plight of young couples who want to buy their first home.

Mr. President, the Senate should make it clear that we do care about housing. The administration's 112-percent cut in housing programs must be rejected, and it must be rejected now.

Among its other plans, the administration wants to drastically reduce support for the Ginnie Mae program.

The Ginnie Mae cuts, and planned termination of this program in the outyears, must be rejected since without Ginnie Mae, the FHA and VA programs would be crippled or destroyed. Almost three-fourths of the mortgages insured by FHA and VA are bought by Ginnie Mae, and these programs could not go on without that help.

Let there be no mistake about the importance of FHA and VA programs. More than 27 million American families have used these programs since 1934. Furthermore, during the 1980 recession, FHA and VA loans financed 22 percent of all new homes built or sold that year.

Mr. President, if this Nation's housing effort is abandoned, it will cost us dearly. Not only will we leave our homeowners and potential homeowners without a future, we will be breaking the back of our entire economy.

Economists estimate that between 25 and 35 percent of the gross national product is represented by housing or housing-related production. From lumber materials in the great Northwest, through the steel mills in the Midwest, and the textile plants of the South, and finally to the advanced technology centers in the Northeast, housing affects our entire economy.

The National Association of Realtors estimates that the 1981 housing depression cost the country $108 billion in lost output and 2.1 million jobs during the year.

I am now working with other Senate Democrats to produce a housing aid plan which will stimulate housing, lower mortgage rates, and help bring this country out of its economic doldrums. We cannot wait until that plan is drafted to stand firm against deep cuts in the 1983 budget. This Congress went along with the administration's 27-percent cut in housing for the 1982 budget, but we must draw the line there.

Money spent on housing is productive; it builds capital investment and it puts America back to work. This is not wasteful spending, Mr. President, it is a necessary part of any sustained economic recovery program.

If we are to continue our Nation's historic commitment to housing, we must reject the administration's 1983 budget cuts in housing. This resolution which I am offering gives us all a chance to tell the administration along with the homeowners, home buyers, homebuilders, and the young people of America that we will not abandon them at this, their most desperate hour.

I urge my colleagues to consponsor this resolution. I hope for its early approval, and I hope that Senators will vote for it when it comes before the Senate.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 329

Whereas the Nation's housing industry has been a cornerstone of our economy since the great depression, accounting for jobs in construction, sales, manufacturing, and services, and has direct or indirect effects on nearly one quarter of the economy;

Whereas the Nation's housing industry is suffering from a depression unknown in post-World War II American history;

Whereas young couples can no longer afford the great American dream of private homeownership;

Whereas those who already own homes must watch the value of their investment erode as sales drop;

Whereas housing sales, starts, and construction spending are all down, while mortgage rates continue to rise;

Whereas substantial budget cuts in housing programs were made in the fiscal year 1982 budget; and

Whereas our Nation's historic commitment to housing is severely threatened, and cuts in housing programs would send a chilling signal through the housing markets: Now, therefore, be it

Resolved, That there shall be no further reduction in Federal support for housing, and that no additional cuts shall be made in the authorities of the Federal Housing Administration and the Government National Mortgage Association, or in the levels of the rural housing and the elderly or handicapped programs, which further reduce access to decent housing for middle and lower income Americans.

Mr. ROBERT C. BYRD. I send the resolution to the desk for appropriate referral.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 16 seconds on leaders' time, and then, of course, there is a previous order for 15 minutes.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I will let the 15 seconds run.

The ACTING PRESIDENT pro tempore. It now has.

Mr. ROBERT C. BYRD. I thank the Chair.

RECOGNITION OF SENATOR ROBERT C. BYRD

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

S. 2151—IMPROVING THE ENERGY EFFICIENCY OF CHLOR-ALKALI ELECTROLYTIC CELLS

Mr. ROBERT C. BYRD. Mr. President, I am today introducing legislation to address a problem which has arisen under the energy investment tax credit provisions of the Internal Revenue Code. The problem occurs because of the failure of the Internal Revenue Service to issue regulations dealing with one portion of these statutory provisions. This failure to act is having an adverse effect on one area of significant energy conservation potential—the chlor-alkali sector of the American chemical industry.

The provisions of the present law were enacted in the Energy Tax Act of

1978, and were modified in the Windfall Profit Tax Act of 1980. The law allows a 10-percent energy investment credit, under Internal Revenue Code sections 46(a)(2)(C) and 48(l), for what is known as specially defined energy property under code section 48(l)(5).

This category of energy conservation property includes 12 specified types of investment, such as recuperators, heat exchangers, preheaters, and modifications to alumina electrolytic cells. In addition to the 12 enumerated types of investment, the Secretary of the Treasury or his delegate is authorized, under code section 48(l)(5)(M), to specify by regulations other types of specially defined energy property eligible for the credit.

These provisions, including that which allows the Treasury Secretary and the IRS to specify additional qualifying property by regulations, are presently scheduled to expire at the end of this calendar year. Despite the fact that these provisions have been in effect for nearly 3½ years and could soon expire, the IRS has not chosen to exercise its authority and act on the number of applications which have been filed for eligibility as "specially defined energy property" under code section 48(l)(5).

The failure of the IRS to publish regulations has been rectified in one earlier situation, involving the alumina industry. In 1980, an amendment was added to the Crude Oil Windfall Profit Tax Act that specifically qualified energy-saving modifications to alumina electrolytic cells for the energy credit. This amendment was necessitated by the absence of regulations to respond to an application concerning alumina cell modifications which had been filed with the IRS shortly after the credit was enacted in 1978.

The legislaton that I am introducing today concerns a nearly identical situation involving the chlor-alkali industry. This industry uses electrolytic cells to produce chlorine gas and caustic soda—basic feedstocks used in turn to produce a variety of other chemical products. The chlor-alkali industry nationwide uses more electricity than any other industry except the aluminum industry. It consumes 2 percent of all electricity used in the United States.

There is technology presently available to modify the electrolytic cells commonly used by the chlor-alkali industry. This technology would significantly reduce electricity consumption for each cell. For example, at one chlor-alkali plant in Louisiana, which uses electricity generated by the combustion of oil and natural gas, application of this technology would reduce energy consumption by over 460,000 barrels of fuel oil equivalent each year.

In my own State of West Virginia, a chlor-alkali plant would use electric energy 20 percent more efficiently than at present.

The chlor-alkali electrolytic cell modifications are, for all practical purposes, similar in function to modifications to alumina cells, which were the subject of the specific amendment to the code in 1980. Both involve costly changes to existing industrial processes for the purpose of reducing the amount of energy consumed. These chlor-alkali modifications are strictly motivated by the energy efficiency which is achieved by the change. They would not increase the productive capacity of the cells and are not periodic replacements of cell components, as the existing cell configurations can continue to be used for a number of years.

As was the case for alumina cell modifications, an application was submitted to the Internal Revenue Service for qualification of chlor-alkali electorlytic cell modifications as "specially defined energy property" eligible for the energy investment credit.

As I have noted already, the IRS has not as yet chosen to exercise its authority to act on this application or on any of the other similar applications submitted to it.

This legislation would specifically add chlor-alkali cell modifications to the list of those investments already specified as eligible for the energy credit as "specially defined energy property," as was done with respect to alumina cell modifications in 1980. It would be effective for a sufficient period to allow realization of the significant energy conservation potential which exists through making this category of energy-saving investment.

The present administration has demonstrated a marked preference for influencing energy policy through the tax system, in place of aggressive energy research, development, and demonstration programs. This legislation is consistent with that approach.

As a strong supporter of the energy-efficiency tax credits and other code revisions enacted in 1978 and modified in 1980, I am chagrined that the administration would consider allowing these credits to expire. The energy-saving potential of these credits remains significant.

Much of the balanced energy policy that was carefully put in place over the past 8 years, through bipartisan efforts, has been systematically destroyed or is proposed for extinction. The Congress should not allow these credits to expire, and should improve them along the lines that I have suggested today, so that we may continue to make progress toward energy self-sufficiency.

I introduce the bill, ask it be printed in the RECORD, and ask for its appropriate referral.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (5) of section 48(l) of the Internal Revenue Code of 1954 (defining specially defined energy property) is amended—

(1) by striking out "or" at the end of subparagraph (L),

(2) by redesignating subparagraph (M) as subparagraph (N) and by inserting after subparagraph (L) the following new subparagraph:

"(M) modifications to chlor-alkali electrolytic cells, or", and

(3) by striking out "(M)" in the second sentence and inserting in lieu thereof "(N)".

(b) The table contained in clause (i) of section 46(a)(2)(C) of the Internal Revenue Code of 1954 (relating to amount of credit) is amended by adding at the end thereof the following new subsection:

"VII	Chlor-Alkali Electrolytic Cells—Property described in section 48(l)(5)(M)	10 percent	Jan. 1, 1981	Dec. 31, 1986."

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum on my time.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business not to extend beyond 9:30 a.m., during which Senators may speak for not more than 1 minute each.

DR. BENJAMIN BENDAT

Mr. CRANSTON. Mr. President, few Americans can look back at a more substantive record of community service than Dr. Benjamin Bendat of Los Angeles, Calif., whose achievements were recently recognized by the Jewish National Fund at the Theodor Herzl Award Dinner in his honor February 21.

Since 1929, Dr. Bendat has committed himself to efforts to rebuild the land of Israel and to help the Los Angeles Jewish community, in particular, establish and pursue its goals. A tireless achiever, Dr. Bendat has served in leadership positions in nearly every capacity of Jewish service, notably as president of the B'nai B'rith Lodge in Beverly Hills, chairman of numerous B'nai B'rith district functions, vice president of the Jewish National Fund and life member of the B'nai B'rith International Israel Committee.

These efforts merit our admiration and respect on their own terms. But Dr. Bendat's activism has extended beyond these achievements into promotion of social service activities throughout Los Angeles. For 7 years, he chaired the Los Angeles County Public Social Services Commission and contributed generously of his time and leadership to other Los Angeles city and county commissions for over a quarter of a century.

Little wonder that Dr. Bendat has received honors, awards, and affection from the many, many individuals and groups he has helped. His life and contributions serve as an example of what voluntarism can indeed accomplish, when inspired by the kind of compassion Dr. Bendat holds constant. I commend his life and work to my colleagues.

SENATOR PELL'S REMARKS ON EL SALVADOR

Mr. CRANSTON. Mr. President, my good friend and colleague from Rhode Island, Senator Pell, recently returned from a tour of Central America. Acting in his capacity as ranking Democrat on the Senate Foreign Relations Committee, Senator Pell visited this very troubled region to gain first-hand knowledge of the events that are taking place.

The Los Angeles Times published Senator Pell's impressions of his trip and what the policy implications are for the United States. I found Senator Pell's remarks timely and insightful. I agree with him that we should avoid repeating the mistakes that we made with Cuba. There is a real danger that by isolating Nicaragua, we will force that country to turn exclusively to the Soviet Union.

As Senator Pell points out, there are still a number of creative options left for the United States to pursue. I strongly recommend that my colleagues read Senator Pell's thoughtful analysis. I ask that it be printed in full in the Record at this point.

The material is as follows:

An Acceptably Leftist Latin America—The United States Could Steer Nicaragua, El Salvador Off Cuba's Course

(By Claiborne Pell)

Having just returned from a trip to Central America, I am deeply concerned that the United States may be making the same mistake in dealing with El Salvador and Nicaragua that it made with Cuba two decades ago. By isolating Cuba and acting to subvert the Castro regime, we contributed greatly to making Cuba an exporter of a particularly virulent brand of communism and driving that country into the arms of the Soviet Union. In short, we helped create a monster.

The Reagan Administration, having all but written off Nicaragua as lost to communism, is now engaged in a fiery campaign to brand that nation a hemispheric renegade, a stooge of Cuba and a threat to El Salvador, if not to all Central America. The Administration's atempts to isolate Nicaragua and the veiled threats of subversion and a military blockade are ominously reminiscent of our earlier attitude toward Cuba.

Trends in Nicaragua are certainly bleak, but many basic freedoms persist, as does the possibility of redirecting Nicaragua toward becoming a more pluralistic society. But, even if Nicaragua becomes a Marxist state, all is not necessarily lost. Nicaragua could become a mini-Yugoslavia instead of a mini-Cuba, and it is largely in the United States' power to determine which course Nicaragua will follow.

Nicaraguan government officials told me during my visit that they would like good relations with the United States. As evidence of their good faith, they said they would be willing to permit the creation of some kind of border patrol to ensure that no weapons leave Nicaragua bound for El Salvador. That offer should be accepted.

In El Salvador, the Administration is avowedly trying to prevent that country from going the way of Nicaragua. That objective overlooks not only the possibilities for creative diplomacy vis-a-vis Nicaragua but also the possibilities for reaching an accommodation with the guerrilla forces in El Salvador.

On March 28, El Salvador will elect a constituent assembly that will write a new constitution, name an interim president and lay the groundwork for presidential elections in 1983. Jose Napoleon Duarte, a Christian Democrat who is now the unelected chairman of a junta that came to power through a coup in 1979, hopes to become first the interim and then the elected president. Left-wing opponents are not participating in these elections, for fear of military action against them. Without their participation, however, elections will not end the fighting. If the guerrilla forces eventually prevail, our military support for the present government will probably close off much opportunity for us to influence the course of a government that the guerrillas form.

If the rightist forces led by Roberto D'Aubuisson win the March 28 election, greater repression will result, which in turn will broaden popular support for the guerrillas. In that event, the United States should immediately cut off all military aid to El Salvador and attempt to open a dialogue with the guerrillas and their political allies, for they would be the wave of the future just as the Sandinistas were in Nicaragua.

If, however, Duarte wins—as I expect—he will have the authority to engage in a dialogue with the guerrillas himself. We should encourage this, for he will not have a military victory over the guerrillas without massive U.S. military aid or direct U.S. military involvement—neither of which would be supported by the American people, or, for that matter by Congress.

The dialogue with the guerrillas, who are not all communists, could be modeled after the process that succeeded in Zimbabwe. There, both sides agreed on an electoral mechanism that was fair to each, a cease-fire and an integration of military forces that formerly fought each other.

The government emerging from such a negotiated settlement in El Salvador might not be entirely to our liking, particularly if our only objective is to score a victory against Soviet-Cuban communism at the expense of the Salvadoran people. But a leftist-tinged government, even one involving Marxists, would not necessarily be a disaster for us or for El Salvador's neighbors. If we make it clear that we are not opposed to a leftist government as a matter of principle, El Salvador could evolve into something resembling Yugoslavia instead of Cuba.

Throwing guns and military advisers at what are basically political, economic and social problems will not work in El Salvador, and could well lead to a contagious form of communism poisoning all Central America. A negotiated settlement is the only answer.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:30 a.m. having arrived, the Senate will now resume consideration of S. 951, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

The Senate resumed consideration of the bill.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I yield to the Senator from Alabama such time as he may require.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

AMENDMENT NO. 1235

Mr. HEFLIN. Mr. President, I call up amendment No. 1235, which is printed and at the desk.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate is engaged in debate of the Johnston amendment No. 1252 and a vote thereon has been ordered. After disposition thereof, then the Senate will proceed to the amendment of the Senator from Alabama.

Mr. HEFLIN. Mr. President, I ask unanimous consent that it be brought up at this time, unless there is some objection to bringing it up. As I understand it, it is to be voted on back to back with two other amendments. I am merely going through the formality of bringing it up.

Mr. **JOHNSTON.** Mr. President, a parliamentary inquiry. Would it not be in order at this time to discuss the Heflin amendment, with the stacking of the votes as previously ordered under the unanimous-consent agreement?

The **ACTING PRESIDENT** pro tempore. The Senator is correct. It would be in order to discuss it, but not in order to call it up at this time.

Mr. **HEFLIN.** Technically, I suppose it has already been called up because there is a special order that it will be voted on. I think the technicality of calling it up has already been provided for in that there is a special order calling for a vote on the amendment at a certain time.

The **ACTING PRESIDENT** pro tempore. It would be in order to discuss it.

Mr. **HEFLIN.** Mr. President, amendment No. 1235 contains this language, and this is the entire language:

> Notwithstanding any provisions of this Act, the Department of Justice shall not be prevented from participating in any proceedings to remove or reduce the requirement of busing in existing court decrees or judgments.

This particular amendment would be added at the end of the bill as a new section.

Again, in order for you to understand exactly what this bill says, let me read it again.

> Notwithstanding any provisions of this Act, the Department of Justice shall not be prevented from participating in any proceedings to remove or reduce the requirement of busing in existing court decrees or judgments.

In my judgment, this amendment is essential to the Helms-Johnston amendment, if the Helms-Johnston amendment is to work as intended.

Under the provisions of the Helms amendment which appears on page 7 of amendment 1252 to the bill, the language of the Helms amendment is as follows:

> No part of any sum authorized to be appropriated by this Act shall be used by the Department of Justice to bring or maintain any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.

Basically, that amendment places a restriction on appropriations to the Department of Justice, saying that the Department of Justice cannot initiate or participate or be involved in maintaining any court action in which busing would be beyond the school which is nearest the student's home.

I assume that the purpose of such an amendment was to prevent the Department of Justice from initiating or participating in any court action involving schoolbusing. With this in mind, we also have the Johnston amendment, which says, in effect, that a court cannot issue a writ, and appears to be directed toward relief, as I understand it, rather than jurisdiction.

Then in effect, the amendment establishes transportation limitations of 5 miles and 15 minutes, or a round trip of 30 minutes.

This amendment has a provision which says that if a student has been bused beyond those limits, the Attorney General is authorized to bring suit on behalf of the student or student's family.

I think when you look at the Helms and Johnston amendments together, you see that on the one hand, the Attorney General is authorized to bring suit, but, on the other hand, the Attorney General and the Department of Justice can spend no money. If the Attorney General or the Department of Justice cannot spend money, there is no way that such suits can be brought.

Referring again to the provision of the Helms amendment which, in effect, says that no money can be spent by the Department of Justice in initiating a suit involving busing beyond the closest school, the meaning there is pretty clear. That provision is involved with new suits.

Then the other provision dealing with maintaining or participating in a court action means that the Department of Justice could not spend any money in an existing suit, where there is already a busing requirement. Under the language of the Helms amendment, the Department of Justice cannot participate in such a court action.

Assume a suit was brought to modify an existing court decree, and student X says, "I have a hardship." If the Department of Justice is a party to that lawsuit, then the language of the amendment which would prohibit spending money in an existing lawsuit would prevent the Department of Justice from participating.

If we look at existing court actions across the country, I doubt that there are any in which the Department of Justice is not a party. They have become a party in practically every existing desegregation suit in which busing is a part of the program of desegregation.

In my home State of Alabama, there are 127 school systems; 124 of those school systems are under court decrees dealing with integration and the desegregation of the schools within that system.

It has been nearly 10 years since there has been a new busing order decreed. In order for there to be any relief in most of the South, including my State of Alabama, the Helms language should have been applicable 10 years ago. For example, in Birmingham, where there has already been a court action, the school system has been under a court order dealing with desegregation for more than 20 years.

The prohibition or the spending of money by the Department of Justice is really directed toward those sections of the country in which the Department of Justice has not made an inspection of segregation patterns.

Under the Helms amendment, the initiation of new suits would be prevented. So, in effect, it is saying to those particular sections of the country, "All right, because of this, there will be no busing." Then the Johnston amendment comes in and says, "There will be no busing beyond 5 miles or 15 minutes."

To those school systems that are already under a court order decreeing busing, which might be as much as 10 years old, these amendments are saying, "You cannot reduce or remove the requirement of busing."

Here, my amendment introduces an approach directed toward school systems where there is an existing busing order, saying that the Department of Justice ought to be allowed to participate in those proceedings to remove or reduce the requirement of busing. I offer my amendment to allow the provisions of this law to apply to those school systems that already have busing. This provision of the law would not be applicable to those systems if my amendment is not adopted. Therefore, those school systems that already have busing, and that want to either modify the busing, or reduce the busing, or eliminate the busing cannot do so unless my amendment is adopted. Therefore, I offer this amendment.

I do have some other questions in my own mind, questions dealing with the constitutionality of this legislation. I think it possibly has constitutional infirmities. I am not addressing those. I am only trying to take the statutory language that is presented here, recognizing that vast sections of our country are already under existing busing orders, and further recognizing that under the provisions of the language as we have it today it would mean that there would be an acceptance of the status quo, with no modification, no reduction, and no removal, and make it equitable.

I think it is essential that my amendment, which, in effect, says that, notwithstanding any other provisions, the Department of Justice shall not be prevented from participating in any proceedings to remove or reduce the requirement of busing in existing—and note the word "existing"—in existing court decrees or judgments, be adopted to clarify the Helms-Johnston amendment.

Over the last two decades, court-ordered busing has had a direct and profound impact on the education systems of the South. In the State of Alabama alone, 124 out of 127 school systems are under Federal court orders and have been for more than 10 years. Each has a plan of desegregation. The Department of Justice has played a major role in each of the 19 lawsuits that have been brought regarding these cases. No State, outside my region, has ever been subject to such total Federal intervention in its public educational system.

After a careful study and consideration of the language, consequences, and effects of the Helms-Johnston amendment to the Department of Justice Authorization Act, I am convinced that this measure, without more, will only result in prolonging the burden which the South has had to bear, while releasing the North from any similar experience. It is 10 years or more too late to help Alabama. I believe that this measure in its present form will obstruct the settlement of existing school integration cases, prevent the modification of present busing decrees, and create chaos in pending litigation.

The antibusing amendment in substance says that the Justice Department cannot spend any money whatsoever in initiating or participating in any court action in which busing is or will be directly or indirectly involved. The language of the amendment prohibits the Justice Department from expending funds in an existing court action in which busing could be directly or indirectly involved as well as starting new suits. This portion makes it a pro-North bill and an anti-South bill because the Department of Justice is just now getting around to inspection of the North's segregation practices in schools, and prevents reduction or elimination of busing requirements in existing court cases in the South.

In order to understand the effect and consequences of the language of this amendment, it is necessary to reemphasize the present situation in Alabama and throughout the South about busing litigation. There will be few if any new lawsuits initiated in the South dealing with school desegregation. They are already filed and existing. If forced busing was to be court ordered, it was decreed more than 10 years ago in Alabama. Practically every school system in Alabama is already under a pending court order, and many of these were initiated by the Department of Justice. The Department of Justice has become directly or indirectly a party in each court action in Alabama. But under the Helms-Johnston amendment, the Department of Justice will not be allowed to spend a dime in an existing case to modify court orders. I believe anyone who is knowledgeable about court proceedings clearly realizes the chaos that will occur. If a major party cannot participate, then how can the court action proceed. The answer is clear—it cannot. Settlements and modifications of existing court orders will be impossible. It will take years of legal action and appeals to determine how to properly remove or modify these school transportation orders. I shudder to think of the amount of money which our local boards of education will have to spend regarding the chaotic litigation that would follow.

At the same time, it should be noted that the North has only recently begun to feel the impact of court action in dealing with the school desegregation and busing. It would be left virtually unscarred by the financial and social consequences of forced busing, while our southern communities will be left to their own limited and already strained resources to untangle this muddy, legal situation.

My amendment to the Department of Justice Authorization Act will prevent this financial and legal quagmire from occurring in Alabama and throughout the South. Amendment No. 1235 will provide for the authorization of the Department of Justice to participate in any proceedings to remove or reduce existing court busing orders. In this way, those southern communities which have borne the burden of compliance with Federal court desegregation decrees will not be punished for their cooperation, patience, and respect for the law.

In the past, the Department has played a significant role in working out settlements with our school boards regarding integration. Through this joint endeavor, our local communities have been able to comply with the constitutional principle of equality under the 14th amendment while avoiding Federal court surveillance. Last year, in Birmingham, for example, the city board of education settled its school desegregation cases without any busing. This would not have been possible if the antibusing amendment were in force and effect on the date of settlement because the Justice Department could not have participated in the settlement negotiations that brought a final disposition to the Birmingham suit after 20 years of tedious and costly litigation.

Amendment No. 1235 will not otherwise affect the authorization of the Department of Justice to participate in school desegregation proceedings or settlement negotiations. It merely provides a mechanism for the orderly resolution of a legal process that has been imposed on the South for the past decade. I would urge your consideration and support for this serious and necessary measure.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GORTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that I be granted 5 minutes of the time allotted to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection it is so ordered.

The Senator from Washington.

Mr. GORTON. Mr. President, while I intend to vote against this bill, as amended, that vote will not be cast because of any criticism of the amendment of the distinguished Senator from Louisiana (Mr. JOHNSTON). In fact, I should like to begin these remarks by saying that I believe the attacks on his amendment, which revolve around the proposition that it deprives the Federal courts of jurisdiction to deal with cases relating to school desegregation, to have been misdirected.

While his amendment does include references to article III, section 2 of the Constitution, and while I believe in one or two respects it is inartfully drawn, it does not, in my view, subject itself to attack by those who believe we should not limit the jurisdiction of the court. It does, of course, limit the remedies which the courts may impose in connection with findings of de jure segregation.

But dealing with remedies which the courts are authorized to impose is an ancient and, in fact, necessary function of the Congress of the United States. As this body knows, I would have preferred a more clear and a more principled ban on the assignment of children to public schools based on race. I am afraid that the most significant criticism that one could make of the Johnston amendment is that it does not follow its own findings of fact to their logical and, I believe, inevitable conclusion, that children simply should not be assigned to schools on the basis of their race.

It does, on the other hand, represent at least a significant step in the direction of rationality. While it is constitutionally subject to challenge, it does not attempt to limit the ability of the Supreme Court of the United States to deal with that challenge. On balance, it is my opinion that it will be found to be constitutional.

I am, however, deeply troubled with the Helms portion of that amendment. Because the Johnston amendment itself continues to allow busing to be utilized as a remedy under some circumstances for desegregation, it seems to me inappropriate to limit the Department of Justice in its choice of cases in which to take part and remedies for which to ask.

I am firmly convinced that in all of the so-called social issues and in other issues as well, Congress should deal directly with the substance of the issue and not indirectly either with the jurisdiction of the courts of the United States or with the powers of the Department of Justice. For that reason, with some considerable regret, because the two are now inextricably bound together, I feel constrained to vote against the overall amendment, although I recognize that it will pass overwhelmingly. It is my hope that it will be considered on the floor of the House and that proposal similar to that advanced by the Senator from Louisiana will eventually win adoption.

I do, however, hope, in a codicil to this short talk, that the Senator from Louisiana will speak to one or two issues before his hour is up which seem to me to be still unclear in connection with his own amendment. I believe I know the answers to these questions, but I think they should be set out in the CONGRESSIONAL RECORD.

I ask the Senator from Louisiana to speak to whether or not his amendment in any respect limits the ability either of the courts or of individual school districts to close schools entirely if they wish to do so in order to limit segregation or even to enhance a racial balance which is not required by the Constitution.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GORTON. I ask for an additional 30 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GORTON. Does it limit in any way the power of the courts to set different grades or educational levels in different schools, to pair or to cluster schools, to set particular kinds of courses of academic instruction in schools either as a means to decrease segregation or to increase a racial balance? I do not think the amendment of the Senator from Louisiana restricts the courts in that respect, but I believe it appropriate to have the answers to these questions in the RECORD.

Mr. BUMPERS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I have asked Senator WEICKER for time this morning, 20 minutes, which he has agreed to and I ask unanimous consent that I be permitted to proceed for at least that period of time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. JOHNSTON. It would be time charged to the Senator from Connecticut?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. JOHNSTON. I have no objection.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, with certain knowledge that my words here this morning will not change a single vote, I rise to speak on this issue because I do not want either my children or my constituents to think I acquiesced in or only mildly objected to what we are about to do here. I want them and any person within earshot or whoever may read my words to know that the beginning of the end of constitutional guarantees in this Nation occurred over my strenuous and vehement protest.

Completely aside from my own chagrin, dismay, and repugnance over our action today, I am equally appalled by the virtual silence of the press, which either does not understand the implications of this action and, therefore, that freedom of the press is also placed in great jeopardy, or just have not been paying attention. But wait until those future amendments start coming along that prohibit appeals to the Supreme Court of the United States from State supreme courts in all libel cases. Where are all of those who railed about Government intrusion in our homes and our lives? And how about searches and seizures?

Assume that at some point in the future—and I certainly would assume that it will happen—we deny Federal court jurisdiction in cases involving the question of whether or not a search and seizure of our home is reasonable within the meaning of the fourth amendment. The midnight knock on the door cannot be very far behind.

Who will stand up when Congress denies appellate jurisdiction over cases involving freedom of worship, probably the single greatest freedom we enjoy in this Nation, if we limit the jurisdiction of the court on issues of whether or not, say, prayer in school is voluntary? Let us assume that somebody offers an amendment that denies jurisdiction of the Federal courts in determining whether a prayer is voluntary where the prayer has been agreed to by the school board and the faculty, is 100 words or less, and only mentions God three times or less? In and of itself, such a limitation might not be offensive, but it would only be a beginning of attacks on freedom of worship as we have known and enjoyed it.

Mr. President, I could list examples such as these under every guarantee in the Constitution. If the people are frightened by Government intrusion now, they can prepare to be terrified in the future.

Not only has the press failed to sense the danger to constitutional government in this amendment, it has consistently simplified and thereby demigrated the magnitude of the issue by referring to it as a fight between liberals and conservatives; that it amounts to a simple difference in ideologies. Yet one of the most severe and outspoken critics of this entire charade has been the most distinguished senior Senator from Arizona (Mr. GOLDWATER), most often referred to as the conscience of the conservatives in this country. Another critic has been the distinguished Senator from Alabama, a true conservative who also happens to have been chief justice of the Alabama Supreme Court before coming to the Senate, HOWELL HEFLIN. He probably suffers more political risk as he stands here than any other person in this body, but he believes in the Constitution.

The American Bar Association, hardly a citadel of liberalism, has gone on record with a brilliant resolution strongly condemning this onslaught against constitutional government. The chief justices of the State supreme courts have warned the proponents of this amendment not only about the dangers to our freedoms, but that some State courts may very well follow the precedents considered anathema to them. Read the statements of Robert Bork, just seated on the Court of Appeals for the District of Columbia. Considered a conservative's conservative, Judge Bork has ominously warned against dealing with a philosophical problem by limiting Federal court jurisdiction.

Mr. President, the true conservative tinkers with the Constitution with the utmost caution and is absolutely unyielding in defending against this insidious backdoor effort to bypass the legitimate amendatory processes provided for in the Constitution.

Why are the proponents insisting that this not be submitted under the amendatory processes of the Constitution? Is it because they do not trust the people to reach a conclusion with which they would agree?

Is the motto of the new conservative—"Populus non Regnat"—"The People Do Not Rule"?

Mr. President, I want to make clear that I am not a cheerleader for busing. The vast majority of parents in this country do not want their children transported past the closest school to another, and their feeling does not make them either racists or bigots. On the contrary, many of them are deeply troubled by their sensitivity to the rights of minorities, and their desire that their children not spend an inordinate amount of time each day on a bus. What they want is the best education that can be provided for their children.

In my home State of Arkansas, there are 275,335 children riding buses to and from school every day. Less than 3.5 percent of these children who are riding buses do so because they have been forced to do so in order to achieve a racial balance. That sounds like a very small number; but to the parents of the children involved, it does not matter that the percentage is small.

All of the national tests show that the attainment levels of students are going down, and in my opinion the disruption caused by the perpetual uncertainty about where children will attend school from year to year is one of the contributing causes. Because of my concern about the practice of busing, I have voted for some of the antibusing amendments that I thought were reasonable and legitimate and that would have the effect of limiting this practice.

However, busing is not the real issue here today. I cannot say that loud enough or emphatically. It is not the issue. The issue is whether we are going to remain a free nation, devoted to the sanctity of our Constitution—an almost sacred document which has allowed us to become and remain the freest nation on Earth for almost 200 years. This amendment is a continuing sinister, devious attack on that document. My poor words can never fully express my contempt for what we are about to do.

We will today begin the erosion of the only document that stands between the people and a tyrannical government, or a government by whim, fancy, and caprice. Alexander Hamilton feared this very thing when he said in No. 78 of the Federalist Papers:

> There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act therefore contrary to the constitution can be valid. To deny this would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorise, but what they forbid.

I realize that Congress created the lower Federal courts and has the authority to define their jurisdiction. Congress also has some control over classes of remedies that the Federal courts may order. But I do not believe for an instant—and I will never believe—that the Founding Fathers ever intended for Congress, by a simple majority, to deny the courts jurisdiction over cases, where a constitutional issue is involved.

Mr. President, if the Helms/Johnston amendment becomes law, the question posed is this: If the statutory denial of a certain remedy necessarily means the abrogation of a basic constitutional guarantee, is the statutory denial of that remedy unconstitutional? The answer is clearly "Yes," and I predict with a high degree of confidence that the courts will so hold. If by some convoluted reasoning they do not, then you can take the Constitution and use it for a dart board, because it will have been irreparably emasculated, and the people of this Nation will not be free. They will be free subject to the definition of freedom as determined by a simple majority of Congress on any given day, and depending on what the polls indicate on that given day. This is indeed a historic occasion, but it is historic for reasons which do not bring credit to the Senate as an institution. We are on the verge of setting the most dangerous precedent ever, a precedent which cuts at the very heart and soul of the constitutional doctrine of separation of powers. Article 5 of the Constitution is the proper method to alter the Constitution. That process, by its very nature, was designed to prohibit the "willy-nilly" alteration of basic constitutional principles. In the nearly 200 years since that great document was ratified, the American people have chosen to change the Constitution only 26 times. The requirement of extraordinary majorities in Congress and among the States has insured that the Constitution is amended only after profound reflection and deliberation. Justice Frankfurter called it a "leaden-footed process," and this is a positive rather than a negative characterization. I am glad it is a "leaden-footed process."

Mr. President, if Congress succeeds in this abrogation of the amendatory process, it will happen again and again and again. Even in the high emotions of the post-Civil War era, Congress, in limiting the court's jurisdiction over writs of habeas corpus, had the good sense to limit the Supreme Court's jurisdiction only to the case of McCardle, the firebrand southern editor who had been taken prisoner by the Union.

Every Member of this body knows that the first three articles of the Constitution set out the powers granted to the three branches of Federal Government. It is perfectly clear that this separation of powers was perceived by the framers as the primary safeguard of the liberties of all Americans. In the Federalist Papers, No. 47, Madison wrote that—

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of a one, a few, or many, and whether hereditary, self-appointed, or elected, may justly be pronounced the very definition of tyranny.

This separation does not mean complete independence. Every civics student knows, that the three branches are interrelated. The Congress makes the laws, the executive branch makes sure that the laws are faithfully executed, and the judicial branch is the ultimate arbiter of what the law is. Judicial constitutional review by an independent judiciary not beholden to the people or legislature for tenure in office or continued compensation was intended as a basic check on the power of the executive branch to invade fundamental individual rights and liberties.

Chief Justice Marshall said in Marbury against Madison—it has been quoted many times—that

> It is emphatically the province and duty of the judicial department to say what the law is.

That has become axiomatic in this country. More recently, in Cooper against Aaron, the Little Rock school desegregation case that arose in the late 1950's and which presented a classic clash between Federal and State authorities, the Court restated the basic Marbury against Madison precept. In Cooper the court said:

> This decision (Marbury v. Madison) declared the basic principle that the Federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this court and the country as a permanent and indispensible feature of our constitutional system.

It is the judiciary which has the jurisdiction to tell Congress and the President whether we have overstepped constitutional bounds. That is the way it should be. That does not mean, Mr. President, that our views on constitutional issues are not entitled to some weight or even great weight in certain circumstances. Just last year, in Rostker against Goldberg, the all-male draft registration case, the Supreme Court underscored this principle. It was important to the Court that Congress had strugged with the constitutionality of whether females could be excluded from the draft, and this body's conclusion—Congress conclusion—that they could be excluded was given great weight by the Court. But we are not the final arbitor of whether our acts are constitutional. If we were, it would amount to a dangerous accumulation of power in one branch of Government. As Hamilton wrote also in the Federalist Papers:

> It could not be expected that men who had infringed the Constitution in the character of legislators would be disposed to repair the breach in the character of judges.

Hamilton explained that the concept of judicial constitutional review does not rest on judicial supremacy, but depends instead on the idea of legislative supremacy. The adoption of the Constitution expressed the people's ultimate legislative act of ratification, and as Hamilton explained, the courts are obligated constitutionally to invalidate legislation that is contrary to the Constitution, which the people have ratified.

But what if the Federal judiciary exceeds its constitutional role? Then, offending Federal judges may be impeached. According to Hamilton, the impeachment device was "The only provision on the point which was consistent with the necessary independence of the judicial character."

These basic precepts lead me to the inescapable conclusion that, in exercising its power to limit Federal court jurisdiction or its power under section 5 of the 14th amendment, Congress cannot act so broadly as to divest the courts of the function of judicial constitutional review. We may not, we cannot, and we should not, by a simple majority, vitiate judicial constitutional decisions by stripping the courts of the power to order what may be the only remedy sufficient in a given case to vindicate important constitutional rights.

Against this general philosophical backdrop, Mr. President, I would like to discuss briefly the power of Congress to tamper with the Supreme Court's appellate jurisdiction, and Congress power to limit the jurisdiction and constitutionally required remedies of lower Federal courts.

I. THE APPELLATE JURISDICTION OF THE SUPREME COURT

Article 3 provides that—

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

In cases affecting ambassadors, public ministers, and cases in which a State is a party, the Constitution provides that the Supreme Court is to have original jurisdiction. It is absolutely clear that Congress may not expand or curtail the Court's original jurisdiction. That was established by Marbury against Madison. I am sure that no Member of this body questions this as a basic constitutional principle.

In other cases, however, the Constitution provides that the Supreme Court is to have "appellate jurisdiction, both as to law and fact, with such exceptions as, and under such regulations as the Congress shall make." Although this statement seems fairly straightforward, the basic question is what limits are there on the power of Congress to make exceptions and regulations to the Supreme Court's appellate jurisdiction?

The Seminal case is ex parte *McCardle* (7 Wall. 506 (1869)). The McCardle case presented very interesting and unique facts. In 1867 Congress expanded the availability of the writ of habeas corpus to persons illegally detained by State or Federal authority. The purpose of the law was to provide protection from State prosecution and detention for Federal officials enforcing reconstruction laws in their former confederacy.

Interestingly, though, the first major test of that law came as a result of its use by a southern editor, William McCardle. McCardle sought a writ of habeas corpus which would secure his release from military authorities. Writings of the time indicate that it was generally thought that the Supreme Court would use the McCardle case as an opportunity to declare the Reconstruction Acts themselves unconstitutional. The McCardle case was first argued and decided in February 1868. The only question at that time was whether the Supreme Court had jurisdiction to hear an appeal of a lower court's refusal to issue the writ of habeas corpus. The unanimous U.S. Supreme Court held that it did have jurisdiction.

Then in March 1868, the Court heard arguments on the merits of McCardle's appeal. Later that month, Congress added a rider to a revenue bill repealing the portion of the 1867 Habeas Corpus Act extending the Supreme Court's appellate jurisdiction over cases arising under it. Although President Johnson vetoed the bill March 25, Congress passed it again over his veto 2 days later.

In a controversial move, the Court postponed further arguments in the case and then held them in March 1869. On April 12, 1869, the Court held unanimously that Congress had eliminated its jurisdiction over the case. The Court said:

> We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the constitution; and the power to make exceptions to the appellate jurisdiction of this Court is given by express words.

No one is quite sure how broadly the McCardle case should be read. For one thing, as the above quote indicates, the Court did not believe that it was at liberty to inquire into the motives of Congress in taking away its jurisdiction. That is hardly the rule today. The Court regularly inquires into congressional motives. Another important point about the McCardle case should be emphasized. Later in its opinion, the Court said the following:

> Counsel seems to have supposed, if effect be given to the repealing act in question, that the power of the Court in cases of habeas corpus, is denied. But this is an error. The act of 1868 does not except from the jurisdiction any cases but appeals from circuit courts under the act of 1867. It does not affect the jurisdiction which was previously exercised.

What the Court is saying here is that Congress had not taken away all avenues for appealing habeas corpus cases to the U.S. Supreme Court. In fact, the Court had certiorari jurisdiction to hear the McCardle case. Further, under section 14 of the Judiciary Act of 1789, the Supreme Court and other courts could issue writs of habeas corpus and all other writs necessary in the aid of their respective jurisdictions. A writ under this section would have extended to McCardle since he was in custody under the authority of the United States. From the last paragraph of the Court's opinion, it seems pretty clear that the Court was welcoming McCardle to use these remedies, but there is no evidence that he did.

It seems to me that all we can take from the McCardle opinion is that Congress has some authority to limit the appellate jurisdiction of the U.S. Supreme Court. It is curious that McCardle appealed to the Court under the act of 1867 since he also had available to him section 14 of the Judiciary Act of 1789. As the Court pointed out, in upholding the power of Congress to take away so much of its appellate jurisdiction that was granted by the act of 1867, it left open to him other habeas corpus remedies. The case does not stand for the proposition that Congress can completely divest the U.S. Supreme Court of appellate jurisdiction over habeas corpus cases. I am confident that since the right of habeas corpus is spelled out in the Constitution, the Court would not have allowed such a result.

The argument that the McCardle case should be given a rather narrow reading is underscored by a case decided only 3 years later, *United States* v. *Klein*, 80 U.S. (13 Wall.) 128 (1871). Klein makes clear that Congress may not enact legislation to eliminate an area of jurisdiction in order to control the results of a particular case. I will not go into the facts of the Klein case, but most scholars agree that the decision strongly supports the contention that Congress must exercise its power to limit jurisdiction in a manner that does not derogate the independence of the Federal judiciary. Jurisdictional limitations must be neutral in impact. It is clear that Congress may not decide the merits of a case under the subterfuge of limiting the Court's jurisdiction.

There are also other fairly obvious limits on the authority of Congress to limit the appellate jurisdiction of the U.S. Supreme Court, or the jurisdiction of lower Federal courts for that matter. Congress may not act in a way that violates another provision of the Constitution. The obligatory example is that Congress might not by statute prohibit blacks from bringing cases in Federal courts. To do so would clearly violate the fifth amendment.

The lower Federal courts are creatures of Congress, and it is fairly clear from the case law that Congress need not vest lower Federal courts with the full extent of the Federal judicial power. I am aware that *Sheldon* v. *Sill*, 8 HOW 440, 12 L.Ed. 1147 (U.S. 1850), seems to grant Congress fairly broad authority to limit the jurisdiction of lower Federal courts. I also know that until 1875 Congress refrained from providing the lower Federal courts with general Federal jurisdiction. Until that time, the State courts provided the only forum for vindicating many important Federal claims. Dictum in a fairly recent Supreme Court case, *Palmore* v. *U.S.*, 411 U.S. 389, 400-402 (1973), seems to recognize broad congressional authority to limit the jurisdiction of lower Federal courts.

I am confident, however, Mr. President, that there are real limits on our authority in this area. Again, for example, we clearly cannot limit court jurisdiction in a way that would implicate other constitutional provisions. And I am confident that in evaluating the constitutionality of one of our acts, the court will inquire into our motives. Some of the bills now pending in the House and Senate which seek to divest the courts of authority to hear certain controversial issues are implicitly premised on the expectation that State courts will in fact prove less receptive than the Federal courts have been to assertions of those controversial rights. In other words, the Court might find that it was the intent of Congress to water down basic constitutional rights by leaving them to the State courts to decide.

I think the authors of such bills might be taken by surprise, Mr. President. The State courts are filled with many distinguished jurists, and those courts will still be bound by the Constitution and constrained to follow the Supreme Court's authoritative decisions construing it. As Prof. Laurence H. Tribe of Harvard University pointed out last year in testifying before a congressional committee, State courts may choose to "replicate the very rulings that had inspired jurisdictional restructuring, thereby freezing the law unwisely but otherwise rendering the shift from Federal to State courts too inconsequential to have been worth the effort. * * *" On the other hand, there is some danger that the State courts would move in 50 different directions and there would be no uniformity in interpreting the Constitution. We might end up with 50 separate interpretations, and I submit to you that such a result would be completely at odds with the intent of the Founding Fathers.

Such a result would completely destroy the constitutional fabric that has kept our Nation free, our homes secure, our rights protected, and our institutions sound for almost 200 years.

Some of the other points I raised in discussing the limitations on the power of Congress to tamper with the appellate jurisdiction of the Supreme Court are also applicable here. I am confident that the Court would hold, as Professor Tribe suggests, that—

> Congress may not so truncate the jurisdiction of an article III court as to empower it to "decide" a legal controversy while denying it any means to effectuate its decision—or even, as in the ordinary declaratory judgment, at least to alter the concrete situation of the parties or the range of options open to them. Congress broad authority to regulate the panoply of available remedies, in other words, stops short of the power to reduce an article 3 court to a disarmed, disembodied oracle of the law lacking all capacity to give concrete meaning to its decision that one party won and the other lost.

Professor Tribe's comment is especially apropos in the context of the Helms/Johnston and Gorton amendments. What if, in a given situation, try as it may the only way the Court can vindicate important constitutional rights is by ordering the assignment of students on the basis of race, and transportation more than 5 miles or 15 minutes from the student's home? If such relief were constitutionally necessary, then I echo the words of Professor Tribe that these amendments would "reduce an article III court to a disarmed, disembodied oracle of the law lacking all capacity to give concrete meaning to its decision."

Finally, Mr. President, my comments about Congress power under section 5 of the 14th amendment will be very brief. Some of the basic principles I have already mentioned are applicable here as well. At the risk of undue repetition, it is clear that Congress could not act to take away a remedy in a manner that would violate another provision of the Constitution. And as I have said, that is what I think we are doing in passing the Helms-Johnston amendment. I also echo the sentiments of the court in Katzenbach against Morgan, that section V of the 14th amendment does not empower Congress to take actions which dilute due process guarantees.

In conclusion, Mr. President, I think what we are doing is wrong as a matter of constitutional law and as a matter of sound public policy. In the recent history of this country, Federal courts have performed an essential function. They have taken action to protect constitutional rights when politicians have refused to do so. They stand as a bulwark for the protection of our basic constitutional guarantees. We should support that role rather than detract from it.

Mr. President, I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER (Mr. WARNER). Who yields time?

Mr. JOHNSTON. Mr. President, I yield myself 10 minutes.

How much time is remaining?

The PRESIDING OFFICER. There is 44 minutes and 36 seconds.

Mr. JOHNSTON. Mr. President, many years ago, as a freshman in high school when I first took debate from a great teacher of mine, I learned two things. No. 1 was, when you have a weak case, you talk about something else. And No. 2, he taught me a little saying that has remained with me all these years and it is this: Omission is admission.

Let us start with the last one first:

We have had this bill here in Congress for over 1 year. For over 12 months, this legislation has matriculated through this Congress and for months and months we have been engaged in a filibuster here in the Chamber.

Mr. President, in all that time, I do not recall one of my colleagues getting up and defending forced busing. Indeed, they want to talk about something else. Do you know what the issue is today, according to my distinguished friend from Arkansas? The issue is not busing. Oh, no, do not talk about busing. The issue is whether we will remain a free Nation. Can you imagine that? Whether we will remain a free Nation, whether a freely elected Senate, elected by the people of this Nation, exercising their powers under section 5 of the 14th amendment can impose a restriction on courts? Is that the curtain of tyranny coming down? I submit if there is any tyranny involved in this whole issue, it is the tyranny of an unelected court discovering a new right which is not a constitutional right.

No one has ever said busing is a constitutional right. All they have said is that busing is a remedy to seek to vindicate a right.

So if there is any tyranny, it is government without the consent of the governed.

No, the issue is not whether we will remain a free nation, but whether a freely elected Senate exercising the powers expressly granted to it under the Constitution can exercise the right of the majority in a free nation.

Mr. President, busing is not the issue because busing cannot be defended and there is an admission of the ineffectiveness of busing. In 1 year, none of my colleagues can find anything good to say about busing. One would think that someone would come up and bring some social science evidence. There have been reams and reams and hundreds of pages written about it by the most distinguished educators and social scientists in America. One would think that they would want to close the issue, to join the issue, on the question of whether it works.

Does it integrate schools? Does it promote education? Does it improve the reading, the writing, the mathematics or any other skill of any student, black or white? Where is the evidence? Where is the debate on that issue? It is not to be found on the floor of this Senate.

My distinguished friend from Arkansas begins his speech by saying the issue here is not busing. Other opponents begin their speeches with the same thing.

Mr. President, if the issue is not busing, then what is the issue? Well, I guess the issue to many of my colleagues is the constitutionality of this amendment. But, amazingly, the real issue of constitutionality is also not discussed. The American Bar Association has never talked about the Johnston amendment. The chief justices of the State courts have never talked about the Johnston amendment. They talk about some vague area of taking away jurisdiction from the Supreme Court.

Let me say right away that I have never regarded this amendment as being grounded principally upon a jurisdictional attack on the Supreme Court, nor upon the exercise of the powers under article III, section 1 of the Constitution.

I said that when the amendment was introduced and I have said it all along. It is true that there is an allusion to article III, section 2 of the Constitution in this bill. On page 2, here is all it says:

> The Congress is hereby exercising its power under article III, section 1, and under section 5 of the 14th amendment.

That reference to article III, section 1 of the Constitution was inserted really on the day before the amendment was put in, almost as an afterthought.

It is true that, in my judgment at least, Congress can limit jurisdiction. There is a whole history of cases decided by the Supreme Court, including ex parte McCardle in 1868, including the cases involving limitation of injunctions in labor disputes, including a whole raft of cases giving to Congress that power, and it is true that the bill refers to that power. I do not make any apologies for that. I simply say this amendment is grounded predominantly on section 5 of the 14th amendment.

Indeed, what we do in the amendment—I wish the lawyers who are interested in this issue would look at what the amendment says—we deal with the All Writs Act, which is section 1651 of title 28. The All Writs Act authorizes remedies to the Federal courts, and deals with what it says, it deals with writs, and it puts a limitation on writs for the Federal courts.

It also deals with the Civil Rights Act of 1964 in granting to the Attorney General the precise same powers that the Attorney General had with respect to school segregation cases, and that is to say, when the Attorney General receives a complaint from a parent that his child is being bused in excess of the limitations of this act by court order, then the Attorney General is authorized to vindicate those constitutional rights by bringing a suit. That is precisely the same power that the Attorney General has under the Civil Rights Act to bring suits on behalf of children who are otherwise deprived of due process of law.

There is no reference to any jurisdictional statute at all other than, as I say, the All Writs Act, which is a statute dealing with remedies and with the Civil Rights Act of 1964 which gives additional authority to the Attorney General.

Mr. President, I think it is appropriate at this time that I very briefly say what else is in this act. First of all, we make findings, as we are authorized to by the decisions of the Supreme Court under section 5 of the 14th amendment. Those findings have been reiterated here many times. You can sum those findings up by saying that busing does not work, and it has been proved not to work.

Second, we put the limitations on injunctive relief. Those limitations, Mr. President, are directed toward Federal court orders by amending the All Writs Act. They do not limit the power of school boards, duly elected school boards. If a school board wants to bus children all over its parish or all over its county, it is not prohibited from doing so by this amendment. Nor indeed would a State court if it undertook to order that busing. This legislation deals only with the power of the Federal courts under the All Writs Act, and it does put limitations upon those powers.

Those limitations are that a court cannot order busing unless, first of all, it is voluntary or, second, it is reasonable.

We further define "reasonable" to mean, first, that there are no other alternatives; that, second, you cannot cross a district, leapfrog a district, in effect; that, third, you cannot order busing if it is likely to result in more racial imbalance or have a net harmful effect on education or if the round trip time or distance exceeds 30 minutes or 10 miles.

We do define the school closest as being that school with the appropriate grade level and with space available, which existed immediately prior to the court order, even though that court order might predate the enactment of this act.

Mr. President, my distinguished colleague from Washington asked a question whether or not this amendment could prevent pairing or closing or clustering or other things involving public schools. The answer is this: First of all, a school board can do what it wishes. It may pair, it may cluster, it may build any kind of schools or close any kind of schools it wishes so long as it does that on its own; so long as its duly elected or duly appointed members do that and not under the compulsion of a Federal court order.

However, if the net effect of a pairing or a closing would be to cause additional busing outside the limits of this act, then it would be in violation of this act. If, in effect, the Federal court order by ordering a pairing or closing would be indirectly to make this a prohibited busing or school assignment, then it would be prohibited.

Now, Mr. President, let me say a word about the Helms amendment. The Helms amendment provides that none of the funds provided under this act may be used to, in effect, finance the Justice Department to seek busing orders. If the Helms amendment is good, it is not very good, or if it is bad, it is not very bad because it expires on September 30, 1982. I hope we will have this legislation enacted prior to that time, but if it is, it will not be enacted very much prior to that time.

In my view there is certainly no constitutional infirmity in doing this because, after all, the right of the Justice Department to champion the rights of individuals in school desegregation cases or indeed in other constitutional cases did not exist prior to the Civil Rights Act of 1964. Indeed, that language, the language which I put in this bill, comes verbatim from the Civil Rights Act of 1964, except that whereas in this amendment it gives the Justice Department the right to champion the right of people who are bused excessive distances, in the Civil Rights Act of 1964 it gave them the right to champion the rights of those who were victims of discrimination, the point being that it was necessary to insert that language in 1964 by statute because otherwise individuals would have to vindicate their own rights. The Justice Department could not do that for them. So that which Congress has given Congress can take away.

In this case Congress would simply be taking away that right between now and September 30, 1982, and even the Helms amendment would not prevent a court from exercising such jurisdiction or from making such orders as they wished to do without reference to whether the Justice Department brought the action.

Indeed, much of what Federal courts have done is done, as we say, sui sponte, that is, on their own motion, and that would not be prevented by the Helms amendment.

Mr. President, the Justice Department under this amendment would be permitted to bring suits; they are permitted to do so but they are not required to do so. An individual obviously could bring his own suit or a school board would also be permitted to bring its own suit if it had been the subject of a Federal court order.

There are some who would argue that a school board could simply ignore a Federal court order to the extent it exceeded the limits of this bill. I do not believe that is so or at least I would certainly recommend, were I advising the school board, not to do that but rather to go into court and have the court order modified in accordance with this act.

Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER**. The Senator has 29 minutes and 16 seconds. The Chair indulged the Senator in his original request for time such as not to interrupt his comments.

Mr. **JOHNSTON**. I thank the Chair. One further comment before I yield the floor. This act does have retroactive effect, that is to say, if earlier this year, which would have been obviously prior to the passage of this act, a student were made the subject of an unreasonable amount of busing, as the term "reasonable" is defined in this act, then this act would authorize the exercise of remedies to reduce that amount of busing even though the order predated the order of this busing.

Mr. President, let me say one further thing. For those who say this act is unconstitutional, all I plead is that you go read the Constitution and read what the Supreme Court has said. I think my colleagues, some who have attacked it, have never bothered to go see what the Constitution says or indeed to see what the Supreme Court has said.

Let me read just a couple of short paragraphs from a recent Supreme Court case, Katzenbach against Morgan, 1966.

> By including section 5—

That is to say section 5 of the 14th amendment upon which we rely—

> the draftsmen sought to grant to Congress by specific provision applicable to the 14th amendment, the same broad powers expressed in the Necessary and Proper Clause—

That is article I, section 8, clause 18 of the Constitution—

> correctly viewed, section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth amendment.

Again, in Oregon against Mitchell, a 1970 case, the Court said at 143:

> The manner of enforcement involves discretion; but that discretion is largely entrusted to Congress, not to the courts.

At 145:

> The power of Congress in section 5 is to "enforce" the Equal Protection Clause was sufficiently broad, we held, to enable it to abolish voting requirements which might pass muster under the Equal Protection Clause, absent an act of Congress.

At 147:

> But the choice of appropriate remedies is for Congress and the range of available ones is wide.

At 248:

> It is not for the courts to re-examine the validity of these legislative findings and reject them. (W)here we find that the legislators, in light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary . . . our investigation is at an end.

That is what the Supreme Court has said recently. Prof. Henry M. Hart, Jr., of Harvard University, one of the most distinguished constitutional scholars, writing in the Harvard Law Review, stated this on this subject:

> The denial of any remedy is one thing—that raises the question we're postponing. But the denial of one remedy while another is left open, or the substitution of one for another, is very different. It must be plain that Congress necessarily has a wide choice in the selection of remedies, and that a complaint about action of this kind can rarely be of constitutional dimension.

Mr. President, the scheme of this amendment is not to deny the courts or school boards the right to desegregate schools. They will be left with a whole range of remedies. Indeed, I think the most effective remedy is the right of any child to attend any school which that child desires and to be provided transportation. You know that is what Brown I and Brown II were all about. Nobody had ever come up with this affirmative "forced busing" in the Brown cases back in 1954 and 1955. Rather, that dealt with a right of a student voluntarily to attend a school.

That right is further guaranteed under the Singleton case, which was decided, if I recall, back in 1971. That is not taken away. The right to create magnet schools, to do all that range of educational innovation is not prohibited by this act.

The drawing of proper nondiscriminatory attendance lines is not only prohibited by this act but is required otherwise by the Constitution, by the 14th amendment, and that will remain in place. Indeed in most areas, in my State, a proper and nondiscriminatory drawing of attendance lines results in about 90 percent of the integration which you would achieve otherwise.

So, Mr. President, measures to achieve integrated schools are not denied by this act. There are remedies available, and indeed more effective remedies. What we have done in our findings is to state as a fact the conclusion of such distinguished social scientists as David J. Armor and James J. Coleman, who have, after exhaustive study, after thousands of man-hours of research into the demographics and statistics and the provisions of various court orders across the country as they relate to scores of cities, come up with the conclusion that busing simply does not work. As they say, because of the phenomenon of white flight, which is a fact, it has not resulted in integration and because of statistical studies, the promise, the great hope, held particularly James J. Coleman, that it would elevate attainment levels has not proved correct.

All of those studies I have put into the RECORD and they simply show that the brave experiment with busing, noble experiment, really, just simply did not work. If it worked, if it worked truly to desegregate our schools and to bring the promises that it was supposed to bring, this amendment would not have been offered by me or anyone else. But it has not. This amendment is a recognition that just as medical science moves on from discovery to discovery and finds that something does not work—thalidomide did not work and hurt the patients—we reject that drug and go on to new remedies. That is what this does at this time.

It is not turning back the clock. It is not a return to racism. Quite the contrary, Mr. President, quite the contrary, what this will allow us to do is to desegregate our schools but also to move on to what is really important which is the education of our children.

I predict if this can be passed into law—and I am extremely hopeful that it can—that we will have a return of public support to education that will not only enable us to pass the necessary funding taxes and resolutions around the country which now are increasingly being denied to education, but it will mean a return to the public schools of so many of those of the best and brightest who have withdrawn from public schools.

Mr. President, this amendment truly is a public education amendment. I believe fiercely and fervently in public education. And I believe this amendment will do as much to help public education as anything this Senate has done in many years.

Mr. President, I reserve the remainder of my time.

The **PRESIDING OFFICER**. Who yields time?

Mr. **WEICKER**. Mr. President, today marks the end, temporarily, in this body of a matter which started originally here as part of a State, Justice, Commerce appropriations bill back in 1980. The specific legislation before this body of S. 951, which embodies the concepts raised or a portion of the concepts raised, in 1980, was commenced in June of 1981.

The initial matter was put to rest in 1980 by a threatened veto by then President Carter. The full constitutional process on this matter commencing in June of 1981 now gets to its first mark in March 1982, that mark being a vote by the U.S. Senate.

The question now arises as to what happens as this matter wends its way through the full constitutional process. One of two things will happen out here on the floor after passage. One is the bill, after its passage, will be sent over as a Senate bill to the House, at which time that body will apply to it its rules and procedures. Depending on what it does, if indeed it acts at all, the bill may come back to the U.S.

Senate, at which time there will once again be a full airing of the matter.

I have engaged in this debate day by day, never predicting anything, but only saying it would be my hope not that I could ever win but that I could delay the enactment of this legislation into law during this session of the Congress. I will take this opportunity to state my belief this legislation will not be enacted into law in this session of the Congress.

The alternative is to ask that this bill, after it passes, be folded into the House bill, at which time various motions would be made leading up to the appointment of a conference, all of which motions are open to debate, all of which motions would be debated extensively.

So, to use the language of the advertisement, "You can pay me now or you can pay me later;" we can discuss it now or we can discuss it later. But that is exactly what we are going to do, discuss it.

The procedure I have just discussed would involve a unanimous consent or motion to proceed to H.R. 3642. That is debatable.

S. 951 would be called up as an amendment to H.R. 3642. That is debatable.

H.R. 3642, as amended, would be passed. That is debatable.

To insist on a conference with the House is debatable, and the Chair's authorization to appoint conferees is debatable.

I want the record clear both as to the record here in the U.S. Senate and that which comes to the understanding of the American people. The fight is not over. My good opponent from Louisiana and his colleagues have burned up, in football parlance, about 14 minutes of the last quarter and gained 5 yards. That is a long way from the goal.

It is also true that substantial signals have been sent, not only as to this unconstitutional thrust but also any others that any of my distinguished colleagues have in mind, whether they deal with school prayer, abortion, whatever.

The business of this country right now is urgent. It is the business of unemployment. It is the business of high interest rates. It is the business of the Caribbean and the business of the Middle East. It is the business of young people unable to pursue their educational dreams. It is the business of minorities deprived of their civil rights and of their individual liberties piece by piece, not just by this legislation. It is the shrinking of the goals of America and the lesser expectations of this generation. This is the business, the principal social issues, of our times. It is not the reopening of old wounds, be it segregation or violations of religious rights as stated in the first amendment. It is not a matter of trying to overturn legislatively the law of the land as it relates to a woman's right to an abortion.

I heard on the radio this morning as I was driving to the airport reports that this, when passed, will be the most sweeping change as it relates to busing, the most sweeping restrictions as they relate to busing and court-ordered busing, to remedy matters of discrimination.

That is the first point that I want to make this morning. The Congress has always had it in its power to end discrimination, to end segregation. We always had it within our power to do that on the floor of the U.S. Senate. The fact that we chose not to avail ourselves of the powers inherent in this body is what precipitated the matter of which the proponents now complain; that is, that the courts did have the courage to address the issue which Congress has ducked.

It never needed to be, and I now refer to schoolbusing. It never had to be.

I tell you, Mr. President, the voters of this country, their gaze, their concentration, is being deflected onto the courts when, indeed, the blame belongs right here, in this Chamber and the one across the way.

It would have been possible for us to construct an educational system that, by virtue of its quality, either in bricks or mortar, personnel or programs, would have pulled down barriers of segregation. But that costs money, and that means taxes, and that takes political courage. And that was the courage that nobody had in any great abundance—rather, only the courage to turn our heads the other way, knowing that the document that is greater than any of the flesh and blood on this floor would, eventually, construct the solution to insure every American's rights.

And, indeed, the Constitution was greater than any Senator, any Congressman, any President. It did provide the basis for the guarantee of equal opportunity in education for every American.

So, the issue here, Mr. President, is not a policy debate on busing or whether it works or what the tool is to be in terms of assuring that equality. Rather, it is the attempt to tear down the one mechanism that has been impervious to the attacks of the politicians and philosophers, those who take a lesser view of their fellow citizens. That is why the fight.

I cannot do anything about the policies of this administration, as much as I disagree with them, in the area of civil rights. I can speak out, but I am not going to change what they feel to be their mandate from the election of 1980. I speak out, they speak out, they have the votes, and I lose. I accept that. That will always be a matter of the political and legislative process. But what cannot change and what cannot be taken away is the Constitution. That is worth every minute spent on this floor. And some day, my good friends from North Carolina and Louisiana will avail themselves of it, and they will want it intact.

Now, in the final analysis, this body does not operate separate and apart from the American people by virtue of that Constitution and the political design contained therein; this body reflects the American people. And as harsh as my criticisms have been in the months past, during the course of debate, of those who propose this legislation, there is no way of absolving or removing the American people from what goes on on this floor or on the other one.

During the great civil rights debates, I remember, as a youngster growing up in the North, comments that were made. It was said by my Northern neighbors that the reason why we did not have any civil rights legislation was that a few Southern Senators were blocking it on the floor of the U.S. Senate. It was a great excuse for the community in which I grew up. But we now know that it was not a few Southern Senators. America did not want that civil rights legislation. And when America got up on its haunches, when it received its inspiration, whether it was from a white man like Alfred Baker Lewis in my hometown of Greenwich, Conn., or whether it was from a black man like Martin Luther King, when that inspiration was felt on the floor of the Senate and in the House, no rule XXII and no few Senators could block it.

Well, the same holds true today. It is not just a few Members of the conservative bent on the Republican or the Democratic side that are pushing through this legislation. It is that nobody speaks for the Constitution any longer. It is forgotten as the origin of every piece of greatness that attaches to individual or nation. And when I go out to speak of this matter, it is why the trite and temporary words like "forced busing" dominate the conversation while everybody scratches their heads and says, "What do you mean, Constitution? What constitutional issue is it?"

No; this is not a civil rights battle. It is not a civil rights battle. At issue here for 10 months, today and those which follow, are American rights—American rights. That means every one of us. Because if this precedent takes hold, no one of us has any clear-cut standing free of politics in the courts of this country.

Mr. President, as I stated, the time has come now for others to speak up, to say what might temporarily seem to be against their own self-interest but, which will, in the long run, promote their own freedom and the greatness of the Nation.

Remember this: When the Constitution of the United States was written, the thoughts and the ideals expressed therein were directly against the self-interest of the handful of Virginia planters and aristocracy from other parts of the United States that wrote it. What they wrote was against their self-interest but for their children and, indeed, an entire Nation. It is not a nation of 20 Virginia planters and a handful from Beacon Hill, or from New York, or Georgia, and Connecticut, but, rather, a nation of 250 million persons, most of whom enjoy a quality of life better than that of the men who wrote that Constitution. So, you see, it was not against anyone's self-interest.

Yes; probably many of them had to swallow for a few moments in the terms of history's judgment and history's facts, but what they decided clearly gave to this country the greatest quality of life ever enjoyed in the history of man.

Now, once again, the U.S. Senate has eschewed its opportunity to do the correct thing, the constitutional thing, the courageous thing.

There are those who will vote for this legislation, hoping that the Speaker will hold it at the desk. There are those who will vote for this legislation knowing that if it comes back, another filibuster will take place, one there is no way of resolving in the press of an election year and an early closing of Congress. There are those who will vote for it, fervently hoping that some lightning bolt will strike in the Justice Department of the United States and that the Attorney General will advise his principal client that this is unconstitutional and an encroachment on his office; and, therefore, as with his predecessor, President Carter, the President will threaten to veto it or will actually veto it.

There are those who, in the final analysis, will say, "We will vote for this because, in the final analysis, the Supreme Court of the United States will declare this unconstitutional."

So we will have gone through the whole scenario that brought us to this problem in the first place: the failure of men to take the power of this office and use it in a way that speaks not for votes but for eternal principle.

Today marks the end of consideration of this measure by this body. Those of us in the Senate who care about the Constitution and the independence of the courts must entrust their protection to other participants in the legislative process; namely, the House of Representatives, the President and ultimately, perhaps, the courts themselves. Time should tell that the Constitution itself is its own best defense.

It may very well be that our colleagues on the House side will show more courage on behalf of the fundamental tenets of our democracy. Let us hope that they will know better than to be swayed by ephemeral political considerations and that, instead, they will look to the long-term consequences of their actions. Let us hope that they will recognize that what is at stake here is not busing but the separation of powers that has served this country so well over the course of two centuries.

Failing that, perhaps the President himself will end his administration's silence on this matter and act to protect the powers of his office just as his predecessor did.

Even if that does not come to pass, there is still the ultimate refuge of the courts. And there is no doubt in my mind that if they are forced to an opinion, they will find this measure grossly and blatantly unconstitutional.

So this cause is by no means lost. The victory will come merely on another day, in another chamber. And the point has been, and will continue to be made that the Constitution must not and will not be sacrificed to serve the cause of partisan politics. It will not be riddled with holes just to please the people who are opposed to busing or some constituency which wants prayer in our public schools or some group which would like to outlaw abortion. For the Constitution is above all that.

Let us get on to the real problems, the real issues at hand. In relation to these, we can ill afford to damage what does work in this country—and that is the Constitution.

Toward the end of the last century, one of my constituents, Mark Twain, wrote in "A Connecticut Yankee in King Arthur's Court" the following words. He said that his kind of loyalty was "loyalty to one's country * * * not to its officeholders." For the country, said Twain, "is the real thing, the substantial thing, the eternal thing; it is the thing to watch over and care for, and be loyal to." The country, and not some single-issue constituency. I have great faith that our colleagues on the House side will demonstrate that loyalty which we in the Senate have so sorely lacked.

That is the issue. It is the strongest issue. It is what the argument has been about. No amount of words designed to charge emotions and to bring forth the darker side of all of us as human beings can obliterate that fact.

On the theory that is being presented to the U.S. Senate, what happens if this is declared unconstitutional? That is something to contemplate. The Senate of the United States is usurping the entire concept of judicial review and has encroached into this separate but equal branch. So what happens if that branch says this is unconstitutional? Again, that is why there has to be one final determination as to whatever any of us do.

I hope that the Congress of the United States will defeat the Johnston-Helms amendment. I hope the Congress of the United States will devise legislation to make it totally unnecessary for the courts of this country to involve themselves in school discrimination cases. Nothing such as that will happen. The Johnston-Helms amendment probably will be adopted. Then, every Senator can go home and look for those votes by telling his or her constituents that the job has been done, the discomfort is over, knowing full well that not 1 in 10 will be asked by that constituency as to the status of his or her rights under the Constitution of the United States. It will be a great vehicle for campaigning.

How many of my colleagues on the floor have voted against amendment after amendment after amendment out of fear—out of fear of being labeled as being for busing and all that entails—the feeling that there is not time enough to explain the Constitution, the feeling that they have to deal in the most expeditious way with the most immediate problems?

So, I want to speak on their behalf; for, whatever happens after we are through with our action on the floor, there is not one Senator that I know who has acted as he or she has in the sense of being for busing—not one.

The thing to worry about after this is over is having no Constitution.

Mr. President, how must time do I have remaining?

The PRESIDING OFFICER (Mr. MATTINGLY). The Senator has 5 minutes 23 seconds.

Mr. WEICKER. Mr. President, I should like to take a few moments, in the context of this debate, to express my deep and abiding appreciation for my friend and fellow Republican, the senior Senator from Arizona. America has long looked to BARRY GOLDWATER as a man who speaks his mind and speaks it plainly, whatever the circumstances. By political friend and foe alike, he is regarded as a man of the highest personal integrity. His importance as a public figure transcends that a Senator or former Presidential candidate or party leader. For as the Washington Post recently reported, Senator GOLDWATER has been nothing less than "the conscience of the Nation's conservative movement for a generation."

Unlike many on this floor who wear the label when it suits them, Senator GOLDWATER is a political conservative to the core. It is not surprising, therefore, that the Senator's conscience has caused him to vote and speak out against the new right and its agenda of social issues, one of which is under consideration today.

As Senator GOLDWATER said in a recent speech on the Senate floor:

> Whatever our viewpoints may be on the various social issues as a matter of policy, there are fundamental principles involving the separation of powers doctrine and independence of the courts that must be balanced against our feelings about busing or whatever the immediate subject is.

Human Events, a newspaper which called itself the National Conservative Weekly, took the Senator to task for this speech in an article headlined "Goldwater Dismays Conservatives—Again." I submit that the author of that article does not know the meaning of the word "conservative." What the champions of the New Right exude is not conservatism, not by a long shot. They deal in narrow mindedness, self-righteousness, and a new brand of elitism based on membership in the Moral Majority. The conservatism of a BARRY GOLDWATER is in marked contrast that of an across-the-board commitment to the supremacy of the individual and to that document which protects our individual rights, the Constitution.

Prof. Richard Taylor of the University of Rochester has written in the New York Times that "a political conservative, within the framework of United States politics, tries to conserve something quite specific; namely, the values embedded in the Constitution. * * * Perhaps," he goes on to say, "there are persons who have a clearer vision than our judiciary, guided by our Constitution, of what is right and wrong. But it can never, in the eyes of the genuine conservative, be the role of Government to force such claims upon us. The Constitution explicitly denies to Government any such power, and a conservative is simply one who thinks the provisions of that document are worth conserving."

Mr. President, I thank Senator GOLDWATER for his defense of the Constitution. His voice of reason was never more needed than in this, the 97th Congress.

That was an act of courage. For some conservative publication to say he no longer deserves the title of "Mr. Conservative" because of his stand on this issue, and his stand more particularly in the sense of it being a constitutional stand, is rubbish. That is the conservative stance. The one that I have espoused is the conservative stance. We just do not sit here and change the Constitution by legislation on appropriations or authorization bills but take the tough road—two-thirds here, three-quarters out in the States. Try that. That is what the Constitution calls for.

I interpret this document very strictly, and so does the Senator from Arizona.

I will tell you what is the problem with some of my conservative friends. They feel that if we do not do it in 2 years, we are never going to do it because we are not going to be around. They are probably right, because I think the whole Nation is getting sick of their intellectual rubbish. They are willing to sacrifice anything to climb to the top of their philosophical Mount Everest, which they have been unable to climb for decades. They recognize the shortness of time that is going to be allowed them, so the hell with the Constitution and everything else. Let us just get to the top.

BARRY GOLDWATER is not an expedient man, he is not a reckless man, and he is no liberal. He appreciates what we have and what it has meant to each of us. He does not feel that the attaining of many of his dreams is worth anything if in the course of that achievement, the Constitution is left in scraps.

Mr. President, I ask for the defeat of what I consider to be in my lifetime the most serious constitutional threat on the Senate floor.

But in any event so that the record is clear and so there are no misgivings as to the road that lies ahead, this is not going to become law in 1982 and when school boards devise their plans for 1982 understand that they can still look to the strength of the Constitution of the United States in implementing their programs and not the weakness of the humanity on the Senate floor.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I yield myself 10 minutes.

Mr. President, I repeat, omission is admission. The failure to address the central question posed by this amendment, that is to say does busing work, and is it a desirable policy for this country, is an issue that has not been addressed in the year that we have debated this issue in both the committee and on the floor of this Senate. It has not been addressed, I repeat, Mr. President, because it is indefensible.

We have heard about how the Constitution is going to be torn to shreds. We have heard about how we will no longer remain a free nation. We have heard about the merits of BARRY GOLDWATER. We have heard about the rules of the Senate and the rules of the House of Representatives and we have heard threats of filibuster.

We have been reminded this is not going to pass in 1982, and I say parenthetically that that is the same argument we heard back a few months ago when we were told that this bill will never pass the Senate, and it has or at least it will. We have talked about everything except the point at issue. And I think it is time that we focused in on the point at issue.

Mr. President, do you know what Mr. Justice Powell of the Supreme Court says about these kinds of remedies?

In Estes against Metropolitan Branches of Dallas NAACP located in volume 444 of the U.S. Reports, a 1979 case, he refers to judicial segregation as—

> A haphazard exercise of equitable power that can—"like a loose cannon * * * inflict indiscriminate damage" on our schools and communities.

A loose cannon, Mr. Justice Powell compares to these remedies which inflict indiscriminate damage on our schools and communities. I do not blame my friends for not talking about this remedy that is like a loose cannon.

He goes on to say that and let me just quote several paragraphs from Mr. Justice Powell because it is such vivid language:

> This Court has not considered seriously the relationship between the resegregation problem and desegregation decrees.

I am continuing the quote:

> In a case involving a school district in Alabama, however, the Court of Appeals for the Fifth Circuit approves a plan "that will probably result in an all-black student body where nothing in the way of desegregation is accomplished and where neither the white students nor black students are benefited." Even though the court acknowledged that the remedy was self-defeating, it ordered the plan implemented.

What kind of a constitutional right is that? A right to inflict indiscriminate damage on the school system, not in my words but those of Mr. Justice Powell? A constitutional right to bus someone who refuses to go; what kind of a constitutional right is it to take a child in Rapides Parish, La., and order him to be bused for 35 miles against his will? What kind of lunacy is that, Mr. President?

Is that a constitutional right? Just where was that discovered in the Constitution? You can read the Constitution in vain for that. Indeed you can read the constitutional cases in vain to find the spirit that would impel this kind of a crazy conclusion.

"A loose cannon which inflicts indiscriminate damage." Those are not BENNETT JOHNSTON's words. Those are Mr. Justice Powell's words.

Do you want to know what the social scientists say about this thing? How about James J. Coleman? Everyone, I think, knows Mr. James J. Coleman who provided the basis for school busing in the first place and who was quoted by the courts at that time. Mr. Coleman reversed himself after having examined the facts and what we ought to be dealing with are the facts, the figures, and the evidence. He says, and I am quoting from the fall 1978 issue of Human Rights, volume 7.

> Second, it was once assumed that integration—at least in majority middle class white

> schools—would automatically improve the achievement of lower class black children. I hasten to say that it was research of my own doing that in part laid the basis for this assumption.
>
> It turns out that school desegregation, as it has been carried out in American schools, does not generally bring achievement benefits to disadvantaged children.

Continuing the quote:

> Third, it was once assumed that policies of radical school desegregation could be instituted, such as a busing order to create instant racial balance, and the resulting school populations would correspond to the assignments of children to the schools—no matter how much busing, no matter how many objections by parents to the school assignments.
>
> It is now evident, despite the unwillingness of some to accept the fact, that there are extensive losses of white students from large central cities when desegregation occurs.

Mr. President, there is a reluctance, as Mr. Coleman says, an unwillingness to accept the facts. Why is that, Mr. President? I guess it is because so much psychic energy, so much sacrifice has gone into getting the courts to make these orders in the first place. There has been so much invested in terms of energy and effort that it is hard to face the fact that it has not worked.

None is too blind, Mr. President, as he who will not see. The evidence is irrefutable. It is so strong that my colleagues refuse, in spite of repeated challenges, to argue the issue of busing. Is busing good, is busing bad, does busing do more harm than good? Does busing actually, as Mr. Justice Powell says, inflict indiscriminate damage on communities and school systems like a loose cannon on the deck? Does it? He says it does. David J. Armor says it does. James J. Coleman says it does.

And who says it does not? No one says it does not. At least from the silence of my colleagues the fact of the failure of busing as an experiment to achieve desegregation is a fact proven on the floor of this Senate.

Now if that is so, Mr. President, let them say so. Let them admit it. I think their omission stands as a very loud admission on their part.

Mr. President, our governmental system is unique in the world in providing for a system of checks and balances and providing for a system of judicial review of the acts of Congress. This bill does nothing to affect the system of checks and balances nor the judicial review which has been the law of this land since the Supreme Court case of Marbury against Madison back almost two centuries ago.

Indeed, the right of anyone to challenge the legality of this act, if it does become an act—and I believe it will—will remain, and I expect that the Supreme Court will exercise jurisdiction to review the constitutionality of this act.

We do not attempt to take away the right of the Supreme Court to review the constitutionality of this act. They will have that right. I might add it is a right unique in the systems of government of the world.

In Britain, for example, that which the duly elected Parliament passes the courts may not throw out. The same thing is true in all the other civilized countries of the world, France, Italy, and others. All of the democracies of the world provide that when a duly elected legislature speaks the appointed courts may not throw out their actions. I do not make any such provision in this amendment.

It will be a case of judicial review under the principles of Marbury against Madison. I predict the court will uphold this act for all of the reasons I have stated.

Mr. President, let me say a word about what happens from here on.

The **PRESIDING OFFICER**. Does the Senator wish to yield himself additional time?

Mr. **JOHNSTON**. How much time is remaining?

The **PRESIDING OFFICER**. Eight minutes.

Mr. **JOHNSTON**. I yield myself an additional 4 minutes.

Mr. President, after passage of this bill—this will be a Senate bill which will then go to the House of Representatives. I have a feeling of confidence, more than optimism, a feeling of confidence, that this bill, if voted on on the floor of the House of Representatives, will pass by a rather overwhelming margin.

The House is the body that does represent the people, and it is quite true, as I think everyone knows, that the people of this country have returned their verdict on the efficacy of busing as a remedy.

For a period of a decade the American public and public opinion poll after public opinion poll have expressed their opposition to busing by a margin of some 3 to 1. That margin had not changed in all of that decade.

For example, the recent NBC poll just a few week old, shows that while the people opposed busing by virtually 3 to 1 they also opposed discrimination in private schools on the issue of tax exemption by about 3 to 1 in the other direction. This is hardly an indication of an evolving incipient racism among the American people.

Quite the contrary. The American public is for desegregation, the American public is against discrimination by private schools which then get tax exemption. Those kinds of feelings of the American public have been manifested for many years, and they are consistent in the same polls that show they disapprove of busing.

No, Mr. President, the American public, like Mr. Justice Powell, recognize that busing is like a loose cannon inflicting indiscriminate damage on communities and public schools. That is why they disapproved of busing by a margin of 3 to 1. That is why the House of Representatives, representing the people, will, in my judgment, disapprove busing by a substantial margin if given that chance.

It is possible that this bill will be defeated in the House of Representatives. In my opinion, it will not be defeated because of a vote on the floor but it may be defeated by some trick of the rules, by some exercise of a power of eminent domain, if you will, taking the right of expression from the duly elected public body by an exercise of raw, unbridled power by someone in authority.

I do not say that that will be done. I simply recognize that it may be done, it may be attempted to be done.

I might say that those of us on this side of the issue are not without resources in preventing that from being done.

I hope, and I will invite my House colleagues to give this issue a proper airing, to give this issue a proper consideration. The issue has been around a long time, Mr. President. The evidence is in, and I think it is overwhelming, and certainly on the floor of this Senate it has been uncontradicted. It deserves a fair and proper hearing. I hope and trust that it will have such a fair and proper hearing. If it does I have no doubt or I have no serious doubt that we will win and win overwhelmingly.

After all, the so-called Collins amendment, which was similar to the Helms amendment, passed in the House by a margin of some 2 to 1, and it is my judgment that we would pass this amendment by a similar margin.

To fail to give that kind of hearing, that kind of vote on the floor of the House, would be, as I say, a raw arrogation of power. If there would be anything that constituted tyranny, that constituted something inconsistent with a free, elected legislative body exercising its power, to deny a vote on this issue would be the example of tyranny.

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. **JOHNSTON**. How much additional time do I have?

The **PRESIDING OFFICER**. Three and one-half minutes.

Mr. **JOHNSTON**. I yield 1 additional minute.

Mr. President, I make these comments not in expectation that that will happen, but to implore the House of Representatives to fairly and properly consider this measure when it reaches the floor of the House of Representatives.

We are coming rapidly to a close on this issue. It has been a long and difficult process that started by my introduction of S. 528 on February 4, 1981. It has been here on the floor of the Senate since June. As I say, in all of that time busing has not been defended. The verdict is in by the American public, by the social scientists and the educators, and come 12 noon today the verdict will be in in the U.S. Senate.

That verdict very loudly and clearly says that busing does not work. That verdict says "Let us now do away with a failed remedy and go on to that which is really important," and that is finding the best way not only to desegregate our schools but to provide for a quality public education for all of our children.

I reserve the remainder of my time.

The **PRESIDING OFFICER**. Who yields time?

Mr. **PERCY**. Mr. President, the Senate has been debating the Johnston-Helms amendment to the Department of Justice authorizations bill for 33 weeks now. I have consistently voted against the amendment, and I will continue to vote against such proposals to abolish or restrict Federal court jurisdiction as they are presented. It is my firm belief that these measures are of doubtful constitutionality and very bad policy. My votes against the continuation of the filibuster on the bill, once the Senate had voted to cut off debate, are not an indication that I have changed my views on the amendment.

I am concerned that the jurisdiction restrictions imposed by the Johnston-Helms amendment, and the other court restriction proposals awaiting action by Congress, seriously threaten the independence of our Federal Judiciary.

Our system of separation of powers carefully allocates governmental powers among the three branches, and entrusts to the Judiciary the responsibility for interpreting the Constitution and the laws passed by Congress. I view these jurisdiction-stripping proposals as unacceptable and dangerous incursions into the powers and prerogatives of our Nation's courts.

The genius of the system of Government devised by our Forefathers is the orderly method of change embodied in our Constitution. For those who disagree with the courts, the amendment process in article V provides the proper means of altering constitutional law. The Johnston-Helms amendment is an attempt to circumvent that process. To embark upon the course advocated by proponents of such jurisdiction restrictions is to begin the process by which many more of our constitutional rights may eventually be eroded or eliminated. Irrespective of how we feel about the underlying social issues which are the subject of these various legislative proposals, we must not take this first step.

Mr. President, I wish to insert in the RECORD at this time a memorandum from the Illinois State Bar Association expressing its opposition to the enactment of any bill limiting the original or appellate jurisdiction of the U.S. Supreme Court and inferior Federal courts to hear and decide Federal constitutional questions.

There being no objection, the material was printed in the RECORD as follows:

ILLINOIS STATE
BAR ASSOCIATION,
February, 1982.

Re: Jurisdiction of the United States Supreme Court and other Federal Courts.

The Board of Governors of the Illinois State Bar Association at a meeting of February 5-6, 1982, unanimously and strongly reasserted its frequently stated position that it opposes the many congressional proposals that seek to limit the appellate jurisdiction of the United States Supreme Court and the jurisdiction of inferior federal courts to hear and decide federal constitutional questions.

The various legislative proposals which would seek to limit court authority arise from displeasure over court decisions involving, for example, school busing, abortion rights and sexual equality issues, if you will, that are admittedly emotional. It must be recognized that responsible courts should follow the mandates of the Constitution which established not only the fundamental rights and freedoms to be enjoyed throughout the nation, but which established the co-equal branches of government as to check and balance on each. To succumb to various personal or political expediencies would be most unfortunate. Moreover, any effort to upset this delicate structure which has worked well for over two centuries despite occasional public outcries against each of the branches of government would likely change the form of government to the peril of those who support reform as well as those who oppose it.

As Robert M. Landis, President of the Pennsylvania Bar Association, stated in an address to the Judicial Conference of the 10th Judicial Circuit in September, 1981:

"Tampering with this fundamental responsibility as a political expedient to satisfy popular opposition to Supreme Court decisions is a treacherous legislative experiment. It challenges the spirit of the Constitution. Its legitimacy is suspect. Its invitation to vagrant, disparate constitutional interpretations among the high courts of the fifty states could fragment the integrity of the Constitution that has bound this nation for nearly two hundred years into a coherent legal establishment."

The statement well summarizes the position of the membership of 27,000 of the Illinois State Bar Association. We would urge that you and all members of Congress from Illinois aggressively resist legislative proposals to curtail federal court powers or appellate jurisdiction.

Mr. **DODD**. Mr. President, I oppose the Johnston amendment. It would, in my judgment, be a dangerous and unprecedented step by Congress. It would mark the first time we have tried to limit the jurisdiction of the Federal Judiciary in order to reverse the actions the courts have taken to protect the constitutional rights of Americans. Let me explain why I view this amendment as a threat to the Constitution and why I feel that is so dangerous.

For almost two centuries, the American Constitution has been one of the true wonders of Western civilization. Citizens of other nations have been as quick as our own countrymen to make that judgment. The British Statesman Gladstone's comment that it is "the most wonderful work ever struck off at a given time by the brain and purpose of man" typifies the general verdict.

The essence of the greatness of our Constitution has been its paradoxical ability to match steadfast dedication to timeless principles with flexible application to changing circumstances. Since the first decade of the 19th century we have relied on the judicial branch of Government to preserve those principles and adapt them to the changing nature of our society and its problems.

Precisely because of our devotion to the Constitution, we have deliberately insulated the judiciary from political pressure. Precisely because of our dedication to the Constitution, we have insulated it from facile change. The process for amending the Constitution is cumbersome. It is time-consuming. It is difficult. It is all three purposefully and for very good reason * * * and we short-circuit that process only at our peril.

That is why I feel so strongly that the current amendment is dangerous to our tradition.

It is not questioned that courts have ordered busing in fulfillment of their time-honored role to protect the constitutional rights of Americans.

It is similarly not subject to real argument that the purpose of the amendment to this bill limiting court-ordered busing for school desegregation is to accomplish a constitutional change in an efficient, prompt, and relatively easy manner.

To allow that to happen would be, in my judgment, a very bad precedent.

The threat may seem less than deadly because it is limited in scope to a fairly specific—and, in many cases, unpopular—remedy. But if it goes unchallenged here, there is no reason why future Congresses cannot renew it in far more lethal and wide ranging ways.

If a momentary majority can rule that courts may not order busing, why cannot 50 percent plus 1 pass a law that courts cannot protect freedom of speech from legislative encroachment?

I might note parenthetically that this is the same danger that inheres in current legislative proposals to define the word "life" in the 14th amendment.

If we can define, by majority vote, life to include embryonic life, the same logic impels us to allow 50 percent plus 1 to define the freedom of worship guaranteed by the first amendment as excluding some religions.

The constitutional prescription that amendments receive the approval of two-thirds of each House of Congress and three-fourths of the States is resistent to prompt alteration, but if our most cherished personal liberties are to mean anything to us, it is essential.

There are two questions we should ask in addressing this issue: First, can Congress validly enact this amendment? Second, should Congress so act?

On the first question, I do not presume to speak as an authority on consitutional history or theory. I doubt that many Senators, frankly, have had the time to parse the court decisions which may touch on this question, let alone read the scholarly articles on the meaning of the relevant language of article III of the Constitution.

But all of us swear an oath to uphold to the best of our ability the Constitution of the United States. Part of our responsibility in casting any vote is to exercise our best judgment on how the legislation honors or offends the spirit and letter of the Constitution. In this case, I believe that the amendment attached to this legislation is, at best, of dubious constitutionality.

There is general agreement that article III of the Constitution grants broad power over Federal court jurisdiction to the Congress. Congress is granted the power to "ordain and establish" inferior Federal courts as it sees fit. In addition, the appellate jurisdiction of the Supreme Court is made subject to "such exceptions and under such regulations as the Congress shall make." This language supports the authority of Congress to add or subtract from the jurisdiction of the Federal courts according to its collective wisdom. As one scholar put it, it is difficult to find in the language or history of article III alone an argument for finding "quantitative" limits on congressional power in this area.

At the same time, the text of the Constitution provides that a wide range of rights and liberties be guaranteed to all Americans. And nearly two centuries of constitutional history have vested the courts with the responsibility for interpreting and safeguarding those benefits of citizenship.

If there is a collision between the congressional power over court jurisdiction and judicial responsibility for individual rights, I believe the latter must take precedence. A full explanation of that judgment involves an unfolding of constitutional doctrine and theory and an analysis of a number of court decisions. I do not propose to elaborate all of that here. But I do believe that argument has been made persuasively and compellingly by Prof. Telford Taylor of Columbia Law School in an article in the October 1981 issue of Judicature. I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Judicature, No. 4, Oct. 1981]

LIMITING FEDERAL COURT JURISDICTION: THE UNCONSTITUTIONALITY OF CURRENT LEGISLATIVE PROPOSALS

(By Telford Taylor)

(NOTE.—This article has been adapted from testimony that the author gave before the Subcommittee on the Constitution of the Judiciary Committee of the U.S. Senate on May 20, 1981; and before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary of the U.S. House of Representatives on June 3, 1981.)

There are a number of pending bills in both the House of Representatives and the Senate that withdraw federal court jurisdiction in a variety of ways. In my view most of these bills, if enacted into law, would be unconstitutional.

My opposition to the jurisdictional provisions of these bills is not based upon a narrow view of congressional power in this field. The Supreme Court has explicitly recognized that Congress has "plenary control over the jurisdiction of the federal courts." [1] This is in accord with the history and language of Article III of the Constitution, Section 1 of which vests the judicial power in the Supreme Court "and in such inferior Courts as the Congress may from time to time ordain and establish." It is generally understood that this wording embodied a compromise between those framers of the Constitution who favored and those who opposed establishment of a federal court system. Thus the decision between the two alternatives was not mandated by the Constitution itself, and it was left up to Congress to handle by statute.

It thus appears that it would have been entirely constitutional for Congress to establish no "inferior" federal courts at all. And although the First Congress did in fact establish the district and circuit courts, the First Judiciary Act (1789) gave them a range of jurisdiction that by today's standards was very narrow.

Accordingly, if we were to look to the intentions of the framers, Congress could constitutionally conclude and legislate extensive curtailment, or even abolition, of inferior federal court jurisdiction. Of course, from a practical standpoint, a decision not to create inferior federal courts in 1789 would have been quite different from a decision to abolish them in 1981, after we have had federal courts for nearly two centuries, and after more than a century during which they have become a major part of the nation's judicial machinery. These practical considerations have led one commentator to conclude that: "Abolition of the lower federal courts is no longer constitutionally permissible. . . . the jurisdiction of these courts is not a matter solely within the discretion of Congress." [2]

While I think all would agree that today the abolition of the lower federal courts or deep inroads into their jurisdiction would be extremely unwise and indeed destructively revolutionary, these bills quantitatively effect a very limited withdrawal. My opposition to them, and my conclusion that they are unconstitutional, does not rest on the proposition that there are quantitative constitutional limits on congressional power over inferior federal court jurisdiction. That power is, as stated by the Supreme Court, "plenary," like, for example, congressional power to regulate interstate commerce.

INDEPENDENCE OF THE SUPREME COURT

Unlike the lower federal courts, whose existence is dependent on congressional creation, the Supreme Court is the creature of the Constitution itself. The Constitution (Article III, Section 2, second paragraph) also specifies the Supreme Court's original jurisdiction, which Congress is powerless to alter, and endows the Court with appellate jurisdiction "both as to Law and Fact, with such exceptions, and under such Regulations as Congress shall make."

Because of the striking and plainly intentional differences in wording between the provisions dealing with the lower federal courts and those dealing with the Supreme Court, I do not think that congressional power over the Supreme Court's appellate jurisdiction can properly be described as "plenary" in the sense that the power over lower federal court jurisdiction is "plenary." The power to "regulate" assumes a corpus of appellate jurisdiction to be regulated; the power to make exceptions assumes such a corpus from which there can be subtraction.

Furthermore, there is structural interlocking between sections 1 and 2 of Article III. If Congress should choose under Section 1 to create no lower federal courts, all federal issues, constitutional and statutory, would be resolved in the state courts; a failure to provide for review of their decisions in the Supreme Court would leave that Court with nothing but very limited original jurisdiction and would confront the nation with the probability of disparate federal law among the several states. And in fact the First Judiciary Act gave the lower federal courts no general jurisdiction over federal questions and therefore provided for Supreme Court review of state court decisions on federal questions.

In short, while the framers of the Constitution contemplated the possibility of no lower federal courts whatever, I do not think it conceivable that they contemplated the possibility of no Supreme Court appellate jurisdiction whatever. Were Congress to enact a law totally abolishing the Supreme Court's appellate jurisdiction, I believe it would be unconstitutional.

The difficulty, of course, is that the Constitution does not specify any standard limiting the so-called "exceptions and regulations" clause. The problem is not unique to that clause. Since the First Judiciary Act, Congress has specified the dates of Supreme Court terms, then fixed at two per year, in February and August. During the constitutional crisis of President Jefferson's first year in office, Congress eliminated the August term. Doubts were expressed about the constitutionality of that change, but the issue was not litigated. Suppose, however, that Congress should provide for only one term every 10 years. Like a total abolition of appellate jurisdiction, I believe such a measure would be unconstitutional, but, once again, how are we to draw a line?

Learned commentators have suggested such formulations as that Congress must not exercise its powers under Article III in such a way "as will destroy the essential role of the Supreme Court in the constitutional plan." That is a commendable principle, but fortunately the Supreme Court has never had occasion to articulate it or any-

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Footnotes at end of article.

thing like it, since or over the years, Congress has acted with due restraint.

Equally fortunately, we do not need to wrestle with this particular dilemma in appraising the constitutionality of the several bills that are now the focus of discussion. In quantitative terms, none of them significantly impairs federal jurisdiction in either the Supreme Court or the lower courts. It is indeed the very particularity of these bills that accounts for what I believe to be the constitutional flaw in all of them, whether they relate to the jurisdiction of the lower federal courts, or the Supreme Court or of both.

LIMITS TO CONGRESSIONAL POWER

To say that congressional power over federal court jurisdiction is "plenary" does not mean that it is immune from the general limitations on congressional power found elsewhere in the Constitution, including the several amendments. Congress specifies the jurisdiction by enacting statutes, and those statutes are no more immune from constitutional scrutiny than any others.

The congressional power over interstate commerce is so ample that, despite the enormous proliferation of federal legislation, not since 1936 has a federal regulation of commerce been held unconstitutional. Yet nothing is better settled than that this power is subject to consitutional limitations such as the First Amendment and the due process clause of the Fifth Amendment. Were Congress to enact statutes forbidding interstate transportation of literature reflecting a particular political persuasion, or goods owned by members of a particular race or adherents of a religion, these statutes would undeniably be regulations of interstate commerce, but they would be constitutionally invalid under the First or Fifth Amendments.

The same principle applies to the exercise of congressional power under Article III. A statute withdrawing from the federal courts jurisdiction to issue injunctions at the suit of individuals identified with particular political, racial or religious groups would be manifestly unconstitutional under those same amendments.

These conclusions, I believe, follow inevitably from the language and structure of the Constitution.[3] That there are few precedents in the jurisdictional field is, therefore, hardly surprising. But sufficient precedent is not lacking, for the foregoing conclusions are amply and explicitly supported by the decision in *United States v. Klein.*[4] In that case, the Court of Claims had been given jurisdiction to determine, subject to Supreme Court review, claims to recover property taken by military action during the War Between the States. Some claimants had been adherents of the Confederacy, but had taken amnesty oaths pursuant to President Lincoln's pardon proclamation. With the purpose of barring such claimants from recovery, Congress in 1870 passed a statute which provided that, if in any such case the claimant relied upon a presidential pardon as proof of elibility, the Court of Claims or the Supreme Court (as the case might be) should have no further jurisdiction and should dismiss the claims for want of jurisdiction.

In the *Klein* case, involving such a claim, the Supreme Court held the 1870 statute unconstitutional, saying that it was not "an exercise of the acknowledged power of Congress" over the Supreme Court's appellate jurisdiction. Two reasons were given of which one, directly relevant here, was that the statute impaired the effect of a pardon, and thus infringed the President's constitutional power under Article II, Section 2 to "grant Reprieves and Pardons for Offenses against the United States." The fact that the 1870 statute was phrased in jurisdictional terms made no difference, since its effect was beyond the power of Congress and violated Section 2 of Article II.

Accordingly, the requirement that statutes enacted by Congress under its Article III powers conform to general constitutional limitations is clearly established, both under the language and structure of the Constitution and as a matter of decisional precedent. The immediate question is whether the several bills with which we are presently concerned can survive such constitutional scrutiny. For the reasons given herein after, I believe they cannot.

H.R. 900 AND OTHER BILLS

The currently pending bills withdrawing jurisdiction vary widely in subject matter and in the breadth of the withdrawal. Some withdraw jurisdiction only from the lower federal courts, some from the Supreme Court as well. Some withdraw all cases relating in any way to a particular constitutional right, others withdraw the power to use injunctions or declaratory judgments in such cases.

All the bills, as far as I know, share in common the feature that they single out particular constitutional rights and confine their application to cases dealing with that right. Thus, some of the bills deal with rights guaranteed by the establishment clause of the First Amendment relating to school prayers, some with busing or other remedies pertaining to school desegregation, others with equal protection rights affected by the male-only draft registration, and still others with women's abortion choice rights under the due process clause, as recognized by the Supreme Court in *Roe* v. *Wade.*

A good example of the general tenor of these bills is H.R. 900, Section 2 of which would withdraw from the lower federal courts jurisdiction to issue injunctions or declaratory judgments in any case involving a state statute that limits women's abortion rights. Like the statute of 1870 involved in the *Klein* case, Section 2 of H.R. 900 is a limitation on federal court jurisdiction. But just as the purpose and effect of the 1870 statute was substantive—i.e., to nullify the effect of a presidential pardon on war property claims—so the purpose and effect of Section 2 of H.R. 900 is substantive—i.e., to make it more difficult for individuals to secure their constitutional rights recognized in *Roe* v. *Wade.* In neither case is the purpose constitutionally permissible.

Now, of course, I am aware of the many cases in which the Supreme Court has declared and applied the rule that the constitutionality of a statute must be determined on its face, and without inquiry into motives or purposes that underlie the enactment.[5] For example, a law prohibiting anyone other than a lawyer from engaging in debt-adjusting will be upheld if a rational and legitimate purpose can be conceived, without going behind the face of the statute to determine whether or not the actual legislative motive was to confer financial benefits on lawyers—a motive by which legislators, many of whom are lawyers, might be governed.[6]

But there are well-recognized exceptions to that principle.[7] Perhaps the most important one involves the equal protection clause of the Fourteenth Amendment. For many years the Supreme Court has declared the rule that the unequal impact of a statute is not enough to establish a violation of the equal protection clause; there must be a governmental purpose to discriminate.[8] And it is equally well settled that in equal protection cases the courts are not limited to an examination of the statute on its face.[9] Indeed, the inequality of impact may be so great that a purpose to discriminate may be inferred from that circumstance alone,[10] even though the statute is not discriminatory on its face.

Finally, and perhaps most important for present purposes, the Court has held that a statute which does not on its face articulate an unlawful purpose, may, because of its language and the context in which it is enacted, disclose on its face an unlawful purpose and an inevitable unlawful effect.[11]

GOMILLION V. LIGHTFOOT

Relevant here is Gomillion v. Lightfoot involving an Alabama statute enacted in 1957 that changed the boundaries of the City of Tuskegee from a square to what the Supreme Court described as "a strangely irregular twenty-eight-sided figure." [12] The complainants, black citizens living within the square boundaries, sought in the federal courts a declaratory judgment that the statute was unconstitutional, alleging that its "essential inevitable effect" would be "to remove from the city all save only four or five of its 400 Negro voters while not removing a single white voter or resident."

The lower federal courts dismissed the action on the ground that they had no power to review the Alabama legislature's action. The Supreme Court unanimously reversed that judgment, holding that upon the facts alleged the statute violated the Fifteenth Amendment since ". . . the conclusion would be irresistible, tantamount for all practical purposes to a mathematical demonstration, that the legislation is solely concerned with segregating white and colored voters by fencing Negro citizens out of town so as to deprive them of their pre-existing municipal vote."

I believe that the relevance of *Gomillion* to the issue at hand here is obvious. The power of the Alabama legislature over municipal districting was recognized by the Supreme Court as having "breadth and importance,"[13] just as congressional power under Section 1 of Article III should be so recognized. The Alabama statute did not explicitly disfavor black residents of Tuskegee, but the boundaries drawn made clear its unconstitutional purpose and effect. Section 2 of H.R. 900 does not exolicitly avow an unconstitutional purpose, but such a purpose is nonetheless manifest, from both its text and its context.

To be sure, the constitutional rights involved are not the same. The *Gomillion* case involved the voting rights protected by the Fifteenth Amendment or, as Justice Whittaker thought,[14] the equal protection clause of the Fourteenth Amendment. That clause is not irrelevant to the scrutiny of H.R. 900, but the constitutional rights recognized in *Roe* v. *Wade* are, under the Court's opinion, based on the concept of personal liberty embodied in the due process clause. These rights the court declared to be "fundamental," and "broad enough to encompass a woman's decision whether or not to terminate her pregnancy."[15] Certainly they are constitutionally entitled to as much protection as those involved in the *Gomillion* and *Grosjean* cases.

UNCONSTITUTIONAL PURPOSE

Plainly H.R. 900, including Section 2, is intended to prevent if possible, and at least to obstruct, fulfillment of the rights recognized in *Roe* v. *Wade*. Indeed, the sponsors of these bills have been commendably frank in acknowledging that purpose.

But it is quite unnecessary to rely on such statements by the bills' sponsors, and my conclusion that Section 2 is unconstitutional is based squarely on the text of the bill itself. For it is impossible to conceive of any jurisdictional considerations to which the bill is relevant. There are, to be sure, a number of litigations involving the performance of abortions pending in the federal courts, but they constitute only an infinitesimal part of the total volume of federal court litigation. Thus the bill cannot reasonably be regarded as intended to reduce the burdens on the federal courts.

Cases involving the federal constitutionality of state laws are, to be sure, very numerous in both state and federal courts. A view could be advanced that since state laws are involved, their validity should be first passed upon in the state courts. Of course, that would throw on the Supreme Court the entire burden of ensuring uniformity among the states of the standards of constitutional validity, and I do not think such a course would commend itself as a matter of policy. But recognizing that such a decision is within the ambit of congressional power, H.R. 900 accomplishes this only with respect to injunction and declaratory judgment actions involving the particular rights recognized in Roe v. Wade. It cannot reasonably be contended that so singular a change is reasonably related to a general jurisdictional purpose. Nor do abortion litigations present any features that explain singling them out from other rights similarly derived from the Fifth or Fourteenth Amendments for exclusion from the federal courts.

The conclusion is inescapable, on the face of the bill, that its only purpose and its inevitable effect are to obstruct the judicial protection of the constitutional rights recognized in Roe v. Wade. Such purpose and effect, in the absence of a compelling state interest, are unconstitutional: "It is well settled that, quite apart from the guarantee of equal protection, if a law 'impinges upon a fundamental right secured by the Constitution [it] is presumptively unconstitutional.'"[16]

I should add, though it may be unnecessary, that Section 2 of H.R. 900 also violates the principle of equal protection of the laws, which has been held to be embodied in the due process clause of the Fifth Amendment, and is therefore binding on the federal government as well as the states.[17] For the jurisdictional withdrawal in Section 2 singles out pregnant women, whose rights are protected by Roe v. Wade, as a group subjected to a denial of access to the federal courts. There is no conceivable state interest which warrants subjecting them to deprivation of access to the federal courts equal to that enjoyed by those seeking to protect comparable constitutional rights.

PAST JURISDICTION BILLS

There remains to be considered the question whether there are precedents, legislative or judicial, which might justify the jurisdictional withdrawal attempted by Section 2 of H.R. 900. Its acknowledged purpose is not novel. The Supreme Court must, in the nature of things, deal with issues that arouse strong political, social and religious feelings. Some of its decisions are bound to antagonize individuals and even large groups of people who believe with deep sincerity that what the Court has done is very wrong, but who also realize that the prospect of undoing its work by the method prescribed in the Constitution—i.e., by amendment pursuant to Article V—is remote. The device of completely or partially nullifying a Court decision by withdrawing from the courts jurisdiction to enforce it, has been used in many bills introduced in Congress on many occasions.

Constitutional scholars tell us that between 1953 and 1968 over 60 bills were introduced in Congress to eliminate the jurisdiction of the federal courts over a variety of particular subjects.[18] That is not surprising, since those years witnessed a number of Supreme Court decisions that were sharply denounced, both within and outside of Congress. What is surprising, in view of the heat generated, is that not one of those bills was enacted into law. Congress as a whole has exhibited a most commendable restraint in this regard, realizing no doubt that this is a dangerous game which can be played at both ends of the spectrum, and that if such devices begin to take hold as statutes, the ultimate result will not be to ensure the dominance of a particular point of view, but to alter radically the long-established relation and balance among the legislative, executive and judicial departments.

In consequence of this enduring Congressional restraint, the statutory and judicial examples that are somewhat comparable to H.R. 900 are very few, and there are only three that I think warrant comment.

First there is the Norris-LaGuardia Act (1932).[19] I deal with this statute first, not only because it is the earliest chronologically, but also because some of the language of Section 2 of H.R. 900 appears to be derived from it.

The Norris-LaGuardia Act arose out of the belief, shared by leaders of both the Republican and Democratic parties, that there had been abuses in the issuance of injunctions in labor disputes.[20] Section 1 of the Act provides:

"No court of the United States . . . shall have jurisidiction to issue any restraining order or temporary or permanent injunction in a case involving or growing out of a labor dispute, except in strict conformity with the provisions of this chapter; nor shall any such restraining order or temporary injunction be issued contrary to the public policy declared in this chapter."

Note that, unlike Section 2 of H.R. 900, the Norris-LaGuardia Act does not wholly withdraw the jurisdiction to issue the specified injunctions to issue the specified injunctions. Section 2 declares a public policy of freedom for workers to associate and organize for collective bargaining and other labor ends; sections 4 and 5 specify certain findings that the courts must make and procedures they must follow before issuing injunctions.

None of these provisions involved infringement of constitutional rights, and Congress' power to regulate and limit the remedies (including injunctions) available to litigants in the lower federal courts (in the absence of such infringements) had never been seriously questioned. When a case (*Lauf*) arose wherein a lower federal court has issued an injunction on the basis that the case did not involve a "labor dispute" as defined in the Act, the Supreme Court, in reversing that decision, gave general approval to the Act's jurisdictional limitations: "There can be no question of the power of Congress thus to define and limit the jurisdiction of the inferior courts of the United States."[21]

But the *Lauf* case did not concern other provisions of the Norris-LaGuardia Act which (Section 3) declare "yellow dog contracts" (i.e. employment agreements conditioned on the employee's undertaking not to join a union) to be "contrary to the public policy of the United States" and "not . . . enforceable in any court of the United States," and (Section 4(b)) withdraw from the federal courts jurisdiction to enforce such contracts. Many years earlier the Supreme Court had invalidated, as violations of due process, both federal and state statutes outlawing "yellow dog" contracts.[22] Thereafter the Supreme Court also held state legislation limiting employers' rights to state court injunctions against striking employees to be invalid under the due process and equal protection clauses.[23]

None of these decisions had been formally overruled at the time the Norris-LaGuardia Act was adopted, and it was certainly arguable that sections 3 and 4(b) were unconstitutional, insofar as they rendered "yellow dog" contracts unenforceable in, and outside the jurisdiction of, the federal courts. In all probability it was such doubts that led Congress to provide for the withdrawal of injunctive jurisdiction, guided by a memorandum from (then Professor) Felix Frankfurter stressing the scope of Congressional power over federal court jurisdiction.[24]

The constitutional validity of sections 3 and 4(b) of the Norris-LaGuardia Act was never judicially tested, no doubt because the Act's importance was greatly diminished by passage of the National Labor Relations Act in 1936. The *Adair* and *Coppage* cases invalidating laws against yellow dog contracts[25] were not explicitly over-ruled until 1941.[26] But they were in poor constitutional health as early as 1930, when the Court unanimously upheld the Railway Labor Act of 1926, in an opinion by Chief Justice Hughes (who had dissented in the *Coppage* case), which distinguished the *Adair* and *Coppage* cases in casual and unconvincing fashion.[27] And of course, if those cases were no longer governing in 1932, the constitutional rights they declared had likewise withered, and the jurisdictional withdrawal in Section 4(b) of the Norris-LaGuardia Act impaired no such rights.

For all these reasons, I do not believe that the Norris-LaGuardia example offers any substantial support to the constitutionality of Section 2 of H.R. 900.

LIMITING JURISDICTION IN WARTIME

The Emergency Price Control Act of 1942 is a second example. This statute, enacted under the pressures of wartime, contained provisions narrowly channeling federal court jurisdiction to review orders and regulations of the Price Administrator in order to secure rapid and uniform enforcement of wartime price controls. An "Emergency Court of Appeals," composed of three federal district or circuit judges, was established to hear and determine such cases, subject to review by certiorari in the Supreme Court. All other courts, both federal and state, were denied jurisdiction to pass on the validity of the Administrator's acts, with certain specified exceptions.

Whether the prohibitions running to the state courts were ever judicially reviewed, I do not know; state court obligation to entertain damage suits for violation of price ceilings was confirmed in *Testa v. Katt*.[28] The withdrawals of jurisdiction from the federal district and circuit courts were sustained.[29]

The statutory feature most susceptible to constitutional challenge was the denial to the Emrgency Court of any power to grant interim relief, by temporary restraining order or injunction. This provision was upheld in *Yakus v. U.S.*, not as a general proposition but only "in the circumstances of this case," meaning the war emergency.[30] If the alternatives, as Congress concluded, were wartime inflation or the imposition on individuals of the burden of complying with a price regulation while its validity is being determined, Congress could constitutionally make the choice in favor of the protection of the public interest from the dangers of inflation."

There is no such emergent and compelling public interest to be invoked in support of the denial of federal injunctive relief in abortion litigation. Abortion cases, on the contrary, are of a nature that especially requires the availability of interim protection; the pregnant woman can hardly be required to comply with an anti-abortion statute while its constitutional validity is being determined.

The price control statutes and decisions, born as they were of the urgent necessities of wartime, thus offer no support to the jurisdictional withdrawal attempted by H.R. 900.

The Portal-to-Portal Act of 1947 is a final example.[31] In decisions rendered between 1944 and 1946, the Supreme Court construed the "work week" clause of the Fair Labor Standards Act of 1938 as including underground travel time in mines. Time so spent had not theretofore been generally treated as compensable, and these decisions precipitated a flood of litigation embracing claims for back pay totalling over $5 billion, including claims against the United States totalling more than $1.5 billion. Congress than enacted the Portal-to-Portal Act of 1947, in which Congress found that such unexpected retroactive liabilities threatened financial ruin to many employers and serious consequences to the federal Treasury. To avoid these hazards, the Act not only wiped out the liabilities, but also withdrew jurisdiction to adjudicate such claims from all federal and state courts without exception.

In the numerous litigations that ensued, it was contended that congressional nullification of these claims destroyed vested rights in violation of the Fifth Amendment. The courts uniformly rejected this contention, but most of them took jurisdiction and decided the cases on the substantive merits, despite the attempted withdrawal of jurisdiction. Thus a distinguished panel of judges in the Court of Appeals for the Second Circuit wrote in *Battaglia* v. *General Motors Corp.*[32]

"A few of the district court decisions sustaining . . . the Portal-to-Portal Act have done so on the ground that since jurisdiction of federal courts other than the Supreme Court is conferred by Congress, it may at the will of Congress be taken away in whole or in part. . . . We think however, that the exercise by Congress of its control over jurisdiction is subject to compliance with at least the requirements of the Fifth Amendment. That is to say, while Congress has the undoubted power to give, withhold, and restrict the jurisdiction of courts other than the Supreme Court, it must not so exercise that power as to deprive any person of life, liberty, or property without due process of law, or to take private property without just compensation [citing cases]. . . ."

That decision and the passage quoted squarely support the position I am taking here. Just as in the Portal-to-Portal Act, Section 2 has been included in H.R. 900 for the sole purpose of blocking judicial review of Section 1 thereof. And since Section 1 seeks to achieve ends which are unconstitutional under the Fifth Amendment, as was established in *Roe* v. *Wade*, Section 2 is itself in violation of the Fifth Amendment.

I should deal with one further matter. The Portal-to-Portal Act sought to close off access to all courts, state and federal alike, while both the Norris-LaGuardia Act and Section 2 of H.R. 900 leave access to the state courts untouched. Although the *Battaglia* court did not rest its decision on that circumstance, it is the view of some constitutional scholars that this difference is crucial, and that would-be litigants barred by Congress from access to the federal courts have no basis for complaint if the state courts remain open to them.

It is hard for me to take this argument seriously. The fact that a statutory withdrawal of jurisdiction is limited to the federal courts certainly does not immunize that statute from constitutional scrutiny. It cannot be seriously contended that a statute limiting federal court access to white litigants could be sustained on the ground that the suits of black litigants could be determined in the state courts.

This does not mean that continued access to the state courts may not in some circumstances be a relevant constitutional factor. If a substantial government interest is asserted as the basis for denying federal jurisdiction, and that interest must be weighed against the disadvantage to litigants, the fact that the state courts remain available may well tip the scales in favor of the withdrawal. In all three of the instances of withdrawal discussed above, such interests were credibly asserted. But no such interests are or can be credibly invoked in support of Section 2 of H.R. 900, which shows on its face that its only purpose is to chill and obstruct the vindication of constitutional rights.

In theory, if not in practice, Congress has power to repeal the 1875 legislation which gave the federal courts general jurisdiction in cases arising under the Constitution and laws of the United States. But having conferred such general jurisdiction, Congress must have a constitutional basis for making exceptions to it, and the fact that the state courts may be available is but one factor for consideration. With regard to Section 2 of H.R. 900, I believe it is of no weight, since no valid purpose of the withdrawal is invoked.

For all the reasons given, it is my opinion that Section 2 of H.R. 900 is unconstitutional. The same reasons would apply equally to bills excepting from the Supreme Court's appellate jurisdiction the cases covered by H.R. 900. And these reasons would apply equally to those bills which limit federal court jurisdiction to vindicate other constitutional rights as recognized by the Supreme Court.

FOOTNOTES

[1] Bro. of R. Trainmen v. Toledo, P. & W. R. Co., 321 U.S. 50, 63-64 (1944).

[2] Eisenberg, *Congressional Authority to Restrict Lower Federal Court Jurisdiction*, 83 Yale L. J. 498 (1974).

[3] *See* Louisville Joint Stock Land Bank v. Radford, 295 U.S. 555, 589 (1935): "The bankruptcy power, like the other great substantive powers, is subject to the Fifth Amendment."

[4] 13 Wall. 128 (1872).

[5] *See, e.g.*, McCray v. United States, 195 U.S. 27, 56 (1904); Arizona v. California, 283 U.S. 423, 455 (1931); United States v. Darby, 312 U.S. 100, 113-14 (1941); Fleming v. Nestor, 363 U.S. 603, 617 (1960); United States v. O'Brien, 391 U.S. 362, 382-86 (1968).

[6] Ferguson v. Skrupa, 372 U.S. 726 (1963).

[7] *See* U.S. v. O'Brien, *supra* n. 5, at 383 n. 30; Ely, *Legislative and Administrative Motivation in Constitutional Law*, 70 Yale L. J. 1205 (1970).

[8] Snowden v. Hughes, 321 U.S. 1 (1944); Keyes v. School Dist. 413 U.S. 189 (1973); Washington v. Davis, 426 U.S. 229 (1976); Arlington Heights v. Metropolitan Hous. Corp. 429 U.S. 252 (1977); Mobile v. Bolden, 446 U.S. 55 (1980).

[9] Loving v. Virginia, 388 U.S. 1 (1967); Green v. County School Bd. 398 U.S. 430 (1968); Columbus Bd. of Educ. v. Penick 443 U.S. 229 (1979).

[10] Yick Wo v. Hopkins, 118 U.S. 356 (1886); *See also* Washington v. Davis, *supra* n. 8, at 253-54 (Stevens, J.P., concurring).

[11] Grosjean v. American Press Co., 297 U.S. 233 (1936); Gomillion v. Lightfoot, 364 U.S. 339 (1960).

[12] Gomillion, *supra* n. 11, at 341.

[13] *Id.*, at 342.

[14] *Id.*, at 349.

[15] Roe v. Wade, 410 U.S. 113, 153 (1973).

[16] Harris v. McRae, 448 U.S. 297, 65 L. Ed. 2d 784, 801 (1980); Mobile v. Bolden, *supra* n. 8, at 76; San Antonio School Dist. v. Rodriguez, 411 U.S. 1, 17, 31 (1973); Shapiro v. Thompson 394 U.S 618, 634 (1969).

[17] Bolling v. Sharpe, 347 U.S. 492 (195

[18] Hart and Wechsler, The Federal Courts and the Federal System 360 (St. Paul: West, 2nd ed. 1973).

[19] 29 U.S.C. Secs. 101-115.

[20] S. Rep. No. 163, H.R. Rep. No. 669, 72d Cong., 1st Sess.; Frankfurter and Greene, The Labor Injunction passim (Magnolia, Massachusetts: Peter Smith Publishers, Inc., 1963).

[21] Lauf v. E.G. Shinner & Co., 303 U.S. 323, 330 (1938).

[22] Adair v. United States, 208 U.S. 161 (1908); Coppage v. Kansas, 236 U.S. 1 (1915).

[23] Truax v. Corringan, 257 U.S. 312 (1921).

[24] H. REP. No. 669, *supra* n. 20 at 12-16; *See also* Frankfurter and Greene, *supra* n. 20 at 210-20.

[25] *Supra* n. 22.

[26] Phelps Dodge Corp. v. Labor Bd. 313 U.S. 177, 187 (1941).

[27] Texas & N.O.R. Co. v. Ry. Clerks, 281 U.S. 548, 570 (1930).

[28] 330 U.S. 386 (1947).

[29] Lockerty v. Phillips, 319 U.S. 182 (1943); Yakus v. United States, 321 U.S. 414 (1944).

[30] Yakus, *supra* n. 29 at 437, 439.

[31] 29 U.S.C. 251-62.

[32] 169 F.2d 254, 257 (C.C.A.2d, 1948).

Mr. **DODD**. Mr. President, the answer to the first question I posed—whether Congress can restrict jurisdiction of courts over busing—is that such an approach, at its best, is constitutionally suspect and may well be repugnant.

But to answer the second question, I believe that even if one were to draw the conclusion that the language of this bill could survive constitutional challenges, it would still be a mistake to enact it.

If passed, this legislation could well have the effect of undermining respect for the independence of our judiciary and strike a blow against the reverence for separation of powers that is so fundamental to our system of Government.

I was impressed, Mr. President, by the words of our distinguished colleague, Senator GEORGE MITCHELL of Maine, last November, when he responded to a related threat to these principles. I believe Senator MITCHELL's words are worth quoting here; he said:

> The Federal courts were created as an independent branch of Government that would be immune from the immediate political pressures that properly are brought to bear on the legislative and executive branches. Indeed, a major purpose of the ju-

> dicial system is to make certain that the constitutional principles of our Founding Fathers are not swallowed up by election returns. As Chief Justice Harlan F. Stone wrote in the Harvard Law Review in 1936, one of the most important functions that courts perform is to apply the "sober second thought of the community" to actions taken by the politically-dominated legislative and executive branches. The fact that Federal judges are appointed for lifetime tenure—making it impossible to vote them out of office every 2 to 6 years—reflects this intended independence from short-term political results.
>
> The Federal courts thus represent our only branch of Government with the insulation from political winds essential to protect, when necessary, unpopular views and politically unrepresented minorities. Instead of following election returns, courts are supposed to apply—in a consistent, careful, and rational manner—constitutional precedent and principle to both old and new problems. In this way, the courts preserve our Democratic process and constitutional protections, no matter what the political passions of the moment might be.

It is worth recalling these remarks now because the amendment to this bill is only superficially a jurisdictional issue. At its heart, it is a political attack on the judiciary.

The arguments we heard in favor of the amendment certainly have not been structural or institutional ones. We have not been told that courts are ill-equipped to handle the issue of a segregation. We have not been told that our system of Government would work better if another institution reviewed such cases. What we have instead is simply a case of the majority of the moment not liking a particular remedy which courts are ordering.

One need not be an advocate or apologist for busing as a policy to argue that intrusion by the legislative branch into this issue for this reason is precisely the kind of political pressure our Constitution and tradition have sought to obviate.

What most concerns me, Mr. President, is that congressional intransigence on this amendment could raise the specter of a genuine constitutional crisis.

What happens if we enact this provision into law and a court review rules it unconstitutional? There may well be the risk of a direct confrontation between congressional power to determine the jurisdictional reach of the Federal courts and the long-standing right of the courts to rule on the constitutionality of legislative enactments.

It is too far fetched to see a scenario in which Congress refuses to acknowledge a Supreme Court verdict that it had acted unconstitutionally on grounds that the Court no longer had the appellate jurisdiction to make that determination?

I do not wish to overstate the case. But I do think we have given insufficient consideration to the dangerous implications of the step a majority of this body apparently is determined to take.

There may be a time and circumstances, Mr. President, when it is necessary or proper for Congress to refashion the parameters of Federal court jurisdiction. It could so act within its powers in order to correct a systemic problem. It is also possible that the Federal judiciary could overreach its own legitimate sphere of operation in our three-branch system of Government. I try to be a realist and I recognize that the lines separating the powers are not always drawn in a clear and incontrovertible manner.

But to take a course of dubious constitutionality with the potential for far more harm than any possible benefit seems to me to be so fraught with danger that we ought to reject the pending amendment.

Mr. WEICKER. Mr. President, I finally find my good friend from Louisiana making a remark with which I can agree. When he says this is going over to the House for an airing, believe me, that is exactly what it needs. You can put this thing in a wind tunnel, you can put it in there for about 1 year, maybe that is where it has been for about 1 year, but in any event, you can put it in a wind tunnel for 1 year and it still will not do the job. It needs an airing. It certainly does need an airing, and I hope it gets just that.

Mr. President, a parliamentary inquiry: What is the status of the yeas and nays, Mr. President, on 1252, which I believe is the Heflin amendment, is that correct—I beg your pardon, the Johnston amendment, 1252; the Heflin amendment, and S. 951 in terms of the yeas and nays? Have the yeas and nays been ordered on any or all of those things?

The PRESIDING OFFICER. They have not been ordered on any amendment.

Mr. WEICKER. I ask for the yeas and nays on all three amendments.

The PRESIDING OFFICER. It takes unanimous consent for that to happen.

Mr. WEICKER. Parliamentary inquiry. I am trying to propound my request to possibly save one vote here. I am not so sure that a rollcall vote on amendment No. 1252 is essential. I am going to propound a request that might save our colleagues time and at the same time satisfy the requirement of putting Senators on record. I ask unanimous consent that we have a call for a quorum at this time while I consult with the distinguished Senator from Louisiana.

The PRESIDING OFFICER. On whose time?

Mr. WEICKER. On my time is fine with me, but I do not think I have any time remaining, Mr. President.

The PRESIDING OFFICER. The Senator could ask for unanimous consent not to have the time charged.

Mr. WEICKER. Mr. President, I ask unanimous consent that the time not be charged to either side and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I yield myself 1 minute. Mr. President, I will shortly ask, after consultation and at the suggestion of my distinguished colleague from Connecticut, that we adopt the pending amendment, which is 1252, by voice vote; that we then proceed to have the yeas and nays on the Heflin amendment; and that we then proceed to have the yeas and nays on S. 951, which would give us two rollcall votes.

I think that is consistent with what we thought we were doing. We all thought that, indeed, we would have the yeas and nays on the two real issues here. The pending amendment is nothing more than a repetition of S. 951. Frankly, it was an amendment put in as a parliamentary maneuver during the filibuster to shorten the time in which the postcloture filibuster could proceed.

At this time, Mr. President, I ask unanimous consent that we have a voice vote on the pending, 1252; that we thereafter go to the yeas and nays on the Heflin amendment; and at the conclusion of that we have the yeas and nays on the bill itself, S. 951.

The PRESIDING OFFICER. Is the Senator asking for unanimous consent to get the yeas and nays both on the Heflin amendment and the bill?

Mr. JOHNSTON. That is correct. I first ask unanimous consent that it be in order to ask for the yeas and nays on the Heflin amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I now ask unanimous consent that it be in order to ask for the yeas and nays on S. 951, which is the bill itself.

The PRESIDING OFFICER. It does not take unanimous consent.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays on S. 951.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that at the conclusion of the adoption by voice vote of the pending amendment, we go immediately to the yeas and nays on the Heflin amendment. I ask for the yeas and nays on the Heflin amendment if I did not so ask.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1252

The PRESIDING OFFICER. The question is on agreeing to amendment 1252.

The amendment (No. 1252) was agreed to.

AMENDMENT NO. 1235

(The names of Mr. JOHNSTON and Mr. HELMS were added as cosponsors of amendment No. 1235.)

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1235 of the Senator from Alabama (Mr. HEFLIN). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Florida (Mrs. HAWKINS), the Senator from New Mexico (Mr. SCHMITT), the Senator from Wyoming (Mr. SIMPSON), the Senator from Vermont (Mr. STAFFORD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Wyoming (Mr. WALLOP), are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS), the Senator from Wyoming (Mr. SIMPSON), and the Senator from South Carolina (Mr. THURMOND), would each vote yea.

The result was announced—yeas 72, nays 22, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—72

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cochran
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dole
Domenici
Eagleton
East
Exon
Ford
Garn
Goldwater
Gorton
Grassley
Hart
Hatch
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kasten
Laxalt
Levin
Long
Lugar
Mattingly
McClure
Melcher
Moynihan
Murkowski
Nickles
Nunn
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Sarbanes
Sasser
Stennis
Stevens
Symms
Tower
Warner
Williams
Zorinsky

NAYS—22

Boschwitz
Bradley
Chafee
Cohen
Dodd
Durenberger
Glenn
Hatfield
Kassebaum
Kennedy
Leahy
Mathias
Matsunaga
Metzenbaum
Mitchell
Packwood
Pell
Percy
Rudman
Specter
Tsongas
Weicker

NOT VOTING—6

Hawkins
Schmitt
Simpson
Stafford
Thurmond
Wallop

So Mr. HEFLIN's amendment (No. 1235) was agreed to.

Mr. HEFLIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later the following occurred:)

Mr. BRADLEY. Mr. President, as in legislative session, I ask unanimous consent that I be allowed to correct my vote on amendment No. 1235. I was recorded in the affirmative, and I should like to change my vote to the negative. It would not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing rollcall vote has been changed to reflect the above order.)

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, the Senate today will take an historic step in sending to the House of Representatives legislation which would, if enacted, halt in large measure the unwise and unnecessary practice of court ordered forced busing of schoolchildren.

I congratulate my distinguished colleagues from the States of North Carolina and Louisiana, Senators HELMS and JOHNSTON, for the fine work they have done in fashioning this legislation here on the floor of the Senate.

Ordinarily, committee chairmen, as managers of bills reported from their committees, tend to resist amendments offered by individual Senators on the floor. In this case, as chairman of the Committee on the Judiciary and as manager of S. 951, I felt a duty to the people to support the effort to end forced busing, notwithstanding the more parochial interest I may have felt in securing prompt passage of S. 951.

This legislation has been before the Senate intermittently since June 16, 1981, and so far as I can recall, that is the longest time that any bill has been held up by filibuster. I regret that this important legislation has been delayed for that period by those in the Senate who support forced busing of schoolchildren.

In many ways S. 951 has been transformed from a simple authorization measure for the Department of Justice into a vehicle for the resolution of one of the most important problems facing America as a result of court usurpation of power. Nevertheless, I must point out that the Department of Justice has been operating now for more than a month without authority. That fact is particularly damaging with repect to the undercover operations of the Federal Bureau of Investigation against organized crime and foreign intelligence agents.

For that reason and because of the overwhelming significance of ending the damage done to our young schoolchildren by forced busing, the House of Representatives ought to pass this legislation and send it to the President as promptly as can be done while allowing due consideration of the measure in the House.

In my judgment, any amendment to the measure in the House of Representatives would effectively kill the prospect of ending forced busing because certain Senators would seize on any new opportunity to filibuster and defeat this legislation in the Senate.

Therefore, if the Members of the House of Representatives wish to end forced busing, they should support passage of S. 951 without amendment in its present form.●

BAD PRECEDENT AND BAD POLICY

Mr. PELL. Mr. President, I have decided to vote against S. 951, the Department of Justice authorization bill. My reason for doing so is the unprecedented amendment which has been added to the bill stripping our Federal courts of jurisdiction or the power to grant remedies in school busing cases. Completely apart from the busing question itself, I view this provision as a dangerous precedent and for that reason have opposed S. 951 as a whole.

All of us have a right to our views on the social issues of our time. We have a right to disagree with decisions of the U.S. Supreme Court and the lower Federal courts regarding these social issues. These problems in my judgment should not be solved by shutting off access by our citizens to the Federal courts. If we shut off access to the courts, we shut off our constitutional rights. We may, in this particular instance, agree with the merits of the social policy adopted by the Congress in stripping the courts of jurisdiction in busing cases. But if the Congress can foreclose access to the Federal judiciary on this particular issue, a future Congress can shut off other constitutional rights, and in so doing fundamentally alter our system of government. If most Americans disagree with out Constitution, as interpreted by the courts on the busing question, there is a perfectly good way to change the courts' interpretation, namely the constitutional amendment process.

Throughout our history, Congress has resisted the temptation to weaken the independence of the third branch of Government in order to achieve expedient solutions to current and transient problems. Faced with the unpopularity of the Dred Scott decision, and pressures to tamper with the separation of powers, Abraham Lincoln set forth what I believe to be the appropriate response of public and political leaders to unpopular Supreme Court decisions. Lincoln said regarding the court:

> We think its decisions on constitutional questions, when fully settled, should control, not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments of the Constitution as provided in the instrument itself. More than this would be revolution. But we think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this.

Mr. President, I believe the policy set forth by Mr. Lincoln is a much more appropriate response to the question of busing than the approach taken in this bill, and for that reason I strongly oppose S. 951.

Mr. **DIXON**. Mr. President, I rise to express my concern about a provision of S. 951, the Department of Justice authorizations bill, relating to the busing issue.

While I support a quality education for all children and integration of our schools, I am opposed to the busing of schoolchildren to achieve desegregation. We all know that the debate over mandatory busing has divided communities and has raised unanswered questions about appropriate ways to achieve quality and equal educational opportunities in our schools.

More and more, whites and blacks alike are agreeing that mandatory busing—as we know it—has failed as a feasible remedy for school segregation.

However, the issue here is not probusing or antibusing. The issue is the responsibility of the Congress to carry out the dictates of the Constitution. It appears to me, and I am supported by the American Bar Association as well as the Illinois Bar Association, that the so-called antibusing provisions of this bill are blatantly unconstitutional.

I am, therefore, forced to vote against final passage of S. 951, the Department of Justice authorizations bill.

The **PRESIDING OFFICER**. Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **STEVENS**. I announce that the Senator from Florida (Mrs. HAWKINS), the Senator from New Mexico (Mr. SCHMITT), the Senator from Wyoming (Mr. SIMPSON), the Senator from Vermont (Mr. STAFFORD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS), the Senator from Wyoming (Mr. SIMPSON), and the Senator from South Carolina (Mr. THURMOND) would each vote "Yea."

The **PRESIDING OFFICER**. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 37, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—57

Abdnor
Andrews
Armstrong
Baker
Bentsen
Biden
Boren
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cochran
D'Amato
Danforth
DeConcini
Denton
Dole
Domenici
East
Exon
Ford
Garn
Grassley
Hatch
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Inouye
Jepsen
Johnston
Kassebaum
Kasten
Laxalt
Long
Lugar
Mattingly
McClure
Melcher
Murkowski
Nickles
Nunn
Pressler
Pryor
Quayle
Randolph
Roth
Rudman
Sasser
Stennis
Stevens
Symms
Tower
Warner
Zorinsky

NAYS—37

Baucus
Boschwitz
Bradley
Bumpers
Burdick
Chafee
Cohen
Cranston
Dixon
Dodd
Durenberger
Eagleton
Glenn
Goldwater
Gorton
Hart
Hatfield
Humphrey
Jackson
Kennedy
Leahy
Levin
Mathias
Matsunaga
Metzenbaum
Mitchell
Moynihan
Packwood
Pell
Percy
Proxmire
Riegle
Sarbanes
Specter
Tsongas
Weicker
Williams

NOT VOTING—6

Hawkins
Schmitt
Simpson
Stafford
Thurmond
Wallop

So the bill (S. 951), as amended, was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Justice Appropriation Authorization Act, Fiscal Year 1982".

SEC. 2. (a) This section may be cited as the "Neighborhood School Act of 1982".

(b) The Congress finds that—

(1) court orders requiring transportation of students to or attendance at public schools other than the one closest to their residences for the purpose of achieving racial balance or racial desegregation have proven to be ineffective remedies to achieve unitary school systems;

(2) such orders frequently result in the exodus from public school systems of children causing even greater racial imbalance and diminished public support for public school systems;

(3) assignment and transportation of students to public schools other than the one closest to their residence is expensive and wasteful of scarce petroleum fuels;

(4) there is an absence of social science evidence to suggest that the costs of school busing outweigh the disruptiveness of busing; and

(5) assignment of students to public schools closest to their residence (neighborhood public schools) is the preferred method of public school attendance.

(c) The Congress is hereby exercising its power under article III, section 1, and under section 5 of the fourteenth amendment.

Limitation of Injunctive Relief

(d) Section 1651 of title 28, United States Code, is amended by adding the following new subsection (c):

"(c)(1) No court of the United States may order or issue any writ directly or indirectly ordering any student to be assigned or to be transported to a public school other than that which is closest to the student's residence unless—

"(i) such assignment of transportation is provided incident to the voluntary attendance of a student at a public school, including a magnet, vocational, technical, or other school or specialized or individualized instruction; or

"(ii) the requirement of such transportation is reasonable.

"(2) The assignment or transportation of students shall not be reasonable if—

"(i) there are reasonable alternatives available which involve less time in travel, distance, danger, or inconvenience;

"(ii) such assignment or transportation requires a student to cross a school district having the same grade level as that of the student;

"(iii) such transportation plan or order or part thereof is likely to result in a greater degree of racial imbalance in the public school system than was in existence on the date of the order for such assignment or transportation plan or is likely to have a net harmful effect on the quality of education in the public school district;

"(iv) the total actual daily time consumed in travel by schoolbus for any student exceeds thirty minutes unless such transportation is to and from a public school closest to the student's residence with a grade level identical to that of the student; or

"(v) the total actual round trip distance traveled by schoolbus for any student exceeds 10 miles unless the actual round trip distance traveled by schoolbus is to and from the public school closest to the student's residence with a grade level identical to that of the student.".

Definition

(e) The school closest to the student's residence with a grade level identical to that of the student shall, for purpose of calculating the time and distance limitations of this Act, be deemed to be that school containing the appropriate grade level which existed immediately prior to any court order or writ resulting in the reassignment by whatever means, direct or indirect including rezoning, reassignment, pairing, clustering, school closings, magnet schools or other methods of school assignment and whether or not such court order or writ predated the effective date of this legislation.

Suits by the Attorney General

(f) Section 407(a) of title IV of the Civil Rights Act of 1964 (Public Law 88-352, section 407(a); 78 Stat. 241, section 407(a); 42 U.S.C. 2000c-6(a)), is amended by inserting after the last sentence the following new subparagraph:

"Whenever the Attorney General receives a complaint in writing signed by an individual, or his parent, to the effect that he has been required directly or indirectly to attend or to be transported to a public school in violation of the Neighborhood School Act and the Attorney General believes that the complaint is meritorious and certifies that the signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.".

(g) For the purpose of this Act, "transportation to a public school in violation of the Neighborhood School Act" shall be deemed to have occurred whether or not the order requiring directly or indirectly such transportation or assignment was entered prior to or subsequent to the effective date of this Act.

(h) If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

(i) It is the sense of the Senate that the Senate Committee on the Judiciary report out, before the August recess of the Senate, legislation to establish permanent limitations upon the ability of the Federal courts to issue orders or writs directly or indirectly requiring the transportation of public school students.

SEC. 3. There are authorized to be appropriated for the fiscal year ending September 30, 1982, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) the following sums:

(1) For General Administration, including—

(A) the hire of passenger motor vehicles;

(B) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Deputy Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration;

(C) financial assistance to joint State and joint State and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug related offenses, organized criminal activity and all related support activities, not to exceed $12,576,000, and to remain available until expended: $50,229,000.

(D) No part of any sum authorized to be appropriated by this Act shall be used by the Department of Justice to bring or maintain any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.

(2) For the United States Parole Commission for its activities including the hire of passenger motor vehicles: $6,461,000.

(3) For General Legal Activities, including—

(A) the hire of passenger motor vehicles;

(B) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Deputy Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration;

(C) not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General;

(D) advance of public moneys under section 3648 of the Revised Statutes (31 U.S.C. 529);

(E) pay for necessary accommodations in the District of Columbia for conferences and training activities;

(F) the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals: $127,136,000.

(4) For the Foreign Claims Settlement Commission for its activities, including—

(A) services as authorized by section 3109 of title 5, United States Code;

(B) expenses of packing, shipping, and storing personal effects of personnel assigned abroad;

(C) rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad;

(D) maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties;

(E) advances of funds abroad;

(F) advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission;

(G) the hire of motor vehicles for field use only; and

(H) the employment of aliens: $705,000.

(5) For United States Attorneys, Marshals, and Trustees, including—

(A) purchase of firearms and ammunition;

(B) lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;

(C) supervision of United States prisoners in non-Federal institutions;

(D) bringing to the United States from foreign countries persons charged with crime; and

(E) acquisition, lease, maintenance, and operation of aircraft; and

(6) For Support of United States Prisoners in non-Federal institutions, including—

(A) necessary clothing and medical aid, payment of rewards, and reimbursements to Saint Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by section 2 of the Act entitled "An Act to authorize certain expenditures from the appropriations of Saint Elizabeths Hospital, and for other purposes", approved August 4, 1947 (24 U.S.C. 168a);

(B) entering into contracts or cooperative agreements for only the reasonable and actual cost to assist the government of any State, territory, or political subdivision thereof, for the necessary physical renovation, and the acquisition of equipment, supplies, or materials required to improve conditions of confinement and services of any facility which confines Federal detainees, in accordance with regulations to be issued by the Attorney General and which are comparable to the regulations issued under section 4006 of title 18, United States Code: $25,600,000.

(7) For Fees and Expenses of Witnesses, including expenses, mileage, compensation, and per diem of witnesses in lieu of subsistence, as authorized by law, contracting for expert witnesses according to the procedure authorized by section 904 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 544), including advances of public moneys: $29,421,000. No sums authorized to be appropriated by this Act shall be used to pay any witness more than one attendance fee for any one calendar day.

(8) For the Community Relations Service for its activities including the hire of passenger motor vehicles: $5,313,000.

(9) For the Federal Bureau of Investigation for its activities, including—

(A) expenses necessary for the detection and prosecution of crimes against the United States;

(B) protection of the person of the President of the United States and the person of the Attorney General;

(C) acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies;

(D) such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General;

(E) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;

(F) acquisition, lease, maintenance, and operation of aircraft;

(G) purchase of firearms and ammunition;

(H) payment of rewards;

(I) not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General;

(J) classification of arson as a part I crime in its Uniform Crime Reports;

(K) not to exceed $1,000,000 shall be made available for the purpose of carrying out the provisions of section 18 of this Act:

$745,132,000 of which $5,000,000 for automated data processing and telecommunications and $600,000 for undercover operations shall remain available until September 30, 1983. None of the sums authorized to be appropriated by this Act for the Federal Bureau of Investigation shall be used to pay the compensation of any employee in the competitive service.

(10) For the Immigration and Naturalization Service, for expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including—

(A) advance of cash to aliens for meals and lodging while en route;

(B) payment of allowances to aliens, while held in custody under the immigration laws, for work performed;

(C) payment of expenses and allowances incurred in tracking lost persons as required by public exigencies in aid of State or local law enforcement agencies;

(D) payment of rewards;

(E) not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General;

(F) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;

(G) acquisition, lease, maintenance, and operation of aircraft;

(H) payment for firearms and ammunition and attendance at firearms matches;

(I) operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto;

(J) refunds of maintenance bills, immigration fines, and other items properly returnable except deposits of aliens who become public charges and deposits to secure payment of fines and passage money;

(K) payment of interpreters and translators who are not citizens of the United States and distribution of citizenship textbooks to aliens without cost to such aliens;

(L) acquisition of land as sites for enforcement fences, and construction incident to such fences;

(M) research related to immigration enforcement which shall remain available until expended:

$377,067,000 of which not to exceed $100,000 may be used for the emergency replacement of aircraft upon the certificate of the Attorney General.

(11) For the Drug Enforcement Administration for its activities, including—

(A) hire and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;

(B) payment in advance for special tests and studies by contract;

(C) payment in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement and regulatory agencies while engaged in cooperative enforcement and regulatory activities in accordance with section 503a(2) of the Controlled Substances Act (21 U.S.C. 873(a)(2));

(D) payment of expenses not to exceed $70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General;

(E) payment of rewards;

(F) payment for publication of technical and informational material in professional and trade journals and purchase of chemicals, apparatus, and scientific equipment;

(G) payment for necessary accommodations in the District of Columbia for conferences and training activities;

(H) acquisition, lease, maintenance, and operation of aircraft;

(I) research related to enforcement and drug control to remain available until expended;

(J) contracting with individuals for personal services abroad, and such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;

(K) payment for firearms and ammunition and attendance at firearms matches;

(L) payment for tort claims against the United States when such claims arise in foreign countries in connection with Drug Enforcement Administration operations abroad;

(M) not to exceed $1,700,000 for purchase of evidence and payments for information (PE/PI) to remain available until the end of the fiscal year following the year in which authorized;

(N) not less than $14,800,000 and positions for State and Local Task Forces which coordinates the enforcement of drug investigations, primarily heroin trafficking, with selected State and local law enforcement agencies:

$234,444,000. For the purpose of section 709(b) of the Controlled Substances Act (21 U.S.C. 904(b)), such sums shall be deemed to be authorized by section 709(a) of such Act, for the fiscal year ending September 30, 1982.

(12) For the Federal Prison System for its activities including—

(A) for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions, and not to exceed $100,000 for inmate legal services within the system;

(B) purchase and hire of law enforcement and passenger motor vehicles;

(C) compilation of statistics relating to prisoners in Federal penal and correctional institutions;

(D) assistance to State and local governments to improve their correctional systems;

(E) purchase of firearms and ammunition and medals and other awards;

(F) payment of rewards;

(G) purchase and exchange of farm products and livestock;

(H) construction of buildings at prison camps and acquisition of land as authorized by section 4010 of title 18 of the United States Code;

(I) transfer to the Health Services Administration of such amounts as may be necessary, in the discretion of the Attorney General, for the direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions;

(J) for Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles;

(K) for planning, acquisition of sites and construction of new facilities, and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, to remain available until expended, and the labor of United States prisoners may be used for work performed with sums authorized to be appropriated by this clause; and

(L) for carrying out the provisions of sections 4351 through 4353 of title 18 of the United States Code, relating to a National Institute of Corrections, to remain available until expended: $383,784,000.

Sec. 4. Sums authorized to be appropriated by this Act may be used for—

(a) the travel expenses of members of the family accompanying, preceding, or following an officer or employee if, while he is en route to or from a post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty;

(b) benefits authorized under section 901 (5), (6)(A), (8), and (9) and section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4081 (5), (6)(A), (8), and (9) and 22 U.S.C. 4084), and under the regulations issued by the Secretary of State.

Sec. 5. (a) Sums authorized to be appropriated by this Act which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations issued by the Attorney General.

(b) Sums authorized to be appropriated by this Act may be used for the purchase of insurance for motor vehicles and aircraft operated in official Government business in foreign countries.

(c) Sums authorized to be appropriated by this Act for salaries and expenses shall be available for services as authorized by section 3109 of title 5 of the United States Code.

(d) Sums authorized to be appropriated by this Act to the Department of Justice may be used, in an amount not to exceed $35,000 for official reception and representation expenses in accordance with distributions, procedures, and regulations issued by the Attorney General.

(e) There are authorized to be appropriated for the fiscal year ending September 30, 1982, such sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

(f) Sums authorized to be appropriated for "Salaries and expenses, General Administration", "Salaries and expenses, United States Attorneys and Marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons" may be used for uniforms and allowances as authorized by sections 5901 and 5902 of title 5 of the United States Code.

Sec. 6. Notwithstanding the second of the paragraphs relating to salaries and expenses of the Federal Bureau of Investigation in the Department of Justice Appropriation Act, 1973 (86 Stat. 1115), sums authorized to be appropriated by this Act for such salaries and expenses may be used for the purposes described in such paragraph until, but not later than the end of the fiscal year ending September 30, 1982.

Sec. 7. (a) With respect to any undercover investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(1) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used for leasing space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 665(a)), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 529), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(2) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 869);

(3) sums authorized to be appropriated for the Federal Bureau of Investigation by this

Act, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 521); and

(4) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484);

only upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, an Executive Assistant Director) and the Attorney General (or, if designated by the Attorney General, the Deputy Attorney General) that any action authorized by paragraph (1), (2), (3), or (4) of this subsection is necessary for the conduct of such undercover operation.

(b) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d)(1) The Federal Bureau of Investigation shall conduct detailed financial audits of undercover operations closed on or after October 1, 1981, and—

(A) report the results of each audit in writing to the Attorney General, and

(B) report annually to the Congress concerning these audits.

(2) For the purposes of paragraph (1), "undercover operation" means any undercover operation of the Federal Bureau of Investigation, other than a foreign counterintelligence undercover operation—

(A) in which the gross receipts exceed $50,000, and

(B) which is exempted from section 3617 of the Revised Statutes (31 U.S.C. 484) or section 304(a) of the Government Corporation Control Act (31 U.S.C. 869(a)).

Sec. 8. Section 709(a) of the Controlled Substances Act (21 U.S.C. 904(a)) is amended—

(1) by striking out "and" after "1980", and

(2) by inserting after "1981", the following: "and $234,444,000 for the fiscal year ending September 30, 1982,".

Sec. 9. Section 511(d) of the Controlled Substances Act (21 U.S.C. 881(d)) is amended by inserting "and the award of compensation to informers in respect to such forfeitures" immediately after "compromise of claims".

Sec. 10. Without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), the Drug Enforcement Administration is authorized to—

(a) set aside 25 per centum of the net amount realized from the forfeiture of seized assets and credit such amounts to the current appropriation account for the purpose, only, of an award of compensation to informers in respect to such forfeitures and such awards shall not exceed the level of compensation prescribed by section 1619 of title 19, United States Code;

(b) the amounts credited under this section shall be made available for obligation until September 30, 1983;

(c) such awards shall be based on the value of the seized property or the net proceeds from the sale of such property except that no award may be paid from or based on the value of the seized contraband; and

(d) the remaining 75 per centum of the net amount realized from the forfeiture of the seized assets referred to in subsection (a) shall be paid to the miscellaneous receipts of the Treasury:

Provided, That the authority furnished by this section shall remain available until September 30, 1983, at which time any amount of the unobligated balances remaining in this account, accumulated before September 30, 1982, shall be paid to the miscellaneous receipts of the Treasury: *And provided further*, That the Drug Enforcement Administration shall conduct detailed financial audits, semiannually, of the expenditure of funds from this account and—

(1) report the results of each audit, in writing, to the Attorney General, and

(2) report annually to the Congress concerning these audits.

Sec. 11. (a) The Attorney General shall perform periodic evaluations of the overall efficiency and effectiveness of the Department of Justice programs and any supporting activities funded by appropriations authorized by this Act and annual specific program evaluations of selected subordinate organizations' programs, as determined by the priorities set either by the Congress or the Attorney General;

(b) Subordinate Department of Justice organizations and their officials shall provide all the necessary assistance and cooperation in the conduct of evaluations, including full access to all information, documentation, and cognizant personnel, as required.

Sec. 12. (a) Chapter 15 of title 11, United States Code (92 Stat. 2651 et seq.) and chapter 39 of title 28, United States Code (92 Stat. 2662 et seq.) are repealed.

(b) Section 408 of the Act entitled "An Act to establish a uniform Law on the Subject of Bankruptcy", approved November 6, 1978 (92 Stat. 2686), is repealed.

(c) Section 330 of title 11, United States Code (92 Stat. 2564) is amended by striking out "and to the United States Trustees.".

Sec. 13. The Act of March 2, 1931 (8 U.S.C. 1353a and 8 U.S.C. 1353b) is hereby repealed.

Sec. 14. The Immigration and Nationality Act is amended by adding after section 283 the following new section:

"§ 283a. Reimbursement by vessels and other conveyances for extra compensation paid to employees for inspectional duties

"(a) The extra compensation for overtime services of immigration officers and employees of Immigration and Naturalization Service for duties in connection with the examination and landing of passengers and crews of steamships, trains, airplanes, or other vehicles arriving in the United States by water, land, or air, from a foreign port shall be paid by the master, owner, agent, or consignee of such vessel or conveyance, at the rate fixed under the applicable provisions of sections 5542 and 5545 of title 5, United States Code.

"(b) The extra compensation shall be paid if the employee has been ordered to report for duty and has reported, whether or not the actual inspection or examination takes place: *Provided*, That this section shall not apply to the inspection at designated ports of entry of passengers arriving by international ferries, bridges, or tunnels, or by aircraft, railroad trains, or vessels on the Great Lakes and connecting waterways, when operating on regular schedules.".

Sec. 15. (a) Section 1353c of title 8, United States Code (the Act of March 4, 1921 (41 Stat. 1224), as amended), is redesignated as section 1353b of title 8, United States Code.

(b)(1) The Act of August 22, 1940, as amended (8 U.S.C. 1353d), is amended by striking the words "the Act of March 2, 1931" and inserting instead the words "section 283a of the Immigration and Nationality Act.".

(2) Section 1353d of title 8, United States Code is redesignated as section 1353c of title 8, United States Code.

(c) Section 5549 of title 5, United States Code is amended by—

(1) striking subsection (2), and

(2) redesignating subsections (3) through (5) as (2) through (4), respectively.

Sec. 16. Notwithstanding any provision of this Act, the Department of Justice shall not be prevented from participating in any proceedings to remove or reduce the requirement of busing in existing court decrees or judgments.

Mr. JOHNSTON. Mr. President, parliamentary inquiry. Is a motion to reconsider in order?

The PRESIDING OFFICER. The motion is in order and is not debatable.

Mr. JOHNSTON. I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, as I indicated earlier, I would like to take up the conference report on the standby petroleum allocation bill this afternoon on a time agreement.

This morning when I discussed the matter it did not appear that the parties agreed on an arrangement for time. It appears now that an agreement may have been reached. I believe the agreement I am about to request has been cleared with the minority, and I will state it at this time for the consideration of the minority leader and the Senate.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON S. 1503

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate turns to the consideration of the conference report on S. 1503, the standby petroleum allocation bill, it be considered under the following time agreement:

One hour on the conference report, to be equally divided between the chairman of the Energy Committee and the ranking minority member or their designees; 1 hour under the control of the distinguished Senator from New Jersey (Mr. BRADLEY); 30 minutes under the control of the distinguished Senator from Oklahoma (Mr. NICKLES); and that following the conclusion of the time allocated or the yielding back of that time the Senate proceed to a rollcall vote on agreeing to the conference report.

Further, Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays on final passage.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, would the distinguished majority leader not include in his request that the Senate proceed by rollcall vote so that that may be ordered in accordance with precedents.

Mr. BAKER. Yes, Mr. President, I withdraw that portion of the request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, the request still includes unanimous consent that it be in order at this time to order the yeas and nays.

The PRESIDING OFFICER. The Senator is correct. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, I thank the Chair.

RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. today.

There being no objection, the Senate, at 12:24 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

QUORUM CALL

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from North Carolina, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. LUGAR assumed the chair.)

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

DEPARTMENT OF STATE

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed, in executive session, to consider the nomination of James Daniel Theberge.

The nomination will be stated.

The assistant legislative clerk read the nomination of James Daniel Theberge, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile.

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. To whose time is the quorum call to be charged?

Mr. PERCY. Equally divided.

Mr. HELMS. Equally divided, the Senator suggests.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, we have an unusual situation here. We are awaiting the arrival of the able Senator from Massachusetts (Mr. KENNEDY). I suppose the best thing to do would be to suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the quorum call be withheld.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, the matter before the Senate is the confirmation of the nomination of James D. Theberge to be Ambassador to Chile. It is my understanding that Senator KENNEDY intended to come to the floor and speak on this nomination. For that reason, 1 hour has been reserved. I ask that we send word to Senator KENNEDY that we are ready to hear his remarks now.

Mr. President, in the judgment of the committee and in my judgment, James Theberge is highly qualified by training and experience to serve as American Ambassador to Chile. He has held U.S. Government positions previously. He has written extensively on the area. He speaks Spanish fluently. He knows personally many Latin American leaders.

He has formerly served as Ambassador to Nicaragua, from 1975 to 1979. He served in the U.S. Marine Corps as a first lieutenant. He was a director of the Latin American Center for Strategic and International Studies, Georgetown University.

He was president of the Institute for Conflict and Policy Studies, Washington, D.C. He was senior development adviser, Planning Research Corp., New York, N.Y. He has served from 1981 to the present as Special Adviser on Inter-American Affairs, Department of Defense, Washington, D.C.

I consider him qualified for this post. The opposition that has been expressed to this nomination is not so much with respect to the man but to disagreement on U.S. policy, whether toward Chile or elsewhere in the hemisphere. To the extent that the opposition relates to Chile, this should not be a factor in our consideration of Mr. Theberge's qualifications. Mr. Theberge has not had any role in determining our policy toward Chile. I believe that he will bring to that task the highest levels of professional integrity and dedication.

To the extent that the opposition is based on events and policies in the past, I simply remind my distinguished colleagues that an ambassador, while helping to determine policy, more often serves as the principal implementor for policy that is determined in Washington.

Therefore, I urge the prompt confirmation of the nomination of James Theberge.

After whatever remarks the distinguished floor manager of the nomination, the chairman of the Western Hemisphere Subcommittee, has to make, this side will be happy to yield back its time, there being no other Senator we know of who wishes to speak on this nomination, the Foreign Relations Committee having acted overwhelmingly in favor of the nomination.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. KENNEDY. Mr. President, will the Senator yield so that I may ask for the yeas and nays?

Mr. HELMS. Certainly.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The Senator from North Carolina.

Mr. HELMS. Mr. President, needless to say, the Senator from North Carolina wishes the nominee, Mr. Theberge, total success in this new capacity as Ambassador to Chile.

I do not know the gentleman personally and certainly have no personal objections to him as a man. I do, however, hold genuine doubts about the nomination of Dr. Theberge to be U.S. Ambassador to Chile; and inasmuch as I have those doubts, I have concluded that I should not and cannot support the nomination.

Obviously, Mr. President, I hope that my apprehensions will prove unfounded, and I reiterate that I wish him total success. As a member of the Foreign Relations Committee and as chairman of the Western Hemisphere Subcommittee of that committee, I extend to him my fullest cooperation.

I hold genuine doubts about the nomination of Dr. James Theberge to be U.S. Ambassador to Chile. I have concluded that, having those doubts, I cannot support the nomination.

I do not know Mr. Theberge; I have no personal views regarding him. My concern about this nomination began with conversations with a trusted friend in North Carolina who lived in Nicaragua during Mr. Theberge's tour as U.S. Ambassador there. From those conversations, and from reports of others who are familiar with Mr. Theberge's tenure as Ambassador in Managua, I have concluded that, based on his record, Mr. Theberge is not the best choice as U.S. Ambassador to Chile.

There are a number of individuals with expertise in Latin American affairs who are well suited to serve as U.S. Ambassador to Chile. The United States is obliged to send its best personnel to this important Latin American country, a nation which has pulled itself out of the morass of Communist rule that left it economically, politically, and socially bankrupt.

The success of Chile, an economic miracle, is an example for other Latin American nations to follow. Through tough measures, borne by all Chileans at all economic and social levels, this ally of the United States has brought about the near-impossible: a stable and workable economy. I visited Chile in 1976, 3 years after the Communist government of Salvador Allende was overthrown. The scars of the Allende regime remained: hyperinflation, social disruption, economic chaos. Yet, even then, there was hope in Chile, hope that the belt tightening that Chile was undergoing eventually would result in a better life for all Chileans.

Today, Chileans are beginning to enjoy a better life. Ominously, with that better life has come a resurgence of the leftist-inspired terrorism which nearly destroyed Chile a decade ago. Thus, the U.S. Ambassador to Chile will find himself in a delicate situation.

Mr. Theberge was in a similar situation during his tenure as U.S. Ambassador to Nicaragua. The economy was relatively prosperous. While the human rights situation did not please those who demand perfection of our friends while overlooking the cruelties of our adversaries, the human rights situation then was far better than it is now. The country faced a small but growing insurgency just as Chile does now. During Mr. Theberge's tour as Ambassador, the situation worsened, and the United States began to draw away from support of its ally, the Government of Nicaragua. Mr. Theberge's role in that is a matter of great concern to firsthand observers who have discussed the subject with me. They have no ax to grind; they are not enemies of Mr. Theberge. They simply fear that we may see in Chile what they saw in Nicaragua.

That cannot be allowed to happen. Chile is a friend of the United States. Chile supports the United States in international bodies. Chile supports U.S. goals in Latin America. Chile deserves support.

In this set of circumstances, obviously the United States must have an Ambassador whose track record is unambiguous. I sense that Mr. Theberge does not meet this essential criterion.

Mr. President, I indicate to the Chair that it is my intent to yield back the remainder of my time, but I will not do so at the moment, until the debate has been concluded. However, I have no intention of consuming any more time.

Mr. PELL. Mr. President, this nomination was supported by the Committee on Foreign Relations. There were three negative votes. In general, we found Mr. Theberge well informed, intelligent, able, and articulate. I, for one, voted for his nomination.

I recognize that he is criticized by those from the conservative side of the political spectrum and those from the liberal side of the political spectrum, which seems to indicate where we in the Senate hope most of our appointees are. For this reason, I intend to support this nomination, without in any way derogating the views or thoughts of those who oppose the nomination.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am deeply concerned over recent developments which indicate that the Reagan administration intends to open a new and closer relationship with the Pinochet regime in Chile. Such a policy is a contradiction of the ideals for which our country stands and it is a tragedy for the people of Chile and others in Latin America who look to the United States for support. I remain opposed to that policy and to actions by the Reagan administration that misrepresent and distort the historical support of the United States for the principles of democracy and human rights. I stand, therefore, today in opposition to the nomination of James D. Theberge as U.S. Ambassador to Chile.

All of us are aware of the tragic developments in Chile following the military coup in 1973—a coup that overthrew more than 100 years of democratic government in Chile. Later, we heard about the arrest and detentions without charge or trial, the thousands of Chileans who simply disappeared, and the torture and exile used by the military regime to impose its will on the people.

To express our opposition to this cruelty, brutality, and gross violation of basic human rights, I introduced legislation, enacted into law, that prohibited all military assistance to Chile until conditions improved and respect for democratic principles and human rights became once again the foundation of government in Chile.

Last fall spokesmen for the administration asked for a change in the law that would permit a new military relationship with Chile. In doing so, they argued that the situation in Chile had improved.

Many here in the Congress, myself included, questioned this policy. As a result, the International Security and Development Cooperation Act of 1981 included language to prohibit military aid to Chile unless the President certified that such aid is in the national interest, that the Government of Chile is making significant progress on human rights, that Chile is not aiding and abetting international terrorism, and that Chile is taking appropriate steps to bring justice to the Chileans indicted by a U.S. grand jury for the murders of the former Ambassador Orlando Letelier and Ronni Moffitt in Washington in 1976.

When the Senate agreed to this certification procedure last year, I stated my view that the conditions did not exist to justify such a certification. Several of my colleagues agreed. Senator PERCY, the chairman of the Senate Foreign Relations Committee, said he knew of no plans by the administration to provide military aid to Chile, and that full committee hearings could be held if the administration attempted to make a certification.

In recent months, there have been repeated reports that the President is preparing to submit a certification for Chile. This past weekend, the Washington Post reported that the administration intends to ask for money in the 1983 foreign aid appropriations for the Chilean military.

There has been completely inadequate consultation with Members of Congress over this new policy toward Chile even though the Congress has gone on record as being concerned about this policy. The administration cannot expect support from Congress if it does not consult with those Members who are active and have expressed interest in this issue, which is of great importance not only to Chile but to U.S. relations with Central America and our overall credibility as a force for human rights and against terrorism throughout the world.

The administration cannot in good faith make the required certification. Examine the points of certification:

First. U.S. national interest: The administration would have us believe that Chile would support the U.S. position in international forums. But even at a time when the Pinochet regime is trying to curry Washington's favor, the New York Times reported on February 4 that Chile was the only non-Marxist government to vote in a U.N. meeting in Geneva in January against making the crisis in Poland a special item for the U.N. high commissioner for refugees.

Second. Progress on Human Rights: Amnesty International's 1981 report, published late last year, states:

> The Chilean Government has been criticized for its human rights record by the United Nations General Assembly, the Inter-American Human Rights Commission of Jurists, the Inter-Parliamentary Union and other organizations.

In addition, the Amnesty International report noted that in 1981, there were numerous allegations of torture by the security forces. The report stated:

> A consistent pattern emerged from the detailed reports: Agents of the C.N.I. (the Chilean Intelligence Service), the Army and the Navy seized people in their homes or on the street; they took them, blindfolded, on the floors of vans or cars to torture centers in military barracks or secret locations. There they were interrogated and tortured for days at a time: Commonly with the parrilla, a metal grid to which the victim is tied while electric shocks are administered. Severe beatings, threats and humiliation were also reported.

Last December, in its annual human rights report to the Organization of American States, the Inter-American Commission on Human Rights specifically cited Chile for detentions without due process, a state of emergency which denied civil and political rights, arbitrary expulsion of citizens, and limitation of freedom of thought and expression. All of these findings constitute denials of internationally recognized human rights. The Commission's report was approved by the OAS General Assembly.

The most recent example of the persistent pattern of violation of human rights in Chile is a report of the Americas Watch Committee, submitted following a trip to Chile in December 1981 by its vice chairman, Aryeh Neier.

That report details a decline in respect for internationally recognized human rights in 1981. It cites nearly 1,000 arrests of political prisoners, an institutionalized practice of torture of those arrested, the arbitrary expulsion—for the first time since 1978—of prominent human rights leaders, including a former minister of justice under the Frei administration, the harassment and intimidation of leading human rights organizations, including those of the church, and the continuing denial of political freedom.

Each of these citations constitutes a violation of internationally recognized human rights, in direct contradiction of the certification required by the President.

I would like to detail the issue of torture, because it is a particularly brutal crime and because it has been directed against leaders of the human rights organizations. The Americas Watch report notes that the incidence of torture is far higher than the number of those where specific details are available. The report cites a January 15, 1982, letter from the Vicar of Solidarity of the Archdiocese of Santiago which states:

> One of the results of torture is to produce such a level of intimidation, that very few people dare to denounce the tortures they have suffered.

However, in November and December 1981 alone there are detailed reports of 20 cases of torture. The bravery of these individuals, who remain in Chile but are willing to describe what was done to them in hopes of bringing pressure to bear on the Chilean Government to halt that practice, should give pause to those who seem inclined to accept the administration's assertions.

One of those tortured was a member of the Chilean Commission on Human Rights, Pablo Fuenzalida. I will quote the account in Mr. Neier's report in full:

> One of those tortured in December, 1981 was Pablo Fuenzalida of the Chilean Commission on Human Rights. I visited him in the Santiago Prison on December 22, 1981. He described the torture he had endured at the hands of the Chilean Secret Police, the Central Nacional de Informanciones (CNI). It was on the second day of his captivity. He was stripped naked, his blindfold was removed, and he was ordered to lie on a metal bed frame. Fuenzalida's arms and legs were tied to the bed frame with wet cloths. A wet cloth was placed under his neck and another was stuffed in his mouth. Wires were attached to his legs, his testicles and his chest. He was given shocks by an interrogator who controlled the flow of electricity from a desk where he sat asking questions. Fuenzalida estimates that he was interrogated in this way for about an hour and a half. Since then—eleven days had elapsed from the time Fuenzalida was tortured until I visited him in the Santiago Prison—the right side of his body has been partially paralyzed. He could not move his right arm freely and was unable to shake hands with me. He said his leg felt as though it was asleep.
>
> Most of the other interrogation sessions were much longer, Fuenzalida told me. He estimated that one of them, during which he was blindfolded, lasted thirteen hours. What did they want to know? He told me he was interrogated extensively about the Chilean Commission on Human Rights, about its leaders, about the cardinal, about several bishops and about the Christian Left—a splinter off the Christian Democratic Party when political parties were legal in Chile.
>
> Following this thirteen hour interrogation, Fuenzalida was moved to another room where the clothes were returned to him that had been taken away when he was first seized. His blindfold was removed and he was interrogated in front of what he thought was a video camera that was turned on intermittently. When his answers to questions were not satisfactory, the camera was turned off and the picana, an electric prod, was applied to various parts of his body. He was asked about weapons in front of the camera. Once he had given the answers that his interrogators wanted, Fuenzalida says, they didn't seem interested in asking follow-up questions about weapons.
>
> Early Monday morning, December 14, about 80 hours after he had been seized during which he had only a few hours of sleep, Fuenzalida was led to a room where he signed about 35 documents certifying that he had been well treated and had suffered no physical abuse.

That is only the latest evidence of the continuation of torture by the Government of Chile. The present Government of Chile continues to engage in gross and persistent patterns of violation of internationally recognized human rights. There has not been "significant progress."

During hearings before the Senate Foreign Relations Committee in December, I asked Mr. Theberge about the situation in Chile. I asked about the deteriorating human rights situation, about the increased use of torture by the Chilean Government, and, above all, about the continuing effort of that government to terrorize its own citizens. Mr. Theberge acknowledged that he knew of reports about conditions in Chile, but he did not perceive that these conditions warranted undue concern.

In his responses to questions, Mr. Theberge referred to the substantial improvement from 1977 to present, but in doing so he disregards the fact that 1977 was one of the worst years of abuses, murders, assassinations, arrests, and disappearances.

Simply put, the situation could not have become worse. In 1982 we should not be comparing conditions in Chile today with those of 1977, but with conditions 1 year ago. If Mr. Theberge had done so, his answers would have been different. I am very concerned however, that, believing conditions have improved, he will not effectively use his position as U.S. Ambassador to encourage the Pinochet regime to move even further toward respect for the rights of its citizens.

I am so concerned, Mr. President, over the unsatisfactory character of Mr. Theberge's response to the questions I put to him that I invite my colleagues to review them with me at this time and I request unanimous consent that they be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. I might just mention before I continue, Mr. President, what some of the responses on these issues were by Mr. Theberge. On the last question:

> In response to a question from Senator Percy, you stated your belief that the Administration could provide Congress with the required certification because the Government of Chile is "not systematically and grossly violating human rights." How can you justify such a statemant in view of the report just issued by the United Nations (Economic and Social Council) that the Government of Chile continued to refuse to cooperate with the Special Rapporteur and that they had failed to take the concrete measures mentioned in the resolution 21 (XXXVI) of 29 November 1980? I refer to the entire report but would note that in point 10 the Commission on Human Rights "reiterated its indignation at the deterioration of the human rights situation in Chile"

His answer:

> Neither the previous nor the present administration formally designated Chile as a country whose government engages in a "consistent pattern of gross violations of internationally recognized human rights." There has been significant improvement in the human rights situation in Chile since 1977. There have been no disappearances since October 1977; there has been no indefinite detention without trial since 1976; most political prisoners were amnestied in 1978. These are important advances.

Now, I would say that the nominee that has given that kind of response is unqualified to serve this country in that post, given the overwhelming number of reports, not just from one, not from two, not from three, but from four independent agencies giving eyewitness accounts of conditions today in Chili. Anyone who responds as did Mr. Theberge, shows, I think, an insensitivity to the issue of human rights and, quite clearly, shows a complete failure to understand what has been happening and is happening in Chile today.

I asked another question:

> What steps will you tell this committee that you will take to urge the Government of Chile to pay this final judgment issued by a U.S. Federal Court?

There is a civil court judgment which required damages of $4.9 million to the families of those who have been assassinated by the Government of Chile.

I asked him:

> What steps will you tell this committee that you will take?

He said:

> It is my understanding that this is a civil suit and that the U.S. Government is not directly involved. I do not know what role the U.S. Government can properly carry out. As Ambassador I will be guided by the instructions I receive from the Department of State.

Why did he not ask the Department? Is the American Ambassador not supposed to represent American citizens? What about those families that have felt the brutality of assassination and where a Federal court has made a finding? We are sending him down to Chile to represent us and he says: "It is my understanding that the U.S. Government is not directly involved."

Mr. President, it just amazes me that this nominee could respond to these questions in this manner, given the past history of this Senate and the interest of the Members of this Senate on issues of human rights and international organizations.

Now, on the issue of the support for international terrorism, we know that the Government in Chile engaged in acts of international terrorism in the United States in carrying out the assassination of Orlando Letelier and Ronni Moffitt, an American citizen in this city.

But there is more. Our own Government has acknowledged in the past that the Chilean Intelligence Service engaged in a joint terrorist arrangement with other like-minded intelligence services in what was called Operation Condor. An FBI cable described one part of that operation as follows:

> A third and most secret phase of "Operation Condor" involves the formation of special teams from member countries who are to travel anywhere in the world to nonmember countries to carry out sanctions up to assassination. . . .

I submitted a written question to Mr. Theberge, asking whether he was aware of "other such international terrorist acts" similar to the Letelier assassination carried out by the Chilean Government. He responded:

> I am aware of allegations that the Chilean Government was responsible for the death of General Pratt and his wife in Buenos Aires in 1974, and for the attack on Bernardo Leighton and his wife in Rome in 1975.

We hear a great deal on this Senate floor about doing something about international terrorism. Over and over we deplore it. After there is some tragedy, speaker after speaker comes here to make his statement. We appoint groups and task forces and international agencies to try to do something about it. In this case we have a government, the same government that is in power in Chile today, actively involved in acts of international terrorism. I do not expect an Ambassador by himself to be able to change another government's policy; but I do expect the man who is going to represent the United States to show some understanding of the problem and show some concern about it.

Mr President, recent letters from William Townley, who is serving a prison sentence for his part in the Letelier killings, were obtained by reporters and made available to the FBI. Those letters refer to Chilean Intelligence Service involvement with Italian terrorist organizations—Italian terrorist organizations like those that recently kidnapped an American general, General Dozier.

And where do we see in Mr. Theberge any recognition or understanding or sensitivity or concern about that?

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the February 23 Washington Post article by Patrick Tyler reporting these letters.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KENNEDY. Mr. President, the letters were sent to Townley's contact person in the Chilean Intelligence Service. They assassinated an American and still are being paid today; their family is. They live in a house, which he does not own but on which they do not pay rent, which is believed to belong to the intelligence service. This shows a continued willingness to pay those who engaged in those acts. In that action alone, the Chilean Government continues to aid and abet international terrorism.

Fourth. The murders in Washington. The Chilean Government refuses to cooperate in the extradition of those indicted by a U.S. grand jury for the murders of Orlando Letelier and Ronni Moffitt. It is ironic that the Government periodically expels from Chile—without any judicial proceeding whatsoever—those whose only crime is to speak out against human rights abuses, which it asserts its inability to extradite the former intelligence officials indicted here for murder.

Most recently, the supreme court in Chile refused to order any further proceedings against the officials, but it reversed a military court decision acquitting them. That decision, hurriedly announced after the enactment by Congress of the certification requirement last year, avoided the absolute termination of all Chilean court proceedings. It has technically kept the case open until 1991—without any further proceedings or any further action likely. The action in no way constitutes a cooperative step by the Government to bring to justice those responsible for the murders of Orlando Letelier and Ronni Moffitt.

The lawyer for one of the intelligence officers has described this verdict more accurately than the administration—he said:

> The judgment in the Letelier case is ended with this temporary dismissal. The highest tribunal did not order new formalities to be transacted, which would indicate that the investigation is totally washed up.

I asked Mr. Theberge about this case:

During Senate debate of the Foreign Assistance Authorization Bill, the following provision was adopted: "It is the sense of the Congress that the Government of Chile should take steps to bring to justice by all legal means available in the United States or Chile those indicted by a U.S. Grand Jury in connection with the murders of Orlando Letelier and Ronni Moffitt."

He said:

I will faithfully represent, to the best of my ability, the views of the American public, Congress and Executive Branch on this issue to the Chilean Government. The "sense of the Congress" language is one very important manifestation of the concern felt by many Americans regarding the Letelier/Moffitt assassinations. So long as there are legal means available, I will urge the Government of Chile to take all appropriate steps.

Mr. President, in a Washington Post article of February 23, 1982, Mr. Barcella, who was the prosecuter in this case, is quoted as saying:

> They (Chilian officials) haven't done spit since the day this thing happened. In fact, they have been dilatory and obstructionist.

That has been the record with the Government of Chile and its involvement in the killing of an American here in the streets of Washington.

And Mr. Theberge can only say: "So long as there are legal means available." In other words, business as usual. That is not my ambassador. Any individual who has that kind of attitude is not going to get my vote.

As this brief examination of recent developments in Chile demonstrates, the situation on human rights in Chile has not improved in recent years. It has continued to deteriorate. The United States must not condone these violations of human rights. Instead, we must encourage the Pinochet government to halt the brutal actions it is taking even now against its own people. We need a policy that offers hope for a return to democracy in Chile and an end to repression.

As I have previously mentioned, I have posed several questions to Mr. Theberge about the situation in Chile today and how he, as the U.S. Ambassador, might use his position to encourage the Government of Chile to take the necessary steps to improve conditions in that country. I found that Mr. Theberge is well aware of the conditions that exist in Chile. But he does not find them significant or of a sufficiently serious nature to require special efforts.

This is an insensitive response to the pervasive atmosphere of Government oppression that now exists in Chile. This insensitivity is enough, by itself, to disqualify Mr. Theberge as our Ambassador to Chile. His nomination is a distressing signal to governments abroad that human rights no longer matter in our foreign policy. It is a signal that the Senate should reject this nomination.

Mr. President, as far as I am concerned, I am prepared to vote at any time.

EXHIBIT 1

DEPARTMENT OF STATE,
Washington, D.C., December 8, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Following Ambassador-Designate Theberge's appearance before the Committee on December 7, the Department received additional questions to be answered for the record from Senators Helms, Kennedy, and Pell. Enclosed are our responses to those questions.

Yours sincerely,
RICHARD FAIRBANKS,
Assistant Secretary for Congressional Relations.

Enclosures.

QUESTIONS FROM SENATOR KENNEDY

Question 1. On October 22, 1981, the Senate adopted an amendment to the Foreign Aid Authorization Bill which established as one of the conditions which must be met in any Presidential certification on aid to Chile "that the Government of Chile is not aiding or abetting international terrorism."

Can you tell the Committee whether you believe that the Government of Chile supported acts of terrorism in the past?

Answer. A US Grand Jury indicted three Chileans in connection with the assasinations of Orlando Letelier and Ronni Moffitt. In order for that to happen there must have been substantial evidence that the three were involved. On the basis of that evidence we requested their extradition. It was denied by the Chilean Supreme Court, primarily on grounds that plea bargained testimony is not admissible as evidence under Chilean jurisprudence. There have been other allegations of terrorist acts committed by the Chilean Government; but in none of these cases has there been trial and conviction. Within our legal tradition men are presumed innocent until found guilty. I cannot give a categorical "yes" or "no" answer to your question.

Question 2. Let me read from a declassified cable from the FBI dated a week after the assassination of Letelier regarding "Operation Condor." This was an organization of cooperating intelligence services in South America. The cable reads: "A third and most secret phase of 'Operation Condor' involves the formation of special teams from member countries who are to travel anywhere in the world to non-member countries to carry out sanctions up to assassination * * *." The cable went on to note, "It is not beyond the realm of possibility that the recent assassination of Orlando Letelier in Washington, D.C. may have been carried out as a third phase action of 'Operation Condor.'" Since then, the U.S. Government and, subsequently, a federal grand jury reached the conclusion that the Chilean Government had ordered the assassination. The former head of the Chilean Intelligence Service and two others were indicted for that murder.

Do you have any information as to whether other such international terrorist acts have been carried out by the Chilean Government?

Answer. I am aware of allegations that the Chilean Government was responsible for the death of General Prat and his wife in Buenos Aires in 1974, and for the attack on Bernando Leighton and his wife in Rome in 1975.

Question 3. If such information concerning additional acts was released, what would be your recommendation as to appropriate U.S. actions?

Answer. The United States Government opposes international terrorism. Our relations with any government which engages in such activities would suffer. Clearly, if such activities occurred in the United States, I would recommend and support all appropriate diplomatic actions that contributed to the effective investigation and prosecution of those responsible.

Question 4. Do you agree that there should be a special concern about Chilean agents who come to the US and who violate US law? Would you take steps to prevent such actions (as the Letelier affair) from being taken in the future?

Answer. I am unalterably opposed to the illegal actions of any foreign agents in the United States. If, while Ambassador to Chile, it should come to my knowledge that agents of the Government of Chile might be engaged in actions contrary to our laws, I would take all measures within my power to prevent such actions.

Question 5. Congressional Affairs Liaison of the FBI confirmed to me today (December 7) that the Bureau is advising government agencies including the FAA, In an unclassified memo, that Townley, who is now serving a sentence in relation to the Letelier assassination, obtained nerve gas while he was in Chile and brought that nerve gas into the United States to use in the assassination had that been necessary. I understand that this nerve gas was also produced by Chile to use against Argentina and Peru in case of war.

Are you aware of this? Can you find out for the Committee whether this is accurate and what steps are being taken to determine whether that nerve gas—I believe it is called "sarin"—has been used elsewhere by Chilean intelligence authorities?

Answer. No, I have no knowledge of this report. I do not know whether I, or any government official, can determine the accuracy of this information. As Ambassador, I would, of course, do my best to comply with all requests and instructions from the Department of State.

Question 6. During Senate debate of the Foreign Assistance Authorization Bill, the following provision was adopted: "It is the sense of the Congress that the Government of Chile should take steps to bring to justice by all legal means available in the United States or Chile those indicted by a US Grand Jury in connection with the murders of Orlando Letelier and Ronni Moffitt."

Answer. I will faithfully represent, to the best of my ability, the views of the American public, Congress and Executive Branch on this issue to the Chilean Government. The "sense of the Congress" language is one very important manifestation of the concern felt by many Americans regarding the Letelier/Moffitt assassinations. So long as there are legal means available, I will urge the government of Chile to take all appropriate steps to ensure that those implicated in the assassinations are tried and, if found guilty, punished.

Question 7. Are you familiar with the Chilean Government's recent action related to this case, and specifically the expulsion of the attorney for the Letelier family just prior to his appeal of a military court acquittal in the passport fraud case of Chilean intelligence officers in the United States stemming from the Letelier assassination?

Will you press the Government of Chile to permit Mr. Jaime Castillo to return to Chile?

Answer. Yes. I believe that Mr. Jaime Castillo's return to Chile has been the subject of discussion between our two governments, and I would expect to take this matter up at the earliest feasible moment.

Question 8. The families of Orlando Letelier and Ronni Moffitt brought civil suits against the Government of Chile. In November 1980, Federal Judge Joyce Hens Green ruled in favor of the families, finding the Government of Chile responsible for the deaths. Judge Green entered a judgement against the Government of Chile for $4.9 million in damages to be paid to Letelier and Moffitt families. The Government of Chile has not paid that judgement.

Are you aware of what steps the US Government has taken to press that this judgement be paid? What are these steps?

Answer. No, I am not aware of what steps the US Government may have taken in this case.

Question 9. Judge Green's opinion states: "Whatever policy options may exist for a foreign country, it has no discretion to perpetuate conduct designed to result in the assassination of an individual or individuals, action that is clearly contrary to the precepts of humanity as recognized in both national and international law."

Do you agree with that view? What will you do to further it in Chile?

Answer. I agree fully with the view expressed by Judge Green. Should circumstances require, I would express clearly and forcefully the position not only of Judge Green, but of the vast majority of the American people.

Question 10. What steps will you tell this Committee that you will take to urge the Government of Chile to pay this final judgment issued by a U.S. Federal Court?

Answer. It is my understanding that this is a civil suit and that the U.S. Government is not directly involved. I do not know what role the U.S. Government can properly carry out. As Ambassador I will be guided by the instructions I receive from the Department of State, and I will carry them out to the best of my ability.

Question 11. What should be the role of an Ambassador in countries where there are serious violations of human rights?

Answer. Human rights are a central aspect of American foreign policy. The role of the American Ambassador, in this regard, is to make sure that host country officials understand the importance of that factor and to report accurately the status of human rights in the country.

Question 12. In response to a question from Senator Percy, you stated your belief that the Administration could provide Congress with the required certification because the Government of Chile is "not systematically and grossly violating human rights." How can you justify such a statement in view of the report just issued by the United Nations (Economic and Social Council) that the Government of Chile continued to refuse to cooperate with the Special Rapporteur and that they had failed to take the concrete measures mentioned in the resolution 21 (XXXVI) of 29 November 1980? I refer to the entire report but would note that in point 10 the Commission on Human Rights "reiterated its indignation at the deterioration of the human rights situation in Chile. . . ."

Answer. Neither the previous nor the present administration formally designated Chile as a country whose government engages in a "consistent pattern of gross violations of internationally recognized human rights." There has been significant improvement in the human rights situation in Chile since 1977. There have been no disappearances since October 1977; there has been no indefinite detention without trial since 1976; most political prisoners were amnestied in 1978. These are important advances. This is not to say that all problems have been resolved. But Chile is by no means unique in that regard. As Ambassador, I will use appropriate diplomatic means to express the support of the American Government and people for the full restoration of all rights and protections that constitute the core of both the American and Chilean political traditions.

EXHIBIT 2

[From the Washington Post, Feb. 23, 1982]

LETTERS SAY CHILE AIDED LETELIER MURDER FIGURE

(By Patrick E. Tyler)

The Chilean government paid legal fees and family support during 1978 and 1979 for Michael V. Townley, the man who was convicted of plotting and helping to carry out the car bombing assassination in Washington of exiled former Chilean diplomat Orlando Letelier, according to private letters Townley wrote from prison to officials in Chile.

Copies of 52 letters, covering the period from June 1978, two months after Townley was turned over to the United States by the Chilean government, to October 1979, were obtained by The Washington Post and authenticated by federal officials.

The letters portray the still-imprisoned Townley as frustrated and despondent over efforts by the Chilean government publicly to disassociate itself from him, and by the slow payment of his bills. At the same time, the letters contain assurances that Townley would conceal additional information concerning Chilean intelligence activities—including contacts with rightist European terrorists—from U.S. prosecutors.

During the Letelier assassination trials, federal prosecutors presented extensive evidence that Townley, an American citizen, was a senior agent in Chile's intelligence service, then known as DINA, and had carried out the September 1976 assassination of Letelier and an associate, Ronni K. Moffitt, under direct DINA orders. The Chilean government, which refused to extradite three senior DINA officials who were indicted in the case based on Townley's testimony, at the time characterized Townley as a low-level functionary in the secret police who never was authorized to assassinate anyone.

Since then, Chile consistently has denied any connection with Townley, including payment of his legal and personal expenses. In September of 1978, for example, Gen. Cesar Mendoza Duran, a member of the Chilean junta, denounced Townley as "an agent of the CIA, the KGB and at the same time an agent of Cuba." Asked yesterday about the information contained in the Townley letters, Juan Prado, a spokesman at the Chilean Embassy, said: "This is another lie. Every statement Mr. Townley makes about Chile is false."

The letters originally were obtained from an unidentified source by Taylor Branch and Eugene M. Propper, a former assistant U.S. attorney who headed the prosecution team against Townley, and two Cuban exiles, who later were acquitted. Branch and Propper have written a book about the Letelier assassination due to be published in April. Last September, the authors turned over copies of the letters to the FBI, which has reviewed their contents and discussed them with Townley, who remains at an undisclosed prison serving the remainder of his plea-bargained sentence for conspiring to murder Letelier.

"The one thing you get from the letters is that he [Townley] was anything but low-level," said Lawrence Barcella, the assistant U.S. attorney now in charge of the Letelier investigation. "His knowledge of events and other intelligence operations belies his being a low-level functionary."

Based in part on leads taken from the letters, Branch and Propper assert in their book, titled "Labyrinth" that DINA and Townley were involved with other terrorist activities outside Chile, including an assassination attempt by Italian terrorists against former Chilean vice president Bernardo Leighton, who along with his wife, was critically wounded in Rome on Oct. 6, 1975.

Asked about these and related information contained in the book, Barcella said, "Townley has acknowledged enough of those things that I believe them to be true."

To date, the only publicly released information taken from the letters emerged last December, when federal officials confirmed a DINA plot in which Townley in 1976 smuggled a small quantity of deadly nerve gas into the United States for possible use on Letelier. The vial of nerve gas, disguised as a bottle of Chanel No. 5 perfume, was shipped back to Chile before the Sept. 21 attack on Letelier.

This week, the FBI is expected to turn over copies of the letters, or at least a summary of their contents, to members of Congress who have requested them as part of an investigation into Chile's human rights record. The Reagan administration last year persuaded Congress to lift a ban on U.S. arms sales to Chile, proposed by Sen. Edward M. Kennedy (D-Mass.) and adopted by Congress in 1976. But licensing for all such arms exports was conditioned on administration certification to Congress that the government of Chilean President Gen. Augusto Pinochet has improved its human rights record and has made progress in its own investigation of the Letelier killing.

So far, the administration has made no such certification. But the matter has taken on increased urgency this month to several U.S. arms and aircraft manufacturers that are seeking government licenses to export their wares for display in Chile during an international air show there next month.

David Kemp, the Chilean desk officer at the State Department, said that some firms have made "overtures" to department officials. "Some companies have made it clear they would like to participate, but they are being told that no applications can be approved until the certification is sent forward to the Hill," he said.

Kemp said the existence of the letters had been made known to State Department officials in an unclassified memorandum from the FBI, but he said he would not comment on "how we are considering them."

Based on his own knowledge of the letters from discussions with the FBI, Kennedy said in a statement yesterday that "one of the principal requirements which we in Congress imposed on any new security relationship with Chile was an end to the Pinochet regime's practice of aiding and abetting international terrorism. These letters are further confirmation of the regime's responsibility in this area."

"I believe there is no justification," Kennedy added, "for resuming any form of security relationship with Chile."

Barcella said yesterday that he was not qualified to comment on the current human rights performance of the Chilean military government, which seized power in a 1973 coup against elected leftist president Salvador Allende. "But with respect to progress on the Letelier investigation," Barcella said, "they (Chilean officials) haven't done spit since the day this thing happened. In fact, they have been dilatory and obstructionist."

Barcella said that when he and other prosecutors asked Townley whether DINA officials were paying the bills for his defense, Townley replied, "Don't expect me to answer questions that are going to kill the goose that laid the golden egg."

The bulk of the letters, most of which are typed and all but one of which are in Spanish, are addressed to the man Townley describes as his chief DINA contact, Gustavo Echepare. There is also one undated letter addressed directly to Pinochet and another 1979 letter to Gen. Odlanier Mena, head of the reconstructed Chilean secret police, renamed the National Information Center after the Letelier assassination.

In the letters, Townley laments that payments from his DINA contacts were too irregular and were causing great "insecurity" for his wife, Mariana, who lives in a DINA-owned house in Santiago, Chile, according to federal investigators.

In one Oct. 2, 1979, letter to Mena, Townley pleads: "From the time when this whole matter began, there have been answers to the necessities of my family and my legal defense. But each request has been delayed more than the one before, as if squeezing blood from a stone."

"Right now," the letter continues, "substantial sums are owed to my father and my lawyer's bill has not been paid since June . . . I can't say there hasn't been support, I repeat, there has been. Our necessities have been attended to, but inside all of this, something even more important has been lacking . . . it is . . . the sense that the help that is given to us comes from family and as a protection that will continue until it is no longer required."

Some long passages are devoted to providing Mena with derogatory information about Mena's predecessor, DINA chief Gen. Manuel Contreras, who was removed as the head of intelligence shortly before a federal grand jury in Washington indicted him and two other officials in August 1978 for ordering the Letelier assassination.

"Speaking of current accounts," the letter says, ". . . Mamo [Contreras' nickname] has at least one if not more current accounts open in conjunction with the CIA, accounts that they use to pay the service for work done for the CIA. . . ."

Barcella said that the investigation turned up records that show Contreras siphoned money out of DINA accounts by arranging for wire transfers through a U.S. stock brokerage house in Santiago to New York and then into a personal account he maintained at a Washington, D.C., bank.

Last night a CIA spokesman said the agency would have no comment on Townley's allegation.

When Chilean officials refused to extradite Contreras, then-president Carter imposed a number of sanctions against the government.

Authors Branch and Propper and federal law enforcement authorities assert that the Chilean intelligence service was involved in a much broader campaign of terror against its critics than was revealed during the two Letelier case trials. The two alleged Cuban accomplices in the killing were first convicted, then retried and acquitted last May.

The book says DINA in 1975 had a hit list of expatriate opposition figures and dispatched Townley, one of its top agents, to Italy to arrange for the murder of Chilean Socialist leader Carlos Altamirano. The authors say Townley teamed up with rightist Italian terrorist Alfredo di Stefano, whose code name was Alpha. Finding Altamirano too heavily guarded, Townley and Alpha focused their attention on Leighton.

In a June 29, 1979 letter to his DINA contact, Townley states that during his interrogation by federal authorities and the trial, at which he was the government's chief witness, "My only desire has been at every moment to divulge and give up the minimum possible so that the public is basically satisfied and to withhold everything else."

In an earlier letter in April, Townley expresses the fear that investigators were "going to go very hard with their suspicions about Italy."

Townley also offered his DINA contact a potentially embarrassing bit of information that could link Chile's president directly with the Italian terrorists who directed the attack on Leighton.

"For your information, Pinochet met with Mamo and Alpha in Spain a while ago [after the funeral of Spain's Gen. Francisco Franco]. Alpha could be more embarrassing for Mamo and the government in the long term than maybe even the Cubans."

Barcella said investigators have confirmed that Pinochet attended Franco's funeral, but not the alleged meeting between Pinochet and the Italian terrorist. Franco's funeral was in late November 1975, seven weeks after the attack on Leighton.

Mr. TSONGAS. Mr. President, I fully support the efforts of my colleague from Massachusetts to send the administration and the Chilean Government a clear message that the United States will not accept Chile's continuing disregard for basic human rights. I, too, am deeply concerned that the Reagan administration intends to reverse our policy toward Chile by developing a closer relationship with the Pinochet regime. The nomination of James Theberge as U.S. Ambassador to Chile is a clear symbol of the administration's changing perception of the Chilean regime and I am compelled to vote against his nomination.

The military regime in Chile has a long, well-documented record of deliberate and grievous human rights violations. The U.N. and numerous internationally recognized human rights groups such as Amnesty International and Freedom House have reported that the human rights situation in Chile continues to deteriorate. Among the rising tide of arbitrary detentions in Chile were the arrests of members of the Chilean Human Rights Commission last December.

In its human rights report to the Congress, the State Department further listed a number of human rights violations in Chile. For example, during 1981, at least 68 incidents of torture were reported to human rights organizations and most were allegedly perpetrated by members of the National Information Center (CNI) or civilian police.

Although the last reported disappearances occurred in 1977, about 635 cases from the period 1973-77 remain unresolved. Amnesty International believes this figure is higher. Despite the fact that the Chilean Supreme Court appointed special judges in 1979 to investigate many of these disappearances, the State Department reports that to date no one has been formally indicted. In addition while the Chilean Government has denied holding political prisoners, there are more than 218 persons in the judicial process charged with seditious activity.

Mr. President, the list of incidents involving human rights violations in Chile could go on. It is obvious that the oppressive nature of the Pinochet regime necessitates that our Ambassador to Chile be constantly vigilant and sensitive to the issue of human rights in that beleaguered country. By his testimony during his confirmation hearings, Mr. Theberge failed to convince me that he would be such an Ambassador. His responses to Senator KENNEDY's questions were clearly inadequate and demonstrated a marked insensitivity to the vital issue of human rights. For instance, he stated that "there has been a significant improvement in the human rights situation in Chile since 1977." This statement, however, ignores the significant continuing pattern of human rights abuses in Chile today.

That the administration would nominate Mr. Theberge as Ambassador to Chile is a clear testimony of its failure to show sufficient concern about the human rights violations and oppressive practices of the Pinochet government. Mr. Theberge is an undeniable symbol of this lack of concern and for that reason, I am opposed to his nomination.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PERCY. Mr. President, it is my understanding that there are no further statements to be made on this side. Senator HELMS is managing the nomination. While we await his return to the Chamber, I suggest the absence of a quorum.

The PRESIDING OFFICER. The time to be equally divided?

Mr. PERCY. Yes.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. HELMS. Mr. President, I yield such time as the distinguished Senator from Mississippi may require.

Mr. COCHRAN. I thank the Senator from North Carolina.

Mr. President, I wanted to mention to the Senator that I have personally known the nominee, James Theberge, for a number of years, and our families are close friends. I have the very highest regard for him as a person and a deep respect for his abilities and background.

He has a deep commitment to the ideals and values of our country, and he has a wide knowledge of our Latin American friends.

He has been a student of Latin American and U.S. relations for over two decades.

During the Ford administration he served as American ambassador to Nicaragua. That was a very difficult period. He served there, however, with distinction in this sensitive assignment.

He has written extensively about Latin America. He knows the people well, he knows the culture, and he knows the language. It is my judgment that no one is better qualified than he to serve as our Ambassador to Chile.

I am confident that he will serve the President and the American people extremely well.

Mr. President, I thank the Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum with the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. DANFORTH. Mr. President, James Theberge is well known to me, as well as to other Members of the Senate, for his expertise on U.S. relations with Latin America. We have known each other for 5 years, and I consider him to be extremely well qualified to represent U.S. interests in Chile as our Ambassador.

He has long been considered an expert on Latin American policy issues and served from 1975 to 1977 as U.S. Ambassador to Nicaragua, where he received high marks for his skill and professionalism. He served in the U.S. Embassy in the early 1960's, and was a member of the State Department's Fulbright Commission on scholarly exchange. He has authored and edited nine books on Latin America and Spain, and knows Latin America well, having lived and traveled in many countries in the region. He served as director of Latin American and Iberian studies at the Center for Strategic and International Studies at Georgetown University, just prior to his appointment as Ambassador to Nicaragua. He is fluent in Spanish and has a working knowledge of French, German, Portuguese, and Italian.

I hold James Theberge in the very highest regard as a scholar and diplomat, and I know that he will serve his country with distinction in Chile.●

Mr. HELMS. Mr. President, I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is, Will the Senate advise and consent to the nomination of James Daniel Theberge, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of James Daniel Theberge, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. SCHMITT), the Senator from Wyoming (Mr. SIMPSON), the Senator from Vermont (Mr. STAFFORD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. SIMPSON), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The PRESIDING OFFICER (Mr. ANDREWS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 83, nays 12, as follows:

[Rollcall Vote No. 40 Ex.]

YEAS—83

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Cannon
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
East
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Kassebaum
Kasten
Laxalt
Levin
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Quayle
Randolph
Roth
Rudman
Sarbanes
Sasser
Specter
Stennis
Stevens
Symms
Tower
Warner
Weicker
Williams
Zorinsky

NAYS—12

Byrd, Robert C.
Cranston
Eagleton
Helms
Johnston
Kennedy
Leahy
Long
Metzenbaum
Proxmire
Riegle
Tsongas

NOT VOTING—5

Schmitt
Simpson
Stafford
Thurmond
Wallop

So the nomination was confirmed.

(Later the following occurred:)

Mr. BAKER. Mr. President, as in executive session, I move to reconsider the vote by which the nomination of Mr. Theberge to be our Ambassador to Chile was confirmed.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, is there an order to proceed to the consideration of a resolution?

Mr. MOYNIHAN. Mr. President, may we have order? The majority leader is speaking.

The PRESIDING OFFICER. The Senator is correct. The majority leader is recognized.

Mr. BAKER. Is there an order now for the Senate to proceed to the consideration of an unprinted resolution to be offered by the Senator from Pennsylvania?

The **PRESIDING OFFICER.** Yes.

Mr. **BAKER.** I yield the floor.

Mr. **HEINZ.** Mr. President, would it be in order for me to yield for a unanimous-consent request without losing my right to the floor?

Mr. **MOYNIHAN.** Mr. President, point of order, with great respect, only the Chair can recognize a Senator and not another Senator, is that not the case?

The **PRESIDING OFFICER.** That is correct.

The Senator from Pennsylvania has been recognized, and the Senator from Pennsylvania was asking a question whether it would be in order for him to yield to other Senators for a unanimous-consent request.

IMPOSITION OF MARTIAL LAW IN POLAND AND RELEASE OF LECH WALESA

Mr. **HEINZ.** Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The resolution will be stated by title.

The legislative clerk read as follows:

> A resolution (S. Res. 330) on the imposition of martial law on Poland and the release of Lech Walesa.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The resolution is submitted by Mr. Heinz, for himself, Mr. Hatfield, Mr. Domenici, Mr. East, Mr. Moynihan, Mr. D'Amato, Mr. Riegle, Mr. Sarbanes, Mr. Williams, Mr. Murkowski, Mr. Hayakawa, Mr. Roth, Mr. Inouye, Mr. Levin, Mr. Kennedy, Mr. Garn, Mr. Grassley, Mr. Dodd, Mr. Boschwitz, Mr. Bradley, Mr. Mattingly, Mr. Cohen, Mr. Hollings, Mr. Mitchell, and Mr. Robert C. Byrd.

Mr. **HEINZ.** Mr. President, on February 24 and 25, the Central Committee of the Communist Party of Poland met for the first time since the imposition of martial law on December 13. Those meetings emphasize the fact that now is an absolutely crucial time in Polish history. It is a critical time for the future development of freedom and democracy in Poland, and, on a more personal level, it is a very critical time for Lech Walesa, the leader of Solidarity and other members of Solidarity.

Last week I think we all read reports in the American press that the Polish Army newspaper had made harsh accusations of criminal-like conduct against Walesa. Clearly the hard-line factions in the Polish Government and the Polish Communist Party are attempting to take full advantage of martial law to restore the repressive government of the past in Poland. The Central Committee meeting emphasized that fact when it issued a resolution threatening Solidarity members with severe punishment and promising to maintain strict social controls.

At this critical point it is vital that the Senate express itself on this matter and in doing so seek to discourage this faction and promote the restoration of the democratic reforms that Solidarity has worked so hard to achieve.

That is why I am proposing this resolution, which is cosponsored by a large number of Senators. This resolution will not by itself totally turn the tide. But it will be an important element of our overall policy, and I think if it is passed, as I expect it to be, it will put the world's greatest deliberative body, the U.S. Senate, clearly on record in support of the people of Poland and the Reagan administration's efforts on their behalf.

This resolution expresses the grave concern of the Senate over the continuation of martial law in Poland and the illegal incarceration of Lech Walesa and other Solidarity members, and it calls for their immediate release and the inclusion of Lech Walesa and other Solidarity members in any discussions and negotiations with respect to the future of independence and democracy in Poland.

I believe it is imperative that we keep the pressure on the Polish Government. We have to keep the pressure on for the restoration of freedom in Poland and for the release of imprisoned Solidarity members. The current meeting of the Central Committee to which I referred a moment ago gives us an excellent chance to send that message in clear and unmistakable language at a critical juncture in Polish history.

I might add that only last week the Banking Committee, of which I am a member, addressed the dilemma of the Polish debt. That particular crisis presents us with an opportunity to reaffirm our own system. It presents many challenges. And in doing so it provides an opportunity to use leverage, and I believe that the question is not whether or not we should use leverage. I believe the only real question is how to use it.

The problem is complex; the hope for freedom and economic recovery for the people of Poland is clouded by the threat of continued repression and deprivation; the possibility of effective Western action is threatened by the possibility of allied disarray.

The iron fist of Soviet domination has gripped all of Eastern Europe since the end of the Second World War and the Soviets have acted ruthlessly to maintain their hold. Soviet tanks rolled in and crushed the Hungarian revolt, and this same turn of events surfaced again in 1968 during the crisis in Czechoslovakia. Now we are confronted with Soviet-inspired martial law in Poland, and while the Soviets have not entered directly into Polish internal affairs, that possibility could swiftly become a reality.

Lest anyone doubt exactly what is going on in Poland, I shall quote to my colleagues a very penetrating observation that Susan Sontag made recently regarding the situation in Poland:

> Indeed future fascist coups d'etat will certainly imitate the Polish coup. No one had ever thought of turning off the phones for an indifinite period. No one had ever thought of a permanent curfew. No one had ever thought of forbidding the sale of gasoline for private cars. Banning all public meetings. Stopping the sale of rucksacks and of writing paper. Draconian measures that are not for 48 hours but simply a new way of life.

That is what we are going on record against, in this case with some specificity.

The question, I believe, is not whether the West should use its leverage to influence affairs in Poland and the broader course of East-West relations; the question is how. It is our responsibility to search for options that will provide us with the leverage we need to affect the course of future policy within Poland, to aid the cause of Lech Walesa and Solidarity, and to restore unity in the Western alliance.

With regard to Lech Walesa and Solidarity whose cause we seek to aid, I say that during the past 2 years Mr. Walesa, as the leader of the Solidarity movement, and other trade union movement heads have risked their lives in an effort to promote democratic reforms in Poland. They have challenged the Polish Government on a number of issues including the right to strike and recognition of trade union movements and they—at least until last year—won major concessions. I feel that it is our responsibility to make every effort to assure that these concessions are preserved and that Lech Walesa and Solidarity are free to continue their work.

If this resolution will in any way serve to discourage such a possibility of criminal action against Walesa, it will have more than served its purpose. But it will also put us clearly on record once again expressing the Senate's hope that the democratic reforms for which Solidarity has worked so hard will not be lost to history but will become a permanent part of the Polish political system.

Mr. President, in closing, I bring to my colleagues' attention a resolution that was adopted by the Polish-American Congress, Eastern Pennsylvania District, which is part of the Polish National Alliance of the United States in North America. The resolution expresses the Polish-American Congress views regarding the crisis in Poland

and other matters affecting Poles in the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of this resolution.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

(Adopted by the Annual Meeting of the Polish-American Congress, Eastern Pennsylvania District, January 31, 1982, Philadelphia, Pennsylvania)

1. Representing 250,000 persons of Polish Lineage, we are gravely concerned for the Polish Nation and the plight of the Polish people in their heroic struggle for economic, social, and ideological justice under godless governments that have inflicted martial law on the masses already suffering starvation and repression from the Communist system.

2. We condemn the Soviet Union for instigating, its puppet Polish Military Communist Regime for instituting, and Polish Communist Parliament for legalizing "a state of war" against the oppressed people of Poland.

The deceit and cruelty of martial law by the Communist regime of Poland, acting as surrogates of the Soviet Union, and the deployment of Polish-speaking Russian troops, dressed in Polish Army uniforms dispersed among Polish troops constitute an invasion by proxy by Russia's godless pillagers—an "internal" invasion of convenience to "remedy" the failure of Communism in Poland and other Soviet Bloc nations.

3. Soviet intentions of world domination have been progressively bolder in the past four decades. Soviet agents murdered 20,000 captive Polish officers and intellectuals in the Katyn Forest, a crime which has been conveniently forgotten. The seed for the planned world conquest was planted at the Yalta and Postdam Conferences. It was during this time that Poland and other Eastern European nations were "surrendered" to the Stalinist Russian yoke of tyranny. The Soviets and Polish Communists pledged at that time that there would be free elections—to give the people an opportunity to choose. This never happened. It is a sad commentary, but true that the United States and Great Britain must bear the guilt for their senseless act.

It should be noted that during these 38 years of Communist domination there have been other riots in Poland for food, protesting higher prices and other injustices. Russian tanks crushed the revolt of Hungarian patriots in 1956 and Czechoslovakia in 1968. In 1980, the Soviet Union invaded Afghanistan and has engaged in genocidal chemical and gas warfare.

In May 1981, His Holiness Pope John Paul II (Karol Wojtyla) was shot by an assassin. We are inclined to give full credibility to Italian authorities' theory that this was an act of planned international terrorist conspiracy. The theory concludes that the assassination of the Holy Father, at a time when Stefan Cardinal Wyszynski lay near death, would eliminate Poland's vital spiritual leadership and weaken the Solidarity movement toward collapse, setting the stage for resurgence of a strong Communist Government and reducing the need of Soviet involvement or military action.

We rejoice that His Holiness has recovered from his ordeal, and vigorously support His continuance of spiritual leadership in the worldwide struggle for human rights and peace.

4. We commend and fully support the Solidarity, its courageous leader Lech Walesa and its ideals; and we renew our commitment to the goals it espouses. We pray for his and other Solidarity members safety. The Solidarity movement is a miraculous accomplishment that has caught the imagination of the world. Ironically, martial law has strengthened the Solidarity and magnified its meaning. It is more than a Polish involvement. It is a worldwide movement.

We are very grateful to the people of Southeastern Pennsylvania and New Jersey and other communities for their sympathy and support of the Polish people and Solidarity through financial and food contributions. We appreciate the participation of Federal, State and local government officials and labor unions in related events sponsored by the Polish American Congress Eastern Pennsylvania District.

5. We appeal to all freedom loving people for continued support of the people of Poland by contributing to the Polish Fund of the Polish American Congress.

6. Mindful of and protesting the suffering inflicted by martial law, we are seriously concerned about the welfare and health of Lech Walesa and the thousands of Solidarity members and other Polish citizens who have been interned in "concentration type" prison camps without proper heat and clothing or sanitary facilities. Solidarity is an idea of hope and faith and, in unity, a search for human dignity of working people. People are being unjustly imprisoned, but their desire for self worth and well-being, the yearning for freedom in a just society will continue to flourish freely.

7. We accept and support the United States Government sanctions against the Polish military regime and the Soviet Union as very necessary measures and understand that President Reagan has commendably encouraged assistance to the Polish people through private channels. We urge that the Federal Government take stronger measures against the Soviet Union and the Polish Government if the crisis in Poland worsens in repression of the Polish people. However, simultaneously, we respectfully encourage President Reagan to provide relief to Poland's ailing economy at an appropriate time, when it is deemed in the best interest of the suffering people of Poland.

8. We deeply mourn the death of Stefan Cardinal Wyszynski, Primate of Poland, who was the champion of human rights for the people of Poland; and welcome his successor, His Excellency Archbishop Joseph Glemp with affectionate affirmation of support to continue the pastoral and social work of Cardinal Wyszynski.

9. His Eminence John Cardinal Krol, Archbishop of Philadelphia, and Aloysius A. Mazewski, National President of the Polish American Congress, have been devotedly involved in arranging aid to the Polish people on a world-wide scale. We appreciate and commend their dedicated leadership, which has brought global focus on Polish American concern for the long-suffering people of Poland.

10. The Federal Government-sponsored show "Let Poland Be Poland" will be aired world wide on January 31. We urge television networks in the Delaware Valley to air this one hour production. It would be a well-justified public service.

11. Recognizing the changes that are taking place in the structure of our Polish American society, where new generations of native born Americans of Polish Ancestry are entering upon the stage of life, we wholeheartedly advocate:

a. An expansion of educational aid to our younger generations.

b. Full and consistent support of their aspirations, goals and pursuits in all walks of life, in politics, in business, in scientific aspirations and other endeavors.

12. Demographic statistics project that there will be more senior citizen Polish Americans in the next two-decades. We urge compassion and consideration to their needs and well being, and support their aspirations and pursuits in various endeavors.

13. Bearing in mind the importance played by Poles and Americans of Polish descent in the struggle for American Independence and also their vast and lasting contributions to the present greatness of Philadelphia, Pennsylvania, and other communities and causes throughout America, we urge that Americans of Polish descent be given, well deserved, greater representation in Federal, State and local governments.

Long Live His Holiness Pope John Paul II.
Long Live A Truly Free Poland.
Long Live the United States of America.
Long Live Solidarity and Lech Walesa.

Mr. HEINZ. Mr. President, I am happy to yield to my friend and colleague from New York.

Mr. MOYNIHAN. Mr. President, I rise as a cosponsor of the resolution the Senator from Pennsylvania has introduced. I thank him for the opportunity to join him in it.

I would make but two observations in the aftermath of his own eloquent statement. First, Mr. President, several weeks ago on the floor of this body, the U.S. Senate had the opportunity actually to do something about the imposition of military rule in Poland and the scattering of forces of Solidarity by following our own laws and declaring in default the loans, which, having been guaranteed by the Commodity Credit Corporation, the lenders applied for restitution. It was the fixed practice of the CCC to require in that event the normal commercial procedure of a declaration of default. In the dark of the night, I fear it was determined in the White House that this would not happen. And when the resolution that the Senator from Wisconsin—who I am happy to see in the Chamber, my learned and distinguished friend—and I introduced, the forces of the Department of State were brought to bear, the matter was put over, and in the end, to what I think will not be our credit years hence, we, by a somewhat more or less narrow margin, declined to do what we, in any event, felt ought to have been done. Even so, that option remains and we have before us this resolution which I can imagine the whole of the Senate would wish to support.

I wish it recorded for the record and to be heard in the Eastern capitals that this resolution declares that the detention of Lech Walesa is a clear violation of the Helsinki accords final acts.

Mr. President, if the Government of Poland has violated that act in the clearest collusion under the direction of the Government of the Soviet Union, it remains an option of the United States of America and the other signatories in Western Europe and Canada to declare that our own endorsement and signature to the Helsinki accords can be suspended. It having been unilaterally abrogated by the Eastern bloc, the case overwhelmingly could be made that it no longer binds the democratic nations. Surely the Soviets would want to take note of the judgment of the Senate in this matter.

I would like, unless there is a different view, it recorded that this resolution declares that the United States has grounds for disassociating itself from the Helsinki accords.

I thank the distinguished Senator from Pennsylvania for this opportunity to join him in this matter.

Mr. HEINZ. Mr. President, I thank the distinguished Senator from New York for his eloquent words, his pertinent suggestions, and for his excellent record on this issue. I refer, in particular, to the amendment that he and the Senator from Wisconsin introduced only last week.

I yield to the Senator from Wisconsin.

Mr. KASTEN. I thank the Senator from Pennsylvania. I congratulate the Senator on this resolution which I am confident will pass with a very solid majority.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. KASTEN. Yes.

Mr. HEINZ. Mr. President, I think we better get the yeas and nays. I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HEINZ. I apologize to the Senator for interrupting.

Mr. KASTEN. Mr. President, it is my hope that this resolution is just the beginning of a commitment that we in the U.S. Senate make to continue to put pressure on the Soviet proxies who are now in charge in Poland, and on the Soviet Union itself. Today I introduced a bill which would prohibit the Treasury or other Government corporations, such as the Commodity Credit Corporation, from paying on loan guarantees or agreements unless the borrowing country has officially been declared in default.

I thank the Senator from New York for his kind words. He and I introduced a Polish debt amendment on the Commodity Credit Corporation emergency supplemental appropriation bill and came within nine votes of acknowledging Polish default on loans from the West. My bill would address the Polish debt problem, but it would also include Romania and other countries if, in fact, this begins to be a continuing problem.

So I rise in support of this resolution of which I am proud to be a cosponsor, but I hope we can go further.

This morning, as chairman of the Foreign Operations Appropriations Subcommittee, we held hearings. This was one of a series of hearings we are having on the subject of the Polish debt. This morning, among our witnesses was a member of Solidarity who, on the day of the crackdown, happened to be in New York City. His name was on the list of those to be arrested. He is now a visiting lecturer at Yale University. We were proud to have him come down and speak to us.

His position was that we must continue to keep the pressure on the Soviet proxies who are now in charge in Poland and on the Soviet Union. It is up to Congress to expose the folly of the current situation, where we seem to be barking louder and louder but our bite grows softer and softer.

Also at our hearing today we had the head of the Polish-American Congress. He spoke out on the same point. I am pleased that the Senator has included a resolution passed by the Polish-American Congress as part of the RECORD today.

I enthusiastically support the efforts of the Senator from Pennsylvania.

But I want to say, as chairman of the Foreign Operations Subcommittee of the Appropriations Committee, that I intend to continue hearings on the issue of Soviet bloc debt and, if necessary, to force a vote on default once again. This issue is of critical importance to our credibility abroad, our credibility both with our allies and with our adversaries.

I thank the Senator for yielding.

Mr. HEINZ. Mr. President, I not only thank the Senator from Wisconsin for his words but recognize in particular his leadership and great initiative in pursuing the issue of default, not just by Poland but by other Eastern bloc countries. I deeply appreciate his support for this resolution and everything he is doing to try to make sure that those freedoms that we take for granted here in this country do not disappear in the rest of the world.

Mr. PERCY. Will the Senator yield for a question?

Mr. HEINZ. I am happy to yield to my friend and colleague from Illinois.

Mr. PERCY. Mr. President, one of the whereas clauses that I was interested in indicates that:

> No useful and reliable information has been made available by the Polish Government regarding the whereabouts or the condition of Lech Walesa.

Is there information that we do have about the well-being, the condition of Mr. Walesa, who is engaged in obviously nothing but political activities aimed to benefit and improve the rights of workers in a society presumably devoted to the well-being of workers? Has there been any authentic information made available to the world as to his whereabouts, exactly where he is, why he has been detained, what the charges are against him, and why he is not able to engage in a practice that you would think a government taking into account the well-being of workers and a recognized spokesman who, overnight, has built an organization of millions of people. certainly that voice should be heard from. Where is he?

Mr. HEINZ. Mr. President, I think the point that the Senator is making is entirely correct. To answer the Senator, to the best of my knowledge, there are only the pronouncements of the Government, the martial law Government in Poland, that Lech Walesa is alive. They say he is well. But there is no independent corroborative information from anybody that I would have any confidence in.

At this moment, about the only information we have is that Lech Walesa sent a message out with a priest saying that any report that he had signed anything was false, and no one knows what the situation is beyond that. The fact is we have no good information, no reliable information of any kind, that this Senator is aware of. The Polish Government is stonewalling it. Hopefully, we can break down that wall with steps such as the one we are taking today.

Mr. PERCY. I commend my distinguished colleague for his resolution, which I am proud to cosponsor. Let us hope that we do have some word where Walesa is so that he can continue to carry on work which is embraced in the framework of the Helsinki accord, to which the Soviet Union has become a solemn signator.

If that commitment has been made, why not let us fulfill it? It can be done, certainly, through this one person who is a symbol that people do have and should have a right to speak out for their willingness and their desire to further the interests of the working people of Poland.

Mr. HEINZ. I thank the Senator. I think he is entirely right. I would only emphasize that this resolution refers not only to Lech Walesa, but to all others who are detained for political acts, and calls for their release from detention forthwith.

Mr. ROBERT C. BYRD. Mr. President, I want to commend the senior Senator from Pennsylvania, Mr. HEINZ, for offering this resolution calling for the release of Lech Walesa and other political leaders in Poland. I welcome this opportunity to join with him in sponsoring this resolution.

What is happening in Poland today epitomizes the hyprocrisy of Soviet-bloc totalitarianism. On April 9, 1981, I delivered a speech before this body stating that the ongoing crisis in Poland presented the international community with a classic example of the contradictions between the theory and actual practice of communism.

The Bolshevik Revolution of 1917 was premised on the theory that the peasants and workers—the proletariat—had historically represented the exploited and oppressed classes of the world. Communist ideology promoted the idea of a completely classless society, wherein the exploitation and oppression of the proletariat would cease.

Solidarity began as a small, almost obscure, union in the shipyards of Gdansk. It grew to encompass 10 million industrial workers from the coal miners of Silesia to the factory workers in the major cities, and spread to the rural areas to encompass the peasant farmers.

Why was Solidarity so successful in such a short period of time? The answer is simple. The Communist Party elite in Poland, as elsewhere in the Eastern bloc, is a symbol of corruption and privilege in a supposedly classless society. This position of privilege was built upon the backs of those very people—the peasants and workers—who were in the vanguard and who were the supposed beneficiaries of the Russian revolution of 1917.

Solidarity has, therefore, become the most glaring example of the continuing exploitation of the proletariat in the Eastern bloc for the past 65 years. Far from evolving into the dictatorship of the proletariat or into classless societies, we have witnessed the emergence and perpetuation of a new elite—a Communist bourgeoisie who enjoy a standard of living far beyond the reach or dreams of the proletariat in their countries.

Solidarity challenged this system of corruption and oppression. Solidarity has come to represent the failure of communism. Solidarity was more than just an independent trade union. It represented a union of workers who realized that the Communist system had not met and would never meet their basic needs. It did not deliver food to their tables, meaning to their jobs, happiness to their lives, or hope for their futures. In essence, the Polish people, through Solidarity, were trying to establish a system which worked for them.

What this resolution actually says is that the proletariat in Poland deserve to participate in the political and economic decisionmaking processes of their government. That they are denied this opportunity only exposes the Communist system for what it really is—an oppressive and corrupt minority who fear the masses of their own people.

Passage of this resolution will send a strong signal to the martial law leaders in Poland and the Soviet leaders that the U.S. Senate sees this crack down for what it really is—the continued exploitation of the workers and peasants of the Easten bloc.

Mr. PERCY. Mr. President, I join my colleague Senator HEINZ in this resolution as a cosponsor and strong supporter.

I particularly wish to underscore the next to last whereas clause of the resolution: "Whereas no useful and reliable information has been made available by the Polish Government regarding the whereabouts or condition of Lech Walesa."

Two and a half months have indeed passed since the imposition of martial law in Poland without authoritative news of Walesa and the other detainees.

It is high time that we call on their behalf for the release of Lech Walesa and others detained in Poland for political reasons, and that Walesa and other detained Solidarity leaders be allowed to participate freely in negotiations on the future of Solidarity and Poland.

LECH WALESA MUST BE RELEASED

Mr. KENNEDY. Mr. President, I am pleased to cosponsor this resolution calling for the release of Lech Walesa and other members of the Solidarity trade union movement who have been detained since the imposition of martial law in Poland on December 13.

It has been almost 3 months since the people of Poland have heard from Lech Walesa, and his detention becomes more ominous each day. The crackdown and subsequent roundup of political opponents by the Jaruzelski military regime has destroyed any trust that the Polish people had for their Government. Despite efforts by the regime to crush Solidarity, indications are that popular discontent is spreading. Recent reports indicate that the Polish militia arrested over 4,000 Poles who violated the martial law decree.

By holding Lech Walesa and continuing its policy of repression, the Jaruzelski regime is feeding popular discontent and further enlarging the rift between worker and Government that threatens to fracture this troubled nation. What Poland needs more than ever is the return to voluntary political accommodation, economic reform, and the democratic process, and the only way this can be achieved is by the release of Lech Walesa.

Mr. President, the achievements of Solidarity brought new hope to the Polish nation and to all who care about the cause of Polish freedom. I call upon my colleagues to support this resolution presently before the Senate, and through this resolution, to help gain the release of the men and women who have done so much in the past to assure Polish freedom, and who are the only ones who can now save Poland from tragedy.

Mr. HEINZ. Mr. President, if there are no other requests to speak, I am prepared to vote.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New Mexico (Mr. SCHMITT), the Senator from Wyoming (Mr. SIMPSON), the Senator from Vermont (Mr. STAFFORD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Wyoming (Mr. WALLOP), are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. SIMPSON), the Senator from South Carolina (Mr. THURMOND), and the Senator from Wyoming (Mr. WALLOP), would each vote "yea."

The PRESIDING OFFICER (Mr. HATCH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—94

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Specter
Stennis
Stevens
Symms
Tower
Tsongas
Warner
Weicker
Williams
Zorinsky

NOT VOTING—6

Goldwater
Schmitt
Simpson
Stafford
Thurmond
Wallop

So the resolution (S. Res. 330) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 330

Whereas, the American people sympathize deeply with the struggle of the Polish people to create indigenous democratic institutions including independent trade unions which reflect their own history and values;

Whereas, the American people and the citizens of Poland have traditionally shared a close and lasting bond that has been strengthened by the establishment of the independent Solidarity trade union movement;

Whereas, Lech Walesa the leader of the Solidarity movement, has been recognized both within Poland, and throughout the rest of the world, as the single most important and influential leader of the Polish workers, and of all those who seek democratic reform in Poland;

Whereas, Solidarity represents an independent trade union that is supported by the overwhelming majority of the people and is trying to form a mutually beneficial relationship between government and workers;

Whereas, Poland is a signatory to the Helsinki Final Act of 1975 which obligates the signatories to respect and maintain conditions of freedom and diversity within their respective countries;

Whereas, approximately two months have passed since the imposition of martial law in Poland which has resulted in the incarceration of thousands, including Solidarity leader Lech Walesa;

Whereas, no useful and reliable information has been made available by the Polish government regarding the whereabouts or condition of Lech Walesa; and

Whereas, the continuing detention of Lech Walesa is a clear violation of the Helsinki Final Act, to wit, that participating States will respect human rights and fundamental freedoms: Therefore, be it

Resolved That it is the sense of the Senate that:

Lech Walesa as well as others detained for political acts be released from detention forthwith;

Lech Walesa and other Solidarity members be permitted to participate in ongoing discussions and negotiations concerning the future of Solidarity, as well as the future of democratic reform in Poland;

Lech Walesa and other Solidarity members be permitted to comment on the situation in Poland, and allowed to travel freely both within Poland and abroad.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STANDBY PETROLEUM ALLOCATION ACT OF 1982—CONFERENCE REPORT

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate a conference report on S. 1503.

Mr. McCLURE. Mr. President, I submit a report of the committee of conference on S. 1503 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HATCH). The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1503) to authorize the President to allocate supplies of crude oil, residual fuel oil, and refined petroleum products during a severe petroleum supply shortage, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of February 22, 1982.)

Mr. BAKER. Mr. President, is there a time limitation on debate on this measure?

The PRESIDING OFFICER. The majority leader is correct. There is 1 hour equally divided and controlled by the chairman of the committee and the ranking minority member; 1 hour allotted to Senator BRADLEY, and 30 minutes allotted to Senator NICKLES.

The yeas and nays have been ordered.

Mr. BAKER. I very much hope this matter can be disposed of and to have final passage of the conference report before the Senate recesses today.

Based on the unanimous-consent request the Chair has just repeated, it may put us just a little past the usual recess hour of 6 o'clock. I would expect not much. If Senators do not use all of the time that is provided for in the agreement, it is still possible that we can finish this matter and recess the Senate at approximately 6 p.m., which would be my hope.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. I yield myself 5 minutes.

Mr. President, today the Senate will consider the conference report on S. 1503, the Standby Petroleum Allocation Act of 1982. This act provides the President basic authority to allocate petroleum supplies temporarily in the event of a severe petroleum supply shortage. It also requires the President to devise a standby Federal allocation program to insure that the United States is fully prepared to respond effectively to a serious petroleum supply shortage. As my colleagues will remember, S. 1503 passed the Senate on October 29, 1981, by a vote of 85 to 7. The House passed a similar bill by a substantial majority on December 14, 1981.

Two weeks ago the conference agreement on these bills was completed. In my opinion, the conference agreement reconciles the differences between the Senate and House bills in a very satisfactory manner. A careful reading of the conference report shows that it incorporates in large part the Senate bill as passed. The conference report received the unanimous approval of the Senate conferees and deserves the overwhelming endorsement of this body.

Since the Emergency Petroleum Allocation Act expired on September 30, 1981, the President has been without basic general authority to allocate petroleum supplies in the event of a severe petroleum shortage. The massive bipartisan support that S. 1503 has received reflects the general recognition that the President should have such authority and should conduct effective contingency planning for oil emergencies. Prior to explaining the major provisions of the conference agreement, I think it would be worthwhile to review briefly the principal reasons that this legislation is so essential.

Last summer, in view of the impending expiration of the EPAA, the Senate Committee on Energy and Natural Resources held hearings on what the role of the Federal Government should be during severe disruptions in petroleum markets and what type, if any, new legislation would be necessary for the Government to fulfill that role. During 2 days of oversight hearings and 2 days of legislative hearings, the committee received testimony on these issues from witnesses representing a broad spectrum of interests.

The witnesses before the committee universally agreed that an unregulated market should establish price and allocate supply to the maximum extent feasible. A few witnesses—notably the administration's and the energy analysts—argued that the history of Federal intervention in the petroleum marketplace since 1973 demonstrates that such intervention should never be permitted to recur.

However, the overwhelming majority of the witnesses expressed the view that the free market would not function adequately in allocating supplies in certain circumstances during a severe petroleum-supply shortage, and that rural areas, in particular, might be disadvantaged.

Although views differed as to the priority that should be given to allocation controls and the appropriate point at which such controls should be imposed, it was the firm consensus of all segments of the petroleum industry that the President should have the authority to intervene in the marketplace when warranted by the severity of the shortage.

Testimony that reviewed the body of authority surviving the EPAA unanimously concluded that general clear authority to impose allocation and price controls would not exist after the EPAA expired.

However, witnesses expressed virtually no support for extending the EPAA. Instead, the consensus was that new legislation should be enacted which would avoid the excesses of the EPAA yet provide the President with allocation authority that is sufficiently broad and flexible to tailor a Federal response to the scope, impact, and duration of a petroleum supply disruption. S. 1503 was the product of that consensus.

S. 1503 embodies a compromise. The compromise is an attempt to reconcile the views of those who believe that Government intervention in the market is always counterproductive with those who believe that such intervention may be essential during a severe petroleum supply shortage.

Our past experience with petroleum disruptions indicates that the public would not have confidence in the ability of the marketplace to allocate supplies adequately. Should a severe disruption occur, the marketplace may not respond quickly enough to maintain adequate supplies for certain critical needs.

In particular circumstances, Federal allocation may be essential as the only means of preventing or limiting widespread economic hardship or damage. For example, were there no Federal allocation program and a shortage occurred during peak planting or harvesting periods, it might be necessary to reduce or defer agricultural operations in certain areas until adequate supplies become available.

A severe shortage could thus cause essential farming operations to be curtailed or even terminated.

Moreover, our past experience with petroleum disruptions indicates that significant numbers of consumers heavily dependent on petroleum might begin hoarding supplies, anticipating that some areas of the country might bid away supplies from other areas or that price increases would render petroleum products unaffordable.

During any nationwide shortage, hoarding would pose a serious problem because it creates an artificial demand at the very time that demand must be restrained, thus aggravating the supply shortage and accelerating price increases.

The need to assure the public, particularly during the early stages of a supply disruption, that petroleum products would be available in their area is a compelling reason for authorizing a Federal standby allocation program that could be activated if necessary.

A major petroleum supply disruption is a national problem that demands a coordinated national response. Only the Federal Government can organize such a response. If the Federal Government does not provide that coordination, State and local government might feel compelled to act unilaterally to deal with a shortage.

The possibility for such uncoordinated actions already exists. Unless the Federal Government asserts control, the multiplicity of often conflicting State and local laws already on the books could disrupt commerce and exacerbate the impact of a shortage on the Nation as a whole.

The conference report on S. 1503 reflects these considerations. Its purposes are to grant the President limited and temporary authority to allocate crude oil and petroleum products, in his discretion, in the event of a severe petroleum supply shortage, and to minimize the adverse impacts of such a shortage on the American people and the domestic economy.

The President's determination of a severe petroleum supply shortage is not restricted to conditions which are national in scope but may also be made on the basis of circumstances in a specific region, which may include one or more States or political subdivisions thereof.

The conference agreement stressed the breadth of discretion and range of options available to the President in allocating petroleum. In this regard, the statement of manager stated:

> The authority delegated to the President under this Act is intended to provide the President with maximum flexibility to implement an allocation program which is consistent with the provisions of this Act and, in his judgment, is best suited to the particular shortage at hand. Thus, subject to the provisions of this Act, the President, in his discretion, may, for example, choose to limit allocations to a single category of petroleum product, to certain classes of end-users, or to allocations of crude oil among refiners, and may choose to implement the program throughout the United States or in any region of the United States.

The conferees adopted the Senate provision stating that nothing in this act shall be construed to require that any action taken under this act be taken in a manner which would have been required under the EPAA.

As the statement of managers notes:

> The President's allocation authority under this Act is discretionary, not mandatory as it was under the EPAA. The fundamental concept behind the conference agreement is recognition that the nature and scope of a severe petroleum supply shortage is inherently unpredictable, and therefore, the President needs the capability and flexibility to tailor his response to the particular circumstances facing him. The basic philosophy behind this Act is broad flexibility and minimum government involvement in the marketplace.

The conference report provides that, upon enactment of the Federal law, any provision of a State law or regulation would be superseded to the extent that such law or regulation provides for allocation or pricing of petroleum products.

This provision reflects the general policy that the decision as to when and to what extent to replace market mechanisms with mandatory price and allocation program in the petroleum industry is a Federal decision, and State laws that would usurp this Federal role should be preempted.

However, the President would be authorized to prescribe by rule certain classes or categories of exceptions to this preemption. As the Statement of Managers states:

> In determining whether a particular State law or regulation is encompassed by the terms "pricing" or "allocation," and is thereby preempted, it will be necessary to consider both the purpose and actual effect of the State law or regulation as well as the purposes of the preempting Federal legislation. Another consideration is whether a State law would significantly impede the operation of the Federal allocation program if implemented. Although certain laws will not be preempted upon enactment of the Act, some of those laws ultimately may actually conflict with implementation of the Federal program during a severe petroleum supply shortage. In that event the conferees anticipate that such conflicts will be resolved by the courts in favor of the Federal requirements superseding those of the States.

The conferees agreed to require the President to promulgate a regulation on a standby basis within 180 days of enactment subject to a layover before the Senate and House of 30 calendar days. In promulgating the regulation, the President is required to provide an opportunity for public hearings in various regions of the United States and for participation by executive departments of the Federal Government in the formulation of the standby regulation and in the hearings.

The conference report uses the Senate term "severe petroleum supply shortage" to describe the trigger for the Federal program, because a severe petroleum supply shortage could arise in a variety of ways, many of which may be unpredictable. The term has been defined with flexibility rather than specificity. The definition provides the President with broad discretion to seek the imposition of allocation controls when, in his judgment, a petroleum supply shortage is sufficiently severe to meet the general criteria specified in the definition, and may not be reasonably manageable by reliance on free market pricing and allocation or under other available authorities.

The conference agreement requires a crude-sharing program to be included in the standby regulation. In the event of a severe petroleum supply shortage, the President, at his option, could use this program to require limited sales of crude oil among refiners. As explained in the Statement of Managers:

> For example, in accordance with this section, the President, if he deems it appropriate, could choose to allocate crude only between two refiners in the implementation of the crude-sharing program. Use of the crude-sharing program as an intermediate step might provide the President with an effective means for coping with a petroleum shortage with a minimum of government intervention, and, in particular, without the necessity of resorting to the general price and allocation authority under this Act.

The conference report incorporates the Senate provision to make clear that the standby regulation may include limitations on the price of allocated supplies only to the extent that the President finds that such limitations are necessary to insure effective implementation of the regulation.

The conferees agreed to a new provision on State set-asides that reflects certain elements of the House and Senate versions. The provision preempts State set-aside programs as of the date of enactment of this act; however the President may in his discretion and upon request from a State Governor in an emergency situation, affirmatively exempt certain programs from preemption provided that the programs meet certain specified criteria.

However, if a Federal program for residual fuel oil or a refined petroleum product is implemented in a State, the Federal State set-aside program for that State would replace the State program.

The conferees also adopted a modified version of the House provision which creates a statutory right of protection from regulation for certain inventories of petroleum products held by consumers. Under the conference agreement, protected inventories are those that are owned and in the direct possession of a consumer on the day before the date the President determines a severe petroleum supply shortage exists.

In addition, the inventory must be for such consumers' own end-use consumption and not thereafter sold or exchanged by the consumer. The amount of protected inventory cannot exceed the amount of inventory held by and in the custody of that consumer on the 30th day prior to the date of the President's determination.

Inventories owned by a consumer and in the direct possession of the consumer, such as on the consumer's site, are categorically protected by this provision. In addition, the President may in his discretion provide a statutory protection to any other inventory owned by a consumer.

The intent of this provision is to provide an incentive for the build-up of privately held inventories. The conferees intended that the inventory protection would cover inventories held by a consumer in accordance with his normal business practices.

Thus, the location or manner of storage of the inventory is not the test for determining whether an inventory is in the direct possession of a consumer and therefore qualifies for statutory protection.

Inventory held by a consumer in its own onsite storage facilities would plainly qualify.

Moreover, inventories held in offsite facilities, leased facilities or any other manner consistent with the consumers' normal business practices would also be considered to be in the direct possession of the consumer and therefore would also qualify for statutory protection.

A refiner's inventories are protected by this provision only to the extent that they are used by the refiner to meet fuel requirements necessary for operating its equipment and facilities during a severe petroleum supply shortage.

Such protection for refiners is necessary to insure that the shortage will not interfere with the continued operation of this Nation's refineries during a severe petroleum supply shortage.

Needless to say, the restriction of a refiner's inventory protection to necessary fuel requirements does not, of course, apply to companies such as petrochemical plants that are affiliated with a refiner.

Such companies would not lose their status as consumers merely because they were in some way affiliated with a refiner.

Some would suggest that this conference report is philosophically incompatible with the free market orientation of the Reagan administration. It most certainly is not.

The bill specifically premises its grant of discretionary statutory authority on the condition that market reliance as well as other authorities available to the President are not adequate to deal with a severe petroleum supply shortage.

Only then, after reliance on market forces and other authorities is exhausted would the President activate this standby allocation authority.

Similarly, price controls cannot be imposed unless the President himself determines that they are necessary to insure effective implementation of the allocation program.

Furthermore, State set-aside programs, in the absence of a federally implemented program, are purely in the President's discretion. The crude sharing program is also purely in the President's discretion.

Adherence to the EPAA and precedent established under that act is expressly disavowed. Moreover, the strict time limitations on the authority to implement controls under this act would preclude anything remotely resembling the extended duration of controls under the EPAA.

The worst thing that can be said about this bill is that it represents an honest disagreement as to the most prudent course to take in developing a national policy for oil emergency preparedness.

As a review of the conference agreement indicates, the agreement reflects the consensus position of the Senate, which is a balanced reasonable approach to contingency planning for oil emergencies. As a Member of Congress during the last three petroleum disruptions, I have no doubt that history may repeat itself and the Congress would be besieged with demands for assistance and special treatment if another disruption occurs.

Under such circumstances, the Congress would be virtually compelled to begin consideration of emergency legislation if none is available.

However, it is far more difficult for Congress to make sound decisions in a crisis atmosphere. A far preferable approach is congressional enactment of standby legislation now during a period of adequate supply.

Immediate enactment of S. 1503 is particularly important in light of the recent finding by the General Accounting Office that "With exception of the recent buildup of the Strategic Petroleum Reserve, the United States is no better prepared to deal with significant disruption in oil imports than it was during the 1973 oil embargo."

Moreover, the enactment of the conference agreement would signal our allies and the major oil producing countries that we are determined to reduce our vulnerability to future oil import disruptions.

For all of these reasons, Mr. President, I urge my colleagues to vote in favor of the conference report on S. 1503.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, today I hope that the Senate will have the wisdom, but I doubt that the Senate will have the wisdom, to turn down the conference report on S. 1503, the Standby Petroleum Allocation Act of 1981.

Mr. President, with the likelihood being great that both the Senate and the House of Representatives will pass the conference report today, I am urging the President to veto this bill and am very hopeful and even optimistic that he will.

Mr. President, I at this time ask unanimous consent to have printed in the RECORD a letter, dated October 29, 1981, that the President previously wrote to me stating his objection to passage of this act and also a statement by the administration which is dated March 1, 1982 of the administration's policy in regards to S. 1503, the conference bill that was reported.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., October 29, 1981.

Hon. DON NICKLES,
U.S. Senate,
Washington, D.C.

DEAR DON: I know that you have strongly supported elimination of unnecessary Federal regulation of energy. Now that the expiration date of the Emergency Petroleum Allocation Act has passed, I want you to know that I strongly oppose any extension of allocation and price control authority.

> Experience under the existing law has taught us that rather than ensuring equity, allocation and price controls simply make a bad situation worse. Allocation and price controls have turned minor shortages into major gas lines twice in the past seven years.
>
> My Administration is fully committed to preparing for and protecting against oil supply emergencies. The Strategic Petroleum Reserve will acquire more oil this year than in the preceding four years. The Department of Energy undertook an internal reorganization to focus responsibility in a new Assistant Secretary for Emergency Preparedness. Working with other affected agencies and taking advantage of the numerous legal authorities that remain in force, DOE is developing careful plans that will encompass a broad range of emergency response measures.
>
> The Administration is eager to work closely with the Committee on Energy and Natural Resources to ensure that our nation is adequately protected in the event of future supply disruptions.
>
> Sincerely,
>
> RON.

> STATEMENT OF ADMINISTRATION POLICY,
> *Washington, D.C., March 1, 1982.*
>
> S. 1503—STANDBY PETROLEUM EMERGENCY AUTHORITY ACT
>
> The Administration is strongly opposed to the passage of the Conference Report to accompany S. 1503, the Standby Petroleum Emergency Authority Act.
>
> The Secretary of Energy, and the President's senior advisors, will recommend that the President veto the measure.

Mr. NICKLES. Mr. President, this statement reads:

> The Administration is strongly opposed to the passage of the Conference Report to accompany S. 1503, the Standby Petroleum Emergency Authority Act.
>
> The Secretary of Energy, and the President's senior advisors, will recommend that the President veto the measure.

I wish to join them in urging the President to veto this bill because quite frankly and very simply put, this bill would do more damage than good in the event of a petroleum shortage.

I do not intend to make a very lengthy statement today. I made a very detailed and in-depth statement on October 29, 1981 in the RECORD of my opposition to this act.

It is my opinion that passage of S. 1503 will do more damage than good. In the past, regulatory and allocation schemes that this country has seen during previous shortages, shortages in 1973 and also in 1979, have actually contributed, complicated, and aggravated the shortages that we had at those particular times.

Mr. President, I am not just speaking for Don Nickles, but also for experts in the field and I shall quote from a few of the statements made by individuals that were actually in charge of operating and administering prior allocation and price control schemes.

Bill Simon, who was former head of the Energy Office in 1973, during the 1973 crisis, stated:

> As for the centralized allocation process itself, the kindest thing I can say about it is that it was a disaster. Even with a stock of sensible-sounding plans for even-handed allocation all over the country, the system kept falling apart, and chunks of the populace suddenly found themselves without gas. There was no logic to the pattern of failures.
>
> Essentially the allocation plan had failed because there had been a ludicrous reliance on a little legion of government lawyers, who drafted their regulations in indecipherable language, and bureaucratic technocrats, who imagined that they could stimulate the complex free-market processes by pushing computer buttons. In fact, they couldn't.

Mr. President, I also quote from Mr. William Lane, who was Director of the Office of Competition in the Department of Energy from 1978 through 1980, an office which dealt with the 1979 shortage.

Mr. Lane stated:

> The regulations reduced supplies below those which would have been available in a free market, prevented the reduction in demand that ordinarily would have accompanied higher world prices, and misallocated the remaining supplies among different products and different regions.
>
> Perhaps the most important result of the regulations was that they politicized oil price and supply decisions. Firms increasingly came to realize that their competitive position, and perhaps their survival, depended less on their efficiency or business acumen than on decisions reached by Federal regulators.

He went on to say:

> In summary, a conservative estimate of the total private administrative, compliance and reporting costs of the price and allocation regulations is about $2 billion per year. The direct governmental burden of administration was about $210 million in 1979.
>
> Finally, the Department of Energy's own Office of Competition recently concluded that "the price and allocation regulations are the most anticompetitive factors operative in today's gasoline market."

I also quote from Dr. Philip Verlegerty who is an economist at Yale University's School of Organization and Management.

He says:

> I have spent a lot of time looking at regulations under EPAA, and I find that that is a disastrous history.
>
> The standard response to a disruption has been to impose price and allocation controls. No action could be more detrimental to the long run interest of consumers and consuming countries because controls delay adjustment and drive prices up even higher. Further, the provision of allocations or determination that some companies or some consumers require special treatment removes any incentive for these companies and consumers to build precautionary stocks and thus reduces the effect of any disruption.

One final quote is a highlight from the GAO report entitled "Gasoline Allocation: A Chaotic Program in Need of Overhaul."

It states:

> Emergency response planning was incomplete and outdated. Federal and State Governments were ill-prepared to deal with their supply management role.
>
> The effectiveness of program operations was plagued by inadequate management and staffing, relentless demands for services, poor or totally lacking information systems, and unclear guidance and direction. Even under the best of conditions the workload would have been formidable; in this instance, it was overwhelming.

The study also revealed that:

> Between January 12 and July 5, 1979, DOE made 27 changes to its motor gasoline and middle distillate allocation regulations.

Mr. President, I cite these quotations by distinguished individuals who either worked and actually managed the previous allocation schemes or studied them and all of them have stated allocation did not work.

I think the evidence is clear that the law of supply and demand does work and every time we have the Federal Government try to impose or superimpose their almighty wisdom on how to solve problems, they do more damage than good in the marketplace.

Specifically, let us look at S. 1503, and let me point out a few of the reasons why I urge the President to veto this legislation.

Mr. President, S. 1503 requires that a bureaucracy be maintained, an extensive bureaucracy. We are not talking about a cheap agency. We are talking about a massive bureaucracy that is going to come up and decide who is going to have what oil and gasoline, who is going to have what particular type of fuel. It requires maintenance of regulations for the crude-oil-sharing program. Mr. President, this program will certainly be a disincentive for persons or organizations or companies who accumulate and maintain their own private individual stocks. It is going to subsidize those refiners or those people that are in the energy industry that do not take care providing for adequate resources in the event of a possible shortage. They can rely on the Federal Government to come in and say, "Yes, we will come in and we will bail you out."

Mr. President, it has an exhaustive list of priorities among users. We, in the Federal Government, make and pass the laws—and the old scheme was passed in 1973. We are basically keeping the same list of priorities that were under the EPAA. I think I counted a total of about 31 different occupations and industries.

Now, if you are not on the list, you are out of luck. Consumers are not on the list, Mr. President. We have everybody else on here, everybody that has a lobby group, but the consumers are not on the list. If you did not have a lobbyist come in and get your name on the list, then you are out of luck.

So we find the consumers are really going to end up on the short end of the stick and everybody that is on the list given a high priority. Their lobbyists get high points. We see all kinds of industries here. We have municipal groups, transportation groups, farm and ranching and dairy and fishing, petroleum industry marketing, independent refiners, distribution, agriculture, heating, national defense, safety and welfare, public health—they are all here except for the consumers. Consumers are going to end up short and because of passage of this type of legislation, if we do have another shortage, there will be long gas lines and it will be exactly the result of this type of legislation wherein the consumers are left out.

The marketplace does an outstanding job of distributing scarce resources in the most efficient and the most economic manner possible. Certainly better than a bureaucratic list that says, "yes, everybody on this list is going to get ample fuel, but if you are not on this list, you have to get whatever is left over."

Mr. President, I submit that, in the event this legislation passes and we have another shortage, this list is going to grow longer and longer and longer and the gasoline lines are going to grow longer and longer and longer.

Mr. President, we have talked about State federalism. This bill requires Federal approval of State energy plans. So all the States now are going to have to come up and submit their plans and have our DOE, or whatever remains in the DOE, to somewhat sanction their plans. It provides preemption of the State energy plans and State energy laws. It requires specific and burdensome data collection, collection that is estimated by Alice Rivlin of CBO to cost an estimated authorization level of $700,000 for 1982, and $400,000 in 1983. And estimated outlays in 1982 are $600,000 and estimated outlays in 1983 of $500,000.

Mr. President, the bill that we have before us, S. 1503, its objectives are identical to the objectives of the old EPAA. It ties us in with the previous litigation and interpretation. Some people say, "Well, it is only a temporary plan." Yet is it not scheduled to expire until December 31, 1984. And we can find that it could easily be extended, as the past EPAA was extended four times in the last 6 years.

Some people said, "Well, we need this legislation in the event of a shortage."

Mr. President, the President now has adequate authority under other statutes. We have the Defense Production Act, we have the Trade Expansion Act, we have SPR and the naval petroleum reserve, all of which can be expanded, all of which give the President ample authority.

The President is not seeking additional authority. He is not requesting the Congress to give him this type of leeway.

Mr. President, the bill that we have before us says, yes, in the event of a shortage and that shortage—and the Senator might correct me, but I do not think it is defined. The triggering mechanism is basically whenever the President says it is.

Granted, one House of Congress could override that, but it gives the President the authority to say: "I think there is a shortage out there so I am going to impose allocation controls. I am going to impose price controls," all of which would greatly hamper, I think, the efficient moving of energy throughout the marketplace and certainly, in my opinion, hamper the consumer.

Mr. President, I am going to vote against S. 1503 today. I hope my colleagues will also. I certainly hope that if it does pass—and I expect it to—that the President will veto this legislation.

The PRESIDING OFFICER (Mr. HELMS). Who yields time?

Mr. NICKLES. Mr. President, I wish to reserve the remainder of my time.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I yield myself an additional 3 minutes. Might I inquire how much of my time I have used?

The PRESIDING OFFICER. As of this moment, the Senator has 21 minutes and 7 seconds remaining.

Mr. McCLURE. I thank the Chair.

Mr. President, I appreciate the correction that the Senator from Oklahoma made. I was a little surprised when he said it was going to cost hundreds of millions of dollars. I was pleased to see that he corrected that to indicate that it was several hundred thousand dollars in 1982 and 1983.

I might just indicate what that is for. It is to develop a standby scheme that Congress can take a look at to see whether we agree with what would then be invoked at a later time in the event there was a severe supply interruption. The only expense created by the conference report would be in the development of that standby plan to be triggered in the event of a severe emergency.

I also could not help but notice that earlier the Senator from Oklahoma said that this will require a large bureaucracy. Well, no large bureaucracy will be created by this bill unless and until there would be a severe supply interruption, at which time there might or might not be a large bureaucracy, depending upon the nature of the supply interruption and the nature of the response.

So I think it is possible to say that, yes, there would be; I think it is also quite accurate to say that nobody can state that as a flat prediction.

Mr. President, I think it might be very, very helpful for us to look at the differences between this piece of legislation that is before us today and the EPAA. Many people are kind of casually referring to this legislation as though it is an extension of EPAA.

Nothing can be further from the truth than that statement. I think it ought to be kept in mind that this is not an extension of the EPAA. It is entirely different legislation, crafted in a much more constrained and much more focused way. I hope we will not be misled into believing that all of the ills of the EPAA will be revisited if this legislation is passed. That is simply not true.

The PRESIDING OFFICER. Who yields time?

Mr. JACKSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. JACKSON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mr. JACKSON. Mr. President, I am pleased to support the conference report on S. 1503, the Standby Petroleum Allocation Act. This bill will provide the President with authority to address a major future disruption in our supply of petroleum.

First, I want to congratulate the chairman of the Committee on Energy and Natural Resources, Senator McCLURE, for his skillful steering of this bill through the committee, through the Senate with an overwhelming vote of support, and through the conference with the House. He recognized the absence of adequate emergency authority for the President and took the initiative to correct this deficiency, all the while inviting bipartisan support from his colleagues.

Second, I want to compliment Senator JOHNSTON for his invaluable contribution in insuring that the movement of this legislation would be in a spirit of bipartisan cooperation. It is in no small part due to his efforts that I can truthfully say that this is a good bill and that the Senate should adopt this conference report.

At present, OPEC's cohesiveness is in some doubt. While many find nothing but good fortune in OPEC's troubles, I am concerned that OPEC may, out of a sense of desperation, commit desperate acts to insure their viability. While some believe that the glut of oil will end our concerns over energy supply, I am still convinced that a major petroleum disruption is inevitable, given the political instabilities in the Middle East. It is just a matter of time.

What would happen if we did have a cutoff of Mideastern oil? The President would not have a comprehensive authority with which to address the crisis. The Governors would be under extraordinary pressure to react to the crisis to protect their respective citizens. It is likely that in the absence of S. 1503, what we would have would not be a free market, but a host of conflicting State and local laws on petroleum pricing and allocation.

On the other hand, upon the enactment of the Standby Petroleum Allocation Act, then petroleum pricing and allocation laws would become a Federal matter. It would be up to the President to detemine the extent to which the Government would intervene in the market.

S. 1503 provides that within 180 days after enactment, the President must promulgate and transmit to the Congress a standby regulation which provides for the mandatory allocation of petroleum products. This standby allocation authority is very broad. Subsumed within it is the authority to impose price controls on petroleum products and the authority to create a crude sharing program.

I think that the Members who have worked on this bill have understood all along that you cannot have an allocation program without some form of price controls to make the allocation system work. Section 274(c)(1) provides that price controls are permitted "only if the President finds that such limitations are necessary to insure effective implementation of such regulation." Not only is the President's finding not subject to judicial review, but in addition, the statement of managers states:

> The Conferees intend that this phrase should not be read narrowly. "Effective implementation" could include achieving the purposes of the act, the purposes of the regulation itself, or the objectives of any of the provisions of this Part.

Thus, the President could not impose price controls purely for the sake of price controls, but the price control authority would be generally available to the President in conjunction with the allocation authorities of this act.

Under this act, if the President finds that a severe petroleum supply interruption exists, he may implement the standby authority only after he transmits the regulation to the Congress for one-House legislative review under section 551 of EPCA. Of particular interest is the question of whether one-House legislative review is required, if the President seeks to amend a Federal program that is already implemented.

Generally, once a Federal allocation program is implemented, then the President may amend the plan without coming back to the Congress for one-House approval of the amendment. There is one exception to this general rule. Under section 275(a)(2), one-House congressional review of an amendment is necessary if the President seeks to enlarge the basic scope of his authority under the Federal program to extend the program in one of three ways. Those three ways are: 1, to extend the regulation to include one or more additional regions or categories of petroleum products; 2, to change the authority to include a crude sharing program where no such authority existed before; or, 3, to include an end-user allocation program where no authority existed for such program.

Clearly, this section carries a message. If the President wants to avoid having to come back to the Congress to amend his Federal program after it is implemented, then he should request a broad scope of authority from the Congress in his initial transmission of the standby regulation to the Congress. The President may choose to implement only a portion of that authority available to him, but at least if circumstances require the President to alter his program, the basic scope of authority would support such a change without the necessity of further submission to Congress.

In considering section 276 on administration of regulation, it is important to note that the conferees did not accept the House version of the language which incorporated the provisions of section 4(b)(1) of the Emergency Petroleum Allocation Act, EPAA. These provisions describe what were the objectives of the allocation under EPAA. The House described these provisions as discretionary guidelines, but the conferees did not agree to this language. Under the conference agreement, the administration of any regulation promulgated under section 274 shall, to the maximum practicable, provide for these objectives.

When the conferees met on S. 1503 for their final meeting, they were aware of the decision by the U.S. Court of Appeals for the District of Columbia in Consumer Energy Council against FERC, which held the one-House legislative veto in the Natural Gas Policy Act to be unconstitutional. While I do not agree with this decision, there is the remote possibility that the Supreme Court will affirm the decision in a way that will affect the use of the one-House legislative veto in the Standby Petroleum Allocation Act. In that event, a court reviewing the Standby Allocation Act in the future may inquire as to the intent of the Congress with respect to severability of the one-House review provisions from S. 1503. The legislative history on this point should be very clear. We intend that the President will have the authority to respond to a severe petroleum supply shortage. If the one-House legislative review is struck down with respect to S. 1503, we would intend that the one-House legislative review provisons of S. 1503, section 275(a)(1)(B) and section 275(a)(2), would be severable from the rest of section 275. I certainly do not believe that the one-House legislative review provisions in S. 1503 are critical or essential to the passage of this legislation that grants the President the necessary emergency authority to address a severe petroleum supply shortage. I think that all the conferees would agree that it would be a tragedy indeed if, in the middle of a severe petroleum supply shortage, a court were to rule on the constitutionality of the one-House legislative review provisions in S. 1503 in a manner that would vitiate the authority of the President to cope with the crisis.

Mr. President, I yield the floor, and I yield control of our side to the distinguished Senator from Louisiana who has done such an able job from the very beginning on our side.

Mr. JOHNSTON. I thank my distinguished colleague.

Mr. President, I strongly favor the adoption of the conference report on the Standby Petroleum Allocation Act of 1982. This conference agreement:

Provides the necessary basic authority for the President to act to minimize the adverse impacts of a severe petroleum supply shortage on the domestic economy;

Permits the President to fashion his response to such a shortage to directly address the specific market dislocations the shortage is likely to cause;

Otherwise provides for reliance on market forces to deal with a petroleum supply interruption; and

Preserves the preeminent Federal role in establishing national policies with respect to petroleum supply and use in times of emergency and in normal times as well.

I urge the President to sign this legislation. As we debate this report today, the Federal Government is without adequate authority to manage the potentially devastating effects of a petroleum supply interruption. Let no one assume that our vulnerability to such interruptions has ended. There are dozens of plausible scenarios which could lead to a substantial reduction in U.S. petroleum supplies. Should such a reduction occur while the Federal Government is powerless to take effective action, the economic losses would be enormous. It is also not difficult to see that the political damage would be substantial to a President who had blocked enactment of the authority which might have permitted such effective action.

The authority contained in this legislation is discretionary and flexible. It does not replace any other Presidential authority, for example, that which is available in connection with the International Energy Agreement. Rather, the Standby Petroleum Allocation Act of 1982 provides the President with a complete and internally consistent but entirely optional program for managing petroleum supply disruptions. It authorizes the President to address supply shortages in sequential fashion, relying in the main on market forces, permitting a limited crude sharing approach for mild disruptions and providing for comprehensive allocation and price control authority as a last resort in the most severe disruptions. At its outer limits, the scope of this authority is no greater than that of the authority provided by the Emergency Petroleum Allocation Act of 1973, the EPAA.

The discretionary authority of S. 1503 may be exercised nationally or in any State or region of the United States. The definition of "State" includes Puerto Rico, Guam, and the Virgin Islands.

The President's allocation authority includes the authority to control prices. In my opinion, no allocation program can function unless it specifies, in some manner at least, a limitation on the price of the petroleum being transferred under an allocation rule. The conference agreement provides that the President find that the price limitations contained in his allocation rule are necessary to insure the "effective implementation" of the rule. This finding is not reviewable by Congress or by any court and could be made at any time, for example, upon promulgation of the standby allocation regulations or during their implementation in a crisis. If the President's draftsmen are prudent they will include this finding in the standby regulation to be promulgated within 6 months of enactment so that maximum certainty will be available to the suppliers, distributors and consumers of petroleum concerning the nature of the rules to be imposed during a crisis.

There is another aspect of the President's authority which must be carefully considered by the drafters of the President's standby allocation regulation under S. 1503. This is the matter of whether and when the Congress must review, with right of either House to veto, any amendment to this regulation.

Under the conference agreement there is in general no opportunity for a congressional vote to approve or disapprove regulations under the act. There is a "layover" requirement under which the basic standby allocation regulation and any subsequent amendments of a substantive nature to this regulation are not effective until 30 calendar days after they have been transmitted to Congress. This provision is intended only to facilitate congressional oversight of the President's standby program. In the event of an imminent crisis which leads the President to declare the existence or likely existence of a "severe petroleum supply shortage," the layover requirement is waived. Congress does not intend to involve itself in the day-to-day management of such a shortage. That is the President's job. Once a severe petroleum supply shortage exists, the President should be and must be free to act without procedural interference from Congress.

Accordingly, the conference substitute provides for congressional review and a right of either House to a veto only with respect to the decision to implement the standby allocation regulation. This review would occur only after the President gives notice of his finding of the existence or likely prospect of a severe petroleum supply shortage. In essence, the Congress reviews only the President's decision that circumstances warrant the imposition of the Federal program contained in the standby regulation under S. 1503.

If this program is to be effective it must necessarily be very flexible. The industry to which it applies is extraordinarily complex, and the specific nature of the disruption with which the President must deal cannot be predicted in advance. The conferees fully intend that the President have the flexibility to respond effectively to the inherent complexity and unpredictability of the situation.

It is in this regard that it is important that the terms of the basic standby regulation the President promulgates be broad enough in scope to encompass the effects of a substantial supply interruption. The reason for this caution is the possibility that a certain provision, paragraph 275(a)(2), which was inserted in the conference report at the insistence of the managers on the part of the House, could be misinterpreted to require congressional review with a right of veto by either House with respect to actions taken by the President during a shortage to apply a necessarily general standby allocation regulation to a specific and very real shortage situation.

It is emphatically not the intent of the conferees to force the President, during the exigencies of a severe petroleum supply interruption, to subject to congressional review and possible veto the large number of clarifying amendments which the President will necessarily propose in order to render the general standby regulation effective in dealing with the specific supply interruption. Nothing could create more confusion or do more to undermine confidence in the Federal program than a requirement that the President await congressional approval of specific provisions of his allocation regulation in the midst of a crisis. For this reason the application of paragraph 275(a)(2) is strictly limited to amendments which expand the scope of the regulation being implemented in one of three specific ways:

First, by controlling one or more additional categories of products;

Second, by adding only an end-user allocation program to a crude sharing program; or

Third, by adding only a crude sharing program to an end-user allocation program.

All other amendments, including all amendments removing controls from categories of petroleum products, are exempt from the review required by paragraph 275(a)(2).

Moreover, if provisions are incorporated in the original standby regulation which set forth the general circumstances under which these specific types of changes in implementation may occur, the application of the paragraph could be avoided altogether, since then no amendment will thereafter be necessary to implement any of these three modifications in the program. I strongly recommend this course to the President so that there will be no question about the President's fundamental authority to effectively administer a flexible allocation program in a crisis.

The mechanism chosen by the conferees for congressional review and right of disapproval of the President's decision to implement his standby allocation regulation is the "one-House veto" procedure set forth in section 551 of the Energy Policy and Conservation Act. The conferees were aware of the January 29, 1982, decision of the U.S. Court of Appeals for the District of Columbia Circuit, Consumer Energy Council of America, et al versus Federal Energy Regulatory Commission in which the one-House veto was declared constitutionally deficient. It is to be hoped that this decision will be overturned, since the one-House veto has been widely and successfully used by the Executive and Congress to resolve otherwise intractable political disputes in a flexible, mutually acceptable fashion.

However, there remains the possibility, however much we abhor it, that the circuit court decision will be upheld. In that unhappy event, it would only compound our misfortunes if the basic allocation authority contained in S. 1503 were also to be lost. I believe that on reflection the conferees would agree that the overriding importance of the Standby Petroleum Allocation Act of 1982 is the authority it provides the President to protect the domestic economy in times of severe petroleum shortage. This grant of authority is clearly severable from the procedural requirement that each House of Congress independently have an opportunity to veto the implementation of that authority. If one-House veto is found constitutionally deficient, this should not affect the other provisions of the act providing, for example, for basic allocation and price control authority, a crude sharing program and Federal preemption of pricing and allocation programs under State or local law.

With regard to the preemption of State or local petroleum price and allocation laws, both the Senate and House bills contained essentially the same provision. This provision results in a substantially stronger provision than the preemption provision, section 6(b), contained in the Emergency Petroleum Allocation Act of 1973. Thus, at a minimum, State activities preempted under the Emergency Petroleum Allocation Act would also be preempted under S. 1503, the Standby Petroleum Allocation Act of 1982.

The conference agreement provides that, upon enactment, any provision of any State law or regulation is superceded to the extent that such law or regulation provides for the pricing or allocation of petroleum. As stated on page 23 of the report:

> In general, it is the intent of the conferees that the decision as to when and to what extent to replace market mechanisms with (a) mandatory price and allocation program in the petroleum industry is a Federal decision, and State laws that would usurp the Federal role are hereby preempted.

Thus, if a State law or regulation "provides for the pricing or allocation of any petroleum product" it is preempted, period. The question of whether or not a law or regulation is preempted becomes a question of whether or not—or the extent to which—the law or regulation provides for pricing or allocation of petroleum.

The remedy provided by the conferees for any person who feels that an exemption is appropriate for a category of laws affected by this preemption is the remedy contained in both the Senate and House bills. Such a person would petition the President to exercise his authority under subsection 280(b) to exempt, by rule, that category of laws from the Federal preemption. Subsection 280(b) provides specific standards to guide the President's discretion in granting such an exemption.

Since the conference report on S. 1503 was filed in the Senate, the Supreme Court has ruled on February 22 on a case involving preemption, Tully versus Mobil Oil Corp., which is mentioned in the conference report on page 23. This case involved the preemption of a New York State tax on oil company revenues which prohibited passthrough of the tax to consumers and was argued under the preemption provision of the Emergency Petroleum Allocation Act of 1973.

As the Court majority noted, "the expiration date for (this) Federal statute has come and gone." Clearly, there is an arguable impact of this conference report on the kind of State law litigated in Tully versus Mobil Oil Corp. But the Federal preemption provision is an entirely different provision. For example, the "conflict" test of section 6(b) of the EPAA is not a test of preemption under the conference agreement on the Standby Petroleum Allocation Act of 1982. The issue under the conference agreement is whether or not or the extent to which a State law provides for pricing or allocation of petroleum. In the case of State laws governing the passthrough of taxes on oil companies, this matter will have to be reviewed anew, independently of the findings in Tully versus Mobil Oil Corp.

Section 277 of the conference agreement provides for a crude sharing program which combines the provisions of the House and Senate bills. The House bill set general goals for the crude sharing program. These goals are incorporated in subsection 277(b). The Senate bill directed the President to address the mechanics of the crude sharing program. The requirement that these operational questions be addressed is contained in subsection 277(c).

The point of having a crude sharing provision is to provide the President with a specific option to deal with an oil supply disruption with a minimum of regulation. Under crude sharing the Federal Government interacts only with refiners. The program attempts to reduce panic buying and smooth out the disproportionate impacts of a disruption through sales of available crude oil among refiners. It is not intended that downstream operations—jobbers and retailers and end-use consumers—be regulated. Producers would not be regulated. No "entitlements" program is required.

This approach has the potential to deal with a wide range of disruptions with minimum interference with market mechansims. The President should be encouraged to try such a program before imposing the full range of price and allocation controls—from the wellhead to the corner gas station. This program should benefit consumers and the Nation as a whole by eliminating the sort of panic which bid up prices so high during the Iranian revolution. These benefits accrue by limiting the rate of increase in crude oil prices and as a result of that limiting the rate of increase in refined product prices.

The conferees added a provision requiring the President accompany his notice of intent to implement a crude sharing program with a declaration that such program is likely to result in a significantly reduction in anticipated adverse impacts of a severe petroleum supply shortage and thereby benefit consumers as a whole. The conferees specifically rejected characterization of this declaration as "a finding" in order to avoid any suggestion that hearings or other proceedings would be required before the declaration is made. In fact, the President would transmit this declaration with his notice that the standby regulation is to be implemented under paragraph 275(a)(1) even though the actual crude sharing program might be invoked only at a later time.

The phrase "and thereby benefits consumers as a whole" was carefully chosen by the conferees to connote the idea that the crude sharing program will benefit consumers as a whole even though individual consumers or groups of consumers may not be better off as a result of the imposition of the crude sharing program. For example, the customers of refiner-sellers may not enjoy benefits as a result of the crude sharing program.

The conference agreement also includes in section 279 a section entitled "Limitations on Authority Over Certain Inventories." The purpose of this section is to provide statutory protection from regulation for certain inventories of petroleum products owned by consumers. In addition the President is afforded discretion to enlarge the types of inventories which are protected from regulation under this section.

A refiner's inventories are protected in this section only to the extent they meet the definition in section 279(b)(3) which provides statutory protection for residual fuel oil or refined petroleum products which are used by the refiner to meet fuel requirements necessary for operating refiner equipment and facilities for the duration of a severe petroleum supply shortage, including an extension of 60 days. As the duration of the severe petroleum supply shortage is limited to a maximum of 90 days under section 275(b)(1), the refiner's inventory granted protection under this amendment would be a total of 150 days supply, unless the President had specified that the severe petroleum supply shortage had a duration of less than 90 days.

Another question that may arise under this section is with regard to the treatment of petrochemical companies. The clear intention is that if a petrochemical company's final product is something other than a petroleum product within the meaning of EPCA, then that firm will be treated as a consumer, and not as a refiner, with respect to the protection of this section.

Mr. President, enactment of the Standby Petroleum Allocation Act of 1982 is very much in the President's interest. He is currently terribly exposed in terms of the energy emergency contingency options available to him. This legislation will greatly expand his ability to provide the leadership only the President can provide without in any way limiting the choices he might make. It is in his interest, our interest and the country's interest that the authority provided herein be enacted. I hope it will be.

There is no firmer or more fervent advocate of a free market in petroleum products than the junior Senator from Louisiana. I have long urged the deregulation of crude oil. Indeed, I have a bill presently pending for the deregulation of natural gas. I think anyone who has studied the whole area of regulation of petroleum products will recognize that that regulation dislocates the market, produces less supply at a higher price, and, therefore, is not in the interest of the consumer.

I would urge my colleagues who feel that way to join me in the fight right now on the question of deregulation of natural gas.

How does that comport with my strong support of this standby bill?

Well, it is entirely consistent, Mr. President, because this is a standby bill we hope we never need. We hope we will never have to invoke the provisions of this standby bill and its protections. However, if we need it, Mr. President, it will be suddenly needed. It will be caused by something like a blockade of the Straits of Hormuz—sudden, unexpected, no time to prepare.

If that happens—and it is entirely conceivable, it is entirely thinkable, it is entirely within the realm of possibility that that kind of cutoff can happen if you look back at the history of the last few years, with the Yom Kippur war, with the Iranian-Iraqi war, with the Ayatollah, with other problems, manifold problems, in the Middle East, with all of those flashpoints—it is indeed thinkable, possible, that that kind of sudden interdiction of supply can take place.

If that sudden interdiction takes place, then we must be prepared to do a number of things quickly. We must be prepared first of all on the first level of interdiction to assure an equitable supply of crude oil to our refiners.

The situation may not be serious enough to call for a complete price and allocation scheme, but in order to save the existence of the independent refining sector we may need to invoke that kind of rule.

Of course, if the cutoff is complete, as in the case of a blockade of the Straits of Hormuz, then the full powers of the President would need to be implemented, at least for an interim period of time. That is to say the President would have to allocate and put on price controls, as much as I have opposed that, as those price controls have been administered in the past.

The free market simply cannot handle a 30-percent interdiction of supplies.

Throughout my comments here, Mr. President, I have said we might have to put on those price controls or we might need allocation controls. The use of the word "we" in that context is really inadvertent because the entire power is vested with the President of the United States under this bill.

This bill expires just before the end of the present term of the President of the United States, so this is a discretionary grant of power to the President of the United States, Ronald Reagan, during his first term. It is not power that could be used by a successor to President Reagan, whether he be Democratic or Republican, because all of this power expires with President Reagan's first term.

So, Mr. President, it is inconceivable to me that the President could say, "Don't give me discretionary power to be used only in the event of an emergency."

That is inconceivable, Mr. President, because if he does not like it, if he does not want to use it, he does not have to. Indeed, there is a carefully contructed trigger which requires that he make certain findings and come to certain conclusions, such as the country being in very difficult shape because of the cutoff, before he can use the power himself. But he need not use it if he does not want to under any circumstances.

Mr. President, I have heard that the administration opposes this bill. I have also heard that they give no reason for that. I cannot imagine that the President himself would oppose the bill and I am led to only one possibility. I have been groping, honestly, as to why it is that the administration would oppose the bill. I have come to only one conclusion. That is that it will put the Department of Energy to some work, to some real work, in constructing some of these regulatory schemes that would be, in effect, put on the shelf.

For example, a standby allocation program will have to be designed, and that takes some real work—in 180 days it must be designed and put on the shelf—not to be used, but to be put on the shelf. Why go through all that work? Because you do not have the 180 days if you blockade the Straits of Hormuz. You need to bring down some regulations if this President, Ronald Reagan, says, "I need it"—you know, "Department of Energy, get me something quickly." They will be able to pull it off the shelf and have the legislative authority to enact it. It is too late if we wait for the Straits of Hormuz to be blockaded.

Why could it conceivably be opposed? As I say, the only excuse I can think of is that it will give them some work.

Mr. President, they are just as we are. They are getting paid by the Government; let them go through the exercise. It is not going to kill them to do a little extra work. Why else could anybody oppose this?

I see my friend from Oklahoma has risen. Could he give me any other conceivable reason why this could be opposed?

Mr. NICKLES. I appreciate that, Mr. President. I would like to respond to the question of why the administration has opposed it.

I do not really think it is because of the work, although I think they would like to cut out some unnecessary rules, regulations and bureaucracy, which, if we do not reenact EPAA, we will be cutting out some of the bureaucracy.

Mr. JOHNSTON. Mr. President, this is not really reenacting EPAA.

Mr. McCLURE. Mr. President, if I may make one comment to the distinguished Senator from Oklahoma. We have carefully tried to make that distinction. Apparently, the Senator was not here or has not read the legislation. This is not a reenactment of the EPAA. I think we must insist that this distinction would be carried forward.

Mr. NICKLES. Mr. President, does this have the same list of priorities that EPAA also has?

Mr. McCLURE. This has one section that is common to the EPAA with respect to priorities. How many pages are involved in the bill, how many pages are involved in the legislative history, how many differences are there, I might ask the Senator from Oklahoma.

Mr. JOHNSTON. I have checked this bill out. It is about 97.5 percent dissimilar to EPAA by my count.

Mr. NICKLES. I might say to the Senator from Louisiana, to respond to his question about why the President might be against this, I shall read to him just a small quote from a letter that he sent to me, why he is opposed to that.

> Experience under the existing law has taught us that, rather than insuring equity, allocation price controls simply make a bad situation worse. Allocation price controls have turned minor shortages into major gas lines twice in the past 7 years.

I wanted to answer why the President is against this. I do not really think the President in against this because of work.

Mr. JOHNSTON. Let me say to my friend, this is not to be invoked in any minor shortage. This is to be invoked in a major shortage. The major shortage would be there. If the President saw the major shortage and says, "We do not want to put into effect this legislative scheme," that is up to the President. That is his call to make. Nobody is going to require Ronald Reagan to take this measure off the shelf and implement it.

May I say one other thing? It is my understanding, and I have been advised by many people on this, that big oil supports this bill. I do not know whether that is an argument for it or against it, but I understand big oil supports it. I shall guarantee big oil was against Emergency Petroleum Allocation Act because of the very reasons that my distinguished friend from Oklahoma is, I guess, against it. Why is big oil for this? I think mainly because they recognize two things:

First, that you have to have something on the shelf; and second, if you do not have a national policy, you are going to have 50 separate State policies. One thing that causes real confusion is to have 50 separate State laws on the same subject. We have had a little of that in the past before we got the preemption provision. I think that is why the major oil companies support it.

The independent refiners will support it, because they recognize that if crude gets terribly short, they will be the first to go and the competitiveness of the market would be the first to go.

Again, nobody is going to make the President implement this provision. I hope the Senator will recognize that the distinguished Senator from Idaho has done a marvelous job on this bill. I want to take a moment to compliment him on his work.

It has been a very difficult bill to handle both in the committee and in the conference. He has done a masterful job of holding all the disparate elements together and getting a result which I think is clearly and demonstrably in the national interest and one to which virtually no one is opposed, except someone over in the Department of Energy—maybe the President, I do not know. Maybe he is opposed, but if he is, he does not understand it.

Mr. NICKLES. Mr. President, may I ask the Senator another question?

Mr. JOHNSTON. Yes.

Mr. NICKLES. I think I heard the comment that there was no reason why the President should be opposed to this because it expires in what, December 31, 1984?

Mr. JOHNSTON. In 1984.

Mr. NICKLES. Of course, that would be the end of his first term. Does not conventional wisdom—this thing has been reenacted and reinstated year after year. I think it has been reinstated four times, actually extended four different times during the past 7 years.

So to say, yes, this is temporary and it is going to die at the end of 3 years, to me, is very shortsighted. Congress has reenacted it and we do not know who the President will be.

Mr. JOHNSTON. If the Senator is asking a question, the answer to the question is no, this is not a reinstatement of EPAA. I said it before and perhaps the Senator did not understand: This is not EPAA. As I said rather jokingly a moment ago, it is about 97.5 percent dissimilar to EPAA, and that is the truth.

The essential difference was EPAA set price and allocation as the rule. It declared a shortage and said that from here on out, we are going to allocate and price control petroleum products—from here on out. And they did it and they did a botched-up job of it.

We take the opposite tack. We say the free market is what governs in this country, and that the President may use these limited powers, very limited powers, because you have a defined trigger which sets a narrow set of circumstances involving really what amounts to a national emergency. Second, it is very limited in time—as I recall, 90 days, with a 60-day extension that he may use the power.

That is very, very limited, and it would provide some breathing room in the event of a sudden and abrupt cutoff. There is all the difference in the world—I think the Senator will admit that—between this and EPAA. If there were not that difference, we would see the Senator from Louisiana following the Senator from Idaho in leading a filibuster against any extension of EPAA.

Mr. NICKLES. The Senator says that this legislation calls for it to expire on December 31, 1984. Does the Senator think that when we are here in 1984, we will also be trying to extend this particular piece of legislation?

Mr. JOHNSTON. I think we will take a look at it at that time. My guess is that we will look at who is the President, and we will say, "Can we trust this President to do what is right in the national interest?"

I think the committee came to the judgment that we can trust Ronald Reagan not to misuse and abuse this grant of discretionary authority. I suspect the committee will go through the same thought process at that time.

If the distinguished Senator from Idaho is the chairman of the committee at that time—I am sure he will still be in the Senate, I am sure the Senator from Oklahoma will still be here, and I am making plans to be here at that time—the three of us will put our heads together and we will say, "Well, who is the President?" Maybe it will be JIM MCCLURE, in which event we will say we can trust him.

Mr. McCLURE. That would really scare you.

Mr. JOHNSTON. So really we limited this. The thing that is incredible is that we purposely limited this to Ronald Reagan's term so as to expunge any possible argument against the bill. And then who opposes it? Does Ronald Reagan oppose it? Not really. Somebody wrote that statement for him. I do not believe he wrote that statement.

Mr. President, I should like to read section 282 of the bill:

> Nothing in this part shall be construed to require that any action taken under the authority of this part, including allocation of, or the imposition of, price controls on petroleum products, be taken in a manner which would have been required under the Emergency Petroleum Allocation Act of 1973 had that Act not expired.

What that means is that this act is 97.5 percent different from the EPAA, and I hope that satisfies the distinguished Senator from Oklahoma.

Just remember this: If you have forgotten everything else I have said, you can trust Ronald Reagan not to misuse and abuse this authority.

Mr. President, I reserve the remainder of my time.

Mr. McCLURE. Mr. President, I yield such time as he may consume to the distinguished Senator from California (Mr. HAYAKAWA).

The PRESIDING OFFICER (Mr. EAST). The Senator from California.

Mr. HAYAKAWA. Mr. President, the Senate Energy and Natural Resources Committee recently submitted its conference report on S. 1503, the Standby Petroleum Allocation Act. I urge my colleagues to support this act which grants the President limited and temporary authority to allocate petroleum products during a severe petroleum supply shortage.

S. 1503 asks the President to take a light step forward only when the marketplace fails to meet our needs. While I traditionally advise the Federal Government not to regulate the petroleum market, I am concerned that it may not be able to adjust itself during a severe supply disruption. Not only would S. 1503 provide for the public's health and safety, but the Standby Petroleum Allocation Act also would allow agricultural operations to continue and would maintain an economically sound and competitive petroleum industry.

While I do not look forward to the day when S. 1503 is implemented, I believe it is a necessary emergency measure. I ask my colleagues to join me in supporting this measure.

Mr. McCLURE. Mr. President, I yield myself such additional time as I may consume.

The Senator from New Jersey has been given 1 hour under the unanimous consent agreement, and it is my understanding that he was to be here at 5 o'clock to make his presentation. Pending his arrival, I will take just a very few minutes to add to the RECORD what has already been stated with respect to the other authority which the President may or may not have under other statutes.

That argument has been used repeatedly, and it is a matter that the Energy Committee looked into with a great deal of care when we had our hearings. The conclusion of the Energy Committee was stated in my remarks on the floor during the consideration of S. 1503. I will simply repeat, by inserting in the RECORD at this point, certain remarks that I made at that time with respect to the other authority of the President.

I ask unanimous consent to have those remarks printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks

With the expiration of the Emergency Petroleum Allocation Act (EPAA) on September 30, 1981, the Federal government no longer has basic authority to deal with severe domestic shortages of crude oil, residual fuel oil, and refined petroleum products. Furthermore, the adequacy of the President's authority to implement a standby emergency petroleum allocation and pricing progam in the event of a severe petroleum supply shortage has been called into question.

In my judgment, that remaining authority is inadequate to the task. My conclusion is consistent with the results of several legal analyses that were submitted to the Committee on Energy and Natural Resources during its consideration of S. 1503. Those analyses included reviews of the relevant provisions in the various Federal laws, other than the EPAA, that grant to the President limited authority to allocate petroleum supplies under certain defined circumstances.

Among the statutes reviewed were the Energy Policy and Conservation Act of 1975 (EPCA), the Defense Production Act (DPA), the International Emergency Economic Powers Act (IEEPA), the Emergency Energy Conservation Act of 1979 (EECA), the National Emergencies Act, and the Trade Expansion Act of 1962, as amended (TEA). None of these Federal statutes provides the President with sufficiently broad authority to implement an oil allocation program on a national or regional basis after the EPAA expires.

A legal memorandum by the Department of Energy and review by the Department of Justice (which appears in the Committee's report on S. 1503) concludes that section 251 of the Energy Policy and Conservation Act (EPCA) authorizes the President to allocate crude oil among domestic oil companies if he deems such action necessary to enable the United States to meet its international allocation obligations under the Agreement on an International Energy Program (IEP). However, the Department of Energy found that such authority does not encompass comprehensive petroleum price and allocation controls of the type initiated under the Emergency Petroleum Allocation Act (EPAA).

In July of this year, when W. Kenneth Davis, Deputy Secretary of the Department of Energy, testified before the Committee on Energy and Natural Resources on behalf of the Administration, he stated that the Administration opposes enactment of new emergency petroleum allocation legislation. Nevertheless, he also acknowledged that after the EPAA expired, the President would not have any comprehensive petroleum price and allocation authority similar to that provided by S. 1503.

Mr. President, the President's ability to act under existing law is sufficiently ambiguous to constrain his possible actions and render them inadequate to the task. The choice is between the current situation which consists of ambiguous and possibly inadequate existing authorities, and the clear definitive Congressional delegation of authority provided by S. 1503, which consists of specific standby authority to deal with petroleum supply interruptions.

Mr. McCLURE. Mr. President, I think it is also interesting to note that, in spite of what has been said here about the opposition to this legislation, it has broad support.

I should like to insert in the Record at this point a letter which is cosigned by me and the distinguished Senator from Washington (Mr. Jackson). It has appended to it a summary of the provisions of the bill.

I ask unanimous consent to have the letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

February 23, 1982.

Re S. 1503 conference report.

Dear Colleague: Within the next few days, the Senate will consider the conference report on S. 1503, the Standby Petroleum Allocation Act of 1982. S. 1503 passed the Senate by a vote of 85 ayes to 7 nays on October 29, 1981. The conference agreement incorporates in large part the Senate bill as passed, and it was unanimously approved by the Senate conferees.

We urge you to vote in favor of the conference agreement. We are convinced that, in the absence of this legislation, our country would not have the ability to deal effectively with a severe petroleum supply shortage.

The conference agreement would grant the President limited and temporary authority to allocate crude oil and petroleum products, in his discretion, in the event of a "severe petroleum supply shortage" in order to minimize the adverse impacts of such a shortage on the American people and the domestic economy. Attached is a brief summary of the legislation together with an outline of the major provisions of the conference agreement.

There are several important features of the conference agreement. First, the measure would establish a standby Federal program to be activated only as necessary to respond effectively to another serious oil supply disruption. We are convinced that the President does not now have sufficient authority for such a response.

Second, the conference agreement places primary reliance on market mechanisms for the allocation of petroleum supplies. Our past experience demonstrates that the marketplace is the most efficient and equitable allocation mechanism in most circumstances. However, in the event of a severe petroleum disruption, the marketplace may not be capable of responding quickly enough to maintain adequate supplies for certain critical needs. Under such circumstances, the President must have adequate authority to implement an allocation program on a statewide, regional, or national basis, depending on the nature of the particular shortage. Such a program could include price controls only if necessary to ensure effective implementation of the allocation program. The conference agreement stresses broad Presidential discretion so that he can tailor his response to particular circumstances with minimum government involvement in the marketplace.

Third, a major petroleum supply disruption is a national problem that demands a coordinated national response. Unless S. 1503 is enacted, our country will be faced with a multiplicity of conflicting State and local laws which could disrupt commerce and exacerbate the adverse effects of any shortage on the nation as a whole.

Finally, even with the recent buildup of the Strategic Petroleum Reserve, the United States is still not prepared to deal with significant disruptions in oil imports such as the 1973 oil embargo. Should a severe petroleum supply disruption occur, it is a virtual certainty that the Congress and the Executive Branch would be besieged with demands for relief by all sectors of our economy. In the midst of such a crisis atmosphere it would be extremely difficult for the Congress to act dispassionately. Consequently, we should legislate now.

Enactment of the conference agreement would signal our allies and the major oil producing countries that we are determined to reduce our vulnerability to future oil import disruptions.

Sincerely,

James A. McClure.
Henry M. Jackson.

Standby Petroleum Allocation Act of 1982

Summary

The purpose of the legislation is to grant to the President limited and temporary authority to allocate supplies of crude oil and petroleum products in the event of a severe petroleum supply shortage. The authority would be exercised for the purpose of minimizing the adverse impacts of such a shortage on the American people and the domestic economy.

The Act contains the following major provisions:

(1) Within 180 days of enactment, the President is required to promulgate and transmit to the Congress a standby regulation providing for the mandatory allocation of crude oil and petroleum products. After transmittal, the regulation would be subject to a layover before the Congress of 30 calendar days.

(2) The standby regulation may include limitations on the price of crude oil and petroleum products only to the extent necessary to ensure effective implementation of the regulation. The limitations may include restrictions on discriminatory pricing. The standby regulation must include an optional standby program for the sharing of crude oil among domestic refiners. If the President chooses to implement such a program, it must comply with the requirements specified in the Act.

(3) The President may implement the standby regulation only if (a) he finds that a severe petroleum supply shortage exists, and (b) neither House of Congress disapproves (or both Houses approve) implementation of the regulation within 15 calendar days of continuous session. A "severe petroleum supply shortage" is defined as a national or regional shortage of significant scope and duration that may cause a major adverse impact on the national security or on the economy of the nation or any region, may threaten the public health, safety and welfare, and may not be reasonably manageable under other authorities available to the President or by reliance on free market pricing and allocation. Once implemented, the regulation may remain in effect for a period of 90 days. The President is authorized to extend implementation for up to 60 additional days without Congressional approval.

(4) In implementing the standby regulation, the President would have broad discretion (within statutory limits) to take those actions necessary to deal with the specific circumstances of the shortage. He could choose to implement only certain provisions

of the standby regulation, or the entire regulation, and he could promulgate amendments necessary to meet the immediate emergency. Administration of the regulation must, to the maximum extent practicable, provide for the objectives contained in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973; however, such administration need not be conducted in a manner that would have been required under that Act. If the Federal allocation program is implemented in any State, the program must provide for a State set-aside of the allocated products in that State. Moreover, the President may delegate to any State his authority to administer the Federal allocation program. The Act does not grant the President authority to impose any tax, tariff or user fee, to prescribe minimum prices for petroleum products, to establish a gasoline rationing program, or to allocate petroleum inventories held by consumers for end-use consumption.

(5) State laws providing for the pricing and allocation of petroleum products are preempted. However, certain categories of such laws may be exempted from preemption by rulemaking, if they meet the criteria specified in the Act. Any State set-aside program (authorized under State law) also may be exempted from preemption if (a) it complies with the requirements in the Act, (b) it is approved by the President within 10 days after receipt of the Governor's notice of intent to activate the program, and (c) the Federal allocation program has not been implemented in the State.

(6) The Act will expire on December 31, 1984.

Outline of the Conference Report on S. 1503--The Standby Petroleum Allocation Act of 1982 (Senate Report No. 97-313)

The conference agreement amends the Energy Policy and Conservation Act by including provisions related to standby petroleum allocation in the event of a severe petroleum supply shortage (Section 2). The conference agreement in large measure merges the Senate and House bills on individual provisions, with a few exceptions where either House receded. The major provisions are described in the following paragraphs.

Statement of Findings. The Senate provision, with technical changes to reflect other provisions, is included.

Purpose. The Senate provision, with a technical change to remove any linkage to section 251 of EPCA, is included.

Definitions. The Senate and House definitions for a "severe petroleum supply shortage," the so-called "trigger" under the bill, were merged, while retaining the concept of state, regional or national impacts.

Presidential Authority. The procedure for the President's formulation of the standby allocation regulation would include (1) regional hearings, (2) opportunity for participation in the rulemaking proceeding (including the hearings) by Executive Departments with specific expertise, such as the Departments of Agriculture, Defense, Energy and Transportation, and, (3) a bimonthly status report on the progress in formulating the regulation.

The conference agreement adopted the Senate provision granting the President discretionary authority, subject to Congressional review under section 551 of EPCA, to provide for mandatory allocation of crude oil, residual fuel oil, and refined petroleum products, if the President finds that a severe shortage exists or is imminent. Limitations on price are only authorized where necessary to ensure the effective implementation of the allocation regulation. Such limitations may restrict discriminatory pricing.

Senate and House provisions are merged so that the regulation applies to allocations throughout the United States (or in any affected State or region of the United States) of crude oil, residual fuel oil, and refined petroleum products produced in, or imported into, the United States.

Senate and House provisions on the procedure for the promulgation of the standby regulation are merged to provide as follows: (a) that the President is required to promulgate regulations on a standby basis within 180 days of enactment, subject to a layover before the House and Senate of 30 calendar days; and (b) the regulation is subject to Congressional review prior to implementation as provided in Sec. 551 of EPCA. The promulgated standby regulation could be amended in whole or in part by the President when he submits notification to the Congress for implementation in a crisis. In that event, such an amendment would not then undergo a separate 30-day layover process.

The Senate and House provisions on duration of the implemented program are merged to permit the program to remain in effect for no more than 90 days, with a potential 60-day extension. The conference agreement (as did the House bill) does not provide a mandatory linkage between this Presidential authority and the President's authority under section 251 of EPCA relating to obligations under the international energy program.

The Senate and House provisions regarding limitations on the President's authority are merged to include (a) the Senate formulation regarding gasoline rationing, taxes, tariffs, and user fees, and (b) House prohibitions on minimum price controls.

The Senate provisions regarding Presidential delegation of authority is retained. Subject to certain limitations, the President may delegate his authority to any State and ot the Department of Energy.

Objectives. The Senate formulation of objectives for administration of the allocation program, including section 14 clarifying Congressional intent, is included.

Administration and Enforcement. Senate and House provisions pertaining to administrative procedures, enforcement, and damages or other relief are merged. The petroleum allocation provisions are included as an amendment to Title II of EPCA. The provision on Enforcement and Administration (Sec. 7) is retained, but the incorporation by reference of section 207 of the Economic Stabilization Act of 1970 (administrative procedures) is deleted. The legislation includes the House provision on applicable administrative procedures (Sec. 523 of EPCA), but deletes subparagraph B of paragraph (a)(2) of that provision (public notice requirements imposed on States), and also includes House provisions prohibiting certain actions (Sections 521 and 524 of EPCA). With the exception of section 551 (congressional review) and the other sections cited above, no other provisions of Title V of EPCA would apply to the legislation. The Administrative Procedure Act would be applicable. Through the incorporation of section 523 of EPCA, the legislation provides for judicial review in accordance with section 211 of the Economic Stabilization Act of 1970.

Preemption. The House provision regarding preemption of State price and allocation laws as of the date of enactment is included. The Statement of Managers clarifies the intent of the conferees on the preemption provision. The clarification consists of the following: (a) a listing of the general criteria for preemption; (b) a description of the categories of State laws not intended to be preempted; (c) a statement that, in general, Congress intends to preempt those State laws whose price and allocation effects are similar to those under EPAA; and (d) a statement making clear that if a state law is not initially preempted, but is later found to be in conflict with the Federal implemented program, it will be preempted at that time.

Crude-sharing. The Senate and House provisions are merged to include generally the House objectives and the Senate mechanisms to establish a requirement for an optional crude-sharing program (as part of the standby regulation) to govern any Federally mandated crude-sharing among refiners.

Protection of Inventories. The House provision is included with a clarifying amendment providing that protected inventories are limited to those held by and in the custody of a consumer for his own end-use consumption, with Presidential discretion to designate qualifying categories of inventories owned by a consumer (in addition to inventory in the direct possession of the consumer) on specified dates and subject to specified limitations.

State set-aside. The Senate and House provisions are merged. The legislation retains the Senate provision providing a State set-aside in the event the Federal standby regulation is implemented. State set-aside programs established by State law are preempted as of the date of enactment, however, in the absence of a Federally implemented program, the President may in his discretion and upon petition of a State's Governor, affirmatively exempt that State's set-aside program from preemption for purposes of implementation in a specific State emergency. The legislation also includes certain criteria which would apply to any State set-aside program as conditions for approval.

Strategic Petroleum Reserve. The House receded to the Senate on this issue, and, accordingly, the legislation contains no provision on the SPR.

Information Collection. The bill includes the House information provision clarified to require the President to collect such information pursuant to existing statutory authority.

Effect on Other Federal Laws. the legislation includes the Senate provision regarding the effect on other federal laws.

Expiration date. The bill includes the House expiration date of December 31, 1984.

Sections 3-5. The Senate and House provisions requiring studies and reports are merged and retained.

Section 6. This section extends the existing limited antitrust exemption of section 252 of EPCA for IEA activities from April 1, 1982, to July 1, 1983.

Mr. McCLURE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the letter signed by the distinguished Senator from Minnesota (Mr. DURENBERGER) and the distinguished Senator from North Dakota (Mr. ANDREWS) in support of the legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *February 23, 1982*.

DEAR COLLEAGUE: Later this week the Senate will take up the conference report on S. 1503, the Standby Petroleum Allocation Act. We believe this legislation is an important step toward national preparedness for future petroleum supply disruptions. We urge your support for the conference report on S. 1503.

In the First Session of the 97th Congress we joined with fourteen cosponsors to introduce S. 1476, the Petroleum Disruption Management Act, which had purposes similar to those addressed by S. 1503. We believe that a national policy for petroleum emergencies is necessary. We believe that such a policy should be designed by the Congress in partnership with the Executive Branch before the onset of an emergency. We believe that such a policy can be designed to encourage preparedness in the private sector while at the same time relying on the marketplace as the first principle of energy policy. Each of these beliefs is affirmed in the provisions of S. 1503 as reported by the conference committee.

S. 1503 is intended to replace the Emergency Petroleum Allocation Act which expired in September of 1981. There are important differences between EPAA and S. 1503. EPAA mandated implementation of several regulatory schemes without regard to the condition of the crude oil marketplace. It mandated confusion even in periods when crude oil supplies were adequate and stable. S. 1503 avoids this result by providing for a variety of disruption policies to be implemented only as necessary and according to the characteristics of any particular shortfall. S. 1503 includes an effective sunset provision that terminates government intervention as the marketplace recovers from disruption.

We believe that S. 1503 avoids the pitfalls of EPAA while at the same time assuring that our nation will be prepared for the next petroleum emergency. We urge you to support the conference report when it comes before the Senate.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.
MARK ANDREWS,
U.S. Senator.

Mr. McCLURE. I take particular note of the support of Senator DURENBERGER because he was the leader in proposing other legislation designed to protect the rights of the independent refiners and the agricultural cooperatives that are involved in that particular area of the petroleum industry. I would also add my commendation to him for his leadership and thanks for his support of the provisions that are merged into this bill from provisions of his legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD at this time a letter signed by all, except one, of the members of the Agriculture Committee on a bipartisan basis in support of this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *February 24, 1982*.

Hon. JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that the Senate will shortly consider the conference report on S. 1503, the Standby Petroleum Allocation Act.

As members of the Committee on Agriculture, Nutrition, and Forestry, we wish to offer you our support in achieving the prompt enactment of this important legislation.

As you have noted, agriculture can suffer severe economic damage if the necessary fuels are not readily available. Once farmers have planted their crops, it is impossible to defer their use of petroleum resources without jeopardizing the Nation's food supply.

We believe that S. 1503 will meet the needs of agriculture and provide the President with sufficient flexibility to cope with fuel demands in the event of a petroleum shortage.

Sincerely,

Walter D. Huddleston, Jesse Helms, Edward Zorinsky, Mark Andrews, David L. Boren, Dick Lugar, Patrick Leahy, Paula Hawkins, Rudy Boschwitz, Sam Hayakawa, David Pryor, Roger W. Jepsen, Howell Heflin, Alan J. Dixon, Bob Dole, Thad Cochran.

Mr. McCLURE. Mr. President, I think that one of the tests of the merit of a piece of legislation is the breadth of support or opposition to that legislation. It was true last fall, and is true now, that the following organizations have supported and continue to support this legislation:

AGRICULTURE AND FOOD

American Bakers Association.
American Feed Manufacturers Association, Inc.
American Frozen Food, Institute.
American Meat Institute.
American Soybean Association.
Chocolate Manufacturers Assn.
Corn Refiners Association.
Food Marketing Institute.
Grain Terminal Association.
International Apple Institute.
International Association of Ice Cream Manufactures.
Milk Industry Foundation.
National Association of State Departments of Agriculture.
National Association of Wheat Growers.
National Cattlemen's Association.
National Cotton Council.
National Council of Farmer Cooperatives.
National Farmers Organization.
National Farmers Union.
National Food Brokers Association.
National Food Processors Association.
National Frozen Food Association.
National Grange.
National Milk Producers Federation.
The Fertilizer Institute.
United Fresh Fruit and Vegetable Association.
U.S. Cane Sugar Refiners Association.

INDEPENDENT REFINERS

American Petroleum Refiners Association.
Committee for Equitable Access to Crude Oil.
Independent Refiners Assoc. of America.

OIL MARKETERS AND DISTRIBUTORS

Empire State Petroleum Association, Inc.
Independent Fuel Terminal Operators Association.
Independent Gasoline Marketers Council.
National Oil Jobbers Council.
New England Fuel Institute.
Society of Independent Gasoline Marketers of America.

It has been made a matter of record. It has remained a matter of record during that whole period of time. I think it is significant to note that those organizations have continued their support and others have expressed their support for the proposed legislation. I think this breadth of support will indicate something concerning this legislation.

Every one of these organizations, incidentally, had an opportunity to see what happened under the EPAA. They said, "We don't want the EPAA." We did not continue the EPAA. We have instead devised a new piece of legislation built upon our experience and the judgments that can be applied from our experience under the EPAA.

I agree with the Senator from Oklahoma and others about the problems we did have under the EPAA. We have carefully avoided those in this piece of legislation.

I can guarantee that, if these organizations thought this act were the EPAA, we would not have their support. But we do have their support for this. I hope my colleagues will support it in full.

Mr. DOLE. Will the Senator yield?

Mr. McCLURE. Yes.

Mr. DOLE. During the Senate's initial consideration of this bill, you clarified for me the meaning of the language maintenace of agricultural operations. Does your previous explanation of maintenance of agricultural operations apply as well to the conference report before us today?

Mr. McCLURE. Yes. My earlier statement indicating that the maintenance of agricultural operations objective includes agricultural production; planting and harvesting crops; processing of agricultural products; and distribution of food and farm inputs still applies to the final bill.

Mr. President, it has been suggested by some that the enactment of the conference report would require the President, as a matter of law, to adopt the precedent that had been established under section 4(b)(1) of the EPAA.

Mr. President, this allegation is unfounded. In fact, section 282 of the conference report was adopted to insure that such a legal argument would not be sustained, section 282 specifically states:

> Nothing in this part shall be construed to require that any action taken under the authority of this part, including allocation of, or the imposition of price controls on, petroleum products, be taken in a manner which would have been required under the Emergency Petroleum Allocation Act of 1973 had that Act not expired.

The plain meaning of this provision is clear. The inclusion of section 4(b)(1) of the EPAA in this bill would not, as a matter of law, carry with it all of the precedent established under the EPAA. To the contrary, as I stated in my general remarks:

The conference agreement stressed the breadth of discretion and range of options available to the President in allocating petroleum. In this regard, the statement of managers stated:

> The authority delegated to the President under this Act is intended to provide the President with maximum flexibility to implement an allocation program which is consistent with the provisions of this Act and, in his judgment, is best suited to the particular shortage at hand. Thus, subject to the provisions of this Act, the President, in his discretion, may, for example, choose to limit allocations to a single category of petroleum product, to certain classes of end-users, or to allocations of crude oil among refiners, and may choose to implement the program throughout the United States or in any region of the United States.

It has also been alleged that the conference report requires a specific and burdensome new data collection program which would provide little or no benefit to our Nation's energy programs.

Mr. President, this allegation is equally unfounded. The conference report does require that the President collect information on the pricing, supply, and distribution of petroleum products at the wholesale and retail levels on a State-by-State basis. However, this information is to be collected under other authorities available to the President; the conference report does not provide new authority for information collection.

The fundamental fallacy, however, is the suggestion that the collection of such information is without value to the development of energy policy. On the contrary, Mr. President, this basic information is essential in order for the Federal Government and State governments to evaluate the breadth and depth of a petroleum supply shortage. If government does not have such elementary information about petroleum supply and distribution, the vital decision on whether or not to exercise the authority in S. 1503 would be based on guesswork instead of facts. Mr. President, such a result is totally unacceptable as a matter of public policy.

It has also been suggested that the enactment of S. 1503 would provide the private sector with a powerful disincentive to prepare adequately for a possible energy shortage. It has been argued, for example, that an independent refiner, faced with the choice of negotiating an expensive long-term contract for crude oil or relying on spot market purchases and counting on a Federal Government bailout, will be encouraged by this bill to take a chance on future Government regulation. It has also been argued that an industrial plant engineer, wanting to install alternate fuel facilities or energy conservation equipment or additional storage facilities, will find that his chances for getting scarce investment dollars from his management will be seriously harmed by the enactment of S. 1503.

Mr. President, there is no basis whatsoever for such allegations. Moreover, the conference report contains specific incentives for the building of private inventories. If a crude oil sharing program is activated, the President is required to encourage refiners to build and maintain inventories and to acquire secure supplies of crude oil. In addition, consumers are provided with statutory protection of their inventories, as I earlier indicated. Furthermore, the allocation authorities granted to the President under S. 1503 are purely discretionary and are intended to be used only as a last resort measure. I doubt that many businessmen would be lulled into a false sense of security by a Federal allocation program that will not be activated unless all other Federal authority has been exercised and has proved to be inadequate.

For these reasons, Mr. President, I reject the suggestion that the enactment of S. 1503 would serve as a disincentive to the private sector in preparing to respond to future energy emergencies.

Mr. President, I ask unanimous consent that a quorum call now be in order and that the time be charged to the Senator from New Jersey on the time reserved to him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, today we face the possibilities of severe emergencies coming at us from several quarters—not only in energy but also in domestic and international financial markets.

I am very concerned that the U.S. Government is unprepared for such emergencies and, worse, shows no signs of action to get prepared. This inaction in the face of energy emergencies has prompted both the House and the Senate to pass this renewal of the only remedy to energy problems we have we have tried in the past: price controls and allocations. Mr. President, I strongly disagree with this approach, since it has only made things worse during relatively small disruptions. However, the very fact that the administration was taking no action left the Congress with no alternative but to act on its own. I cannot accept the solution that Congress has come up with, but I share the widespread concern that we are not now prepared.

Today we are talking about oil supply disruptions. Last fall, when the Energy Committee and then the full Senate debated this issue, I proposed an alternative emergency plan to deal with oil supply disruptions. My plan used market forces to achieve efficiency in recycling of the new revenues from the existing windfall profits, tax to achieve equity. That plan was defeated last fall, but I intend to reintroduce it soon, together with other contingency planning steps I believe necessary to prepare for disruptions in domestic and international financial markets.

An emergency preparedness policy for financial markets and for oil supply disruptions does not now exist in this Government

Mr. President, when preparing contingency plans for oil, I believe we should adhere to the following principles:

First, the plans must call for an efficient use of resources. This means that the most important demands on scarce resources must be met first.

Next, the plans must be fair. Parts of our society cannot buy the essentials of life even during periods of calm. During periods of stress and rising prices, contingency plans certainly must address these needs.

Third, the plans must be practical. What good is a plan if it requires an enormous bureaucracy that must be hired in the first days of a crisis?

Finally, and perhaps most important, the plan must provide people in business with the right incentives to prepare for the emergencies before they arrive. Any incentives for advanced preparation are destroyed if the Federal Government promises to take care of those who do not prepare.

How does the current bill, S. 1503, stack up against these principles? Mr. President, the answer is very poorly.

The conference bill falls back on the failed policies of the past. We know that price controls and allocations are inefficient. We know that when the Government tries to direct supplies of oil, the allocations reflect politicians' preferences rather than market efficiency. We know that bureaucrats, however well-meaning, cannot write rules and rule changes fast enough to keep up with changing patterns of demand and supply. We know that gasoline lines and shortages are the result of allocations and price controls. Why in the world would we want to reimpose price controls without examining the alternatives?

The sponsors of this bill tried to think of an answer to this question. Again, the question: Why do we want to reimpose price controls without examining the alternatives?

The sponsors of this bill came up with the following answer:

> In the event of a severe petroleum disruption, the marketplace may not be capable of responding quickly enough * * *.

That is it. That is the answer. So they must think that DOE will be able to rehire and retrain enough regulators in less time than it would take for an oil jobber to redirect a truck in response to higher prices. Incredible.

Hence, not only are price controls inefficient, they are impractical. Keep in mind that the price controls were already in place at the outset of the 1973 embargo and the Iranian revolution. The regulators were already working then; they will not be tomorrow. This bill is a prescription for chaos.

Some might think that since the price control strategy is impractical and inefficient, surely it must be more equitable. Why else would anyone espouse such a strategy? But S. 1503 does not address the problems faced by low-income people. It does not address the problems of low-income people at all. S. 1503 looks out for small refiners, by no means poor, low-income people. It looks out for farming and ranching interests, by no means poor, low-income people. Granted that some farmers may need assistance during supply disruptions. My proposal would have enabled their Governors to provide loans and grants to them in moments of crisis, targeted specificially to those farmers in need.

Why, Mr. President, in a national piece of legislation, should one group in the economy be assured low cost supplies while others suffer? Is this equitable? Is this fair? The answer clearly, in my view, is no.

Finally, Mr. President, S. 1503 does not provide incentives to prepare for supply disruptions. S. 1503 gives the President the authority to take crude oil from some refiners who have prepared for disruptions by securing their supplies, and to give it, probably at below market prices, to other refiners who have not secured their supplies. What kinds of incentives does that provide?

So, Mr. President, this bill is inefficient, inequitable, impractical, and provides disincentives for preparation against the increased probability of a major oil supply disruption in the next several years. The logical question is then asked: Why, if it is inefficient, inequitable, impractical, and providing disincentives to prepare for oil supply disruptions, why then has it gotten this far? Mr. President, I am afraid to say that the answer is because the administration itself has failed to make credible plans.

We need a credible plan, one that provides incentives to secure supplies, one that distributes oil supplies efficiently, one that is fair and assists those who are unable to adjust quickly to higher prices, and one that will work quickly with a minimum of Government involvement in oil markets.

I might also add that we need a bill that will delineate the Federal and State responsibilities and that will extend the expiring antitrust immunities for oil company participation in the International Energy Agency. We need a plan that the President will sign.

I have proposed such a plan. It relies on emergency block grants to State Governors to address the problem of low-income people, farmers, and other people with special State needs. We know how to send block grants to Governors. We do not know how to allocate oil from a bureaucracy in Washington that is being disbanded in the days after an oil supply disruption.

The plan that I proposd provides emergency tax cuts to recycle additional windfall profits tax revenues back to the economy. We know, some would say, too well how to cut taxes. We know.

We do not know how to allocate oil from a bureaucracy in Washington that is being disbanded in the event of an oil supply disruption.

The plan that I proposed relies on existing income maintenance programs such as social security and AFDC to help those in need to cope with higher prices. We know, again some would say too well, how to fund income maintenance programs.

The plan I have proposed relies on competitive forces, unfettered by price controls and allocations, to distribute efficiently the available oil supplies. We know that competitive forces can hold down oil prices. Even today we see competition forcing down gasoline prices.

Finally, Mr. President, the plan I proposed relies on an auction of a portion of the strategic petroleum reserve to insure that no refiner is entirely without access to crude oil at the outset of a supply disruption.

So, Mr. President, the bill I have proposed relies on emergency block grants for Governors, it provides for an emergency tax cut for individuals, it provides for increased social security and AFDC payments to protect the poor, it relies on competitive forces unfettered by price controls to distribute oil efficiency, and, finally, it relies on an auction of a portion of the SPR so that no refiner would be without oil.

Mr. President, S. 1503 is a bad bill. The conference report, unfortunately, is not better. There are better alternatives.

Mr. President, I urge my colleagues to break the veiled price control strategies of the past and vote against this bill.

Mr. President, for the information of my colleagues, it is a possibility that the Congress will again be considering this issue sooner than was expected. The President, in order to sign this piece of legislation, would have to violate most everything he said about energy policy. It is unlikely, in my view, that the President will be able to swallow this piece of legislation because it has been my assessment that he sticks to his principles. Sometimes I agree with that, as in this case; other times I might reserve judgment. But the fact of the matter is that for the President to sign this would be contrary to most everything he has said about energy.

For the information of my colleagues, I would like to read from the recommendation of the Department of Energy to the President. The Department of Energy recommends to the President that he veto this Allocation Act. I will read from the memorandum.

> The purpose of this memorandum is to recommend that you urge the President to veto S. 1503 when it reaches his desk. As is more fully discussed below, this bill is bad for America, bad for energy policy, and bad for this administration.

That is the rather cautious opening of this memorandum.

I would like to read another section of the memorandum. The heading is "Enactment of this legislation would undermine the credibility of the administration's energy policy."

DOE says, in recommending to the President that he veto:

> The President should veto S. 1503 to avoid undermining the credibility of the Administration's policy of relying, to the maximum extent possible, on market forces to respond to energy shortage situations. The President should veto S. 1503 to maintain consistency with his previously well-established positions on energy policy and government regulation.
>
> The argument has been made that, since the bill only requires "standby" regulations, the President, by signing S. 1503 would not compromise his free-market position. That agrument is flatly incorrect. First, articles have already begun to appear questioning the Administration's energy policy, and the apparent—and puzzling—lack of Administration opposition to S. 1503. (See The Wall Street Journal, February 9, 1982, p. 30.) Already the question is being asked in the energy and industrial communities, "If the Administration opposes allocation and price controls, why didn't it oppose this legislation?"
>
> Second, if the President signs the bill, the normal assumption will be that he is doing so because he can foresee some circumstance when he would envision using the authorities in the bill. Obviously, if the President never expected to need the bill's authorities, he would have vetoed it. Thus, if the President signs the bill, the focus of debate will be shifted to never-ending speculation on precisely when, and under what circumstances, the President will impose

price and allocation controls on petroleum. The issue of reliance on the free market will be assumed away, given the fact of the availability of S. 1503's provisions.

Third, and most damaging, the enactment of S. 1503 will serve as a powerful disincentive to members of the private sector to prepare on their own to prevent and/or respond to possible future energy emergency situations. An independent refiner, faced with the choice of negotiating an expensive long-term contract for crude oil now, or relying on spot market purchases and counting on a Federal government bail-out, will be encouraged by this bill to take a chance on government regulation in the future. And an industrial plant engineer, wanting to put in alternate fuel facilities, or energy conservation equipment, or additional storage capacity, will find that his chances for getting scarce investment dollars from his management will be seriously harmed by the enactment of S. 1503. Once a company makes the decision to rely on the Federal government in an emergency, the company becomes transformed into an advocate for use of such government authorities—another voice opposing the free market.

The memorandum continues:

In summary, unless the President vetoes S. 1503, it will send precisely the wrong signal to the private sector about the Federal government's energy policies and will serve as a powerful disincentive to encouraging free market preparation for and response to energy emergency situations.

Mr. President, the memo goes on. Another heading is "Enactment of this legislation would create unnecessary political problems in an election year." I might leave that for my colleagues to read on their own. I am sure they might be interested in what political problems are presented by this bill in an election year.

It has another section that says "The President should veto the Standby Allocation Act of 1982."

It closes by saying:

At issue is the question of whether the Administration will be seen as a "Fair Weather Free Marketer," relying on free market rhetoric, but acquiescing to regulatory programs upon the slightest pressure from Congress or from other sources.

In view of the serious public credibility issues, the proven historical ineffectiveness of standby price and allocation regulations, and the existence of effective energy supply emergency mitigation measures now in place, I strongly urge you to recommend to the President that he veto the Standby Petroleum Allocation Act of 1982 when it comes to him.

The memorandum is signed by Mr. William Vaughan, who is and was the Secretary in charge of emergency preparedness.

Mr. President, I ask unanimous consent that the full text of this memorandum be printed in the RECORD at the conclusion of my comments.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **BRADLEY**. Mr. President, as you probably have noticed, I think this is a bad bill and I shall vote against it. It is my expectation, though by no means a certainty, that within a short period of time, Congress might consider another round of emergency preparedness legislation and it is at that time that I would be willing to work with my distinguished colleagues on the committee and in Congress to try to break with past mistakes and frame a new alternative.

EXHIBIT 1

MEMORANDUM FROM ASSISTANT SECRETARY FOR EMERGENCY PREPAREDNESS

Subject: Recommendation to the President to Veto the Standby Petroleum Allocation Act of 1982.

To: Secretary.

(Through: Under Secretary.)

I. INTRODUCTION AND STATEMENT OF THE ISSUE

The House and Senate Conferees have agreed upon the Standby Petroleum Allocation Act of 1982 (S. 1503), and the Conference Report has been drafted. It is expected that Congress will pass the bill quickly. The purpose of this Memorandum is to recommend that you urge the President to veto S. 1503 when it reaches his desk. As is more fully discussed below, this bill is bad for America, bad for Energy Policy, and bad for the Administration.

II. S. 1503 (THE STANDBY PETROLEUM ALLOCATION ACT OF 1982) IS CONTRARY TO ADMINISTRATION POLICY AND CONTRARY TO THE BEST INTERESTS OF THE NATION

As you know, the Administration did not support, nor did it request this legislation. Indeed, the President, on a number of occasions, has taken the opportunity to state his unequivocal opposition to petroleum price and allocation controls (as well as his general opposition to burdensome Federal regulatory programs). For example, President Reagan's January 1980 Energy Policy Campaign Paper stated:

"I favor elimination . . . of Federal energy allocation rules. I favor immediate elimination of all Federal price controls on oil. . . ."

Most recently President Reagan spoke positively of the removal of price and allocation contols on oil in the State of the Union message when he said that:

"By deregulating oil we have come closer to achieving energy independence and helped bring down the cost of gasoline and heating fuel."

And the President's position is perhaps best summarized in the recent report entitled "Promises—A Progress Report on President Reagan's First Year" (January 1982), at page 22:

Progress: The Administration is opposed to energy allocation rules and opposed extension of the Emergency Petroleum Allocation Act. Market prices rather than government management will provide proper allocation in time of emergency. In addition, the Administration will continue to support the accelerated filling of a well-managed Strategic Petroleum Reserve and will encourage industry to accumulate petroleum reserves for their use. This known, predictable, constant policy allows energy consumers to make appropriate plans of their own and not be lulled into false security by a big federal program that won't work as well as the marketplace when/if a shortage occurs.

The Administration's opposition to the kind of legislation represented by S. 1503 is based upon the sound recognition that such legislation is contrary to the best interests of the United States. The legacy of over a decade of price and allocation controls over petroleum (not to say the many more years of regulation of natural gas wellhead pricing) has dramatically demonstrated that such controls interferred with efficient, economic and beneficial production, distribution and use of petroleum. The full extent of the harmful impacts on our nation's economy—in terms of lost jobs, higher prices, closed factories, etc.—as a result of such misguided regulation, can only be estimated. Certainly it would be doubly tragic for this Administration to perpetuate such past mistakes. Experience has clearly demonstrated that free market economic forces are and will continue to be the most efficient allocators of energy resources during supply disruptions. Standby allocation and price control authorities simply are not consistent with our public statements or actual and recent governing experience.

In light of the numerous standby energy supply contingency planning measures we have already initiated, this legislation is clearly unnecessary. Our aggressive expanded Strategic Petroleum Reserve fill actions and private industrial oil stockpiling initiatives will result in effective oil supply disruption mitigating measures. Expanded production of the Naval Petroleum Reserve is another policy which could be considered if circumstances became especially adverse. Standby emergency authorities are also available in the Defense Production Act and Trade Expansion Act to permit use to re-examine the validity of limited controls if a reassessment is conceived and effective Government response plan in existence without the standby allocation authorities in S. 1503.

III. ENACTMENT OF THIS LEGISLATION WOULD UNDERMINE THE CREDIBILITY OF THE ADMINISTRATION'S ENERGY POLICIES

The President should veto S. 1503 to avoid undermining the credibility of the Administration's policy of relying, to the maximum extent possible, on market forces to respond to energy shortage situations. The President should veto S. 1503 to maintain consistency with his previously well-established positions on energy policy and government regulation.

The argument has been made that, since the bill only requires "standby" regulations, the President, by signing S. 1503 would not compromise his free-market position. That argument is flatly incorrect. First, articles have already begun to appear questioning the Administration's energy policy, and the apparent—and puzzling—lack of Administration opposition to S. 1503. (See The Wall Street Journal, February 9, 1982, p. 30.) Already the question is being asked in the energy and industrial communities, "If the Administration opposes allocation and price controls, why didn't it oppose this legislation?"

Second, if the President signs the bill, the normal assumption will be that he is doing so because he can foresee some circumstance when he would envision using the authorities in the bill. Obviously, if the President never expected to need the bill's authorities, he would have vetoed it. Thus, if the President signs the bill, the focus of debate will be shifted to never-ending speculation on precisely when, and under what circumstances, the President will impose

price and allocation controls on petroleum. The issue of reliance on the free market will be assumed away, given the fact of the availability of S. 1503's provisions.

Third, and most damaging, the enactment of S. 1503 will serve as a powerful disincentive to members of the private sector to pre-

pare on their own to prevent and/or respond to possible future energy emergency situations. An independent refiner, faced with the choice of negotiating an expensive long-term contract for crude oil now, or relying on spot market purchases and counting on a Federal government ball-out, will be encouraged by this bill to take a chance on government regulation in the future. And an industrial plant engineer, wanting to put in alternate fuel facilities, or energy conservation equipment, or additional storage capacity, will find that his chances for getting scarce investment dollars from his management will be seriously harmed by the enactment of S. 1503. Once a company makes the decision to rely on the Federal government in an emergency, the company becomes transformed into an advocate for use of such government authorities--another voice opposing the free market.

In summary, unless the President vetoes S. 1503, it will send precisely the wrong signal to the private sector about the Federal government's energy policies and will serve as a powerful disincentive to encouraging free market preparation for and response to energy emergency situations.

IV. ENACTMENT OF THIS LEGISLATION WOULD CREATE UNNECESSARY POLITICAL PROBLEMS IN AN ELECTION YEAR

Apart from the obvious difficulty of explaining a departure from the free-market philosophy of the President, enactment of S. 1503 would create some additional political problems. First, it requires that standby regulations be prepared by DOE and sent to Congress within 180 days after enactment. Second, it requires DOE to hold regional hearings in the preparation of those regulations.

Assuming the bill is enacted sometime about April 1, that would put the regional hearings and the transmission of the rules to Congress right in the middle of this year's congressional elections (as well as other State and local elections). Energy would become a much more central issue that it might otherwise be, and could drag in other energy issues, such as nuclear power, higher natural gas prices, etc. Coming off a cold winter, and significantly higher heating bills for many parts of the nation, this would not seem to be the best time for the Administration to be making energy such a central part of the election year campaign. And the requirement for regional hearings only exacerbates this problem.

V. THE LEGISLATION CONTAINS A NUMBER OF SPECIFIC PROBLEMS WHICH STRONGLY ARGUE FOR A VETO BY THE PRESIDENT

There are so many problems with S. 1503, that it would be difficult to provide an exhaustive list. Through its requirement for regulations establishing a crude oil sharing program, intricate priorities among users, and Federal approval of State energy programs, this legislation will require the reestablishment of the vast myriad of Federal regulations over oil and an elaborate Federal bureaucracy with significantly larger manpower requirements than currently budgeted and authorized. This flies directly in the face of President Reagan's achievements, announced in the State of the Union Message, regarding the substantial reduction in Federal regulations:

"Together, we have cut the growth of new Federal regulations nearly in half. In 1981 there were 23,000 fewer pages in the Federal Register, which lists new regulations, than there were in 1980."

Specifically, some of the major problems are as follows:

1. The bill requires that a standby crude oil buy/sell plan be prepared along with standby allocation regulations. As past experience shows, such regulations are difficult to draft (or to implement), and they spur a host of lawsuits, hearings, and related regulatory programs.

2. The bill takes word-for-word the objectives of the prior legislation, the Emergency Petroleum Allocation Act of 1973, and requires adherence to them in the new program. Not only are the objectives mutually exclusive, but there is a long history of litigation and administrative interpretation connected with them. If the President signs S. 1503, he is also adopting that long and dismal precedent as part of this Administration's energy policy.

3. The bill is in direct conflict with the President's Federalism program. S. 1503 requires extensive preemption of State and local energy laws, and also requires Federal approval of any State set-aside program. States currently have any number of different laws, in many different fields, from zoning to alcohol consumption, from interest rates to utility regulation. There is no reason to single out this area for Federal preemption, and many reasons not to; particularly given the results of Federal activity in energy regulation in the recent past.

4. The bill requires a number of reports, and also requires a specific and burdensome data collection program. All of this would require a large and costly bureaucracy to maintain, with little or no benefit to our nation's energy programs. And the new data collection requirement is in direct conflict with the Administration's efforts to reduce such unnecessary and burdensome reporting requirements on the private sector.

VI. THE PRESIDENT SHOULD VETO THE STANDBY PETROLEUM ALLOCATION ACT OF 1982

As has been described at length above, S. 1503 poses a serious threat to the credibility of this Administration's determination to place principal reliance on the free market to respond to energy emergency situations, as well as to respond to most other energy needs. At issue is the question of whether the Administration will be seen as a "Fair Weather Free Marketer," relying on free market rhetoric, but acquiescing to regulatory programs upon the slightest pressure from Congress or from other sources.

In view of the serious public credibility issues, the proven historical ineffectiveness of standby price and allocation regulations, and the existence of effective energy supply emergency mitigation measures now in place, I strongly urge you to recommend to the President that he veto the Standby Petroleum Allocation Act of 1982 when it comes to him.

WILLIAM A. VAUGHAN,
Assistant Secretary.

Mr. BRADLEY. Mr. President, I ask for the yeas and nays if they have not already been requested.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Who yields time?

Mr. JOHNSTON. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 7 minutes and 34 seconds. The Senator from New Jersey has 21 minutes and 38 seconds. The Senator from Idaho has 11 minutes.

Mr. DURENBERGER. Will the Senator from Louisiana yield me 10 seconds?

Mr. JOHNSTON. I am happy to yield to my friend from Minnesota.

Mr. DURENBERGER. Mr. President, it is my purpose in speaking today to urge my colleagues in the Senate to vote in favor of the Conference Report on S. 1503, the Standby Petroleum Allocation Act. For reasons that are clear to all of my colleagues, we need a very large vote in favor of this bill.

Before getting to those reasons, however, I would make one or two comments on the history of this legislation. That we have come this far is primarily due to the foresight and leadership of the chairman of the Energy and Natural Resources Committee, Senator McCLURE. I have taken more than a small interest in the progress of this bill. Last year I joined with 15 other Senators in sponsoring S. 1476, the Petroleum Disruption Management Act, which had purposes similar to those advanced by the bill we take up today. So, Mr. President, I have been watching this issue move through the legislative process with some personal interest and I can say that it has only been through the persistence and legislative skill of the Senator from Idaho that the Senate is able to make this contribution to a more secure energy future for our Nation.

S. 1503 is important legislation. It replaces the Emergency Petroleum Allocation Act which for nearly a decade was the centerpiece of our national energy policy. There were many problems with EPAA. Those problems are not repeated in this bill. This bill does not require governmental intervention in the marketplace during periods of normal and stable supply. This bill does not mandate crude oil price controls or any other kind of price controls. This bill does not require entitlement payments or authorize gasoline rationing. This bill is not the continuing regulatory nightmare of EPAA.

S. 1503 will authorize the President at his discretion and with some oversight from Congress to employ selective petroleum management programs during periods of market disruption. Nothing is mandated. And any regulatory scheme implemented by the President under this act would sunset as soon as markets returned to normal periods. And yet, there are those who are saying that this bill would "undermine the credibility of the administration's policy of relying on the marketplace to the maximum extent possible."

Mr. President, I agree with the policy of "relying on the marketplace to the maximum extent possible." In fact, it is precisely because I agree with that policy that I will vote for S.

1503. This Nation has been through two petroleum disruptions in the last decade. Both did great damage to our economy. Both put a great deal of pressure on the Government to do something. And in both cases we did. And because we were not well prepared in either case, some part of what we did actually made the shortfall more disruptive.

S. 1503, if used by the President, could keep us from repeating the mistakes of petroleum policy that we have made in the past. If the President will take this legislation and clearly set forward the policy that the U.S. Government will pursue in any future shortfall, we can give the private sector the signals they need. And then, if a shortfall does occur, we will be able to rely on the private sector to the maximum extent possible. Vetoing this bill or refusing to write a sensible standby program does not strengthen the marketplace that the President would rely on.

The private sector has watched the Congress in the last two shortfalls. They know the implications of energy disruptions for this Nation. They can see the 50 States preparing their own individual disruption policies. They want to know the rules. And pretending somehow that we already have a policy that could survive the test of a major disruption is to deny the reality of the two disruptions that we have already experienced. We can do better than we have in the past and it is my sincerest hope that the President will see this legislation as his best opportunity to accomplish the objective of relying on the marketplace to the maximum extent possible.

Mr. President, there are many in the Senate and the House who have worked very hard to bring this bill through the process. I have already mentioned the tireless work of the chairman of our Energy Committee. I might add to that list Senator JOHNSTON and Senator MARK ANDREWS. The Senator from North Dakota made an important and early contribution on this issue by holding hearings on the impact of petroleum disruptions on the agricultural sector of our economy. I had the pleasure of working with him to draft the Petroleum Disruption Management Act, much of which I am pleased to say has survived the legislative process and is represented in the provisions of S. 1503.

I urge my colleagues to support this legislation. It is not hasty policy made during a national emergency. It is not a repeat of mistakes that we have made in the past. It does not undermine our belief that the marketplace should be used to allocate oil supplies. It is, rather, our best opportunity to be prepared as a nation for the next energy crisis and to be prepared in a way that will minimize the economic loss that petroleum shortfalls inevitably produce.

Thank you, Mr. President.

Mr. JOHNSTON. Mr. President, I am prepared to yield back as soon as my colleagues are. The hour is getting late.

Mr. EXON addressed the Chair.

Mr. JOHNSTON. Does the Senator wish to be yielded time?

Mr. EXON. The Senator does and he so advised the Senator from Louisiana, I thought.

Mr. JOHNSTON. How much time does the Senator want?

Mr. EXON. How much time does the Senator from Louisiana have?

Mr. JOHNSTON. Seven-and-a-half minutes.

Mr. EXON. I shall take 7 minutes.

Mr. JOHNSTON. Mr. President, I yield to the Senator from Nebraska, but I hope he will leave me a minute or two in case I want to respond.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I am pleased to lend my support here today to the conference report on S. 1503, the Standby Petroleum Allocation Act of 1982. It is vitally important to agricultural States, such as my State of Nebraska, that such a discretionary oil disruption management plan be in place to respond to crude oil and product shortages which are likely to occur at any time.

Presently, our Nation is without a standby emergency program. Fortunately, the current and temporary oil glut has provided us with some margin of safety. The President, however, apparently believes that the glut is here to stay. The Reagan administration has stated its opposition to this legislation on the grounds that it is not needed, and that the major oil companies can do a better job in coping with oil shortages.

Mr. President, S. 1503 would provide a more fair method of coping with oil disruptions. In an industry where the major oil companies control access to the majority of both foreign and domestic crude oil, a referee between the "haves" and the dependent "have-nots" is needed. This measure before us today provides for this appropriate referee role of Government in the event of crude oil and petroleum product emergencies.

Importantly, for our food-producing sector of the economy, the bill directs the President to give priority consideration to agricultural operations and the services directly related to agricultural production. In addition, this measure provides for a crude sharing program which would require certain refiners, such as the major oil companies, to sell a limited amount of crude oil to small, independent refiners. This is important to those farmer cooperative owned and operated refiners which, as independents, must rely upon the spot market and the willingness of the major companies to sell them crude oil. With farmer co-op refineries now serving nearly 45 percent of all onfarm fuel needs, it is vital to agriculture that such a crude sharing plan be available to insure some continuation of these supplies during a shortage.

Absent a governmental mechanism to act as a referee for the farmer co-op and other independent refiners which serve the rural areas of this Nation, the major oil companies would have little if any incentive during a supply shortage to serve rural regions at the expense of their more profitable urban accounts on the east and west coasts. Total reliance on the market, as the President recommends, ignores the realities of the monopolistic nature of the oil industry which is dominated by a few international corporate giants.

Also of importance to agriculture is the preservation of the State set-aside program. Under S. 1503, State Governors will be allowed to request that the President exempt a State's set-aside program from preemption by the Federal law. The set-aside would be limited to 5 percent, and could continue for more than 90 days unless the Governor requests an extension. As you may recall, Mr. President, the set-aside program was very important to the continuation of agricultural operations in 1979. Diesel fuel was in fact, already decontrolled at that time, and yet America's farmers were desperately searching for adequate supplies. The set-aside program did not relieve all of the problems, but did maintain most operations.

Mr. President, I call upon President Reagan to reconsider any plans he may have to veto this important legislation.

Indeed, this very afternoon, a memorandum from the Executive Office of the President has been circulating here, stating that the Secretary of Energy and the President's senior advisers will recommend that the President veto this measure. This information confirms a report in the February 26, 1982, Oil Daily that bureaucrats within the Department of Energy are seeking to scuttle this measure stating that it may "undermine the administration's policy of relying on market forces to respond to energy shortages."

In fact, Mr. President, this story quotes the Secretary of Energy as stating to the Oil Daily that "in the event of an oil cutoff, Congress could enact emergency legislation to deal with the situation."

Mr. President, I need not remind this body that the Emergency Petroleum Allocation Act was enacted under crisis management conditions. The very words of the President's own Secretary of Energy confirms ever so strongly, that we must enact this standby measure now—and not in the midst of another crisis.

I urge the Senate to send this measure to the President with an overwhelming vote of support.

Certainly, we have all learned from our experience under the Emergency Petroleum Allocation Act. We have learned from the mistakes of that past law.

Mr. President, pursuant to a request made by this Senator immediately following the 1979 gasoline shortage, the General Accounting Office reported that the failure of the allocation program was primarily the result of pure and simple crisis management. The GAO reported that the Department of Energy's emergency response planning was incomplete and outdated, and that the effectiveness of the program had been plagued with inadequate management and unclear guidance and direction.

The GAO report underscored the importance of such a program in managing the distribution of supplies during shortage periods and recommended that, despite all its shortcomings during the 1979 crisis, the allocation program can be made into an effective tool. The EPAA was established in 1974, in the midst of the Arab oil embargo, and was never significantly revised until 1979, in the midst of another crisis. To this Senator, that brief record of performance is not clear and convincing evidence that S. 1503 is not needed. Let us not make the mistake of throwing out the contingency planning "baby" with the EPAA "bathwater." The GAO made several constructive suggestions and recommendations for improving the program and averting the inadequate planning, lack of preparedness, and absence of central responsibility and direction which had characterized the 1979 experience. Some 23 specific recommendations for changes and improvements were suggested by the GAO, most of which, the DOE itself agreed were needed.

A workable management plan for oil disruptions can be established. The program established by S. 1503 is, of course, not a cure-all for oil supply interruptions. Hardships and economic dislocations are bound to occur in spite of our best attempts. Efforts, however, must be made to mitigate the adverse impacts of an oil cutoff as part of an overall energy policy. Burying our head in the sand in hopes that the problem will go away or not occur, as the administration would have us do, demonstrates an insensitivity to issues of fairness and real-world consequences. Without such planning, as S. 1503 mandates, we are condemning ourselves to the crisis management practices of the past and forgetting our energy history.

Mr. President, our Nation still imports nearly 35 percent of its oil supplies. This represents an oil import bill of nearly $80 billion annually, and 6 million barrels per day of our total 17 million barrels per day oil needs.

It is certainly encouraging to this Senator from the State of Nebraska, to see that the Congress of the United States has not been lulled into a false sense of security by the current and temporary oil glut. It is such complacency as the administration has demonstrated, which led to our vulnerability in 1979, having failed to heed the warnings of the 1973 oil shock. The Middle East yet remains a volatile place, and we would be foolish, indeed, to believe that supply disruptions are no longer possible. Even the American Petroleum Institute has noted that there is a 75-percent chance of another oil supply disruption in the remainder of the 1980's. Tensions exist among Arab nations and Israel as well as within the Arab world itself. Terrorism is a frequent occurrence. Soviet activity in the Middle East continues as a threatening presence. Some of our strongest allies such as France, Italy, West Germany, and Japan, import 97 to 99 percent of their oil.

No, Mr. President, our energy problems are not over as the administration would have us all believe. The marketplace is fragile and can temporarily fail. Let Congress, however, not fail in making preparations for such eventualities. Our Nation can have an effective contingency program to reduce our vulnerability to world oil market disruptions if the Federal Government provided the crucial ingredient of commitment. It is unfortunate that the Congress must thrust this responsibility upon an unwilling Chief Executive. Support for the conference report on S. 1503, however, represents a step forward into our energy future. Inaction on this imperative legislation would surely be a step back into our energy past.

Mr. President, I do hope the Senate will decisively concur in the conference report that enacts S. 1503, for several reasons. The first is the strong threat of a Presidential veto that has persisted on this matter for a long time and been given emphasis in the pronouncement entitled "Statement of Administrative Policy" of the date of March 1, 1982, and marked "Urgent." It declares that the Secretary of Energy and other energy advisers will recommend a veto. I ask unanimous consent that the front page of this document be printed in the RECORD at this point.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY, MARCH 1, 1932

S. 1503—STANDBY PETROLEUM EMERGENCY AUTHORITY ACT

The Administration is strongly opposed to the passage of the Conference Report to accompany S. 1503, the Standby Petroleum Emergency Authority Act.

The Secretary of Energy, and the President's senior advisors, will recommend that the President veto the measure.

FOR IMMEDIATE ATTENTION

Energy LA, Senate floor action scheduled this afternoon, March 2, 1982.

Urgent

Mr. EXON. Mr. President, if we are going to override a Presidential veto, and we may have to do that someday, even under President Reagan, this would be an excellent place for us to start.

In addition to the misconception that has been held by the Secretary of Energy on this matter, I quote again from the Oil Daily of Friday, February 26. It says that the Secretary of Energy told the Oil Daily he had some problems with the legislation and added that "in the event of an oil cutoff, Congress could enact emergency legislation to deal with the situation."

Mr. President, it seems to me that the Secretary of Energy, with that statement, has given every reason for the Senate to pass this legislation and, if necessary, to override a Presidential veto that he recommends because, very simply, this is standby legislation. It has been worked out very carefully and, I think, well by the committee. I think it should be enacted in order to have something in place in case we run into another serious situation with regard to oil.

Mr. President, I was Governor of my State at the exact time of the last serious interruption of oil. I can state that if we did not have some of the facilities that we had then to meet emergency needs in certain emergency areas with regard to oil, the economy of Nebraska could have come to a very quick, screeching halt.

Mr. President, it seems to me that those who are raising objections to this legislation, including the Secretary of Energy and possibly the President of the United States, are underestimating the difficulties that would befall our economy if we got into a sudden oil shortage without something like this in place to be enacted and declared active by the President when and if he felt it was necessary.

Mr. MITCHELL. Mr. President, I rise today in support of the conference report on S. 1503. There is no doubt in my mind that this bill is urgently needed to insure an adequate response to a severe petroleum supply shortage. Although I could speak today about the general provisions of the bill, I would like to limit my remarks to those sections dealing with the establishment of a State set-aside system.

S. 1503, which the Senate overwhelmingly passed on October 29, provided for a Federal set-aside system on a standby basis only. While I supported this provision, I felt it did not go far enough in giving individual States the authority to implement a set-aside system in the absence of a Federal emergency. As such, I offered an amendment to the bill to give States, on a voluntary basis, the authority to set aside a small percentage of oil supplies entering the State, for use in emergencies. Unfortunately, my amendment was not accepted.

I am pleased that the House and Senate conferees were able to agree upon a compromise to allow a State to implement a set-aside system. In the absence of a federally imposed set-aside, section 208(c) of the conference report provides that a State, under State law, may implement a set-side system under the following set of limited conditions.

First, the Governor must request Presidential approval 10 days before he intends to implement the system. Second, the President must approve or disapprove the request within 10 days of notification by the Governor. Third, no more than 5 percent of the total supply of petroleum products entering the State, for consumption in that State, may be set-aside. Finally, the set-aside system must not continue for longer than 90 days.

There are two factors which, I think, need to be emphasized concerning a State's authority to implement a set-aside program as provided for in this bill. The first is that the Governor's authority to impose a set-aside program must be derived from State, not Federal law.

Thus, a State which does not feel the need for a set-aside system is under no obligation to develop one. The second is that the burden of proof is clearly on the Governor of a State to convince the President of the need to impose a set-aside system. While I would rather have given Governor's the authority to implement a set-aside system in the absence of Presidential approval, I believe the set-aside language, as contained in the conference report, represents a realistic compromise and deserves the Senate's support.

Mr. President, in no State is the need for the authority for the Governor to impose a State set-aside system more apparent than in my home State of Maine. Under the authority of the Emergency Petroleum Allocation Act, which expired on September 13 of 1981, States had the authority to participate in a set-aside program.

The State of Maine used its set-aside to provide heating oil and gasoline to farmers and fishermen during local supply disruptions. In other States, including Florida and New York, the set-aside was also used to mitigate the adverse impact on local supply shortages.

Mr. President, I think the current glut of oil on the world market has lulled some into a false sense of security concerning the impact a severe petroleum supply interruption could have on our economy. We ought not let this opportunity to insure an adequate national response to the potentially devastating effects of a supply interruption pass us by. I urge my colleagues to support the conference report.

● Mr. MURKOWSKI. Mr. President, I rise in support of the conference report on S. 1503. I supported S. 1503 when it was brought up on the Senate floor last October and I support the conference report on S. 1503 now. I have reviewed the conference report carefully and am satisfied that it incorporates the consensus position of the Senate. The conferees are to be commended for their fine work.

The conference report deserves the wholehearted endorsement of the Senate. For over 5 months the President has been without standby authority for the allocation of petroleum in the event of an oil emergency.

Fortunately, the petroleum market has been relatively stable during this period.

However, this stability and the current glut in petroleum supplies should not lull us into a false sense of security. As we have seen in the past, a disruption in petroleum supplies can occur suddenly and without warning.

I am aware that S. 1503 has been criticized as authorizing the reincarnation of the comprehensive and intrusive regulatory system we experienced in the past under the Emergency Petroleum Allocation Act. Some Senators have been so anxious to avoid such a result that they have argued that we should not provide the President with any authority, however carefully drafted.

I share the abhorrence of these Senators for the regulatory excesses that occurred under the EPAA. However, I am convinced that the safeguards which have been incorporated into the conference report will avoid this result.

As a careful reading of the conference report will reveal, allocation is granted on a standby basis and can be implemented only for a short period of time—a matter of months, not years as was the case under the EPAA.

Unlike the EPAA, allocation controls cannot be implemented at all unless the Congress approves.

Moreover, price controls would not automatically accompany allocation controls; instead they must be found by the President himself to be necessary for the effective implementation of the allocation program. In any event, the authority granted under this act would expire at the end of December 1984.

By incorporating these as well as other safeguards into the conference report, I am convinced that adequate precaution has been taken to insure that the regulatory excesses of the past will not occur again. Having guarded against that possibility, we should adopt the conference report on S. 1503 to insure that this Nation is prepared to respond effectively to an oil emergency. The alternatives of total reliance on market allocation or deferring legislative action until a crisis occurs would not be sound public policy.●

Mr. JOHNSTON. Mr. President, I think we are ready to yield for a vote if the Senator from Idaho is.

Mr. McCLURE. Mr. President, is the Senator from New Jersey prepared to yield back the remainder of his time?

Mr. BRADLEY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. McCLURE. Before I do that, Mr. President, allow me to make this brief statement.

Mr. President, the issue of revenue recycling was debated at length last October when S. 1503 passed the Senate. At that time, I expressed my opposition to revenue recycling. The reasons for my opposition may be summarized as follows:

First. Revenue recycling is merely a theory that has not been proven to be workable. Complex computations would have to be made. To be effective, recycling would have to be conducted quickly, and that is doubtful unless distribution is made without regard to need. Private companies would object to making frequent changes in tax withholding rates. Large numbers of people are not "on the books" with the IRS or the social security system; recycling revenues to those persons would impose a substantial administrative burden on the Federal Government.

Second. There is no assurance whatsoever that revenue recycling would be fundamentally fair. To insure a fair distribution of revenues, detailed information would have to be gathered to identify those individuals most adversely affected. It would be virtually impossible to obtain the necessary information in a timely manner, and to then coordinate payments with the States.

Third. Revenue recycling presumes that there would never be a need for physical allocation of petroleum supplies during a severe shortage. It is very doubtful that the pricing mechanism would always serve as an effective allocator of supplies. It is quite likely that in certain locations supplies would not be available at any price, and the result would be irreparable damage, regardless of whether recycled revenues were made available.

Mr. President, I am authorized on behalf of the Senator from Oklahoma (Mr. Nickles) to yield back the remainder of his time, and I do so at this time.

Mr. President, let me respond to my friend from Louisiana and his generous remarks earlier about the work that it took to get us to this point. It certainly has been a bipartisan effort. I very much appreciate the efforts of the Senator from Louisiana and the ranking Democrat on the committee, the Senator from Washington (Mr. Jackson). Without that effort and without full staff support, we would not have had the record of success we have had to this point.

In conclusion, Mr. President, I think it is worth noting that the major arguments against this legislation have been that it is another EPAA, which it is not, and that it makes a marginal shortage worse, which it does not do.

Nearly every argument that has been made here, aside from that of the Senator from New Jersey, who would have a completely different approach to the problem, is almost totally irrelevant to the measure before the Senate. I hope the action taken on the conference report will be similar to the action we took when S. 1503 was passed in the first instance.

Mr. BAKER. Mr. President, I sense that we are about to vote. I announce that there will be no record votes after this one this evening.

Mr. McCLURE. Mr. President, I yield back the remainder of my time.

Mr. JOHNSTON. Mr. President, I yield back the remainder of my time.

Mr. MOYNIHAN. Mr. President, I have two questions about section 280 of the bill.

It is true, is it not, that the conferees of this bill did not take a position on the question of whether a State law that determines who shall bear the actual economic burden of State taxes imposed upon them constitues a "pricing or allocation of any petroleum product" as that term is used in section 280(a) of the act?

Mr. McCLURE. Yes, that is correct.

Mr. MOYNIHAN. Is the bill intended in any way to interfere with, or authorize the President or his delegate to interfere with, the legitimate State power of taxation?

Mr. McCLURE. No, it is not.

The PRESIDING OFFICER (Mr. Armstrong). All time having been yielded back, the question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. Boschwitz), the Senator from New Mexico (Mr. Schmitt), the Senator from Wyoming (Mr. Simpson), the Senator from Vermont (Mr. Stafford), the Senator from South Carolina (Mr. Thurmond), and the Senator from Wyoming (Mr. Wallop) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Boschwitz), the Senator from Wyoming (Mr. Simpson), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. Biden) is necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. Biden) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 86, nays 7, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—86

Abdnor
Andrews
Baker
Baucus
Bentsen
Boren
Bumpers
Burdick
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Specter
Stennis
Stevens
Symms
Tower
Tsongas
Warner
Weicker
Williams
Zorinsky

NAYS—7

Armstrong
Bradley
Humphrey
Mattingly
Nickles
Percy
Quayle

NOT VOTING—7

Biden
Boschwitz
Schmitt
Simpson
Stafford
Thurmond
Wallop

So the conference report on S. 1503 was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 6:45 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EMOTIONAL SCARS OF A SURVIVOR OF GENOCIDE

Mr. PROXMIRE. Mr. President, I feel proud today to tell you about a great writer. At the same time I feel sad because of the traumas he faced during his childhood.

Jerzy Kosinski is known to most of us for his acclaimed novels as well as for his excellent performance in the film "Reds." Many regard him a creative genius.

But, Mr. President, during the early years of Kosinski's life he endured great hardship. You see, Jerzy Kosinski is a child of the Holocaust. And Jerzy Kosinski is a Jew.

In 1939, when he was 6 years old, the Nazis occupied Poland, his homeland. Kosinski's parents did not expect to survive the war so they sent their son to stay with friends in the countryside to protect him. Soon after he arrived, though, the friends abandoned him. He was left to roam the land alone, begging to survive. He was not yet a teenager.

Due to a combination of strong will to survive and good fortune, Kosinski endured the years of Nazi occupation. Some time later, he moved to the United States.

The Holocaust has clearly left its mark on him. It is reflected in his novels. His main character is often "a knight in tarnished armor, a lonely wanderer, anonymous, a man with a highly idiosyncratic moral code," to quote Barbara Gelb of the New York Times.

In addition, Kosinski remains a paranoid individual. He finds secret hiding places in the various apartments in which he lives. Furthermore, he almost always carries a defensive weapon such as a slingshot or a can of mace when he leaves his home, and he keeps a machete in the trunk of his car.

Admits Kosinski, "I am always afraid that some oppressive societal force will go after me." More than 30 years after the Allies put an end to Hitler's final solution, Kosinski still lives in fear.

Mr. President, we are most fortunate that this brilliant man survived World War II so that we may share his talents today. For Jerzy Kosinski and for all other survivors of genocide campaigns, let us put the United States on record once and for all as proclaiming genocide the international crime that it is. The way to accomplish this objective is to ratify the Genocide Convention.

SENATOR JOE SEWALL—A MAINE LEADER

Mr. COHEN. Mr. President, I would like to share with my colleagues an article from a recent issue of Down East magazine profiling Joe Sewall, the president of the Maine Senate.

Senator Joe Sewall is truly a modern renaissance man. He is a sportsman, a public servant, a successful businessman, and a world traveler. As the article points out, he has held the post of president of the Maine Senate for four consecutive terms, a record in Maine.

When I was thinking about running for Congress in 1972, Joe Sewall encouraged me and gave me the benefit of his experience, his counsel, and his friendship. I have never forgotten his kindnesses during the early years of my political career.

Joe Sewall is stepping down from his post as Senate president this year, and the Maine Senate will be worse for his departure. I hope my colleagues will enjoy reading the following article about this very fine gentleman, gifted public servant, and true friend.

[From Down East magazine]

JOE SEWALL'S LAST HURRAH

(By John N. Cole)

It will be one of those questions that's asked from time to time at Maine quiz contests: "Who is the only person to be elected to four consecutive terms as president of the Maine Senate?

The answer is Joseph Sewall of Old Town, and as the years pass, it's a reply that's likely to become more and more difficult for Mainers to remember. He has been that kind of a Senate president: modest, nonpartisan, and careful to avoid the sort of impulsive actions that most often make State House headlines.

However, Joe Sewall must have been doing something right. Before he was elected to head the state Senate for the first time in 1975, the job had been held by 100 other Maine men, none of whom were ever reelected four times. Only two had been chosen for three terms, yet the list of past presidents includes some of the best known Maine names elected to public office: Hannibal Hamlin, who was Lincoln's first vice-president; Percival Baxter, who later became the state's governor and who gave Maine and the nation Baxter State Park; Horace Hildreth, also a Maine governor and a U.S. Senate nominee. There are other well-known names on the Senate president's roll, including John H. Reed, who went on to become a governor and ambassador.

This is the pattern of the Senate presidency; it has been used as a political steppingstone by many of its alumni. Yet the man who has held the post longer than any of his predecessors has said he will leave public life when his current term as state senator from District 27 in Penobscot County expires at the end of this year. When he gavels the second session of the 110th Legislature into history sometime this spring, Joe Sewall will be effectively bringing to an end not only an unprecedented era in the Senate presidency, but also fourteen years of Senate service.

His decision is typical of the man and the way he has put his particular stamp on the State House job he has held for eight years. As Joe Sewall sees it, he has completed that job. It's one he has loved, and it's one which fulfilled his political ambitions, his reverence for tradition, and his sense of obligation to public service. He does not want to run for governor; he has never wanted to leave Maine to live in Washington, even though his contemporaries in politics and out agree that his record of performance qualifies him for Blaine House, Congress, or the U.S. Senate.

But Joe Sewall will be leaving Augusta for his home in Old Town. He wanted his fourth term at the Senate rostrum; he wanted it as a kind of cap on his career, a mark of distinction, evidence that he had done well at what he set out to do. But now that it's done, it's over.

If you sense an undercurrent of a Calvinist sense of duty, a determination to do well at whatever is essayed, a notion of obligation that some may consider old-fashioned, then—as students of the Sewall style will tell you—you are beginning to understand the man.

"He is," says Richard Barringer, now director of the State Planning Office, and former commissioner of the Department of Conservation, "a man of singular principle, style, and class."

As the then director of the Bureau of Public Lands, Barringer, a Democrat, had to work closely with Sewall, a Republican, when the bureau was first created.

"Joe was chairman of the Appropriations Committee then. It would have been easy, in some quarters expected, for him to make a partisan issue of general fund support for the bureau.

"And it would have been even easier for Joe to confuse the public lands issue with his own business connections with Maine's timber companies. Most of those companies opposed the public lands concept, and I think some of them expected Joe to be on their side.

"It was a difficult issue for him, a complex and sensitive issue. But he managed it with absolute fairness, better than anyone in that kind of public or political position I've ever seen, and I've served under three Maine governors, and one in Massachusetts.

"The bureau got the funds it needed to get on its feet. It's been self-supporting ever since."

It is difficult, on any side of the State House aisles, within any range of political opinion in Augusta, to elicit opinions that don't echo the sort of Sewall approval typified by Barringer's observations.

And the one comment made most often is: "He's a gentleman."

The word is an interesting choice in these times when democracy, equal rights, and a kind of national paranoia about any notion of elitism are so much a part of the public's self-image. Yet *gentleman* is still a word of several dimensions, signifying a range of characteristics that are known, that are positive, that are at once honorable and traditional.

It is a word that is used to identify Joe Sewall because of his past, and his presence.

The Sewall family has been a Maine family for nearly 250 years. The house that Joe and Hilda Sewall occupy in Old Town was built there nearly 150 years ago by Joe's great-grandfather, George P. Sewall, a Democrat who served as the Speaker of the Maine House in 1851 and '52. George was a grandson of Colonel Dummer Sewall, who arrived in Bath in 1764 and was sent to Massachusetts in 1774 as a delegate charged with helping to form the first provincial congress.

With that as his public service heritage, Joe Sewall's sense of duty toward his Senate responsibilities is eminently understandable. As is his sense of tradition—a sense reinforced by four undergraduate years at Bowdoin College, and service as a navigator aboard U.S. Navy aircraft during World War II.

Now sixty, he was forty-six when he was first elected to the Maine Senate in 1967—one of four (now five) Penobscot County senators. He served as chairman of the Natural Resources Committee in the 103rd Legislature, at a time when landmark environmental legislation was being created and strenuously debated.

"I ran for the Senate because I'd been involved with Old Town politics long enough," Sewall says in his distinctive, and definitely Maine Yankee, voice. His almost diffident dismissal of his public career in Old Town is typical. He had been a member of the city council there for nine years, and had also been named Old Town's mayor.

"You know," he says, with just a whisper of a smile, "helping to make Maine work is a good way to brighten up a winter. That's one reason I went to Augusta.

"I enjoyed the vitality in the State House. You've got a bunch of basically well-meaning people trying to solve problems. It's the people I liked best. They give and take. It's exciting, it's a kind of sporting event. There's always that challenge: can you get the job done?

"The legislature, this capitol, was a whole new world for me when I arrived. And," he laughs, "I didn't come for the money. No one does. John Martin [Speaker of the House] and I are the highest paid legislators, and we get $100 a week."

He looks down the capitol hall that runs the length of the building, under the rotunda, and ends at the doors to the House chamber. As always on a day when the legislature is in session, the corridor is a place in motion. People flow like a river's currents, eddying here and there in knots of conversation; or waving, nodding, exchanging words as they pass, traveling in their own current, to their own destination.

"None of these lawmakers is here for the money, that's for damn sure," he says. "They come for different reasons, but money isn't one of them. If they're like me, they come because being part of the process makes them feel alive, where the action is."

When Joe Sewall talks about the fulfilling pace of his Augusta days, it would be easy to assume that he would be home, whittling, if he were in Old Town. But, if he were not in Augusta, he would spend busy days (and has) at his "other" job: president of the surveying and forestry management business founded by his grandfather—the James W. Sewall Company. Observers (and competitors) in the industry will tell you that the company was small and relatively static when Joe Sewall took its reins as chief executive. It's now the largest company of its kind in Maine, has acquired a national reputation, and has consistently produced healthy earnings.

"I don't take too much credit for that," he says, again with typical reticence. "The key to the business is people. If you have good people, you'll have a good business. I've been lucky. We've been able to hire good people."

This kind of modesty, this graceful sidestep that assigns credit to others, that deftly disposes of an issue, has been a Joe Sewall hallmark with the State House press corps that's covered the eight sessions of the legislature in which he has always been a pivotal figure. His avoidance of confrontation, his natural reserve, contrasted with his affable courtesy and the hospitality of his office (where the door is almost always open and coffee is always offered) have frustrated many State House reporters. He is such a pleasant, welcoming man that reporters often are led to expect a story they don't get.

It's not that Joe Sewall avoids the press, or that he has ever misled it; he does not, and has not. But neither does he volunteer information, nor use the press as a platform for his opinions. In fact, it has historically been difficult for even the most experienced reporters to learn if there is a Sewall position.

This, too, is part of his policy, his plan for the Senate presidency. "I've been asked over and over again," he says, "to be more partisan, to use the presidency as a platform for the Republican party. I've never done that, never. I've always believed making the government work for the people is the role of the Senate, the House, and the governor's office."

The governor's office is a place Joe Sewall has often visited. As the number one legislator on money matters when he first arrived and was named to head Appropriations, he had to work closely with Democratic Governor Ken Curtis. Then, as Senate president, he has been second in command to Independent James B. Longley and Democrat Joseph Brennan.

"I've always been elected from a Democratic district. I've always operated without a Republican governor, and without a Republican House. Still, we got the job done. That says something, I think."

One of the things it says is that Joe Sewall has learned how to communicate across party lines and past personality differences. "It's never been that much of a problem for me," he says, "working with Democrats, or Independents, or anyone.

"Ken Curtis had a good-guy exterior, but underneath he was a tough politician, a partisan. He pushed hard for what he wanted, but he also understood political reality. We could always work things out.

"Jim Longley, on the other hand, was much more unpredictable. He was good to work with," he pauses for effect, "as long as you agreed with him. Difficult if you didn't. He was always lobbing his unexpected bombs up to our floor, and we'd have to do the best we could with them. He kept the pot boiling, that's for sure.

"Joe Brennan is almost the exact opposite. He's downbeat, quiet about his work. But he gets the job done, in his own way. And he's been the best of the three for a Senate president who's a Republican to work with. He doesn't let politics get in the way very often.

"I don't think the man in the street wants politics. He wants performance. That's what I've tried to give. And, besides, I look good in a cutaway," Sewall says, smiling, giving this polite signal that he's been questioned energetically enough on the topic of why he's been elected to four terms as Senate president.

And he does look good in a cutaway. He observes that tradition, too, the one that requires the Senate president to dress appropriately when he's at the rostrum. His tall, lean figure, his balding head, his spectacles and prominent features are almost always in motion at the Senate podium; he has a bird's restless energy. He bangs the gravel sharply, is meticulous about procedure, yet impatient with needless delay, stalling, or confusion on the part of a senator who ought not to be confused.

Watching Joe Sewall do his daily job of running the Senate is a lesson in technique and presence. He is clearly in charge, yet he does not dominate this most handsome and most august chamber in the capitol. He has a sense of humor and a sense of place which he combines with skill and restraint. He's good at the job; that's all there is to it. His voice is strong and his decisions crisp.

And he respects the process and its history. As chairman of the Appropriations Committee and as Senate president, he has consistently pressed for the highest possible standards of capitol housekeeping and maintenance.

"This building is a fine capitol," he says, of the Bulfinch architectural landmark. "It says a great deal for Maine, and we ought to keep it looking its best."

To those ends, Sewall has hung some of his own marine paintings—a heritage of the original Sewall shipyards at Bath—in the Senate wing and the president's handsome, high-ceilinged, third-floor office in the capitol's southwest corner. Like his cutaway, the Brooks Brothers suits and button-down oxford shirts he wears when he's not on the rostrum, like the carefully arranged furniture in his meticulous office, and the fresh paint on the walls of the west entrance of the State House which he personally selected, the office is a well-orchestrated contributor to the total Sewall style. It is an unabashed effort at maintaining quality, preserving order, and respecting tradition.

These are, in the minds of many observers, the dominant Sewall characteristics. His reach for a kind of perfection, his attention to traditional detail, are two of the visible elements that prompt so many acquaintances to label Joe Sewall a "gentleman."

But those who know him better, those who have worked closely with him over the years, both as allies and adversaries, cite other, more substantial reasons for applying the same term.

State Senator Gerard P. Conley, a Portland Democrat, and a liberal who is often on the opposite side when Senate votes are tallied, has been Joe Sewall's nominal opponent for each of the eight years Conley has served as Senate minority leader. It is these two who confront each other when an issue divides on party lines. There are, in the mix of politics and personality, several solid reasons why Conley and Sewall could have feuded for most of the span of their parrallel careers. Instead, they are friends who respect each other.

"Joe is a square shooter," says Conley. "He has been, right from the day he started. We've had many differences, but I've always known that any time we sat down to iron them out, he would always be right by his word."

Staying "by your word" counts for much in Augusta. In a system where most complex issues are decided by informal discussions and debates outside the House and Senate, a lawmaker who gives his promise had better keep it. "If anyone goes back on his work," says Conley, "there's no hope for the system. Joe never backed off, not once."

By establishing his credentials with the opposition party, Joe Sewall has been able to move a great deal of landmark legislation through a Senate that has, numerically, been almost equally divided between Democrats and Republicans, liberals and conservatives.

The Sewall style of compromise rather than confrontation is a Senate rarity. Most often, the president follows the pattern first outlined by Josiah Pierce in 1835. "You have perhaps seen that I have been elected president of the Senate," he wrote to his wife in Gorham. "It is a post of great political power, as all the committees who transact the public business are appointed by the president. It is a place of great responsibility, in point of rank, next to the governor—the 2nd office in the state. I have great attention showed me. My pay is also double that of other senators—I have $4 a day."

The duties of the Senate president have not changed in nearly 150 years. Next to Maine's governor, the job is still the most important. Joe Sewall, however, has never seen the post as a platform for political power, but rather as a lever for prying performance from both parties.

"Joe has always had a unique capacity for getting people to work together," says Kenneth P. MacLeod, the Brewer Republican and former Senate president who named Sewall chairman of the Appropriations Committee in 1967. "When Joe ran Appropriations, we had very few divided reports. And you should remember that we had Louis Jalbert, a left-wing liberal, and Harold Bragdon, a right-wing conservative, on that committee. I don't think anyone but Joe could have gotten those two to work together. He's the best judge of people I've ever met."

Sewall, in turn, says he misses MacLeod. "We got some good things done in those days. I liked working with Ken, with men like Harry Richardson and Hollis Wyman.

"I'm not saying *these* days aren't as good as *those* days. But they're different. One of the major changes I've noticed in the years I've been here is the increasing complexity of the issues that come to the legislature.

"The men and women who come here now have to work harder, and they do. They're far more serious, more studious. That's because the issues are so much more technical. They make today's lawmakers work harder.

"I know. I don't see nearly as many legislators out at Augusta's watering spots, and I'm around looking for them, too." He laughs. It's well know in Augusta that Joe Sewall's zest for life is the equal of his zest to get the legislative jobs done right.

He gives himself a passing grade on the record of the sessions he's been part of. "We've taken care of a good many tough issues, starting with the environmental laws. We helped resolve the Indian land claims battle, the public lots issue, and we passed the state income tax. I know that wasn't a popular bill, but we bit the bullet and set Maine's financial house in order.

"Money is always the biggest issue here in the State House. At least, the money problems get the most ink, the biggest headlines. And it's likely that's not going to change in the future. But I don't think it's going to be a major problem. Maine is working. And, believe it or not, state government works along pretty damn well, too.

"The one thing I hope future sessions are on the lookout for is any erosion of the good environmental laws that we helped put in place. We've got to continue to keep from messing in our own nest."

He pauses reflectively and then returns to his topic: "The environmental legislation we got through, these are bills I'm the proudest of. The oil conveyance law, the solution we worked out on public lands, the site selection law . . . those bills will always help protect and conserve Maine natural resources.

"That's Maine's real treasure—what nature has given it. That, and Maine's people. Together they make this a fine place. For me, it's the best place."

And it's a place to which Joe Sewall has contributed more than his years in Augusta. He was one of the first to energize investments in Sugarloaf, where he skied even before the first tow was installed at what is now one of New England's major ski resorts, and Maine's largest.

Even though Sewall is leaving elected office, it's doubtful that he will leave politics. It was Joe Sewall who first singled out William Cohen as a political young man on the way up, backed him in his first, and subsequent, run for Congress, and now watches with pride as Bill Cohen gets consistent good reports as Maine's senior U.S. Senator.

The retiring Senate president also takes pride in the role he played in the fortunes of another prominent Republican. "You know," he says, "I was running George Bush's primary campaign here in Maine. Lin Palmer and I. When we went to the convention in Portland, most people thought Howard Baker had the Maine GOP presidential nomination locked up. But Bush won it, and that's one of the victories that helped get him where he is." Where Bush is, of course, is in the vice-president's office, and Joe Sewall is too visibly pleased with the part he played in helping George Bush to ever pursuade anyone that Sewall will leave politics when he leaves the Senate.

But he will go back to Old Town, back to the house built by his great-grandfather, back to the company founded by his grandfather, where his son David has already begun to help him run things.

And Joe Sewall will continue to go to New Brunswick every June and July to fish the Upsalquitch for the Atlantic salmon he says is the only fish worth fishing for. It's a quest he's pursued most of his life, and, like so much of what he tries, fly-casting is a skill he's mastered.

He has never, however, been a predictable man, and on a winter day in Augusta, with the end of the 110th Legislature within view, he pushed his Senate president's chair back from his Senate president's desk and went to the window that looks east, toward the sea.

"You know what I'm going to do. I'm going to do some sailing. Going to sail across the Atlantic in a small boat. Well, not so small we can't be comfortable. A forty-five-foot yawl, or something like that. Seaworthy, but reasonable. It will be an adventure.

"We won't be going any special place, or trying to break any records. We may spend a winter sailing the Mediterranean. There are so many interesting ports to visit.

"There isn't that much time left for adventure, you know. I'd like to try it while there's still time." He turns, with the manners that have become his hallmark, to see his visitor out.

Walking along the State House hall that leads to the corridor, Joe Sewall points to his photograph hanging there, the last in a row of 101 portraits of Maine men who have been Senate president since 1820.

"I'm out here on the end," he says, "but before the blink of a cosmic eye, I'll be back here in the middle somewhere, and Maine will be dealing with a whole new set of problems."

The setting, the observation, are typical of Sewall's sense of Maine, his concern for tradition, his modesty. But, if anyone studying the gallery wants to tally the dates under each portrait, the arithmetic will tell them that Joseph Sewall has been Maine's Senate president longer than any of the others. And most people in both parties in the State House today will tell you he's been the best.

THE RIGHT TO KEEP AND BEAR ARMS

Mr. SYMMS. Mr. President, I have previously discussed the fact that the founders of our Nation viewed the right to keep and bear arms as a natural right of the individual. Being a natural right, it is not dependent upon the good graces of any government or ruling body, nor dependent upon any manmade law for its existence. The importance given this right by the framers of the Constitution was acknowledged by Chief Justice Story when in his commentaries on the Constitution he wrote:

> The right of the citizens to keep and bear arms has justly been considered as the palladium of liberties of the republic since it offers a strong moral check against usurpation and arbitrary power of rulers * * *.

Still, in spite of the intent of those who established our Nation, there are many today that belittle the need and importance of this right. The claim is made that even though Congress may not interfere with this right, States and localities are under no such prohibition. It is asserted that the second amendment is of little practical importance today and, unlike many other amendments in the Bill of Rights, has not been made applicable to the States by the courts or the 14th amendment.

Such a belief is incorrect. The founders of our Nation and those involved in its struggle for independence sought to provide guarantees of individual liberties at all levels of our government. Nor was such concern for guarantees of individual liberties unique to the time our Nation came into being.

When Congress considered what was to become the Civil Rights Act of 1866, the then chairman of the Senate Judiciary Committee, Senator Lyman Trumball of Illinois, pointed out that basic, fundamental rights were being denied blacks by local and State statutes. These statutes, more commonly known as black codes because of their purpose to deny blacks certain rights such as to "prohibit any Negro or mulatto from having firearms" were specific attempts by certain States to abridge fundamental rights.

In enacting the Civil Rights Act of 1866, the Congress purposefully overrode States' attempts to deprive certain citizens of basic rights such as the ability to contract, to sue and engage in commerce, to receive equal justice, and to keep and bear arms.

Following the Civil Rights Act, a further, more sweeping proposal aimed at bolstering the individual freedoms of all Americans was undertaken by the Congress. The 14th amendment became the focal point in continuing at the State level what had been begun at the Federal level by the Bill of Rights; that is that certain rights could not be infringed by any level of government.

In debate on the floor of the Senate, Senator Jacob Howard of Michigan argued that adoption of the 14th amendment was needed to protect personal rights against State legislation:

> The personal rights guaranteed and secured by the first eight amendments of the Constitution: such as freedom of speech and of the press; * * * the right to keep and bear arms * * *. The great object of the first section of this amendment is, therefore, to restrain the power of the States and compel them at all times to respect these great fundamental guarantees.

Representative John Bingham of Ohio, credited with being the originator of the 14th amendment, made the very clear statement that whatever the status of the Bill of Rights prior to passage of the 14th amendment, upon passage of the 14th amendment, the Bill of Rights become applicable to the States:

> Mr. Speaker, that the scope and meaning of the limitations imposed by the first section, 14th amendment of the Constitution may be more fully understood, permit me to say that the privileges and immunities of citizens of the United States, as contradistinguished from citizens of a State, are chiefly defined in the first eight amendments to the Constitution of the United States. Those eight amendments are as follows:
>
> AMENDMENT I
>
> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of people peaceably to assemble, and to petition the Government for redress of grievances.
>
> AMENDMENT II
>
> A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed * * *.
>
> These eight articles I have shown never were limitations upon the power of the States, until made so by the 14th amendment. The words of that amendment "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," are an express prohibition upon every State of the Union * * *.

Stephen Halbrook writing in the spring 1981 issue of George Mason University Law Review commented upon the above:

> This is a most explicit statement of the incorporation thesis by the architect of the 14th amendment. Although Representative Bingham based his theory of incorporation on the privileges and immunities clause and not the due process clause as did subsequent court decisions, Representative Bingham could hardly have anticipated the judicial metaphysics of the 20th century in this re-

spect. In any case, whether based on the due process clause or on the privileges and immunities clause, the legislative history supports the view that the incorporation of amendments I through VIII was clear and unmistakable in the minds of the framers of the fourteenth amendment.

Mr. President, many point to the Supreme Court case of Barron against Baltimore to show that the Bill of Rights was not intended to apply to the States. Such an issue has been swept aside by adoption of the 14th amendment. The intent of the amendment was to insure protection of individual liberties from unbridled State action. Nonetheless, remembering the judicial metaphysics alluded to by Mr. Halbrook, it has taken the Supreme Court over half a century to incorporate portions of our Bill of Rights through the 14th amendment. It was not until 1925 that the Supreme Court took action to guarantee freedom of speech from unreasonable State prohibitions and not until the sixties that other major provisions guaranteeing individual rights were incorporated by judicial decree. Though the Supreme Court has taken upon itself the role of arbiter of individual rights, it is quite evident in the case of the right to keep and bear arms that they have ignored the intent of the 14th amendment and instead have followed their own counsel.

But, Mr. President, perhaps such feelings regarding Supreme Court actions on the right to keep and bear arms are unjustified. The major Supreme Court cases that are looked to for pronouncements on the second amendment are United States against Cruikshank, Presser against Illinois, and Miller against Texas. Certainly lower courts and much of the popular press have interpreted these cases as meaning the Supreme Court has declared that the 2d amendment does not act as a restraint on State antigun actions. But I am not satisfied that such is a correct interpretation of the Court's intent. At this point I would like to submit for the consideration of my fellow Senators portions of an article written by Stephen P. Halbrook and appearing in the spring 1981 issue of the George Mason University Law Review. Mr. Halbrook has shown extraordinary insight in this issue and disputes the widely accepted "conventional wisdom" on the meaning of these cases.

V. THE SUPREME COURT SPEAKS

Despite the fact that the fourteenth amendment did not exist when Chief Justice Marshall wrote the opinion in *Barron* v. *Baltimore*, which held the Bill of Rights inapplicable to the states, the precedental influence of this case remained long after 1868 to the extent that selective incorporation by the Supreme Court did not begin until the turn of the Century—only to be more fully developed in the 1960s. However, antebellum state courts were far more progressive, having held fundamental rights guaranteed in the Bill of Rights as protected from state deprivation. Even the notion of selective incorporation, whereby some Bill of Rights freedoms were considered applicable to the states, was originated by state courts. The opinion in the Texas case of *English* v. *State*, in assuming that the second amendment applied to the states, referred to the right to keep and bear arms as a "personal right" which was "inherent and inalienable to man." Owing to the fundamental character of the right, the court approvingly cited the following from *Bishop's Criminal Law*: "[T]hough most of the amendments are restrictions on the general government alone, not on the States, this one seems to be of a nature to bind both the State and National Legislatures, and doubtless it does."

Implicit rejection of the applicability to the states of the Bill of Rights via the fourteenth amendment was initiated in the *Slaughterhouse Cases*, the first Supreme Court opinion to construe the Reconstruction amendment. This now discredited opinion was soon followed by *United States* v. *Cruikshank*, which remains the primary precedent for the proposition that the fourteenth amendment implies no right to keep and bear arms. Actually, the Court decided nothing of the kind, and *Cruikshank* is susceptible to the interpretation that the right to bear arms is a fundamental right.

The defendants in *Cruikshank* were convicted under the Enforcement Act of 1870 of conspiracy to deprive Levi Nelson and Alexander Tillman, both "of African descent and persons of color," of their rights to free speech and to keep and bear arms as guaranteed by the first and second amendments. The Court decided in reference to the first amendment that it "was not intended to limit the powers of the State governments in respect to their own citizens, but to operate upon the National government alone." Regarding the seizure of complainant's arms by the alleged conspirators, the Court stated:

> The second and tenth counts are equally defective. The right there specified is that of bearing arms for a lawful purpose. This is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence. The second amendment declares that it shall not be infringed: but this . . . means no more than that it shall not be infringed by Congress. This is one of the Amendments that has no other effect than to restrict the powers of the national government, leaving the people to look for their protection against any violation by their fellow-citizens of the rights it recognizes to . . . the powers which relate to merely municipal legislation, or what was, perhaps, more properly called internal police. . . .

This passage may be reduced to two propositions. First, that bearing arms was not a right granted by the Constitution, but existed independently of that charter since this right long antedated the Constitution. Using simliar language, the Court, only two pages before, had explained more fully its meaning in reference to the first amendment:

> The right of the people peaceably to assemble for lawful purposes existed long before the adoption of the Constitution of the United States. In fact, it is, and always has been, one of the attributes of citizenship under a free government. It derives its source . . . from those laws whose authority is acknowledged by civilized man throughout the world. It is found wherever civilization exists. It was not, therefore, a right granted to the people by the Constitution. The government of the United States when established found it in existence, with the obligation on part of the States to afford it protection.

Thus, while the first and second amendments only applied to the federal government, the rights of the people to assemble publicly and to bear arms were basic to the kind of free civilization which the states were bound to protect.

The second proposition embodied in the Court's language was that the second amendment (like the first) only restricted the powers of the national government in the sense that private infringement of the right could be remedied only in the state courts. Far from denying that the states need not respect any right to keep and bear arms, the Court averred that municipal legislation and internal police rather than federal authority must protect this right. By analogy, the Justices reasoned that: "It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State, than it would be to punish for false imprisonment or murder itself." The federal courts could not prosecute defendants accused of conspiracy to deprive complainants of their freedom of action and their firearms for these violations were common law crimes actionable only at the local level.

Lastly, the Cruikshank Court could not offer relief on the basis of the fourteenth amendment because private conspiracy rather than state action was involved:

> The Fourteenth Amendment prohibits a State from depriving any person of life, liberty, or property, without due process of law; but this adds nothing to the rights of one citizen as against another. It simply furnishes an additional guaranty against any encroachment by the State upon the fundamental rights which belong to every citizen as a member of society.

The rights to free assembly and possession of arms were considered fundamental rights of the citizen, but the encroachment by the state on these rights was not an issue in Cruikshank since no state action was alleged and thus, complainants were denied relief.

Whatever its constitutional grounds, the Supreme Court chose not to protect the black's right to free speech and possession of arms, and Cruikshank came to symbolize, and perhaps to hasten, the end of Reconstruction. "Firearms in the Reconstruction South provided a means of political power for many. They were the symbol of the new freedom for blacks . . . . In the end . . . the blacks were effectually disarmed.' The black historian W. E. B. DuBois contended that arms in the hands of blacks, and hence possible economic reform, aroused fear in North and South alike, resulting in such decisions as Cruikshank which made the fourteenth amendment an instrument of protection for corporations rather than freedmen. Justice Thurgood Marshall recently referred to Cruikshank in these terms: "The Court began by interpreting the Civil War Amendments in a manner that sharply curtailed their substantive protections."

Unlike the fact pattern in Cruikshank, state action was involved in Presser v. Illinois, the second Supreme Court decision to treat the issue regarding the relation between the second amendment and the states. Presser was indicted under an Illinois act for parading a body of four hundred men with rifles through the streets of Chicago without having a license from the governor. The participants were members of Lehr and Wehr Verein, a corporation of German immigrants whose stated objectives were education and military exercise to promote good citizenship. The Court upheld the finding of guilty against defendant's claim that the state legislation violated the second amendment:

> We think that the sections under consideration, which only forbid bodies of men to associate together as military organizations, or to drill or parade with arms in cities and towns unless authorized by law, do not infringe the right of the people to keep and bear arms. But a conclusive answer to the contention that this amendment prohibits the legislation in question lies in the fact that the amendment is a limitation only upon the power of Congress and the National government, and not upon that of the States. It was so held by this court in the case of *United States* v. *Cruikshank* . . . .

In short, the Court held that the armed paraders went beyond the individual right of keeping and bearing weapons, and in the alternative and more generally, that the second amendment does not apply to the states. The former proposition was explained further in the Court's rejection of a first amendment right of assembly applicable to Presser's band:

> The right voluntarily to associate together as a military company, or to drill or parade with arms, without, and independent of, an act of Congress or law of the State authorizing the same, is not an attribute of national citizenship. Military organization and military drill and parade under arms are subjects especially under the control of the government of every country. They cannot be claimed as a right independent of law.

Thus, *Presser* does not apply to the issue of the right of individuals to keep and bear arms, but is directly applicable to situations involving essentially private armies.

This latter proposition, that *Cruikshank* "held" that the second amendment is not a limitation on the states, ignored the fact that *Cruikshank* did not involve state infringement of rights. And while *Presser* was thereby really the first Supreme Court decision to hold the second amendment inapplicable to the states, it made no mention of whether the fourteenth amendment might guarantee a right to keep and bear arms. Still, *Presser* upheld the concept of an arms bearing population on article 1, section 8 grounds:

> It is undoubtedly true that all citizens capable of bearing arms constitute the reserved military force or reserve militia of the United States as well as of the States; and, in view of this prerogative of the General Government . . . the States cannot, even laying the constitutional provision in question out of view, prohibit the people from keeping and bearing arms, so as to deprive the United States of their rightful resource for maintaining the public security, and disable the people from performing their duty to the General Government.

In short, even if the second amendment did not apply to the states, the right to keep and bear arms existed for all citizens capable of bearing arms, and this right could not be infringed by the states. However, this principle did not prevent the Court from affirming the conviction of the German nationalist leader, just as in the earlier precedent the Court found no reason to protect the freedom's rights. This affirmation might lead the legal realist to the sociological conclusion that *Cruikshank* and *Presser* reflected the fear of established American ethnic groups to the challenges of blacks and foreigners.

Miller v. Texas, the final opinion by the high Court to rule directly on the second amendment in respect to its non-application to the states, clarified that its predecessor cases both refrained from deciding whether the fourteenth amendment included a prohibition of state infringement on the right to keep and bear arms. Convicted of murder and sentenced to death, defendant Miller "claimed that the law of the State of Texas forbidding the carrying of weapons, and authorizing the arrest without warrant of any person violating such . . . was is [*sic*] conflict with the 2nd and 4th Amendments to the Constitution. . . ." While assuming that the restrictions of these amendments operate only upon the federal power, the Court left open the possibility that the right to keep and bear arms and the right against warrantless arrests or unreasonable seizures may apply to the states through the fourteenth amendment: "[I]f the 14th amendment limited the power of the States as to such rights, as pertaining to citizens of the United States, we think it was fatal to this claim that it was not set up in the trial court." Rather than rejecting incorporation of the second and fourth amendments into the fourteenth, the Supreme Court refused to decide the claim because its powers of adjudication were limited to the review of errors timely objected to in the trial court, thereby precluding it from hearing such novel arguments. In sum, the careful distinction drawn by the *Miller* Court between rights based solely on provisions in the Bill of Rights and those based on the fourteenth amendment and the Court's reliance on *Cruikshank* and *Presser*, demonstrate that none of the three cases resolved the issue of whether the fourteenth amendment prohibited the states from infringing upon the right to keep and bear arms. Indeed, dictum in *Cruikshank* suggests that although this right was not within the federal conspiracy statute, the right to bear arms, like the right to free speech, is a fundamental right which existed prior to the Constitution and which every free civilization is bound to respect.

While *Cruikshank*, *Presser*, and *Miller* were the only nineteenth century Supreme Court cases where the nature of the right to bear arms was at issue, the case of *Robertson* v. *Baldwin*, which considered whether compulsory service of deserting seamen constituted involuntary servitude, treated arms bearing as a fundamental and centuries-old right which could not be infringed. Referring to the seaman's contract as an exception to the thirteenth amendment, Justice Brown, who delivered the opinion of the Court, analogized:

> The law if perfectly well settled that the first ten amendments to the constitution, commonly known as the Bill of Rights, were not intended to lay down any novel principles of government, but simply to embody certain guarantees and immunities which we had inherited from our English ancestors, and which had from time immemorial been subject to certain well-recognized exceptions arising from the necessities of the case. In incorporating these principles into the fundamental law there was no intention of disregarding the exceptions, which continued to be recognized as if they had been formally expressed. Thus, the freedom of speech and of the press (art. 1) does not permit the publication of libels, blasphemous or indecent articles or other publications injurious to public morals or private reputation; the right of the people to keep and bear arms (art. 2) is not infringed by laws prohibiting the carrying of concealed weapons . . . .

In this striking passage, the Supreme Court recognized the right to bear arms as having existed "from time immemorial," having been handed down as a guarantee of Englishmen long predating its formal expression in the second amendment, and as being part of "the fundamental law." That the prohibition of carrying concealed weapons did not infringe upon this right indicates that the Court viewed the right as belonging to individuals, for such issue is not relevant to an organized militia. The Court's reference to concealed weapons legislation referred to state statutes concerning the manner in which private persons carried handguns and other small weapons in public: there certainly were not statutes prohibiting active militiamen from carrying concealed weapons. The Court's pronouncement also suggests that the individual right to carry weapons openly, by being basic to our system of government, was protected from both federal and state infringement—otherwise, it would be ludicrous to speak of state statutes prohibiting carrying concealed weapons as not infringing on the right to bear arms, for by definition *no* state statute could infringe on this right if the right was protected only from federal infringement and was not part of the fundamental law.

VII. UNITED STATES V. MILLER

The nearest the Supreme Court has come to a direct construction of the meaning of the second amendment was the case of United States v. Miller in which the Court reversed a district court judgment which held the National Firearms Act of 1934 invalid as violative of the second amendment. Defendants had been convicted of transporting in interstate commerce a shotgun having a barrel less than eighteen inches without having in their possession the stamp-affixed written order required under the Act, which was the first federal statute ever passed, which regulated, through taxation and registration, the keeping and bearing of certain arms.

Since the defendant-appellees made no appearance on appeal, the Supreme Court was only apprised of the cases and arguments which the United States attorneys brought to its attention, and thereby failed to benefit from hearing the adverse views necessary to render a balanced opinion. Even so, the opinion of the Court, delivered by Justice McReynolds, stands for the proposition that the United States government cannot regulate the right to keep and bear arms suitable for militia use but can regulate possession of arms unsuitable for militia use. The Court began the opening of its brief analysis of the second amendment in these terms:

"In the *absence of any evidence* tending to show that possession or use of a shotgun having a barrel of less than eighteen inches in length at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is *not within judicial notice* that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense. *Aymette* v. *State*. 2 Hump. 154, 158."

The italicized portions above do not indicate that possessing the "sawed-off" shotgun was unprotected by the second amendment, but only that no evidence was presented on the matter and the facts were not of such common knowledge that judicial notice could be taken. Most significantly, the Court assumed that the weapon had not been shown to be "ordinary military equipment" which "could contribute to the common defense"—had such evidence been shown, the Court's wording implies that its possession by an individual would be protected.

This assumption is further made explicit by reference to the Aymette case, which stated with respect to the right of each individual to bear arms: "If the citizens have these arms in their hands, they are prepared in the best possible manner to repel any encroachments upon their rights, etc. "Even so, the Tennessee Constitution's guarantee of the people's right "to keep and bear arms for their common defense" contained the very qualification explicitly rejected when the second amendment was ratified, and thus the Supreme Court's restriction to individual possession of military arms was misguided.

The Court proceeded to cite the militia clause of the Consititution and stated that its purpose was "to assure the continuation and render possible the effectiveness of such forces." The Court clearly perceived this militia as the armed people: "The sentiment of this time strongly disfavored standing armies; the common view was that adequate defense of Country and laws could be secured through the Militia–civilians primarily, soldiers on occasion." In more detail:

The signification attributed to the term Militia appears from the debaters in the Convention, the history and legislation of Colonies and States, and the writings of approved commentators. These show plainly enough that the Militia comprised all males physically capable of acting in concert for the common defense. A body of citizens enrolled for military discipline. And further, that ordinarily when called for service these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time.

Having cited Blackstone to the effect that King Alfred "first settled a national militia," The Court quoted Adam Smith: "Men of republican principles have been jealous of a standing army as dangerous to liberty . . . . In a militia, the character of the labourer, artificer, or tradesman, predominates over that of the soldier . . . . " A review of the militia acts of the pre-Constitution colonies followed, beginning with these generalizations from the historian Osgood "In all the colonies, as in England, the militia system was based on the principle of the assize of arms. This implied the general obligation of all adult male inhabitants to possess arms . . . . The possession of arms also implied the possession of ammunition. . . ."

In 1784, the General Court of Massachusetts directed that "all able-bodied men" under sixty years of age be available for the Train Band or Alarm List, and each individual "shall equip himself, and be constantly provided with a good fire arm. . . ." Defining "every able-bodied Male Person" who resided in the state between ages sixteen and forty-five a militiaman, the New York Legislature directed each to "provide himself, at his own Expense, with a good Musket or Firelock" and ammunition. Finally, the General Assembly of Virginia in 1785 declared, "the defense and safety of the commonwealth depend upon having its citizens properly armed," and directed that "all free male persons" between ages of eighteen and fifty be considered members of the militia who were obliged not only to be armed on muster day with a clean musket or rifle, cartridges, a pound of powder, lead, and other equipment, but also to "constantly keep the aforesaid arms, accoutrements, and ammunition. . . ."

The Supreme Court's historical review demonstrated its recognition that the "well regulated militia" referred to in the second amendment meant the whole armed masses, that each private individual had the right and duty to keep and bear arms, and that the people were to provide their own armed protection rather than depend on a militarist and oppressive standing army. The Court not only sanctioned the view that the whole armed population, not simply the organized armed minorities on the payroll of the United States or state governments (i.e., the four branches of the national "armed forces" and the "National Guard"), was responsible for protecting the people's freedom and implied that the standing army was contrary to "the security of a free state" and unconstitutional.

Next, the Court pointed out: "Most if not all of the States have adopted provisions touching the right to keep and bear arms. Differences in the language employed in these have naturally led to somewhat variant conclusions concerning the scope of the right guaranteed." While asserting that these provisions failed to support the defendants in this case, this statement reaffirmed that the right to keep and bear arms was clearly "guaranteed."

Perhaps the most significant portion of the brief Miller opinion was the footnotes which the Court labelled "some of the more important opinions and comments by writers. . . ." Although virtually all these notes are reviewed in detail above, as approved authorities, they merit summarization here to further clarify the Court's determination in 1939.

The note begins by citing Presser v. Illinois and Robertson v. Baldwin. As seen previously, Presser only held that the second amendment did not protect private armies marching through a city without a permit, and asserted that the states could not prevent the armed people from doing their duty as a militia under the Constitution. The latter case, in dictum, viewed the right to keep and bear arms (which it failed to restrict to arms appropriate to a militia) as a fundamental privilege and immunity which antedated the adoption of the Constitution. The Robertson Court further implied that an individual right to keep and bear arms was protected from state and federal infringement, since the Court sanctioned regulation of concealed weapons, an issue hardly relevant to the organized militia.

Aside from the above two Supreme Court cases, the Miller Court, largely in the aforementioned note, referred to several state cases. In order of appearance, the following were cited:

The Arkansas case of Fife v. State, upheld the right of individuals to bear large, but not pocket, pistols to enable the people to resist domestic oppression. It should be noted that the state constitutional provision in question qualified the right to keep and bear arms for the "common defense," a qualification which was defeated in debates over the second amendment. Arguably, possession of concealed pocket pistols is thereby protected by the amendment.

The Georgia case of Jeffers v. Fair, upheld the right of the Confederate States of America to conscript men to combat the invasion of their soil from domestic tyranny transformed into foreign invasion. The case discussed the value of the militia in a general manner without expositing directly the second amendment, or its equivalent in the Confederate Constitution, which adopted identical wording.

The Kansas case of Salina v. Blaksley, which in dictum stated that the right to bear arms applied to members of the militia, also assumed that the masses were the militia in concluding that only weapons not ordinarily used in civil warfare were not protected by the amendment. In addition, this presupposed the applicability of the second amendment to the states.

The Michigan case of *People* v. *Brown*, not only defined the militia as "all able-bodied men" but went further and determined that each private individual may bear arms which have no militia purpose. Brown in turn was partly based on *People* v. *Zerillo*, which held that the state could not make it criminal for anyone, even an alien, to possess a revolver for self defense.

The Tennessee case of *Aymette* v. *State*, upheld the possession by "the citizens" of arms appropriate for militia use under a state constitution which referred to arms kept "for their common defense"—a restriction non-existent in amendment II.

The Texas case of *State* v. *Duke*, while averring that the second amendment did not apply to the states, held that large pistols could be carried legitimately, and that the term "arms" was more comprehensive than only the "arms of militiaman or soldier." The types of arms commonly and customarily kept were protected by the state constitutional provision.

The West Virginia case of *State* v. *Workman*, upheld protection under the second amendment of individual possession of swords, guns, rifles, and muskets to protect civil liberty.

All of the above cases, defining the militia as the whole people, asserted the right of each individual to keep and bear arms with a military use; the same precedents are split on whether second amendment protection extends to weapons not ordinarily used for militia purposes and on whether the amendment applied to the states.

Lastly, the Miller Court's note sanctioned Justice Story's exposition of the amendment, which stressed, "the right of the citizen to keep and bear arms has justly been considered, as the palladium of the liberties of the republic," in part to resist the usurpations of rulers. Those who argue that the United States armed forces and National Guard now take the place of the militia have a confidence in standing armies and rulers which Justice Story would have considered naive. Furthermore, the faith presupposed by such advocates in the armed state and their concomitant lack of faith in the armed people, appears curious considering their stress on the militia concept as a limitation on the right to bear arms and their constant reiteration that the Constitution's framers rejected the standing army—all of which such advocates find laudable. Justice Story's comments, endorsed by the Supreme Court, remain valid political philosophy today.

The comparable exposition of the second amendment by Judge Thomas M. Cooley was also approved by the Court in the same note:

The right declared was meant to be a strong moral check against the usurpation and arbitrary power of rulers, and as a necessary and efficient means of regaining rights when temporarily overtuned by usurpation.

The Right is General—It may be supposed from the phraseology of this provision that the right to keep and bear arms was only guaranteed to the militia: but this would be an interpretation not warranted by the intent . . . . But the law may make provision for the enrollment of all who are fit to perform military duty, or of a small number only, or it may wholly omit to make any provision at all; and if the right were limited to those enrolled, the purpose of this guaranty might be defeated altogether by the action or neglect to act of the government it was meant to hold in check. The meaning of the provision undoubtedly is that the people from whom the militia must be taken, shall have the right to keep and bear arms and they need no permission or regulation of law for the purpose . . .

Despite Judge Cooley's imploration, the Supreme Court reversed the judgment of the district court and remanded the case for further proceedings. Although the judgment against the right to possess sawed-off shotguns was a default judgment based on the non-appearance of defendants. *Miller* stands for the proposition that the people, in their capacity as individuals, could keep and bear arms appropriate for militia use.

Mr. President, we must equate the same status to the second amendment that has been given to other freedoms contained in the Bill of Rights. It is the second amendment that gives life and force to our entire Constitution and establishes the relationship between a people and their governments at all levels. Freedom is still the issue.

IMMIGRATION LAW REFORM

● Mr. HAYAKAWA. Mr. President, today I bring to the attention of the Senate an issue of great and growing concern to the citizens of our Nation and of particular concern to westerners. That concern is the existence of undocumented aliens in our society.

We have, by some estimates, from 3 to 6 millions illegal aliens in this country. Immigration, legal and illegal, from the Third World has never been higher. The forces behind this flow of humanity to our bountiful shores will only get stronger, and our ability to deal responsibly with the issue rests largely on our ability to understand the circumstances of and reasons for the flow of foreigners into our Nation.

We must come to grips with our acceptance and treatment of refugees from around the globe. We must gain some sense of control over our 2,000-mile border with Mexico.

It is, however, absolutely critical that we understand the situation before acting. I have studied the questions surrounding the flow of Mexican nationals into our Nation for several years and will, over the next few months, attempt to provide my colleagues with a greater understanding upon which we shall be able, in part, to determine the future of our Nation's immigration laws.

Unlike other political problems, there is no clear ideological division on these issues. There is no sharp "conservative" or "liberal" division. Moreover, immigration is a highly emotional issue involving ethnic and racial hopes, attitudes, and fears, which are not always clear or expressed. Immigration, in addition, involves emotions which are not easily compromised. It is no wonder then, that most experienced politicians see the immigration question as dangerous territory with serious short-run costs and no clear advantages. They avoid the problem despite the fact that public opinion polls repeatedly show that the overwhelming majority of Americans are greatly dissatisfied with our present immigration policy and want the Government to take action to solve the problem.

While I am in full agreement that something must be done, I am gravely concerned over the direction in which we might move. During the course of our discussions, I will concentrate my efforts on explaining the economic and social justification for continuing with a relatively free flow of Mexican nationals commuting into and out of our Nation. Undocumented temporary immigration has been going on for a long time. It results from fundamental structural characteristics of both United States and Mexican societies. Attempting to deal with the matter in a single stroke of congressional lawmaking would be disastrous. We must look at the big picture, of which the laws on our books relating to immigration are but a small part.

This is an international question. There can be no unilateral effort on the part of Congress or the administration which will responsibly address this matter. For too long we have dealt with Mexico like a big brother dealing with a weak sister. The arrogance must end.

The notion of racial and economic superiority must be put to rest. We have an outstanding opportunity to express our commitment to mutual understanding and support. As we look at the issues surrounding immigration law reform, I urge my colleagues to be open, to be sensitive to the needs of the Mexican people, and to be conscious of the historic social and economic ties which bind the great nations of Mexico and the United States.

At this point I request unanimous consent that the following article, "Illegal Aliens: Should the U.S. Put Out the Welcome Mat?" from the February 17, 1982, issue of the Christian Science Monitor be printed in the RECORD. The article provides us with an excellent review of the questions surrounding the issue of illegal aliens within our borders. I commend it to my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ILLEGAL ALIENS: SHOULD U.S. PUT OUT WELCOME MAT?

(By Robert M. Press)

EL PASO, TEXAS.—Are aliens who work illegally inside US borders a net plus of minus for the United States?

The question lies at the heart of the national political debate over the issue of US Immigration policy.

The debate is taking place against the background of an 8.5 percent January unemployment rate in the US, meaning more than 9 million American citizens are out of work.

Involved in the debate are President Reagan, who has proposed legislation, including a plan to let some foreign workers enter legally; Congress, which is considering legislation, and millions of Americans, whose concern about the issue has been registered in national polls.

Also directly involved are the illegal (sometimes referred to as "undocumented") workers from various nations, primarily Mexico. Do such workers take jobs away from Americans and legal residents? Are undocumented workers a drain on government services, or do they pay more taxes than the cost of the benefits they receive?

The flow of illegal immigrants to the US actually has been tolerated for years by lack of an effective border-control policy. Many times in the past century the US has welcomed—even recruited—Mexican workers. The welcome usually has ended during tough economic times.

Today, with high unemployment, it is one of those tough times. So the President and members of Congress are calling for action to regain "control" of US borders.

But what kind of action is in the best interests of the nation? Even experts calling for closed borders generally say illegal aliens are only one part of the nation's unemployment problem. Other experts insist undocumented workers actually help provide more jobs for American citizens. They argue that some industries are kept afloat only by the use of illegals, who do work that Americans won't do. Were these industries to close, they say, Americans would lose jobs, too.

Sharp disagreement over the direction of US policy threatens to thwart efforts to take action in this election year. The challenge for US policymakers is to seek out scare "facts" and make informed decisions. A wide range of solutions have been offered. Among them: a tightly guarded, closed border, a wide-open border, a stepped-up worker plan, "amnesty" for illegals within US borders, and a national identification card system.

That reform is needed is clear. Border enforcement policies today are so ineffective that large numbers of workers enter the US illegally each year. Many do so here in El Paso, coming and going on a regular, round-trip basis.

Yet it is not illegal in the US to hire an illegal alien. Many employers are glad to hire them because they usually work hard—often for very low pay. President Reagan wants a law that would allow the levying of fines against employers who "knowingly" hire more than four persons who cannct show proof they have entered the country legally.

Doris M. Meissner, until recently the acting commissioner of the US Immigration and Naturalization Service (INS), voices another concern: "The existence of a large illegal migrant population within our border violates the basic concept that we are a nation under law, and this cannot be tolerated."

"Until the US debate is based on facts—not only the numbers [of illegal workers] but on their impact on communities, the debate will be solved strictly in terms of politics," adds Adolfo Aguilar Zinser, coordinator of the US-Mexican relations program at the Center for Economic and Social Studies of the Third World in Mexico City.

There is no consensus in the US on what the "facts" are or what to do about them. What follows is a summary of leading views, based on interviews with dozens of US and Mexican experts:

JOBS

"I don't know of any job that would not be filled by Americans if not filled by illegals." contends Rudolph Oswald, research director for the AFL-CIO.

Most analysts say that if undocumented workers were expelled from the US—a step the Reagan administration is not proposing—businesses using illegal labor would either fold, move to Mexico or another nation with cheaper labor, or be forced to raise wages.

The last option, says Mr. Oswald, would make the jobs attractive to American citizens. "I see no reason why wealthy people should wash their shirts in a laundry where wages are held down by illegals." he says.

(For example: One illegal alien, a Mexican arrested here in El Paso recently by the US Border Patrol, was found to be earning just $2 an hour from a US employer. The minimum wage in the United States is $3.35 an hour.

(Yet at a higher point on the pay scale are a smaller number of undocumented workers, such as Felipe, interviewed by this newspaper in the small central Mexican town of Coalcoman. He says he earns about $2.50 an hour in Mexico doing construction work; when he crosses the border illegally into the US, he earns about $11 an hour doing the same kind of labor.)

Marion F. Houston, a Department of Labor immigration specialist, agrees. She says that without illegal labor wages would "creep up" in surviving businesses and industries. This would make the jobs more attractive to minorities, especially teen-age blacks who may see these jobs as "dead end" with no opportunities to advance, and so often pass them up. But, she adds, it may take years before these wages rise to that point.

Most so-called "low status" jobs are already held by Americans, points out George W. Grayson, professor of Latin American politics at the College of William & Mary in Williamsburg, Va. With high unemployment, such jobs become even more attractive to Americans, he says.

But most experts, including the Labor Department's Dr. Houston, recognize that many industries are now dependent on the cheap labor of undocumented workers.

"There are very definitely industries which rely on them and would be seriously impaired without them." Sen. Alan K. Simpson (R) of Wyoming, chairman of the Senate subcommittee on immigration said in a recent interview while visiting Mexico City. President Reagan has recognized this US dependency, at least to a degree, in his proposal to allow 100,000 Mexican "guest workers" to enter the US legally over a two-year period.

Exactly how many undocumented workers hold jobs at the expense of US citizens?

Not many, says Wayne Cornelius, director of the program in US-Mexican Studies at the University of California at San Diego, who has studied the question for a decade.

"There is no hard, reliable evidence that there is a significant amount of direct displacement of American workers" by undocumented workers, says Dr. Cornelius. But, he adds, he does not know how many US citizens might be discouraged from seeking jobs because illegals are already filling them.

He and Dr. Grayson of William & Mary both cite a public opinion poll taken by the Los Angeles Times in 1981 showing that three out of four jobless citizens said they would apply for jobs paying between the minimum wage of $3.35 and $4.50.

But a study of jobs suddenly opened by the arrest of a number of undocumented workers in San Diego found that the vacancies were mostly filled not by Americans but by Mexicans with legal entry documents. (Not clear from the study is how much effort was made to recruit Americans.)

This study and other factors led professors Sidney Weintraub and Stanley R. Ross of the University of Texas at Austin to conclude in an article: "On balance, then, the weight of evidence militates against equating jobs held by illegals with jobs lost by US nationals."

The US actually may find itself looking for more workers from other countries in the years ahead, says Clark Reynolds, economics professor at Stanford University in Palo Alto, Calif.

If the US economy grows at only 1 to 2 percent a year between now and the year 2000, he calculates, there will be a need for "at least 5 million" workers above and beyond the numbers US citizens and legal immigrants will provide.

Although he agrees that undocumented workers do displace some US nationals, he says that they also save some jobs by keeping industries that depend on cheap labor alive. They create some new jobs for Americans by reason of their economic activity, he says.

SOCIAL COSTS

When Mexicans come to the US, they often pay social security and other taxes, even though they are working illegally. Some use public health facilities and send their children to public schools.

In its report on legal and illegal immigration, the House Select Committee on Population said in 1978: "Despite popular belief, illegal immigrants do not appear to be a heavy burden on government social service programs. Undocumented aliens appear to be more likely to pay taxes than to use tax-supported programs."

The report went on to say that studies of illegal immigrants estimate that less than 5 percent used food stamps, welfare, or supplemental security income. (Illegals are not eligible for these programs.) The number of illegals claiming unemployment insurance ranged from 2 to 17 percent of those studied.

Examining government records on some 580 illegal migrants in 1981, David North of the new Transcentury Foundation in Washington came to similar conclusions. He found that: (1) migrants and their employers paid more than $1 million into the Social Security Trust Fund and drew no benefits as of the date of the study; (2) they paid a small amount of income taxes and received a smaller amount of earned income tax credits; (3) one-third collected some unemployment insurance at a time of low unemployment—although the state (California) collected more unemployment insurance payments from their employers than it paid out in benefits.

But he also concluded that a program in Los Angeles County designed to screen out illegal migrants from welfare saved the county annually "tens of millions of dollars in benefits."

Although illegals appear in general to contribute more to federal and state programs than they get in return in benefits, they may be using local services in excess of any related payments for those services. Some officials in schools and hospitals in the Southwest, particularly, have complained that illegal aliens put an unfair burden on their services.

And there is another aspect to the social costs: The hidden issue of exploitation of and danger to undocumented workers. While some Mexican and US experts say the incidents of exploitation are not frequent, they can be severe.

Roger Conner of the Federation for American Immigration Reform calls illegal immigration "as vicious and pernicious an institution as we've had in this country since slavery." He would like all illegal—and legal—immigration stopped.

One example of exploitation of undocumented workers, says Professor Ross of the University of Texas, are the "outrageous" rents some illegals are forced to pay, often for rooms in bad condition. And there have been reports of some undocumented workers living in virtual "slavery" in various part of the country—afraid to break away from intimidating employers who pay them very little.

And there's also alleged harassment from government officials. One Mexican told this reporter that when he is in the US working illegally he hesitates to go to movies, sports events, or other gatherings involving Hispanics because he is afraid of being picked up by immigration officers.

Sometimes violence occurs. One Mexican said his brother, José Luis Madrigal, had been killed without cause in June 1972 by an Immigration and Natural Service officer in Idaho. An INS spokesman said a Border Patrol agent shot and killed the man after he knocked the agent down and attacked him with a club. An inquest determined the shooting was in "self-defense," the spokesman said.

PROPOSED SOLUTIONS

President Reagan has proposed a guest worker program, allowing foreign nationals a two-year stay in the U.S. In addition, he would grant amnesty to those living in the U.S. illegally prior to Jan. 1, 1980. These people would not be eligible for welfare, food stamps, unemployment compensation and some other government programs. Enforcement of the new policy would come from fines on employers found to have hired four or more undocumented workers (up to $1,000 per alien), if the workers were knowingly hired.

Laws already exist in some 12 states against hiring undocumented workers. But experts say the laws are not being enforced.

Under the proposed federal law, how would an employer know if an alien was legally in the US? Mr. Reagan would require any two of the following to be shown to the employer: a driver's license, social security card, birth certificate, or selective service registration.

But critics of this idea say these documents could easily be forged. Senator Simpson has proposed that all Americans carry a counterfeit-proof identification card. Although this raises questions of invasion of privacy, many critics raise an even more immediate query: The documents used to obtain the counterfeit-proof identification card could be forged.

An example: One Border Patrol officer here was surprised to find that a copy of his birth certificate was requested by—and sent to—people in three locations in Texas without his knowledge. With the birth certificate, a Border Patrol intelligence agent here says, it would be easy for whoever requested the certificate to obtain a driver's license or even a US passport in the officer's name.

Several analysts call the 50,000 per year limit on the two-year proposed "guest worker" program "a joke" because it is so small compared to the numbers coming in illegally now from Mexico.

But Border Patrol officials here say they would welcome fines on employers as a way to get at least some of them to cooperate. Many employers now hide their illegal employees during Border Patrol raids or claim they did not know the employees were undocumented.

Other solutions being discussed:

Closing the borders, something most analysts say is impossible, short of a massive, 24-hour military presence.

A larger "guest worker" program—perhaps 500,000 or so.

An open border. One State Department official says this is his favorite option but one politically not acceptable in the US. One professor suggests an open border would drain the poverty of Latin America into the US.

Allow US and Mexican labor unions to meet and decide how many Mexican workers are needed in the US. This idea, offered by Mexican sociologist Jorge Bustamante, seems outrageous at first, he admits. But he says its merit is that it wins the cooperation of the unions instead of their opposition.

An "overlapping border." This, says Ellwyn R. Stoddard, sociologist at the University of Texas at El Paso, would allow free movement of people within a zone along the border. Border cities on both sides are poor and already depend on each other; why not legalize what is already happening to a large degree, he asks?

Encourage Mexico to put more of its oil wealth into labor-intensive industries to provide more jobs, reducing the need to migrate to the US for work.

Senator Simpson sees the guest-worker program as a transition down to fewer and fewer Mexicans coming across legally. President Reagan apparently sees it as the beginning of a much larger program, bringing to mind the Bracero program that ended in the mid-1960s.

This kind of disagreement and the complexities of immigration issues—issues the US Congress has studied at length—may result in no action at all in this election year.

"We may well be condemned to the status quo," says Dr. Cornelius of the University of California at San Diego.

But the improbability of immediate action could provide the US and Mexico an opportunity to begin discussing the issue in detail—something they are not doing, say analysts. Mexican leaders apparently see this as a poor time to negotiate the issue, given the high unemployment north of the border. But Mexican cooperation is needed to maximize the effectiveness of any US immigration policy.

JAPANESE TRADE AND DEFENSE

Mr. HAYAKAWA. Mr. President, as the chairman of the East Asian and Pacific Affairs Subcommittee, I have been very concerned about our relationship with Japan, both in terms of trade and defense. In the area of trade, it is well known that the United States maintains a growing bilateral deficit totaling $18 billion last year and projected to reach $25 billion this year. At the same time, Japan has devoted less than 1 percent of its gross national product to defense, while we consider 5 percent to be inadequate. Thus, Japan has been enjoying not only the strategic protection of U.S. Armed Forces, but a free and open market for its goods in the United States, while providing neither to us.

It is clear that a glaring inequity exists in the relationship between our two nations. However, the drastic methods of reversing these inequities that some have proposed may seriously undermine the foundation of our relationship. The notion of reciprocity in bilateral trade is nothing short of protectionism. We must encourage the Japanese to open their markets, rather than imposing restrictions on our own. Further, American demands of specific monetary commitments for defense by the Japanese fails to address their needs and cultural circumstances. I agree that action needs to be taken, but I am very concerned that such action be mutually beneficial and agreeable.

I ask unanimous consent that two articles appearing in the Washington Post on this subject be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

RECIPROCITY IS MISGUIDED PROTECTIONISM

(By Hobart Rowen)

Probably no businessman is as familiar with the United States and Japan as Akio Morita, chairman of the Sony Corp., who spends almost as much time managing his world-wide enterprise from New York as from Tokyo. Therefore, when Morita says, as he did to a small group of influential American and Japanese opinion-makers here the other day, that Japan resents American "high-handedness," they all sat up and paid attention.

Morita said that the persistent pressure from the United States (and from Europe) to "make more concessions" so as to reduce the Japanese trade surplus is becoming oppressive. "Instead of treating Japan as a friend, the U.S. and Europe are ganging up on Japan . . . treating [us] almost as an enemy."

He conceded that "fair criticism" could be made of Japan's failure to abandon import quotas on tobacco and other agricultural products, and certain annoying nontariff customs and other barriers.

"But I think Americans are too wrapped up in their own economic difficulties and frustrations to think about the impact of what they are saying and doing to their allies. This is causing a lot of trouble, not just in Japan, but also in Europe, and it is eroding the very fabric of the free world."

These are tough words, reflecting the bitter assessment in Japan that it is taking a bum rap for the inability of American industry to compete. The Suzuki government, always anxious to avoid a public confrontation with Washington, would rather that Morita had remained silent, I am told. But Morita was accurately reflecting the opinion of his peers. American companies exhibit a lack of competitiveness, a weakness that is exacerbated by a Reagan economic policy mix producing an overvalued dollar.

But there is equal bitterness here, and the Japanese have been slow in assessing it. Yale Prof. Hugh Patrick, commenting on a round of talks with U.S. congressional leaders, observed: "When the 'friendlies' are as unfriendly as they are, you have to worry about the 'unfriendlies.' There is increasing frustration [about the huge Japanese trade surplus] and it will get worse instead of better."

A recent report by Rep. Sam Gibbons' (D-Fla.) House Ways and Means subcommittee on trade bluntly warned Japan that its "societal" disinterest in imports "is bringing out the anger of all the rest of the world." It cited a uniform criticism of Japan in Southeast Asia that "Japan is an unfair trader . . . the Japanese simply do not want to import."

The American bilateral trade deficit with Japan last year was about $18 billion, and could hit $25 billion this year. Never mind that comparing bilateral trade balances can give a distorted view of world economic relationships. The United States, for example, has a sizeable bilateral surplus with Europe, and surely would resist European demands that we make "concessions" to reduce the surplus.

And never mind that the United States enjoys a huge world-wide surplus on its sales of services—$36 billion in 1980, while Japan had a services deficit of $11.3 billion. The hard political fact is that there is a high visibility to the trade imbalance, and that gets translated into "lost" jobs—as in the auto industry—and ultimately into pressure on Congress to "do something."

As unemployment rises, and the United States sinks deeper into the economic morass as Morita so well described, nothing is more easily nurtured than a protectionist attitude. The buzzword on Capitol Hill today is "reciprocity"—bilateral reciprocity, that is—a principle according to which the U.S. government should take steps to assure that American businesses have the same access to overseas markets that foreign firms enjoy in trading with the United States.

If the United States were to put conditions on success to its market, in a transparent effort to block Japanese imports here, it would run counter to traditional American reliance on the "Most Favored Nation" principle, according to which a nation must treat all others equally in its own market.

The case against reciprocity legislation was brilliantly made in a Washington Post op-ed page article on Feb. 11 by Brookings Institute scholar Philip Trezise. Trezise is also a director of an American-owned subsidiary of the Bank of Tokyo.

Reciprocity is merely a back-door approach to protectionism. Yet, the Reagan administration, theoretically committed to free trade, displays a great ambivalence. Officials say they are uncertain of what Congress intends, that they would not endorse the language of any bill in advance, and that they want to be absolutely certain that reciprocity does not deteriorate into protectionism.

Yet, it's abundantly clear that president Reagan's two chief trade policy spokesmen-Ambassador Bill Brock and Commerce secretary Malcolm Baldrige are in fact using the congressional drive for reciprocity as a lever to force Japan to open its markets wider. They are supported, as well by key State Department officals.

Baldrige, worried that American high technology industries that used to excel are losing their competitive edge, seems more ready than Brock to twist Japanese arms with the reciprocity idea. He claims, for example, that Japanese producers have picked up 70 percent of the market for the 64K RAMs a state-of-the-art-mico-chip memory, by slashing prices "to the point where they are driving the U.S. out of the market."

It's doubtful that Baldrige can back up that claim. For example, Edson Spencer chairman of Honeywell Inc., one of the major buyer of 64K RAMs suggests that the Japanese have taken the lead in this microchip not because of price, but because "the Americans got there late."

Spencer says that Honeywell has three suppliers of 64k RAMs, all Japanese, because American producers don't yet have 64K RAMs for sale. In the next few months. Spencer says some U.S. producers will be offering 64K RAMs, "and everything else being equal we'd like to do some business with them." That means, Spencer told me, that they will have to meet Japanese standards of quality as well as price.

The president's Cabinet Council on Trade and Commerce has undertaken a study of American hi-tech industries and what their competitive problems are. This study will take three or four months to complete. Undersecretary of Commerce Lionel Olmer, who has a large role in the Cabinet study, is convinced the situation is serious—that the more important an industry is to the U.S. economy at large, the greater the loss of U.S. competitiveness. He's thinking of semiconductors, steel and robotics, among others.

The danger is that the frustrated American response to the Japanese success—in these new fields, as well as autos and consumer electronics—will be to drift into "reciprocity" legislation as a painful necessity, denying at the same time, that it is protectionism by another name.

Slow economic growth in the industrial free world is working against free trade. Even if Japan abandons all of its trade restrictions, and makes access to its markets easy instead of difficult, it is likely to continue to be major exporter of goods, with a hefty surplus. As the U.S. economy continues to shift away from goods and toward services, it should continue to enjoy surpluses on services exports.

It will take a great deal of effort on the part of both Japan and the United States, the two economic giants of the free world, to defeat the internal forces for protectionism within each country, Japan could allay some of the bitterness here by contributing more funds to worldwide economic development, and also by picking up a greater share of its own defense costs. The United States, for its part, will have to be more honest about its own shortcomings, modernizing the economy, stressing producitivity, and reborrowing the labor-management techniques that Japan wisely adapted from the United States in the 1950s.

Let Japan Find its Own Way To Bear a Fair Share of Defense

(By James Webb)

The word is out: Iwo Jima is going to be a base again. A Japanese base.

It burns in our memories like a pure flame from a simpler if bloody past, that small island one-third the size of Manhattan which played host to the mutual slaughter of Americans and Japanese, the costliest battle in terms of time and property of World War II: 21,000 Japanese defenders dead, 25,000 Marine Corps casualties in little more than a month, for the ownership of an isolated pock of ash and weeds 5 miles long and 2 wide. It was the most real repository of heroism, a place where Fleet Adm. Chester Nimitz could reflect that "uncommon valor was a common virtue" among American fighting men, a scarred island whose cracked earth breathed sulfur fumes as if its insides had gone wheezing and rotten, and whose topography provided perhaps the most inspirational military pose a camera has ever caught, transferred into a statue that has become a shrine, Iwo Jima. We paid for it, every bloody square inch, with the agony of dying men and the undying tears of those they loved, for the good of democracy and all things Amercan.

And now if you stand on the invasion beach and stare up toward the bald height of Mount Suribachi, chances are your view will be obstructed by yellow Japanese tractors that scoop away the loose black sand so that cargo ships can unload. And if you climb the steep hill and peer down its backside you will see earth movers gouging out dirt to use for fill as they expand the runway—Japanese earth movers, building up a runway that will soon, if plans go through, house Japanese aircraft—fighters, antisubmarine patrol planes and helicopters.

The remilitarization of Iwo Jima will no doubt cause strong emotions to flow among many Americans, just as the return of the island to Japanese dominion did 13 years ago. And, in many ways, the prospect of Japanese combat forces there provides a metaphor for the ambivalence which we and the Japanese themselves feel about the thought of a rearmed Japan. On the one hand, it has become evident that the imbalance in defense responsibilities between our two countries must be remedied, or at least adjusted. On the other, it is not clear what missions Japan should be allowed, or forced, to perform. And at the bottom of it all is an underlying tension, a question of whether and in what manner the United States should intrude into the internal affairs of a country which has grown in the last three decades from its protected child into its greatest economic competitor.

It is often stated—correctly—that the Japanese are getting a free ride in defense matters, having allowed their economy to burgeon without paying the price of protecting their trade routes. The Japanese have spent less than 1 percent of their gross national product on defense since the late 1960s, while the United States has spent between 6 and 10 percent of its GNP on defense during this period. The average American taxpayer spends $759 a year on defense; the average Japanese, $98.

The Japanese military consists of a localized "self-defense force" (JSDF) whose combined air, maritime and ground components total scarcely a quarter million men. The JSDF plays no regional defense roles, and in fact rarely ventures outside the contiguous waters of Japan. With the most productive shipyards in the world and a merchant fleet that dwarfs our own, Japan has a minuscule, coastal defense navy whose entire tonnage is less than that of three American aircraft carriers, and whose principal combat ships are 48 small destroyers and 14 submarines.

The Japanese compete with us in markets throughout the world, moving their goods along trade routes which we protect with an overworked and beleaguered Navy. They rely totally on the United States for the protection of their Persian Gulf oil supplies, which provide 80 percent of their petroleum needs and only 7 percent of our own. They trade freely with the communist nations due to the calm which our presence provides: $10 billion in two-way trade with China last year, and a mind-boggling relationship with North Korea that has made Japan its principal free world trade partner, its "trade lifeline" with the non-communist, world, even as we maintain 38,000 combat troops in South Korea, partially to ensure Japan's security from the advances of those same North Koreans.

Free from the cost of maintaining a military commensurate with its economic power, Japan has enjoyed a consistent and substantial bilateral trade surplus with the United States that drains our economy—$18 billion last year alone—and is investing heavily on the American mainland. The evidence is persuasive that Japan will grow stronger; its own government's Economic Council recently predicted that by the end of this century their per capita gross national product will have substantially topped ours, $21,510 to $17,600. And yet it suffers little of the economic drain from defense expenditures which has traditionally been the price a nation has had to pay in order to engage heavily in international trade.

Except in the narrowest sense of self-defense, our armed forces *are* the Japanese military, incurring all its international security obligations in addition to our own. Some 46,000 Americans are stationed on Japanese soil, more than in any foreign country except West Germany, and many of the 25,000 deployed personnel of the Seventh Fleet are often in nearby waters. Nine U.S. Navy ships are "permanently forward deployed" in Japanese ports. The 3rd Marine Division operates out of Okinawa, as does the Air Force's 313th Air Division.

In many cases, American and Japanese security burdens overlap. However, Japanese opinion, both government and public, seems to have been that in *all* cases they overlap, so that American defense of Japanese security interests is simply incidental to our own strategic responsibilities. For example, it is true that Japanese oil tankers are secure in their Persian Gulf journeys because of the presence of the American fleet, which has stabilized the region for reasons related to American security. What is not clear to the Japanese is that their Persian Gulf sources either would dry up or be suffered at the hands of the communist nations should the Americans cease providing this protection. Since that prospect is unthinkable from an American perspective, and since its results would signal a total realignment of world power, the cost to the United States is not regarded as a Japanese problem. In fact, the clearest public sentiment in Japan over at least the past decade has been toward a nonmilitary centrism, and equidistance from the United States, China and the Soviet Union.

The Soviet invasion of Afghanistan and its threats to Poland, coupled with the unrelenting growth of the Soviet Navy, have awakened the perceptions of many Japanese regarding Soviet intentions in the world. Nonetheless, the Japanese logic regarding such dangers is in effect to kill a potential enemy with kindness rather than to confront him militarily, to make him so economically dependent on Japanese goods and services that he will want to foster good relations.

A recent poll conducted by the Japanese newspaper Asahi Shimbun showed 70 percent of the country taking a negative stand against the very modest Japanese military buildup now being proposed by the ruling Liberal Democratic Party. Some of this negativism can be passed off as economic self-interest. The rest of it should be construed as genuine revulsion toward a militarism that caused 2 million Japanese to perish on the battlefield in World War II—five times the combat deaths from a country half as large as the United States—with the resulting destruction not only of the Japanese Empire but of much of the homeland itself. Either way, the point is clear; Japan now is secure, and has accomplished many of the economic aims for which it once went to war. Strengthening its military forces seems unnecessary and provocative to many Japanese.

Against such a backdrop, and in light of the Japanese government's tendency to seek harmony in its policies rather than indulging in the confrontation process so familiar to the United States political system, the recent 7.754 percent increase in the Japanese defense budget during a period of austerity, accompanied by the many official statements regarding Japan's moral debt to the United States military for its present economic well being, should be regarded as major steps toward a larger role by Japan in the defense of the Pacific region. Toward this end, defense experts from Japan and the United States have been meeting regularly for the past year in an effort to redefine mutual security obligations, focusing on roles and missions performed by the two countries.

Adjustments will not come easily. The Soviet Union has already criticized Japan's "militarization" during talks between the two countries. The Japanese Socialist Party, which is the major opposition party, is combining with other opposition parties to campaign not for military increases but for disarmament, and hopes to collect 10 million signatures during February to support its cause. Others will invoke the provision contained in Article IX of the Japanese Constitution in which the Japanese people forever renounce war, and state that "land, sea and air forces, as well as other war potential, will never be maintained."

The countries of eastern Asia, all of whom were occupied by Japan prior to 1943 and suffered under the cruel whip of Japanese militarism, will react with genuine fear (one clear example of the depth of these feelings comes from South Korea, whose people recently voted Japan the country they feared most, except for North Korea-ahead even of the Soviets).

Such dissent is answerable. First, the Soviets and the opposition can be expected to react negatively. Second, the famous "no-war" provision of Japan's Constitution was foisted upon the country in more idealistic times, and was interpreted in 1959 by the Japanese Supreme Court to allow Japan the inherent right of self-defense. Additionally, as early as 1951, the Japanese stated in the preamble to the first mutual security treaty their expectation "that Japan will increasingly assume responsibility for its own defense against direct and indirect invasion." This language was adopted after U.S. negotiator John Foster Dulles had urged the Japanese to undertake an active regional defense role, and then accepted Japan's assertain that it was too spirtually and economically weak at that time to do so.

Finally, the other countries of Asia, all of whom deal economically with the Japanese and many of whom house Japanese industry, should concern themselves more with the present than the past. Forty years ago, when the Japanese dominated eastern Asia, the Soviet Union did not even have a Navy. Today its fleet outnumbers the United States fleet by 200 ships, and by 1990 it is expected to be operating at least five carrier-centered battle groups. The United States needs help, and Japan is capable of giving it.

What form that help should take, in the long run, is subject to legitimate debate. The options range from full militarization, on the one hand, to a flat payment by Japan for the U.S. protection of its commerce outside Japanese contiguous waters.

There already have been stirrings in the U.S. Congress, prompted by the trade imbalance between our two countries. Sen. Jesse Helms of North Carolina has called for renegotiation of the mutual security treaty, with Japan assuming new responsibilities. Rep. Clement Zablocki of Wisconsin has introduce a joint resolution which would require Japan to spend a full 1 percent of its GNP on defense, and is said to have the full interest of Sen. John Glenn of Ohio.

In a unique approach, Rep. Steven Neal of North Carolina recently introduced a "security tax" resolution, calling for Japan to pay the United States 2 percent of its GNP for the protection we provide it. Although the measure has attracted little attention among his colleagues, it has caused more than a dozen Japanese press and government officials to make their way to his office in the last three months, evidence of how closely the Japanese are following the American perspective on this issue.

But the greatest mistake Americans could make would be to attempt to publicly dictate terms to the Japanese, or to give the impression that we believe we have the right to control the internal policies of the Japanese government. The crushed, demonstrating dependency of 1946 has grown up and it has reassumed its role as a dominant force in Asia. It should be remembered that the Japanese government's cooperation on defense matters seems to stem more from a desire to demonstrate its good will as a responsible economic partner than it does from a truly perceived threat. The wrong sort of American pressure while its government is attempting to develop consensus among a citizenry leaning strongly toward centrism could boomerang badly, no matter how well intentioned our policy makers.

Now should it be forgotten that the very thought of large complements of Japanese soldiers bearing guns, piloting aircraft and commanding warships somehow rankles Americans, terrifies Asians and genuinely perturbs most Japanese themselves. It is a safe bet that the reappearance of Japanese combat forces of any scale on the terrain they so harshly controlled prior to 1945 would cause emotional repercussions that could unsettle Asia.

For these reasons, the task of American opinion makers and officials should not be to decide whether or under what conditions Japan should rearm, but rather to clarify to the Japanese what our own deficiencies are, and to pressure them to think creatively about complementary solutions.

For perhaps the first time, they seem to be convinced we are serious about their contribution to the regional security of Pacific Asia, and are devoting much energy to a solution.

They were smart enough to keep us in this situation for 30 years. Who knows? As the recent proposal to provide $10 billion in aid to this country suggests, Japan may now have the most innovative way to get us out of it.

TRIBUTE TO EDGAR F. KAISER

Mr. PERCY. Mr. President, on December 11 of last year, Edgar Kaiser, a long time and cherished friend, chairman emeritus and honorary director of Kaiser Aluminum and Chemical Corp., died in San Francisco after a long illness. In the 73 years of his remarkable lifetime, his contributions to public service were immeasurable.

His career was devoted to the continuation of his father's work as chairman of the Kaiser family of corporations. But he also found the time to develop a deep and abiding interest in health care and housing, and to serve four Presidents of the United States with distinction. He was an inspiration to those who knew him and, I hope, to the generations to come who will read of his integrity, vision, and leadership, and seek to emulate those qualities.

Our sympathies go to his family and to his colleagues at the Kaiser Aluminum and Chemical Corp. It will be a long time, if ever, before anyone to equal Edgar Kaiser will come upon the scene.

Mr. President, I ask unanimous consent to have three brief pieces of biographical information about Edgar Kaiser printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOTICE OF DEATH—EDGAR F. KAISER

We regret to advise that Edgar F. Kaiser died December 11, 1981, at U. C. Moffitt Hospital in San Francisco after a long illness. A press release has been distributed to the wires and to the major newspapers, radio and television stations. In addition to the press release, Cornell Maier issued the following separate statement:

"Edgar Kaiser was an international business statesman in the fullest most positive sense of the word. He saw, before many others did, the potential and the basic rightness in seeking to do business with the Third World and other non-traditional U.S. trading partners.

"Beyond this, Edgar Kaiser was a great teacher, one whose greatest interest was stimulating the interests and development of young people.

"We who knew, loved, and grew under him feel a tremendous loss. But immense though it is, the loss is dwarfed by the lasting lessons he taught, the opportunities he provided, the people he developed, and the decency, caring and willingness to listen which he always demonstrated".

DEATH OF EDGAR F. KAISER

DEAR FELLOW EMPLOYEE: The death of Edgar Kaiser has deep meaning, not only to our company, but to our nation and the world as well. He was, in every sense of the word, an international business statesman.

But to us, he was even more than that. He was a close and dear friend, and a teacher whose greatest interest was stimulating the potential and growth of the individuals with whom he had contact.

Our company over the years has been the beneficiary of his integrity, his vision, and his leadership. He was unparalleled in his sensitivity and warmth.

We who knew, loved, and grew under him feel a tremendous loss. But immense though it is, his passing is dwarfed by the lasting lessons he taught, the opportunities he provided, the people he developed, and the decency, caring, and willingness to listen, which he always demonstrated.

We will miss him greatly.

CORNELL MAIER.

[From the Washington Post, Dec. 13, 1981]

INDUSTRIALIST EDGAR F. KAISER DIES

OAKLAND, CALIF.—Edgar F. Kaiser, 73, who guided the industrial empire founded by his father, Henry J. Kaiser, to global expansion, died Friday in a hospital in San Francisco. The cause of death was not reported.

He had been chairman emeritus and honorary director of Kaiser Aluminum & Chemical Corp. and of Kaiser Cement Corp. since December 1979. Before that he had served as chairman for about 20 years.

Mr. Kaiser and his father became interested in sponsoring new methods of organizing and providing medical care during the construction of the Bonneville Dam and at the Grand Coulee Dam where the son was project manager. A new type of prepaid medical care program was set up for workmen and their families. It was the forerunner of the 3.9 million-member Kaiser Permanente Medical Care Program.

The younger Mr. Kaiser was chairman emeritus of Kaiser Foundation Health Plan Inc. and Kaiser Foundation Hospitals, having served as chairman from 1968 through 1980.

He served four presidents. John F. Kennedy appointed him to the President's Missile Sites Labor Commission and to the President's Committee on Equal Employment Opportunity. Lyndon B. Johnson selected him to head the President's Committee on Urban Housing and to serve on his advisory committee on labor-management policy.

Gerald R. Ford appointed him to the President's Advisory Committee on Refugees and Jimmy Carter picked him for his advisory committee on national health insurance issues.

He received the Presidential Medal of Freedom in 1969 for his efforts to increase the availability of low and moderate income housing.

Mr. Kaiser was a native of Spokane, Wash. During World War II, he was general manager of three Kaiser shipyards in Portland, Ore.

Mr. Kaiser's survivors include his wife, Nina, three sons, Edgar Jr., Henry, and Kim, three daughters, Mrs. Franklin Stark, Mrs. Martin Drobac and Mrs. Wallace Gudgell, and 20 grandchildren. His first wife, Sue Mead, died in 1974.

SRI LANKA

Mr. PERCY Mr. President, Sri Lanka recently celebrated the 34th anniversary of its independence, and it is fitting that we take note of the progress made by this strategically located democracy.

The lovely island nation, formerly known as Ceylon, has held seven general elections since it obtained independence from Britain on February 4, 1948. Reflecting the vigor of the democratic processes, in six of these elections, the Government in power was defeated and there was a peaceful transition of power to the opposition. The voter turnout during the past 16 years has averaged over 80 percent, an example which the western countries could well emulate. Last year Sri Lanka marked another anniversary. It was 50 years since the granting in 1931 of the universal adult franchise.

Although, like many countries, Sri Lanka has had internal communal and economic problems, the strength of its democratic traditions and its commitment to economic improvement are cause for confidence. The Government has a program of balanced economic development and liberalized trade investment which is intended to improve the overall standard of living of all the communal groups.

Various programs to help meet the basic needs have helped improve the health, education, and food supplies for the people. The quality of life has been rated high, 83 on an international measurement scale of 100. The life expectancy is one of the highest in Asia, 64 years for males and 67 years for females. The death rate is 8.1 per 1,000 and the literacy rate is 88 percent.

The achievements have been reached although the country of 14.8 million is still poor, and many sectors of the economy still need development. The United National Party government of President J. R. Jayewardene, which came into power in 1977, has been making considerable progress with its program of attracting foreign investment to help improve the economy. On free trade zone has been parcelled out and a second is being created. The packet of tax and other incentives, including complete infrastructure facilities, has already had results. Forty manufacturing and exporting firms already are in operation and 16 others are in the process of building facilities. Also. 11 new foreign banks and credit companies have been given permission to operate in Sri Lanka on an offshore basis. The American firms include Chase Manhattan, Bank of America, Citibank, and American Express.

The State Department reports that massive development projects in hydroelectric power generation and irrigation have led to a boom in the construction industry. Real GNP growth rate since 1977 has been from 5 to 8 percent.

In the foreign policy area, Sri Lanka is committed to a policy of nonalinement. Relations with the United States have been friendly and close. The physical distance between the United States and Sri Lanka may be great, but we are close in our common commitments to democratic traditions and the future development of our people.

CARIBBEAN BASIN INITIATIVE

Mr. HAYAKAWA. Mr. President, the Review and Outlook column of the February 26 edition of the Wall Street Journal presents a reasoned, balanced analysis of the present situation in Central America and an objective assessment of President Reagan's Caribbean basin initiative.

The article contends that the debate about the situation in Central America and the most effective American response has been muddied by leftist propaganda, invalid generalizations about the political and economic conditions in the region, and pronouncements of our liberal politicians who have become instant experts after quick trips to one or more of the countries. After outlining the recent political history of the several states, the column asserts "that there is no truly popular leftist uprising in the Caribbean basin" and that President Reagan is on the right track by providing Central Americans with weapons, training, and economic assistance with which to defend themselves, while at the same time discouraging the Cubans and the Russians from interfering. The article concludes that to abandon the President's moderate and measured approach would be to hasten the region's political and economic disintegration.

I recommend this perceptive article to my colleagues, and ask unanimous consent that it be printed in the RECORD. I wholeheartedly support the President's Caribbean basin policy, and hope that other Members will also.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE CARIBBEAN COURSE

President Reagan unveiled his Caribbean policy Wednesday, and, as with much he does, it was guided by optimism and positivism. Some would regard this as a defect, a failure to acknowledge impending defeat, a la Vietnam. We are not among those.

The U.S. debate about the Caribbean Basin, in particular the Central American shores of that basin, has become badly muddied. Propaganda always accompanies wars and there is a war being fought, at various levels of intensity, through most of Central America. It serves the purpose of the Soviet-Cuban assault on that region to have Americans believe that an indigenous peasant movement is trying to overthrow repressive right-wing regimes. As with all propaganda, there is a seed of truth here, but the entire truth is something entirely different.

Let us take El Salvador to begin with. The coalition of leftist groups there that is making war against the government has never had much popular support. That's particularly true of the Communist Party, which dominates the coalition. They have refused to participate in the election scheduled for next month for an excellent reason: They would get very few votes. Instead, they enlisted left-wing groups outside the country to put pressure on the existing government to "negotiate" a "settlement."

This is a classical strategy: Once a guerrilla movement has been granted legitimacy it can proclaim itself the winner and set about to seize total control. That process is well-advanced in Nicaragua, where the Marxist-Leninist Sandinists have been steadily consolidating their hold since they came to power as part of a broad coalition in 1979. They could not win an election today and for that reason have not scheduled one.

U.S. policy under two administrations has been to support the existing Duarte government of El Salvador and to support its plan for elections. The fear that now arises in Washington is that the people of El Salvador, fed up with years of terrorism and destruction by the left, will vote in a right-wing regime, thus further polarizing and complicating that country's politics. The U.S. would then be faced with trying to persuade the rightists to broaden their political base by working in harmony with Mr. Duarte and his middle-left forces.

Guatemala, which is experiencing the burning and intimidation stages of guerrilla war, also has an election coming up next month. Guatemala is a place where the military has long played a central political role, so this will be one of those typical Latin army-supervised elections. But whoever wins will have at least some claim to legitimacy.

Honduras has just had a relatively free election. Costa Rica has been a democracy for years. But none of that means they have been free from the Cuban threat. Quite the contrary, both have seen increasing evidence of danger on their borders with Nicaragua as their neighbor has steadily expanded its military power. The Hondurans have witnessed a brutal Sandinist campaign across the border to relocate Miskito Indians to central concentration camps.

In short, what Mr. Reagan recognizes is that there is no truly popular leftist uprising in the Caribbean Basin. The Jamaicans, in a genuinely free vote, chucked out a leftist, Cuban-linked regime in 1980 by a massive vote. The Castro cadres are not loved or liked, even by most Nicaraguans, and, from all appearances, even by many in Cuba itself.

Mr. Reagan understands full well that the American people hate wars and war talk. His policy goal is to avoid military conflict with Cuba while at the same time discouraging the Cubans and Russians from continuing their Central American adventure. A key part of that policy is to help Central Americans defend themselves by giving them weapons and training.

The risk of ultimate conflict between the U.S. and Cuba has been increased by American politicians who have swallowed the left's propaganda and who demand that the President withdraw American support from President Duarte and force him into negotiations with the left. The latest converts to this dangerous idea were Congressmen Harkin of Iowa and Oberstar of Minnesota. And they, on their return from a quick trip to the region, won an approving nod from Speaker O'Neill. The Speaker, however, shifted the other way after Mr. Reagan's speech, so the direction of the wind is obviously an influence.

The one flaw in Mr. Reagan's policy is that, now that Castro is well-established in Central America, someone has to win the war on the ground. Nicaragua and Cuba are becoming stronger day by day. The other countries are weak. The U.S. policy is to try to help Central Americans themselves win it. That won't be easy but it is a moderate and measured approach, one that attempts to uphold democratic principles. There is certainly no argument to be made for abandoning it in favor of a cut and run approach that will hasten the region's political and economic disintegration.

MARKETING ORDERS

Mr. HAYAKAWA. Mr. President, the February 1982 issue of Consumer Reports contains an article relating to agricultural marketing orders. The article is off-base and best ignored. However, I have received a letter from the National Council of Farmer Cooperatives in response to the article which deserves the attention of my colleagues.

As with a recent piece shown on the TV show "60 Minutes," Consumer Reports has attempted, by slanting the facts, speaking in generalities, and misrepresenting the nature and intent of marketing orders to create a story.

In my mind, the story to be told is one of successful industry self-regulation and promotion. This activity has brought the American consumer a plentiful supply of high quality and low-cost produce. Maintaining a plentiful supply of agricultural produce while maintaining agricultural incomes at a level which provides for a healthy farm sector is most difficult. Government is called on continually to stabilize the agricultural marketplace; we have responded primarily through legislation.

Our most recent effort, the 1981 farm bill, will cost the American taxpayers $11 billion over the next 4 years, only 2 percent of which will go to my home State of California. When placed alongside the programs of the farm bill, fruit and vegetable marketing orders show themselves to be sterling examples of market-oriented self-regulation with no cost to the Government and tremendous benefit to the consumer.

Understandably, the National Council of Farmer Cooperatives has taken offense at the media misrepresentations of marketing orders. I bring your attention to their response. And finally, I wish to commend the council for taking the time to set Consumer Reports straight.

The letter follows:

NATIONAL COUNCIL OF
FARMER COOPERATIVES,
Washington, D.C., February 22, 1982.

IRWIN LANDAU,
Editor, Consumer Reports,
Mount Vernon, N.Y.

DEAR MR. LANDAU: Your February 1982 article, "What's a Marketing Order?" correctly noted that the Secretary of Agriculture, who is legally charged with representing long-term consumers' interests, must approve every action of marketing order committees. However, you failed to follow up and explore in depth this most critical aspect of these programs—namely, their role in assuring American consumers of a reliable, high-quality, relatively inexpensive source of food over a long period of time.

Congress enacted the Agricultural Marketing Agreement Act of 1937 with just that purpose in mind. Protecting farmers against the wild, extreme price fluctuations which are so unique to agriculture has been consistently viewed by Congress as the best means of maintaining the small business, so-called "family farm", operation which has provided our nation with the world's most generous, dependable and least costly sources of food.

The urgent need for governmental steps to help farmers achieve more orderly markets and more stable prices, in the U.S. as in all the world's industrial nations, grows out of the little understood nature of the food production-marketing system. Volume of output cannot be controlled by the farmer, as in industrial factories, not only because of highly variable weather but also because in the American system hundreds of thousands of production decisions are made by independent farmers in a fashion which is essentially uncoordinated if government assumes no role.

But the central problem which results from unpredictable food output arises from the fact that, beyond a certain level, people have little need, or "demand", for additional food. As a result, even a modest "oversupply" causes a sharp drop in price for the farmers' product. In a totally unrestricted market, the farmer who grows 20 percent more than normal, in a year when total supply is also 20 percent above the normal market need, usually finds his gross return decreased by as much as 20% (sometimes more)—an ironic negative reward for his good performance and his contribution to the national welfare.

Any comparison of farmers' incomes with others who contribute as much effort, capital investment, managerial talent and high risk, has long demonstrated that most farmers are substantially under-compensated in terms of monetary benefits. In many instances, farmers' rewards come largely from their sense of independence, dedication to the land and the satisfaction of being a part of nature's most elemental processes. Many farmers have little margin of profit to withstand the instability which arises from a totally "free" market environment. The challenge our government has faced for decades is to develop balanced programs which will give farmers some limited protection against such disasters not of their own making, while striving to maintain the tremendous productive benefits which result from our market-oriented system of strong individual incentives and independence.

The proper balance between unrestricted freedom for our food producers and the type and amount of government involvement which is necessary to maintain our system by protecting farmers from economic disaster is difficult to achieve—and is eternally changing. Many different programs have been developed, adjusted, sometimes discarded, for different commodities and at different times and places. The "farm problem", like other economic dilemmas, is always with us.

Marketing orders, which are a central element of government's tools to bring a desirable measure of market stability in order to assist dairy, fruit, vegetable and other specialty crop producers, have a long record of serving the public as well as farmers' interests. Your statement that the public interest is not represented in the design and administration of marketing orders is not correct. The U.S. Department of Agriculture has been clearly charged since the time of President Lincoln with representing the public as well as farmers' interests. Indeed, many farmers in recent years have expressed increasing concern that USDA sometimes has such strong concern for consumer issues that it fails to give due weight to farmers' needs.

Your statement that USDA does not exercise close scrutiny over marketing orders is also incorrect. In fact, the long and careful investigations which USDA normally carries out prior to approving special programs under these orders often cause delays which are very costly to the industry involved. As an example, because of the many months of USDA study which preceded approval of the marketing order reserve program for almonds, the farmer-owned California Almond Growers cooperative was unable to make commitments for substantial foreign market opportunities and suffered heavy financial losses as a consequence. Any implications that USDA approval is "automatic" is also incorrect. In your article, you in fact acknowledge the typically careful and thorough approach made by USDA in spending some 500 hours investigating charges that Mr. Pescosolido violated provisions of the citrus marketing order.

It is indeed a fact that marketing orders programs of "set-aside" or "flow-to-market" do keep prices up in the short run. Neither the public critics nor the researchers who have recently studied various orders in depth have shown that "undue price enhancement" has occurred over the long run. In fact, continuity of adequate supplies, at reasonable prices (food price increases in recent inflationary years are largely attributable to escalating costs of energy, labor and other production inputs) has been a remarkable accomplishment of our dairy and our fruit and vegetable sectors over the years.

Finally, the need for farmers to work together through their cooperatives and their marketing orders is as urgent today as in former years when production units were even smaller. Most of our food output comes from farmers who are still very small compared to buyers and sellers with whom they do business. Without self-help programs such as marketing orders and cooperatives, farmers are as much at the mercy of the market and the vagaries of nature as they were 45 years ago when the Agricultural Marketing Agreement Act of 1937 became law. These programs do not have the damaging effects of "monopolization", "price-fixing", or "legalized cartels", as you have indicated. Studies of the price history of products under marketing orders have repeatedly shown this to be true. That's quite understandable inasmuch as an individual food product can be easily substituted for, in case the price to the consumer gets out of line.

Congress has consistently recognized these long-term benefits to consumers. That has always been a central objective of the program. Only the natural human tendency of some shoppers to look only at the short term, plus distorted reports of how surplus products are disposed of, has created some misconceptions on the part of unsophisticated or biased interests. We're fortunate in the U.S. to be dealing with problems of surplus rather than scarcity. Failure to understand what enables the system to work efficiently could lead to an end to this abundance which we Americans take for granted.

Sincerely,

ROBERT N. HAMPTON,
Vice President, Marketing and International Trade.

REGARDING THE ALLARD LOWENSTEIN CONGRESSIONAL SYMPOSIUM

Mr. DODD. Mr. President, it has been almost 2 years since the tragic death of Al Lowenstein, a man of great vision and courage, an inspiration to generations of young people, and one whom many of us serving in this body were privileged to call a dear friend. On March 12-14, many of Al's friends will gather in Washington to honor him in a way he would find most fitting—by participating in a symposium designed not just to remember the past, but more importantly to reflect upon the future of our country; to discover together how Al's vision of a just society can best be translated into wise public policy in an era of great change, both at home and abroad.

I am honored to be a cosponsor of the event, and I would urge all those who admired Al to attend the reception on Friday, March 14, from 5:30 to 8:30 p.m., in the Cannon Caucus Room (345 Cannon Building), and the symposium on Saturday, March 15 from 9 a.m. to 5:30 p.m., in the same location. Further information on these events can be obtained from the office of Representative DOUG WALGREN, 117 Cannon Building, (202) 225-2135.

AMNESTY BY THE GOVERNMENT OF THE REPUBLIC OF KOREA

Mr. KENNEDY. Mr. President, I welcome the decision today by the Government of the Republic of Korea to release 68 political prisoners and to pardon or reduce sentences of almost 300 others, as part of a large amnesty to celebrate the first year in office of President Chun Doo-Hwan.

Included among those released are two persons imprisoned with former presidential candidate Kim Dae-Jung—his secretary Kim Chong-Wan and former National Assembly Member Ye Choon-Ho. The release of Kim Chong-Wan is especially welcome, since he was the victim only 2 months ago of torture at the hands of Kangnung prison officials.

Among those whose sentences were reduced was Kim Dae-Jung, from life imprisonment to 20 years. While it is a matter of some satisfaction that he and other Korean democratic leaders have had their sentences lowered, I continue to urge President Chun Doo-Hwan to release Mr. Kim and his fellow prisoners at the earliest possible date.

At the same time, I am seriously concerned about the heavy sentences, ranging from 4 years to life imprisonment, meted out last January 23, to 25 intellectuals, labor union leaders, and workers merely for having formed a reading circle, and about the failure to include in today's amnesty any of over 270 students who have been imprisoned in the past year for political offenses.

I strongly encourage the Government of the Republic of Korea to continue to move in the direction reflected by this latest amnesty, in contrast to that signified by the recent trial of these students and workers.

MESSAGE FROM THE PRESIDENT

Message from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGE

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a sundry nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT—PM 116

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with Section 11 of Public Law 89-670, I hereby transmit the 14th Annual Report of the Department of Transportation.

This report covers the activities of the Department of Transportation during fiscal year 1980 and precedes my term of office.

RONALD REAGAN.

THE WHITE HOUSE. *March 2, 1982.*

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 5:14 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5021. An act to extend the date for the submission to the Congress of the report of the Commission on Wartime Relocation and Internment of Civilians.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2788. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to recover certain costs of the Cotton Statistics and Estimates Act and the Tobacco Inspection Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2789. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on 1982 rescissions and deferrals; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-2790. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on three new deferrals of budget authority and revisions to eleven previously reported deferrals; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-2791. A communication from the Principal Deputy Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, certain transfers of funds appropriated to the Department of Defense; to the Committee on Appropriations.

EC-2792. A communication from the Clerk of the United States Court of Claims transmitting, pursuant to law, a copy of the Court's judgment entered for the plaintiffs in the case of Lower Sioux Indian Community in Minnesota, et al. v. The United States, No. 363; to the Committee on Appropriations.

EC-2793. A communication from the Assistant Secretary of State for Congressional Relations transmitting, pursuant to law, a report on several properties to be transferred to the Republic of Panama under the Panama Canal Treaty of 1977; to the Committee on Armed Services.

EC-2794. A communication from the Acting Deputy Assistant Secretary of Defense for Facilities, Environment, and Economic Adjustment transmitting, pursuant to law, a report on two construction projects to be undertaken for the Air Force Reserve; to the Committee on Armed Services.

EC-2795. A communication from the Acting Deputy Assistant Secretary of Defense for Facilities, Environment, and Economic Adjustment transmitting, pursuant to law, a report on three construction projects to be undertaken for the Naval Reserve; to the Committee on Armed Services.

EC-2796. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation authorizing supplemental appropriations for military construction for fiscal year 1982; to the Committee on Armed Services.

EC-2797. A communication from the Deputy Assistant Secretary of Defense for Facilities, Environment, and Economic Adjustment transmitting, pursuant to law, a report on a construction project to be undertaken by the Air Force Reserve; to the Committee on Armed Services.

EC-2798. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, notice of a decision to convert the keypunch function at the Fleet Material Support Office, Mechanicsburg, Pa., to performance under contract; to the Committee on Armed Services.

EC-2799. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, notice of a decision to convert the custodial services function at the Marine Corps Air Station, El Toro, Calif., to performance under contract; to the Committee on Armed Services.

EC-2800. A communication from the Deputy Assistant Secretary of Defense for Military Personnel and Force Management transmitting, pursuant to law, the annual report on officer responsibility pay; to the Committee on Armed Services.

EC-2801. A communication from the Secretary of the Army transmitting, pursuant to law, the 1981 annual report on contracts for military construction awarded without advertisement; to the Committee on Armed Services.

EC-2802. A communication from the Secretary of Commerce transmitting, pursuant to law, notice of extended and expanded export controls maintained for foreign policy purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-2803. A communication from the General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to extend the Defense Production Act for an additional 5 years; to the Committee on Banking, Housing, and Urban Affairs.

EC-2804. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, notice of a Presidential determination to lease 16 T-37B aircraft to Pakistan; to the Committee on Armed Services.

EC-2805. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation authorizing supplemental appropriations for fiscal 1982 for procurement, research, development, test, evaluation, operation, and maintenance; to the Committee on Armed Services.

EC-2806. A communication from the Deputy Assistant Secretary of the Army for Installations and Housing transmitting, pursuant to law, the fiscal year 1981 annual report on architect-engineer contracts awarded to 10 A-E firms for military programs, work for foreign governments, and civil works; to the Committee on Armed Services.

EC-2807. A communication from the Chairman of the Securities and Exchange Commission transmitting proposed legislation to clarify the respective jurisdictions of the Securities and Exchange Commission and the Commodity Futures Trading Commission; to the Committee on Banking, Housing, and Urban Affairs.

EC-2808. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the seventh annual report of the Board under the Federal Trade Commission Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2809. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fiscal year 1983; to the Committee on Commerce, Science, and Transportation.

EC-2810. A communication from the Secretary of Transportation transmitting, pursuant to law, the report of Federal financial assistance for rehabilitation and improvement of the Nation's railroad system; to the Committee on Commerce, Science, and Transportation.

EC-2811. A communication from the Vice President of AMTRAK for Government Affairs transmitting, pursuant to law, the fiscal year 1981 financial statements for the National Railroad Passenger Corporation and the Corporation's legislative program for fiscal year 1983; to the Committee on Commerce, Science, and Transportation.

EC-2812. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the financial condition of railroads which have outstanding certificates under the Emergency Rail Services Act; to the Committee on Commerce, Science, and Transportation.

EC-2813. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to reduce the cost of two Department of Transportation pipeline safety advisory committees without adversely affecting the usefulness of those committees; to the Committee on Commerce, Science, and Transportation.

EC-2814. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on the average number of passengers on board and the on-time performance of each train operated by the Corporation for the month of October 1981; to the Committee on Commerce, Science, and Transportation.

EC-2815. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "NASA Must Reconsider Operations Pricing Policy To Compensate For Cost Growth On The Space Transportation System"; to the Committee on Commerce, Science, and Transportation.

EC-2816. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Alaska Railroad: Federal Role Should End; Some Management Problems Remain"; to the Committee on Commerce, Science, and Transportation.

EC-2817. A communication from the Assistant Secretary of the Interior for Land and Water Resources, transmitting, pursuant to law, an application by the Ak-Chin Farms, Pinal County, Arizona, for a loan under the Small Reclamations Projects Act; to the Committee on Energy and Natural Resources.

EC-2818. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the achievements of the Innovation Grant Program of the Urban Park and Recreation Recovery Program; to the Committee on Energy and Natural Resources.

EC-2819. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, four proposed prospectuses for alterations to federal buildings; to the Committee on Environment and Public Works.

EC-2820. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the third calendar quarter of 1981; to the Committee on Environment and Public Works.

EC-2821. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of a building project survey which identifies the need for the construction of a Federal office building in Chicago, Illinois; to the Committee on Environment and Public Works.

EC-2822. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Treasury Department and its Bureaus Can Better Plan For and Control Computer Resources"; to the Committee on Finance.

EC-2823. A communication from the Acting Assistant Secretary of State, Bureau of International Organization Affairs, transmitting, pursuant to law, reports received from the United Nations Joint Inspection Unit and the United Nations Board of Auditors; to the Committee on Foreign Relations.

EC-2824. A communication from the Attorney/Advisor of the Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States, in the sixty day period prior to February 23, 1982; to the Committee on Foreign Relations.

EC-2825. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, the annual report on the condition and activities of the General Services Administration for calendar year 1981; to the Committee on Governmental Affairs.

EC-2826. A communication from the Executive Secretary of the National Mediation Board, transmitting, pursuant to law, a report on the activities of the Board under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2827. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report on the activities of the Board under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2828. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Federal Open Market Committee of the Federal Reserve System on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2829. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the annual report of the Office on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2830. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the annual report of the Board's activities under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2831. A communication from the Chairman of the Federal Mine Safety and Health Review Commission transmitting, pursuant to law, a report on the Commission's activities under the Freedom of Information Act in 1981; to the Committee on the Judiciary.

EC-2832. A communication from the Deputy Director of the C.I.A. for Administration transmitting, pursuant to law, a report on the Agency's activities for 1981 under the Freedom of Information Act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MATHIAS (for Mr. THURMOND), from the Committee on the Judiciary, without amendment:

S.J. Res. 142. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1982, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces;

S.J. Res. 145. Joint resolution authorizing and requesting the President to proclaim "National Orchestra Week"; and

S.J. Res. 148. Joint resolution to proclaim March 18, 1982, as "National Agriculture Day."

By Mr. MATHIAS (for Mr. THURMOND), from the Committee on the Judiciary, without amendment:

S. Res. 266. A resolution to declare March 1, 1982, as "National Day of the Seal."

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S.J. Res. 154. Joint resolution expressing the sense of the Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights at Geneva in February 1982.

By Mr. MATHIAS (for Mr. THURMOND), from the Committee on the Judiciary, with an amendment and an amendment to the title:

S.J. Res. 29. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with the first Sunday in June of each year as "National Garden Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MATHIAS (for Mr. THURMOND), from the Committee on the Judiciary:

Leroy J. Contie, Jr., of Ohio, to be U.S. Circuit Judge for the Sixth Circuit;

Robert B. Krupansky, of Ohio, to be U.S. Circuit Judge for the Sixth Circuit;

John R. Gibson, of Missouri, to be U.S. Circuit Judge for the Eighth District;

Eugene F. Lynch, of California, to be U.S. District Judge for the Northern District of California;

Elizabeth A. Kovachevich, of Florida, to be U.S. District Judge for the Middle District of Florida;

Richard L. Cox, of Florida, to be U.S. marshal for the Middle District of Florida for the term of 4 years;

J. William Petro, of Ohio, to be U.S. attorney for the Northern District of Ohio for the term of 4 years;

Carlos J. Cruz, of Florida, to be U.S. marshal for the Southern District of Florida for the term of 4 years;

M. Clifton Nettles III, of Georgia, to be U.S. marshal for the Southern District of Georgia for the term of 4 years;

Eugene G. Liss, of New Jersey, to be U.S. marshal for the District of New Jersey, for the term of 4 years;

Rudolph G. Miller, of New Mexico, to be U.S. marshal for the district of New Mexico for the term of 4 years;

Gene G. Abdallah, of South Dakota, to be U.S. marshal for the District of South Dakota for the term of 4 years;

William J. Nettles, of Illinois, to be U.S. marshal for the Southern District of Illinois for the term of 4 years;

Basil S. Baker, of Texas, to be U.S. marshal for the Southern District of Texas for the term of 4 years; and

Mary Louise Smith, of Iowa, to be a Member of the Commission on Civil Rights.

By Mr. DOLE, from the Committee on Finance:

Veronica A. Haggart, of Virginia, to be a Member of the U.S. International Trade Commission for the remainder of the term expiring June 16, 1984.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROBERT C. BYRD:

S. 2151. A bill to amend the Internal Revenue Code of 1954 to include modifications to chlor-alkali electrolytic cells in credit for investment in certain depreciable property; to the Committee on Finance.

By Mr. HEFLIN:

S. 2152. A bill for the relief of Henry Ford Harrison; to the Committee on Finance.

By Mr. HATFIELD (by request):

S. 2153. A bill to provide for the distribution of Warm Springs judgment funds awarded in Docket 198 before the Indian Claims Commission, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. FORD (for himself and Mr. HUDDLESTON):

S. 2154. A bill to require the Secretary of Agriculture to convey a reversionary interest held by the United States in certain lands located in Christian County, Kentucky, to the Shy Flat Tabernacle Cemetery, Inc., Christian County, Kentucky; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KASTEN (for himself and Mr. MATTINGLY):

S. 2155. A bill to require a foreign country be declared to be in default before payments are made by the U.S. Government for loans owed by such country or credits which have been extended to such country which have been guaranteed or assured by agencies of the U.S. Government; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself and Mr. NICKLES):

S. 2156. A bill to amend title 5, United States Code, to authorize Federal agencies to utilize alternative work schedules for their employees when the use of such schedules will improve productivity or service to the public and will be cost effective, and for other purposes; to the Committee on Governmental Affairs.

By Mr. PERCY (for himself and Mr. Dixon):

S. 2157. A bill to provide for the establishment of the Illinois and Michigan Canal National Heritage Corridor, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DANFORTH (for himself, Mr. Pell, Mr. Boschwitz, Mr. Packwood, Mr. Pressler, Mr. Glenn and Mr. Goldwater):

S. 2158. A bill to amend title 23, United States Code, to authorize and direct the payment of an incentive grant for highway safety programs to any State in any fiscal year during which the statutes of the State include certain provisions relating to driving while intoxicated; to establish a national driver register, and for other purposes; to the Committee on Commerce, Science and Transportation.

By Mr. DANFORTH (for himself, Mr. Pell, and Mr. Boschwitz):

S. 2159. A bill to amend the Bankruptcy Act to provide that judgment debts resulting from a liability which is based on driving while intoxicated shall not be discharged; to the Committee on the Judiciary.

By Mr. MITCHELL:

S. 2160. A bill to amend title 38, United States Code, to require the Secretary of Labor to make funds available to certain private nonprofit organizations to administer the disabled veterans' outreach program in certain States, and for other purposes; to the Committee on Veterans Affairs.

By Mr. GRASSLEY:

S. 2161. A bill to permit a married individual filing a joint return to deduct certain payments made to an individual retirement plan established for the benefit of a working spouse; to the Committee on Finance.

By Mr. PROXMIRE:

S. 2162. A bill to amend the Federal Financing Bank Act of 1973 to require that the receipts and disbursements of the Federal Financing Bank be included in the Federal budget, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PELL (for himself, Mr. Boschwitz, Mr. Baucus, Mr. Bradley, Mr. Chiles, Mr. Cranston, Mr. D'Amato, Mr. Dixon, Mr. Dodd, Mr. Durenberger, Mr. Eagleton, Mr. Heinz, Mr. Helms, Mr. Hollings, Mrs. Kassebaum, Mr. Leahy, Mr. Levin, Mr. Lugar, Mr. Metzenbaum, Mr. Percy, Mr. Moynihan, Mr. Pressler, Mr. Riegle, Mr. Sarbanes, Mr. Tsongas, Mr. Williams, and Mr. Zorinsky):

S.J. Res. 154. Joint resolution expressing the sense of Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights at Geneva in February 1982; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERT C. BYRD:

S. Res. 329. A resolution relating to the housing industry; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEINZ (for himself, Mr. Percy, Mr. Hatfield, Mr. Quayle, Mr. Domenici, Mr. East, Mr. Moynihan, Mr. D'Amato, Mr. Riegle, Mr. Sarbanes, Mr. Williams, Mr. Murkowski, Mr. Hayakawa, Mr. Roth, Mr. Inouye, Mr. Levin, Mr. Kennedy, Mr. Garn, Mr. Grassley, Mr. Dodd, Mr. Boschwitz, Mr. Bradley, Mr. Mattingly, Mr. Cohen, Mr. Hollings, Mr. Mitchell, Mr. Thurmond, Mr. Kasten, Mr. Danforth, and Mr. Robert C. Byrd):

S. Res. 330. A resolution on the imposition of martial law in Poland and the release of Lech Walesa; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERT C. BYRD:

S. 2151. A bill to amend the Internal Revenue Code of 1954 to include modifications to chlor-alkali electrolytic cells in credit for investment in certain depreciable property; to the Committee on Finance.

(The remarks of Mr. Robert C. Byrd on this legislation appear earlier in today's Record.)

By Mr. HATFIELD (by request):

S. 2153. A bill to provide for the distribution of Warm Springs judgment funds awarded in Docket 198 before the Indian Claims Commission, and for other purposes; to the Select Committee on Indian Affairs.

PLAN FOR THE USE AND DISTRIBUTION OF CERTAIN INDIAN JUDGMENT FUNDS

● Mr. HATFIELD. Mr. President, I am today, at the request of the administration, introducing legislation to provide for the distribution of Warm Springs judgment funds awarded in Docket No. 198 before the Indian Claims Commission.

On October 17, 1973, the Indian Claims, Commission, in Docket No. 198, entered a final award of $1,225,000 in favor of the Confederated Tribes of the Warm Springs Reservation in Oregon. The award represented additional compensation for the cession of land under the Treaty of June 25, 1855 (12 Stat. 963), ratified March 8, 1859. Funds to cover the award were appropriated by the Act of January 3, 1974 (87 Stat. 1071).

On October 10, 1974, the Secretary of the Interior submitted to the Congress, under the provisions of the Indian Judgment Funds Act or October 19, 1973 (87 Stat 466), a plan to distribute the award. This plan was then the subject of extended litigation in the U.S. District Court for the District of Oregon (*Gold* v. *Confederated Tribes of the Warm Springs Reservation*, Civ. No. 75-1097) with the result that the Secretary was enjoined from distributing the funds under the plan. Instead, the Secretary was directed to submit legislation to the Congress to provide for distribution of these funds.

Mr. President, distribution of these funds is complicated by the fact that many of the members of the Confederated Tribes of the Warm Springs Reservation have participated in other judgment fund awards or in benefits made available through settlement legislation. The bill directs the Secretary of the Interior to prepare a roll of all members of the Confederated Tribes of the Warm Springs Reservation living on the date of enactment of this act, but would exclude from participation in the distribution of these funds any persons who have participated in the judgment under the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1049), as amended (25 U.S.C. 70 et seq.), or in the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688), as amended (43 U.S.C. 1601 et seq.).

This bill is not agreed upon by all the members of the Confederated Tribes of the Warm Springs Reservation. It is my understanding that the Senate Select Committee on Indian Affairs will be holding hearings on this bill early in this session of Congress, at which time all interested parties will be able to express their views.

Mr. President, I ask unanimous consent that this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the Act of October 19, 1973 (87 Stat. 466), or any other law, or any regulation of plan promulgated pursuant thereto, and the funds appropriated by the Act of January 3, 1974 (87 Stat. 1071), for the award to the Confederated Tribes of the Warm Springs Reservation in Docket 198 before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be distributed as provided in this Act.

Sec. 2. The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall prepare a roll of all members of the Confederated Tribes of the Warm Springs Reservation who were born on or prior to and living on the date of the enactment of this Act, and who have not participated in the judgment awarded to the Malheur Paiutes under the provisions of the Act of August 20, 1964 (78 Stat. 563), or in any other judgments under the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1049), as amended (25 U.S.C. 70 et seq.), or in the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688), as amended (43 U.S.C. 1601 et seq.). The Secretary shall promulgate rules and regulations governing enrollment procedures to effect this Act, including a deadline for filing enrollment applications. The determination of the Secretary regarding the eligibility for enrollment of an applicant under this section shall be final.

SEC. 3. The Secretary shall distribute the funds referred to in the first section of this Act on a per capita basis, in amounts as equal as possible, to the individuals enrolled by the Secretary under section 2 of this Act. The per capita shares of living competent adults shall be paid directly to them. Per capita shares of deceased individual beneficiaries shall be determined and distributed pursuant to regulations prescribed by the Secretary. Per capita shares of individuals under age eighteen shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines to be necessary to protect the interests of such individuals.

SEC. 4. None of the funds distributed under this Act shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for or the amount of assistance under the Social Security Act.●

By Mr. FORD (for himself and Mr. HUDDLESTON):

S. 2154. A bill to require the Secretary of Agriculture to convey a reversionary interest held by the United States in certain lands located in Christian County, Ky., to the Shy Flat Tabernacle Cemetery, Inc., Christian County, Ky.; to the Committee on Agriculture, Nutrition, and Forestry.

TRANSFER OF CERTAIN LANDS IN KENTUCKY

Mr. FORD. Mr. President, today I am introducing, on behalf of Senator HUDDLESTON and myself, a bill that would direct the Secretary of Agriculture to convey, without consideration, to the Shy Flat Tabernacle Cemetery Inc., Christian County, Ky., a reversionary interest held by the United States in a 1.52-acre tract that had been transferred to the Commonwealth of Kentucky by the Secretary of Agriculture in 1954.

Among the many major legislative initiatives that have been introduced this session, this measure may seem to be inconsequential. However, it is a matter of no small concern to the members of the Shy Flat Tabernacle Church near Dawson Springs, Ky.

This church and its cemetery are over 100 years old. The church was built before 1880, and like many country churches, has a cemetery on its property for the burial of its members.

Now, however, the cemetery is running out of room. Since many living members of the church and others have relatives buried in the cemetery, they are interested in acquiring some land nearby.

The church and cemetery are located in the Pennyrile State Forest. The land on which the church would like to expand its cemetery was conveyed to the Commonwealth of Kentucky from the United States in 1954. For this property to be made available to the church, legislation in the form of what we have proposed will be required.

All adjoining land has been exhausted except that which is owned by the Commonwealth of Kentucky, with reversionary interests held by the U.S. Department of Agriculture. The Commonwealth of Kentucky has no objection to transfer of the tract, but first must be released from the reversionary interest.

The bottom line, Mr. President, is that the Federal Government has the chance to do a good turn for this church and its members and I hope that this bill can receive prompt and favorable consideration.

Mr. President, I ask unanimous consent that the text of the bill, and a summary of the bill, be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey, without consideration, to Shy Flat Tabernacle Cemetery, Inc., Christian County, Kentucky, all right, title, and interest of the United States in and to 1.52 acres of land, more or less, a portion of the real property described as tract numbered 1314 in the quitclaim deed made by the United States, as grantor, to the Commonwealth of Kentucky, for the use and benefit of the Department of Conservation, dated July 9, 1954, recorded in Christian County, Kentucky, in deed book numbered 385, page 504, which the United States may hold as conditions contained in the quitclaim deed: *Provided,* That this conveyance in no way affects the interests of the United States in coal, oil, gas, and other minerals (not outstanding or reserved in third parties) reserved by the United States in the deed: *Provided further,* That this conveyance is made so long as the lands are used exclusively for cemetery purposes by Shy Flat Tabernacle Cemetery, Inc., or their successors.

SEC. 2. The 1.52 acre tract described in section 1 lies on the west side of Kentucky Highway numbered 109, touching the Tabernacle Church and Cemetery on the west side, and is more particularly described as follows: Beginning at an iron pipe on the west side of an old road the same being the north east corner of the Tabernacle Cemetery property; thence, north 76 degrees 30 minutes east, and in line with the north side of the above mentioned cemetery 237.90 feet to an iron pipe in the right-of-way line of Kentucky Highway numbered 109; thence, in line with the right-of-way line of the highway south 54 degrees 45 minutes east 292.80 feet to an iron pipe in the right-of-way line of Kentucky Highway numbered 109; thence, south 78 degrees 00 minutes west and in line with the south side of the Tabernacle Cemetery property 384.60 feet to a concrete monument the same being the south east corner of the cemetery property; thence, north 25 degrees 30 minutes west and in line with the east side of said cemetery 211.03 feet to an iron pipe, the same being the place of the beginning.

SUMMARY

The bill would direct the Secretary of Agriculture to convey, without consideration, to Shy Flat Tabernacle Cemetery, Inc., Christian County, Ky., a reversionary interest held by the United States in a 1.52-acre tract that had been transferred to the Commonwealth of Kentucky by the Secretary of Agriculture in 1954. The bill also provides that the land must be used exclusively for cemetery purposes by Shy Flat Tabernacle Cemetery, Inc., and their successors.

By Mr. KASTEN:

S. 2155. A bill to require a foreign country to be declared to be in default before payments are made by the U.S. Government for loans owed by such country or credits which have been extended to such country which have been guaranteed or assured by agencies of the U.S. Government; to the Committee on Banking, Housing, and Urban Affairs.

FOREIGN DEBT LEGISLATION

Mr. KASTEN. Mr. President, 3 weeks ago, the Senate came within nine votes of acknowledging Polish default on loans from the West. That was only the opening shot in what will be a continuing battle to cut off credit to the Polish military regime, to Eastern-bloc countries, and indirectly, to the Soviet Union. Today I am introducing legislation to call in default any nation which fails to meet its financial obligations to the United States. Specifically, my bill would prohibit the Treasury or other Government corporations—such as the Commodity Credit Corporation—from paying on loan guarantees or agreements unless the borrowing country has officially been declared in default.

Mr. President, it is up to Congress to put backbone into our official reaction to martial law in Poland. Five thousand Poles have been detained without charge and without accounting. Martial law has been imposed, movement toward democracy has been crushed, and Stalinistic repression of the Polish people continues. The West has responded with a great deal of handwringing and a few ineffective trade sanctions.

Not only have we failed to take tough action on Poland, we are quietly bailing out the banks involved through an unusual, some say illegal, Commodity Credit Corporation procedure. The CCC plans to pay $71 million in February, and $876 million over the next 2 years, for Polish agricultural loans which are overdue to U.S. banks. The CCC's own rules and regulations require banks to first give a notice of default, which the Government must confirm, before any payment is made. These rules don't apply in the case of Poland.

Mr. President, for years, our trade and economic relationships with the Soviet-bloc countries have hardly been in our own best interest. The benefits of expanded trade with the West were supposed to be dependent upon Soviet good behavior. And the Soviet Union has certainly benefited by using its East European allies as a conduit for

Western goods and technology—essentially forcing those countries to absorb the hard currency debts that the Soviets would otherwise be forced to pick up. When Poland's debt payments were stretched out in April of last year, Western creditors included a so-called tank clause, calling for default in the event of exceptional circumstances such as internal repression. Now that these exceptional circumstances have occurred, and Poland has fallen behind in payments to almost all its Western creditors, the trade that was intended to bind East to West with hoops of gold is binding our own hands instead.

Last month, Romania became the second Soviet-bloc country to go into arrears on its debts to the United States. Faced with a last minute ultimatum from our State Department, Romania made a $5.8 million payment to the Commodity Credit Corporation, but private bankers confirm that Romania is behind by as much as $1 billion in payments to its Western creditors. The Eastern-bloc country is now attempting to arrange a limited rescheduling of its outstanding hard currency debt, believed to total between $10 and $14 billion. Some bankers predict that Hungary and East Germany will be the next Soviet-bloc countries to fall behind in payments to the West.

Administration officials argue that if we declare any of these countries in default, we would cause financial havoc in the rest of Eastern Europe, which in turn would rain havoc upon Western financial institutions and governments. The inference is incredible—that we must continue to prop up the military government of Poland and the rest of Eastern Europe in order to save our own financial system.

Our seeming paralysis on the question of default just underscores our credibility crisis abroad. U.S. threats to use the economic measures available to us—to deny the East the benefits of trade—no longer carry any weight. They are not credible to our adversaries or to our allies. A declaration of default would help restore that missing credibility.

A declaration of default would also aggravate the financial strains already apparent in the Soviet economy, and make it more difficult for the Russians to continue their unprecedented military buildup. Even though the Soviet gross national product is only 60 percent as large as ours, the Soviet investment in arms is much larger—exceeding U.S. investment by 80 to 90 percent during the last 5 years. As Under Secretary of Defense Fred C. Ikle testified before my Foreign Operations Appropriations Subcommittee, this buildup occurred during the period called détente, when East-West trade expanded and when the West supplied an estimated $80 billion in credits to Soviet-bloc countries. Mr. Ikle testified that—

> By propping up the economies of the Soviet empire with Western credits, we made it easier for the Soviet Union to finance its military buildup.

Secretary Ikle also stated that, if a Soviet-bloc country such as Poland is declared in default—

> The sky will not fall on the West. A limited but significant piece, though, may fall on the East. The pain in the West would be quite tolerable. It would be confined mainly to those financial institutions and traders who argued that we should extend a "carrot" to the East to induce good behavior, but who are now opposed to withdrawing this "carrot" when the behavior repeatedly is abominable.

American citizens are taxed twice for the Soviet military buildup: First, because the Soviet buildup necessitates an increase in our own defense budget, and a second time, when our Government subsidizes bad old loans and new loans to the Soviet bloc. It is time to put the financial responsibility for the Eastern-bloc nations back where it belongs—squarely on the Soviet Union.

As chairman of the Foreign Operations Appropriations Subcommittee, I intend to continue hearings on the issue of Soviet-bloc debt, and, if necessary, to force a vote on default once again. Many years ago, Lenin predicted that capitalistic nations would fight amongst themselves to sell Russia the rope it would use to hang them. The alliance must not let itself become so intimidated by the implications of a credit cutoff that it proves him right.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no funds may be paid out of the Treasury of the United States or out of any fund of a government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to any foreign country, unless such country has been declared to be in default of its debt to such individual or corporation.

S. 2156

By Mr. HATCH (for himself and Mr. NICKLES):

S. 2156. A bill to amend title 5, United States Code, to authorize Federal agencies to utilize alternative work schedules for their employees when the use of such schedules will improve productivity or service to the public and will be cost effective, and for other purposes to the Committee of Govermental Affairs.

ALTERNATIVE WORK SCHEDULES

Mr. HATCH. Mr. President, today I am introducing with the cosponsorship of Senator Nickles a bill to establish as a permanent program an experimental one created by the Federal Employees Flexible and Compressed Work Schedules Act of 1978, Public Law 95-390.

Under the 1978 act, the Office of Personnel Management created and evaluated work schedules that vary from the traditional weekly schedule of 5 days of 8 hours each. These schedules were divided into two basic types: Flexible schedules, which widen the band of hours in a day within which an employee can perform his regular work; and compressed schedules, with daily hours fixed in advance by management, but with a weekly pattern different from that of the traditional schedule, such as 4 days of 10 hours each.

The experiment found that appropriately designed and controlled alternative work schedules are beneficial to agencies, employees, and the public. Alternative work schedules can improve the productivity of an organization or unit and increase its service to the public without adding to the cost of agency operations.

However, the study suggested the need for specific criteria that must be met in order to use an alternative work schedule, and for greater management control over the decision to begin or to terminate an alternative work schedule. Accordingly, the proposal allows alternative work schedules only when the head of the agency determines that their use would improve productivity or provide greater service to the public and not increase the cost of agency operations. In addition, compressed schedules could be used only if the agency head first obtains the approval of the Office of Personnel Management. Any alternative work schedule would have to be terminated immediately if the agency head or the Office of Personnel Management determines that it is no longer fulfilling the established criteria. The right would be reserved to management to decide not to begin an alternative work schedule, or to terminate such a schedule previously authorized. However, once the decision is made by management to allow or terminate an alternative work schedule, the normal labor-management provisions would apply.

The proposal directs the Office of Personnel Management to prescribe regulations defining the periods during which employees on alternative work schedules would be entitled to overtime pay and premium pay for working at night or on Sunday or a holiday, with the requirement that an employee may not receive greater overtime or other premium pay as a result of electing the number of hours or times of day or week he works. Under this standard, as an example, an employee who chooses to work during night pay hours would not receive night pay solely as a result of that election, but would be able to receive night pay to the extent that such pay would have been provided under a regular work schedule. The premium pay provision would also allow the Office of Personnel Management to specify, for example, that overtime for a compressed schedule begins after the 10 hours scheduled for each of 4 days. For employees on alternative work schedules, these OPM regulations would supersede to the extent necessary the overtime provisions in title 5, United States Code, those in the Fair Labor Standards Act of 1938, as amended, certain provisions concerning pay for night, Sunday, or holiday work, and any other provision of law.

If an employee on a compressed schedule is relieved from work on a day due to a holiday, he would receive straight-time pay for the number of hours, such as 10, provided for that day by the compressed schedule.

Under the proposal, an employee could voluntarily work extra hours and use these credit hours at another time within the pay period or in a subsequent pay period. The carryover of credit hours to another pay period would generally be limited to 24 such hours, but under OPM regulations the carryover could be limited to fewer hours.

The proposal allows the participation of part-time employees by amending the definition of part-time employment in title 5, United States Code, to put on a biweekly rather than weekly basis the limitation on the number of hours worked in the case of alternative work schedules.

The proposal provides that, in administering the annual leave earning rate provision and certain other provisions that are defined in terms of workdays, the reference to a day means 8 hours in the case of employees under alternative work schedules. This provision insures, for example, that the rate at which annual leave is earned is kept the same for employees whose hours worked per day may differ from 8 hours. However, employees would be able to use their leave at the rate of their scheduled workday.

Finally, the proposal makes technical changes concerning the provision of title 5 that allows employees to take time off from their regular work schedule for religious reasons. This provision, which was originally enacted as a part of Public Law 95-390, would be moved to chapter 61 from chapter 55, reflecting that hours taken off for religious observance are more appropriately viewed as an adjustment to the work schedule that is offset by additional work, rather than as compensatory time off earned by working overtime. The provision would require that the additional work to offset the absence must be performed at times satisfactory to the agency.

I believe there is considerable merit in extending this program. The Office of Personnel Management has found that alternative work schedules can produce improvements in productivity, greater service to the public, and added savings in costs. Equally important, however, is the fact that workers have had a very positive experience with the concept of the flexitime and the compressed work week. Many people are coming into the work force today, especially women, who need flexible schedules. They are productive people, yet they are not able to work exactly the hours that have been regarded as traditional. Moreover, virtually every experimental program involving flexible work schedules has demonstrated significant improvements in the morale of employees. And there is greater job satisfaction.

Mr. President, the administration supports the continuation of the program. And this bill in fact reflects the administration's proposal. With the experimental program due to expire on March 31, 1982, I hope that the Congress can act swiftly on this matter.

At this point, I will set forth a section-by-section analysis of the bill:

SECTION-BY-SECTION ANALYSIS

The first section of the draft bill consists of amendments to title 5, United States Code. Subsection (a) of the first section consists of amendments to chapter 61 of title 5. Paragraph (1) adds a new section 6102 to chapter 61, entitled "Alternative work schedules."

Subsection (a) of new section 6102 provides definitions for the alternative work schedules program. "Agency" is defined as an Executive agency and a military department, thereby establishing the permissible coverage of this program. "Basic work requirement" means the number of hours in an employee's normal biweekly pay period. "Alternative work schedule" is defined as a work schedule which falls outside the traditional pattern of five fixed 8-hour days per week. "Compressed work schedule" is defined as a type of alternative work schedule under which a full-time employee would perform his 80 hours of work per pay period in less than 10 full workdays. "Credit hour" is defined as an extra hour which an employee works in order to be able to work an hour less at another time within the same pay period or in a subsequent pay period. The decision to work credit hours would be entirely voluntary, and coercion would not be permitted.

Subsection (b) of new section 6102 provides for the establishment and termination of alternative work schedules. Under paragraph (1), the head of an agency would be permitted to establish an alternative work schedule if he determined that it would improve productivity or provide greater service to the public, and would not add to the cost of agency operations. Paragraph (2) would direct the Office of Personnel Management to require an agency to obtain prior approval of the Office before using a compressed work schedule. Paragraph (3) would require either the head of the agency or the Office of Personnel Management to terminate any alternative work schedule that is not fulfilling the objectives set forth under paragraph (1).

Subsection (c) of new section 6102 would require the Office of Personnel Management to prescribe regulations governing the time when employees under alternative work schedules would receive overtime pay or other premium pay. These regulations, which would supersede the normal provisions of law on premium pay, would include provisions ensuring that employees under alternative work schedules would receive no more premium pay than they would receive if they were under a regular work schedule by reason of the hours or times they elect to work.

Subsection (d) would require the Office of Personnel Management to prescribe regulations governing the accumulation and use of credit hours. The regulations would include limits on the number of credit hours employees would be permitted to carry forward from one pay period to another. The regulations would not permit more than 24 hours to be carried forward.

Paragraph (2) of subsection (a) of the first section of the bill would replace the present section 6106 of title 5, prohibiting the use of time clocks in Executive departments in the District of Columbia, with an entirely different section 6106, concerning the adjustment of work schedules for religious observances. The prohibition on the use of time clocks was originally enacted in 1899, and applies only in Executive departments, and only within the District of Columbia. Removal of this provision would ensure that all agencies, including Executive departments, have the flexibility to use whatever type of time accounting system is most appropriate in a particular work setting, both for employees in alternative work schedules and for those on regular work schedules. The new section 6106 is very similar in substance to the present section 5550a of title 5, but would place this provision in a more logical place in title 5. In all cases, employees who choose to perform additional work in order to offset planned absences for religious purposes would be allowed to perform such additional work only at times satisfactory to the agency.

Paragraph (3) of subsection (a) would amend the analysis of chapter 61 to reflect the amendments made by paragraphs (1) and (2).

Subsection (b) of the first section of the bill would amend the definition of "part-time career employment" in section 3401 of title 5, to reflect the possibility of part-time employment under an alternative work schedule.

Subsection (c) of the first section of the bill would repeal section 5550a, now replaced by the new section 6106, and amend the analysis of chapter 55 accordingly.

Subsection (d) of the first section of the bill would amend section 7106(a)(2) of title 5 to add to the list of management rights under labor-management relations the exclusive management right not to authorize use of an alternative work schedule under the new section 6102, or to terminate the use of any such schedule previously authorized. While management would thus be able to refuse to allow an alternative work schedule, any decision by management to institute such a schedule would be fully subject to normal labor-management processes.

Section 2(a) of the bill provides that the amendments made by the bill would be effective on March 29, 1982 (the termination date of the alternative work schedules experimental program under Public Law 95-390), or on the date of enactment, whichever is later.

Section 2(b) would require the head of an agency to review, within 90 days of the enactment of the bill, every alternative work schedule established under Public Law 95-390. If the head of the agency determines any such schedule is not fulfilling the objectives set forth in new section 6102(b)(1) of title 5, the schedule must be terminated.

I also ask unanimous consent to have the bill printed in the RECORD at this point:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 61 of title 5, United States Code, is amended by—

(1) inserting after section 6101 a new section 6102, as follows:

"§ 6102. Alternative work schedules

"(a) For the purpose of this section—

"(1) 'agency' means an Executive agency and a military department;

"(2) 'basic work requirement' means the number of hours, excluding overtime hours, which an employee is required to work or account for by leave or otherwise in a biweekly pay period.

"(3) 'alternative work schedule' means a work schedule under which an agency permits or requires an employee to fulfill his basic work requirement at hours different from the working hours that would be prescribed for the employee under section 6101(a)(2)-(3) of this title;

"(4) 'compressed work schedule' means an alternative work schedule under which the 80-hour basic work requirement for a full-time employee is scheduled to be performed in less than 10 full workdays; and

"(5) 'credit hour' means an hour which an agency permits an employee to work voluntarily in excess of the employee's basic work requirement in a pay period and which may be credited by the employee toward his basic work requirement in the same or a subsequent pay period.

"(b)(1) Notwithstanding the provisions of section 6101(a)(2)-(3) of this title, the head of an agency may, in accordance with the provisions of this section and regulations prescribed by the Office of Personnel Management, establish one or more alternative work schedules for use in the agency or in subordinate elements in the agency, if the head of the agency determines that the use of an alternative work schedule—

"(A) would improve productivity or provide greater service to the public; and

"(B) would not add to the cost of agency operations.

"(2) The Office of Personnel Management shall require that an agency obtain prior approval of the Office before authorizing use of a compressed work schedule.

"(3) Notwithstanding any other provision of law or negotiated agreement, any alternative work schedule that is found by the head of the agency or by the Office of Personnel Management to no longer be fulfilling the objectives set forth in paragraphs (1)(A)-(B) of this subsection shall be terminated immediately.

"(c) The Office of Personnel Management shall prescribe regulations governing the periods during which an employee under an alternative work schedule shall be entitled to overtime pay and premium pay for work at night or on Sunday or a holiday, and such regulations shall supersede, to the extent inconsistent therewith, the provisions of sections 5343(f), 5542(a), 5543(a)(1), 5544, 5545(a), 5546(a)-(b) and (d)-(e), and 5550 of this title, section 4107(e)(2)-(5) of title 38, section 7 of the Fair Labor Standards Act of 1938, as amended, or any other provision of law. The regulations prescribed by the Office under this subsection shall include provisions ensuring that an employee under an alternative work schedule does not, by reason of the times at which he elects to fulfill his basic work requirement, receive a greater amount of overtime pay or other premium pay than he would have received had he not been under an alternative work schedule.

"(d) The Office of Personnel Management shall prescribe regulations governing the accumulation and use of credit hours by employees under alternative work schedules. The regulations shall include limitations, not to exceed 24 hours, on the number of credit hours employees may be permitted to carry forward from one pay period to another.

"(e) In the case of an employee under an alternative work schedule, references to a day or workday (or to multiples or parts thereof) in sections 6303(a), 6304, 6307(a) and (c), 6323, 6326, and 8339(m) of this title shall be deemed to be references to 8 hours (or to the respective multiples or parts thereof).";

(2) amending section 6106 to read as follows:

"§6106. Adjustment of work schedules for religious observances

"(a) An employee whose personal religious beliefs require his abstention from work during certain periods of time may elect to perform work, at times satisfactory to his agency, in addition to his regularly scheduled tour of duty, and such additional work shall be credited by the agency to the employee to offset absences from work during the employee's regularly scheduled tour of duty, if such absences are due to the requirements of the employee's personal religious beliefs.

"(b) For the purpose of this section, 'agency' has the meaning given it in section 5541(1) of this title.

"(c) The Office of Personnel Management shall prescribe regulations governing the application of this section in Executive agencies and military departments, and the heads of other agencies subject to this section shall prescribe regulations governing the application of this section in their respective agencies. Regulations prescribed under this section may provide for such exceptions as may be necessary to efficiently carry out the mission of the agency or agencies involved."; and

(3) by amending the analysis of chapter 61—

(A) by inserting after the item relating to section 6101 the following new item:

"6102. Alternative work schedules."; and

(B) by amending the item relating to section 6106 to read as follows:

"6106. Adjustment of work schedules for religious observances.".

(b) Section 3401(2) of title 5, United States Code, is amended by inserting after the word "week" the following: "(or 32 to 64 hours a biweekly pay period in the case of an alternative work schedule under section 6102 of this title)".

(c) Section 5550a of title 5, United States Code, is repealed, and the item relating to such section is struck from the analysis of chapter 55 of title 5, United States Code.

(d) Section 7106(a)(2) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (C)(ii);

(2) by striking out the period at the end of paragraph (D) and inserting in place thereof"; and"; and

(3) by adding at the end thereof the following new paragraph:

"(E) not to authorize the use of an alternative work schedule under section 6102 of this title, or to terminate the use of any such schedule which has been previously authorized.".

SEC. 2. (a) The amendments made by this Act shall be effective on March 29, 1982, or the date of enactment of this Act, whichever is later.

(b) Any alternative work schedule which has been established under Public Law 95-390 shall be reviewed by the head of the agency and shall be terminated within 90 days of the enactment of this Act, notwithstanding any other provision of law or negotiated agreement, if the head of the agency determines that the schedule is not fulfilling the objectives set forth in section 6102(b)(1)(A)-(B) of title 5, United States Code, as added by the first section of this Act.

By Mr. PERCY (for himself and Mr. DIXON):

S. 2157. A bill to provide for the establishment of the Illinois and Michigan Canal National Heritage Corridor, and for other purposes; to the Committee on Energy and Natural Resources.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR

● Mr. PERCY. Mr. President, I am pleased today to introduce legislation which would establish the Illinois and Michigan (I. & M.) Canal National Heritage Corridor. My distinguished colleague from Illinois, Senator DIXON, is joining me in sponsoring this legislation, and our very able colleague from the Illinois congressional delegation, Representative CORCORAN, is entering companion legislation in the House.

The Illinois and Michigan Canal linked the Illinois River with Lake Michigan and thus established a direct water transportation route between the Great Lakes and the Gulf of Mexico. French-Canadian explorer Louis Joliet first discovered the need for the waterway and Irish and German laborers began work on the canal in 1836; 10 years later the canal was completed and Chicago began to develop as the center of midwestern commerce and trade. Eventually, a new waterway—the Chicago Sanitary and Ship Canal—replaced the need for the old I. & M. Since that time many canal enthusiasts have dreamed of using the waterway not as an active transportation corridor, but rather for its potential for fishing or hiking.

Citizens from communities surrounding the canal volunteered their time and energy to restore the canal and the State of Illinois developed portions of the canal as a State park. During the last Congress, the Interior Department was directed, at my urging, to study the historic, natural, and recreational potential of the Illinois and Michigan Canal. The study by the Interior Department featured the input of more than 100 Illinoisans—including industrialists, local park district officials, and private conservationists—and incorporated the recommendations gathered at four public hearings. The report found more than 200 historic structures, nearly 40 unique natural areas, and numerous geologic and archeologic sites. The report, issued last year by the National Park Service, recommended preservation of historic and natural sites and development of a recreational trail from Chicago to LaSalle, Ill. When the report was issued, I met with Secretary of Interior James Watt, who gave his support to the concept and termed its recommendations, "daring and precedent-setting."

After months of study, I am pleased to introduce this legislation which will create the first nationally designated recreational area in Illinois. It is amazing to think that of the nearly 80 million acres in the national park system, only one 12-acre site—the Abraham Lincoln Home in Spingfield—is in Illinois.

Several additions to the national park system that are not literally national parks have been made by the Congress over recent years. National recreation areas and national reserves have been established and my legislation would establish the I & M. Canal as a National Heritiage Corridor. These new disignations do not include the strict environmental restrictions of national parks and under my bill no land or property would be acquired by the Federal Government. The State of Illinois already owns much of the canal which is surrounded by a vigorous industrial belt, so Federal acquisition or strict environmental standards are neither necessary nor appropriate.

This legislation would establish a commission to markct and promote the resources of the corridor and surrounding communities, as well as assist local land managing agencies—particularly park districts, forest preserves and the State—in carrying out the recommendations of the National Park Service report. The Commission would consist of 15 members, representing a balance of government, business, and industry; and historical, natural and recreational interests. The Commission would be charged to implement the recommendations of the National Park Service report, which include: The stabilization of the canal structure and its renovation for interpretation and recreation; the establishment of an intermittent recreational trail from Summit to LaSalle, Ill.; the retention of the natural setting of the trail; and the restoration of historic buildings.

Because the corridor lies amidst an industrial area, the Commission is also required to consider and encourage economic development. Local business interests have been involved in the formation of the Heritage Corridor proposal to an extraordinary degree and have assisted in the drafting of this legislation. A study by the Illinois Bell Telephone Co. concluded that some 700 jobs could be created in motel and restaurant businesses with the establishment of the Heritage Corridor and this legislation calls for a more comprehensive assessment of the economic impact of the Heritage Corridor proposal.

Mr. President, this is, indeed, an exciting and unprecedented proposal. It provides recreational opportunities to millions of Illinoisans, and offers the potential for increased job opportunities to hundreds who live along the corridor. It will preserve and protect the historic and natural resources along the canal, and will maintain the vitality of existing industries and encourage the further economic development of the communities surrounding the canal. It results from extraordinary cooperation by local interests—both public and private—and I fully intend to continue this cooperative effort toward establishing the I. & M. Canal National Heritage Corridor.

Mr. President, I ask unanimous consent that the bill and editorials from the Chicago Tribune and the Chicago Sun-Times in support of the Heritage Corridor and a Wall Street Journal story on the proposal be printed at this point in the RECORD.

There being no objection, the bill and editorials were ordered to be printed in the RECORD, as follows:

S. 2157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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FINDING AND PURPOSE

SECTION 1. (a) The Congress finds that—

(1) An abundance of sites and structures within the corridor defined by the Illinois and Michigan Canal from Chicago to LaSalle, Illinois, symbolize in physical form the cultural evolution from prehistoric aboriginal tribes living in naturally formed ecosystems through European exploration, 19th century settlement, commerce, and industry right up to present day social patterns and industrial technology.

(2) The corridor has become one of the most heavily industrialized regions of the Nation with potential for further expansion and continued modernization. The area is currently experiencing high rates of unemployment and industrial migration. Designation of the corridor as provided in this Act may provide the stimulus required to retain existing industry and to provide for further growth and commercial revitalization.

(3) Despite efforts by State and local governments, volunteer associations and private business, the natural, cultural, historic, and recreational resources of the corridor have not realized their full potential social value and may be lost without assistance from the Federal Government.

(b) It is the purpose of this Act to retain, enhance, and interpret, for the benefit and inspiration of present and future generations, the cultural, historic, natural, recreational and economic resources of the Illinois and Michigan Canal Corridor, where feasible, consistent with a policy of continued economic growth. The actions taken under this Act to achieve this purpose shall emphasize voluntary cooperation, shall utilize existing authorities to the maximum extent practicable, and shall be undertaken in such manner as will enhance economic growth.

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The term "Corridor" means the Illinois and Michigan Canal National Heritage Corridor established under section 3.

(2) The term "Commission" means the Illinois and Michigan Canal Heritage Corridor Commission established by section 4.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "National Park Service report" means the report submitted to the Congress by the National Park Service in October of 1981 containing a conceptual plan and implementation strategies for the Corridor.

(5) The term "conceptual plan" means the goals, objectives, and action statements of the conceptual plan presented in the National Park Service report and updated and revised by the Commission.

(6) The term "Canal" means the Illinois and Michigan Canal.

ESTABLISHMENT; BOUNDARIES; ADMINISTRATION

SEC. 3 To carry out the purposes of this Act, there is hereby established the Illinois and Michigan Canal National Heritage Corridor. The corridor shall consist of the areas depicted on the map dated —— and numbered ——, entitled ————. Such map shall be on file and available for public inspection in the Offices of the Commission established under section 4 and in the Offices of the National Park Service. Upon a request of the Commission signed by not less than two-thirds of the members of the Commission, the Secretary may from time to time make minor revisions of the boundary of the Corridor. The Corridor shall be administered by the Commission in accordance with the provisions of this Act.

ESTABLISHMENT OF THE ILLINOIS AND MICHIGAN CANAL HERITAGE CORRIDOR COMMISSION

SEC. 4. (a) There is established within the Department of the Interior a commission to be known as the Illinois and Michigan Canal Heritage Corridor Commission which shall administer the Corridor and carry out the duties specified in section 9 of this Act.

ECONOMIC IMPACT STUDY

SEC. 5. Except to the extent that prior studies have provided such analysis with respect to the National Park Service Report, the Secretary shall, in cooperation with the State government and the private sector, conduct a study of the economic impact of activities recommended in the National Park Service Report. Such study shall be carried out only if 50 percent of the funds necessary to conduct the study have been provided to the Secretary. The study shall be completed not later than 6 months after the date of the enactment of this Act.

ENVIRONMENTAL PROTECTION

SEC. 6. (a) Nothing in this Act shall be deemed to impose any environmental, occupational, safety, or other rules, regulations, standards, or permit processes which are different from those presently applicable, or which would be applicable, had the Corridor not been established.

(b) The designation of a national heritage corridor shall not impose any change in Federal environmental quality standards. No portion of the Corridor which is subject to part C of title I of the Clean Air Act, as amended in 1977 (Public Law 95-95), may be designated as Class 1 for purposes of such part C solely by reason of the establishment of the Corridor. No State or Federal agency shall impose more restrictive water use designations or water quality standards upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Corridor solely by reason of the establishment of the Corridor. Nothing in the designation of the Corridor shall abridge, restrict, or alter applicable rules, regulations, or standards and review procedures for permitting of facilities within or adjacent to the Corridor, including rules, regulations, or standards under the following Acts:

(1) The Clean Air Act.
(2) The Clean Water Act.
(3) The Solid Waste Disposal Act.
(4) The Safe Drinking Water Act.
(5) The Comprehensive Environmental Response, Compensation and Liability Act.
(6) The Rivers and Harbors Act of 1899.
(7) The Toxic Substance Control Act.
(8) The Noise Control Act of 1972.

(c) The Commission, or other public or private entities may fund the installation of fencing, warning signs, and other protective features satisfactory to adjacent property owners or users and public managing agencies and to the Commission. The Commission shall not require any such installation. Participation in Corridor programs by any firm, public, or private owners shall be voluntary.

RESTRICTIONS ON COMMISSION

SEC. 7. Nothing in this Act shall be construed to vest in the Commission any authority—

(1) to establish or modify any regulatory authority of any State or local government, including any authority relating to land use regulations, environmental quality, or pipeline or utility crossings,

(2) to modify any policy of any public land managing agency, or

(3) to establish or modify any authority of any government agency with respect to the acquisition of lands or interests in lands.

Nothing in this Act shall diminish, enlarge, or modify any right of the State or any political subdivision thereof, to exercise civil and criminal jurisdiction with the Corridor or of rights to tax persons, corporations, franchises, or property, including mineral or other interests in or on lands or waters within the Corridor.

MEMBERSHIP OF COMMISSION

SEC. 8. The Commission shall consist of 15 members as follows:

(1) The Director of the National Park Service, ex officio, or his designee;

(2) The director of the Illinois Department of Conservation, ex officio, or his designee;

(3) The director of the Illinois Department of Commerce and Community Affairs, ex officio, or his designee;

(4) The president of the Board for the Chicago Metropolitan Sanitary District, ex officio, or his designee.

(5) One representative of a forest preserve district in the Corridor, as appointed by the Governor of Illinois;

(6) Five individuals appointed by the Governor of Illinois to represent the interests of business and industry; and

(7) Five individuals appointed by the Governor of Illinois to represent the interests of history, archaeology, and historic preservation; natural area conservation; recreation; and fish and wildlife.

Members appointed under paragraphs (6) and (7) shall be selected with due consideration to equitable geographic distribution. The appointments made each two years under paragraph (5) shall rotate among the three forest preserve districts in such manner as will insure equal representation in the Commission for each such district over each six year period commencing with the initial appointment.

(b) Members of the Commission shall be appointed for terms of two years. No individual appointed under paragraph (6) or (7) may serve more than two terms on the Commission.

(c) The chairperson of the Commission shall be elected by the members of the Commission from among the members appointed under paragraphs (6) and (7). The term of the chairman shall be two years.

(d)(1) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(2) Any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member may serve after the expiration of his term for a period not longer than thirty days.

(e) Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) The Commission shall meet at least quarterly at the call of the chairman or a majority of its members.

(g) Members of the Commission shall receive no pay on account of their service on the Commission, but while away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

DUTIES OF THE COMMISSION

SEC. 9. (a) The Commission shall implement and support the goals of the conceptual plan which primarily relate to or involve the recreation areas, and in accordance with such plan, the Commission—

(1) For goal number 1—to stabilize structures of the Canal and renovate portions for interpretation and recreation—shall assist the Illinois Department of Conservation or other public agencies or its designees to secure funds so that such Department or other agency or its designees may proceed with implementation of the plan, and shall in no way infringe upon the already-established authorities and policies of such Department concerning the management of the Canal property;

(2) For goal number 2—to establish an intermittent recreational trails from Summit to LaSalle, Illinois—shall provide staff technical assistance and fundraising support to the Illinois Department of Conservation and other public land managing agencies accepting responsibility for the establishment and maintenance of trails through the Des Plaines River valley which is compatible with economic development interests in the valley, and shall in no way infringe upon the authorities and policies of such agency or agencies; and

(3) For goal number 3—to retain the natural setting of the trail corridor—shall direct its staff to encourage private land owners adjacent to the trail corridor to retain voluntarily, as a good neighbor policy, a strip of natural vegetation as a visual screen and natural barrier between the trail and corridor development.

(b) In implementing and supporting the goals of the conceptual plan which primarily relate to or involve the heritage zone, and in accordance with such plan, the Commission—

(1) For goal number 4—to provide for retention and enhancement of unique natural areas—shall direct its staff to encourage private owners of recognized natural areas on the Illinois Natural Areas Inventory to adopt voluntary measures for their preservation, shall act as a fundraiser to support acquisition of threatened natural areas from willing sellers by a public land managing agency, and shall in no way infringe upon the authorities and policies of any such agency;

(2) For goal number 5—to enhance public awareness of and appreciation for historic, archaeologic, and geologic resources—shall direct its staff to conduct an inventory of historic, archeologic, and geologic resources in the Corridor, and shall encourage private owners of the identified resources to adopt voluntary measures for their preservation and shall act as a fund raiser for the acquisition of threatened or significant resources from willing sellers by a public land managing agency;

(3) For goal number 6—to restore historic buildings with economic development potential—shall direct its staff upon request from towns within the Corridor to provide technical assistance in historic preservation, and shall act as a fundraiser to support revitalization efforts;

(4) For goal number 7—to interpret the cultural and natural resources of the Corridor—shall direct a study to determine the

thematic structure of the heritage story, shall finance development of interpretive materials, and, in a voluntary fashion, shall coordinate ongoing interpretive services in the Corridor, encourage new interpretive initiatives, and establish visitor orientation centers in the Corridor; and

(5) For goal number 8—to establish recognition for the Corridor—shall actively market the amenity resources of the Corridor on a community, regional, statewide, national, and international basis.

(c) In addition to the Goals specified in subsections (a) and (b), the Commission shall implement and support, as goal number 9, the goal of enhanced economic development in the Corridor. In carrying out such goal, the Commission shall provide support to local land managing agencies, economic development commissions, and potential commercial or industrial concerns interested in locating within the Corridor.

(d) To encourage economic growth, the Commission in carrying out its activities under subsections (a) and (b) shall adhere as closely as possible to the time frame prescribed in the conceptual plan. The Commission may modify the conceptual plan where it determines that such modification is necessary to carry out the purposes of this Act. No modification may be made in the conceptual plan unless advance notice is provided to affected local officials and no significant modification (as determined by the Commission) may be made in such plan unless the Commission provides notice and opportunity for public hearing.

(e) For purposes of carrying out the conceptual plan, the Commission shall enter into such cooperative agreements with State and local government authorities and private organizations within the Corridor as may be necessary. The agreements shall, at a minimum, establish procedures for providing notice to the Commission of actions proposed by such authorities which may affect the conceptual plan. The Commission may refuse to obligate or expend funds appropriated pursuant to this Act for carrying out the plan in any case in which the Commission determines that any local government authority or private organization has failed or refused to enter into, or to carry out in good faith, a cooperative agreement under this subsection.

(f) The Commission shall publish and submit to the Governor and the Secretary, an annual report concerning its activities.

(g) Any Federal entity conducting or supporting activities directly affecting the corridor shall—

(1) consult with, cooperate with, and to the maximum extent practicable coordinate its activities with the Secretary and with the Commission; and

(2) to the extent feasible, conduct or support such activities in a manner which the Commission determines will not have an adverse effect on the resources cited in the report.

(h) Before undertaking any major action (including the expenditure of funds) respecting any capital improvement and before making any funds available to any entity for the acquisition of any real property, the Commission shall prepare an economic impact assessment with respect to such undertaking or expenditure. Such assessment shall include an analysis of—

(1) the costs of such undertaking or expenditure;

(2) any adverse economic effects which cannot be avoided;

(3) alternatives to such undertaking or expenditure which could accomplish the same purpose, together with an estimate of the costs of such alternatives; and

(4) the economic and noneconomic benefits to be expected from such undertaking or expenditure.

The assessment under this section shall be as brief and concise as practicable. Where necessary in the judgment of the Commission, taking into account the time and resources available to the Commission and the other authorities and duties entrusted to the Commission under this Act, the statement may consist of a summary of such data and information referred to in paragraphs (1) through (3) as is currently and readily available in files and documents in the possession of the Commission.

(i) Notwithstanding any other authority of this section, in implementing and supporting Goal #1 (or in carrying out any other authority vested in the Commission), the Commission shall not be required to adopt the specifics recommended in the Historic American Engineering Record study published in April of 1981.

(j) At least 5 percent of the sums available to the Commission from any source may be used only for implementing each of the 9 goals referred to in section 5(a).

POWERS OF THE COMMISSION

SEC. 10. (a) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable. Nothing in this Act authorizes the issuance of any subpena by the Commission or the exercise of any subpena authority by the Commission. The Commission may establish such advisory groups as necessary to ensure open communication with and assistance from county governments, canal towns, industry, and other interested parties. Meetings of the Commission shall be subject to section 10 of the Federal Advisory Committee Act (5 U.S.C. App.).

(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) Notwithstanding any other provision of law, the Commission may seek and accept donations of funds, personal property, or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purpose of carrying out its duties. For purposes of section 170(c) of the Internal Revenue Code of 1954, any donation to the Commission shall be deemed to be a donation to the United States.

(d) The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(e) The Commission may direct staff projects and utilize any specially appropriated Federal or State funds or private sector donations to carry out any aspect of the conceptual plan in the manner specified in subsections (a) through (d) of section 7. Any funds available to the Commission for capital improvements to recreation trails or to the canal and for land acquisition shall be transferred by the Commission to the managing agency for expenditure.

(f) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(g) The Commission may obtain by purchase, rental, or donation, such personal property, facilities, and services as may be needed to carry out its duties.

(h) The Commission may not acquire any real property or interest in real property through condemnation or the exercise of the power of eminent domain, nor may the Commission acquire any real property or interest in real property in any other manner (including gift devise, or inheritance).

STAFF OF COMMISSION

SEC. 11. (a) The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the rate of pay payable for grade GS-15 of the General Schedule.

(b) The Commission may appoint and fix the pay of such additional staff personnel as the Commission deems desirable and may direct staff loaned to the Commission cooperatively with loaning agencies. The Staff may include specialists in areas such as interpretation, historic preservation, recreation, conservation, commercial and industrial development and revitalization, financing and fundraising.

(c) The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for grade GS-15 of the General Schedule.

(d) Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United Stated Code, but at rates determined by the Commission to be reasonable.

(e)(1) Upon request of the Commission, the head of any Federal agency represented by members on the Commission may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this Act.

(2) The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

TECHNICAL ASSISTANCE

SEC. 12. To carry out the purposes of this Act, the Secretary shall:

(1) For fiscal year 1983—conduct a separate inventory for each of the following: historic, architectural, and engineering structures; archaeologic, and geologic sites in the Corridor from Chicago to Peru;

(2) For fiscal year 1983—assist the Commission in developing thematic structure for interpretation of the Heritage Corridor story;

(3) For fiscal year 1984—design and fabricate the following interpretive materials:

(A) Trail guide brochures for exploring the heritage story via private auto, bus, bike, boat, or foot;

(B) Trail guide brochure for a heritage trail through each canal town;

(C) Visitor orientation displays for eight locations along the heritage corridor from Chicago to Peru;

(D) Develop a curriculum element for local schools as well as an appropriate mobil display depicting the heritage story;

(E) Produce video presentations on the project;

(4) For each fiscal year 1983-93: Provide feasibility studies for retrofitting 6 historic structures to be selected by the Commission for modern use. The studies should include recommendations concerning stabilization, adaptive reuse potential, strategies for finding private investors, and tax credit advantages and to provide brochures to explain available tax credit advantages available;

(5) For each fiscal year 1983-93: Provide individual tax benefit analysis on various easements or other less-than-fee title alternatives for protecting 3 natural areas in the Corridor presently under private ownership;

(6) For each fiscal year: Provide consultation on fundraising and volunteerism strategies;

(7) For each fiscal year: Provide two staff positions to the Illinois and Michigan Canal Heritage Corridor Commission.

RELEASE OF CANAL TITLE

Sec. 13. The United States shall release to the State of Illinois all remaining rights it holds to the title of property associated with the Illinois and Michigan Canal except as to the canal; prism and towpath. Remaining interests are reservations in the canal prism and towpath shall be released to the State of Illinois only at the discretion of the Secretary.

EXPIRATION OF COMMISSION

Sec. 14 (a) The Commission established under this Act shall terminate on the date 10 years after the date of the enactment of this Act unless the Commission determines, before such date, that it is necessary to remain in operation for a longer period to carry out the purposes of this Act. If the Commission makes such determination, the Commission shall terminate on a date (not more than 15 years after the date of the enactment of this Act) specified by the Commission and approved by the Governor of Illinois and by the Secretary. Any determination of the Commission that it is necessary to extend the 10 year termination date shall be submitted, 180 days before the extension is approved by the Commission, to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate.

(b) Upon termination of the Commission, all property of the Commission shall be transferred by the Commission to appropriate agencies, as determined by the Commission.

AUTHORIZATION OF APPROPRIATIONS

Sec. 15. (a) There are authorized to be appropriated such sums as may be necessary to carry out this Act, except that the total of the amounts authorized to be appropriated for the purpose of section 5 shall not exceed $50,000.

(b) Funds appropriated pursuant to subsection (a) of this section shall remain available until expended.

(c) No funds shall be authorized pursuant to this section prior to October 1, 1982.

(d) Notwithstanding any other provision of this Act, no authority to enter into agreements or to make payments under this Act shall be effective except to the extent, or in such amounts, as may be provided in advance in appropriation Acts.

[From the Chicago Tribune, Jan. 15 1982]

Hooray for the Heritage Corridor!

Almost two years ago, Tribune sports writer John Husar spent three months paddling down the Des Plaines River. He was accompanied by Gerald Adelmann, program coordinator for the Open Lands Project, a private conservation group. Their explorations were the genesis of what is now expected to become a federally supported "national heritage corridor."

Mr. Husar wrote a series of articles about the scenic and man-made wonders in the narrow, 100-mile-long strip running from Chicago to LaSalle along the historic old Illinois & Michigan Canal. The Open Lands Project led the subsequent campaign to stimulate federal interest in this underused resource. Senator Percy supported the corridor concept and convinced Interior Secretary James G. Watt of its value.

Under a plan expected to be approved by Congress, the land would not get the kind of full national park status that carries tough environmental restrictions. But the corridor designation would enable federal funding of up to $16 million and smooth the way for making the land more accessible to the public.

Much of the land is already publicly owned, but trailways must be further opened up to hikers, bikers, skiers, horsemen, and others in search of recreation and the sight of wildlife and unusual prairie flora. The corridor is also rich in historic industrial and other architecture that has received inadequate attention. It may well generate tourist business. It will even provide a selling point for local government leaders trying to attract new industries and residents.

Whatever the ultimate results, the corridor will offer a swath of exurban breathing space that can be enjoyed by millions. All who have helped bring the project to the brink of realization deserve the public's thanks.

[From the Sun-Times, Aug. 25, 1981]

A National Park for Illinois

One of the longest, skinniest parks in the world would meander out of Chicago's Southwest Side and into Illinois history, if some imaginative people have their way.

Its name does not sound like something to inspire poets and lovers: I & M Canal National Heritage Corridor.

But the idea has tremendous appeal, and not only because of its low price tag. At the most, it would require $1.5 million in U.S. Park Service money over three years. Its backers, led by the Open Lands Project, would probably settle for national park designation and technical assistance from the Park Service to get established.

The park would nestle in the Des Plaines River valley, along the banks of the old Illinois & Michigan—the city's birth canal.

More than 300 years ago, the native Americans living on the little river they called Chekagou showed French-Canadian explorer Louis Joliet how to take his boats from the Great Lakes to the Mississippi via streams and a muddy portage. A great city could flourish on the lakeshore, he wrote, adding: "It would only be necessary to build a canal."

Work finally began on July 4, 1836, with hundreds of newly arrived German and Irish diggers. It was finished 12 years later—100 miles long, lined by limestone bluffs and forests and prairies. Eventually the deeper Sanitary & Ship Canal took the I & M's trade. Little remained but a silent stream with curious old locks and dams.

For years, a group of dreamers saw another kind of I & M: bordered with bike and foot trails and dotted with small boats, its old French canal towns thriving with vacationing families in reborn inns, its historic industries doubling as living, working museums.

Last year, at the urging of Sen. Charles H. Percy (R-Ill.), the Interior Department's Park Service studied the concept and agreed. Its draft report, finished in June, envisions a new kind of national park that incorporates prairie, forest, canyons, streams, beaver, deer, bobcats, heron islands, archeological sites, architectural gems and, yes, steel works and chemical tanks. (They can look quite striking and dramatic atop a bluff.)

"The traveler could sleep under the stars one night, in a hostel the next and in a hotel the third," says the Park Service.

"There would be 20 to 30 interpretive stations with personnel to explain industrial operations, local history, canal navigation spanning 140 years, aristocratic homes, prairie lands, native American cultures . . . historic walking tours of the 17 canal towns. . . ."

Gerald W. Adelmann, coordinator of Open Lands' park project, is working to involve valley industries in the plans and convince them that the benefits in tourism and public relations will more than offset any inconveniences. They are responding.

Gov. Thompson has mentioned another benefit, one Illinois sorely needs: a reminder of the historic link and mutual dependency between Chicago and Downstate. "Maybe this corridor project can help bring us back together," he said.

Maybe. In the meantime, we hope this modest, attractive and immensely creative idea is a big hit in Washington.

[From the Chicago Sun-Times, Nov. 1, 1981]

Percy's Solid Support Aids New Park

Thanks to Sen. Charles H. Percy (R-Ill.) and his staff, Illinois has leaped a major hurdle that might have blocked an important conservation and job-creation project.

The hurdle is Interior Secretary James G Watt. The project is the I & M Canal National Heritage Corridor. The leap was made when Percy won Watt's "enthusiastic and active support" for the federal park in the Des Plaines River Valley along the old Illinois & Michigan Canal. The adjectives are important.

The park would be long (100 miles) and skinny (only 35 feet wide in places). A major goal is to save the historic waterway that was once a canal. But there's more.

The Open Lands Project, the Chicago conservation group behind the project, convinced businesses that this special kind of park can accommodate steel and chemical works along with forests, canyons, streams and other more traditional park scenes.

No one can say for sure what impressed a difficult man like Watt. But give Percy credit for a strong presentation. Watt called the cooperation between industrialists and environmentalists and between local and state governments "daring and precedent-setting."

The price tag is about $16 million.

Percy expects to ask the next session of Congress to approve the park, which also will be a reminder of the historic link between Chicago with Downstate. With Watt's support, the expectation of approval is high.

Almost as high as Illinois' spirits.

[From the Sun-Times, Feb. 4, 1982]

A Real "Industrial Park"

A group of Illinois business leaders, conservationists and public officials will meet Friday in Joliet to preside over the birth of a new kind of national park: one designed to promote industrial growth.

That may not sound like a romantic concept for a park. Neither is its name likely to inspire song and verse: I & M Canal National Heritage Corridor.

But this long, narrow strip that meanders out of Chicago's Southwest Side through 100 miles of limestone bluffs, forests and prairies has a heroic past. It follows the old Illinois and Michigan Canal, first proposed three centuries ago by French-Canadian explorer Louis Joliet as a transportation link between the Great Lakes and the Mississippi River system.

More than 150 years passed before his dream ditch was dug, but it delivered just as he predicted. Eventually the deeper Sanitary & Ship Canal took the I & M's trade.

Now the old stream is beginning to enjoy a second life as a family playground, bordered with bike and foot trails and dotted with small boats. An industrial plant rises here and there on the bluffs, above picturesque towns.

This unusual mix appealed to the Open Lands Project, a conservation group. With the help of Sen. Charles H. Percy (R-Ill.) and Rep. Tom Corcoran (R-Ill.), and with the support of local officials and industries, Open Lands campaigned to transform the I & M strip into a national park that would use natural beauty and historic sites to lure industries into its borders and strengthen those already there.

Interior Secretary James G. Watt called the concept "daring and precedent-setting" and gave it his blessing.

At Friday's meeting, representatives from industrial and business groups will help Open Lands and public officials draft legislation creating the park. To pass this session, it must be introduced in Congress by Feb. 15. The deadline is tight, but the idea can't lose.

[From the Wall Street Journal, Aug. 13, 1981]

URBAN RETREAT: CHICAGO NATIONAL PARK IS PROPOSED ALONG CANAL IN AN INDUSTRIAL AREA

BACKERS CLAIM RECREATIONAL AND HISTORICAL ATTRIBUTES FOR ILLINOIS RIVER VALLEY

(By Frederick C. Klein)

CHICAGO.—The Des Plaines River Valley, beginning along the southwest border of Chicago and extending 25 miles west to Joliet, hardly strikes one as an obvious site for a national park. It exhibits no awesome natural features, and it isn't conventionally scenic. The casual visitor sees mostly busy highways, railroad tracks, factories, power plants and oil-storage facilities.

Yet a movement is under way to make the area part of a proposed 100-mile-long national park that would honor the natural and industrial history of Illinois. Its focus would be the Illinois & Michigan Canal, the all but forgotten waterway that established Chicago as the business capital of the Midwest.

The park still is in planning, and its eventual configuration isn't settled. Moreover, it isn't certain that a national park ever will be created here. The U.S. Department of the Interior, which would have to approve the scheme, has declared a moratorium on new parkland acquisitions. The Interior Department has a big backlog of parks that have been sanctioned but not assembled, and the department is concentrating on improving existing park facilities.

But backers of the Illinois park, including many of the state's leading politicians, say their proposal has unusual merits. The most obvious of these, they note, is that it is so close to Chicago and would put important new recreational opportunities within the grasp of a huge metropolitan population. With gasoline prices so high, that is an important consideration, they say. Proponents see this, like Gateway national Recreation Area along New York City's shoreline, as a precedent for other parks close to urban areas.

ALREADY PUBLICLY OWNED

They also point out that since much of the land that would constitute the park already is in state or local government hands, the cost of putting the park together would be relatively small. And by involving local industry in the planning, they hope to avoid the sort of Business vs. Environmentalist quarrels that attend the birth of most big U.S. park projects.

"We don't intend to radically alter the landscape. Mostly, we would like to take what is there and ask people to look at it in a new way," says Gerald W. Adelmann, program coordinator for Open Lands Project, the private conservation group that has led the park drive.

Further improvements are seen for later. These include extensive canal renovations and maybe even reenactments of canal life that would feature mule-pulled barges. Facilities for overnight stays would be added in the rural section of the park west of Joliet.

The estimated price for the park's first three years of operation is $1.5 million. Open Lands' Mr. Adelmann says he would be satisfied with "just a national park designation and the technical assistance of the Park Service (to) get us off the ground." He adds, "That would give us the visibility we need to establish the area as worth seeing."

The modesty of park proponents' aims has reassured industries in the region. "When we first heard 'national park,' we envisioned a big government land-grab and attempts to shove super-stringent pollution controls down our throats," says Timothy A. Madden, executive director of the Three Rivers Manufacturers Association, based in Joliet. "As the thing has unfolded," he says, "it has become clear that nothing like that is intended. The park people seem to want to coexist with us."

Mr. Madden says, "we've still got problems with the park idea, such as how we'd share the roads with visitors and how we'd get them through our properties to the park land. Insurance also could be a hang-up. But these seem to be issues that reasonable people can resolve."

Indeed, some see the park as a possible economic boon to a region with aging industrial facilities and plagued by plant closings that have boosted unemployment to 12% or 14% in recent months.

Lockport, for example, already has begun to remodel its downtown business district along early-Illinois historical lines, and John J. Soviak, a banker in the town of 9,000, notes that "a little tourist business wouldn't hurt." He also believes that a national park "might give us a selling point in drawing new industry and people. We know we don't have a Yosemite or Mammoth Cave on our hands, but we still think it's very nice."

It is generally agreed that a big obstacle to attaining national recognition for an I&M Canal park is prevalent ignorance of the canal's historic importance and of recreational opportunities in the waterway corridor, an area the Chicago Tribune has called "our hidden wilderness."

In 1974, the Illinois Department of Conservation took control of a 61-mile stretch of the canal between Channahom, just west of Joliet, and LaSalle, and opened 20 miles of its former towpath as a "state trail." Public use of the trail has been "pretty sparse," Dave Carr, the department's superintendent, concedes.

Mr. Carr believes that the trail would be used more if it got more attention and if improvements were made. Those things would happen if the area became a national park. In the meantime, he says, the canal could use some boosters.

"Everybody knows about the Erie Canal because of the songs that were written about it," he says. "I bet there were songs about the I&M Canal, too. If we can't dig any up, maybe somebody could write one."

"All over the corridor," Mr. Adelmann says, "there are historical sites and small scenic areas that are overlooked even by people who live near them. We hope to point them out, make them accessible and interpret them so they can be appreciated. We also hope to persuade people that a landscape isn't necessarily spoiled because a smokestack is in it. In fact, our emphasis on industrial history will serve to show how the landscape and the smokestack fit together."

AKIN TO DUSSELDORF

Most of the smokestacks in the proposed park, as well as most of the difficulties of access, are in the 25 miles between Chicago and Joliet. Three waterways—the Des Plaines River, I&M Canal and the Chicago Sanitary & Ship Canal—run parallel for much of that distance. The strip is so heavily industrialized that it has been called the Ruhr Valley of the Midwest.

The region's early economic importance was made possible by the I&M Canal. Built between 1836 and 1848 by immigrant laborers using hand tools, the 96-mile tow canal bypassed the often shallow and meandering Des Plaines and created the first navigational link between Lake Michigan and the Illinois River, which joins the Mississippi. The canal allowed travel by water from New York to New Orleans and was responsible for Chicago's explosive growth.

The canal was used extensively until about 1880, when it lost out to the railroads and, later, to the broader, deeper Sanitary & Ship Canal. The I&M Canal was a magnet for steel mills, quarries and granaries, and it spawned the towns of Lemont, Lockport and Joliet, among others. The completion of the Sanitary & Ship Canal in 1900—and improvements made to the Des Plaines—brought the area its present complex of chemical plants, oil refineries and power-generating stations.

CANAL RESTORATION

The part of the I&M Canal that was in Chicago was obliterated long ago, and beyond the city it is mostly a narrow, muddy ditch that is easily ignored. But portions of its original locks and dams remain and would be restored under park plans.

Just as important, park supporters say, are the architectural, early-industrial and scenic features of the valley. But some of this history is crumbling from neglect and some is on, or is obstructed by, private property and can't easily be visited by the public.

On the grounds of U.S. Steel Corp.'s Joliet division, for instance, stone warehouses built during the 1860s for Joliet Iron & Steel Works stand alongside units of the present mill. Elsewhere on the same property are the weed-entangled ruins of a building that housed one of the first Bessemer steelmaking furnaces in the country.

Other evidence of history is to be found along the streets of the old canal towns of Lemont and Lockport, where there are numerous houses, churches and commercial buildings dating from the Civil War and earlier. Charles Gregorsen, a Chicago architect who specializes in restorations, calls the town "veritable museums of the pioneering ear in Illinois." He notes that examples of early American architecture are rare in Chicago itself because of the destruction caused by the "great fire" of 1871.

Most surprising to many are the places of natural beauty that survive in the valley, almost none of which can be seen from the main roads. Forest preserves contain limestone canyons that tower as high as 80 feet above clear, rapid streams. Beaver, deer and, some say, even bobcats dwell in the public lands that separate the three waterways. Islands in Lake Renwick, near Plainfield, just north of Joliet, are a major nesting ground for herons.

Biologist Philip Hanson, who is group programs director for the Field Museum of Natural History in Chicago, says that the rocky bottom lands of the Des Plaines include "some of the best examples of dry and wet prairie to be found intact anywhere." Mr. Hanson says that attention given to flora in the valley by park proponents has helped uncover species of small-leafed native prairie plants that were once thought to be extinct.

Those who have studied the park concept, including Interior Department officials working under a $200,000 congressional grant, believe that most of the initial work in creating a park would center on the section nearest Chicago and would be aimed at encouraging people to take day trips. Present hiking and bicycling trails and canoe routes would be improved and extended to places now off-limits. Printed matter explaining the historical and natural features of the area would be prepared. Surviving I&M Canal installations would be fixed up. New parking lots would give access to trails at various points.●

● Mr. DIXON. Mr. President, I am pleased to join my distinguished colleague from Illinois, Senator PERCY, in sponsoring this legislation establishing the Illinois and Michigan Canal National Heritage Corridor.

The corridor program seeks not only to protect cultural and natural resources, but also to bring about economic revitalization of the region. It regards the landscape as a whole, an environment where the development of one resource is intertwined with others. Urban and industrial are inseparable from the natural and historic. The Illinois and Michigan Canal National Heritage Corridor is a program that will preserve the entire character of the area.

A national designation would recognize the area as having national significance. But implementing the plan will be a partnership of local and State interests—historical societies, industrialists, conservation and recreation groups, and State and local governments.

Every effort has been made to reach a great cross section of people and interests in Illinois, in drafting this unique piece of legislation. Many meetings were held to solicit various points of view, and it is my hope that we can all continue to work together to make this project a reality.

The corridor is a vital commercial and industrial area and clearly should retain its character. It is not the intent of this plan to impose restrictions that would be burdensome to industry, but rather to enhance the area and promote economic development.

The project has the stong support of people who reside along the 90 miles of the canal from LaSalle to Chicago, as well as the Illinois Department of Commerce and Community Affairs and the Illinois Department of Conservation. Several Illinois newspapers have also endorsed the project.

I am pleased to add my name as a cosponsor of this bill, and will continue to work with the many groups interested in the project to make it a program that will benefit the State of Illinois and the Nation.●

By Mr. DANFORTH (for himself, Mr. PELL, and Mr. BOSCHWITZ, Mr. PACKWOOD, Mr. PRESSLER, Mr. GLENN, and Mr. GOLDWATER):

S. 2158. A bill to amend title 23, United States Code, to authorize and direct the payment of an incentive grant for highway safety programs to any State in any fiscal year during which the statutes of the State include certain provisions relating to driving while intoxicated; to establish a national driver register, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DANFORTH (for himself, Mr. PELL, and Mr. BOSCHWITZ):

S. 2159. A bill to amend the Bankruptcy Act to provide that judgment debts resulting from a liability which is based on driving while intoxicated shall not be discharged; to the Committee on the Judiciary.

ATTACK ON DRUNK DRIVING

Mr. DANFORTH. Mr. President, since I became chairman of the Senate Commerce Committee's Subcommittee on Surface Transportation last year, I have taken every opportunity to alert my colleagues to the horrifying facts about automobile accidents. It is a national scandal that 50,000 Americans are smashed and slashed to death on our highways, and that 2 million people suffer disabling injuries in car accidents every year. The National Highway Traffic Safety Administration grimly predicts that the annual highway death toll will reach 70,000 by the end of this decade.

The greatest tragedy is that we have become desensitized to the meaning of these statistics. We have almost come to accept this carnage as the unfortunate price we must pay for the mobility we enjoy. However, if we look behind the mind-numbing statistics—if we ask why so many people are suffering—we will see that over half of this bloodshed results from our unwillingness to put a halt to the most frequently committed violent crime in America: drunk driving.

If it is difficult to visualize 26,000 corpses, 125,000 permanently maimed people and 650,000 temporarily disabled people, then it is difficult to grasp the scale of human suffering and economic loss our country experienced last year solely because of drunk driving. If it is impossible to imagine 230,000 shattered skulls and 1¼ million people absent arms or legs, then it is not possible to understand what drunk drivers have done to America in the last decade. Senator PELL, two of whose close advisers were killed by drunk drivers in separate incidents, pointed out last week that America would have to suffer an Air Florida crash every single day of the year before the commercial airline death toll would even approach the rate at which people are killed by drunks on the highways. I cannot believe Americans would stand idly by while such a series of disasters occurred.

In view of these facts, the only humane course of action for public officials at all levels of government to take is to declare an all-out attack on drunk driving. Ultimately, the only place a successful attack can be waged is on the State and local level, where our traffic laws are enforced. Nonetheless, the Federal Government has within its power the ability to galvanize a nationwide, grassroots effort to stop drunk driving. Today, I am introducing a legislative package to encourage and assist State efforts to keep drunks off the road. My proposal consists of three elements:

First, Federal financial incentives for States to enact a model antidrunk driving statute meeting specific basic standards;

Second, additional Federal funding to make it possible for the national driver register to provide quick nationwide access to information about dangerous traffic offenders; and

Third, an amendment of the Federal bankruptcy statute to classify drunk driving as a "willful and malicious" act. I would like to describe each aspect of this proposal in more detail.

In 1973, when I was attorney general of Missouri, I submitted to the Missouri General Assembly legislation to get to the root of the drunk driving problem. My proposal had two parts. The first part was to mandate automatic, on-the-spot revocation of driver's license whenever a police officer caught a drunk driver in the act. This would have made the question of an offender's driving privileges an administrative rather than a criminal matter. The second part, was to stop drunks from continuing to drive after their license had been pulled by impounding any vehicle they were caught driving.

I thought this would be a highly effective way to make use of the fact that driving is a privilege and not a right. The first major element of the legislation I am introducing today is for the Federal Government to reward any State which enacts a law substantially like the one I just described. My initial thinking is that States which use this approach ought to have their Federal highway safety funding allocations doubled.

The second part of my proposal addresses the lamentable fact that no State, acting by itself, can keep drunks off the highways. One unfortunate consequence of American mobility is that offenders whose driving privileges are pulled in one State can easily apply for a license in another. Although the Federal Government presently operates a national driver register through which State licensing officials can learn about an applicant's record in other States, the present operation lacks sufficient funding to process requests for information quickly enough to make the register useful. I propose to upgrade the national driver register with modern computer technology and to encourage State participation in the program.

The third major feature of the proposed all-out attack on drunk driving is a purely Federal initiative. Federal legislators, like their State counterparts, should recognize drunk driving for what it is—a willful and malicious act. I was amazed to learn that, although the Federal bankruptcy statute does not allow discharge of debts arising from willful and malicious acts, some Federal judges have said that drunk driving is not, in itself, "willful and malicious." Upon that pronouncement, victims have been denied compensation. Legislation I am offering today will assure victims and their families that if they win a civil damage award against a drunk driver, they need not fear that the offender will use Federal law to escape his debt.

I offer this legislation today under no delusion that by itself it would end this terrible national tragedy. Rather, it is my hope that this proposal could serve as a useful contribution on the part of the National Government toward ending the national disaster known as drunk driving.

On March 3, the Subcommittee on Surface Transportation will hear testimony on a number of bills designed to stop drunk driving, including two measures introduced by Senator PELL. I am grateful to Senator PELL for his steadfast leadership on the drunk driving issue and his tireless efforts to bring this subject to the forefront. I am certain that the subcommittee will benefit greatly from hearing his testimony on March 3.

We will also hear from representatives of two of the most active anti-drunk driving citizen action groups. As a father of five children, my heart goes out to those parents whose children have been killed or crippled by drunks. According to the National Safety Council, 6½ million families have seen at least 1 member of their family disabled in the last 10 years, and, in the same decade, another quarter of a million families have seen a family member killed by a drunk driver. I hope all my colleagues will work with the subcommittee to help us fashion the most effective attack we can undertake on the drunk driver problem.

Mr. President, I ask unanimous consent that the text of the two bills be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INCENTIVE GRANTS FOR STATES WITH STRICT DRIVING WHILE INTOXICATED STATUTES

SEC. 101. Section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(k)(1) The Secretary shall make an incentive grant to any State in the first fiscal year during which there is in effect in such State, as determined by the Secretary, a statute of general applicability—

"(A) requiring an administrative action to suspend an individual's motor vehicle operator's license or permit for one year when a law enforcement officer of the State requests the individual to submit, within a reasonable time after the law enforcement officer observes the individual operating a motor vehicle on a public road of the State, to a chemical test to determine whether the individual was intoxicated while operating the motor vehicle and—

"(i) the individual refuses to submit to such test and does not offfer to submit to any other test acceptable to the State to determine whether the individual was intoxicated while operating the motor vehicle; or

"(ii) the law enforcement officer determines, using a test acceptable to the State, that the individual was intoxicated while operating the motor vehicle; and

"(B) requiring the confiscation by and forfeiture to the State of any motor vehicle operated on a public road of the State by any individual during any period for which the individual's motor vehicle operator's license or permit is suspended or revoked by reason of a violation of the laws of any State relating to the operation of a motor vehicle while intoxicated.

"(2) The incentive grant payable to a State in any fiscal year under paragraph (1) of this subsection shall be—

"(A) in an amount equal to the amount apportioned to such State during such fiscal year under subsection (c) of this section; and

"(B) in addition to other funds payable to such State in such fiscal year under this section.

"(3) The incentive grant payable to a State in any fiscal year may be used by such State only to promote the purposes of this chapter.

"(4) For the purposes of paragraph (1) of this subsection—

"(A) the term 'administrative action to suspend' means a suspension by an agency or other instrumentality of the State upon the failure of the individual—

"(i) to show cause to such agency or instrumentality, at a hearing requested by the individual not later than seven days after the date of the occurrence of circumstances described in paragraph (1)(A) of this subsection, why, based on criteria and standards prescribed by the Secretary, the individual's license or permit should not be suspended; or

"(ii) to request, within the time period described in subclause (i) of this clause, that the agency or instrumentality conduct a hearing at which the individual may show cause why, based on such criteria and standards, the individual's license or permit should not be suspended;

"(B) the term 'intoxicated' means that there is present in the blood not less than ten one-hundredths of 1 percent, by weight, of alcohol; and

"(C) the term 'public road' has the same meaning as provided in the fourth sentence of subsection (c) of this section.".

SEC. 102. The amendments made by this Act shall take effect October 1, 1982.

TITLE II—NATIONAL DRIVER REGISTER

SEC. 201. This title may be cited as the "National Driver Register Act of 1982".

DEFINITIONS

SEC. 202. For purposes of this title, the term—

(1) "Advisory Committee" means the National Driver Register Advisory Commitee established in section 210(a) of this title;

(2) "alcohol" has the meaning given such term by the Secretary of Transportation under regulations prescribed by the Secretary;

(3) "chief driver licensing officials" means the official in each State who is authorized to (A) maintain any record regarding any motor vehicle operator's license issued by such State; and (B) grant, deny, revoke, suspend or cancel any motor vehicle operator's license issued by such State;

(4) "controlled substance" has the meaning given such term in section 102(6) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802(6));

(5) "highway" means any road or street;

(6) "individual" means a citizen of the United States or an alien lawfully admitted to the United States for permanent residence;

(7) "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway, except that such term does not include any vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail or rails;

(8) "motor vehicle operator's license" means any license issued by a State which authorizes an individual to operate a motor vehicle on a highway;

(9) "participating State" means any State which has notified the Secretary of its participation in the Register system, pursuant to section 205 of this title;

(10) "Register" and "Register system" mean the National Driver Register established under section 204(a) of this title;

(11) "Secretary" means the Secretary of Transportation;

(12) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States; and

(13) "State of record" means any State which has transmitted to the Secretary, pursuant to section 206 of this title, any report regarding any individual who is the subject of a request for information made under section 207 of this title.

REPEAL OF EXISTING STATUTE

Sec. 203. The Act entitled "An Act to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked" (Public Law 86-660; 74 Stat. 526) hereby is repealed, effective at the expiration of the 90-day period following the date of enactment of this Act.

ESTABLISHMENT OF REGISTER

Sec. 204. (a) The Secretary shall, within 90 days after the date of enactment of this Act, establish and thereafter maintain a register to be known as the "National Driver Register", to assist chief driver licensing officials of participating States in exchanging information regarding the motor vehicle driving records of individuals. The Register shall contain an index of the information that is reported to the Secretary under section 206 of this title, and shall be designed to enable the Secretary, either electronically or, until such time as all States are capable of participating electronically, through the United States mails, to—

(1) receive information submitted under section 206(a) of this title by the chief driver licensing official of any State of record;

(2) receive any request for information made by the chief driver licensing official of any participating State under section 207 of this title;

(3) refer such request to the chief driver licensing official of any State of record; and

(4) relay to the chief driver licensing official of a participating State any information provided by any chief driver licensing official of a State of record in response to such request.

(b) The Secretary shall not be responsible for the accuracy of any information relayed to the chief driver licensing official of any participating State under subsection (a)(4) of this section, except that the Secretary shall maintain the Register in a manner that ensures against any inadvertent alteration of information during any relay.

(c)(1) The Secretary shall within 60 days after the date of enactment of this Act, implement procedures for the orderly transition from the system for relaying information regarding the motor vehicle driving records of individuals which is in effect on the date of enactment of this Act to the Register established under section 204(a) of this title.

(2) In accordance with the provisions of paragraph (1) of this section, such procedures may provide for the incorporation in the Register of information contained in the system for relaying information regarding the motor vehicle driving records of individuals which is in effect on the date of repeal specified in section 203 of this title. No such information shall be maintained in the Register after the expiration of the seven-year period following the date of the enactment of this act if maintaining such information is inconsistent with the provisons of this Act. Any other record maintained under the Act described in section 203 of this title shall be disposed of in accordance with the provisions of chapter 33 of title 44, United States Code.

(3) The Secretary shall not maintain any report or information in the Register for more than a seven-year period after the date such report or information is entered into the Register or the date the State of record removes it from the State's file, whichever is earlier. Such report or information shall be disposed of in accordance with the provisions of chapter 33 of title 44, United States Code.

(4) If the chief driver licensing official of any participating State finds that information which has been transmitted for inclusion in the Register under this section is erroneous, such official shall immediately notify the Secretary of the error. The Secretary shall provide for the immediate deletion from the Register of such erroneous material.

(d) The Secretary shall assign to the administration of this Act such personnel as may be necessary to ensure the effective functioning of the Register system.

(e) The Secretary may prescribe such regulations as may be necessary to carry out the provisions of this title.

STATE PARTICIPATION

Sec. 205. (a) Any State may become a participating State under this title by notifying the Secretary of its intention to be bound by the provisions of section 206 of this title.

(b) Any participating State may terminate its status as a participating State under this title by notifying the Secretary of its withdrawal from participation in the Register system.

(c) Any notification made by a State under subsection (a) or (b) of this section shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

REPORTS BY CHIEF DRIVER LICENSING OFFICIALS

Sec. 206. (a) The chief driver licensing official in each participating State shall, as soon as practicable after the date of enactment of this Act, transmit to the Secretary a report containing the information required in subsection (b) of this section regarding any individual—

(1) who is denied a motor vehicle operator's license by such State on grounds other than for failure to pass a written, visual or driving examination, or for reasons of financial responsibility;

(2) whose motor vehicle operator's license is canceled, revoked, or suspended by such State, except for reasons of financial responsibility, or who has such license reinstated following such cancellation, revocation, or suspension, due to previous error in action with respect to such license; or

(3) who is convicted in such State of the following motor vehicle-related offenses or comparable offenses—

(A) operation of a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance;

(B) a traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways;

(C) failure to render aid or provide identification when involved in an accident which results in a fatality or personal injury; or

(D) perjury or the knowledgeable making of a false affidavit or statement to officials in connection with activities governed by a law or regulation relating to the ownership or operation of a motor vehicle.

(b) Any report regarding an individual which is transmitted by a chief driver licensing official pursuant to subsection (a) of this section shall contain—

(1) the legal name, date of birth (including day, month, and year), height, weight, eye and hair color, and sex of such individual;

(2) the name of the State transmitting such information; and

(3) the social security account number, if used by the reporting State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number);

except that any report concerning an occurrence specified in subsection (a)(1), (2), or (3) of this section which occurs during the two-year period preceding the date on which such State becomes a participating State shall be sufficient if it contains all such information as is available to the chief driver licensing official on such date.

(c) Any report required to be transmitted by a chief driver licensing official of a State under subsection (a) of this section shall be transmitted to the Secretary—

(1) not later than 20 days after receipt by a State motor vehicle department of any information specified in subsection (a)(1), (2), (3) of this section which is the subject of such report, if the date of such occurrence is after the date on which such State becomes a participating State; or

(2) not later than the expiration of the two-year period following the date on which such State becomes a participating State, if such report concerns an occurrence specified in subsection (a)(1), (2), or (3) of this section that occurs during the two-year period preceding such date.

(d) If a record of conviction of a traffic offense has been transmitted by the chief driver licensing official of any participating State for inclusion in the Register and the conviction is subsequently reversed, such official shall immediately notify the Secretary of such reversal. The Secretary shall provide for the immediate deletion from the Register of the record of conviction.

(e) Any such information shall be retained for not longer than seven years following receipt by the Secretary, or until an electronic referral system in accordance with the provisions of section 207 of this title is in full operation, whichever is earlier.

(f) Nothing in this section shall be construed to require any State to report any information concerning any occurrence which occurs before the two-year period preceding the date on which the State becomes a participating State.

ACCESSIBILITY OF REGISTER INFORMATION

Sec. 207. (a)(1) For purposes of fulfilling his duties with respect to driver licensing, driver improvement, or highway safety, the chief driver licensing official of any participating State may, on and after the date of enactment of this Act, request the Secretary to refer electronically or through the United States mails any request for information regarding the motor vehicle driving record of any individual to the chief driver licensing official of any State of record.

(2) The Secretary shall electronically or through the United States mails relay to any chief driver licensing official of a participating State who requests information

under paragraph (1) of this subsection any information received from the chief driver licensing official of any State of record regarding an individual in accordance with paragraph (1) of this subsection, except that the Secretary may refuse to relay any information to any such official who is the chief driver licensing official of a participating State which is not in compliance with the provisions of section 206 of this title.

(b)(1) Any agency of the Government of the United States, for purposes of requesting information regarding any individual who has applied for, or received, a United States Government Motor Vehicle Operator Identification Card, SF-46, or a license to pilot an aircraft, may request the chief driver licensing official of a State in which an office of the Government of the United States is located to obtain information regarding such individual under subsection (a) of this section. Any such agency may receive any information obtained by the chief driver licensing official regarding such individual.

(2) The Chairman of the National Transportation Safety Board and the Administrator of the Bureau of Motor Carrier Safety, for purposes of requesting information regarding any individual who is the subject of any accident investigation conducted by the Board or Bureau, may request the chief driver licensing official of a State in which an office of the Government of the United States is located to obtain information under subsection (a) of this section regarding such individual. The Chairman and Administrator may receive any such information.

(3) Any employer of any individual who is employed as a driver of a motor vehicle, or any prospective employer of any individual who seeks employment as a driver of a motor vehicle, may, after having obtained the written permission of that individual, request the chief driver licensing official of the State in which the individual is employed, or seeks employment, to obtain information under subsection (a) of this section regarding the individual. An employer or prospective employer may receive such information regarding any such individual, and shall make that information available to the affected individual.

(4) Any individual, in order (A) to determine whether the Register is providing any data regarding him or the accuracy of any such data; or (B) to obtain a certified copy of data provided through the Register regarding him, may request the chief driver licensing official of a State to obtain information regarding him under subsection (a) of this section.

(5) Any request made under this subsection shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

(c) Any request for, or receipt of, information by means of the Register shall be subject to the provisions of sections 552 and 552a of title 5, United States Code, and any other applicable Federal and State law, except that—

(1) the Secretary shall not relay, or otherwise transmit, information specified in section 206(b)(1) or (3) of this title to any person not authorized by this section to receive such information;

(2) any request for, or receipt of, information by any chief driver licensing official, or by any person authorized by subsection (b) of this section to request and receive information, shall be considered to be a routine use for purposes of section 552a(b) of title 5, United States Code; and

(3) any receipt of information by any person authorized by this section to receive information shall be considered to be a disclosure for purposes of section 552a(c) of title 5, United States Code, except that the Secretary shall not be required to retain the accounting made under paragraph (1) of such section for more than a seven-year period after the date of such disclosure.

PILOT TEST PROGRAM

SEC. 208. (a) The Secretary shall design and implement, within 4 years after the date of enactment of this Act, a pilot test program for the purpose of demonstrating the potential effectiveness of a system for electronic referral and relay of information regarding the motor vehicle driving records of individuals.

(b) The Secretary shall solicit the participation of States which are interested in participating in such program and shall, within 30 months after the date of enactment of this Act, select four States to participate in the program.

(c)(1) The Secretary shall select States in accordance with the provisions of subsection (b) of this section from among States which have in effect, on the date of selection, an intrastate on-line driver licensing system capable of electronically transmitting information regarding the motor vehicle driving records of individuals.

(2) The Secretary shall select only those States which indicate a willingness to participate in a comprehensive mechanical and programmatic evaluation of systems for the electronic transfer of information.

(3) The Secretary shall ensure that the selection made pursuant to subsection (b) of this section is representative of varying geographical and population characteristics of the Nation, and that any States selected are non-contiguous.

(4) No State shall participate in the program unless it agrees to assist in providing information to other States regarding the electronic transfer of the motor vehicle driving records of individuals.

(d) Within three years after the date of enactment of this Act, the Secretary shall begin the pilot program authorized by subsection (a) of this section. Such program shall continue for a period of one year. In carrying out the program, the Secretary shall utilize different computer technologies and equipment in order to determine which technology and equipment is most effective for the electronic transfer of the motor vehicle driving records of individuals. The Secretary shall determine which systems and devices will best interconnect with systems and devices used in the States which are participating in the pilot program, as well as those used in other States.

(e) Any equipment or device which is provided to a State for use in the pilot program conducted under this section may, in the discretion of the Secretary, remain with the State following the conclusion of the pilot program.

(f) Not later than one year after the conclusion of the pilot program, the Secretary shall submit to the Congress a report on the program. Such report shall include an evaluation of the technology utilized during the program, together with an explanation of the nature and degree of State participation in the program. The report shall also contain an evaluation of achievements of the pilot program, as well as a projection of accomplishments which might result from the acquisition of electronic transfer equipment and methods by States other than those which participated in the pilot program.

CRIMINAL PENALTIES

SEC. 209. (a) Any person, other than an individual described in section 207(b)(4) of this title, who receives under section 207 of this title information specified in section 206(b)(1) or (3) of this title (the disclosure of which is not authorized by section 207 of this title), and who, knowing that disclosure of such information is not authorized, willfully discloses such information, shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(b) Any person who knowingly and willfully requests or under false pretenses obtains information specified in section 206(b)(1) or (3) of this title from any person who receives such information under section 207 of this title shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

ADVISORY COMMITTEE

SEC. 210. (a) There is established a National Driver Register Advisory Committee, which shall advise the Secretary concerning the efficiency of the maintenance and operation of the Register, and the effectiveness of the Register in assisting States in exchanging information regarding motor vehicle driving records.

(b) The Advisory Committee shall consist of fifteen members, appointed by the Secretary, as follows:

(1) one member who is an employee of the Federal Government, to be appointed by the Secretary;

(2) two members from among individuals who are particularly qualified to serve the Advisory Committee by virtue of their education, training, or experience, and who are not employees of the Federal Government or of any State;

(3) two members from among groups outside the government which represent the interests of bus and trucking organizations, enforcement officials, labor, or safety organizations; and

(4) ten members, geographically representative of the participating States, from among individuals who are chief driver licensing officials of participating States.

(c)(1) Except for the member designated in subsection (b)(1) of this section, and except as provided in paragraphs (2), (3) and (4) of this subsection, each member of the Advisory Committee shall be appointed for a term of three years.

(2) Of the members first appointed—

(A) one of the members described in subsection (b)(2) of this section and four of the members described in subsection (b)(4) of this section shall be appointed for a term of one year;

(B) one of the members described in subsections (b)(2) or (3) of this section and four of the members described in subsections (b)(4) of this section shall be appointed for a term of two years; and

(C) four of the members described in subsection (b)(4) of this section shall be appointed for a term of three years;

as designated by the Secretary at the time of their appointment.

(3) Any vacancy in the Advisory Committee shall be filled in the same manner as the original appointment. Any member appointed to fill any vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member may serve after the expiration of his term until his successor has taken office.

(d) The members of the Advisory Committee shall serve without compensation, but the Secretary is authorized to reimburse such members for all reasonable travel expenses incurred by them in attending the meetings of the Advisory Committee.

(e)(1) The Advisory Committee shall meet at least once each year, at the call of the Chairman or a majority of its members.

(2) The Advisory Committee shall elect a Chairman and Vice Chairman from among its members.

(3) Eight members of the Advisory Committee shall constitute a quorum.

(f) The Advisory Committee may receive from the Secretary such personnel, penalty mail privileges, and similar services as the Secretary considers necessary to assist it in performing its duties and functions under this section.

(g) At least once each year, the Advisory Committee shall prepare and submit to the Secretary a report concerning the efficiency of the maintenance and operation of the Register, and the effectiveness of the Register in assisting States in exchanging information regarding motor vehicle driving records. Such report shall include any recommendations of the Advisory Committee for changes in the Register system.

(h) The provisions of the Federal Advisory Committee Act (5 U.S.C., Appx. 1 et seq.) shall not apply to the Advisory Committee.

REPORT BY SECRETARY

SEC. 211. Not later than the expiration of the nine-year period following the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a comprehensive report setting forth the extent and level of participation in the Register system, and the effectiveness of such system in the identification of unsafe drivers. Such report shall include any recommendations of the Secretary concerning the desirability of extending the authorization of appropriations for this title beyond the period of authorization provided in section 212 of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 212. (a) There are authorized to be appropriated in fiscal year 1983 for expenses incurred in the establishment of the Register system under this title not to exceed $2 million.

(b) There are authorized to be appropriated to carry out the provisions of this title not to exceed $1.2 million in fiscal year 1983, not to exceed $1.5 million in fiscal year 1984, and not to exceed $2.1 million in fiscal year 1985.

(c) Funds authorized under this section shall remain available until expended.

S. 2159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; That section 523 of title 11, United States Code, is amended by adding at the end thereof the following:

"(e) Any injury resulting in a judgment based upon liability of the debtor where, in connection with such liability such debtor was found to have operated a motor vehicle while legally intoxicated shall be deemed to be a willful and malicious injury for purposes of subsection (a)(6) of this section.".

● Mr. PELL. Mr. President, I am pleased to join with Senator DANFORTH in introducing a legislative package designed to reduce the slaughter on our Nation's highways caused by drunk drivers. As one who has long advocated stronger drunk driving laws, I welcome Senator DANFORTH's leadership on this issue as chairman of the Commerce Committee's Surface Transportation Subcommittee, and look forward to working closely with him on this legislation.

This bill embodies the drunk driving program advocated by Senator DANFORTH when he served as attorney general of Missouri. It encourages the States to qualify for additional Federal highway funding by adopting two mandatory administrative procedures aimed at keeping drunks off our highways. Automatic license suspension and seizure and impoundment of vehicles operated by individuals after their driving privilege has been removed for an alcohol offense provide a solid foundation for State and local drunk driver programs. To these administrative actions, Senator DANFORTH has added a provision computerizing and upgrading the National Driver Register. This provision is nearly identical to S. 672, a bill I introduced last year, and represents a long overdue reform giving the States the weapon they need to keep repeat offenders off the highways. Time after time, those individuals involved in fatal accidents caused by alcohol have had their licenses suspended or revoked in other jurisdictions. A computerized driver register will enable the States to screen license applicants for prior alcohol or other serious driving offenses, and commend Senator DANFORTH for including this provision in his legislation.

This bill is prompted by the same concern and interest that led me to introduce S. 671, namely the question of how the Federal Government can give local law enforcement the tools to deal more effectively with the drunk driver problem. Both bills recognize that local police, prosecutors and judges are our first line of defense against the drunk driver, and that the role of the Federal Government is to encourage comprehensive State and local programs that will succeed in reducing alcohol-related fatalities on the highways.

Too many lives have already been lost for us to temporize any longer. I look forward to working with Senator DANFORTH and the Commerce Committee in developing a comprehensive Federal initiative against drunk driving, and I welcome his legislation today as a very constructive starting point in that process.●

By Mr. MITCHELL:

S. 2160. A bill to amend title 38, United States Code, to require the Secretary of Labor to make funds available to certain private nonprofit organizations to administer the disabled veterans' Outreach program in certain States, and for other purposes; to the Committee on Veterans' Affairs.

DISABLED VETERANS' OUTREACH PROGRAM

● Mr. MITCHELL. Mr. President, today I am introducing S. 2160, legislation to address a problem the State of Maine is experiencing in the administration of its disabled veterans Outreach program.

Congress first created the disabled veterans Outreach program (DVOP) in 1977 on an experimental basis. The program was designed to assist veterans, primarily disabled Vietnam veterans, in obtaining employment and was originally funded using CETA title III discretionary funds. In every State in the Nation other than Maine, the program is now administered by the State's job service through the Veterans Employment Service (VES) of the Department of Labor.

When DVOP was first created, the Governor of Maine felt it was unnecessary; consequently, he chose not to accept Federal funds to establish the program. So as not to lose this valuable opportunity to assist veterans in the State in finding much-needed employment, the Maine American Legion contracted directly with the Department of Labor to administer the program. Maine's DVOP has been run on a contractural basis ever since.

Realizing the success of the program nationwide, in 1980, Congress passed Public Law 96-466, the veterans' rehabilitation and education amendments. Among other things, the amendments made DVOP a permanent program to be administered by the Assistant Secretary of Labor for veterans' employment. Language contained in the authorizing statute was included to allow Maine's unique situation to continue. Section 2003A(a)(1) of Public Law 96-466 explicitly states:

> The Secretary of Labor shall make available to each State, directly or *by grant or contract*, such finds as may be necessary to support a disabled veterans' outreach program designed to meet the employment needs of veterans. (emphasis added).

With the elevated status of the program came a corresponding change in funding. Last year, the Secretary of Labor announced, beginning in fiscal year 1982, funding for DVOP's would come from the employment service's grants-to-States program, which funds the Job Service. Despite severe cuts in its own fiscal year 1982 operating budget, the Job Service was ordered to absorb nearly 2,000 DVOP specialists nationwide.

Because of the uniqueness of Maine's situation, in June of 1981, Senator COHEN and I wrote to Secretary of Labor Donovan to ask for his personal assurance that Maine's DVOP would continue to be funded by the Department of Labor either directly or by grant or by contract as provided for in section 2003A(a)(1), cited earlier. The Secretary's response, a copy of which will appear in the RECORD following my remarks, indicates that, although the Secretary supports the program, the grants-to-States funding precludes either the Department of Labor, or the State of Maine, from contracting with the Maine American Legion to sponsor the program. Clearly, this was not the intent of Congress in passing Public Law 96-466.

In so doing, the Secretary indicated his belief that he either does not have the authority, or the intent, to contract with the Maine American Legion. As a result, the Maine Job Service was instructed to absorb the DVOP (this has not yet occurred, however, because of a pending lawsuit).

One may ask, why not allow Maine's DVOP to be absorbed by the Job Service? This, I think, it is a valid question. The answer lies in the success of Maine's DVOP. There are currently five DVOP offices in Maine staffed by a total of eight DVOP specialists, most of whom are Vietnam combat veterans who can readily identify with the needs of those whom they are trying to serve. Although there is a certain amount of redtape associated with Maine's DVOP, there is far less than if the program were run by the Job Service. This, as a result, has left Maine's DVOP specialists with more time to assist veterans in finding employment which, after all, is the primary objective of the program. In addition, because the DVOP specialists are not State employees, they have greater flexibility in adjusting their schedules to meet the needs of Maine's veterans.

Maine's record speaks for itself. Since its inception in 1977, Maine's DVOP has placed more than 3,000 veterans in jobs or job training programs at an average cost to the taxpayer of just $200 per placement. Each of these veterans has moved from "tax users," to tax contributors. Despite this large degree of success, however, the Secretary of Labor insists upon merging Maine's DVOP with the Maine Job Service.

As a result, the Maine American Legion and the DVOP specialists have felt it necessary to suit the Department of Labor to retain the program under the auspices of the American Legion. This situation can only be described as tragic: not only for the parties involved but for Maine's veterans who are losing as a result of this intergovernmental squabbling. This is not government for the people. It is government at the expense of the people.

The bill I am introducing today would address this problem simply and efficiently by creating a simple test. In those States where a DVOP was, prior to October 1, 1981, conducted pursuant to a contract between the Department of Labor and an entity other than a State, in this case the American Legion, the Secretary would be required to continue to make available to that entity sufficient funds to support the program.

I think it is important for my colleagues to realize that this bill will in no way affect the operation of DVOP's in any other State; rather, it will provide for the continued operation of one of the most efficient, well-run DVOP's in the country. I urge my colleagues to join me in this effort to rectify a most unfortunate situation.

Mr. President, I ask unanimous consent that the letter I received from the Secretary of Labor related to Maine's disabled veterans outreach program, as well as the full text of my bill, be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2003A of title 38, United States Code, is amended—

(1) by striking out "(a)(1) The" and inserting in lieu thereof "Except as provided for in the second sentence of this paragraph, the"; and

(2) by adding the following new sentence at the end of Section 2003A(a)(1), as amended above:

In the case of a State in which such a program was, prior to October 1, 1981, conducted pursuant to a contract or grant between the Department of Labor and an entity other than the State, the Secretary shall, unless the Secretary for good cause shown determines that such an entity is not qualified to conduct such a program, continue to make available to such entity either directly or by grant or contract, such funds as may be necessary to support such program.

U.S. DEPARTMENT OF LABOR,
SECRETARY OF LABOR,
Washington, D.C., July 21, 1981.

Hon. GEORGE J. MITCHELL,
U.S. Senate
Washington, D.C.

DEAR SENATOR MITCHELL: Thank you for your and Senator Cohen's letter of June 18, 1981, regarding the Disabled Veterans Outreach Program (DVOP) in Maine and your desire for my personal assurance that the Maine DVOP will continue to be funded by the Department of Labor, either directly or by grant or contract, in accordance with Public Law 96-466, Section 506(a).

Please be assured that the DVOP has the Department's continued support. I realize that in the past CETA Title III discretionary funds had been used by Maine to contract with the American Legion to run the program. However, limitations on the availability of CETA Title III discretionary funds preclude the continued funding of DVOP from that fund source for fiscal year 1982. In fiscal year 1982 the DVOP throughout the country will be funded by Employment Service (ES) Grants-to-States and the States have been instructed to absorb the DVOP positions. Since regular grants funds for ES functions are not be be used for contracting those services that ES is funded to perform i.e., counseling, referral, placement, etc., Maine has been informed that they may not contract for DVOP and the positions must be absorbed within their Grants-to-States allocation.

The fiscal year 1982 Grants-to-States allocation methodology for Maine takes into account the 11 positions and the funding necessary to support those positions. The Department has every intention that the DVOP will continue as mandated by Public Law 96-466.

Sincerely,

RAYMOND J. DONOVAN.●

By Mr. GRASSLEY:

S. 2161. A bill to permit a married individual filing a joint return to deduct certain payments made to an individual retirement plan established for the benefit of a working spouse; to the Committee of Finance.

DEDUCTION FOR CERTAIN RETIREMENT PLAN PAYMENTS

● Mr. GRASSLEY. Mr. President, today, I am introducing a bill to permit all nonworking spouses to enjoy full IRA benefits. This measure will enable a working spouse to contribute up to $2,000 or 100 percent of compensation to an IRA set up for the benefit of his or her nonworking spouse. This contribution will be in addition to the IRA deduction generally available for the working spouse—currently the lesser of $2,000 or 100 percent of compensation. If a couple has $4,000 they wish to save for their retirement and at least $4,000 of compensation, they will be able to enjoy the same advantages available to a working couple today.

This bill also contains a provision increasing the amount of money certain divorced individuals may contribute to an IRA. Under current law, a divorced individual may contribute alimony proceeds up to $1,125 to an IRA. This provision increases to $2,000 annually the amount of alimony a divorced person may contribute to an IRA. Increasing the limit to $2,000 will bring this provision into conformity with all other IRA contribution limits and simplify the law.

This legislation is needed to put homemakers on an equal par with other working spouses. In my home State, many women contribute long hours to the betterment of family farm and never receive monetary compensation, hence they are ineligible to set up an IRA account. It seems to me their retirement needs are no less compelling than the wife who receives a paycheck for her work. Both of these individuals should be encouraged to plan effectively for their retirement: there is no logic in a Federal policy which discriminates between them. This bill eliminates this senseless distinction and expands the ability of individuals to plan for their retirement in important ways. Mr. President, I urge my colleagues to join with me in supporting this improvement in current spousal IRA law.●

By Mr. PROXMIRE:

S. 2162. A bill to amend the Federal Financing Bank Act of 1973 to require that the receipts and disbursements of the Federal Financing Bank be included in the Federal budget, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

TRUTH IN BUDGETING ACT OF 1982

Mr. PROXMIRE. Mr. President, I am introducing legislation to put the operations of the Federal Financing Bank in the budget of the United States. The Federal Financing Bank is a relatively obscure agency of the Treasury. It operates wholly outside the budget and the regular appropriations process, yet it holds $107 billion in outstanding loans and spends $20 billion a year. In just 8 years it has become the third largest bank in the United States; it will soon be the biggest.

The Federal Financing Bank was established by the Congress in 1973 in order to provide a more efficient method of financing Federal credit programs. The legislation creating the Bank was requested by Treasury officials who were concerned about the growing number of Federal agencies marketing their own securities in Government securities markets.

There were three ways in which Federal agencies were able to tap the Government securities market. The first was to issue their own debt securities. The proceeds from this borrowing would be used to finance the agency's program.

The second method was to sell loan assets or certificates of beneficial ownership in pools of loans held by the agency. These certificates were fully guaranteed by the issuing agency and were in reality another form of borrowing.

The third method was to guarantee securities issued by private lenders or other non-Federal entities and sold in securities markets. This financing method was typically used to finance large projects where banks or other lending institutions were reluctant to use their own money.

The end result of all this creative financing was to raise the cost of financing Federal programs. Because agency issues were often unfamiliar to investors and had complicated security provisions, they traded in thinner markets and at higher rates of interest, even though the credit risk was substantially equivalent to a U.S. Treasury security. In many cases the additional financing cost was ultimately paid by the Federal Government in the form of higher interest rate subsidies. Each agency had to employ their own separate financing staff, thereby adding further to the increased cost. Also, the marketing of new agency issues was often ill-timed with borrowing by the Treasury or other Federal agencies. For all these reasons, the Treasury concluded and the Congress agreed, that a central facility was needed to finance these separate programs.

The Federal Financing Bank Act of 1973—Public Law 93-224—established the Bank under the management of the Secretary of the Treasury. The Bank was authorized to purchase securities issued, sold, or guaranteed by a Federal agency. It was thus able to provide an alternative source of financing for the three principal methods by which Federal agencies had gained access to the Government securities market. The Bank would get its funds by selling its own securities in the market or by borrowing directly from the Treasury. By the end of fiscal year 1981, the Bank held $25 billion in agency debt securities, $52 billion in agency loan assets, and $30 billion in agency guaranteed loans for a total of $107 billion. All of these holdings were financed by Treasury borrowing.

WHY WAS THE BANK PLACED OFF-BUDGET?

Section 11(c) of the Federal Financing Bank Act provides that the receipts and disbursements of the Bank shall not be included in the totals of the budget of the U.S. Government. Why was this done? No clear reason is evident in the legislative history. The legislation, including the budget exemption, was drafted by the Treasury. There is no discussion of the exemption in the committee reports or the floor debates. In fact, there is no evidence that the Congress ever seriously reflected upon the budget exemption or considered its implications. It was largely regarded as a technical provision prepared by the Treasury experts.

To the extent there was any discussion at all on this point, it revolved around the notion that the Bank was not intended to affect the budgetary status of existing programs. As Treasury Under Secretary Paul Volcker stated in the hearings:

> The Federal Financing Bank is not a device to remove programs from the Federal budget; nor is it a device to bring programs back into the budget. The Bank would in no way affect the existing budget treatment of Federal credit programs. If a program is financed outside of the budget, the treatment would continue. If a program is now financed in the budget, that treatment would continue. The Bank is intended to improve the financing of all Federal agencies' borrowing activities, regardless of their budgetary treatment.

In a limited sense, the Bank did not change the existing budgetary treatment of Federal credit programs. If an agency was able to avoid being included in the budget by financing its program in the private securities market, it would continue to escape the budget if it financed its program through the Federal Financing Bank. The legislation establishing the Bank took for granted existing budget procedures; it did not examine the legitimacy of those procedures.

Such an approach was understandable since the concept of the Bank had already aroused the suspicion of Federal credit agencies and their allies in the Congress. Expanding the legislation to reform existing budgetary practices would almost certainly have insured its defeat. Nonetheless, those practices needed to be reformed in 1973 and the need is even greater today.

INADEQUACY OF CURRENT BUDGET CONCEPTS

Our present system for recording credit programs in the budget is derived from the President's Commission on Budget Concepts whose report in 1967 led to the establishment of the unified budget in 1969. Under these concepts, loan disbursements net of repayments are counted in the budget as an outlay. However, if the loan is sold to a private investor, the receipts from the sale can be used to offset the original outlay. Agency borrowing from either the public or the Treasury is treated as debt financing and cannot be used to offset loan outlays. Loan guarantees are not reflected in the budget since Federal funds are not directly involved unless there is a default.

The uniform budget concepts established by the Commission also attempted to close a loophole developed by several agencies in the 1960's for financing loan programs outside the budget. These agencies would finance their lending activity by selling participation certificates or certificates of beneficial ownership against pools of loans held by the agency. However, the agency would continue to hold and service the loan while guaranteeing the full payment of interest and principle on the certificate. In reality, these certificates were essentially a disguised form of borrowing. However, the agencies considered them to be asset sales and used the proceeds to offset the original loan outlays.

The President's Commission classified this type of financing as borrowing, thereby preventing agencies from reducing their budget outlays through the sale of certificates. Notwithstanding the establishment of these sound principles, the Farmers Home Administration was able to secure a special statutory exemption which provided that its certificates of beneficial ownership—CBO's—are to be treated as asset sales rather than borrowing—7 U.S.C. 1932(d)(b). As a result, the Farmers Home Administration can remove its loans from the budget by selling CBO's to the public.

Consider now the options for financing an additional $1 billion in loans by the Farmers Home Administration under current budgetary arrangements and without reference to the Federal Financing Bank. The first option is to make the loans with appropriated funds. Assuming there is still a budget deficit, Treasury would obtain the funds by issuing an additional $1 billion in Treasury securities to be sold in the Government securities market. The second method would be for the Farmers Home Administration to raise the billion dollars by selling guaranteed CBO's in the same Government securities market. The third method would be to have a private lender make the loans with money obtained by issuing bond-type securities guaranteed by the Farmers Home Administration and sold in the same Government securities market.

All three financing methods are essentially the same. The money is raised in the same market, possibly from the same investors, and in each case the borrowing is backed by the full faith and credit of the Federal Government. and yet under current budgetary rules, only the first financing method would be counted in the budget. The second and third methods allow the additional billion dollars in lending to occur outside the budget. This example illustrates the inadequacy of current budget concepts and the need for a thorough revision.

The legislation establishing the Bank not only perpetuated but expanded the opportunities for offbudget financing. For example, an onbudget loan can now be removed from the budget by selling it to the Federal Financing Bank. In actuality, the loan is merely shuffled from one Federal agency to another Federal agency. Normally, the outlays arising from the loan would be deducted from the books of the agency selling the loan and added to the outlay totals of the agency buying the loan. But because the Federal Financing Bank is offbudget, the outlays do not appear in the U.S. budget.

Similarly, an offbudget loan made by a private lender and guaranteed by a Federal agency can be converted into an offbudget direct loan when it is sold to the Federal Financing Bank. In some cases, the loan is made directly by the Bank without any participation by a private lender. The borrower simply issues a promissory note that is then guaranteed by a Federal agency. The Federal Financing Bank buys the note and sends a check directly to the borrower. Although the transaction has all the characteristics of a direct loan, it appears totally outside the budget.

WHY THE BANK SHOULD BE IN THE BUDGET

Whatever the original reasons for placing the Bank outside the budget, there is no longer any justification for continuing the exclusion. The House Budget Committee and the General Accounting Office have studied the issue and both have concluded that the operations of the Bank should be in the budget.[1] Similarly, the Congressional Budget Office has extensively documented the distortions arising from the Bank's budget exemption.[2]

A budget serves two main purposes: First, it provides a complete and accurate recording of the total operations of the U.S. Government; second, it provides a rational method for allocating scarce resources among competing uses. Excluding the Federal Financing Bank from the budget violates both of these purposes.

Excluding the Federal Financing Bank from the budget misleads the public about the true size and scope of the Federal Government's activities. Had the operations of the Bank been included in the budget, total Federal outlays and the Federal budget deficit would have been $21 billion greater in fiscal year 1981. Instead of a $ 58-billion deficit, the real deficit was $79 billion.

The Reagan administration is planning to reduce the off-budget outlays of the Federal Financing Bank to $16 billion in fiscal year 1982 and to only $12 billion in fiscal year 1983. However, these projections must be taken with a considerable grain of salt. Actual outlays by the Bank over the last 5 years have increased at a rate of 29 percent a year. Moreover, during this same period, actual outlays have exceeded the initial budget estimate by 25 percent. Part of the reason is that the Office of Management and Budget has traditionally underestimated the volume of disaster loans made by the Farmers Home Administration and financed through the Bank.

The administration is also assuming the Appropriations Committees will drastically curtail credit activity under other credit programs administered by the Farmers Home Administration. Since most of the cost of these programs appears off-budget, there is little pressure on the Appropriations Committees to impose the cuts recommended by the administration. As a result, the off-budget outlays arising from the activities of the Federal Financing Bank are likely to persist at the $20 billion level over the next several years.

At a time when we are trying to reverse the relentless expansion of the Federal Government, we do not serve our purpose well by attempting to conceal $20 billion in additional deficit spending. This $20 billion must be borrowed by the Treasury along with the $90 to $100 billion needed to finance the recorded budget deficit. There is no difference in either type of borrowing; each has the same inflationary effect on financial markets and the economy. We are simply fooling ourselves and impairing our own credibility when we perpetuate these budgetary gimmicks.

The ready availability of off-budget financing through the Federal Financing Bank has also accelerated the growth of certain Federal credit programs that make heavy use of the Bank's facilities. In particular, the Farmers Home Administration, the Rural Electrification Administration, and the Foreign Military Sales program account for 88 percent of all the loans held by the Bank. These programs have grown rapidly since the Bank was established in 1974. For example, the Congressional Budget Office study reveals that since the Bank was established, the Rural Electrification Administration increased its annual lending by an average of 29 pecent a year, whereas prior to the Bank, the program grew at a rate of only 5 percent a year. Similarly, the rate of loan growth at the Farmers Home Administration jumped from 16 percent to 26 percent a year.

There is no doubt that most of these loans met important needs. However, because they are financed off-budget, the definition of need may not be as strict as the criteria used for on-budget programs. For example, in addition to helping small farmers, the Farmers Home Administration has financed office buildings, fast food stores, condominiums and large corporations such as Perdue Farms. Subsidized disaster loans have gone to wealthy borrowers without regard to their ability to obtain credit elsewhere. In some counties, delinquency rates are as high as 70 percent. And during 1980, when many homebuilders and auto dealers were going bust because of high interest rates, the REA launched a new program for making 5 percent loans to cable TV companies.

An argument can be made that most or all of this increased loan volume would have occurred outside the budget anyway, even without the Bank. In theory, an agency could have sold its loan assets or marketed the guaranteed securities in the private securities market, thereby escaping the budget. However, private financing would have been considerably more expensive and this increased cost might have acted as a brake on loan expansion. Moreoever, in certain cases such as the foreign military sales program, the feasibility of selling guaranteed bonds issued by developing nations is probably limited.

More importantly, the availability of off-budget financing distorts the budget allocation process regardless of whether that financing is conducted through the Federal Financing Bank or through the private securities market under existing accounting procedures. In either case, the off-budget credit programs are not subject to the same critical review we give to all of the programs that are in the budget. The off-budget programs have an edge; they do not have to compete for scarce budget dollars. As a result, there is a strong possibility that we have misallocated resources. This means that the American people are not getting the maximum benefit from their tax dollars. It also means that we in the Congress are not doing the job for which we were elected.

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[1] GAO report of August 3, 1977, PAD 77-70; House Budget Committee Report No. 95-1055 (1978).

[2] The Federal Financing Bank and the Budgetary Treatment of Federal Credit Activities (January 1982).

Another reason for putting the Federal Financing Bank in the budget is to preclude the Office of Management and Budget from manipulating the figures on the official budget deficit. The present system offers many tempting possibilities for reducing the size of the official deficit simply by changing the timing of transactions with the Federal Financing Bank. For example, when the budget is being prepared for the forthcoming budget year, OMB can estimate that the net volume of loan asset sales from the Farmers Home Administration to the Federal Financing Bank will be $2 billion less in the current year and $2 billion greater in the budget year. The effect of this simple change is to increase outlays and the deficit by $2 billion in the current year and to reduce outlays and the deficit by $2 billion in the budget year. Thus, by a simple wave of a magic accounting wand, total outlays and the deficit appear to decline by $4 billion from the current year to the budget year. In actuality, all that has happened is that the accounting entries have been changed. These manipulations would not be possible if the Federal Financing Bank were in the budget.

EFFECT OF PUTTING THE BANK IN THE BUDGET

Treasury officials have generally opposed putting the Federal Financing Bank in the budget even though the budget totals for the United States are seriously distorted by the exemption. Their argument is twofold. First, it is argued that a simple repeal of the budget exemption would result in the Treasury being charged for outlays and budget authority that should properly be attributed to the agencies initiating the transaction. If the repeal of the budget exemption were coupled with an annual appropriation to the Bank, its role would tend to change from a passive financing vehicle to an active allocator of credit among government programs. If the Bank did not have enough budget authority to meet all the claims made upon it, agencies would revert to selling their securities in the market, thereby resurrecting all of the problems that gave rise to the establishment of the Bank of 1973.

Second, the Treasury argues that the problem is not so much the off-budget status of the Bank, but rather the way certain programs are treated in the budget, particularly the favorable treatment given to CBO's issued by the Farmers Home Administration and the exclusion of guaranteed loans from the budget. Over $48 billion in Farmers Home Administration CBO's were financed by the Federal Financing Bank since its creation. About half of the $20 billion in off-budget outlays attributed to the Bank would be placed on budget and charged to the Farmers Home Administration if the special statutory provision defining CBO's as asset sales were repealed—assuming the Farmers Home Administration continued to use CBO's.

Eliminating the special exemption for Farmers Home Administration CBO's would still not close the guaranteed securities loophole which accounts for approximately one-half of the Federal Financing Bank's activity. Moreover, unless this loophole were closed, most of the loans financed by the Farmers Home Administration through the CBO route could be converted into loan guarantees and still be kept off budget. Therefore, repealing the special status of Farmers Home Administration CBO's would not, by itself, solve the problem. A more comprehensive solution is needed.

PROVISIONS OF THE LEGISLATION

The legislation I have introduced is designed to meet the arguments of the Treasury while still insuring that all of the Bank's present activity is properly recorded in the budget.

First of all, the legislation repeals section 11(c) of The Federal Financing Bank Act which places the Bank outside the budget.

Second, it authorizes the Director of the Office of Management and Budget to issue regulations to require that the outlays and budget authority arising out of the Bank's operations are charged to the appropriate Federal agency notwithstanding any contrary law or regulation. This would nullify the special treatment given Farmers Home Administration CBO's. It would also allow the OMB Director to charge the guaranteeing agency with the outlays and budget authority arising from the purchase of a guaranteed obligation by the Bank.

Third, it requires that no Federal agency may issue, sell, or guarantee a security of the type ordinarily financed in securities markets unless it is first offered for sale to the Federal Financing Bank. This provision is needed to prevent agencies from tapping the securities market directly as they did prior to 1973. The Secretary of the Treasury is authorized to determine by regulation the types of securities subject to this requirement and to waive the requirement where it is not an appropriate investment for the Bank. This requirement is not intended to apply to guarantee programs such as FHA or VA mortgage loans or similar loans which are financed by local lending institutions rather than in the Government securities market.

Fourth, the legislation will not become effective until fiscal year 1984. This will permit ample time for the Congress and the administration to adjust to the new ground rules. It will also avoid possible confusing changes in the budget for fiscal year 1983 which has already been submitted to the Congress.

The end result of my proposed legislation is to include in the budget all of the programs that are now financed off-budget through the Federal Financing Bank. The budget entries would appear in the accounts of the program agencies extending the loans or guarantees. These programs would be funded through the normal appropriations process where they would have to compete, dollar for dollar, with all other programs. The Congress and the people would get a true and accurate picture of the total size of the budget and the budget deficit. And the Congress would be in a better position to allocate budget dollars among competing programs in order to achieve the highest possible return.

RELATIONSHIP TO THE CREDIT BUDGET

Mr. President, I believe this legislation will supplement the credit budget legislation introduced in the Senate by Senator PERCY and in the House by Congressman MINETA. I strongly support this long overdue legislation and I hope that it can be enacted this year.

The credit budget legislation strengthens the credit budget system already developed by the Congress and the Carter and Reagan administrations for fiscal year 1981 and 1982. Under this system, the Appropriations Committees have established annual limitations on approximately 60 percent of the gross amount of new Federal credit activity while aggregate targets for all Federal credit activity are contained in the budget resolution.

The credit budget legislation requires Congress to establish a binding ceiling on the gross amount of Federal credit activity in the second concurrent budget resolution. The ceiling would include loan guarantees as well as direct loans. Under the present system, targets are established but they are not binding.

The legislation also makes available all of the enforcement procedures of the Congressional Budget Act in order to enforce compliance with the aggregate ceilings on credit activity. For example, it would not be in order to consider legislation providing new lending or guarantee authority if it would cause the aggregate ceiling to be exceeded.

The credit budget legislation also provides that legislation establishing new credit programs would not be in order unless it provided that the amount of credit assistance extended must be approved in advance in an Appropriations Act.

While the credit budget legislation is needed, it does not solve all the problems regarding the proper budgetary treatment of Federal credit programs. Nor will it substantially curb the growth of credit programs beyond what would have been accomplished under the current system, at least for the first few years. While in theory, the Congress could curtail program growth by setting lower binding ceilings in the budget resolution, there are several practical reasons why this is unlikely to occur.

First, most of the focus of the Congress and the public has been on the regular budget deficit. It will be difficult to concentrate the same degree of attention on the size of the credit budget, at least until its size is perceived to be politically important. Since no revenues are included in the credit budget there are no surpluses or deficits by which to measure fiscal responsibility;

Second, Congress might find it hard to reduce aggregate ceilings because there is no body of theory for predicting the economic effect of an aggregate level of Federal credit activity. Indeed, any aggregate total is a composite of many separate progams with widely different economic effects. A program of 100 percent loan guarantees financed through the securities market probably has a much greater displacement effect than a 90-percent guarantee program financed through local lending institutions, yet both are given the same weight in an aggregate credit ceiling. A change in the mix of programs could have a much greater effect on financial markets and the economy than a change in the aggregate total.

Third, the very establisment of a separate credit budget outside the framework of the regular budget might reinforce the belief by some that credit activity is less costly than spending and does not require the same degree of restraint.

For all these reasons, there would be a tendency for the Congress to set aggregate credit ceiling high enough to accommodate most of the anticipated program growth, at least until it become more familiar with the concept.

In the meantime, Congress should not permit the formal establishment of a separate credit budget to divert its attention from closing loopholes in the regular budget. Credit programs need to be counted in both when they are financed with Federal dollars. Putting the Federal Financing Bank in the budget would plug the biggest loophole in the regular budget—a $20 billion loophole. I hope the legislation to accomplish this can be adopted this year along with the credit budget legislation.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis be included in the RECORD at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Truth in Budgeting Act of 1982".

REPEAL OF BUDGET EXEMPTION

SEC. 2. Section 11(c) of the Federal financing Bank Act of 1973 (Public Law 93-224) is repealed.

ASSIGNMENT OF BUDGET IMPACT

SEC. 3. The Federal Financing Bank Act of 1973 (Public Law 93-224) is amended by adding the following new section after Section 11:

"ASSIGNMENT OF BUDGET IMPACT

"SEC. 11A. The Director of the Office of Management and Budget is authorized to issue regulations providing that the budget authority and outlays arising from the Bank's operations shall be charged to the account of the appropriate Federal agency, and such regulations shall have precedence over any other provision of law or regulation to the contrary.".

SEC. 4. Section 7 of the Federal Financing Bank Act of 1973 (Public Law 93-224) is amended by adding at the end thereof the following:

"(d) A Federal agency may not—

"(1) issue or sell an obligation of a type which is ordinarily financed in investment securities markets unless that obligation is first offered for sale to the Bank; or

"(2) guarantee an obligation of a type which is ordinarily financed in investment securities markets unless the terms of the guarantee provide that it will cease to be effective if the obligation is held by any person or governmental entity other than the agency making the guarantee or the Bank.

The Secretary of the Treasury shall issue regulations to carry out the provisions of this subsection, and such regulations shall list the types of obligations to which this subsection applies. the Secretary may waive the requirements of this subsection with respect to types of obligations that the Secretary determines are not appropriate investments for the Bank.".

EFFECTIVE DATE

SEC. 5. (a) The amendments made by this Act shall take effect on October 1, 1983.

(b) The amendments made by this Act shall not be deemed to be superseded, modified, or repealed except by a provision of law which is enacted after the date of enactment of this Act, and which amends the Federal Financing Bank Act of 1973.

SECTION-BY-SECTION ANALYSIS—TRUTH IN BUDGETING ACT

Section 1. Short title. This section states that the legislation may be cited as the "Truth in Budgeting Act of 1982".

Section 2. Repeal of Budget Exemption. This section repeals Section 11(c) of the Federal Financing Bank Act. Section 11(c) now provides that none of the receipts and disbursements of the Bank shall be included in the totals of the budget of the United States government. Section 11(c) also provides that nothing in the Federal Financing Bank Act shall affect the budget status of the Federal agencies selling obligations to the Bank or the method of budget accounting for their transactions.

Section 3. Assignment of Budget Impact. This section requires the Director of the Office of Management and Budget to issue regulations assigning the budget authority and outlays arising from the Bank's operations to the appropriate Federal agency. These regulations would have precedence over any contrary law or regulation. This authority would enable the Director of OMB to classify the sale of all certificates of beneficial ownership to the Bank as borrowing. It would also permit OMB to charge the guaranteeing agency with the budget authority and outlays arising from the purchase of any guaranteed obligation by the Bank.

Section 4. Control of Marketable Obligations. This section prohibits Federal agencies from issuing or selling obligations of a type ordinarily financed in investment securities markets unless the obligation is first offered for sale to the Bank. This provision simply clarifies authority already possessed by the Secretary of the Treasury under Section 7(a) of the Federal Financing Bank Act to specify the source of financing of any obligation issued or sold by a Federal agency. The section also prohibits Federal agencies from guaranteeing any obligation of a type ordinarily traded in investment securities markets unless the guarantee stipulates is is valid only if the obligation is held by the guaranteeing agency or the bank.

The Secretary of the Treasury is required to list by regulations the types of obligations subject to the requirements of this section. The Secretary may waive the requirements for any obligations that the Secretary determines are not appropriate investments for the Bank. All of the Secretary's determinations under this section are intended to be at his sole judgment and are final and conclusive.

This section is not intended to apply to guarantees of loans made by local lending institutions and not financed in investment securities markets such as FHA or VA mortgage loans.

Section 5. Effective Date. This section provides that the legislation will become effective on October 1, 1983.

ADDITIONAL COSPONSORS

S. 599

At the request of Mr. HAYAKAWA, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 599, a bill to amend the Internal Revenue Code of 1954 to provide for a definition of the term "artificial bait".

S. 705

At the request of Mr. DOMENICI, the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 705, a bill to authorize the Secretary of Agriculture to convey certain National Forest System Lands, and for other purposes.

S. 1249

At the request of Mr. PERCY, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1249, a bill to increase the efficiency of Governmentwide efforts to collect debts owed the United States, to require the Office of Management and Budget to establish regulations for reporting on debts owed the United States, and to provide additional procedures for the collection of debts owed the United States.

S. 1451

At the request of Mr. Cannon, the Senator from Oklahoma (Mr. Boren) was added as a cosponsor of S. 1451, a bill to amend the Internal Revenue Code of 1954 with respect to the exemption from tax of veterans' organizations.

S. 1532

At the request of Mr. Heflin, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 1532, a bill to amend the Federal Rules of Criminal Procedure and the Federal Rules of Civil Procedure with respect to examination of prospective jurors.

S. 1589

At the request of Mr. Heflin, the Senator from South Dakota (Mr. Pressler) was added as a cosponsor of S. 1589, a bill to improve the security of the electric power generation and transmission system in the United States.

S. 1630

At the request of Mr. Thurmond, the Senator from New York (Mr. Moynihan) was added as a cosponsor of S. 1630, a bill to codify, revise, and reform title 18 of the United States Code, and for other purposes.

S. 1825

At the request of Mr. Armstrong, the Senator from Oklahoma (Mr. Nickles) was added as a cosponsor of S. 1825, a bill to prohibit price support for crops produced on certain lands in the western part of the United States which have not been used in the past 10 years for agricultural purposes, and for other purposes.

S. 1942

At the request of Mr. East, the Senator from Texas (Mr. Bentsen) was added as a cosponsor of S. 1942, a bill to provide for an expedited and coordinated process for decisions on proposed nonnuclear energy facilities, and for other purposes.

S. 1958

At the request of Mr. Dole, the Senator from Missouri (Mr. Danforth) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to provide for coverage of hospice care under the medicare program.

S. 1984

At the request of Mr. McClure, the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 1984, a bill to amend the Federal Trade Commission Act to protect the legislative and regulatory authority of the State legislatures, and for other purposes.

S. 2016

At the request of Mr. Lugar, the Senator from Florida (Mrs. Hawkins) was added as a cosponsor of S. 2016, a bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restrictions on the right of any alien in a foreign country to receive such benefits.

S. 2027

At the request of Mr. Robert C. Byrd, the Senator from Missouri (Mr. Eagleton) was added as a cosponsor of S. 2027, a bill to provide for an accelerated study of the causes and effects of acid precipitation, to provide for an examination of certain acid precursor control technologies, and for other purposes.

S. 2094

At the request of Mr. Danforth, the Senator from Michigan (Mr. Riegle), and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of S. 2094, a bill to amend the Trade Act of 1974 to insure reciprocal trade opportunities, and for other purposes.

SENATE JOINT RESOLUTION 138

At the request of Mr. Robert C. Byrd, the Senator from New York (Mr. D'Amato) was added as a cosponsor of Senate Joint Resolution 138, a joint resolution to authorize and request the President to designate the week of April 18, 1982, through April 24, 1982, as "National Coin Week."

SENATE JOINT RESOLUTION 143

At the request of Mr. Thurmond, the Senator from Wisconsin (Mr. Kasten), the Senator from Mississippi (Mr. Cochran), and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of Senate Joint Resolution 143, a joint resolution to authorize and request the President to designate the week of May 2 through 8, 1982, as "National Physical Fitness and Sports for All Week."

SENATE JOINT RESOLUTION 145

At the request of Mr. Heinz, the Senator from Washington (Mr. Jackson) was added as a cosponsor of Senate Joint Resolution 145, a joint resolution authorizing and requesting the President to proclaim "National Orchestra Week."

SENATE RESOLUTION 21

At the request of Mr. Hayakawa, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of Senate Resolution 21, a resolution to commend James duMaresq Clavell for his contributions to literature.

SENATE RESOLUTION 231

At the request of Mr. Percy, the Senator from Minnesota (Mr. Boschwitz), and the Senator from Georgia (Mr. Mattingly) were added as cosponsors of Senate Resolution 231, a resolution regarding the management of U.S. assets.

AMENDMENT NO. 1235

At the request of Mr. Heflin, the Senator from North Carolina (Mr. Helms), and the Senator from Louisiana (Mr. Johnston) were added as cosponsors of Amendment No. 1235 proposed to S. 951, a bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

SENATE RESOLUTION 329—RESOLUTION RELATING TO THE HOUSING INDUSTRY

Mr. ROBERT C. BYRD submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. Res. 329

Whereas the Nation's housing industry has been a cornerstone of our economy since the great depression, accounting for jobs in construction, sales, manufacturing, and services, and has direct or indirect effects on nearly one quarter of the economy;

Whereas the Nation's housing industry is suffering from a depression unknown in post-World War II American history;

Whereas young couples can no longer afford the great American dream of private homeownership;

Whereas those who already own homes must watch the value of their investment erode as sales drop;

Whereas housing sales, starts, and construction spending are all down, while mortgage rates continue to rise;

Whereas substantial budget cuts in housing programs were made in the fiscal year 1982 budget; and

Whereas our Nation's historic commitment to housing is severely threatened, and cuts in housing programs would send a chilling signal through the housing markets: Now, therefore, be it

Resolved, That there shall be no further reduction in Federal support for housing, and that no additional cuts shall be made in the authorities of the Federal Housing Administration and the Government National Mortgage Association, or in the levels of the rural housing and the elderly or handicapped programs, which further reduce access to decent housing for middle and lower income Americans.

(The remarks of Mr. Robert C. Byrd on this legislation appear earlier in today's Record.)

SENATE RESOLUTION 330—RESOLUTION RELATING TO MARTIAL LAW IN POLAND AND THE RELEASE OF LECH WALESA

Mr. HEINZ (for himself, Mr. Percy, Mr. Hatfield, Mr. Quayle, Mr. Domenici, Mr. East, Mr. Moynihan, Mr. D'Amato, Mr. Riegle, Mr. Sarbanes, Mr. Williams, Mr. Murkowski, Mr. Hayakawa, Mr. Roth, Mr. Inouye, Mr. Levin, Mr. Kennedy, Mr. Garn, Mr. Grassley, Mr. Dodd, Mr. Boschwitz, Mr. Bradley, Mr. Mattingly, Mr.

Cohen, Mr. Hollings, Mr. Mitchell, Mr. Thurmond, Mr. Kasten, Mr. Danforth, and Mr. Robert C. Byrd) submitted the following resolution; which was considered and agreed to:

S. Res. 330

Whereas the American people sympathize deeply with the struggle of the Polish people to create indigenous democratic institutions including independent trade unions which reflect their own history and values;

Whereas the American people and the citizens of Poland have traditionally shared a close and lasting bond that has been strengthened by the establishment of the independent Solidarity trade union movement;

Whereas Lech Walesa the leader of the Solidarity movement, has been recognized both within Poland, and throughout the rest of the world, as the single most important and influential leader of the Polish workers, and of all those who seek democratic reform in Poland;

Whereas Solidarity represents an independent trade union that is supported by the overwhelming majority of the people and is trying to form a mutually beneficial relationship between government and workers;

Whereas Poland is a signatory to the Helsinki Final Act of 1975 which obligates the signatories to respect and maintain conditions of freedom and diversity within their respective countries;

Whereas approximately two months have passed since the imposition of martial law in Poland which has resulted in the incarceration of thousands, including Solidarity leader Lech Walesa;

Whereas no useful and reliable information has been made available by the Polish government regarding the whereabouts or condition of Lech Walesa; and

Whereas the continuing detention of Lech Walesa is a clear violation of the Helsinki Final Act, to wit, that participating States "will respect human rights and fundamental freedoms."

Therefore, be it *Resolved*, That it is the Sense of the Senate that:

Lech Walesa as well as others detained for political acts be released from detention forthwith;

Lech Walesa and other Solidarity members be permitted to participate in ongoing discussions and negotiations concerning the future of Solidarity, as well as the future of democratic reform in Poland;

Lech Walesa and other Solidarity members be permitted to comment on the situation in Poland, and allowed to travel freely both within Poland and abroad.

AMENDMENTS SUBMITTED FOR PRINTING

ADMINISTRATIVE PROCEDURE ACT AMENDMENTS

AMENDMENT NO. 1332

(Ordered to be printed and to lie on the table.)

Mr. SASSER (for himself, Mr. Specter, and Mr. Durenberger) submitted an amendment intended to be proposed by them to amendment No. 640 to the bill (S. 1080) to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs; to provide for a periodic review of regulations, and for other purposes.

SOURCES OF FUNDING

● Mr. SASSER. Mr. President, today, I submit printed amendment 1332 to S. 1080, the Regulatory Reform Act, as amended by consensus substitute amendment No. 640, printed in the Congressional Record on November 30, 1981. This amendment is cosponsored by my distinguished colleagues, Senator Arlen Specter and Senator David Durenberger.

My amendment requires that the preliminary regulatory analysis accompanying a proposed major rule contain a statement identifying any sources of funds available from the Federal Government to pay the costs the rule would impose on State or local government budgets.

This provision was approved unanimously by the Governmental Affairs Committee but it was not included in the consensus version of S. 1080. With the concurrence of Senators Laxalt, Leahy, Roth, and Eagleton, I am presenting this amendment to restore the Governmental Affairs Committee language to the Regulatory Reform Act of 1982.

I am pleased to note that Senator Arlen Specter is joining me in sponsoring this amendment, which is patterned after his bill, S. 1225, the State and Local Regulatory Cost Act. Senator Specter introduced his measure after he was contacted by townships in Pennsylvania about the expensive, and often unmanageable, regulations imposed upon them by the Federal Government.

Senator David Durenberger, the distinguished chairman of the Intergovernmental Relations Subcommittee, is also cosponsoring this measure to improve intergovernmental regulation.

The International Personnel Management Association (IPMA) executive council has endorsed my amendment concerning regulatory cost estimates, as it was originally introduced, to S. 1080. Following, without objection, is the letter from Barbara L. Sundquist, the president of the IPMA, advocating the inclusion of this language in the Regulatory Reform Act of 1981.

I also request unanimous consent that my amendment No. 1332 be printed in the Record following Ms. Sundquist's letter.

There being no objection, the material was ordered to be printed in the Record, as follows:

International Personnel
Management Association,
Washington, D.C., December 3, 1981.

Senator James R. Sasser,
Senate Intergovernmental Relations Subcommittee, Washington, D.C.

Dear Senator Sasser: The Executive Council of the International Personnel Management Association (IPMA) voted on October 3, 1981 to endorse the "State and Local Government Regulatory Cost Estimate Act of 1981" (S. 1225). The Association believes there is a need for federal agencies to consider the financial impact which proposed regulations would have upon state and local governments. This need has existed for a long period of time and is certainly accelerated during this period of reduced federal assistance coupled with the desire to shift greater responsibility for federal programs to the state and local levels of government.

The International Personnel Management Association (IPMA) is an organization representing more than 1,000 member agencies including civil service commissions, merit system boards and personnel departments at the federal, state and local levels of government. The Association, which was established in 1973 through the consolidation of the Public Personnel Association (founded in 1906) and the Society for Personnel Administration (founded in 1937) represents over 55,000 individuals, primarily personnel professionals and personnel administrators in the public sector. IMPA attempts to foster and develop interest in sound personnel administration by providing a focus and forum for personnel professionals throughout the United States and abroad.

Our Association supports the inclusion of the provision in the legislation which would require federal agencies to request comments from state and local governments on the costs which they would incur as a result of a proposed regulation. The Association does hope that if this legislation is approved, Congress will take steps to ensure, that based upon this provision, state and local governments will be provided with a meaningful opportunity to participate in the regulatory process. Our Association has experienced a large degree of inflexibility on the part of federal agencies after a proposed rule has been published in the Federal Register, despite the request by the issuing agency for comments.

The Association comments the Committee on Governmental Affairs for including this legislation as an amendment to the "Regulatory Reform Act of 1981" (S. 1080). We hope the full Senate will ratify the action of the Committee on Governmental Affairs when it considers the regulatory reform legislation. If the Association can be of any assistance, please do not hesitate to contact Neil E. Reichenberg, director of Governmental Affairs, 1850 K Street, N.W., Suite 870, Washington, D.C. 20006, (202) 833-5860.

Sincerely,

Barbara L. Sundquist,
IPMA President.

On page 18, between lines 19 and 20, insert the following:

(D) a statement—(i) identifying any source of funds available from the Federal Government to pay State and local governments the costs incurred by such governments as a result of the proposed rule; or (ii) specifying that the agency does not know of any such source;

On page 18, line 20, strike out "(D)" and insert "(E)".

On page 19, line 1, strike out "(E)" and insert "(F)".●

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. COHEN. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Select Committee on Indian Affairs.

The hearing is scheduled for March 11, 1982, beginning at 10 a.m. in room 424 of the Russell Senate Office Building. Testimony is invited regarding H.R. 37 , an act to amend the act of October 19, 1973, relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the court of claims; and, committee consideration of report to the Budget Committee.

For further information regarding the hearing you may wish to contact Timothy Woodcock of the committee staff on 224-2251. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Select Committee on Indian Affairs, U.S. Senate, Washington, D.C. 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet during the session of the Senate at 3 a.m. on Tuesday, March 2, to hold a hearing on the President's federalism initiatives and to discuss the nominations of John McKeon, to be on the Board of Governors of the Postal Service; Henry Folsom, to be a member of the Postal Commission; and John Crutcher, to be a member of the Postal Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Tuesday, March 2, at 9 a.m., to hold a hearing to discuss safe-harbor leasing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Agriculture Committee be authorized to meet during the session of the Senate at 9:30 a.m. on Tuesday, March 2, to discuss the reauthorization of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WEICKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, March 2, at 2 p.m., to hold a hearing relating to the Corps of Engineers budget request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WEICKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 2, at 2 p.m., provided the Senate is not debating the conference report on S. 1503, to hold a business meeting to consider the committee's March 15 report to the Senate Budget Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ARKANSAS CELEBRATES LILY PETER'S DAY

● Mr. PRYOR. Mr. President, Arkansas honors one of its finest citizens today as our State celebrates Lily Peter's Day. This remarkable woman—farmer, businesswoman, author and poet, patron of the arts, and a strong supporter of the political process—is being feted by a Helena, Ark., celebration which includes a banquet, reception, and symphony orchestra performance.

A number of newspapers in the mid-South area have recognized Lily Peter's contributions to our State and I submit those tributes for the RECORD.

Mr. President, I want to join the scores of people all across Arkansas and the Nation who pay tribute to this great American. This tribute is most deserved and long overdue. We in Arkansas are better for having had Lily Peter in our midst.

The tributes follow:

[From the Helena World, Feb. 21, 1982]

MISS LILY—GENEROUS, GRACIOUS, SMART

(By Dave Farnham, Editor)

(Phi-lan'-thro-pist 1. Someone with an inclination to increase the well-being of mankind, as by charitable aid or donations. 2. A person who loves mankind in general. 3. One whose actions are designated to promote human welfare.)

Her surroundings are simple, practical, and, she admits, a little cluttered.

There are books everywhere, on shelves and spilling over and up the backs of living room furniture.

There are pictures of family and friends, and even a few of herself, on most of the walls and lined up on tables and desks where she greets her many visitors.

The home would fit easily and without fanfare into a middleclass neighborhood and the trees and bushes and hedges that almost hide the home from passersby on Connell's Point road are far from manicured.

It is apparent, in fact, that neither inside or outside has there been any enthusiastic effort to expose to the unknowing the wealth or the status of the persons inside.

The trappings of the rich, the need to display one's material acquisitions, are clearly unnecessary. They would be an intrusion, a shameful distraction.

And it all seems perfectly right, as though it should be no other way, because any preoccupation with "things" would be a sad detraction from what Miss Lily Peter truly represent.

Take note of some of the facets of life that are most important to Miss Lily: the continuous, unhampered, and relentless use and reuse of her own mind; the desire to see that as many of those with talent are able to pursue their vocations without financial concern; and bringing the excitement of fine literature, music and art to the notice of people throughout Arkansas, but most especially to her neighbors in Monroe and Phillips counties.

It is the quickness, depth, and scope of Miss Lily's mind that grab you almost immediately.

She speaks at a fast pace, as though fearful somehow that she will be unable to unveil all the thoughts and ideas that are rushing about in her head. She leaps from one subject to another, a line from a poem (one of her many own published works or that of another author) can be triggered into her awesome memory by the most innocuous of discussions.

It is putting pen to paper, transforming the vast storehouse of knowledge and understanding that she possesses into a wickedly clever or winsomely beautiful poem, at which Miss Lily is most skilled.

She has written three books: "The Green Linen of Summer", a series of short poems; "The Great Riding", an epic poem dedicated to Hernando DeSoto, the Spanish explorer, stories about whom captured Miss Lily's attention and her youthful, romantic heart at the age of seven; and "The Sea Dream of the Mississippi", a short history of the Joliett-Marquette expedition she wrote in conjunction with the 1973 re-enactment of that southward exploration of the "Great River."

THE GREEN LINEN OF SUMMER

"I wrap my thoughts in the green linen of
summer
Against the terror of the dragon wind
And pray that the linen may not too soon
be thread bare.
Its texture thinned
For by and by I know will come November
With its wintry blast
And what is there to keep body and soul
from freezing
If the linens do not last?"

Seven other manuscripts await publishing. They are "The Mad Queen", a poetic tribute to Miss Lily's fascination with mathematics; "News from Camelot", "Delta Country", "Earth Shadow", "Sunlight on an Old Rail Fence", "Panels of Antiphon", and "Johnny-Jump-Ups and Joe-Pye-Weed."

But Miss Lily is as great a lover of music as she is a respected author of both poetry and prose. This great passion for music has been intensfied, perhaps, because Miss Lily was denied the childhood training that probably would have made her an accomplished musician. It is obvious that she feels that was a personal loss.

"As a performer of music I am zero," she says. "In the backwoods of Arkansas (where she grew up) there were no music teachers. If you have a great voice you can wait but for the piano or a string instrument you must start very young. I only saw one piano (an aunt's) until the time I was twelve."

It explains, in part, why she putters with Chopin almost daily on the Baldwin Grand piano that dominates the living area of her home; why she has helped bring so many nationally and internationally renowed musicians and vocalists to the state and to Phillips County and why she was so intensely involved in bringing about the construction of the Fine Arts auditorium on the campus of Phillips County Community College.

As most everyone knows, that auditorium, one of the finest in Arkansas, bears her name. It bears her name because it almost certainly would not exist today without the personal and financial role she played in spearheading the drive to have it built.

The total color and detail of Miss Lily's life couldn't be captured in one or even a series of newspaper stories. It would take a book and one is in the works.

Miss Lily says that she is "officially thirty years old", because that's the age at which her mind has settled in terms of knowledge and understanding. There is a spark of anger in her eyes when she talks to people who would put someone on the shelf, simply because of their age . . . no matter that their energy and capacity for inhaling new information and imparting fresh insights are as keen as ever.

She does what she does for fun, she says, "accepting what's possible and not worrying about what's not possible."

[From the Arkansas Democrat, Feb. 24, 1982]

COUNTY LAUDS GENEROSITY OF FARMER-PHILANTHROPIST

(By Randy Tardy)

HELENA.—Lily Peter, the Phillips County farmer-philanthropist, will be honored Monday at Helena by the Phillips County Chamber of Commerce.

Gov. Frank White has proclaimed Monday as "Miss Lily Peter Day" in Arkansas in recognition of the state's poet laureate for 10 years who has acquired a well-known reputation for her generous feats, cultural and otherwise.

According to Charles Fite, executive director of the Phillips County Chamber of Commerce, a banquet in Miss Peter's honor will begin at 7 p.m. Monday in the community center at Phillips County Community College. A special concert by seven members of the Arkansas Symphony Orchestra will follow at 8 p.m. A reception will precede the dinner.

Tickets, priced at $14, are available from the Phillips County Chamber of Commerce at Helena and from banks in Helena, West Helena, Maxwell and Elaine.

"Turning Cotton Into Culture" will be the theme of the program.

"We're really going to have a great day for Miss Lily," Fite said last Monday at the chamber of commerce office. "She's done so many things for Phillips County. . . ."

One thing she did was to bring into reality the place where she will be honored Monday night.

"She spearheaded the drive for the Phillips County Community Center at the college," Fite said. "She raised $300,000 and she made a substantial contribution herself." The big building's 1,200-seat auditorium was described by Fite as "one of the finest auditoriums anywhere."

He said that when famed pianist Van Cliburn played the dedicatory concert there a few years ago, "he said the auditorium had the best accoustics of any he had ever played in."

That part of the center, appropriately, is named the Lily Peter Auditorium.

"Miss Lily," the name everyone calls her, owns and farms "probably 5,000 to 10,000 acres of land," Fite estimated. And citing a little-known economic development example of her generosity, he said Miss Lily was instrumental in keeping The National River Academy, a waterway training school, from leaving the area.

"She helped save the National River Academy from leaving here a few years ago in that she paid for a small sewer treatment plant down there," Fite said. "She gave a check to one of the board members, Jim Walden (owner of Helena Marine Service Inc., a towboat firm) to take to New Orleans to a board meeting when they were voting on whether or not they were going to move from Helena. She gave him a check for $25,000 to take to the board meeting. Then she added another $40,000 to that later on."

The school which is funded by private industry, remains at Helena today, although training has been temporarily suspended because of the recession.

Fite said that, while the chamber of commerce "never has been able to get her interested in economic development," per se, her generosity has provided the Helena area with a cultural facility second to none. That, he said, is something industrialists look for in a community, along with sites, labor and taxes.

"I think it is pretty important," Fite said. "That is one of the things that we really boast about when we're talking to industrial prospects or out-of-town people—that we have one of the finest cultural centers in the country and some of the finest entertainment. Last Thursday night (Feb. 18) we had the New Orleans Philharmonic" perform in the Lily Peter Auditorium.

Buff Brothers, president of the chamber of commerce will welcome those attending the dinner. Mrs. Tom Faust of Helena will serve as mistress of ceremonies. "The governor's proclamation will be read by a representative from the governor," Fite said. Mrs. Robert Howe will recite "The Green Linen of Summer," one of Miss Lily's poems, and Bob Evans, a Helena native, will sing his own composition, "Phillips County Blues."

[From the Commercial Appeal, Feb. 24, 1982]

HELENA CELEBRATION PLANNED FOR MULTIFACETED LILY PETER

(By Robert Jennings)

One of the remarkable women of the Arkansas Delta (or anywhere else) in our time (or any other) will be honored Monday. It will be Lily Peter Day in Helena. Buff Brothers, president of the sponsoring Phillips County Chamber of Commerce, notes that "a reception and banquet will be given in her honor at the Phillips County Community College at 6:30 p.m. Following the banquet all guests may join Miss Lily in the auditorium" (the Lily Peter Auditorium, that is) "for a free concert. This will be an hour of music featuring a quintet from the Arkansas Symphony Orchestra."

Lily Peter is a citizen of two Arkansas counties. She lives in Monroe County just across the line from Phillips County, and she farms land—3,000 rich acres of it—in both counties. She is a tiny woman of an age that one might discreetly call indeterminate. Her list of interests and accomplishments is imposing. Prominent among them is her affection for music and her generosity in paying for its performance and even for a place it can be fittingly played.

Among her notable contributions was $35,000 to the fund-raising campaign for the arts center theater that bears her name at the college. She was chairman of the fund drive. Some years before that she brought the Philadelphia Orchestra to Little Rock.

At the time—June 1969—the trip was the longest the venerable Philadelphia Orchestra ever had made for only two performances. Miss Lily priced the tickets at $5, $4, and $3, a decidedly low level even for 12½ years ago, and paid for her own seat. Despite that modest cost of admission to Robinson Auditorium to hear Eugene Ormandy and his men, Miss Peter's concerts grossed $17,643 in ticket sales. She put $2,357 with it and set up music scholarships of $10,000 each at Arkansas State University and the University of Arkansas.

The concerts were a feature of the Arkansas Territorial Sesquicentennial. Miss Lily was music chairman of the observance. She wanted to do her part because she said she was not confident that she would be alive in 1986 for the sesquicentennial of Arkansas statehood, as opposed to the Arkansas Territory's 150th anniversary.

She has paid for any number of other musical endeavors and, true to her wide-ranging interests, has donated 40 acres of virgin timber land to the state of Arkansas as a bird refuge and made substantial contributions to the financing of medical conferences. She also is a poet, composer, author, violinist, historian and photographer among other things, such as farmer and ginner.

"There was one thing I wanted to be," Miss Lily said a few years back, "and that was a great violinist. But we were so far back in the country in those days. There were no roads and you were well off if you had a buggy. So by the time I had the opportunity, I was too old."

Be that as it may, there are those who would be totally unsurprised if they learned that Miss Lily had brushed up on her violin, maybe even taken more lessons, and is going to perform a recital.

[From the Twin City Tribune, Feb. 24, 1982]

MISS LILY'S "DAY" SET MONDAY

Monday is a red-letter day for Phillips County.

It's the day that Phillips Countians have chosen to honor Miss Lily Peter of Marvell, the philantropist who has contributed so much of her time, money and efforts for the betterment of the county and its citizens.

It's "Miss Lily Peter Day"—not only in Phillips County but throughout Arkansas, a day officially proclaimed by Governor Frank White in ceremonies last week at the Capitol.

And it's all in recognition of the contributions "Miss Lily", a poet, farmer, and lover of the arts, has made to the state.

For several years now, a group of Phillips Countians have felt that the Marvell lady, who has sponsored so many worthwhile events in the county and around the state, should, somehow, be shown she was in the thoughts of all. Governor White agreed and so designated March 1 as the date to honor the state's poet laureate.

As plans now stand, a delegation of Phillips Countians will form a caravan Monday afternoon and go to the home of Miss Lily near Marvell and pick her up.

They will return to the Twin Cities, where the motorcade will tour the city, giving the guest of honor plenty of time to see her many friends throughout the two cities and view some of the changes she had a hand in.

At 6 p.m. that evening, a reception is scheduled in Miss Lily's honor at Phillips County Community College. At that time, Miss Lily will be in the receiving line to shake hands and talk with all of her friends.

After the reception, a banquet is scheduled. At this time, the multitude of friends and acquaintances from Arkansas and other states will be given the opportunity to pay tribute.

"We've received literally dozens of letters from friends and admirers of Miss Lily who will be unable to attend the event," said Charles Fite, executive director of the Phillips County Chamber of Commerce. "We plan to read some of those during the banquet."

Tickets for the banquet are on sale for $15 each and can be obtained from the chamber of commerce of any Phillips County bank.

"We'd like to see the Phillips College cafeteria filled to over-flowing that night," said Mrs. Betty Faust, one of the chairmen for the Miss Lily Day Committee. "It's not often that we get an opportunity to say thank you to a person who has done so much for our community and our state."

She emphasized that, even if, for some reason, persons are unable to make the banquet, they can still attend the concert—free of charge.

The concert will follow the banquet and will feature the string quintet from the Arkansas Symphony Orchestra.

"It is free for all who would like to attend," said Mrs. Faust. "And nothing would delight Miss Lily more than to see the string quintet play to a full house."●

PLURALISM IS THE AMERICAN WAY

● Mr. **WEICKER**. Mr. President, I admire the candor, courage, and political commonsense displayed by the Senator from Oregon in the Associated Press interview which appeared in today's Washington Post.

America was not conceived as a haven for any one kind of person. It has drawn to its shores people of all creeds and colors. And there is no doubt in my mind that we are much the stronger for it. If we try to reduce the American experience to some kind of wild west existence where only the fittest of the white men survive, we do ourselves and our Nation a great injustice.

Pluralism is the American way. So it must be the Republican way, if our goal is to become the majority party. We must be more than the party of the white male Protestants. Rather, we must be the party of all the people, women, blacks, Hispanics, and Jews alike.

The great contralto Marian Anderson once observed that "as long as you keep a person down, some part of you has to be down there to hold him down, so you cannot soar as you otherwise might." The same is true of the Republican Party.

If through a policy of overt discrimination, or even one of benign neglect, we fail to bring men and women of all races and religions into the political and economic mainstream, we as a party will never achieve the heights of which we are capable. I commend Senator Packwood for eloquently articulating this fact and urging the rest of us to face up to it.

I submit his full remarks for the Record.

The remarks follow:

Packwood Says Reagan's Vision Hurts GOP

(By Donald M. Rothberg)

Washington.—A senior Republican Senator says he and other GOP leaders sometimes are dismayed in their meetings with President Reagan because he responds to their concerns "on a totally different track" than the issue at hand.

For example, when the Senate budget chairman recently expressed consternation with a deficit exceeding $100 billion, the President told an anecdote about someone buying vodka with food stamps, according to Bob Packwood, who heads the Senate Republican Campaign Committee.

Reagan concluded the story with "That's what's wrong," said Packwood.

"And we just shake our heads," the Senator added.

Packwood attributed the problem to what he termed an "idealized concept of America," by Reagan that is basically white, male and Protestant. And that view, the Oregon Senator said, is destroying the GOP's appeal among blacks, Hispanics and Jews.

"That will hurt us more in the long run than the economy," Packwood told the Associated Press in a weekend interview.

He said he feared that Reagan's positions on abortion, the Equal Rights Amendment and the handling of tax exemptions for schools that discriminate by race will cause lasting damage to the party.

"The Republican Party has just about written off those women who work for wages in the marketplace," Packwood said. "We are losing them in droves. You cannot write them off and the blacks off and the Hispanics off and the Jews off and assume you're going to build a party on white Anglo-Saxon males over 40.

"There aren't enough of us left," he said.

When asked if he thought Reagan was aware that might be happening, Packwood, who supports abortion and the ERA, said he attends GOP leadership meetings at the White House "and that's where I've gotten the best insight."

"I'll see Bob Michel (Republican leader in the House) throw something out," he said, "and then the President will respond on just a totally different track.

"Pete Domenici (chairman of the Senate Budget Committee) says we've got a $120 billion deficit coming and the President says, 'You know a person yesterday, a young man went into a grocery store and he had an orange in one hand and a bottle of vodka in the other, and he paid for the orange with food stamps and he took the change and paid for the vodka. That's what's wrong.'

"And we just shake our heads," said Packwood.

"I really think the President has an idealized concept of America," the Senator said. "And maybe many Americans wish we were like that. Maybe, many Americans wish we all looked alike, went to the same middle-of-the-road Protestant church, and we'd all be better off. I don't think we would be better off."

Although less than 1 percent of Oregon's population is black, Packwood said he is getting "great quantities of mail complaining" about the administration's decision to stop withholding tax exemptions from schools that practice racial discrimination.

"It's coming from whites who are offended by what appears to be the unfairness of it . . .," he said. "For the administration to make the decision it did and not grasp the political implications of it is incredible."

Reagan explained the decision by saying he felt it was wrong for an administration to deny the tax exemptions without a specific congressional mandate.

On abuses in food stamp or welfare programs, Packwood said many Americans encounter such individual cases.

"And they generalize from it," he said, "and the generalization is the false part. Indeed, the specifics are there, indeed, the abuses are there, but that is not the general problem."

Asked if he thought the President should make that distinction, Packwood replied, "No."

"Once you're President . . . everything that you learn is filtered," he said. "Somebody sanitizes the paper for you, cuts out the stories to read, hopefully representative, maybe, not . . .

"And so, the views you held when you became president are probably the ones you're going to hold for the rest of your life. That's true of most of us when you get the 35, 40 or 45."

Nonetheless, Packwood said he thinks Reagan "still has an amazing popular appeal" and can win re-election overwhelmingly. But that's different from building a majority Republican Party, he said.

"What I want," Packwood said, "is when people go down the list and finally come to the office they've never heard of and candidates they've never heard of, that they vote Republican because they have an intuitive feeling that the Republican Party is watching out for their interests.

"That's what I don't see yet and I don't see that building now in the Republican Party. I think we were closer to it in November 1980 than we are now."

Packwood was a leader of the Senate opposition to the sale of $8.5 billion in arms, including AWACS radar planes, to Saudi Arabia. After a long, often bitter fight, the President prevailed and the sale went through.

"I think as far as he's concerned, it's over," Packwood said, adding that Reagan has not mentioned the AWACS sale to him since. "As far as I'm concerned it's over."

But Packwood again finds himself on the opposing side from Reagan as the Senate debates the so-called social issues.

"If the President tries as hard on the social issues, as he did on AWACS," Packwood said, "then, I think he's leading us to disaster."●

THE RECORD ON THE EXECUTIVE OVERSIGHT PROVISIONS OF THE REGULATORY REFORM ACT

● Mr. **GLENN**. Mr. President, in my February 3, 1982, Dear Colleague letter soliciting cosponsors for the Glenn amendment to the Regulatory Reform Act, I stressed the lack of virtually any legislative record for the bill's executive oversight provisions, the provisions that would dramatically and indiscriminately undermine the autonomy of the independent regulatory agencies. I would like to elaborate on this point.

In considering S. 1080, neither of the two Senate committees involved—Judiciary and Governmental Affairs—held any hearings whatsoever on the question of how expanded Presidential oversight under the bill's section 624 (Executive oversight) would affect the independent agencies and their respective spheres of regulation. Indeed, the overall subject of Presidential oversight of the independents was mentioned only passingly in the prepared statements of two witnesses and in a brief colloquy during the Judiciary Committee's May 14, 1981, hearing. In both committees, the Executive oversight provisions of the bill were added after the hearings had concluded and were thus not part of the next of S. 1080 to which hearing witnesses were asked to address themselves. The sole substantive testimony on section 624's impact on the independent agencies is a series of letters received from the latter in response to inquiries sent out by Governmental Affairs Committee Chairman ROTH at my request. These letters, excerpts from which were included with my Dear Colleague on my amendment, unanimously opposed Executive oversight under section 624 as a serious intrusion on agency independence.

Partly on the basis of these letters, I introduced an amendment to S. 1080 to limit the impact of section 624 on the independent agencies. The amendment was unanimously accepted in the Governmental Affairs Committee. The issue was not debated in the previous Judiciary Committee markup, however. Thus the only committee to take up an amendment specifically on this question strongly rejected the section's weakening of independent agency autonomy. (My amendment has been dropped from the composite text of S. 1080 that will be taken up on the Senate floor and will have to be reintroduced.)

During the 96th Congress, the question of increased Presidential supervision over the independent agencies was discussed in the course of Senate Judiciary and Governmental Affairs Committees' hearings held in mid-1979—more than 2 years ago. However, that debate focused on proposals for increased executive oversight different from those contained in S. 1080. The Carter administration's bill (S. 755), for example, sought Presidential power only to gather data on independent agency compliance with cost-benefit procedures; S. 755 did not contemplate Presidential screening of draft independent agency major rules without fixed time limits. The proposal on which the American Bar Association testified, to cite a second example, was the so-called Cutler-Johnson arrangement under which the President for a 70-day period could require agencies (the independents included) to reconsider their major rules after issuance. This differs markedly from the current text of section 624 which contemplates prepublication Presidential involvement in the regulatory process without clear deadlines. Moreover, the ABA proposal included specific exemptions for:

> Those agencies and functions (e.g., the moneymarket functions of the Federal Reserve Board, the campaign financing functions of the Federal Elections Commission, the FCC's "equal time" and fairness doctrines, licensing and rate-making) as to which a broad consensus exists that they should remain free of Presidential influence. (1979 ABA Federal Regulation Report, p. 85.)

Section 624, by contrast, is comprehensive and indiscriminate: all major rules of all independent agencies would be subject to Presidential review. Let me also point out that during the 96th Congress the Cutler-Johnson approach was resoundingly defeated in the Governmental Affairs Committee. Thus to reiterate, no Senate hearings have ever been held on the Presidential oversight scheme contained in section 624.

If additional proof is needed that section 624 is not yet ready for Senate action, one has only to look at the impact of the section on the Federal Reserve Board. As a recent letter to me from Chairman Volcker details, S. 1080 as presently crafted would give the President substantial new capabilities for influencing the Fed's now autonomous monetary policy decisions. Apparently this result was not intended by OMB, since it was not appreciated how much of the Fed's monetary policy activity is conducted through rulemaking, and OMB has now agreed to support an exemption from S. 1080 for these Federal Reserve Board activities. How many other not-intended effects comparable to those at the Fed may occur at other independent agencies? The answer is unknown since no thorough examination of the application of this section has ever been undertaken.

A provision with the sweeping impacts of section 624 cannot be accepted on such a thin record. At a minimum, the limiting amendment that I have proposed to restrict the provision's impact on independent regulatory agencies is essential.

EXPORT TRADING COMPANIES ARE NECESSARY—II

● Mr. HEINZ. Mr. President, today's excerpt from Franklin Cole's article, "Establishing American Trading Companies," which appeared in the Northwestern Journal of International Law and Business, autumn 1980, discusses the role of the Japanese general trading company, the sogo shosha. Like those of us who have worked so hard on this bill, Mr. Cole has no illusions about the likelihood of establishing sogo shoshas here. They are an outgrowth of Japanese cultural development, and in many respects are fundamentally at odds with our institutions. Nevertheless, there are numerous lessons about international trade we can learn from them. In the following excerpt I would draw particular attention to the four-country deal a trading company worked out in 1 week. It is that combination of imagination, efficiency and widespread contacts that makes a successful trading company. Those qualities are not unique to the Japanese, and there is much we can do to develop institutions, like trading companies, that will allow our similar qualities to flourish.

The excerpt follows:

General Trading Companies—The Japanese Model

There is a model of trade growth whose success appear strikingly to match some of our needs. That model is a form of enterprise within the economy of Japan, the sogo shosha or "general trading company." Japan, one of the most populous countries in the world and terribly poor in natural resources,[20] had to become a trading expert in order to survive at all. To get vital raw materials, Japan had to import; to pay for imports, Japan had to export. Where in America the work of trade is done largely by manufacturers, in Japan it is carried on largely through import-export firms classified as trading companies. In fiscal 1979, trading companies accounted for 54.5 percent of Japan's imports and 48.2 percent of her exports.[21] There are some 8,000 trading companies in Japan, many specializing in particular industries or products, such as food products, textile, or machinery; nine of them are large enough, and general enough to be called "sogo shosha."[22]

Existing U.S. export management companies are generally quite small and lack the resources to provide a range of export services to small and medium sized manufacturing firms.[23] In contrast, the sogo shosha are large international trade service experts and do a remarkably wide range of work. Not themselves manufacturers, they facilitate the trade of thousands of products—from missiles to instant noodles. As trade intermediaries, the sogo shosha provide financial services, business information, and auxiliary international trade services such as documentation, insurance, warehousing, and transportation, which they have learned to do efficiently and at low cost.[24] Some of their customers are large, but many are average-sized firms who could not easily afford to provide these services for themselves.[25]

The core business of the sogo is trade, principally in foodstuffs, textiles, metals and machinery, and chemicals.[26] Once concerned primarily with sales into the Japanese domestic market,[27] as the sogo shosha matured they began to develop more sophisticated trading practices: two-way trade, for example, buying iron ore from a foreign mining company and selling Japanese mining and transportation equipment in return; barter trade, exchanges of goods for goods without currency; "switch" trade, in which imports from one foreign country are paid for in the goods or currency of another,[28] and offshore or third-country trade, in which neither the supplier nor the market is in Japan. One sogo shosha was asked for polyester fibers by a Brazilian textile maker. The sogo shosha went to a large American chemical company, which was willing to supply the fibers but was short of an essential raw material, ethylene glycol. A French firm was willing to supply the ethylene glycol, but only if it could get benezene. The sogo shosha procured benzene from firms in the U.S. and Holland, the French firm produced the ethylene glycol, and the American textile maker was finally able to provide the polyester fibers for the textile manufacturer in Brazil. This transaction, illustrating the trading practices of the sogo shosha and their match-making skill with producers and suppliers, involved five trading company offices in four countries. It was concluded in one week.[29]

As the sogo shosha's international trading activity grew more extensive and more sophisticated, they developed global communications networks, which have become their hallmark. In 1978, each of the six largest sogo shosha had from 100 to 130 overseas offices, with the smallest of the nine, Nichimen, maintaining "only" 86.[30] Nissho-Iwai, for example, the sixth in rank by sales, in the U.S. alone has offices in New York, Detroit, Chicago, St. Louis, Atlanta, Los Angeles, San Francisco, Portland, Seattle, and Anchorage, a more extensive U.S. network than operated by many middle-sized American Firms.[31] During fiscal 1976, the top six sogo shosha spent Y57.5 billion (about $192 million) on communications expenses.[32] The enormous amount of business intelligence that they collect is disseminated, usually free of charge, to their customers.[33] Such a service is greatly appreciated by the customers, and secures for the sogo shosha a continuing working relationship which also yields further business insights.

Though they are not bankers, the sogo shosha have also developed financial business.[34] They supply credit, loans, and loan guarantees to their customers, serving as risk-absorbing intermediaries between their trade customers and the commercial banks. Sogo shosha take long-term notes and deferred payments from customers for sales of commodities, and issue short-term bills or make advance payments to suppliers for purchasers. The six largest sogo shosha carried 34 percent of the total commercial credit extended by Japan's major corporations (452 firms) for the entire fiscal year ending March 31, 1974.[35] Sogo shosha make short-term loans for operating expenses, and long-term loans for purchasing equipment, plant construction and even real estate. They borrow heavily from the large commercial banks and lend small sums (though some loans are substantial) to thousands of small and medium sized producers.[36] They are in an excellent position to do this. The huge flow of business information available to the sogo shosha, plus the intimate knowledge of their customers acquired by working on a day-to-day basis to perform documentation, insurance, transport, and coordination and management services, enable the sogo shosha to make detailed and realistic assessments of the risks of lending and giving credit.[37] From the customer's point of view, finance is another service available from the sogo shosha with which they already deal and are on good terms. From the banker's point of view, the size and diversity of the sogo shosha make them good loan customers; and, with the sogo shosha as knowledgeable intermediaries to smaller businesses, the banks' risk is much reduced.[38]

Building on a base of closely-tailored import and export trade, the sogo shosha have become advisors, organizers, and catalysts in Japan's economic development, participating in Japan's growing business of exporting industrial plants,[39] in overseas natural-resource development projects, and in the creation of huge receiving-fabricating-distributing complexes or "combinats." By the summer of 1972, the sogo shosha along with five steel wholesalers had built over 200 steel centers in Japan. These centers stocked steel-mill inventories, provided shearing, sawing, and grinding to specifications, made deliveries, and offered the usual information and finance services.[40] The success of the steel centers led to more and larger ventures in other products, including foodstuffs.[41]

For the most part, the sogo shosha of today do not predate World War II.[42] In the late 1940's, some of the traders that until then had been fairly specialized began to increase their trading volume and the scope of their business. In this, they were helped by several of the principal banks, who were able to offer capital and leadership at a time when both were in short supply.[43] A new configuration began to form in the Japanese business community: "enterprise groups" (keiretsu), associations of firms whose members tended to cooperate with each other and to compete with firms outside, but without the subordination to vertical control that had characterized the pre-war conglomerates.[44] The banks were often the financial nuclei of these looser, more fluid groups, and the trading companies, as they took on the purchase, sale, and sometimes the distribution of products manufactured by other group members, broadened in range both geographically and in product variety, maturing into true general traders—sogo shosha.[45] In the last few years, group members have continued to rely upon each other in business relations, but not exclusively. During fiscal 1973, firms in the six largest groups transacted an average of ten to thirty percent of their total purchases and sales with the sogo shosha in their groups.[46] Financial arrangements have followed a similar pattern, with the firms looking to group financial institutions for about twenty percent of the borrowing needs of "their" sogo shosha.[47]

The sogo shosha have clearly been a main force in Japan's extraordinary export success. Their development of overseas markets, and their management of trade functions, have enabled Japanese manufacturers to put more capital into improving plants and products. Their extension of information, administrative services, and knowledgeable credit have helped small and medium sized firms in particular to participate effectively in international trade, to the great benefit of Japan. As a method of organizing commercial enterprise, the general trading company—large, diversified, flexible, mastering a great flow of information and expert at arranging international transactions, backed by the resources of major banks and able to stand as an intermediary where they cannot—has a number of virtues from the point of view of American international trade.●

FOOTNOTES

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[20] In 1977, Japan imported 99.7 percent of her petroleum, 76.6 percent of her coal, 73.0 percent of her natural gas, 98.8 percent of her iron ore, 92.8 percent of her copper, 100 percent of her lumber, 100 percent of her wool and cotton, 96.0 percent of her wheat, 97.0 percent of her soybeans. Japan External Trade Organization (JETRO), The Role of Trading Companies in International Commerce 21 (1980).

[21] Wall St. J., Dec. 17, 1980, at 48, col. 1.

[22] JETRO, supra note 20, at 6-8. In order of sales volume, the nine sogo shosha are Mitsubishi, Mitsui, C. Itoh & Co., Marubeni, Sumitomo, Missho-Iwai, Toyo Menka Kaisha (Tomen), Kanematsu-Gosho, and Michimen. In 1977, a tenth firm, Ataka, merged with C. Itoh, pushing the latter into third place ahead of its long-time rival, Marubeni.

Unfortunately, there are still few useful studies in English on the sogo shosha. I shall refer mainly to Young, the Sogo Shosha: Japan's Multinational Trading Companies (1979). Marubeni has published Martin, the Unique World of the Sogo Shosha (1978). See generally, Roberts & Mitsui: Three Centuries of Japanese Business (1973); Asia's New Giant: How the Japanese Economy Works (Patrick & Roskovsky, eds. 1976); Business in Japan (Norbury & Bownas, eds., 1974); Nakane, Japanese Society (1970) (short, insightful ethnographic study); Yanaga, Big Business In Japanese Politics (1968) (political science).

[23] Barovick, Expanding the Role of Export Trading Companies, Bus. America, April 21, 1980, at 11.

[24] Young, supra note 22, at 57-68.

[25] Id. at 138-42.

[26] In fiscal year 1975, the sogo shosha carried 47 percent of Japan's exports of machinery (56 percent of her export foreign trade), 82 percent of her metal exports (21 percent), 61 percent of her textile exports (6.8 percent), 65 percent of her chemical exports (6.4 percent), 100 percent of foodstuff exports (1.4 percent); 84 of her imports of mineral fuel and metal raw materials (52 percent of her import foreign trade), 81 percent of her foodstuff imports (16 percent), 42 percent of her machinery imports (7.2 percent), 74 percent of her textile exports (4.4 percent), and 18 percent of her chemical product imports (3.7 percent). Young, supra note 22, at 7.

[27] Id. at 86-89, Martin, supra note 22, at 4-10.

[28] See, e.g., importing precision machinery from West Germany with Indonesian currency as the currency of settlement so as to reduce the Indonesia-Japan trade deficit. Young, supra note 22 at 11. "Two-way" trade, barter, and "switch" trade are sometimes collectively called countertrade. In countertrade agreements the seller of industrial products or technology often agrees to purchase goods produced by his equipment or technology (a "buy-back"), or agrees to purchase other goods produced by the buyer ("counter-purchase") representing in value a significant portion of the amount due for the industrial products or technology. See Weigand, Apricots for Ammonia: Barter, Clearing, Switching, and Compensation in International Business, 22 Cal. Mgmt. Rev. 33 (fall 79); Walt, Countertrade Gains Popularity as International Trade Tool, Bus. America., July 14, 1980, at 12-16.

[29] Young, supra note 22, at 11. In fiscal year 1976, the combined offshore trade of the sogo shosha was $15.4 billion. See id. at 197-202; JETRO supra note 20, at 23-25; Business in Japan, supra note 22, at 177.

[30] U.S.-Japan Trade Council, Report No. 31, Japan's Sogo Shosha, at 12 (Sept. 28, 1979).

[31] Young, Supra note 22, at 74-75.

[32] By late 1973, Mitsui was employing three computers in Tokyo, London, and New York to control a system of telex lines, telegraph, and privately leased data channels, in which the private channels alone carried some 20,000 messages a day to 44 offices in Japan and 112 offices overseas. Young, supra note 22, at 77-79. (Mitsui had 130 overseas offices in 1978). On one day in 1977, the Tokyo office of Mitsubishi received 144 international telephone calls and made 72; received 30,000 domestic telephone calls, 30,000 intercom calls, and made 35,000, received 4,260 copies of subscription newspapers; received 15,600 pieces of mail (10,000 from overseas) and sent out 19,000 (10,000 overseas); received 17,000 telexes, and sent 22,000. Mitsubishi operates 450,000 kilometers of telex lines, the equivalent of 11 times around the globe. U.S.-Japan Trade Council Report supra note 30, at 8.

[33] Young, supra note 22, at 67.

[34] Id. at 58-60, Martin, supra note 22, at 21-23.

[35] Young, supra note 22, at 56-68.

[36] Id. at 62.

[37] Id. at 140-42.

[38] But see Hoshii, Japan's Banking and Investment Systems, in Business in Japan, supra note 22, at 49, 71-72; Adams & Hoshii, a Financial History of the New Japan 434-37 (1972). Dr. Hoshii complains that sogo shosha may be forced to suffer losses on liquidating collateral such as warehouse receipts and bills of lading, and that their very attention to smaller firms, and intimate involvement

with clients, inhibit the traders from cutting off credit as a bank would when risk grows too high. This concern was sounded in Japan particularly in the early 1970s after the so-called "Nixon shocks" affecting dollar-yen exchange. See the "Trading Companies" columns for the early 1970s in Nihon Keizai Shimbun (Japan Economic Journal), Industrial Review of Japan (published annually).

[39] For example, the $7.3 million sale by Sumitomo of a Du Pont magnetic-powder factory to the U.S.S.R. in 1975. Wall St. J., Dec. 17, 1980, at 48, col. 1. In 1976 the value of Japanese plant exports was $6.5 million. Martin, supra note 22, at 25–27; see Young, supra note 22, at 203-04.

[40] Young, supra note 22, at 136–38; JETRO, supra note 20, at 15.

[41] JETRO, supra note 20, at 21–23. Marubeni has a six-acre lumber center near Tokyo, housing twenty lumber wholesalers and a sawmill. Martin, supra note 22, at 17. On a much larger scale is the 23-hectare Konan food combinat (about 57 acres) organized by Mitsui at Kobe harbor, with facilities for berthing cargoes of up to 60,000 tons, and with conveyors, pipelines, silos, refrigeration, first- and second-stage processing and wholesale and retail distribution all on the site. Konon Pier, and the Konan Utility Co. (in which all the processors have equity participation), are Mitsui subsidiaries. Professor Young considers the development of combinats tantamount to organization of a new industry. Young, supra note 22, at 110–12.

In natural-resources development, Mitsubishi is the chief organizer of one of the world's largest natural gas projects off the shore of Brunei on the island of Borneo, with 45 percent participation by Mitsubishi, 45 percent by Royal Dutch Shell and 10 percent by the Brunei government. Mitsubishi did the feasibility and technical studies, carried out the negotiations, built a liquefaction plant, and constructed unloading bases in Japan. Seven tankers, each with a capacity for 33,000 tons of liquid natural gas end chartered by Mitsubishi at a rate of five million tons a year, transport the gas 4,500 kilometers from Borneo to Japan. Young, supra note 22, at 159.

It should be recalled that Mitsubishi, the largest sogo shosha, had a total sales volume of $55 billion in fiscal 1979, Wall St. J., Dec. 17, 1980, at 48, col. 1, some five times the sales of the smallest sogo shosha, and ten times the sales of the largest non-Japanese trading company, Kooperativa Forbundet of Sweden. Young, supra note 22, at 17-18, 25-26. Young finds that the huge capital requirements and high risks of natural resources development have so far put most of such projects on a basis more like Marubeni's Dampier Salt venture, an 11,800-hectare salt field in Western Australia developed in 1969-71, with 21 percent participation by Marubeni, and 11 percent by Nissho-Iwai, at a cost of about $25 million. See also Martin, supra note 22, at 72–76. In this pattern, where rival trading companies join as joint venture partners, with non-Japanese concerns also involved, the sogo shosha can jockey for market power with each other and also keep an eye on the operational methods of their rivals. Young, supra note 22, at 155–57. The long-term planning of projects such as Dampier Salt, or the Brunei natural gas development (which took six years), is another strength of the sogo shosha. U.S.-Japan Trade Council Report, supra note 30, at 6.

[42] Although trading companies in the broad sense were formed as early as the Meji era in the second half of the nineteenth century, only Mitsui and Mitsubishi had developed a general enough trading business before World War II to be comparable to the sogo shosha of today. See, e.g., Young, supra note 22, at 31–37.

[43] See, e.g., Young, supra note 22, at 35–36; Roberts, supra note 22, at 394–95.

[44] Yanaga, supra note 22, at 32–40, Lockwood, Japan's "New Capitalism," in the State and Economic Enterprise in Japan 447, 495–98 (Lockwood ed. 1965); Young, supra note 22, at 36–38, 48-51. Roberts is more cynical of the similarity between the keiretsu and the prewar order, Roberts, supra note 22, at 408–28, but Prof. Yanaga, who wrote the preface to the Roberts book believes that "the present setup is very different from the setup before the war in spirit, structure, and operation." Yanaga, supra note 22, at 39.

[45] Business in Japan, *supra* note 22, at 160–64; Martin, *supra* note 22, at 33–36; Young, *supra* note 22, at 37, 48, 83–144.

[46] Sales of the sixty-five firms in the Mitsubishi, Mitsui, and Sumitomo groups to their sogo shosha amounted to approximately 20 percent of the sogo shosha's purchases. About 5–6 percent of the three sogo shosha's sales was purchased by their group firms. (The other firms were more dependent upon the sogo shosha than vice versa.) Sales and purchases transacted with their sogo shosha made up about 30 percent of the sixty-five firms' total sales and purchases. For the remaining six sogo shosha, and the 122 firms in the groups to which they belong, the relationship is rather weaker, accounting for some 10 percent of the total sales and purchases of the manufacturers in these groups. The latter six groups are those in whose assembly leading banks were most instrumental. These figures are averages compiled by the Japan Fair Trade Commission, and do not state transaction percentages between specific group firms and group sogo shosha. Young, supra note 22, at 44–45.

[47] Young, supra note 22, at 42–44. For example, Mitsubishi took 14.8 percent of its loans from the Mitsubishi Bank, an additional 10.5 percent from other Mitsubishi group institutions, and 9.5 percent from its "second main bank," the Bank of Tokyo; while C. Itoh satisfied more of its borrowing needs from the Sumitomo Bank (12.9 percent) than from all the financial institutions in the Dai-Ichi Kangyo Bank group (12.1 percent) to which C. Itoh is considered to belong. Id. at 34, 37, 39–41. See P.B. Stone, Japan Surges Ahead 59, 164 (1969).

THE IDAHO COMMISSION FOR THE BLIND

● Mr. **McCLURE.** Mr. President, I would like to take a few minutes today to acknowledge the many accomplishments of an outstanding organization in my State—the Idaho Commission for the Blind. The Governor of Idaho recently proclaimed January as National Federation of the Blind Month in Idaho, and the Idaho commission has been cited as a model for other State organizations.

The National Federation of the Blind, during their national convention in 1980, recognized the Idaho Commission for the Blind as one of the best in the Nation. NFB president, Kenneth Jernigan, when asked which rehabilitation agency he would recommend to a blind friend or relative, named the Idaho agency for several reasons.

They are responsive to the needs of the blind and work closely with the blind in helping them achieve goals of employment and independence. There is a close working relationship between the agency and the National Federation of the Blind of Idaho which is the largest organization of blind in Idaho, numbering between 250 and 300 active members. Additionally, the three-member commission board has two blind members, and all work diligently to achieve policies benefiting all blind Idahoans.

The philosophy of the Idaho commission centers around the belief that the blind should be provided the opportunity to perform responsibly in their own communities. Skills and guidance are offered to achieve adjustment to blindness and training is provided to increase blind person's ability to gain employment and independence. Individuals are expected to get a job in the competitive labor market, participate in the community and lead independent, self-supporting lives. The blind receiving rehabilitation services in Idaho are not placed in sheltered employment or shelter homes as is the general rule with many agencies that serve the blind. Instead, blind Idahoans are accepted as equal citizens and are expected to fulfill their responsibilities as such. In a day and age when the Government offers many programs that, in my opinion, simply foster dependence and do nothing to encourage employment, the Idaho commission stands as a shining example of an agency that does exactly the opposite.

The commission has one of the most active consumer-involvement systems in the Nation. Staff members are invited and expected to attend organized blind functions. Communication is encouraged between blind members and the staff about program concerns, direction and suggested solutions. Staff contacts the blind clients on a regular basis. Through this continual contact, problems are resolved and both the individual and the agency are committed to a mutually arrived at plan outlining the blind individual's steps to rehabilitation.

The Idaho Commission for the Blind is not an agency where a blind person has to work through a complicated process to communicate with staff members, either at a direct service or administrative level. It is the general rule, not the exception, for the blind person to visit with the Administrator, Mr. Howard Barton. This is an agency where everyone knows the blind people come first, and nobody gets the runaround.

Last year, Mr. President, the Idaho commission, working with a staff of 28, 8 of whom are blind themselves, provided rehabilitation services to 335 blind individuals. Forty-four were closed as rehabilitated. Nineteen of these were homemakers. The 25 employed were earning between $600 to $2,000 a month and their jobs included store clerk, electrician, college professor, dairy farmer, and accountant.

Mr. President, I am very proud of the Idaho Commission for the Blind and I am proud that last month was set aside in Idaho to honor the National Federation of the Blind. I would encourage my colleagues and their own State agencies to take a close look at how the Idaho commission works. The commission provides help with adjustment to blindness, job training and job acquisition, and the leading of independent lives. In short—simple human dignity.●

RULES OF THE COMMITTEE ON APPROPRIATIONS

● Mr. **HATFIELD.** Mr. President, in accordance, with the requirement of Senate rule XXVI, paragraph 2, to publish the rules of each Senate committee in the CONGRESSIONAL RECORD each year, I submit the procedural rules of the Committee on Appropriations. There have been no changes in these rules from last year.

RULES OF PROCEDURE—SENATE COMMITTEE ON APPROPRIATIONS

1. MEETINGS

The Committee will meet at the call of the Chairman.

2. QUORUM

(a) Reporting a bill. A majority of the members must be present for the reporting of a bill.

(b) Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

(c) Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Commmittee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

3. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

4. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of staff members at closed sessions of the Committee shall be limited to those members of the Committee staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

5. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARING

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcastng of an open hearing, the question shall be referred to the Full Committee for its decision.

6. AVAILABILITY OF SUBCOMMITTEE REPORTS

When the bill and report of any subcommittee is available, they shall be furnished to each member of the Committee twenty-four hours prior to the Committee's consideration of said bill and report.

7. POINTS OF ORDER

Any member of the Committee who has in charge an appropriation bill, is hereby authorized and directed to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.●

HUMAN RIGHTS OF HUNGARIANS IN ROMANIA

● Mr. DOLE. Mr. President, the State Department recently submitted its 1981 Country Reports on Human Rights Practices to the Senate Foreign Relations Committee and the House Committee on Foreign Affairs, which included a detailed analysis of the human rights situation in Romania.

American Hungarians have long been concerned about the treatment of their friends and families in Romania, where ethnic Hungarians have lived and have formed a separate minority since the foundation of the modern Romanian state. One section of this latest analysis by the State Department is of particular interest to the Senator from Kansas because of my position as cochairman of the Commission on Security and Cooperation in Europe, which is mandated by law with monitoring compliance with the Helsinki accords of 1975, and because of the MFN, or most-favored-nation trading status that Romania enjoys by special waiver. This particular section evaluates the situation of Hungarians in Romania, noting the closing of many ethnic language schools, the lack of bilingual signs in Hungarian populated regions, limitation of cultural expression, as well as other actions which point to the Romanian Government's lack of respect for the rights of its Hungarian minority. Romania's treatment of its Hungarian minority clearly violates principle VII of the Helsinki Final Act, signed by 35 heads of state, including Romania's President Ceausescu, which states that participating states on whose territory national minorities exist will respect the rights of those minorities.

While the State Department's findings comprise a substantial portion of the grievance felt by Romania's 2.5 million Hungarians, the majority of whom live in the historical province of Transylvania, there were other elements not fully covered in the report. These include the dispersal of the Hungarian intelligentsia into purely Romanian areas, the constant harassment of the churches—especially those of the Hungarian and German minorities, and the conscious campaign to do away with the relics of the Hungarian past of Transylvania.

The American-Hungarian Federation, representing more than 300 American-Hungarian churches, associations and clubs from Hawaii to Massachusetts, addressed a letter to Secretary Haig praising improvements in this status report over last year's and indicating some areas that remain of continued concern to them. Mr. President, I ask that the text of this letter be printed in the RECORD.

The letter follows:

AMERICAN HUNGARIAN FEDERATION,
Washington, D.C., February 22, 1982.

Hon. ALEXANDER M. HAIG, Jr.,
Secretary of State,
Department of State,
Washington, D.C.

DEAR SECRETARY HAIG: Our Federation read with considerable interest the Human Rights Report of your Department, which was recently published by the Senate and House Committees on Foreign Relations and Foreign Affairs.

At this time, we would like to comment on the statements concerning the human rights of the Hungarians living in Romania (Transylvania).

We noted with satisfaction that the obnoxious sentence about the Romanian Government not pursuing any official policy of discrimination against minorities was omitted this year. It was incorrect, and we are glad that the statement was rectified.

We are also happy to note that the grievances of the Hungarian and German minorities are detailed in a more comprehensive form than last year, especially the part about the gradually diminishing school sections and the lack of bilingual signs.

We are still wondering how the Romanization of the Szekler counties, which is a rather new phenomenon (since 1975 but more intensively since the last Five Year Plan, is not even mentioned. We would also like you to note that police brutality resulted in at least one death in Dej last year. Further details will be made available, including names and dates, at your request.

May we call the attention of your Department to the fact that the Hungarian Reformed Church in Romania has 750,000 believers according to their own statistics and, probably, at least 100,000 to 200,000 more among those, who for personal reasons, are not officially members of the denomination so as to avoid discrimination in their positions. This is the third largest church body in Romania, after the Romanian Orthodox Church and the Roman Catholic Church. Yet, it is not listed among the major denominations, while the numerically much smaller Lutherans and Baptists are listed.

In addition, there is a misleading statement in the report, which states that it is still possible to attend many courses in Hungarian and German, in the Hungarian and German inhabited areas, "through the University level." According to information received from the Pro-Rector of the Babes-Bolyai University in Cluj-Napoca (Kolozsvár), in 1978 the only "parallel" courses in Hungarian at the University, outside the Hungarian linguistic and literature department were: four courses in chemistry, two in law and two in Marxist-Leninist dialectics. There were an estimated 500 courses given in Romanian. This fact indicates that the above statement is misleading, and we would like to ask for its correction in the next report.

Concerning the general grievances of the Hungarians of Transylvania, may we call your attention to a letter by Representative Robert J. Lagomarsino (Rep., Ca.), which was co-signed by 120 other members of the House of Representatives on December 8, of which a copy was given to your staff by Doctor Michael Ledeen, prior to your departure for Bucharest.

We are in agreement with the President's decision on withholding the $65 million credit to Romania through CCC, and we hope that the economic leverage of the United States will be applied, so as to improve Romania's human rights record and to effect an amelioration of the treatment of its national minorities, including the 2.5 million Hungarians now living in Transylvania.

With best regards, we are
Very sincerely yours,
Rev. Dr. LADISLAUS A. IRANYI,
National President.●

HUMAN AND CIVIL RIGHTS

Mr. KENNEDY. Mr. President, today I read an address given by Terry Herndon, executive director of the National Education Association, to the Human and Civil Rights Conference of the NEA in Washington, on February

20, 1982. It is a compelling speech by a man sensitive to the problems faced by our world today. As a leader of the NEA, an organization of Americans who as teachers of our young, mould the minds and spirits of those who will lead this country tomorrow, Mr. Herndon has often spoken out on issues of national concern. On this occasion he focused on the question of basic humanity and what are America's priorities and where America will invest its energy resources. He warns us of the dangerous course on which our country is now moving and rededicates himself as should all of us, to renewed efforts toward building peace in our world.

Mr. President, I ask to include the text of Mr. Herndon's remarks at this point in the RECORD.

The text follows:

PRESENTATION TO HUMAN AND CIVIL RIGHTS CONFERENCE

Saturday, February 20, 1982, comes as a bad time for me, and it's good to be among friends. I must say that, throughout my tenure of office, I have felt most at home among our human rights zealots.

I have often listened to you and talked with you. I have addressed several of your meetings so a number of you are accustomed to me. You know that I often jest; but today humor seems out of place. You know that I often present organizational problems and my views as to their solution; but today this seems out of place. You know that I often speak optimistically of political opportunities: but today this, too, seems out of place.

Today, I am heavily burdened by the state of our government. Throughout the early parts of 1980 I relieved my fear and anxiety about a Reagan government by frenzied work to prevent its being. We did, however, fail in that effort. It did come to pass.

Since then we have, in diligent compliance with your mandates—NEA policies—busied ourselves with the defense of our previous gains. I have argued:

That we must preserve a federal commitment to equality of opportunity and the protection of civil rights even as the President said, "No!"

That we must persist with a federal commitment to quality public education for all children even as the President said, "No!"

That we must maintain significant federal aid to local school districts even as the President said, "No!"

That we need a Department of Education to lead and husband the nation's efforts to develop its human resources even as the President said, "No!"

That we need a fair system of taxes which allows the nation to do these and other things necessary for the wise and humane distribution of our productivity among the people. I argued this even as the President said, "No!"

These efforts must go on; but, my friends, they no longer dispel my fear and apprehension about even greater things.

Do you remember Hamlet? Early on in the play young Laertes prepares to depart Denmark for France. About to enter the boat he kneels at water's edge to receive a blessing from Polonius, his father. Father advises son on friendship, temperance, fidelity, charity, thrift and other elements of life. He concludes with

This above all: To thine own self be true; and it must follow, as night the day, Thou canst not then be false to any man.

Here among my friends today I must to mine own self be true. I cannot let today after today pass and risk that I, like Walt Whitman a century ago, will have to say;

I sit and look out upon all the sorrows of the world, and upon all oppression and shame,

I hear secret convulsive sobs from young men at anguish with themselves. . . .

I see the workings of battle, pestilence, tyranny. I see martyrs and prisoners.

I observe the slights and degradations cast by arrogant persons upon laborers, the poor, and upon negroes and the like;

All these—all the meanness and agony without end—I sitting look out upon.

See, hear, and am silent. I see; I hear; but I will not be silent.

I am a husband and father. I am a teacher. I am a Godfearing American. From beneath each hat I speak my woe for a government (Republican President, Republican Senate, but Democratic House) which forsakes the downtrodden and the disenfranchised and gouges the laborers to enhance the comfort of the comfortable and to enhance the most expensive war machine in the history of the world.

I who have delivered hundreds of speeches struggle desperately to find words to express the feelings that boil within me. We have enacted into law the largest tax cut in history and delivered extraordinary financial windfalls to wealthy individuals and powerful corporations only to hear the perpetrators tell us that we cannot afford to provide proper schools for our children; higher education for our graduates; safety enforcement for our workers; income assistance or job training for the unemployed; food, medicine, or legal aid for the indigent.

A recent study by the Treasury Department discloses that we have exempted major industries such as automobile, transportation and mining from any tax whatsoever on their income from new investments—indeed they will receive what amounts to a tax subsidy to use against income from past investments—while we debate whether we can afford to sustain the Social Security System and debate another $8 billion dollar cut in child benefit programs.

In spite of soaring interest rates which inflate the price of all goods and services, the President proposes a budget with a $90 to $100 billion dollar deficit so as to finance a $1.5 trillion dollar five-year military program and a $240 billion military budget in fiscal year 1983. This is more than $1,000 per American. This is crazy, and I must ask, "What are we becoming?" "What kind of a people are we?"

If you've not recently read the Constitution of the United States of America you should do so. For all of its flaws, like the absence of ERA, It is a magnificent document. It begins with—

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

This is the proclamation of a peace-loving people, not a militaristic people and the Constitution which follows does not establish a militaristic government. Yet today we feed a military machine which threatens to consume entirely our will and capacity to establish justice, insure tranquility, promote the general welfare and secure the blessings of liberty. Moreover it may indeed provide more common jeopardy than defense.

The United Nations Study on Nuclear Weapons, 1980, opens with the observation that—

It is obvious that the nuclear-weapons arsenals existing today are many times larger than what the super powers would need for a credible deterrence. Furthermore, their technological development makes it increasingly difficult to maintain the so-called balance of terror, and risks that it will get out of hand are growing. Particularly serious is the continued talk of military planners in various quarters about using nuclear weapons in the same way as other weapons, and the idea that a nuclear war can be fought and won.

My friends, the contemporary scene warrants such dire observations. Indeed it is affirmed by George Kennan, former ambassador to the USSR, former ambassador to Yugoslavia, distinguished professor at Princeton University, and recipient of the 1981 Einstein Peace Prize. He speaks of an arms race which is ". . . taking possession of men's imagination and behavior, becoming a force in its own right, detaching itself from the political differences which originally inspired it, and then leading both parties, invariably and inexorably, to the war they no longer know how to avoid." Indeed, it seems to me, that even the much touted SALT discussions have been so manipulated by Soviet and American politicians that they are no longer a means of escape but rather one more front in the mindless battle for military superiority.

Too many Americans have succumbed to the macho slogan, "better dead than red" and I have seen my Russian brothers and sisters propagandized with the equivalent: Better a dead white hue than red, white, and blue. They are equally foolish.

I want to live. I want to live in peace. I want to live with hope. I want to secure the blessings of liberty for my posterity—my beloved children and your children. Nuclear holocaust does not relate to a single one of my personal aspirations yet I am taxed and taxed to sustain its grisly probability.

Have you ever considered that there is no record in the whole of human history of the invention of an effective weapon that was not eventually used. As you ponder that simple historical fact please consider as well that there are now 40,000 to 50,000 nuclear weapons in the world and their explosive power exceeds one million Hiroshima bombs. Add to that the technical reality that any one of these weapons can annihilate the larger part of any major city in the world. Clearly, the explosion of a small fraction of the world's arsenal would mean that civilization as we know it will cease to be.

Yet as experts and common citizens alike see this as an increasingly probable event we continue with business as usual: We set it aside to watch the Superbowl, to check our papers or to write our reports.

The President of the United States knows that military spending increases inflation, decreases productivity, yields fewer jobs than domestic spending, raises the costs of consumer goods and services, depletes the resources for filling basic human needs and delays prosperity for the poor in wealthy societies. And still he proposes unprecedented and, I believe, unwise military expansionism. Thus, he clearly poses the question, "What kind of a nation are we to be?"

We are a government "of the people, by the people, and for the people." It is, therefore, necessary for the people to speak. I this day declare myself: I believe that the imposition of a self-serving Pax Americana on the people of the world through force of arms and military intimidation is impossible, and the persistent effort to do so does not promote the national security of our country or its people.

Each year that I have lived, I have seen more evidence that this is so. Neither money nor arms made in America could preserve Lon Nol, Thieu, Batista, Somoza, Pahlevi, or others who served the American economy but deprived and oppressed their people. Yet today, with the price being an inestimable loss of moral authority among the world's people, we replicate the sins of the past and show a military rather than a caring face to the people of El Salvador and virtually assure a Sandinista-like hostility toward the people of the U.S.

The United States has provided the Salvadoran government with $81 million in military aid this year to shore up an army which apparently is beyond the control of its government, sent military advisors to El Salvador, and is training Salvadoran troops in North Carolina and Georgia. Moreover, there are credible allegations that our government is thinking of covert action and paramilitary operations in El Salvador.

How then do we sustain the force of moral credibility as our President chastizes the Sandinista for their "continued involvement" in Salvadoran affairs; or, more importantly, as we confront the Soviets over their unconscionable intimidation of the Polish people?

How do we, after using the past two decades to spend more money on military capacity than any people on earth, justifiably urge military restraint on the Soviets, the Nicaraguans, the Israelis, or any other nation on earth?

How do we, the world's leading arms merchant with 47 percent of the $20 billion-dollar-a-year business, find a moral stage from which to reprimand the French, the Chinese, or the Russians for their paltry portions of the trade?

How do we consider that our extraordinary intellectual capacity and technical ability has led the world in the development of weaponry for fifty years and yet we are more vulnerable to annihilation than ever before and still believe that more of the same will create meaningful "national security?"

My friends, it is time that we, the NEA's activists for human rights, turn our attention to the most fundamental of human rights: the protection of our right as human beings to live safely and freely without persistent fear that governments, by decision or accident, will end civilized life on our marvelous planet.

The budget which our President has placed before the Congress of the United States is a moral outrage, not only because:

It is based on an inequitable revenue system;

It is oblivious to the needs of millions of people;

It retreats from fulfilling the fundamental purposes and promises of our nation;

It presents deficits which will impair economic development; and

It treats our basic causes of education and civil rights most harshly.

But even more important it is outrageous because it commits a peace-loving people to the acceleration of a bizarre adventure in militarism as the means of national security. In 1982 we are told that we, like the followers of Orwell's Big Brother, will, in 1984, accept the delusion that "War is Peace." It will not be so for me.

I am a teacher who sees beauty in each person.

I am a teacher striving for one family of humankind.

I am a teacher craving liberty and freedom for all people.

I am a teacher encouraging love, compassion, and understanding between people and nations.

I am a teacher struggling to resolve hatred among people.

I am a teacher repulsed by the oppression of the body, the mind and the spirit.

I am a teacher angered by the exploitation of the weaker among us.

I am a teacher tormented by the futility of war among the brothers and sisters who are the children of God.

I wish that Dr. Martin Luther King were still among us. He spoke so forcefully and clearly about war, about peace and about the strength to love. He looked on ". . . the horrors of two world wars which left battlefields drenched with blood, national debts higher than the mountains of gold, men psychologically deranged and physically handicapped, and nations of widows and orphans," and observed that "Man collectivized in the group, the tribe, the race, and the nation often sinks to levels of barbarity unthinkable even among lower animals."

Were he here he would question the morality of our national course with thunder in his voice because he would see that the increasingly inevitable next war would resemble those he had seen except that there would be no winners and no nations of widows and orphans because they too will be dead.

I and those whom I dearly love may yet be victims of his contemporary madness, but I will resist and press for peace. I will follow no leader who does not speak honestly and reasonably of peace. It's my solemn conviction that our NEA would perform its greatest service for its members, their students, their country and their common family of humankind were it to do likewise.●

THE RULES OF PROCEDURE OF THE BANKING COMMITTEE

● **Mr. GARN.** Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the "Rules of Procedure of the Senate Committee on Banking, Housing, and Urban Affairs" to be published in the CONGRESSIONAL RECORD.

There have been no changes to the rules since they were adopted by the committee on February 4, 1981, nor have there been any requests for rule changes. Typically, the committee's rules are published at the beginning of each Congress and need no revisions during each 2-year period. The rules follow:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, February 4, 1981)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate or the full Committee has specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the ranking minority member of the Committee.

(e) *Prior notice of mark-up sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session at least 48 hours prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless twenty written copies of such amendment have been delivered to the office of the Committee at or before 2:00 p.m. on the business day prior to the meeting. This subsection may be waived by a majority of the Members of the Committee or Subcommittee voting. This subsection shall apply only when at least 48 hours written notice of a session to mark up a measure is required to be given under subsection (3) of this rule.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Committee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the ranking minority member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the ranking minority member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular, additional, or special meeting of the Subcommittee, the ranking member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee are actually present. Any absent member of a Subcommittee may affirmatively request that his vote to recommend a measure or matter to the Committee or his vote on any such other matter on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (before noon, 24 hours preceding his appearance) 75 copies of his statement to the Committee or Subcommittee. In the event that the witness fails to file a written statement in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his views to the Committee or Subcommittee. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Fifteen-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 15 minutes duration. This period may be extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the ranking minority member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and ranking minority member of the Committee or by a majority vote of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 10 minutes duration, except that if a member is unable to finish his questioning in the 10-minute period, he may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 10 minutes until all members have been given the opportunity of questioning the witness for a second time. This 10-minute time period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than a report on a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of a Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him during such public or executive hearing on the dais. If a member desires a second staff person to accompany him on the dais he must make a request to the Chairman for that purpose.●

HANDS OFF U.S. MONEY POLICY

● Mr. JEPSEN. Mr. President, recently a number of foreign leaders, particularly West German Chancellor Schmidt, have criticized U.S. monetary policy for keeping international interest rates high. The implication is that the Federal Reserve should increase money growth in order to lower interest rates. However, as a recent article by Samuel Brittan points out, this is unlikely to reduce interest rates in the United States or elsewhere, because the level of interest rates is primarily a function of inflation rates. This is why Japan has a prime rate of 6 percent; Switzerland, 8 percent; Germany, 13 percent; the United States, 17 percent; and Italy, 22 percent. If any nation wants to lower interest rates, all it has to do is reduce its inflation rate, and this requires slow money growth. I ask that the article be printed in the RECORD.

The article follows:

[From the Financial Times, Feb. 22, 1982]

HANDS OFF U.S. MONEY POLICY

(By Samuel Brittan)

There is something unhealthy about the European attitude to U.S. interest rates and monetary policy.

A plausible case can be made out for the ostensible on-the-surface attitude. The U.S. budget deficit—not merely for this year, or next, but stretching as far ahead as can be seen well beyond the present recession—is too large. The result is an excessive strain on interest rates on both sides of the Atlantic.

Presented in this way, it is not a criticism of the Fed, but a reinforcement for it in its campaign for more responsible fiscal policy. President Ronald Reagan will not tremble in his boots when U.S. budget deficits are denounced by Sir Geoffrey Howe in the House of Commons or when the Belgian Prime Minister M. Wilfried Martens protests about it in the White House. But no doubt every little pressure reinforces those in the Administration and in Congress who are in any case unhappy with events.

So far so good. But there is a further half-expressed sentiment in the background. This is that even if the U.S. budget deficit cannot be reduced by the large amounts required, U.S. interest rates should still be cut, even if that means soft-pedalling the Fed's stand against inflation.

Some Europeans almost appear to be saying: "Please reduce interest rates at all costs and stockpile our currencies, and meanwhile don't forget that General Jaruzelski makes the trains run on time." But sticking to the monetary point alone, it would be disastrous if Mr. Volcker were to give an inch.

There is no way by which the Fed can control both interest rates and the monetary supply. By abandoning or disregarding its monetary objectives it might secure some temporary alleviation—but at the expense of more rapid inflation and still higher interest rates in a year or two. This is the mistake that the Fed, like many other central banks, has made on most previous recessions—one hopes that the Bank of England is not making it now.

A re-acceleration of U.S. inflation would not be in the interest of the rest of the world. The dollar is still by far the most important international currency and renewed uncertainty about its future value could only create more disturbance—for interest rates as much as for anything else.

Nor would foreign currency intervention provide a satisfactory alternative. Such intervention at most buys time: and if the underlying forces do not change, European interest rates and exchange rates will have to move all the more sharply in the end—as Sir Harold Wilson can testify from his efforts to hold the $2.40 sterling parity.

There is already more than enough domestic pressure on the Fed to relax its monetary stance without the Europeans adding any more. The Administration, for all its monetarist talk, has asked the Fed to go to the top third of its target monetary growth range—which nullifies the whole idea of having a range.

The Fed has already gone as far as it should be basing its 1982 target growth range of 2½ to 5½ percent on where the money supply should have reached last year and ignoring the undershoot which did occur.

It is in any case untrue that world interest rates are rigidly tied to U.S. ones. Prime lending rates vary from less than 6 percent in Japan to 8 percent in Switzerland, 13 percent in Germany to 14-14½ percent in Britain and France, 17 percent in the U.S. and over 22 percent in Italy.

There are obviously factors at work other than inflation differentials; but they have a key role. Any European country can have a lower interest rate than at present, without depreciating against the dollar, if the markets come to believe that it has moved on to a less inflationary course.

Politicians deceive themselves if they suppose that the worldwide shift from negative to positive real interest rates is mainly the result of central bank policy. It reflects much deeper forces such as an increase in the demand for capital. European statesmen would do more for world harmony and prosperity by putting their own houses in order than by reading lectures to Washington.●

NUCLEAR WASTE POLICY IN THE UNITED KINGDOM

● Mr. JOHNSTON. Mr. President, title V of the version of S. 1662, the National Nuclear Waste Policy Act, reported by the Committee on Energy and Natural Resources on October 21 of last year directs the Secretary of Energy to submit to Congress a detailed proposal for a system of facilities for the long-term isolation of nuclear waste in a manner which permits continuous monitoring and ready retrieval of the waste. I believe that the monitored retrievable storage (MRS) concept of nuclear waste isolation is worth serious consideration by the Congress and the administration. Therefore, I strongly support the provisions of title V.

The MRS concept has assumed an integral role in the nuclear waste management policy of the United Kingdom. In a statement on high level radioactive waste management made last December, the Secretary of State for the Environment noted that:

> The longer such waste is stored, the more safely it could be eventually buried because there would be less heat to dissipate.

Because of this—

> serious consideration should be given to the desirability of storing high-level waste at the surface in solid form for a period of 50 years and possibly much longer. At the end of that period a decision would be needed whether to continue to store it, or to bury it deep underground, or to use one of the other methods (emplacement on or under the ocean bed) currently under investigation.

Chapter 5 of the "Second Annual Report of the Radioactive Waste Management Advisory Committee" made in May 1981 to the Secretary of State for Environment discusses the storage and disposal of solidified high-level nuclear wastes in more detail and sets forth the rationale for an MRS approach.

> In view of the importance of satisfactory management of radioactive waste, it would clearly be wrong to take a decision (on permanent disposal) before much more information has been obtained. Even when such information is available, it may not be right to take irreversible steps immediately. It may be better to leave future generations the flexibility of deciding how and when to dispose of the solidified waste, having ourselves carried out the research and development to provide them with information on the technical options. For, while it is important to gather all the necessary information to select the preferred approach, the timescales involved mean that there is adequate time for a thorough assessment of the options to be made during the considerable period of storage which is necessary. Storage can be engineered using currently available technology, and studies should be vigorously pursued to determine how long such storage can be safely continued.

Mr. President, in order that my colleagues have an opportunity to review this very interesting and provocative analysis of the direction being taken in the United Kingdom, I ask that the text of the statement of the Secretary of State for Environment and the full chapter 5 entitled "Storage and Disposal of Solidified High-Level Wastes" referred to above be printed in the RECORD.

The statement follows:

RESEARCH INTO THE DISPOSAL OF HIGH-LEVEL WASTES

House of Commons: Mr. Michael Spicer (South Worcestershire): Rose to ask the Secretary of State for the environment, whether he has reviewed the research programme into the long-term options for disposing of high-level radioactive waste: and if he will make a statement.

Mr. Tom King: The Government has been reviewing the research programme and this review has highlighted the fact that, the longer such waste is stored, the more safely it could be eventually buried because there would then be less heat to dissipate. For this reason, the Radioactive Waste Management Advisory Committee recommended in their second report published earlier this year, that serious consideration should be given to the desirability of storing high-level waste at the surface in solid form for a period of 50 years and possibly much longer. At the end of that period a decision would be needed whether to continue to store it, or to bury it deep underground, or to use one of the other methods (emplacement on or under the ocean bed) currently under investigation.

The Government has now reviewed the geological element in the research programme for high-level waste in the light of that advice and the conclusions already reached about general feasibility.

The Government has been keeping under review the options for high-level waste, and in particular has been reviewing the progress in other countries as well. The considerable level of research work already completed relates in particular to the factors involved in the emplacement of high-level waste deep underground. The government's objective has been to establish in principle the feasibility of that potential method of disposal, and now believes that in the light of its review of progress of work overseas that this in now established in principle, and nothing has emerged to indicate that it would be unacceptable.

They have decided that this part of the programme should now be reoriented to confirming the applicability to the UK of the findings from research in other countries. For the time being this will be done by means of desk studies, laboratory work, and the use of data already available. Exploratory drilling will not be needed for this purpose. The Government will look to the Radioactive Waste Management Advisory Committee for advice on the interpretation and implications of work carried out in other countries, as well as on other aspects.

Appropriate provision will be made for the surface storage of vitrified waste. In view of the lengthened time-scales and the plans to construct disposal facilities in other countries, it is not now intended to construct a demonstration facility for underground disposal in the UK. Instead the UK will follow closely studies involving underground facilities in Sweden, Canada, and the USA for granite, in Belgium for clay, and in the USA and Germany for salt.

The reorientation of the research programme does not mean that further geological fieldwork would not be useful, and indeed possibly necessary for decisions that may have to be taken at some future date or if any unexpected difficulty became apparent over storage, but it does not have any present priority. The immediate effect of this decision is that the appeals for planning permission for drilling in the Cheviots will be dismissed, and the other pending appeals and planning applications will be withdrawn.

It will now be possible to concentrate the full priority on the continuing research and implementation in ensuring the safe and acceptable storage of wastes. At the same time priority will be given to making progress towards the early disposal of those wastes with a lower level of radioactivity for which there is no technical advantage in delaying disposal. Research will also continue into the feasibility of the ocean disposal options for high-level waste, which have not yet been established. A white paper will be published in due course to set out in more detail the current priorities as we see them.

SECRETARY OF STATE FOR SCOTLAND'S STATEMENT

In the light of the reorientation of the geological research programme for heat generating wastes referred to in the reply given today by my Rt. Hon. Friend, Minister for local government and environmental services, and the decision that exploratory drilling will not be needed for this purpose for the time being. I am dismissing the appeal and refusing planning permission. My decision will be issued shortly.

Wednesday 16, December 1981.

STORAGE AND DISPOSAL OF SOLIDIFIED HIGH-LEVEL WASTES

5.1 In our First Report, we discussed the work being carried out on means of dealing with the high-level radioactive waste which is left from the nuclear fuel cycle when spent fuel from nuclear reactors has been reprocessed to separate out uranium and plutonium for reuse. This waste is an intensely radioactive, heat-generating liquid, and has been safely stored in this form in water-cooled tanks since the early 1950s at Windscale and since the early 1960s at Dounreay. It is, however, planned to vitrify it in order to make it more manageable and reduce any risk of the leakage of radioactivity to the environment, although future arisings will probably still have to be stored in liquid form for some years, in order to allow the shorter-lived radionuclides to decay, and thus some of the heat generation to diminish, before the waste is vitrified. The vitrified blocks will need further storage (see para 5.4 below) while significant amounts of heat still being generated can be removed. Once the rate of heat generation by the waste blocks has fallen sufficiently, they can, in principle, be disposed of deep underground, on the deep ocean bed, or under the sea bed, or they can be retained in long-term storage. The necessary research is now being carried out to compare the relative advantages of the different options.

5.2 Storage of high-level waste for considerable lengths of time is already known to be practicable and in a vitrified form would require far less supervision than in liquid form. An example of a store for vitrified waste is that currently in use by the French at Marcoule. This employs forced air-cooling, and is technically far simpler than the elaborate water-cooled storage used at present.

5.3 How long waste should continue to be stored in this final stage, and when it should be disposed of, will be matters essentially for political determination, taking account of the results of research currently being carried out. The Committee nevertheless considers it important to give thorough preliminary consideration to all the different factors which will have to be taken into account.

5.4 The initial period of storage need only extend for a few years after fuel has been discharged from the reactor in order to gain considerable advantages from the fall in radioactivity and heat output. The duration of the subsequent period of storage in vitrified form depends on a number of factors, the most important of which is the eventual method of disposal to be adopted: a shorter period may be required if the waste is disposed of on the deep ocean bed than if it is buried below the sea bed or the land surface. The effects of heat-generating waste on the medium in which it might be buried are still under investigation.

5.5 Whether or not the waste continues to be stored after the period in which artificial cooling is required, or whether it is then disposed of, will depend no doubt in part on considerations of cost but also on judgments about such matters as the extent to which it is right to deal with problems in the present, as distinct from relying upon their future resolution. In para 390 of its Sixth Report, on Nuclear Power and the Environment, the Royal Commission on Environmental Pollution (RCEP) summed up its views on the balance of argument as follows:

To some, the concept of irretrievable disposal as compared with indefinite storage may smack of irresponsibility because it implies loss of control. On the other hand, any storage system implies some degree of maintenance and could be regarded as an imposition on our descendants who would have received no direct benefit from the power generated in reactors that produced the wastes. In addition, the storage of such immense quantities of radioactivity presents dangers from accidents or from malfactors or act of war. Engineered surface storage facilities might also be vulnerable to major climatic changes. They may serve adequately for a limited time, but they may also by their mere existence divert attention from the need for a permanent and final resting place for the wastes. Just as the existing system, whereby the wastes are stored in high-integrity stainless steel tanks with elaborate arrangements for cooling, is satisfactory enough at the moment but recognized as in no sense a final solution, so a system of engineered storage would face a similar charge.

5.6 In our First Report, we expressed our agreement with the Royal Commission's view that storage was not a substitute for disposal, although it was a necessary part of waste management. However, we think serious consideration should be given to the possibility that containment in an engineered storage system might be the best way to deal with solidified high-level wastes for decades or even centuries. It is important here to define the terms "storage" and "disposal" with precision. They were usefully distinguished in the Governments' White Paper, Nuclear Power and the Environment (Cmnd 6820):

Disposal was defined as: "dispersal of radioactive waste into an environmental medium or emplacement in a facility, either engineered or natural, with the intention of taking no further action apart from necessary monitoring";

Storage was defined as: "emplacement in a facility, either engineered or natural, with the intention of taking further action at a later time, and in such a way and location that such action is expected to be feasible. The action may involve retrieval, treatment in situ, or a declaration that further action is no longer needed, and storage has thus become disposal".

The possibility of adopting this last option was mentioned in para 2.8 of our First Report, where we said that: "Storage is in fact an essential part of the management of high-level wastes and we would not, for example, at this stage rule out the possibility of storing high-level wastes on or near the land surface for very many years. This would facilitate eventual disposal or might even be done in such a manner as to enable the necessary steps eventually to be taken for the storage to become disposal should, at that time, such action be deemed acceptable."

5.7 The Committee has made a qualitative assessment of the different factors involved in choosing between the options of storage, disposal, and a combination of the two. The contrasting advantages and disadvantages of the three options are set out in the table which forms that annex to this chapter. At this stage, a combination of storage followed by disposal would seem to be the best procedure; although the question still remains at what stage the transition from storage to disposal should take place, even if only in the sense of the point in time at which surveillance and arrangements for a degree of artificial cooling will be terminated without the physical removal of the waste. There are a number of factors to be considered, but our present view is that the transition is unlikely to take place until at least 50 years after the wastes have been vitrified, assuming vitrification itself will take place at least five years after removal of the fuel from the reactor. A more precise estimate cannot be made until further studies enable the main factors to be quantified, and this will in itself clarify the choice between the options. One important factor in determining this timescale is the concentration of the waste in the glass in terms of its activity when vitrification takes place. The lower the activity per unit volume, the shorter the cooling time required, but the greater the volume of waste to be disposed of.

5.8 The sooner the waste is disposed of, the smaller the responsibility placed on future generations. Unless very early disposal becomes the chosen option (and this is not a choice we favour at the moment), it is inevitable that our descendants will have to some extent to deal with nuclear waste from current power programmes. So long as waste requires supervision—a consideration which applies to storage/disposal as well as to long-term storage but to a lesser extent—the continuance of social institutions has to be assumed. However, as the RCEP itself said in respect of the general problem of radioactive waste (Sixth Report, para 179):

> Some continuity must be assumed in human affairs and institutions and in the ability of future generations to maintain the necessary containment. To suppose otherwise is to postulate breakdown in our society and our institutions, and thus conditions in which the hazards from radioactive wastes could well appear to be one of the less dire problems facing mankind.

5.9 In view of the importance of satisfactory management of radioactive waste, it would clearly be wrong to take a decision before much more information has been obtained. Even when such information is available, it may not be right to take irreversible steps immediately. It may be better to leave to future generations the flexibility of deciding how and when to dispose of the solidified waste, having ourselves carried out the research and development to provide them with information on the technical options. For, while it is important to gather all the necessary information to select the preferred approach, the timescales involved mean that there is adequate time for a thorough assessment of the options to be made during the considerable period of storage which is necessary. Storage can be engineered using currently available technology, and studies should be vigorously pursued to determine how long such storage can be safely continued

5.10 To sum up, technology already exists to enable waste to be solidified and stored for an unlimited period of time, and if constructed underground at a site meeting appropriate criteria, such a store could eventually become a disposal site (see para 5.6). The ability to store for long periods means that there is no immediate requirement to select a disposal route. We are presently concerned with optimisation of waste storage and disposal. Further research is still needed in order to ascertain the disposal route which is best from the point of view of safety, economy and public acceptability.●

THE CONTINUING THREAT OF TOXIC CHEMICAL WASTES

● Mr. **WILLIAMS.** Mr. President, I am highly concerned by accounts in yesterday's newspapers which indicate that the Environmental Protection Agency intends to relax existing regulations governing the disposal of toxic chemical wastes. This announcement follows an earlier reported proposal by the EPA that it will seek the "voluntary" cleanup of existing waste sites throughout the country rather than undertake remedial actions as prescribed in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

In light of the President's proposed budget for the EPA, it becomes painfully evident that this administration does not share congressional concern for the problem of hazardous waste as expressed less than 2 years ago in the passage of the Superfund bill. We can ill afford to ignore this serious problem if we have any concern for the health and well-being of our Nation's citizens and the integrity of our environment. Yet, the administration seems set on a course which places hazardous waste on an extremely low priority.

The proposed reversal of current policy that bans the burrying of drums of hazardous liquids is an affront to the interests of every citizen. The dangers associated with such disposal techniques are well documented in numerous cases of infamous chemical leaks.

One of the greatest threats posed by liquid chemical wastes, the contamination of our Nation's ground water supplies, is clearly illustrated in an article in the March 1928 issue of Discover. The article details the increasing threat to the water supply of Atlantic City, N.J. Atlantic City is undergoing an economic renaissance with renewed population growth and, therefore, is placing ever increasing demands on its water supply. The leaching of toxic chemicals into the Cohansey Aquifer, one of New Jersey's largest and virtually untapped sources of potable water, has already resulted in the contamination of several individual wells and will likely poison the entire supply of Atlantic City if remedial action is not forthcoming. The local municipal utilities authority, while undertaking commendable work, is incapable of developing a solution to this problem without Federal assistance.

This is but one example of the dangers New Jersey and the country face. The Congress has enacted a modest response to help mitigate these dangers and it is now up to the administration to implement this law in an expeditious and conscientious manner.

Mr. President, I ask that the Discover article and an article that appeared in the March 1 New York Times be printed in the RECORD.

The articles are as follows:

TROUBLED WATERS IN ATLANTIC CITY

For countless families in the eastern United States during the early decades of this century, there was no place like Atlantic City, the romantic summer resort on the New Jersey shore. The Boardwalk, the carrousels and the roller coasters, the staid hotels and the gleaming beach drew vacationers by the thousands. Even firsttime visitors found themselves on familiar ground: Atlantic City's streets and institutions had lent their names to that now legendary board game, Monopoly. Here was Park Place; there was Tennessee Avenue. Here was romance. Atlantic City was hot stuff.

But after World War II the town began to go seedy, as more and more tourists chose other vacation spots—or stayed at home and played Monopoly. Then, in 1978, Atlantic City once again came to life, with neon lights and flashy casino hotels marking it as the only gambling town in the East. Last year alone, more than 18 million visitors piled into town, squandering $1 billion before departing. The good life, it seemed, had returned.

Now, just as Atlantic City regains its sparkle, it is facing one of the worst environmental messes in America. An enormous slug of toxic chemicals, dumped into the ground ten years ago, is oozing toward the municipal wells, which provide half the city's water. If nothing is done to stop the spread, the chemicals may contaminate the water supply by the time the tourist season starts this summer. Before then, Atlantic City must have a new water supply or a reliable treatment system. The Environmental Protection Agency has promised to help but has not decided how. Time is running out.

The story is depressingly familiar. Chemical contamination of ground water, the source of drinking water for half the nation, has become America's most urgent environmental problem. During the past decade, contamination has forced the closing of hundreds of private and community wells around the country. Mining, pesticides used in farming, and road de-icing salts all contribute, but some of the worst cases have been caused by the dumping of chemical wastes, which, when mixed or dissolved in rain water, are carried down to the water table. This water flows along slowly within the earth, usually toward streams and rivers, carrying contaminants with it. Consequently, paint thinner poured into a dump and long forgotten may turn up years later in a well half a mile away.

These dangerous chemical legacies will probably threaten communities for years to come. The EPA has estimated that 55,000 active or abandoned dumps contain hazardous wastes, and that more than 54 million metric tons of such wastes are produced each year. Thousands of ponds and lagoons containing chemicals pose another threat to drinking water.

Recognizing the problem, in 1980 Congress levied a tax on the chemical industry to create a $1.6 billion "superfund" for cleaning up dumps. Last October the EPA issued a "hit list" of the 114 worst sites. Price's Pit, the dump that threatens Atlantic City, was in the top ten.

The pit is a harmless-looking 22-acre dump six miles northwest of the city. In 1971 Charles Price, its owner, began accepting shipments of chemical wastes. Some customers left drums to be buried; others drained the contents of tank trucks onto the bare earth. By the time the dumping was halted, a year and a half later, more than 9 million gallons of chemicals had been poured into the pit.

Soon those chemicals began heading for Atlantic City's wells. The sandy, sievelike earth near the pit allowed the chemicals to percolate down into a water-laden sand formation called the Cohansey Aquifer. From there the pollutants seeped eastward with the ground water, at the rate of about seven inches a day, or half a mile in ten years. The nearest Atlantic City municipal well—Number 13—was just 3,400 feet away.

By 1981 the contents of Price's Pit had disrupted the lives of 35 families living a few miles west of Atlantic City, in Egg Harbor Township. The 35 affected houses all have private wells, some of which became contaminated with benzene, arsenic, and other chemicals that can cause cancer and damage the kidneys, the liver, and the nervous system. Because the chemicals were spreading underground and the wells could not be tested every day, the local health department warned all 35 families that their water might be harmful. Most took the warning seriously. In one house, a hand-lettered sign, complete with a skull and cross-bones, is taped above the kitchen sink for the benefit of visitors: Don't drink the water. Poison. Chemicals. Some families do not use the tap water even for bathing or washing dishes or laundry. Fearful of eating vegetables irrigated with polluted water, many have abandoned their gardens. Tank trucks containing fresh water cruise the neighborhood three days a week, refilling the 15-gallon containers recently supplied to householders by the township.

To Melvin and Dorothy Johnson, who, with their eleven children, lived nearest the dump, it came as no surprise that the well contained what one health official called "off the wall" levels of chemicals. For several years the water had smelled so foul that no one could drink it. It blackened pots, turned the laundry yellow, and at times fizzed like soda pop. In 1977 doctors removed one of Melvin Johnson's kidneys, and last July he died of cancer. No one really knows whether the contaminated water was responsible for Johnson's cancer, but his death has frightened the community. So has the illness of James Garrett, 62, who lives across the street from the Johnsons and whose well has also shown high levels of pollutants. Garrett has been stricken by a form of epilepsy known to occur when the nervous system is damaged by chemicals.

At least for now, the crisis is ending for these families. New Jersey authorities has ordered pipelines extended to their neighborhood to connect them with a different water supply. But the new water will come from the Atlantic City system—which is next in the path of the chemical plume from Price's Pit.

The danger signs are already apparent. Well Number 13 has shown traces of contamination. It has been shut down, along with six others that are closest to the contaminated zone. The five wells remaining in use supply only 50 percent of the city's water; wells formerly provided 90 percent. The other half now comes from a reservoir and requires more treatment than well water requires. Come summer and the vacationers, the city's demand for water, which is now 11 million gallons a day, may rise as high as 18 million. Three of the closed wells will have to be opened again. Furthermore, the vigorous summertime pumping will only hasten the advance of the plume from Price's Pit toward the field of wells.

Atlantic City's twelve usable wells lie along a curving two-mile line that runs east and northeast of the pit. Ten wells draw water from the Cohansey Aquifer, which consists of two sand layers, one atop the other, divided by a band of clay. Chemicals take a long time to pass through clay, so the wells sunk to the lower Cohansey layer may still be safe—unless there are gaps in the clay. The two remaining wells are in the deeper Kirkwood Aquifer, considered safe because it lies beneath 400 feet of clay.

The man in charge of keeping Atlantic City's water clean is Neil Goldfine, 33, head of the Municipal Utilities Authority. Last spring Goldfine hired a team of groundwater experts to study Price's Pit, estimate the shape, course, composition, and speed of the chemical plume, and recommend a plan of action. The scientists drilled about two dozen test wells around the pit, analyzed the water, and fed that information and the pumping records for each municipal well into a computer, which created an approximate map of the plume. Concluding that the plume was encroaching on the municipal well field, the team recommended that new wells be drilled elsewhere, at a cost of $6.5 million. Meanwhile, as a protective measure, Goldfine has installed an activated carbon filtration system designed to remove contaminant molecules from the water.

Although the city's water has remained pure, Goldfine is anxious to start drilling those new wells. Nonetheless, hoping that the EPA will pay part of the bill, he has decided to wait. But the EPA announced in late December that it would spend several months and half a million dollars on its own study of Price's Pit, and that it would also monitor Atlantic City's water quality. The agency set aside $1 million more for activated carbon in case additional filtering became necessary before a long-term solution could be found. The EPA claims that there are alternatives to drilling new wells. Most involve carbon filtration combined with various measures to reduce the amount of pollution that reaches the wells: pumping the contaminated water out of the earth, trapping the plume behind a barrier sunk deep in the ground, or covering the dump with a waterproof cap of clay or plastic to keep rainfall from transporting more contaminants into the ground water.

Some of these remedies are not practical, according to James Geraghty, president of Geraghty and Miller, a national groundwater consulting firm. "I see communities all over the country going through this same painful process of trying to decide what to do," he says. "Unfortunately, they reinvent the wheel much of the time, instead of learning from each other." In other words, each community spends several hundred thousand dollars on a study, which rewells.

High costs usually rule out any other jemedies. Atlantic City now spends $100,000 a year on activated carbon to purify its water; if the water were strongly contaminated, purifying it could, according to Goldfine, cost $100,000 a week. Even then, there is no guarantee that the method will remove all contaminants. And because "safe levels" for some of the chemicals in Price's Pit have not even been determined, it seems too risky to leave any chemicals at all in the drinking water.

Pumping out the pollutants could take decades and cost millions. If the chemicals are dispersed through a rich aquifer like the Cohansey, millions upon millions of gallons of water would have to be drawn from the earth and treated. In the long run, the level of contaminants might be reduced, says Geraghty, but they could probably never be brought to zero.

Caps and barriers are more workable remedies, but they, too, have drawbacks. Barriers eventually crumble, or the plume manages to seep underneath. Capping has proved to be a reasonable way to contain a plume only when the site is small enough to cover and the cap is applied early enough to retard the leaching of chemicals into the aquifer.

By a process of elimination, Goldfine has concluded that the solution for Atlantic City must be new wells. He expects the EPA to reach the same conclusion when it completes its study in May.

While local and federal authorities are trying to decide how to handle the contamination problem, the courts are grinding away at the legal issues. The EPA and the Municipal Utilities Authority are suing Charles Price and the present owner of the dump (Price sold it in 1979), as well as 35 waste haulers and chemical companies whose names appeared in Price's records. A group of families in Egg Harbor Township is also suing the same defendants, along with the state of New Jersey, for having failed to stop the dumping sooner. Although there are legal precedents for apportioning responsibility in cases with so many defendants, it may be years before a decision is handed down. The plaintiffs are determined to wait. "My children grew up drinking this water," says Egg Harbor resident Olivia Dorsey. "Will it mean a shortened life span for them?" Referring to the polluters, she adds, "They owe us. They owe us more than they can ever pay."

U.S. AGENCY SEEKS EASING OF RULES FOR WASTE DUMPS

(By Philip Shabecoff)

WASHINGTON, FEB. 28.—The Environmental Protection Agency has proposed a reversal of current rules that ban the burying of drums of hazardous liquids at landfills for waste disposal. It wants to permit such sites to fill up to 25 percent of their capacity with barrels of toxic liquids.

The agency also said it was suspending the ban for 90 days while comments on the proposal were heard, permitting any hazardous liquids in barrels to be dumped at the landfills in that period.

In a notice sent to the Federal Register for publication, the agency said it wanted to change the rules because the current prohibition on landfill disposal was unworkable. It also said that the rules barring the burial of barrels containing even minute amounts of liquids could create health hazards by requiring barrels of wastes to be opened to see if they contained any liquid.

A coalition of environmentalists and companies involved in waste disposal said they would file a petition against the suspension on Monday.

ALTERNATIVE DISPOSAL METHODS

Under the Resource Conservation and Recovery Act, interim standards banning such disposal methods for liquid wastes went into effect last October.

Previously, barrels of toxic liquids could be buried at waste disposal landfills. Disintegrating drums of hazardous chemicals that leaked years after burial in landfills were blamed for such health problems as the one at Love Canal in Niagara Falls, N.Y.

The changes proposed in the notice sent to the Federal Register last week are being opposed by an unusual alliance of environmentalists and private companies who have invested in alternative methods of liquid waste disposal, such as incineration. The companies object that the Government wants to change the rules after the companies have invested in the alternatives.

Marvin Durning, an attorney for a new trade group called the Hazardous Waste Treatment Council, whose members are companies engaged in incineration and other disposal alternatives, said the council planned to file a petition Monday in Federal District Court in Washington to block the 90-day lifting of the rules.

The council's draft petition said that the proposed change in standards, as well as having an adverse economic impact on its members, would also pose the threat of "imminent public health and environmental adverse consequences."

Mr. Durning, a former chief of enforcement for the E.P.A., said the group hoped to be joined in its petition by the Environmental Defense Fund, a nonprofit group that deals with environmental hazards, including the issue of toxic waste disposal. Khristine Hall, an attorney for the defense fund, indicated that the group would join the council's effort.

GIANT STEP BACKWARD

"This would be a giant step backward," she said of the proposed change. "They are going to let them put the stuff in the ground with no controls. Those things leak. That's why they were banned in the first place."

She also described the Federal agency's initiatives as "flying in the face of a progressive industry" that was engaged in environmentally preferable means of waste disposal.

In its notice, the E.P.A. acknowledged that waste containers eventually degraded when placed in landfills and that their liquid contents leached into the ground. As the drums collapse and disintegrate, then the landfills themselves can sink, allowing more water to collect and increasing the leaching problem.

The agency also stated that it "strongly believes that the introduction of containerized free liquid wastes into landfills should be miminized to the extent possible, if not prohibited."

EVEN ONE DROP IS BANNED

However, the notice went on: "The agency believes that the current prohibition is too extreme for real-world application. In its literal interpretation, landfill disposal of containerized wastes containing only 'one drop' of free liquid is banned. This would often require extraordinary, high-cost management practices to achieve compliance."

The agency said that the proposed formula for letting 25 percent of the volume of hazardous waste dumps consist of chemicals in drums was derived from a proposal by the Chemical Manufacturers Association, which includes most of the major chemical companies, and the National Solid Waste Management Association, made up of of companies that operate waste disposal facilities.

In its petition requesting a stay of the 90-day suspension of the ban, the Hazardous Waste Treatment Council complained that the agency improperly based its decisions on information from parties that would benefit from the decision. It did not specify those parties but it did say that the suspension violated the Administrative Procedures Act, which requires that advance notice be given and comment taken on proposed regulatory action.

The ban on placing drums of hazardous liquids in landfills is part of the "interim" standards established under the Resource Conservation and Recovery Act. The act was passed in 1976 but the environmental agency has yet to decree final standards governing hazardous waste disposal in landfills.●

SOVIET REPRESSION AND THE CASE OF IDA NUDEL

● **Mr. D'AMATO.** Mr. President, the rapid deterioration of the Madrid Conference on Security and Cooperation in Europe can be directly attributed to the utterly reprehensible attitude of the Soviet delegation in resolutely blocking any progress. The Madrid Conference has slowly ground to a halt in the face of Soviet attempts to brutally suppress all internal dissent. This clear violation of the final act of the Helsinki Accords, an agreement among nations to which the Soviet Union freely signed, has been characterized by the U.S. Ambassador to Madrid, Max Kampelman, as "sheer hypocrisy"; a view to which I wholeheartedly subscribe.

The Soviet Union, in signing the Helsinki Accords, pledged to respect human rights in both internal and external affairs. I am sure that there is no need to point to the imperial character of the Soviet regime. The attempts to extinguish the people of Afghanistan who would oppose the Soviet invasion as well as the brutal crackdown by the military government in Poland all show the true nature of Soviet "hypocrisy."

What should be of equal concern to the people of the world is the internal repression in the Soviet Union that has little or no equal in the world today. The Soviet authorities, from the birth of the Soviet Union in the Revolution of 1917, have kept tight control over the domestic population through a campaign of terror. To control a host of captive nations, Estonia, Latvia, and Lithuania, to name a few, and virtually all of Eastern Europe, the Soviets have employed ruthless and disgusting tactics on an unimaginable scale. Purges and attempts at Russification have devastated various ethnic groups or national movements. If one were to devise some sort of historical tally of those who have died through ruthless oppression, the Soviet Union would be champion par excellence.

I rise today to speak of one particular group that the Soviet regime appears bent on destroying. This one religion has suffered throughout the history of Soviet oppression and it now appears to be worsening. Jews in the Soviet Union have been the victims of an orchestrated plan of genocide. Jewish emigration, 51,000 in 1979, has come to a virtual standstill. Even requesting permission to leave the Soviet Union can be hazardous. Would be emigrees are harassed, detained and often imprisoned on trumped up charges. Even the use of psychiatric facilities as a means of torture and detention is prevelant.

One example of this inhuman and vicious persecution is being released today from exile in Siberia. A Jew, a refusenik, an activist, a reformer and above all a human being fighting the totalitarian nature of the Soviet regime: Ida Nudel has served close to 4 years of internal exile after being convicted of "malicious hooliganism" under article 206/2 of the Soviet Criminal Code.

This conviction came after she repeatedly protested the denial of an exit visa. Her history is one of continual harassment, arrest, torture and deprivation at the hands of the KGB. A true prisoner of conscience, Ida Nudel has had her life virtually destroyed because she refused to give up the hope of one day living in Israel.

To me, this life of constant threats and abuse, of intolerable living conditions, is incomprehensible. I know it to be true, but it is still difficult to conceive. I appeal to all of my colleagues to continue the fight against this true evil. I know that it is difficult to persevere in the face of total silence from the Soviets. Every inquiry to Ambassador Dobrynin has met with silence, and I am sure that this is the norm rather than the exception. Public outcry and congressional pressure, I am confident, will eventually yield results. We cannot let these people be forgotten.

If I may paraphrase someone who heretofore I would not have been philosophically disposed to cite, Susan Sontag, communism is merely another form of fascism, fascism with a human face.●

THE SUPPLY-SIDE GOVERNORS

● **Mr. JEPSEN.** Mr. President, the States, especially large States, make excellent laboratories for testing the soundness of supply-side economics. Comparisons can be made with other States of the factors that cause one State's economy to perform differently from that of a neighboring State. This is particularly true with regard to a State's tax burden.

The Joint Economic Committee heard testimony from five Governors last Wednesday, February 24, and two of them—Governor King of Massachusetts and Governor Carey of New York—gave amazing accounts of the vigorous turnabout in Massachusetts and New York in employment and economic growth as a result of substantial tax cuts in those States. And, despite the cuts in tax rates, State revenues are growing because of dynamic State economies.

Mr. President, I ask to have printed in the record an editorial from today's Wall Street Journal describing the economic successes of Massachusetts and New York as a result of the application of supply-side principles. I hope this helps all of us to be patient and take heart in the ultimate success of the Reagan economic program at the national level.

The editorial follows:

[From the Wall Street Journal, Mar. 2, 1982]

The Supply-Side Governors

Massachusetts Gov. Edward King gave remarkable testimony to the Joint Economic Committee of Congress Wednesday, both for what he said and how he got there. Gov. King, a Democrat, brought word to Washington that supply-side economics is working spectacularly well in the Bay State. But Democrats on the JEC didn't want to hear his message, and it took strong pressure from committee Republicans to bring off the hearings on schedule. Even so, Gov. King's fellow Massachusetts Democrat, Sen. Edward Kennedy, was conspicuously absent.

Sen. Kennedy missed hearing how tax cuts by the governor, the legislature and the popular referendum Proposition 2½ have wonderfully revived the state's growth. Far from hurting from the tax revolt, the Commonwealth is reveling in it. As Massachusetts' state and local tax burden has fallen below the national average, its per capita income has soared. Since 1979, when the tax burden started falling, the state's income level has zoomed from an anemic 1.1 percent above the national average to 8.2 percent. Massachusetts has almost regained the advantage it lost in a decade of uncontrolled spending and taxing.

This growth means that Bay Staters can look for jobs instead of welfare. The state unemployment rate has dropped from a level 25 percent above the nation's to one of the lowest among the industrial states. It has added more than 200,000 jobs in the last four years. And its welfare rolls are down. Even though some cities have spectacular fiscal problems, partly the doing of Prop 2½, the state's coffers are jingling. In spite of the recession, state revenue growth in the first five months of this fiscal year has been the greatest in memory. Personal income tax receipts are up nearly 18 percent. Last year's crisis state budget is heading for a $25 million surplus. Thanks to a serious effort to level off the growth in state spending, Gov. King is projecting a fiscal 1983 surplus of $155 million, half of which he wants to use to eliminate a six-year-old surtax on the state income tax.

Skeptics can rejoin that election year budgets should always be suspect and that tax cuts don't necessarily explain the state's growth. Massachusetts is riding the boom in microcomputers and looks like the main beneficiary of what could be the country's structural economic shift from heavy industry to high technology. Yet the connection between soaring taxes and the state's economic collapse is too well documented to ignore. (Supplyside gurus Arthur Laffer and Charles Kadlec spelled it out in detail in an excellent report last year to the Massachusetts Business Roundtable.) And the high technology leaders themsevles, both in the Mass High Tech Council and the Associated Industries of Massachusetts, have insisted strongly that personal tax cuts were the absolute precondition for the growth of their industry in the state.

JEC members could find confirmation in the example of New York State, although when Gov. Hugh Carey testified in the same hearing, he was much more reticent about the success of tax cuts than he is in Albany. Gov. Carey spent most of his time opposing "Reaganomics" and indexing of the federal income tax, supposing that they reduce the federal revenues available for the states. But Rep. Clarence Brown forced Gov. Carey to allow as how, in New York, he had cut the top state income tax rate by better than 50 percent and watched the unemployment rate fall from well above the national average to a shade below. The main difference between "Careynomics" and "Reaganomics" is that Gov. Carey has gone further in the same direction.

The states make better laboratories for this brand of economics, in some respects, than does the federal government. Since macroeconomic trends affect the states across the board, you can single out other factors, like the state's own tax burden, that make Massachusetts and New York perform differently from all the others, and from the way they used to. Gov. King has a lesson to impart from this experience (and so does Gov. Carey, if he would only be more forthright to the rest of the nation about his real accomplishments). It's a shame that Sen. Kennedy and his like-minded colleagues have been so anxious to keep these examples from entering the national economic debate.●

S. 1018, COASTAL BARRIER RESOURCES ACT

● Mr. CHAFEE. Mr. President, about a year ago, I introduced S. 1018, the Coastal Barrier Resources Act, which will save U.S. taxpayers millions of dollars and, at the same time, protect fragile undeveloped barrier beaches and islands along the Atlantic and Gulf coasts. The central thrust of the bill is to prohibit the Federal Government from providing financial assistance for development on hazardous and unstable undeveloped barriers.

Over the past several months, the Subcommittee on Environmental Pollution, which I chair, has held three exhaustive sets of hearings on the bill, and we plan to mark up the legislation on April 22. Support for the Coastal Barrier Resources Act has come from many quarters. In the Senate, 25 Members have cosponsored the legislation. In the House, where my good friend and colleague Tom Evans of Delaware has introduced similar legislation, there are over 100 cosponsors. Secretary of the Interior James Watt, on behalf of the administration, has also expressed his strong support for this kind of legislation. A combination of environmental groups, coastal organizations, and State and local governments have also testified in favor of the legislation.

Yet, despite this broad base of support, there are those who have charged that this legislation will infringe on private property rights—that the bill represents some form of land-use planning. This is just plain nonsense.

In no way is this legislation a Federal "land grab." The bill does not authorize acquisition of any lands by the Federal Government. Nor is this legislation a land-use planning scheme. It does not tell private landowners what they can or cannot do within the undeveloped areas of the proposed barrier system. Those who own property on undeveloped barriers have the option to build and develop them as they please—at their own financial risk—not at the risk of the U.S. taxpayers.

Mr. President, recently I have come across numerous editorials from around the country supporting S. 1018. So my colleagues may get a better idea of how this legislation is perceived by editorial writers in several coastal States, I ask that these editorials be printed in the Record.

The editorials follow:

[From the Houston Chronicle, Oct. 26, 1981]

No Reason To Subsidize Barrier Island Development

Each year the federal government spends millions in taxpayers' money to subsidize private development of coastal barrier islands. It is about time the Congress took a closer look at this unfair expenditure.

Legislation has been introduced that would prohibit federal subsidies on undeveloped islands along the Atlantic and Gulf coasts. This means no federal aid for road and bridge construction, sewer and water systems and other improvements, and no federally subsidized flood insurance that takes much of the risk out of building in a particularly risky area.

The legislation, sponsored by Sen. John H. Chafee, R-R.I., and Rep. Thomas B. Evans, Jr., R-Del., does not call for federal takeover of the coastal islands, nor does it restrict private development. The government has no business telling landowners how to use their land. However, the legislation would take away the subsidies underwritten by U.S. taxpayers and put the financial responsibility where it belongs—upon those who choose to build on these islands.

The barrier islands are fragile and ever-changing, and they are vulnerable, getting the full force of hurricanes and storms, which means expensive development could quickly be reduced to so much debris that would take thousands of dollars in federally subsidized flood insurance to rebuild. And there is no predicting when another storm will hit and require rebuilding once again—with taxpayers helping foot the bill.

As Interior Secretary James G. Watt said in endorsing the legislation, "Taxpayers should not shoulder the recurring costs and high risks of private development of coastal barriers."

Barrier islands already developed, such as Galveston and Miami Beach, would not be affected by the legislation, nor would developed sections of such islands as Padre Island. Rather, the legislation is directed at those islands that now are mostly beach and sand dunes. Presumably, the legislation coincidentally would result in more of these islands remaining in a closer approximation of their pristine state, providing a buffer against storms for the mainland and offering unspoiled beaches and dunes for the public.

Watt estimates the bill could result in savings to U.S. taxpayers of $5.5 billion to $11 billion in the next 20 years in federal aid for construction on the barrier islands or reconstruction after storms have hit.

The legislation would not halt development of barrier islands still in private ownership; it would merely assure taxpayers that the developers take the risks.

[From Austin, Tex., American-Statesman, Oct. 30, 1981]

Barrier Islands Need Protection

Interior Secretary James Watt, for once, found himself on the side of the environmentalists when he testified last week before the Senate Environment and Public Works Committee.

Watt spoke on behalf of S. 1018, the Coastal Barrier Resources Act, praise be. The bill seeks to cut federal subsidies to the barrier islands off the East and Gulf coasts. The bill makes fiscal and environmental sense.

The barrier islands are those constantly-shifting, low-lying islands near the coasts. Many of them have been developed; a few remain unspoiled. The islands act as protective barriers when hurricane tides hit, and their very nature makes them unsuitable for permanent habitation or development. Nevertheless, the federal government has provided subsidized insurance for structures on the islands, and the government subsidizes water and sewer systems and highways for island developments.

The proposed legislation would do several things, all good. It would establish a Coastal Barrier Resources System consisting of undeveloped barrier islands. It would prohibit new federal expenditures or subsidies within the system. It would maintain expenditures for energy facilities, maintenance of navigation channels, air and water navigation aids, emergency disaster assistance and so on.

The legislation won't prevent the private developers from proceeding with plans on the islands, but they would do so at their own risk, not the taxpayers'.

An environmental treasure will be saved, too. The island areas, so hostile to permanent human occupation, are essential to fish and wildlife and are good places for outdoor recreation.

The bill will save money, lives and protect the environment. When it comes before the Congress next year, it should be overwhelmingly approved.

[From the New Orleans (La.) Times-Picayune, Apr. 30, 1981]

Subsidizing Sand Castles

There is no reason why the nation's taxpayers should subsidize the private development of barrier islands in the Gulf of Mexico and off the Atlantic coast. There are, in fact, good reasons why they should not.

The little islands serve as protective barriers, diluting the impact of hurricane tides on coastal communities. The shifting, eroding sands of the fragile strips are not really suitable for development, and the obvious vulnerability of the islands to hurricanes makes them unfit for prolonged human habitation. The use of taxpayers' money to subsidize their development is an unwise and inappropriate expenditure.

Two Republican legislators, Sen. John Chafee of Rhode Island and Rep. Thomas B. Evans Jr. of Delaware, make these points in support of their bills to eliminate federal subsidies for such high-risk ventures. The proposed legislation could save millions of dollars in federal flood insurance subsidies alone by stopping new flood insurance policies from being issued for undeveloped islands. The bills also would eliminate federal subsidies for water and sewer systems and highways.

The two congressmen note that their proposed legislation would not prohibit local governments from zoning barrier islands for development nor stop private developers from proceeding on their own. "What it does say is that if you move ahead, you do so at your own financial risk and not at the risk of the American taxpayer," said Rep. Evans.

Without federal subsidies to pave the way and absorb much of the risk, the folly of investing millions of dollars in the development of the vulnerable barrier islands should become more apparent to those eager to reap a financial windfall from their development.

The two congressmen hope to and should receive the backing of the Reagan administration for their bills. A government pledged to conserving the taxpayers' money should have nothing to do with building castles in the sand.

[From Mississippi, the Clarion-Ledger, May 1, 1981]

Island Folly: Bailing Out Taxpayers

Proposed legislation barring federal subsidies for residential and commercial development of undeveloped barrier islands off the East and Gulf Coasts should be passed by the Congress.

Sen. John Chafee, R-R.I., and Rep. Thomas B. Evans Jr., R-Del., sponsors of the proposal, say enactment of the bill could save millions of dollars in subsidies that now help develop the islands.

The barrier islands –shifting spits of sand that lie off the coast from Maine to Mexico—are often unstable and vulnerable not only to violent ocean storms but also to gradual erosion of wind and tide.

Mississippians have more than a passing interest in the legislation because of current efforts to develop such a fragile strip of land—Deer Island—located only 100 yards off Biloxi's Gulf Coast shore.

The Chafee-Evans bill does not prohibit development of such islands nor does it provide for any land purchases by the government. "What it does say," commented Evans, "is that if you move ahead, you do so at your own financial risk and not at the risk of the American taxpayer."

The proposal would not affect barrier islands already developed, such as Miami Beach. Chafee said the bill would affect about one-third of the 2,700 miles of island shoreline.

Both common sense and experience show that barrier island development is generally imprudent and very risky at best. The islands serve as natural breakwaters, helping reduce the force of violent storms—hence the designation as "barrier" islands. Besides helping protect the shore, the islands, which form marine nursery grounds, are treasures of animal and plant life.

While the proposed legislation does not forbid further barrier island development, it at least would protect taxpayers from subsidizing such foolhardy ventures.

Experts warned Congress last year that many island developments are disasters waiting to happen, insisting that no man-made structure can stand up to the assault of an Atlantic hurricane that sooner or later will hit. Mississippians, with their memories of Hurricane Camille, would heartily agree.

Nevertheless, the federal government provides subsidized insurance for structures that can be blown away in the first big storm. In 1978 and 1979, taxpayers were stuck with claims and expenses in high-hazard coastal zones exceeding premimums paid by a ratio of more than 3 to 1.

The government also subsidizes water and sewer systems and highways for vulnerable island developments.

The bill would bar subsidies for both flood-insurance policies and water, sewer and highway construction on these undeveloped islands.

The proposal merits the combined support of fiscal conservatives and environmentalists. And the Reagan Administration would be doing the country—and itself—a favor by lending its support.

Hearings are expected sometime this summer. I hope the bill thereafter will win speedy approval.

[From Daytona Beach, Fla., Journal, May 5, 1981]

Protecting Environment by Cutting the Budget

Federal programs to protect the nation's environment have been criticized by the administration and some in Congress because of their cost. In this period of federal austerity, even highly cost effective environmental protection programs are feeling the budgetary ax.

Such circumstances should make a barrier islands protection bill introduced last week irresistible for Congress and the president. The bill would protect fragile, low lying barrier islands that ring the nation's coasts by cutting off federal funds that subsidize their development.

The bill would save tax money and a key feature of the coastal environment in a single stroke. It would stop development of coastal islands that are best left undeveloped, and would help avert disasters likely to occur when they are.

Barrier Islands that ring much of Florida's and the nation's coasts are the pioneers of the coastal environment. The fragile sand dunes that typically form these islands shift, erode and change constantly. They make barrier islands man's first line of defense against the sometimes hellish fury of ocean storms.

Barrier islands also are highly desirable real estate for residential and commercial development, and the bulk of them, including the beachside in Daytona Beach, have been bulldozed, paved and built upon.

But some barrier islands remain in a relatively untouched state, and there are compelling fiscal and scientific reasons for leaving them that way.

Development these days of many remaining unspoiled barrier islands would be financially impractical if it weren't for enormous federal subsidies for bridges, highways, waterlines, seawalls, flood insurance and so forth. Such subsidies cost taxpayers an estimated $200 million a year, and, if continued, would lead to development of all remaining unspoiled barrier islands by the end of the century.

Continuing to subsidize barrier islands development would be a mistake. It would waste tax money better spent on pressing social needs, and would lead to destruction of islands and their dune systems that protect inland property from hurricanes and other severe ocean storms. More and more scientists agree that undeveloped barrier islands are best left that way to protect both coastal property owners and the coastal environment.

The Barrier Islands Bill, sponsored by Sen. John Chafee, R-R.I., and Rep. Tom Evans, R-Del., would give barrier islands protection they need and save tax money while doing so. It would cut off federal assistance for barrier island development.

The bill doesn't go as far as a similar measure which failed to pass last year and wouldn't mandate federal acquisition of barrier islands as the earlier bill did. Instead, it calls for a report to Congress on the need for further barrier island protection legislation. The bill is a step in the right direction, and deserves strong support from all who are concerned about saving the environment or saving tax money.

[From Fort Lauderdale, Fla., Fort Lauderdale News and Sun Sentinel, May 25, 1981]

Reagan Cuts May Help Save Barrier Islands

America's Barrier Islands are changeable places. They are shaped and scoured by great storms sweeping over them. They also are changed by men who build riskily on them.

Evidence mounts that the development has harmed and spoiled these vulnerable islands, and yet the federal government has encouraged this development through subsidies for bridges, roads, water lines and sewage plants.

What's more, federal flood insurance also has helped island communities to rebuild after a storm has slapped them down.

Now the Reagan administration proposes to withdraw those federal subsidies. The change is overdue. In 1976 President Carter called for an end to federally subsidized projects on barrier islands, and yet many millions were spent on the islands after Carter made his campaign promise.

Florida will benefit significantly from barrier island reform. There are 16 islands in the state large enough to fall under Reagan's proposed policy. Even much-developed Sanibel Island has large untouched areas that can be spared.

Stopping the subsidy is not enough, however, to guarantee that the islands will also be accessible to all Americans. Unless the federal government acquires them the islands can become havens for the wealthy.

The administration has no plans for acquisition. Instead, it hopes to slow development by withdrawing subsidies.

For now, conservation advocates must be content that budget constraint has coincided briefly with environmental good sense.

[From the Miami Herald, May 2, 1981]

Barrier-Island Bill a Winner

Federal austerity this year will force cuts in spending for dozens of worthy programs that are desirable but have been adjudged unaffordable in this era of anti-inflationary belt-tightening.

There is absolutely no excuse, then, for maintaining Federal funding for a group of programs with consequences that are demonstrably undesirable and potentially disastrous.

That's the persuasive rationale offered by sponsors and supporters of legislation introduced in Congress Wednesday to cease Federal subsidies that foster the development of the nation's "barrier islands."

Those are the low-lying islands that parallel much of the Atlantic and Gulf coasts. Miami Beach and Key Biscayne are barrier islands. They've long been lost to development, of course, so they would not be affected under the bill cosponsored by Sen. John Chafee of Rhode Island and Rep. Thomas Evans of Delaware.

A precious few islands have largely escaped development, however. To protect them, the Chafee-Evans bill would end Federal subsidies for projects such as bridges, roads, shoreline stabilization, water pipelines, and low-cost flood insurance.

Left unchecked, such subsidies would cost taxpayers an estimated $200 million a year and would lead to the loss of most of the remaining barrier islands within 20 years. This in turn would have a harmful effect on the environment, particularly on fish and wildlife.

Not surprisingly, then, the Chafee-Evans bill already has attracted broad support from fiscal conservatives and from ecology-minded liberals.

Eventually, many of the less-spoiled islands ought to be acquired by the Federal Government or the states to guarantee their preservation. In the meantime, however, the Government must cease fostering their development through subsidies. The Chafee-Evans bill is a sound way to do that.

[From the Orlando, (Fla.) Sentinel Star, Apr. 28, 1981]

Barrier Policy

Last year, federal legislation designed to protect barrier islands died on the House and Senate floors, the victim of inattention in the last-minute scurrying to go home. Since then, hundreds of new construction projects have been started on these islands that America wears around her neck like some delicate necklace.

Now there is a new effort to protect the barrier islands from the predation of concrete, indoor plumbing and fast-food franchises, and it is coming from another angle, one that is far more likely to succeed in light of the fiscal conservatism afoot in the land.

Legislation being introduced today by Republican Reps. Tom Evans of Delaware and John Chafee of Rhode Island is designed to stop federal programs through which U.S. taxpayers literally underwrite commercial development of barrier islands. This bill would cut off all federal financial assistance for construction of any kind on the islands and would deny federal flood insurance to all such developments.

By addressing the insurance aspects of such projects, the legislation touches one of the great boondoggles that the Reagan administration is only beginning to note with a critical eye. In its 10 years of existence, the National Flood Insurance Program has failed to be the self-sustaining program that was envisioned. In 1979, for instance, the program paid out $482 million in claims but took in only $140 million in premiums.

It was supposed to limit private sector flood losses by offering otherwise unavailable insurance coverage in exchange for strong local building regulations. In fact, however, the program has failed because the requirement for strong local codes was never enforced.

The need to restrict further development of barrier islands, like those fringing Florida's coasts, is not just a matter of aesthetics. It is a matter of life and death. Barrier islands show their real worth when hurricanes and other violent storms throw themselves at the continental land masses. The islands take the brunt of the waves and wind, thus sheltering the inner coastal regions.

When overdeveloped, as is the case in South Florida, the islands also become a nightmare for disaster planners, who must figure out evacuation routes for thousands of people with access to only a handful of severely overtaxed bridges and causeways. And when storms flatten the buildings that should not have been there in the first place, it is the lowly taxpayer who subsidizes reconstruction.

It is past the time to protect the remaining undeveloped barrier islands or, at the very least, to end taxpayer subsidies of their development. It is hoped the legislation aimed at accomplishing that will become the law of the land.

[From the Georgia Gazette, May 13, 1981]

Truly Conservative

U.S. Sen. John Chafee of Rhode Island has introduced a piece of legislation which, if it becomes law, will help correct some of the most flagrant deficiencies in our use of beachfront land along the Atlantic and Gulf coasts.

The Chafee bill would eliminate governmental subsidy of real estate development on the country's barrier islands. Once it passes, a developer who constructed a road where it can be washed out easily in a storm would bear the full expense of repairing the road when the storm came. A homeowner who put up his house among the sand dunes on an undeveloped island would have to face the threat of storm damage without the security offered by federal flood insurance.

The result of this change in policy would be that people would no longer build in fragile, beachfront areas. Few financial institutions would offer a mortgage for a building that could not be insured, and few insurance companies will take the risk of protecting such a vulnerable piece of property.

During the past three decades, the public has subsidized waterfront construction far more than it realizes. Every time a storm washes away a beachfront house, the public helps pay to rebuild it. Every time a changing shoreline eats into a waterfront highway, the public pays to repair it. And each time it happens, we call it a natural disaster, an act of God. In fact, it's no more a natural disaster or an act of God than if a child went to play on an interstate highway and got hit by a truck. Building permanent structures on flood-prone, unstable land is much like playing in a busy street.

The Chafee bill came up last year in a different form. That proposal would have required that the federal government purchase the remaining uninhabited coastal islands to protect them from the pressures of private land developers. Of course, that idea ran aground on hard times and political opposition from coastal communities which would have lost part of their tax bases.

Another part of the dilemma which no one discussed was that placing the land under federal control did not necessarily mean it would be protected. In 1961 when the Kennedy administration first came to power, (as today under the Republican administration) federal officials faced rising demands for heavier utilization of public land. Public ownership does not equal wilderness. To have placed so many of our islands under one ownership could have placed their future in a precarious position.

At least with many of them under private ownership it seems unlikely that a change in national policy could lead to simultaneous changes in use of the islands all at one time. Diverse ownership seems to offer greater protection than often-fickle federal policy.

The present version of the bill provides a rare combination of environmental protection, lower federal spending and less federal interference in local affairs. It could appeal to both New Englanders and Westerners, to Republicans and Democrats, to developers and conservationists. It does not block development of private land, but it makes it clear that any developer will have to bear the full cost alone.

We hope Sens. Nunn and Mattingly waste no time in joining Chafee as co-sponsors, and we hope that Rep. Ginn lends his name to it when it crosses to the House.

[From the Columbia (S.C.) Record, July 3, 1981]

BARRIER ISLES PROTECTED

When you get William Buckley and Albert Shanker working the same side of the street, something really special must be afoot. Buckley, the conservative columnist, and Shanker, the union spokesman for teachers, don't usually see eye-to-eye on anything of substance.

Buckley, Shanker and a number of prominent Americans in a variety of disciplines are, however, on the same team when it comes to the Coastal Barrier Resources Act, a thoughtful and significant piece of legislation now before the House Subcommittee on Fisheries and Wildlife Conservation.

"This bill," said Laurence Rockefeller, speaking in behalf of Americans for the Coast and Barrier Islands Coalition, "represents a special blend of fiscal conservatism and resource conservation for an outstanding cause—the protection of America's remaining unspoiled barrier islands."

A key provision of the legislation is that it prohibits new federal expenditures and federal financial assistance, including grants, loans, loan guarantees and insurance.

Charles Ravenel, the Charleston, S.C., investment banker, called the legislation "a tax-saving instrument, a deficit shrinking move, a government regulation reduction and a government decentralization action." He estimated that the federal government spent $750 million on barrier island development over the past three years.

Certainly, subsidizations of that level run counter to the Reagan Administration's philosophy of frugality and less bureaucratic investment in the private sector.

Ellen Kelly, representing the Garden Clubs of America, stressed that point when she said, "In this day when services are being cut for the less affluent, there is much less reason for the more affluent to be underwritten partially by the taxpayers."

Fiscal considerations aside, the legislation has environmental merit in that it would put a brake on federally subsidized development of the barrier islands and, additionally, would require periodic assessments of coastal barrier resources with a view towards their orderly conservation.

Please note, the legislation does not affect the legal availability of mortgages or the abilities of local governments and private concerns to authorize or carry out development of the islands.

The proposed act affects a 42-mile stretch in South Carolina, embodying 30,000 acres. Included are Kiawah, St. Helena, St. Phillips and Daufuskie Islands. The Coastal Barrier Resources Act is a reasonable proposal which gives fiscal conservatives and environmentalists an intriguing opportunity to have their cake and eat it too.

[From the Morehead City (N.C.) News Times, July 9, 1981]

SAVINGS ISLANDS, MONEY

Introduced in Congress in April was the Coastal Barrier Resources Act, H.R. 3252. The proposed legislation, if enacted, will directly affect North Carolina, therefore it's important that we know what the bill's about.

Primarily, it would bar federal funds (our tax dollars) from going into residential and commercial development of undeveloped barrier islands of the East and Gulf coasts.

It might be argued that, excepting Cape Hatteras and Cape Lookout National Parks, all of our state's barrier islands are developed, therefore the bill would not affect us. There undoubtedly are, however, along our 300-mile coastline, small islands on which no structures have been built, that could be classified as barrier islands. As the hunt for waterfront property intensifies, they could become prime targets for exploitation.

Laurence Rockefeller, testifying in June on H.R. 3252 before the House subcommittee on Fisheries and Wildlife Conservation, says the bill does NOT do the following:

1. It does not affect developed barrier islands (such as Bogue Banks).

2. It does not affect structures in undeveloped island areas. Present residents will continue to get federal aid such as flood insurance.

3. The bill reduces government benefits rather than imposing regulations.

4. It does not affect state Coastal Zone Management programs.

5. It does not affect legal availability of mortgages.

6. Local governments may authorize development, but no federal funding would be available.

Delaware Congressman Thomas B. Evans Jr., one of the sponsors of the bill, says that in 1978 and 1979 claims under the federal flood insurance program, in high-hazard coastal zones, exceeded premiums paid by a ratio of more than 3 to 1. The bill would bar new flood insurance policies for undeveloped islands. Subsidies for water-sewer systems and highways on vulnerable coastal islands would stop.

The bill does not provide for land purchases by the government, prohibit building on the islands, or restict local governments from zoning the islands for development.

"What the bill does say is that if you move ahead, you do so at your own financial risk and not a the risk of the American taxpayer," says Evans. Sen. John Chafee, Rhode Island, a bill sponsor, says, "The bill does not prohibit anybody from doing anything. If they want to build a hotel, that's fine. We're just saying we're not going to subsidize it."

Students of coastal erosion told Congress last year that many island developments are disasters waiting to happen because no man-made structure can stand up to an assault of an Atlantic hurricane.

The bill will affect about a third of 2,700 miles of island shoreline.

Apprehension has been expressed locally about the proposed legislation and in some cases has generated organized expression against it. If the bill is enacted as it now stands, that is unwarranted.

Why should taxpayers on mainland United States pay to put back a hotel built on an island that a storm washes away? The proposed Coastal Barrier Resources Act prohibits federal participation in such NEW enterprises. It maintains assistance for energy, channel dredging, air and water navigation aids, emergency disaster assistance and permits issuance of federal permits for dredging projects, sewage disposal, etc. It's just not going to put in money. It is estimated that this could save the country up to $5 billion over the next 20 years, save lives by keeping the innocent seeker of waterfront property of hazardous locations, and preserve the island environment that helps regenerate the commercial and sport-fishing industries.

[From the Lexington (N.C.) Dispatch, Jan. 2, 1981]

WASHED AWAY

Barrier islands like those in the beautiful Outer Banks along North Carolina's coast can be delightful places to live and play. Unfortunately, those natural strips of sand between the ocean and the coastline are also in perpetual danger of being flooded or eroded by the sea.

The precarious existence of barrier islands is a matter of concern to residents and commercial developers along the Gulf of Mexico and Atlantic coasts, from Texas to Maine. But according to a report by the Interior Department, it should also concern the American taxpayer. Unless federal policy changes about the development of these island changes, the government will be saddled with the expensive—and unfair—responsibility of keeping them above water.

Barrier islands and peninsulas face two serious enemies. Hurricanes and other severe storms can produce huge tidal surges that wash away everything in their path. Two years ago a storm shifted Oregon Inlet, and part of the two-mile bridge between Cape Hatteras and Ocracoke collapsed 12 inches, cutting off vehicle access. Fortunately, heavily populated islands like Miami Beach have been spared the wrath of major storms in recent decades, but there is no reason to assume that any autumn a billion-dollar storm will not strike.

An even more certain threat to the islands is the gradual erosion of their shorelines, which, unchecked, guarantees the loss of beachfront houses and hotels. Again on the Outer Banks, the Cape Hatteras Lighthouse, a national landmark far more important than any private home or hotel, faces the imminent danger of being washed into the Atlanta Ocean. Just a few years ago the lighthouse was hundreds of feet from the water, but now tides swirl at its foundation.

What greater proof is needed to demonstrate the dangers of continued development of barrier islands? A lighthouse that once was a mile from the water is likely any day to be washed away. The lighthouse hadn't moved an inch; it is the ocean that has nibbled and gnawed at the island's sand.

These dangers do not necessarily require the government to block development on barrier islands. What seems only fair, though is that those who benefit from the sea also bear the burden of defending against it. But Washington has instead consistenly subsidized private shore development and encouraged the belief that it would pick up the pieces after a disaster.

Taxpayers, those of us 300 miles inland have thus made huge investments, relative to the population affected, in bridges to barrier islands and their sewage treatment plants. There is now political pressure to spend $50 million to replace a causeway near Mobile, Ala., that was destroyed two years ago by Hurricane Frederick—a causeway that serves only a few hundred residents of the Dauphin Island community. Closer to home, the state of North Carolina has authorized $5 million to shore up the Bonner Bridge over Oregon Inlet. Again, the geologists say the effort is futile. This time, however, the state plans not only to stabilize the bridge but to throw in another $6 million which, added to $73 million in federal money, is supposed to stabilize the inlet.

Revising the government's policies toward the barrier islands—throwing money to the waves and sponsoring a federal flood insurance program that charges premiums far below the expected costs of rebuilding after hurricanes—would be politically difficult and, some people argue, injust to the thousands of people attracted to barrier islands in part by implicit promises of federal subsidy. Yet surely it isn't too late to make a distinction between protecting private investments that already exist, and fostering new ones. No one can reasonably ask Miami Beach to pack up and move. But billions in future liabilities could be saved by charging realistic insurance premiums on new construction, by providing incentives for insurance claimants to rebuild out of harm's way, and by shutting off federal dollars to less developed islands.

It is not the business of the government, neither Raleigh nor Washington, to keep people from enjoying expensively maintained barrier islands. By the same token, the government has no responsibility to foot the bill.

[From the Hartford Courant, Apr. 30, 1981]

Coastal Islands Need Protection

Members of Congess don't often get the chance to appear economy-minded and environmentally aware at the same time, so they ought to take advantage of the opportunity to vote for legislation to protect the nation's undeveloped barrier islands.

Several bills have been introduced that would curtail federal subsidies for developing barrier islands. The total number of islands is about 295, ranging in size from 50 acres to more than 100,000 acres. Nine are off the Connecticut coast.

One of the bills—the one introduced by Sen. John Chafee of Rhode Island and Rep. Tom Evans of Delaware—would end most federal money available to subsidize construction projects, such as for bridges, roads and water pipelines, as well as for flood insurance on undeveloped islands. Existing development would not be affected.

It is extravagantly wasteful for the federal government to pay for developing fragile barrier islands and then to help pay for subsequent storm damage and other disaster relief.

At its current rate, development will overtake the remaining unprotected barrier islands by the turn of the century at an estimated cost to taxpayers of about $200 million a year. They shouldn't have to pick up the tab so that the well-to-do can build homes and condominiums in beautiful, but hazardous, areas.

Further, as the islands are developed, wildlife habitats are destroyed and the islands' recreation potential is diminished.

For reasons both ecological and economical, legislation to protect barrier islands should be passed this session.

[From the Quincy (Mass.) Patriot Ledger, May 4, 1981]

Protecting the Coast

Congress should enact legislation forbidding the use of federal aid for development of barrier islands.

Legislation filed last week by Sen. John Chafee, R-R.I., and Rep. Tom Evans, R-Del., would prevent persons seeking to build on undeveloped barrier islands along the Atlantic Coast and Gulf of Mexico from obtaining federal aid. Homes already built on barrier islands could still be covered by federal flood insurance and existing communities still could receive aid. But not new development.

Such a measure is long overdue. About a third of the barrier shoreline from Maine to Texas already is developed, another third is protected, and another third has yet to be developed and should be protected.

Barrier beaches and islands which protect the coastline should be protected from development, no matter how attractive the lure of having beach homes, restaurants, marinas or other development on them, disturbing the fragile environment, lessening protection to coastal areas and prone to destruction from violent Atlantic and Gulf storms.

It makes no sense for the federal government to continue assisting the construction of bridges, roads, seawalls, water systems and structures on these islands and to insure homes. Yet the federal government has spent millions to subsidize such undertakings—an estimated $500 million alone between 1976 and 1978.

Gov. Edward J. King last year signed a far-sighted executive order to discourage building on Massachusetts' barrier beaches. That order forbids the use of state money and state-administered U.S. grants for construction projects that would encourage development in hazard-prone barrier beaches; allows state antierosion projects only to keep navigation channels open, not to save beach property; says the state will not approve development in flood-prone areas, and will make barrier beaches the state's top priority when buying land for public use.

The federal government should have a similar policy. Not only would it save taxpayers' money, it also would help protect the coastline and could save lives. Time and again, lives are lost and property destroyed on barrier islands during major coastal storms.

The Chafee-Evans legislation would do much to protect barrier islands from development. Its enactment should be part of a change in federal policy.●

ANCIENT INDIAN LAND CLAIMS ACT OF 1982

(By request of Mr. Baker, the following statement was ordered to be printed in the Record:)

● Mr. THURMOND. Mr. President, on Tuesday, February 9 of this year, Senator D'Amato and I introduced S. 2084, entitled the "Ancient Indian Land Claims Act of 1982," which was referred to the Select Committee on Indian Affairs.

This bill, we believe, provides a fair and equitable resolution of Indian claims in the States of New York and South Carolina arising out of land transfers alleged to have violated the provisions of the Trade and Intercourse Act of 1790. These claims have clouded the titles to real property in several Eastern States, and thereby have imposed a substantial obstacle to the normal conduct of commercial transactions.

On February 19, the South Carolina General Assembly adopted a concurrent resolution memorializing Congress to enact S. 2084 and its companion in the House of Representatives, H.R. 5494. I ask that this concurrent resolution be printed in the Record.

The concurrent resolution is as follows:

A Concurrent Resolution

(To Memorialize Congress To Enact S. 2084 and H.R. 5494 Which Establish the Ancient Indian Land Claims Settlement Act of 1982)

Whereas the members of the General Assembly have learned that companion bills have been introduced in the Congress which establish the "Ancient Indian Land Claims Settlement Act of 1982"; and

Whereas the number of this bill in the Senate is S. 2084 and the number of the bill in the House of Representatives is H.R. 5494; and

Whereas these bills set up a fair and consistent policy with respect to a purported lack of congressional approval of ancient Indian land transfers and further mandate procedures which will clear the title to lands subject to Indian claims in the states of New York and South Carolina; and

Whereas the effects of this bill will consequently be felt in South Carolina where certain types of Indian land claims are presently pending; and

Whereas the members of the South Carolina General Assembly believe that it would be in the best interest of the people of this State, the Indians involved, and the other interested parties to such claims if S. 2084 and H.R. 5494 are enacted into law: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of the South Carolina General Assembly hereby memorialize Congress to enact United States Senate Bill 2084 and United States House of Representatives Bill 5494 which establish the "Ancient Indian Land Claims Settlement Act of 1982"; and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, to each member of the Congressional Delegation from South Carolina, and to the presiding officers of both houses of the United States Congress.●

ORDERS AND PROCEDURE FOR WEDNESDAY

Mr. BAKER. Mr. President, there is an order for the Senate to convene at the hour of 10:30 a.m. on tomorrow, is that correct?

The PRESIDING OFFICER. The majority leader is correct.

RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order on tomorrow, the following Senators be recognized on special orders not to exceed 15 minutes each: the distinguished Senator from Pennsylvania (Mr. SPECTER); the distinguished Senator from Vermont (Mr. LEAHY); the distinguished Senator from West Virginia, the minority leader (Mr. ROBERT C. BYRD); and the Senator from Tennessee (Mr. BAKER).

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BAKER.** Mr. President, is there an order for transaction of routine morning business on tomorrow?

The **PRESIDING OFFICER.** I will advise the majority leader that no such order has been entered.

Mr. **BAKER.** I thank the Chair.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. **BAKER.** Mr. President, I ask unanimous consent that, after the expiration of the time allocated to the Senators under the standing order and the special orders just provided for or the yielding back of that time, as the case may be, there be a brief period for the transaction of routine morning business to extend not past the hour of 12 noon in which Senators may speak for not more than 10 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SENATOR HARRISON A. WILLIAMS, JR.

Mr. **BAKER.** Mr. President, may I announce that on tomorrow it is the intention of the leadership to ask the Senate to proceed to the consideration of the so-called Williams resolution at the hour of 1:30 p.m., at which time a quorum call will be requested, which will go live. It is the hope of the leadership that a quorum can be assembled and the Senate can begin debate on the Williams resolution at 2 o'clock. The Senate will continue to debate that resolution until approximately 6 p.m. in the evening. Senators, once again, are urged to remain on the floor during the continuation of that debate.

SENATE JOINT RESOLUTION 142

Prior to that time, Mr. President, either during the period for the transaction of routine morning business or during the time thereafter and before the beginning of the consideration of the Williams resolution, it is the intention of the leadership to ask the Senate to turn to the consideration of Senate Joint Resolution 142, a Senate joint resolution offered by the distinguished Senator from Pennsylvania (Mr. SPECTER) for himself and others. It is anticipated that there will be a rollcall vote on this measure. It is my understanding that this matter has been cleared with the distinguished minority leader and that there is no objection to that procedure on his side.

Mr. President, I will not now repeat the plan of the leadership in respect to the Williams resolution. The outline of that procedure has been spread of record on more than one occasion and has been committed to memorandum form and to letters on both sides of the aisle on numerous occasions prior to this.

ORDER OF BUSINESS

Mr. **BAKER.** Mr. President, there is at least one item on the Calendar of General Orders that is cleared for passage on this side of the aisle. I invite the attention of the distinguished minority leader to Calendar Order No. 439, Senate Resolution 83, offered by the distinguished Senator from Hawaii (Mr. MATSUNAGA) and say that we are prepared to proceed to the consideration of that measure at this time if it is cleared on the other side.

Mr. **ROBERT C. BYRD.** Mr. President, the item has been cleared.

Mr. **BAKER.** Mr. President, I yield the floor so that the Senator from Hawaii may proceed.

Mr. **MATSUNAGA.** I thank the distinguished majority leader for yielding.

RIKIZO HIRANO

The **PRESIDING OFFICER.** The clerk will report the resolution.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 83) to express the sense of the Senate that the intervention by the Office of Supreme Commander for the Allied Powers in the purge of Rikizo Hirano, was without basis or justification, improper and in violation to its own rules.

The Senate proceeded to consider the resolution.

Mr. **MATSUNAGA.** Mr. President, I rise today to urge all my colleagues to support a very important piece of legislation, a measure of mine that was recently favorably reported out of the Senate Foreign Relations Committee without amendment. Passage of Senate Resolution 83, which relates to the unfortunate case of the late Honorable Rikizo Hirano, a former Minister of Agriculture in the Japanese Government, would rectify an injustice that has existed for over three decades; an injustice that tarnishes the almost unblemished record of our reconstruction efforts in postwar Japan.

This wrong that I seek to redress is an old one. Soon after the allied occupation of Japan, the Supreme Commander of Allied Powers (SCAP) initiated a series of rules designed to purge undesirable individuals from the Government and political parties of Japan. As prescribed by SCAP, these purges could be implemented in two ways: By either the Supreme Allied Commander or by the Japanese Government itself.

In 1947, Mr. Rikizo Hirano was the Minister of Agriculture and Forestry. Despite his high visibility, his reputation for honesty and moderation was well known, and no attempt was ever made by the Supreme Commander to remove him from participating in the Government. However, Mr. Hirano did have political enemies within the ruling Japanese Cabinet who twice initiated votes against him in order to permanently ostracize him from public life. Both attempts failed.

In January 1948, his political opponents forced yet a third vote and this time succeeded in obtaining a bare 5-to-4 majority. The vote, however, was tainted by controversy. Immediately afterwards, a member of the Cabinet publicly confessed that his vote to purge Mr. Hirano was the result of pressures brought to bear on him by the political opponents of this outstanding Minister of Agriculture.

Mr. Hirano sought redress in the Japanese courts, seeking to effect the protection of due process that we in this country have always enjoyed. On February 2, 1948, the Tokyo District Court granted him the equivalent of an injunction, permanently suspending the purge order.

The matter automatically went before the Supreme Court of Japan, but the court was never permitted the opportunity to review the case, for an official of the Supreme Allied Command ordered the Japanese High Court to reverse the ruling of the lower tribunal. No reason was ever given for the arbitrary SCAP directive which was, in fact, a violation of its own rules against interfering with the Japanese legal system on domestic matters. Nevertheless, citing the SCAP directive, the Japanese Supreme Court immediately reversed the lower court ruling, thus reinstating the purge order which permanently disqualified Mr. Hirano from holding public office, and imposed on him the stigma of dishonor that he unnecessarily carried for over 34 years.

Mr. Hirano, who had valiantly devoted a major portion of his later life to redressing this indignity, passed away last December. His last wish, literally his last words, were concerned with his gallant quest to redeem his good name and to erase the one blot from an otherwise exemplary an outstanding career.

For after that one unfortunate incident, Mr. Hirano continued to remain active in agricultural affairs through a variety of activities. He was the founder and president of Nikkan Nogyo Shimbun, a journal which addresses the agricultural problems of Japan and the world. His other publications include a Japanese translation of "World Without Hunger," by former Secretary of Agriculture Orville Freeman, with whom he met in 1968 to discuss food problems; and a book entitled "New Trials for Japanese Agriculture," which was published in 1971.

Despite his advanced age and ill health, Mr. Hirano also traveled extensively. In 1976, he visited Korea, where a series of his lectures attracted audiences totaling 50,000 people, and in 1977, he met with then U.S. Secretary of Agriculture Bob Bergland to discuss both food policy and the 200-nautical-mile boundary.

In appreciation for Mr. Hirano's contribution to the world of agriculture, a monument was erected in his honor in his home precinct. The fact that this edifice was built with donations from 1,400 farmers makes it a fitting testimonial to an individual whose lifetime had been selflessly dedicated to public service on behalf of that occupational group.

Mr. President, ours is the only forum that exists in this country or Japan to properly redress this grave injustice. By resolution of this body, we can reafffirm that in postwar Japan, our intention was to encourage establishment of a society governed by the rule of law and founded on the principles of fundamental fairness. In this, we most assuredly succeeded, for today, Japan has a firm heritage of democracy that is viewed with pride by all members of the world community. By acknowledging the wrong that has been perpetrated against Rikizo Hirano, we will be enhancing our own national integrity while restoring the honor that he so greatly cherished in life and so richly deserves in death.

I urge all of my colleagues to vote affirmatively on Senate Resolution 83 so as to pay proper homage to the memory of a virtuous man and an upstanding public servant.

The **PRESIDING OFFICER.** The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 83

Whereas in 1947, the Honorable Rikizo Hirano was the Japanese Minister of Agriculture and Forestry, and a member of the Japanese Diet; and

Whereas recently released American military records of the occupation of Japan following the Second World War reveal that—

(1) Rikizo Hirano was effectively purged from his positions as Minister of Agriculture and Forestry and as a member of the Diet in the House of Representatives, as a result of the intervention against its own rules, by the Office of the Supreme Commander for the Allied Powers (SCAP) in the Japanese judicial process, and

(2) the intervention of SCAP was without basis or justification in that it violated the Allies' duty to respect the Japanese judicial process in the Japanese administration of the purges, and to carry out the task of teaching the principles of democracy and justice; and

Whereas, the result of the purge was to subject Mr. Hirano to public scorn, humiliation, and loss of honor, as well as loss of public office: Now, therefore, be it

Resolved, That in recognition of the egregious harm inflicted upon Rikizo Hirano by the intervention of the Office of SCAP in the Japanese judicial process, resulting in his being purged, and, in recognition of Rikizo Hirano's distinguished career of public service in the affairs of agriculture, wherein his contributions have been lauded throughout the agricultural world, it is the sense of the Senate that the intervention of the office of SCAP resulting in the purge of Rikizo Hirano in 1947 was without basis or justification, improper and in violation of its own rules, and that all records of all United States Government agencies involved should be corrected to clear Rikizo Hirano of any wrongdoing and to restore the honor and reputation of Rikizo Hirano to their rightful standing in his country and in the world.

Mr. **MATSUNAGA.** Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. **ROBERT C. BYRD.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **MATSUNAGA.** Mr. President, I thank the majority leader and the minority leader.

Mr. **BAKER.** Mr. President, I thank the Senator from Hawaii.

Mr. President, there are certain other matters that may be dealt with at this time, I believe routinely.

MILWAUKEE RAILROAD AND ROCK ISLAND RAILROAD AMENDMENT ACTS

Mr. **BAKER.** Mr. President, I send to the desk a corrected copy of Calendar Order No. 415, S. 1879, a bill to amend the Milwaukee Railroad Restructuring Act and the Rock Island Transition and Employee Assistance Act and ask that the Senate proceed to the consideration of the corrected version.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1879) to amend the Milwaukee Railroad Restructuring Act and the Rock Island Transition and Employee Assistance Act to facilitate the purchase of lines of bankrupt carriers to provide for continued rail service and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Milwaukee Railroad and Rock Island Railroad Amendments Act".

PURPOSE

Sec. 2. It is the purpose of this Act to continue the effort by Congress to assure service over the lines of bankrupt rail carriers in instances where rail carriers are willing to provide service over such lines and financially responsible persons are willing to purchase the lines for continued rail operations.

FINDINGS

Sec. 3. The Congress hereby finds that it is in the public interest—

(1) to clarify the Commission's existing authority to consider purchase applications and to issue orders involving temporary authority;

(2) to establish procedures to facilitate and expedite the sale of lines of bankrupt carriers to financially responsible persons in instances where the line has been abandoned by the bankrupt carrier or service is not being provided by such carrier, and the prospective purchaser seeks to provide rail service over such line or lines; and

(3) that procedures set forth in this Act be utilized to provide a practicable means for preserving rail service, thus benefiting shippers, employees, and the economies of the States in which any such bankrupt rail carrier operates, while at the same time providing safeguards to protect the interest of the estate of the bankrupt rail carrier by requiring payment of a reasonable purchase price.

AMENDMENTS TO THE MILWAUKEE RAILROAD RESTRUCTURING ACT

Sec. 4. Section 17(b) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 915(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) Any financially responsible person seeking to purchase a line or lines of a bankrupt rail carrier no longer operating as a common carrier, or a line or lines of a bankrupt carrier over which no service is being provided by such carrier, may submit to the Commission an application for purchase of such line or lines if it (i) intends to provide rail operations over the line, (ii) has made a bona fide offer to purchase at a price asserted to be reasonable, and (iii) such offer has been rejected by the trustee. A copy of any application submitted pursuant to this subparagraph shall be simultaneously filed with the bankruptcy court.

"(B) The Commission shall determine, within 15 days after the filing of an application under subparagraph (A) of this paragraph, whether a financially responsible person has made a bona fide offer to purchase a line or lines of a bankrupt rail carrier, as described in subparagraph (A) of this paragraph, and whether such offer has been rejected by the trustee.

"(C) If the parties at any time agree on the amount of compensation for the purchase of a line or lines of a bankrupt rail carrier, a request for approval of the sale shall be filed with the Commission and with the bankruptcy court. If the parties are unable to agree on the amount of compensation, either party may request, within 30 days after the determination of the Commission under subparagraph (B) of this paragraph, that the Commission determine a reasonable purchase price for the line or lines. For the purposes of this subparagraph, a reasonable price shall be not less than net liquidation value of such line or lines, as determined by the Commission. The Commission shall make its determination within 60 days of the request by a party under this subparagraph. The determination of the Commission shall be binding upon both parties, subject to court review as provided in subparagraph (E) of this paragraph, except that the person who has offered to purchase the line or lines may withdraw the offer within 10 days of the Commission's determination.

"(D) The Commission shall require, to the maximum extent practicable, the use of the employees who would normally have performed work in connection with a railroad line or lines subject to a sale under this paragraph.

"(E) The Commission shall, within 15 days of a determination under subparagraph (C) of this paragraph, transmit to the bankruptcy court such determination, unless the offer is withdrawn as provided in subparagraph (C) of this paragraph. Notwithstanding any other provision of law, the bankruptcy court shall approve the sale within 60 days so long as the purchase price is not less than that required as a constitutional minimum for the line or lines.

"(F) No purchaser of a line or lines sold under this paragraph may discontinue service on or transfer such line or lines prior to the end of the 4th year after consummation of the purchase.

"(G) The Commission shall, within 45 days after the date of enactment of the Milwaukee Railroad and Rock Island Railroad Amendments Act, prescribe any regulations and procedures which may be necessary to carry out the provisions of this paragraph.

"(H) For the purposes of this paragraph, a 'financially responsible person' means a person, a State, or a political subdivision thereof (or combination thereof) who is capable of paying the price of a line or lines proposed to be purchased and of covering expenses associated with providing service over the line or lines for a period of not less than 4 years after the commencement of such service.

"(I) The provisions of this paragraph shall apply only to the Rock Island Railroad, as defined in section 103(5) of the Rock Island Transition and Employee Assistance Act (45 U.S.C. 1003(5)).".

ROCK ISLAND TRANSITION AND EMPLOYEE ASSISTANCE ACT AMENDMENTS

SEC. 5. Section 122(a) of the Rock Island Transition and Employee Assistance Act (45 U.S.C. 1017(a)) is amended by inserting at the end thereof the following: "The Commission shall have authority to authorize continued rail service under this section over the lines of the Rock Island Railroad, until the disposition of the properties of the estate of the Rock Island Railroad.".

CONTRACT RATES

SEC. 6. Section 10713(k)(1) of title 49, United States Code, is amended by striking "and paper)" and inserting in lieu thereof ", but not including wood pulp, wood chips, pulpwood, or paper)".

SEPARABILITY

SEC. 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.".

UP AMENDMENT NO. 824

Mr. BAKER. Mr. President, I send an amendment to the desk on behalf of the distinguished Senator from Kansas (Mrs. KASSEBAUM) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) on behalf of Mrs. KASSEBAUM, proposes an unprinted amendment numbered 824.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, insert the following immediately after line 25:

"(D) If more than one application is filed with the Commission pursuant to subparagraph (A) of this paragraph for the same or overlapping lines or portions of such lines, the Commission shall determine the order in which applicants will be given an opportunity to acquire the line, in accordance with the provisions of subparagraphs (B) and (C) of this paragraph. The Commission shall make its determination based upon which offer will best serve the public interest.".

On page 9, line 21, strike "(E)" and insert in lieu thereof "(F)".

On page 10, line 1, strike "(D)" and insert in lieu thereof "(E)".

On page 10, line 6, strike "(E)" and insert in lieu thereof "(F)".

On page 10, line 16, strike "(F)" and insert in lieu thereof "(G)".

On page 10, line 20, strike "(G)" and insert in lieu thereof "(H)".

On page 11, line 1, strike "(H)" and insert in lieu thereof "(I)".

On page 11, line 17, insert "(a)" immediately before "Section 122(a)".

On page 11, insert the following immediately after line 23:

"(b) Section 120(a) of the Rock Island Transition and Employee Assistance Act (45 U.S.C. 1015(a)) is amended by striking "2-year" and inserting in lieu thereof "3-year".

● **Mrs. KASSEBAUM.** Mr. President, my amendment provides for the situation where more than one application is filed with the Interstate Commerce Commission to set the purchase price for the same or overlapping lines of the Rock Island Railroad. Specifically, it provides that where the Commission receives more than one such application, it shall decide which application to process first on the basis of which application best serves the public interest.

My amendment also extends by 1 year the Commission's authority to order directed service over the Rock Island's commuter lines in Chicago. This extension is necessary in order to permit the RTA, which is operating the lines, and the trustee of the Rock Island to negotiate the final details of an agreement to transfer the lines to RTA.●

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas (Mrs. KASSEBAUM).

The amendment (UP No. 824) was agreed to.

● **Mrs. KASSEBAUM.** Mr. President, I am pleased that the Senate is acting today on S. 1879, legislation I introduced in an effort to promote continued rail service in Kansas and throughout the Midwest.

Those of us representing States that were formerly served by the Rock Island Railroad know how essential freight rail service is to the economic health of our States. In Kansas alone, the Rock served nearly 40 percent of the total commercial grain storage capacity. If the farmers who use rail service are forced to switch to trucks, the per bushel cash price offered to them will be reduced by 5 to 17 cents.

Since the demise of the Rock Island many other rail carriers have helped fill the gap by operating under temporary authority issued by the Interstate Commerce Commission. In the meantime, carriers who are interested in purchasing portions of the old Rock Island have engaged in negotiations with the trustee of the bankrupt Rock Island estate. Unfortunately, the parties to these negotiations have been unable to agree to an acceptable purchase price. The impasse in negotiations has already resulted in the termination of service over a 750-mile stretch of the Rock Island Line being operated under temporary authority by the Oklahoma-Kansas-Texas Railroad. While I hope that negotiations between the OKT and the trustee for purchase of this line will continue, the fact remains that nearly 2 years have passed since Congress passed the original Rock Island bill which was intended to expedite the sale of the viable line. The bottom line is that service has discontinued, much to the detriment of shippers, jobless rail employees and Rock Island creditors.

When Rock Island legislation was enacted by the 96th Congress, there were hopes that the trustee and the creditors would try to sell all the property as soon as possible. Unfortunately, out of 3,500 miles of lines that were expected to be transferred, only 300 miles have actually been sold. This has occurred even though most Rock Island properties are of little or no value for use other than as a railroad, and, generally, there is only one carrier wishing to purchase a line segment.

Negotiations have not succeeded principally because of differences of opinion regarding the value of the rail lines the carriers seek to purchase. Unless we establish a forum able to accommodate the unique public interest in continued rail service, we will suffer economic dislocations and inefficiencies throughout the Midwest. Therefore, this bill establishes a procedure whereby either party involved in the negotiations can ask the Interstate Commerce Commission to establish a purchase price for the line which will become binding unless the offeror withdraws his offer within 10 days of the Commission decision.

I recognize that the creditors have a special interest in being compensated in accordance with the just compensation requirements of the fifth amendment to the Constitution. The bill adequately accommodates this need by providing for court review of the ICC's determination of the value of the line to insure that there is no consitutional violation. During Commerce Committee hearings on this bill, both the ICC and the Federal Railroad Administration testified in support of the bill and in support of its constitutionality. In addition, the Justice Department has indicated that it has no objection to S. 1879.

Mr. President, I am grateful for the support of the Commerce Committee and the full Senate in moving forward with this legislation. I have a minor amendment to offer to this bill today, and it has been cleared. It deals with the procedure for the ICC to follow in the event of competing purchase offers for a portion of the Rock Island Line and the ICC's authority to order directed service over commuter lines. I urge my colleagues in the House of Representatives to act quickly on this much needed legislation.●

● **Mr. DOLE.** Mr. President, let me first say that this Senator appreciates the fine work performed by my colleague from Kansas, Senator KASSEBAUM, and by other Senators on the Commerce Committee in ushering this bill through committee and onto the floor in such timely fashion. The speedy manner in which this bill was handled indicates the degree of urgency that we are confronted with out in the grain producing States.

The Rock Island Railroad commenced bankruptcy proceedings in March of 1975, shortly after President Ford took office. Passage of time has been marked by intricate legal and political maneuvering, culminating this very day in the Supreme Court's decision regarding the Rock Island Transition and Employee Assistance Act, passed by Congress in 1980.

It will come as no surprise to most of you that Kansas and other Midwestern States produce a large volume of grain and other agricultural commodities. Suffice it to say that rail service has grown to play a very large role in our system of transportation, and that it has proved especially viable as a means of transporting these agricultural commodities.

Having been on agricultural committees in either the House or the Senate for the past 21 years, this Senator can say with confidence that the effects of permanent abandonment of rail service would be devastating to farmers and farm communities. And agriculture is certainly not the only industry affected by rail service; it does happen, however, that the increased transportation costs stemming from alternative modes of transportation cannot be absorbed by the markets, nor passed on in their entirety to consumers. Mr. President, in this economic climate, we cannot ask the farmers, already saddled by exorbitant interest rates, to bear the financial burdens attendant to abandonment of rail service in the farm areas.

Increased transportation costs are not the only effect of rail abandonments. Some commodities, because of unique physical or marketing characteristics, will not be able to be moved at all. Furthermore, movement of those commodities capable of being moved by truck will result in further deterioration of our Nation's highways and more inefficient use of our limited supply of fuels. In short, secondary reverberations will be felt throughout the economy.

Mr. President, some of us have been saying for years now that we will do everything that is feasible to insure the future of rail service in the Midwest. We are not now asking the Government to step in and run the railroad—or bail it out of bankrupt status. All we are trying to do is establish a procedure to facilitiate the purchase of lines by willing and able carriers or shippers so that continued rail service can be provided.

In light of today's Supreme Court ruling, this Senator recognizes that the constitutionality of this bill must be addressed. There is potential for arguing that we are creating the possibility of a constitutionally prohibited taking of the property of the bankruptcy estate. In this Senator's opinion, there is ample protection that the trustee will receive the constitutionally guaranteed minimum for all property that is sold.

Mr. President, this is not a complicated bill. It simply provides that when the trustee in bankruptcy and interested purchasers are not able to successfully negotiate a purchase price, the ICC can establish a price upon application of the interested purchaser. This bill strengthens the previous legislative scheme and will hopefully help bring about an end to this 7-year-old Rock Island controversy.●

The **PRESIDING OFFICER.** The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, read a third time, and passed, as follows:

S. 1879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Milwaukee Railroad and Rock Island Railroad Amendments Act".

PURPOSE

SEC. 2. It is the purpose of this Act to continue the effort by Congress to assure service over the lines of bankrupt rail carriers in instances where rail carriers are willing to provide service over such lines and financially responsible persons are willing to purchase the lines for continued rail operations.

FINDING

SEC. 3. The Congress hereby finds that it is in the public interest—

(1) to clarify the Commission's existing authority to consider purchase applications and to issue orders involving temporary authority;

(2) to establish procedures to facilitate and expedite the sale of lines of bankrupt carriers to financially responsible persons in instances where the line has been abandoned by the bankrupt carrier or service is not being provided by such carrier, and the prospective purchaser seeks to provide rail service over such line or lines; and

(3) that procedures set forth in this Act be utilized to provide a practicable means for preserving rail service, thus benefiting shippers, employees, and the economies of the States in which any such bankrupt rail carrier operates, while at the same time providing safeguards to protect the interest of the estate of the bankrupt rail carrier by requiring payment of a reasonable purchase price.

AMENDMENTS TO THE MILWAUKEE RAILROAD RESTRUCTURING ACT

SEC. 4. Section 17(b) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 915(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) Any financially responsible person seeking to purchase a line or lines of a bankrupt rail carrier no longer operating as a common carrier, or a line or lines of a bankrupt carrier over which no service is being provided by such carrier, may submit to the Commission an application for purchase of such line or lines if it (i) intends to provide rail operations over the line, (ii) has made a bona fide offer to purchase at a price asserted to be reasonable, and (iii) such offer has been rejected by the trustee. A copy of any application submitted pursuant to this subparagraph shall be simultaneously filed with the bankruptcy court.

"(B) The Commission shall determine, within 15 days after the filing of an application under subparagraph (A) of this paragraph, whether a financially responsible person has made a bona fide offer to purchase a line or lines of a bankrupt rail carrier, as described in subparagraph (A) of this paragraph, and whether such offer has been rejected by the trustee.

"(C) If the parties at any time agree on the amount of compensation for the purchase of a line or lines of a bankrupt rail carrier, a request for approval of the sale shall be filed with the Commission and with the bankruptcy court. If the parties are unable to agree on the amount of compensation, either party may request, within 30 days after the determination of the Commission under subparagraph (B) of this paragraph, that the Commission determine a reasonable purchase price for the line or lines. For the purposes of this subparagraph, a reasonable price shall be not less than net liquidation value of such line or lines, as determined by the Commission. The Commission shall make its determination within 60 days of the request by a party under this subparagraph. The determination of the Commission shall be binding upon both parties, subject to court review as provided in subparagraph (F) of this paragraph, except that the person who has offered to purchase the line or lines may withdraw the offer within 10 days of the Commission's determination.

"(D) If more than one application is filed with the Commission pursuant to subparagraph (A) of this paragraph for the same or overlapping lines or portions of such lines, the Commission shall determine the order in which applicants will be given an opportunity to acquire the line, in accordance with the provisions of subparagraphs (B) and (C) of this paragraph. The Commission shall make its determination based upon which offer will best serve the public interest.

"(E) The Commission shall require, to the maximum extent practicable, the use of the employees who would normally have performed work in connection with a railroad line or lines subject to a sale under this paragraph.

"(F) The Commission shall, within 15 days of a determination under subparagraph (C) of this paragraph, transmit to the bankruptcy court such determination, unless the offer is withdrawn as provided in subparagraph (C) of this paragraph. Notwithstanding any other provision of law, the bankruptcy court shall approve the sale within 60 days so long as the purchase price is not less than that required as a constitutional minimum for the line or lines.

"(G) No purchaser of a line or lines sold under this paragraph may discontinue service on or transfer such line or lines prior to the end of the 4th year after consummation of the purchase.

"(H) The Commission shall, within 45 days after the date of enactment of the Milwaukee Railroad and Rock Island Railroad Amendments Act, prescribe any regulations and procedures which may be necessary to carry out the provisions of this paragraph.

"(I) For the purposes of this paragraph, a 'financially responsible person' means a person, a State, or a political subdivision thereof (or combination thereof) who is capable of paying the price of a line or lines proposed to be purchased and of covering expenses associated with providing service over the line or lines for a period of not less than 4 years after the commencement of such service.".

ROCK ISLAND TRANSITION AND EMPLOYEE ASSISTANCE ACT AMENDMENTS

SEC. 5. (a) Section 122(a) of the Rock Island Transition and Employee Assistance Act (45 U.S.C. 1017(a)) is amended by inserting at the end thereof the following: "The Commission shall have authority to authorize continued rail service under this section over the lines of the Rock Island Railroad, until the disposition of the properties of the estate of the Rock Island Railroad.".

(b) Section 120(a) of the Rock Island Transition and Employee Assistance Act (45 U.S.C. 1015(a)) is amended by striking "2-year" and inserting in lieu thereof "3-year".

CONTRACT RATES

SEC. 6. Section 10713(k)(1) of title 49, United States Code, is amended by striking "and paper)" and inserting in lieu thereof, ", but not including wood pulp, wood chips, pulpwood, or paper)".

SEPARABILITY

SEC. 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL PTA MEMBERSHIP MONTH

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 105, a resolution proclaiming October 1982, as National PTA Membership Month.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 105) entitled "Joint resolution to designate October 1981 as 'National P.T.A. Membership Month'", do pass with the following amendments: Page 2, line 3, strike out "1981", and insert: "1982".

Amend the title so as to read: "Joint resolution to designate October 1982 as 'National P.T.A. Membership Month'".

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The **PRESIDING OFFICER.** Without objection, the motion is agreed to.

NATIONAL PEACH MONTH

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 91, a resolution proclaiming July 1982, as National Peach Month.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 91) entitled "Joint resolution to designate July 1981 as 'National Peach Month'", do pass with the following amendments: Page 2, line 4, strike out "1981", and insert "1982".

Amend the title so as to read: "Joint resolution to designate July 1982 as 'National Peach Month'".

Mr. BAKER. Mr. President, I move the Senate concur in the House amendments.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, Senate Joint Resolution 91 establishes the month of July 1982, as the National Peach Month. The action taken by the Senate today clears the Senate-originated measure for the President's signature. I am pleased to be a cosponsor of this legislation.

Some of the finest peaches in the world are grown in the eastern panhandle of West Virginia. I know the entire State will proudly celebrate National Peach Month this summer. Again I say that I am indeed proud to be a cosponsor of this measure.

Mr. BAKER. I thank the distinguished minority leader for his elaboration on this point.

Mr. ROBERT C. BYRD. Furthermore, Mr. President, I assure the distinguished majority leader that before the year is out I will present him with a bushel of the finest peaches grown in West Virginia or anywhere in the world.

Mr. BAKER. I look forward to that. I will reciprocate the offer, Mr. President.

I have one peach tree in my yard in Tennessee. That tree each year faithfully produces an annual peach.

Mr. ROBERT C. BYRD. Mr. President, would the distinguished majority leader also allow me to have a sprig off of his annual peach tree?

Mr. BAKER. Yes, provided it does not jeopardize the one peach I receive as the entire crop.

Mr. ROBERT C. BYRD. Mr. President, I would refer again to my offer to present the distinguished majority leader with a bushel of West Virginia peaches. I place one condition on that offer. That condition is that the most eminent photographer on Capitol Hill, the distinguished majority leader, assures me that he will take a photograph of that presentation and that he will have that photograph framed for me to mount in my office.

Mr. BAKER. I can assure the minority leader that I will be grateful for the peaches, grateful for the opportunity to take a picture, and honored that he would consider hanging it in his office.

I was fearful that he might ask for half of my crop of peaches. In view of the difficulty of dividing that peach with accuracy and precision, and dedicated to justice and equity as we both are, I am relieved that he did not put that request.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are certain items on today's Executive Calendar that have been cleared on this side of the aisle. I wonder if the minority leader is in a position to consider any of the nominations that are so listed. I especially invite his attention to those nominations beginning with No. 616 under Interstate Commerce Commission and proceeding through pages 3, 4, and 5, including Nominations Placed on the Secretary's Desk.

Mr. ROBERT C. BYRD. Mr. President, the minority is not ready to proceed with the nominations on page 2, but the minority is ready to proceed with the nominations on page 3 under Equal Employment Opportunity Commission and going through page 4 and page 5, Nominations Placed on the Secretary's Desk.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, in view of that, I ask unanimous consent that the Senate now go into executive session for the purpose of considering all the nominations beginning on page 3 under Equal Employment Opportunity Commission and continuing through page 5 as described by the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations just listed be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations confirmed en bloc are as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Cathie A. Shattuck, of Colorado, to be a Member of the Equal Employment Opportunity Commission for the term expiring July 1, 1985.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under subsection (a) of section 601:

Lt. Gen. James H. Ahmann, 406-34-1017FR, U.S. Air Force.

IN THE ARMY

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Calvin G. Franklin, 431-36-5678.

To be brigadier general

Col. Donald E. Edwards, 008-25-2639.
Col. Ernest R. Morgan, 225-38-9199.

IN THE NAVY

The following-named officer, having been designated for command and other duties of great importance and responsibility in the grade of admiral within the contemplation of title 10, United States Code, section 601, for appointment while so serving as follows:

To be admiral

Vice Adm. Kinnaird R. McKee.

IN THE MARINE CORPS

The following-named brigadier generals of the Marine Corps for promotion to the permanent grade of major general, pursuant to title 10, United States Code, section 624, subject to qualification therefor as provided by law:

Roy E. Moss.
Joseph J. Went.
Raymond A. Shaffer.
Clayton L. Comfort.
James J. Mcmonagle.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning John L. Bradley III, to be lieutenant colonel, and ending Victor R. Schwanbeck, to be lieutenant colonel, which nominations were received by the Senate on February 18, 1982, and appeared in the CONGRESSIONAL RECORD of February 22, 1982.

Army nominations beginning Rudolph E. Abbott, to be colonel, and ending Beth J. Zumberge, to be Major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 8, 1982.

Army nominations beginning Bobby A Boorigie, to be colonel, and ending William M. Sharman, to be lieutenant colonel, which nominations were received by the Senate on February 18, 1982, and appeared in the CONGRESSIONAL RECORD of February 22, 1982.

Army nominations, beginning Gerard P. Conva, to be colonel, and ending Harry L. Shriver, to be lieutenant colonel, which nominations were received by the Senate on February 18, 1982, and appeared in the CONGRESSIONAL RECORD of February 22, 1982.

Marine Corps nominations beginning Rodney M. Hale, to be second lieutenant, and ending Harald A. Moertl, to be second lieutenant, which nominations were received by the Senate on February 18, 1982, and appeared in the CONGRESSIONAL RECORD of February 22, 1982.

Marine Corps nominations beginning Helen Budler, to be second lieutenant, and ending David K. Perdue, to be second lieutenant, which nominations were received by the Senate on February 18, 1982, and appeared in the CONGRESSIONAL RECORD of February 22, 1982.

Navy nominations beginning Raymond Walter Addicott, to be captain, and ending Kenneth Lee Vansickle, to be captain, which nominations were received by the Senate on February 18, 1982, and appeared in the CONGRESSIONAL RECORD of February 22, 1982.

Navy nominations beginning Carl V. Catlin, to be commander, and ending Alexander Funke, to be ensign, which nominations were received by the Senate on February 18, 1982, and appeared in the CONGRESSIONAL RECORD of February 22, 1982.

Navy nominations beginning Barry M. Amos, to be lieutenant commander, and ending Roger T. Zeimet, to be lieutenant commander, which nominations were received by the Senate on February 18, 1982, and appeared in the CONGRESSIONAL RECORD of February 22, 1982.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominees were confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I believe there is an order for the Senate to convene on Thursday at 10:30 a.m.

The PRESIDING OFFICER. The Senator is correct.

ORDER FOR THE RECOGNITION OF SENATOR SPECTER ON THURSDAY, MARCH 4, 1982

Mr. BAKER. Mr. President, I ask unanimous consent that on Thursday, after the recognition of the two leaders under the standing order, the distinguished Senator from Pennsylvania (Mr. SPECTER) be recognized under a special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, today has been a busy day. This has concluded the list of items that I have on my calendar that can be disposed of at this time.

I will not now repeat the schedule of business for the Senate on tomorrow. It has been spread of record adequately in statements heretofore.

May I conclude this day's activities by saying that tomorrow begins consideration of the resolution on Senator WILLIAMS. I do not know what judgment the Senate will pronounce, but I do believe that every Member of the Senate joins me in expressing our understanding of this situation and our sympathy for the conditions that require us to proceed with this item on tomorrow and to wish him well.

Mr. ROBERT C. BYRD. Mr. President, I have one question of the majority leader. It is my understanding that if the Senate has not completed action on the Williams resolution by the close of business Thursday, that matter will go over until Monday next. Will there be votes on Friday or will there be a Senate session on Friday?

Mr. BAKER. There will not be votes on Friday. There perhaps may be a session of the Senate on Friday. I would hope to have a further announcement to make in that respect on tomorrow.

Mr. ROBERT C. BYRD. I thank the majority leader.

RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. BAKER. Mr. President, I have no further business to transact. I will inquire of the minority leader if he has further business.

Mr. ROBERT C. BYRD. I have none.

Mr. BAKER. In view of the fact that no Senator is seeking recognition and there is no further business to consider at this point, I move, in accordance with the previous order, that the Senate stand in recess until 10:30 a.m. tomorrow.

The motion was agreed to; and at 6:47 p.m., the Senate recessed until Wednesday, March 3, 1982, at 10:30 a.m.

NOMINATIONS

Executives nominations received by the Senate March 2, 1982:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Thomas A. Bolan, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1982, vice Richard R. Swann, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2, 1982:

DEPARTMENT OF STATE

James Daniel Theberge, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Cathie A. Shattuck, of Colorado, to be a Member of the Equal Employment Opportunity Commission for the term expiring July 1, 1985.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE NAVY

The following-named officer, having been designated for command and other duties of great importance and responsibility in the grade of admiral within the contemplation of title 10, United States Code, section 601, for appointment while so serving as follows:

To be admiral

Vice Adm. Kinnaird R. McKee, U.S. Navy.

IN THE ARMY

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Calvin G. Franklin, 431-36-5678.

To be brigadier general

Col. Donald E. Edwards, 008-26-2639.

Col. Ernest R. Morgan, 225-38-9199.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under subsection (a) of section 601:

Lt. Gen. James H. Ahmann, 406-34-1017FR, U.S. Air Force.

IN THE MARINE CORPS

The following-named brigadier generals of the Marine Corps for promotion to the permanent grade of major general, pursuant to title 10, United States Code, section 624, subject to qualification therefor as provided by law:

Roy E. Moss
Joseph J. Went
Raymond A. Shaffer
Clayton L. Comfort
James J. Mcmonagle

IN THE AIR FORCE

Air Force nominations beginning John L. Bradley III, to be lieutenant colonel, and ending Victor R. Schwanbeck, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 22, 1982.

IN THE ARMY

Army nominations beginning Rudolph E. Abbott, to be colonel, and ending Beth J. Zumberge, to be major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 8, 1982.

Army nominations beginning Bobby A. Boorigie, to be colonel, and ending William M. Sharman, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 22, 1982.

Army nominations beginning Gerard P. Conva, to be colonel, and ending Harry L. Shriver, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 22, 1982.

IN THE NAVY

Navy nominations beginning Raymond Walter Addicott, to be captain, and ending Kenneth Lee Vansickle, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 22, 1982.

Navy nominations beginning Carl V. Catlin, to be commander, and ending Alexander Funke, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 22, 1982.

Navy nominations beginning Barry M. Amos, to be lieutenant commander, and ending Roger T. Zeimet, to be lieutenant commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 22, 1982.

IN THE MARINE CORPS

Marine Corps nominations beginning Rodney M. Hale, to be second lieutenant, and ending Harald A. Moertl, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 22, 1982.

Marine Corps nominations beginning Helen Budler, to be second lieutenant, and ending David K. Perdue, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 22, 1982.

EXTENSIONS OF REMARKS

THE AGONIES OF IRELAND

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. FOLEY. Mr. Speaker, there follows the last in that outstanding series of articles, "The Agonies of Ireland" which the Philadelphia Inquirer published late last year. I can think of no more important series put out by the American press in recent memory, and I commend the Philadelphia Inquirer for this service to our citizens so they may better understand the ongoing tragedy in Northern Ireland.

[From the Philadelphia Inquirer, Dec. 22, 1981]

THE AGONIES OF IRELAND: WHAT CAN AMERICANS DO?

"Too many Irish-Americans are buying guns and bombs to kill Irish children, women and men—viciously or naively. Even those who aren't all seem to be living in some distant, mythic past. They're trying to relive the 1916 of their fathers or grandfathers, or 1798 or 1690 or some other time in between or before. Those times no longer exist. Too often, to those who are devoting their lives to Ireland's present and future, Irish-Americans seem to give not a damn about the human realities of Ireland today."—Senior official, government of the Irish Republic, October 1981.

"Communication between the government of the [Irish] Republic and its potential allies in America, that is, the larger Irish-American community, has been virtually nonexistent when it was not merely negative or patronizing."—Dennis Clark, scholar of Philadelphia's Irish-American history, in a 1980 address to an American Committee for Irish Studies conference.

The great Irish diaspora, nowhere in greater numbers than to America, is an eternal guarantee of personal involvement in Ireland's destiny by people beyond its shores.

Twenty million, arguably 40 million, Americans can trace roots to Ireland. It is inevitable and honorable that they be concerned. Millions of other Americans have deep affection for Ireland for its beauty, its literature, music, culture and charm, in both reality and myth.

It is proper then that Americans want to help, to do something.

What?

First and above all else, to be constructive demands understanding. There is great truth in both the statements at the top of this column. Yet they demonstrate a tragic, abysmal gap of understanding between many Irish-Americans and the people in Ireland responsible for its future.

The present principal agonies of Ireland took 400 years—it can be argued 2,400—to produce. They will not be brought to peaceful rest swiftly.

The most dramatic manifestation of the woes of Ireland lies in the political separation of six counties of the northeast from the 26 counties of the Irish Republic.

The most obvious—and yet, historically and continually, the most elusive—fact of that division is Northern Ireland's more than one million Protestants, who live uneasily with slightly fewer than 500,000 Catholics.

The Ulster Protestants are a hardy, diligent people, if unattractive in many ways to others in and outside Ireland. To rid the island of them is impossible, short of the sort of "solution" that Nazi Germany sought to impose on the Jews, leaving the most brutal scar of modern history. No one sane, no one at all except the most pathological elements of the Provisional Irish Republican Army, even hints at such a holocaust.

The most significant truth about those Protestants is that they will not be coerced out of their homes of 10 generations and more or into the Irish Republic. They have demonstrated that for two centuries to the frustration of great numbers of well-intentioned men and women—Irish and British alike. Why? Many of them truly believe that if they were swept into a united Ireland tomorrow they would be brutally subjugated or annihilated. That is what the IRA terrorists are telling them, they believe, with their assassinations and bombings. They are ready to fight and die.

Those Protestants are a legacy of British imperial domination, exploitation and, painfully often, condescension. They are the last significant residue of a millenium of a British garrison on Irish soil. And so their presence evokes and refuels a powerfully resilient passion in the hearts of many Irish Catholics, north and south—and perhaps most strongly of all those outside Ireland.

Underlying every other truth and myth of Ireland is that rage. Through the great literature of Ireland, anger boils, with the eternal promise of only temporary, explosive relief. The songs of Ireland, the stories told Irish children, speak eloquently of deprivation, and of yearning, deprivation's legacy.

Deprivation of what? Of Irishness, of a religious heritage, of a sense of cultural, political, personal integrity. The yearning lingers. There is great beauty in it. What is more moving than unconquerable human spirit?

What does it feel like? Yearning and sureness of destiny. The sort of thing words do not explain, which language can only celebrate.

There is an old Irish nationalist catechism. It's still taught to children. Part of it:

Q. What is the opposite of heaven?
A. Hell.
Q. What is the opposite of Ireland?
A. England.

And so there is rage, and its preserved product, hate. They are deepest among people who have learned them in trusting childhood, and who have not found the need or a way to grow out of them. When they are expressed in the conflicts within Ireland, north and south, or from faraway America, they damage, more than anyone else, the people of Ireland. Tragically, they impede, more than anything else, the prospects for ultimate reconciliation and unification of Ireland's peoples. The struggle for progress is not a conflict between British and Irish interests. It is the challenge of dealing with the Protestant Irish.

Trust is needed. Trust in the earnest men and women who know, and say in every way they know how, that peace and patience and seeking common purpose are the only hopes for making Ireland whole and healed.

Rage and trust are the two most volatile substances of all human experience—more difficult to manage than love or ambition, lust or greed. The volatility of rage is to explode, damaging without purpose or focus. The volatility of trust is to dispel into vapor and disappear with the first exposure to heat.

Yet if there is to be any rational hope for peace and reconciliation in Ireland—most certainly, if there is to be any possibility of moving substantively toward confederation or ultimate unification of the two Irelands—there must be trust and an end to the tyranny of rage.

That is an Irish problem first, and a British one second—for whatever the residual rage tells Americans, the preponderance of British politicans and people would far rather be rid of the problem of Northern Ireland than not. The province is costing British taxpayers $3 billion a year more than its total tax payments. It's a drain.

It also is an American problem, for Americans and America have great influence, for good and bad. It is clear what Americans should not do if they have any respect for human life, or any hope for peace and unity.

They cannot respect any of those ideals and also support the IRA or other terrorist groups.

The principal groups active in the United States and identified consistently by the government of the Irish Republic and U.S. authorities as IRA fund-raisers are Irish Northern Aid (Noraid) and the Irish National Caucus. They and other smaller groups which nourish violence and supply guns and munitions to terrorists don't always openly declare that intent. Often, they trade cynically on appeals to the genuine good will of Americans.

But what can Americans do beside using their moral force to combat the violence merchants?

Ultimately, the most valuable thing is to learn the objective truths of Ireland's struggle today—and in doing so, to turn from the Tyrant History toward constructive, humane contributions to the future. Nothing is more valuable than personal contact. Ireland is a grand place to visit, and the surest source of understanding about its realities.

There are a substantial number of American politicians of both parties who have followed that imperative. Many in the Congress belong to a coalition called the "Friends of Ireland." They deserve support.

Beyond that, there are any number of avenues. The Catholic Church is active. Any priest who condemns all violence, as does the entire hierarchy of the church in Ireland. America and Rome, can recommend charities that are insulated from terrorists'

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

exploitation. Presbyterian, Episcopalian, Methodist and other church groups have charitable efforts.

Two nonsectarian charities in America have been warmly supported by authorities in the Irish Republic and in Northern Ireland. They are the Ireland Fund, 40 Crane Ave., White Plains, N.Y. 10603, and Ireland's Children Inc., Bronxville, N.Y. 10708. Cooperation North, 56 Fitzwilliam Square, Dublin 2, Eire, is a responsible organization founded to serve the interests of cross-border peace and economic, educational and social cooperation.

Finally, and most importantly, the U.S. government, with the support of the American people, can make major contributions to healing and progress, north and south. That will be addressed here tomorrow, in the last of this series of editorials and columns.

[From the Philadelphia Inquirer, Dec. 23, 1981]

THE AGONIES OF IRELAND: AN AMERICAN IMPERATIVE

What should the United States do about Ireland?

It should do all possible and practical to ease the historic, and today murderously violent, tensions between the alienated elements of the island. The imperative is to help Ireland achieve peace and prosperity.

That cannot be easy. A series of articles on these pages, of which this is the last, has defined the difficulties. What of the future?

The more than one million Protestants of Northern Ireland will not vanish. They are a defining reality. Their alienation from the Irish Republic and their conflicts with their Catholic neighbors are the sole practical reasons for the political partition of the island.

That in turn is one of the only two reasons for the residual, and to many Irish abrasive, British presence there. The other is economic: British taxpayers outside Ireland are paying at least half the costs of all government expenditures in Northern Ireland, $3 billion or more annually. The tax bases of Northern Ireland and the republic combined cannot possibly absorb that burden.

If there is to be any effective long-range progress, it will come through gradual economic, social and political integration of Protestants and Catholics in the North—and then of the republic and the province.

If that ultimately leads democratically to the unification of Ireland as a single nation, no one would be more pleased than the preponderance of British and U.S. politicians, as well as those of the republic. But that can happen only by building interdependence and trust.

It is unrealistic to think of full integration in terms of years. It will take decades at best. In many areas and many ways, Catholics and Protestants in Northern Ireland are as segregated from each other as whites and blacks were in America's South in the 1950s. Forced integration could touch off a civil war in which tens of thousands would die—and put off reconciliation for generations.

What then is the proper U.S. role?

Two vital elements must underlie all responsible answers.

Do everything possible, including vigorous investigation and prosecution, to deter terrorism. That is especially important as to the very significant fund-raising and weapons-procurement efforts of the IRA's U.S. supporters.

Resist all efforts to damage further the economies of Ireland—rejecting calls for boycotts and other petulant gestures that can only worsen recession, unemployment, misery and strife.

Those are essentially negative positions. What of the positive?

U.S. politicians long have been involved in the affairs of Ireland, though much of the oratory of the past has been little more than dabbling—platform positions, St. Patrick's Day speeches and resolutions. There is a growing tendency, however, to make more substantive contributions.

The U.S. government has no right to intrude in the domestic policies of other nations. Would Americans take well to a French president or legislature issuing proclamations or appropriating funds to pressure the United States on the question of Puerto Rico's status, or the Italian government intervening on matters of American criminal justice procedures?

U.S. policy toward Ireland has been consistently committed to restraint. As President Jimmy Carter said on Aug. 30, 1977: "U.S. government policy on the Northern Ireland issue has long been one of impartiality, and that is how it will remain. We support the establishment of a form of government in Northern Ireland which will command widespread acceptance throughout both parts of the community. . . . The only permanent solution will come from the people who live there. There are no solutions that outsiders can impose."

He made another pledge, of great imporance: "A peaceful settlement would contribute immeasurably to stability in Northern Ireland and so enhance the prospects for increased investment. In the event of such a settlement, the U.S. government would be prepared to join with others to see how additional job-creating investment could be encouraged, to the benefit of all the people of Northern Ireland."

Painstakingly negotiated among Mr. Carter's staff and members of a bipartisan congressional group called Friends of Ireland, that language is replete with reservations. The most significant is the precondition of a "peaceful settlement"—which suggests America has no role in helping until help is no longer needed. Nonetheless, the Carter statement did constitute an unprecedented suggestion of American economic aid.

President Reagan—in his words "an American proud of his Irish ancestry"—has not formally reaffirmed the Carter position on financial aid. He has strongly and responsibly re-emphasized the U.S. condemnation of groups who aid the terrorists. This autumn, he began to show keen interest in developing a new position. He assigned Deputy Secretary of State William Patrick Clark, a close friend, the number two man at the State Department and proudly a fifth-generation Irish-American, to survey the situation.

Mr. Clark went to Ireland in November and consulted senior officials there and in London, including Irish Prime Minister Garret FitzGerald and British Prime Minsiter Margaret Thatcher. It was taken as a significant shift of emphasis, in the language-sensitive world of diplomacy, that neither Mr. Reagan's statements nor the letter he sent as Mr. Clark's credentials mentioned the traditional U.S. position of nonintervention.

In an interview on Irish national television, Mr. Clark said the administration would maintain Mr. Carter's commitment and "perhaps go beyond in encouraging the private sector to assist in the north in creating more job opportunities." He noted that 35 U.S. firms there, with an investment of more than $1 billion, employ one-sixth of the entire labor force.

There has been no suggestion of direct U.S. government aid. There is, however, a strong sense of potential. Clearly, Mr. Clark and Mr. Reagan are paying attention. Clearly, Mr. FitzGerald's courageous and imaginative initiatives for reconciliation with the Protestants of the North and constructive recent contacts between the Irish and British governments have improved the atmosphers.

Americans' affection and concern for Ireland are substantial enough to support significant commitments of money. Encouraging private investment and kind words on St. Patrick's Day are not enough, because the time is ripe to do more.

The Reagan administration and concerned members of the House and Senate should move swiftly toward drafting a program that would commit substantial U.S. funds to development aid—the range of $200 million annually is a reasonable starting point. The details will be complex. It will require Irish and British government cooperation.

The aid may take form of direct subsidies, tax incentives or grants to independent development entities, and may usefully include some measure to provide Protestants with long-term indemnification against the sort of expropriation they fear in any movement toward union or federalization.

All U.S.-sponsored measures should have two inviolable standards:

Recipients should be enterprises that promise long-range economic growth—tourism, stable industry and the like—and be enforceably free of sectarian discrimination.

Aid should be distributed in ways that draw on and benefit both Catholic and Protestant communities and both political entities.

The U.S. government should strongly urge its allies to support similar measures through the European Economic Community, of which Ireland and Britain are members.

Will the next significant step in Northern Ireland be toward the reestablishment of a power-sharing executive and a multilateral council with real authority? Will there be movement toward gradual federalization of two parts of Ireland, with elimination of economic barriers, joint-citizenship arrangements or cross-border voting rights? Those and other intricate, delicate possibilities must be negotiated by the British and Irish governments.

The American government and people, however, have an important positive role to play. That is to confront the agonies of Ireland realistically and to insist, to themselves and to the world, that the present circumstances and the threat of their becoming worse are not acceptable. The time has come to declare that the United States can and will serve its own and Ireland's greater destinies by positive initiatives to change that course.●

REDUCING SPENDING IS THE ANSWER FOR BALANCING THE BUDGET

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. RUDD. Mr. Speaker, in the last few weeks we have heard a lot of talk of alternative budgets, all of which make great and illustrious claims to solve our serious budget deficit problems.

The hard cold fact underlining all of these budgets—whether by Republican or Democract, or the House or Senate—including our President's proposal, is that Congress must make substantial cuts in Federal spending growth, which peaked at a high of 17 percent in 1980 while at the same time our gross national product only increased by 9 percent.

To achieve this lofty goal of a balanced budget, Congress must pursue President Reagan's wise policy of attacking these dangerous and irresponsible spending patterns which threaten to permanently cripple our Federal Government with high deficits and an ever-increasing National debt. Due in large part to our President's persistence, Congress last year lowered spending growth down to a 10.4 percent mark for fiscal year 1982. Even with these growth reductions, our budget swelled from $657.2 billion to $725.3 billion.

How can anyone call an increase of about $70 billion in 1 year a "sharp cutback," an "axed" budget, or "deep and devastating?" What should be pointed out is that without these actions by Congress and the administration, our Federal budget would have soared to even more incomprehensible limits only to be financed by another huge tax increase.

"Growth" is the keyword here. It has not been emphasized enough in this debate. Entitlement programs, excluding social security, grew from $33 billion to $168 billion between 1970 and 1981, representing a 15.6 percent annual rate of growth. All entitlement programs now add up to $430 billion, over half of our present budget. Surely, we have to place reasonable limits on these programs in a manner which prevents our Federal Government from outspending the rate of growth in our Nation's gross national product. To be sure, we have to do this without simply taking the old approach—this is, raising everyone's taxes.

The first step has already been taken by a courageous President who put his foot down and sharply decelerated spending. But our past indulgences are still in control. Entitlements and other spending programs are geared to enlarge at a pace which cannot be matched by our current level of taxation. To inject sanity in this budget process, we need to reform these automatic entitlements, approve many of the spending reductions offered by President Reagan, and make still further cutbacks where possible in all areas of the Federal budget.

But the most effective tool I have seen yet is the adoption of a balanced budget amendment. Congress would be required to adopt a balanced statement of fiscal outlays by a simple majority under such an amendment. In order to have a deficit, the statement would have to be passed by a three-fifths majority vote to be recorded. This measure, if adopted, would require the President and Congress to assure that actual outlays do not exceed statement outlays, and it would require Members who vote for deficit spending to account for it to the voter. If passed, such an amendment would take effect in late 1984 or 1985.

Accountability. That is what voters are asking for. It is interesting to me that those who are now for the first time professing the sins of deficits often are the same Members who have continuously pushed for more spending, more taxes, in every Congress. The only way to control this unaccountable hypocrisy is for all Members to put their vote on the record for clear and precise spending limitations. The best amendment I have seen is House Joint Resolution 350, which is cosponsored by over 150 House Members, including myself. An identical version of House Joint Resolution 350 in the Senate has been signed by 51 Senators and has been reported by the Senate Judiciary Committee.

Clarence Cannon, a Democrat who served in the House of Representatives for 40 years, made a statement back in 1959 that is just as relevant today. He said of this institution:

> We cannot escape the responsibility for the situation as we find it today. Congress spent the money and increased the National debt and brought on the inflation. The responsibility is right here on this floor. We cannot offer an alibi. We cannot pass the buck. And the reason we can no longer sell bonds at 2 percent is because we have steadily and stubbornly and continuously refused to retrench expenditure and begin systematically and methodically to reduce the National debt and stop inflation. Congress did it and let no one try to make the people back home believe any different.

As we proceed with the budget process during the next few months, we should be mindful of these words. Those who have suddenly taken an interest in budget deficits—something which somehow escaped their imagination before our national debt hit a trillion dollars last year—should be able to muster the courage to vote for the essential cuts in spending growth. The responsibility is now in our hands.●

SAINT CHARLES SEMINARY, 150 YEARS OF SERVICE

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. DOUGHERTY. Mr. Speaker, Saint Charles Borromeo Seminary in the Overbrook section of Philadelphia, Pa., is this year observing its 150th anniversary of service to the Catholic Church and people of the Archdiocese of Philadelphia.

Saint Charles is one of the oldest, largest, and most distinguished institutions for the formation of priests in the Nation, if not the world, and its record of outstanding service was both recognized and highlighted by the visit of Pope John Paul II in October 1979.

What Pope John Paul saw in his visit to Saint Charles Seminary was not only a group of students characterized by the joyous and generous enthusiasm of youth, but also and especially young men marked by solid learning, and manly piety, and faith.

The age of an institution often suggests quality, because institutions generally do not endure unless they meet needs which are both timely and timeless. In the case of Saint Charles Seminary, a century and a half of service has been marked both by fidelity to timeless truth and by taking advantage of timely opportunities such as initiating apostolic field education programs for seminarians, religious studies programs for Sisters and for lay men and women, continuing education programs for priests, and training in public reading and in sacred music.

Saint Charles Borromeo Seminary has served the Church of Philadelphia and the entire community well. Its 150th anniversary gives Catholics and those of all faiths the opportunity to learn more about this living center of faith and commitment to rich values in these days when so many thirst for meaning and hope.●

"FACT FINDERS" IN CENTRAL AMERICA

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. WHITEHURST. Mr. Speaker, the March 1, 1982, issue of Newsweek contained a column by George Will which struck me as a particularly balanced and rational commentary on the present situation in Central America, and I strongly commend it to my colleagues.

He has correctly pointed out that many of the facts that are being found are, at best, subjective, and his article deserves a careful reading.

Thank you, Mr. Speaker.

The article follows:

[From Newsweek, Mar. 1, 1982]

AGAIN, THE FACT FINDERS

(George F. Will)

Ramsey Clark, that groupie of anti-American dictators, recently visited Nicaragua, issuing exclamations of approval, punctuated by a swoon of admiration for Nicaragua's Marxist dictatorship. Shucks, says this Manhattan lawyer in his country-boy manner, it's about the neatest revolution he's laid eyes on. That is high praise from a connoisseur who has laid eyes on a few since leaving office as Lyndon Johnson's last Attorney General. Immediately after leaving LBJ's Cabinet, Clark decided that U.S. policy in Vietnam lacerated his conscience. He made a pilgrimage to Hanoi, supporting Hanoi's program of conquest. More recently Clark had a crush on Khomeini.

Clark and some friends went to Nicaragua on one of those "fact-finding" trips that invariably find three "facts." The first is usually that the left, which is shooting its way to power or is busy screwing down the lid of its dictatorship, is really, deep down, democratic. The second finding usually is that, although the leftists are talking and acting like communists (harassing all "counterrevolutionary" parties and newspapers) and are being armed to the teeth by communists. (Nicaragua suddenly has the largest army in Central American history, an army unrelated to any defensive needs), they are behaving this way only because the United States "is driving them into the arms of the communists." The third finding is usually that the United States is doing this because, being paranoid, it confuses simple peasant agrarian reformers with communists.

HIGH COMMITMENT

"You will not find," Clark says, "a revolutionary movement in our epoch in which there has been such a high commitment to human rights." Clark and Co. took a page from the fact finders who used to find that Russian kulaks rather enjoyed "resettlement" at Stalin's hands. Clark and his friends are stoical about the sufferings of the Indians who have been "resettled" at gunpoint. Heck, the Sandinistas say, they used only 2,000 troops, and, besides, the Indians had been exposed to clergymen "preaching a primitive brand of anti-communism." (Do the Sandinistas prefer more elevated brands?)

One of Clark's companions says the regime "is doing everything it can" for the Indians. Oh? A fact the fact finders missed is that the Sandinistas are conducting a Cambodia-style campaign of systematic violence to extirpate a culture, preventing children from learning their parents' religion and language, creating thousands of refugees, herding people into concentration camps, burning villages, burying some Indians alive, making bonfires—there are photographs—of Indian bodies.

Nicaragua and its Cuban patron (and Cuba's life-support system, the Soviet Union) are supporting the conquest of El Salvador by a violent minority. Critics of U.S. aid to El Salvador foresee "another Vietnam." Some critics recently became exercised about five U.S. military advisers carrying rifles in a region of El Salvador where, according to the kind of lunatic guidelines generated by fear of "another Vietnam," rifles are not supposed to be carried.

Many of those who are most eager to portray El Salvador as "another Vietnam" willfully misdescribed the conflict there, and then in 1975 conveniently caused Vietnam to disappear from their political radar screens. You remember: the war was called an "indigenous peasant revolt." That description got run over by an army indigenous to North Vietnam, armed with tanks and rockets indigenous to the Soviet Union. The most striking common denominator between Vietnam and Central America is the one thing denied by many people who warn that El Salvador is "another Vietnam." The common denominator is Soviet complicity. The participation of Nicaraguans, Cubans and Soviet arms does not inhibit those Americans who are determined to portray El Salvador's struggle as a purely "internal affair." What will they say when El Salvador has become a staging base for the Soviet-Cuban assault on Guatemala, preparatory to the assault on Mexico?

Supporters of U.S. policy in Indochina endorsed, and critics ridiculed, two theories. The "domino theory" held that Hanoi's conquest of South Vietnam would envelop Cambodia and Laos and bring communist troops to the Thai border. The other theory was that blood baths would follow communist victories. The boat people put to sea, Cambodia became a charnel house and those who had ridiculed the "domino" and "blood bath" theories changed the subject. Today their subject is El Salvador as "another Vietnam." But as The Washington Post says:

". . . Somehow, sometime the people who fought and argued so passionately against the American effort and who so confidently misread the nature of the other side really need to accommodate the fact of the misjudgment into their thinking. Vietnamese history did not cease with our disengagement, and it also did not exactly improve."

FORCE OF NATURE

The sentimentalizing of "the other side"—in Indochina, in Central America—shows the lengths to which some people will go to avoid facing the fact that in many conflicts there is no nice side. It is said that the rebels in El Salvador, like Nicaragua's Sandinistas, are "gravitating" toward the Soviet camp. That suggests an impersonal force of nature, like gravity. Such language disguises the fact that our enemies are doing what they choose to do.

Already there are calls for the United States to press for a "coalition government" in El Salvador. In America, with its broad, mild consensus, when a Democrat or Republican President includes a member of the other party in his Cabinet it is considered bold. In El Salvador, where the two sides have been butchering each other, they are supposed suddenly to collaborate with the civility that democracy presupposes. It is amazing what people will believe to avoid facing the fact that in some conflicts one side or the other is going to win.

Clark, an archetype, is less a terrible simplifier than he is a terrible simplification, a distillation of all the follies of all the pilgrims who have worshipped at whatever shrines were considered "progressive" at the moment. Dabbling in Third World calamities is just a hobby for Clark. He lives and works comfortably far from the horrible effects of the causes he supports. But they are getting closer.●

HOLE IN THEIR SOUL

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. WOLPE. Mr. Speaker—

God and the military veteran we adore . . .
In times of danger, not before;
The danger pass'd, and all things righted
God is forgotten and the veterans slighted.

Mr. Speaker, these—the anger-filled words of an anonymous World War I soldier—are sadly descriptive even today. They are words of frustration. They are words of pain. They are words which relate the feelings of so many veterans who risked their lives for their country and were disabled in the line of duty only to discover, later, that their sacrifices were forgotten and slighted by a country that all too frequently neglects to pay homage to its past. Mr. Speaker, they are words that beg a response.

It has been said that all disabled veterans have a "hole in their soul" that can be filled by a simple expression of gratitude. Today I am introducing a bill to do just that.

Department of Defense regulations now authorize space available military transportation privileges—free access to unused space on military air carriers—for all civilian employees of the Department of Defense, the American Red Cross, retired military personnel and the dependents of these three groups. Surprisingly, the present list of eligible users omits a group of Americans who have made the ultimate sacrifice for their country: The totally disabled veteran. Frankly, I was astounded to discover that veterans who are totally disabled as a result of military service cannot take advantage of this service. My bill corrects this anomaly by entitling them to this same privilege.

It is important to emphasize that my bill will not, in any way, alter the present operational system. That is, space available military transportation would continue on a stand-by, first-come-first-served basis with no designated change in flight schedules.

I feel that extending air travel privileges to totally disabled veterans is one way we have of recognizing the enormous sacrifice these people have made for our country. And happily, in a period of fiscal restraint, it is a gesture which can be easily made at little or no public expense.

I am hopeful that the Congress will deal expeditiously with this initiative, expressing long-overdue gratitude to a very special group of American heroes.●

YELLOW THUNDER CAMP

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mrs. CHISHOLM. Mr. Speaker, on April 4, 1981, in the Black Hills National Forest, a traditional religious and cultural community called Yellow Thunder Camp was established. Two days after this initial organization took place, a claim for 800 acres was filed with the Pennington County, S. Dak., Registrar's office. This claim was filed based on the Fort Laramie Treaty of 1868, the 1897 Federal statute, with regards to the establishment of sites for churches and schools, and the 1978 American Indian Freedom of Religion Act.

In July, of 1981, Yellow Thunder Camp applied for a special use application which would have given the members of the Lakota-Dakota Sioux Nation the right to erect permanent facilities and remain on the requested 800 acres. This would have been for the purpose of carrying out their cultural and religious activities.

The special use application was denied on August 24, 1981 due to what now appears to be an improperly conducted environmental assessment. The Forest Service then halted the administrative appellate process, by bringing a civil suit against the camp. The Forest Service brought this suit although, prior to this period, they had stated their agreement that the camp was lawful.

As these issues were raised, a number of other concerns, involving the religious freedom of Indian people, also developed. For example the Forest Service has repeatedly failed to adequately consult with the traditional, and religious, leaders of the Lakota-Dakota Sioux Nation. Many of these consultations involved the Forest Service's forest management plan which could disrupt religious and archeological sites. There is at present, no real protection for ancestral and archeological areas in the Black Hills National Forest. Federal agencies, as a whole, have continuously failed to properly consult with the traditional, and religious, leaders of the Lakota-Dakota Sioux Nation about religious activities in the Black Hills National Forest.

With the aforementioned in mind, and to insure that Yellow Thunder Camp is allowed to fulfill it's stated goals of practicing Indian religious freedom, and gaining access to religious sites, I am introducing legislation today to support this objective. Joining me are my colleagues Representatives James Weaver and Toby Moffett.

This bill will withdraw 800 acres of land, on which Yellow Thunder Camp now exists, for use as a religious and cultural community. These 800 acres will not be used for timber harvesting, or grazing, and persons using them will be prohibited from removal or excavation of archeological resources without the consultation with the Lakota-Dakota Sioux Nation. In addition, the Secretary of Agriculture will be directed by this legislation to insure that any proposed forest management plan for the Black Hills National Forest will have adequate protection for the archeological and historical sites found there.

Finally this legislation will reinforce the importance of American Indian religious freedom and the need for full cooperation from Federal agencies in protecting the religious freedom of Indian people.●

A MEMORIAL TRIBUTE TO SKIP JASON

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. LUNDINE. Mr. Speaker, I was shocked and saddened to receive word last Thursday that Robert (Skip) Jason, an advocate with the Housing Assistance Council, had died suddenly that morning of a heart attack.

Many Members of this body knew Skip Jason for his committed and untiring efforts on behalf of rural housing programs and the people these programs served. He was a dedicated and effective advocate for millions of elderly and poor rural residents who often found no other voice in Washington. To Skip Jason, more than any other single individual in recent years, must go the credit for preserving and improving rural housing programs that have so improved the lives of thousands of rural families.

Skip's commitment to improving rural housing conditions was only one aspect of a lifelong struggle against poverty, ignorance, and injustice. After graduating from the University of Texas, Skip enrolled in the Peace Corps, serving for 3 years in what was subsequently to be known as Bangladesh. Upon returning from abroad, Skip joined the ranks of the war on poverty, working in economic opportunity programs in Ohio, Indiana, West Virginia, Vermont, and Georgia. From his childhood in West Virginia, Skip understood both the beauty and the hardship of rural life. He dedicated his life to easing the pain of rural life wherever he encountered it.

I knew Skip only in recent years in his capacity as a housing advocate for the Housing Assistance Council, Inc. As a member of the Housing Subcommittee of the Banking Committee, I benefited greatly from Skip's broad knowledge of rural conditions and particularly of rural housing programs. He was an ever-ready source of needed statistics, of ideas and legislative proposals. I readily acknowledge that many of the rural housing programs and initiatives that have been credited to me and other elected officials rightfully belong to Skip Jason, and to his long-time colleague, Bill Powers. Skip's death removes a trusted colleague and makes the task of preserving rural housing efforts all the more difficult for those of us who remain.

Skip Jason's sudden death is tragic not only in light of the unfinished cause for which he lived, but for the family he leaves and to whom he was so devoted. I can only express my deepest sympathy to Skip's wife, Barbara, and to his son Jyoti, age 8, and his daughter Shona, age 2.

I am informed by Skip's associates that a special memorial housing fund has been established in his honor to further the effort to which he was so committed. Contributions to the Skip Jason memorial housing fund can be made at 2442 North Utah Street, Arlington, Va. 22207.●

MODERATION NOT A VICE

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. BRINKLEY. Mr. Speaker, when I announced that I would withdraw from Congress after this year, I referred to a Millard Grimes column published when he was leaving the Columbus Enquirer years ago. Quoting Frost, he spoke of a fork in the road offering a choice of two paths and his decision to take the path less traveled. He is a man who considers things thoughtfully and in focus.

Obviously, as a fan of Millard's, I continue to read his columns, and last Sunday's, in the Columbus Sunday Ledger-Enquirer, was one of his best.

I wish to share with my colleagues his reasoned judgments for moderation in a world of too many extremes.

MODERATION NOT A VICE

> Winter deals gently with Georgia and Alabama, with just enough harsh days to make us appreciate the promise of spring and the advantages of living in the south.
>
> Snowstorms are spaced far enough apart that we neither dread them nor prepare for them but simply surrender to them for the necessary number of hours.
>
> Spring soon dims the memory of icy windshields and painful wind chills, but when April comes we realize it is more pleasurable than January.
>
> April and its autumn counterpart, October, are almost everyone's favorite months, April being decorated in the burst of nature's life, and relieving us of winter's cold, and October bringing the colorful panorama

of nature's annual death rites, and a breeze to chase the summer heat.

In climate, save for a few perverse people, moderation has overwhelming appeal, but oddly, moderation has a tenuous appeal in other areas of life that affect every human being.

It is the "hot summer" and "cold winter" dogmas and their exponents that usually dominate the debates, and have controlled most of history.

The 20th century is little different from earlier ones even though people today are much more informed and have access to a far broader range of information than their ancestors who knew little of what occurred beyond the limits of their villages.

In many respects, the people of 1982—even in the United States—remain cloistered in the villages of their doubts and fears, barricaded behind strong opinions and weak information.

The two major countries in which moderation has been most persuasive are the United States and Great Britain and not surprisingly they have been the source of much of the progress and idealism in the world today.

Both the United States and Great Britain have basically the same form of government they had 200 years ago. No other large and influential nation of today has a comparable record of stability, and the vast majority of nations have government forms which are less than 35 years old.

Many reasons can be cited for the relative success and stability of the U.S. and Great Britain but the most important reason is that neither of them in those 200 years has completely succumbed to the control of zealots, in either their political, religious or social realms.

The danger has always been present, of course, and the United States passed through a cruel and devastating civil war which sorely tested its moderate traditions.

On racial problems, the zealots of one side or another almost always prevail, and the fact that the U.S. has managed to override its internal racial and ethnic conflicts is the greatest tribute to its innate moderation, and to the good luck and skill of the people who emerge from time to time as dominant leaders.

Great Britain is unsettled by a religious division in its Northern Ireland province, and also faces serious economic disruptions in all its islands today, which will seriously challenge the instinct for moderation.

These two nations have most faithfully trod that narrow path of democracy between the desert of tyranny on one side and the wilderness of anarchy on the other, fully aware that when any people have faced a choice between tyranny and anarchy they have without exception preferred the tyrant's certainty over anarchy's turmoil.

Nearly all U.S. presidents have been moderates, beginning with George Washington whose example has served the nation well.

Now, we must face the question of whether Ronald Reagan is to be a president who seizes a particular view or philosophy and will not be moved by pragmatism or contrary evidence which varies from his expectations.

This is not an idle or frivolous question for Americans, and especially for congressmen of both parties who have the responsibility of sharing power with the president.

The evidence abounds that the U.S. economy is in its most serious crisis since 1932. The most likely savior is not the supplier (as in supply-side economics) but the tried and true consumer, who has rescued the free enterprise system from all its other crises when given half a chance.

Reagan's tax cuts not only assured a record-breaking deficit but were weighted in favor of the suppliers rather than the consumers. Part of that was not in his original plan but he accepted every change that benefited suppliers and the suppliers have responded thus far by suppling less because they realize—even if Reagan doesn't—that there is little demand for them to supply.

To paraphrase Barry Goldwater's famed faux pas of the 1964 campaign, moderation in pursuit of a viable and fair economy is no vice; extremism in defense of a questionable, even discredited, economic theory is no virtue.

President Reagan, in the coming weeks, will have the opportunity to demonstrate if he is a truly great leader in the American traditions—which are moderation and compromise.●

ROBERT A. MACRAY IS OVERSEAS WINNER IN VOICE OF DEMOCRACY CONTEST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to bring my colleagues' attention to a speech made by Robert A. Macray, a 17-year-old American who is a senior in Heidelberg American High School in West Germany. Written for the Voice of Democracy contest sponsored by the Veterans of Foreign Wars of the United States, this speech was recently selected as the best from over 250,000 entries. The contest theme this year was "Building America Together."

I am sure my colleagues will agree that this speech is a moving evocation of the community spirit on which our Nation rests. Robert Macray's words are also a reminder of the many thoughtful young Americans who are the hope of our future.

As I walk down one of the narrow streets of my town, I come to an old house with a plaque in front of it. I stop and slowly read the plaque; it states that this is the oldest house in town, having been built more than 150 years ago. Looking at the house I begin to wonder about the time when it was built, about the people who built it, about the rest of America at that time. I try to recall what I have studied in school. I see in my mind the New Englanders gathering in the village square to listen to one of the town elders. They are all from Europe; some are German, some are Dutch, some are English, yet they are now fellow citizens in a young America. The speaker is explaining that the village needs a school house. The villagers realize that this project will be a community task. Within a week the school house, perhaps the building I am looking at, nears completion. The citizens worked together, put aside their differences, and accomplished a task for their mutual benefit. Together they continue to build their town and set the foundations of *America*.

All across the East coast I see early Americans struggling to build a nation. In the West I see the same; pioneers who have set out in covered wagons from the mighty Mississippi. Travelling across the midwestern plains to the Rockies and further still to the Pacific Ocean. Whether in groups large or small, they are working together throughout their difficult journey, and when they arrive, they settle down to their task of building a village, a town, a community, a nation.

Continuing my walk down the street, I look for other historic places. Still thinking about those colonists and pioneers working together, I ask myself, "Are we still building America together today?" I think for a while. There are engineers designing America's cities, buildings, and highways. There are lawyers and the businessmen. There are the computer scientists, the nuclear physicists, the biologists and medical doctors all working on new ways to produce energy, to rid our people of disease, to build a stronger America. There are the men at NASA, the creators of the space shuttle working together on advancements, achievements, and a technology to help all Americans. There are the city mayors, the state governors, our representatives and senators, our judges, and our President. They have a goal in mind, to create a strong, just, peace-and-freedom loving nation and they do not turn from that goal. But is it only the scientists and the statesmen who are building America? I wonder. No, of course not, it is every one of us. It is I, my friends, my teachers, my parents, my fellow citizens, my fellow Americans. We are also building America together. For we are the masses that give America its vitality; we are concerned, we are dedicated, we are hard working. We are helping to build America, together with our nation's inventors, engineers, and statesman. We are a people who will put aside our differences and our personal goals, but who will never put aside the building of our nation. Yes, we are definitely building America together. In fact, we Americans, have been building America together for more than 200 years.

I have now come to the public library. Stepping inside I notice a decorative poster on the wall with a quotation from Poet Walt Whitman. "The United States themselves are essentially the greatest poem." As I contemplate, I recall another poem by Whitman—

"I hear America singing, the varied carols I hear,
Those of mechanics, each one singing his as it should be blithe and strong
The carpenter . . . . the hatter . . . . the wood cutter . . . , the ploughboy . . . .
The mother . . . . the young wife . . . . the girl . . . ,
Each singing what belongs to him or her . . .
Singing with open mouths their strong melodious songs."

Yes, Americans are singing. They are singing of a goal, a goal from which they have never turned, one they have constantly striven for in unison, never tiring, never stopping, never accepting defeat. It is a goal of men and women proud of their heritage and challenged by the future. It is the challenge and pride of building America together.●

BIRTHDAY GREETINGS TO DAVID LEVINE

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. ROSTENKOWSKI. Mr. Speaker, I am pleased to have the opportunity to wish David Levine a very happy 18th birthday. During his junior year in high school from the fall of 1980 through the spring of 1981, David served the Congress as a page from my city of Chicago.

There is little question that the pages are crucial to the successful operation of this Chamber. In my almost 24 years of service to this body, I must say David has been one of our most outstanding pages.

We are sorry to hear of David's illness, but I know he will be back to see his many friends throughout this institution.

Mr. Speaker, David Levine is a young man of maturity and dignity—we need him back. David, get well soon.●

COMMUNISM COMING IN THE WESTERN HEMISPHERE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. LAGOMARSINO. Mr. Speaker, a Hearst newspaper editor's report recently commented on the infiltration of communism in the Western Hemisphere. I would like to bring it to the attention of my colleagues.

The report provides an interesting point of view. Mr. Hearst refers to the Soviet tactics in this hemisphere as "salami slicing," whereby they stage coups or backyard maneuvers to take over democratically elected governments.

The article provides a legitimate explanation for the U.S. involvement in Central America, specifically El Salvador. It is important that the United States continue its support of the El Salvadoran Government.

The text of the article is as follows:

COMMUNISM COMING IN THE WESTERN HEMISPHERE

(By William Randolph Hearst, Jr.)

NEW YORK.—The battle for Central America has begun and the Reagan administration is in a tough tussle with the Congress to increase aid to the embattled government in El Salvador fighting off well-supplied communist-led guerrillas. Unfortunately, most people here at home don't appreciate the great stakes involved in the region of seven small republics at our backdoor, most bordering the Caribbean.

But these countries, which have been independent for 150 years or more, are of incalculable strategic value. One, Nicaragua, was detached from the mainstream by the Cuban-fomented revolution a couple of years ago. El Salvador is the most populous with nearly five million people. If it falls, all Central America is up for grabs. Even Mexico, with its enormous oil reserves, is under the aggressive revolutionary gun.

This is known in Soviet practice as "salami slicing." The idea was first revealed to a stunned Western world when a tiny Communist Party together with the armed might of the Red Army staged a coup against a democratically-elected government in Hungary in 1947. Nearly all the important elected deputies were arrested first and shipped off to the U.S.S.R. Few were ever heard of again. Into their absent places communists and their stooges were moved. Presto! A so-called "people's government" was installed.

Chief salami slicer was austere Mikhail Suslov who, for 50 years, intrigued and plotted assassinations to preserve and expand power where the Russians had even a toehold. Suslov died in Moscow the other day but his macabre handiwork survives today around the world, including defiant Poland and in El Salvador.

As the chief theoretician of the Soviet party and master-mind of destabilizing governments abroad, Suslov gave unstinted encouragement to Fidel Castro and his brother, Raul, trained by the KGB. Suslov apparently was the only top member of the Politburo who urged the late Nikita Khrushchev to defy the U.S. during the missile crisis of 1962. Suslov lost—but didn't forget. He later swung the opposition against Khrushchev and in favor of present bigwig Leonid Brezhnev.

A grateful Brezhnev gave Suslov open-ended license to cement Soviet policy, particularly where it harmed U.S. interests. That's how the Kremlin persuaded Castro to dispatch Cuban foreign legions abroad—to Africa and the Middle East. Then, he encouraged both Castros and their trusted emissaries to become involved in Central America. It was an original Suslov suggestion that they help the Sandinistas revolt in Nicaragua first. The Castro brothers first opted for El Salvador but Suslov stuck to his salami tactics. Today, Fidel Castro is the revolutionary disease carrier, a sort of "Typhoid Mary," in the region.

As Professor Jeffrey Hart, of Dartmouth, proposed in a recent column for King Features, while Poland is in the Soviet sphere of influence, Cuba is in ours and very remote from the centers of Kremlin military muscle. Therefore, Hart reasons, and I heartily agree, why don't we put a real squeeze on Cuba? It has just received 63 tons of fresh Soviet armaments backed by several squadrons of new MiG-23s. Some of those MiGs, by the way, had the audacity to penetrate our own U.S. airspace on reconnaissance missions to spy on some of our maneuvers. They were escorted by Navy planes back toward their Cuban bases. The Caribbean region, in fact the entire Western Hemisphere, is essentially part of our "Sphere of Influence" and we should make our position in that regard clear to the athiests in the Kremlin.

Yet all the indications are that conditions in El Salvador are fast deteriorating. Secretary of State Haig told the Senate Foreign Relations Committee, in a robust defense of President Reagan's urging of Congress for more assistance to El Salvador, that the U.S. intends to thwart the rebels. He hinted at "whatever means" may be necessary which promptly alarmed some critics to mean the use of our troops.

Secretary Haig asserted that he wasn't about to spell out options available to us and also refused to say whether we'd contemplate sending combat troops. The president, a few days earlier, certified that the civilian junta of President Jose Napoleon Duarte was making progress toward human rights.

For El Salvadoran government, it's a time of terrible stress. Its preparations for democratic elections in March are underway even as guerrilla forces launch new offensives and have managed to destroy at least half the government's air force in a derring-do raid. President Reagan figures El Salvador needs an increase of $100 million now and an overall total of $300 million by 1983 in economic and military assistance to beat back forces supplied by Cuba, Nicaragua and behind them, the Soviet Union.

It's distressing that rightist governmental forces and some so-called private armies have resorted to wanton killings as they searched for guerrillas, who have preyed brutally on the fears of peasants and many townfolk. Of course, a danger always lurks that our own government might become too deeply involved in El Salvador and lose out in the long run. Still, I believe it's a private sign that the El Salvadoran government arrested six soldiers for slaying three U.S nuns and a lay-worker. It tries, perhaps awkwardly, to avoid extremism while the guerrillas kill-at-will and blame the El Salvadoran government for extremism.

This kill and accuse the other guy ploy is part of the "salami slicing" method advocated and practiced so amorally by Suslov in furthering Soviet power positions. The application is a first cousin to the big lie invented by Hitler. It's very complicated to figure out in many of the ripped-up country's areas who is doing what to whom and why. I don't pretend to offer a solution. I'm only setting out some of the historical background and how this frightful mess came about to help you better understand when you read dispatches from the area.

What is clear to me, however, is that the encroachment by the Soviet Union through its surrogates must be excised in Central America as a surgeon would remove a cancerous growth.

Left alone, it will not wither or go away, but will, sooner than later, infect us all.●

A NEW CLAIMS BILL

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. LEE. Mr. Speaker, I offer for the RECORD today a copy of remarks made to my constituents in central New York which deal with a very important matter in the Eastern United States.

Following is the text of those remarks:

A NEW CLAIMS BILL

(By Congressman Gary Lee)

Maybe it's appropriate that so many old cliches seem to fit perfectly when we discuss the old problem of settling Indian land claims.

For instance: "two wrongs don't make a right;" or "you can't please all of the people all of the time."

Unfortunately, the only way to ideally solve Eastern America's (and our own Central New York's) Indian land claims is to find the remedy that pleases all of the people all of the time. After much research we've established this one fact: it can't be done.

With that in mind, I introduced with Senators D'Amato and Thurmond the "Ancient Indian Land Claims Settlement Act of 1982." It comes as close as is humanly possible to meeting the needs of people involved and still abide by the strict demands of the law.

To restate history, land that was clearly in the possession of Indians before the Mayflower docked became settlers' land in a variety of ways.

In some cases, settlers defeated Indians in wars between the two, but that didn't happen as often in our Eastern states as in the West where the wars generated folklore and, later, movies. During the American Revolutionary War, however, many tribes fought for the British against the colonials.

When General Washington won, Indian lands became the "spoils of war." The victors, in many cases, divided it among themselves and relegated Indian tribes to reservations.

In time, those tribes sold most of the land to the settlers' government, in our case, the State of New York. About the same time, though, the fledgling federal government was asserting itself as the overseer of state's dealings with Indian tribes. In a succession of increasingly stringent measures, the new Federal government insisted on being a part of treaties between states and Indians.

Ultimately, it demanded that any treaties be approved by Federal authorities giving the national government the chance to review each transaction for fairness.

States, meanwhile, resisted this imposition on their own powers. Many states simply refused or "forgot" to send the treaties to the Federal government for formal ratification. Some cases question the authority of federally assigned Indian agents who were present at treaty signings as reason to overturn treaties.

Today, the alleged lack of final review or the status of agents nearly 200 years ago—at best only minute legal flaws—are encouraging tribes to claim that the lands are still theirs.

The results are lawsuits that could, in their ultimate resolution if tribes are successful, capture some nine-million acres of land which non-Indians have held title to for those 200 years.

In other words, the Indians want literally tens of thousands of current property-holders thrown off the land, regardless of the innocence of those people. This is the "second wrong" that would make the "right."

My bill is, in its direction, very simple. It says that in these kinds of cases, we recognize that the current property-holder should not have to abandon his or her property, that titles should not be clouded by massive suits for land; that current ownership titles would remain inviolate.

It also says that the only place a responsibility so broad and with so much historical background can be adequately handled is with the Federal government. In the end, if tribes can prove to the Federal government that they have a valid claim, the Federal government would pay them for it.

Payment would not include land now in the hands of private owners, but tribes would be encouraged—and helped by the Secretary of Interior—to find and buy available land with their monetary settlement.

The Indians, unfortunately, don't like the idea. You will hear them in these next weeks refer to me and my bill in the same terms they would use for a rattlesnake in the baby's crib.

But after all is said and done, giving the current landowner the peace of mind he or she deserves, and returning to the Indians the land they sold long ago are two irreconcilable positions. I would become anyone's suggestion to better resolve it, but so far we have only heated discussion from which to draw possible answers—and this bill.

In this case, the current landowners are at a distinct disadvantage. First because they are the object of a national guilt complex that stems largely from the Western movie image of unsavory government dealings with Indians. So, the non-Indian is quickly assumed guilty.

Second, the powerful Washington lobby maintained by Indians today knows all too well how to exploit that guilt for the benefit of Indian causes.

If it's possible for both Indian and settler to put rhetoric aside and deal on a fair-is-fair basis, we have a chance. That is our goal at the outset. The answer, we hope, is this bill. But the story is: To be continued . . . ●

THE WORD FROM NEW ENGLAND: ACID RAIN CAN'T BE BLAMED ONLY ON THE MIDWEST

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. RAHALL. Mr. Speaker, during our consideration of the acid rain issue, it is interesting to note that a number of New Englanders are beginning to question the validity of the argument made by some that most, if not all, of the acidity in rainfall affecting New England is being transported from the Midwest.

Recently a study was completed by Edward C. Krug of the Connecticut Agricultural Experimental Station entitled "Effects of Acid Rain on Soil and Water." This study raises some fundamental questions about the relationship of long-range transport to identified environmental damage popularly associated with acid rain.

Coupled with the findings made by Kenneth Rahn of the University of Rhode Island which indicated that acid deposition in the Northeast may be derived from emissions of local origin rather than from the Midwest (CONGRESSIONAL RECORD, Jan. 26, 1982, page 209), the Krug study offers an equally powerful argument against the "control now, ask questions later" philosophy being embraced by a number of my colleagues.

Because of the length of the Krug study, I am not inserting it into the RECORD, but rather, will make a copy available to any interested party. However, I would like to insert a summary paragraph, which states:

> In summary, the Adirondacks, and other remote mountainous areas of the Northeast are not pristine environments upon which acid rain is acting. The region has undergone extremes in land use associated with the demographic transition from an agrarian/rural and dispersed society, which cut and burned a wide swath, to a more centralized/industrial society which is letting these now remote areas revert back to a more natural state. These regions asserted to be impacted by acid rain are precisely the regions undergoing greatest natural soil acidification.●

ARIZONA'S WINNER IN THE VFW VOICE OF DEMOCRACY CONTEST

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. RUDD. Mr. Speaker, the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct an annual voice of democracy contest in which secondary school students participate and compete for five national scholarship awards.

I was pleased to hear that the winning contestant from Arizona was a constituent in my district, Miss Suzanne E. Konen, who attends Sunnyslope High School in Phoenix. She plans on pursuing a career in broadcasting or the fine arts field.

Suzanne Konen's State winning speech entry fits in eloquently with the contests' theme of "Building America Together." Her entry will be judged along with other State winners at the final national level later this month in Washington, D.C., so that my colleagues may be kept abreast of the still flourishing patriotism apparent in many of our aspiring leaders, I have included Miss Konen's entry in the CONGRESSIONAL RECORD. In her speech, she stresses the importance of defending our cherished American freedoms with a strong military defense, prudent conservation of our resources and the pride of our industry, and its workers, in producing the backbone of our economy.

> Let's take a trip! Travel back with me through a space in time.
>
> We have just seen the Columbia make its second voyage in space.
>
> We can remember when an American took the first walk on the moon.
>
> Go back further with me and recall when jet travel was first available and then back to the birth of aviation—science bringing people closer together.
>
> Think back, too, to the defense of our freedom—two world wars fought and won in the interest of keeping this nation free.
>
> As we travel further into yesteryear, history tells us of the vast valleys and plains settled by our forefathers and how they es-

tablished the United States of America and for the rights of the American people and for those freedoms that we are still enjoying today!

This was the origin from which it all sprang! This was the creation of America!

These seemingly endless miracles that have passed before us in the last 205 years are the huge building blocks upon which we must continue to build in order to bring this nation to its next century and beyond.

We have seen so much . . . but we must also ask "What remains for us to do? How can we contribute to the building of America?" Let us now sort out the building blocks of the future.

Certainly one of the vital elements of our country that made it strong and kept it strong is the maintenance of a capable military defense to protect the freedom that we cherish so much. Our youth needs to know that the military is an important and viable way of life which not only builds defense but builds individual character as well.

Another building block essential to the enjoyment of our land is the protection of our environment. We need healthy forests, rivers that continue to flow, clean air, and enough farm land in order that we may remain the bread basket of the world. These things are not beyond our control.

You and I can participate in the most basic ways, from controlling camp fires to proper maintenance of our vehicles. We should be prudent and conserve the resources that are limited to us. Let us be considerate of those generations to follow.

Drawn in the blueprints of our nation is the need to address the fellowship of Americans. There is no room for prejudice but there is always room for helping hands.

Our industry has allowed our country to take its monumental shape. We need, now, to see the importance of a job well done. You and I, whatever our calling, should take pride in producing quality goods and services. Our livelihoods depend upon it!

We are the workers whose very existence is etched on the cornerstone of this great nation. You and I can move forward to continue the development of our country.

We have the tools! We are the builders! We, the people, are the United States of America!●

PROFILE: GEORGE DANIELSON

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. MOORHEAD. Mr. Speaker, I would like to bring to the attention of my colleagues in the House a fine "Profile" on our friend GEORGE DANIELSON, printed in a recent edition of the Los Angeles Daily Journal, the newspaper for the southern California legal community.

As you know, Mr. DANIELSON has been appointed to the California Court of Appeals and will soon be leaving Congress, an entity he has served with skill and devotion for a dozen years.

Mr. Speaker, I am pleased to be able to submit this "Profile" on GEORGE DANIELSON to his many, many friends in the House.

[From the Los Angeles Daily Journal, Feb. 19, 1982]

PROFILE: GEORGE DANIELSON

Why would a member of the U.S. House of Representatives who has built up enough seniority to get things done want to leave Congress to become a judge—and a state court judge at that?

To Rep. George Danielson, who is leaving Congress after nearly a dozen years to go on the California Court of Appeal, the answer is easy. "I've wanted to be a judge for a long time and I presume that's the underlying reason. I'm sure it's the underlying reason because, frankly, I love being in Congress."

A couple of years ago, Danielson, a Democrat, was ready to leave the House for a possible appointment to the Ninth U.S. Circuit Court of Appeals. He said he was under consideration for appointment by President Jimmy Carter but did not win the support of the nominating commission that Carter set up for his choices to the federal appeals bench.

Now, Gov. Edmund Brown Jr. has given Danielson the chance to go on the bench by nominating him to the Second District Court of Appeal in Los Angeles. "The opportunity is here, so I feel that if I don't take it now, I never will. So I better take it," said Danielson, whose congressional district takes in Monterey Park, El Monte, Whittier, and a swath that includes a host of other southeast Los Angeles County communities.

In the years that Danielson has served in the House—he was first elected in 1970—Congress has seen some tumultuous times. From the nationally divisive debates over the Vietnam War to the jarring episode that began with the Watergate break-in and ended with Richard Nixon's threatened impeachment and resignation, Washington politicians have been buffeted both with national crises and an increasingly cynical and suspicious public.

It's hardly a surprise, then, that Danielson speaks somewhat longingly about the more serene surroundings of the judiciary. "After having been in elective offices for 20 years, I just don't think that in the judiciary you could even reach the outer fringes of the public pressure that you get in elective office," he said during an interview in his Capitol Hill office.

"LESSENING OF TEMPO"

Danielson realizes that judges have come in for their own increasing share of criticism and public rebukes at the election polls. "I don't quarrel with your premise (about heightened attacks on judges), but no matter how accurate they may be, there will certainly be a lessening of the tempo of the public criticism and pressure that you get in Congress. I just don't think there'll be any comparison," said Danielson.

For Danielson, his appointment to the Court of Appeal comes after a political career that started in 1962 with his election to the California Assembly. Four years later, he was elected to the state Senate. He won his House seat in 1970 and was re-elected five times. Had Gov. Brown not lured him away with the bench appointment, Danielson could presumably have stayed in the House as long as he wanted. The democratic-sponsored reapportionment plan transferred some portions of his district to a new district designed to favor election of a Hispanic representative, but Danielson's district remained safely Democratic.

A practicing lawyer for more than 20 years before his election to Congress, Danielson has been closely connected to legal and judicial issues while serving in the House. He is the author of a major regulatory reform bill that has already cleared the Judiciary Committee and is awaiting action in the House. In the past year he has also introduced legislation to revise the Federal Tort Claims Act and has considered a bill to streamline litigation arising out of air crash disasters.

The fact that he has worked with the judicial branch on various pieces of legislation, said Danielson, has left him with a closeness and familiarity with the third branch of government. "I don't feel like I'm leaving home and going to a strange territory," Danielson said of his impending move from Congress to the judiciary.

Danielson has "long had a tremendous respect for the judiciary and has always considered this (a judicial appointment) to be a cap in his career," said a House staff member who has worked closely with Danielson. "To him its's really an achievement."

PRAISE FROM GOP COLLEAGUE

Danielson's appointment was also lauded by Rep. Carlos Moorhead, R-Calif., a conservative who is the senior GOP member of the administrative law subcommittee of the House Judiciary Committee that is chaired by Danielson.

"George is a good lawyer and I think he will do a good job on the bench," said Moorhead. Though they have sometimes been on different sides of various issues, Moorhead said Danielson has been fair and ready to compromise as a subcommittee chairman with a Democratic edge on the panel.

Moorhead said he has been critical of Brown's previous judicial appointments because some of them do not appear to him to be very hard working. That is one concern he does not share in Danielson's case. "That's certainly one comment you'll never hear about George. He's always looking for something more to do," said Moorhead, who represents Glendale and other foothill areas in Congress.

Danielson declined to comment on observations about other judicial appointments made by Brown, other than saying, "The record speaks for itself." But he did add, "I think he made a good appointment with me."

One critic of some of Brown's choices, Attorney General George Deukmejian, will be among those sitting in judgment of Danielson as a member of the Commission on Judicial Appointments. The two men served together in the state Assembly and Senate. Deukmejian has stirred quite a bit of controversy over his habit of asking recent appellate nominees to respond to a questionnaire that asks their views on state Supreme court decisions in criminal matters.

Danielson said he has not yet received a questionnaire from Deukmejian and so does not want to commit himself yet on whether he will respond. However, he said he would "take a rather dim view of that sort of thing" because he doesn't think such a questionnaire falls within the proper role of the appointments commission.

The other two members who will make up the commission voting on Danielson will be Chief Justice Rose Bird and Justice Lester Roth, the senior presiding justice in the Los Angeles appellate district.

NOT "SOFT ON CRIME"

Danielson's pre-World War II service as an FBI agent and a three-year stint as an assistant U.S. attorney in California, meanwhile, led some law-and-order conservatives to believe that Danielson will take a reasonably forceful position on criminal law matters.

"I don't think anyone will have cause to be concerned about him being too soft on crime," said Moorhead. Although he said Danielson will respect individual rights, Moorhead said the prospective appellate judge will also "be concerned with punishing the guilty."

Danielson is a little more reticent about stating his views on the role of the courts in curbing crime. Instead, he said the entire system of administration of justice is partly to blame because of delays and an "abuse of the public's patience."

"The public expects there to be system in which people accused of crime are tried and the decision is rendered and disposed of one way or the other without going on forever and ever," he said. He included prosecutors and defense attorneys, as well as judges, in his observations about delays in the system.

Danielson expressed similar concerns about delays in civil cases, but here pointed a more accusing finger at litigation attorneys on both the defense and plaintiff sides.

"Why, requests for admissions, interrogatories, my God, they're almost beyond reason," he said. "I think we've built up such an elaborate set of procedures that that's what we're drowning in."

Whether it's partly in jest or partly serious, Danielson blamed the invention of word processing systems, now commonly used by lawyers, for the proliferation of the paper blizzard that frequently is the hallmark of civil lawsuits.

"If they (attorneys) had to sit down like they used to when I was practicing and do it manually, and then make eight or nine copies and erase everyone when you made a mistake, you wouldn't find those long, long requests and discovery procedures," he said.

Danielson, who turns 67 on Saturday, was born in Wausa, Nebraska. He received both his undergraduate and law degrees from the University of Nebraska. He became and FBI agent at the age of 24 and left five years later to serve in the Navy during World War II. He practiced law privately after spending three years as an assistant U.S. attorney following his military service.

FAULTS LAWMAKERS

Danielson's career switch from legislator to judge comes at a time when the judiciary is more frequently being accused of making their own laws and ignoring legislators.

When asked about the complaint of excessive judicial activism, Danielson said the fault often lies within legislators themselves. "Part of that, as I see it, is due to the fact that we in Congress—and I'm sure it's true in state legislatures—often put out statutes which are not exemplars of legal draftsmanship."

Enactment of laws that are ambiguous invariably lead to judges being called on to interpret what legislators had in mind. "We simply dump on the courts the need to construe a statute which, if worded properly in the first place, wouldn't need much construction. And that invites the criticism of judicial activism," said Danielson.

Danielson said the election of fewer lawyers to Congress has heightened the problem of vaguely-written laws. He said Congress needs more "mature lawyers" who have practiced before getting elected.

But for Danielson, it is time to trade in his lawyerly experience in Congress for the new experience of sitting on the bench. "I will miss advocacy. It's a very exciting, adrenalin-sponsoring thing," he said. "But I don't know how much adrenalin you need in your life. I've certainly had my share."●

A TRIBUTE TO JOHN M. LADD

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. MITCHELL of New York. Mr. Speaker, I would like to take this time to bring the attention of my colleagues to the recognition that has been given to the accomplishments of a distinguished citizen of the 31st Congressional District of New York. John M. Ladd, the executive director of the Mohawk Valley Economic Development District, has been chosen as this year's recipient of the General Herkimer Council of the Boy Scouts of America's Distinguished Citizen Award.

Few individuals are more deserving of this honor. He has served for 15 years as director of the multicounty Mohawk Valley Economic Development District. In this capacity he has served as a vital catalyst for the economic revitalization of a severely depressed regional economy. His knowledge of government economic development programs, his ability to coordinate diverse groups of interests, and his boundless determination have saved an innumerable quantity of jobs in our area.

He has served the Mohawk Valley in many ways, but he has also served his Nation as an active professional in the field of economic development. He has chaired several influential professional associations and has gained the respect and admiration of national leaders in field.

John's commitment to the betterment of his community is undeniable. He has devoted himself to making the Mohawk Valley a good and prosperous place to live and work. Through his many efforts, he has made our community a place with a future for ourselves and the youth of the Mohawk Valley.

He is a most worthy recipient of Scouting's Distinguished Citizen Award for 1982.●

RESOLUTION OF LITHUANIAN COUNCIL OF CHICAGO

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. DERWINSKI. Mr. Speaker, I would like to insert the following resolution adopted by the Lithuanian Council of Chicago in commemoration of the 64th anniversary of the Declaration of Independence of Lithuania. The United States must continue to support the aspirations of freedom, independence, and national self-determination of the people of Lithuania, and continue our nonrecognition of the incorporation of Lithuania and the other Baltic States into the Soviet Union. The resolution follows:

RESOLUTION

We, the Lithuanian Americans of Chicago assembled this fourteenth day of February, 1982 at Maria High School to commemorate the restoration of Lithuania's independence, do hereby state as follows:

That February 16, 1982 marks the 64th anniversary of the restoration of independence to the more than 700 year old Lithuanian State;

That Lithuania was recognized as a free and independent nation by the entire free world, she was a member of the League of Nations, however, she was by force and fraud occupied and illegally annexed by the Soviet Union disregarding the Peace Treaty of 1920 in which Moscow had guaranteed Lithuania's independence forever and disregarding the Non-Aggression Pact of 1926 with the Soviet Union;

That the Soviet Union is an imperialistic, aggressive colonial empire, subjugating each year new countries; Lithuania was one of its first victims. The colonies of western countries have regained their independence, even underdeveloped nations of Africa and Asia, while Lithuania is still exposed to the most brutal Russian colonial oppression and exploitation;

That the Soviet invaders, even though using tortures in jails, concentration camps, psychiatric wards are unable to suppress the aspirations of the Lithuanian people for self-government and the exercise of their rights to self-determination, as is highly evident from the numerous underground press and strong dissident activities. Now, therefore, be it

Resolved: That we are grateful to the President of the United States who instructed the U.S. delegation to raise at the Madrid conference the right of the Baltic States for self-determination;

We are grateful to President Reagan and the Department of State for statements that an official diplomatic non-recognition of the forced incorporation into the U.S.S.R. of the three Baltic nations will continue to be a policy of his Administration also;

We urge the United States of America and other nations of the free world use diplomatic and other possible pressures that the Soviet Union withdraw its military forces, secret police apparatus, foreign administration, and release from jails, concentration camps and psychiatric wards people who struggle for human rights and liberty;

That we express our most sincere gratitude to the U.S. Congress for non-recognition of the incorporation of Lithuania into the Soviet Union, and for the impressive annual commemoration of Lithuanian independence. We request the Administration of the U.S.A. and the governments of other free countries to use every opportunity in international forums and in direct negotiations with the Soviet Union to strongly support the Lithuanian aims for independence.

That copies of this Resolution be forwarded to the President of the United States, to the Secretary of State, to the U.S. Congressmen and Senators from our State, to Congressman Dante B. Fascell, chairman of the Helsinki Committee in Washington, and to the news media.●

THE REAGAN ECONOMIC PROGRAM—THERE MUST BE A BETTER WAY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

• Mr. LaFALCE. Mr. Speaker, today I wish to call to the attention of my colleagues an amazing speech.

J. Richard Munro, president of Time Inc., delivered these remarks in late 1981 to the Union League Club of New York in New York City. Rather than speak to his fellow business executives about the need for corporate planning or fiscal responsibility, Munro took a tact unusual for an individual in his position: he briefly outlined why business executives ought to be alarmed at the Reagan economic program.

But the unusual character of Mr. Munro's speech does not lie solely in its attack on Reaganomics. It is not one businessman's mutterings about why the economy is such a mess.

Instead, Mr. Munro's discourse focuses on the people who are being truly victimized by Reaganomics: Children, the aged, the poor, and those who cannot find jobs that pay enough to bring them above the poverty line. Mr. Munro's thesis is that the combination of tax and spending cuts has widened the chasm between the haves and have-nots in our society. As he explained to his business colleagues:

> The budget cuts are leaving serious and immediate human needs unmet. And if the budget cuts continue as scheduled, the problems of the poor will worsen intolerably.
>
> As business executives, I don't think we should stand by and let this happen.

As an alternative to the economic road to ruin that this administration has put our Nation on, Mr. Munro suggests three alternatives: First, increase business contributions to job training and charitable organizations that help our fellow Americans in need; second, restore spending cuts which are hurting our fellow Americans in need and make cuts in a Pentagon budget where, as Mr. Munro notes, there is "a classic case of throwing money at a problem—with too little strategy or forethought"; third, as Mr. Munro stated "let's work to bring the tax cuts to a more reasonable level."

Mr. Speaker, this is an unusual speech that deserves attention from Members who wish to pay heed to the calls from America's business cummunity. Mr. Munro states the challenge succinctly:

> As business leaders, I think we have a special responsibility—and that calls on us to help correct the excesses of this budget and put us back on the path toward human progress.

The speech follows:

THE REAGAN ECONOMIC PROGRAM—THERE MUST BE A BETTER WAY

(By J. Richard Munro)

Thanks for the kind introduction. It's a pleasure to be here at the Union League Club. Unfortunately, we won't have Q's and A's after my remarks. So I'll just give you the answers now.

First: I'm sorry you're having trouble with your subscription—but I'm not the one to see.

Second: no, I'm not the guy who thought up the annual swimsuit issue of Sports Illustrated. I wish I had, though—I could have gone far in the company.

And third: Yes, we might be able to squeeze your boss onto the cover of next week's Time. You can discuss that with our advertising manager.

As President of Time Inc., I am glad to be here. Our founder, Henry Luce, was a lifelong and active Republican in the tradition of your follow Union Leaguer, Teddy Roosevelt.

As a young man, Harry Luce idolized Roosevelt, and, like him, he believed that the Republican Party and American business had an all-imporant social responsibility. Luce once said—and I quote—"our greatness lies not merely in the marvels we have achieved—it lies in the fact that we have achieved them not for the few but the many."

In keeping with that spirit, I want to talk today about the Reagan Administration's budget—how it falls short in both serving human needs and economic efficiency. Incidentally, these are my personal opinions, not necessarily those of our editors.

I know that business executives are not suppose to disapprove of the Administration's spending program. Polls show support among us hovering around 90 percent. That's a phenomenal vote of confidence.

Let me add that I support the new policies that promote growth, new investment, and greater productivity. For too long, we were putting too little aside for future needs. Our competitive edge had dulled, and something clearly needed to be done. Yet in the rush to fight inflation and stimulate investment, I fear that we have cut too deeply—that we have put too high a burden on the poor and elderly—and that we are jeopardizing the long-term goals of this program and the interests of business.

I am especially concerned about the cuts in social spending. They have gone too far, too fast. And too few of us understand their impact.

Most of us probably have found comfort in the notion that the cuts were marginal—just shaving a few percentage points off a $722 billion budget—and that the cuts fall equally on everyone.

The cuts are anything but even-handed—and the effects are far from marginal—as the numbers show. About 70 percent of the 1982 cuts now in place come from programs affecting the poor.

You can go down the line—education at all levels—jobs and training programs—Medicaid—housing aid—food stamps—school nutrition—support for poor families with children—energy assistance—unemployment insurance—and numerous other social services.

Every one of these received major spending cuts—adding up to $25 billion of the $35 billion total cut from the budget this summer.

That doesn't include $13 billion in more cuts just proposed—and the $100 billion in cuts projected for 1984. Although those cuts are mostly unspecified, programs for the poor will again be on the chopping block.

Combined with tax cuts that benefit mostly higher-income people, this program adds up to a major redistribution of money in our society—from the lower end to the upper end of the scale.

Despite Administration assurances, the truly needy will have to cut back family budgets that simply can't be stretched any more.

The truly needy include the elderly and disabled poor. But the group that concerns me most is children—in families headed by a woman.

Let me tell you about them. One out of six of all American children—about 10 million—lives in poverty today. One out of four of all children will need welfare support at some time before growing up.

About one out of six of all children has no regular source of medical care. One out of three has never seen a dentist.

Among black children, two out of five are poor.

Under the new budget, they are losing a little here and a little there—not too much taken one by one. But when the losses total several hundred dollars this year per family—with even greater losses next year and the next—that will have a great impact on their lives.

In short, the truly needy will be even needier when this budget cut reaches them. There will be less for that slim margin between a few comforts and being plain miserable.

We should also be concerned about the working poor—people earning at or around the minimum wage.

The budget cuts fell especially hard on them. And—ironic for an Administration concerned about over-taxation—they penalize millions of people who want to begin or continue fulltime jobs.

If a welfare mother perseveres and gets a paying job now—she's likely to lose food stamps, Medicaid, rent subsidies, income assistance checks entirely—and have to seek day care without government help. The amount she would earn above welfare benefits can be taxed away, in effect, at marginal rates often more than 100 percent.

For millions of working poor, the message is you're better off financially—and your kids are better off—if you stay on welfare.

Probably many will continue to seek jobs and work any way, because the work ethic is still strong in this country. But this budget has just built one more barrier for them to overcome.

We should also be concerned about the many social services—government and privately run—being cut severely under this budget.

In Fairfield County, my wife and I are active in the Juvenile Diabetes Foundation. It's just been hit by Federal budget cuts that sharply reduce its research program—a program making real progress in finding the cure for diabetes—the nation's third largest killer.

Actually, I think we can probably raise money locally to replace some of the loss. But what about similar organizations in the rest of the country—with no access to corporate contributions or well-funded local governments? How will they maintain services?

Plainly, many of them—especially those in low-income states and communities—have nowhere else to turn. They will simply close down completely or operate at half-speed.

Rather than give you a laundry list of other examples, let me sum up:

The budget cuts are leaving serious and immediate human needs unmet. And if the budget cuts continue as scheduled, the problems of the poor will worsen intolerably.

As business executives, I don't think we should stand by and let this happen.

Let me suggest why.

On a practical level, let's consider the opportunity cost of letting the cuts go through. This year, we have the chance to restore business incentives for greater investment and productivity. The President, the Congress, and—most important—the public are behind us.

Yet this public support will vanish if the burdens of this program remain so uneven—if people think that the rich and big business get all the breaks—and if the promised surge of prosperity pays off only for those already well off.

So far, inflation has come down significantly. Lower energy and food costs have led this improvement. In fact, without rising interest costs, inflation would have gone down much more rapidly.

Yet the other economic developments so far have been excruciatingly-prolonged high interest rates—unemployment at 8½ million and expected to climb—and the second recession in as many years.

While we can talk about the need for patience until the long-term benefits arrive, the next election is a year away—close to the bottom of what appears to be a deep recession—at the very time the budget cuts put more holes in the "safety net" for people.

Also, while the economy declines, big business mergers are taking place with the subtlety and grace of dinosaurs mating—safety, health, consumer, and environmental protections are weakening—civil rights enforcement is taking a giant step backward—and the share of taxes paid by corporations drops significantly.

That's not a scenario designed to build confidence in the current program. Consequently, in the next election, people may decide that they're not getting the changes they really wanted. And it'll be another generation before we get a similar chance to enact business incentives.

George Will wrote in a recent column that programs like social security spring from Americans' acceptance of "the ethic of common provision." He went on to say that President Reagan—quote—"must convince Americans that his conservatism is compatible with that ethic—that there can be conservatism with a kindly face."

Besides the political effects, let's consider the economic effects. Remember that, in a few years, the children of today will be our employees—adding, we hope, to our bottom line. On a larger scale, we want them to produce, earn, spend, save, pay taxes.

Because of the end of the baby boom, there will be far fewer of them available. And we can already read projections of labor shortages later in this decade—especially in skilled labor. Budget cuts in training and education will worsen that problem.

Consider also Social Security: there are three workers today for every beneficiary. In 30 years, there will be two—when the children of today should be in their prime working years.

Out of economic necessity, we can't afford to let the productive potential of any of today's children languish because of our neglect.

More than ever, they are vital to our future, and we should help them get the best possible start in life. That means good schools, good nutrition, health care, housing, stable homes—all the things we want for our own children.

Yet we're moving in the opposite direction now and in the foreseeable future. That disturbs me, and I think it should disturb you.

Let me make a modest proposal:

First, let's look to our own businesses for some of the solutions.

We can take up some slack by increasing corporate contributions to organizations that can help with these human problems. Time Inc. set an eventual goal of contributing five percent of pretax profits. Next year, we will pass the two percent mark. The average for all corporations now is one percent.

We could also look at the way we hire and train employees. Maybe we could take more risks in hiring young people, provide training in basic skills, or help with day-care services.

Certainly, we can—and should—aggressively pursue our own affirmative action programs. Just because federal enforcement has slowed down doesn't let us off the hook.

Second, let's work with our friends in Washington to restore some of the social spending cuts.

I don't mean a return to the status quo. There were programs and agencies that needed cuts or even eliminations. But let's sustain programs that helped people find and keep work—that gave children a better start in life—that helped the elderly and disabled.

And if we want to look for areas to cut, let's start with the trillion-and-a-half dollars for defense in the next five years. We're seeing at the Pentagon a classic case of throwing money at a problem—with too little strategy or forethought.

Third and finally, let's work to bring the tax cuts to a more reasonable level.

We could moderate the deficit considerably by paring down individual tax cuts and some of the special interest cuts, such as windfall profits exemptions.

With revenues plunging because of the tax cut and a deepening recession, deeper spending cuts remind me of the futile efforts 50 years ago to balance the budget. The policies under Herbert Hoover only added to the deepening depression.

I can't help but think that curing inflation depends on a healthy, growing economy. Today's approach—deliberately inducing two recessions in a row—reminds me instead of the old medical practice of leeching.

There must be a better way to cure inflation, and I think we should help find it.

These proposals aren't the final answer, I'm sure. But I think they make better sense than what we're doing now.

It's not enough to depend on a rising tide lifting all boats. The reality is that for most of the poor and elderly, that won't be much help.

A booming private economy—built with money withheld from vital social programs won't help someone who's too old or young for the job market, who can't find decent day care for their children, who has no job skills, or who's sick or disabled.

And if many of them will be helped in the long run—what do they do in the meantime?

Harry Luce once said that the business of business is America—that as executives and citizens we should help advance human progress.

Three years ago, in Yankee Stadium, Pope John Paul II said something similar:

"Nowhere does Christ condemn the mere possession of earthly goods as such. Instead, he pronounces very harsh words against those who use their possessions . . . without attention to the needs of others. . . . In light of the parable of Christ, riches and freedom create a special responsibility . . . a special obligation."

As business leaders, I think we have a special responsibility—and that calls on us to help correct the excesses of this budget and put us back on the path toward human progress.

Thank you.●

TRIBUTE TO DAVID LEVINE

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. RATCHFORD. Mr. Speaker, I would like to take this opportunity to share with my colleagues the celebration of the 18th anniversary of the birth of an outstanding individual, David Levine. Active, concerned, and dedicated, David has consistently brightened the Halls of Congress, carrying out his work as a page.

On those many tiresome days and evenings when the legislation to be done looms over us, and we become weary and discouraged, David has always brought a youthful smile of friendship and a sparkle of enthusiasm, refreshing and recharging us to continue. He is a shining example of a page, and of an American.

Therefore, on this very special day, let us all as individuals, and as representatives of all the citizens of the United States, join in wishing him a very happy birthday.●

WANTED: A 20TH CENTURY PAUL REVERE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. VENTO. Mr. Speaker, with all eyes focused and ears trained on the reauthorization of the Clean Air Act, let us not forget about another extremely important component of the environment, water. Like the Clean Air Act, the Clean Water Act is also being attacked by the administration. As in other antipollution proposals, the administration would turn over more responsibility to the States, thus, severely jeopardizing the water quality in most areas. Also, because the $2.4 billion supplemental appropriations measure—funds to be used for construction grants—is stymied, many States have been left with outdated or unfinished treatment plants. The lack of these funds will affect, and in some cases, has already affected numerous jobs and led to the demise of many small businesses. The burden of maintaining or constructing efficient water treatment facilities will be placed on the States and the funds are being eliminated. How can States hope to have effective antipollution programs if they are unable to receive the necessary funding?

I would like to take this opportunity to bring to your attention, the following editorial "Needed: A Paul Revere" from the St. Paul Pioneer Press, February 18, 1982. This editorial emphasizes the importance of keeping a watch on the administration's efforts to weaken the effectiveness of the environmental laws. It is the responsibility of Congress to maintain this vigil to protect the environment from further deterioration.

The article follows:

[From the St. Paul Pioneer Press, Feb. 18, 1982]

NEEDED: A PAUL REVERE

Environmentalists need a modern-day Paul Revere stationed near the White House to sound a warning about which of the nation's anti-pollution laws is currently in danger.

With all eyes focused on the Reagan administration's plans for amending the Clean Air Act, the White House has been working on a new set of proposals to change the Clean Water Act. According to Anne Gorsuch, administrator of the Environmental Protection Agency, these changes would occur "only in those few areas where obvious statutory problems have emerged."

Others take a different view. J. Taylor Banks of the Natural Resources Defense Council said "the very roots of the Clean Water Act are being questioned by the administration."

The nation has made tremendous progress in cleaning up polluted waters since the passage of the Clean Water Act 10 years ago. We have come a long way from the days when some polluted rivers actually burst into flame (the Cuyahoga through Cleveland comes to mind), but the job isn't finished. The goal of the law is to return our waterways to "fishable, swimmable" condition by July 1, 1983, and to end all discharges of pollutants by 1985.

The administration's proposals would slow the cleanup process considerably. First, the EPA would do away with many national water-quality standards, leaving local communities to write and enforce their own standards. Second, the goal of "zero discharges" would be abandoned as impractical. Third, the EPA would make it easier for polluters to receive waivers from discharge standards. Fourth, the life of pollution permits required of industries and cities would be extended to 10 years from the current five years.

The effect would be a long delay in cleanup. The mandatory use of new pollution control methods would be postponed and the responsibility for clean water would be dropped on local units of government without either expertise or the financial resources to deal with industrial polluters.

Elimination of pre-treatment standards for industrial wastes flowing into city sewers would save polluters up to $4.5 billion by transferring this cost to tax-supported municipal treatment plants. This would be a double blow in some cities because President Reagan's new budget already calls for reduced federal assistance to municipalities seeking to replace outdated or inefficient treatment plants.

These proposals need a thorough airing in Congress. Meanwhile, citizens and members of Congress need a 1980s Paul Revere to warn them which part of the environment is currently under assault from the White House:

One if it's air, and two if it's sea;
And he on the opposite curb will be,
Ready to ride and spread the alarm
Through every Middlesex village and farm.●

AN INSPIRING STORY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. MITCHELL of Maryland. Mr. Speaker, I am very proud that I can share a bit of faith in the continuation of human kindness and concern for others with my colleagues. The following is the story of Willie and Helen McCray. This couple has reared, completely and partially, 22 children, including 3 of their own. I believe that the deeds of this outstanding family lend credence and pride to the concepts and continuation of family love, giving, sharing, and caring. As our economy and insensitive policies dictate that our families must lean more and more on each other, stories such as the following lend hope to the contention that this institution will not fail us.

A HUMAN INTEREST STORY

(Submitted by Willie and Helen McCray, Sr.)

This story is based on a couple who fought the odds and proved the experts wrong in their complete and partial raising of twenty-two children including three of their own. This story is presented by Willie and Helen McCray, Sr. Any names mentioned in this story may be fictitious:

It all started in late December, 1957 when I, then a Baltimore City Policeman, was walking a beat in west Baltimore. I noticed a little girl gathering food from various trash cans. I asked her why she was getting food from the cans. She very shyly responded by saying "to help feed my brother and sisters."

The child was 12 or 13 years of age. I called the late Policewoman Lt. Violet Whyte and asked her if I could take the little girl home with me. She stated that she would have to investigate the matter which was a procedure. That night when I went home, I explained the matter to my wife, Helen. We immediately decided that we were going to start helping children.

In the middle of January, 1958, a representative from the Department of Social Services had a very long interview with us, warning us about the problems we faced in trying to raise other people's children. The problems included different personalities, health, mental, and above all interference from the children's natural parents. But, she complimented us for having the idea of wanting to help. She also pointed out that there would be a very slight subsidy coming in each month to assist with the expenses. My wife stated that our love for children would supersede any options that may confront us; the children would be like our own (at that time we had two small boys 5 and 2 years of age).

In the middle of February, 1958, Helen called me and said, "Guess what? We have two little girls, 10 and 13 years old!" I was so excited that I came home early. After meeting the girls, I did what I didn't realize that I would be doing for the next 18 years and 19 more children. First, I would question the kids about what they liked most, then, I would attempt to find out as much as I could about their past. We would all be seated around the table with our own children and Helen and I pointed out to them that they were all our children. No one was better or worst than the other; there would be no foster parents, sisters or brothers in this home, we will be parents, brothers and sisters.

The first two kids were natural sisters and at the time we got right down to business of preparing them for school. Again, I did what I would be doing for the next 18 years. In each case the clothing that came with the kids were no good and Helen threw them out which meant that I would have to give her money to buy new clothing.

We always shared our pride, therefore, we would also up to this day, when our kids walked out of our house, they became models to most of the neighboring children.

Helen and I were married 10 years before she was able to give birth to our first child, a boy, who at one years of age became nationally known as the first Carnation Milk Baby Winner. The next was also a boy who eventually became a very popular football player. We were very hungry for a daughter. In September, 1958 we had a little girl, (now an employee at the Gas and Electric Company). When Alice was born, the 10 year old girl became very jealous because she wanted to remain the baby girl. The 13 year old became so attached to the baby that the public thought the baby was hers.

In June 1961, we received a third child, again 13 years of age and a sister of the other two girls. Can you imagine, within a period of three years, we now had two boys and four girls?

The older girls were very smart in school and church. Helen showed a perfect example as a leader playing games, taking them to different affairs, and even playing bobby jacks with them. The girls soon organized a singing trio in church and a dancing trio.

We were very careful in bringing them up to try and keep them from going astray. The neighbors charged us as being too strict, but we meant we were going to set an example for these kids.

One year before the first two girls graduated from high school, we met for the first time their natural mother, who then wanted the children to come back to her home after their graduation, in order to help her. We had a conference with the girls and they stated that they were finished eating from trash cans and naturally they wanted to continue staying at home with us.

There were a lot of tremendous, serious illnesses among the older girls, one in particular was almost the victim of having to wear side bags the rest of her life and would never bear children if Helen had not made a dramatic stand against the doctor's wishes. Today this girl has two wonderful boys. The first three girls all graduated from high school, married with families and still very close to us.

In 1962, there were two more girls taken into our household. Among these two girls we were successful in finally getting one of the girls through high school, after Helen had to go to school practically every week for her. She was a very beautiful child, but equally as mean. She finally graduated from Eastern High School and later married and had one child. The other girl we had to get rid of right away. She was too involved with drugs.

Then came the case that we will always have pride in. In 1964, Helen was awarded Mother of the Year from the Afro-American Newspapers. We were elected to go on speaking tours, make radio and television appearances. Helen was asked to come to Rosewood Hospital to speak to the retarded. After her speech, a little girl about 8 years of age, grabbed her by her coat and wanted to come home with us, which we wanted very much to do, but we were denied. Helen talked with the head doctor and he arranged for us to come out again to see the little girl. This time the little girl definitely didn't want Helen to leave. Thanksgiving was the next day, so they let us take the child home and keep her until that Sunday. Upon taking her back that Sunday, one day which we will always remember, our little daughter was crying and this little girl was having fits. The doctor took Helen and myself into a conference room and we left the two girls to play. These are the words the doctor spoke: "Mr. and Mrs. McCray, I know you have a wonderful reputation in raising children, but in this case you would definitely be a failure. This child has spent practically all of the last five years of her life in a darkened basement, just about alone by her selfish parents due to a denial of the father being the actual father. You wouldn't be able to do anything at all with this child. She is just about gone mentally and would never be able to attend public school."

We walked out with our heads bowed and saw the two girls playing together. I started to get Alice, our little girl, and the little girl grabbed Alice and said, "Take your hands off my mother." They both started screaming and my wife was crying. My wife then turned to the doctor and said, "Doctor, please if you give me a chance, I'll do my best to prove you wrong." And she did. Little Alice at 7 years of age, taught the little girl to read and write. Helen spent days and sitting up at nights rehabilitating this little girl. Today she is 24 years old, graduated from Eastern High School, attended Community College of Baltimore, studied criminal justice, is a security guard for the state and preparing to be a federal security guard. Three years before she graduated high school, we had a long fight with her natural father's attempts to block us from officially adopting her.

Then came Joe, a real problem child. We worked with him for nine years. He was determined that he wanted to be a girl. I kept him playing with the roughest boys, made him box the toughest guys until he finally got around the idea of being a girl. He took the roll of being too much of a boy by approaching his sisters, and we had to let him go. Wherever he goes, we always hear from him. He will always regard us as his natural parents.

Then came little Rodney, a little four year old, cute little light skinned boy. Rodney's body was covered with exema. The doctors at City Hospital had been treating him for four years for the disease. When Helen took him there after we got him, they offered her the same remedy they had been giving him. My wife refused. These were her words: "Why should you give me the same medicine that you have been treating him with for years that hasn't done anything for him?" The head doctor recognized Helen. He stated, "That's Mrs. McCray, let her take him home and bring him back in six months." Helen came home and mixed different salves and vinegar. This mixture completely cleared the child's skin. She took him back to City Hospital. The head doctor was very much amazed and asked Helen to explain to his staff what she had done to clear Rodney up so fast. Her explanation was, "Anything you have and love you will find some way of taking care of it." We adopted Rodney. He is an A student at Northern Parkway Sr. High School.

Next came little Jane and her brother, John. She was nearly two years old and her little body was badly bruised all over. Her parents were in prison for murdering one of their children. I will never know how Helen cleared this little child up. She had welts all over her little bottom. Somehow Helen cleared this child completely. This was the case that almost wrecked our entire lives. We had this little girl ready for school and for a reason in life I will never learn, they let the mother out of prison and took the little girl and boy back to her. It really hurt until this day. We later learned that the little girl was wandering the streets at seven years old and her little brother went to reform school.

Helen and I became very popular with the Department of Social Services. We were awarded the First Judith A. Hockreiter Award. Helen received the Community Service Award for her dedication and concern for others from the National Association of Negro Business and Professional Women's Club, Inc. We also received awards from the Mayor and Governor McKeldin, Governor Tawes and Governor Mandel. Helen also made several television appearances on "A Child is Waiting." She was sent to Chicago to speak to 11,000 foster parents on foster care and has been very instrumental in getting a major bill passed through the House of Delegates. We were also asked to go to Australia to represent Foster Care. She organized the first Foster Mother's Club in Baltimore and served as the first black on the State Advisory Board for more than 10 years.

In addition to all of her duties at home, public appearances, she still took time out to attend Community College of Baltimore and completed two courses in Sociology and Human Relations in 1976.

In all of Helen's speeches, she always included this phrase: "You may praise me but my husband has always been in my corner in whatever we attempted to conquer."

Back to the children. After Rodney, we adopted Andre who is now 14 years old. He is very slow in school. He attends Northern Parkway Jr. High School.

There were four other little boys including twins. One an 8 year old who has a mind of a 40 year old man. He was returned and later admitted to an institution. The other three boys were returned to their parents.

This has been a very tiring but rewarding experience from a dedicated couple who fought the odds to accomplish their mission.

When asked if we would do this again, we again drop our heads and then say after having a total of 22 children in our household, seeing 7 or 8 graduate and being responsible mothers and fathers with gainful employment and no police records, and last but not least adopting three children, the answer becomes "Yes".●

ESTONIAN INDEPENDENCE DAY

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. BLANCHARD. Mr. Speaker, February 24th was the 64th anniversary of the independence of the Republic of Estonia. Tragically, however, the Estonians have not been allowed to enjoy peace and freedom for most of those 64 years—instead, they and the other Baltic nations were forcibly annexed by the Soviet Union and have been subjected to continuous attempts at Russianization.

For the past 42 years, the Estonian people have given the world a moving example of the strength that lies in a people's desire for freedom. The Estonians have bravely resisted Soviet domination and their actions have given inspiration to the free world.

Two years ago, on the 40th anniversary of the Stalin-Hitler pact which secretly signed away the Baltic States' freedom, representatives of the three Baltic countries of Estonia, Latvia, and Lithuania appealed to the United Nations to restore their independence. The Baltic nationalists also addressed an open letter to Soviet President Brezhnev and to U.N. Secretary-General Waldheim condemning the Soviet invasion of Afghanistan.

Mr. Speaker, I applaud the Estonians' fight for freedom and I believe we can do no less than the Estonians in standing up to international aggression. On the anniversary of Estonian independence, I would like to call my colleagues' attention to the remarkable efforts made by the Estonians to resist Soviet domination and, further, I would like to commend them for their actions.●

DEFENSE FACES REALITY OF MARITIME SUPERORITY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. BENNETT. Mr. Speaker, the Navy Times of January 15 carried the following able and interesting article by Gen. J. D. Hittle, USMC (retired), on a subject which General Hittle, former Assistant Secretary of the Navy, is well equipped to write upon. I join him in the hope that the United States may indeed obtain in years just ahead the strength in naval power which is essential to our national security.

Defense Faces Reality of Maritime Superiority

(By Brig Gen. J. D. Hittle, USMC (retired))

Defense Secretary Caspar Weinberger, according to press reports, has instructed the armed forces to achieve maritime superiority.

Such a directive, if it finally becomes national policy, could be one of the most important strategic developments in our country's history.

The reason is not complicated. At the end of World War II, the United States emerged as the world's number one seapower. But since that pinnacle of supremacy, the long-term trend in our naval power has been downward. What has been so dismaying, is that the sharp reduction in seapower has not been due to mere neglect. Rather, it has been the result of a series of strategic misconceptions and budgetary hatchet jobs.

Too many who should have known better interpreted the nuclear blasts over Nagasaki and Hiroshima as signaling the doom of the importance of naval power. From then on, so the fadish theory claimed—the big bomber, with a nuke in its belly, was the absolute weapon of future warfare. Big aircraft carriers were, in this line of thought, a relic of a bygone era. A topranking military officer solemly stated that probably never again would there be amphibious operations like most of those during World War II in the Pacific.

That misreading of future warfare was only a few months later clearly repudiated by MacArthur's landing at Inchon, Korea, that broke the back of the communist forces. Not even this dose of combat reality checked the long-term decline of our seapower. There were, of course, brief buildups, such as during Korea, and later in Southeast Asia. For example, in both wars battleships had major roles with their big guns pounding the enemy positions ashore. Then, when the shooting was over those big guns were laid up and towed to a quiet mooring in some Navy yard back channel. There they quietly rode the tides, testimonials to our failure to understand our seapower requirements. The planned recommissioning of New Jersey and Iowa is strong evidence that a revitalization of our seapower is in the making.

Yet, while U.S. seapower was in a declining trend in the period after World War II, Russian seapower has been on a spectacular rise. Our naval reduction and Soviet increase are now at the point where able naval thinkers can argue that the Russians have seapower supremacy. And all this has happened since the end of World War II, when U.S. naval power was the world's greatest, and Russia's was virtually zero.

It's hard to say precisely at what point this new recognition of our dependence on seapower began to take place. It could have been the threat to Persian Gulf oil sources after the fall of the Shah of Iran and the Russian conquest of Afghanistan, which put Russian armor only a short drive from the narrow Straits of Hormuz, the gateway to the Gulf. Or, it could have been, paradoxically, a delayed recognition of our truly profound strategic setback by our loss of the war in Southeast Asia. This has imperiled the long-range safety of the Straits of Malacca, the narrow water corridor between the Persian Gulf—Indian Ocean area and the Pacific.

Our new interest in seapower could have been triggered, also, by the well-orchestrated Russian effort for control of the Horn of Africa, which, combined with the pro-Soviet regime in South Yemen, would endanger the sea lanes funneling into the southern exit of the Red Sea—Suez water corridor.

Probably, though, it has been a combination of these and many minor threats posed by the rise of Soviet seapower and our self-imposed decline. The historical truth had to be faced that either we, as a nation, put an end to our folly of losing our seapower supremacy, or our folly, and Russian seapower, would inevitably put an end to us.

Politics aside, it is only fair to note that the danger of declining naval strength has been recognized by the Reagan administration. So, if Secretary Weinberger's instructions to achieve maritime superiority—so well advocated by Navy Secretary Lehman—are put into effect, our nation will have made an historic reversal in defense policy. It will mean many things for the better, not the least being an over-due return to some strategic fundamentals, and thus a renaissance of U.S. seapower.●

WHITTIER HIGH SCHOOL BAND AND DRILL TEAM HONORED FOR THEIR ACCOMPLISHMENTS

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. GRISHAM. Mr. Speaker, today I would like to bring to the attention of my colleagues the exceptional accomplishments of the Whittier High School Band and Drill Team. Under the superior leadership of Principal Michele Lawrence, and Assistant Principals Leo Fessenden, Herb May, and Morris Padia, the Cardinal Band and Drill Team have consistently won honors throughout southern California.

Aside from promoting spirit at numerous football and basketball games, assemblies, pep rallies, and special functions, the Cardinal Band most recently had a special program for John Williams, conductor of the Boston Pops Symphony Orchestra, and composer of the movies scores to "Star Wars" and "Raiders of the Lost Ark."

The drill team, although usually accompanying the band, also performs in individual dance competitions. This year this dance team swept national competition and is on its way to Japan to represent Whittier High School and the United States.

A few of the numerous awards presented to the Cardinal Band and Drill Team include band sweepstakes from the Los Angeles County Fair best of the bands competition for the second consecutive year, band sweepstakes and first place for the drill team from the Pomona Christmas parade, and band sweepstakes, drill team sweepstakes, and first place for flag twirlers and the solo twirler in the Whittier Union High School district band jamboree.

The Cardinal members truly represent a collection of the finest performers in their age group. I am proud and honored, Mr. Speaker, to represent these fine students, and applaud their tremendous accomplishments.●

ENTERPRISE ZONES: A SECOND LOOK

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. LUNDINE. Mr. Speaker, there has been much debate in the last couple of years about "enterprise zones." Undoubtedly, that debate will take a more serious turn, now that the President has included the proposal in his 1983 budget.

The administration's enterprise zone program disturbs me a great deal. An excellent "Op-Ed" article by Prof. William Goldsmith, in Monday's New York Times, summarizes many of my concerns. Professor Goldsmith, for example, gives a convincing preview of what might happen even if some of the enterprise zones should meet with initial success.

But, the second possibility which Professor Goldsmith considers is far more worrisome. In all likelihood, the concessions offered under an enterprise zone will not attract much investment. If that is true, embracing enterprise zones in the name of a new urban policy would be a cruel hoax. It would only defer the revitalization of our inner cities, while playing falsely with the hopes and aspirations of those who are stranded in America's decaying urban centers.

Today's deteriorating economy furnishes a further warning about enterprise zones. The central premise of the President's economic recovery program is that tax cuts, by themselves, are sufficient to generate new capital investment. Judging from businesses' investment plans for the coming year, that theory has already been repudiated. If tax incentives are not sufficient to generate economic recovery for the Nation as a whole, one can hardly imagine that a few more concessions will revitalize the most blighted neighborhoods in America.

The record is rather clear, I think, that tax abatement is a very inefficient way to leverage private investment; one gives a lot to get very little. Moreover, tax relief provides scant incentive to newly formed small businesses, whose tax liabilities in the first few years are slim, but whose access to affordable capital is problematic.

I am indeed distressed by the prospect that Congress might exchange time-tested programs of direct business assistance—such as the urban development action grants, Economic Development Administration loans, Small Business Administration loans, rural business and industry loans, Appalachian Regional Commission aid—for an unpromising experiment in tax abatement. Yet, all of those current programs are indeed slated for extinction under the President's 1983 budget. As a former mayor who has struggled with the problems of local economic development, I know that such programs of direct capital assistance can make the crucial difference in encouraging private sector development.

These caveats merit close attention as the administration's enterprise zone proposal is considered in the coming months. Professor Goldsmith has fired a sobering first salvo in what promises to be a heated debate on the issue. I commend his article to my colleagues' attention.

[From the New York Times, Feb. 8, 1982]

Enterprise Zones

(By William W. Goldsmith)

Ithaca, N.Y.—Apparently uninfluenced by widespread criticism of the enterprise-zone idea, President Reagan has put forward the zones as the main initiative in his urban policy. It is either an unreasonable idea, destined to fail, or a dangerous one, destined to be a catastrophe.

Technically, the proposal does not amount to much: In short, its incentives are insufficient to revive depressed urban areas. Politically, however, the proposal means a great deal. These zones could cut the few strands left in the "social safety net," reduce wages, and endanger workers.

The theory is that conditions in most older cities discourage business investment but that investment will come if government helps business to lower costs. Of course, Federal tax concessions, capital subsidies, and job-training aid to stimulate business are old ideas. In addition, enterprise-zone advocates want to waive minimum-wage laws and most health, safety, and environmental regulations. In these special enclaves, not only would taxation be lighter but labor costs would be lower. Government would subsidize business—but so would workers; in return, they would get jobs.

It is a mark of the exhaustion of liberal postwar policies in urban renewal, housing, and job development that this proposal is being taken very seriously, and not just by conservatives. A key Congressional sponsor is a liberal Democrat from the South Bronx, Representative Robert Garcia. Across America, mayor, city councils, and state administrations eager to create jobs are debating the shape of enterprise zones.

Proponents argue that Hong Kong, Singapore, and South Korea are good models. The closest parallel is often said to be Puerto Rico, which supply-siders tout as a successful precursor of the new program. As an enterprise zone, however—one with a 35-year history—Puerto Rico is no success. Instead, it illustrates the basic flaws in the idea. The benefits of low wages, negligible taxation, and political stability resulted in the huge investment that made the island a showcase in the 1950's. Nevertheless, since about 1970, its economy has stagnated, 30 percent unemployment and nearly three of four families dependent on food stamps. The collapse of the development program followed from its own internal contradiction: To the extent that "Operation Bootstrap" succeeded, thereby raising wages, it reduced the attraction for investors, and failed. there was no mechanism for internal generation of development, no real plan for coherent reorganization and structuring of the economy.

In principle, at least, the same fate awaits any initially successful enterprise zone in America. In the unlikely event that wages are low enough to attract private investment in the first place, as soon as wages threaten to rise, new investment will stop and established firms will begin to close.

In fact, the incentives won't revive cities. The South Bronx would win from the Urban Jobs and Enterprise Zone Act (the 1981 bill sponsored by Mr. Garcia and Jack Kemp, Republican Representative from upstate New York) a $1,250 annual wage subsidy for each worker. Analysts in New York's City Hall show this to be inadequate to attract firms or branch plants. In Connecticut, enterprise-zone incentives are even weaker. Furthermore, none of the bills would provide capital, the ingredient most badly needed by new firms.

The political danger of the zone idea is that it provides new weapons for the "reindustrialization" battle, which is No. 1 on the conservatives' agenda for economic reform. In Britain, where the Thatcher Government has established 11 zones, the original idea had Draconian elements. Although few of those ideas have surfaced in American legislation, their predictable presence in national debate on the zones should be terrifying.

The Administration proposes multiple zones across the country, and it encourages states to innovate with their own laws. The states, if left to their own devices, might declare wholesale war on labor's 20th century gains. One bill authorizing zones passed both houses in Illinois before being vetoed by Gov. James R. Thompson, under pressure from labor and civic groups. Early versions of the bill would have eliminated building codes, minimum wages, property taxes, and general state aid; would have weakened laws protecting health, safety, and the environment; and would have enforced right-to-work laws in specified urban zones.

The original proposals in Britain and America grew out of recognition that the global economy is drastically different than it used to be, that low-wage competition is severe, and that corporations have shifted huge investments from industrial to third-world countries. The Government will have to respond to these new conditions, but not with enterprise zones.

William W. Goldsmith, professor of city and regional planning, directs Cornell University's program on international studies in planning.●

A TRIBUTE TO DAVID N. KENT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. MOORHEAD. Mr. Speaker, in the recent state of the Union message given in this Chamber by President Reagan, he alluded to many modern day heroes scattered throughout the length and breadth of our society.

He was telling us that as a people we still have the courage, the devotion to others, and the determination that was the hallmark of our past greatness. He was saying that because we are a society full of heroes, we can and will solve those problems which press against us today.

I would like to take this moment to bring to the attention of my colleagues in the House one of the special people in my district. His name is David N. Kent. He is a 20-year-old resident of Burbank, Calif.

David was recently given the Honor Medal with Crossed Palms, the highest medal bestowed on a person by the Boy Scouts of America for valor and heroism.

Mr. Kent demonstrated bravery, skill, and an unselfish spirit in saving the life of a 25-year-old woman who was injured when the small plane he was piloting crashed in bad weather in the mountains north of Los Angeles.

While painfully injured himself, he dragged the woman from the plane just before it exploded in flames. Utilizing survival techniques he learned in the Scouts, he covered her with leaves, grass, and mud and constructed a temporary stucture to protect the victim from the elements. The following day, he fashioned two crude crutches and hiked 2 miles down the rugged mountain for help.

Because of Mr. Kent's skill and bravery, the woman is alive and happy today. I salute him for his courage and heroism.●

THE ADMINISTRATION HAS MISGUIDED PRINCIPLES GUIDING PORT FUNDING

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. RAHALL. Mr. Speaker, it was recently brought to my attention that this country is spending $50 million to dredge the Mombasa Port in Kenya. this money is not being used for national security reasons, nor to strengthen our military position in that part of the world. It is being spent simply to make it easier for crew members to get from their ships to town on shore leave.

In light of the Reagan administration's proposal to withhold $150 million for inland waterway and ocean port operation and maintenance projects, I find the expenditure at Mombasa particularly disgusting.

Where are our national priorities when the administration will spend $50 million to make it easier for sailors to take shore leave in some foreign land, but will not spend a single cent to enhance domestic ocean ports' ability to remain competitive in the world coal trade; a trade which not only brings in millions of dollars toward reducing our balance-of-payments deficit but provides a measure of energy security for our allied trading partners?

Following is a recent article and editorial from the Baltimore Evening Sun on the Kenya project.

[From the Baltimore (Md.) Evening Sun, Feb. 18, 1982]

U.S. MILLIONS DREDGING PORT IN KENYA FOR GOBS' LIBERTY

The United States is spending millions of dollars to modernize the Indian Ocean port of Mombasa in Kenya—with an eye to getting its warship sailors ashore more quickly after weeks of duty at sea.

The money is being spent to widen and deepen the approach and sides of Mombasa harbor so that large vessels, incuding gaint U.S. aircraft carriers, can dock in port instead of anchoring at sea.

Increasing superpower rivalry in the Indian Ocean has made this sweltering port town an important shore leave and provisioning stop for American vessels, allowed to dock here under a 1980 agreement with the Kenyan government.

But only the smaller frigates and cruisers can negotiate the narrow approaches and entrances to the port and steer a path through the reef-lined channel to seek safe anchor.

Last month the American aircraft carrier USS Constellation was anchored two miles out at sea, while two small warships from Britain, which also uses the port, were tied up inside the port.

On board, most of the carrier's 5,000-strong crew were waiting to get ashore to the Mombasa bars and clubs after 51 days at sea working up to 18 hours a day.

A small flotilla of boats, some chartered for the occasion, ferried the sailors ashore, where an army of girls, guides and souvenir salesmen waited.

Pitching and rolling in the swell, the liberty boats, as they are known in the U.S. Navy, made a picturesque sight.

But for the sailors the ride can be a frustrating and uncomfortable experience, and the trip can be delayed for hours if the weather is bad.

"You have to stand in line on board ship to wait your turn to get a liberty boat, sometimes an hour or more," an officer said.

"Then the journey to shore takes about an hour and a half; so a round trip can take up to six hours," he explained.

Such inconvenience should be eliminated next year when the harbor will have been dredged to allow the Constellation and ships of comparable size to enter the port, which at present can accommodate only vessels shorter than 800 feet.

The $50 million project involves dredging the approaches and blasting small bits of coral reef to clear a passage five miles long, half a mile wide and 15 yards deep, according to engineers.

"It will mean a great deal in terms of morale," said Capt. Dennis M. Brooks, commander of the Constellation.

It would also make supplying the ship much easier.

"Everything we get has to be dropped by helicopter or brought alongside in a boat; so tying up right by the shops will save a great deal of time," a senior officer said.

The carrier serves 15,000 meals a day, bakes 1,000 loaves of bread daily and goes through 5,000 pounds of meat and 10,000 pounds of vegetables and 3,000 pounds of potatoes every 24 hours.

A more interesting statistic for the local population is that an American sailor spends an average of $300 during a port call.

Last month there were an estimated 7,000 U.S. sailors as well as British crews in the town, a potential outlay of 2.1 million dollars during a stay of about 10 days.

Mombasa was bursting at the seams with young Americans drinking their first beer in 51 days—the U.S. Navy allows no alcohol on ship—and packing the discos and bars where the local girls are out in force.

Mombasa thrives on its tourism and adapts quickly to new markets. Many craft shops have huge signs in German advertising their wares because most tourists are from Germany.

[From the Baltimore (Md.) Evening Sun, Feb. 22, 1982]

DEPENDS ON WHOSE PORT

Mombasa, Kenya, is a port city on the Indian Ocean. It is also an important shore leave and provisioning stop for the American Navy. But only small vessels can negotiate the narrow approaches to the port. When a giant like the USS Constellation visits Mombasa, a flotilla of "liberty boats" has to ferry sailors and provisions two miles. The round trip can take up to six hours—not exactly a joy ride for sailors who have been cooped up for maybe two months without beer or female companionship.

But it won't be inconvenient for long. The U.S. is spending $50 million to dredge the Mombasa channel. A passage five miles long, half a mile wide and 45 feet deep will be cleared. "It will mean a great deal in terms of morale," says the commander of the Constellation.

Morale, indeed. There's a morale factor in Baltimore, which depends on its port for life-sustaining commerce and, not incidentally, for the shipment of coal that would help free the West from its dependency on OPEC oil. It has been a long 11 years since Congress approved the Port of Baltimore channel dredging project. The agreement with Kenya allowing American vessels to dock at Mombasa is not yet two years old.

It makes you wonder about priorities.●

LITHUANIAN INDEPENDENCE DAY

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. BLANCHARD. Mr. Speaker, February 16 of this year marked 64 years since the declaration of Lithuania's independence. This should be an occasion marked with joy. Instead, the central fact of our commemoration of this anniversary is a tragic one. For 42 of the last 64 years, Lithuania has not been an independent nation; rather, it has suffered immeasurably under Soviet domination.

The Soviet invasion of Afghanistan and the recent imposition of martial law in Poland has focused fresh attention on the pattern of Soviet domination—but as we have seen in Lithuania, Estonia, and Latvia, this pattern is not new. The actions of the Soviets are well-developed and calculated. Our response to the Soviets must show that we recognize this pattern and that we firmly oppose it.

It is timely, therefore, for us to remember the history of Lithuania and take to heart the lessons it provides. The Baltic nations were forcibly annexed by the Soviets in 1940 and their genocide began in earnest the following year. Through our delegation in Madrid, through an active and outspoken human rights policy and through action we take in Congress, the United States must continually speak out against the egregious violations of human rights by the Soviet Union, toward the men, women, and children in the Baltic States.●

TAX-EXEMPT POLICIES FOR PRIVATE SCHOOLS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. MITCHELL of Maryland. Mr. Speaker, I share the concern of many of my colleagues about the administration's recent decision to reverse the Treasury Department's 12-year-old policy which denies tax-exempt status to religious institutions that maintain racially discriminatory policies. The President's subsequent attempts to initiate legislation to rectify the negative impact of such a reversal are misleading and insulting to those of us who share a valid commitment to the elimination of discrimination.

The administration's actions should be viewed as just what they represent: An intent to diminish efforts to combat racial discrimination through the maintenance of strong policies at the agency level; an intent to place the blame on the Congress if such policies are not maintained through the passage of new legislation; and, an intent to ignore the existing legislative basis for the denial of tax-exempt status for the institutions in question. I find it quite ironic that an administration which is committed, purportedly, to eliminating excess rulings and laws, could embark upon a crusade which will waste the Congress time, and disregard an existing policy of longstanding.

I am in agreement with the U.S. Commission on Civil Rights, as well as other concerned groups, in their belief that, in accord with title VI of the Civil Rights Act of 1964, the Internal Revenue Code, and the Constitution, the President should direct the IRS to exercise its ample authority to deny tax exemptions to private schools that discriminate on the basis of race, and the Internal Revenue Service should enforce the law. The last three administrations have supported a policy that has precluded the granting of tax exemptions to the type of institutions in question, and we must insure that the authority and enforcement powers remain intact.●

ASHLAND, PA., 125TH ANNIVERSARY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. YATRON. Mr. Speaker, I wish to bring to the attention of my colleagues in the Congress a historical event in my community which occurred on February 13 of this year.

That date marks the 125th anniversary of the Borough of Ashland, Pa., which was named after the estate of Henry Clay of Kentucky.

It is with great pride that I commend this community before the House and pay tribute to its citizens for their dedication to their borough and their country.

I know my colleagues will join me in congratulating the citizens of the Borough of Ashland on their 125th anniversary.●

U.S. TRADE REPRESENTATIVE ON INTERNATIONAL TRADE

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. DOUGHERTY. Mr. Speaker, I want to take this opportunity to share with my colleagues the remarks of the U.S. Trade Representative William Brock.

The pivotal importance of the GATT ministerial was the subject of Ambassador Brock's speech to the European Management Forum in Davos, Switzerland, on Monday, February 1, 1982. The audience included trade and other cabinet-level ministers from 22 nations, and over 200 business leaders.

Ambassador Brock's speech is a bold step toward a definitive understanding with regard to free trade. Hopefully, it can become the underpinning of a new international trade exchange policy—a shared commitment to make the trading system work.

The text of the speech follows:

HIGHLIGHTS OF ADDRESS BY AMBASSADOR WILLIAM E. BROCK

A great French philosopher of this century once wrote that "Freedom is the necessity to choose between alternatives." Today the alternatives facing the world trading system are narrowly limited, and the choice is critically important.

With rare exceptions, every nation in the world confronts the same crisis.

We all need increased foreign exchange to support purchases of energy;

We are all menaced by high unemployment, inflation, and payments imbalances which have reduced the real standard of living in most countries around the world and, finally and worse;

We are all tempted to adopt—and some nations have already adopted—restrictive trade policies to shield their domestic industries from import competition; domestic subsidies to maintain employment; and government credits and similar trade-distorting incentives to increase exports.

The result: A vicious syndrome, that misallocates resources, promotes incompetence, perpetuates inefficiency, institutionalizes market distortions, and leads to a cycle of trade inequities, declining real earnings, reduced savings and capital formation, slow or no growth, and inflation.

The resultant crisis is obvious, and so is the political response. Around the globe, calls for protectionism are louder and more shrill than they have been in 50 years.

I say this to you today not to bemoan the passing of an era of liberalized trade, but to prevent its passing. My Government believes in free trade, but we make no contribution to the achievement of that goal by ignoring attacks upon it by others. No nation can long sustain public support of a policy unless its people sense that there is equity for them in the application of that policy.

I understand the concern expressed about the current discussion of reciprocity in the United States. I am confident that, under this President, reciprocity will not become a code word for protectionism, but it will be used to state clearly our insistence on equity. Neither Congress nor the President can continue to tolerate unfair trading practices which adversely affect either our domestic market or our opportunity to trade elsewhere.

Part of the problem is that of national self-perception. The United States perceives itself as being an open and free market. The European Community perceives itself as an open and free market. Japan perceives itself as an open and free market. And, with a wink and a smile, each will acknowledge that its self-perception is flawed just a tiny bit by some exceptions.

Thus, one formula for the destruction of the world trading system begins with the self-serving view that each of us is as pure as the driven snow, and the problem is the other guy. The United States is not completely pure, and neither is anyone else.

The problem is that every country is tempted unilaterally to change the trading rules, and broaden the exceptions, as a way to deal with economic crisis. In short, each nation wants the long-term benefits of being part of the international trading system, but at the same time wants the luxury and license to change the rules whenever necessary and pursue its national interest in its own way without regard to consequences for others.

Countries can and should follow different paths of development, and we celebrate their right to do so. But, because there will be profound differences in how each country manages its economy, we believe it is crucial to structure and strengthen the world trading system anew to accommodate those differences in a rational, predictable, and equitable fashion.

There is more at stake this year than the problem of a sluggish world economy; the choices we make in 1982 are pivotal for the future of the world economic order. The dynamics of trade are such that if we do not move forward then we slide back. Either together we build the trading system of the future or we will each be condemned to rebuild the walls of the past.

This is a year of decision. And time whispers in our ear, "It's later than you think."

These decisions will not come any easier by being delayed. We cannot blindly hope that a world economic upswing in the near future will allow these decisions to be avoided.

For the last 35 years, liberalization of world trade has focused on reduction of tariff barriers. This effort has been largely successful. Yet, as tariffs have eased, too many governments have developed a new sophistication in devising non-tariff barriers. Some of these barriers were addressed during the Tokyo Round; most were not.

The highly complex and rapidly developing service and investment sectors are particularly vulnerable to emasculation by non-tariff barriers. The Tokyo Round did not address those problems. Some of the most ingenious and insidious non-tariff barriers didn't even exist at the time of the Tokyo Round.

Some will say we need more time to put into place the arrangements made during the Tokyo Round, and in the meanwhile, we can congratulate ourselves and rest on our laurels. That won't work.

Of course we need to insist upon full implementation of the Tokyo Round, but we also need a renewed and revitalized trading system that is designed to deal with new barriers as they arise, before they undermine past negotiating achievements.

We need a trading system that recognizes its task will never be completed, a system designed for the unending process of analyzing problems, and developing solutions, before they explode into crisis.

The key test of our willingness to choose between alternatives and to start shaping a revitalized trading system is how we collectively prepare for the GATT Ministerial meeting, to take place in Geneva in November of this year. Those who argue that the GATT Ministerial should function as a ceremonial confirmation of the status quo have misjudged the temper of the times.

The Government of the United States is committed to making the GATT Ministerial a beginning, and not an end. Each nation now must decide whether to make the political commitment to inventory, analyze, and seriously discuss the new threats to world trade, or choose the easier but infinitely more dangerous alternative of simply going to one more meeting to exchange platitudes and pleasantries.

At the GATT Ministerial and beyond, there is room enough for pragmatists and visionaries alike.

We must come to grips with the problems of investment and all the attendant problems of liberalizing the free movement of capital.

We must commit ourselves to talk seriously about trade in services, a critical element in future economic growth.

We must take a new look at the thorny question of safeguards and the problems of structural adjustment to deal with changing economic conditions.

We must perfect arrangements for trade in agriculture, for the mutual benefit of producer and consumer.

We must devise better methods to include and involve less developed countries in the world trading system. We must make progress in not only providing them market access in products where they have comparative advantage, but also encourage them to assume a full share in responsibility for managing the world trading system.' For those of you here today and millions of others around the world who are committed to economic freedom, it must be obvious that the foreign exchange which developing countries can earn through trade dwarfs the funds available to them through development assistance. Freer trade, more nearly than aid or import substitution strategies, will enable less developed countries to build a house for themselves that will be safe from violence when built.

We must focus on the challenges of trade in high technology.

We must improve rules and methods to deal with non-market economies so that they are able to compete in the world market, but compete fairly without exporting price and cost distortions along with their product.

We must deal with the manyheaded hydra of non-tariff barriers, and other trade matters that were not even contemplated when the GATT was first formulated after the Second World War, or during the seven negotiating rounds since then.

And, beyond the Ministerial, we must move towards a system that will accomplish these purposes.

We live in an interdependent world. We would not have it otherwise. We are free to choose between alternatives, but that choice is narrowly limited to going ahead or going back.

For those who are willing to build upon, improve and strengthen the GATT and other multilateral institutions;

For those who see the future as a fresh opportunity, and not a threat;

For those who hold fast to the goals of free trade;

For those who affirm that every nation can share in a greater common prosperity, instead of dividing diminished rewards;

For those who recognize that the free movement of goods, services, and capital is the best means the mind of man has yet devised to guarantee to all peoples the benefits earned by the sweat of their brow;

For those who believe in these things, you have a willing partner in the United States.

In the hands of all the trading nations rests the decision of whether the GATT Ministerial will be the overture to a new era of progress and prosperity, or a grand final chord.

Let us choose the better way: Let us join in a shared commitment to stop the excuses, and make the trading system work.●

HONORING EDWARD L. JOHNSON

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. ROUSSELOT. Mr. Speaker, let me take this opportunity to honor and bring to the attention of my colleagues the fine achievements of a distinguished resident of California's 26th District, Edward L. Johnson. Few of us can count as many accomplishments and all of us admire one who has put so much endeavor into his life.

Edward L. Johnson, chairman of Financial Federation, Inc., represents the highest ideals in the financial community. A longtime resident of southern California, he is widely known and respected for his many professional accomplishments in addition to having contributed to numerous civic and philanthropic activities.

The executive's endeavors on behalf of philanthropic and civic institutions reads like a "Who's Who" of public service. A vice chairman of the City of Hope Board of Trustees, he is director of Goodwill Industries of southern California, board member of Pepperdine University, and a member of the Association of Students and Business, UCLA Graduate School of Management.

A graduate of Northwestern University, where he was an instructor, he has served in similar teaching posts at the American Savings & Loan Institute in Los Angeles and Chicago. Professionally he is active in the National Association of State Savings & Loan Supervisors, U.S. League of Savings Associations, Council of Better Business Bureaus, Inc., the Conference Board, and is an honorary life director of the Los Angeles and Chicago chapters of Lambda Alpha, international honorary land economics fraternity.

Ed Johnson is an American. He has a deep appreciation of our American Government, the Constitution of the United States, and the consummation of the American dream. He has made an effort to know the dedicated men and women who serve in public office and has contributed in an open and generous manner to those whom he believes will protect and preserve our heritage. Ed Johnson has labored, invested, and benefited from a productive life. Others have benefited, too.

There you are. Edward Johnson is the kind of person who exemplifies the saying, "If you want to get something done, find a busy man to do it." He loves people and has proven this in his business, civic, and personal endeavors.

Mr. Speaker, at this time I am proud to honor such a notable member of the Nation's business community.●

THE 1982 WORLD FREEDOM DAY MEETING OF THE REPUBLIC OF CHINA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. DERWINSKI. Mr. Speaker, on January 23 of this year, the 1982 World Freedom Day rally of the Republic of China was held in Taipei. The great gathering of people from all over the free world at that rally, were addressed by Dr. Ku Cheng-kang, the rally chairman, and our colleagues Senator FRANK H. MURKOWSKI, and Representative TRENT LOTT, who were in Taipei at the time.

The occasion was the famous January 23 celebration which commemorates the day of decision for thousands of Chinese from the Communist mainland who chose to go to Taiwan rather than return to the Communist state. On Taiwan, they joined people united in the cause of freedom who are living proof of the benefits the free enterprise system can produce. The economic growth in the Republic of China stands in stark contrast to the economic decline on the mainland.

I wish to insert a speech made by Dr. Ku Cheng-kang and a copy of the declaration of the meeting which I hope that the Members will find of interest:

The 1982 World Freedom Day Meeting of the Republic of China has been held momentously in Taipei today by people of various circles representing compatriots of the whole nation—at home and abroad and behind the Chinese mainland enemy line—along with friends from all world regions who are similarly fighting for man's freedom. Hoisting the torch high amid 23 sounds of Freedom Bell, we resolved to promote expansive development of the anti-Communist surge.

We have reviewed the turbulent global situation over the past year, and we see that although the International Communists remain rampant in certain areas, those striving against slavery and for freedom are moving forward with new strength, fully in line with the common wishes of mankind.

As a powerful booster of free world posture, President Reagan's diplomatic policy of freedom through strength has dealt severe blows at Red rampancy. People under Moscow have received encouragement in their fight for freedom. Our countless enslaved compatriots on the Chinese mainland also are striving hard to gain light and be free.

The present vigorous rise of freedom forces is indeed encouraging. The great campaign of the Polish Solidarity union against tyranny and for freedom is a powerful demonstration of man's rejection of Communists. But we are profoundly concerned and regretful, for the free nations have not given effective timely assistance to the gallant Poles. Nevertheless, we are certain that the fire started by the Solidarity will spread and destroy Communist tyranny.

We are convinced that the internal contradition, rift and struggle of the Chinese Communists are fatal and quite beyond remedy by any power-holders, much less by Marxism-Leninism-Mao thought. The Red Chinese regime is destined to collapse, crumbling under the crisis of faith, trust and belief, falling apart in the face of our call for China's unification under San Min Chu I (Three Principles of the People).

We are unanimously of the view that no matter how outrageous the International Communists may get and how hard the Chinese Reds push their united front scheme, freedom will remain as the correct target of history's development, and the pressing free world mission is to unite all freedom forces and save mankind from holocaust.

This Meeting therefore solemnly point out the following:

First, the world conquest plot of the International Communists is an all-inclusive one, not of regional nature. Free nations, the United States of America in particular, therfore should abandon tactics of alliance with one Red group for opposition to another, reject Communist deceit and blackmail, stop providing weapons and knowhow to the Chinese Red, and enhance the Republic of China's strength in the Taiwan Straits for the preservation of freedom and security in the Asian-Pacific region. All must strive resolutely as one so that the freedom of the free will be assured as the enslaved masses are restored to freedom.

Second, struggle against slavery and for freedom cannot be effective if it is scattered and isolated. Free nations and peoples should adopt a uniform strategy and, standing on a joint battefront, hit hard at the enemy. The freedom campaign hereafter should have in its core the strength of the 900 million Chinese mainland people who are opposed to Communism and fighting to free themselves. All the freedom-fighters behind the Asian Iron Curtain must be joined with the freedom forces outside for endeavor to overthrow the Communists of China, Korea and Vietnam, and furthermore be united with others elsewhere for the destruction of Red tyranny and the building of a new world of freedom.

Third, anti-Communist struggle depends not only on materials but more importantly also on spiritual exertion. San Min Chu I, an embodiment of the orthodox thinking and cultural essence of the Chinese, is for freedom and democracy and serves as our nation-building guideline of love and benevolence. The achievements thus made in the Taiwan-Penghu-Kinmen-Matsu area are objects of envy by the multitude on the mainland. China must be unified under the San Min Chu I guideline of national construction. Only when San Min Chu I is implemented in all of China, replacing Communist dictatorship and its anti-human traits, can all Chinese truly enjoy well-being in freedom.

All the compatriots of China and all the freedom-loving friends of the world: Communism has gone bankrupt and Communist dictatorship is collapsing. San Min Chu I has already made its landing on the Chinese mainland. China will ultimately be unified in freedom and democracy. Let us pool the world's strength for freedom and strive as one for Chinese unification and freedom, and for global security and peace.

STRIVE EVER HARDER FOR FREEDOM—FIGHT TO VICTORY OVER COMMUNISTS

(By Dr. Ku Cheng-kang at 1982 World Freedom Day Meeting of the ROC)

Premier Sun, Representatives of Various Circles, Distinguished Guest, Ladies and Gentlemen:

I. ARRIVAL OF A GREAT AGE

In the history of man's quest and surance of freedom, a great age has now arrived—an age of freedom's victory. "World Freedom Day" is a powerful call of this age.

Throughout the world, the determination of those who stand for freedom is being enhanced. Strength for freedom is growing vigorously. This is in sharp contrast with the continuing decline of the confused and contradictory Communist camp. The notable changes are:

First, free nations are now awake, after going through the failure of appeasement in the 1970s. President Reagan of the United States of America is endeavoring for freedom and security through strength. Examples include his uncompromising attitude in regard to strategic arms limitation talks and his exercise of stern economic sanctions immediately after Moscow made the Polish Reds suppress the unionist surge. This firm U.S. posture against Red expansion is encouraging to people everywhere who love freedom. Anti-Communist unity and cooperation are thus being promoted among free nations.

Second, Chinese at home and abroad have started an intense campaign of national unification under the Three Principles of the People. Peiping's united front plot has been crushed. Being further spurred are the campaigns for freedom, democracy and human rights waged by the 900 million people on the Chinese mainland. The campaigns have been elevated with demands that Communism be abolished and replaced by the Three Principles of the People. The tyrannical Red Chinese rule is faced with total negation and rejection by the masses of people under the regime.

Third, the Polish workers gallantly rose against red tyranny. Their strikes developed into all-out struggle against Communist rule and for freedom. This is not just another Hungarian Revolution or Czechoslovakian Uprising. The Polish action mirrors the growth of freedom forces in East European satellite states—a growth bound to shape up an anti-Communist torrent that will be joined by freedom fighters in the U.S.S.R. and ultimately crush the whole Soviet empire.

Communist rule everywhere—Soviet Union, Chinese mainland, Eastern Europe, North Korea, Vietnam and Cuba—is bogged in the predicament of sluggish production, economic retardation and doleful life conditions of the ruled masses. No Communists, regardless of the extent of their revisionist struggle, can effectively overcome those failures that have been caused by built-in factors of Red systems. On the other hand, rising productivity and living standards in the outside world have eloquently demonstrated the absolute superiority of free democratic systems. The sharp contrast has pushed Communist theories to bankruptcy. The fall of Communism is a foregone conclusion of history's development.

II. CHINESE REDS ARE DOOMED; CHINA WILL BE UNIFIED IN FREEDOM AND DEMOCRACY

The decline of Communism has been particularly clear in the case of Chinese Communists. The Chinese Reds are doomed. China will be unified in freedom and democracy.

By moving from the Cultural Revolution to the purge of the Gang of Four and criticism of Mao, the Chinese Communists plunged themselves in a serious crisis of confidence.

The failure of the "four modernizations" program and the confused "economic adjustment" have aggravated the crisis of confidence.

People on the Chinese mainland are calling loud for emulation of the Taiwan economic example and the Taipei political example. This is an unmistakable manifestation of the grave crisis of confidence confronting the Chinese Communists.

The Red Chinese regime is faced with an all-out opposition by the mainland people. Young men and women want proper schooling and employment. Workers are asking for improvement of living conditions. Peasants are demanding farming on their own for their own benefit. Intellectuals are calling for freedom of thinking. All indications point to a wide-spread negation of Communism and a popular inclination toward the Three Principles of the People.

If the Chinese Communists really want modernization, they will have to give up Communism and tyranny. People will keep on opposing them if they stick to their "four-point insistence." The Chinese Reds are in a dead alley, unable to escape history's punishment or obstruct China's unification in freedom and democracy.

III. NECESSARY STEPS TO VICTORY OF FREEDOM OVER COMMUNISM

To speed up the process to victory over Communist forces of enslavement, we must on this great World Freedom Day call upon free nations to take the following necessary steps:

First, global strategies must be established against all Communists. Tactics of alliance with the Chinese Reds for opposition to the Russians are mistaken and should be abandoned. The United States Government must pay special attention to the Chinese Communist plot to deceive and blackmail Americans by capitalizing Moscow's expansionist threat against the free world. Concession and appeasement will only invite exploitation. Sale of weapons knowhow and production facilities to the Chinese Communists will pave the way for that regime's rise as another serious threatening force against the free world.

Second, freedom must be resolutely safeguarded through strength. Communist expansion, infiltration and subversion must be sternly dealt with. Spiritual and material assistance must be given positively to the struggle for freedom waged by the people of the Soviet Union, Chinese mainland, Poland, Vietnam, North Korea, Cuba, etc. A chain of anti-Communist revolutions should thus be started behind the Iron Curtain of the East and the West.

Third, the endeavor of Chinese at home and abroad for China's unification in freedom and democracy should be actively supported. Similarly to [illegible] enhanced is the Republic of China's [illegible]ength in the Taiwan Straits for the defense of freedom and security in the entire Asian-Pacific region. The 900 million Chinese mainland people should be returned to freedom as soon as possible, for that will mean that much manpower for the free democratic camp and that much stronger assurance for man's freedom.

Ladies and gentlemen: Because of our anti-Communist struggle, freedom and democracy will ultimately prevail, replacing Communism and enslavement everywhere. To accelerate the change to bring about that ultimate victory, we must draw a clear line between friend and foe, strengthen the unity of freedom forces throughout the world, build a common security system of all free nations and, firmly standing on the foundation of global anti-Communist strategies, bring forth the greatest ever pooled strength for freedom. That day will mark the end of Communism and enslavement.●

HARASSMENTS OF REFUSENIKS IN RUSSIA

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. DENARDIS. Mr. Speaker, I am once again honored to take part in the Congressional Vigil for Soviet Jews. While progress has been made to help ease the plight of these politically oppressed citizens, a great deal more needs to be done to insure that the denial of their basic human rights does not continue unabated. In fact, recent emigration figures reveal that the number of Soviet Jews allowed to emigrate during 1981 has slowed to a trickle.

Today, let us focus on the case of Stanislav Zubko, a long-time Kiev refusenik, and my adopted "Prisoner of Conscience." On May 16, 1981, the Kiev KGB entered Zubko's apartment on the pretext of investigating a robbery next door. Once inside, authorities allegedly confiscated hashish and a firearm, and more significantly, a Hebrew book.

Zubko was brought to trial in July and charged with "illegal keeping of arms" and "illegal possession of drugs" (under articles 222 and 229 of the Ukrainian Criminal Code, respectively). He was sentenced to 4 years in a labor camp. Declaring his innocence, Zubko stated that the pistol and hashish found were placed there by the security police.

Prior to his incarceration, Zubko had been a leader in the protests of the Kiev refuseniks. At one point, he was arrested and charged with "contemptuous behavior and use of improper language in a public place" in connection with a telegram sent to the 26th International Communist Party Congress. The protestors' telegram merely expressed concern about the local situation. In the United States, we would consider this a basic human right—freedom of expression; yet Zubko, for his action, spent 30 days imprisoned.

Zubko is one of many Kiev refuseniks who have been arrested and imprisoned under highly questionable circumstances, seemingly as a way to suppress the growing feeling of dissatisfaction toward the Soviet regime for its abuses of basic human liberties. With our continued support and assistance, however, the dream of freedom long held by these brave individuals can move closer to becoming a reality.●

COMMITTEE OF NORTHERN VIRGINIA DEALERS AGAINST DRUNK DRIVING

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. WOLF. Mr. Speaker, we are all aware of the disastrous increase of drunken drivers on America's highways. Not a day goes by that there is not an automobile accident involving an intoxicated driver. The tragic consequences of drunken driving must be halted immediately.

I would like to commend the Northern Virginia Automobile Dealer Association for taking action on this vital issue. They have organized the Committee of Northern Virginia Dealers Against Drunk Driving to help quell the needless destruction by drunken drivers on Virginia's highways. Chairman Don Beyer, my constituent, testified at a hearing on Senate bill 144 in the Virginia General Assembly on February 10, 1982. Chairman Beyer and his group should be recognized for their outstanding involvement in this problem. I would like to submit Mr. Bever's testimony to the Record at this time.

Testimony of Donalds S. Beyer, Jr.

My name is Don Beyer. I am the president of Don Beyer Volvo in Falls Church, Virginia. I come before you this afternoon as chairman of the Committee of Northern Virginia Dealers Against Drunk Driving, organized by the Northern Virginia Automobile Dealer Association.

This committee represents 72 new car dealers, employs 6000 people, with annual sales of well over One Billion Dollars. As a group, we contribute a great deal to the economy of our community. But recently, we have begun to look at the further meanings of our role as automobile dealers. We exist to serve the transportation needs of the public—yet these needs do not end with the sale and service of vehicles. As dealers, we have become increasingly aware of the tragic personal and economic hardship caused by automobile accidents. And, from federal data, we have learned that the most efficient way to make automobile transportation safer is to get the drunk and drugged driver off the road.

I present you with our petition from the committee of Northern Virginia Dealers Against Drunk Driving, which I now will read:

Whereas drunk driving remains a major cause of needless death and injury on the highways of our Commonwealth, and

Whereas over 500 people, each week in the United States, are killed by drunken drivers, and

Whereas current drunk driving legislation has a negligible deterrent effect, due to the gentleness and uneveness of application of its penalties, and

Whereas Senate Bill 144, introduced by Senator Joseph Canada, provides for much stricter and more appropriate penalties for first and repeat offenders,

We, the new car dealers of the Northern Virginia Automobile Dealers Association, do hereby petition the General Assembly of the Commonwealth of Virginia to enact Senate Bill 144 without delay, and to ensure this new law's maximum effectiveness by budgeting sufficient money for enforcement of the law and adequate public information concerning the law.

For the sake of our children, for the sake of us all, we urge you to act favorably upon Senate Bill 144.

A Petition Pleading Enactment of Senate Bill 144

Whereas drunk driving remains a major cause of needless death and injury on the highways of our Commonwealth, and

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We, the new car dealers of the Northern Virginia Automobile Dealers Association, do hereby petition the General Assembly of the Commonwealth of Virginia to enact Senate Bill 144 without delay, and to ensure this new law's maximum effectiveness by budgeting sufficient money for enforcement of the law and adequate public information concerning the law.

Most Sincerely,

Dick Herriman of Dick Herriman Ford Inc., and 28 other signatories.●

PRESIDENT DESERVES OUR SUPPORT

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. HILLIS. Mr. Speaker, the importance of Central America and the Caribbean Basin was clearly defined by President Reagan in his speech before the OAS last week. The President set forth a comprehensive program to help our neighbors in this hemisphere by offering special trade and economic opportunities, as well as security assistance where necessary.

I strongly support the administration in these new policy initiatives because I believe they represent an attempt to deal with some of the root causes of the economic problems in Central America.

However, it would be naive and imprudent for us to ignore the fact that outside forces—sponsored and supported by Communist-backed regimes—are attempting to exploit the problems in this region. Buses have been burnt, bridges have been destroyed, power stations have been sabotaged, and the population has been generally intimidated in a blatant attempt to subvert the coming elections in El Salvador.

If we fail to provide a wide range of help—including the security assistance which President Reagan has called for—then we run the real risk of seeing more Havana-style governments on our doorstep.

Mr. Speaker, I urge my colleagues to set aside partisan ideology and wishful thinking when dealing with the problems in Central America. The fact is, the threat is real and the President deserves our support.●

A TALK WITH T. H. BELL

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. DANIEL B. CRANE. Mr. Speaker, in the September 1981 issue of Mainliner magazine Secretary of Education T. H. Bell discussed a variety of education issues facing his Department and Congress.

I commend this excellent interview to the attention of our colleagues.

A TALK WITH T. H. BELL

THE SECRETARY OF EDUCATION DISCUSSES THE THORNY PROBLEM OF DISMANTLING HIS OWN DEPARTMENT

(Interview by Edward B. Fiske)

T. H. Bell is most certainly the only native of Lava Hot Springs, Idaho, ever to become a member of the Cabinet of a president of the United States. Born there on November 11, 1921, the future secretary of education attended the local schools and went on to Southern Idaho College—not knowing at the time that it was devoted to turning out teachers. He apparently liked the idea, though, for he became a chemistry instructor and began a rapid ascent through the ranks of public education, first in Idaho and Wyoming and then in Utah, where he became state superintendent of instruction in 1963.

Bell (who dislikes his given name of Terrel and prefers to be called T. H. in print and Ted in person) was first called to Washington to serve in the U.S. Office of Education in 1970. After another stint as a school superintendent in Utah, he returned to the capital in 1974 as U.S. commissioner of education during the Nixon administration. In 1976 he became commissioner of higher education in Utah, and in 1981 President Reagan tapped him to become the second secretary of education. In this capacity he is the principal spokesperson for the Reagan administration on education matters and, equally important in the eyes of the education community, the principal interpreter of the needs of education within the administration.

Mainliner: The Reagan administration is talking a lot these days about returning education to the local government level. With the federal government putting up only eight cents on the dollar, isn't education already a local endeavor?

Bell: The funding is local, but unfortunately a large amount of the control and policy direction has shifted to the federal level. Look at all the rules Congress has passed about bilingual education, special education and Title IX for women. Congress may not dominate education, but it has certainly been calling more than 8 percent of the shots.

M: What should the federal role be?

B: The federal government ought to be concerned about entire populations, and gross deficiencies that are nationwide in scope; its resources should be used when there's little prospect of correction without some kind of urging from the federal level.

M: Isn't this what the Democrats in Congress have been saying in recent years—that Washington is the last advocate of the poor or handicapped or various other disadvantaged groups?

B: Yes, but it's how we do it that concerns me. All too often the Department of Education ignores the fact that there is a big effort out there by the state systems and local school districts. They are the ones who should be front and center in meeting their own needs. In our zeal we've overwritten the regulations and behaved in such a way that the state people have sort of stepped back and let us do it.

M: Can you give me an example?

B: In Pennsylvania, some advocate sued the chief state school officer, saying, "You cannot have a normal 180-day school year for handicapped children because the law says that it's got to be a free and appropriate education." The courts read our regulations, and they found that the schools are indeed in violation of the rights of those handicapped children, since they are not providing more than the normal, nine-month school year. So they're about to force significantly more than a nine-month school year for handicapped children. I know that was not the intent of Congress when they wrote the law, but that's where the courts are moving.

In this case there are two things the Department did that I object to. First, we overwrote the rules; then we rushed up with our attorneys and entered the suit on behalf of the plaintiffs. We've got to say to our attorneys, "Look, there was an election last November, and there's a new administration in town, and you're on the wrong side of that case."

M: Any other examples?

B: Sure, the Title IX dress code requirements. The thirty-seven words of the law say you can't discriminate in your educational programs and activities on the basis of sex. We have interpreted that to include dress codes, and we've claimed the right to tell the schools and colleges how to enforce dress requirements. I don't think the federal government ought to be involved in arguments over length of hair and beards and skirts, not to mention see-through bras. That happened in a high school in Oklahoma. Braless high school girls were walking around the corridors, and a crusty old principal put out an order, "You've got to wear a bra." That's not a federal issue.

M: Part of your plan is to replace so-called categorical grants for specific types of children with block grants that would allow states and local school districts to lump these various funds together and use them as they see fit.

B: That's right. We are relating to fifty different state school systems, if you call them systems, and one state is vastly different from another.

M: But there's no enforcement mechanism built into your plan. What happens if the states decide to spend the money on tax relief or on the football team rather than on bilingual education?

B: It's not general aid. They still have to spend the money on behalf of the populations for which it was appropriated. If they don't, then they're in violation of the block grant law, and I can use the General Education Provisions Act to issue a cease and desist order and withhold future grants.

M: Would you expect to do this?

B: With fifty states, I'm sure it will happen. It's just that we can't say, "Well, you didn't do it our way: you don't have a pullout program for Title I youngsters [the program in which disadvantaged children are given special instruction] so you can't have the money."

M: Are you going to have the Burger King approach—do it your own way?

B: That's right. You know, there's a good model in what the government did to limit energy consumption in this country. We said to the states: Your legislature can set their speed limit any place they want it. But if you're going to qualify for your highway money, you've got to have the fifty-five-mile-an-hour speed limit. Well, they all have a fifty-five-mile-an-hour speed limit. The thing we did not do was employ a bunch of federal highway patrolmen to enforce it. That's why I object to what we're doing with education. We're making the wrong people the equivalent of the highway patrol—myself and my colleagues here.

M: The last time we had a big peacetime military buildup in this country was under Eisenhower, and the first thing he did was to pour a lot of new money into education, especially the sciences. The Reagan administration is trying to beef up the military, but it's doing the opposite in the sciences. You're cutting out funds for basic research and cutting the total amount of the block grants by 25 percent. Isn't this somewhat contradictory?

B: The Eisenhower situation was different from what we have now. He didn't inherit the economic mess that we have.

M: But can we cut back on basic research and still improve the technological capabilities of the military? Doesn't one feed the other?

B: Sure it does. There's no question about that. The question is how long and permanent the pull-back will be. Our hope is that this economy is going to turn around.

M: There's another irony here. The National Assessment of Educational Progress recently reported that the reading ability of nine-year-old blacks has improved dramatically in the last decade, and most people agree that this is due, in large part, to the success of Title I and other federally financed programs. Are you unhappy that you're cutting down on these programs just when they seem to be paying off?

B: Certainly I am. But once again, we expect it to be a short-term problem. And if we can get the economy back on track and get inflation under control, no one will benefit more than the schools.

M: The administration is committed to tuition tax credits, which would allow parents of children in private and parochial schools to take tax credits to offset their tuition expenses. How can you justify adding a new program that could cost up to $5 or $6 billion when you're cutting out school lunch, Title I and other programs as well?

B: Tuition tax credits are part of a tax-relief program. If we're going to have tax relief, I, as a person who's partisan on behalf of schools, would just as soon see some of that relief rebound to the benefit of education.

M: So it's really two separate issues.

B: I think it is, but others may not agree. Some say that tuition tax credits will give enormous benefits to the private schools and that we're going to wind up with the public schools being just for the poor.

M: Won't we?

B: I don't think the incentive will ever be that large. I think it will somewhat benefit the private schools and will strengthen them a bit. But we can exaggerate the benefit of a $250 or $500 tax credit.

M: Well, if it's not that large, then why do it?

B: It's a break. It's a small carrot. It's surprising what a little carrot will do by the way of benefit—as evidenced by our 8 percent compared to the 92.

M: Even if the number of families who leave the public schools is small, aren't they likely to be the ones that are most interested in education and that the public schools need most?

B: I don't buy that. I have a ten-year-old boy who's a fourth-grader, and it never entered by mind that I'd send him to a private school. There are a lot of good public schools around, and there are plenty of people like myself who will still prefer to send their youngsters to public schools. I just don't think that's ever going to happen.

M: A large part of your cuts in the education budget are coming in the area of loans to college students. What sort of advice do you have for the person who may have been on the borderline of eligibility before, but who now finds that he or she no longer qualifies?

B: If there is demonstrated need, then that person will be eligible for a loan. If not, there is the Parent Loan Program, under which parents can borrow up to $2,500 a year.

M: In a lot of families, the problem is not so much lack of funds as cash flow. You might have a $50,000-a-year income, but if you have three kids in colleges that cost $10,000 a year, then you've got a problem. Even the Parent Loan won't make much of a dent in that.

B: I agree that such a person has a problem. But the federal government didn't help out before.

M: Do you expect to be the second and last secretary of education?

B: Yes. I do. The abolishment of the Department of Education was a commitment not only of President Reagan but also of the Republican party platform. When I was interviewed for the job, I frankly called attention to the fact that I'd testified in behalf of a separate Department of Education. I took this position because of the frustration I had felt when I was U.S. commissioner of education in the old Department of Health, Education and Welfare. There were problems of access to the real decisionmakers, of getting the secretary of HEW to appeal decisions and of opportunities lost because I couldn't work at the highest levels.

M: Have you changed your mind about the wisdom of having a separate department?

B: I have not changed my mind about the wisdom of getting education out of HEW, but there are other alternatives. You might have some kind of separate "agency," like NASA, or some kind of national education foundation. Or you might spread the various functions of the department among other departments. We could take the civil rights unit and put it over in Justice. I'm not advocating that, I'm just saying it's a possibility. We could take the research and the statistics section and put it under the National Science Foundation. We could take the student aid programs—the loans and the grants—and assign them to Treasury. We could take the vocational unit and stick it over in the Labor Department. Rehabilitation could be placed under Health and Hospital Services.

M: What's your preference?

B: We are presently working on a list of alternatives. My thinking at the moment is that, while it might be feasible to spread various units around existing departments, we really do need to have some kind of a federal education agency in the federal government. We need a unit, a group of employees, who are skilled and knowledgeable about American education. Keep in mind that the full-time occupation of three out of every ten people in this country is education—either as learners or as employees. That's large enough and significant enough for us to continue to have some federal agency.●

NAW SUPPORTS PRESIDENT

HON. JAMES K. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. JAMES K. COYNE. Mr. Speaker, during the recent district work period, I had the honor of addressing the annual meeting of the National Association of Wholesalers (NAW). This afforded me the unique opportunity to confer with a number of small- to medium-sized business owners from all over the country.

Despite the difficult economic times impacting wholesaler-distributers, I was pleased to find the industry is strongly supportive of President Reagan's economic recovery program.

Wholesale distribution represents a vital segment of the American economy. Of the 238,000 wholesaler-distributor tax returns filed in 1977 (the latest figures available), 99 percent had assets of less than $10 million; these smaller firms accounted for about 58 percent of the industry's sales volume. It is amazing to think that companies of this size are responsible for the distribution of so many of the goods that businesses and consumers rely upon on a day-to-day basis.

This industry has had to struggle for every gain it has made; skyrocketing inflation in recent years had made that struggle all the more difficult. Since roughly 80 percent of the wholesaler-distributor's assets are tied up in inventory and receivables, inflation has created unique capital formation and retention problems for this industry.

As a result, wholesaler-distributors have long been expressing concern about Federal deficit spending and the resulting credit crunch, about the inequities of the outmoded tax laws, and the regulatory and paperwork burdens presented by the Federal Government.

The wholesale-distribution industry creates a critical link in the economy which cannot and should not be overlooked. Without the wholesaling function, the flow of goods from the manufacturer to the consumer and business user would be longer and more costly. Wholesaler-distributors make goods and commodities of every description available at the place and time of need; purchase goods from producers, inventory these goods, break bulk, assemble, sell, deliver, provide technical expertise, and extend credit to retailers and industrial, commercial, institutional, governmental, and contractor business users. In short, wholesaler-distributors provide value-added services in the distribution of goods and serve to protect and enhance competition.

NAW, in its support of President Reagan's economic recovery program, has been calling upon Congress to reduce Federal spending, to restore sensibility to the regulatory process and to reform our Tax Code.

It is clear that this industry recognizes its interests are best served by contributing to an expeditious economic recovery and a rapid exorcism of inflation.

I feel confident that the support of small business concerns will help us to meet the challenge of putting the Nation's economy back on its feet.●

IS THE PRESIDENT EVADING CONGRESSIONAL REVIEW ON UNITED STATES INVOLVEMENT IN EL SALVADOR

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. BARNES. Mr. Speaker, during the last 6 weeks, the United States has significantly increased its military involvement in El Salvador. On January 29, 1982, President Reagan acted under emergency authority of the Foreign Assistance Act, and provided El Salvador with an additional $55 million in military assistance. This assistance represents a more than 200 percent increase over the $26 million already authorized and appropriated for fiscal year 1982.

Though the decision to provide the $55 million was reported by the news media, there are several aspects of this action that deserve further attention by the Members of the House and by the American people.

First, President Reagan acted under the special authority of section 506 of the Foreign Assistance Act of 1961 as amended. Under this special authority, the President is authorized, in the event of an unforeseen emergency which requires immediate military assistance to a foreign country or international organization, to direct the drawdown of defense articles, defense services, and military education and training from the Department of Defense in an amount not to exceed $75 million for any fiscal year.

According to the State Department, the unforeseen emergency in this case resulted from the need to replace the aircraft lost by the Salvadoran military in the January 27 attack by guerrillas on the Ilopango Airbase. The Department of Defense has informed me that the following Salvadoran aircraft were destroyed or severly damaged: six Ouragan ground support fighters, five C-47 transports, and six UH-1 helicopters.

In response, the United States provided the following items:

	Million
Replace aircraft lost in Jan. 27 attack on Ilopango Airbase and enhance capability	$25.0
8 A-37B A/C light fighter/bombers	
4 C-123K A/C troop transports	
12 UH-1H A/C helicopters	
4 O-2A A/C spotter aircraft	
Establish intelligence system	1.0
Equip intelligence school	
Improve ground force capability	13.5
Equip two quick reaction battalions	
Replace G-3 rifles with M-16's	
Decentralize command control and enhance capability	2.0
Security and illumination systems	1.0
Support—spare parts/administrative/logistics	7.5
Training—attendant training with above equipment and materiel/combat training center	5.0
Total	55.0

To even the casual observer, the United States has done more than respond to the Ilopango attack.

Second, because assistance provided under Section 506 requires no congressional approval, its use warrants careful monitoring. This exercise of the Special Authority makes the third time that El Salvador has received military aid under emergency authority. It also means that since the resumption of U.S. military assistance to El Salvador, more than 65 percent has been provided through this authority.

It is my belief that the Congress must grant the President reasonable authority to act in emergency situations when there is not sufficient time to seek congressional authorization and appropriation for assistance. However, I feel equally strong that Congress must not simply close its eyes to how these authorities are being used.

As a result of my concern over the way our involvement in El Salvador is occurring, I recently requested the Congressional Research Service to summarize the legislative history of section 506. The complete CRS report follows; I especially would like to draw my colleagues' attention to the central point. The history of the special authority reflects the degree and nature of Presidential flexibility which Congress has concluded was appropriate at various times. Most importantly, during the period between 1976 and 1979, Congress structured these authorities in a fashion which prevented their use. This was largely the result of congressional concern over the war in Southeast Asia, and in particular, a response to the use of the special authority to continue the bombing of Cambodia.

However, the restrictions were eased during the 96th Congress, and the authority once again became available to the President. Since then it has been used five times: once for Thailand, once for Liberia, and three times for El Salvador. To put it another way, since the President was again granted this flexibility in 1979, 97 percent of the funds have gone to El Salvador.

Congressional Research Service report follows:

Legislative History of Sections 506 and 652 of the Foreign Assistance Act of 1961 (Special Security Assistance Authority)

This report presents the legislative history of §§ 506 and 652 of the Foreign Assistance Act of 1961, 22 U.S.C. §§ 2318, 2411. It also lists the occasions § 506 has been employed along with expended amounts. Section 506 authorizes the President to order the drawdown of defense articles to provide emergency military assistance to foreign countries and international organizations, providing he finds that there is an unforeseen emergency requiring immediate action and the emergency cannot be met by use of the Arms Export Control Act or any other provision of law. Both § 506 and § 652 require that the President notify Congress before he orders a drawdown, the latter specifying that he notify Congress in writing, including justification for and indicating of the extent of his exercise of the § 506 authority.

LEGISLATIVE HISTORY OF § 506 OF THE FAA OF 1961

Section 506 of the Foreign Assistance Act of 1961, as set forth in 22 U.S.C. § 2318, provides the following:

"§ 2318. Special authority

"(a) Unforeseen emergency; determination and report to Congress; limitation of defense articles, defense services, and military education and training furnished

"If the President determines and reports to the Congress in accordance with section 2411 of this title that—

"(1) an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization; and

"(2) the emergency requirement cannot be met under the authority of the Arms Export Control Act [22 U.S.C. 2751 et seq.] or any other law except this section; he may direct, for the purposes of subchapter II of this chapter, the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed $75,000,000 in any fiscal year.

"(b) Notification and information to Congress of assistance furnished

"(1) The authority contained in this section shall be effective for any such emergency only upon prior notification to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Appropriations of each House of Congress.

"(2) The President shall keep the Congress fully and currently informed of all defense articles, defense services, and military education and training provided under this section.

(c) Authorization of appropriations for reimbursement of applicable funds

"There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section."

The provision was first enacted into law in the Foreign Assistance Act of 1961, Public Law 87-195, § 510, 75 Stat. 437, when Congress authorized the President to order supplies from existing stocks of the Defense Department and defense services to be furnished for military assistance, if he made a finding that the use of the supplies was "vital to the security of the United States." The authorization was limited to $300,000,000 per fiscal year and provided for "prompt notice of action taken" to the appropriate congressional committees. This special authority was intended "to enable the President to act promptly in situations that cannot be anticipated at the present time, situations where, in his judgment, the provision of military assistance is, in fact, vital to the security of the United States." H.R. Rep. No. 851, 87th Cong., 1st Sess. 61 (1961). The Senate, proposing a similar provision in the part of the Act designed to provide security assistance as a means of promoting international peace and security, noted that the authority was intended to enable the President "to meet contingencies that arise from the unpredictable events that occur from time to time in this uncertain and changing period of history. Indeed, this entire part reflects the need for additional flexibility in meeting increased Communist pressure." S. Rep. No. 612, 87th Cong., 1st Sess. (1961), reprinted in 1961 U.S. Code Cong. and Adm. News at 2497.

The legislation also provided that the Department of Defense was to be reimbursed from subsequent appropriations for military assistance and that the Department, in advance of such reimbursements, could incur obligations in amounts equivalent to the value of the stocks furnished to military assistance. The House Committee expressed the view that the particular type of authority granted the President in the new provision gave him "a means of meeting a military emergency with less likelihood that part or all of the . . . [authorized amount] would be drawn upon than would be the case if a dollar contingency fund for military assistance were created." H.R. Rep. No. 851, 87th Cong., 1st Sess. 61 (1961).

Amendments to get provision between 1962 and 1969 extended the President's authority for succeeding fiscal years, with the 1969 legislation doing so through fiscal year 1971. In addition, the Act of November 14, 1967, Public Law 90-137, § 201(j), 81 Stat. 457, redesignated § 510 as § 506.

In 1972 Congress extended the President's authority through fiscal year 1972, and deleted the last sentence of subsection (a), requiring notification of the House Committees on Foreign Relations, Appropriations, and Armed Services and the Speaker of the

House. Foreign Assistance Act of 1971, Public Law 92-226, §§ 201(d), 304(a)(2), 86 Stat. 25, 28. At the same time Congress moved the notification requirement to § 652 of the Foreign Assistance Act, a section then placing limitations upon additional assistance to Cambodia.

Congress in 1973 extended the President's authority through fiscal year 1974, required that the President find that the provision of assistance simply be "in the security interests" rather than "vital to the security" of the United States, and lowered the authorization by $50 million. Congress rejected an Executive request that the authority be extended without fiscal year limitation, the House Foreign Affairs Committee "convinced that this authority should be subject to annual review and approval by the Congress." H.R. Rep. No. 388, 93d Cong., 1st Sess., reprinted in [1973] U.S. Code Cong. and Ad. News at 2839. In authorizing the drawdown ceiling of $250 million, the conference committee made clear that the authority was "not to be used to supplement MAP [military assistance program] funds routinely to meet foreseen, non-emergency requirements for military assistance," and added a statement of intent that "up to $200 million of the emergency military assistance for Cambodia be furnished pursuant to" the drawdown authority. H.R. Rep. No. 664, 93d Cong., 1st Sess., reprinted in [1973] U.S. Code Cong. and Ad. News at 2885.

In 1974, Congress extended the drawdown authority through fiscal year 1975, but reduced the authorized amount by another $100 million. Foreign Assistance Act of 1974, Public Law 93-559, § 11, 88 Stat. 1798. The amended subsection read as follows:

"*§ 2318. Special authority; orders for defense articles and services; limitation; obligations in anticipation of reimbursements; authorization of appropriations.*

"(a) During the fiscal year 1975, the President may, if he determines it to be in the security interests of the United States, order defense articles from the stocks of the Department of Defense and defense services for the purposes of this subchapter, subject to subsequent reimbursement therefor from subsequent appropriations available for military assistance. The value of such orders under this subsection in the fiscal year 1975 shall not exceed $150,000,000."

In an amendment offered by Senator Pearson, the Senate had again proposed (as in 1973) to repeal § 506, as part of an attempt "to close off auxiliary sources of military assistance which annually have allowed for greater expenditures on military aid than could clearly be perceived by Congress or the American people." S. Rep. No. 1299, 93d Cong., 2d Sess., reprinted in [1974] U.S. Code Cong. and Ad News at 6681. The Senate report continued:

"The Committee has repealed this provision as a part of its overall effort to restore Congressional control over the foreign aid program and retract major grants of discretionary authority over foreign aid matters which have been given to the President in the past. If the furnishing of emergency military assistance to a foreign country is truly important to the national interest the President can come to Congress for authority, as was done in the case of Israel last year, or country allocations can be reprogrammed as necessary." Id. at 6693.

At the same time, the House proposed to extend the drawdown authority through another fiscal year with the current $250 million ceiling, but made clear that the authority was a limited one:

"Further, the committee believes that the authority under section 506(a) should be used only in emergency situations, and not to remedy perceived 'shortfall' in MAP funding which might affect such countries as Cambodia. Assurances have been received during the committee hearings from DOD spokesmen that there is no intention of providing military aid to Cambodia from the drawdown authority during fiscal 1975. The committee believes this is a wise course and should be strictly adhered to." H.R. Rep. No. 1471, 93d Cong., 1st Sess. 37 (1974).

The Senate receded in conference, but the House authorization ceiling was cut to $150 million. The conference committee also expressed its concern that the Executive branch had not yet requested an appropriation to reimburse the Department of Defense for the $250 million expended under § 506 in fiscal year 1974 for defense articles and services to Cambodia. H.R. Rep. No. 1610, 93d Cong., 2d Sess. (1974), reprinted in [1974] U.S. Code Cong. and Ad. News at 6738.

Subsection (a) was amended in 1976 to add the "unforeseen emergency" standard and to reinstate the necessity of "vital U.S. security interests" being affected, as well as requiring that the emergency could not be met under any other provisions of law. Advance notification of Congress under § 652 of the Foreign Assistance Act was also required. The amendment cut the authorization ceiling to $67.5 million and stated that the authority would be effective in any fiscal year only to the extent provided in an appropriation Act. Congress also required the President to keep that body "fully and currently" informed on the use of § 506 authority. The Senate explained its reasons for tightening the provision, after twice having its attempt to repeal the statute rejected in conference:

"Prior to 1973 section 506 required that the President find that use of the drawdown authority was 'vital' to the United States and, as a consequence, the authority had not been used for many years. In 1973 Congress amended the law to require only that the President find that providing military aid through this device was 'in the security interests of the United States,' a far less demanding criterion. This change was made for the express purpose of allowing the drawdown authority to be used to provide additional aid to Cambodia, and it was used only for that purpose during fiscal year 1974 and fiscal year 1975." S. Rept. No. 876, 94th Cong., 2d Sess. 18 (1976).

In 1979, Congress allowed the use of drawdown authority without advance appropriations in any fiscal year, placed a $10 million ceiling on the authority provided, and added grant military education and training to the items which could be provided under § 506. The House believed that "this limited authority will enable the President to meet unforeseen emergency situations requiring immediate military assistance while insuring additional assistance would be subject to congressional oversight and approval." H.R. Rep. No. 70, 96th Cong., 1st Sess. 13 (1979).

The 1979 amendment also required prior notification of the House Foreign Affairs Committee, the Senate Foreign Relations Committee and the Appropriations Committees of both Houses before the President may use his drawdown authority. In addition, while the amendment "does not mandate automatic appropriation of funds" for reimbursement of drawdowns, it does specifically authorize appropriations for such reimbursement. The conference committee rejected a Senate proposal that would have required specific authorization on a case-by-case basis. H.R. Rep. No. 495, 96th Cong., 1st Sess. 18-19 (1979).

In 1980 Congress raised the drawdown ceiling to $50 million, as the Executive branch had requested. Public Law 96-533, § 112(c), 94 Stat. 3139. The ceiling was raised to $75 million in 1981 to compensate for budget reductions in other military assistance programs. Public Law 97-113, § 110(b); S. Rep. No. 83, 97th Cong., 1st Sess. 31 (1981).

LEGISLATIVE HISTORY OF § 652 OF THE FOREIGN ASSISTANCE ACT OF 1961

Section 652 of the Foreign Assistance Act of 1961, 22 U.S.C. § 2411, limits the special security assistance authorities provided the President in §§ 506(a) and 610(a) of the Act (the latter dealing with the transfer of funds between accounts), by requiring prior notification of Congress. The provision currently states:

"Sec. 652. Limitation Upon Exercise of Special Authorities.—The President shall not exercise any special authority granted to him under section 506(a) or 610(a) of this Act unless the President, prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

The provision was first enacted as part of 1971 supplemental foreign assistance authorization legislation, Public Law 87-195, 91-652, § 8, 84 Stat. 1943, providing for a limitation on additional assistance to Cambodia. As explained by the Senate Foreign Relations Committee:

"The purpose of section 7 is to insure that the Congress has an opportunity to pass on any executive branch proposal to increase aid for Cambodia above the amounts justified to the Congress. Through use of the emergency provisions of the Foreign Assistance Act, the President has already given Cambodia nearly $100 million in military aid so far during 1970 and plans to give her $10 million more shortly, all without specific authorization by Congress. The law requires only that Congress be informed after the fact, not before. The President has given this military aid to Cambodia by, in effect, borrowing funds from other economic and military aid programs which had previously been justified to the Congress. Under this same authority, additional funds could be furnished to Cambodia later in this fiscal year, without further congressional action, if the President chooses. The situation in Cambodia is so perilous that special precautions are needed to temper the broad discretion allowed under the Foreign Assistance Act.

"The section would require that the President give the Congress 30 days advance notice before he could use the authority of sections 506(a), 610(a), or 614(a) to increase the aid program for Cambodia. This period will give Congress sufficient time to act, if it wishes to do so. However, if the President certifies that an emergency exists requiring immediate additional aid for Cambodia only 10 days prior notice of his intention to act would be required.

"The committee believes that the restriction will give the Congress a more effective voice in determining future aid levels for Cambodia." S. Rep. No. 1437, 91st Cong., 1st Sess. 10 (1970).

In 1972 the provision was revised to delete the portions limiting the exercise of special authority to providing additional assistance to Cambodia and requiring thirty days' notice to congressional committees (ten days in emergencies requiring immediate assistance) of intention to exercise such authority. Public Law 92-226, § 304(a)(1), 86 Stat. 28. In explaining its proposal, the Senate Foreign Relations Committee related its concerns about the need for advance notification of use of Foreign Assistance Act funds in special circumstances:

"Sections 610(a) and 614(a) of the Foreign Assistance Act comprise the President's primary authority to transfer funds from one program to another and to waive restrictions imposed by the Act. Under the authority of these two sections Cambodia was allotted $110 million in foreign aid last year without specific authorization by Congress. Section 506(a) authorizes the President to draw on Department of Defense stocks with subsequent reimbursement to be made out of appropriations for military assistance.

"During fiscal year 1971 and thus far in fiscal year 1972, sections 610(a) or 614(a) served as a basis, in part or in whole, for at least 17 Presidential waivers. In none of these cases (or in any of the others in which the President relied on addition waiver authority) was the Congress notified before the President acted. In fact, in many of these cases the President waited a month before notifying the Congress of any action at all.

"Some of these actions, such as those concerning Cambodia, involved transfers of millions of dollars and raised a number of critical foreign policy issues.

"This amendment simply requires that, before the President exercises the authority in sections 506(a), 610(a) or 614(a), he must give ten days prior notice in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate." S. Rep. No. 431, 92d Cong., 2d Sess. (1972), reprinted in [1972] U.S. Code Cong. and Ad. News at 1894-95.

The provision was amended in conference to strike out the ten-day notice provision, requiring only advance notification. At the same time the conferees stated their understanding that "while not specifying the number of days, the advance notice should not just be immediately contemporaneous with the use of these authorities." S. Rep. No. 590, 92d Cong., 2d Sess. (1972), reprinted in [1972] U.S. Code Cong. and Ad. News at 1946.

The most recent amendment to this provision deleted the reference to § 614(a), making the notification requirement a part of § 614 itself. Public Law 96-533, § 117(b), 94 Stat. 3141 (1980).

USE OF SECTION 506 AUTHORITY

The President has employed § 506 on at least eight occasions since the provision was enacted in 1961. For each instance, the year, country assisted, amount expended, and source of information are listed:

(1) Fiscal year 1965—Vietnam—appears to be $75 million (Foreign Assistance and Related Agencies Appropriations for 1966: Hearings Before the House Comm. on Appropriations, 89th Cong., 1st Sess. 235, 236 (1965); Foreign Assistance and Related Agencies Appropriations for 1967: Hearings Before the House Comm. on Appropriations, 89th Cong., 2d Sess. 510, 541 (1966) (authority appears to have been employed twice during the same fiscal year)).

(2) Fiscal year 1974—Cambodia—$250 million (S. Rep. No. 1299, 93d Cong., 2d Sess. (1974)).

(3) Fiscal year 1975—Cambodia—$75 million (Foreign Assistance and Related Agencies Appropriations for 1975: Hearings Before the House Comm. on Appropriations, 94th Sess. 7 (1975); S. Rep. No. 876, 94th Cong., 2d Sess. 18 (1976)).

(4) Fiscal year 1980—Thailand—$1.1 million (§ 506(a) notification filed with House Committee on Foreign Affairs).

(5) December 1980—Liberia—$1 million (§ 506(a) notification).

(6) January 1981—El Salvador—$5 million (§ 506(a) notification).

(7) March 1981—El Salvador—$20 million (§ 506(a) notification).

(8) February 1982—El Salvador—$55 million (§ 506(a) notification).●

MARKETING ORDERS

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. PASHAYAN. Mr. Speaker, a great deal of misinformation has been printed in recent weeks and months regarding the Federal marketing order system and, regrettably, many critics have lost the historic sense and laudable goals of the Agricultural Marketing Agreement Act of 1937.

Last month Consumer Reports offered its views on marketing orders, and Mr. Robert N. Hampton, vice president for marketing and international trade, National Council of Farmer Cooperatives, rebutted those comments in a letter to the editor of the magazine.

The National Council of Farmer Cooperatives has, in my view, presented an often-overlooked argument on the benefits provided the consumer by marketing orders, and I should like to take this opportunity to share those views with my colleagues.

NATIONAL COUNCIL OF
FARMER COOPERATIVES,
Washington, D.C. February 22, 1982.

IRWIN LANDAU,
Editor, Consumer Reports, Washington Street, Mount Vernon, N.Y.

DEAR MR. LANDAU: Your February 1982 article, "What's a Marketing Order?" correctly noted that the Secretary of Agriculture, who is legally charged with representing long-term consumers' interests, must approve every action of marketing order committees. However, you failed to follow up and explore in depth this most critical aspect of these programs—namely, their role in assuring American consumers of a reliable, high-quality, relatively inexpensive source of food over a long period of time.

Congress enacted the Agricultural Marketing Agreement Act of 1937 with just that purpose in mind. Protecting farmers against the wild, extreme price fluctuations which are so unique to agriculture has been consistently viewed by Congress as the best means of maintaining the small business, so-called "family farm", operation which has provided our nation with the world's most generous, dependable and least costly sources of food.

The urgent need for governmental steps to help farmers achieve more orderly markets and more stable prices, in the U.S. as in all the world's industrial nations, grows out of the little-understood nature of the food production-marketing system. Volume of output cannot be controlled by the farmer, as in industrial factories, not only because of highly variable weather but also because in the American system hundreds of thousands of production decisions are made by independent farmers in a fashion which is essentially uncoordinated if government assumes no role.

But the central problem which results from unpredictable food output arises from the fact that, beyond a certain level, people have little need, or "demand", for additional food. As a result, even a modest "oversupply" causes a sharp drop in price for the farmers' product. In a totally unrestricted market, the farmer who grows 20 percent more than normal, in a year when total supply is also 20 percent above the normal market need, usually finds his gross return decreased by as much as 20 percent (sometimes more)—an ironic negative reward for his good performance and his contribution to the national welfare.

Any comparison of farmers' incomes with others who contribute as much effort, capital investment, managerial talent and high risk, has long demonstrated that most farmers are substantially under-compensated in terms of monetary benefits. In many instances, farmers' rewards come largely from their sense of independence, dedication to the land and the satisfaction of being a part of nature's most elemental processes. Many farmers have little margin of profit to withstand the instability which arises from a totally "free" market environment. The challenge our government has faced for decades is to develop balanced programs which will give farmers some limited protection against such disasters not of their own making, while striving to maintain the tremendous productive benefits which result from our market-oriented system of strong individual incentives and independence.

The proper balance between unrestricted freedom for our food producers and the type and amount of government involvement which is necessary to maintain our system by protecting farmers from economic disaster is difficult to achieve—and is eternally changing. Many different programs have been developed, adjusted, sometimes discarded, for different commodities and at different times and places. The "farm problem", like other economic dilemmas, is always with us.

Marketing orders, which are a central element of government's tools to bring a desirable measure of market stability in order to assist dairy, fruit, vegetable and other specialty crop producers, have a long record of serving the public as well as farmers' interests. Your statement that the public interest is not represented in the design and administration of marketing orders is not correct. The U.S. Department of Agriculture has been clearly charged since the time of President Lincoln with representing the public as well as farmers' interests. Indeed, many farmers in recent years have expressed increasing concern that USDA sometimes has such strong concern for consumer issues that it fails to give due weight to farmers' needs.

Your statement that USDA does not exercise close scrutiny over marketing orders is also incorrect. In fact, the long and careful investigations which USDA normally carries out prior to approving special programs under these orders often cause delays which are very costly to the industry involved. As an example, because of the many months of USDA study which preceded approval of the marketing order reserve program for almonds, the farmer-owned California Almond Growers cooperative was unable to make commitments for substantial foreign market opportunities and suffered heavy financial losses as a consequence. Any implications that USDA approval is "automatic" is also incorrect. In your article, you in fact acknowledge the typically careful and thorough approach made by USDA in spending some 500 hours investigating charges that provisions of the citrus marketing order had been violated.

It is indeed a fact that marketing orders programs of "set-aside" or "flow-to-market" do keep prices up in the short run. Neither the public critics nor the researchers who have recently studied various orders in depth have shown that "undue price enhancement" has occurred over the long run. In fact, continuity of adequate supplies, at reasonable prices (food price increases in recent inflationary years are largely attributable to escalating costs of energy, labor and other production inputs) has been a remarkable accomplishment of our dairy and our fruit and vegetable sectors over the years.

Finally, the need for farmers to work together through their cooperatives and their marketing orders is as urgent today as in former years when production units were even smaller. Most of our food output comes from farmers who are still very small compared to buyers and sellers with whom they do business. Without self-help programs such as marketing orders and cooperatives, farmers are as much at the mercy of the market and the vagaries of nature as they were 45 years ago when the Agricultural Marketing Agreement Act of 1937 became law. These programs do not have the damaging effects of "monopolization", "price-fixing", or "legalized cartels", as you have indicated. Studies of the price history of products under marketing orders have repeatedly shown this to be true. That's quite understandable inasmuch as an individual food product can be easily substituted for, in case the price to the consumer gets out of line.

Congress has consistently recognized these long-term benefits to consumers. That has always been a central objective of the program. Only the natural human tendency of some shoppers to look only at the short term, plus distorted reports of how surplus products are disposed of, has created some misconceptions on the part of unsophisticated or biased interests. We're fortunate in the U.S. to be dealing with problems of surplus rather than scarcity. Failure to understand what enables the system to work efficiently could lead to an end to this abundance which we Americans take for granted.

Sincerely,

ROBERT N. HAMPTON,
Vice President,
Marketing and International Trade.●

ONE OF EVERY SIX WORKERS IN MICHIGAN UNEMPLOYED

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. PURSELL. Mr. Speaker, I would like my colleagues to take a moment and imagine a situation where every man, woman, and child in our Nation's Capital were unable to find a job—over 630,000 people without employment. Needless to say, such a condition would be an untolerable tragedy. Yet, that is precisely the case in the State of Michigan today.

The January statistics show 677,000 Michigan residents or 16 percent of the work force unemployed—1 of every 6 workers. This is almost double the national average and 1.6 percent above December. Other Midwest States, including Ohio and Indiana, are experiencing double-digit unemployment rates. Those States, with heavy dependence on the automobile industry are particularly hard hit.

Although my region is suffering more than other areas, this situation, of course, is not simply parochial, but a very serious national probelm. Accordingly, I have asked President Reagan to establish a task force on unemployment in the Midwest. It is my hope to bring together leaders from the local, State, and Federal levels, with a balanced mix of business, labor, education, and public officials to help establish meaningful priorities to deal with our problems as promptly and effectively as possible.

The economic consequences and human suffering resulting from the employment situation in our area has produced a level of frustration recently demonstrated in a full-page message to the President that appeared in the Ypsilanti Press—a newspaper in my district. It included an open letter by Joe Matasich, the paper's editor, accompanied by a number of comments from people interviewed by the Press while they stood in line at an unemployment office. I would like to share those comments with you and ask that you consider seriously not just the words spoken, but the concerns and feelings behind them:

[From the Ypsilanti Press, Sun., Feb. 14, 1982]

LETTER TO THE PRESIDENT—WE'RE HURTIN' IN YPSILANTI

Dear Mr. President,

This open letter is written on behalf of people of the Ypsilanti, Mi., area—people who this past week read stories in the Ypsilanti Press about your proposed budget cuts and telling critics to "put up or shut up."

I wish we could chuckle at your one-liners, but honestly, the only one line we know is the one that gets longer each week at the unemployment office (see above).

The Ypsilanti area, with 11.5 percent jobless, is an economically devastated blue-collar community in a state that has 16 percent unemployment, almost double the national rate of 8.5.

Our area is taking such a pounding that in some sectors we will never recover. We'll never get back hundreds who love this area but had to leave because there are no jobs.

We understand that you wish to cut back inflation so that we can experience an economic comeback next year. Thousands will not be able to hang on that long.

The auto industry, our lifeline, has 10,647 workers on indefinite layoff, a drop from 30,350 in 1979 to the current level of 19,703.

People without jobs, even if they are receiving some subsistence, aren't buying goods. And that's why auto dealers, mobile home dealers, real estate offices, chain clothiers and furniture stores have shut their doors. In two weeks a major supermarket chain closed six of its area stores and threw more skilled people into the jobless pit. This once vital and thriving area now has a regular bread and soup night at the Salvation Army hall, conveniently located a stone's throw from the Michigan Employment Security Office where 5,000 claims are processed a week.

There's a human side of the budget ledger, too. It's called people—live human beings who suffer real pain from social service cutbacks and who cannot cope from prolonged high unemployment. You blame all of the mess on the previous administration, but we remind you that our area joblessness hit a 6-year high in December 1981, the highest since August, 1975 when a man named Ford occupied your house.

We've been experiencing a rough winter, weatherwise. But we'd bet our last unemployment check that spring will come shortly.

We wouldn't bet a dime that, if we suffer for another year or so, things will get better, as you predict.

We've tried to paint you a picture on how hellish it is here in the Ypsilanti area.

To help make the picture even clearer, we've added the thoughts of scores of area persons who are experiencing the terrible times firsthand.

They were interviewed in zero temperatures while standing in that long line (as shown above) to get their jobless check, the last for many of them.

JOE MATASICH,
Editor, Ypsilanti Press.

Fred Harbertz, 23, currently employed as a security guard: "I think he's making the cuts in the wrong areas. His budget cuts are mostly for rich people instead of the poor."

Donald Clay, 24, laid off from Ford Rouge Plant since October: "I feel it's hurting working class. If you're not into big business, then you're hurt."

Kareem Swidan, 19, laid off as a gas station attendant since early January: "I think (the cuts are) pretty bad. He's cutting off benefits for people who really need the money and he don't need to give money to the rich people. The big man is making it today. He's more concerned about foreign affairs than his own country's affairs. He should take care of his people and then take care of other people."

Paul Wisniewski, 24, whose wife is expecting their first child, was laid off as a grocery store cashier in January: "I'm disappointed the way everything is because of what's happening. I worked for the A&P and I'm out of a job. My wife's pregnant, my insurance won't cover us any more . . . so that alone tells you how it's going. It's the worst it's ever been. I've worked ever since I was 11 and now this happens, when I'm 24 and supposed to be a supporting, responsible citizen."

Robert Markgraff, 25, laid off as a spring manufacturing plant employee since November: "I don't think it's going to work. It seems like he's cutting programs to help people who are laid off and on welfare and it seems like he's just cutting it from one place and putting it back into defense. Sooner or later we aren't going to have any jobs unless we go into the military. That's where the jobs are at."

Ralph Kyle, 42, father of three and a sheet metal worker laid off since Monday: "I think it stinks. I just don't like the way he's running things."

Freda Hobbs, 20, a GMAD cafeteria worker unemployed since November: "I don't think the budget will work. It's just so bad now I don't think anybody's going to be able to do anything."

Joseph C. Brooks, 50, father of three, laid off from Ford Transmission at Livonia two weeks ago: "I don't think he's doing a good job as president. He's letting this country down."

Carrie Weaver, 35, unemployed as a secretary since Jan. 22: "I really don't think (the cuts are) doing very much. (The cuts are) not doing what (they're) supposed to do."

Jim Smith, 25, father of one and his wife is expecting a second child, laid off from Spiffy carpet since November: "I think it's screwed. This is the worst state there is. I especially don't like more cutbacks in welfare and Social Security."

Kathleen Wolfe, 44, laid off from the Washtenaw County Health Department one year ago: "I don't think much of it. It's going to run Michigan into deeper debt. I don't think we can afford it."

Mike Jared, 22, father of one and his wife is expecting a second child, laid off from GMAD since January: "I don't think he ought to be cutting welfare for people who need it, or for old folks. Why do they call it Social Security? If they keep chopping it, then you don't have no security. My mom worries about it (Social Security cuts) all the time, that's no security."

Cheryl Jeske, 22, unemployed since January after losing a job as a shoe store clerk: "Because of unemployment around here, it (budget) doesn't help. People have to have welfare. They really need it."

Hilary Ellert, 22, laid off from South Coast Technology since January: "I wish he would cut defense spending instead of social services."

Dan Christy, 25, father of two, laid off from the Crystal House Motel since December: "I'm really concerned about domestic policy. I'm unemployed, and my student loans have run out. I'm two classes short of my degree, but don't have enough money to finish. It's really hurting me."

Wayne Justice, 35, father of one, laid off from GMAD since January: "I don't like it. We voted him in, and things have got a lot worse."

James Booker, 25, whose wife is also unemployed, laid off from the Michigan Employment Securities Commission for one week: "I think it stinks. He's more concerned with the man whose income is above $50,000 a year, not with the man on the bottom."

John O'Dell, 26, laid off from Ford Rawsonville since December: "You gotta start somewhere, but I'm not thrilled with his ideas. Some of the cuts seem pretty drastic, but he's making an effort."

Reginald Adams, 23, a seasonal worker who was laid off in October: "It seems like it's worst for the autoworkers, losing all their benefits and everything."

Willie Curts, 27, father of two, laid off from Motor Wheel since November: "I think it stinks. There's so much unemployment now. He's really cutting down on poor people. Poor people are really getting it."

Pat McGowan, 41, father of two, laid off from a construction job since December: "It's not the way to get people back to work. You've got to get money back into circulation. He's trying to keep the little man down, so he doesn't get too far ahead.

Frank Lozie, 20, laid off from seasonal work since December: "If he cuts off benefits for the elderly, that's not right. But there are able-bodied people taking advantage too. But if you don't give a person a chance to develop skills, how do you expect him to get a job?"

Flo Ferri, 33, mother of two, officially an under-employed worker who now gets about eight hours a week at Canteen Corp.'s Hydra-matic location: "It's really getting bad out there. I don't know how much more he can cut things."

Dave Crippen, 36, father of five, laid off from Hydra-matic since July: "I don't know if its going to do any good or not. A lot of us are going broke while he's trying to straighten things out."

Evelyn McLean, 61, who is giving financial assistance to two children in college, laid off from seasonal work: "I think it's more for the rich than for the poor. Rich are getting richer, and poor are getting poorer. I voted for Reagan, but it seems like he doesn't realize the full extent of how the poor are getting depressed and need help bad."

Bob Cross, 41, father of two, laid off from Washtenaw County since July: "His priorities are all wrong. Cuts should be made in defense instead of social services."

Kerry Williams, 43, father of two, laid off from Ford Rawsonville since November: "Everything he does is backwards. That's all I've got to say."

Terry Carllington, 28, laid off from a construction job since November: "I'm for it. I say it's time for our generation to have a war. I'm serious. Our fathers went through it. It's the only thing that'll pull us out. That's what they're (Reagan and other national leaders) are working for anyway."

David Sanders, 26, father of two, currently employed in a white collar job at Hydramatic: "I don't mind the cuts. But if we're going to have a $90 billion deficit, we should have cuts in the military."

Joe Vargas, 32, father of three who has not worked a construction job since December: "I guess everybody's answer's the same. I think if the cuts continue, unemployment will continue to get worse than it is now. He's just continuing to irritate people."

Joe Chavis, 56, whose wife is hospitalized, laid off from Willow Run Schools since November: "I think it's screwy. He's taking everything away from schools and poor people. The only people he's helping are the rich."

Diana Kennedy, 26, laid off sporadically from Jac Products: "I'm poor, and he ain't helping me. I'm unemployed because of his Reaganomics. Thank you, Mr. Reagan."

Frank Hosmer, 26, whose wife is also unemployed, laid off from Wayne Assembly since January: "I think he's full of it."

Mark Byars, 26, a mechanic out of work for two years: "There's a lot of people cut down I feel. If he just stopped welfare—it's going to be tighter than it is now. Time is coming to an end. I feel he shouldn't cut like he has."

Arranis Schoffner, 20, a janitorial service employee laid off three months ago: "I think he's cutting too much and spending too much on defense."

James Wilson, 27, a truck driver out of full-time work for 1½ years: "I think (the budget) sucks. The cuts are definitely misaimed. They're all in the wrong place. I heard he was hiring back some people to open MESC offices—that's just a token gesture."

Steve Dornhos, 22, father of one, laid off for three months from GMAD plant: "I don't like (the budget cuts). I feel he's spending too much on defense and not enough people (are) making the money. There's too many people in Michigan out of work and the money he's spending on defenses ain't doing us any good."

James Johnson, 28, father of one and an apartment painter and auto repairman laid off since January: "I think it's really bad that he's cutting out from the people who can't get a job and the people who have jobs and making dollars are working. People being laid off—where are they going to get work? My thing was auto body repair and I can't get a thing in the shops, they're all empty. For people who don't really make all the big dollars you're just in a hole, there's no way to get out."

Craig Jackson, 28, father of three, laid off as a computer technician and telecommunications expert since November 10: "I think it's done too fast, what has been done. The public should have been able to say what should be cut, how much and when. They should have voted on what should have been cut. America is supposed to be based on . . . not having to pay a great amount of taxes. It's almost like back when we were paying England . . . It they're spending money to make (the budget) work, they should have done it before. The way he's doing it isn't right."

Charlene Norris, 27, mother of one and an unemployed Ford Motor Co. cafeteria worker laid off two weeks ago: "I think (the budget cuts) stink. I think it hurts the people who work and collect food stamps and try to make it, because it really hurts them when people who aren't working at all are making more than people who are working."

Jan McCall, 29, currently employed at the local MESC office: "I'm not at liberty to say what I would like to say. He should take out his economics textbook and read it thoroughly and take into consideration the historical events that have taken place since the early 1900s. Most politicians need to reconsider the status of the U.S. now."

Patricia Curtis, 26, mother of two and since Sept. 9 an unemployed microfilm operator: "(Budget cuts) definitely have affected black minorities and it's going to be awful difficult, I feel, to do budget cuts at all, especially the Department of Social Services and (services) to the unemployed, the poor and senior citizens. I feel like they are being hurt the worst. I look at surveys daily and see 17.4 percent that are unemployed that are black and it was only 8.5 percent white. Something should be rectified."

PLIGHT OF BENJAMIN LIVSHITZ

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. DAUB. Mr. Speaker, last July, I called to the attention of the Members of the House the plight of Benjamin Livshitz, a refusenik in the Soviet Union. Today, I am compelled to once more voice my concern for the fate of Mr. Livshitz.

Since 1971, Mr. Livshitz and his wife have been denied the right to emigrate to Israel. These repeated denials by the Soviet Government are based on the excuse of Mr. Livshitz' access in 1948 to sensitive material, as a colonel in the Soviet military.

And Benjamin Livshitz is not alone. More Jewish activists have been persecuted in the past year in the Soviet Union than during the last several years combined. We must let Soviet leaders know that we deplore this deprivation of basic human rights, and seek to put an end to these persecutions.

Mr. Speaker, I am sure that all Members would like to join me in imploring that Mr. and Mrs. Livshitz be given their freedom, along with other Soviet Jews.●

HUMAN RIGHTS IN NICARAGUA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. McDONALD. Mr. Speaker, the subject of human rights in Central America has focused primarily on the pro-American Governments of El Salvador and Guatemala. The media along with Reagan administration critics emphasize abuses in war-torn El Salvador, yet ignore such excesses in Cuba and Nicaragua. The distinguished chairman of the Senate Foreign Relations' Subcommittee on Western Hemisphere Affairs, Mr. Helms, is attempting to rectify this onesided analysis of the situation through open hearings providing a platform for all points of view. On March 1, Ambassador Jeane Kirkpatrick, our respected permanent representative to the United Nations, lucidly outlined the human rights situation in Nicaragua before Senator Helms' subcommittee. I commend her statement to my colleagues:

Statement by Ambassador Jeane J. Kirkpatrick, U.S. Permanent Representative to the United Nations

Mr. Chairman, as always, it is an honor as well as a duty to respond to an invitation to testify before a committee of the Congress. The Congress' role in making and overseeing American foreign policy is, and I have always believed should be, exceedingly important.

I have been asked to discuss today the extent to which the practices of the government of Nicaragua do and do not respect the human rights of Nicaragua's citizens. Such a discussion requires a minimal understanding of what human rights a government may be reasonably expected to respect as well as reliable and accurate knowledge of a government's policies and practices.

Mr. Chairman, I have argued elsewhere that rights should not be confused with wishes, or goals, that the list of human rights cannot be indefinitely lengthened like a shopping list in a global super market. I believe such political and legal rights such as free speech, press, religion, freedom of assembly, freedom from arbitrary arrest, and the right to due process are the fundamental rights: they are the prerequisites to other social and economic goods. These basic political and legal rights share several important characteristics. Above all, they depend on restraint in the use of power. To observe the rule of law, to permit citizens to meet together and speak freely, it is not necessary that an economy be industrialized, a standard of living high; a people literate, or urban. It is only necessary that this government not use its coercive power to ban newspapers, break up meetings, arrest opponents. Governments, we should be clear, do not—and should not—control all kinds of power in a society. They cannot, therefore, be held responsible for all the ways power is exercised. But governments are responsible for their own decisions and policies. It is not reasonable therefore to hold a government responsible for the level of industrialization, the rate of economic growth or productivity in a society—(unless, of course, the government has claimed the exclusive right to manage the economy). It is entirely reasonable to hold a government responsible for its own decisions concerning arrest, trial, detention; for its own policies concerning elections and opposition; for its own practices vis-a-vis other sectors of the society.

Unfortunately, for the people of Nicaragua the policies and practices of that government demonstrate a pattern of systematic repression which began soon after the Sandinista triumph in July, 1979 and has intensified with the progressive consolidation of power by Nicaragua's one-party dictatorship.

This is neither the time nor place to review the events and policies that culminated in July, 1979 in the defeat and resignation of Anastasio Somoza, the collapse, soon thereafter of the transitional government headed by President Urcuyo, and the accession to power of the Sandinista Directorate—though I believe there remain important lessons to be learned from these events. We are concerned here with the consequences of Sandinista rule for the freedom, security and well being of Nicaraguans.

In the past two and one half years, Nicaraguan's hopes for greater freedom, democracy and security from government tyranny have very nearly died as the new rulers moved expertly first to establish and then, progressively, to exercise control over the various sectors and institutions of Nicaraguan society. The pattern is familiar to all students of total power. The revolution has been conducted according to plan. The extension and consolidation of power follows the pattern of "coup d'etat by installments" (Konrad Heiden's description of the Nazi seizure of near total power of German society).

One step at a time the Sandinista directorate moved against the faint hearted "bourgeois" democrats in their ranks, Robelo, Chomorro, Pastora, Cruz, waiting while they resigned in frustration and disappointment. One sector at a time they have moved against Nicaraguan society—now seizing radio, television stations, newspapers, now nationalizing new industries, now tightening control of the economy, now moving against the independent trade union, now banning a bishop from access to television, now organizing and reinforcing the Sandinista Defense Committees that bring the revolution, with rewards, demands, and surveillance into every neighborhood.

Along side it all came a dramatic, extraordinary expansion of Nicaragua's army, National Guard and international role. Today's National Guard is many times the size and strength of the one that reinforced Somoza's regime. It reinforces a political machine many times more sophisticated than Somoza's.

A political scientist describing the Nazi's consolidation of power in a single German town noted, concerning that process of destruction of society and politicization of human relations:

"Hardly anyone in Thalburg in those days grasped what was happening. There was no real comprehension of what the town would experience if Hitler came to power, no real understanding of what Naziism was." (p. 281, William Sheridan Allen, "The Nazi Seizure of Power: The Experience of a Single German Town")

It is no easier to understand what is happening to Nicaragua.

Mr. Chairman, there are serious obstacles to a clear assessment of the practices relevant to human rights in Nicaragua. We are confronted in Nicaragua with the familiar patterns of doublespeak with which would-be totalitarian rulers of our times assault reality in the attempt to persuade us; and doubtless, themselves, that making war is seeking peace; that repression is liberation; that a free press is a carefully controlled one. Thus on February 19, 1982 Daniel Ortega solemnly assured the opening session of an international conference (COPPAL) that the forced transfer and violence of Miskito Indians was naturally carried out only to protect their human rights.

"We have had to transfer them from the Rio Coco River banks, on the border of Honduras, to our country's interior investing efforts and resources that cost blood to the Nicaraguan people. True, there have been some dead in the north, in Nicaragua's Atlantic zone."

"We have had to resort to drastic measures to protect the rights of those Nicaraguans."

The world misunderstood the systematic destruction of the homes, villages and economies of the Miskito Indians. The government was only protecting them against counterrevolutionaries. Furthermore, Radio Sandino explained (15 February, 1982):

"Those communities located on the banks of the Coco River lived in neglected conditions since it is pratically impossible to build roads in the area due to the swampy land. Also the soil is not very fertile for agriculture and cattle raising. The situation is worsened by the constant floods which produce very low crop yields that are not even enough for the communities subsistence. As a result of this situation, all the advantages that they can now be given in the new settlements could not be offered to them."

Freedom from floods, freedom from bad soil and low crop yields, freedom from counterrevolutionaries, freedom from responsibility for their own lives, these are the human rights cited by Nicaragua's government to justify their claims to decide by force where the Miskitos should live, when they move, in what language their children should be educated, which dangers they should confront.

Thus the dialectic of revolution unfolds: liberation has already produced its antithesis in Sandinista Nicaragua. Old familiar arguments are invoked to justify new more effective repressions.

Interior Minister Tomas Borge made a very long speech recently (January 27) attacking the only newspaper in Nicaragua which is not yet wholly controlled by the government. Borge's speech provides a useful compendium of contemporary version of classic arguments against a free press:

First, he postulates a struggle and invokes foreign enemies against whom it is necessary to struggle. Then Borge identifies the "most important instrument of all enemies of Nicaragua and the revolution: the newspaper: La Prensa." The offending newspaper is thus defined not as an expression of Nicaraguan opinion but of the enemies of Nicaragua.

Second, Borge explains that even though La Prensa undeniably is the most widely read newspaper in Nicaragua its "circulation is not a demonstration of the people's support." "The fact that people buy cigaretts doesn't mean that cigarettes are good for their health . . ." "That they buy drugs does not mean drugs are good." The appeal of La Prensa, he argues, is like that of pornography—"political pornography."

Still, La Prensa functions. Its voice, which daily condemned the arbitrary use of power by the Somozistas, remains the symbol of independence and continuing hope for a democratic Nicaragua. But the campaign of intimidation is unremitting: government edicts, divine mobs, repeatedly forced temporary suspensions—on July 10, July 29, August 20 and intermittently through the fall. On January 13, 1982 combined actions of the military and the divine mobs closed La Prensa for three days after editorial offices were attacked and the homes of its editors, Pedro Joaquin Chomorro and Jaime Chomorro Barrios, were defaced.

By 1981, the foundation of Sandinista control over the symbolic environment had been established. The government controlled radio, television and newspapers other than La Prensa. Moreover, laws were in place making it a crime to criticize the government without its authorization, to organize or promote candidacies for the elections which had, by now, been "postponed" until 1985.

Nineteen eighty-one marked new levels of oppression in other spheres as well. Intimidation and control of the economy was extended, various private sector leaders were arrested, deported or imprisoned culminating in October in the sentencing of three chief private sector leaders guilty of criticizing the government's management of the economy. Proving they were hostile to all institutions autonomous of the state, the Sandinistas moved against labor as well as business, fiercely attacking Nicaragua's independent trade union movement (CUS) which responded by also withdrawing from the Council of State.

The most important development in repression against the various sectors of Nicaraguan society in 1981 was the progressive reliance on vigilante mobs to intimidate and punish persons and institutions who resisted conforming to the new orthodoxy. The MDN and the Social Democrats, two of Nicaragua's principal opposition parties repeatedly were the victims of semi-official mob violence. MDN leader Alfonso Robelo's home was also attacked by the citizen groups who could count on understanding and support from the government.

Concentrating on new human and institutional targets did not mean Nicaragua's revolutionary government had lost interest in its old adversaries. No one knows the precise number of Somoza's National Guardsmen who still languish in Nicaragua's prisons. Five thousand is a conservative estimate of former National Guardsmen who, convicted by special tribunals, remain in prison. Many observers believe closer to 14,000 Somocistas remain in Nicaragua's overcrowded, underfed prisons.

When in September, the government declared a one year state of social and economic emergency and declared a number of broadly defined acts to be crimes, the government's power for moving "legally" against its critics was greatly expended.

By the end of 1981, Nicaragua's one party dictatorship had both expanded and consolidated power over diverse sectors of Nicaraguan life. Totalitarian control had not yet been established but the process of eliminating and intimidating opponents was far advanced. So was the parallel establishment of new institutions that could penetrate and saturate the society with the teachings of the revolution.

The most dramatic and violent manifestation of the Sandinista effort to eliminate diversity, eradicate autonomous social groups and bring the whole society under central control was the campaign against the people, the institutions and the communities of the Miskito, Sumo and Rama Indians of Nicaragua's Atlantic Coast. The first moves against these largely autonomous, self-governing Indian communities took place in July, 1979, when an effort was made to replace the 256 Council of Elders with Sandinista Defense Committees. Prohibition of lumbering, a major economic activity, arrest of a Miskito leader, expropriation of Indian lands, the imposition of Spanish in schools and various other initiatives against the cultural and economic survival of the Coastal Indians followed. All this proved to be a preface, however.

In the last months the Nicaraguan government has carried out a campaign of systematic violence against the Miskito Indians, burning their villages, destroying their institutions, forcing their evacuation and resettlement, killing those who resist, driving thousands into exile in Honduras. Of this campaign, Freedom House declared, "circumstantial evidence clearly suggests that the central government has embarked on a policy to eradicate the indigenous peoples of the coastal area."

The Indian communities against whom these brutal measures have been directed have a long history of peaceful, cordial relations with Nicaragua's previous governments, who granted them semi-autonomous status—that is, the right to preserve their way of life in their own communities.

The Sandinistas' violent offensive not only spelled tragedy for the Miskitos. It also symbolized the Sandinistas' hostility to any group which showed a capacity and a determination to resist the transformation and incorporation into the all new revolutionary society, culture, economy and state.

Sandinista efforts to justify their policy as good for the Indians constitutes a forceful contemporary reminder of the human costs of revolutionary elites ready to sacrifice untold thousands (millions) of men, women and children to a fantasy concerning what is good for mankind.

In a statement of February 18, 1982, Nicaragua's Bishops have graphically described the tragedy of the Atlantic Coast Indians. Their statement provides a succinct, moving commentary of this massive violation of human rights:

> Our thoughts on these events:
>
> We recognize the governing authorities right to undertake necessary measures to guarantee the defense and the integrity of the territory of the nation. We also recognize the autonomy of the state and it's right to determine the implementation of emergency military measures in all or part of national territory in order to defend the country. Nevertheless, we wish to remind everyone that there are inalienable rights that under no circumstances can be violated and we must state, with painful surprise, that in certain concrete cases there have been grave violations of the human rights of individuals, families, and entire populations of peoples. These include:
>
> Relocations of individuals by military operations without warning and without conscientious dialogue,
>
> Forced marches, carried out without sufficient consideration for the weak, aged, women and children,
>
> Charges or accusations of collaboration with the counterrevolution against all residents of certain towns,
>
> The destruction of houses, belongings and domestic animals, and
>
> The deaths of individuals in circumstances that, to our great sorrow, remind us of the drama of other peoples of the region.
>
> Such are the facts that compel us to denounce vigorously such attitudes of those who have the power and force because they must be the first to guarantee observance of these human rights. And, we urge the competent authorities to take the necessary disciplinary measures to prevent a repetition of such events in the future.
>
> On the other hand, we must remember that it is good to maintain the national integrity and that it is a right and historical duty of all Nicaragua to protect the nation's territorial integrity. We must also remember that it is a right and duty to preserve the legitimate possession and use of the riches of the natural, traditional and cultural patrimony of the indigenous people of the Atlantic Coast. In these we encounter and recognize with pride, not only the ancestry of our race, but also the identity of our ancient, prehispanic nationalities.

As we know, Mr. Chairman, the tragedy of Nicaragua's Indians is by no means unique in our deeply troubled times. Governments with totalitarian aspirations to control and transform the whole of society, and remake human nature, cannot bear peoples with strong convictions and settled communities. Jehovah's Witnesses, gypsies, Hmong, Bahai, Afghans, these and other groups have run afoul of one or more of our century's would-be totalitarians.

Unfortunately the whole pattern of repression that has developed in Nicaragua is all too familiar in our times—revolutionary plans, violent overthrow of a preceding government, "postponed" elections, controlled press, arrested opponents, accelerated military build up, surveillance, intimidation, economic failure, politico-military expansion. This sad scenario describes the spread of tyranny in our times. It should no longer surprise us that the tyranny calls itself liberation. We have all had plenty of opportunity to learn that in our times, tyranny is always clothed in lies. As Solzhenitsyn noted: "violence does not and cannot exist by itself . . . It is invariably intertwined with the lie" since it must hide behind "the sugary words of falsehood."●

COMMEMORATION OF SAINT DAVID'S DAY

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. NELLIGAN. Mr. Speaker, yesterday, March 1, the people of Wales recognized their patron saint, Saint David.

Saint David, as bishop of Menevia in Wales, became a man of great power, exercising influence over the moral and religious life of the people of Wales. As a missionary bishop, he founded many churches and monasteries. He remains a prominent figure in the history of Wales. He provided the foundation for the strong national patriotism seen today.

In America, Saint David's Day has been observed since 1729. This annual event led to the formation of the Saint David's Society, a group dedicated to the preservation of the language and rich traditions of Wales.

Americans of Welsh descent have long been recognized as pioneers in such fields as iron and tin works and coal mining. The immigration of the people of Wales to this country indicates that they were a strong and stable influence in the settlement of the United States.

In recognizing this anniversary today, I am proud to honor those who look to Saint David as their patron. I join with Americans of Welsh descent in the 11th Congressional District, which I am privileged to represent, in saluting this noble figure in their history.●

OBSERVATIONS OF SUBCOMMITTEE OVERSIGHT TRIP

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. WON PAT. Mr. Speaker, the Subcommittee on Insular Affairs, of which I have the honor and privilege of chairing, jointly with the Subcommittee on Public Lands and National Parks, under the leadership of our colleague, JOHN SEIBERLING, recently completed an oversight trip to our Pacific flag and trust territories. Chairman JOHN SEIBERLING's subcommittee has legislative and oversight jurisdiction over our U.S. Trust Territory of the Pacific Islands. My Insular Affairs Subcommittee has jurisdiction over our U.S.-flag territories. My statement today is my personal impressions of the highlights of our trip, and a more detailed report will be submitted later.

Our 10-member delegations from the Interior and Insular Affairs Committee visited Saipan, Guam, Papua-New Guinea, Kwajelein, Majuro, Ebeye, Palau, Yap, Truk, Ponape, Fiji, and American Samoa, with a layover in Hawaii, during the period January 6 through January 22, 1982.

The principal objective of the two delegations' oversight visit was to update the subcommittees' information on conditions in Micronesia and in our Pacific flag territories.

The purpose of my delegation's visit to Fiji and Papua-New Guinea (as stated in my letter of November 16 to the members of my subcommittee) was to compare the political, cultural, and economic characteristics of these emerging Pacific entities with those of U.S. insular areas and to explore interchange possibilities.

The phenomenal industrial development of Japan has led to a growing interest in Micronesia and other Pacific basin communities. Already the interchange among the economies of the Pacific basin island communities is becoming complex. Nauru's investments in the Marshall Islands and Saipan are well known and increasing. So, too, are Japan's fishing interests in Majuro and Palau. The British consortium's 10-year $25 million powerplant contract with the Marshall Island Government is in progress. The copra exports from the islands are becoming more significant. Such multinational investment and bilateral trade is a manifestation of the growing interdependence of the economies of the Pacific region. Thus, it is becoming critical that the United States recognizes the regional dynamics of the Pacific basin and develop a systematic approach to it.

Mr. Speaker, the members of my delegation were particularly impressed with the strong economic and political progress which the Fijians have made and continue to make. Within the relatively short period of 10 years since independence, they have developed a thriving economy based on sugar, copra, timber, and tourism. With a population of nearly 600,000, 50 percent of whom are of Indian descent, and a land area of slightly over 7,000 square miles, Fiji will be a major entity in the South Pacific. Fiji's principal trade partners are Australia, New Zealand, and the Chinese. Fiji has a parliamentary democracy.

Let me add that Fiji is a consistent supporter of U.S. policy. An example was its decision to send a military contingent of 600 men to the Sinai peacekeeping force. The Law of the Sea is one issue, however, which finds Fiji in opposition to the U.S. position. Notwithstanding these differences, our American Ambassador, Bill Bodde, and his staff, are doing an outstanding job representing our interests in that country. The same thing can be said about our Ambassador to Papua-New Guinea, Virginia Schafer.

Papua-New Guinea is another recently independent island nation that we visited. Achieving independence from Australia in 1975, Papua-New Guinea is the second largest island in the world. Second only to Greenland in size, it has a population of about 3.5 million.

Like Fiji, New Guinea has a parliamentary democracy government and is part of the British Commonwealth. Its principal trade partners are Australia, New Zealand, and Japan. Copper, copra, and fishing are the main sources of foreign exchange, but there have been recent reports that Papua-New Guinea may be having international credit problems.

Once again, Papua-New Guinea's progress and development can be traced to the post-independent era, and will be an important member of the Pacific basin community of nations. Future accelerated economic development through multinational investments in Papua-New Guinea may be hampered by a very restrictive land policy.

We were recently honored by the visit to Capitol Hill of the Honorable Sevese Morea, Speaker of the Papua-New Guinea Parliament, who met my delegation during our visit to that country, and I want to personally thank you, Mr. Speaker, for finding the time during your busy and hectic schedule to meet with us.

The United States, as a Pacific power and trustee of the islands in Micronesia, remains directly involved in the political, economic, and security developments in the Pacific basin. Because our Nation will very likely be involved as participant and partner in the present and future political and security arrangements in the Pacific, it is imperative that we in Congress begin to focus on the type of regional infrastructure that should be in place, consistent with the political, cultural, and social habits of the peoples in the area. We need also to focus our efforts toward encouraging local leaders to think in terms of regional economic collaboration. Such discussions have already been initiated.

Although the Americans are generally perceived to be benevolent and a modernizing force in the Pacific area, U.S. policy remains ambivalent. In fact, some South Pacific island nations continue to view the United States as a Pacific colonial power and this perception obviously prejudices bilateral efforts and meaningful regional economic collaboration among the island entities, including those under our jurisdiction.

In Guam, as in other Pacific territories, there are strong sentiments that the United States discourages a looser relationship with the United States and would not tolerate territorial initiatives to negotiate economic or financial arrangements with other governmental entities. These sentiments are reinforced by the reluctance of the United States to support the petitions of dependent flag territories for memberhip and equal representation in international or regional forums. (Until last year, Guam was not allowed to send observers to the Asian Development Bank meetings.)

Mr. Speaker, in most of the emerging entities in Micronesia, the No. 1 topic of discussion was political status. Before the Carter administration left office, a compact of free association was initiated by the American negotiator, Ambassador Peter Rosenblatt, and the leaders of Micronesia. I understand that this administration supports the compact, and the subsidiary agreements are now being worked out.

In Guam, a plebiscite on political status was held on January 30, 2 weeks after our delegation's departure, and I am pleased to report that commonwealth status garnered the most votes, and statehood came second. Because of the low voter turnout of only 37 percent, the legislature is still debating whether to hold a runoff vote since none of the two status options gained the required 50 percent. In short, Mr. Speaker, there is sufficient impetus for change in the Federal-Territorial relationship and we in Congress, as well as the administration, must recognize it.

Besides the political status questions, Guam's other primary needs are infrastructure development and the national seashore park development. In this connection, I am pleased to report that the relationship between the military and civilian community on Guam has never been better, and I attribute this happy state of affairs to the new Commander of Naval Forces of the Marianas, Rear Adm. Bruce DeMars. Not only is he sensitive to the needs of Guam and Micronesia, he is well informed about the Western Pacific area.

January 11, 1982, was an historic and momentous occasion for the people of Saipan. The Honorable Messrs. Pete P. and Pete A. Tenorio, were inaugurated as Governor and Lieutenant Governor respectively. Although we were not able to remain on Saipan for the swearing-in ceremony, one of our colleagues, Congressman Don Clausen, was able to be on Saipan to represent our committee. I am personally grateful to Don, whose presence at the inauguration reinforced our interests and commitment to our offshore possessions.

Besides regional cooperation among the island entities, our focus should be capacity building so that our offshore territories will have the means to become viable partners within this regional organization. A good beginning is the removal of those archaic legal constraints which impede economic developments in our offshore territories that are irrelevant to the maintenance of our national security interests in these areas.

Finally, Mr. Speaker, I was privileged and honored to have been asked to address the Fono (the Legislature of American Samoa) in a joint session. During the discussion which ensued, the Honorable Letalu Moliga, raised the question concerning the present Federal-American Samoa relationship, specifically as it relates to the authority of the Secretary of the Interior over acts of the locally elected leaders.

I indicated to the members of the Fono that I would look into the present governmental structure of American Samoa vis-a-vis its relation to the Federal Government with a view toward removing those archaic and cumbersome rules or regulations which exist in theory, but as a practical matter, rarely exercised. Specifically, I intend to introduce legislation to allow the people of Samoa to write a constitution of their own choosing and to bring this territory more in line with the other flag territories of the United States A detailed report on our oversight trip will be submitted shortly, and I thank my colleagues for the opportunity to make this preliminary report.

Finally, Mr. Speaker, for those of my colleagues who are interested in following the progress and development of our flag and trust territories in the Pacific, I commend to them Report No. 10, an oversight inspection trip which I, as chairman of the Subcommittee on Pacific Affairs, had the privilege of submitting February 13, 1981 through Morris K. Udall, chairman of the House Interior and Insular Affairs Committee. Thank you.●

FIFTH ANNIVERSARY OF THE IMPRISONMENT OF ANATOLY SHCHARANSKY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. ADDABBO. Mr. Speaker, I am greatly honored to participate in this year's Congressional Vigil for Soviet Jews, and I wish to commend my colleague from New York (Mr. Lent) for his leadership in this important matter. This is a time when we can voice our deep and continuing concern over the oppression and harassment of Jews and others living in the Soviet Union. We join to protest the growing attempts to destroy the struggling cultural movement and the increasing curtailment of exit visas granted to those wishing to emigrate.

March 15 is a particularly important date during this vigil; it marks the fifth anniversary of the imprisonment of Anatoly Shcharansky. Mr. Shcharansky has become the focal point of the Russian dissident movement because of his efforts to help other Soviet Jews who have been the victims of government oppression. His case exemplifies the Soviet disregard for human rights; for liberty, justice, and freedom of expression.

Shcharansky was arrested in 1977 on charges of treason, and sentenced to 13 years imprisonment. He has been denied any semblance of due process, even under Soviet law. He has been held without contact with family, friends, or legal counsel. This has happened because Anatoly Shcharansky dared to speak of freedom in a country where fear and oppression are the norm. He is in prison today not because he has committed any crime, but because he was a vocal and dynamic founder of the Helsinki Watch Group, which was established to insure Soviet compliance with the human rights provisions of the Helsinki accords. He is no more guilty than the rest of the citizens of the world who protest against intimidation, oppression, and injustice.

It appears that the Soviet Union has attempted to make an example of Mr. Shcharansky in order to warn other dissidents who refuse to be silenced. Instead, he has come to represent the thousands of Soviet citizens who have suffered needlessly for crimes they did not commit, and who still continue to protest the cruel anti-Semitism in the Soviet Union. We admire the personal courage of Anatoly Shcharansky, Ida Nudel, and the countless others who persevere in their struggle for human dignity and freedom.

We again call upon the Soviet Union to release its prisoners of conscience, and allow them to emigrate in accordance with their basic human rights. As a signatory of the Universal Declaration of Human Rights and a party to the Helsinki Final Act, the Soviet Union has indicated its commitment to certain values and principles. We ask that these commitments be honored.

We cannot sit idly by as Soviet citizens who press for fundamental rights and freedoms are cruelly silenced. During this time especially, we must strongly reaffirm our support for Mr. Shcharansky and all those who have been the target of blatant violations of human rights. We must continue our growing protest until the Soviet Union recognizes that we will not rest until these courageous and proud people are free.●

LYNN SINGER: LONG ISLAND'S VOICE ON BEHALF OF SOVIET JEWRY

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, on Long Island there is one sole voice that speaks out and looks out for the plight of Jews trapped in the Soviet Union. I say "trapped" because they are not allowed to emigrate to the country of their choice, a right guaranteed them by the Universal Declaration on Human Rights and other international agreements including the final act of the Conference on Security and Cooperation in Europe, signed in Helsinki in August 1975 by 35 nations including the U.S.S.R. And I say "trapped" because in exchange for the exercising of their right to emigrate they are scorned and frequently imprisoned by Soviet authorities.

That sole voice from Long Island speaking out for their freedom is an organization called the Long Island Committee for Soviet Jewry, which, I am proud to say, has an expanding membership, many of whom come from my congressional district.

The committee is very adeptly headed by its executive director, Lynn Singer, of East Meadow, Long Island. As if to set a theme for her work, the sign she keeps over her desk reads: "Let my people go."

I would like to take time out to have the worthy goals, activities, programs, and aspirations of the Long Island Committee for Soviet Jewry and of its executive director set down in the CONGRESSIONAL RECORD.

The committee was formed in reaction to the so-called Leningrad trials of 1970 at which a small group of both Jewish and non-Jewish Soviet citizens were accused of "attempted illegal possession of government property" for having plotted to hijack a Soviet airplane in order to fly to freedom in Israel.

A protest rally centered around two former Long Island airplane hangars decorated to resemble Soviet prisons attracted over 5,000 people, including elected officials and religious leaders of many faiths. They witnessed mock prisoners being served what they said was a typical Russian daily prison diet: a boiled potato and a piece of bread.

Although some of the Soviet prisoners were sentenced to death for their plot, most have either served out their sentence, been released, or traded for Russian spies captured in the United States.

In the 12 years since the Long Island Committee first protested the inhuman conditions and treatment that Soviet Jews were being subjected to, those conditions have worsened to a shocking degree.

Soviet authorities have undertaken a continual massive crackdown on the leaders of the Soviet Jewry movement. For example, in Kiev, refusenik—the term given to a Soviet citizen officially denied permission to emigrate by Soviet Jewry watchers—leaders Vladimir Kislik, Kim Fridman, and Stanislav Zubko received prison sentences of 3, 1, and 4 years respectively. And in Leningrad, Yevgeny Lein was sentenced to 2 years "corrective labor" after being arrested at a Jewish cultural seminar. The examples I cite are not rare occurrences when it comes to the denial of rights freely granted other citizens of the Soviet Union.

Discrimination in employment, education, growing official anti-Semitism which incites hostility against them, as well as many kinds of social discrimination, have contributed to the desire for many Jews to emigrate. But as this desire intensifies, so does official Government opposition to the granting of their freedom.

Although the Soviet Union has signed international agreements declaring that every citizen has the right to leave any country including his own and return to that country if they so desire, and that citizens have the right to pursue their own cultural identity and practice their own religion, this certainly has not been the practice in the U.S.S.R.

In response to world public opinion, 250,000 Jews have been allowed to emigrate during the last decade. In recent years there has been a steady decline in emigration. A record 51,000 Jews left the U.S.S.R. in 1975. In 1980, after the invasion of Afghanistan and subsequent cooling of United States-Soviet relations, only 24,000 left. It is estimated that the final number of emigrees for 1981 will be around 12,000.

But this discouraging news, while disheartening, certainly has not dampened the efforts of the Long Island Committee for Soviet Jewry. Their loud voice continues to be heard in my congressional district, in New York State, Washington, and even inside the Soviet Union, through a series of innovative programs.

One such program, called adopt-a-family, enables an American family to establish and maintain contact with a Jewish Soviet family that has applied for an exit visa. Their American counterparts provide them with whatever assistance is necessary until they are able to leave the U.S.S.R. Hundreds of adopted families have made it to freedom since this program was initiated.

Another program, called adopt-a-prisoner, pairs Members of Congress with Soviet Jews imprisoned for applying for exit visas. The Congressmen write to the prisoners and Soviet authorities urging their release. Since this program was initiated in 1972 more than half the prisoners adopted through the Long Island Committee have been released. Although I have not as yet had the good fortune of having my prisoner see the light of freedom, I have heard of the joy my colleagues have experienced when they were able to meet prisoners they had been corresponding with and adopted.

The Long Island Committee also furnishes advice on travel within the Soviet Union to Americans planning on making the trip. They are advised how to make contact with Soviet Jews to bring them news from outside the Iron Curtain without endangering the safety of either party.

Bar or bat mitzvah twinning, yet another Long Island Committee program, allows an American youth celebrating a bar or bat mitzvah—welcoming the youth to manhood or womanhood, respectively, within the Jewish religion—to also observe the ceremony for a youth in the Soviet Union who is prohibited from observing this traditional Jewish rite in his or her own country. The American youth than calls or writes his Soviet counterpart to tell of the ceremony held in honor of both of them.

The Long Island Committee also sends warm clothing to refuseniks sent into exile, sends books on Jewish history and Hebrew language instruction to Soviet Jews longing to know more about their heritage, takes freed Soviet refuseniks on speaking tours of the United States, and telephones Soviet Jews awaiting visa approval to tell them of activities outside the U.S.S.R. undertaken to gain their release.

Despite the discouraging emigration figures, these programs and the release of some long-held refuseniks have brought some reward to the Long Island Committee for Soviet Jewry and executive director Lynn Singer.

> We see ourselves basically in the rescue business—

She says,

> for Jews and non-Jews alike.

She remembers, for example, the first time she met Sylva Zalmanson, a stranger she had grown close to through her efforts to gain freedom for the young Jewish woman.

> She was a legend. She was our modern heroine, our Jewish martyr. The two of us hugged and kissed. We looked each other over and our eyes naturally went to our feet. Then we both began laughing hysterically. We had both bought new shoes for

the meeting and her shoes and my shoes were identical. It was as if we were sisters.

When I saw Mark Yampulsky for the first time I burst out crying in both joy and hysterics. I had sent Passover packages with candies and little Hebrew books with pictures to Mark thinking he was six years old. When this tall man got off the plane I was shocked. He told me kindly that he had received my packages.

But will the Jews of the Soviet Union ever be let out en masse?

Never as a people—

Mrs. Singer says—

Their government's goal is for them to assimilate and disappear. That's their answer to the Jewish problem. Soviet Jews are being denied an education. The government believes they will grab at assimilation in three to four generations.

Our job is to get out as many Soviet Jews as we can while they still know who they are—and while we still know who they are.

The sign bearing a quotation from the Talmud hanging over Mrs. Singer's desk seems particularly poignant. It reads:

He who saves a single life, it is as though he has saved the entire world.●

A TRIBUTE TO MRS. RUTH SULZBERGER HOLMBERG

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mrs. BOUQUARD. Mr. Speaker, I would like to take this opportunity to recognize and thank Mrs. Ruth Sulzberger Holmberg for her outstanding contributions to the cultural life of Chattanooga, Tenn. Mrs. Holmberg has worked to expand the arts programs in Chattanooga and to bring recognition to the city as a cultural center.

During her 35 years in Chattanooga, Mrs. Holmberg has actively participated in State and local cultural organizations. She was the first woman president of the Chattanooga Symphony Association and was named to Tennessee's first fine arts commission by the late Gov. Frank Clement. Mrs. Holmberg has served on the boards of the Chattanooga Opera Association and the American Symphony Orchestra League. She is presently the chairman of the board of trustees of Hunter Museum of Art and is involved with the allied arts fund. Recently, in recognition of her outstanding contribution to the arts in Chattanooga, the Chattanooga Symphony and the Chattanooga Opera Association honored Mrs. Holmberg by presenting her with their Gala 1982 Award.

The Chattanooga area has benefited greatly from Mrs. Holmberg's hard work and dedication. Her interest and enthusiasm have developed the community's cultural awareness and her creative ideas for the future will promote the expansion of cultural opportunities in all of east Tennessee. I salute Mrs. Ruth Sulzberger Holmberg and her efforts on behalf of our community. I am pleased to have this opportunity to personally express my admiration for her leadership and to bring her superior achievements to the attention of the full House of Representatives.●

REPRESENTATIVE STARKS' TESTIMONY ON OAKLAND RAIDERS ISSUE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. FAZIO. Mr. Speaker, on February 10 my colleague from the East Bay area of California (Mr. STARK) testified before the Subcommittee on Monopolies and Commercial Law of the House Judiciary Committee concerning an issue of great interest in the San Francisco Bay area—the future of the Oakland Raiders.

The testimony is an excellent summary of why sports franchises must be responsive to those local communities which support them.

I would like to include PETE STARK's testimony in the hearing record at this point. It will be of interest to sports teams and lawyers throughout the Nation.

The statement follows:

TESTIMONY ON OAKLAND RAIDERS ISSUE

(BY FORTNEY H. (PETE) STARK)

INTRODUCTION

Mr. Chairman, I would like to thank you and the other distinguished members of the Subcommittee on Monopolies and Commercial Law for the opportunity to testify on the relationship of our antitrust laws to professional sports. The interplay between our laws and professional sports has been and continues to be of great interest to me. In particular, I am concerned that clear, legal standards have not been established that determine the responsibilities of sports franchises to their host communities. More generally, though, I am troubled by what I see as a lack of clarity in the antitrust standards used in considering sports league issues. The court decisions to date are full of contradictions and an effort to distill meaningful rules for the operation of professional sports from those cases is an exercise in futility. As legislators, it is our responsibility to sort out the confusion generated by our courts, and provide both the sports industry and the federal judiciary with a clear set of legal principles to be applied to professional sports antitrust issues. While such clarification may be useful in many respects, it is most clearly needed in the area of transfers of franchise location.

As you know, the citizens of Oakland and its metropolitan area were shocked and outraged by the Oakland Raiders management's efforts to misuse the antitrust laws to relocate the community's team to Los Angeles, despite the strong and continued financial and moral support the Raiders have received in the Oakland area. Because this proposed move would unfairly and adversely effect the citizens I represent, and because it represents but one example of the more general problem I mentioned a moment ago, I have searched for legislative solutions that are fair to sports franchise communities, to sports teams, and to sports leagues. I would like to review my proposed legislative solutions in greater detail, but first I would like to discuss why we need legislation to address this problem.

THE RESPONSIBILITY OF PROFESSIONAL SPORTS TEAMS TO THEIR RESIDENT COMMUNITIES

There are a number of reasons why legislation should be enacted to discourage unnecessary and disruptive professional sports team relocations. First, these teams are a source of deep and lasting pride to the metropolitan areas in which they are located. They act as emissaries of their community, representing in their national competitive efforts the spirit of their local fans. They provide an important form of entertainment and a pastime for dedicated fans, who not only watch the contests, but celebrate the victories and commiserate over the losses. In 1981 and 1982, for example, it was Oakland and San Francisco—not the Raiders and 49ers—who won the Super Bowl. Sports teams, as we all know, are often vital catalysts in bringing a community together, and in promoting charitable, cultural, and youth opportunity programs.

Moreover, the presence of a sports team stimulates economic activity, not just in the "home city", but throughout the metropolitan area. Jobs for the construction, maintenance, and operation of the stadium, as well as for the team and concessions, are created. Substantial sums of money are invested in businesses that locate near a sports stadium, and sports teams are sometimes the cornerstone of major urban renewal efforts. Yet, any one of these teams, lured by rosy financial prospects elsewhere, may attempt to leave its home city and fans behind, together with an empty stadium built at taxpayer expense for such a team. That is what has happened in Oakland.

Beyond these practical objections to such moves, I believe fairness to communities that bend over backwards to help these teams dictates that municipalities must be protected from whimsical relocation decisions. For example, often municipalities provide costly facilities and favorable rental terms to professional sports teams in their areas. Typically, a city wishing to attract or retain a pro team will seek public approval of capital construction bonds to build or improve a stadium as part of the agreement with a team planning to play in that city. Such stadiums are usually under the jurisdiction of a city, county or municipal corporation. Often multiple uses of a stadium are necessary over a long term to cover the community's investment. These types of revenue bond "subsidies" are not unique to sports, for they are often used to attract other kinds of private business activity, such as industrial parks. But sports teams have been the beneficiaries of such investments on a large scale in many communities, and they can properly be asked to fulfill reciprocal obligations to the community. Moreover, these stadium investments represent only part of the public benefits sports franchises receive.

This situation is, I might note, precisely the case in Oakland, where the community erected a modern stadium solely for the Raiders, and solely because without such a facility, the team would have shortly moved to another community. Surely it would be unfair under these circumstances to permit a sports franchise to abandon a community and its loyal followers merely to secure a more lucrative financial arrangement elsewhere. Yet, this is the type of situation a sports franchise community can face, and exactly what the citizens of the City of Oakland are facing now.

THE OAKLAND RAIDERS CASE

For a number of years, Mr. Chairman, Oakland enjoyed a good working relationship with the Raiders football organization. The team came to us when the American Football League selected Oakland as a franchise site in 1960. Throughout the early 1960's, the Oakland community worked hard with the Raiders organization and with the AFL to make the City attractive to it. In addition to building two stadiums at taxpayer expense, East Bay governments and citizens, both individual and corporate, have made every effort to ensure that the area is a good home for the Raiders. For their part, the fans have given the team unprecedented support—over a decade of sell-out crowds. No one could ask for more.

In early 1980, however, the Raiders announced their plans to leave Oakland for Los Angeles despite the tremendous support they have received from the community and notwithstanding a new and most generous lease offer. (In addition, two Oakland businesses committed over $2 million to fund improvements for the Coliseum.) Mr. Chairman, I have followed this issue closely over the past two years. There is no evidence whatsoever to suggest that the Raiders are having any real financial problems in Oakland. I am sure that the team is economically sound, and that the new lease offer would have improved its financial situation to a considerable degree. In brief, Oakland has been very good for the Raiders, and, in fact, it was inconceivable to me that Mr. Davis would consider abandoning the Oakland area or that our legal structure might permit such a thing to happen.

In 1966, when this very Subcommittee was reviewing, and eventually approving the merger of the AFL and the NFL, it was clear from both the merger documents and Commissioner Rozelle's testimony that the NFL had no intention of moving the Raiders from Oakland. During the merger hearings, officials of both leagues stated that no teams would be moved as a consequence of the merger, even in the New York and Oakland-San Francisco areas where more than one NFL League team would be located. This promise was consistent with the NFL's long-standing policy of retaining teams in their home area, where at all possible, and I believe that in the past 30 years, only two NFL franchises have been permitted to relocate—and then only upon a finding of exceptional circumstances.

Mr. Chairman, no exceptional circumstances exist in the Oakland case, and the NFL has voted to keep our team at home. Unfortunately, the League is not the final arbiter of such decisions, and appeals can be and have been made to the courts. As you know, in the Oakland case, the Los Angeles Coliseum and Mr. Davis have sued the League on antitrust grounds and that matter may not be resolved for some time.

Mr. Chairman, the events experienced by the citizens of Oakland regarding the Raiders' proposed move point to the need for a reexamination of the law in this area. Dozens of sports franchise communities face the possibility that they will someday lose their baseball, basketball, football or hockey franchise simply because a profitable, well-supported team wants a better deal. What happens to the new host community when the team they have lured to their area decides to leave for still another city? Don't the fans have any rights? They, after all, are the ones who ultimately pay for it all.

But more generally, Mr. Chairman, I do not see that this issue is properly in the antitrust courts at all. In 1976, the Department of Justice testified before Congressman Sisk's Select Committee on Professional Sports that franchise relocations do not present antitrust issues. The antitrust laws are designed to promote the public interest and consumer welfare. They are not designed to yield indefensible results, such as where two diametrically opposite actions are equally subject to antitrust challenge. Had the League approved the Raiders' move to Los Angeles, I have no doubt that Oakland interests would have filed suit, charging the NFL with illegally establishing the San Francisco 49ers as a monopoly in Northern California. As both a businessman and a member of Congress this makes no practical sense to me.

Further, the antitrust laws were not meant to promote "home court" justice, where a Los Angeles court and a Los Angeles jury are asked to do what nobody really believes is possible—fairly apply legal standards that affect the interests of Los Angeles and Oakland in securing an NFL franchise.

In order to be meaningful, our laws must be clear and understandable. The laws of our country should not promote guessing games, nor should they immobilize our citizens out of fear that every action will be subject to challenge. Sports leagues, like any other business, have the right to know what is expected of them under the antitrust laws. The current state of affairs benefits neither the sports industry, nor the general public.

TOWARD A LEGISLATIVE SOLUTION

H.R. 2557 and H.R. 823

Mr. Chairman, I have to date introduced two bills which are designed to prevent the relocation of professional sports franchises under circumstances which would unnecessarily harm the home community. These bills are H.R. 2557 and H.R. 823. H.R. 2557 treats certain franchise relocations as a sale of the franchise for an amount equal to the fair market value of the franchise at the time of the move. In other words, this bill attempts to resolve the problem through the use of tax code disincentives. Of course, the legislation would not treat a franchise relocation as a sale if the move were necessary for the team's economic survival. It would only discourage what I would call sports franchise auctioning. In other words, it would prevent financially well-off teams from moving to wherever the highest possible bidders reside.

The "Sports Franchise Relocation Act," H.R. 823, which is co-sponsored by my good friend, Don Edwards, takes a different approach. It would prohibit the relocation of a professional sports team unless a showing could be made that one of several specified conditions is in existence. If a league disapproved a relocation, that would be determinative. If it approved a relocation proposal, but the community being abandoned objected, arbitration proceedings would be triggered to determine specifically whether any of the requisite conditions are present. Finally, H.R. 823 establishes that league relocation decisions reached pursuant to its provisions would not be subject to attack under our antitrust laws.

The objective of these bills is not to require teams to be permanently committed to a given area, regardless of that location's effects on a team's earnings and overall success. Major league sports franchises are expensive enterprises and cannot rationally be expected to function permanently with inadequate returns, inadequate facilities or inadequate support from their local communities. H.R. 2557 and H.R. 823 are designed, however, to bring about a recognition on the part of team owners that the relationship between a sports franchise and its metropolitan area is a unique one. It is a mutual relationship, not a one-way proposition. This relationship requires mutual accommodation and mutual respect for the interests of the other, and it would be threatened by excessive shopping by sports franchises for new locations. On the other hand, I recognize that the mutual relationship of which I speak would also be threatened by an overly restrictive sports franchise transfer policy or by a refusal of local authorities to respond to a franchise's legitimate needs.

Back in May of 1981, as a member of the Ways and Means Subcommittee on Select Revenue Measures, which I now chair, I presided over a hearing which explored the tax issues involved in the sale or transfer of professional sports franchises. At that time, Mr. Herman Sarkowsky of the NFL's Seattle Seahawks appeared on his own behalf and made many of the same points I am making here today. He recognized, for example, that local communities and their sports franchises must work together to resolve their differences, taking into consideration the interests of all parties concerned. He also recognized that it would be unwise to permit franchises "to exploit [the] temporary benefits of relocation" while not considering the rights of local fans. In fairness to Mr. Sarkowsky, I should add that he felt that the best solution to the problem would be to permit a sports league of which any franchise is a member to have a voice in the situation. A responsible sports league, he argued, can be expected to operate with a sense of its own public relations interests locally, regionally and nationally. It will also be most concerned with the preservation of its reputation and mindful of its relations with the Congress.●

ECONOMIC IMPACT OF WATERWAY PROPOSALS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. OBERSTAR. Mr. Speaker, the Subcommittee on Water Resources began hearings today to examine the improvement and operation of the Nation's water transportation system, including coastal and Great Lakes ports, the St. Lawrence Seaway system, and the inland and intercoastal waterways. I want to take this opportunity to commend the gentleman from New Jersey (Mr. ROE) for his decision to conduct extensive and in depth hearings into this difficult and complex issue. During the next 2 months the subcommittee will focus on the interrelationship of competing transportation modes and will develop innovative approaches to improving the Nation's waterway transportation system.

I would like to share with my colleagues a letter that Davis Helberg, the port director of Duluth, wrote to the president of a mining company engaged in shipment of iron ore on the Great Lakes. Mr. Helberg's letter clearly demonstrates the potential for cargo diversion and economic disaster inherent in S. 1692, a modified version of the administration's original user fee proposal. This bill, if enacted, would disrupt current competitive relationships between ports and port ranges, encourage the dumping of foreign goods and commodities on American markets, and add to the current economic distress of the entire Midwest.

The section 205 study, mandated by Congress in 1978 and recently released by the Department of Transportation fails to address any of these concerns and specifically fails to examine the effects of user fees on the Great Lakes. The Senate Environment and Public Works Committee has exempted the connecting channels between the Lakes from their legislation. But I would suggest to my colleagues that Mr. Helberg's arguments are still valid and that the following description of what may befall the Great Lakes is applicable to other ports and regions of the country.

In short, whenever a nation handicaps its own transportation system by enacting new transportation taxes, that nation places a burden not just on the users of that system, not just on the companies who transport their commodities on that system, but on every American who produces or purchases American goods and hinders the Nation's ability to compete in international commerce.

DEAR SIR: We read with interest the newspaper accounts of your recent remarks regarding the "great erosion in the competitive position of Minnesota iron ore producers."

In view of the great mutual reliance between the Iron Range and our Lake Superior ore-shipping ports, we most certainly share your concern.

We take this opportunity, however, to also call your attention to another taconite tax (and we don't use "tax" in quotes because it is, indeed, a tax) that has been proposed in Congress and is gathering momentum almost daily. This, in various forms and by many different names, is the proposal to recover federal costs for the operation and maintenance of the nation's ports and channels through collection of user fees.

The Administration's clearly-stated goal is to recover 100 percent of the approximately $300 million now expended by the U.S. Army Corps of Engineers for maintenance dredging of deep-draft ports and channels. With the nation's budget egregiously out of whack, the intent is noble--but the approach that's planned can only have ruinous effects on the present flow of waterborne commerce.

"Non-federal public entities" would have the responsibility of assessing and collecting user fees in the various ports to pay for dredging that has been otherwise performed by the government throughout our history. But some ports require far more dredging than others; and some (like ours) require the use of connecting waterways (such as the St. Marys River, the St. Clair River, Lake St. Clair and the Detroit River) to move cargo efficiently and economically between one place and another.

In the Senate, there is a steamroller action underway that is bent on getting some type of user fee legislation rammed through regardless of the ramifications.

The latest effort, S. 1692, authored by Senators Abdnor of South Dakota and Moynihan of New York, is scheduled for mark-up before the Water Resources Subcommittee of the Environment and Public Works Committee on Wednesday, November 18. Despite the fact that no hearings have been held on the bill—and after two last-minute postponements—it now seems that mark-up is a certainty.

S. 1692 is toned down somewhat from the original Administration proposal in that 25 percent of the dredging costs would be borne by users instead of 100 percent. As far as the Great Lakes are concerned, however, the difference seems to be a question of whether we'd prefer hanging or shooting.

Enclosed is a printout of a "cost recovery analysis" of the bill prepared by the subcommittee staff. It compares port-by-port user fees per ton which would be required by the original Administration bill, S. 809, and S. 1692.

At first glance, one sees that S. 1692 would require a Duluth-Superior user to pay 1.4 cents per ton. Based on 1980 ore shipments of 26,344,697 net tons, that works out to $368,825.76. For the ore industry, perhaps that is not a terribly significant figure.

But if we add the printout's figures for the St. Marys River (63.4 cents), the St. Clair River (3.9 cents), the Channels in Lake St. Clair (0.1 cent) and the Detroit River (24.3 cents), we're looking at 93.1 cents per ton just to get to Lake Erie. Now the ore industry's share for Duluth-Superior shipments for the year is $24,526,912.91.

Then add a discharge port, say Cleveland. Obviously it's not all going to Cleveland, but at 18 cents per ton nothing would go to Cleveland. Perhaps Toledo is better at 3.2 cents per ton. Or Ashtabula at 1.2 cents.

Whatever, wherever, we're still talking about roughly $1 per ton or about $25 million per year without even considering other Lake Superior ports. And please bear in mind that this is one-fourth less than the fee preferred by the Administration.

We have to wonder how much greater would be the "erosion in the competitive position of Minnesota iron ore producers" should any of this come to pass.

Not surprisingly, the subcommittee printout contains some gross inaccuracies. For example:

The St. Marys River did not handle 2,736,135 tons in 1978 as indicated. It handled 90,761,568 tons. Consequently, both the $2.53 per ton fee in the Administration's proposal and the $0.63 fee in the Abdnor-Moynihan bill are highly inflated. Or are they? The $6.9 million figure quoted for O&M costs is less than half of what we understand real costs are.

The channels in Lake St. Clair are listed as handling 102,197,942 tons. That coincides with the Corps of Engineers' Waterborne Commerce of the United States for 1978 (Part 5, National Summaries). But the printout shows 14,382,257 tons for the Detroit River and 4,845,300 tons for the St. Clair River. The balance of the commerce must have leapfrogged those stretches because the National Summaries show 113,031,836 tons for the Detroit River and 106,868,536 tons for the St. Clair.

Figures, of course, can always be corrected. But the point again is that some of the good Senators are galloping off half-cocked without any idea of where they're heading. As far as we know or have seen, no one has conducted an analysis of the impact that these fees—at any level—will have on our domestic or international commerce.

I recognize that this is ponderously long. Nonetheless, we simply aren't seeing much reaction from our maritime community—ore, grain, coal, the lake carriers—to what we perceive not only as a threat to Great Lakes commerce but to our very Great Lakes industry as well.

We solicit the assistance of your good office and, by copy of this letter, from your colleagues as well.

Sincerely,

DAVIS HELBERG,
Executive Director.●

YOUTH DEVELOPMENT THROUGH CRIME PREVENTION

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. DENARDIS. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues an article from the July 1981 issue of Law and Order, an independent magazine for the police profession, entitled, "Youth Development Through Crime Prevention" which was authored by a constituent of mine, Stanley W. Konesky, Jr.

Detective Konesky is a 9-year veteran of the Branford, Conn., Department of Police Services and has directed the crime prevention unit's operations during the past 5 years. In his article, he describes the student awareness program which focuses on the concept of educating our youth on positive values, proper decisionmaking processes and the managing of peer pressure as a mechanism to deter potential future criminal activity. The program addresses the causes of problems that surface during the child's development and is geared for the K-6 grade level on a full academic basis throughout the year. Approximately 2,200 students participate.

Student awareness is the only program of its kind in Connecticut, and I strongly encourage my colleagues to introduce this innovative approach to crime prevention and youth development to the towns and cities they represent.

The text of Detective Konesky's article follows:

YOUTH DEVELOPMENT THROUGH CRIME PREVENTION

(By Detective Stanley W. Konesky, Jr.)

In 1975 the Branford Police, under the direction of Chief Raymond Wiederhold, chose to expand services in crime prevention. A program was needed to address the future wants of the community. The concepts and ideas in crime prevention could be best understood and presented to future citizens (the students) through the educational system. Very few Connecticut police departments had a formalized curriculum on an academic year basis.

The Crime Prevention Unit first met with the Parent-Teacher Association (PTA) from two schools in Branford, the Branford Hills and Short Beach Schools. The question was, to which level in the educational system should a Student Awareness Program be geared? It was felt that resources directed at the upper grade levels of Intermediate and High School would be initially misdirected since these youths had adopted their own peer groups, concepts and direction.

The program must address the foundation beginning at the K-4 level and continue through the academic year to show the students their responsibilities. The police understand the peer pressure and problems these children face on a day-to-day basis.

These programs were set on a two month interval for each topic. July and August was for preparation; September and October for police and their roles; November and December for vandalism; January and February for school bus and bike safety; March and April for drugs and poisons, ending with May and June for an art contest and graduation.

It is important that the Chief of Police lend his credence to the program by being the guest speaker during the graduation and presenting the diplomas to each child. This conveys a feeling of accomplishment and importance.

UPPER LEVEL PROGRAMS

At the Branford Intermediate and High School presentations by the crime prevention officer were given periodically during the year. In the Intermediate School teachers developed a Smoking, Alcohol and Drug booklet and distributed it to the seventh and eigth grade students for a five week instructional lesson on its content.

The crime prevention officer conducted classes at the Branford High School on the police in the community, why the police act and react as they do, rape prevention and other topics of interest to the young adolescent. At both schools the programs were geared toward understanding the police in today's society. Youths asked questions and expressed their opinions.

PROGRAM DEVELOPMENT

Developing the Student Awareness Program required the identification of goals and objectives related to youths. These goals were researched through meetings with the crime prevention officer, PTA members, teachers, and various school administrators and persons from different town agencies. In the development of the curriculum, six specific goals were highlighted:

I. The peer group pressure is an extremely forceful tool used against children in our society. The influence of small informal groups, school yard clubs and classroom bullies all thrive on peer pressure. Through the curriculum the students would realize that to be wanted, liked and accepted is healthy. When one person gives up his identity and acts as someone else wants him to act, this student is not himself.

II. The second goal was to deflate peer group pressure and to identify potential delinquency behavior in the childrens' early school years. Two areas were explored: (1) The use of teachers with their professional knowledge to identify reading and speech difficulties, or any tendency of delinquent behavior and to address this potential problem by making appropriate referral within the school system. (2) For the crime prevention officer to identify socially accepted behaviors and to relate these to the students.

III. The third specific goal explored the television image of violence. This was done through reviewing police oriented shows as well as cartoons. When children viewed these programs, they tended to form personal concepts concerning TV related to real life.

Student Awareness had to demonstrate that shows like "Starsky and Hutch", "Adam 12", "Batman and Robin", etc., portrayed super heroes in an unreal fashion. This is done by dissecting the shows and revealing certain segments to the children and asking them to distinguish the reality.

Also, it is explained that such cartoons as "Bugs Bunny" "Popeye", and "Roadrunner", although enjoyable, are not real. Such violent behavior in a real world could cause severe injuries, even deaths. Therefore, the children are told, living through the eyes of cartoon characters is very unhealthy.

IV. The fourth specific goal dealt with the adult custom of telling children "Not to do this or not to do that," without explanation. Adults comprehend their reasoning when they prohibit children from engaging in certain acts such as vandalism, stealing, even noncriminal acts. However, an inadequate explanation could arouse the child's curiosity.

V. This leads to the fifth goal which would be to eliminate the "Inquisitive challenge." Adults must learn to abstain from telling children not to do something, show a film and not fully explain it, but learn to involve themselves in a topic and subject matter and expose all sides of the material to the children.

This enables the child to answer his or her own questions and not depend on peer group support. In the "Inquisitive challenge" the consequences of behavior were fully explained by the crime prevention officer to expose the child to the full implications of their actions and safety.

VI. The final specific goal was to link all segments of our community around the student. This would be accomplished by the parent, police, teacher and community groups working together to increase the awareness of the student in all levels of society.

The curriculum was geared specifically for presentation to grades K-4 and developed lines of communications between the police and students on a day-to-day basis. Through this, credibility of the uniformed police officer will be realized. The crime prevention officer initially presents the major functions of the police: to help, protect, direct traffic and arrest.

TELEVISION PROGRAM

To further make the students aware of the police officer's role and the danger of television myths, the "Quarter concept" was implemented. In this learning experience, the class is divided into two halves, one half being advised they would each be given four quarters at the end of the class day, and the rest of the class would be given one quarter.

Immediately this caused dissention, students starting it was unfair. The crime prevention officer then reversed the allocation of quarters. Again the first half of the students would state that it was unfair.

The students are then asked to identify how many of the original police roles are identified in television programs as "Adam 12", "S.W.A.T.", "Rookies", etc. The general consensus is only one, the arrest aspect. The analogy is that the four roles of the police, equaling the four quarters of the whole, represent a total picture. When only one quarter is revealed, the audience is not getting a fair viewing of the real police world.

This is also carried over into television cartoons showing Elmer Fudd shooting Bugs Bunny and the Three Stooges being abusive to each other with hammers, pans, etc. The reality is revealed that shooting someone would definitely cause pain, and that hitting with a hammer or a pan would cause injury. In the final analysis the student accepts the television program as entertaining, but that the actual portrayal of these concepts is not real and possibly extremely dangerous. This generates numerous questions for the crime prevention officer. The time element of the class varied according to the grade level.

STRANGERS

During the first presentation the concept of strangers giving candy and rides to students is fully explained. Students often forget this concept especially on Halloween night. They are given a phrase to remember which states, "When in doubt, throw it out." Students receive a pamphlet on Halloween safety to further this learning experience.

TELEPHONE

The last area in the first presentation is telephone demeanor. The students engage in role playing in situations when it would be necessary for them to contact the police department. It is highly recommended that the student dial zero during the program for two specific reasons: (1) Branford has a small percent of its student body attending from adjoining towns. (2) It is easier to remember a one digit number.

The students are told to call the police only for an emergency. They are also told they are not going to talk with television actors, but with real police officers who must respond to their complaint immediately. Clear pronunciation, relevant information and a serious attitude are necessary when calling.

This is demonstrated by the student using a telephone and the crime prevention officer acting as the operator giving the police response.

Students are told that four things are necessary: their name, location, telephone number and problem.

VANDALISM

This topic deals with the money motive and other causes of vandalism. The topic stresses both the apprehension costs and feelings of a family being victimized. Further, the myth is exposed to teachers and PTA that, contrary to traditional vandalism programs which demonstrate swift apprehension and punishment of juveniles, this doesn't occur in our criminal justice system.

Students were given a definition of vandalism as "Damaging people's property." In the younger grades the spelling of the word "vandalism" is used as an interest mechanism.

Students were polled for their reaction when vandalism is done to their property and what feelings they would encounter during this situation. The student realizes that vandalism costs money and they are potential victims.

An interesting program feature concerns students' lists of reasons why their parents work: money for taxes, rent, clothing, utilities, trips, vacations, allowances, etc. Relating the increased costs from vandalism to existing costs shows that the eventual loser becomes the child. They understand that vandalism is a direct challenge to their happiness.

A child is given the situation wherein he chooses between vandalism for peer pressure acceptance or increased purchasing power. An analogy is presented of a window that cost $25. Children can share that money with their friends for an afternoon at a fast food restaurant or pay for the window.

In showing films relating to vandalism the "Inquisitive challenge" is ever present on the mind of the crime prevention officer and teacher. Safeguards are created to prevent igniting this type of challenge to engage in vandalism and to explain the problems related to vandalism which will hopefully minimize this type of behavior.

BICYCLE AND SCHOOL BUS SAFETY

On alternating years bicycle safety is presented, then complemented with school bus safety. This is accomplished with films, demonstrations by school bus companies and a talking school bus known as "Blinky".

This section is not geared to threaten or make the student fearful, but to give a realistic view of the problem of school bus safety.

Concerning bicycle safety and theft prevention, explanation of proper locking devices, securing of bicycles, proper safety devices and precautions on bicycle riding are highlighted. Films related to theft prevention, such as "Creepo", are viewed by the children and discussed before, during and after each session.

DRUG EDUCATION AND POISONS

The peer pressure, acting like an older child/student, and the daring-concept are targets in this session. Mainly marijuana and pills are explored, their effects on individuals are described with emphasis on medical ramifications. Modern day myths that marijuana leads to heroin addiction are discussed, along with the dangers of poison to younger children and safety at home.

It is pointed out that students must make the decision of personal safety for their own health or arbitrarily sacrifice such for acceptance in a peer group. Friends they have today may not be remembered tomorrow, and they must take care of their own person. An open session is conducted after the drug presentations to answer questions and to relate stories of drug abuse.

Cigarette and alcohol abuse are also explored. In the poison session, Mr. Yuk, the National Poison Center's logo, is explained.

IMPLEMENTATION

For a program to be successful, a structured curriculum is the best method to convey goals. The review process of the curriculum had three clearing points.

First, in early July the school superintendents are given an overview of the curriculum for the upcoming academic year. This allows ample lead time for any corrections as well as new ideas he/she wants implemented. Once the first review is completed, the program, with modifications, is readied for review by the teaching administrators and principals of the schools involved.

During early August a general meeting is held for all persons to make further adjustments so the individuality of each school is represented during every session of Student Awareness. Critiques from the preceding year are reviewed and further alterations discussed. During this meeting the crime prevention officer advises school administrators that teachers have two responsibilities:

1. That teachers give a preview as well as a review of the subject matter during the time frame that the topics are scheduled.

2. That teachers participate actively in the classroom discussion and role playing and not use this time to correct papers or leave the room for a personal recess.

These responsibilities are presented with the understanding that both the teacher and the student will learn, change ideas and assist with the review after the officer leaves.

The third point is the orientation of the individual school PTA. Each PTA is advised that the school will have the program. If a preview of the material is requested, the crime prevention officer will meet with the PTA to present the entire curriculum and answer questions. This is another time when modifications are voiced and, if accepted, placed into the curriculum.

It should be stressed that the position of the police department in relation to the materials presented will never be diluted. As additional information and materials come forth from different segments of the community, they will be blended into the police curriculum to give an overall enhancement of the original goals of Student Awareness.

Once the preliminary reviews are completed, the Student Awareness program is ready to be implemented. At the beginning of the year in the introduction of each session, the crime prevention officer and students enter into a "contract" which has three considerations:

1. While the police officer is in the classroom and talking, no one else talks.

2. If someone in the class has something to say, he will wait until the police officer stops speaking and then raise his/her hand.

3. There will be no fooling around whenever the officer or another person has the floor.

Developing this contractual obligation between police and students reinforces the teaching of the students' responsibility. It shows honesty and fairness are on-going characteristics.

The actual presentation of materials has a defined time frame for instruction. This time frame fits according to the age group, academic level and subject matter of the students present. The time frame for kindergarten and special education classes is 30 minutes. First, second and third grades have a 40 minute allocation, and fourth and fifth grades, a 45 minute period. This takes into account the students' attention span as well as review by the police officer in answering questions from students and teachers. A short period of story telling is a positive aspect of all learning experiences.

PROGRAMS CONTINUATION

The Branford Department of Police Services' Crime Prevention Unit received letters, inquiries, recommendations of support for the continuation of Student Awareness, not only from people in Branford, but from other communities throughout Connecticut. This has led to the expansion of the programs from the initial program in 1976 in two schools reaching 400 students, to the level exceeding 2,000 students.

To adequately maintain a structured program, ongoing curriculum and the proper time frame, Chief of Police William F. Holohan allowed the crime prevention officer to extend himself in excess of 75 days throughout the academic year for successful implementation of the program.

PROGRAM MODIFICATIONS

As times changed from 1976 to present, so must police functions. The curriculum areas are reviewed and expanded to take in other topics. The police and their role in the community have expanded to address extortion problems wherein class bullies requested snacks or money from less physical children. Also considered is blackmailing of students who engaged in one or two minor acts and are coerced into committing more serious acts. Again peer pressure and accepted values are stressed and expounded upon through role playing.

The topic of vandalism includes new films and concepts not only of money motive, but also of physical injury when people are victims. School bus and bicycle safety are brought to the level of discussion on areas of death and serious injuries which relates on a one-to-one basis. News clippings and television news commentaries are presented to show the reality of this serious topic.

Drugs and poisons seem to be one subject everyone is really concerned about and allotted time never seems sufficient. Therefore, half the class period results in lecturing, films, other graphics and demonstrations. The last half of the class period is allotted to questions and answers, some of which are embarrassing for students to ask. Through the excellent exchange between teachers, students and the police, this exchange is made possible.

The entire program is designed to increase the students' awareness concerning crime and peer pressure. Any viable educational program must have the students' input and expressions. It is felt that an art contest is one vehicle to increase the students' awareness and enhance the interpretation and expression of what was learned.

The art contest is designed for all grade levels, K-5 as well as special education classes. The only rule is focus on one of the subject matters. Winners of the art contest are judged by the teaching administrators, the crime prevention officer and the Chief of Police.

Each contest winner in the different categories had his/her picture as well as the art work shown in The Branford Review. In an art exhibit at the Branford Community Center, the artist's picture, art work and a three by five card of information on the artist would be on exhibit.

During the program's first year high school students participated in a slogan contest. The student who submitted the winning slogan, "Don't let the public be railroaded, help stop crime in its tracks", was issued a $25 savings bond. Again, we were looking for total cooperation throughout the community and different levels of education.

As the Student Awareness Program further develops, it is concerned with all levels of support from school administrators, teachers, parents, the community, as well as the police department directing efforts to the student.

Continued support from all areas in the community will have a positive effect on the individual student and the generations of students to follow. Student Awareness, as one of the many youth development programs, will foster a cooperative and unified community throughout Branford.●

AN INSIDER'S VIEW OF PUBLIC WELFARE

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. HILER. Mr. Speaker, in recent months, the House Committee on Ways and Means has held "field hearings" for the purpose of investigating the effects of the budget reductions. I attended the hearing that was held in Indianapolis and it struck me that the committee's education was not complete; that is, the committee did not have the advantage of testimony from those who have seen the waste and abuse that permeate our country's public welfare system.

As a means of correcting this shortcoming, I am pleased to submit for the RECORD the text of a letter from Miss Elizabeth Samkowski to the Honorable DAN ROSTENKOWSKI. Miss Samkowski is director of the Marion County, Ind., Department of Public Welfare, which services the Indianapolis metropolitan area. Her comments are very revealing, and I am confident that my colleagues on the Ways and Means Committee and all House Members will want to take careful note of this insider's view of public welfare.

TEXT OF THE LETTER FROM MISS SAMKOWSKI TO HONORABLE DAN ROSTENKOWSKI

I recently attended the Hearing of the House Ways and Means Committee in Indianapolis. As director of the largest welfare department in the state, with an annual budget of $41 million, in addition to dispensing over $45 million in food stamps last year, I feel qualified to make a few observations about our welfare programs. Even more significant, after talking with dozens of our caseworkers who are in the front ranks, I discovered that most of them share my views. There has been a significant change in the attitude of caseworkers regarding welfare in the past few years. Almost without exception, they are in favor of the administration's attempt to cut back entitlement programs, and their only criticism is that we have not gone far enough.

The most recent changes in AFDC resulted in about twelve percent of our cases being discontinued, with a dollar reduction of less than seven percent. Those families who were discontinued were ones in which the recipients were employed, or there was a substantial income from other sources which had previously been disregarded in determining eligibility. Many employed mothers who were receiving AFDC immediately quit their jobs or chose to work less hours so they could continue to get welfare. There is something inherently wrong with a system which allows individuals to have a choice between living off welfare or supporting themselves.

Our caseworkers are seeing AFDC mothers who are not working simply because they have children under six years of age. They are living a comfortable life with not only a monthly welfare check, but a plethora of additional benefits which are not available to the ordinary taxpaying citizen: free Food Stamps, free comprehensive medical services, including transportation, free child care, government subsidized housing, low energy assistance, free school lunches, and free legal services. Our employees are not so fortunate. Many of them are finding it necessary to work a second job just to meet increasing expenses. Our caseworkers return to work following maternal leave as quickly as the doctor will release them; they cannot afford to stay home until their children reach six. I have heard them say they cannot afford to have more than one or two children, yet they are working with AFDC mothers who get a "bonus" for each additional child.

Most Americans are willing to help families who are totaly unable to provide for themselves. However, welfare has become a way of life for too many people who have no initiative to do anything except wait for their monthly welfare check. This attitude was dramatically exemplified in a recent incident involving one of our caseworkers. During a home visit, a small child asked her recipient mother who the caseworker was. The mother replied, "Oh, that lady is my caseworker. When you grow up, you will have one, too." I submit this is not the American way and is a sad commentary on our society. Rather than encouraging families to be independent, our system has resulted in the welfare rolls increasing at an alarming rate. Too many AFDC families are far better off financially than the two-parent working family who is supporting themselves and paying taxes to support those who prefer a different way of life.

I enthusiastically endorse the administration's proposal to return to the States the administration and control of entitlement programs. Who knows better than the local citizenry who are the truly needy persons in a community? States and local governments can do a far better job of defining priorities and targeting areas of needs than a paternalistic government working through the morass of rules and regulations established by a bloated bureaucracy that is out of touch with realities of a program. The reduction in administrative overhead would in itself be significant.

Our present system of public welfare has fostered illegitimacy, dependency, erosion of family strengths, and perpetuated a class of non-productive citizens who have no interest or motivation for altering their way of life. It is time for a change.●

REFORMING THE PRESENT U.S. CRIMINAL CODE

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. SENSENBRENNER. Mr. Speaker, today, I, along with the other two Republican members of the Subcommittee on Criminal Justice, introduced legislation to reform the present U.S. Criminal Code.

This bill, with the exception of the habeas corpus provisions, is presently being considered by the Subcommittee on Criminal Justice as an amendment in the nature of a substitute.

This legislation, while similar in some respects to H.R. 1647, which passed the House Judiciary Committee last year, is different in 18 major respects.

The differences are as follows:

EXPLANATION OF THE MAJOR DIFFERENCES BETWEEN H.R. 1647 AND H.R. 5679

(1) DEATH PENALTY

The amendment contains a chapter 38 which provides a constitutional mechanism for imposition of the death penalty. The chapter is patterned to some extent upon S. 114 (DeConcini) which has been the subject of extensive hearings in the Senate. It lists four capital offenses: murder, espionage, treason, and aircraft piracy in which death results, all of which are capital offenses under current law. The chapter provides that a sentencing hearing will be held upon conviction for a capital offense which seeks to determine the existence of aggravating or mitigating circumstances which warrant more or less serious punishment.

(2) EXTORTION (SEC. 2522)

The amendment overrules the *U.S.* v. *Enmons* decision to the extent that the extortionate conduct referred to in that case constitutes a state or federal felony punishable by an imprisonment penalty of two or more years. It is based upon legislation proposed by Mr. Hall during this Congress. H.R. 1647 maintains *Enmons.*

(3) GOVERNMENT APPEAL OF SENTENCE

In chapter 41, H.R. 1647 provides for defendant-only appeal of sentence. The amendment would provide the government with a similar right if the trial judge's sentence falls below that provided for in the sentencing guidelines. The government would, however, have a shorter time to file notice of appeal.

(4) PAROLE

The amendment would phase out parole five years from the effective date of the sentencing guidelines except for those who were sentenced under the old system.

(5) FACILITATION

The amendment contans a facilitation section (Sec. 505) which punishes those who provide substantial assistance for the commission of specifically designated serious offenses.

(6) SOLICITATION

The amendment contains a solicitation section (Sec. 1103) which applies to those who encourage the commission of specifically designated serious offenses.

(7) PINKERTON DOCTRINE

The amendment continues the so-called "Pinkerton doctrine" (Sec. 504) enunciated by Justice Douglas in *Pinkerton* v. *U.S.*, 328 U.S. 640, which holds co-conspiratiors liable for the substantive offenses committed by their confederates if such offfenses were reasonably foreseeable.

4 (8) SPOUSAL IMMUNITY IN RAPE

In Section 2331 (aggravated criminal sexual conduct), the amendment continues the so-called "spousal immunity" provision from the current rape statute, while H.R. 1647 abolishes it.

(9) EXPUNGEMENT

The amendment deletes Section 8123 contained in H.R. 1647 which provides a mechanism for certain convicted persons to have the record of their convictions expunged.

(10) CRIMES AGAINST JUSTICES OF THE SUPREME COURT AND CABINET OFFICERS

The amendment extends jurisdiction under the murder, maiming and kidnapping sections to include offenses against certain high-ranking federal officials not covered under current law, including Supreme Court justices, cabinet and deputy cabinet officers and high ranking personnel in the Executive Office of the President or Vice-President.

(11) PROSTITUTION

The amendment carries forward a section somewhat comparable to the current Mann Act entitled "Engaging in a Prostitution Business" (Sec. 2745), which is not contained in H.R. 1647.

(12) STATUTORY RAPE

The amendment carries forward a section based upon current federal statutory rape law entitled "Sexual Abuse of a Minor" (Sec. 2746). H.R. 1647 provides generally that the offender must be at least five years older than the victim unless the victim is under the age of 12.

(13) TERMS OF IMPRISONMENT

The amendment raises the terms of imprisonment to 16 years for Class B felonies, 8 years for Class C, 4 years for Class D and 2 years for Class E felonies.

(14) USE OF OBSCENITY ON ENVELOPES

The amendment reenacts the prohibition against obscene language on envelopes from 18 U.S.C. 1463.

(15) TRANSFER OF ABORTIFACIENTS

The amendment retains in slightly modified form the current law prohibitions against the transfer of abortion instruments. H.R. 1647 does not.

(16) BAIL REFORM

The amendment contains in chapter 63 bail reform provisions which permit consideration of danger to the community and authorizes preventive detention under limited circumstances with substantial safeguards for the rights of the accused. The amendment also provides for an enhanced penalty for those committing a crime while on bail (Sec. 1715). The amendment is patterned after S. 1554 (Thurmond) and follows from the recommendations of the Attorney General's Advisory Task Force on Violent Crime.

(17) ORGANIZATIONAL LIABILITY

The amendment makes it clear in Section 502 that an organization becomes liable for the conduct of an agent only if the latter is acting within his "actual or implied" authority from the organization. H.R. 1647 does not clearly specify what type of authority it refers to.

(18) HABEAS CORPUS PROCEEDINGS

The amendment would:

a. require all federal habeas corpus evidentiary hearings to be conducted by a United States district judge rather than a federal magistrate,

b. codify the decision of Wainwright v. Sykes to bar litigation of issues not properly raised in state courts, absent showings of cause and actual prejudice,

c. establish reasonable time limits within which a federal habeas corpus action must be commenced, and

d. codify the decision of Sumner v. Mata barring federal habeas corpus evidentiary hearings where the record in the state court provides a factual basis for the state court findings and such record was made under circumstances affording the habeas petitioner a full and fair hearing on the factual issue.●

TAXPAYERS LIABILITY INDEX

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. COLLINS of Texas. Mr. Speaker, in my mail I received a statement from the National Taxpayers Union. This group had prepared their analysis of the Taxpayers Liability Index.

As Congress talks about the budget, we should realize that there are additional liabilities and contingencies that face us as financial responsibilities.

The National Taxpayers Union begins with the debt at $1 trillion and then schedules other liabilities amounting to $10 trillion.

The largest liability is the commitment for future pension programs. Congress must face up to this responsibility and always maintain the social security fund as a separate and independent fund. Since social security taxes are now requiring 7 percent of an employees salary and 7 percent of an employers matching fund, the Government is now receiving nearly 14 percent of the basic payroll of working people. We must keep this social security fund intact and separate. Furthermore, Congress must not add other groups as beneficiaries, as the basic responsibility is to provide for retirement for the senior citizens.

I was interested in the taxpayers estimate of liability. Maybe their estimate is too large. But we should all bear in mind the contingent liability.

Here are the National Taxpayers Union figures.

[In billion dollars]

Debt or liability item	Gross cost
Public debt	971
Accounts payable	129
Undelivered orders	452
Long term contracts	20
Loan and credit guarantees	321
Insurance commitments	2,219
Annuity programs	6,900
Unadjudicated claims, international commitments, and other financial obligations	46
Total	11,058

THE HOMEOWNERS OPPORTUNITY PARTICIPATION ACT (HOPE)

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. O'BRIEN. Mr. Speaker, today I am introducing a bill entitled "Homeowners Opportunity Participation Act" (HOPE) which will provide a much-needed lift for the ailing housing industry.

My bill is similar to BILL EMERSON's homeowner equity loan program (HELP, H.R. 5150), of which I am a cosponsor, but proposes a somewhat broader program. My new bill, which I would like my colleagues to support, would—

Make all credit-worthy home buyers eligible to purchase reasonable cost homes for below market interest rates instead of just first-time home buyers as in H.R. 5150.

Make newly constructed homes eligible for financing instead of only those homes in builders' inventories as proposed in H.R. 5150.

Provide $1 billion for 1 year from previously authorized but unused borrowing authority from HUD's public housing loan fund; H.R. 5150 would use $500 million from the Government National Mortgage Association's special assistance fund.

The housing industry is stagnated at rock bottom. Recent 1982 projections indicated fewer housing starts than in 1981—which was the lowest production year since 1946. The National Association of Homebuilders is projecting 1,073,000 housing starts for 1982, down from the 1,103,000 units started in 1981. A more dismal forecast is disclosed in last week's Census Bureau report which in January projected 894,000 units for the year under its seasonally adjusted rating schedule. This is the sixth month in a row that anticipated starts for the year were estimated at less than 1 million units. Additionally, new home sales for the past 7 months averaged only 433,000 units—one-half of a normal or reasonable sales period.

As the housing industry situation continues to decline, its ripple effects have an even more devasting effect on the economy. The unemployment levels heighten and layoffs take place in all other industries somewhat dependent on housing. For instance, General Electric recently announced plans for temporary layoffs affecting 9,200 workers. These employees work on dishwasher, refrigerator, and laundry appliance production lines—items used in new homes.

We all know, that to really bring the housing industry back on its feet, interest rates need to be lowered, budget deficits brought down. But it is critical and important that an emergency stimulus program be enacted on a temporary basis to at the very least, keep the homebuilding and related depressed industries afloat.

Essentially, this means more jobs, bringing in more revenue to the Government and means of generating economic productivity in a stagnated economy as well as avoidance of the loss of Government revenue through increased unemployment compensation payments. Additionally, funds used to provide temporary assistance to homeowners would be repaid in full to the Federal Government.

My proposal offers not only help but hope for our country. I think you will agree after reviewing the following detailed information about this bill.

First, program eligibility is limited to credit worthy homebuyers.

Second, eligible homes are limited to proposed newly constructed, partially constructed, and unsold residential properties (single family, condo, or co-ops). A priority is established for lower cost basic homes ranging from $50,000 to a maximum of $90,000.

Third, mortgage financing may be provided through FHA (sec. 203(b) and 245), VA, private or conventional methods.

Fourth, maximum mortgage limits are the same as under the FHA section 203(b) program ($67,500 to $90,000) with terms for up to 30 years and a 5-percent downpayment requirement.

Fifth, the interest rate for the homebuyer is established and based upon income necessary to qualify for the loan as determined by the Government National Mortgage Association (GNMA) with such fixed rate not to be lower than 12 percent.

Sixth, the total cost of the Federal contribution for interest or principal payment reductions will be retained and recaptured for repayment to GNMA out of the proceeds of equity appreciation upon the sale disposition, or refinancing of the property.

Seventh, GNMA will provide a one time front-end payment up to a maximum of $6,000 on behalf of a qualified homebuyer to an approved financial institution for the purpose of reducing interest or principal payments.

Eighth, the program is of a temporary and short-term nature and will expire on September 30, 1983.

Ninth, the Federal funding of $1,000,000,000 for providing temporary loan repayment assistance to qualified homebuyers does not increase the fiscal year 1982 Federal budget due to the fact that such funds are provided through the reprograming and reuse of previously authorized and appropriated HUD public housing loan fund borrowing authority and for which use all funds will be repaid to the Federal Government.

Tenth, GNMA will allocate funds on a fair share State or regional basis in accordance with data reflecting unsold inventory and building permits issued for newly constructed units.

Eleventh, preference for assistance is made, but not limited, to small-size homebuilders experiencing depressed operating conditions. Homes must be for permanent full-time residence of the buyer.

Twelve, an estimated 200,000 newly constructed and/or unsold inventory homes may be aided under this program during its full year of operation.●

THE STEEL CAUCUS IN 1981: PROGRESS, NEW CHALLENGES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. GAYDOS. Mr. Speaker, as chairman of the Congressional Steel Caucus, I offer the following report on our activities to the House.

The caucus did landmark work toward our goal of revitalizing the steel industry in the first half of the 97th Congress, but an alarming rise in apparently dumped or subsidized imports in 1981 threatened to topple what we are trying to rebuild—high employment and soundness in the Nation's basic industry.

The first session was noteworthy for improvements in the tax and regulatory climates affecting the American steel industry and its workers. The successes included the environmental "stretchout" bill and accelerated depreciation of steelmaking equipment, which should have sparked the modernization. But desired revival was delayed by a new problem, the trade crisis, which has taken a high priority with the caucus.

Outside the area of legislation, the caucus established communication with the new administration early in the first session. We conveyed our concern about trade, tax and regulatory issues affecting steel and its workers. With the administration's decision to discontinue the Steel Tripartite Advisory Committee, the Caucus expanded its efforts to keep an open dialog with the industry, the union, and the administration on steel issues.

Through executive committee sessions, testimony before various committees of Congress and special orders, the caucus focused national attention on critical steel issues including:

The impact of unfair trading practices on domestic steel growth;

The need for faster depreciation of steel equipment to stimulate investment for modernization;

The need for extension of the Clean Air Act compliance deadlines on a case-by-case basis; and

Stricter enforcement of the "trigger price mechanism" in dealing with steel imports.

The next 6 to 9 months will be a critical period in the history of this vital American industry as the Commerce Department and other agencies process over 100 trade petitions involving steel imports. The caucus will closely monitor the progress of the cases and will continue to provide a forum for discussing steel issues.

Mr. Speaker, to fully report the activities of the caucus in the 1st session of the 97th Congress, I must touch on conditions as they stood in 1980.

Toward the end of the 96th Congress, the Congressional Steel Caucus made a number of recommendations for changes in trade, tax, and regulatory policy designed to contribute to the revitalization of the domestic steel industry and an expansion of jobs for its workers.

Based in part on the findings of the Steel Tripartite Advisory Committee, members of the caucus urged consideration of remedial legislation to address capital formation and regulatory problems affecting the industry. In addition, the caucus urged policy adjustments to deal with recurring problems in the administration of the trigger price mechanism (TPM).

In the first 7 months of the 97th Congress, the House and Senate acted on two key steel issues which may have marked a turning point in the effort to reset the course for positive growth in the domestic steel industry; they were capital formation and environmental policy.

CAPITAL FORMATION INCENTIVES

Before the House Ways and Means Committee, members of the caucus described the deteriorating condition of the domestic steel industry and the need to provide proper incentives to rebuild it. Citing comparative statistics for tax policies implemented by our trading partners, the chairman and other members directed attention to countries such as Sweden, Italy, and France where 75 percent of capital expenditures are recovered in 3 years compared to 57 percent in the United States.

The members of the caucus advocated faster writeoffs for steel equipment and the targeting of additional tax credits for investment in economically depressed regions.

In addition, support was expressed for the Steel Tripartite Advisory Committee's recommendation of some type of steel related refundable investment tax credit to help the industry overcome its severe capital formation shortage—estimated to be nearly $2 billion per year over the next 5 years.

ENVIRONMENTAL POLICY CHANGES

Early in the session, the caucus reaffirmed its commitment to the environment while recognizing the unique compliance problems of the domestic steel industry. In keeping with the recommendations of the Steel Tripartite Advisory Committee (STAC), a number of members introduced and supported legislation to extend the deadline for the steel industry to comply with the Clean Air Act.

During its proceedings, the STAC acknowledged that the steel industry faces a unique problem in terms of pollution control. By the nature of its production processes, the industry generates very large amounts of air and water pollution. To control this pollution and modernize at the same time will require large capital expenditures which the industry may not be able to accomplish on the present compliance timetable.

Based on these serious economic and environmental concerns, the STAC recommended legislation to allow the EPA Administrator to grant a discretionary case-by-case basis stretchout—for up to 3 years—of the deadline for compliance with the requirements of the Clean Air Act. This legislation passed both Houses of Congress and was signed into law on July 17, 1981.

The Caucus wholeheartedly supported this legislation which would encourage and enable the steel industry to increase capital formation for compliance by fostering modernization and technological development. This law will insure that there will be environmental compliance by requiring strict schedules spelled out in compliance orders and enforced by the courts. Other concerns included:

STEEL TRADE DEVELOPMENTS

CARBON STEEL TRADE

At the end of the 96th Congress, the steel caucus concurred with the trade policy recommendations made by the Steel Tripartite Advisory Committee which called for:

Full and prompt enforcement of all U.S. trade laws in conformance with congressional intent; and

A strengthened and well administered trigger price mechanism (TPM).

At the beginning of the 97th Congress, the newly revised TPM offered considerable promise through the maintenance of trigger price levels reflective of the Japanese costs of production, a more precise preclearance procedure, improved product coverage and expedited investigations of import volumes of both carbon and specialty steels for evidence of dumped or subsidized steel when imports surged above a certain percentage level.

However, by August 1981, imports of foreign steel mill products totaled 2.23 million net tons. This figure marked the fifth consecutive month that imports had risen in 1981 and the tonnage represented 25 percent of the American market supply—an historic high for any month. (Total imports of steel mill products for 1981 reached 19.9 million net tons compared with 15.5 million net tons in 1980—a 29 percent increase. The record high tonnage was 21.1 million net tons in 1978. Imports in 1981 took a 19.1 percent share of the domestic market compared with 16.3 percent in 1980. In the last 3 months of the year, imports captured 20 to 26 percent of the American market.)

By late in the year, it was clear that the excessively high rate of imports threatened to undermine the progress made in the first 6 months with changes in tax and regulatory policy. To members of the Caucus and others it became apparent that the integrity of the TPM as a device for reducing the volume of potentially dumped or subsidized imports was being severely tested.

In a series of hearings with the industry, the Caucus was advised that although the administration had attempted to vigorously enforce the TPM, European steel producers had apparently been engaging in unfair trading practices which had rendered the device useless. The industry described reports from the marketplace which showed significant tonnage entering the United States below trigger price levels as well as widespread evasion of the system through off-shore procurement of steel below trigger price levels. (On November 19, 1981, and December 9 and 10, 1981, the Caucus conducted Special Orders on the floor of the House to focus national attention on these trade issues.)

In communications to the administration, the Steel Caucus expressed its concern that increasing unfairly traded steel imports were undermining the industry efforts to take advantage of recent changes in tax and regulatory policy. The Caucus warned of the danger of unrestricted steel imports and recommended rapid enforcement of the TPM and "import surge" devices.

After careful review of import surge levels above the 15.2-percent penetration level, the Commerce Department initiated seven antidumping and countervailing duty petitions on November 18, 1981. By December 23, 1981, the U.S. International Trade Commission had made affirmative preliminary determinations of injury on five cases.

However, due to the scale of alleged subsidization, domestic steel producers felt compelled to file additional petitions totaling approximately 100 on January 11, 1982. The Commerce Department formally accepted these cases on February 1, 1982, and simultaneously suspended the trigger price mechanism for an indefinite period.

SPECIALTY STEEL TRADE

On January 8, 1981, the Department of Commerce established a "surge mechanism" to monitor specialty steel products for import surges caused by dumping or subsidization. Commerce observed that monitoring specialty steel imports for surges was more appropriate and technically feasible than extending trigger price coverage of these products.

In April 1981, Commerce launched its first formal investigation into an apparent import surge of specialty steel. It was determined that imports primarily from South Korea, West Germany, France, Japan, and Austria constituted a surge, defined as an increase in imports' share of domestic consumption above the average level of the past 10 years. (In 1980, imports of stainless steel bars equaled 21.6 percent of domestic consumption, compared with an average of 17.7 percent over the last decade. Imports of alloy tool constituted 28.4 percent of domestic consumption in 1980, compared with a 10-year average of 22 percent.)

Despite such efforts, by July, imports of tool steel equaled 37.7 percent of apparent consumption. For the third quarter, stainless sheet and strip imports were 11.2 percent of the market; stainless bars reached 26.6 percent; stainless wire rod imports reached 47 percent and alloy tool steel hit nearly 40 percent penetration.

Faced with subsidized imports sold at as much as 54 percent below U.S. prices and apparently below the cost of production, domestic specialty steel producers petitioned for relief under section 301 of the Trade Act of 1974. The Congressional Steel Caucus expressed its full support of the domestic industry's petition and urged the administration to take expeditious action to restrict the flow of unfairly traded specialty steel imports.

Mr. Speaker, I conclude this report to the House by offering for the RECORD the list of caucus members and an accounting of its financial operation:

CONGRESSIONAL STEEL CAUCUS MEMBERSHIP, 97TH CONGRESS, FIRST SESSION

Joseph Addabbo, Frank Annunzio, Douglas Applegate, John Ashbrook, Eugene Atkinson, Les AuCoin, Don Bailey, Adam Benjamin, Jr., Tom Bevill, William Brodhead, Clarence Brown, George Brown, James Broyhill, Don Clausen, William Clay, William Clinger, E. Thomas Coleman, Cardiss Collins, John Conyers, Baltasar Corrada, Lawrence Coughlin, James K. Coyne, William J. Coyne, Dan Daniel, Robert Davis, Edward Derwinski, John Dingell, John Duncan, Dennis E. Eckart, Robert Edgar, Allen Ertel, David Evans, John G. Fary, Vic Fazio, Paul Findley, Floyd Fithian, Ronnie Flippo, William Ford, L. H. Fountain, Joseph Gaydos, Sam Gejdenson, Benjamin Gilman, and William Goodling.

Willis Gradison, Sam Hall, Jr., James V. Hansen, John Hiler, Elwood Hillis, Ken Holland, Jerry Huckaby, James Jones, Thomas Kindness, Ray Kogovsek, John LaFalce, Tom Lantos, John LeBoutillier, Gary Lee, Jerry Lewis, Clarence Long, Thomas Luken, Stanley Lundine, Robert McClory, Joseph

McDade, Bob McEwen, Marc Marks, Dan Marriott, James Martin, Robert Michel, Clarence Miller, George Miller, Barbara Mikulski, Donald Mitchell, Robert Mollohan, G. V. Montgomery, Ronald Mottl, Austin Murphy, John Murtha, John Myers, John Napier, William Natcher, James Nelligan, Bill Nichols, Henry Nowak, Mary Rose Oakar, James Oberstar, and George O'Brien.

Thomas P. O'Neill, Donald Pease, Carl Perkins, Melvin Price, Carl Pursell, James Quillen, Nick Joe Rahall, Tom Railsback, Ralph Regula, Don Ritter, Robert Roe, Charles Rose, Dan Rostenkowski, Marty Russo, Jim Santini, Gus Savage, James Scheuer, Richard Schulze, John Seiberling, Philip Sharp, Richard Shelby, Bud Shuster, Paul Simon, Albert Lee Smith, Joseph Smith, J. William Stanton, David M. Staton, Louis Stokes, Samuel Stratton, Gene Taylor, Morris Udall, Bruce Vento, Doug Walgren, Robert Walker, James Weaver, Richard White, Jamie L. Whitten, Lyle Williams, Charles Wilson, Ron Wyden, Gus Yatron, C. W. Young, Clement Zablocki, and Leo Zeferetti.

[Annual Report]

Fund balance statement

Balance forward as of 9/30/81 plus adjustment	$10,109.15
Total revenues—clerk hire, dues and donations	11,542.34
Total	21,651.49
Less Expenses:	
October 1981	4,222.73
November 1981	4,059.80
December 1981	4,107.66
Remainder	9,261.30
Interest deposits	345.41
Unexpended revenues as of Dec. 31, 1981	9,606.71

[Annual Report]

Cumulative statement of expenses

Salaries	$43,332.83
Postage	212.67
Stationery—Donations, Mr. Bevill	459.65
Telephone	659.87
Publications	465.95
Equipment	1,947.00
Printing	471.10
Miscellaneous	7,039.16
Total expenses for the year 1981	54,588.23

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ORANGE COUNTY HUMAN RELATIONS COMMISSION

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. PATTERSON. Mr. Speaker, with pride, I invite my colleagues to join me in recognizing the 11th anniversary of the Orange County Human Relations Commission. As the legislator for the 38th Congressional District which encompasses 9 of the county's 26 cities, I feel that the commission stands as an essential part of the many communities it has served. I am especially aware that constituents in the 38th District have found it necessary to seek assistance from, and work with the commission on a daily basis. This cooperative partnership has lead to a betterment in the quality of their lives, their neighborhoods, their schools, and their community as a whole.

In these times of economic hardship, the complexity of our social problems has increased. That is why it is so reassuring to know that the rights of the disadvantaged are still being advocated. Such is the charge of the commission. This is in keeping with the original vision of its role as set forth by the Orange County Board of Supervisors in 1971. In response to public need, the goals identified were "to establish an impartial agency to deal with intergroup tensions; to foster mutual understanding and respect among all citizens of Orange County; to promote measures to eliminate prejudice, intolerance, and discrimination against any individual or group because of race, religion, national origin, sex, age, or cultural background.

To illustrate how successful the commission has been, I would like to highlight just a few among many achievements. One of its five areas of concentration is housing. As you may know, Orange County is plagued by a shortage of affordable housing. This has prompted the commission to work closely with the board of supervisors, agencies, and the private sector to create an inclusionary housing program now in effect. Neighborhood preservation and the protection of tenants from unsafe building code violations are two other projects it has initiated. Cooperative problem solving was shown during a housing conference prepared by the commission. Brought together were chambers of commerce, the league of women voters, and others to address the county's housing needs. As a member of the House of Representatives Subcommittee on Housing and Community Development, I am sensitive to the importance of pooling existing resources from many sectors of the community, just as the commission has done.

In other areas, a decrease in student truancy was achieved by the education committee. In various cities, the police/community relations committee has hosted inservice training to officers for the purpose of building a clearer understanding of their communities. The health committee won renewal of a county contract to preserve vital medical services for our many indigent.

These and other examples prove how tangible results can flow from the hard work of 11 commissioners, a 6-member staff, and a countless number of volunteers. Mr. Speaker, I now ask my colleagues to join with me in commending the Orange County Human Relations Commission for 11 years of dedication and service.●

INCENTIVE FOR NOT WORKING IS FOUND IN STUDY OF BUDGET

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. SCHUMER. Mr. Speaker, the Reagan administration repeatedly professes its desire to reduce the size of the welfare rolls, but the Reagan budget actually penalizes the working poor for working. Because of tremendous cuts in food stamps, medicaid, and energy assistance, many working poor would receive a higher monthly income if they were to cease working and depend solely on Federal assistance. This hypocritical element of the Reagan budget, and its effects, are aptly described in the following New York Times article of February 25:

INCENTIVE FOR NOT WORKING IS FOUND IN STUDY OF BUDGET

(By Robert Pear)

WASHINGTON, FEB. 24.—Poor people who choose to work would have less disposable income than if they depended entirely on Federal aid under President Reagan's proposed budget for the next fiscal year, according to a new study by the University of Chicago.

The study, issued today, found that the proposed cutbacks in welfare and food stamp benefits would accentuate the "work disincentives" introduced into the Federal system last year.

Last year's changes reduced the income differential between working and nonworking welfare recipients, the study said, but the changes proposed this month by Mr. Reagan would make it clearly more profitable for most poor people to rely entirely on welfare and food stamps than to work at the low-wage jobs available to them.

Thus, it said, the changes would penalize welfare recipients for any work effort by sharply reducing the amount of benefits they received while they were employed.

SITUATION IN NEW YORK

For example, in New York State, a three-person family with no earnings would get, on the average, $506 a month in welfare, food stamps and energy assistance under Mr. Reagan's proposals. Because of such work-related expenses as child care, the family would end up with $40 less in monthly disposable income if the mother took a job in which the gross pay was $486 a month, the average for working welfare recipents in the state. The family's income, according to the study, would drop to 79 percent of the poverty standard, from 86 percent.

The Office of Management and Budget defines poverty for a family of three as an income of less than $7,070 a year.

"The systematic reduction in work incentives hits hardest at families at or near the minimum wage whose work efforts should be supported rather than discouraged," the study said. For many of the 600,000 welfare families who have some outside earnings, "work may no longer be justified by its rewards," the study added.

The study, by the university's Center for the Study of Social Policy, is the most comprehensive state-by-state analysis of what happens to individual families as a result of the welfare cuts enacted last year and proposed this year.

Monthly Disposable Income Of Working and Nonworking Mothers In 10 States

[Income for working mothers is based on the average earnings level. Income for both working and nonworking mothers may include aid to families with dependent children, food stamps, and energy assistance. Figures are based on levels for an adult with 2 children under the rules proposed in President Reagan's 1983 budget]

	Working	Nonworking	Difference
California	$479	$561	$82
Connecticut	470	509	39
Illinois	420	428	8
Massachusetts	459	478	19
Michigan	482	489	7
New Jersey	451	466	15
New York	468	508	40
Ohio	393	403	10
Pennsylvania	455	439	+16
Wisconsin	467	539	72

Source: The University of Chicago Center for the Study of Social Policy.

The study differed from similar analyses in its use of a computer to calculate the effects of the Reagan proposals on families at different income levels in different states. The principal author of the study, Thomas C. W. Joe, was a welfare official in the Nixon Administration. The center has a reputation among social scientists as being one of the most reliable sources of nonpartisan information on welfare matters.

NEED FOR SELF-RESPECT

Reagan Administration officials have acknowledged that the President's proposals for cutting welfare, food stamps and other benefits might discourage work effort by some poor people. However, they say the "working poor," as the most affluent sector of the welfare population, can best afford the reduction in benefits. In addition, they say poor people sometimes choose to work to enhance their self-respect or to get a better job in the future, even though the immediate financial rewards are negligible.

Administration officials see welfare not as an income supplement for the working poor, but as a "safety net" for those, such as the elderly and disabled, who cannot work.

Mr. Reagan's budget for the fiscal year 1983, which begins Oct. 1, proposes to deny welfare benefits to any parent who refuses employment or voluntarily quits work. The stated purpose of this change is to "discourage reductions in work effort."

ACTION IS CALLED COUNTERPRODUCTIVE

The Chicago study describes the reduction of work incentives as "counterproductive" because the Government may ultimately have to increase welfare payments to a mother who curtails her work effort.

For example, it says, in New York, the Federal Government formerly paid $143 a month in Aid to Families with Dependent Children and $40 in food stamps, a total of $183, to a working welfare mother with average earnings.

"If this mother decides to go on welfare full time, because she will have $40 more per month than if she continues to work," the study says, "the Federal Government's cost in A.F.D.C. climbs to $204 per month and food stamps rise to $84, for a total of $288, or $105 more than when she was working."

The study understates the loss of Federal benefits for many working people because it does not take account of Medicaid, the medical assistance program for the poor. People usually lose Medicaid when they are forced off the welfare rolls, and the value of Medicaid benefits to a woman with children almost always exceeds the cash value of welfare payments.

The cumulative effect of the changes made last year and proposed this year is to increase the "marginal tax rate" on income earned by welfare recipients. This rate, also known as the benefit reduction rate, measures the loss of benefits for each additional dollar of income earned by a welfare mother.

Congress lowered marginal tax rates for more affluent taxpayers last year after hearing "supply side" economists argue that such reductions would increase incentives for work, savings and investment.

Mr. Joe's study took issue with Mr. Reagan's recent statement that people who were "totally dependent on the Government for help" would not be harmed by his budget cuts. Mr. Reagan's budget proposes to count energy assistance as income in computing both welfare grants and food stamp allotments. "In every state, these provisions reduce the disposable incomes of A.F.D.C. recipients unable to work," the study said.●

REMEMBER THE RUDINS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. DORNAN of California. Mr. Speaker, I would like to bring to the attention of my colleagues in Congress, in fact, my fellow Americans, the plight of Berta Isaakovna and Yakov Mikhailovich Rudin, Jewish refuseniks who have been denied emigration from the Soviet Union since 1979.

Berta, 57, is a physician and Yakov, 55, is a marine engineer. They are presently living in Odessa, the Ukraine, U.S.S.R. Both have been fired from their jobs and denied employment since September 1978, when they began collecting their immigration papers.

The Rudins have been continually harassed and isolated from friends and neighbors by Soviet officials. Berta Rudin is seriously ill with heart disease as a result of the brutal and inhumane treatment from Soviet officials. She is in desperate need of medical care, which is being denied to her.

The Rudins were not allowed to apply for emigration in 1977, when their sons, Sergey and Leonid applied. Thus, in March 1978 their sons left the Soviet Union without their parents. Presently, Sergey is a Ph. D. student in physics at Brandeis University in Massachusetts and Leonid is a Ph. D. student in computer science at the California Institute of Technology.

In January 1979, the Rudins applied for emigration using an invitation, Visov, from their niece in Israel. In July, they were denied emigration on the basis of insufficient kinship. They were told to present an Israeli invitation from their sons, which is impossible as they are living in the United States.

In November 1979, their sons obtained an official U.S. Government invitation through the offices of then Secretary of State Cyrus Vance. On this invitation, Secretary of State Vance's signature was certified by Ambassador Dobrynin. But this official U.S. Government invitation was not recognized by Soviet officials in their Department of Immigration.

The Rudins latest refusal occurred December 8, 1981, after applying in May. This time, the official reason they were denied emigration was that Mrs. Rudin's sister, who lives in a different republic, has her own family, and does not communicate with the Rudins, had closer family ties than their sons.

So, despite five official invitations from the Israeli Government, four from the Rudin's niece and one from another of Mrs. Rudin's sisters, and one official invitation from the U.S. Government, the Rudins have deliberately and unequivocally been denied emigration from the Soviet Union.

Let the Soviet Government be warned that we will not continue to stand by and watch fellow humans being abused and stripped of their basic human rights. Remember the Rudins.●

COMDR. ALAN W. SWINGER OF BERWYN, ILL., TAKES COMMAND OF THE U.S.S. "JOHN A. MOORE"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. HYDE. Mr. Speaker, we all take special pride in the accomplishments of our constituents, and I am particularly pleased to announce that when the U.S.S. *John A. Moore* was commissioned in Long Beach last November, a former resident of Berwyn, Ill., was on hand to formally accept command of the new ship, Comdr. Alan W. Swinger. Commander Swinger is the son of Mr. and Mrs. Alexander Swinger of Berwyn, and they have been kind enough to send me the following newspaper articles on their son's achievements from the Life Newspapers in my district, and a Long Beach newspaper's report on the U.S.S. *Moore*'s commission.

I know my colleagues join me in wishing Commander Swinger and his crew great success and fulfillment in their tours of duty with the U.S.S. *John A. Moore.*

[From Life newspapers]

SWINGER TAKES CHARGE OF SHIP

When the USS John A. Moore, the Navy's newest guided missile frigate, was commissioned in November, former Berwyn resident Alan W. Swinger was on hand to serve duty as the ship's commander.

He is the son of Mr. and Mrs. Alexander Swinger of 1329 Kenilworth Ave., and his wife, Sandra, is the daughter of Mr. and Mrs. Erwin Cihak of Oak Brook, formerly of Berwyn.

Swinger, born Dec. 10, 1943, attended the Illinois Institute of Technology for one year after graduating from St. Mel High School. While at IIT he joined the Naval Reserve. During his freshman year, he received presidential appointment to the U.S. Naval Academy in Annapolis, Md.

The former Berwynite received his bachelor of science degree from the Naval Academy and earned his master of science degree in operations research from the U.S. Naval Postgraduate School.

After receiving his commission in 1966, Swinger served on the USS Ozbourn as damage control assistant, combat information center officer, navigator and operations officer.

PUTS OUT SHIP FIRE

While serving as an ensign on the USS Ozbourn, Swinger was credited with putting out a fire started when the destroyer was hit by two enemy shells off South Vietnam.

After attending Naval Destroyer School in Newport, R.I., in 1968, Swinger served as operations officer on the USS Bronstein. In 1970 he was assigned as aide and flag lieutenant to the commander of the U.S. Naval Forces in Vietnam. He was commended for his meritorious service in this position.

In 1974, Swinger was assigned as executive officer of the USS Joseph Strauss.

The commander has not spent all of his time at sea. His shore assignments have included working with surface anti-submarine warfare in the systems division of the office of the Chief of Naval Operations and duty as the Navy's federal executive fellow at the Brookings Institute in Washington, D.C.

Prior to assuming command of the USS John A. Moore, Swinger was active in the Military Operations Research Society and was a member of the Naval Institute, Annapolis.

The serviceman has been awarded numerous times for his hard work. He has received the Bronze Star Navy Commendation Medal, the Navy Achievement Medal, a Gold Star in lieu of a second award and the Combat Action Ribbon.

Swinger's charge, the USS John A. Moore, was commissioned into active service with the U.S. 3rd Fleet in Long Beach, Calif.

The ship was named for John Anderson Moore, navy command officer of the fleet submarine USS Grayback during World War II.

NAVY ADDS A SHIP TO GROWING LONG BEACH FLEET

(By Bob Andrew)

Not everyone was pleased when the guided missile frigate USS John A. Moore hoisted her largest flag to the peak, sounded her horn and sirens and took her place as the newest ship in the Long Beach fleet Saturday.

But those who didn't were too young to know what was going on. They were crying loudly in their mothers' arms and aware only of the noise, not the significance.

They were unaware that the glistening frigate became the 17th ship to join the expanding contingent at Long Beach, including the battleship New Jersey which is still being refitted at the Naval Shipyard.

By 1985, the Long Beach fleet will have about 35 ships homeported here, with another 15 being refitted in the shipyard at any given time. With more than 20,000 personnel assigned, the Navy's payroll here is expected to run more than $200 million annually by then.

USS Moore's commanding officer, Cmdr. Alan W. Swinger, formally accepted command from Rear Adm. Paul T. Gillcrist, commander of the San Diego Naval Base. Swinger read his orders, then commanded the ship's 180 officers and men to board the vessel.

Section by section, the crew jogged at double time up the gangways in response to squealing boatswain's pipes. In their best dress uniforms—complete with gold-hilted swords for the officers and a polished brass ceremonial telescope for Chief Bruce N. Miller—they "dressed ship," spacing themselves along the weather decks facing the audience at Pier 9.

When Swinger gave the orders to Executive Officer Gregory L. Hansen to "run up the battle flag and bring the ship to life," a barrage of gold and blue balloons floated from her upper decks. The band struck up the National Anthem as the huge flag blossomed at the yardarm.

On the foredeck, the missile launcher that is the ship's main armament popped from its housing, drew one of its 40 missiles and began swiveling alertly to port and starboard.

Even though the Moore is sparkling new, she has already begun to set records, completing her sea trials just two weeks after delivery Oct. 6 from Todd Shipyard in San Pedro. The Navy had allotted seven weeks for sea trials.

USS Moore had already met the Navy's minimum outfitting standards even before delivery, something that is usually accomplished during the post-delivery sea trials, and had her aft flight deck and two helicopters certified for air operations prior to commissioning.

The ship has strong ties to the family of her namesake, Cmdr. John A. Moore, who, as skipper of the World War II submarine Grayback, earned the Navy Cross three times while sinking nine enemy ships.

At the frigate's christening Oct. 20, 1979 Cmdr. Moore's widow, Virginia S. Moore, broke a champagne bottle across the ship's bow. Friday, Cmdr. Moore's brother, one of the naval architects who designed the refitting of the Grayback, spoke briefly of his brother's combination of strength and gentleness.

In rememberance of Moore's determination and fighting spirit, Swinger selected as the ship's motto, "Never Give In."

Rep. Dan Lungren, R-Long Beach, spoke at the commissioning, noting that the ship delivers "a message to the world that we will defend our freedom." As a Long Beach native, he also said the Moore "is as important to the community as it is, in the larger consideration of world peace, to the defense of the United States."

Cmdr. Swinger said his ship and crew are "ready to keep the peace if we can and to fight for the peace if we must."●

NOBEL NOMINATION FOR BIAGGI

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Ms. FERRARO. Mr. Speaker, World Habeas corpus, the Commission for International Due Process of Law has nominated MARIO BIAGGI for the Nobel Peace Prize. Our distinguished colleague was nominated for his laudatory efforts to insure peace in the north of Ireland.

At this time, Mr. Speaker, I would like to insert in the RECORD an editorial which appeared in the February 13, 1982, Irish Echo.

NOBEL NOMINATION FOR BIAGGI

We were delighted to learn that Congressman Mario Biaggi has been nominated for the Nobel Peace Prize. He has been nominated by World Habeas Corpus, the Commission for International Due Process of Law.

The commission cited Rep. Biaggi's dedication to the cause of human rights and because of his longtime advocacy of peace and justice for the people of Northern Ireland.

No American political figure had been so consistent on the Irish question. We have said it before and we say it again. Mario Biaggi is the best friend Ireland has in America.●

REAGANOMICS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. FOGLIETTA. Mr. Speaker, President Reagan, in his fiscal 1983 budget message stated that when he assumed office "our ecomomy * * * was in the 'worst mess' in half a century." Well, if our economic condition at this time last year was the "worst mess" in the last 50 years, then this year it is in the worst shape it has been in for 51 years.

Reaganomics produced a December unemployment rate of 8.9 percent—the highest since the 1975 recession—and that only reflects the number of people looking for work. Estimates of the number of people actually unemployed range as high as 14 percent. The situation in Pennsylvania and Philadelphia is still worse. December figures for the Keystone State ranked it second only to Michigan in unemployment.

If this is not enough, Treasury Secretary Regan concedes that in the next few months unemployment may reach the highest level since the Great Depression. In short, the State slogan may soon read: "You have got a friend in Pennsylvania, and he is unemployed."

Unemployment increases Government spending while decreasing revenue. The Congressional Budget Office estimates that every 1 percent of unemployment represents more than 1 million people out of work, and translates into an increased Federal deficit of $19 billion because of reduced tax income and increased unemployment-related program costs. White House fiscal year 1982 cost estimates were so low that the Congress has already been forced to approve $7.4 billion in supplementary outlays to cover the demands for unemployment compensation benefits and low income energy assistance.

Now the administration has submitted its fiscal 1983 budget to Congress. As proposed, it will inject huge amounts of money into sectors of the economy and regions of the country that already are prosperous and that will have a difficult time absorbing these increases, while it ignors the needs of States like Pennsylvania, Michigan, and Ohio, and cities like Philadelphia, Boston, and Chicago.

The overoptimism of last year's deficit estimates makes one very skeptical about the validity of this year's—projected at $91.5 billion. This was the administration that was going to balance the budget by 1984, and is now projecting a $71 billion deficit for fiscal 1985. The Carter budget deficit, which Reagan ran against, was projected at $7 billion for fiscal year 1983, and showed a $32 billion surplus for fiscal year 1984.

If the administration's budget plans are approved, defense spending will increase by $44 billion, with the Pentagon's total authority coming to $263 billion—up almost 45 percent in 2 years. Whether money alone can buy an adequate defense already is the subject of intense debate; but no amount of money can buy national security if we neglect the economic foundations of military production, or if defense spending itself further undermines the economic health of our older States and cities.

While unemployment rates in some parts of the Northeast and Midwest—States like Pennsylvania—are soaring to almost depression levels, defense subcontractors face a critical shortage of skilled workers such as precision machinists, mechanics, and tool and diemakers. This administration, however, proposes no national policy to train workers for the future needs of either a modern defense sector or a modern industrial base. While the lure of higher salaries in private industry is draining our schools and colleges of the teachers needed to educate the next generation of scientists and engineers, the administration proposes drastic cuts in State education block grants and guaranteed student loans.

While States and cities in the Northeast and Midwest are watching their factories close and workers stand idle, the Pentagon will spend more and more money in parts of the country that already have problems keeping up with growth. This year defense spending in the South and West will come to over $102 billion, while in the Northeast and Midwest it will be only $39 billion.

The same pattern is being followed in other key areas of the Federal budget.

While urban water systems in the Northeast and Midwest deteriorate and mass transit systems lose the funds they need to modernize or continue operations, the budget proposal increases funding for massive pork barrel projects of doubtful economic validity. The Army Corps of Engineers and Bureau of Reclamation together are slated to receive $3 billion in fiscal 1983—only $600 million of which will be spent in our region.

While residents of the South and West pay energy bills in some cases less than half those of households in the Northeast and Midwest, the administration proposes to slash programs to encourage conservation and develop alternative sources of energy. Federal conservation efforts would be reduced by 95 percent from their 1981 levels, solar and renewable energy programs would be cut by 75 percent, and assistance for State and local conservation programs would be eliminated.

At the same time, low income energy assistance—a lifeline for many of the poor and elderly in the North—would be reduced by 25 percent, and new rules would make it virtually unavailable to those dependent on welfare. As a result, States and cities that already are financially strained would be faced with new demands to step in and relieve their poorest citizens of the need to choose between heating and eating.

If our economic health is to be restored, we must develop a budget alternative that will not heat up the economy in prosperous States while further depressing it in States like ours. Simply stated, we must develop a budget that is fair to all regions of the country and restores Americans' faith in their economy and their Government. The President's budget does not do this; it is now up to the Congress to try.●

LITHUANIAN AND ESTONIAN INDEPENDENCE DAYS

HON. JAMES A. COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. COURTER. Mr. Speaker, I would like to associate myself with the remarks and actions of the House Ad Hoc Committee on the Baltic States and the Ukraine, and particularly commend the actions of Representatives DOUGHERTY, DONNELLY, and ANNUNZIO for their courageous action on behalf of the Baltic and Ukrainian peoples.

The people who inhabit the occupied nations of Lithuania, Latvia, Estonia, and the Ukraine have suffered decades of Soviet oppression. This oppression has included beatings, killings, jailings without trials, internal exiles, cultural genocide, and total noncompliance of the Helsinki accords on human rights. The Soviets have extended their empire of tyranny to Afghanistan and Cuba, and now menace Poland and Central America. It must be remembered that it was the Baltic States that were among the first to be victimized by Soviet imperialism and occupation. Oddly enough, Lithuania and Estonia have since 1940 been unable to celebrate their respective independence days, which just passed, because of their captive status. Latvia suffers the same fate. Along with my colleagues in the Congress, I want the Baltic and Ukrainian people to know that their cause for freedom and democracy is alive and well in the United States, and that we will continue to speak out on their behalf, until their goals are realized. We must continue to tell the Soviets that we will "hold their feet to fire" with regard to human rights violations and the Helsinki accords. We will not rest until they are free. Thank you, Mr. Speaker.●

PEACE, WAR, AND THE INSTITUTE FOR POLICY STUDIES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. McDONALD. Mr. Speaker, on several previous occasions I have drawn the attention of my colleagues to the Institute for Policy Studies (IPS), which has been defined as a Washington-based revolutionary think tank. IPS consistently advocates projects that seek to influence U.S. policies in accordance with the Soviet line. As one observer stated, IPS is the "perfect intellectual front for Soviet activities which would be resisted if they were to originate openly from the K.G.B."

In January of this year, IPS sponsored a weekend colloquium under the title "Prospects for Peace and War." Mr. John Boland, a senior editor of Barron's, gave an overview of IPS' latest endeavor in the Wall Street Journal, February 5, 1982. Since IPS will play a major role in the building of a U.S. disarmament movement, with the ultimate aim of crippling our defensive capabilities, I highly recommend Mr. Boland's observations to my colleagues:

[From the Wall Street Journal, Feb. 5, 1982]

PEACE, WAR, AND THE INSTITUTE FOR POLICY STUDIES

(By John Boland)

WASHINGTON.—Among Washington think tanks, the Institute for Policy Studies sets a mean pace. It criticizes the United States as engaging in militarism, imperialism and domestic repression, assails multinational corporate power, and provides a forum and political lobbying arm for Third World liberation movements. A recent colloquium at the Institute's headquarters here brought together about a hundred persons, including fellows from IPS and its Transnational Institute affiliate, at least three congressional staff members, a U.S. coordinator for Palestinian organizations and a number of university students. The theme was "Prospects for Peace and War," and the purpose was to try out ideas for building a major U.S. disarmament movement. That cause already has enlisted dozens of other groups, from pacifist Catholic bishops to the Soviet-influenced World Peace Council.

While the campaign resembles the Vietnam-era resistance movement, its ambitions are far grander: nothing less than the Atlantic Alliance's demise, a neutral Europe and U.S. disarmament.

Soviet militarism aroused little alarm. Amid chatter about the "reaction" and "viciousness" of the Reagan administration, about capitalism's "hegemonic presumptions," Fred Halliday, a Transnational fellow, tried to explain Soviet missile deployment against Western Europe. "All the Russians have done with the SS-20 is try to catch up," said Mr. Halliday. Agitation in Europe by an "unflinching neutralist and pacifist movement," opposing the basing of NATO nuclear weapons, Mr. Halliday observed, could mark a breakthrough against East-West "bloc logic," and hasten the alliance's dissolution, "which in my view is what should happen."

"The idea that we're going to win the arms race is absurd," declared Richard Barnet, a former official in the Kennedy administration, and a founder of IPS in 1963. "The hopeful element in all that is that by turning on the rhetoric, Reagan has scared the American people and the allies more than the Russians. That's done more for the European peace movement than anything else." Citing a poll finding that 47 percent of the American people expect a nuclear war within five years, Mr. Barnet added: "That the security policy developed by the administration is disbelieved by so much of the population suggests great possibilities for an American peace movement. The possibilities will increase as we see the economic damage of the arms race."

Marcus Raskin, co-founder of the Institute, urged a moral campaign to put nuclear weapons "outside the frame of reference of any strategic defense of the United States." Building them and aiming them at cities, he insisted, could be treated as a "war crime." American scientists could be pressed to take a "Hippocratic oath" refusing to build nuclear weapons.

One early test for that kind of thinking is the United Nations Second Special Session on Disarmament, scheduled for June 9 to July 7 in New York. A favorable public and media response to demonstrations and pulpit-pounding surrounding that session will encourage IPS and other groups that the U.S. may be receptive to a peace mobilization. In coming months, the Institute plans to train speakers for campus road shows in hopes of having a disarmament bandwagon rolling by fall.

Is all this wishful thinking? Especially given Afghanistan, Poland and the public's seeming rightward drift? Skeptics within the IPS orbit argue that two major elements needed for a neutralist movement are lacking in the United States: exploitable fear of a limited nuclear conflict in one's backyard, a theme the left has been drumming home in Europe; and the nationalistic exhilaration of kicking Americans and their weapons out.

With the audience generally sympathetic, some speakers felt free to let their hair down more than they do when writing for the Nation and the New York Times op-ed page. There was general agreement, for example, that the disarmament message couldn't be sold on its merits all the time, but such issues as economic burdens and unemployment would help recruit support. Chester Hartman, a visiting fellow at IPS, referred to "savage" domestic budget cuts in food stamps, Medicaid, public housing and other welfare programs. By identifying the cost of C-5 transport planes and other military hardware in terms of numbers of people cut from social benefits, he suggested, the left could excite resistance. "Don't forget that this becomes a two-way argument," he counseled. "The more money we succeed in pulling to domestic uses, the less will available for getting those C-5s built and our rapid deployment force around the world."

Issues of Soviet expansion and repression were deflected with denunciations of U.S. support of the "murderous oligarchs of El Salvador" and of plots for intervention against the struggling democrats in Nicaragua. Declared Fred Halliday: "The hypocrisy of the Reagan government on Poland is just beyond belief," because while assailing repression there the U.S. has been aiding El Salvador, Pakistan, the Sudan and other repressive right-wing regimes. "The actual level of repression is less" in Poland, according to Mr. Halliday, than in "20 or 30" of the U.S. and Britain's allies. A bit later, IPS fellow Michael Moffitt referred in passing to Third World countries that are "more democratic in the bourgeois sense"—as opposed to those that have been liberated.

One schism disrupted things. Fred Halliday announced that if Western Europe had rejected U.S. Pershing II missiles in return for the Polish government's granting Solidarity a role, Poland wouldn't be under martial law. The suggestion of NATO complicity in Poland evoked an outburst from one of left journalism's elders, I. F. Stone. Condemning the Soviet Union's sentencing of members of the Helsinki watchdog committee. Stone cried: "Why did they have to send these few brave people to Siberia? What were they so afraid of? . . . The rigidity of this regime is a disgrace. They've destroyed socialism morally." On Poland, he snapped: "You can't blame it on Reagan. It's a big event. . . . These cliches are not good enough for reaching our fellow citizens and urging caution."

Fred Halliday was wounded. "It's not a cliche," he said. "It's a central theme of the European peace movement—shared responsibility."

Mr. Stone wasn't present for later sessions, so he missed a ringing apology for Soviet expansion by Saul Landau, a TNI fellow recently returned from conferring with Sandinista officials in Nicaragua. Said Mr. Landau: "Anti-Sovietism is the key to the [Cold War] ideology. It's one of the great divisors within the progressive movement, and we have to deal with it. . . . The Soviet Union has been the one insurance policy of successful [Third World] revolutions."

Mr. Landau, who a few years ago told a Cuban friend that he planned to dedicate himself to "making propaganda for American socialism," saw hope for advance of the liberation cause. The language of Catholic priests in denouncing economic injustice and the language of Marxist-Leninist guerrillas are identical, Mr. Landau observed.●

DISABLED VETERANS OUTREACH PROGRAM LEGISLATION

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. EMERY. Mr. Speaker, I am today introducing legislation which should enjoy bipartisan support, during this era of high unemployment and private sector initiatives. My bill concerns the disabled veterans outreach program (DVOP), which is funded under the Department of Labor.

In 1977, the Congress directed the Department of Labor to implement a disabled veterans employment program, to be administered through the Job Service offices of the 50 States. All the States except one agreed to this arrangement. The State of Maine elected to fund and administer its DVOP program through a contract with the American Legion, and it has been a very effective and worthwhile program, indeed. As of November 1981, Maine DVOP had placed 3,220 veterans in jobs, at about $200 per placement. This figure represents a 61-percent success rate, which is very commendable, by any standard.

The bill I have introduced would permit the Secretary of Labor to fund the State DVOP programs through the transfer of funds to organizations such as the American Legion, which have had a better success rate than many of the State job service programs. In the case of the Maine American Legion Department, many of the job counselors are Vietnam veterans with prior experience in the State job service or other related areas. Since these counselors are viewed as friends with shared experiences, and not just bureaucrats, Maine veterans are more willing to approach them for assistance in finding employment. Almost 9,000 veterans have been counseled to date, and 81.6 percent of the veterans placed in jobs by Maine DVOP have been Vietnam veterans or disabled veterans from another conflict; 31.4 percent of these jobholders are disabled veterans from the Vietnam era.

The Maine DVOP program operates out of five counseling centers in Portland, Lewiston, Augusta, Bangor, and Presque Isle. The total yearly budget for the Maine DVOP program is approximately $260,000, and that includes all expenses, even utility charges at the centers. I do not see how anyone could argue with the cost-effectiveness of this private/public sector partnership, and, in fact, the Maine DVOP program has already received a commendation from the Secretary of Labor.

I have very good reason to believe that the administration will support my legislation, and I would hope that other States will look into the desirability of this type of approach for the management of their own DVOP programs.●

HANDICAPPED PEOPLE ARE MAKING THEMSELVES PRODUCTIVE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. GINGRICH. Mr. Speaker, bright people with physical handicaps are no longer condemned to living an unproductive life in a wheelchair or hospital bed. They are working to make themselves productive.

A story in the Denver Post tells of a class full of handicapped people who are learning to use what they have to become useful citizens. Since computers can be adapted to get around almost any physical handicap, these people are using them to earn their own way.

With the proper attachments, a computer cannot tell if a person is blind, quadriplegic, or suffers from multiple sclerosis. So people in Denver with these conditions are glad to learn computer programing. It means they will have a promising future in an increasingly competitive world.

This positive article from the Denver Post follows:

HANDICAPPED LEARNING COMPUTER-PROGRAMMING SKILLS

(By Art Branscombe)

In a rather small room on the Auraria campus of the Community College of Denver, a blind instructor is leading 13 severely handicapped persons into the brave new world of computer programing.

The students in this unique course have every conceivable disability except one. One is blind, another a quadriplegic; others have cerebral palsy, multiple sclerosis, muscular dystrophy, severe arthritis and severe lower back problems, among other ailments.

The one personal asset they have in common, says Dr. Tony Manuele, project coordinator, is above-average intelligence. "Not everyone can do computer programing. It's more a mental than a physical process," he noted, so student IQs range from 110 on up.

Their other assets include $80,000, which pays for the mostly federally funded program, and a business advisory council which oversees it and virtually guarantees jobs to those who complete it satisfactorily.

"There is a tremendous demand for programers in Denver," Manuele noted.

Hanging in there, though, requires from the students real physical and intellectual stamina and tenacity, Manuele pointed out. The course, first of its kind in the region, began in November and will run into late August, he said.

These individuals will be in class six to eight hours a day, five days a week, for nine or 10 months," he added. "It's quite intensive training"—more so than the standard community college course.

"Physically, you need hands and eyes and thought to program computers—with an emphasis on thought," said Mark Oklak, main instructor for the course. He is legally blind, although he can read the computer screens from close range.

"We've got a qualified instructor who is not only highly competent, but serves as an excellent model for the others," Manuele noted, nodding at Oklak. Oklak said he has been working with computers since 1973, most of the time with the regional office of the Department of Housing and Urban Development.

Teaching the course is only slightly complicated by the students's handicaps, he declared, despite the fact that some of them have impaired use of their hands.

"For some of the students who don't have complete control of their hands, you may have to repeat something so they can take notes," he said.

Similarly, a blind student, such as Vicki McKinney, may "read" books and computer screens somewhat more slowly than her classmates, Oklak said, but she still gets the job done. She does it by sticking her left hand into an "Optacon," a small box with prongs which press against her fingers and reproduce the shape of letters and numbers relayed from a scanner she holds in her right hand.

After reading a complex pattern of words and numbers on the computer screen with ease and aplomb, McKinney, whose guide dog lays at her feet, said, "This is one of the things that's been invented that I've found extremely helpful." She has used it in the past, she added, to do clerical work.

A visitor also couldn't help but be impressed by the smooth way Bill Parks, 19, a quadriplegic, tapped the computer keys delicately with the knuckles—not the tips—of his fingers.

"I really do like it (computer programming)," Parks said. "I'm amazed that I do, but I do."

Equally deft and precise in running his computer was Randy Hess, 26, a sufferer from cerebral palsy. He agreed, with a small smile, that he now can run the machine almost as well as anybody could. Does he enjoy it?

"Yeah," he replied.

Ken Sommerville, 25, partially disabled by multiple sclerosis, said he hasn't done enough programming yet to know whether he really likes the work. "So far, I like it," he said, then added, "The potential (high) pay is a prime motivator, at least for me."

Manuele, Oklak and some of the advisers will evaluate the students three times, seeing to it that the students are acquiring the breadth and depth of knowledge required.

The great value of this system, Manuele concluded, is that, "If the business community selects and follows through with these students, then the final outcome of the course—job placement—should be relatively easy."●

"DESPERATE LIVES": THE NATIONAL PROBLEM OF HIGH SCHOOL DRUG USE AND ABUSE IS OF EPIDEMIC PROPORTIONS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. DORNAN of California. Mr. Speaker, I wish to bring to the attention of my colleagues "Desperate Lives," a 2-hour television movie for CBS, produced and written by Emmy award winner Lew Hunter. The film, a Lorimar production in association with the Fellows-Keegan Co., for CBS, will air Wednesday, March 3, 1982.

This is not "just another movie," but the most powerful film ever created on the usage and abuse of drugs by teenagers. The story did not have to be researched, for both executive producer Terry Keegan and producer/writer Lew Hunter lived the story through their own children.

Our Health and Human Services Department states that 80—yes, 80—percent of today's youth use drugs on a regular basis. Let me repeat that figure once again: 80 percent of our children use drugs on a regular basis. Health and Human Services defines "regular" as at least once a month. The teenagers state that the average usage is at least once a week, with many, several times a day.

How many of us say, "not my son, or not my daughter," but find out otherwise. It took Mr. Hunter over a year and a half to learn that his son was "involved." How many of us throughout the Nation still do not know, and may never know, until it is too late.

Drug abuse is not a local or regional crisis, but a national problem of epidemic proportions. It is a problem, not for one school, but for all schools. It affects, not one ethnic group, but all groups alike. And it is a problem that shows no respect for economic status, rich or poor. In short, it is a modern plague that is preying upon our most precious asset in all the world, our children.

"Desperate Lives" sensitively portrays actions and reactions to typical tragedies involving marihuana, cocaine, angel dust, and the myriad of other drugs of abuse.

I urge all of you, your children, friends, relatives, and all throughout our Nation to view "Desperate Lives" on March 3. Without hesitation, I am certain that you will be shocked to the point of tears and conclude with the same feeling that I had upon watching the movie, "Something must be done!" And it must be done with courage as shown by director Robert Lewis, executive producer Terry Keegan, producer/writer Lew Hunter, and the outstanding cast and crew.

A special expression of gratitude should also be extended to the Columbia Broadcasting System and Lorimar Productions for a presentation that can only be termed a "public service."●

PROBLEMS WITH THE REAGAN DEFENSE BUDGET

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. GREEN. Mr. Speaker, in today's Wall Street Journal Walter S. Mossberg, a defense reporter for the Journal, writes that:

> The details of the Pentagon's huge spending proposal reveal so little creativity, so little selectivity, that the budget may undermine the President's case for the big military buildup he has proposed.

Secretary of Defense Weinberger has outlined several small, administrative means of savings, but has yet to identify a major procurement project for cancellation. Thus, the Pentagon's wasteful and unwise policy of strategic overlap and duplication continues. The Pentagon's plans for the air-based leg of our strategic "triad" are a case in point: We are buying the B-1 bomber, researching so-called Stealth planes, and upgrading our B-52 bomber fleet. We do not need, nor can we afford, all three. Without making hard choices about our weaponry we waste money, buy outmoded hardware that cannot contribute to our ability to fight a war, and cause the public to lose faith in our ability to build our defenses without squandering large amounts of limited fiscal resources.

I think my colleagues will find Mr. Mossberg's comments to be of great interest, and ask that they be inserted in the RECORD at this point.

[From the Wall Street Journal, Mar. 2, 1982]

PROBLEMS WITH THE REAGAN DEFENSE BUDGET

(By Walter S. Mossberg)

WASHINGTON.—President Reagan has demonstrated a notable consistency and tenacity by asking Congress to raise defense spending almost one-fifth next fiscal year, despite surging budget deficits that have caused widespread concern.

The President is decisively carrying out his campaign promise to allot an increasing share of federal outlays to the military, at the expense of nondefense programs. The first budget wholly drawn up by his administration devotes nearly 29 percent of total federal outlays, about $216 billion, to the Pentagon, up from about 25 percent, or $183 billion, currently.

However, the details of the Pentagon's huge spending proposal reveal so little creativity, so little selectivity, that the budget may undermine the President's case for the big military buildup he has proposed.

Like last year's hasty, patchwork Reaganite revision of President Carter's final defense budget, the first formal budget of the Reagan Pentagon is little more than a catalog of the same old weapons being bought before, but now with higher quantities and price totals.

Partly for this reason, the President's defense budget is failing to win hoped-for support in Congress. When it was presented to the generally friendly Senate Armed Services Committee several conservative Senators demanded that Deputy Defense Secretary Frank Carlucci offer suggestions of weapons that could be cut from the budget. "I'll be brutally frank with you," warned Indiana Republican Dan Quayle. "Outside the Armed Services Committee, there's just not much support for it."

WE WANT IT ALL

And the independent newspaper Army Times, hardly an enemy of the Pentagon, attacked the new budget in an editorial this week as "indiscriminate." Though it has steadily advocated higher defense spending, the newspaper complained "the Pentagon seems to be saying 'We want it all.' By submitting such a budget request, the administration risks destroying the delicate consensus on national defense."

The record this far shows that Defense Secretary Caspar Weinberger has failed to make effective use of his political freedom to reshape weapons choices—a freedom available to an administration that can hardly be attacked as soft on defense.

After a year in office, Mr. Weinberger has overhauled the process by which armaments are chosen and built; his weapons-buying "reforms" including multi-year contracts are said to allow purchase of the 1983 weapons catalog for $2.4 billion less than under the old practices.

But the Secretary has yet to identify a single big-ticket weapon in production, or even on nearing production, which he deems worthy of cancellation. Even where his budget embraces a new weapons approach, it offers no corresponding reductions in older weapons that might be replaced.

Mr. Weinberger argues that he's a prisoner of past decisions. "The cancellation of a system into which a very large amount has been put is a very difficult fiscal and military decision," he says. "You've got two problems with it, at least. You've got the problem of wasting (the development) money, and the problem of perception—are they serious about rearming?"

Whether for these or other reasons, the new budget avoids making choices. In effect, Mr. Weinberger is asking for the moon, but promising that through savings in weapons-purchasing he can get it for us wholesale. However he pays for it, though, it's still the moon.

A few examples:

The budget provides $1 billion to buy 48 of the Army's new AH-64 attack helicopters, even though the Army is so concerned about the ballooning cost that it is refusing to sign a production contract.

Production of the Navy's P3 patrol plane is funded at $363 million even though the Pentagon decided at one point to drop the program since the Navy wouldn't need any new P3s for five years. (Lockheed Corp. lobbied hard to restore the funds, saying it might lose foreign sales otherwise.)

Though the budget provides $4.8 billion for the B1 bomber, and unknown billions more for the secret Stealth bomber, it also pours money into duplicative weapons. About $500 million would be spent to upgrade the B52 bombers being replaced by the B1, and another $864 million would buy the cruise missiles designed to help supplant the B1. Millions more would go to develop two other new bombers based on the F15 and F16 fighters.

Some $230 million would be spent to buy new light tanks that can be rushed into battle with the Rapid Deployment Force. But no offsetting cutback is proposed in the planned purchase of 7,000 M1 battle tanks, which are so ponderous they can't be rushed anywhere in numbers. Indeed, the budget provides $2 billion to buy 776 of the M1s.

Items like these can't easily be obscured by the $7.4 billion Mr. Weinberger boasts won't have to be spent in fiscal 1983 because of management "reforms" he instituted. About $4 billion of these savings actually stem from pay and pension limits that apply to all federal employes. Only $1 billion comes from cost-cutting on items like travel and consulting fees, and less than $2 billion from cutting or killing dozens of minor hardware programs.

The Pentagon has a particular responsibility to handle its funds carefully. It is seeking budgets so big they are almost impossible for laymen to grasp, and it is benefiting at the expense of long-established social programs whose decline will pinch the poor and the aged.

Consider these comparisons, drawn from administration budget documents: The proposed $216 billion in fiscal 1983 defense outlays exceeds total corporate profits, after taxes, for any year on record. It is roughly 50 percent larger than the combined federal outlays for health, education, job training, agriculture, energy, environment, transportation, natural resources and law enforcement. The budget proposes spending more next year on a single Trident submarine than combined outlays for cancer research and aid to refugees.

The sheer size of the figures, of course, isn't an argument against the arms buildup. As a share of national wealth or of the federal budget, defense spending is still far from its historic highs. What's more, years of relatively low military spending in the face of a Soviet buildup demand costly measures today.

But the administration's refusal to challenge the military's hardware appetite may prove detrimental to its defense program, in at least two ways.

First, the budget saddles the ambitious Reagan defense strategy with an unsuitable mix of weapons. Under President Reagan, the Pentagon is asked to carry out a military strategy that is more oriented toward rapid intervention world-wide and less centered on Europe than in the past. But it is choosing to do so with an armory of heavy, high-cost, limited-quantity weapons designed much more for static European defense.

Second, by granting every important hardware request of the top brass, the budget demonstrates a surprising political obtuseness. At a time when even conservative Republicans are talking about cutting military spending, no amount of escalation in price or shortcomings in performance seemed enough to disqualify a weapon for production.

AN EMASCULATING BACKLASH

It's possible that, using a longtime Pentagon tactic, Mr. Weinberger deliberately left in the budget some overpriced or redundant weapons, in order to give Congress something to cut. But the congressional ax is likely to fall most heavily on readiness-related items like training, fuel, spare parts and maintenance, which have an immediate impact on the deficits. The perception of the Reagan rearmament program would be weak indeed if, by overreaching, the administration sparks a congressional backlash that leads to its emasculation.

The Defense Secretary points out that he prefers to kill or revamp unwise weapons when it is most cost-effective to do so, in the early research stage. He recalls that he overruled the military by dropping the $40 billion multiple-shelter plan for the MX missile and killing the costly proposed CX cargo plane.

But both proposals were in trouble in Congress anyway, and neither step is sure to save money. The administration hasn't devised a new basing system for the MX, so it isn't known how much this missile program will cost. And Mr. Weinberger doubled the Air Force's seven-year cargo plane budget to $11 billion at the same time he killed the CX.

An effective national defense, able to deter war, is surely worth $216 billion or even more to a country as wealthy as the United States. That is a central Reagan theme. But indiscriminate purchasing of big-ticket weapons isn't necessarily an effective defense program, nor is it a politically attractive one at a time of economic troubles.

[Mr. Mossberg, a member of the Journal's Washington bureau, covers national defense.]●

SOCIAL SECURITY STUDENT BENEFITS

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. O'BRIEN. Mr. Speaker, under the Budget Reconciliation Act (97-35), the social security student benefit program was eliminated. Unfortunately, eligibility for these phaseout benefits requires enrollment and attendance full time in a college by May 1982. Obviously those who graduate from high school in May or June will not be able to get a benefit.

Nonetheless, there are some students who have been able to obtain early enrollment in their nearby colleges, which would qualify them for the social security student benefit. Unfortunately this option is not available for all senior high school social security dependents who plan to attend college in the fall of 1982.

Today I am introducing a bill which would help to correct this unfortunate situation. My bill changes the enrollment date from May 1 to October 1. This will allow this year's high school seniors to carry through with any postsecondary education plans they may have made.

I believe this is a fair and equitable solution, particularly in light of the fact that the Social Security Administration had been remiss in not notifying these students, high school and college counselors, of the change in the law.●

BILL MEYER: A DOCTOR'S DOCTOR

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. WALGREN. Mr. Speaker, I want to call attention to this moving remembrance of Dr. Eugene Meyer III, a psychiatrist at Johns Hopkins University School of Medicine.

Although I never had the opportunity to meet Dr. Meyer, I cannot help but think that the standards he set in his life are worthy goals for those who choose medicine as their profession. As a member of the Health Subcommittee, I know that skilled training alone does not a good doctor make. Compassion and caring, qualities often thought divorced from the scientific skills of the medical world, can make the difference in the success or failure of a medical procedure. Dr. Meyer, a superb psychiatrist, knew that well.

I commend to my colleagues the following eulogy written by Dr. Leon Eisenberg of the Harvard Medical School, because Dr. Meyer was a good person he was an even better doctor.

BILL MEYER: A DOCTOR'S DOCTOR

Eugene Meyer III, who died Wednesday, was a psychiatrist at The Johns Hopkins University School of Medicine and a member of the board of directors of The Washington Post Company. The writer of this appreciation is a professor of psychiatry and of social medicine at Harvard Medical School.

Bill Meyer was a doctor's doctor, the kind I would have wanted for myself when ill: highly skilled, compassionate and caring. Despite what people say, it isn't true that they don't make them that way anymore. There are others like Bill, though not many, and none better. There never were many; it's only nostalgia that makes us think there were. Medical training, when it is good, provides the skill and the knowhow, but it is the inner qualities of the man or woman that transmute life experience into compassion and care.

Bill, for that's how his friends knew him, was a psychiatrist, but a psychiatrist of a very special kind. He was a competent internist as well, and managed to do what few can: as a doctor, he embodied an integrated approach to mind and body that neglected neither and remained alert to their subtle interaction. From my years at Hopkins, I still remember patients whom others referred to him as psychiatric problems but in whom he unmasked an underlying and neglected medical problem. I remember as well medical patients whose disorders he was the first to identify as psychiatric. The difference for the patient was literally a matter of life and death. Diagnostic triumphs like that make an academic reputation, but there was more, far more, to his physicianship. He was superb at managing psychological concomitants that are part of all serious medical disease. He knew how to do it, and he knew how to teach it. As chief of the psychiatric consultation service at the Johns Hopkins Hospital, he helped make a generation of medical and psychiatric residents better doctors.

This is not the place or the theme to review his many contributions to research. Perhaps the quality of the man can be conveyed by referring to just one of his interests: the psychological effects of plastic surgery. Before he undertook his research and collaboratively with Milton Edgerton, the professor of surgery, conventional wisdom held that repair of cosmetic flaws would only result in a shift of symptoms to some other focus of concern, with no benefit to the patient. But the conventional opinion was just that: opinion without facts to back it up. Bill, against advice that it would all be a waste of time, undertook a careful investigation that provided a forceful demonstration of quite the opposite. Most patients obtained substantial psychological gains from cosmetic surgery, provided that they had been properly prepared and provided that individuals with severe psychopathology were excluded. It was typical of Bill not to take anything for granted.

The last 20 years of his life were encumbered by a series of illnesses and multiple complications from unsuccessful attempts at treatment. Yet he continued to bring solace to others in the face of pain that afflicted his days and nights. When he died, he was laden with cancer cells. He knew it, and he didn't flinch. It was as if the gods of disease had exacted a ghoulish revenge for his fight in behalf of their victims. Life Prometheus, for inspiriting ordinary men and women, he was condemned to a painful death.

Let me confess: Bill would not have tolerated my metaphor for a moment. He was too modest and too shy to allow himself to be portrayed as a hero. His ambitions were more modest. He wanted to be thought of as a good doctor. That he was, and a good father, a good friend and a good man.●

GARRISON FOREST SCHOOL STUDENTS TOUR THE NATION'S CAPITAL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. LONG of Maryland. Mr. Speaker, on Wednesday, March 3, 1982, 26 young women from the Garrison Forest School, Garrison, Md., will journey to Washington for a firsthand look at their Nation's Capital.

These students, led by Mr. Bayly Buck, will tour the Capitol, observe the House and Senate in session, and time permitting, will visit the Supreme Court and the White House.

I am delighted these students are taking this opportunity to visit with us, and I hope their interest in our Nation's political process will continue.

Students who will visit us Wednesday are: Nancy Hutchins, Kate Hathaway, Jenny Banker, Dana Glenn, Landon Stonesifer, Shannon Cameron, Laura Poole, Mary Howard, Anne Harrison, Deede St. John, and Weezie Pons. Lisa Whitridge, Marnie Cullen, Tiffany Burke, Mary Guest, Muffin Graham, Carol Afrookteh, Kate Beckwith, Susannah Brown, Betsy deRoeth, Kim George, Jackie Myers, Joanne Polin, Penny Puchner, Pintet Halasan, Shawn Edelen.●

U.S. POLICY ON NAMIBIA NEEDS TO BE CHANGED

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. McDONALD. Mr. Speaker, U.S. policy on Namibia appears to be suffering from confusion and benign neglect. The result appears to be a drift toward U.N. and Marxian solution to the problem. This should not be allowed to happen. Namibia, its people, and its minerals should stay in the camp of the free world. Therefore, a number of us have addressed a letter to President Reagan on this subject today asking that he halt this drift and confusion and turn away from the SWAPO terrorists and their Communist backers. At this point I wish to insert the complete text of the letter in the RECORD for the considered thoughts of my colleagues.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 2, 1982.

Hon. RONALD REAGAN,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: As Members of Congress concerned about the national security of our nation and her role in preserving truly representative governments in regions allied with us, we are deeply concerned over this country's apparently drifting policies towards Namibia and the question of Namibian independence.

The problem appears to lie in the top levels of State Department Africa policy development. This nation's Namibia policy seems based on a desire to avoid at all cost any principled disagreement over Namibian independence with Third World countries—even those in fact aligned with the Soviet Union and acting as Soviet surrogates.

The Soviet Union, its satellites and surrogates are totalitarian "command" regimes which do not wish to see a freely-elected representative government come to power in Namibia. The Soviet Union and its allies instead support the South West Africa People's Organization (SWAPO), which is based in Angola and carries out terrorism against the Namibian civilian population. SWAPO's terrorist cadre is indoctrinated and taught its terrorist techniques by Soviet, Cuban and other Communist-bloc instructors. SWAPO leaders have repeatedly expressed contempt for the concept of protecting minority rights and for multi-party government. No reasonable person can conclude rule of Namibia by SWAPO would be less than a one-party Marxist dictatorship.

Despite these facts, America's policy, as expressed through the State Department, has been one of courtship of revolutionary, pro-Soviets SWAPO and its most radical Third World United Nations supporters, such as Angola.

At the same time, the State Department has expressed open hostility to leaders of the coalition of political parties opposed to the SWAPO terrorists, the Democratic Turnhalle Alliance, (DTA), although they hold their positions through popular elections.

Where there is no State Department interference with the activities of SWAPO leader Sam Nujoma in visiting this country to meet with his activist supporters and with academic, media, and political figures in order to organize a support lobby for SWAPO, the State Department imposes strict, demeaning restrictions on the activities of leaders of the Western-oriented Democratic Turnhalle Alliance, (DTA), Namibia's elected and governing majority political organization.

We urge you to direct a reconsideration of America's policy regarding the question of Namibian independence and towards the Democratic Turnhalle Alliance Coalition.

While justly and rightly standing against Soviet expansion through its surrogates in the Caribbean basin, America cannot afford to ignore similar encroachment in southern Africa against Namibia.

Sincerely,

Daniel B. Crane, George Hansen, Sonny Montgomery, Richard Shelby, John Ashbrook, Bob Badham, Bob Walker, Floyd Spence, William Carney, Gerald Solomon, Larry P. McDonald, Dan Daniel, Bob Stump, Jim Jeffries, Bud Hillis, David Dreier, John L. Napier, Bill Dannemeyer, Robin Beard, Phil Crane.●

IN HONOR OF RICHARD D. CROWE

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. THOMAS. Mr. Speaker, I would like to commend the achievement of a constituent and friend, Mr. Richard D. "Dick" Crowe, who is retiring after a long career of service to industry and community.

Mr. Crowe has been a respected, contributing professional in the telephone industry, in his home State of California and throughout the West and the Nation. In addition, he has been a leader in every community in which he has lived.

Professionally, Mr. Crowe has served nearly 45 years in the telephone industry, more than 40 of those in management, ownership, and leadership roles.

He is recognized as the leader in improving rural telephone service throughout the West as one of the founders of the Western Rural Telephone Association. He banded together many family-owned telephone companies, introduced them to new financing possibilities for upgrading their systems through use of the Rural Electrification Administration (REA), and encouraged State utility commissions to recognize the value of REA funding in improving telephone service.

Mr. Crowe further served as president of the Western Rural Telephone Association as well as the California Independent Telephone Association. On the national level, he served capably on the REA administrator's telephone advisory committee.

As a civic leader, Mr. Crowe served as mayor of the city of Dos Palos, Calif., was president of the Dos Palos Chamber of Commerce and the Merced County Chamber of Commerce. He also served on the Merced County Board of Education and was vice chairman of that county's committee on school district reorganization.

For 14 years he has served actively with the Death Valley 49ers and currently is president of that organization. The group works with our National Park Service for the preservation of the beauty, ecology, environmental, and historical aspects of Death Valley National Monument.

For years, Dick Crowe has been recognized as a community leader and by his peers as an excellent spokesman for the telephone industry. Although he is entering a well-deserved retirement, I know Dick Crowe will continue to serve his commuity as always, because service is an ingrained habit to a man of his caliber. I wish him the very best.●

UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. DAVIS. Mr. Speaker, during the debate on the urgent supplemental appropriations bill for unemployment insurance and employment services, which took place in the House on February 9, I received permission to submit an Extension of Remarks for the RECORD but inadvertently did not do so. I would like to take this opportunity to belatedly express my support for a measure which restored $210 million to employment services, the original version of which I was a cosponsor. In this time of tremendous economic difficulty and high unemployment, it is unreasonable to expect that all of the unemployed will be able to find jobs without assistance. Employment services provides an important avenue of hope and assistance to the jobless, important quantities in a discouraging time for these individuals.

I strongly supported this supplemental appropriation and was pleased that the measure received such prompt attention from the Congress.●

MICHIGAN'S WILDERNESS HERITAGE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. KILDEE. Mr. Speaker, today I am introducing legislation to designate certain public lands of outstanding natural and scenic value in Michigan as part of the national wilderness preservation system. These lands, located in the Manistee, Ottawa, and Hiawatha National Forests, possess exceptional natural characteristics and great wilderness value which should be preserved as an enduring resource for the benefit and use of the people of Michigan and the United States.

In a State of over 36 million acres of land, less than three-tenths of 1 percent would be designated wilderness by the Michigan Wilderness Heritage Act of 1982. In every instance boundaries were drawn to exclude private inholdings to the maximum extent possible. Six of the areas contain no private inholdings at all. It should be noted that there is currently no congressionally mandated wilderness in the State.

The areas to be designated wilderness by this legislation contain many superb national treasures including lakeshores, wetlands, and some of the only remaining stands or virgin white pine in the State. They are Nordhouse Dunes Wilderness on the Lake Michigan shoreline; Sturgeon River Gorge Wilderness; Sylvania Wilderness, which is a popular area for canoeists; Carp River Wilderness; Horseshoe Bay Wilderness which stretches along several miles of undeveloped Lake Huron shoreline; Government Island Wilderness; Round Island Wilderness; Big Island Lake Wilderness; Delirium Wilderness; and the McCormick Wilderness. Among the many other fine features of these areas can be found bald eagle, rare and insect-eating plants, granite-rimmed lakes, wild rivers, and a waterfall. Not only do these areas provide excellent recreational opportunities for the naturalist and backpacker, but they also serve as an important resource for teachers and schoolchildren.

I want to stress that powerboat use is permitted in areas designated as wilderness where it has occurred in the past. The 1964 Wilderness Act also permits hunting, fishing, and trapping. Fire control activities and insect and disease control procedures are allowable as well.

The RARE II recommendation process has been completed in Michigan since 1979. It is imperative that the continued uncertainty over the status of these lands be resolved and those national forest system lands which are not designated wilderness made available for other appropriate use.

The inclusion of these areas of Michigan in the national wilderness preservation system will do more than simply preserve the wilderness character of the land. It will protect watersheds and wildlife habitat and provide a permanent resource for scientific research and primitive recreation. I urge my colleagues to support this legislation.●

POLITICS AND THE PROFESSOR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. LONG of Maryland. Mr. Speaker, I would like to share with you a tribute to the late Malcolm Moos, a friend and colleague, as it appeared in the Baltimore Sun, February 12, 1982.

POLITICS AND THE PROFESSOR; A TRIBUTE TO MALCOLM MOOS

(By Stephen Hess)

WASHINGTON.—Malcolm Moos liked to tell about a time in the 1940 presidential campaign when he and Hubert Humphrey, young instructors at the University of Minnesota, agreed to a 30-minute debate on the campus radio station. They flipped a coin to see who would speak first. Mr. Humphrey won and spoke for 27 minutes.

"After that catastrophe at the hands of a demolition expert," Mr. Moos would then add, "I sought refuge in the calm waters of academic life for the next 18 years."

But when I first heard this story in the early 1950s, Mr. Moos was combining his duties as professor of political science at Johns Hopkins with a less spiritual life as city chairman of the Republican Party in Baltimore.

He saw nothing incongruous about a morning spent in research on what would be a major history of the Republican Party and an afternoon of dealing with a character called "Bad Check Shorty" in the fourth ward.

This blending of theory and practice tells much about the strengths and contributions of Mac Moos, my friend and mentor, who died last month at the age of 65.

Politics came naturally, perhaps genetically, to Mac. His father had managed 11 state campaigns in Minnesota and was rewarded with the postmastership of St. Paul.

I once asked Charley Moos why he never ran for elective office. He answered:

"Yes, I thought about running for mayor; I was pretty well known in that my name had been on every post box in the city for 13 years. But whenever I got the urge, I read the telephone directory. You know I only knew 5,000 people and I concluded that even if all of them voted for me I'd still lose."

(Perhaps Mac should have remembered this parental admonition when he ran unsuccessfully for a U.S. Senate nomination.)

Just as his father before him, Mac was an engaging teller of tales, tall and otherwise. He claimed that as a young man studying Alabama chain gangs for the Rockefeller Foundation he once addressed 1,000 convicts in Kilby Penitentiary: "As they pushed me onto the stage amidst the applause of spoons beating on tin plates, the warden announced that my topic was to be 'Attributes of Good Citizenship.'"

Moving back and forth between academics and politics—Mac took a leave of absence from Hopkins to become President Eisenhower's chief speechwriter—carries suspicions at both ends.

Some politicians derided him as an egghead. (Mr. Moos reminded them that "The Joy of Cooking" instructs, "Treat eggs gently. They like this consideration and will respond.")

Some academics, on the other hand, assumed that political life corrupts scholarship. (Mr. Moos replied that firsthand experience made him a better teacher and researcher.)

"The difficulty with so many of our eggheads," Mr. Moos told the Gridiron Club in 1958, "is that they believe the way to salvation is to nonpartisanize the political parties. . . . The basic indictment here is that (they) like the purity of the issues, but they aren't too fond of God's agent for carrying them out—namely people. These eggheads must come to realize that politics is both issues and people—and that the people who resolve the issues are called politicians—and that our parties are the working instruments that connect two."

By his example, Malcolm Charles Moos—scholar, teacher, a president of the University of Minnesota, and political participant—helped to bridge the gap between the intellectuals and the rest of society.

Along with a small group of other professors of his generation, Mr. Moos moved the academy closer to the community. This is a legacy worth recalling.●

NAZI WAR CRIMINALS LIVING IN THE UNITED STATES

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. LEHMAN. Mr. Speaker, I would like to take this opportunity to stress to my colleagues the importance of our continuing to take a leadership role in insuring that our Government brings to justice Nazi war criminals who have sought refuge in the United States. The Congress is responsible for enacting legislation to deport Nazi war criminals from the United States and to prevent their entry into this country as immigrants.

It was due to congressional efforts that the special unit within the Department of Justice, the Office of Special Investigations, was established.

We have come a long way since 1974, when former Congresswoman Elizabeth Holtzman launched an investigation to uncover our Government's failure to investigate widespread allegations that Nazi war criminals were living in the United States. Public attention was brought to the fact that our country is still a haven for some Nazi war criminals who fraudulently entered the United States after the Second World War. Many came from the countries of Eastern Europe, lied about their war activities to immigration officials, and eventually obtained U.S. citizenship.

For nearly 30 years, there had been no interest on the part of Justice Department officials to investigate and prosecute the alleged war criminals who had been recognized by their victims to be some of Hitler's infamous henchmen. It is an unfortunate part of post-World War II history that not one single denaturalization case was brought by our Government against a Nazi war criminal living in the United States.

As a result of the efforts of Liz Holtzman and the House Judiciary Subcommittee on Immigration, and the strong support of a number of committed colleagues whose bipartisan support has since grown in the House and Senate, a special unit—the Office of Special Investigations—was established in the Criminal Division at the Department of Justice. Its sole job is to investigate and prosecute alleged Nazi war criminals. It has a staff of 50, including lawyers, investigators, historians, and paralegals, and a modest annual budget. Twenty-six cases are currently in the courts, and another 221 are under investigation. I will include a synopsis of the cases now in litigation, prepared by the OSI, at the conclusion of this statement.

During the years when the Immigration and Naturalization Service had responsibility for bringing former Nazi war criminals to trial, the INS was negligent in failing to investigate charges of alleged Nazi war criminals in the United States. Despite credible allegations, for 25 years the INS made no serious effort to pursue the investigation of these charges. It failed to interview available witnesses, many of whom are no longer living, refused to pursue leads brought to its attention, and made no effort to upgrade or centralize the investigation to enable prompt prosecution in a professional manner.

The Immigration Service's failure to investigate in the United States was matched by its refusal to locate evidence in foreign countries. INS did not check the main war crimes documents center in Berlin; it did not even contact the State of Israel. It refused to seek evidence from the Eastern European countries where most of the war crimes had been committed.

Against this background, it was not surprising that since World War II, not one person had been deported from the United States for Nazi war crime activities. The one exception to INS total inaction was the case of Hermine Braunsteiner Ryan, a former concentration camp guard living in Queens, who, in 1973, consented to denaturalization and was extradited to West Germany to stand trial for war crimes.

Since the establishment of the Office of Special Investigations within the Department of Justice in 1977, cases worthy of investigation were finally pursued and, despite the time lapse, much progress has been made. Last year, the unit, which has been upgraded and transferred to the Criminal Division, won its denaturalization case against Feodor Fedorenko, a case involving an alleged Nazi war criminal who, the Justice Department charged, served as an armed guard at the infamous Treblinka concentration camp where he beat and shot Jewish prisoners. This case is illustrative of how far the U.S. Government has come in its investigations, which is further evidenced by the 1980 appearance of former U.S. Attorney General Benjamin Civiletti before the Supreme Court on behalf of the Government against Fedorenko.

Valerian Trifa, now living in Detroit, is charged with being a leader of the Fascist Iron Guard in Romania. Denaturalized in 1981 for entering the United States in 1950 and concealing the fact that he advocated the killing of Jews and Masons and participated in activities resulting in the murder of Jews and destruction of property, Trifa's deportation hearings have been requested by OSI.

Andrija Artukovic of Long Beach, Calif., was the Interior Minister of the Nazi puppet state of Croatia in Yugoslavia. In that position, he was responsible for many of that country's domestic policies, which allegedly included sending hundreds of thousands of Jews, Serbs, and Gypsies to slave labor and death camps. He was ordered deported and is now awaiting disposition of his appeal.

Success in these cases is illustrative of the important progress resulting from congressional attention and criticism of our Government's failure to seek evidence from foreign sources. When, in 1976, the INS finally sent a team of investigators to Israel, the evidence brought back provided the basis for filing eight denaturalization and deportation cases. One can only speculate how many more cases could have been brought had this been done 5, 10, or 20 years previously. And finally, since 1978, Justice Department investigators have been able to travel to the Soviet Union and Eastern Europe to speak with Government officials and gather evidence. Several countries, such as Poland, have even permitted U.S. prosecutors access to Government archives. All this has led to a substantial increase in the flow of documentary evidence from these countries and to the development of innovative techniques to make available eyewitness testimony for use in trials in this country. For example, although the Soviet Union has thus far been reluctant to permit witnesses to come to the United States, officials there have allowed U.S. prosecutors to videotape witnesses, with defense attorneys present, for use in proceedings in this country. Statements taken in this manner were used for the first time in the trial of alleged Nazi war criminal Wolodymir Osidach in Philadelphia.

OPERATION AND FUNDING OF OSI

Because the Office of Special Investigations had no separate funding or autonomy from INS, the unit was, from the beginning plagued with funding, staffing, and bureaucratic problems. The House Immigration Subcommittee, under the able leadership of Elizabeth Holtzman, discovered that less than $250,000 of the over $2 million specifically authorized by Congress for the war criminal investigation was spent, despite the Justice Department's own Office of Legal Counsel's conclusion that INS was legally obligated to make the full amount available. Delays in hiring personnel were encountered while cases in litigation were increasing.

It became necessary for Congress to insure that the unit's operation and funding were protected. When, in 1979, the Justice Department agreed with congressional requests to upgrade the Nazi unit, the Justice Department testified in hearings that it would set aside the full authorized funding for the unit's operation, raise its staff to 50, earmark its funding, and transfer the unit from the Immigration Service to the Criminal Division within Justice.

Subsequently, the Lehman-Holtzman amendment raised to $2.3 million the amount appropriated for Nazi investigations and prosecution. Our amendment was passed unanimously by the House and signed into law. Now that OSI is an autonomous part of the Criminal Division, we, in Congress, must remain vigilant that the unit's previous experiences are not repeated. The OSI must continue to receive an earmarked authorization to insure that it receives the full funding that Congress approves.

BIPARTISAN SUPPORT FOR OSI

Bipartisan support for bringing Nazi war criminals in the United States to justice has never been stronger. When the Reagan administration took office, 102 of my colleagues joined me in writing to President Reagan urging his strong support of this effort. The Senate, too, wrote to the President to request his commitment to the unit's continued funding and operation.

Copies of both letters are included at the end of this statement for my colleagues' information.

I am happy to note that the administration's budget justification for the Department of Justice's 1983 operation increases to $2.7 million the funding level for OSI. Recent successes of the unit's cases in litigation justify this modest increase. Continued earmarking will insure that this progress is not impeded.

CONCLUSION

Some would argue that, because over 30 years have elapsed since the end of World War II, we should forget the atrocities that occurred so long ago. They argue that the criminals are too old, incompetent, or ill to be punished or that their ability to live anonymously in the United States washes away the past. To yield to these arguments would be to pronounce social acceptance of genocide, brutality, and human indignity. A simple examination of the record, of even some of the allegations in the denaturalization and deportation cases now pending against these people, begs for justice. The denaturalization and deportation of Nazi war criminals is modest punishment in contrast to the gravity of the crimes committed.

Our law, Public Law 95-549, gives direct authority to the Justice Department to act against all those who persecuted others under the Nazi government of Germany or its allies—to deport post-1953 entrants and to bar from our shores those who wish to immigrate or visit. The bill also facilitates efforts to deport alleged war criminals like Artukovic, who, although under an order of deportation, have avoided expulsion by claiming they would be politically persecuted if returned to their native country. The law instructs the State Department to deny visas for visits by former Nazi war criminals, like Wolfgang Boetticher, who was recently invited by Columbia University to participate in a Mendelsohn-Schumann Conference to be held in April. Some problems still exist with State Department compliance in implementing certain aspects of the law.

Passage of this legislation was an important achievement. Prior to its enactment, there was simply no bar to the entry of individuals who had engaged in persecution under the Nazis who wished to come to the United States after 1953. The Displaced Persons Act, which expired in 1953, did contain such a prohibition. It is ironic that before this legislation, our immigration laws prohibited the entry of everyone from polygamists to marihuana smokers, but opened the doors to Nazi war criminals.

Regardless of whether these crimes were committed yesterday or 30 years ago, if Nazi war criminals have sought refuge in the United States, we have a moral and legal obligation to banish them from our country.

I ask for your continued support in this effort for justice.

Copies of the letters to President Reagan and a Justice Department summary of all Nazi war criminal cases now in litigation follow:

U.S. Senate,
Committee on the Judiciary,
Washington, D.C., April 10, 1981.

Hon. William French Smith,
Attorney General, Department of Justice, 10th and Constitution Avenue NW., Washington, D.C.

Dear Mr. Attorney General: Approximately two years ago, there was a public outcry over the fact that ex-Nazis were living in this country, often in violation of immigration law and regulations, and the U.S. Government seemed to be doing nothing about it. Numerous Congressional hearings on this matter resulted in the creation of an Office of Special Investigations in the Criminal Division of the Justice Department. Equally important, the unit was provided by Congress with a meaningful budget of approximately $2.3 million for Fiscal Year 1980, specifically earmarked in the Appropriations Bill for that purpose; for Fiscal Year 1982, the budget was originally intended to be $2.6 million.

The Office of Special Investigations has become a very active unit, with numerous cases in litigation and many others in the investigational stage. Many of the administrative and other problems that the program had encountered have been successfully addressed. Nevertheless, we have learned that it is intended to cut that budget to $2.4 million, and the staff from 50 to 45. We consider this cut unwise. The job of ferreting out former Nazis, though obviously time-limited, is indisputably an important and as yet incomplete one; the Supreme Court's recent decision in the *Fedorenko* case is a reminder of how vital this enterprise is. Now that it has finally been given serious attention, it would be unfortunate if that effort were derailed by inappropriate priorities and any false notions of economy.

If we can be of any assistance in this matter, please let us know.

Sincerely,

Strom Thurmond.
Joseph R. Biden, Jr.
Edward M. Kennedy.
Howard M. Metzenbaum.
Arlen Specter.
Howell Heflin.

Congress of the United States,
House of Representatives,
Washington, D.C., February 6, 1981.

The President,
The White House,
1600 Pennsylvania Avenue NW.,
Washington, D.C.

Dear Mr. President: We are writing to you on an issue of deep personal concern to many of us in Congress and to millions of Americans throughout the country—the presence of Nazi war criminals in the United States. After a sordid thirty-five year history of inaction, indifference, and, in some instances, outright obstruction, our government has finally begun an aggressive effort to investigate and prosecute those individuals who allegedly were involved in atrocities under the Nazis and who subsequently found a haven in America. We strongly urge you to support this effort and personally to commit your Administration to do all that is necessary to assure that these criminals are finally brought to justice.

As you may be aware, a special unit—the Office of Special Investigations—has been established in the Criminal Division at the Department of Justice. Its sole job is to initiate proceedings to denaturalize and deport suspected war criminals. This office, directed by an extremely competent and dedicated attorney, Allan Ryan, and staffed with lawyers, investigators, and historians, is responsible for overseeing the 18 cases now in the courts and the 260 others presently under investigation. Because of the ages of suspects and witnesses, and the extremely complex evidentiary and logistical problems involved in these cases, it is essential that prosecutions be brought expeditiously and professionally. Under Mr. Ryan's stewardship, the office has operated in this manner and the results have been demonstrable.

Only a comparatively small sum, on the order of $3 million, is required to continue the work of the Office of Special Investigations. We are confident that such an amount will be authorized and appropriated by the Congress, as it has consistently and unanimously done in the past. We urge you to include a proposal for the necessary funds in your budget and specifically to earmark the money for the unit. It is a small price to pay for reaffirming our nation's commitment at Nuremberg that none of those who participated in Nazi atrocities should escape being called to account. It will also serve as a warning that civilized nations will never again tolerate such base inhumanity.

We would also urge you to make certain that Attorney General Smith demonstrates the same commitment to seeing this task successfully concluded as his predecessor, Ben Civiletti, did during his tenure. In addition to supporting sufficient funding and staffing for the Nazi unit, Mr. Civiletti took the time to meet with the highest judicial officials of the Soviet Union and other governments, to request cooperation in providing witnesses and evidence in these cases. He also successfully argued the government's case against one of the Nazi war criminals in the Supreme Court, the only personal appearance he made before the Court while he was Attorney General. These actions were of immeasurable importance in demonstrating to the courts, foreign governments, and others the priority our government now attaches to efforts to rid this country of those war criminals who have found sanctuary here.

Similarly, we would ask that you instruct the Department of State, the intelligence agencies, and the FBI to give their full cooperation and assistance to the Office of Special Investigations in fulfilling its task. Because of the critical importance of the cooperation of foreign governments in providing witnesses and documentary evidence in these cases, it is absolutely essential that the State Department, in particular, play a vigorous role in support of any Justice Department requests.

Mr. President, we are certain that you share with us a sense of the importance of this effort. Clearly, our government must not revert to the intolerable situation of years past, when it seemed to be condoning by inaction the horrors of the Holocaust. We must, in the limited time remaining, make clear to the world that the United

States has not forgotten this unparalleled tragedy.

Sincerely,

William Lehman, Glenn M. Anderson, Wendell Bailey, Anthony C. Beilenson, Jonathan B. Bingham, David Bonior, William M. Brodhead, Tony L. Coelho, Julian C. Dixon, Thomas J. Downey, Don Edwards, Vic Fazio, Harold E. Ford, Edwin B. Forsythe, Bill Frenzel.

Hamilton Fish, Jr., Les AuCoin, Robin L. Beard, Tom Bevill, James J. Blanchard, Don Bonker, Shirley Chisholm, Ronald V. Dellums, Charles F. Dougherty, Roy Dyson, Dante B. Fascell, James J. Florio, William D. Ford, Barney Frank, Martin Frost.

Tony P. Hall, Benjamin Gilman, Albert Gore, Jr., Harold C. Hollenbeck, William J. Hughes, Dale E. Kildee, John LeBoutillier, Marc L. Marks, Matthew F. McHugh, Anthony Toby Moffett, Claude Pepper, Joel Pritchard, Henry S. Reuss, Robert A. Roe.

Samuel Gejdenson, Dan Glickman, S. William Green, Frank Horton, Jack F. Kemp, John J. LaFalce, Tom Lantos, Jim Mattox, Barbara Mikulski, James L. Oberstar, J. J. Pickle, Charles B. Rangel, Frederick W. Richmond, Benjamin S. Rosenthal.

Martin Olav Sabo, Charles E. Schumer, Bill Emerson, Bruce F. Vento, Henry Waxman, Timothy E. Wirth, George C. Wortley, Sidney R. Yates, Gus Yatron, Cardiss Collins, Leon E. Panetta, Stephen J. Solarz, Bob Shamansky, Peter A. Peyser.

James H. Scheuer, John F. Seiberling, Gerry E. Studds, Harold Washington, Theodore S. Weiss, Howard Wolpe, Ron Wyden, Elliott H. Levitas, Norman Y. Mineta, John Conyers, Jr., Ron de Lugo, Richard L. Ottinger, Romano L. Mazzoli, Ken Kramer.

Claudine Schneider, William H. Gray III, Wyche Fowler, Jr., Lindy Boggs, Bob Traxler, Robert K. Dornan, Phillip Burton, William J. Coyne, Matthew J. Rinaldo, Nicholas Mavroules, Gary A. Lee, Buddy Roemer, David R. Obey, Les Aspin, Mary Rose Oakar, Henry B. Gonzalez, Michael D. Barnes, Joseph P. Addabbo.

(Office of Special Investigations, U.S. Department of Justice, Allan A. Ryan, Jr., Director)

DIGEST OF CASES IN LITIGATION

December 24, 1981

I. DENATURALIZATION CASES

1. Linnas, Karl

Case Pending: U.S. Court of Appeals for the Second Circuit; Docket No. 81-6165. Judgement in favor of OSI, January, 1982.

Date Filed: November 29, 1979.

Date and Place of Birth: August 6, 1919, Tartu, Estonia.

Entry Date: August 17, 1951, under the Displaced Persons Act of 1948, as amended.

Immigration Status: Natualized February 5, 1960 by the Supreme Court of New York at Suffolk County. Ordered denaturalized by U.S. District Court, E.D.N.Y., on July 1981.

Summary of Allegation: Defendant commanded or was a member of the security forces of a concentration camp at Tartu, Estonia from 1941 to 1943, where he supervised and participated in the physical abuse and execution of civilian prisoners. He misrepresented his activities during this period when applying for entry to the United States and later when applying for naturalization as a United States citizen.

Progress to Date: Depositions were taken in Estonia in March-April 1981. Trial was held in Westbury, Long Island before the U.S. District Court for the Eastern District of New York, in June 1981 (Civil Action No. 79 C 2966). On July 30, 1981, the court entered judgment in favor of OSI, and ordered that defendant's citizenship be revoked. The court found that defendant had taken an active part in atrocities committed against men, women, and children at the concentration camp at Tartu, and had subsequently procured his citizenship both illegally and by willful misrepresentation of material facts. On July 31, 1981, defendant filed a notice of appeal with the Second Circuit Court of Appeals. Both parties have since filed appellate briefs, and oral argument has been tentatively scheduled by the Court for the week of January 4, 1982, in Manhattan.

2. Koziy, Bohdan

Case Pending: U.S. District Court, S.D.Fla.; Civil Action No. 79-6640-CIV-JCP.

Date Filed: October 20, 1979.

Date and Place of Birth: February 23, 1923, Pukasiwci, Ukraine.

Entry Date: December 17, 1949, under the Displaced Persons Act of 1948.

Immigration Status: Naturalized February 9, 1956 by the Supreme Court, State of New York, at Utica.

Summary of Allegation: During the period 1942-1944, defendant served as a Ukrainian policeman stationed in Lysiec, Ukraine, and participated in the murders of unarmed civilians. He concealed these facts when applying for entry and naturalization.

Progress to Date: Defendant and several witnesses have been disposed by OSI in the United States. Depositions of witnesses in Poland were taken in January 1981, and additional depositions were taken in the Soviet Union in March. Trial in this case commenced on September 15, 1981 and ended October 2. A decision may be announced by early 1982.

3. Dercacz, Michael

Case Pending: U.S. District Court, E.D.N.Y.; Case No. 80 Civ. 1854. Summary judgment granted in favor of OSI, February 8, 1982.

Date Filed: July 7, 1980.

Date and Place of Birth: February 22, 1909, Zheldec, Ukraine.

Entry Date: May 18, 1949, under the Displaced Persons Act of 1948.

Immigration Status: Naturalized November 11, 1954 by the U.S. District Court, E.D.N.Y.

Summary of Allegation: From September 1941 through August 1943, defendant was a uniformed police officer in the Ukrainian Police Command in L'vov, Ukraine, and was stationed in Nazi-occupied Jaryzow-Nowy, Ukraine. Defendant actively participated in beatings and executions of unarmed Jewish civilians in Jaryzow-Nowy. He concealed and misrepresented these facts when applying for entry and for naturalization.

Progress to Date: Discovery in this case is now almost completed. Depositions of three survivor witnesses and the defendant have already been taken in the United States. Additional depositions were taken in the Soviet Union in March. OSI filed a motion for summary judgment on June 2, 1981, and the decision on this motion is now pending.

4. Trucis, Arnolds

Case Pending: U.S. District Court, E.D.Pa.; Civil Action No. 80-2321.

Date Filed: June 20, 1980.

Date and Place of Birth: September 20, 1909, Valka, Latvia.

Entry Date: April 27, 1951, under the Displaced Persons Act of 1948, as amended.

Immigration History: Naturalized December 18, 1956 by the U.S. District Court, E.D.Pa., at Philadelphia.

Summary of Allegation: Between July 1941 and November 1943, defendant was a member of the Latvian Auxiliary Security Police, an organization which participated in the persecution of Latvian Jews. Defendant personally assisted in such persecution by guarding and abusing civilians. Between approximately October 1943 and October 1944, defendant held the German *Schutzstaffel* (SS) rank of *Hauptscharfuhrer* (Master Sergeant), and served with the *Sicherheitspolizei* (Security Police), and the *Sicherheitsdienst* (or SD [Security Service of the SS]), which organizations participated in the persecution of Latvian Jews.

Progress to Date: Defendant's answer was filed on July 19, 1980. At his deposition on September 22, 1980, defendant refused to answer any questions, invoking a claimed privilege under the Fifth Amendment. On October 31, 1980, OSI filed a motion to compel defendant to answer questions, and oral argument on this motion was heard on February 5, 1981. On April 16, 1981, the Court ruled that defendant has a privilege under the Fifth Amendment to refuse to answer questions concerning his wartime activities. Defendant was ordered, however, to answer all questions concerning both his entry into the U.S. and his naturalization as an American citizen. Depositions of witnesses have been taken in the United States and, in May 1981, in Latvia. Defendant's deposition was taken in Philadelphia on July 1, 1981, at which time he answered questions regarding his immigration and naturalization but again refused to answer questions concerning his wartime activities. Depositions were taken in Latvia in November 1981. However, defendant died on December 6, 1981, before his case could be brought to trial. OSI expects that this case will be formally dismissed shortly.

5. Demjanjuk, John

Case Pending: U.S. Court of Appeals for the Sixth Circuit; Docket No. 81-3415.

Date Filed: August 25, 1977.

Date and Place of Birth: April 3, 1920, Dub Macharenzi, Ukraine.

Entry Date: February 9, 1952, under the Displaced Persons Act of 1948, as amended.

Immigration Status: Naturalized November 14, 1958 by the U.S. District Court, N.D. Ohio. Ordered denaturalized by U.S. District Court, N.D. Ohio, on June 23, 1981.

Summary of Allegation: Defendant, while employed as a uniformed guard with the German SS at the Nazi death camps at Sobibor and Treblinka, Poland in 1942 and 1943, assisted in the extermination of thousands of Jewish civilians. Defendant operated the gas chambers at Treblinka and abused and persecuted Jewish prisoners and laborers. Defendant misrepresented his background in applying for entry and naturalization.

Progress to Date: Trial was held in February and March of 1981 before the U.S. District Court for the Northern District of Ohio, in Cleveland (Civil Action No. C77-923). On June 23, 1981, the Court entered judgment for OSI, revoking defendant's United States citizenship on the grounds that it had been procured both illegally and by willful misrepresentation of material facts. The Court found that defendant, when applying for entry and for naturalization, had failed to disclose his wartime service under the German SS at both the SS Training Camp at Trawniki, Poland and the Treblinka death camp. The Court specifically concluded that the six eyewitness identifications of defendant as a notorious guard who operated the gas chambers at Treblinka were reliable. On July 6, 1981, defendant filed a motion with the trial court requesting that he be granted a new trial. Also on July 6, he filed a notice of appeal of the denaturalization judgment with the U.S. Court of Appeals for the Sixth Circuit. On August 10, his new trial motion was denied by the District Court. Defendant's appellate brief has been filed with the Court of Appeals, and OSI's brief is due in January 1982.

6. Kairys, Liudas

Case Pending: U.S. District Court, N.D. Ill.; Civil Action No. 80-C-4302.

Date Filed: August 13, 1980.

Date and Place of Birth: December 24, 1920, Svilionys, Lithuania.

Entry Date: May 23, 1949, under the Displaced Persons Act of 1948.

Immigration Status: Naturalized July 16, 1957 by the U.S. District Court, N.D.Ill.

Summary of Allegation: From 1942 to 1944, defendant served with the SS auxiliary guard units (SS *Wachmannschaft*) at Trawniki, Poland, the SS Comando Lublin, and the SS forced labor camp in Treblinka, Poland, where thousands of Jewish civilian prisoners were murdered by the SS *Wachmannschaft*. Defendant concealed these facts when applying for entry and for naturalization.

Progress to Date: Defendant's deposition was taken on April 7-9, 1981. Depositions were taken in Latvia, Germany, and Belgium in November 1981. The discovery process is continuing, and no trial date has yet been set.

7. Kowalchuk, Sergei

Case Pending: U.S. District Court, E.D.Pa.; Civil Action No. 77-118.

Date Filed: January 13, 1977.

Date and Place of Birth: March 15, 1920, Kremianec, Poland.

Entry Date: February 2, 1950, under the Displaced Persons Act of 1948.

Immigration Status: Naturalized November 30, 1960 by the U.S. District Court, E.D.Pa.

Summary of Allegations: Defendant served as a member of the Nazi-controlled Ukrainian Police in Luboml, Poland, during the years 1941 and 1942. While serving in this capacity, defendant participated in the persecution of, and the commission of crimes or atrocities against, civilians. Defendant concealed these facts when applying for entry and for naturalization.

Progress to Date: Depositions of six witnesses were taken in Lutsk, U.S.S.R. in January 1981. Trial was held, in Philadelphia, on October 19-28 and December 11, 1981. Post-trial briefs are due on January 14, 1982, and oral argument on those briefs has been scheduled for January 18, 1982.

8. Karklins, Talivaldis

Case Pending: U.S. District Court, C.D.California, Civil Action No. CV 81 0460 LTL.

Date Filed: January 29, 1981.

Date and Place of Birth: June 16, 1914, at Madona, Latvia.

Entry Date: July 23, 1956, under the Refugee Relief Act of 1953.

Immigration Status: Naturalized January 25, 1963 by the U.S. District Court for the Central District of California.

Summary of Allegation: While serving as a member of the Madona (Latvia) District Police, in July and August, 1941, defendant assisted in the persecution and murder of unarmed Jewish civilians and committed crimes including murder and assault. From September 1, 1941 until the fall of 1942, defendant was the Commandant of the Madona Concentration Camp, which was operated under the command of the chief SS officer in Latvia. During defendant's tenure as Commandant of this camp, unarmed inmates of the camp were starved, beaten, tortured, murdered and otherwise brutalized by defendant and/or by persons acting under his direction and control. Defendant subsequently misrepresented and concealed his activities during this period when applying for entry to the United States and later when applying for naturalization as a United States citizen.

Progress to Date: Defendant's answer to OSI's complaint was filed on March 30, 1981. Defendant's deposition was taken on April 9, 1981, at which time he refused to answer any questions relating to his wartime activities or to his entry or naturalization. On June 19, 1981, OSI filed a motion to compel defendant to answer such questions. Oral argument on this motion was heard on August 4, 1981, at which time the judge ruled that defendant does not have to answer questions about his background or about his activities during World War II. Defendant was ordered, however, to answer questions relating to his immigration and naturalization. On August 19, 1981, OSI filed a motion to compel defendant to answer questions about his wartime activities; his answers would be sealed by the court. That motion was denied by a magistrate of the court on September 25. Depositions were taken in Latvia in November 1981. Defendant had previously filed a motion for a protective order seeking to prevent the taking of these depositions, on the grounds that fair and trustworthy proceedings could not be conducted in Latvia. That motion was denied on September 25, 1981.

9. Schellong, Conrad

Case Pending: U.S. District Court Northern District of Illinois; Civil Action No. 81 C 1478.

Date Filed: March 17, 1981.

Date and Place of Birth: February 7, 1910, Dresden, Germany.

Entry Date: February 23, 1957, under the Immigration and Nationality Act of 1952.

Immigration Status: Naturalized July 17, 1962 by U.S. District Court, N.D. Illinois.

Summary of Allegation: During the years 1934-1940, defendant served in various *Schutzstaffel* ("SS") guard companies at the Sachsenburg and Dachau concentration camps in Germany. Defendant served first as a guard and later as company commander of several of these units. Defendant's duties at both camps included the guarding of thousands of civilians interned there by the Nazis because of their race, religion, or political beliefs. At Dachau, where defendant rose to the rank of SS-*Hauptsturmfuhrer* (Captain), he was responsible for the training of new SS recruits for concentration camp guard duty. When applying for entry into the United States, defendant concealed his activities during that period at Sachsenburg and Dachau. When later applying for naturalization, defendant falsely swore that he had never served in a concentration camp. Defendant also concealed the fact that, from June through November, 1932, he had been a member of the *Sturmableilung* ("SA"), a paramilitary unit of the German Nazi Party.

Progress to Date: OSI filed its complaint on March 17, 1981. Defendant's answer was filed on May 14, and his deposition was taken on July 22-23, 1981. Depositions were taken in Germany in December 1981. The discovery process is continuing, and no trial date has yet been set.

10. Palciauskas, Kazys

Case Pending: U.S. District Court, Middle District of Florida; Civil Action No. 81-547 Civ. T-GC.

Date Filed: June 15, 1981.

Date and Place of Birth: September 11, 1907, Zagare, Siaulia, Lithuania.

Entry Date: April 19, 1949, under the Displaced Persons Act of 1948.

Immigration Status: Naturalized November 11, 1954 by the U.S. District Court for the Northern District of Illinois.

Summary of Allegation: On June 25, 1941, German armed forces occupied Kaunas (Kovno), the capital city of Lithuania. From approximately that date until May 1, 1942, defendant served the Nazis as mayor of Kaunas. While serving in that position, defendant assisted the Nazis in persecuting civilians by ordering the internment of the Jewish population of Kaunas (more than 20,000 persons) in a ghetto under inhumane conditions. In his capacity as mayor, defendant promulgated orders regulating the lives and activities of the Jewish population. One such order required all Jews to wear a conspicuous yellow Star of David symbol on their chests. Defendant also was responsible for the confiscation of Jewish-owned homes and the collection and counting of Jewish-owned valuables. These homes and possessions were then turned over to the German authorities and to others. Defendant concealed and misrepresented these facts when applying for entry and for naturalization.

Progress to Date: OSI filed its complaint on June 15, 1981. Defendant filed his answer on September 24, 1981. Defendant was deposed on September 21, 1981, at which time he refused to answer any questions, pursuant to a claimed privilege under the Fifth Amendment. OSI has filed a motion to compel defendant to answer its questions. A decision on this motion is now pending with the Court. On September 28, 1981, the Court denied defendant's motion for a protective order against the taking of depositions in Lithuania; defendant had argued that fair depositions could not be taken there. The Court ordered that depositions may be scheduled for Lithuania for any time after November 15, 1981. The discovery process is continuing. The court has set a tentative trial date of July 7, 1982 in this case. A pre-trial conference will be held on June 8, 1982.

11. Kungys, Juozas

Case Pending: U.S. District Court for the District of New Jersey; Civil Action No. 81-2305.

Date Filed: July 22, 1981.

Date and Place of Birth: September 21, 1915, Reistru, Silales, Lithuania.

Entry Date: April 29, 1948, under the Immigration Act of 1924, as amended.

Immigration Status: Naturalized February 3, 1954 by the U.S. District Court for the District of New Jersey.

Summary of Allegation: Defendant, in association with the armed forces of Nazi Germany, participated in the killing of approximately one hundred civilians in or near the village of Babences (Babenus), Lithuania in July 1941. In July or August 1941, defendant led an armed group of men which forced the approximately 3,000 Jewish civilian inhabitants of Kedainiai, Lithuania from their homes into a ghetto and then confiscated their property. Later that year, defendant organized, led, and participated in the killing of some 2,000 unarmed civilian Jewish men, women, and children at a mass grave site near Kedainiai. Defendant subsequently misrepresented and concealed his wartime activities and other material facts when applying for entry and for naturalization.

Progress to Date: Defendant's answer to OSI's complaint was filed on October 2, 1981. On October 14, 1981, the District Court denied defendant's motion for a protective order against the taking of depositions in Lithuania. A pre-trial conference has been scheduled for February 10, 1982. The Court has set a trial date of April 19, 1982 in this case.

12. Juodis, Jurgis

Case Pending: U.S. District Court for the Middle District of Florida; Civil Action No. 81-1013-CIV-T-H.

Date Filed: October 26, 1981.

Date and Place of Birth: October 22, 1911, Kebliskiai, Kaunas District, Lithuania.

Entry Date: July 21, 1949, under the Displaced Persons Act of 1948.

Immigration Status: Naturalized February 8, 1955 by the U.S. District Court for the Eastern District of New York.

Summary of Allegation: During the Nazi occupation of Lithuania and Byelorussia, from 1941 until 1944, defendant served in the SS-controlled Lithuanian Auxiliary Police (*"Schutzmannschaft"*), in which he ultimately was commissioned as an *Oberleutnant.* While so serving, defendant personally commanded and participated in the assault, arrest, detention, and murder of unarmed Jews and other civilians. Defendant subsequently concealed and misrepresented his wartime activities when applying for entry to the United States and later when applying for naturalization as a United States citizen.

Progress to Date: Defendant's deposition is scheduled to be taken on January 4, 1982. His answer to OSI's complaint is due on December 28, 1981.

13. Deutscher, Albert

Case Pending: U.S. District Court for the Northern District of Illinois; Civil Action No. 81C-7043.

Date Filed: December 17, 1981.

Date and Place of Birth: August 18, 1920, Worms, Odessa District, Ukraine.

Entry Date: March 29, 1952, under the Displaced Persons Act of 1948, as amended.

Immigration History: Naturalized September 10, 1957 by the United States District Court for the Southern District of Illinois.

Summary of Allegation: On several occasions during January and February of 1942, defendant, while serving in the *Selbstschutz,* a Nazi-sponsored paramilitary organization, participated in the mass execution by shooting of hundreds of unarmed Jewish civilians, including women and children, near Worns, Odessa Region, Ukraine. Prior to execution, these civilians had been unloaded from the railroad freight cars within which they had been forcibly transported to the Worms area from Nazi-occupied territories in Eastern Europe and the Soviet Union. Defendant concealed and misrepresented all of these facts when applying for entry and for naturalization.

Progress to Date: On December 18, 1981, one day after OSI filed suit seeking the revocation of his United States citizenship, defendant was struck and killed by a train in Chicago. The coroner has ruled the death a suicide. OSI expects that this case will be formally dismissed shortly.

14. Sokolov, Vladimir

Case Pending: U.S. District Court, New Haven, Connecticut.

Date Filed: January 27, 1982.

Summary of Allegation: From 1942-44, alleged propagandist and deputy editor of Nazi propaganda that called for the elimination of all Jews in the area of Orel, Russia.

II. DEPORTATION CASES

1. Maikovskis, Boleslavs

Case Pending: Immigration Court, New York City; File No. A8 194 566.

Date Filed: December 20, 1976.

Date and Place of Birth: January 21, 1904, Mesteri, Rezekne District, Latvia.

Entry Date: December 22, 1951, under the Displaced Persons Act of 1948, as amended.

Immigration Status: Permanent resident.

Summary of Allegation: During World War II, defendant was employed as chief of the Second Police Precinct in Rezekne, Latvia. As chief of police, defendant participated in assaults upon and murders of Jewish and other Latvian civilians, including arrests and execution of the inhabitants of Audrini, Latvia, and the burning of the village. Defendant also ordered the rounding-up of all Gypsies in his police precinct.

Progress to Date: Deportation hearings were held in October and December of 1977. In April, 1978, the government sought an order from the Immigration Court permitting the taking of depositions of witnesses in Latvia. The Immigration Judge denied the government's motion, holding that fair depositions could not be taken in the U.S.S.R. OSI appealed this ruling to the Board of Immigration Appeals on March 19, 1980. Oral argument was held before the BIA on June 18, 1980. On January 9, 1981, the BIA reversed the Immigration Judge's decision, holding that depositions may be taken in Soviet territories, and that their admissibility, and the evidentiary weight to be given them, are to be determined by the Immigration Judge after they are taken. Although the Board noted that there were "problems inherent in [statements given in the Soviet Union]," it rejected the Immigration Judge's view that such statements are necessarily untrustworthy. The Board also opined that, while Miakovskis' 1965 trial *in absentia* in Latvia "may have had certain political aspects to it," any political overtones were "minor," and the trial had been "overwhelmingly concerned with serious, specific, and non-political charges of heinous crimes against Jews and others."

The record was then remanded by the BIA to the Immigration Judge, who, on January 21, 1981, ordered that the depositions be taken. The depositions were taken in Latvia in May 1981. Hearings resumed at the Immigration Court in Manhattan on July 20, 1981. The government completed the presentation of its case during that week. The Court has reconvened three times since then to hear the remainder of defendant's case. The next hearings will be held on January 13-15, 1982. The Immigration Judge has set a tentative deadline of April 1, 1982 for the completion of defendant's case.

2. Trifa, Valerian

Case Pending: Immigration Court, Detroit, File No. A7 819 396 (deportation); U.S. Court of Appeals for the Sixth Circuit, Civil Action No. 80-1762 (denaturalization).

Date Filed: October 29, 1980 (deportation); May 16, 1975 (denaturalization).

Date and Place of Birth: June 28, 1914, Transylvania, Romania.

Entry Date: July 17, 1950, under the Displaced Persons Act of 1948.

Immigration Status: Naturalized May 13, 1957 by the Circuit Court for Jackson County, Michigan, at Jackson. Denaturalized, purusant to a consent judgment, on September 3, 1980 by the United States District Court for the Eastern District of Michigan.

Summary of Allegation: During World War II, Archbishop Trifa served in Romania as a member of the fascist "Iron Guard" and as president of the National Union of Romanian Christian Students. Defendant also served as editor of the newspaper Libertatea, which openly identified itself with the Iron Guard and which advocated its anti-Semitic policies. From 1936 to 1941, defendant advocated the persecution of the Jews of Romania, and aligned the National Union of Romanian Christian Students with the policies and politics of the Iron Guard. On January 20, 1941, he issued a manifesto which advocated the replacement of all "Judah-like Masons" in the government and the establishment of an "Iron Guard" government; and in consequence, a rebellion took place in which hundreds of innocent civilians were killed. As an Iron Guard member, defendant was given sanctuary, protection, and care by the German SS in Romania and in Germany from January 1941 until August 1944.

Progress to Date: Defendant consented to denaturalization on September 3, 1980, and his certificate of naturalization was thereupon cancelled by the U.S. District Court for the Eastern District of Michigan. OSI's Order to Show Cause in defendant's deportation case was filed in Immigration Court on October 30, 1980.

Defendant filed an appeal of the consent judgment revoking his citizenship on October 31, 1980. On November 18, 1980, the Immigration Judge stayed proceedings in the deportation case until defendant's appeal of the consent judgment is decided.

Oral argument on defendant's appeal was heard on October 9, 1981, in Cincinnati. On November 3, 1981, the Sixth Circuit affirmed defendant's denaturalization, and on December 11, 1981, if also denied his petition for rehearing en banc. On December 15, 1981, OSI requested that the Immigration Court remove the previously-imposed stay on the commencement of deportation proceedings, and schedule hearings for March 1982. A decision on this request is now pending.

3. Artukovic, Andrija

Case Pending: U.S. Court of Appeals for the Ninth Circuit; Civil Action No. 81-7415.

Date Filed: May 9, 1951.

Date and Place of Birth: November 29, 1899, Klobuk, Herzegovina (now Yugoslavia).

Entry Date: July 16, 1948 as temporary visitor for pleasure, under the Immigration and Nationality Act of 1924, under the name Alois Anich.

Immigration Status: Overstayed visitor; File No. A7 095 961.

Summary of Allegation: Defendant was Minister of the Interior and Minister of Justice of the Nazi "Independent State of Croatia." In that capacity, he signed decrees authorizing executions and persecution and had direct complicity in massacres of hundreds of thousands of Serbs, Jews, Gypsies, and others.

Progress to Date: An order of deportation has been outstanding against defendant since 1952. In 1953, the Board of Immigration Appeals upheld the order and specifically found that Artukovic was responsible for the mass persecution of Serbs, Jews, and others. In 1959, however, defendant was granted withholding of deportation, pursuant to § 243(h) of the Immigration and Nationality Act of 1952, 8 U.S.C. § 1253(h), upon a determination by an INS Special Inquiry Officer that defendant's deportation to Yugoslavia would subject him to "physical persecution." Subsequent attempts to obtain a travel document for deportation to some other country were unsuccessful, as was an INS effort to have the § 243(h) stay rescinded. Efforts made during the 1950's to secure Artukovic's extradition to Yugoslavia were similarly unsuccessful.

In 1978, Congress amended Section 243(h) to make it unavailable to those who had taken part in persecution under the Nazi regimes of Europe (P.L. 95-549, 92 Stat. 2065). In October 1979, OSI moved the Immigration Judge to reconsider the § 243(h) order withholding deportation. In January of 1980, this motion was denied for lack of jurisdiction, upon a finding by the Immigration Judge that jurisdiction was in the Board of Immigration Appeals. A motion was filed with the BIA on March 7, 1980, and argument was heard by the Board on July 23, 1980.

On July 1, 1981, the BIA decided in OSI's favor, revoking defendant's stay of deportation and ordering that he be deported. The board specifically ruled that defendant had offered no new evidence sufficient to call into question the soundness of the BIA's 1953 determination that Artukovic had been a leader in the Nazi puppet government in Croatia and that he had, in that capacity, participated in the persecution of Serbs, Jews, and others. Defendant was subsequently ordered to report to the Immigration and Naturalization Service in Los Angeles on July 8, 1981 in order to make final arrangements for his deportation. However, on July 1, 1981, defendant filed a petition with the U.S. Court of Appeals for the Ninth Circuit seeking a review of the decision of the Board of Immigration Appeals. Defendant's deportation is now automatically stayed, pursuant to 8 U.S.C. § 1105(a), pending disposition of his appeal. Both parties have filed appellate briefs, and oral argument on the appeal will be heard on January 4, 1982, in Los Angeles, California.

4. Paskevicius, Mecis (a/k/a Mike Pasker)

Case Pending: U.S. Immigration Court, Miami, Florida; File No. A7 497 596.

Date Filed: June 24, 1980 (deportation); January 17, 1981 (denaturalization).

Date and Place of Birth: September 26, 1901, Ukmerge, Lithuania.

Entry Date: June 15, 1950, under the Displaced Persons Act of 1948.

Immigration Status: Naturalized September 4, 1962. Denaturalized, pursuant to a consent judgment, on August 23, 1979 by the United States District Court for the Central District of California.

Summary of Allegation: While serving in the Lithuanian Security Police from 1941 to 1944, defendant participated in the murder, beating, and extermination of Jews and other Lithuanian and Russian civilians.

Progress to Date: A complaint seeking the revocation of defendant's citizenship was filed by the government on January 17, 1977. Defendant subsequently consented to a judgment revoking his citizenship, and on August 23, 1979, the U.S. District Court for the Central District of California (Los Angeles) revoked the defendant's citizenship. In consenting to this judgment, defendant stipulated that he willfully and intentionally misrepresented facts to U.S. officials concerning his service as a member of the Lithuanian Security Police from 1941 to 1944.

On June 24, 1980, OSI filed an Order to Show Cause seeking defendant's deportation. The Immigration Judge ordered that physical and mental examinations of the defendant be conducted by a court-appointed doctor to determine if defendant is competent to stand trial. On December 16, 1980, the Court found that the defendant is mentally incompetent to stand trial. The Court based this determination on the report of the court-appointed doctor, on other submitted medical reports, and on the Court's own observations of the defendant on two occasions in court. The matter was thereupon adjourned *sine die.* However, defendant must submit to periodic mental and physical examinations to monitor his fitness to stand trial.

5. Detlavs, Karlis

Case Pending: Board of Immigration Appeals; File No. A7 925 159.

Date Filed: Order to Show Cause filed with the Immigration Court, Baltimore on October 1, 1978.

Date and Place of Birth: June 27, 1911, Latvia.

Entry Date: December 20, 1950, under the Displaced Persons Act of 1948, as amended.

Immigration Status: Permanent resident.

Summary of Allegation: While serving, from 1941 to 1943, as a member of the Latvian Auxiliary Security Police, defendant participated in assaults upon and murders of unarmed civilians, primarily Jews, in Latvia. From 1943, defendant served in the Latvian Legion. In 1950, when applying for admission to the U.S., defendant falsely swore that he had not advocated or assisted in the persecution of any person because of race, religion, or national origin.

Progress to Date: Deportation hearings were held during January and February, 1979. At these hearings, defendant admitted that he had concealed his service during the war in the Latvian Legion. Evidence of persecution was presented. In February 1980, the Immigration Judge ruled in favor of defendant, and refused to order his deportation. The court held that the government had failed to prove by clear, convincing, and unequivocal evidence that defendant had engaged in persecution. The court further found that defendant's admitted misrepresentations were not "material." OSI appealed this decision to the Board of Immigration Appeals, and the appeal was argued before the Board on August 4, 1980. On October 15, 1981, the BIA dismissed OSI's appeal, holding that the government had not established the materiality of defendant's misrepresentations by clear, convincing, and unequivocal evidence. Various possible courses of action are now under active consideration by OSI.

6. Kaminskas, Bronius

Case Pending: Immigration Court, Hartford, Connecticut; File No. A6 659 477.

Date Filed: October 13, 1976.

Date and Place of Birth: October 15, 1903, Kraziai, Lithuania.

Entry Date: May 7, 1947, under the Act of May 22, 1918, as amended.

Immigration Status: Resident alien.

Summary of Allegation: Defendant participated in the shooting of approximately 200 Jews in Lithuania in August, 1941, and in the selection of approximately 400 Jews for execution at another location in July or August of 1941.

Progress to Date: Defendant was examined by a government-appointed doctor, who concluded that defendant's ill health precluded his participation in deportation proceedings. The defense moved to dismiss the case on the grounds of defendant's incompetency, and OSI moved to adjourn indefinitely with periodic monitoring of defendant's condition. On January 30, 1981, OSI and the defendant stipulated that the case be adjourned *sine die,* and that the defendant would submit to periodic mental and physical examinations to determine his fitness to stand trial. On November 25, 1981, a government-appointed doctor again found Kaminskas unable to stand trial.

7. Hazners, Vilis

Case Pending: Board of Immigration Appeals, File No. A10 305 336.

Date Filed: Defendant was served with an Order to Show Cause on January 28, 1977.

Date and Place of Birth: July 23, 1905, Latvia.

Entry Date: August 23, 1956, under the Refugee Relief Act of 1953, as amended.

Immigration Status: Permanent resident.

Summary of Allegation: As an officer in the Latvian Self Defense Group and later the *Schutzmannschaft,* a police organization under German supervision and control, defendant directed and participated in the arrests and beatings of Jews, and in their internment in ghettos at Riga, Latvia.

Progress to Date: Deportation hearings commenced on October 25, 1977, and continued on various dates until their conclusion on May 18, 1979. On February 27, 1980, the Immigration Judge terminated the proceedings, concluding that the government's evidence was insufficient to prove defendant's deportability. OSI appealed this decision to the Board of Immigration Appeals on March 5, 1980, and oral argument before the Board was held on September 4, 1980. On July 15, 1981, the BIA dismissed OSI's appeal and motion to reopen, holding that the record did not contain clear, convincing, and unequivocal evidence of Hazners' deportability. Various possible courses of action are now under active consideration by OSI.

Fedorenko, Feodor

Case Pending: U.S. Immigration Court, Hartford, Connecticut, File No. A7 333 468.

Date Filed: March 5, 1981 (deportation); August 15, 1977 (denaturalization).

Date and Place of Birth: September 17, 1907, Sivasch, Ukraine.

Entry Date: November 5, 1949, under the Displaced Persons Act of 1948.

Immigration Status: Naturalized April 23, 1970 by the Superior Court of New Haven County, Connecticut. Citizenship ordered revoked by U.S. Supreme Court on January 21, 1981. Denaturalized by order of the U.S. District Court, S.D. Florida, Ft. Lauderdale Division, on March 11, 1981.

Summary of Allegation: Defendant misrepresented his wartime service as an armed guard at the Treblinka death camp in Poland during the years 1942-1943, and his commission there of atrocities against prisoners.

Progress to date: On August 15, 1977 the government filed suit seeking defendant's denaturalization. On July 25, 1978, the U.S. District Court for the Southern District of Florida entered judgment in favor of defendant, despite defendant's admitted service at Treblinka and subsequent misrepresentation of his wartime activities.

On June 28, 1979, the U.S. Court of Appeals for the Fifth Circuit reversed. The Court of Appeals held that the District Court had applied an incorrect test of "materiality," and that applying the proper test to the evidence revealed that Fedorenko's misrepresentations had in fact been material. The Court of Appeals further ruled that the District Court erred as a matter of law in concluding that it had authority to enter a judgment for defendant based upon "equitable considerations." The Court of Appeals directed the District Court to cancel defendant's certificate of naturalization.

On February 29, 1980, the U.S. Supreme Court granted Fedorenko's petition for a writ of certiorari, and on October 15, 1980, the Attorney General argued the case for the United States. On January 21, 1981, the Supreme Court, in a 7-2 affirmance of the decision of the Court of Appeals, held that Fedorenko's citizenship had been illegally procured and therefore must now be revoked. The Court found it unnecessary to decide how the test of materiality applied by the Court of Appeals (the "Chaunt test") is to be correctly interpreted. Instead, the Court announced a new test for determining the materiality of misrepresentations on a visa application (the Court of Appeals had utilized the test applicable to misrepresentations on a petition for naturalization), and it ruled that under this test, Fedorenko's misrepresentations were clearly material. The Court also held that Section 2(b) of the Displaced Persons Act of 1948 (which prohibited the granting of visas to persons who "assisted the enemy in persecuting civil[ians]") required that visas be denied even to indivduals who might have "involuntarily" assisted the Nazis in persecuting civilians; hence, the District Court's finding that Fedorenko acted involuntarily was irrelevant. Additionally, the Court ruled that once it is determined that an individual's citizenship was procured illegally or through misrepresentation, courts have no discretion to excuse the conduct and allow the defendant to retain his citizenship; hence, Fedorenko's good conduct subsequent to entering the United States was irrelevant.

The U.S. District Court for the Southern District of Florida subsequently revoked the order admitting Fedorenko to citizenship and it cancelled his certificate of naturalization.

On March 5, 1981, OSI commenced legal proceedings seeking Fedorenko's deportation from the United States. Deportation hearings were held on May 4-5 and July 7, 1981. Both OSI and defense counsel have completed presenting their respective cases, including submission of materials pertaining to defendant's application for discretionary relief from deportation under § 244 of the Immigration and Nationality Act, as amended. The decision is now pending with the Immigration Court at Hartford.

9. Laipenieks, Edgars

Case Pending: U.S. Immigration Court, San Diego, California; File No. A11 937 435.

Date Filed: June 2, 1981.

Date and Place of Birth: June 25, 1913, Rucava, Latvia.

Entry Date: March 9, 1960, under the Immigration and Nationality Act of 1952, as amended.

Immigration Status: Permanent resident (citizen of Chile).

Summary of Allegation: Between July 1941 and August 1943, during which time Latvia was under the occupation and control of Nazi Germany, defendant voluntarily served in the Nazi-affiliated Latvian security police. While assigned to duty at the Riga Prefecture and at the Riga Central Prison in Riga, Latvia, defendant participated in the persecution of civilians because of their race, religion, national origin, or political opinion; such conduct included participation in the beating and killing of unarmed inmates. Defendant was arrested in 1946 by French military authorities in Austria in connection with these activities. He concealed and misrepresented all of the above facts when applying for entry into the United States.

Progress to Date: On June 2, 1981, OSI commenced legal proceedings seeking Laipenieks' deportation from the United States. On June 23, 1981, a preliminary hearing was held on OSI's order to show cause in Immigration Court in San Diego. At that hearing, defendant denied the government's allegations of immigration fraud and of participation in persecution. Depositions were taken in Latvia in November-December 1981. Deportation hearings are scheduled to begin on January 26, 1982, in San Diego.

10. Lehmann, Alexander

Case Pending: U.S. Immigration Court, Cleveland, Ohio; File No. A11 218 851.

Date Filed: November 23, 1981.

Date and Place of Birth: July 21, 1919, Zaporozhe, Ukraine.

Entry Date: February 15, 1957, under the Refugee Relief Act of 1953.

Immigration Status: Permanent resident (citizen of Germany).

Summary of Allegation: From the fall of 1941 until October 1943, defendant, while serving as Deputy Chief of the First Section of the Ukrainian Police at Zaporozhe, Ukraine, personally ordered and assisted in the persecution and killing of hundreds of unarmed Jewish civilians in and around Zaporozhe. Defendant's wartime activities included his ordering, directing, and participating in the mass execution by rifle fire of between 300 and 350 Jewish men, women, and children in the spring of 1942 at a trench near the Baranov Stadium in Zaporozhe. Defendant concealed and misrepresented all of these facts when applying for entry into the United States.

Progress to Date: On November 23, 1981, OSI commenced legal proceedings seeking Lehmann's deportation from the United States. On December 9, 1981, a preliminary hearing was held in Immigration Court in Cleveland on OSI's order to show cause.

III. FINAL DENATURALIZATION JUDGMENT SECURED

1. Von Bolschwing, Otto Albrecht Alfred

Case Filed: U.S. District Court, Eastern District of California; Civil Action No. 81-308 MLS.

Date Filed: May 27, 1981.

Date and Place of Birth: October 15, 1909, Schoenbruck, Germany.

Entry Date: February 1954, under the Immigration and Nationality Act of 1952, as amended.

Immigration Status: Naturalized April 6, 1959 by the U.S. District Court, Southern District of New York. Denaturalized, pursuant to a consent judgment, on December 22, 1981 by the U.S. District Court for the Eastern District of California.

Summary of Allegation: When applying for naturalization, defendant concealed and willfully misrepresented his membership in the German Nazi Party and his role as an officer in the *Allgemeine SS* (where he ultimately rose to the rank of *Hauptsturmführer)* and in the SD (the security service of the SS) from 1934 until at least 1941. While serving in the SS and SD, defendant devised and advocated specific proposals for executing the SD's program of persecution and forced emigration of Jews from areas under Nazi control. From at least 1937 until 1939, defendant served in the "Jewish Affairs" office of the SD (Office II 112), where he provided information and advice to officials of that office, including Adolf Eichmann, on Jewish organizations and on forced emigration of Jews. In 1940-41, defendant served as head of the SD in Romania, where he encouraged and aided the fascist "Iron Guard" movement in its anti-Semitic program of January 1941 and in other acts of persecution.

Progress to Date: On December 22, 1981, von Bolschwing voluntarily surrendered his United States citizenship, admitting that he had been a member of the Nazi Party, the SS, and the SD prior to and during World War II. Under the terms of a consent judgment entered on December 22 by the U.S. District Court for the Eastern District of California, von Bolschwing must submit to annual examinations by a court-appointed doctor. Pursuant to the consent judgment, the government has agreed to refrain from instituting deportation proceedings so long as, in the opinion of that doctor, the progressive neurological disease from which von Bolschwing now suffers persists.

See also the case digests for: Paskevicius, Mecis; Osidach, Wolodymir; and Fedorenko, Feodor.

IV. CASES NO LONGER ACTIVE

1. Osidach, Wolodymir

Case Tried Before: U.S. District Court, Eastern District of Pennsylvania; Civil Action No. 79-4212.

Date Filed: November 20, 1979.

Date and Place of Birth: July 12, 1904, Wetlina, Galicia, Poland.

Entry Date: July 29, 1949, under the Displaced Persons Act of 1948.

Immigration History: Naturalized August 7, 1963 by U.S. District Court, E.D.Pa. Citizenship ordered revoked by U.S. District Court, E.D. Pennsylvania, on March 17, 1981.

Summary of Allegation: When applying for entry into the United States and for naturalization, defendant concealed his wartime service as Commandant in the Ukrainian Police in Rawa-Ruska, Ukraine, and his involvement in the persecution and murder of unarmed Jewish civilians (specifically, his participation, directly and through subordinates, in the roundup and transport to extermination sites of Jewish civilians residing in Rawa-Ruska).

Litigation History: Trial was held in Philadelphia before the U.S. District Court for the Eastern District of Pennsylvania, in September and October of 1980. On March 17, 1981, the Court entered judgment for OSI and ordered that defendent's citizenship be revoked. The Court found that Osidach had taken an active part in persecution and thus had illegally procured his U.S. citizenship. On May 12, 1981, defendant filed a notice of appeal of the denaturalization order with the Third Circuit Court of Appeals (Docket No. 81-1956). However, defendent died on May 26, 1981, before that appeal could be heard. On July 6, 1981, OSI filed a motion requesting that defendant's appeal be dismissed on the grounds of mootness. On July 22, 1981, that motion was granted.●

SENATE—*March 3, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable ALFONSE M. D'AMATO, a Senator from the State of New York.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Almighty God, Judge of all the Earth, to whom all are accountable and before whom all will stand for ultimate judgment, we pray for Thy special grace this day. The responsibility which the Senate faces is one which none enjoys and all will find difficult.

We come to this hour as fallible men and women, all profoundly aware of inadequacy, but committed to the duty imposed by this sensitive matter. We pray that the light and truth of God will infuse this place today. Thou hast promised, "If anyone lack wisdom, let him ask of God, who giveth freely and upbraideth not, and it shall be given him." (James 1: 5) In humility we come to Thee and ask for transcendent wisdom. In confidence and trust we look to Thee, that out of these deliberations will come justice with mercy and compassion. In the name of Him who is perfect justice and unlimited compassion. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 3, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALFONSE M. D'AMATO, a Senator from the State of New York, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. D'AMATO thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER EXTENDING TIME FOR MINORITY LEADER

Mr. BAKER. Mr. President, I have been advised that the distinguished minority leader, who has a special order this morning, wishes his time under the standing order to be transferred to that account. I ask unanimous consent that, after the recognition of the two leaders or the expiration of their time and the recognition of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Vermont (Mr. LEAHY), the time allocated to the distinguished minority leader, Mr. ROBERT C. BYRD of West Virginia, on special order be extended by 10 minutes, being the time allocated to him regularly under the standing order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, that means, of course, that Senator BYRD will have for his own account the 15 minutes on special order and the 10 minutes under the standing order, making a total of 25 minutes. As I have indicated to the minority leader previously, if he requires additional time, I am prepared to yield him additional time off the special order in my favor.

UNANIMOUS-CONSENT AGREEMENT—SENATE JOINT RESOLUTION 142

Mr. BAKER. Mr. President, I have conferred with the minority leader, who is necessarily absent from the floor at this moment attending an official meeting. He has cleared this unanimous-consent request which I shall put at this time.

Mr. President, I ask unanimous consent that, at the conclusion of morning business today, the Senate proceed to the consideration of Calendar Order No. 442, Senate Joint Resolution 142, concerning the proclamation of Afghanistan Day, and that the vote thereon in respect to the final disposition of the resolution occur at 1:10 p.m. today; and that no other amendment, motion, point of order, appeal, other procedure or further debate be in order after 1:10 p.m.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

SCHEDULE FOR TODAY

Mr. BAKER. Mr. President, the sequence of events for today will be the recognition of Senators on special order, then the recognition of the distinguished minority leader for 25 minutes, under the order granted this morning, and perhaps longer, if he requires additional time.

After the expiration of the time allocated to Senators as described, there will be a period for the transaction of routine morning business, not to extend past 12 noon, in which Senators may speak for not more than 10 minutes each.

After the expiration of time for the transaction of routine morning business, the Senate will proceed to the consideration of Senate Joint Resolution 142, the Afghanistan Day resolution, which will be considered by the Senate in all its aspects as they might occur until 1:10 p.m., at which time a vote in respect to the final disposition of this measure will occur, to the exclusion of all other motions, points of order, appeals, or debate.

At 1:10 p.m., the vote will occur, either by voice vote or by rollcall vote, depending on the wishes of the Senate in that respect.

After the disposition of that vote and at 1:30 p.m., it is the intention of the majority leader to ask the Senate to proceed to consideration of the Williams resolution and to obtain the attendance of a quorum of Senators for the purpose of debate.

The ACTING PRESIDENT pro tempore. The Chair advises the majority leader that rule XII, paragraph 4 must be waived.

Mr. BAKER. Yes, I ask unanimous consent that the provisions of that rule be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have no further need for any time under the standing order. I ask unanimous consent that if there is any time remaining, it be reserved and assigned to

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the minority leader under the conditions prescribed earlier.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished majority leader. I will be recognized in my own right subsequently, so I will wait for that.

I know that the distinguished Senator from Pennsylvania is to be recognized under a standing order, but I ask if I might yield temporarily from the time of the Democratic leader to the distinguished Senator from Wisconsin, who has just a short point he would like to make.

I ask unanimous consent that I may yield to the distinguished Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Wisconsin.

Mr. PROXMIRE. I thank the distinguished acting minority leader.

THE RIGHT TO LIFE—AN UNALIENABLE RIGHT WORLDWIDE

Mr. PROXMIRE. Mr. President, Rev. Jesse Jackson has been granted an audience with Pope John Paul II.

As reported by the Washington Post on February 22, the topic of their meeting will be worldwide human rights issues affecting blacks.

Senators may remember Reverend Jackson as an associate of the late Dr. Martin Luther King. He is now copastor of the Fellowship Missionary Baptist Church on Chicago's South Side, and is still active in civil rights.

Explaining his interest in meeting with the Pope, Reverend Jackson declared:

> As the tension builds toward military conflicts, the moral forces of the world must make themselves available and visible to mitigate the misery.

I could not agree with Reverend Jackson more. We in the United States, the "land of the free," have a special obligation to the world's oppressed. In the spirit of our Declaration of Independence, we are all entitled to certain unalienable rights, among them life, liberty, and the pursuit of happiness.

The International Convention on the Prevention and Punishment of the Crime of Genocide addresses the first of these rights, the right to life. It declares mass murder of a racial, religious, ethnical, or national group an international crime.

The United States remains the sole industrialized democracy not to have ratified this convention. Since 1948, when it was first introduced, 85 nations have signed and ratified the convention. I respectfully request that my colleagues ratify this convention, thereby acknowledging that the right to life exists not only in the United States but worldwide.

ORDER OF BUSINESS

Mr. LEAHY. Mr. President, under the initial agreement entered into, I reserve the remainder of the time of the minority leader.

RECOGNITION OF SENATOR SPECTER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Pennsylvania is recognized for not to exceed 15 minutes.

ROBERT LOWE KUNZIG

Mr. SPECTER. Mr. President, today I wish to mark the passing of a distinguished American, the Honorable Robert Lowe Kunzig, who served this Nation in the judicial, legislative, and executive branches, and who passed away on February 23, 1982.

A week ago today, his memorial funeral services were held in Washington, D.C., and he was interred later in Philadelphia, Pa., where he was born on October 31, 1918.

Judge Kunzig, a distinguished judge of the Court of Claims of the United States at the time of his passing, served with enormous distinction not only in the judicial branch, but in the legislative and executive branches as well.

He was a member of the family of the U.S. Senate during 1964, 1965, and 1966, when he served as Administrative Assistant to the Honorable Hugh Scott, Senator from the Commonwealth of Pennsylvania.

Bob Kunzig left two wonderful children, a great many friends, and a host of admirers who recognized the tremendous service he had performed for his country.

He achieved academic distinction at the University of Pennsylvania, where he graduated Phi Beta Kappa in 1939. He also received his law degree from the University of Pennsylvania, in 1942, and then went on to serve as a captain in the U.S. Army. He was an executive officer in a top secret War Department program aimed at democratizing postwar Germany, and later served as a prosecutor of the famed Buchenwald war crimes case, which included the notorious Ilse Koch of "human skin for lampshades" infamy. For his outstanding record, Bob Kunzig was later awarded the Army Commendation Medal, with Oak Leaf Cluster, for meritorious service.

He returned to the practice of law and served as a deputy attorney general of Pennsylvania from 1948 through 1953, during which time he conducted the prosecution of the famous case of Chief Magistrate O'Malley in Philadelphia.

From 1953 to 1954, Bob Kunzig served as congressional committee counsel, and then became legal adviser to the Chairman and Executive Director of the U.S. Civil Aeronautics Board from 1955 through 1958. He was subsequently appointed by President Eisenhower as a member of the Foreign Claims Settlement Commission of the United States.

Later in his career, in 1962, Bob Kunzig was a candidate for attorney general of Minnesota and lost in that election to later Vice President Walter Mondale.

Judge Kunzig then served as administrative Assistant and legal adviser to Senator Scott, from 1963 to 1967, at which time he became executive director of the General State Authority of the Commonwealth of Pennsylvania, under Gov. Raymond Shafer.

In 1969, President Nixon appointed Bob Kunzig as Administrator of the General Services Administration. In 1972, he became a Federal judge on the U.S. Court of Claims, his commission being dated January 3, 1972, and assumed that post on January 17, 1972. He served on that court with great distinction for the past 10 years.

Testimonials to his legal scholarship and ability are to be found in the numerous court opinions he authored in that capacity. Judge Kunzig gave unstintingly of his time, visiting various circuit courts of appeals in the United States, and made a remarkable contribution to the judicial knowledge of this Nation.

At his funeral services a week ago today, there was a unique assembly of dignitaries of the highest rank from Washington, D.C., and a large group of young people who had been his law clerks and who had known him. In the course of the past 15 years, he had opened his house to many young people who had lived with him in the pursuit of their own professional careers in this city. He had been a mentor to many, and I think he has left many disciples.

I came to know Judge Kunzig very closely when, in 1965, he graciously consented to be the campaign manager of my first campaign for the office of district attorney in the city of Philadelphia. Largely as a result of his efforts, a very significant election was won in that year against substantial odds, given the practical handicaps of a Republican candidacy in a strongly Democratic city.

I had come to know Bob Kunzig over the course of the past 17 years, and I want to note his passing as a moment of sadness for this city, which was his adopted home, for Pennsylvania, which was his native State, and for the entire Nation.

SOVIET NATURAL GAS PIPELINE

Mr. SPECTER. Mr. President, I should like to comment upon a matter which I believe requires significant attention from this body, relating to the proposed natural gas pipeline from the Soviet Union to Western Europe.

I speak today in firm opposition to that pipeline, and I urge that the Congress and the administration jointly undertake everything within our power to stop the construction of that pipeline. I say this because, in my judgment, if the pipeline is completed it will materially weaken the United States in the continuing controversy and conflict with the Soviet Union.

At the present time Western Europe derives, as I understand it, some 15 percent of the fuel source of natural gas from the Soviet Union, and with the completion of that pipeline that supply will be doubled to some 30 percent.

While we all hope and fervently pray that peaceful relations will exist between the United States and the Soviet Union and all nations on this Earth, none can deny the tremendous potential for controversy and conflict which exists between the United States and the Soviet Union. At a time when we have appropriated $199.7 billion for the defense budget in fiscal year 1982, and when the President of the United States has submitted a proposed defense budget in the range of $233 billion, it is my thought that we should not fail to take any action which would strengthen our Nation vis-a-vis the Soviet Union.

If the Soviet Union completes the pipeline, they will have enormous additional economic strength which over the course of the next decade, the next generation, and perhaps the next century could be decisive in the balance of economic power or in the balance of military potential. So it is totally inconsistent in my view for us to be spending the kind of money we are on military buildup and at the same time sit by and not do everything within our power to stop the construction of the natural gas pipeline.

During the course of the past recess, I visited the Minuteman missile base in Grand Forks, N. Dak., as a means of seeing firsthand the potential of these missiles as they related to the MX. I visited the Strategic Air Command in Omaha to see our state of readiness in terms of nuclear deterrence and later visited the Air Force and industrial research establishment in Los Angeles to observe what is being done in the satellite field. I came away from that brief sojourn enormously impressed with the efforts which our Defense Establishment is making.

I undertook that brief trip to be better prepared to evaluate the current requests for budget allocations in excess of $200 billion which as I have already noted have been submitted by the administration. It reinforced my belief that we do nothing less than our utmost to stop the Soviet Union from completing the construction of the natural gas pipeline.

I am aware of the controversy on this issue which has been reported in some detail in the national press. While I do understand the interest of the Western European nations in having this pipeline built, I am also aware of the many controversies which exist between the United States and the Western European nations, having observed them while attending meetings of the North Atlantic Assembly. Although we have a mutual interest in defending against the possibility of Soviet aggression it is my judgment that inevitably there will be differences between the United States and the Western European nations and, notwithstanding their eagerness to have this pipeline built, my judgment is that we should nevertheless resist its construction. It is one of the many interests which will have to be discussed and debated with our Western European allies. Perhaps there may be an accommodation but as things stand at the present time it is my firm view that we should do everything within our power to stop the construction of the gas pipeline.

The essence of the comments which I have made today I transmitted by letter to President Reagan last Friday, February 26, 1982. At this time I ask unanimous consent to have printed in the RECORD the text of my letter to President Reagan.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 26, 1982.
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I respectfully urge you to do everything in your power to prevent construction of the proposed natural gas pipeline from the Soviet Union to Western Europe because it would jeopardize basic U.S. interests.

As long as the United States must commit a major portion of its budget to combatting the Soviet threat, we cannot tolerate a pipeline which would inevitably increase Soviet strength. Last year, I—and a majority of the Congress—supported your proposal to increase defense spending to $199.7 billion despite the detrimental effect on important social programs. This year, we in the Congress are being asked to approve further increases despite projections of a huge deficit. If increased defense spending is to improve our relative military strength, then we cannot simultaneously permit construction of the pipeline.

The pipeline might undermine the Atlantic Alliance and could help finance the Soviet military build-up. The pipeline would encourage a rapprochement between Europe and the Soviet Union, create European dependency on Soviet energy, and subject those countries to "energy blackmail." Further, income from the sale of natural gas will increase the financial resources which the Soviet Union would devote to weapons. Indeed, the estimated earnings of $10 billion per year would increase hard currency reserves which the Soviets could use to purchase Western technology with military applications. This added income would also relieve the burden which extremely high defense expenditures presently place on the Soviet economy.

During the recent Congressional recess, I toured the missile base at Grand Forks, North Dakota, visited the Strategic Air Command in Omaha, and received briefings in Los Angeles on our space programs from the Air Force Space Division, TRW and Rockwell International. I was extremely impressed by efforts and plans to improve our strategic posture, but I also became more fully aware of recent Soviet achievements in modernizing their weapons technology. Completion of the pipline could compound our problem.

I know the Administration has opposed construction of the pipeline. My trip convinced me, however, that the pipeline is sufficiently inimical to U.S. security interests to require greater efforts to halt it. Since our NATO allies have so far ignored our arguments, I believe that the United States should demonstrate its resolve to take active steps to oppose the pipeline.

I would urge the Administration to offer concrete assistance to help our European allies meet their energy needs with substitutes for Soviet gas, such as nuclear power and coal which the United States can provide. For example, improved loading facilities at U.S. ports could vastly increase the amount of coal available to European allies. Our national policy permitting foreign imports of products such as steel at the expense of domestic industry may require reexamination. The United States may also be forced to consider restricting technology transfers to European countries if they proceed with the pipeline. Certainly we cannot risk the possibility of the Soviet government using profits from the pipeline to buy U.S. technology from our European allies.

I am aware of the contrary views of our NATO allies on this subject. At a meeting of the North Atlantic Assembly last year, I personally observed our NATO allies disagreeing with the United States foreign policy. While we share with our European allies a commn heritage and many mutual interests, there are significant differences dividing us. The disagreements are not limited to the pipeline, but also include the location of missiles in Europe, policy toward the Middle East and Israel, and the sale of nuclear technology to Third World Countries. In my view, however, these differences can be accommodated through negotiated agreements. Maintaining an effective alliance simply does not require the U.S. to forego basic interests because of European disagreement.

It is my firm belief that the natural gas pipeline threatens our basic national interests and therefore the United States Government should tenaciously resist development of the pipeline.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, I thank the Senate for this time and I yield the floor.

VERMONT TOWN MEETINGS RE NUCLEAR WEAPONS

Mr. LEAHY. Mr. President, yesterday was a tremendous day in the State of Vermont. I realize that it is not unusual for Senators to stand and speak of their home States with a little bit of parochial pride, and that is exactly what I am doing today. But it is a parochial pride in something that extends beyond the borders of my own State.

I have said that one of the proudest moments in my life, perhaps the proudest moment in my life, was when I came onto the floor of the U.S. Senate in January 1975 to be sworn in as a Senator from Vermont, to realize that I had attained a dream I had from childhood to represent by own State in the U.S. Senate, to be one of the Vermonters who could speak for our State in this Chamber.

The pride I feel today for the actions of Vermont in its town meetings yesterday certainly equals the pride I felt the day I was sworn in. It is that strong a feeling.

I have for years spoken throughout the State of Vermont of the dangers of the buildup of nuclear weapons by the two superpowers.

My fellow Vermonters have heard my voice, and others who share my deep concern, and now in a grassroots effort have carried out something that began in last year's town meeting. At last year's town meeting in less than 20 towns, resolutions asking for a freeze on nuclear weapons were approved—not unilateral disarmament but a bilateral freeze on nuclear weapons.

Yesterday a similar resolution was before 180 Vermont communities, and these Vermont communities voted to support an immediate freeze on the manufacture, testing, and deployment of nuclear weapons and the missiles and bombers that deliver these weapons.

It is to be done following a bilateral treaty between the United States and the Soviet Union.

The vast majority of Vermont communities voted for that resolution, often by overwhelming margins and in some instances unanimously.

I think this is especially significant, Mr. President, because the Vermont town meeting is the perfect example of participatory democracy in the United States. In that beautiful State of Vermont everything comes to a halt on town meeting day. We go to our individual town meetings and we discuss everything from whether we will repair a bridge in the town to what the school budget will be to medical care—issues all across the spectrum.

But in 180 towns yesterday we discussed the issue that is the ultimate issue facing the peoples of the world today, the possibility of a nuclear holocaust.

Mr. President, I am convinced that unless the superpowers get a grip on this question of nuclear weapons, unless we move to a bilateral reduction of nuclear weapons, we face such a holocaust.

If we go on to the next generations of nuclear weapons, generations of nuclear weapons that will put both the Soviet Union and the United States on a hair-trigger readiness, then the possibility of an accidental nuclear war becomes a probability.

If we go to those next generations, with all the tensions that we have today in the world, and with the possibility of other countries, far less stable countries, getting nuclear weapons, then I say we will have a nuclear war in this century. We will have one not necessarily because someone wants it, but because we will do it by accident, by fate, whatever, but we will have it.

There will not be an awful lot of people left afterward to determine who caused it, who was at fault.

Now, that is the concern that we Vermonters have, too. We are a careful and a cautious people in Vermont. We are a conservative State in the best sense of that word. Vermonters do not make major decisions like this without thinking them through very carefully, very cautiously.

So I think the United States should and will look at what we did in Vermont yesterday. They will look at the deep, impassioned feelings about nuclear war, and the fact that these towns have voted overwhelmingly for some kind of a halt in nuclear weapons.

By and large, we are very conservative, we have very Republican towns, but that goes almost without saying in our State.

We have looked at this issue, and I have heard the concern expressed from schoolchildren, young schoolchildren, who ask me what kind of life they would have when they grow up, to senior citizens who tell me of their concern, their fear, that we may face a nuclear war in this century. They say maybe they will no longer be here when it happens, but their grandchildren will be, their children and grandchildren will be, and they are concerned for the life we are preparing for them. That is the issue that came down in the little towns of Vermont yesterday.

People went through the snow, went to debate and argue this issue.

My wife and I shared this concern as did our family. It was a concern that kept the telephone lines busy to my home all last night as people from all over the State, who were happy to see the results, phoned. I feel it is a personal vindication for the positions I took in my own campaign for reelection when I had to campaign against people who took the strong position that we should not be talking about nuclear arms limitation.

I intend to pass on to Secretary of State Haig and President Reagan the results of these votes. I will make a report, a longer report, for the Senate about this. I ask unanimous consent that the Vermont town meeting nuclear freeze resolution totals, as of March 3, 1982, be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

Vermont town meeting nuclear freeze resolution totals as of Mar. 3, 1982

Voted "yes" 1981 only	14
Voted "yes" 1982 only	156
Voted "yes" 1981 and 1982	4
Total "Yes" both years	174
Voted "No" tabled 1981	0
Voted "No" 1982	21
Tabled 1982	11
Total "No", tabled both years	32
Did not vote on resolution	33
Report not available	7
Total towns on sec. State list	246

Mr. LEAHY. But I would also make a further report to the President because I have talked with President Reagan about this issue. He has told me he supports and hopes for a drastic reduction in nuclear weapons worldwide. I believe President Reagan is absolutely sincere in that position. I do not think any person could occupy the Oval Office at any time, regardless of political ideology, without realizing the enormous and going stakes of nuclear arms limitation efforts.

I feel the President feels as the people in Vermont do, that we have to get this nuclear question under control. If we do not we are going to destroy ourselves.

I have said over and over again that I have three children who will live most of their lives in the next century, if we have a next century and, Mr. President, I think the issue is just that great. We can determine, the United States and the Soviet Union can determine, within the next few years whether we will have a next century. I think we have the will, I think we have the desire to avoid Armageddon.

There is mutual suspicion on both sides, of course. I am not suggesting that we go to some kind of unilateral disarmament, by any means. It is through a bilateral effort, with a verifiable treaty, that we must bring about reductions, significant reductions, in nuclear weapons. If we continue to build our nuclear stockpiles we cannot avoid the ultimate result—they will be used. Today, when only a tiny fraction of nuclear weapons in our arsenal or the Soviet arsenal could destroy the world, we have to consider how enormous the stakes have become.

I might just close by talking about one little town in Vermont, the little town of West Windsor, a beautiful, lovely little town. It passed this freeze on a unanimous voice vote. Once they passed it, the 120 residents rose to their feet spontaneously and sang "America, My Country 'Tis of Thee."

It is their pride in America and their pride in Vermont that stirs me to rise and make this report to the Senate today.

I thank the Chair.

Mr. PROXMIRE. Mr. President, will the distinguished Senator from Vermont yield briefly?

Mr. LEAHY. I am perfectly willing to yield, but my time may be up.

The ACTING PRESIDENT pro tempore. The Senator has time remaining.

Mr. LEAHY. I yield.

Mr. PROXMIRE. Mr. President, I would like to congratulate the Senator from Vermont on describing what is just about the most important issue confronting the country today. The way we are going, as the Senator so eloquently said, means that a nuclear war could be inevitable within the next 10 or 15 years.

I hope the Senator has had a chance to read a series of articles in the New Yorker magazine in early February by Jonathon Schell. They were magnificent articles. I think they were some of the most disturbing and thoughtful articles on the nuclear threat that I have ever read.

It is particularly timely that the Senator from Vermont has brought this to our attention in view of the proposal by the administration, as I understand it, that we increase the number of nuclear warheads by 17,000 which, of course, would give us an arsenal far beyond imagination. We already have a phenomenally big nuclear arsenal.

So I want to thank the Senator from Vermont for bringing to the attention of the Senate this issue which has been neglected too much, and certainly demands far greater attention on our part.

I expect myself in the future to be commenting on this matter.

I thank the Senator for his excellent remarks.

Mr. LEAHY. I thank the Senator. I appreciate the comments of the distinguished Senator from Wisconsin. The articles he speaks of in the New Yorker magazine are excellent. I have had more letters, I think, referring to them than just about any articles I have read, and I know of the strong commitment to this question of the Senator from Wisconsin and the leadership role he has played long before I have ever been in the Senate, and I appreciate very much his remarks.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR ROBERT C. BYRD

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia is recognized for 25 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may be allotted the time under the control of Mr. BAKER. It was our understanding on yesterday that he would secure that order for my usage.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE UNITED STATES SENATE

Mr. ROBERT C. BYRD. Mr. President, today I am going to address the Senate for the 48th time on the subject of the United States Senate. Today I shall speak specifically with regard to the period 1829 to 1833, the time when the Senate comes of age.

THE SENATE COMES OF AGE: 1829-1833

Mr. President, with the election of Andrew Jackson in 1828, a new era dawned in this nation. Historian Arthur Schlesinger, Jr., has labeled it the "Age of Jackson." Others have called it the "Age of the People." But, for our purposes, we may well entitle this era, as I said, "The Coming of Age of the Senate." It was during these years, crowded with so many monumentally important issues, which saw the incomparable lions of the nineteenth century Senate, Clay, Webster, Calhoun and Benton striding through the chamber, that the Senate became the principal forum and battleground for the questions confronting the nation. As issue after issue came to the fore, all eyes focused on the beautiful old Senate chamber down the hall from where I speak today.

The "Virginia Dynasty" and the customary line of succession from secretary of state to president died on the day that the expended electorate elevated to the presidency a Tennessee military hero who had never served in the cabinet, never distinguished himself in Congress, though he had been both a representative and a senator, and never appealed to the national aristocracy of intellect and culture. Though Jackson was opposed by two-thirds of the newspapers, four-fifths of the preachers, seven-eights of the bankers, and nearly all the manufacturers, the people had spoken.[1]

The growing importance of the electorate and of political parties had an enormous effect on the Congress, too. The new parties devised parades, slogans, picnics, all the trappings of political hoopla, to vie with one another for popular favor. The bestowing of patronage—franchises, contracts, jobs—became as important as the advancement of issues, and the winning of elections sometimes became an end in itself. To win elections, parties needed men who wanted to win and who could win. Prime candidates were no longer the landed gentlemen who had dominated the early Senate—men who felt the office should seek them rather than the other way around. Instead, many of the new members of Congress who were swept in with Jackson boasted of their close kinship to the people and deliberately pandered to the ignorance and prejudices of their humblest constituents.

This new trend changed both the House and the Senate, and highlighted the differences between the two chambers. It brought mediocrities, nonentities and even oddities to Congress. Davy Crockett is perhaps the best example in the House. A loud-mouthed braggart who boasted that he was "unlarned," Crockett's brief House career was totally undistinguished. When his constituents refused to return him in 1835, Crockett disgustedly told them, "I am going to Texas and you can go to Hell."[2] (Crockett did go to Texas and died the next year defending the Alamo.)

Senators, of course, were still chosen by their state legislatures. They were, said Missouri Senator Thomas Hart

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Footnotes appear at end of article continued in the March 4, 1984, issue of CONGRESSIONAL RECORD.

Benton, "The elect of the elect." And they were generally a cut above the representatives in ability and manners. Reversing the trend of earlier years, the more capable and respected representatives now tried at the first opportunity to graduate from the House to the Senate. When the French observer Alexis de Tocqueville visited Washington in 1831, he was much dismayed by the "vulgar demeanor" of the House and correctly noted, "The eye frequently does not discover a man of celebrity within its walls . . ." The Senate, on the other hand, earned his praise as a body "of eloquent advocates, distinguished generals, wise magistrates, and statesmen of note, whose language would at times do honor to the most remarkable parliamentary debates in Europe."[3]

The Senate had been rising in esteem as a showcase for "eloquent advocates" even before Jackson's inauguration. The small, lovely chamber down the hall, with its domed ceiling, had excellent acoustics, ideal for the ringing voices of silver-tongued orators. The senators sat at mahogany desks (many of which are here in this chamber today) arranged in a semicircle. Unless they were standing committee chairmen, our predecessors in 1829 had no clerks, assistants or offices of their own in which to work in private. It is hard to imagine carrying out all one's Senate business—studying documents, preparing speeches, answering correspondence—at these small desks, or in nearby rooming houses, but that is exactly what men like Webster and Calhoun did. Even these labors had to cease when the galleries and the floor filled up with spectators who pushed and shoved their way in to hear a major debate or a favorite senator declaim. Squeezed all along the walls and standing even among the senators' desks, these visitors heightened the drama in the little chamber.

In the changing Senate, however, it required more than grand oratory to insure legislative success. A new and equally powerful senatorial type was emerging with gifts rivaling those of the great speakers. Leadership was moving behind the scenes, retreating to the quietness of the Capitol's hallways. The greatest orators of the day, Daniel Webster of Massachusetts and Henry Clay of Kentucky, were, we must remind ourselves, sometimes on the losing side. They were highly vulnerable to the tireless labors on the floor and in the cloakrooms of the new-style men, party whips like Senators Felix Grundy of Tennessee and Silas Wright of New York.

The new style was intimate; it was one of low-pitched voices and subtle reminders of debts owed and claimed. It left many of the older men baffled. Defeated president John Quincy Adams, almost immediately elected to the House, was one. The former Harvard rhetoric professor could not account for a new colleague's importance: "He had no wit, no literature, no point of argument, no gracefulness of delivery, no elegance of language, no philosophy, no pathos, no felicitous impromptus . . ."[4] As it turned out, many of those who could not grasp the importance of the new-style manipulator were condemned to defeat or insignificance by them. The new era would belong to the men, like Martin Van Buren of New York, who knew the importance of laying sturdy behind-the-scenes groundwork.

Interwoven throughout this era in the Senate are several richly-colored threads. One is the hardening sectional bitterness between North, West, and South, mirrored in the careers of Webster, the Northerner, John C. Calhoun, the Southerner, and Henry Clay, "Harry of the West." Another is the attempt by the new Democratic Party to make good on its campaign promises to champion the little man, caught, said the Democrats, in the coils of the serpent-like money interests which were draining away his life's blood. And thirdly, there is the spectacle of two hostile factions arising within the Democratic Party itself, one pressing the claims of Vice President Calhoun, who would resign that office for a Senate seat and the other supporting Van Buren, the former New York senator. None of these threads was independent from the others. As the Twenty-first and Twenty-second Congresses unfolded, it was clear that at least two or three of these threads were always braided together and, as new issues came forward, the braid would unravel and be rebraided to pick up a new strand.

Thirteen days after Jackson's inauguration on March 4, 1829, the Senate, having confirmed the cabinet, adjourned. The administration looked forward to almost nine months of noninterference from this body until the Twenty-first Congress convened in December. During that time, Jackson set about replacing scores of long-time federal officeholders in Washington and in the States with deserving Democrats who had worked for and supported him. Patronage, as a device to strengthen the party, came to town with a vengence. The first spate of nominations Jackson sent to the Senate—a majority of whose members were on guard against any sign of executive usurpation—roused spirited opposition.

Jackson got the nine-month respite he wanted during adjournment, but the first storm of his administration broke in the Senate almost as soon as the Twenty-first Congress convened on December 7, 1829. The enemies of Jackson in the Senate, known as the Opposition, sought the earliest possible opportunity to denounce the wholesale dismissals and turned their hostile scrutiny upon every nomination requiring confirmation. A comparatively new senator, elected on the supposition that he would support the president, stepped forth to organize and direct the fight against the confirmation of nominees in whom Jackson was deeply interested.

That senator was John Tyler of Virginia, later to be president himself. In 1829, however, he typified those Democratic senators who were soon to become members of the Opposition. Tyler does not readily come to mind when we think of key senators from this period, but it would be a mistake to underrate his importance. He was highly respected by his colleagues, and his dignity, courtliness, and urbanity gave him a certain social prestige. Tall and slender, his Roman nose, firm mouth, broad and lofty brow, and honest blue eyes combined to give him a distinction that marked him on the Senate floor. Tyler was of the old school of gentlemen senators. His detachment from the political world made it possible for him, during the famous debate on the Foote Resolution, which I will mention shortly, to entertain himself in the Senate chamber with the reading of *The Life of Byron.*[5]

Among the Jacksonian nominations were those of, in Tyler's words, "a batch of editors"; men who had long been attached to the cause that Jackson personified.[6] Having received recess appointments, most of these men were already at their posts. This provided Jackson's enemies with the perfect opportunity personally to affront him. The friends of Clay and Adams were eager to humiliate their enemy, but the actual conspiracy behind what became known as "massacre of the editors" originated with Tyler.

Among the editors up for confirmation was Major Henry Lee, half-brother of Robert E. Lee. A charge of "moral viciousness" was the pretext used to reject him, but the fact that he had helped with the writing of Jackson's inaugural speech was the principal reason behind the Opposition's vendetta.[7] Lee received news of his rejection in Paris and died shortly thereafter.

Isaac Hill of the *New Hampshire Patriot* presented a greater problem. Instead of taking his defeat gracefully, Hill was elected as a senator from New Hampshire in the next election and lunged into the Senate that had humiliated him to lead the Jackson forces against the Opposition. Hill's offense was ostensibly that he had printed unkind things about Mrs. Adams during the late campaign. That these charges sounded rather hollow coming from men who had so recently slandered Rachel Jackson did not escape the president's notice.

Tyler was delighted with his work. He wrote a friend, "On Monday we took the printers in hand. (Amos) Kendall was saved by the casting vote of the vice president (Calhoun) . . . Out of those presented to the Senate, but two squeezed through, and that with the whole power of the government here thrown in the scale."[8] The president was, however, less than pleased. The effect of the rejections was like a slap in the face and it aroused all the lion in his nature. The rejections were the Senate's first challenge to the president and it was instantly accepted. Jackson renominated several of his defeated friends and marshalled his allies to ram through their confirmation on the second try.

Thus, the Senate's fight against Jackson began at the earliest possible moment. It had personally affronted the president before he had even announced a policy or a program. The battle would continue for the full eight years of the Jackson administration.

To the senators of 1829-1830, events sometimes must have seemed like onrushing ocean waves. No sooner had one breaker, the nominations controversy, tumbled over them when another crisis rushed in before they could regain their footing. The rejection of Jackson's nominees broke upon the Senate at the very beginning of the Twenty-first Congress. That same Congress was only twenty-three days old when one of the most important debates in the Senate's history commenced.

The Webster-Hayne debates began, it seems, quite by accident, but the issues involved were like a powder keg ready to ignite at the slightest spark. They included Calhoun's jealousy of Van Buren and uncertainty over the latter's standing with Jackson, as well as the constitutionality of the doctrine of nullification hinted at in the south after the "Tariff of Abominations" in 1828 but kept under wraps until after the election. A third issue was the smoldering resentment over the perceived denigration of the nation's agrarian past in favor of an industrial future, mirrored in the contest for power between the South, West, and North.

The inevitable spark that ignited this dangerous mixture was a resolution introduced on December 30, 1829, by Senator Samuel Foote of Connecticut. Foote, an anti-Jackson man, sought to have the Committee on Public Lands inquire into the expediency of limiting the sale of western public lands and abolishing the office of surveyor general. Thomas Hart Benton, the champion of the West, immediately leaped to his feet, assailing the resolution as a diabolical plan to safeguard cheap labor in the northeast by shutting off opportunities for poor people to escape to the frontier. It was, shouted Benton, nothing short of "a most complex scheme of injustice which taxes the South to injure the West, to pauperize the poor of the North!"[9]

Benton's speech drew approving nods from Vice President Calhoun, who was then presiding. Today, the distinguished Senator from New York sits as the Presiding Officer. Calhoun was undoubtedly frustrated that he could not join the fight, but the Southern states' rights cause had yet another determined advocate in the Senate who could and did speak out—thirty-eight-year-old Robert Y. Hayne of South Carolina. Hayne was a knight of Southern Chivalry who, as a youth, like the Greeks and Romans, had studied oratory as an art. Hayne's philosophy would bring him head to head with Senator Daniel Webster of Massachusetts. Though nine years Webster's junior, Hayne's oratorical reputation promised that the contest would not be one-sided.

Webster's reputation as an orator was greater than that of any living American. Behind him, in 1830, was his Plymouth Oration which rivaled the writings of Washington Irving as a best seller; his Dartmouth College plea, delivered in the old Supreme Court chamber below us, which had moved Chief Justice John Marshall to tears; his Bunker Hill Address, which had been translated into several languages; and his plea for Greek independence which had been read around the world.[10]

On January 19, Hayne rose to speak on the Foote resolution. Branching out from Benton's rugged and rather sententious presentation, he gracefully invited the West to unite with the South against encroachments inimical to both sections. His idol and his friend, Calhoun, presided and encouraged him with a smile. Indeed, Hayne saw the public lands question as an opportunity to build an alliance between Westerners and Southerners which might help Calhoun's presidential chances. The leading Jackson senators, John Forsyth of Georgia, Edward Livingston of Louisiana, Felix Grundy of Tennessee, urged him on. Buoyed, he charged the Northeast with a host of sins against the South and West, attacked the "American System" of high tariffs, and condemned federalism by saying, "There is no evil more to be deprecated than the consolidation of the government." Hayne's blows at federalism, at New England, at all Webster stood for, fell like hammers on an anvil.[11]

Apparently, Webster had not caught the full force of Hayne's attack. Wearing his customary blue coat with bright brass buttons, buff waistcoat and big white cravat, he had just entered the Senate chamber, having climbed the marble stairs from the Supreme Court chamber below where he had been arguing a case. Webster was lounging against a pillar on the edge of the chamber, only half-listening, when Hayne began to lambast him. Webster took a seat and paid close attention.

On the following day, Webster replied with a relatively short speech in which he defended both Foote's proposed land policy and the tariff of 1828. But he ended the speech by flinging the challenge back at Hayne, homing in on two points on which the South Carolinians were most sensitive. The first was slavery. By identifying anti-slavery with pro-western policy, Webster struck at the heart of the South-West coalition that Hayne and Calhoun hoped to forge. His second barb was aimed at the specter of consolidation, "that perpetual cry both of terror and delusion" which Hayne had raised. He deplored the tendency of some southerners habitually to "speak of the Union in terms of indifference, or even of disparagement," and regretted that Hayne was among them. He branded Hayne as a politician anxious to bring the whole value of the Union into question "as a mere question of present and temporary expediency; nothing more than a mere matter of profit and loss. The Union is to be preserved while it suits local and temporary purposes to preserve it; and to be sundered whenever it shall be found to thwart such purposes." In short, the "Carolina doctrine" did not sound very American to Daniel Webster.[12]

When Webster finished, it was clear that he had successfully shifted the focus of debate from the specifics of public land and tariffs to the larger issue. What was to be debated was the future of the United States. Hayne took the bait. Word went out that he would reply the next day. By that morning, the city was packed. The Indian Queen, Gadsby's, and every nameless boarding house in Washington were jammed to the rafters with bickering partisans jostling each other on the staircases, disputing the merits of Hayne and Webster.

By eight o'clock on the morning of January 21, every seat in the Senate chamber was filled. All eyes were on Hayne and he knew it. He looked boyish and slender in the coarse homespun suit he has substituted for the hated broadcloth of northern manufacture. If he was tense, he barely betrayed it. As one observer noted, "he dashed into the debate like a mamluk cavalry upon a charge." (The mamluks had created one of the most formidable empires of the Middle Ages in Egypt and Syria.) In a moment, Hayne was in full swing. He launched into a sarcastic examination of Webster's federalist record in Congress, made a passionate defense of slavery, and flaished with a ringing reaffirmation of the South Carolina theory of nullification. A glance at the "white, triumphant face" of the vice president revealed his satisfaction with his protege. During much of the speech, Calhoun was bent over his desk, scrawling hasty, half-legible notes of advice and encouragement to Hayne, which a few moments later would be carried down the aisle most ostentatiously by one of the pages.[13] (Pages, as I noted in my earlier statement on that subject, were a new fixture in the Senate chamber at that time.)

Hayne's speech took parts of two days, January 21 and 25, 1830. Webster sat through the entire punishing performance. His face a mask as unresponsive as a sphinx, he took careful notes. As he scribbled, it became clear to him that, carried away by his excitement, Hayne has carelessly misstated a crucial point of the whole nullification doctrine, laying himself open to attack. Webster must have smiled inwardly.[14]

Few others caught the error. Southerners tumbled out of the Senate chamber flushed and ecstatic and proceeded to the taverns to toast Hayne, nullification, and the South. The administration's newspaper, Duff Green's *National Telegraph*, was in a frenzy of delight. Through the aides he had sent to the chamber to listen to Hayne's remarks, President Jackson learned of their content almost immediately. Though uneasy over the emphasis being placed on nullification rather than public lands, on which he clearly supported Benton and Hayne, Jackson professed to be pleased. It was said that that night you could tell a New England man by his downcast face. But that same night, Webster was not downcast at all. His friends found him calm and confident, predicting that he would "grind Hayne as fine as a pinch of snuff." [15]

The morning of January 26, the day Webster would begin his reply to Hayne, dawned cold and clear. Margaret Bayard Smith, doyenne of Washington society whom I have often quoted before, tells us that a biting wind filled the streets with clouds of red dust. She could write that day free from callers because, she said, "Everyone is thronging to the Capitol to hear Webster's reply to Col. Hayne's attack on him and his party."[16]

Coach after coach rolled up before the Capitol, and the sharp, frozen ruts in the road cut into the satin slippers of the ladies as they descended from their carriages into billows of ruffles. There were women everywhere—over 150 of them, one observer said. Mrs. Smith might regret the tendency of women to monopolize the seats in the gallery and on the floor, but that day, by the time they had positioned themselves, there was scarcely room for a senator to stand, much less sit. As Mrs. Smith noted:

> A debate on political principle would have no such attraction. But personalities are irresistible. It is a kind of moral gladiatorship . . . The Senate Chamber is the present arena and never were the amphitheatres of Rome more crowded by the highest ranks of both sexes . . . Every seat, every inch of ground, even the steps were compactly filled . . . The Senators were obliged to relinquish their chairs of State to the fair auditors . . .[17]

And why not?

Lewis Machen, Chief Clerk of the Senate whom I have spoken of before, confirmed Mrs. Smith's description of the day. He tells us that:

> The galleries were filled almost an hour before the time at which the Senate assembled. To accommodate the ladies who thronged the vestibules, not only the lobbies and passages below were filled with chairs, but even Senators had the gallantry to yield their seats; and still many were seen standing during the whole of the day.[18]

And why not?

One of the most colorful descriptions of that exciting day comes from Isaac Bassett, one of the first of the Senate's pages at the time, who later became its Chief Doorkeeper:

> The seats on the floor occupied by ladies, members of the House crowded into the lobby behind the Vice President's chair. Among them was Dixon H. Lewis, a member from Alabama (and a future senator). He was distinguished for his enormous size. He was seated behind the painted glass frame, that separated the lobby from the floor of the Chamber, and unable to see Mr. Webster, he deliberately pulled out his knife and removed the obstructing paint on the glass. The glass was never repaired but remained (for thirty more years) until the Senate Chamber was reconstructed for the Supreme Court. The removing of the paint from the glass caused quite a noise. Everybody was looking to see where that stratching came from. The place was as large as a man's hand. So he had a good view of the speaker.[19]

Mr. President, Webster's reply to Hayne must still be ranked as one of the greatest addresses ever made in the Senate. With a packed chamber hanging on his every word, and the ladies hanging on the very edges of their seats, Webster delivered what might well be considered the most powerful, most eloquent plea for the American Union any man has ever made. He spoke from twelve pages of notes, and, with much extemporizing, it took him several hours, spread over two days, to finish. Machen tells us that he spoke for three hours the first day. A Webster partisan, he claimed that "The missiles discharged against him fell harmless at his feet, or were returned with deadly energy." [20]

His deep voice filling the chamber like an organ's chords, Webster proceeded to examine and demolish Hayne's arguments, one by one. Simply by commending the anti-slavery provisions of the Northwest Ordinance of 1787, he had pushed Hayne into accusing the nonslaveholding states of harboring plots to destroy the South. Webster was able to reply quite correctly that he had not uttered "a single word which any ingenuity could torture into an attack on the slavery of the South." Hayne's sensitivity on the subject was, said Webster, typical of that of Southern politicians who sought "to unite the whole South against Northern men or Northern measures" on the basis of a feeling "at too intense a heat to admit discrimination or reflection." Although he admitted that the federal government had no power to interfere with slavery in the states, Webster refused to agree with Hayne that the morality of the institution was a matter of political abstraction which statesmen could safely ignore: "I regard domestic slavery as one of the greatest evils, both moral and political, but whether it be a malady, and whether it be curable, and if so by what means—I leave it to those whose right and duty it is to inquire and decide."

During his assault on Clay's "American system," Hayne had contemptuously implied that the people of South Carolina had no legitimate interest in canals or roads in other states. But Webster skillfully picked up this point and turned around so as to appeal to the patriotic sentiment of the people in all the states:

> 'What interests,' asks he (Hayne), 'has South Carolina in a canal in Ohio.' Sir this question is full of significance. It developes the gentleman's whole political system; and its answer expounds mine . . . On his system, its is true, she has no interest. On that system, Ohio and Carolina are different governments and different countries . . . On that system, Carolina has no more interest in a canal in Ohio than in Mexico.
>
> Sir, we narrow minded people of New England do not reason thus . . . In our contemplation, Carolina and Ohio are parts of the same country; states united under the same general government, having interest, common, associated, intermingled . . . We do not impose geographic limits to our patriotic feeling or regard. We do not follow rivers and mountains, and lines of latitude, to find boundaries, beyond which public improvements do not benefit us . . . Sir if a railroad or canal beginning in South Carolina and ending in South Carolina appeared to me to be of national importance and national magnitude . . . if I were to stand up here and ask, What interest has Massachusetts in a railroad in South Carolina? I should not be willing to face my constituents.

This last point carried special weight, because Hayne and the other senators knew that only a few days earlier, Webster had presented a petition from the South Carolina Canal and Railroad Company, asking the federal government to subscribe to its stock on the grounds that its projected road would aid the national welfare.

Listening intently as Webster took on South Carolina was Vice President

Calhoun, who presided in the chair as "tense as a coiled spring." Indeed, as Mrs. Smith noted, this was as much a conflict between personalities as issues, and the real principles involved were not Hayne and Webster, but Calhoun and Webster. As the strength of Webster's argument dawned on him, Calhoun's restlessness became "very evident." The plea for internal improvements entitled him beyond endurance. Forgetting his position, his feelings gave way, and time and again he tried to interrupt Webster. Webster noted Calhoun's distress and deliberately stared first at the vice president and then at Hayne as he issued a pointed Shakespearean warning to both:

> A barren sceptre in their grip(e),
> Thence to be wrenched by an unlineal hand.
> No son of their's succeeding.

Webster was most effective when he talked of constitutional power and appealed to national pride and sentiment. He began his refutation of Hayne's constitutional position by distinguishing it from the right of revolution, which, he said, every American would admit. Hayne interrupted to give his consent to this interpretation. But Webster then proceeded to show how it was wrong in principle and bound to be disastrous in practice. The federal government, he claimed, was not the limited creation of sovereign states but a popular government with powers derived directly from the people and spelled out by the Constitution:

> I hold it to be a popular government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State governments. It is created for one purpose; the State governments for another. It has its own powers, they have their. There is no more authority with them to avert the operation of a law of Congress, than with Congress to arrest the operation of their laws. We are here to administer a Constitution emanating immediately from the people, and trusted by them to our administration.

Who was to decide the constitutionality of state or federal laws? The answer, Webster said, was clearly given in the Constitution itself in the two clauses which made the Constitution "the supreme law of the land" and extended the judicial power "to all cases arising under the Constitution and laws of the United States." To proceed on the opposite assumption—that the states were sovereign and could decide to obey or disobey federal laws at their pleasure, was to take a giant step toward civil war. Webster eloquently contrasted this bloody prospect with the harmony of the early Republic when Massachusetts and South Carolina had united to throw off British tyranny: "Would to God that harmony might again return! Shoulder to shoulder they went through the Revolution, hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support."

As the eulogy to the Union reached its zenith, men and women in the gallery wept openly. Webster's dark skin warmed and his eyes burned as if touched by fire. Even Calhoun revealed the emotions he tried so hard to conceal. Love and pride of country—these were things he could understand, too. By the time Webster concluded, with lines many a schoolboy would thereafter have to memorize, there was not a dry eye—not one—in the chamber. Here is what he said:

> When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured, bearing for its motto no such miserable interrogatory as 'What is all this worth?' not those other words of delusion and folly, 'Liberty first and Union afterwards'; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—Liberty and Union, now and forever, one and inseparable![21]

A few hours later, the contending giants met again at a White House levee. "How are you this evening, Colonel Hayne?" asked Webster graciously. "None the better for you, sir," said the Southerner with a smile.[22] Within a few weeks, Webster's speech was being sold everywhere and was in greater demand than any other congressional speech in American history. Webster's own son, Fletcher, wrote to this father that, "I never knew what the Constitution really was, till your last short speech. I thought it was a compact between the states." What should be clear, however, is that Webster's speech was as much political as it was philosophical. Daniel Webster was a very shrewd man. His debate with Hayne did much more than nationalize his reputation; it gave him a base of popular support from which he might reasonably seek the presidency. A speech which was powerful enough to draw praise from old adversaries like James Madison and from competitors like Henry Clay could inspire reverence and awe among his New England constituents.[23]

In the tumult that followed Webster's speech, whatever was left of the Benton-Hayne theme of an alliance between the South and the West evaporated. Ultranationalist Western senators in the chamber had thrilled to the patriotic fervor of Webster's words. Foote's original, nearly overlooked, resolution, which had unleashed this avalanche of rhetoric, was eventually defeated. But the question being raised throughout Washington was how the president, a Southerner and a Westerner, stood? A correspondent from Jackson's home state wrote that Webster was now known "in every log house" in western Tennessee as "the champion of the Union."[24] How did Old Hickory feel about that?

ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER** (Mr. GRASSLEY). Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed beyond the hour of 12 noon with statements therein limited to 10 minutes each.

Mr. **ROBERT C. BYRD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

NINTH ANNUAL SALUTE TO HOSPITALIZED VETERANS

Mr. **SIMPSON**. Mr. President, Members of both the House of Representatives and the Senate have recently returned from a district work period. Not only did this recess afford us the opportunity of visiting with our constituents about the great and troubling issues of today, but during this period we participated in the observance of the events of the birthdays of Abraham Lincoln and George Washington. Not as well known as these special days, but of significant importance was the Ninth Annual National Salute to Hospitalized Veterans occurring at Veterans' Administration medical centers throughout the country on Valentine's Day, February 14, 1982. Although the Salute to Hospitalized Veterans has been observed only since 1974, it is becoming more popular and important each year in making clear its purpose of showing hospitalized veterans our appreciation for the service and sacrifices of those who have given so much in behalf of the Nation.

This year's salute proved even bigger and better and received an excellent reception throughout the country. Taking an active part were veterans, and representatives of civic, community, religious, and youth groups. Activities of the day included presentation of musical programs, talent shows, veterans' benefits workshops, visits to the centers by officials of government, participation by celebrities from the fields of entertainment and sports and community leaders. The VA's Office of Voluntary Services has receivedsplendid reports of this year's participation and this year's program of commemorations in honor of hospitalized veterans. The VA's Voluntary Services with its thousands of hospital volunteers are to be highly commended for their efforts, not only on the occasion of this special observance, but through the year.

Sometimes concern is expressed that the Nation failed to properly respond to the returning veterans of the Vietnam conflict—that these veterans were not recognized, honored, and thanked for their service and sacrifice—as veterans of earlier wars have been received and honored. This year's Salute to Hospitalized Veterans afforded another opportunity to pay tribute to Vietnam era veterans and to recognize, praise, applaud and acclaim this newest group of American wartime veterans, and that is exactly what happened in many of the 172 VA medical centers, 226 outpatient clinics, 96 nursing homes, and 16 domiciliaries.

Mr. President, citizens of our Nation should take great pride in the health care system provided at taxpayers' expense for the Nation's veterans. There is at least one medical center in each State, except Hawaii and Alaska, where VA provides hospital beds on a contract basis, and one each in Washington, D.C. and Puerto Rico.

Veterans with injuries or illnesses incurred or aggravated in service receive top priority for admission to VA hospitals. Second priority is given to veterans with service-connected disabilities who need treatment for ailments not connected with their military service. Veterans with non-service-connected conditions may be admitted when beds are available if financially unable to pay for hospitalization. If veterans are 65 years of age or older, are in receipt of pension, or hold the Medal of Honor, the ability-to-pay requirements do not apply.

The VA hospital system is the largest in the country, treating more than a million and a quarter inpatients each year, and the VA outpatient clinics have more than 15 million visits a year. The VA medical centers, clinics, and nursing homes make a tremendous contribution in providing for the good health and well-being of our veteran population. The system also contributes to the health of the Nation's citizens.

VA research has been highly productive. It has made major contributions to medical science in studies of tuberculosis, mental illness, hypertension, and diabetes, to name but a few. VA researchers aided in the development of the CAT scanner and cardiac pacemakers, and two of its researchers were awarded the Nobel Prize for Medicine in 1977. The public has been well served by the VA, its scientists, doctors, dentists, nurses, technicians, and health care personnel.

On this occasion of the Ninth Annual National Salute to Hospitalized Veterans, I join my colleagues in paying tribute and expressing appreciation to all hospitalized veterans. They deserve the special recognition and the heartfelt thanks of a grateful Nation for their service and sacrifice in behalf of all of us.

THE PRESIDENT'S PROPOSED BUDGET FOR THE VETERANS' ADMINISTRATION FOR FISCAL YEAR 1983

Mr. SIMPSON. Mr. President, I would wish to discuss the President's proposed budget for the Veterans' Administration for fiscal year 1983. This budget request, of $25.6 billion in budget authority, is an increase of $867 million over fiscal year 1982. I believe that the veterans of our Nation have certainly been well treated in the President's proposals for the VA especially in light of the obvious need for budget restraint in all areas.

As a matter of fact, no major VA program reductions are proposed, the budget for medical care is increased—as is the personnel ceiling to provide for it—and the benefit programs are not threatened. That is heartening news. It is most important that we insure that there is no lessening of the VA's critically needed programs to promote the readjustment and rehabilitation of our Nation's veterans, as well as continue to provide quality health care for all eligible veterans who have served our country.

My intent, Mr. President, as chairman of the Senate Committee on Veterans' Affairs, is to assure that these benefits remain secure and to examine closely all programs included under the jurisdiction of the Veterans' Administration so as to insure that they utilize the resources of that Agency in the best and most appropriate manner in order to emphasize benefits in health care, and most especially for those veterans suffering from service-connected disabilities.

It is with this thought in mind that I note with concern that some of the "cost-savings" proposed by the administration, which are aimed at attempting to trim the growing VA budget, are directed at veterans with service-connected disabilities. I have real problems with this approach since I believe that the rendering of proper support and service to our veterans with service-connected disabilities should be the principal and primary mission of the VA. In so stating, I do not mean to infer that all benefits for service-connected veterans should be free of critical review. In the new budget proposal submitted by the President, no cuts are proposed for veterans who have certain health care eligibility but who do not receive pension of compensation payments. The proposed cuts for veterans in receipt of pension are very minor compared to the proposal which would attempt to save $135.3 million by the elimination of the dependents' allowance for veterans whose disabilities are rated at 30- and 40-percent and who are in receipt of service-connected compensation. The "savings" of $19.7 million which would result from the elimination of the subsistence allowance for veterans training under the vocational rehabilitation program is also questionable. Thus, in just these two proposals, $155 million of the $233.6 million of cost savings proposals contained in the budget would directly impact on the benefits provided to service-connected disabled veterans.

That certainly needs to be examined closely and carefully monitored.

This coming fiscal year, the budget for the VA is quite generous when it is compared to funding provided for most other Federal programs. Even so, the budget request proposals assume that some significant cost-savings will be achieved through legislation. This should provide us with an excellent opportunity to reexamine eligibility for some of the VA programs for veterans who are not service-connected before any—and if any—cutbacks for service-connected veterans are agreed upon. The committee will hold hearings on the issue of eligibility. It will focus on accountability in existing programs and the need to reevaluate existing resources in order to meet the needs of the many World War II veterans who are approaching age 65 and who will soon be eligible for certain VA health care.

Mr. President, in spite of my disagreement with what I judge to be a rather fuzzy focus of some of the cuts and the failure of the budget proposal in targeting some very worthwhile and vital VA programs. I do want to emphasize that I am generally quite pleased with the proposed funding in the VA's fiscal year 1983 budget.

The Senate Committee on Veterans' Affairs held hearings on February 11, 1982, at which time we heard testimony on the proposed budget from the VA and from several major veterans' organizations including the American Legion, which submitted testimony, the Veterans of Foreign Wars and the Disabled American Veterans. The VFW, represented by its national legislative director, Donald Schwab, stated

> * * * given present budgetary constraints, the deep cuts made in other areas and the knowledge veterans' programs cannot go

wholly untouched, we believe we can in good conscience live with this budget with little change provided further reductions are not made.

However, Mr. Schwab mentioned considerable dissatisfaction with the elimination of the additional allowances for dependents of the 504,000 veterans rated 30 and 40 percent disabled due to their service-connected disabilities.

Charles E. Joeckel, Jr., of the Disabled American Veterans noted that the DAV commends VA Administrator Nimmo and his staff "for recognizing the drastic impact that continual underfunding has had upon VA's Department of Medicine and Surgery and, more importantly, to express our sincere appreciation for taking the initiative to change this trend." Mr. Joeckel emphasized the need for $4 million to be included in the nurse scholarship program which was recently implemented by public law and for which funds were first appropriated under Public Law 97-101. The DAV is also concerned that, "in order to keep the growth of the VA budget in check, (it) has placed a disproportionate share of this burden upon service-connected disabled veterans."

The American Legion's testimony, which was submitted for the RECORD, includes the statement expressing their belief that when national priorities are established, veterans should rank second only to National Defense. The Legion wrote that "The first obligation of the Government, clearly, is to those who were disabled in service, and then to those who honorably served.

"The Government of the United States has met its obligation to its veterans, and the proposed budget for fiscal year 1983, indicates it intends to continue doing so." The American Legion statement acknowledged that veterans must share in some cuts in times of recession and economic hardship. However, it took exception to the average loss of 199 employees in medical and prosthetic research and observed that the research program, both medical and prosthetic, is underfunded. The Legion questioned this priority, since research, in their words, is "an essential element of the VA program of comprehensive medical care for veterans. If the research program is extinguished, the ability of the VA to attract or retain high quality physicians will be materially damaged, as will the affiliation program that has associated the VA with the finest medical schools in the country." The Legion had grave concern with respect to the nursing shortage and the lack of funding for the nursing scholarship program. The Legion and VFW noted the need to increase emphasis on the geriatric research education and clinical centers (GRECCS) and joined the other service organizations to oppose the elimination of dependency allowance for service-connected veterans at the 30- and 40-percent level.

Mr. President, there are programs within the Department of Medicine and Surgery (DM&S) which, in my view, merit a higher and more visible priority for fiscal year 1983. I am deeply concerned about the nursing shortage which adversely affects all VA medical centers. The nursing program within the VA is not adequately funded in this budget, and the $4 million needed for the 2-year nursing scholarship program, started in fiscal year 1982, is not included. I will propose that this program be fully funded and also request a change in the program which would provide an opportunity for nurses to take advantage of this program on a part-time basis in order that they will be able to remain an integral part of the VA system and advance professional and educationally while on the job.

I am also concerned that although there is an increase in the research budget for medical and rehabilitative research programs, it does not make up for the losses to these programs in last year's budget. If we are to support hospitals that provide quality care in the VA system, it is imperative that research and medical school affiliation be an integral and vital part of these hospitals which are to provide tertiary and acute care for veterans. These are the programs which attract and retain our Nation's most brilliant and dedicated physicians. I will propose that more funding be allocated for the research budgets in order to insure that this occurs. Research is a hidden aspect of direct medical care. Neglecting this important part of the medical care system is certainly not appropriate.

It is my view that all VA hospitals do not need to provide the same kinds of services. Times and needs change and we must change with them. It is time that we begin to plan more carefully for the future. More emphasis should be placed on the VA's Geriatric Research Education and Clinical Centers. Some facilities would better serve the needs of our aging veteran population by being converted into long-term care facilities or nursing home facilities. Facilities with special capabilities should be made available to treat the alcoholic and psychiatric patient. We need to look more cautiously and carefully at the allocation of limited resources. It is expensive to provide hospital care and such care is not always necessarily appropriate for some veterans who, under current law, must require hospitalization in order to receive certain VA health care benefits.

One program which I believe to be severely underutilized is the hospital-based home care program. This is a cost-effective program for certain bedridden veterans who have the need for health-care maintenance, but could receive it in their homes. This type of care would greatly improve their morale and provide more of an incentive for rehabilitation. There are other such programs—such as hospices, foster care, halfway houses, and personal care residences—that need attention. We need to explore more fully these alternatives, provide increased funding and perhaps allow some pilot projects in these areas to be initiated in order to make solid determinations as to their potential contribution as another critical facet of VA care.

The whole area of outpatient care needs to be carefully examined. We may need to require a more appropriate response for veterans with the chronic problems associated with aging—who may not need to be hospitalized, except in instances where these problems are not being properly medically monitored. Under current law, many such veterans are eligible for very limited outpatient care so they require hospitalization because their limited outpatient eligibility precludes their being treated before their disabilities become more severe. That is the wrong approach, in my opinion.

It is clear the answers are not simple. The system is certainly complex The health care delivery system to various segments of our veteran population is even more complex, and there is absolutely no intention to abruptly end needed and deserved benefits to veterans.

Mr. President, I will wish to examine carefully all programs to assure that we do all that we can to provide better care. The examination of "eligibility" may cause serious concern to some, since veterans who have counted on the VA system may be distressed that in their later, more dependent years, they would not have critical medical security. We will be protective of them—as we always have been.

There are some tough choices to be made and it is likely, as it is in every Federal program, that benefits will not be continued at the same rate of growth as in the past. Over the years, the programs have been rather routinely increased and grown quite regularly. Over the past year, I have discussed the need to examine eligibility for health care and for non-service-connected pension, and now—when we must plan for a new fiscal year—I would wish to note that this may be the opportune time to examine these issues.

It is my conviction that it is important for us to examine first any possible reductions in benefits to veterans who did not incur any disabilities in the line of duty or, for those who have only the most limited eligibility for health care—and that we do that well in advance of ever proposing any reductions to any service-connected disabled veterans.

Several of the alternative cost savings measures that I am seriously considering that would impact on non-service-connected veterans not in receipt of pension are a minimum copayment, cost-sharing provision based on income for all medical care, the elimination of free over-the-counter drugs, certain limitations on the amount of prosthetic equipment which could be issued, a uniform policy to determine eligibility for beneficiary travel based on a service-connected disability, a review of medical status after 30 days to establish a time limit on length of hospitalization, and procedures to provide incentives to utilize alternative methods of health care within the veteran's administration, such as nursing homes or domiciliaries, when appropriate.

With respect to pension eligibility, we shall consider a review of certain presumptions relating to eligibility for pension for veterans who meet the income requirements, to include an examination of the regulation which allows a younger veteran with less than 100 percent non-service-connected disability to be considered as being "unemployable" and therefore considered as being "totally and permanently disabled" for purposes of pension eligibility. The VA's pension program is intended to be a "needs-based" program for wartime veterans with disabilities that are not incurred in the line of duty. The providing of automatic eligibility for veterans of a certain age, and assuring eligibility for younger veterans with less than 100 percent disability, certainly threatens the integrity of this program. That needs to be examined. I also disagee with the principle that, at age 65, a person—for pension purposes—should be considered to be "permanently and totally disabled." This is demoralizing and demeaning to any individual. The Congressional Budget Office has been asked to provide cost estimates for all of these proposals.

In the days, weeks, and months ahead, I shall be introducing legislation on these issues in order to provide a framework for discussion and debate, and the Veterans' Affairs Committee shall be holding hearings to secure thorough comments on these programs and issues. I further intend to work closely with my good friend and able colleague, ALAN CRANSTON, the ranking minority member of this committee, and the very capable chairman of the House Committee on Veterans' Affairs, G. V. "SONNY" MONTGOMERY and the thoughtful ranking minority member, JOHN PAUL HAMMERSCHMIDT, as well as the representatives of all the service organizations and the Veterans' Administration, in order to come up with some proposals that will retain the integrity of existing VA programs and to promote the vital and only mission of the VA: "To care for him who shall have borne the Battle, and for his widow, and his orphan." In many ways there has been a diversion from this singular mission over the years which has resulted in burgeoning costs for the VA and we see the urgent need to review programs which seem to have little or no accountability. These programs need to be examined and perhaps realined. I know that when this process takes place, there will be anguish expressed from some veterans. However, I want to assure you all that I am fully committed to the VA as an independent system; I wish to see improvement in the delivery of services, and I wish to assure my colleagues that before all else, the service-connected veterans of our Nation shall receive all of the possible benefits to which they are entitled.

I solicit the assistance, the cooperation, and the ideas of all of those who are involved in any way with or affected by these programs in order that we may make the essential veterans' programs better and more responsive to the service-connected veteran or to the veteran with the greatest need. That is the original and correct definition of the mission of the Veterans' Administration.

Mr. President, I shall look forward to working with my colleagues to accomplish this goal in the months ahead.

REPEAL OF LEASING PROVISIONS OF TAX ACT

Mr. STENNIS. Mr. President, I am a cosponsor of S. 1896 which would repeal that provision of the Economic Recovery Tax Act of 1981 which allows and permits the sale of tax credits from one company to another through paper transactions designated as leases.

I am convinced that this leasing provision is being used in an unwarranted and unintended manner. It permits corporations to buy and sell Federal tax credits as though they were stocks and bonds, bushels of wheat, or other commodities.

The original conservative estimate of the cost to the Treasury of this leasing provision was $27 billion to $29 billion of lost tax revenues during the next 5 years. Later estimates, however, are that the cost could be as much as double the original estimate. I do not believe that this can be defended in a year in which the Federal deficit will reach nearly $100 billion.

I was pleased to learn that less than 2 weeks ago Senator BOB DOLE, chairman of the Senate Committee on Finance, announced that he would move to repeal or alter the so-called leasing provisions of the Economic Recovery Tax Act and that he would attempt to make the changes or repeal of these provisions retroactive to Saturday, February 20. I highly commend Senator DOLE for the position which he has taken with respect to this leasing provision.

I was also gratified that Representative DAN ROSTENKOWSKI, chairman of the House Ways and Means Committee, supported Senator DOLE's move to repeal or change the tax-leasing benefits even though he does not expressly agree with the retroactive date.

The leasing provision was designed to help financially ailing companies as well as new companies which have not yet turned a profit. However, they are being used in such a manner as to permit the sale of such credit to prosperous companies that do not need any financial assistance by the U.S. taxpayers or the U.S. Treasury. I think it is unjustified that this provision should be used in such a manner. The net result is an outrageous raid on the U.S. Treasury for the benefit of wealthy corporations who wish to shelter their profits.

The statements by Senator DOLE and Representative ROSTENKOWSKI are encouraging and give reason to believe that this leasing provision will be changed in the relatively near future. I hope that this will be done because I believe the enactment of it was clearly a mistake and it would be unthinkable to allow it to remain as a part of our tax law.

In closing, Mr. President, let me say that I urge the Senate Committee on Finance and the House Ways and Means Committee to take this matter up on an urgent and expedited basis and report out legislation which will repeal this unwarranted and unjustified provision of the tax law.

Mr. President, this provision was in the tax reduction bill last year which contained a massive amount of legislation. This matter was not debated and was not in the bill when it was originally considered by the Senate. I know I knew nothing about it. It was not in the bill reported to the House of Representatives but was in the administration's substitute bill. While it was in the conference report it was not fully explained to or debated by either the Senate or the House.

There were many of us, certainly including the Senator from Mississippi, who were not given any explanation of it, and I do not think it was understood at all by the membership, being tucked away in that massive tax legislation.

So it is not only right, proper, and just that the mistake be rectified, but it is incumbent upon us to act promptly and repeal that provision and then, if there is any remnant of an idea left that has merit or would be proper in this field, that we have a chance to pass such legislation.

All these things are magnified many times over, Mr. President, in that we are facing a year here, and under the most dire circumstances, to a degree, in trying to get a reduction in the huge deficits which confront us. The estimated deficit for the current fiscal year is about $100 billion, and here is a provision that is estimated to cost the Treasury $25 billion, if not twice that much over a 5-year period. It is unthinkable and unbelievable that we would continue to let this provision remain in the law.

I hope the repealer will be brought out soon and fully debated here, and then I believe it will pass quickly and with dispatch.

I hope the retroactive feature will be included so as to go as far as possible in rectifying the mistake.

Mr. President, I yield the floor.

THE SENIOR EMPLOYMENT COMMUNITY SERVICES EMPLOYMENT PROGRAM IN DANGER

Mr. HEINZ. Mr. President, as chairman of the Senate Special Committee on Aging, I want to bring to the attention of my colleagues the administration's 1983 budget proposal which would eliminate the senior employment community services employment program, title V, of the Older Americans Act.

Elimination of this program would be in direct opposition to the intent of Congress when we reauthorized the Older Americans Act only 3 short months ago. During the reauthorization process, Members of the Senate and the House expressed their strong support for this vital and successful program for older workers.

At that time, the Senate unanimously passed the 1981 Older Americans Act Amendments and authorized funding for title V of $277.1 million in 1982; $296.5 million in 1983 and $317.3 million in 1984.

Now, we have before us a proposed budget for 1983 which would virtually wipe out this program. That, I maintain, is a direct assault on the will of Congress as expressed in the 1981 amendments.

The administration says it will include older workers along with migrant and seasonal farmworkers, veterans, displaced homemakers, offenders, and dislocated workers in a new program, funded at $200 million—half the amount that now goes to these programs. There can be no doubt in our minds that the unique needs of older workers will not be met under such a limited program.

The Special Committee on Aging estimates that, if the reduction in funding is spread proportionately, as many as 40,000 older men and women, now working in community service jobs, will find themselves joining the unemployed.

This will not only be a serious blow to the individuals, it will also have a damaging impact on the ability of senior centers and nutrition sites to serve older Americans. Last year, almost half of the 54,000 older workers in this program worked in services for the elderly, 12.5 percent, over 7,000 were in nutrition services; 9 percent, over 5,000, worked in senior centers; and 8.5 percent, over 4,000, worked in outreach and referral services.

At its February hearing on the food stamp and nutrition programs, the State director of aging in Ohio and the executive director of the Philadelphia corporation on aging told the Special Committee on Aging that they would have no way of replacing senior aids who are currently working in these programs.

Therefore, the loss of these community service jobs will threaten the ability of local agencies to continue to provide other services funded under the Older Americans Act.

In addition to these damaging facts, it is a serious human problem to neglect the important of employment opportunities to the economic security, the health, and the personal fulfillment of older Americans. Virtually every survey of older men and women indicates that a majority want to have the opportunity to continue some form of work. And an overwhelming majority—90 percent in the latest Harris poll released in November—favor abolishing the mandatory retirement age.

At the same time we are struggling to restore financial stability to the hard-pressed social security system, we are discouraging older workers who want to work from doing so.

The administration indicates training and employment should be the responsibility of the private sector. I agree that business and industry must play a far greater role in providing job opportunities for older people. But we face a long history of age discrimination, employment practices and pension policies which make it difficult—and sometimes impossible—for older workers to find jobs.

Merely saying that the private sector should play a greater role is not going to make it happen. We must educate employers so that they will recognize older workers for the essential resource they are to this Nation. As a matter of fact, with the declining number of younger workers projected for the decade ahead, we will need to have older workers stay on the job if we are to maintain our standard of living and improve our productivity.

One of the major contributions of the senior community services employment program is its demonstration of the significant contribution older workers can and do make to our society.

It is a program that has more than repaid the Federal Government's investment of tax dollars in benefits to our communities. I urge my colleagues to continue their strong support for the title V program and to join me in opposing its elimination.

AN OPEN LETTER TO THE PRESIDENT AND CONGRESS ON THE ECONOMY

Mr. RIEGLE. Mr. President, today in the Washington Post there is a full page advertisement, which is in the form of an open letter to President Reagan and Members of Congress, by the presidents of six major national organizations expressing their concern about the economy and urging an immediate effort to try to bring about an immediate course correction in economic planning.

I ask unanimous consent that the text of the ad be printed in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 3, 1982]

AN OPEN LETTER TO PRESIDENT REAGAN AND MEMBERS OF CONGRESS: MARCH 3, 1982

(Joint Statement of: American Bankers Association, Mortgage Bankers Association of America, National Association of Home Builders, National Association of Mutual Savings Banks, National Association of Realtors® and U.S. League of Savings Associations.)

Prolonged high interest rates are creating an economic and financial crisis in this country. In order to bring interest rates down, immediate action must be taken to reduce massive federal budget deficits. More than anything else, it is the spectre of an overwhelming volume of deficit financing which haunts housing and financial markets and poses the threat of economic and financial conditions not seen since the 1930s.

Given these circumstances, there is no alternative to: (1) slowing down all spending, not excluding defense and entitlement programs; and, if necessary, (2) deferring previously enacted tax reductions or increasing taxes. In order to have the necessary impact on financial markets, these actions should be taken prior to any increase in the ceiling on the federal debt.

Even with these actions, the restoration of financial stability and safety will be a prolonged process. It is necessary, therefore, to adopt immediate but temporary measures to address the critical problems of the industries which finance, market and produce housing for American families. These industries have unfairly borne the brunt of destructively high interest rates. Unless immediate and effective short-run measures are adopted, the continued devastation of these industries will, directly and indirectly, aggravate the federal budget deficit and greatly increase the prospect of a general economic and financial crisis.

In times of past crises in this nation, our political leaders have come together in a bipartisan manner to develop effective solutions in the common interest. Our nation is at such a time now. There will be no political winners if the Administration and the Congress fail to accommodate differences and cooperate in dealing with current serious economic problems. The threat to our nation demands prompt, effective and bipartisan action.

Llewellyn Jenkins, *President, American Bankers Association;* James F. Aylward, *President, Mortgage Bankers Association;* Fred Napolitano, *President, National Association of Home Builders;* Robert R. Masterton, *Chairman, National Association of Mutual Savings Banks;* Julio S. Laguarta, *President, National Association of Realtors,* and Roy G. Green, *Chairman, U.S. League of Savings Associations.*

THE INTELLIGENCE IDENTITIES PROTECTION ACT

Mr. DURENBERGER. Mr. President, the debate on the Intelligence Identities Protection Act of 1981 is both important and, in a sense, inevitable. We are proposing to write new criminal law, and we know better than to rush into this with any sense of celebration.

The crux of this debate is the matter of intent in section 601(c). The Intelligence Identities Protection Act as reported has a specific intent standard that many people find especially alluring. I can sympathize with their desire to insure that the bill we pass will not penalize all Americans for the sins of a few would-be destroyers of our intelligence services. Like my colleagues, I have listened to the points made by news media, as well as those of constitutional scholars and civil libertarians. I understand their concern.

When you look at the actual language, however, the differences between the bill as reported and the language of the Chafee amendment are limited. Both versions are designed to put a stop to the leaking of intelligence identities and to the disclosure of such identities by persons whose purpose in life is to expose our intelligence officers and agents. Both attempt to do this without infringing upon the rights of the rest of us.

If you look at the report language, moreover, you find that both versions list similar actions that would not be subject to criminal sanctions. And the Chafee version, too, has an intent standard, although it is somewhat different from that in the bill as reported.

The committee report that discusses the Chafee language, No. 96-896, was issued in 1980 by the Select Committee on Intelligence. There is no legislative history in this session on the Chafee language, with the exception of some remarks on the House floor that were not intended to create a formal record.

I would like, therefore, to make the rest of my points in the form of a colloquy with the distinguished Senator from Rhode Island. To the extent that these points might be inconsistent with the language of Report No. 97-201, they would, if Senator CHAFEE's amendment is approved, supersede such language.

Is it your intent that pages 18 and 21-23 of Report No. 96-896 shall constitute the legislative history of this amendment?

Mr. CHAFEE. Yes, it is.

Mr. DURENBERGER. Both Report No. 97-201 and Report No. 96-896 state that:

> The standard adopted in section 601(c) applies criminal penalties only in very limited circumstances to deter those who make it their business to ferret out and publish the identities of agents. At the same time, it does not affect the First Amendment rights of those who disclose the identities of agents as an integral part of another enterprise such as news media reporting of intelligence failures or abuses, academic studies of U.S. government policies and programs, or a private organization's enforcement of its internal rules.

Report No. 97-201, however, adds a caveat that was not in Report No. 96-896:

> Provided it is not done so in the course of an effort to identify and expose such agents with the intent to impair or impede the foreign intelligence activities of the United States.

Am I correct in my understanding that this caveat is not required with the Chafee amendment, because of the nature of the intent requirement in that language?

Mr. CHAFEE. That is correct.

Mr. DURENBERGER. Under the Chafee amendment, there would be three elements of proof not found in sections 601 (a) or (b). The United States must prove

> That the disclosure was made in the course of a pattern of activities, i.e., a series of acts having a common purpose or objective;
>
> That the pattern of activities was intended to identify and expose covert agents; and
>
> That there was reason to believe such activities would impair or impede the foreign intelligence activities of the United States.

Note that it is the pattern of activities that must be intended to identify and expose covert agents. This more objective requirement makes it clear that the defendant must be engaged in a conscious plan to seek out undercover intelligence operatives and expose them in circumstances where such conduct would impair U.S. intelligence efforts. Report No. 96-896 had some important language regarding this conscious intent:

> It is important to note that the pattern of activities must be intended to identify and expose such agents. Most laws do not require intentional acts, but merely knowing ones. The difference between knowing and intentional acts was explained as follows in the Senate Judiciary Committee report on the Criminal Code Reform Act of 1980:
>
> As the National Commission's consultant on this subject put it, "it seems reasonable that the law should distinguish between a man who wills that a particular act or result take place and another who is merely willing that it should take place. The distinction is drawn between the main direction of a man's conduct and the (anticipated) side effects of his conduct." For example, the owner who burns down his tenement for the purpose of collecting insurance proceeds does not desire the death of his tenants, but he is substantially certain (i.e., knows) it will occur.
>
> A newspaper reporter, then, would rarely have engaged in a pattern of activities with the requisite intent "to identify and expose covert agents." Instead, such a result would ordinarily be "the (anticipated) side effect of his conduct."

This crucial distinction between the main direction of one's conduct and the side-effects that one anticipates but allows to occur, because of one's other goals, forms an important safeguard for civil liberties. The amendment before us would bring that safeguard into play, would it not?

Mr. CHAFEE. Yes it would, Senator DURENBERGER, and that is one reason why I believe that my version is actually better for civil liberties than the bill as reported out of committee.

Mr. DURENBERGER. Because the intent standard in this amendment is an intent "to identify and expose covert agents," rather than an intent "to impair or impede the foreign intelligence activities of the United States," it is crystal clear that the fact that a journalist had written articles critical of the CIA which did not identify covert agents could not be used as evidence that the intent standard was met. Is that not correct?

Mr. CHAFEE. That is indeed correct, and it is a major reason why I introduced this language in 1980, to replace the "intent to impair or impede" standard that the CIA had originally proposed. The Department of Justice was very concerned that a subjective intent standard could have a chilling effect on public debate regarding intelligence, and I shared this concern.

The intent standard in the bill as reported by the Judiciary Committee last year is somewhat different from that in the bill as introduced in 1980, but I still feel that my language establishes more clearly than theirs the crucial point that a person's views regarding intelligence policy cannot be used to convict him. His or her acts are what matter.

Mr. DURENBERGER. Both Report No. 96-986 and Report No. 97-201 contain some very important language indicating what activities are—and are not—meant to be considered criminal acts:

> To meet the standard of the bill, a discloser must be engaged in a purposeful enterprise of revealing names—he must, in short, be in the business of "naming names."
>
> The following are illustrations of activities which would not be covered:
>
> An effort by a newspaper to uncover CIA connections with it, including learning the

> names of its employees who worked for the CIA.
>
> An effort by a university or a church to learn if any of its employees had worked for the CIA. (These are activities intended to enforce the internal rules of the organization and not identify and expose CIA agents.)
>
> An investigation by a newspaper of possible CIA connections with the Watergate burglaries. (This would be an activity undertaken to learn about the connections with the burglaries and not to identify and expose CIA agents.)
>
> An investigation by a scholar or a reporter of the Phoenix program in Vietnam. (This would be an activity intended to investigate a controversial program and not to reveal names.)

Am I correct in my understanding that the approval of this amendment would in no way change the fact that it is the intent of Congress to exclude such activities from the coverage of this act?

Mr. CHAFEE. You are correct.

Mr. DURENBERGER. Report No. 96-896 emphasizes that:

> The government, of course, has the burden of demonstrating that the pattern of activities was with the requisite intent to identify and expose covert agents. The government's proof could be rebutted by demonstrating some alternative intent other than identification and exposure of covert agents.

Looking at recent cases, there have been a number of press stories naming persons allegedly involved in Wilson and Terpil's activities with Libya. It would seem to me that such stories would be protected, even though they might identify covert agents, because their intent is to investigate possible involvement of CIA personnel in illegal—or at least highly controversial—activities.

Similarly, David Garrow's recent book, "The FBI and Martin Luther King, Jr.: From 'Solo' to Memphis," purports to name some covert agents. Now I am not thrilled by that act on Garrow's part, and I am not sure that he had to do it. But he was sure he had to, and clearly his intent was to explain what drove the FBI to wiretap Martin Luther King, rather than to identify and expose covert agents.

In both of these cases, the proposed amendment would not threaten the authors, because the exposure of any covert agents would be the anticipated side effect of their disclosures, rather than the main direction of their efforts. Is that not the case?

Mr. CHAFEE. You state the case correctly, Senator DURENBERGER, although I, too, am disturbed by Mr. Garrow's book.

Mr. DURENBERGER. In fact, this amendment would leave unchanged the rights of all sorts of people to say what they want, so long as they did not engage in such a pattern of activities intended to identify and expose covert agents.

Thus, gadflies and radicals, as well as more responsible individuals, may continue to engage in all manner of investigations to try to prove this or that about the CIA. So long as the main direction of their conduct is those investigations, the Government would be hard put to demonstrate that their intent was to identify and expose covert agents, is that right?

Mr. CHAFEE. That is right, and it is an important point. We are not merely protecting our friends who write for the Providence Journal or the Minneapolis Tribune. If this amendment is approved, nobody need fear prosecution other than those in the business of naming names.

Mr. DURENBERGER. Report No. 96-896 goes on to state that:

> The government must also show that the discloser had reason to believe that the activities would impair or impede the foreign intelligence activities of the United States. For example, a reporter could show that by printing a name of someone commonly known as a CIA officer he could not reasonably have expected that such disclosure would impair or impede the foreign intelligence activities of the United States.

This is an important point, for some people might think that it would suffice for the Government to claim that such a disclosure would impair or impede its foreign intelligence activities. But the word reasonably makes clear that there is room for a discloser to argue that the Government's claim was unjustified.

A Government warning to a news reporter that a particular intended disclosure would impair or impede our foreign intelligence activities might prevent the reporter from later arguing that such a consequence never occurred to him. But he could still contest the logic of that warning and use that as a defense in any legal proceeding, could he not?

Mr. CHAFEE. Yes, he could. The reason to believe standard does not mean that the Government can simply assert that a disclosure will impair or impede foreign intelligence activities. As report No. 96-896 says:

> A discloser must, in other words, be in the business, or have made it his practice, to ferret out and then expose undercover officers or agents where the reasonably foreseeable result would be to damage an intelligence agency's effectiveness.

Mr. DURENBERGER. Mr. President, I thank the distinguished Senator from Rhode Island for his patience and cooperation. I believe that our colloquy has demonstrated my basic point, that this bill will be limited in its focus, as much in the amended version as it is in the version reported out of committee.

In light of that essential fact, I see no bar to our adopting the language that the administration clearly prefers. They feel that the version passed by the Select Committee on Intelligence in 1980 will do a better job.

I, in turn, believe that Senator CHAFEE's careful drafting and his participation in this colloquy will go far to insure against the sort of abuses that some people fear will occur.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AFGHANISTAN DAY

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Senate Joint Resolution 142, which the clerk will state by title.

The bill clerk read as follows:

> A joint resolution (S.J. Res. 142) to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Pennsylvania (Mr. SPECTER).

Mr. SPECTER. Mr. President, Senate Joint Resolution 142, "to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, to protest the occupation of their country by Soviet forces," represents a bipartisan effort by the U.S. Congress with the international cooperation of the North Atlantic Assembly.

My personal participation in this matter began when I attended the North Atlantic Assembly meeting in Munich last October. I was requested, along with Congressman ELLIOTT LEVITAS of Georgia, to take the lead in sponsoring a resolution declaring March 21, 1982 as Afghanistan Day. That date was chosen because it is the day which Afghan people traditionally celebrate their New Year.

I was pleased to join in this effort because it is my view that the situation in Afghanistan presents a unique opportunity for the freedom-loving nations of the world to unite in condemning Soviet aggression.

At the present time, Soviet insurgence and Soviet adventurism is taking place in many nations of the world, but in most situations the actual level of Soviet influence is subject to substantial dispute. The underlying factual issue—stated simply, "Who is right and who is wrong?" is not raised in Afghanistan, which represents a uniquely clear-cut situation.

We are all aware of conditions in Poland where debate still rages as to the extent of Soviet involvement. There are many other countries in the world where Soviet influence is suggested to be particularly prevalent, such as El Salvador, Cuba, Guatemala, Angola, Zimbabwe, Libya, Chad, Jordan, Syria, Iraq, North Korea, Laos, Cambodia, and Vietnam.

But, unlike the Afghan situation, in many of these countries, there is substantial controversy as to whether the Soviets are conclusively wrong in their actions. And, while many of us feel that they are wrong in many, if not all, of those situations, no one can deny the gross impropriety of the Soviet action in Afghanistan.

Soviet aggression in Afghanistan led the United Nations General Assembly to pass a resolution on October 18, 1981, by the overwhelming vote of 116 to 23, with 12 abstentions, calling for "the immediate withdrawal of the foreign troops from Afghanistan." And, on December 16, 1981, the European Parliament acted to commemorate March 21, 1981, as Afghanistan Day, with 237 of the 434 members signing the resolution.

This exemplifies the kind of solid support which, obviously, can be mustered on an issue which is as clear cut and as plain as the Soviet invasion of Afghanistan. This is the kind of support that we should utilize, therefore, to build upon with as many nations of the world as possible.

It was over 2 years ago, on December 24, 1979, that the Soviet Union launched a full-scale invasion of Afghanistan. Within 72 hours, Soviet troops had successfully executed a violent coup in Kabul, overthrowing the independently oriented Amin and his regime. The Soviets replaced the Amin Government with the puppet regime of Babrak Karmal. Rarely in recent history has the world witnessed such harsh and inhumane aggression against any nation or its people.

In other parts of the world, the situations are more ambiguous, as already noted, than that which exists in Afghanistan. In Afghanistan, the brutality of Soviet oppression is unrivaled throughout the world.

What is most amazing about the tragedy in Afghanistan, however, has been the powerful and heroic resistance of the Afghan freedom fighters. None of the Soviet tactics—neither the search and destroy missions, the massacres, the napalm, nor the explosive mines—have diminished the resistance of the Afghan freedom fighters. Through the installation of over 80,000 troops, the creation of a puppet government and active use of terrorist tactics, the Soviet Union has maintained a death grip on Afghanistan, and yet the courageous Afghan freedom fighters continue to struggle against all odds.

Soviet brutality has exacted a great toll on the Afghan people. Starvation and massacre have taken many thousands of lives. And, by this point, over 2,500,000 Afghans have fled their homeland to become refugees in Pakistan.

We cannot know when this tragedy will end. We can only hope that with the passage of time, the Afghan people will be successful in their historic struggle to regain control of their homeland and live in peace.

With the passage of this resolution, we hope to send a clear message around the world. It is my deep hope that Afghanistan Day will be recognized by the Soviets as notice that such aggression will not be tolerated and can only damage the interests of the Soviets themselves.

By joining together to pay a special tribute to the tenacious Afghan freedom fighters, who continue to fight relentlessly and courageously for peace, we convey our support for all people around the world who fight against the bonds of tyranny and oppression.

Mr. GRASSLEY. Mr. President, as a cosponsor of Senate Joint Resolution 142, I am pleased to see the Senate take such prompt action to consider the measure, which would authorize the President to declare March 21, 1982, as Afghanistan Day. This would interface with the European Community's designation of March 21 as Afghanistan Day and, with the cooperation of Third World countries, would make March 21 a day to demonstrate international unity and global support for the people of Afghanistan.

On November 24, the Senate passed Senate Concurrent Resolution 45, which I introduced, expressing support for the people of Afghanistan in their struggle against Soviet imperialism. Setting aside a day to observe as Afghanistan Day would be consistent with this body's position on Afghanistan, as expressed in Senate Concurrent Resolution 45, and would serve to demonstrate our continued support for the people of Afghanistan.

Mr. President, the courage demonstrated by the people of Afghanistan is well recognized by the world at large, as demonstrated by last year's overwhelming vote in the United Nations in which 116 of the 152 nations voted to condemn the Soviet invasion. I urge the adoption of the resolution.

● Mr. DOLE. Mr. President, I have joined in sponsoring this resolution because I believe that we in the Senate have a clear duty to offer the strongest moral support we can to the people of Afghanistan in their struggle against the Soviet Union. For more than 2 years, in conditions of almost unimaginable deprivation, the people of Afghanistan have carried on a determined resistance against Soviet invaders armed with the most advanced weapons and equipment. Their persistence and their bravery deserves our deepest admiration.

We hope that our commemoration of the people of Afghanistan for their rejection of Soviet domination will also serve as a signal that we will offer aid and comfort to people everywhere who are threatened by political repression.

We also intend to demonstrate, with this resolution, that we stand together with our European allies in the European community, who have also decided to commemorate Afghanistan Day. And we stand together with friends throughout the Third World who have, together with us, national interests to defend against the danger of Soviet expansion and the ruthlessness of Soviet violations of international law.

Mr. President, I believe that this commemoration in words—like every political declaration—is more than words, it is action in the defense of freedom against repression everywhere.●

● Mr. PELL. Mr. President, I am pleased to rise in strong support of this resolution of which I am a cosponsor.

For more than 2 years the people of Afghanistan have been engaged in a life-or-death struggle for survival and freedom against a brutal foreign invader. The Afghan fight for freedom has exacted a terrible price. Soviet aircraft bring death and destruction to all parts of that mountainous country, strafing, napalming, and bombing men, women, and children alike. Soviet search and destroy missions have burned crops, torched villages, and massacred villagers in an effort to deny food and shelter to the resistance. Soviet actions have forced some 2,500,000 Afghans, mostly women and children, to flee to the safer haven of neighboring Pakistan.

For all its power and brutality, the Soviet Union has not been able to conquer Afghanistan. Indeed, the Soviets and their Afghan stooges control little more than the capital, their own garrisons and, intermittently, the supply routes. The Afghan freedom fighters control the countryside, and most important, have the allegiance of the Afghan people.

The world community can keep faith with the Afghan people by constantly focusing attention on their struggle and on the barbaric Soviet actions in that country. "Afghanistan Day," which has already been designated as such by the European Parliament, is one way we can keep Afghanistan before the public.

March 21 is the day the people of Afghanistan traditionally observe the beginning of the new year. It is certainly fitting that it should also be the day for the world community to express its solidarity with the people of Afghanistan.●

Mr. SPECTER. Mr. President, I understand that the distinguished majority leader, the Senator from Tennessee (Mr. BAKER), has established a time at 1:10 p.m. for a vote on this resolution today. I ask that it be a rollcall vote and I ask for the yeas and nays.

The **PRESIDING OFFICER**. I suggest to the minority leader that that is the understanding of the Chair.

Mr. **ROBERT C. BYRD**. Yes; I think that action was taken on yesterday.

The **PRESIDING OFFICER**. The Chair now inquries: Is there a sufficient second?

Mr. **ROBERT C. BYRD**. Was not a rollcall vote ordered on yesterday?

The **PRESIDING OFFICER**. It was not.

Mr. **ROBERT C. BYRD**. Mr. President, I would hope the Senator would not include in the unanimous-consent request that there be a rollcall vote. I would hope that he would simply ask for the yeas and nays on his resolution.

Mr. **SPECTER**. I do ask for the yeas and nays on the resolution itself.

The **PRESIDING OFFICER**. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. The yeas and nays are ordered at the appointed hour of 1:10 p.m. on the pending resolution, Senate Joint Resolution 142.

Mr. **ROBERT C. BYRD**. Mr. President, I hope that the distinguished majority leader, when he arrives in the Chamber, would change the vote to 1:15 p.m., and I hope it would meet with the approval of the distinguished Senator who is the author of the resolution. This would allow the vote to end at 1:30 p.m. on a 15-minute rollcall vote.

Mr. President, will the distinguished Senator yield to me?

Mr. **SPECTER**. Yes; I yield to the distinguished minority leader.

Mr. **ROBERT C. BYRD**. I thank my friend.

Mr. President, as a Senator who has consistently denounced the Soviet invasion of Afghanistan in speeches before this body, I support strongly the passage of Senate Joint Resolution 142, designating March 21, 1982, as "Afghanistan Day."

The brutal Soviet oppression of the people of Afghanistan must not be allowed to fade from our consciences. World attention must continue to be focused on one of the most outrageous acts of aggression which has been perpetrated in the post-World War II era.

On March 1, there appeared an article in the Washington Post commenting on the lengths to which Soviet authorities attempt to hide their involvement in Afghanistan from the Russian people.

As the Post pointed out:

> The job of maintaining the illusion that the Soviets are not involved in the fighting is a difficult one. Soviet sources privately acknowledge that the Afghan Army has virtually collapsed and that efforts are under way to rebuild it.
>
> This may be reflected by the fact that at the time of increased rebel activity, the Afghan defense minister, his deputy, the chief of the Afghan Air Force and several other Afghan military officials remain in the Soviet Union—a visit that has lasted more than four months.

Mr. President, the Soviet leadership may be successful in hiding the facts of Afghanistan from their own people. However, they cannot hide the facts from the world community. The Afghan people have exhibited courageous resistance to the 80,000 Soviet troops who are now bearing the brunt of the fighting in that country. We must continue to give these courageous people all the moral support possible until the chains of tyranny are broken in Afghanistan. This resolution is a clear signal of America's support for the Afghan people.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post Mar. 1, 1982]

RED ARMY TALES: COLD, LONELY LIFE IN AFGHANISTAN

(By Dusko Doder)

Moscow, February 28—Against the backdrop of snow-covered Afghan mountains, Soviet soldiers were cheering their sergeant as he received an award for successes in "socialist competition." The photograph showed smiling faces framed by Red Army fur hats and a cheerful colonel, presumably delivering a pep talk.

The scene last week captured a "particularly unusual" moment, the caption said, because "the applause is resounding in the Afghan mountains, where silence is frequently broken by the shots from automatic weapons and the explosion of grenades."

The accompanying dispatch from the front gave a remarkable glimpse of the life of the Soviet conscript: lonely, cold and under attack in an unhospitable land where things are "very, very tough" for the Soviets.

The cruelty and ferocity of the fighting was illustrated by heavy casualties suffered by Moslem insurgents, who in January alone counted 2,223 dead and 1,117 captured, according to the account.

Yet, the dispatch in the Defense Ministry newspaper Krasnaya Zvezda said, "Thousands upon thousands of bandits, armed and trained abroad, pour across the border day after day" into Afghanistan.

Their savage tactics include the bombing of schools and hospitals, the paper said. Giving "the facts of the past few days," it described a woman being hacked to death in the street. In another incident, hostages were seized, tortured and skinned alive. In the Faizabad region, the wife and 13-year-old daughter of an Afghan security official were "brutally shot" by rebels.

But, it said, the Soviet soldiers' moral was high. The Kabul Army was described as hitting "mercilessly" at the rebels, and the dispatch implied that Soviet forces had taken part in last month's large-scale operations, quoting them as saying they would not leave the Afghan people in misery.

But the reference to a possible Soviet fighting role was never explicitly stated. During the 26 months since dispatching their Army into Afghanistan, the Soviets' vocabulary seems to have lost the word war.

Combat actions are described as "exercises." There is no mention of Soviet casualties.

Western analysts attribute the apparently exaggerated nature of much of Soviet war correspondence from Afghanistan to the dilemma that Moscow faces in addressing its domestic and foreign audiences.

At home, the war has reached, directly or indirectly, a large sector of the population. Approximately 400,000 Soviet troops have been rotated in and out of Afghanistan during the past 26 months. A substantial number of conscripts serving in the Soviet Union may be facing possible duty there in the future. Then there are Soviet casualties, which have never been revealed.

According to Western specialists, even assuming a relatively low rate of 5 percent injured among the 400,000 who have served in Afghanistan, the number of wounded should be substantial—about 20,000. It is known that the Soviets have converted two schools in Tashkent into military hospitals.

Against this background, and the noticeable thirst for information about the war, the authorities are under substantial pressure to provide details in order to keep their credibility.

At the same time, Moscow insists that the fight against the rebels is conducted exclusively by the Afghan Army and that the Soviet forces are merely providing training and other types of "fraternal assistance."

To concede a direct Soviet military role, according to this argument, would provide new opportunities for an international outcry including demands of details about the size of the Soviet contingent and the nature of its operations.

The job of maintaining the illusion that the Soviets are not involved in the fighting is a difficult one. Soviet sources privately acknowledge that the Afghan Army has virtually collapsed and that efforts are under way to rebuild it.

This may be reflected by the fact that at the time of increased rebel activity, the Afghan defense minister, his deputy, the chief of the Afghan Air Force and several other senior Afghan military officials remain in the Soviet Union—a visit that has lasted more than four months.

What the Soviet media focuses on instead, are the conflicting themes of "normalization" of life in the country and increased imperialist pressure from the outside to subvert the Soviet-backed government in Kabul.

The steady diet of accounts ranging from literacy studies to joint irrigation efforts to improve the quality of Afghan life is sprinkled with attacks on the United States, China and Pakistan for their support of "counterrevolutionary bandits."

The Krasnaya Zvezda dispatch from the front, published on the Soviet Army Day, provided an unusually frank account of the life of Soviet conscripts.

"We are not going to hide the fact that they are having a tough time, and sometimes it is very, very tough," the dispatch said. Yet their mood is "cheerful" and not one soldier the correspondent spoke to complained of hardship, and all are "in fighting spirit."

The correspondent described an Army camp in an unnamed valley with tents stretching in all directions "as far as the eye can see." On the eve of the Soviet Army Day last Tuesday, ending their "exercises" with a long tiring trek through slush and mire and a "strenuous attack" in a neighboring mountain pass, the soldiers spruced themselves up.

Sitting around a campfire and eating bowls of kasha, they reminisced about their home towns far from Afghanistan but close in spirit.

One officer, a major, was introduced as an amateur poet having written some heroic doggerel about his country's glorious role in defending Afghanistan against "dark clouds" created by its enemies.

"For a Russian it is the custom to help, I shall help you, Oh Afghan!" the major intoned.

This and a film shown to the troops that night for the first time introduced the theme that the soldiers are selfless patriots serving under hard conditions far from home to fulfill their "internationalist" duty much in the way their fathers did in the Spanish Civil War and World War II. The film, the article said, featured Soviet volunteers with internationalist brigades fighting for the Spanish city of Grenada against Franco's forces.

"Our coming to our neighbor's aid—at his urgent request—is not aggression or intervention, as ill-intentioned slanderers try to prove. The only duty of the Soviet military contingent is to help Afghanistan repel the threat from outside," the newspaper said.

The decision to publish the account on Army Day—a major holiday—apparently reflected a political need here to reassure the country that things in Afghanistan, however difficult, are not getting out of hand.

At the same time, the tone of the dispatch did not suggest that, to borrow the phrase, one could see light at the end of the tunnel.

The dispatch ended with what could be seen as an attempted morale booster for the Soviet forces in Afghanistan: "You should know, friends, that you live in every Soviet heart. People are proud of you, love you, remember you. The victory you have achieved is a victory of our Army, of our country, of brotherhood and nobility, a victory of internationalism.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may be added as a cosponsor of Senate Joint Resolution 142, authored by Mr. Specter.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. Specter, the name of Mr. Thurmond was added as a cosponsor.)

Mr. ROBERT C. BYRD. Mr. President, I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR VOTE ON SENATE JOINT RESOLUTION 142 TO OCCUR AT 1:15 P.M.

Mr. BAKER. Mr. President, while I was necessarily absent from the floor attending to other official business, I am informed that the distinguished minority leader suggested that it might suit the convenience of many Members to change the time to vote on the Afghanistan resolution from 1:10 to 1:15 p.m. If I state that correctly, that is entirely satisfactory to me. I am prepared to make that request.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. BAKER. Mr. President, I ask unanimous consent that the previous order be modified and amended to provide that the vote on the Afghanistan resolution will occur, under the same terms and conditions, at the hour of 1:15 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:14 P.M.

Mr. BAKER. Mr. President, it appears, on the basis of inquiries which I believe have been made on both sides, that no other Senator is seeking recognition at this time to debate the pending resolution, or for other purposes.

In view of the fact that we are about to commence a very important and very solemn undertaking, and Members need time to prepare for that and arrange their schedule to be in attendance on the floor, I think that the time between now and 1:15 can be spent profitably off the floor and in recess.

Therefore, Mr. President, I ask unanimous consent that the Senate now recess until the hour of 1:14 p.m.

There being no objection, the Senate, at 12:29 p.m., recessed until 1:14 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Warner).

AFGHANISTAN DAY

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, in 1 minute a rollcall vote will occur on the Afghanistan resolution. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Mr. BAKER. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. Schmitt), the Senator from Idaho (Mr. Symms), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. Thurmond) would vote "yea."

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. Williams) is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—96

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Tower
Tsongas
Wallop
Warner
Weicker
Zorinsky

NOT VOTING—4

Schmitt
Symms
Thurmond
Williams

So the joint resolution was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. Res. 142

Whereas Afghanistan, more than two years after the Soviet invasion, remains a nation occupied and terrorized by over eighty thousand Soviet troops;

Whereas the continued Soviet occupation of Afghanistan is causing enormous suffering among the people of Afghanistan, as well as the deprivation of their basic right of national sovereignty;

Whereas over two and five-tenths million people of Afghanistan, constituting more than 15 per centum of the country's population, have fled the Soviet occupation and are now refugees in Pakistan and other neighboring countries;

Whereas the Soviet invasion of Afghanistan undermines the spirit and intention of the Declaration of Principles of the Final Act of the Conference on Security and Cooperation in Europe, which the Union of Soviet Socialist Republics signed at Helsinki in 1975;

Whereas the puppet regime of Babrak Karmal, installed and maintained by the Union of Soviet Socialist Republics, has denied the people of Afghanistan their rights to self-determination, in violation of the United Nations Charter;

Whereas the undaunted resistance of the Afghan freedom fighters against the Soviet occupational forces is an inspiration to the free world;

Whereas the United Nations General Assembly passed a resolution on November 18, 1981, calling for "the immediate withdrawal of the foreign troops from Afghanistan";

Whereas the people of Afghanistan observe March 21 as the start of each new year and as a symbol of the nation's rebirth; and

Whereas the European parliament has declared its intention to commemorate March 21, 1982, as Afghanistan Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 21, 1982, as Afghanistan Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The **VICE PRESIDENT**. The majority leader is recognized.

Mr. **BAKER**. Mr. President, may we have order?

The **VICE PRESIDENT**. The Senate will be in order. The Senators will take their seats.

SENATOR HARRISON A. WILLIAMS, JR.

Mr. **BAKER**. Mr. President, I ask that the Chair lay before the Senate, Senate Resolution 204, the resolution reported by the Ethics Committee in respect to Senator Harrison A. Williams, Jr., of New Jersey.

The **VICE PRESIDENT**. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 204) expelling Senator Harrison A. Williams, Jr., of New Jersey, from the Senate.

The **VICE PRESIDENT**. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

ORDER FOR DIVISION OF TIME

The **VICE PRESIDENT**. The majority leader is recognized.

Mr. **BAKER**. Mr. President, I ask unanimous consent that, on each day during the consideration of this resolution, the time for the debate be equally divided between the majority and minority leaders or their designees.

The **VICE PRESIDENT**. Is there objection? Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. **BAKER**. Mr. President, on behalf of the Senator from New Jersey (Mr. Williams), I ask unanimous consent that Senate employees Paul A. Skrabut, Jim Mathews, Gerald J. Wyrsch, John Fox Blackshaw, David Hamill, and the outside counsel, Kenneth Feinberg, Roger Shuy, Michael Dennis, David Dir, and Robert Flynn be permitted privileges of the floor during the consideration of Senate Resolution 204.

Further, on behalf of the Committee on Ethics, I ask unanimous consent that Robert Bennett, special counsel to the Ethics Committee, and his associate, Alan Kriegel, be granted privileges of the floor during the consideration of Senate Resolution 204.

The **VICE PRESIDENT**. Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, I yield myself such time as I might consume in respect to this opening statement.

Before I do so, I suggest the absence of a quorum, and I urge all Senators to remain on the floor. This quorum will be a live quorum.

Mr. **ROBERT C. BYRD**. Mr. President, before the majority leader makes the suggestion with respect to a quorum, will he care to allot the amount of time that will be available for this day for the debate?

Mr. **BAKER**. Yes, Mr. President, it is the expectation of the leadership that we will conclude the debate on this measure today at 6 p.m. We will resume consideration of this measure, as that may be necessary, on tomorrow at approximately 12:30 p.m., at which time the first order of business will be a live quorum.

It is anticipated that a live quorum will be assembled shortly after that, in any event by perhaps 1 p.m., and then on Thursday we will continue to debate this resolution until approximately 6 p.m.

Mr. **ROBERT C. BYRD**. If the majority leader will indulge me, will he include in his request that the time between the hour when a quorum is established and 6 p.m. today be allotted for this debate? He has already asked that it be equally divided.

Mr. **BAKER**. Yes, Mr. President, I believe the form of the previous request was that the time for debate on this resolution each day be equally divided between the majority and minority leaders; is that correct?

Mr. **LONG**. Mr. President, I object.

The **VICE PRESIDENT**. That has already been granted.

Mr. **LONG**. I thought the Senator was asking a further unanimous-consent request.

Mr. **BAKER**. No, I was asking the Chair to restate what had already been done.

The **VICE PRESIDENT**. It has already been granted.

Mr. **BAKER**. I thank the Chair.

Mr. President, I am about to suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call be charged equally against the two sides.

The **VICE PRESIDENT**. Is there objection? The Chair hears none, and it is so ordered.

Mr. **BAKER**. Mr. President, I suggest the absence of a quorum.

The **VICE PRESIDENT**. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 17 Leg.]

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Tower
Wallop
Warner
Weicker
Williams
Zorinsky

The **VICE PRESIDENT**. A quorum is present.

The majority leader is recognized, and the Senate will be in order. Will the Senate be in order?

A quorum is present, and the majority leader is recognized.

Mr. **BAKER**. Mr. President, I thank the Chair for recognition and I ask the attention of Senators, if I may.

Mr. President, "We ourselves," said Abraham Lincoln in 1856, "must not decline the burden of responsibility, nor take counsel of unworthy passions." These courageous words, echoed by a courageous leader, are just as veritable today as they were 126 years ago.

The unfortunate but unavoidable task of considering Senate Resolution

204 is an arduous responsibility: a disturbing responsibility for every Senator, a weighty responsibility for the institution itself. Today, the Senate meets this responsibility divorced from animosity, buoyed only by fairness and the interest of justice.

The Constitution of the United States broadly entrusts the Senate with the duty of judging the conduct of its own membership, and we must not refrain from this solemn obligation. I wish to emphasize that these proceedings will be conducted with honor and dignity, precision and openness.

Consistent with modern Senate practice, and indeed all disciplinary cases since 1807, no one other than a Senator should speak on the Senate floor and participate actively in the Senate's deliberations. What the Senate is doing is considering a resolution, not conducting a trial. Its procedures should reflect modern disciplinary practice as well as the plain fact that the committee's investigatory practices were ultimately fair, provide an ample basis for debating the resolution, and need not be replicated on the floor.

The Senate rules will permit a full record to be made here. As in modern cases, Members can place in the RECORD, or on their colleagues' desks any information which they believe bears upon the issue. Further, they may engage in normal ex parte communications with other Senators off the floor, an opportunity which Senator WILLIAMS recognized when he mailed materials pertaining to this case to all Senators last year. In addition, our proceedings provide for free and unfettered floor debate. As with the presentation of documents, such debate will occur without hinderance of the restrictive evidentiary and procedural rules that apply in a judicial contest.

Under a unanimous-consent order, and consistent with modern Senate practice, attorneys for Senator WILLIAMS, who are not Senate employees, have been granted floor privileges. Also consistent with modern practice, the leadership intends that their role be confined solely to providing assistance to Senators participating in the debate. As Senator Mansfield stated:

> Lawyers not elected to the Senate are not Senators, and, therefore, they will not be granted the privilege of speaking in this Chamber. Only Senators will be given the privilege of speaking.

The Mansfield position was buttressed recently by the distinguished minority leader, Senator ROBERT C. BYRD, a dedicated and eminent student of Senate procedure.

> Legal counsel outside the Senate has not been elected to the Senate by any constituency and answers to no constituency through the political and representative process. I think that only Senators should speak to the Senate on this floor.

Mr. President, these views are also my views, and they constitute the modern practice on the Senate. It is my intention that this prudent procedure now be utilized for this resolution.

I am convinced that no Senator will vote on this resolution, or on any motions or amendments which may be proposed thereto, before becoming aware of all of the evidence and arguments which will be presented by each side. This intrinsically requires that Senators attend the floor debate and subsequently it is incumbent on the leadership to insure that the demands of other Senate business do not interfere with these deliberations. Accordingly, Senate committees will not be granted permission to meet while the resolution is pending before the Senate. In addition, on each day that the resolution is made pending, a live quorum will be instituted at the outset of the proceedings.

It is the intention of the leadership to ask the Senate to recess from day to day while the resolution is pending, and to reconvene at approximately 10:30 in the morning on the succeeding business day, unless otherwise provided for. The morning prayer, the time allocated to the two leaders, any special orders, other routine matters, and morning business, will consume the first 2 hours of session. Under the provisions of rule XXVI, all committees may meet during that time. The Appropriations Committee and the Budget Committee, which have standing permission to meet whenever the Senate is in session, will be asked to refrain from meeting while the resolution is before the Senate. This pattern will be repeated until the resolution has been disposed of and I believe this procedure is essentially consistent with the approach taken by a previous majority leader, Senator Mike Mansfield, in an earlier disciplinary case.

Finally, Mr. President, I wish to take this opportunity to express my appreciation to the distinguished chairman of the Ethics Committee, Senator WALLOP, and the equally distinguished vice chairman of the committee, Senator HEFLIN.

Throughout this ordeal, they have guided the Ethics Committee with diligence and patience and have made one of the most difficult tasks of a Senator's legislative life a bit easier for all of us.

Mr. President, I designate the distinguished Senator from Wyoming, the chairman of the Ethics Committee, to manage the time on behalf of the committee.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, no one in this body is looking forward to consideration of the resolution which is before us today. I would imagine that most of us wish that in such proceedings we could be governed by the rules of ordinary trial practice. For, if that were the case, we might be relieved of our responsiblity to render judgment on the grounds of our acquaintance with the individual involved.

However, we have no such luxury in this Chamber. Rather, we are charged by the Constitution of the United States to be the masters of our own House. We, and we alone, are permitted to pass judgment on the question of whether a Member of this body should, or should not be, expelled.

And by virtue of that constitutional duty, we are required to cast aside all feelings of friendship, collegiality, and camaraderie. We are required to set aside remembrances of differences which may have occurred over the years on matters which have come before us for votes. We are obliged to rise above it all, and to render judgment based only upon the facts which are to come before us and the dictates of conscience alone.

Our responsibilities are indeed awesome. Rendering judgment on the conduct of a colleague, a peer, and a friend is unpleasant and distasteful. And yet, far beyond the considerations which make this task so difficult is the proud and hallowed institution which is deserving of such an exceptional responsiblity—

An institution which demands that we bring to it the very best that each of us has to offer;

An institution which for almost two centuries has withstood the tests of time: through the good times and the bad; through peace and through war; through darkness and through light;

An institution which has come to symbolize to millions of people the very best system which the human mind has yet been able to design to insure the freedom and dignity of humankind.

The U.S. Senate as an institution is far more important than any of us as individuals. It is a sum whose total is larger than its parts. It was here before we arrived, and it will survive us after we have gone.

But the character of this body, its respect by the Nation and the world, its inner splendor and grandeur, have been and always will be the continuing responsibility of all the Members who are priviledged to serve here. We are the guardians of this ancient and magnificent heritage.

We, for the people, are the keepers of the flame, and so, like it or not, it is our task to rise above party, above friendship, above prejudice and petty bias, and to bring to our deliberations and to our consideration of this resolution the very best of which we are capable; to set-aside any prejudgments we may have entertained, and to render a final vote based upon the entirety of the record which shall come before us.

We owe it not only to our colleague, Senator WILLIAMS, but also to the Senate as an institution and to the people of our country to be attentive to all the facts, to listen to all of the debate, and to raise whatever questions about this case that may come to mind as the matter proceeds.

The distinguished majority leader and I are in agreement that the committees of the Senate should not meet during the pendency of this resolution so that every Member may be present on the floor throughout our consideration of this matter.

I urge my colleagues to attend to this deliberation with an open mind and with the full attentiveness which this matter deserves.

I express my commendations and my appreciation to the Senators on the Ethics Committee, the chairman, and the ranking member. Theirs has been a very difficult task, and yet they have performed it with dedication.

Our responsibility requires that we give the best of our thoughts, our brains, and our hearts to the deliberations that are now about to begin.

Mr. President, I yield the time that is under my control to Mr. INOUYE.

The VICE PRESIDENT. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I thank the majority leader and the minority leader, on behalf of myself and the committee, for their complimentary remarks.

The manner in which the committee has handled what has indeed, as they have characterized it, been a most painful task.

I think it goes without saying that each and every member of that committee would have had it some other way, would have had it any other way. But despite that over the course of a couple of years it has managed to pursue with diligence, with kindness, and with fairness the task that was before us. I add to those of the majority leader and the minority leader my thanks to the vice chairman and those who have sat on the committee for their endless hours of attention to detail, and their incredible lack of any hint at any moment in time or partisanship in the matters that lay in front of us. It simply never arose, neither during the tenure of Senator HEFLIN as chairman nor, I think, during my chairmanship of the committee from this year forward.

The Senate today begins deliberations on a resolution recommended by the Select Committee on Ethics that Senator HARRISON A. WILLIAMS, Jr., be expelled for conduct which, in the unanimous judgment of the committee, showed a fundamental disregard for the Senate and the honor of its Members.

The Senate faces a historic task today, historic not perhaps as some would have us believe because the Senate has not expelled a Member since 1862, but historic because throughout its history the Senate has been what it has had to be. As events forced the Senate through the chronology of history, the Senate rose to meet them, and much noble history has been created and taken shape on this floor.

Yes, the Senate has been what it has to be, and now it has to act. The Senate is the custodian of its own reputation by constitutional mandate. No amount of distaste for that task will transfer that obligation. No other force can assist us in doing what we must do. We, and we alone, face this task.

As all Members are aware, we undertake this solemn task in the exercise of our duty under the Constitution and the rules of the Senate to determine the qualification of Members to sit in the Congress of the United States.

When the Senate first learned of this event, your committee was under the able and quintessentially fair chairmanship of Senator HEFLIN. Words will not express to you how much I admire his careful role during that year. He fought to keep the Department of Justice on track and the press from speculating unfairly about Senator WILLIAMS, and the Senate from speculating unfairly.

He was fair above all, and fair to Senator WILLIAMS, fair to the Senate itself. Other members were on the committee at that time that news broke, and have since left, former Senator Morgan, Senators COCHRAN, and HOWELL HEFLIN guided us with tenacity and wisdom, and because of his stewardship, the committee committed no act which either prejudiced Senator WILLIAMS' right to a fair trial or delayed our proceedings once trial was completed.

You in the Senate have set up the only nonpartisan committee which exists here, and by the Good Lord's grace it has been nonpartisan throughout.

All members, Senator EAGLETON, Senator PRYOR, Senator HELMS, and Senator MATTINGLY have striven mightily and successfully to measure justice and fairness in every judgment, and I thank each of them before you for that effort.

The U.S. Senate first learned of that conduct in February of 1980 through news stories describing what has come to be known as the Justice Department's Abscam investigation. I was in the airport in Puerto Rico. I was returning from a weekend visiting my sister who lives abroad when I heard of it, and returned here to find the press inflamed, the Senate confused and hurt, and no solid knowledge available to any one of us.

I recall talking to Senator HEFLIN long-distance from down at the airport in Puerto Rico. We agreed then that we would straightaway proceed through each of our separate caucuses and to encourage them never to make a prejudgment on the events that were breaking, not to unfairly judge Senator WILLIAMS, not to rush to judgment, not to react, not to respond to inquiries by the press, not to do a thing which would lead anyone to believe that some unfair judgment had taken place. We did that at our separate luncheons, and our colleagues, to my knowledge, have responded to that, as has the committee, with a sense of remarkable fairness and discretion.

The Ethics Committee thereupon notified Senator WILLIAMS, as it had to, that pursuant to rule 3(c) of its supplementary procedural rules it was making a preliminary inquiry into those reports. The committee then not only sought relevant evidentiary materials from the Department of Justice but also commenced its own independent inquiries into the allegations of wrongdoing.

Although the committee had commenced its preliminary inquiry in this matter in February of 1980, it did not wish to institute any proceedings which might interfere with the Department of Justice in its investigation and presentation of its case.

Moreover, it was determined that much of the evidence gathered by the Justice Department in its investigation, including numerous audio and videotape recordings, would be more readily available to the committee after the return of the jury's verdict.

Additionally, the committee felt it was reasonable under the circumstances to require Senator WILLIAMS to participate in two simultaneous proceedings, one in New York and the second in Washington.

Therefore, after much deliberation, the committee determined early last year to defer any further stage of its own proceedings until the Department of Justice either declined prosecution or completed the factfinding portion of any trial on the merits as to the allegations of misconduct of Senator WILLIAMS.

As we all must be aware, prosecution went forward and resulted in the return on May 1 of this year of a jury verdict of guilty against Senator WILLIAMS on nine felony counts. It must be emphasized, however, that based upon the committee's preliminary inquiry, the investigation which resulted in the recommended resolution now before the Senate would have been required whether or not the jury returned a guilty verdict. The jury's verdict was not viewed as a signal that the Ethics Committee had to proceed, but rather meant only that the committee could then proceed without risk or prejudice to Senator Williams.

While the committee was aware, and indeed it remains aware, that the verdict of a jury would undoubtedly be tested in the courts over a long period of time, there was no longer any reason to defer our proceedings.

Accordingly, on May 5, 1981, shortly after the jury returned its verdict, the Ethics Committee notified Senator Williams and his counsel that, pursuant to its rules, it would be entering the investigatory stage of its proceedings regarding his conduct. Notice of possible violations was given to the Senator, and special counsel to the committee was promptly retained. A hearing was then set for July 14, 1981. This in order not to conflict with the possible trial hearings in the court case and out of consideration for the schedule of the attorney then representing Senator Williams before the Ethics Committee.

As scheduled, beginning on July 14, special counsel to the committee presented evidence concerning the conduct of Senator Williams, including the audio and video tape recordings which have been played on several occasions for viewing by Members of the Senate. After special counsel to the committee completed his presentation, the hearing was recessed for 13 days to provide Senator Williams and his counsel with additional time to prepare their response. On July 28, Senator Williams appeared before the committee to make a statement in his own behalf and to give testimony. Senator Williams was permitted, and indeed encouraged, to introduce any evidence and call any witnesses he desired, and indeed he took full advantage of that opportunity.

The complete record of the committee's proceedings, together with the committee's report and the report of its special counsel, was printed and distributed to all Members of the Senate in early September, upon their return from the summer recess. In addition, all submissions by Senator Williams received by the committee since the hearing in this matter have been promptly printed and distributed to all Senators.

Based on the evidence before it, the committee unanimously found that Senator Williams' conduct was ethically repugnant to the point of warranting his expulsion from the U.S. Senate. More particularly, the committee determined that there was clear and convincing evidence to support the following findings:

The committee found that Senator Williams represented to an undercover FBI agent, who he believed to be an Arab sheik, that he, Senator Williams, would use his influence as a U.S. Senator to help a titanium venture in which he had a hidden interest to obtain Government contracts. Senator Williams initially made these representations in order to elicit a commitment from the sheik for a $100 million loan. The Senator subsequently reaffirmed these representations in connection with a proposed sale of the venture for a substantial profit and the continuing interest in the ongoing enterprise.

The committee further found that Senator Williams actually intended to use his influence to attempt to obtain Government contracts after the loan was in place and the mine was under development. The Senator had a direct interest in this venture, as did a number of his friends, and on two separate occasions he indicated he was eager to provide for his own financial security upon retiring from the Senate. In the light of this motive, and the substantial amount of time and attention devoted by Senator Williams to the details of these transactions, the committee simply could not accept the Senator's explanation that he viewed the venture as a "pipedream" and "pie in the sky" but that he had participated in these transactions nonetheless because he felt bound to do so out of consideration for his friends. Moreover, his explanation that he boasted to the sheik because he was coached to do so by Government operatives is contrary to the Senator's own testimony at his trial, wherein he basically stated that he had ignored the coaching and did most of the talking to the sheik his own way.

The committee also found that to accept Senator Williams' explanation could lead to no other conclusion—indeed, it would be required as a conclusion—than that he knowingly and intentionally followed a script or scenario written for him by others for the admitted purpose of inducing the sheik to make a $100 million loan to the titanium venture in which he and his friends had an interest.

Even if the committee had believed that Senator Williams in fact had no intention of using his position or influence to help obtain Government contracts for the titanium venture, there would still have been no alternative but to have concluded that the Senator was a willing participant in a scheme to defraud the shiek into investing money in that venture; and that Senator Williams actively encouraged the shiek to believe that he, Senator Williams, was committed to using his influence, position, power, and relationships as a U.S. Senator to help the venture succeed. While the committee disbelieved this explanation, it observed that this kind of trading on official position would still represent a fundamental and gross violation of the standards for ethical conduct by Members of the Senate.

The committee further found that Senator Williams intended to conceal his interests in the mining venture. On several occasions, the Senator discussed ways in which his interest would be hidden, and it is evident from those discussions that he and his associates viewed the possible use of a blind trust as a mere device by which Senate disclosure requirements might be evaded in the future. The purposes of this device was thus to cover up the conflict between the Senator's having an interest in the titanium venture on the one hand, and his using the position to further it, on the other.

Finally, the committee found that, although Senator Williams indeed rejected an offer by the shiek of a cash bribe for assistance with a private immigration bill, he did immediately pledge his total support for such a bill as an additional inducement to the sheik for the promise of a loan.

In sum, the Select Committee on Ethics has concluded that over a period of some 10 months Senator Williams made promises and representations to FBI undercover personnel that he would use his position, his power, his influence, and his relationships as a U.S. Senator to foster the success of a business venture in which he and his friends had a financial interest in exchange for the promise of a loan to that venture.

In the unanimous judgment of the committee, that conduct showed a fundamental disregard for the integrity of the Senate and of the honor of its Members. It was in violation of both law and Senate Rule 37, and in derogation of the standards of ethical conduct the public and his peers have a right to expect from a Member. That conduct, which is evidenced by the Senator's own words and acts, tends to bring the Senate into dishonor and disrepute, and the committee believes that only the most severe sanction is appropriate for such an abuse of the public trust.

On August 24, 1981, the Select Committee on Ethics therefore unanimously agreed to recommend that Senator Williams be expelled from the U.S. Senate.

Although the Senate has never adopted standards or guidelines for the imposition of expulsion or, indeed, any other sanction, Senate committees which have in the past been charged with the responsibility of reviewing allegations of misconduct have recommended expulsion where a Member was found to have engaged in the receipt of bribes or gratuities, or in severe conflicts of interest, as Senator Williams has been found to have done.

However, in the previous cases, Members in question either resigned or were defeated or in one case died prior to Senate action on the committee recommendations of expulsion.

While the full Senate has, therefore, never before confronted the issue of whether expulsion is warranted in cases involving bribery and related crimes, the committee, like others which have come before it, like the House of Representatives in the recent case of Congressman MYERS, has concluded that it is. Accordingly, the committee recommends that the Senate agree to the following resolution:

> *Resolved*, That the conduct of Senator Harrison A. Williams, Jr., of New Jersey in connection with his agreement to use his official position to further a business venture in which he and others had a financial interest was in violation of the laws of the United States and the Standing Rules of the Senate, was ethically repugnant, and tends to bring the Senate into dishonor and disrepute; and that therefore, pursuant to article 1, section 5, clause 2 of the United States Constitution, Senator Harrison A. Williams, Jr. be, and hereby is, expelled from the United States Senate.

Now, my colleagues, it cannot be emphasized too strongly that this recommendation is based entirely on the committee's independent and unanimous determination that Senator WILLIAMS' conduct was ethically repugnant, and in no way depends upon the jury's verdict in the criminal case against Senator WILLIAMS. In the opinion of the committee, the Senate's resolution of this matter is and must remain unaffected by the outcome of the criminal proceedings against Senator WILLIAMS, and the committee's recommendation is, therefore, intended to stand, irrespective of any action the courts may take with respect to the jury verdict. This includes, in particular, any determination the courts may make on the due process issues raised by Senator WILLIAMS, which have to do with the Government's conduct, not his own, and are therefore without bearing on the question now before us.

It should also be noted that while the committee found that the same acts violated not only the criminal laws but also the Senate Code of Conduct, and were such as to bring the Senate into disrepute, the Senate Code of Conduct ultimately stands on its own.

There is a distinction between conduct which marks a public official a criminal, and conduct which renders an official unfit to serve. Apart from any question of criminal activity, Senator WILLIAMS' behavior was, in the judgment of the committee, contrary to standards of conduct that are acceptable to the Senate.

It cannot be disputed that the sorry events which bring us here today are forlorn and distasteful. It is certain that no Member of the Senate views consideration of this resolution as anything other than a serious, painful, and most difficult task. The Constitution and our own rules require that this resolution be presented to, and considered by, the Senate. No others can or should enter here. Our House is in our own hands, and its fragile reputation rests with us.

In approaching these deliberations, each of us is mindful that the reputation of a Senator who has served with us is now before us and that his future as a Member will be affected by our actions. So, too, in a very real sense, the standing of each Member, each Member's family, and the future of the Senate itself, will be affected.

As Senator John Quincy Adams observed in 1807, in one of the earliest of the few expulsion cases ever to come before this body:

> The power of expelling a Member for misconduct results, on the principles of common sense, from the interest of the Nation, that the high trust of legislation should be invested in pure hands.

Our overriding obligation here today is to the Nation, to insure that this trust is preserved. Service in the U.S. Senate is indeed a high honor and a sacred public trust. One who would breach that trust must expect that the Senate itself will apply appropriate sanctions, just as one who is falsely accused can expect to be exonerated.

I am confident the Senate and each of its Members will, as has constantly been urged, make this determination with objectivity, fairness, sensitivity, and due consideration for all of those interests involved: the Nation, the Senate as an institution, and Senator WILLIAMS himself.

In closing I want to suggest to all of us that ethics as a judgement is philosophical more than legal. It is all too easy to allow extraneous events to deaden the pain of judgment, to allow us to hide from within or without our duty. But here today and for these days, it is all we must permit ourselves. Other judgments on related events may well arise, but they are not a substitute for the philosophical judgment of the ethical behavior of Senators.

And the concept of fairness.

Through this point, the effort of every Senator, Senator BYRD, Senator BAKER, the committee, has been to provide Senator WILLIAMS the resolution of close judgments in his favor out of a sense of fairness to him and his family.

Now, today, an additional concept of fairness must be asserted. That is to every Member who sits here, or who has sat here through history, or who may sit here during the lifetime of those who witness what we are about. Each of those reputations as past, present, or future Senators must fairly be considered as well as we express what our own view of fitness to serve means.

It is no longer Senator WILLIAMS and his family's reputation and career which solely demands our sense of fairness. Now our families, our reputation. The Senate's standing as a great public institution demands an equally powerful sense of fairness and judgment we are on the threshold to make.

And now with the greatest respect I yield to my colleague, the vice chairman of the committee, with my thanks and admiration of the manner in which he has been both chairman and vice chairman.

The VICE PRESIDENT. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, a few minutes before we began to debate this issue, a fellow Senator met me in the hall and said, "Good luck."

I thought about that remark and I replied to him, "No, I do not want good luck; I only want to do what I have to do and hope that it is right."

Mr. President, I would be remiss if I did not, from the outset, pay proper tribute to our distinguished chairman (Mr. WALLOP) for the diligent service he has rendered in this matter to both the Senate and the American people. Since becoming chairman in January of 1981, he has consistently presided over our meetings with fairness and with a high degree of professionalism. At every stage, he has been solicitous of our views, not only of each Member but also of our staff. He has always given us an opportunity to speak, to debate, to discuss.

He chaired our public hearings last July with fairness and dignity. Moreover, there has never, in this entire proceeding, been any hint of partisanship from our chairman or from the Republican members or from the Democratic members of the committee.

Let me be perfectly candid about this subject. Let me get out in the open a topic which may be on the minds of some, and let me dispel any false impression. It is no secret that Senator WILLIAMS is a Democrat and that our chairman is a Republican. Nor is it a secret that, in the abstract, apart from any consideration of this resolution, my colleagues on the Republican side of the aisle would like nothing better than to solidify their margin of majorityship; just as, in the abstract, those of us on this side of the aisle would like nothing better than to regain the majorityship. But lest anyone in this Chamber, in the press corps, or in the country at large be misled, not once—I repeat, not once—during the 2-year pendency of this matter have I seen our chairman or any member of this committee engage in partisanship. Not once, to my knowledge, has any position been taken or any course of action been urged which was based on motives of a political nature.

Senator WALLOP has bent over backward to be impartial, to be fair to Senator WILLIAMS, and to give Senator WILLIAMS every benefit of every doubt. The committee itself has been unanimous in virtually every decision of consequence. It voted unanimously to conduct a preliminary inquiry into the allegations of misconduct against Senator WILLIAMS, to enter into a confidentiality agreement with the Department of Justice, to authorize a motion to be filed in U.S. district court for access to grand jury material, to authorize a full investigation, and to retain special counsel.

Let me, at this time, pay tribute to Robert Bennett, who has been our special counsel, who has done a great, objective, fair job in evaluating the entire evidence.

The committee has been unanimous in votes to reconvene after the committee's adjudicatory hearings to hear the report of special counsel and in its findings and ultimate recommendation of expulsion. Such unanimity would have been impossible had partisanship entered the equation.

Likewise, I have been impressed with the professionalism and the nonpartisanship of both our distinguished majority leader and our distinguished minority leader.

May I say on a personal note to you, Senator BAKER, and to you, Senator ROBERT C. BYRD, that in my opinion, the institution of the Senate and the interests of the American people have been well served in this matter by your capable and impartial leadership.

Mr. President, though I speak only for myself, I believe my colleagues will not disagree with me when I say the process we have begun this afternoon is a most painful one. Sitting in judgment of one's peers, passing judgment on one's contemporaries is not only painful, but it is inherently distasteful, whether it be as a member of a student honor court, a bar disciplinary panel, or a criminal court jury.

As a former State bar association president, I have had the displeasure to have to sit and preside in lawyer disciplinary hearings. As chief justice of the Alabama Supreme Court, I had to preside at impeachment trials. Frankly, those jobs were neither easy nor pleasant, but candor compels me to say that in my life to date, I have never engaged in so difficult, so unpleasant a task as the one we undertake today.

This is especially true in the case of Senator HARRISON WILLIAMS. When I came to the Senate in 1978, one of the most distinguished, respected Members on my side of the aisle—and, I might say, in the entire Senate—was PETE WILLIAMS, of New Jersey. He has had an exemplary legislative career. As a policymaker in areas of critical importance to our Nation, PETE WILLIAMS has rendered distinguished service. In the fields of education, labor, the arts, banking, security, and housing, Senator WILLIAMS has been an accomplished legislator.

I really mean that. He has championed the cause of the elderly, the handicapped, the unemployed, the disadvantaged, the migrant worker. This makes our task all the more difficult, for the productivity of our colleague's legislative career—indeed, the compassion of the man himself—is not at issue here. While we can praise these good works, we cannot let goodness or rightness of legislative acts interfere with the task of judging the propriety of personal conduct.

The sole question for our consideration today, as it was for our committee last summer, is whether Senator WILLIAMS has violated his covenant with the people of New Jersey, whether he has breached the public trust of the American people, whether he has tarnished the integrity of this body which he loves dearly and in which he has so ably served.

As we began our adjudicatory hearing last July, I stated that I had not prejudged the case against Senator WILLIAMS. I added, however, the following:

> While I look my colleague in the eye and say with pride and sincerity, this country is a better place because of his distinguished service in the United States, I must likewise look him in the eye and say, with sorrow but without equivocation, if the evidence clearly and convincingly leads me to conclude that he has violated his public trust, I will not hesitate to recommend appropriate sanctions.

Mr. President, we heard that evidence. We fairly and impartially considered it. We did conclude that Senator WILLIAMS violated his public trust, and I must sadly say, in this sobering moment of reckoning, I do not hesitate to support our committee's unanimous recommendations.

There are twin ideals which must be explored. There are those who say, with cynicism and derision, that we are here today to engage in a public spectacle, to make an example of HARRISON WILLIAMS, in the interest of personal political gain, to vote for "clean government" as a means of currying favor with the homefolk.

Let me also face this question squarely. Are we here to make an example of PETE WILLIAMS? To the contrary, we are here to make an example of the U.S. Senate, to say to the American people there exists at least one institution of Government which we hold high, and seek with every ounce of strength within us to serve, two cherished ideals: First, that public office is a public trust, that we will not tolerate deviation from a high and honorable standard of conduct, and yet at the same time; second, in the U.S. Senate we will discipline no Member without scrupulous adherence to procedural due process and concepts of fundamental fairness.

I must be the first to confess that reconciling these two ideals is no easy task.

Regarding the first, that of seeking to attain and preserve a high standard of conduct, it should surely be admitted that no sooner had the jurors in Brooklyn returned home from court on May 1 last year, having duly rendered their verdict, than telegrams and letters literally began to pour into the office of the Ethics Committee urging that we immediately and forthwith expel Senator WILLIAMS. In language sometimes cynical and emotional, often sober and reflective, many of my constituents in Alabama and countless citizens throughout the land advocated action so swift that it would have been summary. In all candor, who can argue that the reputation of the Senate is enhanced by the presence among its numbers of a person who has been convicted of a crime?

Much has been said already, and much more will be said before we complete this unpleasant task, about the Senate's independent obligation under the Constitution to discipline its own Members. It is an obligation which we must not take lightly. But it is also an obligation we cannot delegate. In the discharge of this obligation, we are not bound by what the FBI uncovers, by what the Department of Justice recommends, by what a grand jury determines, by what a Federal prosecutor argues, by what a jury finds, by what a judge rules, or by what an appellate court may hold. We are bound only by what our conscience dictates.

My conscience dictates faithful adherence to the notion that in conducting ourselves in office, we aspire to meet a higher standard.

What is this higher standard against which we measure not only the conduct of HARRISON WILLIAMS but that of us all as well? It is a concept you will no doubt hear many, many times—public office is a public trust.

This concept, traceable to Plato, means that we are trustees of the public; that to serve one's fellow citizen is life's most noble calling. When the health, prosperity, equality of opportunity, safety, and livelihood of others are entrusted to you, protecting that health, that prosperity, that equality of opportunity, that safety, that livelihood becomes your preeminent reason for existing and your sole justification for official acts. It means that nothing can be permitted to compromise or undermine your independence of judgment in their behalf, that no thought or personal gain, financial or otherwise, govern, dictate, or in any wise affect the decisions entrusted to you on behalf of others; that Members of the Senate do not trade on, do not profit from, their positions; that Members of the Senate will avoid even the slightest occurrence, the faintest whisper of impropriety, and that to be in public service is to serve the public—no more, no less.

It is against this lofty, indeed; abstract, perhaps; but absolutely essential standard that we measure the conduct of Senator Williams. It pains me to say that it is against this standard that we of the committee found his conduct wanting. Put more simply, Harrison Williams traded on his office. He traded on his name and position. He acted in an official capacity out of motives for personal financial gain, and in so doing sullied both his reputation and that of this institution.

My conscience also dictates, however, that before any Member of the Senate be disciplined, whether by means of the most minimal sanction, and especially if by means of the ultimate sanction of expulsion, we give that Member every opportunity to be heard; that he receive with clarity and specificity the statement of charges against him; that he be adjudged at every stage both fairly and impartially, and that he be permitted the right of confrontation of witnesses against him and the right to call witnesses in his behalf; that he be afforded certain presumptions of innocence—notwithstanding judgments or verdicts rendered in criminal process—that doubts be resolved and requests decided in his favor, and that everything humanly possible be done to see that he is dealt with in a manner most fundamentally fair and treated in a way that respects his honor, decency, and dignity as a human being.

But I must say once and for all, with neither exaggeration nor equivocation, that the process due Senator Harrison Williams by this committee, and by this body, has been given in full measure; the standard of fundamental fairness has been met.

Let me address this issue of fairness in more detail.

First, the committee has scrupulously adhered to its own rules of procedure and in guaranteeing such elements of procedural due process as notice and a hearing, the right of confrontation, the right to call witnesses, presumption of innocence, and burdens of proof. In fact, many of the actions taken by the committee were not required by its procedural rules but were done in the interest of fairness to Senator Williams.

Second, the committee has consistently maintained an open-door policy toward Senator Williams and his counsel. Upon request, the committee has agreed, on several occasions, to meet with Senator Williams, and his counsel have met whenever they requested with the full committee, its chairman and vice chairman, its staff, or its special counsel.

We have endeavored to keep Senator Williams informed at every stage. We have turned over exculpatory material to him—exculpatory, of course, meaning that which would tend to show his innocence. We have circulated to the membership, at Senator Williams' request, numerous materials, including the complete criminal trial due process hearings in the Williams' case and in the House Member cases also.

Senator Williams' legal briefs in his due process hearing before Federal District Judge, George Pratt, including those that were written by his counsel, Dean Erwin Griswold, the former dean of the Harvard Law School and who served as Solicitor General of the United States.

We have permitted Senator Williams' counsel to attend audio and video tape presentations for the Members of the Senate and at our adjudicatory hearing. After our special counsel's presentation, we recessed for 2 weeks in order to give Senator Williams' counsel, Hon. Kenneth Feinberg—and he is not to be confused in any way with Mr. Alex Feinberg whose name appears throughout the trial transcript and throughout the hearing transcript of the Ethics Committee—Mr. Feinberg was allowed additional time in which to prepare his defense.

We offered Mr. Feinberg the opportunity to present whatever evidence and to call whatever witnesses he deemed relevant. We extended the subpena power of the committee to Mr. Feinberg and even had on call by means of the subpena a number of witnesses should Mr. Feinberg choose to present them.

In fact, as of our last official act, prior to adjournment on July 28, the last day of our hearings, the chairman and I both extended our invitation to Harrison Williams' counsel, Mr. Feinberg, to call additional witnesses and indicated our willingness if necessary to extend our hearings for the purpose of taking additional testimony.

At the conclusion of our hearings, Mr. Feinberg, the counsel for Senator Williams, volunteered the following statement to be found in volume 1 of the committee's open session hearings at page 171:

> I acknowledge on the record my appreciation to the chairman and the members of this committee. This proceeding has been ultimately fair, has been as far as we are concerned a model of fairness. You have given us an opportunity to call whoever we liked.

And then at page 172, Mr. Feinberg continues:

> I don't think that there is one person sitting at this table who will walk out of here with a view other than the incredible fairness and cooperative nature that this committee has shown to us and to Senator Williams.

I submit that a stronger, more objective testament to this committee's fairness in this matter could not be forthcoming.

Since the time of the hearings we have entertained motions of an evidentiary or procedural nature from Senator Williams, his counsel, and from Senator Inouye, and in some cases for a second, third, or fourth time.

Upon each request the committee deliberated anew. Recently, in fact, we acceded to Senator Williams' request to permit him and Senator Inouye to see transcripts of executive sessions of the committee in which the Department of Justice officials appeared before the trial, before the indictment, to discuss progress in their investigation and matters such as release to the committee of evidence that the Department had amassed.

When the time for Senators Williams and Inouye to examine the transcript had expired and they had not yet done so we extended the time for such an examination.

In summary on this point, while my involvement obviously limits my objectivity, I must concur with Senator Williams' counsel, Mr. Feinberg, in saying that in my opinion this committee has been "ultimately fair" in its dealings with Senator Williams.

There is also the issue of future delay. There are those who may counsel us to delay even further these proceedings, who contend that we must wait until all appeals are exhausted or that the resolution should be recommitted to the committee for the purpose of exploring newly discovered evidence.

Such a course of action would be unwise. We cannot refuse to go forward at this point for a number of compelling reasons:

Regarding the question, Why not wait until the appeals process has run its course? First, regarding delays until the exhaustion of all appeals, let me address some fundamental issues regarding the nature of our committee and the obligation of the Senate.

Article 1, section 5, clause 2 of the Constitution charges each House affirmatively with the obligation to determine the fitness of its Members.

We have had that obligation in this case since the Abscam scandal broke on February 2, 1980, which is more than 2 years ago.

At that time I was privileged to chair this committee. Once we recognized both the inevitability and the enormity of the task before us, upon careful reflection we temporarily deferred to the Department of Justice in our inquiry into these matters. We did so for two important reasons.

First, we did not relish a protracted constitutional struggle in the Federal courts between two branches of Government over the right to certain evidence.

And we must realize that at that time the FBI had all of the tapes, all of the audio tapes, all of the audiovisual tapes, and most of the witnesses who had been used at that time against Senator WILLIAMS were FBI agents. They had declined to allow that until after the jury had made its determination. So we had to make a choice whether we would go into the Federal courts and have a constitutional struggle as to whether or not the U.S. Senate would exercise its obligation to carry out its constitutional duty of judging the standing of its Members, or whether or not we would wait until the outcome of the criminal prosecution.

Second, we wanted no part of a high visibility proceedings which would jeopardize the rights of Senator WILLIAMS to a fair trial in Federal court over the release of the evidence.

When the indictment was returned and the case went to trial, the impasse over the release of evidence was resolved.

When the jury returned its verdict on May 1, 1981, our second reason for delay was removed.

Let me emphasize that nothing requires us to defer. We did it largely out of fairness to Senator WILLIAMS and also not wanting to in any way interfere or jeopardize the prosecution of the criminal case.

The specter of a Watergate-like hearing with television cameras rolling and a U.S. Senator being grilled by his colleagues posed too great a risk in the terms of pretrial publicity.

I believe we chose the wiser course of action, and I trust Senator WILLIAMS agrees.

We deferred so as not to prejudice the right to a fair trial. Upon the completion of that trial we could delay no longer.

The conscientious performance of our constitutional duty required it, and the American public, entitled to a Government free from the taint of scandal, demanded it.

Many people, however, misunderstand the role of our committee and the nature of disciplinary proceedings.

When the jury returned a verdict of guilty, many said that should dictate our result; but with our own independent constitutional obligation to discharge with our own standards of conduct and individual concepts of right and wrong, nothing external to this body can ever dictate our result: not prosecutors, not juries, not judges, not appeals courts.

While our higher standard makes it highly probable that the conviction of a crime would constitute an ethical impropriety warranting sanctions, that is nonetheless and independent, case-by-case, determination.

Likewise, had Senator WILLIAMS been found not guilty or were his conviction to be overturned on an appeal, it would still be possible for him to have violated the Senate's "Code of Conduct."

The Constitution clearly contemplates, and it would constitute no repugnant result for there to be, no conviction but yet expulsion.

Such reasoning forms the basis for our conclusion that we cannot wait until all appeals are exhausted. To do so would delay our decision possibly for years. The Constitution does not require it, and the American people will not stand for it.

What appeals court judges from the second circuit or even the U.S. Supreme Court say regarding technical legal issues is of no consequence to us. It does not bind us nor is it relevant to the ultimate issue before us: Does the conduct of Senator WILLIAMS fall so short of the standards we would impose as to warrant disciplinary action?

In fact, Senator WILLIAMS' counsel maintained in his response to the committee report, on page 34 of his response, which has been printed and disseminated to all Members of the Senate—and I quote from Mr. Feinberg's remarks:

> We do not urge the Senate to wait until all possible court appeals are determined.

Next, why not wait until the new evidence can be investigated? Some among us may argue that we should postpone the action because of newly discovered evidence. There has been evidence in the newspapers pertaining to Marie Weinberg, of her relationship with Mel Weinberg; there have been newspaper reports concerning certain gifts that were received by FBI agents; there have been matters pertaining to loans that certain FBI agents have received. So let me address this and several related topics.

Late last fall, after the request of the joint leadership, the committee considered both written and oral proffers of new evidence by Senator WILLIAMS and his counsel. Based upon a thorough review, the committee concluded, and so informed the leadership, that no exculpatory evidence had been proffered which could not have been presented at the committee's hearing last fall.

Though Marie Weinberg's death was tragic, and what she said shortly before her death was certainly interesting, Senator WILLIAMS was free to call Mrs. Weinberg last fall. For reasons known only to him and his counsel that was not done.

More importantly, the gist of her statement's pertained to Government conduct and not to the conduct of Senator WILLIAMS.

To put it simply, it does not go to the heart of the issue. It goes primarily to the credibility of the testimony of one Mel Weinberg, her husband.

When Mel Weinberg was presented by the prosecution as a witness at the trial, and we reviewed that, thorough questioning was at that time undertaken to show that he had been convicted of mail fraud, that he was on the payroll of the FBI, that he was a con man, and practically everything that went to the credibility of Mel Weinberg was presented at the trial, with the idea that Mel Weinberg was an unsavory character.

Unfortunately, our Government, the FBI, has to depend in its investigations upon certain unsavory characters, those who have been convicted. They are called stool pigeons; they are called con men; but they have been, in the history of the FBI, effective in rooting out corruption and in bringing about the conviction of those involved in crime.

Also, Marie Weinberg's testimony goes to the issue of FBI abuse. Now, that issue is an issue that I want to direct your attention to at a later stage, because I think there should be an investigation of the FBI and its abuse. But the consideration of the FBI abuse at this time, in my judgment, does not go to the heart of the issue with which we are faced. It is a peripheral issue, and it is an issue that I think should be addressed by the Judiciary Committee. I will talk more about this later.

As I have already noted, Senator WILLIAMS had every opportunity last fall to call any witness, explore any topic, make any proffer of evidence he wished. As his counsel noted, at page 171 of the hearing transcript:

> You have given us an opportunity to call whoever we like.

Moreover, there has been no showing whatsoever why, with the exercise of due diligence, any of this evidence could not have been presented in July.

I might say to you who are not lawyers: When a motion for a new trial is presented, it has been in the common law and has been established—it has been reaffirmed by the "Federal Rules of Criminal Procedure"—that in the motion for a new trial and to set aside a jury verdict, if there is newly discovered evidence, that will not be grounds for setting aside the jury verdict or granting a new trial unless that evidence goes to the issue of acquittal; No. 2, that it was not known to the defendant at the time of the trial; and No. 3, that even if it were to be unknown to the defendant at the time of the trial that it could not have been discovered by the exercise of due diligence. That has been in our common law for many years; it is not codified into the "Federal Rules of Criminal Procedure."

The committee nevertheless recommended to the leadership, relative to newly discovered evidence, that Senator WILLIAMS be free, as he has been in the past, to submit to all Members in affidavit or other written form any additional evidence he or his counsel believed is relevant to this procedure, and they have done so.

I believe everything is before you in writing or in some form that could have been presented if we had attempted to reopen the case at that time.

The thrust of the so-called new evidence is directed at the conduct or the misconduct of the Government; that is, the FBI and the Department of Justice or at the credibility of its hired informant, convicted con man Mel Weinberg.

Assume for a moment that the Government's conduct in Abscam was reprehensive; let us assume it. The committee steadfastly maintained that Government conduct has absolutely no bearing on the conduct of Senator WILLIAMS as a keeper of the public trust unless it can be demonstrated that his will was overborne.

This has not been satisfactorily proven; that is, that his will was overborne, nor has it ever been seriously contended that his will was overborne by the misconduct of the Government, the FBI, any prosecutor, or any one other person. In fact, in our hearings in July, Senator WILLIAMS expressly stated:

> Let me be clear about performing the script. My will was not overborne.

If Senator WILLIAMS' will had been overborne, then he could not be deemed to have freely and voluntarily entered into these transactions. Absent a showing of overborne will, misconduct by the Government, though reprehensive—and we are assuming for the moment that it is reprehensive—nevertheless has no bearing on the proceedings in which we are evaluating whether the conduct is befitting the dignity and the honor of the United States.

Of course, in the context of broad policymaking and executive oversight, we should all be concerned about procedures and practices within the Department of Justice and the Federal Bureau of Investigation. But these are matters for the Judiciary Committee, which has both oversight and legislative jurisdiction. Nor do we suggest that perjury and obstruction of justice have no bearing on Abscam whatsoever. We do contend, however, that in regard to perjury and the obstruction of justice that the courts are the proper forum in which to air such issue.

While they may be relevant as the technical defenses of entrapment or abuse of process, they clearly are not relevant to, or exculpatory of, Senator WILLIAMS' conduct.

Finally, regarding the conduct of the Government in the Abscam investigation, I have heard expressed the view—and I must be candid about this—that "if the executive branch can do this to PETE WILLIAMS, they can do it to me."

First, it should be perfectly clear that Senator WILLIAMS was not targeted by the FBI, the Department of Justice, or the Carter White House. He sought out Abdul Enterprises. They did not target him. The evidence is undisputed that Senator WILLIAMS directed his lawyer, his friend, to contact them about the financial endeavors. I think that has to be borne in mind and that every Member realize that it is clear and undisputed that he was not targeted. He sought them out.

This entire financial enterprise; that is, pertaining to the titanium mines, began several years before Abscam as a legitimate venture in search of capital.

Senator WILLIAMS was not approached by Mel Weinberg. He had a meeting relating to his official Senate duties in Camden, N.J., at which time Camden's mayor, Angelo Errichetti, mentioned to Senator WILLIAMS that he knew of some Arabs seeking to invest in the United States in the event the Senator knew of any entrepreneurs seeking venture capital.

Senator WILLIAMS becoming involved with Abscam can only be described as an accident, a chance happening.

Senator WILLIAMS' attorneys, in their memorandum in support of his post-trial, due process motions filed before Judge Pratt, conceded this point when, in discussing this Williams-Errichetti meeting, they wrote, at page 43 in their memorandum: "No one was looking for WILLIAMS."

More important, examine this proposition more carefully: "If they can do it to PETE, they can do it to me." Do what? Offer you a lucrative share in a multimillion-dollar financial enterprise in which you do not have to invest one red cent, in which you only have to use your influence as a Senator to get Government contracts or Federal contracts or favorable tax benefits or relief for permanent residency?

No; I think that you have to stop and think about "do what?"

I submit, if I know my colleagues as I think I do, that some of you would run away from such an offer so quickly you would probably break a leg getting out. If you did not, then, quite arguably, your sense of ethical values falls short of our higher standard.

But my guess is that if you were made aware of such an enterprise, it would be so patently wrong, so transparently improper, that the only thing that could possibly blind you from immediate and total disassociation is pure, unadulterated greed.

So if it is not obvious by now, as concerned as I am about Government conduct in this matter, I do not place much stock in this "if they did it to Pete, they can do it to me" argument.

Now, I would like to look at the question of Government involvement and to review with you the status of the law pertaining to Government involvement.

There is an opinion known as Hampton against the United States, which was decided in the U.S. Supreme Court in 1976. It appears at 425 U.S. 484. In that opinion, Justice Powell, in a concurring opinion, stated:

> That while the due process defense was available in principle, police overinvolvement in crime would have to reach a demonstrable level of outrageousness before it could bar conviction.

In other words, they say that if the Department of Justice, the FBI, or any police became overly involved, if their conduct is such, it has to reach a demonstrable level of outrageousness before it could bar conviction.

Since Justice Blackburn joined in the concurrence and three dissenting justices also adopted this point, a majority of the Court was of the view that at some level Government's overinvolvement in concealing and nurturing an alleged defense would be so outrageous as to bar conviction.

To date, however, the U.S. Supreme Court has never ruled that such a defense was applicable on the facts of any case that came before it, and the level of police overinvolvement which would be sufficiently outrageous to bar prosecution remains uncertain.

In the sixth circuit, in the case of *United States* v. *Leja* in 1977, at 563 F. 2d 244, it made clear that principles of deterrence are foremost in the exercise of this extraordinary judicial power. It said:

> In light of United States v. Hampton, therefore, we conceive the issue to be whether the governmental activity described above so offends our concepts of fundamental fairness as to justify the extraordinary employment of the judicial power to curb it.

The Court in Leja also pointed out as a general proposition that "law enforcement conduct at the investigative stage is more properly supervised by the executive branch or by the passage of laws by the Congress."

In the *United States* v. *Brown*, which is a second circuit case, which is at 602 F. 2d 4073, the Court refused to bar the prosecution on due process grounds, holding that the deterrence objective of such an action was unwarranted in the absence of a showing that the manner in which the Government conducted its investigation produced a "substantial danger of unreliability."

As is evident from the cases that were discussed by the U.S. Supreme Court and these various circuit courts of appeals, the application of due process principles to bar prosecution is an extreme remedy, warranted only in a situation of outrageous Government abuse. These principles applied in this fashion serve as a blanket exclusionary rule, precluding the Court from any evidence derived from the underlying investigation.

The Court, in its judicial power, has used the exclusionary rule by which it will allow evidence to occur when it attempts to curb certain abuses. The concept of the inadmissibility under the exclusionary rule has risen as a result of the rationale of the courts to say that police power ought to be deterred; that when the prosecuting agency is the Government, if they go about and gather evidence in an unscrupulous manner, violating certain constituitional rights, then the remedy is to exlcude that from the consideration of the jury, making, therefore, convictions extremely difficult in most instances.

So you have, really, an issue here. If the overinvolvement of the Government or its misconduct is such, first, that it has to be outrageous, the courts would deal with outrageousness from a viewpoint of excluding the evidence. That might be obtained on the tapes, on the audio tapes and video tapes, in this instance.

Now, we then come to the point: Are there decisions similar to the way the Senate sits as a body and what is the applicability of the exclusionary rule to keep evidence out, we say, when a lawyer is before a disciplinary panel or is brough up for the question of disbarment?

We also find that the Supreme Court has consistently declined to apply the exclusionary rule in proceedings other than in criminal prosecutions, and even in criminal prosecutions the Court has tended to confine the applicability of such rules to the Government's case in chief.

So, therefore, we find that the U.S. Supreme Court has ruled that in noncriminal cases you do not apply the exclusionary rule because in those instances the moving party is not the Government, is not the police; therefore, the use of judicial power as a deterrence to the police or to the Government is not applicable and is not relevant.

The U.S. Supreme Court has approved in a number of cases such matters where evidence has been illegally seized by the State Police and is being used by Federal officials in civil tax assessments.

Then we find the issue pertaining to the U.S. Supreme Court on the question of the exclusionary rule. Therefore, if a person has been convicted, and there is overinvolvement by the police, illegally obtained evidence, admissible at the sentencing stage, and the courts have held in that instance that it is not inadmissible but it can be used.

The same has been true in regards to the majority of the circuits. They have not applied the exclusionary rule at parole or probationary hearings to evidence seized pursuant to an illegal search, even though the defendant's liberty may well be at stake.

There have been numerous cases in regards to the issue coming up, as I mentioned before, at bar associations, by which a lawyer is disbarred. In the cases that have been written and reported pertaining to that, they allowed illegal evidence that was obtained because of overinvolvement by the police to be admissible.

There are a number of cases dealing with that. There are California cases and Nebraska cases, in particular, with regards to the matter of disciplinary proceedings pertaining to lawyers, and I think it has its applicability here.

Even assuming the Government's investigation of Senator WILLIAMS violated his due process rights, it is submitted that in light of the foregoing review of the purposes and the limitations of the exclusionary rule in the judicial setting, the adoption of a similar rule by this committee in this proceedings would be unwarranted and unwise. Little incremental deterrence of police misconduct would be achieved were the Senate to suppress the available evidence of possible violations by Senator WILLIAMS on due process grounds.

Judge Pratt, who was charged with making a determination as to whether or not Senator WILLIAMS was given due process in the trial in the criminal case, heard arguments, went into great detail, and was briefed, including being briefed by Dean Griswold, pertaining to whether or not the overinvolvement of the police was present in regards to this particular case.

Judge Pratt started out and dealt with each of the issues that were raised. He started out on the issue of claimed outrageousness and said that the defendants contend that the numerous instances of Government misconduct, either singularly or in combination placed this case at the demonstrable level of outrageousness the U.S. Supreme Court has suggested might warrant dismissal of charges where proof of a defendant's predisposition to commit a crime defeated his claim of entrapment.

He goes into the coaching incidents, and primarily says that Senator WILLIAMS testified at the trial that the coaching incident really had no influence on him, that he did not pay any attention to it.

Those were Senator WILLIAMS' statements at the trail of the case.

Then Judge Pratt goes into the other issues pertaining to the Government's overinvolvement, its misconduct. He goes into the issue of the tapes and the timing of interruptions that occurred. It will probably be brought out here that at a certain point, particulary on January 15, 1980, an incident in which Senator WILLIAMS declined to accept a cash bribe, there was an interruption of the tapes. He goes into this as to whether or not this amounted to outrageous conduct or whether or not it should be granted.

He goes on and says that the interruption was anticipated long before the talk turned to bribery. He said that there was no prejudice to Senator WILLIAMS because Senator WILLIAMS was given the opportunity to refuse the money on video tape and he did so.

Then he says or he points out that when the tapes started running or the cameras started running again, the first thing that was said was that Senator WILLIAMS returned to that matter and said, "No, I don't accept cash." Then he brings up the issue of "my associates" and "my interest in the mining venture."

I think in the January 15 meeting we disregard all about Mel Weinberg and disregard the FBI agents and find that there is clear evidence that the matter pertaining to the permanent residency is an issue in which Senator WILLIAMS says, "You have my pledge that I will do absolutely everything in my power to advance your permanent residency," and that was made as an inducement to get the loan. The sheik in that conversation said, "The loan will be ready by the end of the month."

I think that the January 15 meeting alone, disregarding everything else, proves the substance and goes to the heart of the case in this instance.

Judge Pratt also talks about internal governmental memorandums and the fact that certain FBI agents or certain Department of Justice officials made memorandums at a certain time in which they doubted the sufficiency of the evidence to convict and recommended that certain other action be taken with the idea of getting more evidence.

He discusses this and says, "Of course, any time you have" in effect "Many members of a Department of Justice or a prosecution team or a strike force, you will have differences of opinion as to the evaluation of evidence."

He goes on to make a statement that he felt that that memorandum did not deprive Senator WILLIAMS of due process and was not a reason for reversing the jury verdict.

Then he gets into the question of selective prosecution. Again we have pointed out that, actually, Senator WILLIAMS was not targeted but he sought them out.

He gets into the amount of inducement, that it is such a large amount.

Then he goes into many miscellaneous instances of outrageous conduct.

He ends with the cumulative effect. This is Judge Pratt speaking, who heard the case and who ruled on the issue of Government misconduct as a defense to Senator WILLIAMS.

Defendants have argued not only individual instances of claimed outrageous conduct by the government, but they also urge that, when combined, the various instances have a cumulative effect which amounts to outrageousness. The court is not convinced. As indicated above, many of defendants' arguments are not factually supported by the record; other instances that did occur did not prejudice any rights of the defendants. Whether viewed as separate instances or in its totality, the conduct by the government during its investigation does not constitute outrageousness that would require dismissal of the indictment under applicable Supreme Court precedents.

Mr. President, let me mention a little bit more about the newly discovered evidence that we talked about originally. On the issue of the newly discovered evidence, the credibility of Mel Weinberg has been questioned. Let me state for the record that I questioned the credibility of Mel Weinberg long ago. So, I assume, did most of the members of the committee. But lest anyone misunderstand, the findings and recommendations of our committee are based neither on the testimony nor the credibility of Mel Weinberg. They are based on the statements of Senator WILLIAMS himself.

To be sure, a lot of other factors formed the broad context for our determination. But to a very, very large degree, our findings and recommendations of expulsion are based on the words that were uttered by Senator WILLIAMS and recorded on video and audio tape.

Regarding the issue of witness credibility in general, Senator WILLIAMS, through his counsel, stated in his written response to our committee report—and this was before Judge Pratt had come down with his due process hearing opinion. At that time, in response to the committe's report, his counsel stated this:

Only the District Judge has heard and observed the demeanor of all the witnesses whose testimony bears upon Senator Williams' intent in saying the things he said, and the judge's evaluation of those witnesses' truthfulness is important to this body's complete and fair appraisal of Senator Williams' conduct.

What, then, did the trial court conclude regarding the credibility of witnesses? In his December 21, 1981, opinion on the various due process motions, Judge Pratt, at page 11, said this:

The ultimate choice of inferences depended to a large degree upon the jury's resolution of the credibility questions. From the verdicts it is apparent that the jury believed neither defendant Williams nor defendant Feinberg, and that it basically accepted the testimony of Sandy Williams * * *

Sandy Williams, if you will recall, is a partner or involved in this with other people in regard to the titanium mines.

The judge says that it basically accepted the testimony of Sandy Williams "as well as the Government's interpretation of the tapes. Viewed in that light, the guilty verdicts on all but one count (pertaining to defendant Alex Feinberg) are amply supported by the evidence."

He continued, at page 27:

While the court does not agree with the Government's characterization of that evidence as "overwhelming", it does view the evidence as sufficient to support the jury's findings beyond a reasonable doubt that both defendants were predisposed.

While the committee continues to believe what Judge Pratt or any other judge says about this matter is not determinative for purposes of our proceedings, if you accept the position urged by Senator WILLIAMS' counsel in his response to our report that what Judge Pratt thinks is relevant, you will find Judge Pratt's ruling certainly buttresses the committee's findings.

Let us go to the case against Senator WILLIAMS, Mr. President. There are several matters that I want to refer to that may clarify issues that you will be hearing a lot about and that will, I think, go really to the heart of the issue. I think the heart of this case is, of course, Senator WILLIAMS on tape. First, as I mentioned before, he was not targeted.

Second, I think this is a matter that you ought to consider. I do not think it is conclusive, but I think it is an issue that is a bit of evidence that should be considered. That is that on March 23, 1976, Senator WILLIAMS accepted from Sandy Williams a document that gave him a half-interest in Sandy Williams' share of the Piney River titanium mine endeavor. That appears on page 857, in the transcript. It appears under tab "D" in this book that you have before you, that each Senator has.

You can look at this. This is an agreement, it says, between Henry A. Williams III, who is Sandy Williams, and HARRISON A. WILLIAMS regarding the ownership of the United States Titanium Corp. It gets into Penque-Williams. Then down at No. 5, "It is agreed between Henry A. Williams III and HARRISON A. WILLIAMS one-half of the 26⅓ percent that Henry A. Williams III owns in United States Titanium Corp. through Penque-Williams Inc., is owned by HARRISON A. WILLIAMS."

That is dated March 23, 1976. Senator WILLIAMS admits that he received this document from Sandy Williams. According to the testimony, it was delivered to him in New Jersey. He brought it to Washington and put it in his file. Senator WILLIAMS contends that this was worthless, that he gave no attention to it. But I say that if a worthless piece of paper were given, why, then, was it put into a briefcase and brought to Washington and kept in files here, in Washington?

There is testimony—if you will now turn in this book that you have before you to page 35, this is tab "E." This is a recording of conversations in which Angelo Errichetti—he is the mayor of Camden, N.J.—Mel Weinberg, and Tony DeVito are present. Angelo Errichetti was indicted as a defendant along with HARRISON WILLIAMS. His case was severed because of the fact that he had been previously convicted in another trial involving Abscam and, therefore, it was severed until a later determination of whether he might be tried pertaining to this matter.

Here is a statement in which they are discussing Alex Feinberg. Alex Feinberg is HARRISON WILLIAMS' personal lawyer and has been for many years. We have here a statement made by Angelo Errichetti, the mayor of Camden and a political associate of Senator WILLIAMS. That has some rather salty language in it and I shall not read that, but it is dealing with the relationship of Alex Feinberg to HARRISON WILLIAMS.

I go down toward the end of the page and you see AE, then MW, then AE, then to MW, who is Mel Weinberg.

Mel Weinberg says:

I will tell you one thing. Alex does most of the talking for him—

Meaning Senator WILLIAMS.

Then you can read under AE what occurs:

Alex is the (blank) bag man. You know, I tell you guys. Whatever * * * whatever we do, race track, whatever we do, * * * Alex is involved * * * Pete gets a (blank) piece of it, whatever. And Pete's very happy.

Mel Weinberg:

He told me that. I asked him would he uh, you know, on the mine that we could use his name.

That is the only evidence pertaining to prior activity, other than some instances, but in a general way.

I hesitate to mention this, but I think it is important that you bear in mind that this is testimony, and you give to it whatever credence you wish. It may not be entitled to much. But one of the primary defenses in this case is that Senator WILLIAMS turned down a cash bribe and he was offered cash money for permanent residence.

Now, to bear a little more on the relationship between Angelo Errichetti and Pete Williams, I refer to page 109 in part 6 of the 6 parts, which is tab "F" in this instance, if you will turn to that in this book with the brown cover. You will see that this is the June 28, 1979, meeting at Arlington, Va. This is the one where, supposedly, he went, after going through the coaching incidents, in which the participants are HARRISON WILLIAMS, Angelo J. Errichetti, Tony DeVito, Richard Farhart, who is the sheik—who is addressed as the sheik and acting it—and Elizabeth Spanioli.

On page 109, we get to the point where they are discussing the relationship of Senator Errichetti, the mayor of Camden, N.J., who is also a senator in the New Jersey State Senate. He served two functions—as mayor of Camden, N.J., and as a State senator. We are discussing the relationship that exists between HARRISON WILLIAMS and Senator Angelo Errichetti of New Jersey.

This is HARRISON WILLIAMS—starting with "HW." "HW" is HARRISON WILLIAMS.

> * * * and this, of course, is the most valuable metal. Uh, the sponge that goes into the metal, is, is, is, is, the market for that is eight thousand dollars a ton. We've got thirty thousand tons we could produce a year. Therefore, with what we got of this value, knowing the need of our country, being here in a position to go to ah well, you know, right to the top on this one.

He is speaking about going to the top, pertaining to the mining venture.

Tony DeVito says, "Uh hum."

Then HARRISON WILLIAMS says: "And we have got a combination here, we are a couple of Senators and uh, we, we, we went we work together, Senator Errichetti and I, it works."

Angelo Errichetti, the mayor of Camden, the other senator, says: "We move mountains."

HARRISON WILLIAMS replies: "It works."

Tony DeVito says: "Well——"

HARRISON WILLIAMS: "It works."

The two Senators, Senator Angelo Errichetti and Senator WILLIAMS indicate there is a combination and that it works, whatever they do and whatever mission they undertake.

Bearing that in mind, I again point out that Angelo Errichetti, the senator, is the one who made the statement that Alex Feinberg was his bagman, and that statement was made by the person who Senator HARRISON WILLIAMS says, "When we work in combination, we move mountains."

Bring this up as a background on the issue of the cash bribe. There is no question that Senator WILLIAMS declined to accept a cash bribe and said. "No, no, no, no, no," several times. But what is the relevance of a bagman and acceptance of cash bribes? A person does not want to soil his hands with cash. He therefore has a bagman.

The next undisputed bit of evidence here is that, at the John F. Kennedy Airport, there is a recording in which Senator WILLIAMS accepts stock certificates in three corporations, giving him an 18-percent interest in each of those corporations. Those corporations deal with the Piney River titanium mines. They deal, also, with a matter in Georgia pertaining to another company. They are the three corporations in which this endeavor is to be carried out and in which these three corporations will be involved in getting a loan from the sheik of $100 million.

It is undisputed—he admits—that he accepted the stock certificates. He said: "All right, I took the stock certificates with me. I was on a trip to Europe. I took them to Europe, and then I came back, and I paid no attention to it, because they were worthless."

I think it is up to you, and it is a crucial point: From the entire evidence, do you think that he considered them worthless? There will be a lot of testimony, and this is something we will address later. But it is undisputed that he accepted it; he admits that he accepted the stock certificates. The stock certificates represent value.

Now I want to go to the January 15, 1980, meeting with the sheik. Again, this is the heart of this case. This is Senator WILLIAMS on tape—not Mel Weinberg, not the FBI agents, not FBI abuse, or Puccio, or anything else.

What happened in the January 15, 1980, meeting in which there were basically only two people present—the sheik and Senator WILLIAMS?

At that particular meeting, after the sheik brought up the question of his desire for permanent residency, he stated, "I want to give you some money."

HARRISON WILLIAMS says, "No, no, no, no. I do not want to do that. That is part of the way I will work."

Then there is an interruption in the tapes and then you come back afterward. If you will turn to your brown book, at tab J, at page 356, you will see in the middle of the page, in parentheses, "Interruption in Audio and Video."

Now when the camera starts coming back the first person who speaks is HARRISON WILLIAMS. The last thing that had occurred—if you will look up more to the top of the page you will see "No," and then you will see "no, no," under "HW." "This, this is when I work in that area, that kind of activity, it is purely a public not er, no."

He is saying no at that time to the offer of cash.

At that time Tony DeVito comes in and says, "There is a telephone call."

At this particular time, the sheik leaves, Tony DeVito leaves.

Then under the law because of the fact that you cannot have admissible in evidence a video taping or an audio taping unless there is a consenting party present—if there is not a consenting party present then you have to stop them. So the FBI stopped the video at that time because the sheik walked out.

Judge Pratt in his opinion says this phone call he found had been prearranged, but there is then left in the room alone only Senator HARRISON WILLIAMS. Therefore, under the law in order to allow anything to be admissible in court the FBI stopped and did not tape it because they did not have a consenting party within the room. But when the sheik returned and there is a consenting party, the cameras start again and the audio starts again and the first voice is this:

"HARRISON WILLIAMS. Forgive me, I smoke."

And this is down about the middle of the page.

"I, er, I will not impose this upon you."

He is talking about smoking.

"No," referring to the cash bribe that had been the last thing discussed where he said, "No, I am not going to take it."

"No, the er, my interest is with my associates. To, to see this very valuable mining area, er, appropriately developed. It's doing nothing now. There is the, there is the ore, there's the titanium. There is the iron. There is the phosphorous. All of them are needed and yet nothing is happening. So my only interest is to see this come together. And the, and the, the elements that I can help with, your, your personal situation." Of course, meaning referring to his permanent residence. "Er, I am very, I find it, er, a desirable thing to do for you, personally."

And then the next words are very important, referring to the matter of permanent residence. "And it's part of creating something of value, bringing in that ore."

Might I intersperse my language: the permanent residency that you speak of is part of creating something of value, bringing in that ore.

Then the sheik RF replies "the residency, how do you legislatively go." And then it goes on.

Then if you will turn the page over to page 360 you will see under five lines down HARRISON WILLIAMS says to the sheik:

> You can leave with my assurance that I will do those things that will, will bring you on for the consideration of permanency. Quite frankly I can't issue that.

He is saying that he cannot do it himself.

And the sheik says that "I must leave shortly," and HARRISON WILLIAMS says "Yes."

The sheik says:

> Er, and I, I need peace my mind, my peace of mind, er, that this can be——

And he asks him can he talk to someone about it and he talks on about his secretary.

Then he says, starting on page 361, if you will read, and this is HARRISON WILLIAMS, "And the earliest time that we could get together," talking about with the secretary, "it would be—it is essential that I have the background of knowledge," and then he says to the sheik:

> I will give you an absolute pledge that I will do everything in my power to advance your permanency, or that——

Then we see down further on, and it shows on the TV, on the video tape, that they shake hands on that.

Tony DeVito comes in, and I point out to you that he tells and HARRISON WILLIAMS tells Tony DeVito that "We have had a handshake on the understanding."

I think that January 15 meeting by which the sheik in order to bring in or get the commitment from HARRISON WILLIAMS that he gives an absolute pledge that "I will do everything in my power to advance your permanency," and shakes hands on it, that that is clear, undisputed evidence that I will use my official capacity to bring in the ore.

Mel Weinberg is not present, nor is there evidence at this time of any coaching. It is clear that after the question of the cash bribe offered that the person who returned to the issue of the mine, who returned to the issue of the loan, was HARRISON WILLIAMS. He knew then that what he thought was foremost in the minds of the sheik was his permanent residency, the sheik's safety, and he tells him at that time, "I will do everything in my power to advance your permanency," and then shakes hands on it.

Now, if you think that the Government involved itself unduly in the coaching situation, that Mel Weinberg is the greatest scalawag that has been known to mankind, you give no credence to any testimony whatsoever, you get down to the heart of the case. The heart of the case is the January 15, that is undisputed, where a man says, "I am interested in permanent residency," he offers a cash bribe. The cash bribe is not accepted. The video is stopped. The first person who returns to the issue on the mine is HARRISON WILLIAMS, and he says that "I will do everything in my power," and they shake hands.

That to me is sufficient that a public trust has been breached in this instance and that it is sufficient in regard to the sanction of expulsion.

Now, one other thing you want to bear in mind as you consider the evidence in this case, and that is at the committee hearing after we were about through I asked Senator WILLIAMS this question:

> Involved in all of this did you have anybody on your staff who was working on it?

His reply was: "No."

He had no one on his staff.

Among his defenses is that he was trying to do something for his two friends Alex Feinberg and Sandy Williams.

He met seven different times——

The VICE PRESIDENT. All of the time allotted to the Senator from Alabama for this afternoon has expired. The remaining time is under the control of the Senator from Hawaii (Mr. INOUYE).

Mr. BAKER. Mr. President, could I impose on the distinguished Senator from Hawaii for a moment and the Senator from Alabama? I think it is important that we permit the Senator from Alabama, the vice chairman of the committee, to continue and finish his presentation.

Mr. INOUYE. I agree.

Mr. BAKER. I propose that we will run after 6 o'clock for whatever brief time is necessary in order to equalize the allocation of time for the two sides.

I would also like to let the Members know that when the Senator from Alabama does finish his presentation, it would be my intention to ask the Senate to break briefly, to recess for perhaps 5 or 10 minutes, and then resume debate.

It will give us an equal amount of time even if it makes us go beyond 6 o'clock. Under those circumstances I hope the Chair will recognize the Senator from Alabama.

The VICE PRESIDENT. The Senator from Alabama is recognized.

Mr. HEFLIN. I thank Senator INOUYE and Senator BAKER, and I appreciate the Chair's consideration. We are delighted to have the Vice President presiding here. It shows his feeling toward the Senate and his obligation and duty.

I mentioned the matter of staff. There are seven different trips, one going to a boat in Florida, numerous trips to New York and other places.

To me the answer that there was no staff involved indicated that he did not want his staff to know what was going on. I think it is within the purview of your viewing the evidence, and making a determination, whether a reasonable, prudent busy Senator would have been involved without staff in all of these activities, if he did not think that he was going to get a personal gain.

Now, the evidence presented to our committee, and reflected in our report of September 3, justified beyond any doubt in my mind our finding of facts and recommendation of expulsion.

While this case is much more complicated and vastly different from the House cases, it can be boiled down to five simple points: First, Senator WILLIAMS did, in fact, have a financial interest in the titanium venture; second, he sought to conceal this interest; third, he agreed to use his official position to secure Government contracts for the venture in which he had a financial interest; fourth, he agreed to use his official position to assist the sheik in obtaining permanent residency in exchange for the sheik's financing the proposed venture in which he had a financial interest; and fifth, he was not forthright and candid in his various statements of record in this matter, thereby calling his credibility into question.

First, as to a financial interest in the venture: before our committee Senator WILLIAMS stated:

> I received no money or anything of value from anybody.

That he received no money we do not dispute. In fact, we concede that the tape of the January 15, 1980, meeting reveals quite clearly that Senator WILLIAMS refused a cash bribe.

We take, however, issue with his assertion that he did not receive anything of value. The question is twofold: Did he have a financial interest in the mine, and did that interest represent a thing of value?

It is an undisputed fact that Senator WILLIAMS received stock in three corporations that were formed to own and operate the titanium endeavor.

It is also undisputed that these stock certificates were physically delivered to the Senator at J. F. K. Airport on August 5, 1979.

They were put in Alex Feinberg's name. I want to mention this, that it was agreed that these certificates of stock would be signed in blank and endorsed in blank, were made out in the name of Alex Feinberg and, thereafter, he was then to endorse them, making them, in effect, bearer paper. There is much evidence to the fact that you can later fill in your name.

There was a definite plan not to have the name of Senator WILLIAMS in any of the corporate books or records, but that the certificates would be made out in Alex Feinberg's name, endorsed in blank, and then delivered to Senator WILLIAMS.

The interest represented 18 shares in each of the corporations, and there were 100 shares altogether.

The record leaves no doubt that Senator WILLIAMS thought he had an interest in the titanium venture, and Judge Pratt, in charging the jury, said as to value:

> It is a subjective matter. If you believe that Senator Williams thought he had value now or in the future then that is sufficient value upon which you can return a guilty verdict.

I think the record leaves no doubt that Senator WILLIAMS thought he had an interest in the titanium venture.

For example, during one meeting, that of September 11, 1979, Senator WILLIAMS asked at page 225:

> How are we doing on owning the whole bucket?

Then at page 230:

> But we would and we would sell out.

And at page 234:

> We are selling out on our investment.

Now, he is talking about at that time in September there had come in and been another group of Arab investors who were willing to pay $70 million profit at that time. The statement is made and it appears that:

> We were selling out on our investment.

Then at page 254 he says, after proposing himself that the resale price be raised from $70 million to $100 million:

> We're selling out cheap, men.

If you will turn in our brown books to tab H, this is a meeting which appears on page 257 in tab H—this is a meeting in which they are discussing whether or not to sell out to a second group of Arab investors. The issue here is whether or not "we will sell for $70 million." This is on tape. I point out to you that if you will look down on that page, you will first see down under "SW" and then "HW," that is HARRISON WILLIAMS:

> Let's raise the price.

And then Sandy Williams does not say anything in regard to that but there is "(Laughter)."

And then Angelo Errichetti:

> Hey Pete——

And then HARRISON WILLIAMS:

> Yeah, 70, I'd go a hundred for that plant because its a two-way, uh, operation.
>
> SW: Yes. I'll tell ya something——

And then HARRISON WILLIAMS:

> With 14—how many millions is it?

And then Sandy Williams:

> . . . if we don't make metal in that plant you might as well just tear, tear the rest of it down——

Then HARRISON WILLIAMS:

> We're selling out cheap, men.

He is talking about a proposed sale of $70 million.

Then, at pages 261 and 262, Senator WILLIAMS says:

> We got this all together on certain premises and they will, they will continue. . . . The only thing is the big owners (upon sale to the second group of Arabs) won't be us . . . but we'll have . . . we'll have a continuing interest.

Now, in regard to that, Senator WILLIAMS would be required to continue to work with the second group to get Government contracts and not to reveal that he has any profit and, as a result, they will have a continuing interest, all of them, in regard to this second operation, which is in a small amount, but they will have, in effect, or they think they are going to have, $70 million and a continuing interest in it.

Now, this is his statement, which appears there, "But we'll have a continuing interest."

Then, at page 263, when Alex Feinberg says, "Sell and retain . . . your 18-percent interest," and George Katz, who is a party in this, says "and retain the 18-percent interest," Senator WILLIAMS responds, "Yes, because we retain an interest." At page 272, Senator WILLIAMS refers to "our investment." In the January 15 meeting with the Sheik, Senator WILLIAMS refers, at page 356, to "my associates," and at page 359, to "our ownership of the property," and continues, "We have come this journey with your associates and we would like to come to the successful conclusion with you." In the June 28 meeting, Senator WILLIAMS had referred, at page 108, to the properties "we control, but don't own."

There is an issue as to whether or not any of the titanium mines were owned. Actually, there were options that were held on it. There was really no ownership in U.S. Titanium or any other corporation at the time, but it was a matter of options that they held pertaining to the purchase of the property.

The effect of these statements—not from Weinberg or DeVito or Errichetti, but from Senator WILLIAMS himself—could not be clearer. I would submit that someone who uses words such as "we" and "we're" and "well" and "our" in describing a financial enterprise evidences thereby a state of mind of ownership or interest in that enterprise.

The record is replete with references by participants other than Senator WILLIAMS to "your shares" (p. 112); "your share" (p. 118); "your position" (p. 189); "your vote" (p. 197); "your representative share" (p. 232); "your 18 percent" (p. 234); "yours" (p. 267) and "your * * * percentage proceeds" (p. 350).

When Mel Weinberg stated, at page 197, "Your vote does not vote unless you're there," Senator WILLIAMS responded, "Right." It was organized where Senator WILLIAMS was not shown and the interest of Senator WILLIAMS was in the name of Alex Feinberg. But he says that your vote in the corporation structure does not vote unless you are there and Senator WILLIAMS replies, "Right." When the discussion at the September 11 meeting focused on what would happen upon the sale of the venture to the second group of investors, Senator WILLIAMS responded at page 231, "Divide up." When Errichetti described the arrangement with the second group of investors later at that meeting, saying at page 233, "Five of us again participating in the same numbers that we're talking about in the first organization, which is now," Senator WILLIAMS responded, "something could be worked out." When the sheik informed Senator WILLIAMS in the January 15 meeting, at page 350, that "your * * * percentage proceeds has * * * been assured," Senator WILLIAMS responded, "Excellent."

Quite simply, it is clear beyond a doubt that Senator WILLIAMS has an interest, and that he knew he had an interest. As to his motive, one can only surmise that it was greed. He stated in the June 28 meeting, at page 112, "I'm not gonna be in this situation forever and I want to have a you know foundations which give me that independence when I, later time (IA)." In the October 7 meeting, after a discussion of putting his proceeds from the sale of the venture in a blind trust, Senator WILLIAMS stated, at page 335, "Accelerate the retirement."

Having established that Senator WILLIAMS had an interest, the next question is whether it was in a thing of value. The standard for judging a thing of value is subjective; that is, the test is not whether the thing received has actual value in the commercial world, but whether Senator WILLIAMS believed it had value, or prospective value.

The evidence again comes not from the Weinbergs, Errichettis, or DeVitos of this ordeal, but from the lips of Senator WILLIAMS. In the June 28 meeting at the Marriott, Senator WILLIAMS, at page 108, described the mine as "something that is of the highest value * * *. The whole thing presents the most valuable opportunity * * *. The titanium * * * is now coming on to be one of the most valuable minerals for metals for space, for aviation, for defense, submarines, for the * * * skin on the submarine." He saw the venture as "an opportunity to come on with one of the most valuable metals that can be produced * * *." Later in the same meeting, at page 125, he stated, "none of us have time to be wasting on trivia and this is * * * important because * * * it's of great value."

He clearly understood the amount of money he stood to receive if the venture reached fruition. In the September 11 meeting, at page 257, he proposed a raise in the price for sale to the second group of investors from $70 million to $100 million, calculated his take at "14—how many millions is it?" and concluded with, "We're selling out cheap, men."

In the October 7 meeting, Senator WILLIAMS again commented on the value of titanium, stating at page 346, "Oh, the market is there * * * there's all kinds of market. There's no problem about titanium." When Tony DeVito responded, "The Government will probably be * * * the biggest market of all * * * in the long run," Senator WILLIAMS agreed, saying "Yeah and aviation."

At the January 15 meeting, Senator WILLIAMS evidenced his belief in the value of the titanium which was to form the product base for the venture by telling the sheik, at page 354, "It's demand has increased. It's supply has been reduced. But it's demand since we met has * * * significantly, it's importance has * * * increased."

Finally, in further conversation with the sheik on January 15, Senator WILLIAMS states, at page 356, "my interest is * * * to see this very valuable mining area * * * developed." And he viewed his effort to assist the sheik in obtaining permanent residency in exchange for the sheik's financing as a way "to see this come together" as "part of creating something of value, bringing in that ore."

If you accept that Senator WILLIAMS has an interest in the mining venture, his own statements clearly show that he believed that interest to be in something of value. At a very minimum, it is clear that he believed it had potential value, which satisfies the requisite test for a conflict of interest.

Now I want to go into concealing his interest in the venture.

From the outset, Senator WILLIAMS evidenced an inclination to conceal or hide his interest in the titanium venture, beginning as early as the June 28 meeting. While, admittedly, it was Tony DeVito, not HARRISON WILLIAMS, who first raised the subject, stating, at page 112, "we were discussing your shares and how to conceal it best," Senator WILLIAMS responded, "I would work my arrangement, my situation with Alex," meaning Alex Feinberg, his longtime friend and attorney. DeVito added, "so * * * we're gonna put your shares in Alex's name," to which Senator WILLIAMS, replied, "Alex." When DeVito further commented, "and he will control them and * * * he's gonna actually sign them and then, if you want, you can maintain possession of them," Senator WILLIAMS replied, at page 113, "That's the way to do it, yeah."

When DeVito brought the subject up again, later in the meeting, he said, at page 127, "we'll just have Alex sign the ones that * * * are gonna be controlled by you." Senator WILLIAMS responded, "Right."

In the August 5 meeting at which DeVito and others delivered the stock certificates to Senator WILLIAMS, when DeVito confirmed for Senator WILLIAMS, at page 186, that Alex Feinberg had endorsed the certificates over to him "in blank," Senator WILLIAMS replied, "Very good." Shortly thereafter, Mel Weinberg explained to Senator WILLIAMS, at page 188, that the corporation would be a closed one, saying, "That's to protect you. Alright?" Senator WILLIAMS responded affirmatively, saying "Um-hum." When DeVito reiterated this point, saying, at page 192, "so that everybody would be protected * * * especially you in your position," Senator WILLIAMS replied, "Um-hum."

In the September 11 meeting, Weinberg stated, at page 267, "Yours can be hidden two ways. Ya got somebody's name you can put it in?" Senator WILLIAMS responded, "I'm not worried about that. I'm worried about * * *. You got one key * * * institution in all of this and that's American Cyanamid and they're in a glare of publicity."

American Cyanamid is a Georgia corporation and one of the corporations that was formed was to buy their plant. He said he is not worried about putting it in somebody else's name or that it is in somebody else's name. But he said what he was worried about was the publicity pertaining to this company in Georgia at that particular time.

In discussing how to handle Senator WILLIAM's one-third share of the finders' fee in the Atlantic City casino licensing matter at the October 7 meeting, Senator WILLIAMS told Weinberg, at page 313, "Handle it with Alex for now. Let's * * * do it that way * * * Use Alex * * * Use Alex." When Weinberg stated, at page 314, "we want to protect you at all means," Senator WILLIAMS responded, "Use, use, use Alex."

Senator WILLIAMS contends that he intended to disclose his interest by means of a qualified blind trust. What is clear from the record, however, is that he sought to use the device of a blind trust as a ruse—as a means of hiding rather than disclosing for the record.

Blind trusts are allowed in the Senate, but there has to be full disclosure of every share of stock that goes into it. The discussions pertaining to a blind trust here by Senator WILLIAMS indicate a lack of knowledge of the requirements of the Senate rules dealing with blind trusts, indicating that he thought you could use a blind trust to hide rather than to disclose.

A blind trust, as you know, largely is developed where there is a trustee who operates it without the control of the person who created the trust, and he does not know what endeavors, what business, what transactions, or what tradings go on.

I think you will find, as you read this evidence, that the reference to the blind trust in the manner that Senator WILLIAMS had in mind on this question is cagey, that it was a means of hiding rather than disclosing for the record.

In the October 7 meeting, he stated, at page 329, "At some point I'm going to have to find a way to protect myself. With some kind of a, call it a declaration or whatever you want to call it. I'm going to have to go public with something or other. We haven't figured that out." DeVito commented that "The original thing was that * * * your shares were in Alex's name and * * * everything was going to be hidden, and you were going to be behind the scenes," to which Senator WILLIAMS responded, "Right." At page 330, he further stated, "Everybody is * * * protected in a ER, quiet, in other words not out front." When DeVito and Weinberg indicated, at page 331, that he could not declare because the second group of investors "are not going to buy it on the premise that you're going to declare," and that if he were to declare they would have to "go back and reform the corporation," Senator WILLIAMS responded, "We can blind trust me you know."

I might comment and say that the second group of Arab investors for the sale required that Senator WILLIAMS continue to do as he promised the sheik, that is, to get Government contracts, and they said, of course, that has to be concealed, his interest in it.

He cannot get Government contracts if his ownership in the corporation is known. That, of course, brought up the question pertaining to the blind trust.

At page 334, DeVito indicated that when the sale is consummated, "Whatever the proceeds that are coming to you would be going to Alex," Senator WILLIAMS responded with "Right." DeVito added, at page 335, "Then you could come up with some kind of a blind trust," to which Senator WILLIAMS responded, "Right."

The purpose of the provisions in title I of the Ethics in Government Act which permit a public official to establish a qualified blind trust were not to permit that official to hide therein a known conflicting asset.

Such, however, seems to be Senator WILLIAMS' understanding. In the October 7 meeting, at page 337, he provided this explanation of the theory and operation of blind trusts: "There are ways and ways to * * * be on a * * * certain record. Now, if it is a blind trust * * * that's the way for my purposes, I, I will find a way to * * * make that kind and nobody knows nothing."

Those words are very key words that Senator WILLIAMS spoke in regards to the blind trust. "And nobody knows nothing."

He continued, at page 339, "And then way down the road someone said, well, you know he had all of his interests and nobody knew anything. Well, there we have it under the trust. You see. So I have done what I had to * * * It is not easy, but it can be * * * I know it can be worked."

Well, now we are way down the road * * * and it cannot be worked. While, admittedly, there was talk of disclosing and paying taxes, the clearer inference to be drawn is one of deception, of concealment, of protection, of hiding his interest so, as Senator WILLIAMS himself put it, "Nobody knows nothing."

Now let me address the agreement to assist in obtaining Government contracts.

That Senator WILLIAMS merely had an interest in a financial venture is no impropriety in and of itself. That he sought to conceal it is, and that he was to receive that interest in exchange for using his official position is all the more offensive. He did this by promising to use his office to secure Government contracts for the titanium venture.

It has already been demonstrated that titanium has several strategic uses, and is a metal of critical importance to the Federal Government.

It is a matter of critical importance to the Federal Government. I state again that the fact that Senator WILLIAMS never actually secured for the venture a Government contract is immaterial. What matters is that in exchange for his promise to attempt to do so, he received an interest in the venture potentially worth millions.

While Senator WILLIAMS never said, in these words, "Don't worry. You've got my guarantee; I'll get the contracts", he did use language which makes no mistake about his intent.

He never did say, and I think he can point out, he did not say, "I will get the contracts." But the situation was that he was in the presence of the sheik and he was thereafter going through a coaching process to show his importance, to show that he can get Government contracts.

What language did he use to make the sheik believe that he could get Government contracts? We see that he first said this in the June 28 meeting; he told the sheik, at page 108,

> And if this can be put together, in my position . . . within our Government here, which goes back decades, and knowing as I do the people that make the decisions . . . when we've got it together, we move. We move with our Government and we catch up, we go ahead, we have what we need, which we don't have now.

In bragging to the sheik about the clout he and Errichetti have, Senator WILLIAMS said, at page 109, "When we work together, Senator Errichetti and I, it works * * * It works * * * It works."

When Devito told Senator WILLIAMS, at page 110, referring to the sheik, "he feels that with you behind this thing, with the people that you know, the, uh, Government contracts, available, you know, this whole thing," Senator WILLIAMS responded, "right through."

When he said, "right through," he was certainly trying to impress upon the sheik that he would go right through in regard to Government contracts. Shortly thereafter, he continued, at pages 110-111:

> I've been here decades and . . . in that position you come up to those positions and you work with the people that make the decisions . . . I'm very close to them. Uh, very close. That's . . . no problem and . . .

Saying that, "There's no problem." What is he speaking about with that "no problem?" He is referring at that time to Government contracts.

> The way I am . . . I only involve myself in something that I . . . just completely believe in and this one, this whole situation we've presented through the mine, the processing and the product. I believe it, you know. With . . . great pleasure talk to the President of the United States about it and get him as enthusiastic and excited because we know what our country needs.

Again, that is on the issue of whether he was trying to impress upon the sheik that he would get Government contracts.

Having invoked the name of the President, Senator WILLIAMS proceeded to boast of his "very close" friendship with the Secretary of State (p. 111); his "very close" relationship with the Vice President, who, at the time was former Senator Mondale, who, he said "used to work for me" (p. 111); and that he and the Secretary of the Treasury were "very close, personal friends" (p. 114).

After the first of his two comments about Vice President Mondale, DeVito stated, at p. 112, "then, with you being in that position and contracts and, uh, the like would not be a problem." Senator WILLIAMS could have responded, "No, I can't do that. It's impossible." He did not. He replied, instead, "No problem. No. In a situation where we can just sit around and describe, they'll see, it will come to pass."

When he is being asked—I go back.

> With you being in that position and the contacts and the like.

He replies, to the question referring to Government contracts, "No problem, no." He says, "It will come to pass."

After Senator WILLIAMS completed his heavy "name-dropping," DeVito stated, at p. 115, "Uh, not our concern, it's none of our business, who you go to," to which Senator WILLIAMS responded, at p. 226, "But you can be assured that we * * * have a relationship that will make all of that possible."

When asked by DeVito at the September 11 meeting, at p. 260, if he had talked to anybody * * * within the Government as to what their feeling is about titianium," Senator WILLIAMS responded, "Its, its, its hot. Yeah, Yeah. I have."—saying that he had talked to people in the Government about titanium. At p. 261, he added, "As a matter of fact, its * * * the situation on titanium metal can be described as a desperate, a desperate shortage."

When asked by DeVito at the October 7 meeting, at p. 345, if he had "had an opportunity to discuss . . . titanium with anybody?" Senator WILLIAMS responded, "I talk titanium with everybody, anybody, that has a connection." after Senator WILLIAMS mentioned an executive with Bethlehem Steel with whom he had spoken, DeVito said, "No, I meant * * * as for the Government is concerned . . . you know in dealing with everybody." Senator WILLIAMS responded, "Yeah. And keep verifying. This is * * * still prime, yep, still prime."

Finally, at p. 346, Senator WILLIAMS discusses the market for titanium, stating:

> Oh, the market is there. Jesus on that metal . . . there's that market there. So there's all kinds of market. There's no problem about titanium." DeVito added, "The government will probably be . . . the biggest market of all . . . in the long run," to which Senator Williams responded, "Yeh and aviation.

What seems clear from this analysis of the words of Senator WILLIAMS is that in exchange for his interest in the mining venture, he promised to help in securing Government contracts. That is the unmistakable inference to be drawn from language like, "in my position * * * knowing as I do the people that make the decisions * * * we move with our Government"; language such as "it works", "Right through", "No problem * * * it will come to pass." What other inference are we to draw when a United States Senator says that "with * * * great pleasure" he would talk to the President? That of his connections to Cabinet Secretaries and the Vice President, "you can be assured that * * * we have a relationship that will make all of that possible"?

Let me read that again. He says of his connection to the Cabinet secretaries, which would include the Secretary of Defense and the Vice President, "You can be assured we have a relationship that will make all of that possible." And "that," of course, has to be, in my judgment, Government contracts.

Do not forget that all of these statements were made by Senator WILLIAMS, and about, or in reference to, securing Government contracts for the titanium. It was clear to the committee, and is clear to me, that regarding contracts for the titanium, Senator WILLIAMS' state of mind was that "it will come to pass."

Mr. President, much has been made of Senator WILLIAMS' refusal of a cash bribe in this meeting, and I believe I have already spoken to that. It is not necessary to go back into it. Now I want to go into some of the issues which, I think, we have to consider on the credibility issue that is involved here.

Throughout all of this sordid affair, as it went along, Senator WILLIAMS has made numerous statements—to the FBI agents who interviewed him on February 2, 1980; at his trial; at our hearings; and at a subsequent meeting of the committee. Even granting that it is difficult, if not impossible, to remember every single detail in such a complicated series of transactions, the inconsistencies between Senator WILLIAMS' statement and his conduct, or within his statements alone, are too great to be explained by the complexity of the facts and the duration of the transactions alone. The effect can only cast doubt on his ultimate credibility.

A few examples should suffice:

At trial, Senator WILLIAMS attempted to indicate that he was surprised, if not astounded, by the proportion of all this. He stated on direct examination, in the trial transcript on April 22, 1981, at page 4291, that all this was beginning to take on a "monumental dimension" and they were beginning to talk of "just unlimited money." Yet, it was Senator WILLIAMS who said they were "selling out cheap" and that they should raise the selling price from $70 million to $100 million. That is at page 257.

Regarding the coaching meeting of July 28, Senator WILLIAMS stated at our hearings, at page 130:

> I overstated my importance, because the script called for me to brag. I followed the scenario in the script because I was constantly urged to do so by my friends.

However, at the trial he stated on April 21, 1981, at page 4285:

> It just seemed to me that I was being asked to do something not in my character and I would go to the meeting and I would do things pretty much my way at the meeting.

On yet another occasion, however, when asked about whether what Errichetti was asking him to do was contrary to his personality, Senator WILLIAMS responded:

> I went part way on this.

Which was it? He followed the script? He did it his way? He went part way? I am not sure.

Senator WILLIAMS testified at the trial that he did think that in the June 28 coaching meeting, Weinberg and Errichetti were trying to pressure him to get Government contracts. In fact, he stated:

> I heard the words "deals, contracts, don't talk mines."

That appears at page 4333.

Moreover, just from the record I have cited thus far, there have been countless references to "contracts" and "Government contracts." Yet, amazingly, when asked by the FBI on February 2, 1980—after Abscam had broken in the press—whether anyone had tried to get him to use his influence to get Government contracts, he stated that no one had.

At trial, and at our hearings, Senator WILLIAMS repeatedly stated that he had no interest in the mine; that he was "helping these friends of mine get their mine * * * going"; that he only continued to be involved to help Sandy and Alex, so it would "come to pass for these guys * * *."

When interviewed by the FBI on February 2, he stated that he was not aware of any stock interest in the mine; what stock there would have been; that he did not have any financial interest in U.S. Titanium; that he was not aware of any other companies being formed to invest in the mine. Then he said that if any companies had been formed, he did not have any stock interest in them.

Senator WILLIAMS made these statements notwithstanding all the meetings from Florida to New York; the countless discussions of PIT, PRV, and GTD; of selling the mine to a second group of investors; all the discussion of 18 percent; and so forth.

Now I wish to go to a point on cross-examination at trial.

When faced with an incriminating statement of his own and when asked, "Did you make such statements," with reference to the video tapes and the transcripts that were available, the audio and video tapes, Senator WILLIAMS would refer to that and say, "Yes, that was stated in effect by me, but it was baloney"—baloney or puffing. He used the word "baloney" on numerous occasions when asked, "Did you make such statements?" He said, "Yes, I made them, but it was baloney."

When asked whether his statement at the June 28 meeting—"In my position—within our Government—which goes back decades, and knowing as I do the people that made the decisions—we move our Government"—was referring to this position as a U.S. Senator, Senator WILLIAMS responded:

> Yes. With an understanding of what I had on my mind in terms of the baloney session that these people had persuaded me to engage in.

When asked about his statements that he was "not gonna be in this situation forever," Senator WILLIAMS said that "seems to fit into this meeting on the baloney side of the ledger."

When asked if he wanted the sheik to believe he was a public official with connections, Senator WILLIAMS responded:

> The balogna there could be interpreted that way.

Such a convenient device for escaping from incriminating statements does little to enhance the credibility of a U.S. Senator, to say nothing of the institution. But even assuming it were a legitimate excuse, the "baloney" response applies only to the June 28 coaching meeting, and the June 28 meeting is the only one at which any attempt was made to coach Senator WILLIAMS. It is significant to note that in what, in my opinion, is the most damaging meeting—the January 15 meeting—the only persons present were HARRISON WILLIAMS and the sheik.

In summary, with regard to the substance of the case against Senator WILLIAMS, it is clear to me that he had an interest in the mining venture; that it represented a thing of value; that he received it in exchange for agreeing to use his influence to get Government contracts for the venture; that he agreed to use his official position to gain permanent residency for the sheik as the quid for the sheik's titanium financing quo; and that in his public statements about this matter Senator WILLIAMS has not evidenced the candor and forthrightness expected of a Member of this body.

Perhaps as you listen to this recitation you will ask, as I have repeatedly, why did not Senator WILLIAMS get up and walk out? Why did he not refuse to play along? I cannot answer this, especially in light of the record. By my count, the transcripts contain seven specific invitations to Senator WILLIAMS to express his disagreement, concern, or disapproval:

First. August 5 meeting (at page 192), DeVito:

> We just wanted to make sure that you were aware of it and . . . are satisfied with what's going on.

He did not reply then by saying, "I am not satisfied. I do not like it."

Second. August 5 meeting (at page 194), DeVito:

> Like I say if you have at anytime . . . any questions . . . or concern you know get a hold of any of us.

He did not respond in regard to this by walking out.

Third. September 11 meeting (at page 236), Weinberg:

> The whole thing on this sale depends (on) you and the government getting the contracts for us . . . you're the one that's gotta give us the O.K. to do it. If you have any qualms about it, you wanna keep it the same, it makes no difference to me either way. But the whole thing depends upon you to work the same capacity as you working for us to get us government contracts.

He is speaking at that time about whether to go ahead with the loan and operate the venture, the three corporations themselves, the five people, or whether to sell it to the second group of Arabs at that time.

It is also stating that "If you have any qualms, but the whole thing depends upon you to work the same capacity as you are working for us to get us Government contracts."

Then on the September 11 meeting Weinberg says, "If you don't feel easy with it, PETE, let us know and we're with you."

He said, "If you don't feel easy with it" he is talking about the second sale but he is also talking about the whole situation, it is an invitation, saying, "If you don't feel easy with it."

Then another instance Weinberg at the September 11 meeting, "If you're not happy with it, ya say so, we just stay the way we were."

Then on the September 11 meeting, the same meeting, Weinberg says at page 282, "We're not going any further until we get our OK."

Then at the separate meeting Errichetti says "Then we're—our minds are all set, is that correct?"

I need not tell you that with seven clear invitations to express reservations, to go back, to say no, to say "I want out," not once did Senator WILLIAMS do what was proper.

Now I want to get to the issue of sanctions or why expulsion.

Having cited the critical evidence against Senator WILLIAMS, we come to the question of sanctions. Why, you may ask, expulsion? Why not some lesser sanction?

Of all the questions we will be asked, this is perhaps the easiest to answer, because in the senior Chamber in the highest deliberative body in this country, in what I hope is the most esteemed deliberative body in the free world, there is simply no place for those who would engage in such conduct.

We cannot condone, we must not countenance, such wanton disregard for the concept of the public trust. For a Member who knowingly and willfully enters into a financial enterprise for personal financial gain measured in the millions of dollars because he is "not gonna be in this situation forever," thereby feathering his nest at the expense of the public; for a Member who says his interest in such an enterprise will be concealed so "nobody knows nothing;" for a Member who responds by saying of the desire that he abuse his office to secure Government contracts for an enterprise in which he had an interest "it will come to pass;" and for a Member who agrees to undertake an official act if it will help in "bringing in that ore" which will make him a millionaire many times over—I say the severity of the sanction must meet the odiousness of the offense. HARRISON WILLIAMS' conduct was, indeed, ethically repugnant, for which, painful and unpleasant though it may be, he must be expelled.

To censure would be to set the wrong standard within and send the wrong signal without. To merely censure our colleague would be to put the Senate stamp of approval on conduct which we all know, deep inside, to be wrong. We would be telling the American public, "Yes, the Senate is a club. No, we will not expel one of the Members of the club for blatant conflicts of interest, for bribery, for accepting an illegal gratuity, for failing to report an attempted bribe, for failing to respond candidly and forthrightly when questioned." When distrust of our institutions of Government and our public officials is so high, the Senate can ill afford the criticism that, in ABSCAM, we merely slapped the wrist of our colleague; that yet another congressional disciplinary proceeding ended in a whitewash.

I have weighed and considered the evidence in this case as carefully and as deliberately as I know how. I can honestly say I have spent as much time on this one matter as any other single matter since my election to the Senate. Though it pains me to say it, I have concluded that Senator WILLIAMS' conduct falls short of the standard we seek to maintain. I concur in the recommendation of our committee, and nothing has happened in the intervening months since we made that recommendation to cause me to change my mind. But my conscience dictates that I add this personal note to Senator WILLIAMS. I have always admired a fighter. I do not for one minute doubt your sincerity when you maintain that you have been wronged in this matter—that you are the victim of Government misconduct. While I ultimately view this differently than you, I respect you for vigorously asserting your rights and fighting for what you believe in.

You believe in your innocence, and that you have been victimized; I believe you have done wrong, and sanctions are required. We are both here today because we are asserting these beliefs, different though they may be, and I cannot help but think the principles of democracy are strengthened in our so doing.

CONCLUSION

I had hoped the day would come when I would not have to conclude these remarks in the following manner. Having examined the evidence, it is clear that Senator WILLIAMS has violated his public trust; that he breached his sacred covenant with the people of New Jersey.

The record makes it quite clear what Senator WILLIAMS did. A busy U.S. Senator—at all times in question he was chairman of a major committee—he nonetheless found time, over the period of a year, to attend a series of seven meetings spanning locations from Florida to New York. Though maintaining he was aiding friends and constituents on what most of us in the Senate would term a special project, never once did he involve his staff or delegate to any member thereof even the slightest detail.

He agreed to be a party to not one but two complicated financial enterprises in which he stood to make millions of dollars—without contributing a single cent as an investor in which there was not required on the loan to be a personal endorsement, merely that the corporation would make the loan and it would be made at prime rate, but requiring no personal guarantee, no personal endorsement, and where he did not contribute a cent as an investor. What was he to contribute? His clout. His contacts. His influence. As to why he was engaging in this venture, he volunteered that he was "not gonna be in this situation forever." When asked whether he could be helpful regarding securing Government contracts for the venture in which he had an interest, Senator WILLIAMS said: "It will come to pass." While there was talk of disclosing his interest and paying taxes, Senator WILLIAMS ultimately advocated concealment so that, in his words, "nobody knows nothing." And it was Senator WILLIAMS himself—not the supposed sheik—who provided with his "bringing in that ore" statement the critical nexus or link between an otherwise proper legislative act, promoting the sheik's permanent residency in this country, and the enterprise from which he stood to gain financially.

We have all heard and read about "coaching." Did the coaching have any effect? Was Senator WILLIAMS affected by the coaching?

Senator WILLIAMS stated himself that the coaching did not have any effect, according to his admission at trial, according to his statement before our hearings, and also according to his linguistic expert.

Has he been entrapped? The jury in Brooklyn found he was not. Judge Pratt ruled as a matter of law that he was not. The committee found that he was not.

In his formal reply to our committee report, his counsel stated:

> We do not interpose technical defenses such as entrapment.

Moreover, entrapment could never be a defense to allegations of misconduct when the standard for judgment is a higher one than that which obtains in the criminal process.

While there was coaching, it is clear from Senator WILLIAMS that his words were the product of his own voluntary thoughts and thinking. His will was not overborne.

There was no coaching, there was no entrapment. The words which come from the mouth of Senator WILLIAMS were not coerced.

When he said he was "not going to be in this situation forever," he alone knew what he had in his mind. When he said, "It will come to pass," there was no gun at his head. When he said, "Nobody knows nothing," this was "no rubber hoses in the back room" set up. When he said, "It is part of creating something of value, bringing in that ore," there were no Weinbergs, DeVitos, or Errichettis present to put words in his mouth.

Finally, I ask you for a moment to assume coaching, even assume entrapment. If a Member of this body really knows right from wrong, if he or she truly believes that a public office is a public trust, if he or she genuinely cares about the integrity of this institution, then that Member would not hesitate for a moment to get up and walk; walk away from the sleazy characters swearing like sailors; walk away from talk about sheiks and deals and hidden interests and protection and concealment; walk away from talk about Government contracts and influences and "who you know," and, "you are the deal," walk away, in other words, from obvious impropriety.

At any point in this drawn-out, sordid affair, Senator WILLIAMS could have said:

> Wait a minute, what you are proposing is wrong. This is not what I had in mind. I cannot be involved in this.

But he did not. He stayed, he discussed, he agreed, he promised, he pledged, all this to abuse his office, his public trust, for which now he must be expelled.

Painful though it is, distasteful though it may be, we have a task from which we cannot shrink. By the rule of fundamental fairness under the watchful eye of a concerned public and a vigorous free press, we have an obligation to see that an ultimate judgment be made and that it be fair, impartial, and just. The Constitution requires we do no more. The American people expect we do no less. Thank you.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. STEVENS). The majority leader.

Mr. BAKER. Could I inquire from the distinguished Senator from Hawaii, it is now 5 o'clock plus 2 minutes. Under the order previously entered, under the designation by the minority leader, the Senator is entitled to an equal amount of time consumed by the distinguished chairman and vice chairman of the committee.

Before I put my question to the distinguished Senator from Hawaii, may I inquire of the Chair how much time has been consumed in debate so far?

The PRESIDING OFFICER. The debate started at 1:40, it is now 5 minutes after 5. Three hours and twenty-three minutes have been consumed by the committee.

Mr. BAKER. I thank the Chair.

May I say to my friend and colleague——

Mr. WALLOP. If I may, Mr. President, I believe the first approximately 20 minutes of debate were roughly equally divided between the majority leader and the minority leader under time under the original agreement. The Presiding Officer said it has all been consumed by the committee——

The PRESIDING OFFICER. The Senator is correct. It is approximately 2 hours and 50 minutes we are discussing here—3 hours.

Mr. BAKER. Why do we not round it out to be 3 hours for practical purposes. The Senator from Hawaii is entitled to 3 hours. That would take us until about 8 o'clock. It is fair for the Senate to stay in until 8 o'clock if the Senator wishes to do so or we can have an unequal allocation of time tomorrow in order to capture the amount of time.

Mr. INOUYE. Mr. President, if we have a short recess, I think we can resolve this matter right away.

RECESS FOR 10 MINUTES

Mr. BAKER. I would be pleased to do so. Would 10 minutes, until 5:15 be sufficient?

Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 5:15.

There being no objection, the Senate, at 5:05 p.m. recessed until 5:15 p.m.; at which time it reassembled when called to order by the Vice President.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I have conferred with the distinguished Senator from Hawaii and others. I had hoped that at this moment there might be a decision on how they would prefer to proceed.

I reiterate what I said to them earlier and what I repeated privately. I am prepared either to stay in order to provide for equal time for debate this evening or to come back tomorrow and have an equal time allocation in order to recapture an equality of time for debate as the Senator from Hawaii or others involved may wish, or some variation of that time.

I yield now to the Senator from Hawaii who is on the floor. I would appreciate any further advice he wishes to give me.

Mr. INOUYE. Mr. President, the Senator from Montana has a few questions he would like to ask of Senator HEFLIN. After that, I have a statement which should take about 40 or 45 minutes. I propose that at the conclusion of my statement we adjourn and return tomorrow.

Mr. BAKER. And on tomorrow would the Senator from Hawaii be agreeable to providing, in order to recover an equality of time for debate, that the time to be allocated——

Mr. RANDOLPH. Mr. President, the Senate is not in order.

The VICE PRESIDENT. Will the Senate be in order? The majority leader cannot be heard. Will Senators take their seats? The Senator will suspend.

The majority leader.

Mr. BAKER. Mr. President, I would propose then, if we stop at 6 o'clock—and I think that is a good arrangement, everything considered—that the Senator would be short about 2 hours time and that we allocate 3 hours to the control of the Senator from Hawaii, beginning tomorrow afternoon at 1 o'clock, or approximately 1 o'clock, when we assemble a quorum, and 2 hours to the committee. That would still leave the Senator 1 hour short, but we can regain that by staying an extra hour or in a subsequent day, if there is a subsequent day.

Mr. INOUYE. Mr. President, we may have to stay here a few minutes beyond 6 o'clock.

Mr. BAKER. That is perfectly satisfactory.

Mr. President, I wish to announce, then, that tonight, after the conclusion of the statement of the Senator from Hawaii, I will ask the Senate to recess over until 10:30 in the morning. On tomorrow, we will arrange the remaining time for debate in an effort to recapture an equality of time between the committee and Senator INOUYE and Senator WILLIAMS.

The VICE PRESIDENT. The Senator from Montana is recognized.

Mr. RIEGLE. Will the Senator yield briefly?

Mr. MELCHER. Yes.

Mr. RIEGLE. Mr. President, I suggest, in light of the fact that we had the interruption, that the two Cloak Rooms might endeavor to reach Senators who may be off the floor and not be aware we are resuming, so that every effort is made to try to see to it that Members are aware that we are back on our way. I thank the Senator for yielding.

Mr. MELCHER. Mr. President, in this process of judging the actions of a Senator under a formal recommendation of the Senate Ethics Committee for expulsion, there will be considerable evidence that we want to look at. I wish to raise a point now of credibility of that evidence. Will the Senator from Alabama yield for a question?

Mr. HEFLIN. Yes.

Mr. MELCHER. Since the very distinguished Senator and jurist has identified the January 15, 1980, tape as the most important one, my question goes to that, if the Senator will provide himself with the portion of the committee report that deals with that.

I would like to direct my question to page 355 when RF, who is Richard Farhart, the FBI agent, was posing as a sheik. On the bottom of page 355, he says "I, I will for, for your help, er, assistance and assistance—I would like to give you, er, you know, some money for, for a permanent—" Senator WILLIAMS said, "No." Farhart said "Residence." WILLIAMS says, "No, no, no. This, this is when I work in that area, that kind of activity, it is purely a public not er, no."

Then there is an interruption by another FBI agent, Anthony "Tony" Amoroso, so-called TD in this.

The interruption comes at a time when there is "No, no, no." Then Senator WILLIAMS says something. Then there is an interruption in audio and video.

Can the distinguished Senator tell me why there is an interruption in audio and video?

Mr. HEFLIN. Well, of course, I cannot look into the minds of the picture takers and the voice recorders.

Mr. MELCHER. May I ask the Senator who the picture takers were?

Mr. HEFLIN. FBI agents.

Mr. MELCHER. Was it Mr. Anthony Amoroso, the so-called TD in this, and prosecutor Puccio? Were they not the ones in the other room?

Mr. HEFLIN. I do not remember specifically the name of the person doing the recording, but in answer to the question in regards to that whenever a person leaves the room and is not a consenting party, the FBI, according to my information and all of the Abscam cases, stopped the cameras because of the decision of the Supreme Court that required the consenting party to be there.

In regards to why the interruptions and why people came in, again that is a matter that would be in their minds and I do not claim that I can say their reasons or what they were. I do not know. But I suppose that they were attempting to get on tape, either video or audio, their efforts as best they could and in the best manner. I do not really know what the reasons are.

Judge Pratt addresses it in the due process hearing opinion that he gave as to these interruptions. I suppose he heard the people and would be better equipped, if you believe him in regards to this, as to what he has to say about the interruptions and the timing of the interruptions.

He goes into detail. I mentioned this before. I do not want to be repetitious. My statement was extremely long and I apologize for it.

It is on page 37 of his opinion where he goes into the issues that were raised by the attorney for Senator WILLIAMS, about the same issues that the Senator raised, and he raised it as to Government misconduct.

He concludes, without going into it, that Senator WILLIAMS was not prejudiced in the criminal case in that immediately upon the return of the sheik, Senator WILLIAMS starts the conversation and returns first to the issue of cash bribe saying, "No," and then gets to the issue of permanent residency and talks about a thing of value, bringing in the ore, which is in the transcript that I believe you are looking at. It is on page 356.

As to why, I cannot answer why the interruption occurred.

Mr. MELCHER. Respectfully, that is all I wanted the Senator to say, that he did not know why. That answers my question.

My question is, Did the committee know about what happened? They would have three options, the Justice Department and the FBI. They could excise the tapes later, get a warrant, or do just what they did. Apparently, you are led to believe, without anybody saying so, that Senator WILLIAMS is the only one in the room. But does the committee know that?

Mr. HEFLIN. According to the testimony at the trial he was left as the only person in the room. He was not a consenting party and, therefore, it was not admissible if the cameras were on and if the voice recorders were on.

Mr. MELCHER. All right, let us accept that. Then was it not true that when the sheik or Richard Farhart went out of the room, reading from the due process, exhibit 42, page 3, "He instructed you to go back and start on the titanium mine, after the immigration scenario?" Answer. "Tie it in with the permanent residency."

Mr. HEFLIN. What are you reading from?

Mr. MELCHER. From the testimony of the special agent Richard Farhart at WILLIAMS' due process hearing. It is exhibit 42.

Mr. HEFLIN. I would like to see exhibit 42, before you leave it.

Mr. MELCHER. Who was the first person back in the room and did the tape show who the first person was back in the room?

Mr. HEFLIN. After the interruption?

Mr. MELCHER. Yes.

Mr. HEFLIN. I would have to look at the tape, but the transcript of the evidence shows that the first statement was made by Senator WILLIAMS. I do not recall who the first person back in the room was.

Mr. MELCHER. The would be sheik walks back into the room, does not say anything, and the conversation is opened up by Senator WILLIAMS?

Mr. HEFLIN. Am I supposed to respond to the question?

Mr. MELCHER. Yes.

Mr. HEFLIN. I do not know what your question was. I was trying to find this in the book.

Mr. MELCHER. The transcript here would lead us to believe that after the interruption when the tape was turned back on, both audio and video, the first person who spoke was Senator WILLIAMS. Is there any assurance that there were not more there?

Mr. HEFLIN. Well, there have been allegations at various times that there are some missing tapes or that there could be erased tapes. But in the trial there was never any evidence brought out at all pertaining to any misconduct pertaining to tapes.

Our testimony in regards to this was basically the same testimony that was presented at trial. As far as I recall, there has never been at any time any evidence that was ever brought up that pointed to any specificity other than just general allegations without any proof.

Mr. WALLOP. If I may, I would like to add as well that the evidence clearly was that there was nobody else in the room at that time because Senator WILLIAMS lighted a cigarette, and when somebody comes back he laid the cigarette down and said, "Forgive me if I smoke." So it was obvious that the room was empty at the time.

This was a matter of some discussion at the trial and there was no concern that there may have been some other event taking place during that absence.

Senators will note as they read that during the questioning of Mr. Kulzer, there was no such suggestion.

Mr. MELCHER. Mr. President, it may be so that the interruption was of a certain period of time, which is covered in the testimony of Richard Farhart as to the due process when he is dragged out of the room and told to go back and get some more stuff.

The point of my question, Mr. President, is whether or not the tapes are complete, whether or not what would be recorded by voice is complete. But setting all that aside——

Mr. HEFLIN. I would like to answer that, if I may, by showing that if we return to the committee's response—give me a minute.

Mr. HART. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. Does the Senator from Montana yield for a parliamentary inquiry?

Mr. MELCHER. Yes, I do, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. HART. Mr. President, it was the understanding of the Senator from Colorado that the regular order of these proceedings would be that presentations will be made by both sides before questions are asked of either. Is that the case and would it not be more appropriate to hear the case by our colleague from Hawaii at this point before we defer to questioning?

The VICE PRESIDENT. Will the Senator please restate that?

Mr. HART. The inquiry was whether the understanding laid out by the majority leader was to the effect that the case would be put forward by both sides before a question period ensued. Therefore, would it not be more in order to hear the case put forward by our colleague from Hawaii before entering into the questioning period?

The VICE PRESIDENT. It is the Chair's understanding that the Senator from Hawaii suggested that a few questions would be in order. Thus, the time is being charged to Senator INOUYE.

Mr. MELCHER. Mr. President, I can respond to the Senator from Colorado. I have asked my question. The Senator from Alabama needed time to answer it.

Mr. HEFLIN. Mr. President, I was hunting for a statement pertaining to the tapes that was made by Kenneth Feinberg, the counsel for Senator WILLIAMS at the hearing, or in response to the written report of the committee dealing with them. I shall have to take a little time to try to find that.

The issue pertaining to the tapes was an issue in the trial of the case, that the judge was charged with having only accurate tapes and to see if there were issues pertaining to the inaccuracy of the tapes, the erasure of the tapes, all of those matters came up in the trial. The interruption issue was raised as a point of Government over involvement or misconduct and was dealt with at that time in the due process hearing and was ruled on by the judge in regard to it.

We have never had any evidence to show us that there was anything erased or that there was anything wrong with the tapes. Those issues, while they were raised in the trial, were decided. The committee has felt that the evidence that was presented to it—and it would require affirmative evidence—the burden of proof would be on Senator WILLIAMS to show in that regard that they were illegal or erased or something wrong with them I think after the initial predicate was laid for the introduction, that burden was his and we do not feel that he has made the burden of proof in regard to any erased tape or any tapes that were mangled or touched.

Mr. MELCHER. I thank my colleague from Alabama. At a later time, we shall pursue this further. I thank him for his response.

Let me note that Robert Blakey, former subcommittee counsel for Senator McClellan, now professor of law at Notre Dame, vigorously disagrees and testified to the committee that the burden of proof is not on Senator WILLIAMS; that it happens to be the opposite. But I thank my colleague.

Mr. HEFLIN. I probably agree with him. That was a wrong statement I made, Mr. President. The burden of proof in a criminal case never shifts in regard to any of those matters. However, I think we have maintained that in the committee and the report in that regard. I withdraw my statement and say the Senator is correct, the burden of proof never does change in regard to that.

The VICE PRESIDENT. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, may I begin at this late hour by reminding us all of the extraordinary nature of what we are contemplating. On July 8, 1797, when our Republic was in its infancy, Senator William Blount, of Tennessee, was expelled for disloyalty to the Republic and for his involvement in a conspiracy with the British and with certain Indian tribes to seize control of Spanish Florida and Louisiana.

On July 11, 1861, several Senators from the South—James Mason and Robert Hunter of Virginia, Thomas Clingman and Thomas Bragg of North Carolina, James Chestnut, Jr., of South Carolina, A. O. P. Nicholson of Tennessee, William Sebastian and Charles Mitchel of Arkansas, and Louis Wigfall and John Hemphill of Texas were expelled for their participation in a conspiracy to destroy the Union and the Government. The terrible swift sword of vengeance and anger struck down all of the southern Senators in one blow. It was a summary trial, the Senators were tried in absentia, with hardly an hour of debate.

Then, on December 4, 1861, Senator Breckinridge of Kentucky was expelled for taking up arms against the Republic. That trial took less than an hour.

On January 10, 1862, Senator Waldo P. Johnson of Missouri was expelled for his sympathy with and participation in the rebellion.

On the same day, Senator Trusten Polk, also of Missouri, was declared a traitor and expelled from the Senate.

On February 5, 1862, the Senate, by a vote of 32 yeas and 14 nays, expelled Senator Jesse Bright of Indiana for giving aid and comfort to the Confederacy. The Senate found that Senator Bright had written a letter dated March 1, 1861, to the President of the Confederation of States Jefferson Davis. The letter read as follows:

> MY DEAR SIR: Allow me to introduce to your acquaintance my friend, Thomas B. Lincoln of Texas. He visits your capital mainly to dispose of what he regards a great improvement in firearms. I commend him to your favorable consideration as a gentleman of the first respectability, and reliable in every respect.
>
> Very truly yours,
>
> JESSE D. BRIGHT.

Senator William Blount was present in the Senate Chamber during his expulsion trial. During this trial he was represented by two non-Senator attorneys who were granted the privilege to address the Senate and speak on behalf of the accused Senator. Senator WILLIAMS, of course, does not have that privilege. Senator Jesse Bright defended himself on the floor after the Judiciary Committee had recommended against expulsion. All other expelled Senators were tried in absentia without aid of counsel.

And so, in the 193-year history of the Senate, 1 Senator was expelled for disloyalty and for his involvement in a plot to seize the territory of a sovereign foreign nation and 14 others were charged with treason and expelled for giving aid and comfort to the enemies of the Union and Government. All but two were tried in absentia.

I believe it is important to note that the Senate of the United States has never expelled a Member except where treason or disloyalty to the Union was involved.

And now, 120 years after the expulsion of Senator Jesse Bright of Indiana, the Senate is once again called to debate and act upon a resolution that recommends the expulsion of a Member of this body. The accused is the distinguished Senator of the State of New Jersey, HARRISON A. WILLIAMS, JR.

And what is the nature of the evil crime that Senator WILLIAMS is alleged to have committed? A crime so dastardly and sinister as to justify his expulsion from this body?

Has he been charged with treason or with giving aid and comfort to the enemy? Of course not. Are we prepared to declare him a traitor? Of course not.

Assuming the correctness and the validity of the evidence presented by the Federal prosecutor in the Brooklyn court—an assumption that I do not concede—one is led to conclude that the FBI, an agency of the executive branch of the U.S. Government, thought to prove, by the application of this so-called Abscam technique, that there were corrupt persons serving in the Congress of the United States.

In the well-publicized Abscam cases, the executive branch maintains that it simply made available to select Members of Congress the opportunity to commit wrongs. "That is all we did—provided the opportunity to commit wrongs. We simply exposed the predisposed evil in some Members of Congress."

Or, to put it more simply, they set out to look for corrupt legislators and they found them.

Well, I suggest that it is not that simple. I suggest that the FBI offered more than an opportunity. I suggest that the FBI, instead, created a trap and then goaded and cajoled Members of Congress into that trap.

Instead of finding corruption, it proved that perhaps all of us are ultimately corruptible. We must live with our weaknesses as human beings, each in our own way.

It is not, however, the business of the executive branch to test for weaknesses in any Member of Congress or to attempt to discover at what point the uncorrupt can be corrupted.

I believe the record will show that agents of the executive branch created this corruption out of whole cloth, and that this manufactured kind of corruption is unworthy of the FBI as an institution and is unworthy of our consideration and our approval.

I suppose that it must have crossed the minds of many of us that something such as this never would have happened to us, that only a fool or someone with an unsavory reputation would become involved in such an affair. If only this were true.

In the event Senators have not heard, let me share with them a few additional facts about the Abscam investigation, which I believe will show clearly, at the least, that the Department of Justice will initiate a criminal investigation without any reasonable basis to believe that the individual is inclined to commit a crime.

However, I believe that something even more serious is also demonstrated. What also will be shown is that there is a willingness to deliberately set up completely innocent and honorable people. So I say that I think it could happen to any one of us.

Let us take, for example, a recorded conversation of January 7, 1980, in which Congressman John Jenrette of South Carolina indicated that Senator STROM THURMOND, the senior Senator from South Carolina, could be approached to assist these Arab investors, but that he would be "damn expensive."

When Congressman Jenrette was on the stand at his trial, he said that his allegations about Senator THURMOND were false.

I should think that if any of us were in a position of authority in the Justice Department at that time, and if that tape had been brought to our attention, we would have known, or at least suspected, that this was a lie, and very likely the matter would have been stopped right there. But what actually happened in this case? Let me quote from the testimony of Mr. Philip Heymann. These are his words, the words of the Assistant Attorney General, and head of the criminal division at the time of the Abscam investigation:

> Mr. HEYMANN. The first time I think I learned of Jenrette's statement about Senator Strom Thurmond was when United States Attorney Ruff called me up and said, "I want to go ahead and offer in some way an opportunity for Senator Thurmond to come in and take money, because we found this in the record, and we think we ought to follow this through."

This is the U.S. attorney telling the top man overseeing Abscam "I think we should give him some money."

Mr. Heymann continues:

> And I said, "Go ahead." This is the first time I heard of it. So, for me, the time within 15 minutes of the time the phone rang, I said, "Yes."

Within 15 minutes—that is according to his testimony—the Assistant Attorney General of the United States had said, "Yes." And this was from a man who testified before the Congress of the United States:

> After the careful internal review procedures are satisfied, we will initiate an undercover investigation only where we have a well-founded reason to believe that there is a pattern of criminality.

Careful internal review? Well founded? Pattern of criminality?

We are talking about the senior Senator from South Carolina, who at that time was the ranking minority member of the Judiciary Committee, who today sits as President pro tempore and chairman of the Judiciary Committee.

In my 19 years in the U.S. Senate, along with other Senators I have found myself in disagreement with Senator STROM THURMOND, but that is part of the legislative process. However, I have never heard anyone regard the senior Senator from South Carolina as other than the model of a strong, moral character, with the highest sense of ethics.

Do not tell me that the Justice Department people were not aware of who STROM THURMOND was. Any investigation that would even attempt to tarnish his name is not thought out; it is not properly constructed; it is not well run; and, most important, it is not monitored.

One would expect that when Members of Congress are going to be targeted, the person in charge at the Justice Department would know what was going on not by just a telephone call say, "Go ahead."

Unfortunately that is not the end of the list. In recorded conversation on September 10, 1979, Mr. Melvin Weinberg, Abscam's No. 1 con man, said "Javits we would definitely like and we'd like MOYNIHAN."

Now just what was going on in this investigation? This Abscam team wanted the Speaker of the House, TIP O'NEIL. They went after PETER RODINO, chairman of the House Judiciary Committee. They tried their best to go through his son-in-law.

Who knows? Some of us here whose names have not yet surfaced may also have been targeted.

We will probably not know how many of us were involved until the full story leaks out.

Maybe there is even a tape where this con man says,"We want INOUYE."

What was Abscam? In the minds of most Americans Abscam conjures up a picture of an Arab sheik meeting with Members of Congress, of money changing hands, for promises to introduce immigration bills. To others Abscam would mean the employment of a con man like Melvin Weinberg, and to many others Abscam has become a grand success for ridding America of corrupt politicians.

But as I am sure many of you know there is much, much more than that involved in Abscam. To understand the roots of the Abscam case we must go back to early 1978. Originally this FBI undercover operation called Abscam was intended to recover stolen art works and stolen certificates of deposit.

The vehicle to be used was Abdul Enterprises, Ltd., a phony corporation created by the FBI for this undercover purpose. That is where the AB comes from in Abdul Enterprises.

The officers of Abdul Enterprises were in Holbrook, N.Y. The chairman of the board was an FBI agent, John McCarthy, and the financial consultant was the convicted felon Melvin Weinberg. The supervisor for the investigation was FBI agent John Good, who was then the senior agent in Hauppauge, N.Y.

This Abdul Enterprises purported to represent a very wealthy Arab sheik who was interested in investing money in art and in securities. That was the original purpose of Abscam.

And in order to lend credibility to Abdul Enterprises, the FBI arranged with the Chase Manhattan Bank to respond to any inquiry about Abdul by affirming that Abdul Enterprises had a line of credit of $400 million. Imagine the Chase Manhattan Bank, the foundation of our economy, conspiring like this. I would be ashamed to be on that board.

I note in passing that, contrary to statements by the FBI, a large number of innocent businessmen in this country have had their businesses and professional reputations ruined because of the assurances of Abdul's financial position. The House Judiciary Subcommittee recently held a hearing and detailed this tragic side effect of Abscam.

But to return to our Abscam story, during the summer and fall of 1978 the Abscam team carried on a notably unsuccessful investigation in stolen art and stolen securities. In fact it got so bad that the financial adviser, Mr. Weinberg, provided blank certificates of deposit to one of the targets, instructed him on how to forge these certificates of deposit, and then proudly turned over the forged certificates to his FBI directors. And do you know what happened? Not only did the FBI absurdly list this as a recovery of stolen documents it apparently gave Mr. Weinberg a bonus.

At some point late in 1978 the Abscam team decided to switch from art and securities to politicians. That is to us, the Congress.

Why did this switch? I do not know. I do not have access to any internal memos that will indicate why this sudden shift from art to politicians. I can only guess. And I suppose someday some enterprising reporter will find out the precise reason for the switch and for the targeting of Congressmen, but in the meantime we can only guess. We do know, however, that the team rented a fancy mansion near Foxhall Road in the District, they maintained an office in New York City, there was a yacht in Florida, and they also had at least one jet plane on call. A lot of money had gone into the original art and securities operation, but as I try to suggest to you the returns were not impressive. That is, they were unimpressive until Mr. Weinberg stopped going after art work and instead focused on smearing Members of Congress.

And under what rules did the investigation operate? What standards existed for the conduct of the investigation? As all of us are aware, there is no charter for the FBI. We have made attempts to adopt charters, but there are none. Attempts have been made but so far we have been unsuccessful.

In my research, I located six possible sources of rules or standards. These are, briefly: The FBI enabling statute; Federal statutes regulating general governmental conduct; the Levi guidelines on the use of informants; the summary prepared by the FBI's legal counsel of legal guidance provided to undercover operations; the standards enunciated by FBI Director William Webster and Assistant Attorney General Philip Heymann on March 4, 1980; and, the Civiletti guidelines on undercover operations.

The FBI enabling statute provides no guidance as it is phrased very generally. The general statutes did present some specific problems but these were largely addressed through an amendment to the fiscal year 1979 Justice authorization bill.

The third possible standard are the guidelines on the use of informants promulgated by Attorney General Edward Levi in 1976. While it is interesting to measure the Abscam con man, Mel Weinberg, against these standards—he does not do well the way—the Levi guidelines are of minimal relevance since they focus largely on the initial decision to use an informant and the question of criminal activities by the informant outside of the investigation. The Levi guidelines do not speak usefully to the conduct of an undercover investigation.

The fourth possible source is a memo prepared by the FBI's legal counsel and dated April 4, 1978. It was intended to catalog the previously ad hoc advice which had been rendered concerning undercover operations. the discussion in the memo is interesting in its treatment of certain legal problems which have arisen during the course of undercover operations, but it is most important as a statement of the lack of clear guidelines for agent behavior, and the lack of standards against which to measure agency behavior.

The fifth possible source of guidance are the standards enunciated by Director Webster and Assistant Attorney General Heymann at a hearing on March 4, 1980, before the House Judiciary Subcommittee on Civil and Constitutional Rights. This hearing took place shortly after the Abscam cases broke in the press, and the testimony of these two officials was designed to assure Congress that the investigation was properly handled by explaining the standards under which it operated.

The final possible source are the guidelines on undercover operations promulgated by Attorney General Benjamin Civiletti in January 1981. While these guidelines were not issued until after the Abscam investigations were completed, the guidelines purport to be simply a restatement of existing policies, and as a matter of fact, there is an extraordinary similarity between these guidelines and the March 4, 1980, testimony of Webster and Heymann.

Having gone through all of this, I believe that the standards which are most relevant were those enunciated on March 4, 1980. These were publicly announced immediately after the Abscam investigation was closed and constitute the rules under which the Justice Department itself said the investigation was conducted.

Briefly stated, the testimony of FBI Director William Webster and Assistant Attorney General Heymann before the House Judiciary Subcommittee on Civil and Constitutional Rights, set forth the following standards for the conduct of the Abscam investigation:

> In some areas of law enforcement, it may be harder to structure an operation so that those with corrupt intentions take the initiative in coming forward, whether in person or through the agency of a broker. . . . In cases where we do not know the identities of the violators in a perceived pattern of criminal activity and have to make the first move directly or through a broker, or where we are met by the representations of an initiating agent of uncertain reliability, we seek to take every possible precaution against involvement of the innocent.
>
> Such precautions involve a careful evaluation of anything we are told by intermediaries about the possible interest of other persons in a criminal transaction, and an attempt to check such claims to the extent practicable.

Later the following statements appear:

> Before an operation is undertaken, FBI supervisors, the special agents in charge in the field, and program managers at FBI headquarters carefully screen all undercover agents to be certain that they are suited for their particular missions. We also provide special training for those selected, with emphasis on instruction in legal areas, including the issue of entrapment.
>
> When electronic surveillance or closed circuit videotapes are used, we can examine the propriety of our agent's conduct, and the quality of the investigation as it progresses.

Mr. Heymann also stated that:

> I know of no case where an agent has gone out and tried to persuade a political figure to take a bribe, which would be the equivalent of trying to persuade him to take stolen goods.

And later:

> It is only if the agent goes there and does a lot of fancy talking, somebody will be responsible for it, if they go and do a lot of fancy talking and inducing . . . (but) we don't have a situation where we have any agents doing a lot of fancy talking and convincing.

Finally, the hearings on March 4, elicited a statement of the three basic safeguards imposed by the Justice Department on undercover operations.

> As a first safeguard, we only initiate investigations, and we only use the undercover technique, when we reasonably suspect that criminal activity of a given type or pattern is occurring or is likely to occur.
>
> The second major safeguard followed in every undercover operation (is) making clear and unambiguous to all concerned the illegal nature of any opportunity used as a decoy.
>
> A third important safeguard in undercover operations is our modeling of the enterprise on the real world as closely as we can.

I want to repeat one of the safeguards:

> We only use the undercover technique, when we reasonably suspect that criminal activity of a given type or pattern is occurring or is likely to occur.

Was this used to go after Speaker O'NEILL? Was this used to go after STROM THURMOND? Was this used to go after PETE WILLIAMS?

These then are the self-imposed standards. These are the standards against which you should measure what you have seen and read about Abscam.

As I have already detailed, in its 193-year history the Senate has reserved the ultimate penalty—expulsion—for conduct which brought the Senate into disrepute because it was either treasonous or involved disloyalty to the United States. Clearly the conduct we are asked to judge involves nothing that serious.

What we do today will, I believe, have a far more significant effect on the Senate as an institution than any of those disciplinary cases which the Senate has considered since 1797.

Very simply, I believe the fundamental principle on which the Senate's existence as an independent and coequal branch of Government depends may be substantially, if not fatally, undermined. If this occurs, every Member—that is all of us here—may be subject to threats, pressure, and intimidation as the executive branch sees fit.

How many of us have had our phones checked? I know that over half of the Senators have had their phones checked. Whether it is real or imaginary, we have now come to that stage in the history of the United States where we get concerned.

After many weeks of studying the anatomy of Abscam, I am convinced that the decision to undertake it, the Government's misconduct once it began, and its subsequent effort to justify it all, all add up to an encroachment on the independence of the legislative branch which we cannot tolerate if we are to be separate and coequal.

I am convinced on the basis of my research that:

First, contrary to its announced standards for safeguarding innocent people in its undercover operations, the Department of Justice targeted Senator WILLIAMS for investigation without any prior basis for suspecting criminal activity.

The Department of Justice has told Congress that it only initiates undercover operations when it reasonably suspects that criminal activity of a given type or pattern is occurring or is likely to occur.

PETE WILLIAMS had served honorably and with distinction in the Congress of the United States for over 26 years when the Government agents set out to get him. Indeed, the chief attorney for the organized crime strike force, who was in charge of Abscam, said:

> I did not have any personal reason to question Senator Williams' integrity before his name came up in this case.

And the FBI agent with supervisory responsibility over Abscam admitted they were starting with a clean slate with respect to Senator WILLIAMS in February or March of 1979.

Second, rather than entering into an ongoing criminal venture, the Government intervened into wholly clean and legitimate conduct and persisted until it became potentially criminal.

Now we come to Senator WILLIAMS: On January 3, 1979, he, like most of us, was back in his home State. This was during the recess. It was soon after New Year's, and he was attending a civic function in Camden, N.J.

After the meeting he decided to spend a few minutes with the mayor of Camden. This is logical. You pay your respects to the headman, Angelo Errichetti, who was also a State senator. He thought he would sit down with him and discuss local politics.

What Senator WILLIAMS did not know was that Mayor Errichetti at that moment was already a target in the Abscam investigation.

So when Mayor Errichetti told Senator WILLIAMS was that he knew of wealthy Arabs who were looking for investment opportunities, Senator WILLIAMS thought of some of his friends, and their need of investors; and he asked if he could put his friends in touch with the mayor.

What is wrong with that? I think this was legitimate on the part of Senator WILLIAMS.

After putting his friends in touch with Mayor Errichetti, the matter no longer involved Senator WILLIAMS, or so he could have reasonably assumed. In fact, involvement of Senator WILLIAMS was limited to one social occasion during the next 5 months.

Mayor Errichetti said: "The sheik is going to give me a big party in Florida. How about coming down to meet him?"

So PETE said: "Well, I am going to be in Florida on a certain weekend and if he is there I will meet him."

So here was this fancy yacht that the FBI had maintained with our tax money; PETE WILLIAMS was invited, and that was it. There are many blank spaces in the scenario when it comes to Senator WILLIAMS, although there are a number of conversations involving the other individuals in this case.

Eventually, the Abscam team succeeds in getting Senator WILLIAMS back into the case. With the exception of this meeting in Florida to meet with this Arab sheik, he has had no contacts.

We now have evidence that the con man Mel Weinberg completely and totally fabricated the initial allegations about Senator WILLIAMS, and that this fabrication was the basis upon which Justice Department officials decided to proceed with the investigation of Senator WILLIAMS. If this is true, then none of us, no matter how pristine our dealings, is safe from this kind of intrusion. And what does Senator WILLIAMS do over the course of the next 7 months that brings him before this body for possible expulsion?

He brags about his senatorial influence. I am certain that most of us who watched this video tape were deeply dismayed by the sight of a fellow Senator excessively touting his own importance and influence. Well, what is so illegal about that? Who among us has never touted his importance to his constituents? We are here because our egos are immense. [Laughter.]

This could have happened to any one of us. Imagine if I were in New York during the convention in 1980 and a mayor from one of the cities in Hawaii comes forward and says, "I met some very interesting people. They would like to invest some money for geothermal energy." What am I supposed to do? If I learn that his name is Abdul Habib, am I supposed to say, "Whoa, I do not want any part of Arabs." Is that what we are supposed to do?

So I go to this meeting. What have I done by going to this meeting? The same thing that Senator WILLIAMS did. He touted and he blew his own horn. It was not vastly different; it was just slightly different in degree and maybe in kind. I submit that Senator WILLIAMS may have done it badly, but I am certain that all of us have one time or another used our good offices to encourage investment in our State or in our State's businesses. What is wrong with that?

Now let us further suppose that this sheik tells me that his son is interested in attending the University of Hawaii but that he will need assistance in his immigration status. Am I supposed to say that "Since you are an Arab, I would not help you?" I would say, "Give me the facts, and I will see what I can do within the rules and regulations governing this area."

And let us say the sheik says, "In my country when someone does me a good turn, I have to reciprocate." I reject it, as PETE WILLIAMS did, I say, "No, no, no." And I try to lead the conversation back to the subject of the investment.

Does that make me a criminal? Am I supposed to leave that room right away and go to the FBI and report the sheik for saying that he would like to contribute something to my campaign? Have I now committed a crime? I do not believe so. And yet what is it that Senator WILLIAMS is supposed to have done?

An extremely technical reading of the January 15 tape has led some to believe that this was all part of a single transaction. But I would ask you to relive that tape in your minds and remember that Senator WILLIAMS is alone with a man who he has been told does not speak English well.

That is why he sounds almost foolish. Every word is deliberate. I believe that the precise words and phrases of his conversation have been exaggerated to a point of absurdity, and that an objective viewing of the tape will show that Senator WILLIAMS behaved as we all might in such a situation.

Which leaves us with a question of stock—the paper stock in a set of nonexistent corporations to which nobody has ever ascribed value. Nowhere in all of these tapes or in the conversations do you find someone suggesting that this is worth x dollars. No money changed hands in the case of Senator HARRISON WILLIAMS, and nothing of value was ever created.

I suppose it is a clear legacy of these Abscam cases in the House, but I continue to be amazed at the persistence of the notion that Senator WILLIAMS accepted a cash bribe in this case.

In fact, 2 months ago, a daily newspaper in New Jersey, Senator WILLIAMS' State, wrote that he had been "convicted by a jury of accepting a bribe of $50,000." That is in the minds of most Americans, that like other Members of Congress, he took money.

The House cases were relatively simple and clear cut. They involved few transactions and almost all involved the offer and acceptance of a cash bribe. And these are the cases that are most vivid in the minds of most Americans when they hear the term "Abscam." But these cases have nothing to do with PETE WILLIAMS. Whether or not the public ever realizes the difference, the Senate, in fairness to our colleague, must realize the difference.

And nothing highlights the difference better than an internal Justice Department memo summarizing a meeting of Justice Department personnel involved in these Abscam cases. This is a document dated November 27, 1979. It is entitled "FBI Internal Memorandum from Section Chief W. D. Gow to Assistant Director in Charge Francis M. Mullen Jr." It relates to a meeting which was held on November 19, 1979. Keep in mind that this was November 27, 1979.

> Relative to the matter concerning U.S. Senator Harrison Williams of New Jersey, the following was decided:

A meeting attended by:

> Thomas Puccio, Chief, Federal Strike Force, DDNY; John Jacobs, Strike Force Attorney EDNY; AUSA Edward Plaza, United States Attorney's Office, Newark, New Jersey; AUSA Robert Weir, United States Attorney's Office, Newark, New Jersey; Robert Stewart, Chief, Federal Strike Force, Newark, New Jersey; AUSA Robert

Herbts, United States Attorney's Office Philadelphia, Pennsylvania; SAC Edwin J. Sharp, Brooklyn/Queens MRA; SSRA John Good, Hauppauge Resident Agency; SA Jack Caughlin, Hauppauge Resident Agency; SA Walter Drissler, Hauppauge Resident Agency; ASAC Robert Wright, Newark, New Jersey; Supervisor Joseph Vidovich, Newark, New Jersey; SA Martin Houlihan, Newark, New Jersey; and Supervisor Michael D. Wilson, FBIHQ.

I would like you to see this.

> Relative to the matter concerning U.S. Senator Harrison Williams of New Jersey, the following was decided:
>
> 1. It will be necessary to recontact U.S. Senator Williams in an attempt to obtain an overt action on his part regarding his sponsoring of some type of legislation; i.e., tax cover for titanium mine, environmental standards for titanium mine and/or import quotas for titanium mine.
>
> 2. It was also suggested that attempts should be made to elicit from U.S. Senator Williams whether or not he wanted his shares hidden, through discussions concerning reporting of personal taxes and official acts that he promised to provide.
>
> If the above information is obtained, prosecutors at the meeting felt that they could prove that Senator Williams was in violation of title 18, section 201 of the U.S. Code and conspiracy to defraud the Government.

As far as the Government was concerned, as of that moment they had no case against **Pete Williams**.

This meeting, I would like to remind you, was held on November 11, 1979. It was held after all of the meetings that we have seen tapes of. The only exception is the immigration bill tape, the last one, the one held in January.

After nearly a year of pursuing Senator **Williams**, the prosecutors were convinced that a successful prosecution was not at that point possible. Therefore, they felt it was necessary to contact him again to attempt to coerce him to commit a crime.

Some have suggested that the Senate's review of this case is not a review of the criminal case and, thus, that this Justice Department memo is irrelevant. Some have suggested that we should not take this memo too seriously.

This Senate proceeding is the direct result of the prosecution of Senator **Williams** by the Department of Justice. Without the Abscam investigation and convictions, we would not be here today, obviously. And what this memo says is that as of November 11, 1979, those closest to the investigation felt that they did not have a case.

What was the result of this memo? The result was on January 15, 1980, a meeting in which the sheik raised the immigration bill. And I think they blew this one.

This was the scam that proved so successful with Members of the House but in this instance, as the record shows, it failed miserably. Senator **Williams** rejected the bribe firmly. "No, no, no, no," four times. How many times must one say, "No" to be heard?

It is only by a very technical and what I regard as a tortured reading of this conversation that any wrongdoing has been alleged at all.

So what crimes did **Pete Williams** commit, if he did commit any crime at all? He was trapped in this nightmare because he wanted to help his constituents. And what is the nature of our business here? To help our constituents. Each of us intercedes to encourage the economic interests of our constituents. That is part of our job. And we would not be reelected unless we were able to provide such assistance.

And what were his crimes? That he was a fool? That he should have known better?

Granting these, I do not believe that a Senator should be expelled for being a fool or committing foolish acts. We are not talking about censuring him. We are talking about throwing him out. Maybe the worst crime that he committed was that he embarrassed us.

Well, when you saw the tapes, I am certain you had the same reaction that I did. I felt uncomfortable. I felt embarrassed. I am certain most of you felt embarrassed and uncomfortable to see a fellow colleague there. And those who have seen and heard the tapes or who have read the transcripts cannot help but be dismayed by the profanity and by conversations which we would associate with a gang of thugs.

Any psychologist can tell you that a person who comes into these vile and putrid scenes will be contaminated by that vileness and by that dirt. Senator **Williams** stands before you today largely because of the impression created by some of his constituents and by the FBI's con man.

I am confident that we in the Senate will be able to overcome this contamination, that we will make our decision based solely on Senator **Williams**' words and not on the words of Mel Weinberg or Angelo Errichetti.

Guilt by association is an ugly concept and one that should not be allowed to intrude into this important deliberation.

What should we do about this case? We must remain conscious that we in the Senate are prosecutor, judge, jury, and executioner. We make the rules under which the case is heard, and there is little that can be done to appeal our decision. It is an extraordinary role calling for the finest of our capabilities.

We can vote to adopt this resolution and expel Senator **Williams**. Or we can simply vote it down. We can also decide that his behavior did cross the line but that it merits censure instead of expulsion. Or we can decide to suspend judgment until the appeals are completed, and I assure you that this case will be appealed.

There are many other alternatives.

I have carefully reviewed the precedents of the Senate in hopes of finding what might be called a common law of ethics, and while I would hate to try to write a treatise on the subject, there are certain general propositions that can be stated.

First, the Senate has expelled Members only in cases involving treason and disloyalty.

Second, cases of financial misconduct or misuse of office have always resulted in Senate censure or condemnation.

There are substantial reasons for hesitancy on the part of the Senate in applying the sanction of expulsion. In expelling a Senator, we are substituting our judgment for the judgment of the people of New Jersey. If there is a danger to the Nation, as there is in treason or disloyalty, the Senate must act swiftly. There is no question about that. But in other cases we have hesitated to act, and rightfully so, I believe.

We have had three cases ranging from 6 months to 2 years where the Senate waited until the verdict was in. In fact, in one case they waited until the appeal was made to the Supreme Court twice.

They could have acted after the first one.

When a criminal conviction is involved, the Senate has deferred judgment until appeals have run their course.

(Mr. STEVENS assumed the chair.)

Mr. INOUYE. Senator Joseph R. Burton of Kansas was convicted in March of 1904 of receiving compensation for services rendered before a Federal department on behalf of a private individual. In January 1905, the Supreme Court overturned the conviction on jurisdictional grounds. The case was retried and Senator Burton's conviction was upheld by the Supreme Court in May 1906.

The Senate took no action until the completion of the second appeal when the Committee on Privileges and Elections was asked to review the effect of this conviction. No further action was taken at that point because Senator Burton resigned in June of 1906.

Nothing was done while the appeals were pending.

He had served for over 2 years after his initial conviction and, excluding the period between cases, for over a year and a half while he was a "convicted criminal."

Senator John Mitchell of Oregon was convicted in June of 1905 for having received fees for expediting the land claims of private clients. He died in December of 190[illegible] while his appeal was pending. The Senate had taken no action during the 6-month period following his conviction.

Senator Truman Newberry of Michigan was found guilty of conspiracy to violate the Federal Corrupt Practices Act during the 1918 Senate campaign. He was seated in 1919, and was convicted in March of 1920.

In May of 1921, the Supreme Court reversed the conviction. Senator Newberry had thus been in the Senate for 14 months while a convicted criminal.

The Committee on Privileges and Elections passed a report on the 1918 campaign in late 1921. In January of 1922, the Senate voted 46 to 41 that Mr. Newberry was a duly elected Senator. Senator Newberry resigned in November of 1922.

He got tired of all this and finally decided to retire after his name was cleared.

Mr. President, I have heard it said that the Senate need not wait for the courts before acting. That is beyond dispute. We can do anything we want. I have also heard it said that the court result should not determine the Senate result and, thus, the Senate may rightfully act at any time. That, too, I regard as beyond dispute. My concern and, I believe, the historical concern of the Senate has not been that the court result would affect the Senate's determination but, rather, that a judgment on the higher ethical standards of the Senate could prejudice the judicial process. Any action which might impact the full-scale judicial review of the conviction should at all costs be avoided.

I believe the Senate is a great body, and that we can tolerate the presence of a Senator convicted of a crime in order to assure that Senator the opportunity to fully and freely appeal a conviction. I believe our predecessors in this body were wise in their restraint.

RECESS FOR 5 MINUTES

Mr. INOUYE. Mr. President, may I ask for a short recess? I should like to have a drink of water.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 6:34 p.m., recessed until 6:39 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. STEVENS).

The PRESIDING OFFICER. Will the Senator from Hawaii suspend so that Senators may return to their seats? The Senate will come to order.

Mr. BAKER. Mr. President, purely for the sake of planning, I inquire of the Senator from Hawaii if he intends to complete his remarks this evening and, if so, some estimate of how long that might take.

Mr. INOUYE. I should like to complete my remarks. It should take no more than 12 minutes.

Mr. BAKER. I thank the Senator from Hawaii.

Mr. President, I notice that we have some drop in attendance. I request the Sergeant at Arms to notify Senators that we are back in session at this time and to insist on their attendance on the floor.

I yield the floor.

Mr. CRANSTON. Mr. President, may I be recognized for a moment?

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I should like to state that I will make a very brief statement of intention, rather than of substance, following the presentation of Senator INOUYE.

Mr. STENNIS. Mr. President, may we have quiet.

The PRESIDING OFFICER. The Senate will be in order. Senators will please return to their seats.

Mr. INOUYE. Mr. President, I appreciate this moment of rest.

Mr. President, serious allegations of misconduct have been made against the FBI and Department of Justice in connection with Abscam. Significantly, I believe that these charges have been raised by people having no personal stake in the outcome of the Abscam cases. Indeed, some of the most serious have been raised by two former assistant U.S. attorneys in New Jersey who were involved in the Abscam operation. I believe that some of these allegations may very well be the basis for the appellate courts to throw out some or all of the cases. In any event, the public perception of the integrity and the fairness of the Government's chief criminal investigative agency has been tarnished.

In other words, I believe that the Government's conduct in Abscam has undermined the public trust which is necessary for an agency of Government to have if it is to function effectively.

If the Senate expels PETE WILLIAMS, the Department of Justice and the FBI will not be the only institutions of Government which will suffer loss of public confidence and credibility. By adopting the Government's misconduct in Abscam as we must if we are to expel PETE WILLIAMS, the Senate itself will be tainted. We will be acquiescing in all the highly questionable and perhaps illegal activities of the FBI agents and their con man assistant. Then, how will our people regard us?

In my presentation, I may have been a bit harsh with the FBI. It is not my intention to criticize the agency as a whole, because I regard the Abscam investigation, particularly as it operated in the Williams case, as an aberration. The FBI, like any Government agency, has its lapses in character.

As the first chairman of the Senate Intelligence Committee, I have had an opportunity to work closely with the FBI on counterintelligence activities. I was always deeply impressed with the professional behavior of the agency, and I believe that we are most fortunate to have such a dedicated group of men and women investigating criminal activities and enforcing our Federal laws.

Perhaps one of the most disturbing aspects of this case for me was the substantial deviation from the normal professionalism of the FBI that I encountered in this case.

Even with the finest organizations, there are cases that go awry. The Army had its My Lai; the White House had its Watergate; and the FBI has its Abscam. What we have in this case is the pursuing of a man to make him a criminal, rather than the pursuit of crime itself.

Outside, those listening might conclude that what is on trial is the Abscam investigation and not HARRISON ARLINGTON WILLIAMS, JR. In some sense, I believe that is so, and that it is properly so.

This Abscam investigation cries out to be investigated itself; I trust it will be, but what is at immediate stake is the future of Senator HARRISON A. WILLIAMS.

Who is Senator WILLIAMS? I hope Senators will indulge me for a few moments as I reflect on his distinguished career.

He was first elected to the House in the fall of 1953, elected to the Senate in the fall of 1958. In the 23 years he has served as a Member of this body, he has always been a voice for the voiceless and a champion for the underdog. He has been the standard bearer for the working men and women of this country, for the disabled and disadvantaged, for the ill and the infirm. His service, particularly as chairman of the Labor and Human Resources Committee, has given power to the powerless, and those whose burdens were eased by his actions will not soon forget.

I deeply believe that in the conscience of this Nation there is a special place for HARRISON ARLINGTON WILLIAMS, JR. I believe he has also earned the respect of his colleagues as a man of his word, as a man of decency, and as a hardworking and dedicated Senator. More than anything else, I have heard my colleagues repeatedly say, "PETE is a nice fellow. He is a decent fellow. He is a guy who never crosses anyone."

Perhaps it was these very qualities that made him such an attractive target for the Abscam team, but it is in any case particularly tragic that such a man must be judged by his colleagues on a question of ethics.

The Abscam case against HARRISON ARLINGTON WILLIAMS, JR., has been an attempt to destroy a good man. After all of this is completed, what will be said of Senator WILLIAMS? A few weeks ago, while I was doing my research on Abscam, a staff member placed on my desk a book written by a beloved former U.S. Senator, John F.

Kennedy. Marked with a paper clip was the following:

> When, Mr. President, a man becomes a Member of this body he cannot even dream of the ordeal to which he cannot fail to be exposed;
>
> Of how much courage he must possess to resist the temptations which daily beset him;
>
> Of that sensitive shrinking from undeserved censure which he must learn to control;
>
> Of the ever-recurring contest between a natural desire for public approbation and a sense of public duty;
>
> Of the load of injustice he must be content to bear, even from those who should be his friends;
>
> The imputations of his motives;
>
> The sneers and sarcasms of ignorance and malice;
>
> All the manifold injuries which partisan or private malignity disappointed of its objects, may shower upon his unprotected head.
>
> All this, Mr. President, if he would retain his integrity, he must learn to bear unmoved, and walk steadily onward in the path of duty, sustained only by the reflection that time may do him justice, of if not, that after all his individual hopes and aspirations, and even his name among men, should be of little account to him when weighed in the balance against the welfare of a people of whose destiny he is a constituted guardian and defender.

These were the eloquent words of Senator William Pitt Fessenden of Maine.

Thank you.

Mr. CRANSTON. Mr. President, I rise simply to put the Senate on notice that, for reasons superbly set forth by the courageous and wonderful Senator from Hawaii and for reasons that I will myself set forth in the future, I cannot support the WILLIAMS expulsion resolution, Senate Resolution 204, as reported from the Ethics Committee.

I will propose, as soon as I am again recognized in this debate, a substitute that would instead censure Senator WILLIAMS for behavior bringing the Senate into disrepute.

At that time, I plan to introduce, with the cosponsorship of the distinguished majority whip, Mr. STEVENS, an original Senate resolution to provide for a full Senate investigation of executive branch misconduct regarding the Abscam undercover operation and related executive branch investigations and other activities targeted against Members of Congress.

The investigation would be designed to determine the extent to which these activities constitute a danger to the separation of powers and the system of checks and balances inherent in our Constitution and to produce recommendations regarding what protections may be necessary to preserve the independence and integrity of Congress.

I will be advocating adoption of this resolution as soon as possible after disposition of the WILLIAMS matter.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the text of the censure substitute amendment to Senate Resolution 204 that I will be offering.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In lieu of the matter after "*Resolved*" insert a comma and the following: That it is the judgment of the Senate that the conduct of Senator Harrison A. Williams, Junior, of New Jersey—

(1) in knowingly and willfully in 1979 permitting an outside business activity with which he was associated to use his name and office in such a way as to conflict with the conscientious and proper performance of the official duties of a United States Senator; and

(2) in knowingly and willfully in 1979 engaging in a course of conduct that inevitably would lead any reasonable person participating in such activity (including a person Senator Williams believed to be a high foreign dignitary and such person's representatives) to conclude, from certain statements made by Senator Williams and from his inexcusable failure to disassociate himself from numerous statements made in his presence by other participants in such activity regarding anticipated future improper actions by Senator Williams, that (A) Senator Williams had agreed to use his official position to further a business venture in which he had or expected to have a financial interest, and that (B) Senator Williams intended to take steps to conceal such interest in violation of the disclosure requirements in the Standing Rules of the Senate; and

(3) in knowingly and willfully in 1979 involving himself in an undertaking designed to mislead, through statements made in Senator Williams' presence and with his acquiescence, a person Senator Williams believed to be a high foreign dignitary into making a $100,000,000 loan to such business activity with the expectation that after such loan was made Senator Williams would (notwithstanding his later explanation that he had no intention to) use his official position and office to obtain government contracts for such business activity in which such person was led to believe Senator Williams had or would have a financial interest, was in violation of the Standing Rules of the Senate, reprehensible, and ethically repugnant, and thereby tends to bring the Senate into dishonor and disrepute and deserves the censure of the Senate; and that, pursuant to article 1, section 5, clause 2 of the Constitution of the United States, Senator Williams is hereby censured for such conduct.

Mr. CRANSTON. Mr. President, at this point also I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, much material that I believe points up the need for the kind of in-depth Senate investigation that Senator STEVENS and I are proposing. This material is also very important to gain a full understanding of the extent of Government misconduct in the Williams case and the extent to which the Government itself was a victim of Mel Weinberg's personal Abscam.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 to 20.)

Mr. CRANSTON. Mr. President, the material that will be printed breaks down into 20 exhibits, as follows:

Exhibit 1: Letter to October 2, 1981, from Edward J. Plaza to Judge John G. Penn with an attachment and attached December 17, 1981, internal Justice Department memorandum from Mr. Plaza and Robert A. Weir, Jr., then assistant U.S. attorney, Newark, N.J., to William W. Robertson, U.S. attorney, Newark, N.J., Philip B. Heymann, Assistant Attorney General, Criminal Division, Department of Justice, Washington, D.C., and Charles F. C. Ruff, U.S. attorney, District of Columbia, Washington, D.C., regarding false statements in various pieces of Government testimony during "due process" hearing in United States against Jenrette, and Government misconduct in connection with such prosecutions; and a December 2, 1981, letter from Judge Penn to defense counsel in the Jenrette case.

Exhibit 2: Affidavit from Marie Weinberg, Mel Weinberg's wife, regarding various alleged improper activities by FBI special agents, her husband, and others, and affidavit of Indy Badhwar, a journalist associated with Jack Anderson, about Badhwar's telephone conversations with Mrs. Weinberg related to Abscam consistent with the disclaimers in her affidavit and attached transcript of several such telephone calls.

Exhibit 3: Transcript of March 1, 1979, telephone conversations between Mel Weinberg and Edward Ellis and between Mel Weinberg and William Hyman regarding how to handle forthcoming Ellis March 5 meeting with Abdul Enterprises president, John McCloud (undercover agent).

Exhibit 4: Transcript of March 5, 1979, meeting between Edward Ellis, John McCloud (undercover agent), Carol DeRosa (undercover agent), and Mel Weinberg regarding Ellis' application to Abdul Enterprises for a large business loan to restore Garden State Raceway.

Exhibit 5: Excerpts from transcript of March 8, 1979, meeting at Atlantic City, N.J., between Angelo Errichetti, Anthony Amoroso (undercover agent), Mel Weinberg, and Alexander Feinberg regarding various matters relating to Abdul Enterprises matters, forgery of certificates of deposit, and various schemes to corrupt public officials, including Senator WILLIAMS.

Exhibit 6: Transcript of April 1, 1979, telephone call between Mel Weinberg and Angelo Errichetti regarding March 31 meeting with Kenneth McDonald and attempted payment to him of bribe regarding Atlantic City casino matter

Exhibit 7: Summary prepared by staff of Subcommittee on Civil and Constitutional Rights of projected testimony before that subcommittee by

Joey DiLorenzo, nephew of Angelo Errichetti, and others regarding gifts allegedly received or requested by Mel Weinberg from Abscam targets; FBI contact memorandum dated March 11, 1979, of contact of March 11, 1979, by Weinberg with FBI agents relating to forged certificates of deposit; and FBI contact memorandum dated June 16, 1980, of interview of Joey DiLorenzo by FBI regarding testimony he would give regarding gifts from Angelo Errichetti to Mel Weinberg and alleged meeting between them on April 1 pertaining to the McDonald bribery matter.

Exhibit 8: Excerpts from transcript of April 5, 1979, conversation between Mel Weinberg and Bob Guccione regarding casino license and gifts to help get one.

Exhibit 9: Forged letter on Senator WILLIAMS' letterhead, dated September 11, 1979, and FBI contact memorandum dated September 28, 1979, regarding September 14, 1979, meeting at which Angelo Errichetti gave the letter to Anthony Amoroso (undercover agent) and excerpts from transcript of that meeting.

Exhibit 10: Affidavit of September 16, 1981, from Salvatore Ottaviano, juror in United States against Williams, to the effect that if had he been aware of November 27, 1979, internal Justice Department memorandum regarding status of Williams case and deliberations relating thereto, he would have voted "not guilty" on all counts and would under no circumstances have ever changed his vote; and that memorandum attached.

Exhibit 11: Excerpts from testimony of Prosecutor Thomas Puccio at "due process" hearing of Angelo Errichetti (subsequent to trial of Senator WILLIAMS) relating to arrangements for publication of a book about Abscam and copy of author's contract between publisher G. P. Putnam's Sons and Jack Newfield for such a book.

Exhibit 12: Excerpts from Department of Justice Employee Standards of Conduct, 28 Code of Federal Regulations, part 45, chapter 11, sections 735-1 through 14.

Exhibit 13: Affidavits of FBI special agents Anthony Amoroso, Thomas M. McShane, Carol A. Kaczmarek, John McCarthy, John Good, and Gunnar Askeland, filed on February 23, 1982, in the U.S. district court for the eastern district of New York before Judge George C. Pratt, admitting to receipt of certain Weinberg personal articles in the summer of 1979; and a February 24, 1982, Newsday article relating to these affidavits.

Exhibit 14: Transcript of proceedings before H. Curtis Meanor, U.S. district judge, U.S. district court for the district of New Jersey, March 5, 1981: appearances of William W. Robertson, U.S. attorney, Charles Walsh and Peter Bennett, assistant U.S. attorneys, and Reed Weingartner and Eric Holder, special attorneys, Department of Justice, relating to the decision by the Department of Justice to move the grand jury investigation of the McDonald-Errichetti bribery matter from New Jersey to New York.

Exhibit 15: Memorandum of October 14, 1981, from Michael Tucevich, Assistant Counsel, to Hon. Don Edwards, chairman, Subcommittee on Civil and Criminal Rights, House Committee on the Judiciary, and attachments regarding amount of compensation paid to Mel Weinberg.

Exhibit 16: FBI contact memorandums dated June 2, 1980, and April 7, 1980, regarding May 28, 1980, and April 1, 1980, respectively, interviews of Mel Weinberg by FBI relating to leaks to media regarding Abscam.

Exhibit 17: Memorandum of February 17, 1982, from Michael Tucevich, assistant counsel, to Hon. DON EDWARDS, chairman of the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary, summarizing all representations during prior series of subcommittee hearings regarding undercover operatives.

Exhibit 18: Index and breakdown prepared by the staff of the House Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, of May 13, 1981, testimony before that subcommittee by Irvin Nathan, deputy assistant attorney general, and Edward J. Plaza, former first assistant U.S. attorney, Newark, N.J., regarding undercover operations.

Exhibit 19: Letter of January 22, 1982, from Hon. DANIEL INOUYE to Hon. MALCOLM WALLOP, chairman, Ethics Committee, requesting that Ethics Committee hold public hearings to consider certain new "due process" evidence; Ethics Committee, February 2, 1982, reply denying that request; and February 18, 1982, letter from columnist Jack Anderson to the majority and minority leaders pertaining to that correspondence and asserting the availability of major new due-process evidence regarding Abscam.

Exhibit 20: Copies of 33 United Feature Syndicate syndicated columns "Washington Merry-Go-Round" by Jack Anderson regarding Abscam dated from June 9, 1980, through February 23, 1982.

EXHIBIT 1

Letter to October 2, 1981, from Edward J. Plaza to Judge John G. Penn with an attachment and attached December 17, 1981, internal Justice Department memorandum from Mr. Plaza and Robert A. Weir, Jr., then Assistant U.S. Attorney, Newark, New Jersey, to William W. Robertson, U.S. Attorney, Newark, New Jersey, Philip B. Heymann, Assistant Attorney General, Criminal Division, Department of Justice, Washington, D.C., and Charles F. C. Ruff, U.S. Attorney, District of Columbia, Washington, D.C., regarding false statements in various pieces of Government testimony during "due process" hearing in *U.S.* v. *Jenrette*, and Government misconduct in connection with such prosecutions; and a December 2, 1981, letter from Judge Penn to defense counsel in the *Jenrette* case.

DORRITY & PLAZA,
Jersey City, N.J., October 2, 1981.

Re *U.S.* v. *Jenrette*.
Hon. JOHN G. PENN,
Washington, D.C.

DEAR JUDGE PENN: Pursuant to Your Honor's directive I am providing you with a brief outline of some of the demonstrably false statements made before the Court during the U.S. vs. Jenrette due process hearing which took place in Washington in May 1981.

Respectfully yours,
EDWARD J. PLAZA.

U.S. DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA,
Washington, D.C., December 2, 1981.

Re *United States* v. *John Jenrette, et al.* No 80-289
Mr. JOHN T. KOTELLY,
Mr. REID H. WEINGARTEN,
Department of Justice.
Mr. KENNETH M. ROBINSON,
Washington, D.C.
Mr. MURRAY J. JANUS,
Richmond, Va.

DEAR COUNSEL: Pursuant to the request of Mr. Janus contained in his letter of November 17, 1981, I am enclosing a copy of a letter dated October 2, 1981 from Mr. Edward J. Plaza and a copy of the enclosure thereto.

Sincerely,
JOHN GARRETT PENN.

MEMORANDUM: TESTIMONY BEFORE HONORABLE JOHN PENN; JENRETTE DUE PROCESS HEARINGS; MAY 1981

NATHAN TESTIMONY—PAGE 616

AUSA's, Weir and Plaza Recommended the Indictment of John Jenrette.

Facts

Neither Plaza nor Weir recommended Congressman Jenrette's indictment. Both had little knowledge of the facts of the investigation involving Jenrette. Plaza did not attend any indictment review meetings involving Jenrette. Weir attended a meeting held in Washington on May 29, 1980 where he raised concern with regard to the Jenrette case, as did AUSA's Kotelli and Adelman of the District of Columbia, United States Attorneys office. Mr. Charles Ruff, the U.S. Attorney for the District of Columbia submitted a memorandum outlining some of those concerns and attached a letter in which he requested a minimum of several weeks to investigate these concerns. Mr. Nathan and Mr. Philip Heyman denied his request and ordered the indictment of Jenrette at the next meeting of the Washington Grand Jury.

(See Weir memorandum dated: June 2, 1980.)

NATHAN TESTIMONY—PAGES 624 THROUGH 628

Plaza and U.S. Attorney Deltufo complained bitterly to Mr. Nathan about their limited role in the Abscam Investigation during meetings in July and August, 1979.

Facts

Neither Plaza nor Weir had ever seen Mr. Irving Nathan prior to January 22, 1980. Plaza did not speak in Nathan's presence until May 1980. Neither Plaza nor Weir ever complained to Mr. Nathan about their role in Abscam. Both Plaza and Weir requested

Mr. Deltufo to relieve them of their Abscam assignment because of their concerns about the manner in which the investigation was being conducted.

NATHAN TESTIMONY—PAGE 638

Plaza and Weir were removed from the Abscam Investigation of Casino Commissioner Kenneth McDonald and State Senator Joseph Maressa, because by January 1980, it became apparent: "That very little if any work had been done on those cases".

Facts

Plaza and Weir repeatedly requested to be taken off the Abscam investigation. In June 1980 when it became apparent that some Department of Justice employees were engaged in covering up what had really taken place during Abscam they once again asked Mr. Deltufo to relieve them of their Abscam assignment.

(See Plaza-Weir memo dated June 19, 1980)

At Mr. Deltufo's request, Mr. Eric Holder and Mr. Reed Weingarten were assigned to complete the separate investigations involving McDonald and Maressa. During the course of their involvement in the investigation of McDonald, both Weingarten and Holder advised Plaza and Weir that they had uncovered evidence that Weinberg had acted improperly during the course of the ABSCAM investigation. They stated that among other things they had independently uncovered evidence that Weinberg had attended previously unknown and unrecorded meetings with ABSCAM targets; that he had received gifts from ABSCAM targets; that he had received rewards for recoveries of "Forged" Certificates of Deposits, which in fact Weinberg had produced himself; and that Weinberg may have received portions of "Bribe" payments. Both stated that they found that reports of many events incredible.

In May 1981, in Washington, D.C. Mr. Holder advised Plaza that he and Weingarten had confirmed our findings with regard to Weinberg's behavior during ABSCAM and that both he and Weingarten would soon be off the ABSCAM investigation.

To date, no legal action has been brought against State Senator Joseph Maressa.

NATHAN TESTIMONY—PAGES 638 AND 639

Mr. Nathan directed the completion of the centralized Grand Jury Investigation by March 1980.

Facts

The Nathan Directive dated January 18, 1980, called for the *start* of Grand Jury proceedings in March 1980. Plaza and Weir expressed their concerns with regard to the use of a centralized Grand Jury.

(SEE WEIR MEMO'S DATED January 22, February 4, 11, 25, and April 10th).

NATHAN TESTIMONY—PAGES 649 AND 651

Mr. Nathan did not know why WEINGARTEN and HOLDER had gone to New Jersey but he was aware that upon their arrival they had further difficulties.

It wasn't important whether there were any ABSCAM prosecutions.

Facts

Mr. Nathan was made aware of the reason for the Weingarten and Holder assignment and he had discussed it with Mr. Deltufo on June 20, 1980.

At that point in time Mr. Nathan characterized the New Jersey United States Attorney's office as: "The Enemy".

Mr. Nathan repeatedly urged that both McDonald and Maressa should be indicted because there was: "Prima Facie Cases" against them. He stated that if these individuals or any others had any defenses it was up to them to raise them at trial.

(See Deltufo memorandums dated June 23, 1980 and July 14, 1980 and Weir memo dated July 3, 1980.)

NATHAN TESTIMONY—PAGE 657

Mr. Nathan fairly described in his January 6, 1981 memorandum the December 17, 1980 memorandum written by Plaza and Weir.

Facts

The Nathan memorandum incorrectly described the December 17, 1980 Plaza-Weir memorandum. For a detailed analysis of the two memorandums, see the January 28, 1981 memorandum written by U.S. Attorney William Robertson.

NATHAN TESTIMONY—PAGES 667 THROUGH 672

The Nathan memorandum of January 6, 1980 accurately reflected that the "others" present during the August 9, 1979 meeting at Special Agent Lawrence Schneider's house disavowed what Plaza and Weir had stated. The others present at that August 9th meeting were Special Agent Amoroso, Mr. Jacobs, Mr. Scharf, Special Agents Houlihan and Schneider.

Facts

Special Agents Houlihan and Schneider have both testified and their testimony corroborates the testimony of Plaza and Weir. Strike force Attorneys Jacobs and Scharf were not present during the August 9th meeting at Special Agent Schneider's home.

NATHAN TESTIMONY—PAGE 674

Mr. Nathan requested the F.B.I. to investigate allegations that Weinberg had received gifts.

Facts

Weir and Special Agent Houlihan requested an investigation regarding allegations that Weinberg had received gifts. Nathan refused Weir's request to permit Houlihan to interview Weinberg.

(See Weir memorandum dated June 19, 1980)

NATHAN TESTIMONY—PAGE 704

Most of the unrecorded conversations between Weinberg and the subjects of the ABSCAM investigations were of the "Hello", "How are you", nature.

Facts

A review of the existing tape recordings reveals substantial portions of un-recorded conversations as well as references to countless un-recorded and otherwise undocumented meetings between Weinberg and the various subjects.

Plaza and Weir were advised by Weingarten and Holder that telephone toll analysis revealed that there were more than eighty (80) un-recorded conversations between Weinberg and Errchetti alone. For a further factual recitation of some of these undocumented and untaped meetings and conversations.

(See Weir and Plaza memo dated February 27, 1981 and Plaisted memo dated February 26, 1981.)

NATHAN TESTIMONY—PAGES 771 THROUGH 775

Plaza and Weir wanted to bring other ABSCAM cases in New Jersey and wrote memorandum to that effect.

Plaza and Weir were present at every single meeting at which indictments were discussed and did not recommend against any indictment including that of Congressman Jenrette.

Facts

Two preliminary memorandums were written in January 1980 with regard to the viability of cases against Congressman Thompson and Commissioner McDonald. Both of those memorandums advised that based on the then available evidence that Prima Facie cases existed against the subjects but both memorandums cautioned that prior to seeking indictments further investigation would have to be conducted because of due process concerns.

Neither Plaza nor Weir recommended the indictment of any of the ABSCAM targets. Plaza did not attend any meeting which recommended the indictment of any individual.

TESTIMONY OF F.B.I. SPECIAL AGENT JOHN GOOD

GOOD'S TESTIMONY—PAGE 859

Special Agent Good heard from Plaza and Weir that Weinberg had lost sixteen (16) or nineteen (19) tapes.

Facts

Weir and Plaza were told by Special Agent Martin Houlihan that Special Agent Good had told him that Weinberg had approximately seventeen (17) or nineteen (19) tapes stolen from his luggage.

(See Weir-Plaza memo dated April 25, 1980.)

GOOD'S TESTIMONY—PAGES 865 THROUGH 869

Melvin Weinberg was carefully monitored during the investigation and the F.B.I. maintained a careful chain of custody of the tapes produced by Melvin Weinberg.

Facts

In May 1980, several months after the ABSCAM investigation had gone public, it was still not known which conversations and meetings of Weinberg had been taped.

(See Weir-Plaza memo, oated April 25, 1980 and Weir-Plaza memo, dated May 22, 1980.)

Many months later Messrs. Weingarten and Holder were still uncovering evidence of untaped and undocumented Weinberg meetings and conversations.

(See Weingarten-Holder status report with covering letter dated November 28, 1980 and McDowell memo dated January 23, 1981.)

GOOD'S TESTIMONY—PAGE 934

Special Agent Good did not advise AUSA's Kotelli or Weingarten prior to the Jenrette trial that Jenrette was in serious financial trouble and more vulnerable to taking a bribe.

Fact

In the aforementioned Washington, D.C. Memorandum with a cover letter from Mr. Ruff dated May 29, 1980, the author stated that Jenrette was targeted for a receipt of a bribe at a time when the agents knew he was in dire financial trouble.

GOOD'S TESTIMONY—PAGES 937 THROUGH 938

Special Agent Burch had never advised Special Agent Good that he had conducted an investigation of Jenrette with regard to a land-fraud deal in South Carolina.

The investigation of Jenrette was not done as a favor to the F.B.I. in South Carolina.

Fact

On December 4, 1980, AUSA Weir was present with Special Agent John Good when Congressman Jenrette was taped in Washington, D.C. Special Agent Burch discussed the investigation of Jenrette with regard to the land-fraud deal with Special Agent Good in AUSA Weir's presence. Special Agent Burch told Special Agent Good that Good was able to accomplish more in a half hour's time than the F.B.I. in South Carolina was able to during the course of their two year investigation of Jenrette.

Several days prior to the December 4 taping of John Jenrette Newark Strike Force Chief Robert Stewart was advised by Gerald McDowell that the ABSCAM investigation was being directed to South Carolina as a favor to the South Carolina F.B.I.

In the aforementioned Washington, D.C. memorandum regarding John Jenrette, the author expressed his concern over Weinberg's statement to him that he (Weinberg) was instructed to "get" Jenrette by an F.B.I. agent from South Carolina.

GOOD'S TESTIMONY

Plaza and Weir were not to be involved in the investigation on February 2, 1980. After January 30, 1980 neither Plaza nor Weir ever returned to the Brooklyn Strike Force offices.

Fact

Plaza and Weir instructed several agents of the F.B.I. from the Newark Field Office with regard to their scheduled interviews of the ABSCAM subjects on February 2, 1980. On February 2, 1980 both Plaza and Weir pursuant to instructions were to be available for witness de-briefing. On that date Plaza and Weir had several telephonic conversations with Special Agents in the field as with personnel located in the Brooklyn Strike Force Office. On February 3, 1980, Mr. Weir along with AUSA Kotelli from the District of Columbia U.S. Attorneys Office, attended a meeting at the Brooklyn Strike Force Office. Mr. Weir went to Mr. Puccio's office on a weekly basis thereafter. He also appeared before a centralized Grand Jury in March 1980.

(See Weir memos dated January, February, March 1980.)

WEINBERG'S TESTIMONY

The limited purpose of this outline does not permit me to list all of Mr. Weinberg's false statements. For an appreciation of his inaccurate statements and the falsity with which he reported events during the undercover phase of ABSCAM I respectfully refer the Court to Weinberg's recounting of events as described by him in his book; "The Sting Man".

Although there are many examples which could have been selected I have chosen only two which are easily documented as false.

THE STING MAN—PAGE 254

Weinberg reported, Plaza confronted Weinberg, Puccio and Special Agent Good at the Brooklyn Strike Force offices on the evening of February 2, 1981, the day when ABSCAM went public.

Fact

Plaza was not at the Brooklyn Strike Force on February 2, 1980 nor has he ever been at Mr. Puccio's office during the evening. The rest of Weinberg's account of that day including all of the quotes is total fiction.

THE STING MAN—PAGE 258

Weinberg reported the June 18th Washington Meeting at which Weinberg, Special Agents Amoroso and Good, AUSA's Adelman and Spivack were present along with Weir and Plaza. According to Weinberg the agents questioned Plaza and Weir as to why they had not convened a Grand Jury in the State of New Jersey. Weinberg further stated that after a heated session he and the agents walked out after which Plaza and Weir called Assistant Attorney General Heyman.

Facts

During the course of this meeting there was never any mention of a Grand Jury. Plaza and Weir left after it became clear the agents would not permit Assistant United States Attorney Adelman to question Weinberg. Plaza and Weir did not call Mr. Heyman. Neither one has ever called Mr. Heyman. For an accurate description of the events of that day, see the Plaza and Weir memorandum dated May 19, 1980. This memorandum was read in its entirety to Assistant United States Attorneys Adelman and Spivack who acknowledged that it completely and accurately recounted the events which took place at that time.

MEMORANDUM

DECEMBER 17, 1980.

To: Hon. William W. Robertson, U.S. Attorney, Newark, N.J.; Hon. Philip B. Heymann, Assistant Attorney General, Criminal Division, Department of Justice, Washington, D.C. 20530; Hon. Charles F. C. Ruff, U.S. Attorney, District of Columbia, Washington, D.C. 20001

From: Edward J. Plaza, First Assistant U.S. Attorney, Newark, N.J.; Robert A. Weir, Jr., Assistant U.S. Attorney, Newark, N.J.

Re ABSCAM.

We were assigned to the ABSCAM investigation from April 1979 until June 1980. During that time, we reviewed numerous tape-recordings and transcripts, and we participated in the debriefing of the government undercover operatives.

Recently, the United States Attorney for the District of New Jersey assigned us to review transcripts [1] of hearings in ABSCAM cases conducted before Judge George C. Pratt in the United States District Court for the Eastern District of New York and Judge John P. Fullam in the United States District Court for the Eastern District of Pennsylvania. Our assignment was for the purpose of advising the United States Attorney with regard to the Abscam investigation pending before the Federal Grand Jury in Newark, New Jersey.

As a result, we have become familiar with the issues which have arisen and the defenses asserted in those proceedings. We are aware of certain conversations which occurred during the undercover phase of Abscam, and which we believe are relevant to the issues presently under consideration by the courts. We are not certain whether all this evidence has been made available to the defendants or to the courts, but we feel it is our responsibility to alert you to its existence and to urge that it be furnished to all those judges who have presided over ABSCAM prosecutions. The exculpatory evidence to which we refer includes the following:

EVIDENCE

1. Audio Tape Recording, March 1, 1979: Weinberg-Ellis.
2. Audio Tape Recording, March 1, 1979: Weinberg-Hyman.
3. Audio and Visual Tape Recording and Transcript, March 5, 1979: Weinberg-Ellis-"McCloud".
4. Audio Tape Recording and Transcript, March 5, 1979: "McCloud"-Errichetti/McDonald.
5. Audio Tape Recording and Transcript, March 8, 1979: Weinberg-Errichetti-"DeVito".
6. FBI FD 302, Investigation on March 2, 1979, and dictated on March 9, 1979, relating to No. 5: Weinberg-Errichetti-"DeVito".
7. Audio Tape Recording and Transcript, September 14, 1979: Weinberg-Errichetti-"Anise".
8. FBI FD 302, Investigation on September 14, 1979, and dictated on September 20, 1979, relating to No. 7: Weinberg-Errichetti-"DeVito".

The conduct exhibited by Weinberg in the above-listed materials should be considered in light of the various defenses asserted in ABSCAM including government overinvolvement and the creation of the appearance of criminality.

During our review of the hearings before Judges Pratt and Fullam, we also noticed that some government witnesses gave testimony which conflicts with previous statements made to us or with other evidence in our possession. This testimony relates to three matters: (1) certain prosecutorial instructions given by the undercover operatives; (2) the monetary compensation paid by the government to its informant, Melvin Weinberg; and (3) gifts received by Weinberg from ABSCAM defendants and targets. We discuss each of these matters briefly below.

INSTRUCTIONS TO WEINBERG AND THE AGENTS WITH REGARD TO RECORDATION OF CONVERSATIONS

On June 28, 1980, Senator Harrison A. Williams met with the fictitious Sheik and had a conversation with him. This conversation was recorded, and the government contends that this conversation incriminated Williams. Prior to meeting with the Sheik, the Senator met with the government's informant, Melvin Weinberg, and the Mayor of Camden, New Jersey, Angelo Errichetti. This conversation was also recorded. Weinberg, with the cooperation of Errichetti, prepared the Senator with regard to what he had to say in the presence of the Sheik. Weinberg told Williams he was about to "go on stage." He told him he would have to "come on strong" in front of the Sheik even though it was "all talk", "all [e.d.]."

Some of the defendants in the other ABSCAM cases have alleged that Weinberg used the same techniques on them. Their defense is essentially that they were play-acting in front of the FBI cameras and taping equipment and that they were told in preliminary meetings by Weinberg that the Sheik's representative (first played by Special Agent McCarthy and later played by Special Agent Amoroso) could be fooled into parting with huge sums of money if they would only make certain statements in front of the representative. ABSCAM defendants have stated that Weinberg gave them instructions similar to those given Williams but that in their cases the meetings in which the instructions were given were unrecorded. They argue that the taping of the instructions given to Williams was inadvertent.

A. The testimony

Judge John P. Fullam conducted discovery and due process hearings on July 8 and 9 and September 24, 25 and 26, 1980. During the course of those hearings, testimony was given by Melvin Weinberg, Special Agent Anthony Amoroso, and the supervising case agent, John Goode. Weinberg testified that he received no specific instructions prior to the preliminary meeting with Senator Williams on June 28, 1979. (Tr. 9/25/80 at 2.6, *United States* v. *Criden*, Criminal Nos. 80-166 1/2/3/4 (E.D.Pa.)). With regard to whether he spoke to the FBI after the June 28, 1979 meeting with Senator Williams, Weinberg testified as follows: "Q. Did you ever have a conversation with anybody from the FBI concerning that meeting with Senator Williams and Mayor Errichetti? A. To my knowledge no." (Tr. 9/25 at 2.14, *United States* v. *Criden, supra*). On July 9, 1980, at the hearing before Judge Fullam, he testified as follows: "Q. Did anyone at any time tell you to tape all your conversations with the target of the investigation? A. Well, no, no one actually ever told me." Id. at 8.117.

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[1] We have reviewed the following transcripts: Transcript of Hearings, July 8 and 9, 1980, and September 25 and 26, 1980. *United States* v. *Criden, et al.*, Cr. Nos. 8-166, 1/2/3/4 (E.D.Pa.).

Trial transcripts, August 18, 19, 20, 21, 1980. *United States* v. *Myers*, Cr. No. 80-00249 (E.D.N.Y.).

Special Agent John Goode said that to his knowledge no one gave Weinberg instructions before he met with Senator Williams on June 28, 1979 (Tr. 9/25 at 2.68, *United States* v. *Criden, supra*). Special Agent Amoroso testified that after reviewing the June 28 tape in which Weinberg first spoke to Senator Williams, he did not discuss that conversation with Mel Weinberg and that he did not tell Weinberg "you shouldn't do that with people." (Tr. 9/26 at 3.50). Judge Fullam found that Weinberg was never admonished as to how to conduct himself in his conversation with targets of the investigation and wrote "it is also indisputed that Mr. Weinberg was never cautioned against employing the same techniques with prospective targets." *United States* v. *Jannotti*, Criminal No. 80-166, Memorandum and Order, Nov. 20, 1980, p. 33 n. 3 (E. Dist. Pa.).

B. Evidence contrary to the testimony

As part of our assignment to this investigation, we visited the offices of the Strike Force of the Eastern District of New York in late July, 1979. While in the office, we happened upon a copy of the transcript of the first June 28, 1979 meeting with the Senator. On August 9, 1979, we met with Weinberg, Amoroso, Special Agent Ernie Haridopolous, Special Agent Martin Houlihan, Special Agent Bruce Bradley and Special Agent in Charge of the Atlantic City Office Laurence Schneider * * * House in a suburb of Atlantic City, New Jersey. Upon our arrival at Schneider's home and prior to the arrival of Weinberg, Amoroso and Haridopolus, we outlined for Schneider and Houlihan our concerns about the conduct of Weinberg as exhibited in the June 28, 1979 transcript and we advised them that said conduct could not be condoned in future contacts. When Weinberg and Amoroso arrived, AUSA Plaza told Weinberg that his conduct on June 28 was wrong and that it could not be repeated. Weinberg, Amoroso and Haridopolous said that it was stupid to tape the preliminary conversation and that they would not have taped it but for the insistence of Strike Force Attorney Laurence Sharf, who had not only instructed them to record the conversation but had told them precisely what to say.[2] Plaza told them it was essential to tape every conversation but that it was upardonable for Weinberg to put words into Williams' mouth. Weinberg stated that if he did not conduct himself in that way "we would have no cases." Plaza responded that any case which was made in this fashion was worse than no case at all. Special Agent Schneider told Weinberg that a conviction based on such evidence could be dismissed, and Special Agent Houlihan pointed out that, as a government agent, Weinberg would have to act in a manner different from that to which he had been accustomed. This same subject matter was repeated at least three of four times by AUSA Plaza during this meeting. While attempting to debrief Weinberg and Amoroso about the prior weeks activities, it became apparent that they could not recall some of the meetings which nad taken place several days earlier. It also became clear that several conversations between Weinberg and other subjects of the investigation were neither recorded nor documented in any FD 302 notes. Plaza pointed out their inability to recall the meetings as further reason that every conversation should be recorded or, when an emergency made that impossible, memorialized as soon as possible in an FD 302. He pointed out to Amoroso that it would be impossible to recreate those conversations accurately several months after the fact. These instructions were repeated separately to Special Agent Amoroso in the presence of Special Agent Laurence Schneider. Amoroso said that he would attempt to comply even though the press of the many meetings in which he was involved would make that difficult.

On October 4, 1979, during a meeting with agents at the FBI office in Newark, supervising case agent, John Goode, accused Plaza of "jeopardizing" the investigation because of what he had said to Melvin Weinberg. In the face of this and other similar accusations, we continued to instruct Weinberg as to the way he should conduct himself with the subjects of the investigation whenever the opportunity arose. In fact as late as December, 1979, Mr. Weir instructed Weinberg and the agents to refrain from conduct similar to that displayed on the Williams tape.

WEINBERG'S RECEIPT OF GIFTS

A. The testimony

The question of Weinberg's self-dealing during the undercover phase of ABSCAM was a subject discussed at length in the hearings conducted before Judge Fullam. Weinberg and the agents testified that Weinberg had received no gifts of substance except for three gold watches, the receipt of which he had immediately reported to the agents. (Tr. 9/25/80 at 2.31 and Tr. 7/9/80 at 3.120 *United States* v. *Criden*, Criminal Nos. 80-166 1/2/3/4 (E.D.Pa.)).

Weinberg was also questioned in the hearing before Judge Pratt about the receipt of specific gifts, and as part of his response Weinberg denied receiving a microwave oven. (Tr. 8/20/80 at 2252, *United States* v. *Myers*, Criminal No. 80-00249 (E.D.N.Y.)).

B. Evidence contrary to the testimony

Allegations that Weinberg had received gifts were first brought to our attention by an agent shortly after he had conducted an interview of ABSCAM defendant George Katz on February 2, 1980. Katz stated that he gave Weinberg three gold watches as a gift for the Sheik.

The subject of gifts arose during an interview of Joseph DiLorenzo, Errichetti's nephew and chauffeur, on June 10, 1980. Among other things he told us that he purchased and delivered to Melvin Weinberg the following gifts: a video cassette recorder valued at $900, a stereo valued at $1,200, a microwave oven, and three color television sets. He was told by Angelo Errichetti that all these gifts were to go to the Sheik. During the course of our interview, DiLorenzo also told us that he accompanied Errichetti when he delivered an attache case to Melvin Weinberg at a rest area on the Long Island Expressway on April 1, 1979, a day after the $100,000 payment to Errichetti/McDonald. Coincidentally, Weinberg admitted at the Fullam hearings that he received the three gold watches from Katz at a rest area on the Long Island Expressway after he had been called by George Katz. (Tr. 9/25 at 2.35, *United States* v. *Criden, supra*). The conversation with Katz was unrecorded.

After the DiLorenzo interview, we directed Special Agent Houlihan to investigate the allegations of gifts. Houlihan's investigation corroborated the purchase by DiLorenzo of the appliances at the locations and dates identified by DiLorenzo.

In addition, Special Agent Houlihan interviewed Camden City Attorney Martin F. McKernan, and McKernan said that he recalled writing a letter for Angelo Errichetti to include with the gifts for the Sheik.

On June 12, 1980, AUSA Weir attended a meeting at the Department of Justice in Washington, D.C. During the course of this meeting Weir advised those present of the DiLorenzo interview. In response to Weir's recounting of DiLorenzo's statement on gifts, Brooklyn Strike Force Chief Thomas Puccio stated that he was aware of Weinberg's receipt of a microwave oven and would take steps to remove it from Weinberg's house. Puccio further stated he doubted the veracity of DiLorenzo's other statements. During a subsequent meeting, Weir was told by Deputy Assistant Attorney General Irvin Nathan that Weinberg had produced a receipt which evidenced Weinberg's purchase of the microwave oven.

Finally, Anthony Torcascio, the proposed casino manager for the Penthouse Hotel and Casino in Atlantic City, was interviewed on May 20, 1980, by Special Agents of the FBI. He admitted meeting with Mel Weinberg for the purpose of obtaining financing for the construction of the Penthouse Casino. He also told the FBI agents that Weinberg asked him for remote controlled television sets and gold watches as presents for the Sheik which he refused to provide. Torcascio has agreed to take a polygraph examination with regard to these allegations.

WEINBERG'S COMPENSATION DURING ABSCAM

A. The testimony

On July 9, 1980, the government submitted to Judge Fullam a schedule of payments made to Weinberg during ABSCAM. Weinberg and Special Agent John Goode also testified with regard to these payments. Weinberg testified that he initially received $1,000 a month, that his compensation was raised to $3,000 a month in February or March, 1979, and that in March, 1980, it was retroactively increased to $5,000 a month effective November, 1979. He further stated that with the exception of a $5,000 bonus which he received for work he had done in Florida, he received no other rewards or bonus payments from the FBI. (Tr. 7/9/80 at 3.88, *United States* v. *Criden*, Cr. Nos. 80-166 1/2/3/4 (E.D.Pa.)). Special Agent Goode corroborated Weinberg on this point *Id.* at 3.195.

On August 19, 1980, during the course of the Myers trial in the Eastern District of New York, the government submitted to Judge Pratt a revised schedule of compensation paid to Melvin Weinberg. That revised schedule reflected that Weinberg had actually received $133,150.50 rather than the $93,000 which was listed in the schedule submitted to Judge Fullam. One of the additions on this new schedule of payments reflected a $15,000 payment made to Weinberg on June 15, 1979. When questioned by the defense with regard to the * * * concerning that payment, Weinberg responded, "Well, I'm not sure what it's for unless when my cover was blown." (Tr. 8/19/80 at 1815, *United States* v. *Myers*, Cr. No. 80-00249 (E.D.N.Y.)).

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[2] Shortly thereafter, we brought the subject matter of our converstation that day to the attention of Thomas Puccio. He denied that Sharf had given any such instructions and acknowledged that the charge was typical of Mel Weinberg.

The defense continued to press this question and later Weinberg responded, "I don't know off hand what exactly it was connected with." (Tr. 8/19/80, at 1818, *United States* v. *Myers, supra*). Judge Pratt intervened and at a side-bar advised the defense that Weinberg's 137 file (informant's file) reflected that this $15,000 payment was in connection with a matter in which he was nearly killed and in which he recovered some rather substantial property for the government.

During the course of the remainder of Weinberg's testimony on his compensation during ABSCAM he insisted that the FBI did not pay him any other bonuses.

C. Evidence contrary to the testimony

On May 14, 1980, we attended a meeting in the office of Irvin Nathan, Deputy Assistant Attorney General. The purpose of that meeting was to debrief Weinberg and the undercover agents. One of the subjects raised during the course of that meeting was the amount of compensation paid to Weinberg by the government. John Goode, who was the supervising case agent, advised us that initially Weinberg was paid $1,000 a month by the FBI. After March 31, 1979, Weinberg's salary was increased to $3,000 a month. In addition, Goode advised us that Weinberg had received $15,000 for his work in the New Jersey Casino Control Commissioner Kenneth McDonald/Errichetti case. Goode further stated that Weinberg was to be paid a lump sum at the end of ABSCAM contingent upon the success of the prosecution.

On May 29, 1980, in a conference room in the Department of Justice in Washington, AUSA Weir was told by Irvin Nathan that Weinberg was to receive a lump sum payment from the Government for his work in Abscam and that this payment was based upon the number and status of the indicted officials but was not conditioned upon their convictions.

EXHIBIT 2

Affidavit from Marie Weinberg, Mel Weinberg's wife, regarding various alleged improper activities by FBI Special Agents, her husband, and others and affidavit of Indy Badhwar, a journalist associated with Jack Anderson, about Badhwar's telephone conversations with Mrs. Weinberg related to ABSCAM consistent with the disclaimers in her affidavit and attached transcript of several such telephone calls.

[In the U.S. District Court for the District of Columbia, Criminal Division, CR 80-340]

UNITED STATES OF AMERICA, PLAINTIFF, *v.* RICHARD KELLY, EUGENE ROBERT CIUZIO, AND STANLEY WEISZ, DEFENDANTS

County of Palm Beach, State of Florida, *ss:*

AFFIDAVIT OF MARIE WEINBERG

Cynthia Marie Weinberg, being duly sworn, deposes and says

1. I am married to Melvin Weinberg. I am a resident of the State of Florida and I will disclose my home address to the Court in camera. The reason for my refusal to place my address in this affidavit is my fear that I shall come to harm if my home address is known.

2. Prior to our move to the State of Florida where I presently reside, my husband, my son, J.R., and I lived at 131 Split Cedar Drive, South Hauppage, Long Island, New York. This was during the period of the ABSCAM investigations.

3. After my husband began to work with the FBI in these investigations a number of FBI agents would visit my home from time to time. They included John Goode, Anthony Amoroso, Jack McCarthy, Tom McShane and others. They spent time in my home socializing with my husband and myself and they knew the layout of our house. Sometime in 1978 or 1979 my husband, Mr. Weinberg, brought home three Sony Trinitron television sets with 17" screens. He said that they were a gift from a friend. He also brought home an entire stereo system, including two speakers and a wooden case with a glass magnetic door and two shelves and in the same year he brought home a Betamax video recorder. He also brought home a microwave oven.

4. My husband told me that all of these were "gifts" from a "friend."

5. In 1980, during one of the ABSCAM trials my husband called me, very excited and asked me to move the microwave oven and the video recorder out of our house to a place where no one would know their whereabouts. He cautioned me that no one should see me moving this equipment. My son, J.R. and I moved the microwave oven and the video recorder to a condominium apartment nearby which was vacant and to which I had the keys. Those two items stayed in that condominum for several weeks until my husband called and told me to bring them back to my apartment. With regard to the microwave oven my husband, in my presence, removed the serial numbers one night and he did this with a screw driver which he asked me to get for him and I watched him remove the serial plate from the microwave oven.

6. Prior to the foregoing occurrences and while we were still at our Long Island home the following agents visited our home and saw the microwave oven; the audio equipment complete with speakers; the Betamax video recorder and the three Sony TV's were in boxes in the garage. When the time came for us to move to Florida, Special Agent John Goode was very helpful; he brought packing boxes and tape for us to pack these items for shipment. Mr. Amoroso sealed the crates after the items were packed and he did a good deal of that work until he received a telephone call from his mother that day that his father had passed away. Thereafter Mr. Amoroso left the house.

7. At about the same time my husband decided that we would not take a good deal of the furniture and other items with us so he gave to Mr. Amoroso two bedroom suites and a number of Mr. Weinberg's sport jackets and other clothes; he gave to Mr. Goode and Special Agent Amoroso the living and dining room suites complete with crystal table lamps. He gave to "Carol" who was working as a secretary in the ABSCAM office a car load of books; he also gave to Mr. Amoroso five cases of books.

8. At that time Mr. Jack McCarthy, Special Agent of the FBI, expressed an interest in our Thomas organ which was worth about $4,000. Mr. Weinberg gave the organ to Mr. McCarthy and I have no knowledge as to whether Mr. McCarthy paid him anything for it. In addition, Special Agent Tom McShane wanted my Persian lamb coat for his mother and my blue fox coat for his wife. Mr. Weinberg gave those items to Mr. McShane and I do not know what, if anything, Mr. McShane paid for them. The reason I gave up those coats is that Mr. Weinberg told me I certainly would not need fur coats in Florida. In addition to the foregoing we had a stereo shelf case on rollers which was to be used for the placement of the stereo equipment I have described above. Mr. Weinberg gave that to John Goode.

9. Sometime between the end of 1978 and the beginning of 1978, I drove my husband, Mr. Weinberg to a meeting with Mr. Angelo Errichetti, the Mayor of Camden at the Holiday Inn off the Long Island Expressway. I drove him in my Mark IV Continental. Mr. Weinberg told me to park the car on the side of the road. He said he would just be a short time and he had to pick something up from Mr. Errichetti. He returned to the car sometime thereafter carrying a briefcase and sat down with me patting the briefcase and saying "forty-five." I know that Mr. Amoroso, who was supposed to be watching my husband didn't know about this because my husband told me he had "ducked" him. I had met, in the company of my husband and my son J.R., Mayor Errichetti before. My son was there on one such occasion but there were several occasions of that nature and on one such occasion, I was introduced to Mayor Errichetti as Mr. Weinberg's "sister-in-law."

10. On another occasion, after we moved to our Florida home, there were forty-four odd recorded tapes collected on my kitchen counter in my Florida home. One day, two FBI agents, one named Gunnar Askeland and another came to collect the tapes. Since they were difficult to carry I gave them a plastic lawn bag which they put in the trunk of a car. A month or so later the agents called me and asked for the tapes and I told them I had given them to them. I don't know whether they ever found the forty-four tapes. In November 1981, I learned that my husband, Mr. Weinberg, had purchased another condominium in Martin County, Florida, where he was living with Evelyn Knight. Thereafter I learned that she had secured a court order to change her name to Evelyn Dawn Weinberg. Subsequently, my son J.R. visited that condominium and told me that my husband had bought three additional Sony TV sets, one of which has a white cabinet and the other two are dark cabinets. I understand that my husband purchased another video recorder for Ms. Knight's establishment. The source of my information for the three Sony television sets and the video recorder in that condominium is my son J.R. who saw them and described them to me. In or about November of 1979, after I found out that my husband was living with Evelyn Knight in Martin County, I called Bob Greene of Newsday whom I had met and who wrote the book about my husband entitled "The Sting Man." I told Mr. Greene that I had found the black book meaning the 1980 diary of my husband. Mr. Greene told me that that book was very dangerous and that "they would kill for that." He further asked me to put it in a vault and I told him I would not. Later on, because of fear, I burned the diary. Mr. Greene, however, has in his possession, according to his statement to me, Mr. Weinberg's 1978 and 1979 diaries.

11. I have been speaking to Mr. Indy Badhwar of Jack Anderson's office about these matters since early November 1981. Thereafter, I spoke with him again on November 7, 1981, November 20, 1981, and on November 22, 1981. I personally met with Mr. Badhwar at West Palm Beach, the Holiday Inn. It was on that date that I confirmed the meetings with Errichetti, above described, the receipt of the microwave oven by my husband in New York and the gifts of furniture to the FBI agents. On the front of my condominium at midnight and they had remained there until after 2:00 a.m. My neighbor went out and asked them who they were and what they were doing and they responded that they were FBI agents and that my condominium was under FBI surveillance.

13. On the early morning of January 9, at approximately 7:00 a.m., Mr. Badhwar, Mr. Bast and Gordon Freedman, a producer for ABC Television, came to my home and took videotapes of me pointing out the microwave oven, the video recorder, the three Sony televsion sets, the Harman Kardan receiver and the other equipment above described that my husband said were "gifts" to him from a "friend." After Mr. Badhwar and Mr. Freedman left my condominium that day I remained with Mr. Bast for a short time when two FBI agents came to the door. They identified themselves as Joseph Smith, FBI No. 8190 and Ivan Ford, FBI No. 9537 and stated to me they wanted to discuss allegations of FBI misconduct and for me to show them any documentary evidence that I had. They were told that if they wanted to speak to me they would first have to get my attorney's consent and I gave them his name and phone number.

14. I make this affidavit because I feel my husband committed perjury with the knowledge of the FBI which injured a number of innocent people and I want the truth to be known. I will be glad to testify under oath in any court as to the truth of the foregoing.

CYNTHIA MARIE WEINBERG.

Subscribed to before me this 16th day of January, 1982.

JEANETTE A. WRINN,
Notary Public.

City of Washington, District of Columbia, *ss:*

AFFIDAVIT OF INDY BADHWAR

Indy Badhwar, being duly sworn, deposes and says:

1. I am a journalist associated with syndicated columnist Jack Anderson. My office address is 1401 16th Street, N.W., Washington, D.C. 20036.

2. During the past year I have written several columns relating to ABSCAM and have engaged in an investigation of the conduct by the Justice Department of ABSCAM.

3. In November of 1981, I was contacted by Marie Weinberg, the wife of Melvin Weinberg. Over the past three months I have had several phone conversations and personal interviews with Marie Weinberg.

4. I have reviewed the affidavit of Marie Weinberg dated January 16, 1982. The information contained in the affidavit is consistent with information provided to me by Marie Weinberg during my earlier interviews and phone conversations with her.

5. Several of my telephonic conversations with Marie Weinberg were recorded. Transcripts of these conversations have been prepared under my supervision and are attached hereto. I have reviewed the transcripts and they represent true and accurate transcriptions of phone conversations held between myself and Marie Weinberg. I have maintained in my custody the original tape recordings of these telephonic conversations.

6. Attached to this affidavit are photographs of: (a) one Sony Betamax Videocassette Recorder, Model No. SL-5600, No. 220882; (b) one Harman Kardan NK 560 stereo receiver; (c) one Optonica dolby stereo cassette deck; (d) one General Electric microwave oven including portion of rear showing former location of serial number plate; (e) three Sony Trinitron color television sets; (f) two Genesis loudspeakers.

7. The above-listed electronic equipment was observed by me in the apartment of Marie Weinberg on January 8, 1982. The attached photographs were taken in my presence and I am in possession of the original negatives of such photographs.

INDY BADHWAR.

Subscribed to before me this 18th day of January, 1982.

CAROL N. WITTIONSLIE,
Notary Public.

INTERVIEW WITH MARIE WEINBERG—TAPE I

Indy. Hello.

Maria. Hello, Indy?

Indy. Hi, Maria I've been calling you all morning—has your phone been busy or what?

Maria. No I, I, was in, I was just out for about an hour.

Indy. Yeah, what happened ?

Maria. Mmm, nothing, I haven't heard from Mel. I spoke to him the other night.

Indy. Uh, huh.

Maria. I spoke to Bob Greene first of all and Bob Greene said, uh, I asked him if he'd ever interviewed Evelyn. He said no, and from what Mel told me, was that Evelyn was in England and her husband wouldn't consent to a, ah, interview, you follow me?

Indy. Yeah.

Maria. This is the story he gave me—I told you he's been lying all along.

Indy. Oh, God.

Maria. So when he walked in, you, I try to say to him, you know, look I know about it, I saw the place. He says, well you know I'm the biggest liar in the world, uh, I, I, mean I looked at him and there was no way to argue. It was the same thing in court, the lawyer asked him the wrong questions and he just—he came out smelling like a rose.

Indy. This is just terrible, he'd do it to one of his own though, that, that's——

Maria. Well.

Indy. Worse

Maria. It's not a matter like—19 years and he's livin with her 14 years and I think he is married to her.

Indy. Well thats what I heard.

Maria. I belive it, I believe it, he's got a whole life up there in, ah, stewart.

Indy. Has he just walked away or what?

Maria. I don't—he called, ah, I had spoke to Bob Greene, anyway, ah I mentioned to Bob just off hand—I told you one lie, I'm sorry I did lie I said I burned the book—I didn't—but I didn't put it in the house I put it somewhere very safe, so I told Bob—I wanted to see what he would say if he knew anything. He said that he had the books to 78 and, ah, to 79 but he doesn't have an 80—I said I have the 80. Okay.

Indy. UH, Uhm.

Maria. So he said, well a, don't do anything rash, don't do anything. He said, you know their signing for a picture.

Indy. Uhm, uhm.

Maria. With John Belushi supposed to be starring. That's why Mel's running all over like mad—you know right now it's an ego trip or something.

Indy. Yeah.

Maria. With his, a, he thinks this is great. He did commit perjury on the stand.

Indy. Where?

Maria. Ohhhh, I know of three things and I was with—I mean, a, I was there

Indy. What was that?

Maria. Well ah, (slight laugh)

Indy. Tell me.

Maria. Indy?

Indy. Uhn, uhm.

Maria. I'm just gonna hold a second and

Indy. Sure

Maria. But there are three definite things and ah, also something with the south (inaudible) sewer district? Vincent Cuiti that was in the papers. Vince got convicted.

Indy. Uh, huh.

Maria. Vince was innocent.

Indy. Well are you talking about perjury on the stand in New York in the, in the present trial or the older trial?

Maria. I'm talkin the present and the older one.

Indy. Yeah

Maria. With Errichetti.

Indy. Uh huh.

Maria. And ah, it's a shame.

Indy. Did he commit perjury in the Williams trials too?

Maria. Ah, that, you see I couldn't, you see I can't say because I didn't know that much about the Williams trial, all I know on Williams is that ah, he talked a lot with Feinberg. I mean we had an answering service in this house here.

Indy. Uh, huh.

Maria. I didn't know it but when we moved down the agents didn't have an office, so they called Andy? Communications there in ah, I think West Palm Beach, and this guy came up here and I said whats that? And he said well, and I says look I'm not gonna stay in all day and I don't wanna get involved answering phones—I don't know how to answer with people.

Indy. Uh, huh.

Maria. And he said, don't worry, you pick this up and you'll be able to hear it and ah, what you do is when the tapes are finished—just turn it off—play it back and when we call up just give us a message—people will only leave a message—so it was in here, ah, oh, it hadda be a good six months—till he got everything set up down in Del Rey, you know from what I heard, I was just getting bits and drabs.

Indy. Uh, huh.

Maria. And then, you know when all the stuff happened, you know I'd read about it in the paper.

Indy. Oh God.

Maria. See nothing was in the paper down here really.

Indy. Yeah, yeah that's true.

Maria. But he had ah, Bob Greene mail the Newsday up here to us.

Okay? And he wanted me to take out clippings—so that's the only thing I knew I was reading clippings.

Indy. Yeah.

Maria. And then I came across one, when I'd ask him he'd say—Ohh, there gonna destroy me on the stand—he says I'll fix em good—they asked him, they asked him the wrong questions that's all. Brown was a good Attorney—but when he said to Brown, er, ah, aren't you the smartest con man or somethin like that Mels answer was "How could I be so smart if I got caught" naturally, you know he had an audience.

Indy. Oh God, yeah.

Maria. And he came in here and he just—he knew he got caught dead to rights so rather than face me he just started yellin, you always knew I was the biggest liar—they said it in court I'm the biggest liar of all. . . er, ah, and walk out. And my son and I he just left us sitting here.

Indy. Has he left New York?

Maria. I don't know he must've left he hasn't ah, I spoke to him the other night he got(drunk) he's talkin to Bob Greene on the phone.

Indy. Yeah

Maria. And ah, I don't know how much Bob knows, well Bob, listen he's getting a cut on the book, so, but I think he duped Bob a little bit. I don't think Bob, I don't think Bob trusts him.

Indy. Yeah, you see I don't know about this movie thing—it might just be another con game——

Maria. No, no, no, Bob told me, ah, he said that there—gonna be signing and ah, you know, don't do anything rash and then I told Mel, I said, while he was here, I said look, I, I, you know it doesn't pay, I says just give me a divorce.

Indy. Uh, huh.

Maria. So, he kept insisting on a three month period, I said for what? I said you know the more I find out——

Indy. The worse it gets—the more intolerable it becomes.

Maria. I read the book you know, eh, eh, at the ending he sails off on this boat the UP YOURS—well he was tellin me that this boat belonged to a friend of his—my neighbor next door works in the Marina, he brought the boat down here. He brings it in our neighborhood—and then he sold it. She wanted power of Attorney from him and he wouldn't give it, so, I, I said look I don't know anything about it, you know, so I figured it was a legitimate thing, you know, she just gave me the ah, a, the ah, whole sales thing on the boat, you know and Evelyn Weinberg.

Indy. Yeah.

Maria. You didn't get anything in the mail yet did ya?

Indy. No.

Maria. I mailed out, ah, a, a paper to ya, but I sent it to, you know who I sent it to?

Indy. Uh.

Maria. I didn't know your address and ah, I was told originally United Features syndicate.

Indy. Oh God, oh God it'll never get here.

Maria. 200 Park—but I put it to attention Jack Anderson, Columnist, Washington and your name under it.

Indy. When did you sent it?

Maria. Ah, last week, ah, last friday.

Indy. Yeah, what, what was it

Maria. Ah, just writing on what the whole thing is goin on down here

Indy. Yeah, yeah, God last week the United Features

Maria. United Features sent it 200 Park Avenue

Indy. New York

Maria. That's the address I had yeah

Indy. Let me give you the address here Marie

Maria. I've got it—North East ah, oh I've got it written down

Indy. No it's 1401

Maria. Oh, ah let me write it down again just to make sure 1401

Indy. 16th Street N.W.—it's Washington D.C. and the zip is 20036

Maria. And I'll put it to your attention

Indy. Yeah, just care of Jack Anderson—Indy Badhwar

Maria. So on these other things I have

Indy. You know I'd love to see those

Maria. Whats that?

Indy. The, ah, other things that you have

Maria. Well, ah, what I wrote out was just strictly the thing down here with their address and everything ah, and I think a lot of stuff there is in the house. I went upstairs—he usually keeps, ah, these, ah, attache cases all over the place, and tapes and stuff, okay—everything is gone. He may have come here some time, not, not recently cause he supposed to be up in New York Strike Force.

Indy. Uh, huh

Maria. See whenever he went away, he never left a number where I could reach him

Indy. Yeah

Maria. Now since I found out all of a sudden he called up, I'll be at the Marriott Hotel—that's where he stays at LaGuardia airport

Indy. Yeah, heah that's correct

Maria. Am I right?

Indy. Yeah

Maria. See I didn't even know

Indy. He has a friend Ralph Sorda? who meets him there all the time

Maria. Alright—see I didn't know this ah, now ah, I've got, what I know about—remember Errichetti—well Errichetti came out and said that, ah, in the trial, later in his trial, I don't know if you remembered cause I don't know what it was really about, something about $45,000 he paid

Indy. Uh, huh

Maria. I think it was 45—somewhere between 40 and 50—I think the figure was 45. Alright—now—that almost destroyed Mel—because he never thought he'd come out with it. It's like ah, a, bookie goes into a gambling den and sticks them up. Who are they gonna go to if it's an illegal game.

Indy. That's right

Maria. Okay

Indy. That's right

Maria. Errichetti probably was in so deep he said what the hell's the difference. His nephew made charges, DeLorenzo.

Indy. Uh, huh

Maria. And they were true

Indy: Are they the one about the watches and everything that he got—the microwave oven . . .

Maria. They were all true-now . . .

Indy. Did he bring the microwave home?

Maria. That's right and I . . up in Long Island—now I didn't know

Indy. Yeah

Maria. Indy—he told me it was some guy owed him a favor and I didn't want it because I'm from the old school . .I cook on the stove I don't want this, all this

Indy. Uh, huh

Maria. And I was, I was really ticked over it, he says I don't know what's wrong with you any other woman would take the damn thing—I says but I don't want it I don't have use for it. Now, how did he get a bill? He bought her one, it's in stewart in their apartment and he went down to J.C. Penney and got a bill and presented that no one pushed it and questioned it.

Indy. Ah well how did he get it—he knew someone in J.C. Penney or what?

Maria. He bought the microwave for her

Indy. Oh God, yeah

Maria. He's got a duplicate of our place up there

Indy. Yeah

Maria. Ah, ah, you know I know he got the bill? Because he come tear assin home here and I hadda drive him to J.C. Penney at nine in the morning

Indy. Yeah, yeah but he got, but he got that from

Maria. He got, he got the bill, but it's not for the, the, the, ah, GE that was given to him—it was for I don't know . . .

Indy. Oh it was for another one

Maria. Yeah

Indy. What did he do, what did he do with the GE though?

Maria. I got it sittin right here on my counter

Indy. Oh boy

Maria. The watches were given back

Indy. Uh, huh.

Maria. But the ag . . .

Indy. After it was found out, yeah that's right

Maria. Well the, huh?

Indy. After it was found out though . . . you know . . . and the thing is that, ah, that Goode and Amoroso both knew about the watches

Maria. Oh sure they did

Indy. Aware in advance

Maria. Tony was wearin this big, ah, in fact I saw him they came home and they said, ah, well which one do you want . . . they were debating over whose gonna take which and ah, there's a big white gold one, very intricate, very gaudy, ah God it was terrible I didn't know what they were talkin about

Indy. Umm

Maria. And ah, that was that, they were given back, so it's you know

Indy. Oh God, whatta, whatta, what a thing to go through.

Maria. Well I'll tell ya something it's a . .a revelation.

Indy. Hows JR reacting to this?

Maria. JR has been very quiet.

Indy. You should be very careful with him, you should insulate him from this as much as possible. . .

Maria. Indy. . .Indy. . I wouldn't throw anything. .but he, he. .but he knew all of this. .but ya see Mel never got us together. Mel would send him out of the house when he came home. Hey Mel would only come in. . . Lately Mel's only been coming home. . .once a month . . . once every two weeks .pop in. Then he said to me, ah, he came in, what was it? a little over a week ago, he said well I have to go up to,a, New York, I'm flying up to New York, I have to see the Strike Force and then I have to go to Washington. .and he bought a car . .a. .a cheap one, just to run around, a dodge aries. .so, a, wake me up early in the morning, and by the way, do my nails tonight, and we were, we were picked, I mean we were so angry with him, JR and I , we knew now already what he was doing! So JR lookin at me and I s. . he started taken out JR . .tookin JR out that Sunday afternoon to the Mall. . .He wanted to buy JR a tape . . see he thinks he can buy ya. .so JR said no he didn't want it . . . .

Indy. He's — He's far more principled than that.

Maria. Well see I raised JR to be honest and never lie because a liar has short legs—you've gotta get caught. .so ah, JR refused — Mel wouldn't talk to him. .he was furious with him; he came home . . he went up to our bedroom and he sat in the bedroom, Mel, I was here with JR, so I figured, before he takes it out on the kid I'll go in and do his nails. Now in court they were all talkin about his manicures men.

Indy. Yeah.

Maria. I was the one that used to do his nails.

Indy. Oh boy.

Maria. yeah . . and a, it's ridiculous . . you know the things he was doing he was actually leading another life and coming home and just, I mean just, bare assed lying to us.

Indy. Completely different world.

Maria. Completely . . and I mean actually lying and he was telling me everything he was doing but saying it was a Sir Gordon or a friend.

Indy. Yeah.

Maria. Now, ah, she's not a, ah, a citizen I don't think.

Indy. She's British.

Maria. She's British.

Indy. She's ah, yeah we don't know if she's become a U.S. citizen do we?

Maria. I don't know, she hasn't been over here, I guess I don't know, but she had the whole family, Thanksgiving, up at her place there and Mel came home here and he said—well I'll see ya and took off and spent Thanksgiving up there.

Indy. That was last year.

Maria. Yeah.

Indy. You didn't know about this?

Maria. No!

Only found out when I found the book. I didn't know any of this. All I knew is when he left he was tellin me he was goin to listen to tapes. Meanwhile when ABSCAM came I was worried sick. When he first got arrested he came home to me—he needed ten thous. .Vince (Jimmi?) was his lawyer yet, his best, and Vince was a nice guy.

Indy. Yeah.

Maria. Not too bright but a nice guy—and ah, Vince called me and I mean I was sick over it and Vince says, well I need ten thousand bail—so I gave him the deed to my house and I gave him my engagement ring.

Indy. Oh God, yeah.

Maria. Alright.

Indy. And this is what he is done to you?

Maria. That's right, right down the line. .I mean I'm just, I'm just shocked that he did it because I mean, you know, I mean, I didn't have a family.

Indy. Well then you were just a plaything for him.

Maria. He was my, you know, my whole world.

Indy. I know you said you always considered him your best friend, always.

Maria. Well, you know, I was born with no family, abandoned, I mean, I mean, ah, when I met him he was always very good—he always. .he couldn't do enough for me. A new car and this and that. .when I didn't want. .In fact even when I found out about it he came in here sheepishly. .took us out to lunch. .I didn't want to go but I have to worry about JR too.

Indy. That's right.

Maria. It's still his son. .so we went out for lunch and while we are sittin there he said do ya know I think I'll buy you a new car. I mean I just looked at him. Doesn't he have any morals . . . no anything . . . I mean I don't want a new ca . . . I don't want anything. I don't need a new ca . . . I. . . .

Indy. Is this just to make up for having been away a long time and not letting you . . . and that what he was trying to do . . .

Maria. He . . . he was still tryin to con me that there's nothin with this Evelyn. Meanwhile he's got . . . a, it's in their name. Everythings in their name. He gets all his mail up there. The banking is done up there. And he just comes home here . . . and then he turned around to me and he said, you know I'll always take care of you and JR, after all what are you worrying about you'll have grandchildren. I mean but what about my life.

Indy. Yeah that's right.

Maria. I mean, but just, just cold and calculating and walked out.

Indy. But, but where is she living now?

Maria. Oh I got the home address, you gotta be kidding. I was amazed and you know how I found it Indy?

Indy. No.

Maria. Ah, that's in all in that thing.

Indy. Oh I wish I, I wish I had gotten those papers but you know I . . .

Maria. Is there anyway you can check on it?

Indy. Well I'd better call the syndicate and tell them that it's some important papers . . .

Maria. It's in a brown manilla, large manilla envelope, and it's made out to United Features Syndicate, 200 Park Avenue and I'm pretty sure I had the right address and I put on the bottom: Attention Jack Anderson, Columnist and your name below it.

Indy. It should reach me but it might take two or three days to get to New York and then maybe a couple of days from there.

Maria. Well, ah, I'll tell you Indy, I don't wanna hold you on the line of course. . .

Indy. No, no, not at all . . . I . . .you know because this, this game is a . . .

Maria. Hold on one second Indy. . . just a second.

Indy. Sure, sure, sure.

SIDE II TAPE I

Maria. And that's when it all happened. . . it was about. . . went to jail. . .was about two years old. . .he'd always go to bayside and this and that. . .

Indy. (Inaudible) go to jail when he was like 5 days old

Maria. He was 5 days old. . .yeah but he was two years old at this time. I'd already had him two years. . .you follow me. . . and a, I started getting an inkling . . .you know you can sort of sense when somethings not, you know. . .just so-so. . .and a, didn't say anything. . .and then I noticed he started staying away awhile, and then, I found something with the name Evelyn Weinberg at the time and I tried to check it at an apartment house in Bayside but they wouldn't get. . .they had security there and then I just forgot about it. . .really. . .just forgot it, anyway when all the ABSCAM and all that stuff came up, you know with Mel bein arrested I saw her name in the paper and I asked him and he says no, it's just, a, she's an actress and we only used her.

Indy. Uh, huh

Maria. But I saw the agent Jack McCarthy who came to the house.

Indy. Uh, huh.

Maria. And Jack wanted me to pick out pictures of Mel in the pictures . . . and I saw this woman sitting there and I asked him and he wouldn't answer me.

Indy. Why did he want for you to pick out a picture of Mel?

Maria. Ah, Well, when they first came to the house evidently Mel had just been picked up. I didn't know about it and I get a knock on the door and ah, Jack was at the door and ah, I invited him in.

Indy. Oh that's the first time you ever met McCarthy?

Maria. That's right, I invited him in and he said I'm from the FBI and I said, well, can I help ya? And he said ah, yes, he said ah, sorry but he say— ah, would you pick out some pictures for me . . . so I brought him into the living room . . . ah, ah, into the kitchen and I said you know, Do you want something to drink and that and ah, he had a picture of Morris Schenker and a few other people in Vegas and Evelyn's sittin in the middle in a white gown and her mother is next to her . . . okay?

Indy: Umm.

Maria: So he wanted me to pick out Mel. I said well that's Mel there and he said thank you and I said, well, whose the woman sitting here and he wouldn't answer me . . . and they left. Then's when I get a call from the Attorney, ah,a, he needs bail . . .

Indy. That's Cuiti.

Maria. That's Vince Cuiti.

Indy. Yeah.

Maria. And then I met them down at Orlando's that night . . see I used to go to Orlando's and we'd go out to dinner . . . take JR with us . . . you know I'd go early and then come home cause I never left JR with a sitter . . . and ah, like I saw Bowie Walsh . . . I know all of them, but you know, like, I'm the wife I just sat there and never said anything . . .

Indy. Whose Walt?

Maria. Bo Walsh that's the sewer district, that's that big thing up in New York.

Indy. Oh yeah, okay.

Maria. The . . .

Indy. Oh yeah, yeah, I know what you mean the, a, the, the case the big thing up in New York, yeah sure.

Maria. I know the lawyer that was with Vince supposedly up at Cherry Hill, I mean I heard all this because they used to talk on the phone in the house, all of, you know they'd be taping the calls in the house . . . so you know you couldn't miss.

Indy. Absolutely, yeah.

Maria. So ah, you know, a, then they, finally they opened the office around the corner in the bank in the Hauppaugge office of the FBI.

Indy. That's right.

Maria. They were right around the corner from us. See now all of a sudden Mel's says we're gonna move down to Florida. Alright we come down here. He'd already picked this place out, see I didn't know about it and ah, until it was ready, it was ready in about two weeks, we stayed at the Jupiter Hilton, that was at that time, and ah, we move in, and then one day he comes home, he says, oh I met a (inaudible) I'm gonna invest in a place. He says—just like this—Miles Grant. I say that's great. He says, well I wanted to ask you first if ut's a good idea. I said, well, I said if you have any extra money—I never asked him what he had.

Indy. Sure.

Maria. So he says, well, I'm gonna take ya up there . . . Takes me up in the car. There just breaking ground right. But as we go in there's a big fixture infront. There's these big ah, a, amber lights, fixtures beautiful you know but there's no buildings . . . there just breaking ground. . . . So he said, this is Miles Grant it's a big development. It wasn't Miles Grant . . . Miles Grant is across the street it's River Pine . . . so we drive in, I can't see anything, he said, well I wanted to get near the water but they want to much money . . . anyway come home . . . next thing I hear the place is built. Tell me, he says, what do ya think I've got a union official, a trucking official and his wife are gonna lease if from me this way I don't have to make the mortgage payment and if I decide to sell it he's gonna buy it.

Indy. Ya and you get depreciation and that kinda stuff

Maria. Okay—fine—now I'd never seen the place I've only seen it when the ground was broken. He's comin home tel . . . Now he comes home, he says, can I have a sample of your wallpaper? I says, my wall paper what for? He says, well this guys wife is a real dunce and she can't decorate nothin . . . she's driven the guy crazy. He's talkin about himself.

Indy. Yeah.

Maria. So I go into my laundry room here and I take out, I always keep a little piece. He took . . . next thing he wants is the type I have in the bathroom. Next thing he's got lifestyle furniture. . . . Is down the road from me on U.S. 1, ah, a guy from Jersey opened a place here and got friendly with Mel. So Mel evidently tried to buy furniture up there in Stewart and didn't see anything he liked, and he comes down to Life's. Life's goes up there and measure's the place, and a, er, when Life went up he saw a lot of agents around. Guns on the table evidently—she wasn't moved in yet—or she was working—see she worked up there. So during the day.

Indy. So he bought all this for her?

Maria. Sure, he had duplicate he bought another condo, he was setting up another life another words he's got . . . if you read People magazine they wanted to interview her, nobody could find her, he protected her like mad. He changed her name in the book.

Indy. Called her Diane that's right.

Maria. Lady Diane—that was Evelyn Knight! Her name evidently is Evelyn Knight.

Indy. How did you find out all this now?

Maria. Now wait, remember he took me up to the ground breaking right? Now all this time he's comin home, I mean daily tellin me about this woman is an idiot she can't do this, then we had a leak in the living room, ah, something from the pipes, and they put your screen room on, now the condo is after them to take off the spotlight, they put a spotlight up on the gate these people . . Then a ya know I'm getting a little tired of hearing this, and ah, next thing I know I get a telephone call. Life comes over, his name is Life Neandros? and he, he calls his store Lifestyle

Indy. Umm.

Maria. He's got a boat he calls it lifeboat, you know he uses the name Life comes over to the house here. Life did a couple of drapes here for me, there little . . there level ones, you know down on the windows.

Indy. Umm, huh.

Maria. And Life tells me, uhm you know Mel told me I could come over and measure up your wall unit . . I didn't get it from life, I got it from another furniture store . . . so ahm, cause there's not much storage space in here so I use that . . and I said what do you mean measure it up? He says, ah, well, Mel wants it for this guy up in Stewart. I said alright, so there all in here, Mel came in and their measuring it up. He had Life try to make a duplicate of my wall unit. Okay?

Indy. This, er, the store right?

Maria. Yeah, Life is the owner . . . now time is goinby right . . all this ABSCAM is goin on, ah, you know I met the mayor.

Indy. Uh, uhm, Errichetti?

Maria. Ah, when I was living in Long Island, Mel came, uh, Mel picked, what was that (place) up in Huntington, I don't know if Errichetti was driven up by his nephew or Mel picked him up and drove him there . . They would meet at the Chinese restaurant in Huntington . . on Jericho Turnpike . . and I don't know what the reason I was down there, I had my car to mark . . it was a cartier at the time, and ah, I drove in and Mel, when I got out of the car, he said, oh, this is my sister-in-law, he introduced me as his sister-in-law.

Indy. He introduced Evelyn as his sister-in-law.

Maria. Yeah.

Indy. And didn't you wonder what he was doing?

Maria. Of course I did but I didn't say anything, you know, what if, ah, er, ah, you know I don't know I'm just in the middle so I just listened and ah, the two of them said something. I don't think we had dinner that night . . . Mel got in the car with me and we drove home . . . so but there was a strict reason why he met Errichetti there, and Errichetti must remember it, because that precipitates something that happened at a Holiday Inn . . . which Mel got out of . . . Tony Amoroso was supposed to be watching him.

Indy. Uh, uhm.

Maria. And he ducked Tony . . . and it was split second timing on something. He met Errichetti at a Holiday Inn, and if you can geta hold of Ec, Errichetti, ask him that because I know because I drove Mel to that Holiday Inn but I don't know which one it was, it was on the Long Island Expressway, and it was built down into a, ah, like a hollow, off the road, I don't know, somewhere between maybe four.

Indy. So this was a secret meeting he had with Errichetti without Tony ever knowing about it?

Maria. Right—he skunked them alot.

Indy. Yeah.

Maria. Now, ah, getting back to here, I wouldn't know anything right? Mel comes home this is about a month and a half ago; this is where everything started walks in the house and he says to me come on I'll take you out to lunch, I says, oh alright, we went to a little dumpy restaurant over here alright? on the way he says oh, I have to stop in and see Life's a minute, and we go in and Mel sits in a chair and I'm standing up and Life there working at his books, and Life turns around and hands me a pink invoice, and says here put it away, and I take it, with that Mel must a realized it was for furniture that he bought for Evelyn, her names on it . . . so he said to like get it from her and the two of them came at me, I swear, Isa..I told um I said your hurtin my arm what do ya want this for? The the bells started to click..little things going together, okay?

Indy. Uh, umn, So you saw the name.

Maria. No! I didn't have my reading glasses..so I asked Mel about it when we got outside, he said oh that's just for tax purposes, don't woory about it, I asked him again, I figure I'm gonna book on something..anyway a couple of days later he says to me ' Look I want you to take the car and drop me off at the (scenic) gas station up on US 1 here' a block from me. I says why I'm takin ya to the airport. He said ' no I have agents picking me up ' and a.

Indy. Oh this is was in Florida now.

Maria. Yeah it was in Florida.

Indy. Oh this is when all the trials have a, started and ABSCAM is more or less over now.

Maria. That's right, that's right, but, a, this, I only found out all of this stuff, but, ah, and sure enough who picks him up? Evelyn.

Indy. Oh Jesus.

Maria. He, a, when he left here, he a, last week, he says, wake me up early; I wake him up early, he says a, well I got my car I'm goin straight, I'm gonna leave my car at the airport it'll be alright, and a, he says, ah, I gotta fly to New York and Washington I don't know exactly when I'll be back. I said okay—cause I never questioned him, where he was going, or what, NEVER, ah, P.S. he leaves—now I'm bothered, this is bothering me right? I take a ride up there—there's his car parked. They went off in the Cadillac, he must've driven up to New York in the Cadillac.

Indy. Uh, uhm.

Maria. With the Cadillac the two of them are still gone—Now how I found the place, when they pulled away that invoice on me, and they made such a production, you wouldn't do that if you just, if it was something innocent.

Indy. That's right.

Maria. So thats what set me.

Indy. Obviously her name, the name was on it yeah.

Maria. It hadda be and he didn't want me to see it. Same thing as the boat. He didn't want, every time my neighbor next door would come by, she works during the day, I don't see her, and if she says hello, you know what he says to me? She's an SOB, she's this, she's that; and I'd say, Mel, you don't even know her. Stay away from her, she's no good, and I looked at him and I didn't put two and two together; he sold the boat. I asked her the other day for a, ah, whose name was on it, and she didn't wanna tell me, she told me Evelyn Weinberg, and she said I'll give you a copy of the notorized statement. I said, thank you, she gave me a copy.

Indy. Now which boat is this?

Maria. This is the UP YOURS, the twenty footer.

Indy. Yeah, who, how did he buy that?

Maria. Ah, that's, I think she bought it.

Indy. Yeah.

Maria. Now he coulda sold it and she don't even know about it . . I think the name was forged on it, personally.

Indy. Where did she get the money from?

Maria. Evidently she worked up there for her, I, . . .

Indy. Why didn't he ask her for the bail money, why did he come and ask you to dip into your savings?

Maria. Ahhh, she didn't have any money, evidently at the time, she was running around with him. Do you follow me?

Indy. Yeah, yeah.

Maria. But when he came down here, evidently her brother or relation owns some kind of condo. I don't know and she works there and she was getting a lot of money. They kept comin home and sayin this girl—she works so hard—she makes reservations on the condo and that, and ah, she wants more money and they won't give it to her so she quit. And then all of a sudden I find out she isn't working.

(Neighbor interrupts.)

Maria. Halloween—Mel came home and he said to me, ah, listen I have to go up to Jacksonville, that was a Saturday, October the 31st, I have to go to Jacksonville do you mind if I take JR WITH ME? I said of course, you know he's away so much, gee anytime you get a chance.

Indy. Yes, yes, to be with your son.

Maria. Now, I, now this has been goin on for years. I always thought he and JR were goin away together.

Indy. Uh, Uhm.

Maria. So they leave right? He said I'll be back Monday morning which would be November 2nd. Ah, I'm sittin here and that night I'm thinkin to myself Lifestyle pulled that invoice away from me. He's always talkin about this place in Miles Grant. He copied everything as far as I know from my place. So I get in the car, 12:30 that night. JR's not here, I'm by myself again and I ride up and I go into Fort Pierce. I passed it. it's only 16 miles from the house straight on US 1. I drive up; nothin; so I come I figured. oh, you know. I must be imagining it. And sometimes ignorance is bliss. Come in . . Sunday morning I wake up . . and it is really bothering me.

Indy. Yeah.

Maria. I get in the car and I drive up US 1, I only have to go down to my corner here and make a left. Straight up and I see a huge sign 'Miles Grant' with an arrow. I couldn't see it that night.

Indy. So that's where he was building the apartment, yeah.

Maria. Thats—uhm, on the right hand side, Miles Grant is a huge homes development, the other development is the same as mine only bigger and ah, I drive up, I don't know the name of the place. I drive up and what do I see—it's pouring rain meanwhile—it's pouring rain and I see these fixtures. And I make a right turn, I pull in, now all I have to look for . . cause he's been tellin me all along . . describing the place. You know because he's rented it out to a Union official.

Indy. That's right yeah.

Marie. So I drive in the wrong way I go left and I drive around a circle and I have to look for a house with a, in the patio, the court yard, a screened in room inside, I have to look for a yellow spotlight which he told me about right? I don't see anything, there maybe one house there with one. So I'm riding around the circle and on the circle coming out, meanwhile it's pouring right . . sometimes they say maybe there's a God looking out or it's fate, or I don't know. As I'm driving out and I'm not lying Indy, the sun comes shooting out between the clouds, the rain stops and I turned because it hit me in the eye, it wasn't the sun it was hitting off the spotlight.

Indy. Yeah.

Marie. The house, his unit, is built inside, you have to drive in court 2, you drive in and there's parking in there, and there's four units to a building . . in which four families live . . like in my unit here.

Indy. Yeah.

Marie. I drive in and sure enough there's.

Indy. The car.

Marie. Nope, nope, wait there's a Cadillac parked there, a four door Cadillac, I've never seen it before, okay? . . I just heard about it. I drive in and there's the yellow spotlight and there's a security camera sitting on top of this fence. With the television thing . . that's the one he wanted when he came down here, originally to put on mine. I said, what do I want a camera for, if anyone's at the gate I will come out and talk to them . . . I don't have anything to hide. Right?

Indy. that's right.

Maria. So he put it up there, ah, as I'm parking Mel was inside all the time, I didn't know it. Mel's car, JR, he sent out to have it gassed up They were there . . . I thought they were in Jacksonville and here I found the place. I pick up the vines, there's vines covering the names, cause all the places have a name. There's WEINBERG . . . there's the house number, the parking number, I, and the gate was left open, when JR went out, see I came right in between all of this . . . when JR left for Gassing, I passed him on the road; He couldn't understand it . . so he just kept on going.

Indy. Yeah, but do you mean that he'd bring JR to this house?

Maria. AH, wait, now I'll tell ya what he pulled then. I was wondering how he did that. This is what hurt me more than. . see I didn't know yet I, ah, looked down and the dead bolt was open on the gate, so I opened that, opened the screen door walked in (inaudible) . . . .on the kitchen floor . . . so I knock on the door . . I figure I came this far; OUT SHE COMES; and I said Evelyn? and she said no it's Eve, I said I'm Marie Weinberg Mels wife . . she says, oh, just like that . . I mean I'll never forget it.

Indy. So this is last Thanksgiving then?

Marie. NO! This is just this Halloween

Indy. Oh this Halloween you talking about, I'm sorry.

Marie. He's already been up there.

Indy. Yeah right. . . this was the Saturday, this was that Saturday.

Marie. Thats right October 31st . . uh, the next day November 1st, the next day November 1st. this was November 1st. October 31st I was lookin for the place I couldn't find it . . . it was at night, that's when he left with JR. .he told me he was going to Jacksonville.

Indy. Uh,uhm.

Marie. See? But they went to Jacksonville and came back that Saturday night; they were there all the time. JR went out to Gas the car, by the time I pulled in Mel was inside upstairs didn't come down. So I didn't know they were there—I figured they were in Jacksonville.

Indy. Yeah. Was Mel there when you walked in?

Marie. He was sitting upstairs on the phone.

Indy. He wouldn't come down?

Marie. No! and I didn't know he was there.

Indy. Oh God.

Marie. So she comes out in the courtyard and she says ah, she's walkin towards the gate and I said ah, she said can I help you? I said no, I just wanted to confirm what I been suspicious of, she says, oh, well I wouldn't get upset, so help me God, I says, I says look I'm not upset, I says look I'm not upset, and I did everything I could to control myself. I said I'm not upset, I said, but ah, I've just ah, you know, I heard about you and that and I said ah, She goes; Is there anything you want to tell Mel? I said no; You tell him anything you want, so ah.

SIDE III CONVERSATION WITH MARIE WEINBERG

Marie. . . number 233 and there's all vines growing over the fence.

Indy. It's, it's Court two.

Marie. Court two, well ye have.

Indy. River Pines development Court two.

Marie. You go into River Pines and you bear right at the stop sign. .and you drive around. .and the first sign is Court One and then there's Court Two. .you pull in Court Two and you go to your left and you go down into the parking area. .and there's their little building on the left.

Indy. What do they have an apartment number or something?

Marie. Yeah, the, er, the building number is 5782, ah, parking space number 233.

Indy. Okay, that's what marks off the apartment I guess, the parking space.

Marie. Yeah, and then there's vines with orange flowers on it.. .over the fence, and if you pick up by the gate, on the right side of the gate, there's a sign WEINBERG, his name. That's when I, al. .my heart stopped when I saw that cause he's telling me a trucking official.

Indy. I did hear from a number of people, I told you the last time we talked that I did hear, that a, that a, some of the agents knew about, that they'd been secretly married. .of course I couldn't confirm. . .

Marie. Oh I believe that but he's still married to me.

Indy. Well then he's a bigamist.

Marie. Of course! I mean that wouldn't stop him, that doesn't surprise me. . .doesn't surprise me I figured he was one. .because he kept sayin to me to wait three months. . .I didn't know why. .I told him I wanted a divorce. I said it's ridiculous. I don't wanna live like that, and evidently you must love her because your up there all the time . .you only come here once and a while. .and your carrying on up there. .eventually I would have had to find out. .he says well wait three months. . . . I don't know why this three months unless he planned on going somewhere or ah.

Indy. Yeah because the last time we talked and you kept saying that you know three months.

Marie. He said wait three months, now I don't know what he's waitin for, the book to be signed, he didn't want any notoriety or maybe there's ah, a time period on something but I know he got photo pictures taken for his passport. He said he might have to go to England to do a, ah, documentary.

Indy. Umm.

Marie. He wanted JR's and his, now her family lives there and he had them all over here last year, he's takin them around in the van he had. .and ah, ah,. .you know. .what could I tell ya. . an there down as Mr. and Mrs. Evelyn Weinberg.

Indy. Oh, that's incredible, so he gave all that furniture away to all these agents huh?

Marie. Oh well the agents came and.

Indy. And it was your furniture?

Marie. Yea. .yeah, but ya see it wouldn't have fit down here anyway. He said don't worry and he says whatever I—can get for it well, I'll buy you furniture down here.

Indy. uh, uhm . . you mean Goode and Amoroso and, and and a they took the furniture?

Marie. Ah Tony took ah, my bedroom set.

Indy. Yeah.

Marie. Tony took and ah, my sons room, . . and John took, oh God, I mean I had a lot of furniture it . . it was a ten room house . . you know . . I had beautiful living room stuff . . crystall little things . . I mean it was a pretty ho . . I mean you know it was nice . . but ah, they took it . . and ah, when I came down here I, I needed very little because it's only a living room, dining room. . .

Indy. It's a small space right.

Marie. Oh sure, it's just two bedrooms and ah, didn't need it so I guess the money he got for the furniture there he bought my furniture here.

Indy. Oh he sold it to them you mean. . .

Marie. Sure.

Indy. He didn't just donate it . .

Marie. Oh yeah well a lot of stuff they took anyway . . .

Indy. Yeah.

Marie. You know . . but ah, . . so that's it there at ah, . . . I even have the phone there . . you see Florida doesn't have 24 hour answering service . . . and I even found the number layin on a piece a paper here. So I got the phone number and during the day it's an answering service . . . and I ca, I ca, I tried it one night at 11:30 and he answered the phone.

Indy. What's that number?

Marie. 305-286-4826 and ah, he, when he heard my voice, he says, what do you want? evidently she was next to him, see I didn't know about the place yet, I didn't see it yet. I had only called the number. . . So he figured it was an answering service . . . he got me off and then he could tell me any story about an office he had . . . and now he's goin into the detective business. He's got cards printed up: ABSCAM Inc.

Indy. Who he does that . . . thats a farce.

Marie. Oh no it's not, you know he's got, Bob Greene wrote a letter of recommendation . . . John Goode wrote a glowing record, now if he's married to her which I believe that's bigamy, he wants a, he wants a license for a gun and he's a having a ball . . . and the lawyer he's using, evidently he's promised this lawyer anything, very persuasive, and the funny thing is, you see, that's why he got angry with JR, he took JR that Sunday out and told him—c'mon I'll buy ya a tape figuring that's all he had to do. JR for a tape. JR said no, and he kept insisting and asked well, what do you want and JR wouldn't tell him, and then he wanted to know what he wanted for Christmas and he can't deal with that . . . everyone has a price . . . and ah, he came home and he was furious and JR went in his room . . . and JR knew what was going on. JR's not stupid. In fact JR had more brains than I have.

Indy. You can't buy that kid . . . he's been brought up right.

Marie. And ah, I said look JR, I said I'm gonna go in, I says I can't . . . He's gonna leave anyway he's goin to New York, he's takin the car . . . he's parkin it at the airport right? . . . And I said don't worry . . anything we'll get him in a good mood, just for the time being otherwise he's gonna take it out on you. So I did his nails and just tried to ignore what had happened. He wouldn't talk to me about it or anything, and that was it. He left the next morning, when I took a ride up to this condo here . . it's exactly 16 miles from the house, from my house.

Indy. What was he trying to bribe him not to do, basically not to reveal anything about ah?

Marie. No not so much that, you see when I told him, remember when I caught them up there, I caught . . I went up and I found her, well they hadda walk on Monday morning, he hadda come back Monday, cause he told me he was coming back from Jacksonville, so he took his sweet time and the two of them walked in, he sent JR out, never get your marks together.

Indy. Yeah, yeah, sure.

Marie. Because the day that they were leaving on Halloween for Jacksonville, he came over to me and I asked him again about Lifestyle's bill, I kept harping on that . . . it's not like me but it bothered me so, and just kept harping, I figured maybe I'd catch him off edge. He turned around and sent JR out . . and ah, he turned around to me, put his arms around me, kissed me and he said to me, Marie, let me tell you something. He said I love you, only you, there is no Evelyn and there is no condo . . and he went out, and thats why that night, Halloween night is when I went lookin for the place and I couldn't find it . . and the next morning Sunday is when I took another ride up in the day time and I said there's gotta be because he said there's no Evelyn . . who'd he get arrested with. Who was that in the book, he told me in the book, when I asked, whose this lady Evelyn, Bob Greene made that up to sell the book.

Indy. Yeah, Lady Diana

Marie. I could a caught, I said who were you arrested with, he said no that was an actress. That had nothing to do with it. So he just kept, I mean what am I gonna do . .

Indy. And then there were these crazy friends who say it was a dumb wife . . except it was himself

Marie. It was himself, he had this guy who was a trucking official leasing the place, an elderly man and his wife and they got so much money and they don't know what to do and she doesn't know how to decorate so would you mind and then I got a little annoyed when he came down here . . I said gee what are you copying everything I did? and he did . . and then he came home and he said to me why don't you do the patio outisde and will tile it. I said I don't wanna tile it, I said ah, you know I like to wash it down fresh in the morning and he says well the condo here will not let us, allow a screen room, inside the fence. His they will evidently . . but I said no I don't want it—he got a little annoyed with me. He said it looks nice. It's the same thing he's got. He put one in up there so he wanted one here. I mean to me it's sick isn't it? I—I, you know I don't know what to make . . I never heard of this before.

Indy. Nor have I frankly . .

Marie. But my eyes have woken . . . I mean I can't believe that I was duped this more. . I fact I knew something was going on but I could never put my finger on it. .

Indy. Now you've got it all

Marie. And I found in my desk here for the length of a (side) she had it was Evelyn Weinberg in her name.

Indy. Yeah

Marie. And when I asked him about it he said no, no, he said that's not not true at all we just use that name. That names just bein used. And I didn't think anything of it. Maybe you just don't wanna know. I try to say well maybe it will just go away . . you know . . but then it got to a point . . but then he brings the car down to me last year and it's a hot day outside and he says do me a favor? Ah Sir Gordon he doesn't know how to take . . he told me it was Sir Gordon's car . . that's what it was . . He said ah, the car is a mess, he said do me a favor?

Indy. Clean it

Marie. Fix it up, I mean I take care of my car . . you know I don't mind goin out and waxing it . . and I did a number on this car. . I did the top . . it looked brand new . . ah, he came home and he said look Gordon wants you to have $50 . . . I says I don't want anything for it, I said I did it for you, you wanna, you know so ah, he said no, no take it . . I took the 50 . . and I put it inside and then I went out and I used it in the market. Okay?

Indy. Uh, Uhm

Marie. Now the car goes up there. He traded it in for a four door Cadillac.

Indy. Cadillac . . Is what you found out there.

Marie. So she drives a baby blue and he drives a Dodge Aries.

Well he's hard on a car he just wants something to run around in. He don't need it cause he parked there. Now when he was supposed to bring the car Monday when he left to the airport . . he walked out . . he took his little luggage with his . . and he says, well a, I'm leavin the car at the airport. He left . . that night I went up there . . there was his car parked in front of there place. Drove up picked her up in the Cadillac and they took off to New York they drove up.

Indy. That's amazing

Marie. And what he used to do is cash in the airlines tickets. The government paid for them right?

Indy. Yeah

Marie. Go take his car up or go ahhh

Indy. Oh he'd cash in the airlines tickets the government paid for and take the money.

Marie. He'd get First class and cash them in or go second class.

Indy. Did he bable about this to you?

Marie. Oh sure, I mean you know he's ah, big mouth . . . and when all this came on Mike Wallace's show right . . . He was sittin up in Stewart watchin it . . .

Indy. He was doin what?

Marie. He was sittin up in Stewart in his Condo. .

Indy. Yeah, yeah, oh did that come up on Wallace's show about his cashing in the tickets?

Marie. Oh no, no . . . nobody knows that, that his little . . . you know it's petty . . petty stuff.

Indy. Yeah, yeah

Marie. But it's all these things it's just ah, God knows what else he did that nobody knows about . . . I don't know but I'll tell ya one thing . . . I cannot believe it . . . and ah, I'm surprised when I talked to him the other night. He pulled through . . I was talking to Bob . . and the operator cut in said it's an emergency call . . see I had put a call for him at his Hotel . . . cause I just had had it . . I was so furious . . the more I thought about the way he walked in here . . and just said to me, you know when I told him about Evelyn I know all about it . . He said well you know I was the biggest liar. I've always been the biggest liar in the world. I said but no why would you hurt us . . We never hurt you . . and we didn't do anything to you . . I mean you know I said I'm the one that sat and worried when you got in trouble. I worried all through the ABSCAM thing I didn't know what was goin on . . I said you know—He couldn't care—he just walked out the door.

Indy. Marie, tell me one thing I've always wondered about, and, a, did they really have a hit list in ABSCAM of certain politicians that they wanted to go after?

Marie. No, I really, no, Indy let me tell you something. One thing he did say was true. It was an accident.

Indy. Uh, uhm

Marie. Ah, you see Rosenberg? . . Rosenberg . . Mel used to meet Rosenberg at the Blue Dawn diner . . . that was right up the street from our house in Long Island . . . We were on Split Cedar Drive, Veterans Highway . . .

Indy. You see the reason I tell you this is because Silvestri has been talkin to me...do you know Joe? You've heard of him?

Marie. I've heard o— him but I've never met him.

Indy. Okay, He and I are pretty good friends and I

Marie. I heard Mel Talkin to him on the phone a lot...

Indy. Oh they were very good friends I mean ah, Silvestri's told me that he and Mel used to go out in Atlantic City and pick up girls.

Marie. Oh probably, ah, hey look I didn't say mel was an angel. I can see any man going away...hey, Mel...hey I know the agents. Tony's got girls living all over the place..He had one living practically next door to him, practically next door to him. Where he moved his wife, I mean there no angels. What do ya think they were using that boat for down there.

Indy. Yeah, a lot of pint...did that boat catch fire or something?

Marie. Yes, ah, there was electrical work, in fact Mel was looking for Tony next thing they find out, the boat burned down. Now they hadda get it fixed right?

Indy. yeah

Marie. So Mel called up Errichetti and they made some bullshit story—Mel took care of that...they footed it..they footed the bill to fix it.

Indy. Oh they did?

Marie. Sure they did...he had them bringing in champagne for the Arabs. I saw the boat. Mel hadda go and meet Tony. He hadda see Tony for somethin and he drove down there. Tony wasn't there. But some guy Red or sonethin Dick? or Red was told to take care of the boat. They guy was out somewhere, nobody was on the boat. That thing was full of equipment and everything. The first time I'd ever seen it.

Indy. Oh you, you saw it from the outside though?

Marie. Oh yeah, I didn't go into it, and a a in fact I looked at the slip where it was and I said my God no one in their right mind. . . .

And who the heck knows what happened.

Indy. But ah, how did you know that Tony and a the other guy John used to bring their girlfriends there . . Mel told you about that.

Marie. Of Course! Are you kidding he couldn't wait to talk . . .

Indy. He's got a lot on them too I think

Marie. Ohhhhh (laugh da da da-di da).

Indy. He probably could blackmail them for the rest of his life

Marie. Do you know ah, do you know I used to go to A & S shopping, Smithhaven Mall, if I need, I go in there and anyway I got to know, I don't know I bought a make up one morn . . I don't know. I'm not a big buyer for myself but I, if I a have nothing to do I just walk around and I met this woman she's in the cosmetic department, and I couldn't get over her skin, and we got to talkin, every time I come by I'd say hello to her, she told me she had cancer, and they were giving her a quart of (inaudible) that's why her skin was so beautiful. And then she introduced me to this blond woman, and this woman was in charge of ah . . . Jamai Monte make up or something, and a anyway I came home and I was telling Mel, and Mel says oh that's John Goode's wife—she works in the cosmetic department. You met John's wife I says well I don't remember which one. There were two blonds. He says ah he can't stand her she's always bitchin or something, she's german or something, a foreigner, so he's got this girlfriend and he goes down to Florida, and a evidently Mel has a place for them to stay or John I don't know they have some place down in Del Rey, they always have a place to stay . . Hotels and that You know they all go over to Singer Island, to the Hilton over in Singer Island, the Holiday in or whatever it is . .

Indy. Yeah.

Marie. Yeah that's a big hangout, now we're supposed to have agents here watching right? . . Never had agents here.

Indy. Yeah, yeah, exactly

Marie. In fact Bruce Brady was supposed to be . . the newspapers came around. I was in the house.

Indy. Oh yeah Bruce was there when they forged that letter . . Errichetti forged the letter for Senator Williams . . that was Bruce Brady was right there . .

Marie. I don't know . . that I don't know about . . I heard something about a letter

Indy. Oh I've confirmed that that's no

Marie. I don't know but meanwhile John sent Bruce down here right? Bruce took off with some girl in Denver, I think it was, when he was supposed to be here and Mel covered up for him.

Indy. How did he cover up for him what did he do?

Marie. Because Bruce met a girl, he knew her in college or something, he got in touch with her, anyway he had a good chance of, evidently Bruce had just gotten a divorce or he's separating from his wife. Okay, so he comes down here and he says to Mel something about. .he's got a hot weekend. .and ah I guess he wanted Mel to You know . . . hey John was away. .supposedly away on vacation. .so nobody would know about it right. .he could take a plane and I said Bruce what do ya wanna go there for it's snowin. .

Indy. Uh, Uhm

Marie. I remember that the snow. It's cold weather and it's beautiful here. Na nobody will know so he took off. .and he came back then you know after. .

Indy. So when when the others would ask ah, Mel if Bruce was there watchin him or whatever. .he would say oh yeah he was here

Marie. John called here. .for Bruce or something, and ah, Mel said he went out. .just. .He's out. .you know. .I'm alright. .he's out and covered it. See?

Indy. Yeah

Marie. I'm in the house here I don't know it and Leslie Matiland is here banging on my gate. .okay.. .and ah, I call up the West Palm Beach office. .because I know JR's coming home and I didn't want. .and I didn't want to a have him know it. .this when all ABSCAM was breaking. .and ah, one of the kids grabbed JR and took him down to his house. .course JR didn't know what was going on. .I've got Leslie hangin outside. .Leslie. .called my neighbor in the back. .he's away six months of the year. .from Michigan, and I don't know how she got his number, but she got it. .she told him that she was a relation of mine and she couldn't get me. .and he gave her my phone number. So they went across the street in the park and they had telephoto lenses. .and ah, I called up the West Palm Beach office.

Marie. I think, what was his name, Gene something, was in charge of West Palm Beach, Gene McKinnon,

Indy. Yeah, McKinnon

Marie. Is that the name? Ok, and Gene called up and said there was something he could do. So, I was stuck in the house here, and I just told her, I said I couldn't speak to her, and then one of the agents, called up the Times and they said, they'd take her out for lunch, they didn't want Abscam breaking then. Must have been just before it broke.

Indy. February 1980 was when it.

Marie. Yeah, see, I can't give you all the dates on that, all I can, judging when I came down here. I've been down here two years this past July. Exactly two years, so from July to now, that's another six months. That's two and a half years. Meanwhile Mel was up Bayside with this Evelyn, from the time that that happened, he had her in an apartment building up there, had her up in Jersey and I found the lease agreement with his name and her name on it. Evelyn Weinberg and they use a Jensen Beach Post Office up here, all their mail goes to Jensen Beach, Mel's mail goes there. PO Box 1221, that's where they get the mail.

Indy. Jensen Beach Post Office, right here

Marie. Jensen Beach Post Office box 1221, that's the post office they use

Indy. That's in Florida, right?

Marie. No, no, Jensen Beach.

Indy. What's the county?

Marie. That's Martin county. See my block, I'm at the very end of Palm Beach county. Once I go out here and make a left on US 1, I'm on Martin County line, and it goes up into their county—and they're just 16, not even 16 miles, about 14 miles up the road, you make a right, it's about 2 miles to their front door. So it's sixteen miles to their place.

Indy. Well, I tell ya, I don't think you should be protecting him anymore.

Marie. Uh, I don't know that, all I know is that—you remember Andy Communications came here an (they put in the tape system, he wanted an answering service, ok? And funny thing I even kept their address, their phone number, yeah, John Jaysec was the salesman, ok? and they put the system in here and they kept that in here until they opened an office somewhere, where it was I don't know, they were taking calls somewhere down in Del Ray, wherever, that I never knew, Mel never mentioned that, they were always in an office somewhere, what I think happened is, they were up in Stewart too, they had a trailer up there, all the agents were up there and that's where they really started, they were passing around, money around stuff, and Mel's good friend, on the paper up there, the Stewart Courier, I think, is Steve Tinney, and all the leaks he was giving to Steve, so Steve could (inaudible) Jim McGee from Miami Herald, he delivered to him a suitcase you wouldn't believe, you couldn't lift it, and met him at the Ramada Inn in West Palm Beach, that's where they used to hang out.

Indy. You know when the Justice Dept. was investigating these leaks, did they come to talk to Mel? or what?

Marie. Oh sure, we had two guys here, they sent two special agents,

Marie. And Mel was as cool as could be, and they were sharp guys let me tell ya, they weren't no fools.

Indy. He just said he didn't know anything about anything, right?

Marie. Well, I guess, uh, I guess, uh, you know, he had an answer for everything. You know he your not gonna, he, a, like they said in court, they had top attorneys, those attorneys said that they were gonna kil him, but nobody pushed far enough and they asked him the wrong questions, cause Mels got a sense of humor.

Indy. Yeah, yeah, yeah.

Marie. So he got the crowd with him and once you do that well every one else he makes look like a fool, and the funny thing every one else is telling the truth.

Indy. Yeah.

Marie. He was the one that was lying, but he didn't deny it . . . see he came right out, an average person on the stand if they said ah, look your a con man, wouldn't they be a little bit to try to hide, . . .

Indy. Oh he's sharp.

Marie. He came right out, he said how smart could I be after all the yakki indians.

Indy. Yeah, thats what he did I think he really impressed that Judge up in New York, that Pratt character.

Marie. Oh, you know when the due process came out? he read it he brought home a copy of it . . . and ah, he wanted me to read it . . . so I'm reading through the thing, but I notice Pratt was quoting him.

Indy. And says that he should get a medal or something . . .

Marie. And and you know I remember saying to Mel, I said Mel aren't you the one that said you can't cheat an honest man? I said Pratt's got that right in here.

Indy. Uh,uhm

Marie. He says yeah, you'd think he was my father. Pratt thought he was funny, a, Johnny Carson, they call Pratt right?

Indy. Yeah

Marie. And a, he loved his sense of humor, in fact Mel was on another trial, he mentioned there was an Italian judge, Cavilleri or a, I don't know his name, but I remember it bein mentioned. And he says, well the judge would turn around and say, now look Mel don't answer it that way, now wouldn't a judge come and ask a witness 'now Mel' wouldn't you say Mr. Weinberg. But they were real buddy, buddy. So I don't know what was goin on.

Indy. Did he know Pratt . . before?

Marie. No, he never knew Pratt, but evidently Mel was the charm er, charming, he came on like, he was doing this for the betterment of society

Indy. Yeah they did a lot of, a lot of Judge shopping

Marie. Oh and I got a better one for you.

Indy. Yeah

Marie. Ah, he needed some money. He got pissed, the agents owed him money they promised him, so ah, he says ah, boy the governments word is no good, you know, I says well you should have gotten it in writing, like that, you know, he said there not gonna give anything in writing, he says ah, don't worry. He told John Goode, that I had had total Hysterectomy ... wait a minute, listen to this Indy, he even(used)? me for medical bills.

Indy. Uh, uhm

Marie. And he kept pushing the agents on this. He kept telling them all—Alright?

Indy. Uh, uhm

Marie. And evidently they came through with the money. Now, I, I'm here and I get a phone call—Bruce asks me 'How do I feel' What do you mean, how do I feel?

Indy. Ohh

Marie. I feel fine. I found out he's tellin them all I had a total hysterectomy.

Indy: Oh God and then he needed, and it came up as a real sympathy kick.

Marie. Oh yeah well, you know, he figured that if they wouldn't give it to him one way, they'd give it to him another, and then ah, he came home once this past summer, and ah, oh he says we're gonna got to Tampa, okay? I'm takin you away for a couple of days . . I think thats, a, er, . . I've think we've only been away twice, We went to Disneyland and then Tampa and who came with us, he had the motor home. Now the motor home he's got in my name. I found, it's in my thingy, the motor home is in my name.

Indy. Uh, uhm

Marie. I didn't know anything, he was even buying it—I didn't know whose name it was in, but I found the ownership, the a, Insurance, or whatever you call it.

Indy. That's wild

Marie. Okay? Now he keeps it, I asked JR about it, I never see the Motor Home where is it? He said he's got this man who has a big driveway and he keeps his motor home there and he made a deal with him to keep it there.

Indy. Uh huh

Marie. All right?

Indy. Uh huh

Marie. Now I don't know what he uses it for, but anyway, that's up in Stewart somewhere, or Jensen Beach, Jensen Beach is right after Stewart, it's all part of the same thing, it's all Martin county. Well, uh, his business is up there, from what I know, they know him up there, his lawyer, the lawyer, the one who is trying to get him his license for a private investigator, he's working under someone else, now, Kunen, Kunant is his name, something Kunant, In fact, I've got his thing here, it's really uh, I mean it's really

Indy. Koonantz, the guy he's

Marie. No, it's not, I had the name wrong, when I wrote to you on this thing you didn't see it, it's not Koontz or Kunitz, Oh geez, I've this card here, get the card out, I've got the card right over here in my bag, I'll give ya his name, and I think he's got this guy, hold on a second,

Indy. He's got him fooled too,

Marie. Uhm, I think he's got this guy, promised him the world, he's sharing office space now, I think, they know someone who is a private detective up there, and they're uh, doing business with him, where's that guy's card, goddam, I know I have it, ok, ok, yeah, here it is, the name is Andrew T. Koonen, I guess Koonen, C-O-U-T-A-N-T, area code 3-0-5, 283-8250, and he's at 40, 43 East Ocean Boulevard, Stewart, Florida, 33494

Indy. That's gonna be his partner, right?

Marie. Well, the lawyer that he uses, let's put it that way, and the lawyer is the one, in fact, I've got here, Mel Weinberg and Evelyn Weinberg, the inaudible . . . of Stewart, Florida, in consideration, inaudible, I think go on this first, and I wanna see what happens, lemme put it to you this way Indy, if at all, it's possible, that they say you lied in that book, you could hurt people too,

Indy. Yeah,

Marie. It's a very thin line with him, he'll lie, and he's done it to me, he's been lying to me for actually a full 14 years,

Indy. Maybe, that's the only place he tells the truth

Marie. In his lies,

Indy. In his book, in his uh diary

Marie. Well, I was reading the part that concerned me, and uh, there's not that much in it, only about the first ten pages, and it's very small writing, now, find out if you can, if he had, if the Justice dept. asked him, the judge, the judge now, Judge Pratt, if the judge asked him, for a ledger of his activities, a period of time, during Abscam, what may've been they may've made up books, you follow?

Indy. Yeah, I know, why don't you, you know, another way that may very safely uh, inaudible, with the judiciary committee,

Marie. Pardon me?

Indy. The House Judiciary Committee

Marie. What about it?

Indy. Well, they, they're this is off the record, now, I'm telling something that no one else knows,

Marie. Ok

Indy. But they are planning a huge investigation of Abscam,

Marie. Well, I've got news for you, I don't see how they're gonna get too far, everything's centered, you know that condo up there? that condo's got everything in it, between that condo and uh, he doesn't have an office yet, but I think he would put everything up there because he has protected that place, he won't let people near, nobody knows where they are, that's why he uses those box office numbers.

Indy. Well, why don't you at least arrange to have the book delivered to one of those staffers?

Marie. What staffers?

Indy. To one of the staff of

Marie. Well, I tell you why, I spoke to Bob Green, and Bob said he has a book, he has books now, 78, 79, he asked Mel for the 80 one and Mel said he didn't have it, ok? now I don't know what the books were about, the 78, 79, I was even, I mean, I'm suprised he bothered admitting that to me, you follow me?

Indy. But this is basically a diary?

Marie. A diary, a date to date diary, everything's in it and I know the part about me and her is true because I can, I don't know the exact dates, but I can fix what he was doing, he was living here, he was with her, and he would pop in during the day and say Oh, I've gotta go listen to tapes, and he'd run up to Stewart to her place, I didn't know it, I though he was down in Miami, he was always telling me he was down in Miami, here, I was feeling so bad he was tired, cause of these damn tapes, it was all a lie, he didn't go any further than up here, all the agents were up there, now all of the agents know about it.

Indy. Yeah,

Marie. Tony knows about it, John's been up there, in fact they've all gone out for dinner and everything else, now John knows I'm married to him here, so evidently John can't say anything, or it's an out for John and his girlfriend, you follow me?

Indy. Yeah, yeah, he goes over there, right?

Marie. Sure, and uh, they're known up at this Alpine House, Mel tried to buy the place, he was gonna try to get the guy to give it to him for practically nothing, and make a beer hall out of it.

Indy. Yeah, they all protected him, every one of them.

Marie. They had a reason, and in the beginning, none of them, in fact Bruce Brady was, Jack McCarthy cried to me, he came in one day and he cried to me, and I felt for him because everybody was, in fact, even in the book, they make him look like an ass of all time, and Jack wasn't, Jack just wasn't used to street smarts, Jack was used to pushing a pencil, and Jack wanted to make a name for himself, listen, that's . . .

Indy. Why did he cry? What'd he tell you?

Marie. Well, the whole thing happened you know when their first success with the airplanes, with the art deal, well, they came in the house here, and Jack was pushed to the background, Jack off the Abscam thing, but they had an office around the corner, from me, in the FBI building, in the Bank building, the FBI was upstairs, and in the back of the bank building, on that floor, they opened the first ABSCAM, then they moved it down the road to uh, down to the office they opened down on uh,

Indy. In Hauppauge.

Marie. In Hauppauge, no not Hauppauge, Hobrooke I think it was across from . . .

Indy. When did it start, when . . . (cuts off)

Marie. He said hey he's got a little scam going. Meltzer wasn't in on ABSCAM at all. . . . It was a fluke. It really was a fluke that's one thing I know and when Gunner found out that . . . hey he's got this guy, guys supposed to be on parole or somethin . . . I don't know what, but he supposed to be watching him, and ah, he believed Meltzer on something and Meltzer pulled a swindle.

Indy. Yes but let me tell you, Meltzer, you see now let me tell you something else, Meltzer was hired by Mel, through a man that Mel knew in organized crime by the name of Sonny Santini. . . .

Marie. I know Sonny. I met Sonny many . . .

Indy. Well how do you think, now you see how do you think Meltzer. . . .

Marie. He'd come over our house . . . I never liked him. I said who was that creep. . . .

Indy. He's a bad man, bad man

Marie. He says I'm gonna use him, in fact they were looking for him, the agents were looking for him and Mel tried to find him, and he was in Vegas and what not. . . .

Indy. He's from New Jersey . . . then Brooklyn, then Vegas

Marie. Right and Sonny had with him up in London Investors, or used to go up there and use Mel's phone, Sonny did. And he used to bring his nephew with him. A kid he passed off as his nephew I don't know if it was or not and he was always there with this kid. Right? And he was very friendly with Mel, sure he was friendly with Mel . . . Mel let him use the office and make calls all over the country . . .

Indy. See Meltzer has got a number of tape recorded conversations between him and Mel . . .

Marie. I don't think he has . . .

Indy. Oh he has

Marie. I don't think so . . . I heard about that, see I heard something about that . . . and I heard that he did that because he thought he could get himself out of, ah, trouble . . .

Indy. Oh that's no question about that he was, he was, he was going to jail for eight months for securities fraud you see . . .

Marie. Well why didn't he, why didn't he come up with the tapes then?

Indy. And ah, well Hilda has them, he's got lots of them with Hilda right now . . .

Marie. Yeah, but see . . .

Indy. And ah, and ah, Hilda has them I know that

Marie. I . . . I don't know I'll give ya an argument there . . . I think Meltzer found a good thing and he's using it . . .

Indy. Oh there's no question about that, but ye see, for Meltzer to find out . . . I'll tell you what a, Marie, Meltzer had no way of knowing one thing: Number one Meltzer had no way of knowing about ah, Michael Elzay and the Chase Manhattan Bank and the fictitious bank account there . . .

Marie. Oh right.

Indy. Number two; number two;

Marie. He, he could have got it from an agent.

Indy. Alright, I'll tell you something, of course I'll tell you how the agents covered up for Meltzer. You know I've been in California and I've talked to each and every person——

Marie. See Good could have lost his job over it and I don't know what happened but there was a lot of scurrying around.

Indy. Well, that's the whole thing because, you know, you know the people they scammed? This, Intersea Fisheries which is owned by Jacques Cousteau. I mean they just about destroyed Jacques Cousteau and Michael and and and Richard Stanzick and Bob Vaughn whose one of the most brilliant shipbuilders of the—from Denver.

Marie. Yeah.

And ah, every time that these people complained about Meltzer, to either the Denver or the San Diego office they would call Gunner and tell him and tell Gunner to watch it.

That's it.

Indy. And, and Meltzer would find out immediately as to who was complaining about him.

Marie. In fact Mel had a meeting with Gunner and told Gunner to watch Meltzer because he's gonna get himself in trouble—and then (inaudible) I don't know what the trouble was but Gunner—got caught—and ah, something happened—and boy they were scurrying—and they went after Meltzer right away to shut him up.

Indy. They did.

Marie. Am I wrong?

Indy. Ye—ye—nope your your absolutely right, but not only that, now, now, Meltzer—Meltzer was running his own shieks okay? He was running a guy called Ali Bel Rahmon and some other Prince Fahd or something like that—one of the people that Meltzer—you see there's a connection—I'll tell ya—and that's the connection I made, because one of the people ah, who Meltzer was scamming was a guy, a swedish guy by the name of Kai Gulve—K-A-I GULVE and Kai—ah, went to New York, he called the Chase Manhattan and he was given the connection and Kai was at the Left Hand—immediately after the boat was burned—how do you think I first found out about the boat and he said he could smell it—and Kai met Mel Weinberg and he met Tony DeVito.

Marie. Right

Indy. Amoroso he was there, now, now that's where the ABSCAM and the Meltzer, the Meltzer scam and ABSCAM come together—you see Marie the point is that if the government ever admits that Meltzer was allowed to rip off honest businessmen and destroy a shipping company.

Marie. Oh sure.

Indy. So ABSCAM—It'll, It'll destroy em—and thats and thats why they keep saying that Meltzer was not part of it

Marie. Right I know that they said that he just made it all up, you know, 'cause, you know there's so many people involved, Indy. Everyone started running there own damn thing. Then you have agents who are all jealous of each other each one trying to top the other guy.

Indy. Uh, uhm.

Marie. And ah, like they brought Myron ah, ah, what's his name?

Indy. Fuller—Myron Wagner.

Marie. His name is Myron Wagner, isn't it?

Indy. Right.

Marie. He went as Myron Fuller.

Indy. Fuller—right.

Marie. And he—was under—I mean—no one ever heard of the guy they used him as being the—setting up the banking thing. He was there Secretary, Treasurer or something—and then they were fightin over titles—Jack wanted to be President—and ah, I mean it was just ridiculous—it was ridiculous. You know everybody was fightin—this was in the beginning—they were tryin to get organized and finally Mel hadda get Jack out—because Jack—Jack was wearin Sears suit—lets put it this way—Mel said, the equivalent of, they went on the boat or somthin and Jack was there—or they went to some meeting—and he said Jack walked in and Jack just looked terrible—you could tell it was cheap—if you're fronting for the Shiek you gatta be sharp—so they took ah, you know Dick Farguar?

Indy. Uh, uhm.

Marie. He played the Sheik.

Indy. Yeah, yeah, Far—Farhart.

Marie. Yeah Harhart—He, he—in fact we—when we weren't ah, oh one of the time we went over to Cape Coral—we went for a drive and we took Dick with us Dick was down here for the weekend. And a very good guy he's just a swee—he's Lebanese—oh just a marvelous person.

Indy. Uh, uhm.

Marie. He's just so sweet. I couldn't understand him doing this—and he said he's never done it before—he's strictly in the pencil pushing——

Indy. Uh, uhm.

Marie. You know he didn't even—he was out of his depth but he didn't have to say anything right. But he could speak ah, ah—

Indy. Lebanese and Arabic—yeah.

Marie. He could speak all of these languages.

Indy. Yeah, right.

Marie. In fact I, I, I thought he was such a doll I bought him a little camel for good. He was a sweet kid—he was only 23 or 24 but just completely out of his depth—you know he's playing everything by ear—and ah, I mean it was ah, unreal.

Indy. Do you know—all of these guys are gonna pay believe me and I'll tell you why. That Civil Lawsuit that Harrison Williams has filed it's going to a judge that's going to take the FBI apart believe me it's gonna be.

Marie. But they—they—how can you take them apart if they're covering so—Indy—

Indy. I'll tell you why because a civil suit allows much more disclosure than a, a, than a criminal suit.

Marie. Well, ya know they had ah, a grand jury hearing and they had this. They had—they had em on the stand and where were these lawyers—they didn't ask the——

Indy. Oh, the lawyers were the biggest bunch of idiots in this whole thing because they didn't know how to fight it.

Marie. They didn't—er, ah, look, first of all let'er, me tell you something, there were so many people, let me put it this way there were so many people involved, there were so many agents doin there own little things.

Indy. Um.

Marie. I think that was the whole problem.

Indy. The whole operation had gone beserk, the con men were conning the FBI, the FBI agents were conning each other, I mean the whole thing.

Marie. That's what I'm tellin ya—it's true—you can—I got news for you down here you couldn't even find them. I had Steve Birch (here) he was an agent right?

Indy. Yeah.

Marie. Steve stayed over here one weekend. I mean at the time I thought it was protection, what do I need protection nobody was even suppesed to know where I was right? Meanwhile ah, Bruce was going over to get my mail—I had—Steve was stayin upstairs here and ah, all Steve was worryin about was gettin divorced and he met this girl (inaudible) and he was taking off to California with her, San Fransisco, and he left his wife and took off. He was goin out on the boat with us, Mel would bring the boat down and rest it in the Marina, evidently because the agents were here at the time. I don't eh, eh,—evidently the place wasn't finished up there, with her in it.

Indy. Yeah.

Marie. See—and he'd put em here—now I see all the agents—I saw em up in New York—Nobody ever said a word to me—I mean ah—you know if they even suspected anything—nobody would—they wouldn't rat on Mel.

Indy. Uhmm.

Marie. So they figure—what do they care—they were gettin they're ah Gold Stars—and ah—they didn't care what Mel did. I mean it's a domestic thing really who cares really.

Indy. That's right.

Marie. Really—you know.

Indy. That's right.

Marie. But what I found is that with all of these court cases and everything—I—a—I says, hey—I—I might as well get right on line with everybody else—you know, I—I'm gonna go to the head of the line—after all I lived with the man.

Indy. Ye—that's right.

Marie. How, how stupid could I be—but you know what—I says (inaudible) she don't wanna know until it got to a point where it was bein shoved in my face—and hey—then, ah, oh, Mel cut in on Bob Greene's call the other night saying it was an emergency right? So Bob said to me, "don't do anything drastic," and he says if you have the eighty book—now he admitted he had 78 and 79, okay? So there's been a series of a diary kept—why this one was put in the drawer—and the only reason I looked for it—is Mel called me up and asked me to get JR's passport—and I looked all over and I couldn't find it.

Indy. Well, why would he keep a book like that lying around. I mean Mel's not that stupid.

Marie. Ahhh, yes, Mel left a lot of stuff in this house, but evidently when he—I found out about the girl—up there and the place—he came in here and he cleaned this place out.

Indy. Oh, and he just left a few things there.

Marie. Oh, his clothes are here, but ah, I looked down now in my wall unit—there's nothin there—I found a couple of tapes layin around I went upstairs and put em on my little a—head-set thing—and they're nothin—they're blank tapes.

Indy. Ummm.

Marie. You follow me there is nothin here—absolutely nothing. So he's got it either up in a, a, safe deposit box—but I think it's up in that house, because he wouldn't let that out of his sight.

Indy. Ummm.

Marie. Now, Jim McGee—the a, a, reporter from the Herald called me up and he said ah, "Is Mel there?" and I said, "No, he's outta town." And ah, he said well I want to drop off the suitcase with all the tapes and everything, the transcripts. Mel had all the transcripts—constantly—all of them—and, ah, I didn't want em here. I . . I . . I you know . . I don't wanna be responsible for something like that. I says he's not here—you'd better wait until he comes back and you talk to him. So when Mel called me I said, listen, this guy called up, this reporter—he said he's got the suitcase, and he's returning it to you—this is the suitcase he dropped off to the guy at the Ramada. And ah, I didn't know what he was doing. He—when he opened the trunk, and out comes this big, ah, suitcase—so the guy evidently was studying (tape cuts for a second). And ah (tape cuts again into Silvestri).

(Phone rings.)

Marie. Hello.

Indy. Hi. It was ringing and ringing and ringing. Did you go out somewhere or what?

Marie. No, it wasn't ringing here.

Indy. Yeah—and ah—so now I called—there was all kinds of a—could hardly hear—can you—can you hear me now. I think we had a bad connection.

Marie. Yeah, I hear ya.

Indy. How was Thanksgiving?

Marie. What (inaudible).

Indy. Yeah.

Marie. I don't know—I had it with JR.

Indy. Huh.

Marie. I had it with JR.

Indy. What, did he come in?

Marie. Yeah.

Indy. Yesterday? What happened?

Marie. Nothing. He just a—I just got to the point I said to him there's nothing I have to say—he knew everything that was going on.

Indy. Like what?

Marie. No sense lying to me, you know.

Indy. He said what?

Marie. I just told him that I knew everything.

Indy. Yeah, yeah.

Marie. And there's no sense lying—and you know—you couldn't bother him. He said he was coming over here today again.

Indy. Huh.

Marie. And I said don't bother it's over—there's no reason to—So he said well he has a Christmas present he had wrapped up for—he wanted me to wrap up for JR from him and I.

Indy. Yeah.

Marie. And I said you better give it to him yourself—I said ah—don't mix me up into it. He left something for (inaudible).

Indy. Probably surprised the hell out of him.

Marie. Well he's gonna see him for lunch today—went down to work—my son has an hour off for lunch—so he went down——

Indy. Well I hope he doesn't start turning him against you or something?

Marie. Oh well I expect that I ah—my son is far from stupid. My son knows what's going on.

Indy. Incredible.

Marie. It's a—I mean, I'm just a—so sick you know.

Indy. I know you sounded very depressed today—your not sounding your——

Marie. I don't feel good—I really don't—I feel sick—I mean a—just the whole thing—and ah—and then he said to me—oh I'll come home around three o'clock Thanksgiving I'll take you—both of you out—I looked at him—I said look you don't have to give us charity—you have a place—you go there—so he says well—he says ah—you know it happened—it happened—I said you treat it that lightly—I said you know—I said it was all pre-meditated. It was something that just happened. I could see you havin a fling—six months—I said—really I said—I think I could forgive ya—I mean it could happen to anybody—but I said this was just pre-meditated—ah—for 14 years—ah—he said it was only 10 years. Just like that I said well, I'm not gonna go into semantics—what's the difference 10 or 14. So I said she says 14—you say ten. He says ah—she doesn't know anything. So I'm just listening.

Indy. So now she's the liar, right?

Marie. Yeah, you know—I says—ah—I said I just cannot believe it you would do this—I mean you know I wanted to believe you—he says well I don't know why you bothered ah—looking into it anyway—I said why so I could be deceived for another ten years? I said you don't do that with people—I said ah—my God if I had met somebody and that—the shoe would a been on the other foot—I think you'd be feelin a little ah—I said you can't even picture this—I says Mel where's your feelings? Nothing—nothing at all—

Indy. Listen I—oh by the way I—I—got—received a package from—you know—Listen I—I just wanted to open—can you wait just a second?

Marie. Yeah.

Indy. I'm just gonna get it from the other room—hang on a minute.

You see now this one is addressed to me but that's care of—a—the office—care of the syndicate—

Marie. Is it a white envelope?

Indy. Ah, no. It's a yellow envelope.

Marie. Yeah, that's probably it then.

Indy. And I—I just wanted to explain—the a—print—what the hell is that about?

Marie. Oh I don't know what that is—that maybe for the—a—that maybe up there for the—a—detective agency.

Indy. Ah, okay, now—a picture now what—eh—what is that equipment?

Marie. That's the a . . pictures of the Georgetown house.

Indy. That's the one!

Marie. That's the Kodak . . look on the back of it . . they're the originals.

Indy. Oh, you mean of the street house?

Marie. Yeah.

Indy. Okay. I thought that was the condo?

Marie. Look at the ba . . noooo.

Indy. Ah, okay . . okay.

Marie. I don't know if it's anything . . it's just the only thing I found.

Indy. And with the with the equipment inside it right?

Marie. Yeah.

Indy. Okay . . I thought that was the Florida thing. Okay then we've got the (inaudible) business.

Marie. That's all just . . just a . . the only thing . . I don't know if it's worth anything.

Indy. And the model that was in your name. Alright now this affadavit. Is there any significance?

Marie. Remember my name is Cynthia Marie.

Indy. Yeah.

Marie. Evelyn is her name.

Indy. Now the a . . Motor Trailer?

Marie. That's in her name.

Indy. That too.

Marie. That's Evelyn. Look——

Indy. The recreation vehicle?

Marie. That's . . look on the title . . Mel and Evelyn . . that's her name.

Indy. Oh yes, yes.

Marie. That's not my name . . her name is Evelyn she likes to be called Eve . . so I mean I'm not a . . when I said it to him . . when I told . . that . . he said oh that's not true.

Indy. But you have . . you have the proof now.

Marie. I didn't show him that I gave it to you.

Indy. You have the proof now. Now what is this? What is this? What is this affidavit business?

Marie. Oh that was something he come home with a . . He was walking with Ray Rolly . . something from Jenrette's . . and a . . Jenrette approached him and started something in the hallway . . so Ray says a . . c'mon we'll make out an affidavit in case a . . he does anything . . and that was the original affidavit.

Indy. Oh, he never turned that in anywhere?

Marie. They had one turned in evidently . . I don't know how they got that one . . like I'm saying . . stuff was there and the originals came out. That's how easy it is.

Indy. Okay. I'm just looking through some of the ah . . okay the Martin County . . yeah I know . . I know . . Okay here's the . . here's the interesting . . rah . . lets see this is a . .

Marie. There's the list of names of the reporters on there . . the clipping.

Indy. Yeah, right. Right. Now ah . . who has done the yellowing?

Marie. Pardon me?

Indy. Who has done the yellow? . . You know there's some yellow marks through the a . . the highlighting.

Marie. Oh, oh, oh, I had done that.

Indy. Okay. Now the one that you sent me up, a Larry Nathanson?

Marie. Uh, uhm.

Indy. Yeah, where he says the Chief prosecutor admitted that four tapes made by Mel had disappeared . . probably stolen and they disappeared during the plane flight.

Marie. You can't prove it . . you see they went all through that thing.

Indy. Stolen from a flight bag.

Marie. But see like I say . . hearsay is one thing . . you know what I mean? Everybody said he took it . . you know what I mean? But ah . . you know it's just ah . . (sigh) the man is . . I . . I . . tell ya I just don't believe it . . then he started in ah . . while he was here he . . ah . . my neighbor across the way . . he . . oh God he got almost violent . . and I just looked at him . . I said I'm not gonna get angry . . and I'm just gonna stay very calm. cause ah . . I don't want to get into a shouting match . . I mean I don't have to say anything . . he knows what he did . . I don't have to prove anything . . you know in his heart he knows . . so ah . . he says I'm gonna ruin——

Indy. But ah . . ah . . do . . are those . . do you think those tapes are in his . . in his new apartment there?

Marie. Ah, either that . . did . . oh . . do you see the one on the boat?

Indy. The a . . clipping on the boat? No I haven't got . . what is that?

Marie. It should be in there.

Indy. Mel Weinberg . . 60 minutes . . no . . you talkin about the clip?

Marie. No, it's a . . a white a copy of the sale of the boat notorized.

Indy. Oh, here, yeah, sure.

Marie. Okay . . see down in the left hand corner . . Countent? (spelling.)

Indy. Oh, yeah.

Marie. That's the lawyer's name.

Indy. Yeah.

Marie. That's the lawyers name. Now he's very friendly with this guy.

Indy. Yeah, yeah I have his number.

Marie. Alright . . wait a minute now. I asked my neighbor over here because she had to get that copied right? She sent him the original. She said he's as guilty as can be.

Indy. Uhm.

Marie. But I says, well . . Mel's using him. . . but she says well probably promised him the world you know . . he's a . . a . . not a big time lawyer or anything. Well he said something about he has a . . a safe, not a safe a ah . . oh what do y call it . . a file drawer . .

Indy. Uhm, uhm.

Marie. Under lock and key. Then he asked me do I have any ABSCAM transcripts? And I said ABSCAM trans . . I don't have anything . . why would I have it.

Indy. Uh, uhm.

Marie. Ah . . and he didn't say anything, he says . . well I took it up there under lock and key. But he may have just . .

Indy. In his new townhouse you mean?

Marie. At Coutons.

Indy. Yeah.

Marie. So he may have just said that to me to throw me off. Then he said to me; What did you say to Bob Greene?

Indy. Uh, uhm.

Marie. I said Bob, I said the night that I called you . . you cutin on an emergency call . I was talking to Bob, I didn't say anything

Indy. How did Coutant know you talked to Bob Greene?

Marie. Couton didn't ask me about Bob Greene . . Mel asked me that . . this is going onto another conversation.

Indy. Yeah.

Marie. The night that he was in the Hotel up at the Marriott. When I spoke to him.

Indy. Yeah.

Marie. And ah . . . I spoke to Bob Green first (inaudible) call. But I didn't tell him I said anything to Bob . . ah . . Bob had . . evidently

Mel's been trying to get Bob and Bob's been avoiding him.

Indy. Uh, uhm.

Marie. Okay?

Indy. Uh, uhm.

Marie. Ah, he says I hope you didn't say anything to Bob, I says what am I gonna say to Bob? I was talking to Bob I asked him about Lady Evelyn in the book.

Indy. Yeah.

Marie. And, ah . . I said that's all I said but remember Bob told me he had a book of 78 and 79 and you said maybe not.

Indy. Uh, uhm.

Marie. And I said I think so because I really believe Bob wasn't lying there and something (happened?) from that day I haven't gotten a Newsday up here . . Bob was sending me Newsdays.

Indy. Uhm.

Marie. He sent them actually to Mel . . and, ah . . we haven't gotten any at all here . . now no mail comes here just except my household bills . . which is nothing . . you know just telephone, water bill . . but nothing come up here . . and ah . . Bob he said Bob's been avoiding him evidently he hasn't . . he's been tryin to get him and ah . . the movie's supposed to be signed in January . . something the first of the year.

Indy. Uh, uhm.

Marie. That would figure out . . when I asked Mel for a divorce he said wait three months.

Indy. Yeah, right.

Marie. Okay, now that blends in. Then he said to me ah . . Oh Gunner called me, he said. I said Gunner? He said yeah, he said Gunner called me and he said I wasn't taking care of you. That was ah——

Indy. That was after you called Gunner.

Marie. Right . . but Gunner did call him right away . . I know Gunner. Gunner would call Mel immediately. But Mel see He'd lie and catch me . . you know ah . . try to create something . . so I said well look I don't care what Gunner or anybody else I said ah . . I spoke to Gunner but ah I don't care what Gunner said I said the whole bunch of you are such liars that I don't believe anything any of you say anymore. You follow me? I said as far as I'm concerned Mel I just don't wanna be bothered. I said it's its really been a shock to me—you couldn't care less . . and I said you know you always ah . . you'll realize what ya lost . . . maybe in time . . he says oh that's true.

Indy. Yeah, maybe he will; Hey, oh, a . . I gotta tell you this . . it's fantast . . a . . I've got . . confirmation from the ah . . DeLorenzo Errichetti side.

Marie. Did you?

Indy. Yes. Alright here's what I've heard . . what I've learned okay. DeLorenzo . . uh . . a . . what this was now March.

Marie. Hey, ah . . listen if I have to pop off quick because he may be pop in here after taking JR to lunch . . I don't know.

Indy. That's no problem—okay no problem at all—we can always you know alright Alright he says he drove Errichetti—right.

Marie. Wait he told who?

Indy. Now, I'm saying this is from you know the the the drop off—the Erichetti thing?

Marie. Go ahead.

Indy. Okay, He said that he dropped Errichetti off—on the—now listen to this—ah—he got a briefcase—they put this briefcase in their car—okay this is April the first 1979.

Marie. Could be I'm not sure.

Indy. And they got the briefcase in the car alright? and they went ah—DeLorenzo picked up Errichetti with the briefcase in the car and they went to a meeting place to meet Mel Weinberg right. Ah—they drove they say to a rest stop—between Route 52 to 55.

Marie. That could be it but it wasn't a rest stop. It was right down on a hill.

Indy. Holiday Inn.

Marie. Oh, yeah, that that that was——

Indy. Okay, what he said was that Mel was in a Lincoln Continental?

Marie. That—I was driving it but they—I don't see them..Mel went inside.

Indy. Okay, now, what he says is that Mel got into his car for awhile.

Marie. Yeah.

Indy. And it was a very short meeting.

Marie. Yeah.

Indy. They took the briefcase and, a—then drove back.

Marie. Nope that wasn't it. This was actually in a hotel. He got out and went inside. Now I never saw Errichetti. Never saw him.

Indy. Uh, uhm.

Marie. And ah, I don't know if Errichetti had been check in or what or had just been drive there. I saw come around the other side—never saw them. I sat in the car and about ten minutes—boom out he came and shot home.

Indy. With, with a briefcase?

Marie. That I don't remember, whether he had a briefcase or not. Cause see I didn't pay attention at the time. I didn't know what it was all about.

Indy. But would this have been about April?

Marie. No. I think it was a little colder. Really.

Indy. Well, you left in July.

Marie. (inaudible.) No, I think it was before then really. If if no that was too close, no that's too close, because I knew we knew we hadda move—it—it took me quite awhile there was a few months there where I started packing things—you know and that's when I had all the agents over—but ah—it wasn't a rest stop now—definitely wasn't cause I remember that very distinctly.

Indy. No, he said it was off the Long Island Expressway.

Marie. It was; it was.

Indy. And it was it was between Route between ah—between ah—exits 52 and exits 55.

Marie. It could've been and that that sounds plausible. But there was a motel you know the hotel the ah ah one level affair, down on the side.

Indy. Well, he may have been describing it as a rest stop—for all we know.

Marie. No, but there's rest stops there which is altogether different.

Marie. You know a rest stop when you see it on the expressway. He would know a rest stop from a—this wasn't a rest stop. Cause this was a service road. It was off the service road. And a . . . Mel was very nervous . . . he said now don't . . . just stay right here don't go anywhere. And I just sat there for about ten minutes. No.

Indy. So you think they're talking about different meetings then?

Marie. Could be . . . there could a been another meeting.

Indy. And . . . alright . . . what he claims was that a . . . a . . . okay at this stop that there was a . . . 75 or 80 thousand dollars. It was split a . . . half . . . half. They got a . . . Mel got about 45 is what he claims.

Marie. That's the number I know. But that was in court see and that, that's what verified that to me but now maybe there was another meeting that we don't know about. Do you know what I mean? . . . Hello?

Indy. Yeah, I'm here.

Marie. Hello?

Indy. Yeah.

Marie. Hello?

Indy. Can you hear me?

Marie. Yeah, I can.

Indy. Yeah.

Marie. Ah I don't know—unreal.

Indy. Anyway listen are you getting any pressure on that . . . on the black book?

Marie. Yes.

Indy. From? From the FBI?

Marie. No, no, no . . . what, what I got was he asked me and I said ah——

Marie. (Inaduible.) I said you know I burned it up. He said what are you gonna try to do blackmail me? I said Mel I'm not like you. I said . . . I said I burned it . . . I said I'm not you . . . I would never blackmail anyone. I said what would I gain now by even (inaudible).

Indy. Yeah but he might try and ah . . . get to you. And ah . . . use JR to try and destroy it.

Marie. Well I think he will try it with JR definitely.

Indy. He's gonna try it with him.

(End of tape side 6.)

Marie. You know.

Indy. Yeah.

Marie. I'm just letting him know straight out because I can talk to him. He looked at me and he didn't say anything but he said . . . he misses his father . . . and he's still his father I mean JR knows everything that's going on . . . but ah . . . I don't wanna discuss it any more. That's it.

Indy. Hey, listen . . . I . . . I am still toying with the idea of a your calling ah . . . some of these guys.

Marie. Well, then, I got a problem cause it's gonna go right back to him Indy.

Indy. How? Well so what if it goes back to him.

Marie. But then they know it's me Indy. You follow me? You know Mel is not stupid. He is far from stupid. He was trying to find out something yesterday, and I just sat back and he couldn't bait me.

Indy. Like what?

Marie. Well, like he asked about the book, and he asked about Gunner. Gunner called him, and his way of baiting me was ah . . . Gunner said to him that he wasn't takin care of me . . . okay? That he'd walked out without leaving a cent here.

Indy. Uh, huh.

Marie. He said Gunner said this. Now he's waitin for me to jump in, and correct it.

Indy. Oh, I see. That, that——

Marie. Mel I said you know, let me tell you something, you have no say so of what I do anymore. I said I am what we call a free agent. I said I don't wanna be bothered. I said I'm still in shock over it. I am sick over it. I said it doesn't seem to bother you . . maybe you can't understand it . . you're, the way you think. I said but what you did was terrible. It was premeditated. I don't wanna hear about Gunner . . I don't wanna hear about any of them because to me it's all lies. I don't believe anything you say. How . . once you lied to me . . that's it, I cannot believe you.

Indy. Un, uhm.

Marie. And I said . . as the lies that I found. I said there's no reason for it.

Indy. You know one . . a . . other thing . . I was looking at my notes . . that we were taking that night . . um . . you said that these tapes were found? Remember you said about the forty tapes——

Marie. 44 Tapes. Then they claimed they found them . . it was a big stink. Now what I was . . I said to myself . . you know I was very stupid. When they came here, Tony and Gunner I should have had them sign.

Indy. But there was no requirement though?

Marie. Of course not but to protect myself. They could have said anything. What if they lost the tapes?

Indy. Un, uhm.

Marie. They could turn around and say they never picked them up here.

You but, but you put them, but you put them in the boot of the car right?

Indy. I mean I'm just making sur——

Marie. No. No, No. I was in my kitchen and they were on the counter. Piled up.

Indy. Un, uhm.

Marie. They came over and they were go—all grabbing a handful and I said, "Look, let me give you a plastic garbage bag to put them in."

Indy. Uh, uhm.

Marie. Then put em in otherwise they're gonna get thrown all over the place. So ah—they—ah then they agreed and—a—I gave it to em—and they went out and they threw em in the trunk of the car. They went out drinking or something and forgot them.

Indy. Ummm.

Marie. They were in a rental car evidently. And they completely forgot about them. Evidently they must've tracked the car down and ah—found em.

Indy. Oh because then they then they called you and said we can't find the tapes right?

Marie. That is—a—this is awhile after now.

Indy. Yeah.

Marie. Going—a month later.

Indy. Yeah.

Marie. And then they said do you, "I didn't give them tapes did I?" "How many tapes?" And I said look you guys were here and you took the tapes.

Indy. Uhmm.

Marie. I said, "What would I do with them?" I don't know anything about them. I don't even want to know anything about them.

Indy. This was on the Island still?

Marie. No I was up here.

Indy. Oh

Marie. I was here. And it was a big to do . . and ah . . I just told them . . I remembered them taking the tapes . . I says ah . . you know . . you know to try and . . another words make it look like ah . . me or Mel had . .

Indy. Umm

Marie. You follow me? If . . if they had lost them they would try to push the blame somewhere else.

Indy. Umm

Marie. And I told them straight out I said I remember . . .

Indy. Yeah but thats . .

Marie. (inaudible)

Indy. Thats . . thats . . thats very careless behaviour though I mean . . you know I . .

Marie. Of course it's . . but this was all the way down the line. Thats when I started real . . I thought FBI was . . you know . . hey like Edgar Hoover's day right?

Indy. Yeah

Marie. Well forget it . . it's a whole everybody's doing their own thing. Everyone's running around and . . it's . . it's . . it's just that . . you see the way they dress today?

Indy. Beautifully. They dress well don't they?

Marie. Boy and how . . And if they dress like slobs they dress like slobs nobody says anything.

Indy. You know I'm also . . getting co . . getting closer and closer to tracking down that . . the sale of that boat and how much they got for it.

Marie. Oh, I know how much they got. I'd asked the woman. The boat was up for sale for 7500. Now . .

Indy. Oh, no, no, no, no, no, not the UP YOURS. Remember the other one I told you about but you don't but you don't know about.

Marie. Wait a minute you know he dropped a name on that . . he was . . why he said certain things yesterday . . I think he wanted to see if it would come back to him. He mentioned Fitzpatrick.

Indy. I'm gonna call him by the way, you know that?

Marie. Who?

Indy. Yeah, Mel!

Marie. Alright but be careful what ya say.

Indy. No, no, no . . I'm must gonna call him and I'm gonna tell him that I've heard from several sources that ah . . ahhh . . that your married to another woman and I'd like to know whose your wife. Tell him something like that and that Jack wants to know about it and . . I'll . . I'll make up something.

Marie. Ah, anyway, ah remember the parties on the boat?

Indy. Yeah

Marie. Fitzpatrick he mentioned.

Indy. Who is Fitzpatrick?

Marie. One of the top agents. One of the agents.

Indy. This was on the Left Hand right?

Marie. Right.

Indy. So what was what was Fitzpatrick up to?

Marie. (inaudible) parties or something

Indy. He was the one who arranged the parties?

Marie. He was, he was the one that was there . . He was a swinger on the boat, with the rest of the..I don't know who they were..but why he sat here yesterday and he started talkin about these things.

Indy. Uh, ummm

Marie. And then he said he met..he met..he saw Bast..

Indy. Dick Bast?

Marie. Dick Bast is that the guys name? A detective?

Indy. Yeah

Marie. Alright, he was in Washington this past time..he's coming down the steps I don't know if it was the courthouse or the..or the what..and ah..a guy pulls up in a car..and he pulls out a wallet..a..like an FBI badge.

Indy. Umm

Marie. Closes it and says hi Mel and as..he says c'mon get in I'll take you to the Hotel. With that a one of the agents came down the step and recognized Bast and says, Mel what are you doin? And Mel backed up, Mel didn't know who he was, so Mel...

Indy. Did he describe him?

Marie. Who Mel to me?

Indy. Yeah, did he describe, did he describe what Bast looked like?

Marie. No he didn't do..he was just talking..I didn't wanna....

Indy. You know what he might be doing? Let me tell you. You know what he..you know what he's doing? He knows that a Bast is after him okay?

Marie. I know he said that.

Indy. Alright, he knows that for a fact. He may be wondering if by any change your are passing on any information to Bast.

Marie. This is what I thought.

Indy. You see so if a..any way the information gets back to him or to the FBI or something a..that Bast and he had a meeting..he's a..you know..that would be his way of confirming it—you know I think it's also his way of trying to find out whether you talked to anyone.

Marie. That's exactly what I'm trying to tell you..He suggested it but I didn't answer him. I let him talk and I said Mel? I don't wanna know your business..I don't even know what your talkin about with Gunner..and I'm not interested in Bob Greene.

Indy. Uh, umm

Marie. Now..there may be no truth to it but he's feeling me out now. Mel's very shrewd that way. He's very quick but he doesn't realize that I know him...and I known what he pulls.

Indy. Ummm

Marie. I've heard him talkin and I now I've heard the lies. Let me..he's been lyin to me. Straight to my face. And I believed him. Now I find everything is different and I remember how he got to me. He followed me with these lies..so he's a great..a..He knows human nature..If you talk to him and ask him the wrong thing..forget about it.

Indy. Yeah

Marie. Now..then he turns around and he says..oh..a..Fitzpatrick..was on the boat and a..John Goode's wife's name is not rose. He got them mixed up. Rose is his girlfriends name..Rose Marie is his wife.

Indy. Uh, uhm

Marie. And then he said to me..Oh I always mix that up..now he said it for a reason..if it comes back John Goode's wife's is Rose..then he thinks I did it...

Indy. Ohhhh

Marie. You follow that??

Indy. Yeah, yeah

Marie. A little thing like that.a.a.like I always said it's the little things Indy it's not the big things and he was pumpin me yesterday . . He was tryin to set the ground for something. And he said to me . . Are you talkin to anybody?

Indy. Uh, umm

Marie. And he said uh . . I says no . . He said a well what are you gonna do with the book . . blackmail me? I said I told ya I burned it up . . . you follow me?

Indy. Yeah . . . Alright let me let me tell you something, that I checked out and was absolutely flabbergasted by the a . . accuracy of your information . . And I'll tell you what did it.

Alright? this is only for you now okay?

Marie. Yeah but Indy I can only tell you what I know.

Indy. No, no but what I'm saying is . . what I'm tryin to tell you . . is that I'm the one who is doing the checking.

Marie. If I got it . . if it came to me deliberately told wrong . . . and I told it to you then then I'm only repeating what was told to me wrong.

Indy. Yeah, now hold it . . no, no, no that's not right . . see . . I'm a reporter and as you know I'm working with Congressional committee's and all that stuff . . you know that . . . I've never made any bones about that . . I . . As I told you I'm not writing any book . . I'm trying to expose the damn thing . . . and you've been incredible. . . thats thats all I can . . alright now let me tell you something . . how how I did this . . U mm . . and ultimately that reporter . . okay . . I pulled a little fast one on carol.

Marie. Uh, uh yeah go ahead

Indy. Alright? Because basically I was telling you I said you know my God if Marie's information on something is . . is as sensitive as that checks out . . . ah . . it's . . it's incredible. Alright so I called . . I called Carol . . and it was just after I wished you goodbye right. And I and I said you know I'm so and so and she'd heard my name . . and I said that look ah . . that . . ah . . Mel's been a . . talking to Jack . . to Jack Anderson . . alright and . . she says oh yeah we're old friends . . you know meaning she and Mel . . so I said look I'm here travelling through and and Mel ah . . said that there's some kind of information . . a . . on.on.on Alec Haig . . that he tried to give to you . . I said what have you done . . with it . . Oh she remembers that immediately and she said you know I've had that stuff lying in. . . and the paper won't touch it . . because you know we're a small paper and we have a syndicated column . . ba . . ba . . ba . . so I said well look if your not doing anything with it and you've sat with it for so long . . I said can you can you give it to me. So she said okay I'll meet you at the airport. And a . . so she came to the airport. Then she got a little suspicious . . and she said you know . . Mel's been really bad mouthing Jack . . and he's very upset about what Jack's been writing . . you know why would he be a . . . you because she said I don't wanna get into any kind of . . any kind of trouble with a . . with a Mel. Because he's still a friend of mine . . So I so I just basically. I said look ah . . . ah . . see I said . . I don't know I said Mel has strange ways of dealing with people. .he deals with his enemies and then he's trying to a. . .do Jack a good turn. So he'd get good stories. .I said how do I know? Alright.

Marie. I wondered if she called Mel.

Indy. Well now listen ah. .ah. .she knows where Mel lives. .she's been to the house she also incidently completely confirmed the fact that every piece of wall paper and all that stuff was your house. .that's that's stuff that's over there. She's seen it, with her own eyes and she said that she couldn't believe it. .Mel took her around and gave her a grandtour of the new house and she said that. .how the hell could you be doin this? This looks exactly like the old piece the curtains the wallpaper the linoleum. .and he started laughing.

Marie. The linoleum in the kitchen is not like mine but it's cut the same way.

Indy. Well anyway. .um. .she. .she knows that.

Marie. It's pretty close.

Indy. Okay now. .now obviously what's gonna happen is this: and ah. .this is a risk that a. .you know one takes. .a carol going to obviously go and call him. .and tell him immediately say that I've turned over a bunch of stuff to Jack Anderson's people and Mel is gonna hit the roof. .How you know because he's not used to being conned this way.

Marie. She turned them over to you?

Indy. Yeah!

Marie. You got it?

Indy. You bet your life I got it.

Marie. Was I wrong?

Indy. You were right. You were A- 100% right.

Marie. I didn't read it but he was telling me about it. .I saw them lay-ing there but I didn't.

Indy. Oh but that that's what I'm saying you were right. .But so all I'm saying is all I'm saying is. .is that. .there's gonna be pressure.

Marie. Yeah.

Indy. Ahhh. .put on because. .you see ah. .you see every time she mentioned your name though.

Marie. Yeah.

Indy. But we were chatting we chatted for about 25 minutes. .Nice kid. .nice lookin kid you know. .medallion and everything. .we had coffee and and. .she kind of wondered what I was doing here and I. .I gave her a few tips I said you should look at the scam on the judge that was pulled by Tony and I said. .you know. .and your a friend of Tony's. .you can go back and check it out. .so she was kind of happy I gave her a few tips that I had. .that they were not National stories. .ah. .but she's gonna call. .call Mel. .and now ah. .everytime that she brought up your name. .I mean she was the one who told me that. .you know ah. .she said you know ah. .I understand this has happened. .and I said. .I. .I. .I didn't even react.

Marie. Good.

Indy. When. .when your name was mentioned. .you know I. . .the obvious thing would have been to. .WHO MARIE. . .you no I don't. .you know none of that -crap.

Marie. Right.

Indy. I just a. .you know it was completely like. .you know the name just went by me. .and a. .I was very upfront and I said look a. . .as far as basic truth. .is concerned as far as an investigation is concerned. .I'm just convinced that this was the dirtiest thing that every happened to the U.S. Government. .and the more I look at it the dirtier it gets, and I'm not ganna back off it. .so but we parted friends now obviously I don't know what. .what Mel will tell her. .

Marie. I don't oh he. . .let me tell you something. .he could turn something so quick make your head. .I'm Indy. .you've never seen anything like this. He could sell ice cubes to an Eskimo. I mean it. I'm not exaggerating.

Indy. Yeah well. .that's

Marie. No I used to laugh and I used to think to myself (inaudible) and at the time he was pullin the biggest scam of all with me. Do you follow me? and I didn't wanna believe it. I said it couldn't be because it was so obvious. Why would. .you know I'm sure it got down to the point that I got up and I. .there's just too much coincidence.

Indy. Now there's one other thing that I'm trying to confirm. .and that. .th. .th. .that keeps kickin up like a sore thumb and I wanna. .I wanna see where I can go to confirm this. .that the lost. .the.the vanishing tapes. .the ones that vanished in the flight.

Marie. That was so long ago Indy. .after that happened they may have even. . .

Indy. Yeah but could there be a possibility that they were in the house? And Mel had left them there?

Marie. Where here?

Indy. Yeah

Marie. No. .no way. . Indy believe me Indy I went through this place with a fine tooth comb. .

Indy. No no at the time that he didn't actually tape. .take them. .because they might have been incriminating. .

Marie. I don't know. .I don't know. .I don't. .think. .he would do that. I don't think he would do that. He wouldn't come here with them. .Now remember that place up there was fixed up and a. .

Indy. Yeah but that. .was he in Long Island then or what? The story is. . .

Marie. Oh when that happened ah. .I think we were down here dear.

Indy. Alright he said they disappeared in a . .a. .during a plane flight. . .a. .we believe they were stolen from a flight bag.

Marie. Where was he goin to? where was the flight. . .

Indy. Okay the story says. .Chief Prosecutor in ABSCAM Admitted today that four tapes made by Mel Weinberg, while acting as a government undercover agent, disappeared or were stolen. There were not more than four audio tapes that were made by Mr. Weinberg and then disappeared during a plane flight. .Mr. Puccio told the court. .we believe that they were stolen from a flight bag Mr. Weinberg's making of tapes of telephone conversations with principals in the case. .a. .Puccio said the theft occurred last October. .aha. .and while the government did not know what was on the tapes. .he thought they dealt with aspects of the case other than the current trials of a . .Myers. Puccio made his remarks just before the trial began after Richard Ben-Veniste, lawyer for one of the defendants Howard Criden had failed to turn over many of the tapes.. complained that the FBI had failed to turn over the tapes..the tapes reportedly recorded incriminating conversations between the defendants and Weinberg..FBI agents posing as Arab businessmen etc...

Marie. It doesn't say we're there see?

Indy. Huh

Marie. It doesn't say where the flight was..but I'm almost positive that was when I was down here..that's when the same stink started..if you find the date of that thing..if it was anytime from a.. 79 on..a July..oh..it was way after July..ah it would have been down here..

Indy. Uh, uhm

Marie. Ah..I..it wasn't up north I'm almost positive of that..it was down here...

Indy. Did he have a lot of tapes over there at that time?

Marie. Well they were handling tapes back and forth..remember everything they talked was taped..when they got the tapes...

Indy. No but he..ha..had a whole bunch of stuff upstairs right?

Marie. What upstairs where here?

Indy. Yeah. When he was livin there.

Marie. No just downstairs we had that little answering machine..those tapes..the guys would come and pick them up..

Indy. Uh, uhm

Marie. You see they'd be in and out to pick up the tapes. But ah...the tapes were never left here any length of time. They'd be picked up..ah..these tapes..uh..the four missing tapes were not from the house these were on the plane..these were in luggage they were being brought from I think...somewhere from up in New York...remember they were taping up in New York too.

Indy. Ummm

Marie. They were travelling..Mel was always travelling..to New York..to Washington..back and forth..now where these tapes were made I think they were made somewhere up in New York..maybe in one of the Hotels, the meetings.

Indy. Uh, huh

Marie. Or..or somewhere

Indy. Well he never discussed that with you?

Marie. No..no..no..no..Nah he never went into detail with that. He..like he'd go on a trip...now...ah..as far as I know...he could have been in this house 16 miles away when he was telling me he was in New York Do you follow me?

Indy. Yeah

Marie. Because I didn't know about the house..

Indy. What does he have in that Condo though? What kind..does he have all his tapes and files and transcripts out there?

Marie. I don't know. He mentioned to me he's got it up at Couton's office.

Indy. Uh, uhmm

Marie. That lawyer's office..he's got a file thing under lock and key..and he was..he was specific about telling me that..but nine chances outa ten..he moved everything up into the Condo.

Indy. From where?

Marie. From the . . well anything that was in here.

Indy. Uh, huh

Marie. He's still got clothes here in the closet . . . he hasn't touched them . . but ah . . like I said he moved in with her . . when he was going out of here with clothes . . he was telling me he was goin up to New York or Washington . . He was actually I think goin up to that place . . bringing the clothes up there.

Indy. Uh, uhm

Marie. When he came back from the supposed trips . you know I said where's the suitcases? you know where's where's your clothes? He says, oh well we leave them around, you know the guys keep hotel rooms in New York when we go up that we can stay . . we have rooms kept for us . . He says . . I got stuff all over . . . that was a lie. He was going up to the Condo . . up . . up . . up in Stewart.

Indy. Yeah, yeah.

Marie. Do you follow me?

Indy. Did but were the agents coming . . .

Marie. I don't I just found this out now . . all the time he was leaving on all these so-called trips . .

Indy. He this is where he was going . .

Marie. That's where he was going. Now he . . he never came down into this area . . to Palm Beach County . . he stayed in the next county . . I wouldn't have a chance to see him . . because he knows I don't run around during the day . .

Indy. Were the agents coming in dur . . when the trial had started? Or were the agents coming to the house then too?

Marie. Ah yes . . that was in the very beginning . . now . . and then all of a sudden it stopped and that must be when these place up there was ready. That's when Lifestyle . . furniture guy was going up to see . . he said he's walk in . . he saw agents . . he said he never saw another woman . .

Indy. He saw agents . . and . . and JR saw their guns there right?

Marie. Not JR now . . the agents. . . the . . guy from the furniture store . . saw agents and guns all over the place. Always agents in the place.

Indy. In the new Condo?

Marie. Yeah, now Mel . . she was working full time so they were hangin out there during the day . . Now Mel . . would ah . . . come home and tell me . . He'd a got to pick JR up . . and take JR and spend a couple of days and nights . . and JR . . of course figuring thata . . the two of them are going somewhere up in Jackson beach or something . . Remember he was to . . he was—told me that there was a Sir Gordon up there. . . and he's helping him with a Condo.

Indy. Yeah, but there's no such person . . doesn't exist.

Marie. I know it doesn't that's her brother, her brother or a cousin of hers. There is a Gordon . . Robert Gordon . . I think the name is. Or Gordon ah . . whatever . . but he used that name . . okay. Now JR would go with him . . a lot of times JR wouldn't see her because she was working during the day.

Indy. Uh, uhm

Marie. So when JR did . . JR thought she was an agent. So JR wouldn't come home and tell me because Mel impressed upon him that I would be a nervous wreck. Alright?

Indy. Uh, uhm

Marie. So JR was afraid to get me upset . . he figured well his father's telling the truth . . but Mel never talked in front of JR and I together. That's why when everything came to a head Mel sent JR out again and I ran outside to grab JR . . . and I said you get inside . . .

Indy. Did they ever discuss the cases?

Marie. Who?

Indy. Ah the agents and Mel? Oh what I mean when the trials were on in terms of . . .

Marie. Oh they . . . they . . . they . . . they talked but you gotta remember from that time on they were up there . . . or . . . they went up to the city or they went somewhere else . . .

Indy. While the trials were on I mean were they talking to each other.

Marie. Oh sure . . . sure they were still doin . . . remember every trial . . . that was on there was another case they had to do . . . work on . . . they were always constantly doing something . . . now even if they talked . . . I couldn't make out what they were saying because I didn't understand what . . .

Indy. No but I'm . . . what I'm trying to determine is . . . is . . . is whether any of these people are talking about you know . . . fixing their testimonies and covering up for each other when they lied . . .

Marie. They didn't do it in front of me . . .

Indy. But if I . . .

No way . . . if they did that they did it amongst themselves . . . now I'll be honest with ya there . . . they would never do that in front of me . . .

Indy. That there ah . . .

Marie. No they . . . they just a . . . oh no nothing like that.

Indy. You know on the a . . . the a . . . the microwave that he gave her . . . is that a . . . a . . . different microwave is that a GE or?

Marie. No that's ah. .he bought her that one.

Indy. Yeah, . . . but that's the . . . the slip that he gave to the agents right but did the agents actually know what he'd done?

Marie. I don't know. I don't know . . . see I don't know if he said anything to them or not.

Indy. No but when he got caught . . . when Plaza and Weir ah . . . made that report.

Marie. I don't know Indy. I don't know what he did. I really don't.

Indy. No but the slip that he produced from JC Penney . . .

Marie. That was for the microwave.

Indy. That was for the other one right?

Marie. Yeah.

Indy. But the other one is not the GE right?

Marie. No.

Indy. So did . . . did . . . did-.the agents question . . .

Marie. I never saw it . . . I never saw it. It may be . . . see I (Tape 7 cuts off end of Tape.)

(Tape 9.)

Marie. Cause ah . . the reason he didn't come by . . remember he thought he was just gonna float in and out but I told JR when he saw his father . . and ah . . I said . . . If your father asked anything about me I'm gonna ask you to do one thing . . you don't know.

Indy. Uh, uhmm

Marie. I don't wanna be discussed JR.

Indy. Uh, uhmmm

Marie. Alright? Otherwise I said I'm not telling you what to say but just keep me out of the conversation I'd appreciate it. What you do with your father is your business . . I'm not gettin in-between . . he's your father and I will not knock him as far as your concerned . . alright?

Indy. Uh, ummm

Marie. Which I wouldn't do . . I mean ah . . what the man did to me that's one thing . . I've got the child to think of . . and he's upset enough . . and ah . . he did it . . you follow me?

Indy. Absolutely. Of course.

Marie. I'm not hurting him. . . but ah . . well I gotta run out to the store.

Indy. Ok . . did he go out this morning at nine?

Marie. JR went out early . . and um . . Indy . . and ah . . my neighbor is back he just came back from Michigan so . . they came over they wanna take me out for lunch . . and I couldn't go with them . . I just couldn't sit there you know? So we were just chatting outside.

Indy. Anyway . . listen anything else that ah . . you can think of know . .

Marie. No but I'm gonna . . I'm gonna do some thinking tomorrow. I really am. I'm gonna sit down and start ah . . . start going over things from the beginning Indy. Really. That's the best way start from scratch.

Indy. It's a great idea.

Marie. Instead of jumpin all over the place.

Indy. Yeah otherwise you know you just . .

Marie. No I was very upset too . . and ah . . you know . . a . . it . . ah . . you know I'm startin to calm down a little bit.

Indy. Uh, umm. Anyway the a . . the a . . one thing . . anyway that a . . remember you said that's a one of the reasons I did call you . . was a that . . one of the things you insisted was that . . before I do anything . . was just . . you know . . just to confirm the Errichett thing . . and that's the only confirmation I get . . Now it's it's April and . . it . . it was that Mel came in a Lincoln Continental . . he got out of the car . .

Marie. Well see nobody was there to see him . . it was . . no I didn't see anybody . . there was no way you could you hadda come down this ah . . service road now this could a been a meeting . . maybe DeLorenzo wasn't there? Do you follow me? This may have been something strictly . . between Mel and him. That's what I'm thinkin . . because no way it was at a truck stop and I had a . . a Mark . . a Mark V . . Mark IV . . Mark V excuse me I had the Mark V at that time. . . .

Indy. Yeah that's what they . . that's what he said isn't it . . Lincoln Continental.

Marie. O yeah . . but not straight Lincoln . . see there's the Lincoln and there's the Marks . . you with the . . the thing on the back.

Indy. Uh, uhmmm

Marie. So ah..and I didn't see any..believe me I didn't see a soul..and there was no way..

Indy. No because you were waiting...you didn't know where he'd gone.

Marie. Oh yeah but I knew where I came down the road and I knew where I was waiting..I wasn't near the ah..place..the entrance or anything. And nobody could have seen me because it's a..service road. I was on the service road..right up from it..nobody could a seen me there.

Indy. Uh, ummm.

Marie. That's what I'm sayin..

Indy. Okay..I was I was just saying a this was this has come a..directly from DeLorenzo..

Marie. Yeah, now that may have been another meeting with them that I

Indy. April 1, 79 is what they were a..

Marie. Maybe..you know..Mel—used my car once and awhile..he took my car once and awhile to drive it you know..if he was home.

Indy. But that Lincoln was your car though..

Marie. Yeah

Indy. Continental?

Marie. Yeah..I got rid of it when we moved down I didn't need a big car like that..

Indy. That's when you got you eh..Audi?

Marie. Yeah I got the small car as soon as I moved down here. I got rid of the Lincoln I got a good price on it cause it was in good shape..and ah..it paid for me to have a smaller car. I didn't want a big car. And thats what the argument was you know it's not a sharp car and it's not a you know..

Indy. But but there were references..before that meeting there were references made to the..to some kind of money deal right? 45,000 is what you remember right?

Marie. There was..the conversation was a slanted conversation for some purpose. It was definitely slanted and it was between Errichetti and him.

Indy. Then it was immediately after that that they had the meeting?

Marie. That's right..A short time after that.

Indy. What..same day?

Marie. Nooooo.oh.oh this was like weeks in between..this is all being..something being set up I guess..but that's about all I know..e.e.e.er..if thats what it was pertaining to you know.

Indy. How did you come up with the $45,000 figure.

Marie. Because that was the figure I heard.

Indy. I see.

Marie. That's why...eh

Indy. And the contacts basically was...

Marie. This was a long time ago too. But that thing sort of hit my memory. and then you know the more you think about something.. then could you be wrong..could it be 5 more or f...no..no..it always went back to that..

Indy. The 45

Marie. I don't know what it was about though.

Indy. And and it was for Mel basically.

Marie. No it was for somebody else.

Indy. Somewhat?

Marie. It was for somebody else.

Indy. Through Mel.

Marie. Right.

Indy. Do you remember who that other person was?

Marie. No I didn't . . . that's what I never knew. I never knew that. See that's what I'm saying . . . it's all ah . . . when you come down to it . . . what the heck was it? I don't know. I don't know. And I said that to you I didn't know who. That's the one thing I didn't know.

Indy. Anyway . . . think about it.

Marie. If I had paid attention.

Indy. Yeah

Marie. I would have known. But I never knew what was going on there. You know it got to the point where . . . if you hear another day of ABSCAM . . . you know what I mean?

Indy. Anyway . . . ah . . . think about it hon . . .

Marie. Alright . . . I am . . .

Indy. And ah . . . you know . . .

Marie. Have a good day tomorrow.

Indy. Yeah you too.

Marie. Alright

Indy. And I'll . . . I'll talk to you, later.

Marie. Okay darling.

Indy. Yeah . . . bye . . . bye.

Exhibit 3

Transcript of March 1, 1979, telephone conversations between Mel Weinberg and Edward Ellis and between Mel Weinberg and William Hyman regarding how to handle forthcoming Ellis March 5 meeting with Abdul Enterprises president, John McCloud (undercover agent).

(The following is a transcript of excerpts from taped telephone calls between Mel Weinberg and Edward Ellis and William Hyman on March 1, 1979.)

(Second Call)

EE. Well I got a guy, ah, going to go with me, but I, but ah, I'll know this afternoon.

MW. Well, what do you mean a politician?

EE. Yeh.

MW. Yeh, well you don't have to bring him with you. Don't, don't, you come on your own. The next meeting let them meet. Okay?

EE. Yeh, what the problem is that ah we, well this, this week is, is crucial. Or next week. I got to, I got to make ah, place this thing so we can get our, we can get the money next week, Mel.

MW. Well, if you do what I tell you.

EE. Yeh.

MW. You understand?

EE. Yeh.

MW. Ah, you can have your, ah, probably get it closed in a rush.

EE. Yeh.

MW. But, ah, first you got to speak, you can't bring the guy with you. And like I said before you get to the office, you're due at the office what ten, right?

EE. Ten o'clock, yeh.

MW. I'll meet you downstairs 9:30 and go over it with you, with you again.

EE. Alright.

MW. And then I'll ah, then you go upstairs and, ah, I spoke to ah, Angelo, last night.

EE. Did you?

MW. Yeh. And, ah, in fact I got a meeting with him either today or tomorrow I'm going to meet with him. And, ah, I'll go over it with him, see. And, as long as we, ah, we get this straightened out we can do something for you.

EE. Alright.

MW. You got to remember, he's an old time politician this guy.

EE. Yeh, well . . .

MW. But I . . .

EE. This guy, this guy's an old time politician too. The guy that, ah, ah, said he might go with me.

MW. Well, the first meeting should have alone with him.

EE. Alright.

MW. And, ah. The next meeting then you bring the buy, and like I explained how you go about doing it, you do it that way, no (IA) no problem.

EE. (pause) Okay.

MW. As long as you got somebody (IA) that he knows. Listen, let me explain what he's ascared of, alright?

EE. What?

MW. Let me tell you what he's ascared of.

EE. What?

MW. Ah, lot of people come up and say they got this and they got that, right? And then when they go to start building, say you know how the [e.d.] ah, politicians are with the [e.d.] (IA) laws and everything else.

EE. Yeh.

MW. Permits.

EE. Yeh.

MW. And this is what he's ascared of. And next thing you know the project is tied up and his money is tied up. We ran into so many times, that it's a point of. . .

EE. This project will not be tied up. We. . .

MW. We understand, but we got the guy coming and say look without me can't build it, with me I get it built. I got, I get all them things passed. This is what he wants, and he, and then the, verify it and make sure he takes care of the guy.

EE. Yeh. Well this is, this is the guy I got.

MW. Alright, but don't bring him with you Monday.

EE. Alright.

MW. You come alone, then ah, you can get back to, Wednesday with him, or so.

EE. Yeh.

MW. Alright?

EE. Yeh, well, listen I couldn't tell you right then, but, ah, the guy's name is Alex Feinberg.

MW. Well, he's an attorney.

EE. Yeh.

MW. Yeh, I know him.

EE. He's the guy, he's Senator Williams' ah man. And he's the politician here in south Jersey.

MW. Uh-huh.

EE. He's Senator Williams', ah, ah boy.

MW. I understand.

EE. He was best man at Senator Williams' wedding.

MW. Alright, well in fact I'm going down and look at a mine for him.

EE. Yeh.

MW. Ah, in fact, I, I was going to call this, ah, not the, the Williams, the guy thats in charge of the mine.

EE. Uh-huh.

MW. We gonna call him up.

EE. Yeh. But this, Alex has been in this Garden State deal all along.

MW. Uh-huh.

EE. And he'll assure him that there is no, there will be no hold up on this. We have all the permits and everything ready to go. Now, the Racing Commission has been giving us a bad time because . . .

MW. Alright, bring him along. I want to speak to him anyway because we're going down to see his mine.

EE. Be alright to bring him along?

MW. Yeh, bring him along. Because I'm going down to see him anyway about his mine.

EE. Ah-huh.

MW. So, I can kill two birds with one stone, and I'll lay it out to him.

EE. Yeh.

MW. Alrighty?

EE. Yes sir. That's great.

MW. Oh okay, see you Monday.

EE. Yeh, well, main thing is th-, ah, I'll be up there, Alex'll probably probably, that he's got to talk to another client, but he'll probably be with me. Now Bill Hyman's going to call you and tell you this.

MW. Okay.

EE. Okay?

MW. Right-o.

EE. And he's down there in Florida now. You're up in Garden City aren't you.

MW. No, we're out in hot pots. Well, actually Holbrook they call it.

EE. Yeh.

MW. We're right opposite MacArthur Airport.

EE. Right at night opposite the airport?

MW. Yeh.

EE. Uh-huh. Alright, well I, I'll be up there, I'll be up there first thing. I'll meet you at 9:30 downstairs.

MW. Okay.

EE. As long as I don't get lost up there.

MW. Oh, okey-doke.

EE. Okay.

MW. Take care.

EE. Thanks for calling, Mel.

MW. Bye-bye.

EE. Bye.

(End of call)

(Third call)

WH. Mel, ah, Edward is going to have a meeting up there Monday morning, is that correct?

MW. Yeh, I just got off the phone with him.

WH. Oh, did you really?

MW. Yeh.

WH. Well, you know the story then, huh?

MW. Right.

WH. Okay . . .

MW. In fact, I know the guy.

WH. You do know the guy?

MW. Yeh, I'm, I'm (IA). I have to down and look at a mine that I bought for him.

WH. Is that going to be satisfactory with you?

MW. Yeh.

WH. Good. Now look, Mel, ah (pause) . . .

MW. See, I explained to him why ah McCloud's got to have this.

WH. I understand.

MW. Because, because a lot of times we go into something they finance it and the next thing they know, ah, the [e.d.] politicians, you know, the [e.d.] permits and all.

WH. I know, I know. Well, now the thing is this, ah, when, when, when he's up there, I mean, you feel he's going to be able to get the money don't you Mel?

MW. If he does what I tell him, alright?

WH. Yeh.

MW. When I spoke to you down in Florida.

WH. Yeh.

MW. There's no problem.

WH. There's no problem, huh?

MW. If, if he does what I tell him.

WH. Well, does he know now (IA) I mean is he completely versed on what you told me?

MW. Well, I'm meeting him at 9:30 in the morning, a half hour before, I'm going to go over it with him again.

WH. Alright, good. Because, you have to make sure he knows what he's, you know, what he, what he, what he's to say.

MW. Right.

WH. And, now look, when, you know, when you, when you make a deal like this, Mel, supposing, let, let's, let's supposing we put the track up and the whole deal together for like, let's say we put it up for 40 or 35, instead of the 50 or 55 whatever he, he's gonna (IA)

MW. Right.

WH. Is there, is, is there anyway he can, he can come back to, to you people and say now look I only used, I, I, here I have 15 I didn't use and can I, can I pay off the part of it . . .

MW. Yeh, because on construction loan, if he, let's say that he only took 35 and there was 50 put there, right?

WH. Right.

MW. Ah, he, then he's only got a 35 million dollar loan.

WH. Fine, I see. Okay. Oh I see. In other words you're going to draw it down as you need it, right?

MW. Right.

WH. I, just perfect then.

MW. So, be no problem that way.

WH. Oh, that's perfect. Alright. Well look, ah . . .

MW. I personally think he's going to go up to the 50 million.

WH. I'm afraid he is. He doesn't think he is, he thinks he can put it up. He's a contractor, he thinks he can put it up. I personally thinks he, think he is too myself Mel.

MW. Naw, I think he's going to definitely go for the 50.

WH. I, I'm afraid so myself.

MW. Because prices are jumping too high on him.

WH. They sure are, and they're moving so damn fast. That's the problem. That's the reason I wanted to make the, you know when I told to you left, you, a week ago, I said gees, you know, we have to have the money by the first ah week in March.

MW. Uh-huh.

WH. And, ah, at least, least make a deal by then so he, so, so he knows where the hell he's going.

MW. Well, if we, like I say, if he goes where I told him I think I spelled it out.

WH. Uh-huh.

MW. Ah, he'll be able to make the deal.

WH. Okay, good Mel. Ah, I, I, I just wanted to make sure of that one thing. In other words it's a, it's a type of loan that he just drawing it down, draws it as he needs it, is that right?

MW. Right.

WH. Okay, fine pal. Thanks Mel.

MW. Okay (IA), take care, bye-bye.

(End of call)

EXHIBIT 4

Transcript of March 5, 1979, meeting between Edward Ellis, John McCloud (undercover Agent), Carol DeRosa (undercover Agent), and Mel Weinberg regarding Ellis' application to Abdul Enterprises for a large business loan to restore Garden State Raceway.

TRANSCRIPT

The following is a transcript of a conversation on March 5, 1979. Those involved are Ed Ellis (EE), John McCloud (JM), Carol DeRosa (CD) and Mel Weinberg (MW).

It should be noted that certain parts are inaudible and are so marked (IA).

MW. Jack, Ed Ellis.

JM. Mr. Ellis.

EE. Ed Ellis.

JM. Mr. Ellis, nice to meet you. How are you today?

EE. Nice to meet you.

JM. Sit down. Relax.

MW. I'm gonna leave youse along, alright Jack?

JM. OK, good.

MW. Got everything straight?

JM. Alright. Talk to you later, huh?

MW. Ah, I gotta just pack. Here, sit over here, because he's, he can't hear on that side too good. He hears better here.

JM. Yeah.

MW. Ah, I got his package all together, the financial part, which I can go over with you later.

JM. OK.

MW. It'll explain everything to you.

JM. Alright fine, thank you.

MW. Right.

JM. OK?

MW. Right.

EE. Thanks Mel.

MW. OK

JM. How was the trip down?

EE. Oh, great, cause we were, ah, up in the. We drove up. I got up about five o'clock this morning and I'm up here. I was up here an hour ahead of time.

JM. Oh, brother.

EE. But, ah, I figured there'd be, be a lot of traffic.

JM. Yeah, yeah. But coming in this way is not too bad.

EE. Not too bad. Once you get on this ah, get on twenty five and get on this ah.

JM. Expressway.

EE. Expressway, yeah.

JM. Yeah, it's not too bad.

EE. Coming out, out here is beautiful.

JM. Yeah, well, going eastbound, it's OK, but going westbound into the city, it's it's awful.

EE. Yeah.

JM. It's the longest parking lot in the world.

EE. I (laugh) I believe it.

JM. And then when the hours change the commuting hours change, of course, when you have the reverse is true.

EE. Yeah you got it turned around.

JM. Yeah (laughs).

EE. Well, we got a, we have a real project here.

JM. Uh, huh.

EE. We got a real project and it's ah, it'll be a profitable one too.

JM. Uh, huh.

EE. Be a good one. But these, these banks. The problem has been been the banks. They, now there are . . . it's not a bankable, bankable load. They're afraid of it.

JM. Uh, huh.

EE. The insurance companies, you know, they don't want to get into gambling which is for the goddamn birds.

JM. Yeah. What reason do they have for not, ah, getting involved in what . . .

EE. What, the ah . . .

JM. Insurance companies has a big group there?

EE. Insurance companies? Oh yeah.

JM. Doesn't look good for that (IA).

EE. Well, look good for their prestige, is right.

JM. yeah.

EE. They're, they're ah, . . . I don't know what the hell do you call it. They're conservative, they're sitting on the board and they don't want to get into gambling. Atlantic City's the same way.

JM. Yeah.

EE. There isn't any of them that'll touch it.

JM. Yeah.

EE. And of course every race track in the country's been built by stockholders . . .

JM. Uh, hum.

EE. . . . like you and me. We put up our, put up our money and ah, ah, sell stocks to our, to our friends and you build a race track.

JM. That's right.

EE. (IA) my father and Gene Morey (ph) built it, built it down there back in 1940.

JM. Uh, huh. Where, where exactly is the racetrack located?

EE. Right outside of Camden. It's fifteen minutes from Philadelphia.

JM. Oh, it is?

EE. Oh, yeah. You see this is the, the ah, the Meadowlands is only fifteen minutes from Times Square.

JM. Right.

EE. And this is fifteen minutes from the center of Philadelpia.

JM. Philadelphia.

EE. So it's the two racetracks are gonna survive in New Jersey.

JM. Yeah.

EE. The other two are seashore racetracks, Monmouth and Atlantic City. They're not, they're not gonna make it.

JM. Yeah, what about Freehold? That's a tr . . . that's a trotting . . .

EE. Freehold's a trotting track.

JM. Yeah.

EE. And it's a disaster.

JM. Uh, huh. So are Brandywine and the others then?

EE. Well, Brandywine is, is over in in ah, and it's it's about . . . Brandywine's about an hour outside of Philadelphia.

JM. Uh, huh.

EE. Liberty Bell is in Philadelphia and so is, ah, ah, Keystone. But Keystone's gonna run thoroughbreds and Liberty Bell runs the matters. We're gonna run both trotters and thoroughbreds.

JM. Uh, huh.

EE. And when Liberty Bell's running trotters, we run thoroughbreds. When Lib . . . Keystone's running thoroughbreds, we're gonna run trotters.

JM. Uh, huh.

EE. I'm I'm got, I'm gonna have pictures of it, of it, I go (IA) bring 'em up, bring 'em up here. I'll show you, show you the pictures.

JM. Yeah.

EE. Show you where we're, what we're building.

JM. Yeah.

EE. And, ah . . .

JM. Wasn't this under construction already or has it been constructed, or what?

EE. Oh, this is built.

JM. It's built.

EE. All built.

JM. Yeah, that's what I thought.

EE. It's all built, it burned down.

JM. Yeah.

EE. The only thing we need is a club . . . is a, is a grandstand and a clubhouse so people can get in . . .

JM. Yeah.

EE. . . . out of the weather and (IA).

JM. Sure.

EE. Everything else is there.

JM. OK, stables are in and everything else?

EE. Stables? Oh yeah, we have twenty eight stables.

JM. Uh, huh.

EE. We have two hundred eighty six acres of ground, thirty buildings on the property.

JM. Uh uh.

EE. (IA) everything is there. We have eight hundred horses in the stables, now, training.

JM. Uh, huh.

EE. Training to run, to ah, at the Meadowlands and at Keystone.

JM. Uh, huh.

EE. So we're actually operating. We have three quarters of a, of a racetrack there.

JM. Uh, huh.

EE. We only needs, we need the money to build the grandstand and the clubhouse.

JM. I see. Is there, is the, the area around in what kind of an area is it around the racetrack?

EE. It's a nice area. It's Cherry Hill town . . . Cherry Hill Township.

JM. Is it residential, light industry, or what?

EE. It's a, what they say in the news, in the newspapers, they call it the bedroom, bedroom community (laughs).

JM. Yeah, for Philadelphia, right?

EE. Yeah, it's a suburb.

JM. So it would be all, it would be all residential then around the racetrack.

EE. It is.

JM. Have they had any objections for this racetrack going in there?

EE. Oh, no. (IA) they, in the past, we've had some problems. See, I've operated, I've operated this thing since 1970.

JM. Yeah.

EE. Morey was the president, I was vice president. I've run it. I, I know what.

JM. (IA) the racetrack before.

EE. Yeah.

JM. It burned down just, what, . . .

EE. Oh, yeah.

JM. . . . a year or so?

EE. Seven years.

JM. How long, when did it burn down? When did the racetrack burn?

EE. 1977.

JM. 77. That's what I thought.

EE. Yeah.

JM. It was a year or two ago

EE. My father built this racetrack back in 1940, and, ah, it was built in August. We started we started in, ah May and around . . . we worked. It was a surveyor on the, one the ground then.

JM. Uh, huh.

EE. Back in 1940. I graduated from college in 1937. And I was, I was a surveyor. I worked. He was, he started me down at the bottom in the ditch.

JM. Yeah.

EE. In the ditch with (IA) and ah, I started, started at the bottom and we worked, and built it and Pearl Harbor hit on December seventh. And then, ah, we, ah, we finished. We opened up in the following June.

JM. Uh, huh.

EE. So, they had all kinds of problems building it.

JM. Yeah.

EE. I've had a lot of problems, a lot of, ah, a lot of people, a lot of people. Other racetracks don't want it built, one thing. Another thing, ah, I got a lot of people, including the bank, in the . . . in there and it, ah, are putting everything in the, in the way they possibly can.

JM. Uh, huh.

EE. But I got all the politicians. All the politicians are on my side.

JM. Uh, huh.

EE. I got, ah, Senator Williams (ph), who is the, who is the key, key man. And this Alex Feinberg is his attorney and his, his bagman. But he, he's pushing, he's pushing the thing.

JM. Williams is?

EE. Williams, oh yeah. He's a, he's on a labor, you know, he's a Jersey, Senator, United States Senator from New Jersey.

JM. New Jersey, yeah. He and Bradley (ph), I guess, represent the state?

EE. Yeah, he and Bradley, right.

JM. Uh, huh.

EE. But Williams is a, is a real hard nosed labor politician.

JM. Right.

EE. And a hell of a good man.

JM. Right.

EE. He's, he's on my side and he's pushing it and he's pushing, ah, through the state, through the state government. Errichetti's (ph) on my side. He, he's the, he's, he's with me a thousand percent.

JM. Yeah. The mayor of Camden, right?

EE. Yeah, he's the mayor of Camden. He's state senator from, from the Camden County.

JM. Uh, huh.

EE. And, I've got, ah, well when we, when they vote, let me tell you. When they voted for, put trotters in here. See, we had thoroughbreds. We had a hundred days of thoroughbreds, ah, when we were running. That's when I operated, when I operated the track (IA) before it burned down. We had a hundred days of, of thoroughbreds. Now we have a hundred nights of trotters. To get the hundred nights of trotters, we had to go through the legislature. And I got, I have every politician, every one of them. The legislature voted unanimously, it's on the record.

JM. Uh, huh.

EE. Unanimously for it. The senate voted only one vote against it. Only one vote against it in the state senate of New Jersey. So, I've, I've spent a lot of money. I've got these, I've got these guys backing me, backing me real good.

JM. Yeah.

EE. And I got two and a half million dollars of mine and, and ah about twenty stockholders' money in the thing.

JM. Uh, huh.

EE. There's very few stockholders.

JM. What do you need now to . . is he, that's been passed, as far as the whole (IA).

EE. Oh, it's all passed.

JM. That's ah, that's all been passed? Right?

EE. All passed, yeah.

JM. So what do you . . . you don't need the politicians now anymore, do you?

EE. Ah, not, no. I got all, I got . . .

JM. You got everything you need, right?

EE. I got everything I need.

JM. OK.

EE. I've got the permits to build the building. I've got the, ah, I've got . . . I need one more thing and that's the legislature. If we have to finance this thing through a bond issue, I'm hoping I can find it that . . . I'm hoping you'll, you'll finance me.

JM. Yeah. Well I've noticed that the, that they, that's one of the things you're talking about is the . . .

EE. We put . . .

JM. . . . is the bond issue.

EE. This thing is put together so that you could see the deal from a bond issue.

JM. Yeah.

EE. So that you know that the deal is good.

JM. Well does that . . . the bond issue now. Will that be submitted on a referendum or would, could it be passed through the legislature?

EE. All of the people the underwriters want on the bond issue, is to have our debt service assurance fund guaranteed by the state.

JM. Right.

EE. Debt service fund, we guarantee. Debt service reserve fund we guarantee from the earnings.

JM. Uh, huh.

EE. But the debt service assurance fund comes out of the state's take.

JM. Uh, huh.

EE. Out of the state's take. And, and we want that in order to, to put the bond issue through.

JM. Uh, huh.

EE. But, ah, if we, if I can . . .

JM. Can that, can that be passed through the legis . . . because it would be just by an act of the legislature? Or does it have to go for a referendum?

EE. No, it does not have to go for a referendum. It can be passed by the legislature and Errichetti. I understand you got a, an appointment with him tonight.

JM. Right.

EE. He has the committee. He has the committee in the senate that will pass this. And there's nothing, it's nothing unusual because the Meadowlands has it. The Meadowlands has this as debt service assurance fund.

JM. Uh, huh.

EE. In other words, what that is, is interest on the whole bond issue, twenty six years from now.

JM. Uh, huh.

EE. Down that (IA), they know that there'll be money in this deal to pay the interest on this bond twenty six years from now, Jack.

JM. Right.

EE. That's, that's what that is. And Errichetti will see that it gets passed. He will see and I'll, I'll take care of the rest of it.

JM. Right.

EE. And Williams is, is, Williams has cost me a hundred thousand bucks, and . . .

JM. Really?

EE. Oh, yeah.

JM. (Whistles).

EE. And Alex is his, Alex is his bagman.

JM. Yeah, Alex Feinberg (ph).

EE. Yeah, Alex is his bagman and, ah, ten, ten thousand bucks to, getting, get Alex straightened out and that'll, that'll do it.

JM. Yeah, yeah.

EE. Good shape. But that, I was talking to Feinberg.

JM. What does Williams' have to do with it now? What, what will (IA).

EE. Williams is back of all, all of 'em. And Errichetti.

JM. Yeah, he and Erich . . . Errichetti. But if you have all the permits and have all that stuff, what do you need those guys?

EE. Well, that's . . . they just, ah, well.

JM. I know that's all, that's all (IA). What do you need those guys for now if you . . . if it's just a matter of construction, right?

EE. Yeah.

JM. (IA).

EE. That's right.

JM. So what do, what do you need. What do you need Williams and, and these guys for now? (IA)

EE. Well, I, I, I want to see that it stays. I want to see that these permits and I don't have any more problems. I mean, I got to go to the . . .

JM. Cause I noticed, noticed that you said you had all the permits when you had 'em.

EE. I got 'em, that's right.

JM. Then you're ready to go and, ah.

EE. Well, I, there's the . . . you know, when you're at the mercy of these legislators, the Racing Commission; for instance.

JM. Yeah.

EE. We gotta get a, a racing permit which we we had and they took away from us.

JM. Oh, that's different.

EE. Yeah, they took it away from us, see.

JM. When the, when the track burned down?

EE. Yes, well, no. When, . . . because we haven't got our financing in shape yet.

JM. Oh, I see.

EE. Cause we're not running with a bond issue. We've gotta get a racing permit. We've gotta get these, the, ah, state treasurer to approve this, this thing. And the governor. It's gotta be approved and it's gotta be approved through the legislature.

JM. Uh, huh.

EE. And that's what's gonna, that's what

JM. So, Errichetti would be, would be . . .

EE. Well Errichetti.

JM. . . . crucial in that.

EE. Yes.

JM. As far as getting the racing permit is concerned.

EE. Yes.

JM. And . . . what . . . Williams have something to say against (IA). I don't know.

EE. Oh yeah. William's will, Williams will push the, push the whole thing.

JM. Mmm.

EE. He, he calls the, he calls the governor up and the governor does pretty much what, what ah, what Williams says. See, Williams is senior senator.

JM. Yeah, I know that.

EE. Yeah.

JM. Yeah and Case used to be, but not any more.

EE. Case, yeah.

JM. Well, he retired.

EE. They, they haven't paid too much attention to Case, but they do to Williams.

JM. They do, huh?

EE. Oh, you're [e.d.] right. Williams is a strong man. And, ah, you know, he's a, he's a [e.d.] of a good man. He an al . . . he was an ex . . . he's an ex alcoholic that's ah, been reformed and, ah, and he . . . you know, I've been an I'm a construction man all my, all my life.

JM. Yeah.

EE. And the best men in this business are alcoholics, and ah . . .

JM. Yeah, heh.

EE. That's right.

JM. Yeah.

EE. The . . . they're, they're the, they're the top men as long as you keep 'em . . . (laughs)

JM. As long as they're dry, right?

EE. As long as you're, sure, as long as you're with 'em.

JM. Yeah.

EE. Yeah . . . yeah, Alex, Alex and, ah, Alex was, ah, Senator's Williams' best man when he got married.

JM. Oh, really?

EE. Yeah, yeah and he's, he's the bagman. Been the bagman for, for Williams and, and he moves things, he moves things around.

JM. Yeah, yeah, I understand that.

EE. And, and he's absolutely trustworthy and, you know, you say this is what you're gonna do, this is what he does.

JM. Right, right.

EE. There's some guys that you can't trust, but, ah, this guy you, this guy you can.

JM: Yeah, yeah, I met ah, Alex the last time I was over in Camden to see the mayor.

EE: Yeah.

JM: Ah, he brought in the deal with, ah, Feldman in the name of Henry Williams on that titanium mine down in . . .

EE: Titanium.

JM: . . . in Pittsburg, which he went over to see. He was going to inspect there. So I'm familiar with Alex, yeah. He seems to be, he was very nice and personable guy

EE: Yeah, personable. Well, he run for governor, you know?

JM: Oh, he did, I wasn't aware of that.

EE: Oh, yeah. He ran, he was, he ran for . . . wait a minute, he ran for the congress out of that district and Cahill (ph) defeated him. And then, then he

EXHIBIT 5

Excerpts from transcript of March 8, 1979, meeting at Atlantic City, New Jersey, between Angelo Errichetti, Anthony Amoroso (undercover Agent), Mel Weinberg, and Alexander Feinberg regarding various matters relating to Abdul Enterprises matters, forgery of certificates of deposit, and various schemes to co-opt public officials, including Senator Williams.

The following is a transcript of [excerpts from] a conversation which took place on March 8, 1979 at Atlantic City. Present during this meeting were Mayor Angelo Errichetti of Camden, New Jersey; SA Anthony Amoroso, using the pseudonym Tony Amoroso, Mel Weinberg, and entering later Alex Feinberg. Hereinafter they will be referred to as AE (Errichetti); AA (Amoroso); MW (Weinberg) and AF (Feinberg).

It should be noted that certain parts of this conversation were inaudible or non-pertinent and are so marked.

(NOTE.—e.d. equals expletive deleted; ***** equals material deleted.)

AA. Yes, sir, how you doing?

AE. Hello my friend.

AA. This is the first time I've been up in this [e.d.] town when its not snowing, raining, or what have you. Mel's uh . . . he was stopped to make a phone call. He had a call from the office as soon as we got down there. How you been?

AE. Where were you, downstairs?

AA. Yeah, I just brought the stuff up. You just . . . the guy at the desk probably just called you.

AE. I was trying to find you. I was waiting for you.

AA. Well, one of the tires had a problem with it on the front, so took it kinda easy. The spare didn't look like it was any good.

AE. (Inaudible).

AA. So.

AE. How you doing? Alright?

AA. Oh, doing good, especially now that the weather is getting better. Boy, oh boy, what a pain. (Pause) Better trip than that last time with the snow.

AE. So he drove you down.

AA. Huh? No, we just took, just he and I had come down. We come down with the Caddy.

AE. Does he know you're here? McCloud?

AA. Yeah, he knows we came down, but he doesn't know what for. You know, we just told him that we were coming down here and we were gonna do some gambling.

* * * * *

AE. Oh.

AA. There's no problem with him as far as that. We told him we may look at some more of those sites. Mel's got the packages, so there's no problem.

AE. All I wanna do is before Feinberg, Alex Feinberg is coming down.

AA. Oh.

AE. Got a one o'clock meeting with him.

AA. O.K.

AE. We get rid of him and we sit down with Tony, the four of us.

AA. O.K.

AE. Alright? We got a four o'clock meeting with the Golden Nugget people. I met with uh Resorts this morning. (Inaudible.)

AA. Yeah.

AE. (Inaudible.)

AA. Alright.

AE. Lotta work . . . what I wanted to brief you on is the meeting we had Monday night, me, McCloud and MacDonald.

AA. Oh, O.K.

AE. O.K.

AA. That must've been interesting.

AE. Vital, very important. (Pause) Its hard, you know, its hard to comprehend until you sit and listen as to how close this guy and I are. O.K.?

AA. Well, let me say McCloud was, you know, impressed that uh what you said is true.

AE. I don't [e.d.]

AA. He come back, you know, all happy and . . .

AE. (Inaudible) He said we pick the sites. (Laugh) Come on, lets face it. Took [e.d.] to say that, man.

AA. Oh yeah, yeah, I agree with you. I agree with you.

AE. Hey, this wasn't coming from my mouth, either. It was coming from another guy's mouth.

AA. Yeah.

AE. Gotta have [e.d.] . . . the whole [e.d.] kit and koboodle. It was interesting and when I get finished telling you the whole scenario, you know, you make the moves where you see fit.

AA. Alright, well he should be up. I don't know what the hell happened to him.

AE. I got my nephew downstairs with the briefcase, wiped clean.

AA. O.K.

AE. Absolutely immaculate.

AA. The CDs, they're all made out? Everything's uh . . .

AE. (Inaudible)

AA. I'm gonna . . . I'm gonna leave tomorrow night.

AE. The CDs are all typed, stamped, you know, signature stamp, every [e.d.] thing and each one of them has been wiped with a pumice.

AA. O.K.

AE. (Inaudible).

AA. Yeah.

AE. (Inaudible) . . . and we did every [e.d.] one of them, too. Wiped them clean.

AA. Mel said he told you to take a ball and throw that thing away.

AE. That's [e.d.] in the river.

AA. O.K.

AE. The stamp, that's in the [e.d.] river.

AA. O.K.

AE. The briefcase has been wiped clean inside and I got a handle on it, right?

AA. Yeah.

AE. With a rag. (Laugh) The handle is a [e.d.] little, you know, cloth.

AA. Yeah, I know what you're talking . . .

AE. I taped it on. That [e.d.] thing is clean. You won't find a mark on that whole box, inside or outside.

AA. Alright, thank you.

AE. There's eighty seven of them, five grand apiece, four hundred thirty five million dollars.

AA. How did you make out with the money?

AE. Oh, I gotta give him a [e.d.] call. Got the whole [e.d.] everybody scared to death to move.

AA. Yeah.

AE. Down this [e.d.] place, there's no other place.

AA. Yeah.

AE. Like Camden, my home now.

AA. Yeah, but he realizes its not gonna stay here, though, right?

AE. Come on (inaudible). I'll call him shortly after he's back. Cause I gave him all that stuff.

AA. Uh huh.

AE. To be printed up. I want a time frame, so I get the day and the other stuff I want samples. No samples, then forget it. I want about twenty five pieces.

(Knock on door)

AE. Yeah, O.K. Come on in.

(Non-pertinent conversation about briefcase being brought in and Tony De Vito looks at them)

MW. Hey, Ange.

AE. Yes.

MW. I gotta get something cleared up with you.

AE. What?

MW. (Whispers) Did you tell Jack (inaudible) license.

AE. Possibility. Well, MacDonald, see, that's why I wanna make a point to clear everything with you guys about the conversation so you know where the [e.d.] I'm going. Is that satisfactory.

AA. Yeah. (Non-pertinent about shoemaker).

AE. This is the [e.d.] this is the county engineer's ticket.

MW. The county engineer?

AE. Yeah, we got the [e.d.] stamp, I'll put it back where it was, who, you kidding me or what?

AE. I'm here. I'm looking for something in here.

MW. He hit us with that. We didn't know what the hell to say.

AE. Wait a minute. Monday night's meeting, O.K.? Me, MacDonald and McCloud. Start, we sit down. MacDonald's a very impressive guy, by the way, first class [e.d.]. Said uh, talked about China, indemnities, and all that [e.d.]. There's the guy. See that guy there, my man, like a brother. He says the [e.d.] the Governor, [e.d.] everybody in the state. He gives you the hands, the ballgame's over. Most powerful [e.d.] around. He said South Jersey had nothing till (inaudible) a year and a half ago. You know what? They all kiss his [e.d.] He says Lordi (inaudible), all those commission members. He's our [e.d.] godfather. (Inaudible) but now, lets get

AE. Something straight. I would've not even been talking to you. I'm gonna tell you some things now that you, for your ears only. He knows where I'm coming from. He said we're gonna pick the sites. O.K.? Jack says what do you mean? He says well the Mayor's the planner, not be pressure, but by politics. They're looking to congest this whole area. He says Resorts got their license and thank him. He says now the next best site is Penthouse. Beautiful piece. I says wait a minute, Ken. I don't wanna talk out of school here. He may not get a [e.d.] license and I'm talking and never mind him talking, Jack, but you dumb [e.d.] you better get that [e.d.] place because he may not get the license and you got the [e.d.] thing. O.K.? Ken says that's number one site.

MW. But there's a problem with that, Angie. Let me explain to you what it is. The lease reads they own the property.

AE. Who's they?

MW. Uh, Resorts, uh Penthouse is renting it. They have first morteage. There can't be any mortgage on this property, none whatsoever.

AE. Alright.

MW. Alright? So that means (telephone rings) you got no first position here.

AA. Hello? (Non-pertinent)

ME. Who's that?

AA. That's uh Trudy, I guess Torcasio's secretary.

ME. Right.

AA. She thought he was up here.

AE. Tony?

AA. Yeah.

AE. (Inaudible).

AA. O.K.

MW. Uh. I told you (inaudible). Your nephew called your office. Al Carpentier's gonna be down there to look at the property.

AE. When.

MW. Today, around three o'clock and then he's coming down here to see us.

AE. I better call . . .

MW. Really, the lease reads that way. So, lets say that they don't get the license, right?

AE. Right.

MW. There's not a thing you can do cause everything goes back to the owner of this hotel. So you can't pull that on him. It would be great. The only way you can do that then is that you (inaudible) the agreement that they have to sign the lease deal.

AE. Resorts, I mean Penthouse.

MW. Penthouse. He assigns it to us. That means that we have first right, you know, to buy the hotel, but he can't assign it unless he gets their O.K. Now what happens is if they get turned down a license, these people (inaudible). They'll come along say, [e.d.] you, we'll keep it. You can't have one lien on this building. Anything they put in there, there is no lien. They're first lienholder.

AE. How do you overcome that?

MW. Well, that's why, when you told him this, see this is one of the problems. Its gonna cause a problem with Jack. Due to this, you know, who told him that? MacDonald or you told him that?

AE. Me.

MW. Oh. The only way you overcome this we gotta get in dealings with the leasee now. Alright? Which we can do (inaudible) is buy the property and we hold the lease.

AE. The question's gotta be proposed to him, I mean Penthouse.

AA. Yeah.

AE. If you don't get a license, what happens to our money?

MW. If he don't get a license, he loses the joint. He can't afford it.

AE. What's happens to you, the money I mean?

MW. Well, if we buy the property, without them knowing it. See, its if we can buy the lease from the people. We'll have to pay through the nose, but we can do this. Alright? Then we're the leasee and he don't know it. But if that's done, we gotta make sure he don't get the license. Now what guarantee can we get on that? You know, we get double-crossed like a [e.d.] there. We wind up paying fifty thou, for something we can only get twenty-five and fifty million for something you can only get twenty-five million for.

AE. I'm going to see MacDonald Saturday. I gotta pick up MacDonald.

MW. Now, let me tell you what I got in mind.

AE. Go ahead.

MW. Alright? Our CDs roll through, we'll have the cash to do this ourselves. We can buy the property, alright?

AE. How we gonna buy La Concha (PH)?

MW. We can take that too. You know what we're talking about. Alright? Or we can give Jack La Concha, sell it to Jack and we got this place already open, if you think this is the prize location.

AE. I'll tell you what he said. I'll finish the whole speech, then . . .

AA & MW. Yeah.

AE. . . . get your heads together as what's the best way to pursue it. He said now, Penthouse, that's a good site he said. He said now south of that, he said its gorgeous. He says we'll move on that, right Mayor? That's the piece that Mel and Tony saw. He says oh yeah, yeah, yeah. He says now by the expressway he said we gotta avoid congestion and that's another subject. So you know, that site that I told you about, Mike Marshall, well I got a [e.d.] road, ingress, degress under the [e.d.] highway so you don't have to go through any niggers, whatever have you. O.K.? MGM wants it and Tony told this guy Hobo, whatever his name is Mike Marshall.

MW. Who?

AE. The Mayor wants it. He's got first shot.

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MW. Well, you see, if we open our own place and them to manage our casino?

AE. Yep.

MW. Uh, I better have Tony. I don't like the way they run a casino.

AE. Alright, let me say this to you. I say Tony's clean. I don't know. He hasn't submitted his license yet. O.K.? Now I'll know?

MW. Well, who does he gotta submit the license to?

AE. The commission.

MW. MacDonald?

AE. Yeah.

MW. Well, whatever it costs, we're willing to pay to get it.

AE. I understand that. I think he's pulling a showdown.

MW. I don't give a damn if he cleaning out the island. Look, I know him and his reputation from Vegas, alright? The guy's stuck with a broad out there that he tried to bail out, he's got a good name.

AE. Oh, he's a beautiful guy, don't get me wrong. Now, I'll tell you what's important. If I can get a clearance for Guccione to get a license, then we're better off having him here. I'll tell you why. O.K.? Now you see, I'm gonna tell you something. You're gonna find me to be very well a [e.d.] in many respects. I don't find nothing from nobody and I tell you we're partners. That's the end of that conversation. Whatever I know that's gonna make money, you're gonna know. Whatever I know. If Tony is gonna be the manager here and Guccione run it. Then one third off the top, Tony and I split. Mine I split with you two. He said I'm gonna punish that [e.d.] (Inaudible). He says he's been [e.d.] with me and Jim Crosby's been [e.d.] with me. You and I are gonna take one third of that [e.d.] off the top. I said that's your business. You do that, but I'm telling you (inaudible) my share or our share.

MW. What we gotta do then . . . we gotta decide among ourselves what route we're gonna take because that money's gonna start flowing in the next sixty days and we gotta be ready to move and we gotta decide. Now the other question I gotta ask that's important, I wanna meet with Feinberg.

AE. He's downstairs.

MW. Yeah, alright. Now, the reason I want to meet with Feinberg is a friend, Ellis, had told Jack that Feinberg is the bag man for Williams and Williams is behind it and they agreed to pay. Now, does Feinberg know about it?

AE. No, Feinberg ain't nothing, he's my front, he's Williams' bag man, that's true.

MW. Yeah.

AE. That's what I told Ellis to say it.

MW. OH.

AE. Cause, you know, [e.d.] Will . . . Feinberg's been so discreet over the years . . .

MW. How can we arrange for him to put the money up.

AE. I tell [e.d.] Ellis what to do.

MW. But he told him Feinberg's coming up to take it.

AE. How much?

MW. A hundred grand, ten thousand dollars down.

AE. And when you supposed to give it to him?

MW. No, this is one of the reasons I wanted to speak to Feinberg, because as soon as he's ready.

AE. Feinberg ain't the guy. I just told Feinberg to go up there and accompany him because Pete Williams' man, no other reason. Ellis belongs to me (laugh) lock, stock and barrel.

MW. Well, how we gonna work that then?

AE. Is Jack to give him the money, Feinberg?

MW. Yeah, in fact, Jack wants to give it to Williams.

AE. Oh, you can't do that.

MW. Well, if he could arrange he'd probably give Pete Williams twenty five, if he could arrange it. Why don't you work on it, see what you can do.

AE. (Inaudible) Ellis don't even know each other. They do, but they don't. He said send somebody the [e.d.] up here, remember? So Feinberg went up there instead of uh . . . another politician.

MW. Well, did Feinberg except it?

AE. And give it to me?

MW. No.

AE. Give it to us.

MW. Well, won't he wanna give it to Williams though? He needs Williams there?

AE. Pete Williams?

MW. Yeah.

AE. No [e.d.] way, Pete Williams, get him out of here.

MW. Why, he's dangerous?

AE. U.S. Senator?

MW. Yeah.

AE. You don't go handing money out to a U.S. Senator. I could probably hand it to Williams faster, then what the [e.d.] do you need him for?

MW. Well, this guy, when he came up here, he told him that Williams is the guy that's doing the whole thing. I know it was you.

AE. Hum, you know it was me.

AA. He impressed Jack so much, that way . . .

MW. Jack believes it's Williams.

AA. He oversold.

AE. He oversold (inaudible).

MW. Is any way to let Feinberg go up there and get it or Williams go up and get it?

AE. Forget Williams. . . that's even, that's even, [e.d.] Williams is or. . . Alex is uh. Is Alex supposed to know the arrangement?

MW. I understood he did.

AE. See all I know is Ellis said to me. . . his right arm is a kid named Frankie Koenig, construction man. I went to school with this kid Frankie Koenig. He said to me Mayor, he says what do you want? Naturally, I expected some fifty, sixty, seventy thousand.

MW. Well, you oversold because Jack actually believes he's gonna meet Williams.

(Pause)

AA. Yeah, he thought he was gonna wind up giving Feinberg ten and then that was gonna go to Williams and that he was going to eventually meet Williams himself.

MW. Cause we know Feinberg's his bag man, so I thought it was for real.

AE. I could arrange for him to meet Williams in that little office down there (inaudible).

AA. Well, if he's not gonna. . . if he's not gonna give Williams any money you better not arrange that because he's liable to say something to Williams that he shouldn't say or do.

AE. [E.d.] Williams go. . .

AA. Well, that's. . .

MW. (Inaudible).

AE. Oh Jesus, U.S. Senator, forget it.

AA. Well, I'm glad we've gone over this because otherwise he, you know, if we would've. . .

AE. First of all, most guys, they'd love to do it but they won't get near it. That's why they would come to me or somebody. Say, Mayor, we would appreciate it. . .but he's tickled to death about the [e.d.] mine. Pete Williams called me three times last week. I said everything's gonna be O.K. What do I know about the [e.d.] mine?

MW. Well if Feinberg accepts it, he gives it to Williams?

AE. If I tell Alex not to give it to him, he'll give it to me.

MW. Well, why don't you let him give it to him, let him have it. It makes Jack happy.

AE. Who knows.

MW. Let him have it.

AE. The ten.

MW. Yeah, the ten.

AE. What about the balance?

MW. The balance we'll grab.

AE. How we gonna grab it?

MW. I'll arrange that. Once Jack thinks he's got him he don't bother with it no more. At least the ten, then he's happy they're digging.

AE. You see on the race track, Alex's got nothing to do with it. In fact, Alex was the opponent, was the attorney against Ellis. Fred Ellis is basically my guy. He's a [e.d.] leech. He's known in the business as a whore. O.K.? Now, Alex is very secretive, very quiet (inaudible). Now whether he shares or don't share, who the [e.d.] knows? I don't know. (Inaudible) Now what are we gonna get out of this fifty million we give to Williams?

MW. For the race track?

AE. Yeah.

MW. Well, you gotta make a deal with Ellis. See Ellis ain't too bright.

AE. I know that and you know that.

MW. And uh, Hyman, the guy I met, wanted to be there in the worst way because he was scared he was gonna [e.d.] it up.

AE. Who's Hyman?

MW. Hyman's the guy that's got all the money in there. You haven't even met him yet.

AE. No.

MW. He's his money man. He's the guy that's strangling.

AE. (Inaudible) would it put a hamper on things we're gonna do for Jack?

MW. No, no.

AA. It wouldn't, except if he . . .

MW. Except that he loses a little faith in, you know . . .

AA. If he thinks he's giving Feinberg the ten that's going to uh . . .

AE. Pete Williams.

AA. . . . To Williams and its not going to him and he meets Williams and says something about it, you know, cause eventually you're gonna have to arrange for him to meet Williams, uh, and he says something about it you know, Williams throws him out of the [e.d.] office, uh, gets up and walks away from him.

AE. Even, if he got the money, he wouldn't say anything Williams.

AA. Well, but, you know Jack (laugh). What am I gonna tell you, right? You know him.

MW. You'll have to coax him when you meet him when he goes to see Williams to keep his mouth shut.

AA. You know, you never know what he's gonna say and when he's gonna say it.

AE. Like I was hoping and praying he didn't say anything to Mac Donald, which he didn't.

AA. Well . . .

MW. You were lucky.

AA. You were lucky that time, but he's liable to say something to MacDonald after.

AE. (Inaudible).

MW. And you can.

AE. I tell you he's gonna go to us, he ain't gonna go to [e.d.] MacDonald. I tell you right now. [E.d.] that [e.d.]. I'm gonna go pick it up, right?

MW. I don't know what he's gonna do. He let me believe he was going to MacDonald.

AA. Yeah, he was under the impression that he was gonna go to MacDonald. Hey, I'm only telling you what . . .

MW. Let me explain. Sometimes its better to let him do with the ten and the balance we can always grab. (Phone rings)

AE. (Inaudible) He'll throw you the [e.d.] out. (AA: speaks on phone. AE speaks to Dani on phone) (Non-pertinent conversation)

MW. Well, we better point that out to him because he's walking on cloud nine.

AE. Well, I said to him . . . wait a minute. He can't [e.d.] believe that. When he left that night I said to him. He says I'm gonna mention an amount. I said, wait a minute, you don't [e.d.] mention money to him. You [e.d.]. I'll give it to him and say go buy a cigar.

MW. Well, anyway, let me ask you a question, anyway you can arrange that he gives you an envelope and you hand the envelope to him in front of him.

AE. Oh, no way, no way. Here's a guy gonna sit in judgment and he's gonna have two [e.d.] guys know that . . . me is bad enough.

MW. Well, then let you give it to him and the balance we can always glorn. I'd rather have the guy get his feet wet. He sees the money's there and wants it.

AE. No, believe it when I tell you, MacDonald isn't getting a [e.d.] quarter. No way. I may buy him a cigar, a three dollar cigar, that's it, but there ain't no [e.d.] way I'm gonna offer, give him the money. And there's no way that [e.d.] MacDon . . . McCloud is gonna give it to him. The deal's off. (Laugh).

MW. Well, we'll work on that. We'll hold that in obeyance, we'll work on that.

AA. Well, its a good thing we know, we knew . . .

MW. We know, because we didn't know which way to go because he came back, he's riding on cloud ninety-nine.

AE. Yeah, because, well I concluded by saying that to him. I says man its a good thing you didn't mention it. The ballgame would've been over. Oh, well, I'm glad I didn't say anything. [e.d.] guy.

MW. I'm glad, too.

AE. The rates are the same, ten and ninety, when its done. He said O.K.

MW. Now what are we gonna . . . when we speak to Feinberg, what are we gonna do with him? How can we work that out.

AE. I'm gonna tell him to grab the [e.d.] ten, we don't know, not inferred by myself.

MW. You sit down and you speak to him.

AE. I'll say Al, whats the arrangement here? If he don't know nothing.

MW. (Laugh)

AE. Because I don't mind if he did, if they did do it that way. Ten for Pete Williams, give the [e.d.] money.

MW. That's why I mean, give it to him.

AE. Alright.

MW. See if we can work it out, alright? Uh, now we have to decide before we leave, are we gonna buy the lease here, its not here first, because it can be bought, underneath, what's his name, alright? But it will cost, but the cost don't mean a damn because we jump the gun that we'll be in action a year sooner and then give him six months to (inaudible) if he don't get the lease, we don't get the license . . .

AE. How fast can we move the La Concha?

MW. Within sixty days, we'll have all the cash.

A good part of that, you know, we can start moving.

AE. How about . . . is there any good faith deposits to you people or not?

MW. What, to put up?

AE. Yeah.

MW. We can stall til we get the cash to get up, that's the first batch going over.

AE. Let me ask you this, if you don't mind . . .

MW. No, go ahead.

AE. What's the game plan? We are gonna buy La Concha?

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MW. Its gonna be our corporation. We'll own stock in this corporation alone. So we're protected, alright? (Inaudible) There's no names on a Swiss corporation. So you'll have so many shares. You'll have some and I'll have some, no one else is the partner. So (inaudible) is gonna own . . . actually own the casino the first week, so the guy can't [e.d.] us.

AE. O.K.

AA. What's the name of that other guy on the commission?

MW. Lordi?

AE. Lordi?

AA. Yeah.

AE. Sixty thousand dollars, he's the chairman.

AA. Yeah, well, what about him?

AE. That's uh . . .

AA. I know that, but what about considering him for the slot?

AE. I'll talk to MacDonald. Ken's the guy to talk to. What I'll say to Ken is Ken, this is your star for your future (inaudible).

MW. Hey, let me ask a question. He's making sixty a year, right? So we'll pay him a hundred a year. Don't mean a [e.d.] thing.

AF. O.K.

MW. Put down the salary he wants.

AE. You gonna stay here? I'll bring Alex upstairs?

MW. Yeah.

AE. Well, I'm gonna grab him downstairs and bring him up here and say, Look, you bought his deal at ten and ninety?

AA. Yeah, that's what, isn't that what he said?

MW. Yeah, no, its ten down and ninety when things start moving, get some payments.

(Phone rings—AA speaks on phone)

MW. I don't know what Ellis told them all. I wasn't there.

(Non-pertinent conversation)

AE. I'm McCloud.

AA. Well, if you're McCloud, you are.

AE. And you're Ellis and you tell me that Feinberg is bag man for Kennedy, then we'll [e.d.] leave. I got the [e.d.] money. What do I [e.d.] need . . .

MW. Well, if he's happy paying him, what the [e.d.] . . .

AA. I don't understand.

MW. I don't know what Ellis told him.

AA. I don't know what Ellis told him, but I assume that Ellis told him that Williams is the guy that can move whatever.

I'm the [e.d.] guy.

Well, hey, this is . . . I'm only telling you this is all.

(Inaudible) Feinberg, listen for a minute. (Inaudible) In order for you to make this thing fly you need orange days, you need flat days, you need a little extra take from the state. [e.d.] Pete Williams is a United States Senator. He's got nothing to do with this. State Senator has to do with it . . . me. So I don't understand.

Alright, let me ask you another question, we can get around this. [e.d.] Ellis, I told you he's a shmuck.

Alright, agreed.

Can we bring somebody else in?

For the money?

Yeah.

To guarantees that is gonna be done?

Yeah.

The guarantees?

Yeah. Bring me another State Senator, make him happy.

State Senator . . . how about an Assemblyman?

I don't give a [e.d.]. Hey, it if makes McCloud . . .

AA. I don't know what Ellis told him, what Feinberg said or . . .

MW. Hey, shmuck, if it makes him happy, give me an Assemblyman, I don't give a damn.

AA. (Inaudible) Who's [e.d.] is this?

MW. I don't know what it is, I wasn't in there. Hey, I left them alone, alright . . . and all they come out he was on cloud nine and Ellis was on cloud nine.

AE. Ellis called me on the turnpike to tell me he was in good shape. What the [e.d.] do you mean, you're in good shape.

MW. So worse comes to worst, give him an Assemblyman and just tell him you have the names mixed up.

AE. How do I handle this if this guy don't know what the [e.d.] I'm talking about.

MW. Lots of luck.

AE. How about the mine thing. (Inaudible).

MW. Well I'll, no, the mine thing I've got good news for him. I'll make him happy there.

AE. Well, see, let me tell you something (Inaudible).

MW. (Inaudible.)

AE. (Inaudible.)

MW. Invite him to the party on the boat.

AE. Well, we'll discuss it (inaudible).

(All speaking—very low conversation.)

(Mayor leaves—long pause).

(Knock on door).

(Phone rings)—(Mayor on telephone).

MW. And you another thing (inaudible). Now he's got the mines and he's got a plant that we gotta look at that he wants to buy. He jumps from one thing to another, but I'm doing and I'm telling you, I'm doing it for you.

AE. Alex knows that there's a finders fee (inaudible).

(Non-pertinent conversation).

MW. When we meeting Davis, tonight?

AE. No.

MW. Huh.

AE. After he talks to Crosby, within the next couple of days, two weeks.

MW. Oh, we ain't gonna see him . . .

AE. 2209, (inaudible) (Mayor speaking to secretary).

(Mayor gets off phone).

AE. The biggest problem we got now, you're correct, we gotta solve this [e.d.] place here, what you wanna do.

MW. Now, what's Tony's idea on that?

AE. Tony wants (inaudible).

MW. We're talking about peanuts, alright?

AE. I understand, but its important to tie the pieces up.

MW. Alright, if we can get the pieces all tied and still make money on them, would we better off taking this piece?

AE. (Inaudible).

MW. No, we can buy the lease without them knowing it. He don't get the license, this [e.d.] place is lying here cold. He can't hold it.

AE. I think.

MW. Now, can we control that they don't get the license?

(Knock on door).

AE. The last word here today, on either one.

AE. Tony, Alex Feinberg.

AA. Hi.

AF. Good to see you.

(Non-pertinent conversation).

AF. This [e.d.] city is going crazy.

AE. Yeah, like us brothers, we're brothers here, O.K.

MW. They gotta burn it down. They gotta build this joint down. Just rebuild it all over, then Atlantic City will be alright.

AE: You just happen to be the recipient of something that you have no [e.d.] nothing to do with. That's for openers.

AF: Alright.

AE: O.K. (Laugh.) Foul mouth, what the hell. He's either got his names [e.d.] up or he's [e.d.] crazy, as we both know. And we all agree he's [e.d.] crazy. What he said in essence, Alex Feinberg who represents Senator Williams to make sure that the thing becomes a reality to laws passed to make the [e.d.] thing fly. Now you know and I know its [e.d.] Angelo Errichetti (inaudible) whatever, O.K.? Now, I've got no problems. I do have a couple of problems concerning this. One, where he had said that he would give you ten thousand dollars (inaudible)

AF: (Inaudible) retaining fee for services rendered. I'll give him a receipt for it and it will be chargeable to my law firm because for me to do it any other way is . . . I'm gonna be compromising Pete Williams and I haven't even asked him first. I can't . . . you know we just had some very bad situations in Philadelphia where they . . .

AE: (Inaudible).

AF: I understand it, but whats wrong with paying. He's legitimized. Then he hasn't done anything wrong.

AE: Well, I understand, he's safer by giving you a check than cash.

AF: Sure he's safe. We all are.

MW: Let me tell you what it is, though.

AF: Yeah.

MW: See we got burnt, Jack got burnt a lot. Its his own fault, alright? (Inaudible—plane flying) The Emir told him from now on . . . you gotta understand Jack's a politician from Boston.

AF: I understand that.

MW: So he wants to know that he's got everybody on his side and he's got no headaches and he goes clear through.

AF: Can I tell what? If it doesn't go clean through, he gets his money back and I gotta be paid a reasonable fee for my services.

MW: That ain't what the guy told him. The guy told him was . . .

AF: Who, who was the guy?

AE: Ellis.

MW: Ellis.

AF: No more [e.d.] Ellis. Ellis is a [e.d.]. He's a moron, he's an idiot. He knows that he doesn't have a . . .

MW: His partner, he's got a partner, you know.

AF: Who is his partner?

MW: Hyman, you know Hyman?

AF: No, I never heard of him.

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MW. Let me ask you a question, if he wants to get his money back, why don't we just give him his money back, give him a profit and get him out.

AF. Alright, I'm telling you about this. Let me tell you about that. That would be the better thing to do. There's only one problem. Now I also have another plan for you, like the other did. You could get him out. The only trouble is if he doesn't want to get out he throws it into Chapter 11 and [e.d.] it up for not too long a period of time because the facts are pretty obvious in this case.

AE. Two years.

AF. Huh?

AE. Two years.

AF. A year, at least a year. You're [e.d.] up for a year. I also think that you could buy the track directly from the bank for less than 16.7 million dollars because they're desperate and they don't have a line of customers standing in line waiting for (inaudible).

AE. Now, I didn't wanna say anything until we came here. O.K.? Number one, Ellis is a jerkoff, O.K.? Anybody who would say that Pete Williams can do to make that track whole again, he's gotta be a [e.d.] idiot.

AF. He doesn't know his [e.d.] . . .

AE. (Inaudible) O.K. I'm telling Alex sitting here he can go through the motions, but, number one, I could pick the phone up. You know Andy Tomolino (PH)?

AF. Yeah, I think I know him. Oh, of course.

AE. Got a [e.d.] million dollars. Millions of dollars. Day they came to me and said, Mayor, we'll buy the track. (Inaudible). The bank president called me, said Mayor, where you going with Ellis? (Inaudible].

(All speaking at once)

AF. He mentions Pete Williams and its not fair to McCloud, your boss. I'm telling you I'll do what your boss wants to be done, but do it my way, for [e.d.], or legitimate way.

AE. Or, or think about buying this up. I'll take you to the [e.d.] bank. (Inaudible)

MW. Let the guy suffer a little bit longer. He's at the point, he's desperate. I think he has to act within uh, by the end of this month or he's in bad shape.

AF. I tell you what he's got. He's gotta act by the . . . he'll be served with a foreclosure, he's got twenty days to answer. I'd say by the fifteenth of this month, the [e.d.] hits the fan.

MW. Let it hit the fan, then walk in.

AF. You know what you can do? It might be wise to put some money down. Then you can step the [e.d.] in and say wait a minute, Alex, I mean Jack, this thing's gonna [e.d.] blow up. What the [e.d.] do you wanna get out of this thing (inaudible). Like what's today, Thursday? Maybe Monday or Tuesday of next week, he'll be calling (inaudible) for the money, right.

MW. Well . . .

AF. I don't wanna get mixed up with him with that kind on money. You know why? He's the first guy to open his [e.d.] mouth and everybody will go to jail.

MW. Sure, no, you don't wanna get involved.

AF. I don't wanna get involved with that [e.d.]. He's crazy. He's hasn't got the brains to come in out of the rain. Now I want you to know . . .

AA. He led Jack down the primrose path, cause Jack a totally wrong concept.

AF. He's no friend of Williams. I'm not sure he ever met Williams for [e.d.]. He might've met and that's about all, but here's the guy to do it. Am I right about legitimizing this thing?

AE. Alex, you're a [e.d.] lawyer, am I gonna question you?

AF. That's right.

MW. The nineteenth we can go see the track. Uh, I recommend to see, when his partner called me up and said I knew he was worried, something was wrong and then the guy delivered the package he had three different prices of construction. His first price was thirty five, then he went up to forty two. Then he went to fifty.

AF. Alright, let me tell you what he told me when I was there one day. Don't trust him and don't put your fiath in his hands.

MW. Oh, I don't put my faith in anybody's hands.

AF. And I don't want . . . McCloud will end up in the [e.d.].

MW. (Inaudible).

AF. We'll all end up in the [e.d.]. Now, if McCloud wants somebody to get what he has to get, I'm friendly with the racing commission. Here's the State Senator. He handles the legislation. I know all the people involved. I know the guy. I know Eric. I don't need him and William is my friend. If I need anything from Pete Williams, he can't do anything. He's the one that does it. That's [e.d.]. He's a liar.

AE. Another story, OK. The racing secretary, Charles Corella OK.

AF. He's the Chairman of the racing commission.

AE. He owes me.

AF. That's right. He'll take care of it.

AE. (Inaudible).

AF. You will.

AE. Take care of that [e.d.], the days, whatever have you, I'll take care of it.

AF. I can do the (inaudible) and he pays me a legal fee and don't worry about Pete Williams. Williams is my, for [e.d.] like a blood brother to me and I represent him in this mining thing. He pulled me into that. Everything he gets into, he pulls me into. OK.? Because I look out for his interests, but for him, for Ellis to [e.d.] McCloud, its wrong and what we gotta do is level with McCloud and say, look I want a . . . I have a lot of work to do.

MW. Well, I don't think we should level with McCloud and tell him what happened because he'll lose faith (inaudible).

AA. I think you gotta do one of two things, either. . .

MW. (Inaudible.)

AF. Kill him with Ellis.

MW. Kill him with Ellis.

AF. And that we're gonna buy it ourselves, directly.

MW. Yeah, let him get to the point where we can deal with the bank . . . we gotta get a front guy to front for us because we don't wanna own nothing. Now. . .

AE. (Inaudible.)

AF. One thing for me, Mel.

MW. Yeah.

AF. I wanna be sure, of course, he's in. I wanna be sure I'm paid as a lawyer.

MW. He says so, O.K.

(All speaking at once—inaudible.)

MW. What we'll do is, you guys get a group of guys together to present it. Present it to me. I will give you a hundred percent finance. Build up the price, alright? (Inaudible.) You guys own it. I'll finance it.

AE. (Inaudible.)

* * * * *

AE. (Laugh.) Front guy.

MW. You gotta get me a front guy (inaudible), alright? I can just check out.

AE. As far as checking, don't worry about it.

AF. How about my client, Frank LNU) from Philadelphia. He's a developer and he's a man of money. He'd like to lget in . . . he'd like a piece of the action.

AE. (Inaudible.)

AF. I will.

AE. (Inaudible.)

AF. Oh he . . . no, he's a friend of Williams.

MW. Let me explain something to you.

AF. That's how I got him as a client.

MW. I have (inaudible) I put it on Jack's desk. He's got the final say, O.K.?

AF. O.K.

MW. He's the only one that can kill it. So we don't wanna upset the apple cart with . . .

AF. Let me tell you something . . . doesn't McCloud know that Ellis is a dope?

AE. He don't know nothing (inaudible).

MW. Let me . . . let me ask you a question. Alright, let me ask you a question.

MW. Alex, you met McCloud, right?

AF. Yeah.

MW. O.K. McCloud's a politician. He's not a finance man.

AF. But does he have a little bit of the (inaudible)?

MW. As far as politicans he has. He's an old Kennedy man. Alright? You know the Kennedy clan?

AF. But he's got all that [e.d.] money and doesn't know what to do with it?

MW. Oh, well, he's handling . . . he's got a lot of troubles right now because he goofed up.

AE. Mel, we tie the whole ballgame up. Tie the whole [e.d.] thing up, very simply. O.K.? He goes back while I'm in here. You tell [e.d.] White and the rest of them, don't [e.d.] make a move on that that track because he wants all the ground, the condominiums or whatever have you on the outskirts of that [e.d.] track. (Inaudible.)

AF. That's right. He's a mover. He can do it.

AE. Now, me, you and (inaudible) meet. I'll give the ground rules, say look, you gotta sit down with these two guys, and you start getting your financial statement together. You're the [e.d.] attorney. Now, you're gonna go back to [e.d.] McCloud with Pete Williams.

AF. O.K.

AE. You and Pete Williams and me, three of us. We'll give him all the [e.d.] strength then.

We'll give him all the strength.

Me, Senator Williams will handle the thing.

If they do it the way Ellis wants to do it, you know what you're doing? You and every one of us are walking into a [e.d.] lion's den.

MW. You know what I told Ellis? I told Ellis because of the mayor (inaudible). I said just go up and do it. You got clout. I said lay it on the line.

AE. (Inaudible.)

MW. I says.

AF. Can I tell you something, Mel? As far as clout is concerned and I'm not saying it because he's sitting here, he got all the [e.d.] clout in the world.

MW. But I don't want him to bring his name in because we're dealing with him already and I didn't want his name in on that.

AF. I don't give a [e.d.]. Let me tell you. He's the guy that's got the clout.

MW. I know that . . . city.

AF. With the Governor, in the Legislature, in the city in the county, the whole [e.d.] place.

AE. (Inaudible.) He brings [e.d.] Pete Williams (inaudible).

MW. I've got something I haven't told you, but Carpentier coming down at four.

AE. Today, right?

MW. Yeah, then (inaudible).

AE. He's already tried. He's name is Pete Williams.

MW. Well, not with their money behind.

AF. Will you listen to me a minute, Mel? Lets get back to this thing for a minute, will ya? I know what I'm talking . . . he knows I know what I'm talking or I wouldn't be sitting here. I've been through this [e.d.] so [e.d.] many times that . . . (inaudible). I'm telling you now that the . . . Ellis is stupid.

AE. We ain't going that way.

MW. I told him he's an idiot.

AF. [E.d.] I met with the guy. Do you know what happened?

AE. [E.d.] Ellis . . . stop all this [e.d.].

AF. The first guy to start singing would be . . . I don't have anything to do with it. (Inaudible) they promised this (inaudible).

AE. (Inaudible.) Speed this thing up.

AF. I can call.

AE. What's gonna happen, the thing is gonna be squashed, unofficially.

AF. What we'll do with him (inaudible).

MW. Let me tell you how to work it. He can't go much longer, gonna get deeper and deeper. (Inaudible.)

* * * * *

AA. Well, you know, my most . . .

AE. He's gonna sit there and say yeah.

AA. You know, like he's gonna put him together with that other deal, you know . . .

AE. The mine?

AA. The mine, right, gonna need him, you know, on the mine.

AE. The mine comes first.

AA. I know that.

AF. Well, I wanna talk to you about that when we get through with this.

MW. Yeah, they're going down there, uh next week.

AA. But what I'm saying is . . .

AF. Are you gonna go?

MW. (Inaudible.)

AF. Who's going? Yeah, credit card No. 1786506 (inaudible).

AE. I'll handle them. I'm the politician.

AF. You're the politician.

AE. That's right.

AF. Mr. Lardner (PH) Please? (AF on telephone.)

AE. Hey, Pete's too important. Pete Williams is a U.S. Senator. (Inaudible.)

MW. This is why Hyman, Hyman (inaudible).

(AF on telephone.) (Others speaking in background.)

AF. Now, lets, have we got our plan set? You and I are gonna talk to . . .

AE. I'm gonna tell Lardner (PH).

AF. And to impress, and to impress McCloud, I'll bring you people into the sitdown and part of our group. O.K.? Then we'll make him feel good. but you're the guy that's got the [e.d.] clout.

AE. You see. what we might do here is (inaudible).

MW. No. the mine. you can't do that. The mine is separate thing. Its got the four partners. We're waiting for the financial statements yet.

AF. He's getting them.

MW. Slow as [e.d.]. though.

AF. No. he's got them. He said he's gonna give them to me.

MW. He's got three of them. One he's gotta get and the (inaudible). Now. did your man tell you they found a plant that he wants to buy.

AF. Yes. he did (inaudible).

MW. I know the plant.

AF. What do you think of it?

MW. Uh. the guy I dealt with was a fellow in Georgia called CB Acres and this is going back a couple of years ago. good plant. In fact. a German . . .

AF. Can I make money?

MW. Yeah. a German company was gonna buy it and the guy had charged there . . .

AF. I'm representing him on that deal. See how I got into that. Williams. Whenever anybody goes . . . see. today he's a friend of Williams. I'm gonna brag about this and he can verify it.

AE. I know what he's gonna say.

AF. He says. well. I wanna Alex in. I want (inaudible) we're like. is that right?

AE. Twenty years.

AF. Twenty some years. we've been together.

MW. Does Williams have a piece of this mine?

AF. He's gonna have a piece of the mine.

MW. Cause he doesn't show on here.

AF. He can't show.

MW. I was just wondering (inaudible).

AF. I can't show.

MW. Cause you don't show on there either.

AF. No. I know. I can't show Pete or myself. We're gonna have a piece. O.K.? Now . . .

MW. As long as we understand.

AF. That's right. Now. I'm gonna tell you . . . he called me yesterday and I told him I was gonna see you about something entirely different. I didn't say what.

MW. Well. I wanted to see you on the mine cause they're going today and set it up . . .

AE. [E.d.] Pete Williams grabbed me last Monday (inaudible).

AF. What about this. uh. when was it.

MW. Thursday.

AF. You're going Thursday. aren't you? Or Tuesday?

MW. I can't . . . Tuesday. the thirteenth.

AF. Tuesday. the thirteenth. Alright. now. he hasn't heard to confirm. Who's gonna call him to tell him you . . .

MW. I told him who. I told him Bruce is gonna call him.

AF. Bruce will call him?

MW. Right.

AF. He has his number now.

MW. What I'll do. let me. see. I'm leaving for Florida. uh. Sunday.

AF. Do you want. do you want Williams' number?

• • • • •

AE. O.K. Mayor Kenny was a good friend of mine through Ange Maranda (PH). You know. guys always make it tough by trying to do it the wrong [e.d.]

AA. You see. he talked to Ellis. Ellis told him one thing.

AE. He's full of [e.d.]. If you're gonna believe what Ellis tells you. then you're wasting your time and your money. He's crazy.

AA. Well. I'm just. you know. that's why we're here just to straighten it out because he told him one thing and uh its not (inaudible).

AF. That's legitimate. O.K.? But he don't have to pay anybody off.

MW. We. whatever you give us. we gotta be careful because we get caught.

AF. Oh. I know. Alright. I wanna take care of Eric.

AE. Eric's gonna take care of . . . who has to take care of . . . is that correct?

AF. Thats right.

AE. Fair enough.

AF. Take care of Eric and Eric's finder's fee is perfectly legitimate. O.K.? We'll find a hole in there somewhere for him and he'll take care of whoever else he has to take care of. but what I'm trying to show Jack. Is that his name. McCloud?

MW. Yeah.

AF. Is that here he's gonna do in a legitimate way where the whole world can look. He has nothing to worry about. Nobody to pay off and nobody'll say a [e.d.] thing if he doesn't get it and it doesn't cost him any money or he has a laugh.

MW. I'll get you an appointment set up. In fact. I'd like to have you at the party (inaudible).

AE. What's it gonna cost for this? I want to go watch that.

AF. You understand what I'm talking about?

AE. I don't mind talking. you know. it might be wise I think for Alex to bring down U.S. Senator Pete Williams.

MW. Definitely.

AE. Get a hold of Pete. See if he's available to fly to Palm Beach on the twenty third of March.

AF. Alright. I'll see.

AE. They're gonna throw a party in my honor.

(Non-pertinent conversation.)

MW. Let me tell you who you're gonna meet down there.

AF. Yeah.

MW. You're gonna meet Yassir there.

AE Who?

MW. Yassir. he's got his yacht down there.

AF. Yassir?

MW. Yeah.

AF. He sounds like an Arab.

MW He is. he is an Arab.

AF. As long as he don't look at me.

MW. Don't worry about. I work for him.

AF. (Laugh.) Oh. you work for him.

MW. You're gonna meet him there on the yatch.

AF. Yeah.

MW. We'll take care of the rooms for you. You tell us you're coming. we got rooms reserved already. You come down there. We're throwing a little party for the Mayor there. And you sit. you meet him. you'll see Jack down there. Tony. who's in charge of the southern district. runs it down there.

AA. Don't say it like that.

AF. Sounds like a (inaudible).

(All speaking at once.)

MW. He used to be with Abdul. but broke away cause they didn't like what they had to do.

AE. You'll get back to me about Pete.

AF. I'll get back to you about Pete. also. Now. let me explain something to you. I'm gonna show him how to do it the right way. the legit way.

AF. Nobody gets hurt and as far as the clout is concerned. I'm telling you if you listen to Ellis you'll be led down a primrose path and you'll end up. . .

MW. All you gotta do is prove to Jack there's no problems. You go' the people behind you.

AF. O.K.

MW. He's happy as a lark.

AF. Then I tell him that you'll handle legal fees and that's it. Jack.

AE. You got me and Pete Williams.

AF. That's all.

AE. The end of the [e.d.] conversation.

AF. They'll say Alex. the lawyer. and Al does what. . .

MW. Well. he met you already.

AF. I met him. sure. yeah. but he didn't.

AE. (Whistles to others.) Can we talk? If you bring a U.S. Senator on the [e.d.] yacht.

MW. You didn't say nothing?

AF. I didn't say anything.

MW. I didn't say anything either.

AF. I kept my [e.d.] mouth shut that night. that's right. I do a lot of talking. but I know when to keep my [e.d.] mouth shut.

AE. Alex. be quite for a second?

AF. Yeah. sure.

AE. If we go down. . .

AF. Yeah.

AE. . . . What I'm gonna do is you. me and Pete are gonna have a briefing session (inaudible).

AF. Oh. yeah.

MW. See. this way. we'll be on the yacht. They'll be drinks there and all.

AE. Relax.

MW. Relax and that's the best time.

AF. (Inaudible.) In August I'm supposed to go on a sail yacht with him. cruise the Aegean Sea. the Greek islands for a week and then go to a friend of his home in Sardinia for another week. My wife. he and his wife. that's how close we are. Alright. any closer than that?

AE. I can tell you how close they are.

MW. Do you need somebody to carry your luggage?

(Non-pertinent conversation.)

AF. I'm gonna tell him that Bruce is gonna call him on Monday.

MW. Yeah.

(Non-pertinent.)

MW. I'll give Bruce a call. make sure he gives him a call and that uh. . .

AE. If we get Williams down there. . . U.S. Senator.

(All speaking very low.)

MW. You tell me not to worry.

AE. All I gotta do is know the address of that boat.

MW. I'm gonna give . . . I got it for you.

AE. (Inaudible.)

AA. Alright. I'll arrange that.

AE. Alright.

(Non-pertinent conversation about party.)

(Tape ends.)

Exhibit 6:

Transcript of April 1. 1979. telephone call between Mel Weinberg and Angelo Errichetti regarding March 31 meeting with Kenneth McDonald and attempted payment to him of bribe regarding Atlantic City Casino matter.

The following is a transcript of a taped telephone call between Mel Weinberg and Mayor Angelo Errichetti of Camden. New Jersey. The phone call take place on Sunday. April 1. 1979 at 2:30 PM.

Certain parts of this conversation which are inaudible are so-marked.

MW. April 1. 2:30 PM. Sunday. I am returning the Mayor's call.

(Pause)

O. Yes. may I help you.

MW. Yes. charge this to my office.

O. Area Code?

MW. (516) 234-1420.

O. Thank you.

MW. Thank you.

O. Do you want to repeat the number, 516

MW. 234-1420.

Female. Hello.

MW. Yes, is Angelo home?

Female. Yes, who's this?

MW. Uh Mel.

AE. Hi, how you doing?

MW. Alright. I'm sorry I didn't get back to you sooner.

AE. That's quite alright.

MW. How did everything go after I left you.

AE. Well, thank God for you and Tony because very honestly uh he was quite shook up. There's no question about that.

MW. No, I can see that.

AE. Well, you know, I was, myself over the course of years I've been involved with politicians and I thought he was. Apparently he's not. He insulted me, uh, with his actions and his attitudes and his demeanor and uh, Ken McDonald was, just was totally ripped inside. You could see . . . you just don't do those things . . . you just don't open up a case and and say, hey, look, look, look. I need guarantees or I'll have a pile of dirt. What the hell, you know . . . the guy came three hours for a ride with me, knowing full in advance what was going to be said and so forth and I very simply handled the signals with him saying that this is the money for the future and we understood that, just pure and simple. And, uh, he just lost his composure. It was a shame. It really was.

MW. Well, he's a . . .

AE. And uh, you know I said, I reiterate to you, really the fact that you and uh, you and uh, uh.

MW. Tony?

AE. Tony were just marvelous. You calmed him down. In fact, I was so pleased. And the end result was that he was very very happy about uh the whole total picture after he had met with you two.

MW. So we calmed him down, then huh?

AE. Well, the fact is, I think what was being said basically that you were a gentleman. You know, and being gentlemen, I think is part of the whole situation and uh he had an opportunity to recoup in the car. But uh, just to show what kind of a guy he is when, you know, when he had the case in his hand and he started counting it and I had explained to him Tony's plight with the boat, that he needed 25,000, he didn't hesitate one little second. Just whipped it right out and said give it to Tony and uh I've got it here and I wanna know what the next step is what to do with it.

MW. Well, what it is. I'll tell you what. Uh, Tuesday, Bruce'll meet you at 12 o'clock at the Hyatt House. Is that uh . . .

AE. The one in Cherry Hill.

MW. The one in Cherry Hill?

AE. Yeah.

MW. Yeah, cause this way, Tony's up in Montreal.

AE. Oh, O.K.

MW. And he'll take it right up to Tony.

AE. I wasn't aware of that.

MW. Yeah, cause I'm jammed up here and this way he'll pick it up and take it right up to him.

AE. Well, I'll tell you, uh, now, you know, myself, I was just trying to digest yesterday's episode. You know, I've been around a long time and goddamn it, you know, there's faith, there's trust and confidence that you instill in people that, you know, a thing is gonna be carried out properly, efficiently and without any fuss. My God! You know when he got in that . . . you know, he just went out of his mind, scared the hell out of everybody. But he's very happy. He has the contents of the money and the balance of the hundred. I got the 25, he's got 75. But he's very pleased with that.

MW. As long as he's pleased and straightened that, you know, you know what Jack's like.

AE. Oh Yeah, but you know, when you map out a strategy, when you do things that are going to be carried out to . . . this is not a short-term thing. Its a long-term thing and, you know, if we don't have trust and faith amongst each other, nothing is gonna be accomplished. But, uh, he was very pleased about the mon, uh, the whole situation and I can assure you emphatically that everything's go. Its better right now, today than ever. In fact, he called me this morning and uh just expressed to me his thanks and to you fellows whenever I do, but uh, he was very pleased with your attitude and he wants to do business.

MW. Was he pleased uh when we offered him that proposition?

AE. Oh yes, yes. Oh [e.d.], he was tickled to death.

NW. Was the salary of 100,000 alright?

AE. Excellent, he just, you know, his son, the whole thing was one that was handled masterfully in my opinion. You know, it was done in a very nice, uh how should I say it, atmosphere, one of laying out a game plan, one that's understandable, one that can be accomplished and will be accomplished.

MW: He seemed to calm down at the table there.

AE: Well, you know, I, I gotta be honest. I had him in a nervous state there because, you know, he don't know what the hell is going on. Basically, with an individual who's supposed to be the Chairman of the Board of a firm is supposed to have, as I said earlier, demeanor, for [e.d.] sake. And when you two fellows came in, you chatted with him in an intelligent fashion. You know, this guy's a first class guy. He's no (inaudible) and he appreciates good sound quality business people and that's exactly what I was pleased about and had the opportunity for three hours after you left to sit there and you know evaluate, analyze and go over the whole picture with him and uh last night, when I dropped him off, he was naturally immensely pleased at the outcome and I assured him that this would not happen again. I would hope that I would never have to see this guy, nor he.

MW: Well . . .

AE: That's not my business, that's your business.

MW: Well, like I told you at the table, he's supposed . . . They're gonna retire him.

AE: Well, its the best thing for everyone concerned, you know.

MW. Yeah, yeah, because, you know, this is not official yet. Tony'll let you know when its official, but its definitely gonna happen because its uh, he's out of his class.

AE. Well, you know, Mel, honestly and I say this to you with all of the sincerity that I can muster because I can see it better than anyone else. You know, you're away from the scene and the opportunities out there are unbelievable. With all the ingredients and all of the players, you know, work together as a team. I think you got the best in the world. So its just up, you know, keeping everything moving in a proper fashion, you know, he's locked in, solid as a Rock of Gibraltar and that's lets go. Its all go right now.

MW. Yeah, and uh, on those lists you gave us, work on the next fellow, alright?

AE. Excuse me, I'm sorry.

MW. On that list.

AE. Yes?

MW. Work on the next one, so we can keep them moving along.

AE. Alright.

MW. Alright? And thank's a million, Ange, and I'll send Bruce out then Tuesday, O.K.?

AE. If you do, tell him to hide out, I'll be there with Joey.

MW. Alright. And if you need me I'll be in the office.

AE. Alright.

MW. Alright? And thanks a million again.

AE. Alright, take care.

MW. And I really apologize, I really feel bad for, I really mean it, I feel bad for what happened, but thank God, it straightened out.

AE. Well, that's the beauty part. You make a mistake and you cover it and its done in a professional fashion, which could happen. Its the end result that would count and I think that we're in good shape.

MW. That's the reason I didn't call you yesterday. I figure you must've had your hands full with him.

AE. Laugh.

MW. I figure you need the rest.

AE. Well, I think we're in good shape. In fact, I know we're in good shape.

MW. O.K. Ange.

AE. O.K., Mel, thanks for calling.

MW. That's a pleasure, I'll speak to you during the week.

AE. Yes sir.

MW. Take care.

AE. Take care, bye bye.

(End of conversation)

EXHIBIT 7

Summary prepared by staff of Subcommittee on Civil and Constitutional Rights of projected testimony before that Subcommittee by Joey DiLorenzo, nephew of Angelo Errichetti, and other regarding gifts allegedly received or requested by Mel Weinberg from ABSCAM targets; FBI contact memorandum dated March 11, 1979, of contact of March 11, 1979, by Weinberg with FBI Agents relating to forged certificates of deposit; and FBI contact memorandum dated June 16, 1980, of interview of Joey DiLorenzo by FBI regarding testimony he would give regarding gifts from Angelo Errichetti to Mel Weinberg and alleged meeting between them on April 1 pertaining to the McDonald bribery matter.

Joey DiLorenzo (Nephew of Angelo Errichett, Mayor of Camden, NJ and State Senator—drove the Mayor on many occasions) will testify to:

(1) Purchased a microwave oven and dishes (January, 1979) drove to a Long Island Holiday Inn (exit 55) and placed the items into Mel Weinberg's Van.

(a) A passenger van, tan and brown in color which MW identified as a company van for Abdul Industries.

(b) AE, MW present.

(2) Purchased a beta max TV recorder (March, 1979) as gift for the Sheik. MW was supposed to handle delivery (paid $939.61).

(a) Met MW at Laguardia Airport. MW drove a silver, Lincoln Continental Mark.

(1) Marie Weinberg (was introduced as his sister-in-law), a son J.R., and a poodle.

(b) Placed beta-max in MW's car.

(c) Also present as witness, DiLorenzo's girlfriend, Debra Procacci, (who will also testify).

(3) In April, 1979, MW gave AE a picture of a gold stereo component set which appeared in a New York Times Magazine and valued at $3,000.

(a) Purchased a similar stereo system for $1,200.

(b) MW met him at a Holiday Inn, exit 55, and was driving a pick-up truck which MW claimed belonged to his brother.

(c) DiLorenzo gave stereo to MW along with a letter from AE which said Happy Birthday Sheik. MW said he would drive directly to the airport and ship it overseas to the Sheik.

(d) MW also requested an additional $300 for "shipping fees."

Note.—ABC News has traced the serial numbers on the stereo unit in Weinberg's home to the store in NJ where DiLorenzo claimed to have purchased this stereo. Thus, DiLorenzo is corroborated as to this stereo unit. (Marie Weinberg too)—SA Houlihan supposedly had investigated this—obviously did not trace serial numbers.

(4) Summer 1979, purchased three 17 inch Sony TV sets for approximately $1,000.

(2) Met MW in lobby of Hyatt-House in Cherry Hill, New Jersey. MW handed DiLorenzo the Keys to his van and directed him to place the TVs inside.

1. MW said the TVs were for Abduls Board of Directors.

2. MW also said not to mention anything to Tony (Amoroso) and Bruce (Brady) who were nearby.

(5) DiLorenzo voluntarily met with FBI and U.S. attorneys and provided them with receipts. Also testified before the grand jury.

Note.—DiLorenzo will also testify about meeting between AE and MW off the Long Island expressway where briefcase transferred (which Marie says had $45,000) the day following the alleged McDonald/Errichetti payoff.

Debra Procacci (girlfriend of Joey DiLorenzo) will testify:

(1) Rode with DiLorenzo to LaGuardia Airport with beta max video recorder in trunk of car. (May 1979).

(2) Met MW in parking lot, along with "sister-in-law" (Marie), MW's son (J.R.) and a dog.

(3) Saw MW accept the beta-max.

(4) Rode one other time with DiLorenzo, late September/October. DiLorenzo delivered an envelope to MW. Does not know its contents.

George Katz (partner in Titanium mine venture) (has not yet agreed to testify).

(1) Told FBI he gave MW three wristwatches valued at $8,000; also $2,000 worth of liquor and a beta-max video-recorder.

(2) MW requested Tony DeVito (Amoroso) not be told of the gifts.

Anthony Torcasio (represented Robert Guccione, publisher of Penthouse Magazine who was seeking a loan to acquire a Casino):

(1) MW noticed his watch, and said "this is between us" the Arabs would feel more favorably disposed to grant a loan if they got gifts.

(a) MW suggested watches and remote control TVs.

(2) Torcasio refused.

Testimony Before the Grand Jury by Mel Weinberg (Regarding Charges of Gifts and Payoffs)

I. REGARDING THE ROADSIDE MEETING OFF THE LONG ISLAND EXPRESSWAY

Joey DiLorenzo testified before the grand jury that Mel Weinberg met with Angelo Errichetti on many occasions without the knowledge of the FBI (which would denote at the very least a lack of supervision) and that on at least one occasion money was exchanged. Marie Weinberg's affidavits and tapes corroborate DiLorenzo as to the gifts and the secret meetings.

Mel Weinberg was thereafter called to testify before the grand jury. He was specifically asked about the charges made by DiLorenzo and the surrounding events as follows:

Q. Did you meet with Errichetti somewhere on the Long Island Expressway on Sunday April 1st, the day after the payoff?

A. No, I didn't.

Q. Did you see Errichetti the day after at all?

A. No.

Q. Did you see DiLorenzo that day?

A. No.

Q. Did you see anybody that had given you some of the money that had been passed before?

A. I didn't see anybody that day, didn't speak to anybody that day, was home in my house.

Once Mel Weinberg completed his testimony, a private discussion ensued among the grand jurors who were obviously still disturbed about DiLorenzo's allegations:

The Foreperson. We have one question. I know you asked Mr. Weinberg if he received any money from Errichetti and his answer was absolutely he did not receive any, but we are all concerned with this one paragraph from Joey DiLorenzo's testimony saying that he took DiLorenzo—he took him and drove and met Weinberg the next day.

Should we re-ask him again if after reading this one excerpt from Joey DiLorenzo's testimony, what he has to say about that? Apparently somebody isn't telling the truth? Either DiLorenzo is helping his uncle out or Mel Weinberg is helping himself out.

Thereafter, AUSA Reid Weingarten read Josey DiLorenzo's testimony to Mel Weinberg in the presence of the grand jurors:

The Foreperson. Mr. Weinberg, did you have an adequate chance to hear and understand what you said?

Mr. Weinberg. I did.

Q. Did you or did you not meet with Errichetti on the Long Island Expressway on Sunday, April 1st?

A. I did not meet with Angelo Errichetti or his nephew.

Q. Did you drive a Lincoln Continental that day anywhere to meet Angelo Errichetti?

A. No, I did not.

Q. Did you receive a briefcase from Errichetti, DiLorenzo, or anyone else containing money that day?

A. No, I did not.

Q. Did you ever receive any of the proceeds of the $100,000 payoff that was made on March the 13th?

A. I never received one nickel of the $100,000 that was payoff.

Q. At that time were you driving a Lincoln Continental?

A. I was driving a pickup truck.

Q. Did you have a Lincoln Continental?

A. My wife owned a Lincoln.

Q. Joey DiLorenzo made those statements that I read to you to an FBI agent; are those statements true or false?

A. Those are not true.

Q. Statements concerning you, of course.

A. That is what I am talking about.

Grand Juror. Did your wife ever do any errands for you in your Lincoln Continental in connection with business associates?

Mr. Weinberg. No, my wife, I never get my family involved in anything I am doing. My wife and I don't get along . . . that well anyway, but she, I never got her involved in anything I did, never get her involved in Abscam; too dangerous for her to get involved with.

II. REGARDING ALLEGATIONS OF GIFTS

Q. At any point at all during the undercover operation did Angelo Errichetti give you money that he had received as a bribe?

A. Angelo Errichetti never gave me a nickel.

Grand Juror. Did you ever instruct Mayor Errichetti to buy gifts for the sheik?

Mr. Weinberg. No.

Q. Are you familiar with the allegations from certain defense attorneys that you received gifts directly and indirectly from Joey DiLorenzo and Mayor Errichetti?

A. That is correct.

Q. Did you receive any sort of electronic gifts, microwave oven or TV?

A. My microwave oven was bought from J. C. Penney in 1977 on time.

Q. Specifically, did you receive anything from Joseph DiLorenzo in the form of electronic equipment?

A. No. I never received anything from Joseph DiLorenzo.

Grand Juror. To the best of your knowledge do you know if Mayor Errichetti presented the sheik with gifts, whatever they might be; are you aware that you presented him with any gifts at all? [After brief exchange, Mr. Weinberg was directed to specifically answer the question]

Mr. Weinberg. No, they did not give me any gifts. I have testified [at] every trial on that.

Q. To your knowledge, was there any electronic equipment at all? When I say that, microwaves, TV's, recordplayers, anything along those lines given by Errichetti through DiLorenzo to any government operative in the Abscam case?

A. I am not going to answer to any government agent. I will answer for me. I did not receive anything from them. To my knowledge I didn't see anybody get gifts from the Mayor. The Mayor wasn't a giver, he was a taker.

On March 11, 1979, Mel Weinberg provided the following documents to SA Myron R. Fuller:

Eleven blank Certificates of Deposit (CD) on Chemical Bank; one xerox copy of two checks on First National Bank of Teheran (FNBT), numbers 1696 and 1697; two blank CE on the Merchants and Shipowners Bank, Ltd. and two blank CD on Citibank.

Weinberg advised SA Fuller that in November, 1978, Bill Rosenberg gave Weinberg one Citibank CD, three Chemical Bank CD, and a $600,000.00 CD on the FNBT.

Weinberg said that he gave Mayor Angelo Errichetti one Citibank CD and one Chemical Bank CD. Mayor Errichetti subsequently had additional copies printed of these CD and gave them to Weinberg.

Joseph DiLorenzo voluntarily appeared at the Trenton, New Jersey, Resident Agency of the Federal Bureau of Investigation (FBI), with his attorney, Carl Poplar for an interview. Present during the interview were DiLorenzo, Mr. Poplar, Special Agent Martin F. Houlihan and Assistant United States Attorneys Robert A. Weir and Edward J. Plaza. DiLorenzo was informed that the interview concerned his association with his uncle, Camden, New Jersey, Mayor Angelo Errichetti, members of Abdul Enterprises (AE) and his role as chauffeur for Errichetti during the period that Errichetti was in contact with members of AE. DiLorenzo was informed that he was not a target of this investigation. It was explained to DiLorenzo that it would be necessary to go over certain dates on which he chauffeured Errichetti and met with members of AE. DiLorenzo stated that he could not be certain of all the dates in question due to the lapse of time involved, however, he had attempted to reconstruct the dates by relating to events in time such as weather conditions and also the use of the daily appointment book of Dani Anise, secretary to Angelo Errichetti.

DiLorenzo indicated that during the period in question he was the head of the Energy Management Department for the City of Camden, New Jersey, and also acted as chauffeur whenever he was requested to do so.

DiLorenzo said that his first contact with anyone from AE was in December, 1978, or January, 1979. He then indicated the date may have been January 6, 1979, as he remembers it was a Saturday and it was snowing and he determined that January 6, 1979, was a Saturday and it had snowed. DiLorenzo said that he and Errichetti travelled to Long Island, New York in one of Errichetti's leased vehicles. He could not be sure of the description of the vehicle, however, he stated that the lease in question was about to expire. DiLorenzo said that Errichetti gave him instructions to their destination, which was the Blue Dawn Diner, Long Island. He said when they arrived there Errichetti introduced him to Mel Weinberg, who was in a tan van. DiLorenzo said he sat in their car while Errichetti and Weinberg sat in the van. He said the meeting lasted for approximately 15 minutes and Errichetti re-entered the vehicle. He said Errichetti did not talk to him about the meeting with Weinberg nor did he ask any questions of Errichetti concerning the meeting.

He said a couple of days later, which would have been January 8, 1979, he met Weinberg at the Holiday Inn in Atlantic City, New Jersey, and Weinberg was accompanied by his driver, who was introduced to DiLorenzo as Bruce Bradley. He said that prior to meeting Bradley and Weinberg on that occasion, he had most likely picked up Errichetti at work and drove to Atlantic City. He said Bruce and he had dinner and Weinberg and Errichetti had dinner separately. He said that night he stayed at Errichetti's Longport, New Jersey, home. The next day, January 9, 1979, while at the Holiday Inn, he met the following individuals:

Jack McCloud, who he came to know as the boss of AE; Tony DeVito, who he was told was an engineer with AE; a female Margo; William Eden, William Rosenberg and Weinberg. He said the dinner meeting with Errichetti present lasted for approximately 1½ hours and discussions centered on business, in particular about a potential oil refinery in the Port of Camden, New Jersey. He said that in view of the fact that he was the head of the Energy Management Department, Errichetti had some discussion with him concerning the potential oil refinery. He said in connection with this business, the head of the Camden Port Authority, Joe Balzano, escorted Tony DeVito to the Port area and showed him around the Port. He said the next day he learned that these people represented Arab interests. He said that Errichetti was very excited about the possibility of having this oil refinery in the Port of Camden. He said that night he drove these people to Resorts International in Atlantic City and went home. He did not know who picked up the tab at the Holiday Inn. He said the following night, January 10, 1979, he and Errichetti met McCloud, Margo, Bradley, Weinberg, DeVito, Eden and Rosenberg at the Hyatt House, Cherry Hill, New Jersey. He said that he, Errichetti, McCloud, Dani Anise, Tony DeVito, Weinberg, Eden and Rosenberg had dinner at the Chey Robert restaurant in that area. However, he does not remember the topic of the discussion. He said this was the same day he took Errichetti to a viewing of Kenneth MacDonald's wife who had died. He said he knew at that time that MacDonald was a member of the New Jersey Casino Control Commission.

He said during this same time frame Errichetti introduced him to Tony Torcasio, who was the manager of the Holiday Inn in Atlantic City and who was associated with the proposed Penthouse casino in Atlantic City, New Jersey. He said that during this period he also chauffeured Errichetti, DeVito and Weinberg around Atlantic City, New Jersey, showing them casino sites. He remembers one of the sites he was showing was the La Concha "piece". He said he was not aware of any specific interest of Errichetti in casinos, however, he remembers Errichetti saying that in the future he wanted to get out politics. He said he believes Lou Zaris, a local realtor was providing information to Errichetti concerning the respective casino sites. He could not remember the exact number of times he chauffeured these individuals to see the casino sites.

He said he did not receive any calls from Bradley or Weinberg.

DiLorenzo said that sometime in mid January, 1979, he was dispatched to Atlantic Aviation, Philadelphia Airport, to pick up a package from McCloud that contained champagne for Errichetti and perfume for Dani Anise.

DiLorenzo said that he chauffeured Errichetti to New York on January 19, 1979 for a business meeting. He said that night they travelled to Long Island and stayed at a Holiday Inn where Errichetti met with Weinberg. He said prior to this trip, he was told by Errichetti that Weinberg had suggested to Errichetti that it would be proper for Errichetti to present a gift to the sheik through Weinberg. He said that in connection with this, Errichetti or Dani Anise gave him $900 cash to go out and purchase a video cassette recorder. He said he purchased this recorder at Best Products in Moorestown, New Jersey, and he and Errichetti delivered it to Weinberg during the meeting on January 19, 1979, and he, DiLorenzo, placed it in Weinberg's van. He said he remembers being told by Errichetti that Weinberg said the cassette recorder should have four-hour tape capacity. He said he was not aware of the source of the cash. He said Errichetti spoke with Weinberg and he is not aware of the exact nature of the conversation, however, it may have had to do with a loan to Bob Guccione by AE for his proposed Penthouse casino. He said other gifts were solicited by Weinberg for the sheik, which he purchased with cash that was given to him by either Errichetti or Dani Anise. He said that Weinberg showed to Errichetti a piece of paper which contained a stereo that was valued at $3,300. He said that he found a stereo that looked like the set that Weinberg was requesting at a store in Cherry Hill, which he purchased for $1,200 cash. He indicated that this gift was given to Weinberg sometime during the week ending March 31, 1979. He said other gifts that were given to Weinberg were a microwave oven that he bought at a store called Strawbridge and three small color televisions that he purchased at a store in Cherry Hill, New Jersey. He said a friend of his, George Norcross, accompanied him when he purchased the televisions. He said the televisions were delivered to Weinberg on an occasion when he was staying at the Hyatt House and was told by Weinberg not to let anyone see him put them in Weinberg's van.

He said on the day following Errichetti's meeting with Weinberg at the Holiday Inn when they gave him the video recorder, January 20, 1979, he took Errichetti to the offices of AE. He stated he stayed in the outer office by himself and Errichetti and McCloud were in the inner office. He said on one occasion Errichetti came out to get coffee and then re-entered the office. He said he did not recall being handed anything by Errichetti and he does not recall Errichetti having a package when he exited the office. He said after the meeting he and Errichetti drove to the Holiday Inn and Errichetti gave him a manilla envelope, contents unknown, and he was instructed to deliver the envelope to Weinberg. He said he was not sure whether he handed it to Weinberg or placed it in Weinberg's room.

He said with regard to a picture in the newspaper of Margo, who in fact was an FBI Agent, he knew nothing about the picture and Errichetti did not say anything to him about it.

He said he chauffeured Errichetti to the airport on January 25, 1979, as Errichetti was taking a trip to Florida.

He said in February, 1979, he took Errichetti to the office of Tony Torcasio, where Errichetti had a meeting with Zaris and Torcasio concerning casino property.

DiLorenzo said on February 13, 1979, he picked up Errichetti at the Senate Building, Trenton, New Jersey, and transported him to New York, to meet with Bob Guccione. It was his understanding the purpose of the meeting was to obtain finances from AE for the Penthouse casino in Atlantic City, New Jersey. He said that Errichetti was bringing together AE and Guccione, concerning this venture. He said he remembers Errichetti talking about a finders fee. He stated that AE was apparently going to lend money for a casino and also obtain land for a casino.

He said after this meeting with Guccione, Errichetti seemed pleased, however, he indicated that Guccione was a difficult man to deal with.

Concerning a trip to Hauppauge, Long Island, on March 2, 1979, he could not remember this trip. He stated that George Norcorss and Tony Gianetta, a detective with the Camden Police Department and bodyguard for Errichetti also drove Errichetti during this period and may have transported him to Hauppauge, New York.

DiLorenzo said on March 5, 1979, he transported Errichetti to the Hyatt House in Cherry Hill, New Jersey, where Errichetti met with McCloud. While DiLorenzo was waiting in the vestibule, he observed Kenneth MacDonald walk through the front door and meet with Errichetti. He said he believes Dani Anise may have appeared sometime that evening, however, he could not be sure. DiLorenzo said he ate by himself in a nearby delicatessen and he believes MacDonald left after the dinner meeting. He said he does not know whether or not Errichetti and McCloud had an additional meeting after MacDonald left and he had no contact with MacDonald. He said the next day Errichetti told him that McCloud was interested in casino licensing procedures in Atlantic City, and this was the focus of the discussions with Errichetti, McCloud and MacDonald.

Concerning a meeting on March 9, 1979, at the Camelot Room in Resorts International, Atlantic City, that he may have been present at, he said he does not recall meeting Jack Davis, owner of Resorts. However, he does recall meeting Ray Brown at the Camelot Room and the date could have been March 9 or March 7, 1979, as he remembers Brown stating that it was the anniversary date of Errichetti's acquittal on a charge in which Brown acted as his defense attorney. DiLorenzo said that during the period March 19-25, 1979, he was dispatched to Delray Beach, Florida, by Errichetti to make arrangements for a party that Errichetti told him he was going to throw for the sheik on the sheik's boat. He said that it was originally planned for Dani Anise to go to Florida, but she could not go and he consequently went in her place. He said that Errichetti paid for his flight down and also gave him $700 in cash that he was to use to purchase liquor and a blank check from Frank Pulini that he was to use to pay for catering services. He said it was his understanding that there was to be approximately 35 people at the party. He said that Mel Weinberg picked him up at the airport and Weinberg and Tony DeVito took him to several places to select food for the party. He said he also remembers transporting several people from the airport to the party. He transported Al Carpentier, Ken Boklan, U.S. Senator Harrison Williams and Alex Feinberg. He remembers having to wait at the airport with Williams for Feinberg as he, Feinberg, had gone to the wrong location.

He said he remembers having discussions with one of the AE employees who worked on the boat named Gunnar. Special Agent Houlihan then informed DiLorenzo that his individual was an FBI agent and that he had committed to writing the context of their conversation. Special Agent Houlihan then read to DiLorenzo a paragraph of an FD-302, dated March 20, 1979, of Special Agent Gunnar A. Askeland as follows:

"DiLorenzo was empathic when he stated that Mayor Errichetti owns Ken MacDonald, who is on the gaming commission in Atlantic City, New Jersey. He stated that his uncle Errichetti got MacDonald on the commission and owes his uncle many favors. Further, DiLorenzo stated the MacDonald saved Resorts license when many people wanted to not renew it. DiLorenzo stated that Errichetti likes people around him that are loyal to him and stated again that MacDonald was extremely loyal and could be counted for any favor due his uncle. DiLorenzo stated that the Mayor can get a lot of things done because he is on the Appropriations Committee in New Jersey, he is a state senator and he also is a democratic party chairman for New Jersey."

DiLorenzo said that he did state the above to Gunnar. He said that in stating these things he was trying to impress this individual with Errichetti's importance.

DiLorenzo said that concerning his chauffeuring Errichetti and Ken MacDonald to Holbrook, Long Island, on March 31, 1979, he was told the previous night that he was going to take Errichetti somewhere and knew that they were going to see Ken MacDonald the following morning to see if he was going to make the trip with them. He said he picked Errichetti up in the morning and they drove to MacDonald's Ford dealership, Winner Ford, Cherry Hill, New Jersey. He said Errichetti exited the vehicle and went into MacDonald's office to talk to MacDonald. He said he stayed in the office for 15-20 minutes. He said Errichetti and MacDonald then entered the vehicle and had a discussion about going up to see McCloud. He said it was his impression that the trip with MacDonald was not preplanned and if MacDonald refused to go, he was not sure whether or not he and Errichetti would have made the trip, however, he was under the impression that they would have made the trip whether or not MacDonald went. He said that he drove from Winner Ford to a dedication at Cooper Hospital in Camden, New Jersey. He said Errichetti was a speaker at the dedication and also sat on the platform. He said MacDonald was in the audience and he may or may not have sat next to MacDonald. DiLorenzo said after the dedication he got the vehicle and picked up Errichetti and MacDonald and drove off in the direction of Long Island. He said there was no discussion about going to dinner or lunch. He said he does not remember what the discussions were between MacDonald and Errichetti, however, the mood was pleasant.

DiLorenzo was questioned by Assistant United States Attorney Weir as to whether or not he had heard, in any conversation between Errichetti and MacDonald in the automobile or while they were walking from the automobile to McCloud's office, words to the effect of "key to the future" or Florida Investments. He said he did not hear either.

DiLorenzo said when he arrived at AE offices, he drove around the side of the building and they all got out and took the elevator to the offices. He said the three of them entered the outer office together and were greeted by McCloud. He said he does not know if anyone else was in the office. He said he stayed in the outer office and McCloud, Errichetti and MacDonald went in the inner office. He said he does not recall Errichetti bringing a briefcase to the office or him, DiLorenzo, carrying a briefcase for Errichetti.

He said approximately 10-15 minutes later MacDonald exited the office and looked upset. He was red in the face and appeared angry. He does not recall MacDonald saying anything, but he did see MacDonald go from the outer office into the hallway. He said a short time later Errichetti came out, looked angry, handed him a briefcase and told him to put it in the car. DiLorenzo said he walked out of the office, he did not see MacDonald and went downstairs and put the briefcase in the trunk of the vehicle. He said to his knowledge he was the only one who had a set of keys for the vehicle, however, Errichetti could have had an additional set of keys, for the vehicle. He said he then entered the vehicle and a short time later, approximately two minutes, MacDonald came down, got in the vehicle and sat in the back. A short time later, Errichetti came down and got in the vehicle and also sat in the back with MacDonald. Errichetti then instructed DiLorenzo to drive to the Holiday Inn, which was approximately ten minutes away. He said during this drive Errichetti was trying to calm MacDonald down telling him not to worry about anything. He said MacDonald did not say anything to Errichetti and it appeared that he was not interested in what Errichetti was saying as he was still upset. DiLorenzo said when they arrived at the restaurant, Errichetti spoke privately with MacDonald and a short time later, he, DiLorenzo, joined Errichetti and MacDonald. He said a while later they were joined by DeVito and Mel Weinberg and all three individuals, Tony DeVito, Mel Weinberg and Errichetti apologized to MacDonald for McCloud's actions. He remembers one of the three saying something to the effect that the money was back. DiLorenzo said Errichetti may have said something similar to this to MacDonald when he was in the car driving from the office to the Holiday Inn, however, he could not be sure. He said the only conversation he can remember at the Holiday Inn was something about MacDonald's son going to work with Mel Weinberg in a banking function.

DiLorenzo said that Errichetti did not leave his presence until after the statement about the money and at that time Errichetti, Tony DeVito and Mel Weinberg walked off and returned shortly thereafter.

He said this meeting at the Holiday Inn lasted for approximately one-half hour and after it broke up, he, Errichetti and MacDonald drove back to New Jersey. He said the trip lasted for approximately 2½ hours and there was not much conversation, however, Errichetti was still trying to calm MacDonald down telling him not to worry. He said as they progressed it appeared that MacDonald was calming down. He said they dropped off MacDonald first at his house and when he left there were no harsh words. He said he then drove Errichetti home and Errichetti told him to get the briefcase, which he did. He said he did not look in the briefcase and was not aware of its contents. Errichetti, then told DiLorenzo that he wanted him to pick him up in the morning that they were going back to Long Island. DiLorenzo said he drove home, returned the following morning and Errichetti entered the vehicle carrying a briefcase which he put in the back seat. He said he was not sure whether or not it was the same briefcase that he had placed in the trunk the preceding day. He said they then drove to a rest stop somewhere in the vicinity of Exit 52 or 55 of the Long Island Expressway. He said a short time later Mel Weinberg arrived driving a Lincoln Continental. He said Errichetti got out of the vehicle, took the briefcase got into the car with Weinberg had a brief conversation and returned to the car without the briefcase. They then drove home. Errichetti did not discuss with him the purpose of the meeting, and he was not aware of the contents of the briefcase.

DiLorenzo said that he could not recall driving Errichetti to Long Island for a meeting with Weinberg on March 30, 1979.

DiLorenzo stated he does not recall giving a package wrapped in silver paper to Bruce Bradley at the Hyatt House in Cherry Hill, New Jersey, on April 3, 1979. DiLorenzo, in the presence of his attorney, advised he would consent to an additional interview. DiLorenzo was asked whether or not he had met with defense attorneys, their investigators or Errichetti to discuss this matter. He said that he has met with Errichetti, but he has tried to avoid discussing the matter. He said on February 3, 1980, he spoke with Ray Brown, Errichetti's attorney for a couple of minutes and discussed the matter. He said he has not discussed it with any other attorneys or investigators on the advice of his attorney.

At the conclusion of the interview, Attorney Poplar said he was satisfied with the way the interview had progressed and that they would have provided this information previously to the Federal Grand Jury at Brooklyn had they been asked.

EXHIBIT 8

Excerpts from transcript of April 5, 1979, conversation between Mel Weinberg and Bob Guccione regarding casino license and gifts to help get one.

(Excerpts from the taped conversation of April 5, 1979, involving Mel Weinberg and Bob Guccione.)

1. Page 18:

M: All, all (I.A.) get you goin', what we gotta have, all right, and I'm goin lay it right on the table to ya is the (I.A.) that you got the right people on you, your gonna get the license. This is the problem, all right? Now, like I say, the problems we ran into and I speaking with one of the board members and he made a remark that he don't think your gonna get your license.

B: One of the board members? Which one is this?

M: I don't want to tell ya. . . .

B: Mel, Mel, believe me it is not possible for them to deny me a license.

M: Don't say that.

B: I can tell you that, for a fact! It isn't possible, I'd take 'em to the ——— Supreme Court. I have no record. I'm a completely clean business man. I can account for every dollar I've ever earned. Until I started the magazine in 1965, what do you think I did all my life? I was a painter, an artist.

M: Yeah, but you still have to have, have these guys now. Apparently the way Babe spoke he's got Lordi (PH). Okay, so we give you Lordi.

2. Page 20: (Note, previous quote referring to Supreme Court on page 19.)

3. Page 26:

M: . . . And I'm even authorized to even go further and I'm tellin' its between me and you, and if you want it, we'll do it. If you can (inaudible), we're willing to pay. We'll pay it. Not asking you to lay out no money, we'll pay it. (inaudible) That we know we got Lordi. If you can come to me and say, "We got Lordi," I don't care what it costs, to guarantee your license, we'll give you the money. . . .

4. Page 27:

M: Well, if we, like I said, we'll pay for it. I mean, if, any monies go to pay him, we'll pay him. It's between me and what I am saying it, one and one. That theres no, nothing can be used against either one. I am telling you this, when the times comes you agree to it. Tony will be here with you and we'll work out the details, one on one.

B: I'm surprised that that anybody thinks that I, I'm going to have a problem getting a license (p. 27).

5. Page 33:

M: All right, the reason I said, I don't want you goin' through any expense. Because we don't want to cost you a nickel. If there is any expense, we'll take care, we don't operate that way. You follow me? Whatever expense we'll pay it. We don't care about that. We don't want it to cost you like (inaudible) you say you paid and then you didn't get it and you're gonna say Jesus Christ (inaudible) we'll pay it, we'll take the gamble. Cause we don't want to cost you a nickel. Whatever it is we will take care of it and I think Angelo can tell you that, we don't worry about money, money is the least of our headaches. But we do have to convince them and like everyone says, we get it. Now you gotta understand the problem, for us to get our own (inaudible).

EXHIBIT 9

Forged letter on Senator Williams' letterhead, dated September 11, 1979, and FBI contact memorandum dated September 28, 1979, regarding September 14, 1979, meeting at which Angelo Errichetti gave the letter to Anthony Amoroso (undercover agent) and excerpts from transcript of that meeting.

U.S. SENATE,
COMMITTEE ON LABOR
AND HUMAN RESOURCES,
Washington, D.C., September 11, 1979.

To Whom It May Concern:

In light of the fact that I am, at present, a stockholder in, and advisor to, the corporation which is involved in the mining and processing of titanium dioxide, I would be pleased to serve in the same capacity in the new corporation, which new corporation is purchasing the existing operation.

Sincerely,

HARRISON A. WILLIAMS, Jr.

[Memorandum from the Federal Bureau of Investigation]

Upon instant date, a meeting was held at the Hyatt House, Cherry Hill, New Jersey, Room 1232, at approximately 6:15 p.m. Present during the meeting were Angelo Errichetti, Mayor of Camden, New Jersey, his secretary Danny (Last Name Unknown) (LNU) and undercover agents Anthony Amoroso, Jr., and Bruce Brady. At this time, Errichetti furnished a forged letter to Anthony Amoroso, using the letterhead of the United States Senate with the forged signature of Senator Harrison A. Williams, Jr. Errichetti admitted during conversation that he had a printer make up the letterhead and that his secretary typed the letter and forged Senator Williams' signature. Errichetti also stated that in this regard, his printer could do any type of forgery necessary to accommodate the "new" Arab investors to believe that Senator Williams would serve in the same capacity as he had in the old titanium mine venture.

EXCERPT FROM TRANSCRIPT OF TAPED MEETING BETWEEN MELVIN WEINBERG AND ANGELO ERRICHETTI

MW. The other problem we're going to have in our deal which I didn't even bring up last night, I explained to you before, these other guy Arabs may want a letter. I didn't dare bring, I told you about this, remember you said you'd sign it? From Pete stating that he be with them. How the hell are we going to work around that?

AE. I have a letter from Pete, sent to me . . . I'll ink out (IA) . . . I'll be able to type anything you want to copy. His name will be on the bottom . . . (IA) . . . everything out. I'll ink it out.

MW. How the hell can you do that?

AE. What? The letter.

MW. Yeah.

AE. US Senator Pete Williams who, I got ten thousand [e.d.] letters for him. Right? . . . (IA) . . . I'll experiment, make it all out.

MW. I don't think that's going to fly.

AE. What?

MW. You're crazy.

AE. No, all I'll leave in there is his signature.

MW. Do you think if you told Pete, to give you a letter, and that, and you will hand deliver it, let them read it and then you would burn it will he would trust you?

AE. Let's see if . . . my thing first would work.

MW. Alright.

AE. . . . (IA) . . . secretary?

MW. That's my only, I told you this before, that's my only problem I got.

AE. Can I tell you something?

MW. And I'm trying to get around it.

AE. Can I tell you something? She can ink out the body of the letter . . . (IA) . . . OK? There we are. We type in what we're going to type.

MW. Alright, try it. If not we'll try it with the other way; because I think Pete will trust you.

AE. If worst comes to worst, I got to get a letter from him. Is that what you're telling me?

MW. Yeah.

AE. Alright. We'll try it our way first [e.d.] him . . .

MW. Just say: to whom it may concern that I agree to do all my power to . . .

AE. I'll address the [e.d.].

MW. Huh?

AE. If I can do I'll address it to the [e.d.] whoever it is.

MW. Alright.

AE. Make it to the [e.d.] Arab's name, [e.d.] him. Dear then boom.

MW. Well you don't, but that may be my only stumbling block.

AE. Because when she comes back from . . . (IA) . . . in the [e.d.] bathroom and say Dan I got a letter for you, one of our letters with Pete Williams, or it . . . (IA) . . . block out so you can't . . . it and type in . . .

EXHIBIT 10

Affidavit of September 16, 1981, from Salvatore Ottaviano, juror in *U.S. v. Williams,* to the effect that if had he been aware of November 27, 1979, internal Justice Department memorandum regarding status of Williams case and deliberations relating thereto, he would have voted "not guilty" on all counts and would under no circumstances have ever changed his vote; and that memorandum attached:

AFFIDAVIT

I, Salvatore Ottaviano, of 569 Rockaway Street, Staten Island, New York, hereby state under oath, after first being duly sworn, the following under penalty of perjury and based upon my personal knowledge:

1. I was a juror in the trial of *United States of America v. Harrison A. Williams, Jr., et al,* United States District Court for the Eastern District of New York, Docket No. 80-CR-00575.

2. That on September 14, 1981, I reviewed for the first time, the two page document captioned "Exhibit 39-A F.B.I. Internal Memorandum From Section Chief W.D. Gow to Assistant Director in Charge Francis M. Mullen, Jr. November 27, 1979" (incorporated herein by reference and appended hereto) bearing my signature and date thereof on each page thereof, and that I have reviewed the same document this date, September 16, 1981.

3. Had I been previously aware of this document during the trial, supra, and deliberations relating thereto I would have voted "not guilty" on all counts and would under no circumstance have ever changed my vote from "not guilty".

FBI INTERNAL MEMORANDUM

Purpose: To provide results of a conference which was held on November 19, 1979, relative to the immediate investigative direction of captioned project.

Recommendations: None. For information.

Details: On November 11, 1979, a conference was held at the Federal Strike Force, Eastern District of New York (EDNY), Brooklyn, New York, between Thomas Puccio, Chief, Federal Strike Force, EDNY;

John Jacobs, Strike Force Attorney, EDNY; AUSA Edward Plaza, United States Attorney's Office, Newark, New Jersey; AUSA Robert Weir, United States Attorney's Office, Newark, New Jersey; Robert Stewart, Chief, Federal Strike Force, Newark, New Jersey; AUSA Robert Herbst, United States Attorney's Office, Philadelphia, Pennsylvania; SAC Edwin J. Sharp, Brooklyn/Queens MRA; SSRA John Good, Hauppauge Resident Agency; SA Jack Caughlin, Hauppauge Resident Agency; SA Walter Drissler, Hauppauge Resident Agency; ASAC Robert Wright, Newark, New Jersey; Supervisor Joseph Vidovich, Newark, New Jersey; SA Martin Houlihan, Newark, New Jersey; and Supervisor Michael D. Wilson, FBIHQ. The purpose of the meeting was to insure that all previous bribe situations were complete relative to prosecution and did not necessitate any further investigative action.

Concerning the meetings with Angelo Errichetti, Mayor of Camden, New Jersey, and New Jersey State Senator; Kenneth McDonald, New Jersey Casino Control Commission Vice Chairman; U.S. Congressmen Michael Ozzie Myers, Philadelphia, Pennsylvania, Raymond F. Lederer, Philadelphia, Pennsylvania, and Frank Thompson, Jr., Trenton, New Jersey; the following was discussed:

1. It was recommended that no further action would be instituted against U.S. Congressmen Myers, Lederer or Thompson. It was felt by the prosecutors that a case against each could be proved in a court of law for violation of Title 18, Section 201 USC (Bribery of a Public Official).

2. It was recommended that no further action would be instituted against Mayor Errichetti or New Jersey Casino Control Commission Vice Chairman McDonald. Each prosecutor at this meeting felt that recontact with these individuals could adversely affect this matter and indicated a provable case could be made against each for conspiracy in violation of the Hobbs Act Statute.

Relative to the matter concerning U.S. Senator Harrison Williams of New Jersey, the following was decided:

1. It will be necessary to recontact U.S. Senator Williams in attempt to obtain an overt action on his part regarding his sponsoring of some type of legislation; i.e., tax cover for titanium mine; environmental standards for titanium mine and/or import quotas for titanium mine.

2. It was also suggested that attempts should be made to elicit from U.S. Senator Williams whether or not he wanted his shares hidden, through discussions concerning reporting of personal taxes and official acts that he promised to provide.

If the above information is obtained, prosecutors at the meeting felt that they could prove that Senator Williams was in violation of Title 18, Section 201 USC and Conspiracy to Defraud the Government.

Relative to the matter concerning U.S. Congressman John M. Murphy, Staten Island, New York, it was felt that he should be recontacted and an attempt should be made to elicit from him that through his position he can guarantee political asylum for the Arab principal of Abscam.

EXHIBIT 11

Excerpts from Testimony of Prosecutor Thomas Puccio at "due process" hearing of Angelo Errichetti (subsequent to trial of Senator Williams) relating to arrangements for publication of a book about ABSCAM and copy of author's contract between publisher G.P. Putnam's Sons and Jack Neufield for such a book.

Thomas Puccio having been previously sworn by the Clerk of the Court, resumed the witness stand and testified further as follows:

DIRECT EXAMINATION

By Mr. Buffone:

Q. Mr. Puccio, are you aware if Mr. Neufield has a contract or agreement relating to the production of a book, or motion picture based on ABSCAM?

A. Yes, I am.

Q. When did Mr. Neufield enter into that contract?

A. I have no idea.

Q. Have you had any discussions with Mr. Neufield about your possible or actual collaboration in that project?

A. No.

Mr. BUFFONE. No further questions, your Honor.

The COURT. All right. Thank you, Mr. Puccio.

Mr. DUFFY. May I? If there is going to be a movie, will you play yourself, sir?

The COURT. I think Robert Redford should.

Defendants rest?

Mr. FURST. Yes, your Honor.

Mr. BUFFONE. Yes.

Mr. KAUFMAN. Yes.

Mr. FURST. I was in court on Friday when Senator Williams' counsel indicated that they had reviewed many more tapes than we had available and noted, I think, 17 gaps and other problems with them, and I understand they are going to undertake some scientific testing of those. I would just want our record to reflect the results of that testing.

When it becomes available. We don't have the resources to do that. Mr. Duffy did review the tapes that we had highlighted over the weekend. And those were many of the same problems that Senator Williams' counsel had come up with.

The COURT. The comment that was made. I have a suspicion that what they found is not quite as dramatic as counsel made it sound. Time will tell, of course.

Mr. FURST. Yes.

The COURT. But I suspect that had he heard the testimony about starting on the non-magnetic portion of the tapes, that perhaps half his gaps would disappear immediately. But I don't know.

Mr. FURST. I think he was referring to gaps in—during the conversation as opposed to a——

The COURT. He covered the world with what he said, as I recall.

If there is something that develops there that will be of relevance to this proceeding, I see no obstacle to my considering it.

Mr. PUCCIO. Judge, if I just may in reference to that last question of Mr. Buffone asked me, although I haven't—just reflecting on it. Although I haven't any discussion relative to getting involved in a present project of Mr. Neufield's, I have been offered the opportunity, if I wished to, to get involved in a book project. I just thought I would make that clear.

Mr. BUFFONE. Your Honor, could we have Mr. Puccio resume the stand perhaps to give that testimony?

Mr. PUCCIO. I'd be glad to answer any questions about that.

The COURT. All right. You have prompted some more curiosity on the part of Mr. Buffone.

DIRECT EXAMINATION

By Mr. Buffone: (Continues)

Q. Mr. Puccio, would you just put on the record what——

A. Yes. It was on the record. Although I haven't—in answer to your question, specifically about having discussions with Mr. Neufield about that specific book that he may be writing, I haven't had a discussion about being involved in that. But I have had a discussion about the possibility of later writing a book.

Q. Did you initiate that discussion?

A. No.

Q. Have you entered into any agreements to produce a book?

A. No. I haven't.

Q. Have you accepted any compensation, advances or been promised any for it?

A. No, I haven't.

Mr. BUFFONE. Thank you.

The COURT. All right. The Government rests too?

Mr. FURST. One question for Mr. Puccio.

CROSS-EXAMINATION

By Mr. Furst:

Q. With whom were those discussions?

A. I had—I had one—one or two discussions with Mr. Neufield and I had a discussion with one other party on a——

Q. A literary agent, and author?

A. Yes.

Q. Which one, a literary agent who is also an author?

A. A literary agent.

Q. The name of that person?

A. I can't think——

Q. Would Peterson be the name?

A. No.

Q. Did both those people initiate discussions with you?

A. Yes.

Q. About when?

A. Oh,—it's hard for me to pinpoint, approximately—the original discussion was not with respect to ABSCAM. The initial discussion was at least, I would say approximately August or September of 1979. And it had to do with possibly doing a book on my expereience as a prosecutor. Not dealing with ABSCAM.

Q. When was—

A. Which was unknown at that time.

Q. When was your last discussion? The summer of '79?

A. No.

Q. When was it?

A. I only had one discussion with a literary agent and that was in 1979 and it did not refer to ABSCAM. Since that time,—it's hard for me to pinpoint. I have had discussions recently.

Q. When you had that discussion in '79 with that unnamed person, you knew you wouldn't write a book until you left; is that correct?

A. That's right. Well, not necessarily—I have thought of the name of the agent. The agent's name is Esther Newberg.

Q. Esther Newberg?

A. Right.

Q. That's also Mr. Neufield's agent, isn't it?

A. Yes.

Q. And you knew that you wouldn't write anything—

A. I think may be presently his agent, yes.

Q. You wouldn't write anything until you left the office?

A. Not necessarily.

Q. You'd write a book while you were still—

A. It was never discussed.

Q. Did you discuss about writing the book while you were still employed by the Justice Department?

A. Well, who are you talking about having the discussion with?

Q. Why don't you tell me?

A. There was never any discussion about having—about whether or not the book would be written before or after I left the Justice Department.

Q. Did you believe that you were going to write it while you were employed by the Justice Department?

A. I haven't even believed that I would write it whether I left the Justice Department or not.

Q. Are you still—is the potential for the book still available to you?

A. If I wished to take advantage of it, the potential is still available. What I'm—what I think—to clarify, I have been offered the opportunity. I haven't agreed to do it, or anything like that.

Q. Were any figures in terms of dollars mentioned?

Mr. SHARF. Your Honor, I'm going to object to continuation along this line. I understand why Mr. Buffone started. That's because of Mr. Neufield that was raised earlier. But anything about some book contract in the future or—and certainly the—I don't see the relevance of this and certainly the whole area of the press has been—is outside the scope of this hearing.

Mr. BUFFONE. Your Honor, this doesn't go to press leaks.

The COURT. Overruled. Have you finished, Mr. Furst?

Mr. FURST. Yes.

The COURT. Did you finish, Mr. Buffone?

Mr. BUFFONE. I'd like to pursue this a little further, in light of some of the responses.

The COURT. Go ahead.

REDIRECT EXAMINATION

By Mr. Buffone:

Q. Mr. Puccio, what were the discussions with Mr. Neufield and when did they occur?

A. I have had discussions periodically with Mr. Neufield about it, as far back as July or—June, July or August of 1979.

Q. What was the nature of those discussions?

A. Well, I had discussions with him originally about possibly writing a book about my experiences in the Justice Department, with him. And really the discussions really didn't amount to too much. The idea was never really brought to fruition.

Q. Those discussions include any mention of undercover operations or ABSCAM?

A. No, no. Not initially. But since the ABSCAM case has become public, there have been discussions about possibly doing the same thing, including ABSCAM.

Q. I am not sure I followed you. Since ABSCAM has become public, what discussions have there been?

A. Since ABSCAM has become public, there have been discussions about the same thing, with Mr. Neufield. That possibly doing a book and obviously including ABSCAM as well.

Q. Doing a book together?

A. Yes.

Q. Were you aware at the time of those discussions that Mr. Neufield had an existing book contract or negotiating one?

A. No. I am aware of the fact that he did negotiate a book contract and decide to do a book.

Q. Was there any agreements or understanding between you and Mr. Neufield that you would provide him information for his book?

A. No. Absolutely not.

Q. Are you aware of the provisions of any contract——

A. I should say, obviously, if he wrote a book and the cases were over in terms of matters of public record, I would do for him what I would do for anyone who was interested in public record information.

Q. Are you aware of the provisions of any contracts with either Putnam or Berkley Press?

A. I am aware of them, yes.

Q. Are you aware that that contract contains a provision providing for a co-author collaborator with Mr. Neufield?

A. Yes.

Q. Are you aware if substantial advances to Mr. Neufield in excess of his authorship is provided if an unnamed co-author-collaborator is inserted?

A. I'm aware—yes, I am.

Q. There's never been any discussion between you and Mr. Neufield or Mr. Neufield's agent or any of the officials at Berkley or Putnam Press about your possible collusion as that co-author or collaborator?

A. It may have been discussed by them, but not by me.

Q. Was there discussion with authority, your approval?

A. Yes.

Q. Mr. Puccio, you testified that you have a close personal friendship with Mr. Neufield.

A. Yes.

Q. You also share a home with him?

A. No.

Q. Have you in the past discussed with Mr. Neufield ABSCAM——

A. Are you saying presently?

Mr. Tigar asked me a question of whether or not my family and his shared a summer home——

Q. I'm not addressing the summer vacation home.

A. You're talking on a permanent basis?

Q. Yes, sir.

A. No.

Q. Are you on a continuing basis discussing with Mr. Neufield ABSCAM-related matters?

A. Yes.

Q. Is it your understanding Mr. Neufield plans to use those discussions as part of his source material for the book that he's producing?

A. There weren't discussions of anything that wasn't a matter of public record.

Q. Have you—withdrawn?

Have you stated your personal opinions to eliminate what's on the public record?

A. It's very possible I have, but nothing in the sense that it would amount to revealing information which it's improper to reveal.

Q. How frequently since February 2nd have you discussed ABSCAM with Mr. Neufield?

A. I find it difficult to think of anybody I've met with since February 2nd, 1980, who hasn't at one time or another mentioned ABSCAM to me.

Q. Mr. Neufield is a reporter, and to your knowledge was preparing a book on ABSCAM. You met with many people who fit that category?

A. Yes. Not necessarily writing about ABSCAM but reporters I've met.

Q. Can you answer my first question. How frequently have you spoken with Mr. Neufield about ABSCAM?

A. I would say fairly frequently.

Q. During all these discussions there has been no agreement or mention between the two of you of any possible remuneration for filling in his collaboration clause?

A. If I were to get involved in a project with him, obviously I would receive money for doing that, if I wished to.

Q. Has an amount of money been mentioned to you?

A. Not in any real specific way.

Q. Have you ever seen his contract?

A. I have, yes.

Q. You reviewed it?

A. (No response.)

Q. You read it?

A. I can't say I've read it. I've been offered the opportunity to look at it. I may have glanced at it.

Q. Did you read the collaboration clause?

A. Yes.

Q. Did it include a remuneration figure?

A. I think it did.

Q. Do you recall the approximate amount of that figure?

A. I can't be sure.

Q. Was it $40,000? Would that be accurate?

A. It's possible. I really can't be sure.

Q. At the time——

A. You mean—yes, I would think it would be something in that neighborhoods.

Q. Something in the ball park?

A. We're talking about how much he would receive for writing the book?

Q. How much the co-author or collaborator would receive.

A. Well, I think what it would amount to is this:

If someone, a co-author, would receive at least as much as he would.

Q. Mr. Puccio, so you don't misunderstand, we are talking about an advance, not a percentage of royalties.

A. I understand what you're talking about.

Q. It would be at least the equivalent of that $40,000 ball part figure?

A. At least, I'm sure of it.

Q. At the time you reviewed the collaboration clause, had ongoing discussions with Mr. Neufield; you are aware that opportunity was and is available to you?

A. Yes.

Mr. BUFFONE. No questions.

The COURT. Do you want to ask any questions?

Mr. JOKELSON. No questions.

Mr. DUFFY. I want to ask him some questions, Judge.

The COURT. Do you want to waste my time further?

Mr. DUFFY. No, I don't have any questions, your Honor.

The COURT. Mr. Jokelson?

Mr. JOKELSON. Before Myers rests in this matter, there's a problem that I perceive and, frankly, I don't know how to handle it.

In outlining the issues, the five issues for the benefit of counsel, the question of entrapment came up and the Court made a distinction or it was suggested to the Court this distinction would be drawn between entrapment as a matter of law and entrapment on the facts, and there may have been some suggestion, as I recall, that entrapment as a matter of fact has been served by Congressman Lederer, that's what he pled to his jury, but had been waived by the other persons who went to trial because they didn't plead entrapment in the cases.

The thought that occurs to me is that based upon the evidence that's come forth in this due process hearing, there may very well be an argument forthcoming on behalf of Congressman Myers that we were deprived of Brady material and that had we known of such Brady material at the time, we would have reserved to ourselves the right to argue entrapment to the jury, and

I'm wondering in terms of putting that position before the Court so that we don't waive it, may we reserve that for argument in our briefs to be submitted, or does the Court want affidavits from counsel and, if so, I'm at a distinct disadvantage because I was not trial counsel.

The Court. Affidavit as to what?

Mr. Jokelson. What we would have done had we known.

The Court. Good heavens, I would assume you wouldn't sign an affidavit like that. If you see a solution to a problem, of course, retrospect, that's exactly what you would have done.

Make your argument, you don't need to support it with an affidavit. I assume the affidavit would be forthcoming if I asked for it.

Mr. Jokelson. Thank you, your Honor.

We rest on behalf of Myers.

The Court. Fine.

I have a couple of things I want to clear up.

We have checked, Mr. Puccio, and we do have transcripts of due process hearings before Judge Fullam on September 24th, 25th and 26th, if that's the complete picture, we have it. We have those that preceded the trial.

I also note that I have not on my exhibit sheet listed the documents that are referred to in the Plaza and Weir memorandum that is marked Exhibit 4. You recall it's the memorandum, a copy of which was sent to the judges in the ABSCAM cases. There are eight documents listed there, some 302's, some transcripts.

I think just to make the record complete, they have been supplied to me by Mr. Puccio, and I will mark them 4-A through 4-H, inclusive, in the order in which they are listed in the memorandum.

The final thing as to briefs, I was going to suggest a schedule of three weeks for the defendants and three weeks for the Government, a week for the defendants to reply.

Is that agreeable?

Mr. Ben-Veniste. If we have an extra week, your Honor, we can write a smaller brief.

The Court. Make it four, four and one. So be it.

Mr. Buffone. I don't know what your Honor's practice is. There have been a number of exhibits marked and not moved into evidence. Is it necessary that they all be accepted into evidence?

The Court. As far as I'm concerned, they're really considered as being evidence, everything brought forward. If it doesn't have any bearing, it isn't like it's going to go to the jury or not.

Mr. Buffone. I thought your Honor would move it in at some time.

The Court. Some are in-camera exhibits, some are not. Those that are not in camera are available to the defendants. They are all considered to be in evidence for purposes of this hearing.

Anything else before we go to dinner?

Mr. Furst. Are we permitted at this time to have copies of selected documents from these files (indicating)? I know there are some that I would probably like to include portions of in our final submission.

The Court. The files you are referring to are the portions of the FBI files that are supplied to the defendants?

Mr. Furst. Yes.

The Court. Yes.

Mr. Furst. I'm not going to ask for the whole thing but there are some in there I know I would like.

The Court. I hope you can work it out amongst yourselves as to how you handle the copies.

Mr. Furst. Very well.

Mr. Duffy. Your Honor, can I know the exact number of exhibits we have? Is it 110 or 111? I want to play that number in Pennsylvania tomorrow.

The Court. 110.

Good luck.

(Time noted: 8:55 p.m.)

Agreement made this 27th day of March, between Jack Newfield, 24 Charlton Street, New York, New York 10014 c/o * * * (attn: Father Newberg, 40 West 57th Street, New York, N.Y. 10019 hereinafter called the Author) and C. P. PUTNAM'S SONS, a New York Corporation (hereinafter called the Publishers) and BERKLEY PUBLISHING CORPORATION, a Delaware Corporation (hereinafter called the Publishers).

In consideration of the mutal covenants hereinafter set forth, the parties hereto agree as follows:

1. The Author hereby grants and assigns to the Publishers the sole and exclusive right to print, publish, and sell in book form in the English language in the United States of America, its territories and possessions, the Dominion of Canada, the Philippine Islands, and the non-exclusive rights in the so-called open market (i.e., in all other territories except the British Commonwealth including its dependencies and colonies)*, a certain nonfiction work presently referred to as "Project X" (hereinafter called the Work) during the term of copyright and renewals thereof.

The Author further grants and assigns to the Publishers the right to license the publication of editions . . . the work in the English language by book clubs and in cheap editions in the above territories and such additional rights as are hereinafter specified during the term of copyright and renewals thereof.

2. The Author warrants and guarantees that he is the sole owner of the Work and has full power and authority to copyright the same and to enter into this agreement; that the Work has not heretofore been published in book form in any language; that the Work does not, in whole or in part, infringe any copyright or violate any personal or property rights, or contain any scandalous or libelous matter.

The Author shall indemnify and hold harmless the Publishers from any decree or judgment, finally sustained against them, based upon any and all manner of claims, demands, actions, and proceedings that may be asserted or instituted against the Publishers on the ground that said work violates any copyright or any proprietors right of any person, or that it contains any matter that is libelous or scandalous or invades any person's right to privacy or other personal right; and the Author agrees promptly, at the Author's own expense, to defend and continue the defense of any such claim, demand, action or proceeding that may be brought against the Publishers, provided that the Publishers shall promptly notify the Author with respect thereto and provided further that the Publishers shall give to the Author such reasonable time as the exigencies of the situation may permit in which to undertake and continue the defense thereof; and if the Author shall fail to retain counsel and to undertake and continue said defense as aforesaid, then the Publishers are hereby granted the right to make such defense thereas it may to them seem appropriate[2] and the expenses, costs, and counsel fees thereof, including the cost of any appeals together with the amount of any judgment rendered against the Publishers, shall be paid by the Author. In the event that a decree or judgment shall be entered in any court against the Publishers based upon any such claim or demand and the Author shall desire to appeal, then the Author shall indemnify and hold the Publishers harmless from all costs and expenses of such appeal, and shall furnish and file all bonds necessary to perfect said appeal and to stay execution of any such judgment or decree. Nothing hereinbefore stated shall prevent the Publishers from defending any such action or proceeding at their own expense through their own counsel, notwithstanding that the defense may have been undertaken by the Author.

If the Publishers shall notify the Author that the Work contains matter which is libelous or obscene or which infringes any copyright or other property right or invades any person's right to privacy or other personal right the Author, within fifteen (15) days after receipt of such notice, shall make such changes or deletions as may be necessary, in the opinion of the Publishers to make such changes or deletions as may be necessary, in the opinion of the Publishers, to make the Work fit and acceptable for publication. If the Author fails to make or authorize the Publishers to make such changes or deletions in the manuscript as are, in the Publishers' opinion, necessary, within the time specified, this agreement shall terminate and all amounts advanced by the Publishers to the Author shall be repaid by the Author to the Publishers.

3. The Author authorizes and empowers the Publishers to and the Publishers shall apply for copyright in the name of the Author, or, if the Author so elects, in their own name, and for renewal of such copyright in the United States of America and the Dominion of Canada.

The Author, his heirs, executors, and administrators shall render any reasonable assistance that the Publishers may require to secure such copyright or any renewals thereof and shall deliver to the Publishers any legally recordable assignments necessary for the purpose, including assignments of copyright or copyrights covering the Work, or any part or parts thereof which have been published prior to the book publication of the Work; and where the prior publication is in serial form the Author shall secure appropriate assignments from the prior publisher of the Work in serial form. The Publishers agree to take all steps necessary to effect the provisions of the Berne Convention and the Universal Copyright Convention.

4. The Author shall deliver to the Publishers a copy of the manuscript, approximately 100,000 words in length, not later than June 30, 1981. The Author guarantees such copy, when delivered, to be legible and finally revised, in proper shape for the press. The

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[1] (#1) For the purpose of this Agreement, the term "the British Commonwealth including its dependencies and colonies" shall be deemed to mean the British Commonwealth of Nations as politically constituted at the date of this Agreement but including the Irish Republic, the Union of South Africa, Burma, Iraq, Jordan, and the British Trusteeships.

[2] (#2) provided, however, that the Publishers shall not settle any claim, demand, action or proceeding without the Author's permission, such permission not to be unreasonably withheld.

Author further agrees to supply promptly all photographs, drawings, charts, designs, indexes, and other material necessary to the completion of his manuscript, and if he fails to do so, the Publishers shall have the right to supply them, and charge the cost thereof against any sums accruing to the Author under any of the provisions of this agreement. Such copy of the manuscript shall be satisfactory to the Publishers in character, content, and form. If, in the opinion of the Publishers, the manuscript as they receive it is not in a fit condition to be composed by the printer or requires adjustments and corrections in punctuation, grammatical structure, or spelling, or requires verification of names, dates, and other matters, then the Publishers may call upon the Author to have the manuscript made complete and ready for the printer; and, if the Author does not succeed in so doing within a period of fifteen (15) days from the date of such request by the Publishers, the latter may have the necessary work done upon the manuscript, if necessary employing outside editorial assistance and inform the Author of the cost thereof, which cost shall be charged against all earnings accruing to him under any of the provisions of this agreement. In the absence of written instructions to the contrary, it is understood that, in the ordinary course of preparing the manuscript for the printer, the Publishers have authorization to exercise the usual editorial privileges and to make the manuscript conform to their standard style in punctuation, spelling, capitalization, and usage. The provisions as to character, content, length, and form, of the Work are essential items of this agreement; and, upon the Author's failure to comply with such provisions or any of them, the Publishers may at their option by written notice to the Author terminate this agreement. In this event, the Author or his duly authorized representative agrees to make every effort to sell the Work elsewhere and to see that any sums advanced to the Author by the Publishers be returned out of the first payments made to the Author when another publisher accepts the book. If the manuscript of the Work shall not have been delivered within three (3) months of the date specified above the Publishers may, at their option, terminate this agreement by notice in writing posted or delivered to the Author, and may recover from the Author all monies which they may have advanced to the Author upon the Work. The Publishers agree to return the original manuscript and proofs to the Author within six months after publication.

5. The Publishers shall print and publish the Work, at their own expense in such style or styles as they deem best suited to its sale, on or before twelve (12) months after the delivery of the completed manuscript. In case of first serialization, book publication shall be delayed until serial publication is completed, but for a period not to exceed fifteen (15) months after the date specified for the delivery of the manuscript unless otherwise mutually agreed. If the Publishers shall fail to publish the Work within the time specified herein the Author, subject, however, to the provisions of clause 17 hereof, at his option, may, by written notice to the Publishers, terminate this agreement and in such event all payments made to the Author shall belong to the author without prejudice to any other remedies which the Author may have.

6. The cost of all alterations, (other than printers' errors), in excess of ten percent (10%) of the cost of the typesetting, which the Author or his representative makes in proof (or which, in the opinion of the Publishers, are essential if by mutual consent the Author or his representative does not correct proof) after the type has been set up in conformity with the manuscript as finally prepared for the printer shall be borne by the Author. The Author shall pay in full for all corrections in the type, plates, or in the printed Work which he requires or which are necessary for the correction of actual errors (excluding printer's errors) after the plates have been made or the Work printed in conformity with the final corrected proof.

7. The Publishers shall pay to the Author or his duly authorized representatives the following royalties:

(a) Except as hereinafter provided, a royalty upon the regular trade hardcover edition sold in the United States of America of ten percent (10%) of the retail price on the first five thousand (5,000) copies sold in regular course; twelve and one-half percent (12½%) on the next five thousand (5,000) copies; and fifteen (15%) thereafter; except than on reprints of twenty-five hundred (2,500) copies or less, the royalty shall be ten percent (10%), it being understood that no more than one such reprinting shall be made within the first year following publication.

(b) A royalty of twelve and one-half percent (144 percent) of the amount received by the Publishers on all sales in Canada of copies of any hardcover edition published by the Publishers.

(c) Two-thirds (⅔) of any amount received by the Publishers for the sale of the right to publish the Work on a royalty basis or for an outright sum in Canada.

(d) A royalty of ten percent (10%) of the amount received by the Publishers on sales of copies or unbound sheets of any hardcover editon of the Work published by the Publishers, sold outside the Continental limits of the United States of America and Canada, and on sales at a discount of sixty percent (60%) or more from the retail price to reading circles, to recognized book clubs, and to organizations outside the regular book-selling channels.

(e) A royalty of ten percent (10%) of the retail price of each copy sold within the continental limits of the United States of any hardcover edition issued by the publishers at a retail price of not more than two-thirds (⅔) of the original retail price, and a royalty to be negotiated in good faith of the retail price of each copy sold within the continental limits of the United States of any trade paperback edition issued by the publishers at a retail price of not more than two-thirds (⅔) of the original retail price. (See No. 27 for Berkley paperback edition royalties.)

(f) Fifty percent (50% of any license fee or royalty charge for the right granted another publisher to issue and distribute a cheap edition or visual reproduction (microfilm) of the Work. Work in whole or in part for distribution to its members. In the event that, by the terms of such license for the right to publish an edition by a book club, the Publishers are required to provide the book club with more than one complete set of plates and binder's dies, the cost of such extra sets of plates and binder's dies shall be borne equally by the Author and the Publishers.

(h) Fifty percent (50% of the amount actually received by the Publishers for permissions to publish extracts from the Work.

(i) Ten percent (10% of the amount received by the Publishers on sales of hardcover copies of overstock which the Publishers deem expedient to sell at a discount of seventy percent (70% or more; provided that if such sale is made at or below the cost of manufacture, no royalty shall be paid. If the Publishers determine to remainder their entire stock, they shall give the Author reasonable notice in advance thereof. No sale of overstock may take place before the expiration of one (1) year from the first publication of the Work in book form.

* * * * *

(k) Where the discount to jobbers or to wholesale distributors or booksellers (except as provided for in clauses 7(d) and 7(i) hereof) on copies of any hardcover edition published by the Publishers is forty-eight per cent (48%) or more, the Publishers shall pay to the Author the prevailing rate of royalty less one-half (½) the difference between a forty-four per cent (44%) discount and the discount granted (it being understood that in no event shall the amount paid to the Author be less than one-half (½) the stipulated royalty) but the regular rate of royalty, regardless of discount, shall be paid on individual sales of less than two hundred and fifty (250) copies and on books delivered to booksellers and bookdealers in payment for trade advertising.

No royalties shall be payable on copies furnished gratis to the Author or for review, advertising, sample, publicity, promotion, or like purposes, or on copies destroyed by fire or water, or on copies sold at or below the cost of manufacture.

No Berkeley paperback edition may be published earlier than one (1) year from the date of original publication except by mutual consent.

8. The Author or his duly authorized representatives shall have the right upon written request to examine the records of the Publishers insofar as they relate to the Work; such examination shall be at the cost of the Author unless errors of accounting amounting to five per cent (5%) or more of the total sum paid to the Author shall be found to his advantage, in which case the cost shall be borne by the Publishers.

9. The Publishers agree promptly to advise the Author of the terms of any contracts entered into for any grant or licenser permitted under this agreement whenever the Author's share of the proceeds or royalty is one hundred dollars ($100) or more. Such contracts shall be made available by the Publishers to the Author or his representative at the office of the Publishers, and a copy thereof shall be furnished the Author upon his written request.

10. The Publishers will mail to the Author, within ninety (90) days after the first of February and the first of August in each year, semiannual statements of account of all earnings accruing to him, covering the six (6) months proceeding the said dates. The balance shown on such statements to be due to the Author shall be paid by the Publishers to the Author at the time of rendering such statement, except as follows: * * * When the balance to the credit of the Author at any February 1st or August 1st shall be less than ten dollars ($10), no statement shall be rendered except upon written request by the Author to the Publishers, and the amount due shall be carried forward.

11. Whenever the Author has received an overpayment, other than any unearned advance as may hereinafter be specifically provided, it is agreed that the Publishers may deduct the amount of such overpayment

from any further earnings accruing to the Author on account of the Work. In all cases royalties paid on copies subsequently returned shall be treated as overpayment.

* * * * *

13. The Publishers shall present to the Author ten (10) free copies of each edition of the Work upon publication and shall permit the Author to purchase further copies for his own personal use at a forty per cent (40%) discount from the retail catalogue price.

14. (a) If at any time the Work shall be out of print and the Author shall notify the Publishers to this effect, all rights granted hereunder shall terminate and revert to the Author unless the Publishers shall (1) within (30) days of receipt of such notice, declare their intention to publish a new edition of the Work and (2) within nine (9) months of receipt of such notice (subject, however, to the provisions of clause 17 hereof) publish such new edition, except that the Publishers shall retain the right to recover any amounts which may be or thereafter shall become due in accordance with the provisions of clauses 7, 23, and 24 hereof from any sale or license of subsidiary rights which shall have been made at any time during the effective period of this contract or prior to the expiration of nine (9) months from the date of receipt of such notice.

(b) If at any time after the expiration of two (2) years from the date of publication the Publishers shall determine that there is not sufficient sale for the said Work to enable them to continue its publication and sale profitably, they may give the Author three (3) months' notice in writing of their intention to discontinue publication, and then this agreement shall terminate at the expiration of said three (3) months' period, except that the Publishers shall retain the right to recover any amounts which may be or thereafter shall become due in accordance with the provisions of clauses 7, 23, and 24 hereof from any sale or license of subsidiary rights which shall have been made at any time during the effective period of this agreement or prior to the expiration of three (3) months from the date of receipt by the Author of such notice.

The Work shall not be considered to be out of print if it is on sale in a cheap edition or in any other edition in the United States, or if there shall be in existence a contract for cheap-edition publication.

(c) If the Publishers[1] shall, during the existence of this agreement, default in the delivery of semiannual statements or in the making of payments as herein provided and shall neglect or refuse to deliver such statements or make such payments, or any of them, within thirty (30) days after written notice of such default, this agreement shall terminate at the expiration of such thirty (30) days without prejudice to the Author's claim for any monies which may have accrued under this agreement or to any other rights and remedies to which the Author may be entitled.

(d) Upon the termination of this agreement for any cause, all rights granted to the Publishers shall revert to the Author for his use at any time, and the Publishers shall return to the Author all property originally furnished by the Author; the Author shall have the right in such instance to purchase the plates from the Publishers at one third (⅓) of their original cost of production, and any or all of the remaining sheets or copies at the cost of manufacture. If the Author shall not have acquired such plates, sheets, or copies within thirty (30) days of the effective date of such termination, the Publishers shall have the right to sell such remaining copies as they deem best, subject to the provisions with regard to royalty set forth in clause 7(i) of this agreement, and to melt the plates. No such sale by the Publishers shall transfer the right of publication of the Work to any purchaser of the remaining copies or sheets.

15. So long as this agreement shall be in force and effect, the Author will not publish or permit to be published any other material written or edited by him which would directly or indirectly interfere with the sale, or tend to lessen the sale, of the Work.

16. Any notice or statement to be given or mailed hereunder shall be given or mailed by depositing it in any United States Post Office box in a sealed envelope with registered postage prepaid, addressed, as the case may be, to the Author at c/o International Creative Management, Inc. (attn: Esther Newberg), 40 West 57th Street, New York, New York 10019 556-5600, or at such other address as the Author may from time to time designate by written notice received by the Publishers, or to the Publishers at 200 Madison Avenue, New York 16, New York.

17. The failure of the Publishers to publish or republish the Work shall not be deemed to be a violation of this agreement if such failure to publish is caused by restrictions of governmental agencies, labor disputes, or inability to have the book manufactured or to obtain the materials necessary for its manufacture, or for any other reason beyond the control of the Publishers; and in the event of delay from such causes the publication date may be postponed accordingly.

* * * * *

19. A waiver of any breach of this agreement or of any of the terms or conditions by either party hereto, shall not be deemed a waiver of any repetition of such breach or in any wise affect any other terms or conditions hereof; no waiver shall be valid or binding unless it shall be in writing and signed by the party making the waiver.

20. This agreement shall be binding upon the assigns, heirs, executors, and administrators of the Author, and upon the assigns and successors of the Publishers. This agreement may be assigned by either party as a whole, and the assignee thereof shall have all the rights and remedies of the assignor, but neither party may assign any partial interest herein except as herein expressly provided. No assignment of this agreement shall be binding upon either of the parties without the written consent of the other; provided, however, that the Author may assign or transfer any monies due or to become due under this agreement.

21. The Author hereby grants to the Publishers the irrevocable option to accept for publication on terms to be arranged the next work of nonfiction written by the Author.[2] This option, if not exercised by the Publishers with respect to any particular option book, shall not apply to any succeeding option book. The Publishers shall not be required to exercise this option until three (3) months after acceptance of the Work.

22. This agreement contains the whole understanding of the parties hereto, supersedes all previous oral or written representations or agreements, and may not be changed, modified, or terminated orally. Any modification, change, or termination of this agreement must be in writing and signed by the Publishers.

23. The Publishers shall in their absolute discretion have the right to sell, license, or otherwise engage in:

(a) Publication of an edition or editions of the Work in the English language in Great Britian, the British Dominions (other than Canada), colonies, dependencies, mandated territories, Ireland, and throughout the British Commonwealth; and the Publishers shall pay to the Author eighty percent (80%) of any amount received by them on account of any such publication.

(b) Distribution of an edition of the Work manufactured in the United States, by a publisher or other person in Great Britain, the British Dominions (other than Canada), colonies, dependencies, mandated territories, Ireland, and throughout the British Commonwealth; and the Publishers shall pay to the Author ten percent (10%) of any amount received by them on account of any such distribution.

(c) Publication of foreign-language editions of the Work throughout the world; and the Publishers shall pay to the Author eighty percent (80%) of any amount received by them on account of any such publication.

(d) Second serialization (newspaper syndication) if not disposed of with the first serial rights, condensations, or reprints of the Work; and the Publishers shall pay to the Author fifty percent (50%) of any amount received by them on account of any such second serialization, condensations, or reprints. No sale of the second serial rights shall be made before the expiration of one (1) year from the date of publication of the Work in book form without the consent in writing of the Author or his duly authorized representative.

* * * * *

Ten thousand dollars ($10,000) on signing this Agreement,

Ten thousand dollars ($10,000) on receipt and acceptance by the Publishers of one-half the manuscript,

Ten thousand dollars ($10,000) on receipt and acceptance by the Publishers of the completed Work, and ten thousand dollars ($10,000) on publication of the Berkley paperback edition of the Work.

26. The Publishers agree to pay to the Author as an additional advance against all earnings to accrue under this Agreement fifty thousand dollars ($50,000) if the Work is selected as a Main Selection by the Book of the Month Club or by the Literary Guild.

27. The Publisher shall pay to the Author or his duly authorized representatives the following royalties on the Berkley paperback edition:

(a) Eight percent (8%) of the retail price on the first five hundred thousand (500,000) copies sold in the United States through normal channels;

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[1] The Publishers shall have the right to establish an adequate reserve against the return of unsold copies of the Work, with the understanding that the reserve against returns for the hardcover trade edition shall be applicable for a period no longer than the first two royalty statements.

[2] (#21) on the basis of any stage of the work development submitted by the Author, including, but not limited to, an outline and/or sample chapter. The Author agrees that in the event he is unable to reach an agreement with the Publishers for publication of said work he will not license the publication rights in said work to any other publisher on terms equal to or less favorable than those offered by the Publishers.

(b) Ten percent (10%) of the retail price on all copies so sold thereafter:

(c) Five percent (5%) of the retail price on all copies sold for export; and

(d) Five percent (5%) of the income received by the Publishers on sales of overstock and damaged copies, and on all copies sold to a governmental agency, to a book club, through the medium of mail order, to commercial purchasers as a premium, in bulk outside normal (wholesale and retail) channels, and for each copy sold at a discount of fifty-five percent (55%) or more from the retail price of the mass market edition of the Work; provided that the royalty shall in no event exceed one-half (½) of the excess of the income received by the Publishers over the Publishers' manufacturing cost.

* * * * *

In return for services rendered by the agent in connection with this agreement the Author agrees to pay and authorizes said agent to receive and retain as its commission, ten percent (10%) of all gross monies payable to the Author hereunder.

29. In the event of the disposition of the motion picture or television rights, the Publishers will grant to the purchaser the privilege to publish excerpts and summaries of the Work provided that they do not exceed seventy-five hundred (7500) words in length, and that they are used solely for the purposes of advertising, publicity and promotion. Photonovels are specifically excluded.

30. Notwithstanding anything contained herein it is expressly understood and agreed that in the event the parties mutually agree that another party shall be added as a party to this Agreement said additional party shall become a signatory to this Agreement and the parties agree that in such event the advance guarantee provided for in Paragraph 25 of this Agreement shall become a total of one hundred thousand dollars ($100,000), payable as follows:

Twenty thousand dollars ($20,000) upon the mutually agreed to party's signature of this Agreement (less the ten thousand dollars already paid to Mr. Newfield);

Twenty thousand dollars ($20,000) upon receipt and acceptance by the Publishers of the complete manuscript of the Work;

Twenty thousand dollars ($20,000) upon hardcover publication of the Work;

Twenty thousand dollars ($20,000) upon paperback publication of the Work; and

Twenty thousand dollars ($20,000) upon six months after paperback publication of the Work.

In the event this Paragraph is implemented then the Publishers shall in addition to the rights specified in Paragraph 23 of this Agreement be granted U.S. first serial rights and income from such rights shall be divided ninety percent (90%) to the Author's account and ten percent (10%) to the Publishers. Furthermore in the event this Paragraph is implemented the delivery date provided for in Paragraph 4 shall be amended to provide that such delivery shall be made no later than 1 September 1981.

31. All rights not specifically designated in this Agreement as belonging to the Publishers shall be reserved by the Author.

EXHIBIT 12

Excerpts from Department of Justice Employee Standards of Conduct, 28 Code of Federal Regulations, Part 45, Chapter 1, §§ 45.735-1 through 14.

Sec.
45.735-1 Purpose and scope.
45.735-2 Basic policy.
45.735-3 Definitions.
45.735-4 Conflicts of interest.
45.735-5 Disqualification arising from private financial interests.
45.735-6 Activities and compensation of employees in claims against and other matters affecting the Government.
45.735-7 Disqualification of former employees; disqualification of partners of current employees.
45.735-7a Disciplinary proceedings under 18 U.S.C. 207(j).
45.735-8 Salary of employees payable only by United States.
45.735-9 Private professional practice and outside employment.
45.735-10 Improper use of official information.
45.735-11 Investments.
45.735-12 Speeches, lectures, and publications.
45.735-13 Misuse of official position and coercion.
45.735-14 Gifts, entertainment, and favors.
45.735-15 Employee indebtedness.
45.735-16 Misuse of Federal property.
45.735-17 Gambling, betting, and lotteries.
45.735-18 Conduct prejudicial to the Government.
45.735-19 Partisan political activities.
45.735-21 Miscellaneous statutory provisions.
45.735-22 Reporting of outside interests by persons other than special Government employees.
45.735-23 Reporting of outside interests by special Government employees.
45.735-24 Reviewing statements of financial interests.
45.735-25 Supplemental regulations.
45.735-26 Publication and interpretation.
45.735-27 Public financial disclosure requirements.

§ 45.735-1 Purpose and scope.

(a) In conformity with sections 201 through 209 of Title 18 of the United States Code (as enacted by Pub. L. 87-849) and other statutes of the United States, and in conformity with Executive Order No. 11222 of May 8, 1965, and Title 5, Chapter I, Part 735, of the Code of Federal Regulations, relating to conflicts of interest and ethical standards of behavior, this part prescribes policies, standards and instructions with regard to the conduct and behavior of employees and former employees (as defined in § 45.735-3 (b) and (d) respectively) of the Department of Justice.

(b) This part, among other things, reflects prohibitions and requirements imposed by the criminal and civil laws of the United States. However, the paraphrased restatements of criminal and civil statutes contained in this part are designed for informational purposes only and in no way constitute an interpretation or construction thereof that is binding upon the Department of Justice or the Federal Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions or requirements imposed by statutes, Executive orders, regulations or otherwise upon Federal employees and former Federal employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement and any such restriction or requirement, as the case may be, continues to be applicable to employees and former employees in accordance with its own terms. Furthermore, attorneys employed by the Department are subject to the canons of professional ethics of the American Bar Association.

(c) Any violation of any provision of this part shall make the employee involved subject to appropriate disciplinary action which shall be in addition to any penalty which might be prescribed by statute or regulation.

§ 45.735-2 Basic policy.

Employees shall:

(a) Conduct themselves in a manner that creates and maintains respect for the Department of Justice and the U.S. Government. In all their activities, personal and official, they should always be mindful of the high standards of behavior expected of them;

(b) Not give or in any way appear to give favored treatment or advantage to any member of the public, including former employees, who appear before the Department on their own behalf or on behalf of a nongovernmental person; and

(c) Avoid any action which might result in, or create the appearance of—

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(d) Be guided in all their actions by the Code of Ethics for Government Service adopted by House Concurrent Resolution No. 175 of the 85th Congress (Appendix).

(e) Employees should discuss with their immediate superiors any problems arising in connection with matters within the scope of this part. Supervisors should ascertain all pertinent information bearing upon any such problem coming to their attention and shall take prompt action to see that problems that cannot be readily resolved are submitted to the Department counselor or deputy counselors referred to in § 45.735-26(b) to provide guidance and assistance with respect to the interpretation of this part.

§ 45.735-3 Definitions.

(a) *Division.* "Division" means a principal component of the Department of Justice, including a division, bureau, service, office or board.

(b) *Employee.* "Employee" means an officer or employee of the Department of Justice and includes a special Government employee (as defined in paragraph (c) of this section) in the absence of contrary indication. Presidential appointees shall be deemed employees for the purposes of this part.

* * * * *

§ 45.735-13 Misuse of official position and coercion.

(a) No employee shall use his Government employment (1) for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, or (2) to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person.

(b) No employee shall accept free transportation for official or unofficial purposes from persons doing business with the Department of Justice when the offer of such transportation might reasonably be interpreted as an attempt to affect the impartiality of the employee.

§ 45.735-14 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (c) of this section, an employee other than a special Government employee shall not solicit or accept, for himself or another person, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Department;

(2) Conducts operations or activities that are regulated by the Department;

(3) Is engaged, either as principal or attorney, in proceedings before the Department or in court proceedings in which the United States is an adverse party; or

(4) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duty.

(b) Except as provided in paragraph (c) of this section, a special Government employee shall be subject to the prohibition set forth in paragraph (a)(1) of this section.

(c) Paragraphs (a) and (b) of this section shall not be construed to prohibit:

(1) Solicitation or acceptance of anything of monetary value from a friend, parent, spouse, child or other close relative when the circumstances make it clear that the motivation for the action is a personal or family relationship.

(2) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting.

(3) Acceptance of loans from banks or other financial institutions on customary terms of finance for proper and usual activities of employees, such as home mortgage loans.

(4) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars and other items of nominal intrinsic value.

(5) Receipts of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with other restrictions set forth in this part and for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor may an employee be reimbursed by a person for travel on official business under Department orders.

(6) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal or nonprofit educational, recreational, public service or civic organization.

(d) No employee shall accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution (Art. I, sec. 9, cl. 8) and in Pub. L. 89-673, 80 Stat. 952.

(e) No employee shall solicit a contribution from another employee for a gift to an official superior, nor make a donation as a gift to an official superior, nor accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

EXHIBIT 13

Affidavits of FBI Special Agents Anthony Amoroso, Thomas M. McShane, Carol A. Kaczmarek, John McCarthy, John Good, and Gunnar Askeland, filed on February 23, 1982, in the U.S. District Court for the Eastern District of New York before Judge George C. Pratt, admitting to receipt of certain Weinberg personal articles in the summer of 1979; and a February 24, 1932, Newsday article relating to these affidavits.

[Affidavit 80-CR-575]

U.S. DISTRICT COURT, EASTERN DISTRICT OF NEW YORK, UNITED STATES OF AMERICA AGAINST HARRISON A. WILLIAMS, JR., AND ALEXANDER FEINBERG, DEFENDANTS

State of New York, Eastern District of New York, ss:

Anthony Amoroso, being duly sworn, deposes and says:

1. I have been a Special Agent of the Federal Bureau of Investigation for the past 18 years and have been assigned to the Miami office since January 1979. Prior to that I was assigned for two years to FBI Headquarters in Washington, D.C., and before that to several offices throughout the United States. I make this affidavit in response to certain statements made by Marie Weinberg in an affidavit dated January 16, 1982, and in transcribed conversations she had with one Indy Badhwar.

2. In January 1979, at the time of my reassignment to the Miami office, I was also assigned to work in an undercover capacity in the ABSCAM investigation. At that time I first met Melvin Weinberg.

3. After meeting Weinberg in January 1979, I visited his home in Central Islip, Long Island, on about six or seven occasions. I did not take any particular note of any of the furnishings of his home, but I do recall seeing a large floor model television in his living room and a small Panasonic television. I also believe that he and his wife had a microwave oven in the kitchen. After his move to Florida in the summer of 1979, I visited his home in Tequesta, Florida, on four or five occasions. I spent most of my visits in the kitchen and dining area of the Weinberg home and do not recall seeing any televisions, betamax machines, stereo systems or microwave ovens. Since all of my visits to the Weinberg home were before allegations concerning these items were made, I had no reason to take notice of what was in the Weinberg home. I had no occasion to be in his home after the allegations were made.

4. I recall that Weinberg moved to Florida with his wife and son in the summer of 1979. When they were preparing to leave, I visited their home on one or two occasions. Mrs. Weinberg said that she was having trouble packing fragile items and asked if I had any ideas about how to pack them. I said that since I had moved frequently in my career in the FBI, I had experience in packing fragile goods. I instructed her how to pack such things as dishes and glassware and probably assisted in packing some boxes. I assisted in no other way and took no notice of anything they were taking to Florida.

5. At the time of the Weinberg move, he wanted to sell many of his household furnishings and winter clothes. He had disposed of many items, but there were many things which he had been unable to sell. I recall that John Good purchased some furniture from him for use in another FBI undercover project. When Weinberg was unable to dispose of other pieces of furniture, I decided to purchase certain pieces from him. At that time, I planned to purchase for investment purposes a condominium in Florida. Since I intended to lease the condominium to tenants, I needed furniture. I therefore decided to purchase from Weinberg two bedroom sets, three bar stools, a breakfast table with four chairs, a Panasonic television, and a television stand. All of these items were several years old.

6. Mr. Weinberg also had several suits and sports jackets which no longer fit him. Since the jackets and suits fit me, Weinberg proposed that I purchase them. He also proposed that I purchase certain books which he and his wife did not intend to take to Florida. I agreed to buy approximately twelve suits and six sports jackets and four small boxes of books.

7. Mr. Weinberg and I decided that for all of the used furniture, the books and the used clothing, I would pay him $2,300. I did so. I then rented a truck and transported all of the articles to my home in Virginia where my family was preparing for our move to the Miami area. After storing these articles in my home in Virginia for a short period, I had them transported to Florida.

8. As it turned out I was never able to purchase the condominium I had intended to buy. Therefore, I kept the furniture at my home. I eventually sold the bedroom sets for $550 and $450.

9. I recall that in June or July 1979, Mr. Weinberg told me that he had received three watches from George Katz who wanted to ingratiate himself with the sheik by giving gifts to the sheik and his representatives. I immediately informed my supervisor, John Good, and we decided that we would use the watches in the undercover operation. Since one of the watches was broken, John Good instructed Mr. Weinberg to return the watch to Mr. Katz to have it repaired. He did so. When the watch was returned to Weinberg, he gave it to Mr. Good for storage in an FBI safe. Weinberg and I used the two other watches during the undercover operation since we believed that it would enhance our credibility if we wore expensive watches. I know of nothing which Mr. Weinberg did with respect to the watches which was in any way improper. I also had no knowledge of Mr. Weinberg's receipt of gifts from Angelo Errichetti or any other ABSCAM subject.

10. I recall that on one evening in late 1979 I was present at the Weinberg home in Tequesta, Florida, when Special Agent Gunnar Askeland arrived to pick up tape recordings which Weinberg had recently made. Askeland had been instructed to send the tape recordings to FBI headquarters in Washington. Askeland brought with him numerous "chain of custody envelopes" used by the FBI to safeguard evidence. After Askeland's arrival, he and I began to fill out the envelopes pursuant to FBI regulations. Since it appeared to Askeland that the information which I had to complete on the tapes and the envelopes would be time-consuming, Askeland decided to leave and to return the next morning. I then completed the required information on the tapes and envelopes in the Weinberg home and left them there expecting Askeland to pick them up the next morning. I later learned that he picked them up and sent them to FBI headquarters in Washington.

11. Other than the tapes which Mr. Weinberg reported stolen on his flight to New York in January 1980, I know of no other

tapes which were lost or misplaced in connection with the ABSCAM investigation.

ANTHONY AMOROSO.

[Affidavit 80-CR-575]

U.S. DISTRICT COURT, EASTERN DISTRICT OF NEW YORK, UNITED STATES OF AMERICA AGAINST HARRISON A. WILLIAMS, JR., AND ALEXANDER FEINBERG, DEFENDANTS

State of New York, Eastern District of New York, ss:

Thomas M. McShane, being duly sworn, deposes and says:

1. I am a Special Agent of the Federal Bureau of Investigation, and I met and worked with Melvin Weinberg in 1978 when I was assigned as an undercover agent during the ABSCAM investigation.

2. I have read the affidavit of Cynthia Marie Weinberg, dated January 16, 1982.

3. On or about July 14, 1979, I went to Mel Weinberg's home at 131 Split Cedar Drive, South Hauppague, New York, to say goodbye to him and his family, since I know that they would be moving to Florida the next day.

4. During my visit, in Marie Weinberg's presence, Mel Weinberg said to me that because of the cost of the move, he was in need of money. He asked if I would consider buying two of his wife's old, damaged fur coats, a twenty year old blue fox and a thirty year old Persian lamb, and some other household items. At that time, Marie suggested that I take the Persian lamb coat for my mother. I told Mel that I had no use for the fur coats, nor did my wife since she could not wear Marie's size. In addition, my mother was to move to Florida in one month and would not need a fur coat. However, because Mel needed the money, I suggested that I loan him $600 and take the blue fox coat as collateral. Mel agreed, and we drew up a handwritten agreement which Mel signed and Melvin Weinberg, Jr., and I witnessed, stating:

"Thomas McShane,

"This is an agreement whereby Thomas McShane agrees to lend to Mel Weinberg $600. As collateral for this loan, Mel Weinberg agrees to put up as collateral one Norweigan [sic] Blue Fox, blue suede inserts coat.

S/ Mel Weinberg

Witness: S/ Thomas McShane
Witness: S/ Mel Weinberg, Jr.

I wrote out this agreement in front of Marie Weinberg and read it aloud for her to hear. (A copy of the agreement is attached as an exhibit). I also explicitly said to Mel and Marie that I would store the coat for them in my house, and that I would return it to them when Mel repayed the loan or when he asked me for it.

5. At the same time, Mel asked me if I would consider buying for $125 the Persian lamb coat, a used tool box, a boy's bicycle, a step ladder and a C.B. radio, since, he said, he had no time to sell the items before his move the next day, did not have room to pack them, and needed the money. Once again, I told Mel, in Marie's presence, that I had no use for these items, but that because he needed help I would loan him the additional $125. We agreed that I would store these items in my home, and that I would return them to him when he repayed the loan or when he asked me for them.

6. On that day, I gave Mel several personal checks, some post-dated to future pay days, totaling $725.00.

7. Before I left, I told Mel that I considered all of the above-mentioned goods to be his property, and that any time he wanted them returned, I would return them to him.

8. To this date the loan has not been repayed and the above-mentioned goods are still in my home.

THOMAS M. MCSHANE.

Thomas McShane.

This is an agreement whereby Tom McShane agrees to lend Mel Weinberg $600. As collateral for this loan Mel Weinberg agrees to put up as collateral one Norweigan Blue Fox, blue suede inserts coat.

MEL WEINBERG.

Witness: Thomas McShane
Witness: Mel Weinberg Jr.

[Affidavit]

U.S. DISTRICT COURT, EASTERN DISTRICT OF NEW YORK, UNITED STATES OF AMERICA AGAINST HARRISON A. WILLIAMS, JR. AND ALEXANDER FEINBERG, DEFENDANTS

State of New York Eastern District of New York, ss:

Carol A. Kaczmarek, being duly sworn, deposes and says:

1. I am a Special Agent of the Federal Bureau of Investigation, and was assigned in 1978 as an undercover agent during the ABSCAM investigation.

2. I have read the affidavit of Cynthia Marie Weinberg, dated January 16, 1982.

3. To the best of my recollection I recall that sometime in the Summer of 1979, during the daylight hours, as part of my official duties, I drove Melvin Weinberg to his house at 131 Split Cedar Drive, South Hauppague, Long Island, New York. I accompanied Mr. Weinberg into his home.

4. At that time, Mrs. Marie Weinberg was at home. After exchanging some pleasantries, Mrs. Weinberg said to me, in substance, that she was in the process of packing her household goods to move to Florida and that she could not pack all of her books. It was my impression that Mrs. Weinberg was going to discard her books if she did not find someone to take them.

5. At that point, Mrs. Weinberg brought me into another room of the house, which had several boxes of items packed in anticipation of their move to Florida. Mrs. Weinberg went to a bookshelf, and proceeded to select used and out-of-date hardcover and paperback books which she said she thought I would enjoy reading. Mrs. Weinberg then put the books she had selected into a carton. In total, Mrs. Weinberg selected approximately seventy-five hardcover and paperback books.

6. Mrs. Weinberg then helped me carry the books from the house to my car, and assisted me in placing them in my car.

CAROL A. KACZMAREK.

[Affidavit]

U.S. DISTRICT COURT, EASTERN DISTRICT OF NEW YORK, UNITED STATES OF AMERICA AGAINST HARRISON A. WILLIAMS, JR. AND ALEXANDER FEINBERG, DEFENDANTS

State of New York Eastern District of New York.

John M. McCarthy, being duly sworn, deposes and says:

1. I am a Special Agent of the Federal Bureau of Investigation, and was assigned in 1978 as an undercover agent during the ABSCAM investigation.

2. I have read the affidavit of Cynthia Marie Weinberg, dated January 16, 1982.

3. I have never received an organ or any other item from Melvin or Marie Weinberg. I have never received any other item from them, except, on occasion, Mel Weinberg and I would take turns buying a meal, a cigar or coffee for each other.

[AFFIDAVIT 80-CR-575]

U.S. DISTRICT COURT, EASTERN DISTRICT OF NEW YORK, UNITED STATES OF AMERICA, AGAINST HARRISON A. WILLIAMS, JR., AND ALEXANDER FEINBERG, DEFENDANTS

State of New York Eastern District of New York,

John Good, being duly sworn, deposes and says:

1. I have been a Special Agent of the Federal Bureau of Investigation since April 1962 and assigned to the New York Division since 1966. Since August 1977, I have been assigned as the Supervisory Senior Resident Agent in the Hauppauge, Long Island, office. I was also the supervisor in charge of the ABSCAM investigation. I make this affidavit in response to certain statements made by Marie Weinberg in an affidavit dated January 16, 1982, and in transcribed conversations she had with one Indy Badhwar.

2. I first met Melvin Weinberg in the Spring of 1978 when we began to formulate plans for the ABSCAM operation. From that time until the summer of 1979, when Mr. Weinberg and his family moved to Florida, I was in his home in Central Islip, Long Island, on two occasions, each time for no more than a few minutes. After Mr. Weinberg moved to Florida, I was in his home in Tequesta, Florida, on one occasion for about five minutes. Since at the time of my visits to the Weinberg homes, I had not heard any allegations concerning Mr. Weinberg's receipt of gifts, I had no reason to take notice of what was in his house. I do not recall seeing any Sony Trinitron television sets, a Betamax video recording system, a stereo system, or a microwave oven.

3. I have no knowledge of Mr. Weinberg's receipt of any gifts from Angelo Errichetti or any other ABSCAM subject.

4. I recall that Mr. Weinberg, his wife and son moved to Florida sometime in the summer of 1979. I did not help him pack, and I never saw them packing.

5. Around the time of Mr. Weinberg's move to Florida, Mr. Weinberg was attempting to sell most of his household possessions and certain winter clothes. He asked me if I could help him dispose of some of these things. Since furniture was needed in connection with another undercover operation I was supervising, I proposed to my superiors that we purchase pieces of used furniture from Mr. Weinberg. I received approval from my superiors and purchased various articles of furniture for $3,500. The furniture purchased is listed in a receipt signed by Mr. Weinberg on August 1, 1979. A copy of the receipt is attached as Exhibit A to this affidavit.

6. After purchasing the furniture from Mr. Weinberg, I hired the Kelly Moving Company to transport the furniture from Weinberg's home to the undercover site in Lake Ronkonkoma, New York. The moving company picked up the furniture and delivered it to the undercover site on August 10, 1979. A copy of the company's bill of lading is attached as Exhibit B

7. At the time of Mr. Weinberg's move, he was also trying to sell an organ. When he was unable to do so, I told him that I would store it for him. I then stored the organ at the site of the other undercover operation. It remained there for several months, and Mr. Weinberg told me that he had been unable to sell it. Since my father played the

piano and organ. I asked my father whether he was interested in purchasing the organ. He said that he was, and I arranged to purchase the organ for my father for $1,000. My father gave me $1,000, which I in turn deposited in my checking account. I paid Mr. Weinberg $1,000 by a check dated March 30, 1980, which was drawn on my account. It was later endorsed by both Mel and Cynthia Weinberg (Maria Weinberg's actual first name is Cynthia). A copy of the check is attached as Exhibit C.

8. Other than the organ which I purchased for my father and transported to his home and the other items mentioned above, I never purchased anything else from Melvin Weinberg either for myself or on behalf of the FBI. I never received any gifts or anything of value from Mel Weinberg, other than on occasions, ordinarily during the course of trials Mel Weinberg and I would take turns in paying for meals. In addition, just prior to Christmas of 1980, Mel Weinberg gave me an inexpensive cigarette lighter and I gave him a box of cigars.

9. In July 1979, Special Agent Anthony Amoroso advised me that Mr. Weinberg had told him that George Katz had given him three expensive watches in order to curry favor with the sheik and his representatives. I told Amoroso to prepare a memorandum about Weinberg's receipt of the watches. He did so. We then decided that in the interest of maintaining the credibility of our undercover operatives that Amoroso and Weinberg would use two of the watches. We also decided that Weinberg should return to Katz the third watch which was broken and tell Katz to have it repaired. He did so. That watch was later returned to Weinberg and subsequently stored at an FBI safe. The other watches were used by Amoroso and Weinberg at various times throughout the investigation. I have neither knowledge nor any reason to suspect that Mr. Weinberg did anything improper with respect to the watches and their receipt.

10. I have read Mrs. Weinberg's statements about my use of the boat used in the ABSCAM operation in Florida for personal reasons. I was on the boat on only one occasion for about ten minutes. On March 23, 1979, I went to the boat with a Strike Force attorney and several FBI agents to assist in making preparations for a reception we were staging for the sheik. I never saw the boat again. I never used the boat or any other government property for personal use at any time during the ABSCAM investigation or thereafter.

JOHN GOOD.

AUGUST 6, 1979.

Received from Mel Weinberg, for the sum of $3,500.00, the following items of furniture.

4 Living Room chairs
3 End Tables
2 Coffee Tables
1 Stereo Console 7' long
3 Big Lamps
1 Dining Room set—6 chairs and server
Kitchen Table—4 chairs
Patio set—two end tables and 4 seat couch
1 Mosler Safe 2' by 4'
1 Desk (double pedestal)
1 Full size desk with Side bar and chair
1 End Table—2 drawers
1 Bedroom set
1 Couch
1 Book Case
Draftman's desk and stool
1 Cash Box
1 Index Card File Box
Dishes and Linens
1 Wooden Waste Paper Basket
Desk Lamps
2 TV serving trays
Ash trays
Bar Glasses, Ice Bucket and Decantor
2 Lounge chairs
1 Pool Lamp—3 lights on it
1 Mirror and Vanity
1 Big wardrobe piece of furniture
Miscellaneous wall pictures, etc., approximately 5

(NOTE.—Bill of lading and cancelled check (front and back) not reproduced.)

[AFFIDAVIT]

U.S. DISTRICT COURT, EASTERN DISTRICT OF NEW YORK, UNITED STATES OF AMERICA AGAINST HARRISON A. WILLIAMS, JR., AND ALEXANDER FEINBERG, DEFENDANTS

State of New York, Eastern District of New York, ss:

Gunnar A. Askeland, being duly sworn, deposes and says:

1. I have been a Special Agent with the Federal Bureau of Investigation for the last 12 years. For the last 5 years I have been assigned to the West Palm Beach, Florida, resident agency. During the period from June 1978 to February 1980, I was assigned to serve in various capacities in the Abscam investigation. In the early stages of the investigation I worked at times as an undercover operative and also served as a contact agent with Melvin Weinberg. During the bulk of the investigation I served primarily with various activities which took place in Florida.

2. On one occasion, in November 1979, I was instructed to pick up several tapes from the home of Melvin Weinberg in Tequesta, Florida. I went to the Weinberg home in the evening and met Special Agent Anthony Amoroso. Also present were Melvin and Marie Weinberg. Agent Amoroso had taken custody of about 20 tape recordings which Mr. Weinberg had recently made. Agent Amoroso and I then began to fill out chain of custody envelopes which I had brought from my office for the tapes. I remained at the Weinberg home filling out the envelopes for about an hour. Since it was necessary for Agent Amoroso to personally complete most of the chain of custody information on the tapes and the envelopes, I decided to go home and return the next day. I then left the Weinberg home.

3. The next morning, Special Agent Larry Doss and I went to the Weinberg home. There we met Mrs. Weinberg. I received from her the tapes which were inside the now completed chain of custody envelopes. I placed the envelopes and tapes in a black plastic garbage bag provided by Mrs. Weinberg. Special Agent Doss and I returned to our office in West Palm Beach where we made preparations to meet with Special Agent William Kemp of the Miami office who had been assigned to take the tapes to Washington. Before we left our office, we placed the envelopes and tapes in a box. Special Agent Doss and I then drove to Ft. Lauderdale where we met Special Agent Kemp in a parking lot of a hotel near the airport. There we turned over to Agent Kemp the box which contained the chain of custody envelopes and the tapes. After Special Agent Kemp took custody of the tapes and the envelopes, he boarded a flight to Washington to deliver the tapes to the Federal Bureau of Investigation Headquarters in Washington.

4. On no other occasion did I ever pick up tapes at the Weinberg home. I never lost or misplaced any tapes in connection with the Abscam investigation.

GUNNAR A. ASKELAND.

[From Newsday, the Long Island Newspaper, Feb. 24, 1982]

WEINBERG SOLD ITEMS TO FBI AGENTS

(By Pete Bowles)

UNIONDALE.—Two key FBI agents in the government's Abscam investigation reported in court affidavits yesterday that during the probe they purchased furniture, clothing and other items from con man Melvin Weinberg, a major operative in the investigation.

Another agent said that while he told Weinberg he had no need for fur coats Weinberg offered to sell him, he agreed to accept the items as collateral on a $750 personal loan. A fourth agent said she accepted about 75 books as a gift from Weinberg and his wife.

Abscam prosecutor Thomas Puccio said that although he thought it unwise for the agents to make such transactions, he said that it was not improper or illegal.

John Good, resident agent in charge of the FBI's Hauppauge office and supervisor of Abscam, said that with the approval of his superiors, he purchased various articles of furniture from Weinberg for $3,500. He said the items were used in connection with another undercover investigation. In addition, he said he paid the con man $1,000 for an organ for Good's father, a retired FBI agent.

Agent Anthony Amoroso, who with Weinberg posed as a representative of wealthy Arab sheiks seeking political favors, said he paid $2,300 for some used furniture, books and used clothing. He said he later resold two bedroom sets for $1,000.

The disclosures came in affidavits submitted by Puccio in answer to allegations made by Weinberg's estranged wife, Cynthia Marie Weinberg, about misconduct on the part of her husband and FBI agents who participated in the Abscam probe. Mrs. Weinberg was found hanged on Jan. 26, a suicide victim.

Puccio, in a memorandum to U.S. District Court Judge George C. Pratt, said the FBI agents had done nothing illegal.

He told the judge an FBI investigation into allegations that Weinberg had accepted bribes, gifts or kickbacks from a convicted Abscam defendent would be completed by the end of the week.

"While it might not be a wise practice for FBI agents to engage in commercial transactions with informants, there was nothing illegal, improper or 'outrageous' in the purchase and receipt of these items by the FBI agents," said Puccio. "And even if there were, these defendants would have no reason to complain."

Puccio was referring to Sen. Harrison A. Williams (D-N.J.) and a codefendant, Alexander Feinberg, each of whom has been sentenced by Pratt to 3 years in jail on their convictions of conspiracy and bribery. The two, saying the allegations made by Mrs. Weinberg raise "serious questions" about the conduct of the case, have moved for new trials and the reopening of their due-process hearing.

Puccio told Pratt that most of Mrs. Weinberg's allegations were either incorrect or "innocently explained" and added: "In any case, whether Mrs. Weinberg's allegations are true or false is really beside the point . . . The receipt of bribes by Weinberg, no matter how reprehensible, and the receipt of gifts by agents, no matter how unwise, would not violate any protected right of these defendants even if true."

In separate affidavits, Good, Amoroso and two other agents said Weinberg had offered to sell them some of his household possessions and winter clothes in the summer of 1979, when Weinberg, his wife and son moved from Central Islip to Florida.

Good said that he purchased about 50 items of furniture in August, 1979, and moved them to an undercover site in Lake Ronkonkoma.

Amoroso said he purchased two bedroom sets, three bar stools, a breakfast table with four chairs, a television set, 12 suits, six sports jackets and four small boxes of books.

Agent Thomas M. McShane said that while bidding Weinberg farewell in July, 1979, Weinberg told him he was in need of money. McShane loaned Weinberg $750 and took two fur coats as collateral. He said the loan has yet to be repaid and he still has the items.

In the meantime, Weinberg announced yesterday that he will marry his longtime companion, Evelyn Dawn Knight, on March 7. He said the wedding will be private. "I don't want to say where I'm going to get married, because I don't want it turned into a three-ring circus," he said.

EXHIBIT 14

Transcript of Proceedings Before H. Curtis Meanor, U.S. District Judge, United States District Court for the District of New Jersey, March 5, 1981; appearances of William W. Robertson, United States Attorney, Charles Walsh and Peter Bennett, Assistant United States Attorneys, and Reed Weingartner and Eric Holder, Special Attorneys, Department of Justice, relating to the decision by the Department of Justice to move the grand jury investigation of the McDonald-Errichetti bribery matter from New Jersey to New York.

[In the U.S. District Court for the District of New Jersey—Misc. No. 80-8]

TRANSCRIPT OF PROCEEDINGS

NEWARK, N.J., *March 5, 1981.*

In re Grand Jury Empaneled January 17, 1980.

Before: The Honorable H. Curtis Meanor, U.S.D.J.

Appearances: William W. Robertson, U.S. Attorney, Charles J. Walsh and Peter Bennett, Assistant U.S. Attorneys and Reed Weingartner and Eric Holder, Special Attorney, Department of Justice.

U.S. DISTRICT COUNT,
DISTRICT OF NEW JERSEY,
Newark, N.J., March 2, 1981.

WILLIAM W. ROBERTSON, Esq.,
U.S. Attorney,
Newark, N.J.

DEAR MR. ROBERTSON: You have received a copy of the letter dated February 27, 1981 to Chief Judge Fisher by Mr. Ayton, a member of the Grand Jury empanelled January 17, 1980.

Chief Judge Fisher has assigned to me the task of replying for the court. I intend to answer the inquiry in my courtroom, in camera, on Thursday morning, March 5, 1981.

As soon as the Grand Jury is assembled and before it resumes activity, would you please notify me and I will have the Grand Jury brought to my courtroom where I will deliver a brief address. I invite you to be present together with any assistant or assistants you desire to be present, as well as the special attorneys handling this matter for the Department of Justice.

Very truly yours,
H. CURTIS MEANOR, *U.S.D.J.*

(The following takes place in chambers.)

Mr. ROBERTSON. Your Honor, with me this morning is——

The COURT. Mr. Walsh and Mr. Bennett. You are?

Mr. WEINGARTNER. Reed Weingartner from the Department of Justice in Washington.

Mr. HOOLAHAN. Martin A. Hoolahan of the Newark FBI.

Mr. HOLDER. Eric Holder, also with the Department of Justice in Washington.

Mr. ROBERTSON. I ask if it's all right for Mr. Hoolahan to be present. He's been the case agent on this. I'm not sure there's anything——

The COURT. Well, we are in camera and confidential, not to be revealed. You understand that?

Mr. HOOLAHAN. Yes, I understand.

The COURT. What's the problem?

Mr. ROBERTSON. Your Honor, number one, the grand jury has just achieved a quorum a few minutes ago.

The COURT. It's the bad weather outside.

Mr. ROBERTSON. The grand jury reporter apparently has been involved in some kind of a fender-bender on Raymond Boulevard.

The COURT. I have a reporter.

Mr. ROBERTSON. That's the reason this particular grand jury is not really operating at this point.

We went before the grand jury in accordance with your Honor's letter that I received a copy of on March the 2nd——

The COURT. I assume Mr. Weingartner and Mr. Holder have seen a copy of it?

Mr. ROBERTSON. Yes, they have. I just thought I'd bring a few matters to your Honor's attention.

This morning Mr. Weingartner and Mr. Holder arrived, we had a discussion in which they indicated that they were under certain instructions with regard to advice that they would provide the grand jury vis-a-vis a decision that has been made by the Department and I think Mr. Keeney, who is the Acting Assistant Attorney General for the Criminal Division, to transfer, if that's the proper word, an investigation that this grand jury is currently handling to the Eastern District of New York, to whatever grand jury there to hear the matter.

The COURT. By what authority is such a transfer, quote unquote, made? Show me some statutes, some case that says the Department of Justice can take a case from a grand jury in New Jersey, take it to Brooklyn or New York or Boston, wherever it desires, over the protest of that grand jury.

Mr. ROBERTSON. Well, Judge, I'd like not to reach that issue at this particular time, all right? I don't think that we are going to—I speak just as the United States Attorney in this district. I'm not going to get into a contest about a grand jury's powers. I think Calandre and a few other cases indicate what those powers are.

What I was concerned about is the grand jury's letter rightfully asks for apparently some explanation of the reasons or why——

The COURT. The well known leak to the newspapers.

Mr. ROBERTSON. Mr. Holder and Mr. Weingartner have been provided with instructions what to tell the grand jury.

The COURT. What are the instructions?

Mr. ROBERTSON. The instructions I'm going to let Mr. Weingartner outline for your Honor because I have problems with one of the instructions. And after Mr. Weingartner outlines them I'll indicate what my problems are and why they are problems and ask your Honor for guidance since I've been unable to contact Mr. Holder and Mr. Weingartner's superior, Mr. Keeney, who gave them the instructions. He's, by coincidence, out of the office this morning and having a physical. I tried to raise him, I can't.

I also tried to raise Mr. Julani who is a special assistant, but I understand to be the Associate Attorney General. He was in a meeting and I haven't been able to raise him. I didn't want to delay this any further since your Honor indicated you wanted me here by a quarter of eleven.

The COURT. Mr. Weingartner.

Mr. WEINGARTNER. Thank you, your Honor.

We were told specifically to explain first both to the Court and to the grand jury that the reason we were not here last week as intended is because we were instructed to wait until our superiors had an opportunity to view all the information.

The COURT. I did not know you were not here last week.

Mr. ROBERTSON. The grand jurors I think in their letter indicated they wondered why they were not informed on the 19th of February since there was a news report that indicated that I was informed by the 17th of February.

I think where Mr. Weingartner—

The COURT. I didn't realize this case was not presented on the 19th.

Mr. ROBERTSON. What he's saying is, your Honor, they had made plans to come up on the 26th, they had reserved time on the 26th which was last week. But those plans—and I'll let him finish up.

Mr. WEINGARTNER. The plans were waylaid because our superiors wanted more time to consider all the issues. We apologize for any inconvenience it may have caused.

The COURT. Didn't cause me any inconvenience.

Mr. WEINGARTNER. The grand jury.

The COURT. Didn't hear about this thing until the other day.

Mr. WEINGARTNER. I was instructed to go before the grand jury and to explain to them all that has gone on recently that has led to the decision by the Department to move the prosecution of this case to the Brooklyn grand jury. And in order to do that I would—I was instructed to give a little chronology and a little bit of background with the Court's indulgence.

The COURT. What is the chronology and background?

Mr. WEINGARTNER. The Abscam investigation commenced in the middle of 1978 in Long Island, New York. As the investigation evolved many jurisdictions got involved.

One of the jurisdictions was New Jersey. And the subject matter of the Abscam investigation was the Atlantic City casinos.

When the operation came over in February of 1980, the Department of Justice parceled out prosecutions to various United States Attorney's Offices, Pennsylvania, Washington, D.C., New Jersey and retained jurisdiction in Brooklyn, New York and Strike Forces for other prosecutions.

The underpinning of one of the New Jersey cases is two payoffs that were made in Long Island, New York. One in January of 1979 and one in March of 1979. Along the way, during the Abscam undercover operations there were also allegations and hints that public officials in New Jersey involved in those payoffs may have been involved in other criminality. One of the reasons the case was parceled to New Jersey, the Atlantic City case, was despite the fact the payoffs were made in New York there's the possibility of other criminal activity, perhaps even endemic corruption in New York City that later belonged to New Jersey.

Originally the plan was for there to be a centralized Brooklyn grand jury to receive evidence and documents concerning all the subjects and all the targets. That in fact happened, your Honor, for several months in 1980.

We, meaning Eric and myself, were assigned in June of 1980 to assist the New Jersey U.S. Attorney's Office to complete this investigation.

We commenced our work and we began a full scale grand jury work in October, November, and December of 1980. We traveled down several roads of these collateral potential criminal violations and essentially came up dry.

Though we considered potential criminal liability for anyone we were left with two payoffs in New York that took place in 1979. Simultaneous with that there was a great to-do about a jurisdictional distinction or a disagreement between certain prosecutors from the Department of Justice situated in the Eastern District of New York and the U.S. Attorney's Office in New Jersey. Many of these matters came out in the press and were of concern to the grand jury.

We, of course, admonish the grand jury while as concerned citizens they were to read the newspapers, if they like, it wasn't to affect any prosecutive decision that we would ask them to make or they would make on their own. Nevertheless, these matters continued and it became clear that there was a strain between certain prosecutors that were involved and certain members of the Department that were involved in the covert stage of Abscam and members of the United States Attorney's Office.

In January Eric and I, fulfilling our responsibilities, made prosecutorial recommendations to our superiors. There was an exchange of ideas and exchange of the Department of Justice were cross-examining other prosecutors in an antagonistic fashion. All this bears upon the prosecutor decision in the case at hand in the following manner: The due process hearing in Brooklyn involved a great deal of testimony concerning the New Jersey casino cases. In fact, just about every conceivable due process issue that will be raised in any potential litigation is before the Brooklyn court at this time.

The COURT. So what? Why does that have anything to do with moving a grand jury investigation from——

Mr. WEINGARTNER. The chronology I've been told leads to several points from the Department, the view of the Department of Justice. One, if there's to be potential criminal violations, and part of the work that's been done before this grand jury as far as this grand jury is concerned; number two, there's a court in Brooklyn that's totally familiar with all the potential legal due process issues.

The COURT. Can you tell me how this got in the Bergen Record two weeks ago before I or any judge or the grand jury knew about it?

Mr. WEINGARTNER. I certainly can't do that, your Honor.

The COURT. I didn't think you could.

Mr. WEINGARTNER. I wish I could. I think the people in Washington wish they could.

The COURT. Go ahead.

Mr. WEINGARTNER. Finally, I've been instructed to represent to the grand jury, because of this unfortunate situation that has evolved between members of the investigating and prosecutive team in Abscam and members of the United States Attorney's Office, the situation would be more comfortable for everyone involved if the grand jury—if the prosecution, or potential prosecution, is moved to Brooklyn.

The COURT. What's your problem with all this?

Mr. ROBERTSON. Judge, that's not the end of the instructions.

Mr. WEINGARTNER. Oh. Certainly I'm also to—I'm sorry—and I think you can understand what Mr. Robertson has alluded to. There's absolutely no problem from the Department of Justice's point of view with the grand jury place in Newark. That certainly hasn't entered——

Mr. ROBERTSON. Any one consideration. There should be no suggestion——

The COURT. They don't expire for six months, or five months I guess? July?

Mr. ROBERTSON. Yes.

Mr. WEINGARTNER. There's no intimation or there should be no intimation for some reason we believe we would get a better deal from a grand jury in Brooklyn.

The COURT. I wouldn't think that for a minute.

Mr. WEINGARTNER. We certainly want to make that very clear.

And a personal note, Eric Holder and myself, up here, for the last six months we have been treated courteously and fairly, professionally by everyone in the U.S. Attorney's Office.

The COURT. Any further instructions?

Mr. WEINGARTNER. I think I've completed it.

The COURT. Have you been instructed not to participate in the presentation of this matter before the grand jury in Newark from this point forward?

Mr. WEINGARTNER. No, your Honor. There is certain unfinished business. There's some documents that need to be returned.

The COURT. Suppose this grand jury wants to go forward and complete its investigation and voluntarily will not relinquish it. Then what?

Mr. WEINGARTNER. Let me say one other thing. Essentially there have been two cases that are before the grand jury in Newark.

The COURT. What cases are they? Can we get Case A and Case B?

Mr. WEINGARTNER. As I understand it; this is in camera. I am satisfied that I can mention the names of the targets if the Court wishes.

The COURT. Go ahead.

Mr. WEINGARTNER. The first case involves Angelo Errichetti, who is the Mayor of Camden, and Kenneth MacDonald, former Casino Commissioner from Atlantic City.

The COURT. Errichetti has been prosecuted and convicted in Brooklyn.

Mr. WEINGARTNER. We know.

The COURT. Who represents Errichetti?

Mr. WEINGARTNER. Raymond Brown.

The COURT. Who represents MacDonald?

Mr. WEINGARTNER. Justine Walder.

* * * * *

The COURT. You can investigate in Brooklyn, Oskosh, Wisconsin, Peoria, Illinois, wherever you want. But how can you take away this investigation and close down this grand jury, the subject matter, without that grand jury's consent? What authority do you have to do it?

Mr. WEINGARTNER. The authority, the only authority I have is that the executive branch has given——

The COURT. . . .

Mr. WEINGARTNER. I'm satisfied that we can't force the grand jury to do anything, your Honor.

The COURT. I intend to tell them exactly that. You can fire this thing up in Brooklyn, there's nothing you or anybody else can do about it, but I don't think you can take this investigation away from this grand jury unless this grand jury agrees to it. I don't think I can stop it.

Mr. WEINGARTNER. I guess the situation is analogous to the kind where the prosecutor simply does not choose to present charges or doesn't choose to present an indictment.

The COURT. The grand jury is entitled counsel. As far as I know the counsel in this District for the grand jury is the U.S. Attorney and the Assistant U.S. Attorneys. If this grand jury wants its counsel to take action it has a right to request such action. And as far as I'm concerned, if counsel refuses the grand jury can ask me to issue instructions, or if counsel believes that the grand jury is seeking something that is improper it could come to me for instructions.

I know of absolutely no authority on the part of the Court or a government attorney to instruct or coerce or force a grand jury to discontinuing an investigation, or for that matter, to refrain from initiating one as long as the grand jury acts properly within the confines of the law. I don't think I can tell this grand jury it's got to stop.

It's not unusual to me that grand juries in different districts, in different states would investigate the same subject matters concurrently. I don't see how I can tell them to stop.

Mr. ROBERTSON. Well, Judge, your comments trigger my concern.

Mr. Weingartner, during our prior discussions, indicated to me that he was also going to present—what really triggered my concern amounts to evidence to the grand jury that relates to some—as he's referred, and I do not adopt nor do I by my silence——

The COURT. Some what?

Mr. ROBERTSON. Some evidence with regard to a dispute between the departments. At this point, and I'll relate exactly what I told him. I said, I think that's improper. I think that this is testimony, or testimonial evidence; that it's evidence that does not relate to this grand jury's consideration.

The COURT. They must read the newspapers.

Mr. ROBERTSON. Judge, this interjects issues before this grand jury that are not relevant to its——

The COURT. You have any problem with Mr. Weingartner or any duly authorized person connected with the prosecutorial branch of the government asking this grand jury to discontinue here and informing this grand jury that the investigation will be begun, initiated or carried on in Brooklyn?

Mr. ROBERTSON. I have no problem with that, Judge.

The COURT. You agree with me that it's up to the grand jury?

Mr. ROBERTSON. That it's up to the grand jury. But to the degree that there's irrelevancies interjected into that in the form of internal memoranda between the department and characterization of what those memorandum indicate, especially since this is not a full picture of this entire matter seems to me to be in fact strictly in violation of the code of ethics with regard to infect-ing the grand jury with things that may chill them, may cause them to be, if they desire to proceed——

The COURT. Not relevant to any subject matter before the grand jury, except should they—is it a reason they should hear as to why they should agree to discontinue?

Mr. ROBERTSON. Judge, these documents have triggered——

The COURT. What are you going to do if this grand jury says, we don't want to stop? Mr. Holden and Mr. Weingartner start talking to the Brooklyn grand jury and this grand jury says, Mr. Robertson, we want you to bring in the file and witnesses on MacDonald or Mr. Errichetti or Mr. Silvestre or whatever, are you going to do it?

Mr. ROBERTSON. I'm going to seek guidance from the Attorney General as to what his decision will be as head of——

The COURT. Suppose the grand jury says, Judge Meanor, we want these grand jury subpoenas issued, what am I going to do?

Mr. ROBERTSON. Judge, I must tell you, I haven't researched all of those issues. I would hope we would not get to that kind of a situation.

The COURT. What would you do if they say, you know, the Department is not going to go forward, is going to stop and not going to go forward in Newark?

Mr. ROBERTSON. I have talked to Mr. Keeney. I have not talked to anyone above Mr. Keeney.

The COURT. And it's obvious to me—call a spade a shovel—they want this thing away from your office because the Department wants to control it.

Mr. ROBERTSON. Judge, I have no——

The COURT. They have control in Brooklyn. They apparently have lost control in Newark.

Mr. ROBERTSON. Judge, I have no personal desire to continue any particular investigation. We have plenty of work.

The COURT. I don't need another lawsuit. I just as soon they take the thing to Brooklyn or further. Montauk Point would be all right with me.

Mr. ROBERTSON. It was effected in the superseding information for all intents and purposes on January 14. I reported the reference to the Attorney General——

The COURT. You have not been superseded in your authority?

Mr. ROBERTSON. No, but with regard to these matters, important decisions have been made pursuant to that mechanism that the Attorney General triggered. My only concern is that in explaining things to the grand jury that we not run afoul of what I see as clear prescriptions about what we can do in a grand jury. We can't testify, we can't present evidence as attorneys and I'd like your Honor to examine the documents that they propose to put in.

* * * * *

I don't want to read all this. What's this got to do with the grand jury? I think you have a right to make a speech and ask them if they will consent. But I don't think you ought to take up the time of this grand jury with——

Mr. WEINGARTNER. I think the purpose of——

The COURT [continuing]. This internecine warfare among the federal prosecutors of this nation.

Judge Pratt I think is perfectly capable of resolving these issues as was Judge Fullum before him.

If this grand jury wants to go forward I don't see any reason why they can't. And I know of no authority on your part or my part to stop them. As long as they go forward according to law.

If you can find me some authority, why, I'd be happy to reverse my field, but confronting the matter could, I don't believe that we can stop them until July 17.

Mr. ROBERTSON. Judge, the particular reason that I asked to see you before you address the grand jury was because I think that it's improper to have these documents presented to the grand jury. I don't think they have anything to do with it and I did not want to proceed.

Mr. Holder and Mr. Weingartner, being under instructions to present these documents without some guidance for them and without your awareness that this was the procedure that was planned when the grand jury—when they visited the grand jury. They are under instructions. We haven't been able to get a hold of his superior to tell them of my concern about those instructions. So I've come to you for some guidance and instructions. I believe It's improper.

The COURT. Who is this first thing by?

Mr. ROBERTSON. Mr. Plaza and Mr. Weir. That was a memorandum submitted to myself and Mr. Hyman after their review of certain transcripts outlining what they believe to be inconsistent testimony and other Brady matters.

The COURT. What does this intermural spat have to do with this grand jury?

Mr. WEINGARTNER. Only this, your Honor: I think it was the intent of my superiors to present the grand jury with the reasons.

The COURT. Well, you can give a speech. I don't think you ought to present evidence. You can ask them and tell them your factual background for it. If they want to investigate it I want the time of the investigation taken up with something more fruitful than rehashing of interdepartment skirmishes. I mean that.

Mr. WEINGARTNER. I think it would be disingenuous if they were asked not to include this disagreement between offices. And I simply don't want to summarize——

The COURT. What's the agreement between offices?

Mr. ROBERTSON. Judge, that's another point.

The COURT. Did you say agreement or disagreement?

Mr. WEINGARTNER. Disagreement.

Mr. ROBERTSON. There's no disagreement. Lawyers disagree about impact of evidence all the time.

You know, I've sat here and listened to the jurisdictional dispute. There's no jurisdictional dispute. Mr. Plaza and——

The COURT. I agree it's not a jurisdictional dispute.

Mr. ROBERTSON. And there's no spat. I just think this is totally irrelevent.

This is before Judge Pratt, these——

The COURT. I agree with you. You don't have—quit when you're ahead.

Mr. ROBERTSON. All right.

The COURT. I think Mr. Weingartner can get up and make a speech and request the grand jury to relinquish. And I see no point in presenting a lot of evidence about this intermural warfare among the Department of Justice and the U.S. Attorneys in Brooklyn and the office here in Newark. It's, to me, a waste of time.

The grand jury is supposed to investigate, as I understand it, whether there's reasonable cause to believe a crime has been committed and if so if a specific person committed it. If they are not willing and Mr. Weingartner, at Mr. Weingartner's request to axquiesce in the shift to Brooklyn, they have a right to go forward with any concurrent investigation.

They are an autonomous body. I don't think I can interfere. I can't see you wasting their time with a lot of nonsence. They have only got five months to go, a little less than five months to go, right?

Mr. ROBERTSON. I think that's correct.

The COURT. If they are going to return an indictment they better get going. If they are not they can quit. They are mature people, and I intend to tell them that.

If they want to request further evidence and continue their investigation I think they have a right to.

In Calandra it says that, if no other case.

I mean, the Executive Department, as I understand it, doesn't run this constitutional body.

Mr. ROBERTSON. It does not, Judge.

Before we get to those issues, I would just, you know, if I could, encourage the Court just to indicate to them there are pragmatic decisions that are often made that are for good and sufficient reason to——

The COURT. If they want to hear evidence on Mr. Weingartner's reasons, I suppose they have a right to ask for it, right? Don't they?

Mr. ROBERTSON. I'm not concerned with that at all, Judge. I'm just concerned with the fact that we are getting into a situation where we are presenting evidence of an issue that's not relevant.

The COURT. Totally collateral to the grand jury function.

Mr. ROBERTSON. Exactly right. But insofar as——

The COURT. If they want to ask questions, they want more information about the request to cease in New Jersey and permit the grand jury in the Eastern District to go forward, I think they have a right to ask for it.

Mr. ROBERTSON. Judge, that's focusing——

The COURT. I can't see anybody forcing evidence on them.

Mr. ROBERTSON. Fine. Then can we have an instruction that these documents not be presented so I can move on to the next issue?

The COURT. Yes, go ahead.

Mr. ROBERTSON. Mr. Weingartner and Mr. Holder are now relieved of that instruction.

The second issue is this, Judge: I don't know what your Honor plans to tell the grand jury. I'm not——

The COURT. If you don't let me go out there and start talking to them pretty soon I'm not going to tell them anything today because I have someplace to be at noon.

Mr. ROBERTSON. I would ask your Honor also to include the fact that there are pragmatic decisions with regard to grand jury investigations. Often grand jury investigations commence in one district and end up revealing that facts more appropriately line other jurisdictions.

The COURT. No question about it.

Mr. ROBERTSON. So they have an understanding this is not the unusual, unique or otherwise so that, you know, there's——

The COURT. It's by no means unusual for testimony to be taken before a grand jury in one district in aid of a grand jury in another.

Mr. ROBERTSON. To that end Mr. Weingartner has a 6(e) authorization or application I think he wants to make on behalf of the Department after they concluded marking other evidence in the grand jury today.

The COURT. Let's take that up later. I'm not the grand jury judge this month.

Mr. ROBERTSON. But inasmuch as it related to this same grand jury——

The COURT. I would assume anything relating to this January 17th grand jury now belongs to me. By virtue of some kind of succession, I guess it's called testate succession, not intestate. Testate. Came from the living not the dead.

Mr. ROBERTSON. We'll have the grand jury assembled in your courtroom?

The COURT. Is there another place we can address them? I understand Mr. DiGilio and his attorneys are all sitting around.

The CLERK. We can go right into Courtroom No. 2.

The COURT. We'll be down to the courtroom in a few minutes.

(End of in camera hearing.)

(A brief recess is taken.)

(The following takes place in chambers.)

Mr. ROBERTSON. Judge, Mr. Weingartner and I are in somewhat of a quandary.

Do I understand your order, are we to understand your order that the issue of the matters identified by Mr. Plaza, Mr. Nathan and the issues that have been testified before Judge Pratt are not to be injected——

The COURT. I thought—Mr. Weingartner can give any reasons he wants to before the grand jury as to why they should voluntarily discontinue their investigation and permit it to be transferred in effect to Brooklyn.

I think they're entitled to call for any evidence they want. He can't force evidence on them. Just make a verbal request.

You want me to be there and monitor it? I'll do it but I should be elsewhere.

Mr. ROBERTSON. I want his instructions to be clear.

The COURT. I don't want to turn this into a lot of unnecessary adduction of evidence about this request that the grand jury doesn't want to hear. I'm going to tell them they don't have to hear anything more than Mr. Weingartner's statement. They can ask him to cease his speech at any time they want to. But if they want further information or evidence on the point they are entitled to call for it.

What else do you want from me?

Mr. ROBERTSON. I think it's only fair to say, Judge, Mr. Weingartner's characterization, or the Department's characterization——

The COURT. You want equal time?

Mr. ROBERTSON. I am in total disagreement with——

The COURT. I'll give you equal time.

Mr. ROBERTSON. I have made my points made known in memoranda and they are the subject of, as I understand it, an inquiry to be conducted by the Deputy Attorney General pursuant to the order of the Attorney General, and I reiterate——

The COURT. To me the issue is where is it more practical and efficient to conduct this investigation, in Newark or in Brooklyn?

Mr. ROBERTSON. Right. I would ask formally at this time for an order in limine, because I believe to inject this issue before——

The COURT. I'm a little unclear as to the issue.

Mr. ROBERTSON. The issue of the alleged disagreement between Mr. Plaza, Mr. Weir, Mr. Nathan, Mr. Keeney.

The COURT. Does the disagreement involve the targets in this case?

Mr. ROBERTSON. There's a disagreement as to the impact of evidence. The failure to disclose exculpatory evidence as evidenced in Mr. Plaza's, and Mr. Weir's December 17th——

The COURT. The blunt fact of the matter is, if this grand jury investigates as to these four characters and returns a no bill, that doesn't stop them from being indicted in Brooklyn.

Mr. ROBERTSON. There's no question about that, Judge. But the question is they may be prematurely prevented from doing anything within their power if there is an issue that's irrevelant injected.

For example, let's suppose that this whole issue is put before them and it prejudices these four defendants in the eyes of this grand jury because people have taken very firm positions. That's my point. I don't care——

The COURT. Look, are any of the people who are targets of this investigation involved in the due process hearing before Judge Pratt?

Mr. WEINGARTNER. Yes, sir, your Honor.

The COURT. Who?

None of these people were involved before Judge Fullum in Philadelphia?

Mr. WEINGARTNER. No, he was. Errichetti was severed out.

The COURT. What does this dispute, as I understand it, between your Department and the U.S. Attorney's Office here, about the propriety of certain government investigatorial conduct have to do with this grand jury investigation?

Mr. WEINGARTNER. Only this, your Honor: We anticipate that the grand jury would ask, why do you want to move this case to Brooklyn? It was agreed upon by my superiors that I would be disingenuous not to include there was a charged atmosphere, quote unquote, between this office and certain people involved in the Abscam investigation. And it would be more comfortable for everyone involved to move the case.

The COURT. Does that include you?

Mr. WEINGARTNER. Personally I think my situation is a bit different. I've been coming to New Jersey——

The COURT. You know, I can't say that. If——

Mr. ROBERTSON. Look, Judge——

The COURT. Is there any evidence that you would intend not to make available in Brooklyn that would be available here that would affect the propriety of an indictment? Such as this grand jury might read the papers and might inquire about some of the governmental conduct or misconduct that underlies this investigation. Has this grand jury been doing that?

Mr. WEINGARTNER. I'm sorry?

The COURT. Has this grand jury been inquiring about the alleged underlying misconduct in this case, in this investigation?

Mr. WEINGARTNER. No.

The COURT. I haven't seen the minutes.

Mr. WEINGARTNER. No. not particularly.

The COURT. Isn't the real issue whether the investigation can be most efficiently conducted in Newark or in Brooklyn?

Mr. WEINGARTNER. More than that. I think the department anticipates litigation after the investigation. I think primarily——

The COURT. Litigation over what? I presume if an indictment is returned there'll be litigation.

Mr. WEINGARTNER. Yes, your Honor. That's what I was speaking about. Pretrial motions, motions. I think the point is it would be more comfortable for the people involved to deal with this matter in Brooklyn as opposed to Newark.

The COURT. Well, I understand all the people in your investigation who are targets are citizens of this state.

Mr. WEINGARTNER. That's true.

Mr. ROBERTSON. Judge, I don't understand this comfort thing. Mr. Weingartner and Mr. Holder have been up here operating under my supervision up until about January the 14th.

The COURT. Excuse me?

Mr. ROBERTSON. I have to make the record clear.

They have never been impeded, hindered in any way; that this office has acted professionally and provided them with support and I'd like a statement if that's not the truth.

Mr. WEINGARTNER. I am willing to volunteer that anyway.

Mr. ROBERTSON. What does this comfort thing have to do with? I'm trying to explore this. I don't see how it's relevant with regard to this grand jury.

The COURT. I don't either. But my understanding is for some period of time the investigation of these four targets has been presented by attorneys specially appointed by the Department of Justice not with anybody connected with Mr. Robertson's or Mr. Del Tufo's offices, is that correct?

Mr. WEINGARTNER. That's correct.

The COURT. How is this alleged tension going to interfere or affect the quality of the propriety of the grand jury's work?

Mr. WEINGARTNER. I think it goes beyond that. I think the Department looks beyond the propriety of the grand jury's work.

The COURT. What are you looking to?

Mr. WEINGARTNER. A trial perhaps.

The COURT. Well, I've had several trials in which people such as yourselves, out of Washington, have come up and tried the cases.

Mr. WEINGARTNER. I don't think it's simply Washington lawyers being presented in the District of New Jersey. I think inevitably if there is any prosecutions, and I'm speaking the way my superiors have instructed me to speak, there are people involved, people, other prosecutors that have know involved in this dispute that exists and it would be more effective to present a case of this nature elsewhere.

The COURT. I don't understand that.

Mr. ROBERTSON. Judge, let's be specific. There's a feeling that—and you correct me if I'm wrong—that, for example, maybe Mr. Melvin Weinberg would not like to be in the District of New Jersey given the fact that Mr. Plaza and Mr. Weir have questioned some of the tactics he uses.

The COURT. I would assume we would all agree were an indictment returned by this grand jury involving the Abscam cases it would be inappropriate for Mr. Weir or Mr. Plaza to participate in the prosecution?

Mr. ROBERTSON. That's correct, Judge. In fact, that's the point I want to make. This has really noting to do with this grand jury. I don't think Mr. Holder of Mr. Weingartner, I ask them to state if the contrary is true, they have any doubt they would get all the professional support they needed in this District or they have gotten it, is there any doubt in your mind about that?

Mr. WEINGARTNER. I don't think it ever entered into the consideration by the Department.

The COURT. I think what we are talking about, Mr. Weingartner made reference to this, their superiors in Washington have indicated to them that they should explain to the grand jury that they may have to call upon people other than themselves for support in a tactical sense during the course of any litigation, those people are in Brooklyn, they feel it would be more comfortable to do it in Brooklyn as opposed to doing it here. Venue in a criminal case lie in many districts sometimes. I don't know of any authority I have to stop this grand jury if it wants to go forward.

To me it sounds more and more like an effort to get all Abscam prosecutions out of New Jersey, to get them out from under either the U.S. Attorney's Office here or the Judiciary in New Jersey, or the Judiciary in the Third Circuit.

Mr. Robertson. Well, Judge, I'm just concerned——

The Court. The leading Court of Appeals case that would harm the government's position as to the propriety of the Abscam conduct, as I have read it in the papers, comes out of the Third Circuit.

Mr. Weingartner. U.S. v. Twigg is the case you refer to?

The Court. Yes.

Mr. Weingartner. I think this is the point. I have not been instructed to say this violent dispute is the reason we are leaving this District. I was instructed to say there are a lot of valid reasons. The government chose to exercise its discretion.

The Court. I don't think the fact that certain Assistant U.S. Attorneys in this District have done what seem to them, I'm sure, to be their duty as ethical lawyers and ethical prosecutors recommend, having memorialized the well off quoted paragraph in Justice Sutherland's decision in Berger, I don't think that the fact they have seen to do their duty in that regard, whether they have seen it properly or improperly has anything to do with propriety of this grand jury going forward.

Grand juries and courts do not exist for the convenience of the prosecution. I do not exist as a lackey of the Department of Justice, although I sometimes think that the Department of Justice would like to have it be that way. So when you go in and talk to that grand jury you stick to my principles. The question is up to the grand jury where do they think the most efficient place to investigate this case is. If they are not willing to acquiesce to Brooklyn they have a right to go forward as far as I'm concerned. And the fact that there is intramural warfare going on amongst the prosecutors, I think it's irrelevant to that criteria.

Mr. Weingartner. May I respectfully request one thing, your Honor? Perhaps after your address could the grand jury go to lunch so we can perhaps sit down with the assistance of my superiors and perhaps resolve this think in a way——

The Court. They can go to lunch from 12:00 to 1:00. Let's get started.

(The following takes place in open court.)

(The grand jury is present in the courtroom.)

The Court. Ladies and gentlemen of the grand jury, I assume we have a quorum. Has a head court been taken?

I'm Judge Meanor. You have not met me before.

On Monday of this week Judge Fisher and I had a conference at which time Judge Fisher gave to me a letter from one of your members. And Judge Fisher asked me to respond to it to you. I will read it into the record although I rather imagine you are all familiar with it.

"7 Evergreen Street, Woodcliff Lake, New Jersey, February 27, 1981. The Honorable Clarkson S. Fisher, Chief Judge, United States District Court, District of New Jersey, Franklin and Walnut Streets, Newark, New Jersey. Dear Judge Fisher: Re: Federal Grand Jury—Empanelled 1/17/80.

"Members of the above named panel, including our foreman and deputy foreman, have authorized me to write . . .

* * * * *

"Enclosed is the Record's February 19 article about the Abscam case involving Kenneth N. MacDonald, former vice-chairman of the New Jersey Casino Control Commission.

"Our Thursday panel listened to testimony in this case from early fall through the first week of January. We expected the attorneys to present the bill for our consideration within a few weeks. Now, without having been told, we read in the newspaper that this case is to be moved to a grand jury in Brooklyn.

"This seems a strange decision in view of the time spent on the case in Newark, and of the court costs, payments to jurors, and commuting expenses of attorneys from Washington and of some of the witnesses. Since we received a large amount of evidence and listened to one witness after another for three months, we question the value being placed on our time and effort.

"Moreover, what does this mean in terms of the overall investigation? Does the Justice Department feel that it will be more likely to get the preferred decision in Brooklyn than in Newark?

"The reason given in the article for transferring the case—the 'jurisdictional catfight' between New York and New Jersey—does not seem to hold water, as the attorneys assigned to the case are from Washington's Department of Public Integrity. The same article also states that another of our Abscam cases may possibly be moved from Newark to Washington.

"These cases were introduced to us personally by United States Attorney William Robertson. According to the Record's account, he was informed of the change of plans on Tuesday, February 17. We wonder why we were not so informed on Thursday, February 19, or on the 26th, when our panel met to consider other cases. Perhaps Mr. Robertson should meet with us to answer this and other questions, and to clarify the reasons for these new developments.

"Very truly yours, [deleted], Member, Federal Grand Jury Empanelled 1/17/80." There was an enclosure. The letter notes a copy was sent to Mr. Robertson.

I also think that I will take the trouble to read into the record an article from the Bergen Record of Thursday, February 19, 1981, which was enclosed with the letter. It appears on Page A3.

The first headline states "Ex-casino control official resigned in 'Abscam' scandal."

Bolder face below that, "U.S. to seek MacDonald indictment?

"New York, Associated Press.

"The Justice Department has decided to seek all 'Abscam' indictment against the former vice-chairman of the New Jersey Casino Control Commission, sources say.

"But because of a 'jurisdictional catfight' between federal prosecutors in New Jersey and New York formal charges against Kenneth N. MacDonald will be sought in Brooklyn, not Newark, where the probe has been conducted since late 1979, the source said yesterday. . . .

* * * * *

"MacDonald resigned from his casino post Feb. 4, 1980, after it was reported he and state Sen. Angelo Errichetti, who is also the Democratic mayor of Camden, left a meeting with undercover FBI agents the previous summer with a $100,000 cash bribe.

"Justice Department officials in Washington had wanted to seek an indictment against MacDonald in early 1980, feeling that tape recordings of the encounters between MacDonald and the undercover agents were sufficient evidence to convict."

There's a bold faced line, "N.J. staffers concerned.

"The headquarters officials were rebuffed, however, by their New Jersey staffers who were concerned about the contents of unrecorded conversations, tape recordings that began in midsentence and the conduct of Abscam operative Mel Weinberg whom they accused of 'putting words in people's mouths.'

"Sources said United States Attorney William Robertson of Newark, was notified Tuesday by Justice Department superiors in Washington that the MacDonald probe had been transferred to Brooklyn.

"Robertson refused comment yesterday as did United States Attorney Edward R. Korman of Brooklyn and Thomas Puccio, head of the federal Organized Crime Strike Force in Brooklyn.

"Puccio has successfully prosecuted seven persons, including four congressmen and Errichetti, in three Abscam trials in Brooklyn. He also is slated to handle the March 30 trial of Sen. Harrison A. Williams Jr., D-N.J.

"The taped MacDonald payoff occurred at the Long Island headquarters of Abdul Enterprises, the Federal Bureau of Investigation's cover company for Abscam. Prosecutorial jurisdiction in the matter can easily be established in Brooklyn because Long Island is part of the federal Eastern District of New York."

Bold face line.

"Two lawyers taken off cases.

"In mid-1980, Edward J. Plaza and Robert Weir, two Justice Department lawyers in New Jersey, were taken off the MacDonald and Maressa cases and replaced by two lawyers from the department's public integrity section in Washington.

"Last month, Irvin B. Nathan, then deputy assistant attorney general, testified at a due-process hearing for those already convicted in Brooklyn that Plaza and Weir were relieved, not because of their repeated criticisms of Abscam techniques, but because they had done 'very little, if any, work' on their probes.

"During the January trial of Rep. Raymond Lederer, D-Pa., United States District Court Judge George C. Pratt characterized the dispute between the Brooklyn and Newark staffs as a 'jurisdictional catfight.' Puccio called Plaza a 'saboteur' and a 'crusader against Abscam.'

"The MacDonald money was allegedly paid for assurances that two nonexistent Arab sheiks would have no problem obtaining an Atlantic City casino license.

"It was disclosed during the due-process hearing, however, that MacDonald is heard saying nothing incriminating on a tape of the payoff meeting, even on a copy that was scientifically enhanced for increased audio."

Bold faced line.

"Expressed concern.

"During their testimony at the hearing, Plaza and Weir expressed concern about the lack of incriminating statements by MacDonald. They also mentioned as areas of concern tape recordings that appeared to begin in mid-conversation and unanswered questions as to what MacDonald and Errichetti were told in conversation that were not recorded.

"The switch of the MacDonald cast and the possibility of similar action on the Maressa matter was first reported yesterday in the Long Island-based newspaper Newsday.

"Sources confirmed the MacDonald switch and explained further that a decision had been reached to seek an indictment.

They said no such decision had been made in the probe of Maressa, who allegedly received $25,000.

"Investigators want to keep the Maressa probe in New Jersey, at least for the time being, while further evidence is gathered, the sources added."

Bold faced line:

"Protest against oil prices?

"Maressa has been quoted as saying he accepted $10,000 in legal fees from the phony sheiks' representatives as a protest against high oil prices.

"'I felt like it would be patriotic to take some of this OPEC oil money and get it back to the United States,' he said last year.

"In a related development MacDonald filed a libel suit against Time Inc. for its reporting on his role in the FBI's Abscam investigation.

"MacDonald charged that a Feb. 18, 1980, article in Time Magazine on the Abscam probe was written maliciously and without regard for the truth.

"The suit filed in United States District Court in Newark said the article claimed MacDonald and Errichetti 'picked up a payment of $100,000' from an undercover FBI team.

"The suit asked unspecified damages. It said MacDonald had been 'humiliated' by the Time article.

"Time officials were not available for comment."

Now, ladies and gentlemen, you have made a legitimate inquiry to this Court and I have already informed you I have been given the task of answering you.

Before joining you in this courtroom today I had a conference on the record with the court reporter present, with Messrs. Robertson, Walsh and Bennett of the U.S. Attorney's Office in Newark, plus Messrs. Weingartner and Mr. Holder from the Department of Justice in Washington.

Also present in addition to certain members of my staff was a gentleman from the FBI.

Now, you are going to be asked, as I understand it, by Mr. Weingartner, pursuant to a Department of Justice decision, to relinquish your investigation in this so-called Abscam matter and acquiesce in the transfer in effect of that investigation to the Eastern District of New York which would be probably Brooklyn.

You are a grand jury, you're a constitutional body. You're autonomous and independent.

I know of no authority on my part to require you to acquiesce in this request, nor do I know of any authority on the part of the Executive Branch of government to take the investigation away from you over your protests and conduct it elsewhere. Whether you are going to stop this investigation in Newark and permit it to take place solely in Brooklyn is entirely up to you and you alone.

There are a few more things I do want to point out.

It is not unusual for testimony to be taken before a grand jury in one federal district in aid of an investigation taking place in another district. There can be no doubt that in many instances it occurs that after a grand jury investigation has begun in a particular district facts come to light which make it plain that it would be more efficient and more feasible to continue that investigation elsewhere.

When that occurs, it does not mean that the grand jury has wasted its time and effort. The evidence before the initiating grand jury can be taken to a succeeding grand jury in another district and presented there. And it need not be repeated. The succeeding grand jury in the second district does not have to start from scratch.

I also know of no authority on your part or mine, or on the part of anyone connected with the U.S. Attorney's Office here, to prevent the Department of Justice attorneys, or attorneys in the U.S. Attorney's Office in the Eastern District of New York, i.e., Brooklyn, from conducting their own concurrent probe in Brooklyn if they so desire. It may be inefficient for two grand juries in two different districts to be running parallel lines, but it is by no means unheard of. It has happened before, I'm sure it will happen again.

So while no one can stop you within legitimate bounds from conducting your investigation, or at least continuing it rather, there's no authority I believe on my part or your part or anyone else's part to stop a concurrent grand jury investigation being initiated from going on in Brooklyn.

For my own part I do not believe that this event that has been referred to as "a jurisdicational catfight" involving the Office of the U.S. Attorney here, the Office of the U.S. Attorney in Brooklyn with certain executives in the Department of Justice, bears any relevancy to your decision as to whether you want to acquiesce in the so-called transfer, whether you want to go forward or whether you want to investigate in aid of the Brooklyn grand jury. These matters are up to you.

As you rightly point out, the matter has been presented to you by attorneys from the Department of Justice and not by attorneys from the Office of the U.S. Attorney. To me the criteria should be where can this investigation be conducted most efficiently. If it can be conducted most efficiently in Newark, in your judgment, then perhaps you would want to continue, although you would not have to.

If you came to a conscientious conclusion that the grand jury investigation that you have begun can be more efficiently continued in Brooklyn, then perhaps you ought to acquiesce. It should be an objective unemotional decision based on, I think, this criteria.

Now, the gentlemen who have been before you, Mr. Weingartner and Mr. Holder, are your attorneys. They are attorneys for you as a body, a grand jury. I do not know whether after today if you decide to go forward whether your investigation of the four people that I have been told you are investigating as to their potential criminal conduct, whether Mr. Weingartner, Mr. Holder will continue to appear. If they do not appear then Mr. Robertson and his staff will act as your attorneys.

As your attorneys they are subject to your requests. If there's information that you want to go forward with your investigation, you have a right to ask that it be brought here by subpoena or otherwise.

If you have a disagreement with your attorneys, either you through your foreman or the attorney is free to come to this Court, expose the problem and receive instructions. That's what I am here for.

Now, you expire as a grand jury, or as a body, in July of this year. Any action you'll have to be taking that you would take would have to be accomplished before that time. But between now and July I will be the judge that will be available to guide you and answer your questions, provide instructions to you and your attorneys. Should I be absent, and frankly, I plan a week or two away between now and July 17th, I will see to it that Chief Judge Fisher, or some other judge, is available to answer your inquiry.

Now, ladies and gentlemen, Mr. Weingartner is going to ask you—he's going to make a statement and I'm going to leave before he does. He's going to ask you in an address to you to acquiesce in what he wants you to do. And my understanding of it is that he desires that you acquiesce in effectual transfer of this investigatory matter you've been undertaking to Brooklyn and he may be asking you, however, to remain to be available for the adduction of some evidence in furtherance of the investigation to assist in the transfer to Brooklyn, or in aid of the Brooklyn grand jury.

You don't have to listen to him. I would suggest it might be polite to do so. You don't have to listen to him interminably. If you decide you have heard enough, if you want more information about this request to transfer, you may ask. And if by any chance you want evidence to be taken on the point, I think you have a right to ask that it be adduced. Although my own personal feeling is that evidence would not be necessary.

Mr. Robertson will be here and I will extend to him the opportunity, if you desire, that he address you.

You may ask him or his assistants any questions you want.

Again, I point out the same rules apply to Mr. Robertson. You don't have to listen to him, you don't have to listen to him interminably. You can turn the faucet on any of these speakers any time you want and, again, as to anyone who addresses you, you can ask questions and as to anyone who makes a point if you want it verified by evidence or you want to take testimony or hear evidence you have a right to ask. Although it does seem to me from what I know that you can probably make an informed decision on this issue without actually taking testimony and hearing witnesses.

I don't think you have to give an immediate decision. I think you can deliberate on this as you deliberate on everything else.

I would think that your decision on it ought to be reasonably prompt, either later today or I would hope that you would have that decision available when you reconvene a week from today.

Now, any member of the grand jury that has any questions? Either you didn't understand what I said or I've been unusually clear.

A Grand Juror. How did the papers seem to get everything that we said and so on? Where is the leak?

The Court. I don't know. I do have to tell you that it has not been unheard of that litigants before a Court use newspaper leaks seemingly to their advantage or particularly to their advantage.

Now, that is a subject that you're perfectly free to look into if you desire. Grand jury matters are supposed to be secret. I don't know whether in this—I'm new to this scene. I do not know whether in this AP story that I read in the record there are revelations of fact which should only be known through a grand jury leak or whether it's a revelation of fact that came out in public, such as in a trial or in papers filed with the Court which are public. I do not know.

A Grand Juror. One more thing. We can take this case, it's up to ourselves to take this case?

The Court. Yes, sir. You're an independent autonomous body.

A **Grand Juror**. It's okay to pass it on to Brooklyn?

The **Court**. It is.

A **Grand Juror**. I'm just trying to get the thoughts together. What you said is we can have it transferred to Brooklyn or keep it in New Jersey and have them work on the case if they care to hear it first?

The **Court**. I don't know what Mr. Weingartner or Mr. Holder will say about this case before you. If you decide to continue your investigation or whether they will depart. I do not know. I don't know what the Department wants to do. Either they will continue as your attorneys—I presume—or if they leave the scene Mr. Robertson's office will provide attorneys for you the grand jury, who should follow all of your legal instructions and proper directions. If there is any dispute, legal dispute between you and your attorneys, or the attorney believes something you have requested cannot properly be complied with, the foreman of this grand jury or the deputy, as the case may be, and the attorney are perfectly free to come before me as a federal judge for instructions as to the propriety of the proposed action.

Anybody else have any questions?

All right, I would suggest that you go to lunch now, be back at 1:00 o'clock, at which time Mr. Weingartner will address you. I presume Mr. Robertson will be present, is that correct, Mr. Robertson?

Mr. **Robertson**. I'll be present, Judge.

The **Court**. I don't know whether Mr. Walsh and Mr. Bennett will be here. That's perfectly permissible if you want them.

All right, ladies and gentlemen, back in this courtroom at 1:00 o'clock.

(Whereupon the matter stands adjourned.)

EXHIBIT 15

Memorandum of October 14, 1981, from Michael Tucevich, assistant counsel, to Hon. **Don Edwards**, chairman, Subcommittee on Civil and Criminal Rights, House Committee on the Judiciary, and attachments regarding amount of compensation paid to Mel Weinberg.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 14, 1981.

MEMORANDUM

To: Don Edwards, Chairman, Subcommittee on Civil and Constitutional Rights.
From: Michael Tucevich, Counsel, Subcommittee on Civil and Constitutional Rights.
Re: Amount of Compensation paid to Mel Weinberg.

For your information, attached is the "revised" schedule of compensation provided to defense attorneys. The original list of payments provided to the defense in discovery did not list the 6/15/79 payment. Puccio claimed the reason the $15,000 payment was not included was because it was out of a different 137 file and the court's discovery order referred only to all payments to Weinberg "reflected in Abscam files." However, subsequent testimony revealed that the $15,000 was in fact paid as a lump sum bonus to Weinberg as a "reward" for "making" the McDonald/Errichetti Cases.*

This would appear to confirm arguments that Weinberg was led to understand that he would be paid bonuses based on the number and importance of persons he delivered in Abscam.

MAY 14, 1979.

U.S. GOVERNMENT MEMORANDUM

To: Director, FBI.
From: SAC, Brooklyn-Queens (137-14579) (P).
Subject: BQ 6774-C.

This is a request for a lump sum payment of $15,000 for above captioned source.

For several months, captioned source has been in contact with Angelo Errichetti in connection with the case entitled, "ABSCAM; ITSP; (OO.BQ)." On 2/12/79, Errichetti came to the offices of Abdul Enterprises, Ltd., Holbrook, New York, the undercover company of said case, to update Chairman of the Board of Abdul, John M. McCloud, regarding the progress being made by Errichetti in Atlantic City, NJ. It should be noted, Errichetti was paid $25,000 on 1/20/79 to aid Abdul Enterprises in securing a casino license in Atlantic City. Prior to the meeting with McCloud, the source impressed upon Errichetti that he should detail Kenneth MacDonald's willingness to cooperate with Abdul Enterprises in securing that license. Note that Kenneth MacDonald is Vice Chairman of the Casino Control Commission (CCC) of Atlantic City, NJ. It is the function of the CCC to rule as to who obtains a license to operate a casino in Atlantic City.

Because of the source's persuasiveness, Errichetti, at the subsequent meeting with McCloud that same day, detailed MacDonald's willingness to cooperate with Abdul. Additionally, Errichetti stated MacDonald wanted $100,000 for all four commission members and admitted that he was the commission's "bag man".

On 3/2/79, the source again met with Errichetti at Hauppauge, NY. At this meeting, the source elicited from Errichetti the fact that he controlled MacDonald. Errichetti told the source that the $100,000 mentioned previously would not only assure Abdul's obtaining the license, but also that once obtained it would not be lost.

During the period 2/12/79 to 3/2/79, the source had several telephone conversations wherein the source was able to arrange a face-to-face meeting between McCloud and MacDonald on 3/5/79.

On 3/5/79, McCloud, MacDonald and Errichetti met at Hugo's Restaurant, Cherry Hill, NJ for dinner. Although the conversation was general in nature, a point made clear was the fact that casino operators must cooperate with the CCC in order to obtain a license.

Additional conversations between the source and Errichetti culminated in a meeting at the Spanish River Inn, Del Ray Beach, Florida on 3/22/79. At this meeting, Errichetti admitted that MacDonald was somewhat miffed by the fact that McCloud has not yet produced the money "promised" to MacDonald. The source apologized for the error and guaranteed that a meeting would be scheduled immediately so that MacDonald could be accommodated. The next evening, McCloud and Errichetti met in private and arranged for the "payoff".

On 3/31/79, Errichetti and MacDonald traveled to Holbrook, NY. Preliminary conversation followed the initial greeting culminating at approximately 3:30 PM with words by Errichetti indicating the time for the passing of the money had come. Because no clear-cut distinct understanding as to the reason for the money passing had been enunciated, McCloud opened the briefcase, displayed the $100,000 in cash to MacDonald and bluntly told him the cash was for a guarantee of Abdul securing a casino license. MacDonald and Errichetti obviously dumbfounded at this action, made some conversation, closed the briefcase, took the money and left.

Later this same day, Errichetti and MacDonald met with the source and told him they were grossly insulted by McCloud's action. The source, by displaying compassion and understanding, was able to convince Errichetti and MacDonald that no malice was intended by McCloud, but that merely, in a clumsy way, he obtained the necessary guarantees. Additional conversation with Errichetti resulted in the reestablishment of a harmonious rapport resulting in Errichetti's detailing eleven political targets, including a U.S. Congressman and Senator, as well as New Jersey State Legislators.

It should be noted that during negotiations with Errichetti and MacDonald, it was evident that MacDonald did not want to be present when the money was passed. It was only due to the persuasiveness of the source and his longstanding rapport with Errichetti that resulted in MacDonald being physically present in McCloud's office on 3/31/79.

To reward the source for the outstanding manner in which he not only skillfully established a major federal violation against a major political figure, but also obtained information as to additional corrupt political targets, a $15,000 lump sum is requested.

ADDENDUM: CRIMINAL INVESTIGATIVE DIVISION (CID) MDW:dlp MAY 29, 1979

CID agrees with SAC, Brooklyn Queens and SAC, Miami that informant's actions resulted in significant accomplishments and are worthy of a $15,000 lump sum payment. In the attached Brooklyn Queens letter dated May 14, 1979, and Miami teletype dated 5/21/79, source has been credited with $1,938,300,000 preventive economic loss, a 100,000 bribe to the vice chairman of the New Jersey Gaming Commission and critical information concerning Congressman John Jenrette, Democrat from South Carolina. In addition, this informant has provided information in the matter captioned, "Goldcon".

Since April, 1978, source has been provided with a total of $27,000 in lump sum payments. The most recent was a lump sum payment of $5,000, 4/9/79, for previous information which included the $25,000 bribe paid to the mayor of Camden, New Jersey.

MAY 1979.

From: Miami.
To: Director, Brooklyn-Queens.
Re: BQ letter to Bureau, May 14, 1979.

Referenced letter from BQ requested lump sum payment to BQ 6774-C of $15,000.00. For information of the Bureau, same source has been operated for the past 12 months jointly in Miami Division and has given information on individuals who are con men and organized crime individuals. Numerous cases have been opened and prosecution is pending currently in Miami on at least five individuals.

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* FBI Agent Houlihan (DP Transcript p. 1692), AUSA Weir (DP Transcript p. 2054-55), Mel Weinberg (Kelly trial transcript p. 1564-80).

Schedule of compensation paid to Melvin Weinberg

Date:	*Amount*
June 28, 1969	$100.00
Dec. 29, 1969	150.00
Nov. 13, 1970	150.00
Feb. 26, 1971	1,000.00
May 8, 1975	200.00
Mar. 2, 1978	10,000.00
Apr. 11, 1978	160.50
July 31, 1978	1,000.00
Aug. 1, 1978	600.00
Sept. 5, 1978	1,000.00
Sept. 15, 1978	400.00
Oct. 2, 1978	1,000.00
Oct. 6, 1978	1,000.00
Oct. 24, 1978	5,000.00
Dec. 5, 1978	2,500.00
Dec. 1, 1978	1,000.00
Dec. 22, 1978	1,000.00
Feb. 5, 1979	1,000.00
Mar. 2, 1979	500.00
Mar. 7, 1979	2,500.00
Mar. 30, 1979	3,000.00
Apr. 9, 1979	5,000.00
Apr. 26, 1979	3,000.00
May 25, 1979	3,000.00
May 25, 1979	254.81
June 14, 1979	359.57
June 15, 1979	15,000.00
July 2, 1979	3,000.00
July 31, 1979	677.42
Aug. 2, 1979	3,000.00
Aug. 6, 1979	817.72
Aug. 22, 1979	762.95
Aug. 22, 1979	3,000.00
Aug. 22, 1979	1,796.36
Sept. 17, 1979	722.15
Oct. 1, 1979	3,000.00
Oct. 17, 1979	1,989.65
Oct. 21, 1979	1,018.50
Nov. 1, 1979	6,000.00
Nov. 1, 1979	3,000.00
Nov. 19, 1979	1,841.07
Nov. 28, 1979	1,493.64
Nov. 28, 1979	3,000.00
Dec. 12, 1979	982.53
Dec. 28, 1979	3,000.00
Jan. 11, 1980	2,710.59
Jan. 24, 1979	1,313.74
Jan. 24, 1980	3,000.00
Feb. 7, 1980	604.13
Feb. 22, 1980	3,000.00
Feb. 25, 1979	10,000.00
Mar. 31, 1980	3,000.00
Apr. 15, 1980	784.00
Apr. 30, 1980	3,000.00
May 16, 1980	278.59
May 31, 1980	3,000.00
June 4, 1980	272.02
June 18, 1980	210.88
June 30, 1980	3,000.00
Total	133,150.82

A. A bonus on it.

Q. You got another $5,000 bonus in March or April of 1979, did you not?

A. It's April 9th.

Q. That wasn't on the list yesterday, was it?

A. No, it isn't.

Q. It's on the new list, is it not?

A. Correct.

Q. Let's skip down to June 15, 1979 where the new list, Exhibit F—it was given to us this morning—shows $15,000 payment. Was that on the list that was given to us yesterday, Exhibit E?

A. No, it isn't.

Q. Tell the jury what that 15,000 was?

A. Well, I'm not sure what it's for, unless when my cover was blown.

Q. It had to do with the sale of your house, didn't it, Mr. Weinberg?

A. In June?

Q. Yes.

A. No.

Q. When did you sell your house?

A. The house was sold—I told you, July, June, July. But it wasn't closed on it until I think September.

Q. The cover thing that—your cover being blown, when did that come up?

A. Came up a few times.

Q. How much did you get—what kind of bonus because your cover was blown?

A. I don't remember. But I'm just guessing at it may be for that.

Q. Well, if it was only 14 months ago—stop me if I'm wrong—wouldn't you remember getting $15,000? Or isn't that much to you?

A. I don't remember what it was for.

Q. Well, let's tell the jury about the house, Mr. Weinberg. You sold the house for $30,000, isn't that right?

A. That's correct.

Q. And you paid $19,000 for the house; isn't that correct?

A. I paid $20,000 for the House, 1990.

Q. I will give you the thousand. When you sold the house, you went to John Good with the FBI and complained to him that you were taking a giping on the house, and you got $10,000 from the FBI to supplement the sale price on your house; isn't that true.

A. No, I don't think that is true.

Q. Do you know——

A. I don't know what the 15,000 was in June. But I don't believe it was for the house.

Q. Just answer my question. I am not going to the—I am not going to the list now. I want you to tell the jury what you remember about the sale of your house just only—a little more than a year ago. Isn't it true—listen to my question, please.

Isn't it true that when you sold the house for $30,000, you told Good that you took a loss on the house and that you want the FBI—stop there—that you told Good you took a loss on the house?

A. I don't remember telling Good I took a loss on the house.

Q. Do you deny now under oath that you said that to him?

A. I don't remember saying it to him.

Q. All right.

Didn't you say to Good that you wanted the FBI to pump you up with some money to supplement what you were getting on the sale of the house?

A. I don't believe that—part of that money could be moving expenses. They paid for my moving.

Q. I am coming to that, Mr. Weinberg. Let's talk about the 10,000 now.

A. I really don't know. I just can't answer you on it.

Q. Okay.

A. Let's talk about the moving expenses then. Isn't it true that you went to Good and told him, since you were moving from your home you needed some walking around money or living expenses and you got another $5,000 from the FBI?

A. No, that's not true.

Q. Do you deny under oath that you got $15,000 from the Federal Bureau of Investigation or Abdul Enterprises or whomever was the maker of the check?

Mr. PUCCIO. Objection. It's been asked and answered, Judge.

The COURT. Let me hear the whole question.

Q. Do you deny now under oath that someone connected with the Government, be it the FBI or Abdul Enterprises, paid you $15,000 in checks with the sale of your house and your moving?

A. I got 15,000, but it wasn't connected with the sale of my house or moving.

Q. Tell this jury what it was in connection with.

A. I don't know offhand exactly what it was connected with.

Q. Somebody just walked up and said, you're Mel. Here's $15,000. You can have it?

A. No.

But in June there—May 8th in that some CDs or something else came in.

The COURT. May I see counsel at side bar, please.

(The following took place at the side bar.)

The COURT. Mr. Duffy, you can—I am not attempting to restrict your cross examination in any way. But I would suggest to you, you may be embarrassing yourself by the aggressive approach you're taking. Because I know what is in the 137 file. It shows that the $15,000 was paid to him in connection with another matter which he was nearly killed, and in which he recovered some rather substantial property for the Government. And that the amount of the payment in connection with his house moving was $6,000. And it's included in the Abdul Enterprises payments of '79.

Mr. DUFFY. That's not what he testified to under oath in Philadelphia.

The COURT. You can cross examine him about it to your heart's content, but you are leaving yourself wide open. The Government has the records. I just wanted to alert you. They consider them confidential records, particularly when they relate to other investigations. I don't know to what extent they feel they can safely reveal the information, but they may come back and—just looking at the case from the overall point of view, they may come back and make a hero out of this guy in the eyes of the jury.

Mr. DUFFY. They deprived us of that information and I—

The COURT. It's not Brady material.

Mr. DUFFY. I think it's highly improper if they do come back. But we have this witness in Philadelphia saying what the money was.

The COURT. I'm not saying that you can't question him. I want to warn you of the risk you are running in what you are doing.

Mr. PUCCIO. May I put on the record that it would be our position—at least, we would like the opportunity to explore whether we can bring out that the reason behind these payments—

The COURT. Of course you can.

Mr. PUCCIO. We intend to do so.

Mr. BEN-VENISTE. You would?

Mr. PUCCIO. We would.

Mr. BEN-VENISTE. I would object to it very strongly. If these payments aren't on a list relating to Abdul Enterprises in the ABSCAM investigation, then we are sandbagged not only by the witness' sworn testimony, but by the fact that this material has not been provided to us during the pretrial as we had requested. I would suggest to the Court that if this is in fact the case, under all the circumstances that the record should be left as it is and Mr. Puccio ought not to be allowed to come back in and rehabilitate the witness with information that has been deprived us for purposes of use in cross examination. That is just absolutely sandbagging.

The COURT. With respect to the payments he received from Abdul Enterprises, you had the list. You had known what they are. They are Brady material.

With respect to the payments received in the other capacities his work for the Government, they are not Brady material. They all go down to Mr. Weinberg's credit and are directed to some rather extraordinary service that he rendered to the Government, particularly with organized crime. And to the extent that you explore it—I think I warned you about this yesterday—to the extent that you explore him as a witness, I think the Government is entitled to rehabilitate him if they choose. They can tread a very fine line between safety and revealing other investigations and things of that nature. But that's a line the Government has to decide, whether they are going to cross it or not. I want you to be aware that you are opening the door to that kind of a redirect examination or rehabilitation.

Mr. Brown. Judge, may I inquire through the Court if it's possible for the material to be given us to distinguish payments that would be paid by Abdul in connection with this particular matter as opposed to matters such as the one you describe?

The Court. Exhibit 66 is where he had the problem. Exhibit E is payments by Abdul. Exhibit F has additional payments.

Mr. Brown. So that if we rely on Exhibit E then we would not be within the purview of other matters beyond Abdul which gave occasion under your rule of rehabilitation by the Government.

Mr. Puccio. It is too late for that. I am sorry.

Mr. Brown. May I finish? I didn't mean—I was talking to Mr. Puccio.

Mr. Puccio. I am sorry that I interrupted Mr. Brown.

The Court. Mr. Duffy has already gone into many of the non-Abdul payments. But he's making a big hassle over the 6,000 and the 15,000. He's obviously gotten them confused in his own mind. And I can understand why. I just wanted to alert him that there's nothing mystical about the whole thing and it's a perfectly simple explanation.

Now, his testimony may well be inconsistent. And you can exploit that to whatever extent you want.

Mr. Duffy. Your Honor, in Philadelphia he testified that he got 10,000 to supplement the sale price and a $5,000 moving expense. There's no doubt about that.

Mr. Brown. Judge—

The Court. The FBI report—

Mr. Brown. Your recollection will be guiding of course, but I don't recall—this is my own shortcoming perhaps—that there was a distinction between Exhibit E and the present day listing in terms of any such exposure. Now, what I understood the list—the list was to be a supplemental list, and the statement I recall Mr. Puccio making is this, your Honor. We do have the supplemental list and we are correcting the list. And this is the correct list. Now, I realize that—that perhaps we should have gone further in attempting to get the reason why.

The Court. He said it was paid out of two accounts.

Mr. Brown. Of course.

The Court. The first list he gave was the Abdul account and the other is another FBI account.

Mr. Brown. But, you see, here is what appeals to my reasoning. First, it was a 137 account, and then extraneous from that originally 137 account due to new FBI procedures, a different account—

The Court. You're confusing account with files.

Mr. Brown. That may well be.

The Court. You are talking about accounts.

Mr. Brown. The word was, file.

The Court. The Abdul account was on Exhibit E. The two files, the 137 and the 137 Sub A was the attempt to separate individually, identifying documents from those that identified them only by number.

Mr. Brown. Yes. I understand. That's why I thought the separate file did not exclude Abdul.

The Court. The one that identified them individually does include the record payments made to him.

Mr. Brown. That's right.

The Court. Out of other accounts.

Mr. Brown. That's why—

The Court. Actually out of FBI accounts.

Mr. Brown. That's why I failed to perceive the distinction. You see, this is the one instance where you hold the cards. We sit here and have to interpret. And in most instances it's the other way around.

The Court. I understand. And I don't particularly like being in that position. But because of the nature of the extremely sensitive material I don't see how there is any other way to handle it. I will tell you, if the Government decides to throw caution to the wind and show precisely what his informant activities have been, I can tell you if I were sitting on the jury my evaluation of his activity is that while he is probably personally a scoundrel, from the point of view of the service that he's rendered to the United States Government, maybe he ought to get a medal. I warn you you may get to that point.

Mr. Ben-Veniste. I would say, your Honor, that we would be entitled to a mistrial if Mr. Puccio tries to elicit that from the witness on the basis of this record, this type of organized crime connection or anything like that outside of the purviews of this indictment which has absolutely nothing to do with that subject matter.

The Court. Well—

Mr. Ben-Veniste. We were not warned—

The Court. They can explain why these payments were made to him.

Mr. Ben-Veniste. No, sir. Not with a list that is provided to us that indicates Abdul Enterprises or ABSCAM related payments. This has nothing to do with ABSCAM. It certainly has nothing to do with our indictment.

The Court. Then why do you keep questioning about it.

Mr. Duffy. Because they were given to us.

Mr. Ben-Veniste. The list——

Mr. Puccio. Judge——

The Court. I told you what the file contains yesterday. You didn't listen to me.

Mr. Ben-Veniste. Your Honor did not tell me.

Mr. Brown. I didn't hear that.

The Court. Not individually. But I identified for you what his activities——

Mr. Ben-Veniste. But how on earth could we know, if the Court please, that the—that is why we asked for the underlying material so that we would——

The Court. Whatever that may be, now you know.

Mr. Ben-Veniste. All right.

The Court. I just wanted to warn you. You may well be walking out on a plank that the Government may saw you off.

Mr. Ben-Veniste. Prospectively we are not going to go into that, but it would be—I think it would be unfair and it would entitle us to make a motion for a mistrial to have Mr. Puccio go back and try to—now on this record in connection with that $15,000 payment and try to make this man out to be some kind of undercover organized crime expert in some totally unrelated area to this ABSCAM.

The Court. He mentioned that he nearly got wasted, that he recovered CDs for the Government. He's touched upon it.

Mr. Ben-Veniste. Let's leave it the way it is.

Mr. Duffy. I am not in a position where I can say, didn't you testify in Philadelphia—and I've got that testimony—and then he says ten and five supplementing the price and the moving expenses——

Mr. Brown. You know, a part of the burden which you placed on us also falls on the witness in that we are relying on his testimony where that seems to be consistent with the fact that the payments come out of Abdul and be guided by that, and I want to put on the record that I appreciate the warning—and I speak for myself. I will now be guided and not come within that purview. But I would state, too, that up to this point, because of the Court's discretion in denying us these records, which I also do not challenge, we were unable to make these distinctions. And that—and I believe that from now onward we would be responsible. But I ask you to consider, too, Mr. Ben-Veniste's position, which is that up to this point we were unable to and had no means of understanding the distinction between his testimony which identifies these as being connected with Abdul in a perfectly relevant way as opposed to some of his other adventures with the Government which are totally unrelated to us.

The Court. I think I understand the problem that you each have. And in order that it doesn't in a sense run away with the trial, which it shouldn't, it's a relatively small aspect of it, as far as I can see. Before you attempt to straighten this out, Mr. Puccio, I want you to bring it up at side bar as to what you propose to do because I think perhaps whatever unfairness may be generated by some of the questions we heard thus far or perhaps will hear can be cleared up in the interest of accuracy without overloading the record with what many have been the reason for the payments beyond the service rendered to the Government.

Mr. Puccio. Judge——

The Court. Each of these payments were preceded by requests by the FBI from considerably more than what was actualy authorized.

Mr. Brown. I understand. But I believe within the purview of the witness' ability to recall—I am not criticizing him for that. If he had simply answered, well, this isn't connected with this business, we would be off it. But I don't think even has a clear recollection.

The Court. I don't think he has.

Mr. Brown. If we are guided by the Government and we are barred from certain material which your Honor in his discretion and judgment says that we shouldn't have, then we are out on a limb. And that lightweight saw that they have advertised on T.V.——

Mr. Puccio. What I say I would like to do, as your Honor indicated, that I can make an evaluation of what we want to elicit and then bring it before the Court. It may well be that we won't come back into it. But I don't want to waive it. And I also want to say that Mr. Furst had requested at the time we had the 137 file all of the payments even going back to the '60s. And at that time I indicated that it didn't seem particularly relevant. But in light of the examination I have requested someone to go through all the files. And that was my reason. But I think——

The Court. Don't go into any rehabilitation explanation of putting a witness on with the files to explain what they were without first discussing it at side bar.

Mr. Duffy. Look at the trap that I am in, sir. We get this document from the Government that says these are the payments to Mel Weinberg. Nothing about that there payments for heroism above and beyond the call of duty. We have to assume that anything from '78 on is an ABSCAM payment. I think that is the proper construction of what they gave us. We have this witness under oath more than a month ago in Philadelphia explaining certain payments, swearing that this is why he got the money. And then I get sucked into cross examining him on a change in his testimony now from what he gave under oath in Philadelphia. And that's supposed to light the fuse and let the Government blow me away. I don't think that that is ethical.

(The following took place at the side bar.)

Mr. Ben-Veniste. May I fasten on to something here?

The Court. Yes.

Mr. Ben-Veniste. The Court has mentioned a request of the witness for more money on various times. If those requests relate to ABSCAM related endeavors, I have no way of knowing whether they do or do not, but we would be entitled——

The Court. There is no indication in any part of the two files that I went through, Court Exhibit 4 and 4-A, that indicate any request at all by the witness Mr. Weinberg for money.

Mr. Ben-Veniste. That answers that question.

Mr. Cacheris. Are there any underlying documents that go with that list the government has like for example if there is a request for a reimbursement that it emanates from the witness? All we have is the cold list.

The Court. There is nothing in the file that is from the witness. Everything in the file is an FBI memorandum of one sort or another with the exception of entirely irrelevant materials the witness has supplied, documents which have been obtained in the course of his undercover activities.

Mr. Cacheris. It seemed to me for the government to pay expenses as distinguished from $3,000 must be something—there must be something in the file to justify the expense. I think we are entitled to that.

The Court. No. I can't respond to that. It's not in the file that I read.

Mr. Puccio. Mr. Cacheris is probably referring to the use of the word compensation on the top of the list. The use of the term is generous because it turns out some of those figures are returns of monies that the witness laid out.

The Court. As the witness has testified.

Mr. Puccio. Yes. The title is misleading.

The Court. You can see all the odd figures are expense reimbursements.

Mr. Cacheris. He said he was reimbursed. It's appropriate to find out what records exist from the expense either from the witness or from the government.

The Court. I am not sure what relevancy that might have.

Mr. Puccio. The implication may be he was paid additional compensation through the use of the device "expenses."

I will check on that.

Mr. Cacheris. The implication is that the expenses are phoney.

Mr. Puccio. I have no knowledge of that but I will check.

The Court. There is no record of it.

Mr. Cacheris. I make the request.

The Court. All right.

(The following took place in open court.)

The Court. I am sorry for the interruption, ladies and gentlemen. I think we have straightened out our problem and we may proceed.

Mr. Duffy.

(Cross examination.)

By Mr. Duffy (continuing):

Q. Mr. Weinberg, let's go back to Mr. Goberman, do you remember him?

A. Yes.

Q. I am not certain that I understood what we talked about yesterday. I just have a few questions in this area.

Do you have—did you have some dealings with Mr. Goberman?

A. I did.

Q. He is the building contractor from Lancaster, Pennsylvania, is that correct?

A. Yes.

Q. He was the fellow who had the hotel down in the Islands, is that correct?

A. That is correct.

Q. Did you swindle him for any money at all?

A. I did.

Q. Oh, all right.

Can you tell the jury how much?

A. Approximately $10,000.

Q. He settled for 2500?

A. Yes.

Q. Of what was that $10,000 composed?

A. I don't follow the question.

Q. Did you take $10,000 in cash or part of a diamond ring?

A. No, in three payments.

Q. What were they?

A. I think it was 2500, 5000 and 2500.

Q. How about airline tickets, did you get any airline tickets from him and then cash them in?

Exhibit 16

FBI contact memoranda dated June 2, 1980, and April 7, 1980, regarding May 28, 1980, and April 1, 1980; respectively, interviews of Mel Weinberg by FBI relating to leaks to media regarding ABSCAM.

Melvin Weinberg, white male, date of birth December 4, 1924, was met at the Miami Airport by the interviewing agent. Weinberg knew the official status of the agent and the interviewing agent explained the purpose of the interview to Weinberg.

Weinberg was asked by the interviewing agent if he would voluntarily submit to a polygraph examination concerning the leaking of information to the news media in an FBI undercover operation known as Abscam. Weinberg stated he would not take a polygraph examination as he was sick and tired of being asked questions about his talking to any news media people.

Weinberg stated that he has retained a literary agent, who he declined to identify, who is arranging for the writing and publication of a book which will be Weinberg's biography. This book will include that portion of Weinberg's life that he spent as an informant for the FBI.

At this point Weinberg stated, "I wish I had the outline with me now so I could show you a portion of it. I spent hours taperecording the outline and it's pretty good."

Weinberg stated that approximately two or three weeks ago his literary agent said he (the literary agent) had been contacted by a Michael Vinner, telephone number 213/550-1806, and that Vinner was a producer of movies made especially for television. Vinner told Weinberg's literary agent that he was in the process of making a three-hour semi-documentary film on Abscam and that he would pay Weinberg up to $100,000.00 if Weinberg would completely and fully cooperate with him in making the television special. Vinner also told the literary agent that of the money he had budgeted for the television special he had already spent or allocated $125,000.00 which was to be paid to a female investigative reporter in New York City and a retiring or retired FBI agent in New York City. Weinberg's literary agent did not know how the $125,000.00 was divided. The $125,000.00 was not paid to each person individually but that was the total figure allocated to the two. Additionally, Vinner indicated that the female reporter might back out of the deal. The reason for this, according to Vinner, was that the reporter's activities in her capacity as a reporter were subject to a right of confidentiality whereby she could protect her sources of information. If, however, she were to sell this information and it was used to make a semi-documentary television special, this alleged right of confidentiality might be in jeopardy. The literary agent was also told by Vinner that Vinner is represented by Attorney David Pouich of Washington, D.C. Pouich has telephone number 202/362-9527. Additionally, Pouich represents an individual in Washington, D.C., by the name of Mafaletto (phonetic).

Shortly after receiving this information from his literary agent, Weinberg was called directly by Vinner. Vinner told Weinberg essentially the same thing he told the literary agent. Vinner also indicated to Weinberg that he wished Weinberg would meet with him and Attorney David Pouich at sometime in the near future. Weinberg refused to meet with Vinner in the presence of Pouich as he was afraid there may be a conflict of interest with Pouich as Pouich represents Mafaletto. Weinberg stated he may meet with Vinner only at sometime in the future. Weinberg stated that in his initial conference with his literary agent and Vinner he refused the offer of $100,000.00. Weinberg stated he refused this offer for three reasons: 1) he did not wish to jeopardize the Abscam case, 2) he feels a great deal of allegiance to Special Agent John Good and feels that if he were to accept this offer he would be embarrassing Good, and 3) it was his understanding that if he were to accept this offer he would lose any share of movie rights that he might receive at some future time. Weinberg was asked if he knew the identity of the FBI agent who was to receive part of the $125,000.00 from Vinner. Weinberg said that he believed it was Neil Welsh. When asked why he believed it was Welsh, Weinberg stated it was thoroughly speculation on his part as he had no factual basis for saying it was Welsh.

Weinberg advised that with regard to his book his literary agent and a publishing company are considering author Peter Maas as a writer for the book. Additionally, Bob Greene of Newsday Newspaper has personally contacted Weinberg and asked if he could write the book for him. Weinberg stated he owes Greene a number of favors and that he is trying to reach some sort of agreement whereby both Greene and Maas could co-author the book. Weinberg stated he had been contacted by Greene a number of times concerning Abscam and that Greene would ask him if an incident took place. Greene would then describe the incident in general terms. Weinberg advised he sometimes would make a comment on it. Weinberg stated these contacts by Greene were all subsequent to February 2, 1980.

Weinberg was asked if he furnished photographs of FBI technical equipment to Bob Greene. Weinberg stated he had not. Weinberg stated he took photographs at the FBI undercover house on W Street in Georgetown but that he turned over this film to Special Agent Bruce Brady at Brady's request. Weinberg stated that he took Special Agent Brady with him to two locations in an effort to locate the camera that held the film. He located the camera and in removing the film from it started to expose the film. Weinberg stated Brady told him to stop that he was exposing the film. He did stop, closed the camera and progressed the film within the camera, then removed it from the camera and gave it to Special Agent Brady. Weinberg was then told by the interviewing agent that Brady said he put the film in his briefcase in Weinbergs' presence but when he looked for the film some days later he was not able to locate it. The interviewing agent then told Weinberg that he did not believe Weinberg's story and that what probably did happen was that Weinberg was going to give Brady film that did not have any pictures of FBI technical equipment on it and that was the reason Weinberg attempted to expose the film and that when Brady stopped him from exposing the film Weinberg was then of necessity forced to steal the film from Brady's briefcase. Upon hearing this, Weinberg laughed and said, "that's possible".

Weinberg advised that he had heard from both his literature agent and other sources who he declined to identify that there is an open offer from the media of $25,000.00 for any video tape that the FBI took of congressman or senators taking money from undercover FBI agents. Weinberg stated that that price was probably inflated.

It is more likely the actual offer would be around $8,000.00. Weinberg went on to say that it is his understanding from sources who he would not identify that there is already an unauthorized copy of a video tape that is available and that it is just a matter of time that the person who has the unauthorized copy of the video tape meets with someone who is offering the money.

On April 1, 1980, Melvin Weinberg, white male, date of birth December 4, 1924, was interviewed at the Sheraton Inn, Singer Island, Florida. He was advised of the identity of the interviewing Agents and of the fact that they wished to question him with regard to the unauthorized disclosure of information to the news media about an FBI undercover investigation known as ABSCAM. Weinberg furnished the following information:

He has been involved in ABSCAM since its inception and had made a number of video and audio tapes for the FBI. These tapes recorded meetings he had with various people and all the tapes were turned over to the FBI. Weinberg advised that he received no official correspondence regarding ABSCAM. He did, on a limited number of occasions, review some of the tapes he made in order to clarify some points. He had no access to the transcripts of these tapes.

Weinberg advised that prior to February 2, 1980, he was present at a house being used by undercover FBI Agents. This house was located on W Street in Washington, D.C. Weinberg cannot remember the exact date but on this particular occasion he had a camera with him. He took four pictures while at the house. He took a picture of the outside of the house, a picture of the limousine being used by himself and the undercover Special Agents, and had someone take two pictures of himself.

Weinberg advised that subsequent to February 2, 1980, he received information from his (Weinberg's) sister that Bob Greene of Newsday, a Long Island, New York, newspaper, wanted to talk to him. Weinberg called Greene and at that time complained to Greene that he was being bothered by reporters. Weinberg said he spoke briefly with Greene and Greene said that he could get the media off his back if Weinberg would give him additional details. Weinberg told Greene to just go ahead and print whatever he wanted. Weinberg said that some but not all of the quotes credited to him by Greene may have been said during their conversation. Weinberg said that the photograph of him that appeared in various newspapers was a photograph that he had left in his house in Central Islip, New York, when he moved from there.

Weinberg advised that he has known Bob Greene for a number of years and that prior to February 2, 1980, and while the ABSCAM investigation was underway he met Greene on two occasions. He advised that these meetings were not planned that he and Greene frequent the same restaurants and met by accident.

The meetings were brief and no mention of ABSCAM or any of the circumstances surrounding ABSCAM were mentioned.

Weinberg advised that since February 2, 1980, he has had a number of media representatives try and contact him. He advised that they have been very aggressive and even chased his son into some woods. Weinberg advised that Leslie Maitland was one of the reporters who has been harassing his family. Malcom Carter is another reporter who has tried to reach him.

Weinberg advised that since the ABSCAM story broke he has been contacted by representatives of television companies as well as representatives from the motion picture industry. Weinberg also stated that he has retained a literary agent who is attempting to negotiate with various publishers for him. Weinberg said that the literary agent will attempt to sell his story to a publisher, the publisher will then furnish a writter who will write Weinberg's biography. Weinberg said that his involvement in ABSCAM will comprise a portion of the book. Weinberg declined to identify his literary agent.

Weinberg declined to furnish the interviewing Agents with a signed statement. He advised that he avoids signing things whenever he possibly can.

Weinberg advised he would take a polygraph concerning the truthfulness of the information he furnished the interviewing Agents.

EXHIBIT 17

Memorandum of February 17, 1982, from Michael Tucevich, Assistant Counsel, to Hon. Don Edwards, Chairman of the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary, summarizing all representations during prior series of Subcommittee hearings regarding undercover operatives.

Memorandum

EXHIBIT —

COMMITTEE ON THE JUDICIARY,
Washington, D.C., February 17, 1982.

To: Don Edwards, Chairman, Subcommittee on Civil and Constitutional Rights.
From: Michael Tucevich, Assistant Counsel.
Re: FBI Undercover Review.

The attached memorandum is a summary of all representations made to the Subcommittee by the Department of Justice and FBI officials during the course of our previous undercover operations hearings. The quotations are arranged by subject to facilitate their use should any of these issues arise once again in future hearings.

A. SAFEGUARDS CONCERNING UNDERCOVER OPERATIONS

1. General

(a) William H. Webster, Director, FBI:

"In summary, we must use the undercover technique with discretion and care. Whether it be the undercover technique or another technique, in every investigative venture, there are potential risks.

"As I have indicated, we have developed policies and procedures designed to minimize these risks. This is not to claim investigative perfection, but whenever mistakes or miscalculations or misunderstandings do occur, you may be sure that the lessons learned will be incorporated in our future planning of operations." [March 4, 1980 p. 150]

(b) Philip B. Heymann, Assistant Attorney General, Criminal Division, Department of Justice:

"It is only if the agent goes there and does a lot of fancy talking, somebody will be responsible for it, if they go and do a lot of fancy talking and inducing." [March 4, 1980 p. 164]

2. Quality controls on informants

(a) Donald W. Moore, Jr., Assistant Director, FBI:

"We have taken self-imposed restrictions to insure the quality of the informant coverage in this particular program, so we don't just proliferate people and say they're an informer. We trust our informants are of quality . . ." [March 8, 1979 p. 6]

"The purpose [of the informant program] is to get quality informants." [March 8, 1979 p. 13]

(b) William H. Webster, Director, FBI:

"In addition to this approval review process special care is taken to insure that our Agents are sensitive to the limitations and requirements of undercover work. Before an operation is undertaken, FBI supervisors, the Special Agents in Charge in the field, and program managers at FBI Headquarters carefully screen all undercover Agents to be certain that they are suited for their particular missions. We also provide special training for those selected, with emphasis on instruction in legal areas, including the issue of entrapment.

"We take precautions to minimize potential problems. With adequate training, the Agents involved are alert to sensitive issue areas. We want them to recognize when lines are about to be crossed, and to know that when in doubt they must seek the advice of their supervisors.

"Once the review committee approves a project, the Bureau monitors it, both at Headquarters and in the field. When electronic surveillance or closed circuit videotapes are used, we can examine the propriety of our Agents' conduct, and the quality of the investigation as it progresses. And, of course, the results of the surveillance and the tapes provide an opportunity for the courts to evaluate the Agents' actions should they subsequently be challenged." [March 4, 1980 p. 145]

"In addition to this approval review process, special care is taken to insure that our agents are sensitive to the limitations and requirements of undercover work. Before an operation is undertaken, FBI supervisors, the Special Agents in Charge in the field, and program managers at FBI headquarters carefully screen all undercover agents to be certain that they are suited for their particular missions.

"We also provide special training for those selected, with emphasis on instruction in legal areas, including the issue of entrapment.

"We take precautions to minimize potential problems. With adequate training, the agents involved are alert to sensitive issue areas. We want them to recognize when lines are about to be crossed, and to know that when in doubt, they must seek the advice of their supervisors." [March 4, 1980 p. 149]

3. Effect of guidelines

(a) Paul R. Michel, Associate Deputy Attorney General, Office of the Deputy Attorney General:

"The field offices have been operating for the entire period of extensive undercover work, which I guess is between 2 and 3 years without formalized guidelines.

That is not to say that they have been operating without carefully structured procedures. Because the procedures have been rather well structured and followed closely. What the guidelines basically did was to build on those procedures and to formalize them and if I can misuse a word, codify them into guidelines." [February 26, 1981 p. 81]

"The guidelines on undercover operations like those on other topics, were drafted on the basis of certain underlying principles. Three of the most important of these are as follows. First, guidelines should not be a catalog of "do's" and "don'ts." Rather, they should focus on establishing or formalizing sound procedures to assure that critical judgments are made at appropriate levels of authority and are recorded and therefore, susceptible to subsequent review within the Bureau, by the department, and by the Congress.

"Second, the guidelines must be clear enough to be readily understood and followed by all agents and must contain standards which are realistic enough so as not to interfere with effective and appropriate investigative activities.

"Third, the guidelines should not merely meet the minimum requirements of constitutional and statutory law, but should also reflect sound law enforcement policy. I might say that these three principles, in my view, were precisely the same principles that formed the basis, a theoretical basis, for example, for the guidelines on domestic security investigations, which were issued in 1976." [February 26, 1981 p. 82]

"So, I think, No. 1, that the guidelines are taken seriously, and they are followed, and we have proof of that.

"No. 2, there are sanctions. The real sanction that's involved here is you can get fired. And FBI Directors have not hesitated to fire people who committed substantial wrongdoing." [February 26, 1981 p. 102]

4. "Reasonable indication" requirement

(a) Paul R. Michel, Associate Deputy Attorney General.

"That's not to say that undercover operations ought to offer opportunities for criminality in the complete absence of reasons to suspect that the activity is going on and that the people who will present themselves or were presented and produced at the location in fact are involved in that kind of criminal business. We used in a charter, as you will recall, * * * the concept and the phrase 'reasonable indication.'

"And that same notion is adopted in the guidelines and is mentioned. As I indicated earlier, we either have to have a reasonable basis for suspecting, a reasonable indication, that the individual in question is corrupt as a labor racketeer, or whatever the operation involves, or he has to identify himself by coming in, with no active role on our part." [February 26, 1981 p. 84]

5. "Witting" versus "unwitting" middlemen

(a) Paul R. Michel, Associate Deputy Attorney General, Office of the Deputy Attorney General:

"We often have a man who starts out as a suspect. Let's say an informant has come and told us that Mr. X, who is a police captain in some metropolitan city, is collecting bribe payoffs from gambling operators. Suppose then that the word goes out that a new gambling operation is being established. And the next thing that happens is, this police captain comes in. He indicates that his superior officer, Inspector Y, also shares in these bribes. "Well, at that point, the captain has shifted from being merely a subject, because of the informant allegation, to being an intermediary. But he is going to bring in the higher ranking officer. And of course, we're even more interested in trying to successfully prosecute that individual than the captain.

"So he becomes a middleman. And he is not a witting middleman. Obviously, he has no idea that this gambling operation is phony and it's a setup in order to detect police corruption.

"There are, of course, middlemen who who are witting. They are referred to in FBI terminology as cooperating individuals. They present special problems because of obvious difficulties of total control by the Government. But it's important to recognize, I think, that in most situations the middleman is not being manipulated by the Government. The middleman himself doesn't even know that it's an undercover operation.

"Now, in the case where the middleman is a cooperating individual, is fully knowledgeable, there is a risk that he will misrepresent the statements or activities of a suspect, that he will produce at our warehouse, or whatever the location might be, individuals who in fact are innocent. There is, therefore, the risk that an innocent individual may be offered the criminal opportunity. There are two reasons why this risk, even aside from guidelines protection, is not very great. The first is, if a cooperating individual, a middleman, brings in an innocent person, we quickly discover that he's either exaggerating or he doesn't know what he's talking about, so we no longer put so much faith in what he says. It corrects itself rather fast.

"It is quite true, in the meantime, one or two individuals who are completely innocent might be drawn into the operation to the extent of having the offer made. But as, I think it was the second circuit, recently observed, that is not necessarily disastrous, because the honest man simply rejects the offer and departs.

"It is a risk; it is undesirable. It is not a big risk, and the guidelines minimize it by, for example, stressing that the underlying criminal nature of the offer has to be made very clear and communicated directly to the suspect. No offers are made through third parties. They're face to face, and they're clear terms.

"And I might say that with regard to the clarity of the criminal nature, we frequently have had circumstances in actual operations where extensive script writing, in effect, was done by teams of lawyers from both the department and the FBI. So that the undercover agent who actually makes the offer—we don't let the middleman make the offer; the undercover agent makes the offer—does so in terms that are unmistakably clear that this is a crime that's being offered." [February 26, 1981 p. 85]

"Mr. **Edwards**. Often, these middlemen are conmen or people with long criminal records, and sometimes they are in the pay of the Bureau or of the Department of Justice. Is that correct, also?

"Mr. **Michel**. That's correct. There are both types. The first type is the far more common.

"Mr. **Edwards**. Is there no auditing done? How do you control these people floating around? . . .

"How do you stop them from approaching one person after another and then approaching the same person again, and enticing the same innocent person again and again and again . . .?

"Mr. **Michel**. Let me take it separately. With regard to the unwitting conman, there is no way we can stop them. And we didn't start them. He was already out there doing that.

"Mr. **Edwards**. No, but you're paying him money to continue.

"Mr. **Michel**. No, no, not the unwitting conman. He thinks that he's working with criminals and at both ends, and so, he's just operating in his normal fashion.

"And we didn't put him into that business, and we're not in a position to put him out of that business, so that it just isn't a question of how can the Government let him do that? The Government ordinarily has little capacity to stop him from doing that.

"Now, in the case of the witting intermediary, who is being paid, in some instances, by the FBI, certainly is receiving direction from the FBI, that's quite a different circumstance. In that case, there's a lot that we can do and do to minimize as much as possible, the risk of innocent people being drawn into this web, if you will.

"One of the things we do is that we require, to the extent possible, that his contacts with people that he says are corrupt, or are racketeers, or whatever the nature of the enterprise is, we require him to develop the best possible evidence.

"For example, if there are telephone conversations between the witting conman and the suspect, those conversations may be recorded with consent of the cooperating individual. So that we aren't dependent on his word that the suspect showed an interest in committing a crime. The words of the suspect himself or herself are available to us. So that eliminates the risk that the middleman is lying in that kind of circumstance. Now, it is not always practical to have tape recordings done. But that's done where it can be done.

"Another device we use is that the witting middleman is questioned closely after each material meeting or contact with a suspect. And he reports or produces information detailing precisely what was allegedly said.

"Sometimes, the specifics in these reports can be corroborated through independent investigations, so that would serve on a check that the conman is conning us and lying about someone being interested in committing a crime." [February 26, 1981 p. 95]

". . . [t]he key point perhaps is this: We need to be very sure that our cooperating individuals are not themselves making any offers. If we can limit their role to being a middleman in the sense of a broker who brings together two parties, then we can get past the fact that the middleman may be lying or exaggerating or distorting or he's got it in for somebody and he's just trying to get the fellow in trouble for some personal vindictive reasons.

"So we need to put very heavy emphasis on limiting the role of the middleman and by being sure that all the operative conversations are ones that are taking place between the suspect and undercover FBI agents, and not just between the middleman and the suspect. I don't think that there's anything more that we can do." [February 26, 1981 p. 109]

6. The review process (monitoring)

(a) Philip B. Heymann, Assistant Attorney General, Criminal Division, Department of Justice:

"As a matter of sound administrative policy, the Department observes considerably more restraints than the bare legal requirements in establishing, monitoring and executing its undercover operations. In the elaborate review process which Judge Webster has described, the Bureau and the Criminal Division strive to insure that each undercover operation is carried out in a manner which is fair, unambiguous, productive of successful prosecutions, and which minimizes the impact on or even the involvement with innocent persons." [March 4, 1980 p. 138]

"The other intuition underlying the 'creating crime' argument is the strong sense that law enforcement activity, including undercover operations, should avoid harming or burdening third parties. Certainly any undercover activity which posed a direct threat to the safety or well-being of third parties would be exceedingly troubling. We are sensitive to this concern and are extremely careful to monitor our operations to prevent third party harm. We commonly close the operation if there appears to be any significant chance of violent activity or severe uncoverable financial loss to individuals." [March 4, 1980 p. 140]

(b) William H. Webster, Director, FBI:

"These operations, however, often raise sensitive issues which I recognize must be addressed. Therefore, the FBI has adopted specific undercover policies, and an extensive oversight machinery to insure that each undercover operation is carefully planned and conducted.

"When an undercover project is proposed by a squad in one of our field offices, our field office managers, the field legal advisor, and the Strike Force or United States Attorney in that region review it and send their reports to Headquarters. We consider the project's goals, the worthiness of its objectives, it costs, whether the tactics proposed might involve entrapment or present other legal problems, and the general propriety of proposed project tactics." [March 4, 1980 p. 144]

"Once the review committee approves a project, the Bureau monitors it, both at headquarters and in the field. When electronic surveillance or closed circuit videotapes are used, we can examine the propriety of our agents' conduct, and the quality of the investigation as it progresses.

"And, of course, the results of the surveillance and the tapes provide an opportunity for the courts to evaluate the agent's actions, should they subsequently be challenged." [March 4, 1980 p. 149]

"So we had two things in place there:

"One, don't bring us anybody who isn't prepared to be up front with us; and two, if he comes, then it was our purpose and plan to make sure before any money was passed to that person, that he understood the criminal nature of the situation and that whole process was monitored by U.S. attorneys watching the process and in a position to cut it off if at any time our agent exceeded the bounds we had set for them." [March 4, 1980 p. 170]

(Question by Chairman RODINO:)

"It seems to me that you have responsible people in the FBI, your agents, who I think are responsible enough and expert enough in undercover activities to be able to review what that informant has or has not said about such-and-such a person may be in his pocket, or words to that effect, as you have said. Do you engage in this kind of further review so that the informant who has made this kind of statement to you, so that what he has had to say is really carefully weighed? Can you recite that in the cases that you have conducted, this is what you have actually done?

MR. WEBSTER. If I understand the chairman's question, I can certainly say yes, at various levels, the reliability in the sense of whether the statement made has a basis sufficient that we would have an obligation to investigate further is assessed.

"Now we have for cross-checking available to us within certain time constraints—depending on how fast the situation is breaking—we do the best we can. We up the level of approval consistent with the individuals involved, and the sensitivities involved.

For example, in a number of these instances in Abscam, by both I and the Assistant Attorney General, we were aware of and approved the proposals based on the information furnished to us. Those of us who live in a world of decency, at least among our friends and associates, sometimes find it hard to assume that anyone who engages in crime can tell the truth. But when he is telling the information to someone who he thinks is in league with him, that is sometimes the way by which we get our very best information consistently, in all types; not just public corruption cases.

"But in other instances, we have some of the most important ones now that are going through the process, organized crime figures dealing with our undercover agents, and telling us things that are true and turn out to be true.

"So there has to be some investigative judgment call. What Mr. Heymann pointed out, and what I pointed out, is the nature of the controls that we have on entrapping innocent people. I can't guarantee that in an Operation Lobster, or even a sting operation, some innocent person isn't going to walk in the door thinking that this is for him or have some misapprehension about it." [March 4, 1980 pp. 170-171]

7. Protecting third parties (avoidance of ambiguity)

(a) Philip B. Heymann, Assistant Attorney General, Criminal Division, Department of Justice:

"Such precautions involve a careful evaluation of anything we are told by intermediaries about the possible interest of other persons in a criminal transaction, and an attempt to check such claims to the extent practicable. Most important, however, is the second major safeguard followed in every undercover operation, of making clear and unambiguous to all concerned the illegal nature of any opportunity used as a decoy. This provides the strongest possible protection against any unwitting involvement by individuals brought in by intermediaries or who are encountered directly. We attempt to structure our undercover decoy transactions by requiring overt participation on the part of all individuals. If a middleman offers to provide police protection for an undercover numbers parlor, we would seek a face-to-face encounter with the allegedly corrupt policeman at which the illegal nature of the quid-pro-quo would be made utterly clear. This precaution not only elicits the strongest possible evidence of the knowledge and involvement of principal offenders who usually insulate themselves through middlemen, but also provides an important protection against any attempt by a middleman to use the name of an innocent person and against any inadvertent involvement by persons located on the outskirts of an undercover operation. By making clear and unambiguous the corrupt nature of any offer we make, the chance of unwitting or gullible involvement by innocent individuals is strongly guarded against." [March 4, 1980 pp. 139-140]

"The other intuition underlying the 'creating crime' argument is the strong sense that law enforcement activity, including undercover operations, should avoid harming or burdening third parties. Certainly any undercover activity which posed a direct threat to the safety or well-being of third parties would be exceedingly troubling. We are sensitive to this concern and are extremely careful to monitor our operations to prevent third party harm. We commonly close the operation if there appears to be any significant chance of violent activity or severe uncoverable financial loss to individuals." [March 4, 1980 p. 140]

"But the concern underlying the 'prior crime' argument is again an important one, and is similar to the 'creating crime' argument. We don't wish law enforcement activity of any sort to turn law-abiding people into new criminals. The attraction of a 'prior crime' population to a bogus property fence seems consistent with this precept. But the concern is also met by our safeguard policies of keeping all decoy opportunities proportionate to those that exist in the real world and by making sure that the illegal nature of the opportunity is clear and unambiguous. These safeguards assure that the only individuals who take part in decoy transactions are individuals likely to have engaged in similar conduct on other occasions.

"The same ethical intuition probably moves those commentators who have argued that a factual predicate of probable cause concerning an individual's involvement in criminal activity should precede any use of undercover techniques. For the reasons explained above concerning the difficulties in detecting and identifying the parties to consensual crimes, we do not believe that a probable cause standard as to individual involvement is remotely practicable—not to mention that probable cause is the articulated standard for arrest and indictment rather than the beginning of an investigation. But the intuition underlying the "probable cause" argument—that the government should not make new criminals out of law-abiding persons no test people at will with temptations not otherwise occurring in their lives—is again met by our safeguards of having all decoy opportunities and attractions approximate to those existing in the real world and of making clear and unambiguous to all participants in a decoy transaction the corrupt and illegal character of the activity." [March 4, 1980 p. 141]

(b) William H. Webster, Director, FBI:

"We are also aware of the problems inherent in operations where our undercover Agents are investigating subjects who are influence peddlers or middlemen claiming to know others already willing to engage in criminal activity. Since these middlemen do not know that are dealing with the FBI, or that they are the subjects of investigation, it is difficult for us to monitor their activities, and, of course, they are not under our control. We must, therefore, carefully evaluate any information they provide to us as to the willingness of a third party to engage in a crime before we proceed further and assure that if such a third party does meet with us he is aware of the criminal nature of the meeting." [March 4, 1980 p. 146]

"Mr. Edwards. Well, I believe that the gentleman from Massachusetts put his finger on the problem I don't think we have resolved yet, and that is the problem of these free-floating purveyors, middlemen, or whatever they might be, often of dubious reputation, sometimes hoodlums who, while not working for the FBI, are certainly working with the FBI, because they are the ones who bring out the leads. They are the ones who finger people. How do you control them? What devices do you have for auditing their activities? In our private conversations, we made it very clear, the chairman and I, that a number of innocent people have been damaged very severely by these operators, by these middlemen.

"Mr. Webster. What we do try to do is identify the con men who are misleading us in the attempt to rip off whatever cover our undercover agent is functioning under, and to deal out those operatives, if they are not in fact engaging in illegal activity.

"In the Abscam case, again without trying to get into facts, there were influence peddlers—and there was a chain of them one led to another, there were others who introduced them. They were told consistently not to bring anyone to the undercover agent, unless that person was prepared up front to make promises which would in a legal sense violate their trust.

"We don't express it, obviously, to the middlemen in that sense, but unless they were prepared to make these statements and assurances up front, and to take the money personally, so that there could be no opportunity for the middlemen, or at least minimized opportunity for the middlemen to mislead the public official as to the purpose of that visit.

"Now, in at least one, and maybe two, cases, that's exactly what happened. But step two, which we instituted to control the operation, was that in our handling of the situation, it was made clear to the individuals that it was a criminal activity, or at least an activity which that person could not in good conscience participate in, and he walked out, and that's exactly what we intended." [March 4, 1980 pp. 168-169]

"I gave you the ground rules that we apply to try to minimize that. We haven't the interest or the facilities to keep screening out people banging on the door, because we haven't taken the precaution to keep them away. We can't obviously inform the influence peddler that we are the FBI and we don't want him to bring any innocent people—I don't mean to be facetious about that, but we have to carry out the cover, and the two ground rules are don't bring us anybody that isn't going to be up front with us, and then we take the second ground rule, which is to be sure that that's the case.

"Chairman Rodino. That's why I would like to be convinced that under your guidelines you are able to say that you now have reasonable grounds to believe, based on the fact that you have actually scrutinized data, not only what the purveyor has said, but what other information you may have—I would like to be convinced that it isn't just the purveyor and some rumors—that the FBI doesn't go forward and then engage in this kind of operation, which when ultimately disclosed and leaked, damages the ruputation of innocent persons.

"Mr. Webster. No one would like to convince you more than I, Mr. Chairman. In the course of these proceedings, I do want to emphasize that in investigations particularly where we are trying to reach beyond the streets and go out and reach the areas that all of you have been telling us to go in, that we are not sitting as a grand jury. We don't have to have probable cause, but we do have to have a reasonable suspicion and move on it." [March 4, 1980 p. 171]

(c) Paul R. Michel, Associate Deputy Attorney General, Office of the Deputy Attorney General:

Now, I would stress, Mr. Chairman, that the guidelines do not unduly hamper actual operations. And they do contain realistic but meaningful standards. . . .

"As you know, Mr. Chairman, the guidelines essentially provide that we can make such an offer only under these circumstances. One, a middleman, who may be a witting person cooperating with us, or may be unwitting, implicates and produces the suspect at our location. Or two, the suspect, having heard of our operation, brings himself in. In addition, once the suspect is there, any offer made to him must be clearly criminal in nature, must be one in which the incentive—for example, the size of a bribe—is not disproportionate to the service sought or the normal expectations for that type of criminality.

"Now, some outside observers have suggested that the Government should be required to have probable cause of similar past crimes by a particular individual before it offers him an opportunity for crime. Our view is that this suggestion is impractical." [February 26, 1981 p. 83]

"So those are the principal protections that prevent an innocent person from ever getting to the stage of being at one of our locations.

"And then, as I mentioned earlier, the second line of defense, the second safety net, is our strong emphasis on making it absolutely clear that we're talking about crimes and make sure that the contact is directly between the agent and the suspect, and no one is speaking for the suspect. He's speaking for himself.

"And in that way, if there was anything that slipped through and an innocent person gets in there, then when he's face to face across the table with the undercover agent, who makes it clear that they're talking about outright criminality, well, then he leaves." [February 26, 1981 p. 96]

8. Frequency of review under guidelines

(a) Paul R. Michel, Associate Deputy Attorney General, Office of the Deputy Attorney General:

"Now, with regard to how that all works, I would like to make this observation. The guidelines emphasize the approval process, because that is what we thought deserved the most emphasis. That is what is going to bring the judgment of supervisors and outsiders to the field office involved to bear on this.

"And as you know, the guidelines provide for the operation to be recertified by the committee and the appropriate senior FBI officials under any one of three tests. No. 1, at a minimum, every 6 months, no matter what else. No. 2, anytime the nature of the operation changes; if it changes every month, then there's a whole new review every month. And No. 3, any time the operation spends more than a trigger sum, which is $20,000.

"The practical effect of those three triggers of renewed scrutiny by the committee is that in the largest and most sensitive operations, the reviews aren't every 6 months; they're much more frequent than that. In addition to formal reviews by the committee, however, there are reviews which sometimes are week-to-week, or even day-to-day in the most sensitive cases.

"There are innumerable examples, for instance, where the Director of the FBI himself, personally reviewed whether a particular circumstance, as to a particular suspect, warranted the making of an offer of a criminal opportunity.

"So, the control of these operations, and minimizing the risks of untoward events occurring, rest as much on this ongoing supervision at all levels of the chain of command in the FBI, as they do on the committee proposal certification process." [February 26, 1981 pp. 86-87]

"Mr. Edwards. I might also point out that at a hearing just about a year ago, March 1980, the Director of the FBI Webster and the Assistant Attorney General Heymann testified that there was total control of the undercover operations at that time, that all the decisions made in connection with the undercover operations that this subcommittee was inquiring into had been supervised by the Bureau and Department of Justice on a daily basis.

"Yet your testimony today points out, and rightly so, that that was not quite the fact. You have stage 1, stage 2, stage 3. You were in stage 1 at that time. Is that correct? And some problems did arise?

"Mr. Michel. No, Mr. Chairman. The testimony of Director Webster and Mr. Heymann on March 4 of 1980, was describing circumstances in the immediately preceding months. And those months are in the period I categorized as period number 2.

"The procedures were in place. The Undercover Operations Review Committee was functioning. So that in terms of what the current situation was, in late 1979 and early 1980, all the controls were in place at that time.

"They had not been in place back in the period 1977, 1978, and perhaps into parts of 1979.

"Mr. Edwards. In other words, Operation Front-Load was in stage 1?

"Mr. Michel. That's correct.

"Mr. Edwards. What you're saying is Abscam was in stage 2?

"Mr. Michel. Most of Abscam was in stage 2. I believe the very beginnings of it were in stage 1." [February 26, 1981 p. 94]

"Mr. Edwards. Well, an operation can go on for 6 months?

"Ms. Cooper. Without approval.

"Mr. Edwards. Without approval again. How do you know what's going on in an operation in 6 months? Under the Domestic Security Guidelines there is a review after 30 days, as I recall.

"Mr. Michel. There is a little point of confusion on that, Mr. Chairman. The review by the Attorney General or his designee of ongoing domestic security investigations occurs annually.

"Mr. Edwards. But an investigation has to stop after 30 days if something further hasn't developed.

"Mr. Michel. Where you have preliminary investigations. And they then come under that annual review.

"I think the answer to your question, though, is that undercover operations are under continuous review and not just within the field office. As Director Webster indicated, the most sensitive ones resulted in his being briefed on a very frequent basis about specific details of a particular operation.

"And needless to say, at only slightly lower levels of the FBI there is continuous scrutiny of what's going on in those undercover operations.

"So there are parallel tracks. There's the committee review track, which focuses on events like initiations of the operation, and a major change where it switches to a different compass course. But the other track is the regular chain of command supervision within the FBI, and that's a very lively, fast track.

"I think from my own experience that the FBI officials at headquarters keep an exceedingly close watch on undercover operations. The more sensitive they are, the closer the watch.

"So if we sit back and say, hell, they only look at this every 6 months, that really isn't the case at all. They look at it every week, sometimes every day. And they should.

"The guideline's references to 6 months really was simply to have some automatic provision. Remember I said there were three triggers? If the purpose changes, the scope changes, then you have a review immediately, no matter if it's only been approved for 30 days or 50 days or whatever.

"Second, if you're spending a signficant amount of money, automatically you have a review. So the 6-month provision was just to have some automatic device, so that at a minimum, the operation would get a complete new look at 6 months. But they are under very close scrutiny on an ongoing basis, really on a daily basis.

"And it's a shame, in a way, that the guidelines don't refer to that, because it's easy to forget on just reading the text of the guideline how close and frequent the review is." [February 26, 1981 pp. 110-111]

9. Crimes and ethical violations by informants

(a) Paul R. Michel, Associate Deputy Attorney General, Office of the Deputy Attorney General:

"Mr. Edwards. Now, guidelines also permit the Director to approve operations that will involve the commission of crimes by the agent or informant.

"Is there any limit to what kind of a crime might be authorized? Does it go as far as robbery, murder, or anything like that?

"Mr. Michel. Of course not. And the point of reference would be to the informant guidelines.

"You'll recall that the informant guidelines provide that informants are to be told they may not engage in violence.

"So, the general rule is a prohibition on violence. And the exceptions are limited." [February 26, 1981 p. 104]

"Mr. Edwards. 'Now, would these guidelines immunize the agent who has committed the crime from prosecution by a State or Federal Court?'

"Mr. Michel. 'No, they couldn't as a matter of law and they certainly weren't intended to.'" [February 26, 1981 p. 104]

"Ms. Cooper. Let me ask you about section H, which has to do with undercover employees posing as attorneys, physicians, clergymen or members of the media. With the approval of the higher ups, it seems that it is possible that those impersonations can be used to develop a confidential relationship, one that is ordinarily privileged under law.

"Do the guidelines sanction an agent violating his own ethical and professional responsibilities? For example, if the agent is an attorney himself, posing as someone else's attorney and thereby getting into a confidential relationship with the subject?

"Mr. Michel. I guess the question is whether the guidelines overrule the cannons of ethics. The answer is "no." [February 26, 1981 p. 112]

10. Public officials—Investigations of

(a) Philip B. Heymann, Assistant Attorney General, Criminal Division, Department of Justice:

"The safeguards and techniques which are employed in our undercover operations generally are and shall be utilized in investigations aimed at public corruption. After the careful internal review procedures are satisfied, we will initiate an undercover investigation only where we have a well-founded reason to believe that there is a pattern of criminality. There are only two ways in which any public official will become the subject of an undercover investigation: if he is the object of reliable, specific criminal allegations for which an undercover operation is an appropriate method of investigation, or if, by a process of self-selection, he voluntarily enters an operation. Just as we do not know which individuals will enter our undercover warehouse with a truckload of stolen merchandise, who we do not always know or even suspect which municipal building inspector will show up in our undercover bar to solicit a corrupt payment in return for a license. As in all undercover operations, any decoy transaction in a public integrity case should be structured so that its corrupt character is as clear and unambiguous as possible and should be modeled and proportioned as closely as feasible on the pattern of criminality we understand to exist in the community. We must be fully satisfied that the public official is soliciting and willing to accept an illegal payment in return for dispensing a political favor. If it appears that the individual lacks such intent and has entered the operation on an innocent misunderstanding, perhaps generated by the misrepresentations of a deceitful non-governmental middleman, we would not pursue the individual as a target of the investigation." [March 4, 1980 p. 143]

"Mr. Seiberling. May I ask you, are there any such operations where the FBI first put the stolen goods in the hands of the individual who came in later?

"Mr. Heymann. No. No operation that I know of, including this one.

"Mr. Seiberling. Yet that's what the FBI did in this case, apparently, in trying to get individuals to accept bribes.

"Mr. Heymann. There is a major difference, Mr. Seiberling, and that is we have no agent going out and making contact, and I am going to drift off in the general, because I don't want to talk about the Abscam investigation. I know of no case where an agent has gone out and tried to persuade a political figure to take a bribe, which would be the equivalent of trying to persuade him to take stolen goods." [March 4, 1980, p. 163]

11. FBI internal audit (completion by March 1, 1979)

(a) William H. Webster, Director, FBI:

"Congressman Drinan. I know, Judge Webster, that you are as wary as we are of the whole question of informants. I commend the chairman for his perseverance on this topic over some 4 to 6 years. But I wonder if you would elaborate, Judge Webster, on some of the things that you said before the Senate Judiciary the other day, that you indicated that you were going to have an internal study on this whole question.

"Would you supply us with some details or some things in which this subcommittee could be of help to you?

"Mr. Webster. Yes, I would be happy to do that, Congressman Drinan. I have sent out instructions to the field that we will shortly be commencing a full-scale review of our informant files, all of those which were active, I believe, as of February 28, in order to insure that there be no modification in the files.

"As a result of my instructions, Mr. Colwell, the Chief of our Planning and Inspection Division, has conferred with Mr. Ols of the General Accounting Office with respect to the profile of our inspection. I directed that every file, not just random auditing, but every file, be reviewed. There are some 2,800 of them. We have already started that review in the Washington Field Office as an immediate prototype to iron out any bugs that might develop in that audit.

"I have given this a top priority status. Everything else in our planning and inspection program, with one exception, has been put behind this one. I would hope that we would complete the audit within approximately 30 days, by May 1.

"In connection with that audit, I have directed that the areas of compliance to be reviewed include, but not limited to, the following: Development of informants, operation of informants, travel by informants, reporting information obtained from informants, informant files and indexes, payments to informants, use of informants, instructions to informants, and violations of instructions or laws" [March 27, 1979 pp. 102-03]

B. INVESTIGATION OF MISCONDUCT BY FBI EMPLOYEES

1. Responsibility of OPR

(a) Lee Colwell, Assistant Director, Planning and Inspection Division, FBI:

"The Office of Professional Responsibility (OPR) is responsible for supervising, investigating, or monitoring the investigation of allegations of criminality, serious misconduct and moral turpitude concerning employees of the FBI. Our OPR works closely with the Department of Justice OPR, and keeps that office fully informed concerning all matters handled." [March 15, 1979 pp. 28-29]

"Mr. Volkmer. 'Are the Office of Professional Responsibility people permanent?'

"Mr. Colwell. 'They are permanent to the extent that we require them to serve approximately three years or more in that capacity.' " [March 15. 1979 p. 35]

"Mr. **Colwell**. 'In 1979, as of February 28, fiscal year 1979, [The Office of Professional Responsibility] had 161 cases we addressed.'

"Mr. **Volkmer**. 'And those are being taken care of by five professional people plus one staff?' . . .

"Mr. **Colwell**. 'We do not personally, or through representatives of that office, handle each allegation of misconduct against our employees. We delegate that authority on a case-by-case basis to the special agent in charge of a field office or another Assistant Director at FBI Headquarters if it concerns one of their employees. The way we arrive at that decision is the seriousness of the offense, whether or not there is a possibility of that official being involved in the allegation or later becoming involved in the allegation. And we supervise that investigation.' " [March 15, 1979 p. 36]

"Mr. **Hyde**. 'In other words, you have increased the qualifications of the internal audit staff?'

"Mr. **Colwell**. 'Yes, we have.'

"Mr. **Hyde**. 'And what about the independence of the internal audit staff? Has that been increased?'

"Mr. **Colwell**. 'Well, we believe that we are independent.'

"Mr. **Hyde**. 'No need to increase it, in other words?'

"Mr. **Colwell**. 'Well, there is always room for improvement in anything that you do, but we believe that we are independent, that we do provide an objective, unbiased view to the Director. We report to him. We are not responsible to any other person in the FBI. As long as our selection process is good, I think we do have independence and can produce a good product for the Director.' " [March 15, 1979 p. 37]

"Mr. **Colwell**. 'Any time we receive an allegation which involves misconduct or impropriety which is serious on the part of an FBI employee, yes, we either conduct the investigation directly or supervise that investigation.' " [March 15, 1979 p. 45]

2. Access of Department of Justice during audits of FBI operations

(a) Lee Colwell, Assistant Director, Planning and Inspection Division, FBI:

"Mr. **Edwards**. Now, the Department of Justice tells us, I think, that when the Department is involved in internal audit of FBI programs, the Department itself has very limited access to FBI internal reports, such as field office inspections, Office of Planning and Evaluation studies, and time accounting reports, which I believe you call TURK.

"What access do you give to the Department of Justice when they are conducting audits and inspections of the FBI's operations?

"Mr. **Colwell**. We give them access except where a situation exists involving confidentiality. If we have been requested or we have assured someone of confidentiality, then the files are not made available. It depends on the particular area. If it involves foreign counterintelligence, there would have to be clearances of the people who are conducting the audit." [March 15, 1979, p. 45]

3. Immediate investigation

(a) William H. Webster, Director, FBI:

"We look into any allegations of mistreatment of people under investigation, any abuse of power. And I mean to say that we do it immediately, there is no delay or backlog in these investigations." [March 27, 1979 p. 109]

Exhibit 18

Index and Breakdown prepared by the staff of the House Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, of May 13, 1981, testimony before the Subcommittee by Irvin Nathan, Deputy Assistant Attorney General, and Edward J. Plaza, former First Assistant U.S. Attorney, Newark, New Jersey, regarding undercover operations.

United States v. Jenrette and Stowe

(Breakdown of Nathan/Weir testimony in Supplemental Proceedings, May 13, 1981)

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1. EXCESSIVE/UNORTHODOX INDUCEMENT BY UNDERCOVER AGENTS

(a) conditioning $80 million loan on Guccione's ability to target a public official [Weir, 441:11-18]

(b) Weinberg offers $75,000 & $100,000 for meetings with Senators [Weir, 444:22-445:4]

(c) Weinberg referred to vast amounts of dollars available through Abdul Enterprises [Weir, 444:22-445:4]

(d) Weinberg directed agent to give a drink to Thompson during session [502:23-25]

(e) Weir discussed problem of extravagant perquisites with Weinberg [Weir, 508:2-24]

(f) Weir felt CDs provided unfair incentives ($42-84 million) [Weir, 550:12-25]

(g) Weir was concerned with manner of inducement [562:17-25, statement by Robinson]

(h) Memo re: Weinberg's statement that unless he put words in peoples's mouths he'd have no case [Nathan, 655:13-21]

(i) Weinberg instructed Ellis to say a zoning permit could only be obtained by bribing an official [Weir, 447:20-448:10]

(j) Schneider (an agent) critical of Weinberg's statement re: putting words in people's mouths [Weir, 540:16-18]

2. UNRELIABILITY OF UNDERCOVER AGENTS

(a) discrepancy in Weinberg's preamble to phone conversation [Weir, 450:7-19]

(b) false statements by Weinberg [Weir, 454:12-17]

(c) false statements by Weinberg on tapes [Weir, 469:21-25]

(d) Monitoring revealed Weinberg's unreliability [Weir, 497:5-11]

(e) doubts re: statements by Rosenberg; doubts re: Weinberg's statements conflicting with what tapes showed [Weir, 547A:2-8]

(f) evidence showed Weinberg lied [Weir, 562:17-25]

(g) Weir was suspicious of Weinberg's claim that tapes were stolen from his luggage [Weir, 596:3-10]

(h) Weir concerned by Weinberg's credibility on issue of coaching targets [Nathan, 670:22-671:25]

3. RESISTANCE BY UNDERCOVER AGENTS TO SUPERVISION AND PROCEDURAL SAFEGUARDS

(a) hostility by Good & Amoroso to concern for safeguards [Weir, 457:20-458:10]

(b) Good didn't comply with request that he verify authorization to tape Jenrette [Weir, 497:18-25]

(c) Puccio, Amoroso, Good, Weinberg and Nathan knew Weir preferred review of basis for taping Jenrette [Weir, 497A:1-9]

(d) Weinberg, Amoroso objected to taping conversations [Weir, 540:3-10]

(e) Weinberg, Amoroso complained about having to tape conversations. They felt it was stupid to have taped the conversations where they were putting words in people's mouths. [Weir, 543:19-544:12]

(f) Nathan knew that Good, Amoroso and Weinberg wouldn't speak to Plaza & Weir and refused to be debriefed when they were present [Nathan, 630:1-4]

(g) Nathan learned of this refusal to allow Plaza & Weir to participate in debriefing in summer, 1980 [Nathan, 630:15]

(h) friction existed between various offices (1979), and between Long Island office and Plaza & Weir [Nathan, 631:23-632:3]

(i) A memo concerning this acrimony was confirmed by Margolis, McDowell, Puccio and Heymann [Nathan, 636:7-14]

(j) Weir & Plaza complained of inaccessibility of Weinberg & Amoroso [Nathan, 642:21-23]

(k) Amoroso, Weinberg, Haridopolous believed it unwise to tape preliminary meetings [Nathan, 659:6-13]

SUPERVISORS' EFFORTS TO CONTROL AND OBTAIN INFORMATION ABOUT UNDERCOVER OPERATIONS WERE FRUSTRATED

(a) Weir requested Weinberg's 137 file for background info and info on compensation for Abscam, but was unsuccessful [Weir, 451:1[illegible]1]

(b) Weir requested to be taken off Abscam because he felt he had no control [Weir, 460:2-6]

(c) Someone in DOJ recommended censure of Weir & Plaza because of concerns they voiced about Abscam [Weir, 462:16-21]

(d) Weir asked Puccio about Rosenberg's truthfulness re: CDs, but Puccio said it wasn't important [Weir, 467:14-21]

(e) Weir requested a series of tapes from Weinberg and received them 6 mos. later [Weir, 549:2-3]

(f) Weir's concerns re: the CDs were never resolved because he could never get the info he wanted due to Amoroso, Good, etc. [Weir, 558:1-7]

(g) Puccio denied Weir access to records [Weir, 569:4-12]

(h) Weir was constantly requesting these records (Weinberg's toll records & subpoenaed phone records) in his memos & conversations with DOJ & FBI [Weir, 571:22-25]

(i) Weir expressed frustration during and after the covert stage of Abscam [Weir, 576:21-24]

(j) Puccio disobeyed DOJ directives in attempting to frustrate Weir's participation in Abscam [Weir, 577:13-17]

(k) Weir requested to be taken off Abscam because he had responsibility for certain cases on paper but no actual control [Weir, 579:21-24]

(l) [Weir's testimony *suggests* this:] DOJ knew of this problem but took no steps to correct it [Weir, 579:24-580:1]

(m) DOJ sent a "fraudulent, scandalous" memo to defense counsel [Weir, 581:2-7]

(n) FBI and Public Integrity Division attempted to intimidate Plaza & Weir [Weir, 584:3-6]

(o) Weir's contemporaneous documentation shows FBI and other people "bastardized" aspects of Abscam [Weir, 588:16-21]

(p) Plaza and DelTufo complained about their lack of info & control in Abscam [Nathan, 625:8-18]

(q) Nathan was aware Plaza and Weir were dissatisfied and wanted greater access to info and tapes [Nathan, 640:25-641:4]

(r) Nathan memo stating that Plaza & Weir were getting very little done on the cases, decision to hand cases over to Public Integrity [Nathan, 638:5-9]

(s) Nathan viewed Plaza's & Weir's complaints about inaccessability of Weinberg & Amoroso as excuses for not pushing forward with cases [Nathan, 643:15-16]

(t) Plaza & Weir wanted more info before convening a grand jury—Nathan felt this was unnecessary [Nathan, 651:23-652:3]

(u) Nathan knew long before Dec., 1980 that Plaza & Weir complained Puccio was not following Nathan's directive to make info available to them [Nathan, 660:6-14]

FAILURE TO KEEP RECORDS

(a) pattern of unrecorded sessions [Weir, 442:9-10]

(b) meeting was held; no 302 documentation [Weir, 447:2-14]

(c) Weinberg never made preambles on numerous (possibly hundreds) of other tapes [Weir, 450:18-21]

(d) Nathan was doing a lot of work on Abscam (also Pendorf and Brilab) yet he claims to have kept no records of his involvement [Weir, 499:1-10]

(e) DiLorenzo alleged Weinberg was getting unreported gifts and attending unreported meetings with targets [Weir, 593:18-24]

(f) Nathan did not document meetings or take notes during Abscam, although he testified he had a legal pad in front of him [Nathan, 603-604]

(g) Nathan spent about 50% of his time on Abscam, Brilab and Pendorf during 1979 [Nathan, 608:17-18]

(h) Weinberg, Amoroso and Haridopolous believed it unwise to tape preliminary meetings [Nathan, 659:6-13]

(i) FBI investigation of alleged gifts which reported that Weinberg did not receive any gifts (except watches) not documented—reports were oral [Nathan, 674:17-23]

6. COMPENSATION OF UNDERCOVER AGENTS

(a) lump sum payment to Weinberg [Weir, 453:20-25]

(b) concern on part of Weingarten that basis for lump sum payment to Weinberg might be phony [Weir, 454:3-6]

(c) Weir concerned by Weinberg's compensation [Weir, 551:18-25]

(d) [Robinson summaries Weir's concerns:] concern about "bounty" [562:17-25]

(e) Good stated his understanding that the bonus would be conditional upon conviction [Weir, 568:3-6]

(f) Weir concerned when Good referred to future lump sum compensation for Weinberg on May 14, 1980 [Weir, 592:21-593:3]

(g) Weinberg did not deny commission basis for his future testimony in ABSCAM [Weir, 593:9-11]

(h) DiLorenzo alleged Weinberg received unreported gifts [Weir, 593: 18-24]

(i) At a June, 1980 meeting, Nathan heard that certain gifts including a microwave oven had been given to Weinberg [Nathan, 647:15-24]

(j) Nathan knew Weinberg had received "substantial amounts" of money from FBI, and that Good had told Weinberg a bonus would be recommended [Nathan, 676:8-13]

(k) Nathan felt the issue of Weinberg's alleged receipt of gifts was not relevant to the guilt or innocence of the defendants. [Nathan, 673:1-2]

7. USE OF CERTIFICATES OF DEPOSIT IN UNDERCOVER OPERATIONS

(a) Good stated supplying counterfeit CDs was a technique the FBI has used before [Weir, 468:22-469:2]

(b) John Jacobs told a potential target's attorney that the target would be prosecuted for his involvement with the CDs [Weir, 473:15-474:2]

(c) Weir had at least two concerns about the CDs: (1) Weinberg might use them to justify a bonus (2) They might be unfair incentive ($42-84 million) [Weir, 550:12-25]

(d) Weir had doubts re: the CDs in June, 1980 [Statement of Janus re: potential Brady material] [Weir, 560:4-8]

(e) [Summary of Weir's concerns by Robinson:] Weir was concerned about the origin of the CDs and the way they were used [562:17-25]

(f) On January 23, 1981 Weir signed a memo expressing concern about the CDs [Weir, 591:14-23]

8. COUNTERFEITING OF DOCUMENTS BY UNDERCOVER AGENTS

(a) Amoroso was present when Errichetti and Weinberg put Senator Williams' signature on a document [Weir, 502:18-22]

9. TARGETING OF PUBLIC OFFICIALS

(a) Weinberg made $80 million loan to Guccione conditional upon Guccione's ability to target a public official [Weir, 441:11-18]

(b) Weir was concerned that Silvestri was "vague" on undercover teams reasons for wanting to meet Thompson—Silvestri didn't want to "put words in politicians' mouths" . . . [Weir, 443:22-444:10]

(c) Weir was concerned whether Weinberg preconditioned loans on meeting public officials [Weir, 443:10-20]

(d) Weinberg stated he would pay $75,000 and $100,000 for meetings with 2 U.S. Senators [Weir, 444:22-445:4]

(e) Weinberg instructed Ellis to tell McCloud that a zoning permit could only be obtained by paying off a public official [Weir, 447:20-448:10]

(f) [the Court: there is no evidence on the record that Stowe was a con man or involved with narcotics, or was the target of a government investigation [Weir, 526:11-25]

(g) There was no investigation of drug activity by Jenrette as of December, 1979 [Weir, 536:1-3]

(h) Approval by FBI to offer bribes to public officials could be granted on the basis of the agents' own statements or by agents explaining representations by middlemen [Nathan, 619:16-25]

10. FAILURE OF BUREAU TO REFER TO OR FOLLOW GUIDELINES

(a) There was an undercover operations review committee in the FBI during Abscam [Weir, 506:2-4]

(b) In justifying ABSCAM activities, Bureau officials did not refer to the guidelines, but simply told Weir someone had authorized the activities. Later Weir discovered these opinions and actions to be contrary to the guidelines [Weir, 506:14-23]

(c) Nathan didn't feel that the other information in the Plaza/Weir memo went to any "Fundamental issues" in the case [Nathan, 672:10-11]

(d) Nathan helped prepare Heymann's March 4, 1980 testimony before the Judiciary Committee on the guidelines, yet he says he's not familiar with the Reasonable Suspicion Requirement [Nathan, 601:14-23]

(e) Nathan never heard the term "Reasonable Suspicion" discussed during ABSCAM [Nathan, 602:22-23]

11. BUREAU ATTITUDES TOWARD THE REASONABLE SUSPICION REQUIREMENT (RSR)

(a) Nathan said that RSR is not necessary in cases such as ABSCAM [Weir, 484:12-19]

(b) Heymann testified in March 14, 1980 hearing before Judiciary Committee: "The undercover techniques used have reasonable suspicion that criminal activity of a given type is occurring or is likely to occur." [485:4-6]

(c) Other FBI agents denied the necessity of the RSR, according to Weir: (Nathan, 484:16-19) (Ricks & Margolis—485:16-19)

(d) Weir discussed the RSR with Weinberg [Weir, 568:2-24]

(e) Weir believes that reasonable suspicion is necessary before recording a target's statement [Weir, 518:11-14]

(f) Nathan helped prepare Heymann's March 4, 1980 testimony before the Judiciary Committee on guidelines, yet he says he's not familiar with RSR [Nathan, 601:14-23]

(g) Nathan never heard the term "Reasonable Suspicion" discussed during the ABSCAM [Nathan, 602:22-23]

(h) Nathan states that the RSA does not pertain to each individual meeting or suspect, but rather to the investigation as a whole [Nathan, 612:2-9]

12. INVESTIGATIONS CONDUCTED WITHOUT REASONABLE SUSPICION

(a) Weir felt that in some cases Weinberg and Amoroso proceeded without reasonable suspicion [Weir, 486:9-13]

(b) People uninvolved in any prior investigation were taped while conversing in the Atlantic City "hospitality" suite [Weir, 488:4-7]

(c) The FBI standard for authorizing payment of money during ABSCAM was: belief that a meeting would take place and that the target would accept the money [Nathan, 602:4-9]

(d) The reasonable suspicion standard was not applied to each suspect/target. Money was offered, and then the circumstances were evaluated retrospectively [Nathan, 614:5-13; 615:16-22]

(e) Nathan claims that the actual "safeguards" were applied *after* Jenrette had been taped—at a juncture between the meeting and the indictment (direct conflict with March 4, 1980 hearing assurances cited at 618:8-14) [Nathan, 618:1-4]

(f) Approval to offer bribes could be obtained on the basis of an agent explaining representations by middlemen and/or agent's own statements [Nathan, 619:16-25]

(g) The basic standard for authorizing such bribes was: would the target take the bribe? [Nathan, 620:1-5]

(h) [Robinson states at the bench that an undercover agent named Tony Cavanaugh offered him $15,000 to do an illegal tax letter—where was the reasonable suspicion?] [620:16-25]

13. SCRUPLES ABOUT ABSCAM WITHIN THE BUREAU

(a) Weir had legal and "practical" scruples re: ABSCAM [Weir, 460:16-19]

(b) Weir expressed concern about the practice of giving liquor to targets during taped sessions to Plaza and another FBI attorney. Good, Weinberg & Amoroso knew this conduct posed problems [Weir 503:2-4, 503:22-504:3]

(c) Weir had doubt re: the origin of the Atlantic City casino aspect of ABSCAM [547:13-15]

(d) Weir was concerned by: the $60 million legitimate loan situation, Weinberg's compensation, Weinberg putting CDs into motion and denying having done so until confronted by 302s [Weir, 551:18-25]

(e) The tolls analyzed in December, 1980 confirmed pre-exisiting serious problems concerning the New Jersey cases [Weir, 572:10-13]

(f) Weir's contemporaneous documentation of ABSCAM shows that FBI and other people "bastardized" aspects of the case [Weir, 588:16-21]

(g) Weir told DelTufo and Stewart of his concerns on August 10, 1979, and he told Puccio shortly thereafter [Weir, 589:15-24]

(h) Nathan received the Plaza/Weir memo in December, 1980, indicating problems as far back as a year prior to that [Nathan, 608:21-25]

(i) Nathan vaguely recalls Plaza's and Weirs' concerns about predicates for meetings [Nathan, 615:12-14]

(j) Nathan wrote a memo [defendants Exhibit 1] responding to Plaza's and Weir's allegations and had it sent to all Abscam defense counsel [Nathan, 665:3-18]

(k) The Plaza/Weir memo was not furnished to defense counsel [Nathan, 666:13-14]

(l) The Plaza/Weir memo was circulated only within DOJ, to Heymann, Ruff, etc. [Nathan, 666:17-20]

EXHIBIT 19:

Letter of January 22, 1982, from Honorable Daniel Inouye to Honorable Malcom Wallop, Chairman, Ethics Committee, requesting that the Ethics Committee hold public hearings to consider certain new "due process" evidence; Ethics Committee, February 2, 1982, reply denying that request; and February 18, 1982, letter from columnist Jack Anderson to the Majority and Minority Leaders pertaining to that correspondence and asserting the availability of major new due process evidence regarding Abscam.

WASHINGTON, D.C., *January 22, 1982.*

Hon. MALCOLM WALLOP,
Chairman, Senate Ethics Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: Subsequent to a meeting held on November 10, 1981, at which representations were made on behalf of Senator Harrison Williams, Jr. to the Leadership through counsel concerning the development of certain new and exculpatory evidence, and as a direct result of a letter from the Leadership to the Senate Select Committee on Ethics dated November 13, 1981, a hearing was held before the Committee on November 16, 1981, to determine the impact of such new evidence.

I am informed that while the evidence was known to Senator Williams' counsel to exist, it had not yet been secured. In addition, deep concern apparently existed that if the thrust of this evidence were made known publicly before being secured that an attempt might be made to obstruct its development.

Accordingly, based upon the above dilemma, no full presentation of the most critical and exculpatory evidence could be made at the public hearing before the Committee on November 16, 1981, because it had not yet been obtained. This evidence is now available.

The impact of this new evidence is such that it has been brought before the Honorable William B. Bryant, Judge of the United States District Court for the District of Columbia in the case of *U.S. v. Richard Kelly, et al.* CR. No. 80-340, by Michael F. Dennis, Esquire, in conjunction with Mr. Dennis' request to Judge Bryant that a special grand jury be empanelled to investigate this governmental misconduct. Judge Bryant is considering this special grand jury request at this moment.

In addition, when some, but not all, of this newly secured evidence was made known to Judge George C. Pratt, Judge Pratt's law clerk immediately brought this information to the attention of all ABSCAM defense counsels. The new information so provided to Senator Williams' trial counsel, George Koelzer, Esquire, has caused Mr. Koelzer to prepare a Motion to Re-open for presentation to Judge Pratt.

At this moment counsel for Senator Williams has been advised that the House Subcommittee on Civil and Constitutional Rights is preparing and shall begin an investigation of these matters on or about January 25, 1982, and, further, that the Department of Justice is conducting its own investigation into these allegations of governmental misconduct.

The allegations presented in this new evidence, provided primarily by the statements of Marie Weinberg, are summarized below. In order to make the record complete for the consideration of S. Res. 204 regarding the expulsion of Senator Harrison A. Williams, I most respectfully request that the Senate Ethics Committee prior to February 2nd, when we are scheduled to begin our debate on S. Res. 204, re-open the record to take the testimony of Marie Weinberg, Edward Plaza, Esther Newberg, Thomas Puccio and Dr. Roger Shuy.

It would appear to me that all that would be required of the Senate Ethics Committee would be to have a member thereof administer the oath to these witnesses as well as a reporter to record their testimony. It would also be necessary to issue subpoenas to Esther Newberg and Thomas Puccio. Given the nature of the testimony of these witnesses summarized below, the entire Senate Ethics Committee might well wish to be present and ask questions of the witnesses.

1. Marie Weinberg. I am informed that Mrs. Weinberg will testify that Mel Weinberg did not lose four tapes on the Air Florida flight, as he testified at Senator Williams' trial; that Mel Weinberg pocketed substantial sums of money in "kickbacks" he got from Angelo Errichetti, and never disclosed this to the FBI agents who were supposed to be controlling him; that Weinberg gave Anthony Amoroso and John Good gifts (including those that he had extorted from others); and that said agents never closely supervised Weinberg; that certain FBI agents lost about 40 other ABSCAM tapes. I am told that Mrs. Weinberg can also testify that Mel Weinberg covered his gift of a microwave oven by purchasing another oven and giving the receipt to Puccio and FBI agents; that Mel Weinberg is and was in the possession of many of the Government's documents on ABSCAM, that Leslie Maitland, the reporter who broke ABSCAM, was a house guest of Mel Weinberg the week prior to the publication of the articles written by Maitland; that she (Marie Weinberg) was in possession of the 1979 and 1978 diaries of Mel Weinberg; and that Mel Weinberg stated to Marie Weinberg that he had perjured himself in a number of the ABSCAM trials.

2. Edward Plaza. I am informed that former Assistant U.S. Attorney Edward Plaza will corroborate the testimony of Mrs. Weinberg and testify to the successful efforts of Thomas Puccio and FBI agents Good and others to conceal the illegal activities of Mel Weinberg and agents Good and Amoroso from the attention of the Courts and juries in the various "ABSCAM" cases. I am also informed that Mr. Plaza will testify to the perjury of Irvin Nathan before Judge John Garrett Penn in the *U.S. v. Jenrette, et al.* CR No. 80-289 said perjury involved in the containing cover up of the illegal activities of Mel Weinberg and FBI agents Amoroso and Good.

3. Esther Newberg. I am told that Esther Newberg, the literary agent for author Jack Newfield, will be queried concerning Thomas Puccio's possible illegal financial interest in "Project X", the book to be written by Newfield on "ABSCAM" whose hidden collaborator was allegedly Mr. Puccio. This book project was in progress prior to the indictment of Senator Williams.

4. Thomas Puccio. I am told that Mr. Puccio will be queried about (a) his allegedly inconsistent testimony concerning Mr. Newfield's book and his involvement therein; (b) his alleged efforts to obstruct Mr. Plaza and others in their efforts to uncover and disclose the illegal activities of Melvin Weinberg and FBI agents Amoroso and Good; and (c) his alleged *ex parte* contacts with Judge Pratt prior to, during and subsequent to the trial of Senator Williams.

5. Dr. Roger Shuy. Dr. Shuy, a noted Georgetown University linguist, will, I am told, testify that a careful analysis of Senator Williams' statements will show that he never promised to obtain government contracts nor do any other official act in exchange for any consideration nor act in a fashion ethically repugnant to the Senate. In conjunction with his testimony, counsel for Senator Williams will offer a very recently obtained government document which will clearly show that the stock given Senator Williams was regarded by the government as worthless. Also in conjunction with Dr. Shuy's testimony, the testimony of Edward Plaza and Mrs. Weinberg will, I am told, show that Angelo Erricetti was, in fact, working with the government to make it appear before the camera that Senator Williams was engaged in illegal or unethical activities.

Without the full benefit of the testimony of these witnesses, Senator Williams believes that neither the Ethics Committee nor the full Senate will have the full benefit of this newly discovered evidence. It is my hope that the Ethics Committee will be able to find a method whereby this evidence can be made part of the record in this case.

Aloha.

DANIEL K. INOUYE,
U.S. Senator.

SELECT COMMITTEE ON ETHICS,
Washington, D.C., February 2, 1982.

Re S. Res. 204.

Hon. HOWARD H. BAKER, Jr.,
Office of the Majority Leader,
U.S. Senate, Washington, D.C.
Hon. ROBERT C. BYRD,
Office of the Minority Leader,
U.S. Senate, Washington, D.C.

DEAR SENATORS BAKER AND BYRD: The Select Committee on Ethics recently received the attached letter dated January 22, 1982, from Senator Inouye. That letter, which was writen on behalf of Senator Williams, urges the Committee to take the oral testimony of certain witnesses which Senator Williams apparently believes to be "new and exculpatory." This request is substantially similar to one which the Leadership received from Senator Williams, and referred to the Committee on November 13, 1981 for the purpose of determining whether any exculpatory evidence exists regarding this matter which could not have been presented with due diligence at the time of the Committee's hearing, and if so, the appropriate means of presenting that evidence to the Senate.

You will recall that pursuant to your request, the Committee held an open meeting with Senator Williams and his new counsel, Messrs. Flynn and Dir to ascertain the identities of the witnesses they wished to call, and also received and considered a written proffer of the testimony Senator Williams and his counsel desired to present. At that time, the Committee determined that there was no testimony that was unknown, or that could not have been ascertained by due diligence, and that could not have been made available at the time of the Committee's hearing in the matter. The Committee therefore unanimously concluded that while new counsel might have presented Senator Williams' case at the Committee hearing in a different fashion had they then been counsel, this was insufficient reason for the Committee to in effect reopen its hearing and allow the entire case to be presented for a second time.

These determinations were reported to the Joint Leadership in a letter from the Committee dated November 23, 1981. In the interest of all possible fairness to Senator Williams, the Committee also suggested in its November 23, 1981 letter that Senator Williams and his new counsel be permitted, as has always been possible, to secure affidavits or other transcribed testimony from any individuals and submit such materials with any other documents they desired, directly to the Senate so that each Senator could give such materials whatever weight he or she might deem appropriate.

Turning now to the instant request, with the exception of the late Mrs. Marie Weinberg, whose statements shortly before her death regarding the activities of her husband Melvin Weinberg have already received widespread publicity, each of the individuals identified in Senator Inouye's letter of January 22, 1982, was similary identified in Mr. Flynn's proffer dated November 20, 1981. Nonetheless, in deference to Senators Williams and Inouye, the Committee has again considered whether the oral testimony of any of those individuals is in fact newly discovered and exculpatory of Senator Williams' conduct such that it might affect the Committee's determination of this matter.

As set forth with greater particularity below, the Committee has concluded that none of the witnesses' testimony, as outlined in Senator Inouye's letter, would alter either our judgment that Senator Williams' conduct was ethically repugnant or our recommendation that the Senate agree to S. Res. 204 calling for Senator Williams' expulsion. The Committee also continues to believe that our suggestion that Senator Williams should submit the transcribed testimony of these witnesses in affidavit or other form directly to each Senator, together with whatever other documentary evidence or information he deems relevant, represents the best method of supplementing the record in this matter prior to debate of S. Res. 204 on the floor of the Senate.

1. Marie Weinberg. The gist of Mrs. Weinberg's testimony as proffered is that her husband is an unsavory character who pocketed substantial sums of money in undisclosed kickbacks and that he perjured himself in a number of Abscam trials. Mr. Weinberg purportedly also would have testified that certain FBI agents lost about 40 Abscam tapes.

Similar charges were all made in one form or another in the Congressmen's criminal cases, in Senator Williams' criminal case, in the various due process hearings before Judge Pratt, and in the hearing before the Ethics Committee. As such, they formed part of the record upon which the Committee based its determination in this matter. The Committee has concluded that Mrs. Weinberg's proffered testimony regarding Mel Weinberg's unreliability could not have affected our determination since we did not depend on Mel Weinberg's testimony in reaching that determination in the first place.

The Committee did not even take the testimony of Mel Weinberg, nor was the Committee required to find his trial testimony reliable, since Mr. Weinberg was not a material witness at trial as to issues bearing on the propriety of Senator Williams' conduct. The questionable character and credibility of Mel Weinberg is not an issue before the Senate and as was observed by Judge Pratt is a "red herring" issue. [See Committee Exhibit 82, Vol. 2, pp. 830-835.] The crucial evidence before the Committee on those issues was the tape recordings played at the hearing, principally those which recorded Senator Williams' own words and deeds. The Committee found that evidence to be reliable, and Mrs. Weinberg's proffered testimony would not have affected the reliability of that evidence.

As to specific allegations by Marie Weinberg as to lost, stolen or missing tape recordings, similar allegations have already been made at the Senator's and the Congressmen's trials and due process hearings as well as before the Committee. Senator Williams, as well as the Congressmen and other Abscam defendants, had ample opportunities to testify as to the existence of exculpatory meetings or conversations, tapes of which may have been lost or stolen, or which may not have been tape recorded by the government. However, no witness, including Senator Williams, has ever been able to identify a single such conversation or meeting. [See Committee Report at 98-99.]

In reaching these conclusions the Committee has also considered the extensive transcripts of Mrs. Weinberg's statements to Mr. Indy Badhwar, a reporter who assists the well-known columnist Jack Anderson, which transcripts were made available to the Department of Justice. The Committee notes that Mrs. Weinberg indicated in those statements that she was not familiar with Senator Williams' case, and that nothing in her statements suggests that Senator Williams did not act in the manner found by the Committee. Moreover, in those transcripts Mrs. Weinberg suggested that the investigation was not directed at members of the legislative branch and that their involvement was accidental. Accordingly, the statements of Mrs. Weinberg which were transcribed have no bearing on the Committee's findings. While her tragic death saddens us, we still believe that she would have provided no previously unknown information of any value to the decision of the Committee.

2. Edward Plaza. Mr. Plaza testified in both Senator Williams' due process hearing and that of the Congressmen, and his testimony formed part of the record upon which the Committee based its determination in this matter. [See, e.g., Committee Report at 65-70.] His testimony was proffered by Senator Williams' new counsel, Mr. Flynn, in his letter of November 20, 1981.

Mr. Plaza was available to be called by Senator Williams during the Committee's hearing in this matter, but Senator Williams declined to do so. Mr. Plaza's views critical of the government's conduct of the Abscam investigations were in any event before the Committee but did not influence its judgment as to Senator Williams' own conduct. The Committee still is persuaded that Mr. Plaza's oral testimony would not alter its determination in this matter.

3. Esther Newberg. Ms. Newberg similarly was available at the time of the Committee hearing, and could have been called to testify had Senator Williams so desired. She had been subpoenaed to testify in Court by the Defendant Williams but it is our understanding that she did not testify. The allegations of the existence of a contract to write a book about Abscam between a publisher and Messrs. Newfield and Puccio had in any event been aired at both the Congressmen's and Senator Williams' due process hearings, with testimony taken on this subject by counsel for the defendants from both Messrs. Newfield and Puccio. The issue was thus before the Committee in its consideration of this matter. The possibility that new counsel (Messrs. Flynn and Dir) might have taken the additional testimony of Ms. Newberg on this subject at the Committee hearing, whereas counsel at the time (Mr. Kenneth Feinberg) did not do so, is no reason for the Committee to in effect reopen its hearing. Moreover, this testimony has no relevance to the conduct of Senator Williams.

4. Thomas Puccio. Mr. Puccio has already testified at length in the Congressmen's and Senator Williams' due process hearings. Moreover, he was under subpoena and available to testify at the Committee's hearing in this matter, but counsel to Senator Williams declined to take his testimony at the time, and the Committee should not reopen its hearing because Messrs. Flynn and Dir desire to do so now. Again, the issue is not the conduct of Mr. Puccio but rather the conduct of Senator Williams.

5. Dr. Roger Shuy. Dr. Shuy was available both at the time of trial and the Committee's hearing in this matter. His testimony is not newly discovered and in any case its substance has already been communicated to each Senator through the distribution by Senator Williams of a detailed report, summary and other materials prepared by Dr. Shuy regarding Senator Williams' statements on the tapes. Moreover, it is our understanding that trial counsel specifically considered using Dr. Shuy as a trial witness but made a tactical decision not to do so.

As to the "very recently obtained government document" to which Senator Inouye's letter refers, the Committee observes that its determination that Senator Williams believed that the stock he received in the titanium venture had value would not be affected by evidence showing the government believed it did not. The Committee found that the Senator's own subjective belief was controlling in this regard. [See Committee Report at 116-118.] The fact that one or more government agents, who knew that no loan would ever be made to fund the titanium venture, may have therefore believed the stock was objectively of little or no value is in no way inconsistent with the Committee's findings and conclusions, and it does not affect the Committee's recommendation regarding Senator Williams' case. Moreover, it must be realized that the applicable standard is the Senator's subjective belief and not an objective value in a commercial sense.

To summarize, in the considered judgment of the Committee, the testimony of the witnesses proffered by Senator Inouye on Senator Williams' behalf are not newly discovered and could not affect the Committee's findings, conclusions and recommendation in this matter. The Committee therefore has unanimously decided that no purpose would be served by reopening its hearing. The Committee recognizes that S. Res. 204 is pending before the full Senate, and the Committee therefore has no further jurisdiction over Senator Williams' case. The Committee continues to believe that the appropriate method of bringing any information Senator Williams deems relevant to his case is for him to submit it directly to each Member of the Senate in written or affidavit form.

The Committee, of course, remains available to assist the Leadership in this matter.

Sincerely,

MALCOLM WALLOP.
JESSE HELMS.
MACK MATTINGLY.
HOWELL HEFLIN.
DAVID PRYOR.
THOMAS F. EAGLETON.

JACK ANDERSON,
Washington, D.C., February 18, 1982.

Senator. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: The Select Committee on Ethics has directed that evidence, affecting the resolution to expel Senator Harrison Williams, should be submitted directly to individual Senators.

I have spent the past few months digging into the Williams case. I have uncovered evidence, which has never been presented to the courts or the committee.

I am sure you would not want to judge Senator Williams until you have considered all the evidence. I hope you will take the time, therefore, to read the enclosed letter, which I have sent to the Senate leadership.

Cordially,

JACK ANDERSON.

JACK ANDERSON,
Washington, D.C. February 18, 1982.

Re S. Res. 204

Hon. HOWARD H. BAKER, Jr.,
Office of the Majority Leader,
U.S. Senate, Washington, D.C.
Hon. ROBERT C. BYRD,
Office of the Minority Leader,
U.S. Senate, Washington, D.C.

DEAR SENATORS BAKER AND BYRD: I have seen the February 2 letter that was submitted to you by the Select Committee on Ethics. The letter mentions me by name and refers to evidence in my possession. I feel it my duty to advise you that the committee has misinformed you.

It is clear from the letter that the committee has adopted the same argument that ABSCAM prosecutor Thomas P. Puccio has raised in the courts. In a January 22 letter to Judge George C. Pratt, Puccio makes the remarkable argument that his star witness, Melvin Weinberg, suddently has become a minor ABSCAM figure of no consequence. "Weinberg's credibility was not a real issue in the case," Puccio contends.

He also claims that the evidence I obtained from Weinberg's late wife is somehow irrelevant. This is all the more incredible, since he doesn't know what the evidence is. Except for one transcript, I have never shared the evidence with the government. Yet the Select Committee on Ethics has taken the same line, no questions asked.

Weinberg's authorized biography, The Sting Man, correctly reports: "One man has dominated the hearings and trials spawned by the FBI's ABSCAM investigations—Mel Weinberg, international con man par excellence, who conceived ABSCAM, wrote the investigative scenario and personally handled almost every contract and payoff."

I have evidence that should totally discredit this man who masterminded ABSCAM. The chief prosecutor indirectly acknowledges that the evidence is devastating. That's why he is now so anxious to disassociate himself from the Frankenstein's monster he created.

But the evidence also discredits the FBI's ABSCAM agents as well. Marie Weinberg accused them of shocking misconduct and provided the names, places and details. She told, for example, how the agents helped her husband to crate and ship to Florida the gifts he had extorted from ABSCAM defendants. Yet the same agents investigated the extortion charge when it was raised in court and reported back that Weinberg had purchased the items in Florida.

I have cancelled checks which prove Weinberg gave money to FBI agents—cancelled checks, by the way, that he denied existed. Apparently, he was holding these checks as blackmail to keep the agents in line. In fact, Weinberg was controlling the agents rather than the other way around. Will Puccio now argue—with an approving echo from the Ethics committee—that the whole ABSCAM team was irrelevant?

Puccio contends in his letter to Judge Pratt that Marie Weinberg's charges present nothing new. The committee's letter to the Senate leadership makes the same statements.

Nothing new? She provided vital new information that suggests perjury was committed during Senator Williams' due process hearings. Her charges are backed by solid evidence, which I spent three months investigating. I assure you my findings are new.

Nothing new? Marie Weinberg stood in the eye of the ABSCAM twister. Yet she never testified before the courts. She never testified before the Senate. Now she has told her story in hours of taped interview. Most of these tapes have not been heard outside my office. Her credibility has been affirmed by her pastor and her neighbors who have described her as a woman without guile. She has been disputed by her husband who has jovially described himself as "the world's biggest liar."

Nothing new? When accusations of FBI misconduct were raised before a Newark grand jury, Puccio maneuvered the investigation away from Newark and kept it under his tight control in Brooklyn where, he boasted, he "could indict a ham sandwich." He not only withheld the accusations of misconduct from the Brooklyn grand jury but acted in concert with Judge Pratt to block defense attorneys from asking crucial questions on this subject at the trials.

Nothing new? Marie Weinberg provided evidence to back up accusations made by assistant U.S. attorneys Edward Plaza and Robert Weir in December, 1980. They charged that (a) Mel Weinberg had lied to the FBI; (b) that crucial tapes and records were missing; (c) that Weinberg rather than the FBI was running the ABSCAM operation; (d) that Puccio and the FBI were covering up Weinberg's misconduct; and (e) that Weinberg was using ABSCAM to extort expensive gifts for himself. The Justice Department resolved these allegations by removing Plaza and Weir from the ABSCAM case.

Nothing new? Marie Weinberg described in exacting detail how her husband eluded the FBI and intercepted ABSCAM bribe money intended for victims of the sting. I have been able to confirm the details from other witnesses.

The Marie Weinberg tapes lay bare the ABSCAM operation for what it was: a scam by the executive branch upon the legislature, a scam conceived and conducted by a hired criminal, a scam that highlighted the misconduct of the legislative branch and covered up the misconduct of the executive.

The ABSCAM prosecutors presented their hired con man to the courts and the public as a lovable rogue, with an appealing, Brooklynesque, Archie Bunker personality. There is abundant evidence that he is really a venal, lying, double-dealing criminal. The prosecutors then showed selected taped episodes of congressmen taking bribes and filled the front pages with buzz words like "Arabs," "sheik" and "bribes." This created a pigpile effect, with Williams the last to be tossed upon the pigpile.

Yet Williams rejected the bribe. He turned down several other criminal proposals. In the end, he engaged in some sordid conversations after he was coached by the FBI's hired criminal and was told what to say. He was assured that he would not have to carry out any improprieties but merely talk about them. This was the way the Arabs do business, he was told. They prefer devious to open business methods, he was told. In return for a little b.s.—that's the term Weinberg used—Williams and his associates would get $190 million for a legitimate business venture. How many Americans do you suppose would not engage in a little b.s. for $190 million?

It took the ABSCAM team 13 months to induce Williams to put on this performance before the hidden cameras. No other Senator was subjected to the same ordeal. Sen. Larry Pressler was let off the hook after one performance. If you will compare the transcripts, you will find that Williams' rejection was more emphatic than Pressler's when the subject of favors was raised.

In the end, the ABSCAM prosecutors reduced 13 months of conversations with Williams to a few minutes—the worst minutes they could find. Now the Ethics Committee, taking its line from Puccio, contends that these few minutes are all that count and that the issue should be confined to Williams' conduct in these selected tapes.

I suggest that the issue is much larger. Should federal prosecutors be allowed to use unsavory criminals to lure Members of Congress into committing crimes? Should the prosecutors' methods and witnesses go unchallenged? Should the government enforce the law in the first place by creating crimes?

The committee has refused to reopen its hearings but has suggested that new evidence be submitted "directly to each Member of the Senate in written or affidavit form." I have relevant evidence that has never been presented to the Senate and, therefore, cannot be cavalierly dismissed by the committee as "nothing new." The evidence includes hours of taped conversations with Marie Weinberg who declared in her suicide note that the information she gave my office was true. Lawyers tell me her suicide statement constitutes a "dying declaration" and makes her recorded and written statements legally admissible.

I assume the Senate does not want to condemn Senator Williams before examining all the evidence. I shall be happy to submit this evidence in any form the Senate desires. It will take some time, of course, to collect affidavits from all the witnesses who are willing to give sworn statements. I have no authority to compel testimony from any other witness. The accused FBI agents, for example, have repeatedly refused to talk to me.

The Senate would be better served, therefore, by conducting hearings, subpoenaing witnesses and taking testimony. I will be pleased to submit the names of key witnesses who have not been heard by the Senate. I can also produce a list of crucial questions which were never asked witnesses who did testify.

I further suggest that the FBI's ABSCAM agents be given lie detector tests to determine whether they have made false statements. This shouldn't trouble them if they have nothing to hide. The administration has used lie detectors for lesser purposes, such as locating unauthorized news leaks. So the use of the polygraph machine shouldn't be repugnant. Certainly I am willing to submit to lie detector tests, along with any members of my staff whose veracity the Senate wishes to test.

One more thing: Puccio has accused me of collaborating with Williams' attorneys. I am a newsman, not a defense lawyer. This letter, I am sure, will come as a total surprise to Senator Williams, his attorneys and his Senate supporters.

Sincerely yours,

JACK ANDERSON.

EXHIBIT 20:

Copies of 33 United Feature Syndicate syndicated columns "Washington Merry-Go-Round" by Jack Anderson regarding Abscam, dated from June 9, 1980, through February 23, 1982.

WASHINGTON MERRY-GO-ROUND: DID JUSTICE CRIMP ABSCAM PROBE? AUTHOR STATES HE CAN DOCUMENT IT

(By Jack Anderson)

WASHINGTON, June 9, 1980.—Justice Department officials may have tampered with the FBI's ABSCAM investigation by ordering undercover agents not to pursue promising leads against seven members of Congress.

The favored seven have been identified as House Speaker Tip O'Neill, D-Mass., House Judiciary Chairman Peter Rodino, D-N.J., Sen. Strom Thurmond, R-S.C., and Reps. James Florio, D-N.J., William Hughes, D-N.J., James Howard, D-N.J. and Jim Mattox, D-Texas.

This charge will be documented in a forthcoming book by Bob Greene, Newsday's veteran investigative reporter. The confidential outline indicates that the book will be based heavily on evidence from Mel Weinberg, the government's star witness in the ABSCAM caper.

Washington is a mecca for unsavory financial transactions which are often consummated in cash, with no records lying around to cause later embarrassment. But eight members of Congress were implicated in the ABSCAM scandal, most of them caught on videotape pocketing greenbacks passed out by undercover FBI operatives posing as bagmen for an Arab oil sheik.

Seven others were mentioned as legislators whose influence could be purchased with the right amount of mazuma. Now it will never be known whether they would have accepted bribes, because the investigations were quietly cut off. In all seven cases, the only incriminating conversations were with the middlemen who boasted of congressional connections they may have exaggerated.

I reported on May 6 that the ABSCAM investigation had been erratic in pursuing leads. "Some leads were pursued; others were not," I wrote. I revealed that a middleman had promised to produce Speaker O'Neill and that the FBI undercovermen had expressed great interest. But then nothing happened. I also noted that Justice Department officials had expressed no interest in pursuing a lead involving North Carolina's Lt. Gov. James Green, who is active in President Carter's re-election campaign.

Greene's book outline goes further. Citing evidence from Weinberg and other sources, Greene declares: "Weinberg and the agents who worked with him were frustrated and bewildered at a series of orders from the Justice Department in Washington which prevented them from pursuing what they regarded as promising leads."

The outline names the seven legislators and points out significantly: "The intermediaries who offered these congressmen had already successfully delivered other congressmen into the federal net."

The document doesn't identify who issued the orders scotching the pursuit of the seven members of Congress. But the ABSCAM investigation was closely supervised in Washington by Attorney General Benjamin Civiletti and Philip Heymann, head of the Justice Department's criminal division.

Footnote: A spokesman said that the Justice Department "did not give any instructions to cease pursuing any promising cases." But my associate Gary Cohn and West Coast correspondent Michael Viner confirmed from competent sources that the FBI agents were definitely instructed not to pursue the seven members of Congress. The language used to halt an investigation was: "We don't think it would be profitable to pursue that case."

Pentagon pipeline: A secret Army study, titled "Army Concerns, Impacts and Costs," warns that construction delays, equipment shortages, lack of funding and other constraints jeopardize U.S. readiness overseas ... In closed-door meetings with congressional leaders, administration officials have advocated substantial budget cuts for every major agency except one: the Defense Department. Yet all the fat that the armed forces have accumulated actually hinders their military efficiency ... President Carter has asked the Commerce Department to pick up some of the Pentagon's sea lift costs. At the same time, the president's budget experts have been trimming and tightening the department's budget. This has led Commerce Secretary Philip Klutznick to ask the budget office discreetly about "a possible supplemental appropriation ... in light of the defense issue the president has asked me to address."

Slow learner: Even after nine months on the job, Energy Secretary Charles Duncan continues to make flubs that have members of Congress shaking their heads.

At one recent Capitol Hill hearing, for example, he referred to Doris Dewton, assistant administrator of the Energy Regulatory Administration, as "Mr. Dewton."

Duncan committed a more serious gaffe at an appearance before the House trade subcommittee. Asked to explain an important technical point in the proposed oil-import fee, Duncan confessed that he did not fully understand it.

"I am a layman," he explained airily. "I am not a lawyer."

At this, Rep. James Shannon, D-Mass., reminded Duncan with some asperity, "You are the secretary of energy."

WASHINGTON MERRY-GO-ROUND: ABSCAM AND JUSTICE: PLOTS WITHIN A PLOT?

(By Jack Anderson)

WASHINGTON, June 10, 1980.—In an earlier column, I told how eight members of Congress were caught in the ABSCAM trap, but seven others were let out before the trap was sprung. Several of the eight were filmed accepting bribes from FBI undercover agents. The same intermediaries who brought in the eight legislators for their payoffs also offered to produce another seven. But curiously, the Justice Department was not interested.

The FBI agents and their star witness, Mel Weinberg, "were frustrated and bewildered at a series of orders from the Justice Department in Washington which prevented them from pursuing what they regarded as promising leads."

This sensational allegation is contained in a confidential book proposal prepared by Bob Greene, whose investigative reporting earned Newsday a Pulitzer Prize. It is clear from the text that one of Greene's informants is the government's own chief witness, Weinberg himself.

Five weeks ago, I reported that the Justice Department had been selective in pursuing ABSCAM leads. I noted that some of President Carter's political opponents had been pursued while some of his supporters had not.

I reported that the FBI had an intense interest in House Speaker Tip O'Neill. There is no evidence that the FBI agents could have netted him, but they were eager to try. Then the Justice Department sent word that "we don't think (the O'Neill investigation) is profitable to pursue."

Here are two other big fish who escaped the ABSCAM net:

House Judiciary Chairman Peter Rodino, D-N.J.—Just as the FBI agents were about to draw Rodino into their net, the Justice Department scotched the investigation. They were dealing with Rodino's son-in-law, Charles Stanziale, who now swears he resisted the baited fish hook.

But Greene declares flatly: "Contrary to his public statement, the son-in-law of powerful Judiciary Committee Chairman Peter Rodino eagerly talked with Weinberg and an undercover FBI agent about getting legal fees for his law firm . . . and strongly intimated that he could deliver Congressman Rodino in return."

A source close to the investigation told my associate Gary Cohn that the Justice Department "cooled on Rodino just as the agents were getting closer to meeting him." The source insisted that a meeting with Rodino "could have been pulled off," although there is no indication that he would have taken any money or even would have discussed a payment.

The Justice Department's tampering with the Rodino investigation, inside sources suggest, so angered the undercover men that they leaked the ABSCAM story.

Sen. Strom Thurmond, R-S.C.—Justice Department sources first hesitated to pursue the 77-year-old Senate veteran, then gave the go-ahead, then called off the investigation.

By Greene's account, Rep. John Jenrette, D-S.C., offered to deliver Thurmond for $100,000. But, says Greene, Jenrette insisted upon picking up the money himself, contending that Thurmond wouldn't meet with the undercover operatives in person. There is no proof that Thurmond was aware of Jenrette's dickering.

Jenrette was caught on videotape; no further attempt was made to reel in Thurmond.

Significantly, both Rodino and Thurmond, as powers on the House and Senate Judiciary committees, respectively, have been strong supporters of the Justice Department. The ABSCAM caper was directed personally by Attorney General Benjamin Civiletti and the head of the Justice Department's criminal division, Philip Heymann. Their spokesman has denied any interference with the ABSCAM investigation.

Party surprise: The biggest fear in Ronald Reagan's inner circle right now is that Jimmy Carter will get an unexpected boost in the election campaign from an "October surprise." Reagan's advisers worry that a startling news development like last year's "November surprise," the Tehran hostage seizure, will rally support around a beleaguered president.

There's not much the Republicans can do to forestall such an unpredictable blockbuster, so they'll continue to hammer away at the gap between candidate Carter's promises and President Carter's achievement.

Meanwhile, Reagan is working on a "July surprise" of his own for unveiling at the Detroit convention. His choice of a running mate, insiders confide, will be someone who can broaden his appeal, rather than a political carbon copy who might please only a narrow base of ultra-conservative true believers.

Influence digest: Several Moslem powers, including Saudi Arabia, Kuwait and Pakistan, have brought secret pressure on Iran to return the American hostages, end the crisis and restore stability to the Persian Gulf region. . . . The gentle Cambodian people are caught between their ancient enemies, the Vietnamese, and their recent oppressors, the Khmer Rouge. The latest intelligence reports indicate that the Khmer Rouge are gaining strength in the jungles of Cambodia. . . . The Soviets are pouring so much firepower into Afghanistan that they have been unable to keep up their scheduled shipments to Vietnam, according to classified reports. This may have contributed to the slowing of the Vietnamese conquest of Cambodia.

Watch on waste: Back in 1976, Energy Department bureaucrats authorized a modest $75,000 solar energy visitor's center in a Los Angeles suburb. But in the Topsy-like way of federal projects, it has now grown into a $555,000 production—more than $400,000 of it financed by Uncle Sam.

Washingon Merry-Go-Round: Justice Department: A Volcano About to Erupt

(By Jack Anderson)

Washington, June 13, 1980.—Attorney General Benjamin Civiletti, an earnest fellow with an air about him of legitimate purpose, is sitting atop a Justice Department that is rumbling like Mount St. Helens in its pre-eruption stage.

I have charged that Justice, far from blind, has been winking at powerful politicians who run afoul of the law. I have cited case after case of selective prosecutions and aborted investigations. Now the Senate Judiciary Committee is investigating more than 20 politically sensitive cases, which appear to have been mishandled.

Even the celebrated ABSCAM investigation has come under fire. This is the FBI's elaborate "sting" operation, which netted eight members of Congress and several other public officials in a phony Arab attempt to buy influence with cash on the barrelhead.

A month ago, I suggested that the Justice Department seemed more eager to pursue President Carter's opponents than his supporters. I reported that two of the ABSCAM targets, Sen. Harrison Williams, D-N.J., and Rep. Frank Thompson, D-N.J., planned to support Sen. Ted Kennedy for the Democratic presidential nomination.

But in the case of Newark's Mayor Kenneth Gibson, undercover agents met with him in Atlantic City last November. They sounded him out about using his influence to help a phony Arab sheik. He was secretly videotaped handing an FBI operative a card and inviting him to City Hall.

The next month, Gibson endorsed Jimmy Carter for re-election and became one of the big guns in Carter's New Jersey campaign. The compromising tape, meanwhile, was sent to Justice Department headquarters, which never gave the necessary authorization for the agents to preceed with the Gibson investigation.

Rep. James Florio, D-N.J., is another who was offered a baited hook by the ABSCAM operators. Then last January, he came out for President Carter. The Justice Department seemed to lose interest in pursuing Florio, although the congressman says he simply refused to deal with the "Arabs."

Justice officials ordered the ABSCAM team not to pursue promising leads against at least seven members of Congress. This angered the people at the lower levels who leaked the ABSCAM story to the press, according to sources close to the investigation.

An indignant Civiletti ordered an investigation into the press leaks. Now Justice Department officials are trying to pin the blame on the only non-government member of the FBI undercover team, even though they have privately concluded that their own prosecutors were responsible for at least two of the three inital leaks.

The intended scapegoat is Mel Weinberg, the 55-year-old con man who masterminded the ABSCAM caper. Weinberg is furious at this attempt to keep Justice's skirts clean at his expense, sources told my associates Clark Mollenhoff and Gary Cohn.

Weinberg happens to be the government's single most important witness in the upcoming ABSCAM trials. He not only planned the whole "sting" operation; he was present when cash payoffs were made to the politicos in a plush Georgetown town house and other locations.

By attempting to pin the leaks on Weinberg, the Justice Department brass may be sabotaging their own case.

Footnote: A Justice Department spokesman refused to discuss specifics of the investigation.

Tabulating terrorists: The State Department's most recent rundown on terrorist activity in the Middle East names Libya, Iraq, Syria and South Yemen as the most flagrant supporters of international terrorism.

The document has been closely held by the inhabitants of both Foggy Bottom and Capitol Hill. It pinpoints oil-rich Libya as the most effective protector of terrorist groups and individuals, which are identified as primarily affiliated with various extremist Palestinian elements.

"Although the Libyan government claims that it is opposed to terrorists," the State Department summary notes, "it has qualified this by saying that 'freedom fighters' are not terrorists."

The roster of international terrorist strikes supported in one way or another by Libyan strongman Muammar Qaddafi, according to the State Department, includes the 1972 Munich Olympics massacre of Israeli athletes; the hijacking of a Lufthansa plane the same year; the blowing up of a Japanese airliner in 1973; the shootout at the Athens airport in July 1973, a similar attack on the Israeli airline in Rome that September and a Czechoslovakian train hijacking the same month; a British airliner hijacking over Dubai in November 1974, and the kidnapping of OPEC oil ministers in December 1975.

Moore miffed: Jimmy Carter's congressional liaison man, Frank Moore, was upset at my report that Rep. Norman Mineta, D-Calif., a Japanese-American, has not been invited to a state dinner for the visiting Japanese prime minister because Carter people thought Mineta was Italian. An aggrieved Moore called to point out that there had been no state dinner for the prime minister when he visited here in May.

Informed that the embarrassing slight had indeed occurred—at a state dinner held last year—Moore said: "It must have been the fault of someone in the invitation office or at State."

Weekly Special: The ABSCAM Tapes Feature Better TV Than Networks

(By Jack Anderson and Joe Spear)

Washington, August 18, 1980.—Perhaps the most entertaining television show in the country can be found on the ABSCAM videotapes. They reveal congressmen in the act of taking bribes from bagmen who are really undercover agents engaged in the FBI's most celebrated "sting" operation.

Most of the videotapes are still under seal by the courts, but we've managed to review them. One scene in particular sets the tone of the entire ABSCAM operation.

The FBI agents used a 55-year-old con man as their lure. He is Mel Weinberg, a gravel-voiced, street-wise character straight out of a Damon Runyon novel. One of Weinberg's contacts was Joe Silvestri, a big, beefy man with solid political connections.

Weinberg offered Silvestri a $5 million finder's fee for helping to line up some powerful politicians who might be willing to trade favors for cash. "You give me $5 million," responded Silvestri eagerly, "and I'll kiss your bottom in Macy's."

Silvestri started off modestly. He suggested corrupting the mayors of several New Jersey cities, including Newark, Paterson, Jersey City and Hoboken.

Weinberg apparently doesn't often venture beyond Manhattan, so he inquired: "Where's Hoboken?" Silvestri explained: "That's where Frank Sinatra came from." Then Weinberg and Silvestri started discussing a plan to bribe the mayor of Hoboken—solely on the basis that he was the mayor of the town that Sinatra hailed from.

Gradually, Silvestri got bolder. Soon he was offering to deliver up House Speaker Thomas "Tip" O'Neill, D-Mass. Then Silvestri came up with the topper. "Let me ask you something," he said. "You guys want to make contact with Ted Kennedy?"

Silvestri warned that the price would be high. "That'll be a quarter of a million," he said.

Of course, Silvestri could not produce either O'Neill or Kennedy. But he was able to entice some lesser-known members of Congress to accept the bribes.

Press suppression: There is chilling news from almost every sector of the world these days about government repression of the press. Right-wing and communist regimes alike are jailing and threatening newsmen whose only crime is to report the truth as they see it.

Here are just a few of the most recent alarming developments:

In Guatemala, a leading newsman was assassinated and seven others were exiled from the country. Some foreign journalists have been placed on a terrorist group's death list.

In Paraguay, a leading critic of the Stroessner dictatorship was ruthlessly thrown into prison just hours after returning from the United States.

In South Korea, journalists have been issued guidelines warning them not to write unflatteringly of the government. Those who violate the stringent rules will be thrown out of their profession and prosecuted.

Foreign newsmen are being harassed in Iran and Soviet-occupied Afghanistan. They are under the constant threat of expulsion. Native journalists are in danger of being denounced and tried as enemies of the government.

In the Soviet Union and elsewhere behind the Iron Curtain, freedom of the press is stifled as always. Reporters must toe the party line and parrot Kremlin propaganda without exception.

We believe it is past time for freedom-loving journalists to band together and raise hell about this ominous development. Personally, we salute our brave colleagues who have courageously sought to give the people the truth in lands of tyranny and injustice.

Good News: Last week, we proposed an Olympic gold medal for Vladimir Kislik, a brave Soviet scientist who was locked in a psychiatric ward to keep him away from foreign visitors. He was guilty of telling the truth about the repressive Soviet system to some Western clergymen and the Russians didn't want him talking to any foreign journalists during the Olympics.

Kislik's friends feared he might never be released from the psychiatric ward. But now we've learned that he has been set free. Most of the foreigh newsmen have returned home, and the Soviet authorities apparently feel it's now safe for Kislik to be on the streets again.

Crafty Congressmen: the Occupational Safety and Health Administration routinely suppplies congressmen with the names of the plants they inspect for violations and what penalties are imposed. But some lawmakers have taken the information and then solicited the owners of the plants on the inspection list for campaign contributions. In return for the money, the legislators promise to try to eliminate the agency.

Some Statistics: the Agriculture Department. The government's oldest bureaucracy, employs one bureaucrat for every 17 farmers . . . In the District of Columbia, there is one lawyer for every 28 citizens.

WASHINGTON MERRY-GO-ROUND: REP. JOHN MURPHY TO ENTER THE ABSCAM BULLRING SOON

(By Jack Anderson)

WASHINGTON, September 2, 1980.—One of the great courtroom dramas of our time will be played out later this month when Rep. John Murphy, D-N.Y., confronts his accusers in the Abscam case.

It won't be the first time in this bullring era of federal investigations that he has sidestepped a Justice Department lunge at him, with all the aplomb of a matador. But this time, the bull will back him into a witness chair and confront him with incriminating videotapes taken by FBI undercover men.

Unruffled, Murphy has insisted that the videotapes will exonerate him. The court, meanwhile, has sealed the crucial tapes until the trial, but my associate Gary Cohn has managed to review them.

They show FBI agent Anthony Amoroso and the con man who masterminded the Abscam operation, Mel Weinberg, in a hotel room waiting for Murphy. The place is the Hilton Inn near Kennedy International Airport in New York. The time is Oct. 20, 1979.

"In a short while," Amoroso addressed the hidden camera, "I'm expecting a meeting with U.S. Congressman John Murphy and attorney Howard Criden. In front of me is $50,000 in $100 bills.

"I'm placing this money in a suitcase to my immediate left. I'm now closing the suitcase and placing it to my immediate right on the floor next to the couch."

Then he began pacing and chomping on a cigar. "I knew those (expletives deleted) would be late," he grumped.

Not long afterward, Murphy strode into view, smooth in manner and appearance, like a man who moves familiarly in a world of marble floors, lofty ceilings and massive cut-glass chandeliers. He was accompanied by Criden, an unwitting middleman who is now his co-defendant.

They thought they were in the presence of bagmen for an Arab sheik with immigration problems that needed fixing. After a brief colloquy about the Notre Dame-USC football game that afternoon, the discussion got down to business.

Criden bragged about Murphy's influence in Congress. The FBI agents picked up their cue and explained that their client, the phony sheik, might need help with immigration problems. Could Murphy handle that?

"I don't think there will be any problem," said Murphy.

The FBI agent mentioned money and the sheik's plentiful supply of same. "He wants to make sure that when he gets ready to come (to the United States), that everything is taken care of," said the undercover man. "That's why he says, 'Hey, take the money, go find the people that can do this for me.' "

Criden quickly offered: "All you have to do is get a hold of me. I will get a hold of Jack (Murphy)."

"Here we go," said the G-man, handing over the briefcase with the $50,000.

"Why don't you give that to Jack?" suggested Criden, indicating Murphy.

But the congressman gestured toward the briefcase and instructed: "Howard, you take care of that."

"OK," agreed Criden, taking the briefcase. "All right, let's go," he added, explaining to the undercover men: "Jack's got to get back to Washington."

Murphy has an explanation for this performance. He reportedly will testify that Criden told him the briefcase contained immigration forms, not greenbacks

It may be more difficult for him to explain an inquiry, also duly recorded by the FBI's hidden cameras, into the possibility that the sheik might invest in a shipping venture. The undercover men readily agreed to the suggestion, and Murphy said his associates would get back to them.

The following Nov. 8, Murphy's associates met with the agents. His two aides suggested that the "Arabs" invest millions in a shipping company—in which the congressman would hold a secret interest. Murphy's associates promised that the congressman would use his influence as chairman of the House Merchant Marine Committee to make sure that the shipping venture was profitable.

No Fury Like It: At a recent hearing on fraud in Medicare and Medicaid, Sen. Bob Packwood, R-Ore., commented that the Department of Health and Human Services didn't "care about" eliminating ripoffs in federal health care programs.

Evidently feeling scorned by his offhand remark, HHS Secretary Patricia Harris whipped off a letter to Packwood. "I have never made partisan political use of the sad fact that so many professionals who ought to be serving these beneficiaries are instead stealing their money," she wrote."I hope others will also refrain from cheap shots at those of us who are doing everything in our power to protect the government's money."

Eager Witness: Sen. Dennis DeConcini, D-Ariz., whose subcommittee is investigating charges that Libya and fugitive financier Robert Vesco tried to bribe Carter administration officials, got an unexpected telephone call the other day. It was from a high-ranking Libyan diplomat. According to my sources, the Libyan expressed his government's concern over the allegations and offered to appear as a witness before the subcommittee. DeConcini may take the Libyan up on the offer and invite him to testify.

Watch on Waste: The Environmental Protection Agency was recently allotted office space on the lower floors of a suburban Washington building, and assigned it to one of the EPA's sections. But another EPA office, already in place on the top floors of the building, wanted to move down. A coin-flip decided the contest; the top-floor group will move down, the newcomers will move up and the taxpayers will get stuck with the $22,000 bill.

WASHINGTON MERRY-GO-ROUND: ABSCAM CONTINUED: THE CASE OF JOHN MURPHY

(By Jack Anderson)

WASHINGTON, September 3, 1980.—When Rep. John Murphy, D-N.Y., goes on trial for his Abscam involvement later this month, you'll be reading excerpts from FBI videotapes which the government claims, will prove that the congresssman took a bribe. Murphy insists that the same videotapes will exonerate him of any wrongdoing.

Yesterday I provided a preview of some damaging evidence—a videotape showing Murphy instructing an associate, Howard Criden, to accept a briefcase stuffed with $50,000 in $100 bills.

Murphy has said he thought the briefcase contained immigration application forms for a (non-existent) Arab sheik whose representatives had asked for his help. The sheik's men were actually FBI agents and a convicted con artist, Mel Weinberg, who cooked up the Abscam "sting" operation.

My associate Gary Cohn has reviewed the voluminous videotapes, which were ordered sealed by a federal judge. In today's episode, a major element of the government's case is laid bare: Criden the unwitting middleman and Laurence Buser, a longtime, trusted associate of Murphy, discuss with Weinberg and FBI agent Anthony Amoroso—the "sheik's" men—a lucrative business deal that is to be financed by the Arab and assured of success by Murphy's influence in Congress.

Unfortunately for the government prosecutors, Murphy himself was not present at the meeting, held in a luxurious Washington townhouse. The government must prove that the deal was cooked up with Murphy's knowledge and approval, and that may not be easy.

Buser outlined the deal while the hidden cameras recorded it all. The government of Puerto Rico, he explained, was trying to unload its shipping operation, the Puerto Rican Maritime Authority, to private buyers. Murphy, with his clout as chairman of the House Merchant Marine Committee, would arrange favorable purchase terms for the sheik—and would be a secret part-owner in the new company.

If necessary, Buser promised, Murphy would see that legislation was passed to protect the company and ensure a fat return for everyone.

Weinberg interrupted the lengthy presentation and got down to the nitty-gritty: "Will he be a partner in this with us?"

BUSER. "Well, he'll be a silent partner, I would imagine."

Criden chimed in, explaining that as head of the Merchant Marine Committee, Murphy "can't be anything else" but a silent partner.

WEINBERG. "The main thing is, do you think that Murphy can make the deal?"

BUSER. "Murphy can start the deal, I'll finish the deal."

The bogus sheik's men expressed doubts that Murphy had the power to assure a profitable venture, and Buser was happy to reassure them.

BUSER. "I don't know what you understand about American politics, but Murphy's power right now, as chairman of the Merchant Marine Committee—whatever legislation goes up on the floor of the House, he is the manager of that legislation.

"He can take it in any direction he wants to take it, and control it . . . He's a past master . . . Right now, we're manipulating this (Omnibus Maritime) bill . . . Murphy and I see a potential . . . The thing is to manipulate the acquisitions with the bill. So that you protect everything that . . . we can possibly get out of the government."

WEINBERG. "So what you're telling me, we need Murphy. He's the key to, behind the whole thing?"

BUSER. "Without him, we could get screwed . . . Now we waited all this time, and we looked at a few companies . . . but we haven't made a move. Now he (Murphy) says to me, 'I think the time is right to make a move.' And I agree with him . . . I think we can do a deal."

During his trial, Murphy reportedly will argue that Buser lied when he told the undercover agents that he had Murphy's cooperation.

Footnote: The undercover agents met again with Buser to make the final arrangements for the shipping deal. This time, Murphy was present. But, the G-men couldn't wring any incriminating statements out of the congressman. I'll provide excerpts from that videotape in a future column.

Open secret: The Nuclear Regulatory Commission has been ordered by Congress to disclose the routes taken by shipments of nuclear waste across the country, in response to outcries from communities concerned at the prospect of radioactive material rolling through their streets.

But the commission has gotten around the order by classifying the information on such shipments as "proprietary"—the term used to protect commercial secrets.

The hush-hush treatment is ludicrous, however. Anyone—potential saboteurs or the merely curious—can spot the waste shipments easily. The 30-ton containers are carried on open flatbed trucks, and are clearly labeled "Radioactive."

BAA-AA-AA humbug! Politicians have shown the public some pretty strange surrogates this election year, but Sen. Ernest Hollings, D-S.C., is the only one to be replaced by a sheep.

Here's how it happened: An environmental group collected testimonials from prominent individuals in support of the Alaska lands bill for an ad in the Washington Post. Hollings' staff promised a picture and a statement from an old newsletter. But at the last minute, the staff couldn't get Hollings' OK.

So there was the two-page ad, showing 15 prominent citizens—and an Alaskan Dall Sheep in the spot reserved for Hollings.

WASHINGTON MERRY-GO-ROUND: REP. MURPHY IN THE ABSCAM NET: WILL FBI HAVE TO TOSS HIM BACK?

(BY JACK ANDERSON)

WASHINGTON, September 4, 1980.—When he made his final appearance before Abscam's hidden cameras, Rep. John Murphy, D-N.Y., was clearly suspicious.

In a previous session with the FBI's undercover men, the congressman—chairman of the House Merchant Marine Committee—had inquired whether they would be interested in a shipping deal. And when the agents had proffered a briefcase stuffed with greenbacks, Murphy had instructed an associate to "take care" of it.

But by January 1980, when he was last featured on the FBI's videotapes, Murphy had undergone a mysterious attitude change. He went out of his way to disassociate himself from any suggestion that he might be susceptible to a bribe. And he emphatically proclaimed the innocence of several of his colleagues who had been swept into the FBI's Abscam net.

Was Murphy simply displaying the kind of self-protective skill that a corrupt congressman would show when approached with a bribe offer? Or was he quite simply innocent of any evil intent?

The videotapes of Murphy's meetings with the Abscam operatives—who were posing as representatives of an Arab sheik in need of favors from influential members of Congress—are open to several interpretations. Depending on the point of view, defense or prosecution, the tapes show that Murphy was either too honest or too sly to make incriminating statements to the government agents.

Murphy has vociferously asserted that the videotapes will prove that he did nothing wrong and has demanded they be released by the courts. My associate Gary Cohn has reviewed the still-secret tapes, and one thing that is clear is that the FBI team failed to get Murphy to incriminate himself. The motivation behind Murphy's non-culpable statements in the videotaped sessions will be argued by prosecutors and defense attorneys at Murphy's trial later this month.

On Jan. 10, 1980, Murphy, his longtime associate Laurence Buser, and the FBI's unwitting recruiter of possibly bribe-susceptible congressmen, Howard Criden, met with FBI operatives Anthony Amoroso and Mel Weinberg in a Washington townhouse. A lucrative deal involving Puerto Rican shipping was to be nailed down—while the FBI's hidden cameras turned.

Murphy sat silently, sipping a scotch and water, while Buser discussed the financing of the arrangement by the Arab sheik whom Amoroso and Weinberg supposedly represented. The Abscam agents repeatedly tried to focus the conversation on the congressman, but Buser didn't bite.

BUSER. (referring to Murphy). "He's not in this."

WEINBERG. "He's not?"

AMOROSO. "Well, wait a minute. I sold this thing on the basis that he's gonna help, and he's gonna be a prime mover . . . and he is gonna be there."

BUSER. "And he is . . . He'll do that, anyway."

At one point, while Murphy was not present, the FBI agent gave Criden an envelope containing money, and got Criden's assurance that Murphy was in on the deal. It is possible, of course, that Criden was simply trying to keep the money spigot turned on.

Later, Amoroso called Murphy aside for a private discussion. Amoroso told the congressman that Reps. Frank Thompson, D-N.J., and John Murtha, D-Pa., who were also caught up in the Abscam net, were involved with the "sheik" and his problems, and that money had been mentioned.

MURPHY. "You see, any time money's mentioned where a public official is mentioned, there's automatically an ability to link them to something illegal. No public official would ever be involved in anything like that."

AMOROSO. "Well——"

MURPHY, almost mockingly. "Particularly Thompson, myself or Murtha. We'd never do anything like that, see?"

AMOROSO, laughing nervously. "If you're playing—if you're being coy with me—Hey, I understand what you're saying as far as being careful and being cautious, all right? To be honest with you, the day I first met you, when we were at the airport hotel, I was reluctant to give you the money."

MURPHY. "You didn't give me any money."

AMOROSO. "Well, OK, when I gave it to Howard."

MURPHY. "I never received any money from anyone, and would not accept anything—from you or Howard."

Clearly, John Murphy is no babe in the woods, as the FBI agents found out. Whether he's an innocent lamb will be up to a jury to decide.

High I.Q., Low P.R.: Mensa, a national organization of individuals with high intelligence quotients, has been studiously lobbying some members of Congress to have National Mensa Week declared by congressional resolution. But when one Capitol Hill aide called Mensa for some background information, the high-I.Q. person at the other end of the line replied tersely that she could only "read the prepared statement." Pressed for a better response, the Mensa representative merely repeated, with the stubborness of a dull-normal, that she would "read the prepared statement."

Watch on waste: It costs the taxpayers nearly $100,000 a year to keep two former speakers of the House in the style to which they became accustomed. Democrats John McCormack of Massachusetts, who retired in 1971, and Carl Albert of Oklahoma, who retired in 1976, both receive generous pensions as well as office space, supplies and five staff members apiece.

Footnote: Anyone who is aware of government extravagance should write of it to Jack Anderson's Watch on Waste, P.O. Box 2300, Washington, D.C. 20013.

Washington Merry-Go-Round: The FBI's ABSCAM Tapes Show Its Agents in Strange Light

(By Jack Anderson)

Washington, September 9, 1980.—The FBI insists that it never sought to entrap members of Congress into taking bribes during the celebrated Abscam investigation.

But videotapes secretly filmed by the FBI show that the undercover operatives—who were posing as bagmen for a fictional Arab sheik—were willing to use questionable tactics to build their case.

Although the videotapes are still under court seal, my associate Gary Cohn has managed to review them. They reveal, for example, that the undercover G-men were willing to ply Rep. Frank Thompson, D-N.J., with liquor to make him susceptible to offers of cash.

Here's how it worked: Philadelphia attorney Howard Criden—a defendant in the Abscam cases—was persuaded by the FBI agents to bring Thompson to a meeting at which the congressman, according to the FBI script, was supposed to accept a $50,000 bribe.

But the best-laid plans of the G-men went astray. Thompson refused to accept the cash. Instead, he made vague suggestions about deposits in New Jersey banks which had done favors for him. This nebulous videotaped evidence frustrated the FBI operatives, Anthony Amoroso and Mel Weinberg.

"Go back and talk to him," said Amoroso. "See what his position is."

"He told me he won't discuss money," said Criden. Amoroso persevered: He wanted to give Thompson cash—on camera.

Criden. "Listen, this (expletive deleted) needs money worse than anybody in this (expletive deleted) room."

Amoroso. "Well, if he needs (expletive deleted) money worse than anybody in this room, let him (expletive deleted) take a chance. Let him, let him get into the (expletive deleted) water with us."

Criden pointed out that Thompson didn't want to ruin his political career. He then added: "This (expletive deleted) guy is an alky (alcoholic). What do you want from the (expletive deleted) guy?"

Amoroso. "Hey, go back and talk to him and see what he'll do."

Criden. "It's not that easy for me to get him to do it, and I don't know whether he'll do it or not."

"Give him another drink," suggested Weinberg, the convicted swindler who masterminded the Abscam project for the FBI.

Whether Criden acted on this cynical advice is not known. The unwitting middleman did manage to bring Thompson back for another meeting later that day at the elegant townhouse the Abscam agents were using for their "sting" operation.

This time, the G-men succeeded in getting Thompson and Criden to leave with a briefcase containing $50,000 in cash.

Criden assured the FBI agent that "Frank understands the situation," and Amoroso said: "OK. I just want to make sure you understand. There's the briefcase."

Thompson on videotape gestured toward the briefcase and said, "Howard, you take care of that for me."

"OK," said Criden, picking up the briefcase.

Whether Thompson really understood what was going on will be up to a jury to decide when he comes to trial later this month.

Pentagon ghosts: Jimmy Carter's disclosure that the United States may soon have planes that will be invisible to enemy radar hasn't squelched the hawks on Capitol Hill. They still think the president has let our defenses deteriorate.

A tongue-in-cheek "analysis" of the newly announced stealth technology is circulating in some Senate offices. The author, an anonymous Senate staffer, recommends that Carter use stealth technology to solve all his defense problems.

The Navy's lack of ships, the document suggests, can be solved with "stealth" aircraft carriers that will "launch invisible aircraft and be in the company of invisible escorts." These ghostly ships "will work well with other administration policies, since many of the sailors are already 'invisible,' as are their benefits."

The derisive document predicts that invisible tanks, invisible personnel carriers and invisible intelligence agents are on the administration's drawing boards, and suggests that perhaps these were the forces the president had in mind when he promised to defend the Persian Gulf.

Handcuffed propagandists: The International Communication Agency, Uncle Sam's official propaganda arm, has produced a devastating, 29-minute movie on the Cuban refugees who have flooded into the United States in recent months. Titled, "In Their Own Words," the film makes clear why the Cubans endured sometimes unspeakable hardship to flee Fidel Castro's dictatorship.

The ICA movie is being widely shown in Latin America, but federal law prohibits its showing in the United States. Cuban-American groups are lobbying Congress to permit distribution in this country to counter anti-refugee publicity.

Meanwhile, Castro's government has produced two films about the exodus. Not surprisingly, they portray the refugees as undesirables fleeing the Promised Land. While the ICA movies are blacked out in this country, Castro's propaganda films have been shown in New York City.

Watch on waste: Duplication of effort is unimportant to bureaucrats fighting for budget turf. The Department of Education awarded $110,050 to a private firm for a career development program aimed at out-of-school youths in the Bronx—even though, as a department official admitted to government inspectors, an identical program was already covered by the Labor Department under the Comprehensive Employment and Training Act.

Washington Merry-Go-Round: FBI's ABSCAM Videotapes Play Like a TV "Sit-Con"

(By Jack Anderson)

Washington, September 11, 1980.—Those who have been dismayed at the sordid sameness of the Abscam bribery revelations will be pleased to learn that some comic relief is on the way with the trial of Joseph Silvestri late this month.

Silvestri is a New Jersey building contractor who was used by the FBI to recruit corruptible congressmen. He, like the politicans he contacted, was fooled by the undercover G-men posing as bagmen for a favor-seeking Arab sheik.

But the FBI agents were themselves hopelessly gulled by Silvestri. Unable to produce a genuine Philadelphia Mafia leader to dicker with the bogus sheik's representatives, the resourceful Silvestri enlisted the not inconsiderable acting talents of an unemployed electrician named Tony DeLuca.

DeLuca, a craggy-faced, gray-haired man in a black pinstriped suit, looked like Central Casting's choice for a role in "The Godfather"—or possibly "The Bowery Boys Meet the Godfather." The script was amateurish; the dialogue was a howl. But it suckered the FBI completely.

Informed sources told my associate Gary Cohn that the FBI assigned four agents to check out the mysterious mobster Silvestri had produced. The investigation took several weeks and cost the bureau between $70,000 and $100,000.

DeLuca's dramatic debut occurred on Dec. 11, 1979. Silvestri was the co-star and director. The audience consisted of FBI agent Anthony Amoroso, convicted con man and Abscam scenarist Mel Weinberg and, of course, the government officials monitoring the performance from an adjoining room. Silvestri had been pressed by the undercover agents to introduce them to mob boss Angelo Bruno from Philadelphia, who would tell the "sheik's" men how to get Mob cooperation for an Atlantic City casino. Lights. Camera. Action:

Silvestri. "The guy you wanted to meet from Philadelphia—that's not necessary."

Weinberg. "The big money is in controlling the (concessions). That means, if we give them the financing, we tell them the construction company to use, we tell them you gotta use our linen guy, our bakery guy, our liquor guy. All right?"

DeLuca, gruffly. "Let me explain something to you. The linen, cigarette machines, and a few other things—you don't tell them. They'll tell you. Let me put it this way. If you think you can go down to Atlantic City and tell them that you're going to be using the guy you want for the linen and the guy you want for the cigarette machines, you're not thinking. Don't attempt it.

"You want to do the financing, that's fine. But as far as the linens, the silverware, the rest of the stuff, that's ours."

Weinberg. "You in the construction business?"

DeLuca, stumped, looked to Silvestri for help and said: "Uh, how do I answer that?"

Silvestri. "Mel, the unions in the United States belong to—Tony's friends."

Amoroso, not to be one-upped in name dropping: "We're with a guy right now who's going to take us to Bruno. . . ."

DeLuca. "Just give me one thing. Just give me his first name, and I'll tell you if you got the right guy."

Amoroso. "Frank."

DeLuca. "From New Jersey?"

Amoroso. "The guy is from New Jersey. Yeah."

DeLuca. "You got the wrong guy. You don't know who the hell you're dealing with, because I can tell you, if the guy's name is Frank and he's from New Jersey, I don't know him."

Amoroso. "OK."

DeLuca. "He's a name-dropper. I can tell you something right now. Bruno is not (involved) in Atlantic City."

Amoroso. "All right, you could be right."

DeLuca. "I know I'm right."

Warming to his role, DeLuca assured the "sheik's" men they would have no union troubles in Atlantic City if they dealt through him. "I walk right in the (expletive deleted) door to who the head guy is. I'm right there, see? So that cuts out a lot of B.S. I'll take care of who has to be taken care of..."

Curtain. The unemployed electrician had conned the FBI agent—and the FBI's own con man, Weinberg.

Under the dome: The lame ducks are off and flying again, at taxpayers expense. Though they won't be returning to Congress next year, Reps. John Wydler, R-N.Y., and Robert Duncan, D-Ore., junketed off on a 10-day "fact-finding trip to Italy, Egypt and Israel ... Rep. Marty Russo, D-Ill., recently championed legislation that would prohibit the trapping of furbearing animals for their pelts. Then he showed up at a club on Capitol Hill modeling fur coats ... The Senate Foreign Relations Committee regularly circulates a list of its staff employees' names, addresses, phone numbers—and marital status. Some staffers are amused; some are not ... Former Rep. Dan Flood, D-Pa., resigned in disgrace after copping a plea on corruption charges, but his pet provision in the Defense Appropriations Bill still sticks. It forbids Army installations to convert to oil from coal—much of which comes from Flood's district. "The ghost of Dan Flood lives on," remarked one congressman.

Watch on waste: Government-funded legal aid to the poor has become a booming business. From a budget of $92 million in 1976, the Legal Services Corporation has expanded to $300 million this year, and is asking for $353 million in 1981. Unfortunately, government inspectors have found slipshod supervision of the legal firms that get grants to represent indigent clients. Incredibly, the law firms are allowed to keep any "leftover" funds—and these have amounted to as much as $1.3 million. One firm bought Treasury bills with about $200,000 in leftover funds, thus collecting government interest on money the government gave it.

Washington Merry-Go-Round: Feds Questionable Tactics May Tarnish ABSCAM's Success

(By Jack Anderson)

Washington, November 2, 1980.—The FBI's celebrated ABSCAM operation, with its hidden cameras recording the incredible antics of phony Arab favor-seekers and real-life American politicians, has titillated the public and outraged Congress.

Two House members have already been convicted, and by the time the rest of the defendants have been tried over the next few months, ABSCAM may go into the history books as the most successful investigation of congressional corruption ever accomplished.

Certainly its success as entertainment is beyond question. Not since the public hangings of an earlier era has the populace been treated to such a fascinating display of justice at work.

But in the bright glow of success—ABSCAM prosecutors are batting 1.000 so far, well ahead of the Watergate-era trials—certain disturbing questions remain to dim the splendor. Appeals courts may yet tarnish the crusader's armor that the FBI and the Justice Department have arrayed themselves in.

There are four areas where the G-men employed tactics that can best be described as dubious, even if they are eventually upheld by the Supreme Court—Premature leaks. Last February, long before any indictments were returned—indeed, before any grand juries had been convened to hear the evidence—Justice Department and FBI officials orchestrated a veritable symphony of leaks to the press. They named the politicians involved, including some who were eventually indicted, some who have not yet been indicted and some who may never be.

Details of the "sting" operation were made readily available to reporters. The obviously selective nature of the leaks put the investigators' side of the story before the public with apparently overwhelming evidence. The future defendants were hopelessly compromised well in advance of legal proceedings.

Attorney General Benjamin Civiletti acknowledged this violation of the suspects' civil rights, calling the flood of leaks "one of the low points" in Justice Department history. Professing outrage, Civiletti with much fanfare appointed a special investigator, Richard Blumenthal, to find those responsible for this "perversion" of justice.

Blumenthal's report was finished months ago. FBI Director William Webster has said it "points the finger" at certain Justice Department officials. But Civiletti has taken pains to keep the embarrassing report secret until the ABSCAM trials are over.

It strikes some insiders as passing strange that the Justice Department, which treated the rights of the ABSCAM defendants so cavalierly, is treating its own misconduct with such tenderness.

Entrapment. In a "sting" operation like ABSCAM, there is always the danger that lawmen have set in motion crimes that otherwise would not have been committed, and civil libertarians are concerned that the FBI's undercover agents overstepped the bounds this time.

Assistant Attorney General Philip Heymann, who took personal charge of the ABSCAM investigation, has insisted that no one from the Justice Department "dangled bait in front of a congressman."

But secret videotapes, reviewed by my associate Gary Cohn, show that on numerous occasions the FBI operatives came perilously close to entrapment. Consider, for example, the case of Sen. Harrison Williams, D-N.J.

The tapes clearly show the FBI's ABSCAM "recruiter," convicted con man Mel Weinberg, coached the senator on the best way to act when he met the fictitious Arab "sheik" who supposedly wanted to buy congressional influence.

"You gotta tell him how important you are," Weinberg told Williams, "and you gotta tell him in no uncertain terms: 'Without me, there is no deal. I'm the man who gonna open the doors. I'm the man who's gonna do this and use my influence and I guarantee this.'

"It goes no further," Weinberg assured the senator. "It's all talk, all bullshit. It's a walk-through. You gotta just play and blow your horn."

Even some Justice Department lawyers were doubtful about these tactics. One secret department memo concluded that "constitutional violations of due process in the ABSCAM investigation may have fatally infected the investigations and possible convictions.

Unethical conduct. In their zeal to nab as many big shots as possible, the ABSCAM team resorted to some dubious investigative techniques. Weinberg, for example, suggested to an unwitting middleman, Philadelphia lawyer Howard Criden, that he ply Rep. Frank Thompson, D-N.J., with booze to get him to take a bribe on camera.

Initially, Thompson refused an offer of cash. The FBI told Criden to bring him back for a second meeting.

"He told me he won't discuss money," Criden protested. "The (expletive) guy is an alky. What do you want from the (expletive) guy?"

"Give him another drink," replied Weinberg. With such expert—if questionable—tutelage, Criden eventually got Thompson to return, and the tapes show Criden (though not Thompson) accepting a briefcase containing $50,000.

Targeting. There is disturbing evidence that certain politicans were singled out as targets, while others were declared off-limits to the undercover agents. Leads were provided by the middlemen that pointed to at least seven members of Congress who were not pursued by the G-men. Two of these were House Speaker Thomas P. O'Neill, D-Mass., and House Judiciary Committee Chairman Peter Rodino, D-N.J.

On the other hand, witnesses recalling hearing Heymann, the head of the investigation, asking in reference to Rep. Richard Kelly, R-Fla., "Did we get that troublemaker Kelly?" The answer is: They did. The feisty congressman was videotaped stuffing greenbacks in his pockets and asking, "Does it show?"

Undercover operations like ABSCAM may be the only way to catch congressmen who are on the take. But the sweet taste of success turns a little sour when the government tramples on individual rights in its pursuit of justice.

Washington Merry-Go-Round: Justice Department Double-Crossed Informant in Vesco-Carter Probe

(By Jack Anderson)

Washington, February 24, 1981.—This is the story of two disparate swindlers, one street-wise, the other worldly-wise, both skilled at flimflammery, who were recruited by the Justice Department to ensnare errant politicians.

The first lured congressmen into the ABSCAM net; he was rewarded with high pay and lucrative contracts. The second implicated some White House biggies in a bribery plot; he is being railroaded into prison.

Mel Weinberg, the government's star witness in the ABSCAM case, set up the congressmen who were caught on videotape pocketing bribe money. Flamboyant and foppish, with a taste for flashy three-piece suits and pinky rings, he may be unschooled in the social graces, but he is gifted with a raw genius for finagling.

He has grown a full beard to camouflage his puss from the ABSCAM notoriety. But behind the gray-streaked beard and all the foppery, traces of The Bronx show through. He is brash and booming, with a half-chewed cigar thrust at the world.

Weinberg was the master strategist who largely planned and executed the ABSCAM operation. His intuitive audacity and investigative techniques represented a quantum jump beyond the cautious methods that heretofore had been used to pursue congressional cheats.

Indeed, the Justice Department had to restrain him from dangling government greenbacks before such worthies as House Speaker Tip O'Neill, D-Mass., and House Judiciary Chairman Peter Rodino, D-N.J., in an attempt to entice them into the ABSCAM trap.

If justice was served, Weinberg also made out. The FBI hailed him as one of the good guys, paid him a reported $3,000 a month and excused him from a $200,000 embezzlement charge. His take from the **ABSCAM** caper, according to Justice Department sources, has already surpassed $130,000. This doesn't count another $450,000 that he is expected to make from movie and book contracts.

In contrast, James Feeney shelled out $30,000 from his own pocket in the service of the Justice Department. He was promised immunity from fraud charges but was hit with a 52-count fraud indictment just one week before he was scheduled to appear before a Senate hearing. This effectively stopped him from testifying against associates of then-President Jimmy Carter.

Feeney moves in the conspiratorial world of multimillion-dollar stakes, high rollers and slick con men. He is polished, pressed and pomaded, with a sophisticated air about him. He is handsome in a rugged, chiseled way like a football quarterback, too old for the game, whose muscles are beginning to turn to flab. His diction is patrician, his syntax literary.

He now lives in a 25th-floor Manhattan apartment, tastefully decorated, with Chinese scrolls on the walls and oriental rugs on the floor. Among the photos on his shelf is one showing Feeney sipping champagne on the French Riviera, shirt open to the navel, with a beautiful blonde by his side.

It would take a finagler of his class, the Justice Department agreed, to penetrate the innermost circle of the renegade financier, Robert Vesco. The smooth Feeney not only succeeded in endearing himself to Vesco but amassed a cabinet full of evidence implicating Libyan dictator Muammar Qaddafi in a $30 million bribery scheme.

Feeney passed on detailed information about Qaddafi's plan to lure the president's brother, Billy Carter, to Libya in return for an oil deal that would have made Billy a millionaire. According to a Justice Department report, the Libyans offered Billy an "oil allocation" that would bring him fat commissions. "During the course of these discussions (about the oil payoff)," stated the report, "Billy Carter personally requested a $500,000 loan from the Libyans." This was partially granted.

Under the supervison of a U.S. attorney, Feeney also secretly taped conversations with Libyan diplomats who wanted to influence White House officials. He led federal agents to a secret rendezvous between Democratic National Chairman John White and Libya's United Nations ambassador, Monsur Kikkia.

But as the investigation focused tighter on the White House, the Justice Department inexplicably called it off. Then Feeney, who had been promised immunity, was indicted in an apparent effort to keep him from testifying before the Senate. Now he is broke and bitter, awaiting trail.

"They bled me dry of every piece of information I could give them," he told my associate Indy Badhwar. "I risked my life. They used me. They used my talent and then threw me out like I was dirt."

Breaking a long press silence, Feeney went on: "When you go into a deal like this, you can't get to the Vescos of this world without using people who deal in that world. They used me because they know FBI agents can be smelled out in no time . . .

"My advice is that anyone who makes a deal with a U.S. attorney better watch it. Make it in triple writing and put it in a safe-deposit box."

Soviet UFO sightings: After 10 years of exhaustive investigation, the U.S. Air Force gave up its search for Unidentified Flying Objects—even when then-President Carter claimed he had seen a UFO several years ago. Now, intelligence sources report, the Russians are taking UFO sightings seriously. They call them "atmospheric anomalies," but they seem convinced there's something going on out there. Maybe President Brezhnev reported a personal close encounter.

WASHINGTON MERRY-GO-ROUND: ABSCAM'S STAR WITNESS HAD HIS OWN RIP-OFF RACKET

(By Jack Anderson)

WASHINGTON, May 1, 1981.—Mel Weinberg, the flimflam man who was the FBI's undercover operative and star witness in the **ABSCAM** cases, has made out like a bandit.

Not only did Weinberg collect more than $133,000 in pay and bonuses from the government, but there are serious allegations in official files that he wangled expensive gifts from some of the individuals who were targets of the FBI's "sting" operation. The gifts reportedly included gold watches, color television sets, stereo and recording equipment and a microwave oven.

What is even more shocking is evidence that when two **ABSCAM** prosecutors reported Weinberg's predatory shenanigans to the Justice Department, top officials discussed the possibility of getting rid of the evidence and coaching Weinberg on how to answer questions about the gifts.

Obviously, if Weinberg's scam-within-a-scam had been made public, it would have been devastating to the FBI's operation. The government has insisted that Weinberg was under tight control by the FBI at all times, and was strictly following orders when he lured members of Congress and other political figures into the **ABSCAM** net.

But it is clear from files reviewed by my associate Indy Badhwar, that Weinberg was out of control, using the **ABSCAM** caper to feather his own nest. And it appears that Justice Department officials covered up for him rather than risk destroying his believability as a government witness.

The two assistant prosecutors, Edward J. Plaza and Robert A. Weir, complained about Weinberg in a memorandum last December to then-Assistant Attorney General Philip Heymann. They charged that Weinberg had extracted gifts from **ABSCAM** targets by implying that they were for the fictitious Arab sheik he claimed to represent. He worked his con game, among others, on Camden Mayor Angelo Errichetti and on George Katz, a co-defendant of Sen. Harrison Williams, D-N.J., according to the records.

Last June, a worried Weir met with Deputy Assistant Attorney General Irv Nathan and chief **ABSCAM** prosecutor Thomas Puccio, and brought up the subject of Weinberg's gifts. Weir later acknowledged under oath that Puccio said he was aware Weinberg had received a microwave oven. Puccio said he would have it removed from Weinberg's house and would coach him on what to say about it, as Weir recalled.

He also quoted Nathan as saying Weinberg had produced a receipt showing that he had bought the oven himself. But when Weir suggested an independent FBI investigation of the matter, Nathan assigned the inquiry to Puccio instead.

Last January, in a memo to Heymann, Nathan wrote that Puccio had denied saying he was aware of the microwave oven gift and that he himself did not recall any mention of a receipt. In a subsequent court proceeding, Weir testified under oath that Nathan's memo was false, "and Mr. Nathan knows it's false."

Just 10 days after the meeting at which Weir expressed his concern about Weinberg's behavior, he and Plaza were taken off the **ABSCAM** case by Nathan.

The loot that Weinberg allegedly extorted from **ABSCAM** targets is listed in the Weir-Plaza memo of last December as three gold watches, a $900 video cassette recorder, a $1,200 stereo set, three color TVs and the microwave oven.

Weinberg initially was paid $1,000 a month for his middleman services, but in February 1979 this was increased to $3,000 a month, and in November of that year to $5,000 a month. He also received a lump sum of $15,000 in June 1979, and a $5,000 "bonus" in November 1979.

Inside the Kremlin: In private conversations with satellite leaders, Russia's Leonid Brezhnev has accused Ronald Reagan of adopting a right-wing philosophy that could end detente and jeopardize the peace.

Under Brezhnev, the Old Guard has become entrenched. "Vacancies have usually been filled by promotion within the appropriate party organization," reports the CIA. This has produced "a malaise among younger party officials, bored with the 'old ways' and restless at the lack of headroom."

A top-secret CIA analysis contends: "Young people will have to be brought into the party in substantially greater numbers in the 1980s just to maintain the low rate of youth recruitment. That would reopen the possibility of (a) generational conflict . . ."

The Soviet leadership is dominated by the Russians, Ukrainians and Byelorussians. Most "underrepresented," says an intelligence report, are "the Turkic nationalities with Muslim backgrounds."

Brezhnev has stifled initiative. "Dangerous new ideas—for example, that a party official should be chosen for some expertise other than Marxism-Leninism—have been quashed," states a top-secret analysis. "Brezhnev has opted for stability . . . The next long-term party chief may well be confronted with rising pressures for change in the party, as well as other Soviet institutions."

Fish story: Not long before he left office, President Nixon was given eight rare carp by the Japanese government. He turned the fish over to the National Aquarium and a plaque was put up acknowledging the gift. What the public doesn't know is that only two of the fish now swimming about in the tank were part of the original gift. Six died, and were quietly replaced by look-alikes. The plaque is unchanged because, as an official explained, no one would know the difference "unless you worked here."

WASHINGTON MERRY-GO-ROUND: DID ABSCAM'S STAR WITNESS TRY TO TRAP WILLIAMS VIA FORGERY?

(By Jack Anderson)

WASHINGTON, May 11, 1981.—In an earlier column, I reported that top Justice Department officials covered up allegations that the FBI's star witness in the **ABSCAM** trials used his position to extort expensive gifts from politicians involved in the scandal.

Now there is shocking evidence that the FBI's con man-consultant, Mel Weinberg—and possibly the principal investigator, FBI Agent Anthony Amoroso—arranged for a letter to be forged that would incriminate

Sen. Harrison "Pete" Williams, D-N.J., who has just been convicted in the final ABSCAM trial.

The crux of the case against Williams was that he would use his influence to get government contracts for a titanium mine after it was purchased by the FBI's fictitious Arab sheik. In return, the senator was to get a secret share of the mine.

The extent to which the FBI was willing to go to snare Williams is revealed in a taped conversation between the FBI's setup artist, Weinberg, and Camden Mayor Angelo Errichetti. G-man Amoroso joined the conversation at a crucial point. Subsequently, Errichetti was convicted in another ABSCAM case and was indicted with Williams in the titanium deal.

The conversation occurred on Sept. 12, 1979. Weinberg informed Errichetti that the "Arabs" wanted a letter from the senator confirming his support for the titanium venture. They agreed it was unlikely Williams would sign such a letter, so the con man and the mayor concocted a scheme to forge the document by blocking out the text of a letter Williams had signed and inserting the desired language.

Weinberg's purpose, of course, was to incriminate Williams. Errichetti's goal, apparently, was simply to please the "Arabs" without regard for possible danger to Williams.

Here are excerpts from the transcript of the inculpatory conversation, obtained by my assocate Indy Badhwar.

ERRICHETTI. "I have a letter from Pete (the senator) sent to me . . . I'll ink out . . . I'll be able to type anything you want to copy. His name will be on the bottom . . . I got 10,000 (obscenity deleted) letters from him . . ."

WEINBERG. "Do you think if you told Pete to give you a letter and that you will hand-deliver it—and then you would burn it, he will trust you?"

ERRICHETTI. "Let's see if my thing would work first . . . We type in what we're going to type . . ."

WEINBERG. "All right. Try it. If not, we'll try it with the other way, because I think Pete will trust you."

ERRICHETTI. "All right. We'll try it our way first. (Obscenity) him."

WEINBERG. "Just say, 'To Whom It May Concern, that I will do all in my power to . . .'"

ERRICHETTI. "I'll address the (obscenity), make it to the (obscenity) Arab's name. (Obscenity) him."

FBI Agent AMOROSO (apparently just joining the conversation). "Original letter. Hey! I think you missed your calling in life."

ERRICHETTI: "I asked you the day before, 'Seek and you shall find.' Whatever you need, you gotta ask and you get it."

The forgery was agreed on. But the conspirators went a step further: They arranged to print a new letterhead for Sen. Williams, under which the incriminating text would be typed in.

A short time thereafter, according to a court brief, "Errichetti's secretary did just that in the presence of Errichetti, Weinberg and Special Agent Amoroso.

Junk Junkets: The House Select Committee on Narcotics recently laid an egg when it tried to generate some publicity in Hollywood. The movie people boycotted the hearings and the committee was able to corral only one employed actor and a retired juvenile star.

But Chairman Leo Zeferetti, D-N.Y., obviously hasn't given up the idea of a committee road show. Now he's going to see how the drug investigation will play abroad.

This month the committee's on location in Mexico. In August, the congressmen will head for West Germany to study the problem of drug use among the American GIs stationed there.

The highlight of the committee's year will come later that month with a whirlwind tour reminiscent of the movie, "If It's Tuesday, This Must Be Belgium" A three-week "global study mission" will take the dope probers to Japan, Korea, Thailand, Guam, Pakistan, Italy, Turkey, Switzerland, Germany, France, Colombia, Peru, Brazil and Bolivia.

In September, the committee may go to New York for a session at the United Nations.

Traveling investigations are nothing new for the narcotics committee. In the past, it has gone to Honolulu, Switzerland, France, Egypt, Italy, Japan, Korea, Thailand, Guam and Macao, as well as to members' home districts in New York, Georgia and Tennessee.

The select committee spends about $600,00 a year—not counting its travel expenses—and is supposed to work out a comprehensive federal strategy to combat the traffic in drugs. Among other things, it is charged with investigating the role of organized crime in the $64-billion-a-year illicit drug business.

But this function receives scant attention. Indeed, It would appear that the committee holds domestic hearings primarily as a publicity gimmick. Five of seven recent hearings, my reporter Sharon Geltner has learned, were held in members' home districts in New York, Georgia and Tennessee.

Watch on Waste: It's party time at the Peace Corps. While the volunteers overseas are existing on their customary short rations, officials in Washington headquarters have been working since last October on the celebration of the corps' 20th anniversary. A special three-person staff has been detailed to plan and coordinate anniversary activities around the country. The year-long bash is setting the taxpayers back about $180,000.

Clarification: On April 13, I referred to an Internal Revenue Service memo that went out under the name of Collection Division Chief Robert Starkey as "written" by him. The IRS informs me that the memo issued in his name was written by subordinates and was in fact repudiated by Starkey.

WASHINGTON MERRY-GO-GROUND: FBI's ABSCAM PROBE DEVELOPS EVEN MORE TWISTS AND TURNS

(By Jack Anderson)

WASHINGTON, May 28, 1981.—The FBI's handling of its famous ABSCAM investigation grows curiouser and curiouser. There is shocking evidence that the bureau's chief undercover operative, convicted con man Mel Weinberg, may have instigated the creation of more than $1 billion worth of counterfeit securities—which he was then given credit for turning over to the FBI.

Moreover, FBI Director William Webster, in testimony to Congress last October, boasted of the "recovery" as a beneficial spinoff from the undercover operation. He told the House Judiciary Committee that $1.5 billion in "potential economic losses were prevented"—a pitch to get further funding for ABSCAM-type operations.

Internal FBI memos show that Weinberg was paid more than $130,000 for his role as middleman between ABSCAM targets and FBI agents posing as Arab sheiks in need of political favors. In addition, he was given a $15,000 lump-sum reward for helping to recover nearly $2 billion worth of phony certificates of deposit and letters of credit.

Supposedly, Weinberg got the counterfeit securities—which are easily negotiable—"off the street." But my associate Indy Badhwar has dug into overlooked court documents that suggest Weinberg may instead have solicited the forging of the securities, taught ABSCAM targets how to manufacture them and then "recovered" them for the reward money. What's worse, the documents also suggest that Weinberg may have worked his securities scam with the knowledge of his FBI employer.

Here's how it worked, according to court documents:

Weinberg would approach individuals in need of money and offer financing from banks in the Middle East. But, he would say, the banks required collateral—and fake securities would do the job.

"He was interested in knowing whether we could supply stolen securities, stolen or forged bonds, CDs or letters of credit," testified William Rosenberg, another con man whom Weinberg had offered to help with "Arab" money. Rosenberg swore that Weinberg presented him with $1.2 billion of blank fake securities and "told us how to fill them out and what rates of interest to show on the letters of credit, how they were to be worded and so on."

Asked why Weinberg hadn't simply filled out the certificates of deposit himself, Rosenberg testified: "His answer was that if his employers learned of his participating . . . or doing this himself, he might be in danger of his life or losing his job."

Another witness, Jack Morris, testified at Rep. John Jenrette's trial that he printed $200 million worth of counterfeit CDs at Weinberg's orders. Then, when he delivered them to Weinberg in the Red Carpet Room at La Guardia Airport, Morris was arrested by the FBI.

Morris was charged with just a misdemeanor for this $200 million fraud and was released on personal bond. Later, he testified, Weinberg suggested he seek help from his congressman—Jenrette. He quoted Weinberg as saying Jenrette was a lush, so "give him a few drinks, he'll do anything." To which Morris, a member of Alcoholics Anonymous, said he replied, "Go to hell, you s.o.b."

FBI memos dealing with the fake securities operation indicate that one of its ultimate targets was Jenrette, who was described as "financially in bad shape."

Bob Weir, a former ABSCAM prosecutor, testified recently that the FBI probably knew that Weinberg had himself supplied the counterfeit securities. He quoted an FBI agent as saying the use of such a scheme was a technique the bureau has used in the past to create the impression that its undercover agents are involved in illegal operations.

And an FBI memo of February 1979 states that "the CDs serve as a vehicle which leads these people to introduce undercover agents to corrupt politicians."

Embattled bureau: Morale among the working stiffs in the Bureau of Alcohol, Tobacco and Firearms is reportedly suffering badly from proposed budget cuts and what agents feel are unfair attacks by the gun lobby.

"Some agents in the field would like to go on the attack . . maybe take out a full-page ad or something," acknowledged Mike LaPerch, an ATF bureau chief who supervises 450 agents in the Northeast.

An example of the criticism the ATF agents complain of was a statement by an aide of Sen. James McClure, R-Idaho, that the bureau's "abuses of civil liberties have made felons of businessmen and others who have nothing to do with the violent, criminal misuse of guns." Yet ATF has never been found guilty of violating anyone's civil liberties.

Similarly, the Gun Owners of America (GAO) accused ATF of raiding an Arizona gun shop, frisking its employees and confiscating its stock—though the raid was actually made by another federal agency. The GOA also accused former ATF Director Rex Davis of proposing a nationwide gun registration file that would compile names and addresses of individual gun owners—which neither he nor ATF ever recommended.

The unhappy field agents reportedly want the current director, G. R. Dickerson, to be more outspoken in answering the ATF critics. LaPerch disagrees. "For him to go on the attack would be counterproductive," LaPerch told my reporter Ben Lay.

Watch on waste: The National Guard has a picturesque way of currying favor with those it regards as "centers of influence." The Guard awards then color reproductions of paintings depicting famous military events like the Battle of Bunker Hill and the Normandy invasion. There are nine different scenes. The framed prints the Guard sends to its influential friends typically cost about $1.53 apiece.

Washington Merry-Go-Round: Did ABSCAM Trap Sacrifice Legality for a "Big Win"?

(By Jack Anderson)

Washington, May 31, 1981.—Like most Americans, I was disgusted by the ABSCAM videotapes that showed member of Congress taking bribes from a fake Arab sheik. And like most Americans, I thought the FBI had done a brilliant job exposing the venal frailty of our lawmakers.

But now I'm having serious doubts that the game was worth the candle. Disturbing evidence has come to light that the FBI violated the law to set its ABSCAM traps, and then misled Congress about the extent of the bureau's lawlessness.

Even worse is evidence that when two Justice Department prosecutors warned that misconduct by the government's chief informant might jeopardize any convictions, they were almost immediately taken off the case.

In a famous dissenting opinion in 1928—which has subsequently been followed by majorities on the Supreme Court—the late Justice Louis Brandeis wrote: "To declare that in criminal law the end justifies the means—to declare that the government may commit crimes to secure the conviction of a private criminal—would bring terrible retribution."

Brandeis was right: If government agents can behave like outlaws, no one is safe.

The appeals courts will decide whether the FBI's conduct violated the "due process" rights of the accused and invalidated the entire ABSCAM prosecution. If the convictions are thrown out because of entrapment or other illegal FBI activity, the price will be far greater than merely the expense of the investigation and trials.

For one thing, questions will always remain about the defendants who were ruined by ABSCAM: Were they basically decent men who would have served the public well if the FBI and its convicted con man had not led them astray? Or were they in fact crooks whose richly deserved punishment was prevented by the FBI's misconduct?

There is an even bigger issue, though: However the appeals turn out, will the FBI be allowed to continue the questionable techniques it used in ABSCAM? The Bureau succeeded, for example, in getting Congress to ratify ex post facto its illegal conduct by being less than frank in disclosing what it had done. If the G-men get away with their outlaw behavior, the effects could reach far beyond ABSCAM.

The point to remember is that it wasn't jaywalking or spitting on the sidewalk that the FBI is accused of in the ABSCAM investigation, but serious breaches of existing laws that were written specifically to keep government from running amok. My associate Indy Badhwar has dug into court documents and Justice Department files for evidence of the FBI's illegal activities. Here's what he found:

FBI agents created illegal banks and opened fictitious accounts in legitimate banks. This violated banking laws designed to prevent manipulation of financial institutions by government officials using the taxpayers' money.

By setting up its own corporation, the FBI not only underbid private companies for government contracts, but raised money for its own use instead of getting it from Congress—a clear breach of the law intended to maintain congressional control over government spending.

The FBI condoned the forgery of an incriminating letter to snare a targeted senator.

The FBI supervisors of the prosecution's star witness, convicted con man Mel Weinberg, covered up serious accusations that he had ripped off ABSCAM targets for expensive gifts, and had instigated the forgery of nearly $2 billion in counterfeit negotiable securities. In fact, the FBI awarded Weinberg a $15,000 bonus for "recovering" the fake securities.

On the last point, it is important to remember that the accusations of Weinberg's misconduct came not only from potential defendants who dealt directly with him, but from two Justice Department attorneys, Edward Plaza and Robert Weir.

In an internal memo to their superiors, Plaza and Weir accused Weinberg of using ABSCAM for his own profit and of committing the "unpardonable" sin of coaching investigation targets and putting words in their mouths—despite the attorney's warnings that his slippery techniques could endanger the entire prosecution. Instead of doing anything about Weinberg, the Justice Department replaced Plaza and Weir as ABSCAM supervisors.

The FBI's director, William Webster, subsequently persuaded Congress to legalize the kind of activities the bureau had engaged in by "remedial legislation" that Congress barely understood. Certainly the lawmakers didn't understand that the FBI had already been carrying on the questionable operations they were being asked to approve—and that some of its own members were the targets.

And what were the FBI's motives? Consider this: While ABSCAM was being planned, the new FBI charter was being debated in Congress. There was a possibility that Congress—in light of the FBI's past abuses—would curtail the agency's powers. But ABSCAM came along to capture the public's imagination with highly entertaining capers and to intimidate the Congress into the consideration of a more favorable FBI charter.

The basic question of ABSCAM's validity remains: Would any crimes have been committed without the FBI's instigation? In an Orwellian pre-emptive strike at the entrapment argument, the FBI dubbed ABSCAM a "proactive" operation, to distinguish it from a "reactive" operation where criminal activity has already been detected.

To justify a "proactive" sting operation where no crime had yet been committed, the FBI said it selected as targets members of Congress the bureau decided had a "criminal predisposition." Then the G-men made their prophecy self-fulfilling by inducing the legislators to actually commit a government-designed crime.

Just who bestowed such psychological omniscience on the FBI is not clear, but the potential for mischief in this kind of "voodoo law enforcement" is frightening. In fact, Congress has good reason to be scared out of its wits: Sources tell me the unreleased ABSCAM files—26 volumes making a stack five feet high—contain dirt on literally scores of congressmen and senators the FBI considered setting up as targets for its undercover turkey shoot.

Weekly Special: Weinberger Tells Military To Cut Back on Spending

(By Jack Anderson and Joe Spear)

Washington, June 1, 1981.—Of all the federal government's agencies, the Defense Department probably wastes the most money. The reason for this is twofold: The Pentagon gets more money than any other department, and potential critics are intimidated by the fear of being called un-American.

President Reagan's defense secretary, Caspar Weinberger, has set out to change all that. The word has gone out to the generals and admirals to tighten their belts. Weinberger has even installed a special assistant just to check on waste and fraud in the military establishment.

Unfortunately, the Pentagon's old extravagant habits seem hard to break. As just one example, consider the millions being spent to encourage servicemen and women to stay in uniform.

The program ranges from television ads to cash bonues for those who reenlist. And the bonus program appears to be a mess.

The bonuses were designed a couple years ago as a way of getting skilled service people to sign up either in the reserves or the National Guard. When an eligible serviceman or woman agrees to stay in for a certain number of years, he or she collects either a cash bonus of $1,500 or an educational grant of $4,000 over four years.

No one ever said the program would be cheap. It has already cost the taxpayers more than $65 million. If it were doing the job, it would be worth it. But government auditors have found extensive waste in the bonus program. Individuals are getting bonuses who have no right to them. At the same time, others who should have qualified got nothing. And many people who agreed to serve the required number of years quit early, but took their bonuses with them.

In spite of the waste involved in the re-enlistment bonus program, the brass hats still think it's a good idea: They have set aside a whopping $640 million for it over the next four years.

SLEAZY TACTICS

In the past, we have praised the FBI for its ABSCAM operation. We were disgusted at the videotapes that showed members of

Congress taking bribes from a phony Arab sheik and felt they deserved to be convicted.

Then we learned about the methods that the FBI used. The agents set up illegal bank accounts and created a corporation which underbid private companies for government contracts. They condoned the forgery of an incriminating letter, and they covered up serious accusations against their star witness, Mel Weinberg, a convicted con man.

Now we've obtained the transcript of a secretly recorded conversation between an FBI agent and two informants. They were trying to penetrate a criminal gang that was making phony offshore banking deals.

They sought to compromise a former Texas state senator who had powerful Washington connections. At one point, the agent and the informants discussed blackmail as a means of getting the ex-legislator to cooperate.

"Just watch me," said one of the informants, according to the secret transcript. "I'm going to get him in with a 14-year-old."

The plan was to videotape the former Texas lawmaker while he was having sex with a minor. Then the conspirators intended to blackmail him into helping them lure big-name politicians into the phony banking transactions.

The idea of an FBI agent considering sexual entrapment and blackmail is disgraceful enough. But the scheme got even more crude. As an alternative to a 14-year-old girl, the FBI informant suggested a sex frame-up with a 12-year-old boy.

The significant point of this amazing conversation is that at no time did the FBI agent raise even the mildest protest. He never objected to the suggested blackmail or sexual frame-ups. In fact, the agency's primary concern in the taped conversation seemed to be that the former Texas senator might see through the trap.

The pursuit of corrupt politicians is a noble endeavor. But not with the FBI's methods.

YOU READ IT HERE FIRST

President Reagan has confided to intimates that he will not seek re-election in 1984. There have been whispers that the president's advancing age would prevent him from seeking a second term. Now we've learned that Reagan's narrow escape from an assassin's bullet a few weeks ago has confirmed his determination to be a one-term president. According to our sources, Vice President George Bush is eager to begin planning his own presidential campaign for 1984.

WATCH ON WASTE

If congressmen really wanted to come clean with the taxpayers, they could start by eliminating their own private car wash on Capitol Hill. The lawmakers can get their autos scrubbed for a bargain $3. The taxpayers, of course, foot the water bills.

Four different government studies of the Indian Technical Assistance Center have concluded the agency is incompetent and mismanaged. But despite a new confidential study by the Interior Department recommending the center be shut down, according to our sources, the 34 Colorado-based bureaucrats may actually be in line for a budget increase.

Washington Merry-Go-Round: Did ABSCAM Agents Pick Their Marks at Random?

(By Jack Anderson)

Washington, July 3, 1981.—The FBI's performance under Director William Webster deserves high marks. But I have been disturbed by evidence that the G-men arbitrarily "targeted" certain members of Congress and then tried to snare them in the ABSCAM bribery trap.

Both the FBI and the Justice Department deny there was any attempt to entrap innocent politicians into committing crimes. But there is evidence that someone on high gave the ABSCAM investigators approval to go after Sen. Strom Thurmond, R-S.C., with a bribe offer.

What makes this disturbing is that not even Thurmond's most vehement opponents—and there are plenty—have ever questioned the old curmudgeon's integrity. There is no rational way he could have been on anyone's list of political suspects who might sell their office for a satchelfull of greenbacks.

Yet there he was on the Justice Department's prospective hit list. None other than Philip Heymann, former head of the department's criminal division, has testified under oath that U.S. Attorney Chuck Ruff asked him to authorize payment of a bribe to Thurmond. Heymann said he made the decision to OK the bribe offer "within 15 minutes" of Ruff's telephone call.

When asked how Ruff and the FBI proceeded against Thurmond, Heymann said: "I don't know exactly what they did, but they proceeded, and Thurmond, I think, did not respond."

Ruff declined to say why Thurmond had been selected or whether a bribe had actually been offered to him. But in a telephone interview, Heymann told my associate Indy Badhwar he stands by his account of the proposed bribe offer.

At the same time, Heymann insisted that Thurmond was never a "target." He explained this apparent contradiction by saying it was then-Rep. John Jenrette, D-S.C., who had boasted that Thurmond would take a bribe.

Jenrette, who was convicted at his ABSCAM trial, insists, however, that it was FBI undercover agent Anthony Amoroso and ABSCAM middleman Mel Weinberg who first brought up Thurmond's name.

"Maybe I did wrong, and I'll pay for it," said Jenrette, "but they first asked me about Thurmond."

According to Jenrette, Amoroso and Weinberg thought Thurmond was susceptible to bribery because of what they described as Thurmond's questionable purchase of a Myrtle Beach condominium in his wife's name. Beyond their alleged suspicions, there is not a shred of evidence that Thurmond's condominium deal was less than aboveboard.

"They kept pressuring me to get to Thurmond," Jenrette said. "They kept telling me, 'We know he'll do it.'" He said they used to call him early in the morning, "when I was still in bed, to talk about Thurmond."

Jenrette said he never made an approach to Thurmond but admitted that he misled Amoroso and Weinberg into believing that he had; he told them Thurmond was willing to cosponsor immigration legislation for the supposed ABSCAM Arab sheik. After that, he said, they kept pressuring him to "produce" Thurmond for a meeting in a Washington hotel or in the Georgetown rowhouse that had been rigged with hidden videotape cameras.

Jenrette said he recommended a meeting in Thurmond's office, "but they told me it would be risky to carry a suitcase of money to the Hill."

Heymann still insists Thurmond was not considered a target. "We were trying to call Jenrette's bluff," he said. "As we now know, he lied about Thurmond."

The FBI supports Heymann's version of the story, and a spokesman said, "Our policy in ABSCAM was never to suggest names or target individuals."

The G-men had better hope Thurmond believes them. As chairman of the Senate Judiciary Committee, the crusty South Carolinian is one of the last persons on Capitol Hill the FBI should antagonize.

Watch on waste. The U.S. Forestry Service has embarked on a nostalgia trip that could cost up to $25 million. It wants to bring back the dirigible as a commercial vehicle. Only this time the lighter-than-air craft would carry trees instead of people. The "helistat," as Forest Service backers call their concept, would consist of a 343-foot blimp that could hover over difficult logging terrain and be fed timber by four helicopters attached to it. The airship, say the bureaucrats, will be able to carry as much as 25 tons of felled trees to lumber mills or transfer points. The helistat is being built at the Naval Engineering Center in Lakehurst, N.J.—site of the fiery crash of the German zeppelin Hindenburg on May 6, 1937, in which 36 persons died. The logging industry is skeptical about the helistat, but the Forest Service notes that the loggers also resisted two of its earlier innovations—the bulldozer and the use of parachutists to fight forest fires.

Paperwork is the government's biggest single product, and the bill for producing this never-ending blizzard is staggering. Just to operate the Government Printing Office, its six field plants and 14 regional procurement offices, plus 300-odd printing plants in other federal agencies, costs some $40 million a year. The bureaucrats have known for years that it's cheaper to have their printing work done by private contractors, but fully half the government's printing is still done in the convenient in-house plants.

Washington Merry-Go-Round: ABSCAM: The Real Reason for Williams' Conviction

(By Jack Anderson)

Washington, August 19, 1981.—At a recent dinner, a group of well-read Washingtonians was asked: What crime was Sen. Harrison Williams, D-N.J., convicted of in the FBI's famous ABSCAM case? Almost in chorus, they answered: "Taking money from an Arab sheik."

That these educated people, who keep abreast of what's going on in the world, should be so woefully misinformed about a headline operation like ABSCAM is not altogether surprising. It is a tribute to the FBI's press agentry that people believe an undercover operation of such dubious morality was actually a brilliant, legitimate job of law enforcement.

In fact, Williams did not take a bribe, nor was he accused of doing so. He did not take any money, nor did the government prosecutors suggest he did. They couldn't: Their own secret videotapes showed that when he was offered money by the FBI's undercover ABSCAM operative, he reacted with a horrified "No, no, no, no!"

Williams' indictment and subsequent conviction stemmed from an attempt to induce a fictitious Arab sheik to invest $100 million in a titanium mine. The senator also listened to suggestions that he should help obtain government contracts for the mine.

Senators routinely seek government contracts that will benefit their constituents. He explained under cross-examination: "My friends asked me to perform a role that they said was important to them and their financial well-being. I permitted those feelings of friendship to override my judgment."

It was suggested—but never proved—that Williams owned a hidden interest in the mine. On videotape, he said he was *interested* in the mine, not that he *owned an interest* in it.

He also boasted on videotape of his Washington influence. But he was coached to make the boastful statements by the FBI's undercover "sting" man, Mel Weinberg, who insisted this was the best way to impress the sheik.

After a 13-month investigation, FBI officials admitted in a memorandum that they didn't have a case against Williams. This exculpatory memo reviewed by my associate Indy Badhwar was withheld from Williams and his attorneys.

The memo also showed that the ABSCAM investigators were counting on a final trap to catch Williams. For this purpose, one last meeting was arranged with the phony sheik.

The FBI hoped Williams would be induced to make some incriminating move before the hidden cameras. The trap was sprung, but it came up empty. While the cameras ground futilely, the senator emphatically refused the FBI undercover agent's offer of a bribe.

When Williams started to explain that he didn't take bribes, he was cut off by a telephone call. What he didn't know was that another FBI agent and a Justice Department attorney were monitoring the conversation in a hidden room.

They would use the telephone to advise the phony sheik how to manipulate the conversation. They also interrupted the senator when he started to make a statement that might have exonerated him.

Conceded Assistant U.S. Attorney Edward Plaza under oath: "It was our impression after watching that tape that he (Williams) was going to go on and talk about the difference between his public and his private activities as a senator but was, in fact, cut off by the agent."

At the trial, Williams' attorney, George Koelzer, accused the government of bringing the senator back for another, final visit with the phoney sheik because the Justice Department knew it couldn't make a case against him.

In response, FBI agent John Good, who was in charge of the Williams investigation, claimed that the government already had an airtight case against the senator and merely wanted to improve on it. Yet Good attended a previous strategy meeting, where it was admitted the FBI had no case.

Footnote: An FBI spokesman said that Good's testimony at the trial "was consistent" with what Good personally believed. It was Good's own opinion as an investigator that he had a case against Williams, even though the prosecutors may have thought otherwise.

Solidarity pinches: The National Treasury Employees Union is one of the most militant in government, and it lined up squarely behind the striking air traffic controllers. But privately there was a bit of grumbling last week among some Treasury union members.

The rub was that the union had its annual convention in Montreal. The normal way to get there would be by air, but that route was closed by the Canadian controllers—as well as the union delegates' own aversion to crossing a picket line. So they had to drive or go by train or bus.

To make matters worse, one convention speaker, Rep. William Ford, D-Mich., canceled his appearance. An aide explained that he wouldn't cross the controllers' picket line—and he wasn't about to drive.

Ill-will Ambassador. John West, who was Jimmy Carter's ambassador to Saudi Arabia, is back home in South Carolina, but he continues to expound the pro-Saudi views for which he was known as ambassador.

West recently undertook a vigorous letter-writing campaign to members of Congress, concentrating on members of the Senate Foreign Relations and House Foreign Affairs Committees. The letters are a blistering critique of Israel, particularly its use of American-supplied planes in the raids on Iraq and Lebanon.

Washington Merry-Go-Round: ABSCAM Memos Hint It's Time To Investigate the Investigators

(By Jack Anderson)

Washington, August 20, 1981.—The Senate Ethics Committee is currently investigating a veteran colleague, Sen. Harrison Williams, D-N.J. The greater need is for a full, evidentiary hearing into the tactics that the FBI used to snare a United States Senator.

Essentially, Williams was convicted of trying to pull a few wires for his political pals. Yet favors are part of a politician's stock in trade. He is expected to produce government jobs, contracts and projects for the people he represents.

It is sometimes a clumsy system, a throwback to the less artful days of government, but it seems to work.

In earlier columns, I cited a telltale FBI memo that shows the prosecutors had serious doubts about their evidence against the Senator. But this was not the only government document that Judge George Pratt hid from the defense.

A second withheld memo has now been reviewed by my associate Indy Badhwar. It was dated January, 1980—the same month that FBI undercover agents, lacking the evidence to make a case against Williams, tried to induce him to take a bribe. As their hidden cameras show, he turned down the money, protesting "No, no, no, no."

They went back to the flimsy evidence, therefore, that their own memos warned was insufficient. They accused him of seeking a $100 million investment from the FBI's fictitious sheik for a titanium mine owned by his political cronies.

The second memo, written by Robert C. Stewart, chief of ABSCAM's Newark strike force, accuses chief ABSCAM prosecutor Thomas Puccio of misleading him into believing Williams had a hidden interest in the titanium mine.

"Many months later, when we obtained the tapes, the situation proved to be quite different," wrote Stewart. "Williams did not say he had an interest, hidden or otherwise—only that he was interested."

Stewart also criticized the FBI's undercover tactics, particularly those of the bureau's chief informant, convicted con man Mel Weinberg. Stewart was concerned about Weinberg's overly active role in the scam.

As Stewart phrased it, Weinberg "persisted in suggesting the nature of the criminal undertaking, rather then allowing the suspects to relate what they proposed."

In other words, Stewart felt that Weinberg, the con artist, was coaching Williams into making incriminatory statements. Weinberg was, in effect, supplying the script for the senator's appearances before the hidden cameras.

Stewart wasn't the only one to express concern over Weinberg's tactics. Similar criticism came from two assistant U.S. attorneys, Ed Plaza and Robert Weir. They faulted Weinberg for telling Williams what to say before luring him to a meeting with the phony sheik on Jan. 28, 1979. Plaza and Weir called Weinberg's coaching "unpardonable."

But the videotape of that meeting was one of the most damaging pieces of government evidence at Williams' trial. He was shown boasting of his contacts and influence—but the jury was not properly impressed with the fact that the senator's essentially harmless braggadocio was entirely the product of coaching by the FBI's underworld hireling.

At the trial, Williams explained that he had followed Weinberg's instructions because he wanted to help his friend get the $100 million investment that the phony sheik was dangling as bait.

There is more evidence of government misconduct that the Ethics Committee should consider. For example, prosecutors at Williams' trial made much of his allegedly improper pressure on the New Jersey state gambling commission to give a renovation contract for the Ritz Casino in Atlantic City to a firm supposedly favored by the senator.

Yet the government's own files state: "Evidence—indicates that the Ritz proposal was decided without any undue influence or pressure by Williams."

In another questionable action, Camden Mayor Angelo Errichetti actually helped forge a letter bearing Williams' signature—in the presence of the FBI's undercover ABSCAM agents. Weinberg had asked Errichetti for a letter that would confirm the senator's support for the titanium mine deal; when they agreed that Williams would not sign such a letter, they simply forged one.

Despite the lack of solid evidence, the Justice Department went ahead with the prosecution of Williams. This raises some questions that warrant a full-scale congressional investigation.

Who wanted to nail Williams so badly, and why? At least this much can be shown: Jimmy Carter's Justice Department tended to take its political signals from the White House. Williams, a power in New Jersey politics, supported Sen. Ted Kennedy, D-Mass., in the crucial New Jersey primary. Indeed, Carter lost the primary to Kennedy.

Washington Merry-Go-Round: How Two ABSCAM Con Men Met Very Different Ends

(By Jack Anderson)

Washington, August 23, 1981.—This is a tale of two city slickers.

Both were con men hired by the FBI to lure politicians into the ABSCAM net. Both took the opportunity to make a few bucks on the side. But one wound up in the chips, while the other wound up in the slammer.

The only difference between the two larcenous operators is that one succeeded in getting members of Congress and other politicos to give incriminating performances before the FBI's hidden cameras; the other failed.

The successful con artist was Mel Weinberg, the scriptwriter, talent scout, dramatic coach and superstar of the ABSCAM production. He not only trapped the FBIs targets, but extorted valuable gifts from some of them for his own profit. He arranged the forgery of millions of dollars' worth of negotiable securities—and then claimed a substantial reward for turning them in to his government bosses.

Weinberg was handsomely paid by the FBI for his undercover work. He stands to make even more money from the sale of his "memoirs"—which became merchandisable only because of the notoriety he gained as the FBI's Judas goat.

Despite protests by two outraged prosecutors about Weinberg's improper and sometimes criminal behavior the Justice Department never brought charges against him. They just gave him more money.

The other con man—the one who couldn't produce the politicians his FBI handlers ordered him to—is Joseph Meltzer. He is serving an eight-year sentence in the federal prison at Lexington, Ky. At 57, Meltzer is a broken man, his 280-pound bulk confined to a wheelchair because of arthritic hipbones. He has cancer of the colon, pops pills for high blood pressure and nitroglycerine for a heart ailment. He weeps easily.

My associate Indy Badhwar interviewed Meltzer in prison, where he is serving a sentence on a $15,000 mail fraud charge. Though he makes no bones about his own misconduct, he is a bitter man.

"I was an employee of theirs," he said of the FBI. "I did the same thing as Weinberg did. Yet I'm in jail. Why is he not in jail?" He adds despairingly: "If they'd left me alone and never bothered me, I wouldn't be in here."

Meltzer was a small-time crook with connections in organized crime, and was awaiting a jail term for securities fraud when the FBI sought him out as an ABSCAM contact man. "They said I wouldn't go to jail if I helped them," he said. "But I wound up in jail anyway. I should have taken my 10 months for securities fraud. I'd have been out by now." He has already served 18 months for running his own scam within ABSCAM.

Meltzer said he was recruited by Weinberg through an organized crime figure. As he tells it, the FBI needed a "front" office in Florida to do business with Abdul Enterprises, the phony Arab corporation with an equally phony account in the Chase Manhattan Bank.

An FBI agent named Gunnar Askeland, with whom Meltzer had worked in the past, vouched for him, and Meltzer was soon set up with an office and limousine in Boynton Beach, Fla. He recalls that the original idea was to work a sting operation for counterfeit securities and stolen art.

But that kind of case was never followed up, he said. "They were never interested in pursuing it."

Early on, Meltzer realized that ABSCAM's real target was political figures. "I knew certain politicians," Meltzer said in a voice redolent of Brooklyn. "I was to bribe them—go after anybody you thought you knew who could be bought.

"It was Weinberg's idea for me to go after Lawton Chiles," said Meltzer, referring to the Democratic senator from Florida. He says he refused, and explains: "Chiles was a perfect gentleman. Why should anyone take a gentleman like Chiles and destroy him?"

Weinberg, in his book, "Sting Man," claims his contacts with Meltzer were few. Meltzer vehemently denies this. "Weinberg called me nearly every day," he said. "He coached me on how to do things. He'd tell me to take 'em out to dinner, buy 'em drinks. If you work hard enough on it, you can get anybody. You can even get the pope."

Like his mentor Weinberg, Meltzer saw ABSCAM as a nifty setup for turning an illicit profit for himself, far above the $600 a month plus office expenses the FBI was paying him. He inveigled several California businessmen into paying him commissions for low-interest loans he would arrange from Abdul Enterprises.

It couldn't miss. "Look," he explained, "they gave me the name of the guy and the bank." The "guy" was Michael Elzay, a Chase Manhattan vice president working with the FBI. His job was to confirm the financial reliability of the fictitious Abdul Enterprises if anyone caught in the ABSCAM net took the precaution of checking.

When some of the businessmen in California grew suspicious of Meltzer's scam-within-a-scam, "I told them to check me out with the FBI—and the FBI told them I was legitimate." The G-men, of course, had no choice. If they blew Meltzer's cover, their whole intricate ABSCAM operation might come tumbling down.

With a certain illogic, Meltzer holds the FBI partly responsible for his success with the businessmen. "They had faith in me precisely because of the FBI kept saying to them, 'He's good, he's clean.'" Meltzer complained. "They got in touch with the FBI in June 1979, and for eight months the FBI kept lying to them."

In the end, however, the FBI demanded a bigger quid pro quo than simply manning their Florida "front." They wanted politicians, and Meltzer never came up with any.

This was the reason, Meltzer laments, that he was prosecuted for his flimflam scheme and went to prison—while Weinberg, the man who got him into ABSCAM in the first place, was never charged in his extortion racket.

This much is true: Weinberg produced politicians for the FBI.

Washington Merry-Go-Round: Justice Department Stage Managed Harrison Williams' Senate Hearing

(By Jack Anderson)

WASHINGTON, September 11, 1981.—The Justice Department's pursuit of Sen. Harrison Williams, D-N.J., led the prosecutors to commit a long list of improprieties. Not the least among them was the stage-managing of the Senate investigation into his ethics.

In effect, they tried him twice on the same dubious evidence. The Senate should have made its own independent determination of Williams' guilt in the ABSCAM case. The presence of the ubiquitous prosecutors in the Senate wings raises a troubling question: How far should the executive branch be allowed to go in its efforts to drive a United States senator out of office?

Williams wanted the Senate Ethics Committee to conduct a full investigation, not just rely on the government's tainted evidence. Instead, Justice Department officials were allowed to guide the committee from backstage. They consulted with staff investigators and briefed the senators in closed sessions.

Long before Williams was found guilty, courtroom observers spotted a frequent visitor huddling with ABSCAM prosecutor Thomas Puccio during the trial. The mysterious stranger was identified by witnesses as the Ethics Committee's counsel, Donald Sanders. This hardly reflects an independent investigation by the legislative branch.

The senator requested extra time to prepare his case and present it at a public hearing. He was turned down. Yet the committee granted the Justice Department months to prepare its case against Williams—which was presented to the senators behind closed doors.

This Star Chamber presentation—Williams was not allowed to be on hand to confront his accusers—did not persuade all the members that Williams was guilty of wrongdoing. Several were convinced the Justice Department didn't have a case against him.

In fact, a source close to the committee told my associate Indy Badhwar that at one of the closed sessions a Justice Department official conceded that the facts did not match the law. The committee should have subpoenaed the prosecution records immediately. Instead, then-chairman Howell Heflin, D-Ala., gave the department an additional three months to make a case against Williams.

In earlier columns, I have cited strong evidence of government misconduct in Williams' prosecution. Here are just a few of the improprieties that I can document:

Williams had an unblemished record when the Justice Department set out to get him. By the FBI's own admission, the agents began their investigation "with a clean slate."

Despite a total absence of any reason to suspect Williams, the FBI unleashed a convicted con man, Mel Weinberg, to lure the senator into the ABSCAM trap. The FBI knew Weinberg was a liar, cheat and criminal. Yet he was given virtually a free hand to weave a web of lies in order to entrap a U.S. senator.

This closely coincided with word to Williams that he could get in trouble if he supported Sen. Ted Kennedy, D-Mass., in the crucial New Jersey primary. Williams told me the warning was carefully worded and would have to be described more as a hint than a threat. Yet it's no secret that then-President Jimmy Carter, who controlled the Justice Department, felt menaced by Kennedy.

Weinberg kept raising the bait in the ABSCAM trap until it reached a staggering $100 million. As the agency of a phony Arab sheik, Weinberg promised Williams a $100 million loan to develop a titanium mine that belonged to two friends. Even chief FBI agent John Good acknowledged the sum "was almost an irresistible inducement for any normal human being."

In any event, it is not illegal for a senator to negotiate a business loan from a wealthy Arab. Williams and his friends were seeking financing for a legitimate business venture.

The senator indicated he might acquire an interest in the mine. But he made it clear that he planned to put the stock in his own name and disclose his interest in the mine. Such open ownership would have made it impossible for him to seek government contracts for the mine.

Thus the FBI agents clearly were failing in their effort to induce Williams to engage in criminal activity. So they instructed Weinberg to encourage the senator to solicit government contracts. The suggestion that he commit a crime positively originated with the government, with high-level approval.

Williams never committed the crime that the FBI minions urged upon him. But he allowed Weinberg to persuade him—in return for the dangled $100 million loan—to impress upon the fake sheik that once the mine was working, that would "guarantee" getting government contracts. Weinberg carefully coached the senator what to say.

Thus Weinberg fed the senator the incriminating statements and choreographed his performance before the hidden FBI cameras. The unsuspecting Williams was assured that he could be loose with his statements because, as Weinberg put it, "it's all talk, all bullshit."

The senator still held back; he never offered to seek government contracts. But he either kept his mouth shut or indicated agreeability when others suggested he'd go after government contracts. He went along with this because he had been told it was "meaningless."

The prosecutors admitted in their confidential papers that they had no case against Williams. So they tried to trap him into taking a cash bribe, but the Senator turned it down with an emphatic "No, no, no, no."

Nevertheless, he was subsequently tried on the very charges the prosecutors had decided would not stand up.

WASHINGTON MERRY-GO-ROUND: ABSCAMERS FRAMED WILLIAMS, SAYS EMINENT LEGAL AUTHORITY

(By Jack Anderson)

WASHINGTON, September 15, 1981.—A scathing attack on the ABSCAM prosecutors has come from one of the nation's top legal authorities, ex-Solicitor General Erwin Nathaniel Griswold, who has described their case against Sen. Harrison Williams, D-N.J., as "an example of the big lie, in perhaps its most massive form since the days of Adolf Hitler."

The distinguished Griswold has impressive credentials. For two decades, he was the eminent dean, conservative in philosophy, authoritative in demeanor, of the Harvard Law School. He spent six years as solicitor general in the Justice Department, where he became known as the lawyers' lawyer.

Griswold has no sympathy for the congressmen who stuffed their pockets with $100 bills or walked off with briefcases packed with cash. But he was troubled over my columns detailing how the ABSCAM undercover operatives hounded Williams for more than a year, tried repeatedly to lure him into criminal activity, dangled bait before his eyes that finally reached $170 million and then coached him to make incriminating statements in front of hidden FBI cameras.

So Griswold agreed to represent Williams and filed a devastating 120-page legal brief.

"The potentially criminal activity . . . on the part of Williams," wrote Griswold, "was, from beginning to end, imagined, planned, organized, instigated, suggested and pressured by officers and functionaries of the government who acted in complete disregard of their obligations . . ."

He noted that the senator "had an unblemished record," that he had "no predisposition" to commit a crime and that the government "had no reason to proceed against him." Yet the ABSCAM prosecutors wouldn't let up on him.

Charged Griswold: "Step by step, every idea, every impetus for the journey down the slippery slope in this case came from government functionaries . . ."

Griswold denounced the government's employment of a convicted con man, Mel Weinberg, "as an agent provocateur, with specific instructions to join the mining venture group and lead them to criminal acts."

Griswold described this as "outrageous conduct on the part of government officers which should not be tolerated by the courts of this country." He added: "The agent provocateur does not report on existing crime; he creates it. This is clearly what happened here. The bringing about of such conduct by government officers is hard to explain, almost beyond belief and . . . it is impossible to justify."

As solicitor general, Griswold used to argue cases for the Justice Department. But he warned that the ABSCAM prosecutors had set a dangerous precedent in the Williams case.

"What would be the consequences of an approved system of executive spying, infiltration and deception, without any probable cause or rational reason to suspect, on the legislative branch—or the judicial branch?" he demanded.

"What sort of a society will we have if citizens in high office, with long-continued fine records, can be tested to see if, by deception, fabulous lures and pressures, they can be pushed into doing things they would never dream of doing without extraordinary and intentionally venal government pressure? There are subtle ways to overwhelm the will and judgment of even very sophisticated people."

What was Williams conned by the government into doing? The most damaging evidence against him was a vidotape in which he merely repeated what he had been told by government agents to say.

The senator was told that he had to boast of his political influence and promise to seek government contracts if he wanted two close friends to get a phony sheik to invest in their titanium mine. Anything he said to the sheik, he was assured, would be meaningless. It was just part of the "b.s.," said undercoverman Weinberg, that was necessary to impress the sheik.

Williams was reluctant. But the ABSCAM "sting" men kept raising the ante to $170 million, and the senator's friends kept pressuring him to go through with the performance. Even so, Williams confined most of his statements to "um-huh," with nods of agreement, as the government agents put words in his mouth.

Meanwhile, he rejected one criminal proposal after another from the undercover agents. They insisted that he accept a hidden interest in the titanium mine. He wanted to put the stock in his own name, with full disclosures. They pressured him to seek government contracts, but he demurred.

They proposed an illegal scheme to avoid paying taxes on the anticipated profits. But the senator declared emphatically: "Pay the taxes." They offered him a $50,000 bribe, but he turned it down, "No, no, no, no," he said. He also refused to accept $20,000 for his "expenses."

In the end, he went along with the agent's demand that he accept stock in a friend's name and seek government contracts. But there is no evidence that he really intended to go ahead with the illegal conduct that he had earlier rejected. In context, it is more likely that he was merely echoing what the ABSCAM team had told him must be said in order to save the $170 million deal.

"Sustaining what was done (in the Williams case)," warned Griswold, "will open the door to virtually unlimited surveillance of all citizens anywhere whenever a policeman or government officer wants to conduct such surveillance."

WASHINGTON MERRY-GO-ROUND: ABSCAM PROSECUTOR UNFIT FOR POST OF U.S. ATTORNEY

(By Jack Anderson)

WASHINGTON, September 23, 1981.—The proposed appointment of ABSCAM prosecutor Thomas Puccio as U.S. attorney for the District of Columbia is an outrage.

In recent columns, I have detailed the sleazy tactics Puccio used to trap members of Congress in the FBI's fake influence-peddling scheme. After directing the legislator's incriminating videotape performances from behind the scenes, Puccio emerged to take on the high-visibility role of grand inquisitor at their trials.

His apparent reward for successfully terrorizing Congress is to be named to the nation's most prestigious prosecutor's post.

One of the most disturbing aspects of Puccio's handling of ABSCAM was his willingness—nay, eagerness—to use a convicted con man named Mel Weinberg to reel congressional targets into the FBI's net. He knowingly allowed Weinberg to enrich himself improperly in the process.

Now my associate Indy Badhwar has seen a confidential Justice Department memorandum that suggests Puccio's buddy-buddy relationship with a known criminal was not a onetime aberration. In fact, he was himself the target of a quiet FBI investigation in 1975 stemming from charges that he leaked secret grand jury documents to a notorious heroin smuggler who was then in federal custody.

The drug dealer, Hovsep C. Caramian, was suspected of having smuggled literally tons of heroin into the United States. While he was in custody and supposedly cooperating with the government, Drug Enforcement Administration agents suspected that he was continuing to traffic in narcotics.

The DEA agents raided Caramian's room and discovered two footlockers crammed with secret government documents. These documents included grand jury transcripts, customs investigative files, informant debriefings, the names of special agents and franked, postage-paid envelopes from the U.S. attorney for the Eastern District of New York.

Puccio was the assistant U.S. attorney for that district. Caramian told the DEA that documents, including secret grand jury transcripts, were slipped to him by Puccio "so that he would be more effective in identifying narcotics traffickers," according to the Justice Department memo.

Caramian also said that Puccio allowed him to make numerous telephone calls from various government "safe houses," charging the calls to the U.S. attorney's office.

The Caramian-Puccio investigation was turned over to the Justice Department, where it was quietly interred. In response to an inquiry from my office, Puccio claimed he had no memory of being under investigation during the 1975-1976 period.

If Congress has not completely lost its instinct for self-preservation, it should conduct a thorough investigaton of Puccio before he is allowed to bring his questionable tactics to the nation's capital.

In addition to the Caramian connection, here is some documented misbehavior by Puccio in the ABSCAM operation that Congress should look into:

Weinberg, the FBI's paid talent scout and drama coach, extorted expensive gifts from some of the sting operation's targets. When two prosecutors reported his misconduct to the Justice Department, top officials met with Puccio and discussed ways to cover up Weinberg's outrageous behavior. The two complaining prosecutors were taken off the case.

Robert C. Stewart, the Justice Department's crime strike force chief in Newark, N.J., accused Puccio of misleading him about the investigation of Sen. Harrison Williams, D-N.J. In an internal memo, Stewart wrote that Puccio told him the senator had acknowledged having a hidden interest in a titanium mine that was at the core of his ABSCAM trial. "Many months later, when we finally obtained the tapes, the situation proved to be quite different," Stewart wrote. "Williams did not say that he had an interest, hidden or otherwise—only that he was interested."

When Williams was offered a bribe before the hidden ABSCAM cameras and indignantly refused, he then started to explain why it would be illegal. This explanation—which would have destroyed the prosecution's case if allowed to proceed—was cut short by a phone call to the FBI's phony Arab sheik. The call was from Puccio, who had been monitoring the meeting from another room. The undercover agent was instructed to change the subject. Puccio didn't want the videotape marred by any exculpatory statements from Williams.

Headlines & footnotes. Donald Woods, a white South African newspaper editor who fled his homeland, believes that recent Reagan administration actions have given the United States a black eye in the Third World.

What he's referring to are the recent U.S. veto in the United Nations of a resolution condemning South Africa and the current tour of the Springbok rugby team in this country. The team is virtually all-white—it has one token black player, even though the integrated South African Rugby Union boasts 236,000 black "ruggers."

Woods predicted that the U.N. veto and the Springbok tour will "negate all the brownie points the United States won in the Third World when the Soviets invaded Afghanistan."

Poland's economic crisis has created a nationwide black market for hard foreign currency as the zloty becomes increasingly worthless. Poles are willing to pay up to eight times the official rate to obtain dollars, pounds or German marks. The contempt in which zlotys are held was graphically illustrated recently when an American journalist was mugged in a small southern Polish city. The muggers took $230 in Western currency—and left 6,000 Polish zlotys behind.

WASHINGTON MERRY-GO-ROUND: ABSCAM'ERS SHOULD BE PROBED FOR THEIR FRAMING OF WILLIAMS

(By Jack Anderson)

WASHINGTON, October 27, 1981.—The Senate machinery for grinding down transgressors is humming its inexorable hum. Caught in the wheelworks is Sen. Harrison Williams, D-N.J., the Senate's lone ABSCAM victim, who has been marked for expulsion.

Operating the machinery by remote control is Thomas Puccio, the chief ABSCAM prosecutor, who has been funneling "evidence" against Williams into the Senate Ethics Committee. Puccio's confederate on the committee staff, Donald Sanders, has been briefing senators in the backrooms.

Williams has begged for the chance to participate in the briefings and present his side of the case. He has been turned down coldly. The senators want to remove the ABSCAM taint from their institution with as little commotion as possible.

Williams is guilty, all right. He is guilty of consorting with undercover agents who sought to corrupt him while the FBI filmed the scene with hidden cameras. There had been other congressional performers, who had walked off the FBI set, their pockets and briefcases stuffed with $100 bills pressed on them by the undercover men. But Williams refused the bribe, protesting, "No, no, no, no."

Yes, Williams is guilty of appearing on the ABSCAM videotapes in the role of a politician on the make. He is guilty of getting himself tagged with the ABSCAM label, which has become the new buzzword for political corruption. He is guilty of having his face projected on the front pages in the same company with congressmen who took bribes.

Puccio even persuaded a jury that Williams was guilty. Guilty of what? He turned down a $50,000 bribe. He rejected the G-men's suggestion that he illegally hide his interest in a titanium mine. He also refused to have any part of a tax-avoidance scheme.

Then what crime did Williams commit? He boasted of his influence with high government officials. But he was coached by an FBI hireling who assured Williams that the statements would be meaningless—just "b.s." to persuade an Arab sheik to invest $190 million in a titanium mine.

The senator sought no government contracts; in fact, he had no intention of doing so. Essentially, he was convicted of dealing in hot air and empty promises, which are every politician's stock in trade.

My associate Indy Badhwar has spent months investigating the Williams case. He has found more misconduct by the government than by Williams.

For example, vital exculpatory documents were withheld from Williams' attorneys. These were shown after the trial to one of the jurors, Salvatore Ottoviano, who had voted to convict Williams.

Ottoviano swore out an affidavit, under penalty of perjury, that he would have "voted not guilty on all counts and would under no circumstances have changed my vote to guilty" if he had seen the suppressed Justice Department documents.

All it would have taken was one juror to block Williams' conviction. In fact, the other jurors might have joined in acquiting the senator if only the hidden evidence had been made available to the jury.

The real guilt in the Williams case, I believe, should be laid on the prosecution team. Here's the shameful rollcall:

Thomas Puccio, chief prosecutor—He spent 13 months trying to draw Williams into a criminal conspiracy. Yet Puccio could cite nothing in the senator's record that warranted an investigation. Puccio covered up misconduct by the prosecution team and misled the U.S. attorney's office into believing that Williams had a hidden interest in the titanium mine. It was Puccio, in fact, who had the hidden interest. He was an unnamed collaborator in a book about ABSCAM. The sales might be hurt if his biggest fish should escape from the net.

Mel Weinberg, convicted con man and perjurer—He was paid by the FBI to pose as the representative of a phony sheik. He used all the tricks of the con man's trade to lure Williams into the ABSCAM trap. Again and again, the senator refused the bait, but Weinberg kept coming back with something more enticing. Weinberg even produced a forged letter, with Williams' copied signature, in an attempt to incriminate him.

Anthony Amoroso, undercover FBI agent—There is sworn testimony that he "lost his professional judgment . . . and began soliciting improper conduct by Williams." He tried to put incriminating statements into the senator's mouth. When Williams refused the $50,000 bribe and tried to explain his ethics, Amoroso rushed into the room and interrupted the exculpatory remarks on the pretext that a long-distance call awaited the phony sheik.

John Good, FBI special agent in charge of the ABSCAM operation—When the U.S. attorney's office became suspicious of Weinberg's coaching and entrapment techniques, Good intervened to protect the con man. Good also provided new bait after Williams repeatedly rejected the criminal bait.

The Justice Department isn't supposed to enforce the law by creating crimes and entrapping people into committing them. For the sake of justice, the Senate should look beyond the Williams case into the methods used to nail him.

WASHINGTON MERRY-GO-ROUND: WIFE SAYS WEINBERG BAMBOOZLED THE FBI

(By Jack Anderson)

WASHINGTON, January 18, 1982.—Mel Weinberg, the consummate swindler and ABSCAM "sting man," wound up bamboozling the FBI agents who employed him and siphoning some of the ABSCAM bribe money into his own pocket. This is the sworn allegation of his wife, Marie, who was a witness to his double-scam.

My associate Inday Badhwar has spent three months interviewing Marie Weinberg and checking her story. He has obtained independent, corroborative evidence that her irrepressible husband may be guilty of criminal perjuries and conspiracies which could implicate FBI agents.

The charges are so serious that I have provided a transcript of Mrs. Weinberg's statements to the Justice Department and ABSCAM defense attrorneys. This has now become the basis for a massive, internal investigation of the FBI.

There is the question, for example, of what happened to the payoff money that was supposed to have been delivered to New Jersey Casino Commissioner Kenneth MacDonald. The payoff may never have reached MacDonald, but may have been grabbed by Weinberg.

Here are the available facts: The man behind the alleged payoff, Camden Mayor Angelo Erichetti, has sent me word through intermediaries that he turned over the money to Weinberg. This allegedly occurred at a Holiday Inn off the Long Island Expressway on April 1, 1979.

The mayor's nephew and chauffeur, Joey DiLorenzo, told a grand jury that he drove his uncle to the Holiday Inn for the appointment. He testified that Weinberg arrived in a Lincoln Continental and accepted a briefcase from Erichetti.

Under oath, Weinberg denied that he had received any money or had met Erichetti at the Holiday Inn or anywhere else. He swore that he had spent April 1, 1979, at home. He had never owned a Lincoln Continental, he said. Although his wife owned one, he joked that "she wouldn't let me drive it." He assured the grand jury that his wife had not run any ABSCAM-related errands. "I never got her involved in anything I did, never got here in ABSCAM, too dangerous for her," he testified.

Enter Marie Weinberg who claims this is perjury. She drove her husband to meet Erichetti at a Chinese restaurant several times without the FBI's knowledge, she told my associate. Mel introduced her to the mayor as his sister-in-law, she says. Mel explained to her that the meetings were intended to set the stage "for something that was to come later."

Erichetti was not told abour Marie's statements, but was asked only about his meetings with Weinberg. The word came back from Erichetti that he had met Weinberg several times at a Chinese restaurant and that a sister-in-law named Marie had accompanied him.

The arrangements for the payoff were made on the telephone. Mel turned off the taping machine while he set up the meeting with Erichetti, Marie relates. Then after prepping the mayor, Mel turned on the taping machine, called him back and held an innocent conversation.

The taping machine had been left by the FBI to record Weinberg's conversations with the ABSCAM victims. The FBI agents were supposed to keep him under constant supervision and surveillance. The agent assigned to watch him during this period was Tony Amoroso.

"He ducked Tony," said Marie. "He skunked them (the FBI agents) a lot." She claims to have driven Mel in her Lincoln Continental to the Holiday Inn for the secret rendezvous with Erichetti, just as the mayor's chauffeur told the grand jury.

As Marie remembers the incident, Mel returned with a briefcase, patted it affectionately and said, "Forty-five." But Mel never showed her the contents of the briefcase.

The word from Erichetti is that the sum paid to Weinberg was $75,000, not $45,000. In return for limited immunity, the mayor is willing to swear and affidavit that the ABSCAM bribe money was never used to buy off MacDonald, but was split with the master con man, Mel Weinberg.

Many months later, the duped FBI agent scrawled this note to Weinberg in a copy of "The Sting Man," a book about his adventures: "To the man I helped make a million, your friend, Tony Amoroso."

Presumably, Amoroso was referring to the money he expected Weinberg to make from the book not the ABSCAM bribe money Weinberg allegedly pocketed.

Footnote: In future columns, I will examine how Mel Weinberg used his undercover role to extort gifts from ABSCAM victims; how the FBI covered up Weinberg's misdeeds and peccadillos; and how Weinberg pulled a scam on his own wife.

Watch on Waste. Once a cheater, always a cheater, apparently. Housing and Urban Development investigators have tracked down 107 individuals who lied about their eligibility for subsidized government housing. They had bilked the taxpayers out of at least $177,000. How did the HUD sleuths uncover the chiselers? They simply used lists of persons who had lied to the Agriculture Department on food stamps, and to the Health and Human Services Department on Aid to Families with Dependent Children.

Washington Merry-Go-Round: FBI Agents Covered Up "Sting Man's" Perjury

(By Jack Anderson)

Washington, January 19, 1982.—A diminutive blond housewife is telling a story that could blow the ABSCAM convictions out of the courts. She is Marie Weinberg, wife of the con man who masterminded the ABSCAM "sting" operation.

She has sworn that FBI agents and ABSCAM prosecutors covered up perjured testimony. I have submitted her allegations to the Justice Department, which has launched a major investigation.

The FBI was supposed to be supervising and directing her husband, Mel Weinberg, who lured members of Congress into committing crimes. But according to Marie's account, Weinberg was manipulating the FBI agents instead of the other way around.

Within 48 hours after I provided the Justice Department with a transcript of Marie's accusations, Weinberg told friends that he knew his wife had blown the whistle on him. He recited details that could have come only from the transcript.

One of the accused agents, John Good, also contacted Mrs. Weinberg and tried to coax her into talking to him. Instead, she telephoned my office. I sent my associate, Indy Badhwar, on the first available plane to her home in Florida. He brought along a tough private investigator, Richard Bast, and three photographers to take pictures of the evidence.

I had warned the Justice Department not to permit the FBI to investigate itself. Yet Badhwar and Bast reached Marie Weinberg just a few hours before FBI agents descended upon her house. Four agents showed up at midnight, Jan. 8, to see Mrs. Weinberg. But my associate and Bast were interviewing her at a nearby hotel; they brought her home at 3 a.m. They returned at 7 the next morning to take the incriminating photographs of Weinberg's ABSCAM loot.

A few hours later, while they were still there, four FBI agents arrived and demanded to speak with Mrs. Weinberg. Bast stood in the doorway and refused to let the G-men enter.

Once more, Weinberg learned about my associates' visit almost immediately. The information certainly didn't come from his wife; he must have been tipped off by someone in the FBI or the Justice Department.

It's not hard to understand why the ABSCAM team is worried about the evidence Marie Weinberg let us photograph. It proves that FBI agents and federal prosecutors covered up perjured testimony given to various ABSCAM juries by their ex-con setup man, Weinberg. Though he should no longer merit their protection, they now have their own skins to consider.

Weinberg denied under oath—before a grand jury and ABSCAM trial juries—that he had ever received expensive gifts from potential targets of the sting operation. An FBI investigation of charges that he had extorted the gifts concluded there was no truth to the allegations. In court, chief prosecutor Thomas Puccio backed up the FBI's whitewash, and said that Weinberg had produced a receipt for one of the alleged gifts, showing that he had bought it.

But photographic evidence—which played such a crucial role in conviction of the ABSCAM defendants—clearly shows that Weinberg possessed the appliances that he was accused of extorting. They're sitting in his home in Florida.

The loot consists of three Sony 17-inch Trinitron television sets, a Betamax video recorder, a General Electric microwave oven, a Harman-Kardon stereo receiver and Genesis Three speakers.

The item Weinberg claimed to have an exonerating receipt for was a microwave oven. But it's not the one we photographed in the Weinberg home.

According to Mrs. Weinberg's sworn statement, her husband removed the serial number plate from the oven with a screwdriver and hid the oven with a neighbor when the allegations about the "gifts" first surfaced in 1980. He then had his wife drive him to a department store in West Palm Beach, where he got the receipt he showed to the FBI. Subsequently, he brought the incriminating oven back to his house. It is still there.

What makes the microwave oven so damaging is that at least two FBI agents, who had spent considerable time with the Weinbergs when they lived in Long Island, had seen the oven in his home there. Yet the agents—John Good and Anthony Amoroso—later accepted Weinberg's Florida receipt as proof that he had bought it. Incredibly, they had been assigned to investigate the charges that Weinberg had extracted the gifts from ABSCAM targets.

As for the other items, Good and Amoroso had seen them in Weinberg's Long Island home as well. In fact, Mrs. Weinberg swears, FBI agents helped them crate the television and stereo equipment when the Weinbergs moved to Florida in July 1979. Yet prosecutor Puccio accepted Weinberg's denials—which were supported by Good and Amoroso—about the other items without question.

When defense attorneys tried to question FBI witnesses in court to determine whether any of them had actually seen the gift items in Weinberg's home, Puccio raised objections—and was sustained by the judge.

Footnote: Mel Weinberg, who is no longer living with Marie, has threatened to retaliate against her if she continues cooperating with my reporters. Marie's lawyer, criminal attorney Michael Dennis, has warned Mel that charges will be filed against him if he attempts any further intimidation.

Watch on waste. Not everyone is suffering in Washington's coldest winter weather in this century. Three staff members of the House Foreign Affairs Committee recently winged off to study refugee problems in Haiti, the Dominican Republic, Puerto Rico and the Bahamas. Meanwhile, two other staffers went to study U.S. assistance in the balmy Caribbean. Their itinerary includes Jamaica, Barbados, Antigua, St. Lucia and the ever-popular Haiti and Dominican Republic.

Washington's Merry-Go-Round: Weinberg's Wife Tells How He Conned FBI's ABSCAM Agents

(By Jack Anderson)

Wahington, January 20, 1982.—When I first began reporting on allegations of FBI misconduct in the ABSCAM operation several months ago, FBI Director William Webster invited me to his ofice and assured me I had been misinformed. The G-men running the famous sting operation against members of Congress, he said, had conducted themselves in the finest tradition of FBI professionalism.

Now it appears that it was Judge Webster who was misinformed. In the last two columns I have reported the documented misconduct of the FBI's key ABSCAM middleman, convicted swindler Mel Weinberg. The evidence I gave the Justice Department has led to a full-scale investigation of Weinberg's alleged misdeeds and the possibility that they were perpetrated with the knowledge and cooperation of some FBI agents.

The disturbing evidence suggests that the federal agents who thought they were using Weinberg for their investigative purposes were in fact being used by the con man for his own greedy purposes. According to Weinberg's wife, Marie, he routinely lied to the FBI agents who thought they were his bosses.

My associate Indy Badhwar has spent three months getting Marie Weinberg's story. He interviewed her extensively, and then corroborated much of her sworn testimony through independent sources.

She is ready and willing to testify under oath to the incidents she witnessed. Here are some further details from Mrs. Weinberg, telling how her husband compromised the FBI agents who thought they had him firmly in hand:

Mel Weinberg secretly taped his conversations with FBI agents without their knowledge. His wife suspects this was to keep them from turning on him if his misconduct became known.

With his con man's charm, Weinberg won over the initially suspicious G-men one at a time, according to his wife. In the case of John Good, the chief FBI agent, Weinberg simply made up a story that depicted himself as an influential protector of the bureau. Early in ABSCAM, Marie Weinberg saw a TV news program that showed one of the undercover agents involved in ABSCAM, Margo Kennedy escorting a hijacker at an airport. She told her husband about it, and, after swearing her to secrecy, he called Good and told him he had seen the show and had taken steps to insure that Kennedy's identity would not be revealed. He had, of course, done no such thing.

When the Weinbergs were moving from Long Island to Florida in July 1979, Marie said, her husband donated their excess belongings to FBI agents. Tony Amoroso, the FBI man who posed as the phony Arab sheik's representative in the secret ABSCAM videotapes, got the bedroom furniture, four cartons of books and Weinberg's high-priced wardrobe. Amoroso made two trips for the clothes according to Mrs. Weinberg.

When Weinberg extorted expensive watches from potential ABSCAM targets, the FBI agent squabbled, like so many children, over who was going to get them, Mrs. Weinberg reported. Eventually, though, Agent Good decided that the watches might cause trouble later, and they were returned, she said.

Agent Bruce Brady moved in with the Weinbergs in Florida to keep an eye on the ABSCAM entrepreneur. But the G-man met a woman and "he says to Mel he's got a hot weekend," according to Marie Weinberg. Her husband covered for the agent. "When John (Good) called here for Bruce, Mel said he went out, just, 'He's out,' you know, and covered it, see?"

When two assistant prosecutors complained in December 1980 that Weinberg was getting out of hand and that no written records were being kept, Mel told his wife, "Tony (Amoroso) and I've got to sit down and make up records of everything we did."

Agent Jack McCarthy, regarded as a "pencil pusher" by the others, "wanted to be president" of the fictitious Abdul Enterprises, Marie said. "They were all fighting over titles . . . It was ridiculous, and finally Mel had to get Jack out because Jack was wearing Sears suits."

The FBI agents subsequently inscribed glowing tributes to Mel Weinberg in a copy of his book, "The Sting Man." Good wrote: "The best in the business and a good friend." Amoroso wrote: "The man I helped make a million." Brady wrote: "You taught me quite a bit, some things I'll never forget." And McCarthy, the man in the Sears suits, wrote: "We did have some fun. Thanks for the experience."

Accentuating the positive. Just how desperate the all-volunteer Army is for warm bodies was illustrated by a puff piece the Pentagon distributed to armed forces newspapers recently.

The release told how a brave Vietnam veteran talked to a deranged, suicidal soldier who had seized control of a watchtower at an Army missile base in Zweibrucken, West Germany, and threatened to kill himself and anyone who came within range of his M-16 rifle. When a friend tried to talk him down, the young soldier forced him to lie face down on the snowy ground for 45 minutes.

Enter the old soldier who had been in Vietnam. "After two-and-a-half hours of ticklish negotiations at gunpoint, the soldier was persuaded to leave the watchtower." The cool Vietnam vet was given a medal for defusing the dangerous situation.

And the freaked-out GI who had neutralized a NATO missile-launch area singlehandedly? "The young soldier has been retrained and reassigned," the Pentagon news release said, adding: "He is once again making a positive contribution to the U.S. Army."

When asked if the phrase "once again making a positive contribution" was a reference to the crazed escapade at Zweibrucken, an Army spokesman was at a loss for words. He was also unable to say exactly what the unbalanced GI had been "retrained" to do.

Washington Merry-Go-Round: Why Weinberg's Wife Told All: She Was Target of His Cruelest Scam

(By Jack Anderson)

WASHINGTON, January 21, 1982.—Why did Marie Weinberg decide to blow the whistle on her husband, Mel, the convicted swindler who was the architect of the FBI's ABSCAM operation?

Marie was the ultimate victim of the conscienceless con man's misconduct. For 14 of the 19 years she has been married to Weinberg, he cheated on her shamelessly. He used her as a doormat.

But more than that, she is concerned about the way here husband used her as an unwitting tool in the profitable side deals he worked while he was setting up members of Congress and other politicians in the FBI's "sting" operation.

"It's not revenge why I'm telling you this," Marie Weinberg told my associate Indy Badhwar. "It's conscience. I'm not a woman scorned but a woman scammed." Mel, she added, "used me as a practice ground for all his other scams."

Marie's story is truly a pitiful one. Abandoned at birth, her childhood was spent in one foster home after another. She married Weinberg just as he was embarking on his life of crime. She kept house for him, polished his shoes, manicured his nails and looked after their adopted son, J.R., now 16. She learned to suffer in silence—and to keep her mouth shut.

When Weinberg was nailed for fraud in 1977 and faced three years in jail, Marie handed over her diamond engagement ring and the deed to the house to raise the $10,000 bail. He repaid her slavish devotion by setting up housekeeping with another woman.

Inspired by the old Alec Guinness movie, "The Captain's Paradise," Weinberg created duplicate households a few miles apart, with Marie's unknowing help.

The other woman was Evelyn Dawn Knight. She was arrested with Weinberg in 1977. in his self-serving book, "The Sting Man," Weinberg claims that it was to save Evelyn's hide that he agreed to cooperate with the FBI.

Marie read the book and asked her husband about "Lady Diane," as Weinberg and co-author Bob Greene referred to Evelyn. "Mel told me that Bob had made it up just to add sex to the book so it would sell," Marie said.

But Evelyn was real. She even changed her name to Evelyn Dawn Weinberg in June 1981. When Mel wanted to buy Evelyn a new Cadillac, he brought her old car to Marie, saying it belonged to a "Sir Gordon" (a fictitious name he pulled out of the hat) and needed sprucing up. Mel paid Marie $50 to clean and paint the car. He then sold it and bought the Caddie.

When the Weinbergs moved to Jupiter, Fla., in July 1979, he set Evelyn up in a condo just like theirs, 16 miles away in Stewart. He told Marie he had bought the second condo for investment and was renting it to a "stupid" union official and his "dumb" wife, who knew nothing about decorating an apartment.

On this pretext, Weinberg got Marie to give him samples of her wallpaper and floor coverings, and had her measure the wall unit in the Jupiter condo. He spent a lot of time in Stewart, supposedly helping the union official and his wife furnish their rental unit.

Another ruse he used to dupe Marie was to announce that he was taking their son to Jacksonville overnight. Instead, he would stay with Evelyn. He explained her to J.R. as an FBI agent with whom he was working on an undercover assignment, and told the boy to keep mum about it lest he upset his mother.

But Marie was getting suspicious. She had seen a piece of paper lying around with Evelyn's name on it. Weinberg reassured her, saying, "There is no Evelyn . . . I love you and only you."

When Weinberg said he was taking J.R. to Jacksonville last Halloween night, Marie resolved to follow her suspicions. The next day, she found the other condo. Mel's car and Evelyn's Cadillac were parked outside.

Marie knocked. Evelyn opened the door. "Evelyn? said Marie. "I'm Mel's wife, Marie."

"Call me Eve," said the other woman coolly.

"How long has this been going on?" Marie asked.

"Fourteen years," said Evelyn. Weinberg was upstairs and refused to come down. J.R. had gone out.

When Mel finally came home, he shrugged off Marie's demand for an explanation. "So I got caught," he said. "I always told you I'm the world's biggest liar." Then he nestled into his favorite armchair, ordered some Chinese food—and asked Marie to give him a manicure.

Footnote: Inspired by my series on ABSCAM, the ABC News show "20-20" will air a special tonight that will detail the Mel Weinberg-FBI scandal.

Fencing with Burger. It's always gratifying to see quick results from an item in this column, but it's not often that the results are achieved even before the column sees print.

Last week I reported that Chief Justice Warren Burger was in apparent violation of the building codes for having a rusty barbed-wire fence partially surrounding his property in suburban Arlington, Va. A resident had complained that the fence posed a threat to the children and pets in the heavily developed neighborhood.

A building inspector explained, however, that because the chief justice's fence was there long before the building codes were promulgated, he was legally entitled to leave it up.

But a funny thing happened on the way to publication. In the interval between our calls to Burger's office and the distribution of the column around the country, the barbed wire disappeared—at least the most conspicuous segments of it. There are still some lengths of barbed wire tangled in the honeysuckle vines and underbrush along the front of the Burger property—or there were when this report was written.

WASHINGTON MERRY-GO-ROUND: PUCCIO MAY BE SNAGGED IN HIS OWN ABSCAM WEB

(By Jack Anderson)

WASHINGTON, February 2, 1982.—The chief ABSCAM prosecutor, Thomas P. Puccio, is dangerously close to getting entangled in the web of deceit that he has woven to snag others.

This can be detected in his latest petition to the courts. In strident language, he assailed my stories about his prize witness, Mel Weinberg, who has been caught in a double-scam.

Weinberg is the professional con man who conceived ABSCAM, masterminded the operation and personally handled almost every payoff. Now I have uncovered evidence that he extorted gifts from potential defendants and may even have absconded with some of the ABSCAM bribe money. He repeatedly denied this under oath.

I have turned over the evidence to U.S. District Judge William Bryant, a stern but fair jurist, who cannot be manipulated by Puccio. The evidence indicates that FBI agents tried to cover up the charges of Weinberg's misconduct. So it's not just the credibility of the government's star ABSCAM witness that's at stake, but the credibility of the FBI agents who protected Weinberg.

In fact, Puccio himself suppressed the allegations against Weinberg, thanks to favorable rulings from ABSCAM Judge George C. Pratt. Now Puccio has gone back to Pratt with a letter discounting the evidence that Weinberg lied under oath and insisting that even if the evidence is true, there would still be no basis for discrediting the ABSCAM prosecution.

Yet Mel Weinberg's wife, Marie, in a sworn statement, describes how the con man extorted valuables from the ABSCAM targets as gifts from a fictitious sheik. She also charges that FBI agents squabbled like children over some wristwatches that Weinberg got from the ABSCAM defendants.

What's more, she swears that the agents knew about the luxury items her husband received and actually helped crate them when the Weinbergs moved to Florida. Earlier, the agents had denied under oath such knowledge, and Puccio had accepted their assurances.

My associate Indy Badhwar spent three months verifying details of Marie Weinberg's charges. Here's the record of Puccio's involvement in the con man's scam-within-ABSCAM:

—In December 1980, two assistant prosecutors, Edward Plaza and Robert Weir, informed the Justice Department of charges made by Joey DiLorenzo, a nephew of Camden Mayor Angelo Errichetti, that he had given presents to Weinberg during the ABSCAM caper. "Puccio stated he was aware of Weinberg's receipt of a microwave oven and would take steps to remove it from Weinberg's house," they wrote. "Puccio further stated he doubted the veracity of DiLorenzo's statements" about other gifts. Plaza and Weir were taken off the ABSCAM case.

—During the Brooklyn grand jury investigation, Weinberg was asked: "Specifically, did you receive anything from DiLorenzo in the form of electronic equipment?" Weinberg answered: "No, I did not receive anything from Joseph DiLorenzo."

During the trial of Rep. Ozzie Myers, D-Pa.—with Puccio prosecuting—Weinberg repeatedly answered, "Not true," to questions from defense attorneys about gifts of the microwave oven and other items.

In the same trial, attorney Richard Ben-Veniste asked FBI agent Martin Houlihan: "Are you familiar with any report wherein it is indicated that someone from the FBI asked Mr. Weinberg about the gifts?" Puccio objected, and Judge Pratt sustained him. "I want to find out," said Ben-Veniste, "whether the FBI asked their own agents whether they saw Weinberg in possession of any of these items." Pratt said such a question was "irrelevant."

During post-conviction hearings for all the ABSCAM defendants, Puccio told Judge Pratt he had ordered agent John Good to check out the gift allegations and that "either Mr. Weinberg or Mr. Good" told him that Weinberg had purchased the microwave oven in Florida, and had produced a receipt for it. But Marie Weinberg will testify that the original microwave was obtained in New Jersey—and that the FBI agents saw it sit there before the Weinbergs moved to Florida. She swears her husband later removed the serial number from that oven, then had her drive him to a store in Florida, where he obtained the receipt he gave to the FBI.

At the same due-process hearing, agent Good told of his "investigation" of the gift allegations, but did not mention that he had seen the gifts in Weinberg's home, as Mrs. Weinberg claims. And agent Anthony Amoroso—the "sheik's" man on the ABSCAM videotapes—also testified that he never had reason to suspect that Weinberg was "hustling" gifts. Yet Marie Weinberg swears that Amoroso and Good not only saw the extorted gifts but helped crate them for the move to Florida. She gave specific details, and some of the gifts in her Florida home have been traced back to Erichetti.

Testing, anyone? The Defense Intelligence Agency reports that the Taiwanese are looking for a test site for the nuclear weapons they've been secretly working on, and that they're thinking of asking India. But the hush-hush DIA report concludes: "It is highly unlikely that India would allow the ROC (Taiwan) to detonate a nuclear weapon on Indian territory because of problems that would arise with the People's Republic of China."

WASHINGTON MERRY-GO-ROUND: MARIE WEINBERG'S OWN STORY—WRITTEN THE DAY BEFORE SHE DIED

(By Jack Anderson)

WASHINGTON, February 8, 1982.—The ABSCAM story has taken a bizarre twist.

An inquest will be ordered into the violent death of Marie Weinberg, wife of the FBI's hired con man. Meanwhile, I have obtained a dramatic 19-page narrative, which she wrote in her own hand the day before she died.

This deathbed document implicates the FBI's ABSCAM team in an alleged criminal cover-up. She decided to blow the whistle, she wrote, after discovering Mel Weinberg's secret diary. In terse prose, she related: "Nov. 1, looking for passport—find black book—read book—sick."

She telephoned a confidant to report the discovery. According to her account, he warned her: "Marie, don't do anything rash. They will kill for it."

Nevertheless, she began calling the FBI agents who had worked with her husband on the ABSCAM caper. She had come to regard them as personal friends. They responded with varying degrees of alarm. She quoted agent Bruce Brady, for example, as pleading: "Do me a favor, Marie. Can you keep me out of it?"

Next she "looked up Jack Anderson clipping," she reported. "Hit me like a ton of bricks . . . Now I understood." Then she picked up the telephone, called my office and spoke to my associate Indy Badhwar.

She said that her husband had committed perjury, that he had made off with some of the ABSCAM bribe money and that he had extorted valuable gifts from the ABSCAM defendants.

There were more telephone interviews; Badhwar also flew to Florida twice to question her in person. For the next three months, I investigated her story. Not all the details could be checked, but I was able to confirm many of her charges.

This led inevitably to a confrontation with her husband. "I'm standing in kitchen," she wrote. "Mel sits at counter—very nervous and looks petrified." She gave this account of their conversation:

MEL. "Where's the book?"

MARIE. "What book?"

MEL. "You know what I'm talking about."

MARIE. "No, you tell me."

MEL. "You were talking to Jack Anderson."

MARIE. "No, I didn't speak to Jack Anderson . . . ." She adds in parentheses "(I spoke to Indy)."

MEL. "They have you on tape. What did you tell him?"

MARIE. "Nothing."

MEL (very frustrated). "There'll be a congressional hearing. They'll make mincemeat out of you. You can't take the pressure."

MARIE. "I can't be hurt any more . . . All I have is the truth."

MEL. "I want to know your source of information."

MARIE. "I'll give you my source—you!"

MEL. "Let me tell you something. If you talk to anyone, they'll find out about your past—your attempted suicide. They'll make you out a crazy lady. They'll take J.R. (their son) away from you. And I can get guys to say you were sleeping around. You'll be an unfit mother. They'll take J.R. away."

Marie added: "The blinders came off. I saw Mel as he really was. I am scared."

Then Mel repeated: "Now where's the book?"

MARIE. "I burned it."

The FBI's chief ABSCAM agent, John Good, picked up where Mel Weinberg left off. He was one of the agents Marie accused of covering up her husband's crimes. According to her handwritten statement, Good called her frequently and urged her to cooperate with him. Here are some excerpts:

"John Good called: 'If I sent two agents down to Florida, will you talk to them?' MARIE: 'No.'

"John Good called: 'Marie, remember (agent) Kenny Zucker?' I said no. John

'He's a great guy. He's in West Palm Beach now. How about me sending him over? You can talk to him.' I said 'No.'

"John calls back: 'Marie, suppose I come down next week—Monday 1-11-82. I have to get clearance from Washington.' Marie: 'Sure, John.'

"John Good called from Sheraton Hotel, Singer Island, Fla., 842-6171, Room 502. I had temperature—sick—hypoglycemia—told John I couldn't see him."

Meanwhile, Marie learned from her son and a neighbor that FBI agents had been prowling around their condominium. She related: "J.R. said right after I left cars were riding around condo—strange men—saw neighbor next morning—agents all over—watching place."

Marie Weinberg's life ended on Jan. 26. Shortly after her body was discovered, police reported, Mel Weinberg ransacked the apartment. He seemed to be looking for something.

WEEKLY SPECIAL: MARIE WEINBERG'S DEATH: TOO MANY UNANSWERED QUESTIONS

(By Jack Anderson and Joe Spear)

WASHINGTON, February 8, 1982.—Last week's headlines announced a horrifying event: Marie Weinberg is dead. She was the wife of Mel Weinberg, the convicted con man who was paid by the FBI to lure congressmen into the ABSCAM trap.

This latest and most tragic chapter in the ABSCAM scandal began unfolding in Jupiter, Fla., on Tuesday, Jan. 26, when Marie's 16-year-old son, J.R., came home and found his mother gone. Her handbag was in the apartment. In it was $250 in cash. Marie's car was parked outside. But Marie wasn't there.

The next day, her body was found in an adjacent apartment. There was a rope around her neck. The coroner said she had died of asphyxiation and was an apparent suicide victim. Her attorney, Michael Bennis, said he suspected foul play. Florida authorities are still investigating her death.

Indeed, there are several things that are alarming about Marie's disappearance and death. For one, she doted on her son. He was the center of her universe, and it is difficult to believe that she would have willingly deprived him of a mother.

Point two: Our associate Indy Badhwar had been working with Marie on stories about Mel for three months. On Jan. 9, we alerted the local police in Florida that Marie Weinberg should be protected. She knew that her husband was aware she had been talking to our associate. She even said she had received threats from Mel.

Point three: Marie's information threatened to blow Mel out of the water. She told us that he had committed perjury, that he had made off with some of the ABSCAM bribe money, and that he had extorted valuable gifts from the ABSCAM defendants. Even more shocking, she swore that FBI agents had helped to cover up his crimes.

We spent three months investigating Marie's story. Not all the details could be checked, but we were able to confirm enough of her charges to be convinced of their veracity.

The day before she died, Marie asked a neighbor to mail an envelope to her attorney. It contained a detailed, handwritten account of her allegations.

She told, for example, of the day she found Mel Weinberg's secret diary: "Saturday, November 1. Looking for passport. Find black book. Read book. Sick."

She told one of Mel's close friends about finding the diary and she quoted him as warning her: "Marie, don't do anything rash. They will kill for it."

She wrote that she also informed FBI agent Bruce Brady about the diary and she quoted him as pleading: "Do me a favor, Marie, can you keep me out of it?"

She next notified FBI Agent Gunnar Askeland. She wrote that he simply said: "Marie, I feel sorry for you."

According to her account, another agent, John Good, kept pleading with her to see him.

Then her husband, Mel Weinberg, confronted her about the secret diary. She quoted him as saying: "There'll be a Congressional hearing. They'll make mincemeat out of you. You can't take the pressure."

What happened to the mysterious diary? Marie Weinberg never told her attorney where she hid it. Now she can't tell him. Meanwhile, police sources say Mel Weinberg ransacked her apartment in search of something.

With Marie's help, we obtained photographic evidence of the gifts that her husband allegedly extorted from ABSCAM targets. We handed the evidence over to U.S. District Court Judge William Bryant in Washington. He wants to investigate the whole situation and find out just who scammed who.

We have also informed the Justice Department about our evidence and officials there promised to conduct an independent investigation of the FBI's conduct in the ABSCAM operation.

We hope they do. It is long overdue.

[From the Washington Post, Feb. 22, 1982]

TIME TO STOP SMEAR TACTIC OF ABSCAM WITNESS

(By Jack Anderson)

Somewhere in the Justice Department there must be someone with the conscience and compassion to cry "Enough!" The department's star Abscam witness, Mel Weinberg, is running amok.

He is now spinning a spider web of lies around his late wife—a simple, sensitive, frail woman who loved him and believed he loved her. "To my darling wife Marie . . . ," he had written, "I do love you very much."

Then she began to tell her story of Abscam, which disputed his own sworn version. "I'm not a liar," she explained simply. "I can't lie." To discredit her, he began clawing at her good character.

Late last month, she hanged herself. Beside the body was a note in her authenticated handwriting. "My sin was wanting to love and be loved, nothing more," she had written, "but the campaign is being make by Mel to discredit me. I haven't the strength to fight him anymore."

Now that she cannot defend herself, his campaign of vilification has become all the more vicious. Won't the prosecutors, in the name of decency, please tell their Frankenstein's creation to leave poor Marie in peace?

Tragically as it turned out, the unfortunate woman stumbled upon Mel's secret diary and read his account of the "lies and deceit" he had perpetrated. The shock sent her to my office with evidence that he had lied at the Abscam trials and had diverted some of the Abscam bribe money into his own pocket.

In a taped interview with my associate Indy Badhwar, Marie described how he had reacted. "He says, 'You know I can take J.R. away from you.'" This was a reference to their son. "I said to him, I said, 'Mel, there's no way. How are you gonna take J.R. away from me?' 'You're not gonna hurt J.R.'"

Mel pressed remorselessly. He threatened that he would also tell about a suicide attempt 20 years ago and portray her as a mental case. "A crazy lady, this is what he's trying to pass me off as," she said.

True to his threat, he later telephoned Steven Tinney, a reporter for their hometown newspaper, to tell Marie's 20-year-old secret. The story was spread across the pages of the Stuart, Fla., News for all her neighbors to read.

About the same time, Mel's son by his first marriage, Richard Weinberg, telephoned Philadelphia Inquirer reporter Bill Marrimow and offered to put the reporter together with his father to get the story of Marie's past. Marrimow wasn't interested.

Other newspapers printed Mel's smear.

Four days after this ugly publicity, Marie Weinberg took her own life. Philadelphia News reporter Greg Walter attended the memorial service. He wrote:

"J.R., who is a high school honor student and wants to be an FBI agent, wept bitterly as he sat alone in an anteroom off a small chapel.

"His father stood outside the funeral home in the warm Florida night air smoking a large cigar. He chatted—and often laughed loudly—with an old friend, FBI Abscam agent Anthony Amoroso . . .

"Weinberg has shown little remorse. 'She was a cuckoo,' he told a reporter."

Like Amoroso, the FBI's other Abscam agents also had a lot of laughs with the ingratiating Mel Weinberg. They inscribed his book with such sentiments as "Don't forget all the good times."

The Abscam prosecutors were also seduced by the fast-talking Weinberg. "Mel, you're the greatest," wrote one of them, John Jacobs.

And Abscam Judge George C. Pratt praised Weinberg for devoting "nearly three years of his life to this investigation."

Abscam should go down as the greatest scam in criminal history. Mel Weinberg scammed the FBI agents, the prosecutors, the judge and a number of newsmen.

[From the Washington Post, Feb. 23, 1982]

MEL WEINBERG IS DENOUNCED AS A SCOUNDREL

(By Jack Anderson)

Abscam prosecutor Thomas Puccio is a young man who is apt to startle visitors by springing out of his chair and pacing his office.

In his Brooklyn domain, he stands guard like St. Peter at the gates of justice. He decrees whom his grand juries shall indict. "I could," he boasted in front of witnesses, "indict a ham sandwich."

He chose a convicted pitchman, Mel Weinberg, to mastermind the Abscam investigations. An authorized biography correctly describes Weinberg as an "international con man par excellence, who conceived Abscam, wrote the investigative scenario and personally handled almost every contract and payoff."

The book declares further that Weinberg "dominated the hearings and trials spawned by the FBI's Abscam investigations." He was presented to the juries as a lovable rascal, an Archie Bunker personality whose gravel voice, Brooklyn dialect and incorrigible ways are merely the calluses on an admirable character.

But in past columns, I have offered evidence that portrays Weinberg as a venal double-dealing scoundrel who, according to his late wife, conned the Abscam defendants and pocketed some of the Abscam bribe money.

This has left Puccio's star witness without a rug to stand on, and the frantic prosecutor has come up with a bold, if novel, response. The man who conceived and conducted the Abscam investigations and who later dominated the Abscam trials, Puccio now argues, is not really important.

In a letter to Abscam Judge George C. Pratt, the chief prosecutor solemnly attests: "Weinberg's credibility was not a real issue in the case." (Like Puccio, the judge has also been taken in by Weinberg. Once Pratt actually lamented that Weinberg's career "as a con man has ended" because of his public exposure. The judge praised Weinberg's "contribution to law enforcement in these cases and the personal sacrifices he has endured.")

Weinberg, meanwhile, is engaged in his latest scam: a scurrilous campaign to defame the memory of his late wife of 19 years, who had found his secret diary and, after reading it, had turned against him because of his "lies and deceit." She hanged herself, according to a suicide note, because of "the campaign being made by Mel to discredit me."

This decent woman deserves to have someone defend her reputation against the lies that her husband has been spreading. Here goes:

The Lie: Weinberg told the New York Post that friends of his wife "threatened to break his legs if he did not give up his mistress."

The Truth: These are tactics much more characteristic of Weinberg than of his gentle wife. Earlier this month, he became infuriated over an article by Greg Walter of the Philadelphia Daily News. According to Walter, the sting man called him, exploded with expletives and threatened to split his head open.

In contrast, Marie Weinberg was a frail, delicate woman who had been abandoned as a child and had no family. Last year Mel moved her to Florida, where she has no friends except her pastor, Richard Duke, and a neighbor, Jeanette Wrenn.

The Lie: Weinberg has charged that I offered his wife $100,000 to turn her against him.

The Truth: If he can prove that whopper, I'll pay him the $100,000. Marie asked for no money, and I offered her none.

It was Mel, in fact, who valued everything in dollars and cents. He tried to squeeze money out of everything he touched. He conned the FBI into paying him tens of thousands of dollars for his "services."

In addition to his FBI pay, Weinberg cut a deal to tell his life story for the book, "The Sting Man," and is now negotiating to sell the movie rights.

The real question is why the prosecutors hired a man like Mel Weinberg to help them enforce the law.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. THURMOND) announced that on today, March 3, 1982, he signed the following enrolled bill; which had previously been signed by the Speaker of the House of Representatives:

H.R. 5021. An act to extend the date for the submission to the Congress of the report of the Commission on Wartime Relocation and Internment of Civilians.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Keith Lapham Brown, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Kingdom of Lesotho.

(Contributions reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Keith Lapham Brown; Post, U.S. Ambassador to Lesotho.

CONTRIBUTIONS: AMOUNT, DATE, AND DONEE

1. Self (see below).
2. Spouse (see below).
3. Children and spouses names: None.
4. Parents names: None.
5. Grandparents names: None.
6. Brothers and spouses names: None.
7. Sisters and spouses names: None.

Political contributions made by Keith Lapham Brown

$1,000 (9-14-76) Salute to the President Dinner—Republican National Committee.

$25 (11-18-76) Takaki for Congress—U.S. House of Representatives.

$100 (3-1-76) President Ford Committee.

$100 (10-7-76) Friedman for Congress—U.S. House of Representatives.

$1,000 (4-26-77) A Tribute to Gerald Ford—Republican National Committee.

$200 (11-21-77) Armstrong Committee—U.S. Senate.

$50 (9-16-77) Zeller for House—U.S. House of Representatives.

$500 (1-4-78) Republican National Committee.

$1,000 (3-8-78) 1978 Eisenhower Dinner Committee—Republican National Committee.

$100 (9-6-78) Committee to Dispose of Haskell—U.S. Senate.

$200 (9-27-78) The Armstrong Committee—U.S. Senate.

$200 (10-9-78) Jim Johnson Campaign—U.S. House of Representatives.

$100 (10-19-78) People for Ed Scott—U.S. House of Representatives.

$100 (10-19-78) Gene Hutchinson for Congress—U.S. House of Representatives.

$200 (11-17-78) Colorado Federal Campaign Committee.

$250 (1-16-79) George Bush—U.S. President.

$250 (1-29-79) John Connally—U.S. President.

$50 (4-24-79) Friends of J. Swigert—U.S. Senate.

$1,000 (1-28-80) Calloway for Senate—U.S. Senate.

$250 (4-9-80) Ken Kramer Committee—U.S. House of Representatives.

$200 (5-13-80) Hank Brown for Congress—U.S. House of Representatives.

$1,000 (5-13-80) McCormick for Congress—U.S. House of Representatives.

$60 (5-13-80) Buchanan for Senate—U.S. Senate.

$100 (5-29-80) Delegates for Reagan—U.S. President.

$1,000 (9-25-80) Prelude to Victory—Republican National Committee.

$125 (10-2-80) McElderry for Congress—U.S. House of Representatives.

$500 (10-7-80) Buchanan for Senate Committee—U.S. Senate.

$100 (10-9-80) Naomi Bradford for Congress—U.S. House of Representatives.

$100 (10-20-80) Jim Bradshaw for Congress—U.S. House of Representatives.

$100 (5-16-80) Cogswell for U.S. Senate.

$1,000 (7-13-80) Republican National Committee.

$1,000 (3-16-81) 1981 Senate House Dinner—Republican National Committee.

$50 (9-2-81) Buchanan for Senate Committee—U.S. Senate.

$100 (9-23-81) Ken Kramer Congressional Committee—U.S. House of Representatives.

Political contributions made by Carol L. Brown

$250 (1-18-79) Bush for President—U.S. President.

$250 (3-27-80) Bush for President—U.S. President.

$1,000 (3-29-80) Calloway for Senate—U.S. Senate.

William Robert Casey, Jr., of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Niger.

(Contributions reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: William Robert Casey, Jr., Post, Ambassador to Niger.

CONTRIBUTIONS: AMOUNT, DATE, AND DONEE

1. Self, $50 (8/22/80) Cogswell for Senate, $30 (2/8/80) Adams Cty Rep. Party; and $30 (2/81) Boulder Cty Rep.
2. Spouse, B. Dionne Casey: None.
3. Children and spouses names: Stephanie Casey, Patrick Casey, Jennifer Casey, William Casey III—none.
4. Parents names: William Casey, Sr., Whereabouts unknown, Ann Marie Casey—none.
5. Grandparents names: deceased.
6. Brothers and spouses names: Thomas Charles Casey, Sandra Kay Casey—none.
7. Sisters and spouses names: Marie Jean Casey, David L. McCasland—none.

Howard Eugene Douglas, of Virginia, to be United States Coordinator for Refugee Affairs and Ambassador at Large while serving in this position.

(Contributions reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Mr. Howard Eugene Douglas. Post, Coordinator for Refugee Affairs.

CONTRIBUTIONS: AMOUNT, DATE, AND DONEE

1. Self, $100 (1978), McCloskey for Congress Committee (Calif.); $100 (1978), Wolf for Congress Committee (Va.); $100 (1980), McCloskey for Congress Committee (Calif.); $100 (1980), Wolf for Congress Committee (Va.); and $250 (1980), Republican National Committee—Reagan Bush Campaign.
2. Spouse—none.
3. Children and spouses names—none.
4. Parents names—none.
5. Grandparents names—none.
6. Brothers and spouses names—none.
7. Sisters and spouses names—none.

Anthony Cecil Eden Quainton, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counsel, to be Ambassador Extraordinary and Plenipotentiary of the United States to Nicaragua.

(Contributions reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Anthony C. E. Quainton; Post, Nicaragua.

CONTRIBUTIONS: AMOUNTS, DATE, AND DONEE

1. Self—none.
2. Spouse—none.
3. Children and spouses names: Katherine, Eden, Elizabeth—none.
4. Parents names—none.
5. Grandparents names—none.
6. Brothers and spouses names: Rooney F. Quainton, $100 (March, 1980) John Anderson.
7. Sisters and spouses names—none.

Howard Kent Walker, of New Jersey, a Foreign Service Officer of Class two, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Togo:

(Contributions reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Howard Kent Walker; Post, Ambassador.

CONTRIBUTIONS: AMOUNT, DATE, AND DONEE

1. Self—none.
2. Spouse: Terry T. Walker—none.
3. Children and spouses names: Gregory Walker, Wendy Walker—none.
4. Parents names: William R. Walker, Jr., Jean K. Walker—none.
5. Grandparents names—none.
6. Brothers and spouses names: Ronald R. Walker, Dianne M. Walker—none.
7. Sisters and spouses names—none.

Otto J. Reich, of Virginia, to be an Assistant Administrator of the Agency for International Development; and

Hugh W. Foster, of California, to be Alternate Executive Director of the Inter-American Development Bank.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL:

S. 2163. A bill to amend the Internal Revenue Code of 1954 to provide that expenditures for woodburning stoves shall be eligible for the residential energy credit for energy conservation expenditures; to the Committee on Finance.

By Mr. HEINZ:

S. 2164. A bill to provide greater flexibility in borrowing limitations for national banks; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PELL:

S. 2165. A bill to amend the National School Lunch Act, to provide for the serving of nutritionally superior lunches under such act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 2166. A bill to provide for the distribution within the United States of the International Communication Agency slide show entitled "Montana: The People Speak"; to the Committee on Foreign Relations.

By Mr. COHEN:

S. J. Res. 155. Joint resolution redesignating the Saint Croix Island National Monument in the State of Maine as the "Saint Croix Island International Historic Site"; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAFEE:

S. Res. 331. A resolution expressing the sense of the Senate that the Federal Energy Regulatory Commission should take no action to accelerate the decontrol of wellhead natural gas prices; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL:

S. 2163. A bill to amend the Internal Revenue Code of 1954 to provide that expenditures for wood-burning stoves shall be eligible for the residential energy credit for energy conservation expenditures; to the Committee on Finance.

TAX CREDIT FOR WOOD-BURNING STOVES

● Mr. MITCHELL. Mr. President, today I am introducing legislation that would include wood-burning stoves in the list of items eligible for the residential energy tax credit.

This proposal has enjoyed much support in Congress. Both houses have approved tax credits for wood-burning stoves, but on separate pieces of legislation. No conference committee has included this measure in the final versions of the bills approved by the Congress.

Also, wood stove credit legislation has been supported by both the Reagan and Carter administrations. Unfortunately, neither administration has used its authority to declare wood stoves eligible for the residential energy credit. Thus, Congress must again take the initiative and extend the energy credit to wood stove purchases through legislation.

We have only begun our battle to lower oil imports. Compared to only a year ago, we have achieved a significant reduction in oil imports. However, much of the drop is due to the recession, which has lowered the demand for oil. Once economic recovery is underway, we could easily see our oil import level rising. If the current world oil glut is temporary, as many analysts contend, we could again find our economic growth tied to the whims of OPEC's oil ministers.

We must continue to search for ways to reduce our dependence on foreign oil. The residential energy credit is perhaps the most important Federal tool used to encourage individuals to lower their fuel use. President Reagan has recently recognized this fact.

Last September, he indicated that he would seek repeal of the residential credit. The response from the American public apparently convinced him that such a move would be unwise, because he dropped this proposal from his recommended tax changes.

Unfortunately, the effectiveness of the credit has been limited because purchases of wood stoves are not eligible expenses covered by the credit. Homeowners in Maine, and in New England in general, have recognized the value of wood fuel. There is still a great potential for expanded use of wood fuel in the many homes that have yet to make significant conservation or alternative fuel investments.

Past studies have confirmed the cost-effectiveness of tax credit for wood. As a matter of sound national energy policy, Congress should extend the residential energy credit to wood stoves.●

By Mr. HEINZ.

S. 2164. A bill to provide greater flexibility in borrowing limitations for national banks; to the Committee on Banking, Housing, and Urban Affairs.

GUARANTEED STUDENT LOAN PROGRAM

Mr. HEINZ. Mr. President, I am today introducing legislation to remove a needless technical restriction severely hampering the guaranteed student loan program, a program vital to the interests of institutions of higher learning, students, and our Nation. This legislation would eliminate limitations on the amount a single bank can borrow from the Student Loan Marketing Association (Sallie Mae).

This Nation has the finest higher education system in the world. It provides equal access to education and can be considered one of our greatest sources of strength. In these difficult times our educational institutions are being called upon to produce the world's best educated students, to produce individuals who can master the intricacies of international trade and modern technology, in addition to solving domestic economic and social problems. Not only are our educational institutions being asked to meet this challenge but they are now being asked to do so in the face of soaring costs and decreased direct Federal aid.

Congress created Sallie Mae in order to encourage all banks to participate in the guaranteed student loan program. Sallie Mae increases the amount of funds available by a bank for student loans by accepting as collateral student loans the bank has already made. The bank in turn uses the new Sallie Mae funds for more student loans. This program has benefited tens of thousands of students struggling to finance their own education.

Sallie Mae operates in a manner similar to other Government sanctioned programs like the Federal National Mortgage Association (Fannie Mae) and the Export-Import Bank. However, unlike these other Government programs which support goals certainly no more important than the education of our youth, the guaranteed student loan program is hampered by the limitation governing how much a single bank can borrow from the program.

This legislation would not have the slightest negative impact on the soundness and safety of our country's banks and Congress has, in the past, lifted the limitation for other Government agencies. Surely the education of our students is a cause equally worthy of such treatment.

I therefore ask my distinguished colleagues to grant their full support for this important measure. We must continue to support equal access to education through the guaranteed student loan program and to encourage the Nation's banking institutions to continue to do their part.

By Mr. PELL:

S. 2165. A bill to amend the National School Lunch Act, to provide for the serving of nutritionally superior lunches under such act; to the Committee on Agriculture, Nutrition, and Forestry.

NUTRITIONALLY SUPERIOR SCHOOL LUNCHES

● **Mr. PELL.** Mr. President, today I am introducing legislation that would call for schools to provide nutritionally superior lunches as a condition for participating in the national school lunch program.

My proposal is modeled after the school lunch program in Fulton County, Ga. Students in the Fulton County School District receive well-balanced, tasty but nutritious meals. Rather than eating foods that are high in fat, sugar, and salt they enjoy whole, unprocessed foods that are high in vitamins and nutrients.

Recently the General Accounting Office completed a study of this and other alternative school lunch programs. They verified the nutritional quality of the lunch and concluded that good food does not cost more. In Fulton County, all students are charged 83 cents for their lunch. In other districts, elementary students pay 70 cents and high school students pay 90 cents. In my view, this is an investment that we should make and can afford to make.

Our country is one of the most affluent, but unfortunately, it does not lead the world in the quality of its diet. A good American breakfast has always included bacon and eggs. Traditionally, Americans were taught to think that no meal was really complete without a large serving of red meat. Until recently, butter has been preferred over margarine, and ice cream, candy and soft drinks are most of our children's favorite foods. In short, our affluence has promoted eating habits, generation after generation, which have contributed to needless and costly medical problems.

With all of our modern technology and in spite of the fact that 10 percent of our gross national product is spent on health care annually, our country still ranks 10th in life expectancy and 10th in infant mortality in comparison to other industrialized countries. The simple fact is that we are putting more and more of our health care resources into expensive equipment and treatment programs and our population is not a great deal healthier because of it.

The dietary habits and sedentary lifestyle of modern Americans represent a serious threat to public health. Recent scientific evidence has demonstrated that too much fat, too much sugar, or too much salt are linked to killer diseases. These findings have made it more apparent that in the future major advances in health will result not from the curing of disease, but from its prevention. There is no doubt that all of us can improve our health by exercising more and being more selective about what we eat.

Our deplorable eating habits begin in the cradle and our young people depend upon junk food as staples in their diet. We do not teach our children the importance of good nutrition and, too frequently, we do not set a good example in our own dietary habits.

Three decades ago the Federal Government decided to do something about our inadequately nourished children and established the national school lunch program. Schools that participate in the program receive a Federal subsidy in exchange for providing a "nutritionally adequate" lunch. Through the years many nutritionists and educators have commented on the nutritional adequacy of the school lunch and have criticized the sale of so-called competitive foods that are available in school cafeterias. In spite of all the evidence that has come to light in recent years about the harmful effect of too much sugar in young people's diets, many schools have continued to permit the placement of vending machines in their cafeterias, filled with candy, soda, and other snack foods.

A number of schools around the country have voluntarily raised the standards of their lunch programs. I would like to see this trend continued and am introducing today legislation that would amend the National School Lunch Act so that schools and school districts will have to provide their students with a nutritionally superior lunch as a condition of participation in the program.

To qualify, schools would have to offer their students low fat as well as whole milk. All breads would have to be whole grain. Meals would have to be low salt, low sugar and low fat. The sale of soft drinks, candy, and sweets would be strictly prohibited as opposed to current Agriculture Department guidelines that simply limit their availability. I am hopeful that over a period of years more and more children will participate in this new program. Providing a well-balanced, nutritionally sound meal for our schoolchildren should encourage them to adopt good eating habits early on and enable them to build strong bodies and strong minds.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 9 of the National School Lunch Act (42 U.S.C. 1758(a)) is amended to read as follows:

"(a)(1) Schools participating in the school lunch program under this Act must provide a nutritionally superior school lunch to its students. In order to meet the minimum requirements of a nutritionally superior school lunch, a school shall—

"(A) provide the following items in the lunches which it serves:

"(i) unflavored low fat fluid milk,

"(ii) at least 2 ounces (1½ ounces for children under 8 years of age), edible portion as served, of lean meat, poultry, or fish, or the nutritional equivalent in cheese, eggs, cooked dry peas, beans, or peanut butter, or the nutritional equivalent in any combination of such foods (to meet the requirements of this subclause such foods must be served in a main dish or in a main dish and one other menu item);

"(iii) two or more vegetables or a salad, or both;

"(iv) one slice of predominantly whole grain bread or a serving of cornbread, biscuits, or rolls, made predominantly of whole grain flour, whole grain pasta, or whole grain rice; and

"(v) fresh fruit, canned fruit (packed in water), or other item which does not contain refined sugar, for dessert;

"(B) plan its lunches with a low content of fat, sugar, and salt, and not put sugar or salt in containers on cafeteria tables;

"(C) limit competitive food items to those which are permitted under this paragraph to be included in the lunch;

"(D) ban from sale on school premises any product which contains artificial sweeteners or an excess of refined sugar, corn syrup, or salt, including, but not limited to, regular and artificially sweetened soft drinks, candy, chewing gum, ice cream, cake, pies, cookies, potato and corn chips, and pretzels;

"(E) offer in its cafeteria (during all hours of operation) one fresh fruit, at least one pure fruit drink, and low fat milk, and

(F) establish a nutrition council, as provided in paragraph (2), to oversee the nutritionally superior school lunch program and to recommend ways to improve it.

"(2) The nutrition council of any school referred to in paragraph (1)(F) shall be composed of members appointed by the principal of the school concerned and may include the principal, a dietitian, school athletic director, a student representative, and such other members as the principal may consider appropriate.

"(3) Each school system shall have the authority to develop portion quantities for food items required by subclauses (i), (iii), (iv), and (v) of paragraph (1)(A) in order to meet the food and nutritional needs of children according to their ages, to reduce plate waste, and to insure that the lunches provided are more cost effective.

"(4) The Secretary shall, within one year after the date of the enactment of the Agriculture and Food Act of 1981, prescribe such regulations as the Secretary considers necessary to administer the provisions of this subsection and shall include in such regulations procedures necessary to insure that all schools participating in the school lunch program are complying with the provisions of this subsection.

"(5) Nothing in this subsection shall be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students." ■

By Mr. COHEN:

S.J. Res. 155. Joint resolution redesignating the St. Croix National Monument in the State of Maine as the "St. Croix Island International Historic Site"; to the Committee on Energy and Natural Resources.

ST. CROIX ISLAND INTERNATIONAL HISTORIC SITE

Mr. COHEN. Mr. President, today I am pleased to introduce legislation which would designate St. Croix Island, which is located in Passamaquoddy Bay at the boundary of Maine and New Brunswick, Canada, as an international historic site.

In recognition of the historical significance of the area, St. Croix Island National Monument was authorized by Congress on June 8, 1949, "for the benefit of the people of the United States." The monument is administered by the superintendent of Acadia National Park in Bar Harbor, Maine. Because of the unique geographical location of the island, and because of its importance to Canadian history, it is only appropriate that its status as a national monument be broadened to recognize its international historic significance.

In 1964, Canada contributed to the development of Campobello Island in New Brunswick as an international historic site to help the United States commemorate one of our great leaders—President Franklin D. Roosevelt. It is equally fitting that the United States now cooperate with Canada in recognizing the significance of a U.S. island, that was the site for one of Canada's first European settlements. Recently, Canadians and Americans joined together at Red Beach, Maine, to dedicate an interpretive shelter recognizing St. Croix Island as a natural and historic landmark. In the near future, New Brunswick will build an interpretive center on the opposite shore for the same purpose—to tell the story of the first settlement of St. Croix Island, which many historians regard as the beginning of Canadian history.

Settled by French explorers Champlain and Sieur de Monts, St. Croix Island was one of the first of several European settlements north of Florida. During the summer of 1604, a diverse group of 150 settlers traveled over 3,000 miles to found a permanent French colony in North America. The company was an unusual mixture of men of both the noble and working classes. In June of that year, the group came to Passamaquoddy Bay and sailed up the St. Croix River. They came upon an island which Champlain described as covered with firs, birches, maples, and oaks, and "by nature very well situated." De Monts named the island "St. Croix," because just above it two long coves met with the river to form a cross.

After sending two of their large ships back to France for reinforcements, 79 colonists remained behind to settle the island in the harsh wilderness in the winter. By year's end, nearly half the population had perished due to the harsh winter and the absence of rations.

A search for a better site for the settlement ended across the Bay of Fundy at Port Royal, near the present town of Annapolis Royal. Soon the basic framework of the principal dwellings at St. Croix was moved to Port Royal, and the island was abandoned.

During the next 2 years, people from Port Royal occasionally returned to visit the island, which came to be known as Dochet Island. Only in 1789, when the boundary between the United States and Canada was being determined, did the boundary commissioners rediscover the old name.

In later years the island served as a neutral meeting place during the War of 1812 for British and American officials, and as a farm. The St. Croix River Light, established in 1857, is still maintained by the Coast Guard as a navigation beacon.

When the 1796 boundary commission—an outgrowth of the Treaty of Paris that ended the American Revolutionary War—drew the boundary line, the negotiators placed the island on the U.S. side.

Later St. Croix Island came into private ownership. The turn of the century brought farming, and the U.S. Government built a lighthouse. The half public, half private relationship remained in effect until the National Park Service acquired it for the establishment of the National Monument.

Last year the National Park Service, in cooperation with the Canadian Department of the Environment, published a summary of public comments and suggestions regarding the recognition of the international significance of the island following a series of open houses. Many groups and individuals found the proposal to recognize the international historic significance of the island, and to commemorate the significance through a memorandum of understanding between the two countries, to be an excellent idea.

St. Croix Island is also important in Maine history, especially to the sizable Franco-American and Acadian population for whom the French language and traditions are still part of daily life after more than 375 years.

The legislation I am introducing today would continue the management of the island under the National Park Service. It would declare the island to be an international historic site and encourage both Canada and the United States to work together to preserve one of the most important remaining monuments to Canadian and American history.

ADDITIONAL COSPONSORS

S. 1840

At the request of Mr. DURENBERGER, the Senator from Indiana (Mr. LUGAR), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 1840, a bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange students as members of the taxpayer's household.

S. 2000

At the request of Mr. ROBERT C. BYRD, his name was added as a cosponsor of S. 2000, a bill to amend title II, United States Code, to establish an improved basis for providing relief under chapter 7, and for other purposes.

S. 2020

At the request of Mr. KASTAN, the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 2020, a bill to amend the Internal Revenue Code of 1954 to provide that the individual income tax rate reductions enacted by the Economic Recovery Tax Act of 1981 for 1982 and subsequent years shall take effect 6 months sooner than scheduled under the act.

S. 2107

At the request of Mr. LEVIN, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2107, a bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reason of the amendments made by section 2210 of the Omnibus Budget

Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, to extend from August 1985 to August 1986 the month before which any such entitlement terminates, and to require the Secretary of Health and Human Services to notify all individuals who are entitled to childs benefits under title II of the Social Security Act for the month in which this act is enacted of the changes made in the eligibility for, and the amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this act.

S. 2151

At the request of Mr. ROBERT C. BYRD, the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 2151, a bill to amend the Internal Revenue Code of 1954 to include modifications to chlor-alkali electrolytic cells in credit for investment in certain depreciable property.

SENATE JOINT RESOLUTION 142

At the request of Mr. ROBERT C. BYRD, his name was added as a cosponsor of Senate Joint Resolution 142, a joint resolution to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

At the request of Mr. SPECTER, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 142, supra.

SENATE JOINT RESOLUTION 146

At the request of Mr. RIEGLE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 146, a joint resolution to require the Director of the Office of Management and Budget to prepare and transmit to the Congress a report specifying the geographic distribution in the United States of outlays by the Government.

SENATE JOINT RESOLUTION 148

At the request of Mr. HELMS, the Senator from Mississippi (Mr. STENNIS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New York (Mr. D'AMATO), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of Senate Joint Resolution 148, a joint resolution to proclaim March 18, 1982 as "National Agriculture Day."

SENATE RESOLUTION 266

At the request of Mr. WEICKER, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of Senate Resolution 266, a resolution to declare March 1, 1982, as "National Day of the Sea."

SENATE RESOLUTION 325

At the request of Mr. DIXON, the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Resolution 325, a resolution expressing the sense of the Senate that a supplemental appropriation should be enacted to restore full funding of the WIN program.

AMENDMENT NO. 1267

At the request of Mr. DECONCINI, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 1267 intended to be proposed to S. 1080, a bill to amend the Administrative Procedures Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs; to provide for a periodic review of regulations; and for other purposes.

SENATE RESOLUTION 331—RESOLUTION RELATING TO DECONTROL OF NATURAL GAS

Mr. CHAFEE submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

SENATE RESOLUTION 331

Whereas accelerated decontrol of natural gas prices at the wellhead would have a seriously damaging effect on the Nation's economy, deepening the current recession and increasing inflation;

Whereas such decontrol would result in the loss of hundreds of thousands of jobs;

Whereas such decontrol would cost consumers tens of billions of dollars, with a disproportionate impact on the elderly and others on fixed incomes; and

Whereas such decontrol would adversely affect major sectors of the economy, including agriculture, public services, and small business: Now, therefore be it

Resolved, That it is the sense of the Senate that the Federal Energy Regulatory Commission should take no action to accelerate the decontrol of wellhead natural gas prices.

RESOLUTION OPPOSING ADMINISTRATIVE DECONTROL OF NATURAL GAS

● Mr. CHAFEE. Mr. President, today I am submitting a resolution expressing the sense of the Senate that the Federal Energy Regulatory Commission (FERC) should take no action to accelerate the decontrol of wellhead natural gas prices.

I am very concerned about the negative effect that accelerated decontrol of natural gas prices would have on our economy and, particularly, in certain regions of the country such as the Northeast United States.

On a nationwide basis, accelerated decontrol could cause residential gas bills to double and result in the loss of 3.4 million jobs between 1982 and 1985, while adding two to three points to the rate of inflation. Needless to say, decontrol would have a particularly devastating effect on our elderly citizens and those citizens on fixed or low incomes.

In my home State of Rhode Island, immediate decontrol would add approximately $400 a year to the fuel bill of the average homeowner using natural gas. The increases in the gas bill of the average commercial and industrial users could be as much as $1,700 per year. This cost increase would have a very devastating effect on the economy of Rhode Island, since there are about 113,000 residential gas customers and nearly 9,000 industrial and commercial users in the Providence area alone.

Mr. President, I was very pleased when earlier this week President Reagan announced that he would not seek legislation to speed the decontrol of natural gas. I believe that this was a wise decision, and I praised him for it.

However, I am concerned that those who continue to favor accelerated decontrol will try to achieve that objective through administrative rulemaking by the Federal Energy Regulatory Commission. That is why I believe that we in the Congress must let the administration and the Federal Energy Regulatory Commission know that we oppose accelerated decontrol through administrative rulemaking.

I urge my colleagues to support this resolution.●

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. COHEN. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Select Committee on Indian Affairs.

The hearing is scheduled for Monday, March 8, 1982, beginning at 9:30 a.m., in room 6226 of the Dirksen Senate Office Building. Testimony is invited regarding S. 1858, a bill to declare that the United States holds certain lands in trust for the Washoe Tribe of Nevada and California and to transfer certain other lands to the administration of the United States Forest Service; and, oversight on impact aid as it affects Indians.

For further information regarding the hearing you may wish to contact Timothy Woodcock or Max Richtman of the committee staff on 224-2251. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Select Committee on Indian Affairs, U.S. Senate, Washington, D.C. 20510.

ADDITIONAL STATEMENTS

REUNIFICATION OF CHINA

● Mr. GOLDWATER. Mr. President, I recently read a thoughtful article about Red China's so-called peace offensive which appeared in the winter

1982 issue of Policy Review by Philip Lawler of the Heritage Foundation.

Mr. Lawler makes clear that Peking's reunification effort is just the latest attempt by mainland China to bring Taiwan under its control. The negative aspects of Red China's offer far outweigh any advantages and would mean the end of Taiwan's steady progress with democracy and capitalism.

Mr. President, I submit for the RECORD a condensed version of his article, which Mr. Lawler prepared.

The article follows:

EAST MEETS EAST

(By Philip Lawler)[1]

Imagine that you own a small, growing, prosperous business. Your profits have been rising steadily for years, despite some adverse economic conditions. Although your company remains very small, you have begun to compete with the behemoth corporations in your field.

Now imagine that the largest of these behemoths, a sadly mismanaged and indebted outfit, proposes a merger. Behemoth Corp. suggests that your company will become their subsidiary; you yourself will be made a Vice President of Behemoth. Your firm will keep manufacturing the same product, and you will keep running the business. But of course your profits will be sucked into Behemoth's coffers, to offset their oppressive debts.

Does that merger sound attractive to you? If it does, you should be interested in the recent talk about reunifying China by allowing the People's Republic of China to annex Taiwan.

This past October, the Peking government made a straightforward "peace offer" to their rivals on Taiwan. The island of Taiwan would become a province of the communist People's Republic. But unlike othe provinces, Taiwan would retain its own capitalist economy, its own democratic political system, and its own armed forces. Peking made only three demands as conditions for reunification talks: Taiwan must abandon its claim to be the legitimate government of China, must accept the Communist flag as its national symbol, and must accept the leadership of Peking in international affairs.

Writing in the Wall Street Journal the day after the public reunification offer, Robert Keatley described the terms as Peking's "most generous offer yet." And indeed it was. But previous offers were not particularly generous. As Taiwan's President Chiang Ching-kuo pointed out, "At one time they clamored for 'washing Taiwan in blood.'" To no one's surprise, Chiang dismissed the offer immediately, branding it as pure propaganda.

On Taiwan, serious debate about reunification is impossible; it is a criminal offense to advocate accommodation with the Communists. But even if such a debate could occur, it is difficult to marshall arguments that could convince the Nationalist regime to negotiate with the mainland. Politically, culturally, and economically, the differences that separate the two Chinas are enormous, and they are steadily growing.

Politically, the Nationalist government is pledged to the overthrow of the Communist regime. More than that, it is the promise of regaining the mainland that fuels patriotic fires on Taiwan. Mistrust for the Communists is endemic on Taiwan, because the promise to bathe Taiwan in blood rings true to Peking's history. The death toll from Mao's Cultural Revolution runs into the millions. Peking's current strongman, Teng Hsiao-p'ing, is an avowed admirer of Stalin. The leader of Peking's widely publicized movement toward democracy, Wei Ching-sheng, is now serving a 15-year prison term. None of this is lost on the people of Taiwan.

But the political differences between the two Chinas may be easier to overcome than the growing cultural gap. In their 32 years in power, the Communist rulers have done everything they can to obliterate the customs and teachings that constitute traditional Chinese culture, while their Nationalist competitors have taken extraordinary pains to conserve and enrich those traditions.

Still, on a purely practical level, the most reliable argument against reunification is economic. Taiwan, as virtually everyone knows, is one of the world's greatest showcases of successful economic development. Since World War II, per capita income in Taiwan has increased by almost three thousand percent; life expectancy has increased by 15 years; infant mortality has plummeted by 400 percent. Even if one uses the most optimistic projections about economic growth on the mainland, and the most pessimistic projections about Taiwan, the Nationalist per capita income for the year 2000 figures to be triple that of the mainland.

To repeat, that 3-1 ratio is based on the most conservative available figures. A prudent investor would notice ample indications that the conservative figures are misleading. The mainland's plans for modernization have run afoul of predictable problems; Peking has defaulted on several cooperative ventures with Japanese industries, and prospects for renewed Japanese participation are bleak. Meanwhile, a generation of massive capital projects has come of age in Taiwan. The economy's vital signs are robust: unemployment is an infinitesimal 1.2 percent, and the rate of inflation (despite Taiwan's total reliance on imported energy) is a paltry 6 percent for 1981.

Taiwan has survived—and boomed—without benefit of the mainland's marvelous natural resources. And although the prospect of easy access to those resources is certainly inviting, the negative ramifications are still more imposing. The billion people of the mainland could easily soak up all the wealth of Taiwan, without even moving themselves out of poverty. In short order, a "unified" government would have milked all the riches out of Taiwan, thereby ending the capitalist experiment. In all likelihood, the island's experiment with democracy would end soon thereafter.

Unfortunately, the Government of Taiwan has no rhetorical answer to Peking's reunification offers. So to some extent Peking has already been successful in portraying itself as the conciliatory party, with Taiwan as the intransigent trouble-maker. Taiwan can call for the overthrow of the Communists, and cite the successes of its free economic and political system, but it cannot offer any real hope for reunification of China under its own terms. So Peking has grabbed the advantage in the propaganda war.

Today, even within the Reagan administration, one hears the voices of sympathy for the Communist initiative. Administration officials are not allowed to surface in Taiwan. The State Department insists on the importance of the "China card," invariably meaning closer cooperation with Peking. The Secretary of Agriculture tells Congress that mainland China is "potentially" our biggest market for food exports. (As indeed it is—potentially. But can it pay?) American policy today assumes the goodwill of our fellow democrats on Taiwan, and curries the favor of the totalitarian state that threatens to engulf them.●

THE OVSISCHER FAMILY

● Mr. DIXON. Mr. President, I rise today to extend my support to Col. Lev Ovsischer and his wife, Nadya, Soviet Jews whose only desire is to emigrate to Israel to rejoin their daughter. For more than 11 years, the Ovsischers have been denied this basic humanitarian right by Soviet officials, but during this period, Lev and Nadya have not been deterred from their path.

Nor have the Ovsischers' friends abroad forgotten about their plight. On March 5, 1982, families from five countries, including six American cities, will commemorate the occasion of the Ovsischers' first application for an exit visa.

But, March 5 is an imporant date for another reason, as well. On that day, 39 years ago, 5,000 Minsk Jews were slaughtered by the Nazis. We, in the free world, must never forget the tragedy of World War II.

It is therefore fitting that we should also remember the plight of those less fortunate than ourselves—people who only desire to be free from the bonds of political persecution in the Soviet Union.

I have previously written to Secretary Brezhnev in behalf of the Ovsischer family. Again today, I join with the friends of Lev and Nadya Ovsischer in hoping that one day the Kremlin will allow them to emigrate.●

THE CARIBBEAN BASIN INITIATIVE

● Mr. JEPSEN. Mr. President, I want to express my strong support for the President's program of economic support for the Caribbean Basin countries. This is a program which is of great importance to the national interest, and I urge my fellow Congressmen to pass it quickly.

For too long we have thought of the countries of the Caribbean Basin as small and unimportant and have taken for granted our long history of friendly cooperation with that region. However, I now think that many citizens are becoming aware of how important this area is to our own security and well-being. Many of the goods which enter the United States, including three-fourths of our oil imports, pass through this area. Just imagine what disturbance would result in our economy if we should have a string of governments in that region which are unfriendly to our interests. Just imagine what disturbance would result to our society if economic conditions in the Caribbean Basin got so bad that masses of people feel compelled to leave and to seek a better life for themselves here in the United States. When we talk about a crisis in the Caribbean Basin we are not talking about some faraway problems, but about problems that can directly affect the way we all live. If you see smoke coming out of the windows of the house next door, you don't sit around and talk about how sad it all is, you do something about it.

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[1] Philip Lawler is the Director of the Department of Studies at the Heritage Foundation.

I think the President has put together a good program to do something about it. For the first time, we are proposing a comprehensive and integrated program. I think one of the reasons we have had so many problems in our aid policies in the past has been that we have isolated the aid element from our other policies in trade and investment, and the Government has acted separately from the private sector. This program makes sure that the different parts of the U.S. Government are not acting independently and at cross-purposes. And for the first time we will be making a real effort to work together with the private sector. Parts of this program are aimed at immediate critical problems, like the emergency supplemental aid request. Other parts of the program are designed for a longer term impact, like the trade and investment aspects. Taken as a whole I think we will see a real impact from this program. As the old saying goes, the whole is greater than the sum of its parts.

I am encouraged also that this is not just a U.S. program but part of a coordinated international effort. Secretary Haig and Ambassador Brock have been talking to our neighbors in North America—Canada and Mexico—to countries in the Caribbean Basin; to other potential donor countries in the region like Venezuela; and to the other industrialized countries, like Europe and Japan. And the international financial institutions have put together a framework to coordinate all these efforts. It is good to see that not only are other countries contributing to resolving the problems of this area but that we are all doing it together.

Of course, the ultimate responsibility for making this program work lies with the people in the Caribbean Basin themselves. We, and other outside sources, can provide some of the resources to help these countries through their present crises and to start them on the road to a self-sustaining economic progress. But most of the work has to be done by the countries themselves. And it is painful work. They need to reform some longstanding policies and economic structures. But they are ready to do so.

I think we should help these people help themselves. In the end if they help themselves and get themselves onto that road toward long-term economic progress, they will be making this hemisphere a better place for all of us to live in. And that is worth our support.

Again I strongly urge my colleagues to pass this program, to pass it quickly, and to pass it without undermining the careful balance in the program that makes it the most effective assistance and development program that we have seen so far.●

MEXICO AND EL SALVADOR

● Mr. GOLDWATER. Mr. President, at various times over the years, Mexico seemingly goes out of its way to irritate the United States. One area which constantly arises as a point of contention is Mexico's recognition and support of Latin American Communist movements. In a recent article for the Wall Street Journal, Prof. Marvin Alisky suggests that perhaps the leaders of Mexico may have ulterior motives behind their foreign policy announcements. As one who has spent years involved with Central and South American affairs, Professor Alisky is well qualified to speak on these matters. In his article, he speaks to the problem that we seem to have in understanding Mexico and the opposite sides of the fence that we frequently find ourselves. Professor Alisky suggests that Mexico's position of supporting leftist revolutionaries is as much a part of their own history as it is a way to co-opt the growth of any such movement in Mexico. While we may not like this very much, the fact is that this may well be one method of defusing a potentially explosive situation within Mexico. I would commend this article to my colleagues and, Mr. President, I ask that it be printed in the Congressional Record.

The article follows:

Why Mexico Supports El Salvador's Rebels

(By Marvin Alisky)

Mexico's next president, Miguel de la Madrid, candidate of the dominant Institutional Revolutionary Party (PRI), recently stated that his government will continue to support El Salvador's leftist groups. He backs the Democratic Revolutionary Front and the Farabundo Marti National Front as a representative political force even though these guerrilla groups are Marxist-led and militarily attack El Salvador's Christian Democratic junta government of President Jose Duarte.

Inasmuch as the PRI has not lost an election since 1929, Mr. de la Madrid will win election to Mexico's presidency July 4 and will take office December 1, continuing President Jose Lopez Portillo's policy toward El Salvador, where the leftist fronts are partly armed and partly funded by Cuba and the Soviet Union. The Duarte government's principal foreign aid and military supplies come from the United States.

Why do Mexico's leaders support the Salvadoran leftist fronts? Latin America's most full-fledged democracies, Venezuela and Colombia, support the Salvadoran government and reject these fronts. So does the rightist government of Argentina. Mexico does not follow the lead of Buenos Aires but has been influenced greatly by Caracas on many foreign policy positions in recent years. And in 1980 Mexico agreed to sell jointly with Venezuela all the petroleum El Salvador needs at reduced prices to help the smaller nation's economy.

Mr. Duarte's government has expropriated banks and large farms, trying to begin reforms, but guerrilla fighting has negated any chance for short-term economic help for the working class.

The factors that turn Mexico against the Salvadoran government are not economic, but emotional and symbolic. Mexico's leaders want to retain their own nationalistic continuing version of social reform for themselves and the Mexican Revolution, but they cannot seem to distinguish in foreign nations between nationalistic struggles for social revolution and those revolutions guided and aided by clients of the Soviet Union.

Ever since its own struggle for "land, bread and justice" during 1910 to 1920, Mexico has spelled the Revolution with a capital "R," to distinguish it from prior revolts for political power. The Revolution means an institutionalized series of social reforms, welfare programs, and a mixed public-private economy with the government a partner in many industries and the owner of others (including petroleum, electric power, railroads and motion pictures).

Fortunately Mexico started its own Revolution seven years before the Bolsheviks came to power in Moscow. By the time the Communists in the Soviet Union had stabilized their power at home and began encouraging a collectivized world in which they might trade to better advantage, the Mexican Revolution had grown into a nationalistic success.

In the 1920s, Mexico's leaders eclipsed attempts by Communists to gain leadership in the Revolution or even to encroach upon its home-grown formulas and slogans. In 1921, when the governor of the state of Yucatan, Felipe Carrillo Puerto, also head of the Mexican Socialist Party, tried to convert the Revolutionary leaders in his state to the new Communist Party, President Alvaro Obregon sent an army to change his mind. The Marxists were decimated. The pattern was repeated whenever the Revolutionary coalition was challenged.

This Mexican Revolutionary coalition now includes the dominant PRI, the top levels of federal and state government administrators, officials of the Mexican Federation of Labor and leaders of the Federation of Industrial Chambers and of the Federation of Chambers of Commerce; the last two represent organized management. No politician has been able to gain office since 1917 without publicly pledging allegiance to the Revolution.

The mystique of the Revolution has acquired a foreign-policy posture: organized forces claiming to fight for a social revolution anywhere in Latin America have a claim on Mexico's sympathy. Primary and secondary school textbooks, poems, radio soap operas, essays and novels all reiterate that view.

Publicly most Mexican leaders follow Lopez Portillo's assertion that Mexico, blessed with its own successful Revolution, must sympathize with other social revolutions, to better the lives of workers and farmers elsewhere in Latin America. Privately some Mexican leaders concede that if Marxists should consolidate power in El Salvador and Nicaragua, those nations in the future may find Mexico's oil fields a tempting target. Mexico's 72 billion barrels of petroleum reserves lie largely in its southernmost states, separated from El Salvador only by Guatemala, which is also facing prolonged revolutionary struggle.

Privately some Mexican leaders further concede that despite such a future risk, Mexico's immediate need is to co-opt its own alienated left, including millions living at a marginal level of malnutrition and poverty. Some 40% of rural workers are unemployed, and a majority of Mexicans continue to have their purchasing power erode. Inflation worsened from 24% in 1979 to the current rate of 27%.

The U.S., with its inadequately guarded border, provides an escape valve against a violent explosion in Mexico by draining off millions of undocumented Mexicans, who find temporary jobs north of the border and repatriate millions of dollars to their families at home.

Despite vigorous efforts by the Mexican government with more than 5,000 Family Planning Centers providing free contraception services since 1973, the annual population increment has been reduced only from 3.6% to 3%. Some 800,000 youths try to enter the Mexican job market unsuccessfully each year.

So the Mexican left must be placated. And therefore Lopez Portillo continues to sound sympathetic towards leftist political forces elsewhere in Latin America, while keeping a close watch on those inside Mexico. His administration has managed to keep the Marxist forces divided into three small political parties, the Popular Socialist Party, the Communist Party of Mexico and the Socialist Workers Party. The Revolutionary coalition heads off all attempts to merge these groups by offering each group's leaders a few seats in a relatively powerless Congress, in a government properly labeled executivism.

Periodic praise by Lopez Portillo for Fidel Castro and for the Sandinistas has also helped discourage the growth of Mexican guerrilla groups. Prospective rebels are told on radio and TV that the government they are asked to fight already endorses for Latin America the principles for which they otherwise might have been tempted to risk their lives. The Mexican government's pronouncements may be more cosmetic than substantive but they have discernible impact on uncommitted Mexicans.●

EXPORT TRADING COMPANIES ARE NECESSARY—III

● Mr. **HEINZ**. Mr. President, as I said yesterday, it is clear large-scale Japanese trading companies are unlikely to be created as a result of the Export Trading Company Act. It is also clear, however, that current law prohibits even the most modest steps in the necessary direction of bank involvement in trading companies. The following excerpt from Franklin Cole's article, "Establishing American Trading Companies," which appeared in the Northwestern Journal of International Law and Business, autumn, 1980, explains why such steps are necessary.

The excerpt follows:

Current Barriers to the Formation of U.S. Export Trading Companies

It seems fair to say that the sogo shosha model could not be followed identically in the United States, for a number of reasons, some having to do with the normal practices of American manufacturers,[48] and some having to do with the degree to which the sogo shosha's strength may rest on socially and culturally founded Japanese business habits that might not be viable here.[49] In addition, legal barriers, principally in the form of U.S. banking laws and regulations, have precluded the formation of effective export trading companies in the United States.[50]

U.S. banking laws and regulations issued over the last sixty years have established and implemented a general policy of separating banking from commerce within the United States.[51] Certain of these provisions have restricted the ability of banking organizations from participating in export trading companies.[52] For example, Edge Act corporations are prohibited from investing in any corporation "engaged in the general business of buying or selling goods, wares, merchandise or commodities in the United States."[53] The Glass-Steagall Act generally prohibits a national or state member bank from acquiring for its own account "any shares of stock of any corporation."[54] The Bank Holding Company Act of 1956 generally prohibits a bank holding company from engaging in non-banking activities or from owning or controlling shares of any company that is not a bank.[55]

The Bank Holding Company Act does make numerous exceptions to the prohibition of "nonbanking activities." The most important exception allows bank holding companies to start or acquire non-banking activities which are "so closely related to banking as to be a proper incident thereto" and which produce "public benefits."[56] It is witnin this limited exemption that banks and bank holding companies have served the economy outside of the traditional sphere of commercial banking.[57] While the

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[48] Sogo shosha are not active in products that call for after-sales service, such as automobiles, cameras, and consumer electronics. In these lines the manufacturers do much more trading, as is done in the U.S. Young, *supra* note 22, at 100; U.S.-Japan Trade Council, *supra* note 30, at 1. Further, sogo shosha are so highly leveraged that, in the words of even the optimistic Professor Young, "[w]estern financiers without previous experience with the sogo shosha all shudder in disbelief when they read the trading concerns' financial statements." Sogo shosha borrow 97% of their total capital and operate at nearly 1:1 assets-liabilities ratio. Young, *supra* note 22, at 72-74. As a banker I cannot object to Professor Young's characterization. He maintains, however, that the sogo shosha have been operating this way since the early 1950's, *id.*, and his data for fiscal 1976 show an average profit on equity for the nine firms of 24% and an average annual dividend of 12%.

[49] Any fair study of "company style" (*shafw*), institutionalized business entertainment (*Hito no kokoro wa joru wakaru*—"You get through to a man's soul at night"), the interplay of revealed position (*tatemae*) and true intention (*honne*), the relationships between persons who stand as elders (*oyabun*, literally "parents" and also meaning mentors/teachers/superiors) and those who defer to them (*kobun*, literally "children" and also meaning protégés/pupils/juniors), and so on, is beyond the scope of this short article, if not beyond the grasp of this author. However, those who appear to understand Japan insist that these matters are of modern and crucial importance in Japan today. *See* Business in Japan, *supra* note 22, at 268-87, 46-48, 88-110; Yanaga, *supra* note 22, at I-29; *see generally*, Nakane, *supra* note 22. One must acknowledge that manner may be an indispensable foundation of method.

[50] Many businessmen have seen another legal barrier to the formation of export trading companies (ETCs) in American antitrust laws. ETCs need to deal with and represent a large number of manufacturers. Generally, the products traded will at most be complementary, but on occasion products may be in competition for the same foreign order. The applicability of our antitrust laws to this situation is unclear. Title II of the Export Trading Company Act of 1980 proposes to clarify the antitrust requirements applicable to export trade associations by revising certain language in the Webb Pomerene Act of 1918 and by providing a certification procedure, administered by the Department of Commerce, enabling ETCs and other such associations to receive antitrust clearance for specified export trade activities. *See* S. REP. No. 735, 96th Cong., 2d Sess. 13-17 (1980).

[51] Though federal regulation of banking reaches back to the National Currency Act of 1863, ch. 58, 12 Stat. 665 (1863) and beyond, federal regulation over both state and federally chartered banking institutions properly commenced in 1913 with the formation of the Federal Reserve Board under the Federal Reserve Act, ch 6, 38 (part 1) Stat. 251 (1913). American banking regulations should not be taken to be a consistent whole. "In [the regulation of banking by the federal government], through accidents of history in conjunction with understandable human failings, a situation exists that has never been paralleled, so far as I can ascertain, in terms of complexity, confusion, irrationality and difficulty of administration." Robertson, *Federal Regulation of Banking: A plea for Unification*, 31 LAW & CONTEMP. PROBL. 673, 673 (1966); *see* White, Banking Law (1976); Chase, *The Structure of Federal Regulation of Depository Institutions*, in House Comm. on Banking, Currency & Housing, 94th Cong., 2d Sess., Financial Institutions and the Nation's Economy (FINE), Compendium of Papers Prepared for the FINE Study 145 (Comm. Print 1976).

[52] Senator Stevenson notes there are some 16 different limits on the degree to which banks and bank holding companies can participate in trading companies. *Export Trading Companies; hearings and Markup on H.R. 7230 before the Subcomm. on Int'l Policy and Trade of the House Comm. on Foreign Affairs*, 96th Cong., 2d Sess. 5 (1980).

[53] 12 U.S.C. § 615(a) (1976 & Supp. III 1979). Edge Act subsidiaries can engage directly in such international banking operations as accepting deposits from foreign parties, issuing or confirming letters of credit, extending loans, creating bankers' acceptances, purchasing and selling securities, and engaging in foreign exchange trading. Edge Act subsidiaries can also make equity investments *abroad*, and engage in international investment banking. 12 U.S.C. § 615(c) (1976).

[54] 12 U.S.C. § 24 (1976). Bank failures and liquidations of the early 1930's, blamed chiefly on the agricultural depression and alleged abuses of authority by bank managements in stock market speculation, led to the formation of the Federal Deposit Insurance Corporation (FDIC) under the Glass-Steagall Act.

[55] 12 U.S.C. § 1843(a) (1976 & Supp. III 1979).

[56] 12 U.S.C. § 1843(c)(8) (1976 & Supp. III 1979) directs the Board in determining whether a particular activity proposed by a bank is incidental to banking to consider the benefits to the public of the proposal, such as greater care, increased competition, or gains in efficiency. These benefits are to be balanced against possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.

[57] By traditional commerical banking the author means the operation of a place where credits are opened by deposit or collection, subject to payment or remittance upon draft, check or order, and where money is advanced or lent, or promissory notes received for discount or sale.

Federal Reserve Board has found a certain range of activities to be "closely related" to banking and thus open to investment by banking organizations,[58] it is clear that banks and bank holding companies cannot engage in the purchase and sale of inventories or in the operation of a warehouse, docking or transportation facilities, except as a result of the acquisition and operation of such a business on a temporary basis through foreclosure of a debt previously contracted,[59] or as a less than five percent equity owner of such business.[60]

The underlying purpose of the special regulation of banking organizations is to insure their soundness, so that public depositors may be protected against the risk of bank failure. Banking organizations have been kept separate from other lines of business primarily to help regulators issue guidelines to banks as financial intermediaries.[61] However, while administrative ease and efficiency in regulatory oversight are important objectives, the separation of business and commerce is not sacrosanct.[62] Other means of guaranteeing the soundness of financial institutions exist, such as controls on a banking organization's financial exposure in an affiliated company, controls on insider misconduct, and deposit insurance.[63] Regulatory authorities should select the least restrictive form of regulation that still satisfies the underlying purpose for their oversight and control. Maintenance of a barrier between banking and commerce for the mere sake of tradition appears to be neither consistent with the underlying purpose of regulatory oversight, nor appropriate to the international economic challenges in our non-traditional times.

U.S. banking organizations should be allowed to participate in the formation and operation of American trading companies. Banking organizations can offer both the substantial financial resources and the support facilities and services which appear essential if export trading companies are to be rapidly formed on a scale sufficient to affect overall U.S. export levels.

Banking organizations are the principal U.S. institutions with the capital and lending capacity needed to help organize and operate American trading companies. The penetration of foreign markets carries high overhead costs and requires long-term capital commitments.[64] To bid competitively and move goods quickly, trading companies must also have access to ready short-term capital reserves.[65] While some export financing could be made available through the Export-Import Bank, the bulk of new export financing must come from private commercial banks.[66]

Since the finance component of an export sale is sometimes the most important, export trading companies must be knowledgeable in international export financing.[67] U.S. banking organizations already have considerable expertise in the broad range of international export financing options. Their participation in American trading companies could promote the trading companies' sophistication in structuring competitive financing options.

U.S. banking organizations also already have an extensive domestic retail banking network which reaches a large number of the small and medium sized companies that manufacture exportable products.[68] This network could supply that important introductory link between trading companies and potential American exporters which the Japanese were only able to provide through reliance on loosely structured "enterprise groups."

Many U.S. banking organizations have already developed an overseas network of branch banks, affiliates, and foreign correspondent banks. These firms, linked by global communication networks much like those successfully employed by the Japanese trading companies, now acquire detailed knowledge of local economic conditions, government policies, foreign exchange regulations, and business practices.[69] American banks could thus provide a tremendous reservoir of information, talent and experience that would take new trading companies years to develop on their own.[70]

Finally, U.S. Banking organizations could encourage and help American exporters develop a longer-term view of their presence in the international marketplace,[71] providing the leadership which mere passive government assistance cannot.

The participation of U.S. banking organizations could thus significantly accelerate the development, and enhance the viability of Amerian trading companies. The challenge in allowing such participation will be to balance the traditional concerns that underlie U.S. banking laws against the capacities that American trading companies must posess in order to achieve a strengthening of the export trade of this country. This is the challenge to which the Export Trading Company Act of 1980 attempts to respond.●

AFDC HEARINGS

● Mr. MOYNIHAN. Mr. President, on February 26, 1982, John E. Jacob, president of the National Urban League, announced that the League will hold hearings in 16 cities on Mar. 8, 1982, to investigate the Aid to Families with Dependent Children (AFDC) program. I heartily commend them.

When announcing those hearings, President Jacob stated:

> Children are the poorest age group in the United States. Therefore, we believe that it is imperative that we understand the consequences of (the proposed AFDC budget cuts) before either Congress or the administration proceeds further.

Mr. Jacob is correct on both counts. Children are indeed the poorest, most vulnerable members of society, and AFDC is first and foremost a program for children. Of the 10.3 million individuals receiving AFDC benefits in 1979, only 3.1 million were adults; 7.2 million were children; 4.2 million of them under the age of 10.

The typical AFDC recipient is a child living in a fatherless home. Fatherless for any number of reasons: death, desertion, divorce, illegitimacy. But a child, nevertheless.

The number of such children is growing. According to data that I published in the spring issue of the Journal for Socioeconomic Studies, approximately one-third of the children being born this year will live in a female-headed household that receives AFDC benefits before their 18th birthday. One child in three. That makes AFDC second only to public education as the Government program with the widest impact on American children.

Recent history is not encouraging. Only 7 percent of the children born in 1940 could expect to spend a portion of their minority in a female-headed household receiving AFDC benefits. Seventeen percent of those born in 1950. Twenty-two percent of those born in 1960.

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[58] 12 C.F.R. § 225.4(a) (1978). Generally, these activities encompass credit extension and related activities, financial management services, data processing services related to banking and finance, and specialized courier services. Clark, *The Regulation of Financial Holding Companies*, 92 Harv. L. Rev. 787, 797 (1979).

[59] 12 U.S.C. § 1843(c)(2) (1976 & Supp. III 1979); divestiture of interests acquired through a debt previously contracted is regulated under 12 C.F.R. § 225.101 (1978).

[60] 12 U.S.C. § 1843(c)(6) (1976 & Supp. III 1979).

[61] Clark, supra note 58, at 791.

[62] Id. at 815.

[63] See generally, Clark, The Soundness of Financial Intermediaries, 6 Yale L.J. 1 (1976)

[64] For example, a single small-size trading company office in a major foreign market location requires from three to five persons and would cost on a yearly basis, including expenses, $300,000 to $400,000. Any serious export management company requires an office in at least three to five of the major market areas. Export Trading Company Act of 1980: Hearings on S. 2379 and S. 864 Before the Subcomm. on Int'l Finance of the Senate Comm. on Banking, Housing, and Urban Affairs, 96th Cong., 2d Sess. 168 (1980) (statement of Jerry L. Hester, President, International Trade Operations, Inc.) [hereinafter cited as ETCA Hearings].

[65] Export Trading Company Legislation: Hearings on H.R. 7310, H.R. 7364, H.R. 7436, and H.R. 7463 Before the Int'l Trade Subcomm. of the House Comm. on Banking, Finance and Urban Affairs Comm. 96th Cong., 2d Sess. 168 (1980) (statement of Abraham Katz, Assistant Secretary for International Economic Policy, Department of Commerce).

[66] ETCA Hearings, supra note 64, at 169 (statement of Jerry L. Hester). Adequate capital reserves are needed, for example, by trading companies bringing together several participants on a turnkey project export to secure needed project bid guarantee credits from banks. Id. (In a "turnkey" export of, say, an industrial plant, the undertaking is to deliver the plant in operating condition so that the buyer need only walk up to the front door and turn the key.)

[67] This fact is recognized, for example, in provisions of the Export Trading Company Act of 1980 which authorize and direct the Export-Import Bank to establish a guarantee program for commerical loans to U.S. exporters secured by export accounts receivable or inventories of exportable goods, but only to the extent that the Board of Directors determines that the private credit market is not providing adequate financing. § 107. The Act also authorizes an additional $20 million per year in fiscal years 1981 through 1985 to the Economic Development Administration and the Small Business Administration to help export trading companies meet start-up costs through loans, guarantees and operating grants. § 106. By comparison, private bank investments and loans to export trading companies are expected to total $1 billion within five years after enactment of the Act. S. Rep. No. 735, 96th Cong., 2d Sess. 11 (1980).

[68] *See ETCA Hearings, supra* note 64, at 121 (statement of James B. Sommers, President, Bankers' Association for Foreign Trade).

[69] *Id.* at 120. In 1979, 139 U.S. banks had 779 foreign branches. Korth, *The Evolving Role of U.S. Banks in International Finance*, The Bankers Magazine, Jul.-Aug. 1980, at 68, 69.

[70] *See ETCA Hearings, supra* note 64, at 121 (statement of James B. Sommers, President Bankers' Association for Foreign Trade). With fewer restrictions abroad than in the U.S. on conducting commerical banking operations, the overseas branches of many U.S. banks have developed special expertise in fields such as merchant banking. *See* Asher, *Merchant Banking Is Alive and Very Well in London*, Banking, July 1978, at 44.

[71] *See ETCA Hearings, supra* note 64, at 150 (statement of Erland Heginbotham, Assistant Secretary of State for East Asian and Pacific Affairs).

These are dependent children. And AFDC exists in order to keep roofs over their heads, food in their mouths, and clothes on their backs. It embodies the response of society to the elemental needs of dependent youngsters.

Changes in it should be evaluated in terms of their effect on the children it helps. That is why one grows weary of debates over "welfare policy" that are couched in terms of the behavior of adults. It is not a program for adults. That some adults are also supported by it—96 percent of them husbandless women with children—is a consequence of the fact that most dependent children live with one parent.

Yet the administration seems to insist on approaching AFDC as if it were a program for adults. It would require adults to perform community service in exchange for benefit checks. That is not a solution to problems in a program for children.

It is of course possible that the administration proposes some changes that are needed. It does not now seem so to me. The Finance Committee will hold hearings, and I intend to investigate the proposed changes then. But I encourage others to investigate them. I encourage the Urban League to investigate them thoroughly, and to arouse public opinion about the changes once the results of its hearings are known. They will do us a great service.

I ask that the National Urban League's announcement of hearings be inserted in the RECORD.

The material follows:

NUL WILL CONVENE NATIONWIDE AFDC HEARINGS

On March 8, 1982, the National Urban League will convene 16 field hearings nationwide in order to assess the current status of America's largest federal assistance program, Aid to Families with Dependent Children (AFDC). A list of the sites is attached.

When Congress cut the program by $1 billion last year, over 725,000 families previously receiving AFDC were faced with reduced benefits or elimination from the program altogether. An equally large number of struggling families are targeted for exclusion from the program this year in the proposals submitted to Congress by the Administration. Coupled with these proposed cuts is a "New Federalism" proposal that would shift the federal commitment for AFDC entirely to the states.

"Children are the poorest age group in the United States," says League President John E. Jacobs. "Therefore, we believe that it is imperative that we understand the consequences of these actions for our nation's vulnerable children and families before either Congress or the Administration proceeds further. It is to facilitate this vital debate that the National Urban League is launching this nationwide forum."

The effort is consistent with the League's mission since its founding in 1910 to speak out on public issues on behalf of its constituents. In identifying the importance of a program that aids families and children, the League recognizes a fundamental commitment to the preservation of life itself. Join us in supporting this national forum. By participating. By spreading the word. By listening.

Further details on the hearings may be obtained by calling Maudine R. Cooper or Kent K. Carter in Washington at (202) 393-4332 or Dean Londa in New York at (212) 310-9134.

The league is a member of the Washington-based AFDC Coalition.

AFFILIATE SITES FOR NATIONAL URBAN LEAGUE FIELD HEARINGS ON AFDC

Cincinnati, Ohio: Dewey Fuller, Executive Director, Urban League of Greater Cincinnati, 2400 Reading Road, Cincinnati, Ohio 45202; 513-721-2237.

Cleveland, Ohio: William Wolfe, Executive Director, Urban League of Cleveland, 815 Superior Avenue, Cleveland, Ohio 44114; 216-861-4200.

Denver, Colo.: Lawrence H. Borom, Executive Director, Urban League of Colorado, Inc., 1875 York Street, Denver, Colo. 80206; 303-388-5861.

Englewood, N.J.: William E. Brown, Executive Director, Urban League for Bergen County, 106 West Palisade Avenue, Englewood, N.J. 07631; 201-568-4988.

Jacksonville, Fla.: Clanzel T. Brown, President, Jacksonville Urban League, 829 Pearl Street, Jacksonville, Fla. 32202; 904-356-8336.

Lansing, Mich.: Charles Mitchner, Executive Director, The Greater Lansing Urban League, Inc., 221 West Saginaw Street, Lansing, Mich. 48933; 517-487-3608.

Memphis, Tenn.: Herman Ewing, Executive Director, Memphis Urban League, 2279 Lamar Avenue, Memphis, Tenn. 38114; 901-327-3591.

Minneapolis, Minn.: Gleason Glover, Executive Director, Minneapolis Urban League, 1121 Twelfth Avenue, North, Minneapolis, Minn. 55441; 612-377-0011.

New Orleans, La.: Clarence Barney, President, Urban League of Greater New Orleans, 1929 Bienville Street, New Orleans, La. 70112; 504-822-4667.

Peoria, Ill.: Frank Campbell, Executive Director, Tri-County Urban League, 317 S. MacArthur Highway Drive, Peoria, Ill. 61605; 309-673-7474.

Pittsburgh, Pa.: Arthur J. Edmunds, Executive Director, Urban League of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219; 412-261-6010.

Portland, Oreg.:* Mrs. Freddy Webb-Petett, Executive Director, The Urban League of Portland, 404 Community Service Center, 718 West Burnside, Portland, Oreg., 97209.

Rochester, N.Y.: William A. Johnson, Jr., President & Chief Executive Officer, Urban League of Rochester, 50 Main Street, West, Rochester, NY 14614; 716-325-6530.

Sacramento, Calif.: George H. Dean, Executive Director, Sacramento Urban League, 3515 Broadway, Sacramento, Calif. 95817; 916-739-0627.

Springfield, Mass.: Henry M. Thomas, President, Springfield Urban League, 732 State Street, Springfield, MA 01109; 413-739-7211.

Washington, D.C.: Jerome W. Page, President, Washington Urban League, 3501 14th Street, NW, Washington, D.C. 20010; 202-265-8200.

NATIONAL URBAN LEAGUE, INC.—STATEMENT OF CONCERN

Congress established the Aid to Families with Dependent Children (AFDC) program to help provide for the children of the poor. Today, children account for over two-thirds of all those receiving AFDC. While AFDC and other social programs have helped eradicate the worst forms of child poverty in America, over 15 million families today have annual incomes below $5,000. Given our nation's lingering economic crisis, there is an urgent need to examine the viability of this most vulnerable population.

To date, four out of five AFDC recipient families are headed by young, singleparent women; over half are under age 30, and one-third are under age 25. According to the latest statistics from the Department of Health and Human Services, the average household relies on AFDC for an average of 18 to 24 months, with average monthly payments for a family of three ranging as low as $96 per month in Mississippi.

Since federal law has never required a state to pay families the full amount of need as determined by its own standard, most states have provided assistance payments substantially below the need standards that the states themselves developed. For 41 states, the current "standard of need" falls well below the official poverty line.

Last year, Congress cut AFDC by $1 billion. When combined with the loss of state matching funds, the program cuts totaled close to $2 billion, with approximately 725,000 families affected. In the Administration's budget proposals now before Congress, AFDC would be cut by another $1.1 billion. Under a proposed federal "swap" plan, the federal commitment would be abdicated altogether.

Before Congressional deliberations begin, it is imperative that we carefully examine the consequences for our nation's most vulnerable children and families. Specifically, how have the Fiscal Year 1982 cuts affected previously participating families? What commitments will the states have toward participants if the federal role is eliminated? What effect has continuing recession and inflation had on AFDC recipient needs? Before Congress proceeds further, these questions must be asked and indeed answered.●

U.N. STUDY ON MASS REFUGEE MOVEMENTS

● Mr. KENNEDY. Mr. President, last year the United Nations Commission on Human Rights of the Economic and Social Council voted to authorize a study on the underlying causes behind the growing movement of refugees in the world today—to review the connection between the violation of human rights and fundamental freedoms and the mass movement of refugees.

To undertake such an important task, the Council appointed Sadruddin Aga Khan, the former United Nations High Commissioner for Refugees, whom I have known for many years.

A few weeks ago, Sadri issued his report, and I believe it is an extraordinarily important document. In considerable detail, and after many years of dealing with the complex diplomatic and humanitarian issues involved in refugee movements, he has reviewed some of the forces behind the mass exodus of refugees and offers some suggestions on how the international community can better deal with the growing problems they pose.

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*The hearing in Portland has been rescheduled for April 8.

Not unexpectedly, he has come to the conclusion that the international community must update refugee, nationality, and labor laws, and give fresh consideration to existing asylum practices. He advocates the introduction of an early-warning system, perhaps under the direction of a Special United Nations Representative for Humanitarian Questions, to gather information and report on potential mass exodus situations—to alert the U.N. Secretary General and international agencies on refugee problems before they get out of control.

His report reminds me of the findings of a Library of Congress study I released in the last Congress as chairman of the Judiciary Committee. It, too, underscored the need for greater diplomatic action to deal with the root causes of many recent refugee problems, as well as the need for greater international action to cope with them.

As in the past, the focal point in any such international effort must be the United Nations, especially the Office of the United Nations High Commissioner for Refugees (UNHCR). However, the UNHCR continues to labor under many limitations flowing from its mandate, which was basically fashioned in the immediate postwar years and in the 1968 protocol to the U.N. Convention Relating to the Status of Refugees.

Since then, there has been a phenomenal rise in the number and complexity of refugee problems around the world. Yet, the powers and authority of the UNHCR have remained unchanged.

Mr. President, I am hopeful that the recent report by Sadruddin Aga Khan will stimulate a needed review of the UNHCR and other international agencies to strengthen our global effort in behalf of refugees, and to deal with some of the root causes behind mass refugee movements.

I commend this report to the attention of the Senate, and ask that excerpts from it be printed at this point in the RECORD.

The excerpts follow:

LETTER OF TRANSMITTAL

His Excellency Mr. CARLOS CALLERO RODRIQUES,
Ambassador, Chairman, Commission on Human Rights, United Nations Office at Geneva, Palais des Nations, Geneva.

SIR: In accordance with paragraph 7 of Resolution 29 (XXXVII) of your Commission, I have the honour to submit herewith the Study on Massive Exoduses and Human Rights.

It is modest attempt at dealing succinctly with a colossal and increasingly complex problem. The phenomenon of mass exodus, which is becoming a tragically permanent feature of our times, owes its existence to a variety of aspects inherent in contemporary society, each of which calls for an independent and detailed study of its own. The problem is bound to become more serious with time unless imaginative and concrete measures are urgently taken to contain, if not avert, situations of mass exodus. A prerequisite for such measures is the political will of governments, translated into reality at global level.

If the present Study serves only to increase the awareness of the problem by governments and the general public, and provides an incentive for the matter to be further analysed, it will not have been in vain. It is, however, my considered opinion that if we are to succeed in any measure to spare future generations the spectre of millions of uprooted people, more is required than reports and resolutions, however, pertinent and useful they may be.

In concluding, I am reminded of what George Bernanos wrote in one of his essays: "A thought which does not result in an action is nothing much, and an action which does not proceed from a thought is nothing at all."

Accept, Sir, the assurances of my highest consideration.

SADRUDDIN AGA KHAN.

[Excerpts From Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World, With Particular Reference to Colonial and Other Dependent Countries and Territories]

STUDY ON HUMAN RIGHTS AND MASSIVE EXODUSES

(By Sadruddin Aga Khan, Special Rapporteur)

SUMMARY

To summarize very briefly the foregoing, the overview of the past decade amply demonstrates that the consequences of mass exodus situations may be measured in terms not only of human suffering but also of threats to national or regional peace and stability.

People leave for a variety of reasons, and usually as a combination of factors rather than a single one. The social contract has failed temporarily or permanently. Modernization and progress have made casualties of people who held certain customs and traditions too dear. In the chaos of war and postwar reconstruction, populations may have been repeatedly uprooted, and thereby conditioned for a further uprooting—from their country—when the going is hard. Colonialism left a heritage of artificial boundaries and structurally imbalanced economies. The repressive tactic of white minority régimes have made many victims. Most provisions of the Declaration of Human Rights have been violated.

These "push factors" must be viewed against a series of economic realities in developing countries, such as high population growth, global food insecurity and a hunger-induced rise in death rates, inflation, unemployment, the flight of skilled manpower and ecological deterioration—which taken in combination may bring large sectors of the population of the world's poorest countries to the threshold of economic distress. Deficiencies in infrastructure, the high cost of equipping modern armed forces, loss or reduction in both trade and aid and the calamitous impact of oil price rises have in the last ten years further handicapped young nations lacking any tradition of statehood. One result has frequently been the attempt to create national cohesion along somewhat authoritarian single-party lines, a fact which helps explain what may be termed the "integrative revolution" facing many developing nations following their accession to independence. Hence the difficulty in creating conditions in which normal human rights could be enjoyed, and hence a high incidence of mass exodus in the countries classified as some of the poorest in the world.

The other side of the coin is a series of "pull factors" which include an increasingly free flow of information from North to South on economic opportunity, and a belief widely shared by beleaguered potential refugees/migrants that their problems will be better understood by the authorities of countries which uphold human rights. The existence of liberalized immigration regulations or refugee quotas must exert some degree of magnetism, particularly in the case of skilled manpower seeking upward mobility, as may be the institutionalization of aid close to a troubled country's border.

As a consequence of all these factors, mass movements have become more commonplace, and the principle of the law of asylum has been eroded. It would seem to be time to update refugee, nationality and labour law, and to re-examine asylum practice. Furthermore, to ensure greater clarity in mass influx situations as to numbers of people to be assisted, a mechanism seems to be called for to carry out refugee population census in an impartial manner.

Since mass exodus frequently takes place from economically-disadvantaged countries, and since those governments which generally provide the means to mount humanitarian assistance programmes are very often those which are giving development aid, there appears to be a strong case for a more integrated approach to the planning of aid. Various ways in which this might be tackled are suggested in the preceding chapter. At the same time, when mass exodus does occur, it is important to see the problem in the broad perspective of the position of both "refugee-producing" and "refugee receiving" countries. A simultaneity of approach should help in identifying the long-term solution, and with regard to the administration of humanitarian assistance, will ensure that this in itself does not constitute a "pull factor" by there being any imbalance in the overall picture. Moreover, standardization of multilateral aid criteria will help to iron out other "wrinkles" in the international community's approach to these most important questions.

It is suggested that the basic concept of an appropriate United Nations presence can be extended to humanitarian emergencies, as distinct from peace-keeping operations in the accepted sense.

It has been found in studying mass exodus that all these situations conform to a certain pattern common to which is the involvement, at an earlier or later stage, of a miscellany of concerned parties, particularly in relation to the provision of essential relief and the production of a considerable volume of informed comment after the event. Yet all the characteristics of this pattern of upheaval and exodus taken together point to certain lacunae which it will be well to attempt to fill if there is to be a lessening of human suffering and of related frictions between States. Three observations are called for here.

Firstly, there is an obvious lack of contact in man-made exodus situations between the authorities of the country of origin and those of the country (or countries) of asylum. It would appear that those who leave are "written off" by their government, more often than not being labelled as traitors, criminals, undesirables, subversives or, at best, misguided elements, while the receiving government is left to handle matters. To be sure, when political circumstances change and negotiated settlements can be initiated, bilateral talks are a prelude to any mass repatriation. Governments seldom get together whilst the exodus is underway, however, and indeed they may not even be enjoying normal diplomatic relations at the time which would permit them to do so.

As a result, the receiving countries with the help of international agencies mount relief and resettlement operations which may develop and grow in a vacuum without any relation to, or detailed knowledge of, the origins or causes of the problem or its likely resolution. Relief agencies, whether they be intergovernmental or non-governmental, continue to refrain from going far into the background to mass movements on the grounds that they have a humanitarian mandate to fulfill and cannot concern themselves with controversial matters, usually of a political nature.

Thus the need for meaningful dialogue with those principally responsible on how to contain the problem remains unmet. Even if the countries of origin should offer a version of the causes which trigger movement which some might qualify as slanted, their responsibility towards their own nationals needs to be upheld—particularly if there is a danger of economic and social disruption in the receiving country and the undermining of peaceful relations between States which share a common border.

Secondly, because funds for humanitarian emergencies are finite, one has to think in both "lateral" and "vertical" terms about the co-ordination of humanitarian assistance. By "lateral" is meant the range of emergencies for which assistance is supplied, extending through man-made disasters to economic difficulties in individual countries. By "vertical" we refer to the co-ordination of humanitarian assistance through the successive phases of relief, rehabilitation, reconstruction and longer-term development. Just as the international community had reached a perception of the need for approaches to development co-operation to be integrated, so, increasingly, it is recognized that contributions must be used in the most cost-effective way possible.

Already it has been seen that in the not infrequent cases were the origins of an exodus are compounded by famine, the apportioning of aid and timely distribution within the country of origin may contribute to circumscribing the flow. At the same time, the presence of international relief officials may help to create a measure of hope and confidence. An improvement in the psychological climate is indeed a key factor in stemming the departure of groups who tend to influence each other until the movement snowballs beyond control. Conversely, in some situations the availability of international assistance very close to the border but exclusively within the receiving country may help precipitate the flow. It seems to be time to take a broader view and fill the existing lacunae.

Thirdly, appropriate organs of the United Nations called upon to deal with causes and, by inference, with prevention tend to be compartmentalized and ponderous, or may be hamstrung by political constraints. At the same time, agencies, subsidiary organs, intergovernmental and non-governmental bodies assisting displaced populations which are victims of man-made or natural disasters have little or no contact with those bodies whose responsibility it is to address the causes. In this, as in other domains, effective co-ordination remains a chronic problem despite the existence of studies and committees dealing with streamlining and restructuring.

As we have recalled in four case studies and an overview of exodus situations of the past decade, large-scale humanitarian emergencies have consistently been met by ad hoc measures and the designation of "focal points" or "lead agencies", as well as the appointment of a co-ordinator or special representative of the Secretary-General whose responsibility did not specifically extend to a liaison function, in the case of mass exodus, between the "refugee-producing" country ("cause") and the "refugee-receiving" countries and/or corresponding humanitarian operations ("effect").

The international community is increasingly concerned with causes behind mass exodus and measures to avert new flows of refugees. The General Assembly, at its last session, dealt inter alia with this question in Resolution 36/148. This resolution calls for the Group of Experts to take into account the Study submitted by the Special Rapporteur. It is hoped that the two undertakings will be complementary, bearing in mind the distinct history and terms of reference of each initiative. In a wider context, attention should be drawn also to the General Assembly Resolution 36/136 on the proposal for the promotion of a New International Humanitarian Order.

These conclusions lead on to discussion of what might be feasible in terms of prognosis and prescription, prevention and cure.

In order to give birth to an "early-warning system", it would be necessary to gather, on an ongoing basis, impartial information from proven souces such as governments, the United Nations presence in the countries concerned (whether the UNDP Resident Representative, Specialized Agencies, UNIC or other) and further informed parties in order to gain an understanding of the background and all the facets of a situation, including the ethnic, economic, political and social aspects. Of necessity, there would be visits to the field. After assessing all available data, an appreciation to include a number of possible scenarios for the future development of the situation would be given to the Secretary-General of the United Nations and to the competent intergovernmental organs.

A "trigger mechanism" would be provided by the Secretary-General deciding, after due study of the material and using his executive authority, what action would be required on the part of the United Nations. The Secretary-General might call for further study of the situation, including discussion with the government or governments most closely concerned and/or with the appropriate regional body (Arab League, Council of Europe, Organization of African Unity, Organization of American States) to try to determine how regional containment of the problem could be achieved, to save it becoming internationalized (that is to say requiring involvement of large-scale United Nations Operations).

In the next stage, the executive entrusted with the task would bring the situation to the attention of those who deal with causes (as distinct from effects) to try to encourage, as appropriate, preventive action before the start of a mass movement. In the case of a political question, he would propose to the Secretary-General that the latter take the initiative appearing most indicted, whether it be consulting interested States of drawing the attention of the Security Council, in a suitable manner, to the problem. In the case of human rights issues, the responsible officer would relay the situation to the Commission on Human Rights which could make an investigation and ensure follow up.

It is suggested that after this, there should be liaison on an informal basis with the humanitarian agencies for purposes of consultation. They would thus be alerted and enabled to act swiftly if an exodus did indeed occur, which could be the case even if action were being taken at the source to remove or dissipate the cause(s) of such exodus.

The executive entrusted with responsibility in the situation would keep abreast of the relevant work of the General Assembly, the Security Council, the Commission on Human Rights or other competent body tackling "causes", as the case might be, while at the same time ensuring that humanitarian needs were being covered. He would be responsible for seeing that the question were kept under review by the relevant bodies. Simultaneously, he would be in a position to advise on the best way to apportion aid as between areas affected by the crisis in order to reduce to the maximum extent possible the stress/distress involved. Where necessary, an agency or agencies not so far working on the problem whose expertise were seen to be needed would be invited to participate.

Follow-up work could include monitoring of developments in order to report them to the Secretary-General and informal reporting to governments on the progress of the international effort. In the longer term, work could be carried out on seeking to promote regional reflexes to crisis situations, for example through encouraging the creation and/or development of regional human rights mechanisms, in co-operation with the Commission on Human Rights, and through promoting an active interest in the New International Humanitarian Order.

Measures to be undertaken should be speedy. Their success would be largely dependent on an informed appreciation of each complex situation and its respective origins, based on ongoing research and analysis. Only an impartial monitoring of situations could lead to a more balanced assessment of circumstances lying at the root of potential exodus and contribute thereby to a more adapted response from humanitarian agencies.

Few events go unnoticed in the world today, and the media has been remarkably effective in bringing violations of human rights to the attention of the public. Yet these and other "push factors" are rarely cause for sufficiently active concern until refugees are on the move. Those who could not leave may pay an even higher price for the apparent indifference of their fellow men.

Such an approach as has been outlined is no panacea. It may not always circumscribe exodus but could lead in certain cases to containing or diminishing movement.

The fact that an undertaking is difficult does not mean that it should not be attempted. Governments will inevitably expect that something should be done on this account if there is to be any confidence that the necessary level of humanitarian response to need and distress will be attained.

RECOMMENDATIONS

It is recommended that consideration be given to the following:

(1) An updating of refugee, nationality and labour law and fresh consideration of asylum practice in the context of the promotion of a New International Humanitarian Order;

(2) A reappraisal of developing countries' economic needs in relation to possible causes of exodus;

(3) Standardization of international aid criteria;

(4) Simultaneity in approach to the country of origin and country of asylum to gain a comprehensive view of the overall situation and thus be able to plan better;

(5) A "bi-multi" aid approach: multilateral aid should take into account bilateral aid, to prevent duplication and ensure an integrated approach;

(6) The introduction of an effective census mechanism to work independently of relief agencies in order to determine in an impartial and professional way the numbers of border-crossers requiring assistance in mass influx situations;

(7) The introduction of an early-warning system based on impartial information gathering and data collection concerning potential mass exodus situation, leading to expeditious reporting to the Secretary-General of the United Nations and competent intergovernmental organs for the purposes of timely action, if required;

(8) The appointment of a Special Representative for Humanitarian Questions whose task, defined briefly in the preceding section, would basically be (a) to forewarn; (b) to monitor; (c) to de-politicize humanitarian situations; (d) to carry out those functions which humanitarian agencies cannot assume because of institutional/mandatory constraints; (e) to serve as an intermediary of goodwill between the concerned parties;

(9) The identification from among groups experienced in humanitarian questions of men and women willing and able to be called upon to form a corps of "humanitarian observers" which, in case of need, could monitor situations and contribute through their presence to a de-escalation of tensions. A prerequisite for this role would be the concurrence of the governments concerned. The corps would facilitate the work of the Special Representative for Humanitarian Questions.●

EXIMBANK

● Mr. LUGAR. Mr. President, Prof. Janos Horvath, a John W. Arbuckle professor of economics at Butler University in Indianapolis and noted authority on Eximbank operations, has written a timely and significant study in which he subjects the notion of no-subsidy claims in regard to Eximbank to rigorous economic analysis.

Professor Horvath argues two principal points. First, he argues that the fact that Eximbank allows lower interest rates to all borrowers does not negate the presence of an implicit grant. Indeed, all of its customers receive some amount of subsidy, depending on the interest rate, maturity years, moratorium years, and size of the loan. Second, Professor Horvath argues that even though Eximbank raises some of its operating funds on the open market, it does so from a privileged position. In this regard, many of its funds originate, directly or indirectly, from the U.S. Treasury.

Professor Horvath recommends to the Congress that the Chairman of the Eximbank, the U.S. Trade Representative, and the Secretaries of the Departments of Commerce and Treasury be guided by the following set of principles: First, minimize the face value, as well as the subsidy-equivalent, of public funds required to assist the export of products abroad; second, calculate and identify the subsidy values in each transaction; third, maximize the "trade creation leverage" of each subsidy dollar appropriated for export promotion; fourth, activate a built-in mechanism which rewards diminishing reliance on subsidies with the passage of time. His central theme is that the Export-Import Bank can and should play a useful role in assisting U.S. exporters provided that its optimum scale and efficiency criteria are understood.

Mr. President, I ask that the text of Professor Horvath's illuminating article on Eximbank operations be reprinted in full.

The article follows:

THE ADMINISTRATION'S EXIMBANK POLICY: WILL IT SURVIVE?

(By Janos Horvath)

That concordance between political ideology and governmental actions remains arduous is illustrated by the Reagan administration's plight with the Export-Import Bank. Ronald Reagan made his political identity through the decades and then was elected president by championing free enterprise competitive capitalism. The President, in his very first speech before the Congress, resolutely transmitted campaign ideology into governmental policy. Regarding the Eximbank, the Reagan administration sought Congressional approval to cut back funding authority by about one-eighth from the Carter administration's budget proposal: $752 million from $5.9 billion in direct lending, and $1 billion from $8.56 billion in loan guarantees.

The newly-inaugurated President Reagan based this alteration on the principles and practices of business competition. He argued: (1) the market process, not government officials, should decide who sells products abroad; (2) many of the official loans supported exports by large corporations who could arrange self-financing; (3) official loans had small impact on trade creation. Simultaneously, the President argued for strengthening only one branch of the bank: medium-term loan programs stimulating business for small exporters.

Now, a few months later, office holders in the Administration have difficulties in adhering to the stated policy as initiatives arise within the Congress to restore the magnitude of Eximbank funding authority. The process is familiar. Those manufacturers who export a portion of their products, with partial reliance on Eximbank-type sweeteners, do not wish to be without an accustomed privilege. They wish no new favors, only the perpetuation of the status quo. Political allies (the labor unions, etc.) join routinely.

Lobbying is the venerable institution to influence policy-making. In a representative system of government, the officials are tuned to certain wavelengths in order to receive communication from people and organizations; perhaps as a moral obligation to act on behalf of the electorate, or perhaps there looms the recurrent test of reelection. In any case, political IOU's are time-honored currencies.

There is no need to assert anything but good intention on the part of all involved. Indeed, it is in the public interest that manufacturers want to export more so that they could make profits and pay taxes while creating more jobs within their own shops and in the shops of suppliers. Concurrently, higher consumer demands ensue. The lobbyist's role is to convey selected information. The legislator drafts a special bill or amendment, the Congress may enact it, and, ultimately, the President may sign it into law. All these people act to prevent the happening of something bad: the loss of exports.

Why should not all involved feel virtuous after advancing the commonweal? Is there a resemblance to the classical Greek tragedy where the crime was committed with no villain? King Oedipus unknowingly killed his father and married his mother; precisely the happenings against which elaborate measures had been enacted. But, of course, the very nature of the Greek tragedy is that of being unpreventable. Now in the modern tragedy, acts that are seemingly rational and even virtuous do add up to cause less good than harm. To restate the theatrical metaphor in modern day behavioral dynamics: here is a negative sum game where gainers gain less than losers lose.

ON THE PRUDENCE OF EXIMBANK

The issue of balancing gains and losses may raise questions about the prudence of having at all a governmentally-funded Export-Import Bank. On one side, the trade creation gains are enumerated by the beneficiaries. On the other side, the losses are so diffused, pervading practically every nook and corner of the society, that they are best labeled as social costs. Commonly they are glossed over as innocuous or even nonexistent. One challenge to this burden-free benefit pretension comes from the scrutinizers of the crowding-out effect. Government-supported borrowings cause interest rates to rise, and thereby, investment outlays decline.

Another way to identify social costs is by accounting for the U.S. Treasury's willingness to settle for very low dividend on $1 billion capital stock holding, and also a zero earning on $2 billion reserves. Considering $1 billion with 3.5 percent earnings in 1979, during the year when Eximbank borrowed operating funds at 9.5 percent from the Treasury, the 6 percent interest rate differential amounts to a $60 million subsidy. If the reserves and other relevant items were also counted, then just for the year 1979 the size of subsidy to Eximbank would have exceeded $300 million.

Eximbank, in turn, disseminates some of these subsidies by carrying out its mission to support selected export sales abroad. Loans with concessionary contract terms embody measurable subsidies, although Eximbank continues not reporting these items. As if subsidy were a skeleton in the closet, Eximbank management fought to weed out the word. Yet, all of its customers receive some amount of subsidy, depending on the interest rate, maturity years, moratorium period, and, of course, the size of the loan. The client's privileged position becomes even more visible when compared to other exporters who do not avail themelves of this credit facility. One pertinent official statement comes from the U.S. Comptroller General, who observed regarding 1979 activities, that the Bank's cost of borrowed funds exceeded the interest income from outstanding loans by about 1.1 percent.

Moreover, the burden of subsidies on the Treasury and the cost of crowding out borne by private business is further enhanced by a potentially larger cost, a contribution to the stagflation predicament. In fact, Eximbank belongs to a network of command posts over the national economy which redirects factors of production away from the more-efficient, cost-minimizing uses toward some less-efficient solutions, so that average costs rise. The concomitant backward shift of supply stimulates the inflation-unemployment interaction.

These institutionalized misallocations set in motion a perverse dynamics thusly: (1) because of supply restraint the natural rate of unemployment rises; (2) because of dragging supply, the prices adjust upward; (3) because idle labor pays no taxes, but claims transfer payments, the government deficit widens. Essentially, in a general systemic interaction this perverse dynamics feeds on institutionally reinforced supply drags, on wage-price adjustments upward, and on governmental deficits widened by GNP gaps. The process fits the evolving general theory of supply-side economics.

TO UPHOLD MOMENTUM

In Eximbank affairs, the Reagan administration need not lose initiative for reducing budgetary outlays and for paring down governmental tutelage in business. Election pledges and philosophical predispositions are ample reasons to summarize that Ronald Reagan will not settle for expediency. This likelihood is reinforced by a battery of intellectual sophistications in economic science.

Economic theory as a body of coherent thought provides evidence for favoring management decisions by the invisible hand of market forces over the visible hand of interventionist bureaucrats. Even when reasons exist for temporarily over-ruling market solutions, the lesser the intervention which accomplishes the target, the more effective policy tool it proves to be. To borrow a medical metaphor: the target is not to maximize the consumption of drugs or the size of surgical cuts, but rather to maintain health with minimum intervention.

There lingers a suspicion that Eximbank, while palliating dislocations, did not guard against continued reliance on and creeping addiction to its curative financial treatments. Having inherited this situation, the Reagan administration needs time to pace meticulously the tapering-off cure, but should not waste time beginning the cure. Quite possibly, a drastic cut-off could cause the pain for some exporters accustomed to heavy reliance on Eximbank. The prevention of such dislocations during the scaling down of subsidized finances could be one logical role for Eximbank. Perhaps its second role could be a stand-by authority to assist the developing of new avenues of export sales: stipulating only one or two transactions by an exporter into any specific country, and provided that there is demonstrable competition in the product on the world market.

Refinement of principles and methods are needed as the U.S. will continue to encounter trends which alter foreign trade patterns. In the U.S. a growing role of international markets would be desirable for industrial development, employment expansion, and the stability of the dollar. In the rest of the world producers will become increasingly tough competitors as the industrial capability among third world nations expands and technological improvement within developed nations registers productivity gains. In such a keenly competitive environment, the marketability of U.S. exportables will quite likely be handicapped by an assortment of aggressive export financing schemes prevalent in many countries.

The U.S. Government needs consistent new approaches toward domestic business and foreign competitors. Being potentially an effective, small scale policy instrument, the Export-Import Bank could play a useful role, provided that the optimum scope as well as the efficiency criteria are understood. Clearly, throwing more money at the problem would not suffice. An overgrown Eximbank servicing its habitual clientele could resemble the way the hypochondriac's excessive medicine consumption compounds ailments.

Now the President is in a good position to advance his Eximbank scheme in the Congress and thereby fortify overall legislative objectives—tax cut with expenditure trimming. Opposition could be minimized if the target also specifies action: (1) to reveal implicit subsidy values in each transaction; (2) to minimize the size of public funds required to assist the selling of products abroad; (3) to maximize the trade creation leverage of each subsidy dollar appropriated to export promotion; and (4) to activate a built-in mechanism which rewards diminishing reliance on subsidies with the passage of time.

Such procedures will amend negotiating strategies also. This could become a significant benefit in Eximbank dealings with clients, or, in U.S. Government negotiations with foreign governments, toward harmonizing trade promotion policies. Communication within branches of U.S. Government could improve; for example, interaction between the Administration and the Congress in matters of export financing. The advocacy of special cases by lobbies can also be more objectively presented and more clearly evaluated, so that policy decisions evolve with openness and confidence.●

MOLLY BRENNAN, RHODES SCHOLAR

● Mr. RIEGLE. Mr. President, recently a constituent of mine was awarded with a Rhodes Scholarship. Molly Brennan is a student at Michigan State University, and truly exemplifies the ideal of the scholar-athlete. She is involved in her community, is an All-American runner, and an outstanding student.

We can all take pride in her achievements and know that America is made stronger by citizens such as Molly Brennan.

An article about Molly, and her achievements appeared in the MSU Alumni Quarterly, and I ask that it appear in the RECORD at this point.

The article follows:

RHODES RUNNER—MOLLY BRENNAN WINS THE SCHOLARSHIP RACE TO OXFORD

As the state's only winner of a highly prestigious Rhodes Scholarship for study at England's Oxford University, Molly Brennan became a media star overnight.

During the Christmas holiday break, the MSU senior went to Chicago for the final Rhodes selection process, came out a winner, then returned to her Waterford Township home and a noisy telephone.

"The first couple of days I was home, the phone wouldn't stop ringing. I tried to take a shower and I just couldn't. I'd start the water and the phone would ring," she remembers.

The computer science and humanities double major (with a 3.83 grade point average) and MSU women's track team captain was interviewed on television and radio in Detroit and Lansing. She was also featured in major state newspaper stories.

Then, there was the popular WJR-radio "Focus" talk show in Detroit. Molly was interviewed for five minutes as the last guest on the lunch hour program, but host J. P. McCarthy was so interested in the conversation that he continued their talk the next day on his morning show.

Among the new Rhodes scholar's many interests is artificial intelligence in computers, which she describes as "giving the computer the capacity to think and understand. Maybe J. P. was worried that he would be replaced by a computer someday," she says with a laugh.

Molly has become an interview veteran since last summer, when she began the road to the Rhodes. After a preliminary application, much of the scholarship selection process was based on interviews.

"It's like sitting on nails in the beginning, because you're hoping you'll advance to the state interviews but you know only 10 people from the state will make it that far," she explains.

Molly was one of two state contestants who made it into the Rhodes finals. As one of 32 winners (12 women and 20 men) nationally, she will receive $6,000 annually for two years at Oxford, where she will study philosophy, politics and economics, better known as the PPE program.

The academically rigorous PPE is one of Oxford's major programs. In preparation for her studies, Molly's workload at MSU has been stepped up to include more reading and the writing of at least one major paper, which she will have to orally defend.

Created by British industrialist Cecil John Rhodes in the 19th century, the scholarships are awarded yearly to students from former British colonies who display outstanding academic, athletic and leadership potential.

Molly is the second MSU woman to win. The first, Mary C. Norton, won in 1977, the first year the competition was open to women.

As a student in MSU's Honors College, Molly had heard of the Rhodes. "I knew I had the athletics and a good educational background, but I didn't see myself as fitting into that picture. After all, it's such a coveted award, the supreme award," she says. She was persuaded to enter the competition by MSU humanities faculty member Lydia Woodruff.

After graduation in June, Molly had originally planned to begin a summer job with Bell Laboratories, which had also offered her a scholarship to Pennsylvania's Carnegie-Mellon University. Now, she'll put that off for a couple of years, but she eventually hopes to pursue her interest in artificial intelligence as a graduate student at the University.

Throughout much of her life, Molly has juggled academics and athletics with apparent ease. This term for example she is taking a heavy load of 17 credits while competing in track events.

"There's mental fatigue and physical fatigue, and I get them both," she admits. Molly credits a good memory and sense of logic for helping her maintain her high grades when she doesn't have a lot of time to study.

"And, I always go to my classes. I figure if I don't have time to study, I need to see what the professor thinks is relevant," she explains.

With her double major, and minors in economics, philosophy and romance languages, Molly is interested in everything and has a hard time limiting her scope.

"People are always telling me to narrow down. But I want to see the whole picture. In working with computers, I might someday be making decisions which affect the whole world, so I don't see why I should limit my perspectives unless I absolutely have to," she says.

The thought of going to one of the world's most highbrow universities doesn't intimidate her. "They'll probably take one look at me and send me back," she laughs.

Molly also has a sense of humor when it comes to the stereotype "dumb jock" ribbing she has heard during her athletic career. "I don't take it personally. I laugh it off, and I don't even say, 'Hey, do you know that all of us aren't dumb,'" she says.

Molly's athletic achievements are numerous. Her 220-yard dash state high school record has not yet been broken. Last winter, her Sprint Medley Relay team broke its own world record at the Mason-Dixon Games in Kentucky.

Last March, Molly and her teammates placed third in the nation in the Distance Medley Relay at the Association of Intercollegiate Athletics for Women (AIAW) national indoor championships in Idaho. That win brought her All-American recognition this year.

The track team captain has also qualified for the past two Olympic competitions and is looking ahead to 1984. Despite being sidelined for part of the season last year with a broken foot, Molly may have her best season ever this year, predicts Karen Dennis, MSU women's track team coach.

Whether it's athetics or academics, Molly credits her parents with giving her the drive to excel, but not the pressure. "My parents' philosophy is, whatever you are be the best you can be. I've never felt pressured to compete. I know I don't have to prove anything to the world," she says.

Molly calls herself "no less a realist for having a sense of wonder.

"You put me in a room with nothing in it and I'll still think of something to do," she says.●

FINANCIAL SUPERMARKETS

● Mr. GARN. Mr. President, last week, in an address to the Economic Club of Chicago, Edward R. Telling, chairman and chief executive officer of Sears, Roebuck & Co., unveiled the game plan for Sears to become the financial supermarket of the future. In a very candid presentation, Telling expounded on the irreversible changes that are underway in the financial services industry and proclaimed Sears' intention to act now to respond to consumer needs and thereby become as important in financial services as they presently are in consumer sales.

During the past year we have seen Sears and other major corporations like American Express and Merrill Lynch acquiring companies in order to diversify and expand their financial service resources. Now, Sears has taken the bold and upfront approach of revealing its long-term objectives for becoming a primary provider of financial services. I have to respect Sears for being so straightforward with their plans for the future.

I also admire Sears for openly challenging the rest of the financial community and the Congress to adapt and respond to the rapidly changing competitive environment in the area of financial services. "The regulatory system that has kept financial institutions in a straitjacket for so long . . . is coming apart at the seams;" Mr. Telling stated, as he recognized that traditional financial institutions will be forced out of the retail financial marketplace if they are not permitted to freely compete.

Today, Sears is in the forefront of this rapidly changing competitive environment. Sears is helping to create such an environment and is responding to it, because Sears is not artificially constrained from offering what the consumer is demanding. Unfortunately, the same cannot be said for our traditional financial institutions, the banks and the thrifts; the very institutions that have been the mainstay of consumer financial services throughout the decades.

We in the Congress should accept the challenge and begin to unfetter the financial institutions of this country and allow them to compete in providing financial services to consumers.

In October, I introduced S. 1720, a bill that would take a giant first step in unraveling some of the laws that have served to constrain traditional financial institutions. I hope that this Congress will see fit to begin that deregulation process and adopt legislation allowing such institutions to participate in the changing economic environment. If we do not accept that challenge, I fear that, paraphrasing one of Mr. Telling's remarks: Those that are free to adapt will survive and prosper, but those that cannot will falter and fail.

Mr. President, I request that the entire text of Mr. Telling's presentation be inserted in the Record at this point. I commend his remarks to my colleagues.

The presentation follows:

Meeting the New Realities of the American Marketplace

Thank you, Mr. Clark, and good evening, ladies and gentlemen.

I appreciate your kind welcome, just as Sears, Roebuck and Co. appreciates the invitation to join you tonight.

We recognize this as an important occasion. We realize that the Economic Club of Chicago is one of the premier business forums in our country. We are especially pleased that you have invited one of your own Chicago companies to address you this evening. Ours is a great community, so I am proud and honored to be with you.

No doubt many of you have been hearing and reading about the emergence of the "new" Sears, Roebuck and Co. If you believe everything you've read, Sears is becoming a new and better investment firm . . . or a new and better bank . . . or some combination of the two: a kind of financial supermarket.

Well, we are changing—because our marketplace is changing—along with the world economy. It is this changing competitive environment that I would like to discuss.

I can't tell you anything new about today's economy. You all see inflation, unemployment, recession, and high interest rates.

You have heard the conflicting ideas about how to make things better:

Supply siders want still lower taxes and will risk a higher budget deficit to get more capital growth.

Some argue that a greater budget deficit will crowd out private investment.

Others ask for even tighter monetary controls or greater fiscal restraint.

No doubt these are important issues. And no doubt the debate will continue. But when I speak of a changing competitive environment, I refer to a process of change that is underway . . . a process that is unlikely to be reversed, because it is propelled by:

A greatly enhanced environment for savings;

A revolutionary restructuring of financial institutions; and

A growing understanding that our economy is indelibly part of the world economy.

These will be the three main parts of my comments tonight.

Let me begin with the issue of savings. Since World War II, the net savings rate in the United States has steadily declined. For too many years it has been one-third that of Japan and about one-half that of West Germany.

Economists argue about whether the savings rate is either the cause or the effect of an otherwise poor economic climate. But all agree that more savings today would improve our living standards tomorrow.

Nor can there be any doubt that our savings rates are too low by any standard. For good reason: persistent inflation has made it certain that average Americans have lost, in real terms, in their savings programs. Our tax system, regulatory policies, and the structure of our financial markets and institutions have all conspired to make saving "a bad buy."

A country that taxes interest and dividend income at almost punitive rates . . . that taxes capital gains resulting solely from inflation . . . and that taxes corporate profits twice when paid out as dividends is saying to its citizens in unmistakable terms—"spend, don't save."

When these policies are superimposed on regulatory policies like Regulation Q . . . which places ceilings on interest rates paid on small savers' accounts . . . it is a marvel that the instinct for personal savings has survived at all.

Nothing the Reagan Administration does with respect to economic policy will be more important than the steps it has already taken to change the environment for personal savings. The President has eliminated discriminatory taxes on so-called "unearned" income. He has created new tax incentives for IRA and Keogh accounts. He also has taken firm steps to reduce inflation . . . made tax cuts to create new disposable income . . . and created new investment incentives.

For the first time in many years, all Americans—big savers and small savers alike—can feel confident that saving offers them a better economic deal than spending.

Critics of the Administration's policies have raised real concerns. They complain that unemployment may be caused by a sharp increase in savings.

Even leaders of the Business Council have expressed concern that: "By structuring the tax cut to stimulate saving, little has been done to stimulate the . . . demand that might help to spur larger . . . business investment."

The choice between current consumption and current savings has always been one of the most critical choices facing any society. A higher savings rate does mean we consume less today so that we will be able to spend more tomorrow. In other times, that may have been a difficult choice.

But, I say to you, with conviction, that it is not a difficult choice today.

Even more can and should be done to stimulate saving. The elimination of the double tax on corporate profits paid as dividends is long overdue and would restore confidence in equity securities as an investment.

How President Reagan and Congress deal with the Social Security system will be equally important.

In making it solvent, the President should create more incentives for personal savings for one's own retirement. For too long, Social Security has been a disincentive for such personal savings. The new tax benefits for IRAs provide a strong step in the right direction.

However, these tax benefits should be made inflation sensitive. If $2,000 is the proper amount to be sheltered today, then that amount should increase periodically with inflation. That is the only way to assure workers now that their savings will be sufficient when they retire.

These new programs mean that individual Americans will be making more of their own investment decisions. Hopefully they will cause our savings rate to increase. Sears is betting that the savings rate will increase . . . that tens of millions of Americans will react to the new incentives. Sears will be offering them fair opportunities to save just as Sears has been offering its customers fair opportunities to spend for nearly 100 years.

If a new surge of savings slows the rate of growth of consumer spending in retail stores, for a time, then so be it. We will gladly forego increased consumption today to build a stronger economy in years ahead.

In other years, Sears would not be able to capitalize on the expected increase in personal savings. In 1982, however, that expected increase in savings is occurring at the same time that a dramatic restructuring of our traditional financial institutions is underway. The regulatory system that has kept financial institutions in a straitjacket for so long, a system that Arthur Burns has called "a jurisdictional tangle that boggles the mind," is finally coming apart at the seams.

Attempts to reform that system began 20 years ago with a series of mongraphs published by the Commission on Money and Credit. The effort picked up steam in 1971 with the Hunt Commission Report. And the pace picked up again in 1975 with the production of volumes of studies and staff papers collectively called the "Fine" study.

The Congressional response to these reports was modest. The Financial Institutions Acts of 1973, 1975 and 1976 failed passage. The Depository Institutions Deregulation Act was approved in 1980.

All of these efforts had two things in common. They all called for dramatic deregulation and they all failed to accomplish much of anything. Congress, buffeted by the conflicting interests that persist in the financial world, has been impotent. Another legislative attempt is now underway, but it is doubtful that anything important will be accomplished soon.

Fortunately, the marketplace itself has been far more effective and ingenious. So we have:

Money market funds.
CMA accounts.
Discount brokers.
New financial combinations.
Electronic transfer of funds.

The prospect of financial transactions done in the home.

One-stop shopping for all aspects of home purchases . . . And the prospect of many more financial services that will give the small saver a better break.

Many say, "Slow down—allow more time for the transition." But so often it seems impossible to take even a small step.

It's an old, familiar tune. Every time someone asks for deregulation . . . whether it's the airlines . . . or commission rates for stock brokers . . . or the trucking business . . . or communications industry . . . the regulated companies have so many reasons why deregulation should go slowly. The loser has been the consumer.

In the case of interest rate ceilings, the Wall Street Journal called it right when it said:

"The old system was essentially a fraud on small business."

Let me read to you from a letter I received from an officer of a small rural bank who was pleased to hear of our proposed money market fund. He said our action "is to the advantage of the general public." Because, he continues, customers of small banks are at a "disadvantage . . . as far as investments are concerned."

He states that his customers "do not have investment experience and hesitate going to a brokerage office in the city."

And, he concludes by saying he has a "feeling of guilt when people (he knows) come and ask . . . where to invest, and (he) has to add it to one of the accounts (offered at) often one-half of what they could receive from a (high quality fund)."

His letter illustrates the obvious. Despite our need for efficient mechanisms for capital formation, we maintain one of the most inefficient and most undemocratic financial service systems in the world.

In these days of computer technology that can move millions of dollars across continents in seconds, many of our financial institutions still act as if money were being transported by Wells Fargo stagecoach.

But there is nothing truly wrong that cannot be fixed by the marketplace.

The mystery is: Why has it taken so long for the public to make the marketplace work?

It's the same old story: Businesses protected by regulation from competition are comfortable. They too often prefer to lobby government for increased profits rather than earning them from their competitors.

In years past, airlines fought deregulation . . . and Wall Street argued for fixed commission rates. Today, the communications, trucking, and shipping industries all worry about free market competition.

And today, thrift institutions seek continued protection from full interest rate competition, while local banks object to multistate competition from national banks, and even to branch banking within the states.

In each case, the loser has been the consumer. Protection from competition is just a euphemism for "Soak the Consumer." Regulation "Q" is nothing less than the "fraud" *The Wall Street Journal* called it.

Eight years ago, right here in Chicago, President Ford called for deregulation. President Carter echoed that call, and President Reagan has kept the pressure on. The result, spurred by bold corporate and legislative action, has been remarkable:

Because Merrill Lynch and a few others wanted to compete, commission rates on stock are now unfixed.

Because United Airlines was willing to compete, the airline industry was compelled by Congress to compete.

Because the Justice Department and AT&T were willing to face the realities of the marketplace, we are on the verge of a new era of competition in communications.

And now, because American Express, Merrill Lynch, Sears and others have responded to the forces of the marketplace, we will have a new financial service system.

It is far too late to turn back. You might as well try to stop Sears from selling in suburban stores, as to try to keep new financial services away from the small saver.

The small saver can't be pushed back in his thrift account . . . back to 5½ per cent or lower interest rates to subsidize the housing industry, or any other industry.

Large savers can never again look to receive twice the interest rates on corporate bonds and government bonds, just because they have $100,000 to invest.

The hard-working middle class can no longer count entirely on Social Security to provide for their retiring years. To retire with grace, they will have to save for themselves.

And none of us will survive in this new financial world if we "stand pat."

Much can and should be done by Congress and by state legislatures to make the transition smooth.

If multi-state banking and interstate branching are not permitted, then firms like American Express and Sears, with electronic fund transfers, will do the job banks should do.

Banks and thrifts will either be permitted to offer better investment vehicles such as "money market funds" or they will be forced out of the retail financial business.

There are far too many legislative issues at debate now for me to even list them, much less to discuss them, but let me read and answer a few of the questions put to the Congress by the House Banking Committee:

"Should existing (financial) institutions be given parallel powers to allow free competition among these institutions?" Of course they should.

"Can the antitrust laws provide adequate protection against concentration of power involving financial institutions and non-banking firms?" Yes.

"Is separation (of types of financial institutions) required to provide an ample flow of capital to firms and governments?" No.

"Should brokerage houses be permitted to establish subsidiaries . . . free to engage in deposit and lending operations?" Yes.

"Should the supervision and regulatory structure of financial institutions be reconstituted?" Of course; and much, much more is necessary to free our economy.

ERISA and the Investment Management Act of 1940 both need a complete spring cleaning.

State-imposed interest rate ceilings must, like Regulation Q, give way to the market.

The faster the legislatures of this country can respond, the less damage there will be to existing financial institutions, and the greater the benefit to consumers will be. But the eventual outcome is not in doubt.

I can assure you that Sears is acting now . . . just as it has responded to consumer needs in the past.

For most of its corporate life, Sears has provided spending opportunities to more consumers than any other organization in the free world.

Our catalog opened up all America to the production capacity of America.

Early in the century, we provided consumer credit that was then revolutionary.

Our suburban stores set the early pattern for a society that was turning to the automobile.

Sears sponsored the manufacture of many consumer goods that could be delivered at better prices: refrigerators, washing machines, television sets, and tires, for example.

Now Sears is determined to be a primary provider of financial services. We begin this effort with sound and trusted resources:

One of the nation's largest insurance companies: Allstate Insurance.

One of the country's largest and most respected brokerage firms: Dean Witter Reynolds.

The largest independent real estate broker in the U.S.: Coldwell Banker.

A superb credit card system with 25 million regular users.

A large California-based thrift institution: Allstate Savings and Loan.

Each of these resources shares with Sears the earned reputation of an organization that can be counted on by the consumers they have served well for many years.

Together, they provide what already may be the country's largest financial service organization.

With these resources, we have already commenced a money market fund, and are providing IRA account opportunities to all of our customers.

Much more is on our planning list:

We, like others, will provide opportunities for our customers to borrow money on their home equity.

We will be in the forefront of those who will provide electronic fund transfers throughout the United States.

Eventually all outlets in the Sears family of companies can have the capacity to accept and disburse funds.

We will be among the first to have a truly universal financial card capable of handling practically all household financial transactions.

We will pioneer in two-way communications with the home, through computers and telephones, for financial transactions and consumer products as well.

In short, we expect to be as important a factor in financial services as we are in consumer sales.

We will not have the field to ourselves. The competition is strong, and it will become even stronger as this industry reforms under market pressures. Some will be as large or larger than the Sears family. Others of much smaller size will find their marketplace, just as the specialty boutiques have prospered in the shadow of retail chains.

The notion that this competition will bring undue concentration of financial power is baseless. All of our previous experience with deregulation demonstrates quite the contrary result.

Smaller airlines are doing better today than the transcontinental giants. Discount brokers are profitable. We might not always have the 15,000 banks that we have today—after all, England has only 10 banks—but under any conceivable forecast, there will always be thousands of individual institutions of all sizes competing in a more democratic market.

And in the spirit of competition, let me raise one other point relative to Sears and world trade.

Earlier, I mentioned the importance of dealing with economic, political and social forces on a global basis. An important part of this equation must relate to the quality of world trade.

As we Americans begin the rebuilding of our economy, we can no longer ignore our shortcomings in world trade. We can no longer manufacture and sell exclusively for our own consumption. We can no longer lose competitive ground on a world scale. And we can no longer fail to recognise that the largest trading companies exporting goods from America are all foreign based and owned.

Too many companies have followed the historical pattern of Sears. We import hundreds of millions of dollars of goods each year and export almost nothing by comparison.

Sears hopes to help change that pattern. We have the economic strength and the resolve to make the Sears family of companies a truly significant trading company.

Sears also has the basic knowledge and ability. Sears has made its mark by selling the right products to the right markets. And we've done it efficiently. We believe we can now extend this capacity beyond our traditional borders . . . to the horizon of world export.

This will be one more step in our evolutionary plan to build on Sears existing strengths, while carefully seeking new and bolder opportunities. Our goal is to provide more goods and services to more people in the future. And if we do that well, Sears, Roebuck and Co. will grow and profit well.

In conclusion, all that I have said stems from a common theme. We are facing up to the new realities of the American marketplace. The American economic, political and social condition has undergone a radical change: a change that calls out for new products . . . new services . . . new ways in doing business.

Old institutions which adapt to these changes will survive and prosper. Those that do not will falter and fail. After all, that is the underlying principle of the free market system. The chance of failure is as important as the right to succeed.

Our free market system, like Darwin's understanding of natural selection, means only the fittest will succeed.

Institutions that have evolved into dinosaurs must face the inevitable process of natural selection. This is a process driven by the free choices made by customers in a free market.

Institutions that can no longer provide their customers with a product they want to buy at a price they want to pay for, have lost the right to survive. In my judgment, such institutions should not be artifically sustained or prolonged by protection regulation or by bailouts.

I acknowledge this to be a harsh judgment. But it is not a political or social judgment. It is the judgment of the marketplace and of the customers for whom we all compete.

And I would remind those who may be troubled by my convictions that in the retailing business, where I have had my roots for 35 years, there is seldom a day but that someone among us—large or small—has had to close his doors for the last time.

In the long run, all free market institutions—whatever their size or age—must function under a law of natural selection. Certainly, the retail industry does. And, certainly the financial services industry must.

As I see it, American industry is undergoing more radical change than the financial services industry . . . and with good cause.

National needs have changed. National priorities have changed. And industry must change to meet these new realities in the marketplace that is the hallmark of our free society.

I thank you.●

THE JOB MARKET

● Mr. RIEGLE. Mr. President, on February 15, 1982, the Chicago Tribune contained an article which outlines in detail the stark realities of the present depressed job market and the hardship and agony of people searching for jobs that do not exist. I ask that the text of this article be printed in the RECORD at this time.

The article follows:

REAGAN'S JOBLESS SOLUTION IS CLASSIFIED

According to President Reagan, a sunny side to the nation's economic woes can be found in the pages of a newspaper's classified advertising section.

Referring to the unemployment situation, Reagan said:

"Well, one of the things that's needed, I think, was illustrated in the local paper on Sunday I made it a point to count the pages of help-wanted ads; there were 24 full pages of classified ads of employers looking for employees. . . ."

It was an interesting observation; and, as if to head off criticism based on the fact that most of those ads were for skilled workers in specialized fields, the President quickly followed up his remarks by adding: "What we need is to make people more qualified to go out and apply for those jobs, and we're going to do everything we can in that regard."

As long as Reagan has focused on classified ads, it might be useful to look at something that recently happened in Detroit, one of America's hardest-hit areas of unemployment.

At the Detroit Free Press, one of the city's two daily newspapers, executives decided to help unemployed people in the area by running free "situation-wanted" ads. Anyone who needed a job was invited to call the paper and place a free ad of up to five lines.

"It was overwhelming," said Michael J. Bradley, classified advertising manager for the Free Press. "We had to put extra people on to handle all the calls."

In response to the Free Press' offer, 4,950 people called the paper to take advantage of the free ads. "Basically they told our ad counselors their stories," Bradley said. "Then we helped them put their situations into the format of five-line ads."

Bradley said the response to his paper's offer was "heartbreaking"; he said that it "showed in very graphic terms just how desperate the unemployment situation is in Michigan. The people who called us to use our service were very grateful that we were doing this for free; but of course, we couldn't guarantee them any job offers."

Bradley said that the project cost the Free Press approximately $30,000—and he admitted that he had no idea of how successful it was in matching people up with jobs. "I personally know of only 15 or so people [out of the 4,950] who got jobs. But even if it was only those 15, I think it was worth doing."

When you look at the thousands of situation-wanted ads in the Free Press' special section, you get a different view of the economy than President Reagan did when he saw his 24 pages of help-wanted ads. The men and women of Detroit were from all areas of the work force, and they were willing to do anything to make an honest living.

And if you called the phone numbers in those Free Press ads, you would get a different picture than President Reagan's, too.

One ad read: "Painter with 17 years experience. All areas, interior and exterior. Rehabilitation work. Call Mr. Shepard," and then a phone number.

"I was hoping and praying that something would happen," said Donald Shepard, 40, the man who placed the ad.

"I think it was real understanding of the Free Press to do this. I couldn't afford to pay for an ad like this. So far, nothing has happened. You've got to keep your eyes and heart open."

He said he doubted if the President could understand the plight of men and women like him:

"If a person hasn't been there, they just don't know. My wife and I are on general assistance. I have been out of work for a year. We're always trying to make ends meet."

None of the people we contacted out of the Free Press' ads have found jobs. Steve Rubrich, 59, took out an ad saying that he was a skilled auto mechanic. He received several calls, but when the prospective employers learned his age, they lost interest.

"When they find out how old you are, that's the end of the game," Rubrich said. "I mailed those [Free Press] ads to the President. I think he's looking into a barrel. This man can't tell me there are jobs for skilled people.

"It's all very depressing. You get edgy. It makes me feel like there is no future."

Kurt Matthes, 23, took out an ad saying he is an aggressive hard-worker, dependable, ready to start immediately." He, too, found no takers.

"I'm looking for anything, and I'm not picky about salary," he said, "It's just so frustrating. I used to hear stories about the good money and the overtime in the auto industry. Things were booming . . . and then kaput.

"Now I look out into the park and I see all this traffic. At 12 o'clock in the afternoon now, the roads are filled with people, younger people feeling frustrated. It's terrible. We just sit around and talk about what we can do, anything to make a buck.

"Nobody has money to pay for odd jobs, so that's no good, either. I'm out there hustling, but there's nothing out there. It's practically a depression around here. You sit back and say, 'What's going on here?'"

It is probably too simplistic to blame President Reagan for all of America's economic woes. He inherited a dismal situation, and has had only a year to try to fix it.

But it is equally simplistic for him to hold up a section of help-wanted ads and say that the job outlook really isn't as awful as it seems. If the President wants to read want ads, there are 4,950 of them waiting for him in the Detroit Free Press—and the people behind each of those 4,950 ads would be only too happy to tell him their stories personally.●

PAYMENTS BY ROMANIA

● Mr. **MOYNIHAN.** Mr. President. This morning's Washington Post reports that Romania has decided to halt altogether its payments to Western creditors and to ask for an extended rescheduling of its already overdue debt. The United States is thus faced with two insolvent Soviet bloc countries. Poland of course is the other. And as is true in the case of Poland, there will soon be a great deal of pressure put on the administration to cushion the Government of Romania from the otherwise inevitable consequences of its disastrous economic policies. "Provide still more credits, lend them additional money, subsidize their purchases of American products," will go the refrain. "Help them to rebuild their economy so they can pay the debt."

It seems to me not unlikely that the United States will agree to reschedule the Romanian debt. The only queston is: Will the United States insist, as a condition of the rescheduling, on real progress in the areas of human rights and emigration?

It bears repeating that Nicolae Ceausescu's much-publicized "independence" from the Soviet Union in matters of foreign policy has no domestic parallel. Indeed, the daily violations of basic human rights and civil liberties in the Soviet Union may be exceeded only by the arbitrary and brutal treatment Romanians receive from their own government.

Even when the Romanian Government has entered into formal international commitments to improve the state's observations of human rights—as in the commitment made to the United States to allow free emigration when Most Favored Nation trading status was granted several years ago—Romania's record has not improved.

Because the Senate will soon be called upon to review Romania's record of compliance with that particular commitment, when the time comes next summer to consider renewal of Romainia's MFN status, and also because the United States is now confronted with the issue of Romania's unpaid debt, I think it important to keep in mind what life is like in Romania.

John Lukacs, a prominent and distinguished historian of Europe, recently published in the New Republic an excellent article about life in the province of Transylvania, where Romania's Hungarian minority suffers regular and systematic harassment and abuse. Professor Lukacs provides rare and valuable insights into the Romanian Government's persecution of 2½ million Hungarians and should be read by every Senator. I ask that the article be printed at this point in the RECORD.

The article follows:

IN DARKEST TRANSYLVANIA

(By John Lukacs)

When I tell my American friends that I traveled in Transylvania, their response is predictable, automatic, universal: "Dracula!" with a grin. I am irritated by this example of the dismal influence of movies on entire categories of American knowledge—or, rather, anti-knowledge. "Dracula" was a Wallachian tribal chief who had little to do with Transylvania. His "castle" was outside Transylvania. For 14 years he was imprisoned by King Mathias of Hungary, who was the real ruler of Transylvania then. In that gilded prison, "Dracula" (this means Little Devil in Rumanian; his real name was Vlad Tepes, the Impaler) allegedly gave up his Byzantine Orthodox religion to become a Roman Catholic in exchange for his freedom. This was the worst of the sins that the Russian historian Kuritsyn (one of the first chroniclers of Dracula's cruelties) held against him; but then, Kuritsyn was the favorite chronicler of the immediate predecessors of Ivan the Terrible. The Russians did not like the Rumanians then and do not like them now, and the mistrust is mutual. The real trouble in Transylvania, however, is not between the Russians and Rumanians but, as we shall see, between Rumanians and Hungarians.

Transylvania is a beautiful region, a beautiful part of Europe. I write "part of Europe," because this is essential, the key to its history, to the very configuration of its landscape and of its shapes, of its colors and scents, and of the taxonomy of its flora and fauna, including the human fauna. Transylvania had its high Middle Ages, cathedrals, Cistercians, a whiff of the Renaissance, its Reformation, its Counter Reformation, its Baroque, its Enlightenment—the historical ages that made Europe, entire historical ages that did not exist in Russia or in Rumania, Moldavia, Oltenia, Wallachia, Bessarabia, Bulgaria, Serbia, Macedonia, Albania, Thrace, Greece, the Ukraine.

Before Vienna the Alps peter out. But there are other mountains in the old Austro-Hungarian Empire, the largest among them the Carpathians. They form three-quarters of a ring around old Hungary, fir-laden dark mountains, not as young as the alps but not very old either, black-green with sunlit clearings, mysterious rather than ominous, sparsely populated even now. On the map they resemble a tightly coiled wreath of the hair of an Eastern European peasant girl, girding the Danube basin as the girl's hair engirds her head. Eleven hundred years ago the Magyars (a name that I prefer to Hungarians) came into that basin. Its eastern portion was the land of the forests, Transylvania, Erdely, Ardeal.

To sum up the history of Transylvania in a page, or even a dozen pages, is nearly impossible: it is one long series of exceptions. The Magyars were, and are, exceptions, in a sense that they do not belong to any of the principal European ethnic families they have lived among—Germans and Slavs and Latins; and the Székely, the main Magyar tribal people in Transylvania, were exceptions among the exceptions. The Rumanians, too, are exceptional people: they claim to be descended from the near-mythical Dacians and from Trajan's Roman legions, which is near-nonsense. What is not nonsense is that their language is clearly neo-Latin, though for long centuries the Rumanian script was Old Slavonic, and until nearly 200 years ago, the few Rumanian books were printed in Cyrillic. The Turks conquered almost all of the Balkans, including Wallachia and Moldavia (there was no "Rumania" then) during the 15th century. They conquered half of Hungary during the 16th. Yet they did not penetrate into Transylvania; the Magyars fended them off. On two or three occasions the hot rake of war ran up several Transylvanian valleys, and Turks and Tatars ravaged scores of villages, but for nearly two centuries Transylvania was something of an independent state, governed for most of that time by Magyar princes. Transylvania existed between East and West. Its status then had remarkable similarities to that of Finland since World War II. The rest of Europe noticed this, exercised by a recurrent fear of the Turks. As in the case of modern Finland, the civilization of Transylvania was remarkable: there was religious toleration, decreed in 1560, and for most of the time Catholics and Protestants lived peaceably together. (William Penn knew this: impressed by the extant example of religious toleration, his original idea was to name his American Quaker colony "Transylvania.")

At the end of the 17th century the Turks left Hungary and the western fringe of Transylvania (though not Wallachia and Moldavia—that is, present Rumania). Transylvania reverted to a province of Hungary, which, in turn, was a semi-independent province of the Hapsburg Empire. The Rumanian population grew: Rumanians came through the mountain passes, getting away from the Turks, coming into that (often empty and open) land of the forests. In 1918, Transylvania, for the first time in its history, was given to Rumania—the gift of Wilson, Lloyd George, and Clemenceau, those pettiest and most hapless of the bourgeois statesmen of the 20th century.

There are now about 2.1 million Magyars in Transylvania, amounting to perhaps one-third of the population. The Magyars have not been a very prolific people. They are badly suppressed by the Rumanians. Before 1918 the Magyar treatment of the Rumanians was not exemplary either, but the present kind of suppression is different. There are relatively few political prisoners in Rumania now, but the secret police is ubiquitous, more ubiquitous than in any Eastern European country excluding the Soviet Union—and, as Rumanians themselves will tell you, the Soviet Union is not really a European country. The number of Magyar schools is systematically diminished by the government. The largest university, until recently bilingual, is now entirely Rumanianized. The Magyar faculties are gone, though here and there Magyar professors linger on. This is in Cluj-Napoca, the largest city in Transylvania, which was originally Kolozsvár in Magyar (Klausenburg in German), then it became Cluj in Rumanian, and lately it has been renamed Cluj-Napoca, a resurrection of a Roman place-name from the time of the Emperor Trajan. Official Rumanian propaganda and official Rumanian historiography claim that the Rumanians are direct decendants of Trajan's legions, which is as if Ronald Reagan were to declare his descent from Pocahontas. Yet many Rumanians have something mock-Latin about them; they are curiously reminiscent of the mock-European quality of Argentinians.

The broadcast and television slots allotted to the Magyar language on the Rumanian state newtwork are distressingly brief, and hardly more than official Rumanian propaganda. The speakers and the interviewed and the musicians must identify themselves as "We Rumanians." In the predominantly, and sometimes purely, Magyar villages and towns, all of the inscriptions are in Rumanian—bilingual signs and directions are not allowed at all. Those Magyars who succeed in struggling up through the bureaucracy to acquire diplomas or qualifying degrees are given jobs in Wallachia, Moldavia, Oltenia, and Bucharest. There have been cases when patients in state hospitals in Magyar towns and with a Magyar staff were forbidden to talk to their doctors in Magyar.

On the Rumanian side of the frontier with Hungary, the wait is three hours. There are not more than seven or eight cars in line, but the hoods and the trunks have to be opened, the seats are pried apart, the luggage taken out and deposited on concrete slabs of benches. It is not my American passport that entitles me to a bit more courtesy from the Rumanian customs men, but the fact that I have only one piece of luggage; the other cars are crammed with people, children, and packages of food that they bring into Rumania. The Rumanian police are looking for foreign books, including books from Hungary, which are confiscated. I was warned about that in Budapest and left my books behind, but on top of my clothes there is an offprint of an article by a Magyar medievalist, printed in a German scholarly journal about the commercial and diplomatic relatons of the Caucasian principalities with the city-state of Genoa during the 15th century. The Rumanian customs people pore over this for 20 minutes, they take it into their booth, they study it. They return it to me, and one of them asks: "Where is this Georgia?" "A republic of the Soviet Union," I say. He is reluctant to believe me, but then he returns my passport and waves me on.

This is the frontier between two Communist states, two Eastern European states, two member states of the Warsaw Pact. The difference between them is enormous. Passing back into Hungary—and this is southeastern Hungary, a relatively poor portion of the country—I am instantly back in the West. The difference between Rumania and Hungary is much greater than that between "Communist" Hungary and "Western" Austria. This is not merely the difference between two states, but between two nations and two cultures—indeed, the deepest boundary is not on the map. It is unmarked and yet immediately palpable, there between peoples: the boundary between Roman Catholic Europe and Byzantine Europe, between Western Christianity and Eastern Orthodoxy. (The fact that many of the Magyars in Transylvania are Calvinist shows that in Transylvania the exception is the rule.)

I could regale my American friends and readers with stories about Rumanian corruption: the official who exchanges currency, but who wants a tip; the "luxury" hotel which has (finally) a bath, but which will not furnish a stopper for the tub except for extra consideration; the fundamental difference between the cleanliness of the places populated by Magyars and those populated by Rumanians. I won't continue, because my readers will already be saying that, of course, this writer is a Hungarian and that explains everything. I cannot help this. I am a Magyar but I am an American too, and I am writing for Americans. The most important thing in Transylvania, as perhaps everywhere else in the world, is this existence of deep national differences, something that is obscured not only by ideologues (including those of anti-Communism) and by their appalling ignorance of geography and of history, but by the dominant social-scientific pattern of academic and bureaucratic thinking that dismisses national character as a reactionary 19th-century myth.

What is happening in Transylvania (and what is happening to many other places in Eastern Europe) has little to do with Communism or anti-Communism. What is even more significant, it has almost nothing to do with Russians. As a matter of fact, during the Russian occupation of Transylvania, the Magyar population was treated a little better; the Russian rulers wanted no trouble in that regard. As the Russian flood receded from Rumania the atavistic inclinations rose again, and the crude suppression of the Magyar population reappeared. The principal, and sometimes courageous, spokesmen for the Magyar people are members of the Rumanian Communist Party, who on occasion are persecuted and dismissed from their jobs. Whether or not you are a Communist makes little difference in Transylvania. What counts is whether you are Rumanian or Magyar; or, to be more precise, whether you are anti-Magyar or pro-Magyar, regardless of your party membership, regardless even of your native language.

In many of the Magyar apartments and houses the radio is tuned to Budapest. The news from Radio Budapest does its little bit for pro-Soviet obeisances and propaganda, but for the Transylvania Magyars this hardly matters at all; it is so much more objective than the Rumanian radio. "Sometimes we listen to Budapest, sometimes to Radio Free Europe," they say. "It hardly makes any difference."

Rumania used to be the richest agricultural country in Europe. The American fliers who were shot down over Ploesti in 1943 and then parachuted in were amazed at how well they were fed. They were the only prisoners in World War II who gained ten to twenty pounds in one year of captivity. The Communist regime depleted the land. The oil wells, the largest deposits in Europe west of Russia, are running dry. The fields are speckled by children in blue smocks; classes in the fall are ordered out to gather potatoes. The state of the economy is as bad as Poland's. As in Poland, the shops are empty; people often do not bother to stand in line.

In most restaurants there are no menus. The waiter will tell you what there is to eat, and the food is foul.

The regime, however, is fairly solid and strong, and not only because of the secret police. In Rumania, not unlike the Soviet Union, the government is seen by the masses as a necessary evil, an unquestionable force of nature. The Rumanian government caters to mass sentiment by feeding it nationalism, suppressing the Magyars, and on occasion making sly references about the Russians. Thus the most rigid Communist regime in Eastern Europe is also the least pro-Russian one. The dictator of Rumania is Nicolae Ceauşescu, a former cobbler, whose wife and whose numerous relatives occupy dozens of the highest posts in the government. His private train has 12 cars. He had himself photographed with a jeweled scepter in hand; as well as standing over the carcasses of wild boars and bears which he shoots as they are driven before his august presence. He was also photographed dancing the Rumanian hora with Richard Nixon. The grinning, dark, and jowly faces of the Californian and Wallachian Presidents, both chief executives from the edges of civilization, oddly resembled each other.

The Eastern European landscape is now that of a valley where the flood and the fog are receding, and the ancient towers and turrets, broken and begrimed but nonetheless recognizable and standing, slowly emerge from under the fog. This devolution is promising and should not surprise anyone except for ideologues and theorists of international relations. Yet it is not as simple as that. In Russia, too, the towers and the turrets of Old Russia reappeared when much of the red chaotic fog of the Lenin-Trotsky years was wafting away. Yet in the streets of that Russian scene appeared not the New Soviet Man, but a people reminiscent of something old and dark, as was their leader, a new reincarnation of Ivan the Terrible. In Rumania, too, Ceauşescu is reminiscent of something old and rooted in the dark recesses of Balkan history, of those Wallachian and Moldavian voivods who knew the Byzantines and the Turks and how to get along with them or against them, depending on circumstances, people whose calculations of power were in their blood, and compared to whose life stories Machiavelli's The Prince was only an elegant theory spun out by a rationalist skeptic.

But Dracula was not a Transylvanian, and Transylvania is different. There is the Saxon minority, for example. As early as in the 13th century, the kings of Hungary invited Germans to settle in Transylvania. The latter called themselves the Saxons. They were an early variant of the bourgeoisie; they built admirable and industrious lives in their towns. They lived a tight little existence, disliking the Magyars and despising the Rumanians. With the Reformation they discovered their German nationalism in an instant and became the grimmest Lutherans in all Christendom. Four hundred years later they were proudest followers of the Führer. As I drive through a village, a young boy in lederhosen, seeing my Viennese license plate, gives the Hitler salute.

All over Eastern Europe after World War II, the Germans were deported to Germany. The Rumanians did not deport them (though many of the Saxons left for West Germany through the years). An intelligent Rumanian told me several years ago: "Who knows? The Germans may become a great power again." There is that Hollywoodian witticism about the Hungarian who enters behind you in a revolving door and comes out ahead. Nothing could be further from the truth. Hungarians, with all of their talents, are the least able politicians. The polititcal history of Hungary is marked by a series of disasters. It is the Rumanians who are masters at politics. Here are a few examples from our contemporary history.

To a certain extent, the modern Rumanian state had been a creation of France, but when France fell in 1940 the Rumanians turned pro-German more quickly, and more shamelessly, than any other state and people in Europe. Well before the Third Reich demanded compliance with "the final solution," the Rumanian Iron Guard hanged elderly Jews on butcher-hooks in the side streets of Bucharest. They murdered, among others, Professor Iorga, the nationalist historian, whose only sin was his Francophilia. (Before killing him they tore out his beard, hair by hair). Now, 40 years later, lit, because the electric current is poor and weak. The lights are pale, hardly flickering in the squares, reminiscent of a Central Europe sixty or more years ago. But in the sunny autumn mornings, the plane trees are drenched with gold and the cities are real cities, with people milling in the old streets, visibly propelled by the difficulties and by the purposefulness of every day life. And thus certain things in these cities still breathe the life of decades ago, when Magyar (and sometimes Magyar-Jewish) geniuses took wings to fly to the greater world of Budapest and Paris. It was then, in the coffeehouses of Kolozsvár and Nagyvárad, the Gaudelaireans and the folklorists argued and drank into the night, a Transylvanian night in which the coffeehouse smoke instantly wafted away in the clean dark air in the narrow streets, between the uneven rows of the yellow-stuccoed, one-story provincial houses with their earthy odors and sometimes erotic promises and the lone swaying electric tram car lighting up the cobblestones at the far end.

Yet though the cityscapes have changed in many ways, the landscape remains almost untouched. By September the grass is down, the large, unpeopled, and untended hills resemble the 19th-century deer park of a great Anglophile lord. There are lakes in the mountains, agate-pure, secretive, and calm in bowls of pine forests, without a single inn or a house or even a tourist tent nearby. And beyond the mountain ridges lie Moldavia and the snow, a different world of bearded priests and gypsies and Levantine merchants in their cordovan boots. Ancient roads and mountain passes, which were used by Transylvanian craftsmen to haul their boots and finished goods and furs to the markets, are still traversed now and then by bullock-carts, a truck passing them every five minutes or so. On the other side of Moldavia, a mere one hundred miles further to the east, almost all of the roads peter out, disappearing before the Russian frontier where the few crossing-points are hundreds of miles apart. It is as if Russia were thousands of miles away; as if the Russians had never been there.

So this is the beautiful and the bitter end of Europe, poor beyond its deserts, rich with its past, and where the past is present not only in the remaining houses with their high-ceilinged rooms and tile stoves, but in the minds and the hearts of the people. In George Orwell's *Nineteen Eighty-Four*, Winston Smith, on one occasion, secretly and daringly offered a toast "to the past." In darkest Transylvania, as 1984 approaches, such a toast would be as out of place as a toast to Dracula. There the past is real. It illuminates the everyday necessities of life; it is the living hope not only of the oppressed Magyars but of those younger Rumanian writers and thinkers who, perhaps for the first time since the Turks, have something in common with the Magyars. They, too, despise the police state, the mechanical surveillance, and the senseless acres of chemical factories in the valleys of Transylvania, spewing sulphurous yellow and scarlet fumes into the air. The Russian flood is retreating, one day the Communist state will be gone, and when that miasmatic fog had lifted perhaps the multifarious people in the streets and squares of Transylvania will not be condemned to repeat the past, precisely because they unlike the Russians, have learned to know it. There will be no place for petty Draculas in Transylvania. They will take their vampirish flight to Hollywood to those Californian castles where they belong.●

ASSASSINATION OF TURKISH DIPLOMATS

● Mr. DOMENICI. Mr. President, on January 28, 1982, gunmen assassinated Kemal Arikan, the Turkish consul general to Los Angeles. This was the third murder of Turkish diplomats in the Los Angeles region: In 1973, the Turkish consul general and the Turkish consul were both murdered by an American Armenian claiming revenge for the Ottoman massacres against the Armenians in 1915-16.

In the intervening period, 18 more Turkish diplomats or their family members were killed in Western Europe and Australia by Armenian terrorists and scores of others, including innocent bystanders, were injured in assassination attempts and bombings. The killers return to the United States.

Besides expressing my moral outrage at the killings of a brave diplomat of our trusted NATO ally and expressing condolences to the family of Mr. Arikan, I am calling, as several of my colleagues also do, for a thorough investigation of the Armenian terrorist groups operating in this country.

WORCESTER AGAINST GEORGIA

● Mr. DOMENICI. Mr. President, today is the 150th anniversay of the decision of the immortal Chief Justice John Marshall in the landmark case of *Worcester* v. *Georgia*, 6 Pet. 515 (1832). In this case, the late Chief Justice confirmed within our legal system the political existence of American Indian tribes as domestic dependent nations and upheld their treaties with the United States as the supreme law of the land.

One of the most frequently cited cases in American jurispreudence. Worcester helped to establish the power of the Federal Government within its proper constitutional sphere and helped to guarantee the right of the Indian people to their existence despite their military, political, and economic weakness.

It represents the highest aspirations of this Nation to limit the exercise of its own power and to abide by the rule of law.

We should pause to reflect on some of the ironies in this sesquicentennial event. The American Indian tribes are still engaged in a struggle to insure their existence in American society. As was the case with the Cherokee Nation in the 1830's, the Indian people of today enjoy the protection of the Federal Government although all too often that Federal protection is as ineffective for today's Indians as it proved to be for the Cherokees.

But despite the human feelings displayed by the historical record, we are constantly reminded of the heights of our aspirations when we reread the compassionate and humane words of the Chief Justice.

The issue of the removal of the Cherokees from the State of Georgia was hotly debated at the time, with strong support given to both sides. Believing in our profession of the rule of law, the Cherokee Nation sought refuge in our Federal courts.

They were unsuccessful in 1831 in the case of *Cherokee Nation* v. *Georgia*, 5 Pet. 1 (1831), when they supported the appeal of the Rev. Worcester's conviction for the crime of living among them. In 1832 they received a vindication of their treaties and their political existence but no protection of their rights.

The great Chief Justice's words ring down through the years in the halls of this very building. They remind us of the quality of moral leadership which often blessed this Nation in its early days, and the historic role of the judiciary in helping to balance our institutions which might otherwise be swept by the popular passions of the day.

John Marshall did not save the homelands of the Cherokee Nation. If there is an inevitability in history, then perhaps the Cherokee's loss was inevitable. But the monumental importance of Marshall and those like him and of the decision I note today is that they established and articulated the standard by which this Nation was to be measured. Without institutions and individuals to play this role, we become a nation adrift.

The relations with the Indian tribes are matters constitutionally committed to the Federal Government. We are in the process of reexamining our Federal system and restoring what many of us feel is a recent imbalance in that system.

We must be sure that as we revitalize the role of the states in the life of the nation and strengthen the Federal-State relationship we do not fail to distinguish the fundamental constitutional responsibility of the Federal Government with respect to Indian affairs and the guarantees of self-government confirmed in Worcester against Georgia 150 years ago.●

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order on tomorrow, the following Senators be recognized on special orders of not to exceed 15 minutes each: The Senator from California (Mr. HAYAKAWA), the Senator from Missouri (Mr. DANFORTH), the Senator from New York (Mr. MOYNIHAN), and the Senator from West Virginia (Mr. ROBERT C. BYRD).

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. BAKER. Mr. President, I move in accordance with the order previously entered that the Senate stand in recess until 10:30 a.m. tomorrow.

The motion was agreed to, and at 6:52 p.m., the Senate recessed until Thursday, March 4, 1982, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 3, 1982*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Even as we try, O Lord, to be the people You would have us be, we admit our faults and confess our weaknesses. Yet, You have promised by Your mercy to be with us in good times and bad, and we thank You for Your free gifts of forgiveness and grace. As You have accepted us as we are, so teach us to accept others of the human family with the understanding and peace by which we have known Your love to us. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BADHAM. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BADHAM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 15, answered "present," 1, not voting 63, as follows.

[Roll No. 13]

YEAS—355

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bevill
Bingham
Blanchard
Bliley
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Broomfield
Brown (CO)
Brown (OH)
Broyhill
Burgener
Byron
Carman
Carney
Chappell
Chappie
Cheney
Clausen
Clinger
Coats
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
Deckard
DeNardis
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dornan
Dougherty
Dowdy
Dreier
Duncan
Dunn
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emery
English
Ertel
Evans (DE)
Evans (GA)
Evans (IN)
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fountain
Frank
Frenzel
Frost
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hawkins
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Hollenbeck
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Jeffries
Jenkins
Johnston
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marks
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCollum
McCurdy
McDonald
McEwen
McGrath
McKinney
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (NY)
Moakley
Moffett
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
Oakar
Oberstar
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Railsback
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rosenthal
Roth
Rousselot
Roybal
Rudd
Russo
Sawyer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Udall
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki

NAYS—15

Barnes
Butler
Emerson
Evans (IA)
Forsythe
Gejdenson
Harkin
Jacobs
Miller (OH)
Mitchell (MD)
Sabo
Schroeder
Walker
Weber (MN)
Young (AK)

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—63

Applegate
Bethune
Biaggi
Brooks
Brown (CA)
Burton, John
Burton, Phillip
Campbell
Chisholm
Clay
Coelho
Crockett
D'Amours
Danielson
de la Garza
Dellums
Derwinski
Downey
Dwyer
Edwards (OK)
Erdahl
Erlenborn
Fary
Ford (MI)
Fowler
Fuqua
Goodling
Heckler
Holland
Holt
Hopkins
Huckaby
Ireland
Jeffords
Jones (NC)
LeBoutillier
Leland
Lowry (WA)
Mattox
McCloskey
McDade
McHugh
Mica
Michel
Murtha
O'Brien
Obey
Peyser
Pritchard
Rahall
Rangel
Rostenkowski
Roukema
Santini
Savage
Scheuer
Simon
Skelton
Traxler
Trible
Washington
Williams (MT)
Zeferetti

☐ 1515

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from this Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House to joint resolutions of the Senate of the following titles:

S.J. Res. 91. Joint resolution to designate July 1982 as "National Peach Month"; and

S.J. Res. 105. Joint resolution to designate October 1982 as "National P.T.A. Membership Month."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1503) entitled "An act to authorize the President to allocate supplies of crude oil, residual fuel oil, and refined petroleum products during a severe petroleum supply shortage, and for other purposes."

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 142. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

The message also announced that the Vice President, pursuant to Public Law 86-42, appointed Mr. GORTON as a member, on the part of the Senate, of the Canada-United States Interparliamentary Group.

The message also announced that the Vice President, pursuant to Public Law 84-944, appointed Mr. GORTON as a member of the Senate Office Building Commission.

GOVERNMENT STUDENT LOAN PROGRAM

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, the guaranteed student loan program is running out of money. It will all be gone by April. It will have to be replaced because it is an entitlement program. Last September, the House Labor-HHS Appropriations Subcommittee indicated the funds it had made available were inadequate. The Reagan administration has recently sent to the Congress a budget request for $978 million.

Mr. Speaker, that amount of money is another example of the usual warm, sympathetic, consideration the Reagan administration has shown for the Nation's social programs. Making $978 million available is like throwing a 15-foot rope to students who are drowning 20 feet away. It just is not enough money to take care of student loan needs for the balance of the year. It is about $300 million short. Accordingly, I am today filing an urgent supplemental appropriation bill for $1,287 million, which is the amount needed to maintain the GSL program at the same operational level presently authorized by law.

The administration bases the difference in amounts on terminating the GSL program for doctoral students. The Reagan administration would end all GSL loans to doctoral students—to prospective physicians, to scientists, to Ph. D's, to lawyers, to biologists, to specialists in all the scientific disciplines.

It would close the door to Government assistance to doctoral students at a time when they most need help—as they reach the final stage of their career.

It is another example of depriving students who need help most of the opportunity to obtain such help. They could not afford to go to private financial sources for loans. Only the rich and well-to-do could continue their careers toward their doctors degrees.

Such an unfortunate action would deprive our Nation of the well-educated store of necessary personnel our Nation will need for the future.

In addition to hurting the students, Mr. Speaker, it would hurt the private colleges and universities. Enrollments would drop dramatically, leaving such institutions in strained circumstances, and placing undue loads upon the public colleges and universities.

The Reagan administration's thesis is ill conceived, Mr. Speaker. I trust the Congress will keep the door of opportunity open to all Americans especially those who desperately need this Government assistance.

DON HAYWORTH'S LONG RECORD OF DEDICATED PUBLIC SERVICE

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, it is with a sense of personal loss that I bring to the attention of my colleagues the recent passing away of the Honorable Don Hayworth, a former Member of the House of Representatives who built an impressive record of long years of devoted public service. Mr. Hayworth, who was 84, was a Member of Congress in 1955 and 1956, and had lived the last several years in Washington, D.C. He was an honored active member of the Former Members of Congress, and a close personal friend of mine of long years standing. I had often benefited from his advice and counsel since coming to Congress.

Mr Hayworth represented the old Sixth District of Michigan when it included Flint, which now is in the Seventh District which I am honored to represent. He was a dominant figure in Flint area Democratic politics in the 1950's and early 1960's, when I first met him and had the opportunity to work with him on his campaigns.

Mr. Hayworth was born in Toledo, Iowa, and attended Grinnell College. He received a master's degree in international relations from the University of Chicago and a doctorate in speech from the University of Wisconsin. He headed the speech department at Michigan State University from 1937 to 1942 after holding similar positions at Penn College in Iowa and the University of Akron.

In 1942 Mr. Hayworth came to Washington, D.C., to head the Victory Speakers Bureau with the wartime Office of Civil Defense. He had earlier created and headed a similar bureau for the Michigan Office of Civil Defense. He then was liaison officer with the States on fuel conservation with the Department of the Interior. He returned to Michigan State University in 1944 and again after his one term in the Congress. In 1963 Mr. Hayworth returned to Washington, D.C., as a consultant to the Department of Agriculture, and he was a member of the 1965-66 task force which set up medicare in the Social Security Administration. He retired from the Social Security Administration in 1967, but he remained active and retained his interest in domestic and foreign issues. In recent years he traveled to mainland China and to the Soviet Union, and he was writing a book on philosophy when he passed away.

REAGANOMICS CLEARLY A FACTOR IN CLOSING OF GENERAL TIRE'S AKRON PLANT

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, early on Monday morning I got a phone call from the president of the General Tire & Rubber Co. giving me the sad news that the company was closing its only tire plant in Akron with a loss of 1,200 jobs.

Two years ago, the company was talking about building a new tire plant in Akron. I suggest that Reaganomics has something to do with this situation. Let me repeat:

Two years ago, General Tire was planning to build a new plant in Akron. This week they announced they are closing the one they have there.

That plant, with its 1,200 employees and their families, is but another one of the tragedies that President Reagan's crazy, upside down, so-called supply-side economics, including last year's egregiously wasteful and irresponsible tax bill and high defense spending, are inflicting upon our communities in Ohio, as well in other States of this Nation.

HUGE SPENDING FOR DEFENSE CONTRIBUTES TO DEFICIT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, group after group are coming around to the propostion that Reaganomics is nonsense. Today, there is an open letter to President Reagan and to Members of Congress which is paid for by the American Bankers Association, the Mortgage Bankers, the National Assocation of Home Builders, the National Assocation of Mutual Savings

Banks, the National Association of Realtors, and the U.S. League of Savings Associations, pleading with the President to take into consideration the fact that huge spending for defense, as well as tax cuts, contributes to the deficit which in turn affects interest rates.

An article in the New York Times on March 1, entitled "High Rates Called Drag on Recovery," states that the recession is deepening due to persistent high interest rates. Donald Strazheim of Wharton Econometrics is quoted as describing the high interest rates as "an infection that works its way through the economy."

Mr. Speaker, President Reagan must address the problem of the mounting deficits he has created. Deficit-produced high interest rates are crippling the Nation.

Mr. Speaker, the President may be napping, but I ask Mr. Meese to show him the morning paper.

AN AMERICAN SOLUTION IS NEEDED

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, 2 weeks ago I sent President Reagan a letter asking him to call an economic recovery summit to Camp David. I asked the President to go there with his economic advisers, along with the leadership of the Senate and the House, and the Budget chairmen of the Senate and the House, along with the ranking members, along with Chairman Paul Volcker and members of the Federal Reserve Board, to go there without the press, to go there in a nonpartisan but in a bipartisan spirit to try to find an American solution, not a Republican solution, or Democratic solution, but an American solution to the economic recovery of this country.

President Carter took Sadat and also Prime Minister Begin to Camp David. President Reagan took the bollweevils there in order to get the votes necessary for his program.

I think that we feel the economic recovery is the most important—I do. I think the President should accept the responsibilities and the leadership to take the leaders of this country to Camp David and come back with American solutions to solve the problems of this country.

ADMINISTRATION FIDDLES WHILE AUTO INDUSTY BURNS

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, in the last 6 weeks, almost 5,000 auto workers in my district were told that their jobs were to be eliminated. They join hundreds of thousands of other auto workers who are waiting for some sign of action or concern from the administration.

And in the face of this crisis, with the clamor for action growing louder every day, the administration is turning a deaf ear.

Yesterday, in Congressman JIM FLORIO's subcommittee, two Reagan administration officials said the solution to the auto industry's problems would come with the passage of time. In 6 or 8 years, they said, it would get better.

Well, time may heal a lot of things, but I doubt if it will restore to my former auto workers the jobs they value so much.

Mr. Speaker, there are almost 5,000 auto workers in my district who do not have any more time to wait since the announcement by General Motors that their plants would soon close for good because of the sinking economy and foreign competition. The clamor for action grows louder, but the deafening silence of the administration continues.

The effect of the 1-year voluntary reduction on auto imports to this country by Japan has been a failure. Yesterday's testimony revealed that instead of Japan's share of new autos sold in this country falling, it has been rising since the voluntary limits. And the situation is likely to get worse. While it does get worse, the Japanese prevent our products from entering Japan: earth-moving equipment, airplanes, citrus products, beef, tobacco, and other examples abound.

Mr. Speaker, I support free trade. But it has to be fair trade. The unemployed want work, and dignity, not a dole. The auto industry needs help, not time, and the only thing that stands in the way of meaningful auto content legislation or a limit on foreign imports is the obstructionist do-nothing attitude of this administration, whose policy toward the auto industry is socially, politically, and economically bankrupt.

What this administration proposes is 6 years of fiddling while the auto industry burns.

STABILITY SHOULD BE OUR AIM IN MIDEAST

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I wish to express my deep concern over the dangerous and impractical actions by our U.S. Secretary of Defense regarding foreign affairs and defense. His worldwide arms peddling is dangerous as it aggravates tensions in unstable areas. His arms dealing is impractical for, despite claims of buying friendships, allegiances and leverage, history and recent "you are just arms salesmen—we pay cash" statements out of Saudi Arabia demonstrate that the alleged political gains for our country are an illusion.

While I acknowledge the hard realities of international arms dealings, I question the morality of the United States as a gun pusher, especially to nations that lack stability or whose people are in need of butter, not bullets.

I am also very concerned with the Secretary's intrusion into the field of foreign affairs, as he apparently attempts to reshape this country's policy in the Mideast. Neither the disastrous results of our policies in Iran, nor the Saudi's behavior since the sale of the AWACS have slowed the salesman's zeal of the Defense Secretary as he now seeks to find another customer in Jordan.

This effort to stimulate an arms race in the Mideast is not in line with our Nation's own best interests in that area. Stability, not an arms race should be our goal in the Mideast.

DEFEAT OF CONFERENCE REPORT ON STANDBY PETROLEUM EMERGENCY

(Mr. SMITH of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Oregon. Mr. Speaker, it is clear that President Reagan deserves our support in opposition to this standby petroleum emergency conference report. Passage of this report simply assures future energy crises by precluding proper preparation. A vote for this measure is a vote for a return to the long gas lines Americans faced in the 1970's.

We should support President Reagan and defeat this conference report because it brings back old regulations that failed miserably in the past—aggravating shortages, and resulting in mounds of wasteful paperwork and the bureaucracy that goes with it.

We should support President Reagan and defeat this conference report because it discourages business from conserving or stockpiling petroleum products needed to keep their operations running smoothly. Passage of this report in essence tells business "not to worry about an energy shortage * * * because your Big Brother government will take care of you."

Who takes care of the consumer under this report?

Adequate authority already exists to cope with emergency energy situations. We do not need more regulations and more bureaucracy. What we need is to free the free enterprise system as President Reagan has called for, to let consumers and businesses plan ahead in a free and open marketplace.

This legislation would only complicate the problem and discourage private efforts to help America cope with an energy crisis. We should support President Reagan and American consumers by defeating this report.

HOUSE STILL UNDER DIRECT CONTROL OF DEMOCRATIC PARTY

(Mr. HARTNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARTNETT. Mr. Speaker, I just rise today to remind all my colleagues and anyone who may be listening that this House of Representatives is still under the direct control of the Democrat Party and the Speaker, the gentleman from Massachusetts. This week your schedule, my fellow colleagues, involves doing something for El Salvador, doing something for Soviet Jewry, striking a medal for Queen Beatrix of the Netherlands and God knows what. You have not done one thing for the American people yet. It is your liberal spending over here that has brought about this economic crisis, so we are telling you, through your leadership, give us a budget. Give us an alternative to President Reagan's budget, if you want to do something, but bring constructive legislation to the floor of this House. Let us get about the business of the American people and forget about gold medals and El Salvador for about a week.

FUNDING COMMITTEE STAFF

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, the number of investigative staff has escalated at a rapid pace over the past several years. Yet, most of the committees have been generating the same amount of work or have been less productive. Bigger staffs should be able to produce more work, but this is not the case with several of our committees. Let me cite some specific examples of the workload of the committees compared to the size of the investigative staff.

The Agriculture Committee is a prime example. In the 93d Congress, this committee reported 46 bills and had an average investigative staff size of 11. In the 96th Congress, the staff zoomed to an average size of 42. Yet, only three more bills were reported out of this committee. I do not see any reason why nearly four times the number of staff is needed to do about the same amount of work.

The Banking, Finance and Urban Affairs Committee is another good example. In the 93d Congress with an average investigative staff size of 46, there were 33 bills reported. But in the 96th, the staff more than doubled, and only 19 bills were reported—14 fewer than in the 93d.

Foreign Affairs, with an average investigative staff size of 28 in the 93d Congress, reported 90 bills. This figure dropped to 28, but the average staff size nearly doubled to 55 in the 96th. They got less than half the work done but had nearly twice as many people to do it.

Another committee that produced less work was Government Operation. There was an average of 49 investigative staff in the 93d and 27 bills were reported. But in the 96th, 5 fewer bills were reported, and it took an investigative staff with 18 more people.

The Merchant Marine and Fisheries Committee average investigative staff size jumped from 12 in the 93d Congress to the enormous figure of 60 in the 96th. This is a 400-percent increase. But when we look at the number of bills reported, there was not even close to this increase. In the 93d, 54 were reported, but in the 96th, 68 were reported. This is a 26-percent increase in workload, but I do not see how this justifies a 400-percent investigative staff increase.

As I have illustrated, the growth of the investigative staff has gone beyond the rate of productivity of the committees. I believe there is a great deal of waste that can be eliminated from the committees. Bigger staffs are not necessarily more efficient or productive staffs.

We need to carefully evaluate the budget requests of these committees to determine where the waste can be eliminated. We must take a stand to trim our ranks in the committees to be more fiscally responsible and productive. The American taxpayers are watching to see us take a stand.

There is no need for the excess congressional committee staffs in the House. The House has 1,834 personnel whereas the Senate requires only 1,108 people. America asks us to cut the size of the budget. Let us begin by cutting our congressional committee staffs.

LAW OF THE SEA

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, recently, U.N. Ambassador Jeane Kirkpatrick said the United Nations is a "dismal show" that only contributes to the Soviet Union's revolutionary aims.

She said the purpose of the United Nations was to resolve conflict, "and what we find instead is that conflicts, rather than being resolved, are in fact polarized, extended, exacerbated." Further, she said the effect of the United Nations is "almost precisely the opposite of the intentions of the founders * * *." Mrs. Kirkpatrick expressed doubts that it was worth $5 million a day to the United States to "cast one vote against the world."

Clearly, the record warns that the United States should not be hoodwinked into funding another U.N. sponsored "dismal show" called the Law of the Sea Treaty.

While supporters of this proposed world governing body claim it would resolve conflicts, it too would really do just the opposite. Once again, it would be mainly the United States against the world—and in many cases, we would have no vote or voice at all.

The long-term negatives and dangers of a law of the sea regime are more real, and far greater, than those of the United Nations. This regime would seriously threaten our domestic economy and our national security.

Mr. Speaker, Americans have learned the hard lesson that one United Nations is enough. The Law of the Sea Treaty needs to be rejected outright.

NO F-16'S TO JORDAN

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I did not have the opportunity last week to comment on a disastrous idea that was, according to some press, floated back to the United States from a U.S. defense team traveling in the Middle East. The bad idea—to sell F-16 Falcons to yet another country, this time the Hashemite Kingdom of Jordan. I believe King Hussein wants to do what is right in the world's most volatile area, but lately he has been playing a deadly game including a pilgrimage to the Kremlin. We want to keep Hussein away from bad company but to give F-16's or improved Hawk missiles to Jordan to do that would be to strike right at the very heart of Israeli security; I repeat, the very heart. I know from firsthand observation.

On August 13 last year I had the opportunity to fly an F-16 fighter in Israel. Let me describe a vivid moment in that flight. After a maximum performance takeoff we were within seconds at combat altitude, we then began to fly south down the west side of the Jordan River when a small "H" began to electronically appear on the instrument panel of the aircraft.

I asked the Israeli fighter pilot who was flying with me what this "H" symbol meant.

He said, "That means a Hawk missile has locked onto us."

I said, "One of your Hawk missiles, correct?"

He said, oh no, sir, one from Jordan, across the river.

I said, "I thought there was an understanding that they would not bring Hawk missiles up to the Jordan River."

He said, "This lock on is from a missile in Amman. I looked toward the horizon at our 9 o'clock position. I could see Amman. I looked over my right shoulder at our 3 o'clock and I could see the Mediterranean Sea. My colleagues, we must recognize how small a nation Israel is and what it takes to defend her airspace and fragile land mass. To sell the outstandingly capable F-16 to a country, Jordan, that still expresses hostility toward Israel would be destabilizing in the extreme. To endanger Israel's own F-16's by introducing the I-Hawk on its very borders would be intolerable. Those of us in this great legislative body who have promised to defend that tiny democracy's right to exist cannot stand by and even let an idea so ill-considered gain any credibility whatsoever. Never.

AN ECONOMIC SUMMIT

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, we continue to hear the refrain of criticism about the administration's economic policy. Just a minute ago a Member from the other side of the aisle got up and said that the President should solve our problems by having an economic summit, "bring them to the mountain," he said.

I would remind you that, in the last administration, President Carter went up to the mountain, thought a while, came back to tell us in startling terms that we were in a national spirit of malaise. Nothing improved after that. We did not do a whole lot around here during the last administration except further burden the American taxpayer, give them more regulations and refuse to dig ourselves out of any economic difficulty.

If we truly want to join the President in getting ourselves out of our present economic difficulty, I suggest that we might do something here in the House.

Here we are on the 3d of March. We have had a total of 13 votes. About half those votes have been approving the Journal. It may be very important for the health of the country that we approve our Journal, at least 13 times in 3 months; but certainly we have an obligation to do something of substance here.

If we have some criticism about the present administration policies, let us accept the burden of bringing our alternatives forward and not just throw bricks.

NO DEMOCRATIC ALTERNATIVE

(Mr. DUNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNN. Mr. Speaker, I take the well today to urge my colleagues to have their constituents write Mr. O'NEILL, write JIM JONES. We have had no alternative budget proposed by the Democrats from the House. The only Democratic proposal was by a Senator from the Democratic side, and Mr. O'NEILL and Mr. JONES shot it down.

Please, Democrats, tell us where you want to raise taxes. Tell us what programs you want to cut.

The only successful Democratic move we have seen was back in December where on a sneak vote, and the Chair controlled by Democrats decides whether it is a voice vote or a rollcall vote, decided to sneak through tax cuts for Congressmen.

WHY HAS THE HOUSE NOT BEEN WORKING?

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I would like to join with my colleagues who have raised the question why this House has not been working on legislative business over the last several weeks. We have had very little in the way of votes here. We have had virtually no substantive legislation before us.

Why can we not be legislating on some of the things that are imporant to the American people? There have been balanced budget resolutions before the committees since January 5 of last year. There have been busing resolutions before the committees since January of last year. There have been antiquota bills and legislation to implement the death penalty in certain Federal crimes and legislation resolutions to put prayer back into the schools, all available for action when we have the time.

Why are we not addressing some of those issues on the floor? We certainly have the time. There are an awful lot of American people who feel strongly that we ought to be talking about some of these subjects. We are not talking about anything. We are holding pro forma sessions. I think it is high time that we begin admitting to the American people that we cannot act because we will not act.

CONFERENCE REPORT ON S. 1503, STANDBY PETROLEUM ALLOCATION ACT OF 1982

Mr. SHARP. Mr. Speaker, I call up the conference report on the Senate bill (S. 1503) to authorize the President to allocate supplies of crude oil, residual fuel oil, and refined petroleum products during a severe petroleum supply shortage, and for other purposes.

The clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. MINISH). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of February 22, 1982.)

The SPEAKER pro tempore. The gentleman from Indiana (Mr. SHARP) will be recognized for 30 minutes, and the gentleman from North Carolina (Mr. BROYHILL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SHARP).

Mr. SHARP. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, the reports of OPEC's death are greatly exaggerated. The United States is vulnerable to an oil import disruption, and will remain so for the foreseeable future. Even if we carefully prepare now, the Nation's hopes for an economic recovery could be dashed by a severe oil cutoff. Without preparation, increased inflation, unemployment, and staggering economic losses could result from a supply disruption.

Existing authorities do not provide the President with clear, comprehensive, and flexible powers to control oil supplies in a crisis. A snarl of litigation could easily result, leaving the President powerless to prevent catastrophic consequences for agricultural producers; essential public services such as hospitals, police and fire protection; refineries; the needs of home-heating oil consumers; the transportation sector; electric utilities; and other vulnerable sectors. I commend the Justice Department for their legal research that led to this conclusion on the inadequacy of other existing law.

A unified, national approach to a crisis is needed. The use of comprehensive Federal authorities could prevent a maze of conflicting responses to a severe crisis by 50 different States and/or countless local jurisdictions.

We all hope that controls will never be needed. There are many other ways to deal with an oil crisis, short of controls, such as the SPR, emergency conservation plans, wheeling of electricity, fuel switching, and International Energy Agency oil sharing programs. But these other options may not suffice.

Standby controls thus will give the President an extra option in an uncertain and dangerous world. In light of the other undesirable options—such as military intervention in the Mideast—some provision for emergency controls is warranted and prudent.

The bipartisan measure we consider today, S. 1503, grants the President broad discretion to allocate oil supplies and control crude and refined product prices during a "severe petroleum supply shortage."

Controls can be imposed only if the President, in his discretion, decides that free market allocation and pricing are not working, and that controls are required to protect the public. Controls can last only 90 days, with a 60-day extension.

Congress retains a one-House veto power over any use of controls.

Controls would be used only to protect "the public health, safety, or welfare." No sector of the economy or type of user is singled out for preferential treatment, but the President is required to consider the needs of many broad sectors, including agriculture, petrochemicals, transportation, refineries, independent marketers, home heating needs, essential public services, and others.

This legislation provides no authority for gas rationing, taxes, tariffs, or user fees.

All Presidential standby oil control powers under this bill expire on December 31, 1984.

States would be preempted, upon the enactment of this bill, from carrying out any oil price control schemes. But their Governors could ask the President to permit small-volume, limited-duration State set-aside programs during statewide or regional crises. A wide variety of other types of State laws—such as prorationing, well-spacing, odd-even, minimum gasoline purchase, speed limit, physical disaster management, severance tax, antitrust, and franchising laws are not preempted.

Crude sharing among refineries is authorized, subject to broad and general guidelines, including a required Presidential declaration that such a refinery program benefit the general public.

Certain end-user stockpiles of refined products are absolutely protected from Presidential allocation orders, in order to encourage private stockbuilding which is beneficial to the Nation as a whole.

The President is required to study and report on several emergency planning issues, and issue a standby allocation rule within six months. This standby rule is not subject to congressional veto; but it would be subject to a one-House veto if the President seeks to implement it in an actual crisis. We expect and intend that he view these rulemakings and reports as serious obligations.

This measure also extends the limited antitrust defense authorized for U.S. oil companies participating in the International Energy Agency's program for emergency international oil allocations. Without this extension—which has the strong support of the administration—the IEA crisis planning efforts of the United States, Japan, and our major European allies may collapse. This extension is needed now: The current provision lapses in just 1 month, on April 1, 1982.

Mr. Speaker, I appreciate the great support for this legislation from the Members on both sides, who voted overwhelmingly in favor of it last December.

The broad discretion granted to the President under both House and Senate bills was retained by the conferees. This includes the discretionary Presidential powers to trigger controls, design and specify the substantive provisions of any controls, terminate controls, and define terms used in this act, such as national defense, public safety, agriculture, transportation, refiner, and petroleum product.

The conferees also deleted provisions in the original House-passed bill regarding the strategic petroleum reserve, and made the exercise of State set-asides—which under the original House-passed bill were not subject to Presidential approval—subject to advance Presidential approval.

I accordingly urge all Members to support this limited, reasonable, and urgently needed national security legislation. Oil is this Nation's economic lifeblood. If we find ourselves in another cutoff, embargo, or war, and your constituents are demanding help and action, you will be happy we have this legislation in place—and so too, will the President.

Mr. Speaker, I would point out to my colleagues that the other body has adopted this conference report, and I urge my colleagues to do the same.

The SPEAKER pro tempore (Mr. DANIELSON). The Chair recognizes the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am opposed to S. 1503, the Standby Petroleum Allocation Act of 1982. The administration has expressed its strong opposition to this legislation and the Secretary of Energy, as well as the President's senior advisers, will recommend that the President veto the measure.

Passage of this bill sends wrong signals to the marketplace. Passage of this bill says we can rely on regulations, allocation, price controls to solve energy problems.

Reliance upon a system of price and allocation controls administered by the Federal Government cannot help us manage a shortage. The proven result of price controls is that they both deepen and prolong the economic effects of a shortage. "Being ready" with a system of regulations which only makes matters worse is hardly the prudent preparation the country needs.

I can recall all of the dire predictions of those who opposed the President's decision last January to decontrol oil and gasoline. Since January 1981, when President Reagan suspended the last of the EPAA price and allocation controls, we have reduced oil imports by more than 22 percent. OPEC production is at a 13-year low while domestic production is booming. Conservation has increased dramatically as consumers respond to market prices, so much so that prices have softened and even declined. Compare these remarkable developments to the dire predictions in January 1981, about the consequences of oil decontrol. Those people who claimed that price and allocation controls were all that saved us from $1.50-a-gallon gasoline and increased inflation are the same people who now claim that these same controls will save us in an emergency.

The fact is, we are acting to reduce our vulnerability to oil cutoffs. As of today 240 million barrels of oil are in the strategic petroleum reserve. More is being added every day. More is needed—especially the development of private stockpiles by major energy users. The Subcommittee on Fossil and Synthetic Fuels is holding hearings next week on Emergency Preparedness. During those hearings, we can hopefully identify and devise an array of tools to deal with emergencies, responsive to the particular crisis at hand, without the baggage of priorities and certifications and findings which accompanies S. 1503. What is not needed is a return to price and allocation regulations, a program which increased our vulnerability. Government allocation can never be as efficient or effective as the free market in responding to disruptions or in most equitably distributing the costs and benefits throughout our society associated with a disruption.

The regulatory program authorized by the Standby Petroleum Allocation Act will be no different than the program authorized by the Emergency Petroleum Allocation Act. Controls under S. 1503 could last indefinitely, subject only to a one-House veto by Congress every 150 days. Even that check is subject to question given recent judicial action striking down the legislative veto, and imagine how difficult it will be for Congress to decontrol petroleum.

All of us want to be seen as protecting our constituents. But, rest assured, that if we approve S. 1503, we can look forward in September to offices full of frustrated and unhappy constituents complaining that the regulatory program we required the President to promulgate is unfair and unworkable. If a crisis does occur, we will be the ones responsible for putting the average American back in gasoline lines while a variety of special interest groups have their supplies guaranteed and delivered by the Federal Government. That is no way to manage an emergency.

I urge my colleagues to vote "no" on this conference report.

Mr. ROUSSELOT. Will the gentleman yield?

Mr BROYHILL. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, many of us in California remember the long gasoline lines we had a few years ago. Is this the same legislation that could easily create that kind of situation again?

Mr. BROYHILL. The language was lifted from the old Emergency Petroleum Allocation Act, and now finds its way into the language in this conference report. I will be glad to come to the desk in a few minutes to point out to the gentleman the same allocation formulas and criteria.

Mr. ROUSSELOT. So the same problem we had back a few years ago, where the Department of Energy misallocated the amount of gasoline that could be produced in California, when they went back to 1972 figures, as I recall, that could happen again?

Mr. BROYHILL. The same could not only happen again, but I predict that it will happen again.

Mr. ROUSSELOT. Mr. Speaker, on the basis of this discussion and other information we have received, I rise in opposition to the conference report, S. 1503, the Standby Petroleum Allocation Act. This is a bad bill, this is a bad precedent, this is bad legislation. This measure will not produce 1 ounce of domestic energy resources—it will serve only to impede private-sector actions to convert to more secure alternative fuels, such as coal, and to build up fuel inventories.

How can the Members of this House forget the past experiences with allocations and price controals? They did not insure equity. They make a difficult situation worse by locking the Nation into a bureaucratically imposed, inflexible system. Is this any way to run a railroad? I say no!

While it is imperative that we prepare for future shortages this is not the best way to go about that endeavor. An allocation program makes the Nation less prepared to deal with a disruption in supplies by discouraging private conservation and oil stockpiling efforts. Together with the strategic petroleum reserve, our private oil stockpiles, "regulated" free-market forces, constitute our first line of defense against future energy supply disruptions.

I appreciate the gentleman yielding to me.

Who wants this legislation then if it is so ill-conceived? Well, in my opinion this is indeed a special interest matter. The President has certainly indicated his opposition to this measure and intention to veto this conference report if it is passed by the Congress.

The Federal Government's task is not to insure that every segment of the economy gets what it thinks is its fair share, but to see that an equitable balance is struck among all competing claims. And, what better means to strike this balance than by an unfettered free market. The Nation's economy is far too complex for a bureaucrat or even an army of bureaucrats in Wasington to manage it efficiently and fairly, in times of plenty or shortages.

What makes a free market system better? Projections. A free market operates on the basis of current and continuously and automatically updated information, whereas Government allocations must be based on the facts of the past. Let me give you an example: Under EPAA, allocations of gasoline were based on distribution figures sometimes as much as a year old. If a family vacationing in Atlantic City had vacationed in Yosemite the year before, their gasoline was still going to Yosemite—when they needed it thousands of miles away.

Next, we have an agricultural question. Priority allocations for agriculture were a failure. Fuel was in the wrong places at the wrong times, and in many substantiated cases—in the hands of hoarders. The deregulation of fuel prices since that time coupled with the private initiative of farmers have worked to assure that what happened in 1979 will not happen again. Oil producers and distributors are doing a better job of getting fuel to agricultural areas because they can make a better profit doing so. Farmers are upgrading their storage capacity and fuel stocks to levels considerably above those preceeding the 1979 cutoff.

This is the type of contingency planning that works.

Another shortage is possible—the collective wisdom of the marketplace can do a far better job of allocating and pricing energy than can one man sitting in the Oval Office—or countless Department of Energy bureaucrats.

It is simple—experience demonstrates that a similar regulatory authority will not help America during another energy-supply disruption. What will result are gas lines, redtape, misallocations, increased prices, decreased conservation, and expanded imports.

The administration is making some preparation already. The Federal Government would have a role to play should there be a reduction or cutoff of petroleum supplies. The strategic petroleum reserve has been doubled to over 220 million barrels and is being filled at a rate of 300,000 barrels a day. The President's goal is to bring the SPR up to the level of 1 million barrels, approximately a 6-month supply.

Additionally, the recently passed Economic Recovery Tax Act encourages private inventory building during times of plenty by providing 5-year depreciation and investment tax credits for petroleum storage facilities.

Mr. Speaker, there is no question that we need to be prepared for a severe petroleum shortage. But there is also no question that the Standby Petroleum Allocation Act will hurt rather than help us, in dealing with such a shortage.

I will vote for contingency planning—but not the unworkable monstrosity that we have before us here today. Let us encourage greater domestic energy supply development and production to get us out from under the thumb of OPEC.

Mr. Speaker, I urge my colleagues to vote against this conference report.

Mr. BROYHILL. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, when we considered the original House version of this legislation, I believe I made clear my opposition to any new price and allocation authority. I spent a good deal of time on that occasion showing you the evidence of the bureaucratic nightmare which EPAA became. Undaunted by the stacks and stacks of regulations I placed before you, the House approved H.R. 4700. I can only conclude that my colleagues do not believe that what happened under the EPAA will happen under SPAA—that "standby" is somehow different than "emergency."

History, however, permits no such fine distinction. During the Arab oil embargo of 1973, the price controls on petroleum—imposed under the wage and price freeze pursuant to the Economic Stabilization Act of 1970—turned a modest decrease in world oil supplies into a major product distribution crisis in the United States. Because prices were unable to rise under price controls, a supposed "shortage" of product—especially motor gasoline—developed. This "shortage" led to long gasoline lines and new legislation, the EPAA. Since the price freeze authority had failed, it was believed by many that a scheme of general price and allocation regulations would solve a future crisis and also help to keep consumer prices low.

The original Emergency Fuels and Energy Allocation Act of 1973, as introduced, was much simpler than today's bill, S. 1503.

It was only 4 pages long.

It granted broad discretion to the President to allocate crude oil and fuels but only when he declared that an "extraordinary shortage or dislocation" existed or was imminent.

It contained not one priority classification although it stated that such protection was within the discretion granted to the President.

It contained no price control authority.

It was due to expire September 1, 1974.

That bill grew into what was passed in November of 1973, the Emergency Petroleum Allocation Act. Section 4(b)(1) of the EPAA as passed contained a whole series of priority classifications. I could read off this list, but I know my colleagues are familiar enough with all the various groups which won—or thought they had won—a priority over other users.

But let me point out the two major groups that were not provided for: First, the average American automobile driver; and second, the average American heating oil purchaser.

The EPAA, as originally passed, did not work as planned. The shortages, the gasoline lines, and the frustrations of our constituents were not being remedied, they were being compounded. We could not, evidently, legislate the shortages to fit our preconceived plan for dealing with them.

But that did not stop Congress. It just went blindly forward and continued to amend the EPAA again and again. Congress prevailed upon the executive branch, under both Republican and Democratic administrations, to try to "improve" its regulations. Create a new Department. Create the Office of Hearings and Appeals.

Meanwhile, the regulations poured out of the Federal Government. And appeals from citizens poured into the Government. Main Street America was sitting on "empty" in gasoline lines, while K Street in Washington was on "full" with energy lawyers.

Reams of regulations came forth to implement the relatively concise, discretionary program of the original EPAA. And a program which was to be "temporary, only temporary" was in existence for 8 years.

After all this, over the course of 8 years, the "emergency" stayed with us. Indeed as the Iranian cutoff in 1979 demonstrated, it got worse. Why? The reason was the EPAA itself.

With domestic crude oil prices kept below world market prices, U.S. consumers paid less for petroleum products. They also conserved less. U.S. producers produced less because of the lower prices. Imports, therefore, rose substantially as the EPAA's version of the SPAA crude sharing program in today's bill—the entitlements program—subsidized imported oil at the expense of domestic supplies. Total imports increased by one-third between 1974 and 1979—despite an increase in Alaskan production of 1.2 million barrels a day.

The inescapable lesson of the EPAA is that price and allocation controls during a sudden, severe curtailment in supplies are worse than ineffective—they are damaging.

And they are just as damaging when called "standby" as when they were called "emergency." The EPAA section 4(b)(1) priorities are repeated verbatim in section 276 of S. 1503. How can it be said that this bill does not duplicate the EPAA or that it allows the President the flexibility to structure an appropriate response to future emergencies when it ties his hands in the same way that the EPAA did?

In some ways S. 1503 is even worse then the EPAA because only a limited class of private inventories are protected from being allocated away from firms which build those inventories. This shoots a gaping hole in our recent efforts to encourage buildup of private inventories—perhaps our best defense against shortages.

S. 1503 also preempts—upon enactment—all State laws dealing with price and allocation or petroleum. This guarantees that even local problems will be converted into Federal crises.

S. 1503, like its predecessor, the EPAA, will once again politicize oil and price supply decisions. And the people of this Nation will look to the Federal Government or industry scapegoats instead of acting responsibly to plan and use wisely the energy resources of this great Nation.

I urge all of my colleagues to join with me in defeating this conference report.

□ 1500

Mr. SHARP. Mr. Speaker, I yield 3 minutes to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, nobody knows for sure whether we are going to need this emergency standby allocation authority, but it certainly ought to be clear to every Member of this House that it is far better to have it and not need it than it would be to need it and not have it.

To say that we have gotten along for 5 months without an emergency allocation authority and that, therefore, this ought to prove we do not need it would be like our having said on the eve of World War II that we had gotten along for 20 years without an adequate standing army and, therefore, quite obviously we did not need one.

How short can our memories be? Twice in the last decade, in 1973 and 1979, the American economy was brought almost to a standstill by Arab oil embargoes. We are not totally immune from some such embargo today.

Now, if the President feels he does not need this authority, it is not going to hurt him to have the authority. There is nothing in this legislation that requires him to employ the powers that will be given to him on a standby basis. To say that we should not have this additional weapon in our arsenal to guarantee the defense of the United States against the crippling blows of another oil embargo or disruption of supply would be like a doctor saying, "Well, I think I will just throw away my medicine kit because my most recent patient seems to have pulled out of his most recent illness."

It just does not make sense at all to leave ourselves bereft of any weapon, of any tool that we might need in any emergency.

I just want to remind the Members of one situation, whether it be good or bad. It was in either 1969 or 1970—and I believe it was in August—that President Nixon signed a bill giving him certain standby authorities with respect to price controls that he said he did not want. Had the provision not been attached to some other piece of legislation, President Nixon declared upon signing the bill that he would have vetoed it, and he announced at that time that he never under any circumstances intended to use that authority and that he wished he could veto it. One year to the day, exactly 1 year to the day after that message, the President brought that power into being and employed the standby authority that was granted to him in that emergency provision.

So I say the prudent thing to do, whether the President thinks he needs this or not, is to give it to him. It is the gun behind the door. He does not have to use it, and I have confidence in him that he will not use it unless it is necessary. By any means it is not going to hurt anybody.

So surely, for all of us, in the interest of a prepared United States, a United States that has not left itself disarmed and at the utter mercy of the Arabs or the whims of other countries, we should by all means pass this bill today and send this conference committee report to the President with an overwhelming vote.

Mr. SHARP. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Speaker, I rise in strong support of this legislation.

Certainly if we hit a time of emergency, it is very difficult to say that we should not do any planning or that we should leave this question entirely to the forces of the marketplace.

If, let us say, Saudi Arabia's supplies were to go out, prices would skyrocket and allocations would be haphazard. Police and fire and essential farming interests would not be taken care of, and to try to legislate during time of crisis would be just havoc.

So I, with a sense of urgency, urge my colleagues to pass this legislation and let the President do the planning and let the planning sit on the table. He certainly is not going to use it unless there is an emergency.

I would like to ask my good friend, the gentleman from Indiana (Mr. SHARP), a question about the State preemption provision of this statute. It is my understanding that it was the conferees' intent to preempt only EPAA-type laws. Is that correct?

Mr. SHARP. Yes; that is correct. During the conference we attempted to limit this provision as much as possible.

Mr. OTTINGER. I note that the manager's statement says "laws designed to accomplish regulatory goals unrelated to emergency preparedness" are not preempted. In particular, State tax laws are mentioned as not preempted, even though, as the statement mentions, such laws may by their operation directly or indirectly affect price.

I am reassured that preemption is narrow. We have a law in New York which has provisions designed to insure that the company paying the tax, not the consumer, pays the tax. Its purpose is not to regulate prices or prepare for emergencies, although it may have an incidental effect on prices. I appreciate the gentleman's reassurance concerning the meaning of this preemption provision. Otherwise, I would have serious problems in supporting the bill.

Mr. SHARP. Well, the conferees of this bill did not take a position on the question of whether a State law that determines who shall bear the actual economic burden of State taxes imposed upon them is preempted under this bill.

And, I should add that the bill does not intend in any way to interfere with, or authorize the President or his delegate to interfere with, the legitimate State power of taxation.

Mr. OTTINGER. Mr. Speaker, I thank the gentleman. I think that helps the situation considerably.

Mr. CORCORAN. Mr. Speaker, I wonder if the gentleman would yield on that point?

Mr. OTTINGER. Not at this time.

The New York State provision has nothing whatsoever to do with allocations. It has only to do with a particular tax and its burden, and, therefore, I am very encouraged indeed by the statement of the gentleman from Indiana (Mr. SHARP).

Mr. CORCORAN. Mr. Speaker, will the gentleman yield now?

Mr. OTTINGER. Mr. Speaker, I yield back the balance of my time.

Mr. BROYHILL. Mr. Speaker, at this time I yield 1 minute to the gentleman from Illinois (Mr. CORCORAN) to clarify the point that was just made in the colloquy between the gentleman from New York (Mr. OTTINGER) and the gentleman from Indiana (Mr. SHARP).

Mr. CORCORAN. Mr. Speaker, I thank the gentleman from North Carolina (Mr. BROYHILL) for yielding me this time because one of the expectations that I have had about the consideration of this conference report would be that there would be an attempt to satisfy both sides of the preemption question. I find it interesting that my friend would not yield because I think what he will learn when he reads the conference report is that you can come down on either side of the preemption question, and what that will do, of course, is attract votes.

I understand that process, but I think it is very clear that the managers, the members of the conference committee, did not very clearly specify whether or not we would have Federal preemption or whether or not we would allow the States this authority. In fact, one of the worst aspects of the product we now have before the House, in comparison to H.R. 4700 on which we did take a vote, is that we do not clearly indicate whether or not in an emergency the Federal Government will have the authority to run the program, and I think that is a sad commentary on the product of the conferees.

Mr. BROYHILL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MARKS).

Mr. MARKS. Mr. Speaker, I thank the gentleman from North Carolina for yielding this time to me.

Mr. Speaker, first of all, I want my colleagues to know that not all Republicans are opposed to this conference report. This Republican is for it and hopes that this conference report will pass. This Republican thinks that to oppose giving the President of the United States the opportunity to salvage an emergency situation, should one appear, is almost being irrational. This Republican would respectfully remind my colleague that this Nation has only approximately 43 days of crude oil supply available in the strategic petroleum reserve, and this Republican also calls to the attention of my colleagues on both sides of the aisle the fact that we are still importing one-third—that is one-third, I repeat—of our daily crude oil requirements.

□ 1615

Now, to suggest to a President who says he does not want the responsibility—which, by the way, he is being paid, I am told, to assume—to provide for an emergency such as we could very easily get into, I suggest again does not seem very rational.

For that all-American infield of Deaver-to-Meese-to-Baker to suggest to the President that he veto this matter and then call us up and tell us, "Look out, we are going to veto it," may I suggest we ought to send a message back to that all-American infield, when they tell the President the next time, that we here in the Congress are not guided by whether or not they are going to tell him to veto such an important bill as this but, rather, we are going to meet our responsibility to see to it that the American people are protected.

Mr. SHARP. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. FOLEY), the distinguished vice chairman of the Committee on Agriculture.

Mr. FOLEY. Mr. Speaker, I take this time, first of all, to compliment the gentleman from Indiana and the subcommittee on the legislation that is before us and to urge the adoption of the conference report and, second, to inquire of my distinguished colleague regarding the allocation objectives set forth in the conference report which the gentlemen has brought before the House.

I note that the allocation objectives include "maintenance of agricultural operations" and "services directly related thereto." In view of the importance of the agricultural sector to our economy and national welfare, I applaud the committee's retention of maintenance of agricultural operations as a statutory objective in any allocation program.

As we both are aware, agriculture is highly vulnerable to a severe petroleum shortage, due to the seasonal demand for petroleum. If the necessary fuels are not available to agriculture we could jeopardize the Nation's food supply.

In order to meet the agricultural operations objective, is it not necessary to consider both the amount of petroleum products available, as well as the transportation and distribution needs of agriculture in a timely manner to insure minimum disruption of agricultural operations? In addition, would not these considerations also reflect the fuel needs of related agricultural operations, including farm inputs such as fertilizer and seeds, up to the point of final purchase, prior to their consumption?

Mr. SHARP. If the gentleman will yield, the gentleman's understanding is correct. In order to maintain agricultural operations, it is essential that fuel be available in a timely manner to meet the needs of agriculture.

The transportation and distribution of food to the processor, retailer and consumer and the distribution of farm inputs to the farmer, are aspects of agricultural production. These needs extend to agricultural production; planting and harvesting of crops, processing of agricultural products, and distribution of food and farm inputs.

Mr. FOLEY. I thank the gentleman for his clarification, as chairman of the subcommittee, and again I urge support of the conference report.

Mr. BROYHILL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. CORCORAN) for the purpose of giving his comments on the colloquy just conducted.

Mr. CORCORAN. I thank the gentleman for yielding.

Mr. Speaker, let me say that if we had 2 hours we would have a parade to last 2 hours where people would come in here and try to get their special privileges clarified. That is again one of the problems we have with the conference report.

Let me just point out, in connection with the colloquy we just heard, there are many serious questions about the proposed crude-sharing program. For example, what would be "reasonable access" to crude oil and, second, what would be an "equitable distribution" of it; I think these questions would fly in the face of the clarification colloquy that just took place.

Mr. BROYHILL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. I thank my friend for yielding.

Mr. Speaker, I wonder if the gentleman from Indiana (Mr. SHARP) would be able to answer a question. I am really asking the question on behalf of the Northeast-Midwest Coalition, and that is: Can the gentleman summarize the information provisions of the bill as contained in the report?

Mr. SHARP. If the gentleman will yield, I would be happy to.

Basically, as the gentleman knows, the conferees adopted, as had the House of Representatives adopted, the amendment of the gentleman from Illinois, to require that the Federal Government go forward with the provisions and collection of data that they had been engaged in prior to the passage of this act. And, in fact, there is no new information collection authority requested in this bill, because there is sufficient authority in other statutes. However, the conference report directs the President to collect necessary emergency preparedness information under his existing authority. The Nation as a whole and the separate States cannot adequately cope with, let alone prepare for, an emergency if we do not have sufficient information.

Thus SPAA directs the President to continue to collect substantially the same petroleum information collected as of September 1981. Though all of this information must be collected, it need not be collected through the same forms or in the same manner as under EPAA. Format changes or other consolidation to reduce reporting burdens is of course permissible, but we do not intend that any other previous law, such as the Paperwork Reduction Act, be used to discontinue the collection of this data, and its dissemination to the States. It is our understanding that the information in the following forms accordingly should continue to be collected:

EIA-9A: No. 2 Distillate Price Monitoring Report.

EIA-14: Refiners Monthly Cost Report.

ERA-51: Transfer Pricing Report.

ERA-60: Report of Oil Imports in the United States and Puerto Rico.

EIA-460: Petroleum Industry Monthly Report for Product Prices.

FEA-P306: Refiner/Importer Monthly Report of Petroleum Product Distribution.

FEA-314: Monthly Survey of Distillate and Residual Fuel Sales Volume to Ultimate Consumers.

FEA-P315: Monthly Survey of Propane Sales Volume to Ultimate Consumers.

EIA-25: Prime Suppliers Monthly Report.

EIA-182: Domestic Crude Oil First Purchasers Report.

EIA-174: Sales of Liquid Petroleum Gases.

FEA-P133: Imports from Puerto Rico.

SG 1,2,4,7: Survey of Gallonage of Sales of Gasoline.

EIA-172: Fuel Oil and Kerosene Sales.

EIA-456: Crude Oil Ownership Monthly Report.

Since this bill allows the President to delegate emergency authority to States, it is important that States be allowed access to petroleum information gathered by the Federal Government, especially the data in the Prime Suppliers Monthly Report.

Mr. RAILSBACK. I thank the gentleman.

Mr. BROYHILL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS) for the purpose of asking a question.

Mr. THOMAS. Mr. Speaker, I have two questions to ask of the gentleman from Indiana.

On December 14, the House adopted a standby authorities bill which advocated that to the "maximum practicable extent," petroleum supply disruptions should be responded to by reliance on the free market. Further, that bill specifically expressed the Congress intent that we were not requiring the reenactment of EPAA-type measures and, in fact, specified that in response to a disruption, a simple crude-sharing mechanism might be used to help avoid the need for more intrusive price and allocation control measures.

The current bill retains our earlier intent, does it not? We are still intending, are we not, to minimize Government interference with market operations? The President is expressly directed not to use controls unless he believes free market pricing and allocation is not effective. Moreover, this bill does not mandate any controls, ever; instead it gives the President broad and flexible discretion to decide if controls should be used and, if so, what those controls should require. In particular, section 282 expressly states that nothing in this bill requires the President to duplicate or recreate the intrusive programs used under the EPAA—programs which I believe in the past contributed to the shutting-in of some much needed crude oil production in California and actually penalized domestic refiners for processing that oil?

Mr. SHARP. If the gentleman will yield, the gentleman is correct. It is stated in the bill, in a number of places, our intent is not to recreate the mandatory and detailed regimes of controls developed under EPAA. That is technically possible in the extreme. We would not expect this administration to go to the extreme, and most of us clearly do not advocate that. We plan to provide, rather, a broad authority to impose controls at the President's discretion in order to protect the public health, safety, or welfare, and Members of this Congress will have an opportunity to reject whatever plan the President recommends at the time it might be implemented. So, if a plan that does not suit the gentleman comes forward, he will have an opportunity to try to veto that.

Mr. THOMAS. My second question relates to the operations of the crude-sharing program—section 277. It appears that we have dropped the "efficient refiner" language from H.R. 4700, or more accurately, redefined the refinery efficiency concept in terms of refiner capabilities to turn available crudes into refined products which consumers need. This is a perceptive and commendable change for it insures that consumer needs are met and as part of that process, recognizes that in distributing crude supplies, due consideration must be given to the matching up of available crude types with refining configurations capable of processing those crudes into needed products.

This is particularly critical to the producer/refiner/consumer relationship in my district. The Bakersfield/Kern County area is noted for its heavy crude oil reserves. However, only specially equipped refineries are able to take our heavy oils and turn out the optimum product slates which our consumer needs require. Insuring that this matchup occurs is critical to our community—it keeps our consumers supplied, keeps our wells in production, and our local economies running smoothly. Further, on a national scale, particularly during an import disruption, providing for such a matchup has even greater benefits for its will promote the maximizing of our domestic production and the most efficient refining of these oils while insuring that consumer needs are met.

Assuming that my interpretation is consistent with the conference committee's intent here, I applaud this change.

Mr. SHARP. The gentleman from California is correct. If the President decides to institute crude sharing—and the bill does not require him to do that—he should send the crude to refiners that make needed consumer products.

Mr. BROYHILL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Speaker, I strongly oppose S. 1503. The best way to demonstrate that this bill is bad public policy and will not enhance our energy security is to examine the arguments its proponents are using in its support.

First, the supporters of S. 1503 say that this in nothing but a flexible and discretionary statute that will be available in the event of a serious supply emergency. We heard these same arguments about the Emergency Petroleum Acquisition Act in 1973. What started out as a simple, 6-page bill grew into a law that generated applications for relief and enforcement that now fill 27 filing cabinets, 9 shelf cabinets, and 573 record boxes. This same simple bill turned into a disaster that required certain parts of the economy to receive allocation priority over others—the pharmaceutical and utility industries were to be favored over national defense. Finally, this simple, limited authority turned what would have been a relatively temporary fuel shortage into a 8-year crisis. We should remember that once price controls are imposed, it is extremely difficult to take them off. Therefore, we should not be misled by promises of limited duration, discretionary authority.

A second argument this bill's supporters make is that to not have an emergency statute is to send the wrong signal about our domestic preparedness to other countries, particularly participants in the international energy plan. In fact, the wrong signal will be sent if we enact a statute that will, if invoked, discourage conservation by keeping prices low and send the economy into confusion by allocating fuel supplies where people are not.

We have already begun to send the right signals abroad by decontrolling crude oil prices. Last year, we drilled 77,500 wells, up from 62,462 in 1980. Our exploration and drilling activity is up 87 percent since 1976, 24 percent of which occurred in 1981 alone when controls were lifted. This activity indicates to the world that we are serious about energy independence and demonstrates with hard facts that it is not achieved with price and allocation controls.

Yet another argument heard is that we remain in peril because of our OPEC dependence. It is true there would be economic disruptions should there be an OPEC supply incident; but it is also true that a price and allocation statute would make a serious situation worse and would be an obstacle to solving the underlying problem—insufficient domestic production and conservation. Look at the facts: In a free market, our oil imports fell down to 5.4 mb/d last year, down from 659 mb/d the year before. Our OPEC imports were 46.7 percent less than the peak of imports reached in 1977. Our oil consumption fell to its lowest level since May of 1975 last year—15.2 mb/d. Gasoline consumption dropped to 6.7 million barrels, per day, a level 284 million barrels lower than the year before.

Without this emergency law, what protection do we have? More than enough. The President, after relying on the free market, conservation, fuel switching, and domestic production, has authority under a number of statutes: The Energy Policy and Conservation Act, the Emergency Energy Conservation Act, the Trade Expansion Act, and the International Emergency Economic Powers Act.

We have the protection of the Strategic Petroleum Reserve, which did not exist in the 1970's during our earlier disruptions. As of February 17, 1982, the Reserve contained over 237 million barrels of oil and was filled during 1981 at the highest rate ever of 292,000 barrels per day.

Private industry stockpiles are perhaps the best insurance against supply disruptions. Despite what S. 1503's champions say, SPAA will discourage private stockpiling. Businesses have no incentive to buy emergency oil stockpiles if it can expect to be allocated petroleum by the Government. My colleagues should recall that the Economic Recovery Tax Act, passed last summer, permits 5-year depreciations and investment tax credit treatment for petroleum storage facilities. Although S. 1503's supporters argue that private stocks will be protected from allocation, thus encouraging private stockbuilding, the issue becomes moot if there is no allocation law on the books in the first place. Industry should stockpile oil out of a concern for self-protection and because they should play an integral role in preparing for an emergency.

The President asked Congress not to send him legislation to replace EPAA. The administration has consistently testified against the need for this bill. Many of my colleagues have written the President, urging him to veto S. 1503 should it be passed. We learned yesterday that the Secretary of Energy and the President's senior advisers have recommended a veto. The President will not have to veto a bad piece of legislation if the House defeats this conference report. We will, by voting no, be saving people from gasoline lines, productivity losses, litigation, regulation and redtape. I urge my colleagues to join me in opposing the conference report on S. 1503.

Mr. SHARP. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I find this entire debate to be totally unbelievable.

The GAO has said this country is totally incapable of being able to deal with a crude oil shortage of the type that occurred in 1973 or 1979 in this country.

The President of the United States is saying, "I do not want any authority to put a plan together in case Saudi Arabia collapses, in case Kuwait, the United Arab Emirates, or any of the rest of those countries over there that are held together with thread perhaps in the next 2 or 3 years are not able to survive the vagaries of the Middle Eastern geopolitical climate."

The President wants no authority for that.

The Republican side says that "We do not trust the Executive to be able to use this kind of authority. It can be perpetuated indefinitely."

Now, that is despite the fact that this plan expires at the end of President Reagan's administration.

They say, "We do not trust the Government to be able to administer this plan properly."

That, despite the fact that only President Reagan will be deciding whether or not it is implemented and the fact that the plan will expire 90 days after the emergency begins but allows President Reagan to deal with the panic situation so that it does not escalate into the kind of crisis in which this country sees a rapid escalation of oil prices as purchasers are out in the spot market driving up world prices of oil.

And, rather than trying to do our best to manage so that we do not react to the problem, we are going to allow this country at the time at which there is an oil embargo—and none of us wants there to be one—that the oil companies will decide where the allocation of those limited resources will be in our country, and there will be some kind of price ordering that will occur that could ratchet the price up 100 or 200 percent of oil, saying to widows who need home heating oil for their homes that "If you cannot go out there and compete for that limited amount of energy that is in our society, that is just tough luck because that is the only plan we have in place, the free market system that has allowed the multinational oil companies to profiteer in 1973 and 1979, when the last oil shortages occurred."

So all I would say is this: President Reagan is making a mistake. He is giving the energy agenda of this country over to the oil companies, and the

Republican Party is making a mistake in allowing the President to abdicate this responsibility by saying that they not only do not trust the President himself, but they do not trust themselves after 90 days and the expiration of this program to be able to come back in and put together a sensible plan if the President has not been able to execute a plan to be able to protect the consumers of this country at the time in which an energy emergency occurs. I just think that is an excuse.

Mr. BROYHILL. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. TAUKE).

Mr. TAUKE. Mr. Speaker, I hope that my Republican friends will take a look at the legislation that is being offered and view it in light of what actually has happened in the history of this legislation and also what is in it, because I think if they will do that, they will find that this is legislation that they should support.

There has been the tendency to believe, when one gets notices from the whip, that somehow there is a Republican Party position against this legislation. In fact, I think it should be pointed out that seven Members of the Republican Party on the Energy and Commerce Committee, which considered this legislation, supported it. I think it is interesting to note that this legislation has been drafted specifically to deal with the Reagan administration. It will expire December 31, 1984, so that only the Reagan administration will deal with the authorities that are granted in the legislation.

The only problem that we seem to have is that the administration has taken the purist position on this issue, saying that the market is the only thing that can allocate or price product, even in times of emergency.

□ 1630

This legislation, unlike what has been suggested, does not return us to a period of the 1970's or to a period prior to the expiration of the EPAA. In fact, this legislation has no permanent price controls. It has no permanent allocation controls. Those who are trying to suggest that this is a return to bygone days are simply misleading you.

In fact, what this legislation does is provide very limited and very temporary authorities, only to be implemented by a President who is known for his adherence to free market principles.

The suggestion, for example, that is contained in the Republican whip notice that this conference report would revive the same allocation and price controls which have turned minor shortages into major gas lines twice in the past 7 years is simply an untrue and inaccurate statement.

We do not return to anything like what we had before and we only have provisions in here which allow for these to be in effect for 150 days.

The whip notice goes on to say the conference report would put the Federal Government right back into the business of regulating petroleum products. Untrue. The Federal Government would be in the business: First, only if Ronald Reagan wanted the Federal Government in the business; and second, it could only be in the business temporarily.

It seems to me that the question basically comes down to this.

The SPEAKER pro tempore. The time of the gentleman from Iowa (Mr. TAUKE) has expired.

Mr. SHARP. Mr. Speaker, I yield 1 additional minute to the gentleman from Iowa.

Mr. TAUKE. The question basically comes down to this. Do you believe that if there is a crisis in the Middle East that that great free market which will no longer be in existence is going to fairly allocate the product and fairly price it?

I say to my colleagues that if a person lives in Iowa, or generally in the Midwest or Northeast the answer to that question has to be "No." In a time of shortage, our refineries, which do not have direct access to crude oil, are going to have difficulty getting crude oil from those who control it.

That means our regions of the country will experience shortages of refined product, and if we do not give the President the power to act under those circumstances, those regional shortages will become a national crisis.

This legislation is designed to prevent the major kind of crisis which will bring about—through ill-considered, ill-timed action of Congress—major involvement by the Federal Government in the pricing and allocation of petroleum products.

This legislation is preventive. It is going to stop the Government's involvement in the petroleum marketplace, not encourage it.

Mr. SHARP. Mr. Speaker, I yield myself 30 seconds to compliment the gentleman from Iowa for his creative work on this legislation. He has come up with creative alternatives which were in part adopted this year in the bill, and he is one demonstration that this measure was bipartisan from the start. I know one does not need to be a mathematician to know this bill had strong Republican as well as Democratic support, and I would hope it would have the same in the House of Representatives.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 374

Mr. DICKS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 374, legislation to discourage the use of leg-hold or steel-jaw traps.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SHARP. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. MOFFETT), who was intimately involved in this legislation.

Mr. MOFFETT. Mr. Speaker, first of all I would appreciate if the gentleman could engage in a brief colloquy with me with regard to State preemption.

Mr. Speaker, because many of our colleagues share our interest in the States' right to legislate on energy policy, I think it may be useful for us to outline the conference provisions on State preemption and set-asides.

First, it is important to note that many State and local laws and regulations, such as odd/even plans and minimum purchase requirements, are intended primarily to facilitate—not interfere with—the market.

The conferees intend that States retain authority to implement a wide range of laws as outlined in the statement of managers, including demand restraint, conservation, data collection and reporting, market withdrawal, and antitrust laws.

These are not EPAA-type controls and are expressly intended not to be preempted under S. 1503, except if they are actually in conflict with implemented Federal regulations. Rather, only EPAA-type controls are preempted on and after the date of enactment, is that not correct?

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Indiana.

Mr. SHARP. I thank the gentleman for yielding.

The gentleman is correct and the task of deciding what State laws are in fact EPAA-type laws and are accordingly preempted will ultimately fall to the Federal courts. They will, for example, determine which laws are true conservation laws and thus never preempted and which laws are conservation laws in name only, and in fact are EPAA-type price controls.

In the latter case, the law would be preempted by the court's ruling and the President could thereafter revive it by rule.

Mr. CORCORAN. Mr. Speaker, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Illinois.

Mr. CORCORAN. I thank the gentleman for yielding.

I wonder if the gentleman would tell us whether that would occur during the shortage following that litigation. Would this court determination take place during the time that we have a declaration of emergency?

Mr. SHARP. Court rulings preempting EPAA-type laws could of course be rendered during nonemergency times, after a complaint has been litigated. Court rulings preempting State laws because of actual conflict between the State law and the implemented Federal emergency regulation, would of course only be rendered during a severe petroleum supply disruption.

Mr. MOFFETT. If I might continue, in addition, S. 1503 provides a mechanism under which a Governor can implement a limited State set-aside, under the conditions outlined in the bill, if the President gives his approval. A Governor must notify the President prior to implementation and the President must act either to approve or disapprove within that 10-day period, is that correct?

Mr. SHARP. Again the gentleman is correct. The President must respond within 10 days according to the act.

Mr. MOFFETT. Mr. Speaker, I might also ask the following.

The President also has authority to approve any such program "in whole or in part" under section 280(c)(3)(E), does he not?

Mr. SHARP. Yes; for example, a President might allow a State set-aside to be implemented for heating oil and at the same time might refuse to permit a set-aside for kerosene.

Mr. MOFFETT. I thank the gentleman. I appreciate that.

The SPEAKER pro tempore. The time of the gentleman from Connecticut (Mr. MOFFETT) has expired.

Mr. SHARP. Mr. Speaker, I yield 1 additional minute to the gentleman from Connecticut.

Mr. MOFFETT. I thank the gentleman.

I would like to concur with what I heard the gentleman from Iowa say about the market. It is nice to throw out all of the rhetoric about the marketplace and how it is going to protect us, but the free market alone is inadequate.

I recall some officials of a very large major oil company in my office not too long ago expressing alarm over the administration's seeming position that they in that company should decide so many important things in the event of an emergency. They felt that it was unfair, that it put them in a difficult position, and that too much reliance on free market alone was certainly not warranted.

We also should acknowledge the advanced preparation is needed for emergenices and there is nothing in the bill which requires emergency measures to be implemented.

But without this bill there will not be even a semblance of advance planning undertaken and that will mean the next shortage will find us totally unprepared. I think this is half a loaf we should accept.

Mr. BROYHILL. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. CORCORAN).

Mr. CORCORAN. Mr. Speaker, first of all, I want to thank the gentleman from North Carolina for yielding.

I oppose the Standby Petroleum Allocation Act because I cannot accept the proposition that bureaucrats and gasoline lines are better at allocating petroleum products than the free market. There is no question that we need to be prepared for a severe disruption in petroleum supplies. The question is how should we prepare? And as I pointed out we are prepared without S. 1503. In fact it will do more harm than good.

The country labored under a program of petroleum price and allocation controls like that mandated by S. 1503 for 7 years. Our experience with those controls was so unhappy that they are universally recognized to have been a disaster. What possible reason can there be for resorting once again to this tested and failed remedy for petroleum supply disruptions?

Let me point out, that in connection with all of these comments we have heard from our friends about the free market, and I am very happy to see their renewed interest in the free market, that is not our only protection in the event of a serious oil shortage and the first thing I want to clarify is just what the Federal Government response would be today.

First, of all, the market conditions are different today in comparison to the decade of the seventies. In 1973 and 1974, when we had the Arab oil embargo, and again in 1979, as a result of the problems in Iran, OPEC controlled the oil market. Today OPEC represents only 20 percent of it in the United States. Moreover in those years we did not have the kind of reserve protection in the U.S. strategic petroleum reserve that we now have. As of the end of 1981 we had about 250 million barrels of crude oil. That is a reserve that did not really exist during those aforesaid shortages. And so today in the event of an emergency, we have the crude oil that we can put into the distribution channels and provide the access to crude which concerns many of our farm cooperatives and other groups as well.

Second, in terms of Government authority, we have some 12 or 13 major Federal statutes which have not expired. They are in existence today. I would cite only two of them—the Defense Production Act and the Trade Expansion Act, which give the authority to the President to provide for contingency planning and emergency action to be in a position to provide the kind of assistance that we might need in the event that a severe shortage would occur.

What the Reagan administration recognizes is that if, as is the case of the proponents of this legislation, your major concern is to distribute supplies when you have a shortage and that is the purpose of S. 1503, in fact, what happens is that with this kind of authority in the hands of the Federal Government you discourage real preparation for an emergency by everyone else. The experience we had with the old price and allocation controls showed that when everyone came to rely on the Government to bail them out in a shortage then shortages were more likely to happen. Whereas by increasing oil production in this country, by using oil products more efficiently, and by maintaining proper inventories we tend to prevent shortages and become less dependent on imported oil. And this is the case today without this SPAA.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. CORCORAN. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Is it not entirely possible that a marketeer, instead of entering into some long-term contracts in order to take care of future supplies, might say, "Well, I will just rely upon the spot market; in the case of some emergency the Government will take care of me."

Mr. CORCORAN. That is precisely what is underway right now and when we look at inventories and some of the other data we can see that because of the possibility of this kind of legislation passing, the response of the free market has been that they are not going to take prudent steps, they are not going to be self-reliant, because people know that like the Chrysler case there is always Uncle Sugar to bail them out.

Mr. BROYHILL. Is it not also a fact that there would be less incentive for a company to develop new fuel alternatives.

Mr. CORCORAN. The gentleman is absolutely correct. As a matter of fact, one of the differences between the bill that passed the House, over my opposition back in December, and this conference report is that the so-called inventory protection provision has been changed rather dramatically.

Now, in order to be protected, in order to be in a position where the Government could not allocate your product away, you have to have it physically on your premises. So if you are in that position where you are in the oil business perhaps you are all right, but those industrial users and other users who should be building up inventory, who ought to be as the gentleman indicates looking to alternative supplies in the event of an emergency, have no reason to do that and so all the incentives are going the wrong way.

Mr. Speaker, we have tried to argue this thing on the merits in the past and I admit 136 votes in December was not very good, 8 to 2 in the conference committee was not very good either.

But I want to recall a circumstance that existed many years ago when I first had the opportunity to serve in government. At that time, in the State Senate of Illinois we used to try to understand what was the problem with legislation when it was not going the way you would think on the basis of commonsense it should be headed.

You would argue the pros, argue the cons, then try to find out what was wrong. We had a Senator named Bernie Neistein from Chicago who would get up and say, "who wants this bill? Who wants this bill?" In a way that is the approach to get to the nub of what is happening with this legislation and maybe answering it explains everything. The answer to that question is the regulators want this bill, the bureaucrats want this bill, the oil companies want this bill. In fact, I can go on and on and I have a list of letters which I am sure every Member of Congress received, too. The bankers want the bill. The national oil jobbers want the bill. The farmer cooperatives want it and so it goes on and on. They want this bill because they have gotten their little privilege in it. They are the ones who are going to be protected and at the expense of the general consumer.

Mr. Speaker, one of the other groups that wants this bill is OPEC. As a matter of fact, during the period that we had the old Emergency Petroleum Allocation Act in effect, we had a great consolidation on the part of OPEC to get control of the world oil market, and they got control of that market and all of a sudden after 8 years experience the United States EPAA authority expired.

And who got hurt most—OPEC. OPEC needs help and the approval of S. 1503 will help OPEC. Without the type of controls provided by S. 1503, OPEC has been floundering.

Now, admittedly the President's decontrol of crude oil and petroleum products is not the only reason why gasoline prices have plummeted, supply has increased, and OPEC is scrambling. I think it is plain, however, that the free market is working, and working well.

The Standby Petroleum Allocation Act will assist OPEC by propping up the price of oil.

I know that this is a serious charge, but this is exactly what price and allocation controls do. They do not protect consumers from shortages; they protect marketers and refiners from consumers, and from competition. It is not surprising that the major oil companies favor S. 1503.

Moreover, subsidy schemes like the crude sharing program work to keep inefficient refiners in business. H.R. 4700, the bill we passed in December, explicitly limited the crude sharing program to efficient refiners. The S. 1503 crude sharing program reflects no such concern.

It is difficult for me to believe that my colleagues do not enjoy watching OPEC squirm as much as I do.

Mr. Speaker, price and allocation regulations require lots and lots of bureaucracy. Between November 1973 and January 1981, the Energy Regulatory Administration, the DOE subagency assigned to administer petroleum regulations, received 110,000 applications for adjustments in motor gasoline allocations, and it issued 25,800 orders. The headquarters of the Office of Hearings and Appeals, DOE's adjudicatory subagency, during that same period of time, received 23,886 applications for adjustment relief from petroleum regulations and issued 18,155 orders. Processing all those applications required thousands of hours of work and cost billions of dollars in public and private funds. In both cases, the public foots the bill as taxpayers and as consumers.

Indeed, when one looks at the DOE bureaucracy and oil prices, an interesting parallel can be seen.

As DOE went up in size and cost to the taxpayers, what happened to the price of oil? Oil prices went up too. And as we began to see under this administration the price and support and cost of DOE go down, what actually happens, the price and cost to the consumer of gasoline petroleum products does likewise.

Whether or not you are swayed by this evidence, the fact remains that SPAA will require bureaucracy to draft regulations, collect data, revise regulations, and provide for adjustment of those regulations.

I think we can find better ways to help unemployed ERA and OHA regulators.

The Speaker pro tempore. The time of the gentleman from Illinois (Mr. CORCORAN) has expired.

Mr. BROYHILL. Mr. Speaker, I yield 2 additional minutes to the gentleman from Illinois.

Mr. CORCORAN. I thank the gentleman for yielding.

Even if the President never uses the authority granted to him by this act, the very existence of the standby regulations will generate lots of business for consultants. Put yourself in the position of a business manager faced with a proposal to expand the storage capacity of your firm or to install alternative fuel capability. Will you be more likely to approve that project without S. 1503, or with it, particularly if you are one of the end users who think it has been accorded priority over other end users by S. 1503? And remember, unless your firm meets the stringent requirements for inventory protection under S. 1503—requirements much more limiting than those contained in H.R. 4700—your inventory may be allocated away from you should there be a severe petroleum supply shortage. What kind of incentive does a manager in this position get from S. 1503? Certainly not the right one if we want to encourage responsible planning and self-reliance rather than dependence on another Government "bailout" scheme.

Mr. Speaker, H.R. 4700, you may recall, provided States the right to operate State set-asides. S. 1503 requires Governors to get Presidential approval before they can conduct set-aside programs. S. 1503 thus encourages Federal intervention in local problems.

And another group that can benefit with the passage of S.1503 would be the consultants. One of the new phenomena in Washington, this company town, is the consultants are having trouble finding work, and I think that is good for the rest of the country.

So, Mr. Speaker, we have had experience with this kind of legislation. We know it does not work. What we ought to be doing is learning from that experience and not repeating our mistakes. So I would hope that the Members of the House would appreciate that experience, would recognize that we have tried it, would recognize it does not work, and would vote down this conference report on S. 1503.

□ 1645

Mr. SHARP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Colorado (Mr. WIRTH), who has been very active on this legislation.

Mr. WIRTH. Mr. Speaker, I have no charts, only I hope as with the chairman and the gentleman from Iowa (Mr. TAUKE) and others that we will have a modicum of commonsense about the deep trouble we are in in this country in terms of our extraordinary dependence on foreign oil. Tens of billions of dollars, and a veritable lifeline to the Middle East, which is certainly not a very secure area; if the gentleman had had a chart and a map of the Middle East that would have pointed out the great difficulties we have.

This is a very responsible, reflective piece of legislation. It plans ahead and it says to the President that he has to plan, too.

I think that the gentleman from Indiana should be commended and supported in this legislation. I think it makes a great deal of sense and I hope all my colleagues will vote for it.

● Mr. FOUNTAIN. Mr. Speaker, I rise in support of the Conference Report on the Standby Petroleum Allocation Act of 1982, without necessarily approving all of its provisions and language. However, approval of this legislation giving the President standby authority to allocate supplies of petroleum products during any severe petroleum supply shortages in the future is absolutely essential. Philosophically, I do not like the necessity for such standby legislation. But only a few years ago the Nation was faced, for the first time, with a sudden and severe shortage of oil and the impact was immediately felt across the Nation. But, that impact was not evenly distributed. The so-called free market system was a failure. In fact it was devastating to many.

Some parts of the country suffered severe shortages of gasoline, diesel oil, propane, and lubricants. Some counties in my rural district in North Carolina had all of their filling stations closed for lack of product. Many of my farmers could not get fuel oil to cure their crops. People were desperate. Meanwhile, in some parts of the Nation the impact was much less severe, almost minimal.

For a time in 1973 and 1974, the petroleum distribution system of this Nation ceased to function in a fair and equitable manner. Governmental action was, therefore, absolutely essential.

The resultant legislation was far from perfect, but it did provide essential help at a time when it was so very needed.

We simply must have authority on the books which will give the President of the United States discretionary authority to allocate oil supplies and control product prices should a future emergency develop. Remember, the authority being provided in this legislation is discretionary, not mandatory. It is a standby act.

We must not forget that the energy crisis is not over. The oil glut is a temporary situation. Our planet is still running out of oil and one day—inevitably—all of the Earth's supply of petroleum will be gone.

The next few years—the next two decades—are crucially important, for they are the time during which we must transition from the age of petroleum to a new age. Choices must be made.

But, while we are making those choices, let us be certain that our Nation and its President are prepared to meet an emergency whenever an emergency arises.

I urge the passage of the conference report to accompany S. 1503.●

● Mr. DINGELL. Mr. Speaker, the United States is still dangerously dependent upon foreign sources for its oil. Today we import some 5 million barrels each day, about one-third of our total national consumption. To compound the problem, our major free market industrial partners, Japan and the nations of Western Europe are even more dependent on foreign oil than we are. Any interruption in oil imports would cause major economic and national security problems. The situation is made even more serious by the fact that much of our imported oil comes from highly volatile and unstable areas; for example, we depend upon the Persian Gulf countries for over 1 million barrels a day. In the event of an interruption in oil imports our position would be even more precarious because of our agreement under the International Energy Agency (IEA) to assist Japan and the nations of Western Europe.

Simply put, it is inconceivable that this Nation, knowing what it knows about its vulnerability, should fail to plan ahead to prepare as fully as possible to meet a potential crisis.

NEED FOR S. 1503

The Congress provided the President with the authority he needed to prepare contingency plans for meeting the kind of crisis that could result from a restriction or cut off of foreign oil supplies, but that authority has lapsed. In the opinion of the President's own Justice Department there are no other comprehensive authorities in existence at this time that are adequate to meet the challenge.

The Defense Production Act would only protect the military.

The IEA would only protect international allocation and could actually result in increasing our domestic vulnerability.

The strategic petroleum reserve would, as of today, cover only 40 days of imports.

S. 1503 provides the missing link of authority that will enable us to forge a strong chain of national preparedness.

Under S. 1503: The President is given the authority to protect the American economy and the consumer by limiting skyrocketing market prices and making sure such markets are served, the President's authority is limited to control of the price and allocation of oil and could only be exercised in the event of a severe disruption in the supply of petroleum in the United States, and the President's authority is subject to congressional review and is limited in duration to 150 days.

KEY PROVISIONS OF S. 1503

There are a number of important provisions of this bill that deserve discussion at this time.

Consumer petroleum inventories: The conferees adopted an amendment to protect consumer petroleum inventories. The provision was intended to exempt from allocation those stocks owned by, and in the direct possession of, an end user for his own use prior to the declaration of the emergency. Thus, the end user must own the petroleum, must have it stored on site, and must plan to use it himself; exempt stocks may not be resold. The language would only protect stocks of refined petroleum product and residual fuel oil. It would not protect crude oil nor would it protect stocks of any product held for processing into refined petroleum products. Refinery, separator, processor or marketer stocks are not protected unless solely and explicitly held—prior to the declaration of an emergency—for the fuel operations of the holder, and not for any purposes of throughput supplies. Subsidiaries of refiners such as petrochemical subsidiaries are not protected, except to the extent determined by the President.

In addition, the President cannot take account of exempted stocks in making allocations under the act. If the end user would otherwise be entitled to receive an allocation, it may not be reduced on account of his holding exempted stocks. Nor should the amount of exempted stocks be treated as a floor in determining allocations. In short the President must ignore exempted stocks entirely in the allocation process.

Crude oil sharing: A crude oil sharing program is allowed. However, the main purpose of such a program is to protect consumers during an emergency. The President should use the program to get needed products to consumers in the affected areas in the most efficient manner possible, and at the lowest possible cost. The program should not be used to subsidize inefficient refiners or allocate crude to those refiners who produce products in plentiful supply during a shortage.

Presidential authority: Under the President's price and allocation authority, the President may control petroleum which is imported, which is used at refineries, and which is held as stocks by importers, producers, refiners, or marketers. Thus, the President may, under SPAA, implement—on a temporary basis, subject to congressional review—programs similar to those in the Emergency Petroleum Allocation Act, sections 13, 14, 15, and 16, which deal with import authority, refinery controls, and inventory control. The President should use these authorities as necessary.

Information collection: No new information collection authority is requested in SPAA because there is sufficient authority in other statutes. However, the conference report directs the President to collect necessary emergency preparedness information under his existing authority. The Nation as a whole and the separate States cannot adequately cope with, let alone prepare for, an emergency if we do not have sufficient information.

Thus SPAA directs the President to continue to collect substantially the same petroleum information collected under the Emergency Petroleum Allocation Act of 1973, as of September 1981. Though all of this information must be collected, it need not be collected through the same forms or in the same manner as under EPAA. Format changes or other consolidation to reduce reporting burdens is of course permissible. It is our understanding that the information in the following forms accordingly should continue to be collected:

EIA-9A: No. 2 Distillate Price Monitoring Report

EIA-14: Refiners Monthly Cost Report

ERA-51: Transfer Pricing Report

ERA-60: Report of Oil Imports in the United States and Puerto Rico

EIA-460: Petroleum Industry Monthly Report for Product Prices

FEA-P306: RInfer/Importer Monthly Report of Petroleum Product Distribution

FEA-P314: Monthly Survey of Distillate and Residual Fuel Sales Volume to Ultimate Consumers

FEA-P315: Monthly Survey of Propane Sales Volume to Ultimate Consumers

EIA-25: Prime Suppliers Monthly Report

EIA-182: Domestic Crude Oil First Purchasers Report

EIA-174: Sales of Liquid Petroleum Gases

FEA-P133: Imports from Puerto Rico

SG 1, 2, 4, 7: Survey of Gallonage of Sales of Gasoline

EIA-172: Fuel Oil and Kerosene Sales.

EIA-456: Crude Oil Ownership Monthly Report.

Since this bill allows the President to delegate emergency authority to States, it is important that States be allowed access to petroleum information gathered by the Federal Government, especially the data in the Prime Suppliers Monthly Report.●

● Mr. HAGEDORN. Mr. Speaker, I rise in support of the Standby Petroleum Emergency Authorization Act. I support this legislation as it does not provide for mandatory action, but allows the President to respond should it be determined that a severe petroleum supply shortage exists.

Although we are not as dependent upon foreign oil as we were in the past, loss of oil imports due to international events could cripple our vital industries. The agriculture industry is a very oil-intense industry, using 7 billion gallons of gasoline and diesel fuel in 1981 alone. Therefore even a short disruption of fuel supplies at the wrong time would result in crop losses or reduce yields for that year.

Such an interruption of the food and fiber production would adversely affect farmers, rural residents, and ultimately every American consumer. Priority access to available fuel is therefore required in order to provide for continued harvest and transportation of products.

The Nation cannot afford to wait and use agriculture as a testing ground for petroleum supply disruptions. The chaos that would occur would have a serious impact on food production and could lead to bad legislation drafted in the midst of a crisis.

While we hope this legislation will never be needed we must take action now so we will not have to rely on the whims of the market should an emergency arise.●

Mr. SHARP. Mr. Speaker, I have one last speech, my own. I wonder if the gentleman wants to conclude.

Mr. BROYHILL. Mr. Speaker, I yield myself the final minute.

Mr. Speaker, I would urge a no vote on this bill, but point out again that this Nation is still recovering from the mistakes of allocation, price controls, overregulations, for much of the last 10 years. The market distortions that occurred at that time were caused by that program and it was not helped.

We are sending an entirely wrong message to the marketplace with this legislation. We are saying to the marketer instead of making your plans for your long-term needs, depend on the Government for help in case there might be some emergency.

The oil companies liked controls back in those days because it froze their fat profits in. It is interesting to note that with decontrol, prices are coming down rapidly. Under controls, the profits were going up every day.

So I would urge that we vote no on this bill. It is the wrong medicine at this time.

It seems to me that what we ought to be doing is asking the marketplace to come up with alternative fuels, to come up with more domestic supplies of energy instead of relying on foreign sources.

Mr. SHARP. Mr. Speaker, I yield myself the remaining time at my disposal.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. SHARP. I would be happy to yield 30 seconds.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding.

I cannot help but notice and comment upon the fact that the same people who are today saying that an oil crisis is unlikely, that we really do not need any preparation for it, that we will just deal with it when we come down the line, are the same people who a year ago were telling us that they did not believe in deficits.

It just strikes me that when we come back here in a couple years, if we do have a crisis, it will be the same people wringing their hands and wondering how we got into this mess and primarily because we did not ask the tough questions. We did not make the tough decisions on preparing for the crises which are upon us and will be in the energy situation in a couple years.

Mr. SHARP. Mr. Speaker, I first want to congratulate the gentleman in the chair as the Presiding Officer in what I guess could be his last opportunity to preside over this distinguished body, and the gentleman has gained a great reputation in his ability to do that in the years he has been here. I am told that he may be presiding over another one of our great institutions of Government, one of our courts.

Mr. Speaker, I want to address a couple of the issues raised here. I think there has been some misunderstanding in the opposition to this legislation, some sort of desperate effort to say it is a repeat of what we went through over the last 8 years.

It must be first of all recognized that unlike the previous legislation, this does not mandate a whole series of specific steps. It simply provides a broad authority to the President to choose among the whole range of alternatives and perhaps select very limited types of allocation that might be in his judgment appropriate to meet a crisis whose dimensions we cannot now predict.

Second, unlike the previous legislation, this has a major congressional check. If the President should be so unwise, as my colleagues on the other side seem to think he would be, as to adopt a full-fledged allocation system down to every last gasoline station, our colleagues in this Chamber would have the opportunity—before that system could take effect—to veto it by a simple majority vote.

Mr. Speaker, we do not expect him to act that way, but we certainly expect to have that opportunity to check him in the event we decide that it is an unwise course of action.

Mr. Speaker, much is made by the opposition that somehow the free market will see this legislation in existence and therefore make no provision for additional stocks and stockpiling. That is why we adopted the inventory position protection provision which provides that those stocks that are basically on-site, end-user stocks will be protected against any allocation. What they also fail to recognize in their opposition is that we allowed the President the broad discretion to expand that right to other types of off-site, end-user stocks. Let me briefly review the legislative history of this provision.

The consumer stockpile provision supported by the House conferees—and which is now in the conference report—gives absolute protection to stockpiles of:

Refined products;

Which are owned by the consumer;

Which are not resold by him; and

Which are held by and in the direct possession of the end-user consumer for his own end use. This basically means on-site stocks.

In addition, this option gives the President broad discretion to exempt off-site stockpiles owned by the consumer, such as stocks stored at a location upstream from the end-user in a product pipeline, in tank cars, tank trucks, or tank farms, or in product barges. These stocks must also be owned by the end-user, and could not be sold or exchanged by him.

The option offered by the Senate conferees—and ultimately rejected in this conference report—was fundamentally different.

It granted an ironclad, statutory exemption to consumer-owned product stockpiles on the end-user's own site, and off-site as well, at any point upstream from the end-user—in barges, tank farms, jobber terminals, pipelines, and even in a refiner's own refinery storage tanks.

It distinguished between old product, which was product actually refined before the President's emergency declaration, and new product, which was product actually refined after the President's declaration. Only stockpiles of old product were protected.

But there were extraordinary administrative problems with this approach:

No one can practicably distinguish between new and old refined product. There is no physical difference between them. No one can possibly tell on what day a particular molecule was refined. And so no one can check exemption claims.

Exempted product is inevitably commingled with nonexempt product, as it is all transported from the refinery gate to the end user's site. If the President had to allocate refined products, he would have to untangle the one from the other, which is impossible. Or he would have to wait 20 to 60 days for the product distribution system to flush and clear, before he could allocate product from a particular storage tank in the system.

Even then, he might be met with a paper claim that this tank contained exempted, protected product. Though civil penalties could be imposed against an illegal claim, the President would have an insuperable burden of proving that particular hydrocarbons were in fact not exempt. And the litigation could stretch on for years—making a prompt Presidential crisis response impossible.

This approach was also full of potential for abuse: Refiners would have great incentives to engage in paper transactions with end users, since the sales price would be uncontrolled.

Moreover, this option did not encourage the creation of new storage capacity. Instead, it would simply have encouraged an upstream shift in paper ownership of refined products.

Accordingly, we provided that such offsite, upstream products could be protected, but only at the President's discretion—not as a matter of absolute right.

We believe this properly balances the interests of end users in retaining secure control over upstream refined product stockpiles, which they own, and the possible need for the President to rapidly allocate refined products stored in the Nation's large product distribution system.

This broad and general discretion we have here granted to the President also extends to his ability to define the terms used in this act, such as agriculture, transportation, consumer, and refiner, for example. We do not adopt any hard and fast definitions of these terms. Nor for example do we mandate that the affiliates, subsidiaries or corporate parents of refiners or end use consumers have any ironclad, absolute right to be included or excluded from the rights or restrictions applied to those entities. The resolution of these issues is left to the President's discretion.

Moreover, Mr. Speaker, the fact is that since the legislation that was previously on the books went out of existence, stocks of oil in this country have been falling, contrary to what one would expect in accordance with the arguments of the other side. The President had no clear power to seize these stocks and allocate them away, but yet, stocks were not built up.

This is one of the dangers that my colleagues should understand. We hear a lot of talk about oil gluts. We hear a lot of talk as if we do not need to worry any longer about a potential oil crisis. We are slowing moving into the position we found ourselves in 1978, prior to the 1979 situation, where private stocks were being drawn down, and then when an incident was triggered internationally with the fall of the Shah, we saw that the market was not able to meet all the crude oil demands and prices shot up and we had turmoil in this country and abroad.

I would call upon my colleagues to simply read last week's lead article in the Wall Street Journal about how the Iran-Iraqi war is now spreading, and what a danger that is to the world oil market.

Thus, the ill-founded euphoria that some people seem to sense today, and use to justify their desire not to put another protective arrow in the President's quiver, could be very shortsighted and very short lived. We may see ourselves in a matter of months in a situation where we will be scrambling to see some action taken.

I think it is far wiser, Mr. Speaker, for us to legislate now while we have a temporary oversupply and reasonable stocks of crude oil on hand, and the passions in this country are low. Our colleagues who have suffered through several oil crises and other kinds of crises know how difficult it is to make a rational decision during a crisis. It is difficult to make a wise decision with the information at hand during a crisis.

Mr. Speaker, our colleagues on both sides of the aisle have seen the wisdom in providing some kind of standby authority to the President now. This has been a strong bipartisan effort, a strong bipartisan effort in the Senate, as well as in the House.

I would, therefore, urge my colleagues to provide a strong vote today in behalf of this legislation.

Mr. WIRTH. Mr. Speaker, will the gentleman yield briefly?

Mr. SHARP. I would be happy to yield.

Mr. WIRTH. This is a conference report and this has been through the Senate, as the gentleman said. Has this not already been voted on?

Mr. SHARP. The Senate voted for this 86 to 7.

Mr. BROYHILL. Mr. Speaker, a point of order.

Mr. WIRTH. The Senate voted for it 86 to 7.

Mr. BROYHILL. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentlemen are reminded that they should not refer to the specific vote in the other body.

All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROYHILL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 246, nays 144, not voting 44, as follows:

[Roll No. 14]

YEAS—246

Addabbo
Akaka
Albosta
Alexander
Andrews
Annunzio
Anthony
Aspin
AuCoin
Bailey (MO)
Bailey (PA)
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bevill
Bingham
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brinkley
Brodhead
Brown (CA)
Chappie
Chisholm
Clay
Coats
Coleman
Collins (IL)
Conte
Conyers
Coyne, William
Craig
Crockett
D'Amours
Danielson
Daschle
Daub
Deckard
Dellums
DeNardis
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Dunn
Dymally
Early
Eckart
Edwards (CA)
Emerson
Emery
English
Ertel
Evans (DE)
Evans (IA)
Evans (IN)
Fascell
Fazio
Ferraro
Fish
Fithian
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fountain
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Ginn
Glickman
Gonzalez
Gore
Gray
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Harkin
Hartnett
Hatcher

Hawkins
Heckler
Hefner
Heftel
Hertel
Hightower
Holland
Hollenbeck
Hopkins
Horton
Howard
Hoyer
Hughes
Ireland
Jacobs
Jenkins
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
LaFalce
Lantos
Leach
Lee
Lehman
Levitas
Long (LA)
Long (MD)
Lujan
Luken
Lundine
Markey
Marks
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McKinney
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Molinari
Mollohan
Mottl
Murphy
Napier
Natcher
Neal
Nelligan
Nelson
Nowak
Oakar
Oberstar
Ottinger
Panetta
Parris
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Pursell
Rahall
Railsback
Rangel
Ratchford
Reuss
Richmond
Roberts (KS)
Roberts (SD)
Rodino
Roe
Rogers
Rosenthal
Roukema
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shamansky
Shannon
Sharp
Simon
Skeen
Smith (IA)
Smith (NE)
Smith (PA)
Snowe
Solarz
Solomon
St Germain
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Traxler
Udall
Vento
Volkmer
Wampler
Washington
Watkins
Waxman
Weaver
Weber (MN)
Weiss
White
Whitley
Whittaker
Whitten
Williams (MT)
Wilson
Wirth
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NAYS—144

Anderson
Applegate
Archer
Atkinson
Badham
Bafalis
Barnard
Beard
Bliley
Breaux
Broomfield
Brown (CO)
Brown (OH)
Broyhill
Burgener
Butler
Byron
Carman
Carney
Chappell
Cheney
Clausen
Clinger
Collins (TX)
Conable
Corcoran
Coughlin
Courter
Coyne, James
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis
Dornan
Dreier
Duncan
Dyson
Edwards (AL)
Evans (GA)
Fenwick
Fiedler
Fields
Findley
Flippo
Forsythe
Frenzel
Gibbons
Gingrich
Goldwater
Goodling
Gradison
Gramm
Green
Gregg
Grisham
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hendon
Hiler
Hillis
Hubbard
Hunter
Hutto
Hyde
Jeffries
Johnston
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
LeBoutillier
Lent
Lewis
Livingston
Loeffler
Lott
Lowery (CA)
Lungren
Madigan
Marriott
Martin (NC)
McClory
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Morrison
Myers
Nichols
Oxley
Pashayan
Patman
Paul
Petri
Porter
Quillen
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roemer
Roth
Rousselot
Rudd
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Smith (AL)
Smith (NJ)
Smith (OR)
Snyder
Spence
Stanton
Staton
Stump
Taylor
Thomas
Vander Jagt
Walker
Weber (OH)
Whitehurst
Williams (OH)
Winn
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—44

Ashbrook
Benedict
Bethune
Biaggi
Blanchard
Brooks
Burton, John
Burton, Phillip
Campbell
Coelho
de la Garza
Derwinski
Dickinson
Downey
Dwyer
Edgar
Edwards (OK)
Erdahl
Erlenborn
Fary
Fowler
Fuqua
Holt
Huckaby
Jeffords
Jones (NC)
Leland
Lowry (WA)
Mattox
McDade
McHugh
Mica
Murtha
O'Brien
Obey
Price
Pritchard
Rose
Rostenkowski
Santini
Skelton
Trible
Walgren
Zeferetti

☐ 1700

The Clerk announced the following pairs:

On this vote:

Mr. Fary for, with Mr. de la Garza against.

Mr. Biaggi for, with Mr. Campbell against.

Mr. Mattox for, with Mrs. Holt against.

Until further notice:

Mr. Mica with Mr. Derwinski.

Mr. Rostenkowski with Mr. O'Brien.

Mr. Skelton with Mr. Pritchard.

Mr. Leland with Mr. Edwards of Oklahoma.

Mr. Zeferetti with Mr. McDade.

Mr. Santini with Mr. Bethune.

Mr. Lowry of Washington with Mr. Ashbrook.

Mr. Dwyer with Mr. Trible.

Mr. Fuqua with Mr. Benedict.

Mr. Brooks with Mr. Dickinson.

Mr. Jones of North Carolina with Mr. Erlenborn.

Mr. Price with Mr. Erdahl.

Mr. Obey with Mr. Rose.

Mr. McHugh with Mr. Walgren.

Mr. Fowler with Mr. Huckaby.

Mr. Downey with Mr. Edgar.

Mr. John L. Burton with Mr. Blanchard.

Mr. Phillip Burton with Mr. Coelho.

Messrs. HUNTER, BADHAM, and VANDER JAGT changed their votes from "yea" to "nay."

Mr. HORTON and Mr. LEE changed their votes from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on S. 1503, just agreed to.

The SPEAKER pro tempore (Mr. PATTERSON). Is there objection to the request of the gentleman from Indiana?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5118, SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT OF 1981

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 357 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 357

Resolved, That upon the adoption of this resolution it shall be in order, sections 401(a) and 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5118) to provide water to the Papago Tribe of Arizona and its members, to settle Papago Indian water rights claims in portions of the Papago reservations, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1715

The SPEAKER pro tempore (Mr. DANIELSON). The gentleman from Texas (Mr. FROST) is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Arizona (Mr. RHODES), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 357 is an open rule providing for the consideration of H.R. 5118, a bill to provide water to the Papago Tribe of Arizona and its members, to settle Papago Indian water rights claims in portions of the Papago reservations, and for other purposes. The rule also provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs.

Mr. Speaker, House Resolution 357 provides technical waivers of the Budget Act against consideration of the bill. As introduced, H.R. 5118 would have been in violation of sections 401(a) and 402(a) of the Congressional Budget Act. Section 401(a) prohibits the consideration of a bill that provides new spending authority for a fiscal year when that spending authority has not been made subject in advance to appropriations. Section 402(a) prohibits the consideration of any bill providing new budget authority that has not been reported by May 15 preceding the beginning of the fiscal year in which it is to take effect. These violations of the Budget Act were cured in committee by adoption of a committee amendment in the nature of a substitute and that action by the Interior Committee makes these waivers purely technical. The rule makes that committee amendment in the nature of a substitute, which is now printed in the bill, in order as an original bill for the purpose of amendment under the 5-minute rule.

In addition, the rule provides that any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute and provides for a motion to recommit with or without instructions.

Mr. Speaker, I know of no controversy on this rule and as for the bill itself, it is a result of many long hours of consultation, negotiation, and compromise between the many parties affected in the Tucson, Ariz., area. Chairman UDALL is to be commended for his fine leadership in the deliberations on this legislation and I would urge my colleagues to adopt the rule so that we may proceed to the consideration of H.R. 5118, which will go a long way toward solving a serious water dispute affecting Tucson.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very important piece of legislation to the Papago Indian Tribe and to my State. This will have the effect of settling, we hope once and for all, a dispute between the Papago Tribe and the city of Tucson. It will allow the city of Tucson to proceed with water development and also the Papago Indians to so proceed.

The city of Tucson, as I have said throughout the length and breadth of this land, is the largest city in the world completely dependent upon an underground water supply. One of the reasons we need this is so that it will clear the way further for the introduction of surface water supplies with the central Arizona project as it goes through.

So it is an important bill. I hope that the rule will be adopted. The rule does provide for waiver of points of order in two instances, as the gentleman from Texas (Mr. FROST) has reported.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. UDALL) for purposes of debate only.

Mr. UDALL. Mr. Speaker, I will take just a moment to say this to my colleagues: I want to thank my colleague, the gentleman from Arizona, Congressman RHODES. This place is going to miss him around here. He has been one of the great Members of this institution in my time here, and he has been a real statesman with this legislation.

A number of Members have asked me about our plans for tomorrow. The House is scheduled to come in at 11 o'clock. This bill, I am told, is the first order of business. The rule provides 1 hour of general debate. I know of no amendments that will be offered. I will be managing the bill on our side of the aisle. So I think that if we come in at 11 and get to work promptly on this legislation, we can get out of here by 12:30 or 1 o'clock.

Mr. Speaker, I strongly support the bill and the rule, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no further requests for time.

Mr. RHODES. Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAILSBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 374, nays 1, not voting 59, as follows:

[Roll No. 15]

YEAS—374

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Bellenson
Benedict
Benjamin
Bennett
Bereuter
Bevill
Bingham
Bliley
Boggs
Boland
Bolling
Boner
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Broomfield
Brown (CA)
Brown (CO)
Brown (OH)
Broyhill
Butler
Byron
Carman
Carney
Chappell
Chappie
Cheney
Chisholm
Clausen
Clay
Clinger
Coats
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Daub
Davis
Deckard
Dellums
DeNardis
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dornan
Dougherty
Dowdy
Dreier
Duncan
Dunn
Dymally
Dyson
Early
Eckart
Edwards (AL)
Edwards (CA)
Emerson
Emery
English
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Evans (IN)
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffries
Jenkins
Johnston
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
LeBoutillier
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
McKinney
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Molinari
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
Oakar
Oberstar
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rosenthal
Roth
Roukema
Rousselot
Rudd
Russo
Sabo
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Udall
Vander Jagt
Vento
Volkmer
Walgren

Walker
Wampler
Washington
Watkins
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zablocki

NAYS—1

Crane, Philip

NOT VOTING—59

Ashbrook
Bethune
Biaggi
Blanchard
Bonior
Brooks
Burgener
Burton, John
Burton, Phillip
Campbell
Coelho
Conyers
Crockett
de la Garza
Derwinski
Dickinson
Downey
Dwyer
Edgar
Edwards (OK)
Erdahl
Erlenborn
Fary
Florio
Fowler
Fuqua
Glickman
Hatcher
Holt
Huckaby
Jeffords
Jones (NC)
Leland
Long (LA)
Long (MD)
Lowry (WA)
Marks
Mattox
McDade
McHugh
Mica
Mollohan
Murtha
O'Brien
Obey
Pepper
Price
Pritchard
Rose
Rostenkowski
Roybal
Santini
Savage
Skelton
Stangeland
Trible
Waxman
Young (MO)
Zeferetti

☐ 1730

The Clerk announced the following pairs:

Mr. Young of Missouri with Mr. Derwinski.
Mr. Mollohan with Mr. Erdahl.
Mr. Brooks with Mr. Dickinson.
Mr. Fary with Mr. Campbell.
Mr. Long of Maryland with Mr. Ashbrook.
Mr. Roybal with Mr. Jeffords.
Mr. Price with Mr. Trible.
Mr. Long of Louisiana with Mr. Stangeland.
Mr. Biaggi with Mr. Pritchard.
Mr. Rostenkowski with Mr. Bethune.
Mr. Pepper with Mrs. Holt.
Mr. Jones of North Carolina with Mr. McDade.
Mr. Glickman with Mr. Erlenborn.
Mr. Zeferetti with Mr. O'Brien.
Mr. Mica with Mr. Edwards of Oklahoma.
Mr. Obey with Mr. Lowry of Washington.
Mr. Fuqua with Mr. Mattox.
Mr. Fowler with Mr. McHugh.
Mr. Florio with Mr. de la Garza.
Mr. John L. Burton with Mr. Phillip Burton.
Mr. Dwyer with Mr. Bonior of Michigan.
Mr. Santini with Mr. Skelton.
Mr. Waxman with Mr. Leland.
Mr. Coelho with Mr. Huckaby.
Mr. Conyers with Mr. Rose.
Mr. Crockett with Mr. Hatcher.
Mr. Blanchard with Mr. Downey.
Mr. Edgar with Mr. Savage.

So the resolution was agreed to.

The result of the vote was announced as above recorded:

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BENEDICT. Mr. Speaker, I was not recorded on rollcall No. 14. Had I been present I would have voted in the affirmative.

Mr. Speaker, I ask unanimous consent that these remarks appear in the permanent RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEGISLATION INTRODUCED TO EXTEND THE 235 HOMEOWNERSHIP PROGRAM BEYOND MARCH 31, 1982

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, I am introducing a bill today, along with a number of cosponsors, that would extend the 235 homeownership program beyond the March 31, 1982, deadline.

There is no additional cost to the Government by extending this deadline. The bill simply gives homebuilders who have reservations under 235 to go to a firm commitment until the end of the 1982 fiscal year.

What we are doing in this legislation is extending to the homebuilders the only lifeline available immediately that will allow them to sell their homes. And we are giving to the American people the opportunity to achieve the dream of homeownership presently unavailable without this extension.

It is estimated that there are as many as 9,000 reservations under 235 pending at this point. If the program is not extended, all of these units of homeownership will be lost.

I hope to get this bill considered in the House soon, and welcome your support.

THE CONGRESSIONAL SPACE CAUCUS

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, do we need a program of planetary exploration? Do we want a program of planetary exploration? And, if we do want one, how much money are we willing to invest in making sure that we continue to have the resources necessary to accomplish our goals? These are questions that the Congress must consider in the months ahead. The issues raised by these questions are highlighted by a recent event on the surface of Venus.

On March 1, 1982, a descent module from Venera-13, a Soviet spacecraft, made a successful soft landing on the surface of Venus. At a speed of 11.2 kilometers per second, the descent module entered the dense layers of the Venus atmosphere at 5:55 a.m. Moscow time and 62 minutes later soft-landed on the surface of the planet. During the next 127 minutes, scientific information and photographs were transmitted back to Earth and received by long-range space communications facilities. In the course of the descent of the module, studies of the chemical and isotope composition of the atmosphere and clouds were conducted. The descent module also carried a soil sampling device which drilled the rock on the surface at an ambient temperature of 457° C, took a sample, and transported it to an hermetically sealed chamber for X-ray fluorescent analysis. According to TASS, the Soviet News Agency, Venera-13 carries a picture of Lenin in low relief; the descent module carries the state emblem of the Union of Soviet Socialist Republics.

Said the TASS report:

> Soviet space science and technology have entered another bright page in the chronicle of space exploration . . . the outstanding achievement in the study of Venus is graphic proof of steady progress in implementing the historic decisions of the 26th CPSU Congress to further study outer space for peaceful purposes and for the good of the whole of mankind.

Here at home, under the terms of the fiscal year 1983 NASA budget, funding for lunar and planetary exploration is less than 40 percent of the average budget for lunar and planetary exploration over the 17 years since fiscal year 1966, excluding Apollo. There have been no launches of planetary spacecraft since 1977 and no new starts since fiscal year 1978. Work on the Venus orbiting imaging radar (VOIR) has been terminated; the decision to ignore further data transmissions for spacecraft has been made for: Pioneer Venus Orbiter, Pioneers 10 and 11, and the Mars data analysis program. The lunar curatorial facility and the infrared telescope facility will be shut down, Voyager research truncated and the U.S. Halley's comet mission scrapped.

Members of the scientific community claim that NASA's fiscal year 1983 budget for planetary exploration is a budget guaranteed to shut down the U.S. enterprise of planetary exploration. Certainly, this is an issue which the Congress needs to examine carefully in the months ahead.

It is clear that space and space-related technologies constitute an issue of vital importance to the future of this country. I urge my colleagues to join the newly formed Congressional Space Caucus to make sure that America has a technological future worthy of her past.

HOME RECORDING ACT OF 1982

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, on February 9, I introduced legislation to address the issues raised by the decision of the U.S. Court of Appeals for the Ninth Circuit in Universal City Studios against Sony Corp. As my colleagues know, in that decision, the court held that home taping of copyrighted television programing off the air constituted copyright infringement.

The bill I offered would have accomplished two things: First, it provided an exemption from copyright liability for individuals who engage in such home video taping; and second, it established a system of compensation for the creators and owners of copyrighted material for the use of their property.

At the time I introduced this measure, I indicated my interest in the problems the U.S. music industry faces as a result of home audio taping, and my hope that the Congress would address this serious issue as well.

I am pleased to advise my colleagues that I am today introducing substitute legislation which deals with both home video taping and home audio taping. My legislation is similar in approach to an amendment being proposed in the Senate by Senators MATHIAS, ROBERT C. BYRD, BAKER, CRANSTON, STEVENS, BAUCUS, and HART. I am pleased to be joined in offering this new legislative initiative by my colleagues PAT SCHROEDER of Colorado, JAMES QUILLEN of Tennessee, CARLOS MOORHEAD of California, BILL BONER of Tennessee, JIM WRIGHT of Texas, CHIP PASHAYAN of California, NORMAN MINETA of California, HENRY WAXMAN of California, LEO ZEFERETTI of New York, JULIAN DIXON of California, WILLIAM CLAY of Missouri, and MERV DYMALLY of California.

My bill would create an exemption from copyright liability for individuals who engage in audio and video recording in their home for their private use. However, unlike other measures, this legislation would address the issue at the heart of the ninth circuit decision—the need to protect the integrity of our copyright laws.

It thus further provides for compensation to copyright holders for the use of their creative property. The element of compensation is essential—compensation for the use of intellectual property is, and always has been, a necessary incentive for its creation. Society benefits when copyright owners are justly compensated for the use of their property, because compensation provides the impetus for the creation of intellectual work.

By acting to protect the rights of those who create and own intellectual property, the Congress would be acting in a manner consistent with the copyright clause of the Constitution; with one of the basic precepts of our economy—the protection of private property; and with the practice of modern copyright law in the United States and in other industrial democracies.

Mr. Speaker, I would like to briefly outline the impact of home taping on both the video and audio industry. In so doing, I believe my colleagues will clearly see the necessity of providing the sort of compensation mechanism embodied in the proposal I have introduced today.

There are nearly 3 million video cassette recorders (VCR's) in the United States today. It is estimated that by the end of this decade, 35 to 40 million VCR's will have been imported from Japan enabling millions of American families to tape programs. received on their home television sets through direct broadcast, cable, or satellite transmission. The entertainment and educational values of this new technology are immense. Indeed, the home video recorder is fast becoming the most popular home entertainment product since the introduction of television.

The increasing use of home video recorders has a direct and lasting impact on two important segments of this American entertainment industry: Those who produce audiovisual programs and the hundreds of thousands of labor and guild members whose livelihood depends upon the vitality of this industry. Plainly put, the widespread use of VCR's for off-the-air taping undermines the revenue potential to be derived from the creation and ownership of motion pictures and other programs for television.

The need for adequate compensation for those who create intellectual property for this purpose is clear, as the costs of creating and marketing audiovisual programs today are enormous. Those who invest in these entertainment programs must depend on licensing their products in important secondary markets, such as pay cable and pay TV, network television, prerecorded video cassettes, disks, and syndicated television to recoup their investment. When millions of copies of their programs are made by home viewers who use a VCR, the value of the copyrighted property in these ancillary markets is substantially reduced. Deprived of these markets, copyright owners will have only two choices: First, produce less intellectual property; or second, limit the distribution of works produced so that these programs cannot be recorded by the consumer without compensating the copyright owner. In either event, the public is the big loser. I believe that a reasonable copyright royalty fee on video recorders and blank tapes paid by the manufacturers and importers who profit from home taping is an equitable solution to this complex problem.

The problems faced by the U.S. music industry are equally grave. In recent years the copying of sound recordings and musical works not only from radio and other transmissions, but also from prerecorded discs and tapes has increased dramatically. A Roper Organization survey, conducted in 1979, indicated that 22 percent of the American public engages in home taping.

The recordmakers who create sound recordings earn their revenues exclusively from the sale of those recordings. Audio home taping displaces those sales. Indeed, a study commissioned by the Copyright Royalty Tribunal in 1979 found that 70 percent of the people who tape music "would have purchased the last record or prerecorded tape they taped if they had been unable to tape it." Additionally, the sale of records is an essential source of income to writers and publishers of music, recording artists, vocalists and musicians, and home taping displaces that income.

Home taping thus siphons off the revenues that have traditionally spurred the musical arts community to put its labor and money at risk. The creative and capital investments fostered by our copyright system have brought consumers a dazzling variety of musical offerings from which to choose and enabled the American music industry to set the standard for the world. We must insure that the fruits of our copyright system will not be imperiled by the growing practice of home audio taping, for otherwise, ultimately there will be less music for consumers to tape.

The compensation provisions of this measure would work as follows:

The importers and manufacturers of video cassette recorders and blank video cassettes, as well as the importers and manufacturers of audio recording devices and blank tapes, would be required to provide the Register of Copyrights with information relating to the number of recorders and tapes they import, manufacture and distribute.

The Copyright Royalty Tribunal, established by Congress in the Copyright Act of 1976, would determine appropriate and reasonable royalty fees to be paid by the manufacturers and importers. This royalty would provide fair compensation to the owners of the audio and video property for the home recording of their works.

The Copyright Royalty Tribunal, in determining royalty fees, would receive testimony from all interested parties. The level of fees would be reviewed every 5 years.

Royalty fees would be distributed to copyright owners by the CRT on a yearly basis, as is now the case for royalty fees owed for the use of copyrighted work by cable television and jukeboxes.

Other provisions of the bill would provide appropriate civil penalties for manufacturers and importers who violate the requirements of the act and would provide to the copyright holder control over the manner in which his or her product reaches the consumer. Under the latter section, video and audio retail dealers could rent copyrighted phonorecords or copies of motion pictures or other audio video cassettes and then visual works with permission of the copyright owner.

Concerns have been raised that in providing fair compensation to copyright owners, the Congress would be unfair, somehow, to the consumer. Such concerns are, in my view, unfounded.

There is an important consumer interest to be served by my bill. As Mr. Joseph W. Waz, Jr., Deputy Director of the National Citizens Committee for Broadcasting, put it in testimony before the Senate Judiciary Committee on this issue:

> Copyright is the mechanism by which we assure a continued flow of video productions to the marketplace. While it is desirable that as many Americans as possible should benefit from the wonders of video, it is unrealistic to think that these wonders emerge from some inexhaustible source. If video artists and producers do not perceive opportunities to benefit fairly from the use and enjoyment of their products, they will be disinclined to create them.

In the long run, therefore, it is the consumer just as much as the copyright owner who will suffer from uncompensated home taping. Without reasonable compensation for the creators' labor, the consumer will be denied access to the widest possible diversity of creative works.

I also wish to note that the copyright royalty fees envisioned by my legislation will not necessarily be passed on to the consumer. The sale of home video and audio recording devices is highly competitive, with wide fluctuations in prices for the same piece of equipment. This competitive market, combined with declining import duties and advances in technology make it highly unlikely that the American consumer will be faced with an increased retail price as a result of this copyright royalty fee.

I recall that in 1962 when Congress considered the All-Channel Receivers Act, allegations were made by some that in requiring that manufacturers of televisions place UHF tuners on all sets the costs of TV's to the consumer would increase. Instead, 3 years later the FCC reported that there was actually a price reduction for TV's with all channel receivers compared to VHF only models. I believe we would see history repeat itself if the sensible and equitable copyright royalty fee I am proposing were adopted.

Mr. Speaker, there is a fundamental question of equity involved in this issue. In treating the owners of home audio and video recording devices and the creators of intellectual property fairly, this legislation assures Americans they will continue to have access to television, motion pictures, and music and sound recordings of high quality. Legislation that omits any form of copyright protection for creators and owners of intellectual property is not only constitutionally unsound, but is also destined to seriously erode the economic health of the U.S. entertainment industry.

I urge my colleagues to support the legislation I have introduced today, and would welcome their cosponsorship.

□ 1530

CIVIL RIGHTS ACT OF 1982

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, yesterday I introduced, along with 23 cosponsors, H.R. 5689, the Civil Rights Act of 1982. The bill is designed to improve the enforcement of civil rights by the Federal Government.

H.R. 5689 is a management-oriented effort to consolidate and streamline Federal civil rights efforts. An unintended effect of the many statutes and regulations which provide jurisdiction over civil rights complaints has often been to deny swift and fair justice for persons who have been discriminated against. The backlog in Federal agencies creates unnecessary delays, additional costs, and causes further overcrowding in already overburdened Federal courts.

This problem is not endemic to the Reagan administration. In 1977, many of those who have cosponsored H.R. 5689 introduced legislation to make the law rationally applicable and consistent and provide greater protection to individuals discriminated against.

Over the past several months, I have been working with representatives of the Leadership Conference on Civil Rights and using their valuable suggestions for improvement in the 1977 bill and subsequent drafts. Although the leadership conference disagrees with some of the specifics of the bill as well as its timing, they are in accord with the view that civil rights enforcement should be strengthened. Their recent report on the current problems of the Justice Department's enforcement efforts reflect their deep concern with this important issue.

The Civil Rights Act of 1982 provides uniform procedures and requires prompt investigation and resolution of civil rights complaints. Agencies which are responsible for program evaluation and civil rights compliance retain the authority to conduct investigations and attempt to resolve complaints. For the first time, overall enforcement is centralized and made mandatory.

I hope that the Congress views this legislation as a basis for exploration of critical issues in Federal civil rights enforcement. The overall role of the Justice Department, the proper test to avoid actions which have discriminatory effects, an affirmative duty of the Federal Government to provide protection against discrimination should be deliberated in hearings before the House Judiciary Committee.

H.R. 5689 embraces existing standards of "effect" for proving discrimination. For those statutes which do not have standards for enforcement, we have provided a compromise test of "reasonably forseeable effects." I believe the Congress should explore how best to frame a reasonable test that complies with the underlying affirmative duty to avoid actions which produce discriminatory effects. H.R. 5689 is an attempt to provide a basis for consensus.

The Civil Rights Act of 1982 is intended to dramatically improve the effectiveness of current Federal civil rights enforcement efforts. The act would increase the ability for individuals who have been discriminated against to petition the Government for fair and timely resolution of their grievances.

As a strong supporter of civil rights, I am convinced that action is necessary to provide a real framework of protection against discrimination for all Americans. Compliance with the civil rights laws deserves our utmost attention. I intend to join my colleagues in pressing for hearings that will establish a legislative record based on a comprehensive examination of Federal civil rights enforcement. It is time to reiterate the Federal Government's commitment to fair and just enforcement of civil rights.

RECIPROCAL TRADE

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I have always been in favor of free trade, but at present I am very concerned about our trade relations with some of our allies. I feel that there is legislation pending to improve this situation that merits serious consideration.

The United States suffers from an unequal trading relationship with Japan, and is fighting European and Canadian inequities as well. America has always been in the forefront of any negotiations aimed at the reduction of tariff and nontariff barriers, and this has been reflected in U.S. policies. Other countries, however, have not matched this example, and the result is that there are comparatively few import barriers on our markets, while foreign markets are protected by a wide variety of restrictions. While we have avoided the use of agricultural export subsidies, the European Community resorts to them as a part of their agricultural policy. And while we have opened the lucrative U.S. Government purchasing market to foreign suppliers, foreign governments continue to buy national.

In particular, the balance of trade between our country and Japan has been and continues to be a recurring problem. The trade deficit with Japan was $16 billion in 1981, and U.S. Trade Representative Bill Brock has predicted that it could reach $25 billion this year. This is particularly alarming at this time of increasing unemployment in our import-sensitive industries. While unemployment in American industry continues to rise because of decreasing sales, Japan continues to flood the United States market with products.

Japan's nontariff barriers to trade include customs regulation, product standards, and testing procedures which frequently prevent the successful marketing of foreign products in Japan. In addition, foreign products face nonmandatory standards set by Japanese industry associations, which issue safety certification, without which products are difficult to market.

In 1979 Japan sold more than 100 times more cars in the United States than the United States did in Japan. This is due largely to restrictive practices in Japan special taxes, Government inspection procedures costs to adapt the cars to Japanese requirements, as well as a poor distribution system, and the cars' unsuitability to the Japanese market.

In the area of agriculture, Japan is the single most important market for American farm products, yet there is the potential for hundreds of millions of dollars in additional sales. But protection of their agricultural sector remains solid. Although there has been some increase in their strict quotas on beef and citrus as a result of the multilateral trade negotiations, the increases are small in comparison with potential demand. Even in 1983, when the high quality beef quota will reach 30,800 metric tons, this will amount to only a little over one-half pound of beef per person per year. And the price of wheat in Japan is held artificially high to discourage people from substituting it for rice, which is in surplus.

In the field of high technology, Japan has been extraordinarily successful in recent years. In their production of critical state-of-the-art semiconductor memory chips, the so-called 64K RAM, the Japanese have been able to gain control of 70 percent of the market.

These examples show clearly why I believe it is time to seek some kind of reciprocity in our trade relations, and I intend to support legislation to establish such reciprocity. By reciprocity I don't mean that exports must equal imports, but that both trading partners should have a fair opportunity to market what they produce. Instead of being a movement away from the open market system, such a policy would encourage our trading partners to a level of market openness more similar to our own.

The legislation that I am cosponsoring would give the administration a clear mandate to seek equitable market access abroad for competitive American products, services and investments. This would be backed with a credible threat to redress restrictions on American exports through the imposition of offsetting measures.

So Mr. Speaker, while I still strongly favor free trade, I feel we cannot carry on under present conditions. Open markets in the United States coupled with closed markets overseas is detrimental to U.S. producers. It is time to begin a comprehensive effort to assure fair treatment for American exports in foreign markets.

EPA LANDFILL POLICY COURTS DISASTER

(Mr. MARKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKS. Mr. Speaker, EPA's recent action in removing the prohibition on burying hazardous liquids in landfills is an invitation to disaster. EPA's action effectively removes all rules for the disposal of hazardous liquids. In stating they are seeking a change in the regulations permitting 25 percent of a fill's capacity be used for hazardous liquids, they have also effectively removed all protections. And frankly, EPA's original 90 days may very well be extended several times, unless either EPA restores the ban or the U.S. Circuit Court of Appeals for the District orders EPA to restore the ban pending judicial review of the original order.

I find it very strange that an EPA spokesperson would come right out and say for publication, and attribution, that "hazardous-waste generators knew that it (the ban) would be lifted temporarily during the winter. Most have been storing their waste to wait for the grace period * * *."

Mr. Speaker, I doubt if the person making that statement is fully aware of its implications. How is it that the dumpers of toxic materials were aware they would be able to escape the ban during a "window of grace" and yet the public knew nothing, the Congress knew nothing, State officials knew nothing, and health and scientific experts knew nothing.

My study of press reports on this most recent EPA administrative depredation on the environment leaves me with even deeper concerns with policy direction at EPA.

An article in the Washington Post for today is replete with quotations by high EPA officials that are either incomprehensible or redolent with a lack of informed concern.

A quotation by Mr. Gary Dietrich, Director of EPA's Office of Solid Waste, leaves one totally confused, based on what the economic effect of this action has on both land-fill operators using safe disposal methods and the industries which are getting another free shot at dumping poisons. Mr. Dietrich says that EPA's legal responsibility is to protect human health and the environment, not to focus on the economic impact of its policies.

Mr. Speaker, it is my contention that this recent action of EPA's is an example of exactly the opposite of what Mr. Deitrich says RPA's policy is.

I am pleased that the Environmental Defense Fund and the Hazardous Waste Treatment Council are pursuing proper administrative and judicial relief from this policy that is patently and insultingly designed to give polluters a free ride at the expense of the health, safety, and peace of mind of the American people. I just hope that the officials now making these reckless decisions take the time to contemplate the liable positions in which these policies are placing them. These decisions may well prove the wisdom of certain EPA officials in taking out administrative "malpractice" insurance. They may very well need it.

DISABILITY AMENDMENTS OF 1982

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, today Congressman BILL ARCHER, the ranking minority member of the Subcommittee on Social Security, and I have introduced a bill to address several issues affecting the social security disability program. Many of the Members have raised concerns about the reexaminations of individuals on the disability rolls which have resulted in the precipitous termination of benefits for workers who in some cases have been receiving disability benefits for some time.

We endorse the concept of reviewing the disability rolls on a regular and periodic basis and recall that the program has come under criticism in the past because this was not being done. At the same time we also recognize that, until this process is settled down and becomes a regular part of the proceedings so that it does not come as such a surprise to the recipients, some adjustments and special allowances are in order. This bill makes several changes along those lines.

In addition, this bill addresses several other areas, mostly administrative, which need attention in the disability program.

Contrary to popular belief, the disability program is alive and working well financially. It is running surpluses which are being used to help pay retirement benefits under the larger retirement program. The percentage of workers on the disability rolls is the lowest in the history of the program. The definition of disability is being tightly enforced by the State agencies charged with making determinations under the direction of the Social Security Administration.

Nevertheless, the committee is concerned not only about the current reexamination of individuals on the rolls but also about the imbalance between the State reconsideration and Federal administrative law judge levels of the appeals process, about the lack of uniformity of decisionmaking among the various appeals levels, about the lack of accountability in the use of volume medical examinations, and about other aspects of the administration of the program. This bill will address those concerns. We do not propose it as a panacea or as a final response. We hope to develop the legislation further through hearings and subcommittee markup and are open to suggestions in this field.

Because of the shortness of the congressional session and the many other tasks which the subcommittee must attend to this year, we intend to move quickly on this measure, many provisions of which have been discussed publicly before. At the present time we intend to hold public hearings on March 16 and 17 and move to a markup of the legislation in subcommittee shortly thereafter.

This is the first bill we intend to move forward this year. After this, the subcommittee may consider several amendments affecting the OASI program and then later in the year we intend to concentrate through hearings and studies on the major financing issues which will face this Congress after the President's Social Security Commission makes its report this fall.

A summary of the proposed bill is as follows:

CAPSULE SUMMARY OF DISABILITY AMENDMENTS OF 1982

PROVISIONS TO PROVIDE ADJUSTMENTS IN DISABILITY TERMINATION (CDI) PROCESS

Permanent changes

Allow benefits to continue until reconsideration (similar to SSI program), subject to overpayment if appeal is lost.

Temporary changes (apply only through calendar year 1984)

Provide vocational evaluation and placement services through the State rehabilitation agencies for medically terminated CDIs.

Waive overpayments for period before notice in medically terminated cases.

Allow additional "adjustment benefits" for four months in cases of medical termination for individuals on rolls at least 36 months.

PROVISIONS TO INCREASE ROLE OF RECONSIDERATION PROCESS

Close record for purposes of introducing evidence after reconsideration level.

Lengthen appeal time to reconsideration level from 60 days to six months.

Provide face-to-face evidentiary hearing at reconsideration (through Social Security if the State agency wishes) for medical termination cases only (effective in 18 months).

PROVISIONS TO PROVIDE MORE UNIFORMITY OF DECISIONMAKING

Own-motion review of ALJ allowances.

Precedent material uniform and applicable at all levels of adjudication.

Definition of pain.

Medical school courses and continuing education in disability determination and establishment of a permanent Advisory Council on the Medical Aspects of Disability.

Social Security Court.

Eliminaton of Court remand.

PROVISION TO PROVIDE MORE ACCOUNTABILITY IN CONSULTATIVE EXAMINATIONS

Payment of fees for consultative examinations through a single fiscal agent or carrier.

PROVISION TO PROVIDE MORE RECENT ATTACHMENT TO WORKFORCE AS A REQUIREMENT FOR INSURED STATUS

Require participation in social security program for two out of last six years in addition to present requirement of five out of last ten years (20 out of 40 quarters).

MISCELLANEOUS PROVISIONS

Index SGA and trial work amounts for increasing wage level.

Deregulation of attorney's fees and exemption of social security claims from Equal Access to Justice Act.

Amendments relating to workmen's compensation.

Priority for social security cases in federal court.

Amendments to vocational rehabilitation program and demonstration authority for private rehabilitation agencies.

DETAILED SUMMARY DISABILITY AMENDMENTS OF 1982

Disability termination process—Transition benefits and services

When the social Security Administration (SSA) determines that a DI beneficiary is no longer disabled or is otherwise ineligible, a notice is sent informing him that he has been found ineligible for benefits, and that he has 10 days in which to notify the agency whether or not he wishes to contest the decision. The agency actually provides another 5 days to recognize mailing time, thereby delaying the termination for 15 days after the date the notice is sent. If the beneficiary informs SSA that he wants to contest the decision, he is given another 10 days in which to submit new evidence to support his position that he is still eligible. In total, there potentially could be a delay of 25 days in actually processing the termination, possibly resulting in the payment of benefits for one additional month.

Concern has been expressed that this process is too precipitous. Disabled persons who have been on the rolls for years without question are receiving questionnaires as to their present condition, directives to attend medical examinations, and then notices of proposed termination with little time to present evidence to develop their case that they are still disabled. Under the SSI program the Supreme Court has declared that due process requires that an individual benefits cannot be terminated until he is given a evidentiary face to face hearing. What the bill does is to offer similar treatment to title II disability beneficiaries who are terminated for medical recovery. The DI beneficiary would be given the option of having his benefits continued up to the reconsideration decision. After 1984 an evidentiary hearing procedure would be established for SSI and DI disability termination at the State agency level. Thus at the option of the beneficiary benefit payments for both types of cases would not be stopped until a face to face hearing was held. As under existing law for SSI, if the individual loses his appeals repayment of the benefits is required.

The problem of an adequate period of adjustment for individuals who are abruptly terminated from the rolls is also addressed by the bill. Under existing law benefits are continued for the month of termination and the next two months. The bill provides that benefits will be continued for four months after the month the individual is notified that he is being terminated for medical recovery for individuals who have been on the rolls for 36 months. This provision would expire at the end of calendar 1984 when the existing rolls have been thoroughly checked and regular review and diarying procedures are working adequately. A provision is also included which would waive overpayments for months prior to the month after the first notification of termination is sent to the beneficiary. In most cases the overpayment is not big problem since the date of termination is the date of new medical examination which has been ordered by the government. In a few cases, however, medical evidence is collected which shows that the disability ceased at a much earlier time. In cases where there was no willful neglect on the beneficiary's part he will not be required to repay these often very substantial amounts. The rationale for this is that it was the system's fault that his case was not looked at until this time and he should not be penalized for the government's failure to act in the past. Finally, there is a provision which authorizes a program of vocational rehabilitation for individuals medically terminated from the rolls.

For these persons there is established a vocational rehabilitation program administered by the State vocational rehabilitation agencies. Evaluation and job placement services will be provided to such terminated beneficiaries—shall be authorized for fiscal 1983 and 1984, for this program from the trust fund and the funds allotted to the State shall be on the basis of their relative medical termination. Both adjustment programs will expire when regular review procedure and operating effectively after 1984.

Strengthening the reconsideration process

The many levels of adjudication of Social Security disability cases have been questioned for years. The process can involve an initial decision, a reconsideration, an ALJ hearing, a review by the Appeals Council, and ultimately judicial review through the Federal court system. Up until the 1980 Amendments an individual could introduce new evidence at each level of the administrative proceeding even if related to a worsening of a condition or to a new condition that did not exist at the time of the initial application. In the 1980 Amendments, Congress modified this "floating application" concept by foreclosing the introduction of new evidence after the ALJ hearings and decision. This was a step in the right direction, but there is evidence that we did not go far enough. The reconsideration has continued to lose meaning as a legitimate step in appeal process. The rate of affirmance of the initial denial has steadily risen to an all-time high of 87% in fiscal 1981 and the rate of appeal to the hearing stage has risen to 50%. This has given substance to charges that reconsideration is a useless rubber stamp process. Attorneys for this and other reasons are not contesting cases at reconsideration and holding their presentation, and their evidence, for the ALJs hearing. Still even with the high appeal rate the reconsideration process serves as a substantial funnel whose outright elimination would greatly increase ALJ caseloads which are rapidly approaching crisis proportions.

The bill introduced today is designed to reinvigorate the reconsideration level and require the development of the evidentiary record at the front end of the process where it belongs. The bill would modify the 1980 Amendments so that the record would be closed after reconsideration rather than the ALJ decision. If the claimant provides additional medical documentation on the same impairments for the hearing the ALJ could have the case remanded to the State agency for additional review. If the claimant's allegations are based on additional impairments of a worsening of the condition subsequent to the reconsideration decision, the claimant would be required to file a new claim for re-adjudication by the State agency. As previously noted the bill also would extend the due process hearing requirement for the termination of SSI disability benefits to Social Security disability beneficiaries. An evidentiary hearing would be required and would take place as a reconsideration at the State agency level. The States have the option of having the termination reconsideration evidentiary hearing carried out by employees of the Social Security Administration if they felt they could not effectively undertake this function.

These provisions will take some of the pressure off the ALJ process by reducing their responsibilities for cases which should have been fully developed at the State agency level. The ALJs would decide cases on the evidence in the record with authority to remand to the State agency where further development appears to be required to fully document the impairment which existed at the time of the reconsideration decision. The State agency would then affirm or modify its previous decision, and the claimant would be free to appeal the decision. This would put the full responsibility for documenting the case on the State agency which even under present procedure is the intermediary in getting medical evidence for the ALJ. It would also resolve the current dispute as to whether the State agency physician or consultative physician should supply the assessment of residual function capacity—RFC.

The present provision of law, finally, would increase the period of appeal of an initial State agency disability decision from two months to six months, also plays a part in the ineffectiveness of the reconsideration level. Therefore, the period of appeal after the initial decision is lengthened so that reconsideration should not merely repeat the initial adjudication. Presumably within the six months period there could be more development of the case and evidence might be presented which would reflect a changed medical condition. It would further dampen the knee-jerk tendency to file for reconsideration simply to meet the two months time limitation.

Uniformity in decisionmaking

A number of provisions in the bill are designed to provide more uniformity in the guidelines for determining disability. At present there are substantial variations between the various levels of adjudication which can altogether be explained by the fact that the ALJs see claimants on a face to face basis and the evidence in the file often differs substantially from that which was before the State agency at the initial and reconsideration stage of the proceeding.

Own-motion review.—In its hearings in 1979 on the disability amendments, the subcommittee expressed its concern with a situation where there had been no review of ALJ reversals of State agency denials for almost 5 years. At that time Commissioner Stanford Ross stated he would reinstitute "own-motion" review by administrative action and a legislative requirement was not put in the bill. When the administrative action was not taken by the Social Security Administration by 1980, the Congress adopted an amendment which required that the Secretary institute such a program and report on the progress of this program by January 1, 1982. (Bellmon amendments)

After some delay, the Social Security Administration instituted a program of own-motion review in October of 1981 but has not yet submitted the report required by law for January 1, 1982. The bill introduced today requires the Secretary to review 15 percent of ALJ awards and reversals of cessations in 1982 and 35 percent in 1983 and thereafter. These numerical requirements may not be necessary when the Subcommittee is informed of the results of research study done in this area and the nature and results of the program of own-motion review which has been instituted.

Adjudicative Guidelines Available at All Levels.—The bill would require that the regulations of the Secretary, Social Security Rulings, and the manual which governs the determination of disability by the States agencies (POMS) would govern all levels of adjudication. The legislation, also, enumerates an order of priority in terms of binding effect, namely, the regulations, the Social Security Rulings, and POMS.

This provision is deemed to be necessary because in a number of highly substantive areas and for very substantial periods of time, the State agencies and the ALJ's have been deciding cases on the basis of different criteria.

Definition of Pain.—The bill would provide an explicit statement in the law of the Social Security Administration's policy on the evaluation and effect of subjective testimony as to pain and similar symptoms. This provision is aimed at one of the chronic problems where conflicting decisions in district and circuit courts have resulted in different bases for decisionmaking. It also represents an attempt to lessen disparity between State agency and ALJ treatment of these cases which have been in conflict over the years. This appears to make a substantial difference in the evaluation of pain.

The amendment provides that:

"An individual's statement as to pain or other symptoms shall not alone be conclusive evidence of disability as defined in this section. There must be medical signs and findings, established by medically acceptable clinical or laboratory diagnostic techniques, showing the existence of a medical condition that could reasonably be expected to produce pain or other symptoms alleged, and which, when considered with all evidence as required to be furnished under this paragraph, including statements of the individual as to the intensity and persistence of such pain or other symptoms which may reasonably be accepted as consistent with the medical signs and findings, would lead to a conclusion that the individual is under a disability."

Medical School Courses and Continuing Education in Disability.—One of the most important elements of the disability determination process is the quality of the medical evidence in the files. This has been brought out by the joint hearings the Oversight and Social Security Subcommittees have held last fall on the so-called "volume" providers of these medical examinations. To up-grade the quality of medical evidence, and enhance the evaluation of medical impairments by the medical community generally and the State and Federal physicians participating in the program, the bill would authorize trust fund monies for the cost of courses established in medical schools which provide instruction in the evaluation of medical impairments. These courses must meet standards prescribed by the Secretary of Health and Human Services in consultation with an Advisory Council on Medical Aspects of Disability which is established by the legislation for this and other disability evaluation and consultative functions. The bill also provides monies for the continuing education of physicians employed in the disability program by the Federal government or the State agencies and private physicians hired under contract to provide medical examinations and evaluation.

The Advisory Council on the Medical Aspects of Disability which would be established by this legislation could give valuable guidance in highly substantive areas of the program. Its advice on the medical listings which are deemed disabling would be highly significant. Also the council could give advice on such questions as to the validity of the volume providers operations and such questions as to what is a reasonable number of examinations which can be accomplished by a physician without sacrificing quality.

Judicial review

Social Security Court.—This bill would establish a Social Security Court to replace the current district court system. This would accomplish two major objections to the present system (1) inconsistent judicial precedents which result in different determination depending upon whether the ALJ is following its particular court or social security policy and (2) growing backlogs and delayed justice in various parts of the country because of uneven administration by the district court system.

I recognize this may be an approach many are skeptical about. But it is an approach that has been recommended by the National Commission on Social Security and earlier by the Center for Administrative Justice, and it addresses clearly many of the issues and problems now apparent in the social security appeals process.

The appeals process continues to play a greater role in social security decision making. In 1964 under 3 percent of disability allowances were made at the Federal appeals level—the ALJ's and the courts. In 1981 this figure stood at over 25 percent, an increase of almost 5 percent from the preceding year. Over the years it has become clear that there are unacceptable variances in how cases are decided at the State agency level and the ALJ and court level. In 1980 the Congress took some remedial action in requiring the Secretary of Health and Human Services to institute a program of own-motion review so that ALJ allowances would not go unreviewed as they have for the last 5 years. We also closed the record after the ALJ hearing and foreclosed the authority of the Secretary to pull cases back to the administrative process just because he could not defend them in court. As previously mentioned this bill goes farther in closing the record and in making policy material more uniform and applicable at all levels.

The need for a Social Security Court is closely linked to deficiencies in administration. Since 1960 the Ways and Means Committee has pointed to the fact that the appeals mechanism of social security cases has been defective. This procedure, which involves the Social Security Administration, the Department of Health and Human Services, and the Department of Justice, has resulted in the failure to appeal cases and in major policy changes in the disability insurance program by the judiciary. Failure to appeal or acquiesce in decisions through the Social Security Rulings has been criticized by the Center for Administrative Justice. There have been promises and promises over the years for improvements in this area but so far very little action.

The National Commission reported back in March of this year advocating as the centerpiece of its section on the appeals process the creation of a specialized administrative court under article I of the Constitution. The Commission report in March of 1981 states:

"This new court could make significant improvements in the appeals process. Because they reviewed only Social Security cases, judges of the court would acquire an expertise in the area that judges in Federal District Courts usually lack. By creating a uniform body of precedential material, the court's decisions would have a significant effect on the earlier stages of the adjudicative process as well. With all appeals going to a single court, it could no longer be argued, as it is now, that the need for uniform nationwide decisions precludes using the sometimes conflicting decisions of the several circuit courts as binding precedents."

In reaching its recommendations the Commission was greatly influenced by the earlier report of the Center for Administrative Justice which had been requested by our committee. The Center report noted the lack of a precedent-setting mechanism which would provide guidance at all levels of adjudication. They pointed out that the State agency ignored court cases within their jurisdiction while ALJ's might or might not follow them. The social security court would provide a case-law precedent which would be binding on all levels of adjudication. Where its policy determinations were at odds with those of the claimant community or the Social Security Administration these differences could be changed by regulation or be submitted to the Congress for resolution.

The second major argument for the court cited by the Commission was that it "would help lessen the congestion in the Federal courts". Last year approximately 9,000 social security and SSI cases were filed in Federal district court and the pending backlog of cases stands at about 20,000. Social security cases now constitute about ⅓ of the U.S. Civil pending court cases. Dispositions of social security have been falling behind receipts substantially in recent years. Hopefully the Social Security Court could more expeditiously deal with the high volume of cases.

Moreover, the problem is not just a growing backlog and increased disposition time nationally. There is a very substantial variation between judicial districts in disposition time which goes to the very heart of the question of whether justice is being served by the current system. The median disposition for cases in the Northern District of West Virginia was 12 months for the year ending June 30, 1981, which was the median time nationwide. However, the median time for the Southern District of West Virginia was 54 months and 10 percent of the cases had been pending 69 months. Why these disparities occur is not altogether clear but a Social Security Court would be free to concentrate on their removal which apparently the district court system is not.

The bill I introduce today would follow quite closely the National Commission recommendation. It also follows the structure of the bill introduced by my predecessor, Hon. James Burke, in the 95th Congress. It would be structured on the pattern of the Tax Court. Its 20 judges would be appointed by the President for a term of 10 years, and the President would designate a chief judge to administer the system. Commissioners could be appointed by the chief judge as in the Tax Court who could carry out "magistrate" functions in dealing with the caseload. There would be divisions of the court so that cases could be heard throughout the United States and a review mechanism would be established so that decisions have policy implication would be reviewed by the court en banc or by panels of judges. Appeals from decisions of the Social Security Court could be made to the U.S. Circuit Court of Appeals for the District of Columbia and would be limited to questions of constitutionality or statutory interpretation.

This legislation differs from that introduced by Congressman Burke in that it would create a social security rather than a disability court. This was done to prevent a cumbersome mechanism whereby disability issues would have gone to the new court while the nondisability issues would go to the district courts. Thus, a case with both insured status and disability issues would have to have been split. Although over 90 percent of the caseload will be disability, the Social Security Court should have no trouble dealing with the other types of social security litigation. Similarly the idea of offering the claimant two alternative appeals mechanism as in the tax area seems inappropriate for social security.

There is also a long lead time for this legislation which seems appropriate for such a major change. Its provisions are effective upon enactment but it shall apply only in case of decisions rendered and determinations made three years after the enactment. This would allow for the appointment of a small planning staff and prevent the transition problems of such a major change.

Other amendments of judicial process.—During the transition, the bill introduced today would make a few changes in the current judicial processes. Some 59 statutes give some type of priority to their adjudications in the Federal courts and this bill would add Social Security to the list. It is difficult to see why social security cases should not have priority, when priority exists under such statutes as the Federal Seed Act. As stated earlier, the median time for social security cases in the District Courts is 12 months. The median time for other U.S. civil cases is 5 months.

In 1980 we curtailed the unlimited authority of the Secretary to remand back to the administrative process and required that court remands be subject to a showing that there was new evidence which was material and that there was good cause for failure to incorporate into the record in a prior proceeding. Despite this legislation the number of court remands have continued to increase to over 4,000 in fiscal 1981. For this reason and that the Court remand provision is contrary to the provisions for "closing record", the bill would repeal the authority for court remand to the administrative process.

Attorneys' fees

The bill contains the Administration's recommendation in this year's budget relating to the Social Security attorney fee provision. The legislation is introduced for study but this should not be construed as an endorsement of its provisions. The amendment states that no expenditures can be made for the fixing of reasonable attorneys fees and no funds can be certified for payment to any attorney as compensation for representing a claimant in administrative proceedings or proceedings before any court for Social Security or SSI cases. However, this does not limit the Secretary's authority to promulgate regulations to prescribe the maximum fees for attorneys.

Under existing law, at the administrative level the Secretary of HHS is authorized to fix a reasonable fee for the services provided before the Social Security Administration for a social security applicant by an attorney and to pay such attorney's fee out of the applicant's past-due benefits. The amount that can be paid out of past-due benefits is limited to the smaller of (a) 25 percent of the past-due benefits; (b) the fee fixed by the Secretary; or (c) an amount agreed to by the applicant and the attorney. The Secretary shall certify for payment to the attorney the fee so fixed.

A court which renders a decision favorable to a claimant for social security benefits is permitted to set a reasonable fee for the attorney who represented the claimant before the court. The fee cannot exceed 25 percent for the past-due benefits which result from the court's decision. The Secretary may certify for payments to the attorney, out of the total of the past-due benefits, the amount of the fee set by the court.

Undoubtedly the setting of a fee puts an administrative burden on Social Security employees, the ALJs and the courts. Some believe the provision is also paternalistic and the amount of the fee should be left to the attorney and the client with bar association oversight. However, the provisions were set because of allegations of excessive fees and the certification legislation was enacted to ensure adequate claimant representation. I will consider these elements further before I take a final position as to this amendment.

The legislation also exempts Social Security administrative adjudications and court cases from the provisions of the Equal Access to Justice Act. The situation contemplated in the latter statute—abuse of administrative and judicial process in bringing unjustified actions against citizens—is not that faced in the Social Security program.

Recency-of-work requirement for disability insurance benefits

Background.—In order for a worker to be insured for disability insurance benefits, he must have worked long enough to meet the regular insured status requirement (i.e., to be fully insured) and recently enough to meet a recent work test (i.e., to be disability insured). Generally, the recent work test requires that a worker have earned at least 20 quarters-of-coverage in the 40-quarter period prior to becoming disabled (the month of the onset of disability counts in the 40-quarter period). If the worker becomes disabled before age 31, he must have quarters of coverage in at least half the period that has elapsed from the quarter after he turned 21 and up to the quarter in which he became disabled. No less than six quarters of coverage are necessary.

The basic purpose of the recency-of-work test is to permit a reasonable presumption to be made that benefits are paid to persons who are no longer able to work because of their impairment. In other words, the recency-of-work test is intended to underpin the principle that social security replaces earnings lost because of one of three events: retirement, death, or disability.

One criticism that is sometimes made about the recency-of-work test is that it is not tight enough to give reasonable assurance that the loss of earnings generally is related to the disabling event. For instance, under the 20-out-of-40 quarters of coverage requirement, a worker may have left the workforce 5 years before becoming disabled, and yet he still may be eligible for benefits, even though he has not worked at all in the five years prior to becoming disabled. In other words, disability benefits would not be replacing lost earnings.

The shortcoming posed by this criticism is not that the 20-out-of-40 quarters requirement is too short, but that it may sometimes be satisfied by employment that is not recent. Put more simply, the requirement that at least 20 quarters of coverage be earned (or that there have been approximately 5 years of work) is probably sufficient to presume that an individual has been substantially attached to the workforce. However, the overall 40-quarter period in which those 20 quarters had to be earned may be too long in some cases.

It should be noted that a lengthy gap in an individual's employment record prior to the onset of disability may not be unreasonable in some cases. It may be the consequence of a degenerative type of impairment that progressively worsens. The individual may be unable to work because of his condition, but the condition may not be severe enough at the time it first appears for him to qualify for benefits. As time passes, the condition may worsen enough so that the individual can meet the medical criteria for disability. However, if the recency-of-work test were too strict—i.e., too current—the individual might be made ineligible by reason of not having been recently attached to the laborforce, which was in fact a consequence of his disabling condition. Similarly, if an individual were unemployed for a period of time for reasons other than poor health, such as a job layoff, and then became disabled, it would be unreasonable to suggest that DI benefits would not be replacing lost earnings. It was for these reasons that the Ways and Means Committee rejected the Administration's budget proposal last year that a 6 out of the last 13 quarters recency test be imposed.

The difficulty in formulating a recency-of-work test is in balancing the goal of only paying benefits when the disabling condition precludes the individual from working against the desire not to keep people from receiving benefits when the impairment itself, or forced unemployment, have caused them to be out of the workforce prior to the point when the disabling condition became severe.

Provision of bill.—The bill balances these considerations by adding to the current test a requirement that an individual have worked in at least 2 of the 6 calendar years consisting of the year in which the disabling condition began and the 5 preceding years. In administrative terms, an individual would have to have earned 8 quarters of coverage in this more recent period in order to meet the new requirement. The individual also would still have to meet the current 20-out-of-40 quarters of coverage requirement.

This proposal, in its strictest form, still allows for a recent three-year gap in the individual's employment record.

For persons who have a recent gap in their employment record caused by a change of jobs—i.e., movement from employment covered by social security to a form of noncovered employment—their earnings in noncovered employment could be used for purposes of establishing whether or not they can meet the new tougher recency of work rule (but not the 20-out-of-40 test).

Substantial gainful activity and trial work

The bill provides for an automatic adjustment of the amount that determines whether an individual is able to engage in substantial gainful activitiy (SGA) and what constitutes a month of trial work. The provision would establish the SGA level at $340, the same level as the earnings test exempt amount applied to social security beneficiaries under 65, and then subject it to the same automatic indexing procedures of the retirement test provision. Under existing law both these amounts are established under regulations of the Secretary of Health and Human Services. However, the amount established has lagged behind increasing wage levels. For instance the present SGA amount of $300 has not been changed since 1980. The amount of earnings that constitutes a month of trial work, now $75 would be similarly indexed.

Worker's compensation

In our reconciliation legislation last year we changed the provision in the law which said that the worker's compensation offset was no longer applicable at age 62 and that it would apply up to age 65. By saying in the effective date that it only applied to individuals who became disabled in March 1981 or later we inadvertently excluded workers not yet 62, who were disabled before that month. For instance, we currently have the situation where two disabled workers, both age 60 and now being offset for workers' compensation, will be treated differently when they reach age 62 in 1984. The benefits of one who became disabled in March 1981 will continue to be offset until he is 65. The benefits of the other who became disabled in February 1981 will be offset only until he is 62. This does not seem logical or necessary. The proposal would be to extend the worker's compensation offset (but not the megacap) to persons age 62-64 whose onsets of disability were prior to March 1981 and who attain age 62 after the effective date of the bill. Three other amendments to the offset provision, of a technical and perfecting nature, are also included in the bill.

Continue reduction in retirement benefits at age 65 when such benefits are elected to avoid DI offset.—Prior to adoption of the megacap, it was generally more advantageous for a worker concurrently entitled to both retirement and DI benefits to receive a DI benefit rather than a reduced retirement benefit. It is expected, however, that the megacap provision will cause increased numbers of workers to elect a reduced retirement benefit instead of a DI benefit reduced by the new offset provision and, in some cases, to switch back and forth between benefits as changes in their circumstances occur. By switching to reduced retirement benefits, disabled people can partially negate the intended effect of the expanded offset, because current law provides that individuals with concurrent entitlement who elect a reduced old-age benefit can become entitled to an unreduced retirement benefit at age 65. To partially correct this situation, and address the inequity this creates with respect to other retired workers, the bill would continue the reduction in retirement benefits at age 65 and later caused by the initial election of early retirement benefits. This would simply treat these beneficiaries like all other early retirees.

Unintended exclusions for our megacap.—The megacap provision takes into account benefits paid on the basis of an individual's disability under any law or plan of the United States, State, political subdivision, or instrumentality of two or more States. However, the megacap does not apply if the affected benefits were based on need, or were based on employment that was covered by social security. As enacted, these exclusions also are applicable to benefits paid under a workers' compensation plan, with the result that some benefits which were previously subject to the workers' compensation offset are excluded from the operation of the megacap. Therefore, the bill would subject these now excluded benefits to the megacap limitation.

Repeal the average monthly wage method of computing average current earnings in the disability benefit offset provision.—The average monthly wage (AMW) method is one of three methods in current law for determining an individual's average current earnings (ACE) for purposes of the megacap or workers' compensation offset. The method used in a given case is the one which results in the highest ACE. SSA's automated system cannot now compute the AMW; it can only indicate in which cases (about 20 percent) the AMW *may* yield the highest ACE. When the AMW is manually computed for this 20 percent, it actually yields the highest ACE in only 10 percent of the cases. The proposal would eliminate the AMW method as one of the methods which can be used to determine an individual's ACE for the megacap or workers' compensation offset.

PAYMENTS FOR DI CONSULTATIVE MEDICAL EXAMINATIONS

Background.—Determinations of disability are based on medical evidence from treatment and other sources which include objective results from examinations and other medical tests. At the present time, about 65 percent of these determinations are based upon medical evidence supplied by the claimant's treating physician, hospital, or clinic. In about 35 percent of the cases, it is necessary to acquire independent medical evidence at Government expense. However, independent consultative exam procedure is utilized in about 60 percent of the reexamination cases (the CDI's) and thus the percentage of cases with such examination is increasing.

The Social Security Administration has issued regulations and administrative guidelines that set out State disability determination services' responsibilities in obtaining both existing medical evidence and consultative examinations. Each State agency is responsible for recruiting and maintaining a network of medical sources that can be used to perform consultative examinations. Each State is also directed to determine the payment rates for providing medical reports and consultative services. Such rates may not exceed the highest rate paid by Federal or other agencies in the State for the same or similar types of services. According to the Social Security Administration, the rates in most States are based on the parent vocational rehabilitation agency or other existing State fee schedules.

In our hearings on "volume providers", it has become apparent that the Social Security Administration has no mechanism and little knowledge which would enable it to monitor this process in an effective way. In the hearing it also came out that the fees paid for consultative examinations in many states do not reflect the amounts generally charged by medical practitioners for the provision of comparable services in comparable settings. Some fee schedules have not been updated in several years. Of the two state agencies who testified, the fees in one State had not changed since 1974 while the other was last changed in 1978. This failure to keep pace with changes in the costs of medical services has made it increasingly difficult for some agencies to maintain broadly-based panels of physicians willing and able to provide state agencies with consultative examination services. This situation has forced some states to rely more and more on volume providers of examinations, which, as the committee has learned, has raised serious questions about both the quality and reliability of some of the evidence needed to make disability determinations.

Provisions of Bill.—In order to assure more accountability in the program and the adequacy of payment for consultative examinations, the bill requires payments for such services would be determined in accordance with the reimbursement principles generally used to pay for comparable services under the Medicare program.

Physician reimbursement under Medicare is intended to assure that Medicare pays for practitioner services on a basis comparable to, but no more than, that paid by the general population. Under this approach, a physician's billed charges are recognized as "reasonable," if such charges are the amounts usually charged by the practitioner for such services, the prevailing charge. The Government contracts with "carriers" (i.e., Blue Shield plans and insurance companies) to make these determinations in various localities. These localities generally correspond to political or economic subdivisions of a State.

Under the bill, the Secretary would enter into a contract with a fiscal agent (which could be a Medicare carrier) to make the payments for consultative examinations and related services. This entity would make the determination of the rates to be paid for the examinations, make the payments to the medical providers and be accountable to the Social Security Administration for the trust funds expended. The amount of payments for consultative examinations, including any related medical services, would be equal to the prevailing changes for such services that are now paid under the Medicare program for those services in the locality. Prevailing fees would be updated annually to assure that payment amounts reflect changing circumstances regarding reimbursement for physicians' services.

Under the bill, State agencies would continue to determine the need for consultative medical evaluations and would be responsible for maintaining panels of physicians willing and able to provide such services. However, payment for such services would be handled as though a Medicare claim were involved.

Interim benefits

A number of Courts have established time limits for the adjudication of Social Security hearing cases. In a few cases they have ordered Social Security to pay the benefit although the case is still pending and not resolved in the claimant's favor. It is our understanding that the District Judge in the Blankenship case in Kentucky has now ordered Social Security to pay benefits in cases pending 180 days without a hearing. Such delay is certainly highly undesirable but the payments of such benefits are clearly not authorized by law. The bill includes a provision to further emphasize this fact.

The Social Security Administration is in the process of establishing case processing goals and this should help the situation. Moreover, the Subcommittee will continue to emphasize the need for adequate staff and improve administrative structure so that reasonable case processing times exist at all levels of adjudication, including the Court level.

Vocational rehabilitation for disability beneficiaries

One of the Administration's 1982 budget requests which was included in the reconciliation legislation was a repeal of the program which allotted trust fund monies for rehabilitation services for disability beneficiaries. This was done although this program had a positive cost-benefit ratio in that it saved more in benefits than it cost. The Ways and Means Committee saved some of the program by providing for reimbursement for vocational rehabilitation services which were successful in tems of getting people back to work. The criteria for success was that the rehabilitated individual work for nine continuous months at the SGA level, which is now $300 a month. The Social Security Administration estimates that because of the restrictive nature of the legislation and budget considerations that only $2 million will be expended on this program in fiscal 1982 and only about $7 million in fiscal 1983.

The bill is designed to revitalize the program but still emphasizes the objective stated in the law that individuals be returned to productive activity to the end "that savings will accrue to the Trust Funds". First, it provides for the cost of the evaluation of persons referred to vocational rehabilitation agencies pursuant to the referral provisions of existing law. It also makes a modest expansion of the definition of what constitutes a successful and therefore reimbursable rehabilitation so as to include cases who have been terminated for medical recovery which is attributable to the VR services provided. Also the agency will be reimbursed for those cases where the client refuses to continue or cooperate in the rehabilitation services without good cause. These persons will be referred to the Social Security Administration for termination from the rolls as required by the current provisions of the law. The bill also clarifies the law so it is clear that advances will be made to the providers of services with necessary adjustments for over payments or underpayments in subsequent transfers of funds. The present provision in the law that private agencies can only be used when a State agency is unwilling to participate will be modified so that the Commissioner of Social Security may use private providers of services when he deems it appropriate.

Finally, the bill amends the authority for demonstration projects which was included in section 501 of the Disability Amendments of 1980 to require the Secretary to establish demonstration projects to explore how best to use private agencies in providing rehabilitation services to disabled beneficiaries. It would require that there be 10 projects in at least 5 States not later than 18 months after enactment.

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SOVIET CHEMICAL WARFARE

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GOLDWATER. Mr. Speaker, the following material compiled by the Heritage Foundation is an excellent concise analysis on the subject of Soviet use of chemical, biological, and other forms of poisoned earth warfare in Asia and Afghanistan. It paints a truly horrifying picture.

That the Soviet Union would so casually and flagrantly violate the terms of both the 1925 Geneva Protocol and the 1972 Biological Weapons Convention presents a very persuasive argument for the need to proceed very carefully with any future United States-Soviet trade and arms control agreements. We have to ask ourselves what degree of trust we should place in a nation so clearly lacking in ordinary human decency. I urge my colleagues to examine this thoughtful document in this context which follows:

MOSCOW'S POISON WAR: MOUNTING EVIDENCE OF BATTLEFIELD ATROCITIES

(By James A. Phillips)

INTRODUCTION

From the battlefields of Laos, Kampuchea and Afghanistan, grisly evidence mounts of the systematic use of universally condemned methods of warfare. There the Soviet Union and its proxies are waging a clandestine war of chemical terror against the political and ethnic groups that have refused to be subdued by conventional arms. In exasperation, Soviet-backed forces have turned to a poisoned earth policy designed to drive indigenous nationalists and anticommunist guerrillas in Laos, Kampuchea and Afghanistan from their homeland sanctuaries. The result: thousands of men, women and children have been indiscriminately slaughtered in what could become, if unchecked, a brutal poison holocaust.

At first, there were only scattered stories of chemical atrocities and they were disbelieved and generally ignored. But the reports persisted and damning proof mounted. In recent months, the evidence has become irrefutable and stands as an indictment of the Soviet Union for crimes against humanity.

MYSTERIOUS DEATH CLOUDS

In 1976, terror-stricken refugees began streaming out of Laos carrying news of a gruesome new addition to the arsenal of the Soviet bloc. They told of a poisonous yellow cloud that they called "Yellow Rain" because small particles in the cloud made sounds like raindrops as they settled on the roofs of their huts and on the surrounding fields. The mysterious yellow poison, delivered by aerial bombing and artillery attacks, inflicted bizarre and grievous injuries on the victims, often resulting in quick, painful death. Direct exposure to the clouds caused breathing difficulties, extreme irritation of the eyes, skin, nose, throat and lungs. Small, hard blisters formed over exposed body surfaces. This was accompanied by coughing of blood-tinged material, choking, dizziness, multiple hemorrhaging of mucous membranes, vomiting massive quantities of blood, the seeping of blood from eyes, ears and nose, convulsions, and death. All this happened within hours, sometimes minutes. Shortly after death, the skin turned black.

Villagers less exposed to the poisonous cloud reportedly took longer to develop the symptoms and had some chance of surviving. Many of these, however, died after a prolonged and agonizing struggle with grotesque maladies: terrible skin blistering, chest pains, inflammation of the eyes, nose, throat and breathing passages, nausea, vertigo, bloody diarrhea, massive hemorrhaging throughout the body but especially the lungs, the spewing of blood from all body orifices, neurological spasms and shock. So many different vital organs and bodily functions were damaged that it was difficult to determine the precise cause of the victim's death. So ghastly was the spectacle that one expert described the victims as "walking hemorrhages" who literally drowned in their own blood.

The poison clouds also killed livestock and damaged crops and vegetation. Plants contaminated by the powdery residue developed numerous scorched blotches about one millimeter in diameter scattered over the surfaces of the exposed leaves. These distinctive marks did not resemble the after-effects of any known chemical weapon, herbicide or plant pathogen.

Initial reports of "Yellow Rain" were confined to the Hmong tribal areas in central Laos. Later, tales of similiar chemical attacks began trickling in from Cambodian refugees in Thailand and Afghan refugees in Pakistan. The descriptions they gave were remarkably similar—particularly so because these refugees had very limited medical knowledge and were separated from each other by vast geographical and cultural differences. Each of these technologically unsophisticated peoples described the results of the poison in terms of their own experience and cultural backgrounds. The Kampucheans, for instance, reported that the victims in their death throes "were jerking like fish when you take them out of the water"; the Afghans recounted scenes of compatriots "jerking like dogs with broken backs." The similarity of these persistent reports of unusual medical symptoms, coming from rural peoples with minimal contact with the outside world as well as each other, made it impossible to discount such statements as inventions of opponents of the local regime. Not only did the flood of refugees fleeing the affected areas provide similar accounts of appalling deaths, but the doctors treating survivors in field hospitals and relief camps thousands of miles apart recognized similar after-effects: hoarse voices, vision impairment, weakness, lung disorders and skin lesions.

THE SEARCH FOR THE SMOKING GUN

In fall 1979, the Pentagon dispatched an army medical team to Thailand to verify rumors of chemical warfare in neighboring Laos and Kampuchea. After extensive interviews with refugees who had witnessed attacks, Dr. Charles Lewis, the head of the medical team and chief of dermatology at the Brooke Army Medical Center in San Antonio, Texas, identified three basic sets of symptoms produced by "Yellow Rain": (1) skin burns and burns to the eyes, nose and throat; (2) spasms and convulsions; and (3) massive hemorrhaging. Lewis concluded that at least two or possibly three different chemical agents were involved: a vesicant or blistering agent that caused the burns, a nerve agent that caused the convulsions and an unknown agent that produced the hemorrhaging.

The medical team was given a sample of the yellow substance left behind in one attack but experts were unable to detect any known chemical agent. They did discover, however, a chemical "surfactant" called lauryl sulfonate, commonly used in liquid soaps and detergents to facilitate penetration of surfaces to be cleaned. While army doctors were unable to identify the specific agent or agents being used, they returned to the U.S. totally convinced that chemical attacks were in fact taking place. There could be no other explanation for the numerous accounts of "Yellow Rain" or the presence of lauryl sulfonate at the site of one attack.

These findings, however, evidently were not welcome by the Carter Administration. It soft-pedaled the issue of chemical warfare in Southeast Asia apparently because it did not want to irritate the Soviets, with whom the U.S. was negotiating an arms control agreement. The State Department adopted what, in retrospect, was an overly cautious, non-committal stance. It did not want to raise the issue without absolute proof and this was inordinately difficult to obtain. While the intelligence community was extremely interested in the reports, it wished to verify them covertly to avoid alerting the Soviets that their actions had been detected. The issue may well have faded were it not for the determined efforts of a number of individuals horrified by the use of battlefield poisons: Representative Jim Leach (R-Iowa), who focused congressional attention on the issue; jounalist Sterling Seagrave, author of Yellow Rain, the most complete published account of Soviet and Soviet-sponsored chemical warfare operations; and Jane Hamilton-Merritt, an expert on the Hmong hill tribes and author of "Gas Warfare in Laos" (Reader's Digest, October 1980) and "Tragic Legacy from Laos" (Reader's Digest, August 1981). Among the organizations which have brought the matter to public attention are the Committee for a Free Afghanistan, Freedom House and the International Rescue Committee.

Since taking office, the Reagan Administration has proved less concerned than its predecessor about "upsetting" the Soviets. The new team in the White House pushed hard to obtain irrefutable evidence of illegal chemical warfare activities. Solid evidence was elusive because the attacks were in remote locations deep within communist-controlled territory and the attackers seemed to be taking special precautions by using Napalm to destroy residue of the chemical attacks. Survivors understandably had not thought of gathering physical evidence of the attack while their comrades writhed nearby in their terrible terminal agony. Nor could survivors be expected to risk contamination to acquire evidence. Some who did attempt to collect proof and transport it out of the war zone died from exposure to the evidence that they were carrying. Others lacked the strength for the long trek to a friendly border after exposure to the toxic agents. Moreover, by the time that word of an attack had filtered into a friendly country, the evidence at the site of the attack typically would have been dissipated by the heavy rains in Southeast Asia, the storms and snows in Afghanistan and other natural processes. Producing a corpse was nearly impossible because of the problems with transporting it through enemy lines and the speed of body decomposition in Southeast Asian jungles. In Afghanistan, moreover, any attempt to use the corpse as evidence would conflict with the Moslem custom of burying the deceased on the day of death.

THE SMOKING GUN: TRICOTHECENE MYCOTOXINS

Despite the difficulty of securing physical evidence of chemical attacks and the arduous, time-consuming task of identifying the mysterious chemical agent, Washington finally has solved the five-year-old riddle of "Yellow Rain." Secretary of State Alexander Haig announced on September 13, 1981, that the United States has identified the critical lethal agent as a compound composed of three tricothecene mycotoxins [1]—poisonous substances produced by the fusarium fungus. These mycotoxins were found at the site of a "Yellow Rain" attack in levels up to twenty times greater than they occur in nature. These mycotoxins are a perfect fit for "Yellow Rain"; they produce all the symptoms of poisoning reported and do not produce any symptoms not reported.

The first State Department announcements were based on one sample of lethal powder taken from a leaf at the site of an alleged chemical attack. Findings based on such evidence were open to criticism because they lacked the important negative controls of the testing process that could have provided information about the tricothecene levels of uncontaminated vegetation outside the immediate area of the attack. However, legitimate doubts about the validity of the findings subsequently were erased in early November when three new samples were tested. One of the new samples was water taken from the same Kampuchean village which provided the first evidence. The two other new samples came from separate chemical attack sites in Laos. Two of the three had even higher tricothecene levels than the first. Specimens of uncontaminated background soil and vegetation from the areas confirmed that the identified mycotoxins do not occur naturally in the affected areas.

Footnotes at end of article.

At a Senate Foreign Relations Committee hearing on November 10, Richard Burt, Director of the State Department's Bureau of Politico-Military Affairs, testified that "Yellow Rain's" mysterious lethal agent had been conclusively identified: "We now have a smoking gun. We now have four separate pieces of physical evidence. We may soon have more as, I regret to say, chemical attacks have been reported in Laos and Kampuchea within the last month. . . . Anyone who conducts his own inquiry will come to the same conclusions we have."

THE SOVIET CONNECTION

There is more than a smoking gun. There is strong evidence that it is Soviet-made and Soviet-supplied. Equally damning is the evidence that Soviet advisors in Southeast Asia may be involved in the use of the terror-weapon and that Soviet troops in Afghanistan undoubtedly are. "Yellow Rain" and other chemical weapons are being delivered by Soviet-made aircraft, rockets and artillery. Members of the U.S.S.R. Chemical Corps are present in large numbers in Afghanistan and have been reported in Laos, where they may be gauging the battlefield effectiveness of chemical delivery techniques and toxic munitions.[2]

Although Moscow seems for the most part to leave the actual chemical attacks to its Vietnamese, Kampuchean and Pathet Lao allies, there are reports that the Soviets also have taken part directly in the attacks. Hmong tribesmen have seen "roundeye" pilots in the slow, low-flying AN2 aircraft—Soviet biplanes used as crop-dusters in the U.S.S.R.—that drop the "Yellow Rain" over Laos. A Vietnamese defector says that he observed two Soviet advisors fire a round of chemical munitions at Khmer Rouge guerrillas inside Kampuchea.[3]

Soviet technical support personnel participate actively in the operations of the chemical warfare logistical infrastructure in Laos, Vietnam and to some extent Kampuchea. Independent intelligence sources confirm that a seven-member team of Soviet chemical warfare specialists visited the Laotian cities of Pekse and Seno to inspect chemical weapons after chemical attacks in 1978.[4] Thai military intelligence and American radio monitors have recorded and translated radio conversations of Russian officers giving instructions for shipment of chemical warheads from a chemical munitions depot in Laos up a highway toward Phu Bia Mountain, the Hmong stronghold that has been the target of repeated chemical attacks for over five yers. Another radio intercept recorded an exchange about a high-ranking Soviet general touring several chemical munitions depots.[5]

While the Vietnamese have had some chemical warfare units for some two decades and are capable of conducting chemical operations, it is extremely doubtful—if not impossible—that they could produce the large quantities of mycotoxins that are being dumped on villages and fields in Southeast Asia. Not only does Indochina lack large-scale biological fermentation facilities, but the four chemical warfare depots already identified in the area are known (through radio intercepts) to be receiving chemical munitions from the Soviet Union.[6]

Among the world's communist states, only the Soviet Union possesses the industrial facilities and chemical warfare research, testing and production capabilities needed to produce large amounts of mycotoxin in a form that could be used effectively as a weapon.

The combination of tricothecene mycotoxins identified in the "Yellow Rain" samples does not occur naturally in plants native to the jungles of Southeast Asia. The fusarium fungus producing these mycotoxins thrives on grain and bread exposed to cold, wet climates and exists throughout much of the U.S.S.R., where historically it has posed a serious threat to the Russian food supply. Large-scale epidemics of what the Russians have called "staggering sickness" (above all, a bleeding disease) repeatedly have broken out in the Ukraine, Soviet Central Asia, the Urals and Siberia due to the contamination of the Russian grain stores by potent mycotoxins. In 1944, up to thirty percent of the population of the Orenburg district in Siberia were stricken by the poison and an estimated ten percent of the population—almost thirty thousand people—reportedly died.

Soviet scientists began studying the disease intensively in the 1930s and mycotoxins have figured prominently in Soviet scientific literature over the past fifty years. Sterling Seagrave points out that of the fifty articles on tricothecenes in Soviet open source literature, twenty-two deal with defining the optimum conditions for biosynthesis of the compounds,[7] a sign that the Soviets have more than a passing interest in obtaining large quantities of the poisons. Research projects on mycotoxins are carried out at heavily guarded Warsaw Pact institutes which previously worked on chemical and biological warfare research.[8] With the world's most advanced research program in the field of tricothecene toxicology, the Soviets definitely possess the knowledge, personnel and facilities needed to produce the poisonous ingredients of "Yellow Rain."

It now appears, moreover, that the mysterious gas that took hundreds of lives during the final stages of the 1963-1967 Yemen Civil War may have been an early version of "Yellow Rain." Not only was the poison gas in Yemen never identified, but victims of the gas attacks suffered the same hellish symptoms as did the victims of "Yellow Rain" a decade later.

As if to admit tacticly that it has something to hide in the matter, Moscow repeatedly has tried to block formation of an impartial U.N. commission to investigate the situation in Laos, Kampuchea and Afghanistan and has not cooperated with it once formed.[9] Moscow and its allies have denied the U.N. access to the sites of chemical attacks. Despite Soviet obstructions, a U.N. panel of experts was dispatched to Thailand in November to verify reports of Communist chemical warfare activities in neighboring Laos and Kampuchea. Because the panel was not granted sufficient time or resources to fulfill this mandate, it was unable to reach a final conclusion as to whether or not chemical weapons had been used. However, it did note that the symptoms reported in some cases "could suggest a possible use of some sort of chemical warfare agents." In view of these tentative findings, the U.N. General Assembly overrode Soviet bloc objections and on December 9, 1981, voted 86 to 20 (with 34 abstentions) to extend the investigations for another year. Since Pakistan recently granted the U.N. panel permission to visit Afghan refugee camps inside its borders, the U.N. panel of experts is now expected to address the matter of chemical operations within Afghanistan.

The investigation of reported chemical warfare incidents is a critical test of United Nations credibility. A November 27, 1981, Washington Post editorial declared:

"The United Nations group has so far not accomplished much of anything . . . the group must be given adequate time and financial resources to accomplish a difficult task. . . . The charges being investigated, after all, go beyond whether this or that chemical has been used. They engage nothing less than what the United Nations is all about—the international rule of law. The integrity of the international system demands that they be conclusively proved or refuted."

CHEMICAL ATTACKS IN LAOS

Reports of chemical attacks began filtering out of Laos in 1976, although the first attacks began as much as two years earlier. The State Department has documented well over one hundred separate assaults, most against the Hmong (also known as Meo) hill tribes of central Laos. As traditional foes of the lowland Pathet Lao, the Hmong sided with the French against the Viet Minh in the early 1950s and sustained an estimated 30,000 casualties aiding the U.S. fifteen years later. For this reason, they are hated by the Vietnamese and Pathet Lao who have used chemicals to attack defenseless villages inhabited by old people, women, children and other non-combatants. At least half of the Hmong surviving the gas attacks died on the trek to Thailand of exhaustion, malnutrition or Pathet Lao ambushes. The few who manage to get across the Mekong River to Thailand have been described as "walking skeletons carrying skeletons out of the jungle."

In addition to the "Yellow Rain," the Vietnamese and the Pathet Lao have employed a lethal red colored gas and less potent blue-green and white poisonous gas clouds. These are delivered by helicopters, fixed-wing aircraft, artillery and rockets. The attackers, it seems, are testing various combinations of chemical agents and means of delivery. Pathet Lao soldiers, meanwhile, appear to be experimenting with antidotes to the poisons. There have been reports of soldiers wearing cloth masks entering the villages shortly after gas attacks to inject the inhabitants with medicine and then take them to hospitals for observation.[10]

These attacks are destroying the Hmong as a people. While Hmong in Laos numbered about 500,000 in 1960, there are now fewer than 100,000 remaining; 100,000 are in Thai refugee camps or relocated to the West, including about 40,000 in the United States. At least 15,000 to 20,000 Hmong are estimated to have died in the communist chemical onslaught.[11] Many of those who successfully have fled to freedom were exposed to poison gas and continue to suffer constant headaches, painful muscles and joints, pulmonary disorders, and eye and ear problems. At least thirty-five Hmong adults in the U.S. have died suddenly in their sleep for no apparent reason.[12]

CHEMICAL ATTACKS IN KAMPUCHEA

The State Department has documented at least twenty-eight separate chemical attacks in Kampuchea. The evidence comes from interviews with Kampuchean refugees, Vietnamese defectors and Kampuchean nationalist resistance fighters. As in Laos, the munitions used and means of delivery varied widely. Chemical attacks began much later than in Laos and increased markedly in late 1979. "Yellow Rain" weapons have not been used as frequently as in Laos—possibly because the contested terrain was too close to the Thai border and also was much more vulnerable to conventional military attack than the mountain sanctuaries of the Hmong in northern Laos.

In a typical chemical operation in May 1981, a Vietnamese mortar attack only miles from the Thai border left scores dead and drove sixty-five Kampucheans across the border to Thai refugee hospitals where they received treatment. Thai army tests found traces of cyanide in water samples and plant life recovered from the area, while the Bangkok-based International Committee of the Red Cross confirmed that numerous people were being treated for chemical poisoning, some of whom died.[13] The Vietnamese also have launched chemical attacks on the Thai side of the border. In March 1980, a Vietnamese aircraft violated Thai airspace to drop toxic gas after it was fired on by Thai forces.[14] On January 29, 1982, the State Department announced that the analysis of nine blood samples taken from survivors of a chemical attack in the fall of 1981 provided additional evidence of chemical operations inside Kampuchea.

CHEMICAL ATTACKS IN AFGHANISTAN

State Department files contain evidence of well over fifty instances of chemical attacks in Afghanistan. U.S. officials receive a constant flow of eyewitness reports from Afghan freedom fighters, journalists and doctors who have treated survivors of chemical attacks. Although no physical evidence has yet been retrieved from the remote Afghan hinterland, technical methods and human intelligence accounts, corroborated by the testimony of Afghan army defectors, leave no doubt that chemical weapons are being employed in Afghanistan. All that is missing—as it was for a while in Southeast Asia—is the "smoking gun."

The first accounts of communist chemical operations in Afghanistan date from late summer 1979, four months before the Soviets overtly invaded. At that time, freedom fighters attempting to interdict the strategic Salang highway were bombed with what an Afghan army officer (who later defected to the nationalist side) termed "nerve gas."[15] Since the Soviet invasion, chemical attacks have been reported persistently in northeastern Afghanistan, particularly in the isolated northern province of Badakhshan. At least three broad types of gases have been identified—a bright yellow or green riot control agent that causes painful skin blisters; an incapacitant dubbed Blue-X that renders its victims unconscious for up to eight hours; and a lethal agent that comes in several different colors and is believed similar to "Yellow Rain."

An eyewitness, who had survived a "dirty colored cloud, yellowish brown," recalls in anguish that "our fighters were throwing up blood as if they have been drinking blood and could not hold any more. There was also blood in their eyes, like tears, and from the nose. At first I thought it was from the concussion of the bomb, but the bomb did not make a big explosion. And our fighters did not have any marks on them. The rest of us ran from the cloud." In another incident, the same Afghan reports: "Our fighters died quickly. They were vomiting blood and fouling their clothes and began to act like crazy people falling down and jerking about."[16]

The yellowish brown clouds seem to be the favored weapon for attacking freedom fighters holed up inside caves and underground tunnels. Seagrave writes that such clouds have "brought the freedom fighters writhing from their caves to dance and squirm, and spew blood, and die in spasms on the bare rock reaches, like earthworms wriggling in a lethal spray of insecticide."[17] Dutch journalist Bernd de Bruin filmed such an attack, took still photographs of a dead freedom fighter whose skin had turned black and described the experience in the magazine Niewsnet in August 1980. An Afghan doctor now living in the United States, Dr. Bashir Zikria, has filmed survivors of a chemical attack, including one dying a lingering death from acute gas poisoning.

The Soviets are thought to be dumping a liquid poison into wells in southern and western Afghanistan and to be spreading an oily, persistent nerve agent on the ground in northeastern Afghanistan. This dreadful substance clings to the feet of passing freedom fighters and becomes lethal when warmed by a campfire or by body heat; it then kills in minutes. Ground observers have noted and satellite photographs have confirmed the deployment of Soviet decontamination units in forward combat areas, particularly in northeastern Afghanistan. Modern TMS-65 decontamination vehicles, capable of rapidly cleansing tanks and other equipment of chemical agents in the field, and AGV-3 detoxification chambers for decontaminating personnel, are used widely and maintained at high readiness. In view of the fact that the Afghan freedom fighters pose no chemical threat to the Russians and since the Russians already have withdrawn non-essential military units from Afganistan to hold down the size of their "limited" presence, the continued deployment of such decontamination units is a clear sign that Moscow is carrying out chemical operations.

SOVIET CHEMICAL WARFARE CAPABILITIES

The Soviet Union's offensive and defensive chemical warfare capabilities, systematically developed and refined over decades, are regarded as by far the world's best. Soviet military doctrine views chemical agents as an integral part of overall military strength and sees nuclear, chemical and biological weapons all as "means of mass destruction." Soviet doctrine teaches that chemical weapons are particularly well-suited for surprise attacks and for seizing military and industrial facilities without destroying them.

Among Moscow's forces are the 80,000 to 100,000 specialists of the Chemical Troops that are devoted to chemical warfare defense. (By comparison, the U.S. has 2,000 such troops.) In Soviet exercises, offensive chemical operations are carried out by conventional front line units, with division commanders responsible for the planning, release and execution of the attacks. Soviet military units have the training, equipment, doctrine and organization to conduct sustained chemical operations. Each division of ground forces maintains its own chemical defense battalion complete with decontamination facilities for personnel and equipment. Soviet armored vehicles are designed and equipped to function in contaminated zones and quickly can be decontaminated. Rigorous chemical operations training is routine in all terrain and weather conditions; chemical warfare defense techniques, in fact, are taught in elementary school.

Soviet stocks of chemical munitions exceed U.S. stocks by a ratio of at least 4-to-1 and perhaps by as much as 10-to-1. Some 5 to 30 percent of Soviet conventional munitions, say analysts, contain chemical payloads.[18] These include such first generation agents as mustard gas, second generation agents such as tabun, soman and VR-55 nerve gas and third generation agents such as the the tricothecene mycotoxins.[19]

TREATY VIOLATIONS

Chemical warfare has been prohibited on the battlefields of western nations for over fifty years. Under the terms of the 1925 Geneva Protocol, to which the Soviets are a party, asphyxiating, poisonous or other gases, bacteriological methods of warfare and all analogous liquids, materials and devices are banned from military use. The 1972 Biological Warfare Convention, also signed by Moscow, obliges states: "never in any circumstances to develop, produce, stockpile or otherwise acquire or retain 1) microbial or other biological agents, or toxins whatever their origin or method of production, of types and quantities that have no justification for prophylactic, protective or other peaceful purposes; 2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict."

As biologically produced chemical substances, mycotoxins fall within the prohibitions of both the 1925 Geneva Protocol, which forbids the use of chemical weapons in warfare and the 1972 Biological Weapons Convention which forbids production, stockpiling or transfer of toxin weapons. The Soviet Union stands in naked violation of these two treaties as well as of customary international law of armed conflict which prohibits the first use of such weapons.

By cynically violating these agreements, the Soviets have crossed the line respected by all civilized nations—and even by the Nazis, who refrained from using their nerve gas stocks on battlefields during World War II. The poison atrocities in Asia, along with the 1979 Sverdlovsk incident[20] raise grave doubts about the credibility of the Kremlin's signature on international treaties.

CONCLUSION

The Soviet Union, incapable of growing enough grain to feed its own population, is devoting enormous resources and attention to growing a grain fungus from which it extracts deadly mycotoxins for military use. Aside from what this says about the nature of the Soviet system, this chemical warfare effort is disturbing for what it indicates about Soviet intentions in any future conflict. Although the lethal mycotoxins are now being field-tested exclusively on anti-soviet guerrillas and villages in remote corners of the Third World, it is not so difficult to imagine them being unleashed on NATO or other western military forces in the event of a military showdown. Given the relatively poor preparedness of NATO armed forces for chemical warfare, this is a grim prospect.

The Soviet Union's calculated duplicity in producing toxin weapons, transferring them to client states and secretly deploying them is also disturbing because of what it says about Moscow's appraisal of the relative costs and benefits of breaking its obligations under international treaties. If the Soviets cheat on chemical warfare agreements in order to gain marginal advantages in Asia, may they not also cheat on the much more critical matter of strategic arms limitations?

Finally, the poisoning of thousands of civilian noncombatants is an indictment of the values, methods, and morality of the Soviet leadership itself. The Soviets have crossed a line that even Adolf Hitler, in the darkest days of the World War II, refused to cross. The use of chemcial weapons against remote Asian villages should be triggering international outrage on legal and humanitarian grounds. If these weapons continue to be used without thundering international protest they could attain a legitimacy that portends appalling consequences for all mankind.

FOOTNOTES

[1] The substances were identified as Nivalenol, Deoxynivalenol, and T-2 toxin. All three produced similar symptoms but differ in the degree of severity: while Nivalenol was a stronger hemorrhagic, Deoxynivalenol induced harsher vomiting and T-2 had greater skin irritative effects.

[2] For example, see the State Department's compendium, "Reports of the Use of Chemical Weapons in Afghanistan, Laos and Kampuchea," Summer 1980, p. 43.

[3] Reported in *Bangkok Post* article reprinted in FBIS, Daily Report, Asia and the Pacific, September 25, 1981, p. J1.

[4] William Safire, "Yellow Rain," *New York Times*, December 13, 1979.

[5] Sterling Seagrave, *Yellow Rain* (New York: Evans, 1981), p. 35.

[6] *Ibid.*

[7] *Ibid.*, p. 192.

[8] State Department Fact Sheet, September 1981, p. 2.

[9] During the Korean War, the U.S. called for the U.N. Security Council to investigate Soviet charges that the U.S. was using bacteriological weapons. The investigations were blocked, however, when the Soviets vetoed the measure in the Security Council.

[10] See, for example, State Department Compendium, p. 68.

[11] Seagrave, *op. cit.*, p. 253.

[12] Jane Hamilton-Merritt, "Tragic Legacy from Laos," *Reader's Digest*, August 1981, pp. 96-97.

[13] "Chemical Warfare in Southeast Asia," *Wall Street Journal*, September 21, 1981, p. 34.

[14] State Department Compendium, p. 118.

[15] *Ibid.*, p. 6.

[16] Both incidents quoted in Seagrave, *op. cit.*, p. 139.

[17] *Ibid.*, p. 138.

[18] E. M. Kallis, "Chemical Warfare: Background and Issues," Congressional Research Service, June 1981, p. 6.

[19] For more information on Soviet chemical warfare capabilities see: John Erickson, "The Soviet Union's Growing Arsenal of Chemical Warfare," *Strategic Review*, Fall 1979; and Amoretta Hoeber and Joseph Douglas, "The Neglected Threat of Chemical Warfare," *International Security*, Summer 1979.

[20] In April 1979, an explosion at a top secret Soviet defense laboratory released a cloud of anthrax spores in the vicinity of the city of Sverdlovsk, killing up to 1,000 Soviet citizens. Moscow initially dismissed reports of the accident as "impudent slander," then claimed the deaths were due to spoiled meat, an explanation that is contradicted by all of the available evidence. To this day, the Soviets have failed to explain the incident satisfactorily, thereby failing to meet their obligation under the 1972 Biological Warfare Convention, to "cooperate in solving any problems which may arise."

FOR FURTHER INFORMATION

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A TRIBUTE TO THE HONORABLE GEORGE E. DANIELSON

The SPEAKER pro tempore (Mr. MONTGOMERY). Under a previous order of the House, the gentleman from California (Mr. EDWARDS) is recognized for 60 minutes.

Mr. EDWARDS of California. Mr. Speaker, it is an honor and a privilege for me to recognize an outstanding colleague and warm personal friend who has devoted his service and leadership to the people of California. GEORGE DANIELSON has distinguished himself repeatedly as the Representative of California's 30th Congressional District, and I am proud to have had the opportunity to share many fine moments with him on both the House Judiciary and Veterans' Affairs Committees.

As many of you are aware, GEORGE DANIELSON's entire public and elective office career has been dedicated to law. He has served as a special agent in the FBI, as an assistant U.S. attorney, and as a member of the Judiciary Committee in the U.S. Congress, California State Senate and California Assembly. Prior to his public service, GEORGE was engaged in the vigorous private practice of law.

Upon entering the Congress in 1971, GEORGE—as a freshman—became a Member of the House leadership in the Whip's office. He was also a major participant in the House impeachment proceedings during the Judiciary Committee's review of Watergate. During these hearings, GEORGE became prominent in his role in developing meticulous legal points regarding violations of the law and Constitution. Since he had such a keen mastery of the law, he was an extremely valuable participant, and was very strong on relevant questioning of witnesses.

During the impeachment proceedings, GEORGE's marvelous sense of humor and penchant for colorful quotes to the local and national press became apparent. For example, during a heated interrogation of an evasive Watergate witness, GEORGE was widely quoted for his comment that eliciting a response "was like trying to nail a drop of water to the wall."

While undergoing more serious questioning of another Watergate witness, GEORGE demonstrated his great talent for thinking on his feet, and quickly getting to the point. At that time, President Nixon's counsel protested that the impeachment hearings were damaging to the Presidency. GEORGE replied that "Only the President can damage the Office of the President. What we are doing is protecting the Office of the President."

During his service in the House, GEORGE has achieved numerous legislative victories. These include the Ethics in Government Act, copyright reform, bankruptcy legislation, and his involvement in performers' royalties legislation. Additionally, GEORGE has been a key leader in numerous administrative procedures legislation, dealing with the improved functioning of Government.

Additionally, many of us are well aware of his exceptional performance as Presiding Officer in the House. Speaker O'NEILL frequently calls upon GEORGE to preside over this body, and we have all noted GEORGE's fair and efficient manner in conducting this important duty. Numerous press accounts have referred to GEORGE as a workhorse, a trait that all of us who have been privileged to work with him have noted repeatedly. GEORGE spends tremendous energy and time on his legislative and constituent duties, and has justly received many accolades for his efforts. Just recently, for example, President Reagan signed into law legislation which previously had appeared before GEORGE's Subcommittee on Administrative Law and Governmental Relations. This Federal tort claims measure was signed into law in December of last year, and when presenting GEORGE with the pen, President Reagan highly praised GEORGE's exemplary leadership, and paid high tribute to his chairmanship abilities.

GEORGE's persuasive powers and negotiating abilities have been widely praised, not only in Washington, but during his legislative service in Sacramento as well. During the tenure of Governor Reagan in California, GEORGE had the incredible ability to persuade Governor Reagan to sign into law Danielson bills after personal discussions regarding their merits. This occasion was repeated numerous times, each time with Governor Reagan signing into law measures which had expected to receive a quick Reagan veto.

One of GEORGE's endeavors in the Congress has been his personal and dedicated interest in the analyses of House rollcall votes. After undertaking an extensive review over a 4-year time period, GEORGE concluded in a comprehensive report that the House was being inundated with unnecessary rollcalls, resulting in a waste of House time and taxpayers' money. This report, which was the subject of a syndicated column appearing in Newsday and numerous newspapers, received wide praise. A brief reference accompanying the Newsday article referred to GEORGE as follows: "GEORGE DANIELSON brings both expertise and a sense of humor to his critiques." As a result of his efforts, GEORGE's report led to improved rules changes in House rollcalls.

It is clear to all of his colleagues, his constituents, and his friends that GEORGE thoroughly loves the institution of Congress, and has enjoyed his service as the Representative of California's 30th Congressional District. If

Governor Brown had not selected George to become a judge on the State Court of Appeals, he would have run for reelection, and would clearly have scored an electoral truimph due to the valuable service he has rendered to his constituents. He and his dear wife Candy share a love of campaigning, so much that Candy has served as his campaign manager for the 20 years George has been in the Congress. Clearly, both George and Candy's contribution to the Congress and effective functioning of Government has been of great value, and we will miss them both in Washington. I am proud to have served with George in the House, and join with my colleagues in wishing George and Candy well as he assumes new and exciting responsibilities in our State of California.

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I want to say, it is clear to all of his colleagues, his constituents and his friends, that George thoroughly loves the institution of Congress and has enjoyed his service as a Respresentative of California's 30th Congressional District.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. PEYSER. I thank the gentleman for yielding.

I will be very brief also, even though it would certainly be very easy to talk at great length about George, and I think that along side of his accomplishments in the Congress one of the things that will be sorely missed here is his good sense of humor and his willingness to take on the issues but still keep the kind of spirit and if you will in getting a little fun out of Congress, which I think is very important, and George has been able to do this and has made it in many ways fun for us to participate with him.

I will say that in New York, particularly in the last year, George got to be very famous because he appeared on television quite continuously when one of our former colleagues, Ms. Holtzman, was running for the Senate. She appeared with George in every commercial sitting patiently by his side, but it was a part of the television from the Watergate hearings and people kept saying, "Who is that with Liz?" And I kept telling them it was George and he was really the power here.

While I am taking this lightly, we are going to miss George. He has just been a delightful person to work with, and certainly we in New York and the rest of the country are sorry to see him go, but we are happy for him, what he has been appointed to and the great honor he has been given and I thank the gentleman for yielding.

Mr. EDWARDS of California. I thank the gentleman.

He was a power in the Watergate hearings, in the impeachment process that was so important to our country, and nobody can testify to it better than the distinguished chairman of the Judiciary Committee, the gentleman from New Jersey (Mr. Rodino).

Mr. RODINO. Mr. Speaker, it is with pleasure, but also with a touch of sadness that I join in bidding farewell to George Danielson, our admirable and most capable colleague these last 11 years.

When he dons his judicial robes, George will be culminating a lifetime career of service to his Nation in time of war and in time of peace. For his endeavor as a Federal investigator, Federal prosecutor, and State legislator—and as a war veteran and as a caring citizen—he has been often honored. As a justice, I know that he will bring to the judicial branch the same dedicated and distinguished service that he provided the other branches of government.

I, of course, know George best for his thoroughly professional work on the Committee on the Judiciary. As chairman of the Subcommittee on Administrative Law and Governmental Relations, he has taken on difficult and complex issues that were exhaustively demanding of patience, time, study, and understanding.

In the 95th Congress, when he assumed his chairmanship, he was most instrumental in passage of the 1978 Ethics in Government Act, and through his leadership we were given guidance in such diverse and highly technical matters as contract disputes, tort claims, and diplomatic immunity.

In the 96th Congress, George Danielson began his monumental effort in regulatory reform. That effort culminated in the current Congress with the approval by the Committee on the Judiciary of H.R. 746, the Regulatory Procedure Act of 1982. Enactment of this Danielson bill into law will be a fitting tribute to the hard work and perseverance of this able legislator, this gracious man.

George, we will miss your counsel and your company.

Godspeed and good health.

Mr. EDWARDS of California. I thank the gentleman.

I yield to the very distinguished ranking minority member of the House Judiciary Committee, the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Speaker, it is good to join in this tribute to my distinguished colleague from California, George Danielson, who is leaving this body to become a justice on the California Court of Appeals.

As chairman of the Subcommittee on Administrative Law and Governmental Relations, I have worked most recently with Congressman Danielson on the subject of regulatory reform. In most respects, George Danielson and I have seen eye to eye as we have struggled to improve the process by which Federal regulations are developed and enforced.

Mr. Speaker, George Danielson has brought to this body a rich background of service in private employment as well as in governmental positions. His experience with the FBI has been of particular value to his House Judiciary Committee work. All of us who have labored with him have been the beneficiaries of this background, which, in turn, contributes to the results of our intensive lawmaking service here in the Congress.

Mr. Speaker, I would not want these remarks to be interpreted as indicating that George Danielson has not fought with vigor and persistence for the views which he holds. He has been a worthy competitor in the committee sessions and in floor debate, as well as a constructive coworker in behalf of achieving the common goals of responsible legislative action for the benefit of the people of our Nation.

Mr. Speaker, I am proud to join in this tribute to George Danielson and to extend to him every good wish for success as he mounts the bench as a court of appeals justice. In this behalf, my wife, Doris, joins with me. Together we hope that George and his wife, Candy, will find rewarding experiences as they return to California and to George's new career in the judiciary.

Mr. EDWARDS of California. I thank the gentleman and I yield to the chairman of the House Interior Committee, the gentleman from Arizona (Mr. Udall), our friend.

Mr. UDALL. I thank the gentleman for yielding.

I have a rather extensive statement, but I know George is so humble and modest it would cause him great pain if I were to read all of it here this afternoon.

Somebody said, paraphrasing Will Rogers, "I never met a man I didn't like." I never met anybody around here who didn't like George Danielson. That is really part of his charm and effectiveness. He was respected here and respected around here because he was a likeable person, a fair person, an open person, an honest person, and if I had an important matter before a court involving me or my family, I would want a judge with the attributes of George Danielson with the very background and interests that have already been mentioned.

He has got what we call judicial temperament. It is a hard thing to quantify or describe, but this man clearly has it.

So the gain for the judiciary is the loss for the House and I wish him well.

He is an outstanding individual, a legislator, and great person.

Mr. EDWARDS of California. I yield to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD. I thank the gentleman for yielding and I want to congratulate the gentleman from California (Mr. EDWARDS) for bringing up this special order today.

This is kind of a sad day for many of us because we have worked so long with GEORGE. During the 6 years I was in the State legislature, GEORGE and I shared some common ground, he in the Senate and I in the Assembly of the State of California. We had many occasions where we campaigned together and we campaigned strenuously for our own parties, but we always had a close and warm relationship as we worked together to solve the problems of the area that we had.

Back here, I got put on the same committee that he was on, on the Judiciary Committee, when I joined him 2 years after he came to the Congress. We have been on the same subcommittee in the last few years, he as the chairman and I as the ranking Republican member.

I can tell the world that he has always been fair to the Republican members of that committee. He has worked harder than anyone that you can find in getting out legislation that was meaningful and accomplished the job that we were set about to accomplish.

I will miss GEORGE. I will miss him as chairman of our committee, and I wish him the very best, he and Candy in the work that they are taking on in California. I know that he will have a long and fruitful life and that he will bring great respect to the Congress and to the people he served with as he serves on the court of appeals in California.

Mr. EDWARDS of California. Mr. Speaker, I yield to the distinguished chairman of the Rules Committee, the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. I thank the gentleman for yielding.

I am going to miss GEORGE because GEORGE has been a good friend and GEORGE has been a man who always had a sense of humor that lifted me out of the bad humor. He has done it both in the Chair and on the floor and on the aisle and everywhere that I have run into him.

I was really startled to hear that he was going to leave this place. I thought he was truly a House man who would not think of leaving the House of Representatives for a judgeship, even in the great State of California. But I am delighted. I gather this is something that he wanted and I am delighted that he is going to a job that he will enjoy and I know he will do it just exactly as well as he did his job here, which was absolutely first rate.

If I can be excused of a little facetiousness, and I hope I do not offend anybody, particularly the Republican side, he could do me one more favor as chairman of the Rules Committee. When he leaves he could take that regulatory reform bill of his with him.

Mr. EDWARDS of California. Mr. Speaker, I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. I thank the gentleman for yielding.

I appreciate very much the opportunity to speak on GEORGE DANIELSON. I know that GEORGE will leave a great hole in the Judiciary Committee, one we will not readily fill, but it is a great loss to me personally because GEORGE and I came on the committee at the same time. We have sat together. This is the 12th year sitting next to each other through some very tumultuous times, through very fundamental legislation, and GEORGE's keen mind was always one of the great strengths of our committee and one of my personal strengths.

I could always get good advice from GEORGE as to whether or not I was on the right track on legislation that I was working on or he would set me straight on legislation he was working on, and one of the most important aspects was that not only did he have a wonderful sense of humor, but he even laughed at my jokes, and that made a big difference because there aren't many people that you can always say will laugh at what you think is funny.

GEORGE, you are one of the most charming and ingratiating as well as one of the most capable people I have met in my career in Congress, and you are also a wonderful friend and I am going to miss you and I know all of our colleagues will, too.

God bless you.

Mr. EDWARDS of California. I thank the gentleman.

I want to point out to the gentleman, I am still on the House Judiciary Committee and I hope the gentleman will follow my advice like he has followed GEORGE's.

Mr. SEIBERLING. The gentleman sits on the other side of me.

Mr. EDWARDS of California. Mr. Speaker, I yield to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. I thank the gentleman for yielding.

While I would like to associate myself with all of the things that have been said about GEORGE's personality and his great service here, as a chairman of the Post Office and Civil Service Committee I am here to note that he has been the most cooperative member of that committee that I have had the privilege of working with and indeed GEORGE told me once that if he could just get his regulatory reform bill passed or something in the way of accomplishment of equal magnitude, he would be ready to retire to the bench.

Well, once he got the postage stamp up to 20 cents he decided it was time to go back to California and go to the bench.

I share the feelings that have been expressed about GEORGE. I have worked with him in the whip organization as well as on the committee and nobody will ever forget that he gave every Member of this House, he and the others who work with PETE RODINO, but GEORGE is typical of the people that left us as Members of this great body feeling very, very proud when PETE RODINO's committee faced up to the most grievous constitutional challenge that we have had in modern times, perhaps, in some way ever in the history of this Nation and the kind of spirit that he displayed throughout that terrible ordeal I think will speak well to the people of California about the kind of justice they can expect in his court.

California is indeed lucky to have a son named GEORGE DANIELSON returning to their State to serve on their appellate court.

Mr. Speaker, the Members of the House can look upon the departure of our friend and colleague GEORGE DANIELSON with pride in being able to call him a friend. GEORGE is one of the most thoughtful and judicious Members of the House. I have had the privilege of serving with him since he came to Congress in 1970 and I have admired his excellent work on the Judiciary Committee. He understands, far better than most, that the rule of law is what keeps our Nation free and great, and he has dedicated his life to preserving that rule. He has fought to insure that our legal system is accessible to every American, regardless of social standing or the unpopularity of his views.

GEORGE will be an outstanding justice on the California Court of Appeals. I know that he believes the legal profession to be a noble one, and that lawyers can and should act with a public purpose. He has brought that same belief to his life as a Representative in Congress. His work and his actions have been an expression of his desire to serve a higher public purpose.

Simply stated, California's gain will be out loss.

Mr. EDWARDS of California. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I thank my colleague for yielding and for taking this time so that those of us who have served with GEORGE DANIELSON can take the opportunity to say "thank you" and that we appreciate the job that he has done as a Member of the House of Representatives.

George and I were elected in 1970. I came in a special election but George, having served in our fine senate in the State of California, had already proven himself as an extremely able legislator so we knew when he came here that he would not have to go through a long learning process, that he was already well schooled in how to produce reasonable and appropriate legislation.

I guess all of us have enjoyed George's great sense of humor, even though he is dead serious about our work here in the House of Representatives. It is always even more helpful when an individual serving here can accompany that sincerity and that dedication with a sense of humor, and you could always be sure that George would add that extra flavor of a sense of humor to make it a little more palatable as you go through this daily routine here in the House of Representatives.

I do not think there was ever any doubt that George knew the law, that he was a very competent attorney—and we have an awful lot of them here, as we know—but George somehow was able to give it a precision and a background that so many of us who are not lawyers appreciated because he could state it in simple nonlegal terms, so that we could understand what all of the lawyers on the Judiciary Committee were talking about.

So I am convinced, as I know many of my colleagues are, that George brought to the Judiciary Committee not only that competence as a lawyer, but also an ability to communicate those ideas that you were working on there in a positive and constructive and understandable way.

I was proud when I was asked to submit his name to our Governor in California as a potential judge on our appellate court because I knew that George Danielson would do an excellent job in that capacity, even though on many of the political issues George and I had differed as to point of view, because he knows the judicial branch of our Government, he understands it, and he has a sense of justice and fairness that you do not always find among people who are being asked to serve in that area.

So I was more than proud to not only recommend in writing that he become a member of the appellate court, but one night my colleague, the gentleman from California (Mr. Matsui), and I had an opportunity to have dinner with our fine Governor, and we did have a chance to aggressively tell our Governor that we wished he would hurry up and get the job done and appoint George to the bench because he was competent and the judiciary in California would be well served with his appointment. I am convinced, with the double whammy that my colleague, the gentleman from California (Mr. Matsui), and I were able to pass on to our Governor, that we moved the process along maybe a little faster.

So in any regard, I join with my distinguished colleague from California who has taken this time to say, "Thank you, George Danielson, for the fine service you gave to the House of Representatives." We will look forward to seeing you in court. I hope I do not have to come to your court, but if I do, we look forward to seeing you in those black robes and we know you will do well.

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Mr. EDWARDS of California. I yield to the gentleman from New York (Mr. Addabbo), the chairman of a very important subcommittee.

Mr. ADDABBO. Mr. Speaker, I thank the gentleman for yielding.

It was indeed with a great sense of shock and sorrow that I heard of George's retirement from this great House, shock and surprise because I know George has loved this House and felt that this is the people's house.

I spent time speaking to George and asking his advice and support in many problems that have faced us, and to lose him as a friend is indeed a great loss to us and to the entire House.

I can understand George's position. He wants to return full time to his lovely bride, Candy, and to California and the State he loves.

George will be missed by the House and may he serve with many years in good health and happiness with his wife.

Mr. EDWARDS of California. Mr. Speaker, I yield to the gentleman from Georgia (Mr. Levitas).

Mr. LEVITAS. Mr. Speaker, I thank the gentleman for yielding.

I am very pleased to join in this tribute to George Danielson. Nothing more can be said, I think, that would add to the tributes paid to our colleague, George Danielson, with respect to his abilities as a legislator and a lawyer, with the good qualities of good humor, with his judicious temperament and the diligence with which he has pursued his activities as a distinguished Member of this body.

It has been a true pleasure to work with George Danielson, but my perspective comes not from the times I was able to work with George Danielson, but on the occasions in which I found him as an adversary, because I think one could not choose a better adversary in the sense of someone who felt very strongly and understood about his position and yet was willing to deal with the issues on which separated us in a rational, reasonable, and friendly way, that people could disagree on important matters of public policy without being disagreeable.

I am sorry in one sense that George is leaving this House before his monumental work on regulatory reform has had a chance to come to fruition by its enactment and passage by this House. In another sense I am glad he is leaving before that bill comes to the floor, because I have no doubt that he would strenuously oppose the amendment which I intend to offer when it arises. I feel that his persuasive oratory might even sway the day; so in one sense I am sorry to see George go and in another sense I must facetiously say that one less vote against this amendment will be beneficial; but the most important thing, in conclusion, Mr. Speaker, that I would like to say, we have heard the tributes to George. They are all true. This is not simply flattery. These are people who have known George Danielson for many years.

To me, George Danielson is truly a man of honor and a gentleman. I wish him good luck and Godspeed in all his endeavors.

Mr. EDWARDS of California. I thank the gentleman.

I yield to the distinguished secretary-treasurer of the California Democratic delegation (Mr. Dymally).

Mr. DYMALLY. Mr. Speaker, along with Congressman Tony Beilenson, I have the distinction of having served in three legislative bodies with George Danielson. For all these years he has told me that we were friends. I joined him in the assembly when he left. I followed in the senate when he left. I came to the Congress and now he is leaving. I am getting the hint that we are not so friendly after all.

In the senate, there were 40 of us who left the assembly and we became the reformers. George Danielson was the lawyer for the reformers. He sat right in back of me. Often I would turn to him and say, "George, how do I vote on this issue?"

On one occasion there was a very heated debate about torts, something about the California Medical Association, one of those complicated issues and George got up and gave a very eloquent speech and I whispered to him, I said, "George, what is the other side?"

And immediately he gave the other side and I turned back and I said, "George, I am thoroughly confused now. How do I vote?"

He said, "Listen to the rollcall."

Fortunately for me, George Danielson was called before Dymally and I was able to follow his leadership; but George was, as you know, chairman of the Democratic Caucus in the Assembly. He served on the Judiciary Committee.

Everyone here knows George Danielson for never having gotten angry. I knew one time when he got angry. The President of the Senate refused to restore him to the vice chairmanship of the Judiciary Committee and George claimed he was the 21st vote. I made the same claim to overturn that President, and there was a rollcall, at which time the President lasted for about 3 months, because he refused to give George Danielson the vice chairmanship of the Judiciary Committee and he lost the presidency. That is how powerful George is. That is part of the story to destroy the myth that he does not get mad. He did get mad one time and he destroyed the presidency of a good man in California.

George has always been a team player, very pleasant, a good husband, a very compassionate man, always present when you need him. Over the years I have treasured his friendship and, very frankly, I regard his parting with much sorrow and at the same time much pleasure.

Mr. EDWARDS of California. I thank the gentleman.

I yield to the gentleman from California (Mr. Brown).

Mr. BROWN of California. Mr. Speaker, each of us contributes from his own memory of service with George and I am no exception.

I have known George and Candy for close to 25 years. I am not sure whether it is more or less, but the thing that has always impressed me about George is that I represented for quite a few years a district which he represents now before he was the Congressman. I have always admired the fact that he was able to do such a much better job than I did in representing that district. It is not an easy district to represent. I think most of you know that it is a diverse district in the area of downtown Los Angeles and the East Side of Los Angeles. It is composed of many different and frequently conflicting groups, with varied ideas about what they want their Congressman to do.

I have occasionally exchanged notes with George about the frustrations of some of the organizations in that district, but he has managed to maintain their support and their loyalty with a smile at all times. I do not think I could have done it, certainly not as well as he has done it. I think it is a reflection of a basic equanimity of character and an ability to relate to a wide range of different kinds of people, a trait, I might say, which should stand him in good stead in the judiciary, because I think the most important quality of a judge is to be able to understand and empathize with the broad cross-section of the American people who probably will be called before the court at some time or other.

So I have this recollection of George as a man who has this capability, who has done so well in representing this wonderful district that he represents.

I am sorry to see him go, but I know that he leaves with a feeling of sorrow also and on the basis that he wants to enlarge his area of service to the people of California. I know he will do a good job and I wish him well in that.

Mr. EDWARDS of California. I thank the gentleman.

I yield to the gentleman from Wisconsin (Mr. Kastenmeier).

Mr. KASTENMEIER. Mr. Speaker, I am very pleased to join all George Danielson's friends in paying tribute to him on this occasion. I plan, at least in my prepared remarks, to detail a bit more about George Danielson's record in the House than perhaps I should burden these proceedings here this afternoon; but I think Members know of his service to the House and the caucus. Often the Speaker has called on him to preside.

We know that he has served the Foreign Affairs Committee so well, but my own relationship to George really stems from the House Judiciary Committee. I remember when he came in 1971. He served on my own committee. We have jointly worked on many mutual endeavors as far as legislative tasks over the years, copyright laws and so many others, that I am proud of, but I must say that I am sure that George Danielson also is proud of.

He in addition, of course, chairing his own subcommittee in the House Judiciary Committee, has an enormously impressive record. He has handled some of the most difficult areas of legislation, the ethics bills, the lobbying bills, the revision of the whole Torts Claims Act, and even now the Regulatory Reform Act, which is so perplexing. These and many others which I will try to detail somewhat more specificially for the record speak well of George Danielson's great service to the House; but my own subcommittee, dealing as it does with courts and having George Danielson never far from the subject of courts, because we have been involved in some court reform bills among others, it does seem fitting that George Danielson, I suppose it should not surprise us, should one day seek a place on the bench himself in California.

To that end, of course, we wish him the very best. I am very proud to have served with George Danielson and particularly feel that many a memory I will have of our relationships on my own subcommittee and on the Judiciary Committee, where I admired his work and certainly treasure his friendship.

Mr. Speaker, it gives me great pleasure to participate in this special order honoring George Danielson. George has been a member of the Committee on the Judiciary since he joined the House in 1971 at the beginning of the 92d Congress. He became a member of the Subcommittee on Courts, Civil Liberties and the Administration of Justice—which I chair—in 1973 during the 93d Congress. On both a personal level and a professional level George has been a tremendous asset. He has often livened up a dry hearing with his sense of humor and his keen insights. His sensitivity to the less fortunate members of our society—including the poor and elderly—has always been evident. He has actively participated in hearings and markups as a member of my subcommittee, and I have valued his views and recommendations. Among the major bills which my subcommittee processed and with which George assisted me at every stage of the legislative process are: The 1976 revision of the copyright laws, legislation to continue the Legal Services Corporation, the Civil Rights of Institutionalized Persons Act, and several court reform bills. As a Member of the House leadership, George has worked long and hard on the House floor. He became recognized nationally during the committee's impeachment inquiry. He was always there when the Nation needed him.

George Danielson's dediction and hard work was most evident in his work as the chairman of the Subcommittee on Administrative Law and Governmental Relations. He assumed the chairmanship of that subcommittee in the 95th Congress and handled such diverse matters as the Ethics in Government Act of 1978, the lobbying bill, the Contract Disputes Act of 1978, and a bill providing for a comprehensive revision to the Federal Tort Claims Act. Reflecting George Danielson's informed and continuing interest in foreign affairs, the subcommittee considered and recommended a bill providing for direct actions in the U.S. courts against insurers of persons entitled to diplomatic immunity, a proposal which was subsequently included in substantially the same form in a comprehensive revision of the law relating to diplomatic immunity reported by the Foreign Affairs Committee. He demonstrated his interest and expertise in administrative law by conducting oversight on the implementation of the 1976 Government in the Sunshine Act, and in considering legislation authorizing appropriations for the U.S. Administrative Conference.

In the 96th Congress, George Danielson initiated the consideration of regulatory reform. The subcommittee's wide ranging examination of that subject involved extensive hearings and a searching series of markup sessions. These efforts resulted in the reporting of a carefully considered bill by the full Committee on the Judiciary in that Congress. In the same Congress, he continued his efforts in the field of lobbying reform and led the effort to improve the provisions of the Ethics in Government Act. The subcommittee also conducted hearings and reported the bill providing for a Commission on Wartime Relocation and Internment of Civilians during World War II.

In the current Congress, Mr. Danielson has continued on the same hardworking course I have already outlined. His bill, H.R. 746, the Regulatory Procedure Act of 1982, has just been reported by the Committee on the Judiciary. The reported bill again reflects the able and conscientious effort of this dedicated Member. His subcommittee has initiated the consideration of his bill, H.R. 1027, a bill dealing with the subject of air disaster litigation, a subject of obvious importance in view of this Nation's dependence upon air travel. He has continued his interest in seeking improvements of the Federal Tort Claims Act. A bill to extend the coverage of that act to National Guard activity was considered and reported by his subcommittee and has now been enacted into public law. He has initiated consideration of bills concerning Government contracting involving such subjects as the Miller Act, and revision of the Contract Disputes Act. Claims matters such as the administration of claims by the National Oceanic and Atmospheric Administration remain pending after being reported by the committee. These and other matters reflect the initial consideration and careful analysis which they received by the subcommittee under Mr. Danielson's able chairmanship.

George will be an excellent judge on the California Court of Appeals. Even the Republican leader of the California delegation noted recently that he agreed with Governor Brown's decision. Having worked with George on a number of legislative bills relating to courts and the administration of justice, I know he will do a first-rate job. We will miss him on the Hill, but hope that—considering this subcommittee's jurisdiction—he will keep in touch and visit us often. Best wishes to you, George, and to your charming wife, Candy.

Mr. EDWARDS of California. Mr. Speaker, I yield to the gentleman from California (Mr. Mineta).

Mr. MINETA. Mr. Speaker, I would like to thank the chairman of our delegation, Mr. Edwards, for taking this time so that we might have this opportunity.

Mr. Speaker, I want to heartily congratulate our distinguished colleague, Representative George Danielson, on his appointment to the Court of Appeals of the State of California, Second Appellate District. We will miss his leadership in the House.

George has always been devoted to the law, so his move to the third branch of Government comes as no surprise. He was an FBI agent until World War II interrupted that career, and a practicing attorney for more than 20 years. He has been a member of the Judiciary Committee since his first election to Congress in 1970.

George embodies many of the qualities that make a fine judge. I think every Member of the House has recognized and admires his sense of fairness. George is thorough—a stickler for detail. He has been careful as a legislator that the laws he crafted were not only legally sound in their broad guidelines, but complete in every way.

During his legislative career, George has willingly taken on the most complex but important issues that many would not have attempted to tackle. He has compiled an impressive record of legislation in the fields of administration of justice, copyright, and the massive legislative overhaul of Federal regulatory procedures. As chairman of the Subcommittee on Administrative Law and Governmental Regulations, he sponsored and was floor manager for the Public Disclosure of Lobbying Act of 1978. Also, as chairman, he has since 1977 sponsored and worked for regulatory reform legislation. He has been one of the hardest working Members of this body.

I have had the opportunity to work with George on a number of pieces of legislation and his counsel has been very helpful and the Japanese-American community is especially indebted to him. In addition to his valuable advice, George also has a tremendous sense of humor. Without a doubt, given the major legislative endeavors he had to undertake, there were probably many times when his great sense of humor carried the day for him.

We are going to miss George, but I am sure all of my colleagues join me in wishing George Danielson well in his new career.

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Mr. EDWARDS of California. I thank the gentleman, and I yield to a long time good friend of George Danielson, the very distinguished gentleman from California (Mr. Anderson).

Mr. ANDERSON. Mr. Speaker, I am honored to join my colleagues today in paying tribute to George Danielson as he prepares to leave the House to assume new duties as a justice of the California State Court of Appeals.

George has been with us over 10 years now, long enough for most of us to know of his many accomplishments in the House, particularly his excellent work on the Judiciary Committee. As chairman of the Administrative Law and Governmental Relations Subcommittee, George sponsored and guided the Public Disclosure of Lobbying Act through Congress in 1978. Perhaps his major legislative concern more recently has been a substantial overhaul of our Nation's regulatory system. These achievements, of course, mark only the end of a long legislative career, for, after fighting in the U.S. Navy in the Second World War and then practicing as an attorney, George served 4 years in the California Assembly and 4 years in the California Senate.

Although I am sorry to see him leave, there is something to be gained by society as George moves from the legislative branch of Government to the judicial branch. There has been much public criticism lately of so-called activist courts, and I know that George has expressed his opinion—one in which I concur, by the way—that part of the problem is the lack of communication between those who write the laws and those who interpret the laws. The former complaint that the courts do not properly enforce laws and the latter argue that the laws are too poorly written and vague to enforce properly. The solution is to increase contacts between legislators and justices. I know that the skills George has acquired in his many years as a State and Federal legislator will serve him well in his new role as a justice. Society will be the winner.

In closing, I would be remiss, Mr. Speaker, if I did not mention how much my wife, Lee, and I will miss George and his charming wife, Candy, here in Washington. But, at least they will still be in California, where we can continue to see them even though our less fortunate colleagues from other States will be more distant from them.

George and Candy, good luck.

Mr. EDWARDS of California. I thank the gentleman, and I yield to the gentleman from New York (Mr. Weiss).

Mr. WEISS. Mr. Speaker, I want to express my appreciation to the gentleman in the well for yielding this time and taking this special order.

I would like to say that I am a relative newcomer to the George Danielson fan club, having been such only for the 5 years or so that I have been a Member of this body and have had the privilege of serving with George Danielson. I do not serve on any committees with him. I know him really as a colleague and as an observer and friend from his work on the floor, and the obvious good sense and good judgment and good will that he has demonstrated day in and day out I think has brought credit on all of us who are Members of the House of Representatives.

I know that he goes back to California probably with some mixed feelings, but probably with a great deal of happiness in having achieved a goal for which he is eminently qualified.

I want to wish him and Mrs. Danielson the very, very best, and I look forward to seeing him again as a friend. I want to thank him for his generosity and friendship in the years we have served together.

Mr. EDWARDS of California. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Hawaii (Mr. Heftel).

Mr. HEFTEL. Mr. Speaker, I want to applaud the efforts of the gentleman in the well. I was walking through the—I guess we call it the cloakroom—and heard something about George, and kind of poked my head in, and that is how I just found out that George has now been appointed to the appellate court in California and will be leaving us. It was kind of a shock, because if you are a newcomer to this body, and I guess after 5 or 6 years you are not a newcomer, but you still reflect on those individuals whom you sort of relied on and whom you came to look upon as a source of either information or support or analysis, and George was all of those.

And suddenly he was leaving, and I thought, "Gee, I should have spent more time with George. He ain't going to be here."

But, he is going to be missed for the qualities that all of his colleagues have expressed here this afternoon, the quality of integrity and the friendship and concern, and also some very concrete and meaningful observations on how the Government and how this body could function better. I think he is going to leave and this body will perhaps reflect some of what he thinks, because we have been able to improve what we do and how we do it. On the bench, he will make a tremendous contribution, and I think it is wonderful that he will have this opportunity.

I hope that all of us will have those continuing opportunities to see you again, and to have your pleasant smile and friendship. I am just delighted to have had this opportunity to share my thoughts and feelings for George, and my very best to you.

Mr. EDWARDS of California. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. Oberstar).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding, and I would like to rise to express a few words of appreciation on behalf of Minnesota and Yugoslav contacts with George Danielson.

I came to know George quite well during my first term in the House, when our offices were quite close to each other in the Cannon Building, and we spent many days and evenings walking back and forth to and from votes, and getting acquainted with him and his Minnesota family origins, and also learning about his work in prosecuting Yugoslav war criminals. With my own background as an American of Slovanian descent, I was, of course, very keenly interested in his association with Yugoslavia and the recognition the Yugoslav Government has given George for his work during the postwar era in bringing to justice those who were accused of criminal acts during World War II.

His subsequent visits to Yugoslavia and his work with and accommodation of Yugoslav parliamentary delegations visiting the United States have always won him respect and appreciation, and strengthened those ties between the people of Yugoslavia and the people of the United States.

George has always proved himself to be most gracious in those opportunities and going out of his way in conducting those functions which are so much an important part of our public responsibility.

I also, on behalf of the Submarine Veterans of World War II, want to express again my appreciation for his work in patiently hearing the case that I presented on their behalf for a charter for those brave men who piloted our submarines during the Second World War, and who finally had their cause recognized by charter legislation that came through Congressman Danielson's subcommittee. The words of appreciation continue to come in from submarine veterans from throughout the United States, and if in no other way, at least in this small respect, George will be greatly remembered by a small but appreciative segment of Americans.

Last, for myself, I express a real sense of warmth and respect for the genuine friendship, for the personal wisdom, for the sense of dignity for this body, for the respect of the House of Representatives as a great deliberative legislative institution in which George has always held this body throughout his career. It is an attitude that I hope could permeate all the other Members of this body, and that perhaps may be his greatest legacy to all of us.

Mr. EDWARDS of California. I thank the gentleman.

Mr. Speaker, I yield with pleasure to the great chairman of the House Veterans' Affairs Committee, and also a great athlete, the gentleman from Mississippi (Mr. Montgomery).

Mr. MONTGOMERY. Mr. Speaker, I am pleased to join with my colleague from California (Mr. Edwards) to pay tribute to our colleague, George Danielson, as he prepares to take upon his shoulders yet another challenge of public service.

Speaking as chairman of the House Veterans' Affairs Committee, I can assure you that George's leadership and dedication will be missed. It has been my good fortune to serve with George on the VA Committee during his entire six terms in the House. He is the third ranking member on the committee. He has been a strong defender of Veterans' programs and benefits during this time and has always taken an active and abiding interest in the work of our committee. George has certainly been a stalwart member of the committee and will truly be missed.

Mr. Speaker, it was also my pleasure to have George serve on the Special Committee on Southeast Asia that I chaired in 1978. Our primary purpose was to get some movement on the MIA issue and to open lines of communications with the Vietnamese that hopefully would lead to additional information on the missing in action and secure the return of remains of known dead. The compassion and understanding of George on this very frustrating matter was quite evident during our committee's work. He was an asset to the committee and made a very valuable contribution to our final report.

George Danielson is the very epitome of public service. His entire life has been dedicated to serving his fellow citizens in the executive and legislative branches and now the judicial branch.

I had the privilege of working with George on a tort claim legislation for the National Guard. No way could this legislation be passed if it had not been for George Danielson.

Mr. Speaker, it goes without saying that I and my colleagues will miss George Danielson when he assumes his new duties as a justice of the California Court of Appeals. And from a more personal standpoint I will miss the friendship of George on a daily basis and his very sage and wise counsel.

George, we all wish you the best in your new career and thank you for a job very well done as a Member of this body. You are tops in our book.

Mr. EDWARDS of California. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Speaker, I welcome this opportunity and thank the gentleman for the opportunity to express a few words for a very good friend, and one who over the course of the years has engendered such admiration and affection as he properly should and would, once you get to know George Danielson.

I guess you could call me the ranking majority leader of the George Danielson bilingual admiration society. George and I sometimes conversed in Spanish back and forth, and with his perennial effervescent humor it has been a real break in moments that are tense and otherwise tend to be unhappy. It has been a very happy occasion to have George Danielson around.

It is, of course, as others preceding me have said, it is with a mingled sense of sadness and regret, and at the same time, with a sense of joy, of congratulations, because although it is our loss that George is going on the bench, I think that the fact that he is going on the bench is very significant because, if there is any word that I would think that immediately arises in my mind when I associated with

GEORGE DANIELSON, it is that word "judgment."

He has been on the Judiciary. His judgment has been preeminent. On many occasions I have asked an opinion, his advice. I think his stint on the committee during the difficult, harrowing period of the impeachment process, that it was that a man like GEORGE DANIELSON could be around that gave lustre to the performance of this branch of the Government under very trying circumstances.

☐ 1830

And so with this mingled feeling of regret and all, I join my colleagues in congratulating GEORGE on his appointment to the bench, where, as has been said, there is a vast need for a GEORGE DANIELSON.

So I say, Godspeed, good luck, and much happiness, GEORGE.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from Texas (Mr. GONZALEZ).

I would like to point out, Mr. Speaker, that GEORGE DANIELSON and I are amongst the few Members of the House of Representatives who were a number of years ago FBI agents, and perhaps we were with the FBI at about the same time. I think I ought to point out that the crime rate was really much lower then, and I am not saying because GEORGE and I were FBI agents at the same time that that was the reason, but you can draw your own conclusions.

I do not think quite enough has been said, Mr. Speaker, about the other half of the "team," because GEORGE and Candy have been a team. Candy has been his campaign manager for the last 20 years and has done a bangup job. She has been responsible for a lot of the writing of his newsletters, and I am one of the members of the club who have stolen material from those newsletters without giving credit. Candy, I want to thank you for those wonderful additions to my own newsletters that you were responsible for.

So we are going to miss both GEORGE and Candy, but we have assurances from them that they will return often and visit with us.

● Mr. BOLAND. Mr. Speaker it is with great pleasure that I join the Members of the House in paying tribute to GEORGE DANIELSON today as we congratulate him on his appointment to the bench in California, and express our appreciation for his distinguished service here in the House. Since his election to the Congress in 1970, GEORGE has been one of the hardest working Members of this body. He is an able legislator, a skilled lawyer, and a distinguished scholar. For these and other reasons GEORGE has won the admiration, the respect, and the affection of all his colleagues, and it will be difficult to say goodbye to him.

As chairman of the Subcommittee on Administrative Law and Governmental Relations of the Judiciary Committee, GEORGE has discharged his duties effectively and fairly. He has done invaluable work in the areas of regulatory reform, administration of justice, and foreign affairs. Before his productive service in the House, GEORGE was a California State senator, a State assemblyman, and a successful, practicing member of the bar. Before World War II, GEORGE was a special agent in the FBI. He certainly brings a wealth of experience and wisdom to the California Court of Appeals. His industrious nature and deep respect for the law and its institutions will surely enhance the quality of justice in California.

I am sure that the people of California's 30th Congressional District will miss having GEORGE as their Representative. How fortunate they are that he will continue his public service. I would like to take this opportunity to thank GEORGE personally for his innumerable contributions to the work of this House. It has been a pleasure for me to work alongside an individual of his insight, compassion, and dedication. I join GEORGE's many friends in wishing him success as he assumes a well deserved position on the California Court of Appeals, and begins a new endeavor in the public service, writing a new page in the history of one of the most distinguished and prolific legal careers in our time.●

● Mr. HUGHES. Mr. Speaker, I rise today with a sense of both regret and happiness in bidding farewell to our distinguished colleague, and friend, GEORGE E. DANIELSON.

My regret is that the Congress will lose GEORGE, his quick wit, his able and energetic leadership, and his strong sense of duty, honor, and patriotism.

My happiness is that GEORGE has achieved the recognition he deserves, in his appointment to the California Court of Appeals, for his extensive knowledge of, and commitment to, the law.

Indeed, few men personify the law today as does GEORGE DANIELSON who, during his long and varied career, has been a Federal agent, a Federal prosecutor, a State legislator, a national legislator, and now, as he celebrates his 67th birthday, he begins a new career as an associate justice of the California Court of Appeals.

GEORGE DANIELSON first came to know Washington as a special agent of the Federal Bureau of Investigation, assigned to patrol the Capitol Building during the difficult years of World War II. In that capacity, GEORGE not only rendered a vital national service, but also learned more about the Capitol than perhaps anyone else among our contemporaries.

Later, after 10 years in the California Legislature, he returned to the Capitol Building as a Representative, but this time it would be Washington that learned about GEORGE DANIELSON.

He had not been here very long when a series of crises of constitutional proportions rocked the Nation: The Agnew resignation, and the first-ever use of the 25th amendment for confirming Gerald Ford as the new Vice President; then, the articles of impeachment drawn up against President Nixon, the first against a sitting President in over 100 years; and finally the second use of the 25th amendment in the confirmation of Nelson Rockefeller as Vice President.

Members of the House, particularly newer Members, are accustomed to laboring in relative anonymity, but that was not to be for members of the Judiciary Committee during those tumultuous years. Thrust into the national spotlight, GEORGE DANIELSON, the other members of the committee and its fine chairman, PETER RODINO, showed the entire country the quality, and extraordinary deliberative judgment, possessed by Members of the House of Representatives. Under the unrelenting eye of national television, they also showed the American people that the enormous burden of trust and responsibility reposed in them was not misplaced.

In choosing a course in these dangerous and uncharted waters, GEORGE DANIELSON turned, according to his lifelong training, to the law for guidance. Researching the facts and precedents, many of which were buried in antiquity, he made an invaluable contribution to the fair and just disposition of these historic events.

Throughout his six terms in the Congress, GEORGE DANIELSON has also played an invaluable role as a member of the House whip organization, and a member of the Democratic steering and policy committee.

As chairman of the Judiciary Subcommittee on Administrative Law, he has developed pioneering and innovative proposals for lobby reform, regulatory reform, and other critical areas.

At the same time, over the past few years, he has painstakingly developed a list of the enormous number of frivolous and unnecessary rollcall votes and quorum calls that waste the time of the House of Representatives each year.

In short, GEORGE DANIELSON has made tremendous and varied contributions to both this House, and to the history of our country. Although our loss is the bench's gain, his presence will be genuinely missed.●

● Mr. RHODES. Mr. Speaker, I am pleased to join the many friends of GEORGE DANIELSON in wishing him well in his new undertaking as a judge of the State of California. We will miss him here in the House, but I know that he will bring to his new responsibilities the same enthusiasm and skill which he displayed in Congress.

There are very few who have the opportunity to serve their country and their State as long and as well, and with such diversity as GEORGE. Over the years he has served in the California State Legislature; as an assistant U.S. attorney; with the Navy in World War II, as a special agent with the FBI and, for the past 12 years, as a Representative in the House.

That is truly an outstanding record of public service. To cap off this illustrious career, GEORGE is going to fulfill a dream long held—to serve as a judge. As we know from Chief Justice Burger's annual address on the state of the judiciary, there are many problems besetting our justice system today. But I can think of no finer and more able addition to the bench than GEORGE DANIELSON. I am confident that the considerable challenges which await him will provide GEORGE with still another opportunity to apply his many talents to serving, with distinction, on the Second District Court of Appeals in Los Angeles.

Mrs. Rhodes joins me in wishing GEORGE and his wife, Candy, the very best in their new venture.●

● Mr. BARNES. Mr. Speaker, I am pleased to have this opportunity to honor our colleague, GEORGE DANIELSON, who will shortly resign from the House to become a judge in California.

During my first term in the House of Representatives, I had the privilege of serving on the House Judiciary Committee and its Subcommittee on Administrative Law and Governmental Relations, which GEORGE chairs. It was quite an education. We labored for 2 years on the lobby disclosure bill, the regulatory reform bill and other complex legislation, which GEORGE managed with meticulous fairness and good humor. He certainly has the proper temperament to be a judge and demonstrated it often in the incredibly detailed and technical process of writing legislation in the subcommittee. I understand that he looks forward to working in California full time and to spending more time with his family. It is our misfortune to lose GEORGE DANIELSON from the House, and I wish him well.●

● Mr. LONG of Louisiana. Mr. Speaker, I am a fan of GEORGE DANIELSON. It is not only that we share an abiding interest in making this institution work better, though I am very pleased to have had the benefit of GEORGE's knowledgeable testimony before the Subcommittee on the Legislative Process this past fall.

What impresses me the most about GEORGE is his constant grace and good humor under pressure. Though he is passionately dedicated to helping us tidy up our processes in Congress—his stand on procedural votes and against what he calls junk bills, the streams of special days and weeks that we generate here at the headwaters of legislation, is well known—he never criticizes or is intolerant of individuals. It is only the Member's persistence in clinging to ways which are demonstrably nonproductive that baffle GEORGE.

For the past several years he has devoted his major efforts to regulatory reform. He has done all of us a service by thoroughly studying the issue and producing a well-crafted solution to some problems instead of opting for a flashy quick fix in a complicated area.

We will miss GEORGE's persistence, dedication to his beliefs, and his good cheer in these Chambers. Our best wishes go with him to his new post as a justice on the California Court of Appeals.●

● Mr. SENSENBRENNER. Mr. Speaker, I am very happy to be able to participate in the special order on behalf of Congressman GEORGE DANIELSON. As you know, Mr. DANIELSON has just been appointed to the California Court of Appeals, and will be leaving Congress soon.

As was stated in the House Judiciary Committee, Congressman DANIELSON was a tenacious and forceful person when it came to matters before the committee. Mr. DANIELSON will take to the bench many qualified years of dedicated legal and public service. His keen judicial insight will certainly serve the people of California well.

For Congressman DANIELSON, his appointment comes after a political career that started in 1962 with his election to the California assembly. In 1966, he was elected to the State senate. His congressional career began in 1970. He has been selected five times since first winning this seat to represent California's 30th District.

I wish Congressman DANIELSON the best of luck in this new career. The California judicial system is certainly lucky to have a member of the bench with such integrity, insight, and legal ability.●

● Mr. DELLUMS. Mr. Speaker, GEORGE DANIELSON and I came here at the beginning of the decade of the seventies. During the past 12 years, I have had the privilege of working with GEORGE on a number of legislative issues which have been crucial to the people of California and of our country.

I and my colleagues agree that GEORGE DANIELSON has distinguished himself as a fair-minded and extremely hard working legislator. His tenure on the House Committee on the Judiciary shows that he is a man committed to vigilance over the often fragile rights of the politically disenfranchised. Those who have benefited from the work of the Legal Services Corporation, that is to say all Americans, have also benefited from GEORGE DANIELSON's strong defense of this crucial program. We will not forget that beyond all of this, GEORGE served on the committee during one of our country's darkest hours, during the impeachment hearings of Richard Nixon. This historic and heavy responsibility was discharged with notable grace.

Upon his retirement, the Members of this body, the people of California's 30th Congressional District, the people of the State of California, and of the United States, will miss GEORGE DANIELSON's strong presence as an able legislator in the House of Representatives.●

● Mr. ROYBAL. Mr. Speaker, it is indeed a pleasure to take this opportunity to pay special tribute to GEORGE DANIELSON, my good friend and fellow Californian. Few have experienced such a rewarding and satisfying career as has GEORGE.

Since 1970, GEORGE has represented the 30th District of Calfornia. His performance in office has won him the respect of both his colleagues in Congress and his constituents back home. To us, he is known for his hard work, often out of the public spotlight. To his constituents, he is known for his devotion to their needs. He is widely respected by both for his great integrity. GEORGE's impeccable performance as a member of the Judiciary Committee during the Watergate scandal won him the national respect and renown he so richly deserved.

These same qualities, as well as the deep love of the law that brought GEORGE to Congress in the first place and served him well throughout his legislative career, will now take him in a different direction. He has been appointed to serve as a judge on the California Court of Appeals, an honor that is certainly the culmination of a long and distinguished career in public service. I have no doubt that GEORGE DANIELSON will be as exemplary a judge as he has been a Member of Congress. This judgeship marks yet another milestone for GEORGE, and even though we wish him the best in this and all his other endeavors, we know we will miss his talents and expertise here in Washington. We will undoubtedly still seek his advice, and will certainly retain his friendship.●

● Mr. ZABLOCKI. Mr. Speaker, I want to join my colleagues in congratulating GEORGE DANIELSON on his recent judicial appointment in the State of California and in extending to him my warmest best wishes for what I know will be a successful tenure on the bench.

GEORGE, as we all know, is a man of "many parts," who has already served his country with distinction in a number of different capacities—in the Navy, the FBI, and in State, as well as national elective office. His outstanding service on the Judiciary Committee is widely recognized in this body and has certainly prepared him well for his new career.

As chairman of the Committee on Foreign Affairs, I would like to point out that George also served, temporarily, as a member of our committee, where he won the respect of his colleagues for his conscientious and active participation in the committee's work, despite many other legislative responsiblities and commitments.

Above all, we will remember George for his strong convictions and sound independent judgment, which will be missed in the months and years ahead. We are, in fact, diminished by the loss of George Danielson from our midst, but it is reassuring to know that his talents and abilities will be fully utilized in his future service to the great State of California.●

● Mr. REUSS. Mr. Speaker, it is my privilege to join in this tribute to my friend and colleague, George Danielson, who has decided that this term in Congress will be his last. It should not surprise us that George's retirement from Congress will not end his public service. As an FBI special agent, a navy veteran, and assistant U.S. attorney, a State legislator, and U.S. Congressman, his entire life has been one of dedicated service to his country and his fellow citizens. Within Congress, George has provided valuable service to the House leadership as the deputy majority whip.

In his six-term congressional career, George has worked hard to make Government more responsive to the people. He was a strong proponent of regulatory reform well before it became a popular issue. He has also pushed hard to improve our Nation's legal process and the administration of justice.

Soon George will himself be administering justice as a judge on the California Court of Appeals. We wish him success in his next endeavor equal to that which he has realized as a Member of this body.●

● Mr. BINGHAM. Mr. Speaker, this is not a happy moment, because we are marking the departure of one of the finest Members of this House, the Honorable George Danielson. He is ending a 12-year career in the Congress to take up a new career on the bench as a California judge. I must admit he is extremely well suited for that position, but he has done such an outstanding job in Washington I hate to see him go. After 8 years in the State legislature and then more than a decade wrestling with public policy issues here, I suppose it is understandable when a change of venue seems in order.

Although some of his greatest achievements in the legislative process have come from his work on the Judiciary and Civil Service Committees, he has not limited his efforts to these jurisdictions. George has led efforts to reform our electoral system, improve the health care system, support education progams, prevent discrimination, reform our tax system, and many more. He does not just wring his hands or make speeches about problems confronting his district and the Nation, he does something about them. Many of the positions he has taken over the years have been politically difficult ones, such as his consistent leadership in supporting foreign aid.

I particularly enjoyed my association with George Danielson while he served as a member of the Foreign Affairs Committee. He took a great interest in the work of the committee and was especially conscientious in attending the many meetings with foreign dignitaries that are part of the work of that committee.

George Danielson is a delightful companion and a wise and compassionate human being. He will be sorely missed in the House of Representatives, but we wish him well in his new career.●

● Mrs. HOLT. Mr. Speaker, our colleague George Danielson will be leaving this House to become a justice on the California Court of Appeals. As we say goodbye to Mr. Danielson, and thank him for his many years of service to our Nation, it is most appropriate to recognize his many contributions both here in the Congress and before entering public life.

As a Member of the House of Representatives, we have come to know George as a dedicated and informed member of the Judiciary Committee and the Post Office and Civil Service Committee. His in-depth knowledge of the American legal system and his consummate study of our national history has combined to make him an invaluable member of the Judiciary Committee. In taking these credentials to the court of appeals, I am confident he will continue to make a positive contribution to our system of jurisprudence.

We will all miss George, and I am glad to have this opportunity to say so. I wish him the best of luck and good will.●

● Mr. LAGOMARSINO. Mr. Speaker, I join my colleagues in extending our best wishes to George as he commences a new career. I must say I am a little envious: Following a distinguished career in both the executive and legislative branches, and in both private and public service, he is going to make it three for three with a stint on the bench. And at an age when most people would be sitting back drawing social security checks. I hope it is not a sign that he knows something we do not about the trust fund.

Seriously, we are going to miss George in the House. For years, I have felt as though our careers were somehow linked. First, it was the Navy, during World War II. Then it was law practice. Then we both came to Sacramento about the same time—although I beat George there by about 1 year. He got back at me in 1970, by getting elected to the House first. So I do not know whether he was following me all those years or I was following him—but this latest turn of events cannot be too bad a sign.

We have not always seen eye to eye on every issue; in fact, we have often been on opposite sides. But from everything I have seen of him, I know that George has always had the best interest of the people of California at heart. He may even have been right on a couple of occasions.

It goes without saying that he will be missed, both in his committees, where he has served with distinction, and on the House floor, where he has frequently presided. He will have a new chance to yield the gavel soon. But I hope he will remember his friends back in Washington, especially when the days get cold and the tempers hot. We wish him and Candy the best—they both deserve it.●

● Mr. BRINKLEY. Mr. Speaker, it is a privilege to participate in this special order in honor of my close friend George Danielson—one of the ablest men to ever serve in the U.S. House of Representatives—who will soon be leaving the House to assume his responsibilities as a justice of the California Court of Appeals.

It has been my good fortune to serve with George on the House Veterans' Affairs Committee, and I have long respected his splendid example of leadership as chairman of both the Veterans' Affairs Committee's Cemeteries and Burial Benefits Subcommittee and the Judiciary Committee's Administrative Law and Governmental Relations Subcommittee.

George and I have worked together closely over the years on two particularly challenging initiatives: The Gold Star Wives of America Federal charter legislation and the Fort Mitchell VA Cemetery site selection. George's tireless commitment and determined efforts on behalf of both these projects were primary factors in their successful outcomes.

I remember so well our visit together to the Fort Mitchell Cemetery site during his tenure as chairman of the VA Cemeteries Subcommittee. Following a thorough tour of this peaceful, rustic setting, he was firmly convinced on the merits of choosing it as the new Region IV VA Cemetery site. Years later, when Fort Mitchell was selected by the Veterans' Administration, George recalled in a letter to me his impressions of Fort Mitchell. The letter demonstrates, so well, the ready, sparkling wit for which George has become justifiably famous. In it, he requested that a plot be reserved for him at the top of a hill—and, with a good view.

Once GEORGE and I were discussing the value of moderation in the living of our lives. With his marvelous good humor, GEORGE added, seemingly as an afterthought, "And moderation itself should be exercised with moderation once in awhile!"

To the Gold Star Wives of America, GEORGE DANIELSON has been a faithful friend. Convinced that Federal charter legislation I had introduced would provide these widows of slain or deceased servicemen greater access to other widows who desperately needed their counsel, he became a stalwart supporter and cosponsor, who helped guide the bill every step of the way through to final passage.

GEORGE DANIELSON will leave behind a legacy of legislative expertise combined with a deep compassion for his fellow man. We will miss the unquenchable sparkle in his eye and the lively spring in his step. But, more important, we will treasure the memory of his uncommon example of love for country translated into deeds of lasting consequence.●

● Mr. SAM B. HALL, JR. Mr. Speaker, our good friend and colleague, GEORGE DANIELSON, has made a magnificent contribution to the work of this body. His love of the law and his tremendous legal talents have been recognized by the State of California as he assumes the position of associate justice of the California Court of Appeals. No one is more deserving of this appointment than GEORGE DANIELSON.

From the moment I took the oath of office here in the House, GEORGE DANIELSON became one of my closest friends. While we sometimes may disagree on issues, our mutual respect for the rule of law and the administration of justice transcends any political differences.

For 6 years I have been privileged to serve with GEORGE DANIELSON on the House Judiciary Committee. His knowledge of the law and its practical application is a model for all of us. He is fair, objective, and without rancor—traits which certainly will benefit the people of California as he begins his career on the bench.

As chairman of the Subcommittee on Administrative Law and Government Relations he has established a reputation for thoroughness and expertise on the complicated issues faced by the subcommittee. He wants to hear all sides on every issue, and a witness appearing before the subcommittee had best be prepared, because Chairman DANIELSON is always prepared for the witness and the subject at hand.

He will leave us many positive legacies, and one that I especially want to mention today is his work to streamline our judicial system at all levels. With forthrightness he has spoken out against the misuse of our Federal court system with frivolous litigation that can tie up the courts to the extent that justice is improperly delayed.

He fervently believes in the maxim that justice delayed is justice not properly served. Chief Justice Burger has been talking about this problem recently in candid terms, and he has been supported by GEORGE DANIELSON.

GEORGE DANIELSON is a person of great ethic. He is the epitomy of the legislator who works long, hard, and with success, yet seeks no public recognition and avoids the limelight. He loves his country, and his record of public service attests to this fact. The people of the 30th Congressional District are indeed fortunate to have been represented by this man for the past 12 years.

I am going to miss GEORGE DANIELSON. Like every Member of the House, I will miss his good counsel and advice. Our loss is definitely California's gain. We will follow his career on the bench with the satisfaction and knowledge that the outstanding credentials he brought to Congress will now be applied to the court.●

● Mr. PHILLIP BURTON. Mr. Speaker, I join my colleagues in honoring my close friend and dedicated colleague, GEORGE DANIELSON. GEORGE is leaving the House to assume a seat on the California State Court of Appeals.

GEORGE has been a diligent, productive member of the Judiciary Committee for many years—serving faithfully and well for a crucially important committee too often shunned by Members trying to avoid the difficult, controversial issues which come before that body. When the Reagan administration attempted to abolish the Legal Services Corporation last year, I was pleased that we had GEORGE DANIELSON, a staunch defender of that agency, on the Judiciary Committee.

GEORGE'S colleagues in the House and his constituents in the 30th Congressional District will sorely miss his presence, but I know all the citizens of California will be well served in the future by Judge DANIELSON.[1]

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable GEORGE E. DANIELSON, who has accepted an appointment to become a justice on the California Court of Appeals in Los Angelas after six terms of service in the House of Representatives.

GEORGE DANIELSON had given almost 12 years of dedicated and devoted service to his constituents in California, and has compiled a splendid record of excellence and ability. His diligent efforts as chairman of the Subcommittee on Administrative Law and Governmental Relations of the House Judiciary Committee have been both fruitful and beneficial to the citizens of this Nation, and last year, his support and hard work were most commendable and crucial in bringing to the floor of the House my bill granting a Federal charter to the Italian American War Veterans of the United States.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has GEORGE DANIELSON, who is a Navy veteran of World War II, has served as a special agent of the FBI, as assistant U.S. attorney, and as a California State assemblyman and senator. He has been the majority whip during the 95th, the 96th, and the 97th Congresses, and also serves on the House Post Office and Civil Service Committee and the House Veterans' Affairs Committee.

GEORGE DANIELSON is a fine legislator and distinguished leader, and he will be missed here in the House of Representatives.

I congratulate GEORGE, and his lovely wife, Candy, on his appointment to the California Court of Appeals, and wish for him many more years of fruitful service to the people of California.●

● Mr. PATTERSON. Mr. Speaker, I would like to ask you and the rest of our colleagues in the House of Representatives to join me in extending best wishes to our good friend, GEORGE DANIELSON. As you may know, Mr. DANIELSON will be leaving us to take a seat on the California Court of Appeals, an honor that caps a long career of public service.

Throughout his career he has consistently demonstrated a sense of purpose, integrity, and dedication that is an example to us all. He will be sorely missed, not only by his constituents but also by his colleagues here in the House.

With 20 years experience as a practicing attorney and 12 years in the House, Mr. DANIELSON has a substantial background on which to launch a sound judicial career. As a member of the House Judiciary Committee and the chairman of its Subcommittee on Administrative Law and Government Relations, Mr. DANIELSON has exhibited insight, expertise, and leadership in the legal field. I am confident he will meet the challenge before him.

I know I speak for all my colleagues in offering GEORGE DANIELSON my congratulations and wishing him luck in his future endeavors.●

● Mr. PASHAYAN. Mr. Speaker, few individuals serving their Nation reach the apex of service. Today we salute one of our own who does.

My good friend and colleague from the State of California has been a courteous counselor and tolerant of potential miscalculations and follies of those in public service.

I was especially pleased and honored for his understanding of the human drama, the Armenian tragedy that evolved at the beginning of this century. That understanding will be missed. It cannot be replaced.

I join with all who serve in this Chamber in wishing GEORGE and his family continued success and happiness as he enters his newest phase of public service, as a justice of the California Court of Appeals in Los Angeles.●

● Mr. MATSUI. Mr. Speaker, it is with great pleasure that I join my colleagues in paying tribute to our friend GEORGE DANIELSON.

Though we all wish him success as he continues a long career of public service, we will miss GEORGE's presence in the House of Representatives. We are sure he will serve with great distinction as a justice on the California Court of Appeals.

GEORGE DANIELSON is one of the California delegation's most effective and articulate Members. His has always been a voice of reason and compassion. I am sure I speak for all Members of our delegation in saying that we value his friendship and his leadership. I will always be personnally grateful for the courtesy and guidance he extended to me as a freshman Member of this House.

We wish GEORGE the very best as he returns to California and we commend him for his service to our Nation.●

● Mr. DIXON. Mr. Speaker, it is a mixed pleasure to join with the chairman of my State's delegation, DON EDWARDS, and other Members of the House in paying tribute to our esteemed colleague, GEORGE DANIELSON who has recently been appointed to the California Court of Appeals by Governor Brown. I am pleased for GEORGE, and for the California legal system of which he will be an immense asset, but at the same time we all regret losing him as a Member of this body.

In over 40 years of service to his country, GEORGE DANIELSON has won a well-deserved reputation for hard work, dedication, fairness, and integrity—the epitome of "judicial temperament." He has had a breadth of experience in government and the law which few if any of us can match; as an FBI agent, naval officer, assistant U.S. attorney, and, like many of our State's delegation, a member of the State legislature. During the past 11 years, he has served this body with distinction as a Representative from California's 30th Congressional District.

As a Member of the House, GEORGE DANIELSON has never shrunk from duty or responsibility. He is one of comparatively few Members of the House to belong to three committees. Those assignments—Judiciary, Post Office and Civil Service, and Veterans' Affairs—are not the stuff of which headlines are made. But headlines are not what GEORGE DANIELSON has sought during his service here; but rather the improvement of the law, and of the body politic which it serves. The initiatives which he has pursued in recent years—regulatory reform, lobby disclosure—are complex, controversial, and not publicly visible, but nonetheless vital matters of concern to our political and legal system. In addition, he has contributed mightily to the fulfillment of the guiding principle of "equal justice under law" as a tireless supporter of the Legal Services Corporation. And few will forget the courageous and principled service which GEORGE DANIELSON discharged as a member of the House Judiciary Committee during its most sensitive and trying time, the impeachment of a President. In each of these endeavors, and as a member of the House Democratic leadership, GEORGE DANIELSON has distinguished himself and this institution.

We will miss GEORGE DANIELSON in the Halls of the House of Representatives, but we wish him all the best as he continues to serve the people of California.●

● Mr. CLAY. Mr. Speaker, I am honored to pay tribute to our distinguished colleague from California, the Honorable GEORGE E. DANIELSON. Although I will miss him as my neighbor in the Rayburn Building. And I deeply regret that the 97th Congress is losing one of its hardest working stalwarts for justice and integrity, I am happy in the knowledge that Judge DANIELSON will be a noble servant of righteousness and liberty.

Congressman DANIELSON has devoted his career to serving the people of California. His performance in the California State Legislator, and his 11 years of service in the U.S. House of Representatives, are a testimony to his deep, abiding faith in the democratic system. Congressman DANIELSON is a dedicated public servant who has earned the highest respect and praise of both his colleagues and the people he has served. He is an individual of talent, faith, and commitment who is best known for his hard work and accomplishment. A scholar of jurisprudence, GEORGE DANIELSON is a believer in the human purpose of the law. The legislative branch of government is losing one of its ideal legislators, but the judicial branch is gaining a champion of justice.

We in Congress regret Congressman DANIELSON's departure, but we thank him for all he has given and shared with us. My best wishes are with you, Judge DANIELSON.●

● Mr. ROSENTHAL. Mr. Speaker, I rise to express my congratulations and best wishes to my friend GEORGE DANIELSON as he prepares to leave the House of Representatives for the chambers of the California State Court of Appeals.

GEORGE is one of the hardest working Members of the House and an asset to the Democratic leadership. GEORGE has been known to exhibit extraordinary persistence and zeal to convince colleagues of the philosophical and political merits of legislation during a vote.

GEORGE's work on the Judiciary Committee prepares him well for the rigorous task of an appellate judge. His staunch efforts to assure maximum legal services for all Americans amply demonstrates his commitment to a fair and equitable legal system. I know he will continue this work while on the court.

GEORGE is a credit to this legislative body and I am sorry to see him leave at a time when the House is in need of his skills. He has served the people of the State of California with integrity and good judgment for over 19 years, 11 in this House, and I am sure his tenure with the court of appeals will be equally successful.●

● Mr. MAZZOLI. Mr. Speaker, it has been a privilege as well as an honor to serve in the House of Representatives with my good friend, colleague, and congressional classmate, 92d Congress, the Honorable GEORGE E. DANIELSON.

My esteemed friend and Judiciary committee seatmate has been a dedicated and devoted Representative who has rendered true service to his State and his constituency. He has been an asset to the State of California as well as to the House.

GEORGE and I have traveled together, and he has been CODEL on one of our trips. As such, he was fair, reasonable, and patient at all times. Since functioning as CODEL is a severe test of one's character, that I know, this says volumes about my friend, the gentleman from California.

As he devotes his efforts toward his new responsibilities on the California bench, GEORGE will continue in that role, to render great service to his State and to his country.

We will all miss GEORGE, and Helen and I wish him and his charming wife, Candy, much health and happiness in the years ahead.●

(Mr. EDWARDS of California asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this important and joyous subject, our tribute to the Honorable GEORGE E. DANIELSON.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

There was no objection.

HOUSING AT THE CROSSROADS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, let me say at the very outset that I do not intend to consume 1 hour of time, but it is impelling that I do speak at this time on a priority matter—the question of housing and the housing situation.

As chairman of the Subcommittee on Housing of the Committee on Banking, Finance and Urban Affairs of the House of Representatives, I have been very cognizant of the fact that we have a tremendous challenge. Today the subcommittee majority prepared the Housing Act of 1982. But the construction of new single-family homes today stands at only one-third of the level that existed in 1977. The overall rate of housing construction, that is, single-dwelling, rental, and multifamily, is less than half of what it was in 1977. And remember that by 1977 even that was not much to brag about.

Economists see no hope of a housing industry recovery in the first half of this year, and maybe not even after that. Let me say that those economists probably are not familiar with the ins and outs of housing construction, and even if we were to be gearing up now, it would still be a matter of time and we probably would not produce any effects until the terminal point of this year, in autumn, because of the peculiarities of the construction business. You just do not stop and start a housing business like you would an automobile engine.

Because of continued unprecedented interest rates, the savings and loan industry is in a state of growing desperation, which means that the prospect of regenerating mortgage credit is, to say the least, dark and dismal. Overall, the housing industry is in a state of depression, and everyone who wants to buy, sell, or rent a home is fearful, even desperate.

In the face of this great and growing crisis, unfortunately, the response of the present administration continues to be, as last year, one of dismantling of the housing programs that have served to turn our Nation into a nation of proud homeowners. Far from having a housing policy, the administration adopted an antihousing policy—a deliberate attack on the institutions, agencies, and programs that finance and deliver housing for this great Nation.

This year, with the situation even bleaker than it was 1 year ago, the administration still insists not only on doing nothing by way of a positive housing program but on redoubling their attack on the programs that do exist, such as they are now. The last 12 months have shown that less really is less, but this year the administration is calling for a demonstration that nothing is nothing.

It is simply not possible to meet the housing needs of the Nation—not only this one but any other—without an affirmative, effective national commitment to housing. Our great progress in housing was the result of a national commitment to make decent and affordable housing universally available to Americans. We can safely say that American housing was transformed under those programs, and that today Americans are on the whole the best housed people in the world. But there are still millions of Americans who do not have decent homes.

Last summer the subcommittee and I visited site after site in which migrant farmworkers, for example, less than 1½ hours drive from this Nation's Capitol, were living in conditions not fit even for livestock, let alone human beings. I need not remind any one of my colleagues that we still have slums, that we still have unspeakably bad housing for millions of poor people. And I do not need to remind anyone that almost none of our citizens can go out and find an affordable home to buy or a place to rent in today's market. With demand burgeoning and production spiraling downward, we are indeed at a crossroads. We will either meet the housing needs of the Nation or we will not. We will either progress or go backward. I do not think this Nation or any nation of this kind is going to stand still.

Without a national commitment to housing, without an affirmative program, there is no question whatsoever that we will see regression. We will see growing numbers of people who cannot afford decent housing. We will see social disturbance. We have the disturbance even now, within the last 6 months, in Germany, in Brussels, Belgium, and even in England, where the conditions have reached the boiling point that we are headed for in some areas of our country. What is worse, we will see the amount of decent housing level off and then begin to fall back. There can be no mistake: A nonpolicy in housing is an antipolicy.

Mr. Speaker, thus we are at a crossroads. If the Reagan program for fiscal 1983 goes through, there will be a virtually complete halt in the production of new, low-cost housing. There will be an accelerating deterioration of the stock of low-rent public housing. There will be no help to make housing affordable for people who have adequate but still modest incomes. There will be a permanent decrease in the level of housing production, and this will occur just as the demand for new housing will reach unprecedented levels. The consequence of all this will be that our people will become less well housed, and that retrogression will accelerate as the years go by. Housing will no longer be an attainable dream, for more and more millions of people. The cost and adequacy of housing will change rapidly, and for the worse.

I do not believe that an antihousing program is in the interests of this Nation or the American people. I believe that the only sensible choice is to continue our national commitment to housing, rather than to go further down the road that has been charted by an administration that believes the Federal Government ought to have nothing to do with housing—notwithstanding the reality that no nation has ever been able to provide adequate housing without an effective national housing program.

Together with my colleagues on the Housing Subcommittee, I am offering a constructive, effective alternative. This is a program intended to reaffirm our historic national policy: A safe, sanitary, decent, and affordable home for every American. Tomorrow, I will introduce the bill embodying this program. Today, I want to outline its basic components.

First, this program is designed to be within the budget limits of the 1982 fiscal year program for housing and community development. Those limits represent the very bottom, the absolute minimum, between an effective housing program and one that moves backward. The needs for housing assistance are far greater than will be provided by this kind of fiscal limitation, but until and unless there are basic changes in budget limits, we must do the best we can with what we have. The cost of the program I am outlining will be about $18.2 billion, which is the same amount that was available for fiscal 1982. It is not, that figure demonstrates, a dream program. It is grounded in rock-solid reality.

Second, this program is aimed to assist not only the very poor, not only the elderly, but those who have good incomes and still find themselves locked out of the housing market. It is a program aimed at helping meet the needs of every citizen who needs and cannot afford an adequate home.

What we are able to do in this bill is not enough, but it will be a beginning. The critical thing at the moment is to make a critical choice: A choice between a national commitment to housing, or a national abandonment of it. I stand for a positive commitment, and I am proud that my colleagues on the Housing Subcommittee stand with me.

What we are proposing will help. It will mark a new beginning. It will not, unhappily, be the complete answer to all the ills caused by the radical and failed experiment of Reaganomics. Ultimately, the revival of housing will require revival of the economy itself—a decline in interest rates, a rebirth of the housing finance industry, and a cessation of the Reagan attacks on such basic housing programs as FHA insurance and GNMA secondary mortgage market support. Even if there is a general improvement in economic health, these programs will remain essential, and the commitment they represent will be imperative, if housing production is ever to reach anything resembling an adequate level to meet demand.

The Democratic housing bill will contain a new, major innovation in multifamily rental housing production. This will replace the much criticized existing section 8 program for multifamily housing.

In the Democratic housing bill, the multifamily housing program will provide a targeted, flexible, and efficient production stimulus. Our aim is to assure that the assisted units are built where they are needed, that they are built in the fastest and least expensive way possible, and that they rely heavily on local initiative. Under this program, local housing agencies will develop with private sponsors applications for assisted multifamily units. The necessary Federal subsidy would be provided in any one of a number of ways, whichever is the most suitable for the project in question. It could be a capital grant, it could be a loan, it could be a grant for land acquisition, and it could be an interest subsidy. Further, preference would be given to those applications that can show a local government contribution—so that an application with a local contribution of land, for example, would be more favored than one with no local participation. To be eligible, a project must set aside 20 percent of its units for low-income persons. The balance would be for moderate income tenants. What this program aims to do is to allow maximum flexibility, so that there will be the greatest possible incentive to get units built, to insure that they are of good quality, and to insure that they meet the needs of a broad spectrum of people in the community. One way to envision this is that the Federal assistance is akin to the urban development action grant: The community brings forward a workable plan, and the Federal Government provides the catalyst to make it work. Our program will provide between 60,000 and 100,000 new units of housing, at a cost of about $1.3 billion.

In addition to rental housing, we are providing a program for homeownership. This would be an activation of the section 235(Q) program, which is available to assist families buy homes, when those families have incomes of up to 130 percent of the median income. These are families that could, if home prices and interest rates were at anything approaching reasonable levels, afford a home without help. The fact is that only a tiny percentage of our citizens are in the market, and this program is designed to help people of moderate means afford a home. Our bill provides for close to 100,000 units, with subsidies sufficient to bring interest rates down to as low as 9½ percent. To keep the costs of this program low, the subsidy would be available for a maximum of 10 years, there would be a recapture provision, and there would be a discretionary extension of assistance in cases where the Secretary of Housing and Urban Development deems such extensions necessary. We believe, however, that the families assisted by this program would have growing incomes, so that the subsidy could be eliminated by the end of a 10-year period.

The bill also provides for a continuation of the existing section 235 program, but only for 15,000 units.

With respect to low-cost housing, the Democratic bill aims to maintain the existing public housing effort. The bill provides for up to 20,000 new units of low-rent public housing, close to $2 billion for modernization of the existing public housing stock, and operating subsidies of $1.6 billion. This level of effort is the minimum necessary to keep public housing affordable for the people it serves, to keep the Nation's public housing stick in decent shape, and to insure that housing authorities do not go bankrupt.

The Democratic housing bill maintains the existing national commitment to rural housing. Whereas the Reagan program would result in no net addition to assisted housing in rural areas, our program calls for 57,200 net new units. This is critical, because a disproportionate amount of substandard housing exists in rural America, and there is simply no way—morally, economically, or practically, to close our eyes to that need, as the Reagan program would have us do.

Additionally, the Democratic housing bill will contain provisions to save homes from foreclosure, in those cases where people fall behind on mortgage payments because of temporary and uncontrollable circumstances. For example, a person laid off because of the recession could qualify for assistance. There are some 350,000 home mortgages today that are seriously in arrears—virtually every one of them because one or more members of the mortgagee's family is unemployed. This assistance would be in the form of loans, would be limited to persons who must have help to prevent foreclosure, would be available only to those with the prospects of a reasonable ability to repay, and would be limited to 1 to 2 years' duration. We recommend this provision because it is unconscionable that the economic victims of Reaganomics should lose their homes as well as their jobs. They are already paying too high a price for the growing problems of the Nation's economy, and this bill is a simple recognition of the fact that personal ruination is not a decent or sound economic policy, let alone morally defensible.

The Housing Subcommittee majority also recommends extension of existing FHA, FNMA, and insurance programs. Our bill provides for extension of crime, riot, and flood insurance, and seeks to extend the housing counseling program, one of the most cost-effective operations in the Department of Housing and Urban Development.

The Democratic housing program is, in short, comprehensive; it is responsive to the growing crisis throughout the housing industry, and it seeks to deal with the needs of the vast majority of our citizens who cannot today afford to buy or rent an adequate home. We know that no nation—this or any other—can produce the housing it needs without a policy like that embraced in our bill. We know that this Nation is facing a simple choice: To be for housing our people or against it. There is no middle ground.

The Reagan administration seeks to abandon any kind of Federal housing policy. We know that this is not possible, if this Nation is to provide adequate amounts of safe and decent housing at prices American citizens can afford to pay. I do not believe that housing should be only for the rich. It is an essential for everyone, and it is not an option. Housing is something everyone must have, and if everyone is to have it, our policy must be to assure that it is available. That is what we seek to do. We have come too far in this Nation to turn the clock back. What we are seeking to provide is a program that meets basic needs, at least part, and a program that maintains a necessary national commitment. We can do no less than this, if this Nation is to keep from slipping backward, toward dark and terrible times that haunt us still. Surely we in the latter part of the 20th century do not mean to return housing back to the darkness of the 19th century. Yet that would be the result of the antihousing program of the administration. We can do better. We must do better. This program is the better choice.

H.R. 5696 WILL SPUR AUTO INDUSTRY WITH TAX CREDIT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

● Mr. **ASHBROOK**. Mr. Speaker, today I am introducing legislation providing up to $1,500 in tax credits for individuals buying automobiles manufactured in the United States.

In the same spirit of cooperation that symbolized the historic agreement between Ford Motor Co. and the

United Auto Workers, my bill H.R. 5696 will help create the incentives to stimulate the growth of the American auto industry.

In my own State of Ohio, the auto industry is the economic lifeblood of the economy. Rubber, plastics, spark plugs, auto fabrics, and accessories are all major industries in Ohio. Indeed, Ohio is the No. 1 State in the manufacture of auto parts.

It is time to help rebuild the American auto industry. To move Government into a position of cooperation, to encourage, to set free the incentives for a prosperous industry creating jobs.

Mr. Speaker, I am today introducing H.R. 5696.

GOVERNMENT MUST HELP LABOR AND MANAGEMENT SAVE AMERICAN AUTO INDUSTRY

Mr. Speaker, the recent agreement by the United Auto Workers (UAW) to accept wage and benefit to save their industry showed the commonsense of our working people at its best. We have seen leftist ideologues in England destroy that country's economy since World War II by driving industry to the wall with union demands. No one can accuse the UAW of being soft in its demands. On the contrary, the UAW is known as one of this country's most uncompromising unions. It was a painful choice for this powerful union and its rank and file to accept reductions in benefits, but it was the choice that had to be made to save jobs, and they made it.

Government cannot ignore this historic precedent of teamwork for saving American jobs. Labor and management have taken action, and it is time for us to join the team. To this end, I am introducing legislation which will provide a 10-percent tax credit to buyers of new American made automobiles. Such action will help save an industry which provides jobs all over America, and especially in my own State of Ohio.

The parts and accessories for American automobiles make up a major part of the industry in the economically pressed Midwest. Glass, rubber, and parts provide, directly and indirectly, much of the production of our State, and we have been badly hurt by the decline of this enormous industry. For each person who actually works in car production, there are 2.2 working for suppliers of parts and accessories. As of last August, an estimated 250,000 workers had been laid off by manufacturers, but 650,000 had lost their jobs in automobile supply production, almost three times as many. This is a result of a drop from 9.67 million cars produced in 1973 to 6.25 million in 1981 by the American automotive industry. Efforts to revive it will address unemployment in the area of this country which most desperately needs reviving.

I think all of us, liberal and conservative, Democrat and Republican, can agree that this action makes good fiscal sense. An automobile produced in the United States produces a lot more in Government revenue and savings than the 10-percent tax break will cost. One worker is employed in production and supply for each four new automobiles produced each year. Each worker who remains a taxpayer and is not forced to ask for unemployment benefits represents a huge return to the Government. He also keeps other businesses from which he buys, operating, saving even more jobs. American automobile purchases help our international balance of payments.

This action provides for human needs, and is fiscally sound. But it is also pressing, which is the reason I am announcing this proposal at this time. The action of the UAW and automotive management is a major step toward American teamwork in solving our economic problem. It should be the beginning of a new era in which we stand together, workers, consumers, management, stockholders, and Government, to put the American economy back on top, and return growth and prosperity. Today, as 200 years ago, we hang together or we hang separately. If we act now, America can win the economic battle today as completely as it did the military one then.

My bill H.R. 5696 follows:

H.R. 5696

A bill to amend the Internal Revenue Code of 1954 to provide individuals an income tax credit of up to $1,500 for each new American-made passenger automobile acquired by the taxpayer

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Auto Incentive Tax Act of 1982".

SEC. 2. ALLOWANCE OF CREDIT FOR ACQUISITION OF NEW AMERICAN-MADE PASSENGER AUTOMOBILE.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting after section 44G the following new section:

"SEC. 44H. NEW AMERICAN-MADE PASSENGER AUTOMOBILES.

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 10 percent of the cost of any qualified passenger automobile acquired by the taxpayer during such year.

"(b) Maximum Credit.—The credit allowed by subsection (a) with respect to any automobile shall not exceed $1,500.

"(c) Qualified Passenger Automobile.—For purposes of this section, the term 'qualified passenger automobile' means any passenger automobile—

"(1) which is an American-made automobile,

"(2) which is acquired after March 2, 1982, and before January 1, 1988,

"(3) which is of model year 1982 or later,

"(4) the original use of which commences with the taxpayer, and

"(5) which is acquired by the taxpayer primarily for the personal use of the taxpayer or a member of his family.

"(d) Other Definitions.—For purposes of this section—

"(1) American-made automobile.—The term 'American-made automobile' means any automobile if more than 55 percent of the basis of such automobile is attributable to value added in the United States.

"(2) Passenger automobile.—The term 'passenger automobile' has the meaning given such term by section 501(2) of the Motor Vehicle Information and Cost Savings Act.

"(3) Model year.—The term 'model year' means the manufacturer's annual production period as determined by the Secretary of Transportation.

"(e) Special Rules.—

"(1) Application with other credits.—

"(A) In general.—The credit allowed by subsection (a) for the taxable year shall not exceed the tax imposed by this chapter for such taxable year, reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43.

"(B) Carryover of unused credit.—

"(i) In general.—If the amount of the credit allowable under subsection (a) (including the amount allowable by reason of this subsection) exceeds the limitation under subparagraph (A) for the taxable year, such excess shall be a carryover to each of the 3 taxable years following such year and be allowable as a credit under subsection (a) for such years.

"(ii) Ordering rule.—If an amount of credit is carried under clause (i) from a prior taxable year, the amount allowable as a credit under subsection (a) for the taxable year shall be first from such carryovers, beginning with carryovers from the earliest years.

"(2) Basis adjustments.—For purposes of this subtitle, if a credit is allowed under this section with respect to any automobile, the basis of such automobile (determined without regard to this paragraph) shall be reduced by the amount of the credit so allowed."

(b) Technical Amendments.—

(1) Subsection (a) of section 1016 of such Code (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (23), by striking out the period at the end of paragraph (24) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(25) to the extent provided in section 44H(e)(2), in the case of an automobile with respect to which a credit has been allowed under section 44H."

(2) Subsection (b) of section 6096 of such Code (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44G" and inserting in lieu thereof "44G, and 44H".

(c) Clerical Amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44G the following new item:

"Sec. 44H. New American-made passenger automobiles."

(d) Effective Date.—The amendments made by this Act shall apply to taxable years ending after March 2, 1982.●

THE FISCAL YEAR 1983 DEFENSE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 30 minutes.

● Mr. ADDABBO. Mr. Speaker, The President delivered his fiscal year 1983 budget to the Congress a few weeks ago. It arrived just about the time we were getting a clear picture of how badly the administration's economic plan enacted last year was faring. The only bright spot was that the cost of living was declining. The cost of living was declining all right, but not due to the new magic of supply side economics. No. It was nothing new at all, and it certainly was not magic—it was due to the serious recession brought on by a confusion of fiscal and monetary policy. So it was with some interest that I looked at the budget for some indication of a shift in policy to turn this economy around. But I was disappointed. It was more of the same: No change in last year's abortive tax policy, huge increases for defense, severe net reductions for all other Government activities, including a radical shift of responsibilities to State and local government, and wildly optimistic assumptions about the impact of all this on the economy and on the budget numbers.

Given the prominence of defense spending in the administration's floundering plan, it clearly must be a central matter of concern as Congress begins a careful examination of the elements of the administration's program for fiscal year 1983. I would like to share with the House some of my observations on the defense budget at this point.

The President's budget for all national defense activities in the budget is as follows:

[In billions of dollars]

	1981 actual	1982	1983	1984	1985
Budget authority	182.4	218.8	263	291	338.0
Outlays	159.8	187.5	221	253	292.1

These summary figures in the President's budget and those that follow tend to understate the budget increase between fiscal year 1982 and fiscal year 1983 because the fiscal year 1982 totals include proposed supplemental appropriations of $5.4 for pay and $2.4 billion for programs. A breakdown of that total in terms of budget authority between activities within the Department of defense and other defense activities in the Federal budget is as follows:

[In billions of dollars]

	Budget authority		
	Fiscal year 1982	Fiscal year 1983	Change
Department of Defense:			
Military personnel	38.5	44.9	+6.4
Retired pay	15.0	16.5	+1.5
Operation and maintenance	62.3	69.4	+7.1
Procurement	65.7	89.5	+23.8
R.D.T. & E	20.1	24.3	+4.2
Military construction	5.0	5.4	+.4
Family housing, revolving, management funds and other	7.5	7.5	
Total, Department of Defense	[1]214.0	[1]257.5	[1]+43.5
Atomic energy defense activities	4.6	5.5	+.9
Defense related activities	.2	.1	−1.5
Total national defense	218.8	263.1	+44.2

[1] Totals may not add due to rounding.

Within the Department of Defense, the real growth of activities over and above the inflation assumed in the President's budget is as follows:

	Percent real growth
Military personnel	+3.5
Retired pay	+3.1
Operation and maintenance	+6.2
Procurement	+28.4
R.D.T. & E	+14.6
Family housing, military construction and other	+11.0
Total, Department of Defense	+13.2

BIG INCREASES IN PROCUREMENT AND R. & D.

If the impression you get from these numbers is that defense spending is huge and is programed for even more staggering increases, you are reading the record correctly. Total outlays for defense in the administration's budget are 6.4 percent of the GNP in fiscal year 1983 and are slated to grow to 7 percent by fiscal year 1985. Measured against total Federal spending, defense, under the administration plan, is 29.2 percent of the total budget in fiscal year 1983 and will grow to 33.7 percent by 1985. Those indicators reflect just 2 years growth. Keep in mind that the 5-year defense plan from fiscal year 1983 through fiscal year 1987 totals about $1.7 trillion. A futher critical observation is that the fiscal year 1983 budget increase is weighted very heavily in the area of investment, 28.4 percent real growth in procurement and 14.6 percent real growth in research, development, test, and evaluation.

Administration budgets are proposals, and as with all proposals, the administration defense budget raises some basic concerns that will have to be examined in some detail by Congress.

READINESS

Readiness of the forces has been a continuing concern of the Congress and this administration, yet the administration's budget increases are weighted heavily in the area of procurement and R. & D. Are we adequately handling today's readiness problem? Are we adequately preparing in today's budget for the enormous future personnel and operations and maintenance costs forshadowed by this heavy investment in high technology weapons systems?

STRATEGIC PACKAGE

Much of the procurement and R. & D. increase is targeted toward strategic forces. The strategic package in last year's budget had the permanence and depth of analysis of a press release. If this year's budget is a reflection of the past in any way, it is a model of confusion and will require careful rethinking by Congress.

DEFENSE INDUSTRIAL BASE

The emphasis on procurement also raises the question of the adequacy of the defense industrial base to absorb the defense spending contemplated efficiently. This question was dismissed summarily last year by the administration, but this year the President's own Economic Report raises serious questions about the impact of the Department of Defense's planned spending on the heavy industrial sector of the economy. The Economic Report notes that the average growth of defense spending in the durable manufacturing sector from 1981 to 1987 will be 16 percent, larger than the 14 percent hit during the 3 peak years of the Vietnam buildup. It further questions whether we will have available a sufficient number of the quality people needed to operate and maintain the complex weapons we are putting into place.

FAILURE TO TARGET PAY INCREASES

Another major concern is whether we can afford to continue the policy of across-the-board pay bonuses to the military as a method of achieving recruiting and retention goals. For 2 years the Congress has concentrated heavily on improving military pay across the board. In general terms we are achieving recruiting and retention goals, both in the numbers and quality of people. Nevertheless, the military still has severe shortages in particular high-skill areas. We must ask which is the more efficient use of funds to meet this continuing problem. To target the money on the problem areas? Or to provide still another across-the-board bonus for the military? The budget proposes an 8-percent raise for the military and a 5-percent pay raise for everybody else in government—a 3-percent across-the-board bonus.

FAILURE TO TERMINATE MAJOR WEAPONS PROGRAMS

Everybody must know by now that a continuing problem in defense budget decisionmaking has been the failure to terminate programs that are not working out. The practice in defense—when cost overruns exert strong budget pressure—is not to terminate major weapons systems, but to keep all systems going, but at uneconomically low production rates. It was with a great deal of satisfaction when I read last March in the President's "Program for Economic Recovery" that "weapons systems that are poorly managed, excessively costly in relation to mission requirement, or peripheral to U.S. defense requirements will be terminated."

The 1983 budget proudly notes that 60 programs have been eliminated or reduced. Of the 60 programs DOD takes credit in eliminating or reducing in fiscal year 1982, many are reductions of congressional add-on's, some reductions were actually made by Congress and not by DOD, and others are not reductions at all. For example, included in the 60 programs is an $18 million reduction in the Seafire program and a $10 million reduction in the stratified charge rotary combustion engine. These two programs were initiated by Congress and DOD chose not to fund them. The $422 million reduction for U.S.S. *Oriskany* reactivation was a congressional reduction, as was the $60 million for JP-233. The $392 million reduction for the TAKX maritime prepositioning ship is not a reduction at all because it will be funded in the O. & M. appropriations rather than in procurement appropriations. Further, reduction on $10 million in advance procurement for the TAH hospital ship is counted, yet that ship is fully funded in the fiscal year 1983 procurement budget. Finally, the total savings in fiscal year 1983 are less than 1 percent of what is being requested for procurement and research and development. The Department's drive to terminate major programs appears to have dissolved into a numbers exercise. Congress has its work cut out for itself in this area.

INFLATION SUPPLEMENTAL FOR DEFENSE

The budget also raises questions about the relative priorities within the defense budget itself. The Appropriations Committee usually attaches a sense of urgency to those items that are included in the spring supplemental. Supplementals generally are not the place for new programs to be initiated or for old programs to expand dramatically. The Department completed a total review of the fiscal year budget and submitted its revised budget to the Congress last October.

I would have expected an "inflation" supplemental to include the additional funds necessary to purchase certain items included in the October budget. But no. The administration's approach to the so-called inflation supplemental for defense was to calculate a total amount it felt the Department needed due to inflation, and then simply request new starts or expand old programs until the total inflation allowance was spent. This proposed supplemental includes development of a much improved advanced ballistic reentry vehicle essential for the MX to meet the current deployment schedule; an initial increment of construction for the Rapid Deployment Force; the transfer of equipment to fill Pomcus Division sets 5 and 6; the purchase of two KC-10 tanker/cargo aircraft; long leadtime items needed for two C-5 cargo aircraft included in the fiscal year 1983 budget; and production and storage of vitally needed components of the M-1 tank to insure an adequate surge capability for the future. These items all appear to be new initiatives. Clearly the fiscal year 1982 defense program supplemental does not appear to meet the test of urgency and will also bear the most careful review.

CAN DEFENSE SPENDING BE REDUCED?

Perhaps the most fundamental question Congress must face is whether the defense budget can be reduced at all. In light of just a few of the issues raised by the defense budget submitted to us, which I have just reviewed, this question would seem to be ridiculous. Nevertheless, the argument is heard that it is pointless to reduce budget authority or appropriations for defense procurement because these funds spend out over a number of years with only marginal impact on this year's deficit. On the other hand, it is argued that it is imprudent to reduce personnel or operation and maintenance accounts, which do spend out almost entirely in the first year, because those reductions necessarily impair readiness.

The first response is obvious. Congress has a responsibility to provide for the national defense, not merely to spend money on activities labeled defense. Clearly as Congress reviews the issues I have taken the time to discuss, as well as many others, there will be ample opportunity to direct defense spending along more efficient avenues. The administration itself claims that its own efforts to improve management in the Department of Defense alone will be saving some $61 billion by fiscal year 1987. Are we to believe that Congress cannot contribute to this effort at all? I would point out that Admiral Rickover as he concluded his long and distinguished career in the military, answered the question by presenting a series of suggestions to Congress on ways in which he thinks Defense funds could be spent more efficiently.

We must also keep in mind that the deficit problem we face is not only large in fiscal year 1983 terms—the budget itself notes that it could go to $146 billion in 1983 unless a number of heroic assumptions are somehow realized—those deficits are projected well out into the future. In those terms every billion dollars not appropriated for long-range spending items—like procurement—is still $1 billion that will cut the size of Federal deficits. Keep in mind that it was the impact of the huge tax cuts enacted last year on future year deficits that helped get us into our present economic mess.

Finally, if you are convinced that Federal spending must be cut to help meet the deficit problem, then you must consider where the growth in expenditures is occurring. The following table makes clear that defense cannot be excluded from budget reduction efforts. If we are to go duck hunting, then we must go where the ducks are.

Real growth average 1980-85

	Percent change
National defense	+8.0
Payments for individuals	+2.0
Net interest	+6.7
Grants and Federal operations	−17.1
Total Federal budget	+1.4

DEFENSE APPROPRIATIONS SUBCOMMITTEE BILL

Now I would like to focus on the defense bill the Defense Appropriations Subcommittee will consider this year. The fiscal year 1983 budget request for those items included in the annual Defense appropriation bill totals $245.6 billion, not including contingencies. This is an increase of $45.7 billion more than the $199.9 billion appropriated to date for fiscal year 1982. The fiscal year 1983 request is 22.9 percent more than the fiscal year 1982 appropriations made to date.

Pentagon figures used in Secretary Weinberger's press release include the anticipated fiscal year 1982 supplemental amounts in the fiscal year 1982 figures and all Defense Department functions including military construction and family housing as well as various fiscal year 1983 contingencies. This gives a total requested amount for fiscal year 1983 budget authority of $257.5 billion, an increase of $43.7 billion above fiscal year 1982 amounts projected at $214.1 billion.

Outlays are not projected to increase as sharply as budget authority. This indicates an increase in unexpended balances. The outlays estimated in the accounts covered in the defense appropriations total $205.1 billion for fiscal year 1983 as compared with $171.1 billion in fiscal year 1982 to date. The $34 billion increase is a 19.9-percent increase.

The budget includes a $2.4 billion program supplemental for Defense. Under "Items Proposed for Later Transmission" is a $5.4 billion Defense pay supplemental.

The Office of the Secretary of Defense stated that the fiscal year 1983 increase is roughly divided equally in three categories: Inflation, management initiatives, and new programs.

Management initiatives include such things as: Multiyear procurement, $578 million; economic production rates, $3.4 billion; budgeting to most likely costs, $2 billion; and productivity investment, $121 million.

The management initiatives are designed to save money in the long run even though they require additional funds in fiscal year 1983.

Procedures for estimating inflation have been revised. In certain specific areas, such as shipbuilding, a specific "defense marketplace" inflation factor is added to the standard inflation factor when projecting costs.

The Defense budget proposes the conversion of 17,620 personnel spaces to contractual services during fiscal year 1983. The total personnel picture shows an increase of 2,000 civilian personnel, 56,000 military personnel, and 347,000 defense industry personnel in fiscal year 1983.

The budget authority increase, including fiscal year 1982 supplementals, for the Defense bill alone is distributed by military service as follows:

[In billions of dollars]

	Fiscal year—		Increase
	1982	1983	
Army	49.9	58.5	+8.6
Navy	66.7	86.0	+19.3
Air Force	62.4	75.2	+12.9
OSD/defense agencies	7.6	9.3	+1.6

Now, Mr. Speaker, I would like to review some of the highlights of the defense budget as the defense subcommittee will consider it by title of the bill.

MILITARY PERSONNEL

Total active duty military personnel are estimated to increase by 37,000 to an end-of-year strength of 2,148,000. By contrast total nondefense Federal civilian personnel (excluding post office) are estimated to decline by 28,500 to a total of 1,105,400 in fiscal year 1983. A key development this last year has been the achievement of all forces of their strength objectives. All services made significant improvement in enlisting high quality recruits and in retaining experienced personnel. A summary of active duty strength at the end of the year by service follows:

ACTIVE DUTY AT END OF YEAR

[In thousands]

	Fiscal year—			Change [1]
	1981 actual	1982 estimate	1983 estimate	
Army	781	784	784	−1
Navy	540	553	569	+16
Marine Corps	191	192	195	+3
Air Force	570	581	600	+19
Total, Defense active duty	2,082	2,110	2,148	+37

[1] Fiscal year 1982 to fiscal year 1983.

The number of National Guard and Reserve personnel estimated to participate in the paid training programs and the number of full-time-duty military personnel are estimated to increase by 54,000 to a total of 1,000,000 in fiscal year 1983. A summary table follows:

GUARD AND RESERVE AT END OF YEAR

[In thousands]

	Fiscal year—			Change [1]
	1981 actual	1982 estimates	1983 estimates	
Army Reserve	232	252	269	+17
Navy Reserve	88	94	106	+12
Marine Corps Reserve	37	39	40	+1
Air Force Reserve	62	64	67	+3
Army National Guard	389	398	417	+19
Air National Guard	98	100	101	+1
Total [2]	907	946	1,000	+54

[1] Fiscal year 1982 to fiscal year 1983.
[2] Numbers may differ due to rounding.

The total increase for military personnel for fiscal year 1983 is $6.4 billion. This amount reflects a program budget supplemental for fiscal year 1982 of $367 million for discretionary pay and allowances already authorized but not yet funded. A $4.4 billion pay supplemental for fiscal year 1982 is included in the budget totals in a reserve for Defense. The formal budget request for this pay supplemental is not expected to be submitted to Congress until April, May or June.

Pay raise assumptions for the DOD for fiscal year 1983 are as follows:

	Percent increase
Military	8.0
General Schedule	5.0
Wage Board	5.0
Military retired pay	6.5

A summary table of funding for military personnel follows:

BUDGET AUTHORITY

[In millions]

	Fiscal year 1982 estimate				Fiscal year 1983 estimate	Change [1]
	Enacted	Supplemental		Total fiscal year 1982		
		Pay	Program			
Active	34,638.2		338.6	34,976.8	40,287.5	+5,310.7
Reserve	3,549.9		28.1	3,488.0	4,608.0	+1,120.0
Total	38,098.1		366.7	38,464.8	44,895.5	+6,430.7

[1] Fiscal year 1982 to fiscal year 1983.

MILITARY RETIRED PAY

Retired pay for fiscal year 1983 is expected to increase by $1.5 billion. These amounts reflect a fiscal year 1982 supplemental to cover effects of the Consumer Price Index and the October 1, 1981, military pay raise.

Two significant reforms are proposed for military retirement programs. The first would limit cost-of-living increases to the lower of the CPI or the annual base pay increase for military personnel. Part of the rationale is to take away the incentive to retire early by assuring that new military retirees would not receive lower annuities than those with identical service records who retired several years ago.

The other reform would change the accounting for the defense budget so that the costs of retirement benefits are reflected in the years they are earned, not when they are finally paid off. The budget now reflects only the benefits paid to military personnel who have already retired, not the costs that are building up from those now on duty.

A summary of the military retired pay request follows:

	Millions
Budget authority:	
Fiscal year 1982:	
Enacted	$14,938.3
Supplemental	97.7
Total	15,036.0
Fiscal year 1983	16,510.8
Change, fiscal year 1982 to fiscal year 1983	+1,474.8

OPERATION AND MAINTENANCE

In the operations and maintenance area, the budget requests $70.4 billion in fiscal year 1983, an increase of $8.5 billion or 13.7 percent above the $61.9 billion already appropriated for fiscal year 1982. In addition, the administration is requesting $858.3 million at this time for a fiscal year 1982 program supplemental and intends to request an additional $866.9 million later to finance the October 1 fiscal year 1981 civilian pay raise.

These appropriations finance the costs of operating and maintaining the Armed Forces, including the Reserve components and related support activities of the Department of Defense, except military personnel costs. Included are amounts for pay of civilians, contract services for maintenance of equipment and facilities, fuel, supplies, and repair parts for weapons and equipment. Financial requirements are influenced by many factors, including force levels such as the number of aircraft squadrons, Army or Marine Corps divisions, installations, military strength and deployments, rates of operational activity, and quantity and complexity of major equipment—aircraft, ships, missiles, tanks, et cetera—in operation. Both the fiscal year 1982 supplemental and the fiscal year 1983 budget reflect a substantial increase to protect and enhance defense readiness capabilities.

As has been the case in previous years, the budget reflects a continuing conversion to contract of a substantial number of personnel spaces. For example, in fiscal year 1983 the Department plans the additional contracting of workload which otherwise would have required 1,932 military and 15,688 civilian personnel if the effort had remained in-house. Nevertheless, the DOD still plans to have 1,035,000 civilians and 2,148,000 active duty military personnel on the roles at the end of fiscal year 1983.

The budget as proposed for fiscal year 1983 includes several increases designed to improve the near-term readiness of our forces. For example, included in the Army O. & M. budget increase of $1.8 billion are funds for increased support for new weapons systems being delivered to the field and improvement in both individual and unit training. The total O. & M. increase of $3.1 billion for the Navy and Marine Corps reflects costs associated with operation of 20 additional ships, 9 additional ship overhauls, and 3,000 additional marines. The Air Force increase of $1.9 billion is largely associated with an increase of 89,000 flying hours and expansion of its depot maintenance program.

As a result of the Congress placing a high priority on reducing the number of Navy ships overdue for overhaul, the fiscal year 1983 budget completes this long-term initiative by bringing the number overdue for lack of funding to zero. I must point out, however, that 11 ships will still be operating beyond their desired overhaul date, but can not be scheduled to enter overhaul in fiscal year 1983 even if additional funds were made available due to operational commitments.

A significant change is included in fiscal year 1983 for budgeting for industrial plant equipment at DOD industrial activities. Previously, such equipment was purchased directly from funds appropriated in the procurement accounts. In fiscal year 1983, DOD is proposing that the receipts received by these industrial activities from O. & M. customers be made available for such equipment procurement. As a result, a migration of funds has occurred out of the procurement accounts into the customer O. & M. accounts. Although the budget only reflects a reduction of $200 million to the procurement accounts, it is estimated that sufficient cash will be available in the industrial funds for DOD to purchase $700 million of industrial plant equipment—an increase of $500 million disguised in the budget by the change in budgeting procedure.

Despite clear direction to the contrary from the Congress, the President is again proposing that two additional division sets of Army equipment be prepositioned in Europe. This would bring the total of the prepositioned division sets to six. Because the committee believes that the dedicated European prepositioning of this equipment would inhibit our capability to respond to non-European contingencies we included a general provision in the fiscal year 1982 bill to prohibit prepositioning the fifth and sixth sets in Europe. The committee took this step after less than enthusiastic support was given by the Army itself for diverting this equipment away from its CONUS active and Reserve forces.

Although the operation and maintenance appropriations fund a large number of critical near-term readiness and training items, they also fund many overhead and administrative functions. Most of these nonreadiness items are contained in what is called administrative and associated activities—or program 9 in DOD's internal budget jargon. The fiscal year 1983 request for these nonreadiness items increases by $700 million over the fiscal year 1982 total of $3.6 billion. Excluding inflation, program 9 increases in real terms by $500 million. Last year the budget also reflected a real increase of $400 million. Upon a detailed examination by the committee last year as to why nonreadiness items should increase so substantially in a year of major budget reductions for most of the Government, DOD quickly revised its budget charts causing the real growth in program 9 to disappear. The committee will look at this area in some detail again this year.

Both the fiscal year 1982 supplemental and the fiscal year 1983 request call for a large increase in the stockage of bulk fuel in order to take advantage of relatively favorable fuel prices. This continues the initiative by the committee in the fiscal year 1981 supplemental when funding for 8.5 million barrels was included. Funding for an additional stockpiling of 1.1 million barrels was included in the regular fiscal year 1982 bill. The increases now being requested in the fiscal year 1982 supplemental and in fiscal year 1983 are 2.3 million barrels and 3.1 million barrels respectively. The committee will review this requirement in order to insure that there is sufficient storage capacity for this stockage.

The fiscal year 1982 supplemental also includes an increase of $460 million to reduce the backlog of real property maintenance projects. Although the committee has been a major proponent of reducing this backlog, there is a real question as to whether the Department can even spend the substantial increase in the few months that it will be available for obligation after the supplemental is enacted.

PROCUREMENT

The proposed fiscal year 1983 procurement budget is $89,547,214,000 in new obligational authority, an increase of $24,497,629,000 or 38 percent over the $65,049,585,000 total funding made available to date in fiscal year 1982. In addition, the budget proposed a fiscal year 1982 program supplemental totaling $2,314,555,000, of which over $1 billion is identified for the procurement budget. The procurement appropriation represents by far the largest increase in the new Defense budget. This is in addition to the 33.7 percent procurement increase in fiscal year 1981 over 1980, and the 35.4 percent procurement increase in fiscal year 1982 over 1981. As a matter of fact, the fiscal year 1983 procurement budget is $41.5 billion or 86.5 percent more than the $48 billion appropriated for procurement in fiscal year 1981—less than 2 years ago.

ARMY

The Army consumes 20 percent of the procurement budget in fiscal year 1983, and increases $3.8 billion or 27 percent over the amounts made available in the current fiscal year. The largest increase in the Army procurement budget is for aircraft. While the new Army aircraft budget shows an increase of $834.8 million or 44 percent over fiscal year 1982, only 29 additional aircraft—a 23 percent increase—will be procured this coming fiscal year than was purchased in fiscal year 1982. There are 48 AH-64 attack helicopters budgeted, compared with 11 in fiscal year 1982. The Army will also buy 12 C-12 type aircraft and 96 UH-60 Black Hawk helicopters. Spares and repair parts purchases will increase 116 percent from the fiscal year 1982 level, while modification of aircraft will decline about 13 percent in the new budget.

Missile purchases represent the next largest Army increase in procurement over the current fiscal year—an additional $715.4 million or an increase of 34 percent. Over 24,400 additional missiles are budgeted in the new fiscal year than were procured in fiscal year 1982. No Roland antiair missiles are budgeted, but $61.3 million is budgeted to complete the buy of Roland fire units and related equipment. There are significant increases in the proposed purchases of Patriot, Laser Hellfire, and multiple launch rocket system missiles. Proposed production of Stinger and TOW missiles will be about the same as in fiscal year 1982. Procurement of spares and repair parts will decline slightly, but support equipment and facilities costs will increase about 35 percent over the current fiscal year. Modification of missiles show a sharp decline in the new budget, about 70 percent less than the fiscal year 1982 level.

Weapons and tracked combat vehicles represent the third largest increase in Army procurement over fiscal year 1982. This budget increases more than $1.2 billion or 32 percent over the current fiscal year. Almost 1,300 additional tracked combat vehicles are budgeted in fiscal year 1983 than in 1982. The new budget includes 776 M-1 Abrams tanks and 600 Bradley fighting vehicles. New initiatives in fiscal year 1983 include fighting vehicles training devices, field artillery ammunition support vehicles, light armored squad carriers, mobile protected gun-cannon vehicles, and mobile protected gun-recovery vehicles. Quantities of light command post carriers, M-113 armored personnel carriers, and M-88 medium recovery vehicles, which are purchased in earlier fiscal years are also budgeted.

The new budget contains 27,739 weapons and other combat vehicles, which is 2,211 fewer in number than in fiscal year 1982. This can be a misleading statistic since the Army bought out the infantry fighting vehicle firing port weapon in fiscal year 1982, when 18,850 such weapons were purchased, and brought out the M-198 155-millimeter towed howitzer this current fiscal year when 200 where purchased. New inititives in fiscal year 1983 include smoke grenade launcher and magnetic heading sets.

The Army ammunition budget increases $845.5 million or 23 percent over the current level. Congress initiated a new procurement category for the Army in fiscal year 1982 when $50 million was appropriated for National Guard equipment. There is no fiscal year 1983 budget for National Guard equipment.

NAVY

The Navy consumes 45 percent of the fiscal year 1983 overall procurement budget, the largest of any of the services. The new Navy procurement budget increases $13.7 billion or 51 percent over the amounts made available in fiscal year 1982.

The Navy aircraft budget increases $2.5 billion or 27 percent more than the current level, but only one more aircraft is budgeted than was purchased in fiscal year 1982—288 versus 287. The only new initiative in fiscal year 1983 is the proposed procurement of eight C-2 carrier onboard delivery (COD) aircraft under a multiyear procurement (MYP) concept. Overall, the Navy aircraft procurement budget contains 8 A-6E's under MYP, 6 EA-6B electronic warfare aircraft under MYP, 18 AV-8B V/STOL aircraft for the Marines, 24 F-14's, 84 F-18's, 11 CH-53E heavy lift helicopters under MYP, 48 SH-60B MK-III LAMPS helicopters, 6 P-3C ASW aircraft, 6 E-2C early warning aircraft, and 18 SH-2F MK-I LAMPS helicopters. The Navy has also budgeted 30 T-34C training aircraft and 21 TH-57 training helicopters. Modification of aircraft increases $384.4 million or 41 percent, spares and repair parts purchases increase $539.7 million or 35 percent, and aircraft support equipment and facilities show an increase of $151.5 million or 46 percent over fiscal year 1982.

Navy weapons purchases increase $694.5 million in fiscal year 1983 or 22 percent more than the current level. Actually, ballistic missiles show a decrease of $163.5 million from the amounts appropriated for that purpose in fiscal year 1982, although the Navy will procure 72 Trident I missiles at approximately the same cost as 72 were purchased in fiscal year 1982. Modification of ballistic missiles actually decrease during fiscal year 1983. Furthermore, funding for strategic missiles remains somewhat relatively stable, increasing $67 million over the $225.2 million provided in the current fiscal year, although 120 BGM-109 Tomahawk missiles are budgeted in fiscal year 1983 compared with only 88 in the current fiscal year at an increase of 36 percent in quantity but only a 27-percent increase in cost. The largest increase is in the proposed purchase of tactical missiles which shows a 50-percent increase over fiscal year 1982, yet only 6 percent more tactical missiles will be purchased in the new fiscal year compared with the current year. The Navy will continue in fiscal year 1983 with production quantities of AIM-7 Sparrow, AIM-9 Sidewinder, AIM-54 Phoenix, AGM-84 Harpoon, AGM-88 HARM, RIM-66B, RIM-66C, and RIM-67B Standard missiles. The RIM-66B Standard missile will be purchased under MYP. Purchases of torpedos and related equipment will increase $131 million or 28 percent compared to fiscal year 1982, while the Navy will initiate production of 9-millimeter handguns in the new fiscal year. The Navy proposes to purchase the MK-46 torpedo under MYP.

The shipbuilding and conversion budget for fiscal year 1983 represents the largest single increase of any procurement appropriation. The total request is $18,648,300,000, an increase of $9.7 billion or about 109 percent over the fiscal year 1982 level. A total of 25 ships are budgeted, one more than was funded in the current fiscal year. Most of this increase reflects the full funding of two additional nuclear-powered aircraft carriers at a total cost of $7,270,300,000, including the $475 million appropriated in fiscal year 1982 for advance procurement. The Navy claims it will save as much as $750 million and have each carrier delivered 2 years earlier. The shipbuilding budget also includes two Trident submarines, two SSN-688 submarines, one battleship reactivation, the service life extension program (SLEP) of an older carrier, three CG-47 AEGIS cruisers, an LSD-41 landing ship dock, two FPG-7 class guided missile frigates, four MCM mine countermeasures ships, one TAO oiler under MYP, one ARS repair ship, four TAKRX fast logistic ship conversions, and one TAHX hospital ship. New initiatives in fiscal year 1983 include the budgeting of $97.2 million for ship contract design and $25 million for manufacturing technology. A total of $523.4 million is budgeted in the new fiscal year for cost growth and escalation on prior year ship programs.

The other procurement, Navy budget for fiscal year 1983 increases $261.4 million or 7 percent over the current fiscal year. The largest dollar increase is in the communications and electronics purchases—up $313.9 million or 27 percent over fiscal year 1982. Ship support equipment and ordnance support equipment show declines in the new budget—18 and 5 percent, respectively, under the current fiscal year levels. Civil engineering support equipment shows the largest percentage increase—51 percent—but in dollars, it is a $58.4 million increase over the $114.4 million level in fiscal year 1982. Supply support equipment and personnel/command support equipment increases 20 and 21 percent, respectively, over the current fiscal year levels.

The Marine Corps procurement budget for fiscal year 1983 increases $589.2 million or 34 percent over the current fiscal year. The largest single dollar increase in this budget is in proposed ammunition purchases, a $315.7 million or 100 percent increase over the fiscal year 1982 level. Communications and electronics increases 47 percent in fiscal year 1983. While the guided missiles budget increases 23 percent, the Marine Corps will buy 28 percent fewer total missiles in fiscal year 1983 compared with fiscal year 1982. Fewer numbers of improved Hawk and TWO missiles will be purchased in the new budget year, partially offset by larger buys of the Stinger antiair missile. The weapons and combat vehicles budget activity will go up 15 percent in the new fiscal year, with increased purchases of LVT7A1 amphibious combat vehicles, light armored vehicles, the 5.56mm SAW light machine gun and the 5.56mm M16A1 rifle. There are no medium tanks proposed for procurement in fiscal year 1983.

AIR FORCE

The Air Force consumes 34 percent of the procurement budget in fiscal year 1983, and increases $6.6 billion or 28 percent over the amounts made available in the current fiscal year. The largest percentage increase is in missiles, which increase 50 percent, followed by aircraft with a 28 percent increase, and the other procurement, Air Force budget with a 9 percent increase over fiscal year 1982.

The largest dollar increase is in Air Force aircraft, which is $3.8 billion more in fiscal year 1983, a 28 percent increase over the amount appropriated in fiscal year 1982. The B-1B strategic bomber procurement budget totals over $4 billion, including the initial spares request. Another $753.5 million is budgeted for B-1B research and development, for a total fiscal year 1983 B-1B program of $4,787,000,000. Seven B-1B production bombers will be procured during the new fiscal year compared with one B-1B bomber in fiscal 1982. In all, 210 aircraft are proposed for production during fiscal year 1983, which is only three more aircraft than was funded in the current fiscal year. Other new initiatives include the initial production of two C-5N airlift aircraft and the initial production of two European distribution system aircraft

(EDSA). The EDSA is to be a small commercial turbo-prop cargo aircraft with short take-off-and-landing (STOL) capability. Source selection is planned in early 1983 and several foreign and domestic candidates will be considered. The EDSA will be capable of transporting a built-up F-100 aircraft engine as the largest contingency load, and will be used in Europe to provide an increased theater capability of up to 304 additional tactical aircraft each day during hostilities. The Air Force will also procure during the new fiscal year 20 A-10's, 3 F-5E/F's, 42 F-15's, 120 F-16's, 8 KC-10's, 2 E-3A AWACS aircraft, and 4 TR-1 reconnaissance aircraft. Modification of aircraft shows nearly a $500 million increase, but no civil Reserve airlift fleet [CRAF] modifications are proposed for fiscal year 1983, although the CRAF program is planned for funding during fiscal year 1984. The $3.7 billion for spares and repair parts is $242 million less than the fiscal year 1982 level, and support equipment and facilities also decrease $252 million in fiscal year 1983.

Air Force missiles will increase almost $2.3 billion in fiscal year 1983 over the current fiscal year level, an increase of 50 percent. The largest single dollar increase in this budget activity is in strategic ballistic missiles, which are $1.3 billion—or 1,205 percent—over the fiscal year 1982 level. This increase reflects the proposed initial production of nine new MX advanced ICBM strategic missiles at a cost of a little over $1.4 billion. With the $2.8 billion research and development request and the $207 million in military construction requirement, the total fiscal year 1983 MX budget is about $4.5 billion. Another significant percentage increase is in other Air Force missiles, including strategic cruise missiles. The new budget proposes an increase of $404.6 million or 23 percent more than the fiscal year 1982 level for other missiles. Air launch and ground launch cruise missiles account for $268.9 million or 29 percent of this overall increase. Tactical missiles increase $135.7 million or 17 percent over the current fiscal year level, primarily in the production of the AGM-65D IIR Maverick missile. In total, the Air Force proposes to produce 6,555 strategic ballistic/cruise and tactical missiles during the new fiscal year, which is an increase of 66 percent over the fiscal year 1982 level. Production will continue in the new budget year with quantities of the AIM-7 Sparrow, the AIM-9 Sidewinder, the Rapier, and the AGM-88A HARM in addition to those previously mentioned. Modification of missiles increase 98 percent, although in dollars, it is an increase of $79.3 million over the current level. Missile spares and repair parts increase $64.2 million or 31 percent during fiscal year 1983. The other support category increases 15 percent over the 1982 level. This category includes a number of space programs. The global positioning system and the Defense Meteorological Satellite Program are proposed for MYP.

The other procurement, Air Force budget increases $478.8 million or 9 percent over fiscal year 1982. Munitions and associated equipment decrease by $226.8 million or 21 percent compared with the fiscal year 1982 level, while vehicular equipment, electronics and telecommunications equipment, and other base maintenance and support equipment all increase in fiscal year 1983.

DEFENSE AGENCIES

Defense agencies procurement, which represents less than 1 percent of the total DOD procurement budget, has an increase of $378.8 million or 74 percent over the fiscal year 1982 level. Funding of procurement items for OSD, Defense Nuclear Agency, Defense Communications Agency, Defense Logistics Agency, Defense Intelligence Agency, and other intelligence and unrelated agencies are included in this account.

FISCAL YEAR 1982 PROCUREMENT SUPPLEMENTAL

DOD proposes to submit a fiscal year 1982 program supplemental amounting to $2,314,555,000. Of the total request, over $1 billion has been identified for the procurement appropriation. Some $390 million will be required for long leadtime items relating to the KC-10 and C-5N airlift aircraft programs, although $219.1 million in new appropriations will be required with unobligated balances of $170.9 million making up the difference. A request will be made for $126 million to buy major tank subsystems in order to provide a surge capability in the production of M-1 tanks. Another $263.4 million will be requested to pay for cost growth on prior year Navy shipbuilding programs. About $59.5 million will be required for classified programs, partially offset by some $19 million in unobligated funds, for a net request in new appropriations of $40.5 million. Mobile communications and logistics vehicles as well as emergency supply equipment such as generators, field cooking equipment, bedding, and so forth will require $50 million. Another $343,721,000 will be requested as a reappropriation representing the amount of fiscal year 1978 shipbuilding funds estimated to lapse at the end of fiscal year 1982. The Navy will request that this money be extended for obligation until September 30, 1984. If enacted into law, the fiscal year 1982 procurement appropriations would be increased to a new total of $66,092,276,000, including transfers from other accounts.

Mr. Speaker, the Pentagon's request for research and development (R. & D.) fund fits the same pattern as the rest of the Defense budget. The sum requested is $24.3 billion, a 21-percent increase over the sum provided last year. Viewed in slightly longer perspective, the Pentagon is asking for an astonishing increase of 46 percent in R. & D. over the 2 fiscal years 1981 to 1983. For fiscal year 1983 alone, the R. & D. budget shows real growth of 14 percent, when the administration's projected inflation rate of 7 percent is considered.

In addition to the absolute numbers involved, we intend to scrutinize the relative priorities which those numbers represent. For example, strategic program have increased 36 percent over last year in real terms, while tactical programs have increased 3 percent. In this budget, the Pentagon proposed to spend nearly as much ($6.6 billion) on strategic programs as on tactical programs ($7.6 billion). I note that projections for fiscal year 1984 are that strategic and tactical R. & D. program spending will be nearly equal. Given the military's repeated statements that our conventional forces must be modernized, it would appear that these proportions need to be carefully analyzed.

I note, Mr. Speaker, that the MX continues to be the single most expensive system in development. The request of $2.8 billion for MX R. & D. accounts for 11.3 percent of the entire R. & D. budget of the DOD. This is despite the administration's decision to abandon the multiple protective shelter basing mode. One consequence of this decision is the perceived need for more research on ballistic missile defense. Whether a near doubling of funding (from $462 to $871 million) is prudent remains to be seen. Another strategic program we will of course review is the B-1. It is interesting to note that the Air Force is requesting $754 million for R. & D., and is projecting a total of $2.4 billion, despite testimony to our Committee from the Secretary of Defense last year that no more research was needed for the B-1.

The total R. & D. budget includes a very large number of tactical programs, many of them funded at substantial levels. These include continuations of the Pershing II missile ($111 million), an Army Scout helicopter ($76 million), the MK-48 advanced capability torpedo ($187 million), and AMRAAM, a new air-to-air missile ($208 million). Some new starts are Army battlefield data systems ($30 million), wide aperature array ($24 million), and advanced tactical fighter ($27 million). We intend to examine each of these programs closely, particularly the new starts to verify that they are in fact justified.

One final point concerning DOD's R. & D. request is of interest: Nearly half of the total request of $24.3 billion is for the Air Force. The specific percentages are these: Air Force, 46 percent; Navy, 26 percent; Army, 18 percent; Defense agencies, 10 percent.

INTELLIGENCE AND COMMUNICATIONS

The budget request for intelligence, intelligence related activities, and communications contains significant increases for a number of programs and subprograms, many of which are a continuation of initiatives started in recent years. The committee notes the request appears to reflect the acceptance by the Department of Defense of the fact, noted in past committee reports, that the initiation of new programs must be moderated in order to increase the funding for ongoing programs.

In the area of communications significant increases are requested for the several programs, including the following:

Defense satellite communications system, +$76,300,000.

Joint tactical information distribution system, +$52,200,000.

Fleet satellite communication system, +$164,900,000.

As has been the trend in the past few years the budget request for communications in fiscal year 1983 emphasizes procurement. The committee has been supportive of this trend.

In communications research and development, significant funds are requested to initiate the MILSTAR Satellite program.

CONCLUSION

Mr. Speaker, as I indicated earlier, the President has proposed a fiscal year 1983 budget which itself projects a deficit of $146 billion unless a number of heroic assumptions come true. Only by this approach has the deficit been pushed below $100 billion in the budget officially submitted.

Defense reductions alone will not solve the deficit problem for this year. Fifteen to twenty billion dollar cuts in defense appropriations would probably curtail actual disbursements in fiscal year 1983 by about $5 to $6 billion—because appropriations for heavy procurement tend to spend out over several years. Five or even ten billion dollars in defense disbursements can not solve a $91.5 billion deficit problem not to mention a $146 billion deficit problem if the budget's optimistic assumptions fail to materialize. But it is clear that the defense budget for fiscal year 1983 leaves plenty of room for congressional action to direct spending more efficiently. And it is clear that whatever tax and spending policy Congress adopts to get us out of this economic mess, a responsible review of the defense budget request by Congress will require substantial reductions on its own merits.●

INTRODUCTION OF REDRAFTED "SERVICES INDUSTRIES DEVELOPMENT ACT"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, on March 2, I introduced a new version of the Inouye-Pressler-Stark bill known as the Service Industries Development Act. This new version is designed to achieve the same purpose as the previous bill, H.R. 3848: That is, to promote and encourage attention to trade in services. The new bill, H.R. 5690, amends the Trade Act of 1974 to give to the Office of the U.S. Trade Representative the specific function of leading in and coordinating in the development of a services trade policy. In the previous bill, this function was largely carried on by the Department of Commerce. As a result of the maze of jurisdictions in the House of Representatives, that bill was referred to five separate standing committees of the House.

Mr. Speaker, I do not readily recall any bill referred to five separate committees that has ever passed in any recognizable form. The new draft results in the bill being referred to just the Ways and Means Committee and Foreign Affairs. It is certainly not my intention to eliminate any input or ideas which other committees of the Congress may have on this legislation. Indeed, I believe that the Ways and Means Committee now has a special obligation to consult with other committees to receive their ideas and input—just as it so successfully did during the consideration of the Trade Agreements Act of 1979.

Nevertheless, by getting the bill referred to just two committees, I believe that there is some prospect, some possibility that the bill can be considered in the near future.

It is important that this bill be enacted.

Services has become the most rapidly growing, least understood, and most successful of our trade sector. For example, in 1980, services such as banking, insurance, education, consulting, data flow, et cetera accounted for almost 30 percent of our total trade and provided the United States with a surplus of more than $34 billion. We are the most heavily services-oriented Nation in the world. The service sector employs about 7 out of every 10 Americans and creates some 65 percent of our GNP. With such an advanced and sophisticated services sector, it is only natural that it is a positive addition to our trade balance.

Yet there are enormous barriers to the export of various services and it is important that the administration seek to reduce and eliminate as many of those barriers as possible, so that the United States can continue to develop its comparative advantage in this sector. As USTR Ambassador William Brock recently said at the Davos, Switzerland European Management Forum on February 1:

> The highly complex and rapidly developing service and investment sectors are particularly vulnerable to emasculation by nontariff barriers. The Tokyo Round did not address those problems. Some of the most ingenious and insidious nontariff barriers didn't even exist at the time of the Tokyo Round.

Mr. Speaker, the passage of this legislation can insure that the proper attention, management, and Government organization is given to the study and development of services trade issues so that the United States can begin to enter into negotiations in this sector successfully. For example, it is my understanding that at the GATT Ministerial Meeting this autumn, the United States is likely to stress the importance of the services sector. To do this, however, we require that the Government continue to collect, analyze, and improve on its services trade data and the problems facing services exports.

For the sake of our trade balance during a very difficult period, I hope that early action can be taken on this proposal.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McDADE (at the request of Mr. MICHEL), for March 2, 1982, and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 60 minutes, today.

(The following Members (at the request of Mr. OXLEY) to revise and extend their remarks and include extraneous material:)

Mr. ASHBROOK, for 15 minutes, today.

Mr. DERWINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. PEYSER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes today.

Mr. COELHO, for 5 minutes today.

Mr. ADDABBO, for 30 minutes today.

Mr. STARK, for 5 minutes today.

Mr. GAYDOS, for 60 minutes, March 4, 1982.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GOLDWATER, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,815.

Mr. PICKLE, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $2,541.

(The following Members (at the request of Mr. OXLEY) and to include extraneous matter:)

Mr. CARMAN.
Mr. GILMAN in two instances.
Mr. GINGRICH.
Mr. LEBOUTILLIER.
Mr. SHAW.
Mr. YOUNG of Florida.
Mr. BADHAM in two instances.
Mr. ASHBROOK in four instances.
Mr. DERWINSKI in three instances.
Mr. CLINGER in two instances.
Mr. HANSEN of Idaho in three instances.
Mr. FIELDS in three instances.
Mr. MOORHEAD.
Mr. JAMES K. COYNE.
Mr. LAGOMARSINO.
Mr. EVANS of Iowa.
Mr. CONTE.
Mr. MCCLORY.
Mr. GREEN.
Mr. MCCLOSKEY.

(The following Members (at the request of Mr. PEYSER) and to include extraneous matter:)

Mr. HAMILTON.
Mr. ECKART in two instances.
Mr. VENTO in two instances.
Mr. LAFALCE in two instances.
Mr. OTTINGER.
Mr. YATRON.
Mr. STOKES.
Mr. LELAND in 10 instances.
Mr. SOLARZ in two instances.
Mr. BINGHAM in five instances.
Mr. NOWAK.
Mr. WAXMAN.
Mr. FAUNTROY.
Mr. BREAUX.
Mr. AKAKA.
Mr. ASPIN.
Mr. ROYBAL.
Mr. FLORIO.
Mr. DICKS.
Mr. KOGOVSEK.
Mr. ZEFERETTI.
Mr. FORD of Michigan.
Mr. APPLEGATE.
Mr. LEHMAN.
Mr. OBERSTAR.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4625. An act to authorize the Secretary of the Army to return to the Federal Republic of Germany certain works of art seized by the U.S. Army at the end of World War II.

SENATE ENROLLED JOINT RESOLUTIONS

The SPEAKER announced his signature to joint enrolled resolutions of the Senate of the following title:

S.J. Res. 91. Joint resolution to designate July 1982 as "National Peach Month"; and

S.J. Res. 105. Joint resolution to designate October 1982 as "National P.T.A. Membership Month."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Thursday, March 4, 1982, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3246. A letter from the Director, Selective Service System, transmitting his semiannual report for the period April 1, 1981, through September 31, 1981, pursuant to section 10(g) of the Military Selective Service Act, as amended; to the Committee on Armed Services.

3247. A letter from the Deputy Assistant Secretary of Defense (Military Personnel and Force Management), transmitting the annual report on officers' responsibility pay, pursuant to 37 U.S.C. 306(f); to the Committee on Armed Services.

3248. A letter from the Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense equipment to Saudi Arabia (Transmittal No. 82-39), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3249. A letter from the Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the Army's proposed sale of certain defense equipment to Thailand (Transmittal No. 82-41), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3250. A letter from the Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to Thailand (Transmittal No. 82-40), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3251. A letter from the Secretary of Education, transmitting final regulations of the Department for the Upward Bound program, scheduled for publication in the Federal Register, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3252. A letter from the Secretary of Education, transmitting final regulations for the special services for disadvantaged students program, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3253. A letter from the Secretary of Energy, transmitting notice of additional time required until May 1, 1982, for the Department to submit its report on the size of the strategic petroleum reserve, pursuant to section 1037 of the Omnibus Budget and Reconciliation Act of 1981, Public Law 97-35; to the Committee on Energy and Commerce.

3254. A letter from the Secretary of Health and Human Services, transmitting the fourth annual report on diabetes research and training centers, pursuant to section 435 of the Public Health Service Act; to the Committee on Energy and Commerce.

3255. A letter from the Secretary of Health and Human Services, transmitting the 1981 Report of the Director, National Cancer Institute, and the annual plan for fiscal years 1983-87 of the national cancer program, pursuant to section 404(a)(9) of the Public Health Service Act, as amended; to the Committee on Energy and Commerce.

3256. A letter from the Acting Assistant Secretary of State (Bureau of International Organization Affairs), transmitting reports on the economic commission of Africa, and the United Nations development program audit for 1980, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3257. A letter from the Acting Director, Defense Security Assistance Agency, transmitting an agreement between the U.S. Government and the Government of Australia concerning the pricing of military training, pursuant to section 21(g) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3258. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of Defense's intention to offer to sell certain defense articles and services to Korea (Transmittal No. 82-45), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3259. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the status of loans and contracts of guaranty or insurance for the Department of Defense, pursuant to section 25(a)(11) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3260. A letter from the Acting Deputy Director, Defense Security Assistance Agency, transmitting Presidential determinations 82-8, and 82-9, concerning lease of vessels to Turkey and the Republic of Korea; to the Committee on Foreign Affairs.

3261. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting an addition to report dated February 26, 1982 modifying foreign policy export controls, and extending them to January 20, 1983; to the Committee on Foreign Affairs.

3262. A letter from the Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Thailand (Transmittal No. 82-41), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3263. A letter from the Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to Saudi

Arabia (Transmittal No. 82-39), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3264. A letter from the Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Thailand (Transmittal No. 82-40), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3265. A letter from the Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Thailand (Transmittal No. 82-42), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3266. A letter from the Secretary of Health and Human Services, transmitting a report on the administration's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3267. A letter from the Postmaster General, transmitting a report on the agency's activities under the Freedom of Information Act during the calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3268. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report on the agency's activities under the Freedom of Information Act during the calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3269. A letter from the Chairman, Depository Institutions Deregulation Committee, transmitting a report on the committee's activities under the Freedom of Information Act during calendar year 1981, pursuant to 552(d); to the Committee on Government Operations.

3270. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report on the Corporation's activities under the Government in the Sunshine Act during the calendar year 1981, pursuant to 5 U.S.C. 552(j); to the Committee on Government Operations.

3271. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3272. A letter from the Chairman, Federal Maritime Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3273. A letter from the Chairman, Federal Maritime Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3274. A letter from the Chairman, National Credit Union Administration, transmitting a report on the agency's activities under the Freedom of Information Act during the calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3275. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the Administration's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3276. A letter from the Acting Administrator, Panama Canal Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3277. A letter from the Assistant Secretary, Department of Energy (Management and Administration), transmitting a report on the Department's activities under the Freedom of Information Act during the calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3278. A letter from the Acting Executive Officer, National Science Board, transmitting a report on the Board's activities under the Government in the Sunshine Act during the calendar years 1980 and 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3279. A letter from the Freedom of Information Officer, Office of the Federal Inspector, Alaska Natural Gas Transportation System, transmitting a report on the System's activities under the Freedom of Information Act during the calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3280. A letter from the Secretary of the Interior, transmitting the annual report on the anthracite mine water control and mine sealing and filling program, pursuant to Public Law 84-162; to the Committee on Interior and Insular Affairs.

3281. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to amend section 209 of title 18 of the United States Code; to the Committee on the Judiciary.

3282. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to extend the aviation insurance program for 5 years; to the Committee on Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 5696. A bill to amend the Internal Revenue Code of 1954 to provide individuals an income tax credit of up to $1,500 for each new American-made passenger automobile acquired by the taxpayer; to the Committee on Ways and Means.

By Mr. APPLEGATE:

H.R. 5697. A bill to repeal the joint resolution (Public Law 97-93) providing for waivers of law for the Alaska Natural Gas Transportation System; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. ASHBROOK:

H.R. 5698. A bill to amend section 203 of the Federal Property and Administrative Services Act of 1949 to require, prior to disposal, that notice and first right of refusal be given to certain previous holders of surplus real property suitable for agricultural uses; to the Committee on Government Operations.

By Mr. BAILEY of Pennsylvania (for himself and Mr. Moore):

H.R. 5699. A bill to amend the Internal Revenue Code of 1954 to clarify the provisions relating to exempt-interest dividends paid by regulated investment companies, and for other purposes; to the Committee on Ways and Means.

By Mr. PICKLE (for himself and Mr. Archer):

H.R. 5700. A bill to amend title II of the Social Security Act to provide adjustment benefits, vocational training, and waiver of overpayments for individuals terminated from the disability program, to strengthen the reconsideration process by providing for the earlier introduction of evidence of record, to provide for more uniformity in decisionmaking at all levels of adjudication, and for other purposes; to the Committee on Ways and Means, and to the Committee on the Judiciary solely for consideration of such provisions of sections 12 and 13 of the bill as fall within the jurisdiction of that committee under clause 1(m), rule X.

By Mr. BARNARD:

H.R. 5701. A bill to amend title 10 of the United States Code to entitle retired members of the Armed Forces employed for the Junior Reserve Officers' Training Corps to recompute their retired or retainer pay taking into consideration such employment and to allow such retired members to treat certain amounts as active duty allowances for all purposes; to the Committee on Armed Services.

By Mr. BENNETT (for himself and Mr. Chappell):

H.R. 5702. A bill to prohibit the transfer of the Florida Loan Guaranty Division of the Veterans' Administration from Jacksonville, Fla., to St. Petersburg, Fla.; to the Committee on Veterans' Affairs.

By Mr. CONYERS:

H.R. 5703. A bill to revise title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 5704. A bill to authorize the Secretary of the Army to convey certain lands and improvements to the city of Bell, Calif.; to the Committee on Armed Services.

By Mr. EDWARDS of California (for himself, Mrs. Schroeder, Mr. Quillen, Mr. Moorhead, Mr. Boner of Tennessee, Mr. Wright, Mr. Pashayan, Mr. Mineta, Mr. Waxman, Mr. Zeferetti, Mr. Dixon, Mr. Clay, and Mr. Dymally):

H.R. 5705. A bill to amend title 17 of the United States Code with respect to home audio and video recordings and audio and video recording devices and media, and for other purposes; to the Committee on the Judiciary.

By Mr. EVANS of Iowa (for himself, Mr. Morrison, Mr. Roberts of Kansas, and Mr. Skeen):

H.R. 5706. A bill to finance, in part, the agricultural export credit revolving fund by voluntary assessments on first commercial sales of raw agricultural products; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. GIBBONS (for himself, Mr. Frenzel, Mr. Bafalis, Mr. Findley, and Mr. Solarz):

H.R. 5707. A bill to permit the importation of furs that are the product of the People's Republic of China; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself, Mr. St Germain, Mr. Blanchard, Mr. Lundine, Mr. Vento, Mr. Garcia, Mr. D'Amours, Mr. Frank, Mr. William J. Coyne, Mr. Schumer, and Mr. Hoyer):

H.R. 5708. A bill to amend section 235 of the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MONTGOMERY (by request):

H.R. 5709. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans; to discontinue duplicative payments to certain veterans; to increase the level of disability required for the payment of dependents' allowances; to provide for cost-saving improvements in veterans' programs; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5710. A bill to amend chapter 37 of title 38, United States Code, to require the collection of a funding fee on all loans guaranteed, insured, or made to veterans under such chapter; to the Committee on Veterans' Affairs.

By Mr. OBERSTAR:

H.R. 5711. A bill to require, for 1 year, that the Secretary of Agriculture permit the deferral of the payment of principal and interest on, and forgo the foreclosure of, outstanding loans made under laws administered by the Farmers Home Administration to farmers who experience temporary economic hardships; to the Committee on Agriculture.

By Mr. PERKINS (for himself, Mr. Gaydos, Mr. Snyder, Mr. Rahall, Mr. Luken, Mr. McEwen, Mr. Applegate, Mr. Natcher, Mr. Mollohan, Mr. Kindness, Mr. Oxley, and Mr. Atkinson):

H.R. 5712. A bill to to authorize construction of a modification of the Gallipolis Locks and Dam, Ohio River, Ohio and West Virginia, and to insure that this work shall be completed expeditiously; to the Committee on Public Works and Transportation.

By Mr. ROSTENKOWSKI:

H.R. 5713. A bill to recognize the organization known as the Polish Legion of American Veterans; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 5714. A bill to amend the Economic Recovery Tax Act of 1981 to repeal the special leasing provisions, to repeal the windfall profit tax royalty credit, the windfall profit tax exemptions and the reduced windfall profit tax rate for newly discovered oil, to continue the treatment of certain telephone property of public utilities as 10-year property for purposes of the accelerated cost recovery system, and to amend the IRS Code of 1954 to limit the deduction of living expenses by Members of Congress and to eliminate the provision which allows such deduction without substantiation of such expense; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 5715. A bill to amend the Internal Revenue Code of 1954 to permit the tax-free rollover of partial distributions from qualified employer plans by increasing the limitations on the deduction for retirement savings; to the Committee on Ways and Means.

By Mr. SHELBY:

H.R. 5716. A bill to repeal the recently enacted elimination of child's insurance benefits under title II of the Social Security Act for postsecondary school students; to the Committee on Ways and Means.

By Mr. SNYDER:

H.R. 5717. A bill to amend the the Federal Aviation Act of 1958 to preserve and continue the uniform system of joint fares; to the Committee on Public Works and Transportation.

By Mr. STUDDS (for himself, Mrs. Schneider, Mr. Emery, Mr. Foglietta, Mr. Forsythe, Mr. Lent, Mr. Frank, Mr. de la Garza, Mr. Swift, Mrs. Snowe, Mr. Young of Alaska, and Mr. Hughes):

H.R. 5718. A bill to amend the Internal Revenue Code of 1954 to provide energy tax credits for equipment used aboard or installed on fishing vessels; to the Committee on Ways and Means.

By Mr. HARKIN (for himself, Mr. Mitchell of Maryland, Mr. Murphy and Mr. Bedell):

H.R. 5719. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on certain acquisitions of business entities; to the Committee on Ways and Means.

By Mr. CLINGER:

H.J. Res. 419. Joint resolution proposing an amendment to the Constitution of the United States to provide for a 4-year term of office for Members of the House of Representatives, to limit the number of full terms of office of Senators and of Representatives, to prohibit the election of a person to any Federal office if such person may attain the age of 70 years before the expiration of the term of such office, and to limit the term of office of judges of courts of the United States; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 420. Joint resolution designating February, 1983 as "American History Month"; to the Committee on Post Office and Civil Service.

Mr. YATES:

H.J. Res 421. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Education; to the Committee on Appropriations.

By Mr. ASHBROOK:

H. Con. Res. 279. Concurrent resolution recognizing and saluting the Benevolent and Protective Order of Elks for its leadership in volunteerism in the United States; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

279. The SPEAKER presented a memorial of the House of Representatives, Commonwealth of Pennsylvania, relative to Federal highway aid; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Ohio:

H.R. 5720. A bill for the relief of Joseph Karel Hasek; to the Committee on the Judiciary.

By Mr. FOGLIETTA:

H.R. 5721. A bill for the relief of Lai Sing Lee; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 5722. A bill for the relief of Jesus A. R. Agustin; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 450: Mr. Hartnett and Mr. Trible.

H.R. 983: Mr. Bedell.

H.R. 1313: Mr. Sam B. Hall, Jr., and Mr. White.

H.R. 2832: Mr. Bailey of Pennsylvania.

H.R. 3191: Mr. Heftel.

H.R. 3312: Mr. Beard.

H.R. 3940: Mr. Mitchell of New York, Mr. Frank, Mrs. Byron, Mr. Early, Mr. Gejdenson, Mr. Wampler, Mr. Phillip Burton, Mr. Schumer, Mr. Mavroules, Mr. Shannon, Mr. Fauntroy, Mr. Anderson, Mr. McEwen, Mr. Wolf, Mr. Williams of Ohio, Mr. Perkins, Mr. Rinaldo, Mr. Gephardt, Mr. Barnes, Mr. Whitehurst, Mr. Duncan, Mr. Brinkley, Ms. Oakar, Mr. Bailey of Pennsylvania, Mr. Stokes, Mr. McCloskey, Mr. Ritter, Mr. Madigan, Mrs. Collins of Illinois, Mr. de la Garza, Mr. Addabbo, Mr. Oxley, Mr. Brodhead, Mr. Conte, Mr. Bonior of Michigan, Mr. Dixon, Mr. Rudd, Mr. Traxler, Mr. Dymally, Mr. Ireland, Mr. Emery, Mr. Beard, Mr. Kogovsek, and Mr. Simon.

H.R. 3958: Mr. Foglietta.

H.R. 3971: Mr. Bingham and Mr. Kogovsek.

H.R. 4086: Mr. Perkins, Mr. Brodhead, Mr. Wortley, Mr. John L. Burton, Mr. LeBoutillier, Mr. Stenholm, Mr. Young of Alaska, Mr. Conte, Mr. Forsythe, Mr. Roe, Mr. Fazio, Mr. Lantos, Mr. Porter, Mrs. Fenwick, Mr. Fauntroy, and Mr. Frank.

H.R. 4147: Mr. Oberstar.

H.R. 4326: Mr. Jeffries and Mr. Vander Jagt.

H.R. 4547: Mrs. Kennelly, and Mr. McKinney.

H.R. 4554: Mr. Gingrich, Mr. Fields, Mr. Leath of Texas, Mr. Coats, Mr. Tauke, and Mr. Evans of Georgia.

H.R. 4562: Mr. Gore and Mr. Roemer.

H.R. 4636: Mr. Hawkins, Mr. Lehman, Mr. Edgar, Mr. Walgren, Mr. Foglietta, Mr. Dellums, Mr. Mineta, and Mr. Lowry of Washington.

H.R. 4637: Mr. Hawkins, Mr. Lehman, Mr. Edgar, Mr. Walgren, Mr. Foglietta, Mr. Dellums, Mr. Mineta, and Mr. Lowry of Washington.

H.R. 4657: Mr. Duncan.

H.R. 4931: Mr. Courter, Mr. Hutto, Mr. Morrison, Mr. Parris, Mr. Chappell, Mr. Gregg, Mr. Stangeland, Mr. LeBoutillier, Mr. Mollohan, Mr. Won Pat, Mr. McDonald, Mr. Smith of Oregon, Mr. Gingrich, Mr. Hagedorn, Mr. Whitehurst, Mr. Duncan, Mr. Taylor, Mrs. Holt, Mr. Johnston, Mr. McKinney, Mr. Shelby, Mr. Lott, and Mr. Burgener.

H.R. 4999: Mr. Kindness.

H.R. 5103: Mr. Frenzel.

H.R. 5131: Mr. Minish.

H.R. 5180: Mr. Lowry of Washington, Mr. Stokes, Mr. Dymally, Mr. Coats, Mr. Synar, Mr. Bonker, Mr. Leland, Mr. Hammerschmidt, Mr. D'Amours, Mr. McKinney, Mr. Edgar, Mr. Kazen, Mr. Horton, Mr. Coleman, Mr. Nelson, Mr. Moffett, Mr. Corcoran, Mr. Fish, Mr. Kogovsek, Mr. Evans of Georgia, Mr. Udall, and Ms. Roukema.

H.R. 5242: Mr. Ritter, Mr. Gramm, Mr. Fuqua, Mr. Fields, Mr. Bailey of Missouri, Mr. Smith of Oregon, Mrs. Snowe, Mr. Duncan, Mr. Jeffries, and Mr. Smith of New Jersey.

H.R. 5348: Mr. Bonior of Michigan, Mr. Howard, Mr. Goldwater, Mr. Neal, Mr. Yatron, Mr. Albosta, Mr. Kildee, Mr. Moakley, Mr. Stark, Mr. Won Pat, Mr. Mottl, Mr. Boland, Mr. Price, Mr. Reuss, Mr. O'Brien, Mr. Wampler, Mr. Mineta, Mr. Crockett, Mr. John L. Burton, Mr. Hefner, Mr. Hatcher, Mr. Long of Maryland, Mr. Mavroules, Mr. Eckart, Mr. Fish, Mr. Martin of New York, Mr. Edgar, Mr. Weber of Ohio, Mr. Markey, and Mr. Roemer.

H.R. 5383: Mr. Vander Jagt.

H.R. 5407: Mr. Lantos.

H.R. 5408: Mr. Lantos.

H.R. 5434: Mr. Frenzel.

H.R. 5448: Mr. Sam B. Hall, Jr., Mr. Gingrich, Mr. Kindness, Mr. Lagomarsino, Mr. Hansen of Utah, Mr. Jeffries, and Mr. Derwinski.

H.R. 5469: Mr. Gejdenson.

H.R. 5496: Mr. Philip M. Crane and Mr. Paul.

H.R. 5509: Mr. Early, Mr. Rosenthal, Mr. Fowler, Mr. Oberstar, Mr. Clay, Mr. Kastenmeier, Mr. Murphy, Mr. Dougherty, Mr. Horton, Mr. Mavroules, Mr. Bingham, Mr. Leach of Iowa, Mr. Biaggi, Mr. Dellums, Mr. Studds, Mr. Mitchell of Maryland, Mr. Howard, Mr. Lowry of Washington, Mr. Smith of Pennsylvania, Mr. Fauntroy, Mr. Vento, Mr. Bevill, Mr. Roe, Mrs. Chisholm, and Mr. Hughes.

H.R. 5573: Mrs. Heckler, Mr. Richmond, Mr. Weber of Minnesota, Mr. Forsythe, Mr. Bafalis, Mr. Gejdenson, Mr. Wyden, Mr. Shamansky, Mr. Murphy, Mr. McCurdy, Mr. Mitchell of Maryland, Mr. Lehman, Mr. Biaggi, Mr. Ford of Michigan, Mr. Lantos, Mr. Pepper, Mr. Hiler, Mr. Mineta, Mr. Hyde, Mr. de la Garza, Mr. Fazio, and Mr. Dixon.

H.R. 5579: Ms. Fiedler.

H.R. 5659: Mr. Clausen and Mr. Stangeland.

H.J. Res. 272: Mr. Ertel, Mr. Coats, Mr. Jeffords, Mr. Green, Mr. Ritter, and Mr. Mica.

H.J. Res. 305: Mr. Howard.

H.J. Res. 363: Mr. Lehman, Mr. Roberts of Kansas, Mr. D'Amours, Mr. Lott, Mr. Cheney, Mrs. Kennelly, Mr. Robert W. Daniel, Jr., Mr. Hoyer, Ms. Mikulski, Mr. Chappie, Mr. McCurdy, Mr. Breaux, Mr. Sabo, Mr. Gunderson, Mr. Forsythe, Mr. Kildee, Mr. Whitehurst, Mr. Nichols, Mr. Conte, Mr. Erdahl, Mr. Derrick, Mr. Denardis, Mr. Vento, Mr. Winn, Mr. Oberstar, Mr. Kemp, Mr. Horton, Mr. Stenholm, Mr. Howard, Mr. Wirth, Mr. Bailey of Missouri, Mr. Parris, Mr. Hatcher, Mr. Leach of Iowa, Mr. Grisham, Mr. Long of Louisiana, Mr. Ottinger, Mr. Lott, Mrs. Martin of Illinois, Mr. Mineta, Mr. Weaver, and Mr. Young of Florida.

H.J. Res. 371: Mrs. Kennelly, Mr. Hoyer, Mr. Roe, Mr. Pepper, Mr. Murphy, Mr. Moorhead, Ms. Mikulski, Ms. Oakar, Mr. Skelton, Mr. Young of Alaska, Mr. Wolpe, Mr. Wirth, Mr. Williams of Ohio, Mr. Lent, Mr. Whitley, Mrs. Bouquard, Mr. Lantos, Mr. Forsythe, Mr. Hertel, Mr. Kazen, Mr. Kemp, Mr. Campbell, Mr. Tauzin, Mr. Stangeland, Mr. Hutto, Mr. Gunderson, Mr. Weaver, Mr. White, Mr. Walgren, Mr. Sabo, Mr. Solomon, Mr. Smith of Oregon, Mr. Smith of Alabama, Mr. Montgomery, Mr. Sawyer, Mr. St Germain, Mr. Pursell, Mr. Price, Mr. Badham, Mr. Pashayan, Mr. Nowak, Mr. Murtha, Mr. Barnes, Mrs. Heckler, Mr. Bafalis, Mr. Molinari, Mr. Beard, and Mr. Corrada.

H.J. Res. 385: Mr. LaFalce and Mr. Fary.

H.J. Res. 395: Mr. Derwinski, Mr. Hughes, Mr. Crockett, Mr. Gilman, Mr. Simon, Mr. Natcher, Mr. Danielson, Mr. Coats, Mr. Stangeland, Mr. Sunia, and Mr. Chappell.

H.J. Res. 404: Mr. Bailey of Pennsylvania.

H. Con. Res. 54: Mr. Howard.

H. Con. Res. 151: Mr. Mica.

H. Con. Res. 222: Mr. Gejdenson.

H. Con. Res. 248: Mr. Atkinson, Mr. Rousselot, Mr. Jeffords, Mr. Molinari, Mr. Ashbrook, and Mr. McDonald.

H. Con. Res. 263. Mr. Hopkins, Mr. Spence, Mr. Evans of Georgia, Mr. McDonald, Mr. Shumway, and Mr. Hansen of Utah.

H. Con. Res. 275: Mr. Coelho, Mr. Bailey of Pennsylvania, Mr. Frank, and Mr. LaFalce.

H. Res. 310: Mr. Patterson.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 374: Mr. Dicks.

PETITIONS, ETC.

Under clause 1 of rule XXII.

361. The **SPEAKER** presented a petition of Winston-Salem Central Labor Union, AFL-CIO, Winston-Salem, N.C., relative to telecommunications policy; which was referred jointly to the Committees on the Judiciary and Energy and Commerce.

EXTENSIONS OF REMARKS

THE LAW OF THE SEA: PLUMBING THE DEPTHS AND ROCK BOTTOM

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. FIELDS. Mr. Speaker, numerous articles have appeared in various publications regarding the Law of the Sea Treaty in the last several years. I am including in the RECORD for the benefit of my colleagues excerpts from an article which appeared in the Intellectual Activist last April. The Activist is a publication dedicated to the defense of individual rights.

The article follows:

PLUMBING THE DEPTHS

The ocean floor contains vast quantities of untapped mineral wealth—and the undeveloped nations want it. More precisely, they want the industrialized world to get it for them—to discover the requisite knowledge, to develop the appropriate technology, to locate the profitable sites, to excavate the hidden resources, and to hand it all over.

The developed countries, led by the United States, have naturally been quite accommodating.

In 1970 the United Nations General Assembly voted on a Declaration of Principles concerning seabed mining. It stated: "The seabed and ocean floor . . . as well as the resources of the area, are the common heritage of mankind. . . . No State or person . . . shall claim, exercise or acquire rights with respect to the area or its resources incompatible with the international regime to be established and the principles of this Declaration. . . . The exploration of the area and the excavation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether landlocked or coastal, and taking into particular consideration the interests and needs of the developing countries."

This advocacy of one-world socialism—which condemns even nationalization of industry for being too much like the pursuit of self-interest—was approved by 108 countries, including the United States; there was not a single dissenting vote. For the past seven years, U.N. members have been working on the practical implementation of the heritage-of-mankind theory. They have managed to produce a nearly completed document, the Law of the Seas Treaty, which internationalizes the ocean floor. The mining of its mineral wealth—which Kennecott Copper says could provide over half the world's supply of nickel and manganese and all its cobalt by the early part of next century—is to be regulated by an International Seabed Authority.

For the privilege of being permitted to risk hundreds of millions of dollars in a frontier more than three miles below the ocean's surface, the mining companies must submit to strict controls. They must apply to the Authority for "contracts" to work the ocean floor. They must prospect two sites before applying, submit all their findings—and let Enterprise (the U.N.'s own mining company) choose, at no cost, to keep the better site for itself. Enterprise will then develop that site in direct competition with the private mining firms, which must find their mineral sites by themselves. The source of Enterprise's working capital? "Soft" loans from the industrialized West. Contracts are awarded based on an as-yet-undefined "financial and technical capability" in combination with "the need to enhance opportunities for all States . . . to participate." There are quotas limiting the number of sites given to applicants from any one country. Contract recipients must abide by maximum production ceilings, with preference given to those sites being worked by Enterprise. The administrative costs of the massive Seabed Authority bureaucracy are paid by the mining companies—$500,000 per site. They must also pay a minimum of $1 million a year in income taxes and production fees. In addition, they are required to transfer to Enterprise—at a "fair and reasonable" price—all their technology and expertise in the form of a complete and "viable" ocean mining system. All payments to the Authority, as well as Enterprise's own profits, are to be distributed to undeveloped nations. Finally, if the mining companies somehow manage to function under this arrangement, the terms can be changed after fifteen years if a Review conference decides that too much of a free market still exists.

The flavor of this Law of the Seas Treaty was well conveyed in 1978 by the delegate from Cameroon:

"We cannot have a viable convention if many nations participating at this conference must find at the end they have gained nothing from it. This is particularly so with regard to poor young nations who obtained self-determination after generations of subjugation and must struggle in a cruel and complicated world. In my considered opinion, we are not here merely to write a business arrangement to facilitate exploitation of the seabed resources by the industrially rich and powerful nations. We are here to design a new relationship among states, and . . . to ensure that the declared common heritage benefits all of mankind."

Fundamentally, seabed mining should be treated no differently than terrestrial mining, where private property rights are recognized. There is only the minor question of which government is to have jurisdiction—which is not at all related to the issue of who is to exercise ownership. There should be a set of laws defining the procedures for filing claims, the methods for settling property disputes, etc. But this is easily resolved by agreement among the governments of the major industrial states—as long as they understand that the views of the Cameroon delegate and his ilk should be ignored.

. . . AND ROCK-BOTTOM

The gnawing question about this Law of the Seas conference is: How could it have happened? The ocean floor is unexplored territory. Most member-nations of the U.N. have not the slightest capacity to exploit it. The technology was developed primarily by U.S. firms. It is America that has the knowledge and the ability to mine what would be absolutely out of reach to most of the world—and the military power to defend its rights—yet it is Cameroon that is coming out ahead. Why have U.S. delegates willingly surrendered so much?

Consider how former chief delegate Elliot Richardson dismissed, during Congressional questioning, the suggestion that establishing the Seabed Authority could set a dangerous precedent:

"In the future, countries negotiating agreements dealing with other aspects of the 'global commons,' for example outer space and possibly Antarctica, may look to the experience we have had with the International Seabed Authority in order to determine whether it provides a useful and applicable precedent for dealing with certain resources that cannot legitimately be claimed for exclusive use . . . by any one nation. However, the facts and negotiating pressures will certainly be different, and there is nothing in the emerging Law of the Seas convention that need dictate arrangements for other shared resources."

When Congress was passing its seabed legislation, Third World countries asserted that unilaterally proclaimed terms for seabed mining contradicted the heritage-of-mankind premise because companies could mine the ocean floor without international consent. Consider Mr. Richardson's attempt to reconcile the two:

"[I]t is our further view that [the legislation] is not incompatible with the concept of the common heritage because the opportunity to exploit it is shared in common[!] It requires only the willingness of any country to devote the resources to the development of the necessary technology. What is constantly forgotten here is that anyone could have elected to assemble the skills and resources necessary for this purpose. It is merely a circumstance that this has been done by the companies that are doing it now."

The thinking of America's representatives is: principles don't matter—it is when the real details are worked out that negotiators must stand firm; no two concrete situations have principles in common; since principles aren't important anyway, they can be interpreted in whatever manner one wishes. In other words: unadulterated pragmatism.

In sharp contrast, consider the unyielding stand taken by the chairman of the Third World contingent:

"The fact of the universal acceptance of the principle that the area would be explored and its resources exploited for the benefit of all mankind and with particular consideration for the interests and needs of the developing countries, essentially implies an international regime with appropriate international machinery. The interests and needs of the developing countries cannot be the subject of unilateral assessment by one or more States that might claim to arrogate to themselves alone the right of determining what is for the benefit of all mankind."

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Which of the two is the more persuasive argument—the uncomprising appeal to socialist principle, or the conciliatory, apologetic defense of . . . what?

Ostensibly, the overriding U.S. objective in the Law of the Seas convention is military in nature. A number of countries want to restrict the traditional freedom of navigation on the high seas. U.S. delegates claim that to forestall such action, we have to bribe them with shares in the seabed's minerals. (Actually, there were originally two separate conventions: one to deal with mining the ocean floor and the other to resolve such questions as navigation and fishing rights; they were subsequently combined.) Does this mean that our delegates believe that we in fact have no right to travel the open seas? No—just that such considerations are irrelevant.

"Clearly, the best way to bring this uncertain situation under control," said Mr. Richardson, "is by shaping the assumptions of foreign coastal states about their rights and our rights in the oceans." How—by sticking to principle? "This is not solely a matter of who has the superior legal argument. Foreign perceptions will continue to influence the scope of operational risks and costs. . . . [W]here freedom of mobility is concerned, the fact that we think we have the right side of a legal argument isn't good enough if the coastal states involved take the opposite legal view. In order to avoid the impairment of our mobility, it is essential, therefore, that both we and the coastal states have the same view of the applicable law." Which means: buy them off.

Since principles, particularly moral principles, are just words, our negotiators are eager to trade them away in return for harder currency. If they can obtain uncontested access to strategic waterways for the price of some manganese nodules, they see no need to worry about what principles they may have sold out. And when tomorrow the waterways, too, are declared mankind's heritage, they will scurry to strike some other deal. (If this reminds you of "realpolitik" and a former Secretary of State, it is no coincidence: Henry Kissinger was the one who urged that the two sea conventions be united, to facilitate the bargaining process.)

To a pragmatist, anything is negotiable—which puts him at a disadvantage when his opposite number has some principles, because he has no starting point from which to measure his success or failure. For instance: Objectively, the Law of the Seas Treaty is a major victory for the Third World countries, since it grants their fundamental premise concerning the ownership of wealth in the world. But since this is not a crucial issue to a pragmatist, he might see the treaty as representing a defeat for the Third World since the tax to be collected is only two percent, rather than two and a half.●

IDA NUDEL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. BINGHAM. Mr. Speaker, I am today sending a telegram to President Leonid Brezhnev of the Soviet Union urging him to permit Ida Nudel to join her sister in Israel. Ms. Nudel, known as the Guardian Angel of the Soviet Jewish movement has spent 4 long years in prison. Her prison term should be ending this month. I trust that it will be. I must warn the Soviets that the United States of America and particularly the Congress of the United States will not forget Ida Nudel. There can be no real improvement in Soviet-American relations so long as Jewish, and non-Jewish "Prisoners of Conscience," languish in Soviet prison camps and jails. Ida Nudel has committed no crime. She must be permitted to leave for Israel. The text of my telegram to President Brezhnev follows:

President LEONID BREZHNEV,
Kremlin,
Moscow, U.S.S.R.

I strongly urge you to permit Ida Nudel to leave the Soviet Union for Israel. Her right to do so is guaranteed by the United Nations Declaration of Human Rights and the Helsinki Final Act. I assure you that the United States Congress is deeply concerned about Miss Nudel's welfare and will continue to press for her release from prison as well as her emigration to Israel.

Sincerely,

JONATHAN BINGHAM,
Member of Congress.●

WATT'S WILDERNESS PROPOSAL

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. GEJDENSON. Mr. Speaker, on February 24, 1982 Secretary Watt offered legislation to Congress deceitfully entitled, The Wilderness Protection Act of 1982. The proposal is a sham from the first line to the last. Instead of preserving the wilderness, it will destroy it.

Never one to miss a press opportunity, Watt announced the proposal on NBC's "Meet The Press." "We think these lands are special lands and should be preserved in a natural state," he declared. As drafted, however, the plan turns out to be anything but an attempt at preservation.

The bill proposes to protect wilderness areas from development until the year 2000. In fact, the protection is illusory. Prior to the year 2000 the President, acting without congressional approval, would be able to open any wilderness by a declaration of "urgent national need." In addition, over 24 million acres of wilderness study areas would be turned over to immediate exploration and development long before the year 2000. After 2000, the wilderness system would be opened in perpetuity to mineral development, creating a sunset law for the entire wilderness system including national parks and refuge wilderness areas. This proposal would in no way improve legal protection for the wilderness, since under current law, the wilderness system will be closed permanently to new development on December 31, 1983.

Clearly, the administration, spearheaded by Watt and prodded into action by the industries that have backed both, intends to do nothing less than plunder the last few wild places we have left in America.

Watt argues that the Nation must explore for resources more aggressively and that we cannot afford to lock up our wilderness. A recent study by a top U.S. resource economist says that only 1 percent of the country's untapped oil can be found in wilderness areas. It seems clear that wilderness areas have little to offer the Nation but natural grandeur, free of pollution and the effects of man, to be enjoyed by hundreds of millions of citizens each year.

When one measures Watt's proposal against what he says, one must conclude that there is no limit to the extent of Mr. Watt's cynicism and contempt for the American people.

As a member of the House Interior Committee, I have been forced twice to envoke emergency congressional powers under the Federal Lands Policy Management Act in order to stop Watt from issuing oil and gas leases on wilderness areas. Another House committee recently held him in contempt of Congress, and the General Accounting Office has determined that Watt illegally used National Park Service funds to throw a personal party at the Custis-Lee Mansion in Arlington, Va.

It is perfectly clear to me Mr. Watt is unfit for his position as Secretary of the Interior, guardian of our national treasures. His most recent proposal amounts to an unprecedented assault on a system intended to provide a small, unspoiled resource for future generations. If Mr. Watt continues to act as a lobbyist for private industry, as I suspect he will, then he should leave the public service.

Those of us on the Interior Committee who are concerned about the preservation of our wilderness areas are often frustrated by Mr. Watt's skillful manipulation of the media. Few journalists have been able to uncover all the possible effects of the proposed Wilderness Protection Act of 1982. Aware of your concern for the environment, I thought you might appreciate knowing more about Mr. Watt's so-called conversion, than what you read in the papers.●

DR. BROR REXED, INTERNATIONAL CIVIL SERVANT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. GILMAN. Mr. Speaker, Dr. Bror Rexed, who for the past 4 years has served as executive director of the United Nations Fund for Drug Abuse Control (UNFDAC), retired from this position on February 28, 1982, and has been succeeded by Dr. Giuseppe D. Gennaro, of the Italian Ministry of Justice and Chairman of the recently concluded Seventh Special Session of the United Nations Commission on Narcotic Drugs (CND) held in Vienna, Austria, on February 2-8, 1982.

As a member of our House Select Committee on Narcotics Abuse and Control, I have had the pleasure of meeting with Dr. Rexed on numerous occasions both here in Washington and at the United Nations. Under Dr. Rexed's leadership the U.N. Drug Fund has become an integral part of the U.N.'s efforts to prevent and control drug abuse throughout the world.

At the Commission's February 1982 meeting in which I participated as an adviser to our Government's delegation, Dr. Rexed submitted his last statement to the Commission on the work of UNFDAC.

Mr. Speaker, in an effort to bring to the attention of my colleagues the work of the U.N. Drug Fund and the work of this dedicated international civil servant, I am inserting the complete text of Dr. Rexed's statement at this point in the RECORD. I commend Dr. Rexed for his dedication and commitment to waging "war" on drug trafficking and drug abuse and wish him well in his new endeavors.

STATEMENT OF THE EXECUTIVE DIRECTOR, UNITED NATIONS FUND FOR DRUG ABUSE CONTROL

Mr. Chairman, as always, it is an honour for me to appear before the Commission on behalf of UNFDAC. You have all received our abbreviated report to the Commission prepared as of 31 October 1981. Additionally, you will have received our annual detailed report which we normally provide to the Secretary-General. I will not repeat the information contained in the reports. I will attempt to give an overview of the situation with emphasis on highlights of the year. And, of course, there are events after 31 October which should be brought to your attention.

We in UNFDAC have had a busy year. We signed a new five-year multi-sectoral agreement with the Government of Burma in June. In December we signed a new four-year agreement for the Buner crop substitution programme with the Government of Pakistan. Agreements were signed for two multi-year research projects in Thailand and Malaysia. A special trust-fund agreement was signed with the Federal Republic of Germany that will provide financing for most of the Buner project in Pakistan. We undertook multi-year agreements with both Turkey and Egypt to assist in their narcotics control efforts. We were solidly recognized by Member States as a development organization at the United Nations Pledging Conference for Development Activities in November. Yet, with all of these positive events we remain far from satisfied.

Notwithstanding the efforts made by the international community as a whole—including bilateral programmes of the United States and the Federal Republic of Germany—the problem grows. The poppy continues to flourish in many countries; the coca bush grows unabated; and the rampant growth of cannabis makes it easily available to most of the world. The manufacture and marketing of psychotropic substances becomes more highly developed and refined with each passing year with an uncomfortably large part of the production somehow finding its way into the illicit traffic.

Last year following extended deliberations, the Commission approved a resolution setting forth the strategy and policies for drug control and a basic five-year programme for action, beginning in 1982. The General Assembly has since adopted the resolution. This year the Commission is reviewing the programme of strategy and policies. Although the five-year programme of action proposed for extra budgetary support does not start until 1982, UNFDAC closely adhered in its 1981 programme to the priorities expressed. The same is true for our planned 1982 programme.

Roughly three fourths of the 1981 and 1982 programme have been connected with the socio-economic problems associated with the opium poppy and heroin. Our activities have centered on multi-sectoral programmes emphasizing crop substitution in Thailand, Burma and Pakistan and control measures in Turkey, Egypt and Afghanistan.

UNFDAC-supported pilot programmes in Thailand, Burma and Pakistan are designed to develop income alternatives to the poppy. The problems in each country vary and it would not be fair to compare them. Nevertheless, a few words about each. In Thailand the project has met with great success in developing the alternative crops of coffee, kidney beans and potatoes. Although the project has not been as active in as many villages as originally planned, the pilot aspect of the programme can be successfully terminated in the foreseeable future. During 1982 the path to be taken in the future has to be discussed. To reduce opium production in a marked way additional efforts will have to continue in bilateral projects for the rest of the northern mountain area.

In Burma crop substitution is moving at a slower and more deliberate pace. We are hopeful that momentum will increase with the completion of the demonstration farm in Pekohn in mid-1982. The Government of Burma has an impressive record in providing assistance to farmers and in encouraging agricultural development. Development targets are now being established in the traditional poppy growing areas and a reporting system is being designed and will be established to measure achievements. In Pakistan great progress was achieved in the initial demonstration project. However, we found it necessary to work out, with the Government of Pakistan, a new plan of execution for the extended Phase II of the programme. The Government of Pakistan is assuming a major role in the direct execution of the programme. We are happy to be associated with the effort.

Reducing or eliminating the supply of opium through crop substitution and income alternative programmes is a long-term approach. Over the years it has been well proven by all assistance-giving organizations and countries that integrated development per se is a long, tedious and often painful process. Development will not succeed without patience. It will not succeed without complete commitment on the part of recipient governments. It will not succeed without the understanding and continued support of international organizations and donor countries. However, it is also clear that the objectives of the supply control programme will not be reached without the commitment to a law enforcement programme. The law enforcement programme must have a realistic plan for fighting illicit traffic and limiting and finally eradicating poppy cultivation. UNFDAC has supported such programmes and is supporting them through training, laboratory build-up, telecommunications and transport. Though eradication programmes have had resounding successes, it must be understood that unless the farmer has an income alternative it is necessary to repeat eradication over and over again.

At the invitation of the Government of Mexico, I visited that country in December. I was able to observe, first hand, the extraordinary success of the eradication programme there, which was the result not only of the commitment and financial resources of the Government, but also the very considerable support from the United States. Also I could review the development plans in the areas concerned aimed at giving work and income to isolated and poor farmers in places where a socio-economic consideration of the living standard is needed.

My comments illustrate some basic concepts. A development programme designed to provide alternative income must be balanced against a law enforcement programme if efforts of eradication are to have a lasting effect. Both bilateral and multilateral assistance are needed. Finally, both international organizations and individual countries have roles to play in narcotics control.

The coca/cocaine production problem has never been fully addressed. The magnitude of this problem is one that has clearly been beyond the modest resources presently available to UNFDAC. Also, the General Assembly has not provided the guidance—or financial resources—that we hoped might be forthcoming in this respect. However, it would appear that bilateral efforts will soon be undertaken in at least one country. It is my understanding that the Government of the United States is mounting a major development effort in Peru and we applaud that move. UNFDAC will continue to assist in the ancillary areas of health, rehabilitation and preventive education as well as in support of local and regional narcotics control organizations in Latin America.

There remains few resources from international or bilateral sources to combat cannabis growth and trafficking. This situation will continue until national governments take a firm stand on the abuse of this substance. The evidence increases each year as to the harmful effects of cannabis. However, as we all know, there has not been a strong, concerted international effort to combat this substance. In fact there has been, in my view, an alarming acceptance of the abuse of cannabis in many countries.

Psychotropics and their illegal spread are yet another problem receiving inadequate attention. It is my hope that the INCB in conjunction with national governments, will be able to strengthen the control mechanisms. Such efforts are required nationally as well as internationally.

And speaking of areas to which little attention has been given, I must mention the continent of Africa. It is necessary for UN drug control organizations to keep themselves informed of drug abuse problems in all parts of the world. Accordingly, in October, to fulfill my part of this responsibility, I travelled to six East and Southern African countries to talk with government officials. Their biggest problem is not knowing the extent of their problem. I have committed UNFDAC to support assessment studies in these countries if assistance is desired. In December, we provided the first such assistance to Kenya. I believe that a similar information gathering mission should be planned for West Africa.

Permit me to turn now to the fund-raising and management aspects of UNFDAC. I believe I shared with you last year the news that UNFDAC would be permitted to be associated with the UN Development Activities Pledging Conference. We had wanted for some years to be recognized as a development organization. I am gratified that not only did the UN acknowledge our role in development, but so did Member States who pledged US$ 3.5 million. Most of the pledges are payable in 1982, but the fact is that in 1981 these pledges could be made.

As to contributions in 1981, UNFDAC received US$ 3.7 million in cash for the year end and US$ 2.3 million in pledges totalling US$ 6.0 million for 1981. This is not as much as we would have liked, in view of the rising costs of financial programmes. Nevertheless, the total exceeds contributions in cash and pledges for 1979 and 1980.

Certainly highlighting the year, from a financial point of view, are the multi-year commitments made by the Federal Republic of Germany for the programme in Pakistan and the Government of Norway for the programme in Burma. Commitments such as these permit rational multi-year planning and provide the assurances that funds will be available when needed. I regret that in 1982 some multi-year programmes will not have the funding which had been originally hoped for.

In its fund-raising activities, UNFDAC tried some different approaches. The Government of Yugoslavia requested assistance for its Customs organization. One of the principal trafficking routes from Southwest Asia to Europe and North America is through Yugoslavia. The Yugoslav seizure record is little short of phenomenal, 12% of seizures worldwide and 20% of the seizures in Europe. These seizures, to a very considerable extent, benefit countries other than Yugoslavia. Therefore UNFDAC agreed to seek funding for the proposed programme. To this end, I travelled to Brussels to make a direct appeal to the European Economic Community. Regrettably, this appeal was not successful due to the rules guiding EEC assistance projects. Just last week, UNFDAC hosted an informal meeting for representatives from permanent missions in Vienna for briefings by Yugoslav authorities. We are hopeful that European and North American countries will perceive the problem as one directly related to the supply of narcotics to their countries and that assistance will be forthcoming.

I must bring to your attention a problem area to which I have alluded in the past and which continues to persist. That is the rate of implementation of UNFDAC-supported programmes. We have devoted considerable time this year to analysis of the so-called delivery rate of our programmes, i.e., expenditures. For example, in 1981 the programme approved by UN New York was US$ 9.1 million. The amount UNFDAC actually made available for approved projects was US$ 9.5 million. However, we estimate only US$ 6.8 million was used.

We have approached this problem from the standpoint of project budgets. Are the project budgets too large or are they poorly estimated? When we reduce budgets or revise estimates, Executing Agencies and governments alike cry out in anguish. Yet, as of 30 September, with the year ¾ over, one Specialized Agency had utilized only 35% of the funds made available to it. The record speaks for itself. For all the progress made over the years, the performance is not what we had hoped for. Neither Executing Agencies not governments are pursuing aggressively enough for full implementation of the programmes that they themselves were instrumental in designing. Performance must improve.

Mr. Chairman, I have gone on longer than I planned, however, perhaps I can be forgiven as this—as you know—is my last statement to the Commission in my capacity as Executive Director of UNFDAC. My term of office expires on 28 February. The four years with UNFDAC have been stimulating and vastly interesting. I believe that they have been productive years, albeit with decisions that could not please everyone. The support I have received from the Commission and from so many of you sitting here today is much appreciated and will not soon be forgotten. If I may, I would like to publicly thank my staff—both professional and general service and those here and those who have gone on to other things—for their untiring efforts, their loyalty and their devotion to our objectives.

UNFDAC has fulfilled a useful role in international drug abuse control. There are still things to do and unmet needs that UNFDAC can do better than other organizations. I sincerely believe in the future of UNFDAC and extend my best wishes to my successor who will take up a difficult and exciting job.

Thank you, Mr. Chairman.●

ENLIGHTENMENT ON ENTITLEMENTS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. McCLORY. Mr. Speaker, at least one columnist for the Chicago Tribune continues in the tradition of its earlier Republican philosophy and conservatism. Joan Beck, who writes objectively and forthrightly on sensitive and vital current issues, has composed a column entitled "Who Is Entitled to How Much?"

Joan Beck's article pinpoints the problem of the multiple special interest groups, many of which attract our sympathy and support—but who at the same time contribute to the dilemma of spiraling entitlements, which make the Federal budget problem unsolvable.

I am pleased to attach Joan Beck's article for the edification of my colleagues and of all who peruse these pages:

WHO IS ENTITLED TO HOW MUCH?

(By Joan Beck)

At Yale, a student complains that cutbacks in federal student loans not based on need would be unfair to her father, who earns $60,000 a year. She's entitled to help, she says, because she wants to go to one of the nation's most expensive schools.

Representatives of kidney dialysis centers have held demonstrations about proposals that funds for patients' treatment be reduced slightly to encourage more dialysis at home. The nation's 72,000 victims of kidney disease are entitled to the full $1.8 billion, they say, because they have such an expensive ailment.

The working poor are entitled to food stamps and public aid because they don't earn as much as many people on welfare and proposed reductions would create a "work disincentive," their advocates are protesting.

As estimates of federal budget deficits zing higher faster then the scores in a pinball game—$120.6 billion in 1983, $128.9 billion in 1984, maybe $139.6 billion in 1985, according to the Congressional Budget Office—the trickle of indignant news stories about victims of cutbacks—real and anticipated—has turned into a turrent.

A sense of entitlement has infected the nation and everyone—from touring ballet dancers to cancer researchers to unemployed auto workers—is afraid the Reagan administration and a deficit-leery Congress may try to reduce the amount of money they feel entitled to take out of taxpayers' pockets as a matter of right.

Kids, for example, should be entitled to a subsidized lunch because they might be hungry, the arguments against reducing school lunch subsidies go. College students should be entitled to financial help to go to any school for which they are qualified, whether or not they can afford it, because they are entitled to freedom of choice.

The handicapped are entitled to barrier-free buildings and transit facilities regardless of cost because they are handicapped. Artists of all kinds should be entitled to at least a trickle of support because culture is important and they should have opportunity to use their talents, they contend. Tobacco farmers feel entitled to price support help so they can continue to make a living by growing carcinogens.

Chrysler claims entitlement to federal help because it has made so many management mistakes. People who live near toxic waste dumps are entitled to have the government clean them up because no one else will. World War I veterans should be entitled to a $10,000 bonus, according to a bill introduced in Congress by Henry B. Gonzalez (D. Tex.).

Indians are entitled to federal help because their ancestors were here before ours. Admirals and generals are entitled to fancy perks because they are admirals and generals. Enlisted personnel are entitled to early pensions, educational benefits and subsidized shopping because they might not sign up otherwise. States and municipalities are entitled to financial subsidies because they don't like to raise their own taxes.

Businesses are sometines entitled to federal help because they are small and struggling or big and failing, or owned by minorities or essential to defense. Coal miners are entitled to black lung benefits, whether or not cigarette smoking contributed to their disability. Textile workers say they should be entitled to the same breaks because brown lung disease is just as bad. Victims of other catastrophic illnesses argue that they should be entitled to financial help because kidney dialysis patients get it.

The elderly are entitled to Social Security because the government promised, whether or not they ever paid enough to support their claims. The poor are entitled to first-class health care, because they are poor. The unemployable are entitled to job training because they have no work skills.

Poor, single mothers are entitled to welfare because they aren't married and their children shouldn't be penalized. Teen-agers are entitled to family planning services because they can't wait for marriage.

Oil companies feel entitled to tax breaks because they are oil companies. Former presidents have become entitled to millions of dollars in Secret Service protection and lavish expense accounts because they are former presidents. Members of Congress consider themselves entitled to enormous tax breaks because they make the rules. Business executives are entitled to lavish expense account breaks because they generate business.

Scientists consider themselves entitled to research grants because a few of them might come up with something useful. The unemployed are entitled to compensation because they aren't working. Urban transit services are entitled to federal help so their unions can continue to insist successfully on higher wages.

All in all, current entitlement programs cost the federal government $305.8 billion in 1981 and will increase to $458.9 billion by 1987, even without adding any of the new entitlements for which strong political pressures already exist.

One reason Ronald Reagan continues to be popular, I think, is that he is giving at least indirect recognition to the one entitled group everyone else has ignored: the taxpayers. Their claim to be entitled to a little more of the national pie is based on a very simple argument: They made their money the old-fashioned way. They earned it.●

IDA NUDEL

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. DOUGHERTY. Mr. Speaker, about 1 month ago I received a letter from Ida Nudel's sister, Elena Fridman, who now lives in Israel. She desperately seeks to be reunited with her only living relative and she wrote to see if I could help. I believe this special order is an excellent way for us to express our disapproval of Soviet actions toward Ida Nudel and I would like to thank Congressman Norman Lent for taking the time to organize this event.

It has been 10 years that Ida has tried to emigrate to Israel and still she is turned only a deaf ear from Soviet authorities. Last year she celebrated her 50th birthday in Siberian exile. This month she is scheduled to finish her term in exile. My question to the Soviets today is what is going to happen to her this spring. We cannot allow the Soviets to think that we have forgotten Ida after almost 4 years in Siberia.

For some time now I have admired the courage Ida has had over the last 10 years. But frankly, Ida has more than courage alone. To have survived almost 4 years in Siberia would have to take a supreme desire to live and to be free. As citizens of the United States of America, we must search for and recognize that desire wherever it rests. Even more importantly we should do everything possible to allow that desire to be fulfilled.●

SOCIAL SECURITY COMPUTER PLAN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. PICKLE. Mr. Speaker, yesterday the Social Security Commissioner unveiled a 5-year plan to update the social security automatic data processing system. Congressman Bill Archer, ranking minority member of the Social Security Subcommittee, and I issued a statement regarding that plan which I would like to share with the Members. The statement follows:

SOCIAL SECURITY COMPUTER PLAN

Social Security Commissioner John Svahn took a courageous step today in putting forward a complex and far-reaching proposal to update the Social Security Administration's antiquated computer system. The mammoth social security computer program was many years ago a showcase of then-modern technology. In hearings before our Subcommittee February 18, 1981, however, four former social security commissioners listed the degeneration of the social security computer system as a major problem in the agency. Today the social security agency is slow to issue social security numbers, years behind in posting wages and in calculating benefit recomputations, unable to perform many needed audits of the rolls, and barely able to perform routine functions such as implementing cost-of-living increases because the computer system is outdated and cumbersomely constructed.

The updating of the social security computers will be a slow, costly process. We simply cannot jack up the old model and put it on a side track and run in a new one. But it is terribly important that we make an effort to update the system at social security. We endorse the concept and applaud the straightforward and open manner in which the Commissioner and the agency are addressing this critical problem.●

BULGARIAN INDEPENDENCE DAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. ANDERSON. Mr. Speaker, March marks the 104th anniversary of Bulgarian independence. On that date the Bulgarian people achieved autonomy from their Turkish overlords after a long and brutal struggle. The oppressive character of Ottoman rule was typified by the devshirme, a system which took one-quarter of Bulgarian males—between 10 and 20 years old—away from their families. These children were then converted to Islam and served the empire in an administrative or military capacity for the rest of their lives. The effects of this policy on the psychology of the Bulgarian family and nation can well be imagined.

In April of 1876 the Bulgarian people rose up against their oppressors and revolted. Tragically the rebellion failed and around 15,000 Bulgarians were massacred. The enormity of this atrocity aroused worldwide sympathy for the Bulgarian cause, typified by the British statesman William Gladstone's publication "Bulgarian Horrors." Hence, the world quickly extended de jure recognition to the newly formed Bulgarian States, in 1878, both in the Treaty of San Stefano and the Treaty of Berlin. The new States of Bulgaria and Eastern Rumelia, although free, did not satisfy the Bulgarian craving for unity and merged a few short years later, in 1885, following an upsurge of patriotic fervor in Eastern Rumelia which was climaxed by a revolt. The ensuing years were ones of freedom and hope as Bulgaria severed its ties with its feudal Ottoman past.

The years of independence and liberty came to an abrupt end after World War II. The Soviet Union invaded this small Balkan State and made it a part of its colonial empire. The Soviet actions were particularly reprehensible because Bulgaria, alone among the Axis Powers, refused to participate in the invasion of Russia. In addition, Bulgaria was the only Eastern European country which did not allow the Nazis to exterminate its sizable Jewish population. Unfortunately, justice alone proved insufficient to thwart the Soviet Union's designs, and on September 5, 1944, liberty was dealt a blow when the Red army invaded Bulgaria. A few days later, on September 9 a revolt by the Russian-manipulated fatherland front seized control of the government. The same sad tale of mass arrests and the imposition of a totalitarian environment, which has plagued all of Eastern Europe, followed as the Soviets installed a new leadership beholden to them.

Bulgarian Independence Day is more than just a tribute to a glorious day in the past. It is concrete evidence that Bulgaria's present day subjugation is not inevitable and will someday end, just as Ottoman rule did. The tanks and bayonets of Soviet power cannot control the hearts and minds of the Bulgarian people and therefore cannot extinguish that nation's longing for freedom and liberty. Let us all remember and commemorate this day so that the Bulgarian people know that they do not stand alone in their daily struggle for individual and national dignity.●

IDA MAYER CUMMINGS AUXILIARY—53D ANNUAL PARTY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. WAXMAN. Mr. Speaker, at the 53d annual party, and tea dance on Sunday, March 14, 1982, sponsored by the Ida Mayer Cummings Auxiliary of the Jewish Homes for the Aging, tribute will be paid to three giants of humanitarian work: May Mann, Charles "Buddy" Rogers and Rabbi Abram Maron.

For more than 50 years, the Ida Mayer Cummings Auxiliary has helped support the residents of the Jewish Home of the Aged. Through merger with Menorah Village, 700 residents now benefit from the dedication, energy and talents of the Ida Mayer Cummings Auxiliary membership.

May Mann is a noted Hollywood author and columnist. She has continuously drawn on her extensive contacts in the show business, social and civic worlds to arrange celebrity guest appearances at the auxiliary events which have attracted large audiences, generous contributions and new members. Some years ago, the auxiliary established its "May Mann Award" to honor her and to acknowledge others in the entertainment world known for their humanitarian work. Among the recipients have been George Hamilton, Robert Stack, Fred MacMurray, James Stewart, Bob Hope, Jimmy Durante, Jack Oakie, Pat O'Brien, Barbara Stanwyck, Glenn Ford, Joey Bishop, and Rudy Vallee. In 1973 Ms. Mann was honored by the Ida Mayer Cummings Auxiliary with its coveted "Humanitarian Award."

May Mann's philanthropy extends beyond the needs of the Jewish aged. Raised as a Mormon in Utah where her grandfather was one of the presidents of the State's Mormon Church, she has lived by its principle, "never turn down worthy requests for help." She has been recognized and honored for her voluntary civic and philanthropic contributions by the Los Angeles City Council, the city of Los Angeles, the Los Angeles Chamber of Commerce, the Hollywood Chamber of Commerce, the city of Hope, the Elks Benevolent Brotherhood, the All Youth Symphony, Mount Sinai Hospital and Cedars of Lebanon Hospital; she has received a U.S. Presidential pin and the California State seal.

A Mexican American, May Mann Scholarship was established a decade ago in East Los Angeles.

In her 25 years of leadership in the Ida Mayer Cummings Auxiliary, including the past 3 years as vice president, May Mann has personified its two principal goals—"Honor Thy Father and Thy Mother" and "Cement Friendship Among All Peoples."

Charles "Buddy" Rogers will be honored for more then four decades of continued devotion to the Ida Mayer Cummings Auxiliary and Jewish Home for the Aged.

As a distinguished actor, Hollywood film star and musician, the career of Buddy Rogers includes the 1928 film, "Wings"—the first film to win an Academy Award, musical comedy and dramatic roles, as well as working as a movie producer and band leader.

For 4 years during World War II, Rogers served in the U.S. Navy as a test pilot and in the Ferry Command. He also appeared in many USO shows and fundraising events connected with the war effort. His interest in the Navy continued after the war through service with the Beverly Hills council of the Navy League and his support of both the sea cadet program and the Navy Relief Society. He has appeared many times in the USO Celebrity Golf Tournament for the benefit of servicemen. His civic work was recognized by the city of Los Angeles who presented Mr. Rogers with a certificate of commendation.

Together with his wife, Mary Pickford, who was the auxiliary's honorary chairman from 1939 until she passed away in 1979, Charles "Buddy" Rogers helped create the seven-story Mary Pickford Building on the former eastside site of the Jewish Home, and together they turned over their estate, Pickfair, to the auxiliary for numerous membership parties. After Mary's passing, Buddy Rogers continued his involvement through his many appearances at various auxiliary events and through gifts from the Mary Pickford Foundation which to date total $85,000.

At the event on March 14, Charles "Buddy" Rogers will be installed as the 31st vice president of the auxiliary (succeeding his four decades of service as 32d vice president). He will be honored in conjunction with a special memorial tribute to his wife, Mary Pickford who was known to millions of movie fans as "America's Sweetheart."

Charles "Buddy" Rodgers, through his life and work, has proven that true brotherhood and caring know no boundaries.

Rabbi Abram Maron will be honored as the auxiliary's 1982 "Man of the Year" in recognition of almost a half century of support of the Jewish Home as well as his religious and civic contributions on behalf of troubled youth, the mentally disturbed and the inmates of penal institutions.

Born in Sioux City, Iowa, Rabbi Maron was ordained at the Hebron Yeshiva in (then) Palestine. He came to Los Angeles in 1936 as spiritual leader of Congregation Mogen David—and still serves in this synagogue today. Mogen David has grown from about 30 families to its present 1,300—which is testimony to Rabbi Maron's leadership and influence.

In 1949, Rabbi Maron helped create the Jewish chaplaincy in Los Angeles. His volunteer work has continued on an almost daily basis for 17 years as increasingly he became aware of the value of bringing spiritual counseling and friendship to those in juvenile halls, county jails and mental institutions.

Joining Rabbi Maron on his rounds were many women volunteers and from their activities the Gateways Hospital group was formed. Though the increase demands of his synagogue prevent Rabbi Maron from continuing his daily visits to the forgotten in institutions, his efforts have resulted in rehabilitation of lives and spirits of those who have been reached and touched by this remarkable man.

Rabbi Abram Maron, in addition to being a life member of the Ida Mayer Cummings Auxiliary, has been active in many other religious and community organizations. Among his leadership roles, he has been president of the Board of Rabbis of Southern California, has served on the board of directors of the Jewish Federation Council of Greater Los Angeles and a secretary of the orthodox rabbinate.

The love and respect Rabbi Abram Maron enjoys among his congregants extends throughout the entire community. For almost half a century he has been beloved and admired as a gentle, kind, perceptive, spiritual leader who cares for all humanity without regard to color or creed.

I ask the Members to join with me in saluting May Mann, Charles "Buddy" Rogers, and Rabbi Abram Maron for their humanitarian contributions and leadership. We have all benefited from their work and the laudable example of service which their efforts represent.●

DON'T CUT FOOD SHIPMENTS TO POLAND

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Ms. MIKULSKI. Mr. Speaker, I would like to submit for inclusion into the Congressional Record an outstanding article that recently appeared in the Boston Globe. The article describes a lesson of history which Members of this body would do well to keep in mind as they consider the plight of Poland. When a country is suffering from both a scarcity of food and political strife, food goes to the powerful—in this case the military. This fact is especially disturbing in light of the Reagan administration's decision to halt food shipments to Poland. By denying much-needed food to Poland, this administration is inflicting further suffering on an already beleaguered population.

The article, "Don't Cut Food Shipments to Poland," was written by the respected president of Tufts University, Jean Mayer. I strongly urge my colleagues to read this superb piece and to keep it in mind as they evaluate the administration's policy with respect to Poland:

[From the Boston Globe, Feb. 12, 1982]

Don't Cut Food Shipments to Poland

(By Jean Mayer)

American's food surpluses are our most striking resource, one of great strength, and once again we have chosen to exert it by denying food to an adversary, this time the military regime in Poland.

While issuing reassurances that economic life is returning to normal, the government admits that stockpiling of winter food supplies has fallen far short of meeting projected needs.

Yet while we are still debating other economic measures, the President has made the decision to stop all food aid except the small amounts from private sources, or the grounds that we cannot detect whether it will go to the people who need it or to the armed forces. We will not send the $100 million in emergency feed grains that had already been committed, or consider Poland's request for $740 million in food aid over the next year, until the military government drops martial law, frees those imprisoned in the crackdown and restores the legal rights of trade unions.

Where there is money, other sources of supply can always be found, as we learned after the Russian embargo. The Polish government is close to bankruptcy, and we are denying food, not to the people and farmers of an invading nation (however clearly we see the hand of the Soviet Union) but to the Poles themselves, whose cause we are supposedly defending.

A long series of historical examples should have taught us that when a nation is embattled and food is scarce, it will go to those in power, particularly to soldiers. Those who suffer are in every case the most defenseless-babies and young children, pregnant and nursing women, the elderly, the very poor and defiant civilians who have no weapon save their determined resistance to oppression. Armed men never starve.

The hunger blockade initiated by the Allied powers in 1914 to bring a quick end to World War I ended four years later with the military defeat of the Austro-Hungarian Empire. Many men in their armies enjoyed better food than they had as civilians, while the war-related civilian deaths totaled well over 700,000.

By the end of the siege of Leningrad in World War II, 18,000 people were dying each day; but the soldiers of the Red Army held the city, and were able to break out of the siege to join advancing Soviet forces.

Finally, we can remember all too vividly the suffering caused by our food interdiction policy in Vietnam, and the total lack of effect on the war's outcome.

The lesson is very clear: whenever there is strife coupled with food shortages and food is denied, the strong will eat and the weak will go hungry.

By cutting off food shipments we are not directly harming the regime but rather the people whose cause we are trying to defend. Further, by continuing to send food to the Soviet Union we are giving them the opportunity and the propaganda advantage of using our grain to feed the Poles. If we are going to embargo food, we should embargo it to both. The net effect of our present policy is that we are feeding the Russians and starving the Poles.

A better and more effective course would be positive, affirmative strategy for the political use of food. During the 1974 world food crisis, there was strong criticism of our continuation of food aid to Egypt, but it paid off handsomely in the friendship for and trust in America that brought Anwar Sadat to Camp David.

Let us by all means use every economic weapon that will strike directly at the Polish regime, that can actually assist our friends. Let us deny the Russians the complex technology their industry (and their armed forces) need, including pipe-laying vehicles, computers, chemicals and oil equipment. But as long as the Polish government or, better, the Church, is ready to distribute food, let us see that they have it to give.

Let us also see that we get full credit for the fact that we are giving. Let us be certain that the Voice of America, Radio Free Europe and every other appropriate communications vehicle sends the word: The United States will support the brave people of Poland with the food aid they need to get through the cold winter and the bitter year that lie ahead.●

THE LAW OF THE SEA AND MINERALS VULNERABILITY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. FIELDS. Mr. Speaker, our Nation suffers from a dependency of critical minerals—minerals vital to our national economy and national security—far greater than our dependency on energy resources. I am placing in the Record excerpts from several articles which address the seriousness of this national problem.

America's dependence on foreign sources for critical minerals demands that Members of the House, the Senate, and the administration speak out strongly and persistently against the Law of the Sea Treaty which will have the effect of maintaining our minerals dependency or increasing that dependency in the future through the political actions of the radical states of the Third World and the Soviet bloc.

Mr. Speaker, the Soviet Union has made known its goal of capturing what Mr. Brezhnev has aptly termed "the two great treasure houses on which the West depends." One of those "treasure houses" is the mineral resources of central and southern Africa. Soviet intentions and purposes in this respect are as openly and blatantly stated as those of Adolf Hitler were before World War II. Few listened to Hitler until it was nearly too late. We must not repeat that error with regard to the imperialist designs of the Soviet Union and its client states.

Mr. Speaker, the rich and abundant minerals—more of which are being discovered daily—of the ocean beds offer minerals independence for the United States and other Western nations, and a vital foil to the Soviet Union's goals of global conquest.

[From the Retired Officer, March 1982]

Our Gray War With Russia

(By Capt. Joseph C. Fox, USCG-Ret.)

Too great a dependence on foreign sources for strategic minerals and fuels causes grave risks to our economy and national defense.

As though awakening to a gray Russian winter morning, we are awakening to a gray Russian war. It is neither black nor white, neither peaceful nor often blatantly hostile, but it is there—ominous, threatening, dangerous. The booty: strategic minerals and fuels. The battlefields are southern Africa and the Persian Gulf.

Vladimir Lenin gave "the war" theological birth. Ever since, the Soviets have sought to deny the West control over economic resources of the Third World—resources our industrialized, democratic nation needs to survive.

MANY MINERALS IMPORTED

All told, 36 strategic minerals are used extensively by U.S. industry for manufacturing. We are critically dependent on foreign countries for over half of these.

Chromium is used extensively in oil refining, the manufacturing of aerospace components, petrochemical production and in stainless steel manufacturing. Yet we must import over 91 percent of all chromium used in this country.

Manganese, a light, strong mineral needed in the manufacturing of steel, is not available domestically. We import all that we use.

Bauxite, the raw material from which aluminum is produced, is imported at the rate of 94 percent.

Cobalt is used in nuclear propulsion systems, jet engines, steel manufacturing and synthetic fuel production. We are totally dependent on imports for this strategic mineral.

And we face ever-increasing demands for defense and energy programs requiring chromium, cobalt and platinum because of their resistance to high temperatures, corrosion and erosion.

Our main suppliers of many of these minerals are the southern African nations—particularly South Africa—a region referred to as the "Persian Gulf of Minerals." In 1973, Leonid Brezhnev warned of Soviet interest in this region, saying "Our aim is to gain control of the two great treasure houses on which the West depends: the energy treasure house of the Persian Gulf and the mineral treasure house of central and southern Africa."

Even though such a blatant comment was widely publicized, the United States has watched with quiet apathy while the Soviets plodded along toward the completion of their goal. So far, the Russians and Cubans have established land and sea bases in Angola, Ethiopia, Mozambique and South Yemen, and a marxist government now exists in Zimbabwe.

Dr. James A. Miller, editor of Alarm (Alert Letter on the Availability of Raw Materials) states in an article on strategic minerals that more than 13,000 African military personnel were trained in the Soviet Union between 1955 and 1978. From 1973 to 1977, he notes, Russia transferred arms to 20 nations on the African continent with the largest recipients being Madagascar, Algeria, Angola, Ethiopia and Somalia.

During this same period the Soviet merchant marine, fishing fleet, maritime research teams and navy have continued an unceasing escalation. In July 1976, Admiral of the Fleet Sergei Georgiyevich Gorshkov said, "The strengthening of naval might depends on developing all its components, including the transport, fishing and scientific research fleets, with which military sailors have had a long friendship."

Sen. James McClure (R-Idaho) views with alarm the Soviets' "ever more powerful global fleet," with which they can "interdict tankers carrying oil from the Persian Gulf to the United States . . . ." He continues, "We face the prospect of our supply of many critical minerals being cut off or at least sharply reduced."

Rep. Jim Santini (D-Nev.) has worked five years to bring this plight to the attention of Congress, the Administration and the public. Now the people are listening.

[From Metal Producing, January 1982]

Now Is the Time for Steel To Rally Around an Important and Vital Cause . . . Mineral Availability—Representative James Santini

Without adequate and dependable mineral supplies, the most fundamental needs of America's highly interdependent industrial society could not be met. The nation's very life support systems would collapse and the security of the free world would be jeopardized. Without minerals, there would be no materials such as steel to underpin modern agricultural requirements, energy production needs, transportation systems, communication networks and weaponry for national defense.

All of the country's metal producers would be severely impacted by any sudden shortage of critical materials and minerals. This is why the domestic steel sector must realize that the issue of strategic mineral availability should now rate even higher in importance than foreign steel import problems, capital formation measures and environmental considerations.

The consequences of our dependence on foreign oil, which amounts to only about 40 percent, have been felt by all of us. Few people realize, however, that Americans consume an average of 41,000 lb of minerals per person each year.

More specifically, the US imports 91 percent of its chromium, 97 percent of its tantalum and 93 percent of its domestic cobalt needs. Not only are these minerals absolutely necessary for defense-related applications, but their availability is imperative for specialty steel production.

To date, the nation's specialty steel producers have, in fact, been very concerned about mineral availability and have done much to raise the consciousness of key Washington officials regarding this issue. Naturally, the specialty steel sector has a vested interest since they are producing the more exotic, alloyed types of steels mandated by a modern industrial society.

But given the industry-wide push toward more value-added steels, items which will demand additional supplies of strategic materials, now is the time for the entire domestic steel sector to rally around an important and vital cause . . . mineral availability.

Over the past three years, the Subcommittee on Mines and Mining, of which I am chairman, has investigated the importance of a long-term national minerals policy. Such a policy is the backbone for a stable economy and secure national defense.

Basically, the Subcommittee examined all aspects of mineral-related issues including public land policies, tax and capital formation, foreign policy and environmental regulations. And we found an interesting contrast between the respective treatments afforded mineral supply and environmental issues.

Over the past decade, Congress has enacted a myriad of "environmental" laws ranging in scope from the National Environmental Protection Act to the Alaska National Interest Lands Act. I could cite at least 12 such laws—all having negative impact on the exploration, processing or manufacturing of minerals or mineral products.

On the other hand, there have been only two principal laws with positive statements for minerals: the 1970 Mining and Minerals Policy Act and the 1980 National Minerals and Materials Research and Development Act. Both laws are excellent legislative expressions of the importance of minerals to our society, but an expression of good intent every ten years cannot eliminate the impact of 12 environmental laws. The country must have a specific permanent policy in place to allow the necessary long-term planning for minerals.

Although I believe the current Administration is sympathetic to this imbalance and understands the significance of a healthy minerals industry, I do not believe a long-term, permanent national policy can be established by administrative changes. Based on my belief and on the factual background gathered by my Subcommittee, I introduced HR 3364, the National Minerals Security Act. The legislation currently has the support of 55 other members of Congress.

Briefly, the bill provides for a Council on Minerals and Materials to be established that will allow an ongoing minerals voice within the executive branch. Currently, there is not one central body to oversee minerals availability; that responsibility is divided between a vast number of governmental entities.

And, with one-third of our land in federal ownership, governmental policies on utilization are important. HR 3364 revises many of those policies to give mineral development equal status with other land uses and emphasizes the important roles of the Bureau of Mines and the US Geological Survey within the Dept. of the Interior.

The legislation is also designed to provide for revisions of the tax laws to assist mining ventures, reform of the regulatory process and to establish improvements in the stockpile program.

Critical Materials: The Pendulum Swings in a Decidedly Political Arc

It's a simple case of the "haves" versus the "have-nots" but with a very unique twist. This time, America has come up short.

Botswana, Gason, Zaire, Zambia, Zimbabwe. The names may mean nothing to you now, but neither, then, did that of the obscure Islamic holy man who held this nation hostage for more than a year with little more than a genius for discord and the rhetoric of hate. Under the Shah, Iran was oil, under Khomeini, an embarrassment. And the US stood helpless.

Like Iran and OPEC, which exploited America's vulnerability in an entirely different arena, the emerging nations of central and southern South Africa are fully capable of playing their own particular brand of social reform and geopolitics. Were they to do so, however, the first hostage taken would be neither a collection of career diplomats not the guy on the gas line, but rather the domestic specialty steel industry and, soon thereafter, the high technology customer base it serves. There's a very real reason this particular part of the globe is being referred to increasingly as the "Persian Gulf of Strategic Metals."

Mineral rich, the five South African nations cited at the top of this column collectively account for 95 percent of the world's chrome, 86 percent of its platinum, 64 percent of its vanadium, 53 percent of its manganese and 52 percent of its cobalt. "Contrast that with the fact that the OPEC nations control 52 percent of the world's oil supply," Eugene A. March, group vice president, Colt Industries Inc, Crucible Materials Group, Pittsburgh, challenged an audience gathered at last year's annual meeting of the American Iron and Steel Institute in an address entitled Needed: A National Strategic Metals Policy.

"The problem for us is not so much the availability of these critical raw materials as their accessibility and the reliability of the sources," March zeroes in on what makes the critical materials issue critical.

"Although ample supplies of most raw materials exist," Claude F. Kronk, vice president, Specialty Steels Div., Jones & Laughlin Steel, Pittsburgh, picks up where March leaves off, "many are located in politically unstable areas of the world. As a result, a vulnerability exists for interruptions in the supply line as occured with cobalt because of the conflict in the South African nation of Zaire."●

LITHUANIAN INDEPENDENCE

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. ECKART. Mr. Speaker, last month marked 64 years since the nation of Lithuania obtained its independence. Just more than 22 years later, the proud and resolute Lithuanians were overrun by Soviet Union forces, which have ruled over Lithuania and her sister republics, Estonia and Latvia, ever since.

To its credit, the United States has never recognized the Soviet conquest of the Baltic States. To this day, we maintain a Lithuanian Embassy in Washington: It is a testimony to our commitment to freedom in the Baltic region and everywhere.

Our basic freedoms are an intrinsic dimension of our everyday existence as Americans. Last Sunday, millions of Americans prayed in the church of their choice, professing their religious beliefs. Just 2 days ago, several student groups protesting higher education cuts outside of this building were filmed on national television; viewers witnessed those students exercising their right to speak out against Government proposals they feel are unfair, as well as the freedom of the people to use the air waves to express their views. We have the right to come and go as we please and to pursue our chosen careers and lifestyles. We have the independence to make our own decisions, both as individuals and, more importantly, as a Nation. Here in America, if we have the inclination to dream big dreams, we have the freedom to make them come true. We must remember how important these rights are. And we must not forget those who are struggling to attain that which we take for granted.

The Lithuanian people have proved themselves to be strong and spirited; they have refused to let the candle of hope die in the harsh winds of reality. At this time of silent celebration for a goal once reached, we join them in commemorating the short-lived freedom of Lithuania, and reaffirm our commitment to assist in their struggle for freedom.●

BROWARD SCHOOL SYSTEM NOW AMERICA'S LARGEST FULLY ACCREDITED SCHOOL SYSTEM

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. SHAW. Mr. Speaker, only nine school districts in the Nation have more pupils than the school system in Broward County, Fla., which serves the individuals I represent as the U.S. Representative from Florida's 12th District.

I rise today to recognize and applaud the commitment to quality and excellence in education made by this massive school system, which is now the Nation's largest fully accredited school system. Our students are well served by this outstanding system.

All 160 schools and centers in the Broward County School District have been fully accredited by the Southern Association of Colleges and Schools, as of their last meeting last month; this means that all elementary, middle, and high schools, all vocational and technical centers, all adult education centers, and all exceptional educational centers in the Broward County school system have met the dozens of standards of a quality educational program developed by the association.

Because of this singular and exceptional distinction, the Broward County School Board has proclaimed this school year to be a "Year of Pride," to emphasize the dedication and inspiration which have made this accomplishment possible.

I am pleased to share in this pride, and to encourage and support the system's school-based management, in which principals, teachers, and staff, as well as parents and students, assume the responsibility for meeting the standards of quality education in their own schools.●

HEART AWARD

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. BADHAM. Mr. Speaker, it is my great pleasure to stand before this body today to pay tribute to one of America's most-loved entertainers, now retired from the profession, Harry Babbitt, and his wife, Betty, both of whom are being honored by the Costa Mesa, Calif., Chamber of Commerce with their annual "Heart Award" on March 24, 1982.

Who among us can forget the popular songs of the late 1930's and early 1940's which Harry Babbitt sang for our enjoyment while a member of the famed Kay Kyser Orchestra? Even those who had not arrived in those days will recall the pleasant lyrics of "Three Little Fishies," the toe-tapping melody "I Got Spurs that Jingle, Jangle, Jingle," and the patriotic World War II tune "Praise the Lord and Pass the Ammunition."

What many of us do not know and what I am here to relate is the fine service that Harry and Betty Babbitt have given to their community in their musical retirement, working as a team for countless worthy programs, projects and causes which have contributed to a great extent to the betterment of the area in which they live, and which I have the honor to represent in the U.S. House of Representatives.

Harry Babbitt was a key member of Kay Kyser's Kollege of Musical Knowledge, which was one of the hit radio shows on NBC from 1938 through 1944. After a stint in the Navy during the war, Harry hosted a long-running radio show on CBS called "The Second Cup of Coffee," later was on television as singer on two programs, had a recording contract with Decca Records, and was host on the NBC network program "Glamour Girl."

More than 20 years ago, after touring with a nightclub act, Harry and Betty Babbitt settled in Newport Beach, Calif., where he launched a new career in real estate. But it was not long before Harry stepped forward at every opportunity to devote many hours of service to his community.

He has been active in such organizations as the Hoag Hospital 552 Club, the United Way, YMCA, March of Dimes, Spastic League, Child Guidance Clinic, and the Boy Scouts of America. He has received the Silver Beaver Award for service to Scouting, two of his three sons have become Eagle Scouts and he has been a Scout Master.

At the same time Betty Babbitt, the daughter of a Congregational minister, has done more than her share for her community. She has been a Scout Den Mother for each of their three sons, organized and directed three children's choirs at the Brentwood Presbyterian Church, was active in the PTA and was a full-time staff accompanist on the piano and organ at Orange Coast College in Costa Mesa.

The 90-voice college chorale performed across the Western United States and Canada and during this same time, Betty was organist for the Laguna Hills Methodist Church and since 1974 has been active in the music department of St. Andrews Presbyterian Church in Newport Beach, where she also serves as a deacon.

In my opinion, Mr. Speaker, I could search this country far and wide and find no greater example of two public figures who have contributed so much of themselves while raising a fine family during the 47 years of their marriage.

It is most fitting and proper that this body recognize Harry Babbitt and his lovely wife Betty, both of whom have been my good friends for the many years they have lived in the coastal area of Orange County. I praise them for the work they have done and commend the Costa Mesa Chamber of Commerce for its excellent choice of two fine citizens to be given the "Heart Award."●

SALVADOR DALI MUSEUM AND INSTITUTE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. YOUNG of Florida. Mr. Speaker, on March 10, 1982, the city of St. Petersburg will welcome a unique cultural experience into its midst. The Salvador Dali Museum & Institute, which includes the largest collection of art works by a living artist, Surrealist Salvador Dali, opens on that date with a gala celebration.

The museum will feature, on a rotating basis, 93 oil paintings, 200 watercolors and drawings, 1,000 graphics and sculptures, and a 2,500 volume research library, as well as speakers and films on Dali and Surrealism. Valued at approximately $35 million, the collection was donated to the State of Florida by Cleveland industrialist A. Reynolds Morse and his wife, Eleanor R. Morse, after a Wall Street Journal article about their collection without a home was read by St. Petersburg attorney and newly appointed city councilman James W. Martin.

The city of St. Petersburg, an enthusiastic supporter of this latest edition to its cultural community, provided and renovated a city-owned building on local waterfront property and leased it for 30 years at $1 per year. A $2 million grant from the State of Florida was used to develop the facility and an adjacent park.

A group of community leaders, dedicated to establishing the Dali collection in St. Petersburg, have worked for almost 2 years to realize their dream. The museum site is on Bayboro Harbor, adjacent to the Bayboro campus of the University of South Florida and future plans for the museum include the availability of research, work study programs, and internships to students and faculty of the State university system, which represents nine universities and their branch campuses throughout the State of Florida.

I applaud the efforts of everyone involved in securing this important acquisition and urge both visitors and local community members alike to visit the Salvador Dali Museum & Institute at their earliest opportunity.●

U.S COAL EXPORTS: THE BUYER'S VIEW

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. RAHALL. Mr. Speaker, a substantial portion of this Nation's coal exports goes to the European market and it is expected that the United States will supply even more steam coal to this market in the future. This is beneficial to the Europeans in that they gain a measure of energy security through a stable source from an allied nation, and, it benefits this Nation by creating employment in the mining, rail, and port industries in addition to contributing toward a favorable balance of trade.

Recently, I met with representatives of the Association Technique De L'Importation Charbonniere (ATIC) which buys coal for France. One of the major concerns of ATIC, and of all European buyers, is the ability of this Nation to keep its ports competitive with those of other coal exporting countries. Deeper port channel drafts allow the use of larger coal vessels which can transport coal at less cost. Obviously, this is a factor which coal buyers take into consideration when determining with whom to sign long-term contracts.

Following is a memorandum from ATIC on the issues raised during our meeting. I believe the information contained in it will be of use during our deliberations on port improvement legislation.

ASSOCIATION TECHNIQUE DE L'IMPORTATION CHARBONNIERE (A.T.I.C.), DELEGATION IN NORTH AMERICA,

New York, N.Y., February 24, 1982.

Memorandum on issues raised by Mr. Albert Viala, Vice Chairman and Chief Executive Officer of Association Technique De L'Importation Charbonniere, Paris (A.T.I.C.) in Washington on February 4, 1982, in relation to the competitiveness of U.S. steam coals.

1—PAST AND FUTURE SITUATION

1.1 In the year 1980, and especially in 1981, high vessel demurrage, up to $15.00 per ton of coal loaded, for vessels sailing from East coast ports was experienced. This factor had a direct bearing on world prices for steam coal. As a matter of fact, competitors outside the USA have taken advantage of this situation by increasing their sales prices by demurrage we paid in the U.S. without any real justification in any increase in their costs to deliver coal. This demurrage paid to the ship owners has not produced any improvement in the financial condition of the American coal producers, with the possible exception of exports through ports where the waiting time was less than that experienced on the East coast.

1.2 The strong world steam coal demand witnessed during the years 1980/1981 is likely to stabilize in 1982, at a much lower level. Taking into account the present world economic situation we can assume that the future prospects for improvement in exports for the American coal producers cannot be foreseen before the years 1985/1986.

The reasons for this forecast are:

Excess production capacity, the world capacity having been based on inflated consumption prospects made in the years 77-79;

Worldwide weak economy;

Conservation;

The oil glut.

1.3 In the coming 4 to 5 years the American coal industry is going to face increased competition but, in the meantime, it should work very quickly on getting ready for future better years.

2—ATIC'S POSITION

2.1 We are very much in favor of purchases from the USA for the following reasons:

The political situation in the country and the relatively stable labor situation;

No interference on the part of the government on exports and on pricing;

The free pricing situation in the USA, with competition between producers of all sizes, as well as between traders and brokers, is a definite advantage to us. Such commercial freedom in the international coal business cannot be found in all exporting countries by foreign consumers;

Great number of ports.

2.2 Measures likely to improve the competitiveness of American coals to the export markets.

Dredging of channels and ports to accommodate ships of minimum 150,000 TDW drawing 55 feet;

Development of terminals with storage and throughput capacity available for small producers and not only private terminals belonging to and operated by large producers. ATIC is very much in favor of the VSPA project in Norfolk, the port of New York terminal and of the type of terminals in existence and planned in New Orleans;

Opposition to total deregulation of export rates by the railroads;

Close and permanent review of the consequences of the Stagger's Act and its deregulation on the survival of small mines;

Incentives to purchase French manufactured products and equipment in order to improve the balance of trade situation for France (deficit: 1980 FF 24.5 billion/US $5.3 billions 1981 FF 22.9 billions/US $4.2 billions).

About 8.5 million metric tons of coal are to be purchased by ATIC in 1982 for a total value of about 600 million dollars.

N.B. The above considerations regarding ATIC's position on steam coals (part 2) and their competitiveness are also valid for metallurgical coals.●

RESOLUTION SUPPORTS LITHUANIAN LIBERTY

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. NOWAK. Mr. Speaker, last month marked the 64th anniversary of the reestablishment of Lithuania's independence and the 731st anniversary of the founding of the Lithuanian State.

On that occasion, the Lithuanian Club of Buffalo passed a resolution commemorating these anniversaries and renewing its support for the freedom-loving people of this Baltic nation * * * one of the first victims of Soviet aggression, one of the first captive nations.

By joining in these observances, we continue to signal those working for freedom inside and outside the Iron Curtain of our continuing support of the proposition that all people should have the right of self-government and self-determination.

The Lithuanian Club of Buffalo resolution was brought to my attention by the club's secretary, Mrs. Akvilina Musteikis, and I would like to share it at this point in the RECORD with my colleagues.

RESOLUTION

We, the Lithuanian Americans of The Lithuanian Club of Buffalo assembled this 21st day of February, 1982 at Buffalo, New York to commemorate the restoration of Lithuania's independence, do hereby state as follows:

That February 16, 1982 marks the 64th anniversary of the restoration of independence to the more than 700 year old Lithuanian State;

That Lithuania was recognized as a free and independent nation by the entire free world, she was a member of the League of Nations, however, she was by force and fraud occupied and illegally annexed by the Soviet Union disregarding the Peace Treaty of 1920 in which Moscow had guaranteed Lithuania's independence forever and disregarding the Non-Aggression Pact of 1926 with the Soviet Union;

That the Soviet Union is an imperialistic, aggressive colonial empire, subjugating each year new countries; Lithuania was one of its first victims. The colonies of western countries have regained their independence, even underdeveloped nations of Africa and Asia, while Lithuania is still exposed to the most brutal Russian colonial oppression and exploitation;

That the Soviet invaders, even though using tortures in jails, concentration camps, psychiatric wards are unable to suppress the aspirations of the Lithuanian people for self-government and the exercise of their rights to self-determination, as is highly evident from the numerous underground press and strong dissident activities; now, therefore, be it

Resolved, That we are grateful to the President of the United States who instructed the U.S. delegation to raise at the Madrid conference the right of the Baltic States for self-determination;

We are grateful to President Reagan and the Department of State for statements that an official diplomatic non-recognition of the forced incorporation into the U.S.S.R. of the three Baltic nations will continue to be policy of his Administration also;

We urge the United States of America and other nations of the free world to use diplomatic and other possible pressures that the Soviet Union withdraw its military forces, secret police apparatus, foreign administration, and release from jails, concentration camps and psychiatric wards people who struggle for human rights and liberty;

That we express our most sincere gratitude to the U.S. Congress for non-recognition of the incorporation of Lithuania into the Soviet Union, and for the impressive annual commemoration of Lithuanian independence.

That copies of this Resolution be forwarded to the President of the United States, to the Secretary of State, to Senator Patrick Moynihan, Senator Alfonse D'Amato, Congressman Jack Kemp, Congressman Henry Nowak, Congressman Dante B. Fascell, chairman of the Helsinki Committee in Washington, and to the news media.●

REAGAN SHOULD RETREAT FROM STUDENT AID PROPOSALS

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. EVANS of Iowa. Mr. Speaker, the President recently sent to this Congress his recommendations for spending in fiscal year 1983. Contained within these recommendations are massive reductions for Federal support of postsecondary educational institutions in our Nation.

The Reagan proposal that has received the most notice in the education area is, of course, the drastic cuts in aid to college students. In a departure from over a 25-year commitment to student aid, first stated by President Eisenhower, the President has asked for draconian cuts in vital economic support to students. In my State alone, over 61,000 students would be affected, about 50 percent of all students enrolled in postsecondary programs in Iowa. The need for a well-educated population is greater today than ever. I am especially concerned over the impact of the proposed changes in the guaranteed student loan program, not only is the administration planning to further restrict access to this program by the middle-class undergraduate, but is now including a wholesale exclusion of all graduate and professional students.

The elimination of this program for graduate studies will stunt the training of needed professionals in engineering, medicine, veterinary, dentistry, and law; in short, in many of the professions where the manpower shortage question is just beginning to be addressed adequately.

The commitment to student aid has spanned both Democratic and Republican administrations and has enjoyed strong bipartisan support in Congress. I cannot imagine that today's Congress is willing to turn its back on students wanting to pursue an education, especially in today's troubled economic times when almost half of all American families earn less than $20,000 a year and many of our public 4-year colleges cost more than $4,000 a year. How can we ask these families to spend almost 3 months of their annual earnings—before taxes—to send a student to college?

Mr. Speaker, the proposal to eliminate three traditionally important student aid programs, the NDSL, SEOG, and SSIG programs, is disconcerting. These programs have allowed millions of nontraditional students access to higher education. The wholesale cut of campus-based aid will remove the most flexible means available for student financial aid officers to meet the extreme need of students.

College costs in my home State of Iowa have increased by an average of 35 to 40 percent since 1977. It is unthinkable to inflict this kind of massive reduction on our financial investment in the future of our Nation. To cut student financial aid any further would signal the beginning of an erosive effect on the long-term national commitment to postsecondary educational opportunities. It has been our proud heritage that education should be available to a broad range of our society; unfortunately, the Reagan administration seems to be signaling with these proposals that higher education institutions will once again become the polarized bastions of the very rich and the very poor. We must not and cannot let this happen. We cannot limit the access of the broad middle class to the opportunities of a college education.

Mr. Speaker, if we are to continue the commitment started over 25 years ago, we must maintain access to higher education and demand that the President retreat from his proposals on student aid.

ELECTRONICS ASSOCIATION OF CALIFORNIA SUPPORTS INNOVATION BILL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. LAFALCE. Mr. Speaker, over the past few days, the Electronics Association of California has been visiting Members of Congress urging them to support H.R. 4326, the Small Business Innovation Development Act. EAC's activity is very significant. The group, which represents over 400 high technology firms in California, not only endorsed the Small Business Innovation Development Act but believes that its enactment is so important that it sent Jim Conway, its president, and Terry Bibbens of Itek to Washington to personally lobby for it.

EAC's action demonstrates how crucial the innovation bill is to America's high technology companies and the position those companies would take if they are given the opportunity to express their views. Oddly enough, the American Electronics Association, which has testified against H.R. 4326, never made the effort that EAC did to poll its members on the bill. The EAC poll, which was completed recently, showed 2 to 1 support among the association's high technology members for the bill.

To those of us who support H.R. 4326, this is a clear sign of the high technology sector's position on this bill. EAC and its president, Jim Conway, are to be congratulated for their vocal and vigorous support of the bill.

I want to insert in the CONGRESSIONAL RECORD the statement issued by EAC endorsing the innovation bill. In addition, I am including a column that appeared in the San Jose Mercury of February 10, 1982, on H.R. 4326 and the high technology industry.

POSITION OF ELECTRONICS ASSOCIATION OF CALIFORNIA CONCERNING SMALL BUSINESS INNOVATION (H.R. 4326)

The Electronics Association of California (EAC) represents over 400 rapidly growing high-technology firms in California. Founded a little over five years ago specifically to serve the needs of small and medium-sized high-technology companies, the Association has experienced dramatic membership growth.

The EAC wishes to go on record supporting legislation to encourage and support Small Business Innovation (H.R. 4326 and S. 881). This decision was reached by the EAC Board of Directors after responses to a membership survey reflected an almost 2 to 1 edge (65%) in support of the legislation. Our full membership was polled by the survey (copy attached) after the EAC was asked by various Congressional members and staff to present our views on this legislation. We received written responses from one-third of our members in less than 10 days and the survey results are provided herein.

The thirty-seven page Report issued by the House of Representatives Committee on Small Business clearly identifies, with substantial research and documentation, the potential advantages of this legislation. The key issue addressed was, "Will this legislation, if enacted, effectively aid in the advancement of technology in America?" There is no issue of more importance to the long-range economic and defense strengths of the U.S.

H.R. 4326 and S. 881 are aimed at stimulating innovation in general and at stimulating the technological and innovatively oriented small business sector. Past studies, as reflected in the Small Business Committee report, have shown that (1) small firms with up to 1,000 employees produce about 24 times as many major innovations per R&D dollar as large firms with over 10,000 employees, and four times as many as medium-sized firms, and that (2) the ratio of innovations to sales is one-third greater in small, high-technology firms than in their counterparts.

Assuring this important segment the opportunity to actively participate in the Government's R&D work would prove beneficial to America and properly complement the work of universities, the private venture capital community (short-term commercial dollar return) and contributions by the larger companies in the industry. This legislation would provide a unique opportunity for small high-technology companies to present their products, services and capabilities to the Government. Almost all R&D requests currently advertised by the U.S. Government are stated in terms of requirements defined by the Government program managers, often without a good understanding of capabilities or products available from industry. This legislation will require the Government personnel to review the best innovative ideas presented by small industries and the most advanced work will have a forum for presentation that does not now exist.

Special legislation affecting research and development is not a new concept. In fact, similar laws regarding small business set-asides for production contracts exist today. R&D set-asides for smaller firms will create a more competitive environment to insure that production contracts contain the newest and most advanced technology

Regarding implementation of the legislation, we suggest the following for consideration:

(1) S. 381 calls for a 1 percent set-aside annually while H.R. 4326 calls for set-aside starting the first year at .5 percent with annual increases reaching 3 percent in 1986. We realize the House and Senate will eventually have to reach agreement on the amount of dollars to be allocated for this program and the 1 percent level seems appropriate to us at this time. Tied to the dollar allocation should be a periodic congressional review of the legislation to insure that the initial objectives are being accomplished.

(2) To minimize abuses of the program we might suggest that SBIR contracts be limited to a small percentage of a firm total sales (i.e. 20 percent for on-going businesses). Further we recommend that firms be limited to 10 percent of the funds of any one funding agency.

(3) It is important that effective implementation of this legislation not be hindered by undue Government regulations. Innovation requires flexibility more so than production contracts. This must be recognized by the program administrators if we are to realize maximum innovation and technological advancement from the legislation.

(4) Government paperwork, desire to overcontrol, added bureaucracy and inefficient administration were the major reasons cited by companies opposing this bill. Since this program is intended to foster development, we recommend the contract reporting mechanism focus on progress of the work and minimize ancillary reports, including financial reports.

Further information may be obtained by contacting: Electronics Association of California, 185 San Gabriel Drive, Sunnyvale, California 94086. Phone: (408) 736-7600 President: James J. Conway.

[From the San Jose Mercury, Feb. 10, 1982]

WHY THE AEA OPPOSES A BILL THAT HELPS 80 PERCENT OF ITS MEMBERS

(By Bruce Entin)

The American Electronics Association is staunchly opposing a bill that would benefit 80 percent of its 1,800 members.

Yes, you read it right. In fact, that controversial stance is causing some dissension among the ranks of electronics executives in Silicon Valley.

Here's the situation.

To help spur innovation, Congress is mulling over a bill to grant more research and development contracts to small companies, including high technology firms in Silicon Valley.

Executives at small electronics companies in California support the bill by a stunning 2-1 margin, according to preliminary findings of a poll taken by the Electronics Association of California, a trade group based in Sunnyvale.

Moreover, this newspaper published a strong editorial last week urging passage of the bill, saying the U.S. would do well to borrow a page from the Japanese book by supporting critical industries.

Naturally, with that backdrop, you'd think the AEA would be leading the drive to get the Small Business Innovation Development Act enacted. But that's not the case at all.

"The proponents of this bill are trying to help young high technology companies. We sincerely appreciate that . . . but please don't do it," pleaded Randy Knapp, president of Wespercorp, a small high tech firm in Southern California. He made those remarks in testimony before the House Committee on Science and Technology late last month.

The AEA believes the bill, which would require federal agencies to set aside a certain percentage of their research and development budgets for small firms, is an affront to the free market system.

Moreover, the AEA claims the program would be a bureaucratic nightmare, cost $193 million to administer through 1986, open the door to abuse and waste and draw badly needed research dollars away from universities.

Ed Zschau, System Industries president who also is running for Congress in Silicon Valley, testified that recent changes in tax laws have generated enormous amounts of venture capital that make such government support unnecessary.

Zschau also is not convinced that small companies have the R&D manpower to handle additional contracts.

If Congress is intent on helping small high technology firms, Zschau would like to see politicians pass R&D tax breaks for startup companies.

But not everybody sees it that way.

Some executives, such as Terry Bibbens of Itek, argue the AEA is speaking for large companies only "I think the AEA didn't solicit their smaller companies, and it's wrong for the AEA to take a policy stand dealing with less government on an issue that affects only small firms," said Bibbens.

The AEA, a Palo Alto trade group, counters by saying its committee of executives from small businesses unanimously opposed the bill.

Bill Byars, president of Viking Labs of Mountain View, believes the U.S. can maintain its technology lead over other countries only by supporting small, innovative companies.

Small companies, Byars says, create 70 percent of all new jobs and countless technological innovations.

The Senate already has passed the bill 90-0 and the House is expected to vote on its version of the measure in March. The Reagan administration supports the more conservative Senate version.

Meanwhile, the AEA is gearing up a massive lobbying effort to defeat the measure, and sources say the trade group already has convinced the U.S. Chamber of Commerce to backpedal on its support of the bill.

Stay tuned.●

COMMITMENT TO SUPPLY DEFENSIVE WEAPONS TO TAIWAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. DERWINSKI. Mr. Speaker, the Taiwan Relations Act of 1979 gives the full force of law to the American commitment to supply adequate defensive weapons to the Republic of China. As a major trading partner of the United States, Taiwan is a strategically located island. Its survival as a prosperous, viable nation is of obvious importance to the United States.

The subject of providing modern defensive fighter aircraft to the Republic of China of Taiwan was addressed in an article by Prof. Parris Chang, chairman of East Asian studies and political science at Pennsylvania State University, the author of "Power and Policy in China" and numerous other writings on Asian affairs. In light of the recent decision by the administration not to sell these aircraft to Taiwan, I wish to insert Professor Chang's article for the Members attention:

[From the Christian Science Monitor, Feb. 2, 1982]

WHAT THE UNITED STATES OUGHT TO TELL MR. DENG

(By Parris H. Chang)

After months of debate and indecision inside the government, the Reagan administration has finally decided against the sale of advanced aircraft like the FX to Taiwan, but would allow Taiwan to continue to buy more F-5E fighters. The decision was conveyed to the Chinese leaders recently by Mr. John Holdridge, US assistant secretary of state for East Asian and Pacific affairs, who went to Peking on a secret mission. The compromise decision, reached under intense Chinese pressure, has failed to mollify the Chinese leadership, however. During and after Mr. Holdridge's visit, communist officials have reiterated Peking's strong objection to the sale of any American weapons to Taiwan and warned the US of a diplomatic breakdown if the issue is not resolved.

By rejecting sale of the FX to Taiwan, President Reagan has shown considerable sensitivity to the feelings of Peking leaders, even if the move inevitably incurs criticism from some members of Congress who are his key supporters. Yet Peking's continuous intransigence could provoke a US-Sino diplomatic crisis that neither side desires. It is high time that we point out to the Chinese that:

(1) President Reagan has already met China's demand more than half way. As the US President, he has the constitutional obligation to carry out provisions of the Taiwan Relations Act. No president, not even Jimmy Carter, could agree to Peking's demand that the US end all arms sales to Taiwan. Don't push Mr. Reagan too hard, he is not someone who easily knuckles under.

(2) The Reagan administration wants to stand firm against Moscow and project strength and decisiveness in American foreign policy globally. An active, strong and reliable America is in China's best interests. Hence, Peking should not expect the US to bow to China's pressure and still be able to stand up to the Soviets.

(3) For Peking to place the issue of arms sales to Taiwan ahead of the global strategic cooperation against Moscow, especially during the Polish crisis, would make a mockery of all the talk of US-China parallel interests and strategic partnership. This is an opportune moment for chinese leaders to show their statesmanship and prove the "strategic imperative" of a close US-China relationship, lest China's credibility as a valuable partner against Soviet hegemonism be destroyed.

(4) The US does not seek Taiwan's permanent separation from China, nor are the arms sales to Taiwan the cause of such division. The truth is that Taiwan does not wish to be reunified with the mainland, so it has tried to obtain arms to defend itself against a possible use of force by the communists. Hence pressuring the US to end arms sales to Taiwan is not really helpful to the cause of reunification.

(5) China's reunification proposal is a positive step—indeed a highly skillful diplomatic move, as it makes Peking look flexible, reasonable, and magnanimous and puts the nationalists in Taipei on the defensive. The offer to let Taiwan keep its socio-economic system and armed forces is even more reassuring if Peking can convince people on Taiwan of its sincerity. In this connection, Peking's objection to Taiwan's purchase of arms from the US is an enormous political mistake, for it makes the reunification offer an empty gesture. Unless people on Taiwan can feel secure about their life, freedoms, and high living standards, the nationalist government will never respond to Peking's peace gesture.

(6) Besides, if the US ceases to provide selective defensive weapons and Taiwan turns elsewhere for its arms, or if in desperation for its survival Taiwan seeks to develop nuclear weapons, the consequences could be a lot worse.●

THE PLIGHT OF THE FALASHAS

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. LEBOUTILLIER. Mr. Speaker, the Soviet Union—as part of their colonialist policy—practices their campaign against Judaism both at home and abroad.

The oppression of the Falasha Jews of Ethiopia is little-known but nevertheless troubling act of anti-Semitism that the world community ought to be more aware of, and concerned about. Benjamin Vinar, who is president of the Queens, N.Y., Jewish Community Council, has devoted a great deal of study and work on behalf of the Falashas of Ethiopia.

The conditions and sufferings of (the Falashas),

Mr. Vinar wrote me recently,

in microcosm, epitomize that European Jewry during the first half of this century.

Like the Jews of prewar Germany and of Nazi-dominated Europe, the Falasha Jews of Ethiopia have no citizenship or protected status of any kind other than as social castaways and scapegoats for governmental misadministration. This is despite the fact that they have been residents of Ethiopia for over 2,500 years. Use of the word "Falasha" graphically denotes their status: "Falasha" means "alien" or "stranger".

In this post-Selassie era in Ethiopia, the Cubans—masterminded, of course, by the Soviets—have established a military beachhead in the country. Ethiopia itself is in deep turmoil due to Soviet-backed forces fighting for absolute control. The governing apparatus of Ethiopia, an open proxy of the Soviet Union, demands that all black Jews of Ethiopia join avowedly pro-Arab, anti-Zionist organizations and even to participate in anti-Zionist activities. Refusal to do so results in arrest and removal from families and even, in some cases, death.

It is my hope that the plight of the Falashas will become better known, and that the public outcry will be so great that the Soviet Union will be forced to leave them alone. It is also my hope that they will find it easier to emigrate, and that the religious beliefs of these poor and oppressed people will be firmly respected.

There are approximately 20,000 Falashas, and a potential holocaust is in the making. But their numbers are not at issue here—these people need action now.●

THE 75TH ANNIVERSARY OF THE NEWPORT BEACH CHAMBER OF COMMERCE

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. BADHAM. Mr. Speaker, it was 75 years ago, on March 12, 1907, when a hardy band of 16 men joined to put $5 each into a pot for seed money to start the Newport Beach Chamber of Commerce.

During the early years of Newport Beach, Calif., my hometown in the 40th Congressional District, the chamber was disbanded, reinstated, merged with another chamber and, finally, became the most thriving chamber of commerce in Orange County.

Today a group of 16 founding members has grown to almost 1,500 members, the largest in the county. The organization now known as the Newport Harbor Area Chamber of Commerce, is supported entirely by membership dues and provides an excellent umbrella of activities for the betterment of the community through the work of an excellent professional staff and active members serving on a wide variety of committees and divisions.

I am proud to salute the Newport Harbor Area Chamber of Commerce as it prepares to celebrate its diamond jubilee on March 12, 1982, at breakfast and dinner meetings to be held in the city.

While there are a number of cities in Orange County with greater population and a chamber of commerce representing the entire county, it is a tribute to the movers and shakers of the

Newport Harbor area that its chamber stands head and shoulders above all the rest.

But it has not been easy. After the humble beginnings in 1907, a rival chamber of commerce was formed in the Balboa section of the city in 1919 and this uneasy coexistence continued for several years until a third chamber of commerce was organized in 1923, ostensibly to cover the harbor and its development.

Finally, in 1927 the third chamber went out of business and the two rival bodies joined hands to form the present chamber, at that time operating as the Newport Harbor Chamber of Commerce with the city divided up into six districts, with directors elected from each.

Now the Newport Harbor Area Chamber of Commerce has four main divisions in addition to its committee structure. Each year there is a character boat parade, festival of lights boat parade at Christmas, sandcastle building contest, scholarship and athletic awards program and numerous other activities involving attractions for tourists and recognition of local citizens and young people.

It is my pleasure to call the attention of this body to these activities and to the solid achievements and programs put forth by the Newport Harbor Area Chamber of Commerce, which has set an example all communities should be proud to follow.●

MERIT BADGE FOR TYRANTS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an excellent article by Anthony Lewis which recently appeared in the New York Times, revealing once again the Reagan administration's absolute abandonment of respect for human rights.

Having certified the "good behavior" of El Salvador (while closing its eyes to the massive human rights abuses in that nation), the administration is now preparing to certify that the Government of Chile has made similar significant progress in respect to human rights. This flies in the face of reality; the brutal regime of Gen. Augusto Pinochet is one of the worst human rights offenders in the world.

By certifying that Chile has made progress in respecting human rights the Reagan administration would once again have us become the champions of the oppressors, while making the Soviets the champions of the aspirations of the oppressed. As Mr. Lewis notes in his article, this policy can only have devastating consequences:

This week the U.S. tried to get the U.N. Commission on Human Rights to put a special item about Poland on its agenda—and had thrown back at it the argument that it would be wrong to single out one country.

I commend Mr. Lewis' article to the attention of my colleagues:

MERIT BADGE FOR TYRANTS

(By Anthony Lewis)

BOSTON, February 3.—Having certified the good behavior of the El Salvador junta, President Reagan is ready for the next logical step. Unless there is a last-minute change of mind, he will shortly certify that Chile's dictatorship and its torturers are making "significant progress" in respect for human rights.

Some thought it was Orwellian to give a stamp of approval to El Salvador's armed forces immediately after evidence surfaced that they had carried out another massacre of civilians. To declare that Chile has met the test laid down by Congress for U.S. aid would be if anything more cynical—and more humiliating to the United States.

It would be humiliating because the Chilean Government, over the last six months, has made a point of expressing its contempt for this country's human rights concerns.

Item: Jeane Kirkpatrick, U.S. representative to the United Nations, visited Chile last August to express the Reagan Administration's intention to improve relations. The president of the Chilean Commission on Human Rights, Jaime Castillo, asked to meet her; she said she was too busy. Two days after she left, Mr. Castillo, a distinguished lawyer and former Minister of Justice, was expelled from Chile.

Item: Last Dec. 4 in a U.N. committee Mrs. Kirkpatrick's deputy, Carl Gershman, opposed a resolution to continue paying special attention to the human rights situation in Chile. He said it was wrong to single out Chile. Six days later two other leading officials of the Chilean Human Rights Commission were arrested and held without charges. They are still in prison.

One of the human rights spokesmen arrested in December, Pablo Fuenzalida, was gruesomely tortured. He was seen in a Santiago prison last month by a U.S. visitor, Aryeh Neier of the Americas Watch Committee, a private group that monitors conditions in this hemisphere. Mr. Fuenzalida described what had been done to him.

He was tied, naked, to a metal bedframe. Wires were attached to his legs, testicles and chest. As electric shocks were applied, a man asked him questions about Human Rights Commission, the hierarchy of the Catholic Church, politics. Later he was dressed and questioned in front of a movie or television camera; when his answers were not satisfactory, the camera was turned off and an electric prod applied to his body.

When Mr. Neier saw Mr. Fuenzalida, his body showed the effects of trauma. His right side was partly paralyzed, and he could not use his arm sufficiently to shake hands.

Congress banned U.S. arms aid to Chile in 1976 because of the brutal repression there. Last year the Reagan Administration asked Congress to lift the ban. It did, but required President Reagan to certify certain things before arms could be given or sold to Chile.

Mr. Reagan must declare that Chile "has made significant progress in complying with internationally-recognized principles of human rights." He must also find that Chile has cooperated in "bringing to justice" Chilean intelligence agents indicted by a U.S. grand jury for the assassination of Orlando Letelier, the former Chilean Foreign Minister, in Washington in 1976.

It will take even greater cynicism to certify the second point than the first. The Chilean Government has crudely blocked all efforts to extradite the accused conspirators. Last month, in a transparently fraudulent gesture, the Chilean supreme court declared the case still open. But no proceedings are pending or planned.

Despite the formidable obstacle of truth, State Department officials have drafted a certification for President Reagan. There is pressure to hurry because some American companies want to display their products at an air show in Chile next month.

As the examples of Chile and El Salvador show, the Reagan Administration's evident willingness to certify just about anything has the effect of weakening American influence. Gen. Augusto Pinochet, the Chilean President, believes that his Government will not really be called to account, so he feels free to mock the United States on human rights.

The U.S. is also being hurt in international forums. When we opposed the U.N. resolution on Chile, our European allies voted for it and it passed easily. This week the United States tried to get the U.N. Commission on Human Rights to put a special item about Poland on its agenda—and had thrown back at it the argument that it would be wrong to single out one country.

There is reason to think that all this is clear now to the Assistant Secretary of State for Human Rights, Elliott Abrams. But American influence will be restored only if his superiors actually draw the line somewhere. In Chile there should be no certification unless General Pinochet agrees at a minimum to let exiles return and stop official torture. Otherwise the United States will be in the position of demanding decency and then giving a certificate of good behavior to the indecent.●

TRIBUTE TO J. MICHAEL GRAEFF

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the heroic efforts of several individuals, who together may have saved the life of a young man from Berks County, Pa.

On Saturday, February 20, Mr. J. Michael Graeff, of Shillington, Pa., arrived at the scene of an accident and stopped to offer help. A young man, Mr. Michael Zerbe, had been traveling on the road when his auto ran off the highway, hit an embankment, collided into a concrete wall and flipped over. The young man was thrown from the car during the impact and the automobile landed on top of him.

Mr. Graeff's quick thinking and compassion for the accident victim were truly commendable. He immediately ascertained where the victim was, felt for a pulse and recognized the necessity of lifting the car off the young man. It was at this time, that my son and I arrived at the scene. Together with four other men who stopped to help, we were able to lift the car and pull Mr. Zerbe from the wreckage. At this time, Mr. Graeff administered initial first aid and cleared the victim's throat.

The rescue service then arrived with the police, and Mr. Zerbe, after being given emergency treatment, was taken to the hospital. The efficiency of the police, the southern Berks County paramedics, the Governor Mifflin Ambulance Service, and in particular, a student nurse, Debbie Dark, were outstanding and highly commendable.

All too often our society emphasizes what is wrong in our Nation and points to the lack of compassion for our fellow man. It is times like this, times of people working together, with their only motive a desire to help, that are often overlooked. But it is precisely acts like this which underline the true spirit of America and as such should be recognized.

Unfortunately, I do not know the names of all the individuals involved in this heroic rescue. I consider myself privileged to have witnessed their courage and their willingness to extend aid to one who was in great need. I was particularly impressed by the actions of Mr. Graeff, whose quick intervention was instrumental in removing Mr. Zerbe from underneath the car.

I know that my colleagues will join me in paying tribute to Mr. Graeff, and the other individuals involved, and in sending our best wishes to Mr. Zerbe, for a quick and complete recovery.●

COAL PIPELINES: FREE MARKET COMPETITION

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. BREAUX. Mr. Speaker, there is little doubt that coal is the key to America's self-sufficiency in the energy arena. Coal is an abundant natural resource, inexpensive to mine, and when burned with the appropriate environmental safeguards, is safe to the environment.

The most common transportation modes for coal are rail and barge. But clearly, those are not the only ways of transporting coal. Slurry pipelines can facilitate the transport of millions of additional tons of coal for worldwide as well as domestic use, to ease the way for our allies as well as ourselves to freedom from overdependence on petroleum resources. Absent cost-efficient coal pipelines to aid growing coal exports, our allies in Western Europe will feel compelled to rely on the Soviet Union for secure energy supplies.

The only effective alternative to captive rail haulage for long distance transport of coal, in most cases, will be coal pipelines. Without effective competition, the high cost of moving coal by rail over long distances will surely retard coal conversions and future utilization. Regulatory reform has given railroads the rate flexibility needed to make a sound profit. There is every good reason to let the coal pipelines begin to compete. The need for healthy competition is the reason why I have cosponsored H.R. 4230, the Coal Pipeline Act of 1982. This bill, granting Federal eminent domain to coal pipelines, would provide competition and help hold down the cost of electricity to millions of consumers.

Mr. Speaker, I am inserting into the Record a recent article from The Journal of Commerce, dated February 22, 1982, which tellingly demonstrates problems which ensue from the lack of competition.

[From the Journal of Commerce, Monday, Feb. 22, 1982]

Movement of Coal by Rail Has Problems To Be Resolved

(By Chris Barnett)

Bob Delaney missed the boat—literally. The traffic manager of D. B. Trade recently moved 25,000 tons of coal on the Norfolk and Western Railroad up to Newport News for shipment to Europe, but the unit train wound up six hopper cars short. "The railroad lost them, but it happens all the time," he shrugs. "We can always guarantee they'll lose six or seven cars—we call them stragglers—that don't make the vessel and have to be sold off later."

Mr. Delaney, whose company, a division of Dusseldorf-based Deutsch Babcock International, buys and ships domestic steel and coal to Europe, hadn't found the stray hoppers 21 days after they left the eastern Kentucky mines. But, he's fighting back in one way he figures will make the rails squirm. He's barging coal down the Mississippi River for midstream loading at New Orleans on to charter vessels working out of the Gulf.

Some rails, Mr. Delaney alleges, are killing the golden goose. They have an inability to get the rail cars to the vessel on time, he says flatly. "Plus there is a lack of communication and coordination by the rails."

As he explains it, the railroad issues a permit valid for 15 days to the customer. Theoretically, the train should arrive at Norfolk or Newport News within that time. But if the train does not arrive by that date, chartered vessels at the congested ports are socked with demurrage fees ranging from $10,000 to $12,000 a day.

"The rails don't guarantee anything," he charges. "There is no onus on them to perform. If they don't get there on time, it's just tough luck." If a unit train is short, Mr. Delaney says, he has to scramble and buy hopper cars from other sources in order to deliver the amount of coal that is promised the customer. It's not that easy. "You have to find hopper cars with coal that have the identical specs (specifications and characteristics of the missing coal). What's more, when the stragglers turn up, Mr. Delaney has to find a buyer for them."

"You just can't get information from the railroads. They don't give out car numbers until the stuff is dumped, so you don't know which cars are missing. It's time consuming to trace cars, time consuming to purchase coal from another source." On the other hand, Mr. Delaney points out, "when the system works, it works very, very well. When the system breaks down, it's dreadful."

To cut its losses, D. B. Trade has been shaving the size of its coal purchases. Plus, Mr. Delaney says, there is a "glut" of stokker coal in various parts of Europe, thus causing it to whittle down its shipments. While the company buys coal from eastern Kentucky, Oklahoma, southern Indiana and the Illinois Basin, railed shipments have dwindled to 25,000 tons, 134-car unit trains from 63,000-ton shipments that required 900 car unit trains to move.

"There is so little control shipping in such massive proportions," he sighs. On top of that, Mr. Delaney claims the frequent rate increases and surcharges makes it difficult to "cost/out" the precise price charged for shipping coal by rail.

"It's hard to pin the railroads down because there are so many price fluctuations." The D. B. Trade traffic manager has been slowly switching over to barges. "We're moving the SAE coal by the Louisville and Nashville Railroad to Louisville and Ghent where the train can dump (the coal) into the designated barge."

He contends the barge companies "are hustling for business" and transit costs can be pared. For example, barging coal from Kentucky down the Mississippi to a midstream loading point at New Orleans ranges from $6 to $9 per ton. Barging Oklahoma and Arkansas coal to New Orleans is approximately $7–$9 a ton.

Fierce competition is largely the result of excess barge capacity piled up when the grain trade fell on hard times and did not "take off as projected," notes Mr. Delaney. Shipping out of New Orleans has other advantages. "There is no congestion there compared to Newport News and Norfolk and coal handling facilities are modern at New Orleans," he stresses there are some drawbacks, though. Mr. Delaney concedes coal barged downriver, exposed to natural elements, loses some BTUs. "The exposure to the water increases the moisture content of the coal."

Yet the BTU loss is more than offset by the greater reliability of barging and shipping out of New Orleans plus an overall net reduction in transit time. Barging takes seven to 10 days compared with up to 21 days by rail to get coal to a vessel for loading. Shipping across the Atlantic takes two days longer from New Orleans than from the Virginia ports.

"Actually," says Mr. Delaney, "it could wind up being up to 20 percent cheaper so our European customers don't mind waiting a couple extra days."

As Mr. Delaney puts it, customers would rather know the shipments will take two days longer to make the Atlantic crossing than expect them two days earlier, get ensnarled by port congestion and train delays, and get stuck with unexpected demurrage costs.●

THE INFORMATION AGE SPAWNS THE JOBS OF THE FUTURE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. GINGRICH. Mr. Speaker, a characteristic of America has always been innovation. Recent innovations in the fields of space, biology, and computer science have thrust us into an exciting era of progress.

While the Japanese and the Europeans may be excelling in managing existing industries, America has long been the leader in developing new industries. That leadership continues with the innovations of the information age.

Time magazine's cover story last week presents a positive outlook for American innovation. Daring men and women still risk pursuing the American dream of owning their own business.

That article follows:

[From Time magazine, Feb. 15, 1982]

STRIKING IT RICH—A NEW BREED OF RISK TAKERS IS BETTING ON THE HIGH-TECHNOLOGY FUTURE

(By Alexander L. Taylor III)

It is among the most durable of American dreams. The young man with a bright idea for a new product or service decides to form his own company. He invests his family's savings in the new venture. He is soon working 18-hour days but does not mind because the company is his own. Sales start sluggishly, and he makes enough mistakes to fill a textbook. Eventually it all pays off. Profits boom; he makes it big. He becomes wealthy beyond his wildest hopes.

That is not just some Walter Mitty fantasy. New businesses are being created in the U.S. today as never before. Last year some 587,000 companies were incorporated, 80 percent more than in 1975 and 53,000 more than in 1980. During the past 18 months, hundreds of people became millionaires or multimillionaires when shares in their new companies were sold to the public for the first time. Among the stock winners: Bill Saxon, 53, of Saxon Oil Co. ($212 million); Philip Knight, 43, of Nike athletic shoes ($178 million); Herbert Boyer, 45, and Robert Swanson, 34, of Genentech ($32 million each).

Some of these successful new capitalists are tinkering innovators in blue jeans, while others are button-down bankers with M.B.A.s. Some are immigrants or the sons of blue-collar workers, while others are from old established families. Most are still little known outside their own fields. Frederick W. Smith, 37, is just another guy named, well, Smith. Yet his company, Federal Express Corp., has become a $600 million firm by delivering packages that "absolutely, positively have to be there overnight," as its ads claim. Nolan K. Bushnell, 39, invented Pong, the first video game, in 1972. He then sold his company, Atari, to Warner Communications in 1976 for $28 million. Steven Jobs, 26, the co-founder of five-year-old Apple Computer, practically singlehanded created the personal computer industry. This college dropout is now worth $149 million.

Even though the U.S. languishes in its third recession in ten years, and industries like autos and steel seem incapable of competing with the Japanese, the bright, bold and brassy risk takers are not only thriving; they are leading the U.S. into the industries of the 21st century. Writes George Gilder, a supply-side theorist, in Wealth and Poverty: "Entrepreneurs are fighting America's only serious war against poverty. The potentialities of invention and enterprise are now greater than ever before in human history."

New companies have become a vital source of American economic growth. According to Stanley Pratt, editor of the Venture Capital Journal, small businesses created 3 million jobs in the past ten years. The largest 1,000 American firms, on the other hand, recorded virtually no net gain in employment during the same period. Says Benjamin Rosen, an electronics industry analyst and a financial backer of new enterprises: "These companies represent the true vitality of the American economy. We are wasting too many of our resources trying to keep alive dying industries like steel and automobiles rather than paying attention to and helping these new firms."

The odds against success, of course, are high. In 1981 the number of U.S. business failures was 45% higher than 1980, reaching a 20-year high of 17,040. Indeed, only one in ten investments in a new company may ever return a profit. Investors are already wondering whether the early promise of some gene-splicing firms will pay off.

Nonetheless, its entrepreneurial spirit is perhaps the greatest advantage the U.S. has in the highly competitive world marketplace. Neither Europe nor Japan has a strong tradition of adventurous small businessmen starting up their own firms, and neither has matched the American record for developing revolutionary new products. Financial backing for such ventures in Europe is more difficult to get. Says Alan J. Patricof, who is forming a British venture-capital fund: "The attitude in Europe has been much more paternalistic. Stories about big killings by 26-year-olds just aren't known."

Japan is skilled in the mass production of high-quality goods and has become a formidable competitor in established industries like memory chips and home electronics. But Japan encourages corporate development at the expense of individual initiative. Says Kenji Tamiya, president of Sony Corp. of America: "Japanese society is more highly organized, and big organizations tend to avoid risk. Particularly in new fields like personal computers or video games, you must take risks and make decisions quickly. This gives the U.S. an advantage."

Only a few years ago, American risk taking almost dried up. In 1969 Congress increased from 25 to 49 percent the maximum tax on long-term capital gains—the profit made by an investor on the sale of stocks, real estate and other property. The effect was devastating. The amount of money that Americans were willing to gamble on a long-shot business dropped sharply. In 1969, $171 million was amassed in venture capital. By 1975 the amount had fallen to just $10 million.

In 1978, however, Congress rolled back the capital gains tax rate to 28 percent. With the potential payoff increased, investors were again willing to take a risk. Last year $1.3 billion in venture funds was accumulated, more than 100 times the amount of only six years earlier.

Throughout American history, the nation's entrepreneurs have been the catalysts that sparked the formation of new industries. Three of those pioneers:

In 1813, Francis Cabot Lowell, a Boston merchant, created the first modern textile factory to combine yarn spinning and cloth weaving under one roof. He traveled to Britain to study established operations, took on some partners and raised $400,000 in venture capital from family and friends. Lowell then sold his cloth through a few large wholesale outlets in New England. He added to his profits by selling copies of the machines he developed to make the cloth. By 1817 his business had annual sales of more than $34,000, and Lowell paid his investors a dividend of 17 percent.

George Westinghouse, the son of a farm-equipment manufacturer, speeded the growth of two modern industries. The air-brake that he invented in 1869 at age 22 made high-speed railroad travel safe for the first time. Then, 17 years later, he formed the Westinghouse Electric Co. to develop alternating current and make the first big generators and transformers. These made possible the wide-scale use of electricity. By 1900, Westinghouse's enterprises were valued at $120 million and employed about 50,000 workers. Then, as now, risk takers can run into trouble. Westinghouse was forced out as head of the companies during the financial panic of 1907.

Edwin Land, a tinkering scientist, founded the Polaroid Corp. in 1937 to make nonglare lenses. In 1948 he marketed a new camera that could produce pictures immediately. Competitors like Eastman Kodak thought it was a gimmick, but the product was an overwhelming success and opened up a whole new industry [illegible]hen Land retired as head of the company in 1980, he had accumulated Polaroid stock worth more than $75 million.

Certain regions of the U.S. have always seemed to lure venturesome people more than others. At the beginning of the 20th century, many automotive pioneers came to Detroit. There they found a deepwater port and a good railroad system that gave access to supplies of coal and iron and a convenient way to ship their new cars back to local markets. They also found a prosperous wagon-making industry with a pool of skilled craftsman, as well as a bustling atmosphere that encouraged innovation and manufacturing.

In today's high-technology industries, proximity to raw material or water transportation is not as important as it was for the auto industry. The entrepreneurial spirit now seems to flourish best near universities. There companies just getting started can find research help for their projects. In addition, discoveries made in laboratories frequently have a commercial application in new products.

One such place is Minneapolis. Engineering Research Associates, a pioneering computer company, was founded there in 1946. After the firm was absorbed by Sperry Rand, William Norris, one of its founders, left to start Control Data Corp. in 1957, which he financed by selling 615,000 shares of stock for $1 apiece. Today a share of the original stock is worth $324. Another alumnus of Engineering Research was Seymour Cray, who built the world's fastest computers at his company, Cray Research. Both firms thrived in the Minneapolis area, and many other high-technology companies have sprung up near by, where they have benefited from a steady supply of new engineers from the University of Minnesota and an established system of local financing.

Other pockets of entrepreneurial activity are found along the Boston beltways of routes 128 and 495, at the foothills of the Rocky Mountains in Colorado, and to the north and west of Dallas. Several former employees of Dallas-based Texas Instruments have set up their own companies specializing in communications, including Digital Switch Corp., Intecom and Danray. Gordon Matthews, 45, worked for IBM and Texas Instruments before starting companies of his own. His third and latest venture is ECS Telecommunications, which sells a computerized system that stores and transfers messages by telephone. Last year the three-year-old firm had sales of $4 million, and Matthews bullishly says they could double this year.

The most explosive area for growth companies today is south of San Francisco Bay in a 250-sq.-mi. area in Santa Clara County, where orchards of apricots, prunes and cherries were once a main source of income. Tiny semiconductors made with chips of silicon that were first manufactured there at the end of the '60s gave the region its nickname—"Silcon Valley." Growing up alongside the semiconductor companies in such towns as Sunnyvale, Los Altos and Cupertino are a host of new, high-tech industries. Says Michael Shields, a catalogue marketer in Palo Alto: "Living here is like riding in the nose cone of the space shuttle. We're riding into the future."

A range of other industries is also growing up in the region. Some say it should really be called the Siliclone Valley because of the 16 genetic-engineering companies now located there. Robert Swanson, an M.B.A. from M.I.T. and Biochemist Herbert Boyer, for example, started Genentech. Collagen Corp., a biomedical products company in Palo Alto, makes a biological implant called Zyderm, which helps remove the effects of scars from the human skin. Companies like Coherent Radiation in Palo Alto are doing pioneering work in the industrial use of lasers.

There are now no fewer than 786 electronics firms in the fertile valley at the foot of the Diablo Range. In 1980 they produced $8.7 billion worth of goods. The American Alliance for Innovation now gives two-day seminars on marketing strategies and venture capital for hopeful entrepreneurs. Says William Hambrecht, a San Francisco investment banker whose firm, Hambrecht & Quist, helped launch Apple Computer and Genentech: "Being a successful entrepreneur here is one of the most privileged positions in today's world."

The mere presence of so many profitable businesses leads to the creation of still more companies. The entrepreneur has become the local cultural hero and role model, just as movie directors are in Los Angeles or oil drillers in Houston. Nearly everybody knows someone who left a company and started up his own.

David Steininger, 33, a graduate of Purdue University, is currently a project manager with Palo Alto's Electric Power Research Institute, an energy think tank. Says he: "I want to make my own mark and do something that has a lot more challenge. If you can't win a Nobel Prize, the next best thing is to start your own company." Steininger is thinking about forming a firm that will develop new oil-recovery technology.

One secret of the valley's success is a well-developed business network. An informal group of experienced executives, consultants and development services has sprung up to help start new businesses and then help them manage rapid growth. With a couple of local phone calls, a budding businessman with the right ideas can round up $1 million in venture capital in a day. Says British-born Adam Osborne, 42, who has already accumulated $70 million in orders for his year-old personal computer company, Osborne Computer Corp.: "Every single thing we need is within an hour's drive for us."

Just as important as the network is the attitude of businessmen and backers toward infant enterprises. They see failure as a demonstration of an adventurous intellect, not as a shortcoming. Says Gordon Moore, 53, the chairman of Intel Corp., a major semiconductor manufacturer: "Even when someone starts a company and fails, he'll be more valuable than someone else the next time because of his business experience." The result is an effervescent creative spirit that bubbles like California's best sparkling wine. Says Dallas-based L. J. Sevin, managing partner of Sevin Rosen Partners, which invests heavily in the new firms: "Between 60 and 70 percent of the most interesting ideas for new companies come out of the Bay Area."

Stanford University, near Palo Alto, was the source of much of the valley's spirit and success. Two Stanford graduates, William Hewlett and David Packard, opened a small company not far from the campus in 1939. Hewlett-Packard is now the area's largest electronics employer and a leader in computer-based technologies. Moreover, many of its employees have left the company to start a host of new businesses. Among the most successful: Apple Co-Founder Stephen Wozniak and Tandem Computers' James Treybig.

Other firms were started by Stanford University professors. William Shockley, co-inventor of the transistor, taught electrical engineering at Stanford. Eight alumni of Shockley Transistor Corp., which he founded in 1956, went on to form Fairchild Camera and Instrument, which launched the microchip industry. Some 53 so-called Fairchildren who left the firm have started their own semiconductor companies.

The adventurous businessmen of Silicon Valley also created a style of management that is likely to have a strong impact on business in other parts of the U.S. Executives in the valley face a few acute problems because of their highly competitive environment: keeping workers satisfied in order to reduce job hopping, and maintaining the small-company entrepreneurial spirit as firms grow larger. Experienced technicians are in short supply and can easily win large salary increases and hefty bonuses by changing employers. Executives are also fearful that as their firms expand, they will lose the ability to respond quickly to changing market conditions and new technology.

ROLM Corp. in Santa Clara, a manufacturer of computerized telephones and computers for the military, has been a pioneer in developing a new corporate life-style that encourages worker loyalty and innovation. The company built a $1 million sports complex at its headquarters that is used by two-thirds of the staff members. They can stretch their muscles on Nautilus body-building equipment, take lessons in aerobic dancing and Kung Fu and then relax in a Jacuzzi or a tanning parlor.

To keep workers intellectually fresh, ROLM gives each employee three months of paid time off for every six years of service. Most people use the time to travel. One engineer crossed the Sahara Desert during his sabbatical, another trekked to Mount Everest. Says Executive Vice President Robert Maxfield: "When our people return from sabbaticals, they bring back a fresh attitude. They don't settle into the old ways of doing things."

At Tandem Computers, which built the first fail-safe computer systems in 1974, employees gather every Friday afternoon with President Treybig, 41, for a beer party around the company swimming pool. The sessions help keep everyone informed about what is happening inside the company. Other companies in the valley have started similar gatherings.

Another way to keep creative workers from wandering is to give them a stake in the company. Tandem widely distributes stock options to employees at all levels so that they can participate in the growth of the firm. So far 25 of Tandem's 3,000 employees have earned $1 million through company stock ownership, 100 have earned $500,000, and 1,000 others $50,000 each.

Sudden wealth can transform the way the entrepreneurs live and work. A few unabashedly flaunt their new riches. W. J. (Jerry) Sanders III, 45, who delivered milk and dug ditches while growing up in Chicago, started Advanced Micro Devices, an early semiconductor manufacturer, in the dining room of his home in 1969. Today he owns houses in the Bel Air section of Los Angeles and in Malibu, and has a Bentley, a Ferrari and a Rolls-Royce. A year ago, Sanders rented San Francisco's Civic Center to treat 7,000 workers to a $350,000 party. Atari Founder Nolan Bushnell owns two yachts: the 41-ft. *Pong*, which he has lent to a friend, and the 44-ft. *Sea Rat*, which he uses himself.

Many young risk takers regard their accumulated wealth as a yardstick of success rather than as an end in itself. K. P. (Phil) Hwang, 45, emigrated from Korea in the early '60s and worked as a busboy and waiter while attending Utah State University. In 1975 he used $9,000 in family savings to found TeleVideo Systems, a company that makes computer screens and keyboards. Although Hwang is now a multimillionaire, he says that his wife still fusses over utility bills and turns down the thermostat at home.

A few serpents, however, have begun to crawl into northern California's economic Garden of Eden. Though renowned for their liberal personnel policies, some Silicon Valley employers are under attack for their treatment of hourly production workers. Assembling circuit boards or inspecting chips is a tedious dead-end job that has attracted thousands of Mexicans, Filipinos and Vietnamese immigrants. Many earn wages of less than $5 an hour, low by industry standards.

In addition, the blue sky and open spaces that attracted the area's pioneers 25 years ago are now becoming obscured by industrial parks and a thin layer of smog. Crime is on the rise. The theft of computers and semiconductors has become an estimated $20 million-a-year problem. Housing is scarce and expensive. The price of an average home in Santa Clara County is now $128,484.

One result is that some Silicon Valley companies are looking around the U.S. when they want room to expand. Many states, in search of industries that are clean, fast-growing and pay good wages and fringe benefits to skilled workers, would like to attract such companies. North Carolina is spending more than $24 million to build a microelectronics center near Durham in what is called the Research Triangle.

The spirit and support structure of the risk culture can be hard to duplicate. Starting a successful new business requires a unique combination of characteristics that has little to do with geography. John Welsh and Jerry White of Southern Methodist University's Caruth Institute of Owner-Managed Business have studied the personality traits of risk takers. Chief among them are self-confidence, vision and the need to be in charge. Indeed, many have been frustrated at larger companies. Says White: "Entrepreneurs have a fundamental need to control their own destiny. Seldom can they find this in someone else's organization." Although most entrepreneurs have worked for large corporations, they usually stayed only a short time.

Headstrong and independent, risk takers are rebels with a cause—themselves. William F.X. Grubb, 37, left Atari, the successful manufacturer of home video equipment, and formed Imagic, which makes video game cartridges and hopes to have sales of $25 million or more this fiscal year. Says he: "Entrepreneurs want to be able to test their abilities and see how far they can go. It's the ultimate report card." That same pioneering spirit can make these businessmen hard to live with. Many are workaholics who lock themselves up in their offices for long stretches and have little tolerance for socializing.

One Wall Street adage has it that if a person has not made his first million dollars by the time he is 30, he is never going to make it. In 1776 Adam Smith wrote that it was young people who had "the contempt of risk and the presumptuous hope of success," precisely the skills needed to found new businesses. Indeed, a large number of entrepreneurs have achieved success at a very early age. One of many examples: William Gates, 26, dropped out of Harvard in 1975 during his sophomore year to form Microsoft, which makes software for personal computers. Its 1981 sales: $15 million.

Patrick Liles, a former Harvard Business School professor now with the Charles River Partnership, a Boston venture capital firm, says that the best time for a businessman to start a company is between the ages of 26 and 36. Says he: "Earlier than that, a young person lacks business experience, competence and self-confidence. And by his late 30s or early 40s, the person is usually too embedded in his corporate career or facing too many financial commitments to take a chance."

In some exceptional individuals, however, the entrepreneurial spirit never ages. Henry Kloss, 53, founded his first company, Acoustic Research in Cambridge, Mass., at the age of 22. It made stereo speakers, and he eventually sold it to his partner. Headstrong and impulsive, Kloss has since gone on to establish three more home electronics firms, including Advent, which is now in receivership. His latest is Kloss Video, which makes large-screen-projection TV sets and was started in 1977. But Kloss may now be too tired for another new venture. Says he: "Each one of those enterprises started with a bare room, and I don't have the heart for it again."

Entrepreneurs like Kloss often move restlessly from one field to another, starting new companies like an industrial Johnny Appleseed. S. Allan Kline, 61, is a physicist by training, so it is not surprising that he helped found Xicor, a company that makes memory chips for computers. Less expected was his development of a nutritional snack. New Generation Foods, which he founded in 1977, last year sold $3.6 million worth of Spicer's WheaTwists, a low-calorie, high-protein snack chip. Quips Kline: "I'm in the chips business: one edible, one inedible."

A few risk takers are immigrants who came to America to reap the benefits of its entrepreneurial climate. Sirjang Lal Tandon, 39, left his native India in 1960. In 1975 he founded a firm that makes disc drives for personal computers that are sold by Radio Shack and other companies. Last year his firm had sales of $54.2 million. Jesse I. Aweida, 50, the Palestinian-born founder of Storage Technology in Louisville, Colo., turned the computer memory company into a $922 million-a-year business. Both Altos Computer Systems in San Jose, Calif., and Osborne Computer Corp. in Hayward, Calif., were founded by businessmen who had moved to the U.S. from Britain.

The very factors that make entrepreneurs successful in starting companies can lead to problems later on. Frequently egotistical, the upstart executives seldom admit failure and sometimes refuse to share responsibility or hire good people to help run the company. A crucial turning point comes when a new enterprise reaches sales of about $250 million. In some cases, like that of Engineer Kenneth Olsen of Digital Equipment Corp. in Maynard, Mass., the innovative founder develops the managerial skills to run a large, complex organization. In other cases, the entrepreneur gets in trouble and must get help from professional managers. Centronics Data Computer Corp., a New Hampshire maker of computer printers founded by Robert Howard in 1968, ran into financial problems in 1980. Managers from Xerox and Raytheon were brought in to help. Losses ran to $24.5 million on sales of $123.9 million from June 1980 to June 1981. The company has signed an agreement with Control Data that could bring in $25 million in new cash, and Howard may be forced to step down as chairman.

Sometimes a company's backers insist on professional management from the start. David Lee, 44, of San Jose, invented a high-speed printing system, known as the daisy wheel, which is now widely used in office machines. In 1973, when he started his own firm, Qume, in Silicon Valley, he and his backers agreed that an outsider should be head of the organization. Robert Schroeder, a Harvard M.B.A., then came in to run the company.

Once the risk takers have established their firms and developed new customers, they face inevitable challenges from older and bigger companies that are attracted to the growing markets. The semiconductor industry shows what can happen. Intel in Santa Clara invented the first memory chip in 1968. Then American giants such as Motorola and Texas Instruments jumped into the market. After them came the Japanese, who now control 40 percent of the business for the most popular size, the 16K memory chip.

Partly as a result of this increased competition, Intel sales fell by $66 million last year, and its profits were down 72 percent. National Semiconductor, whose earnings dropped from $30.2 million to $1.2 million during the last half of 1981, has halted construction of a plant in Arlington, Texas, and last year asked its employees to take twelve extra unpaid vacation days.

Intel President Andrew Grove predicts that his and other semiconductor firms can defeat the Japanese challenge. Says he: "Our industry is in a critical stage of development, with our market under attack. We are now fighting a vicious assault; but so far as I am concerned, we will succeed."

That kind of can-do confidence has always been the hallmark of American entrepreneurs. At a time when the U.S. sees its economic power eroding, these businessmen are a unique source of strength. They are pioneering new industries in telecommunications, bioengineering and lasers. They are providing U.S. business with a fresh burst of energy. Says Arthur Levitt Jr., chairman of the American Stock Exchange: "If there is any hope for our economy, it rests with these people. They are the most challenging, irreverent bunch around." They are also the bunch leading the U.S. into the high-technology future.●

IDA NUDEL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. PORTER. Mr. Speaker, I rise today to support legislation which I have cosponsored expressing the sense of Congress for Soviet religious freedom and the right of its citizens to emigrate, and to participate in the World Day of Protest on behalf of Ida Nudel, the "Guardian Angel of Moscow," who has been serving a 4-year sentence in exile in Siberia.

Mr. Speaker, the Government of the Soviet Union continues to discriminate against and persecute religious minorities, denying them the right to practice their faiths and subjecting them to physical and psychological harassment, including imprisonment, beatings, confinement in mental institutions, and separation from family members.

Soviet Jewish emigration, which the Soviets promised to freely allow at Helsinki in 1975, has plummeted from 51,320 in 1979 to 9,447 last year. Each month since August 1981, Soviet Jewish emigration has been at the lowest levels of the 11-year history of the movement.

Mr. Speaker, I strongly support House Joint Resolution 373 urging the Soviet Government to cease religious persecution and to comply with its obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Final Act, and the constitution of the U.S.S.R. and calling upon the President to impress upon the Soviet Government this country's strong opposition to its policy of persecution. The resolution also reminds the Soviet Union that the United States considers compliance with commitments under international law when evaluating relations with other nations. In addition, this legislation requests the President to send the

U.S. delegation to the U.N. Commission on Human Rights meeting in Geneva this month with a message that the Soviet Union should respect the rights of its citizens to practice their religion and end the triple assault of declining exit visas, escalating harassment, and increasing attacks on Jewish self-study groups.

America has long been a symbol of freedom for all oppressed people, and it is appropriate for the United States to speak out against religious persecution and for the Congress to support House Joint Resolution 373.

Furthermore, Mr. Speaker, the case of Ida Nudel is a symbol of countless individuals in the Soviet Union who are struggling against religious oppression and persecution to exercise their basic human rights. Ida Nudel was born on April 27, 1931. An economist and a resident of Moscow, she made here first application for an emigration visa in May 1971. The request was refused on the trumped-up charge of "State Secrets." At that time, she began her efforts to care for and support Jewish prisoners who had been jailed for their beliefs. Her years of effort on their behalf earned her the title of "Guardian Angel of the Prisoners of Conscience." They also earned her the attention of the Soviet Secret Police, the KGB.

For 7 years, Ida Nudel was subjected to repeated harassments, interrogations, and a false press campaign that sought to brand her as a criminal. Finally, on June 1, 1978, Ida Nudel was arrested on charges of "malicious hooliganism." Her crime was to hang a banner outside her Moscow apartment that read: "KGB, Give Me My Visa." After a trial in which she was allowed neither representation nor witnesses to testify on her behalf, she was sentenced to 4 years in internal exile.

She has since been confined to a small village in the bleak Siberian wasteland. She is the only Jewish woman now held as a Prisoner of Conscience in the Soviet Union. Her courage, determination, and spirit are unsurpassed. She has declared:

> No matter how I am tormented by the chastisers or after I cried out of weakness, loneliness and seemingly senselessness of my present life, I do not regret and I do not denounce any of my actions. But if our suffering will not force every one of you to rush to help us, then it is in vain.

Mr. Speaker, let Ida Nudel's suffering and efforts not be in vain. Let us condemn the Soviet Union for their continued violations of their citizens' basic human rights. I urge my distinguished colleagues in the strongest terms to support House Joint Resolution 373 and to continue to voice at every possible opportunity the sense of this Congress that the Soviets should respect the rights of its citizens to emigrate and to practice their religions. We must not stand idly by or Ida Nudel's suffering will be for naught.●

THE F/A-18: $40 BILLION FOR THIS?

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. VENTO. Mr. Speaker, the Navy admits that the F/A-18 will cause a reduction in the offensive (attack) capability of our carrier aviation but claims that its defensive (fighter) capability will be essential for our fleet in the late eighties. At a time when the Soviet fleet is reaching unprecedented strengths, the U.S. Navy is proposing to reduce our ability to clear the Soviet threat from alliance sea lanes.

The F/A-18 does have a fighter capability of sorts. However, any fighter must be judged by its capacity against its most likely opponent. In the case of the F/A-18, this means a comparison with the new Soviet air superiority fighter, the Mig-29. Comparative performances of the two aircraft are:

	F/A-18	Mig-29
Range (nautical miles):		
Air to air	380	432
Air to surface	670	594
Ceiling (feet)	59,000	65,000
Maximum mach:		
Altitude	1.82	2.3
Sea level	1.05	1.20
Maximum turn rate (o/sec):		
Instantaneous	15.26	16.8
Sustained	8.01	[1]8.25
Thrust/weight ratio	1.10	1.3
Radar range (nautical miles):		
Look up	28	25
Look down	21	13
Missiles:		
Visual	2	2
Beyond visual range	2	4

[1] Approximate.

From the table, it is apparant that the F/A-18 is slower, is less maneuverable, and climbs less rapidly than the Mig-29. It also has a shorter range. By backing the F/A-18, the Navy is backing a sure loser.

Not only is the Navy backing a loser, it is unwisely gambling a vast amount of money on the aircraft. The selected acquisition report, due in mid-March, will show a total program cost of $39.725 billion—or an increase of over $4 billion over previous estimates. Last August, Secretary of the Navy Lehman said that any further cost increase in the F/A-18 would lead to a reevaluation of the program. The cost increase has occurred, but there is no sign of Navy reevaluation of the program. Instead of a reevaluation, the Navy continues to dig in its heels.

In January, a F/A-18 lost a wheel on takeoff. Navy public affairs tried to blame the resulting accident on "pilot error." It is hard to conceive that any but a last ditch defender of the F/A-18 program would call equipment failure "pilot error."

It was not the pilot, the whole U.S. Navy has made an error. Now is the time for the Navy to get off the F/A-18 bandwagon. To cancel the F/A-18 now would cut our budget deficit by $2 billion in fiscal year 1983 without harming national security. If the Navy will not accept the need for fiscal responsibility, then Congress must insure that the Navy is brought to its senses.●

FREEDOM FOR IDA NUDEL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. SCHUMER. Mr. Speaker, Ida Nudel, one of the bravest and most heroic of Soviet Jews, is scheduled for release from internal exile this month. I rise today to help impress upon the Soviet Union that people around the world are watching and waiting for Ida Nudel's release.

However, simply releasing her from internal exile will not silence Ida Nudel. She was jailed for actively desiring to emigrate to Israel, and almost 3 years in captivity have not extinguished her desire. Her own words express this most powerfully:

> No matter how I am tormented, how weak I am, how lonely or senseless my present life, I do not regret or renounce any of my actions. We believe our suffering is not for nothing, and this belief keeps us from despair. I believe that some day I will walk up the steps of an El-Al aircraft, and my suffering and my tears will remain in my memory only, and my heart will be full of triumph. I grant that it will happen soon.

The right to emigrate is protected, in word, by international law. Indeed, however, that right is often denied. Ida Nudel and her supporters will not stop speaking out until she is granted the permission to emigrate which is due her under international law.●

REAGAN'S CONTRADICTORY POLICY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. DERWINSKI. Mr. Speaker, the recent decision by the administration to cover the loans made by the Polish Government from U.S. banks is a matter of great controversy. In my judgment, there was no good reason why the U.S. Government should take the pressure off the martial law regime in Poland by altering the normal loan guarantee requirements.

When Poland's debt installment of $70 million to U.S. banks came due recently and Poland could not pay, the banks to whom the debt was owed should have, as the Credit Commodity Corporation requires, aggressively sought payment from Poland. Instead, the Agriculture Department paid the bill.

This contradictory policy was discussed in an article by Chicago Sun-Times columnist, Otis Pike in his column of February 8. I wish to insert his commentary at this point.

The article follows:

[From the Sun-Times, Feb. 8, 1982]

SAFETY NET CATCHES TRULY NEEDY BANKERS

(By Otis Pike)

WASHINGTON.—The Reagan administration's vaunted safety net for the truly needy finally saved some folks last week. Those who had been suspicious that the mesh on the net was so large that a lot of little people were falling through can take comfort in the fact that at least the net catches the big ones. Last week the administration rescued such needy citizens as Chase Manhattan, Morgan Guaranty, Citibank and Bank of America.

These banks, and many others at home and abroad, had lent a great deal of money to Poland. Some $71 million of it was due last month, and Poland couldn't pay.

In the context of a $700 billion budget, or even a $100 billion deficit, $71 million doesn't amount to much. That, however, is only the January payment. Poland will owe an additional $53 million this month, $51 million in March, and so on to a total of $397 million this year. In all, Poland owes $1.6 billion to U.S. banks. Poland hasn't got it.

There is no question that the federal government had to make good to the banks for the principal on the loans. The loans were made to help Poland buy U.S. grain and were guaranteed by the Agriculture Department as much to help U.S. farmers as to feed Poland. The guarantees, however, cover the principal. The bankers, like needy bankers everywhere, want to collect all the interest, too. Here is where the good old safety net came into play.

If you or I or anyone else couldn't pay off what we owed to the bank, the bank would say we were in default, foreclose on the mortgage, grab the car and the TV and garnishee our salary. If the house and car and the TV didn't bring enough to satisfy the debt, the bank would lose money, and bankers hate losing money more than anyone.

Poland doesn't have enough cars and TV sets or even ships lying around the United States for the banks to grab, so the banks didn't want to say Poland was in default, even if it is. Once the banks tell the Agriculture Department that Poland has defaulted, they could kiss their interest goodby.

At the highest levels of the Reagan administration, a lovely fiction was created for the banks. Instead of the banks telling the Agriculture Department that Poland had defaulted, the Agriculture Department told the banks it would pay off the loans even if Poland doesn't default. If Uncle Sam paid off the principal, maybe Poland could get up the interest, and everyone would be happy, especially the banks. Taxpayers don't count.

A few years back, there was a cult for a left-handed ukulele player who called himself Tiny Tim and made a career out of singing in a nasal falsetto. His best-known rendition was "Tiptoe Through the Tulips."

It would have made a great theme song for Secretary of State Alexander Haig last Tuesday as he appeared before the Senate Foreign Relations Committee to explain why the U.S. government had decided to pay off bank loans to Poland on which the U.S. government had decided Poland had not defaulted.

Haig said, "The action he took will require the Soviet Union to make the money good." That statement should have caused an explosion of questions. How would it require the Soviet Union to make the money good? When would the Soviet Union make the money good? Will the Tooth Fairy come tonight?

The Foreign Relations Committee was a bed of tulips. They wanted to believe. They want their farmers to keep selling the grain, even if we must invent new fictions for every month's payment—or even if U.S. taxpayers must pay for it all.

Haig said the action the administration took was "the hard position, the more rigid position," but said the United States could make further moves if the Russians stay naughty. Presumably, any other options must be softer and more flexible.

In the meantime, the banks are happy. And after all, what good is a safety net if it doesn't catch your friends?●

CONSTITUTIONAL AMENDMENT TO LIMIT THE TERMS AND AGE OF PUBLIC OFFICE

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. CLINGER. Mr. Speaker, I would like to bring to the attention of my colleagues the bill I introduced today for consideration in the House of Representatives. This bill would amend the U.S. Constitution to improve upon the legislative and representative functions of Congress and the operation of the Federal judiciary.

First and most important, my bill would amend the Constitution to limit the length of office for Representatives and Senators to 12 years. The bill establishes a limit of two 6-year terms of office for Members of the Senate and three 4-year terms for Members of the House of Representatives.

The need for term limitation in the Congress is urgent. The past decades have witnessed the rise of the career politician, at the expense of the citizen legislator. Toward the pursuit of reelection, many Senators and Congressmen spend an inordinate amount of time and energy manipulating constituencies and appeasing interest groups, which may or may not be in the best interests of the country. In addition, incumbents' campaign advantages have grown to proportions which make it exceedingly difficult for challengers to unseat current officeholders. As a result, some Congressmen and Senators become less responsive to the needs of those they purport to represent, or have little time after politicking to do so. In effect, the representative function of the Congress has become secondary to political survival.

Term limitation for Members of Congress would help to rectify this distressing situation. Under the proposed amendment, the incentive for Members to view their offices as lifetime careers is removed. As a result, the legislators have more time to devote to their districts' concerns and will place a lower emphasis on upcoming elections. Additionally, the injection of new talents and fresh perspectives, which the bill fosters, brings needed vitality to a system that lends itself to institutional decay.

Second, the bill I am introducing lengthens the term of House Members from 2 to 4 years. This provision allows House Members not only the greater opportunity to develop legislative expertise, but also reduces electoral pressures. Such pressures emerge from the 2-year election cycle that leads to one continuous campaign for reelection. In addition, the voters, by securing an improved opportunity to assess the performances of their Representatives, also benefit from the lengthening of House terms.

A 1981 Gallup poll showed that American voters believe that the holding of high political office should be a period of public service, not a career. Specifically, a proposal to limit Senators to two 6-year terms received the approval of 61 percent, with 32 percent disapproving. A proposal to restrict service in the House of Representatives to three terms of 4 years each was favored by 59 percent of the public, with 32 percent opposed. The same degree of support for the proposals was found in all population groups, including partisans of the major political entities.

Finally, the bill limits the term of office for Federal judges and justices to 10 years. The bill also requires the retirement of these judges when they reach the age of 70. For the President, Vice President, Senators, and Representatives, no person could be elected to these offices who may attain the age of 70 years during the term of office.

The proposed measures concerning the judiciary are adapted from the Pennsylvania constitution, and my personal experience with them has been very positive. Such provisions have helped to insure that judges and justices in Pennsylvania continue to hold offices while they are mentally able and are exercising good behavior. I am sure that these measures can be applied successfully at the Federal level as well.

Mr. Speaker, this bill which could greatly benefit the governing of our Nation I respectfully introduce for the careful consideration of my colleagues in the House of Representatives.●

DEPRESSION FEARS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. LaFALCE. Mr. Speaker, the Wall Street Journal carried an article last week that makes depressing reading. Headlined "Still a Minority, Depression Fear Grows," the article discussed the fears of a growing number of prominent economists that the high interest rate policies of the Reagan administration may be leading the United States into a depression.

Depression is a word that has not been used to describe economic conditions in our Nation since the end of World War II. We have had recessions when business activity has dipped and unemployment has risen. But we have been spared fears of an economic collapse in which millions of people would be unable to find work and thousands of businesses would be closing their doors.

However, Kenneth Bacon, the Journal's chief economics correspondent, writes, "* * * a disturbing note of pessism is creeping into some economic projections. Several of the Nation's leading economic soothsayers are beginning to worry that the economy could collapse under the burden of high interest rates, plunging the Nation into the first depression since the 1930's."

Those economic soothsayers include none other than Reagan economics adviser Alan Greenspan of Townsend-Greenspan & Co., Michael Evans of Evans Economics, Inc., and Allen Sinai of Data Resources, Inc. What gives their warnings a sense of urgency are the latest figures on business failures.

According to the Wall Street Journal article:

> The rate of business failures has already risen sharply over the last few years of high interest rates. Failures per 10,000 businesses were 27.8 in 1979, 42.1 in 1980, and were running at a seasonally adjusted rate of 60.8 in June of 1981, the last month for which Commerce Department figures are available.
>
> Raymond Dalio, president of Bridgewater Associates, a consulting firm that has been predicting a 1982 depression for about a year, projects that business failures will rise to a rate of 155 per 10,000 this year. The combination of large debt burdens and high interest rates during a period of slowing inflation and economic contraction will be devastating, he reasons.
>
> "As the economy contracts while debt-service payments do not, less money is available for consumption, causing the contraction to feed itself," Mr. Dalio explains.

I am not by nature a predictor of doom. But I must admit that these warnings, especially Mr. Dalio's, come as no surprise to me. Last May, the House Small Business General Oversight Subcommittee, which I chair, held one of the first congressional hearings on the impact of the Reagan administration's economic policies on small business. At that hearing, Francis Bator, a Harvard University economist, warned that the administration's contradictory tight money and expansive fiscal policies would result in continued high interest rates. Those high rates, he continued, would result in high unemployment and an increasing number of business failures. Norman Ture, the Treasury Under Secretary for Tax and Fiscal Policy, who testified with Professor Bator, blithely brushed off his warnings and predicted that the administration economic program would bring a boom. Almost a year later, I am sad to say, Professor Bator has been proven right.

This has very serious consequences. If our economy is to recover and provide the prosperity and new jobs that President Reagan has promised, we must have a healthy, thriving, and growing small business sector. Despite the decline of our large basic industries during the 1970's, we were able to provide new jobs for the 18 million people entering the work force during that decade because of the growth of small businesses. We can expect at least 15 million new entrants to the U.S. labor force in the 1980's, for whom we will have to create new jobs. If we continue to experience high interest rates and a high business failure rate, there is no way that we will have a healthy, growing small business sector that will be able to provide the needed new jobs.

The business failure figures cited in the Wall Street Journal article make it clear that small businessmen are bearing the burden of the administration's failing economic policies. What is even clearer is that the burden is becoming even heavier. I just hope that the small business sector can somehow survive until sane economic policies can be put in place.

Following is the article from the February 22, 1982, issue of the Wall Street Journal:

STILL A MINORITY VIEW, DEPRESSION FEAR GROWS

(By Kenneth H. Bacon)

WASHINGTON.—Last week the three members of President Reagan's Council of Economic Advisers arrived on Capitol Hill to find a hearing room festooned with large pictures of Ronald Reagan and Herbert Hoover. Rep. Henry Reuss, the irascible Wisconsin Democrat who chairs the Joint Economic Committee, was dramatizing his contention that President Reagan's economic policies run the risk of bringing on a depression.

Few economists share this view. But a disturbing note of pessimism is creeping into some economic projections. Several of the nation's leading economic soothsayers are beginning to worry that the economy could collapse under the burden of high interest rates, plunging the nation into the first depression since the 1930s.

Forecasters such as Alan Greenspan of Townsend-Greenspan & Co., Michael Evans of Evans Economics Inc. and Allen Sinai of Data Resources Inc. assign a low probability to a calamitous economic collapse. But they're beginning to warn their clients that a sharp and damaging economic contraction is at least a possible alternative to today's conventional forecast.

The standard projection holds that the economy will pull out of its current recession by the summer and grow nicely during the second half of the year and through 1983. For instance, the latest consensus of 44 forecasts assembled by Eggert Economic Enterprises shows the economy starting to grow again in the second quarter of this year and expanding 4.1% after inflation in 1983. The Reagan administration projects that Gross National Product adjusted for inflation will rise 5.2% in 1983 as the economy begins a period of sustained growth fueled by tax cuts, declining inflation and falling interest rates.

But what if interest rates don't fall? Or if, as some forecasters fear, rates fall briefly and then turn up again as borrowing to finance expansion begins to compete with the Treasury's ravenous credit demands to finance record deficits?

Mr. Greenspan, one of President Reagan's nongovernment advisers, says this interest-rate resurgence could choke off the recovery. He declares: "This would lead to the chilling scenario of a gradually eroding economy interspersed with short-term cyclical behavior—a scenario which could scarcely continue for very long without either a crack in long-term confidence and a decline into what would be generally described, even in today's jargon, as a depression, or a political response which could end up raising the level of inflation markedly higher in a futile endeavor to reflate."

"This scenario still has a low probability but it should no longer be put into the bizarre or kooky category," he says.

The economics profession hasn't developed a standard definition of depression. But many economists say an economic contraction that pushed the unemployment rate to over 10% for a year or so, caused a surge in bankruptcies and destroyed confidence in long-term investment and business prospects would qualify. "We're walking the brink and it's very worrisome," says Mr. Sinai of Data Resources. "One thing is for sure. Without adjustments now in the current thrust of policies, the U.S. economy runs the risk of a major collapse, unprecedented in the postwar period." He notes that the auto and housing industries are already depressed and recommends sharp cuts in projected deficits and an easier monetary policy to bring interest rates down and prevent a depression from spreading.

Even if a depression were to occur, Mr. Sinai and most other economists say it wouldn't equal the devastation of the Great Depression 50 years ago. Between 1929 and 1933, Gross National Product fell nearly 50%, the unemployment rate reached 25% and the financial system collapsed.

The current concern over a possible depression arises from the cruel impact of rising interest rates in the face of a recession and falling inflation. "Many individuals and businesses have been holding on by their fingernails through this latest bout of recession and high interest rates—gradually whittling down their assets, postponing decisions to replace necessary equipment, lagging behind in their accounts payable and other moves which smack of desperation," Mr. Evans notes. Without a decline in interest rates, many businesses may not be able to hold on much longer, he fears.

The rate of business failures has already risen sharply over the last few years of high interest rates. Failures per 10,000 businesses were 27.8 in 1979, 42.1 in 1980 and were running at a seasonally adjusted annual rate of 60.8 per 10,000 in June of 1981, the last month for which Commerce Department figures are available.

Raymond Dalio, president of the Bridgewater Associates, a consulting firm that has been predicting a 1982 depression for about a year, projects that business failures will rise to a rate of 155 per 10,000 this year. The combination of large debt burdens and high interest rates during a period of slowing inflation and economic contraction will be devastating, he reasons.

"As the economy contracts while debt-service payments do not, less money is available for consumption, causing the contraction to feed itself," Mr. Dalio explains.

Talk of a depression doesn't mean, of course, that one will occur. Most economists think President Reagan's program has a far greater chance of success than of failure, particularly if the large prospective deficits can be reduced. But Senate Majority Leader Howard Baker has called the Reagan program "a riverboat gamble" and economists, like all oddsmakers, must consider the possibility of big losses as well as gains.●

THE SEVENTH SPECIAL SESSION OF THE UNITED NATIONS COMMISSION ON NARCOTIC DRUGS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. GILMAN. Mr. Speaker, the Seventh Special Session of United Nations Commission on Narcotic Drugs (CND) recently completed its deliberations in Vienna, Austria (February 2-8, 1982). The U.S. delegation was ably led by our distinguished Assistant Secretary of State for INM; Gene R. Haislip, of the Drug Enforcement Administration; Walter V. Hall of our U.S. Mission to Vienna; F. Gray Handley, Jr., of the State Department's Bureau of International Organization Affairs; Stewart Nightingale, of the Food and Drug Administration; and Dr. Jean Paul Smith, of the National Institute on Drug Abuse. Elliott Brown, of our House Select Committee on Narcotics Abuse and Control, Andrew Fenrich of our U.S. Mission in Vienna, Marc Golubock, from our Embassy in Bonn, and Elena Kim of the State Department's Bureau for INM provided staff support for our delegation. Through the cooperation of Mr. DiCarlo and on behalf of the House Narcotics Select Committee, of which I am a member, I participated in the Commission's deliberations and delivered a statement on the global dimensions of narcotics trafficking and the urgency of the international community to contribute or to increase their contributions to the United Nations Fund for Drug Abuse (UNFDAC).

In December 1981, the U.N. General Assembly approved Resolution 36/168 adopting the international drug control strategy and program of action, a U.S. initiative and a measure that I helped draft as a member of the U.S. delegation to the U.N. General Assembly.[1] This resolution calls for establishing a task force to review, monitor, and coordinate the international drug control strategy and consists of CND Steering Committee members and representatives of the Division of Narcotic Drugs, the United Nations Development Program, UNFDAC, the International Narcotics Control Board, and the World Health Organization. The task force, which was established at the Commission's February 1982 meeting, is to meet and report during each session of the CND. Other resolutions adopted by the CND include: A resolution calling for concerted action against the illicit drug traffic in Central and South America and the Caribbean, designating an international year against drug abuse, measures to improve international cooperation in the interdiction of illicit drug traffic, procedures to be followed by the Commission on Narcotic Drugs in the scheduling of narcotic drugs and psychotropic substances, and regulating the demand and supply of opiates for medical and scientific needs.

Mr. Speaker, narcotics trafficking is a multibillion-dollar illicit business activity conducted by international criminal syndicates whose highly organized, well-financed and sophisticated operations reach into every region of the world, undermining the health of our citizens and corrupting our political, economic and social institutions. Just in our country alone, drug trafficking is estimated to reach a staggering $90 billion annually—$90 billion of untaxed dollars.

The international community must recognize that narcotics production, trafficking, and drug abuse are not going to go away today or tomorrow—that drug abuse prevention and the control of narcotics trafficking is a never-ending battle requiring dedicated, coordinated action by the entire family of nations. In this regard, the recently adopted U.N. General Assembly Resolution 36/168 and the CND's recently established Drug Task Force are steps in the right direction to develop and implement an effective global drug strategy. If the "war" on drug abuse is going to be won, it is imperative that every nation and appropriate international organization pool their resources, finances, expertise and personnel to provide the necessary tools to implement a global drug strategy and to assist the U.N. Drug Fund to fulfill its mission of combating drug trafficking and drug abuse. It is imperative that all of us do our utmost to elevate the drug problem to a top priority on our agendas and to help raise the consciousness of citizens throughout the world regarding the dangers of drug trafficking and drug abuse.

Mr. Speaker, in an effort to bring to the attention of my colleagues the global dimensions of drug trafficking and the urgent need to support the U.N. drug-related agencies, I am inserting at this point in the RECORD the complete text of my statement delivered at the Commission's Seventh Special Session.

STATEMENT BY HON. BENJAMIN A. GILMAN

Mr. Chairman, distinguished representatives to the Seventh Special Session of the United Nations Commission on Narcotic Drugs, I welcome this opportunity to be part of this delegation and to share with you my thoughts and the thinking of many of my colleagues in the United States Congress, regarding the efforts by the international community to combat narcotics trafficking and drug abuse. As a member of the U.S. House of Representatives Select Committee on Narcotics Abuse and Control and as a representative of my Government's delegation to the 36th Session of the United Nations General Assembly, who helped draft resolution 36/168 endorsing the international drug control strategy that was adopted by the General Assembly on December 16, 1981, it is a particular privilege for me to share my thoughts with you since this resolution represents many years of work in seeking to raise the consciousness of the international community regarding the dangers of drug abuse. Interdicting narcotics trafficking, eradicating the illicit production of drugs at their source, educating our world citizenry to the dangers of drug abuse, and treating and rehabilitating those who have become dependent upon drugs are complex global problems.

The war against heroin, cocaine, marihuana, hashish, phencyclidine (PCP) and other dangerous drugs is a never-ending battle. The global dimensions of illicit drug production and trafficking reaches into the hundreds of billions of dollars, causing suffering for millions of citizens throughout the world.

No nation, regardless of its political ideology, or its social or economic status, is immune to the devastating and debilitating effects of drug abuse or to the insidious drug merchants who profit from human suffering. Every region of the world—from North America to Latin America, from Europe, Africa and the Middle East to the Orient and Oceania—has become a victim of drug trafficking, drug transshipping and drug abuse. In virtually every region of the world there are major narcotics distribution hubs and financial centers for international drug syndicates to conduct their shady business transactions, to purchase legitimate businesses for illegal purposes and to launder illicit profits . . . narco-dollars that are often used to purchase weapons and to finance terrorist activities.

We all recognize that narcotics trafficking is a worldwide business that knows no boundaries, political ideologies or competing economic systems. Drug abuse does, however, adversely affect the health and well-being of all of our citizens and mostly our youth. The corrupt tentacles of the well-financed, highly sophisticated international drug syndicates reach into every corner of the world, undermining the moral fabric of our societies.

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[1] For details pertaining to this resolution, including the complete text, see my statement entitled, "The United Nations Global Strategy," CONGRESSIONAL RECORD (Jan. 25, 1982), PP. 15-17.

For the United Nations to effectively wage "war" on the drug problem, member nations must submerge their competing political and economic differences. Just as the world cannot survive nuclear confrontation, so, too, it cannot long endure "victimization" by international drug traffickers. Such illicit business activities undermine our institutions, contribute to global inflation, jeopardize the health of our citizens and destroy the roots of our society—our youth. No nation is immune to this devastation. Just as Chapters VI and VII of the United Nations Charter pertain to a situation "likely to endanger international peace and security" or constitute a "threat to the peace", "breach of the peace", or "acts of aggression", so, too, does drug trafficking and drug abuse constitute a clear and present danger to the entire family of nations, requiring collective action to combat this scourge of all mankind.

Until the last Commission on Narcotic Drugs meeting in February 1981, there was no comprehensive strategy or plan of action available to guide the diverse efforts of those seeking to maximize drug control activities. That situation was disheartening to all nations concerned with drug problems. The need for an aggressive, new approach was obvious.

Now, with cautious optimism, we can anticipate some potential for change, for after several years of work, the UN General Assembly has finally adopted the Commission's long-term strategy and five-year program of action for drug control.

In general the strategy calls for greater attention to the issues of drug abuse both within the UN agencies and elsewhere. Specifically it recommends an increase in programs aimed at drug abuse control in the specialized UN agencies including the World Health Organization (WHO), the International Labor Organization (ILO), and the UN Educational, Scientific and Cultural Organization (UNESCO), as well as in the UN Development Program (UNDP) and the other development-oriented programs. The strategy further recommends that the increased attention to UN drug-related activities should be part of regular agency programs and budgets because of the substantial impact drug abuse has on so many areas of social concern.

For the past several years that I have had the pleasure of sharing the thoughts of my Congressional colleagues with this distinguished Commission, I have been critical of the process whereby the UN Fund for Drug Abuse Control (UNFDAC) underwrites drug-related projects of certain UN agencies. In my opinion, these agencies should elevate the problems of drug abuse to a higher level of priority within their agendas and should devote more of their resources to their drug-related projects, thereby releasing scarce dollars to the UN Drug Fund.

I recognize that this is a period of financial austerity for all UN agencies. Nonetheless, I find it difficult to understand the minimal priority these agencies give to combatting the pervasive drug problem from their own resources. Not only are the overall program funds dedicated to these activities low, but the agencies have in many cases underwritten no more than 20-30 percent of those costs. One directly involved agency, for example, out of a total budget of over 625 million dollars only commits a few hundred thousand dollars of its own funds to drug control related programs.

All nations must recognize that narcotics production, trafficking and drug abuse are not going to go away today or tomorrow—that drug abuse prevention and control is a never-ending battle requiring dedicated and coordinated action by the entire family of nations. No one nation or any small group of nations can single-handedly combat the highly organized, well-financed and sophisticated operations of international drug traffickers. If the "war" on drug abuse is to have any substantive meaning, then the recently adopted international drug control strategy resolution urgently needs to be implemented expeditiously, and to achieve this objective, the international community must pool its resources, personnel, funds and expertise.

With regard to financial contributions to UNFDAC, it is disheartening that only a handful of nations have contributed $100,000 or more to the Fund. Last year, 35 nations or about 22 percent of the Members of the United Nations contributed or pledged a meager $4,855,311, which represents a decrease by nearly $600,000 from the nearly $5.5 million contributed to UNFDAC in 1980. In 1979, 45 nations contributed a paltry $4.6 million to UNFDAC. At the UN Pledging Conference for Development Assistance held in New York last November 3rd and 4th, 18 nations pledged less than $4.5 million to the UN Drug Fund.

Given the staggering and growing global dimensions of drug trafficking and drug abuse, UNFDAC is performing its mission in the best manner that its meager resources permit. According to its 1981 Interim Report, last year the Fund supported programs in 15 countries, comprising a total of 28 projects that has been a major source for underwriting the bulk of the drug-related programs of UNESCO, WHO, ILO, and the Food and Agriculture Organization (FAO).

Surely an international community of 157 nations can contribute more than a few million dollars to wage a global assault on the drug problem. Some nations, including those who are most adversely affected by the illicit drug production, trafficking, transshipping and abuse, have failed to contribute a single penny to the UN Drug Fund. There is an urgent need for the entire family of nations to pitch in and help UNFDAC fulfill its objectives by contributing to the Fund, whose projects benefit all of our citizens.

Mr. Chairman, the challenge of translating the international drug control strategy resolution into a workable program of action rests with this distinguished Commission. It has the mandate to establish a task force to review, monitor, coordinate and recommend future strategy revisions and to translate the noble objectives into substantive details for preventing, controlling, and ridding our societies of drug abuse.

But time is of the essence. The world-wide drug problem is worsening each year. This plague on our institutions is rapidly spreading throughout the world.

Let us seize the opportunities we have to recommit ourselves and overcome the crippling scourge of drug abuse. Nothing short of full commitment is needed to help us move forward in resolving this critical problem confronting all of our societies.●

GENERAL MIHAILOVICH AND THE 500 RESCUED AMERICAN AIRMEN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. DERWINSKI. Mr. Speaker, on February 9, 1982, I reminded the Members of the efforts of the National Committee of American Airmen to Aid General Mihailovich. This group of U.S. air crew members is attempting to correct the record regarding the unfair treatment of Draja Mihailovich, Yugoslav anti-Axis guerrilla leader, by the Allies during and immediately after World War II. I recently received a letter from Mr. David Martin, author of "Patriot or Traitor, the Case of General Mihailovich," which throws a new and rather sensational light on the Anglo-American abandonment of General Mihailovich.

In his book, Martin charged that elements in SOE Cairo, the SOE was the British equivalent of the U.S. OSS, sabotaged United States and British supplies of Mihailovich; and slanted and suppressed intelligence for the purpose of inducing the Western Allies to switch their support from Mihailovich to Tito.

Mr. Martin's letter, gives the details to substantiate his charges. His letter is reprinted for the information of the Members.

ARLINGTON, VA., *January 21, 1982.*

Hon. EDWARD J. DERWINSKI,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN DERWINSKI: Because of the great interest you have displayed over the years in the case of General Draza Mihailovich, I am writing to inform you of some highly important information that has emerged with regard to the Mihailovich case.

As you know, in my book "Patriot or Traitor, The Case of General Mihailovich," I reproduced extensive documentation from the reports and statements of the British and American officers who served with Mihailovich to establish (1) that, many months before the British Foreign Office made the fateful decision to abandon Mihailovich in December of 1943, there had been persistent sabotage of the Mihailovich supply operation by elements in the British SOE in Cairo; and (2) that vitally important reports sent out of Yugoslavia by the British and American liaison officers were never forwarded to London by SOE Cairo. I suggested that the person probably responsible in both situations was a junior British officer by the name of James Klugman, who rose from the rank of lieutenant to that of major by the end of 1943. Klugman, I pointed out, was a known Communist who had before the war headed up the European Communist youth movement and who after the war became the editor of the British Communist theoretical journal. I did *not* say that Klugman was a Soviet agent, even though I strongly suspected it, because at the time definitive proof was lacking. Now the proof is in.

A book recently published in England, "Their Trade is Treachery," by the distinguished journalist, Chapman Pincher, identifies Klugman as a Soviet agent. According to Pincher, Klugman was an even more sinister agent than Anthony Blunt whose case became internationally famous two years ago when he was stripped of his knighthood and dismissed as Queen Elizabeth's art advisor. Klugman, he said, was identified as the person who had recruited him for Soviet intelligence by John Cairncross, a confessed Soviet spy who had served in several sensitive government positions during World War II—including the Yugoslav desk of MI6, the British Secret Intelligence Service.

The story of James Klugman is of major interest to our current personnel security problems in government because it illustrates how a quite junior military officer or government servant, in an obscure position, can play a major role in confusing and misdirecting the foreign policy of countries like the United States and Great Britain.

Before the war, Klugman was a member of a Communist group at Cambridge which included some half dozen bright young men who in the post-war years were to achieve international notoriety as Soviet agents. Among the alumni of this group were Guy Burgess and Donald Maclean, high-ranking officers of the British Foreign Office, who defected to the Soviet Union in 1951; Kim Philby, the head of British counterintelligence, a co-conspirator with Burgess and Maclean, who gave them the warning which made possible their escape from England and who himself defected to the Soviet Union in 1963 after his exposure as a Soviet agent; and Sir Anthony Blunt, who was recently exposed as one of the most effective recruiters for the Soviet intelligence apparatus in World War II and who was, in consequence of this exposure, stripped of his knighthood by Queen Elizabeth. But the most brilliant member of this remarkable group of young men on their way to becoming Soviet agents was James Klugman, according to "The Climate of Treason" by Andrew Boyle.

The full story of James Kiugman has yet to be told. In my opinion his greatest service to the Communist cause was the role he played as a British intelligence officer in helping to turn Yugoslavia over to Communism. As you are aware, the American government displayed considerable reluctance over the abandonment of Mihailovich, but they went along with Churchill's decision because it had been agreed that Yogoslavia belonged to Britain's sphere of influence. Before I detail just how Klugman was able to manipulate Churchill and the British government into switching their support from Mihailovich to Tito, let me, for the sake of sequence—although I am certain you are familiar with all of these historical facts—write one paragraph of historical summary.

In March of 1941, the German army invaded and subjugated Yugoslavia. Hard on the heels of the official capitulation, a young Yugoslav army officer by the name of Colonel Draza Mihailovich raised the flag of resistance on the mountain of Ravna Gora and called for continuing war against the Nazi occupiers. To the beleaguered western world, he became a symbol of the resistance movement in occupied Europe. Time magazine made him man of the year. The British and American governments, although they were able to send very little into Yugoslavia before the collapse of Italy in September 1943, recognized General Mihailovich as commander-in-chief of the Royal Yugoslav Army in the homeland and strongly supported him in their broadcasts to Yugoslavia. But then, at the end of 1943, for reasons which made no sense to you and to me and to many others, the British and Americans abandoned Mihailovich and threw their support instead to the Communist forces of Josip Broz Tito.

The British justified the switch from Mihailovich to Tito on the grounds that the Tito movement had much greater popular support and was effectively fighting the Germans while the Mihailovich forces were doing nothing of significance against the occupying forces and were, in fact, collaborating with them. *This was the information that was reaching London from Cairo through the Yugoslav office of SOE*, the British equivalent of our wartime OSS. James Klugman played a key role in shaping this intelligence as the number two man in a quite small office, who represented continuity under several successive commanding officers. His authority was all the greater because he spoke the Serbo-Croat language tolerably well. He also had unlimited power to manipulate the flow of information to London because he was in charge of communications; all the messages from and to the 25 British officers and three American officers who were attached to the Mihailovich forces had to pass through SOE Cairo. If SOE Cairo decided to forward them to London, they were forwarded; if it decided not to, they were not forwarded. He also played a major role in supervising the flow of military supplies to Yugoslavia, to the Tito forces and—ostensibly—to the Mihailovich forces until December of 1943.

In my book, as you will recall, I presented a lengthy chronological compendium of reports by British and American officers dealing with anti-Axis actions and sabotage by the Mihailovich forces and of reprisals against Mihailovich Serbs. Most of the items in this compendium were excerpted from the Operational Log maintained by the Yugoslav office of SOE Cairo. I sent a copy of this compendium to Sir Douglas Howard who, as wartime head of the British Foreign Office Southern Department, had been in charge of Yugoslav affairs and had the task of giving Foreign Secretary Anthony Eden almost daily briefings on the intelligence coming in about the situation in that country. I asked Sir Douglas in my letter: "Suppose the Foreign Office in mid-October 1943 had received a memorandum from Bailey and Armstrong which said approximately the following:

"The past several months, despite foot-dragging in some areas, have witnessed a relatively high level of activity by the Mihailovich forces. During this period they have been involved in some half dozen major attacks on Axis forces, in each of which the enemy death toll was in the range of 200 to 300. At Mucanj, south of Uzice, on July 31, they engaged a strong Bulgarian force and inflicted severe casualties on it. At Trstenik, on August 29, they derailed two troop trains and killed 200 of the enemy and captured others. At Prijepolje, on September 11, they attacked a German garrison approximately 1,000 strong and put it to flight after killing more than 200 enemy troops. At Priboj, on September 12, after a night of hard fighting, they forced the surrender of an Italian garrison of 1800 men under Col. Grazziani. At Visegrad, on October 5, they attacked a German garrison some 800 strong, killing several hundred of them and driving the rest northward—after which they blew up the 600-foot double track Visegrad bridge, effectively disrupting the Belgrade-Sarajevo railroad line. At Rogatica, on October 14, the Minailovich forces again attacked a strong Axis garrison, killing several hundred Ustashi. In addition to these actions—taken on their own initiative—they were instrumental in compelling the surrender of the Italian Venezia Division at Berane and of substantial Italian units at Kotor and other points. On top of these major engagements, there were numerous minor engagements; four important railway bridges were destroyed and tracks torn up between Visegrad and Mokra Gora on the Sarajevo-Uzice line; and trains were wrecked and tracks torn up at other points. Finally, the period in question witnessed two large-scale attacks on Mihailovich's headquarters by German forces, one on September 5 and the second on October 10. This record is all the more remarkable in view of the fact that Mihailovich has received pathetically little support in terms of arms and ammunition."

My letter to Sir Douglas Howard continued with this question: "Suppose you had received such a message from Bailey and Armstrong [the senior officers of the British mission], sometime in October [1943], would this have affected the Foreign Office position on Mihailovich? . . . I should be most grateful if you could take the time to read the enclosed compendium and give me your thoughts on it."

In reply, Sir Douglas wrote:

"I have read and reread your letter . . . with great interest, and with a certain measure of astonishment. . . . If, of course, as now seems more than possible, our information re Mihailovich's activities were incomplete, to say the least, then the whole affair changes color. . . . *If the information contained in your work had been available to us at the time, our whole policy might and probably would, have been very different.*" (Emphasis added.)

What all this boils down to is that scores of messages from the British officers with Mihailovich, some of them reporting on highly important actions, were not forwarded to London by SOE Cairo as they should have been. In the absence of this information, the Communist charges that the Mihailovich forces were collaborating with the enemy seemed plausible. As my research in the Foreign Office files established, people like Douglas Howard and Anthony Eden, who *wanted* to support Mihailovich and had grave misgivings about throwing allied support to Tito, only with great reluctance came to the conclusion that the allies had to make the switch.

Not only was Mihailovich denied the credit for major actions which his forces fought against the Axis Armies, but the credit for his actions was in very many cases given to the Communists by BBC on the basis of information they received from SOE Cairo. On November 16, 1943, Brigadier Armstrong fired off an omnibus protest to SOE Cairo in which he said:

"If you want to get the best out of Mihailovich you must give him fairer press and broadcasts. Bailey was with Mihailovich forces when [they] took Priboj and Prijepolje and Berane. I saw capture Visegrad, destruction bridges, and know Ostojic took Rogatica. Mihailovich never credited with any [of] these, although reported to you. On other hand, when Partisans drove his forces out. Partisans credited on BBC [with capture of these places from enemy]."

This message, also, was not sent to London.

Bad intelligence, or deliberately falsified intelligence, inevitably leads to wrong decisions. That is precisely what happened when the British and American governments, on the basis of the slanted and falsified intelligence sent to London by SOE Cairo and by the Yugoslav section of the Secret Intelligence Service (M16), decided to abandon the pro-democratic and pro-Western forces of General Draza Mihailovich in favor of the Communist-controlled movement led by his rival, Marshal Tito.

I mentioned the matter of the Mihailovich supply operation over which Klugman also had authority. During the course of 1942, when Mihailovich enjoyed sole political recognition by the British government as *the* leader of the resistance movement in Yugoslavia, there were elements in SOE Cairo who were friendly to Mihailovich, but, because of the shortage of planes and the long distance from North Africa, the amount that could be airdropped to him was nominal. Colonel Bailey (chief of the British mission until the end of September, 1943) reported that "the few tons of supplies dropped included 30 million Italian occupation lire overprinted in bright red, 'Ethiopia,' and several hundred boxes of anti-tropical snake bite serum. Mihailovich's rage was matched only by my own. . . ." In September of 1943, after the occupation of Southern Italy, the British mission at Mihailovich's HQ was informed that 35 air sorties had been allotted to the Mihailovich forces for the period October 5 to November 3. In fact, although the British Foreign Office was unaware of this, Mihailovich received nothing of any use during this period. About this situation, Brigadier Armstrong wrote to the London Daily Telegraph on January 24, 1977: "Poor Mihailovich had not got the weapons to fight the Germans with all their modern weapons; his supply depended on what his forces could capture. I remember particularly two airdrops at my HQ: one consisted mainly of gumboots [rubber boots], the other of office equipment."

Virtually nothing of what appeared to be promised to Mihailovich ever got through to him—and what little did get through frequently consisted of the most senseless miscellaneous rubbish that SOE could find in Cairo—including rusty rifles and waterlogged ammunition, office lighting equipment and canisters of toilet paper, Ethiopian occupation lire and rubber boots and battle dress in midget size—all of it utterly useless. Brigadier Armstrong told me that he felt it was shameful that British fliers should have been called upon to risk their lives to deliver such rubbish.

This was how Klugman ran the Mihailovich supply operation.

There are some who will tell us in the interest of privacy and First Amendment rights, we should abandon all efforts to try to keep Communists or other extremists committed to the revolutionary overthrow of our system out of sensitive positions in government. The case of James Klugman illustrates just how much damage can be done by a single dedicated Communist in an obscure but sensitive position.

We know the story of Burgess and Maclean and the story of Kim Philby through the several books that have already been published on these subjects. I hope it will not be too long before we have an authoritative history on the activities and accomplishments of James Klugman in the service of Soviet totalitarianism.

This entire history, I believe, has a direct bearing on your successful efforts to oblige the Department of State to make public the fact that General Mihailovich, in 1947, had been awarded the Legion of Merit in the degree of Chief Commander by President Truman, acting on the recommendation of General Eisenhower—a fact that has been kept secret for almost 20 years. It also has a direct bearing on your more recent efforts, supported by some 75 members of the House of Representatives, to enact legislation that would permit the National Association of American Airmen Rescued by General Mihailovich to erect a monument to Mihailovich on federally owned land in the District of Columbia, as an expression of gratitude for saving the lives of almost 500 American airmen. It cannot be emphasized too much that all of this was done *after* Mihailovich had been abandoned by Britain and America and that Mihailovich at the time received no recognition and no gratitude from the Allies for this very great service to the Allied cause.

My very best personal wishes and my best wishes for the success of the Mihailovich monument legislation.

Sincerely,

DAVID MARTIN.●

THE NINTH ANNUAL MARCH FOR LIFE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. ASHBROOK. Mr. Speaker, once again several tens of thousands of prolifers have come to the Nation's Capital to protest the Supreme Court's 1973 abortion decision. Each year they have come here to deliver the same message: The Court's decision on abortion was wrong.

In the early years of the prolife movement, however, that message, though understood, was seen as religiously motivated and considered inappropriate for the public forum. It is not acceptable for a religious minority to impose its morality on the rest of us, so the slogan went. The first amendment clearly states that religion and government should be separate, the charge continued, and, besides, to make abortion illegal again would be unrealistic. The Supreme Court decision, many said, is the law of the land; the matter is settled.

But then, with the witness of tens of thousands of people in Washington each year, often braving severe cold and inclement weather, the perception of the prolife movement began to change. People began to think.

The Supreme Court is not infallible. It had been wrong before. In 1857, the Dred Scott decision had declared that black slaves were not citizens, but property, and as such were subject to the wishes of their owners, just as today, according to the Court, unborn human beings' very lives are subject to the wishes of the women in whose bodies they were conceived. Once again some members of the human family have become the property of others.

In those days, the distinguishing feature of those who were ineligible for the right to liberty was skin color. Today, the distinguishing feature of those who are ineligible for the right to life is environment—inside the womb.

There were many in pre-Civil War days, even in the North, who looked upon those who wanted to abolish slavery as a minority of unrealistic moralists and fanatics who were destroying the peace of communities by trying to force their beliefs on the rest of the country. If they were allowed to continue, it was believed, the economic, social, and political stability of the whole country would be upset. Eventually, that is what happened; but justice had to prevail. And so, today, justice must prevail.

Because of the perseverance of these marchers and of the educational efforts of prolifers everywhere, more and more people are coming to realize that members of religious bodies have as much right, as American citizens, to express their views as anyone else. They should not be denied their right to participate in the democratic process any more than members of any other group. The first amendment was never intended to make atheism the established religion of the United States.

It has been demonstrated again and again that the prolife movement includes a wide spectrum of religious and even nonreligious beliefs in its membership. What religion is the prolife movement? The same religion as the antislavery movement—American.

In his testimony before the Senate Judiciary Subcommittee on the Constitution recently, Dr. Raymond Adamek, a sociology professor at Kent State University, summed up his analysis of public opinion on abortion in the United States with the following statement:

> A majority of Americans do not endorse either the pro-choice or pro-life platforms. If anything, they are closer to the pro-life ideology.
>
> Our present public policy, however, as mandated by the Supreme Court, is essentially pro-choice in ideology. This, I suggest, is the main reason for the turmoil we have experienced over this issue in recent years.
>
> It would seem to me that a constitutional amendment which would remove the major responsibility for our abortion policy from the Supreme Court and return it to the legislatures would go a long way toward resolving the turmoil in a just and rational manner.

That is why the prolife movement has been effective. That is why these marchers keep coming. It is because they know that someday they will succeed.●

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. CLINGER. Mr. Speaker, on March 2, 1980, I was absent from the floor of the House of Representatives for one suspension. Had I been present, I would have voted in the following fashion:

Rollcall No. 11: House Joint Resolution 373, a joint resolution, amended, expressing the sense of the Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights at Geneva in February 1982, "yes."●

A WAY OUT OF THE NATION'S ECONOMIC TRAP

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. DICKS. Mr. Speaker, I commend the following article to the attention of my colleagues. It was written by the noted economist, Walter Heller, and published in the Wall Street Journal of February 25, and describes the economic bind the administration is currently facing.

I know I speak for many of my colleagues when I say that the current economic situation has me very worried. Unemployment is at its highest since 1938. My State of Washington, dependent as it is on the forest products and housing industries, has been among the handful of States which lead the Nation in recorded unemployment rates—we now exceed 11 percent unemployment. Real take-home pay in private industry is declining. Productivity has experienced a measurable drop. The fourth quarter of 1981 showed a dip of 7.6 percent—the largest quarterly decline on record. Farm prices are down, interest rates are up. Housing starts and automobile sales are almost nonexistent. Bankruptcies are the highest they have been since 1961—and just 33 away from the all-time high experienced in 1933. Corporate mergers are growing. And the Federal budget deficit could go as high as $157 billion in the coming fiscal year, according to the Congressional Budget Office.

We have got to consider making a midcourse correction. We must end the current decline, and institute some initiatives to start the recovery. And yet the message from the White House is more of the same. I think Mr. Heller's article presents some ideas which the Congress and the President should consider very seriously.

The article follows:

A WAY OUT OF THE NATION'S ECONOMIC TRAP

(By Walter W. Heller)

Reaganomics is caught in a no-win gap: While denying any rift with the Fed, Mr. Reagan won't give an inch on the rapid military buildup and gigantic tax cuts that will put deficits into a triple-digit orbit for years to come. But unless these menacing deficits are brought within bounds, Mr. Volcker won't give an inch on a super-tight money policy that will prolong recession, stunt growth and abort recover. Yet there is simply no way within the bounds of political tolerance, or human decency, to cut the 1983-86 deficits down to size via further assaults on social programs.

To see just how unyielding a trap we're caught in, one must appraise the true size of the deficit problem that Mr. Reagan and Congress have to surmount to head Mr. Volcker off at the gap. The basic raw materials for drawing up a "best bet" deficit profile are the two official budgets just issued:

The Congressional Budget Office (CBO) "baseline budget," which projects receipts and outlays under existing policies, that is, before any further spending cuts or tax increases.

The Reagan budget, which proposes sharp civilian budget cuts and modest tax increases and projects markedly lower interest costs and a faster defense buildup than the CBO budget.

The accompanying table gives a bird's-eye view of the two budgets and then offers a "modified Reagan budget" constructed on the following "best bet" assumptions:

THE 1982-85 BUDGET OUTLOOK

[In billions of dollars]

	Fiscal year—			
	1982	1983	1984	1985
Congressional Budget Office				
Receipts	631	652	701	763
Outlays	740	809	889	971
Deficit	-109	157	-188	-208
President Reagan				
Receipts	627	665	723	797
Outlays	725	758	806	869
Deficit	-98	-92	-83	-72
Modified Reagan budget				
Receipts	631	658	710	772
Outlays	736	794	867	954
Deficit	-105	-136	-157	-182
Modified Reagan budget at high employment (6 percent unemployment)				
Receipts	684	700	743	802
Outlays	721	783	859	946
Deficit	37	83	-116	-114
Ratio high-employment deficit to GNP (percent)	1.1	2.2	2.9	3.3

Actual civilian budget cuts and tax boosts will be about half of the amounts projected by the President.

Defense spending will grow at the Reagan pace, reaching $292 billion a year by 1985 rather than the CBO projection of $263 billion. Congress will make some defense cuts, but they will be offset by price and cost increases exceeding the Pentagon's usual optimistic estimates.

Interest costs will be sharply above the Reagan estimates because deficits will be higher and interest rates, as CBO projects, will also be higher.

Under this modified Reagan scenario (which incorporates the optimistic Reagan projection that recession will soon be over and growth will then be sustained at about a 5% rate), the actual deficits would weigh in at $105 billion this year and rise to $182 billion by 1985.

Even if we shift to a steady "high employment" basis in order to eliminate the impact of economic fluctuations on the budget (and thereby to isolate and identify changes in fiscal policy), we find the deficit rising from $37 billion this year to $144 billion in 1985. The deficit at high employment would triple from 1.1% of GNP this year to 3.3% in 1985, reflecting the highly expansionary fiscal policy that is so troubling to the Fed.

These projected deficits are bad enough. But they are by no means a "worst case" estimate. They don't, for example, include off-budget borrowing that the White House optimistically forecasts at $60 billion for the next four years, when it is more likely to be $80 billion. And if real GNP were to grow at only 3% in 1983-84 instead of 5%, the deficits would rise a further $40 billion to $50 billion a year. Small wonder that the financial markets are assessing the deficit outlook between grim and grisly, and the outlook for interest rates between discouraging and devastating.

The budget trap, then is far deeper than the Reagan budget would have us believe. And as the economic battle lines are now drawn, the prospects for escape are bleak. One could imagine Congress finding ways to cut non-defense spending by about $25 billion to $30 billion a year by 1984 and patching together tax hikes of another $25 billion to $30 billion by then. But that would still leave the modified Reagan budget $100 billion in deficit (or $60 billion at high employment).

That effort, while requiring great political will, would simply not provide a sufficient basis for detente with the Federal Reserve. Granted, in an economy wracked by three years of stagnation and recession, the Fed could on its own relent and seek to reduce the record-high real interest rates (long-term rates less prospective inflation rates). But Mr. Volcker has just thrown down the gauntlet again: Without sharp cuts in deficits, don't look for sharp cuts in interest rates.

The truly sad thing about Mr. Reagan's budget stance—his stonewalling that masquerades as steadfastness—is that a strategically plausible, economically positive and politically palatable alternative lies within his reach. A Reagan initiative to lead us out of our economic trap would have the following main elements:

Announce that while he holds to his long-term goals, he recognizes that his tax, budget and defense programs are trying to do too much too soon; that the budgetary and monetary strains, the economic disruptions and the human costs are proving to be too great.

Convene a summit "economic disarmament conference" among the three coordinate branches of economic government—the White House, Congress and the Fed—to hammer out an agreed agenda to end the recession, promote sustained growth and curb inflation. (Under our separation of powers, it has to be an informal accord, not a contract signed in blood.)

The centerpiece of the accord would consist of two parts. The first would be a pledge by the White House to slow the tax cuts and the defense buildup for 1983 and beyond while continuing to make carefully targeted cuts in non-defense spending. Putting the final stage of the personal income tax cuts and indexing on "hold" would by itself cut the deficit by $60 billion to $70 billion by 1985.

Second, strike a firm bargain with the Fed (the 1951 accord provides a notable precedent) under which the Fed, in exchange for the deficit cutbacks it has been demanding, would agree to accommodate expansion by rasing its monetary sights and lowering real interest rates. Such an accord would recognize the true lesson of the 1964 tax cut, namely, that tax cuts consistent with shrinking deficits can be accommodated rather than vetoed by Fed policy.

Having removed the monetary barrier to a climb-out from the rut of recession and stagnation, take a further step to speed the day of recovery: speed the 1982 personal tax cuts—to Jan. 1 if technically feasible, otherwise to April 1. This would temporarily boost the deficit in a soft economy that can stand it, while paying off handsomely in speedier shrinkage of deficits as the economy expands.

Reinforce the improving inflation outlook—and we may well be on the threshold of a lower plateau of inflation—by a presidential appeal to big business and big labor to moderate their wage and price behavior in exchange for the improved job and profit opportunities generated by lower interest rates and more rapid expansion. Such an appeal would go against Mr. Reagan's grain. But perhaps he could undertake it in the name of the voluntarism in the private sector that he has so strongly urged.

It is hard to see anything but winners from such an economic disarmanent agreement:

The President would emerge as an economic statesman willing to change course to get and keep the economy moving again.

Volcker the villain would become Volcker the valiant.

Incumbent Congressmen could claim their share of the credit for the brighter economic skies generated by quicker tax cuts and lower interest rates and for bringing the gigantic future deficits under control.

Wall Street would rejoice in the lower deficits and interest rates, while Main Street would be relieved of the heavy yoke of intolerably high interest rates that threaten bankruptcies of financial institutions and small business in particular.

The business community in general, eager to capitalize on the accelerated depreciation bonanza in the 1981 tax act, would find its generous tax incentives, hitherto stifled by sky-high interest rates and weak markets, newly buttressed by falling real interest rates and strengthening markets.

MIGHT LIKE THE TRADE-OFF

Even the intended beneficiaries of the third-stage tax cut and indexing might like the trade-off facing them: In exchange for forgoing their tax benefits for a time, they would welcome the lower deficits, lower interest rates, rising stock and bond prices and higher income and investment that would grow out of Mr. Reagan's change of course.

Who might lose? If it were seen as a Reagan triumph rather than a response to Democratic initiatives, the reinvigoration of the economy might forestall the resurgence of the Democrats at the polls next November. But that's a risk that a truly loyal opposition has to take.

Mr. Reagan will have to recognize that by breaking the economic stalemate in this manner he can set the economy on a path of sustained expansion without reigniting the fires of inflation. There will be more for everyone. And if critics challenge Mr. Reagan for changing his course, he could parry their thrust with Winston Churchill's words: "I neither withdraw nor apologize for anything that I have said at any time, believing as I do that anything which I may have said at any time was perfectly justified by the special circumstances of that time and by the amount of information I may have had in my possession."●

STUDENT LOANS PROTECT OUR NATIONAL SECURITY

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. ZEFERETTI. Mr. Speaker, today's Washington Post reports that the United States faces an increasingly ominous threat. The Post quoted the Pentagon's Director of Research as stating: "We expect a large, permanent, manned orbital space complex to be operational by about 1990 * * * capable of effectively attacking * * * ground, sea, and air targets from space." How could it be that the Nation which has produced the predominance of Nobel Prize winners over the last decades is so far behind in defense technology? The answer lies in the relative importance placed on education in the United States and the Soviet Union. At a time when the Russians enjoy an ever-increasing number of scientists, the Reagan administration has submitted to Congress a budget which would effectively dismantle Federal assistance for higher education.

Twenty-three years ago, President Eisenhower initiated a Federal program to guarantee every student the right to higher education despite their personal resources. He stated: "* * * the security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women." Later, President Kennedy said: "The education of our people is a national investment. It yields tangible returns in economic growth, an improved citizenry and higher standards of living." I fully agree with both of these former Presidents that it is the responsibility of this Nation's leaders to make available to all our young people the finest possible education.

Whether the economic faith of our elected leaders be supply-sided, Keynesian, or monetarist, increased support for education and scientific research deserves the highest priority. Today, the U.S. foreign trade patterns resemble an underdeveloped nation rather than that of a superpower. We now export raw materials in abundance while concomitantly importing more manufactured goods than we sell abroad. These facts cannot be isolated from our relative loss of commitment to higher education. Over the last 15 years, Japan and West Germany have doubled their output of scientists and engineers. By 1980, on the other hand, the number of American students graduating with a Ph. D. in physics declined to 985 from 1,740 just 10 years earlier.

The future of America is not being served by the administration's proposals to dismantle Federal aid to higher education. The individual students impacted by the President's proposals will be especially dire. Whether dependent upon Pell grants, guaranteed student loans, social security, or other educational loans or payments, these young Americans were confident the U.S. Government would remain consistent in its commitment to higher education. But regardless of the impact upon individual Americans, the profound loss will be to our Nation as a whole. The open society we seek, the productivity of our Nation's industries, the quality of health care and other professional services, not to mention our military preparedness—all of these will ultimately suffer the consequences. This is why I urge my colleagues to oppose further cutbacks in our commitment to the education of tomorrow's leaders.●

LEGISLATION TO AMEND SECTION 112 OF THE CLEAN AIR ACT RELATING TO HAZARDOUS AIR POLLUTANTS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. FLORIO. Mr. Speaker, yesterday I introduced H.R. 5669, a bill to amend the hazardous air pollutants provisions of the Clean Air Act.

During the past 12 years, we have seen relatively little progress in this crucial area. The EPA has listed only seven air pollutants as hazardous, and has regulated only four. The EPA has been studying 37 other pollutants for a considerable period of time, but has failed to take action.

My bill would accelerate the control of hazardous air pollutants. The Administrator would be required to list as hazardous the 37 pollutants currently being evaluated, unless the Administrator finds within a year that an evaluated pollutant is not hazardous. The bill also would require that factories use the best possible systems to minimize emissions of hazardous air pollutants. However, no source of pollutants would be required to do anything that was not technically feasible.

For the information of all concerned, I am including the text of the legislation and a summary of its provisions. The material follows:

H.R. 5669

A bill to amend section 112 of the Clean Air Act relating to hazardous air pollutants, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 112(b)(1)(A) of the Clean Air Act is amended by inserting "(i)" after "(A)" and by adding the following at the end thereof:

"(ii) The Administrator shall determine, after notice and opportunity for public hearing, whether or not each of the substances listed on page 561 of part 3 of the Clean Air Act Oversight Hearings before the Committee on the Environment and Public Works, 97th Congress, 1st Session, June 5, 9, 11, and 22, 1981 (Serial #97-H12) is a hazardous air pollutant within the meaning of subsection (a)(1).

"(iii) In the case of any substance which is not referred to in clause (ii), within 180 days after receipt of information (including a petition submitted by any person) which indicates that such substance may be a hazardous air pollutant within the meaning of subsection (a)(1), and after notice and opportunity for public hearing, the Administrator shall determine whether or not such substance is such a hazardous air pollutant. This clause shall not require the Administrator to make such determination in the case of any substance which the Administrator has previously determined not to be a hazardous air pollutant, but nothing in this paragraph shall prohibit the Administrator from determining at any time (either on his own motion or on petition of any person) that any substance is a hazardous air pollutant, whether or not such a prior determination has been made.

"(iv) If the Administrator makes an affirmative determination under clause (ii) or (iii) with respect to any substance, he shall (simultaneously with such determination) include such substance in the list required to be published under this subparagraph. Each substance referred to in clause (ii) shall, by operation of law, be included on such list on the date one year after the date of the enactment of the Clean Air Act Amendments of 1982 unless the Administrator has determined that such substance is not a hazardous air pollutant within the meaning of subsection (a)(1).".

(b) Subparagraph (B) of section 112(b)(1) of such Act is amended to read as follows:

"(B)(i) The Administrator shall publish a list of each category of stationary sources which emit in significant amounts any hazardous air pollutant included on the list under subparagraph (A). The list of source categories shall include:

"(I) each category of stationary sources which emit a listed hazardous air pollutant in significant amounts and which are listed under section 111(b)(1)(A) or which are part of a major emitting facility type referred to in the first sentence of section 169(1); and

"(II) each other category of stationary sources which emit a listed hazardous air pollutant in significant amounts.

"(ii) If, after the Administrator has listed hazardous air pollutants and source categories in accordance with the schedule set forth in subsection (f), the Administrator makes any revision in the list of hazardous air pollutants under subparagraph (A), the Administrator shall, within one year after such revision, publish a revised list of source categories under this subparagraph. Such list of source categories may be revised by the Administrator at such other times as may be necessary to include all categories of stationary sources which emit in significant amounts any hazardous air pollutant listed under subparagraph (A).".

(c)(1) Section 112(b)(1) of such Act is amended by inserting the following after subparagraph (B):

"(C)(i) The Administrator shall publish proposed emission standards under this section for new stationary sources in each source category listed under subparagraph (B).

"(ii) After publication of any proposed standard under clause (i) for any category of sources, the Administrator shall promulgate emission standards under this section for new sources in such category. The Administrator shall revise such standards where appropriate following periodic review. The Administrator shall complete a review of each standard promulgated under this section within 10 years from the date of promulgation.

"(iii) The standards and proposed standards published or promulgated under this subparagraph for any category of sources shall apply to each hazardous air pollutant listed under subparagraph (A) which is emitted in significant amounts from sources in such category.

"(D) Each emissions standard promulgated by the Administrator under this paragraph shall be established at the more stringent of the following:

"(i) the greatest degree of emission reduction achievable through application of the best system of continuous emission reduction which the Administrator determines is available on the applicable date (taking into account the cost of achieving such reduction and any non-air quality health and environmental impacts and energy requirements), or

"(ii) the most stringent emission limitation which is achieved in practice, as of the applicable date, by other sources in the same category (or in a category of sources having similar air pollution control characteristics).

The applicable date for purposes of clauses (i) and (ii) shall be the date of proposal of the standard concerned.".

(2) Section 112(b) of such Act is amended by adding the following at the end thereof:

"(3) The Administrator may distinguish among classes, types, and sizes within categories of sources for purposes of establishing standards under this subsection.".

(d) Section 112 of such Act is amended by inserting the following at the end thereof:

"(f)(1) The actions specified in the following schedule which the Administrator is required to take under this section after the date of the enactment of the Clean Air Act Amendments of 1982 shall be completed on or before the expiration of the period specified in the schedule:

Required action	Period after the enactment of the Clean Air Act Amendments of 1982 required for completion
"(A) Make listing determination under subsection (b)(1)(A)(ii)	1 year
(B) Publish list of source categories under section (b)(1)(B)(i)(I)	15 months
(C) Publish list of source categories under section (b)(1)(B)(i)(II)	18 months
(D) Proposal of standards for source categories listed under section (b)(1)(B)(i)(I)	30 months
(E) Proposal of standards for source categories listed under section (b)(1)(B)(i)(II)	42 months

The Administrator shall promulgate standards for each source category for which standards are proposed under this section within six months from the date of such proposal. No time period specified under this subsection may be delayed or modified by reason of any petition submitted to the Administrator or by reason of any action brought in any court.

"(2) Completion of any action referred to in paragraph (1) by the date specified in paragraph (1) shall be treated as a nondiscretionary duty of the Administrator for purposes of section 304(a)(2). In any case in which the Administrator fails or refuses to take any such action within the time period specified in paragraph (1), any person may commence a civil action on his own behalf under section 304 against the Administrator to require the Administrator to take such action. For purposes of applying section 304(b)(2), in the case of an action referred to in the preceding sentence, 10 days shall be substituted for the 60 days specified therein.".

(e)(1) Paragraph (1) of section 112(c) of such Act is amended to read as follows:

"(1)(A) Where a delegation is in effect under subsection (d) the provisions of this paragraph shall be carried out by the State to which such delegation is made.

"(B) No person may construct any new source or modify any existing source of any hazardous air pollutant listed under this section (whether or not the source is included in a category of sources listed under this section or subject to a standard promulgated by the Administrator under subsection (b)), where such construction or modification will increase (after the application of Federally enforceable emission limitations) the emission of such hazardous air pollutant by a significant amount (as determined by rule by the Administrator) unless such source is required to comply with an emission standard established under this paragraph.

"(C) The Administrator shall establish emission standards under this paragraph on a case-by-case basis. Such standards shall be established for each source at the level which, in the judgment of the Administrator, provides an ample margin of safety to protect the public health from the hazardous air pollutant concerned unless he determines that such a standard is not economically or technologically practicable. Where he makes such a finding, he shall publish the finding, together with a detailed statement of the basis on which the finding was made.

"(D) Where the Administrator has made a finding under subparagraph (C) for any hazardous air pollutant emitted from a new or modified stationary source, the emissions standard under this section shall be established at the more stringent of the following:

"(i) the greatest degree of emission reduction achievable through application of the best system of continuous emission reduction which the Administrator determines is available on the applicable date (taking into account the cost of achieving such reduction and any non-air quality health and environmental impacts and energy requirements), or

"(ii) the most stringent emission limitation which is achieved in practice, as of the applicable date, by other sources in the same category (or in a category of sources having similar air pollution control characteristics).

The applicable date for purposes of clauses (i) and (ii) shall be the date on which application is made for a permit or other form of approval to commence construction or modification of the source concerned. No standard established for the control of emissions of any hazardous air pollutant from any individual new or modified stationary source under this paragraph may be less stringent than any standard which has been promulgated by the Administrator under subsection (b) for the emission of such pollutant from the category of stationary sources of which such source is a part.".

(2) Section 112(d) of such Act is amended by inserting "new or modified" before "stationary sources".

(f) Section 112 of such Act is amended by adding the following new subsections at the end thereof:

"(g)(1) The Administrator shall prescribe regulations which shall establish a procedure similar to that provided by section 110 under which each State shall submit to the Administrator a plan which—

"(A) establishes emission standards for each air pollutant listed under subsection (b) of this section for each existing source to which an emissions standard would apply under subsection (b) of this section if such existing source were a new source; and

"(B) provides for implementation and enforcement of each such standard as expeditiously as practicable (but not later than 3 years after the date on which such standard is established).

Regulations of the Administrator under this paragraph shall permit the State in applying a standard to any particular source under a plan submitted under this paragraph to take into consideration, among other factors, the remaining useful life of the existing source to which such standard applies.

"(2) The Administrator shall have the same authority—

"(A) to prescribe a plan for a State in cases where the State fails to submit a satisfactory plan as he would have under section 110(c) in the case of failure to submit an implementation plan, and

"(B) to enforce the provisions of such plan in cases where the State fails to enforce them as he would have under sections 113 and 114 with respect to an implementation plan. In promulgating a standard under a plan prescribed under this paragraph, the Administrator shall take into consideration, among other factors, remaining useful lives of the sources in the category of sources to which such standard applies.

"(h) It shall be unlawful for any owner or operator of any stationary source to operate such source in violation of any standard applicable to such source under this section.".

(g)(1) Redesignate subparagraph (C) of subsection (b)(1) of section 112 of such Act as subparagraph (F).

(2) In subsection (e)(1) of such section 112 strike out "adequate to protect the public health from such pollutant or pollutants with an ample margin of safety" and substitute "consistent with the requirements of subsection (b)(1) of this section".

(3) Section 112(a)(1) of such Act is amended by striking out "to which no ambient air quality standard is applicable and".

(4) Section 112(b)(1)(A) of such Act is amended by striking out the phrases ", within 90 days after the date of the enactment of this Act," and "for which he intends to establish an emission standard under this section".

(5) Section 307(d)(1)(C) of such Act is amended by inserting "the promulgation or revision by the Administrator of any" before "emission standard".

(h) Nothing in any amendment made by this section shall affect the listing of any air pollutant, the proposal, promulgation, or revision of any standard, or any other action taken by the Administrator under section 112 of the Clean Air Act before the date of the enactment of this Act, except that any revision of any such list, and any proposal, promulgation, or revision of any such standard after such date of enactment shall comply with the provisions of the Clean Air Act, as amended by this Act.●

AMERICA NEEDS A FAIR TAX—A SINGLE RATE TAX

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, the once bustling, competitive progressive community of the United States of America has virtually become a ghost town. Vast areas of once-thriving industry are idle while massive foreign imports capture those great markets where America once dominated—automobiles, electronics, nuclear reactors, aircraft and more.

America has become a retirement community where a frustrated people are preoccupied with work slowdowns, retirement gimmicks, squirreling schemes, and tax dodging—while Japan and other nations have adopted the American free enterprise system and their economies boom with success and abundance.

Why? What caused America to take this disastrous turn from dream to nightmare? Why the high interest rates? Why crippling inflation? Why rundown and shutdown factories? Why huge industrial and farm debt? Why are millions out of work or about to lose their jobs?

Congress scandalously overspends, that is true. The Federal Reserve dangerously overmanages the money supply, that is true. And the Government seriously overregulates, that is true. But the fraud-ridden, unfair, incentive-killing graduated income tax holds the bloody knife which has stabbed a prosperous-progressive America in the back.

To save that fast-expiring American dream, the progressive income tax must be quickly cast aside—it is time for a fair tax, a tax the people can understand and afford, a tax which will invite respect for, not abuse of the law. It is time for the single rate tax.

File your tax on a form the size of a postcard. File without fear of those costly and nosey IRS audits. File under a simple system where you always know what is yours to keep.

The single rate is a fair tax where everyone pays the same fair share, and the gimmicks are gone so the rich man pays along with everyone else. Also gone are the tax dodging business deduction loopholes.

More people paying more taxes means less for each person to pay—the single rate tax means a tax cut for America, less redtape for America, a real chance for a balanced budget and the best way to cut inflation and interest rates and put the country back to work.

Mr. Speaker, it is time to act. The single rate tax plan, H.R. 4821, is now before the Congress. This legislation, the Tax Simplification Act [TSA], was introduced on November 10, 1981, and is now pending before the House Committee on Ways and Means.

The TSA does three things: First, it reduces the burden on taxable income to a single, universal percentage rate of 14 percent. Second, while keeping the current exemption structure as it is under existing law, it allows deductions only for religious contributions to maintain the first amendment separation of church and state and for catastrophic medical expenses to protect the bodily health of the Nation. Third, by simplifying the Internal Revenue Code, it protects against the twin dangers of totalitarian collection techniques and the antifree enterprise thrust of the graduated tax structure.

The net result of the TSA single rate tax proposal would interestingly be a dollar income increase to Uncle Sam with less burden to the taxpayer.

The potential impact of the TSA on tax collections is most encouraging, particularly as it applies to the single most important drain on Federal revenues—the disappearance of taxable income into the so-called underground economy. The General Accounting Office [GAO] gives a figure of more than $200 billion annually with a tax loss of $30 billion annually. The same source alleges that the problem is growing at the rate of 10 percent per year.

No enforcement technique now available can reverse or eliminate this phenomenon. In fact, there is some evidence that it is the coercive ways of the IRS itself which is a substantial stimulus to the disappearance of income into the unreachable sector. Any expansion of this coercive power of the IRS stands an excellent chance of being counterproductive.

Given the premise that abusive tactics decrease rather than increase collections, what other means is available to increase revenues without increasing tax rates? The essence of the supply-side economic theory is that repressive taxation, like repressive methods of collection, is subject to the law of diminishing returns. In reducing the individual tax burden as a percentage of the total taxable potential of the economy, the theory projects that the potential will grow larger and the tax take will then expand with it.

At the same time, the current administration seems committed to deregulation and reducing the role of the Federal Government in a number of social programs. The two trends converge toward one remedy which would both reaffirm the Reagan economic thrust and demonstrate the depth of the philosophic commitment to removing the tax collector as an engine of social change.

The sole justification for graduated income tax has been the socialist goal of a redistribution of the wealth. It has been sold on the idea that it would soak the rich and spare the poor and people of average income. Facts make it plain, however, that the actual tax load on incomes has fallen most heavily, not on the rich, but on working people and families of modest means. The system, in fact, has had the side effect of protecting the rich from the full impact of income tax through legislative exemptions and through their collective means to pay for tax avoidance.

As a result, it is now commonplace that the rich and upper middle income groups play the tax shelter game and pay little or no income tax at all. The time is right for the passage of a single rate tax bill. My proposal, H.R. 4821, sets the rate of tax on all personal income at 14 percent, allowing deductions only for religious, not charitable contributions, and for catastrophic medical expenses. All other income is taxed at the 14-percent rate.

The TSA concept will provide both savings and increased income to the Federal Government. The savings are obvious. Most of the distasteful enforcement methods of the IRS and their huge staff can be dispensed with at a saving of more than $1 billion annually. Return processing will become a mathematical function, easily handled by nonlabor intensive systems.

Under the TSA, increases in revenue to the Government can be expected from both the top and the middle of the income spectrum without an additional personal tax burden because shelter schemes will be abandoned. The bill not only does away with the opportunity for this kind of activity, but it also removes the incentive for such schemes since they would become economically nonproductive when the tax is fixed at the suggested low 14 percent. Even at the lower level of income a more reasonable tax rate should have a substantial pressure on returning hidden earnings from wages and other income to the tax rolls, particularly since any gain to be realized will not continue to justify the risk of fines and prosecution.

Most important, since the fixed tax rate will leave more money in the taxpayers' pockets while returning a net tax revenue to the public treasury at least equal to current tax revenues, everyone benefits—citizen and government alike.

Mr. Speaker, it is time to act. America needs a fair tax—a single rate tax.●

21ST ANNIVERSARY OF THE NEW REVELATION MISSIONARY BAPTIST CHURCH

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. MOORHEAD. Mr. Speaker, on March 27, 1982, the New Revelation Missionary Baptist Church, one of the leading churches in the greater Pasadena area, will celebrate its 21st anniversary with the Cornerstone Installation Service.

For more than two decades now, the New Revelation Church has been striving to meet, not only the spiritual needs of its congregation and its community, but to meet their social, educational, and economic needs as well.

The church has been successful in attaining its high goals; it has met its obligations with an active, thriving preschool program that helps very young children in many critical, crucial ways. It has other programs that have helped many individuals increase their skills and job marketability.

In looking ahead, I have no doubt that the New Revelation Church will continue to grow and prosper; that it will continue to provide spiritual guidance and leadership throughout the community and that it will continue to be an asset to the city of Pasadena, the district, and to our Nation.

Mr. Speaker, I am pleased to take this opportunity to recognize one of the fine churches of southern California and to congratulate all its members as they celebrate a special occasion.●

SAVING LIVES IS WHAT THEY ARE ALL ABOUT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. ASHBROOK. Mr. Speaker, last month I listened to an inspiring address by Linda Theis, president of the Ohio Right to Life Society, on the occasion of the Ohio breakfast here in Washington on January 22.

Those of us who are committed to the prolife cause can readily see that the concept of the right to life is not only an essential part of the heritage of American democracy—an unalienable right, as expressed in the Declaration of Independence; it is also an instinctive reaction on the part of any caring human being when fellow human beings are in peril.

This is the theme that is so eloquently expressed in Mrs. Theis' remarks which follow:

ADDRESS OF LINDA J. THEIS, PRESIDENT OF THE OHIO RIGHT TO LIFE SOCIETY

Soon a decade will have come to pass in the life span of the pro-life movement. Nine years ago today 7 of 9 Supreme Court Justices of the United States of America—our America, your and mine—sent down two fatal decisions that have resulted in the mass slaughter of over 10 million innocent babies. And today, 9 years later, their voices cry out to us in a chorus more tearfully than we could possibly have known on that cold day in January back in 1973.

As each day and each week turned into each month and each year, we found we had to face the horrible fact that this repulsive and cruel practice of killing unborn babies was to take not just a number of months to resolve—but many numbers of years.

What we had hoped would be a relatively short-term commitment has stretched into nearly a decade—and the killing goes on—and we are to reaffirm our commitment and to stand firm until that day when we accomplish our ultimate goal of legal personhood and protection for all our unborn brothers and sisters.

We as people who have known of the value of each individual life from the very onset of our own lives can stand firm in that commitment. Thanks largely to our own mothers and fathers who sought to instill in us a very real reverence for every individual human being, we have come the distance and know without question that we must see this effort through.

We are at an extremely crucial time in the history of this great movement—possibly the most crucial time we've been through to date. For so very much—the moves toward the acceptance of infanticide, euthanasia, in-vitro fertilization—so much depends on how we can effect positive change on the question of abortion.

Have you ever noticed the reaction of every person in a crowded room when an infant or a child in that room begins to cry? Or the reaction when a person is drowning and struggling to save his own life? This is a natural instinct in all of us that makes us want to "ease the pain" to "make things better" to dive into the water if need be to help save that life.

Just last week when Air Florida 90 plunged into the Potomac here in Washington, a passerby dove into the icy waters and brought a stewardess to safety who otherwise would have perished. The man wanted no recognition, wanted no news cameras there to record his every word about his feelings when he jumped into the waters. He very simply stated that he just knew another person needed his help and without a thought he did what he instinctively knew he should do.

You people here are not unlike that gentleman who did what he had to do without thought of courage and valor. There are certain basic feelings that surface when the flare goes up. You people here in this very room have in ways that may never be known to you saved the lives already of thousands. The waters you tread in attempt to rescue the unborn are icy and treacherous too—more so than we ever bargained for—but you have gone ahead anyway and babies' lives are being saved as a result. Those children will never walk up to you and say "thank you for saving my life" but you will know that somewhere out there they are alive and well and growing to their potential as members of our human family because of you.

Oftentimes I don't think you realize just how vital you are in the great pro-life movement. The leaders of this movement formulate the changes in our governmental policies and attempt to guide the grassroots people of this country but you—every one of you sitting here today are the ones who make those changes happen. You are the ones who educate your communities and your legislators on this issue and this movement. You, not we, are the force that makes things happen in this great nation of ours. And today your response to what I am going to ask of you will make the difference in how soon we can stop the killing of over 4,000 babies every day in this country.

I would ask each and every one of you to think very hard and with directed intent on the amount of commitment you are willing to make during this next year.

The major point I need to have clear in my mind, as a pro-life leader in Ohio, is how much "active" support do we have out there across this state.

We know we have the vast majority of support philosophically, but what about the activists? Those who are out there in the trenches really fighting to win have been at it for a long time. They need help to continue. They need every single one of you who is here today—and more.

And so I would ask that you look to the person sitting beside you today at this Ohio Congressional Breakfast and know that he or she has made a solid commitment to pro-life activism in 1982. Look to that person and make a promise to him, to yourself, and to every unborn baby whose life will depend on your activism during the coming months of 1982. And let that promise be one of support and comfort when he becomes weary, one of optimism when he feels his efforts may never see fruition. Promise him that special warmth and security that only you can provide as his comrade and friend in defense of the unborn.

God bless and be with us every one as we continue to speak in the unified voice of the Ohio Right To Life Society for those yet unborn who cannot, as yet, speak for themselves. Life is precious. We will be the acting force to preserve and protect every human being from the very moment of his creation.●

COMMUNISM: THE GREAT ECONOMIC FAILURE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. FIELDS. Mr. Speaker, the March 1 edition of U.S. News & World Report features an article by David L. Barnett entitled, "Communism: The Great Economic Failure," which examines how and why communism has failed so totally to produce the benefits envisioned by its originators and supporters. Mr. Barnett begins his examination of economic problems behind the Iron Curtain this way:

For the 1.5 billion inhabitants of the Communist world, the Marxist promise of a workers' paradise has turned into a nightmare of permanent scarcity, economic stagnation and discontent.

This dismal performance of the Soviet Union's "planned economy," the Soviets' inability to feed their own people, and the diversion of all important resources from civilian to military uses points up the failures of Communist rule in the Soviet Union. We see on television every night the economic misery being endured by the Polish people—and we tend to forget that that misery is not unique in Eastern Europe. Indeed, it is the norm, as author Barnett points out in his article. From that article, it becomes clear that the economic hardships and the political oppression confronting residents of eastern European nations dominated by the Soviet Union can be remedied in only one way: the establishment of a system of free enterprise and expanded political freedoms for those men and women now ruled by the Kremlin.

Mr. Speaker, I commend this excellent article to you and to my colleagues, and I include it in today's Record:

Communism: The Great Economic Failure

(By David L. Barnett)

For the 1.5 billion inhabitants of the Communist world, the Marxist promise of a workers' paradise has turned into a nightmare of permanent scarcity, economic stagnation and discontent.

Poland's economic disaster, which spawned a now aborted revolt by disillusioned workers, is the most dramatic symptom of a wider crisis gripping the Soviet Union and a dozen other nations that copied its economic system.

In Russia itself, 65 years after the revolution, the masses of people still must queue for hours, not just for luxuries but even for meat. Grim as they are, living standards in the U.S.S.R. and much of Eastern Europe are expected to deteriorate. Economic growth rates, impressive in the '50s and '60s, are sliding to near zero levels. Officially regulated prices are skyrocketing—up by as much as 400 percent for foodstuffs in Poland.

Intensifying the pressure on supplies and costs in Russia is the fact that a worker produces only half the goods and services turned out by his American counterpart. The economic squeeze is likely to be increased by the loss of easy access to Western loans that have been used to import technology and industrial equipment. Banks in the West have provided an 80-billion-dollar crutch for limping Soviet-bloc economies—surpassing the Marshall Plan aid that helped to rebuild Western Europe after World War II.

Not just money and technology have been imported from the West on a lavish scale. Features of the free-market system increasingly have been copied by a number of Eastern European countries as well as by China in an effort to escape from the crippling vise of Soviet-style "command economies." The Soviet-bloc states that are doing best have reformed the most. Economists stress that the crisis in the Communist world differs fundamentally from the recession plaguing the West today. The slump in the U.S. and Europe is seen as cyclical, with the prospect of recovery over the next year. By contrast, the economic crisis in the Soviet bloc stems from structural problems within the system itself and is expected to persist—perhaps even worsen—unless basic reforms are introduced.

The Soviet system, as it operates now, has what many economists see as formidable built-in obstacles to progress. A central planning group—Gosplan—sets wages, prices and production goals and allocates resources more on a political than economic basis. The first objective for an industrial manager is to persuade the planners to set low targets that can be easily achieved and win rewards rather than press for higher output.

Also: With prices set arbitrarily, planners cannot tell whether their decisions will produce a balance of supply and demand. Shortages crop up suddenly, and the system is too rigid to adjust. Finally: Workers and managers have no incentive to work hard since laborers rarely get fired and there are few material rewards for greater efficiency.

To examine the fate of the marxist economic experiment and the propsects for revitalizing the system, staff members of U.S. News & World Report talked to experts in this country and abroad and conducted on-the-spot inquiries in major Communist countries. This is what they found:

The Soviet Economy—Shackled by Inertia

Despite its standing as one of the world's two superpowers, the Soviet Union provides its populace with one of the lowest living standards among industrial nations. Although the U.S.S.R. has a vast store of natural resources, economic growth has slowed dramatically from the sharp upward trends of the '50s and '60s. The increase in the national product, according to one authoritative study, is now crawling along at 1.2 percent a year.

Nicholas Daniloff, the magazine's correspondent in Moscow, reports: "The fact that the Soviet economy is an economy of scarcity is underlined by long lines at stores, black marketeering, bribe giving and bribe taking—and the government's new harsh campaign to stamp out speculation and corruption."

Especially grim is the situation in Soviet agriculture. For the third year in a row, Russia has suffered a major crop failure. As a result, says Marshall Goldman, associate director of the Russian Research Center at Harvard, "the Soviet Union finds itself with a disaster of unprecedented magnitude on its hands."

Adverse weather is a factor, but basically the disaster stems from the monumental inefficiency of the Soviet system of collectivized agriculture. Almost a quarter of the Soviet workers are in agriculture, and the still can't feed the nation. By contrast, only 3 percent of the American labor force is engaged in farming and produces vast surpluses. Each U.S. farm worker feeds 60 Americans; each U.S.S.R. farmer feeds only eight Russians.

Ironically, the only bright spot in this bleak picture of Soviet agriculture is the island of free enterprise in the otherwise collectivized society: The tiny private plots that workers on collective and state farms are allowed to cultivate—occupying less than 2 percent of the farmland but producing one third of the total meat-and-vegetable output.

The recurrent agriculture disasters multiply Russia's industrial troubles. To pay for imports of grain to feed its people, the Kremlin was compelled to sell 224 tons of gold abroad in 1981. This impedes the drive to modernize Soviet factories by limiting funds available to buy Western technology.

However much they value technology developed in the West, the Russians resolutely reject any notion of importing any of the features of the free-enterprise system that spawns the advanced technology. Kremlin leaders even spurn suggestions that the small slice of private enterprise permitted to farmers be extended to repair services, restaurants and small shops. The central management of virtually every aspect of Soviet work seems firmly entrenched and stands out as a fundamental reason for the country's economic malaise. Says one Western expert based in Moscow: "They will tinker, but that's all they will do."

Compounding the problems is the fact that the people seem to have lost whatever incentive they had to work hard. Industriouness seems to have disappeared because the incentive of private gain has been banned. Ideological jawboning—exhortations to avoid waste and work harder—no longer has much effect.

Soviet officialdom makes no secret of its concern. Radio Moscow recently compared the Tolyatti plant, built by Fiat on the Volga River, and the Daimler-Benz plant in West Germany. The broadcast complained that Soviet output lags far behind in quantity and quality because of chronic absenteeism and extended tea breaks.

Aside from the inefficiencies of the system itself, what virtually rules out the prospect of a better life for the Russian people is the massive diversion of resources to the military. America's investment in defense, even with the increases now proposed, is modest by comparison. Although the Soviet economy is about half that of the U.S., the Russians devote 12 to 14 percent of total output to the military, compared with 6 percent in the United States. The defense establishment not only has first call on material resources but also on the best engineers and scientists.

On top of the military burden is the cost of preserving the Russian empire, which further drains scarce resources at the expense of the Soviet consumer. The U.S. Defense Intelligence Agency estimates that Soviet aid of all kinds to other Communist regimes soared from about 2 billion dollars in 1971 to nearly 24 billion in 1980.

The goal of a world converted to Communism is a pillar of Kremlin doctrine. But foreign aid, particularly goods shipped to Eastern Europe, is a source of bitterness to the Russian worker. He grumbles that the Eastern Europeans already are better off than he is—and he is right.

EASTERN EUROPE—ON A RISKY ROAD TO REFORM

Nowhere is the search to break out of the Communist economic straitjacket more evident and risky than in Eastern Europe, where 109 million people in six countries have struggled under a Kremlin economic system imposed by Soviet might after World War II. The satellite states have little room to maneuver.

The tragedy of Poland today is cited as an object lesson of the penalty for going beyond the strict limits imposed by Moscow. Still, Czechoslovak economist Jaroslav Vejvoda admits publicly: "It is becoming clear that for a full 30 years we have been unable to solve problems associated with production under socialism, either in theory or in practice."

Today, most of the Soviet-bloc countries of Eastern Europe face economic stagnation, with growing shortages of basic materials, a hard-currency debt of 60 billion dollars to the West and dim prospects for the future. But even the countries with the best performance records, such as Hungary and East Germany, are now in serious trouble. Over all, the average yearly growth rate of Communist economies in Eastern Europe has plunged from 5.7 percent in 1976 to 1.2 percent in 1980, according to the International Monetary Fund. And an even worse slump is predicted in the period ahead.

A Communist Party newspaper in Czechoslovakia recently admitted: "It is no use covering it up. The economic situation today is much worse than five or 10 years ago. We have to make rapid adjustments or the whole system will be seriously threatened."

Government-ordered price increases make inflation in the U.S. look like stability. Romania on February 15 ordered price hikes on basic food products and cigarettes by an average of 35 percent. Meat prices went up 64 percent. Czechoslovakia just raised meat prices 137 percent. Poland on February 1 jumped the cost of foodstuffs between 200 and 400 percent.

Why the sharp economic deterioration throughout Eastern Europe? The Polish crisis is one factor—but by no means the most important one. Shortages of food, coal, sulfur and industrial goods have been aggravated through much of the Soviet bloc, which depended on Poland as a major supplier. But the crisis also has made Western banks much more cautious about financing East-West trade. Many analysts think that a cutoff of hard-currency loans would confront Eastern Europe with a real economic disaster.

Even before the Polish crisis, it was becoming evident that Eastern Europe's economic game plan was failing. Alfred Zanker, the magazine's European Economic Editor, reports that the strategy has been to borrow from Western banks to purchase advanced technology from the West. New plants and equipment were supposed to produce goods, such as typewriters, that could be exported to pay off the Western debt.

The hitch is that exports to the West have not increased enough to ease the debt because of the poor quality of their products or other shortcomings.

In an effort to bail out its Eastern European empire, the Soviet Union has been buying the inferior made-for-export goods from satellite nations and selling them oil at cut-rate prices. For example, Poland in 1980 bought Soviet oil at about 46 percent of the world dollar price.

But this year the Russians, themselves caught in a worsening squeeze, are refusing to increase oil shipments to the Eastern Europeans. The Soviets are committed to send oil at the 1980 level for the next five years, which actually means a sharp cut from 1981 levels and not enough for economic expansion. Furthermore, the oil is now being provided at near the world price, which adds greatly to the drag on Eastern European economies. The result, say some economists, could be to push Eastern Europe to the brink of an economic calamity. A new study by the Central Intelligence Agency says that the cutback would virtually wipe out even the modest growth predicted this year. Czechoslovakia's annual growth rate would drop to 0.3 percent, and even in Hungary, the most buoyant of the Eastern European states, the rate would slide to 0.7 percent, a reduction of two thirds from the projected 1982 rate.

Damaging as the external setbacks have been, economists stress that the most basic problem in Eastern Europe is a fatal flaw in the system—the lack of incentives. Lester Thurow, economics professor at the Massachusetts Institute of Technology, points out that because of shortages there are few material rewards for hard work. Thus, the worker has no incentive to labor productively. Production falls, and stores end up with even fewer goods.

There also is little incentive for managers to experiment. Charles H. Movit of Wharton Econometrics notes that the system gives the greatest reward to managers who year after year overfulfill their production quotas by only 1 percent. A new approach that might improve production by 10 percent is not worth the risk.

In efforts to shake loose from this straitjacket, several of the Soviet-bloc countries are adopting Western-style incentive systems. Stewart Powell, the magazine's London-based correspondent who has traveled widely in Eastern Europe, reports that East Germany, for instance, offers bonuses, longer vacations and a shorter workweek for more productive workers. Also, 247,000 of the country's 8 million workers now are engaged in private enterprises in areas such as meat processing, building maintenance and retail trade.

Even so, East Germans seem dissatisfied. A major reason: Nightly they see on West German television what they lack in their own stores.

The most satisfied consumers in Eastern Europe are in Hungary and Bulgaria, primarily because those two countries have junked as much of the Kremlin model as they think they can get away with. Hungary already is so tied to Western economies, correspondent Powell reports, that were a trade embargo clamped on, half of Hungary's factories would be forced to close within 90 days because of lack of key components for finished products.

Experimentation with free-market concepts in Hungary, East Germany and Bulgaria is tolerated by the Kremlin, because, unlike in Poland, the political power of the Communist Party is in no way being challenged.

CHINA—TAKING THE LEAP TO FREER ENTERPRISE

All of the changes in European Communist countries are dwarfed by China's rush to embrace free-market practices. Reports James Wallace, the magazine's Asia correspondent: "Emphasis now is on productivity rather than equality, on pragmatism instead of ideology. Incentives such as bonuses and higher wages are replacing political exhortation. Profits are not only permitted; they are demanded by government leaders."

The reforms reflect Peking's acknowledgment of failure of its past economic policies, among the most doctrinaire in the Communist world. In its far-reaching effort to overhaul the economy, the Chinese government no longer assigns all workers to government jobs at fixed pay, under orders to fill production quotas set by central planners. It is encouraging free enterprise by offering tax exemptions and low-interest loans to the self-employed. Of the 40 million Chinese entering the job market each year, more than 2 million will end up working for themselves or for privately financed groups, mostly collectives.

The biggest departure is the planned reorganization of industry. As in Western economies, the bottom line—profits or losses—will become the major factor. Each enterprise will pay to the state part of its profits, an amount roughly comparable to corporate taxes in the West. The rest will be used for higher wages, expansion or whatever the enterprise itself decides.

Furthermore, China's Communist leaders are offering new incentives in an effort to attract increased foreign investment. To reassure Westerners, they have introduced tax and other laws regulating foreign investments, joint ventures and co-production agreements. So far, such investment amounts to less than 1 billion dollars. Several Chinese provinces are competing to attract foreign business, much as American states do, with favorable tax rates, low-cost land and labor.

Such radical changes are not being made without a fight. Correspondent Wallace reports: "The most fundamental objection comes from Communist Party stalwarts who fear loosening economic controls will destroy firm central political control vital to any Communist system. So far, however, the reformers are winning. But they could be undone if the reforms do not produce quick, visible results."

Not only has the Kremlin model fallen flat in the more industrialized countries, but it also has proved to be a failure in the underdeveloped areas. Mozambique and Ethiopia, in Africa, are the most recent to embrace the Kremlin economic model as a fast way to prosperity through industrialization. They are both impoverished. Vietnam remains viable only with substantial subsidies from the Kremlin. Cuba needs billions in Russian aid to stay afloat.

The two Koreas provide a striking example of the difference the free-enterprise system can make. South Korea has one of the new miracle economies of the world, with a growth rate last year of more than 14 percent. Communist North Korea, with one fourth the output of the South, uses half its work force to feed its people, compared with little more than one third in South Korea.

All in all, the Communist economies of the world are at a cross roads. Central planning and collective agriculture appear to be failures. While still rejected by Russia as a threat to Communist Party political control, a switch to Western-style free markets and individual incentives is taking place in China and several Eastern European countries. Russia's willingness to join this trend and allow its satellites to go far enough with reforms could well determine whether the decline continues inexorably in the Soviet bloc or whether the slide can be reversed.

UNITED STATES VERSUS U.S.S.R.—A COMPARISON OF WORLD'S TWO LARGEST ECONOMIES

Total output: United States, $2.9 trillion; U.S.S.R., $1.4 trillion.

Land area (square miles): United States, 3.6 million; U.S.S.R., 8.6 million.

Population: United States, 230 million; U.S.S.R., 268 million.

Oil (barrels produced per day): United States, 8.57 million; U.S.S.R., 12.18 million.

Steel (production in metric tons): United States, 100.8 million; U.S.S.R., 148.0 million.

Autos (production): United States, 6.4 million; U.S.S.R., 1.3 million.

Urbanization (percentage living in urban areas): United States, 73; U.S.S.R., 65.

Energy use per person (equivalent of metric tons of coal): United States, 12.4; U.S.S.R., 6.1.

Computers (value of general-purpose computer mainframes, end of 1980): United States, $58.2 billion; U.S.S.R., $9.2 billion (estimate).

Farm workers (as percentage of total work force): United States, 3; U.S.S.R., 24.

Meat produced per person (pounds): United States, 256; U.S.S.R., 126.

Grain produced per person (pounds): United States, 2,552; U.S.S.R., 1,571.

NOTE.—Figures are for latest year available from both countries—usually 1980.

TWO EUROPES—WHICH PRODUCES THE MOST?[1]

	Economic growth 1980 versus 1979 (percent)	Total output per person	Energy use per person (United States = 100)	Proportion of workers in farming (percent)
Western Europe				
Austria	Up 3.1	$10,250	42	9
Belgium	Up 2.5	11,800	55	3
Britain	Down 1.8	9,400	46	2
Denmark	Down 0.2	13,000	48	7
Finland	Up 5.0	10,450	51	12
France	Up 1.2	12,150	40	9
West Germany	Up 1.8	13,350	54	4
Greece	Up 1.7	4,200	23	38
Ireland	Up 1.9	5,400	31	19
Italy	Up 4	6,900	28	11
Luxembourg	Up 0.6	13,000	(2)	(2)
Netherlands	Up 0.5	11,850	55	6
Norway	Up 3.8	14,000	97	8
Portugal	Up 5.5	2,450	12	25
Spain	Up 1.5	5,700	23	15
Sweden	Up 1.4	14,750	69	5
Switzerland	Up 4.4	15,850	42	5
Average	Up 1.5	10,000	41	9
Eastern Europe				
Bulgaria	Down 0.3	4,500	44	38
Czechoslovakia	Up 2	7,650	55	11
East Germany	Up 2.6	8,100	71	10
Hungary	Up 0.2	4,950	33	16
Poland	Down 2.7	4,650	47	31
Romania	Up 1	5,250	39	32
Average	Up 0.4	5,700	49	25

[1] On average, Western Europe outproduces Eastern Europe almost 2 to 1.

(2) Not available.

Note: Output per person is for 1980—latest available.

Source: USN&WR—Basic data: Central Intelligence Agency, World Bank, International Monetary Fund, Organization for Economic Cooperation and Development, Population Reference Bureau, Inc.●

STAMP PROPOSAL BY JOSEPH ZAGAME

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. SOLARZ. Mr. Speaker, I would like to bring to the attention of my colleagues a proposal offered by Mr. Joseph Zagame, a noted philatelist and historian.

Recognizing the educational value of commemorative stamps issued by the U.S. Postal Service, Mr. Zagame has suggested initiating a series which would honor the many ethnic heritage which have contributed to the development of America.

In this regard, the following are brief summaries, written by Mr. Zagame, which describe the achievements of four Italian immigrants who are particularly noteworthy and deserving of recognition.

CONSTANTINO BRUMIDI

1980 marked the 175th anniversary of the birth and the 100th anniversary of the death of a great Italian American artist, Constantino Brumidi, who painted the Capitol in Washington. He pioneered the "affresco" technique in the U.S.

Constantino Brumidi was born in Rome on July 26, 1805. His accidental death on February 19, 1880 was caused by a fall from the scaffold on which he was standing while working on the rotunda of the Capitol. In the place of his death now rises a marble bust commemorated to him in 1968 for his inspiration to art and liberty.

To his love for art, Brumidi added a love for liberty, and it was this desire that brought him to America. Because of his love for liberty he was considered "undesirable" by an influential person in the Vatican, and was first imprisoned, then freed with the condition that he go into exile by the intervention of Pope Pius IX, who was his friend. In 1852 he came to America.

He arrived in New York on September 18, 1852. He soon expressed his wish to become a citizen and was naturalized two years later in Washington. Both New York and Philadelphia have some works of art of Brumidi. In New York they are kept in St. Stephen Church (1[illegible]7 E. 28th Street) which celebrated his 125th anniversary in 1973. The affresco of the crucifixion, behind the main altar, is the best known work in the church.

It was in Washington, in the Capitol, where Brumidi gave the best measure of his genius and of his talent as an artist, so much as to gain the nickname "The Michelangelo of the Capitol of the United States." His afrescos in the Capitol are an American version of Michelangelo's afrescos in the Sistine Chapel in Rome. Brumidi had started his artistic career restoring Michelangelo's afrescos in the Sistine.

In America, Brumidi worked under six Presidents. For his 25 years' work beautifying the U.S. Capitol he received a total of $80,712.71 or about $3,200 per year. At the age of sixty, he began painting the dome of the Capitol, which he enriched with an afreso concave of 4,646 sq. ft.

The works created by Brumidi in the Capitol interpret majestically America's spirit and ideals. Comments about his work have been made by many, including Senator Morrill of Vermont who said, "So long did he dedicate his heart and his strength to this Capitol that his love and reverence for it have not surpassed those that Michelangelo had for St. Peter's."

ENRICO FERMI

On the second of December 1942, the first atomic pile began to operate, causing the first chain nuclear reaction. This was the beginning of an era, when man learned to employ enormous energy quantity in the nuclear atom.

This most important event was the fruit of the genius of one of the greatest physicists of all times, the Italian Enrico Fermi.

Fermi was born in Rome on the 29th of September 1901. He graduated with a Physics degree in 1922, when he was only 21 years old. In 1929 he was named the "Academic of Italy." In 1938 he was given the Nobel Prize in Physics. In 1937 he came to the United States for some conferences, but in 1939 he took refuge in America, due to the fascist laws which struck his wife and his children. He had a teaching post at Columbia University in New York. During the 2nd World War, he devoted all his activity to the development of nuclear energy on a large scale, first in Chicago and then in Los Alamos.

The atomic bomb was planned and made thanks to Enrico Fermi and the "chain reaction" made by the experiments at the University of Chicago in 1945. These experiments were the key to the fabrication of the atomic bomb, in the American establishments of Clinton Engineeers and the first atomic explosion in Almo Gordo, New Mexico on July 19, 1945. In 1946 Fermi received the United Atomic Energy Commission's first special award.

Fermi died when he was only 53 years old on November 29, 1954. Italy and the entire world lost one of the greatest and brightest scientists of all times.

He devoted to America, which was his second homeland, 15 years of his scientific activity, through his research, his brilliant inventions and his teaching and he raised the scientific level of the counry and opened the doors of the world's history to a new era. The nuclear era, full of dangers, but also full of hopes and promises. The Federal Government honored his memory by giving his name to the biggest nuclear accelerator of Batavia, Illinois, inaugurated on May 11, 1974.

On December 2, 1967, the Italian Post issued a commemorative stamp on the 25th anniversary of the first "chain nuclear reaction by Enrico Fermi." Fermi has honored Italy where he was born and his second homeland, like many other Italian Americans, known or unknown, who contributed to make America the most powerful country in the world.

ARTURO TOSCANINI

Arturo Toscanini was born in Parma on March 25, 1867. The Italian Post issued a commemorative stamp on the centenary of his birth. He was a great concerter, performer and supreme orchestra conductor. The image of this eminent composer is peculiarly close to the American world since he spent a long part of his life in this country.

To emphasize the importance of his work in America, we remember his directing the Philharmonic Orchestra of New York from 1942 to 1957 and the famous Broadcasting Corporation established expressly for him. His work inspired the spirit of the American music and he spent most of his life at the service of the American culture. During his long residence in New York the composer achieved a unique goal for American music, preventing it from following those provincial characteristics of the 19th century and opening the doors of a country, which had reached the "Tunes of Gershwin," towards the great features of the European musical tradition.

Toscanini died on January 16, 1957. New York had been his second homeland after his voluntary exile from Italy in 1938. His residence at Wave Hill in the Bronx has become a public institution. The inheritence of Toscanini is historically inerasable and a source of constant pride to all Italian Americans. Besides being the Italian culture symbol, he has diffused in the world the light of beauty and civilization. He has been the personification of the courage and liberty that challenged the tyranny.

ANTONIO MEUCCI

Antonio Meucci was born in Florence, Italy on April 13, 1808, and died in Staten Island on October 18, 1889. He had a hard and adventurous life, first in Florence, and then in the Americas, where he also helped Giuseppe Garibaldi in his ventures. Meucci was his collaborator in building a candle factory in Staten Island. However, his life was mostly enlightened by the research of the transmission of sounds by distance.

In 1835 in Auana (Cuba) he realized the telegraph communication. From 1844 to 1848 he went back to Italy and took part in the revolution, reaching the rank of Lieutenant. Meucci came back to Auana and stayed until 1850, the year of the fire at the theatre where he was supervising the mechanical and electrical installations.

Meucci settled in Staten Island, continuing the experiments he began in Auana in 1857, improving his invention. Unfortunately, all his efforts to raise money to promote his invention were in vain, because of the skepticism of those the inventor asked. In order to insure the priority of his invention, in 1871, Meucci was able to put together enough money to take the sketches and documents to the patent office. He gets patent number 3335 on December 28, 1871. At this time again he can't find anyone who will finance him, and when the patent expires he doesn't even have the money to renew it. At the Patent Office, Meucci is told they can't find the documents. They shall never find them. Through many vicissitudes, old age, political conflicts, judicial controversies and disputes, the Supreme Court in 1886 finally granted him the invention's priority.

It was only a moral victory, since the patent had expired in 1873. Meucci's life ended in Staten Island, serene and poor, living in a house which had been donated, surrounded by those who had known him and loved him. That house today, is called "Garibaldi-Meucci Museum" and is taken care of by OSIA—Order Sons of Italy in America.

Two commemorative stamps were issued in Italy in 1965 and 1978, to the memory of Antonio Meucci, "True inventor of the telephone."●

WE CAN CUT DEFENSE SPENDING

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. ASPIN. Mr. Speaker, Deputy Defense Secretary Frank Carlucci recently challenged critics of the Pentagon to find any cuts in the fiscal year 1983 defense budget. This is a gauntlet too tempting to resist picking up.

A few weeks ago I wrote a memo for Congressmen explaining some of the inherent difficulties in cutting defense spending this year because so much of what we are being asked to appropriate is not due to be spent until later years. In his budget briefing for the press February 6, Mr. Carlucci stood my argument on its head. He said 31 percent of outlays in fiscal year 1983 would come from prior year appropriations while 62 percent would be for immediate operations, such as personnel and O. & M., and thus, he implied, untouchable. That would leave only 7 percent or $15.1 billion of new money. Trying to have his cake and eat it too, Mr. Carlucci then argued that even if you cut all of that $15.1 billion, you would save less than a quarter of that because three-quarters of that money is not spent until later years. I will ignore the fact that the Deputy Secretary has managed to switch from outlays to budget authority in midparagraph and thus totally bollixed his line of logic. But I do want to address his declaration that this is a minimal budget lacking in cuttable items.

The fiscal 1983 budget is larger, in real terms than even the budget for the peak year of the Vietnam war. The Reagan 5-year program provides for the fastest peacetime escalation in defense spending since 1940. If the administration saw war looming on the horizon, the prudent course would be a crash program to build up war reserve stocks of munitions and spare parts. Then the armed services would be able to sustain combat until industry could be placed on a war footing. In the posture statement, Defense Secretary Caspar Weinberger claimed the administration was placing high priority on sustainability, planning to spend $90 billion for this purpose over the next 5 years. There is good reason for such a rapid buildup if we see war clouds building. If the administration did fear a war in the near term, however, it would be doing such things as putting more bombers on alert and more submarines on patrol. But the administration is not doing this, so it is clearly not anticipating a near term war. If war is not imminent, it would be better to slow the pace of funding for sustainability.

We should remember that the administration program provides very few additions to our force structure; basically it is filling out the force structure and modernizing it.

So, the key question is when do you get there. The administration has decided no war is imminent, and in that I concur, so there is less need to embark on a crash buildup.

Furthermore, we must remember that national security is not coterminous with the defense budget. Our human resources, measured by such things as educational attainment and technical skills, are also important. The strength of our economy is key. At this juncture, with three-digit deficits visible out to the horizon and the prospect of years of interest rates so high they will choke off needed investment, we need to realize that the scale of the defense budget is a major contributor to the deficits that are driving up interest rates—which in turn is crimping the investment so necessary for the industrial base to which the Defense Department pays lip service.

Looking at the gross numbers, President Reagan promised 7 percent annual real growth in the defense budget. This year he is asking, by his figures, for more than 10 percent real growth and an average of 8.4 percent annually in the outyears. A growth rate of 7 percent, 5 percent or even 3 percent would get us there only a few years later than Reagan's plan—but with lower deficits.

A real growth rate of 5 percent per year would require a cut of $10 billion in outlays from the Reagan budget this year. This cut is by no means impossible, and it can be done without resorting to the traditional tactic of slicing into readiness.

One place to look for cuts is the $8 billion for sustainability in 1983. It breaks down into $2.6 billion for conventional munitions, $1.1 billion for war reserve spare parts, and the remaining $4.3 billion almost entirely for highly complicated munitions that may or may not work but cost 10 to 20 times what an ordinary munition costs. These complex munitions are weapons like the Maverick infrared guided antitank missile or the cluster bomb. If we defer such purchases, we could save substantially on outlays and the engineers would have more time to work out the kinks in the weapons. Nor would we damage either readiness or sustainability. The $2.6 billion will buy full complements of training rounds, and the services generally have adequate stockpiles of ordinary munitions. The services do not use the complicated rounds in training because each Phoenix missile or HARM antiradar missile costs too much to shoot when it does not count.

Sustainability and readiness are rather fuzzy categories. The Pentagon itself is constantly in the throes of defining what is readiness and what is sustainability. A good example of something that could go either place is aircraft replenishment spares. We need spare parts to keep aircraft flying so that pilots can train. That is readiness. We also need spare parts so that airplanes can fly in battle. That is sustainability. But the spare parts are the same. Frequently, to improve apparent readiness, the services will raid war reserves—sustainability—for the purpose of maintaining high mission-capable rates—readiness. But actually the airplanes are ready whether the parts are taken out of war reserves or not. It is just a matter of putting the parts on the plane.

In past years we have bought too few aircraft spares. The Weinberger budget overbuys them. Purchases of aircraft replenishment spares-used for both war reserves and peacetime operations—rise from Brown's plan of $3.4 billion in fiscal year 1983 to Weinberger's request for $4.2 billion. Apparently the intent here is to open the tap of the spare parts pipeline, to improve industrial readiness in case of conflict. This measure would be prudent if war were around the corner. But as we have seen their is no balanced program for imminent war. The priority given to fully funding a wartime operations tempo for aircraft is hard to rationalize in peacetime.

Furthermore, this administration is—correctly—concerned about the defense industrial base. A rapid buildup designed to eliminate all problems in a short while, however, necessarily means that purchases will decline once those problems are eliminated and stocks are at the desired level. Private enterprise can see that quite easily. But private enterprise is more interested in the prospect of steady markets than the boom or bust approach of the administration. The budget, therefore, threatens to undermine the defense industrial base rather than boost it.

Look at the line item for Air Force "munitions and associated equipment." The Pentagon budgeted $344.4 million for this item in 1981. Then it tripled, to $1,081 million in 1982. Now Mr. Weinberger proposes to cut the Air Force munition buy by 21 percent to $854 million in 1983. Then in 1984 it nearly doubles again to $1,535 million. This roller coaster will leave munitions firms—and especially the work force that will be laid off one year and rehired the next—dizzy.

Weinberger's program of building up war reserves has another drawback. Many of the munitions in the war reserves are in bad shape. The armed services lack adequate manpower or facilities to inspect and repair the war reserves. As new weapons and equipment enter the force structure, moreover, many of the spare parts and munitions become obsolete and useless. When the Pentagon insists on the need for rapid replacement of weapon types, augmentation of large war reserves to sustain months of combat becomes impractical if not impossible.

A further place to cut that will not hamper training and care of equipment is in depot maintenance. Weinberger's budget pushes depot maintenance above Brown's level by approximately $1.6 billion—the precise figures have not yet been supplied to Congress. For aircraft depot maintenance alone, the increase is $687 million, or 20 percent. The purpose of this large increase is to reduce the backlog of depot maintenance to zero at the end of each fiscal year.

This zero backlog sounds like a good idea, but it is not. It requires the services—which have not exactly earned a reputation as top flight managers—to run the depots so precisely that they fill each year's schedule entirely with nothing left over at the end. They will reach the last month in the fiscal year either with more than 1 month's work left to do, requiring expensive overtime and a sudden surge in parts deliveries, or with less than a month's work left, resulting in disruptions of normal work and delivery schedules. It is better to retain a backlog and put less pressure on the management of the depot system.

This covers in exhaustive detail just one area where the defense budget could be cut without either harming the national security or, for that matter, the administration's declared goals.

We could cut the $10 billion that would maintain a steady pace of 5 percent real growth in defense. The attached table shows one set of sensible cuts that would result in a defense budget that continues the buildup without overstraining other priorities.

TABLE I.—*Savings associated with a reasoned program of increasing military power*

	Outlay cuts (millions)
Unneeded strategic programs	$3,077
MX	1,941
B-1	859
Civil defense	189
Continental air defense	70
Binary munitions	18
Moderate growth in pay and allowances	1,890
5 percent instead of 8 percent pay raise	1,140
Cancel subsidy to commissaries and PX	750
Feasible research and development	1,329
Moderate improvement of war preparedness	3,834
Defer war reserves	705
Aircraft spares	72
Depot operations	1,357
Real property maintenance	1,700
Total outlay savings	10,130

The table has four main categories The first is unnecessary strategic programs. The biggest item is the MX, an orphan after the demise of one more basing scheme. It makes no sense to push ahead with funding for a missile without a home.

The second category is pay and allowances. We just gave the military a 14.3-percent raise last October, triple the civil service raise. That was billed as a catchup raise that would solve all the problems stemming from past pay caps. Last year's explanation obviates any rationale for a pay raise this year in excess of the civilian raise.

The research and development category simply cuts Weinberger's overblown program back to the funding earmarked by Secretary Brown. With the expansion of procurement budgets under Reagan, the systems authorized by Brown for development may someday be fundable. Weinberger's increment would overburden even his expanded procurement budget.

The final category shows the savings from building sustainability at a more reasonable pace.

Pentagon outlays are difficult but not impossible to cut. Secretary Carlucci has supplied the challenge. It is now up to the House and Senate to take him up on that.●

H.R. 5684, TO REFORM SOCIAL SECURITY DISABILITY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. VENTO. Mr. Speaker, social security disability insurance terminations have risen dramatically in the last year. As a result of the accelerated process of continuing disability investigations begun last March, the monthly disability termination rate has almost doubled, rising from approximately 6,300 per month in 1980 to over 12,000 per month today. This increased number of terminated recipients and the process under which the terminations were carried out have caused considerable public outcry. I am sure nearly every House Member has been contacted by constituents upset over the harsh treatment terminated disability recipients have received.

Yesterday, March 2, I introduced a bill, H.R. 5684, which is designed to ease the human pain caused by disability terminations. My bill does not seek to prevent disability reviews from taking place. By all knowledgeable accounts, many disability cases are in need of review. What my bill does is propose a series of four disability insurance program reforms to make the termination process more fair and ease the transition period back to the work force for those recipients whose benefits have been eliminated.

First, H.R. 5684 would prevent State agencies or the SSA from making a disability termination decision prior to notification of the recipient. Under current law, beneficiaries, through no fault of their own, can receive notice that their benefits should have been terminated as of some past date, up to several months before. Such decisions often leave terminated beneficiaries with little of no transition time and, in many cases, no current income and a debt to social security.

Second, H.R. 5684 would extend from 3 months to 5 months the transition benefit period for terminated recipients. This 5-month period, which corresponds to the 5-month period disability beneficiaries now wait to receive benefits after filing, would greatly ease terminated recipients' transitions back into the work force. After several years without working and in many cases a certain degree of residual pain, it is not reasonable to expect terminated disability recipients to settle into a steady job in less than 5 months.

Third, to balance the extended transition benefit period, H.R. 5684 would institute an earnings test on transition disability benefits. In other words, criteria similar to those in retirement cases would be used to reduce transition disability benefits by $1 for every $2 earned, when an individual's earned income exceeds $360 per month. The earnings test would prevent persons who have successfully reentered the work force from continuing to receive transition benefits.

Finally, H.R. 5684 would allow a disability recipient whose benefits have been terminated, and who has filed a timely appeal, to receive continued payments until the appeal is concluded. Under this provision, however, if the appeal is lost, all benefits paid after the 5-month transition period would be considered overpayments and be subject to recovery by the Social Security Administration. This continued payments provision is necessary to provide a means of addressing the needs of the thousands of persons appealing State agency termination decisions because they are unable to work. At the present time, those persons filing appeals are often forced to wait up to 10 months without support before an administrative law judge can hear their appeal. This provision would not increase costs because, under the current system, a person who wins an appeal is retroactively awarded past benefits.

I believe the reforms proposed in H.R. 5684 will effectively address the uncertainty currently faced by terminated disability recipients, without greatly increasing trust fund costs or creating new administrative problems. The only added cost to the disability trust fund would be the difference between the cost of 2 additional months of benefits, which would itself be offset by revenue saved through the implementation of an earnings test on all transition DI benefits.

I urge my colleagues in the House to support this important and much needed legislation.

The text of H.R. 5684 follows:

H.R. 5864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 221(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(3) Notwithstanding any other provision of this section (or of section 216(i) or 223), the day on which an individual's disability is determined to have ceased shall in no case be earlier than the first day of the month in which such individual is initially notified of such determination in writing (by the applicable State agency or the Secretary, as the case may be), and the month which is determined to be the termination month (as defined in section 223(a)(1)) with respect to any individual shall in no case be earlier than the month in which such individual is so notified, except to the extent otherwise provided by the Secretary in cases where notification was unavoidably delayed because of the failure of the individual involved to make a timely report of material facts (relating to either medical condition or gainful activity) which he had or should have had in his possession.".

(b) The first sentence of section 223(a)(1) of such Act is amended by striking out "and ending with the month" and inserting in lieu thereof "and ending (subject to section 221(a)(3)) with the month".

Sec. 2. (a) The second sentence of section 223(a)(1) of the Social Security Act is amended—

(1) by striking out "third month" each place it appears and inserting in lieu thereof "sixth month"; and

(2) by striking out "15 months" and inserting in lieu thereof "18 months".

(b)(1) Sections 202(d)(1)(G), 202(d)(6)(E), 202(e)(1) (last sentence), 202(f)(1) (last sentence), and 223(e) of such Act are amended by striking out "third month" each place it appears and inserting in lieu thereof "sixth month".

(2)(A) Sections 202(d)(1)(G), 202(e)(1) (last sentence), and 202(f)(1) (last sentence) of such Act are amended by striking out "15 months" and inserting in lieu thereof "18 months".

(B) Sections 216(i)(2)(D) and 223(e) of such Act are amended by striking out "15-month period" and inserting in lieu thereof "18-month period".

(c) Section 1631(a)(5) of such Act is amended by striking out "second month" and inserting in lieu thereof "fifth month".

Sec. 3. (a) Section 223(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(3) Subsections (b) through (l) of section 203 shall apply with respect to the earnings of an individual (receiving disability insurance benefits) for the month in which his disability is determined (with or without the application of section 221(a)(3)) to have ceased, and for any subsequent month for which he receives a disability insurance benefit based on that disability, as though such individual were receiving such benefits under section 202(a) and were an individual other than one described in section 203(f)(8)(D) (and for this purpose the individual shall be deemed to have a taxable year which begins with the first day of the month in which his disability is so determined to have ceased and ending with the last day of the last such subsequent month)."

(b) Section 203(f) of such Act is amended by adding at the end thereof the following new paragraph:

"(9) For provisions making this subsection and subsection (b) applicable in the case of certain individuals receiving disability insurance benefits, see section 223(a)(3)."

Sec. 4. Section 223 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(g)(1) Notwithstanding any other provision of this title, any individual who—

"(A) has been receiving disability insurance benefits,

"(B) is determined to be no longer entitled to such benefits, and

"(C) initiates a timely appeal with respect to such determination,

may elect (in such manner and form as the Secretary shall by regulations prescribe) to have the payment of such benefits continued, after the last month for which he would otherwise be entitled to such a benefit pursuant to such determination, until a final decision is made on the basis of such appeal.

"(2) If an individual elects to have the payment of his disability insurance benefits continued under paragraph (1) while an appeal (with respect to the determination that he is no longer entitled to such benefits) is pending, and the decision upon such appeal affirms such determination, any disability insurance benefits paid to him pursuant to such election (after the last month for which he would otherwise be entitled to such a benefit pursuant to such determination) shall, to the extent not otherwise directed by the hearing examiner or other person making such decision, be considered overpayments for purposes of this title.

"(3) As used in this subsection, the term 'appeal' includes a request for an administrative reconsideration or a hearing.".

Sec. 5. The amendments made by this Act shall apply with respect to determinations (that individuals are no longer under a disability or are no longer entitled to disability insurance benefits (or that particular months are termination months)) which are made on or after the date of the enactment of this Act.●

WOMEN'S STATUS IN EDUCATION

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. AKAKA. Mr. Speaker, I am inserting into the Record, a letter printed in the Honolulu Star Bulletin. The letter is by Ms. Loretta Lum, a librarian in Hawaii's public school system and a dedicated member of the Hawaii State Teachers Association, a Hawaii based organization which represents the views and interests of teachers in the State.

Ms. Lum summarizes and highlights the positive impact title IX of the Education Amendments of 1972 has had in prohibiting sex-based discrimination in institutions which receive Federal funding. I support Ms. Lum's position, and I would like to share her letter with my colleagues. There is a very real need for this Congress to maintain its commitment to preserving the statutory protections of title IX and the scope of its enforcement.

[From the Honolulu Star Bulletin, Feb. 13, 1982]

Women's Status in Education

(By Loretta Lum)

I have just completed the reading of "Title IX: The Half Full, Half Empty Glass," a report on the results of the education amendments of 1972 which bans sex discrimination in all federally-funded institutions. I'd like to share some highlights of the findings because Title IX is being severely threatened by all three branches of government.

1—Substantial progress has been made in college admissions under Title IX.

A—The proportion of women enrolled in traditionally male vocational education courses increased from 5 percent to 11 percent between 1972 and 1978.

B—Women earned half of all master's degrees awarded in 1980 compared to only two-fifths in 1972; one-third of all doctoral degrees in 1980 as opposed to one-sixth in 1972.

C—The percent of professional degrees earned by women quadrupled during the same period, one-sixteenth to one-fourth. Actual numbers of women enrolled in professional schools also rose sharply.

2—Women's athletics has undergone dramatic changes under Title IX.

A—The proportion of girls in high school interscholastic sports increased from 7 percent in 1971 to 35 percent in 1981.

B—Females were 15 percent of all participants in intercollegiate athletic programs before Title IX as compared to 30 percent in 1980.

C—Sixty colleges offered athletic scholarships to women seven years ago. Now 500 do so.

D—In 1974, females received approximately 1 percent of all athletic scholarships awarded by institutions belonging to the two major athletic associations. Today, they receive 22 percent.

The "Half Empty" part of this report details the slow improvement, sometimes regressive action, in the area of women employed in education.

1—Faculty women's salary increases lag behind men's and their earnings relative to men's have declined in recent years.

2—In 1981, women were still less than 1 percent of the approximately 16,000 school superintendents. (Hawaii can say, "We're doing our part!")

3—The percent of women faculty at the level of full professor showed no increase from 1975-1981, although they managed gradual improvements in lower academic ranks.

How is Title IX being threatened?

In Congress, Sen. Orrin Hatch has introduced a bill which will have a devastating impact on Title IX by prohibiting discriminatory practices only for those programs that directly receive federal dollars. Tracking dollars to individual programs would make Title IX unenforceable.

Who is to know whether federal funds were used to purchase athletic equipment where girls were discriminated against or a computer program where female employees were discriminated against?

The Hatch bill would curtail employment coverage to "students" only and narrow the definition of financial assistance to exclude most federally financed student aid. Since Title IX is the only comprehensive federal law prohibiting sex discrimination in education, these changes would destroy the equal educational opportunity in our nation.

In the administration, Vice President Bush is having the Department of Education review the Title IX Intercollegiate Athletic Policy Interpretation. Again, any weakening of policy would be detrimental to Women's Athletics.

In the Justice Department, Secretary Terrel H. Bell has asked the court to rule that Title IX does not cover school employees—only students. Bell is also negotiating with the Justice Department to change the regulations so federal student loan monies will not be regarded as aid to educational institutions.

If we are to protect the gains we have made since 1972, we must take action by writing to Congress and the president, stating our concerns over the proposed amendments. We need to state the compelling economic arguments for broader educational opportunites for women and girls.●

THE MERGER TAX ACT OF 1982

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. HARKIN. Mr. Speaker, today, I am introducing the Merger Tax Act of 1982. This act places a 15-percent tax on mergers or acquisitions between companies with at least $2 billion in sales, which merge with companies with sales in excess of $300 million. The tax is set at 50 percent when the acquiring company is controlled by a foreign government.

In 1981, there was a huge increase in the number of large mergers. DuPont bought Conoco for $7.2 billion. Elf Aquitanine, a French Government controlled oil and mining company, purchased 65 percent of Texasgulf's stock for $2.7 billion. Kuwait Petroleum paid $2.5 billion in cash for Santa Fe International. Standard Oil picked up Kennecott Copper for $1.77 billion.

These mergers among corporate giants do not contribute to the growth of our Nation; they do not stimulate our economy; they do not provide new jobs; they do not increase productivity.

Last year when President Reagan proposed, and this Congress approved, huge tax breaks to big business, it was with the belief and understanding that in order to get our economy moving again, companies would need large amounts of capital for new investments. It was argued that these investments would stimulate our economy, provide new jobs and increase our gross national product. We have yet to see the kinds of productive investments that were anticipated. Instead, a number of corporate giants have spent a great deal of time, energy, and money in the pursuit of other companies. The history of the growth of this country reflects what Americans are most proud of—American ingenuity. Where is that ingenuity now? It certainly does not lie in huge conglomerates gobbling each other up. The buying up of existing resources does nothing to get our ailing economy back on the road to health. And as long as it is economically more sensible for giant corporations to purchase companies with proven resources rather for them to invest in the modernization and building of plants or in research and development, new jobs will not be created and our economy will continue to falter.

We must say to corporations which are following this path that it is not the path intended for them when they were given their huge tax breaks. And if they insist on buying up other firms because they perceive it as being cheaper for them to do so, we will make it make expensive for them. We will simply tax them If they do not use their tax breaks for the intended purpose of constructive investment, we will recoup some of those taxes. This tax will serve as an incentive for corporations to take their tax breaks and invest them in a more productive manner. This tax will say to companies that if they do not contribute to the economic revitalization of this country through productive investment, they will contribute to the economic recovery through the imposition of a tax on their nonproductive investment.

A second major consideration is the effect of mergers on our economic structure. Continued mergers between large companies is reducing the degree of competitiveness in our economy. In many industries, the number of firms selling 80 percent of the goods sold in the industry has been declining steadily. That number is dropping to a dangerously low level for competition.

From 1950 to 1976, the per cent share of the assets of the 100 largest manufacturers increased from 39.9 percent to 45.5 percent of assets held by all manufacturers. For the 200 largest firms, control increased from 47.7 percent to 58 percent of assets. Quite simply, small manufacturers are being squeezed out of the marketplace and the phenomenon of mergers between large companies accelerates that trend.

What makes this accelerating trend toward bigness most deplorable is the fact that small businesses account for most of the growth of new jobs in the U.S. In the first 8 years of the 1970's, employment grew by 9,583,000. During that time the Fortune 1000 companies increased employment by only 75,000 jobs, less than 1 per cent of the total. In addition, a 1966 Commerce Department study demonstrated that small businesses accounted for most of our scientific and technological developments. The Office of Management and Budget came to similar conclusions in 1977.

As mergers affect economic structure, they also affect our international trade position. Increasingly, we are finding ourselves behind in our trade with many countries. Perhaps part of the problem is the unwillingness or inability of our larger firms to adapt and be creative. The entrepreneurial force which made our country great is quite simply not as strong in our largest firms. Frankly, I believe a large part of the problem in our auto industry may be caused by this very point.

A third point that needs to be mentioned is that billions of dollars have been borrowed at record high interest rates in order to finance these multi-billion-dollar mergers. While the small business owner and homeowner cannot afford to pay an 18 percent interest rate, large corporations can and do pay high interest rates to finance corporate takeovers. These nonproductive investments further strain the amount of available credit by sheer virtue of the amount of money involved. These deals depend on the tax deductibility of interest payments on their huge borrowings. Taxpayers end up, in effect, directly subsidizing many of these mammoth mergers.

Fourth, and perhaps the most important point, the Federal Treasury needs the money because of the huge deficits. There is talk of cutting back on the tax reductions granted to the average working family when those reductions are doing little more than keeping them even with inflation. There is talk of not giving social security recipients their cost-of-living increases that they have been promised and which are truly needed. The President is predicting a $91 billion deficit for next year. Almost everyone else believes this deficit will be far higher if we adopt his program. This bill will help to reduce the deficit. I believe that we must have some equity in who is to pay the bill. This bill will, to some extent, restore a degree of equity.

I submit that this tax proposal will raise funds from those most able to pay and those who are engaged in one of the less productive activities. It is a tax which can actually promote productive investment. We have thrown plenty of carrots at big businesses hoping that they will invest. I believe that the stick may on occasion have some value.

Specifically, this bill provides a tax equal to 15 percent of the sale price of any acquisition, including a merger, when the acquired entity has sales in excess of $300 million and the acquiring entity has sales in excess of $2 billion. I believe that these figures are set high enough to remove from the tax those medium-sized firms which sometimes benefit by being acquired because of the need for capital and other resources. The tax would still be paid so long as $150 million is spent to acquire at least a 35-percent interest over a period of 18 months.

This is not a confiscatory tax by any measure. It is quite common to see premiums paid on the order of 50 percent above the stock price for an acquired company. The bill exempts those acquired companies which have suffered significant losses. It is to the advantage of the economy to allow mergers among those companies which are in some danger of going under. The bill also exempts acquisitions of companies which the Secretary of the Treasury, in consultation with the Secretary of Commerce, believes face substantial foreign competition and where the acquisition will significantly improve the companies' ability to compete.

The bill creates a 50-percent rate of tax when a company of above $300 million is acquired by a foreign controlled entity. I believe that it is clearly not in our national interest to see large businesses in our country controlled by foreign governments. This provision will clearly dissuade such acquisitions.●

TEN-FOOT RUSSIANS?

HON. RAY KOGOVSEK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. KOGOVSEK. Mr. Speaker, the Denver Post recently published the following editorial. I would like to submit it as part of the RECORD. I believe the references to our colleague, PATRICIA SCHROEDER, are particularly appropriate during our current debate over defense spending.

TEN-FOOT RUSSIANS?

During the 1950s, a joke circulated about efforts of the U.S.A. and the U.S.S.R. to "psyche" each other. In the "G" rated version the Soviets decided to unnerve the Americans by ordering army bunk beds from a U.S. manufacturer—and specifying the beds had to be 10 feet long.

As expected the patriotic bedmaker passed this "intelligence" to the Pentagon which bucked it to the president. Recognizing the Soviet ploy the president trumped it with an order to "send them the 10-foot bunks—but stamp each one medium?"

These days each side seems determined to convince itself that the enemy is 10 feet tall. The Pentagon's recent report, "Soviet Military Power" limited Soviet strength in worrisome terms. The Soviet parried vigorously. But as Rep. PAT SCHROEDER, D-Colo., nas been arguing effectively such "man for man and tank for tank" comparisons ignore crucial differences in the two nations' political and strategic situations.

The U.S.A is only the strongest link in an alliance of free nations. In a showdown the combined economic and military power of such friends as Britain, Canada, France, West Germany, Australia, Israel, Italy, South Korea and many others would reinforce America.

In contrast, the Soviet Union is an anachronism, the last great imperialist power. Much of its strength has to be deployed keeping people who detest it in subjugation. As Schroeder notes, much of the reported "gap" in U.S.-Soviet military spending vanishes when the $100 billion spent by our NATO allies is tallied against the estimated $30 billion spent by the Soviet Union's Warsaw Pact satellites. Overall, NATO even has a slight edge in manpower over the pact. The biggest question of all, of course, is whether Poland, East Germany, Hungary and Czechoslovakia would side with their oppressors or their liberators in a final crisis.

Finally, our borders are with Mexico and Canada—good friends. In contrast, the lands stolen from China by the Russian czars are like Germany's theft of Alsace-Lorraine from France in 1870—a source of enduring enmity with an unforgiving neighbor.

Of course, the U.S.A. can't be complacent. Our reserve forces, with the exception of aviation units, have deteriorated badly. Our Navy's sea control capability is inadequate.

The Army is only beginning to scrap the outmoded, "Verdun" doctrine of firepower and attrition and revamp its equipment and tactics around maneuver principles—the key to victory since Alexander knocked off Darius. All services need help in retaining trained cadre.

But the proposed military budget seems guided more by what defense contractors want to sell than by any rational assessment of our security needs.

Schroeder has proposed trimming $30 billion, including $13.5 billion in the upcoming fiscal year. She would slow procurement of the orphaned MX missile and the Navy's bungled F-A-18, scratch the B-1 bomber and one of two new nuclear aircraft carriers. Such trims would only slow our defense buildups to a manageable pace. We disagree with her proposal to slow the Trident missile submarine, however. Without a new bomber or missile, it's prudent to strengthen the remaining and most crucial leg of the strategic "triad."

But overall, the congresswoman is to be commended for realizing that panic buying spurred by fears of 10-foot-tall Russians is no substitute for measured reforms to revitalize American military power.●

POLICY ON U.S. MILITARY INVOLVEMENT IN EL SALVADOR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. STOKES. Mr. Speaker, I rise before my colleagues experiencing a shared sense of outrage and grief over the tragically escalating events occurring daily in the Central American country of El Salvador.

Thus far, President Reagan has sent $81 million in military aid to the Government of El Salvador. I am adamantly opposed to this assistance for a number of reasons.

First, the administration has argued that the struggle for human rights in El Salvador has improved. Clearly, Mr. Speaker, we are all too well aware that there has been much documentation of continuing violations of human rights in that country. I, for one, am horrified that civil liberties have been violated, political rights are continually denied, and acts of kidnaping, torture, and murder are characteristic of military forces of the Government of El Salvador.

Recent reports indicate that more than 30,000 people, including 6 American citizens, have been killed by the military in the past 2 years.

The Special Representative of the United Nations Commission on Human Rights recently stated that:

> There has been in El Salvador a consistent pattern of gross violations of these (civil and political) rights which, in many cases has culminated tragically in attempts on human life.

Earlier this year, the American Civil Liberties Union and the American Watch Committee reported that:

> The Revolutionary Governing Junta of El Salvador is responsible for a widespread and systematic pattern of gross violations of human rights.

The report went on to state that these violations of human rights "are selectively directed against those perceived as opposing the country's economic and political system."

These tragic facts and figures, depicting the deplorable failure of the Government of El Salvador to comply with internationally recognized human rights, make for an unquestionably absurd support by our Government of the present Salvadoran regime.

I am convinced, Mr. Speaker, that any aid granted to El Salvador should be humanitarian in nature, for this is an impoverished nation. As was pointed out in a New York Times article of February 20, 1982, the facts behind this poverty are startling:

First. Unemployment in El Salvador today is more than 40 percent.

Second. More than half the people of El Salvador subsist on an income of less than $10 per month per capita.

Third. Nearly 50 percent of the children in El Salvador die before the age of 5.

Fourth. Two percent of the population owns 60 percent of the land.

Mr. Speaker, the economic aid required by El Salvador is not military in nature. It is aid necessary to meet the basic human needs of its citizens. This problem is exacerbated by the problems experienced in the agrarian reform program. This land reform program, which was also intended as a redirection of a portion of the wealth and resources in El Salvador has failed. Therefore, the essential needs of the El Salvadoran people are immense. I firmly believe that any aid offered to El Salvador should be in the direction of constructive humanitarian ends.

Mr. Speaker, I believe that the present actions of the Reagan administration clearly undermine the integrity and validity of the War Powers Resolution. Pursuant to section 4a of the War Powers Resolution, the President is required to report to Congress when he introduces military personnel into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. By offering military equipment and advisers, I am convinced that the U.S. is imminently involved in the El Salvadoran conflict. It was intended that Congress be totally involved in important decisions that might lead to U.S. military involvement in foreign conflicts. Therefore, it is obvious to me that the War Powers Resolution was clearly designed for the present situation in El Salvador, thus requiring a complete, detailed discussion and dialog between this Congress and the President.

On March 28 an election for President will be held in El Salvador. It is my fervent hope that a fair and honest election representing all factions in El Salvador will take place. However, threats of violence by opposing sides against those who vote will apparently impede a fair and responsible election. As a result, it is imperative that the U.S. Government do all within its power to establish negotiations between the El Salvadoran Government and the citizenry in the insurgency. Both sides have stated a willingness to sit down and negotiate. It is now time for the negotiations to begin in order that this outrageous and horrifying bloodshed and pillage end.

Mr. Speaker, I am grief stricken by the atrocities in El Salvador. I join with my colleagues in supporting House Concurrent Resolution 226 which expresses the sense of the Congress that the President should press for unconditional discussions among the major political factions in El Salvador to guarantee a safe and stable environment for free and open Democratic elections.●

FLOOR STATEMENT OF REPRESENTATIVE JIM COYNE

HON. JAMES K. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. JAMES K. COYNE. Mr. Speaker, I am deeply troubled by the recent trend of events in the Middle East. The Camp David peace process, which had given us great cause to believe that peace is possible, appears to be in jeopardy. Although Egyptian President Hosni Mubarak has pledged to continue the work of Anwar Sadat, he does not have the personal commitment to the process that characterized his predecessor. As a result, Egypt appears to be moving closer toward the other Arab States and away from its improved relations with Israel.

The Camp David agreement called upon Israel to return the Sinai to Egypt in exchange for peace. Israel was willing to take a major gamble when it agreed to these terms. The Sinai provided Israel with a strategic buffer against Egyptian attacks; it was the source of a large percentage of Israeli oil; it contained two major Air Force bases; it controls the access to the Gulf of Aquba, through which all of Israel's southern mercantile trade passes; it includes the strategic Tiran Straits which provide Israel's access to the Red Sea; it has become a favorite site for Israeli tourism; and, finally, it has become the home of many Israeli settlers. Although many of these settlers refuse to leave their homes, the Israeli Government is so committed to the Camp David accords that Israeli troops are now being used to evacuate the settlements.

It is with this background in mind that I am so deeply concerned by the reports that President Mubarak's trip to Israel might be canceled. In his desire not to antagonize other Arab States, Mubarak apparently does not wish to visit Jerusalem or even remain in Israel for a few days. He reportedly wants to fly to Tel Aviv and leave within a few hours, thus not allowing time for meaningful negotiations. I believe that this is the wrong signal to send to the world. It implies a reduction of Egypt's commitment to the peace process. This would encourage the feelings of insecurity within Israel; it would also alert the United States that Egypt is not as willing to work for peace as had been the case under Sadat.

I sincerely hope that President Mubarak will reconsider his options and agree to go to Jerusalem. Just as Sadat's first visit to Jerusalem signified a courageous step toward peace in this troubled region, a Mubarak visit would solidify his role as a peacemaker. If Mubarak visits Jerusalem, he will assure the Israelis and the United States that he will continue the peace process even after the Sinai is returned on April 25. As today's editorial in the New York Times concludes: "Mr. Mubarak dares to ask Washington whether he really has to go to Jerusalem. For all concerned, he had better."

On the Road to Jerusalem—President Mubarak is Losing His Way

Somewhere along the trail beaten by Anwar Sadat, President Mubarak seems to have lost his way. He needs a swift reminder from Washington that the path to peace, as well as the return of Sinai, leads through Jerusalem.

The new Egyptian leader owes the Israelis a visit, and before the turnover of the last of his territory in April. Though he could, like Mr. Sadat, say anything he wants once in Jerusalem, the new Egyptian leader wants his itenerary to speak louder than words. He asks to avoid Israel's capital altogether. Even to request the detour is provocative.

It provokes the worst Israeli fears: that they will soon pay in blood for once again exchanging strategic territory for a promise. They are yielding Sinai—lock, stock, airfields and oil—for the promise of peace and full recognition. They agreed to it with an Egyptian who failed to survive the exchange and who some think was murdered for it. They do it despite Mr. Mubarak's difficulty in pronouncing the words Camp David; despite his notice that with Sinai in hand he aims to repair relations with Israel's enemies; despite the anguish of Zionists who cannot bear to evacuate settlements.

Yes, the Israelis too have been provocative. Their progressive annexation of the West Bank and unilateral actions in Golan and Jerusalem have been insensitive to Egypt's position in the Arab world. They have been grudging about the Camp David promise of "full autonomy" to the Palestinians. But they do not challenge Egypt's legitimacy or security.

Israel cannot trust a peace process that perverts a friendly visit into a protest demonstration. To ask Israelis to act like usurpers in their capital—because half the world does not accept its integration with parts of the city captured from Jordan—risks the most destructive expression of their anxiety. And if that takes the form of an attack on the P.L.O. in Lebanon, important Israelis want it to test Mr. Mubarak's forebearance before he gets Sinai back.

Whatever chances remain for transforming the Camp David accords into a stable peace depend upon Israel's serenity and confidence—confidence expressed by the exchange of Presidential visits, ambassadors, tourists, goods. Egypt meets those commitments sluggishly while Israel uses its army to uproot Sinai settlers.

Mr. Mubarak dares to ask Washington whether he really has to go to Jerusalem. For all concerned, he had better.●

RECOMMENDATIONS BY MR. HERON

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. LAGOMARSINO. Mr. Speaker, all of us are concerned about our adverse balance of trade. Many of you have suggested in this body ways to help bring it into balance.

One of the best analyses of the problem along with suggested solutions was presented to the President's Export Council Subcommittee on Agriculture by an expert in the field, Mr. Julian B. Heron, Jr., a partner in the Washington law firm of Heron, Haggart, Ford, Burchette & Ruckert. I urge that my colleagues who are interested in trade policy carefully consider the following recommendations by Mr. Heron. I am also urging the President to consider adopting these proposals as national agricultural export policy.

Remarks by Mr. Heron follow:

Remarks by Mr. Julian B. Heron, Jr.

It is a pleasure to be with the President's Export Committee's Subcommittee on Agriculture. The opportunity is being taken to make specific recommendations regarding trade policy for this Committee's consideration. These recommendations will focus on agricultural trade, but will be beneficial to all United States trade. They are based upon the experience of members of the private sector who export their products worldwide. It is hoped that your Committee will find this helpful.

These recommendations deal with two aspects of trade policy. This seemed appropriate since your committee is undoubtedly well briefed on specific trade problems. We need to step back and look at the structure itself. First to be discussed is the need to develop a national export policy. Second, the manner in which trade policy is developed will be discussed. While the first is by far the most important, the second influences the first. These recommendations deal primarily with the development of a national agricultural export policy. However, the same principles may be applied to the development of a national export policy.

The specific recommendations are as follows:

(1) A national export policy should be adopted—

(a) It deserves the same attention given to foreign policy;

(b) It should be pursued as a government-wide objective;

(c) it should achieve both broad objectives and specific objectives;

(d) It should seek to maximize exports from the United States; and

(e) It should be consistent with international rules of trade.

(2) Procedural reforms are needed in the development of trade policy—

(a) Closer cooperation with the private sector is needed;

(b) A staff of permanent trade negotiators should be formed;

(c) The administrative process must be streamlined; and

(d) The principle input in trade policy development must come from the affected agency.

These two topics with their subpoints will serve as a framework for our discussion. Too often, a discussion of trade policy goes directly to specific issues or complaints without stopping to discuss the need to develop a sound export policy. We can readily agree that trade policy in its simplest form is summarized by the philosophy that we should export as much as possible and import as little as possible. Unfortunately, like many simple things, it is not that easy.

One of the reasons that the United States finds itself in its current position is that we have not had a national export policy. For a number of years, the Department of Agriculture has stressed the importance of agricultural exports. In more recent years, other agencies have acknowledged the importance of agricultural exports. Yet, there has never been a cohesive United States export policy which brings together the full resources available to our government to see that agricultural products are exported. The same is true on the industrial side.

Historically, trade policy has been subservient to foreign policy considerations. Because of this, attention has been focused on trade policy with very little attention given to export policy. It must be recognized that the formulation of an export policy is a national objective equal in importance to the formulation of a foreign policy. Historically, we have confused trade policy, export policy and foreign policy.

The adverse consequences of sacrificing long-term export advantages for short-term benefits can readily be seen from the grain embargoes in the 70's. Virtually all now agree that the embargoes imposed were detrimental to our long-term national economic interest. It provided artifical stimulation to our competitors the ability to whisper in the ears of our customers that it is no longer possible to know when the United States might terminate its commitments. Had there been a national export policy, this action might not have occurred.

If the effort is made to develop a national export policy, then it must be pursued throughout government. For years, the Department of Agriculture has had a sound understanding of the importance of agricultural exports. This is perhaps best reflected in the foreign market development program which is a shining example of the public and private sector working together for the common good. However, the recognition of the importance to the nation of agricultural exports by the Department of Agriculture is not enough. Other agencies and the President must accept and support this premise.

In the past year, some progress has been made. The United States has been able to develop, on a government-wide basis, a sound approach to the damage being caused by the European Economic Community's agricultural export subsides. These subsidies affect many crops in many different ways. The common thread is the damage flowing from excessive subsidies granted by the European Economic Community. In response, the Departments of Agriculture, State and the United States Trade Representative took the lead in developing a common strategy to oppose this practice. Eventually, the strategy was adopted by the Cabinet.

All agencies of the government are now proceeding in a manner consistent with the Cabinet's strategy. This was perhaps best seen at the December 1981 meeting in Brussels where it was planned to have the Secretaries of State, Commerce, Agriculture and the U.S. Trade Representative present to discuss trade issues with the European Economic Community. That meeting was unprecedented. Increased cooperation of this type needs to take place in order to develop an overall United States trade policy.

Our government must be diligent in its effort to maintain a unified approach. Congress and the private sector will have to demand such diligence. We must not return to the time when, in dealing with agricultural trade issues, Defense referred to its bases, State to overriding political considerations and Commerce to industrial issues. We must all work together in a unified effort to support a national export policy.

Without a national export policy, it will not be possible to achieve both broad range and specific objectives. The effort made with respect to the European Economic Community's agricultural subsidy practices represents a specific objective. It is a good start, but only a start. We need to have strategy developed with respect to Japan, Mexico, Argentina and Brazil, to name just a few. Additionally, there must be an overall United States export policy developed.

It will be far easier to obtain and implement specific objectives on a unified basis if they fit into a larger national plan. The United States has never had a national export policy. We should move now to adopt one.

If a national export policy is adopted, it is certain to contain as one of its objectives the need to maximize exports from the United States. In order to accomplish this, much work will have to be done.

There is a tendency on the part of virtually every government agency, with the exception of the Department of Agriculture, to look only at the large volume and high value export items. It is understandable that big dollar items would receive immediate attention. They should. However, the United States needs to export its goods to every customer that can be found throughout the world. Many of these sales will be for small amounts of goods that are not bulk commodities. By themselves, each sale will be unimportant. Collectively, the entire group of sales can help return this nation's economy to a healthy state. The barriers faced in countries such as the Republic of China, Brazil, Korea and Mexico are together as important economically as the barriers maintained by our major trading partners. No one can justify the citrus or beef quotas maintained by Japan. These are world famous. The same is also true of Korea's licensing system which is less known and understood.

An example might serve well. We tend to think of India as a nation of starving people. Yet 10 percent of its population equals approximately 60,000,000 people. The top 10 percent of the individuals living in India are wealthy and can afford items not otherwise available to the general population. Sixty millon people represent a market the size of West Germany. Almonds, while often ranking as our number one agricultural export as a percentage of production, are not generally considered a major agricultural commodity. There was little interest outside the Department of Agriculture initially in removing the 200 percent ad valorem import duty on almonds or in attempting to obtain better licensing rules for imports. Eventually, the duty was slashed in half and the licensing restrictions lifted. With only a 100 percent ad valorem duty in place, the United States almond industry was able to send exports to India approaching $5,000,000. While this amount is small in the overall trade picture, it does not require too many sales of this magnitude in too many different markets to become important.

This example illustrates the need for the United States Government to assist exporters in removing barriers to exports in whatever country the exporter has determined a market exists.

If we can agree on the importance of developing a policy along the lines discussed, then it is also necessary that the policy be consistent with established international trading rules. Far too often there is a willingness on the part of diplomats to compromise and depart from the established international rules of trade in order to resolve a particular dispute. While this seems, at first glance, to be reasonable, practical and effective, it is not. The established international rules of trade were developed after long years of negotiation and effort. Although these rules are not perfect, they are based on sound economic theories and political realities. When the United States either willingly departs from those rules or allows others to do so, it creates an atmosphere that makes international trade more difficult. In the first instance, it is always extremely difficult to maintain the established rule. In the long run, it is always to the advantage of the United States to do so.

We tend to think of retaliation as a dirty word. Perhaps it is. What is important is that the United States must assume the leadership in making the established rules of trade work. At present, we preach the necessity of following the rules. Unfortunately, historically we persuaded the world that we will do nothing if our trading partners do not observe the rules. We have exercised our leadership in such a manner as to convince our trading partners that there is no liability in operating outside established world trade rules.

The result can be seen in many of the current bills pending in Congress calling for reciprocity. Congress is saying clearly that if the Executive Branch cannot enforce trade rules, it will. Reciprocity means removing quotas to a cattle rancher. It means erecting import barriers to an unemployed citizen of Detroit. It means something else to a banker. In short, it has no meaning.

The established rules of trade will work if followed. A price must be attached to trade practices by a country that are contrary to the established rules. This is a nation of laws. Certain penalties apply for failure to observe specific laws. The same can be true for world trade. To accomplish this, the United States will have to establish its leadership.

If a country objects to a penalty imposed as a result of failure to observe established rules, the penalty can be removed upon a change in that country's practice. We in the United States will have to be willing to accept similar consequences for our actions. This need not lead to a trade war. On the other hand, failure to impose discipline in international trade may. As exporters, we have an obligation to see that a workable system is developed, implemented and enforced.

Now a few suggestions as to how both trade policy and an export policy might be developed. This is an area that needs substantial reform if the United States is to be able to develop a cohesive policy which will allow us to maximize exports.

The first and most important factor in developing policy is obtaining close cooperation and input from the private sector. One of the reasons that there has been so much success with agricultural exports is the close cooperation between the public and private sectors. This is maintained, nurtured and developed through the Foreign Agricultural Service of the Department of Agriculture. Again, this should serve as a model for our government. It is doubtful that there is a better example anywhere in the United States government of the cooperation, trust and dedication to the same goal that exists between the Foreign Agricultural Service and agricultural exporters.

In past years, the advisory committees established through legislation by the Congress have worked reasonably well. Unfortunately, in recent months, the agricultural advisory committees have not been active. It is understood that the Department of Agriculture plans to reactivate them in April. It is certainly hoped that this is so. Your Committee is urged to do everything possible to see that these committees are active.

While it is possible to criticize the private sector advisory committees, the overall benefit from the existence and operation of these committees is substantial. Trade negotiators cannot ignore the advice received from the committees whether or not it is accepted. The committees also require the trade negotiators to provide some degree of advice as to their plans for both multilateral and bilateral trade negotiations.

Additional thought should be given to the development of a staff of permanent trade negotiators. At present, the most experienced trade negotiators are in the Foreign Agriculture Service and in the Department of State. The Office of the United States Trade Representative was created by Congress to act as an independent organization, functioning directly under the authority of the President. This has worked well and should be continued. It must also be recognized that, traditionally, there has been a relatively high degree of turnover on the staff of the U.S. Trade Representative. This leaves the Trade Representative without a permanent staff of seasoned negotiators. Every effort should be made to develop a core of negotiators within the United States government whose skills are routinely employed whether or not they actually work for the Trade Representative.

A great deal needs to be done to streamline the administrative process used in the development of trade policy. At the present time, there are numerous agencies involved in the process and there is a multilayered process. If one looks to the regulations or executive orders on trade matters, it is found that in addition to U.S.T.R. and the Departments of Agriculture, Commerce, State and Treasury, there are numerous other departments and agencies routinely involved. These include the Departments of Interior, Defense, Labor, Justice and Transportation; the International Trade Commission; the Office of Management and Budget; the Council of Economic Advisors; and the National Security Council. Trade policy decisions are frequently made by a committee with representatives from each of these agencies. Many of the committee members are often uninformed about the issues being discussed.

This is perhaps best illustrated by a recent committee meeting where, after listening to a detailed and accurate description of the EEC's subsidy practices for one commodity, the representative from the Office of Management and Budget responded by arguing that there was simply no problem. He explained that because the described system was misguided and uneconomical, the ECC would have to discontinue it in order to maintain itself. While this gentleman's economic analysis may have been sound, we know that in practice the EEC maintains many uneconomical subsidies. We also know that the EEC has no intention of discontinuing these. Yet the gentleman from OMB, to the extent he could persuade other members of the committee, was in a position to attempt to influence the committee to take no action. This example is not given to criticize OMB, but rather to illustrate the problem inherent in our current procedures.

The interagency process should be streamlined so that only USTR, State, Agriculture, Commerce and Treasury routinely participate in trade policy matters. If there is a particular issue that requires the expertise of another agency or department, then that department may be invited to participate.

At the present time, depending on the issue, trade policy options may be reviewed by three to four committees before a decision is reached. This is neither effective nor efficient. A more streamlined management process must be found so that the United States can develop its trade policy and respond rapidly to the needs of exporters.

In developing trade policy, the principal input should come directly from the affected agency. For example, in agricultural matters, the Department of Agriculture should be closely involved throughout the development of agricultural trade policy. This often happens. However, equally important, Agriculture should be included in the negotiating process. Historically, USTR, in the development of an agricultural issue, may take input from the Department of Agriculture, but the Department's access often becomes more restricted as the negotiating process develops. Our negotiators should be encouraged to have at their side the experts from the affected agencies whenever possible. Undoubtedly, there will be times when it is not possible. In most negotiating sessions, however, it is possible and should be encouraged. Ambassador Brock and Secretary Block are to be congratulated for the cooperation that each has shown the other. Similar cooperation must be pursued at all levels of government.

It is hoped that the suggestions made will be of assistance to your Committee. Although these suggestions will not solve all trade policy problems, they will help to establish a coherent, credible, national export policy. Such a policy will significantly assist the effort to establish a strong economy. The establishment and implementation of a national export policy will increase employment, improve the national economy and correct our balance of trade.●

THE ASSASSINATION OF THE TURKISH CONSUL GENERAL AT LOS ANGELES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. ASHBROOK. Mr. Speaker, the ugly and deadly hand of international terrorism struck down its 21st victim among Turkish diplomats and their family members in the last 9 years.

This form of international terrorism takes the sons and daughters of middle-class Armenians from Western Europe, Lebanon, and the United States and transforms them into senseless killers just as our children were recruited into the Weathermen and other terrorist organizations in the recent past. The massacres of Armenians in the brutal intercommunal warfare between the authorities of the Ottoman Empire and the Armenians during World War I provide the grievance, Marxism or nationalist extremism the means through which to take "revenge" and fight for "national liberation."

But somewhere something went wrong. The largest contiguous Armenian settlements—about 3 million people—live in the Soviet Socialist Republic of Armenia where religious and national freedom is either nonexistent or very limited, Russification is promoted and human rights trampled upon. Yet these terrorists do not protest the Soviet misdeeds rather one of their groups, the ASALA (Armenian Secret Liberation Army of Armenia) has repeatedly called for an attachment of Eastern Anatolia where the Armenians lived before their flight and the massacres, to the Soviet Union, that is, to Soviet Armenia. The target is Turkey where only about 60,000 to 80,000 Armenians still reside.

The two terrorist groups are also virulently anti-NATO and anti-American. They consider us "guilty" of cooperating with the Turkish Government, their mortal enemy and their way of showing their devotion is to kill Turkish diplomats and their families in contravention of the most elementary principle of international law: The sanctity of the person and property of diplomats, a canon which even the Communists find it advantageous to keep.

At hearings before the Senate Subcommittee on Terrorism last June and July, both Prof. Aydin Yalcin from Ankara University, the foremost expert on terrorism in Turkey and Prof. Stephen Possony from the Hoover Institution in Stanford, Calif., concluded that there are links in arms supply between the ASALA and Communist states, especially Bulgaria, while the British journalist, John Rees, writing in the Review of the News even opines that the KGB is at least partially involved in the planning of the murders and bombings.

As to the Justice Commandos of Armenian Genocide, the Monteneros of the Armenian political scene, they are basically restricted to the United States, Western Europe, and Australia where they have already committed four murders and numerous bombings. They are less Marxists but not less anti-American and pro-Soviet as they see in Soviet Armenia the Armenian "homeland."

Under these circumstances I am condemning in strongest terms of the new killing which had occurred on American soil for the first time since 1973 and call upon the State authorities and the FBI to undertake a thorough investigation of the Armenian terrorist groups.●

RESEARCH TO OVERCOME THE TRAGEDY OF AUTISM FACING 340,000 AMERICANS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. CONTE. Mr. Speaker, today marks a great event in the lives of 340,000 Americans who struggle against the debilitating effects of that severe neurological disorder known as autism.

Today we celebrate the implementation of a research program at the National Institute of Neurological and Communicative Disorders and Stroke designed to focus the intellectual skills of scientific investigators on the search for new ways to prevent and alleviate autism—a tragedy that strikes before or at birth, and drastically changes the lives of 15 out of every 10,000 children born into the world.

Responding to the will of Congress, as expressed in the reports of both the House and Senate Subcommittees on Appropriations, NINCDS has activated its section of autism and behavioral disorders; and has appointed a highly regarded pediatric neurologist, Dr. Martha Bridge Denckla, who graduated with honors from Bryn Mawr College and the Harvard Medical School, as chief of the new autism program.

As you know, I have joined with NSAC, the National Society for Children and Adults with Autism, to celebrate this event at a reception in the Rayburn House Office Building this afternoon at 5:30. I am pleased that so many of my colleagues will be with us on this momentous occasion. Thank you.

Mr. Speaker, this event is a landmark in the long and continuing struggle of the national society, and the thousands of parents and professionals who care so deeply for the children who have autism.

It is a beginning step that can lead to discoveries which will literally save the lives of these children, and bring happiness once again to the families who love them; for this new research section will be a focal point for scientists wishing to spend their energies in the search for causes of autism and practices to alleviate its effects.

Already, we have made progress. In years past, certain professionals thought that autism was a severe emotional disorder caused by parents who rejected their children from birth. Thousands of these good people were blamed for the neurological tragedy which has stricken their children, and their suffering under the burden of this undeserved weight of guilt added a new dimension of injury to their lives. But the pioneer work of such scientists as Dr. Bernard Rimland, who founded the national society in 1965; Dr. Eric Schopler who established the first statewide educational program for autistic children in 1971; Dr. Edward Ritvo of UCLA, Dr. Mary Coleman of the Children's Brain Research Institute, Dr. Donald J. Cohen of Yale, Dr. Magda Campbell of New York University Medical Center and many others, often working under the pressure of slim financial resources, provided evidence needed to convince all reasonable persons that parents have nothing whatever to do with the etiology of autism; that they are part of the answer, not part of the problem, and that this debilitating condition is, in fact, a physically based brain disorder. In response to these findings, and at the urging of the National Society, editors of the Diagnostic and Statistical Manual of the American Psychiatric Association and the Office of Special Education have removed autism from the category of "serious emotional disturbances."

Today we know that autism is caused at birth or before by factors such as viral infections, prenatal and perinatal complications, metabolic disorders such as phenylketonuria, hypocalciuria and hyperuricosuria; dietary conditions such as malabsorption, and exposure of parents to toxic chemicals.

Autism inhibits or distorts what a person sees, hears or otherwise senses; and this affects the way a child with autism understands his world, affects his ability to learn, communicate, and function as expected by society. Autism is found in every part of the world, in families of all races, creeds, and socioeconomic conditions.

The needs of autistic individuals are separate and distinct from those of other handicapped persons. Autism is not a form of mental retardation. It has been found to occur in children of all levels of intelligence. It is not schizophrenia; autistic individuals rarely develop delusions and hallucinations. It also differs markedly from a neurosis which has a good prognosis: autism is a lifelong disability.

The following list of behavioral signs and symptoms help illustrate the disability:

DEVELOPMENTAL DISCONTINUITY (DONNELLAN-WALSH, GOSSAGE, LA VIGNA, SCHULER AND TRAPHAGEN, 1976)

An autistic individual typcially has peaks of precocity mixed in with valleys of moderate to severe retardation.

PRESERVATION OF SAMENESS

Behavior is "governed by an anxiously obsessive desire for the maintenance of sameness that nobody but the child himself may disrupt on rare occasions." (Kanner, 1943.)

SELF-STIMULATION

Autistic individuals often engage in repetitive, ritualistic behaviors including kinesthetic, visual, tactile, and auditory stimulation. (Donnellan-Walsh et al, 1976.)

SOCIAL WITHDRAWAL

Autistic individuals exhibit an innate inability to develop appropriate relationships with people. (Kanner, 1943.)

STIMULUS OVERSELECTIVITY

Persons with autism tend to respond to a very limited element of complex stimulus field. (Lovaas, Schreibman, Koegel and Rehm, 1971.)

GENERALIZATION

Autistic individuals are typically unable to generalize skills learned in one setting to other settings. (Koegel and Rincover, 1977.)

LANGUAGE AND COMMUNICATION DEFICITS

Problems with language and communication have been recognized since the autistic syndrome was defined by Kanner in 1943. Baltaxe and Simmons (1975) reported that 50 percent of children with autism are mute and remain so throughout their lives.

An appreciation of the unique characteristics of autism is critical for sound educational and vocational planning. Yet, while autism is twice as common as congenital blindness and more common than muscular dystrophy, it is poorly understood by professionals outside the field and by providers of services. As a result, children and adults with this disability are among the most in need of human services.

An autistic child may be too capable for a classroom for educable retarded children, yet also be unable to function in a regular classroom situation. An autistic adult may possess higher vocational skills than those manifested in sheltered workshops yet also be unable to function in a normal work environment.

Thus, the necessity for serious research, and the application of research findings in the fields of medicine, rehabilitation, education, and human services, both public and private, is clearly illustrated.

Autism research has not received enough attention and emphasis in the past by the National Institute of Neurological and Communicative Disorders and Stroke. I am pleased that the House Appropriations Committee has urged NINCDS to move forward in its research.

Now I would like to express my thanks to the national society, which has brought the full scope of this tragic condition to the attention of Congress, and has sought our help in alleviating it. I commend the parents of autistic children for their endurance in the face of difficulties which included not only the human sorrow felt for their children, but also the unwarranted blame levied against them by uninformed professionals and the rejection of their children by disinterested service providers. Their strength and dedication is an example for all Americans.

What is it like to be the parent of an autistic child? According to Dr. Donald Cohen,

> A family of a three-to-four-year old autistic child may go from physician to physician in search of a diagnosis and help; and the child may, in turn, be diagnosed as severely mentally retarded, schizophrenic, aphasic, learning disabled or emotionally disturbed. None of these diagnoses identify the disorder correctly.

While the symptoms of autism are not readily evident to an untrained person until the child is about 6 months old, the mother often has an uneasy feeling about her baby. Often the baby seems uncomfortable in his mother's arms, has problems with feeding, and seems disinterested in the world around him, even though he is about to crawl.

All autistic children are late to develop speaking skills and some never speak at all. Another common characteristic is the reversal of pronouns, which means he refers to himself as "you" instead of "I." Some will, however, copy phrases that they have heard often and their pronunciation is usually good. When the child tries to produce his own sentences or phrases, his pronunciation and control of pitch is poor.

Problems with speech are also coupled with visual problems. The autistic child tends to look past people or at the reflection of light in a person's eyes. It has been reported that one autistic boy only recognized his mother by her outline and so he would follow people who wore the same types of clothes. This behavior is a result of not comprehending the things he sees. In many ways, the autistic child is similar to a child who is born blind and deaf.

And when the children grow older, parents face a constant search for appropriate education, vocational training, jobs and a place to live. The stress is great, the demands are heavy and the help is little and far between. And when the child becomes an adult, when the parents grow older and their strength for coping wanes, the person with autism faces a life in an institution if he or she has not been provided the skills needed for independent living, or functioning in a group home. The national society is determined to change this scenario, and I commend them for their efforts.

It was these same burdened parents who banded together in 1965, at the instigation of Dr. Bernard Rimland, a parent himself, who authored the scholarly work "Infantile Autism," and founded the national society. His goal was a parent/professional coalition, combining the resources of these two groups to advocate for research, education, and a better life for children and adults with autism.

The struggle of the national society has been long and difficult. We can all be assured that it will continue. And I join the national society in its dream—that one day the causes of this disability will be found, that preventive measures will be common practices, and that men, women, and children with autism will be helped to become free and productive citizens—not locked away in custodial institutions, at great public expense, where their lives are wasted and their caretakers are ignorant of their human potential.

Mr. Speaker, the creation of the section on autism at NINCDS is a welcome step toward making this dream a reality.●

GENE ENDRES

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. APPLEGATE. Mr. Speaker, I would like to take this opportunity to bring to the attention of the House the recent award received by my constituent Eugene Endres of New Philadelphia, Ohio.

Mr. Endres was the recipient of a 1982 Governor's award. This award is given annually to Ohio natives and residents whose careers have benefited mankind and brought honor to the State. Also among the 32 honored for this year's award were Vice President GEORGE BUSH and Mrs. Bush.

Endres received this award because of his achievements in the fields of creativity and beauty. One of his greatest successes has been rose growing and in 1980 he was elected to the Floricultural Hall of Fame, considered floriculture's highest honor. He has also received a Governor's Award for Community Action for his efforts to promote travel and tourism in the State.

Gene Endres is well known not only for his roses but for his goodwill ambassadorship for his home of Tuscarawas County, Ohio. We are proud of his accomplishments and contributions to the community and it is a pleasure for me to honor him.●

NEW FEDERALISM IS BAD FOR MICHIGAN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. FORD of Michigan. Mr. Speaker, the President's outrageous proposal to turn over a vast area of Federal responsibility to the States must not go unchallenged or unexplained. The White House listing includes both cash welfare assistance and food stamps, an assortment of health, child nutrition, and social service grants, vocational rehabilitation, vocational and adult education, job training, mass transit assistance, sewer construction grants and low-income energy assistance.

There will be other programs added to the list as the White House spells out the specifics of the plan, but the end result is that there would be absolutely no obligation for the States to continue any of these programs or even replace them with alternatives. The problems Michigan will have with New Federalism are spelled out in the excellent television editorial which was aired on February 10, 11, and 12. The editorial was read over WDIV/TV4 in the Detroit metropolitan area on these dates and I want to take this opportunity to call it to the attention of my colleagues.

The television editorial follows:

NEW FEDERALISM AND THE STATE OF MICHIGAN

Televised: February 10, 1982—6:28 p.m.; February 11, 1982—12:28 p.m.; February 12, 1982—4:30 a.m.

On location--Lansing State Capitol.

State lawmakers here are wrestling with Michigan's budget. It's not an easy task. The state already has made massive spending cuts in education, transportation, social and human needs programs.

Every penny of Michigan's 1982 budget is dependent on future economic recovery of our state.

Times are bad with a deepening recession and a growing unemployment rate of 15 percent and higher. As bad as things look, the prognosis for Michigan could get much worse, if President Reagan's New Federalism becomes reality.

Mr. Reagan wants states to finance food stamps and ADC. In return Washington will pay for Medicaid. He also wants to turn over the administration of 40 welfare and community programs to the states.

It's a nice philosophy, giving back more government responsibility to the states, thereby giving states more control, but the timing for Michigan is unthinkable.

State Budget Director Gerald Miller says the swap is not good for Michigan. In fact, Michigan could be the biggest loser of all the 50 states.

Traditionally, Michigan has always sent more tax dollars to Washington than we ever get back. We're dead last among all states in getting our fair share of federal revenue dollars.

Our Governor and legislative leaders say they are committed toward getting Michigan on the road to economic recovery. We suggest they first get on the road to Washington, using all their political and pro-Reagan business clout to convince the Reagan people exactly what is at stake for Michigan.

Editorial delivered by Beth Konrad, Editorial Director.●

THE PRODUCTIVITY INCENTIVE ACT OF 1982

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. SEIBERLING. Mr. Speaker, yesterday I introduced legislation designed to address one of the most serious issues facing this country—the lack of productivity improvement.

Analysts disagree as to all the causes of the slowdown in the productivity growth rate in this country, but there is little doubt about its short- and long-term consequences. When wage increases outpace productivity improvements, as they have for many years now, the certain results are inflation and a declining standard of living.

If any country should be in serious economic difficulties these days, it is Japan. Japan has few natural resources, and must import virtually all of the raw materials, including energy, needed for modern industrial production. Yet rather than suffering from the kind of inflation and unemployment that we have experienced in the past 10 years, Japan's economy has grown and prospered.

Many reasons for this economic miracle have been suggested. Some are unlikely to be adopted in the United States because of differences between Japan's culture and ours. Lifetime employment, for example, has benefits for both company and employee, but our society values job mobility too much to make lifetime employment likely here.

One aspect of the Japanese economy which we probably can profitably adopt in this country relates to the wage structure. In Japan, worker pay in many cases does not consist only of a set hourly or weekly wage which is paid regardless of the company's performance. Instead, many Japanese workers receive a regular wage or salary plus a semiannual or annual bonus, based on the company's profits, which amounts to as much as half a year's pay.

This accomplishes several things. First of all, it gives the worker an incentive to be more cost conscious and more profit conscious, since his pay is going to depend to a considerable degree on the earnings of the company. It means that the other workers will also tend to discipline any worker laying down on the job, since, in so doing, he cuts into their earnings.

Second, and at least of equal importance, the system affords the Japanese company a means of adjusting its labor costs to meet changes in the business cycle without cutting the workers' weekly pay or resorting to layoffs. In fact, Japanese companies will make a strenuous effort to avoid laying off their employees. The resulting job security cannot help but produce greater feelings of loyalty on the part of the employees and better employer-employee relations.

Contrast that to the situation in the United States, where wage rates usually bear no direct relationship to productivity or earnings. The way U.S. companies usually adjust to downturns in the business cycle is to layoff employees. As a result, employees often feel that they have little stake in the company's performance. Under an inflexible wage structure, workers perceive their pay increases as being independent of the company's profitability. This wage structure gives them little incentive to use their ingenuity to help their company become more profitable by cutting costs and increasing productivity.

This kind of wage structure also emphasizes the divergence rather than the community of interest between employer and employee, and thereby contributes greatly to the deep antagonism that is so characteristic of labor-management relations in the United States. Our country can no longer afford such antagonism if it is to remain competitive in the new economic world of the 1980's.

My bill would encourage employers, with the consent of employees, to adopt the Japanese two-tier structure: a base wage and a bonus determined by reference to company profits or cost savings, with the bonus comprising up to one-third of an employee's annual compensation. To offset any additional costs associated with establishing and running this new wage system, employers would receive a tax credit under my bill equal to 5 percent of the bonuses they pay in a given year.

Of course, before such a system could be adopted in any company whose employees are represented by a labor union, it would have to be approved by the union, since Federal labor laws make any change in compensation the subject of collective bargaining, requiring the consent of the union as collective bargaining agent of the employees.

This bill is not a cure-all for our country's economic problems, but it should help improve job security as well as productivity. Moreover, the existing system is management's failure, not the workers'. American workers are not inferior to those in Japan; the problem is that management has failed to tap the richest source of information about cost reductions and productivity improvements—the workers themselves. It is instructive to note that the plant which captured Sony's 1980 worldwide productivity award was a San Diego plant using American workers.

Mr. Speaker, many other changes must accompany the type of wage restructuring which I am advocating, if we are to reverse our poor productivity growth in recent years. Particularly, the distortions in investment incentives which Congress approved in the Economic Recovery Tax Act must be addressed. There is no justification for tax incentives to investment which are at odds with economic incentives. To address this problem, I think Congress should repeal the existing system of accelerated depreciation and replace it with expensing, as was proposed in the Tax Incentive Act of 1981. And there are other proposals before Congress to improve our Nation's productivity growth rate which deserve serious attention.

Productivity is at the root of our country's economic problems. If we concentrate simply on dividing up a diminishing pie, we will all be losers. Instead, let us concentrate on enlarging the pie by examining policies and practices which hinder productivity improvement.●

WOMEN'S AMERICAN ORT CELEBRATES OPENING OF ORT HIGH SCHOOL IN NORTH MIAMI BEACH

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. LEHMAN. Mr. Speaker, Women's American ORT (Organization for Rehabilitation through Training) throughout the Nation is today celebrating ORT Day. The southeast Florida region is holding their ORT Day celebration at the Jewish High School of South Florida.

I would like to extend my congratulations to Women's American ORT and the American ORT Federation for the prominent role they have played in the establishment of this school. Its opening last year marked ORT's entry into the day school movement in this country, and the American ORT Federation and Women's American ORT have agreed to lend ORT's century of expertise in science and technology to the Jewish High School of South Florida. The school already has an enrollment of over 100 students for its first semester, and will offer a unique mix of quality secular education, including training in science-based technology with a full range of traditional Jewish studies.

The school's department of science and technology will be headed by ORT and will be a valuable asset to the south Florida area. ORT continues to play a major role in building reservoirs of skilled people, using vocational and technical education as its instrument, in Jewish communities wherever they are.

I am pleased to pay tribute to Women's American ORT and to acknowledge their very fine work.●

LOCAL GOVERNMENT DEBT FINANCING PRACTICES

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. SCHUMER. Mr. Speaker, these are indeed difficult times for local governments attempting to finance their operations or facilities with long- or short-term debt. Although municipal bonds are attractive to purchasers because of their tax-exempt status, recent tax changes and the general mood of the debt markets have combined to eliminate many of the advantages of this status, and have raised local borrowing costs considerably. This obviously places a financial strain on local governments. Equally important, however, is the strain that it places on the management capabilities of municipal finance departments.

Mr. Michael D. Hernandez, director of the public finance department of Kidder, Peabody & Co., Inc., in New York recently delivered a comprehensive address which discusses the problems confronting municipal borrowers and some suggestions for enhancing their capacity to manage their debt load. I think that my colleagues will find his remarks enlightening.

Mr. Speaker, I insert Mr. Hernandez' address in the RECORD:

LOCAL GOVERNMENT DEBT FINANCING PRACTICES

INTRODUCTION

Significant changes are affecting state and local governments' ability to raise capital and are making the decision to issue bonds a difficult one. During periods of high interest rates, issuers of tax-exempt bonds face decisions not only of when and how to finance, but also whether to finance through borrowing. The changes taking place require increased sophistication in capital financing and debt management expertise if sound decisions are to be made.

The two key topics I will address are: 1) major forces of change affecting the ability to raise capital; and 2) generic, not specific, areas in which increased sophistication may enhance options for state and local governments to deal with a changing world.

MAJOR FORCES OF CHANGE

Among the numerous factors affecting change in capital financing, the following are of major importance:

Increased size and diversity of financing requirements

In terms of size, the Public Finance Department of Kidder, Peabody forecasts a 100% increase, from $250 billion to $500 billion, in the amount of financing required over the remainder of the 1980's. In health care alone $120 billion will be needed.

The diversity and range of financing projects and techniques required have increased proportionate to the growth of specialized needs in hospital, transportation, public power, resource recovery, housing, corporate-related and other areas.

Increase in overall and regional economic pressures

Cutbacks in government budgets have created a pervasive financial strain throughout the country. Moreover, the disparity in the economic development rate in different parts of the country exacerbates this debt pressure in certain regions. In addition to overall federal funding cuts, California Proposition #13 and Massachusetts Proposition #2½ exemplify the regional variation in tax reduction measures.

Changes in the market place

The Economic Recovery Tax Act of the Reagan Administration, or ERTA as it is known, impacts heavily upon the future of the municipal securities market in several ways. In particular, the new program makes tax-exempt investments less attractive. By lowering the maximum tax rate for taxable income from 70% to 50%, the tax bill reduces the need for tax shelters.

Concurrent with the reduced demand for tax shelters will be an increased demand to raise capital through debt financing. The Reagan budget proposes a $13 billion cut in Federal aid to state and local governments for the 1982 fiscal year.

A substantial reduction has occurred in the institutional market. Commercial banks and casualty insurance companies, once the primary investors in tax-exempt municipal issues, have drastically reduced buying. Banks are favoring floating-rate investments and casualty companies, because of lowered profits, no longer see the need for tax shelters. Future involvement of casualty companies in the tax-exempt market is uncertain.

Simultaneous with the reduction in the institutional market is a shift in the retail market toward individual private investors. This shift requires a change in marketing orientation and may suggest a diminished importance of small investors.

Increased competition in other markets such as newly created tax shelters is best illustrated by the introduction of the tax-exempt all savers on October 1st. These certificates, also part of the ERTA package, pose a threat to the municipal market by attracting private investors interested in short-term, less risky investments.

Another possible change in the market place concerns the potential effects on local banks of the new interstate banking laws. These laws, which would allow for more interstate consolidation of banks, pose contraction difficulties for small issuers. Small local banks will no longer be a source for serving the financing needs of local governments.

While all of the above changes have either directly or indirectly contributed to an increased volatility of the market place, the primary causes of this increased volatility are high interest rates and persistent inflation.

Changes in the attitudes of the electorate

Increased conservatism among voters reflects a demand for a new ranking of priorities in state and local finance. Among the top priorities are more efficient government, reduced spending, and greater reliance on financing from the private sector.

ENHANCEMENT OPTIONS TO CONSIDER

All of the changes and financial pressures indicated above suggest that state and local governments must place increased emphasis on developing expertise in planning and handling capital financing. At minimum, the importance given to finance expertise should equal that of corporations that raise hundreds of billions of dollars in the various capital markets. Following are some of the general areas in which sophistication may enhance the quality of state and local government options:

Increased capital access

State and local governments must be able to access, on a competitive basis, large pools of investment capital with maturities that match the asset lives of the facilities constructed. While the current demand among investors for short-term issues is extremely high, short-term capital investment strategy for the issuer is not a solution to long-term capital needs.

Increased forecasting ability with program-specific emphasis

Increased expertise in forecasting long-term capital needs (over a fifteen-year to twenty-year period) combined with more reliance on program-specific, comprehensive planning will enhance the financial positioning of state and local governments.

Effective forecasting on a program-specific basis necessitates considering and quantifying: 1) program estimates, including the volume of services provided and the revenue generated by the program; 2) cost estimates; and 3) time estimates. In addition, attention must be focused on the logistical coordination necessary to plan, develop, and implement the capital program throughout the specified period of time.

Increased flexibility and options

Greater inclusion of planning options will provide for the increased flexibility of structuring which is of critical necessity given the current volatile market. The day is gone when one can simply plug in an interest rate and a sale date.

A question that must be addressed is: What is the cost to state and local governments of not financing a capital improvement program projected over a twenty-year period? If a project enhances the economy and generates jobs, the cost of not undertaking the financing can be highly expensive. Sophisticated opportunity-cost analyses based on quantified projections are required if the classic public finance downside risk is to be avoided.

State and local governments must be able to fine tune project planning and weigh all of the various options in capital planning.

Relating costs of facilities to users

Where appropriate, agency representatives should attempt to relate fees paid by users of a facility to the cost of operating that facility. This process will improve accountability and promote self-sufficiency in operations of the facility. One way to achieve this objective is to spin off projects by creating independent and self-supporting enterprises which can have greater access to capital markets. In addition to self-sufficient financing, another advantage of a spin-off structure is that it takes the politics out of the operations.

Emphasis on community and conomic impact

Increased attention should be paid to the fundamental community well-being and economic impact of financing. State-wide financial oversight agencies can advise on what facilities should be built and can assist local agencies in deciding when and how to obtain the financing. In the past, local hospitals which consulted with state health facility financing authorities received a better price than they would have by independent solicitation alone. The concept embodied in Assembly Speaker Stanley Fink's proposal to create "a permanent mechanism" to regulate debt issuance in New York State deserves serious consideration.

Development of investor relations program

The development of a first-rate investor relations program, with emphasis on providing more information to investors, will enhance the agency's marketing potential.

Agencies should model themselves after the corporate sector, which for a long time has committed itself to disseminating various types of information to investors.

A priority objective of such an investor relation program is the development of "effective communication" as opposed to hard-sell strategies used in the past.

Increased communication between public sector issuers and investment bankers

Intensified communication between local and state government agencies and investment bankers is paramount to establishing sophisticated marketing techniques to raise capital through attractive investments.

Agencies need to closely monitor and communicate with the various elements of the market place in order to establish solid relationships with financial advisors. By sustained monitoring, issuers can best decide when and at what cost a financing can be done. In the past, investment bankers have been contacted on a very inconsistent basis.

Paralleling this objective, investment bankers need to closely monitor and communicate with the public sector. This will significantly enhance the professionalism on Wall Street and ensure the most effective results from research, trading, and sales. The ability to analyze and communicate what the public sector is doing and to convert those capital needs into attractive investments must be upgraded.

SUMMARY

Requirements for capital and the mechanisms by which capital traditionally has been raised have changed fundamentally. Increases in the size and diversity of financings required, changes in the market place, and changes in the attitudes of the electorate are major factors affecting today's debt policy and issuance.

In order to be successful in the future, state and local governments must be able to have access to large pools of investment capital and to forecast long-term capital needs on a program-specific basis. Consideration of a range of planning options will provide for the flexibility of structuring necessary in the current volatile market. One option, a spin-off structure, allows for costs of facilities to be paid directly by users. State oversight or approval agencies should be instituted as a mechanism to regulate debt issuance and to oversee the fundamental community and economic impact of financing.

Success in the future will also be enhanced by the provision of investor relations programs aimed at better disclosure of information to investors. Similarly, increased reciprocity of communication and monitoring between the public sector and investment bankers is a critical ingredient to meeting the capital needs of the '80s.●

REPRESENTATIVE BILL GREEN CONDEMNS U.S. ROLE AS "ARMS SALESMAN" TO THE WORLD

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. GREEN. Mr. Speaker, Secretary of Defense Weinberger seems to have embarked on the dangerous course of trying to make foreign policy by peddling arms in unstable regions. His recent remarks on strategic weaponry and Mideast policy to the Jordanians betray an alarmingly pro-Arab bias, raise questions about the use of arms sales as a tool of foreign policy, and make one wonder whether the largest peacetime military buildup can be properly overseen by a would-be Secretary of State.

The first major example of our seeking to buy friends with guns was the sale of the AWACS to the Saudis. I was an active and vocal opponent of this sale. In Iran we learned that we could not assure our security interests by heavily arming one despotism and making it the cornerstone of our policy in the Mideast. After the Iranian debacle, I simply could not fathom why we should promote a sale to the Saudis that was unlikely to engender any friendliness from the Saudis, but would definitely endanger our security, NATO's defense structure, and the safety of our best ally in the Mideast, Israel. In the half-year since the sale, the "moderate" Saudis have, sadly, shown my fears were legitimate. They have continued to undermine the peace process, they have reformed their alliance with Libya, and have in fact called us, their supposed mentors, "just arms salesmen—we pay cash." While the administration thinks we're preventing Soviet adventurism, the Saudis think Americans are just arms peddlers. We think their greatest threat is the U.S.S.R., and they think their greatest threat is Israel. The AWACS package was passed with strings attached, yet it turns out we are the only ones who believe the strings have any force.

I had hoped the uproar over the AWACS sale would have convinced the administration that Congress was serious about Israel's security, and that, if not past events in Iran, the Saudis' behavior since the sale had shown us the bankruptcy of seeking friends through transfers of sophisticated technology. Unfortunately, last week Secretary of Defense Weinberger told the Jordanians that he thinks it would be a good idea for us to sell their country Hawk antiaircraft missiles, and F-16 fighters. Mr. Weinberger apparently would not mind selling these even if the Jordanians refuse to cancel their order for similar goods from the U.S.S.R. He also apparently indicated that U.S. aid should be redirected toward Arab countries. Israel was aghast, and rightly so. We all should be aghast at this sort of policy. Jordan has consistently undermined the peace process, and been a consistently hostile neighbor to Israel. Not very reassuringly, the administration has suggested that Mr. Weinberger was not carrying out formal U.S. policy on his trip.

Throughout the public debate over the AWACS sales, the administration seemed to be leaning toward a Mideast policy placing the Arab world, rather than Israel, at the center of our security interests. I have always believed that U.S. interests are best served by maintaining the strength and security of Israel, our best ally in the Mideast. However, apparently Secretary Weinberger believes that arming the Arabs will bring them into the fold. I would like to know the basis of this conjecture. Is the Secretary not aware that Arab arms have traditionally been used against Israelis, not Russians? Does he not understand that arms transfers are inherently destabilizing in most cases, or that by increasing our arms sales to the Mideast we only add fuel to the already raging arms race in the region? Is the Secretary not the least bit cognizant of the legitimate fears his statements would arouse in the Israelis?

Not only in the Mideast, but in other parts of the world we seem to be pursuing a dangerous policy of trying to buy off trouble spots with arms. In the case of Pakistan, we have given General Zia's government military aid to try to prevent it from pursuing a nuclear capability. In the case of El Salvador, we are sending increasing amounts of military aid to a government whose leader says he prefers economic aid. Throughout the world, we are supposedly countering the Soviets with arms transfers. Time reports that a senior administration official recently said, "Our foreign policy is in large part arms sales * * *. Every other week we are selling something to someone."

This policy will not work. Generally speaking, arms transfers simply raise the world's danger level. They heighten regional arms races and tensions, and greatly increase the likelihood that if tensions erupt, the consequences will be severe. Also, it should be clear that spreading sophisticated technology around the world greatly increases the chances that it will be compromised. Supposedly offsetting the dangers of arms transfers are the political gains these sales confer. But history and recent statements by the Saudis prove most of these claims are an illusion. All too often we get nothing in return for our arms offerings, and in fact also damage existing allegiances. Through the sale of the AWACS, we have severely tested our friendship with the Israelis, have no assurances from the Saudis on the use of the AWACS, and no sign that they are ready to cooperate with us. In Asia, India is terrified at the prospect of Pakistan being very well armed, and may as a result strengthen its ties with the Soviet Union. I also question the morality of a U.S. role as gun pusher, especially to nations that lack stability or whose people need butter, not guns.

Perhaps Mr. Weinberger's involvement in foreign policy is the reason we have a defense buildup that is just a rehash of the defense plans former President Carter submitted to us. It contains no new ideas, no improvements, only bigger orders within the defense scheme the administration inherited from former President Carter. An administration which can never be accused of being soft on defense would have a real opportunity to streamline our defense structure and make it more effective. Instead, Secretary Weinberger's defense budget is as indiscriminate as his plans for the Mideast. No strategic choices have been made, no real savings have been achieved, and even the Reagan administration's own projections for growth in 1983 defense spending have grown from last year's estimate of 7 percent real growth to this year's planned real growth of about 13 percent. Maybe if Mr. Weinberger stayed home more often we would have a more thoughtful defense budget, one that acknowledges the strategic world in which we live, and the fiscal constraints under which we operate.

Mr. Speaker, I was deeply disturbed by Mr. Weinberger's junket to the Mideast. Missiles for Jordan cannot be contemplated. Aid for the Mideast cannot be redirected away from Israel. Most important, we must realize the allies cannot be bought with arms transfers. Secretary Weinberger has not distinguished himself as a diplomat, so he really ought to tend the ballooning Pentagon budget. The billions we are spending for defense clearly need an overseer, and foreign policy clearly can do without Mr. Weinberger. Thank you.●

SIXTY YEARS OF SERVICE: AMERICAN HOSPITAL SUPPLY CORP.

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. PORTER. Mr. Speaker, March 7 marks the 60th anniversary of American Hospital Supply Corp., located in Evanston, Ill., and the 85th birthday of Foster G. McGaw, American Hospital Supply Corp.'s founder and honorary chairman. I rise today to acknowledge American Hospital Supply Corp.'s dramatic success story in the field of international health care based on its commitment to service.

As Foster McGaw once described this commitment to service:

> Our business is more—it's more spiritually rewarding because it's part of an industry in which health is the goal. Our people feel that way. And the thing which has made our efforts successful is a principle which I have always shared with our people; never take more than you give. Now that sounds trite. But it is good business.

Mr. Speaker, it certainly is good business. This attitude of humanitarianism and dedication to service is exemplary, and one that is considered to be one of the best in the health care industry.

In 1922 American Hospital Supply was founded by Foster McGaw and two partners on $30,000 of borrowed money. Mr. McGaw built a business with a good idea—the willingness to take risks and work hard—which has served an important need for over 50 years.

American Hospital Supply has maintained a sensitivity to new trends in the health care field and part of its greatness is attributable to its ability to adjust to the changing business climate over the past 60 years. American has come a long way since its first rugged years struggling with vast distances, poor transportation, and some competitors who routinely ignored and deceived their clients. The successful plan Mr. McGaw developed to guarantee his customers services has weathered the Depression, when the Nation and hospitals suffered together, and World War II, when American moved quickly to help the military maintain a constant flow of crucial supplies while many other companies raised their prices opportunistically.

The 1950's and 1960's saw new products, new divisions, and new services added. American continue opening more regional distribution centers and broadened product lines to meet customers' growing needs. By the late 1970's, American began offering inventory management help and cost caps to the Nation's largest hospitals to combat the inability to pay for the ever-increasing demand for hospital care.

Today, 19 out of every 20 hospitals in the United States buy something they need from American Hospital Supply. Its product line expands at an approximate rate of one new item per day. American now employs 35,000 people and in 1981 made more than $2.9 billion in sales throughout 28 countries.

Mr. Speaker, American Hospital Supply has indeed made an impact on the industry, has gained the respect of hospitals, and has set a pattern of excellence in the health care field. American's history reflects its willingness to change and to respond to a dynamic environment as well as its preservation of the idealistic principles of good business in its honest, knowledgeable, and constant service.

I congratulate Karl Bays, chairman and chief executive officer, and Harold G. Bernthal, president and chief operating officer, for their superb leadership at American.

Mr. Speaker, I am proud to have a corporation of this stature in my congressional district and look forward to its continued service to the community. I have no doubt that the next 60 years will be as valuable and successful as the past 60 have been.

Whether a desire to develop new products or even today to contain health care costs, American Hospital Supply has placed a premium on service. I encourage other businesses to follow American's generous lead and applaud American Hospital Supply for its outstanding accomplishments.●

NATIONAL DRIVER REGISTER HEARINGS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. OBERSTAR. Mr. Speaker, the Senate Subcommittee on Surface Transportation heard testimony today on the drunk driving issue. The subcommittee is considering several proposals to keep drunk drivers from driving. Among these are H.R. 2052, legislation that I and the the gentleman from Arizona, Mr. RHODES, introduced to streamline and upgrade the National Driver Register. I commend Senator DANFORTH for his efforts in this difficult area and would like to share with my colleagues a copy of the testimony I submitted to the subcommittee.

NATIONAL DRIVER REGISTER

The National Driver Register is an effective and needed safety program to prevent the relicensing of problem drivers. All too often the deaths on our nations' highways are caused by drivers who have had their license suspended or revoked in one state, but have been able to receive another valid license from a different state. The NDR is the only Federal program in existence whose sole purpose is to identity these problem drivers and notify the states involved.

Despite an outdated "batch mail" system, the NDR identifies over 268,000 problem drivers a year. I have introduced legislation in the House, H.R. 2052, to upgrade the NDR with a computer pointer system. This new system would cut the current processing time of between ten days to two weeks to under five minutes. The accelerated processing will increase the number of state inquiries and, as a result, increase the number of problem driver identifications to over one million per year.

H.R. 2052 has won the support of numerous automobile and safety organizations, including the National Highway Transportation Safety Administration and the American Association of Motor Vehicle Administrators, the umbrella organization responsible for the administration and enforcement of motor vehicle and traffic laws. Their endorsement is premised on the long-proven fact that by reducing the number of problem drivers on the road, the number of highway deaths will decline.

The existing NDR is a proven and effective system that has kept many problem drivers off the highways. The streamlining and updating of NDR, as provided for in H.R. 2052, together with adequate funding, will make the NDR an even more successful means of providing improved safety on the nation's highways.

It is my hope that the Subcommittee will support the concept of an improved NDR. It is a needed step to alleviate the continuing human carnage on our nation's highways.●

CUTS IN STUDENT ASSISTANCE PROGRAMS

HON. GREGORY W. CARMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. CARMAN. Mr. Speaker, I recently received a copy of a letter sent from New York State Senator Kenneth P. LaValle, chairman of the Senate Higher Education Committee, to President Reagan. Mr. LaValle raises some interesting points concerning the possible effects of further reductions in student assistance programs. I insert a copy of this letter in today's RECORD.

DECEMBER 21, 1981.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Those of us who worked for your election share a deep sense of pride as we witness the significant decline in the national inflation rate. I know of no period in modern history where the leadership of any free country has demonstrated more convincingly the inexorable connection between excessive tax burdens and economic stagflation.

The courage you have demonstrated over the past year provides a model of local, state and federally elected officials as we all set about the formidable task of refining and building upon the basic economic reforms you have set in motion. As in any reform effort of the magnitude your Administration has undertaken, there will be unintended consequences. The spirit of your administration, however, has been one that invites participation from all Americans, encouraging constructive comment and criticism.

It is in that spirit that I bring to your attention a situation which may warrant your personal intervention to achieve timely corrective action.

For the past several years I have been deeply involved in establishing higher education public policy for New York State. Throughout that period I have kept abreast of federal higher education developments because of their substantial impact upon our state system. New York, like many of the states in the Northeast, has a relatively high proportion of institutions which are independently governed. We have a young State University which has expanded over the past 20 years at an unprecedented rate and, despite that growth, has achieved impressive standards of excellence.

Unlike many other areas of state service, New York has been able to hold its overall higher education expenditures at reasonable levels because of our ability to maintain a healthy balance in enrollments between the public and independent sectors. We have achieved voluntary integration in the process, maintaining a good mix of students based upon income and ethnicity. The key has been to maintain the affordability of both sectors so that students make their institutional choices based upon their personal academic needs and qualifications rather than family economic circumstance.

While New York provides substantially more state student aid than any other state, it is still less than what is made available through various federal programs. And the amount of appropriations to our state institutions exceeds what we provide in need based assistance to students and their families to help bridge the gap between independent and public sector tuition charges.

Nationally, the distribution of state appropriations for higher education shows only four percent targeted to student assistance, the balance going to state universities and public colleges. The exact opposite proportion, 96 cents of every federal dollar appropriated for higher education goes to help students afford the college of their choice.

There is the even more important consideration you addressed in your commencement remarks last spring at Notre Dame University. If institutions like Notre Dame are replaced by government sponsored universities, the academic freedom so precious to America will wither away. I am convinced, as one who has devoted much time and effort to studying the financing of higher education, that independent institutions will become unaffordable to large segments of our population if federal student aid is withdrawn in the magnitude and in the time frame being suggested by OMB and various committees of the Congress. The reductions already accomplished will go far toward eliminating the misuse and abuse of federal student aid . . . a malady which previous administrations unfortunately failed to address. I am equally persuaded that further reductions will generate greater overall tax burdens upon individuals and business as the states react to maintain collegiate access levels.

Mr. President, in keeping with the noble and sensible policy direction you set last May at South Bend, I plead for your personal intervention to avoid consequences which I believe are contrary to your fiscal and philosophical objectives.

Respectfully yours.

KENNETH P. LAVALLE,
State Senator.●

CIVIL DEFENSE AGAINST NUCLEAR ATTACK IS A DANGEROUS DELUSION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. SEIBERLING. Mr. Speaker, yesterday's Washington Post contained another outstanding article by Mary McGrory. It was inspired by the incredible phraseology employed by President Reagan's counselor, Edwin Meese III, who, in discussing the administration's plans to expand spending for so-called civil defense, referred to it as the best way to avoid the consequences of "something that may not be desirable." As Ms. McGrory says that is probably "the ultimate in laid-back description of nuclear war."

Although the American Medical Association has formally declared that "no medical response" is possible in the event of nuclear attack, the administration, nevertheless, is proceeding to push an expensive but utterly ludicrous program of civil defense, which has as its heart a so-called crisis relocation plan to remove citizens from their homes and return them after a nuclear attack. As Ms. McGrory points out, the basic flaw in the plan is that it relies on an 8-day warning which, according to the public affairs director of the Civil Defense Association, "we will not receive."

However, there is even a greater defect in the plan. Last year, using the Freedom of Information Act, I got the Arms Control and Disarmament Agency to disgorge a 1978 report on little known effects of a nuclear attack. In that report, the agency brought out the fact that, in addition to the blast and fallout from a full-scale nuclear attack, such an attack would destroy most of the ozone layer in the Northern Hemisphere, making it impossible for plants or animals to survive unprotected on the surface of the Earth. One conclusion was that any realistic civil defense program would have to provide sufficient underground food, water, and facilities to enable the population to live below ground for several years.

The fact is that any meaningful civil defense program in a world in which tens of thousands of nuclear weapons exist, as they do at present, would be prohibitively costly, requiring trillions of dollars, and would constitute a total negation of what we think as the American way of life.

Such a program clearly has not the slightest chance of being put into effect or even authorized. Yet anything short of such a program is not only a delusion but could actually bring a nuclear war closer by creating the illusion of protection for the population.

It is time we quit thinking in terms of such dangerous nonsense and get on with the job of nuclear disarmament.

The full text of Ms. McGrory's article follows these remarks:

REAGAN AIDE OFFERS LAID-BACK DESCRIPTION OF NUCLEAR WAR

Ronald Reagan's counselor, Edwin Meese III, yesterday gave what may be the ultimate in laid-back description of nuclear war. He called it "something that may not be desirable."

Meese was addressing the Civil Defense Association at the Shoreham Americana Hotel, bearing the president's warm good wishes and the happy news that Reagan intends to double its budget as part of his strategic planning.

Meese conceded that it is "not an easy task to defend and justify civil defense" because "it is the kind of thing people have a psychological aversion to."

Reagan's plans to add 17,000 nuclear warheads to an arsenal of 25,000 has run into considerable flak. Aroused physicians and scientists are raising the alarm about unspeakable death and destruction. The American Medical Association has formally declared that "no medical response" is possible in the event of nuclear attack. And Jonathan Schell's New Yorker series about the end of the planet is working its way into the national psyche.

But Meese said that civil defense "is a deterrent for a possible attack on this nation" and the Civil Defense Association workers applauded vigorously.

"Preparedness," he declared, "is the best way to avoid the consequences of something that may not be desirable."

The "deterrent," as presently constituted, seems unlikely to give the Soviets pause. At its heart is the crisis relocation plan, an intricate, upbeat scheme that envisions orderly removal of citizens from "target areas" to "host areas" and their return, within a relatively short period of the bomb burst—a return to "a home area" that sounds a step away from normalcy.

A few lines from the literature put out by the Federal Emergency Management Agency, which is in charge of civil defense, from a section called "What Home May Be Like" give the flavor of this exceptionally sunny scenario:

"Fuel and food supplies will be rerouted to your home area; however, this may take a day or two. . . . It may be necessary to take extra precautions with waste. Some food stocks will probably have to be carried back in your car. Be sure it is fresh, particularly raw meat."

The whole thing conjures up a picture of an area that has somehow escaped flattened buildings, heaped corpses and the radiated, blinded, or burned inhabitants generally associated with nuclear assault.

The real defect in the plan is that it relies on an eight-day warning which, according to William Murray, public affairs director of the Civil Defense Association, "we will not receive."

But Meese says that "reinvigoration" of civil defense will "give people the confidence that their lives can be protected."

The Civil Defense workers might have benefited more from listening to one of their number who was not at yesterday's meeting. Perhaps the speech given to the Greensboro, N.C., City Council by Marilyn Braun, 37, coordinator of the Greensboro-Guilford Emergency Management Assistance Agency, would have been more to the point.

Braun, charged by her superiors with making a two-year update of war plans, sent instead a letter of protest which, she was told, would "never get to the federal level." But to avoid a fuss, these superiors accepted her protest as an update and confined themselves to complaining to reporters that she is "uncooperative."

Upon presenting the findings of a committee of experts and concerned citizens who studied all aspects of the problem, she told the Greensboro City Council on Feb. 11:

"We have no protection today in Greensboro or Guilford County for this threat . . . the documents and civil defense publications that we have on record fail to address minimal human needs in protecting people from 'blast' and 'fallout'. . . . Given these circumstances, we are presently unable to design an emergency plan to offer protection from nuclear detonations. We do not think it can be done in Greensboro and Guilford County, and we do not think it has been done in any other city or county in the U.S."

Braun, who has become somewhat of a heroine in anti-nuclear circles, speaks very softly on the telephone. She also takes direct action. She removed the "fallout shelter" signs from the 170 buildings so designated by FEMA because, she said, they do not offer shelter from radiation or starvation.

Braun's regional superiors have warned her that her federal funds may be cut off if she does not adopt a more positive attitude. One third of the Guilford-Greensboro allowance comes from Washington, which expects its share to be used for nuclear war planning.

Braun thinks that "as long as people have an illusion of protection, it may very well stand in the way of thinking about the threat."

But at the White House, the illusion is strong.

That's why the man closest to the president can talk about nuclear war not as the last call for the planet but merely as "something that may not be desirable."●

HUD SECTION 202 EXTENSION POLICY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. ROYBAL. Mr. Speaker, I would like to address briefly an issue of great concern to myself and other Members who support the section 202 direct loan program—a program that in its 20-year history has provided decent and affordable housing to senior citizens and the disabled. I do not have to reiterate the strong bipartisan support the section 202 program has earned through its flawless record of sound management on the part of its thousands on nonprofit sponsors. This is one housing program Congress and the Department of Housing and Urban Development can point to with pride. Indeed, it is the only subsidized housing program that the current administration desires to continue through the new construction of additional units in 1983 and beyond.

However, I am deeply disturbed by HUD's official statements recently printed in the Washington Post that describe administrative actions totally contrary to the support that the Secretary of HUD has promised for the elderly housing program. I speak specifically of recent instructions to HUD field offices, made by HUD's Office of Housing that threaten to cancel immediately as many as 5,500 units of much-needed section 202 housing; units that have been committed to sponsors in previous years. The sponsors holding fund reservations for these units have proceeded through the torturous process of HUD development with the good faith and understanding that every effort would be made by HUD to see that these projects would be built.

But suddenly, after years of effort and often thousands of dollars of investment by local church groups, community organizations, and the like, HUD is changing the rules, withdrawing their support and threatening to take the dollars committed to these nonprofit sponsors to build desperately needed housing for the elderly and handicapped and returning the funds to the Treasury.

And who will suffer as a result of this policy? The low-income elderly and disabled, the truly needy we have heard so much about will be denied housing that has been promised. Especially affected will be the projects planned by minority and non-elderly-handicapped sponsors. These groups, aided in the development process by previous administrations, are being abandoned by this administration.

HUD's own telegram transmitting the policy change states that the cancellations are being enacted for budgetary reasons. What HUD actions amount to, therefore, is a de facto rescission of budget authority without the consent of the Congress. Furthermore, the arbitrary new policy does not permit either HUD or the sponsor to determine the feasibility of the project. It simply and without adequate notice and due process, wipes thousands of 202 units off the books. It is inconceivable that 78 percent of the processing pipeline is deadwood, projects that will never come to be. It would appear, therefore, that HUD is not cleaning out the pipeline of infeasible projects, but attempting to cancel the section 202 pipeline.

While I will continue to vigorously support the efficient administration of all housing programs, especially section 202, the pursuit of efficiency must be balanced with responsible program administration. HUD change in policy frustrates the ability of the Secretary to carry out HUD's responsibility under the section 202 statutes. The wholesale denial of reasonable extensions to section 202 sponsors is ill advised and contrary to the intentions of this Congress when appropriated section 202 funds for the purpose of providing desperately needed elderly housing.

The use of such administrative means to cut Federal expenditures is beyond the authority of the Office of Housing, and I urge the Department to immediately withdraw their unwise policy direction and attend to the prompt administration of the section 202 program.●

A TRIBUTE TO FLOYD V. DECKER

HON. JAMES A. COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. COURTER. Mr. Speaker, I rise to recognize an outstanding citizen and noteworthy individual in my home district, Mr. Floyd V. Decker of Butler, N.J. On Thursday evening, March 4, 1982, Mr. Decker, director of safety for the county of Morris, will be the guest of honor at a retirement dinner given by his family, friends, and coworkers.

On January 1, 1962, Floyd V. Decker was employed as the safety director of the county of Morris and created the first county safety department in the State of New Jersey.

In 1972, he was appointed traffic safety coordinator and has held the position of water consultant and secretary of the county municipal utilities authority since 1976.

Mr. Decker has been a volunteer fireman in the town of Butler for over 43 years. He helped organize the Tri-Boro First Aid Squad and remains a charter and life member.

As past fire chief of Bartholdt Hose Company No. 2 and member of the fire prevention bureau, Mr. Decker has remained active in many firefighter organizations on the State and local levels, including the New Jersey State Firemen's Relief Association, the New Jersey State's and Morris County's Fire Chiefs Associations and the Morris County Fire and Arson Investigation Committee.

Floyd Decker's need to help people wherever and whenever he can extends into other service and community organizations as well. Mr. Decker is an American Red Cross instructor, a member of the American Legion, the Knights of Columbus, and the United Way of Morris County.

Certainly Floyd Decker's family is justifiably proud of him and love him very much. However, I believe that the accomplishments of Mr. Decker in the service to his community and the State of New Jersey over so many years is a true example of the volunteer spirit that has made America the great Nation it is today. No doubt Floyd Decker will remain involved in many activities after his retirement.

On behalf of his family and friends and community, I would like to say that we are all grateful for the dedication and compassion for his fellow man that Floyd Decker has demonstrated in so many ways throughout his life. I wish him and his family the best of health and happiness in the years ahead.●

BULGARIAN INDEPENDENCE DAY

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Ms. FERRARO. Mr. Speaker, today I would like to call the attention of my colleagues, and all freedom-loving Americans, to the observance of the 104th anniversary of Bulgarian Independence Day.

On March 3, 1878, after five centuries of Turkish oppression, the Bulgarian people, after a brave struggle and great sacrifice, regained their freedom and, under self-government, moved to establish democracy.

For over 65 years, until September 8, 1944, Bulgaria was a democratic country, with a flourishing culture. On September 8, the Soviet Army reached the borders of Bulgaria. Despite the fact that Bulgaria had maintained normal diplomatic relations with the Soviets throughout the war, on September 9 the Soviets launched a brutal invasion of Bulgaria and occupied the country. A Moscow-appointed Communist government took over.

From that day in September 1944, a strong and irrepressible resistance movement has struggled to regain Bulgaria's freedom. Thousands of Bulgarian patriots have lost their lives in the struggle, as the Communist government has resorted to severe and bloody oppression.

Throughout the struggle in Bulgaria, the brave patriots have had the invaluable support of Bulgarian emigrants in the United States. These emigrants, most of whom are refugees from the Communist terror in their homeland, have organized the Bulgarian National Front to provide support for the freedom movement at home. I would particularly like to commend Dr. Ivan Docheff, the honorary president of the central executive board of the Bulgarian National Front, Inc., of New York, and Dr. George Paprikoff president of the central executive board of the New York chapter, for their outstanding work in this valiant cause.

Mr. Speaker, the cause of Bulgarian independence is crucial to the cause of freedom everywhere. On this anniversary of Bulgarian Independence Day, I salute the bravery and dedication of the men and women who fight this noble fight, and pledge myself to continue to speak out in protest of the Soviet Union's occupation until the Bulgarian people have regained the freedom they deserve.●

ALLARD LOWENSTEIN CONGRESSIONAL SYMPOSIUM

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. McCLOSKEY. Mr. Speaker, on Friday, March 12 through Sunday, March 14, the first Allard Lowenstein congressional symposium will be held in the Cannon caucus room 345. The symposium has been planned by several Members of Congress and Washington friends of our former colleague and friend, Al Lowenstein. Our purpose is to bring together those who knew Al or shared in his causes and commitments in an attempt to carry his tradition of involvement by focusing on the approaches we should take in the future.

Distinguished guests and speakers include several Senators and Members of the House as well as Frances Farenthold, Bobby Muller, Arthur Schlesinger, John Lewis, David Hawk, and Marian Wright Edelman. We hope that many old and new friends will join us and share the thoughts of the many expert speakers who were inspired by Al's spark. For more information, please contact DOUG WALGREN's office, 117 Cannon House Office Building, Washington, D.C.●

MORATORIUM ON FARM FORECLOSURES URGED

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. OBERSTAR. Mr. Speaker, I rise today on behalf of farmers throughout our country who are on the brink of financial disaster and who see little hope for the future. I rise on behalf of people who have not benefited from Reaganomics and the Economic Recovery Act of 1981: farmers whose programs were dramatically changed and funding reduced; they, among others in our society, are bearing the brunt of the administration's massive increase in military spending.

Initial projections by the U.S. Department of Agriculture for 1982 indicated that net farm income may drop an estimated $4.4 billion, to $14.5 billion this year. These projections, which USDA decided not to publish in its monthly Agricultural Outlook for the first time in years, came after a year in which real farm income was at its lowest level since the Depression.

In my home State of Minnesota, one-fourth of the State's 14,000 farmers with FmHA ownership loans are delinquent on their 1981 loan payments. Delinquencies have reached 19 percent for farm operating loans and 15 percent for weather-related emergency loans. Farm foreclosures in Minnesota were up six-fold in 1980 as compared to 1979. Figures are not yet available for 1981, but are expected to be even worse. Officials in the FmHA office for the State of Minnesota have said that if farm prices do not begin to recover, the figure could reach 50-percent delinquency by the end of 1982.

Minnesota farmers have had a 19-percent rise in production costs during the past year. The prices for crops, however, were down an average of 20 percent; and cash receipts were down $1.1 billion last year from the previous year.

The administration's response to the current rural crisis has been grossly inadequate, bordening on neglect. It has said that it will do all it can to help FmHA-borrowers stay in farming. The President's 1983 budget, however, indicates that "doing all it can to help farmers stay in business" means reducing the number of delinquent borrowers in FmHA programs by 20 percent through more agressive collection action and faster resolution of delinquent accounts.

Mr. Speaker, because of the administration's insensitivity to the dire plight of farmers, I feel we need strong action, now. I am today introducing legislation that, during the 1-year period beginning on the date of its enactment, will require the Secretary of Agriculture to permit the deferral of the payment of principal and interest on, and forego the foreclosure of, outstanding loans made under laws administered by the FmHA to farmers who are experiencing temporary economic hardships.

Failure to enact authority for a moratorium on farm foreclosures will lead to the continuing financial ruin of small family farmers, implement dealers, bankers, and small businessmen who are already carrying the burden of the downturn of the Nation's economy and who will face increasing pressures with the worsening of both the farm and national economy.

Mr. Speaker, the current rural economic crisis should not surprise the Members of this House; they knew or should have known that the 1981 farm bill failed to address the critical economic problems facing American farmers. Members knowingly approved a bad farm bill on the thin excuse that the President would not sign a better one. It is unlikely that the House will soon reconsider and rewrite the entire farm bill.

Farmers cannot wait for Congress to repent and reconsider that law. They need emergency relief, and they need it before planting time or it will be too late to save thousands of farms from financial collapse. I urge the Agriculture Committee and this House to act favorably and quickly on this legislation.●

TRIBUTE TO "COUNT" BASIE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. FAUNTROY. Mr. Speaker, it will be my privilege on Friday, March 5, to have the great "Count," William Basie, perform at my annual birthday anniversary celebration. I am just delighted; and am grateful to Mr. Basie for taking time from his busy schedule to bring the beautiful Basie sound to me and my guests. I would like to take this opportunity to share with my colleagues a brief biography of this outstanding artist.

William "Count" Basie was born in Red Bank, N.J., on August 21, 1904. He played the piano since childhood, studying first with his mother. After working in New York with Sonny Greer and June Clark, Count went on a tour with a theatre unit. When the tour broke up in Kansas City, he went to work in a silent movie theatre. Soon after, he joined Walter Page's Blue Devils and later Benny Moten, whose band he took over when Moten died in 1935.

In the summer of 1935, Basie had a 10-piece band which John Hammond, the noted music critic, heard on a small Kansas City radio station. Hammond helped bring the band to Chicago and then to New York in 1936, where it was enlarged. In January 1937, the band made its first recordings, and the following year became internationally known.

"Plink! Plank! Plink! Plank!" The sound comes at you softly, subtly. Single notes on a piano. Offbeat pauses. Instant recognition. And then one measure blends into the next. A right-hand chord. A stride bass. A surge of anticipation. And then—an avalanche of energy, of all encompassing music. Wham! And the Basie Band is off and blowing.

The pattern is familiar. The explosion of joy constant. This is the Bill Basie touch on piano and the exuberance of his big-band sound. Musicianship. Accent. Punctuation. Humor. Power. Four decades of spreading consistent happiness around the world.

In this day of rock and small groups and electric sounds, the age of the Basie Band, and his loyalty to the blues as a basic form, has remained in the fore. In truth, it has never waned. A look at Basie's recent activities mirrors the worldwide esteem in which he is held. He recently completed a tour of Japan—his second in recent seasons. In August of last year he made a second tour to South America, this time to Brazil. He has completed his 12th consecutive annual tour of Europe and England. His 2-week stay at Ceasar's Palace was a historic occasion in the world of entertainment. Count Basie, Frank Sinatra, and Ella Fitzgerald were on the stage together. King and Queen and Count! If ever there was a royal wedding, this was it—it was truly the Super Bowl of nightclub presentations.

The Basie Band is continuing other innovations in addition to the constancy of concert and nightclub performances. It is the first "big band" to ever play at the St. Regis Hotel in New York, appearing at the Maisonette Room and on the "Roof." The band has played on board the *Queen Elizabeth II* and the *Rotterdam*.

That the talents of Bill Basie and his band have remained at the top of the craft is no surprise to artists, audiences, and critics. And musicians.

Singers have long shouted Bill Basie's praises, as have Jimmy Rushing and Joe Williams, both of whom were so integral a part of the band in their days with it. And then there are the stars who discovered the joys of Basie accompaniments: Frank Sinatra, Tony Bennett, Ella Fitzgerald. He has been with them on television specials, on concert tours, on records, on stage in Las Vegas. Fred Astaire calls the Basie Band his favorite and made certain it was featured with him on his "Fred Astaire TV Special."

One critic wrote, in a national magazine recently:

> Bill Basie is nonpareil not only as accompanist but as band pianist. He leads his band with the piano—he rarely gives any visual signal aside from a nod or a look—and he does it with extraordinary variety. In slow tunes, he noodles along behind his soloists, making cryptic musical comments and jokes about what they are playing, and he decorates ensemble passages with approving garlands of notes. In fast numbers, he moves down into the lowest registers and issues rocking, invincible chords that have literally made his listeners and his musicians shout."

The Count has received numerous awards, far too many to list. However, the love and respect in which he is held by our Nation was aptly demonstrated last December, when he received the John F. Kennedy Center for the Performing Arts annual medal for outstanding service in the performing arts. The medal was presented to Mr. Basie by President Reagan at a White House reception held December 6.●

CONGRESSMAN BEILENSON SPEAKS ON UNITED STATES-SOVIET RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. HAMILTION. Mr. Speaker, I would like to bring to the attention of my colleagues a speech recently delivered by our colleague from California, Congressman ANTHONY C. BEILENSON, before the Los Angeles World Affairs Council on February 12, 1982.

In his speech, Mr. BEILENSON examines the present administration's policy toward the Soviet Union and makes some acute observations about disturbing features of American policy.

I think we should all take heed of Mr. BEILENSON's words. He indicates that the Soviet Union is pursuing an aggressive foreign policy, but that should not lead us to conclude that Moscow is behind all of the world's problems. An obsession with the Soviet Union can blind us from seeing weaknesses in the Soviet system and ways of more effectively exploiting those weaknesses.

Congressman BEILENSON's thoughts deserve our attention.

His speech follows:

THE UNITED STATES AND THE SOVIET UNION: TOWARD A MORE REALISTIC FOREIGN POLICY

(By Congressman ANTHONY C. BEILENSON)

Along with many other people, I've been uncomfortable with much of the Reagan Administration's foreign policy during the President's first year of office.

It has seemed to me that its attitude toward the Soviet Union was too hostile, too provocative. The President has more than taken a hard line toward the Russians; he has often been, I think, unnecessarily belligerent, such as when he said, "They reserve unto themselves the right to commit any crime, to lie and to cheat,"

Although there were some softenings—the lifting of the grain embargo, the opening of the TNF negotiations, it was mostly an unrelieved political and ideological hard-line—which has, I think, made it even more difficult than usual to deal usefully with the Russians and has, in the bargain, alarmed our own allies and strained our relations with them, as well.

The key element in our foreign policy in recent years has been and must continue to be our relations with the Soviet Union. Difficult and vexing as it certainly is, we must continue to search out the ways and means of co-existing with them on this planet until the time comes when, hopefully, they develop into a better neighbor in the world. But our relations now are more strained than they have been in a great many years; we are barely talking to each other (we had no ambassador there for the first ten months of last year), and there is more mistrust and misunderstanding between us—and thus more potential danger—than at any time in at least 20 years.

The basis of what little foreign policy this Administration has articulated is largely a renewed Cold War mentality—everything is seen in East-West terms; "the President and his advisers," in the words of Raymond Aron in this month's edition of 'Foreign Affairs,' "perceive a Soviet presence underlying all the turmoil which disturbs mankind around the world."

Without running through a list of all the Administration's foreign policy positions, a glance at even a few suggest the avenues down which such a world view leads us:

It leads us into situations we shouldn't be in—in El Salvador, where we are, supposedly, "drawing the line against communism in Central America"—and thus gets us drawn into a civil war that is a revolution of the poor rather than a test between communism and anti-communism, and where the opposition consists of many more Catholics, Christian Democrats and middleclass professionals than Marxists.

And it leads to an arms sales policy to nations who promise they "will stand with us against Russia."

We propose to sell Pakistan $3 billion in arms because they're neighbors of Afghanistan—although we know that 85 percent of their troops and war materiel are on the *Indian* border: and we are thus virtually destroying our relations with India.

We are sending AWACS and F-15's to Saudi Arabia so they will stand with us against the Russians—but the Saudis themselves insist that the primary threat to them is Israel! Most upsetting of all is the total absence of a policy for the Middle East—we are simply sending in arms, which is no substitute for a coherent foreign policy.

Our human rights policy has been skewed so that we are now against human rights violations in "totalitarian" countries (i.e., communist countries) but not in "authoritarian" countries—because they are our friends—especially dictatorships of the right down in South America and elsewhere that we now get along with.

And, the Administration position on nuclear arms control is, to put it charitably, ambivalent: the head of the Arms Control and Disarmament Agency and the chief negotiator of ACDA are both personally opposed to arms control agreements with Russia. Our position again is one of "linkage"—we will not negotiate on strategic arms control so long as we disapprove of Soviet actions in Poland, or elsewhere.

And our hard-line policy has led to serious difficulties within the Atlantic Alliance. Our relations with our NATO allies—the immensely important cornerstone of our foreign policy—were not awfully good during the previous Administration, but they are now bad and getting worse. The prime aim of Soviet diplomacy is the breaking up of the Atlantic Alliance, and if the Administration does not want to preside over the dissolution of NATO, it is going to have to start responding to European concerns to a greater degree than it has thus far.

Our allies in Western Europe believe more in detente, and less in confrontation, than we do.

There is less confidence on their part in our judgment when we tend to focus on the evils of communism—of the Soviet Union and its proxies, of Cuban aid to Latin American revolutionaries—and there is a loss of confidence when there is careless talk from Washington about "winnable" nuclear war, and about "limited" nuclear war—limited, that is, to Europe.

As Flora Lewis wrote recently in the New York Times, "denouncing the Soviet menace no longer converts people to admiration of America and trust in its leaders. They know the bad news about Moscow. They are looking for good news, of prospects for peace, reduction of the arms race, effective management of social and economic problems . . . The President must demonstrate that he and his government understand the great issues facing the world and are doing their best to deal with them."

But our policy these days does consist very much of "denouncing the Soviet menace."

If you in fact believe that Russia causes all of the problems of mankind, then I suppose you are stuck with believing that our job is to defeat Soviet objectives, and that we should get involved in all trouble spots where we think we see Russian adventurism, or where the result will seem to us to favor the Soviet Union.

And in that case, I suppose you might agree with Defense Secretary Weinberger that we need a huge defense build-up because, "We have to be prepared to launch counter-offensives in other regions and to exploit the aggressor's weaknesses wherever we might find them . . . We must be prepared for waging a conventional war that may extend to many parts of the globe."

In other words, as Frank Church has said, forty years after the fact, the Reagan Administration is getting the country ready for the Second World War!

But if you don't think that Russia causes all the problems of mankind, if you recognize that there may be other problems in the world—problems of nationalism, political repression, religious upheaval, regional conflicts, poverty and over-population and the instability they bring—then you tend to pursue policies that speak to these problems and not limit yourself to simple reactions to perceived Soviet initiatives.

You are able, in other words, to pursue your own interests in the world.

Unfortunately, we are now following a foreign policy based on the Reagan Administration's view of the world.

And the situation, in their eyes, seems also to be one in which the Russians are winning and in which the Russians are stronger than we—where we are in a position of military inferiority.

But is that correct? What are the realities?

I would suggest that the outlook for us is not nearly so bleak as the President seems to feel it is—in fact, it's a good deal more worrisome for the Russians.

We should try to understand the Russians and how the world looks to them—not in order to excuse them, or sympathize with them—but to understand them; it might help us properly evaluate the nature of the threat they pose to us.

The Russians have concerns, fears and grievances on their mind, too.

The view from Moscow is not reassuring—nor has it been for some time now.

At home, Russia faces problems with its Eastern bloc allies—most of whose economies are in serious trouble; some of whom are refusing to increase their defense spending as the Russians have requested; and all of whose military authorities are quite aware that it is the Polish military—and not the Polish communist party that is playing the leading, central role in Poland today.

The Soviets are becoming increasingly concerned, obviously, about their ability to hold together their Eastern European empire.

They have minority problems: the Russians themselves are now less than fifty percent of the population of the U.S.S.R.

They have productivity and labor problems, housing and food shortages, growing consumer expectations.

They have an aging, conservative leadership and fouled-up bureaucracy that stifles economic progress.

And beyond their borders, they are losing, rather than gaining, strength and influence.

In Europe, Spain and Portugal are succeeding with their democratic governments and both are firmly in the camp of the Western Nations; West European armed forces are stronger and better prepared than they were a few years ago—and U.S. forces in Western Europe are now more heavily armed and mechanized.

In Africa, after years of economic and diplomatic efforts, the Russians have influence in only three countries out of 53, and in one of them Angola, the Cuban troops who are there are being used to protect Gulf Oil's facilities (all of Angola's oil is sold to the West!).

In Asia, the world's most populous nation, China, has moved closer to the U.S., and Soviet-Japanese relations are extremely poor.

The Russians are becoming increasingly isolated in a world that is hostile to them politically and close to them geographically.

We have Canada and Mexico as neighbors—they have a 5,000 mile border with China, plus Iran, Afghanistan, the NATO countries, Japan and the Warsaw Pact nations whose support, in a time of hostilities, they cannot count on. As someone has said, "Fortunately, it is the Soviet Union and not the United States, who is surrounded by hostile communist countries!"

And they are confronted with four nuclear powers arrayed against them, and more likely to concert their efforts against them than at any time since World War II.

We are rightly concerned about Soviet adventurism and intervention in the Third World—but it needs to be put in perspective.

Moscow's failure—the split with China; expulsion from Indonesia, Egypt, Sudan and Somalia; the loss of influence in Ghana, Iraq, Guinea, Nigeria, Mali and Zaire—countries where Soviet influence was once accepted but has since been repulsed; and

Its loss of support from the Communist parties of Western Europe—most recently the Italian and Spanish Communists—all add up to an enormous loss of influence, which far outweighs its few successes.

And, most of its successes are probably temporary: even now, for example, Vietnam—in serious economic straits—is seeking a move toward ties with the U.S.; and

In Ethiopia, relations are badly strained and the Russians are hated by the people there—just as the Americans were when we were there!

And, in Afghanistan, they have been unable to curb the widespread insurgency despite a costly commitment—they control only Kabul (the capital), and they are learning a lesson similar to the one we learned in Vietnam: that there are limits on their ability to use military force successfully, even in a poor, neighboring country. And, in the process, they have earned the condemnation of most of the Third World.

When you get right down to it, Russia is very much alone in the world.

While we have strong and powerful allies throughout the world, what allies do they have?—six Eastern European puppet states, whom they cannot trust; plus Vietnam, Cuba, Ethiopia, Angola, Libya, Mozambique, South Yeman and, while it is occupied, Afghanistan.

And that's about it! Who'd want to trade positions with them?

In addition to their concerns about internal economic problems, and worries about being able to keep control of their Eastern European allies, they also are fearful about what they perceive to be external threats to their security.

They are perhaps most concerned about our policy of "playing the China Card" and what they see as our tilt toward China, and, noting their long border with China, argue that they could not tolerate another hostile government along the 1,700 mile border with Afghanistan—hardly an adequate excuse for their invasion of Afghanistan, but possibly a real insight into their insecurities.

And, while we considered Afghanistan the last straw—and even Jimmy Carter abandoned detente while Soviet troops remained in that unhappy country, it's also relevant to point out that when the Soviets invaded Afghanistan the trade, technology transfers, and arms control offers—many made in the Nixon-Kissinger years in the 1972 Trade Agreement—as promised rewards for Soviet restraint, had still not materialized: neither expansion of Export-Import Bank credits, nor conferral of most-favored-nation trade status had been granted—and the Soviets felt that we had reneged on the terms of the '72 agreement, and that they had nothing to lose in terms of benefits from us if they were to invade Afghanistan.

They were, and are, extremely concerned about our scuttling of the SALT II Treaty after they had negotiated it through three American administrations; and they are concerned about our unilateral abandonment of the Indian Ocean arms control negotiations of two years ago.

They saw our willingness to send a half million U.S. troops halfway around the world to Vietnam to within 1,800 miles of their borders (and many tens of thousands of our troops to Korea, just a few hundred miles from their own borders)—can you imagine our response if they were to send 500,000 troops to intervene in a civil war in Central or South America?

They see us going ahead with a new MX missile that was ostensibly designed to be mobile and thus invulnerable, only for us to be planning—until yesterday—to emplace them in existing, vulnerable silos—and they plausibly conclude that the new weapon is, in fact, a first-strike weapon that threatens their own nuclear deterrent in just the same way the Pentagon says heavy Soviet missiles threaten the U.S. deterrent. They may be even more alarmed than we since many more of their missiles (three-fourths) are land-based, and thus vulnerable, while the U.S. deploys far more of its inter-continental missile force on invulnerable submarines.

They are concerned about the NATO decision to deploy U.S. medium-range nuclear missiles in Western Europe because they feel that the number of theater nuclear weapons is now in balance—they are especially concerned about those of our missiles which can hit Russia and thus, from their point of view, are the equivalent of strategic weapons (none of their TNF can hit the U.S.), and

They are most worried about the Pershing II missiles which we plan to deploy in West Germany and which can reach Moscow in only five or six minutes, which means that a well-executed first strike could wipe out the entire Soviet leadership and much of their command and control system as well.

And the cruise missiles we shall be deploying by the thousands in and around Europe will also not be able to be seen until they reach their target nor, because of their small size, will their numbers be known or verifiable to the Soviets.

In sum, the "American threat" is as real to them as the "Soviet threat" is to us.

It helps, I think, to look at these things—it gives a better perspective to our relative situation in the world, and it helps one see that some of the imagined problems are more manageable and less frightening than we often are led to believe.

The same thing is true about our military situation vis-a-vis the Russians.

Without any major reversal or precipitous shift in the balance of power between East and West, Mr. Reagan proposes to double the budget for defense expenditures over the next five years (a total of $1.6 trillion)—and a cost by 1986 of $1 billion a day for defense—in the stated aim of seeking military superiority over the Russians, which is probably not possible.

And the President proposes to go ahead with this enormous expenditure of money—and this huge arms build-up—

Despite the fact we're already, with our NATO allies, outspending the U.S.S.R. and its Warsaw Pact allies by more than $20 billion a year for defense (and almost 40 percent of their expenditures are for weapons and forces for their 5000-mile Chinese border);

Despite the fact that we and our NATO allies have 600,000 more men under arms than the U.S.S.R. and the Warsaw Pact countries—and fully half their combat-ready forces are stationed on the Chinese border, not in Central Europe. And a great many of their troops in Central Europe are drawn from Eastern European states—and their reliability is thus very uncertain.

Despite the fact that we have a good many more nuclear warheads than they;

Despite the fact, for example, that the nuclear warheads carried on one U.S. submarine could destroy every large and middle-sized city in Russia—and we have 41 such submarines.

Plus 356 B-52 Bombers, each of which can carry several nuclear bombs;

Plus 1,054 ICBM's, most of them with multiple warheads.

The Reagan Administration's alarming outcries about U.S. vulnerabilities, its constant denigrations of our defense capabilities and exaggerations of Soviet power, do not reflect the overall military balance which exists, and are probably harming our security. As former Defense Secretary Harold Brown remarked, "We remain the military equal of or superior to the Soviet Union . . . and those who suggest the United States is weak and helpless not only are playing fast and loose with the truth, they are playing fast and loose with U.S. security."

Plunging ahead into this spending spree—

Without having first formulated, or even articulated, an underlying defense or national security strategy that the defense build-up is supposed to implement, is not the way to go about strengthening our national security.

What is important is how we spend the money, and what we spend it for—not simply how much we spend.

There are some things we need to do: we need to concentrate on training, maintenance and readiness of existing forces rather than on the continued mindless procurement of more and more complicated and costly weapons systems—we would get dramatically more military effectiveness for a lesser amount of dollars.

What we don't need are such things as—

Three nuclear aircraft carrier groups (at a cost of $7 billion apiece).

Four old battleships being brought out of mothballs at a cost of $½ billion apiece—which would probably be sunk in the first 10 minutes of a war with Russia.

A revived B-1 bomber at a cost of $400 million apiece—although it will be obsolete 3 years later (the Defense Department admits that it will not be able to penetrate Soviet air-space by the end of this decade)—and although next year our B-52's will start to carry cruise missiles.

And a new strategic weapons race in the absense of SALT talks.

One last word on this subject: when we talk about military spending we would be wise to keep in mind a lesson we should have learned in recent years—that

More arms won't necessarily make us more secure.

Despite our great military strength, and our thousands of nuclear weapons, we were unable to prevent any of our recent major foreign policy set-backs:

Vietnam
Loss of Iran by our ally, the Shah
Quadrupling of oil prices by OPEC
Taking of our hostages in Iran
Death of our friend, Mr. Sadat

Nor could our Department of Defense by usefully used to prevent the Russian invasion of Afghanistan or the imposition of martial law in Poland.

These are things worth thinking about when we are asked to double our defense budget.

Our preoccupation with reacting to what Russia does, our tendancy to view the whole world with a Cold War perspective, often keeps us from doing things we ought to be doing in our own interest in other areas as well.

There are a number of initiatives we should be undertaking that would, I think, serve our interests:

We should concentrate on working to bring about settlements in difficult, dangerous and volatile regions of the world whose potential explosiveness may drag the U.S. and U.S.S.R unintentionally into confrontation (Middle East) or where continued internal unrest and civil war afford Russia or her surrogates opportunities to cause mischief and to drag the U.S. into unwarranted and unnecessary involvements (Central America—where we should be strongly supporting the efforts of other regional nations such as Mexico and Venezuela and Costa Rica to effect political solutions).

Rather than seeking a means to intervene in Central America as a way of demonstrating U.S. toughness toward Russia, it would be wiser to make real efforts to coordinate policy with the other powers of the region in order to try to deal with revolutionary change.

And, seeking an overall peace settlement in the Middle East between the Arab nations and Israel is the most productive diplomacy we can practice to counter possible Soviet expansion of influence in that important area.

We should seek normalization of relations and rapprochement with Vietnam, Angola, and Cuba.

If we are really worried because these countries appear to be in the Soviet column, why not try to woo them over to our side—or at least to a position of neutrality?

Both Angola and Vietnam are seeking closer relations with us; Cuba has done so in the past and would, I think, quickly do so again if we gave them the chance. Our embargo of Cuba has left is entirely dependent on the Soviet Union, and there is no way we can have any leverage on it in the absence of any economic and diplomatic ties.

And, while we're at it, an intelligent policy would include a real effort to improve our relations with India—the world's largest democracy and second largest country, and the biggest power in South Asia. Our shared democratic values and ideals make a closer relationship both sensible and desirable, and an added dividend would be our gaining a friend with great Third World influence.

We should again be a champion of human rights in all parts of the world—we should express as much outrage, for example, at the imprisonment of labor and political leaders in South and Central American countries as we have done, quite properly, over that of Lech Walesa in Poland. Ironically, and tragically, we are talking loudest and criticizing most harshly those countries where it does the least good, and we are keeping quiet about political imprisonment and torture by regimes we consider friendly—where we could have enormous influence in mitigating those inhuman practices.

A concern for human rights is, in the words of Jimmy Carter, "a natural and historic American trait and also a valuable tool for building our own spirit and meeting the totalitarian challenge among millions of people in other nations who hunger for liberty and justice. . . . The strongest weapons in the American arsenal are our ethical and moral values based upon the fair treatment of human beings here and abroad."

We should make better use of those weapons.

And always, we should keep in mind that our comparative advantage over the Soviets lies not in building weapons, but in the strength of our economy, our ability to use foreign aid as an arm of our diplomacy, and to maintain alliances with those who share our values.

We should concentrate on improving our economy and our ties with our allies.

Both are big subjects and can't be dealt with here—but both are crucial, and must be tended to.

Most important of all, our preoccupation with maintaining a posture of implacable hostility, distrust and confrontation keeps us from recognizing, and working to resolve, those interests and concerns we happen to share with the Soviet Union.

We must remain strong—but just as important, we must learn to be firm and consistent with the Soviets—so they come to accept us as reliable partners in detente and so they know what we expect of them and what we consider unacceptable behavior.

Soviet behavior depends, in the words of Alexander Dallin, "in large measure on how the U.S. and its friends behave, what they say, and how Moscow perceives and interprets their purposes and policies." Excessive volatility of American foreign policy tends to undermine the mutual credibility that is a necessary foundation of successful relations and negotiations.

One necessary part of a wise foreign policy is to start dealing daily and in depth with the Soviet Union on a whole series of differences between us. The better we become at talking out these differences, the less likely either of us is to make a dangerous mistake. We should pursue dialogue at all levels in order to clarify interests and sensitivities and to manage situations where U.S. and Soviet interests, influence and presence overlap.

This should include regular, periodic meetings between our two defense secretaries and between our Secretary of State and their foreign minister—and more frequent meetings between working groups from Defense and State—and it should include the establishment of a permanent, joint crisis-management group (such as has been proposed by Senator Sam Nunn) to serve as a mechanism to help prevent the mistaken or accidental use of nuclear weapons by either of the two superpowers, and to help prevent the retaliation by one of our countries or the other in the mistaken notion that one was at fault in the event of the use of a nuclear weapon by a terrorist organization or Third World country.

We should increase our cultural relations and economic ties with the Soviet Union and Eastern European countries.

Trade and financial relationships serve as buffers and serve also as links between East and West in times of tension and crisis when practically everything else is divisive.

It is probable that Poland's huge debt of $27 billion has been a crucial factor in dissuading Moscow from direct military intervention. The Soviet Union would then either have had to help repay Poland's obligation or share the responsibility for a default, which would ruin its own credit as well as impose enormous new burdens just to keep Poland going.

Increased cultural exchanges with communist and Third World countries means more Fulbright scholarships and International Visitor Program appropriations, not less.

By turning away thousands of future leaders from all over the world, we deprive ourselves of a great national advantage—the attraction a free society, and particularly its academic institutions, holds for people from other countries. These programs have brought this country more influence and good will in the world than any comparable outlay of taxpayer money in the last twenty to thirty years.

We should be pursuing a strong nuclear non-proliferation policy. Unfortunately, this administration has largely abandoned our earlier efforts in this area and is concerned mainly with being a "reliable supplier" of nuclear fuels, technology and equipment.

The greatest risk of use of nuclear weapons is by countries other than the two superpowers—or by terrorist groups—and the Russians have long been more serious about this than we. We can and should be partners in pursuing policies to discourage the adding of fifteen or twenty additional countries to the nuclear club over the next few years.

Lastly, nuclear arms control is the most important issue in the world in terms of human survival—and a shared interest in avoiding an all-out nuclear war is the central element of U.S.-Soviet relations.

The United States should be doing something about starting to move again with the Russians with respect to strategic nuclear arms limitations—and not let it seem to the rest of the world, quite correctly, that the Russians seek limitations but we do not.

It is absolutely foolish of us—it was a profound error—for this Administration to allow the Soviets to appear to much of the world—and especially to the peoples of Western Europe, our most important allies—to be the champions of arms control while we had to be dragged to the conference table.

We should be proposing any number of initiatives to the Soviets:

Immediate equal reduction of nuclear weapons of all categories (as proposed by George Kennan); or

A mutual, verifiable freeze on all further testing, production and deployment of nuclear weapons and delivery systems, which would make possible the "negotiations leading to a definite, verifiable reduction in strategic nuclear weapons" that President Reagan has called for.

Or, we should get back to SALT II, with some changes, if necessary; or, if not, a SALT III that builds on it. The main elements of the SALT II Treaty were agreed to by previous conservative Republican Presidents and are overwhelmingly favorable to the U.S. in terms of our present and future security interests. We have never had a public explanation by this President or his Administration as to why this Treaty was being scrapped.

In any case, this Administration's decision to postpone SALT talks because of Soviet actions in the world is absolutely the wrong thing to do.

We need to do away with the concept of "linkage". An arms control treaty should only be negotiated on the basis of whether it's good for our security interests—it's not a favor to the Russians, and it should not be dependent upon their behavior in other areas.

In fact, the need for SALT limitations is probably greater when tensions arise because of the misbehavior of the Russians in some other field.

We expect them to misbehave—that's why we need treaties to regulate their behavior in such a vital area as nuclear arms. If they behaved well—and if we trusted them—we wouldn't need SALT agreements: we don't seek them with the British or the French!

If the U.S. continues to shun strategic arms negotiations, and builds up our nuclear forces as the Administration proposes, we commit ourselves to ten or fifteen years of an unnecessary, dangerous, and highly inflationary nuclear arms race in which the Soviets will certainly keep pace with us. And we will be no more secure at the end of it.

Our attempts to achieve strategic superiority are completely meaningless. Any nuclear arms build-up by us will be matched—as it always has been—by the Soviet Union, and will result in thousands of additional Soviet nuclear warheads that will be targeted on the United States.

With almost ten thousand intercontinental nuclear weapons, the United States is not in any way inferior to the Soviet Union or subject to Soviet coercion; what we have is nuclear parity—a stalemate which neither side can break without committing suicide.

Under these circumstances, the only rational policy is to take the initiative in proposing arms control agreements. Any further nuclear arms build-up is insane.

One final word. I want us—I think it's important for us—to feel good about ourselves again—about what we are doing here at home, and around the world—and what we stand for in our own eyes and in the eyes of others.

We've got to stand for something.

We no longer are perceived by others or by ourselves, for that matter, as a nation that stands up against oppression, tyranny and human cruelty wherever they may be found.

We do not appear to the rest of the world, even to our own allies, to be a peace-loving or at least a peace-seeking people.

We are fast forfeiting any kind of moral leadership we once had.

By playing down the importance of arms control and nuclear non-proliferation, ignoring under-developed countries and backing off from human rights stands, we jeopardize the future support not only of our allies throughout the world but, more importantly, our own people. When we do these things, we surrender the most powerful weapon of the West—the arsenal of principles.

We must start acting again like a great and a free people.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 4, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 5

8:30 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on the sea-based deterrent program.
224 Russell Building

9:00 a.m.
Armed Services
Tactical Warfare Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on the Army's M-1 main battle tank.
235 Russell Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

9:30 a.m.
Appropriations
To continue hearings to review current economic conditions
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Foreign Relations
East Asian and Pacific Affairs Subcommittee
Closed briefing by officials of the Department of State on the status of POW's and MIA's.
S-116, Capitol

Joint Economic
To hold hearings on the employment/unemployment situation for the month of February.
Room to be announced

10:30 a.m.
Labor and Human Resources
Investigations and General Oversight Subcommittee
To hold oversight hearings on activities of the National Cancer Institute and the Food and Drug Administration, Department of Health and Human Services.
4232 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for human development services of the Department of Health and Human Services.
1318 Dirksen Building

Armed Services
Preparedness Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Navy/Marine Corps operational readiness.
224 Russell Building

Armed Services
Sea Power and Force Projection Subcommittee
Closed intelligence briefing on naval warfare threat with regard to proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense.
Russell Building

MARCH 8

9:30 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on air-breathing deterrent program.
212 Russell Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on H.R. 3663, proposed Bus Regulatory Reform Act of 1981, and on the deregulation of the intercity bus industry.
235 Russell Building

*Select on Indian Affairs
To hold hearings on S. 1858, declaring that the United States holds in trust certain lands in Nevada for the Washoe Tribe of Nevada and California, and providing for the transfer of certain other lands in Nevada to the U.S. Forest Service, H.R. 4364, declaring that the United States holds in trust certain land in Pima County, Ariz., for the Pascua Yaqui Tribe of Arizona; and to hold oversight hearings on the Department of Education's impact aid program for Indians.
6226 Dirksen Building

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Finance
To hold hearings to further discuss budget proposals for fiscal year 1983 for those programs which fall within its legislative jurisdiction.
2221 Dirksen Building

Foreign Relations
To hold hearings on the current situation in Afghanistan.
4221 Dirksen Building

11:00 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense.
S-407, Capitol

2:00 p.m.
Armed Services
Sea Power and Force Projection Subcommittee
Open and closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Navy programs.
212 Russell Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the capacity, distribution and status of the strategic petroleum reserve.
3110 Dirksen Building

MARCH 9

9:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings to review the defense budget with regard to proposed budget estimates for fiscal year 1983 for the Department of Defense.
1223 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Economic Regulatory Administration and the Energy Information Administration, Department of Energy.
1114 Dirksen Building

9:30 a.m.

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agricultural Library, Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation unifying and clarifying the product liability tort law.
235 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
6226 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings to examine the public and private sector role in U.S. energy research and development.
3302 Dirksen Building

Labor and Human Resources
Labor Subcommittee
Business meeting, to consider S. 1785, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of this appeal, and clarifying the jurisdiction of the Department of Labor relating to detection and investigating criminal violations relating to ERISA.
4232 Dirksen Building

10:00 a.m.

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Secretary of Transportation.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Finance
To continue hearings to further discuss budget proposals for fiscal year 1983 for those programs which fall within its legislative jurisdiction, focusing on the Department of Health and Human Services.
2221 Dirksen Building

11:00 a.m.

Foreign Relations
Business meeting, to consider pending nominations and other committee business.
4221 Dirksen Building

2:00 p.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Care Financing Administration, Department of Health and Human Services.
1114 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

2:30 p.m.

Armed Services
Sea Power and Force Projection Subcommittee
To continue open and closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on the CINC, Southwest Asia/Rapid Deployment Joint Task Force.
212 Russell Building

MARCH 10

9:30 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on S. 2109, authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Immigration and Naturalization Service, Drug Enforcement Administration, and the Bureau of Prisons.
S-146, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings to examine certain financial institution practices restricting individuals from withdrawing funds represented by checks deposited to their accounts.
5302 Dirksen Building

Judiciary
To hold hearings on the proposed divestiture of American Telephone & Telegraph, focusing on its effect on local rates.
2228 Dirksen Building

Labor and Human Resources
Business meeting, to resume consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

Special on Aging
To hold hearings on problems associated with the medicare reimbursement system for hospitals.
Room to be announced

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings to review foreign assistance programs with regard to proposed budget estimates for fiscal year 1983 for the Department of State.
1318 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Social Security Administration and refugee programs, Department of Health and Human Services.
1224 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Finance
To continue hearings to further discuss budget proposals for fiscal year 1983 for those programs which fall within its legislative jurisdiction, focusing on certain spending reductions.
2221 Dirksen Building

1:00 p.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Resources Administration, Department of Health and Human Services.
1224 Dirksen Building

2:00 p.m.

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Food and Drug Administration, Department of Health and Human Services, and the Farm Credit Administration.
1318 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

Select on Intelligence
Budget Subcommittee
To hold closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

MARCH 11

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Park Service, Department of the Interior.
1114 Dirksen Building

Governmental Affairs
To resume hearings to review the President's proposals on new federalism.
3302 Dirksen Building

Office of Technology Assessment
The Board, to hold a general business meeting.
S-205, Capitol

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To continue hearings on S. 2109, authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Economic Research Service, Statistical Reporting Service, World Agricultural Outlook Board, Office of the Secretary, departmental administration, Office of Governmental and Public Affairs, and the Office of the General Counsel, Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the Earthquake Hazard Reduction Act (Public Law 95-124).
235 Russell Building

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

Small Business
To hold hearings on the Small Business Administration's surety bond guarantee loan program.
424 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review foreign assistance programs and operating expenses with regard to proposed budget estimates for fiscal year 1983 for the Agency for International Development.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Panama Canal Commission, Research and Special Programs Administration of the Department of Transportation, and the Washington Metropolitan Area Transit Authority.
1223 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Finance
To continue hearings to further discuss budget proposals for fiscal year 1983 for those programs which fall within its legislative jurisdiction, focusing on certain spending reductions.
2221 Dirksen Building

Foreign Relations
To resume hearings on the President's January 28, 1982, certification concerning military aid to El Salvador.
4221 Dirksen Building

Select on Indian Affairs
To hold hearings on H.R. 3731, extending the period of time, in which the Secretary of the Interior shall prepare and submit to Congress a plan for the use and distribution of Indian judgment funds, within 1 year after appropriation; to be followed by a business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
424 Russell Building

2:00 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

3:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed supplemental appropriations for fiscal year ending September 30, 1982, for the Department of Labor.
1114 Dirksen Building

MARCH 12

8:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2133, providing for the redevelopment of the Mount St. Helens national volcanic area in Washington.
3110 Dirksen Building

9:00 a.m.
Judiciary
Agency Administration Subcommittee
To hold joint hearings with the Committee on Labor and Human Resources on S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Department of Energy all functions relating to research regarding the health effects of radiation on human beings to the Department of Health and Human Services.
4232 Dirksen Building

Labor and Human Resources
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Agency Administration on S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Department of Energy all functions relating to research regarding the health effects of radiation on human beings to the Department of Health and Human Services.
4332 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Special Trade Representative, Legal Services Corporation, and the Civil Rights Commission.
S-146, Capitol

Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on proposed legislation unifying and clarifying the product liability tort law.
235 Russell Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine export lending activities of the Commodity Credit Corporation, focusing on overdue payments to the U.S. Government and private banks by Poland and other Soviet bloc nations.
324 Russell Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the office of Inspector General and the St. Lawrence Seaway Development Corporation of the Department of Transportation, and the Architectural and Transportation Barriers Compliance Board.
1318 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues and new budget authority.
6202 Dirksen Building

Finance
To continue hearings to further discuss budget proposals for fiscal year 1983 for those programs which fall within its legislative jurisdiction, focusing on certain spending reductions.
2221 Dirksen Building

Governmental Affairs
To hold hearings on the nomination of Frederic V. Malek, of Virginia, to be a Governor of the U.S. Postal Service.
3302 Dirksen Building

MARCH 15

9:00 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee

To hold hearings on proposed authorizations for the railroad financial assistance program, Department of Transportation.

235 Russell Building

*Labor and Human Resources
Employment and Productivity Subcommittee

To hold joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.

4232 Dirksen Building

10:00 a.m.

Appropriations
Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the National Transportation Safety Board.

1318 Dirksen Building

2:00 p.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for elementary and secondary education and education block grant programs, Department of Education.

1114 Dirksen Building

MARCH 16

9:00 a.m.

Foreign Relations
Arms Control, Oceans and International Operations, and Environment Subcommittee

Open and closed hearings on United States and Soviet civil defense programs.

4221 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee

To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.

2175 Rayburn Building

9:30 a.m.

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Commerce, focusing on the Office of the Secretary, general administration, and the Economic Development Administration.

S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.

6226 Dirksen Building

*Labor and Human Resources

To hold hearings on S. 1929, proposed Comprehensive Smoking Prevention Education Act of 1981.

4232 Dirksen Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee

To hold hearings on the extended family.

3110 Dirksen Building

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Consumer Product Safety Commission and the Office of Revenue Sharing (New York City loan program).

1318 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for impact aid, vocational and adult education, libraries and learning resources programs, Department of Education.

1114 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

Finance

To hold hearings to review the administration's tax proposals for fiscal year 1983.

2221 Dirksen Building

Governmental Affairs

To resume hearings to review the President's proposals on new federalism.

3302 Dirksen Building

10:30 a.m.

Select on Indian Affairs

To hold hearings on S. 1894, permitting Indian tribes to enter certain agreements for the disposition of tribal mineral resources.

357 Dirksen Building

11:30 a.m.

Foreign Relations

To hold hearings on the nominations of James L. George, of Maryland, to be Assistant Director, Bureau of Multilateral Affairs, Robert T. Grey, Jr., of Virginia, to be Deputy Director, and Norman Terrell, of California, to be Assistant Director, Bureau of Nuclear Weapons Control, all of the U.S. Arms Control and Disarmament Agency.

4221 Dirksen Building

2:00 p.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for education for the handicapped, rehabilitation services and handicapped research programs, Department of Education.

1114 Dirksen Building

MARCH 17

9:00 a.m.

Appropriations
Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.

1224 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee

To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.

2175 Rayburn Building

9:30 a.m.

Appropriations
Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Soil Conservation Service, Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation, Department of Agriculture.

1318 Dirksen Building

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Oceanic and Atmospheric Administration, International Trade Administration, and the U.S. Travel and Tourism Administration.

S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1983 and 1984 for the National Bureau of Standards, Department of Commerce.

235 Russell Building

Labor and Human Resources
Labor Subcommittee

To resume hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).

4232 Dirksen Building

10:00 a.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, educational research and training activities overseas, Department of Education.

1114 Dirksen Building

Finance

To continue hearings to review the administration's tax proposals for fiscal year 1983.

2221 Dirksen Building

Select on Intelligence
Budget Subcommittee

To resume closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

*Select on Indian Affairs

To hold hearings on the Department of the Interior's proposal for the use and distribution of Wichita and Caddo

Indian judgment funds awarded by the U.S. Court of Claims.

6226 Dirksen Building

1:30 p.m.

Appropriations

Interior Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.

1224 Dirksen Building

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed supplemental appropriations for fiscal year ending September 30, 1982 for foreign assistance, focusing on the Caribbean basin initiative.

S-146, Capitol

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Education, fund for the improvement of post-secondary education (FIPSE), and education statistics, Department of Education.

1114 Dirksen Building

Select on Intelligence

Budget Subcommittee

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

MARCH 18

9:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for conservation programs of the Department of Energy.

1224 Dirksen Building

Governmental Affairs

To resume hearings on Senate Resolution 231, providing for an inventory of U.S. assets, to estimate their market value, identify which are unneeded and can be sold, and recommend legislative and administrative actions to streamline the liquidation process.

3110 Dirksen Building

Labor and Human Resources

Employment and Productivity Subcommittee

To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.

4232 Dirksen Building

9:30 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Office of Transportation, Agricultural Cooperative Service, and the Packers and Stockyards Administration, Department of Agriculture.

1318 Dirksen Building

Appropriations

State, Justice, Commerce, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Patent and Trademark Office, Scientific and Technical Research Service, and the Minority Business Development Administration.

S-146, Capitol

Commerce, Science, and Transportation

To hold oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.

235 Russell Building

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings, in closed session, on proposed legislation authorizing funds for the National Aeronautics and Space Administration.

6226 Dirksen Building

Judiciary

Agency Administration Subcommittee

To resume hearings on S. 1775, making the Federal Government liable for constitutional torts and generally the exclusive defendant in all tort suits involving Government employees acting within the scope of their employment.

5110 Dirksen Building

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for special institutions, Howard University, departmental management (salaries and expenses), and the Office for Civil Rights, Department of Education.

1114 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

Finance

To continue hearings to review the administration's tax proposals for fiscal year 1983.

2221 Dirksen Building

Governmental Affairs

To resume hearings to review the President's proposals on new federalism.

3302 Dirksen Building

Select on Intelligence

Budget Subcommittee

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

2:00 p.m.

Select on Intelligence

Budget Subcommittee

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

MARCH 19

9:30 a.m.

Commerce, Science, and Transportation

To continue oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.

235 Russell Building

Labor and Human Resources

Employment and Productivity Subcommittee

To hold hearings on productivity in the American economy.

4232 Dirksen Building

10:00 a.m.

Finance

To continue hearings to review the administration's tax proposals for fiscal year 1983.

2221 Dirksen Building

2:00 p.m.

Select on Intelligence

Budget Subcommittee

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

MARCH 22

9:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Telecommunications and Information Administration, Department of Commerce.

235 Russell Building

MARCH 23

9:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Holocaust Memorial Council, and the Bureau of Land Management of the Department of the Interior.

1114 Dirksen Building

9:30 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.

1318 Dirksen Building

Appropriations

State, Justice, Commerce, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of the Census, National Telecommunications and Information Administration, and the Economic and Statistical Analysis.

S-146, Capitol

Select on Indian Affairs

To hold oversight hearings on the statute of limitations relating to Indian affairs.

6226 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Veterans' Administration.

1224 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

MARCH 24

9:30 a.m.
Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Helsinki Commission, Board for International Broadcasting, Japan-United States Friendship Commission, Arms Control and Disarmament Agency, and the International Communication Agency.
S-146, Capitol

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Internal Revenue Service's taxpayer assistance programs.
6226 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the National Highway Traffic Safety Administration of the Department of Transportation, and the Interstate Commerce Commission.
1318 Dirksen Building

Governmental Affairs
To resume hearings to review the President's proposals on New Federalism.
3302 Dirksen Building

MARCH 25

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Indian Education, Navajo and Hopi Indian Relocation Commission, and the Pennsylvania Avenue Development Corporation.
1114 Dirksen Building

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Farmers Home Administration, Rural Electrification Administration, and the Office of Rural Development Policy, Department of Agriculture.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain international organizations, Equal Employment Opportunity Commission, and the Chrysler Loan Board.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the Federal Highway Administration of the Department of Transportation, and the Office of the Secretary of Transportation.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Governmental Affairs
To hold hearings on S. 1932 and H.R. 2098, bills establishing an Office of Inspector General in each of the Departments of Defense, Justice, and Treasury and in the Agency for International Development, and on other related measures.
3302 Dirksen Building

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Secretary of Agriculture, to review the general agricultural outlook, and to review the overall budget for the Department of Agriculture.
1114 Dirksen Building

MARCH 26

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Vice Adm. James S. Gracey, U.S. Coast Guard, to be Commandant of the U.S. Coast Guard, and Rear Adm. Benedict L. Stabile, U.S. Coast Guard, to be the Vice Commandant of the U.S. Coast Guard; to be followed by hearings on proposed legislation authorizing funds for the U.S. Coast Guard.
235 Russell Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Government in the operation of U.S. payment systems.
5302 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 29

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the Civil Aeronautics Board.
1318 Dirksen Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review proposed authorizations for the safe drinking water program.
4200 Dirksen Building

MARCH 30

9:00 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings to review budget proposals for fiscal year 1983 for energy conservation programs of the Department of Energy, focusing on State grant, research, and development, and solar energy programs.
3110 Dirksen Building

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Foreign Agricultural Service, food-for-peace program (Public Law 480), Office of International Cooperation and Development, Agricultural Marketing Service, and the Federal Grain Inspection Service, Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building

*Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on title X of the Public Health Service Act relating to health aspects of teenage sexual activity.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the U.S. Coast Guard of the Department of Transportation.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive Veterans of Foreign Wars legislative recommendations for fiscal year 1983.
318 Russell Building

MARCH 31

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for strategic petroleum reserve and naval petroleum reserves of the Department of Energy.
1114 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on activities of the National Highway Traffic Safety Administration, Department of Transportation.
235 Russell Building

Judiciary
Agency Administration Subcommittee
To resume hearings on S. 1775, making the Federal Government liable for constitutional torts and generally the exclusive defendant in all tort suits involving Government employees acting within the scope of their employment.
5110 Dirksen Building

Labor and Human Resources
To hold hearings on proposed authorizations for certain health programs of

the Department of Health and Human Services.

4232 Dirksen Building

10:00 a.m.

Environmental and Public Works

Toxic Substances and Environmental Oversight Subcommittee

To continue hearings to review proposed authorizations for the safe drinking water program.

4200 Dirksen Building

Governmental Affairs

To hold hearings on the substance of S. 1724, proposed Federal Employees' Compensation Act Antifraud Amendments of 1981.

3302 Dirksen Building

APRIL 1

9:30 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed estimates for fiscal year 1983 for the Commodity Futures Trading Commission, to review budget proposals for the Department of Agriculture's Inspector General, and agricultural aspects of the General Accounting Office.

1318 Dirksen Building

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.

235 Russell Building

*Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold hearings on expanding employment opportunities for older workers in the private sector.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.

1227 Dirksen Building

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the United States Railway Association, and Conrail.

S-128, Capitol

Select on Indian Affairs

To hold oversight hearings on the implementation of indirect costs and contract provisions of the Indian Self-determination and Education Assistance Act (Public Law 93-638).

6226 Dirksen Building

APRIL 2

9:30 a.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To resume hearings on productivity in the American economy.

4232 Dirksen Building

APRIL 13

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for the railroad safety program, Department of Transportation.

235 Russell Building

APRIL 14

9:30 a.m.

Appropriations

State, Justice, Commerce, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Supreme Court, Securities and Exchange Commission, Federal Maritime Commission, and the Federal Trade Commission.

S-146, Capitol

Labor and Human Resources

To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.

1114 Dirksen Building

2:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.

1114 Dirksen Building

APRIL 15

9:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the land and water conservation fund, and to receive testimony from congressional witnesses.

1318 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Judiciary, International Trade Commission, and the Marine Mammal Commission.

S-146, Capitol

Labor and Human Resources

To hold hearings on proposed authorizations for the National Science Foundation.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD—Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council of Environmental Quality.

1224 Dirksen Building

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.

1114 Dirksen Building

Select on Indian Affairs

To hold oversight hearings on the tribally controlled community college program.

6226 Dirksen Building

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.

1114 Dirksen Building

APRIL 16

9:30 a.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To resume hearings on productivity in the American economy.

4232 Dirksen Building

APRIL 20

9:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services, and the Geological Survey, Department of the Interior.

1318 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of State, focusing on the Office of the Secretary and administration of foreign affairs.

S-146, Capitol

Labor and Human Resources

Business meeting, to consider proposed legislation authorizing funds for health programs and the National Science Foundation.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.

1224 Dirksen Building

Environment and Public Works

Business meeting, to consider pending calendar business.

4200 Dirksen Building

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for foreign assistance activities of the Department of the Treasury.

1318 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.
1114 Dirksen Building

APRIL 21

9:30 a.m.
Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Small Business Administration, Federal Communications Commission, and the Maritime Administration.
S-146, Capitol

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the Federal Railroad Administration of the Department of Transportation, and Amtrak.
1318 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1889, authorizing funds for fiscal years 1983 and 1984 for the establishment of a national institution to promote international peace and resolution of international conflict.
4232 Dirksen Building

APRIL 22

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.
1318 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain related programs.
S-146, Capitol

*Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on promoting volunteerism in America.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Urban Mass Transportation Administration of the Department of Transportation.
1318 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration, (OSHA), and the Mine Safety and Health Administration, Department of Labor.
1114 Dirksen Building

APRIL 23

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.
1114 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the Federal Aviation Administration of the Department of Transportation.
1318 Dirksen Building

APRIL 27

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings to receive testimony from congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for certain transportation programs.
1318 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 29

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on community social support systems.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings to receive testimony from congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, on certain transportation programs.
1224 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive Amvets legislative recommendations for fiscal year 1983.
Room to be announced

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor,

Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 30

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to receive testimony from congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for certain transportation programs.
1318 Dirksen Building

MAY 3

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 5

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 7

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 11

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

1:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain program under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

JUNE 9

9:30 a.m.

Select on Indian Affairs

To hold hearings on proposed legislation providing for the appointment of special magistrates to serve each Indian reservation over which the United States exercises criminal jurisdiction under existing law.

6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.

Veterans' Affairs

To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.

318 Russell Building

CANCELLATIONS

MARCH 4

10:00 a.m.

Governmental Affairs

Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

3302 Dirksen Building

10:30 a.m.

Energy and Natural Resources

Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

3110 Dirksen Building

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Inspector General, Agency for International Development.

S-146, Capitol

MARCH 5

9:30 a.m.

Select on Indian Affairs

To hold hearings to review the report of the Commission on Fiscal Accountability of the Department of the Interior on national energy resources.

6226 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, March 4, 1982*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
March 3, 1982.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Thursday, March 4, 1982.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. James M. Hutchens, pastor, Potomac Chapel, McLean, Va., offered the following prayer:

Almighty God, our gracious and ever-loving Heavenly Father,

We are encouraged from Your Word to "draw near with confidence to the throne of grace, that we may receive mercy and may find grace to help in time of need."

We ask that Your benediction and blessing might rest upon the deliberations and the decisions of the men and women of this House. We ask that they may be sensitive to the still small voice of Your Spirit and that the programs and policies determined here may be a reflection of Your perfect, sovereign and righteous will. Be pleased to further Your pleasure upon our country, which indeed "Tis of Thee."

We ask these things in the name of Jesus, our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HAGEDORN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HAGEDORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 336, nays 13, answered "present" 1, not voting 84, as follows:

[Roll No. 16]

YEAS—336

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bevill
Bliley
Boland
Bolling
Boner
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown (CO)
Brown (OH)
Broyhill
Burgener
Byron
Campbell
Carman
Carney
Chappell
Cheney
Clausen
Clinger
Coats
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, William
Craig
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Daub
Davis
Deckard
Dellums
DeNardis
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dornan
Dougherty
Dowdy
Dreier
Duncan
Dunn
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Emerson
Emery
English
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Evans (IN)
Fascell
Fazio
Ferraro
Fiedler
Fields
Findley
Fithian
Flippo
Foley
Ford (TN)
Fountain
Frank
Frenzel
Frost
Fuqua
Gephardt
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Hopkins
Horton
Howard
Hubbard
Hughes
Hunter
Hyde
Ireland
Jeffries
Jenkins
Johnston
Jones (OK)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
Lagomarsino
Lantos
Latta
Leath
LeBoutillier
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lungren
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
McClory
McDonald
McEwen
McGrath
McKinney
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (NY)
Moakley
Moffett
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Murtha
Myers
Napier
Natcher
Nelligan
Nelson
Nichols
Nowak
Oakar
Oxley
Panetta
Pashayan
Patman
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Pursell
Quillen
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rosenthal
Roth
Roukema
Rousselot
Roybal
Rudd
Russo
Sawyer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stanton
Stark
Staton
Stenholm
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki

NAYS—13

Barnes
Butler
Forsythe
Gejdenson
Goodling
Harkin
Hawkins
Jacobs
Miller (OH)
Sabo
Schroeder
Walker
Weber (MN)

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—84

Applegate
Ashbrook
Bethune
Biaggi
Bingham
Blanchard
Boggs
Bonior
Brown (CA)
Burton, John
Burton, Phillip
Chappie
Chisholm
Clay
Coelho
Coyne, James
Crane, Daniel
Crockett
de la Garza
Derwinski
Dixon
Downey
Dwyer
Edwards (CA)
Edwards (OK)
Erdahl
Erlenborn
Fary
Fenwick
Fish
Florio
Foglietta
Ford (MI)
Fowler
Garcia
Gaydos
Gingrich
Hance
Hatcher
Holt
Hoyer
Huckaby
Hutto
Jeffords
Jones (NC)
Jones (TN)
LaFalce
Leach
Leland
Lowry (WA)
Lundine
Marks
Mattox
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McHugh
Mica
Mitchell (MD)
Neal
O'Brien
Oberstar
Obey
Parris
Patterson
Pepper
Price
Pritchard
Rahall
Richmond
Rostenkowski
Santini
Savage
Sharp
Simon
Smith (OR)
Stangeland
Stokes
Washington
Williams (OH)
Young (AK)
Zeferetti

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

☐ 1115

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 951. An act to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes;

S. 1879. An act to amend the Milwaukee Railroad Restructuring Act and the Rock Island Transition and Employee Assistance Act to facilitate the purchase of lines of bankrupt carriers to provide for continued rail service and for other purposes; and

S.J. Res. 148. Joint resolution to proclaim March 18, 1982, as "National Agriculture Day."

DR. JAMES M. HUTCHENS

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, Dr. James M. Hutchens is pastor of Potomac Chapel in McLean, Va., and an ordained minister in the Reformed Presbyterian Church, Evangelical Synod. He is a 1960 graduate of Wheaton College in Illinois, with a B.A. in sociology; a 1964 graduate of Dallas Theological Seminary in Dallas, Tex., with a master of theology degree in Christian education. While at Dallas, he was awarded the Arthur F. Gannet Award in Christian Education and the H. A. Ironside Award in Expository Preaching. In 1974, he received his doctor's degree in missiology from Fuller Theological Seminary in Pasadena, Calif.

Having served as an enlisted man in the U.S. Army prior to attending college, he returned as a military chaplain in 1964. While serving in Vietnam with the 173d Airborne Brigade, he was the first chaplain to be wounded in the war. His book, "Beyond Combat," tells of his Vietnam experience. Recipient of two Bronze Stars, the Purple Heart, and awarded the U.S. Army's Ranger Tab and Master Parachutist Badge, he returned to civilian ministry in 1969 after serving his last 3 years with the U.S. Army's Special Forces.

He retains a Reserve commission as a lieutenant colonel and currently serves in the District of Columbia National Guard.

In addition to his pastoral charges, Dr. Hutchens served in Israel as the chaplain to the American Institute of Holy Land Studies, and later as chaplain to his alma mater, Wheaton College.

He has been a frequent contributor to periodicals and theological journals in the area of cross-cultural communications and ethical issues related to the military.

He is on the board of trustees and adjunct facility of Dominion Theological Seminary in McLean, Va.

Dr. Hutchens is married to the former Pat Mercer, of Winnfield, La., also a graduate of Wheaton College and Northwestern University in Evanston, Ill. The Hutchenses have three children: Rachel, age 13; Sarah, age 18; and Matt, of the class of 1984 at the U.S. Military Academy at West Point.

Dr. Hutchens is my pastor and my good friend. It is certainly my pleasure to present him to you. He is a man who truly walks in the path of God.

ADMINISTRATION RAISES FRAUD, WASTE, AND ABUSE TO ART FORM

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, have I got a story for you.

Under cross-examination the Coast Guard told me an amazing thing yesterday in an appropriations hearing on the Reagan budget. The Coast Guard confessed that under this budget it will not be able to operate 18 brand new jet surveillance airplanes that are being delivered to the Coast Guard this year. They are going to be stockpiled.

Mr. Speaker, these planes cost $9 million apiece. They have been bought and paid for by the American taxpayers. But under the cockamamy budget of this administration, those planes are going to be grounded and they are going to be mothballed.

In fact, one of the options seriously being considered right now is to house them somewhere in the desert in the Southwest part of the United States.

Now I find this remarkable budget management, if I may say so. These new planes are designed to save lives and property at sea. They are three times faster than the planes now in use and they are meant to replace a 3-year-old plane that experts say tends to lose its wings after 11,000 miles of flight.

Mr. Speaker, I have had a bellyful of administration statements about Government waste, fraud, and abuse. In bringing this matter to the floor, I want to say to my colleagues that this administration has elevated waste, fraud, and abuse to an art form. Waste because $162 million in equipment purchases are being poured down the drain; fraud, because this administration wants the country to believe the Coast Guard can take these cuts and still perform its mission. And abuse because of the abuse of lives and property that will happen because planes that could save them are going to be parked instead somewhere in a desert.

☐ 1130

WEAPONS TO JORDAN

(Mr. FRANK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK. Mr. Speaker, the recent statements coming out of this administration with regard to their intentions to sell to the Kingdom of Jordan weapons that would alter the balance of power in the Middle East are doing a great disservice to the cause of peace in the Middle East.

At a time when the nation of Israel is undergoing a great deal of internal torment in living up to its very generous commitment to move out of the Sinai, to have the Secretary of Defense and other high administration officials talk about a plan to sell destabilizing weapons to the Kingdom of Jordan as soon as our elections are conveniently out of the way, and the democratic process no longer interferes with their plans, is a very grave error.

The administration has time and again made the mistake of putting the Camp David peace process in second place. As long as we reward Arab nations which continue to vituperate and denounce any serious efforts toward peace, we are going to undermine the one serious chance we have had to end the killing and the bloodshed in the Middle East.

The latest proposal to sell arms to Jordan after the congressional elections is cynical and erroneous. It is important, I think, for Members of Congress to make clear that we are not simply going to wait until 1983 to approve a sale of weapons to the Kingdom of Jordan which would jeopardize peace in the Middle East, especially as long as they maintain their immoderate vituperation of the peace process. We must press the administration to drop this behind-the-scenes proposal to make Jordan a real threat to Israel.

CLARIFICATION OF CONFERENCE REPORT ON S. 1503

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, yesterday the House adopted the conference report on the bill S. 1503, the Standby Petroleum Allocation Act of 1982.

In the course of the debate on the conference report I engaged in a colloquy with the distinguished chairman of the Subcommittee on Fossils and Synthetic Fuels, on the Committee on Energy and Commerce, Mr. SHARP of Indiana. The purpose of colloquy was to clarify that agricultural allocations needed to preserve operations incident to the manufacture, transportation, and distribution of agricultural products must be construed to include input related to agricultural operations from production up to the point of final purchase. Specifically, mentioned in the dialog were such inputs as fertilizer and seeds in addition to others. I would like to make it clear that it is my view that one of the vital inputs in the agricultural chain from production to final purchase includes packaging used to preserve agricultural products. It is logical that the drafters of this legislation contemplated that operations incident to the manufacture and transportation of agricultural products be protected in the event that there is an allocation of petroleum products under this legislation. Otherwise the agricultural objective would be frustrated.

A similar clarification was included in the record of debate in the other body when S. 1503 was originally passed and again yesterday when the other body passed the conference report.

THE GROWING PROBLEM OF TOXIC WASTES

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, one of the most serious problems that we are facing in this Nation today threatening the health and lives of our citizens is the growing problem of toxic wastes, which are leeching out into the waters of this Nation, which have already created health problems, which have already created conditions in which entire communities are being threatened.

The problem is growing. It has been described sometimes as a ticking time bomb, but the fact of the matter is that it is so close to actually occurring that the time on that time bomb is fast running out.

Therfore, it was an incredible display of ignorance last week for the Environmental Protection Agency to issue a regulation that lifts the restrictions on the storage of liquid toxic wastes in landfills. Knowing the experiences of Love Canal, the Valley of the Drums, and other examples, they are simply talking about poisoning American people. It is, indeed, an incredible act.

As chairman of the Subcommittee of the Public Works Investigations, I today announce that we will begin oversight hearings into this serious matter.

OUR STUDENTS HAVE WON

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, I know better than to count my chickens before they are hatched; however, I do think it is important for Members of Congress and the public to know that we have really finally turned the corner in our battle to save the student financial aid programs.

The real job now is to keep the momentum going throughout the country and in the Congress itself. In that regard, I certainly hope that many of my Republican colleagues will join with many of their own colleagues on their side who have come forward to state in the last week that they would no longer support further cuts in the student financial aid program; so we are on the road and all I am saying now is let us keep it moving and we are going to be able to save several million students and give them the right to continue their education next year.

WAKE UP THE PRESIDENT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, the worst kept secret in Washington is that when important events occur, the President is napping.

I would like to advise the advisers in the White House that when they awaken the President today, that they advise him that another business group has formally broken with Reaganomics, calling for further deductions of the Federal deficit and for a slower buildup in defense.

The Business Roundtable has decided that the President's budget leaves likely future deficits so high that there is no way to prevent increasing interest rates.

A spokesman has said, "Without a sharp drop in interest rates, no reasonable recovery will be seen before the fourth quarter of this year."

Mr. Meese, when you awaken the President with the news, please advise him that the Business Roundtable still believes that deficits matter.

Mr. Speaker, I include an article from today's Washington Post:

[From the Washington Post, Mar. 4, 1982]

CORPORATE EXECUTIVES BREAK WITH REAGAN

(By Peter Behr)

Leaders of the Business Roundtable, representing the nation's largest corporations, have formally broken with President Reagan over economic policy, calling for further reductions in federal budget deficits and a slower buildup in defense spending.

The business leaders have decided that the president's budget leaves likely future deficits to high, and thereby increases the risk that interest rates will stay high as well. "Without a sharp drop in interest rates, no reasonable recovery will be seen before the fourth quarter," they said.

They also indicated that the Reagan tax policies should be reconsidered with an eye toward deficit reduction. Reagan has been adamantly against any reduction in the tax cuts scheduled this years and next.

The new position was reached after a reportedly sharp debate Tuesday among some 40 members of the Roundtable's policy committee meeting in New York City. Leading the meeting was Roundtable chairman Clifton C. Garvin, Jr., chairman of Exxon Corp.

The co-chairman, Theodore F. Brophy, chairman of General Telephone & Electronics Corp.; James H. Evans, chairman of Union Pacific Corp., and Walter Wriston, chairman of Citibank, were also present.

The Business Roundtable, whose members are the chief executives of 196 major corporations, is the primary lobbying organization for big business. In the past, its members have strongly backed Reagan's economic program and following his State of the Union message in January, Roundtable leaders urged that the Reagan program be given a chance.

Their new policy statement repeated their support for the president's "objectives and basic economic program."

But they said they were "deeply concerned by continued high interest rates and the size of the projected deficits for 1983, 1984 and 1985 and do not believe they are adequately addressed.

"We believe that interest rates and the projected deficits are interrelated," they said, warning that high interest rates will prevent a "reasonable" recovery from the recession until the last three months of this year, much later than Reagan has promised.

"The deficits cannot be addressed adequately without major permanent spending cuts including cuts in the indexed entitlement programs and a slowing of the defense buildup," they added.

Finally, in a terse comment on the debate over tax policy, the Roundtable members said, "it will be necessary to address the revenue side."

A Roundtable spokesman said the policy committee's new position was not issued as a statement. It will be communicated to the White House, however.

The position was endorsed unanimously by the policy committee members following the Tuesday meeting and its wording reflects a consensus of the members' views following a long discussion and debate. "That's as far as we've gone," said one Roundtable source.

The Roundtable members may try to agree on a specific position on tax policy, as that issue develops in Congress, the source said. They were not able to do so at Tuesday's meeting.

Some in Congress want to take back part of last year's business tax cut as one way to raise revenue and reduce the forthcoming deficits.

THE PRESIDENT SAYS DEFICITS DO NOT REALLY MATTER

(Mr. MOFFETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOFFETT. Mr. Speaker, apparently the President is on the ranch for a few days, but he has left the ranch in perhaps the most important way.

As a young man of 19 or 20 in the early sixties, I heard Ronald Reagan tell us about the evils of government spending and the evils of deficits, and as a young Member of this House in the early seventies, I heard Ronald Reagan tell us about how horrible the big deficits were. Some of us who had been Keynesian disciples listened very closely. We began to learn. We began to get educated, and now the President of the United States is telling us, as he did yesterday, that deficits do not really matter.

This born-again Keynesian is leaving the ranch of balanced budgets at a time when he has just convinced all of us on this side that they are so important.

I hope the President listens to the majority leader and others who have proposed a summit conference to get monetary and fiscal policy into coordination and that he comes back on the ranch feeling that high deficits are a very big evil. These interest rates must be brought down Mr. Speaker. And backing off the massive tax cuts and defense increase "won" by the President last year is the best way to do that.

THE PRESIDENT THROWS CAUTION TO THE WIND

(Mr. KOGOVSEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOGOVSEK. Mr. Speaker, at his last press conference, the President said he would exercise "cautious optimism" when discussing the state of the economy. Apparently caution has been thrown to the wind. While Deputy Treasury Secretary R. T. McNamar was projecting that unemployment may go to 10 percent, the President was telling reporters that the recession has begun to level out. Last year, it was easy for the administration to ask Americans to have faith. This year, Americans are still being asked to have faith, despite steady high interest rates, near-record business failures and alarming increases in unemployment. In my own State of Colorado, the number of unemployed increased 16 percent from December to January. New nationwide figures to be announced tomorrow are not expected to show a leveling out of unemployment statistics. Faith, and the administration's continuous unrealistic optimism, will not be our economic savior. Rose colored glasses will not drop inflation to OMB's projected 4.8 percent in 1985, or drop interest rates that year to 8.5 percent, or unemployment to 6.4 percent. Realistic economic assumptions and a reasonable approach to domestic and defense spending and tax policy will.

RESTORATION OF VETERANS' DEPENDENTS BENEFITS

(Mr. MARTIN of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN of North Carolina. Mr. Speaker, I am today, with Representatives EDGAR, WHITEHURST, and HANCE introducing legislation which will restore benefits for a group of dependents of deceased veterans. This is a small group who were swept up in social security reforms in last year's Reconciliation Act.

The bill amends title 38 of the Code and provides thereunder a benefit equal to what these individuals, aged 16-18, would get under social security had not the cut-off age for social security dependents' benefits been dropped from 18 to 16. This benefit would be available to the children of servicemen and veterans who were killed in action or who died from service-connected causes.

Some may want to consider fully restoring a broader range of citizens to eligibility, including all social security dependents. That would cost a half billion dollars. We must recognize that this particular, narrow group constitutes a special case in that there was an implicit contract related to the enlistment of the deceased: that should he die in, or as a result of his service, his children would be taken care of through age 18. The purpose of this legislation is to make good on that.

☐ 1145

STUDENT DRUG USE

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I was pleased to learn recently of some good news in this Nation's battle against drug abuse by young people. For the third straight year, researchers are reporting a drop in marihuana use by high school students.

In a study done for the National Institute of Drug Abuse (NIDA), researchers found that in 1981 1 of every 14 high school students said they used marihuana daily. Compared to 1 in every 9 students in 1978 that said they were daily marihuana users.

The study of 17,000 students nationwide also revealed a drop in use of cigarettes, PCP, and some inhalants and tranquilizers.

The researchers believe that more students are paying attention to warnings about the health and psychological hazards of drug abuse. In fact, almost 60 percent of the students said they think regular marihuana users face a "great risk" of harming themselves.

As ranking Republican on the Select Committee on Narcotics Abuse and Control, I am pleased to see that headway is being made in efforts to educate our young people about the hazards of drugs.

FREE AND FAIR TRADE

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, today, legislation will be introduced, of which I am a cosponsor, to restore the President's authority to assure overall trade reciprocity with countries which raise trade barriers against U.S. goods and subsidize their exports to us.

The problem is critical and is seriously hampering our economic recovery effort, it is costing the jobs of thousands of Americans.

The bill we are introducing would require the President to take steps to terminate trade agreements with other countries if our trading partners fail to provide equivalent competitive opportunities for U.S. products and raw materials.

It would also give the President the option of increasing import duties or establishing import restrictions.

While I strongly support bilateral trade agreements, I believe we have a commitment to the American people to do all in our power to promote fair trade. Free trade cannot be a one-way street. Free and fair trade is a two-way street.

Reciprocity is not synonymous with protectionism. It is not a device to limit our markets, but a means to open foreign markets to American trade.

This legislation is designed to promote negotiation and encourage our trading partners to open their markets to U.S. goods, services, and raw materials.

Unfortunately our existing trade laws, particularly the GATT, are insufficient to insure free and fair trade.

While I would hope that the President would not have to use the authority this legislation would confer, never the less the United States must be prepared to force the issue. This bill would give the President the necessary authority.

CONGRESS IS OUT TO LUNCH

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I am, as many of my colleagues are, becoming increasingly concerned about the lack of action, the lack of motion that we have seen in this Congress since our Christmas recess. We have time and time again listened to speakers come before this body and redefine the problem, stating that this country is in a mess, speaking of the growing deficit, without coming up with solutions.

It has been said now by the gentleman from Arkansas: reference has been made to the President that might be napping. But what the gentleman from Arkansas did not make reference to is the Congress that has been out to lunch since December 1981.

It is time for the majority party of this body to come up with solutions and to quit making political hay on the backs of the poor and the unemployed.

WE NEED THE MAJORITY PARTY'S IDEAS

(Mr. DUNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNN. Mr. Speaker, like my colleague who preceded me, yesterday I took the floor to ask Members of the majority party to submit their ideas, as they have for 25 years, to the American public on this budget.

Are you proposing higher taxes? Do you like higher interest rates? Are you proposing cutting entitlements? Tell us what you want to do.

I was wrong in saying they haven't come up with any ideas. One of my colleagues, after I spoke yesterday, reminded me they had sent out their committees throughout the country last year to study Reaganomics. They do have a concrete proposal coming in front of us. They want to raise those committees' spending levels by another 20 percent this year. If that is the best you have to do, gentlemen, good luck.

CONGRESS IS NOT WORKING

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, probably the most important problem facing the country today is the fact that we have a lot of Americans who are not working. Congress shares that with them. We are not working either. The difference is that we are being paid $60,000 a year for not working.

We are doing nothing around here. At the same time, we could be doing a lot of things. We hear many colleagues talking about a balanced budget. We have had balanced-budget amendments before committees around here now for some months. Why not bring one of those amendments onto the floor? The American people are waiting for it.

Eighty-six percent of the American people think we ought to restore school prayer. Why not bring that issue out? We have the time to do it. The American people see rampant crime. They think we ought to restore the death penalty as one of the ways to deal with crime. Well, why not bring it out here and debate it? We have the time. We are not working. Let us use the time. Let us begin addressing some of the concerns that the American people expect us to be addressing. Let us get to work.

RELEASE OF SOME SECRET INFORMATION IS NECESSARY

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, your personal envoy to El Salvador, our distinguished colleague, JOHN MURTHA of Pennsylvania, did an excellent job of factfinding down there last month. I hope that all the members of your party and mine will read his full report when it is ready next week.

I have just returned, yesterday, from 3 days in El Salvador myself. It is the second trip I have made to that tiny nation within the year, and I would like to make some observations about top secret briefings and documents concerning Central America.

All across the networks' news programs last night there were stories about a Member of Congress possibly having released top secret information about what this country is doing in laser space weapons. This would be very unfortunate if true. What we are doing in military R. & D. absolutely must be kept top secret. We must maintain absolute secrecy in a second category of intelligence, that is, how we obtain intelligence information worldwide. It is and should be top secret whether it is KH-11 satellite photography, film or radar from multisonic high-altitude aircraft like the SR-71, or high-altitude aircraft like the U-2 that must always be kept secret—how we get it. But there is a third field of secrecy classification that I believe we must start releasing to the American people. That is: What the Soviets are doing; what the Cubans are doing; and what the Soviets and Cubans and Nicaraguans are doing together in El Salvador. I believe, and I have seen hard-core evidence that proves the statement, that our Secretary of State is correct when he says that the El Salvadoran guerrilla terrorism is under "external command and control." He says the evidence is "irrefutable and incontrovertible" and I believe it is. But it must be shown to the American people and our ever-hungry free press.

Freedom of Information Act releases 10 years after the fact proving our policies were just and correct after one more country is lost to communism, do us absolutely no good. The thousands of refugees, by then, are here in the United States or dead. I hope that some Senators in my party and some Congessmen in my party, not accompanied by radical propagandists, and benefiting from a solid pretrip CIA briefing before they go down, as I did, will go to El Salvador soon. This little, beleaguered country is closer to my hometown of Los Angeles than Los Angeles is to our Capitol here in D.C. It is closer to other States like Arizona, New Mexico, or Texas, than is the State of Massachusetts or Maine or Washington State to Florida.

See it for yourself before it is too late. The domino theory lives again. Ask the surviving boat people about domino theory No. 1.

TOXIC WASTE NIGHTMARE

(Mrs. FENWICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FENWICK. Mr. Speaker, I will not take a minute, but I would like to speak concerning the new regulation of the Environmental Protection Agency.

In New Jersey, we are faced with a most serious toxic waste situation. In one of our big cities, the whole water supply is in danger. The idea that drums can be buried, when we know how they leak, and can pollute the water supply, is surely a grave mistake. For the State of New Jersey, it is indeed a very serious matter if any relaxation of these regulations is to be allowed.

SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT OF 1981

Mr. UDALL. Mr. Speaker, pursuant to House Resolution 357, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5118) to provide water to the Papago Tribe of Arizona and its members, to settle Papago Indian water rights claims in portions of the Papago Reservations, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. UDALL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAILSBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 359, nays 0, not voting 75, as follows:

[Roll No. 17]

YEAS—359

Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bevill
Bliley
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Brown (CO)
Brown (OH)
Broyhill
Burgener
Butler
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Clausen
Clinger
Coats
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Daub
Davis
Deckard
Dellums
DeNardis
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dornan
Dougherty
Dowdy
Dreier
Duncan
Dunn
Dymally
Dyson
Early
Eckart
Edgar
Emerson
Emery
English
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Evans (IN)
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fithian
Flippo
Foley
Ford (MI)
Ford (TN)
Fountain
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Ginn
Glickman
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hyde
Ireland
Jacobs
Jeffries
Jenkins
Johnston
Jones (NC)
Jones (OK)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
LeBoutillier
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
McClory
McDonald
McEwen
McGrath
McKinney
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (NY)
Moffett
Molinari
Mollohan
Moore
Moorhead
Morrison
Mottl
Murphy
Myers
Natcher
Nelligan
Nelson
Nichols
Nowak
Oakar
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rosenthal
Roth
Roukema
Rousselot
Roybal
Rudd
Russo
Sabo
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stanton
Stark
Staton
Stenholm
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Watkins
Waxman
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Williams (MT)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki

NOT VOTING—75

Addabbo
Ashbrook
Beard
Bethune
Biaggi
Bingham
Blanchard
Boggs
Burton, John
Burton, Phillip
Chisholm
Clay
Coelho
Crockett
de la Garza
Derwinski
Downey
Dwyer
Edwards (AL)
Edwards (CA)
Edwards (OK)
Erdahl
Erlenborn
Fary
Fish
Florio
Foglietta
Forsythe
Fowler
Gingrich
Goldwater
Gonzalez
Hance
Hatcher
Holt
Huckaby
Hutto
Jeffords
Jones (TN)
Leland
Lowry (WA)
Marks
Mattox
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McHugh
Mica
Mitchell (MD)
Moakley
Montgomery
Murtha
Napier
Neal
O'Brien
Oberstar
Obey
Patterson
Pepper
Price
Pritchard
Richmond
Rostenkowski
Santini
Savage
Shelby
Smith (OR)
Stangeland
Stokes
Whitten
Williams (OH)
Young (AK)
Zeferetti

□ 1200

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5118, with Mr. HALL of Ohio in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Arizona (Mr. UDALL) will be recognized for 30 minutes, and the gentleman from New Mexico (Mr. LUJAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I yield such time as he may require to the gentleman from Texas (Mr. KAZEN), the distinguished chairman of the Subcommittee on Water and Power Resources.

□ 1215

Mr. KAZEN. Mr. Chairman, I strongly support approval of H.R. 5118. The bill, which was introduced by the gentleman from Arizona, the chairman of the full Committee on Interior and Insular Affairs, was developed subsequent to oversight and legislative hearings which were held in Arizona last year by the Subcommittee on Water and Power Resources, which I chair. Many of the suggestions made by witnesses who testified at those hearings are incorporated in the bill.

The water resources of the State of Arizona are limited. Much of the water supply is groundwater and because of increasing populations, a serious groundwater overdraft problem has been created.

The people of Arizona are not unaware of their water problems and have acted to correct them. The legislature has adopted a strict groundwater code limiting new uses of groundwater and instituting other conservation measures.

In the Tucson area, which is one of the largest metropolitan areas in the world entirely dependent upon groundwater, significant conservation measures have been undertaken on a voluntary basis. However, implementation of a meaningful water management plan for the area is dependent upon the settlement of longstanding disputes over the water right claims of the Papago Indian Tribes. A settlement is required in order that the various users, the people of the city of Tucson, important mineral resource industries in the area, farmers, and the Indians themselves, will have a secure knowledge of what their water entitlements are and that they will have a dependable supply of water.

Mr. Chairman, the amount of water which will be delivered to the Indians under the provisions of H.R. 5118 is far less than the amount which they claimed in testimony before the Subcommittee on Water and Power Resources and may well be far less than that which they could obtain through litigation. But such litigation would be expensive not only in terms of money, but in terms of valuable time lost in the needed development of water resources in southern Arizona.

H.R. 5118 is the product of long negotiation involving all of the interested parties. Enactment of the bill will avoid lengthy and expensive litigation. Through the bill, Chairman UDALL has provided a reasonable solution to a difficult problem and I urge approval of the legislation by the House.

Mr. UDALL. Mr. Chairman, I yield myself such time as I may consume, and I take this time to thank the gentleman from Texas (Mr. KAZEN). He has been critically important in the development of this legislation; he has worked hard and in a very conscientious manner typical of his service here.

We think we ought to make him an honorary citizen of Arizona in light of all his service and devotion to this issue on behalf of the people of Arizona and maybe name a cactus after him or name a small mountain after him one of these days.

Mr. Chairman, it is a great privilege to work with the gentleman from Texas, and on behalf of southern Arizona, we really appreciate all that he has done.

Mr. LUJAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Chairman, I rise to join in the support of the legislation, H.R. 5118, the Southern Arizona Water Rights Settlement Act, and to join in concurring in the remarks that were presented by our distinguished chairman, the gentleman from Texas (Mr. KAZEN). I commend him for the remarks that he made, and I also commend him for his leadership once again on some of these very important water resource issues.

This has been a genuinely bipartisan effort, with the very distinguished gentleman from Arizona (Mr. UDALL) and the gentleman from Arizona (Mr. RHODES) working together to coordinate the input to the committee on behalf of the State of Arizona as well as the rest of the delegation. It has been a genuine bipartisan effort in an attempt to resolve some of these perplexing problems.

I also want to take just a brief moment to commend the gentleman from New Mexico (Mr. LUJAN), our ranking minority member, and, in particular, the gentleman from Nebraska (Mr. BEREUTER), who has taken on the assignment on behalf of the minority to work with the distinguished chairman of our full committee on some of these very difficult Indian issues. He has been most helpful and most scholarly in the manner in which he has proceeded to help resolve some of these issues.

Mr. Chairman, over 100 years ago, the Government of these United States created the Papago Indian Reservations. The trust so established between the United States and the Papago Tribe included the Government's duty to legally protect the water resources of the reservations. The United States has neglected this responsibility and has, in fact, actively encouraged development of industrial and municipal water uses of no benefit to the Indian Tribe.

Seven years ago the Federal Government took action against approximately 1,800 non-Indian water users in the Tucson area: asking that their use of the water supply be discontinued. This action forces the local non-Indian citizens to pay the full price for 100 years of neglectful water policy.

Mr. Chairman, I feel that this is not the most equitable solution to the situation. Therefore, I ask support for the balanced settlement proposed by H.R. 5118.

This legislative settlement provides that water be delivered to the Papago Tribe at the expense of the non-Indian water users. Critics have claimed that this settlement requires excessive payments by the Federal Government. Mr. Chairman, clearly, this is not the case. The only expense borne by the United States is that of delivering water to the Papago Tribe which is contributed by the non-Indian water users.

In addition, a trust fund established by the bill will provide income to be used by the tribe for putting the water to the most beneficial use. This will not result in a budget outlay because only the interest gained on the trust fund will be distributed to the tribe.

This bill provides equitable settlement to the situation. It is one which achieves the necessary balance of conservation and management of the limited water resources in southern Arizona.

Mr. LUJAN. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I rise in support of H.R. 5118, the Southern Arizona Water Rights Settlement of 1982.

This bill would implement a negotiated settlement of the water rights claims of the Papago Indian Tribe. These claims have their basis in nearly 100 years of failure by the United States, as trustee for Indian natural resources, to protect the Papagos' precious water supply.

Over the years, the Papago, an agricultural tribe now numbering about 14,000 members, have seen their surface waters disappear and many of their wells go dry as a direct result of groundwater pumping by non-Indians adjacent to the reservation. Only in 1975, did the United States act to protect the tribe's water by filing suit to enjoin the off-reservation pumping. This litigation was the stimulus for negotiations that produced the settlement embodied in H.R. 5118.

H.R. 5118 would settle the tribe's claims by providing the tribe its existing entitlement of 37,000 acre-feet of Central Arizona Project water, 28,200 acre-feet of reclaimed water from the city of Tucson, and a delivery system to bring the water to two of the tribe's three reservations. The bill would also establish a $15-million trust fund in the U.S. Treasury, the interest from which would be used by the tribe solely for putting its water to beneficial use.

As a member of the Interior Committee and as chairman of the committee's Republican Task Force on Indian Affairs and a member of the Water and Power Subcommittee, I must say I am deeply disappointed that, despite support within the Interior Department for this settlement, the administration's position, communicated by the Office of Management and Budget, is not supportive of H.R. 5118. I am particularly disappointed that OMB would raise concerns on the basis of needlessly exaggerated estimates of the settlement's actual costs.

The Congressional Budget Office has estimated expenditures authorized by the bill at $101 million over the next 5 years, with outlays of $96 million. However, fully $85 million of this amount is for construction of portions of the Central Arizona Project (CAP) that would be built whether or not the Papago settlement is enacted; $65 million of it would be for part of the end of the Tucson Aqueduct, and $20 million would be for on-reservation irrigation works to deliver CAP water which the Secretary must provide the tribe under existing law. The only significant new cost of the settlement itself is $15 million for the trust fund, which will remain in the Treasury while interest from it is paid to the tribe.

In contrast, OMB reportedly estimates over $100 million in additional capital costs for construction on the assumption that a separate pipeline would have to be built to deliver Tucson's reclaimed water to the reservation. This assumption ignores the fact that the bill gives the Secretary of the Interior discretion to determine the most feasible and cost-effective method for delivering the reclaimed water or its equivalent from other sources.

And this assumption disregards the fact that none of the parties to the settlement expects or wants such a pipeline to be built. If this phantom pipeline is not built, the United States would be spared an additional $8 million or so in operation and maintenance costs.

In addition to objections to the bill's cost, OMB has suggested that it would set a precedent of having the United States pay the full cost of a settlement of claims for which other parties are also responsible. This is simply not true. Negotiated settlements of Indian land and water claims enacted by Congress over the past few years have recognized the principle that parties to claims must share the burden of settlement. Under H.R. 5118, the city of Tucson and its taxpayers will provide, at no profit, 28,200 acre-feet of treated water annually for use by the tribe. At its current estimated value of $50 per acre-foot, this water is worth $1.4 million annually. The city will thus forgo both the potential use and sale of this valuable asset as its contribution to this settlement.

Finally, OMB would have us assume that the United States will have to pay the Papagos $17 million annually, in perpetuity, as damages in the event that water from all potential sources is not available to the Secretary to meet his obligations to the tribe. This assumption not only pegs the cost of water at an amazing $250 per acre-foot, it also assumes that the entire Colorado River and all southern Arizona will go bone dry very soon and stay that way. While it would be presumptuous of us to assume such an event could not happen, it would be ridiculous for us to assume it will happen and inflate the potential cost of this bill accordingly.

With all due respect, I would urge the good people at OMB to reconsider their figures on this legislation. We are jointly charged with the responsibility to seek fiscally responsible and fair solutions to many problems. In this case, no one who is familiar with the Papago claims can deny that they are very strong claims. Also it must be emphasized that these claims would not exist were it not for the failure of the United States to meet its legal obligations to the tribe. It is therefore incumbent upon OMB, as it is on us, to seek constructive solutions which recognize the severity of the problems posed by these claims and the need for a fair and just solution to them. The sad fact of our situation is that there is really no cheap, or easy, or better alternative to a settlement that has been reached by the parties involved after years of difficult but good-faith negotiations.

I know of no fair and acceptable alternative, other than the settlement provided by this bill, that would have the support of the parties involved. Without legislation such as this, the Papago claims will have to be litegated. This will mean that the United States will be required to bear the cost of years of litigation while the more than one-half million citizens of southern Arizona would have to endure years of uncertainty about their future water supplies.

Mr. Chairman and Members of the House, H.R. 5118 is a balanced, workable, and relatively inexpensive settlement of some very complex and expensive claims. Fiscal prudence actually argues for its passage. The bill has been thoroughly considered by the Subcommittee on Water and Power and by the full Interior Committee, and I believe it is clearly worthy of my colleagues' support. I strongly urge your favorable vote on H.R. 5118.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I am pleased to yield to the committee chairman.

Mr. UDALL. Mr. Chairman, there was a time around here—and I have been around a long time—when Indian legislation always went roaring through the Congress. And in recent years, some have made political profit out of opposing a lot of Indian legislation.

The gentleman from Nebraska (Mr. BEREUTER), who has become one of the most valuable members of our committee in a very short time, has taken on the task of being spokesman for the million or million and a half American Indians who need our help and need our understanding. It is an important job he does, and he does not get much credit for it.

Mr. Chairman, I want to thank the gentleman for his support of this legislation.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman from Arizona (Mr. UDALL) for his kind remarks.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the ranking minority member, the gentleman from New Mexico.

Mr. LUJAN. Mr. Chairman, I certainly think the commendations are appropriate, and I want to join with the chairman of the committee in commending the gentleman from Nebraska (Mr. BEREUTER). As a matter of fact, the gentleman volunteered to be the chairman of our Task Force on Indian Affairs, and he has taken a very active interest in it. The gentleman has done a good job with it, and I thank him for his efforts.

Mr. UDALL. Mr. Chairman, I have only one remaining speaker, namely, myself.

Mr. LUJAN. Mr. Chairman, I have two requests for time on this side.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 5118. There is no doubt that the water rights claims of the Papago Indian Tribe as to the San Xavier Reservation and the Shuk Toak District of the Sells Papago Reservation are very strong claims. It is obvious that the water tables were substantially lowered by non-Indian interests, and that the United States, as a trustee, is obliged to protect the water rights of the Indian tribes. This bill provides for a just settlement which was negotiated in good faith by all of the parties involved, including the tribe, the city of Tucson, and the major copper mines and irrigation districts in the area.

It is also important to recognize that the cost of the settlement will not be borne solely by the United States. The city of Tucson will be required to provide reclaimed water free to the Secretary of the Interior to deliver to the Papago Tribe. The community revenue which the city of Tucson would lose as a result is their equitable contribution to this settlement.

It is interesting to note that OMB figured into the final cost total, the expense of delivering treated water to the Papago Tribe when, in fact, this delivery system may never have to be built. In addition, approximately $65 million of the construction costs would have to be spent in any event to provide water to the city of Tucson under the Central Arizona Project.

In conclusion, I feel this bill, H.R. 5118, is the best and least expensive solution to settle the water rights claims of the Papago Indian Tribe. It is vital for the continuation of economic growth and development in southern Arizona. If this issue remains in the courts, the United States will spend many more dollars in litigation costs and the city of Tucson will be unable to rely on the water tables during that time.

I strongly urge all of my colleagues to support this equitable settlement.

Mr. LUJAN. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, I am very pleased to rise in support of this bill. I am especially pleased to join in congratulating the chairman of the committee, my good friend and colleague, the gentleman from Arizona, Mr. MORRIS UDALL, for the work which he has done not only on the bill here in Washington but also in the negotiations which resulted in the settlement—a very difficult set of negotiations which has resulted, I think, in justice to everybody.

□ 1230

I also want to thank the gentleman from Texas (Mr. KAZEN), chairman of the subcommittee, and the gentlemen on my side of the aisle, my very good friend and neighbor in the Rayburn Building, DON CLAUSEN, and MANNY LUJAN, my neighbor in New Mexico, and my good friend DOUG BEREUTER, and all of the others on the committee who have had so much to do with this.

I also want to pay tribute to the mayor of Tucson, Lew Murphy. Arizona is blessed by some really great people serving as mayors of our various cities. In my own congressional district I have six mayors and I have never in 30 years had a single turkey as a mayor of any of my cities. They have all been great, and they still are.

Tucson does not happen to be in my district but I know Lew Murphy and his work very well, and this settlement, the fact that it has been able to be brought about, is a tribute to his statesmanship as well as to the statesmanship of my good friend and colleague from Arizona, Congressman UDALL.

It has already been said, of course, that this is very important legislation because it fulfills the trustee obligations of the United States to the Papago Indians, one which is important. It also will pave the way toward the delivery of the wet water which is certainly a part of the understanding in the Indian water allocation which was put together by the former Secretary of the Interior, Mr. Andrus, and has recently been confirmed by the present Secretary, Secretary Watt.

I only wish that it were possible instead of having one Indian tribe in this bill to have all of the Indian tribes of Arizona which will get water from the Colorado River and the central Arizona project in this bill. Unfortunately, it was not possible to get the same kind of agreement at the present time that we have with the Papagos. Also, the situation involving most of the other tribes is not quite as acute as the situation involving the Papagos. So, when you have an agreement, go ahead and put it into law.

In my opinion, this will work for the best interests of everyone. Certainly it is necessary for the expansion of the city of Tucson that this be done. As I said yesterday on the floor, Tucson is the largest city in the world that is completely dependent on an underground water supply. In one of the 1-minute speeches there was mention of the fact that the landfills around the country and the disposal of wastes has polluted water aquifers. That has also been true in Tucson and, to some degree, in some of the other cities in Arizona.

So I think that underscores the importance of this very important bill. I sincerely believe that the funds which will be appropriated in accordance with this bill will be well spent. They are funds which will undoubtedly head off any possibility that there would be other expenditures by the Federal Government by way of recompense because of a job of trusteeship that was not too well done in the past years.

I would like to ask my good friend and colleague from Arizona to help me to answer a question which I have been getting on my side of the aisle. It has to do, with the fact that in the past we have tried to solve Indian claims and have found that when we solve one that a few years later there is another claim which arises. It is my understanding that this will, once and for all, solve the water problems between the Papago Tribe, the United States of America, the city of Tucson and some private water users in that part of the State.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Arizona.

Mr. UDALL. The gentleman is basically correct. The gentleman will remember in 1948 we passed the Indian Claims Commission and for 30 years we had that commission settling land claims.

The **CHAIRMAN.** The time of the gentleman from Arizona (Mr. RHODES) has expired.

Mr. UDALL. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. I yield to the gentleman.

Mr. UDALL. We are now going to focus on water claims particularly in the West and Members in the Chamber here from the Western States are going to have to do this. I think we have shown here in this bill the pathway that will lead us to a solution to water problems in other parts of the West.

There has been one lawsuit in Nevada that has been going on for 40 years and they have spent $40 million. The genius of the settlement we have worked out down here, I can say to my colleague, is that the Indians came in with all of the other groups and they have agreed to have this bill passed.

It really does settle this division of the Central Arizona water project and it settles all of these basic underlying issues about how we are going to get along in that basin with the water that is not enough for all of the uses.

So this is, I think, a good precedent and it will put to rest for now, at least, and I think permanently, any division between the different groups on the division of water.

Mr. RHODES. The gentleman from Arizona agrees with me that this is as permanent a settlement as one can expect when one is dealing with Indian claims?

Mr. UDALL. The gentleman is correct.

Mr. RHODES. I thank the gentleman and yield back the balance of my time.

Mr. LUJAN. Mr. Chairman, I just wanted to take 1 minute to rise in support of H.R. 5118. I think this is a fair and reasonable settlement of the claims between the Indian tribes and the non-Indian community. It discharges some pending lawsuits.

As a matter of fact, the benefits to the Indian tribes are contingent upon those lawsuits being dismissed.

I would like to follow up on the colloquy the two gentlemen from Arizona were having.

I fully agree that this probably is the best way to settle all of these Indian water claims. I know in my own State we have several of these claims pending in court. I think if we could get everyone together on agreeing on the amounts and the benefits and responsibilities that each one would get, and, as a matter of fact, I have contacted our State engineer who is the chief water person for the State to see if perhaps in this legislation we can find some kind of a model so that we can settle some of those claims that we have at home.

I think it is a good beginning. I think it is a good model for us to use.

I yield back the balance of my time.

Mr. UDALL. Mr. Chairman, I yield myself 3 minutes.

Water, of course, has always been life, as the old cliche goes, in the desert. Some of my earliest political memories are as a kid of 8 years old in a little town in northern Arizona, and the politicians would come through in the fall, even in the odd years, telling us that they were going to save the Colorado River water from New Mexico or California or whoever. I never dreamed that I would be here with JOHN RHODES 30 or 40 years later working on Arizona water issues.

A good portion of our joint careers here in this Congress have been devoted to trying to resolve the water problems of Arizona.

The people in my committee have heard most of my stories but maybe the House would appreciate one of my favorites. The first Senator from Arizona got up and was making a speech and he was a very florid speaker and he was speaking of the great State of Arizona, that magnificent State, and saying that it has every potential, that it can become a veritable paradise, but he said, "To become a veritable paradise in Arizona we need water and we need lots of good people."

A Senator from the State of Vermont got up and said, "If the gentleman will forgive me, that is all they need in hell."

We now have in Arizona a lot of good people. We are the Sun Belt and they are coming to us from all over. But we do not have the water and this legislation will help us to assure the water future of southern Arizona.

I have letters here that I will get permission to put in the RECORD when we go back into the House from the mayor of Tucson, that my colleague from Arizona, Congressman RHODES, rightly praised, the mayor of Tucson. I also have letters from the Duval Mining Co., from the Anamax Mining Co., from the Papago Indians, and from various irrigation and water people.

We have done the job of resolving this troublesome water rights issue in Arizona. We have gotten together and resolved our differences. We bring this to you as something of a model, as a constructive example of a voluntary settlement.

Our committee is blessed by not too often being partisan. Once in a while the partisan fires light up a little bit but generally we are a bipartisan committee on resources and Western problems generally.

I want to say that it makes me especially proud today. I have talked about DOUG BEREUTER and MANNY LUJAN and

Bob Lagomarsino and **Don Clausen** and some of the senior Republican members of our committee who are here standing up for southern Arizona on a water issue. They can expect the same kind of reciprocity from me when they have problems in their States.

Arizona has to tackle some more issues in the Phoenix area and before **John Rhodes** goes into retirement at the end of this year I want to work with the Phoenix people to resolve some of their problems.

So, Mr. Chairman, this has been a proud day for me and I hope the bill will be passed overwhelmingly.

The story of the Southern Arizona Water Rights Settlement Act is a classic: It is a story about people and water, and it began years and years ago.

I am always reminding my colleagues that my district in Tucson and Pima County is special—to my knowledge, it is the largest city in the United States and one of the largest in the world that is solely dependent on underground wells for its total water supply.

All farming, all industry, and the half-million people of Tucson are supplied with water from two basins that lie beneath the Tucson Valley.

Also located in that valley and using the same water are the Papago Indians. The Papagos, who are by heritage a farming people, live on two reservations in the Tucson Basin area: San Xavier, south of the center of town, and the Schuk Toak District, to the west and near our largest irrigation districts.

The San Xavier Reservation was established by President Ulysses S. Grant in 1874. The Schuk Toak District was established by President Woodrow Wilson in 1916. Both areas have a reserved water right of some kind, but no one has yet told the tribe just exactly how much water they are entitled to.

Over the last several years, folks in my hometown of Tucson have become increasingly concerned about declining underground water supplies. Already, the land is beginning to crack as the water table drops. Water quality has been affected and well capacity has been reduced.

On top of this, in 1975, the Federal Government, on behalf of the Papago Tribe, filed suit against some 1,800 defendants in the Tucson area. The suit says that non-Indian water users have infringed the rights of the Papagos, and asks that those water users be enjoined from continued use of ground water under Tucson. The defendants to the action include the city of Tucson, the University of Arizona, the Anaconda and the Anamax Copper Cos., the Pima Mining Co., the DuVal Corp., and major agricultural districts, to name a few.

A decree by the court ordering the wells of these entities shut down would probably sentence the whole county to die of thirst. It would certainly have a serious impact on the mines near Tucson, which produced almost 25 percent of the Nation's total domestic output.

The water users in my part of the country are confused and angry. They want to know why, after all this time, the Federal Government is coming in and saying, Yes, Papago Tribe, you have a right to water from the Tucson Basin and we are going to let a court decide who has to give up their water in order to supply yours.

Federal judicial doctrine provides that when Indian reservations are set up, they are entitled to water. But the doctrine does not say how much water. You can understand how that has created some uncertainty out West.

The United States is trustee for the Indians, and as trustee, it has a duty to protect the Indians' water. In Tucson, up until the filing of this lawsuit, the Federal Government took little or no action to protect the Papagos water. And visible signs of diminishing supplies were apparent: The Santa Criz River flowed on the surface of the reservation when San Xavier was first established. But eventually the Santa Criz literally went underground and its riverbed dried up. The ground water table has steadily decreased ever since.

The Federal Government, meanwhile, was busily working against itself: On the one hand, it remained lax in protecting the Papagos water, but on the other hand, it encouraged development of municipal, industrial, and farming interests—all of which increased demand on water supplies.

The mines are a good example. South of Tucson there are four major mining operations, the DuVal Corp. mines for copper and molybdenum. This company located in the Tucson Valley at the instigation of the United States, under the Defense Production Act, and relied on the Government's assurance that they would have adequate water.

Since then, DuVal has bought and retired about 17,000 acres of farmland, in order to reduce the demand on the ground water supply. Other mines have done the same. All together, some 50,000 acres have been purchased and retired from irrigation use.

The mines have also been at the forefront of studies and tests to determine whether it is feasible to reuse effluent in the mining process. They have voluntarily implemented water conservation by recycling water, recovering water from tailing operations, and recapturing and reusing seepage.

After these examples of conservation and after the Government invited them to southern Arizona, the mines now are being told that they and other non-Indian water users must bear the entire burden for restoring the Indians' water supply.

Mr. Chairman, that simply is not fair.

In another striking example, a local farmer approached the Papago Tribe with an offer to enter into a long-term lease to sink wells, put in a distribution system, give preferential hiring treatment to members of the tribe, and farm the reservation for 25 years.

At the end of that time, the farmer would turn over the whole works to the tribe—wells, distribution systems—everything. The Department of the Interior, as trustee, refused the offer. The municipal and industrial water users convinced the Secretary that intensive farming on the reservation would deplete the ground water supplies available for other non-Indian water users, and that it was in the best interest of the whole community that the reservation not be developed for irrigation.

After decades of neglecting its trust duties, and particularly in light of the encouragement given the non-Indian sector of the community, and the reliance that has developed, it is unfair to ask that the entire burden of this settlement fall on this generation of southern Arizonans.

OMB is suggesting that this bill is not a good idea because there is no local participation. Nothing could be further from the truth.

Quantification of these Papago claims is the final piece of the picture for ground water management in southern Arizona. The roots go back to the CAP authorization, when the Congress told us that Arizona would have to find a way to control irrigated agriculture. That meant that Arizona would have to come up with a statewide, comprehensive ground water code to reduce ground water use and impose mandatory conservation measures.

Arizona did that. In 1980 the State legislature passed a tough law that prohibits irrigation of new lands, requires pumps to be metered, and will require conservation and reduction in water use. That is the price we paid for getting a Federal reclamation project.

In addition, for every acre-foot of water that irrigators use from the CAP, they will be required to reduce their ground water pumping by an equal amount. The goal of the management plan is to bring the most critical basins back into balance by early in the next century.

In order for this basin management plan to work, it is essential to determine the water rights of the Papago Tribe.

For more than 4 years, the major water users and members of the Papago Tribe have been negotiating to see if this conflict could not be resolved without spending years in court and thousands of dollars on court costs and attorney's fees.

Finally, last summer, the parties came up with an agreement. That agreement is this bill, H.R. 5118.

The settlement provides that, in addition to CAP water the Secretary is already obligated by contract to deliver to the tribe, additional water will be provided, at the expense of the local water users. This additional water will come from ground water pumping and reclaimed water that the city will make available at no cost.

The bill requires only that the Federal Government deliver the reclaimed water and that a trust fund be set up and the income be paid to the tribe to put the water to beneficial use.

Incidentally, I noticed that the Democratic whip advisory says that the outlays required in 1983 would be $15 million. That is the principal of the trust, but because it is not distributed to the tribe, it will not result in a budget outlay in fiscal year 1983. I have a revised letter from CBO that states this position.

The bill does not specify how the delivery of the reclaimed water is to be accomplished. That is left to the discretion of the Secretary in order to permit him to make a decision based on available technology and cost effectiveness.

One possibility is to build a direct pipeline to deliver the reclaimed water to the reservation. There is very little chance such a pipeline would be built; none of the parties involved in this settlement wants it to be built. They would rather have the Secretary exchange the reclaimed water with farmers, or treat it in a land filtration system, or use it on lands closer to the treatment site.

The bill leaves it to the discretion of the Secretary and it is very unlikely the direct pipeline will ever occur.

The kind of negotiated settlement that this bill contains is a far preferable alternative to other means of resolving these intense, emotionally charged water claims issues.

If voluntary settlements like this one are not pursued, the United States has little choice but to go back to court. And court can be very time consuming and very costly. The Department of the Interior tells me that in one water rights case in the West, the parties have been litigating for almost 50 years at a cost of $40 million in court costs and attorneys' fees. And now, in that case, the parties are beginning to explore the possibility of a voluntary settlement, like the one in the Papago bill.

Over the years, the Interior Committee has worked on several Indian Settlement Acts. Many of them have been land claims in Eastern States, and Congress and the Federal Government have acted to settle those troublesome claims out of court. We felt there was some Federal responsibility involved and took a lead role.

Those of us in the West do not have Indian land problems, but we do have water problems. And the same rationale and understanding that we applied to the earlier land settlements can and should be applied here.

This settlement is the result of many long hours of negotiation and work. I believe it is a sound bill, and a balanced approach to the Indian water rights problem.

Mr. Chairman, I have received very strong letters of support from the mayor and council of Tucson. Mayor Lew Murphy writes that "a legislative settlement of the Papago Indian Tribe water rights claims is necessary and vital not only to the best interests of the city of Tucson but for all major water users in eastern Pima County."

I also have letters from the Amax Corp., the DuVal Corp., and the Anamax mine all earnestly urging your favorable consideration of this bill.

And I have a letter from the Arizona Municipal Water Users Association, which represents the five valley cities of Phoenix, Mesa, Glendale, Tempe, and Scottsdale.

Mr. Chairman, the bill is also supported by the Papago Tribe and by the major agricultural entities in Pima County.

I urge your support for the bill.

Congress of the United States,
House of Representatives,
Washington, D.C., March 3, 1982.

Dear Republican Colleague: On March 4th the House is scheduled to consider H.R. 5118, the Southern Arizona Water Rights Settlement Act. As Republicans who have worked on this legislation, we want to apprise you of our support for this desirable settlement.

As trustee for the Papago Tribe, the U.S. has a legal duty to protect the water resources of the reservations. Yet since the establishment of the Papago Reservations by Executive Order over 100 years ago, the U.S. has neglected this trust responsibility and in fact has actively encouraged the development of non-Indian industrial and municipal water uses.

In 1975, the Federal government, in a belated attempt to rectify its earlier neglect, filed suit against some 1800 non-Indian water users in the Tucson area to enjoin the continued use of ground water supplies. Reversing 100 years of water policy, the government now asks that the local non-Indian population bear the full burden of remedying the failure of the U.S. to fulfill its trust responsibility. We feel this is an inequitable position for the government. Consequently, we endorse the balanced settlement proposed by H.R. 5118.

It has been suggested by OMB that this legislative settlement contains no local contribution and requires unreasonable Federal expense. This is not the case. Under the terms of the settlement, all water provided to the Papago Tribe is provided at the expense of local non-Indian water users. The bill only requires the Federal government to contribute to the settlement by assuming the cost of delivering the water contributed by the non-Indians to the Papago Tribe. Further, H.R. 5118 does not require additional costs to deliver CAP water to the Tribe; the Secretary is already obligated to do so under existing law.

A trust fund is established by the bill to produce income, to be used by the Tribe for putting the water to beneficial use. As confirmed by CBO, the principal of the trust fund will not be distributed to the Tribe, only the interest, and therefore will not result in a budget outlay.

OMB also expressed concern about the cost of building a pipeline to deliver the water contributed by the community. However, the manner of delivering the reclaimed water was deliberately left to the discretion of the Secretary in order to permit him to determine the most feasible and cost effective mode. None of the parties to the settlement support the expensive pipeline OMB mentions, and it is highly unlikely the Secretary would endorse this method of delivery. Consequently, several alternatives are suggested in the report accompanying H.R. 5118, including exchanges, land filtration, and use by the Tribe on lands closer to the treatment site.

Contrary to OMB statements, the contributions of the local water interests to this settlement are substantial, particularly in light of Federal responsibility. The true costs are the trust fund, O&M, and delivery of water provided by the local community.

We believe this bill provides a fair and equitable settlement, one which achieves the necessary quantification of Papago water rights and sound conservation and management of the limited water resources in southern Arizona.

We urge your support of H.R. 5118.

John J. Rhodes,
Doug Bereuter,
Manual Lujan, Jr.,
Don Clausen,
Charles Pashayan.

Congress of the United States,
House of Representatives,
Washington, D.C., March 3, 1982.

Dear Colleague: Legislation to settle the water rights claims of the Papago Tribe and end 7 years of litigation over water rights will be on the floor on Thursday, March 4.

H.R. 5118, the Southern Arizona Water Rights Settlement Act will resolve a lawsuit that has clouded the growth and development of southern Arizona for many years.

This legislation is vital to the City of Tucson, Arizona business, mining and agricultural interests as well as the Papago Indian Tribe.

We urge your support for the bill.

In the last decade Arizona has made significant strides towards water conservation and uniform planning and management of the limited water supplies in the state. Enactment of a strict ground water management act to control expansion of irrigation was required by the Federal government in the Central Arizona Project (CAP) authorization.

In compliance, the Arizona State legislature passed a tough, comprehensive groundwater code, which mandates conservation and restricts the use of groundwater. This management code will safeguard our limited water resource and enable Arizona to meet the demands of its growth population.

Concurrently, Arizona must resolve the water rights claims of its Indian tribes. Resolution of these claims is as important for

Arizona's continued growth and prosperity as is sound water management.

The bill provides that the Papago Tribe will dismiss pending lawsuits and release its claims to other water from the basins surrounding Tucson and Pima County in exchange for an annual supply of water.

The settlement contained in H.R. 5118 is the product of years of negotiation by the major water users in the area. The settlement is supported by the Tribe, the City of Tucson, and the major copper mines and irrigation districts in Pima County.

We are pleased that the parties have been able to resolve this sensitive issue by negotiation rather than by lengthy, costly litigation, and we urge your support of this measure.

Sincerely,

Morris K. Udall,
John J. Rhodes.

Anamax Mining Co.,
Sahuarita, Ariz., February 25, 1982.

Re H.R. 5118—Southern Arizona Water Rights Settlement Act of 1981.

Hon. **Morris K. Udall,**
Chairman, Committee of Interior and Insular Affairs, House of Representatives, Washington, D.C.

Hon. **John J. Rhodes,**
Member of Congress, House of Representatives, Washington, D.C.

Dear Congressmen: Anamax Mining Company owns and operates a large open pit copper mine located south of the City of Tucson in the western portion of the Upper Santa Cruz Valley. The Anamax operation, together with other mining companies in the immediate vicinity, account for approximately 30 to 35 percent of the nation's domestic copper production.

As you know, the only source of water in the Upper Santa Cruz Valley is groundwater pumped from great depth. This water supply is limited and is being depleted at a greater rate than it is being replaced. This condition has resulted in continual litigation of water rights for the past 13 years. In 1975 the United States and the Papago Tribe initiated litigation in Federal Court against Anamax and other major water users in the Upper Santa Cruz Valley, seeking injunctive relief, damages and a declaration that the Papago water rights are paramount to all non-Indian users. Recently over 1,700 water users have been joined as parties defendant in this litigation.

H.R. 5118 provides a means whereby this litigation can be settled without a serious disruption of the economic and social structure of Southern Arizona. The Bill represents many years of negotiations between the tribe and other water users in the area. Anamax has actively engaged in these negotiations in recognition of the fact that litigation is an ill-suited means by which to determine the relative rights of established users in a limited and diminishing water supply.

H.R. 5118, unlike litigation, provides the means whereby additional water supplies may be provided to the Papago tribe with a substantial amount of the supply being provided from local sources of municipal effluent.

Anamax believes the mechanics outlined in the Bill represent a unique and equitable solution to a very difficult Western Indian problem and joins you in your support of the legislation.

We appreciate your efforts in support of this measure and sincerely hope that Congress as a whole recognizes that H.R. 5118 is a cost-effective and equitable solution to a very serious and long-ranging natural resources problem.

Thank you for your cooperation and attention to this matter.

Sincerely,

G. R. Wyman,
President.

City of Tucson,
Office of the Mayor,
Tucson, Ariz., February 24, 1982.

Re H.R. 5118, Southern Arizona Water Rights Settlement Act, 1981.

Hon. **Morris K. Udall,**
House of Representatives
Washington, D.C.

Dear Mr. Udall: On behalf of the Council and the City of Tucson, may I express our sincere appreciation for the continued strong support you and your staff have provided in attempting to have H.R. 5118 enacted by the House of Representatives.

The City of Tucson has continuously supported the proposition that a legislative settlement of the Papago Indian Tribe water rights claims is necessary and vital not only to the best interests of the City of Tucson but for all major water users in eastern Pima County. Consistent with our position, we solicit your continued support for and passage of H.R. 5118 during this current session of the Congress. We would strongly urge that H.R. 5118 be brought to the floor of the House of Representatives for a full vote as expeditiously as is possible.

May I assure you the Council and the City of Tucson stand ready and are prepared to assist you in achieving our desired objective of the prompt enactment of H.R. 5118. May I again express our appreciation for the support that you have provided in the past on this matter.

Sincerely,

L. C. Murphy.

Amax, *February 26, 1982.*

Re H.R. 5118.

Hon. **Morris K. Udall,**
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Congressman Udall: We are writing to express to you our wholehearted support of this bill, the Southern Arizona Water Rights Settlement Act of 1981.

In partnership with The Anaconda Company, AMAX owns and operates Anamax Mining Company, a large copper mine located to the south of Tucson. As you know, the major social and economic problem affecting this entire region for years has been the critical imbalance between the need for and the supply of water. The entire area is almost totally dependent on ground water to support a rapidly growing city of a half million, to permit irrigation for farming on both Indian and non-Indian lands and to sustain mining and other industrial growth; yet for years the consumptive use of ground water has exceeded replacement of renewable supplies by a ratio of four to one.

The gravity of this overdraft problem has been compounded by social divisiveness and unproductive litigation involving divers claims of priorities to the scarce and rapidly dwindling supply of ground water. H.R. 5118 represents a farsighted and creative response to and resolution of the major problem faced by the southern Arizona region. In addition to providing for the importation of needed water into the area, the bill established incentives for further conservation and water management and contemplates that portions of the supply be provided from local sources of municipal effluent. The settlement embodied in this bill represents a fair and equitable resolution of the claims and needs of the Papago Tribe while at the same time providing a basis for the future social, economic and industrial growth of the entire Tucson area.

AMAX wholeheartedly supports this bill and appreciates your efforts to resolve these otherwise intractable social and economic problems.

Sincerely,

A. Schmidt-Fellner.

Duval Corporation,
Tucson, Ariz., March 1, 1982.

Re H.R. 5118, the Southern Arizona Water Rights Settlement Act.

Hon. **John J. Rhodes,**
Hon. **Morris K. Udall,**

Dear Congressmen Rhodes and Udall: Duval's mines in Santa Cruz Valley, Arizona, account for 8 percent of the national copper production and 11 percent of national molybdenum production. They employ 2,500 people.

Examples of contributions by Duval and others toward groundwater settlement:

Duval has bought 16,000 acres of land in the Santa Cruz Valley, Arizona, only a small fraction of which is devoted to mining operations. The rest, including 7,000 acres of farms now out of production, is being withheld from development to reduce demand on the groundwater table.

Total mining company purchases, including those by Duval and others, in the Santa Cruz Valley amount to over 47,000 acres. Normal development of this land, including farming, would consume far more water than the companies use for mining and processing.

Encouragement of water augmentation programs:

a. Money and effort devoted to continuing engineering and feasibility studies on reuse of municipal sewage effluent in mining processes.

b. Support of Central Arizona Project. Duval has offered to purchase 25,000 acre feet of CAP water annually.

Under the 1980 Arizona Groundwater Management Act, all water users must practice mandatory conservation to stabilize water levels, including those beneath the Papago Reservation. This will require:

a. Mandatory conservation for all water users ("latest commercially available conservation technology" for mines).

b. Reduction in existing uses and, if necessary, condemnation of water rights and water uses at non-Indian expense.

Except on Indian reservations, there is an absolute prohibition on putting new land into irrigation.

San Xavier Papagos will be allowed to increase groundwater pumping to 10,000 acre-feet. Under the Arizona Groundwater Management Act, this will require an equivalent reduction in non-Indian pumping off the reservation.

The Indian water rights problem in the Santa Cruz Valley is one of federal creation and one for which the federal government should accept responsibility. For example:

Duval and others have acquired rights in reliance upon federal law, including the Desert Land Act, and upon state law. Duval's rights include water rights derived from personal grants by the King of Spain which predate the creation of the Papago reservations.

Duval's mine was built at the behest of the United States government under the Defense Production Act and upon a determination by the United States government that adequate water supplies existed.

The Arizona Groundwater Act was passed as a result of urging and blunt threats by the federal government to withhold Central Arizona Project funding, but the Act cannot work without quantification of the Papago claims in the Tucson Active Management Area. Arizona has no jurisdiction over Indian land.

After a century of allowing non-Indians to settle and develop economies in southern Arizona, the United States has now filed a lawsuit in federal District Court asserting that no non-Indian in southern Arizona has the right to lawfully use water.

Both Indians and non-Indians have made substantial contributions toward resolution of a serious water rights conflict caused by more than a century of federal neglect of its responsibilities to the Indian people and of federal encouragement of non-Indian economies dependent on water which the United States would now deny. It is unfair and unconscionable to expect the present citizens of Pima County, Arizona, to now bear the cost of this long neglected federal responsibility.

This is a constructive settlement and one Congress should endorse. Resource management and cooperation are far preferable to continued litigation and animosity. We support your efforts to secure passage of H.R. 5118.

Sincerely,

G. E. Atwood.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. **LUJAN**. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The **CHAIRMAN**. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 5118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONGRESSIONAL FINDINGS

Section 1. The Congress finds that—

(1) water rights claims of the Papago Tribe with respect to the San Xavier Reservation and the Schuk Toak District of the Sells Papago Reservation are the subject of existing and prospective lawsuits against numerous parties in southern Arizona, including major mining companies, agricultural interests, and the city of Tucson;

(2) these lawsuits not only will prove expensive and time consuming for all participants, but also could have a profound adverse impact upon the health and development of the Indian and non-Indian economies of southern Arizona;

(3) the parties to the lawsuits and others interested in the settlement of the water rights claims of the Papago Indians within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area have diligently attempted to settle these claims and the Federal Government, by providing the assistance specified in this Act, will make possible the execution and implementation of a permanent settlement agreement;

(4) it is in the long-term interest of the United States, the State of Arizona, its political subdivisions, the Papago Indian Tribe, and the non-Indian community of southern Arizona that the United States Government assist in the implementation of a fair and equitable settlement of the water rights claims of the Papago Indians respecting certain portions of the Papago Reservation; and

(5) the settlement contained in this Act will—

(A) provide the necessary flexibility in the management of water resources and will encourage allocation of those resources to their highest and best uses; and

(B) insure conservation and management of water resources in a manner consistent with the goals and programs of the State of Arizona and the Papago Tribe.

DEFINITIONS

Sec. 2. For purposes of this Act the term—

(1) "acre-foot" means the amount of water necessary to cover one acre of land to a depth of one foot;

(2) "Central Arizona Project" means the project authorized under title III of the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 887; 43 U.S.C. 1521, et seq.);

(3) "Papago Tribe" means the Papago Tribe of Arizona organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476);

(4) "Secretary" means the Secretary of the Interior;

(5) "subjugate" means to prepare land for the growing of crops through irrigation; and

(6) "Tucson Active Management Area" means the area of land corresponding to the area initially designated as the Tucson Active Management Area pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1.

(7) "December 12, 1980, agreement" means the Central Arizona Project water delivery contract between the United States and the Papago Tribe.

WATER DELIVERIES TO TRIBE FROM CAP; MANAGEMENT PLAN; REPORT ON WATER AVAILABILITY; CONTRACT WITH TRIBE

Sec. 3. (a) As soon as is possible but not later than ten years after the date of the enactment of this Act, if the Papago Tribe has agreed to the conditions set forth in section 6, the Secretary shall—

(1) in the case of the San Xavier Reservation—

(A) deliver annually from the main project works of the Central Arizona Project twenty-seven thousand acre-feet of water suitable for agricultural use to the reservation in accordance with the provisions of section 4(a); and

(B) improve and extend the existing irrigation system on the San Xavier Reservation and design and construct within the reservation such additional canals, laterals, farm ditches, and irrigation works as are necessary for the efficient distribution for agricultural purposes of the water referred to in subparagraph (A); and

(2) in the case of the Schuk Toak District of the Sells Papago Reservation—

(A) deliver annually from the main project works of the Central Arizona Project ten thousand eight hundred acre-feet of water suitable for agricultural use to the reservation in accordance with the provisions of section 4(a); and

(B) design and construct an irrigation system in the Eastern Schuk Toak District of the Sells Papago Reservation, including such canals, laterals, farm ditches, and irrigation works, as are necessary for the efficient distribution for agricultural purposes of the water referred to in subparagraph (A); and

(3) establish a water management plan for the San Xavier Reservation and the Schuk Toak District of the Sells Papago Reservation which, except as is necessary to be consistent with the provisions of this Act, will have the same effect as any management plan developed under Arizona law.

(b) In order to encourage the Papago Tribe to develop sources of water on the Sells Papago Reservation, the Secretary shall, if so requested by the tribe, carry out a study to determine the availability and suitability of water resources within the Sells Papago Reservation but outside the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area. There are authorized to be appropriated such sums as may be necessary to carry out such study.

(c) The Papago Tribe shall have the right to withdraw ground water from beneath the San Xavier Reservation and the Schuk Toak District of the Sells Papago Reservation subject to the limitations of section 6(a).

(d) Nothing contained in this Act shall diminish or abrogate any obligations of the Secretary to the Papago Tribe under the December 12, 1980, agreement.

DELIVERIES UNDER EXISTING CONTRACT; ALTERNATIVE WATER SUPPLIES; OPERATION AND MAINTENANCE

Sec. 4. (a) The water delivered from the main project works of the Central Arizona Project to the San Xavier Reservation and to the Schuk Toak District of the Sells Papago Reservation as provided in section 3(a), shall be delivered in such amounts, and according to such terms and conditions as are set forth in the December 12, 1980, agreement, except as otherwise provided under this section.

(b) Where the Secretary, pursuant to the terms and conditions of the agreement referred to in subsection (a), is unable, during any year, to deliver from the main project works of the Central Arizona Project any portion of the full amount of water specified in section 3(a)(1)(A) and section 3(a)(2)(A), the Secretary shall acquire and deliver an equivalent quantity of water from the following sources or any combination thereof:

(1) agricultural water from the Central Arizona Project which has been contracted for but has been released or will be unused by the subcontractor during the period in which the Secretary will acquire the water;

(2) any water available for delivery through the Central Arizona Project which exists by reason of the augmentation of the water supply available for use and distribution through the Central Arizona Project by subsequent Acts of Congress;

(3) water from any of the following sources or any combination thereof within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area in the State of Arizona:

(A) private lands or interests therein having rights in surface or ground water recognized under State law; or

(B) reclaimed water to which the seller has a specific right.

Deliveries of water from lands or interests referred to in subparagraph (A) shall be only to the extent such water may be transported within the Tucson Active Management Area pursuant to State law.

(c) Where the Secretary finds he is unable to acquire and deliver quantities of water adequate to fulfill his obligation under subsection (a), he shall pay damages in the amount of the then prevailing rate for municipal and industrial water from the Central Arizona Project for such quantities.

(d) No land, water, water rights, contract rights or reclaimed water may be acquired under subsection (b) without the consent of the owner thereof. No private lands may be acquired under subsection (b)(3)(A) unless the lands have a recent history of receiving or being capable of actually receiving all or substantially all of the water right the use of which is recognized by State law. In acquiring any private lands under subsection (b)(3)(A), the Secretary shall give preference to the acquisition of lands upon which water has actually been put to beneficial use in any one of the five years preceding the date of acquisition. Nothing in this section shall authorize the Secretary to acquire or disturb the water rights of any Indian tribe, band, group, or community.

(e)(1) To meet the obligation referred to in section 3(a)(1)(A) and section 3(a)(2)(A), the Secretary shall, as part of the main project works of the Central Arizona Project—

(A) design, construct, operate, maintain, and replace such facilities as are appropriate including any aqueduct and appurtenant pumping facilities, treatment plants, powerplants, and electric power transmission facilities which may be necessary for such purposes; and

(B) deliver the water to the southern boundary of the San Xavier Reservation, and to the boundary of the Schuk Toak District of the Sells Papago Reservation, at points agreed to by the Secretary and the tribe which are suitable for delivery to the reservation distribution systems.

(2) There is hereby authorized to be appropriated by this Act, in addition to other sums authorized to be appropriated by this Act, a sum equal to that portion of the total costs of phase B of the Tucson Aqueduct of the Central Arizona Project which the Secretary determines to be properly allocable to construction of facilities for the delivery of water to Indian lands as described in subpaagraphs (A) and (B) of paragraph (1). Sums allocable to the construction of such facilities shall be reimbursable as provided by the Act of July 1, 1932 (Public Law 72-240; 25 U.S.C. 386(a)), as long as such water is used for irrigation of Indian lands.

(f) To facilitate the delivery of water to the San Xavier and the Schuk Toak District of the Sells Papago Reservation under this Act, the Secretary is authorized—

(1) to enter into contracts or agreements for the exchange of water, or for the use of aqueducts, canals, conduits, and other facilities for water delivery, including pumping plants, with the State of Arizona or any of its subdivisions, with any irrigation district or project, or with any authority, corporation, partnership, individual, or other legal entity; and

(2) to use facilities constructed in whole or in part with Federal funds.

RECLAIMED WATER; ALTERNATIVE WATER SUPPLIES

SEC. 5. (a) As soon as possible, but not later than ten years after the date of enactment of this Act, the Secretary shall purchase reclaimed water in accordance with the agreement described in section 7(a)(1) and deliver annually twenty-three thousand acre-feet of water suitable for agricultural use to the San Xavier Reservation and deliver annually five thousand two hundred acre-feet of water suitable for agricultural use to the Schuk Toak District of the Sells Papago Reservation.

(b) The obligation of the Secretary referred to in subsection (a) to deliver water suitable for agricultural use may be fulfilled by any additional treatment, including land filtration, of the reclaimed water acquired by the Secretary as provided herein, by any other means which renders such reclaimed water suitable for agricultural use, or by voluntary exchange of that reclaimed water for any other water suitable for agricultural use. To make available and deliver such water, the Secretary shall design, construct, operate, maintain and replace such facilities as are appropriate.

(c) The Secretary may, as an alternative to, and in satisfaction of the obligation to deliver the quantities of water to be delivered under subsection (a), acquire and deliver pursuant to agreements authorized in section 7(b), an equivalent quantity of water from the following sources or any combination thereof—

(1) agricultural water from the Central Arizona Project which has been contracted for but has been released or will be unused by the subcontractor during the period in which the Secretary will acquire the water;

(2) any water available for delivery through the Central Arizona Project which exists by reason of the augmentation of the water supply available for use and distribution through the Central Arizona Project by subsequent Acts of Congress;

(3) water from any of the following sources or any combination thereof within the Tucson Active Management Area in the State of Arizona and that part of the Upper Santa Cruz Basin not within the area—

(A) private lands or interests therein having rights in surface or ground water recognized under State law; or

(B) reclaimed water to which the seller has a specific right.

Deliveries of water from lands referred to in subparagraph (A) shall be only to the extent such water may be transported within the Tucson Active Management Area pursuant to State law.

(d) If the Secretary is unable to purchase reclaimed water or to acquire other water provided for herein and deliver the quantities of water suitable for agricultural use as set forth in subsections (a), (b), or (c), he shall pay damages to the tribe in the amount of the actual replacement cost of such quantities of water suitable for agricultural use as are not acquired and delivered.

(e) No land, water, water rights, contract rights, or reclaimed water may be acquired under subsection (c) without the consent of the owner thereof. No private lands may be acquired under subsection (c)(3)(A) unless the lands have a recent history of receiving or being capable of actually receiving all or substantially all of the water the right to the use of which is recognized by State law. In acquiring said private lands, the Secretary shall give preference to the acquisition of lands upon which water has actually been put to beneficial use in any one of the five years preceding the date of acquisition. Nothing in this section shall authorize the Secretary to acquire or disturb the water rights of any Indian tribe, band, group or community.

LIMITATION ON PUMPING FACILITIES FOR WATER DELIVERIES; DISPOSITION OF WATER

SEC. 6. (a) The Secretary shall be required to carry out his obligation under sections 4(b)(C), and (e) and under section 5 only if the Papago Tribe agrees to—

(1) limit pumping of ground water from beneath the San Xavier Reservation to not more than ten thousand acre-feet per year;

(2) limit the quantity of ground water pumped from beneath the eastern Schuk Toak District of the Sells Papago Reservation which lies within the Tucson Active Management Area to those quantities being withdrawn on January 1, 1981; and

(3) comply with the management plan established by the Secretary under section 3(a)(3).

Nothing contained in paragraph (1) shall restrict the tribe from drilling wells and withdrawing ground water therefrom on the San Xavier Reservation if such wells have a capacity of less than thirty-five gallons per minute and are used only for domestic and livestock purposes. Nothing contained in paragraph (2) shall restrict the tribe from drilling wells and withdrawing ground water therefrom in the eastern Schuk Toak District of the Sells Papago Reservation which lies within the Tucson Active Management Area if such wells have a capacity of less than thirty-five gallons per minute and which are used only for domestic and livestock purposes.

(b) The Secretary shall be required to carry out his obligations with respect to distribution systems under section 3(a)(1)(B) and section 3(a)(2)(B) only if the Papago Tribe agrees to—

(1) subjugate the land for which those distribution systems are to be planned, designed, and constructed by the Secretary; and

(2) assume responsibility, through the tribe or its members or an entity designated by the tribe, as appropriate, following completion of those distribution systems and upon delivery of water under this Act, for the operation, maintenance, and replacement of these systems in accordance with sections 1 and 3 of chapter 140 of the Act of April 4, 1910 (36 Stat. 270, 272; 25 U.S.C. 385).

(c) The Papago Tribe shall have the right to devote all water supplies under this Act, whether delivered by the Secretary or pumped by the tribe, to any use, including but not limited to agricultural, municipal, industrial, commercial, mining, and recreational use whether within or outside the Papago Reservation so long as such use is within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within such area. The Papago Tribe may sell, exchange, or temporarily dispose of water, but the tribe may not permanently alienate any water right. In the event the tribe sells, exchanges, or temporarily disposes of water such sale, exchange, or temporary disposition shall be pursuant to a contract which has been accepted and ratified by a resolution of the Papago Tribal Council and approved and executed by the Secretary as agent and trustee for the tribe. Such contract shall specifically provide that an action may be maintained by the contracting party against the United States and the Secretary for the breach thereof.

OBLIGATION OF THE SECRETARY; CONTRACT FOR RECLAIMED WATER; DISMISSAL AND WAIVER OF CLAIMS OF PAPAGO TRIBE AND ALLOTTEES

Sec. 7. (a) The Secretary shall be required to carry out his obligations under section 4 (b), (c), and (e) and under section 5 only if—

(1) before December 31, 1982—

(A) the city of Tucson, the Secretary, and the Papago Tribe agree, after the enactment of this Act, and the city will make available at no profit to the city such quantity of reclaimed water as is adequate to deliver annually, as contemplated in section 5(a), twenty-eight thousand two hundred acre-feet of water;

(B) the Papago Tribe agrees to file with the United States District Court for the District of Arizona a stipulation for voluntary dismissal with prejudice, in which the Attorney General is authorized and directed to join on behalf of the United States, and the allottee class representatives petition for dismissal of the class action with prejudice in the United States, the Papago Indian Tribe, and others against the city of Tucson, and others, civil numbered 75-39 TUC (JAW); and

(C) the Papago Tribe executes a waiver and release in a manner satisfactory to the Secretary of—

(i) any and all claims of water rights or injuries to water rights (including water rights in both ground water and surface water) within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within said area, from time immemorial to the date of the execution by the tribe of such waiver, which the Papago Tribe has against the United States, the State of Arizona and any agency or political subdivision thereof, or any other person, corporation or municipal corporation, arising under the laws of the United States or the State of Arizona; and

(ii) any and all future claims of water rights (including water rights in both ground water and surface water) within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within said area, from and after the date of execution of such waiver, which the Papago Tribe has against the United States, the State of Arizona and any agency or political subdivision thereof, or any other person, corporation or municipal corporation, under the laws of the United States or the State of Arizona; and

(2) the suit referred to in paragraph (1)(B) is finally dismissed.

(b) After the conditions referred to in subsection (a) have been met the Secretary shall be authorized and required, if necessary or desirable, to enter into agreements with other individuals or entities to acquire and deliver water from such sources set forth in section 5(c) if through such contracts, as exercised in conjunction with the contract required in subsection (a)(1)(A), it is possible to deliver the quantities of water required in section 5(a).

(c) Nothing in this section shall be construed as a waiver or release by the Papago Tribe of any claim where such claim arises under this Act.

(d) The waiver and release referred to in this section shall not take effect until such time as the trust fund referred to in section 9 is in existence and the full amount authorized to be appropriated to the trust fund under section 9 has been appropriated by the Congress.

(e) The settlement provided in this Act shall be deemed to fully satisfy any and all claims of water rights or injuries to water rights (including water rights in both ground water and surface water) of all individual members of the Papago Tribe that have a legal interest in lands of the San Xavier Reservation and the Schuk Toak District of the Sells Reservation located within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within said area, as of the date the waiver and release referred to in this section take effect. Any entitlement to water of any individual member of the Papago Tribe shall be satisfied out of the water resources provided in this Act.

STUDY OF LANDS WITHIN THE GILA BEND RESERVATION; EXCHANGE OF LANDS AND ADDITION OF LANDS TO THE RESERVATION; AUTHORIZED APPROPRIATIONS

Sec. 8. (a) The Secretary is hereby authorized and directed to carry out such studies and analysis as he deems necessary to determine which lands, if any, within the Gila Bend Reservation have been rendered unsuitable for agriculture by reason of the operation of the Painted Rock Dam. Such study and analysis shall be completed within one year after the date of the enactment of this Act.

(b) If, on the basis of the study and analysis conducted under subsection (a), the Secretary determines that lands have been rendered unsuitable for agriculture for the reasons set forth in subsection (a), and if the Papago Tribe consents, the Secretary is authorized to exchange such lands for an equivalent acreage of land under his jurisdiction which are within the Federal public domain and which, but for their suitability for agriculture, are of like quality.

(c) The lands exchanged under this section shall be held in trust for the Papago Tribe and shall be part of the Gila Bend Reservation for all purposes. Such lands shall be deemed to have been reserved as of the date of the reservation of the lands for which they are exchanged.

(d) Land exchanged under this section which, prior to the exchange, were part of the Gila Bend Reservation, shall be managed by the Secretary of the Interior through the Bureau of Land Management.

ESTABLISHMENT OF TRUST FUND; EXPENDITURES FROM FUND

Sec. 9. There is hereby authorized to be established a trust fund for the benefit of the Papago Tribe in the amount of $15,000,000 to be invested by the Secretary in interest bearing deposits and securities including deposits and securities of the United States. The income accruing on such deposits and securities may only be used, pursuant to appropriations legislation, for the subjugation of land, development of water resources, and the construction, operation, maintenance, and replacement of related facilities (including pumping and power transmission facilities) on the Papago Reservations which are not the obligation of the United States under this or any other Act of Congress.

AUTHORIZATION OF APPROPRIATIONS

Sec. 10. Effective October 1, 1982, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

COMPLIANCE WITH BUDGET ACT

Sec. 11. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

SHORT TITLE

Sec. 12. This Act may be cited as the "Southern Arizona Water Rights Settlement Act of 1981".

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Are there any amendments?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Foley) having assumed the chair, Mr. Hall of Ohio, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5118) to provide water to the Papago Tribe of Arizona and its members, to settle Papago Indian water rights claims in portions of the Papago Reservation, and for other purposes pursuant to House Resolution 357, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BADHAM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 311, nays 50, not voting 73, as follows:

[Roll No. 18]

YEAS—311

Addabbo
Akaka
Albosta
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bevill
Bingham
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Burgener
Butler
Byron
Campbell
Carney
Chappie
Cheney
Chisholm
Clausen
Clay
Clinger
Coats
Coleman
Collins (IL)
Conte
Conyers
Coughlin
Coyne, James
Coyne, William
Craig
Crockett
D'Amours
Danielson
Dannemeyer
Daschle
Daub
Deckard
Dellums
DeNardis
Dicks
Dixon
Donnelly
Dorgan
Dornan
Dougherty
Dowdy
Duncan
Dunn
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Emerson
Emery
English
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Fascell
Fazio
Ferraro
Fiedler
Findley
Fithian
Flippo
Foley
Ford (MI)
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Ireland
Jacobs
Jenkins
Jones (NC)
Jones (OK)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
Lagomarsino
Lantos
Latta
Leach
LeBoutillier
Lee
Lehman
Lent
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NY)
Matsui
Mavroules
McEwen
McGrath
McKinney
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (NY)
Moffett
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Murphy
Myers
Napier
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Ottinger
Panetta
Parris
Pashayan
Patman
Pease
Perkins
Petri
Peyser
Pickle
Porter
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Roberts (KS)
Roberts (SD)
Rodino
Roe
Rogers
Rose
Rosenthal
Roth
Rousselot
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (PA)
Snowe
Snyder
Solarz
Spence
Stanton
Stark
Staton
Studds
Swift
Synar
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whitten
Williams (MT)
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki

NAYS—50

Andrews
Archer
Bliley
Brown (CO)
Brown (OH)
Broyhill
Carman
Collins (TX)
Conable
Corcoran
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dickinson
Dreier
Fenwick
Fields
Forsythe
Fountain
Frenzel
Gramm
Grisham
Hyde
Jeffries
Johnston
Leath
Levitas
Martin (NC)
McClory
McDonald
Miller (OH)
Mottl
Nelligan
Oxley
Paul
Ritter
Robinson
Roemer
Roukema
Smith (AL)
Solomon
Stenholm
Stratton
Stump
Tauke
Weber (OH)
Whittaker
Yates

NOT VOTING—73

Ashbrook
Beard
Bethune
Biaggi
Blanchard
Boggs
Boland
Burton, John
Burton, Phillip
Chappell
Coelho
Davis
de la Garza
Derrick
Derwinski
Dingell
Downey
Dwyer
Edwards (CA)
Edwards (OK)
Erdahl
Erlenborn
Evans (IN)
Fary
Fish
Florio
Foglietta
Ford (TN)
Fowler
Guarini
Hance
Hatcher
Holt
Huckaby
Hutto
Jeffords
Jones (TN)
LaFalce
Leland
Lowry (WA)
Marks
Mattox
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McHugh
Mica
Mitchell (MD)
Moakley
Murtha
O'Brien
Oberstar
Obey
Patterson
Pepper
Price
Pritchard
Richmond
Rostenkowski
Santini
Scheuer
Shelby
Smith (OR)
St Germain
Stangeland
Stokes
Weber (MN)
Williams (OH)
Wilson
Young (AK)
Zeferetti

☐ 1245

Mr. HYDE and Mr. FRENZEL changed their votes from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1300

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and that I may be permitted to include extraneous matter.

The SPEAKER pro tempore (Mr. DANIELSON). Is there objection to the request of the gentleman from Arizona?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. CHENEY asked and was given permission to address the House for 1 minute.)

Mr. CHENEY. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished majority whip what the majority intentions are with respect to the program for next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. CHENEY. I yield to the distinguished gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, I have an announcement that may be of interest to the Members.

Mr. Speaker, Members should be advised that there is one remaining item on the program for today. There was some impression that the conclusion of the last bill ended today's schedule. That is not correct.

There will be a unanimous-consent request to bring before the House the Senate Joint Resolution 142 to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day.

If that matter does receive unanimous consent for consideration, it is possible that there could be a recorded vote requested and obtained so Members should be advised accordingly.

As far as the schedule for next week is concerned, there will be no legislative business on Monday. The House will meet at noon, but there is no legislative business scheduled.

On Tuesday, March 9, the House will meet at noon and consider two bills under suspension of the rule, H.R. 2160, the Potato Research and Promotion Act, and H.R. 3620, the Hoboken Pier sale authorization.

On Wednesday and the balance of the week, March 10, 11, and 12, the House will meet at 3 p.m. on Wednesday, and at 11 a.m. on Thursday and Friday. No present schedule is ready for announcement, but of course there may very well be a subsequent announcement at a later time and obviously conference reports may be brought up at any time.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. CHENEY. I yield to the minority whip, the gentleman from Mississippi.

Mr. LOTT. I thank the gentleman for yielding.

I would like to address a couple of questions to the distinguished majority whip.

First of all, I was under the impression that the committee funding resolution would be on the schedule next week but it is not listed here.

Mr. FOLEY. If the gentleman will yield, there is a possibility, I will advise the distinguished Republican whip, that that will be scheduled next week. I am not prepared to announce it at this time, but it is very possible that that will be scheduled for later next week.

Mr. LOTT. What is the status of the water and sewer grant legislation that I believe——

Mr. FOLEY. That legislation, as the gentleman may know, is before the Committee on Rules.

It is my understanding that compliance with the Budget Act requires either a waiver of the Budget Act or the passage of the third budget resolution, in order for that bill to reach the floor.

There would be the necessary declaration of an emergency in connection with the waiver.

Mr. LOTT. Could the gentleman advise us if there are other bills that are around in the system that might be brought up, like the committee funding resolution?

Mr. FOLEY. Well, I want to assure the gentleman that the leadership on this side is anxious to bring forward any bills that are ready for consideration.

The fact of the matter is that the committees, in many cases, do not have legislation ready to present to the Rules Committee or to the floor at this time.

I think the fact is well known to individual Members on both sides of the aisle that committees are holding hearings, legislation is being considered, but at the present time we have an unusual atypical situation of a sparse number of bills available for immediate consideration on the floor.

Mr. LOTT. If the gentleman will yield further, I would like to inquire about the status of the Department of Justice authorization conference report that has been sent over from the Senate. We could take that up and act on it. Does the gentleman anticipate any action on that next week or any time soon?

Mr. FOLEY. Well, I am not aware of any immediate scheduling of that next week. Of course, that is a matter for the chairman of the committee to determine. The bill would be referred to the Committee on the Judiciary at the request of the chairman.

Mr. LOTT. Well, if the gentleman would yield further for one final comment, I understand the problem with getting legislation through the committee process, authorizations and appropriations and supplementals and whatever, but we are looking at the middle of March and the truth of the matter is we have not hit but one lick of the snake and we are going to have to start doing a little better than that because it is getting harder and harder to go back for district work periods and explain we are doing something up here.

Mr. FOLEY. The gentleman is one of the distinguished conservative leaders in the Congress and I know he agrees with me that one of the faults in the previous years has been too much legislation——

Mr. LOTT. I agree with that.

Mr. FOLEY. Without adequate consideration. And the gentleman and some of his leadership colleagues have impressed upon us on this side that that was a mistake in previous years.

Mr. LOTT. I did not realize what a good job we had done.

Mr. FOLEY. Now we want to concentrate on well-considered legislation instead of volume for volume's sake.

Mr. LOTT. I am impressed the gentleman listened so well to this side. I think there are some issues that we do need to start moving on. We would appreciate a little more activity around here if we are going to be in session a week like next week where we have three bills.

Mr. FOLEY. I thank the gentleman for his further advice and I am sure we agree that when we have legislation and it is considered and ready we are pleased to have it brought to the floor.

Seriously we are not intending to process legislation just by the numbers, so to speak, without proper consideration.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

The other thing that I think needs to be mentioned in the course of this particular colloquy however is the fact that for years around here we have been told that there are certain kinds of legislation that we simply do not have time to consider. We have been told that about the balanced budget amendment to the Constitution, we have been told that about school prayer amendments, abortion amendments, and a number of other things.

We simply did not have time to consider these, we were too busy, we cannot take this legislation up, and yet now we are hearing day after day of pro forma sessions, we are hearing no legislative business scheduled in a time period when the Members are being asked to come to town.

Why could we not take up some of these matters which are very much on the minds of the American people, that are major concerns out there? Why do we have these buried and not take them up when obviously we have the time to do so?

Mr. FOLEY. I know the gentleman is one of the most outspoken supporters of orderly procedure on the House floor and believes that legislation should be proposed in an orderly way and not a helter-skelter way, and I have never had the opportunity to say to the gentleman, and will not, that any properly presented bill that has been referred by the committee and given a rule by the Rules Committee will be kept off the schedule when there is time available to consider it.

I have never spoken in those terms to the gentleman. The matters that he is referring to have not received committee approval.

Mr. CHENEY. I thank the distinguished majority whip and I yield back the balance of my time.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 5, 1982, TO FILE REPORT ON H.R. 2160, POTATO RESEARCH AND PROMOTION ACT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight, March 5, 1982, to file a report on the bill, H.R. 2160, as amended, the Potato Research and Promotion Act, listed in the schedule as the first item for consideration next Tuesday.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 5, 1982, TO FILE REPORT ON H.R. 3881, RELEASE OF REVERSIONARY INTERESTS OF THE UNITED STATES IN CERTAIN LANDS IN ARKANSAS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight, Friday, March 5, 1982, to file a report on the bill, H.R. 3881, as amended, to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain lands conveyed to the Arkansas Forestry Commission and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such lands to such Commission.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. LEVITAS. Reserving the right to object, Mr. Speaker, and I do so for the purposes of making an inquiry.

I certainly agree with the distinguised majority whip that helter-skelter legislation is not the way to operate and that when matters which have not received committee consideration are being proposed be placed on the calendar they should not be moved forward to make time and make work, but there is a bill that has been reported out of committee, a committee report has been filed, and it is the regulatory reform bill.

It is major piece of legislation, one that has been under consideration for some 4 to 5 years.

Since the Judiciary Committee has filed its report and presumably is in a position to seek a rule, I wonder if there could be appropriate consideration given for scheduling that important piece of legislation in the very near future?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Washington.

Mr. FOLEY. I am well aware of the interest of the gentleman in the legislation and I share his interest. In fact, he and I are among the many cosponsors of that bill.

Certainly the bill will be given consideration for scheduling at the appropriate time.

I am advised that the Committee on the Judiciary has not yet formally requested a rule. The Rules Committee could not schedule the bill for a hearing because it has not been requested to do so by the Committee on the Judiciary. That is the information I have received.

Mr. LEVITAS. Further reserving the right to object, I thank the distinguished majority whip for his response, and since that report has now been filed and since the schedule and the calendars appear to have adequate room to accommodate consideration of this important legislation, I would simply urge the leadership of the House to give very serious consideration for prompt consideration of this, that a rule may be requested and that the Members of this body will have the opportunity to work their will.

Mr. FOLEY. I thank the gentleman.

Mr. LEVITAS. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 8, 1982

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 noon on Monday next, March 8, 1982.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT, SATURDAY, MARCH 6, 1982, TO FILE REPORT ON H.R. 4491, EXEMPTING U.S. CAPITOL HISTORICAL SOCIETY FROM CERTAIN TAXES

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight, Saturday, March 6, 1982, to file its report on the bill (H.R. 4491) to exempt the U.S. Capitol Historical Society from certain taxes.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PROCLAMATION DESIGNATING MARCH 21, 1982, AS "AFGHANISTAN DAY"

Mr. GARCIA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 142) to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

Mr. RITTER. Mr. Speaker, reserving the right to object, not that I am opposed to the bill, but I do so for the purpose of allowing an explanation of the bill.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from New York.

Mr. GARCIA. Mr. Speaker, the purpose of this resolution proclaiming Afghanistan Day on March 21, we all know that the struggles that the Afghanistan people have exhibited against their oppressors is inspirational. The Afghanistan people refused to lay down in the face of repression. They have maintained their dignity.

The Afghanistan people refuse to lay down in the face of repression. They have maintained their dignity and their sense of purpose and their will to bring liberty and freedom to their country.

The intensity of purpose of these people should stand as a warning against any government that would impose itself on a so-called weaker nation. The strength that the Afghanistan people exhibit is a strength of character and of will. This strength has enabled them to stand up to the military machine that confronts them.

I am proud to express my solidarity with the people of Afghanistan. They are obviously a very positive example for all people who struggle against oppression.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Speaker, I am very proud to join in this bipartisan effort.

Mr. Speaker, I am glad that the House is today taking action on this resolution calling on the President to declare March 21, 1982, as a day of commemoration for the people Afghanistan. I am proud to be a part of this bipartisan effort.

In recent months our attention has properly been focused on the events in Poland and the Soviet-backed repression of the worker's movement and the Polish people. But we must not forget the struggle which has been going on for over 2 years now in the country of Afghanistan. For over 2 years the people of Afghanistan have suffered from the blatant aggression of the Soviet Union. We must not abandon our protest of the Soviet occupation of Afghanistan.

The Afghan people have bravely resisted the Soviet military occupation and the Soviet-backed Government of Babrak Karmal. They have bravely defended themselves against these forces which have brought war and suffering to their country. Against incredible odds, the strength and perseverance of the Afghan freedom fighters continues to mount. These people have fought for and regained control of a large portion of the land taken by Soviet troops, thus shrinking the area of the countryside controlled by the puppet government.

This resistance and this fight for freedom deserves the recognition and support of the free world. In passing this resolution we will join the members of the European Parliament and others throughout the world in setting aside March 21, 1982, as a day of recognition for the people of Afghanistan.

On December 16, 1981, the European Parliament passed a resolution declaring March 21, 1982, as Afghanistan Day. I hope we will follow suit and adopt this resolution today.

President Reagan has endorsed our resolution and the State Department has agreed to coordinate private groups wishing to participate in and contribute to the day's events.

March 21 is the day the people of Afghanistan observe the start of the new year. In Afghanistan, the day symbolizes the nation's rebirth. We, in the West, who cherish the rights and privileges of freedom so dearly should join the Afghan people in this celebration by recognizing their struggle and supporting their cause. Let this day serve as an outcry against Soviet tyranny and oppression and a cry for the rights and freedom of nations across the globe.

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Mr. RITTER. Mr. Speaker, today I would like to urge my colleagues to pass Senate Joint Resolution 142, to authorize and request the President to issue a proclamation designating March 21 as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

Mr. Speaker, I would like to explain why the issue of Afghanistan Day is so important and why we are asking the President to make this proclamation.

Afghanistan Day represents an important opportunity for the United States to join with nations and peoples around the world in support of fundamental principles—national independence, self-determination, and freedom—which we have always championed.

The courage and the tenacity of the Afghan freedom fighters in battling the mechanized might of the Red army to a standstill has become a global legend. In denying the Soviet Army control of their country, the Afghans have taught the world an invaluable lesson in self-defense against aggression. American observance of Afghanistan Day will send the Afghan warriors a heartening message of respect and thanks for their brave example.

Afghanistan Day was first proposed by our friends in the European Parliament. Lord Nicholas Bethell, whom I have worked with as cochairman of the United States Congress-European Parliament Action Group on Afghanistan, was instrumental in getting the resolution passed on December 17 of this past year. In following the European leadership here, we will be strengthening our partnership with some of our closest allies.

Mr. Speaker, I would like to enter at this point in the RECORD the European Parliament resolution of Afghanistan Day, as follows.

FINAL RESOLUTION AS PASSED BY THE EUROPEAN PARLIAMENT, DECEMBER 16, 1981

Recalling that Afghanistan was invaded by Soviet forces on December 27th, 1979 and that this invasion was condemned by a resolution of the European Parliament on January 15, 1981;

Noting that on November 18, 1981 the U.N. General Assembly condemned by a very large majority the continuing Soviet military occupation of Afghanistan;

Convinced that this occupation which is unacceptable to European Community governments complicates any attempt to improve East-West relations;

Shocked by the sufferings of the Afghan people inside their country: the bombings carried out against the civilian population, the destruction of their crops and livestock, the disease and the famine;

Deeply concerned at the plight of the Afghan refugees, more than 2.3 million of whom are now registered with the United Nations in Pakistan;

Remembering that every year March 21st is celebrated by Afghans as their national day, representing the beginning of a new year and symbolizing the nation's rebirth.

(1) Declares its intentions to commemorate March 21st, 1982, as Afghanistan Day;

(2) Expresses the hope that this day will mark the desire of the peoples of the European Community to see the establishment of a free, independent and non-aligned Afghanistan;

(3) Instructs its President to convey this resolution to the Commission of the European Communities and to the foreign ministries of the member states.

This resolution will be a strong signal to the Soviets, and to the rest of the world, that we and our European allies remain firm in our opposition to the Soviet's unlawful occupation of Afghanistan; and, by extension, it will underscore our own national commitment to victims of external aggression throughout the world.

At the same time, U.S. observance of Afghanistan Day will project to those in the Third World a true image of Americans in keeping with our finest historical role: Champions of freedom and friends of the downtrodden.

Much as we would like to believe that the Afghan people can sweep the Soviet Army off their soil, by military means, it is very clear that other forms of pressure will be needed to get the Russians to leave. Observance of Afghanistan Day in this country and around the world can sharply increase the price paid by the Soviets in world public opinion for their continued war in Afghanistan.

Instead of destroying the Afghan people's will to resist, Moscow's assault on Afghanistan has given the lie to a fundamental Soviet myth: Freindship and support for Third World nations. In supporting Afghanistan Day, we can help to remind our friends and all those in the Third World of this most fundamental discrepancy between Soviet preaching and Soviet practice.

Therefore, on February 2, this year, I introduced, along with my good friend and colleague JOEL PRITCHARD, and with substantial bipartisan support, House Joint Resolution 398, to establish March 21 as a day of observance of the continuing tragedy in Afghanistan by all Americans. Since that time, many more have joined in cosponsoring this resolution. Yesterday in the Senate the resolution was passed by a vote of 96 to 0.

The President has voiced his strong support for Afghanistan Day. In his very state of the Union address, the President stated, and I quote:

I urge all peaceloving peoples to join together on this day, to raise their voices, to speak and pray for freedom.

I also have a letter of support from the Secretary of State, Hon. Alexander Haig, and I ask that to be inserted at this point in the RECORD.

The letter is as follows:

THE SECRETARY OF STATE,
Washington, February 25, 1982.

Hon. DON RITTER,
House of Representatives.

DEAR MR. RITTER: It is my understanding that your efforts have been instrumental in drawing attention to the issue of Afghanistan in general and, particularly, in promoting support for the Joint Congressional Resolution designating March 21 as Afghanistan Day.

Bringing about a withdrawal of the Soviet occupation army from Afghanistan remains one of the principal foreign policy goals of this Administration. President Reagan and I strongly endorse Afghanistan Day as a means of expressing to the Afghans our support for them in their freedom struggle. In addition, by observing Afghanistan Day, we as a nation will be reaffirming to the world our resolve to oppose Soviet oppression in Afghanistan and, by extension, elsewhere. Hence, I would like to express to you my personal appreciation for your efforts in this regard.

Sincerely,

ALEXANDER M. HAIG, Jr.

With passage of the resolution before us today, the United States will be able to join our European allies and other nations of the world in demonstrating our strong opposition to the continuing Soviet occupation of Afghanistan.

Briefly, what is Afghanistan Day?

Well, March 21 is an important day for Afghans. It is the day which starts their New Year and is a symbol of their nation's rebirth.

I am sure all of you are aware of the struggle that is going on in Afghanistan. For centuries the Afghan people have been a fiercely proud and fiercely independent people and have never in their history been conquered.

The Soviet Union invaded Afghanistan over Christmas of 1979, and since that time have wreaked havoc with their superpower arsenal to defeat the Afghan freedom fighters. They have been unsuccessful.

This conflict is not on the front pages of our newpapers or in our evening television news anymore and therefore many people have forgotten or are not aware of the tremendous sacrifice of these Afghan freedom fighters and the Afghan people.

Two and a half million Afghan refugees sit on the border of Pakistan and Afghanistan, the world's largest concentration of refugees. Afghanistan Day will help to lessen the dearth of knowledge and remind people that the Afghans are on the front line against this blatant extension of Soviet imperial power.

In addition, the President has just announced his pleasure in learning that former Secretary of State William Rogers will be leading America's efforts in the observance of Afghanistan Day.

In addition to a planned massive demonstration and rally in Washington, D.C., efforts will be directed on regional and local levels. Other rallies will be occurring in other cities and areas all over the United States and efforts are underway to have information sent to schools and colleges for 1 day of study devoted to Soviet repression in Afghanistan. Churches, synagogues and mosques are being asked to join in this effort.

While we observe Afghanistan Day, we should be particularly mindful of the burden being borne by Afghanistan's neighbor, Pakistan, given 2½ million refugees in their country. Pakistan has welcomed these refugees and provided a haven for them.

Furthermore, Pakistan itself is now confronted by Soviet power. Incidents on their own border have made the Pakistanis, too, victims of Soviet aggression.

I am personally grateful to have had the chance to travel to the Afghan border with Pakistan last spring. I observed firsthand the dislocation of an entire people. However, the outstanding impression I came away with was their longing to go back to their villages and most of all their longing to purge the invader from their homeland even if it meant death. Afghanistan Day will show all the Afghan people that we care about them and the preservation of their Afghan homeland.

Mr. Speaker, I would like to ask at this point that a speech by my colleague, the gentleman from Washington (Mr. Pritchard), my cosponsor in the House of this resolution, that his material can be added in.

The SPEAKER pro tempore. Will the gentleman suspend? General leave may be obtained later on for all Members.

Second, the gentleman is speaking under his reservation of objection. The Chair does not know yet whether the gentleman objects to having the resolution considered.

Is there objection? The gentleman from Pennsylvania has the floor.

Mr. RITTER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Michigan (Mr. Broomfield).

Mr. BROOMFIELD. Mr. Speaker, I strongly endorse House Joint Resolution 398 which authorizes and requests the President to issue a proclamation designating March 21, 1982 as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

I believe that it is vital to freedom in Southwest Asia that the United States officially express once again its indignation over the cruel and inhumane occupation of Afghanistan by the Soviet Red army. This expression of solidarity provides a highly visible tool for focusing world attention on the continuing plight of the proud Afghans who are still fighting Soviet oppression. Under constant armed attack by Communist Soviet forces, the Afghans are waging a gallant struggle to retain their independence and liberty. Against massive technological odds, against internationally outlawed chemical-biological weapons, and against enormous concentrations of troops, the Afghan freedom fighters are not only holding out, but they are battling toe-to-toe with the Soviet aggressors for every inch of occupied territory.

The unprovoked Soviet attack has not only killed thousands of innocent Afghans, but has created a refugee problem of over 2 million people. The suffering that this has caused, both to the refugees and to those that have remained behind, is unprecedented in modern times in that part of the world.

I proudly join with my colleagues in supporting this resolution. Our show of concern over the situation in Afghanistan, along with commemorations in Europe, and indeed throughout the world, helps the people of Afghanistan in this troubled time. Our support lets them know that their cause has not been forgotten. It also lets the Soviets know that a price will be exacted every time they violate international law and violate the basic human rights of mankind.

Mr. RITTER. Mr. Speaker, further reserving the right to object——

The SPEAKER pro tempore. Is the gentleman reserving the right to object to consideration of the resolution?

Mr. RITTER. Yes, Mr. Speaker.

The SPEAKER pro tempore. Very well. Reservation is heard.

Mr. RITTER. Mr. Speaker, I yield to the gentleman from Iowa (Mr. Leach).

Mr. LEACH of Iowa. Mr. Speaker, more than 2 years have passed since Soviet airborne troops first landed in Afghanistan on Christmas eve, 1979. What has since unfolded is not only an unseemly example of a large power seeking to impose its will on a small nation by force of arms but also one of the most hideous examples of sheer barbarity that the world has witnessed in the 20th century.

The Soviet invasion of Afghanistan—the first direct use of Soviet troops to subjugate a sovereign nation outside Eastern Europe—poses a strategic challenge to the nations of the free world. It also represents a fundamental attack upon the humanitarian principles valued by all civilized nations. As we join with our European friends and allies in saluting the valor of the Afghan people on Afghanistan Day, March 21, it is important that we bring to the forefront of world attention the unprecedented brutality of the Soviet attempt to subdue this remote nation.

Never in the chronicles of history has there been such a military mismatch. Opposing Red Army tanks and helicopter gunships are Mujahadin armed almost exclusively with the bolt-action .303 Lee-Enfield rifle which was standard issue in the British Army in India at the turn of the century. The Soviets are employing space-age armaments against an enemy reliant on 19th-century weapons and 16th-century tactics.

Incredibly, the Russians are losing. While Soviet troops have killed an estimated 500,000 Afghans; while they have forced an additional 2 million Afghans to flee their homeland to seek refuge across the border in Pakistan; while the intimidation implied in mass executions is a common occurrence, the Afghan people continue to fight on.

Soviet troops today control only 20 to 25 percent of Afghanistan in daytime and less than half this amount at night. No Soviet soldier or citizen is safe outside the confines of military barricades.

The depth of Soviet frustration has been so great that Soviet forces have resorted to the use of some of the most inhumane weapons made possible by twentieth century science. In flagrant violation of the Geneva Protocol of 1925 and probably the Biological Weapons Convention of 1972, Soviet forces have employed bio-chemical weaponry. The use of nerve gas, poisoned food and wells is common place. In addition, there are widespread reports of the use of poison bullets as well as mycotoxin weapons of the kind also being employed by Communist forces in Laos and Kampuchea.

Women and children are the most pitiful victims of Soviet barbarity. Entire vilages are razed by napalm or engulfed in chemical clouds. But perhaps the most insidious weapons being employed to terrorize the civilian population are so-called butterfly bombs that explode when touched. These are small, plastic explosive devices, which are often left on the ground disguised as household items or toys. Natually curious children are the most frequent victims of these devices, as the number of limbless or disfigured children in refugee hospitals graphically indicates.

The valor of the Afghan resistance against this terror was brought home to me by the testimony of a young girl before the Committee on Foreign Affairs last July. This teenager, Nahid, told of the morning in April 1980 when she and her classmates at an all-girls school near Kabul spontaneously launched a children's crusade against Soviet occupation of their homeland.

Protesting the reading of biographies of Russian imposed leaders, the girls closed their books and demanded traditional instruction. Authorities attempted to reestablish discipline by locking the doors to the school, but the girls jumped out windows and ran to a nearby boys' school where Soviet soldiers had assembled to quell the disturbance.

Waving a green blouse tied to a stick symbolizing the Islamic flag of freedom, Nahid led a student assault on the Russians. The girls threw sticks and stones. The Russians responded with automatic weapons. Half of the students fell wounded or dead, but the girls forced the Russians to flee in their jeeps.

Seventy high school students were massacred in the incident. In the past 2 years over 40 members of Nahid's family have died resisting Russian rule. One of the few family survivors, Nahid today is a high school student in California. Along with over a million other Afghan citizens she was compelled to vote with her feet against Soviet rule, and trekked hundreds of miles over barren mountainous territory to the safety of refuge camps in Pakistan.

Nahid's message to the American people was that the "Afghans will accept death, but they will never accept the Russians." History is rife with stories of conflict and courage; but Afghanistan today represents ultimate proof of the unquenchable desire of mankind to live, work and worship in freedom.

Occupation forces may capture capitals and control for a time the machinery of government, but guns alone cannot conquer the human spirit. Schoolgirls without freedom will always stand up to soldiers without justice. Let us hope that the day will never come when ancient rifles in the hands of patriots will not prevail over machineguns controlled by despots. The people of Afghanistan deserve our full support and admiration in their struggle against Soviet terror.

Mr. Speaker, I include for the RECORD the recent statement made by Dr. and Mrs. Yahya Maroofi, members of the Association of Afghans in Switzerland, before the U.N. Human Rights Commission in Geneva, which eloquently depicts the sheer barbarity of Soviet behavior in Afghanistan:

The legality of Russian transgression against the independence and territorial integrity of a peace-loving and non-aligned country has been subject of deliberation at numerous international gatherings and the fact that the United Nations General Assembly recognized the invasion as an act of aggression and thrice voted by overwhelming majority for the immediate and unconditional withdrawal of foreign troops from Afghan soil speaks for itself. We are not here, therefore, to debate the political aspects of the situation; nor do we intend to dwell on such self evident truths as nightly arrests, persecutions and torture and violation of the rights of the individual as perpetrated by their puppet regime in Kabul. The machinery of suppression designed by their masters is in full operation, and interrogation centers equipped with the most sophisticated instruments of torture have mushroomed across our land. Prisons are full beyond capacity with the Soviets in charge of final interrogations and executions. Those fortunate to survive Mr. Karmal's inferno pass indefinite terms in confinement without the benefit of a trial, the less fortunate end up on the missing persons list.

Our purpose before the commission is to denounce Russian violation of human rights in Afghanistan and their atrocities. Never since the Mogul invasion have our people suffered a similar fate, and seldom in recent civilized history have rules of human conduct been so ruthlessly violated. Mass killings and genocide through indiscriminate bombings of towns and villages and the use of poison cases are means by which the invader hopes to gain control of the country and suppress our people.

The 100,000 Red army soldiers in Afghanistan have in the last several years killed 500,000 Afghan people. An additional three million Afghan have been forced to flee their homeland to seek refuge across the border, reduced to living under conditions of extreme depravation. Their life is hard, yet they praise Allah for having delivered them from the cruelties inflicted by the Soviet invaders. By the thousands of others—wives, husbands, brothers, sisters, fellow villagers or fellow tribesmen—suffered a worse fate: They were jailed, tortured and hundreds of their villages were wiped from the face of the Earth by Russian bombs naplam fire dripped from the air. The fields they once tilled, their livestock and small irrigation projects—all have been razed to the ground and destroyed by explosives, fire and poison gases.

We intend today to relate detailed evidence concerning these violations of human rights in Afghanistan. The information submitted are accounts obtained by the association of Afghans in Switzerland including reports by Afghan freedom fighters, the free press and international medical groups.

Let us begin by relating what one man and one woman have to say about the devastating destruction that has been inflicted on Afghanistan. The man, Goljan Farmi, is a 38-year-old former mathematics teacher at Kabul's pedagogical college. He is one of the many patriots fighting the invaders in Far province. We take this account from a German newspaper (article by Walter E. Rueb in Die Welt, January 2-3, 1982).

Goljan tells of Russian forces attacking with tanks, planes, MI-24 helicopter gunships, napalm and finally, chemical weapons—nerve gas. "The world just doesn't believe us", Goljan says. "And the Russians so far have successfully denied that they intend to destroy us with chemical weapons." He describes the effects of the gas attack on his own group of freedom fighters:

"Hundreds were hit by the holocaust. They were stricken with cutaneous gangrene, dozens had paralysis of the legs, arms and the central nervous system was deranged in others. There were three blinded and many paralyzed among my Mujahidins." Goljan goes on to speak of the battlefield, the devastated landscape, after the Russians were forced to withdraw: "Wherever you went," he said. "There were dead snakes, withered trees, the animal world and nature were totally devastated . . . is it like this when the world perishes?"

Those last words chill the blood: "Is it like this when the world perishes?" This is Afghanistan today.

Another victim's name is Yassamin, and her story was told recently by an Italian journalist (Dino Cimagalli in Gente, January 22, 1982) who interviewed her and a number of other refugees in a camp near Quetta, Pakistan. The writer says this particular camp is also known as "the widow's camp" because many of the women there lost their husbands in the Kerala massacre in the spring of 1979. This tragedy was described in detailed testimony before the Stockholm people's tribunal in May 1981. Witness told of Afghan troops, commanded by Soviet officers, brutally and deliberately shooting down 1,200 male villagers.

Yassamin was interviewed by this journalist in a frigid tent which housed 18 women and young children. There was no food to be seen, although there was a "nauseating smell" of frying, and the only furnishings consisted of heaps of dirty blankets and burlap bags used for sleeping. This is Yassamin's story.

"Kerala was a village, not far from the Pakistan frontier, of about 1,000 families. After the Suravi (a word meaning Russians) arrived, many of the men joined the resistance. My husband was a soldier in the Afghan Army, but he, too, went over to those who were fighting the invaders. One day the soldiers and the Suravi arrived for a massacre. The troops killed all the men who were in Kerala—there were more than 1,200, and many women and children were killed, too. Afterwards we figured out that at least 4,000 children were orphaned, and 800 women were widowed."

Have any here in the commission seen or heard of the murderous "butterfly bombs?" They are small individual mines, made of different colored plastic, usually about the size of a small human hand, and brown, green or grey in color. They are designed to float or spin to Earth when dropped from a Russian helicopter, and built to explode after their first contact with the Earth after the drop.

The Russians have made the "butterfly bomb" their main calling card in attacking our people. They have dropped these deadly little mines by the tons—not thousands, but hundreds of thousands of them. Many have been dropped along footpaths in the border area, where refugees fleeing the country are likely to step on them or pick them up. Some have been disguised as ordinary household items or as toys. Children, as a result, are among the victims of these insidious weapons—which incidentally, are banned by an International Conventions of which the USSR, among others, is a signatory.

These "butterfly bombs" have killed or maimed thousands. One hospital in the Peshawar area recorded treating 700 persons wounded by such mine explosions in just one year. These small mines, the experts say, may remain explosive for 15 to 20 years, so they are likely to claim victims for years to come.

French medical groups which have sent health teams into Afghanistan have seen first-hand the devastation of these "butterfly bombs". In the words of Dr. Claude Malhuret, the spokesman for the Paris-based doctors without frontiers (Medecins Sans frontieres), "Children are the main victims.

as they have a tendency to pick up anything out of curiosity." He and other doctors connected with this group told a news conference in Paris on January 20, 1982 that most of their surgery involved "patching up victims of these bombs." It is hard to imagine the disfigurement these tiny weapons wreak. The doctors, however, showed slides illustrating the terrible injuries they cause when scattered in the countryside by the Russians.

Dr. Frederique Hincelin, who was a member of a medical team dispatched by another Paris organization, International Medical Assistance, gave another eye-witness account of the damage done by "butterfly bombs." She told the Paris newspaper, Le Monde, on December 28, 1981 that one of the Mujahidin in the caravan which took them into Afghanistan last July stepped on one of these small mines shaped like a watch. "We amputated on the spot," she said, "without anesthetic because the horse that was carrying the anesthetic had fallen down a ravine. The Mujahidin lent us a knife and some blacksmith's tongs." During the trip in, she added, "someone brought us a child who had picked up a boobytrapped match box . . . his hand and forearm had been ripped to shreds. It was too late to save him. We were told of helicopters that flew over every two or three days and dropped these sorts of mines in the form of watches, match boxes, stones, cigarette packs or children's toys. We discovered that many civilians, above all children, had been injured by these mines and were waiting at the Red Cross hospital in Pakistan in the hope that they might be fitted with artificial limbs."

I should note here that hospitals treating the refugees are in urgent need of artificial limbs and of experts in plastic (facial) surgery.

The French doctors—there were about 25 of them in all—kept their life-saving activities in Afghanistan secret for many months, in the hope that if they said nothing, the Russians would not bother them—but they decided to tell their story to the world late last year after concluding that the Russians were deliberately and systematically bombing their hospitals, along with villages, farms and crops. One of them, Dr. Oriette Chamdier of the Doctors Without Frontiers Group, said, in a radio interview (Vienna radio, December 29, 1981): "The Russians do not want to have any foreigners around, no witnesses." Dr. Hincelin said that the objective of the Soviet air and helicopter attack on their hospital "was quite clear: the Soviets were bombing a hospital run by foreigners. We had been located and we were undesirable."

The Soviets bombed at least three such hospitals and totally destroyed them—one in Jaghori about 100 miles from Kabul in the central Hazarajat region, one in the Panjshir Valley in northern Afghanistan, and another at Nangarhar. In each case the hospital was the only target.

Many of these doctors, joined by others, intend to go back into Afghanistan to resume their mission because they feel they are needed. They intend to take all possible precautions and to publicize each future Russian bombing attack. We can only pray that Allah protect them in their good work.

As a result of growing dossier emerging from Afghanistan and increasing demands for an international inquiry into the conduct of the Soviet invaders, a group of UN experts was established early last year to investigate charges of Russian use of chemical weapons in Afghanistan. The Association of Afghans in Switzerland spoke with several members of this group last week before it departed for the border areas in search of evidence. The Soviet Union and its client state have attempted to block the work of these experts by denying their admission to Afghanistan. Soviet officials at the United Nations also have done their best to interfere with the UN investigation which has made it extremely difficult to obtain specific on-the-spot information and reach as of yet a final conclusion. The group of experts did, however, discover enough facts to convince the general assembly's main political committee to vote last December 4, 74 to 18, for continuation of the investigation. With the assistance being offered by the Association of Afghans in Switzerland and our counterparts in and around Afghanistan, we are confident that evidence of the use of chemical weapons which the Russians have attempted to suppress will be found.

One victim we have asked the UN group of experts to investigate is Abdul Gafar, an elderly tribesman of Areghestan in Kandahar province who survived a Russian chemical attack in Ataghar in July 1981. A well-known professor of medicine of Colombia University examined this victim and his findings is available to the commission in the form of "corroborated history of witnesses at Adaghar bombings".

Meanwhile, the public accusations concerning Soviet use of chemical warfare in Afghanistan continue. In New Delhi, a committee of Asian lawyers established in May 1981 by the association of Indian lawyers, announced December 3, after a three-day inquiry with 16 witnesses, that it had evidence to prove that the Soviet military were using poison gas in Afghanistan.

A symposium on Afhanistan in Rome in early December heard similar charges from Sterling Seagrave, who has recently published a well-documented book on the subject. Those attending the symposium viewed a film taken by a Dutch journalist showing gas attacks delivered by air and the victims of these attacks.

We have taken some time to describe the reign of terror which the Russians have unleashed on our country as they try to bend our people to their will—the systematic destruction of villages and towns, even of hospitals and mosques, the devastation of the countryside. Half a million Afghans have died thus far, many after being hideously tortured, and nearly three million have been forced to abandon their homes and flee to a precarious asylum in a neighbouring Islamic country. Such instruments of the evil as the "butterfly" bomb, napalm and poison gas have rained from the skies, dropped by the dreaded MI-14 Russian helicopters, killing thousands of civilians—innocent men, women, and children.

The Russians are not only violating the human rights of every Afghan in their quest for more territory, but are also attempting to destroy Afghanistan's ancient moslem culture and religion. Mosques are being desecrated and destroyed, genuine religious leaders continue to be imprisoned and every attempt is made to eliminate Islamic religious institutions, teachings and traditions in the name of atheistic communism. Since 1978 thousands of religious leaders have been arrested, tortured and killed. They were enemies of the communist regime because they inspired the resistance of the Mujahidin—our only warriors. They were feared because they could bring thousands to their rooftops to cry into the night: "Allah-O-Akbar"—God is great.

The Russians in charge of Sovietization of Afghanistan emphasize the education of the country's youth. They call it education, we call it brain-washing. Soviet-edited textbooks are now mandatory in our schools. Teachers and professors, educators at all levels, have been screened. Those who decline to accept the ideas of an atheistic education have been fired, replaced in many cases by teachers brought in from neigbouring areas of the USSR. Islamic customs and traditions are belittled and distorted in the rewritten texts. Marxist materialism is praised as the way of the future.

The Sovietization of Afghanistan encompasses the army, the government, politics and the economy, as well as our religious, cultural and educational institutions.

Seven Soviet military governors now administer different sections of the country. Russian officers command puppet army military units down to the company level. Press gangs scour the streets of the cities for new military recruits, gravving our young people—some of them only 12 years old.

Russian and other Soviet bloc advisers—6,000 or more of them—now run all government ministries. The Afghans who work at their side, even though they may boast some fine titles, do no more than rubber-stamp documents prepared for them by the Russian experts. Mohammad Daoud Mohabbat, who had been member of the first political department of the foreign ministry before he fled last October, said that Russians now dictate foreign policy and that the foreign ministry had become no more than a translation service. Afghan television until he reached Pakistan last November, said Russian advisers censored and controlled all the news. Abdul Hai Arienpur, a former judge of the Afghan Supreme Court, who also fled recently, said 90 percent of the courts had been closed and others functioned only under strict Soviet supervision. Verdicts are rendered on the basis of Marxist Communist law instead of the country's supposedly Islamic constitution. Mohammad Tahir Hashemi, former professor of political science at Kabul University who fled last November, said most university personnel were now from the USSR. He said they urged Afghan professors and students to renounce the Islamic way of life—those Afghan professors who refused to go to the USSR for "training" were dismissed. Judge Abdul Hai Arienpur said the same thing about Afghan judges who refused to be "retrained" in the USSR under Marxist law.

Russian colonialism is also evident throughout the economic sector, with Moscow ruthlessly exploiting Afghanistan's mineral wealth, particularly our vast underground stores of natural gas. Afghan economic exchanges with countries outside of the Soviet bloc have practically ceased, and Afghanistan has been forced to intergrate into the bloc's economic system.

But economic intergration and political domination is not enough to satisfy Moscow which has already annexed a part of the country. Last June 16, the puppet government in Kabul signed a so-called treaty with the Soviet Union, turning over a strategic 300-square-kilometer strip of land called the Wakhan corridor to the Soviet Union. This eliminated Afghanistan's land link with China and moved Russian troops up to the Pakistan border.

We should also point out that preparations for a fullscale soviet takeover of Badakhshan Province are already well advanced. Soviet construction engineers have built six new airfields which will enable Red army occupation troops to maintain tight controls over the entire area. The world is likely to wake up some morning and read—as it did last June about Wakhan corridor—that Badakhshan is now a part of the Soviet Union.

Colonization, Sovietization . . . call it what you will Afghanistan will never become a vassal state of the Soviet Union so long as our free fighters breath. Genocidal attempts to kill off or drive out those people who refuse to accept a foreign yoke will not succeed, no matter how much brutality is employed. Neither Soviet tanks nor Soviet "butterfly bombs" can force the people of Afghanistan to betray their Islamic heritage of independence and freedom, the Soviet Union claims that the changes they are making in Afghanistan are, and we quote, "Irreversible." We state emphatically today that they are reversible, and that the Russians will be turned back, and that a free Afghanistan will live again to take its place in the assembly of the world's nations.

We appeal to all delegates at this meeting, and to all people of good will everwhere, to assist us in reversing the Soviet tide of colonialist conquest. The defense of our nation's rights is the defense of its sovereignty and territorial integrity, the defense of our people's inalienable rights to self-determination and of their fundamental human rights and freedom in accordance with the principles enshrined in the United Nations charter, the Universal Declaration of Human Rights, and the internatinal convenant on civil and political rights.

Even the Soviet Union cannot ignore the cries of revulsion of peaceloving peoples everywhere who look to this commission as a beacon of hope. We demand that it adhere to the code of civilized conduct by observing international agreements and commitments on human rights, convenants banning the use of poison gas and other weapons of terror and agreements to respect national boundaries. We expect signatories to these agreements to respect the rule of law rather than of brute force.

Mr. RITTER. Further reserving the right to object, Mr. Speaker——

Mr. JACOBS. Mr. Speaker, I demand regular order.

The **SPEAKER** pro tempore. Is there objection to the consideration of the resolution offered by the gentleman from New York (Mr. GARCIA)?

Mr. RITTER. Yes, I object.

The **SPEAKER** pro tempore. The gentleman objects to consideration?

Mr. RITTER. I do not object to the resolution itself, but on the basis of explaining——

The **SPEAKER** pro tempore. Regular order has been demanded. The gentleman must state an objection or not state an objection.

Mr. RITTER. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York (Mr. GARCIA)?

There was no objection.

The **SPEAKER** pro tempore. The Clerk will report the Senate joint resolution.

The Clerk read the Senate joint resolution as follows:

S. J. RES. 142

Whereas Afghanistan, more than two years after the Soviet invasion, remains a nation occupied and terrorized by over eighty thousand Soviet troops;

Whereas the continued Soviet occupation of Afghanistan is causing enormous suffering among the people of Afghanistan, as well as the deprivation of their basic right of national sovereignty;

Whereas over two and one-half million people of Afghanistan, constituting more than 15 per centum of the country's population, have fled the Soviet occupation and are now refugees in Pakistan and other neighboring countries;

Whereas the Soviet invasion of Afghanistan undermines the spirit and intention of the Declaration of Principles of the Final Act of the Conference on Security and Cooperation in Europe, which the Union of Soviet Socialist Republics signed at Helsinki in 1975;

Whereas the puppet regime of Babrak Karmal, installed and maintained by the Union of Soviet Socialist Republics, has denied the people of Afghanistan their right to self-determination, in violation of the United Nations Charter;

Whereas the undaunted resistance of the Afghan freedom fighters against the Soviet occupational forces is an inspiration to the free world;

Whereas the United Nations General Assembly passed a resolution on November 18, 1981, calling for "the immediate withdrawal of the foreign troops from Afghanistan";

Whereas the people of Afghanistan observe March 21 as the start of each new year and as a symbol of the nation's rebirth; and

Whereas the European Parliament has declared its intention to commemorate March 21, 1982, as Afghanistan Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 21, 1982, as Afghanistan Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The **SPEAKER** pro tempore. The gentleman from New York (Mr. GARCIA) is recognized for 1 hour.

Mr. GARCIA. Mr. Speaker, I yield 15 minutes to the ranking minority member, the gentleman from New Jersey (Mr. COURTER).

Mr. COURTER. Mr. Speaker, first I rise in support of the Senate joint resolution.

I would like to congratulate the gentleman from Pennsylvania (Mr. RITTER) for his sincere efforts in this regard, and I would also like to congratulate the gentleman from New York (Mr. GARCIA) on his efforts to get this joint resolution passed.

Mr. Speaker, I rise in support of Senate Joint Resolution 142 calling upon the President to issue a proclamation designating March 21, 1982, as "Afghanistan Day."

We cannot ignore the Soviet military occupation of Afghanistan and we must keep alive the public interest since the Afghan situation is no longer receiving the media coverage it deserves.

We must demonstrate over and over again the nature and extent of Soviet crimes in Afghanistan. As the leader of the free world, the United States is expected to pursue a policy of firmness against Soviet imperialism. This is one case where we can be certain that all countries of the free world will respect our leadership, especially those people who share the Muslim religion which is being suppressed by Soviets in Afghanistan.

It is only fitting that we join with the European Parliament, who on December 16, 1981, passed a similar resolution commemorating March 21, 1982, as "Afghanistan Day."

I urge my colleagues to join me in supporting Senate Joint Resolution 142 calling for an international observance on March 21 as a day of global support for the Afghan people.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I rise in support of the resolution. It is over 2 years since the Soviet Union brutally invaded Afghanistan. For over 2 years the courageous Afghan freedom fighters have continued to resist the Russian occupation. Facing tanks, helicopter gunships, and devastating chemical warfare. The freedom fighters have countered with little more than rifles and bravery. Still they enjoy overwhelming popular support and control most of the countryside. Against all odds, there is some chance that they will actually succeed in convincing the Soviets one day that the price they have to pay to continue occupying Afghanistan is just too high.

Mr. Speaker, we cannot let this struggle disappear from the front pages, or even the back pages, of the world press. The Soviets must be made to pay a heavy price in world condemnation for their subjugation of a neighboring country. We must also make them pay for their brutal use of chemical weapons that wipe out whole villages indiscriminately. This is not just the Afghan freedom fighters' struggle. It must be our struggle too, and the struggle of decent freedom-loving people everywhere. It is our [illegible] to keep the pressure on, to keep focusing world attention on what is happening in that far off unhappy land. If we allow the world to forget about this extension of Russian empire, the Soviets will be free to step up their suppression and increase their use of deadly chemicals, and all faint hopes for a free Afghanistan may be extinguished.

"Afghanistan Day," March 21, is a worldwide effort to focus renewed attention on the Soviet takeover of that country, which has already been almost forgotten on the pages of our newspapers. I urge my colleagues to accept responsibility for doing our part in supporting the freedom fighters' heroic struggle by voting for this resolution and participating in the events it backs on March 21.

Mr. COURTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Gilman).

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 398, designating March 21, 1982 as "Afghanistan Day."

The people of Afghanistan celebrate March 21 of every year as the start of the New Year and as an anniversary of the rebirth of their nation. It is proper and fitting, therefore, that March 21 be designated, as it has already been by the European Parliament, as "Afghanistan Day," a day on which the people of the world may demonstrate their solidarity with the people of that embattled nation.

On December 24, 1979, the Soviet Union launched a full-scale, unprovoked invasion of the neighboring country of Afghanistan. On the pretext that their presence was invited, the Soviets continue to occupy that country by force of arms, ruthlessly—but unsuccessfully—attempting to suppress armed and passive resistance by the overwhelming majority of the Afghani people.

The attention of the world has been focused on Afghanistan ever since the Soviet invasion. The Soviet aggression has been denouced by the United Nations General Assembly, by the Islamic nations, and by world opinion generally.

Bearing ever in mind the human tragedy of a people struggling against foreign oppression, I commend my colleague, the gentleman from Pennsylvania (Mr. Ritter) for sponsoring and bringing this measure to the floor and I urge my colleagues to support it wholeheartedly.

Mr. COURTER. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. Daub).

□ 1330

Mr. DAUB. Mr. Speaker, I rise today on behalf of the Center for Afghanistan Studies at the University of Nebraska at Omaha, and myself, to express our support for the plight of the people of Afghanistan, and to express our hope that the Congress will today adopt Senate Joint Resolution 142, to recognize March 21, 1982, as "Afghanistan Day."

I would like to take this opportunity to remind the Congress that the situation for Afghanistan has not improved since the Soviet invasion of that country in December 1979.

Afghan "freedom fighters" continue to struggle against Soviet domination, and I commend the efforts of the Members of this body to focus world attention on this tragic situation.

We must let the Soviet Union know that we will not cease our support for the courageous citizens of Afghanistan, in their struggle for freedom.

Mr. COURTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Dornan).

Mr. DORNAN of California. Mr. Speaker, when I was down in El Salvador this week, a great democratic television personality and analyzer of elections said that El Salvador was the Austria of today. Well, if El Salvador is going to go through an Anschluss to be included in the Communist arena in the Caribbean, and Poland is the Poland of the 1930's, then we have a classic case with Afghanistan as Ethiopia, where the fascist dictator Mussolini used poison gas on humble tribe people; went up to Geneva to the League of Nations and made an eloquent speech predicting correctly that the world would not listen. That the League of Nations would unravel and that a great world war would begin.

This horror of yellow rain, so brilliantly exposed by a fine, and honorable journalistic investigator, Sterling Seagrave, is going virtually unnoticed at the United Nations. I have implored the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin, Mr. Clement Zablocki, to hold hearings here in our own hearing rooms on poison gas being used in Kampuchea, in Laos, and very likely once again in Ethiopia only now five decades later, and, of course, in Afghanistan. The evidence is incontrovertible. The reply to my request stated that "international civil servants" are investigating this properly in the U.N., I say that is a lot of bunk. This great deliberative body and the U.S. Senate should be holding extensive hearings immediately on the use of poison gas against the courageous Afghanistan freedom fighters. There are no ifs, ands, or buts about it.

Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. I yield to my distinguished colleague, another great investigator here in the House, the gentleman from New York (Mr. Solarz).

The **SPEAKER** pro tempore. The time of the gentleman (Mr. Dornan of California) has expired.

Mr. COURTER. Mr. Speaker, I yield the gentleman from California (Mr. Dornan) 1 additional minute.

Mr. DORNAN of California. I yield to the gentleman from New York (Mr. Solarz).

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Speaker, I rise to report to the gentleman and our colleagues that as chairman of the Subcommittee on Asian and Pacific Affairs, which has jurisdiction over each of the three countries to which the gentleman referred, and on which, by the way, the gentleman, I am glad to say, serves, that we will be holding hearings on this yellow rain question in the very near future, precisely in order to expose what is happening in these countries to our colleagues in the Congress and to public opinion in the country and around the world.

Mr. DORNAN of California. I thank the distinguished gentleman.

Mr. Speaker, I ask all of my colleagues to get a deep, secret briefing from our intelligence agencies that have been over 6 years in development on this issue of microtoxins and poison gases. Read Sterling Seagrave's book. It is 95 percent accurate, and the tiny areas where it is inaccurate is due to the fact that he didn't have access to top secret information.

Let us pass this resolution unanimously.

Mr. COURTER. Mr. Speaker, I yield back the balance of my time.

Mr. GARCIA. Mr. Speaker, I know there are many Members who want to catch planes and leave, and I just have two speakers.

I yield such time as he desires to the gentleman from New York (Mr. Solarz).

Mr. SOLARZ. I thank the gentleman for yielding. I will be very brief.

Mr. Speaker, first of all I want to pay tribute to the gentleman from New Jersey, the gentleman from New York, and the gentleman from Wisconsin for bringing this matter to the floor. But most of all I want to pay tribute to my very good friend who could not be here today, the gentleman from the State of Washington (Mr. Pritchard), who perhaps more so than anybody else in the House has focused on this problem. Mr. Pritchard has been to the Khyber Pass, has met with the Mujadeen, has been in the refugee camps, and has heroically attempted to muster support in the Congress and around the country on behalf of this resolution.

Second, Mr. Speaker, there is very little that I can add to the eloquent words that have already been said on behalf of this resolution. But there are two myths with respect to the Soviet involvement in Afghanistan that I would like to lay to rest at this time.

The first is that the 85,000 Soviet troops in Afghanistan are only there at the invitation of the sovereign government of that country. The truth of the matter is that in December of 1979 the Soviets came to the conclusion that the situation in Afghanistan from their point of view was getting increasingly out of control. When they lost confidence in the then Communist ruler of the country, Hafizullah Amin, Soviet troops surrounded the presidential palace in which Mr. Amin was living and working, proceeded to assassinate him, and then brought in the current leader of Afghanistan, Babrak Karmal, from where he was living in exile in Eastern Europe. Having brought Mr. Karmal into Kabul, and having installed him as the President of the country, after previously assassinating the former President, they then induced Mr. Karmal to issue an invitation to them to come into Afghanistan.

If that represents the decision on the part of a sovereign government, then we have forgotten what the meaning of that term is.

Second, the Soviets would have us believe that the only problem that exists in Afghanistan is due to the work of some small, roving armed bands of brigands who are equipped with weapons by hostile powers outside of Afghanistan. The truth of the matter is that what you have in Afghanistan is a nation in arms which has risen up as if it were one against a colonial oppressor. Most of the weaponry which the Mujahedia, the freedom fighters, are using are not acquired from foreign countries. They are indigenously acquired. They are made by their own people, or secured from defecting elements of the Afghanistan army, or captured from the Soviet troops whom they kill.

So to suggest, as the Soviet Union has, that this is a limited problem of roving, armed bands supplied from outside bears absolutely no relationship to the truth.

The fact of the matter is that the fight of the Mujahedia in the most profound sense of the term is our fight as well, because if the Soviet Union ever comes to the conclusion that they can gobble up sovereign nations without paying a significant political and military price for it, then any country will be fair game for the Red army. And so long as the Mujahedia, the freedom fighters, the people of Afghanistan, continue to resist, we have a fundamental interest in lending them at the very least our moral support. I think the viability of this resistance, the effectiveness of this insurgency, can be significantly aided by the moral support which we are prepared to give it.

So, I strongly support this resolution and I pay tribute to my colleagues on both sides of the aisle who have brought it before us today.

Mr. GARCIA. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. I thank the gentleman.

Mr. Speaker, I want to pay tribute to my distinguished friend from New York, and particularly to my distinguished Republican colleague from Pennsylvania for leading this fight.

Mr. Speaker, I think it is critical for all of us to understand that what we are dealing with here is a pattern of Soviet imperialism, a pattern of Soviet imperialism which recently, within the quarter century, hit in Hungary in 1956, hit in Czechoslovakia in 1968, hit in Afghanistan in 1979, and is in the process of subjugating the independent people of Poland. This is the center stage of the international arena. It is Soviet imperialism.

I applaud my colleagues on both sides of the aisle for refocusing attention on the principal threat to peace on this tiny planet in 1982, which is Soviet imperialism stretching across the continent.

Mr. GARCIA. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I do want to join my colleagues in complimenting this committee for bringing House Joint Resolution 398 to the floor. I think it has already been well stated that it is clear to us that Soviet imperialism and terror reign in Afghanistan, and that we applaud the freedom fighters there that are trying to regain their right to be free.

It has been almost 2½ years now since the Soviet brutal invasion of this proud and ancient land. The Soviets are finding out once again—as they did in Hungary, Poland, and Czechoslovakia—that it is one thing to send in an invasion force and quite another to subdue the will and spirit of free people. Millions have fled their homeland, 15 percent in fact, and others have taken to the hills and countryside to conduct their continued efforts at regaining independence.

Today, the House of Representatives joins the other deliberative bodies of the world in condemning this blatant example of terror, aggression, and imperialism. Yesterday, the other body passed this resolution unanimously joining both the European Parliament and the United Nations in declaring March 21, 1982, as Afghanistan Day.

We wish to make it clear to the world that we implore the Soviet Union to withdraw. We understand they will not. They ignore this issue of terrorism. We intend to focus on it on a continuing basis. The world will not forget and we will not forget the freedom fighters in Afghanistan. House Joint Resolution 398 is a symbol of our dedication to this cause.

Mr. GARCIA. Mr. Speaker, I will just take 30 seconds more.

I would just like to take this opportunity to thank my colleague, the gentleman from Pennsylvania, who came to my office on several occasions, who has been to Afghanistan. He has also been to the Khyber Pass and worked very closely on this resolution with his colleagues in the European parliamentary circles.

To him and to all of us, I just think this is a request that is noble.

● **Mr. CHAPPELL.** Mr. Speaker, I rise today to applaud this Chamber for its widespread support of House Joint Resolution 398. I feel certain that we will follow the lead of the European Parliament in proclaiming March 21 as Afghanistan Day and thereby provide a forum for the world to protest the Soviet Union's continued captivity of the people of Afghanistan.

The events leading to the Soviet invasion of Afghanistan on December 24, 1979, are clear-cut instances of direct Soviet involvement in the domestic affairs of another government. You will recall that we lost our Ambassador, Adolph Dubs, at the hands of Soviet sponsored security forces who stormed our Embassy. The 2-year occupation of Afghanistan by Soviet military troops is without question, the gravest violation of the Helsinki accords to date; and has been condemned, on three separate occasions, by the United Nations—by overwhelming margins. The Organization of Islamic countries, which represents over 40 Islamic nations, has four times passed resolutions calling for the withdrawal of Soviet troops and restoration of Afghanistan as a nonalined Islamic republic. More importantly, perhaps, is that the continued occupation of Afghanistan is the foremost obstacle to success in East-West/United States-Soviet relations—causing progress in our negotiations for true arms reduction to be seriously impaired, if not made impossible.

Yet, in the face of such opposition and sanctions against the Soviet Government, which have resulted in hardship to their people, they refuse to take steps toward a resolution of the Afghan conflict. For 2 years they have held the people of Afghanistan captive and turned down every opportunity presented to arrive at an acceptable political solution involving troop withdrawal. Obviously, the Soviet Union is not overly concerned with reaction from the United States and nonalined countries to its imperialistic policies.

Somewhat more discomforting is the fact that the Soviet incursion into Afghanistan is the first time since World War II that the Soviets have invaded another country that was not already occupied by their troops. This, added to the increasing arms buildup surge in Moscow, seems to indicate that the Soviet Union is embarking upon an expansionist policy for the eighties. Such an analysis is all the more compelling when we again realize that our efforts, and those of the free world, to voice condemnation of the Soviet Afghan policy, have had no effect upon the Kremlin leadership. To continue pursuing their new expanionist policy, they have been faced with worldwide embarrassment, the loss of the SALT II treaty—which was decidedly to their advantage—and suffered the imposition of various economic/trade sanctions.

It is apparent that Moscow has weighed the strategic advantages of the turmoil in Afghanistan, as well as in neighboring Iran, and decided that a prospective Soviet influence over these situations is of greater importance than productive relations with the West. By invading Afghanistan they have proven to the world that they are not interested in the preservation of peace and prosperity, but are only concerned with fulfilling their long-held objective of obtaining a warm-water port.

To this end, we must stand firm in our commitment not to let past Soviet actions go without repercussion. We deplore the continued occupation of Afghanistan and call upon the world to recognize March 21 as a day in which we all join in support of the heroic Afghan resistance and for the cause of a free Afghanistan.●

● Mr. **PRITCHARD**. Mr. Speaker, it has been more than 2 years since Soviet tanks rolled into Afghanistan to establish a regime so alien to the people of that distant country that its new leader had to be brought in from his residence in Moscow. Over 80,000 Soviet troops remain in Afghanistan, subjecting the Afghan people to an occupation so brutal that over 15 percent of its population has fled the country to uncertain exile. Still the puppet government has not been able to establish its authority beyond a few cities. Despite a systematic program of military repression by Soviet forces, including the use of chemical agents outlawed by the rest of the world, the Afghan freedom fighters have steadily increased the area under their control, and they have begun to take the fight to the Soviets in the cities.

The story of Afghanistan today is one of great tragedy and great heroism, and it clearly demonstrates the true nature of Soviet imperialism. Yet this story is fading from the world's consciousness. Without the benefit of free access by the press and nightly exposure on television, the struggle of the Afghan people to free themselves from the Soviet yoke is falling victim to an apathy it does not deserve. There is a real danger that the passage of time will prove the Soviets' strongest ally in Afghanistan and win for them a victory that armed force could never do alone.

This is why concerned members of the European Parliament last fall decided to rekindle support for the Afghan freedom fighters by proposing that a day be set aside in 1982 to commemorate their struggle. The Europeans chose March 21, the beginning of the Afghan calendar, the first day of Now Ruz, the New Year. This day is traditionally celebrated in Afghanistan as a day of rebirth and renewal, a national holiday. It was my privilege to join with Lord Nicholas Bethell and other members of the European Parliament last November as they introduced a resolution calling on the people of the 10 nations of the European Community to commemorate March 21, 1982, as Afghanistan Day.

I would like to include for the RECORD the text of the European Parliament's resolution:

MARCH 21, 1982—AFGHANISTAN DAY

Recalling that Afghanistan was invaded by Soviet forces on December 27th, 1979 and that this invasion was condemned by a resolution of the European Parliament on January 15, 1981;

Noting that on November 18, 1981 the U.N. General Assembly condemned by a very large majority the continuing Soviet military occupation of Afghanistan;

Convinced that this occupation which is unacceptable to European Community governments complicates any attempt to improve East-West relations;

Shocked by the sufferings of the Afghan people inside their country; the bombings carried out against the civilian population, the destruction of their crops and livestock, the disease and the famine;

Deeply concerned at the plight of the Afghan refugees, more than 2.3 million of whom are now registered with the United Nations in Pakistan;

Remembering that every year March 21st is celebrated by Afghans as their national day, representing the beginning of a new year and symbolizing the nation's rebirth.

(1) declares its intentions to commemorate March 21st, 1982, as Afghanistan Day;

(2) expresses the hope that this day will mark the desire of the peoples of the European Community to see the establishment of a free, independent and non-aligned Afghanistan;

(3) instructs its President to convey this resolution to the Commission of the European Communities and to the foreign ministries of the member states.

This resolution passed overwhelmingly with support from virtually all segments of the European political spectrum in December.

In the spirit of this European initiative, early this session I joined with 76 colleagues to introduce our own resolution declaring this March 21 as Afghanistan Day. That resolution (H.J. Res. 398) has been cosponsored by over 110 Members, and is before the House today, with a companion resolution in the Senate. I urge the Members of this House to join in the bipartisan spirit shown by our colleagues in Europe to declare our support for the people of Afghanistan and let them know they are not forgotten. Afghanistan Day is a gesture; it is not a solution to Afghanistan's problems, and more concrete measures are necessary, by this country and other friends of the Afghan people, before they regain their freedom. But this resolution, and the commemoration of March 21 which it will authorize, are important steps in keeping alive the hopes of the brave people of Afghanistan.●

● Mr. **DERWINSKI**. Mr. Speaker, I rise in support of House Joint Resolution 398 requesting the President to issue a proclamation designating March 21, 1982, as "Afghanistan Day."

We must remind ourselves and the rest of the world of the brutal facts of Soviet aggression in Afghanistan and of Soviet violation of treaties and conventions of which the U.S.S.R. is a signatory, of international law and of the norms of civilized behavior.

We must keep before the world by constant illumination a clear appreciation of Soviet duplicity and depredation in Afghanistan. We know by virtue of the emphasis the Soviets themselves place on agitation and propaganda, or "agitprop" as they call it, how acutely aware they are of the importance of world public opinion. We must the speak out repeatedly. We must demonstrate over and over again the nature and extent of Soviet crimes in Afghanistan.

No element of Afghan society has been spared the effects of Soviet barbarism and ruthlessness. The Soviets use tanks, helicopters, rockets, bombs, and mines disguised as toys. They have employed chemical warfare on fighters and noncombatants alike. About one-fifth of the Afghan population has been forced to flee from their homes and become refugees, forming the largest refugee group in the world. Tens of thousands of Afghans have been killed and entire villages destroyed.

The Soviets and their Afghan puppets have attempted to seal off the country from the outside world. With a shortage of firsthand reports, the media have lost interest and little reportage appears in the West on Afghanistan. We must not let down the valiant defenders of freedom in that tortured country.

The measure before us serves to cast a public spotlight on Afghanistan. It calls for international observance of an Afghanistan Day and is similar to the resolution recently passed by the European Parliament calling for that commemoration to be on March 21. It seeks and deserves worldwide support. It needs our support here today.●

● Mr. **ZABLOCKI**. Mr. Speaker, House Joint Resolution 398, the resolution before us, will establish the coming March 21 as Afghanistan Day.

It is a resolution which deserves the full support of the House, and of the Congress and of the country as a whole.

It will help to draw attention once again to one of the great tragedies of our time—the continued occupation of Afghanistan by the forces of the Soviet Union.

Many Afghans have been killed in defending their country against the invaders. Many have had to flee. The remainder are living and suffering under the oppression of their homeland, but the spark of independence and freedom has not been extinguished. A significant resistance continues despite the repression of the occupying forces.

Unfortunately, freedom for Afghanistan is not something we can achieve by legislation here in this body. Hopefully, the day will come when Afghanistan regains her independence.

But what we can do is to show our continuing concern, and to join others in doing so. This date is also being observed in Europe. Indeed, it was first proposed by the European parliaments.

President Reagan strongly supports this resolution, and Secretary of State Haig supported the designation of Afghanistan Day in his testimony before the Foreign Affairs Committee yesterday.

Mr. Speaker, I urge unanimous support for passage of this resolution.●

● Mrs. FENWICK. Mr. Speaker, I rise today in support of the resolution to make March 21 Afghanistan Day. It is particularly appropriate that we recognize Afghanistan Day on March 21. This is the date when the people of Afghanistan celebrate the start of a new year and the rebirth of their nation. This is a rebirth that they are being denied by the oppressive imposition of a Soviet regime and by the invasion of Soviet forces.

March 21 is also the first day of spring, another day of rebirth. We in the United States will be able to celebrate spring with peace in our land. We must keep in mind, and be inspired by, the plight of these courageous people. When so many people in the United States and elsewhere are cowed by the slightest show of Soviet aggression and strength, the people of Afghanistan are fighting against tanks, helicopters, even against chemical weapons, with only the crudest rifles or even with sticks and stones.

These are brave people fighting for their right to live free, and whatever we can do as a Nation that proclaims freedom we should do.●

Mr. GARCIA. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COURTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 346, nays 0, not voting 88, as follows:

[Roll No. 19]

YEAS—346

Akaka
Albosta
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bevill
Bingham
Bliley
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Brown (CO)
Brown (OH)
Broyhill
Burgener
Butler
Byron
Campbell
Carman
Carney
Chappie
Cheney
Chisholm
Clay
Clinger
Coats
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Coughlin
Courter
Coyne, James
Coyne, William
Craig
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Daub
Deckard
Dellums
DeNardis
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dornan
Dougherty
Dowdy
Dreier
Duncan
Dunn
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)

Emerson
Emery
English
Evans (DE)
Evans (GA)
Evans (IA)
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fithian
Flippo
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Green
Gregg
Grisham
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Hawkins
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hyde
Ireland
Jacobs
Jeffries
Jenkins
Johnston
Jones (NC)
Jones (OK)
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
LeBoutillier
Lee
Lehman
Lent

Levitas
Lewis
Livingston
Loeffler
Long (LA)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Markey
Marlenee
Marriott
Martin (IL)
Martin (NY)
Matsui
Mavroules
McClory
McDonald
McEwen
McGrath
McKinney
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (NY)
Moffett
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
Oakar
Oberstar
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Pursell
Railsback
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rosenthal
Roth
Rousselot
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner

Shamansky
Shannon
Sharp
Shaw
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
Stanton
Stark
Staton

Stenholm
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Watkins
Weaver
Weber (MN)

Weber (OH)
Weiss
White
Whitehurst
Whittaker
Whitten
Williams (MT)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki

NAYS—0

NOT VOTING—88

Addabbo
Alexander
Ashbrook
Bethune
Biaggi
Blanchard
Boggs
Burton, John
Burton, Phillip
Chappell
Clausen
Coelho
Conyers
Corcoran
Crane, Daniel
Crane, Philip
Crockett
Davis
de la Garza
Derrick
Derwinski
Downey
Dwyer
Edwards (CA)
Edwards (OK)
Erdahl
Erlenborn
Ertel
Evans (IN)
Fary

Fish
Florio
Foglietta
Fowler
Ginn
Gray
Guarini
Hance
Hartnett
Hatcher
Heckler
Holt
Huckaby
Hutto
Jeffords
Jones (TN)
Kemp
Leland
Long (MD)
Lowry (WA)
Madigan
Marks
Martin (NC)
Mattox
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McHugh

Mica
Mitchell (MD)
Moakley
Murtha
O'Brien
Obey
Patterson
Pepper
Price
Pritchard
Quillen
Rahall
Rangel
Richmond
Rostenkowski
Roukema
Santini
Scheuer
Shelby
Smith (OR)
St Germain
Stangeland
Stokes
Waxman
Whitley
Williams (OH)
Young (AK)
Zeferetti

☐ 1345

So the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous matter, on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

IRAN'S HOLY WAR ON BAHAIS

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, more than 1 year has passed since the American hostages were released from Iran. In that time, the press and the public in this country and in most parts of the world have been content to ignore Iran and its bizarre Government.

I want to take a moment today to tell the House that a very serious and dangerous situation is developing in that country which the world community cannot ignore. I refer to harsh repression and possible genocide of the 300,000 Iranian Bahais by the Khomeini regime.

The Bahai faith, which was founded in Iran early in the 19th century, is a peaceful religion whose followers live in all parts of the world. I am proud to say that in the suburban Chicago community of Wilmette, we have a beautiful Bahai Temple which a number of my constituents attend.

Anyone who is any way familiar with the Bahais knows that the Iranian Bahais do not in any way threaten the Khomeini government or the Shiite Muslims. But the cruel fact is that the current Government in Iran considers them to be dangerous heretics. Over 100 of their leaders have been killed by the government in recent months. These people have been murdered because of their religious faith and for no other reason. And there is every reason to believe the situation may degenerate into wholesale genocide. Later this month, the Iranian Government is scheduled to begin issuing new identification cards that will be needed to buy food and fuel. The Bahais will not be permitted to have these vital cards and their leaders in this country, as well as those left alive in Iran, believe the murder of their people may soon begin.

The Khomeini government must realize that the world is watching and that the cost for them will not be insignificant if they proceed on this terrible course.

I include a thoughtful article from Newsweek that describes the situation in some detail:

IRAN'S HOLY WAR ON BAHAIS

Of all religious sects, there perhaps is none more peaceful or less doctrinally demanding than the Bahais. A nineteenth-century offshoot of Islam, Bahaism preaches the unity of the human race, eschews sacred rituals and espouses world peace through world government. But to Shiite Muslims, Bahais are dangerous heretics, and in Iran, where the religion was born, the Islamic government of the Ayatollah Khomeini has declared a holy war against the country's 300,000 Bahai believers. In the past three years, thousands of Bahais have been driven from their homes—and more than 100 of their leaders are known to have been murdered—in a campaign of terror that the sect's world leaders fear may end in outright genocide. "It's the beginning of the second Holocaust," says Los Angeles medical student Artin Mahmoudi, a Bahai exile whose father disappeared in 1980, whose mother was killed late last month and whose cousin was among a number of Bahai leaders executed two weeks ago.

Bahais have been persecuted in Iran ever since their sect began, but never worse than now. The Islamic fundamentalists of the Khomeini regime confiscated Bahai properties, expropriated Bahai-owned corporations, closed their schools, fired them from jobs and sacked their temples. The Bahais' holiest shrine, the House of the Bab in Shiraz, was destroyed by a mob, and the rubble was buried under a new highway. The persecution was particularly brutal in small, regional cities. By one account, 20,000 Bahais have been driven from their homes and forced to live in tents in the mountains.

Firing Squads: In recent months the war against the Bahais has turned deadly—the result of what appears to be a concerted campaign by the Khomeini regime to eliminate the sect's leadership. In mid-December, Muslim militants interrupted a meeting of the Bahais' National Spiritual Assembly and led the eight members who were present away at gunpoint. Less than two weeks later their mutilated bodies were discovered in a Teheran cemetery for infidels. Then, just two weeks ago, six members of the local Bahai assembly in Teheran were executed along with a woman who had allowed them to use her house for meeting.

In all, Bahai exiles in the United States say more than 100 of their leaders are known to have been killed in Iran, while another 200 or so are missing. According to the exiles, revolutionary firing squads are shooting children as well as adults. The exiles also say that the firing squads have been demanding payment for the bullets used on "heretics" before allowing the families of victims to claim their bodies.

Carnage: Last week 1,500 Bahais from the United States and Canada gathered in Los Angeles for a service memorializing their murdered Iranian leaders. Their only shred of comfort was a belated admission by the President of Iran's Supreme Court that Bahai leaders had indeed been executed—for "spying for foreign powers"—without benefit of legal niceties. To date, only Canada, Australia, the United States and the European Common Market nations have responded to the carnage—by issuing statements condemning the massacres.

Words alone are not likely to save the Bahais in Iran: On March 21 the Iranian Government will begin issuing identification cards that will be needed to buy food and fuel. But Bahais will not receive them—nor will they be allowed to leave Iran. "If they don't want us, why don't they let us leave?" asks Nosrat Solhjoo, an Iranian-born Bahai who emigrated twelve years ago. Solhjoo offers a bitter answer to her plaintive question. "They keep us," she says, "to kill us."

☐ 1400

COMMUNICATIONS FROM BEVERLY HOOPER

The **SPEAKER** pro tempore laid before the House the following communication from Beverly Hooper:

FEBRUARY 25, 1982.

Hon. THOMAS P. O'NEILL, JR.,
Speaker of the House, Room H-205, Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to the provisions of Rule L (50), paragraph 2, of the Rules of the House, that this afternoon I was served with a subpoena to testify in a case pending in the United States District Court for the District of Columbia.

I am to appear on Friday, March 5 at 9:30 a.m., at the United States District Court House, Washington, D.C.

Sincerely yours,

BEVERLY HOOPER.

PROCEDURES FOR CONGRESSIONAL USE OF CONSERVATORY OF U.S. BOTANIC GARDEN

(**Mr. HAWKINS** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, the Joint Committee on the Library is announcing today the new procedures for the congressional use of the Botanic Garden Conservatory, located at Independence Avenue and First Street SW.

It has become necessary to revise the procedures for the afterhours use of the Conservatory to preserve the joint committee's original intent to permit congressional use of the building after public visiting hours at little or no additional cost to the Government.

We urge all Members and their staffs to review the following "Dear Colleague" letter and "Conditions for Use of the U.S. Botanic Garden Conservatory" for their information and convenience.

The following material explains the conditions in detail:

JOINT COMMITTEE ON THE LIBRARY,
Washington, D.C., March 4, 1982.

Re procedures for congressional use of the Conservatory of the U.S. Botanic Garden.

DEAR COLLEAGUE: This letter is intended to clarify for Senators, Representatives, congressional committees, Officers of the Congress, and their staffs the governing rules and procedures for congressional use of the Botanic Garden Conservatory, located at Independence Avenue and First Street, S.W.

In 1977, the Joint Committee on the Library determined that the Conservatory, a beautiful and functional educational facility and museum, might be made available for congressional use after public visiting hours at little or no additional cost to the government.

In the ensuing four years, after-hours use of this popular building has increased to an extent that heavy personnel overtime costs are now being incurred and that the initial conditions require modification in order to achieve the original intent of use of the building for congressional purposes.

Therefore, to clarify that intent and to permit usage of the Conservatory at a level commensurate with available operating funds, the Joint Committee on the Library has adopted the following amended procedures for the information and convenience of eligible users.

Sincerely,

AUGUSTUS F. HAWKINS,
Member of Congress, Chairman.
CHARLES McC. MATHIAS, Jr.,
U.S. Senator, Vice-Chairman.

THE CONDITIONS FOR USE OF THE U.S. BOTANIC GARDEN CONSERVATORY

1. Facilities may be made available:

A. For meetings or other functions originated and sponsored by Senators, Representatives, Congressional Committees, Officers of the Congress and Congressional employee associations, which are Congressionally related. Personal celebrations such as birthdays or anniversaries are not permitted.

B. To other federal government agencies when requested by a Senator or Representative.

C. To private, non-profit organizations qualifying under Internal Revenue Code 501C(6) provisions when requested by a Senator or Representative. Evidence of 501C(6) status may be required.

2. Facilities are not available for meetings or functions:

A. Originated, sponsored or primarily attended by members of commercial or profit making organizations, trade associations, professional societies, social clubs and similar entities.

B. Of any organization practicing discrimination based on race, creed, color or national origin.

C. Of organizations planning to charge admission fees, make collections, seek contributions, give door prices, have auctions or raffles, or sell articles while in the building.

D. Held for political or lobbying purposes.

E. During June, July, or August, when the Botanic Garden remains open to the public until 9:00 p.m.

F. That begin prior to 6:00 p.m. during months other than June, July or August, or that continue beyond 11:00 p.m.

G. That propose preparation of food at the Botanic Garden, where only food prepared elsewhere in advance may be warmed.

H. At a frequency exceeding one evening per week, for all events.

I. During formal flower shows.

J. Which include exhibits or other structures.

3. Procedures for reserving the facilities: Reservations may be made no more than 6 months in advance of the proposed event.

All requests for use of the conservatory must be approved by the Architect of the Capitol. A letter of request should be directed to the Architect by the sponsoring Senator or Representative, providing full details about the event, including the purpose of the meeting, particulars about the agency or organization if the member is sponsoring an event under Paragraphs 1B or 1C above, the date and time that use of the facilities is desired, the approximate number of people to be in attendance, whether refreshments or a full meal is to be served, the name of the Senator's or Representative's staff contact for the event.

A Member's office may telephone the Botanic Garden Office (x58333) to determine if the date proposed for use of the facilities is open, and, if so, a tentative hold may be placed on the Conservatory pending a decision by the Architect on the Member's written request for use of the facilities. Telephone requests of this nature should be followed up promptly by the Member's written request to avoid unauthorized staff requests that deny access to the facilities by other Members of Congress.

EQUALIZING THE NATO BURDEN

(Mrs. **SCHROEDER** asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. **SCHROEDER**. Mr. Speaker, much has been said recently about Senator Mike Mansfield's Senate resolutions during the late 1960's and early 1970's to reduce U.S. troop levels in Europe. I am reintroducing a similiar resolution today to begin a discussion on what more our allies must do. From the talk in some quarters, one would think the Mansfield proposals were radical proposals that generated little support. Not so.

The resolutions obtained, during their life through several Congresses, up to 50 cosponsors in the Senate. On two occasions, amendments based on the Mansfield resolutions passed in the Senate. A lot has changed since the Senate last voted. Our allies' total economies are bigger than ours but proportionally their defense contribution is the same.

In 1973, an amendment to reduce U.S. troop levels in Europe 40 percent over a 3-year period passed the Senate 49 to 43. Strong lobbying by the Nixon administration turned that vote around the next day. Later that year, on September 27, an amendment to bring home 110,000 U.S. troops from Europe, proposed by Senators HARRY F. BYRD JR., and Hubert Humphrey, passed 73 to 14. The amendment was subsequently defeated in the conference committee, again after enormous lobbying by the administration.

The net result of the Mansfield resolutions and progenies was that they forced the United States and the Soviet Union to sit down and begin the mutual and balanced force reductions talks in Vienna. Almost 10 years later, however, the talks go on, but at a standstill. Meanwhile, U.S. support for NATO remains a serious drain on the U.S. economy and defense.

It is time to put the issue back on the front burner. Today, therefore, I intend to introduce a resolution expressing the sense of the House that we make a "substantial reduction of U.S. forces permanently stationed in Europe."

Additional information about this resolution will be found in the Extensions of Remarks today. The resolution follows:

H. RES. 377

Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people, and the maintenance of world peace; and

Whereas the United States in implementing these principles has maintained large contingents of American Armed Forces in Europe, together with air and naval units, for over thirty years; and

Whereas the security of the United States and its citizens remains interwoven with the security of other nations signatory to the North Atlantic Treaty as it was when the treaty was signed, but the condition of our European allies, both economically and militarily, has appreciably improved since large contingents of forces were deployed, and

Whereas the means and capacity of all members of the North Atlantic Treaty Organization to provide forces to resist aggression has significantly improved since the original United States deployment; and

Whereas the commitment by all members of the North Atlantic Treaty is based upon the full cooperation of all treaty partners in contributing materials and men on a fair and equitable basis, but such contributions have not been forthcoming from all other members of the Organization; and

Whereas relations between Eastern Europe and Western Europe were tense when the large contingents of United States forces were deployed in Europe but this situation has now undergone substantial change and relations between the two parts of Europe are now characterized by an increasing two-way flow of trade, people and other peaceful exchange; and

Whereas the present policy of maintaining large contingents of United States forces and their dependents on the European Continent also contributes further to the fiscal and monetary problems of the United States: Now, therefore, be it

Resolved, That—

"(1) it is the sense of the House that, with changes and improvements in the techniques of modern warfare and because of the vast increase in capacity of the United States to wage war and to move military forces and equipment by air, a substantial reduction of United States forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty.

THE NATIONAL PRAYER BREAKFAST

(Mr. **NICHOLS** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **NICHOLS**. Mr. Speaker, a large number of our colleagues who were privileged to attend this year's Prayer Breakfast on February 4 have asked that I place in the RECORD the transcript of the proceedings of the 1982 National Prayer Breakfast.

As president of the House Prayer Group which meets each Thursday morning, I am pleased to insert this transcript in today's RECORD, and commend the reading of the messages contained therein to all Members of this legislative body:

THE 1982 NATIONAL PRAYER BREAKFAST

Senator JOHN STENNIS. Former Senator Harold Hughes of Iowa will now give us the grace for our breakfast:

PRAYER BY FORMER SENATOR HUGHES

Our dear heavenly Father, we come to you this morning with humble hearts. Help us to have an open mind, and help us to realize the unity of all peoples of the earth as we are gathered here in this congregation. We ask an annointing of those who speak. Shield and protect us from evil. Forgive us our sins. And dear Father, we're deeply grateful for the abundance of the earth which you provide this morning. May it help us to remember the hungry and the suffering of the world who cannot be served as we are. Now bless this food in the name of Jesus Christ. Amen.

United States Navy "Sea Chanters"—"We will do one selection for you at this time. 'Great Day' arranged by Warren Martin." (singing)

Senator JOHN STENNIS. Let me thank the United States Navy Sea Chanters for this fine rendition. Now please remain standing while our opening prayer is led by His Excellency Mbogua, ambassador of Kenya.

Ambassador MBOGUA. Let us pray. Our Father, we come before you this morning with much on our hearts. Much for which to thank you, much for which to ask you, and much for which to listen. We thank you, Father, for the privilege to assemble together and pray together. We acknowledge that you are in our midst, and we ask for your guidance and wisdom. We thank you for the privilege of being able to experience what it means to be alive. We are aware of the potential you have put among us—of the great gifts we have and the creative talents we possess. For these things we are thankful. But also in the midst of all these good things, we are painfully aware of our own shortcomings. As we approach this morning, we want to confess our witness before you, to confess our pride before you. Make us humble. We pray for your blessing for all the peoples of this great nation of the United States and its leaders. We pray especially for President Reagan and Mrs. Reagan, the Cabinet ministers, the senators and congressmen. We are mindful that this is a country whose institutions have been molded through trust in God and love of freedom. How grateful many of us have been to have received encouragement from people who are in this audience who contribute so much of themselves for the alleviation of hunger and proverty in many parts of the world. We remember this morning, dear Lord, those who suffer. Ease their pain and give them hope, and where possible, meet their needs. We pray for your justice in the world. Coming before you like this this morning with so many from around the world reminds us that you are not bound by cultural barriers, boundary limitations, racio-ethnic differences, or political ideology—that you alone stand above those differences to give hope to all of us. Lastly, we ask for your guidance in our deliberation this morning. In the name of Him who was proclaimed the Prince of Peace, Jesus Christ. Amen.

Senator STENNIS. Please remain standing. It's my privilege now to present the general chairman of this prayer breakfast, a senator from Colorado, The Honorable William L. Armstrong.

Senator WILLIAM ARMSTRONG. Thank you, Mr. Stennis, and thank you ladies and gentlemen for coming to be with us this morning, on behalf of all who have participated—hundreds of people around the world—who have made this breakfast possible. I am honored to welcome you.

Consider for the moment the potential of a world at peace, a world filled with hope, a world where all people live together as brothers and sisters, where none seeks to take advantage of another, but only to serve one another. Impossible, men may say. But Jesus says all men are brothers. Jesus lived and died and rose again that we may have peace, hope, abundant and eternal life together as brothers and sisters. And even now he is creating such a world. We are gathered here together as a part of his re-creation of the world. And for the very reason that St. Paul pointed out to the Hebrews when he said, "Let us hold fast to the confession of our hope, without wavering, for He who promised is faithful. And let us consider how to stir up one another and to love and good works, not neglecting to meet together as is the habit of some, but encouraging one another and all the more as you see the day drawing near." Ladies and gentlemen, it is in that spirit that we gather this morning. And I think you would want to know that there are literally hundreds of meetings in every state and around the world at this very moment praying for what will occur at this National Prayer Breakfast. Again, thank you for coming, and welcome.

Senator STENNIS. If I may have your attention now, please. I'm not asking you to discontinue your eating, but eat in as much silence as you can produce. It's my privilege to say a word of welcome, a special word of welcome, and I have a feeling that this applies to every one of you on an individual basis. In this vast audience this morning, we actually have representatives here from each of our fifty states and the District, and also, we have representatives from 120 other nations. Well, that fact is worth a cheer. Further, we have with us the President and the Vice President of the United States, and their charming wives to whom we give a special welcome, and speaking for the management of this program, let me emphasize that this cordial welcome does extend to every individual here. President Reagan did not come here to lead a financial conference nor a trade conference or a limitation of arms conference. Instead, though, all of us are here—not as chiefs of state, of course, but as segments of all the areas of society in our respective countries. What a foundation that is. Even though this is an era of scientific and physical achievements with amazing developments in technology, we come together today with our hope and our faith centered on spiritual values. The cords of a basic faith in these spiritual values tie us together. As an illustration . . . we cling to the values of the family, the bedrock of our civilization. And we'll move more and more together on these high roads. This audience is a moving sight to behold. I wish each could view it from here. As I've said, we are here from our respective lands forming these 121 nations, bound together by the common courses that make us seek further life and further strength to sustain us as we seek to move forward to meet the challenges of our time. We all move forward in a spirit of Christ. And let each of us and every individual know that you have this special deep-seated welcome from the people of America and then from each of us to the other. And now, I want the privilege here of presenting to this audience those on the platform here who are with us but will not be participating with other parts of this program, and I'll start on my left. Mrs. Hefner, here, the wife of the representative from North Carolina. And next, and we're delighted to have, next we have General Curry, the husband of Mrs. Curry, and commander of the District. We have Mrs. White, the wife of Governor White, of the state of Arkansas. We have Mrs. Armstrong, the wife of the Senator from Colorado. And now on my right we have Mrs. Nichols, wife of Representative Nichols of Alabama. And we have then Mrs. Allen, who is the wife of General Allen of the Air Force. And we have Mrs. Mbogua, wife of the ambassador of Kenya. And we have Mrs. Domenici, the wife of Senator Pete Domenici of the state of New Mexico. And we are of course deeply honored to have with us Mrs. Bush, the wife of the Vice President. And the First Lady of the land, our own Mrs. Nancy Reagan. And then we are delighted to also have as our special guests on the platform, General and Mrs. James L. Dozier. I hope both of you will stand. That rising salute of joy was not planned and planted. It's original and genuine which reflects the great honor that you've earned for yourselves, but further, the deep spirit of pride and old-fashioned patriotism that's among all of us and extends to all kindred nations. You are a great example of faith, and we've proud that you have the spiritual value and also give God credit for your return. Now we have here a program that will move along just a little rapidly without the usual words of introduction. It's my privilege to—I'm assuming all of you are through eating—we have greetings here from the House of Representatives prayer group. The spokesman will be a representative, Bill Nichols, of the state of Alabama.

Representative BILL NICHOLS. Mr. President, Mrs. Reagan, Mr. Vice President, Mrs. Bush, distinguished guests, ladies and gentlemen, on behalf of the House Prayer Breakfast Group of the United States House of Representatives, I extend to you this morning our warmest welcome and to more than a hundred thousand members of our armed services who will hear this program throughout the entire world through the medium of armed services radio. As we gather here this morning to worship God in prayer, we would agree that one of the most important and one of the most enduring qualities of our great heritage is our deep and abiding faith in almighty God. God has blessed us both as individuals and as a nation. Surely indeed our cup runneth over. But America was founded on a basic and a fundamental belief in God, and for 205 years now, each day's session of the Congress is opened with prayer. This custom goes back to the Continental Congress meeting in Philadelphia when things were not going well. There was much arguing and bickering among the small states who desired equal representation with that of New York and of Massachusetts. There seemed no possibility of reaching an agreement. And after considerable debate, it was Benjamin Franklin, who was 81 years of age at the time, who rose to his feet and suggested the need for prayer. His exact words were, and I quote, "Gentlemen, I have lived a long time. And the longer I live, the more I am convinced that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without his aid? I therefore beg leave to move that henceforth prayers employing the assistance of heaven and His blessing be held each morning in this assembly before we proceed to business". And so the delegates knelt in prayer and the Constitution of this great nation was agreed upon. Our House Prayer Breakfast Group meets each Thursday morning, and to me, Mr. President, this is the best day of the week. It's open only to members and to former members of the Congress when members of both political parties put aside for the moment partisan politics to seek guidance from the Almighty as we endeavor to conduct the legislative affairs of our country. It's a time when we ask God's mercy for the sick and the bereaved. And we turn to Him for the strength and for the wisdom that all of us need as we work to make our nation and our world a better place to live. Recognizing our dependence on our Creator, this morning we solicit the prayers of each of you in attendance at this Breakfast. We ask that we might have the knowledge to know what is right in the sight of our Maker, and that He might grant us the courage to support those convictions to the end that the words of our mouth and the meditations of each of our hearts might be acceptable in His sight.

Senator Stennis. Thank you. We will now have an Old Testament reading by Mrs. Jerry R. Curry. Mrs. Curry.

Mrs. Curry. Mr. Chairman, President Reagan, ladies and gentlemen, there is hope for every nation who recognizes God as their source of strength and power. And Psalm 46 expresses the kind of confidence that we all should have in Him:

"God is our refuge and strength, a very present help in trouble. Therefore, will we not fear. Though the earth be removed, and though the mountains be carried into the midst of the sea. Though the waters thereof roar, and be troubled. Though the mountains shake with the swelling thereof. There is a river, the streams whereof shall make glad the city of God, the Holy Place of the tabernacles of the most high. God is in the midst of her. She shall not be moved. God shall help her and that right early. The heathen raged. The kingdoms were moved. He uttered his voice, the earth melted. The Lord of host is with us. The God of Jacob is our refuge. Come, behold the works of the Lord. What desolations he hath made in the earth. He maketh wars to cease unto the end of the earth. He breaketh the bow, and cutteth the spear in sunder. He burneth the chariot in the fire. Be still, and know that I am God. I will be exalted among the heathen. I will be exalted in the earth. The Lord of host is with us. The God of Jacob is our refuge."

Senator Stennis. We're going to be blessed now with a rendition of a solo by Miss Carla Davis singing the Lord's Prayer.

(Solo by Miss Carla Davis.)

Senator Stennis. I want 30 seconds indulgence here before presenting the next speaker or greeter. The name of Frank Carlson, formerly a senator from the state of Kansas, still active to a degree out there in retirement, should be mentioned here today I think. More than anyone else, he was the man that put together the first meeting of this what has become the National Prayer Group meeting. We're indebted to him for many other fine things that he did. But he and the late President Eisenhower were the ones that started this off in 1952 and with just a handful—I don't know—don't remember exactly but * * * 40, 50 or 60—something like that. Now it's my privilege to present for the bringing of a message from the Senate Breakfast Group, the senator from Oklahoma, Mr. Boren.

Senator David Boren. Thank you, John. Mr. President, Mrs. Reagan, Mr. Vice President and Mrs. Bush, and ladies and gentlemen, it's a special privilege for me to be able to bring greetings to you today from my colleagues in the Senate Prayer Breakfast, and to try to share with you a little of the spirit that we share together every Wednesday morning. I think all of us would say, and I can say this without contradiction, that that hour that we spend together on Wednesday morning is for us the most important hour of the week. It's the hour of the week in which we are most ourselves, and in which we have the most real communication between each other as human beings. Our responsibilities and those of others who are gathered together here in this room cause us very often to lose our perspective. We are so busy reacting to the headlines of the morning, caught up in the events of the day, so taken up with playing our role and the events around us, that we sometimes forget what's truly important. We sometimes forget that the titles that we temporarily wear are just that—very temporary. We forget that the affairs that consume our minds this morning are but a small part of history that will pass away tomorrow. We get so caught up in the course of debate over issues that we lose our perspective to the point, Mr. President, that even sometimes some of us Democrats forget in the heat of debate that even Republicans are children of God. But when those doors close on Wednesday morning, the unimportant things are put aside. And we look across the table at the person with whom we've been engaged with debate the day before, and we see him as a person. We think about the love that he or she feels for his wife or his husband, the hopes that he has for his children, the moments that he shared with his friends, the insecurities that he may feel about his ability to do his job as he should, to keep faith with the people who sent him there. It's a time for realizing that each one of us is not alone. That we do share common problems. In short, it's a time of fellowship, a time of separating out what is really important, casting aside the false sophistication with which we're surrounded, to realize that it's the simple and fundamental things that really matter. And it's a time in which we also reexamine ourselves and put aside a sense of our own self-importance to realize that the offices that we temporarily hold are not ours, they belong to others, they'll be held by others, and that above all that they're a trust from God. And for a moment we are aware, as I wish we could be aware in every hour of debate and every hour of committee deliberations, that God is there with us. That He is present with us. And for a moment, I think, we truly stop to pray, not that God will be on our side and will fit Himself into all of our plans and hopes for ourselves and our constituents, but that we can truly pray that perhaps we could be on God's side. And then finally, we're reminded, as we bring all the burdens that we feel as we come together each week, that we don't have to carry those burdens ourselves. That thankfully, the country is not dependent only on our own insights and our own abilities, but that God will bear for us the burden which we're trying to shoulder if we will truly turn it over to Him. We pause to remember, as Paul said, that He will give us the strength if we will only let him. It's difficult, in the artificial society in which we live. It's perhaps difficult for over 3,000 of us gathered together this morning. But our hope and our prayer this morning is that each one of you will leave here with that same feeling that we have as we leave each Wednesday morning, as we join hands and close with a word of prayer, that we have felt love, that we felt a true fellowship and sharing. And above all, that we have known that God, a loving and a caring God, is here with us. Not only now, but in every single hour of our lives.

Senator Stennis. Friends, we will now have a New Testament reading to be given by General Lew Allen, Chief of Staff of the Air Force.

General Lew Allen. The New Testament reading is taken from Matthew 6, beginning immediately after the Lord's Prayer.

For if you forgive men their trespasses, your Heavenly Father also will forgive you. But if you do not forgive them their trespasses, neither will your Father forgive your trespasses. And when you fast, do not look dismal like the hyprocrites. For they disfigure their faces that their fasting may be seen by men. Truly I say to you, they have their reward. But when you fast, annoint your head and wash your face that your fasting may not be seen by men, but by your Father who is in secret. And your Father who sees in secret will reward you. Do not lay up for yourselves treasures on earth where moth and rust consume, and where thieves break in and steal. But lay up for yourselves treasures in heaven, where neither moth nor rust consumes, and where thieves do not break in and steal. For where your treasure is, there will your heart be also. The eye is the lamp of the body, so if your eye is sound your whole body will be full of light, but if your eye is not sound, your whole body will be full of darkness. If then the light in you is darkness, how great is the darkness. No one can serve two masters, for either he will hate the one and love the other, or he will be devoted to the one and despise the other. You cannot serve God and mammon. Therefore I tell you, do not be anxious about your life—what you shall eat, what you shall drink, nor about your body, what you shall put on. Is not life more than food, and the body more than clothing? Look at the birds of the air. They neither sow, nor reap, nor gather into barns. And yet your heavenly Father feeds them. Are you not of more value than they? And which of you by being anxious can add one cubit to his span of life? And why are you anxious about clothing? Consider the lilies of the field, how they grow. They neither toil nor spin. And yet I tell you, even Solomon in all his glory was not arrayed like one of these. But if God so clothes the grass of the field, which today is alive and tomorrow is thrown into the oven, will he not much more clothe you, O men of little faith? Therefore, do not be anxious, saying what shall we eat or what shall we drink or what shall we wear, for the Gentiles seek all these things and your heavenly Father knows that you need them all. But seek first His kingdom and His righteousness, and all of these things shall be yours as well. Therefore, do not be anxious about tomorrow, for tomorrow will be anxious for itself. Let the day's own trouble be sufficient for the day.

Senator Stennis. We will now be led in a special prayer by Governor Frank White, governor of the state of Arkansas.

Governor Frank White. Mr. President, Nancy, Mr. Vice President and Barbara, distinguished head table, ladies and gentlemen, please bow your heads as I pray for our leaders. Our heavenly Father, we meet this morning to praise your name and to acknowledge that you have richly blessed us as a people. We come before you as those chosen by men to lead the nations of the world, as those in whom awesome power and responsibility has been placed. But we also come aware of our uniquely human traits, knowing the ease with which we sin and conscious of our feet of clay. As we face the grave issues of our time and lament the wrongs of the world, show us first what is wrong with ourselves. When we begin to take ourselves too seriously, dear Lord, remind us that you are king of Kings and lord of Lords. Father, when we become heady with the power and authority given by man, cause us to remember your words in Zechariah, "not by might, nor by power, but by my spirit." As we struggle and strive to achieve world peace, cause us to remember that there can be no peace until we resolve our own inner struggles. There can be no peace until we are at peace with you. Father, search us and know our hearts. Try us and know our anxious thoughts. See if there is any hurtful way in us, and lead us in your everlasting way. And now, dear Father, for the Congress and the state houses of this great land, we ask an understanding of the times, a concern and a compassion for those they represent, and a gift of zeal and dedication for their work. We confess our inadequacy in our own power to deal with the madness of this earth—terrorism, bigotry, racism, war, economic despair, starvation, hatred, and all that is false and deadly. We take heart in your answer to Jehoshaphat: "do not fear or be dismayed because of all these problems, for the battle is not yours, but God's" and for our President, dear Lord, we ask strength and wisdom through his daily walk with you. Lighten his heart as he accepts the hope of your calling, the riches of God's glory and promises, and above all, the power that is available to all who believe. Strengthen President Reagan by your might, dear Father. Father, we ask a special blessing on Mrs. Reagan. Let her be secure in the knowledge that you are sovereign in all affairs of life. May she continue to possess the imperishable quality of a gentle and quite spirit which is precious in the sight of God. Grant her grace and strength as she works alongside her husband. Bless also, dear Lord, Vice President Bush and his wife, Barbara, as they serve. Support them in their role, and strengthen them that they may lighten the load for President and Mrs. Reagan, and that they may bring inspiration and joy and courage to those whose lives they touch. And finally, dear Father, we pray for and with all those gathered here today, and the many others that are here in spirit. We seek thy guidance, we ask thy blessings. Touch our lives. Live in our hearts. Guide our footsteps. Use our hands for your task and cause us to persevere until thy kingdom come, thy will be done, on earth as it is in heaven. I pray these things in the name of Jesus Christ, who is the way, the truth, and the life. Amen.

Senator STENNIS. Ladies and gentleman, the next speaker has a special message. I might say he's kind of a special Senator, too. I wrote him when he became chairman of our Senate budget committee. The old shoulders are broad, but nevertheless, fasten your seat belt. But he came through in a fine way. The Honorable PETE DOMENICI, a Senator from the state of New Mexico.

Senator PETE DOMENICI. Thank you, John. Mr. President, Mrs. Reagan, Mr. Vice President, Mrs. Bush, distinguished friends at the head table, visitors from around the world, fellow elected officials, and Americans. I must admit to a certain feeling of awe at my assignment today. I'm in awe not only of my assignment, but of you, distinguished visitors, and of the presence of our President and General Dozier. Mr. President, you've heard me worry about the federal budget so much that you may think that that's what I talk about every time I open my mouth. Well today, I promise that I won't mention the budget. I want to talk about one of the few things that occupies me more than federal budgets. Society and families and the love that binds society and families together. As I began preparing this little talk, I wondered why anyone would have chosen me for such a task since I am neither a great religious leader nor a great speaker nor one learned in history or philosophy nor a biblical scholar of any sort. But it dawns on me today that neither are most of you. I have to conclude that I was chosen because of my constant concern for my family and my broader concern for family and community life in the United States and the rest of the world. And I think you are concerned, too. Obviously, what I say today may be better said by others, and probably has been indeed. For the words of our Lord Jesus are more powerful than anything I might say here today. But I hope that no one among mortals exceeds me in trying. So let me start with something of a confession. I am not one who always and invariably is considerate. It's a struggle for me to be loving, to be forgiving, to do good to others. Preoccupied by my job and myself all too often, I find that I don't take the time or make the effort to love. I confess that even with my family I don't show the love I have. At one time, I was bothered by this trait and I guess I wouldn't be mentioning it here today if I weren't still somewhat bothered about it. After all, I reasoned, how good could I be? How strong a witness could I be if I had to struggle to show my love and be considerate to others? After all, the apostle Paul said in his first letter to the Corinthians, "Love is patient, love is kind. Love is not jealous. It does not put on airs. It's not snobbish. Love is never rude. It's not self-seeking. It's not prone to anger, neither does it brood over injuries. Love does not rejoice in what is wrong, but rejoices with truth. There is no limit to love's forbearance, to its trust, its hope, its power to endure," said the great apostle. I was bothered by my own difficulty in feeling a love as unselfish as the love that Paul described because my impression was that truly religious feelings or Christian love would be spontaneous and constant. But I have come to think virtually all of us have to struggle to take the time to love and show love. Indeed, the most important persons in the world may be those who like all of us in this room struggle to do good against an inherently self-occupied inward-looking nature. Thomas A. Kempis said, There is not living in love without suffering. He's talking about bearing a cross; about living in love the way Jesus lived in love. Choosing to love even though this choice means personal sacrifices. There is no living in love without suffering. There's a world of wisdom in that statement. I believe that struggle is the key to good works, the key to successful loving. In everyday terms, most people who don't put some real effort into it will not have a successful marriage, will not raise their children lovingly, and will not know all the joys that a family can bring. And if we don't extend our notion of family into a notion of our entire society as a family that needs our daily love, we aren't doing what we should. We all struggle in our own private ways to be better, more loving persons. But sometimes we are privileged to get a glimpse of how others struggle. Once my wife, Nancy, and I went to Russia. Through unofficial channels, we let it be known that we would like to meet with members of the clergy there in that country. Then one evening at an elaborate reception in the Kremlin for 700 or 800 people, we were presented to a Russian orthodox priest. At first, he was reluctant to talk to us. But, bit by bit, he opened up. Finally, in the humdrum of that huge pompous gathering, he took us aside and told us of the difficulties he faced. And then, tears streaming down his face, he opened his shirt, showed us the cross around his neck, and he gathered us around him so that no one would see, and he prayed over us. The tears flowed from everyone. You—how much easier you have it. Yet, it is that same private, personal struggle to express our love that keeps families together and keeps communities together in spite of the many forces in today's society that make this a most formidable task. Loving, my friends, is an act of the will—perhaps the supreme act of will. And if one's will to love is strong enough, no power on earth can defeat it. That this struggle is everywhere is evident. Who here cannot remember the extraordinary faith, strength, and love shown by the family of General Dozier when the general was going through his terrible ordeal in the hands of his kidnappers. And who here was not moved when we saw the picture of his family's joyful reunion after so many dark and fearful days. Earlier, I said that I was ashamed that I was not always spontaneous in my caring. One of my closest and dearest friends who refuses to let me use her name here today has shown me that even someone loving and considerate must work to show love. Because she has children and a crazy schedule between her husband's work and her own burdens, it's easy for her expressions of love or consideration to be forgotten in the hubbub. So she makes an effort so that love might not be lost. Each day, she does something special that has been planned the night before to show one of her children that she cares about him or her. But she plans it. My friends, realize that if she merely depends on an emotion or spontaneous demonstration of love, the pressures of the day might never allow such an expression. From the start, she pledged to herself that she would avoid that, and because she worked at it, love has shown and love grew. As the Russian priest struggled to show his faith against all odds, as General Dozier's family showed their love when they could not even be sure that he was alive, as my dear friend struggles each day to show her love despite almost overwhelming schedules, so all of us must struggle. We underestimate our capacity for good. Yet, we also underestimate how much hard work goes into being loving. I know that to put this event together today, much work was necessary. This expression of love was no spontaneous event, but it is no less important for that. Love that comes spontaneously may be beautiful, but more beautiful still is love that comes of diligence, care, and effort. Let me conclade by reiterating my thoughts on God's greatest gift—love. First, love at its highest contains more than emotion. It embodies struggle. It demands expression and will. Second, that love and struggle occurs in silence or in places far from notice—detracts not at all from its grace or its necessity. And finally, each of us, as people who struggle to love, are the most important people alive. Without our struggle, without our love, without our work to overcome our failings, our families and our very society will cease to exist and the world may never be the place of grace and peace we so devotedly wish. I don't want to start an organization to preserve the family or to combat the forces that tear at our society. I would much prefer that each of us privately and individually work at caring and loving so that no such organization is necessary. What, in the end, is the purpose of struggle, of love? It is, I believe, that we can make the difference of all us great and small, famous and nameless. Indeed, only we can make a difference. Yet, have we made a difference?

Too many in this land and all over the world are hungry. Too many are lonely. Too many neighborhoods exist where people neglect each other. Too many young people need counseling and love and simple friendship. Too many prisoners sit in despair without hope. Too many elderly lie unvisited in too many hospitals or nursing homes. How can this be, when so many tens of millions of us profess Christ? If we really witnessed, we could by ourselves make everyone celebrate life. I'm not impressed by the fact that many persons have filled out questionnaires saying that they've found Christ. I'm not impressed even by the large numbers who attend church regularly, although I am glad they do so. I will be impressed when our words and our deeds combine to make this a land of strong families, strong communities, and strong love. (clapping) And for those of us who might think such work beneath us, recall Christ's words, 'For I was hungry and you gave me food. I was thirsty and you gave me drink. I was a stranger and you made me welcome, naked and you clothed me, sick and you visited me, in prison and you came to see me.' Then the virtuous will say to him in reply, 'Lord, did we see you hungry and feed you, or thirsty and give you drink? When did we see you a stranger and make you welcome, naked and clothe you, sick or in prison and go to see you? And the King will answer, 'I tell you solemnly, in so far as you did this to one of the least of my brothers, you did it to me.'" We are the salt, the Bible says, that seasons everything. We must now go forth and season the world around us. If today our words and encouragement to those who hear, let us work that tomorrow our deeds will bring the celebration of life to millions more. My prayer is that all of you, and the millions who profess but are not here, would do this. Thank you.

Senator STENNIS. Now, my friends, it's my great honor and indeed a rare privilege to present to you the President of the United States.

The PRESIDENT. Thank you. Thank you very much, John, all our friends and distinguished guests here at the head table and all of you very distinguished people. Nancy and I are delighted to be with you this morning and are honored to be here. General Dozier, I know you don't like being praised for what you only consider as doing your duty. Forgive me, I'm going to pull rank on you. We want to give thanks to God for answering our prayers. We want to salute the Italian authorities for their brilliant rescue. And Jim, we just want to thank both you and Judith for your gallantry. Welcome home, soldier. Someone once said that a hero is no braver than any other man. He's just brave five minutes longer. Well, General, you were brave 42 days longer. And now we know why prayer breakfasts are a time for praise and celebration. Last year, you all helped me begin celebrating the 31st anniversary of my 39th birthday. And I must say that all of that pile-up and increase of numbers doesn't bother me at all because I recall that Moses was 80 when God commissioned him for public service. And he lived to be 120. And Abraham was 100 and his wife Sarah 90 when they did something truly amazing. And he lived to be 175. Just imagine if he had put $2,000 a year into his IRA account. But those of you who were here last year might remember that I shared a story by an unknown author; a story of a dream he had had. He had dreamt, as you recall, that he walked down the beach beside the Lord. And as they walked, above him in the sky was reflected each experience of his life. And then reaching the end of the beach, he looked back and saw the two sets of footprints extending down the way, but suddenly noticed that every once in a while there was only one set of footprints. And each time, they were opposite a reflection in the sky of a time of great trial and suffering in his life. And he turned to the Lord in surprise and said, "You promised that if I walked with you, you would always be by my side. Why did you desert me in my times of need?" And the Lord said, "My beloved child, I wouldn't desert you when you needed me. When you see only one set of footprints, it was then that I carried you." But when I told that story last year, I said I knew, having only been here in this position for a few weeks, that there would be many times for me in the days ahead when there would be only one set of footprints and I would need to be carried. And if I didn't believe that I would be, I wouldn't have the courage to do what I was doing. Shortly thereafter, there came a moment when without doubt I was carried. And now, we've seen in General Dozier's life such a moment. Well God is with us. We need only to believe. The Psalmist says, 'Weeping may endure for a night, but joy cometh in the morning.' Speaking for Nancy and myself, we thank you for your faith and for all your prayers on our behalf. And it is true that you can sense and feel that power. I've always believed that we were, each of us, put here for a reason. That there is a plan, somehow—a divine plan for all of us. I know now that whatever days are left of me belong to Him. I also believe this blessed land was set apart in a very special way. A country created by men and women who came here not in search of gold, but in search of God. They would be free people, living under the law with faith in their Maker and their future. Sometimes, it seems we've strayed from that noble beginning, from our conviction that standards of right and wrong do exist and must be lived up to. God, the source of our knowledge, has been expelled from the classroom. He gives us His greatest blessing: life—and yet many would condone the taking of innocent life. We expect Him to protect us in a crisis, but turn away from Him too often in our day-to-day living. And I wonder if He isn't waiting for us to wake up. There is, as Pete so eloquently said, in the American heart a spirit of love, of caring, and a willingness to work together. If we remember the parable of the Good Samaritan . . . he crossed the road, knelt down, and bound up the wounds of the beaten traveler, the pilgrim, and then carried him into the nearest town. He didn't just hurry on by into town and then look up a caseworker and tell him there was a fellow back out on the road that looked like he might need help. Isn't it time for us to get personally involved? For our churches and synagogues to restore our spirit of neighbor caring for neighbor? But talking to this particular gathering, I realize I'm preaching to the choir. If all of you worked for the federal government, you would be classified as essential. We need you now more than ever to remind us that we should be doing God's work on earth. We'll never find every answer solved, every problem, or heal every wound, but we can do a lot if we walk together down that one path that we know provides real hope. You know, in one of the conflicts that was going on throughout the past year when views were held deeply on both sides of the debate, I recall talking to one Senator who came into my office. We both deeply believed what it was we were espousing, but we were on opposite sides. And when we finished talking, as he rose, he said, 'I'm going out of here and do some praying.' And I said, 'Well, if you get a busy signal, it's me there ahead of you.' We have God's promise that what we give will be given back many times over. So let us go forth from here and rekindle the fire of our faith. Let our wisdom be vindicated by our deeds. We are told in II Timothy that when our work is done we can say, we have fought the good fight, we have finished the race, we have kept the faith. This is in evidence of it. I hope that on down through the centuries, not only is this great land preserved, but this great tradition is preserved. And that all over the land there will always be this one day in the year when we remind ourselves of what our real task is. God bless you. Thank you.

Senator STENNIS. Thank you, Mr. President. Friends, we're going to have a closing song and a closing prayer. We'll have that closing song now which will be led by Representative Bill Hefner of the great state of North Carolina.

Representative BILL HEFNER. Ladies and gentlemen, you have an insert in your program, and if you would be so kind, I need your help, and this in your time to participate in the program. And if you would, I would like for you to stand, and help me sing two verses of the great old hymn, "Amazing Grace, How Sweet the Sound that Saved a Wretch Like Me."

Senator STENNIS. Friends, please remain standing. Let me take less than 30 seconds, but nevertheless warmly thank our friend from Colorado, Senator Armstrong, and those that helped him for preparing this splendid program. Let me thank Doug Coe and other members of the professional staff for this achievement here that's been rendered today. Now we'll have a closing prayer by our own Vice President. Please remain standing after the prayer is concluded.

The VICE PRESIDENT. Shall we pray? Eternal God, universal Father of all mankind, we give you thanks. We thank you for our many blessings. You have asked all here to be the custodians of freedom and peace, and for that we are grateful. We thank you for safely returning James Dozier to us and to his family. Help us now, dear Lord, to do thy will and to leave here grateful for your love, renewed, refreshed in your spirit, blessed by your amazing grace. Amen.

JEANNETTE RANKIN, FIRST WOMAN IN CONGRESS

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WILLIAMS of Montana. Mr. Speaker, the House must take a moment now to invoke the memory of a Member of Congress who was first sworn in on this date 65 years ago. It was a historic occasion when a petite but fiery lady from the still rough-and-tumble land of Montana walked through the door and onto this floor to take the oath of office. Montanans sent a woman to Congress at a time when most States had not yet allowed women to vote. I speak, of course, of the first woman to serve in the U.S. Congress, Jeannette Rankin of Montana.

The late Miss Rankin is remembered primarily for being the first woman in Congress and for being the Member of Congress to vote against our entry into both World War I and World War II. She was an outspoken critic of war and what we today call the military-industrial complex. She came to Congress with an enormous agenda of social reform legislation focused especially on the needs of womem and children. She watched her personal agenda get shoved aside in the race toward our entry into World War I. From that moment on, she campaigned ever more diligently against not only the ravages of war, but the cost of continually preparing for war.

We ought to also remember that she was much more than the "Dove" she so much appreciated being called. She was a dissenter at a time when dissent was confused with treason. She was a suffragist and women's liberationist 60 years before the women's liberation "movement" of the 1970's. She was a social reformer at a time of intense pressure to maintain the status quo.

We reflect now on Miss Rankin's tireless lifelong campaign for social justice and peace in this time of decreasing social budgets and increasing defense budgets.

I wish to share with my colleagues a few quotations from speeches and letters by Miss Rankin on this, the 65th anniversary of the swearing-in of America's first woman in Congress:

> I'm a bit more frustrated now . . . I worked for suffrage for years, and got it. I've worked for peace for 55 years, and haven't come close.
>
> A person can be shot, but an idea cannot. Killing is the antithesis of life and negates the very possibility of growing into fullness. It is the same passion for the ideal, which a mother expresses in her love for her children, which we must achieve and maintain if we want our ideals to mature and flourish in society: self-control, compassion, honesty, integrity, and love must be conceived in our minds, incarnated through our daily actions and living, and platiently sustained in adversity. A dead enemy cannot become our friend. And—just as certainly—the ideal dies within us when we violate it.

* * * * *

> Can we afford to allow these men and women to doubt for a single instant the sincerity of our protestations for democracy? . . . How shall we explain to them the meaning of democracy if the same Congress that voted for war to make the world safe for democracy refuses to give this small measure of democracy to the women of our country?

* * * * *

> Go! Go! Go! It makes no difference where just so you go! go! go! Remember at the first opportunity go!

* * * * *

> Small use it will be to save democracy for the race if we cannot at the same time save the race for democracy.

* * * * *

> When I first came to Georgia, I would lock the door, and then at night I would hear every pine cone that fell. One night, I forgot to lock the door and I didn't hear the pine cones. Locking the door was what frightened me.

* * * * *

> God grant us the courage and wisdom to insist that the abundance we have here today may be shared with all mankind; that freedom, justice, righteousness, brotherhood and everlasting peace be established throughout the world.
>
> (Quotations from Flight of the Dove: The Story of Jeannette Rankin, By Kevin S. Giles; Copyright 1980; The Touchstone Press, Beaverton, Oregon; by permission of the author.)

TRADE WAR IN 1981, RECIPROCITY BILL IN 1982

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 60 minutes.

● **Mr. GAYDOS.** Mr. Speaker, 1981 was to the Nation's history economically what 1941 was militarily—it was devastating. Much of the damage was done in another global war, the great Atlantic and Pacific trade war that our trading partners and allies are waging relentlessly on our basic industries, particularly the most basic, steel.

This damage is the result of conscious and calculated policies of foreign governments and only a forceful approach by the Government of the United States will set it right.

Therefore, I have joined other interested Members in introducing legislation to establish in our law and in international trade the principle of reciprocity. The sponsors are Mr. BENJAMIN, Mr. REGULA, Mr. MURTHA, Mr. MOLLOHAN, Mr. FARY, Mr. FORSYTHE, Mr. WALKER, Mr. PORTER, Mr. MURPHY, and Mr. RAHALL.

This bill could be called the Primary Trade Readjustment Act of 1982 to distinguish it from the aid program that has been established to pay off and retrain workers dislocated in the trade war.

For steelworkers, 1981 saw imports approach 20 percent of the market. This is apparently dumped or subsidized steel made for a war where sales below cost and subsidy and export rebate are heavy, strategic weapons.

One ton of steel in every five sold here was imported, and late in the year it was 1 ton in every 4.

The Department of Commerce officially found that imports from our European partners rose by almost 67 percent in 1981, and this was due to no sudden surge in efficiency on their part or any dramatic decline on our part. It is due largely to $30 billion in subsidies over the years, according to the American Iron and Steel Institute.

Our partners use these weapons, along with tariffs and nontariff barriers, to keep their factories open and their home employment high, whatever the economic circumstance; they export the loss of jobs to this Nation as the hidden cost of goods they trade in knowing and willful violation of their solemn international agreements.

As for the damage, this Congress had to add $2.3 billion to the unemployment compensation appropriation for 1982 just last month to be able to pay for the year. Unemployment is around 9 percent.

Furthermore, the Department of Labor just last week announced a $25 million program to retrain and relocate automobile and steel workers made jobless by the adverse impact of foreign trade.

Mr. Speaker, the phrase, "made jobless by the adverse impact of foreign trade," is one I took word for word from the Department's press release.

Had I written the press release, it would have said, "made jobless by the adverse impact of naive U.S. trade policy that remains tied to an outdated Marshall plan mentality, that winks at and indulges wholesale violations of the spirit and the letter of international trade agreements."

As for specific damage, about 77,000 American steelworkers had been laid off by the end of 1981 in this surge of imports and another 17,000 were on short workweeks.

The trade war news of late 1981 and early 1982 is as bleak and disheartening as the real war news of late 1941 and early 1942. There are losses and reversals on all fronts.

Almost daily the Wall Street Journal carries the casualty notices—expansions and investment delayed or canceled, particularly in steel and automobiles, and major bankruptcies and massive layoffs and some formal notice or another that the industrial base this Nation must have is crumbling under the strategic use of dumping and subsidy and rebate and tariffs and barriers.

Steel and trade developments in late 1981 and early 1982 included the following:

U.S. steelmakers initiated more than 100 proceedings before the U.S. International Trade Commission based on apparent subsidy and dumping when administration negotiations failed with our partners;

The trigger price mechanism was mothballed because it was inadequate to cope and was bypassed in the filings;

The ITC in cases involving about 90 percent by volume of imported steel found preliminary injury;

The finding, by the way, does not mean the remaining 10 percent was certified as fairly traded; it only means a majority of the ITC felt the complaining U.S. producers were not harmed by it;

The Special Trade Representative initiated investigations against steel from five nations based on complaint of U.S. specialty producers, who have lost as much as 55 percent of some markets despite being the most efficient in the world;

Criminal indictments were filed in a U.S. attorney's investigation of earlier dumping involving a big Japanese trading company;

January 1982 steel imports accounted for 26 percent of the market in contradiction of normal seasonal patterns;

U.S. Import Administrator Gary Horlick forthrightly told the executive board of the Steel Caucus that, "We are the only country in the world that does things by the book"—in international trade;

He also said of Japan's trade and business practices, "They are quite candidly trying to export their unemployment to us";

The Government of Japan, in answer to criticism of closed markets, put up a list of concessions that Under Secretary of Commerce Lionel Olmer says could amount to letting in an additional $100 million in America-made goods;

Meanwhile, the U.S. trade deficit with Japan rounded out at $18 billion and could go well past $20 billion this year; and

A Japanese-American businessman, also in apparent response to criticism of Japan's predatory practices, announced that he is putting together a $10 billion foreign aid plan among Japanese businesses and banks, to help the financially pressed States of the United States, which still is the strongest and most productive nation in the world.

These developments are not news to lift anyone's spirits.

Our Japanese partners say we fail to sell more in Japan because we lack an understanding of their culture.

But more and deeper misunderstanding is abroad in the world than ours.

Whether real or imagined, whether trial balloon or gas bubble, this offer of aid to the Nation's Governors demonstrates a profound misunderstanding of American culture and character.

It is as if Count Dracula were to establish a life-support program to keep donors who are his type lingering at the portal between life and death so they can be built up, then drained, built up again, then drained again, perpetually.

What needs to be understood by everyone—Atlantic partners and Pacific partners—involved in bleeding this most open market in the world is that the donor is determined to recover.

Our doors should be open to them only if their doors are open to us and to the same extent. If they expect the United States to trade freely with them, they must trade fairly with us.

None of this is diffucult to understand. In short, the policy of give and give is outdated. It is discredited with the workers and the Congress. It is time to establish a policy of give and take. Just as the tide of real war began to turn in 1942, so too does ebb yield to flood as 1982 progress.

The turn is in the concept of reciprocal trade—or reciprocity—the idea of give and take on a forthright basis and according to laws and agreements governing international trade.

The current administration, which should have good marks for its efforts in trade, has presented reciprocity to our partners in Europe and Japan, and their response was not enthusiastic.

Japanese Prime Minister Suzuki peeked out from behind his trade barriers and export tax incentives, the other day, long enough to send word here that he thinks reciprocity is protectionism in disguise.

He really did say that, Mr. Speaker, although the concept of reciprocal trade is meant to bring about elimination of barriers or a lowering of those that exist to mutual levels.

I can only attribute his reaction to a lack of understanding of American culture, but it does show we have at least got their attention. And now that we have it, it is time to press on.

The give-and-give policy dates from the rebuilding days after World War II, but this is 1982 and the need as we reach for the 21st century is to put trade policy on a basis that recognizes the world as it is, not as it was.

As Mr. Horlick said, nobody else plays by the book. Our rules come from the wealth of nations and the principle of comparative advantage. Theirs come from clausewitz on war and the idea of advantage any way you can get it.

Give-and-take trade policy does nothing to recognize the differences between economies or the differing measures of government participation and sponsorship in economies from country to country; it does nothing to recognize our concept of individual capitalism and its weaknesses in the face of the overwhelming power of state capitalism.

Our partners, however, recognize these differences and exploit them. Our weakest points are exposed to their strongest subsidized assaults. Our policy invites the assault and encourages them to trade in the fashion of warriors and raiders rather than businessmen.

Worse, this outdated trade policy demands that Americans, including those whose jobs are being exported, carry heavy loads and take half portions so that our trading partners may have whole portions—heaping portions—and carry lighter loads.

It is an abomination.

Let us get some perspective on it.

The economy of the United States is a $3 trillion economy. It is larger than the combined economies of Japan, West Germany, France, and Britain. We have primary responsibility for the defense of the free world as well, including the oil and trade routes of Europe and Japan. Ours is the most open economy.

Foreign relations and trade and the national economy are inseparable parts of a whole. In fact, it is because they are so alloyed that we are having trouble, in part. We have supported the free world and large portions of the Third World because it was necessary to have alliances and allies and friends.

And we have not made note of the differences between us because—until recent years—they did not seriously unbalance the scales. And we have had these alliances to hold together.

But now our trading partners' hammer blows of subsidies and barriers and government-guaranteed-and-directed capital investment threaten to crack our industrial base.

If it crumbles, who then defends their energy and trade and commerce?

Who then buys the endless streams of automobiles exported with tax forgiveness and steel pushed out by subsidy?

Who then wears the clothing pouring out of the developing nations?

Those who consume imports will have nothing to buy them with if our economy is leveled.

Losses of 20 percent were recorded in steel. Imports have about 22 percent of the automobile market, and as many as 1 million Americans may be out of work across the economy because of that.

Neither an economy in a trade war, nor a military force in a real war, can sustain losses of that nature and continue to function.

A nation of 220 million people, and with world responsibilities and military obligations that demand a strong industrial base, is not going to do what the world demands of it just selling silicon chips and computer services no matter how attractive the theory might seem.

Nevertheless, I believe in trade.

And, I think the Nation by and large believes in trade.

I think the people are tired of New Testament trade based on giving and meekness and turning the other cheek.

They are ready for some Old Testament justice, which is based on giving in equal measure what you get.

They are ready for reciprocal trade, and so am I.

Let me offer an example or two of reciprocal trade as I see it.

In the recent tidal wave of steel, the biggest surge on sheet and plate and bar came from Europe.

About 70 percent of Europe's steelmakers are subsidized or nationalized. The American Iron & Steel Institute estimates they have losses of around $20 billion to date.

Losses like that would have forced all U.S. producers to bank their furnaces and open their bankruptcy petitions.

But keeping these mills running in Europe, whatever the cost, is government policy. The contest is between American companies and foreign governments.

Are the Europeans more efficient? Is their steel cheaper because of a labor advantage?

The AISI orange book—"The American Steel Industry in the 1980's"—says American steelmakers get a ton of steel for 7.7 man-hours. The Europeans average 12.6 man-hours a ton among the biggest three producers.

American steelworkers and steelmakers have to show a profit to stay in business, and staying in business is necessary for the Nation's general economy and defense.

Nowhere in the General Agreement on Tariffs and Trade, or in the NATO agreement, does it say we have to lay off our profitmaking and efficient steelworkers so Europe's nationalized, subsidized, and inefficient steelmakers can stay on the job.

But this is what we are doing.

Reciprocity demands that a fair price for imported steel in this country take these differences into account.

We can, unilaterally if necessary, make a fairly accurate determination of costs for any country, and if they do not trade based on costs, we can levy the difference between cost and price on entry.

We can even consider making the levy automatically as the steel comes in rather than waiting for the cumbersome and easily evaded current remedies to work.

We could even shift the burden. Instead of making American producers prove dumping and subsidy, let us make the producers of imported steel show that are not dumping or are not subsidized before the ships even drop anchor in an American port.

We can find ways to send them to Mr. Horlick's tattered rule book if we are diligent about looking.

While the United States took about 20 million tons of imported steel directly in 1981, another 11 to 13 million tons entered indirectly as big items like automobiles and transmission towers and in small items like clothespins and as even smaller items, like nails.

About 250,000 American autoworkers are out of work, Ford Motor Chairman Phillip Caldwell told a Tokyo audience recently, and altogether the hard times in the automobile industry have put 1 million persons out of work, directly and indirectly.

Of Japan's $18 billion trade surplus, about $13 million is related to automobiles, Cardwell said.

Whatever the Japanese advantage in efficiency, whatever the edge in lower labor costs, Japan's automakers have one very big advantage handed them by their government.

A tax rebate or tax forgiveness of about $800 is attached to every Datsun or Toyota or Subaru or Honda you see on Independence Avenue or Main Street.

It amounts to an export subsidy of about $1.6 billion based on 2 million cars a year.

Right now this subsidy has helped Japanese traders penetrate and capture about 22 percent of the U.S. market, but there may be more to come.

Japanese exports are voluntarily limited at the present, but like all businessmen they plan for the future.

What are their plans?

Ford Chairman Caldwell expressed worry they will increase their automobile production to about 17 million cars a year by the end of the decade, a 30-percent increase for a nation that already makes 30 percent of the world's cars.

By the way, their domestic market is 5 million cars a year and is not expected to grow.

Does anyone think they will sell those cars in Japan?

In Europe? The Europeans are not letting it happen now, and they will not let it happen in 1980.

There is only one place they can be planning to sell them, Mr. Speaker, and that is on Independence Avenue and on Main Street. They plan to sell them with an $800 per car subsidy from a form of tax that was overlooked in drawing GATT.

Reciprocity says an amount equal to the subsidy is due on entry here.

Furthermore, when steel is subsidized, all the manufactured goods that require it are subsidized indirectly.

U.S. trade policy should recognize this fact of life and deal with it.

As chairman of the Congressional Steel Caucus, I put before the Subcommittee on Trade some ideas for a new approach to trade, and I now offer them to the House in the spirit of starting the debate on trade and reciprocity.

The weapons we have for bringing this Atlantic and Pacific trade war to a just peace are obsolete.

For example, the President's power to drop tariffs below present levels in the interest of furthering trade is due for reauthorization soon.

He should have that power.

Furthermore, he should have the power to raise tariffs above what they are now when he deals with those who stubbornly refuse to see the wisdom of equal tariffs or the mutual absence of tariffs.

Suppose our tariff on a hypothetical item is 5 percent. We make it and a hypothetical trading partner makes it. Their tariff on our item is 10 percent.

At present, all a President can do to get them to lower their tariff is lower ours. We go to 2.5 percent. They go to 7.5 percent.

Have we really won a concession? Have we lowered a barrier? Have we furthered trade?

But if a President could go down to zero or up to 10 percent on that item, I think they would see the attractiveness and reason of reciprocity.

This refinement would make tariff adjustment a modern negotiating tool. And it would allow us to do something besides wring our hands and jawbone.

By all we hold dear in economic theory, Mr. Speaker, I believe we could get their attention and that the climate would change without having to use the tool.

Beyond that, we could create and give legal standing to the category of reciprocal trading partner. It would be a cut above most favored nation.

Why, we might even give serious thought to changing our Department of Commerce into a Department of Trade and Commerce.

The trade half of it could be given jurisdiction over anything touching on trade, even the portion of our foreign relations that relate to trade, leaving none of it to the Department of State or any other agency.

This trade division could be staffed with trade professionals willing to work without the all-encompassing protection of civil service, and it could be given latitude to act. And those who ignore the intent of Congress could be identified and held to answer.

I will bet a trade division established along these lines would be two or three times more responsive to the idea of reciprocity than any arm of the U.S. Government now functioning in any field.

A division such as this might even someday make headway with Japan's Ministry of International Trade and Industry, which is called MITI.

MITI even has the power to consider things such as competitive effect on Japanese producers, and it even can decide who can advertise what on their television stations, I am told.

Successful foreigners have been thrown out of the market, politely, of course.

Nevertheless, I would not want our Department of Trade and Commerce to be as all-powerful as MITI.

Our Constitution would prevent it anyway.

This Constitution—and the idea of due process—is one of the differences between what they call the Japan way or the European way and the American way.

Other differences include nationalization, loss of the profit motive, subsidies, barriers, government-directed capital investment, and targeted export programs.

By the way, we flog our industries to export, yet we put them at a disadvantage when they try. One disadvantage is the effective interest rate of the Export-Import Bank, which late last year was around 13 percent.

None of our export competitors require such heavy interest, as far as I know. In fact, many of them subsidize.

If we do not find a way to handle these assaults, the big gamble we are taking to reindustrialize and be more efficient is doomed to fail.

Then even more of our economy will crumble under the blows of subsidized foreign goods and targeted export programs, and the base will diminish further.

These are ideas meant to say our future trade policy can recognize the differences.

It should take them into account and deal with them forthrightly to establish the principle of reciprocal free trade.

And the Primary Trade Readjustment Act of 1982 would get us started. Cosponsors will be welcome.

The bill is as follows:

H.R. 5727

A bill to amend the Trade Act of 1974 to restore the authority of the President the respect to reciprocal nondiscriminatory treatment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 126 of the Trade Act of 1974 (19 U.S.C. 2136) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) If the President determines that a major industrial country has failed to provide competitive opportunities for the commerce of the United States in such country equivalent to the competitive opportunities provided by the United States under its trade agreements for the commerce of that country in the United States, or has consistently violated the trade laws of the United States, then the President—

"(1) shall, either generally with respect to such country or by article produced by such country, in order to restore equivalence of competitive opportunities and enforcement of the United States trade laws, recommend to the Congress—

"(A) legislation providing for the termination or denial of concessions of trade agreements entered unto under the trade laws of the United States with respect to rates of duty or other import restrictions by the United States; and

"(B) that any legislation necessary to carry out any trade agreements under the trade laws of the United States shall not apply to such country; and

"(2) may proclaim such increased duties or other import restrictions as are appropriate.".

(b) Such section is further amended by redesignating subsection (d) as subsection (c).●

CONGRESSMAN HANSEN INTRODUCES LEGISLATION TO AMEND FEDERAL WATER POLLUTION CONTROL ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN of Utah. Mr. Speaker, because of the foresightedness of our forefathers in draining and filling Washington's swampy, marshy lands, I am able to be standing before you today inside this beautiful architectural monument rather than addressing you among reeds and mosquitos. I am honored to be a part of a legislative body empowered to make the laws of this land, and to change inequities in some laws already made.

I mention this fact because today I am introducing legislation that would amend section 404 of the Federal Water Pollution Control Act to restrict the jurisdiction of the U.S. Army Corps of Engineers over nonnavigable waters of the United States. This bill would leave the responsibility of all nonnavigable waters with the States and localities effective March 27, 1975, the date a court decision artificially expanded the definition of navigable waters to include every lake, pond, and stream in the country, including wetlands. Had the corps exercised its present jurisdiction over this area in early times, Washington, D.C., may never have come into existence.

Mr. Speaker, I ask that my colleagues consider the following scenario:

Picture two parcels of land. One located next to a major waterway and covered with shallow water. Cattails, reeds, and other forms of marsh vegetation are seen emerging above, or floating upon the water's surface. All forms of migratory waterfowl and other waterbirds are seen feeding and nesting among the reeds. There is true aesthetic value in the sight of tall marsh grasses dipping and bending with the wind.

Now, picture a 2-acre parcel of land smack dab in the middle of an industrial complex with railroad tracks bordering on one side of the land and an interstate highway and two other roads bordering on the other three sides. The owner of this parcel would like to build on his land in order to expand the industrial complex which borders his property, but he cannot.

So what is the problem? The corps considers both parcels of land "wetlands," important for waterfowl, fish and other wetland-dependent creatures such as the crocodile and the alligator. Because both are deemed "wetlands," a likely result is a prohibition against development, or at best, a lengthy and costly permit process requiring months or even years of delay before a permit application is finally approved.

Now commonsense will tell you that birds and other forms of waterfowl will be found on the first parcel of land, but it would really stretch one's imagination to think that a mallard duck would find a suitable nesting place on the second parcel, or that any kind of fish would use this land for spawning ground. I also doubt that any artist would be painting a picture on the second parcel of land for a wildlife magazine.

I am certain that a number of my colleagues here today could cite similar examples of the corps overstepping its bounds and curtailing farm and other development just because a piece of land might have a small wet spot on it with a handful of cattails 2 months out of the year.

Let me say that I am an avid fisherman and duck hunter, and I truly appreciate the unique beauty of wetlands. Clearly, it is blatantly wasteful to turn a productive wetland into a dump. But the key word here is productive. I do not question the general concept that some bona fide wetlands should be protected. But I do question Federal control in a haphazard manner, of every lake, stream, and pond in almost every nonnavigable water in the United States.

I seek to restrict the corps' jurisdiction of our wetlands by returning to the reasonable definition of navigable waters found in the River and Harbor Act of 1899. Simply stated, I seek to limit the corps' right to oversee nonnavigable waters of the United States. Any other waters, including wetlands, would then be the responsibility of the States or localities. Realizing that some nonnavigable waters should be under Federal control, my bill would allow each State to request that the corps extend its authority to certain nonnavigable waters.

The corps has made a mountain out of a molehill with help from the courts. It has placed itself in a position of being able to determine whether it is in the public interest to allow any physical activity of almost any scope or kind on virtually any stream, lake, pond, or wetland. The corps asserts this jurisdiction over such activity whether or not that activity has anything to do with water quality, and without regard to private property rights or the rights of other levels of government to provide for the needs of its citizens.

The burdensome paperwork, excessive and unnecessary delays generated by this overzealous attitude by the Corps of Engineers and the courts have been enormous. Let us start viewing this issue with more commonsense. The President's Task Force on Regulatory Relief currently has the entire section 404 permit program under review. Our constituents are demanding less Federal Government interference in their lives, so the time could not be more appropriate for this legislation. I urge that we take a step in the right direction with its passage. Thank you.

CONGRESSIONAL FLYING CLUB HONORING SENATOR JENNINGS RANDOLPH

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. CLAUSEN) is recognized for 30 minutes.

● **Mr. CLAUSEN.** Mr. Speaker, as many of my colleagues are aware, I am the current president of the Congressional Flying Club and I recently had the distinct privilege of honoring the first President of the Congressional Flying Club—the Honorable JENNINGS RANDOLPH of West Virginia.

Senator JENNINGS RANDOLPH began his distinguished congressional career over 49 years ago, taking office as a Member of the House of Representatives in 1933. During that time he has become one of Congress staunchest aviation advocates.

JENNINGS RANDOLPH's interest in aviation began even before he went to Washington as he felt the problems of transportation due to the rugged terrain of West Virginia would favor aviation. To this end he helped in the development of his hometown airport in Elkins which was dedicated in 1973 as the Jennings Randolph Field.

RANDOLPH served in the House from 1933 to 1947 initiating many important pieces of legislation including the Civil Aeronautics Act of 1938, the law which he calls the Magna Carta of the airline industry.

From 1947 until his election to the Senate in 1958, RANDOLPH continued his involvement with aviation serving as assistant to the president of Capital Airlines, a trunk carrier which merged with United in 1961.

No Member of the Congress has been more identified with the development of airport/airway facilities than JENNINGS RANDOLPH. From the enactment of the first Federal Aid to Airports Act of 1945 to the passage of the Airport and Airway Development Act of 1970, he has been one of aviation's greatest advocates.

The organizer and first president of the Congressional Flying Club, RANDOLPH describes today's pilots as a "highly competent group of men and women dedicated not only to flying, but to serving people as well."

We were also privileged to have present at this very significant event, another one of aviation's strongest advocates, J. Lynn Helms, Administrator of the Federal Aviation Administration. As you may know, I have been working with Administrator Helms on a coordinated strategy to develop a national plan of integrated airport systems with emphasis on reliever airports and an updating of our air traffic control system.

I would like to take this opportunity to share the remarks made by Mr. Helms as I firmly believe that it spells out an extraordinary challenge and planning effort which has the potential of establishing a national airspace system plan which will accommodate and assure that growth and improvement in the future will occur in an orderly manner and consistent with local and national airport and airway needs.

I would like to commend Lynn Helms for his remarks, which are presented below, so that my colleagues in the Congress can benefit from our FAA Administrator's very perceptive, comprehensive, and scholarly presentation of his views on aviation, airports, and our airways systems development:

REMARKS BY J. LYNN HELMS, FAA ADMINISTRATOR

The 20th anniversary of the Congressional Flying Club provides a very convenient historical bridge to what I want to talk about tonight. That is, the restructuring, updating, and modernization of the air traffic control and air navigation system in the United States.

Most of you will remember that FAA still was operating a manual air traffic control system 20 years ago in 1962. We refer to it now as the second-generation system. At that time, primary radar was the principal means of tracking aircraft and the agency still lacked complete nationwide coverage. The display equipment included a considerable amount of gear designed for the military. There were no computers to help controllers organize flight data or provide them with radar data on aircraft identity and altitude. This information had to be obtained through radio communications, written with grease pencil on small plastic chips, called shrimp boats, and pushed across the radar scopes by hand. In short, it was a system ill-equipped to deal with the explosive growth of aviation that occurred in the 1960s.

Fortunately, a number of knowledgeable aviation people could see the problem developing. One of them was a predecessor of mine at FAA, Najeeb Halaby. Shortly after he took office as FAA Administrator in 1961, he commissioned a comprehensive review of the air traffic control and air navigation system by a group of outside experts, headed by Richard Hough. That, of course, was the Project Beacon study.

The final report of the Beacon Task Force was accepted in November 1961, about the same time, I imagine, that Senator RANDOLPH and the other founders of the Congressional Flying Club were getting serious in their organizational efforts. In brief, the report recommended an air traffic control system based on secondary surveillance radars, beacon transponders and computers. The result was the third-generation ATC system which essentially is what we are running today.

Now the point of this little history lesson is that I found myself in very much the same position as Jeeb Halaby when I took over as FAA Administrator last year. The upgraded third-generation air traffic control system still is doing the job it was designed to do—and doing it well, I might add—but the long-term prospects are not encouraging. The computers used for en route traffic control, for example, will begin reaching capacity at the busiest facilities before the end of this decade. And even if that were not true, they need to be replaced because they represent 1960's technology, they are getting progressively older and we cannot realistically expect the manufacturers to continue to support this equipment indefinitely. The same is true for much of the rest of the ATC physical plant.

If you go back and read the Project Beacon Report, you'll discover that its major finding was that FAA has no single plan for continued development of the Air Traffic Control/Air Navigation System. The report held that to be an untenable situation. It said: "The system must be based on a well-considered plan which will permit its growth and improvement in an orderly manner in accordance with the needs of the users and advances in technology. Such a plan is necessary if the users are to be able to plan their operations and invest with confidence."

I guess you can say in this case that history repeated itself because I found pretty much the same situation when I took over at FAA. The agency had no overall system plan. There were individual elements of a plan, to be sure, but nothing that tied these bits and pieces together into a cohesive whole. Correcting this situation became my first priority as FAA Administrator.

In essence, we initiated our own Project Beacon Review, but we did it in-house so we were able to compress the schedule for development of a system plan. If Project Beacon has a fault, it was that the final report was a conceptual document rather than a plan of action. The report had to be taken and converted into a system plan by the FAA staff. That took additional time which I felt we could not afford in the present situation. So we integrated conceptual thinking with the hard nuts-and-bolts decisions and the end project was the National Airspace System Plan, which we released on January 28.

Most of you probably have read or heard about the NAS Plan by now. Many of you probably attended the industry briefing on the 28th, one of the congressional briefings, or sat in on the hearings last week before Representative GLICKMAN's subcommittee. In short, you're a very knowledgeable audience. For that reason, I will try to focus more tonight on how we developed the plan rather than on the individual elements of the plan itself.

But first you have to understand the philosophy behind the plan. Our basic assumption was that the airspace belongs to the users and not the FAA. Our role is to help the aviation community use the system more safely and efficiently. To put it another way—and I'm sure you've heard me say this before—our job is to control but not constrain, regulate but not interfere and, finally, consider the priorities of the millions of people who fly on the commercial carriers but not to the point that we deprive the private pilot of his rightful share of the airspace.

Also, I think we need to clarify what the plan is and what it is not. Essentially, it's a hardware plan that spells out the facilities and equipment required to modernize the national airspace system over the next 20 years. At the same time, the plan recognizes that hardware improvements alone cannot solve future capacity problems. Airports will continue to be the major constraining elements in the national airspace system. Few new air carrier airports are anticipated and most existing facilities have only limited expansion capability due to physical, environmental or other limitations. That is one reason why it is so important that we wring every bit of available capacity out of the present airport system and why I have directed that the agency will take a more aggressive posture on curfews and other airport-use restrictions.

Another point I would like to make is that the national airspace system plan is part of a larger planning effort. For example, we are developing both engineering and system support plans to achieve implementation of the NAS plan. In addition, we have a companion study—called the national airspace review—that is aimed at improving the airspace environment by updating ATC rules and procedures and introducing more efficient airspace management practices. This latter effort is being conducted in conjunction with the aviation community and some of you no doubt are involved.

But to get back to the development of the national airspace system plan. We saw very early in our review that the technical framework of the air traffic control and air navigation system had to be completely recast. A simple extension and more of the same just was not good enough for the projected traffic volumes of the next 20 years.

Moreover, we concentrated our efforts on the total system, evaluating each element not only on its own merits but also on its contribution to the whole. Our objective was not only to enhance safety and efficiency in traffic control but also design in enough flexibility to exploit new technology whenever it appears. And, of course, minimizing system cost was another major consideration.

The first tangible result of the technical review was my selection of the traffic alert and collision avoidance system as an independent airborne backup to the air traffic control system. TCAS, as it is known, actually is two separate but compatible systems—TCAS I and TCAS II. TCAS I is the low-cost, minimum-capability version designed for General Aviation that will run about $2,500. Essentially, it is a proximity warning device that alerts pilots to the presence of other aircraft. On the other hand, TCAS II is a full collision avoidance system that detects potential traffic conflicts and provides the pilots with evasive maneuvers when necessary. It will run over $50,000, which means the airlines will be the primary users.

The TCAS decision was an important building block in the total program since it permitted us to drop the development of a very expensive ground-based collision avoidance system called the Automatic Traffic Advisory and Resolution Service, or ATARS. This, in turn, simplified the requirements and greatly reduced the cost of implementing a new secondary radar surveillance system called Mode S, since it no longer had to support the ATARS function.

The selection of Mode S to replace the present air traffic control radar beacon system was a core decision since Mode S provides both surveillance and communications media.

The present beacon system interrogates all aircraft transponders in the area of coverage simultaneously, which means the system can become overloaded by the volume of replies in high density terminals. Mode S is a much higher capability system.

The "S" in this instance stands for selective address, which means the ground stations interrogate aircraft on an individual basis. And since both the interrogation and reply are on an individual basis, an avenue exists for automatic data link communications which is something like one computer talking to another computer and displaying the messages for humans to read. The Mode S/data link concept is extremely important in our total system scheme.

TCAS is built around Mode S. That is, you buy TCAS and you get Mode S for the same price. Therefore, although we have no plans to require TCAS, we think many aircraft owners will opt for the additional collision protection provided by TCAS when they upgrade their transponders. And we do anticipate that Mode S will be required equipment above 12,000 feet in the 1990's.

Another major decision in the development of the final NAS plan had to do with the replacement of the present ATC computers. Those of you who have seen my slide presentation know just how complex this decisionmaking process really was.

FAA plans to replace the IBM 9020 computer system used for en route air traffic control in the mid-1960's with a new "host" computer capable of using existing 9020 software with only minimal modifications. Introduction of this new high-capability, high-reliability equipment would provide immediate relief from any capacity restrictions that could result from rapid traffic growth in the mid-eighties.

Concurrently, the agency would proceed to develop new software and new sector suites to replace the existing consoles and displays. Each sector suite would have its own microprocessors that would generate information for controller displays and also serve as a backup to the central computer complex.

The new computers would provide the capacity and informational framework for implementing higher levels of automation, known as the automated en route air traffic control—or AERA—concept, in the 1990's. AERA essentially is a software package that will let the computers assume many of the routine chores performed manually by controllers such as aircraft separation, coordination of traffic flow and transmission of ATC clearances. Moreover, if the user has mode S/data link, this can all be done automatically.

Among other things AERA means more fuel-efficient routings for aircraft operators.

The importance of this can best be appreciated by considering that one carrier—Eastern Air Lines—spent $1 billion in 1980 on jet fuel. Thus, when we say AERA will cut 3 percent from fuel bills we are not talking marginal savings. Eastern, for example, would save $30 million in fuel alone. The result could be the difference between a good year and a bad one for the carriers.

FAA also would use the same basic computer systems and sector suites in the en route centers outside the contiguous 48 States as well as in terminal radar facilities. The trend during this period would be to blend the separate functions of terminal and en route air traffic control and permit consolidation of facilities. By the year 2000, the present total of more than 200 en route centers and terminal radar facilities would br reduced to about 60 facilities with a corresponding reduction in both our operational and maintenance staffs.

Not all elements of the plan are new or futuristic. For example, our program to replace all of our vacuum tube navigation and communications equipment already is underway. So, too, is the program to modernize the flight service station network and consolidate locations from approximately 300 to about 60.

Tied in very closely with the flight service station modernization program is a major upgrading of weather services that are provided directly to pilots. For example, the plan further calls for installation of automated weather sensors at airports to broadcast surface conditions by means of a computer-generated voice over VOR radio navigation stations, thus enhancing safety and allowing lower landing minimums.

Also in the plan is the replacement of our present primary en route radar system with a new generation of doppler weather radar. Primary radar will be retained in the terminals but we will be buying upgraded equipment that will have a separate weather channel.

And we plan to begin installing the new microwave landing system, or MLS, in 1984 and have more than 1,250 in place by 1998. This will greatly enhance operational flexibility at airports and translate into fuel and money savings that will more than compensate for the capital investment of compatible avionics.

In addition, the plan calls for a general overhaul of the agency's interfacility communications system with the aim of making it more efficient and less costly. And our program for flight inspection of navigation aids will be streamlined with the addition of new, more fuel-efficient aircraft and adoption of automated techniques that will cut the number of flight hours by better than 60 percent by the year 2000.

Now I think I have covered the major elements of the national airspace system plan although not in the detail I would have liked. But I hope I have made one thing very clear. That is that this is a user-oriented plan, one that promises major operation benefits for everyone who flies including better weather service, flight service, communications and surveillance services, right on down the line. Moreover, the system detailed in the NAS plan will accommodate the projected increase in demand for services a way which permits pilots and operators to achieve their desired flight operations with a minimum of artificial constraint, and with the highest achievable fuel efficiency.

But if the NAS plan offers major benefits to the airspace users, there is also a cost involved. There always is. There is no such thing as a free lunch.

Implementation of the various hardware elements of the plan will require substantial capital investment. We are in the process now of finalizing detailed cost estimates for the Congress and expect to send the package to the Hill later this month. But our preliminary estimates indicate that the price tag will be in the neighborhood of $9 billion over the first 10 years.

As you know, the administration proposes to pay for the NAS plan improvements through higher user taxes. In fact, if you look at the agency's fiscal year 1983 budget request, you will see that facilities and equipment funding is heavily dependent on enactment of new user charges. The airport aid program and a substantial percentage of R. & D. money also is keyed to the adoption of new user charges.

Now I know that user taxes are not a particularly popular subject with anyone, especially general aviation where, in most cases, the money comes directly out of the user's pocket or pocketbook. Still I am quite encouraged by the response we have received so far on the plan from the various user groups and trade associations. We may disagree on numbers but not the concept. I think there is general agreement that the national airspace system must be modernized and time is running out. Trying to patch the present labor-intensive system to meet the project traffic demands just will not do and would end up costing us more money in the long run. It is like the advertisement you see on television for oil filters, I believe, where the garage owner says, "You can pay me now or you can pay me later; it's up to you."

Let me close with one final comparison with the situation 20 years ago and today. As I noted, the final Project Beacon report was submitted in November 1961 but the last enroute center didn't go operational with radar data processing until August 1975. That is almost 14 years between concept definition and completion of the Beacon-based system plan. We do not have that kind of time available to us today. We start the modernization now or we suffer the consequences, starting no later than 1986.

Thank you for your attention and, I hope, your support on this very important matter.

As I said, it is your airspace and, in the months ahead, you will determine what we do with it.●

THANKS TO RICHARD BOLLING

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 15 minutes.

● **DANIELSON.** Mr. Speaker, I wish to join with my many colleagues in paying tribute to my good friend and yours, RICHARD BOLLING, of Missouri. I know that my feeling of disappointment and loss over the prospect of his leaving the House of Representatives at the end of this term was shared by all of us.

During the period of my tenure in the House of Representatives I have had the privilege of testing my ideas with him on many occasions. Without fail the advise and counsel which he has given me has been correct; it has been most valuable. I know that he provided that same sort of counsel and advise to many other Members of the House—a fact which multiplied his effectiveness in this body many times over.

Some have said that I am a sort of an "old maid" in my concern for detail and that the basic principles of our constitutional and parliamentary system are maintained and protected. I gladly accept that characterization because I know in my heart that it is only through responsibly adhering to the standards set by our Constitution and through proper parliamentary procedure, that our Republic can continue to exist. In pursuing that belief, in that effort, I found another such believer in the person of DICK BOLLING.

Many times, since I came here as a freshman, I have expressed to him my concern about what I perceived to be a dilution and weakening of our system and on those occasions I found in DICK BOLLING someone who shared those concerns. Sometimes I have tried to work out, or to advocate, solutions to the problems resulting from and the causes of those erosions of our system. I know what DICK BOLLING has done the same. We, or he, or I, have enjoyed a measure of success from time to time, though oftentimes we have not been able to convince our colleagues. This concern me, and I know that it concerns DICK BOLLING, very much.

I look back upon a massive effort that DICK BOLLING completed a few years ago when he made a profound study of our committee system and reported back to the House with excellent recommendations for improvement in the committee structure. Those recommendations, unfortunately, were not implemented by the House, but his report is an important historical and political document which I hope, someday, will be put into effect.

I understand that DICK BOLLING has said that he may be of greater service on the outside of the Congress than on the inside. I hope that is true for I know we will miss his counsel, his encyclopedic knowledge of parlimentary procedure and of history and of governmental structure and I hope that we will be able to find him in the wings to help us in the future.

Mr. Speaker, I join my many colleagues in wishing DICK BOLLING the most successful and happiest future.●

HOUSING ACT OF 1982—A POSITIVE PROGRAM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Today I am introducing, together with a number of my colleagues, the 1982 housing bill. This bill is a comprehensive, positive program to address the great and growing problems of the housing industry, of those who depend on it, and those millions of Americans who cannot now afford to buy or rent a decent home. This program speaks not only to the needs of urban dwellers, but to those who live in rural areas as well.

The Reagan budget program would actually cause a reduction of 46,000 housing units that are now planned, and for which funding is available. The Reagan program is a wholesale abandonment of efforts to provide affordable housing for the majority who are shut out of the housing market today.

The bill my colleagues and I are offering today will provide about 250,000 new assisted housing units in fiscal year 1983 under the programs of the Department of Housing and Urban Development, and it will also provide 57,000 new assisted housing units in the rural areas served by the Farmers Home Administration.

The cost of our program is modest—no more than is available for the current fiscal year for housing assistance, which in turn is much less than was available last year. Modest as it is, however, our bill is critically needed, and is a positive program, as against the Reagan program of wholesale abandonment and retreat.

The Housing Act of 1982 will provide assistance for homebuyers who have modest incomes. These are people who could, if interest rates were anything like reasonable, afford homes without assistance. The bill would make available up to 100,000 homes under the section 235(q) program, and buyers whose incomes are up to 130 percent of area median income could qualify. The subsidy would be used to reduce interest payments to a rate of 9½ percent—steep by historic terms, usurious by my own standards, but still affordable by people who have modest incomes. The subsidy provided in this program would be limited to 10 years—on the belief that as incomes rise, people will be able to eliminate their need for the subsidy. Moreover, there is provision in the bill for a recapture of the subsidy payments.

Additionally, our bill will create a new program to replace the existing section 8 multifamily housing program. Under our bill, local government agencies could work with private developers to develop affordable rental housing. The subsidy payment would be extremely flexible, so that the maximum incentive will exist to create efficient and effective financing plans. The subsidy could be in the form of an outright capital grant, it could be in the form of a loan, a rent subsidy, or even a loan for purchase of land. It could be any reasonable device that would make the project financially feasible, and at the same time modest in cost to the Federal Government. Additionally, the bill encourages local units of government to do their part, by contributions in kind or in cash toward project development. This encouragement comes through a preference to project applications that show local participation in the development cost. Again, flexibility is the key—the kind of flexibility that made the urban development action grant the efficient, effective program that it has been.

The bill continues the current level of effort with respect to low-cost public housing development and rehabilitation, and provides for adequate operating subsidies as well. We recognize that there is an urgent need for low-rent public housing, that there is a need to maintain the existing stock, and that adequate operating funds are essential to prevent the financial failure of numerous housing agencies.

We provide in this bill for a full range of rural housing programs, at least maintaining existing levels of effort. The amount of substandard housing in rural America is disproportionate, and our program does not turn its back on the need for better housing in small towns and on farms.

Our bill also recognizes the ravages of unemployment, with the resulting rise in mortgage foreclosures. We do not believe that the involuntary victims of the Nation's economic distress should have their misery compounded through the loss of hard-earned home equity. Accordingly, the bill provides for an emergency homeowners' assistance program, one that makes loans available to people who are faced with foreclosures because of involuntary and temporary economic distress.

The bill extends the various insuring and secondary credit market authorities, all of which are vital tools for the financing and production of homes, all of which have proved their worth, and all of which have earned the support of everyone who is concerned with housing.

We recognize that the depression of the housing industry will not end until the economy is set straight. But we also recognize that doing nothing is worse than nothing. Doing nothing will only accelerate the growing crisis among those who seek affordable housing, only deepen the depression of the housing industry, and worst of all, constitute a retreat from our historic commitment to decent and affordable housing for this Nation.

The administration is not offering a housing program, it is offering an antihousing program—an attempt to dismantle and discard programs that are needed, that work, and that make a positive contribution not only to the well-being of the American people, but a positive contribution to the economy as well. Our bill, by contrast, is a reaffirmation of the historic and necessary national commitment to housing. We understand the certain truth that without a national housing policy, there will never be sufficient housing, let alone decent and affordable housing for the Nation. We offer a constructive, effective program that learns from the lessons of the past. The nonpolicy and antipolicy of the administration, by shameful contrast, seeks to undo all that has been done, and unlearn all that has been learned.

Mr. Speaker, I include herewith a copy of H.R. 5731, as follows:

H.R. 5731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Housing and Community Development Amendments of 1982".

TITLE I—COMMUNITY AND NEIGHBORHOOD DEVELOPMENT AND CONSERVATION

COMMUNITY DEVELOPMENT

SEC. 101. Section 108(a) of the Housing and Community Development Act of 1974 is amended by striking out "1981" and "$300,000,000" in the third sentence and inserting in lieu thereof "1983" and "$225,000,000", respectively.

REHABILITATION LOANS

SEC. 102. Section 312(d) of the Housing Act of 1964 is amended—

(1) by striking out "and" after "1979";

(2) by inserting "and not to exceed $5,500,000 for the fiscal year beginning on October 1, 1982," after "1980," in the first sentence; and

(3) by striking out "$210,000,000" and "1980" in the third sentence and inserting in lieu thereof "$69,000,000" and "1982", respectively; and

(4) by adding the following new sentence at the end thereof: "Of the amount available for loans under this section during any fiscal year beginning on or after October 1, 1982, the Secretary shall utilize at least 60 percent of such amount for rehabilitation loans for one- to four-family dwelling units.".

NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 103. Section 608(a) of the Neighborhood Reinvestment Corporation Act is amended—

(1) by striking out "and" after "1981,"; and

(2) by inserting the following before the period at the end thereof: ", and not to exceed $15,512,000 for fiscal year 1983".

TITLE II—ASSISTED HOUSING

LOW-INCOME HOUSING AUTHORIZATION

SEC. 201. (a) Section 5(c) of the United States Housing Act of 1937 is amended—

(1) by striking out "and" after "1980," in the first sentence of paragraph (1);

(2) by inserting the following before the period at the end of the first sentence of paragraph (1): "and by $807,996,000 on October 1, 1982";

(3) by striking out "and" after "1980" in the second sentence of paragraph (1);

(4) by inserting the following before the period at the end of the second sentence of paragraph (1): "and $12,534,079,000 with respect to the additional authority provided on October 1, 1982";

(5) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(6) by striking out subparagraph (C) of paragraph (3);

(7) by adding the following new paragraph after paragraph (3):

"(4)(A) Of the additional authority approved in appropriation Acts and made available on October 1, 1982, the Secretary shall enter into contracts aggregating at least $85,000,000 for assistance to projects under section 14.

"(B) Of the balance of such additional authority approved in appropriation Acts and made available on October 1, 1982, which remains after deducting—

"(i) the amount to be provided for assistance to projects under section 14;

"(ii) the amount to be utilized to amend contracts entered into in prior fiscal years;

"(iii) the amount to be utilized to convert assistance made available under section 23 of this Act (as in effect prior to the effective date of section 201(a) of the Housing and Community Development Act of 1974), section 101 of the Housing and Urban Development Act of 1965, or section 236(f)(2) of the National Housing Act to assistance made available under section 8 of this Act; and

"(iv) the amount to be utilized to convert assistance made available under the new construction or substantial rehabilitation program under section 8 to the existing housing program under such section,

the Secretary may not enter into contracts aggregating—

"(I) more than 41.3 per centum of such balance for existing units assisted under section 8, including assistance provided under subsection (j) of such section; and

"(II) more than 58.7 per centum of such balance for newly constructed and substantially rehabilitated units assisted under this Act, of which at least $102,853,000 shall be made available for such units assisted under this Act other than section 8.

"(C) Not more than $173,485,000 of such additional authority approved in appropriation Acts and made available on October 1, 1982, which remains after deducting the amount to be provided for assistance to projects under section 14 may be utilized to convert assistance under any other provision of law to assistance under section 8 of this Act."; and

(8) by adding the following new paragraph at the end thereof:

"(8) In the case of any authority which is authorized by this section and has been allocated for any fiscal year under section 213(d) of the Housing and Community Development Act of 1974 to a public housing agency for use with respect to units to be assisted other than under section 8 or section 14, the public housing agency may use part or all of such authority for operation of lower income housing projects in accordance with section 9.".

(b) Section 9(c) of such Act is amended—

(1) by striking out "and" after "1980,"; and

(2) by inserting before the period at the end thereof the following: ", and not to exceed $1,600,000,000 on or after October 1, 1982".

OTHER AMENDMENTS TO THE 1937 ACT

SEC. 202. (a)(1) Section 8(c)(1) of the United States Housing Act of 1937 is amended by inserting the following new sentence after the third sentence thereof: "In determining the initial maximum monthly rent for any newly constructed or substantially rehabilitated units for which contract authority was reserved in fiscal year 1982 or prior fiscal years and which have incurred development costs as a result of increased interest rates, the Secretary shall include in the determination of the fair market rental a factor reflecting such increased costs; except that in calculating such increased costs the Secretary shall not take into consideration any interest rate to the extent to which it exceeds 14 per centum per annum.".

(2) The amendment made by paragraph (1) shall apply only with respect to assistance contracts entered into on or after the date of enactment of this Act.

(b) Section 9(b) of such Act is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding the following new paragraph at the end thereof:

"(2) If, in any fiscal year after fiscal year 1982, the funds which have been appropriated for such year for use under this section are less than the total amount which the Secretary has determined is necessary to make payments pursuant to the standards or formula established under subsection (a)(1) for each year, any revision of the amounts to be paid public housing agencies as a result of such deficiency shall be considered a rulemaking activity of the Secretary and shall be subject to section 553 of title 5, United States Code, and to section 7(o) of the Department of Housing and Urban Development.".

OPERATING ASSISTANCE FOR TROUBLED MULTIFAMILY HOUSING PROJECTS

SEC. 203. (a) Section 201(j) of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out "and" in the first sentence after "1981,"; and

(2) by inserting the following before the period at the end of such sentence: ", and not to exceed $32,000,000 for the fiscal year 1983".

(D) Section 236(f)(3) of the National Housing Act is amended by striking out "September 30, 1982" in the third sentence and inserting in lieu thereof "September 30, 1983".

HOUSING FOR THE ELDERLY AND HANDICAPPED

SEC. 204. (a) Section 202(a)(4)(B)(i) of the Housing Act of 1959 is amended—

(1) by striking out "and" after "1980," in the first sentence;

(2) by inserting ", and to $6,346,220,000 on October 1, 1982," after "1981" in such sentence; and

(3) by inserting the following before the period at the end of the second sentence: "; except that such interest rate shall not exceed 9.25 percent per annum".

(b) Section 202(a)(4)(C) of the Housing Act of 1959 is amended by striking out "$850,848,000" and "1982" in the second sentence and inserting "$770,100,000" and "1983", respectively.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SEC. 205. (a) Section 305(c) of the Federal National Mortgage Association Charter Act is amended—

(1) by striking cut "and" after "1980,"; and

(2) by inserting the following before the period at the end thereof: ", and by $1,216,600,000 on October 1, 1982".

(b) Section 305(k) of such Act is amended to read as follows:

"(k) During fiscal year 1983, the Association may not enter into commitments to purchase under this section mortgages with an aggregate principal amount in excess of $1,973,000,000.".

TITLE III—HOUSING PRODUCTION PROGRAMS

PART A—ONE- TO FOUR-FAMILY HOUSING PRODUCTION PROGRAM

SEC. 301. (a) Section 235(h)(1) of the National Housing Act is amended—

(1) by striking out "The" in the second sentence and inserting in lieu thereof "Except as provided in subsection (q), the ";

(2) by striking out "and" after "1971," in the second sentence;

(3) by inserting the following before the period at the end thereof: ", and by $36,700,000 on October 1, 1982; the aggregate amount which may be obligated over the duration of the contracts entered into with the additional authority provided on October 1, 1982, may not exceed $1,100,000,000"; and

(4) by striking out the last two sentences thereof.

(b) Section 235(n) of such Act is amended by inserting "(50 per centum in the case of units assisted under subsection (q))" after "40 per centum".

(c) Section 235(q)(1) of such Act is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "notwithstanding any other provision of this section except subsection (n), the Secretary shall, to the extent authorized in appropriations Acts, make and enter into contracts to make periodic assistance payments on behalf of homeowners, including owners of manufactured homes or individual units in a condominium or cooperative project, to mortgagees or other lenders holding mortgages, loans, or advances of credit which meet the requirements of this subsection.";

(2) by striking out "or at such earlier date" in the last sentence and all that follows in such sentence through "no longer present,"; and

(3) by adding the following new sentence at the end thereof: "In addition to the contracts authorized in subsection (h)(1), the Secretary shall, to the extent approved in appropriation Acts, enter into contracts under this subsection with respect to fiscal year 1983; the aggregate amount paid per annum pursuant to such contracts shall not exceed $350,000,000, and the aggregate amount which may be obligated over the duration of such contracts may not exceed $3,500,000,000.".

(a) Section 235(q)(10) of such Act is amended—

(1) by inserting the following before the semicolon at the end of subparagraph (A): "or in the case of an individual unit in a condominium or cooperative project, be a first lien or first mortgage described in section 203 (n)(2)(A) or 234 (b)"; and

(2) by inserting the following before the semicolon at the end of subparagraph (D): "or in the case of an individual unit in a condominum project, which does not exceed 100 per centum of the applicable maximum principal obligation of a mortgage which may be insured in the area pursuant to section 234 (c)".

(e) Section 235(q)(14) of such Act is amended by adding the following new sentence at the end thereof: "All funds received from recaptures under this subsection shall be utilized in accordance with paragraph (16).".

(f) section 235(q) of such Act is amended by adding the following new paragraphs at the end thereof:

"(16)(A) There is hereby created a fund to be used in accordance with this paragraph. There shall be deposited into such fund all amounts recaptured pursuant to paragraph (14).

"(B) Such fund shall be utilized, to the extent approved in appropriation Acts, for the purpose of making payments pursuant to contracts described in paragraph (17)(B).

"(C) Money in the fund not needed for current operations shall be invested in direct obligations of the United States or obligations guaranteed by the United States.

"(17)(A) Except as provided in subparagraph (B), payments on behalf of any mortgagor under this subsection may not exceed 10 years.

"(B) In the case of any mortgagor who, as determined by the Secretary, is unable to assume full payments required by the mortgage after 10 years of receiving assistance under this subsection, the Secretary shall enter into a contract to provide continued assistance to the mortgagor under this subsection by utilizing the fund described in paragraph (16)(A).".

PART B—MULTIFAMILY HOUSING PRODUCTION PROGRAM

SHORT TITLE

SEC. 311. This part may be cited as the "Rental Housing Production and Rehabilitation Act of 1982".

STATEMENT OF PURPOSE AND AUTHORITY

SEC. 312. (a) The purpose of this part is to increase the Nation's stock of rental and cooperative housing and to reduce the housing costs of the residents of such housing by encouraging the construction and rehabilitation of multifamily rental housing projects and cooperative housing projects for families and individuals without other reasonable and affordable housing alternatives in the private market.

(b) The Secretary of Housing and Urban Development (hereafter referred to in this part as the "Secretary") shall, to the extent approved in appropriation Acts, provide financial assistance to carry out the purpose of this part with respect to multifamily rental housing and multifamily cooperative housing if such cooperative housing is owned by limited dividend corporations, private nonprofit corporations, or other nonprofit corporations or limited dividend entities eligible under section 221 (d)(3) or (e) of the National Housing Act.

(c) Such assistance shall be made available by the Secretary to States, units of local government, or designated agencies of States or units or local government which apply for such assistance in a form and manner prescribed by the Secretary and which are selected for such assistance on the basis of the eligibility and selection criteria and other conditions set forth in this part.

(d) States, units of local government, or agencies thereof which receive such assistance shall utilize it to stimulate the construction or rehabilitation of rental or cooperative housing projects described in subsection (b) by providing—

(1) capital grants;

(2) loans;

(3) interest reduction payments;

(4) grants to finance the purchase of land; or

(5) other comparable assistance, which the Secretary deems appropriate to carry out the purposes of this part, designed to reduce project debt service cost.

AREA ELIGIBILITY CRITERIA

SEC. 313. To be eligible for assistance under this part, a project must be located in an area which is experiencing a severe shortage of decent rental housing opportunities for families and individuals without other reasonable and affordable housing alternatives in the private market. The Secretary shall issue regulations, consistent with the preceding sentence, which set forth minimum standards for determining areas eligible for assistance. Such standards shall take into account the extent and change in the level of poverty, housing overcrowding, the amount and duration of rental housing vacancies, the amount of substandard rental housing, the extent of rental housing production lag, and such other objectively measurable conditions specified by the Secretary which are consistent with the first sentence of this section.

PROJECT SELECTION CRITERIA

SEC. 314. In selecting projects for assistance under this part from among the eligible projects, the Secretary shall make such selection on the basis of the extent—

(1) to which the project or projects described in the application reduce the severe shortage of decent rental housing opportunities in the area for families and individuals without other reasonable and affordable housing alternatives in the private market;

(2) of non-Federal public and private financial or other contributions which reduce the cost of the project or projects;

(3) to which the project or projects contribute to neighborhood development and mitigate displacement;

(4) to which the applicant has established a satisfactory performance in meeting assisted housing needs; and

(5) to which the assistance requested from the Secretary will provide the maximum number of units for the least cost, taking into consideration cost differences among different areas and differences among the types of projects and tenants being served.

ALLOCATION OF ASSISTANCE

SEC. 315. In providing assistance under this part, the Secretary shall seek to assure a reasonable distribution among eligible areas in different geographic regions, between metropolitan and nonmetropolitan areas, and between States and units of local government or their designated agencies, based on the Secretary's determination of the prior and current capacities of those entities to develop and implement housing initiatives. In addition, the Secretary shall make a reasonable distribution of assistance among newly constructed, substantially rehabilitated, and moderately rehabilitated projects on the basis of local housing needs and prevailing local housing market conditions identified in the application for assistance.

AMOUNT OF ASSISTANCE

SEC. 316. The amount of assistance provided under this part with respect to a project shall be the least amount which the Secretary determines is necessary to provide, through the construction or rehabilitation of such project, decent rental or cooperative housing of modest design which is affordable for families and individuals without other reasonable and affordable housing alternatives in the private market, including an amount necessary to make rents for units described in section 317(a)(2) affordable for persons and families whose income does not exceed 80 per centum of the median income of the area.

TERMS AND CONDITIONS OF ASSISTANCE

SEC. 317. (a) Assistance under this part may be provided with respect to a project only if—

(1) the owner has entered into such agreements with the Secretary as may be necessary to assure compliance with the requirements of this section, to assure financial feasibility of the project, and to carry out the other provisions of this part;

(2) the owner agrees that, during the 15-year period beginning on the date on which 50 per centum of the units in the project are occupied (or in the case of a moderately rehabilitated project, are completed), at least 20 per centum of the units the construction or rehabilitation of which is provided for under the application shall be occupied, or available for occupancy by, persons and families whose income does not exceed 80 per centum of the area median income;

(3) the owner agrees—

(A) to pass on to the tenants any reduction in the debt service payments resulting from the assistance provided under this Act;

(B) not to discriminate against prospective tenants on the basis of their receipt of or eligibility for housing assistance under any Federal housing assistance program; and

(C) not to convert the units to condominium ownership (or in the case of a cooperative, to condominium ownership or any form of cooperative ownership not eligible for assistance under this section);

during the 15-year period beginning on the date on which the units in the project are available for occupancy (or in the case of a moderately rehabilitated project, are completed);

(4) any mortgage secured by the property—

(A) has a principal amount which is not more than the amount which could be insured for the project under section 207 of the National Housing Act, and

(B) bears a rate of interest and contains such other terms and conditions as the Secretary determines are reasonable;

(5) the project is newly constructed or substantially or moderately rehabilitated, contains five or more dwelling units, and is used predominantly for residential purposes; and

(6) the State or unit of local government which receives the assistance certifies to the satisfaction of the Secretary that the assistance will be made available in conformity with Public Law 88-352 and Public Law 90-284.

(b)(1) The Secretary shall provide that if the owner or his or her successors in interest fail to carry out the agreements described in paragraphs (1), (2), and (3) of subsection (a) during the applicable period, the owner or his or her successors in interest shall make a payment to the Secretary in an amount which equals the total amount of assistance provided under this part with respect to such project, plus interest thereon (without compounding), for each year and any fraction thereof the loan was outstanding, at a rate determined by the Secretary taking into account the average yield on outstanding marketable long-term obligations of the United States during the month preceding the date on which the assistance was made available.

(2) Notwithstanding any other provision of law, any assistance provided under this section shall constitute a debt, payable in the case of any event described in paragraph (1) secured by the security instruments given by the mortgagor to the Secretary.

(c)(1) A mortgage on a project assisted under this part may be insured under title II of the National Housing Act.

(2) Section 817 of the Housing and Community Development Act of 1974 is amended—

(A) by striking out "and" after "1966,"; and

(B) by inserting after "and 1970" the following: ", and the Rental Housing Production and Rehabilitation Act of 1982".

(d)(1) Rents charged for units described in subsection (a)(2) in any such project shall be approved by the Secretary. In approving such rents, the Secretary shall provide that tenants of such units are charged not more than 30 percent of their adjusted income for rent, including utilities, and shall require that not less than 30 days prior written notice of any increase in rents be provided to such tenants.

(2) Any schedule of rents submitted by an owner to the Secretary for approval shall be deemed to be approved unless the Secretary informs the owner, within 60 days after receiving such schedule, that such schedule is disapproved.

LABOR STANDARDS

SEC. 318. Any contract for assistance pursuant to this part shall contain a provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, and technicians employed in the development, and all maintenance laborers and mechanics employed in the operation, of the lower income housing project involved; and shall also contain a provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of the project involved, and the Secretary shall require certification as to compliance with the provisions of this section prior to making any payment under such contract.

AUTHORIZATION

SEC. 319. There is authorized to be appropriated for assistance under this part not to exceed the sum of $1,300,000,000 for fiscal year 1983.

TITLE IV—RURAL HOUSING

AUTHORIZATIONS

SEC. 401. (a) Section 513 of the Housing Act of 1949 is amended—

(1) by striking out "$3,700,600,000 with respect to the fiscal year ending September 30, 1982," in subsection (a) and inserting in lieu thereof "$3,725,600,000 with respect to the fiscal year ending September 30, 1983,";

(2) by striking out "$3,170,000,000" in subsection (a)(1) and inserting in lieu thereof "$3,670,000,000;

(3) by striking out "and" at the end of subsection (a)(3), by striking out the period at the end of subsection (a)(4) and inserting in lieu thereof"; and ", and by adding at the end of subsection (a) the following new paragraph:

"(5) not less than $940,000,000 of any amount so approved in an appropriation Act for such year shall be made available for loans under section 515.";

(4) by striking out "September 30, 1982," each place it appears in subsection (b) and inserting in lieu thereof "September 30, 1983,"; and

(5) by striking out subsection (b)(4) and inserting in lieu thereof the following:

"(4) not to exceed $2,000,000 for the fiscal year ending September 30, 1983, for the purposes of section 525(a), and of the amount appropriated for such purposes the Secretary shall make available 50 per centum for counseling purchasers and delinquent borrowers and 50 per centum to carry out outreach activities for the development of domestic and migrant farm labor projects;".

(b) Section 515(b)(5) of such Act is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

(c) Section 517(a)(1) of such Act is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

(d) Section 521(a)(2)(D) of such Act is amended—

(1) by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983"; and

(2) by adding the following new sentence at the end thereof: "Of such rental assistance authority which is approved in appropriation Acts, the Secretary shall utilize at

least $173,000,000 to provide assistance on behalf of tenants of newly constructed and substantially rehabilitated housing and related facilities for which assistance is provided with respect to such fiscal year under sections 514 and 515."

(e) Section 523 of such Act is amended—

(1) by striking out "$5,000,000" and "September 30, 1982" each place it appears in subsection (f) and inserting in lieu thereof "$15,000,000" and "September 30, 1983", respectively; and

(2) by striking out "fiscal year 1982" each place it appears in subsection (g) and inserting in lieu thereof "fiscal year 1983".

RURAL HOUSING FUND AMENDMENTS

SEC. 402. Section 517(j) of the Housing Act of 1949 is amended—

(1) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) to provide assistance authorized by section 521(a)(1);"

(2) by striking out "; and" at the end of paragraph (5) and inserting in lieu thereof a period; and

(3) by striking out paragraph (6).

TENANT CONTRIBUTION

SEC. 403. (a) Section 521(a)(2)(A) of the Housing Act of 1949 is amended by striking out "not exceeding 25 per centum of income" in the first sentence and inserting in lieu thereof "not exceeding the highest of the following amounts, rounded to the nearest dollar:

"(I) 30 per centum of the family's monthly adjusted income;

"(II) 10 per centum of the family's monthly income; or

"(III) if the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated."

(b) Section 501(b) of such Act is amended by adding the following new paragraph at the end thereof:

"(9) The term 'adjusted income' means the income which remains after excluding such amounts or types of income as the Secretary may prescribe. In determining amounts to be excluded from income, the Secretary may, in the Secretary's discretion, take into account the number of minor children in the household and such other factors as the Secretary may determine are appropriate."

SECTION 502 INTEREST CREDITS

SEC. 404. Section 521(a)(1)(B) of the Housing Act of 1949 is amended by inserting the following before the period at the end thereof: "; except that for persons of low or moderate income who receive assistance under section 502 or 517(a), the amount of assistance in the form of credits may not exceed the lesser of—

"(i) the balance of the monthly payment for principal, interest, taxes, and insurance due under the mortgage remaining unpaid after applying 20 per centum of the mortgagor's adjusted income; or

"(ii) the difference between the amount of the monthly payment for principal and interest which the mortgagor is obligated to pay under the mortgage and the monthly payment for principal and interest which the mortgagor would be obligated to pay if the mortgage were to bear interest at a rate of 1 percent per annum."

DETERMINATION OF NEED FOR HOUSING UNDER SECTIONS 514 AND 516

SEC. 405. Section 514 of the Housing Act of 1949 is amended by adding the following new subsection at the end thereof:

"(h) In making available assistance in any area under this section or section 516, the Secretary shall—

"(1) in determining the need for the assistance, take into consideration the housing needs only of domestic farm labor, including migrant farm workers, in the area; and

"(2) in determining whether to provide such assistance, make such determination without regard to the extent or nature of other housing needs in the area."

TITLE V—PROGRAM AMENDMENTS AND EXTENSIONS

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SEC. 501. (a) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1982" in the first sentence and inserting in lieu thereof "October 1, 1983".

(b) Section 217 of such Act is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

(c) Section 221(f) of such Act is amended by striking out "September 30, 1982" in the fifth sentence and inserting in lieu thereof "September 30, 1983".

(d) Section 235(m) of such Act is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

(e) Section 235(q)(1) of such Act is amended by striking out "September 30, 1982," in the fourth sentence thereof and inserting in lieu thereof "September 30, 1983,".

(f) Section 236(n) of such Act is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

(g) Section 244(d) of such Act is amended—

(1) by striking out "September 30, 1982" in the first sentence and inserting in lieu thereof "September 30, 1983"; and

(2) by striking out "October 1, 1982" in the second sentence and inserting in lieu thereof "October 1, 1983".

(h) Section 245(a) of such Act is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

(i) Section 809(f) of such Act is amended by striking out "September 30, 1982" in the second sentence and inserting in lieu thereof "September 30, 1983".

(j) Section 810(k) of such Act is amended by striking out "September 30, 1982" in the second sentence and inserting in lieu thereof "September 30, 1983".

(k) Section 1002(a) of such Act is amended by striking out "September 30, 1982" in the second sentence and inserting in lieu thereof "September 30, 1983".

(l) Section 1101(a) of such Act is amended by striking out "September 30, 1982" in the second sentence and inserting in lieu thereof "September 30, 1983".

FLEXIBLE INTEREST RATE AUTHORITY

SEC. 502. Section 3(a)(1) of Public Law 90-301 is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1983".

LIMITATION ON AGGREGATE AMOUNT WHICH MAY BE INSURED UNDER THE NATIONAL HOUSING ACT

SEC. 503. Section 531 of the National Housing Act is amended by striking out "1982" and "$41,000,000,000" and inserting in lieu thereof "1983" and "$40,000,000,000", respectively.

EXTENSION OF EMERGENCY HOME PURCHASE ASSISTANCE ACT OF 1974

SEC. 504. Section 3(b) of the Emergency Home Purchase Assistance Act of 1974 is amended by striking out "October 1, 1981" and inserting in lieu thereof "October 1, 1983".

RESEARCH AUTHORIZATION

SEC. 505. Section 501 of the Housing and Urban Development Act of 1970 is amended—

(1) by striking out "and" after "1981," in the second sentence; and

(2) by inserting the following before the period at the end of such sentence: ", and not to exceed $20,000,000 for the fiscal year 1982".

FEDERAL HOUSING ADMINISTRATION GENERAL INSURANCE FUND

SEC. 506. Section 519(f) of the National Housing Act is amended by inserting the following before the period at the end thereof: "and further increased by $240,000,000 on October 1, 1982".

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION GUARANTEE PROGRAM

SEC. 507. Section 306(g)(2) of the Federal National Mortgage Association Charter Act is amended to read as follows:

"(2) During fiscal year 1983, the Association may not enter into commitments to issue guarantees under this subsection in an aggregate amount in excess of $68,250,000,000."

WEATHERIZATION PROGRAM

SEC. 508. Section 422 of the Energy Conservation in Existing Buildings Act of 1976 is amended by adding the following new sentence at the end thereof: "Of the funds authorized by section 1005(1) of the Omnibus Budget Reconciliation Act of 1981 for energy conservation for the fiscal year ending September 30, 1983, not less than $144,000,000 is authorized to be appropriated to carry out the weatherization program under this part".

FLOOD INSURANCE

SEC. 509. (a) Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

(b) Section 1336(a) of such Act is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

(c) Section 1376(c) of such Act is amended—

(1) by striking out "and" after "1981,"; and

(2) by inserting the following before the period at the end thereof ", and not to exceed $45,582,000 for the fiscal year 1983".

CRIME AND RIOT INSURANCE

SEC. 510. (a) Section 1201(b) of the National Housing Act is amended—

(1) by striking out "September 30, 1982" in paragraph (1) and inserting in lieu thereof "September 30, 1983"; and

(2) by striking out "September 30, 1985" in paragraph (1)(A) and inserting in lieu thereof "September 30, 1986".

(b)(1) Section 1243(a)(1) of such Act is amended by inserting the following before the semicolon at the end thereof: "; except that, with respect to fiscal year 1982, such payments may be made from fund to carry out the program authorized under part C only to the extent of amounts appropriated for such purpose pursuant to section 1251".

(2) Section 1251 of such Act is amended by inserting the following before the period: ";

except that not more than $50,000,000 is authorized to be appropriated with respect to fiscal year 1982 for the purpose of making payments to carry out the program authorized under part C".

COUNSELING

SEC. 511. Section 106(a)(3) of the Housing and Urban Development Act of 1968 is amended by striking out "1982" and inserting in lieu thereof "1983".

LIMITATIONS ON PARTICIPATION AGREEMENTS BY FNMA AND FHLMC

SEC. 512. (a) The sixth sentence of section 302(b)(2) of the Federal National Mortgage Association Charter Act is amended to read as follows: "The corporation shall establish limitations governing the maximum principal obligation of conventional mortgages which are purchased by it; in any case in which the corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total principal obligation of the mortgage without regard to the interest purchased by the corporation."

(b) The fifth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended to read as follows: "The Corporation shall establish limitations governing the maximum principal obligation of conventional mortgages which are purchased by it; in any case in which the Corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total principal obligation of the mortgage without regard to the interest purchased by the Corporation."

PURCHASE OF SECOND MORTGAGES BY FNMA AND FHLMC

SEC. 513. (a) Section 302(b) of the Federal National Mortgage Association Charter Act is amended by adding the following new paragraph at the end thereof:

"(5)(A) The corporation is authorized, with the approval of the Secretary, to purchase, service, sell, lend on the security of, and otherwise deal in conventional mortgages which are secured by a second lien against—

"(i) a newly constructed or existing one- to four-family owner-occupied residence the purchase of which was financed in part by such mortgage; or

"(ii) an existing one- to four-family owner-occupied residence the improvement of which was financed in whole or part by such mortgage.

"(B) The corporation shall establish limitations governing the maximum principal obligation of conventional mortgages described in subparagraph (A); in any case in which the corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total principal obligation of the mortgage without regard to the interest purchased by the corporation. Such limitation shall not exceed the lesser of—

"(i) $15,000 in the case of an individual unit in a condominium project, $40,000 in the case of a single-family residence, and $60,000 in the case of a two-family residence; or

"(ii) an amount which, combined with other indebtedness secured by the dwelling, equals 80 per centum of the appraised value of the dwelling at the time such second mortgage is executed."

(b)(1) Section 302(h) of the Federal Home Loan Mortgage Corporation Act is amended—

(A) by striking out "The maximum principal obligation" and all that follows through the period and inserting in lieu thereof the following: "Such term shall also include a secured loan the proceeds of which are intended to finance, in a secondary manner, the purchase of a newly constructed or existing one- to four-family owner-occupied residence."; and

(B) by inserting "purchased," after "refurbished," in the sixth sentence.

(2) Section 305(a) of such Act is amended by adding the following new paragraph at the end thereof:

"(4) With respect to the purchase of any mortgage secured by a second lien against a residence, such mortgage may by purchased only if the residence is owner-occupied. The Corporation shall establish limitations governing the maximum principal obligation of such mortgages; in any case in which the Corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total principal obligation of the mortgage without regard to the interest purchased by the Corporation. Such limitations shall not exceed the lesser of—

"(A) $15,000 in the case of an individual unit in a condominium project, $40,000 in the case of a single-family residence, and $60,000 in the case of a two- to four-family residence; or

"(B) an amount which, combined with other indebtedness secured by the dwelling, equals 80 per centum of the appraised value of the dwelling at the time such second mortgage is executed."

TITLE VI—EMERGENCY MORTGAGE RELIEF

SEC. 601. Title I of the Emergency Housing Act of 1975 is amended to read as follows:

"TITLE I—EMERGENCY MORTGAGE RELIEF

"SHORT TITLE

"SEC. 101. This title may be cited as the 'Homeowners' Emergency Relief Act'.

"FINDINGS AND PURPOSE

"SEC. 102. (a) The Congress finds that—

"(1) the Nation is in a severe recession and that the sharp downturn in economic activity has driven large numbers of workers into unemployment and has reduced the incomes of many others;

"(2) as a result of these adverse economic conditions the capacity of many homeowners to continue to make mortgage payments has deteriorated and may further deteriorate in the months ahead, leading to the possibility of widespread mortgage foreclosures and distress sales of homes; and

"(3) many of these homeowners could retain their homes if they received temporary financial assistance until economic conditions improve.

"(b) It is the purpose of this title to establish a program which will, through emergency mortgage relief payments, prevent widespread mortgage foreclosures and distress sales of homes resulting from the temporary loss of employment and income.

"EFFECTIVE MORTGAGE DELINQUENCY RATE

"SEC. 103. (a)(1) The Secretary of Housing and Urban Development (hereinafter referred to as the 'Secretary') shall, to the extent approved in appropriation Acts, carry out the program established by this title.

"(2) For the purpose of carrying out such program, the Secretary shall contract to make, and make, assistance available under this Act when, on an average monthly basis for a period of three consecutive months—

"(A) the amount of funds represented by mortgage loans and contracts which are accounted for in a mortgage delinquency series maintained by the Federal Home Loan Bank Board and for which payments have been delinquent for 60 days or more, exceeds

"(B) 1.3 percent of all funds represented by mortgage loans and contracts accounted for in such series.

"(3) For the purpose of determining when such assistance is to be made available pursuant to paragraph (2), the Secretary shall take into account all months beginning with or after the third month before the month in which the Homeowners' Emergency Relief Act of 1982 is enacted.

"(4) With respect to the initial occurrence, after the date of enactment of such Act, of the delinquency rate condition described in paragraph (2), the Secretary shall begin to contract to make, and make, assistance available at the beginning of the first month after the month in which the series indicates that such condition has occurred.

"(5) The mortgage delinquency series referred to in paragraph (2) shall be made available by the Federal Home Loan Bank Board to the Secretary and the Congress on a monthly basis and shall contain data on the previous month's mortgage delinquency rate.

"(b)(1) Once assistance is made available, the Secretary shall continue to contract to make, and make, the assistance available until the date on which the mortgage delinquency series referred to in subsection (a)(2) indicates that the amount of funds represented by 60-day delinquent mortgage loans and contracts accounted for in such series has declined to below 1.2 percent of all funds represented by mortgage loans and contracts accounted for in such series, except that—

"(A) assistance shall continue to be made available pursuant to contracts entered into before such date, and

"(B) the Secretary shall reinstitute the program established by this title whenever the delinquency rate condition described in subsection (a)(2) reoccurs.

"(2) In any case in which the program is reinstituted, the Secretary shall begin to contract to make, and make, such assistance available beginning with the day after the date on which the mortgage delinquency series indicates that the delinquency rate condition described in such subsection has reoccurred.

"ELIGIBILITY FOR ASSISTANCE

"SEC. 104. (a) No assistance may be made with respect to a mortgage under this title unless—

"(1) the property securing the mortgage (or other security interest in the case of units in cooperative or condominium projects) is a one- to four-family residence (including one-family units in a condominium project or a membership interest and occupancy agreement in a cooperative housing project) and is the principal residence of the mortgagor;

"(2)(A) the mortgagee has indicated to the mortgagor its intention to foreclose; or

"(B) payments under the mortgage have been delinquent for at least 90 days.

"(3) the mortgage is not insured under title II of the National Housing Act;

"(4) the mortgagor has incurred a substantial reduction in income as a result of circumstances which are beyond the mortgagor's control and render the mortgagor temporarily unable to correct a mortgage delinquency and to resume full mortgage payments; and

"(5) the Secretary has determined that payments under this title are necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able to—

"(A) resume full mortgage payments within 24 months after the beginning of the period for which such payments are provided or upon termination of assistance under this title;

"(B) commence repayment to the Secretary of the payments made under this title at a time designated by the Secretary; and

"(C) pay the mortgage in full by its maturity date or by a later date established by the Secretary and agreed to by the mortgagee for completing the mortgage payments.

"(b) Upon a determination that the conditions of eligibility described in subsection (a) have been met by a mortgagor, the mortgagor shall become eligible for the assistance described in section 105.

"ASSISTANCE PAYMENTS

"Sec. 105. (a) Assistance under this title shall be provided, to the extent approved in appropriation Acts, in the form of emergency mortgage relief payments made by the Secretary to mortgagees on behalf of mortgagors.

"(b) Payments under this title may be in an amount determined by the Secretary up to the amount of the principal, interest, taxes, assessments, ground rents, hazard insurance, mortgagee's expenses in connection with payments or repayments under this title, and mortgage insurance premiums due under the mortgage, and the initial payment may include an amount necessary to make the payments on the mortgage current. Payments may not exceed amounts which the Secretary determines to be necessary to supplement the amounts, if any, which the mortgagor is capable of contributing toward the mortgage payments.

"(c) Payments under this title may be provided for a period of not to exceed 12 months plus any period of default. Such period may be extended, in the Secretary's discretion, for not to exceed 12 months where the Secretary has determined that such extension is necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able to make the payments and repayments specified in section 104(a)(5). The Secretary shall establish procedures for periodic review of the mortgagor's financial circumstances for the purpose of determining the necessity for continuation, termination, or adjustment in the amount of the payments. Payments shall be discontinued at any time when the Secretary determines that, because of changes in the mortgagor's financial circumstances, the payments are no longer necessary to avoid foreclosure or that there is no longer a reasonable prospect that the mortgagor will be able to make the payments and repayments specified in section 104(a)(5).

"(d) All payments shall be secured by a lien on the property and by such other obligation as the Secretary may require. Payments shall be repayable upon terms and conditions prescribed by the Secretary, and such terms and conditions may include requirements for repayment of any amount paid by the Secretary toward a mortgagee's expenses in connection with the payment or repayments made under this title. The Secretary may establish interest charges on payments made under this title; except that such charges shall not exceed a rate which is more than the maximum interest rate applicable with respect to level payment mortgages insured pursuant to section 203(b) of the National Housing Act at the time assistance under this title is approved by the Secretary for the mortgagor. Such charges shall be payable notwithstanding any provision of any State constitution or law or local law which limits the rate of interest on loans or advances of credit. All receipts from repayments made to the Secretary shall be deposited in the miscellaneous receipts of the Treasury of the United States.

"(e) Payments by the Secretary under this title may be made without regard to whether the Secretary has previously taken action under this title on behalf of the mortgagor, except that payments may be provided on behalf of a mortgagor previously assisted under this title only in cases in which full mortgage payments (and any repayments to the Secretary which may have been requested) have been made by such mortgagor for at least 12 months from the time the previous assistance under this title was terminated.

"AUTHORITY OF THE SECRETARY

"Sec. 106. (a) The Secretary may make rules and regulations which are consistent with the provisions of this title and are necessary to carry out the provisions of this title.

"(b) In the performance of, and with respect to, the functions, powers, and duties vested in the Secretary by this title, the Secretary shall—

"(1) have the power, notwithstanding any other provision of law, whether before or after default, to provide by contract or otherwise for the extinguishment upon default of any redemption, equitable, legal, or other right, title in any mortgage, deed, trust, or other instrument held by or held on behalf of the Secretary under the provisions of this title; and

"(2) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon the Secretary by law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale any property in connection with which assistance has been provided pursuant to this title.

In the event of any such acquisition, the Secretary may (to the extent approved in appropriations Acts and notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States) complete, remodel and convert, dispose of, lease, and otherwise deal with, such property.

"(c) Notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in administering this title. Any funds collected by the Secretary under subsection (b) and (c) shall be deposited in the miscellaneous receipts of the Treasury.

"AUTHORIZATION AND EXPIRATION DATE

"Sec. 107. (a) The authority of the Secretary to provide assistance over the duration of the contracts entered into under this title may not exceed an aggregate amount of $760,000,000. Subject to subsection (b), any amount approved in appropriation Acts for such purpose shall remain available until expended.

"(b) The Secretary may not enter into contracts to make assistance under this Act after September 30, 1983.

"NOTIFICATION

"Sec. 108. Each Federal supervisory agency, with respect to financial institutions subject to its jurisdiction, and the Secretary, with respect to other approved mortgages, shall prior to January 1, 1983, take appropriate action, not inconsistent with laws relating to the safety or soundness of such institutions or mortgages, to waive or relax limitations pertaining to the operations of such institutions or mortgagees with respect to mortgage delinquencies in order to cause or encourage forebearance in residential mortgage loan foreclosures. For purposes of this section, the term 'Federal supervisory agency' means the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration.

"REPORTS

"Sec. 109. (a) Within 60 days after the date of enactment of the Homowners' Emergency Relief Act of 1982 and within each 60-day period thereafter prior to October 1, 1983, the Secretary shall make a report to the Congress on—

"(1) the current rate of delinquencies and foreclosures in the housing market areas of the country which should be of immediate concern if the purposes of this title are to be achieved;

"(2) the extent of, and prospect for continuance of, voluntary forebearance by mortgagees in such housing market areas;

"(3) actions being taken by governmental agencies to encourage forebearance by mortgagees in such housing market areas;

"(4) actions taken and actions likely to be taken with respect to making assistance under this title available to alleviate hardships resulting from any serious rates of delinquencies and foreclosures; and

"(5) the current default status and projected default trends with respect to mortgages covering multifamily properties with special attention to mortgages insured under the various provisions of the National Housing Act and with recommendations on how such defaults and prospective defaults may be cured or avoided in a manner which, while giving weight to the financial interests of the United States, takes into full consideration the urgent needs of the many low- and moderate-income families that currently occupy such multifamily properties.

"(b)(1) The Secretary of Housing and Urban Development shall, after consulting with the Federal Home Loan Bank Board, conduct a study to determine if a mortgage delinquency series other than the one described in section 103(a)(2) would be a more effective and efficient series to utilize in carrying out this Act.

"(2) The Secretary shall, by April 1, 1983, transmit to the Congress the findings and conclusions of such study along with any legislative recommendations concerning the program established by this title."

□ 1415

ESTABLISHING A BUREAU OF LANGUAGE SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am today introducing legislation which is intended to improve the quality of translation and interpretation services available to U.S. diplomats. My bill is an attempt to address, in part, the critical and growing problem of our Nation's serious deficiency in language skills. This measure would create a new post within the State Department of the Assistant Secretary for Language Services, to be responsible for administration of a new Bureau of Language Services.

For those of my colleagues who may question the need for the legislation which I am today proposing, there are a couple of points which I would bring to their attention. These concern the very great importance of competent linguists to our foreign policy, the ability of our language specialists to do the job under present circumstances, and the overall language problem in the United States today.

First, the importance of linguists in the conduct of U.S. foreign policy. Perhaps the most important point to be made here is that performing translation or interpretation services for our Nation's diplomats is more than a skill—it is an art. Diplomats are concerned as few others are with the nuance of language, and it is the task of the interpreter to convey subtleties of meaning while traversing the frequently immense gaps between languages. Mistakes can be not only costly, but disastrous. Recall, as an example, President Carter's message to the Polish people that he "lusted" for them, when in fact he merely "desired" to be their friend.

Barbara Gamarekian, writing in the New York Times recently, provided a vivid description of the critical role of a State Department linguist:

> The diplomatic interpreter is an intrinsic part of the high-wire act of international diplomacy, bringing to the job skills that go far beyond a simple translation of words. Interpreters must deal under great pressure with egos as large as those of Lyndon B. Johnson and Fidel Castro and with issues as momentous as disarmament and hostages in Iran. They must know the latest technological and economic terms, must somehow convey puns, must communicate emotions, gestures and diplomatic politeness.

Obviously, we must have highly skilled professionals to fill the ranks of our linguist corps. The next question is, then, how well are our language specialists performing today?

The answer is, I think, extremely well—under the circumstances. The fact of the matter is that with the present Office of Language Services deeply submerged within the administrative hierarchy of the State Department, we are courting a disaster similar to that which befell President Carter in Warsaw.

Consider for a moment, if you will, the organizational structure of the State Department at the present time. In addition to the immediate office of the Secretary of State, the offices of several Under Secretaries of State, and a handful of other offices, there are a total of 17 bureaus in the State Department—a Bureau of Consular Affairs, Refugee Programs, European Affairs, and so forth. One of the largest of these is the Bureau of Administration, and it is here that we must look to find our corps of professional linguists.

Under the Deputy Assistant Secretary for Operations, within the Office of Facilities Management and Administrative Services, sandwiched between the Audio-Visual Services Division and the Claims Staff in the State Department Directory, we at long last arrive at the Language Services Division, where a cadre of some of the most highly trained professionals in our Government provide liaison between the United States and the myriad of nations and languages with whom we interact.

Still, one may ask, what is the need for an entirely new Bureau solely for language services? The answer is that our linguists must have greater and more direct access to those they serve—the Secretary of State, the President, and others—without the need to work through a complex web of intermediaries. The following incident will serve as an example of this:

When President Carter prepared for his visit to Warsaw in 1979, members of the White House staff alerted the Language Services Division at the State Department of the need for a Polish interpreter. The Division selected a linguist for the job, and informed the White House staff that the interpreter would need to accompany President Carter aboard Air Force One to Warsaw, discuss the nature of the speech the President would deliver, and review the President's notes in preparation. Those requests were denied. The interpreter was flown into Warsaw aboard a commercial airline, left standing in the rain at the tarmac with the press and public waiting for the President's plane to arrive, and only at the last moment was a transcript of the President's remarks thrust into his hands. The consequence of this affair was a national embarrassment which few of us have forgotten.

In the text of my bill I also note the lack of "prominent career paths for linguists in the U.S. Government." In and of itself, this is by no means a justification for the creation of a new Bureau for Language Services, but it nonetheless reflects a very real problem. This leads me to my third and final point, concerning the state of language skills in our country as a whole today.

A few years ago, Congressman SIMON—who has coauthored the bill I am introducing today—and I served on the President's Commission on Foreign Language and International Studies. That panel was created in response to a growing awareness that our country's businessmen and diplomats were increasingly lacking in skills needed for interaction with other nations. The Commission's final report characterized our Nation's incompetence in foreign languages as "scandalous."

The problem may not yet have assumed the dimensions of an energy shortage, or arms race, or trade deficit—but the signals are ominous. In testimony before the House Education and Labor Committee last summer, the Deputy Director of the CIA and past Director of the National Security Administration, Adm. Bobby Inman, had this to say:

> The foreign language capability of our country is poor and getting worse . . . Decisive action should be taken on the Federal level to ensure improvement in foreign language training in the U.S. . . .

Unless we begin to take remedial action today, our growing deficiency in foreign language skills will ultimately lead to a less effective diplomatic corps, a severely handicapped intelligence apparatus, and U.S. businesses and industries which are not competitive in foreign markets. I do not mean to suggest that my bill is a panacea for all these ills; but it is an important first step.

I include the text of my bill at this point for the benefit of my colleagues:

H.R. 5738

A bill to improve the translation and interpretation services available to the United States Government by providing for the establishment within the Department of State of a Bureau of Language Services, to be headed by an Assistant Secretary

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds and declares that—

(1) the availability of competent linguists for translation and interpretation services is an essential prerequisite for the effective conduct of United States foreign policy, and is moreover vital to the Nation's commercial ventures abroad and foreign intelligence gathering activities;

(2) there is a critical and growing gap between the needs of United States Government agencies for foreign language specialists and the available supply of such specialists, and this problem is aggravated by the lack of prominent career paths for linguists in the agencies of the United States Government;

(3) the ability of linguists presently employed by the United States Government to provide translation and interpretation services in a highly competent and proficient manner is impaired by their subordinate status within the administrative structure of the Department of State and other agencies; and

(4) more than 25 agencies of the United States Government utilize the services of foreign language specialists, and there is a need for greater coordination between these agencies to avoid duplication of work and

promote the use of uniform methods of translation.

(b) There is established in the Department of State, in addition to the positions provided under the first section of the Act of May 26, 1949 (22 U.S.C. 2652), an Assistant Secretary of State for Language Services, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall be the head of a Bureau of Language Services and shall be responsible for—

(1) improving the translation and interpretation services available to the President, the Department of State, and the Foreign Service;

(2) providing a clearninghouse for the collection and dissemination of information on translation and interpretation services, including the availability of linguists, among all of the agencies of the United States Government;

(3) emphasizing the importance of foreign language skills to United States economic and diplomatic objectives, and promoting the study of key foreign languages by United States citizens through enhancing the role of foreign language specialists in the United States Government; and

(4) avoiding duplication of work, and promoting the use of uniform methods of translation, by the various agencies of the United States Government which engage in translation activities.

(c)(1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"Assistant Secretary for Language Services, Department of State.".

(2) The amendment made by paragraph (1) of this subsection shall take effect on October 1, 1982.●

WHITE HOUSE CONFERENCE ON PRODUCTIVITY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. **BROOKS**. Mr. Speaker, today I am introducing legislation calling on the President to convene a White House Conference on Productivity. The decline in our Nation's productivity rate is a major underlying factor in the economic crisis facing our Nation. During the fifties and the first part of the sixties, our Nation saw its industrial productivity increase by an average of 3 percent per year. In the latter part of the sixties, however, our productivity rate began to decline. This drop has reached the point where in 1978, 1979, and 1980, our productivity rate actually was in the negative figures.

Our Nation's decline in productivity has had a devastating effect on the cost of U.S. goods and services compared to those of nations with higher productivity rates. It has impaired our competitive position in international markets and has foreclosed foreign market sales opportunities and jobs, contributing to our balance-of-payments deficit.

The purpose of the legislation which I am introducing today is to provide a vehicle for turning around this productivity decline. A White House Conference on Productivity could serve as a forum for examination of the causes of our Nation's drop in productivity and solutions for the problem. It would bring together representatives from business, labor, and the academic world to formulate policies and recommend changes to stimulate the Nation's productivity improvement rate.

The resolution outlines some policy options that such a conference might consider, but I do not want to leave the impression that its provisions should serve as the outside limits of the conference's inquiry. Bringing together these people who are concerned about the problem of productivity can produce innovative and groundbreaking recommendations to restore our industrial predominance in the marketplace.

I understand that a similar resolution is being introduced in the other body, and I hope we can have quick consideration of this legislation so that the work of the White House Conference on Productivity can get underway in the near future ●

NUCLEAR SYSTEMS REDUCTIONS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 10 minutes.

● Mr. **BEDELL**. Mr. Speaker, over the last several weeks, two resolutions have been proposed that call on the United States and the Soviet Union to halt the nuclear arms race by agreeing to a "freeze" in nuclear weapons testing and deployment. I support those efforts.

Today, however, I am introducing a third resolution that carries the intent of those measures one-step further by calling for actual reductions in the number of strategic and theater (intermediate range) nuclear systems that are deployed by both the United States and the Soviet Union.

This proposal calls for the President to instruct our representatives in Geneva to inform their Soviet counterparts of United States willingness to cut our strategic inventories in half from the agreed to aggregate ceilings on delivery vehicles, MIRV'd launchers, MIRV'd ballistic missiles and MIRV'd ICBM's that were established in the SALT II accords, provided that the Soviet Union undertakes corresponding reductions.

My proposal does not suggest unilateral disarmament by the United States. The Soviet Union would have to agree to concurrent reductions in their strategic force levels, as well as onsite inspection and verification of dismantled systems. Further, while this proposal does call for significant reductions in the number of systems now deployed, it does not hamper or prevent the development of any of the newer systems that the President has requested in his strategic modernization program. While I retain several reservations with respect to many of the elements of the plan, I recognize our need to maintain sufficient second strike capability to continue to insure our deterrent capacity against Soviet attack. These lowered ceilings accomplish this task and force Congress to make more deliberate decisions in determining which systems we choose to guarantee U.S. and allied security into the eighties and beyond.

Additional important elements of my resolution include mutual bans on the testing and deployment of intercontinental and intermediate ballistic missiles armed with new, lighter weight reentry vehicles than those with which each system is currently armed. This aspect of my proposal deals effectively with the problem of missile fractionation and the problems it poses to the theoretical vulnerability of U.S. land-based ICBM's. The second ban in my resolution addresses the testing and deployment of cruise missiles equipped with multiple nuclear warheads. As you are aware, Soviet cruise missiles are extremely large and, therefore, retain significant potential to carry multiple warheads. This ban eliminates the threat that would be posed by a Soviet "breakout" in multiple warhead, cruise missile technology.

Finally, my resolution goes on to address the extremely difficult problem that is posed by theater (intermediate-range) nuclear systems that are deployed in Europe and supports the President in his "zero option" alternative that he presented last November. My proposal suggests that it is the sense of Congress that the United States and the Soviet Union agree to an upper limit on the number of theater systems that are currently deployed. This number can either be the number of systems now deployed by the Soviet Union, the United States or, a number between those levels.

Once this ceiling is established, a timetable to reduce and eliminate theater nuclear systems is set in motion. This timetable requires a 50-percent reduction in theater nuclear systems by 1990 and an additional 25-percent reduction by 1992. Finally, this timetable requires both the United States and the Soviet Union to eliminate theater systems deployments in Europe by 1994.

I believe my proposal goes far to foster both U.S. and allied security, as well as promote the efforts and objectives of arms control. While the President's modernization programs are not hindered in any way, the momentum behind those programs is slowed. While it is conceivable that a more capable U.S. strategic arsenal would be deployed under this proposal, it would be a more manageable force considering its smaller numbers. U.S. and allied security will be enhanced through the arms control and reduction efforts promoted under this plan.

The time for a serious arms control initiative is now. A groundswell of domestic and international public support for an end to the nuclear arms race and reduction of all military arsenals demands that we address this issue. We can no longer avoid the consequences of unlimited nuclear arms production. This history of the arms race tells us it is a costly and nonproductive spiral in which neither side will permit any advantage, perceived or real, to the other. This plan initiates that effort. I encourage my colleagues to join me in sponsoring and supporting passage of this resolution.

The text of this resolution follows:

H. CON. RES. 280

Concurrent resolution expressing the sense of the Congress with respect to the reduction of the global stockpile of nuclear weapons

Whereas the nuclear arms race has continued unabated, the United States and the Soviet Union now possess more than 37,000 nuclear warheads and are both engaged in significant modernization programs that will introduce thousands more warheads into their strategic and theater nuclear inventories in this decade;

Whereas the continued proliferation and accuracy of these nuclear arsenals increase the risk of their use in a crisis or confrontation;

Whereas any conflict between the United States and the Soviet Union could escalate to a point where nuclear weapons would be introduced, and a limited nuclear war would be impossible to wage;

Whereas any nuclear conflict would result in the devastation of United States, Soviet Union, and European societies, and would threaten the survival of civilization;

Whereas the Congress notes growing domestic and worldwide support for nuclear arms control and the reduction of all military arsenals; and

Whereas all nations of the world share a common goal to eliminate nuclear weapons and the United States and the Soviet Union share a common and special responsibility to the citizens of the world to assume leadership in reducing and eliminating these nuclear stockpiles from the Earth: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring) That (a) it is the sense of the Congress that the President should instruct the United States representatives at the arms reduction talks in Geneva, Switzerland, to inform the representatives of the Soviet Union at those talks that—

(1) the United States is willing to reduce its (A) total strategic nuclear delivery vehicles from 2,250 to 1,125; (B) total MIRVed launchers from 1,320 to 660; (C) total MIRVed ballistic missiles from 1,200 to 600; and (D) total MIRVed ICBMs from 820 to 410, provided the Soviet Union seeks corresponding reductions in its strategic force levels; and

(2) each country should seek to begin such reductions immediately and the reductions should be adequately verifiable through national technical means as well as on-site inspection of dismantled systems.

(b) It is further the sense of the Congress that the United States and the Soviet Union should agree to a mutual ban on testing and deploying intercontinental and intermediate range ballistic missiles with new, lighter weight reentry vehicles than those with which each system is currently armed.

(c) It is further the sense of Congress that the United States and the Soviet Union should agree to a mutual ban on testing and deploying cruise missiles armed with multiple nuclear warheads.

(d) It is further the sense of the Congress that the President should propose to the Soviet Union, at the ongoing negotiations relating to theater (intermediate range) nuclear weapons, that—

(1) both the United States and the Soviet Union agree to limit the number of such weapons either to—

(A) the number currently deployed by the Soviet Union,

(B) the number currently deployed by the United States, or

(C) some other number between the numbers described in subparagraphs (A) and (B);

(2) the number to which such weapons are limited under paragraph (1) be reduced by 50 percent by 1990 and by an additional 25 percent by 1992; and

(3) both countries agree to eliminate all such weapons from Europe by 1994.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. JONES of Tennessee (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. FLORIO (at the request of Mr. MINISH), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KRAMER) to revise and extend their remarks and include extraneous material:)

Mr. KEMP for 1 hour, today.

Mr. HANSEN of Utah, for 5 minutes, today.

Mr. CLAUSEN, for 30 minutes, today.

(The following Members (at the request of Mr. RALPH M. HALL) to revise and extend their remarks and include extraneous material:)

Mr. DANIELSON, for 15 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. BEDELL, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GONZALEZ, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,025.

(The following Members (at the request of Mr. KRAMER), and to include extraneous matter:)

Mr. BROOMFIELD.

Mr. GINGRICH.

Mr. RAILSBACK.

Mr. KEMP.

Mr. MORRISON.

Mr. SHUMWAY.

Mr. LAGOMARSINO in two instances.

Mr. FIELDS in two instances.

Mr. WOLF.

Mr. GREEN.

Mr. RUDD.

Mr. DAVIS in two instances.

Mr. CLAUSEN.

Mr. LIVINGSTON.

Mr. COLLINS of Texas in three instances.

Mr. PAUL in two instances.

Mr. GILMAN in three instances.

Mr. CARMAN.

Mr. GOLDWATER.

(The following Members (at the request of Mr. RALPH M. HALL), and to include extraneous matter:

Mr. LELAND.

Mr. FRANK in two instances.

Mr. LEVITAS in three instances.

Mr. MINISH.

Mr. SKELTON in two instances.

Mr. LEHMAN.

Mr. GEPHARDT.

Mr. IRELAND.

Mr. GUARINI.

Ms. OAKAR.

Mr. MILLER of California.

Mr. SYNAR.

Mr. SABO.

Mr. BOWEN.

Mr. PERKINS.

Mr. SCHUMER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1879. An act to amend the Milwaukee Railroad Restructuring Act and the Rock Island Transition and Employee Assistance Act to facilitate the purchase of lines of bankrupt carriers to provide for continued rail service and for other purposes; to the Committee on Energy and Commerce.

BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 5021. An act to extend the date for the submission to the Congress of the report of the Commission on Wartime Relocation and Internment of Civilians.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, March 8, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3283. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years; to the Committee on Agriculture.

3284. A letter from the Commander, Naval Facilities Engineering Command, transmitting a report on Navy military construction contracts awarded on other than a competitive basis to the lowest architect-engineer firms, covering fiscal year 1981, pursuant to section 604 of Public Law 96-418; to the Committee on Armed Services.

3285. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Safe Drinking Water Act, as amended, for 2 years; to the Committee on Energy and Commerce.

3286. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Solid Waste Disposal Act, as amended, for 2 years; to the Committee on Energy and Commerce.

3287. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the texts of agreements between the American Institute in Taiwan and the Coordination Council for North American Affairs, pursuant to section 12a of Public Law 96-8; to the Committee on Foreign Affairs.

3288. A letter from the Secretary of State, transmitting the fifth annual report on Americans incarcerated abroad, pursuant to section 108 of the Foreign Relations Authorization Act of 1978; to the Committee on Foreign Affairs.

3289. A letter from the Secretary of the Treasury, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 522(d); to the Committee on Government Operations.

3290. A letter from the Comptroller General of the United States, transmitting a report on the review of the impact of the 1978 Comprehensive Employment and Training Act Amendments on improving employability development systems (HRD-82-2, January 13, 1982; to the Committee on Government Operations.

3291. A letter from the Inspector General, Department of Health and Human Services, transmitting the quarterly report on the activities of his office, covering the period ended December 31, 1981, pursuant to section 204(b) of Public Law 94-505; to the Committee on Government Operations.

3292. A letter from the Assistant Secretary of Housing and Urban Development, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. a(C); to the Committee on Government Operations.

3293. A letter from the Executive Director, Federal Labor Relations Authority, transmitting a report on the Authority's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3294. A letter from the Chairman, Council on Environmental Quality, Executive Office of the President, transmitting a report on the council's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3295. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3296. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3297. A letter from the Chairman, Tennessee Valley Authority, transmitting a report on the Authority's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3298. A letter from the Acting Director for Government and Public Programs, National Science Foundation, transmitting a report on the Foundation's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552 (d); to the Committee on Government Operations

3299. A letter from the Assistant Attorney General, Civil Rights Division, transmitting a report on the administration of the Civil Rights of Institutionalized Persons Act for fiscal year 1981, pursuant to section 8 of the statute, 42 U.S.C. 1997f; to the Committee on the Judiciary.

3300. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to extend title I of the Marine Protection, Research, and Sanctuaries Act, as amended; to the Committee on Merchant Marine and Fisheries.

3301. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations for environmental research, development, and demonstrations for fiscal years 1983 and 1984; to the Committee on Science and Technology.

3302. A letter from the Deputy U.S. Trade Representative, transmitting a draft of proposed legislation to amend the act inplementing the International Sugar Agreement, 1977; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GLICKMAN: Committee on the Judiciary. H.R. 3171. A bill for the relief of Dr. David Pass (Rept. No. 97-440). Referred to Committee of the Whole House.

Mr. KINDNESS: Committee on the Judiciary. H.R. 3835. A bill for the relief of Rutherford K. Clarke and his wife, Ida T. Clarke (Rept. No. 97-441). Referred to Committee of the Whole House.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 4350. A bill for the relief of Arthur J. Graut (Rept. No. 97-442). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H. R. 4490. A bill for the relief of Lehi L. Pitchforth, Jr. (Rept. No. 97-443). Referred to the Committee of the Whole House.

Mr. KINDNESS: Committee on the Judiciary. S. 262. An act for the relief of Dolly Akers, Fort Peck Indian Reservation, Mont. (Rept. No. 97-444). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 5723. A bill to authorize appropriations for certain maritime programs of the Department of Transportation for fiscal year 1983, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EVANS of Iowa (for himself, Mr. Skeen, and Mr. Napier):

H.R. 5724. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax interest on certain loans used to construct soil conservation terraces and to acquire and install certain drainage equipment to be used in connection with such terraces, and to provide additional tax incentives with respect to such equipment; to the Committee on Ways and Means.

By Mr. FUQUA (by request):

H.R. 5725. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1983 and 1984, and for other purposes; to the Committee on Science and Technology.

By Mr. FUQUA (for himself and Mr. Walgren):

H.R. 5726. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1983, and for other purposes; to the Committee on Science and Technology.

By Mr. GAYDOS (for himself, Mr. Regula, Mr. Benjamin, Mr. Murtha, Mr. Fary, Mr. Murphy, Mr. Forsythe, Mr. Mollohan, Mr. Walker, Mr. Rahall, and Mr. Porter):

H.R. 5727. A bill to amend the Trade Act of 1974 to restore the authority of the President with respect to reciprocal nondiscriminatory treatment; to the Committee on Ways and Means.

By Mr. GEJDENSON (for himself, Mr. Dyson, Mr. Foglietta, Mr. Whitehurst, Mr. Moffett, Mrs. Schroeder, Mr. Hartnett, Mr. Ratchford, Mrs. Kennelly, Mr. DeNardis, and Mr. Dougherty):

H.R. 5728: A bill to prohibit the Secretaries of the military departments from contracting out firefighting and base security functions at military installations and to prohibit the Secretary of Energy from contracting out such functions at installations of the Department of Energy at which functions relating to the military applications of nuclear energy are carried out; to the Committee on Armed Services.

By Mr. GEPHARDT:

H.R. 5729: A bill to amend the Internal Revenue Code of 1954 to clarify the standards used for determining whether individuals are not employees for purposes of the employment taxes; to the Committee on Ways and Means.

H.R. 5730: A bill to apply duty-free treatment to triphenyl phosphate; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself, Mr. St Germain, Mr. Fauntroy, Mr. Patterson, Mr. LaFalce, Mr. Blanchard, Mr. Evans of Indiana, Mr. Lundine, Ms. Oakar, Mr. Vento, Mr. Garcia, Mr. Lowry of Washington, Mr. Hubbard, Mr. D'Amours, Mr. Schumer, Mr. Frank, Mr. William J. Coyne, Mr. Hoyer, and Mr. Williams of Montana):

H.R. 5731: A bill to amend and extend certain Federal laws which establish housing and community and neighborhood development and preservation programs, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HOLLAND:

H.R. 5732. A bill to amend the Internal Revenue Code of 1954 to insure periodic payments for damages received on account of personal injuries or sickness, and for other purposes; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 5733. A bill to amend section 7119 of title 5, United States Code, to provide for binding arbitration in disputes between the Federal Government and labor organizations representing employees of the Federal Government under certain circumstances; to the Committee on Post Office and Civil Service.

By Mr. MARTIN of North Carolina (for himself, Mr. Edgar, Mr. Whitehurst, and Mr. Hance):

H.R. 5734. A bill to amend title 38 of the United States Code to allow survivors of veterans who are under 18 years of age to retain eligibility for certain dependency and indemnity payments; to the Committee on Veterans' Affairs.

By Mr. MILLER of California (for himself, Mr. Perkins, Mr. Williams of Montana, and Mrs. Fenwick):

H.R. 5735. A bill to provide for the compensation of individuals who are disabled as a result of occupational exposure to asbestos and uranium ore, to regularize the fair, adequate, and equitable compensation of certain occupational disease victims, and for other purposes; to the Committee on Education and Labor.

By Mr. MOTTL:

H.R. 5736. A bill making a supplemental appropriation for interstate transfer grants for transportation projects in the Cleveland urbanized area; to the Committee on Appropriations.

H.R. 5737. A bill to extend expiring authorities of the Veterans' Administration to make grants related to State nursing home facilities, exchange of medical information, and support of medical schools; to the Committee on Veterans' Affairs.

By Mr. PANETTA (for himself and Mr. Simon):

H.R. 5738. A bill to improve the translation and interpretation services available to the U.S. Government by providing for the establishment within the Department of State of a Bureau of Language Services, to be headed by an Assistant Secretary, to the Committee on Foreign Affairs.

By Mr. PAUL:

H.R. 5739. A bill to prohibit U.S. military and economic assistance for the Philippines; to the Committee on Foreign Affairs.

By Mr. PASHAYAN (for himself and Mr. Pepper):

H.R. 5740. A bill to amend the Internal Revenue Code of 1954 to provide a refundable credit against income tax for renting to or maintaining a household for certain individuals who have attained the age of 65; to the Committee on Ways and Means.

By Mr. PETRI:

H.R. 5741. A bill to amend the Internal Revenue Code of 1954 to adjust the dollar limitations on the deduction for retirement savings for increases in the cost of living; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 5742. A bill to establish a National Commission on Science, Engineering, and Technology Education; jointly, to the Committees on Education and Labor and Armed Services.

By Mr. WOLF (for himself, Mr. Parris, and Mr. Trible):

H.R. 5743. A bill to amend chapter 54 of title 5, United States Code, to restore full comparability and within-grade increases to employees in General Schedule grades 13 through 15, and to use quality step and incentive award funds to provide lump-sum performance bonuses; to the Committee on Post Office and Civil Service.

By Mr. BROOKS:

H.J. Res. 422. Joint resolution to provide for a White House Conference on Productivity, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KEMP:

H.J. Res. 423. Joint resolution expressing the policy of the Government of the United States of America with respect to the Government of Cuba; to the Committee on Foreign Affairs.

By Mr. PEYSER:

H.J. Res. 424. Joint resolution providing that the Secretary of Agriculture shall not adopt as final rules proposed rules issued on December 29, 1981, which would change the standards for grading carcass beef and slaughter cattle or issue proposed rules or adopt final rules identical in substance to such rules; to the Committee on Agriculture.

By Mr. BEDELL (for himself, Mr. Rangel, Mr. Conyers, and Mr. Seiberling):

H. Con. Res. 280. Concurrent resolution expressing the sense of the Congress with respect to the reduction of the global stockpile of nuclear weapons; to the Committee on Foreign Affairs.

By Mr. EMERY:

H. Con. Res. 281. Concurrent resolution expressing the sense of the Congress with respect to the promulgation of regulations regarding the management and storage of hazardous wastes; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER:

H. Res. 377. Resolution regarding troop levels in Europe; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

280. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to the closing of operations of the U.S. Coast Guard in Puerto Rico; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1648. Mr. Andrews and Mrs. Snowe.

H.R. 2488: Mr. Hughes and Mrs. Martin of Illinois.

H.R. 3001: Mr. Lagomarsino, Mr. Grisham, Mr. Ritter, Mr. Atkinson, Mr. Whitehurst, Mr. Mottl, and Mr. James K. Coyne.

H.R. 3269: Mr. Murtha, Mr. Hamilton, Mr. Obey, Mr. Findley, Mrs. Byron, Mr. Pritchard, Mr. Lehman, Mr. Benjamin, Mr. McDade, Mr. Mottl, Mr. Butler, and Mr. Lundine.

H.R. 3607: Mr. Mineta and Mr. Sharp.

H.R 4070: Mr. Howard, Mr. Markey, Mr. Brown of California, Mr. William J. Coyne, Mr. Pepper, Mr. Stokes, and Ms. Oakar.

H.R. 4467: Mr. Spence.

H.R. 4592: Mr. Nowak and Mr. Shelby.

H.R. 4709: Mr. Fountain, Mr. Fuqua, Mr. Fithian, Mrs. Kennelly, Mr. Oxley, Mr. Bennett, Mr. Boner of Tennessee, Mr. Brodhead, Mrs. Byron, Mr. Dorgan of North Dakota, Mr. Downey, Mr. Dyson, Mr. Hefner, Mr. Hughes, Mr. Leath of Texas, Mr. Luken, Mr. Shelby, Mr. Swift, Mr. Watkins, Mr. Williams of Montana, Mr. Conte, Mr. Daniel B. Crane, Mr. Green, Mr. Gunderson, Mr. Kramer, Mr. Lujan, Mr. McKinney, Mr. Pursell, Mr. Robinson, Mr. Rudd, Mr. Shaw, and Mr. Smith of Alabama.

H.R. 4833: Mr. Burgener.

H.R. 4902: Mr. Bereuter.

H.R. 5088: Mr. Clinger, Mr. Williams of Ohio, Mrs. Kennelly, Mr. McKinney, and Mr. Morrison.

H.R. 5192: Mr. D'Amours, Mr. Dyson, Mr. Fascell, Mr. Frank, Mr. Pepper, Mr. Pritchard, Mrs. Schneider, and Mrs. Smith of Nebraska.

H.R. 5238: Mr. Lowry of Washington, Mr. Siljander, Mr. LaFalce, Mr. Bevill, Mr. Hertel, Mrs. Schroeder, Mr. Danielson, Mr. Dunn, Mr. Dan Daniel, Mr. Gingrich, Mr. Hansen of Idaho, Mr. Williams of Ohio, Mr. Wolpe, Mr. Dwyer, Mr. Bailey of Pennsylvania, Mr. Jacobs, Mr. St Germain, Mrs. Fenwick, Mr. Conyers, Mr. Forsythe, Mr. Beard, Mr. John L. Burton, Mr. Stangeland, Mr. Price, Ms. Ferraro, Mr. Phillip Burton, Mr. Miller of California, Mr. Hammerschmidt, Mr. Gilman, Mr. Mavroules, Mr. Miller of Ohio, Mr. Albosta, Mr. Minish, Mr. Grisham, Mr. Bedell, Mr. Neal, Mr. Hutto, Mr. Ritter, Mr. DeNardis, Mr. Harkin, Mr. Morrison, Mr. Moakley, Mr. Porter, Mr. Rahall, Mr. Bonker, Mr. Kazen, Mr. Udall, Mr. McDade, Mr. Glickman, Mr. Boland, Mr. Weaver, Mr. Gibbons, Mr. Nelligan, and Mr. Fascell.

H.R. 5242: Mr. Archer, Mr. Paul, Mr. Forsythe, Mr. Hopkins, Mr. Cheney, Mr. Hammerschmidt, Mr. Young of Florida, Mr. Ireland, Mr. Hutto, Mr. James K. Coyne, Mr. de la Garza, Mr. Sam B. Hall, Jr., and Mr. Yatron.

H.R. 5284: Mr. Williams of Montana.

H.R. 5314: Mrs. Schneider, Mr. Albosta, Mr. de Lugo, Mr. Evans of Delaware, and Mr. Breaux.

H.R. 5416: Mr. Mineta.

H.R. 5424: Mr. Edgar, Mr. Erdahl, Mr. Gingrich, Mr. Lantos, Mr. Lehman, Mr. Panetta, Mr. Stark, Mr. Thomas, and Mr. Young of Alaska.

H.R. 5441: Mr. Jeffords, Mr. Petri, Mr. Bereuter, Mr. Gejdenson, Mr. Ertel, Mr. Bevill, Mr. Panetta, Mr. Hughes, Mr. Horton, Mr. Hatcher, and Mr. Railsback.

H.R. 5469: Mr. St Germain.

H.R. 5485: Ms. Ferraro, Mrs. Bouquard, Mr. LaFalce, Mr. Shelby, Mr. Eckart, Mr. Markey, Mr. Dyson and Mr. Williams of Montana.

H.R. 5531: Mr. Heftel and Mr. Chappie.

H.R. 5555: Mr. Moffett, Mr. Shannon, Mr. Foglietta, Mr. Scheuer, Mr. Ottinger, Mr. Dixon, Mr. Leland, Mr. Rodino, Mr. Wirth, Mr. Beilenson, Mr. Downey, Mr. Phillip Burton, Mr. Bingham, Mr. Clay, Mr. Schumer, Mr. Mitchell of Maryland, and Mr. Gibbons.

H.R. 5568: Mr. Reuss, Mr. Gonzalez, Mr. Minish, Mr. Annunzio, Mr. Mitchell of Maryland, Mr. Fauntroy, Mr. Neal, Mr. Patterson, Mr. Blanchard, Mr. Hubbard, Mr. D'Amours, Ms. Oakar, Mr. Mattox, Mr. Hoyer Mr. McKinney, Mr. Heftel, Mr. Oberstar, Mr. Moffett, Mr. Ford of Michigan, Mr. Ottinger, Mr. Zeferetti, Mr. Derrick, Mr. Dingell, Mr. Murphy, Mr. AuCoin, Mr. Howard, Mr. Gray, Mr. Garcia, and Mr. Roybal.

H.R. 5593: Mr. Forsythe, Mr. Hughes, Mr. Roe, Mr. Fazio, Mr. Kindness, Mr. Smith of Pennsylvania, Mr. Fish, and Mr. Smith of New Jersey.

H.J. Res. 350: Mr. McCollum, Mr. Young of Alaska, Mr. Burgener, Mr. McCurdy, Mr. Fields, Mr. Nichols, Mr. Spence, Mr. Huckaby, Mr. Bevill, Mr. Hendon, Mr. Emerson, Mr. Atkinson, Mr. Philip M. Crane, Mr. O'Brien, Mr. Kindness, Mr. Dannemeyer, Mr. Chappie, Mr. Paul, Mr. McGrath, Mr. Roberts of Kansas, Mr. Weber of Ohio, Mr. Coughlin, Mrs. Fenwick, Mr. Archer, Mr. Rogers, Mr. Dickinson, Mr. Dyson, Mr. Walker, and Mr. Shelby.

H.J. Res. 393: Mr. Mollohan, Mr. Barnes, Mr. Shaw, Mr. Carney, Mrs. Fenwick, Mr. Anthony, Mr. Daschle, Mr. Young of Alaska, Mr. Richmond, Mr. Smith of Pennsylvania, Mr. Clinger, Mr. Pursell, Mr. Annunzio, Mrs. Holt, Mr. McEwen, Mr. Obey, Mr. Erdahl, Mr. Shamansky, Mr. Lent, Mr. Kemp, Mr. LeBoutillier, Mr. Rodino, Mr. Myers, Mr. Pepper, Mr. Beard, Mr. McDade, Mr. Matsui, Ms. Oakar, Mr. Bliley, Mrs. Roukema, Mrs. Martin of Illinois, Mrs. Heckler, Mr. Dicks, and Mr. English.

H.J. Res. 403: Mr. Anderson, Mr. Beard, Mr. Beilenson, Mr. Bliley, Mr. Bowen, Mr. Coelho, Mr. Conte, Mr. Corrada, Mr. Craig, Mr. Danielson, Mr. Derwinski, Mr. Duncan, Mr. Dymally, Mr. Edgar, Mr. Edwards of California, Mr. Fazio, Mr. Fish, Mr. Foglietta, Mr. Forsythe, Mr. Frank, Mr. Frost, Mr. Gilman, Mr. Gingrich, Mr. Glickman, Mr. Green, Mr. Hawkins, Mr. Hyde, Mr. Jeffries, Mr. Lehman, Mr. Levitas, Mr. Long of Maryland, Mr. Marriott, Mr. Matsui, Mr. Mica, Mr. Miller of California, Mr. Ottinger, Mr. Patterson, Mr. Pepper, Mr. Porter, Mr. Richmond, Mr. Roe, Mr. Roemer, Mr. Rosenthal, Mr. Roybal, Mr. Schumer, Mr. Shamansky, Mr. Staton of West Virginia, Mr. Waxman, Mr. Weber of Ohio, Mr. Whitehurst, Mr. Wolpe, Mr. Wortley, Mr. Wyden, and Mr. Young of Missouri.

H.J. Res. 404: Mrs. Heckler and Mr. Hoyer.

H.J. Res. 412: Mr. Forsythe, Mr. Porter, Mr. Weiss, Mr. Roe, Mr. Lagomarsino, Mr. Rahall, Mr. Frenzel, Mr. Hertel, Mr. Richmond, Mr. Smith of Pennsylvania, Mr. Fary, Mr. Fish, Mr. Hyde, Mr. de la Garza, Mr. Whittaker, Mr. Clausen, Mr. Minish, Mrs. Heckler, and Mrs. Fenwick.

H.J. Res. 418: Mr. Pepper, Mr. Kastenmeier, Mr. Dymally, and Mr. Gray.

H. Con. Res. 276: Mr. AuCoin.

H. Res. 362: Mr. Weber of Minnesota, Mr. McDonald, Mr. Bailey of Missouri, Mr. Lagomarsino, Mr. Daniel B. Crane, Mr. Brown of Colorado, Mr. Weber of Ohio, Mr. Benedict, Mr. Craig, Mr. Skeen, Mr. Hiler, Mr. LeBoutillier, Mr. Hansen of Utah, Mr. Dannemeyer, and Mr. Gunderson.

H. Res. 373: Mr. Biaggi, Mr. Conyers, Mr. Roe, Mr. Kildee, Mrs. Schneider, Mr. Rangel, Mr. Sunia, Mr. Smith of Pennsylvania, Mr. Hubbard, Mr. McGrath, Mr. Gunderson, Mr. Minish, Mr. Rogers, Mr. Hughes, Mr. Bedell, and Mr. Mitchell of Maryland.

BEST COPY [illegible]

SENATE—*Thursday, March 4, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable BOB PACKWOOD, a Senator from the State of Oregon.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Bless the Lord, O my soul: and all that is within me, bless His holy name.—Psalm 103:1.

Lord God of hosts, to Whom all hearts are open, all desires known, we invoke Thy presence in this Chamber today. As the Senate continues to address the awesome and painful duty imposed upon it by the Constitution, cover its deliberations with the light of Thy truth and the warmth of Thy love.

In the loneliness of decision which each Senator must finally make, help them to listen to the still, small voice of conscience within, confident that the Spirit of God can and will enlighten them if they seek His counsel. Strengthen them against confusion of voices from without which breed hostility and cynicism. Free them from distractions that obscure and militate against objectivity.

Gracious Father, make us aware that You are really here and that Your wisdom really can guide to a just conclusion to this matter. Let Thy will be done. In the name of the Father and the Son and the Holy Spirit. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 4, 1982.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint Hon. BOB PACKWOOD, a Senator from the State of Oregon, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. PACKWOOD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I am advised that the distinguished Senator from California (Mr. HAYAKAWA) does not now require the time for the special order in his favor. May I inquire of the minority leader if he has any need for the 15 minutes provided by that order?

Mr. ROBERT C. BYRD. I would appreciate it very much if I could have that time.

Mr. BAKER. Yes.

Mr. President, I ask unanimous consent that the time allocated to the Senator from California on special order be assigned instead to the distinguished minority leader and that he add it to the time otherwise available to him.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I am also advised that Mr. MOYNIHAN does not want the time allocated to him, so if the majority leader would make the same request and allocate his time to me that would be appreciated.

Mr. BAKER. Yes. I make the same request in favor of the special order of Mr. MOYNIHAN that it be allocated to the distinguished minority leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the execution of the special orders there be a brief period for the transaction of routine morning business to extend not past the hour of 12:30 p.m. in which Senators may speak for not more than 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE ON RESOLUTION RELATING TO SENATOR WILLIAMS

Mr. BAKER. Mr. President, may I clarify the request I made on yesterday in respect to the allocation of time between the parties for debate on the Williams resolution? Was the request that I put yesterday in which the Senate granted that the time would be equally divided each day of debate or just for that day?

The ACTING PRESIDENT pro tempore. Each day.

Mr. BAKER. I thank the Chair.

I would point out, Mr. President, that there was a disparity of time yesterday. I do not have the numbers before me. I will consult with the Journal clerk and the Parliamentarian to ascertain how that worked out finally. I have indicated to the distinguished Senator from Hawaii, (Mr. INOUYE), that we will rebalance that time during the course of the day today.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, yesterday I had before me a file of routine matters that I did not ask the Senate to address since we ran somewhat past the hour of 6 p.m., which was the announced time for recess.

I wonder if the minority leader is in position at this time to join me in considering those items?

Mr. ROBERT C. BYRD. I am.

Mr. BAKER. I thank the minority leader.

ORDER FOR SENATE TO RECONVENE ON TUESDAY, MARCH 9, 1982, AT 10:30 A.M.

Mr. BAKER. Mr. President, is there a time to convene for the Senate on Monday and Tuesday of next week?

The ACTING PRESIDENT pro tempore. Only on Monday at 10:30 a.m.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate, when it completes its business on Monday, stand in recess until the hour of 10:30 a.m. on Tueday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

ORDER FOR THE RECOGNITION OF SENATORS BAKER AND DENTON ON TUESDAY, MARCH 9, 1982

Mr. **BAKER**. Mr. President, I ask unanimous consent that on Tuesday, March 9, there be special orders in favor of the Senator from Tennessee (Mr. BAKER), and the Senator from Alabama (Mr. DENTON) of not to exceed 15 minutes each to follow on after the recognition of the two leaders under the standing order.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. **BAKER**. Mr. President, there are certain items on the Executive Calendar today that I am prepared to consider. May I inquire of the minority leader if there are items that are marked on his calendar that we may consider by unanimous consent at this point?

Mr. **ROBERT C. BYRD**. Yes. On the Executive Calendar beginning with the nominations under Federal Home Loan Bank Board on page 2 and going through the remainder of page 2, page 3, page 4, and page 5 are cleared.

Mr. **BAKER**. I thank the minority leader.

Mr. President, I advise the minority leader that there is one nomination that is cleared on his side that has not yet been cleared on this side, and that is item No. 650 on page 4. I believe the reason that is not yet cleared is that we require the presence of a Senator who could not be here at this time.

There is another as well, Mr. President, item No. 651 also on page 4 that cannot be done on this side routinely.

So I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations beginning on page 2 under Federal Home Loan Bank Board, to include the remainder of the nominations listed on page 2, all of the nominations listed on page 3, all of the nominations listed on page 4, with the exception of Orders No. 650 and 651; and all of the nominations on page 5 of today's Executive Calender.

The **ACTING PRESIDENT** pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the nominations so identified be considered en bloc

The assistant legislative clerk proceeded to read various nominations.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows.

FEDERAL HOME LOAN BANK BOARD

James Jay Jackson, of Texas, to be a Member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1982, vice John H. Dalton, resigned.

THE JUDICIARY

Leroy J. Contie, Jr., of Ohio, to be United States Circuit Judge for the Sixth Circuit vice Anthony J. Celebrezze, retired.

Robert B. Krupansky of Ohio, to be United States Circuit Judge for the Sixth Circuit vice Paul C. Weick, retired.

John R. Gibson, of Missouri, to be United States Circuit Judge for the Eighth Circuit vice Floyd R. Gibson, retired.

Eugene F. Lynch, of California, to be United States District Judge for the Northern District of California vice Charles B. Renfrew, resigned.

Elizabeth A. Kovachevich, of Florida, to be United States District Judge for the Middle District of Florida vice George C. Young, retired.

DEPARTMENT OF JUSTICE

J. William Petro, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years vice James R. Williams.

Richard L. Cox, of Florida, to be United States Marshal for the Middle District of Florida for the term of four years vice George R. Grosse, resigned.

Carlos C Cruz, of Florida, to be United States Marshal for the Southern District of Florida for the term of four years vice Donald D. Forsht, term expired.

M. Clifton Nettles III, of Georgia, to be United States Marshal for the Southern District of Georgia for the term of four years vice James C. Murphy, Jr., term expired.

Eugene G. Liss, of New Jersey, to be United States Marshal for the District of New Jersey for the term of four years vice Carl E. Hirshman, resigned.

Rudolph G. Miller, of New Mexico, to be United States Marshal for the District of New Mexico for the term of four years, vice Bennie A. Martinez, resigned.

Gene G. Abdallah, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years vice Edward P. Gribbin, term expired.

William J. Nettles, of Illinois, to be United States Marshal for the Southern District of Illinois for the term of four years vice Albert S. Hinds, resigned.

Basil S. Baker, of Texas, to be United States Marshal for the Southern District of Texas for the term of four years vice Theddis R. Coney, term expired.

DEPARTMENT OF STATE

Howard Kent Walker, of New Jersey, a Foreign Service Officer of Class two, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.

William Robert Casey, Jr., of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

Keith Lapham Brown, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Anthony Cecil Eden Quainton, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nicaragua.

Howard Eugene Douglas, of Virginia, to be United States Coordinator for Refugee Affairs and Ambassador at Large while serving in this position.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Otto J. Reich, of Virginia, to be an Assistant Administrator of the Agency for International Development, vice Abelardo Lopez Valdez.

INTER-AMERICAN DEVELOPMENT BANK

Hugh W. Foster, of California, to be Alternate Executive Director of the Inter-American Development Bank, vice Eugene Jay Finkel, resigned.

Mr. **BAKER**. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed en bloc.

Mr. **ROBERT C. BYRD**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

NOMINATION OF GENE G. ABDALLAH TO U.S. MARSHAL FOR SOUTH DAKOTA

● Mr. **PRESSLER**. Mr. President, it is with great pleasure that I rise in support of the nomination of Gene G. Abdallah to be the U.S. Marshal for the district of South Dakota.

President Reagan has made a wise choice for this position with the selection of Mr. Abdallah. Mr. Abadallah, a lifelong resident of Sioux Falls, S. Dak., enjoys a high reputation not only in law enforcement circles but in the community at large.

A selection panel of informed citizens was formed last year in South Dakota to make recommendations to the President regarding this position. After background investigation and deliberation, this panel gave strong support to Mr. Abdallah.

Mr. Abdallah is the former chief deputy sheriff of Minnehaha County, the most populous county in the State, and has received advanced education at the South Dakota Law Enforcement Officers Training School at the University of South Dakota at Vermillion. He brings to this Federal position not only a fine law enforcement background, but maturity and judgment. A good family man and long active in civic affairs, Mr. Abdallah is respected and liked by the people of South Dakota. He is well known for his integrity, fairness and generosity with his time for worthwhile community projects.

Mr. President, the high qualities which Mr. Abdallah brings to the position to which he has been nominated will serve that office and the people well. I am pleased that my colleagues have speedily confirmed his confirmation.●

LEGISLATIVE SESSION

Mr. BAKER. I ask unanimous consent that the Senate now return to legislative session.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, once again, I inquire of the minority leader if there are items on today's Calendar of Legislative Business that are cleared for consideration on his calendar, as well.

Mr. ROBERT C. BYRD. Mr. President, the first five items on page 20 have been cleared.

Mr. BAKER. I thank the minority leader.

Mr. ROBERT C. BYRD. Mr. President, the following Calendar Orders Nos. 443, 444, 445, 446, and 447 have been cleared.

Mr. BAKER. I thank the minority leader.

Mr. President, those items are cleared on the calendar on this side of the aisle, as well. Therefore, I ask that the Chair lay before the Senate the items so identified in the order stated by the minority leader.

NATIONAL ORCHESTRA WEEK

The **ACTING PRESIDENT** pro tempore. The clerk will report the first measure.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 145) authorizing and requesting the President to proclaim "National Orchestra Week."

The Senate proceeded to consider the joint resolution.

Mr. HEINZ. Mr. President, on February 10, 1982, I introduced Senate Joint Resolution 145, together with 34 cosponsors. Today, I am pleased that the Senate, in just a few minutes, will take up and pass this same resolution, Senate Joint Resolution 145, establishing "National Orchestra Week." Our Nation's orchestras are certainly one of our most treasured cultural resources. Adoption of this resolution is a fitting tribute to the hours of enjoyment that our Nation's symphony orchestras have provided to nearly 100 million Americans every year.

My home State of Pennsylvania is especially fortunate to have two world-class orchestras in the Philadelphia Orchestra, under the direction of Riccardo Muti, and the Pittsburgh Symphony Orchestra, under the direction of Andre Previn. But these two orchestras are only the best known of more than 40 orchestras statewide. Pennsylvania's orchestras are largely responsible for my State's continuing role as a national leader in the arts.

I welcome this opportunity to acclaim the work of American symphonies and their service organization, the American Symphony Orchestra League. We all should be proud of the service which these cultural institutions provide.

The joint resolution (S.J. Res. 145) was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, as agreed to, reads as follows:

S.J. Res. 145

Whereas America's one thousand five hundred and seventy-two symphony and chamber orchestras are among our Nation's finest cultural and artistic resources, providing inspiration and enjoyment to more than twenty-three million people each year throughout the country;

Whereas America's greatest professional orchestras are internationally recognized as among the finest in the world, setting the standards of excellence against which other musical endeavors are measured;

Whereas America's orchestras serve their communities as total musical resources by supporting other arts activities and cooperating in joint artistic ventures;

Whereas America's orchestras cultivate a national musical heritage by nurturing young talent, providing opportunities for American-trained musicians and conductors, and promoting performances of American music;

Whereas America's orchestras educate the youth of the country by providing high quality music education through youth concerts, in-school demonstrations and training programs, and master classes;

Whereas America's orchestras reach diverse audiences beyond the concert hall through regional and national tours, free outdoor performances, and other special events;

Whereas the success of America's orchestras has been the result of a joint effort of skilled professionals and dedicated volunteers working together to promote and produce music in their communities; and

Whereas America's orchestras have grown in size and artistic quality during the past ten years, with the help of direct grants from the orchestra program of the National Endowment for the Arts: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 13, 1982, is designated as "National Orchestra Week", and the President of the United States is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies, interest groups and organizations, and the people of the United States to observe that week by engaging in appropriate activities and programs, thereby showing their support of America's orchestras and the arts.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. Mr. President, I move the motion to reconsider be forever laid on the table.

The motion to lay on the table was agreed to.

NATIONAL AGRICULTURE DAY

The joint resolution (S.J. Res. 148) to proclaim March 18, 1982, as "National Agriculture Day," was considered, ordered to be be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution with its preamble, as agreed to, reads as follows:

S.J. Res. 148

Whereas agriculture is this Nation's most basic industry, and its associated production, processing, and marketing segments, together provide more jobs than any other single industry; and

Whereas the productivity of American agriculture is a vital ingredient in our strength as a Nation, both domestically and on the world scene; and

Whereas to maintain a healthy agriculture it is necessary that all Americans should understand how agriculture affects their lives and well-being, and should be aware of their personal stake in an abundant food and fiber supply: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 18, 1982, is hereby proclaimed "National Agriculture Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay on the table until the crack of doom the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I am emboldened to suggest that it may not be safe to call up the next item, considering the progressive intensity of the motions to table by the minority leader, but, notwithstanding that, I ask the Chair to lay before the Senate the next calendar order.

NATIONAL DAY OF THE SEAL

The **ACTING PRESIDENT** pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 266) to declare March 1, 1982, as "National Day of the Seal."

The Senate proceeded to consider the resolution.

UP AMENDMENT NO. 825

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Connecticut (Mr. WEICKER) and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. WEICKER, proposes an unprinted amendment numbered 825.

On page 2, line 1, strike "1982" and insert in lieu thereof "1983."

● Mr. WEICKER. Mr. President, Senate Resolution 266, a resolution I have introduced with the cosponsorship of 28 of my colleagues, would declare March 1, 1983, as "National Day of the Seal." I urge the entire Senate to approve this important designation.

Although March 1 represents the high point in the life cycle of the Canadian harp seal, probably the species most familiar to the general public, this resolution calls for the celebration of all seals.

For many years in our history seals as well as other marine mammals have been regarded primarily for their fur and meat. Indiscriminate hunting and destruction of their habitat caused some species to become endangered. Only in recent history has man become aware of the significance of seals in the balance of the marine environment. In 1972 the U.S. Congress passed the Marine Mammal Protection Act which provided the necessary protection for many species of seals as well as all other marine mammals.

Unfortunately some species were so decimated that they are still in trouble. The Hawaiian monk seal is a case in point. It is one of the most endangered of the marine mammals listed under the Endangered Species Act. Today only between 500 and 700 are estimated to remain. Its counterpart, the Caribbean monk seal, has become extinct within this century.

The purpose of this resolution is simply to foster public awareness to the Hawaiian monk seal, the Canadian harp seal, the fur seal of the Pribilof Islands and the other 30 species found worldwide and to their special place in a healthy ocean environment.

Mr. President, I would hope that all Americans join in this celebration next year.●

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Connecticut (Mr. WEICKER).

The amendment (UP No. 825) was agreed to.

The resolution, as amended, was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 266

Whereas the seal is an essential and inseparable part of the marine ecosystem; and

Whereas the seal, of which there are some thirty-three species, is a land mammal that returned to the oceans twenty to thirty million years ago; and

Whereas the presence of the seal helps maintain the health and balance of this environment; and

Whereas the presence of the seal is an indication of a whole and healthy ecosystem; and

Whereas the seal is a social creature with a highly evolved nervous system and physiology especially adapted to its marine environment; and

Whereas the seal epitomizes the freedom and the mystique of the oceans and in many cultures is revered as a spiritual embodiment of the mind in the waters; and

Whereas March is the month of the year when the Harp seal renew their eternal cycle; and

Whereas the growing worldwide awareness of the ecological and esthetic value of the seal has led to a desire to designate a special day of recognition: Now, therefore, be it

Resolved, That March 1, 1982, is declared "National Day of the Seal", and the Senate urges all citizens to join in this celebration of life with appropriate activity.

The title was amended so as to read:

To declare March 1, 1983, as "National Day of the Seal."

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move that the motion not be laid on the table. I now move to amend my own motion by deleting the word "not."

The motion to lay on the table was agreed to.

Mr. BAKER. And I am overwhelmed.

RIGHT TO EMIGRATE AND FREEDOM OF RELIGION IN THE SOVIET UNION

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 154) expressing the sense of the Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and emigrate, and that these matters should be among the issues raised at the thirty-eighth meeting of the United Nations Commission on Human Rights at Geneva in February 1982.

The Senate proceeded to consider the joint resolution.

● Mr. BOSCHWITZ. Mr. President, I rise in support of Senate Joint Resolution 154, introduced by Senator PELL and myself. This resolution expresses the sense of the Congress that the Soviet Union should cease its persecution of Soviet Jews.

The resolution now before the Senate addresses the issues of Jewish emigration, harassment, and assaults on Jewish study groups and reminds the Soviet Union that it has accepted obligations in these areas under the universal declaration of human rights, the Helsinki accords, other international covenants, and the Soviet Constitution.

Mr. President, there is no question that through its policies and procedures the Soviet Government fosters the growth of anti-Semitism. In recent years, discrimination against Soviet Jews has increased and has been accompanied by other measures designed, presumably, to frighten Jews into silence. The Soviet Government has intensified its campaign of harassment of Jews who exercise their right of religious worship and who participate in Jewish study groups. Increasingly, Jews who are active in the dissident, human rights, and emigration movements are being arrested, tried, and imprisoned on false charges.

The latest Jewish emigration figures are truly alarming. The annual emigration rate has dropped from a high of 51,320 in 1979 to 9,447 in 1981. In January 1982, only 290 Jews were allowed to emigrate. This is the lowest monthly figure since 1970.

Mr. President, passage of Senate Joint Resolution 154 or its companion measure House Joint Resolution 373, will send a signal to the Soviet Government that the U.S. Congress is deeply concerned about its continued persecution of its Jewish citizens. Perhaps more importantly, passage will serve to encourage Jews in the Soviet Union who are struggling to exercise basic human freedoms.●

● Mr. PELL. Mr. President, on behalf of myself and Senator BOSCHWITZ, I introduced on March 2, a joint resolution urging the President to instruct the American delegation to the current meeting of the United Nations Commission on Human Rights to call upon the Soviet Union to respect the rights of its citizens to practice their religion and to emigrate; to stop the harassments, arrests, and trials of Soviet Jews; and to stop the assaults on Jewish self-study groups; 27 Senators have joined Senator BOSCHWITZ and me in cosponsoring this resolution. I am pleased to say that this resolution, which is before the Senate today for consideration, has been passed by the House and unanimously approved by the Foreign Relations Committee.

As a party to the United Nations Charter and various international covenants on human rights, and as a signatory of the Helsinki accords, the Soviet Union has pledged respect for human rights and fundamental freedoms and has accepted political and legal obligations in these areas. In addition, the Constitution of the Union of Soviet Socialist Republics imposes obligations on the Soviet Government to respect and guarantee freedom of speech, of assembly, of conscience; the freedom to conduct religious worship; and the rights of Soviet citizens to education, to privacy, and to the inviolability of their person and home. Nevertheless, the Soviet Union has consistently and fragrantly violated these obligations especially in its treatment of Soviet Jews.

Through its policies and practices the Soviet Government institutes and fosters the growth of anti-Semitism. In an effort to prevent the development of Jewish identity, Soviet authorities suppress most Yiddish and Hebrew cultural activities, censor literature, and harass Jews who engage in religious worship. Jews have been subject to an ongoing anti-Semitic/anti-Zionist propaganda campaign which, in recent years, has intensified and expanded.

For many years, the Soviet Government has followed the practice of harassing, arresting, and trying Jews on capricious and trumped-up charges. In the last few years, the number of these trials has risen sharply. Most often Jews who have been active in the dissident, human rights, and Jewish emigration movements are the targets of Soviet injustice. Brave men and women such as Anatoly Shcharansky, Viktor Brailovsky, and Ida Nudel, to name only a few, have risked their lives and endured unbearable suffering to force the Soviet Union to grant to its citizens, Jewish and non-Jewish alike, fundamental freedoms and human rights.

Traditionally, Jews have been excluded from governmental and party leadership positions and from service in the diplomatic, economic, and military bureaucracies. They have, however, held prominent positions in the scientific and technological communities. Employment in these fields was made possible because Jews were permitted to enter Soviet universities and to pursue graduate and postgraduate degrees. In the last decade, this situation has changed drastically. Discrimination against Jews in higher education has been instituted and is increasing at an alarming rate. As a result, the number of Jews employed in scientific and technological positions is declining significantly.

Today, Jews in the Soviet Union find themselves in a catch-22 situation. The Government's anti-Semitic policies and practices threaten their economic, physical, and emotional security. As discrimination continues to increase, more and more Soviet Jews see emigration as the only viable means of self-preservation. Yet, the chances of obtaining an exit visa are growing smaller every day.

Although the Soviet Union does not recognize the right of its citizens to emigrate, the Soviet Government has sporadically allowed Jews to leave under a policy of family reunification. The Soviet Government controls the ebb and flow of Jews to Israel and other countries in the West through a variety of administrative practices and restrictions which are placed on the application process. As more and more restrictions have been imposed in the last 2 years, Jewish emigration has decreased dramatically.

In 1979 a record level 51,320 Jews were allowed to leave. In 1980 the number plummeted to 21,471, and in 1981, only 9,447 Jews were allowed to emigrate; 1982 appears to have brought no change in this trend. In January only 290 Jews were allowed to leave the Soviet Union. This monthly figure is the lowest since 1970. Moreover, the Helsinki Commission estimates that the figure for February 1982 will be approximately the same. As these figures indicate, emigration is no longer a means by which Soviet Jews can escape the frightening and discriminatory policies and practices of the Soviet Government.

Mr. President, for many years I have worked to try to alleviate the plight of Soviet Jews and to force the Soviet Union to grant basic human rights and fundamental freedoms to all of its citizens. As a member and former cochairman of the Commission on Security and Cooperation in Europe, I have participated in numerous hearings on the problems of Soviet Jewry and striven to secure the rights of oppressed people not only in the Soviet Union but also in Eastern Europe.

Like many of my colleagues, I have cosponsored legislation such as the Jackson-Vanik amendment, indicating American disapproval of Soviet violations in the area of human rights. I have also made many representations to American and Soviet officials on behalf of Soviet Jewish citizens who have been harassed and often imprisoned unjustly or denied permission to join their families in the West. I believe that my efforts and those of my colleagues have served the cause of human rights in the Soviet Union.

In my view the Soviet Union is responsive to the pressure of public opinion in the West. The time has come for us to bring that pressure to bear once again. The situation in which Soviet Jews find themselves today can be remedied with our help. The resolution which we are considering today is not only a signal to the Soviet Union that Congress and the American people expect the Soviet Government to fulfill its obligations in the area of human rights but is also a symbol of support and encouragement for Jews and other Soviet citizens who are struggling to exercise basic human rights. I urge its adoption.●

Mr. BAKER. Mr. President, I ask the Chair lay before the Senate a message from the House on House Joint Resolution 373, a resolution dealing with the Soviet human rights.

The ACTING PRESIDENT pro tempore. Laid before the Senate House Joint Resolution 373, a joint resolution expressing the sense of Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights at Geneva in February 1982, which was read twice by title.

The joint resolution (H.J. Res. 373) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that Calendar Order No. 446, the Senate companion bill which has been reported, be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL GARDEN WEEK

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 29) to authorize and request the President to issue a proclamation designating the calendar week beginning with the first Sunday in June of each year as "National Garden Week."

The Senate proceeded to consider the joint resolution which had been reported from the Committee on the Judiciary with an amendment:

> On page 2, beginning on line 5, strike "beginning with the first Sunday of June of each year", and insert "of June 6 through June 12, 1982".

So as to make the joint resolution read:

> Whereas the gardeners of this country produce a multitude of foods for our people and enable us to export foods to other countries which are in desperate need; and
>
> Whereas our gardeners help to preserve and foster our traditional spirit of independence and individual initiative; and
>
> Whereas gardening instills in our people, both young and old, a greater appreciation for nature, in general, and for our beautiful land, in particular; and
>
> Whereas such appreciation naturally leads to a greater respect and care for our environment; and
>
> Whereas gardening, in addition to being most beneficial for our country, furnishes a pleasant and productive full- or part-time activity for a large number of our citizens; and
>
> Whereas our gardens also yield flowers of great variety and breathtaking beauty; and
>
> Whereas these flowers bring beauty into our lives and satisfy our esthetic needs: Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized and requested to issue a proclamation—

(1) designating the calendar week of June 6 through June 12, 1982, as "National Garden Week"; and

(2) urging Federal, State, and local government agencies, as well as citizens and private organizations, to observe that week with educational efforts, ceremonies, and other appropriate activities which shall include the wearing of garden flowers as a symbol of our appreciation for the efforts and contributions of our gardeners.

Mr. HEINZ. Mr. President, I am pleased that the Senate today will take up and pass Senate Joint Resolution 29, a joint resolution establishing "National Garden Week" on June 6-12. Garden clubs have served our Nation well through their efforts to beautify their communities, to preserve and restore historic sites, to landscape their home grounds, to grow fruits, vegetables, and flowers, to establish educational workshops, and to conserve our environmental resources. But more importantly, national garden clubs have demonstrated the deep and abiding respect that all Americans must have for our ecosystem.

Thanks to the excellent work of our garden clubs, I am well aware of the therapeutic value of growing plants. Garden clubs have put this principle to use in their garden therapy projects. These projects give physically, mentally, or emotionally handicapped individuals an opportunity to get involved in garden-related activities, which often contributes to their rehabilitation. This is but one of the many examples of their special brand of activism.

Mr. President, as a very amateur gardener myself, and one who benefits from and enjoys the fruits of my wife's relative and considerable expertise, I am proud to be associated with the National Council of State Garden Clubs, and especially happy to have been of some assistance in introducing this resolution. I hope that my colleagues will recognize the work of these garden clubs and join with me in thanking the more than 500,000 members of garden clubs for their service and dedication. Truly, the National Council of State Garden Clubs is a group worthy of our recognition.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agree to.

The title was amended so as to read: "A joint resolution to authorize and request the President to issue a proclamation designating the calendar week of June 6 through June 12, 1982, as 'National Garden Week'."

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

SENATE JOINT RESOLUTION 157—AWARDING OF A SPECIAL GOLD MEDAL TO HER MAJESTY QUEEN BEATRIX

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. MOYNIHAN, for himself and other Senators, I send to the desk a Senate joint resolution and ask that it be stated.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 157) to provide for the awarding of a special gold medal to Her Majesty Queen Beatrix in recognition of the 1982 bicentennial anniversary of diplomatic and trade relations between the Netherlands and the United States.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its immediate consideration, and, without objection, the joint resolution will be considered to have been read the second time at length.

The cosponsors of the joint resolution are: Mr. MOYNIHAN (for himself and Mr. PRYOR, Mr. INOUYE, Mr. WILLIAMS, Mr. RIEGLE, Mr. D'AMATO, Mr. LEVIN, Mr. KENNEDY, Mr. RANDOLPH, Mr. QUAYLE, Mr. MITCHELL, Mr. MATSUNAGA, Mr. LUGAR, Mr. JACKSON, Mr. HUDDLESTON, Mr. EAGLETON, Mr. HEINZ, Mr. KASTEN, Mr. ARMSTRONG and Mr. GARN).

● Mr. MOYNIHAN. Mr. President, with a great deal of pleasure, I rise today to introduce a resolution authorizing the striking of a special gold medal in honor of the bicentennial or diplomatic relations between the United States and the Netherlands. The medal would be presented to Her Majesty Queen Beatrix on April 19, when she addresses a joint session of Congress.

Two hundred years ago John Adams, who had been appointed by Congress to be the first American Minister to the Netherlands, waited patiently for recognition in the courts of The Hague. Finally, on April 19, 1782, Adams' persistence was rewarded when the Sovereign of the Republic of the Seven United Netherlands, the States-General, voted in favor of establishing diplomatic relations with the United States. The following day, John Adams was received by the States-General and his credentials were accepted.

This concluded 2 years of often frustrating work by Adams as he sought formal international recognition for the young United States, and initiated what has become our longest unbroken friendship with any nation. America's relationship with the Netherlands over the last 200 years has been, and continues to be, characterized by exemplary friendship and unbounded trust and respect.

Yet the origins of this friendship lie not only in the events of 1782. The Dutch had been prominent among the earliest explorers and settlers of the New World.

Under Dutch commission, Henry Hudson sailed his ship, the *Half Moon*, into New York Harbor, in September of 1609 in search of the fabled Northwest Passage. That quest led him up the river that now nobly bears his name as far as modern day Albany. Finally abandoning the search for the Northwest Passage, he turned the *Half Moon* homeward to bring news of Holland's claim to the New World back to Amsterdam. Others soon arrived to exploit Hudson's discovery and the Hudson River proved to be a passage into the heart of the richest fur country south of the St. Lawrence.

The Dutch were quick to establish trading post settlements to buy furs from the Indians. Fort Orange, the precursor to modern Albany, was established in 1624 to replace an earlier flood-ravaged settlement. Two years later, Peter Minuit, Director-General of New Netherland, made the legendary purchase of Manhattan Island.

The colony of New Netherland was governed by a council and director-general chosen by the Dutch West India Co. The company suffered financial misfortunes after a costly venture in Brazil failed, and it soon lost interest in its North American proprietorship. So when an English fleet sailed into Fort Amsterdam Harbor in September 1664, the colony surrendered without resistance; the stamping of Peter Stuyvesant's wooden leg not withstanding.

James, Duke of York and Albany, became the new proprietor of the colony. His brother, King Charles II, gave him a grant covering the whole of the Dutch claim. Although flags changed on the flagstaffs of New Netherland, the preservation of Dutch land titles under English rule insured that the 7,000 inhabitants remained as the prosperous core of the now English colony.

Families such as the Ten Broecks, the Van Rensselaers, the Roosevelts, and the Van Burens, were all part of a great Dutch contribution to the richly diverse American cultural heritage. Place names such as Harlem, Brooklyn, the Bowery, Schenectady, Rensselear, and Catskill, today integral parts of New York life, are a small but obvious part of the legacy. Immortalized by the tales of Washington Irving, the

Dutch contribution to American life far outlasted the brief 17th century rule of the directors-general. I need only mention the names of two New Yorkers, Theodore Roosevelt, and Franklin Delano Roosevelt, as testimony to the significance of the Dutch contribution to America.

The American flag received its first foreign salute from the Netherlands soon after independence was declared in 1776. Following the successful conclusion of the War of Independence, John Adams, Minister Plenipotentiary to the United Provinces, negotiated the successful and mutually advantageous Treaty of Amity and Commerce in 1782.

Moreover, the Dutch were a source of sorely needed financial assistance during a time of great American need; $12 million in loans were granted in the early years. Thus the Dutch provided a strong boost not only to the morale and international prestige of the newly independent American Nation, but material assistance as well to the American Confederation.

In return for the recognition and aid that it extended, the United Provinces incurred the wrath of Great Britain, which subsequently declared war on Holland. The Dutch nevertheless remained true to their commitment, their principles and their new friends, even in the face of war. These same principles guided our Founding Fathers through the struggle for independence, and indeed were the same principles asserted by the Netherlands as it had won its own freedom from foreign domination 200 years earlier.

Today many Americans are wondering, with reason, where are our allies? May I suggest that history reveals that at least one has been always at our side—and that the one is the Netherlands. Together, we have been partners in friendship and commerce for 200 years. Built upon the foundation laid by the treaty negotiated by John Adams in 1782, commerce continues to be the mainstay of our relationship. The Netherlands is one of America's largest trading partners, accounting for a full 25 percent of overseas investment in the United States. Together, we are the single largest source of direct foreign investment in each other's economy.

That cooperation extends to our common defense of the principles indelibly stamped on the birthrights of our two countries. We are both, of course, founding partners in the North Atlantic Treaty Organization.

The importance the Netherlands place on our relationship will be dramatically emphasized by the state visit of Her Majesty Queen Beatrix on the occasion of the bicentennial, April 19 through 21. The Queen will address a joint session of the Congress on the 19th, 200 years to the day that United Netherlands States-General voted to recognize the United States. Her Majesty's visit will be the centerpiece of an extensive celebration being coordinated in the United States by the Netherlands-American Bicentennial Commission of the Netherlands-American Amity Trust.

It is my earnest hope that the Senate will act quickly to authorize the striking of this medal as a token of the esteem in which we hold Her Majesty and our friendship with the Dutch nation, and as an expression of our continuing appreciation for the not inconsequential role the Netherlands played in the securing of our independence 200 years ago. The gold original will be given to the Queen and bronze duplicates will be made available to the public. I urge the adoption of the resolution.●

The joint resolution (S.J. Res. 157) was ordered to be engrossed for a third reading and was read the third time.

Mr. BAKER. Mr. President, will the distinguished minority leader yield at this point?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 348, and I ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 348) to provide for the awarding of a special gold medal to Her Majesty Queen Beatrix in recognition of the 1982 bicentennial anniversary of diplomatic and trade relations between the Netherlands and the United States.

The ACTING PRESIDENT pro tempore. Without objection, the joint resolution will be considered as having been read twice by its title.

Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The ACTING PRESIDENT pro tempore. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The ACTING PRESIDENT pro tempore. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (H.J. Res. 348) was passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the companion Senate resolution introduced by the distinguished Senator from New York (Mr. MOYNIHAN) and others be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BAKER. Earlier, Mr. President, when we considered executive nominations, one nomination, calendar No. 650, was passed over because a Senator with a particular interest in that nomination was not then available to participate in the consideration of that matter.

The distinguished Senator from Iowa (Mr. GRASSLEY) is present at this time. I will inquire of the minority leader if he is agreeable to returning to executive session for the purpose of considering that nomination.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to executive session for the purpose of considering calendar No. 650, the nomination of Mary Louise Smith, of Iowa, to be a member of the Commission on Civil Rights.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nomination will be stated.

COMMISSION ON CIVIL RIGHTS

The assistant legislative clerk read the nomination of Mary Louise Smith, of Iowa, to be a member of the Commission on Civil Rights.

Mr. GRASSLEY. Mr. President, I want to thank my Senate leader for holding up this nomination to give me the opportunity to appear on the Senate floor in support of it. I know it is a noncontroversial nomination, with no opposition. I appreciate that. But I think because of my knowing Mary Louise Smith for the last 25 years, I would be remiss in my responsibilities to the people of Iowa if I did not appear at the time the nomination was before the Senate to support her.

I wanted to be here to praise the appointment. I wanted to be here to compliment the President for his nomination of this very qualified person to be a member of the Civil Rights Commission.

I know Mary Louise Smith not only as a party leader in my State and a leader of my party in the Nation as a whole, but also as a humanitarian; she is a civil rights advocate. She believes in fairness. She is eminently fair.

It is particularly important that we have a person with those qualities on the Civil Rights Commission.

I also know her to be a good administrator as well. Many of us Republicans know her because of the outstanding job she did as our national chair. She brought new dimensions to that position, not only because of the fact that she was a woman, but also because of her ideas and her expertise that she brought to the job.

She is a person who I know will bring great respect to the Civil Rights Commission. That Commission does not need a person of Mary Louise Smith's dimensions to bring respect to it because it is already a highly respected Government Commission. But she is going to bring greater respect to it and even greater influence to it.

So it is without any hesitation at all that I commend Mary Louise Smith to this body for consideration and do it not only because of my friendship with her but because of my great respect for her.

With all these thoughts in mind, I ask that the Senate confirm the nomination of Mary Louise Smith to the Civil Rights Commission.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is confirmed.

Mr. **BAKER.** Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. **GRASSLEY.** Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **BAKER.** Mr. President, I thank the Senator from Iowa for his remarks. I subscribe to every word he spoke. I, too, have great admiration for the nominee who has now been confirmed by the Senate.

Mr. President, I ask that the President be immediately notified that the Senate has given its consent to this nomination.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. **BAKER.** Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. **BAKER.** Mr. President, that completes the folder of routine matters that we needed to do. I have no further need for my time under the standing order, if any remains. I thank all Senators for giving the joint leadership this opportunity to transact its business early in the day, to dispose of important Legislative and Executive Calendar business.

Mr. President, we will resume consideration of the Williams matter with a quorum call to occur at 12:30 p.m. I hope we will have a quorum assembled quickly, or in any event no later than 1 o'clock. I will confer with the minority leader, with the Senator from Hawaii, and others, on how to reestablish an equal amount of time for debate in the course of the day.

I have announced previously that we will not be on the Williams resolution tomorrow.

I wish to announce now that, absent circumstances which I do not foresee, the Senate will not be in session tomorrow.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The **ACTING PRESIDENT** pro tempore. The Chair recognizes the Senator from West Virginia.

Mr. **ROBERT C. BYRD.** Mr. President, how much time do I have now under my control?

The **ACTING PRESIDENT** pro tempore. Forty-five minutes under special orders and 10 minutes from the time under leader control.

THE UNITED STATES SENATE

THE SENATE COMES OF AGE: 1829-1833

Mr. **ROBERT C. BYRD.** Mr. President, on yesterday I spoke for the 48th time on the United States Senate. The title of my speech yesterday was "The Senate Comes of Age: 1829-1833." I was unable to complete my statement on yesterday. I discussed at quite some length the Webster-Hayne debate, and I wish now to continue my statement with respect to that title—"The Senate Comes of Age: 1829-1833."

There were reports that after Hayne had made his first speech, the president had sent him a congratulatory note. Jackson was no doubt kindly disposed toward the argument Benton had begun by criticizing eastern capitalists. But this was before the senator from South Carolina had been led by Webster into open advocacy of the right of a State to sit in judgment upon an act of Congress. Since Webster's famous second reply, Old Hickory had kept his own counsel, to the great frustration of both sides and to Calhoun's particular exasperation.

Benton, Felix Grundy of Tennessee, and other administration senators not from the southern branch of the Democratic party believed that for the benefit of his pro-tariff constituents Webster had over-stressed the perils of the situation. On the Senate floor, Benton came to Hayne's defense. Though the president neither applauded nor criticized Benton, Southerners took his silence as boding well. They should not have been so naive. Instead, they should have listened more closely to the speech of Senator Edward Livingston of Louisiana a few days later for clues to the president's true feelings. Livingston was an intimate friend of the president and was destined soon to leave the Senate for the cabinet. In his speech, Livingston sought to return the debate to its original ground but also offered a brilliant defense of the Union against nullification. If the personal views of Jackson are to be found in the Senate speeches, they are in this speech by Livingston, not in those by Hayne.[25]

After waiting impatiently for more than a month for a sign from the White House, the South Carolinians decided on a scheme to force the issue. Here Calhoun and Hayne put their own heads into a trap. The occasion was to be the first Democratic party Jefferson Day Dinner on April 13, 1830. The place was Washington's Indian Queen Hotel, known by the luridly painted picture of Pocahontas swinging in front. Calhoun's men planned the evening and, by scheduling twenty-four toasts, all of which were in praise of nullification, hoped to associate that doctrine with Jefferson and, most importantly, the guest of honor, Andrew Jackson. They scheduled Jackson to offer the first voluntary toast after the twenty-four.

That night, light blazed from the Indian Queen's windows and was reflected through the sparkling decanters of whiskey. The air was filled with the scent of turkey, partridges, and pickled oysters—and heavy with suspense. At each plate lay the program listing the twenty-four speakers. Their meaning was clear. The Pennsylvania congressional delegation entered, took one look, and left.

At the White House, Jackson and Van Buren, his Secretary of State, considered what their course of action should be. The conspirators' intentions were clear. How to show by his toast that Jackson was familiar with their intent and to demonstrate his determination to preserve the Union at all hazards was the puzzle. They settled on a plan. "Thus armed," wrote Van Buren, "we repaired to the dinner with feelings on the part of the Chief akin to those which would have animated his breast if the scene of this preliminary skirmish in defense of the Union had been the field of battle instead of the festive board."[26]

Benton arrived to find the hall alive with excitement. Dinner was served. From the head and foot of the central table, Calhoun and Jackson eyed each other. As each course was served, the tension mounted. Hayne began the speeches with a flowery reiteration of his challenge to Webster. Then came the twenty-four toasts. Jackson sat im-passively, betraying nothing of his intentions. Finally, it was time for the volunteer toasts, and Jackson stiffly arose amid cheers. So many diners were on their feet that the diminutive Van Buren could not see and so climbed onto his chair.

Andrew Jackson looked straight into the eyes of John C. Calhoun and said, "Our Union: it must be preserved." Utter silence followed. "A proclamation of martial law in South Carolina and an order to arrest Calhoun where he sat," said Isaac Hill, "could not have come with more blinding, staggering force." Jackson raised his glass, a signal the toast was to be drunk standing. As a man, the room arose, Calhoun with the rest. Slowly, Calhoun's hands closed around the stem of his glass. Hill reported that "his glass trembled in his hand and a little of the amber fluid trickled down the side." Calhoun drank with the rest, while Jackson continued to stare at him. For a moment more, the white-haired president stood there, and then walked away to talk with Benton. Finally, all were reseated. The toastmaster called upon the vice president. Calhoun arose slowly. He lifted his glass. He picked up the challenge, surrendered nothing. Slowly but clearly he said, "The Union—next to our liberty most dear." Within five minutes, the room had cleared, men fleeing from the scene as from a battle.[27]

From then on, the already strained relations between the president and his vice president went from bad to worse. Calhoun sagged under the strain. A visitor to the Senate gallery found the South Carolinian "more wrinkled and careworn than I had expected from his reputed age. His voice is shrill and to my ear disagreeable . . . His manners have in them an uneasiness; a hurried, incoherent air." Calhoun, forty-eight years of age, was indeed uneasy. Once more Van Buren had scored over his rival in the contest to ride Old Hickory's popularity into the presidency.[28]

Calhoun sat uncomfortably in the vice president's chair in the Senate chamber, wishing for the end of the session and release. Before relief came, with the close of the first session of the Twenty-first Congress on May 31, however, the Senate and the president locked horns once again. Despite his strong stand for the supremacy of the Union, Jackson had given ample evidence that on other issues he would support the exercise of national authority only in limited areas. One of these limited areas was that of internal improvements.

The House and Senate were indulging in an orgy of so-called "pork barrel" legislation that provided federal aid to individual projects. The logrolling was fast and furious on Capitol Hill. Would Senator A support Senator B's bill for a highway in his district? The trading of votes and cooperation, either for the passage or defeat of bills would in time become a basic and complicated part of congressional procedure in the movement of legislation through committees and on the floors of both houses.

How reminiscent of the battle for Amtrak!

But in 1830, Jackson and his followers were disgusted by the raid on the federal treasury and the mileage such efforts gave to Henry Clay and his "American System."

Jackson told Van Buren to watch Congress and bring to the White House the first vulnerable bill to meet his eye. By the end of April, Van Buren told the president that he had found the victim—a measure to authorize the government to subscribe $150,000 worth of stock to build a sixty-six mile turnpike from Maysville to Lexington, Kentucky, Henry Clay's state. The bill had passed the House and would soon pass the Senate. Van Buren sat down to help Jackson write his first veto message, justifying the action by noting that the road lay entirely within one state. Despite a great deal of bluster, Clay's supporters in the Senate could not override the veto and they had to leave for home on a crestfallen note. Jackson vetoed twelve measures during his administration—three more than all his predecessors combined.[29]

As the session finally closed, Henry Clay fumed in the West, Calhoun angrily presided over the Senate, nursing his wounds, and Webster still basked in the glory of his recent speeches. It has been a busy five months for the senators and they gladly went off for a seven month rest.

Can you imagine that—seven months.

During the second session of the Twenty-first Congress, the national spotlight shifted away from the Senate, but, with the opening of the Twenty-second Congress on December 5, 1831, the full glare focused on the senators once again.

In October 1831, Henry Clay sat in the library of Ashland, his Kentucky estate, reading a letter from Daniel Webster which went as follows:

> You must be aware of the strong desire manifested in many parts of the country that you should come into the Senate. The wish is entertained here as earnestly as elsewhere. We are to have an interesting and arduous session. Everything is to be attacked. An array is preparing much more formidable than has ever yet assaulted what we think the leading and important public interests. Not only the tariff, but the Constitution itself, in its elemental and fundamental provisions, will be assailed with talent, vigor, and union. Everything is to be debated as if nothing had ever been settled. It would be an infinite gratification to me to have our aid, or rather, your lead. I know nothing so likely to be useful. Everything valuable in the government is to be fought for an we need your arm in the fight.[30]

Webster's message was clear. The Opposition was gearing up for a major battle with the obstinate president whose candidacy for reelection in 1832 was almost assured. To combat the Democrats, the Opposition needed a strong leader and it turned to Clay, whose own nomination for the presidency was also a foregone conclusion.

Clay responded to the call to carry the fight into the enemy's camp. In the face of a ferocious Jackson press attack, Clay was elected to the Senate by a small majority of the Kentucky legislature and set off for Washington in November. He arrived, said Mrs. Smith, "borne up by the undying spirit of ambition," looking "well and animated," to be received with "the most marked deference and respect."[31]

Henry Clay was the consummate politician. Few have been his equal. Few have ever approached his effect upon a partisan audience. Fluent, and at times capable of passages of inspired eloquence, a master of sarcasm and ridicule, his was the oratory that moves men to action. Webster and Calhoun spoke in abstractions—Clay spoke the language of the people. Webster and Calhoun inspired respect—Clay love. Calhoun once said of him:

> "I don't like Clay. He is a bad man, an impostor, a creature of wicked schemes. I won't speak to him, but, by God, I love him."[32]

This was the militant figure that strode down Pennsylvania Avenue to take his place at the head of the Senate opposition when the Twenty-second Congress convened on December 5, 1831, 151 years ago. Five days later, the National Republicans held their nominating convention in Baltimore and offered him the high office he long had sought.

As Clay surveyed his colleagues in the Senate, he must have rejoiced at his advantage. At his side was Webster, with all the prestige of his great name. Still presiding, though he knew his days as vice president were numbered, was John C. Calhoun, whose break with the president was now complete. There also was Hayne, obviously no friend of Webster's but, out to revenge the wounds inflicted on his mentor in the chair by the president, willing to join with the Opposition now. Also in Clay's camp were John Middleton Clayton of Delaware and Thomas Ewing of Ohio, the latter a robust partisan and able debater. And, while they were of the states' rights persuasion and hostile to the tariff and internal improvements, Clay could scarcely fail to catch the signals that the erudite Henry Tazewell and John Tyler of Virginia were sending out to make it known that they were ripe for Opposition.

Against him, Clay could count John Forsyth of Georgia and, of course, Benton. These two were aided by Senators Felix Grundy and Hugh Lawson White of Tennessee, Isaac Hill of New Hampshire, and Mahlon Dickerson of New Jersey.

Clay and his Opposition faced off against the Jackson men. The Kentuckian was a dominant figure in the debate that winter. An impatient listener, he was wont to sit at indifferent ease, reading, or eating sticks of striped peppermint candy, a procedure varied by occasional restless wanderings over to the snuffbox that stood on the center table. When he spoke, his telling arguments and effective gestures compelled the attention of his listeners.[33]

Skirmishing began almost at once. But Clay was looking for an issue on which to leap. A less provocative message than that with which Jackson opened the Twenty-second Congress, however, could hardly have been penned. For lack of a better scapegoat, the Opposition seized upon the nomination of Van Buren as Minister to England. At least on this issue, Clay knew that Calhoun's and Hayne's hatred of the "Red Fox of Kinderhook" (Van Buren) would keep them in the Opposition's folds.

Van Buren had resigned as Secretary of State in 1831, when Jackson's entire cabinet was overhauled. In June of that year, Jackson had named him to the London mission, too late for the Senate to act upon the appointment. By January 1832, his confirmation was at the mercy of his foes, and a pettier story of party politics is scarcely found in the Senate's history. None really doubted Van Buren's ability or questioned his integrity. The Calhoun faction acted out of spite. Clay, Webster, and Clayton acted out of partisan spleen. Calhoun's men took the tack that Van Buren had plotted the disruption in the cabinet and engineered the quarrel between the president and the vice president. Clay and Webster and their followers denounced him as a spoilsman and thundered against Van Buren's part, as Secretary of State, in the negotiations on the West India trade.

When the nomination reached the Senate, nothing was done for five weeks. The leaders of the Opposition were carefully preparing their speeches for publication and wide distribution because they did not have Xerox machines in those days. The venom behind the procrastination was finally revealed in a resolution, entrusted to an obscure member, Senator John Holmes of Maine, to recommit the nomination with instructions to investigate the disruption of the cabinet and whether Van Buren had "participated in any practices disreputable to the national character." This cavalier measure was withdrawn without action but then the grander orators began. One after another, with a poor simulation of sorrowful regret over the necessity of injuring an amiable man, a former senator at that, poured forth his protest against the nomination. Clay, Webster, Clayton, Ewing, Hayne and seven others recited their elaborately prepared harrangues under the approving eye of Calhoun in the chair.

Only four replies were made, the principal one by John Forsyth, the accomplished floor leader of the administration. Forsyth bitterly assailed the partisan crucifixtion and sarcastically commended the fine public spirit of the senators who voluntarily brought such distress upon themselves in the public good. Forsyth's barb hit home. Hayne later admitted that he had spoken and voted against his judgment at the behest of party alone. John Tyler noted that he finally voted for confirmation, "not that I liked the man overmuch," but because he could find no principle to justify his rejection and did not care to join "the notoriously factious opposition . . . who opposed everything favored by the Administration."[34]

We should not be surprised that so few Jackson men came to Van Buren's defense. Many of them rightly saw that in his defeat could come his victory. Benton, who did not participate in the Senate debate, was of this view. Benton believed that though "rejection was a bitter medicine, there was health at the bottom of the draught." Freshman New York Senator William Marcy, a firm friend of Van Buren, agreed: "There would have been some difficulty in enlisting the popular feelings for his (Van Burea's) favor, but the blow aimed at Van Buren, Old Hickory will receive, and the two are and will be identified."[35]

When the vote was finally taken for confirmation, it ended in a prearranged tie. In triumph, Vice President Calhoun cast the deciding vote for rejection, ending, he was sure, his rival's career. Within ear shot of Benton, Calhoun gloated "It will kill him, sir, kill him dead; he will never kick, sir, never kick." Benton knew differently. Said he, "You have broken a Minister, and elected a vice president." Marcy wrote happily to London to inform Van Buren, jokingly pretending to be transmitting evil news. Van Buren returned to the United States a political martyr. In May, the Democrats chose him as Jackson's vice presidential running mate.[36]

One might think that the presidential election would overshadow all other events in 1832. Instead, a new crisis, really a long-smoldering crisis, suddenly came to a head more quickly than anyone had expected. Ever since the tariff of 1828, the so-called "Tariff of Abominations," South Carolina, with Calhoun at the helm, aided by Hayne, had been nursing the doctrine of nullification.

To try to conciliate the South, Jackson had asked Congress to revise the harsh 1828 tariff. And, indeed, a new, milder tariff did pass Congress on July 14, 1832, with Southern support. Those who thought the threat had passed failed to reckon on the determination of South Carolina and John C. Calhoun. In August, Calhoun wrote a public letter to South Carolina Governor Hamilton defending nullification. The governor then called a state convention which met in Columbia in November and adopted an ordinance nullifying the tariff and prohibiting the collection of any duties within the state beginning February 1, 1833. The legislature passed laws to enforce the ordinance. President Jackson responded by alerting United States forces in South Carolina and by issuing his famous proclamation condemning nullification and asserting the supremacy of the federal government.

As Christmas 1832 approached, threats of war and secession were heard on every side. Charleston, South Carolina looked like a military depot. Realizing that Jackson already considered him a traitor, Calhoun allowed himself to be chosen by the South Carolina legislature to fill the Senate seat of Hayne, who willingly stepped aside and was elected governor. A few days later, Calhoun resigned the vice presidency. (By then it was clear that Jackson and Van Buren had won the November elections. The electoral vote would be 219 for Jackson, 49 for Clay.)

The same as Jimmy Carter received. Calhoun addressed a hurried note to Secretary of State Edward Livingston:

> Sir, having concluded to accept a seat in the United States Senate, I herewith resign the office of Vice-President of the United States.

To this extraordinary document, neither the Secretary nor the administration paid any attention. It was so completely ignored that Calhoun finally wrote Livingston to see if he had received it. Even the Senate disdained to recognize the withdrawal of its presiding officer. Business continued as usual as Calhoun prepared to leave South Carolina to carry his state's battle onto the floor of the Senate.[37]

Calhoun was literally taking his life into his hands when he left Charleston. There were rumors that Jackson had sworn to hang him. Loyal followers acompanied him as far as the Virginia line into Washington but even they began to drift off as the border was reached. Only a few curious spectators saw him enter his old boarding house. The mail that awaited him, full of drawings of skulls and coffins, did little to quite his nerves.

Crowds lined the streets the next morning, January 4, 1833, to watch him head off to the Senate. The Capitol was packed and curious friends and foes thronged the Senate gallery. Calhoun entered the chamber, deathly pale but calm. The chamber was just as he had left it—there was the familiar sound of scratching quill pens, knuckles rapping sand off the wet ink, the rustle of newspapers, tossed down as he passed. As the new senator from South Carolina sat down, several Southerners came to shake his hand, but many former friends, as they sometimes will hung back. Some deliberately avoided his gaze. And, my, what a gaze, the piercing black eyes of Calhoun. When he strode forward to be sworn in, his colleagues watched in wonder as the Great Nullifier solemnly swore to "uphold, defend, and protect the Constitution of the United States."

Calhoun held his peace in the Senate until Jackson's Force Bill, designed to enable the president to use the army and navy to enforce revenue laws, arrived in mid-January. He sprang to his feet. His words were exceedingly bitter. In youth, he told the Senate, he had "cherished a deep and enthusiastic admiration of this Union." He had looked "with rapture" on the federal system, but always knew that in the last resort the body that delegated the power could regain the power. And now, for merely daring to assert the state's constitutional rights, "We are threatened to have our throats cut, and those of our wives and children." He stopped suddenly and told his already startled colleagues, "No, I go too far. I did not intend to use language so strong." An amazed correspondent for the Baltimore *Patriot* noted, "Mr. Calhoun spoke under a degree of excitement never before witnessed in a parliamentary body. His whole frame was agitated."[38]

When another senator hastily assured Calhoun that the government would appeal to South Carolina's sense of justice and patriotism, Calhoun retorted, "I am sorry that South Carolina cannot appeal to the sense of justice of the General Government." When several senators called him to order, Calhoun again "begged pardon for the warmth with which he had expressed himself." But he could never take back his words. The stage was set for another memorable debate in the Senate and this time the principals would be, not Hayne, acting as a surrogate for the silent vice president, but the former vice president himself up against Daniel Webster.[39]

That Webster should represent the administration in this dramatic confrontation had a delicious irony for the swarthy New Englander. Almost simultaneously he was battling Jackson on the bank issue, about which I shall speak later. Webster and Jackson had not even been on speaking terms for more than a year, but astute senators were aware that Webster was being wooed to take up the administration's part on this issue. Senator Tyler of Virginia, a Calhoun supporter, wrote home in January that, "I dined at the Palace (White House) . . . a few days since and found Mr. W. there in all his glory."[40]

The great debate began in mid-February 1833. Calhoun had introduced three resolutions which stated that the United States existed by virtue of a constitutional compact through which each state retained its sovereignty and could judge for itself whether or not the laws of the United States should apply in its case. The resolutions also included a specific denial that the people of the United States were or had ever been "one union." He set the stage dramatically for his opening salvo to defend his resolutions and condemn the Force Bill. Pushing some chairs down to both ends of a long desk which stood in the front of the chamber, he enclosed himself in a sort of cage where he could pace up and down as he spoke. Close observers noted how rapidly he had aged in the past few months. His dark eyes were sunken; his short-clipped hair, brushed back from a broad forehead, was streaked with gray. To some, the gaunt figure looked "the arch traitor . . . like Satan in Paradise." To others, he was a great patriot with his back against the wall, battling fiercely in defense of violated liberties.

Calhoun's speech, which consumed two days, was uncharacteristically emotional and vindictive. He attacked the president and his friends. He attacked Webster and New England. He claimed that the Force Bill declared war against South Carolina: "It decrees a massacre of her citizens . . . It enables him (Jackson) to subject every man in the United States . . . to martial law . . . and under the penalty of court-martial to compel him to imbrue his hand in his brother's blood." All the while, Webster's head was bent over a paper on which he busily took notes.

At the end of the first day, in the midst of "the tempest and whirlwind of his (Calhoun's) oratory," a voice screamed from the gallery: "Mr. President, I am being squeezed to death!" The almost unbearable tension snapped and the Senate, except for Calhoun, rocked with laughter and adjourned until the next day when Calhoun took up his thread again for another hour before stopping.

As soon as Calhoun finished, Webster arose to speak. He had to pause for the cheering from the New Englanders in the gallery to subside. Standing in the wings were Jackson's intimates, ready to speed down the Hill to the White House with news of the confrontation. Webster's speech was essentially a replay of his part in the Hayne debate. It was late in the evening when he concluded his masterful argument on the proposition that "the Constitution is not a compact between sovereign States." Brushing aside personalities, scarcely referring to any speech made during the debate, he stuck to his subject and spoke earnestly, without passion.

Long before Webster finished, the lights had been lit in the chamber where the crowd remained densely packed. With his conclusion, the galleries rose and cheered. Outraged, Senator George Poindexter of Mississippi demanded an immediate adjournment. The victory was Webster's. The president was delighted. Jackson wrote to a friend that "Calhoun was in a state of dementation—his speech was a perfect failure; and Mr. Webster handled him like a child."

On February 24, the Force Bill came to a vote. With the beginning of the calling of the roll, Calhoun and all the enemies of the measure, with the single exception of John Tyler, arose and filed from the Senate chamber. A few moments earlier Clay had left the chamber on an unknown errand. The Force Bill passed 32 to 1—the nay was Tyler's.

Troops stood ready to march into South Carolina to wrest the federal revenues from their coffers, but all sides hoped that there was still time for an eleventh hour compromise. At the same time the Force Bill was moving through Congress, a compromise tariff bill was keeping pace with it. Administration supporters had introduced a measure for the immediate lowering of the tariff. Neither Henry Clay nor Calhoun wanted to see this bill pass for it would permit Jackson and Van Buren to take credit for settling—and winning—the issue. Instead Clay formulated his own compromise tariff bill and Calhoun reluctantly agreed to support it.

Clay introduced his modified tariff bill on February 13, 1833 declaring, "I have ambition, the ambition of being the humble instrument in the hands of Providence to reconcile a divided people." As the "humble instrument" sat down, Calhoun arose and stiffly announced his support. The galleries thundered with applause. By March 1, the measure had passed both Houses of Congress. The new tariff bill and the Force Bill were both signed into law by Jackson on March 2, the last day of the Twenty-second Congress.

The Nullification Crisis was finally over. South Carolina suspended the Nullification Ordinance after the new tariff passed. Both sides claimed victory. What lessons had the three giants of the Senate learned from the experience? Calhoun, sullen and bitter, now knew that no state standing by itself could successfully carry out the doctrine of Nullification. The South would have to unite if it was to stand at all. Webster was frustrated. He had supplied the brilliant arguments, but Jackson was getting most of the credit for routing the Nullifiers. And Clay had turned the crisis to his advantage, when, after staying out of it until the very end, he had negotiated a genuine compromise and bolstered his sagging political stock.[41]

Even while the burning issue of Nullification was before the Congress, the drama of another major dilemma continued to grow apace. This was the issue of the Second Bank of the United States. The question of the Bank is very complicated, and, at the end of the Twenty-second Congress, it still hung fire. But since it affected the Senate and the election of 1832, I intend to touch on it here briefly before I close.

The issue between the president and his opponents in Congress was the renewing of the Second Bank of the United States whose existing, twenty-year charter was due to expire in 1836. In his first message to Congress in December 1829, Jackson had revealed his basic antagonism to the Bank and suggested an investigation into its dealings. Along with his supporters in the House and Senate, most notably Thomas Hart Benton, Jackson viewed the Bank as a national monster, established unconstitutionally and run privately and in a dictatorial fashion by its president, the aristocratic Nicholas Biddle of Philadelphia. The Bank existed, claimed Benton and others, for the benefit of the privileged commercial interests of the Northeast to the detriment of the government and the agrarian interests of the South and West.

To many others, however, Clay and Webster among the leaders, the memory of the country's near-fiscal collapse during the War of 1812 after the demise of the First Bank had not faded. To them, the Bank was the source of the nation's stability, and, since this group still held a slim majority in both houses, Congress paid little attention to Jackson's call for an investigation. Jackson, however, meant business, and, in the next annual address to Congress in 1830, he recommended that the Second Bank of the United States be replaced with a new government bank that would be a branch of the Treasury.

Thomas Hart Benton took up the president's cause in the Senate. On February 2, 1831, he tried to introduce a resolution against recharter of the Bank. Despite a fiery speech that lasted several hours, Benton was denied permission even to present his resolution. His words were not wasted, however. Pro-Jackson presses circulated his speech widely and the anti-bank argument began to make an impact on the electorate. Meanwhile, Clay, fighting mad over the Maysville Road veto, returned to the Senate to lead the fight for the Bank and to give Benton a run for his money.[42]

Confident of a majority in the current Congress and wary of increased Jackson strength in the next, supporters of the Bank decided to apply at once—four years early—for a renewal of the charter. The move led to frantic scrambling in both the House and Senate. In the House, a freshman representative and pro-Jackson man from Georgia, Augustin Clayton, recited a list of fifteen charges against the Bank. They had been written down for him by Senator Benton on a small piece of paper that Clayton kept wrapped around his finger to refresh his memory as he spoke. Benton had his own problems in the Senate. Isaac Bassett tells us:

> While Mr. Benton was making some remarks on the United States Bank bill, an incident occurred in the Senate Chamber. A piece of iron, part of a horseshoe, was thrown from the gallery into the body of the Chamber, passing near the head of Senator Benton. The person who threw, hastily withdrew from the gallery but was followed and apprehended by Mr. Shackford, the Doorkeeper. After being detained a little while, he was released by order of the Vice President.

It sounds a good deal like the way things happen these days.

> He was found to be deranged.[43]

He must have been.

Even crib sheets could not save the anti-Bank forces. On June 11, 1832, the Senate voted 28 to 20 for recharter—on July 3, the House concurred, 107 to 86. For seven days, it looked as if the Clay forces had made a shrewd, early move. But on July 10, the House and Senate received Jackson's stinging veto of the Bank recharter.[44]

Clay and Benton faced off in the chamber that very hot July—no air conditioning in those days—to debate the president's veto. Benton rose to defend the president and, in the course of his harangue, charged that Clay's attack wanted courtesy and decorum. Clay took the remarks personally and retorted savagely, pointedly telling Benton that when "some senators" rose to speak, "the galleries are quickly emptied, with whatever else the Senate chamber may then be filled." The Kentuckian professed himself at a loss to determine which of the Missourian's opinions of Jackson one was to take for the correct one, and made caustic allusion to the fight between Jackson and the Benton brothers that had taken place years before. Certainly, Clay sneered, "I never complained of the President beating a brother of mine after he was prostrated and lying apparently lifeless." Benton flung back taunt for taunt. Aspersion brought aspersion until, somewhat belatedly, the chair called for order.

Finally, the question was put on the passage of the Bank bill. By a vote of 22 for and 19 against, the Senate failed to override the veto. It was Friday, July 13, 1832, and a black day for Henry Clay.[45]

Jackson viewed his overwhelming presidential election victory over Clay in the fall of 1832 as a mandate to proceed against the Bank. In September 1833, he announced that the government would begin removing its deposits from the Bank and placing them in selected state banks. Chastened but not undone, Biddle meanwhile began a campaign of restricting loans and tightening credit to create financial distress and arouse protests that would force the president to change his policy.

When the new Congress convened in December 1833, Webster, Clay, and Calhoun were at the forefront of the battle to save the Bank. Day after day, they held up important Senate business to read "distress memorials." In time, delegations of hard-pressed businessmen began to show up to lobby their senators and representatives. Webster and the other opponents of the administration welcomed them—Webster even once ushering a group of thirty men onto the floor of the Senate, placing them in various spots around the chamber while he read aloud their petition.

Thus, it was clear at the opening of the Twenty-third Congress that the Bank issue would not go away. Indeed, it would continue to escalate until it resulted in the first and only Senate censure of a president. The dramatic story of the censure of Andrew Jackson is so compelling that I would like to save it for my next historical statement on the Senate. The years we have just reviewed, 1828 through 1833, which included the Webster-Hayne debates, the rejection of Van Buren, the Nullification Crisis, and the opening salvos of the Bank war have been far busy enough.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the notes concerning these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOTES to "the Senate Comes of Age": 1829–1833

[1] Claude Bowers. *The Party Battles of the Jackson Period.* (Boston: Houghton Mifflin Company, 1922), p. 31.

[2] Alvin Josephy. *The Congress of the United States.* (New York: American Heritage Publishing Company, 1975), p. 175.

[3] Ibid.

[4] John Quincy Adams. *Memoirs.* Charles Francis Adams, ed. (Philadelphia: Lippincott and Company, 1874-1877), Vol. IX, p. 64.

[5] Bowers, p. 80; Oliver Perry Chitwood. *John Tyler.* (New York: D. Appleton-Century Company, 1939).

[6] Lyon Gardiner Tyler. *Letters and Times of the Tylers.* (Richmond: Whittet and Shepperson Company, 1884), Vol. I, p. 408.

[7] Bowers, pp. 80-87.

[8] Tyler, Vol. I, p. 408.

[9] *Register of Debates.* 21st Congress, 1st sess., pp. 3-7.

[10] Bowers, p. 95.

[11] *Register of Debates.* 21st Congress, 1st sess., pp. 31-35.

[12] Irving Bartlett. *Daniel Webster.* (New York: W. W. Norton and Company, 1978), p. 116; *Register of Debates.* 21st Congress, 1st sess., pp. 35-41.

[13] Bowers, p. 96; Margret Coit. *John C. Calhoun.* (Boston: Houghton Mifflin Company, 1950), p. 210.

[14] *Register of Debates.* 21st Congress, 1st sess., pp. 41-58.

[15] Bowers, p. 97; Coit, p. 210; Bartlett, p. 117.

[16] Margaret Bayard Smith. *The First Forty Years of Washington Society.* Gaillard Hunt, ed. (New York: Charles Scribner's Sons, 1906), pp. 309-310.

[17] Ibid.

[18] *The Letters of Arthur Machen,* Arthur Machen, Jr., ed. (Baltimore: Privately printed, 1917), pp. 53-54.

[19] Manuscript copy of the Diary of Isaac Bassett, section 59; available in the Office of the Senate Curator of Art and Antiquities.

[20] Machen, p. 54.

[21] *Register of Debates.* 21st Congress, 1st sess., pp. 59-93; Bartlett, 117-120.

[22] Marquis James. *The Life of Andrew Jackson.* (New York: The Bobbs' Merrill Company, 1938), Vol. II, p. 226.

[23] Bartlett, p. 120-121.

[24] Ibid.

[25] Bowers, p. 99; *Register of Debates,* pp. 247-272.

[26] Martin Van Buren. *The Autobiography of Martin Van Buren.* John Fitzpatrick, ed. (Washington, DC: American Historical Association, Annual Report of the Year 1919, 1920), p. 414.

[27] Ibid.; Coit, pp. 211-213; Thomas Hart Benton. *Thirty Years' View.* (New York: Appleton and Company, 1883), Vol. I, pp. 148-149.

[28] James, p. 236.

[29] Ibid., pp. 219-220.

[30] Glyndon Van Deusen. *The Life of Henry Clay.* (Boston: Little, Brown and Company, 1937), p. 245 (quoting from a letter from Webster to Clay, October 5, 1831); Bowers, p. 171.

[31] Bowers, p. 172.

[32] Ibid. pp. 174-175.

[33] Van Deusen, p. 247.

[34] Bowers, pp. 177-180; *Senate Journal,* January 25, 1832.

[35] Ivor Spencer. *The Victor and the Spoils.* (Providence, RI: Brown University Press, 1959), pp. 62-63.

[36] Ibid.; Benton, pp. 215-220.

[37] Coit, p. 240.

[38] Ibid., p. 246.

[39] Ibid.

[40] Bartlett, p. 136.

[41] *Register of Debates.* 22nd Congress, 2nd sess.; Debate on the Force Bill began on January 22, 1833, and continued intermittently until February 21, 1833, when it came to a vote, pp. 174-687; Debate on Calhoun's resolutions took up the day of February 26, 1833, pp. 750-783; Debates on the Nullification Crisis, referred to in the *Register* as The Revenue Collection Bill, consumed most of the second session of the 22nd Congress, appearing intermittently from pp. 235-688; In addition, Bowers, Coit, Bartlett, and James all contain useful chapters dealing with the Nullification Crisis.

[42] *Register of Debates.* 21st Congress, 2nd sess., pp. 46-78.

[43] Bassett, section 28.

[44] *Register of Debates.* 22nd Congress, 1st sess., p. 1074.

[45] Ibid., pp. 1222-1295.

Mr. ROBERT C. BYRD. Mr. President, I yield 3 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank the leader.

HOW CAN THE UNITED STATES SUPPORT CHARTER '77?

Mr. PROXMIRE. Mr. President, the Czechoslovak Charter '77 human rights group recently celebrated its fifth anniversary.

Established in January of 1977, 242 signatories called for increased dialog with the Government over human rights and for the country to adhere to international human rights conventions it has signed and ratified.

As reported in the February 7 issue of the New York Times, the authorities' treatment of the group is responsible for the decline in underground documents, statements and appeals "from a high of 400 in its first year to a trickle in 1981."

In October 1979, for example, the Government brought to trial six of the group's activists, including the playwright Vaclav Havel, and gave them long terms in prison. According to the Times.

> Charter '77 signatories can expect to lose their jobs, forcing them into casual work, and their children are normally barred from going to universities.

Last month, Charter '77 announced its condemnation of martial law in Poland, and its support for the day of solidarity with the Poles held in several countries on January 31.

Mr. President, how can we in the United States demonstrate our solidarity with the 1,200 signatories to Charter '77?

How can we effectively express our concern for human rights? When the United States condemns abuses of human rights, be they in Czechoslovakia, Poland, or Ethiopia, a common refrain by the Soviet Union is that if the United States were really serious about human rights, we would ratify the Genocide Treaty.

In 1948, the treaty was adopted by the United Nations General Assembly by a vote of 55 to 0. This unanimous vote was due in part to the active role of the United States. We also helped in drafting the text of the convention. The inability of the U.S. Senate to ratify the Genocide Treaty, and thus declare genocide an international crime puzzles me.

Mr. President, I must say I have had a number of Senators and staff and other people approach me and say they are puzzled, too. They cannot for the life of them understand why this body does not ratify the Genocide Convention.

So I respectfully urge that my distinguished colleagues in the Senate ask themselves why this treaty remains unratified in the world's greatest democracy.

Mr. President, I thank my good friend, the Democratic leader. I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, does the Senator from Missouri wish time?

Mr. DANFORTH. Three minutes.

Mr. ROBERT C. BYRD. I yield 3 minutes to the distinguished Senator from Missouri.

Mr. DANFORTH. Mr. President, I thank the minority leader.

NUCLEAR DESTRUCTION: A QUESTION THAT NEEDS DISCUSSION

Mr. DANFORTH. Mr. President, some months ago, a man I much respect told me of a terrible thought that was on his mind. He imagined that at his death he appeared before God in judgment, and God asked him, "What did you do to prevent the nuclear destruction of the world which brought you here?"

If that question is to be asked of those not in Government, how much more should it be asked of us who share responsibility for the future of America. Any honest answer to that question must confess the most colossal sin of omission since humankind has existed.

The last half of the 20th century will witness the increase in countries with nuclear capability from one to perhaps two or three dozen. One need only contemplate the number of hands through which nuclear buttons will pass during the next two decades to realize the great danger we are in.

In fact, the danger is so terrible that we try not to think about it. We would rather think about busing or abortion or school prayer or anything else than about the possibility of world destruction. And so we are content to be casual about matters of life and death. We do not pursue arms limitations talks with full speed. We are lax about the availability of nuclear materiel. We fail to develop an effective deterrent to nonsuperpower countries which might consider using the bomb.

Mr. President, I do not minimize the difficulty of putting the nuclear genie back in the bottle, but if we are content to give the problem a low priority, the chances of avoiding eventual disaster seem remote.

America's Government and America's people should make this question their top priority: What can we as a country do to lessen the chances of nuclear destruction?

Mr. PROXMIRE. Mr. President, will the Senator from Missouri yield?

Mr. DANFORTH. Yes, Mr. President, I yield.

Mr. PROXMIRE. I congratulate the Senator on the statement. I think it is a very important statement. Yesterday, the Senator from Vermont (Mr. LEAHY) similarly complained about our failure to address this overwhelming problem. I am so heartened to hear the Senator from Missouri speak out as he has this morning. It is something we simply cannot evade. There is no more important responsibility we have than to provide for the survival of mankind and that is what the Senator from Missouri is talking about.

Mr. DANFORTH. Mr. President, I very much appreciate the comments of the Senator from Wisconsin and also the generosity of the minority leader in yielding the time.

Mr. ROBERT C. BYRD. Mr. President, I understand that Mr. SPECTER has an order. I should like to accommodate him by yielding to him at this time for the purpose of his executing his order on his own time.

Mr. SPECTER. I thank the distinguished Senator from West Virginia for yielding to me at this time.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER (Mr. GRASSLEY). The Senator from Pennsylvania is recognized.

S. 2167—THE UNFAIR FOREIGN COMPETITION ACT OF 1982

Mr. SPECTER. Mr. President, I am today introducing a bill, S. 2167, which will grant American industries broader access to the courts to prevent economic injury in antidumping cases and countervailing duty suits. This legislation is necessary to provide more expeditious and effective relief to those companies and industries injured by foreign products being dumped or sold on the American market at less than their fair value.

As just one example, steel imports in 1981 were up 30 percent over 1980, with imports from the European Common Market increasing by 70 percent.

This legislation will provide for more practical and quick relief in instances involving violations of international trade laws, including the General Agreement on Tariffs and Trade (GATT). It will not impose any additional barriers to trade or initiate other protectionist measures. It will only insure that trade laws will be enforced with greater certainty, vigor and speed.

The Trade Agreement Act of 1979 provides a mechanism for the handling of dumping and countervailing duty complaints. However, a typical antidumping matter may take 13 to 17 months, requiring multiple decisions by two different administering agencies which must produce evidence: First, regarding prices in the seller's home market, second, prices in third country markets, and third, support allegations of injury to a U.S. industry. Under the prior law, in one instance involving the television industry, the investigation took 6 years.

In response to numerous complaints by the steel industry, the Carter administration initiated by administrative action a trigger price mechanism (TPM) for steel products only, which was originally intended to be more efficient than the antidumping procedures.

In addition, there is also an antisurge mechanism. For example, if imports rise over a certain percentage of domestic consumption, the U.S. industry is operating below a certain capacity and there appears to be a surge in imports, the Commerce Department will review the situation with an eye to initiating antidumping investigations.

The 1979 act, the TPM, and the antisurge mechanism have not been successful because they have not significantly shortened the time frame for antidumping investigations. The harm is done before the investigation is completed. Also, they have not been effective because all relief is prospective. In addition, there have been shortcomings in the operation of each of these antidumping mechanisms.

For example, in a study of the Treasury's administration of TPM prior to its suspension in 1980, the GAO determined that 40 percent of foreign steel imports were coming into the country below trigger price, with 6 percent significantly below trigger price. However, in only 1 percent of all imports were antidumping investigations being triggered by the Department of the Treasury. Also, since the TPM only triggered an antidumping investigation, all of the procedures set forth in the 1979 Trade Agreement Act still apply.

As a result of these shortcomings, the steel industry filed massive complaints in the spring of 1980, causing the Carter administration to suspend the TPM. It was subsequently reinstated immediately prior to the election. Last month the steel industry again initiated massive complaints and the Reagan administration suspended the TPM.

These dumping complaints were filed by most of the major steel companies, including United States Steel, Republic Steel, Bethlehem Steel, Jones & Laughlin, Babcock & Wilcox, Inland Steel, National Steel, and Cyclops Corp. These complaints alleged wholesale violations of antidumping and countervailing duty laws, including instances where products were being dumped at over 60 percent below the fair or foreign market value. These complaints also alleged that European steel companies had received $30 billion in government grants, loans, guarantees, and other forms of subsidies in the past 6 years and will receive another $30 billion in the next 4 years.

While considerable criticism has been made of the domestic steel industry, it has maintained a small profit over the past 6 years while foreign producers have run up $20 billion in red ink. Without government subsidies, it is clear that many of these foreign producers would not be able to dump steel on American markets.

This bill would grant industries immediate access to the courts so that allegations about the dumping of foreign products could be determined expeditiously. For example, just recently a Federal district court handled the extremely complex matter regarding Mobil Oil, United States Steel, and Marathon Oil in only a few weeks. This is in contrast to the up to 13 to 17 months which it requires to resolve many antidumping investigations.

This legislation would apply to all industries in the United States, not just the steel industry, who are affected by the importation or sale of articles at less than the fair market value. The legislation is needed to prevent U.S. unemployment and business decline.

Section 2 would place 15 U.S.C. 72 under the Nation's antitrust laws, thus providing plaintiffs with all of the remedies, rights of action, and so forth, provided for under those laws. Dumping is a predatory, anticompetitive act and plaintiffs in these cases would then have the ability to use the precedents, procedures, and immediate remedies of antitrust laws.

Section 3 substantially amends 15 U.S.C. 72.

Subsection (a) would extend the coverage of this legislation from importers and those who assist in the importation of goods in the United States to include those persons who sell products which are dumped on American markets. It utilizes terms contained in the Trade Act to reduce the vagueness in the current statute. The use of these terms is well established under the trade laws. The existing terms used in the statute, while having been previously construed in court tests, do not have as well-defined meanings.

In addition, this subsection would cover instances where products are not sold in the home country or in another foreign country. Using the constructive value approach eliminates this problem.

Instead of proving that the foreign manufacturer, importer, or government intends to destroy or injure an industry of the United States, subsection (a) would require that such actions result in and have the reasonably foreseeable effect of injuring the American industry or preventing the establishment or modernization of the industry in the United States. This would significantly reduce the standard of proof required in any court action.

Subsection (b) retains the criminal provisions in existing law and provides for imprisonment up to 1 year but increases the fine to as much as $1,000,000.

Subsection (c)(1) would allow any company that has been injured by reason of any violation of this section to file suit in the district court in which it resides, transacts business or has an agent. Under current law, there have been questions raised about who may file these suits and in what district court. This provision should eliminate many of these questions.

Subsection (c)(2) would set forth the relief which the court could grant in any suit. The court can issue a temporary or permanent injunction or a temporary restraining order prohibiting the further importation or sale of any articles.

Subsection (c)(3) retains for any prevailing plaintiff treble damages in the case of any injury sustained under this section, reasonable attorney fees and court costs, as well as any other equitable relief as may be appropriate.

Subsection (d) permits the burden of proof for actions brought under this section to shift to the defendants. The test is similar to that used in the Robinson-Patman Act. Under current law, the plaintiff always bears the burden of proof. Under subsection (d), the plaintiff can make a showing of violation which shall constitute a prima facie case. In addition, any preliminary or final determination by the ITC or the Department of Commerce that is affirmative in nature would be considered a prima facie case. A company may file suit, using the record established before the ITC or Department of Commerce, when any such preliminary or final determination has been made. The burden of rebutting the prima facie case is then placed on the person charged with the violation. For both the defendant and plaintiff, the standard of proof is a preponderance of the evidence. The court, absent rebuttal, is authorized to issue an appropriate order including any penalty or sanction provided for in subsection (c).

Subsection (e) would allow the court to determine at any point during the proceeding to prohibit further imports into the United States. This would encourage judges to act to bar further imports where an American company or complainant has presented a strong case.

Subsection (f) permits subpenas and other summonses to be sent into other districts where necessary and appropriate.

Subsection (g) permits the court to find against the defendant in those instances where the defendant fails to comply with a final discovery order or other order or decree of the court. The court could enjoin the importation of the articles questioned until such time the defendant complies with the order or decree.

Subsection (h) would allow the court to review in camera any confidential or privileged material in any case under this subsection.

Subsection (i) would require that any suit filed under subsection (d) be advanced on the court docket and expedited in every way possible.

Subsection (j) provides that the court rely on the definition in the Antidumping Act of 1921 and the Tariff Act of 1930 in construing the term "foreign market value." To the extent that any governmental or other subsidy is not included in the constructed or foreign market value, it is to be added on to such value.

Subsection (k) facilitates the serving of legal process on any person who sells products or has the product sold by another party in the United States. This should expedite the processing of actions under subsection (c).

Subsection (l) sets a statute of limitations of 4 years.

Section 4 states that it is the sense of Congress that this act is consistent with and in accord with the General Agreement on Tariffs and Trade (GATT).

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That this Act may be cited as the "Unfair Foreign Competition Act of 1982."

Sec. 2. Section 1 of the Clayton Act (15 U.S.C. 12) is amended by inserting after the words "nineteen hundred and thirteen;" the words "section 801 of the Act of September 8, 1916, entitled 'An Act to raise revenue, and for other purposes' (39 Stat. 798; 15 U.S.C. 72);".

Sec. 3. Section 801 of the Act of September 8, 1916, entitled "An Act to raise revenue, and for other purposes" (15 U.S.C. 72) is amended to read as follows:

"(a) It shall be unlawful for any person to import, assist in importing, or sell, or cause another to import, assist in importing, or sell within the United States any article manufactured in a foreign country at a purchase price less than the foreign market value (or, in the absence of any such value, the constructed value) prevailing at the time, if the reasonably foreseeable effect of such importation or sale of such article is—

"(1) material injury to industry or labor engaged in commerce in the United States; and,

"(2) the prevention, in whole or in part, of the establishment, modernization or expansion of Industry in the United States.

"(b) Any person who knowingly violates or combines or conspires with any other person to violate this section is guilty of a misdemeanor, and, upon conviction thereof, shall be liable to imprisonment for a term not to exceed one year, or a fine not to exceed $1,000,000, or both.

"(c)(1) Any person who has been injured in his business or property by reason of any violation of, or conspiracy to violate this section, may sue in the district court of the United States for the district in which the defendant resides, transacts business, is found or has an agent, without respect to the amount in controversy.

"(2) In the case of any suit filed under paragraph (1), the court shall have jurisdiction to decide such suit and may issue a temporary or permanent injunction or a temporary restraining order prohibiting the importation or sale of any articles which have been or will be imported or in violation of subsection (a) of this section.

"(3) Any plaintiff prevailing in a suit filed under paragraph (1) of this subsection shall, upon a finding of injury under subsection (a), recover threefold the damages sustained, any other equitable relief as may be appropriate, and the cost of the suit, including reasonable attorney fees.

"(d) The standard of proof is any action filed under subsection (c) is a preponderance of the evidence. Upon a prima facie showing that there has been a violation of subsection (a) or upon preliminary or final determination by the International Trade Commission or administering authority that is affirmative under sections 703, 705, 733, or 735 of the Tarriff Act of 1930 (19 U.S.C. 1671b, 1671d, 1673b and 1673d) and which shall be considered a prima facie case for purposes of this section, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown that such articles have not been imported or sold at less than foreign market value, the Court may issue an appropriate order including any penalty or sanction authorized by subsection (c).

"(e) If, during the course of any proceeding under this section, the court determines that there is reason to believe that there is a violation of this section, it may direct that the articles concerned be excluded from entry or sale in the United States, pending completion of the suit.

"(f) Whenever it shall appear to the court before which any proceeding under this Act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not, and subpoenas to that end may be served and enforced in any judicial district of the United States.

"(g) If a defendant, in any proceeding brought under subsection (c) of this section in any court of the United States, fails to comply with any discovery order, or other order or decree of such court, the court may enjoin the further importation into the United States, sale, or distribution in interstate commerce within the United States, by such defendant of articles which are the same as, or similar to, those articles which are alleged in such proceeding to have been sold or imported in violation of the provisions of subsection (a) of this section, until such time as the defendant complies with such order or decree, or may take any other action authorized by law, including entering judgment for the plaintiff.

"(h) The confidential or privileged status accorded to any documents, comments or information by law shall be preserved in any action under this section. Notwithstanding the preceding sentence, the court may examine, in camera, the confidential or privileged material, may accept depositions, documents or affidavits under seal, and may disclose such material under such terms and conditions as it may order.

"(i) Any suit filed under subsection (c) shall be advanced on the docket and expedited in every way possible.

"(j) For the purpose of construing the term 'foreign market value', the court shall apply the definition of such term contained in the Anti-dumping Act of 1921 (19 U.S.C. 160-173) and the Tariff Act of 1930 (19 U.S.C. 1671 et. seq.). To the extent that any governmental or other subsidy provided to a manufacturer or producer is not included in the foreign market value or constructed value, then the amount of such subsidy shall be added on to the foreign market value or constructed value.

"(k) The acceptance by any foreign manufacturer or exporter of any right or privilege conferred upon him to sell his products or have his products sold by another party in the United States shall be deemed equivalent to an appointment by the foreign manufacturer or exporter of the Commissioner of Customs to be the true and lawful attorney upon whom may be served all lawful process in any action or proceeding relating to the foreign manufacturer or exporter under this section.

"(l) The action brought under subsection (c) shall be barred unless commenced within four years after the cause of action occurred.

SEC. 4. It is the sense of the Congress that the provisions of this Act are consistent with and in accord with the General Agreement on Tariffs and Trade (GATT).

AGENT IDENTITIES BILL

Mr. SPECTER. Mr. President, during the debate on the agent identities bill, I did not have an opportunity to present my views during the time allotted. At this time, I should like to present the statement of my position in this matter, which I will amplify when the agent identities bill is before the Senate for further debate next week.

Mr. President, all Senators share a strong desire to protect the identities of U.S. intelligence agents because disclosures harm the intelligence agencies and can harm the agents themselves. All Senators want to enact a law that, consistent with constitutional protections of fairness in criminal justice and of freedom of the press, will effectively deter systematic disclosures and will surely punish the disclosures. Disagreement arises, however, over whether requiring proof of intent to impair U.S. intelligence activities or only reason to believe impairment will occur will better assure conviction of the guilty and protection of professional journalists from the chilling effect of possible prosecution.

Senator **CHAFEE**, who has long championed the cause of protecting agents' identities, has proposed an amendment to the Intelligence Identities Protection Act of 1981 (S. 391) to remove the requirement of intent which was inserted by the Judiciary Committee. As a member of the Judiciary Committee, I know that the insertion was made to protect the media. Senator **CHAFEE**, however, believes that the intent standard "substantially weakens the bill." His amendment, like the bill passed last fall by the House of Representatives, would substitute a lower standard of proof derived from the civil law of negligence—"reason to believe."

Its sponsors believe the amendment is necessary to successful prosecution of those "in the business of naming names" and do not believe the amendment would threaten the press. I disagree.

In my opinion, as a former prosecutor, the reason to believe standard is inappropriate, undesirable, and unnecessary. It may also be unconstitutional.

In our system of justice, criminal cases have traditionally required proof of criminal intent. That practice, which has been generally followed in this country for nearly 200 years, has proven to be both realistic and fair. The practice is workable even though we cannot get inside the accused's head to examine his intentions because of two well established legal doctrines. First, the accused is deemed to intend the "natural and probable consequences" of his actions. Second, his intent need not be proved by direct evidence, such as his statements, but may be inferred from his actions. Juries are instructed by the court that specific intent "may be determined from all the facts and circumstances surrounding the case." Even where the accused proclaims that his intent was innocent, juries often discount such statements and infer the requisite intent. On the basis of considerable personal experience in such cases, I know that the doctrine of inferred intent works and works well.

Requiring intent also furnishes an essential element of the fundamental fairness that characterizes our criminal proceedings. The requirement serves to protect innocent individuals from the hardship of unnecessary trial and the risk of unjust conviction. The lower standard of reason-to-believe, by contrast, imposes legal liability despite innocent intentions whenever the person should have foreseen that harm might result from his actions. In the context of agents' identities, this means that an individual motivated solely by a desire to stop illegal practices who discloses the identity of the offending agent to anyone outside of certain Government agencies could be sent to prison because he should have anticipated that his disclosure would make future recruitments or cooperation of agents more difficult. Indeed, such impairment might well follow from virtually any disclosure, even one for a most laudatory purpose.

Too broad a range of cases would be included by a standard that the actor would have reason to believe that identifying an intelligence agent would cause such impairment. As Senator **CHAFEE** himself observed in the debate last Thursday, "Any reasonable person would know that by naming names you are going to impair the foreign intelligence activities of the United States." If that is so, then the reason-to-believe standard is no standard at all for it is met automatically and without regard to the purpose or circumstances of the disclosure. Accordingly, the reason-to-believe standard is inappropriate in a felony statute.

If the criminal law should not punish a person with innocent intentions, then the amendment compounds the inherent unfairness because it would apply in a first amendment context. Passage of the Chafee amendment could subject a reporter or broadcaster, as well as the editors and all officers involved in reviewing the story, risk of criminal prosecution. No matter how innocent everyone's intentions, how necessary disclosure of the name was to the credibility or effectiveness of the story or how outrageous or illegal the conduct of the agent, criminal prosecution would be possible.

No doubt, the Justice Department would decline to prosecute such a case. But a violation certainly would have occurred.

Some Senators have argued that reporters in such circumstances are not covered by the bill because of another provision which requires proof that the disclosure was made "in the course of a pattern of activities intended to identify and expose agents." Senator **CHAFEE**, for example, said in the debate, "It is not one disclosure, it is a pattern of activities." The definition given to "a pattern of activities," however, is several actions with a "common purpose." Such a pattern would be found in the following hypothetical circumstance.

A reporter separately interviews six sources about an unidentified CIA agent allegedly involved, with agency approval, in drug trafficking overseas. In each interview, the reporter seeks clues to the person's identity. He succeeds in piecing together various facts and then writes a story naming only this one agent. Since the six interviews—a reporter's normal and lawful pursuit—all had the common purpose of gathering facts for a story about the agent, they form a pattern of activities and undeniably they were intended to identify and expose this agent. Thus, in fact, the amended bill would not require a series of disclosures over a period of time, but only one disclosure in one story that could result from activities as innocuous as news interviews.

The mere possibility of prosecution in such circumstances might have a very chilling effect on the press. After all, whether or not with good reason, members of the press may be reluctant to rely on the grace of the Justice Department not to prosecute them even though they would have violated the terms of the act. But the discomfort of the press is not where the potential harm ends. Chilled by the act, the press might become less vigorous, less confident and therefore less informative. The public would be the loser.

Precisely to prevent such chilling, the courts closely scrutinize the constitutionality of any such criminal statute. If S. 391 is amended, the courts might well strike it down as unconstitutional. In that event, my colleagues and I might find ourselves engaged in the same debate 5 years hence. We might again be considering S. 391 as reported by the Judiciary Committee because in that form the bill is not subject to serious constitutional challenge. It is the amendment that creates the constitutional infirmity.

A workable bill 5 years from now is too late; our intelligence agents need and deserve such a bill right now. In fact, all parties to the debate agree on the need for immediate action on a bill that will survive legal challenge, that will reach those whose evil deeds led to the bill being proposed, and that will result in successful prosecutions of those trying to impair U.S. intelligence activities. I would hope they would also agree that the bill must do so without impairing freedom of the press.

In view of the risks entailed in the Chafee amendment, what is the overriding need that justifies taking these risks? The administration, the Justice Department and the CIA have consistently indicated a strong preference for the reason to believe standard which they view as more effective. President Reagan recently wrote Senators, stating—

> . . . Attorney General Smith and I firmly believe that the (Chafee version) is far more likely to result in an effective law that could lead to successful prosecution.

In theory, they may be correct, but, with all due respect, I believe in practice the amendment is unlikely to improve the prospects for successful prosecution for these three reasons:

First. Indictments would be less likely because of increased "graymail";

Second. Trials would be longer and more complicated and confusing, putting the CIA, instead of the accused, on trial as to the adequacy of its efforts to protect intelligence indentities; and

Third. Appeals might involve greater delay and risk of reversal.

The amendment is entirely unnecessary since the bill, as reported, will reach all those it needs to reach. Only legitimate journalists would be beyond its reach, but the CIA has always been very clear about its total lack of interest in prosecuting reporters. It is concerned with those persons who publish items like the Covert Action Information Bulletin. In my judgment such persons can be successfully prosecuted under the intent standard since their intent is apparent from the face of their publications. I have met twice with Director Casey and know that he finds the committee version of the bill acceptable.

What if their successors try to mask their intention by proclaiming their purpose to be not impeding, but improving U.S. intelligence activities? In the debate, Senator CHAFEE stated that such protestations would create "a loophole big enough to drive a truck through." Juries, in my experience, are not so easily tricked. Rather, they are skeptical of what the accused says and looks to what he did in assessing intent.

Certainly, no actual case has been cited to which could not be brought or was lost because intent could not be established while reason to believe could. Moreover, I have been advised by former Justice Department officials that in most intelligence disclosure cases what prevents prosecution is not insufficient proof of intent but rather what has become known as graymail. Graymail occurs when the defense is able to compel sufficient revelation of intelligence secrets that the cost of the prosecution is viewed as exceeding the benefits. Consequently, most such investigations are terminated without a prosecution being initiated even though ample proof exists. Sometimes the defense is entitled by law to introduce the sensitive information at trial. More often, however, defense attorneys are merely entitled to receive the information as part of their pretrial preparation, known as discovery.

Unintentionally, the amendment would probably increase the scope of the pretrial discovery that the court would order. For instance, the defense could assert that in view of the apparent absence of harm to those agents whose identities were previously revealed, their client, rather than having reason to believe impairment would follow his disclosure, instead had reason to believe it would not. Thus, the defense would seek to discover all CIA documents on the 2,000 persons previously identified as intelligence agents in order to determine what effect, if any, the public revelation of identity had on their safety and productivity. In response, the CIA would deny the discovery requests even though the prosecution could not then proceed.

The so-called graymail statute enacted by Congress does not solve this problem for it did not—and could not—restrict the scope of discovery. That depends on the elements of the offense charged and the nature of the Government's proof. All the statute did was prevent surprise use of classified information at trial and expressly authorize the trial judge to admit into evidence documents from which sensitive information had been deleted and also to use summaries in place of the actual documents.

The bill as reported does not present any problem of discovery. Under the intent standard, CIA documents on the 2,000 agents previously identified would not be discoverable because the agents' fate is entirely relevant to the accused's intent. Even if the dangers of pretrial discovery could somehow be circumvented, the danger of undue disclosure of its secrets at trial would probably cause the CIA to demand that the Justice Department abruptly terminate the prosecution either through a plea bargain generous enough to entice the defendant or by outright dismissal of all charges.

Senators supporting the amendment have also suggested that the reason-to-believe standard would avoid resorting to highly intrusive investigative techniques such as wiretapping and inquiring at trial into the accused's political opinions. The prediction that the intent standard would require such intrusions again underestimate the sophistication of juries. Private telephone conversations of the publishers of Covert Action Information Bulletin are hardly necessary. Their public statements—even perusal of the publications themselves—leaves no doubt whatever about their intent. In any event, the intrusiveness of investigation under either standard will depend primarily on the judgment and policies of Justice Department officials.

If the bill, as reported by the Judiciary Committee, in fact makes for better prosecutions, then why do the CIA and the Justice Department strongly prefer the Chafee version? Perhaps the appeal of the Chafee version is that it appears tougher. But in reality, criminal statutes derive their effectiveness from their capacity to deter future misconduct. Generally, deterrence comes not from statutes which look stern, but ones that are enforced. Those misguided persons who seek to expose our intelligence agents are the least likely to be dissuaded merely by enactment of a new law. What would deter them would be seeing someone go to prison for naming names. In similar fashion, the morale of our agents would be raised not by enactment of a tough looking statute but by enforcement of a realistic statute.

Deterrence, furthermore, only continues as long as convictions are sustained on appeal. If amended, the statute not only might by invalidated but its application in particular cases might be reversed. A jury's finding on intent normally cannot be overturned by an appellate court unless the record of the trial is entirely devoid of any evidence on which the jury could have based its determination. Reason to believe, however, is a standard that permits the courts to second-guess the jury and reverse its finding if the appellate judges disagree.

Supporters of the amendment take comfort from the fact that the phrase "reason to believe" appears in a handful of criminal statutes, including the Espionage Act, that have been upheld by the courts. Three crucial distinctions have been overlooked in this regard. First, these statutes focused on surreptitious transfers of secret information, while S. 391 concerns public disclosures. Second, no appellate case has been found affirming a conviction based only on reason to believe. In most of the statutes the prosecution may prove either intent or reason to believe. Review of the cases suggests that the evidence proved intent. Third, the reason to believe standard is used very differently in these statutes than in S. 391. Typically, the defendant must have the normal criminal intent when he passes the secret information. Reason to believe comes in on the issue of what the receiver will do with the information. If the defendant has reason to believe the foreign power will use it against the United States, he is guilty. Thus, reason to believe has been used to describe the defendant's state of mind as to what third parties may do, not, as in this amendment, as to what he himself is doing.

In short, my review of the Intelligence Identities Protection Act has led to the firm conclusion that, as reported by the Judiciary Committee, it would provide: Better protection for agents' identities because it is more prosecutable; better protection of fundamental fairness because, like comparable felony statutes, it requires criminal intent; and better protection of freedom of the press because it removes the threat of possible prosecution.

ORDER OF PROCEDURE

Mr. **SPECTER**. Mr. President, I thank the distinguished Senator from West Virginia. I yield the floor.

The **PRESIDING OFFICER**. The Senator from West Virginia.

Mr. **ROBERT C. BYRD**. Mr. President, how much time does the distinguished Senator from Pennsylvania have remaining under his order?

The **PRESIDING OFFICER**. He has 8 minutes remaining.

Mr. **ROBERT C. BYRD**. I ask unanimous consent that I may have control of that time, also.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER**. Under the previous order, there will now be a period for the transaction of routine morning business.

ANTISEMITIC INCIDENTS UP FOR THE THIRD YEAR

Mr. **SASSER**. Mr. President, I would like to share with my colleagues an article which appeared in the Anti-Defamation League of B'nai B'rith's February bulletin.

One would have hoped that after the disturbances of the past few years in this country the voices of hate would have been stilled. This is obviously not the case. The report clearly shows that there are still those in our society who would deny to some of our citizens that basic right which is one of the foundations of our country—freedom of religious practice.

According to the League's report, the number of anti-Semitic incidents doubled between 1980 and 1981—from 377 to 974. The report also reviews the measures which have been taken by various States to punish those who would tamper with our liberties.

Last year, here in the Senate, I introduced legislation which would make it a Federal crime to damage any cemetery or a building used for religious purposes (S. 966). The League's report points up the need for legislation to enable the full resources of law enforcement to be brought to bear on those who would violate one of our citizens' most fundamental rights.

I ask my colleagues to join with myself, and Senators SIMPSON, SARBANES, BOSCHWITZ, and METZENBAUM who are cosponsors of this measure in working for its early passage.

Mr. President, I ask unanimous consent that the article from the Anti-Defamation League's bulletin be printed in the RECORD in full.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the ADL Bulletin, Feb. 1982]

ANTI-SEMITIC INCIDENTS UP FOR THE THIRD YEAR

The number of reported anti-Semitic incidents in 1981 was more than double 1980, according to the Anti-Defamation League's annual national audit. It was the third straight year that the episodes more than doubled.

In addition to the increase in anti-Semitic vandalism against Jewish institutions and private property, such as homes and stores, and against public property (swastikas or anti-Jewish epithets scrawled on buildings, for example), the audit also revealed a substantial increase in bodily assaults against Jews as Jews, and in mail or phone threats to Jews and Jewish institutions.

At the same time, there were signs that American society is reacting with growing determination against vandals motivated by bigotry and religious prejudice.

There were 974 episodes of anti-Semitic vandalism reported to ADL's 27 regional offices around the country. These took place in 31 states and the District of Columbia. In 1980, there were 377 reported in 28 states and the District of Columbia. In 1979, there were 120 episodes; in 1978, there were 49.

The number of assaults, mail and phone threats, and harassments of Jews and Jewish institutions reported in 1981 was 350, compared with 112 in 1980.

As in 1980, most reports of incidents of anti-Semitic vandalism in 1981 came from the states of New York (326), California (150), New Jersey (94) and Massachusetts (59)—roughly 65 percent of the total nationwide.

The Northeast, with roughly half of the reported incidents, was once again the geographic area with the greatest number of episodes.

The more serious offenses—arson, attempted arson, bombings and attempted bombings—numbered less than three percent of the total incidents reported in 1981. The other 97 percent consisted of swastika daubings, anti-Jewish graffiti, and similar types of vandalism.

Desecrations of Jewish cemeteries increased from five in 1980 to 15 in 1981.

As in 1980, the overwhelming majority of those arrested in connection with the 1981 episodes of overt anti-Semitic vandalism, assaults, threats and harassments were 20 years of age or under.

During 1981, ADL received reports that 73 individuals had been arrested in connection with 39 episodes of anti-Semitic vandalism and that 62—85 percent—were 20 or under. The remaining 11 were adults, of whom six were arrested in connection with a single episode in Nashville, TN. This involved an abortive plot, allegedly hatched by persons having Ku Klux Klan or neo-Nazi affiliations, to bomb a synagogue. In only one other episode was there evidence of activity by organized hate groups—an episode in Indiana in which one of two men arrested was affiliated with a Klan group.

POLICE, LAWMAKERS REACT

There are signs that American society is reacting to the proliferation of bias crimes. There is evidence of stepped-up activity by law enforcement authorities to combat offenses motivated by religious, racial and ethnic prejudice. This has been seen in the tristate area of New York, New Jersey and Connecticut, scene of 44 percent of the anti-Semitic incidents of vandalism reported in 1981, and in other states which have embarked on closer monitoring.

In the last year, moreover, there have been indications of greater concern for the victims and targets of these crimes. In New York City, borough police commanders are now mandated to make personal visits to all victims and targets of offenses that are motivated by bigotry.

During 1981, ADL sponsored security conferences in communities from coast to coast, designed to bring officials of Jewish institutions together with law enforcement experts to discuss and plan proper security procedures.

Eight states enacted statutes last year aimed at dealing with the problem of religiously-motivated vandalism. These states—where almost two-thirds of the reported anti-Semitic episodes occurred—were: Arizona, California, Maryland, New Jersey, New York, Oregon, Rhode Island and Washington.

Generally, the statutes can be divided into two categories. In the first group are laws providing increased criminal penalties for those found guilty of vandalizing cemeteries and houses of worship.

HOW YOUR STATE RANKED

State	Anti-Semitic vandalism		Harassments, threats, and assaults—1981
	1981	1980	
1—New York	326	120	108
2—California	150	27	17
3—New Jersey	94	69	16
4—Massachusetts	59	34	14
5—Maryland	51	1	8
6—Pennsylvania	50	1	9
7—Michigan	29	21	23
8—Illinois	28	12	9
9—Minnesota	26	10	48
10—Virginia	25	8	7
11—Florida	24	2	8
12—Rhode Island	15	12	9
13—Georgia	14	1	14
14—Connecticut	12	8	6
15—Missouri	11	8	3
16—Indiana	10	0	1
17—North Carolina	9	9	8
18—Nebraska	7	2	2

HOW YOUR STATE RANKED—Continued

State	Anti-Semitic vandalism		Harassments, threats, and assaults—1981
	1981	1980	
19—Arizona	5	6	16
20—Ohio	5	2	5
21—Colorado	4	4	6
22—Washington	4	2	5
23—Nevada	3	1	0
24—Texas	3	1	2
25—Wisconsin	3	4	2
26—Alabama	2	1	0
27—South Carolina	2	0	1
28—Louisiana	1	0	0
29—Oklahoma	1	0	0
30—Tennessee	1	3	0
31—Iowa	0	0	1
32—D.C.	0	1	2
Totals	974	377	350

The other group of new laws requires a showing of specific criminal intent to harass, intimidate or terrorize an individual on the basis of the individual's race, religion or national origin before a conviction can be obtained. These will likely be harder to enforce and may result in fewer convictions.

Other aspects of the new statutes provide for: the creation of a state commission to study religious, racial and ethnic harassment (Rhode Island); the collection and analysis of data relating to incidents directed against racial, religious or ethnic groups (Maryland); civil remedies for victims of certain forms of religious vandalism (New York, Oregon and Washington), and increased penalties for cross burning (Maryland).

ADL has developed a model religious vandalism law to provide those states that do not have such legislation with a single, comprehensive, constitutionally sound approach to this problem.

The model statute's first and second sections create penalties for vandalism against houses of worship, cemeteries, schools and community centers, and also for committing certain crimes "by reason of the race, color, religion or national origin of another person." In both cases, the statute leaves the severity of the penalties up to individual state legislatures, and assumes that when two or more persons agree to engage in these types of crimes, it would constitute criminal conduct under the state's general conspiracy law.

The third section of the ADL bill gives victims of the crimes described in the first two sections the right to sue for damages and attorney fees and makes parents liable for their children's actions. These forms of relief have a significant deterrent value and provide incentive for victims to bring civil suits.

CAUSE OF ANGUISH

While the 1981 audit records 974 incidents in a nation of 220 million people, the real significance of the phenomenon cannot be reduced to a ratio. Each episode of anti-Semitic vandalism, each assault, threat or harassment against an individual or an institution, causes serious anguish in the entire Jewish community and is a crime against the community.

Why does it happen? Professor Melvin Tumin, the Princeton University sociologist who was chairman of an ADL-sponsored task force of educators, law enforcement officials, social scientists and psychiatrists that met in New York shortly after ADL's 1980 audit was released, made this observation: the anti-Semitic nature of teenage vandalism can be attributed to "the transmission belts coming from families and other institutions where resentment of Jews is expressed." The increase may be just the "tip of an iceberg" and the overt expression of "a pervasive and deep-rooted anti-Semitism which has lain dormant" for years.

Many dangers to Jewish security, perhaps springing from these deep roots, are perceived in the current American milieu. A disturbingly high percentage of Americans all too readily accept anti-Semitic stereotypes about alleged Jewish control of the media or banking institutions, for example. There has been an injection of anti-Semitism into debates on U.S. foreign policy. A worldwide campaign of anti-Semitic propaganda has been conducted by the Soviet Union, various Arab regimes, and some Third World countries, exemplified in a number of United Nations resolutions, including that equating Zionism and racism. And a continuing peril confronts the State of Israel with whose destiny the fate of Jews everywhere is closely linked.

Episodes of anti-Semitic vandalism or harassment against Jews are not, in short, the only measure of anti-Semitism in our society. But they are an indication of a disturbing quotient of anti-Jewish hostility just beneath the surface of American life.

Society is beginning to respond to those manifestations of anti-Semitism which take the form of vandalism, assaults and harassment. Stricter laws are being enacted and law enforcement stepped up. Greater concern for the targets and victims of bias crimes is being shown. All are essential first steps.

In the long run, however, the deeper answers and the more relevant responses lie in the home, in the school, and in the church. Much more can be done in these crucial institutions of American life to educate youth about the evils of anti-Semitism and other forms of religious, racial and ethnic prejudice.

TENNESSEE AND THE NEW FEDERALISM

Mr. SASSER. Mr. President, the New Federalism proposal of the Reagan administration has engendered a great deal of interest in Tennessee and the Nation. I think that there is considerable support for the concept and the principles of the Federalism proposals put forward by the administration, but there is considerable concern about the fiscal impact of these same proposals.

And it is clear to me that we cannot have a New Federalism that works a hardship on State and local taxpayers. We cannot have a New Federalism that simply shifts the fiscal problems we are having at the Federal level to State and local governments and tell them to handle these problems with no concern for the budgetary problems that may result.

Mr. President, recently State Representative John T. Bragg, the distinguished chairman of the Tennessee House Finance, Ways and Means Committee wrote an article for Tennessean on February 28 which detailed the fiscal impact of the administration's New Federalism proposals on Tennessee. The article is a sobering one and should be considered by my colleagues as we endeavor to put together a New Federalism proposal that will responsibly and constructively sort out the duties and financial responsibilities of Federal, State, and local government.

Mr. President, I ask unanimous consent that the article by Representative Bragg be printed in the RECORD.

There being no objection, the article ordered to be printed in the RECORD, as follows:

REAGAN PASSES THE BUCK WITHOUT PASSING BUCKS

(By John Bragg)

President Ronald Reagan has proposed significant changes in American Federalism which will have serious adverse impact on the people of Tennessee. The announced swap-turnback program could cost Tennesseans an accumulated $2.5 billion loss by 1991.

He proposes to take over the cost of the Medicaid program and give us the cost of Aid to Families with Dependent Children and food stamps. In addition, in 1984, Tennessee will be given about 45 programs covered by 122 federal grants in 1981.

As this program has been proclaimed, a new "federalism trust fund" will be created that "contemplates no net financial gain or loss to the states." This is not likely. Gov. Richard Snelling, R-Vermont, and U.S. Sen. David Durenburger, R-Minn., have said so and asked the President to include a program of long-range revenue adjustment to equalize the obvious fiscal disparities among the states.

The end result of Reagan's program endorsed by Gov. Lamar Alexander originally, is likely to force Tennessee to pass an income tax sometime between 1987 and 1991. Now both the governors and the National Conference of State Legislatures are asking for changes in the proposals.

The numbers of Fiscal Year 1982 are murky; the calculus for Fiscal Year 1983 is even murkier. The Reagan budget calls for a decrease of over $10 billion in federal aid to state and local governments, not including food stamps and off-budget items such as student loans and farmer loans. This entire issue has been presented in a most ambiguous manner. We need a straight-forward answer to the question "How will we be affected?"

The 1983 Reagan budget proposal calls for $9.8 billion less in federal outlays to states than they are counting on this year. This represents a sizable cut for every state.

There are many different estimates of the impact on Tennessee, but based on its historic share of federal aid, Tennessee will lose around $180 million in fiscal year 1983. This loss will be approximately $130 million for state government and $50 million for local governments. Tennessee will have been a big loser of federal revenue for two successive years before the swap/turnback and the federalism trust fund even begin to operate.

It is against the preceding backdrop that the Reagan initiative for swap and turnback must be evaluated.

In Washington last Sunday, Budget Director David Stockman told me there would be no losers or no winners, but the numbers are dangerous to the states. It is going to take a lot of doing for all to come even.

The swap would involve the absorption by the federal government of the Medicaid expenditures while giving Tennessee the cost of AFDC and food stamps.

Consider the following, based on Alexander's 1982-83 budget estimates:

Food Stamps: $329.7 million—federal funds.

AFDC: $59.2 million—federal funds.

Medicaid: ($158.4) million—state funds.

Swap Loss: $230.5 million.

Tennessee would be short-changed $230.5 million if the "big swap" were in 1982-83. Tennessee is one of the states in this country that finances only about 30 percent of its Medicaid program. Therefore, the federal government's assuming full responsibility of Medicaid would free up relatively fewer state dollars in Tennessee. States funding 50 percent of their Medicaid program will have more state dollars available for other things.

Now let's look at some of the major categories of the 45 program areas involving the 122 categorical grants the President has talked about "turning back" to the states by 1984.

Federal funds in Tennessee 1982-83 budget

Suggested program turnbacks:	*(Millions)*
Education and training	$108
Low income assistance	24.3
Health and social services (excluding swap items)	217.6
Transportation	202.6
Community development	26.6
OSHA	1.6
Total	580.7

The funding of these "turnbacks" plus others that will more directly affect local governments are supposed to come from a trust fund of $28 billion from 1984 to 1987. The cost of these programs this year is $40 billion. This means the programs must be cut $12 billion by 1984. In 1987, the trust fund and the excise taxes supporting them are to be phased out by 1991 at the rate of 25 percent reduction per year. The states could then levy those abandoned federal taxes or abandon the programs.

A recent White House release showed a state-by-state breakdown on the swap, turnback and trust fund allocations. This breakdown indicated that Tennessee would have to pick up $401 million in AFDC and food stamps and $567 million in turnback programs for a total of $969 million (sic). Tennessee was estimated to save $267 million in Medicaid costs and to receive $702 million from the trust fund—an even trade for fiscal year 1984. The problem with this analysis is that the Medicaid savings are overstated by $95 million. We estimate Tennessee's share of the 1984 Medicaid program at $172 million which allows for an 8.6 percent growth over 1983. In Governor Alexander's 1983 budget he estimates Medicaid's growth at 7 percent. To reach $267 million in 1984, Medicaid would have to grow 68.6 percent over 1983.

A recent analysis provided Tennessee by the National Governor's Association and the National Conference of State Legislatures reveals an annual $222 million shortfall for the swap/turnback combined. The President's proposed funding for 1984-87 (the swap/turnback period) provides for neither growth nor inflation.

The $28 billion trust fund is proposed to be funded as follows:

	Percent
Oil Windfall Tax	59.6
Gasoline Tax	7.9
Tobacco Tax	9.6
Alcohol Tax	21.8
Telephone Tax	1.1
Total	100.0

It is interesting to note that Reagan's 1983 budget proposal projects these funding sources to generate more than $41 billion. Reagan chose to establish a trust fund at $13 billion less. Obviously, services will be cut in 1983 before he turns back the programs in 1984. It appears Reagan would rather focus on his 1984 swap/turnback proposal than his 1983 budget proposal.

An implicit assumption of the proposed trust fund allocation is that there will be no growth at all in any of the programs turned back to the state. This means that even if Tennessee is successful in eliminating all growth in these programs, the real funding level will decline each year by the rate of inflation. Assuming an average rate of 5 percent each year, 1984-1987, the purchasing power of $702 million would be reduced to around $600 million. Stated differently, the allocation would have to grow to around $810 million to keep up with 5 percent annual inflation. Thus, to keep the service of these programs at the fiscal year 1984 level will cost Tennessee an additional $100 million.

The second phase of the federalism trust fund runs from fiscal year 1988 through 1991. The fund will be reduced by 25 percent each year of $7 billion as the federal government phases out excise taxes on alcohol, tobacco, and gasoline and the oil windfall profits by 1991. During this period, the states have the option of taxing these sources or other sources of revenue to continue the services offered or of cutting the programs accordingly.

Based on Tennessee's 1984 "share" of the trust fund, we would lose $175.5 million in fiscal year 1988, $351.0 million in fiscal year 1989, $526.5 million in 1990, and $702 million in 1991. This assumes no growth in the programs turned back.

If Tennessee does not increase taxes and the federal government follows the Reagan "turnback scenario," all of these programs would have to be phased out in Tennessee. The types of programs that we are talking about relate to funds for roads, airports, local mass transit, water/sewer treatment, vocational rehabilitation, training, education, health and social services, and local government revenue sharing.

When we analyze these sources, it is apparent that on a one-to-one basis, Tennessee could substitute a state tax for the federal tax on gasoline, tobacco and alcohol. However, the state tax on these items is already high. For example, Tennessee ranks 45th among the states in beer consumption—but ranks 4th among the states in beer tax dollars collected. Also, suppliers will surely resist adding state taxes to replace federal taxes. (Anytime a Tennessee excise tax is out of line with bordering states there is bootlegging in that commodity.)

The principal source of revenue for the trust fund is the oil windfall profits tax. This is estimated to produce $16.7 billion of the $28 billion or nearly 60 percent. Since Tennessee is not a major oil-producing state, this source of revenue is not available to replace the reduced federal revenue. In order to maintain these programs at nominal 1987 levels, and assuming the adoption of state excise taxes to replace federal taxes, the following amounts would have to be raised in Tennessee from other sources:

	Millions
1988	$104.7
1989	209.4
1990	314.1
1991	418.8

Where? The overburdened, regressive sales tax, a state property tax, a payroll tax or an income tax? There may be a choice of taxes, but it is certain there will have to be new taxes because of Reagan's swap/turnbacks. It may become a big "flop back."

The Reagan analysts make much of the fact that regional income differentials have been narrowing. For Tennessee, the reality is that our per capita income in 1981 was 80.6 percent of the national average and we ranked around 42nd among the states. The highest we have been in 150 years is about 82 percent of the national average and it doesn't look like we're going to get much closer.

Proposals for recruiting new industry for Tennessee are good as far they go, but they won't go very far if we don't have adequate water, sewer, roads, training, education and a healthy economy. In December 1981, 87 of Tennessee's 95 counties had an unemployment rate above the national average. A number of our counties' unemployment rates exceeded the Great Depression level. Tennessee needs federal equalizing support, but it looks like we're not going to get it.

The bottom line for Tennessee is that Reagan is passing the buck, but Tennessee will have to come up with the bucks. In essence, the burden of the federal deficit and increased defense spending is being shifted disproportionately to Tennessee while human needs are being neglected.

This will come to pass unless state and local officials can change the direction of "new" federalism and make Director Stockman's pledge come true.

The PRESIDING OFFICER. Who seeks recognition?

Mr. STEVENS. Mr. President, are we still in morning business?

The PRESIDING OFFICER. We are.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, is there further morning business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

SENATOR HARRISON A. WILLIAMS, JR.

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate, Senate Resolution 204, the resolution reported by the Ethics Committee in respect to Senator HARRISON A. WILLIAMS, JR., of New Jersey.

The **PRESIDING OFFICER** (Mr. Hatch). The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 204) expelling Senator Harrison A. Williams, Jr., of New Jersey, from the Senate.

The Senate continued with the consideration of the resolution.

QUORUM CALL

Mr. **STEVENS**. It is our intention that this turn into a live quorum. I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 18 Leg.]

Baker
Bradley
Burdick
Byrd,
  Harry F., Jr.
East
Goldwater
Grassley
Hart
Hatch
Heinz
Inouye
Jackson
Kennedy
McClure
Pryor
Specter
Stevens
Warner

The **PRESIDING OFFICER** (Mr. Hatch). A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll, and the following Senators answered to their names:

Andrews
Armstrong
Baucus
Bentsen
Biden
Bumpers
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
Denton
Dixon
Dole
Domenici
Eagleton
Exon
Garn
Gorton
Hayakawa
Heflin
Helms
Hollings
Huddleston
Jackson
Johnston
Kassebaum
Kasten
Leahy
Levin
Lugar
Mathias
Mattingly
Melcher
Metzenbaum
Moynihan
Murkowski
Nickles
Packwood
Pell
Percy
Pressler
Proxmire
Quayle
Randolph
Riegle
Roth
Rudman
Sasser
Schmitt
Stafford
Stennis
Symms
Tower
Wallop
Weicker
Williams
Zorinsky

The **PRESIDING OFFICER**. A quorum is present.

Mr. **BAKER**. Mr. President, would the distinguished manager of the resolution yield me 2 minutes?

Mr. **WALLOP**. Mr. President, I do yield to the majority leader 2 minutes or so much time as he requires.

Mr. **BAKER**. Mr. President, I am advised that, yesterday, the proponents of the resolution consumed 219 minutes, the opponents 111 minutes. In view of the arrangement yesterday that the time for debate will be equally divided on each day and since, obviously, we did not meet that yesterday, I indicated to the Senator from Hawaii that we would be glad to try to reclaim all or part of that disparity of the time for debate during the session today. I shall leave that up to the managers of the resolution and the Senator from Hawaii to decide how they do it, but I make this suggestion: Since we shall have 5 hours for debate today, approximately, I suggest that we have a rough allocation of time of 3 hours to the opponents and 2 hours to the proponents. If there is a requirement for more than that, we shall change that and make it 4 hours to 1 hour, which will clearly cover the problem of equality of time.

Mr. **INOUYE**. Mr. President, the Senator from Hawaii finds that satisfactory.

Mr. **WALLOP**. Mr. President, the Senator from Wyoming does, also.

Mr. **BAKER**. Mr. President, I shall leave it to the managers to decide how to allocate that today, but I urge that we either have equity today or try otherwise to recover the balance of time between sides.

Mr. **WALLOP**. The Senator from Wyoming certainly agrees. I also state for the record that the Senator from Hawaii was most gracious yesterday in permitting us to continue and lay out the case.

Mr. President, if I may have the majority leader's attention for a moment, we had, as was plainly obvious, on the floor yesterday nearly full attendance from all Senators. I know it is still close to the lunch hour, but I am reluctant to begin this because I know that Senator Williams wants to make his statement. I think in fairness to him, as we have from the beginning, we perhaps ought to get a rollcall and, if necessary, institute a motion that the Sergeant at Arms compel the attendance of absent Senators.

Mr. **BAKER**. Mr. President, it would require a quorum call to require the attendance of absent Senators. But I think, if I may inquire of the Parliamentarian, I can move that the Sergeant at Arms request the attendance of Senators without a quorum call. Am I correct?

The **PRESIDING OFFICER**. In the absence of a quorum, he may do so.

Mr. **BAKER**. Only in the absence of a quorum.

The **PRESIDING OFFICER**. The Senator is correct.

QUORUM CALL

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 19 Leg.]

Armstrong
Baker
Boren
Bradley
Burdick
Byrd,
  Harry F., Jr.
Cannon
Chafee
Cohen
Cranston
Danforth
DeConcini
Denton
Dixon
Domenici
Gorton
Hatch
Hatfield
Hayakawa
Heflin
Helms
Humphrey
Inouye
Jackson
Johnston
Kasten
Kennedy
Mathias
Mattingly
Melcher
Moynihan
Packwood
Proxmire
Randolph
Roth
Rudman
Schmitt
Stafford
Stennis
Tsongas
Wallop
Warner
Weicker

The **VICE PRESIDENT**. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. **BAKER**. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators. I ask for the yeas and nays.

The **VICE PRESIDENT**. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **VICE PRESIDENT**. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **STEVENS**. I announce that the Senator from Wyoming (Mr. Simpson) and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—96

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Schmitt
Specter
Stafford
Stennis
Stevens
Symms
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—2

Goldwater
Quayle

NOT VOTING—2

Simpson
Thurmond

So the motion was agreed to.

The **VICE PRESIDENT**. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The majority leader is recognized.

Mr. **BAKER**. I thank the Chair.

Mr. President, I urge once again Senators remain on the floor. I anticipate that we will have important debate immediately and I hope Members will not absent themselves from this Chamber except as that may be absolutely necessary.

Mr. President, I yield the floor.

Mr. **WALLOP**. Mr. President, for the information of absent Senators, before you arrived in the Chamber an agreement was reached as to the sharing of time this afternoon.

Mr. BUMPERS. Mr. President, we still do not have order in the Chamber.

The VICE PRESIDENT. The Senate will be in order.

The Senate will be in order.

The Senator from Wyoming.

Mr. WALLOP. The agreement, without going into detail, was simply an attempt to recapture some of the time that the committee's side used in yesterday's debate, and it was perfectly agreeable to both Senator INOUYE and the Senator from Wyoming, and I simply ask unanimous consent that the time to establish a quorum that Senator WILLIAMS' own remarks might be heard be divided equally between the side of the Senator from Hawaii and the side of the Senator from Wyoming.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, I yield the floor.

It is my understanding that the Senator from Hawaii wishes recognition.

The VICE PRESIDENT. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I yield the floor to the senior Senator from the State of New Jersey.

Mr. WILLIAMS. Mr. President, I thank my good friend, my distinguished colleague, the Senator from Hawaii, for this opportunity to begin the presentation of my case personally.

Mr. President, more than 23 years ago I stood proudly in this Senate Chamber. I raised my hand to take my oath, an oath I have never violated.

Mr. President, this situation is new to all of us, a resolution on expulsion. I will say things that will contradict things that others have said in other places.

I would feel better about myself if I were under an oath, waiving any constitutional protection I have because of my position as a Senator, speaking in the Senate Chamber—that would remove any doubt over the validity of my representation of the facts, as I know them, before the Senate today. To show that what I say here is consistent with all testimony I have presented before the courts and before the Ethics Committee.

I would request, Mr. President, that I be placed under such an oath, removing me from any constitutional protection I might have as to the claim of perjury.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. WILLIAMS. I yield.

Mr. BAKER. Mr. President, this is not a trial in the legal sense nor the constitutional sense, nor is it an impeachment proceeding, the only trial the Senate can conduct.

I believe there is no precedent for a Member to take an oath prior to engaging in debate on a resolution pending before the Senate. However, Mr. President, if it is clearly understood that that oath is at Senator WILLIAMS' request, that it does not change the character of this proceeding, which is still a debate on a resolution.

It must be kept in mind that the Senator subscribed to an oath when he testified before the Ethics Committee. This is not an evidentiary proceeding but rather a debate in the Senate of the United States—as long as this is clearly understood I have no objection to the Senator from New Jersey taking such oath.

I would suggest that the Parliamentarian provide an oath to the Secretary of the Senate who may administer it as in the case of the administering of an oath in an impeachment proceeding.

Might I inquire of the Senator from New Jersey whether he has any disagreement with the characterization of the situation the Senator from Tennessee has expressed?

Mr. WILLIAMS. I have none.

Mr. BAKER. Mr. President, I then have no objection to the request of the Senator from New Jersey.

Mr. MATHIAS. Mr. President, let me propound an inquiry to the majority leader.

Mr. BUMPERS. Mr. President, will the Senator please use his microphone.

Mr. MATHIAS. Would the majority leader feel that a Member of the Senate, submitting himself to an oath, would in any way alter or waive the constitutional, absolute constitutional, immunity for what he said in this Chamber?

Mr. BAKER. Mr. President, it would not. No oath administered to any Senator beyond his initial oath as a Member can affect his status or standing on this floor. No oath, in my judgment, can convert debate into testimony. No oath can give a superior or inferior position to a statement of a Senator, whether sworn or not, in the course of that debate.

It is the preference, however, of the Senator from New Jersey, that an oath be administered, and with that understanding, which he has acknowledged, I have no objection to it.

The answer to the Senator's question is the administering of an oath would not in any way change the nature and character of the debate in this Chamber and it would not extend the authority of either the executive or the judicial branches to challenge the constitutional immunity of statements made on this floor.

Mr. MATHIAS. Mr. President, will the majority leader further agree—I do agree with him, but would he further agree—that there is no Member of the Senate who can individually waive or otherwise affect the constitutional immunity of Members of the Senate for statements made on the Senate floor?

Mr. BAKER. I do agree with that.

May I inquire of the Senator from New Jersey have I now stated any position with which he disagrees?

Mr. WILLIAMS. I cannot agree or disagree. I had thought it would be possible for me to relinquish the protection provided a Senator under the "Speech and Debate" clause. I wish to be subject to the laws every citizen is subject to as it relates to my participation in this debate. That is what I wanted.

I discussed this with the Senator from Hawaii, and I believe I am correct that that was our conclusion. May I ask the Senator from Hawaii was it not our feeling this could be accomplished? I wanted to make it clear that I do not intend to rely on any unusual constitutional protection for what I say here.

Mr. BAKER. Mr. President, if the Senator will yield, he does not carry any unusual protection. He carries only the protection described in the Constitution. I do not believe that the Senator, with due respect, nor the Senate could add to or detract from the constitutional status of a Member engaging in debate on this floor. I believe that is beyond our power.

I have no objection to the oath, Mr. President, but I must ask the Senator if he acknowledges that it does not extend, elaborate, diminish, alter, or change his status as a Senator engaging in debate, and that by the administering of the oath it does not in any way modify the status of those statements as they may be made?

Mr. WILLIAMS. It would impress me that to take an additional oath here of this nature would be an unnecessary action under the Senator's constitutional ruling and, quite frankly, I did not imagine that we would have this problem of constitutional interpretation.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. BAKER. Yes.

Mr. INOUYE. May we submit an inquiry to the Presiding Officer?

Mr. BAKER. I yield for that purpose.

Mr. INOUYE. May we have a ruling on the understanding that was enunciated by the majority leader?

The VICE PRESIDENT. From the time of John C. Calhoun, the Vice President has refrained from interpreting the Constitution for the Senate, and in this instance the Chair takes the same position, Senator.

Mr. INOUYE. I thank the Chair very much.

Mr. BAKER. Mr. President, I have no desire to interfere in any way with the request of the Senator from New

Jersey. If he wishes to take an oath, as he has indicated, I believe the Secretary of the Senate is prepared with Bible in hand to administer such an oath.

I repeat it is unprecedented except in impeachment cases. This is not an impeachment case. This is not an evidentiary proceeding. The taking of the oath will not affect the quality of the statements made by the Senator from New Jersey. It will not extend, modify, or reduce the constitutional protection accorded to the Senator from New Jersey.

It will have no effect in that respect. But I can fully understand how the Senator from New Jersery personally feels and, for that reason, I will not lodge an objection.

I assume, Mr. President, that inasmuch as the request of the Senator from New Jersey would require an official act by the Senate, it would necessitate either the adoption of a motion to that effect or the granting of unanimous consent?

The VICE PRESIDENT. The majority leader is correct.

Mr. BAKER. I am perfectly happy, Mr. President, to withhold my objection to that, and I would urge Senators to do the same on the basis I have described.

Mr. LUGAR. Mr. President, will the majority leader yield for a question?

Mr. BAKER. Yes, indeed.

Mr. LUGAR. The question I have of the majority leader is even though the taking of the oath might confer upon the testimony adopted here of our colleague a certain aura, is it not possible that in setting this precedent that hereafter the quality of the testimony any of us might present might be suspect if a Member were not to take an oath of that variety in order to bring it to the standard that the senior Senator from New Jersey attempts to elevate his testimony to now? In short, although it may be a step that is understandable, it seems to me the precedent has some possibility of setting a standard to which others might be asked to repair, and although the majority leader has asserted that in no way would the veracity of Senators be more suspect in the future, it would appear that this does appear to set a precedent which sets a standard that the Senator is asserting a higher degree of truth?

Mr. BAKER. I agree with every statement expressed by the Senator with one exception, and that is that no testimony will be taken in this Chamber. This is not an evidentiary proceeding. I would not wish the record of this debate to suggest we are now taking testimony. We are not taking testimony. We are engaging in the debate on Senate Resolution 204 which is the pending business before the Senate.

But I agree with the Senator from Indiana. I think there is a danger that in the future someone may say, "Well, if you believed that firmly in your point in that debate, why don't you take an oath and repeat that under oath?"

I think that would be inimical to the best interests of the Senate and the freedom of debate.

Mr. JACKSON. Mr. President, will the majority leader yield?

Mr. BAKER. Yes; I yield.

Mr. JACKSON. The Senator from Washington would like to inquire whether the testimony before the Ethics Committee given by Senator WILLIAMS was under oath.

Mr. BAKER. May I yield to the distinguished chairman of the committee for that answer, Mr. President?

Mr. WALLOP. Mr. President, in response to the Senator from Washington, it was, as was all testimony that was taken.

Mr. JACKSON. The Senator from Washington would think if Senator WILLIAMS would like to be sworn, I see no precedent problem. It is, in effect, a continuation of what took place in the Ethics Committee under oath as far as he is concerned. I do not see—and I share totally the interpretation given by the majority leader—that obviously by unanimous consent or any other device, we cannot change the safeguards that apply to all Senators on matters of debate in this body.

We are not held liable elsewhere, as the courts have held over and over again, on this floor.

But I would like to observe that it seems to me totally consistent with what has taken place in the Ethics Committee that if the Senator from New Jersey wishes to make his statement under oath, inasmuch as he is the principal person affected here, that that is a matter of discretion on the part of the U.S. Senate and I would certainly not object. I think it is totally in order if he so wishes to do so.

Mr. BAKER. Mr. President, I thank the Senator from Washington. As the Senator from Washington has indicated, if it is clearly understood on this record and by the Senate and by the Senator from New Jersey that we are not expanding or contracting the constitutional status of a statement made in debate on this floor, I am anxious to accommodate him. I hope the Senator would agree to that, because we should not prolong this point.

If the point is acknowledged now by the absence of objection, and in response to this inquiry of the Senator from New Jersey, I would urge the Secretary of the Senate to prepare to administer the oath he requests.

Mr. MITCHELL. Will the Senator yield for a question?

Mr. BAKER. Yes; I yield to the Senator from Maine.

Mr. MITCHELL. Mr. President, in the colloquy with the Senator from Maryland, the majority leader stated that because the Constitution provided certain rights a Senator could not waive them for himself or for the Senate. I believe that some further inquiry should be made because it is a fundamental principle of the American constitutional law that any citizen may waive his rights under the Constitution. Indeed, every day in this country citizens waive their rights to trial by jury, they waive their rights to remain silent, and they waive their rights to have their own home searched without a warrant.

I am not familiar with the precise nature of this proceeding, but I think there may well be a precedent in the making here because, unless there was something peculiar with respect to this right, it is quite clear, as a general matter of constitutional law, that any citizen may waive his or her right under the Constitution.

Mr. BAKER. Mr. President, I reply to my friend from Maine, who was a distinguished Federal jurist before he came to this Chamber, that were I practicing law before his court—indeed, I practiced law before many of his colleagues before I came to the Senate—the first suggestion I would make is that, unlike a situation where an individual may waive rights accruing only to himself, an individual Member of the Senate cannot waive the immunity of the "Speech and Debate" clause because this involves the Senate itself as an institution. I think that is adequate grounds for the basis that an individual Senator cannot waive the "Speech and Debate" clause.

Mr. LONG. Will the Senator yield at that point?

Mr. BAKER. Yes.

Mr. LONG. Mr. President, it seems to me that a way to clear this matter up is to simply agree that the Senator has stipulated that he is prepared to say anything he will say here under the penalties of perjury and he is offering, in effect, to take an oath and say that every word he says is under oath. Why do we not leave it on that basis? The Senator is willing to say that everything he says here is under the penalty of perjury before the Ethics Committee or before any proper forum and let it go at that, because that is basically what the offer is.

Mr. WILLIAMS. That is exactly it. I thank the Senator from Louisiana. What I am talking about is the protection given to any Member of this body, that their words could never be questioned. I am waiving my rights in this regard. I am the only one who could press that as a defense, and I make notice now that I would not press it.

Mr. BAKER. Mr. President, there is no possible objection to that. If the Senator is acknowledging that were he to be cited and charged for perjury because of his debate in the Senate and he did not seek to assert that immunity on his own behalf, no one can compel him to do so, but the Senate as an institution could assert it. It is a far different thing to establish a precedent in the Senate that the administering of an oath changes that constitutional status.

If that is the position of the Senator from New Jersey, as I understand it, based on the suggestion of the Senator from Louisiana, I think the issue is resolved.

Mr. WILLIAMS. The majority leader and I are in agreement. I will proceed with the understanding that I consider myself to be subject to the oath I took prior to my testimony before the Ethics Committee.

Mr. BAKER. I thank the Senator. I hope he understands that I did not do this in any way to impede his presentation, but rather because I felt the keen responsibility to see that we did not change the status of the Senate as an institution under the Constitution.

Mr. WILLIAMS. I appreciate that and thank the majority leader for his cooperation and understanding. As always, I am impressed by his knowledge of the Constitution and rules and precedents of this body. Quite frankly, in earlier discussions with my friend, the Senator from Hawaii, we had not anticipated this difficulty. I think it is wise that it developed this way. I thank the Senator.

Mr. President, today, as I stand before you and my colleagues, I know that I am completely innocent of all crime or impropriety and, therefore, totally confident that I will be fully exonerated in the appeals process.

We all have an important responsibility to deliberate on the most fundamental questions relating to the sovereign integrity of the U.S. Senate as an independent institution of Government.

This is the first time I am to be judged by my peers on the totality of the Abscam net that was so crudely wrapped around me. In Brooklyn, N.Y. where my law case was tried, the jury was specifically denied the right to consider Government misconduct. The Ethics Committee prohibited any consideration of the gross misconduct of operators from the Department of Justice and the FBI.

If the Abscam operation is to be understood in its totality, not only my conduct but the Government's conduct must be considered, I submit to you, by the full U.S. Senate, so that justice might be realized.

These elements of the Department of Justice and FBI, which sought to instigate and foster criminal activity where none existed, must bear responsibility for their part in this sordid affair. It is this Government misconduct, the illegal, unconstitutional, and ethically repugnant methods of those involved within the FBI and the Justice Department who sought to implicate me in their criminal scheme that must be examined.

And it is in light of this executive culpability that we must consider the entire operation before we can consider the preposterous recommendation that I be expelled from this body—an action last taken in our history against those who committed treason during the Civil War.

No citizen should be made to be answerable, neither by judicial nor moral standards, for what it appears he or she may have done. Each citizen, however, must be held responsible, and in every respect, for what he or she has done. So it must be with a U.S. Senator.

I have not committed a crime nor have I acted improperly. It is the misperception which has been created, created by the techniques of this operation and by the media which I must dispell.

So I rely upon you, my colleagues, to conduct a reasoned, thorough investigation of the reprehensible activities of the executive branch of Government during its Abscam operation. I rely upon you to perform the historic function for which this great body exists, to guide our Nation on the course of justice.

The constitutional barrier that separates the executive and legislative branches has been shattered by this attempt to create crime. It is the first time in the history of our country that this has happened.

It has happened to me. It can happen again. My fight, until most recently, has been a lonely fight, but in conscience I had no choice. If this tactic goes unchallenged, tomorrow, tomorrow, tomorrow, it could become an Executive method to control and intimidate this sovereign branch of Government.

I must say to you, my colleagues, that we are compelled, as hard as it is, as politically demanding as it is, to bring this issue to our judgment.

I could have made it easier for all of you by resigning—and many counseled me to do just that. However, to have done so would have led to a precedent that, carried forward, could destroy the Senate as an institution which I am pledged to uphold. To walk away from this fight, a matter of highest principle, would have been a betrayal of the trust which has been placed in me by the citizens of New Jersey in four Senate elections.

Therefore, I—and I must say at this point, my wife Jeanette—have been unwavering in our uphill struggle together during this whole ordeal.

I, along with all American citizens, first learned of the previously secret Abscam operation 2 years ago. As I looked out of my house and saw a barricade of media who had received leaks from the Department of Justice before I, myself, was accused of any crime, I knew then that the first principle of American justice was being turned on its head. That first principle of justice is that a man is innocent until proven guilty. I knew when I looked out at that sea of media, innocent though I was of any crime, that I would have to battle to prove my innocence. I knew that the fantasy that had been developing over the prior 13 months was an attempt to get me to appear to be doing something criminal.

The abuses of certain members of the Government during the investigation and since it was first revealed to me have been extensive.

Government agents, a hired criminal, and co-opted individuals forged a letter on my Senate stationery. They committed major perjury, obstruction of justice, and other crimes. They took bribes and gift favors from the convicted felon, Mel Weinberg, who brazenly attempted, at taxpayers' expense, to bring about my demise.

They considered drugging me. On June 10, 1979, Mel Weinberg had a telephone conversation in which he was told by one of the co-opted characters in this affair that I was not a "doer," that I always moved "quietly," and when Weinberg was directly told that "I do not use power for my advantages," he responded on tape, "Oh, how can we make him use it?"

Mr. President, the essence of FBI and Department of Justice wrongdoing is the machinations of Mel Weinberg, the hired criminal, and the errant Government operatives. Even further goes the web of Government misconduct against the Constitution and misconduct against the U.S. Senate.

Irvin Nathan, the Assistant Deputy Attorney General during the development of this Abscam scenario, appeared recently on nationwide television on the "20/20" show. He made a statement that I have put upon a poster so that all Members can see it and consider it. I will read it.

Mr. Nathan, and he is now no longer in the position of Assistant Deputy Attorney General, said recently:

> I think that people in public office have to be concerned that the people they may be dealing with are undercover agents, and matters may ultimately be on tape and may be prosecuted in the courts. And I think that that has to have an inhibiting effect on public officials.

The rest of the chart includes an additional statement that deals with part of the law on undercover operations. You can see that Mr. Nathan said, "The court of appeals in New York has indicated a public official who is presented with an opportunity can always say no. He can always get up and leave."

That is a statement from a court. In my case, I will develop how a clear bribe was offered to me. I not only said "No" but I repeated it several times—rejecting this illegal offer.

I do believe that the statement of Mr. Nathan suggests an attitude that we should consider most profoundly. Does it portend the wave of the future that was predicted in Orwell's "1984."? It is fraught with the greatest dangers, I suggest, not only to public officials who are here as Members of the U.S. Congress; it is also an attitude of an approach that I find abhorrent to our free society. I leave it there for now for your thoughtful consideration.

Recently, Federal Judge Ruggero Aldisert of the United States Third Court of Appeals—this was on February 12 of this year—in a dissenting opinion on Abscam had a statement that represents the deeper meaning that this state of affairs represents. Judge Aldisert's most eloquent words I would like to quote. He said:

> To the Department of Justice, its operation was a taste of honey. To me it emanates a fetid odor whose putrescence threatens to spoil basic concepts of fairness and justice that I hold dear. That the FBI has earned high praise for its performance in the traditional discharge of its duties should not immunize the secret police tactics employed in its Abscam operation from appropriate and vigorous condemnation.

Erwin Griswold, former Solicitor General of the United States and longstanding and eminent dean of Harvard Law School, as we all know, has also stated that, "The methods used in Abscam of surreptitiously taping innocent legislators raises the specter of the police state methods which we have always shunned."

I therefore appear before you not merely in my self-interest but to insure that we together preserve the integrity of the U.S. Senate as an institution and the very democratic principles which are our heritage. No forum is more suited to this task than the Senate of the United States. No forum is more able. No forum is more proper. I just feel that because of the profundity of this one question—the question of separation of powers and the methods used by the executive branch—our Founding Fathers would have us here this day doing what we are doing.

I thus carry on this mission not only for myself at a personal level but as part of a constitutional imperative, as I see it, at a time when this great document is severely threatened.

The grounds upon which I was falsely convicted in Brooklyn, N.Y., were specious and the result of artifice and continuing Government misconduct.

Exculpatory documents were withheld from the jury by the prosecutor. One of the jurors Salvatore Ottaviano, who voted to convict me, came forward on September 16, long after the trail. He came forward with an affidavit. I shall read Mr. Ottaviano's affidavit of that date and will submit it for the record.

I would like to offer this as—I imagine procedurally it would be best to call it an exhibit—exhibit 1A. Mr. Ottaviano says:

> On September 14, 1981, I reviewed for the first time the 2-page document captioned Exhibit 39-A, FBI internal memorandum from Section Chief W.D. Gau, who is assistant director in charge, to Francis M. Mullen, Jr., November 1979. Had I been previously aware of this document during the trial supra and deliberations relating thereto, I would have voted not guilty on all counts and would under no circumstance have ever changed my vote from not guilty.

Mr. President, after that and most recently again, on "20/20," the national television program, the jury foreman at my trial affirmed what Mr. Ottaviano said.

Mr. President, when those who are responsible for preventing crime and protecting our citizenry instead manufacture and engineer crime out of nothing, they develop a personal vested interest in seeing to it that their scripts proceed as planned. The power vested in each of us as Senators of the United States is a sacred bond between ourselves and the electorate we represeent. If it were not I but one of our constituents who had been the victim of such wrongdoing, I am confident we would be unanimously engaged in a full committee investigation of the renegade individuals who, in this whole situation, even took in William Webster and Benjamin Civiletti. They took them in, these master con people. They were taken in with these schemes that I describe as evil schemes.

I stand before you today strong in my resolve, innocent of any wrongdoing, and confident that you shall find me so. I also stand before you and ask that, for the first time in this entire affair, we now proceed to deliberate on the reality of my conduct and not the staged appearance and fostered misperceptors. In the process, it is essential that we bring into focus the wrongdoing committed by FBI and Department of Justice operatives against the legislative branch of Government. Future generations of free Americans will grant us their blessing for proceeding with responsibility, reason, and judicious deliberation.

My colleagues, I know that I am asking of all of you a great deal by bringing this matter here. It is an ordeal and it is a hard and weighty decision. I know it is the sort of decision that we would not have wanted to decide in our term as U.S. Senators. But I just want to impress upon you that my partner and I—my wife and I—have been through some ordeal, I can tell you, for now better than 2 years. Our neighborhood, up in Georgetown, was taken over on the night of February 2, 1980, by the gathering of media that was equal to a Presidential inauguration. They had, through planned leaks and the planting of material, been advised—before I was advised—of Abscam. Since that date, I know that you are aware of how the media has followed Abscam, the whole Abscam operation. It was a modern-day hue and cry as in old England, long ago, the hue and cry went out. When someone saw someone committing a crime, he issued a hue and cry and it was the citizens' responsibility to join the chase and get the criminal.

When the press and all of the media got on this Abscam business, it was like a hue and cry. All other media followed and, believe me, all who read that first wave of publicity from February of 1980 into the month of March and then continuing, the public was part of the hue and cry, because they were reading what was provided by those who had created the whole scene.

My situation was buried right in the middle of Abscam, the only Senator, though my situation was entirely different from those who were of the other body who were brought into this thing.

But I still read in the newspapers today things that were originally put into print after Abscam first came to public attention that were false—not true. They still keep appearing in newspaper accounts of my situation as described by those who first started the hue and cry, those who had received the leaks. And I still read in the paper, "WILLIAMS had a hidden interest," "WILLIAMS accepted a cash bribe," WILLIAMS this, WILLIAMS that—things that are not true.

The rest of my presentation will develop the record that shows the truth of the situation. Because I feel so deeply for the wrong that was created here to a Senator and to the institution, to our institution, I have put you to a demanding task, a real ordeal.

Ladies and gentlemen of the Senate, I cannot—I feel for you—but I can not apologize because if I were not here bringing this operation to your attention at this time, the rest of my life, I would condemn myself. I say to you, try to put yourself in my situation. Would you want to go through your life forever, thinking every day, "Why didn't I make the fight in conscience for the principles that I believe?" I think if you could just imagine yourself in my situation, knowing that you were framed into looking like you were doing wrong—what would you do? Would you not have to live and proceed in conscience on the principles that are truly so profound in this case?

Mr. President, I should like to move now to the grist of our mill, upon which you will base your decision, the totality of the facts; and I hope I will present them to you in an efficient way and an understandable way.

Members of the Senate, the evidence against me as presented by the Senate Ethics Committee report on page 3, exists exclusively of evidence used by the Government at my trial. I know that much of the trial procedure was tainted, and tainted in many ways.

Contrary to what you were told yesterday, there was no independent investigation by the Senate Ethics Committee here; and I submit to you that a careful viewing of the evidence that was shown does reveal that I did nothing wrong.

Moreover, the Government's own documents show that the Government itself, upon viewing that evidence, knew I did nothing wrong. The charges against me, both at trial and before this body, assume the following quid pro quo: I sought something of value in exchange for promising to use my office to obtain Government contracts or to introduce legislation. These charges also assume that I would hide my interest or not report any income from those hidden interests.

Careful viewing of the Government's own evidence shows these charges to be false. The Government's own document show the Government knew these charges to be false.

I also should like to bring to your attention, first, that the Government investigated me for over a year without any reason to believe at the outset that I had done anything wrong or would do so, and they continued, despite my refusal to do so. The Government knew that I did not improperly use my office, but they pressed my friends to get me to use my office improperly.

The Government manufactured evidence, co-opted targets, and destroyed evidence in their efforts to make me appear guilty of wrongdoing.

The Government committed the crimes of perjury, obstruction of justice, conspiracy to commit perjury, bribery, impersonation of a foreign dignitary, and fraud.

In addition, the Government violated its own guidelines and regulations.

The Government engaged in a bad-faith prosecution by trying me in the press, engaging in ex parte contacts with the trial judge, with forum shopping, withholding exculpatory evidence; and the prosecutor in my case stood to make $60,000 from a book contract contingent on my conviction.

Before I go into detail, into the evidence that I did nothing wrong, or into the evidence of the Government's misconduct, I should like again to bring to your attention the Government's own opinion of my conduct.

First, after over 10 months of pursuing me, from January to November of 1979, the Government itself had concluded that I had done nothing wrong. This is in the memorandum of November 22, 1979, from FBI Section Chief W. D. Gow, to Assistant Director in Charge Francis Mullen. This was first developed by the Senator from Hawaii yesterday. I should like now to include this in the record of our proceedings as another exhibit, which would be exhibit 1, and I will read in part from this exhibit.

It was stated yesterday—its significance is important enough to state it again today—that this represents the report of a conference which was held on November 19, 1979, relative to the immediate investigative direction of the Abscam cases. It recites the group of people from the various offices of enforcement in New York, New Jersey, Philadelphia, and Washington gathered together with representatives from the Bureau in Washington at this meeting.

I will not read them all, but I can say that all of the principals from Government involved in my part of Abscam were included in this meeting. The prosecutor, Mr. Thomas Puccio, was there; the supervisor of the FBI activity, Mr. Good, was there; and other agents from New York, assistant U.S. attorneys from New Jersey, Plaza and Weir, were there, and others, as I have indicated, from Philadelphia and Washington.

The exhibit describes all the cases that were before them. When it came to my situation, I will read the conclusion as put into the memorandum from all these people gathered in the meeting, reported by Mr. Good and Mr. Mullen:

> Relative to the matter concerning U.S. Senator Harrison Williams of New Jersey, the following was decided: "It will be necessary to recontact U.S. Senator Williams in attempt to obtain an overt action on his part regarding his sponsoring of some type of legislation; i.e., tax cover for titanium mine; environmental standards for titanium mine and/or import quotas for titanium."
>
> 2. It was also suggested that attempts should be made to elicit from U.S. Senator Williams whether or not he wanted his shares hidden, through discussions concerning reporting of personal taxes and officials acts that he promised to provide.
>
> If the above information is obtained, prosecutors at the meeting felt that they could prove that Senator Williams was in violation of Title 18, Section 201 USC and Conspiracy to Defraud the Government.

This, Mr. President, suggests that after 10 months of pursuit, the Government knew they had no case against me, despite hours of wasted tape recordings.

At this point, the hours to those of you who went to the viewing of the tapes probably appeared to be interminable. A professor who has done linguistic work on these tapes and was able to time the tapes in his process has timed my taping time as 3 hours and 19 minutes. I was thinking of that yesterday when the distinguished Senator from Alabama was speaking; it was less time than the Senator used to describe the actions of the committee.

But that was only part of the actions of the Government in taping. Otherwise, there are truly hundreds of hours of recordings, a lot of that involving me, but that 10 months from this memorandum I again suggest to you represented waste, wasted effort, and wasted expense on their part. I had done nothing wrong. That memorandum indicates that clearly. They say I had to be recontacted to get me to do something, that I had not done at that point. Nevertheless, the pursuit continued and they pressed on.

The operators from the Government pressed on with me and they did it with what had been developed as an asylum scenario. I call them the renegade FBI agents where, at the direction of the prosecutor, Mr. Puccio, they were going to offer me money in exchange for what the FBI hoped would be my promise to introduce legislation on behalf of their sheik.

What I did do, and this to the panic of the FBI and the prosecuting attorney, Mr. Puccio, who was monitoring the meeting in the next room, was to flatly refuse an offer of money. The meeting had been set up following the November memo—on January 15; Mr. Puccio was in the back monitoring, and when the offer was made of money and I flatly refused the money they did not give up. Mr. Nathan said, "All you have to do is say no." I most clearly said no, but they tried—they did not give up with that no, I can assure you. They then came at me in another way, and they tried to unsuccessfully link a promise of legislation, which I never gave, a promise to introduce immigration legislation. I never made that promise. But they tried to get me to promise and then to link that to the financing of the mining venture that was one of the underlying features of this case.

What was the Government's reaction to this last attempt to ensnare me in crime?

I would like to introduce at this point exhibit No. 2. It is the words of Robert C. Stewart. Mr. Stewart was chief of the Newark strike force.

This is a 2½-page memorandum from Mr. Stewart, and I am offering it and suggest it be designated as exhibit No. 2, Mr. President, and would like to have this sent to the clerk to read if that procedure would be acceptable.

The VICE PRESIDENT. The Senator has the right to ask for material to be read by the clerk.

The clerk will read it.

Mr. WILLIAMS. Thank you, Mr. President.

The assistant legislative clerk read as follows:

Exhibit 52, excerpt from memorandum of Robert C. Stewart, Newark strike force, January 29, 1980, pages 7 through 10.

But, the primary concern, and one which the operational prosecutors in Newark pinpointed at the very outset of their involvement in the matter, has been with the very essence of this investigation. There is reason for concern (1) when two public officials are brought before a TV camera to take a bribe, but both decline; (2) when so many people could have believed for eight months that "W"—

Mr. WILLIAMS. "W"—where it says "W" I am "W."

The assistant legislative clerk continued to read the exhibit as follows:

"W" had a hidden interest in the business venture when the facts now appear to be to the contrary; and (3) Page one of my Memorandum of 9-12-79 pointed out that there was no running log on this matter, a lack of 302's covering important predicate events, a substantial lag-time in the availability of transcripts and inaccessibility to the Undercover Operatives—all of which resulted in a "dearth of formal legal analysis on the various issues which were apparent in the several initial transactions" and all of which made "systematic case review, essential for proper prosecutorial decision-making", impossible.

Secondly, I stressed to you that, even in the very few transactions to which the Newark prosecutors have been allowed to become privy, the Informant continues to suggest the criminal scheme, rather than allowing the particular suspect to initiate his scheme.

The VICE PRESIDENT. Will the clerk withhold?

The Chair has made an error. It does take either unanimous consent or a motion for material to be read by the clerk. The Chair apologizes to the Senate.

Is there objection?

Without objection, the clerk will continue.

The assistant legislative clerk resumed and concluded reading as follows:

This problem—which Mr. Plaza discussed with the Informant as early as August 9—was noted as late as the December transactions in New Jersey, despite Mr. Weir's specific admonitions to the Informant on this point. (See: my Memorandum of 1-8-80, p. 3.) I addressed this very problem both orally during our meeting of 9-13-79, and in my Memorandum of 10-31-79 (at page 4)—stressing that the substantive difficulties "are apt to reoccur unless corrective measures are taken". The fact that the Informant persisted in his proclivity as late as December certainly does nothing to allay apprehensions about the overall conduct of this investigation.

Finally, I stressed to you my concern about the propriety of the asylum scenario, which has come to be the principal motif of this investigation since the August 21 meeting with Suspect "M" of Pennsylvania. First of all, there appears to be confusion over how this scenario developed originally. The Informant said that the agents along with Mr. Puccio devised it. But, as late as January 9, the Undercover Agent and the Case Agent told Mr. Weir that Intermediary "E" had suggested it in response to a statement by the Undercover Operatives that there might come a time when the Investor would need asylum. Mr. Weir told the agents that the 302's in our possession did not reflect this, and they said they would look into the matter.

A second point with regard to the asylum scenario, as I discussed at pages 3 and 4 of the Memorandum of 1-8-80, is the fundamental difference between this investigation and a conventional "sting" operation. In the latter, the defendant has no equity. He appears before the jury on tape discussing the sale of a stolen TV set or some such contraband item. His conduct is malum in se, and no one could possibly criticize the Government for successfully detecting his criminality. In this investigation, however, the circumstances are fundamentally different: Basically, you have a public official who is minding his own business and presumably discharging his public responsibilities in a correct manner. An intermediary then asserts that the official is corrupt and will take a bribe. Usually, there is little or no evidence that the official knows anything about the intermediary's representations. There may be little, if any, extrinsic information which would suggest that the particular official is corrupt. On the contrary, most of the officials begin the conversation with disclaimers of criminal intent and offers to handle the problem in a perfectly correct and lawful manner. The Undercover Operatives then press, and they dangle large sums of money in front of the official—initially with promises that he will never be required to deliver the quid pro quo because the payment is only insurance against a remote contingency. The official relents and accepts the payment—in some cases offering to perform further criminal acts, in others without providing additional evidence of predisposition or criminal intent. In several cases the payment was refused.

All of this is very different in kind and quality from a conventional sting operation.

This project was launched on a very sound investigative predicate: The original intermediary ("E") stated unequivocally that he himself was corrupt, and that he was able to collaborate with others of a similar ilk for purposes of corrupting the processes of government. "E" requested an opportunity to introduce his associates, and he promised that they would formulate specific criminal proposals which they would submit to the Undercover Operatives for consideration. This theme was represented to us to be the principal motif of this project throughout the period prior to Mr. Del Tufo's Letter of 7-13-79; and, Mr. Del Tufo and I understood it to be the principal scenario intended as late as my Memorandum of 9-24-79, describing the proposed New Jersey Phase. Thereafter, however, it became increasingly apparent to Mr. Del Tufo and myself that the orientation of this project was undergoing a dramatic metamorphosis. The asylum scenario, first used in late August, gradually came to the fore and now predominates. Intermediary "E" has been unavailable since November; and the original-and, I think, perfectly correct—scenario has gone by the board. Thus, as I reiterated to you Wednesday (1-23-80), my concerns about the substantive aspects of this matter are simply that, even if the due process argument is not able to defeat a particular prosecution, it may tarnish the Government and cause serious difficulties for law enforcement. In view of this possibility, I have thought it appropriate to keep you advised of these concerns.

Mr. METZENBAUM addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Ohio?

Mr. WILLIAMS. I would be happy to yield.

Mr. METZENBAUM. I merely wanted to ask that copies of that be made available to Members of the Senate.

Mr. HEFLIN. Mr. President, if the Senator will yield to me, it is in the exhibits. It is on page 983 of the open hearings before the Ethics Committee, volume II, if you will look at it.

Mr. METZENBAUM. I would like to point out that although it is in the exhibits, I have been looking for those books in my office. They tell me they have never been received, and other Senators tell me the same thing. I am not making any objection to that, but I would like to have a copy of this particular exhibit.

The VICE PRESIDENT. Without objection, the Senator will receive a copy.

Mr. WILLIAMS. Mr. President, I apologize to the clerk. This copy was not as clean as I would like. It was hard to read, and I appreciate that. This is a copy, obviously, and there was just one point I would like to come back to. It is difficult to restate, but I think a word was missed, and I would like to read one paragraph again in the Stewart memo we just heard:

> There is reason for concern (1) when two public officials are brought before a TV camera to take a bribe, but both decline; (2) when so many people could have believed for eight months that "W" had a hidden interest in the business venture when the facts now appear to be to the contrary;

Mr. President, I see that after more than a year of pursuit, after a year of paying this hired criminal hundreds of thousands of dollars, tax-free dollars, by the way, and after a year of wasted tape recordings, the Government knew I had done nothing wrong.

To understand this Orwellian nightmare, as well as the effect that this ordeal has had on myself, my wife, and my family, and to try to find out how this could happen, I would now like to give some background of my relationship with two individuals who were central to a prospective mining operation in Piney River, Va.

The two individuals to whom I was close and had been close to for many years were Sandy Williams and Alex Feinberg.

I met each of them the same year in different situations, the year was 1958, and I was running for my first term.

Alex Feinberg was a candidate for Congress in the district that embraced the area of Camden, N.J., and I met him—we were colleagues on the trail in 1958, and developed a very close friendship out of that political association.

He was a distinguished and is a distinguished and respected member of the bar, and a citizen of Haddonfield, a suburb of Camden, N.J.

I met Sandy Williams one August afternoon when I was campaigning at a plant gate of the Bendix Co., in northern New Jersey. Alex is from Camden, which we consider southern New Jersey.

After I finished my greetings to the working people coming out of Bendix that afternoon, a fellow came up to me and introduced himself. It was Sandy Williams. He said:

I am publisher of the Morning Call, a daily newspaper in Paterson, and I wonder if we could go across the street, have a cup of coffee. I would like to talk to you.

That we did. I mention a little detail here, very interesting. His introduction of himself to me was memorable, the sort of thing you would not forget if you are in public life. He said:

I listened to you, I watched you, I heard what you said to those guys coming out of the plant. I know something about how you look at things. I want to tell you that my paper, I, supported Senator Joe McCarthy, I supported Senator Robert Taft, and I am going to support you.

That is the sort of thing that you remember because Senator McCarthy and Senator Taft came from a different political spectrum.

So I knew I would be remembering Sandy. We did not get to be very close friends back then. He did support me in that election. But over the years I did get to know him.

I became very close to Alex Feinberg, who developed to be my eyes, ears, and even representative at various political matters in south Jersey when I could not be down there.

Both I considered, as they evolved, to be close friendships. They were.

It was a more casual thing with Sandy Williams. I saw him infrequently. After he had sold his paper he, with great enthusiasm, used to get into business projects. Each one had his full enthusiasm, but each had the similar final result, nothing ever happened, nothing ever came to fruition.

With a chemist they developed a new cola, Congo Cola. I do not believe you have ever seen it on the stands.

He developed with a man in New York a magazine. It had a very short life.

There were many things, but his enthusiasm was not matched by the reality of any real prospect of success.

Then came garbage recycling, and again in concert with a chemist, they developed their process, and finding some area to reprocess garbage, they discovered a necessary ingredient, phosphoric acid. This was the beginning for me of all of the factual matters that we are here now discussing in terms of my situation.

Sandy talked to me one day about the need to get domestic phosphorous for phosphoric acid. And I know nothing about phosphoric acid or phosphorous, but I suggested to him that I am sure the Department of the Interior, in their geodetic surveys, will tell you where there is domestic phosphorous. And he did follow my advice and he did get from the Department of the Interior a book that discribed a source of phosphorous in the State of Virginia, Piney River, Va. And he went down there. And in finding the phosphorous he found that the mine included not only phosphorous, but also included titanium and iron. He found the site where this mine had been operational and where the American Cyanamid Co. had a processing plant. He also discovered that the American Cyanamid Co., because of environmental problems that developed with their process, had closed their plant and the mine was not operational.

I will try to abbreviate it. He worked on bringing the mine back into operation. I was not familiar with all of this until I had to be later on in reconstructing all of this, but I learned that he had gotten some financial support from a foundation to buy the plantsite, part of the ore, and he developed options on other acreage near the plantsite. And over the years 1975, 1976, 1978, he would call me occasionally and tell me what he was doing. He was trying to keep his options alive. He lost ownership of what had been bought. The people who had put up the money then owned it, he did not. But in that 3-year-plus period he worked and he worked hard to develop customers for the products that would come out of the mine when, and if, he ever got it operational. He got paint companies, he got fertilizer companies, he got the Lynchburg iron foundry to indicate their interest through letters of intention.

I did not have anything to do with that. At one point, he did wonder if I knew an investment banker that might be able to look at his situation because he needed capital. Because it was in Virginia and because he claimed there was some kind of prospect here, I did not personally know how much of a prospect, for bringing in that mine, I thought of former Secretary of Treasury Fowler, who was then a significant partner in Goldman Sachs. I called Joe Fowler, a friend, and wondered if he would see Sandy Williams or his firm would. They did and spent some time, gave him some ideas. For one reason or another, it did not fit their kind of financing, and that did not come to pass.

When I found that out, I called Joe Fowler and said, "Thank you." I would suggest to you who are in public life, this represents what we do for many, try to help constituents and friends. If it works, fine; if it does not, "Thanks for the effort."

And I would like to include from my trial a transcript that describes just what I am saying here. It is the transcript of testimony of Mr. Joe Fowler, who was being examined by my attorney. And I will say, that it includes something that is of interest to another aspect of this case. He was asked—and I offer this as an exhibit, which would be 2A for our record.

Mr. Fowler was asked "When he spoke to you"—he is talking about me—"When he spoke to you—"—in other words when I spoke to him—"and the others who called—was there ever discussion of Government contracts?"

Answer:

> No, no discussion of government contracts, only when the government came into it in outlining the various areas of how money might be raised, as to what was then more or less a dead venture which needed capital in order to be revived. In that context, I think one of my colleagues mentioned the fact that maybe the Small Business Administration would—an application would be filed and Mr. Henry Williams indicated he wouldn't be interested in approaching the Small Business Administration.

Question: "Is that a Federal agency?"

Answer: "Yes."

I would include that in our hearing record, Mr. President, as exhibit 2A.

I think it would suffice to say again that I had not had any part of those years of developing anything with Sandy Williams and Alex, who was a less active part, than that particular suggestion and call to the investment banker from Goldman Sach's to request that he see him.

I have only one thing to add. One Friday, in the fall of 1977, we were out of session. Sandy Williams was going to drive down from Paterson. He stopped in Washington and wondered if I would like to drive down to Piney River. I did. We used my car. We went down, and I did see the Piney River plant, formerly occupied by American Cyanamid, and the mine area. And I was impressed with two things: The reports that he had on the ore body and what was there. To a layman who knows nothing about ore, it seemed impressive. The plant was massive. But I was also impressed with the fact of its having not been in production for 3 or 4 years, it looked to me as though it would be a major job to get that plant back into production.

This all began when I went to a public gathering in Camden. The public gathering was of publicly spirited people in public office, community spirit, from Philadelphia, from Delaware, and New Jersey. We gathered in the council chamber of the city hall in Camden. The purpose of that gathering was to show the full community spirit for having the carrier *Saratoga* come to the Philadelphia Navy Yard for its rehab operation. The fight was led here by the Senator from Delaware. We knew that our work, people in our State, in the Philadelphia Yard, would do an excellent job. I think the Senator from Delaware would agree. It did happen. That was the reason I was there. That is all.

After that was over, I debated with myself whether to go up to the mayor of Camden on a political stop to see how things were going. In that area of our State, there are always factions in the Democratic Party, always struggles. I am never fully abreast of exactly what the situation is. I went up to check it with Angelo Errichetti. I was in his office maybe 5 minutes, 10 minutes at the most.

While I was there, he said, "By the way, there are some people who are interested in doing some investing in Camden, particularly down on the waterfront."

I do not know how many of you know Camden, but it is in a depressed state, and particularly waterfront.

He said, "These people come in here and say they have a lot of money to invest." One individual represented a group from Boston. He said the individual was an investment adviser to the Kennedy Foundation. "The other group of people who are interested," and he said they came together, "are representatives of Middle Eastern money, and they are interested in investing in Camden, N.J."

He said, "You know, if you have anyone who needs investment financing maybe these people would be interested." I said, "One thing. I know Alex Feinberg is involved in a venture. He might be interested. Is it all right for me to call Alex?"

Obviously, the mayor of Camden would know Alex Feinberg, a lawyer in Camden, N.J. He said, "Sure." That was the end of the conversation.

Later I called Alex Feinberg and Alex Feinberg called Errichetti and out of that came the meetings. That was January 3, 1979. I had no phone calls, I am sure, between January 3 and into March. I do know that they saw each other, that there were meetings with, and then I heard that the Middle Eastern people in March were giving a reception for Errichetti on a boat in Florida. Alex, my south Jersey political adviser and friend, asked me if I would go down to that reception for Errichetti. That was the only way he described what it was.

Reluctantly, I finally agreed to go down. It was on Friday, March 1979. I went down on Thursday night, not being too excited about the whole prospect of the reception for Errichetti. I did arrange for Alex and myself to play golf that day at the PGA course outside of Palm Beach. I trusted that somehow I would have something that I enjoyed on that day in Florida.

I went down Thursday night. We played golf Friday. We went over to the boat and there I was surprised. It was described as a luxury yacht. To me we were going down to a luxury yacht reception put on by the Middle Eastern people for Errichetti. It was really a pretty well old rundown former luxury yacht but in bad repair. The people gathered there were nondescript, not exactly what you would expect, given the promotion of this thing. I was there a little less than an hour, I would say. At that point I met the person who was described as the sheik from the United Arab Emirates. There was a greeting, a picture was taken, "hello," and a gracious introduction for just moments, mostly a one-sided discussion with the sheik who had an interpreter, and that was that. That was March 23, 1979.

I will stop here. That is the background that got me into this because out of that came the scenarios that will unfold here later.

The VICE PRESIDENT. The various exhibits will be printed in the RECORD.

The exhibits ordered to be printed in the RECORD are as follows:

EXHIBIT 1

FBI INTERNAL MEMORANDUM FROM SECTION CHIEF W. D. GOW TO ASSISTANT DIRECTOR IN CHARGE FRANCIS M. MULLEN, JR., NOVEMBER 27, 1979

Purpose.—To provide results of a conference which was held on 11/19/79, relative to the immediate investigative direction of captioned project.

Recommendations.—None. For information.

Details.—On 11/19/79, a conference was held at the Federal Strike Force, Eastern District of New York (EDNY), Brooklyn, New York, between Thomas Puccio, Chief, Federal Strike Force, EDNY; John Jacobs, Strike Force Attorney EDNY; AUSA Edward Plaza, United States Attorney's Office, Newark, New Jersey; AUSA Robert Weir, United States Attorney's Office, Newark, New Jersey; Robert Stewart, Chief, Federal Strike Force, Newark, New Jersey; AUSA Robert Herbst, United States Attorney's Office, Philadelphia, Pennsylvania; SAC Edwin J. Sharp, Brooklyn/Queens MRA; SSRA John Good, Hauppauge Resident Agency; SA Jack Caughlin, Hauppauge Resident Agency; SA Walter Drissler, Hauppauge Resident Agency; ASAC Robert Wright, Newark, New Jersey; Supervisor Joseph Vidovich, Newark, New Jersey; SA Martin Houlihan, Newark, New Jersey; and Supervisor Michael D. Wilson, FBIHQ. The purpose of the meeting was to insure that all previous bribe situations were complete relative to prosecution and did not necessitate any further investigative action.

Concerning the meetings with Angelo Errichetti, Mayor of Camden, New Jersey, and New Jersey State Senator; Kenneth McDonald, New Jersey Casino Control Commission Vice Chairman; U.S. Congressmen Michael Ozzie Myers, Philadelphia, Pennsylvania, Raymond F. Lederer, Philadelphia, Pennsylvania, and Frank Thompson, Jr., Trenton, New Jersey; the following was discussed:

1. It was recommended that no further action would be instituted against U.S. Congressmen Myers, Lederer or Thompson. It was felt by the prosecutors that a case against each could be proved in a court of law for violation of Title 18, Section 201 USC (Bribery of a Public Official).

2. It was recommended that no further action would be instituted against Mayor Errichetti or New Jersey Casino Control Commission Vice Chairman McDonald. Each prosecutor at this meeting felt that recontact with these individuals could adversely affect this matter and indicated a provable case could be made against each for conspiracy in violation of the Hobbs Act Statute.

Relative to the matter concerning U.S. Senator Harrison Williams of New Jersey, the following was decided:

1. It will be necessary to recontact U.S. Senator Williams in attempt to obtain an overt action on his part regarding his sponsoring of some type of legislation; ie, tax cover for titanium mine; environmental standards for titanium mine and/or import quotas for titanium mine.

2. It was also suggested that attempts should be made to elicit from U.S. Senator Williams whether or not he wanted his shares hidden, through discussions concerning reporting of personal taxes and official acts that he promised to provide.

If the above information is obtained, prosecutors at the meeting felt that they could prove that Senator Williams was in violation of Title 18, Section 201 USC and Conspiracy to Defraud the Government.

Relative to the matter concerning U.S. Congressman John M. Murphy, Staten Island, New York, it was felt that he should be recontacted and an attempt should be made to elicit from him that through his position he can guarantee political asylum for the Arab principal of Abscam.

EXHIBIT 1A

[Affidavit]

I, Salvatore Ottavino, of 569 Rockaway Street, Staten Island, New York, hereby state under oath, after first being duly sworn, the following under penalty of perjury and based upon my personal knowledge:

1. I was a juror in the trial of *United States of America* v. *Harrison A. Williams, Jr., et al.*, United States District Court for the Eastern District of New York, Docket No. 80-CR-00575.

2. That on September 14, 1981, I reviewed for the first time, the two page document captioned "Exhibit 39-A F.B.I. Internal Memorandum From Section Chief W. D. Gow to Assistant Director in Charge Francis M. Mullen, Jr., November 27, 1979" (incorporated herein by reference and appended hereto) hearing my signature and date thereof on each page thereof, and that I have reviewed the same document this date, September 16, 1981.

3. Had I been previously aware of this document during the trial, supra, and deliberations relating thereto I would have voted "not guilty" on all counts and would under no circumstance have ever changed my vote from "not guilty".

FBI INTERNAL MEMORANDUM FROM SECTION CHIEF W. D. GOW TO ASSISTANT DIRECTOR IN CHARGE FRANCIS M. MULLEN, JR. NOVEMBER 27, 1979

Purpose.—To provide results of a conference which was held on 11/19/79, relative to the immediate investigative direction of captioned project.

Recommendations.—None. For information.

Details.—On 11/19/79, a conference was held at the Federal Strike Force, Eastern District of New York (EDNY), Brooklyn, New York, between Thomas Puccio, Chief, Federal Strike Force, EDNY: John Jacobs, Strike Force Attorney, EDNY; AUSA Edward Plaza, United States Attorney's Office, Newark, New Jersey; AUSA Robert Weir, United States Attorney's Office, Newark, New Jersey; Robert Stewart, Chief, Federal Strike Force, Newark, New Jersey; AUSA Robert Herbst, United States Attorney's Office, Philadelphia, Pennsylvania; SAC Edwin J. Sharp, Brooklyn/Queens MRA; SSRA John Good, Hauppauge Resident Agency; SA Jack Caughlin, Hauppage Resident Agency; SA Walter Drissler, Hauppauge Resident Agency; ASAC Robert Wright, Newark, New Jersey; Supervisor Joseph Vidovich, Newark, New Jersey; SA Martin Houlihan, Newark, New Jersey; and Supervisor Michael D. Wilson, FBIHQ. The purpose of the meeting was to insure that all previous bribe situations were complete relative to prosecution and did not necessitate any further investigative action.

Concerning the meetings with Angelo Errichetti, Mayor of Camden, New Jersey, and New Jersey State Senator Kenneth McDonald, New Jersey Casino Control Commission Vice Chairman; U. S. Congressmen Michael Ozzie Myers, Philadelphia, Pennsylvania, Raymond F. Lederer, Philadelphia, Pennsylvania, and Frank Thompson, Jr., Trenton, New Jersey; the following was discussed:

1. It was recommended that no further action would be instituted against U.S. Congressmen Myers, Lederer or Thompson. It was felt by the prosecutors that a case against each could be proved in a court of law for violation of Title 18, Section 201 USC (Bribery of a Public Official).

2. It was recommended that no further action would be instituted against Mayor Errichetti or New Jersey Casino Control Commission Vice Chairman McDonald. Each prosecutor at this meeting felt that recontact with these individuals could adversely affect this matter and indicated a provable case could be made against each for conspiracy in violation of the Hobbs Act Statute.

Relative to the matter concerning U.S. Senator Harrison Williams of New Jersey, the following was decided:

1. It will be necessary to recontact U.S. Senator Williams in attempt to obtain an overt action on his part regarding his sponsoring of some type of legislation; i.e., titanium mine and/or import quotas for titanium mine.

2. It was also suggested that attempts should be made to elicit from U.S. Senator Williams whether or not he wanted his shares hidden, through discussions concerning reporting of personal taxes and official acts that he promised to provide.

If the above information is obtained, prosecutors at the meeting felt that they could prove that Senator Williams was in violation of Title 18, Section 201 USC and Conspiracy to Defraud the Government.

Relative to the matter concerning U.S. Congressman John M. Murphy, Staten Island, New York, it was felt that he should be recontacted and an attempt should be made to elicit from him that through his position he can guarantee political asylum for the Arab principal of Abscam.

EXHIBIT 2

(*Exhibit 52:* EXCERPT FROM MEMORANDUM OF ROBERT C. STEWART NEWARK STRIKE FORCE JANUARY 29, 1980, p. 7-10)

But, the primary concern, and one which the operational prosecutors in Newark pinpointed at the very outset of their involvement in the matter, has been with the very essence of this investigation. There is reason for concern (1) when two public officials are brought before a TV camera to take a bribe, but both decline; (2) when so many people could have believed for eight months that "W" had a hidden interest in the business venture when the facts now appear to be to the contrary; and (3)

Page one of my Memorandum of 9-12-79 pointed out that there was no running log on this matter, a lack of 302's covering important predicate events, a substantial lagtime in the availability of transcripts and inaccessibility to the Undercover Operatives—all of which resulted in a "death of formal legal analysis on the various issues which were apparent in the several initial transactions" and all of which made "systematic case review, essential for proper prosecutorial decision-making", impossible.

Secondly, I stressed to you that, even in the very few transactions to which the Newark prosecutors have been allowed to become privy, the Informant continues to suggest the criminal scheme, rather than allowing the particular suspect to initiate his scheme. This problem—which Mr. Plaza discussed with the Informant as early as August 9—was noted as late as the December transactions in New Jersey, despite Mr. Weir's specific admonitions to the Informant on this point. (See: my Memorandum of 1-8-80, p. 3.) I addressed this very problem both orally during our meeting of 9-13-79, and in my Memorandum of 10-31-79 (at page 4)—stressing that the substantive difficulties "are apt to reoccur unless corrective measures are taken". The fact that the Informant persisted in his proclivity as late as December certainly does nothing to allay apprehensions about the overall conduct of this investigation.

Finally, I stressed to you my concern about the propriety of the asylum scenario, which has come to be the principal motif of this investigation since the August 21 meeting with Suspect "M" of Pennsylvania. First of all, there appears to be confusion over how this scenario developed originally. The Informant said that the agents along with Mr. Puccio devised it. But, as late as January 9, the Undercover Agent and the Case Agent told Mr. Weir that Intermediary "E" had suggested it in response to a statement by the Undercover Operatives that there might come a time when the Investor would need asylum. Mr. Weir told the agents that the 302's in our possession did not reflect this, and they said they would look into the matter.

A second point with regard to the asylum scenario, as I discussed at pages 3 and 4 of the Memorandum of 1-8-80, is the fundamental difference between this investigation and a conventional "sting" operation. In the latter, the defendant has no equity. He appears before the jury on tape discussing the sale of a stolen TV set or some such contraband item. His conduct is malum in se, and no one could possibly criticize the Government for successfully detecting his criminality. In this investigation, however, the circumstances are fundamentally different: Basically, you have a public official who is minding his own business and presumably discharging his public responsibilities in a correct manner. An intermediary then asserts that the official is corrupt and will take a bribe. Usually, there is little or no evidence that the official knows anything about the intermediary's representations. There may be little, if any, extrinsic information which would suggest that the particular official is corrupt. On the contary, most of the officials begin the conversation with disclaimers of criminal intent and offers to handle the problem in a perfectly correct and lawful manner. The Undercover Operatives then press, and they dangle large sums of money in front of the official—initially with promises that he will never be required to deliver the guid pro quo because the payment is only insurance against a remote contingency. The official relents and accepts the payment—in some cases offering to perform further criminal acts, in others without providing additional evidence of predisposition or criminal intent. In several cases the payment was refused.

All of this is very different in kind and quality from a conventional sting operation.

This project was launched on a very sound investigative predicate: The original intermediary ("E") stated unequivocally that he himself was corrupt, and that he was able to collaborate with others of a similar ilk for purposes of corrupting the processes of government. "E" requested an opportunity to introduce his associates, and he promised that they would formulate specific criminal proposals which they would submit to the Undercover Operatives for consideration. This theme was represented to us to be the principal motif of this project throughout the period prior to Mr. Del Tufo's letter of 7-13-79; and, Mr. Del Tufo and I understood it to be the principal scenario intended as late as my Memorandum of 9-24-79, describing the proposed New Jersey Phase. Thereafter, however, it became increasingly apparent to Mr. Del Tufo and myself that the orientation of this project was undergoing a dramatic metamorphosis. The asylum scenario, first used in late August, gradually came to the fore and now predominates. Intermediary "E" has been unavailable since November; and the original—and, I think, perfectly correct—scenario has gone by the board. Thus, as I reiterated to you Wednesday (1-23-80), my concerns about the substantive aspects of this matter are simply that, even if the due process argument is not able to defeat a particular prosecution, it may tarnish the Government and cause serious difficulties for law enforcement. In view of this possibility, I have thought it appropriate to keep you advised of these concerns.

EXHIBIT 2A

Direct examination by Mr. Koelzer, continued:

Q. That was it?

A. That was it.

Q. Now, did Senator Williams at any time discuss with your or anyone—with you—any personal interest he had in this?

A. No.

Q. Did he say to you that this was important to him or that he really wanted you to do this or make this loan, or words to that effect or substance?

A. No.

Q. Did he put any pressure on you?

A. None whatsoever.

Q. Did he ask you, when he called you to thank you for seeing these friends of his, did he ask you to reconsider?

A. No.

Q. Did he say in any way, shape or form he could get government assistant for this project——

A. No——

Q. —so that this could get government contracts?

A. No.

Q. When he spoke to you—and the others who called—was there ever discussion of government contracts?

A. No, no discussion of government contracts, only when the government came into it in outlining the various areas of how money might be raised, as to what was then more or less a dead venture which needed capital in order to be revived. In that context, I think one of my colleagues mentioned the fact that maybe the Small Business Administration would—an application would be filed and Mr. Henry Williams indicated he wouldn't be interested in approaching the Small Business Administration.

Q. Is that a federal agency?

A. Yes.

Mr. Koelzer. Thank you, Mr. Fowler.

Mr. Batchelder. No questions, sir.

The Court. Mr. Puccio, any cross?

Mr. Puccio. A few questions.

The Court. All right.

Cross-examination by Mr. Puccio:

Q. Mr. Fowler, your lawyer asked me to establish that you are not here as a volunteer, but were subpoenaed by the defense; is that correct, sir?

A. That's correct.

Mr. Koelzer. Excuse me, your honor. I * * *

Mr. **BAKER**. Will the Senator yield to me for a brief moment?

Mr. **WILLIAMS**. I am happy to yield.

Mr. **BAKER**. At some point, I intend to ask the Senate to stand in recess briefly. Of course, I would be willing to do that at whatever time seemed most convenient to the Senator from New Jersey. If he is prepared, we can do it now, it is 3 o'clock, or we can do it later.

Mr. **WILLIAMS**. This would be fine for me.

RECESS UNTIL 3:10 P.M.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3:10 p.m.

There being no objection, the Senate, at 2:55 p.m. recessed until 3:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Garn).

Mr. **WALLOP**. Mr. President, while we are waiting—I am about to suggest the absence of a quorum, with the time to be charged to both sides—I say to the Senate, and for the record, that every office has had no fewer than 18 volumes delivered to it, the first 9 of which were boxed, and all of which have been delivered subsequently.

So, before worrying on, I suggest that Senators check with their offices as to where those volumes may be. If it is not possible to find them, or one volume, we still have some.

However, the printing bill that the committee has acquired in the course of this investigation and presentation is rather enormous. So I ask Senators to see if the volumes may be in their offices before asking us to obtain more. We can obtain more.

QUORUM CALL

With that, Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 20 Leg.]

Armstrong
Baker
Biden
Boren
Boschwitz
Cannon
Cranston
Danforth
Dixon
Dodd
Ford
Garn
Grassley
Hart
Hawkins
Heflin
Helms
Hollings
Humphrey
Inouye
Jackson
Long
Mathias
Matsunaga
Mattingly
McClure
Melcher
Mitchell
Moynihan
Percy
Proxmire
Quayle
Riegle
Roth
Schmitt
Specter
Stennis
Stevens
Symms
Wallop
Weicker
Williams

The **PRESIDING OFFICER**. A quorum is not present.

Mr. **BAKER**. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators, and I ask for the yeas and nays.

The **PRESIDING OFFICER**. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Tennessee to instruct the Sergeant at Arms to compel the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **STEVENS**. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Kansas (Mrs. Kassebaum), the Senator from Wyoming (Mr. Simpson), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

Mr. **CRANSTON**. I announce that the Senator from Texas (Mr. Bentsen) and the Senator from Missouri (Mr. Eagleton) are necessarily absent.

The **VICE PRESIDENT**. Have all Senators in the Chamber been recorded?

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—92

Abdnor
Andrews
Armstrong
Baker
Baucus
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kasten
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Schmitt
Specter
Stafford
Stennis
Stevens
Symms
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—2

Proxmire
Quayle

NOT VOTING—6

Bentsen
Eagleton
Goldwater
Kassebaum
Simpson
Thurmond

So the motion was agreed to.

The **VICE PRESIDENT**. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The majority leader is recognized.

Mr. **BAKER**. Mr. President, I do not want to sound harsh or arbitrary, but we entered into a unanimous-consent agreement for a 15-minute recess. We have now been 50 minutes getting some semblance of a quorum to return to the floor and remain on the floor. We have wasted almost an hour.

I still think that we need a break about midafternoon. But I urge Senators, when we do have that break, to come back. Otherwise, we are going to be a very long time, indeed, on this matter.

So I urge Senators to stay in their seats and when we have breaks—and, by the way, there will be no more this afternoon [laughter]—that we come back promptly. There may not be any more ever. [Laughter.]

We will go out at 6 o'clock today, because I made that commitment. But if we have this problem in the future, if it becomes a permanent problem, then the only recourse is to extend the time in the afternoon, and I would not wish to do that.

Mr. **WALLOP** addressed the Chair.

The **VICE PRESIDENT**. The Senator from Wyoming is recognized.

Mr. **WALLOP**. Mr. President, I thank the majority leader and add my encouragement to what he has just said.

You have heard this described by both sides as a historic and unprecedented event in the floor preceedings of the Senate. We owe it to Senator

WILLIAMS and we owe to the Senate to be present during these deliberations.

I do not wish to sound preachy, but your committee has sat through it all, Senator WILLIAMS has sat through it all, and it is just an obligation in the custodian role of the reputation of the Senate that we be here and participate in these proceedings.

One last thing. I would like to say again, because, as we previously reconvened at the appointed time after the recess there were not enough Senators on the floor, but those exhibits which Senator WILLIAMS has offered are contained in the material which has been delivered to your office. Each Senator's office has had these books delivered to it. If your staff has them stashed some place, please ask them to try to find them. We have a few left, but the Senate's printing bill is enormous on these, as you can well imagine. There are some 18 volumes, and each of our offices has had those delivered there. The memorandums introduced to date by Senator WILLIAMS as exhibits are contained in those volumes. I just wish to bring that out. We will cooperate as best we can in providing you with extra copies, but please search first at home.

Mr. METZENBAUM addressed the Chair.

The VICE PRESIDENT. Who yields time?

Mr. WALLOP. Mr. President, I yield to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I indicated previously that I had not received the 5 volumes. I now find that I have, and I wish to make that clear. I appreciate the Senator's concern as he expressed it.

Mr. WALLOP. I thank the Senator from Ohio. I yield the floor.

The VICE PRESIDENT. The Senator from New Jersey is recognized.

Mr. WILLIAMS. Mr. President, continuing with the factual background of this matter. In December of 1978 through January of 1980, the Government ran a covert operation called Abscam against a number of Congressmen and Senators. According to public statements of Director Webster, Abscam was the most carefully monitored and supervised investigation in the history of the FBI and that he, personally, as well as Benjamin Civiletti, were involved in the direction and control of the Abscam investigation. These representatives and representations were made during hearings conducted by the House Judiciary Committee. For the RECORD, I would offer them as exhibit No. 3.

EXHIBIT 3

MEMORANDUM

To: Don Edwards, Chairman, Subcommittee on Civil and Constitutional Rights.

From: Michael Tucevich, Assistant Counsel.

Re FBI Undercover Review.

The attached memorandum is a summary of all representations made to the Subcommittee by the Department of Justice and FBI officials during the course of our previous undercover operations hearings. The quotations are arranged by subject to facilitate their use should any of these issues arise once again in future hearings.

A. Safeguards Concerning Undercover Operations.—

1. General:

(a) William H. Webster, Director, FBI:

In summary, we must use the undercover technique with discretion and care. Whether it be the undercover technique or another technique, in every investigative venture, there are potential risks.

As I have indicated, we have developed policies and procedures designed to minimize these risks. This is not to claim investigative perfection, but whenever mistakes or miscalculations or misunderstandings do occur, you may be sure that the lessons learned will be incorporated in our future planning of operations. [March 4, 1980 p. 150]

(b) Philip B. Heymann, Assistant Attorney General, Criminal Division, Department of Justice:

"It is only if the agent goes there and does a lot of fancy talking, somebody will be responsible for it, if they go and do a lot of fancy talking and inducing." [March 4, 1980 p. 164]

2. Quality Controls on Informants:

(a) Donald W. Moore, Jr., Assistant Director, FBI:

"We have taken self-imposed restrictions to insure the quality of the informant coverage in this particular program, so we don't just proliferate people and say they're an informer. We trust our informants are of quality. . ." [March 8, 1979 p. 6]

"The purpose [of the informant program] is to get quality informants." [March 8, 1979 p. 13]

(b) William H. Webster, Director, FBI:

In addition to this approval review process special care is taken to ensure that our Agents are sensitive to the limitations and requirements of undercover work. Before an operation is undertaken, FBI supervisors, the Special Agents in Charge in the field, and program managers at FBI Headquarters carefully screen all undercover Agents to be certain that they are suited for their particular missions. We also provide special training for those selected, with emphasis on instruction in legal areas, including the issue of entrapment.

We take precautions to minimize potential problems. With adequate training, the Agents involved are alert to sensitive issue areas. We want them to recognize when lines are about to be crossed, and to know that when in doubt they must seek the advice of their supervisors.

Once the review committee approves a project, the Bureau monitors it, both at Headquarters and in the field. When electronic surveillance or closed circuit videotapes are used, we can examine the propriety of our Agents' conduct, and the quality of the investigation as it progresses. And, of course, the results of the surveillance and the tapes provide an opportunity for the courts to evaluate the Agents' actions should they subsequently be challenged. [March 4, 1980 p. 145]

In addition to this approval review process, special care is taken to insure that our agents are sensitive to the limitations and requirements of undercover work. Before an operation is undertaken, FBI supervisors, the Special Agents in Charge in the field, and program managers at FBI Headquarters carefully screen all undercover agents to be certain that they are suited for their particular missions.

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3. Effect of Guidelines:

(a) Paul R. Michel, Associate Deputy Attorney General, Office of the Deputy Attorney General:

The field offices have been operating for the entire period of extensive undercover work, which I guess is between 2 and 3 years without formalized guidelines.

That is not to say that they have been operating without carefully structured procedures. Because the procedures have been rather well structured and followed closely. What the guidelines basically did was to build on those procedures and to formalize them and if I can misuse a word, codify them into guidelines. [February 26, 1981 p. 81]

The guidelines on undercover operations like those on other topics, were drafted on the basis of certain underlying principles. Three of the most important of these are as follows. First, guidelines should not be a catalog of "do's" and "don'ts." Rather, they should focus on establishing or formalizing sound procedures to assure that critical judgments are made at appropriate levels of authority and are recorded and therefore, susceptible to subsequent review within the Bureau, by the department, and by the Congress.

Second, the guidelines must be clear enough to be readily understood and followed by all agents and must contain standards which are realistic enough so as not to interfere with effective and appropriate investigative activities.

Third, the guidelines should not merely meet the minimum requirements of constitutional and statutory law, but should also reflect sound law enforcement policy. I might say that these three principles, in my view, were precisely the same principles that formed the basis, a theoretical basis, for example, for the guidelines on domestic security investigations, which were issued in 1976. [February 26, 1981 p. 82]

"So, I think, No. 1, that the guidelines are taken seriously, and they are followed, and we have proof of that.

"No. 2, there are sanctions. The real sanction that's involved here is you can get fired. And FBI Directors have not hesitated to fire people who committed substantial wrongdoing." [February 26, 1981 p. 102]

4. "Reasonable Indication" Requirement:

(a) Paul R. Michel, Associate Deputy Attorney General, Office of the Deputy Attorney General:

That's not to say that undercover operations ought to offer opportunities for criminality in the complete absence of reasons to suspect that the activity is going on and that the people who will present themselves or were presented and produced at the location in fact are involved in that kind of criminal business. We used in a charter, as you will recall, . . . the concept and the phrase "reasonable indication."

And that same notion is adopted in the guidelines and is mentioned. As I indicated earlier, we either have to have a reasonable basis for suspecting, a reasonable indication, that the individual in question is corrupt as a labor racketeer, or whatever the operation involves, or he has to identify himself by coming in, with no active role on our part. [February 26, 1981 p. 84]

5. "Witting" versus "Unwitting" Middlemen:

(a) Paul R. Michel, Associate Deputy Attorney General, Office of the Deputy Attorney General:

We often have a man who starts out as a suspect. Let's say an informant has come and told us that Mr. X, who is a police captain in some metropolitan city, is collecting bribe payoffs from gambling operators. Suppose then that the word goes out that a new gambling operation is being established. And the next thing that happens is, this police captain comes in. He indicates that his superior officer, Inspector Y, also shares in these bribes.

Well, at that point, the captain has shifted from being merely a subject, because of the informant allegation, to being an intermediary. But he is going to bring in the higher ranking officer. And of course, we're even more interested in trying to successfully prosecute that individual that the captain.

So he becomes a middleman. And he is not a witting middleman. Obviously, he has no idea that this gambling operation is phony and it's a setup in order to detect police corruption.

There are, of course, middlemen who are witting. They are referred to in FBI terminology as cooperating individuals. They present special problems because of obvious difficulties of total control by the Government. But it's important to recognize, I think, that in most situations the middleman is not being manipulated by the Government. The middleman himself doesn't even know that it's an undercover operation.

Now, in the case where the middleman is a cooperating individual, is fully knowledgeable, there is a risk that he will misrepresent the statements or activities of a suspect, that he will produce at our warehouse, or whatever the location might be, individuals who in fact are innocent. There is, therefore, the risk that an innocent individual may be offered the criminal opportunity. There are two reasons why this risk, even aside from guidelines protection, is not very great. The first is, if a cooperating individual, a middleman, brings in an innocent person, we quickly discover that he's either exaggerating or he doesn't know what he's talking about, so we no longer put so much faith in what he says. It corrects itself rather fast.

It is quite true, in the meantime, one or two individuals who are completely innocent might be drawn into the operation to the extent of having the offer made. But as, I think it was the second circuit, recently observed, that is not necessarily disastrous, because the honest man simply rejects the offer and departs.

It is a risk; it is undersirable. It is not a big risk, and the guidelines minimize it by, for example, stressing that the underlying criminal nature of the offer has to be made very clear and communicated directly to the suspect. No offers are made through third parties. They're face to face, and they're clear terms.

And I might say that with regard to the clarity of the criminal nature, we frequently have had circumstances in actual operations where extensive script writing, in effect, was done by teams of lawyers from both the department and the FBI. So that the undercover agent who actually makes the offer—we don't let the middleman make the offer; the undercover agent makes the offer—does so in terms that are unmistakably clear that this is a crime that's being offered. [February 26, 1981 p. 85]

Mr. EDWARDS. Often, these middlemen are conmen or people with long criminal records, and sometimes they are in the pay of the Bureau or of the Department of Justice. Is that correct, also?

Mr. MICHEL. That's correct. There are both types. The first type is the far more common.

Mr. EDWARDS. Is there no auditing done? How do you control these people floating around? . . .

How do you stop them from approaching one person after another and then approaching the same person again, and enticing the same innocent person again and again and again . . .?

Mr. MICHEL. Let me take it separately. With regard to the unwitting conman, there is no way we can stop them. And we didn't start them. He was already out there doing that.

Mr. EDWARDS. No, but you're paying him money to continue.

Mr. MICHEL. No, no, not the unwitting conman. He thinks that he's working with criminals and at both ends, and so, he's just operating in his normal fashion.

And we didn't put him into that business, and we're not in a position to put him out of that business, so that it just isn't a question of how can the Government let him do that? The Government ordinarily has little capacity to stop him from doing that.

Now, in the case of the witting intermediary, who is being paid, in some instances, by the FBI, certainly is receiving direction from the FBI, that's quite a different circumstance. In that case, there's a lot that we can do and do to minimize as much as possible, the risk of innocent people being drawn into this web, if you will.

One of the things we do is that we require, to the extent possible, that his contacts with people that he says are corrupt, or are racketeers, or whatever the nature of the enterprise is, we require him to develop the best possible evidence.

For example, if there are telephone conversations between the unwitting conman and the suspect, those conversations may be recorded with consent of the cooperating individual. So that we aren't dependent on his word that the suspect showed an interest in committing a crime. The words of the suspect himself or herself are available to us. So that eliminates the risk that the middleman is lying in that kind of circumstance. Now, it is not always practical to have tape recordings done. But that's done where it can be done.

Another device we use is that the witting middleman is questioned closely after each material meeting or contact with a suspect. And he reports or produces information detailing precisely what was allegedly said.

Sometimes, the specifics in these reports can be corroborated through independent investigations, so that would serve on a check that the conman is conning us and lying about someone being interested in committing a crime. [February 26, 1981 p. 95]

. . . [t]he key point perhaps is this: We need to be very sure that our cooperating individuals are not themselves making any offers. If we can limit their role to being a middleman in the sense of a broker who brings together two parties, then we can get past the fact that the middleman may be lying or exaggerating or distorting or he's got it in for somebody and he's just trying to get the fellow in trouble for some personal vindictive reasons.

So we need to put very heavy emphasis on limiting the role of the middleman and by being sure that all the operative conversations are ones that are taking place between the suspect and undercover FBI agents, and not just between the middleman and the suspect. I don't think that there's anything more that we can do. [February 26, 1981 p. 109]

6. The Review process (Monitoring):

(a) Philip B. Heymann, Assistant Attorney General, Criminal Division, Department of Justice:

As a matter of sound administrative policy, the Department observes considerably more restraints than the bare legal requirements in establishing, monitoring and executing its undercover operations. In the elaborate review process which Judge Webster has described, the Bureau and the Criminal Division strive to insure that each undercover operation is carried out in a manner which is fair, unambiguous, productive of successful prosecutions, and which minimizes the impact on or even the involvement with innocent persons. [March 4, 1980 p. 138]

The other intuition underlying the "creating crime" argument is the strong sense that law enforcement activity, including undercover operations, should avoid harming or burdening third parties. Certainly any undercover activity which posed a direct threat to the safety or well-being of third parties would be exceedingly troubling. We are sensitive to this concern and are extremely careful to monitor our operations to prevent third party harm. We commonly close the operation if there appears to be any significant chance of violent activity or severe uncoverable financial loss to individuals. [March 4, 1980 p. 140]

(b) William H. Webster, Director, FBI:

These operations, however, often raise sensitive issues which I recognize must be addressed. Therefore, the FBI has adopted specific undercover policies, and an extensive oversight machinery to insure that each undercover operation is carefully planned and conducted.

When an undercover project is proposed by a squad in one of our field offices, our field office managers, the field legal advisor, and the Strike Force or United States Attorney in that region review it and send their reports to Headquarters. We consider the project's goals, the worthiness of its objectives, it costs, whether the tactics proposed might involve entrapment or present other legal problems, and the general propriety of proposed project tactics. [March 4, 1980 p. 144]

Once the review committee approves a project, the Bureau monitors it, both at headquarters and in the field. When electronic surveillance or closed circuit videotapes are used, we can examine the propriety of our agents' conduct, and the quality of the investigation as it progresses.

And, of course, the results of the surveillance and the tapes provide an opportunity for the courts to evaluate the agent's actions, should they subsequently be challenged. [March 4, 1980 p. 149]

So we had two things in place there:

One, don't bring us anybody who isn't prepared to be up front with us; and two, if he comes, then it was our purpose and plan to make sure before any money was passed to that person, that he understood the criminal nature of the situation and that whole process was monitored by U.S. attorneys watching the process and in a position to cut it off if at any time our agent exceeded the bounds we had set for them. [March 4, 1980 p. 170]

(Question by Chairman Rodino:)

It seems to me that you have responsible people in the FBI, your agents, who I think are responsible enough and expert enough in undercover activities to be able to review what that informant has or has not said about such-and-such a person may be in his pocket, or words to that effect, as you have said. Do you engage in this kind of further review so that the informant who has made this kind of statement to you, so that what he has had to say is really carefully weighed? Can you recite that in the cases that you have conducted, this is what you have actually done?

Mr. **Webster**. If I understand the chairman's question, I can certainly say yes, at various levels, the reliability in the sense of whether the statement made has a basis sufficient that we would have an obligation to investigate further is assessed.

Now we have for cross-checking available to us within certain time constraints—depending on how fast the situation is breaking—we do the best we can. We up the level of approval consistent with the individuals involved, and the sensitivities involved.

For example, in a number of these instances in Abscam, by both I and the Assistant Attorney General, we were aware of and approved the proposals based on the information furnished to us. Those of us who live in a world of decency, at least among our friends and associates, sometimes find it hard to assume that anyone who engages in crime can tell the truth. But when he is telling the information to someone who he thinks is in league with him, that is sometimes the way by which we get our very best information consistently, in all types; not just public corruption cases.

But in other instances, we have some of the most important ones now that are going through the process, organized crime figures dealing with our undercover agents, and telling us things that are true and turn out to be true.

So there has to be some investigative judgment call. What Mr. Heymann pointed out, and what I pointed out, is the nature of the controls that we have on entrapping innocent people. I can't guarantee that in an Operation Lobster, or even a sting operation, some innocent person isn't going to walk in the door thinking that this is for him or have some misapprehension about it. [March 4, 1980 pp. 170-171]

7. Protecting Third Parties (Avoidance of Ambiguity):

(a) Philip B. Heymann, Assistant Attorney General, Criminal Division, Department of Justice:

Such precautions involve a careful evaluation of anything we are told by intermediaries about the possible interest of other persons in a criminal transaction, and an attempt to check such claims to the extent practicable. Most important, however, is the second major safeguard followed in every undercover operation, of making clear and unambiguous to all concerned the illegal nature of any opportunity used as a decoy. This provides the strongest possible protection against any unwitting involvement by individuals brought in by intermediaries or who are encountered directly. We attempt to structure our undercover decoy transactions by requiring overt participation on the part of all individuals. If a middleman offers to provide police protection for an undercover numbers parlor, we would seek a face-to-face encounter with the allegedly corrupt policeman at which the illegal nature of the quid-pro-quo would be made utterly clear. This precaution not only elicits the strongest possible evidence of the knowledge and involvement of principal offenders who usually insulate themselves through middlemen, but also provides an important protection against any attempt by a middleman to use the name of an innocent person and against any inadvertent involvement by persons located on the outskirts of an undercover operation. By making clear and unambiguous the corrupt nature of any offer we make, the chance of unwitting or gullible involvement by innocent individuals is strongly guarded against. [March 4, 1980 pp. 139-140]

The other intuition underlying the "creating crime" argument is the strong sense that law enforcement activity, including undercover operations, should avoid harming or burdening third parties. Certainly any undercover activity which posed a direct threat to the safety or well-being of third parties would be exceedingly troubling. We are sensitive to this concern and are extremely careful to monitor our operations to prevent third party harm. We commonly close the operation if there appears to be any significant chance of violent activity or severe uncoverable financial loss to individuals. [March 4, 1980 p. 140]

But the concern underlying the "prior crime" argument is again an important one, and is similar to the "creating crime" argument. We don't wish law enforcement activity of any sort to turn law-abiding people into new criminals. The attraction of a "prior crime" population to a bogus property fence seems consistent with this precept. But the concern is also met by our safeguard policies of keeping all decoy opportunities proportionate to those that exist in the real world and by making sure that the illegal nature of the opportunity is clear and unambiguous. These safeguards assure that the only individuals who take part in decoy transactions are individuals likely to have engaged in similar conduct on other occasions.

The same ethical intuition probably moves those commentators who have argued that a factual predicate of probable cause concerning an individual's involvement in criminal activity should precede any use of undercover techniques. For the reasons explained above concerning the difficulties in detecting and identifying the parties to consensual crimes, we do not believe that a probable cause standard as to individual involvement is remotely practicable—not to mention that probable cause is the articulated standard for arrest and indictment rather than the beginning of an investigation. But the intuition underlying the "probable cause' argument—that the government should not make new criminals out of law-abiding persons nor test people at will with temptations not otherwise occurring in their lives—is again met by our safeguards of having all decoy opportunities and attractions approximate to those existing in the real world and of making clear and unambiguous of all participants in a decoy transaction the corrupt and illegal character of the activity. [March 4, 1980 p. 141]

(b) William H. Webster, Director, FBI:

We are also aware of the problems inherent in operations where our undercover Agents are investigating subjects who are influence peddlers or middlemen claiming to know others already willing to engage in criminal activity. Since these middlemen do not know they are dealing with the FBI, or that they are the subjects of investigation, it is difficult for us to monitor their activities, and, of course, they are not under our control. We must, therefore, carefully evaluate any information they provide to us as to the willingness of a third party to engage in a crime before we proceed further and assure that if such a third party does meet with us he is aware of the criminal nature of the meeting. [March 4, 1980 p. 146]

Mr. **Edwards**. Well, I believe that the gentlemen from Massachusetts put his finger on the problem I don't think we have resolved yet, and that is the problem of these free-floating purveyors. Middlemen, or whatever they might be, often of dubious reputation, sometimes hoodlums who, while not working for the FBI, are certainly working with the FBI, because they are the ones who bring out the leads. They are the ones who finger people. How do you control them? What devices do you have for auditing their activities? In our private conversations, we made it very clear, the chairman and I, that a number of innocent people have been damaged very severely by these operators, by these middlemen.

Mr. **Webster**. What we do try to do is identify the con men who are misleading us in the attempt to rip off whatever cover our undercover agent is functioning under, and to deal out those operatives, if they are not in fact engaging in illegal activity.

In the Abscam case, again without trying to get into facts, there were influence peddlers—and there was a chain of them one led to another, there were others who introduced them. They were told consistently not to bring anyone to the undercover agent, unless that person was prepared up front to make promises which would in a legal sense violate their trust.

We don't express it, obviously, to the middlemen in that sense, but unless they were prepared to make these statements and assurances up front, and to take the money personally, so that there could be no opportunity for the middlemen, or at least minimized opportunity for the middlemen to mislead the public official as to the purpose of that visit.

Now, in at least one, and maybe two, cases, that's exactly what happened. But step two, which we instituted to control the operation, was that in our handling of the situation, it was made clear to the individuals that it was a criminal activity, or at least an activity which that person could not in good conscience participate in, and he walked out, and that's exactly what we intended. [March 4, 1980 pp. 168-169]

I gave you the ground rules that we apply to try to minimize that. We haven't the interest or the facilities to keep screening out people banging on the door, because we haven't taken the precaution to keep them away. We can't obviously inform the influence peddler that we are the FBI and we don't want him to bring any innocent people—I don't mean to be facetious about that, but we have to carry out the cover, and the two ground rules are don't bring us anybody that isn't going to be up front with us, and then we take the second ground rule, which is to be sure that that's the case.

Chairman Rodino. That's why I would like to be convinced that under your guidelines you are able to say that you now have reasonable grounds to believe, based on the fact that you have actually scrutinized data, not only what the purveyor has said, but what other information you may have—I would like to be convinced that it isn't just the purveyor and some rumors—that the FBI doesn't go forward and then engage in this kind of operation, which when ultimately disclosed and leaked, damages the reputation of innocent persons.

Mr. Webster. No one would like to convince you more that I, Mr. Chairman. In the course of these proceedings, I do want to emphasize that in investigations particularly where we are trying to reach beyond the streets and go out and reach the areas that all of you have been telling us to go in, that we are not sitting as a grand jury. We don't have to have probable cause, but we do have to have a reasonable suspicion and move on it. [March 4, 1980 p. 171]

(c) Paul R. Michel, Associate Deputy Attorney General, Office of the Deputy Attorney General:

Now, I would stress, Mr. Chairman, that the guidelines do not unduly hamper actual operations. And they do contain realistic but meaningful standards. . . .

As you know, Mr. Chairman, the guidelines essentially provide that we can make such an offer only under these circumstances. One, a middleman, who may be a witting person cooperating with us, or may be unwitting, implicates and produces the suspect at our location. Or two, the suspect, having heard of our operation, brings himself in. In addition, once the suspect is there, any offer made to him must be clearly criminal in nature, must be one in which the incentive—for example, the size of a bribe—is not disproportionate to the service sought or the normal expectations for that type of criminality.

Now, some outside observers have suggested that the Government should be required to have probable cause of similar past crimes by a particular individual before it offers him an opportunity for crime. Our view is that this suggestion is impractical. [February 26, 1981 p. 83]

So those are the principal protections that prevent an innocent person from ever getting to the stage of being at one of our locations.

And then, as I mentioned earlier, the second line of defense, the second safety net, is our strong emphasis on making it absolutely clear that we're talking about crimes and make sure that the contact is directly between the agent and the suspect, and no one is speaking for the suspect. He's speaking for himself.

And in that way, if there was anything that slipped through and an innocent person gets in there, then when he's face to face across the table with the undercover agent, who makes it clear that they're talking about outright criminality, well, then he leaves. [February 26, 1981 p. 96]

8. Frequency of Review Under Guidelines:

(a) Paul R. Michel, Associate Deputy Attorney General, Office of the Deputy Attorney General:

Now, with regard to how that all works, I would like to make this observation. The guidelines emphasize the approval process, because that is what we thought deserved the most emphasis. That is what is going to bring the judgment of supervisors and outsiders to the field office involved to bear on this.

And as you know, the guidelines provide for the operation to be recertified by the committee and the appropriate senior FBI officials under any one of three tests. No. 1, at a minimum, every 6 months, no matter what else. No. 2, anytime the nature of the operation changes; if it changes every month, then there's a whole new review every month. And No. 3, any time the operation spends more than a trigger sum, which is $20,000.

The practical effect of those three triggers of renewed scrutiny by the committee is that in the largest and most sensitive operations, the reviews aren't every 6 months; they're much more frequent than that. In addition to formal reviews by the committee, however, there are reviews which sometimes are week-to-week, or even day-to-day in the most sensitive cases.

There are innumerable examples for instance, where the Director of the FBI himself, personally reviewed whether a particular circumstance, as to a particular suspect, warranted the making of an offer of a criminal opportunity.

So, the control of these operations, and minimizing the risks of untoward events occurring, rest as much on this ongoing supervision at all levels of the chain of command in the FBI, as they do on the committee proposal certification process. [February 26, 1981, pp. 86-87]

Mr. Edwards. I might also point out that at a hearing just about a year ago, March 1980, the Director of the FBI Webster and the Assistant Attorney General Heyman testified that there was total control of the undercover operations at that time, that all the decisions made in connection with the undercover operations that this subcommittee was inquiring into had been supervised by the Bureau and Department of Justice on a daily basis.

Yet your testimony today points out, and rightly so, that that was not quite the fact. You have stage 1, stage 2, stage 3. You were in stage 1 at that time. Is that correct? And some problems did arise?

Mr. Michel. No, Mr. Chairman. The testimony of Director Webster and Mr. Heyman on March 4 of 1980, was describing circumstances in the immediately preceding months. And those months are in the period I categorized as period number 2.

The procedures were in place. The Undercover Operations Review Committee was functioning. So that in terms of what the current situation was, in late 1979 and early 1980, all the controls were in place at that time.

They had not been in place back in the period 1977, 1978, and perhaps into parts of 1979.

Mr. Edwards. In other words, Operation Front-Load was in stage 1?

Mr. Michel. That's correct.

Mr. Edwards. What you're saying is Abscam was in stage 2?

Mr. Michel. Most of Abscam was in stage 2. I believe the very beginnings of it were in stage 1. [February 26, 1981 p. 94]

Mr. Edwards. Well, an operation can go on for 6 months?

Ms. Cooper. Without approval.

Mr. Edwards. Without approval again. How do you know what's going on in an operation in 6 months? Under the Domestic Security Guidelines there is a review after 30 days, as I recall.

Mr. Michel. There is a little point of confusion on that, Mr. Chairman. The review by the Attorney General or his designee of ongoing domestic security investigations occurs annually.

Mr. Edwards. But an investigation has to stop after 30 days if something further hasn't developed.

Mr. Michel. Where you have a preliminary investigations. And they then come under that annual review.

I think the answer to your question, though, is that undercover operations are under continuous review and not just within the field office. As Director Webster indicated, the most sensitive ones resulted in his being briefed on a very frequent basis about specific details of a particular operation.

And needless to say, at only slightly lower levels of the FBI there is continuous scrutiny of what's going on in those undercover operations.

So there are parallel tracks. There's the committee review track, which focuses on events like initiations of the operation, and a major change where it switches to a different compass course. But the other track is the regular chain of command supervision within the FBI, and that's a very lively, fast track.

I think from my own experience that the FBI officials at headquarters keep an exceedingly close watch on undercover operations. The more sensitive they are, the closer the watch.

So if we sit back and say, hell, they only look at this every 6 months, that really isn't the case at all. They look at it every week, sometimes every day. And they should.

The guideline's references to 6 months really was simply to have some automatic provision. Remember I said there were three triggers? If the purpose changes the scope changes, then you have a review immediately, no matter if it's only been approved for 30 days or 50 days or whatever.

Second, if you're spending a significant amount of money, automatically you have a review. So the 6-month provision was just to have some automatic device, so that at a minimum, the operation would get a complete new look at 6 months. But they are under very close scrutiny on an ongoing basis, really on a daily basis.

And it's a shame, in a way, that the guidelines don't refer to that, because it's easy to forget on just reading the text of the guideline how close and frequent the review is. [February 26, 1981 pp. 110-111]

9. Crimes and Ethical Violations by Informants:

(a) Paul R. Michel, Associate Deputy Attorney General, Office of the Deputy Attorney General:

Mr. Edwards. Now, guidelines also permit the Director to approve operations that will involve the commission of crimes by the agent or informant.

Is there any limit to what kind of a crime might be authorized? Does it go as far as robbery, murder, or anything like that?

Mr. Michel. Of course not. And the point of reference would be to the informant guidelines.

You'll recall that the informant guidelines provide that informants are to be told they may not engage in violence.

So, the general rule is a prohibition on violence. And the exceptions are limited. [February 26, 1981 p. 104]

Mr. Edwards. "Now, would these guidelines immunize the agent who has committed the crime from prosecution by a State or Federal Court?"

Mr. Michel. "No, they couldn't as a matter of law and they certainly weren't intended to." [February 26, 1981 p. 104]

Ms. Cooper. Let me ask you about section H, which has to do with undercover employees posing as attorneys, physicians, clergymen or members of the media. With the approval of the higher ups, it seems that it is possible that those impersonations can be used to develop a confidential relationship, one that is ordinarily privileged under law.

Do the guidelines sanction an agent violating his own ethical and professional responsibilities? For example, if the agent is an attorney himself, posing as someone else's attorney and thereby getting into a confidential relationship with the subject?

Mr. MICHEL. I guess the question is whether the guidelines overrule the cannons of ethics. The answer is "no." [February 26, 1981 p. 112]

10. Public Officials—Investigations of:

(a) Philip B. Heymann, Assistant Attorney General, Criminal Division, Department of Justice:

The safeguards and techniques which are employed in our undercover operations generally are and shall be utilized in investigations aimed at public corruption. After the careful internal review procedures are satisfied, we will initiate an undercover investigation only where we have a well-founded reason to believe that there is a pattern of criminality. There are only two ways in which any public official will become the subject of an undercover investigation: if he is the object of reliable, specific criminal allegations for which an undercover operation is an appropriate method of investigation; or if, by a process of self-selection, he voluntarily enters an operation. Just as we do not know which individuals will enter our undercover warehouse with a truckload of stolen merchandise, who we do not always know or even suspect which municipal building inspector will show up in our undercover bar to solicit a corrupt payment in return for a license. As in all undercover operations, any decoy transaction in a public integrity case should be structured so that its corrupt character is as clear and unambiguous as possible and should be modeled and proportioned as closely as feasible on the pattern of criminality we understand to exist in the community. We must be fully satisfied that the public official is soliciting and willing to accept an illegal payment in return for dispensing a political favor. If it appears that the individual lacks such intent and has entered the operation on an innocent misunderstanding, perhaps generated by the misrepresentations of a deceitful non-governmental middleman, we would not pursue the individual as a target of the investigation. [March 4, 1980 p. 143]

Mr. SEIBERLING. May I ask you, are there any such operations where the FBI first put the stolen goods in the hands of the individual who came in later?

Mr. HEYMANN. No. No operation that I know of, including this one.

Mr. SEIBERLING. Yet that's what the FBI did in this case, apparently, in trying to get individuals to accept bribes.

Mr. HEYMANN. There is a major difference, Mr. Seiberling, and that is we have no agent going out and making contact, and I am going to drift off in the general, because I don't want to talk about the Abscam investigation. I know of no case where an agent has gone out and tried to persuade a political figure to take a bribe, which would be the equivalent of trying to persuade him to take stolen goods. [March 4, 1980 p. 163]

11. FBI Internal Audit (Completion by March 1, 1979)

(a) William H. Webster, Director, FBI:

Congressman DRINAN. I know, Judge Webster, that you are as wary as we are of the whole question of informants. I commend the chairman for his perseverance on this topic over some 4 to 6 years. But I wonder if you would elaborate, Judge Webster, on some of the things that you said before the Senate Judiciary the other day, that you indicated that you were going to have an internal study on this whole question.

Would you supply us with some details or some things in which this subcommittee could be of help to you?

Mr. WEBSTER. Yes, I would be happy to do that, Congressman Drinan. I have sent out instructions to the field that we will shortly be commencing a full-scale review of our informant files, all of those which were active, I believe, as of Febraury 28, in order to insure that there be no modification in the files.

As a result of my instructions, Mr. Colwell, the Chief of our Planning and Inspection Division, has conferred with Mr. Ols of the General Accounting Office with respect to the profile of our inspection. I directed that every file, not just random auditing, but every file, be reviewed. There are some 2,800 of them. We have already started that review in the Washington Field Office as an immediate prototype to iron out any bugs that might develop in that audit.

I have given this a top priority status. Everything else in our planning and inspection program, with one exception, has been put behind this one. I would hope that we would complete the audit within approximately 30 days, by May 1.

In connection with that audit, I have directed that the areas of compliance to be reviewed include, but not limited to, the following: Development of informants, operation of informants, travel by informants, reporting information obtained from informants, informant files and indexes, payments to informants, use of informants, instructions to informants, and violations of instructions or laws. [March 27, 1979 pp. 102-03]

B. Investigation of Misconduct by FBI Employees:

1. Responsibility of OPR:

(a) Lee Colwell, Assistant Director, Planning and Inspection Division, FBI

"The Office of Professional Responsibility (OPR) is responsible for supervising, investigating, or monitoring the investigation of allegations of criminality, serious misconduct and moral turpitude concerning employees of the FBI. Our OPR works closely with the Department of Justice OPR, and keeps that office fully informed concerning all matters handled." [March 15, 1979 pp. 28-29]

Mr. VOLKMER. "Are the Office of Professional Responsibility people permanent?"

Mr. COLWELL. "They are permanent to the extent that we require them to serve approximately three years or more in that capacity. [March 15, 1979 p. 35]

Mr. COLWELL. "In 1979, as of February 28, fiscal year 1979, [The Office of Professional Responsibility] had 161 cases we addressed."

Mr. VOLKMER. "And those are being taken care of by five professional people plus one staff?"...

Mr. COLWELL. "We do not personally, or through respresentatives of that office, handle each allegation of misconduct against our employees. We delegate that authority on a case-by-case basis to the special agent in charge of a field office or another Assistant Director at FBI Headquarters if it concerns one of their employees. The way we arrive at that decision is the seriousness of the offense, whether or not there is a possibility of that official being involved in the allegation or later becoming involved in the allegation. And we supervise that investigation." [March 15, 1979 p. 36]

Mr. HYDE. "In other words, you have increased the qualifications of the internal audit staff?"

Mr. COLWELL. "Yes, we have."

Mr. HYDE. "And what about the independence of the internal audit staff? Has that been increased?"

Mr. COLWELL. "Well, we believe that we are independent."

Mr. HYDE. "No need to increase it, in other words?"

Mr. COLWELL. "Well, there is always room for improvement in anything that you do, but we believe that we are independent, that we do provide an objective, unbiased view to the Director. We report to him. We are not responsible to any other person in the FBI. As long as our selection process is good, I think we do have independence and can produce a good product for the Director." [March 15, 1979 p. 37]

Mr. COLWELL. "Any time we receive an allegation which involves misconduct or impropriety which is serious on the part of an FBI employee, yes, we either conduct the investigation directly or supervise that investigation." [March 15, 1979 p. 45]

2. Access of Department of Justice During Audits of FBI Operations:

(a) Lee Colwell, Assistant Director, Planning and Inspection Division, FBI:

Mr. EDWARDS. Now, the Department of Justice tells us, I think, that when the Department is involved in internal audit of FBI programs, the Department itself has very limited access to FBI internal reports, such as field office inspections, Office of Planning and Evaluation studies, and time accounting reports, which I believe you call TURK.

What access do you give to the Department of Justice when they are conducting audits and inspections of the FBI's operations?

Mr. COLWELL. We give them access except where a situation exists involving confidentiality. If we have been requested or we have assured someone of confidentiality, then the files are not made available. It depends on the particular area. If it involves foreign counterintelligence, there would have to be clearances of the people who are conducting the audit. [March 15, 1979, p. 45]

3. Immediate Investigation:

(a) William H. Webster, Director, FBI:

"We look into any allegations of mistreatment of people under investigation, any abuse of power. And I mean to say that we do it immediately, there is no delay or backlog in these investigations. [March 27, 1979 p. 109]

Mr. WILLIAMS. Mr. President, with respect to my situation, the Government tried three separate scenarios to ensnare me. The first scenario was a stock-for-loan transaction. Under this scenario, the Government's agents, Weinberg and Amoroso, were to pose as representatives of a wealthy Arab shiek.

They were to arrange financing for certain individuals to purchase land in Virginia upon which existed a titanium mine and a production plant. The deal also involved a paint pigmentation plant in Georgia. The individuals interested in the loan were Sandy Williams—who is no relation to me—George Katz, Alex Feinberg and Angelo Errichetti. The Government agents were introduced to Sandy Williams and George Katz. Katz owned options to purchase land in Virginia. Feinberg was an attorney. And Angelo Errichetti, as I indicated, was mayor of Camden and a State Senator. Errichetti mentioned the potential financing opportunity to me, and I informed Alex Feinberg who then contacted Errichetti. Errichetti then arranged this whole thing and they met the Government agents. The Government agents, as the record will show, told these individuals, Sandy Williams, Katz, Feinberg and Errichetti, that the investors were not interested unless I was involved.

In the summer of 1979, Weinberg and agent Amoroso, Sandy Williams, Katz, Feinberg and Errichetti, set up three shell corporations, two in Virginia and one in Georgia, to obtain financing for the land, mine and plant. These operatives tried to create the appearance that I was given an 18-percent interest in these three shell corporations. They contrived an alleged quid pro quo, that I was to get Government contracts for the output of the mine. Both plants could only be used to produce paint pigmentation, the users for which were paint producers, like the Glidden Co. Most of the mine product could be used only to supply the plants for production, the production plants in Virginia and Georgia, or others like it.

The agents contrived in my absence and without my knowledge, to hide an interest in this business venture, although when I found this out I clearly stated that I would disclose any interest that might develop.

This can be seen in a portion of the transcript, of May 31, 1979. I will offer it as a part of the factual background as an exhibit and read just the part that deals with this particular issue.

I am speaking and I say, "I've got a—my situation is this. I've got to uh I am under a law that makes me disclose an interest when I have an interest. But up until now there's been no defined interest. In what? An idea basically. Because there's no corporate stock."

And then Alex Feinberg said, "But when and if you do——".

I came in with the reply, "When that happens, then that's part of my law."

I offer that to explain when I say "that's part of my law," that is part of our law, the law or requirements that are directed toward disclosure. When I say "my law," it is the law and regulations that attach to a U.S. Senator.

The exhibit follows:

EXHIBIT 4

Date: May 31, 1979.

Place: Hotel Pierre (Dining Room), New York, New York.

Participants: Harrison A. Williams (HW), Sandy Williams (SW), George Katz (GK), Alexander Feinberg (AF), Mel Weinberg (MW), Tony De Vito (TD), Inaudible (IA)

* * * * * *

AF: I've got to do some manipulation here on account of our——

SW: Alex'll——

AF: —situation. (IA) a lot of——

HW: I've got a—my situation is this. I've got to uh I'm under a law that makes me disclose an interest when I have an interest. But up until now there's been no defined interest. In what? An idea basically. Because there's no corporate stock.

AF: But when and if you do——

HW: When that happens then that's a part of my law (IA).

AF: Well that's what you and I have to discuss, what we have to examine. We're going to do that.

HW: But there's no sense doing anything before if there's was no reason for me to do it by on this May 15th——

AF: No, no. No, no.

HW: —because it's just for——

AF: We'll work that out. There will be nobody with more then.

Mr. **WILLIAMS.** In the late summer or early fall of 1979, the Government agents implemented the second scenario, the stock for sale transaction. Under this scenario, a second group of Arabs would essentially buy out the first group of Arabs, and everyone in the shell corporation would share in the profits in accordance with their proportionate shares.

The Government agents pressed me to promise Government contracts for the new Arabs, which I had never agreed to do—and not disclose my interest or pay taxes. I clearly stated again that I would live with my law and honor my law, I would pay taxes and I would use a legal blind trust for any interest that I might have.

Forced with my refusal to do what the agents wanted, Weinberg, FBI agent Amoroso, and Errichetti conspired to forge a letter on my Senate stationery stating that I would do what I had previously refused to do.

I offer that at this point in the RECORD as exhibit 5. With the forged letter I will include the memorandum of one of the agents.

The exhibit follows:

EXHIBIT 5

U.S. SENATE,
COMMITTEE ON LABOR AND
HUMAN RESOURCES,
Washington, D.C., September 11, 1979.

To whom it may concern:

In light of the fact that I am, at present, a stockholder in, and advisor to, the corporation which is involved in the mining and processing of titanium dioxide, I would be pleased to serve in the same capacity in the new corporation, which new corporation is purchasing the existing operation.

Sincerely,
HARRISON A. WILLIAMS, Jr.

FEDERAL BUREAU OF INVESTIGATION—DATE OF TRANSCRIPTION SEPTEMBER 25, 1979

Upon instant date, a meeting was held at the Hyatt House, Cherry Hill, New Jersey, Room 1232 at approximately 6:15 PM. Present during the meeting were Angelo Errichetti, Mayor of Camden, New Jersey, his secretary Danny (Last name Unknown) (LNU) and undercover agents Anthony Amoroso, Jr and Bruce Brady. At this time, Errichetti furnished a forged letter to Anthony Amoroso, using the letterhead of the United States Senate with the forged signature of Senator Harrison A. Williams, Jr. Errichetti admitted during conversation that he had a printer make up the letterhead and that his secretary typed the letter and forged Senator Williams' signature. Errichetti also stated that in this regard, his printer could do any type of forgery necessary to accommodate the "new" Arab investors to believe that Senator Williams would serve in the same capacity as he had in the old titanium mine venture.

EXCERPT FROM TRANSCRIPT OF TAPED MEETING BETWEEN MELVIN WEINBERG AND ANGELO ERRICHETTI

MW. The other problem we're going to have in our deal which I didn't even bring up last night, I explained to you before, these other guy Arabs may want a letter. I didn't dare bring, I told you about this, remember you said you'd sign it? From Pete stating that he be with them. How the [e.d.] are we going to work around that?

AE. I have a letter from Pete, sent to me . . . I'll ink out (IA) . . . I'll be able to type anything you want to copy. His name will be on the bottom . . . (IA) . . . everything out: I'll ink it out.

MW. How the [e.d.] can you do that?

AE. What? The letter.

MW. Yeah.

AE. Senator Pete Williams who, I got ten thousand [e.d.] letters for him. Right? . . . (IA) . . . I'll experiment, make it all out.

MW. I don't think that's going to fly.

AE. What?

MW. You're crazy.

AE. No, all I'll leave in there is his signature.

MW. Do you think if you told Pete, to give you a letter, and that, and you will hand deliver it, let them read it and then you would burn it will he would trust you?

AE. Let's see if . . . my thing first would work.

MW. Alright.

AE. . . . (IA) . . . secretary?

MW. That's my only, I told you this before, that's my only problem I got.

AE. Can I tell you something?

MW. And I'm trying to get around it.

AE. Can I tell you something? She can ink out the body of the letter . . . (IA) . . . okay? There we are. We type in what we're going to type.

MW. Alright, try it. If not we'll try it with the other way; because I think Pete will trust you.

AE. If worst comes to worst, I got to get a letter from him. Is that what you're telling me?

MW. Yeah.

AE. Alright. We'll try it our way first. [E.d.] him. . . .

MW. Just say: to whom it may concern that I agree to do all my power to . . .

AE. I'll address the [e.d.].

MW. Huh?

AE. If I can do I'll address it to the [e.d.] whoever it is.

MW. Alright.

AE. Make it to the [e.d.] Arab's name, [e.d.] him. Dear then boom.

MW. Well you don't, but that may be my only stumbling block.

AE. Because when she comes back from . . . (IA) . . . in the [e.d.] bathroom and say Dan I got a letter for you, one of our letters with Pete Williams on it . . . (IA) . . . block out so you can't see it and type in . . .

* * * * *

AE. On that letter that

MW. Yeah

AE. That has to be typed up.

MW. Right

AE. Now before I . . . before I . . . up

MW. Right

AE. Which I don't want to. In drafting it up very simply it's one where he is going to uh be a part of the new organization

MW. Right

AE. That correct

MW. Correct

AE. And uh will serve in the capacity he's serving tod . . . in this present corporation in the in the future corporation that will be acquired

MW. Right

AE. Okay

MW. Right

AE. I got it all in the letters are beautiful piece of, beautiful letterhead

MW. Yeah (laughs)

AE. Better than better this his (laughs)

MW. How about the signature though

AE. No problem

MW. No problem

AE. It was the one that was on the other one

MW. Oh

AE. It was lifted off of that one

MW. Oh beautiful

AE. It's his, it's his

MW. No kiddin

AE. Yeah

MW. Beautiful

AE. Okay, so I'll bring it with me when I come out in about an hour

MW. Okay

AE. Alright

MW. Righto

AE. See ya

MW. Bye-bye

DA. What do you want? A pen?

AE. Naw. Pen's over here. He needs some paper.

MW. Right.

AE. OK. There's number one, in regards to the letterhead signature on it.

MW. No problem.

AE. Got to compose what you want on that letter.

MW. I'll leave it up to you.

AE. (IA) tell me what you want. Name? Put the name on it.

MW. We'll make him sign. That's all.

AE. OK.

MW. We'll leave up to our chief, the bookkeeper.

AE. OK. The letter has to state signed by PETE OK to whom it may concern that uh my continued interest and involvement in uh the corporation . . . what's our corporation's name?

MW. I don't know what the hell it is. You got the stock right?

AE. Yeh. I got to put it in a sentence that doesn't kill me. It says this, very honestly: that PETE WILLIAMS will will be most happy to be retained under a new corporation that's gonna be formed when the purchase uh of the American Cyanamid in Georgia will be most happy to be retained on with the new corporation.

MW. Well she knows what to say.

AE. She don't know what to say. I gotta tell her.

DA. Yeh. OK. Yeh (IA).

AE. We'll discuss it.

DA. Um hum. right. No problem here.

Unidentified Voice. It's just (IA) not uh

AE. Well, Melvin, how's Melvin?

MW. They're killing me here. Killing me (IA)

TDV. Getting my clock cleaned as they say. Uh, I check

Unidentified Voice. [e.d.]

TDV. I don't even wanna see, you can have it. Yeah, I knew that, I knew that was coming. Oh yeah.

DA. (IA)

AE. Try again.

AE. (IA)

DA. (IA)

BB. I was lucky.

AE. (IA)

Unidentified Voice. (IA) Fifty dollars here. Yeah.

MW. What happened to the station?

AE. (IA) remember (IA)

AE. (IA) see what you did you cover the body of the letter. You black bank out the body of the the you bank out the

DA. (IA)

AE. Hey, look I. If the Senator wants to spring down if he wants to change letter (IA) that's the original letterhead.

TDV. Original letter, hey. I think you missed your calling.

DA. He has many callings (laughter).

TDV. I think you missed your calling in life.

AE. I asked you the day before (IA) seek and you shall find. Whatever you need you gotta ask and you get it.

Mr. WILLIAMS. This memorandum on this activity in connection with the forged letter is November 26, 1979. It is short.

Upon instant date, a meeting was held at the Hyatt House, Cherry Hill, New Jersey, Room 1232 at approximately 6:15 PM. Present during the meeting were Angelo Errichetti, Mayor of Camden, New Jersey, his secretary Danny (Last Name Unknown) (LNU) and undercover agents Anthony Amoroso, Jr and Bruce Brady. At this time, Errichetti furnished a forged letter to Anthony Amoroso, using the letterhead of the United States Senate with the forged signature of Senator Harrison A. Williams, Jr. Errichetti admitted during conversation that he had a printer make up the letterhead and that his secretary typed the letter and forged Senator Williams' signature. Errichetti also stated that in this regard, his printer could do any type of forgery necessary to accommodate the "new" Arab investors to believe that Senator Williams would serve in the same capacity as he had in the old titanium mine venture.

I am including with this exhibit, Mr. President, the transcript of a conversation with Weinberg and Errichetti that describe their conversations about the forged letter. I would like to read just part, if I may.

If I could have license to change a very profane word where it appears to a less profane word——

Mr. WALLOP. If the Senator will yield, I have no objection to doing that, but I wonder if the Senator will identify the transcript he is reading from.

Mr. WILLIAMS. This is from September 12, 1979. I think reference can be made to it in the book:

ANGELO ERRICHETTI. Now before I—before I "foul"—

And that is reducing the degree of offense in that word—

up.

MEL WEINBERG. Right.

ANGELO ERRICHETTI. Which I don't want to. In drafting it up very simply it's one where he is going to uh be a part of the new organization.

MEL WEINBERG. Right.

ANGELO ERRICHETTI. That correct.

MEL WEINBERG. Correct.

ANGELO ERRICHETTI. And uh will serve in the capacity he's serving tod—in this present corporation in the future corporation that will be acquired.

MEL WEINBERG. Right.

ANGELO ERRICHETTI. OK.

MEL WEINBERG. Right.

ANGELO ERRICHETTI. I got it all in the letters are beautiful piece of, beautiful letterhead.

MEL WEINBERG. Yeah. [Laughs.]

ANGELO ERRICHETTI. Better than better than his. [Laughs.]

MEL WEINBERG. How about the signature though.

ANGELO ERRICHETTI. No problem.

MEL WEINBERG. No problem.

ANGELO ERRICHETTI. It was the one that was on the other one.

MEL WEINBERG. Oh.

ANGELO ERRICHETTI. It was lifted off of that one.

Oh, beautiful.

ERRICHETTI. It's his, it's his.

WEINBERG. No kiddin.

ERRICHETTI. Yes.

WEINBERG. Beautiful.

I am skipping some parts here to just highlight pertinent parts. The whole matter will be in the RECORD.

ERRICHETTI. OK. The letter has to state signed by Pete OK to whom it may concern that uh my continued interest and involvement in uh the corporation . . . what's our corporation's name?

WEINBERG. I don't know what the hell it is. You got the stock right?

ERRICHETTI. Yeh. I got to put it in a sentence that doesn't kill me. It says this, very honestly: that PETE WILLIAMS will will be most happy to be retained under a new corporation that's gonna be formed when the purchase uh of the American Cyanamid in Georgia will be most happy to be retained on with the new corporation.

Then Tony DeVito comes in later to say—one of the agents—"I don't even wanna see, you can have it. Yeah, I knew that, I knew that was coming. Oh, yeah."

DeVito again later. "Original letter, hey. I think you missed your calling."

The other person there, DA, says "He has many callings." [Laughter.]

Tony DeVito. "I think you missed your calling in life."

Angelo Errichetti. "I asked you the day before, seek and you shall find. Whatever you need, you gotta ask and you get it."

Mr. President, this is a summary of the high points of their discussion about a letter forged on U.S. Senate stationery of the Committee on Labor and Human Resources. This was in the Government's exhibit file in connection with my case. That is where we have taken it from. This is a copy, the original is probably with the court. This is a true copy of my letterhead from the Commttee on Labor and Human Resources when I was chairman of that committee with all of my distinguished colleagues.

This is not a committee matter, true.

I would say that that forged letter came on September 12. On September 11, the day before, there was a meeting. It is one of the meetings that I went to and it was at that meeting the effort was made to get me to agree to do certain things. One of the things that I did not do is described in the forged letter, indicating by forgery that I would do what I had indicated I would not do when I was questioned directly.

In January of 1980, a third scenario was devised. The scenario—the sheik, who was FBI Agent Richard Farhart, pressed for immigration legislation in exchange for cash. Unfortunately for the Government, I turned the cash down in no uncertain terms.

The meeting with the sheik—Agent Farhart—was immediately interrupted by Agent Amoroso on the instructions of Agent Good and Prosecutor Puccio, who were personally monitoring the meeting in an adjoining room. Just as I was saying that I do not accept anything of value when I work in my official capacity, that is when the interruption was made.

I mentioned before when, by saying no, I said, "My public" and I got the word "public" out and maybe one other word, in came Agent Amoroso to interrupt. I never did finish explaining what we all know we must do when anybody offers money in connection with anything in our public life. It is an instinctive no, no, no.

According to his own testimony, instructions were given to Agent Farhart to link the legislation with the closing of the stock-for-sale scenario. Following the refusal of money and at the beginning of my explanation, I was interrupted.

Mr. President, I should say at this point that it was not much before this time in our Committee on Banking, Housing, and Urban Affairs that we had been through the development of legislation dealing with bribes to foreign officials. I can say now—and I hope to get back to this later; this person said "Money" and I said, "No." Then there was an interruption; he left the room. It came to my mind that this was a man from an Arab country—he is the one thing that I felt was real in the operation. I was taken in by what he said he was.

It just seemed to me that we had heard all kinds of testimony, during consideration of the foreign corrupt practices bill when it was before our committee. We heard a great deal of testimony from businessmen going to other lands—a great number who traveled to Middle Eastern lands—that the offering of money is the way of doing business. If they wanted to get business, they felt obliged to be part of the custom of paying what we know to be bribes.

This man presenting himself as a sheik—which is an official of high rank—wants an immigration matter to be considered and offers money. I figured he obviously thinks that here, we practice what had been described to us in our committee as normal practice over there. I started to explain this, was interrupted, and never did get back to have an opportunity to explain that.

In February, Mr. President, 1980, Abscam became overt beginning with the detailed coverage of the covert operations appearing as the headlines story in the New York Times. The New York Times was the principal recipient of the most detailed information regarding Abscam before any of this went public.

While Abscam was still within Government as a known operation, there was a planting of significant internal material from the Justice Department with the New York Times. That amounted to the announcement made to the world February 2 and February 3 of 1980. This information reached the world at large on the night of February 2 through one of the networks and a newspaper, Newsday. That will be dicussed later, also.

Mr. President, now I would like to talk to the subject of the tapes. I know that most Members have viewed these tapes. I would like to say that I know that perhaps three-quarters of the Senate is aware that the Senate Ethics Committee has shown 7 of the 58 tapes used in evidence at my trial. I was filmed on 6 of the tapes shown by the committee and present at only 7 of the 58 tapes.

It has been said that the tapes speak for themselves. I tell you that such is not, in fact, the case. In the view of Robert C. Stewart, then chief of the Newark strike force, the tapes did not support conclusions of criminality.

The memorandum of Robert C. Stewart, dated January 8, 1980, which I will present in exhibit—it will be No. 6—is a memorandum that is not in any of the published materials. Because of this, and because it is just over 2 pages long, its significance here can be judged by the Members.

> The immediate concern is whether an adequate factual predicate exists for future investigative action as to New Jersey Suspects "D" and "S" on Wednesday as proposed. The factual recitation as to Suspect "W" in the Memorandum of Messrs. Plaza and Braniff (transmitted by Mr. Del Tufo on December 19) formalizes the issue about possible governmental overreaching, which I emphasized to you during our meeting of September 13, 1979. Mr. Plaza and Mr. Weir brought this concern directly to the attention of the Brooklyn Strike Force in July and, at the first opportunity, to the Undercover Operatives as early as August 9, 1979 (see p. 4 of my Memorandum of October 31, 1979).

Then there is a reference: "See page 4 of my memorandum of October 31, 1979."

> Subsequent events reflect that the Brooklyn prosecutors, the case agent and the Informant represented this "intrusion" by the Newark prosecutors. In fact, Mr. Plaza was told that his advice "jeopardized" the investigation. Notwithstanding those events, the Informant persists in formulating the criminal scheme rather than simply allowing the suspects to do this. Indeed, as late as the December meetings in New Jersey, the Informant persisted in suggesting the nature of the criminal undertaking rather than allowing the suspects to relate what they proposed, as Mr. Weir had expressly instructed the Informant to do.

Mr. HEFLIN. Mr. President, will the Senator yield? I believe it is at page 877 in the document.

Mr. WALLOP. Mr. President, it is in volume II. It is in the respondent's exhibit 1, and it is not there in its entirety. They retract some of the material that was in there, and later, at an appropriate time, we will say what was retracted.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. WILLIAMS. I am happy to yield to the Senator from Montana.

Mr. MELCHER. I hate to interrupt the train of thought of the Senator and the thoughts of the other Senators, but I want to return, if I may, for just a moment, to the forged letter.

It was known to be forged by three FBI agents; and there is a report—I guess they call it a 302 report—which goes in the file and describes that two of the agents knew it to be forged.

Was the point of the forged letter to be given to influence another FBI agent who was in costume as a sheik?

Mr. WILLIAMS. I cannot answer that. All I know is that the agents and Errichetti were very pleased with the product. The product was made available to us in the exhibit file of the Government.

Mr. MELCHER. I suggest that perhaps the forged letter was to show, in a convincing way, not to the sheik, who was an FBI agent, as the other three FBI agents are who know it is forged—but it was to convince somebody else that the Senator was willing to participate as broadly as the letter would indicate.

It goes to the point, Mr. President, of how credible the evidence is. Was this evidence that was to be credible evidence to be presented to a court and found not to be credible later and therefore was not presented as credible evidence?

I thank the Senator for yielding.

Mr. WILLIAMS. I thank the Senator from Montana.

Mr. LONG. Mr. President, since the matter has been raised, I am curious to know if the Senator knows just who was intended to be deceived by the forgery. This forgery, apparently, was participated in by the Federal Bureau of Investigation, and I find it strange that my Government would participate in a forgery. Who was the target for the forgery? Who was the FBI planning to deceive with the forgery?

Mr. WILLIAMS. Again, I cannot attest to what was on their mind on September 12. All I know is that on September 11 they wanted me to say certain things that I did not say; and on the following day, a forgery was created which intended to prove that I had done those things which I said I would not do. What their purpose was, who they were going to impress—obviously, I would think they sought to impress someone with what they had forged.

Mr. LONG. I would have to assume that if some second group of Arabs were to appear on the scene, they would not be genuine Arabs; they would be FBI Arabs. Why would the FBI have to forge a document to deceive another FBI agent?

Mr. WILLIAMS. The fantasy goes on and on. It just has to amaze you that our people are spending time doing this sort of thing and finding great pleasure in doing it.

Mr. MELCHER. Mr. President, will the Senator yield further?

Mr. WILLIAMS. I yield.

Mr. MELCHER. I thank the Senator for yielding.

I do not believe that the Federal Bureau of Investigation form was and is in the file, signed by Agent Bruce Brady, and with the date of transcription of September 26, 1979. It has been mentioned by the Senator.

I merely ask the committee, if the Senator will permit me, and if the committee will yield—has it been considered by the committee? Will the chairman yield? Will the chairman of the committee yield?

Mr. WALLOP. I beg the Senator's pardon. I did not hear the question.

Mr. MELCHER. Senator Williams has mentioned the Federal Bureau of Investigation form signed by agent—I do not know whether is a signature. It is typed in—Bruce Brady. The date of transcription is September 26, 1979. I refer to the forged signature of Senator Williams on this document we are discussing.

Mr. WALLOP. I do not think the Senator has.

Mr. MELCHER. I am asking the chairman whether the committee has——

Mr. WALLOP. I cannot answer. I will be happy to answer the Senator later.

The only point I was going to raise is that Mayor Errichetti was not an FBI man. Mayor Errichetti was conspiring to defraud a second group of Arabs.

Mr. MELCHER. Mr. President, I ask unanimous consent that the Federal Bureau of Investigation document dated at the top September 26, 1979, of Bruce Brady, be made part of the Record at this point—at the point we are dealing with the forged letter.

Mr. RIEGLE. What does it say?

Mr. MELCHER. I will read it into the Record.

> Upon instant date, a meeting was held at the Hyatt House, Cherry Hill, New Jersey, Room 1232 at approximately 6:15 pm. Present during the meeting were Angelo Errichetti, Mayor of Camden, New Jersey, his secretary Danny (Last Name Unknown) (LNU) and undercover agents Anthony Amoroso, Jr., and Bruce Brady. At this time, Errichetti furnished a forged letter to Anthony Amoroso, using the letterhead of the United States Senate with the forged signature of Senator Harrison A. Williams, Jr. Errichetti admitted during conversation that he had a printer make up the letterhead and that his secretary typed the letter and forged Senator Williams' signature. Errichetti also stated that in this regard, his printer could do any type of forgery necessary to accommodate the "new" Arab investors to believe that Senator Williams would serve in the same capacity as he had in the old titanium mine venture.

Mr. President, I submit it at this point because I think it goes along with the rest of the discussion by Senator Williams of the forged document and merely to demonstrate that the FBI agents who were working on this case to prove something wrong with Senator Williams' action not only involved one or two, but at least three were involved, and that it was included in the Justice Department file and certainly is available to Justice Department superiors of these agents.

Mr. HEFLIN. Mr. President, if the Senator will yield, I think I can join these matters. I wish to do whatever the Senator wishes to do. If he wishes me to do it when he finishes I will do it then.

Mr. WILLIAMS. Perhaps it would be best. I have not finished this.

Mr. HELFIN. All right.

Mr. WILLIAMS. The Senator from Wyoming raised the subject; it warrants response.

I will try to make my response brief, and then we can finish this exhibit.

Errichetti was not an agent or an employee of the Federal Government. That is certainly accurate. What his role was at this point (mid-September of 1979), is not clear.

New evidence, evidence new to me and which has been available, some since December, some in January, suggests that Errichetti had clearly been co-opted by Weinberg and together they divided bribe money that was intended for another target.

So the relationship between Weinberger and Errichetti and the operations that arose out of that relationship is unclear; but it has been suggested, and evidence corroborates, that they were conspirators working in their own self-interest; and even though one was working for the Government, the other was not, they were certainly using this operation for their separate and, they thought, secret ends.

There is much more to this, I am sure, than I know. Errichetti has been a defendant in cases and it has been suggested that because of this and other things, he has not been available as a witness.

So, I cannot say any more. What I did say is a matter not of public record, but of public statement. Much surfaced in conversations that were held with Marie Weinberg in December and January and was included as part of an affidavit that she made before her most untimely and questionable death.

It also is a matter that has been a subject of testimony in another case in another proceeding.

Now back to this Stewart memorandum that I did not complete and if I may just finish it:

> In the present investigation, the circumstances are fundamentally different because there is nothing inherently illegal about either the nature of the meeting place or the general topic of conversation. Indeed, absent specific facts to the contrary, there is an initial presumption of legality because of the positions which the suspects occupy and because of the ostensibly legitimate nature of the things under discussion—whether those things be the operation of a business, economic development in a particular area, or the protection of the human rights and indeed the very life of a foreign national who is touted as nothing more than a legitimate entrepreneur. Hence, the decision for further investigative action cannot be controlled by the criteria which govern such decisions in a conventional "sting" operation, but must depend instead upon the demonstrable existence of special facts which infect the particular transaction with illegality.
>
> Two instances may serve to illustrate this point: In his conversation with me on March 27, 1979, Mr. Puccio indicated that Suspect "W" of New Jersey had a hidden interest in the particular business venture. It was the hidden nature of this interest which was malum prohibitum, and it was that fact which justified further investigation. However, during the meeting of April 4, 1979 in Brooklyn, at the outset of Newark's involvement in this matter, Mr. Puccio related that the investigative predicated as to Suspect "W" were (1) the assertions of Intermediary "E" . . .

Errichetti—

> —that "W" was corrupt and that "W" 's friend, "F", . . .

That is Feinberg—

> . . . was "W" 's bagman, and (2) the assertions of the Informant that "F" was "W"'s bagman. Mr. Puccio observed that "W" was a "big question". Mr. Plaza and Mr. Weir began to review the available materials; and, in late April, they advised me that many 302's appeared to be missing, that there were no reports, that a number of telephone calls which had been made by the Informant had not been recorded, that it was extremely difficult to reconstruct the facts, and that there appeared to be a lack of controls over the investigation in general.

These difficulties prompted a meeting in Brooklyn on May 11, 1979. During this, Mr. Puccio reiterated to Mr. Del Tufo and myself . . .

To Stewart——

. . . that "W" had a hidden interest in the venture; and, during a conversation on June 5, 1979, Mr. Puccio told me that "W" had acknowledged his hidden ownership during a meeting the preceding Thursday.

May 31, 1979.

Many months later, when we finally obtained the tapes, the situation proved to be quite different: The whole idea of hidden ownership appears to have sprung from a statement by "F". . .

Feinberg——

. . . on March 8th to the effect that "W" would have a piece of the venture, though he could not show it.

And the memo says:

That was a prediction by "F", not a statement of existing fact. During the March 23rd conversation, "W" himself said only that he was interested in the venture and would authorize the Undercover Agent to say that he was interested. "W" did not say that he had an interest, hidden or otherwise—only that he was interested. Then, during the May 31st conversation, "W" said only that when the venture materialized, he would then have to disclose his interest—an interest which would come into being at that time. All of this is a far cry from having a "hidden interest". To be sure, there were the assertions of Intermediary "E" that "W" was corrupt, but the basis of these conclusory assertions was never elicited.

I submit the entire document known as Exhibit 6 for the RECORD.

EXHIBIT 6

EXCERPT OF MEMORANDUM OF ROBERT C. STEWART, NEWARK STRIKE FORCE JANUARY 8, 1980, PP. 3-5

The immediate concern is whether an adequate factual predicate exists for future investigative action as to New Jersey Suspects "D" and "S" on Wednesday as proposed. The factual recitation as to Suspect "W" in the Memorandum of Messrs. Plaza and Braniff (transmitted by Mr. Del Tufo on December 19) formalizes the issue about possible governmental overreaching, which I emphasized to you during our meeting of September 13, 1979. Mr. Plaza and Mr. Weir brought this concern directly to the attention of the Brooklyn Strike Force in July and, at the first opportunity, to the Undercover Operatives as early as August 9, 1979 (see p. 4 of my Memorandum of October 31, 1979). Subsequent events reflect that the Brooklyn prosecutors, the case agent and the Informant resented this "intrusion" by the Newark prosecutors. In fact, Mr. Plaza was told that his advice "jeopardized" the investigation. Notwithstanding those events, the Informant persists in formulating the criminal scheme rather than simply allowing the suspects to do this. Indeed, as late as the December meetings in New Jersey, the Informant persisted in suggesting the nature of the criminal undertaking rather than allowing the suspects to relate what they proposed, as Mr. Weir had expressly instructed the Informant to do. Given this proclivity on the part of the Informant, prudence dictates that the genesis of each proposed meeting be scrutinized carefully in advance to ensure that there is a sound legal basis for further investigative action. With respect to the meetings proposed for the week of January 7th, that predicate review cannot be done by anyone in Newark without access to the recent tapes.

It appears to me that the substantive problem with respect to this investigation is that it is being conducted in the manner of a conventional "sting" operation—that is, the predominant modality is to videotape anyone willing to meet with the Undercover Operatives in order to determine what, if anything, they have to say which might be incriminating. The problem with this approach is the fundamental difference between the subject matter of a conventional "sting" operation and that of the present operation. In the former, the subject matter under discussion (such as a stolen television set in the hands of a junkie thief) is contraband per se and any discussion about it is ipso facto incriminating. The suspect's mere presence in an ostensible "fencing" location with an item which is being offered for sale at a fraction of its face value provides more than an adequate basis for further investigative action—namely, recording the suspect's conversations about the contraband item. In the present investigation, the circumstances are fundamentally different because there is nothing inherently illegal about either the nature of the meeting place or the general topic of conversation. Indeed, absent specific facts to the contrary, there is an initial presumption of legality because of the positions which the suspects occupy and because of the ostensibly legitimate nature of the things under discussion—whether those things be the operation of a business, economic development in a particular area, or the protection of the human rights and indeed the very life of a foreign national who is touted as nothing more than a legitimate entrepreneur. Hence, the decision for further investigative action cannot be controlled by the criteria which govern such decisions in a conventional "sting" operation, but most depend instead upon the demonstrable existence of special facts which infect the particular transaction with illegality.

Two instances may serve to illustrate this point: In his conversation with me on March 27, 1979, Mr. Puccio indicated that Suspect "W" of New Jersey had a hidden interest in the particular business venture. It was the hidden nature of this interest which was malum prohibitum, and it was that fact which justified further investigation. However, during the meeting of April 4, 1979 in Brooklyn, at the outset of Newark's involvement in this matter, Mr. Puccio related that the investigative predicates as to Suspect "W" were (1) the assertions of Intermediary "E" that "W" was corrupt and that "W's" friend, "F", was "W's" bagman, and (2) the assertions of the Informant that "F" was "W's" bagman. Mr. Puccio observed that "W" was a "big question." Mr. Plaza and Mr. Weir began to review the available materials; and, in late April, they advised me that many 302's appeared to be missing, that there were no reports, that a number of telephone calls which had been made by the Informant had not been recorded, that it was extremely difficult to reconstruct the facts, and that there appeared to be a lack of controls over the investigation in general. These difficulties prompted a meeting in Brooklyn on May 11, 1979. During this, Mr. Puccio reiterated to Mr. Del Tufo and myself that "W" had a hidden interest in the venture; and, during a conversation on June 5, 1979, Mr. Puccio told me that "W" had acknowledged his hidden ownership during a meeting the preceding Thursday (5-31-79). Many months later, when we finally obtained the tapes, the situation proved to be quite different: The whole idea of hidden owership appears to have sprung from a statement by "F" on March 8th to the effect that "W" would have a piece of the venture, though he could not show it. That was a prediction by "F", not a statement of existing fact. During the March 23rd conversation, "W" himself said only that he was interested in the venture and would authorize the Undercover Agent to say that he was interested. "W" did not say that he had an interest, hidden or otherwise—only that be was interested. Then, during the May 31st conversation, "W" said only that when the venture materialized, he would then have to disclose his interest—an interest which would come into being at that time. All of this is a far cry from having a "hidden interest". To be sure, there were the assertions of Intermediary "E" that "W" was corrupt, but the basis of these conclusory assertions was never elicited.

Mr. WILLIAMS. Mr. President, I would like to share with the Members of the Senate a statement from Dr. Roger Shuy, a professor of linguistics at Georgetown University who specializes in the analysis of video and audio recordings, and who has been used as an expert witness in a number of trials on the issue involving audio and video recordings.

I would like to introduce Dr. Shuy's statement as an exhibit, which would be exhibit 7, and I ask that this letter by Dr. Shuy, after being entered in the RECORD be read in full by the clerk at this time.

Mr. BAKER. Mr. President, will the Senator yield to me? Will the Senator from New Jersey give us some idea how long the letter is?

Mr. WILLIAMS. I can if I may have one moment.

Dr. Shuy has been permitted to be present on the floor, and I will ask him. It is a 30-minute reading by the clerk, and I appreciate that that is a long time. But, if I may just say, I discussed the statement of Mr. Nathan and his attitude about the future in terms of the conversations of public officials that might well be recorded.

Mr. BAKER. Mr. President, I have no objection to that. I was simply trying to find out how long it might take. I knew the clerk had a very lengthy document at the desk, and I was trying to judge how long to proceed this afternoon. That question was a preface to my next question, and that is, can the Senator from New Jersey give me some idea of how long his presentation today will take so that I can make some plans on what time to ask the Senate to recess?

Mr. WILLIAMS. We have this presentation, and I believe that what I hope to clarify today can be done so by 6 o'clock.

Mr. BAKER. I have no desire whatever to suggest that the Senator should shorten his presentation. I know he understands this is solely for the purpose of planning the schedule of the Senate.

I would suggest then that we plan to recess when the Senator from New Jersey completes his presentation today or if that runs much past the hour of 6 then we would assure that he would have the floor to complete that presentation on Monday.

The leadership would then plan to recess at approximately 6 o'clock today.

Mr. WILLIAMS. I appreciate—and I take another opportunity to express my appreciation for—the full consideration given my position by the majority leader.

The VICE PRESIDENT. Is there objection to the clerk's reading the letter? If not, the clerk will read Senator WILLIAMS' exhibit.

Mr. WILLIAMS. Mr. President, I will say that charts are described in the letter; these charts were prepared by Dr. Shuy. As it is read, these charts will be visible in the back of the Chamber. In addition, these charts are available on each Senator's desk.

The VICE PRESIDENT. The clerk will read.

The assistant legislative clerk read as follows:

EXHIBIT 7

DEAR SENATORS: I have devoted over 25 years of my life to the science of linguistic analysis. My field of specialization has been that of the tape recorded language of people of all ages. I have written and edited 22 books in the field of linguistics and have published about 100 articles in professional journals on this subject.

Spoken language is one of our most important tools. We all use it in almost every walk of life and in almost everything we do and yet, as we use it we are generally unaware of how we do it. We tend to take for granted the structure, the patterns, the regularity of our conversation. This is peculiar because all conversations have structure which contributes strongly to the meaning we convey. By this I mean that it is not just the meanings of words which communicate. There are many other things in our speech which provide important clues to our intentions.

In conversation, it is also common for people to be confused. Two people may think they are talking about the same thing whereas, in reality, they may have quite different frames of reference.

When recorded language is considered of great importance in making a decision of some sort, such as in the issue before you today, a full understanding of the structure of the language actually used and recorded is essential. Too much is at stake for those who must make that decision to not have all the information which these tapes reveal. When there is a dispute over what was promised, what was actually said or done, what was meant by the language used, how the language used was understood by the other participants or what the roles of the speakers were in conversation, this dispute becomes a linguistic dispute. When the evidence is recorded, as it was in the case before you, the issue becomes one for which the science of linguistics is appropriate. The analysis of language evidence, which most people are untrained to carry out and which is, therefore, unavailable to such people, becomes critically important.

For the past 3 years, I have been analyzing such recorded language for the benefit of juries in their determination of the true facts in various court cases. The litigation I've been involved in relates to such areas as school desegregation, contract disputes, social and welfare services, criminal cases, and housing discrimination. I have participated in litigation in six of our Federal courts in the form of expert witness testimony, affidavits and consultation. I have testified in four Federal cases so far in an effort to help the jury to discover and to understand the linguistic clues which are found in the language used right on those tapes. In each of these cases, I have spent many days in scientific analysis of the tapes, identifying and charting these clues and presenting my findings to the juries.

In the case of Senator Harrison A. Williams, Jr., I have spent 30 days listening, analyzing, describing the language structure of these tapes and writing up my conclusions. I refer you, at this point, to my paper, "Linguist Analysis of the Recorded Conversation and Transcripts Used as Evidence in the Case of *USA* v. *Harrison A. Williams, Jr. et al.*" (October 5, 1981), which by now you should have in your possession. This paper outlines the methodology I used and warns about certain dangers that exist, certain difficulties that the untrained listener has, when he or she attempts to process video or audio tape recorded evidence. It warns about a predisposition of guilt simply because the Government has decided to target an individual for taping. It warns about the danger of the listener being so swamped or inundated with masses of recorded data between many speeches over long periods of time that the listener succumbs to the principle of contamination in which one speaker is falsely attributed with the words, attitudes or intentions which are clearly attributable to a different speaker. It argues that the task of understanding the real meaning of the intentions and actions of the speeches on a tape must be seen in context, not wrenched from context. It warns against using written transcripts as the only guide to the spoken conversation, since written language is unable to symbolize the pauses, interruptions, nonverbal communication, timing, and other nuances of meaning which we all process in our face-to-face daily communication.

Next, that paper provides a detailed scientific analysis of the topics introduced by each speaker and the responses to these topics. It also traces the crucial referencing used by the speakers and provides what linguists call a contrastive analysis, comparing, for example, what was said when Senator Williams was present to what was said when he was not present. I urge you to consider this paper seriously and I apologize for its occasional technicalities and its 112 page length.

Here today, I would like to present the conclusions of my extensive analysis. But, in order to fully understand how I came to these conclusions, I would like to provide you with what my experience in this, and other cases involving surreptitiously recorded conversation, has revealed. To begin with, in all conversations the speakers have agendas, or goals. They also have conversational strategies to accomplish these goals. One of the first steps in determining the agendas of the speakers is to examine what topics they introduce in the conversation. The topics which a speaker introduces, or brings up, are, in fact, his agenda.

In the case of the Government agents, the topics introduced have known underlying reasons. The general purpose of Government-sponsored surreptitious recording is to capture the commission of an illegal act on camera, to retell past illegal acts or to promise future illegal acts. Otherwise there would be no case and you could not be discussing this issue today.

The major agendas of the Government agents, in the case of Senator Williams are:

1. To get Senator Williams to agree to use his influence or position to secure Government contracts for the proposed mining venture.

2. To get Senator Williams to agree to hide his interest in the proposed mining venture.

3. To get Senator Williams to accept a bribe for sponsoring legislation on behalf of the presumed Arab sheik.

4. To link Senator Williams' promise of legislation for the presumed sheik to securing a loan for the sheik for the proposed mining venture.

AGENDAS/TOPICS

My analysis shows that all of these agendas put forth by the Government agents resulted in failure.

If the agents had agendas, it is also the case that Senator Williams had agendas. Topic analysis of all of his topics on all of the tapes reveals a very interesting pattern. The topics a person introduces in a conversation are the most important clue to his intentions.

Chart 1 displays this pattern:

CHART 1

	HW	All others	Requests information	Reports facts	Small talk	Reports opinions
June 28 audio	6	10	6			
June 28 video	2	20		2		
Aug. 5 audio	5	21	2		3	
Sept. 11 video	24	65	17	2	2	4
Oct 7 video	10	44	6	1	3	
Jan. 15 video	10	14	5	2	3	
Totals	57	174	36	7	11	4

First, notice that the chart refers to the six tapes in which he participated. The dates of these tapes identify them. The column marked HW identifies the number of topics Senator WILLIAMS introduced. The second column identifies the number of topics introduced by the other people in those conversations. The four columns to the right further break down the types of topics that Senator WILLIAMS introduced. There are four such types of topics. Requesting information, reporting facts, small talk, and reporting opinions.

All six of Senator WILLIAMS' topics in the June 28 coaching session were requests for information.

In the June 28 meeting with the sheik, the Senator introduces only two topics, both reporting facts. One was a description of the mine (pp. 107-109); the other was a continuation of that description (pp. 116-117).

In the August 5 tape, the Senator brings up only 5 of the 26 topics; two are requests for information, three are small talk ("sorry I'm late," "how are things?" and "meet my wife.")

In the September 11 meeting, 17 of the Senator's 24 topics were requests for information. He introduced two topics in which he reported facts. ("I've never been down there to the plant," and "the only one you talk to down there is Bosacki"). He introduces two small talk topics ("Cab driver" and travel plans") and he reports four opinions such as "the plant didn't look like it was ready to work" and "I think the smart way for me to go is to pay the taxes."

In the October 7 tape, the Senator's 10 topics include 6 requests for information, 3 small talk topics and 1 reporting of a fact.

In the last tape, January 15, the Senator's 10 topics include 5 requests for information, 3 small talk topics and 2 reporting facts ("What this legislation does" and "my interest is with the mining development").

It is extremely unusual, in normal conversation, to report so few facts and opinions. Senator WILLIAMS' role is clearly marked by this analysis as an "outsider" to the information shared by others.

Of his topics, 60 percent are requests for information, a highly disproportionate percentage for one speaker in any conversation. He is clearly trying to find out what is going on.

It is equally important for you to observe that, especially under the circumstances for which you are meeting, the topics which on the tapes clearly indicate that Senator WILLIAMS did not introduce such as money or stocks.

RESPONSES TO THE TOPICS OF OTHERS

Another important clue to the intentions of a speaker in a conversation can be found in the responses which he makes to the topics introduced by the others.

CHART 2—SENATOR WILLIAMS' RESPONSES

Date	No response	I hear you	I understand what you're saying	Changes subject	Defers topic	Answers with full response	Responds positively	Responds negatively
June 28 audio	13	13						
June 28 video				2	5			
Aug. 5 audio		5	25			2	4	
Sept. 11 video	9	2		3	4		2	
Oct. 7 video	8	2		1	4	3	2	1
Jan. 15 video		2	1		6	1		2
Total	30	24	30	6	19	6	8	3
Percentages	24	18	24	5	15	5	7	2

Again, the dates of the conversations identify each tape. The eight columns are marked to indicate the types of responses made by the Senator: No response at all is the first column, followed by what linguists call the lax-token responses such as uh-huh, yeah, or OK. Such responses do not indicate agreement. They are used in conversation because a person who is talking requires feedback. To provide such feedback, people nod their heads, say uh-huh, etc., not out of agreement but, rather, to signify, "I hear you" or "I understand what you're saying." This is a very important thing to keep in mind when you listen to conversation. These second and third columns do not signify agreement. The responses here are lax-tokens. The fourth column indicates that the Senator's response is to change the subject. The fifth column signifies that his response was to defer the topic to some undetermined future point. The sixth, seventh, and eighth columns are full responses (such as who, what, where, etc.) and truly positive or negative responses.

Senator WILLIAMS' responses strongly support the identification of his role as an "outsider" to these conversations. Over two-thirds of his responses fall into the first three columns: No response or lax-tokens indicating "I hear you" or "I understand what you're saying." From the standpoint of normal conversation, this is a very disproportionate amount of passive responses.

Adding to the picture of his "outsider" and passive role are the responses of changing the subject and deferring the topic, responses which divert the subject to other things. Totalling these all together we get 88 percent of Senator WILLIAMS' responses which indicate no active involvement in the topics being discussed. This is an amazingly disproportionate amount for any conversation.

Now let us look at Senator WILLIAMS' responses which make up the remaining 12 percent full, positive and negative responses.

On August 5, two full responses were that he spoke with Affleck and that he likes to know how things are coming along. His four positive responses were agreement that he had spoken to the chairman of the board, that somebody is working on it, and that he agrees that he should be kept apprised of this thing.

In the September 11 tape, the Senator's two positive responses are to Weinberg's statement that they are not going any further until they get his OK and to Devito's question about the Government's feeling about titanium.

In the October 7 tape, Senator WILLIAMS' full responses are that a blind trust is the way for his purposes, that he talks titanium to anybody and that titanium is still prime. His positive responses were that some plans had been approved, and that somebody had already gotten a license. His negative response was that he does not know McDonald.

In the January 15 tape, Senator WILLIAMS' single full response is a lenghty description of how the legislation is normally done. His two negative responses were that he had not contacted people and, of course, his quadruple negative response to the sheik's offer of money.

From this analysis of the responses made by Senator WILLIAMS to the topics introduced by others, you should see two very clear patterns.

1. Senator WILLIAMS is an "outsider" to the information shared by others. His major role is to discover what is going on.

2. His substantive (full, positive and negative responses) are totally innocuous in terms of the reason for this meeting today.

At this point I would like to call your attention back again to the four major agendas of the Government agents in their conversations with Senator WILLIAMS. I will try to preserve a chronological approach but I must warn that the agent's agendas often carry across two or more tapes. For this reason, I have identified the dates of the tapes in my examples.

The first Government agenda was to get Senator WILLIAMS to agree to use his influence or position to secure Government Contracts for the proposed mine. I call your attention now to chart 3, "Government Contracts: Lack of Mutual Understanding", which contains five examples.

CHART 3—GOVERNMENT CONTRACTS: LACK OF MUTUAL UNDERSTANDING

(1 June 28)

H.W. When we came to you with this and the mine plant we also came with another element and that is the opportunity to buy a processing plant . . . when we've got it together we move. We move with our government and we catch up, go ahead we have what we need, which we don't have now. We've got thirty thousand tons we could produce a year. Therefore, with what we got of this value, knowing the need of our country, being in a position to go ah well you know right to the top on this one.

(2 June 28)

A.E. says H.W. will utilize him in contracts with the government, blows H.W.'s horn and asks how long he's been in Washington now? Twenty years?

H.W. More than that . . .

(3 June 28)

T.D. Well then . . . with you being in that position and contracts the like would not be a problem.

(4 September 11)

T.D. let me ask you a question, have you talked to anybody within the government as to what their feeling is about titanium?

H.W. As a matter of fact . . . the situation on titanium can be described as desperate.

(5 October 7)

T.D. you had opportunity to discuss with anybody in er you know on—the government?

H.W. I talk titanium with anybody . . . like Bethlehem Steel . . .

The first example is from the June 28 meeting with the Sheik. At this point, Senator WILLIAMS had just changed the subject away from DeVito's extolling of the Senator's power and position to the nature of the mine. He says "Could I back up and just describe . . . what we have here." For a page and a half, the Senator describes the uniqueness of the ore body at the mine. Now look at example 1:

"1. HW: When we came to you with this and the mine plant we also came with another element and that is the opportunity to buy a processing plant . . . What we got there in our ground . . . When we've got it together, we move. We move with our Government and we catch up, we go ahead, we have what we need, which we don't have now . . . We've got thirty thousand tons we could produce a year. Therefore, with what we got of this value, knowing the need of our country, being in a position to go ah, well, you know, right to the top on this one."

From the Senate Ethics Committee report, it appears that "to go . . . right to the top on this one" is some sort of evidence that the Senator will use his influence to get Government contracts. The context in which this expression is used, however, makes it utterly clear that "Going right to the top" can mean only that if the sheik provides the loan, the venture will succeed. To go right to the top does not, in this context, refer to the top of the Government. It means become successful in the business at hand, as the context clearly indicates. The agent's attempts, therefore, fail.

The second example of the attempt to get the Senator to agree to secure Government contracts also occurs in the June 28 conversation.

"2. AE: Says HW will utilize him in contracts with the Government, blows HW's horn and asks HW how long 'he's been in Washington now, 20 years?'

"HW: More than that . . ."

After saying the words, "Government contracts," Errichetti produces a 19-line statement in which he blows the Senator's horn and, at the end, asks the Senator how long he's been in Washington, "twenty years?" The recency principle in linguistics dictates that when a person is presented with more than one proposition, he responds to the last, or most recent one despite whatever has been said before. Senator WILLIAMS does exactly this and elaborates on his service in the House and Senate. By this time, the meaning of Errichetti's brief mention of "Contracts with the Government" had been lost and they were on to a different topic.

There has been no connection of Government contracts in the Senator's response. By changing the direction of his conversation, Errichetti had so successfully camouflaged his statement about Government contracts that he got no response to it. By the time he posed his question to the Senator, that topic had become ancient history. The attempt, therefore, fails.

The third example, from the June 28 conversation, also cited by the Senate Ethics Committee report, should not have been cited at all since the word used is contracts, not government contracts.

"3. TD. Well then . . . with you being in that position and contracts and, uh, the like would not be a problem."

This statement cannot be assumed to mean government contracts because government is not mentioned. The Senator responds "no problem," indicating clearly that contracts would not be a problem. To read anything else into this statement is to inference a connection of what might have been meant, not what was actually said and recorded. The attempt fails.

The fourth example of the effort to get Senator Williams to get government contracts is the September 11 tape, when DeVito asks:

"4. TD. Senator, let me ask you a question, have, have, uh you talked to anybody with uh within the government as to what their feeling is about titanium?

"HW. As a matter of fact . . . the stituation on on titanium can be described as desperate."

Rather than focusing on "anybody in government," Senator Williams focuses on the titanium and changes the topic to the desperate shortage of it. The Senator's response should not be confused with pumping government officials for contracts. Although contracts may have been what DeVito wanted to hear, he phrased his question in such a way that any answer could easily focus on titanium, not on persons in Government.

The Senator says that he talks about titanium with people. The attempt therefore, fails.

The fifth example of the attempt to get Senator Williams to agree to solicit Government contracts occurs on the October 7 tape.

"5. TD. Have you had an opportunity to discuss, er, titanium with anybody in er you know in . . . the Government?

"HW. I talk titanium with everybody . . . like Bethlehem Steel. . . ."

Having not received the desired response here, DeVito recycles his use of the word Government two more times immediately following. Senator Williams' responses contain no evidence that he had talked about Government contracts. The attempt, therefore, fails again.

The strategies used by the Government agents to attempt to secure Senator Williams' agreement to use his office to get Government contracts, then are as follows: wrench from context (example 1), camouflage with a series of questions after the critical word is used (example 2), be vague or ambiguous in what you ask (examples 3 and 4) and recycle the question three times (example 5).

All other mentionings of the issue of Government contracts in the Senate Ethics Committee report distort reality by wrenching from context or by implying that the topic was about Government contracts when the recorded evidence clearly indicates that it is not.

A detailed analysis of these destortions is available in my paper, "Factual Errors and Misrepresentation in the Report of the Select Committee on Ethics, U.S. Senate Investigation of Senator Harrison A. Williams, Jr.," available through Senator Williams' office.

In summary of this point, the Government agents' strategies for trying to get Senator Williams to use his influence and office to secure Government contracts utterly fail.

The second Government agent agenda in these tapes is to get Senator Williams to hide his interest in the mining venture. The Senate Ethics Committee report claims that he did. The recorded conversation, however, makes it very clear that it is the Government agents who attempt to criminalize his words by using hidden while in sharp contrast, Senator Williams used the words blind trust. Chart 4 illustrates examples of this effort from three tapes: August 5, September 11, and October 7.

CHART 4—BLIND TRUST VS. "HIDDEN INTEREST"

1 August 5:

M.W. Keep it secret, protect you, 100% protection.

T.D. You protected, your position protected, everybody protected.

2 September 11:

H.W. Right, pay the taxes.

3 October 7:

M.W. Sandy spoke about you going to declare 17 million dollars profit or something.

H.W. No . . . I'm going to find a way to protect myself with some other kind of declaration. I'm going to have to go public with something or other.

T.D. . . . Everything was going to be hidden. . . .

T.D. Everybody can declare . . . you can't. . . .

H.W. Well this is where the lawyer comes in Alex . . . We can blind trust me you know. . . .

4 October 7:

T.D. . . . You were going to declare it but in some other way.

H.W. Now if it's a blind trust . . . that's the way for my purposes.

T.D. . . . I said when the Senator said he wanted to declare . . . he was trying to protect himself . . . by coming up with some gimmick.

H.W. Well there we have it under the trust . . . so I've done what I had to do.

In the August 5 tape, for example, the only references to secrecy were made by Weinberg and DeVito. Example 1 displays these expressions:

"1. MW. Keep it secret, protect you, 100 percent protection.

"TD. You protected, your position protected, everybody protected."

In example 2, September 11, we see Senator Williams saying that he will pay the taxes:

"2. HW. Right, pay the taxes."

In the October 7 tape, Senator Williams responds to the overture of Weinberg and DeVito by stating forthrightly and ethically that he will "declare" and "go public" and use a legal "blind trust" should this business venture ever become a reality (example 3).

"3. MW. Sandy spoke about you going to declare 17 million dollars profit or something.

"HW. No . . . I'm going to find a way to protect myself some kind of declaration. I'm going to have to go public with something or other.

"TD. Everybody can declare . . . you can't. . . .

"HW. Well this is where the lawyer comes in Alex. . . ."

I call your attention to the contrast between the words used by Senator Williams (declaration, go public, and blind trust) with those used by the agents (hidden).

We can blind trust me you know . . .

Again, on October 7 (example 4) DeVito attempts to criminalize Senator Williams' earlier declared intentions to use a legal blind trust with words such as "some other way" and "some gimmick". To this, Senator Williams responds, again, with his clear indication to use a legal blind trust.

"4. TD. . . . You were gonna declare it, but in some other way.

"HW. . . . now if it's a blind trust . . . that's the way for my purposes.

"TD: . . . I said when the Senator said he wanted to declare . . . He was trying to protect himself . . . by coming up with some gimmick.

"HW. Well there we have it under the trust . . . so I've done what I had to do."

The Government agent's strategy of trying to convert legal language into covert or illegal words produces an effect of contamination. The Senate Ethics Committee report falls into this trap, overlooking what was actually said by Senator Williams in favor of an interpretation which highlights what Weinberg and DeVito said, even though these word were denied and rejected by the Senator. The Government agent's strategy of attempting to criminalize the language, leading to listener contamination, clearly fails.

The third Government agent agenda, to get Senator Williams to accept a bribe for sponsoring legislation on behalf of the presumed Arab sheik also fails to accomplish their agenda. In this, the government agents would have to accomplish two things.

"1. Get Senator Williams to agree to sponsor the legislation.

"2. Get Senator Williams to accept a bribe."

It is abundantly clear from the recorded conversation that Senator Williams rejected the bribery offer (chart 5). On January 15 the following is said (see example 1):

"1. RF. I, I, will for, for your help, er, assistance and assistance—I would like to give you, er, you know, some money for, for permanent . . .

"HW. No.

"HW. No, No, No."

There can be no question about Senator Williams' rejection of this strategy. But did he ever agree to sponsor the legislation? The statements Senator Williams makes about the difficulty related to such legislation are revealing (chart 6).

CHART 5—BRIBERY OFFER

1. Money:

R.F. I, I will for, for your help, er, assistance and assistance—I would like to give you, er, you know, some money for, for permanent——

H.W. No.

R.F. Residence.

H.W. No. No. No.

2. Attempt to link legislation with loan:

R.F. Uh as long as possible for sure, assured me uh regard er permanent residence. Er business for titanium mine will be sucessfully concluded. End of, end of er month.

H.W. Yes?

R.F. Can I?

H.W. You can be.

R.F. I be——

H.W. You can——

R.F. Be sure.

H.W. You can leave with my assurance that I will do those things that will, will bring you on for the consideration of permanency. Quite frankly, I can't issue that . . . I can't personally. Er, it, it is a law.

CHART 6—LEGISLATIVE AND LEGAL PREREQUISITES

SENATOR WILLIAMS' STATEMENTS: JANUARY 15

It's not easy.

There have to be good reasons.

Meet some criteria.

Harder now than 5 years ago.

It has been restricted.

Best results when a person of good character.

If that person were made to return to his country he would face great personal hardship.

The situation has to be fully understood.

Criteria.

It's an exceptional situation.

After full knowledge of your situation.

It's processed through a committee.

Then also in the other body.

Quite frankly I can't issue that.

I cannot personally.

It goes through the whole dignified process of passing a law.

The Senator says, "It's not easy, there have to be good reasons, meet some criteria, harder now than 5 years ago, it has been restricted, best results when a person of good character, if that person were made to return to his country he could face great personal hardship, the situation has to be fully understood, criteria, it's an exceptional situation, it is processed through a committee, then also in the other body, quite frankly I can't issue that, I cannot personally, it goes through the whole dignified process of passage a law."

Throughout this tape, Senator WILLIAMS requests information that is necessary to even consider such legislation. He says that he does not know the sheik well enough. He asks for the names of potential supporters or sponsors. To this the Senator receives little or no information and he finally concludes:

"I will do those things that will bring you or for the consideration of permanency. Quite frankly, I can't issue that . . . I cannot personally. Uh, it is a law. And it has to be, goes through the whole dignified process of passage a law."

Does Senator WILLIAMS promise to sponsor the legislation? Clearly not. He offers to help get together the necessary information for the sheik to even be considered. He needs to know a great deal more before anything like sponsorship could even be considered.

The Government agent strategies used to try to accomplish this agenda item again are to be as ambiguous as possible in order to obtain self-incrimination by the Senator. The vehicle for this was the inarticulate, broken English of the agent. Once again, however, the strategy fails since not one aspect of the agenda is accomplished.

The fourth Government agent agenda, the attempt to get Senator WILLIAMS to link sponsoring the legislation for the presumed sheik to securing a loan for the proposed mining venture, also fails. I have already pointed out that the recorded evidence does not show that the Senator even agreed to sponsor the legislation.

This did not deter the agents, however, for after the second telephone interruption (a popular strategy of the agents which occurs at crucial, peak moments in their tapes), such an effort was made. (Chart 5, example 2):

"2. R.F. Oh, as long as possible for sure, assured me uh regard er permanent residence. Er business for titanium mine will be successfully concluded. End of er month.

"H.W. Yes?

"R.F. Can I?

"H.W. You can be——

"R.F. I be——

"H.W. You can——

"R.F. Be sure

"H.W. You can leave with my assurance that I will do those things that will, will bring you on for the consideration of permanency. Quite frankly, I can't issue that . . . I cannot personally. Er, it, it is a law . . ."

Two questions must be asked here. (1) Did Farhart, with his broken English, link the titanium venture with the legislation? (2) What did Senator WILLIAMS agree to? You should keep clearly in mind that the written representation, as garbled as it is, is not nearly as garbled as the words on the tapes themselves. The spoken version is the one which Senator WILLIAMS had to decipher on the spot. It contained long, unnatural pauses, unpredictable sequences of words, deleted prepositions and deleted articles. Senator WILLIAMS' "yes" is not agreement. It is uttered with rising intonation and signifies "Keep talking, I hear you." But even if one were to take it as agreement, it is impossible to know exactly with what it might have agreed. Even Farhart is not sure for he then asks the question, "Can I?" which he omitted from his previous garbled question. At this point Senator WILLIAMS begins his twice interrupted explanation that he will do the things necessary for the consideration of permanency—a promise of no more than to help gather the information necessary for the sheik to apply.

If there was any link made by Farhart to link legislation to the titanium venture, there is no indication of this in Senator WILLIAMS' words. He denies his authority to carry out the legislation and to be alone responsible for it. He outlines the legal process and does not offer hope that it can be done. And he does not even mention the mine in this regard. The agent's strategies of vagueness through garbled English, strategic telephone interruptions which block exculpatory explanations and verbal interruption, all fail.

The major agendas of the Government agents were to get Senator WILLIAMS to agree to these four things. In the process, they used several strategies, some of which have already been mentioned. The strategy of blocking exculpatory statements with telephone interruptions or other verbal interruptions is one strategy. The obvious goal of such taping is to get Senator WILLIAMS or any other designated target to either commit an illegal act on camera, to retell past illegal acts, or to promise future illegal acts. It is clear from the taped evidence that Senator WILLIAMS did none of these.

It is consistent with the goal of taping such acts that efforts on the part of designated targets to make exculpatory statements would be blocked.

Another strategy used by the agents, already mentioned, is the use of criminalizing language. The Senator's use of blind trust is translated, by the agents, as hidden and secret.

Coaching is another strategy used by the agents. The case of Senator WILLIAMS is unusual in that a recording was made of the actual coaching session. In the June 28 audio tape, Weinberg gives 28 directives that Senator WILLIAMS was to make in the following meeting with the sheik. Chart 7 displays these directives with the results next to them. On the left side of this chart are Weinberg's directives used, in the rehearsal tape. On the right side, in three columns, is the performance itself. The three columns indicate whether it was Errichetti, Devito or Senator WILLIAMS who brought up the topic coached, or rehearsed, by Weinberg.

CHART 7—JUNE 28 AUDIO

Weinberg's rehearsal directions	Performance by—		
	Errichetti	DeVito	Williams
How high you are	X	X	
5th in the Senate	X	X	
Who you know		X	
Chairman of whatever	X		
How important	X		
Without you there is no deal	X		
You put this together		X	
Get government contracts	X		
How imporant	X	X	
Influence for contracts	X	X	
Important	X	X	
How important you are	X	X	
Who you are	X	X	
Without me, no deal	X	X	
I'm the man			
Open doors		X	
Use influence	X	X	
I guarantee this	X		
We'll produce		X	
Blow your own horn	X	X	
Who you control		X	
I can move this		X	

CHART 7—JUNE 28 AUDIO—Continued

Weinberg's rehearsal directions	Performance by—		
	Errichetti	DeVito	Williams
I guarantee this	X		
Sell him like mad	X	X	
You're loss		X	
I'm the power		X	
Throw names	X	X	
Come on strong	X	X	

You should notice from this chart that it is Errichetti and Devito who initiate these directives and not Senator Williams. The difference between initiating or introducing a topic is crucial to keep in mind. This is not to deny that Senator Williams mentioned that the Vice President used to be on his committee or that Secretary Vance was a neighbor. But these and three other statements of who he know were made in response to questions asked Senator Williams by Devito and Errichetti. This difference is very important. What Senator Williams does not say is as important as what he does say. One last point should be observed about Weinberg's coaching. About half way down his list of directives, Weinberg changes from saying what to say to using exact words, or scripting, the similarity of these tapes to making a movie is more than coincidental. Even the lines were to be rehearsed.

Another important strategy used by the Government in this case is to isolate Senator Williams from the information which the others share. If the other participants are co-opted in advance, the peer pressure on the "outsider" is very great. The insider-outsider motif in these tapes is most evident in the topics introduced by the Senator.

In this case, the Government strategy in isolating the target from the knowledge held by others is reasonably successful. Many meetings were held in which Senator Williams was not present. When he was present he often had to pry the information out.

The last agent strategy I would like to mention is what I call camouflaging. By this I mean that the agents make something important seem unimportant. The September 11 meeting is a classic example. The meeting was introduced as "unofficial" and "hypothetical". In contrast to the July 11 meeting, in which Senator Williams was not present, the September 11 meeting contained no business meeting language or procedures.

The "insiders" meeting had taken place on July 11, in the Senator's absence. The baloney meeting was not about to happen. The significance of the camouflage strategy is that Weinberg and Devito evidence one major agenda or goal in this meeting: To get the Senator's OK on the resale scheme. If the meeting were to be announced and carried out as "unofficial" and "hypothetical," it would seem less threatening, especially to an "outsider" to the plans devised outside of Senator Williams' presence. Weinberg and Devito try ten times to get the Senator's OK and they fail each time. He gives no positive response to their requests. The very fact that his OK is sought ten times is, in fact, evidence that they had not gotten it each previous time. It should be noted that one of the efforts to secure his OK came in the form of a vote (even though the meeting had been declared unofficial).

The tape transcript records Senator Williams with an aye after his initials but there is not audible "H.W: aye" on this tape. The camera quality is so poor that it is not possible to see lip movement.

The strategy of camouflaging the real agenda with the label of "unofficial," then trying for the commitment fails again. It is difficult to tell what anyone might do in a situation in which it has been declared that this is not an official meeting, where two threads of conversation get hopelessly mixed up, where all the participants argue over what the Senator said, where Weinberg takes both sides of the same issue, where Errichetti revamps history by asking for an official vote and declares that he heard a motion which was never made and a vote is recorded in the transcript by speakers when such detailed recording of ayes has not been possible to record even in the official July 11 meeting.

Even if Senator Williams did vote aye (which my trained ear cannot detect from the sound track), what could it have meant under such conditions? Only one thing is clear: That the nine efforts made to this point to get Senator Williams' "OK" were frustrating enough that an "OK" had to be manufactured in whatever way they could get it.

Further evidence that they did not get the Senator's "OK" at this time can be seen by the tenth effort, by Weinberg:

M.W. We're not going any further till we get your OK. But no sooner has Errichetti made this statement about Senator Williams' motion when Weinberg asks the Senator if he wants anything to eat:

M.W. Want anything Pete?

H.W. No.

Then Errichetti tries to continue his motion and Weinberg continues:

M.W. Sure?

As a strategy for distraction, this sudden introduction of an offer of food is effective. On top of all the other confusion and camouflage in this conversation, Weinberg does not even permit discussion of the motion to be aired.

Using my expertise an as analyst of language discourse, I studied all of the tapes used as evidence before you and came to the following major conclusions:

(1) Senator Williams did no agree to use his influence or position to secure Government contracts for the proposed mining venture.

(2) Senator Williams did not agree to hide his interest in the proposed mining venture.

(3) Senator Williams did not accept a bribe for sponsoring legislation on behalf of the presumed Arab sheik.

(4) Senator Williams did not link the sponsoring of legislation on behalf of the presumed sheik to securing a loan from the sheik for the proposed business venture.

Despite all of the strategies used by the Government agents to accomplish these aims, the recorded evidence makes it abundantly clear that they fail.

In conclusion, I would like to thank you all for your attention. I have not pointed out all the facts which my linguistic analysis of these tapes have revealed. For the sake of time, I have focused on what are the major, substantive issues in this case.

In all humility I take this opportunity to remind you that the careful and accurate analysis of evidence of this type, hours of tape recorded data and hundreds of pages of transcripts, is not something that can be done casually or passively. Language is a complex phenomenon. The paradox of it all is that we know how to use it but very few know how we actually do this. This is the work of linguists. We specialized in how people use language to get things done.

Years of training in phonetics, grammar, semantics, and discourse structure attune our ears to hear, record and analyze the thousands of signals which we all use when we talk. An analogy might be in order here. We have all seen an X-ray. When we see it we can easily say, "That surely is an X-ray." But when a physician looks at an X-ray, he sees things in it that the medical layman never sees. It is not that his vision is better than ours. It is how he sees.

Sincerely,

ROGER W. SHUY, Ph. D.,
Professor of linguistics, Georgetown University and senior linguist, Center for Applied Linguistics.

I, Dr. Roger W. Shuy, hereby depose and state under oath that I have read the foregoing and it is true and correct to my best knowledge and belief.

ROGER W. SHUY.

Mr. WILLIAMS. Mr. President, I appreciate the attention the Members of the Senate gave to that reading, and thank the clerk for the superb manner in which he read.

The next topic area that I want to introduce——

Mr. HAYAKAWA. Mr. President, will the distinguished Senator from New Jersey yield?

Mr. WILLIAMS. I am happy to yield to the distinguished Senator from California.

Mr. HAYAKAWA. Mr. President, I have read this analysis by Professor Shuy, who is described as a professor of linguistics, who has studied phonetics, grammar, semantics, and discourse structure for many years; and he has taken the analysis of language to a microlevel to which I have never taken it in my own linguistic studies.

I am rather impressed with the way in which he analyzes how a question is stated and how the response is given and how the response is given in a different language from that in which the question is stated.

So that this author says that what these people—who are distinguished by such initials as "MW" and so on—ask is frequently frustrated by HW not replying precisely to the question being asked or agreeing to the proposal being made.

I have found this particular document of very special interest in trying to evaluate what has been going on. It seems to me very clear that these agents, in talking to Senator WILLIAMS, were trying to get him to say something which, somehow or other, Senator WILLIAMS fails to say. As the professor says at the end, Senator WILLIAMS did not agree to use his influence or position to secure Government contracts; Senator WILLIAMS did not agree to hide his interest in the proposed mining venture; Senator WILLIAMS did not accept a bribe for sponsoring legislation; Senator WILLIAMS did not link the sponsoring of legislation on behalf of the presumed sheik to securing a loan from the sheik for the proposed business venture.

So far as the contents of the analysis of this document are concerned, it seems to me that this professor of linguistics is correct.

I do not presume at this point to go into the remainder of it, but I must say that I have been impressed by this witness. I have not been following linguistics very carefully since I came to the United States, I must say, so I have not heard about Professor Shuy and his work. I am impressed with his very detailed microanalysis of linguistic interaction.

Mr. WILLIAMS. I am very grateful for the thought of the distinguished Senator from California, who, we all know, is a professor of semantics.

Is that "micro" or "macro"? May I ask that question?

I thought, without talking to the Senator from California about this, that the analysis of a linguist would be of particular interest to him as the Senator from California has a background as an acknowledged leader in the profession of micro or macro semantics. Obviously, I am not very versed in either.

Mr. HAYAKAWA. I grew up in a generation that did not use words such as "micro" and "macro." We spoke English. [Laughter.]

If you insist upon using these words, I would say that my kind of semantics was macro, in the sense that if you want to use the terms we used at the time when I was beginning my work—it was a form of propaganda analysis.

What we did was to analyze whole speeches, whole advertising campaigns. If we got to the microlevel, we would examine, let us say, Nazi propaganda or advertisements, slogans for soaps and detergents, and see how they played with words.

However, we did not try to study, for example, what goes on here as to the evasions. When A says to B, "Would you like to buy this car?" and B says, "No; I have always been interested in Oldsmobiles," he is really not answering the question.

There also are ways of evading an answer and not committing oneself; whereas, the question is direct enough.

Insofar as Professor Shuy does make this kind of analysis of the way in which a response does not correspond to the question, that particular kind of analysis—shall I call it microanalysis?—is not something I have done as a student of language. That is why this particular document fascinated me very much.

It is a whole new way of looking at things. But I am reminded that Prof. Carl Rodgers of the psychology department at that time of the University of Chicago, and later on he moved to La Jolla and started his own institute in psychology, in studying the transcripts of psychotherapy sessions between a psychologist and his patients which were taped and then when studied that kind of interaction they must have gone into microanalysis of question and response, argument and counterargument, very often not adjusting to each other at all and so on, but since I never became a psychotherapist I never got into that kind of microanalysis myself. All I am saying is this particular document I found very fascinating.

I thank the Chair.

Mr. WILLIAMS. I thank the Senator.

May I inquire of the Senator from California whether there is in this world of understanding communication which I would suggest is unnatural because for some it has a purpose that is not clear to others in the conversation, an explanation for the hidden camera and the hidden taping which creates an unnatural situation. Not only the linguist has an interest in analysis which achieves understanding and defines meaning and intent. What really went on in that kind of conversation? The semanticist perhaps, and I gather the psychologist as well might answer my question. Is there a role, in the Senator's opinion, for the psychologist to understand the true projection of what happened in a conversation where one side knows that it is being taped and the other side does not? Where one side has a certain agenda that the other side is not aware of?

Mr. HAYAKAWA. I have not studied enough of these direct personal interactions which, as I say, my former colleague, Dr. Carl Rodgers would study on the basis of taping psychological therapy sessions. I never got into that area. So I really cannot answer the Senator's question, but I can say this much: that the farther Dr. Rodgers went into psychotherapy the more he found it necessary to have not only a tape of the therapy session but he wanted movies of it so he could see the facial expressions of the people involved and to watch how they reacted to each other so that if someone was evading a question or trying to hide his true emotions, et cetera, even if you could not detect it in the language itself you sometimes detect it in the face.

But the movies we have that we saw were so poor—I mean you did not have good lighting as you have in professional movies—that I did not see very much of people's expressions and people's faces in the movies that were secretly made of your interviews with other people.

Mr. WILLIAMS. That is the most important insight that the Senator from California just developed. That observation, and I know that there has been much criticism from people of this profession of taping in this Abscam because of the very poor arrangements the lighting, and the picture does not really represent what is happening because the pictures, and that is one of the reasons, because the pictures are so bad.

Mr. HAYAKAWA. I am sure that must be the case.

I must say I am not enough of an expert in these matters to be able to judge, but I thought that the pictures I saw that were shown to me as photography were lousy. That was not great for semantics either. They do not reveal too much.

Mr. WILLIAMS. In Dr. Shuy's paper there was a suggestion that a vote had been taken at one of the meetings he studied. It was a video taped meeting. And if you heard any of the audios or saw any of the videos, you know that I have a voice that does come through quite clearly when I speak. It is perhaps unfortunate; but, at any rate, whenever I said anything it was recorded on those tapes. He did not hear an "aye." The vote was taken. It may have been official or unofficial. I do not know. But there was a suggestion that a vote was taken, and he did not hear any "aye" from me; but he made the observation in his paper that the video taping was so poor there was no way to see whether my lips even moved. And so this brings me to another request.

I have not, I will confess, read some material that was presented in the Judiciary Committee of the House of Representatives regarding this world of taping—secret taping—and analysis from various standpoints.

There was a psychologist, Dr. Albert Levitt, a clinical psychologist who delivered a paper there. A copy was sent over to me this morning, and I think it might be useful to have it in the RECORD at this point together with another linguist's statement that was given to me for the RECORD.

So if they would be included in the RECORD at this point as part of Dr. Shuy's report it will be appreciated.

Mr. President, there is another substantial document that was given to me and, obviously, I have not read it. It is a psychological monograph of general applied studies of individuals and their conformity of a minority when opposed by a unanimous majority.

I think that we will not include that in the RECORD. But if anyone has an interest in this the study has been done by Solomon Ash of Swarthmore College on that subject.

The VICE PRESIDENT. The material which has been submitted will be printed in the RECORD.

Mr. WILLIAMS. Mr. President, that last document is voluminous, and it would not be proper for me to put it in the RECORD at this point until I have reviewed it.

The VICE PRESIDENT. I had reference to the material that has been submitted as part of exhibit 7.

Mr. **WILLIAMS**. That is right.

EXHIBIT 7

ADDITIONAL DOCUMENTS

WITNESS LIST, HOUSE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS

Hearing: FBI Undercover Operations.
Date: Tuesday, March 2, 1982.
Time: 9:30 a.m.
Room: 2141 Rayburn HOB.

Dr. Roger Shuy, Senior Linguist, Center for Applied Linguistics, Professor of Linguistics, Georgetown University.

Dr. Albert Levitt, Consulting Psychologist, Temple University, Unit of Law and Psychiatry, Senior Psychologist to Court of Common Pleas of Philadelphia.

Mary Gallagher, J.D., Ph.D., Attorney and Linguist.

OPENING STATEMENT OF DON EDWARDS

Good morning. Today's hearing represents a continuation of our ongoing oversight of FBI undercover operations and guidelines.

Previous witnesses who have appeared before this subcommittee have suggested that there has been a subtle change in the approach of the FBI to law enforcement. Traditionally, the Federal Bureau of Investigation has operated as a "reactive" (or after the fact) investigative agency. In other words, a crime is committed, then reported to the FBI, and thereafter the Bureau investigates the offense and gathers evidence to support the eventual arrest and prosecution of the perpetrator(s). However, we have been told that there has been a shift of sorts in law enforcement strategy towards a "proactive" (or before the fact) investigative posture. We have received repeated assurances from Justice Department and FBI officials that elaborate safeguards exist to insure that such tactics do not ensnare innocent victims not involved in criminal activity.

This morning's hearing will focus on the increased use of audio and videotaping of suspects in the course of undercover investigations. The thrust of the argument in support being that enhanced supervision of activities in the field is possible by FBI and Department of Justice officials. Also, that eventually a jury can "see and hear" with their own eyes and ears the conduct and willingness of a suspect to engage in illegal activities. However, experts in the field of linguistics have cautioned that this "seeing is believing" idea may be, in fact, misleading and capable of manipulation.

We look forward to our witnesses this morning sharing with us their expertise in the area.

Our first witness is Professor Roger Shuy.

STATEMENT OF ROGER W. SHUY, PH. D.

To the Honorable Members of the House Judiciary Committee: I am a professor of linguistics at Georgetown University where I also am Head of the Sociolingusitics Program. In addition, I am Senior Linguist at the Center for Applied Linguistics. I have authored and edited twenty-two books and over a hundred articles in the field of linguistics. I have served as the President of the American Association of Applied Linguistics, as chairman of the Ethics Committee of the Linguistic Society of America, and as chairman of the scientific commissions of the International Association of Applied Linguistics.

In recent years I have been called upon to serve as an expert in lawsuits and litigation relating to the language issues involved in criminal cases, contract disputes, housing discrimination, school desegregation and social and welfare services. I have participated in litigation in five Federal court districts.

Over the past 15 to 20 years I have tape-recorded some 1,500 hours of conversation and spent roughly 10,000 hours analyzing and listening to tape recorded conversations from approximately 2,000 informants. At Georgetown University, I teach a graduate seminar in linguistic interviewing and another in the relationship of linguistics to the field of law.

In most of the litigation in which I have been asked to be expert witness or consultant, the major source of evidence was in the form of surreptitious audio or video tapes made by the FBI. It is about my experience in analyzing these recordings that I wish to speak today.

WHAT IS LINGUISTIC ANALYSIS?

Since the field of linguistics is not widely known or understood by the public, it is first necessary to explain why this science is relevant to such a topic. All fields of human activity are conducted in language. Doctors and patients use it as do clerks and customers, teachers and students, lawyers and clients and, in short, it is used in every imaginable communication. Linguists study such communication for its structure and for how the speakers express their intentions—what it is they want to say. This is called discourse analysis. Linguists also make a number of other kinds of analyses such as phonological, grammatical and syntactical, all of which have an important bearing on the language used in everyday conversation.

In analyzing conversation, linguists study more than the way people talk about a particular subject. They analyze all types of conversation about different subjects to identify what conversations have in common. In other words, linguists analyze how people talk not just what they talk about. Linguistics is not restricted to the study of the English language, but really embraces how all languages operate and what all languages have in common. Of course, we are not only interested in what people have in common but also what is unique about individual speakers in a conversation.

What I have called the structure of conversation, which linguists refer to as discourse, is not always accessible to the untrained listener or to someone who is merely reading a transcript. What a linguist can see in a conversation is similar to what a doctor can see in an x-ray. All of us can recognize what an x-ray is but that is not the same thing as understanding what the x-ray reveals about the structure of the body. We may all know what a conversation is as we hear it or read it, but not everyone can follow all the nuances of its structure. The science of linguistics is no different from the physical sciences. We know what water looks like but our sciences have taught us that it is a combination of hydrogen and oxygen. We use that knowledge of what is invisible to the naked eye, we rely upon our scientific understanding of what water is, to enable us to do things with that substance that we would otherwise not know how to do.

WHY IS LINGUISTIC ANALYSIS NECESSARY?

It has been averred by prosecutors in cases which involve recorded evidence that the "tapes speak for themselves." This is in one sense true but, in another, quite dangerous. The problems that juries have with evidence of this kind are great. The following are illustrations of problems for which linguistics can be helpful:

1. To prevent contamination

Those who listen to recordings of people talking tend to overgeneralize many things. For example if one listens to a conversation between two people, one of whom is swearing and the other of whom is not, the general impression that the third party listener gets is that both are swearing. This is what I refer to as the contamination principle. In the tapes involved in the Abscam case of Senator Harrison A. Williams, Jr., for example, it is clear that the swearing is being done overall by the government agents and by other participants, not by Senator Williams. By the same token, the government operatives use the words hidden interest. Senator Williams uses the words blind trust. In a very few instances, the government agents use the words government contracts. Senator Williams does not. The words used by the government operatives about Senator Williams in the first meeting with the presumed Arab sheik contrast sharply with what Senator Williams actually says about himself. Despite these clear contrasts in who said what, the court and even the U.S. Senate Ethics Committee became victims of contamination and overgeneralized meanings which were not there. The principle of contamination is especially dangerous and unfair. Careful analysis of who said what in the actual recorded evidence is carried out by linguists to diffuse and dispell this contamination.

2. To avoid swamping

Another problem involving tape recorded data as evidence in court cases is that the jury becomes innundated with data. Cases involving many tapes between many people taking place over long periods of time lead to a tremendous overload of information. Listeners are required to keep straight the various participants, what they said and what their roles are. The most difficult task of all is to separate the words and actions of one defendant from those of non-defendants and other defendants. This task is made much more difficult when the government agents act as provocateurs, making their roles ambiguous as well.

An important role of the linguist in assisting listeners when masses of recorded language data are in evidence is to trace the actual topics introduced, responses to the topics of another speaker, specific references to people, things or events throughout the many tapes and transcripts presented. The listeners should not confuse the responses of another party with those of the defendant and, especially, they should not confuse what the defendant is reported to have said or done by another party with what he or she actually said or did.

The simple observation that "the tapes speak for themselves," then, runs several great risks. One risk is that listeners are not consciously aware of the structures of conversation which, if recognized, will enable them to find the contextual or discourse meaning of a given speaker. They are aware of word meanings but words, outside of a context, are very slippery. Secondly, listeners, when innundated or swamped with language data find it difficult to separate the words of one speaker at one time from the words of other speakers or from the representation by other speakers of the first speaker. The principle of contamination is very active at such times.

INTENTIONS

In a criminal case, the most essential factor in determining innocence or guilt resides in the actions carried out along with the meaning of what is said. Actions are clearer by far than the meanings of what is said. But since tape recordings are the evidence for decision making in courts, it is necessary to address the question of meaning, along with its corollary question of intention. Intentions are usually hidden deep within a person's mind, but there are clues to intentionality which are marked in language use.

In order for an indictment to be brought or a conviction to be made from the evidence which surreptitious tape recorded data provides, these clues to intentions found in a speaker's language must be identified. Since a person's intentions are his agenda, or goal, it is important to be able to identify the agendas of the speakers in such conversations if we are to understand the full meaning of the tapes.

It is clear, for example, that the agent's agendas are to capture, on tape, any illegal activity which the targets may espouse. Such activity may be an action agenda, such as the presentation or acceptance of a bribe on tape or camera. It may also be a retelling of past illegal activities, or it may be the promise or intent to commit a future illegal act.

The agendas of the target must also be carefully analyzed because what really matters most is (1) what the agendas of the speakers are—what they choose to talk about—and (2) how each speaker responds to the agendas or topics of the others. Linguistic analysis of such conversations identifies and makes clear what these agendas are. The method of such analysis begins with what linguists call topic analysis. This unit of analysis can be seen across all the conversations in which a given speaker appears as well as in a specific, individual conversation. By listening to the tapes and noting when topics are introduced and reintroduced, the listener can obtain a clear picture of what a speaker's agenda is. That is, we can determine what he or she really wanted to talk about, regardless of what the other speakers' agendas were. Nothing gives a clearer indication of a person's intentions than the topics or agendas he introduces in a conversation or across many conversations.

The first tool, then, is the discovery of agendas. This is done by identifying the topics raised, by noting when and how frequently the topics are recycled and the structure of the sequencing of the recycled topics, the frequency of topic recycling and the way the recycled topics are sequenced, that is, how they are spaced in the conversation, also give clues to the intentions of the speakers.

STRATEGIES

Strong clues to the intentions of speakers can be found in the topics they introduce and the responses they give to the topics of other speakers. But there is still more. All speakers have strategies for advancing their own agendas and, conversely, for blocking the agendas of others, especially those agendas with which they are not comfortable. It is in this area of conversational strategies, especially strategies which block the agendas of the other speaker, where recent FBI practice causes concern. The seven FBI strategies which I will describe and illustrate are:

1. Securing the appearance of agreement strategy.
2. Coaching strategy.
3. Camouflaging strategy.
4. Criminalizing strategy.
5. Blocking exculpatory statements strategy.
6. Insider-outsider strategy.
7. Culture/language difference strategy.

All of these strategies go beyond such normal, everyday conversational strategies of repeating one's point, interrupting, turn-taking or question asking. These seven strategies are manipulative in ways which appear to exceed the limits set by Judge William H. Webster in his statement of March 4, 1980: We also provide special training for those selected, with emphasis on instruction in legal areas, including the issue of entrapment. (p. 145)

1. Securing the appearance of agreement

In all conversation there is a requirement of feedback. When one person talks, the other person is obliged to say something which indicates that he is attending. Without such feedback, we as speakers will soon stop talking on the topic and ask if the other person understands us, is listening, etc. The most commonly used signals for such feedback are what linguists call lax-tokens. The positive lax-tokens usually take the form of uh-huh, alright, yeah or ok, but there are also occasions when the intonation of other words, such as right, indicate that these words are also lax-tokens in quality. Since the function of the lax-token is to provide feedback to the speaker, its meaning, though positive, cannot be taken as agreement. Evidence that the meaning is not agreement can be found in conversations such as the following:

SPEAKER A. I really liked the movie.

SPEAKER B. Uh-huh.

It is absurd to consider Speaker B's response as agreement, since he has no reason or right to agree with what Speaker A liked.

Some lax-tokens are even more lax than uh-huh. When a speaker reponds uh or um, the weakness or laxness departs even farther from a positive meaning.

Conversations taped by the FBI contain hundreds and hundreds of examples of such speaker responses. Even though they do not signify agreement, prosecutors, courts and juries often confuse them as positive agreement. To some this may not be considered a problem for which the FBI should be concerned. I disagree. Whether or not the ultimate effect of a lax-token non-agreement response is misperceived by juries as agreement, the actual agreement has not been accurately captured on tape. If an indictment is made on the basis of a presumed agreement when, in fact, the response meant "I hear you, keep talking," a false indictment has been made.

The point of this argument is simple. In matters involving guilt or innocence, the FBI should be certain that the target's response is a full token "I agree," "That's right," "I'm with you," or "You have my agreement," "It's a deal," or even yes followed by another positive market such as "Yes, of course" or "Yes, that's right." To be completely unambiguous in what the target means, a true positive response must be obtained.

Coaching

The Abscam case of Senator Williams contains a classic example of FBI coaching of the target to say what the agents want him to say. On June 28, 1979, the convicted criminal hired by the FBI, Mel Weinberg, gives the Senator 28 directives about what he should say in his meeting with the presumed Arab sheik immediately following. Using simple contrastive analysis, I have charted the 28 directives in the coaching tape and then noted who actually *introduced* those topics in the follow-up meeting. (Figure 1.)

(Figure 1—Senator Williams)

Weinberg's coaching topics	Topics introduced in following meeting by—		
	Errichetti	DeVito	Williams
How high you are	X	X	
5th in Senate	X	X	
Who you know		X	
Chairman of whatever	X		
How important	X		
Without you there is no deal	X		
You put this together		X	
Get government contracts	X		
How important	X	X	
Influence for contracts	X	X	
Important	X	X	
How important you are	X	X	
Who you are	X	X	
Without me, no deal	X	X	
I'm the man [1]			
Open doors		X	
Use influence	X	X	
I guarantee this	X		
We'll produce		X	
Blow your own horn	X	X	
Who you control		X	
I can move this		X	
I guarantee this	X		
Sell him like mad	X	X	
You're boss		X	
I'm the power		X	
Throw names	X		
Come on strong	X	X	

[1] Not brought up by anyone.

It is clear from this chart that when Weinberg's directives were introduced, that is when the coaching was actually brought into practice, it was agent Tony DeVito and Angelo Errichetti, and *not* Senator Williams, who did so. Those who are familiar with that tape should be aware of the fact that topic introduction is the key to intentions or conversational agendas. It is true that Senator Williams did say, on that tape, that the Vice President used to work on his committee and that Secretary Vance was a neighbor of his in New Jersey, but these statements were not topic *initiations*. They were made in response to questions asked him about officials that he knew. Responses are quite different from initiations. If asked a question, a person has the obligation to answer but this answer is not a strong indication of intention or agenda. Senator Williams does *not* initiate topics about how important he is or who he knows. He does *not* specify, as coached, that without him there is no deal or that he is the man that opens doors. He does *not* say who he controls, what he moves or that he's the boss. He does *not* sell like mad or blow his own horn. Senator Williams' statements can be considered nothing short of a failure at self promotion.

It is very important to separate the responses of Senator Williams from those of Errichetti and DeVito in situations where contamination is likely. The casual listener to tapes like these tends to gain general impressions without being able to separate exactly how these general impressions are formed. Is there horn blowing during the June 28 meeting with the sheik? There certainly is. As Figure 1 clearly indicates, however, the horn-blowing is done by DeVito and Errichetti, *not* by Senator Williams and the government strategy clearly fails.

One last point should be made about the coaching. Not only were concepts suggested, as Figure 1 indicates, but actual scripting was used by Weinberg. By scripting I refer to when Weinberg and Errichetti change their *you* references to actual modeling sentences, as follows:

MW: Without *me* there is no government contracts.

MW: Without *me* there is no deal.

MW: *I'm* the man.

MW: Use *my* influence.

MW: *I* guarantee this.

AE: And *we'll* produce.

AE: *I* can move this.

AE: *I* can move that.

AE: *I* guarantee this.

AE: *I* can do that.

This change from suggestion of what Senator Williams should say to the sheik to the *actual sentences* he should use becomes what in the field of education is called directed teaching; putting words in the mouth of students whether or not they want to say them.

The dangers of FBI coaching are clearly obvious. The agents urge the Senator to do one thing, even to the extent of putting the exact scripted words before him and they urge him *not* to say what he was there to say.

Coaching is the equivalent of a leading question; question probing in any area of activity grows more dangerous as it predetermines the results. In police investigation, for example, the fact value of the answer to what linguists call a tag question, is minimal. Figure 2 illustrates a continuum of fact value dependant on the type of question asked. (Figure 2 not reproduced.)

By coaching the target to say what the agent wants him to say, the FBI gets low fact value, if any at all.

An argument could be made, in the Williams case, that the coaching was done by Weinberg, not by a trained FBI agent. This argument does not hold water on several grounds. Most convincing of all, however, is the statement by regular agent Amoroso (alias DeVito) on February 12, 1979, in which we hear the agent coaching Weinberg on how to coach, in effect telling him what to say.

AA: I think you gotta set it right out for him and give him real strong assurances that, hey, this guy can do this and this, can do that, and this guy can do that, you know, once you lay it out for him and he's kind of a hard guy to deal with times because, you know, and uh you just gotta lead him which way you want.

Weinberg will later become the coach of Senator Williams.

3. Camouflaging

A second FBI strategy is that of camouflaging. By this I mean making something important or visible seem unimportant or invisible. The structure of the September 11 tape of the Williams case is a classic example. This conversation was declared an unofficial meeting when Senator Williams arrived, the words "unofficial" and "hypothetical" were used over and over again to describe the meeting. All the other participants had met during the previous two months and shared a great deal of information that the Senator did not have.

The significance of the camouflage strategy is that agents Weinberg and DeVito had one major goal in this meeting: to get the Senator's ok for the resale scheme. They were careful to declare this conversation unofficial. As such, it could seem more speculative, tentative and less threatening, especially to an "outsider" to their plans. It is also clear that if the group wished to get a vote on any issue, it would be best to introduce this vote at a point in which high-level confusion was taking place. Agents Weinberg and DeVito try ten times in this tape to get Senator Williams' ok to the newly proposed idea of reselling the still unofficial corporation as soon as they get the loan. That the strategy fails is evidenced both by the fact that Senator Williams gives no positive response to the request and by the fact that they keep bringing it up.

The camouflage strategy also works to turn an unimportant or nonincriminating act into one which is incriminating. In the Texas Brilab case, for example, the convicted criminal, Joe Hauser, hired by the FBI to capture illegal acts on tape, worked with an unwitting friend of the Speaker of the Texas House of Representatives, Bill Clayton, and together they offered Mr. Clayton a campaign contribution for the upcoming election. After presenting it, however, they redefined the meaning of the contribution, implying that it was a bribe for reopening the state insurance contract bidding. The strategy failed when Mr. Clayton said "I don't want to do anything illegal and neither do you." At this point, Mr. Clayton said that he would report the campaign contribution, following the perfectly legal procedure, to which agent Hauser said several times that he didn't have to report it.

The camouflage strategy is a common one in FBI taping. It clearly violates the statement by Philip B. Heymann, Assistant Attorney General, when he said:

"In the elaborate review process which Judge Webster has described, the Bureau and the Criminal Division strive to insure that each undercover operation is carried out in a manner which is fair, unambiguous, productive of successful prosecutions, and which minimizes the impact on or even the involvement with innocent persons." (March 4, 1980, p. 138)

The camouflage strategy is not unambiguous. In contrast, it thrives on deliberate, created ambiguity and confusion.

3. Criminalizing

By criminalizing I mean the translation of perfectly legal terms and concepts used by the designated target into terms and concepts which are illegal or covert. One of the charges against Senator Williams, for example, is that he hid his interest in the proposed mining business. The recorded conversation, however, makes it very clear that the government agents' agenda to get him to adopt their covert terms and concepts failed completely. Figure 3 illustrates the contrast between the terms used by Senator Williams (a legal *blind trust, go public, declare*) and the words used by agents DeVito and Weinberg (*hidden, hide, secret, gimmick* and *some other way*).

Figure 3—Senator Williams: Blind Trust v. Hidden Interest

August 5

MW: Keep it secret, protect you, 100% protection.

TD: You protected, your position protected, everybody protected.

September 11

HW: Right, pay the taxes.

October 7

MW: Sandy spoke about you going to declare 17 million dollars profit or something.

HW: No . . . I'm going to find a way to protect myself with some kind of declaration. I'm going to have to go public with something or other.

TD: . . . everything was going to be hidden.

TD: Everybody can declare..you can't.

HW: Well this is where the lawyer comes in Alex . . . we can blind trust me you know.

October 7

TD: . . . you were gonna declare it, but some other way.

HW: . . . now if it's a blind trust . . . that's the way for my purposes.

TD: . . . I said when the Senator said he wanted to declare . . . he was trying to protect himself . . . by coming up with some gimmick.

HW: Well there we have it under the trust . . . so I've done what I had to do.

It is one thing to suggest illegal actions but quite a different matter to attempt to convert legal intentions into illegal ones. The contamination effect had been produced, however, and both the court and the Senate Ethics Committee were somehow able to overlook what was actually said in favor of an interpretation which ignores Senator Williams' statements and highlights those of agents Weinberg and DeVito, even though these were denied and rejected by the Senator.

In reality, the government agents' agenda of trying to get Senator Williams to hide his interest in the proposed venture fails, but the contamination nonetheless remains.

At issue here is a matter even larger than the FBI strategy. In court cases involving tape recorded evidence, the contamination effect on later listeners of the illegal words or concepts of the agents can be devastating. It might be argued that, from the letter of the law, the FBI is not overstepping its ground by appearing to be criminal to the target. But when the ultimate effect of this appearance leads to misreadings or misunderstandings in the ultimate interpretation by jurors and even by the U.S. Senate Ethics Committee, this strategy must be seriously questioned. When the targeted person is focusing on the *content* of what is being said and not on the *manner* in which it is said, there is great opportunity for misleading him. Even when careful scientific analysis of the speech indicates that concept and words were *not* adopted by the target, the damage has been done.

4. The Blocked Exculpatory Statement

It cannot be denied that the major agenda of the FBI agent in recorded conversations is to capture any illegal acts or words on tape. That is the announced purpose of such activity in the first place. In their effort to do this, however, the agency faces the severe temptation of blocking statements which start to clarify the target's position or reveal his or her rejection or denial of the suggested illegal act. The usual conversational strategy for doing this is interruption. We all do it for various reasons and because of this, it may seem innocuous and unimportant. It is not the act of interrupting which is dangerous here; it is the timing of the interruption. In the tape recorded evidence used in the Abscam cases of Congressman Richard Kelly and Senator Harrison Williams, for example, the blocked exculpatory statement strategy is worthy of examination. Congressman Kelly was interrupted over and over again as he verbally rejeced the offer of money nine times. (This, in itself, poses an important question to the FBI: How many times must a target reject the offer before the pursuit is called off?) Both in the Kelly and the Williams cases, however, still another blocked exculpatory statement approach is used: the telephone. The pattern of telephone interruption in these cases, as well as in the taping of Senator Larry Pressler, is for the interruption to come at points which are activity peaks, ones in which a strategy has failed and it appears that a change in strategy is called for. In the case of Senator Williams, in his January 15, 1980, tape, the first telephone interruption blocks his effort to explain to the sheik why he was rejecting his offer of money. The Senator says no four times and then the telephone interrupts. The second telephone interruption comes a few minutes later, after the Senator was trying to re-establish the reason he had agreed to meet the sheik in the first place: to represent the potential mining business' concerns. After the interruption, the sheik changes his agenda from offering money (which had failed) to an attempt to link his proposed loan to the mining business with securing the Senator's offer to sponsor legislation which would bring him into the country.

The critical point here is that the Senator had clearly not offered to sponsor the legislation. Figure 4 illustrates the terms which the Senator used to indicate that he would only help the sheik get information together toward that end.

(Figure 4—Senator Williams, January 15)

Legislative and legal prerequisites
It's not easy.
There have to be good reasons.
Meet some criteria.
Harder now than 5 years ago.
It has been restricted.
Best results when a person of good character.
If that person were made to return to his country, he could face a great personal hardship.
The situation has to be fully understood.
Criteria.
It's an exceptional situation.
After full knowledge of your situation.
It is processed through a committee.
Then also in the other body.
Quite frankly I can't issue that.
I cannot personally.
It goes through the whole dignified process of passing a law.

Furthermore, the effort of the sheik, using broken English, to make that link was virtually incomprehensible. The strategy failed for both of these reasons. Yet both the court and the U.S. Senate Ethics Committee failed to see that the strategy had failed. The point, again, is that cases involving surreptitious tape recorded evidence have the capacity for contamination so great that the true facts are misperceived by later listeners such as juries or the U.S. Senate Ethics Committee. One could say that this is an issue for the courts to worry about and not the FBI's concern. As a person who has seen the blocked exculpatory statement strategy work to indict persons later found to be innocent people, I maintain that it is the FBI's concern. The blocked exculpatory statement strategy, whether by the telephone or by verbal face-to-face interruption, is as much a violation of our rights as is a policeman's failure to read a person his legal rights. When our language rights are blocked, our democracy is stymied.

5. The "Insider-Outsider" Strategy

Another government agent strategy is to isolate the designated target from much of the information that the others share. If some of the other targets have been, or appear to have been already coopted, the strategy leans heavily on peer pressure to go along with what the others seem to want. Topic analysis and response analysis, two linguistic discourse tools, can clearly point out how much of an *outsider* the targets are in their conversations. In the case of Senator Williams, for example, there were many meetings between the government agents and targets other than the Senator. The topics discussed and the way they were discussed were substantially different when the Senator was not present from when he was. His role in the conversations in which he *did* participate clearly displays that of an "outsider" who is trying to determine what was going on. Figure 5 displays the topics introduced by the Senator in all six of the meetings he attended.

(Figure 5—Senator Williams' Topics)

	Total topics introduced		Types of HW topics			
	HW	All others	Request info.	Reports facts	Small talk	Reports opinions
June 28 audio	6	10	6			
June 28 video	2	20		2		
Aug. 5 audio	5	21	2		3	
Sept. 11 video	24	65	17	2	2	4
Oct. 7 video	10	44	6	1	3	
Jan. 15 video	10	14	5	2	3	
Total	57	174	36	7	11	4

Note especially that he brought up fewer than one-fourth of all the topics discussed when he was present. This in itself evidences a rather minor role in the conversations. Even more revealing, however, is the breakdown of the types of topics he did introduce. Sixty percent of Senator Williams' topics are requests for information. When a speaker spends almost two-thirds of his time trying to find out things that the others already know, he is clearly an "outsider" to the conversation. Ten percent of his topics are small talk (about his family or other topics not germaine to the major topics). Senator Williams, in fact, never introduced any of the topics for which he was presumably being recorded, including stocks and money.

An analysis of Senator Williams' responses to the topics introduced by others also supports his "outsider" role in these conversations. Figure 6 displays these responses (See page 21). He does not respond at all to 24 percent of all the topics introduced to him. He uses responses which linguists call lax-tokens (uh-huh, yeah, ok, etc.), which actually mean "I hear you," "keep talking," 42 percent of the time. He defers 15 percent of the topics and changes the subject five percent of the time. This leaves only 17 percent of his responses which are affirmative, negative or full-word responses. This is not the role of a dynamic conversation leader. It is, instead, the passive role of an "outsider," a person trying to find out things that others know but which he does not.

(Figure 6—Senator Williams' Responses)

Date	No response	I hear you	I understand what you say	Change subject	Defer topic	Answers full response	Positive response	Negative response
June 28 audio	13	13	2					
June 28 video			2	2	5			
August 5 audio		5	25			2	4	
September 11 video	9	2		3	4		2	
October 7 video	8	2		1	4	3	2	1
January 15 video		2	1		6	1		2
Total	30	24	30	6	19	6	8	3
Percentage	24	44		5	15		12	

The "insider-outsider" strategy is used commonly in FBI recorded conversations. It was used widely in the Brilab cases to insure that the target was kept ignorant of things that other co-opted participants already knew. The significance of the strategy is obvious. When the target is an "outsider," the already co-opted "insiders" can help the agents convince the target to perform the desired act. The peer pressure of friends and acquaintances is great. The desire not to appear ignorant or beligerant to an event which the others may have agreed to tends to cause the targets to "go along" with something about which they may know very little. The danger, of course, is that the target, even though unwilling to do or say the act, will be trapped into agreeing to do it anyway, not because he is predisposed to do so or because he intends to do so, but for purely social reasons or from the false assumption that his "insider" friends have done the proper investigating and thinking about an issue about which he is still ill-informed. For any of these reasons, the target may be captured on tape making a promise or agreeing to something which he does not fully understand even though his intention is *not* to do so if he only had sufficient information.

It would seem only reasonable that it is not the purpose of law enforcement to capture people on tape agreeing to things they would not agree to if they had proper information. Philip B. Heymann has stated, in fact, that such procedure is not condoned by the Criminal Division of the Department of Justice:

> "Most important, however, is the second major safeguard followed in every undercover operation, of making *clear* and *unambiguous* to all concerned the illegal nature of any opportunity used as a decoy." (March 4, 1980, P. 139-40)

It would appear that the agency's use of the "insider-outsider" strategy is evidence that such a safeguard is not always practiced.

6. The Culture/Language Difference Strategy

Another government strategy is to use as agents people who are presumably from a different culture and a different language background. Since their words are inexplicit and their sentences garbled, the other person has to inference a great deal. The conditions of politeness are heightened and the designated target is forced to tolerate great strangeness in behavior. That is, when standard English speakers converse with non-standard English speakers, the latter are given certain accommodations. Since they often tend to use incomplete sentences and street language rather than the more explicit and appropriate expressions, the standard English speaker in such conversation tends to rely more on inferencing to make sense of the non-standard English speaker's syntax, semantics and lack of explicit referencing. The same is true, of course, for a limited English speaker, as represented in the case of Senator Williams by the presumed Arab sheik. It is only courteous and polite for a standard or native English speaker to tolerate great imprecision and error in such people's use of English. It is also common for the native English speaker to infer a great deal more about the intentions of the non-native speaker, to finish his sentences for him and to lower any expectations of the normal conventions of conversation. One must also note the cross-cultural implications of such conversations. If it is known or suspected that the customs of the speaker from another country are at variance with the ethics or other conventions of America, the native treats this variance with politeness and dignity rather than with scorn or malice. Such variance is the "Arab way," as Mel Weinberg pointed out in the tape of June 28, 1979.

In several cases in which surreptitious tape recordings have been used, the agents produced a non-standard or vernacular Black English. In others, the agent spoke a kind of non-standard street language. In such cases, the effect on the designated targets was to force them to inference meaning that was unclear from sentences which were in a dialect different from their own and frequently inexplicit and incomplete. Agents using such language are expected not to know the appropriate terms and, therefore, when they use words like *deal* for *transaction*, or *buy a pardon* for *obtain a pardon*, the temptation of the target is to excuse such usage as the best the speaker could do, even if inappropriate. Just as a physician seldom corrects the vocabulary of an inarticulate or limited English speaking patient, so elected officials may not choose (out of politeness) to correct the street language vocabulary of undercover agents who are posing as non-standard English speakers.

When critical decisions about the guilt or innocence of designated targets hinge on garbled syntax of the proposition made by the agent, the practice of using the culture/language difference strategy must be seriously questioned. In the Williams Abscam case, for example, it is claimed that the agent got Senator Williams to link getting a loan for the business venture which he represented to promising to sponsor legislation for the sheik's permanent residence in the United States. The actual language used to presumably make this "link" is displayed in Figure 7.

(Figure 7—Senator Williams, January 15)

RF: Uh as long as possible for sure assured me er regard, er permanent residence. Er business for titanium mine will be successfully concluded. End of, end of er month.

HW: Yes.
RF: Can I?
HW: You can be——
RF: I be.
HW: You can——
RF: Be sure.

The two questions here are: (1) Did the sheik, with his broken English, link the titanium venture with the legislation? (2) What did Senator Williams agree to?

Although the written text of what agent Richard Farhart says in his first conversational turn above might give the appearance of linking *permanent residence* (in the first sentence) with *business for titanium mine* (in the second sentence), the spoken version--the one which Senator Williams had to decipher on the spot—is not that clear. There are long, unnatural pauses between words, unpredictable sequences of words ("for sure assured me"), deleted prepositions (*with, for, by*), deleted articles (*the* twice). Senator Williams' first response to this utterance was *Yes.* On the surface, this might seem to be agreement. Two things argue against this interpretation. One is that his intonation is not appropriate for an assertion of agreement. It is, rather, that of a conversational, "Keep talking," "go on" response. Even if one were to disagree with this analysis, on the basis of the oral presentation of Farhart in this utterance, it would be quite difficult to know what it is that any agreement marker might have agreed to. Even Farhart is not sure for he then asks the question "Can I?" which he had omitted from the question he had previously uttered. At this point, Senator Williams begins his twice interrupted response which explains that he will do those things which will bring the sheik on for the *consideration* of permanency. This can hardly be considered a promise to provide the legislation. It is, instead, a promise to help gather the information necessary for the sheik to be considered. It is also noteworthy that the Senator makes no mention of the titanium mine venture in his response. If a link between his promise to help gather the information for ultimate consideration for legislation and the titanium venture was to have been made, the Senator's response gives no evidence of it. In fact he denies his authority to carry out the legislation or be responsible for it alone. He outlines the legal process and does not even offer hope that it will be done. No commitment is made by the Senator.

This government agent's strategy obviously fails, as is evidenced clearly in the actual video-taped conversation. But, again, the damage was done. Neither the court nor the Senate Ethics Committee was able to discern the failure of this strategy, largely because they lack the experience necessary to deal with language analysis. Again, one might say that this is a problem for the courts, not for the FBI. I do not agree that it is the court's problem alone. In the way the taping was done, even though later analysis of the event shows no link to have been made, the FBI shares the responsibility with the court. The culture/language difference strategy puts the target at the disadvantage not only of trying to decipher the meaning of the unusual language used but also at the even greater disadvantage of hoping that later listeners, such as juries, will also be able to understand that meaning. Later listeners, as has already been noted, have even more disadvantages to understanding since they were not a part of the event itself or the contexts leading up to the event. They are further subject to the other general pressures previously discussed, including contamination and being swamped with hours of tape recorded data to assimilate and process in the tenseness of a court room setting. This strategy of culture/language differences can lead, as it did in Senator Williams' case, to an inaccurate and unfair perception of the event, even though the objective data which are immediately available clearly should lead to a totally different perception.

CONCLUSIONS

It may be true as Paul R. Michel, Associate Deputy Attorney General, has observed that ". . . the honest man simply rejects the offer and departs." (February 26, 1981, p. 85) For the man who is unlucky enough to be indicted for a lax-token agreement rather than a true agreement, Mr. Michel's statement may not be so true. If the offer had been camouflaged into looking like something quite different and the man is indicted, the statement may not hold water. If the man has been coached or scripted to say something other than he intended and is then indicted, the truth of the statement is in question. If the man's honest intentions are criminalized through contamination of the agent's language and he is then indicted, the statement is not true. If the man attempts to utter exculpatory statements that are blocked by the agents and then the man is indicted, Mr. Michel's statement has no truth in it. If the man is isolated from the information which others have and succumbs to group pressure to go along with the others and gets indicted for it, the truth of the statement is questionable. If the man is confused by the garbled language of a non-native speaking agent and does not catch the subtleties of the garbled speech and is indicted as a result, the truth of Mr. Michel's observation is nil. An honest man certainly can reject the offer and depart as long as the offer is clear, the option is open, the conversational strategies are fair and the deck is not stacked. The seven strategies outlined here are all found in current FBI surreptitious tape recorded conversations. They are not unique to the cases cited. But they certainly do bring indictments.

CURRICULUM VITAE 1981

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A. Study and travel grants

Graduate Assistant, 1957, Case Western Reserve University.

ACLA Fellow, summer 1957, University of Michigan.

University of Chicago research fellow, summer 1963.

U.S. Air Force research fellow, summer 1964, Indiana University.

ACLS travel grant to the Third International Conference on Applied Linguistics, Copenhagen, August 1972.

Fulbright-Hays Award, Australia-American Foundation Fellow, summer 1972, Consultant to UNESCO English Curriculum Development Project in Australia.

Ford Foundation Travel grant to speak at the Council of Europe Conference on Migrant Worker Children, Ghent, 1976 Australian National government award to speak at the National Committee in English Teaching Conference, Canberra, 1977.

Swedish Government, invited plenary lecturer, Association Internationale Linguistique Applique, Lund, Sweden, 1981.

B. Professional responsibilities

1. Professional Committees

Chairman, NCTE Clearinghouse Committee on Social Dialects, 1967-70.

Presidente, Comision de Linguistica y Dialectologia Angloamericanas Inter-American Program for Linguistics and Language Teaching, 1968-72.

Member, International Reading Association's Commission on Teacher Education, 1969-72.

Member, International Reading Association's Commission on the Reading Process, 1969-72.

Member, Linguistics Society of America, Program Committee, 1971-73.

Member, Linguistic Society of America, Technical Committee on Language and Cognitive Development, 1970-73.

Chairman, International Reading Association, Linguistics and Reading Committee, 1973-75.

Chairman, Linguistic Society of America, Committee in Linguistics and the Public Interest, 1974-76.

President, Lectological Association, 1972-75.

Member, Social Science Research Council, Committee on Sociolinguistics, 1972-76.

Membership Secretary, Executive Committee, National Conference for Research in English, 1976-79.

Presidente, Comision de Linguistica Angloamericana, Inter-American Program for Linguistics and Language Teaching, 1976-77.

Member, Committee on Language Acquisition of Young Children, National Council of Teachers of English, 1977-79.

Member, Executive Committee, National Council of Teachers of English, 1977-81.

Member, Executive Committee, AILA (Association Internationale de Linguistique Applique, 1978-81.

President, American Association of Applied Linguistics, 1978-80.

2. Professional Advisory Boards

Member, Advisory Committee, The Australasia Foundation for Education, 1976-80.

Member, National Advisory Board, ERIC Clearninghouse on Languages and Linguistics, 1974-80.

Member, Bilingual Education Task Force of Teacher Corps, 1975-76.

Member, Advisory Board, NSF Linguistics Program, 1976-78.

Member, Scientific Advisory Board, Center for the Study of Reading, 1977.

Member, Board of Directors, Institute for the Study of Social Interaction, 1980-81.

3. Professional Evaluation Panels

Evaluation Panel, Linguistics Department, SUNY Buffalo, 1972.

Member, Evaluation Panel, Early Childhood Education, National Institute of Education, 1972.

Member, USOE Bureau of Educational and Professional Development, Leadership Training Institute, 1970-75.

Member, Joint Consultant Review Panel, Northwest Regional Educational Laboratory, 1971-72.

Evaluator of proposals: NIE, NIMH, USOE, Canada Council, NSF, British SSRC, Carnegie Corporation of N.Y., NEH, Ford Foundation, 1967—.

Evaluation Panel, Center for the Study of Reading (NIE), 1978—.

Evaluation Panel, Linguistics Department, SUNY-Buffalo, 1978.

Evaluator, SUNY Albany, 1980.

4. Visiting Faculty Positions

Visiting Faculty, LSA Summer Linguistic Institute, State University of New York at Buffalo, 1971.

Visiting Faculty, International Reading Association, Inter-disciplinary Seminar, University of California at Santa Cruz, 1972.

Visiting Faculty, LSA Summer Linguistic Institute, University of Michigan, 1974.

Visiting Faculty Faculty, University of Limburg, and Co-Chairman, European Applied Linguistic Institute, Belgium, Summer 1974.

Visiting Faculty, LSA Summer Institute, State University of New York at Oswego, 1976.

Visiting Faculty, Seattle Pacific University, summer 1978.

Visiting Faculty, University of Jyvaskyla, Finland, summer 1979.

5. University Committee Responsibilities

Chairman, NDEA Title VI Graduate Fellowship Committee, 1965-67, Michigan State University.

Chairman, Fulbright-Hays Graduate Fellowship Committee, 1965-67, Michigan State University.

Member, Graduate Committee, Michigan State University, 1965-67.

Member, Board of Graduate Studies, Georgetown University, 1972-73.

Member, Graduate Committee, School of Languages and Linguistics, Georgetown University, 1970-74, 1977-78.

Member, Admissions and Fellowship Committee, Linguistics Department, Georgetown University, 1970-78.

Member, MAT Admissions Program, Georgetown University, 1981-.

C. Grants

Director, NDEA Title XI Institute for Applied Linguistics (USOE), summer 1965. Michigan State University.

Director, Detroit Dialect Study (USOE), 1966-67, Michigan State University.

Director, Carnegie Corporation of New York grant to the Center for Applied Linguistics, Urban Dialect Study, 1967-70.

Director, National Institute of Mental Health grant to the Center for Applied Linguistics, Psycholinguistic Attitude Study, 1968-69.

Director, USOE grant to the Center for Applied Linguistics, Sociolinguistics Theory, Materials and Programs, 1969-70.

Director, USOE grant to the Center for Applied Linguistics, Influence of Two Overlappng Systems on the English or Harlem Puerto Ricans, 1970-71.

Director, National Science Foundation grant to Georgetown University to establish a doctoral program in Sociolinguistics, 1970-73.

Director, Teacher Education Program in Social Dialects, Norfolk Virginia, 1972.

Director, Carnegie Corporation of New York research grant to the Center for Applied Linguistics to study the acquisition of children's use of language functions, 1975-77.

Director, NIE Grant to the Center for Applied Linguistics to build a research agenda in bilingual education, 1975.

Director, Ford Foundation grant to CAL to develop Puerto Rican community awareness of bilingual education in New York, 1975-77.

Co-director, Carnegie Corporation of New York grant to CAL to study cross-disciplinary contributions to bilingual education, 1975-77.

Co-director, NIE grant to the Center for Applied Linguistics to study Inferencing in Reading, 1978-80.

Director, Planning Grant, Ford Foundation, Determining conditions that affect learning of English by Hispanics, Summer 1980.

Co-director, NIE grant to CAL on Functional Language in Vernacular Setting, 1980- .

D. Editorial boards and advising

Linguistics Advisor, Ginn and Company, 1967- .

General Editor, Urban Language Series, Center for Applied Linguistics, 1967-74.

Editorial Board, *American Speech*, 1968-77.

Editorial Board, *Language in Society*, 1973-80.

Editorial Board, *International Journal of the Sociology of Language*, 1973- .

Editorial Board, *Discourse Processes*, 1975-.

Editorial Board, *Reading Abstracts*, 1975-.

Editorial Board, *Language Problems* and Language Planning, 1977-.

General Editor, *Sociolinguistic Series*, Newbury House Publishers, 1974-1980.

Linguistics Advisor, *Xerox Intermediate Dictionary*, 1973.

General Editor, *Literacy Series:* Center for Applied Linguistics, 1977-.

Editorial Consultant, *Journal of Educational Psychology*, 1977.

Editorial Consultant, *American Journal of Sociology*, 1977.

Editorial Board, *Studies in Language*, 1979-.

Editorial Consultant, University Park Press, University of Texas Press, Temple University Press, University of Pennsylvania Press.

Editorial Consultant, *Applied Psycholinguistics*, 1980-81.

E. Membership in learned societies

Linguistic Society of America
American Dialect Society
National Council of Teachers of English
International Reading Association
American Educational Research Association
American Anthropological Association
Teachers of English to Speakers of Other Languages
Australian Association of Teachers of English

National Conference on Research in English

Associacion de Linguistas Y Filologos de la America Latina

Association Internationale pour le Recherche et la Diffusion des Methodes Audio-Visuelles et Structuro-Globales (AIMAV)

American Association of Applied Linguistics

IV. PUBLICATIONS: BOOKS

A. Regional and social dialects

The Northern-Midland dialect boundary in Illinois. 1962. University of Alabama Press. (American Dialect Society Publication #38).

Social dialects and language learning. Editor. 1965. Champaign: National Council of Teachers of English.

Discovering American Dialects. 1967. Champaign: National Council of Teachers of English.

Linguistic correlates of social stratifications in Detroit speech. 1967. Final Report, USOE. Project 6-1347. (ERIC Document ED-022187).

Field techniques in an urban language study. Co-author. 1968. Washington, D.C.: Center for Applied Linguistics.

Dialects in Culture. Co-editor. University of Alabama: University of Alabama Press, 1979.

B. Sociolinguistics

Sociolinguistics: a cross-disciplinary perspective. Compiler. 1971 Washington, D.C.: Center for Applied Linguistics.

Sociolinguistics in cross-cultural analysis. Co-editor. 1972. Washington, D.C.: Georgetown University Press.

Sociolinguistics: current trends and prospects. Editor. 1973. Washington, D.C.: Georgetown University Press.

Language Planning: current issues and research. Co-editor. 1973. Washington, D.C.: Georgetown University Press.

Language Attitudes: current trends and prospects. Co-editor. 1973. Georgetown University Press.

Some new directions in linguistics. Editor. 1973. Washington, D.C.: Georgetown University Press.

New ways of analyzing variation in English. Co-editor. 1973. Washington, D.C.: Georgetown University Press.

Toward tomorrow's linguistics. Co-editor. 1974. Washington, D.C.: Georgetown University Press.

Studies in Language Variation. Co-editor. 1977. Washington, D.C.: Georgetown University Press.

Varieties of American English. Co-editor. 1979. Washington, D.C.: International Communication Agency.

Language Use and the Uses of Language, Co-editor. 1980. Washington, D.C.: Georgetown University Press.

C. Education and linguistics

Teaching Black children to read. Co-editor. 1969. Washington, D.C.: Center for Applied Linguistics.

Innovative education: a Federal concern. 1970. Department of Health, Education and Welfare. (mimeograph, 101 pages).

Sociolinguistic theory, materials and training programs: three related studies. Co-Author USOE. Final Report OEC-3-9-180357-0400(010).

Language differences: do they interfere? Co-editor. 1973. Newark, Delaware: International Reading Association.

Ginn Individualized Spelling Program. Co-author. 1975. Boston, Massachusetts: Ginn and Company.

Linguistic theory: what can it say about reading? Editor. 1977. Newark, Delaware: International Reading Association.

V. PUBLICATIONS: ARTICLES AND CHAPTERS

A. Regional and social dialects

Tireworker terms. American Speech, December 1964: 268-277. Sauce: dialect methodology. *American Speech* XLI: 74-75. (February 1966).

An automatic retrieval program for the Linguistic Atlas of the United States and Canada. In Paul Garvin and Bernard Spolsky (eds.), *Computation in linguistics: a case book.* 1966. Bloomington: Indiana University Press.

Dialectology and usage. Baltimore Bulletin of Education XLIII: 2-4, 40-51 (1966-67).

A selective bibliography of social dialects. *The Linguistic Reporter,* June 1968: 1-3.

Dialectology. In Ronald Wardaugh and H. Douglas Brown (eds.) *A Survey of Applied Liguistics.* 1977. Ann Arbor: University of Michigan Press.

Mr. Georgia dialect is Just as Good as Your Boston Accent, Georgetown Magazine (January 1979), 2-4.

B. Scociolinguistics and linguistics

Subjective judgments in sociolinguistic analysis. In J. Alatis (ed.) *20th Annual Georgetown Round Table.* 1969. Washington, D.C.: Georgetown University Press.

Sociolinguistic research at the Center for Applied Linguistics: the correlation of language and sex. In *Giornate Internazionali di sociolinguistica.* Rome: Palazzo Baldassini. 1969: 847-857.

The sociolinguists and urban language problems. In Frederick Williams (ed.) *Language and poverty.* 1970: 335-350. Chicago: Markham.

Sociolinguistic strategies for studying urban speech. In Maurice Imhoff (ed.) *Viewpoints,* Bulletin of the School of Education. Indiana University 47:2:1-25.

Some problems in studying negro-white speech differences. In Rodolpho Jacobson (ed.) *The English Record,* Special Anthology Issue. 1971.

Contemporary emphases in sociolinguistics. In R. O'Brien (ed.) *22nd Annual Georgetown Round Table.* 971. Washington, D.C.: Georgetown University Press.

Language and success: who are the judges? In *Words and Ways: Language of Teacher Trainers.* 1971. Minneapolis: University of Minnesota.

The Sociolinguistics Program at Georgetown University. In William K. Riley and David M. Smith (eds.) Languages and linguistics working papers number 5. 1972. Washington, D.C.: Georgetown University Press.

Sociolinguistics and teacher attitudes in southern school system. In David M. Smith and Roger W. Shuy (eds.) *Sociolinguistics in Cross-Cultural Analysis.* 1972. Washington, D.C.: Georgetown University Press.

Sociolinguistics as a way of knowing things. In J. Griffith and L. E. Miner (eds.), *The second and Third Lincolnland Conferences on Dialectology.* 1972: 333-347. University, Alabama: University of Alabama Press.

Language problems of disadvantaged children: a sociolinguistic perspective. In J. Irwin and M. Marge (eds.), *Principles of Childhood Language Disabilities.* 1972. New York: Appleton-Century Crofts.

Social dialect and employability: some pitfalls of good intentions. *Studies in Linguistics.* 1972: 145-156. University: University of Alabama press.

Language and success. *Idiom VII.* 6:5-13. (Melbourne, Australia).

Stereotyped attitudes of selected English dialect communities. In R. Shuy and R. Fasold (eds.), *Language Attitudes: Current Trends and Prospects.* 1973. Washington, D.C.: Georgetown University Press. Language and the paradoxical flight from elitism. *Semiotica* VII 4:352-364.

Some useful myths in social dialectology, Florida FL Reporter, XI (Spring/Fall, 1973) pp. 17-20, 55.

Sex as a factor in sociolinguistic Research. In W. W. Gage (ed.), *Language in its Social Setting.* Anthropology Society of Washington, 1974 (pp. 74-83).

Communications problems in the cross-cultural medical interview, *Papers of the Second Annual Conferences on Psychosomatic Obstetrics and Gynecology,* (ed. Paul D. Mozley), Key Biscayne, Florida, 1974.

Reciente investigaciones in sociolinguistica in *El Simposio de San Juan,* University of Puerto Rico, 1974, pp. 111-123.

The patient's right to clear communication in the medical interview. ITL, Leuven, Belgium, 1977, pp. 1-26.

Breaking into and out of linguistics, in *Linguistics: Teaching and Interdisciplinary Relations* (ed. F. P. Dinneen, S. J.) Georgetown University Press. 1975. (1430164).

The medical interview: problems in communication, *Primary Care* (September, 1976), pp. 375-386.

Quantitative language data: a case for and some warnings against, *Anthropology and Education Quarterly,* VII, 2 (May, 1977) 78-82.

Implications of recent sociolinguistic research for the problems of migrant worker children in M. deGreve and E. Rosseel (eds.) *Problemes Linguistiques des Enfants de Travailleurs Migrants.* Bruxelles: AIMAV (1977) pp. 187-209.

Sociolinguistics, in R. Shuy (ed.) *Linguistic Theory: What Can It Say About Reading?* Newark, Delaware: IRA, 1977, pp. 80-94.

Linguistic considerations in the simplification/clarification of insurance policy language (co-author), *Discourse Processes I,* 305-321 (1978).

The consumer and insurance policy language in Proceedings of *Consumers and Life Insurance: An Exchange of Views.* U.S. Office of Consumer Affairs, May 15-16, 1978, pp. 19-34.

Some problems in preparing dialect data for processing, *Germanistische Linquistik,* 3-4/77, Marburg/Lahn, 1979 pp. 145-158.

Toward the description of areal norms of syntax: some methodological suggestions, *Germanistiche Linguistik,* 3-4/77, Marburg/Lahn, 1977. pp. 367-390.

Multilingualism as a goal of educational policy, *Linguistics in the Seventies: Directions and Prospects,* ed. Braj Kachru, Urbana, Ill.: Dept. of Linguistics, 1978, (pp. 107-123).

Bilingualism and Language Variety, in J. E. Alatis (ed.), *International Dimensions in Bilingual Education.* Washington, D.C.: Georgetown University Press, 1978.

The role of research at the Center for Applied Linguistics, *Linguistic Reporter,* Vol. 21, No. 7 (April, 1979), pp. 6-7.

Language policy in medicine: some emerging issues, in J. E. Alatis and G. R. Tucker (eds.), *Language in Public Life.* Washington, D.C.: Georgetown University Press, 1979.

Some recent applications of sociolinguistic theory and research in K. Sajavara (ed.), *Papers from Finnish Summer Schools of Linguistics,* Jyvaskyla, Finland: University of Jyvaskyla, No. 8, 1980, pp. 31-63.

Code-switching in Lady Chatterly's Lover. *York Papers in Linguistics,* No. 9, pp. 223-240, 1981.

Variability and the public image of language, *TESOL Quarterly,* Vol. 15, No. 3 (September, 1981), pp. 315-326.

C. Education and linguistics

Starting a reading program for speakers of sub-group dialects. *Highlights.* 1966: 51-58. Newark: International Reading Association.

Linguistics principles applied to the teaching of reading. *Reading and Inquiry X:* 242-244 (1965). International Reading Association.

In what dialect will they read? In *New Directions in Reading.* (Bantam, 1967).

Detroit speech: careless, awkward and inconsistent or systematic, graceful and regular? In A. L. Davis (ed.), *On the Dialects of Children.* National Conference on the Teaching of English, 1968.

Some language and cultural differences in a theory of reading. In K. Goodman and J. Fleming (eds.) *Psycholinguistics and Reading.* 1969. Newark: International Reading Association.

A linguistic background for developing reading materials for black children. In *Teaching Black Children to Read.* 1969. Washington, D.C.: Center for Applied Linguistics.

Locating the Switching Devices of Oral Language. In J. Walden (ed.), *Oral Language and Reading.* 1969: 89-99, Champaign: National Conference on the Teaching of English.

Some considerations for developing reading materials for ghetto children. *Journal of Reading Behavior II,* Spring 1969.

Bonnie and Clyde tactices in English teaching. *Florida FL Reporter,* July 1969

The relevance of sociolinguistics for language teaching. *TESOL Quartely* March 1969: 13-22.

Social dialect research and interdisciplinary conflict. *The Reading Specialist VII.* 3:41-44.

Some relationships of linguistics to reading process. Teachers' Manual, *Reading 360.* 1969: 8-15. Boston: Ginn and Company.

Teacher training and urban language problems. In R. Fasold and R. Shuy (eds.), *Teaching Standard English in the Inner City.* 1970. Washington, D.C.: Center for Applied Linguistics.

Terminological interference in the study of the social aspects of language. In Sanford Newell (ed.), *Dimensions: Language 70,* Proceedings of the Sixth Southern Conference on Language Teaching, 1970: 71-82. Spartanburg, S.C.: Converse College.

Language variation and literacy. In J. Allen Figurel (ed.), *Reading Goals for the Disadvantaged.* 1970. Newark: International Reading Association.

Social dialects: teaching versus learning. *Florida FL Reporter,* 1:1-2 28-33, 55.

Performance contracts and reading: the great oversimplification. *Journal of Reading.* 15.8: 604-612

Speech differences and teaching strategies: how different is enough? In R. Hodges and E. H. Rudorf (eds.), *Language and Learning to Read: What Teachers Should Know about Language.* 1972. Boston: Houghton Mifflin.

Nonstandard dialect problems: an overview. In J. Laffey and R. Shuy (eds.), *Language Differences: Do They Interfere?* 1973. Newark: International Reading Association.

Some things that reading teachers need to know about language. In Howard Klein (ed.), *The Quest for Competency in Teaching Reading.* 1972: 141-150. Newark: International Reading Association.

Current theory and knowledge for the teaching of English. *English in Australia* 22:25-45.

Whatever happened to the ways kids talk? In Martha King, R. Emans and P. Cianciolo (eds.), *A Forum for Focus.* 1972. Champaign: National Conference on the Teaching of English.

Current theory and knowledge for the teaching of English. In *The Teaching of English: Australian UNESCO Seminar.* Canberra, Australian Government Publishing Service. 1973: 36-44.

The study of vernacular Black English as a factor in educational change, *Research in the Teachings of English,* VII, 3 (Winter, 1973) pp. 297-311.

Sociolinguistics strategies for teachers in a southern school system. *Proceedings of the Third International Conference on Applied Linguistics,* Vol. II. (ed. A. Verdoodt), Heidelberg: Julius Groos Verlag, 1974 (pp. 155-171).

Interdisciplinary perspectives on change in teacher education. In H. Sartain and P. Stanton (eds.), *Modular Preparation for Teaching Reading,* Newark, Delaware: International Reading Association, 1974, pp. 271-292.

Pragmatics: still another contribution of linguistics to reading. In S. Smiley and J. Towner, *Language and Reading,* The Sixth Western Symposium on Learning, 1975, pp. 36-48.

Problems in assessing language ability in bilingual education programs. *Bilingual education* (ed. Hernan La Fontaine *et al*) Wayne, N.J.: Avery Publishing Co., 1978. (p. 376-381).

The literacy crisis: what can be done about it? *Quest* (Department of Education: Queesland) 24 (April, 1978) 43-54.

On the relevance of recent developments in sociolinguistics to the study of language learning and early education, in O. Garnica and M. King (eds.), *Language, Children and Society.* Pergamon Press, 1978.

What children's functional language can tell us about reading, or, How Joanna got herself invited to dinner, in R. Beach and P. D. Pearson (eds.), *Perspectives on Literacy,* College of Education. University of Minnesota, 1978, pp. 78-96.

Toward a cross-disciplinary view, in *Bilingual Education: Current Perspectives, Synthesis,* Arlington, Virginia: Center for Applied Linguistics, 1978, pp. 82-88.

Toward future study of the effect of school setting on learning, In *Perspectives on the Instructional Dimensions Study.* Washington: National Institute of Education, 1978, pp. 40-48.

The child as communicator, in *Language Arts* (September 1979) pp. 616-618.

On the relevance of recent developments in sociolinguistics to the study of language learning and education, in Gyorgy Sqepe (ed.) *Studies in Mother Tongue Education,* AILA Bulletin, no. 21, Pisa, 1978, pp. 77-105.

Language development in the field of writing, in Jillian Maling-Keepes and Bruce Keepes (eds.) *Language in Education.* Canberra, Australia: Curriculum Development Centre, 1979, pp. 269-278.

The mismatch of child language to school language: implications for beginning reading instruction in *Theory and Practice of Early Reading* (ed. Lauren Resnick and Phyllis Weaver), Hillsdale, N. J.: Laurence Erlbaum Associates, 1979.

Three kinds of bias in standardized testing, in Carlos Yorio, Kyle Perkins and Jacquelyn Schachter, (eds.) *On TESOL '79: The Learner in Focus,* Washington, D. C.: TESOL, 1979.

Vernacular Black English: Setting the issues in time, in Marcia Farr Whiteman (ed.) *Reactions to Ann Arbor: Vernacular Black English and Education.* Arlington, Va: Center for Applied Linguistics 1980.

Reading and dialect differences, in *Dialects and Educational Equity Series,* Center for Applied Linguistics, 1979.

Balanced decoding and comprehension in a good reading program, Ginn Occasional Papers, Number 5, 1980.

What do they do at school any day: Studying functional language, in *Children's Oral Communication Skills* (ed. Patrick Dickson) New York: Academic Press, 1981.

Closing remarks, in *Moving Between Practice and Research in Writing* ed. Ann Humes. Los Alamitos, Cal.: SWRL Educational Research and Development, 1981.

The rediscovery of language in education, *Educational Leadership,* March, 1981.

Learning to talk like teachers, *Language Arts,* Vol. 58, Number 2 (February, 1981). (reprinted in *Education Digest,* May 1981).

What do the researchers know? *Language Arts,* Vol. 58, Number 3 (March, 1981).

A holistic view of language, *Research in the Teaching of English,* XV, 2 (May, 1981) 101-111.

Four misconceptions about clarity and simplicity, *Language Arts,* Vol. 58, Number 5 (May, 1981).

VI. PUBLICATIONS: MEDIA

A. Films

1. "Varieties of American English: Regional Dialects" 40 minutes, co-author and performer, U.S. International Communication Agency, 1977.
2. "Varieties of American English: Social Dialects" 45 minutes, co-author and performer, U.S. International Communication Agency, 1978.
3. "Varieties of American English: Stylistic Differences" 40 minutes, co-author and performer, U.S. International Communication Agency, 1978.

B. Video tapes

1. "Living Language," author and performer, series of twelve, thirty minute programs on linguistics for secondary school teachers, WETA, Washington, D.C., 1967.
2. "American Dialects," 30 minute interview, U.S. International Communication Agency, 1976.
3. "Language in Education," Sydney (Australia) Educational Television, 1978.

ROGER W. SHUY: WORK INVOLVING LAW COURT CASES

I. PAST WORK

Affidavits (language assessment): Aspira v. NY City Board of Education, Southern District of New York: 58 FDR 62, 1973; 65 FDR 541 1975; 394 F. Supp. 1161, 1975; 423 F. Supp. 647, 1976.

Assisted USHEW (Dept. of Justice) by developing the master plan for implementing the Supreme Court decision Lau v. Nichols (Superintendent of San Francisco Unified School District), 1974.

Affidavit (language assessment): HEW Administrative Proceedings: HEW v. Chicago Board of Education, District 299, and the Illinois Office of Education Docket S-120 HUD 77-1, 1976.

Assisted USHEW (OCR) on language and content of instruments used to satisfy plaintiffs in consent agreement (re: language interference to social and welfare services):

Mendoza *et al* v. Lavine *et al* (Commissioner of Social Services for NY City) 74 Civ 4994, 412 F. Supp. 1105, 1976.

Assisted Eisha Lopez de Vega *et al* v. Arthur W. Thomas *et al* (Philadelphia Public School District)—bilingual education Civil action 75-14—Consent Decree for plaintiff, Puerto Rican Legal Education and Defense Fund, 1977.

Affidavit (language assessment): Cintron v. Brentwood, L. I. Unified School District, 455 F. Supp. 57, Eastern District of New York, 1978.

Assisted Federal Court and Ann Arbor Public Schools in implementing orders to determine whether or not the schools violated Sec. 1703(F) of title XX of US Code: Various Plaintiff Children v. Ann Arbor Public Schools, Civil action 7-71861, Detroit, 1979.

Expert witness on tape recording of FBI recorded conversation presumed to be solicitation of murder: State of Texas v. T. Cullen Davis, 1979.

Affidavit on equal opportunity housing for minorities relating to identification of race of persons talking on the telephone: Paul Allen Coles *et al* v. Havens Realty Corp. *et al*, U.S. District Court, Richmond, Va., Civil Action 79-0024-R, 1980.

Affidavit relating to language of names in patent infringement: Alixandre Furs Inc. v. Alexandros Furs, Ltd. *et al*, Civil Action No. 80 Civ. 6092, Southern District of New York, 1980.

Expert witness on FBI tape recording of language, presumed to be an extortion effort: US v. John Poli and John McNown, Nevada Federal District Court, 1981.

Consultation with attorneys in preparation for possible expert witness:

State of Florida v. Jerry Townsend, 79-14698, 79-15569, working with Dade County Public Defender, case pending.

State of Texas v. Billy Clayton, Don Ray and R. Wood (also referred to as Texas Brilab), 1980.

Cibro v. Sohio, contract dispute, 1980.

State of Louisiana v. Charles Roemer *et al*, (also referred to as Louisiana Brilab), 1980.

US v. State of Texas *et al* (bilingual education), Civil Action 5218, for plaintiff-intervenors Mexican-American Legal Defense Fund, 1980.

Expert witness on case involving presumed extortion effort: US v. John McNown, Nevada Federal District Court, 1981.

Expert witness on case involving presumed bribery: US v. J. Stipe and Red Ivy, Oklahoma Federal District Court, 1981.

Affidavit on equal opportunity case: Gray Panthers v. Richard C. Schweiker, Secretary of DHHS, 1980.

Expert witness in U.S. v. Don Tyner (extortion), Western District of Oklahoma Federal Court, 1982.

Consultation (case dismissed by judge before my testimony was given): U.S. v. Donald L. Crow (extortion), Kansas Federal District Court, 1982.

II. CURRENT WORK

Preparation for possible expert witness on linguistic aspects of two cases involving slander (in Washington, D.C. and in Nevada), of one contract dispute (in Florida), of three racketeering and bribery cases (in New Jersey), and one bribery appeals case which also involves working with the client (a U.S. Senator) to prevent his expulsion from office.

STATEMENT OF ALBERT LEVITT

ABSCAM

To the Honorable Members of the House Judiciary Committee:

Gentlemen: I have been a consulting psychologist for Temple University Unit of Law and Psychiatry and Senior Psychologist to the Court of Common Pleas of Philadelphia.

In my capacity as friend of the court I examine individuals accused and convicted of various crimes. I have examined well over 10,000 individuals. I am licensed and listed in the National Register of Mental Health Providers.

Moreover, I have been the consultant to the U.S. Attorney's Office in Philadelphia since 1973 and have been the consultant to District Attorney's offices in Delaware County, Chester County and Bucks County, Pennsylvania.

I have been doing group therapy for 14 years. I have also worked for the defense in criminal cases, but about 80 percent of my time has been working with the prosecution in adversary cases.

I have worked with the F.B.I. on several occasions in conjunction with my association with the U.S. Attorney's Office.

My association with the F.B.I. has been nothing but positive and I hold the organization in high esteem.

I was called into the Abscam case by attorneys representing City Councilman Harry Jannotti to help give them a psychological overview of the case.

While reviewing the F.B.I.'s procedures it occurred to me that the seating arrangement and situation was similar to the famous ASCH (Solomon Asch) experiment of the group influencing one targeted person.

I do not believe the F.B.I. set the stage with knowledge of the experiment, and I do believe the F.B.I. was operating with the best of intentions.

Nevertheless, what the F.B.I. did was stage a situation where the "target" had considerable group pressure on him to conform to the arrangements that were suggested to him.

[The ASCH Experiment, briefly explained, revealed that a group pre-programmed to respond a particular way could influence an individual to acquiesce to the group norm even when the individual's perceptions of concrete stimuli is different than his opinion.

A pre-programmed group is told how to respond to long and short lines placed on a wall. The group is told to say the short lines are longer and the long lines are shorter.

An individual is brought in and seated in such a way that he hears many opinions before he can verbalize his own perceptions. Essentially, he sees something different than what the group is saying, and he has to decide whether to go along with the group or go along with his own perceptions.

The experiment shows that a majority yielded to the group pressure and went against their perceptions and judgments without other inducements or enticements. According to the ASCH Experiment—a pause to allow the targeted individual to reflect on the situation may produce a different reaction because once an individual acquiesced, yielded or took a particular position at the beginning of the session he usually did not vary his behavior.

ASCH suggests that contrary forces or ideas provided the "target" might also alter the "target's" thinking.

If the F.B.I. is to continue in this type of operation these two psychological aids should be offered to give the target a chance to ward off the influence and pressure.

Individuals who are more passive and less articulate can be more easily influenced by more aggressive and more articulate individuals.

The F.B.I. should not overmatch their targets verbally or psychologically.

I do not mean to judge the action of the defendants—but to try to explain how the F.B.I. contributed to the aberrant behavior that occurred.

Rehearsed, goal directed, monitored and coached the F.B.I. set up a situation that lured, cajoled and seduced these Abscam defendants into aberrant actions.

At the time the world knew of the large profits, through the sale of oil that accrued to the Arabs—OPEC meetings were widely publicized. The Arabs—a strange and exotic people who act in ways different from the West. Their dress, their social and religious ways are different, and out of this ignorance, myths and erroneous assumptions prevail.

The F.B.I. set themselves up to represent these Arabs, and in their dealings perpetuated and excelerated these myths.

It was relatively easy then to create alluring business propositions and insist on special provisions, some of which were illegal, to secure their business.

In the Jannotti case—the target, Jannotti, was invited to an exclusive suite in an exclusive hotel. The surroundings were unfamiliar to Mr. Jannotti who is by and large a plain man with plain taste with limited verbal skills.

He is seated in a small group faced by a very bright, adaptive, highly verbal, F.B.I. agent who claims to be the representative of a rich sheik. The "target" Mr. Jannotti is flanked by a prominent lawyer and another F.B.I. agent. Mr. Jannotti has no one to consult.

Behind the wall—a cameraman and a U.S. Attorney is monitoring the procedures and coaching by way of a telephone call whenever the situation strays form the legal predicament they want to create for the "target."

The F.B.I.—agent of the sheik—weaves a tale of riches for the city—a 345 million dollar hotel, and an additional 10 million dollar restaurant complex which will provide possibly 3,500 jobs and untold revenue. It is a completely legitimate project. The others in the room add whatever support then can verbally and non-verbally.

They create an atmosphere that is completely positive—there is no reason to disagree. But they now say the sheik, "must know that he has friends", and to prove it to the sheik the target must accept an offer of friendship in the form of a sum of money. "It is the way Arabs do business", the target is told.

The target does not know how Arabs do business. He believes the myth that money to oil rich Arabs is of little importance since they have so much of it.

Still the target makes no statement about money—he merely acquieces—passively agrees to a proposal that is offered, and passively conforms to what is offered. The target is psychologically out maneuvered.

Physically he is outmanned and verbally out talked. The agent did not go to Jannotti's office where Jannotti would be in familiar surroundings. They did not give him an opportunity to aggressively make an illegal demand for money, they did not give him a chance to think over the proposition or allow him to leave—think over the proposition—come back and accept the offer.

The target accepted a proposal and accepted a binder to the proposal in the form of money so as not to lose this great plum for the city.

There was no effort to extort—no deal made to sell his office by the target. There is no hint that Mr. Jannotti would reject the business proposal even if no binder to the offer was tendered.

The group pressure is clear—three pressuring and pressing for a glamorous proposal and the target passively accepting.

The ASCH Experiment demonstrates this could happen to many people. In fact, this experiment demonstrated that many—a majority of people could be influenced under similar circumstances.

But let us look at the actual situation and review the actual verbal output of the sheik's agent and the target—Jannotti.

Clearly Jannotti has little to say and what he has to say is almost always in the form of acquiescence. He states he would not accept an illegal or immoral business.

Then why seduce him to commit an unethical action? Why force him to make a "here and now" decision to save business for the city.

He apparently did not have presence of mind to ask for a delay or the verbal skills to take command of the situation—many would respond the same way—and herein lies the problem.

It is possible for the F.B.I. to create a situation and have less adequate, unsophisticated, verbally inept individuals submit or acquiesce to their proposals—and by doing so expose themselves to criminal prosecution.

Beside the ASCH Experiment other experiments on influencing others have been popularized such as brain washing, the band wagon effect, and the big lie are well known.

What is not known is how quickly and easily a person can be influenced by group pressure. We see it in religious proselytizers.

We see ourselves talked into buying an item we don't want, we see it in many aspects of life—but when we see a politician talked into accepting a legitimate business for the city a great hue and cry is evoked, and we disregard the psychological influence in the case and disregard the powerful forces that led up to the offense.

Police agencies are historically "after the fact" organizations. When a crime has occurred or where a crime may be occurring the policing organization such as the F.B.I. is motivated.

The F.B.I., by creating a crime situation, is out of character (and in the Jannotti case since it had nothing at all to do with interstate or national problems was out of its jurisdiction).

Psychologically, the effect on Abscam is to distrust the F.B.I.—to distrust the motives of the F.B.I. and to distrust their procedures.

In Abscam, the F.B.I. made a change from an "after the fact" to a "before the fact" operation.

If it is to maintain this position then guidelines must be established so the unsuspecting public can be protected from a "now predatory" organization.

There is one other troubling aspect of Abscam that must be addressed—and it seems to me, to be, perhaps, the most pertinent point from a psychological perspective.

Abdul Enterprises, the sheik, the agents of the sheik do not exist—they are fantasies of the F.B.I.'s imagination.

Psycholgists in treatment attempt to separate reality from fantasy and make their clients deal more with reality and avoid fantasy.

A person dealing with fantasy has a tenuous grasp on reality.

Now the Abscam trial, is based on a fantasy—a completely unreal situation. Yet the courts argue about Abdul Enterprises being involved in interstate commerce—as if Abdul Enterprises were real. Everyone is proceeding as if the fantasy is real.

The presumption borders on absurdity. The court would laugh at the police charging a man who they claimed raped "Alice in Wonderland" because "Alice in Wonderland" is a fantasy and you cannot rape a fantasy—nor can you do business with a fantasy—nor can a fantasy interfere with interstate commerce, nor can a fantasy build a hotel complex—but a fantay now can lead you into legal difficulty.

The F.B.I. is not representing anything or anyone real—there is no nefarious operation ongoing—it is all fantasy—something that an enterprising graduate student might dream up as an experiment to prove men are greedy or prove that men can be influenced.

The rock bottom basis upon which Abscam is based is a fantasy—to act, then, as if it is real borders on the absurd.

SUMMARY

Psychologically, the "target" was placed in a group situation that was pointed toward influencing the target.

The "target" was placed in a double bind, i.e., accept the enticing offer to the city and the personal money binding the deal or lose the offer to the city—lose the jobs and the revenue the business would bring in.

The "target" was overwhelmed verbally in the situation and was influenced by the rich surroundings, the myths of the exotic rich Arabs and he was unfamiliar with their business practices.

The F.B.I. changes from an "after the fact" organization to a "before the fact" or "promoting a fact" organization. Guidelines should be established realizing that many can be influenced under similar circumstances. The courts prosecute on the basis that a fantasy is real. From a psychologically sane point of view the law in these cases is questionable.

Respectfully submitted.

ALBERT LEVITT,
Psychologist.

PRELIMINARY STATEMENT OF MARY GALLAGHER

To the Honorable Members of the House Judiciary Committee:

Gentlemen: Under current law, no warrant is required for government agents to install a hidden video camera in almost any room in the United States. No consent of any party is required for videotaping. Nor is a warrant required in most states where a government agent or informer either wears a recording device or otherwise permits a conversation in which he takes part to be recorded. As Abscam demonstrates, the FBI and other agencies have now turned from investigating crime already committed to providing incentives for crime, whether by offering money, as in Abscam, or by offering drugs for sale, or by offering other inducements. On the basis of my experience, I conclude that videotaping is the almost necessary accompaniment of government-induced crime. The F.B.I, cannot rationally use after-the-fact investigation to prove a crime in which agents or informers in fact took part. The proof is tainted, because the government agents are obviously interested parties. Videotaping therefore provides the logical contemporaneous proof that the crime occurred.

Under these circumstances, videotape is not a tool of investigation, as there is no prior crime to investigate, but is rather the presentation of the crime, itself. Not surprisingly, therefore, agents on these tapes have manipulated their targets emotionally and linguistically, have manipulated scenery, have produced luxurious settings or four language, as needed, in order to stage the crime to be proved. Together with the peculiar psychological effects of videotape (as opposed to movies, for example) such contrived evidence is almost universally damming. The defendants shown in such settings are almost universally convicted.

I believe that the abuses of languages pointed to in my article in Legal Times, "Linguists Could Provide Insights into Abscam Tapes," a copy of which is attached, will arise wherever government agents must stage new crimes rather than investigating old ones. I have seen it not only in the Abscam transcripts, but in a drug conspiracy case in which I recently served as an attorney-consultant. The agent on video-tape must be constantly vigilent to make sure that the target says enough to constitute the elements of the crime. He must also prevent the target from saying words that will provide him with a defense to the crime. The same is true not only in Abscam, but wherever the government is inducing a crime, and using videotape for proof.

BRIEF BIOGRAPHY OF MARY GALLAGHER

Mary Gallagher is a Washington, D.C., litigator, advisor to businesses in international development, education, television, computers and other industries, and attorney-consultant on cases involving complex linguistic data, including audiotape and videotape evidence. She is one of five attorneys in the United States who also hold the Ph.D. in linguistics. She is a graduate of the National Institute for Trial Advocacy and a member of the Association of Trial Lawyers of America, a member of the Criminal Law Committee of the D.C. Bar Association, and a member of the Litigation Section and of the Forums on Entertainment, Construction and Communications of the American Bar Association. Miss Gallagher is the author of "Linguists Could Provide Insights into Abscam Tapes," which appeared in Legal Times of Washington on August 31, 1981, and which has aroused wider interest in the use of linguistic analysis in the Abscam cases and other civil and criminal cases involving audiotape and videotape evidence. She is a 1982 Nominee of the Center for Advanced Study in the Behavioral Sciences, Stanford University.

Miss Gallagher holds the Juris Doctor degree from Harvard Law School, where she was recognized as an outstanding oralist in the Ames Competition. She has been a Guest of the Research Laboratory of Electronics at M.I.T., and she holds the Ph.D. in linguistics from the University of Illinois. She holds the Bachelor of Arts degree in philosophy from Barnard College, Columbia University, where she was awarded the Montague Prize for promise of future distinction in philosophy. She has been an N.D.E.A. Fellow, and a University Fellow of the University of Illinois. She is the author of numerous articles, and the co-author of two books, on linguistic and educational topics, as well as articles on business law and litigation. She is a former faculty member of Queens College, and the Graduate Center, City University of New York. In 1971 she was awarded a Fulbright Senior Lectureship at the University of Tampere, Finland, which she declined in order to enter Harvard Law School. She is a guest judge in the advanced appellate advocacy competition (Leahy Competition) of the Georgetown University Law Center, and has been a guest judge in the Ames Competition of Harvard Law School, and a member of the adjunct faculty of New England School of Law. Miss Gallagher is a member of the National Governing Board of the Ripon Society, and has served on the Board of Visitors and Governors (Trustees) of St. John's College, Annapolis, Maryland, and Santa Fe, New Mexico, and on its Executive Committee.

Linguists Could Provide Insights Into Abscam Tapes

(By Mary Gallagher)

(Mary Gallagher is a litigator in Washington, D.C. She is one of two persons in the United States who holds both a law degree and a Ph. D. in linguistics.)

As a lawyer who is also trained as a linguist, I am concerned about the evidence that went to the jury in the Abscam cases. Those cases in which the defendants were convicted are now before the trial judge again, on post-trial motion, or are on appeal. They will certainly come in due course before the Supreme Court. I have the greatest respect for the attorneys who represented the defendants in the Abscam cases. I respectfully suggest, however, that linguistic analysis of the taped conversations in those cases might raise new issues of due process. Indeed, it might raise new issues of scienter and mens rea, and of simple innocence or guilt.

The facts of the Abscam are by now well known. Agents of the Federal Bureau of Investigation, aided by a convicted swindler named Mel Weinberg and others, ranged up and down the East Coast acting the parts of rich Arab sheiks and their men, eager to pay American officials for help with various investment projects. If the officials were congressmen and senators, the Arabs offered to pay for legislative help with immigration problems.

Although there have been a few acquittals, 17 persons, including seven members or former members of Congress, have been convicted on one or more of the charges brought. These include bribery, 18 U.S.C. § 201(c), accepting a gratuity, 18 U.S.C. § 201(g), aiding and abetting, 18 U.S.C. § 2, and conspiracy, 18 U.S.C. § 371.

The prosecution depended on videotapes and audiotapes for the proof of its cases. On each videotape, it was argued, the defendant could be seen and heard accepting a bribe or agreeing to accept a bribe or both. Without those tapes, and the transcripts made from them, the government's cases would have been wholly different.

None of the defendants called a linguist as a technical witness. It may be indicative of the potential usefulness of a linguistic defense, however, that the only congressional defendant to be acquitted on even one charge, John Murphy, made several arguments of a linguistic type to the jury. One must assume, however, that the defendants will present to the courts of appeals legal arguments based largely on theories of entrapment and due process.

CONVERSATIONS WITH A DIFFERENCE

Technical linguistic analysis of the taped evidence would have been advisable, first and principally, because these conversations were not normal conversations. The fact that the government videotaped or audiotaped and had an agenda for the critical sessions makes these conversations different from normal conversations in specific, measurable ways. These differences distort the perception of these conversations by untrained persons unaided by expert analysis.

As a linguist I know that it is relatively easy for one party not only to impose his own agenda on the conversation, but to produce almost any impression on a transcript of the conversation. Few of us speak with one eye on what a resulting transcript might look like. Nor have we come so far from the civilized view that gentlemen do not eavesdrop that we must take the invasion of privacy for granted in daily life.

People merely hearing tapes of artificial conversations, however, apply normal standards of interpretation to those tapes. The simplest and the most common false impression that a speaker with an agenda can convey is that everyone in a conversation agrees with the other speakers, when in fact there is no agreement at all. Simply to bring up a topic a number of times can produce the impression on a transcript that everyone agrees about that topic. Linguists call this contamination.

Let me illustrate contamination with a type of example not found in the Abscam tapes, to my knowledge. Suppose that there are two participants in the conversation, one with an agenda, the other without. If the speaker with the agenda vigorously attacks and slanders an absent third party, and the other party remains silent, the venom of the agenda will contaminate the entire conversation: someone overhearing the conversation or reading the transcript, but subjecting it to no analysis, may very well conclude that the two speakers agree about the defects of the one who is absent. In fact, the silent participant may be silent not out of agreement, but out of politeness, boredom, torpor, or good judgment.

EXPERT FOR THE DEFENSE

One of my fellow linguists, Dr. Roger W. Shuy of Georgetown University and the Center for Applied Linguistics, has analyzed government tapes and transcripts in numerous criminal cases, including the Texas Brilab cases. Dr. Shuy has kindly provided me with his unpublished research papers on the role of a linguist as an expert in a criminal case. The following summary is taken from those papers, in which he describes the types of technical analyses be has used. (Dr. Shuy has changed the names of the parties.)

Topic-comment analysis. Dr. Shuy points out that in normal conversations participants are not only expected, but indeed required, to introduce approximately equal numbers of topics. Conversations instigated by government agents rarely have that characteristic. In normal conversations, moreover, one does not keep bringing up the same topic over and over again if the listener does not respond to it.

Again, since these government agents have definite agendas of what they must accomplish in each conversation, principally getting the other party to say that he will commit a crime, these conversations differ from normal conversations. The government agents must often bring up the same topic over and over again, trying to get the other party to respond.

In one case, the government alleged that the defendant had tried to persuade an informer, Foster, to murder not only the defendant's wife but the judge in their divorce case. The government equipped Foster with a body microphone and sent him off to get the defendant to commit himself on tape to plans for the putative crime.

The defense, using Dr. Shuy's analysis of the resulting tapes, argued at trial that if the defendant were the instigator of a criminal plot, it was odd that of the 22 topics on a 20-minute tape, it was Foster who brought up 18 of the topics. Only Foster, furthermore, brought up the topic of "doing Gwendolyn and the judge." Moreover, he brought it up over and over again. The argument for the defense was persuasive.

Response analysis. When the speaker who has an agenda for the conversation dominates and controls the conversation, it is particularly important to analyze the responses of the defendant. It is easy to confuse vague or ambiguous responses or placemarkers ("uh-uh") with something totally different—resolution of the topic. This is particularly true where the entire conversation is dominated—and contaminated—by the sole topic that the government agent keeps bringing up over and over again, namely, the commission of a crime.

Referencing analysis. Dr. Shuy's "Arthur Jones" case illustrates his use of still a third tool. An FBI agent disguised as a foreigner, Herb Collier, introduced almost all of the topics at the crucial videotaped meeting. To Collier's apparent chagrin, whenever he mentioned his offer to pay Jones money, Jones responded off-topic. Of the 23 introductions of topics in the tape, according to Dr. Shuy's analysis, 11 are Collier's introduction and repeated reintroduction of the money topic. Despite Jones's obviously wishing not to deal with the money topic, however, and despite his constantly changing the subject—saying, even, that he wanted nothing to do with the money—Arthur Jones took $25,000 in his hands, and the videotape plainly shows his doing so. Dr. Shuy, however, has analyzed the references of pronouns throughout the conversation, and he argues cogently that although Jones in fact did touch the money, he believed that he was taking it for someone else, namely, his friend Earl Walker, and not accepting it for himself.

DOUBTS ABOUT ABSCAM

I have other doubts about Abscam. I wonder about the effect of videotape evidence supporting the prosecution's case, when there are no videotapes of the events the defense might find useful. Jury members, after all, are largely persons who long ago gave up listening to conversation in favor of watching television. I have serious political doubts about Abscam—doubts that are not wholly assuaged by the present FBI guidelines designed to guard against entrapment. If no demonstrated predisposition to crime is required to bring an innocent person within the scope of such an investigation, why not subject your political enemies to overwhelming temptation, with the cameras and tape recorders grinding all the while? Consider the fact that guilty or not, former Rep. Richard Kelly was offered money nine times before he touched it. Keep at it and you, too, can bring your enemies to ruin. This is the lesson of Abscam.

My doubts as a lawyer and linguist, however, concern the distortions produced in conversations when one speaker has a definite, irrepressible agenda. These government-instigated conversations are less like conversations than like high-pressure interviews or sales sessions. Linguistic analysis of the evidence could cast light on questions of criminal guilt or innocence and produce results in the interest of justice.

Abscam Footnote: What You Say, How You Say It, Are Very Crucial

A Washington lawyer with a Ph.D. in linguistics thinks a close examination of conversation patterns on the Abscam tapes could bolster acquittal arguments of some defendants appealing their convictions.

"What is important about the tapes is that these are not normal conversations," says Mary Gallagher, a lawyer whose background in linguistics made her curious about the conversations between undercover government agents and some of the politicians ensnared in the Abscam caper.

"As a linguist, I know it is relatively easy for one party * * * to produce almost any impression on a transcript of the conversation," argued Gallagher in a recent Legal Times article.

Gallagher says the article led to calls from several lawyers working on appeals for Abscam defendants, including an inquiry from one of the lawyers representing Sen. Harrison Williams of New Jersey. Williams is scheduled next month to make a major effort to convince the Senate ethics committee that, despite his Abscam conviction, he should not be expelled.

In the Abscam cases, Gallagher suggests a linguist work from original tapes (some of the transcripts have gaps and errors in transcription) and highlight distortions in the conversations brought on by the government's zeal to coax incriminating statements from politicians.

Gallagher says while some of those convicted in Abscam seemed amenable to accepting a bribe, others, including Williams, repeatedly turned down illegal suggestions and may have been convicted simply "for keeping bad company." Gallagher says unsophisticated juries listening to tapes filled with references to corrupt practices tend unconsciously to tie the defendant into the scheme—even if the defendant seems reluctant to participate.

"People sidestep in many, many ways, especially politicians," says Gallagher. "They make a sympathetic utterance without agreeing to any thing—that's a political speech pattern."

Mr. HAYAKAWA. Mr. President, if the distinguished Senator from New Jersey will yield for just a minute, I wish to make it clear that I am not commenting on the whole case or the whole testimony. My remarks are limited to this particular document of a linguistic analysis by Dr. Shuy. I am still reserving judgment on all the other information that is contained in these many, many volumes of testimony.

Mr. LONG. Mr. President, will the Senator yield at this point?

Mr. WILLIAMS. I am happy to yield.

Mr. LONG. Mr. President, could I ask two questions? One, was this information that Dr. Shuy gave in this statement available at the trial in New York and, two, if not, would it be available as other evidence?

Mr. WILLIAMS. It is a worthy question. I did not know of Dr. Shuy at the time of the trial. There was a report to my attorney of Dr. Shuy's work and my attorney, knowing where we were working in the Brooklyn courthouse, made an evaluation for our trial strategy. It was not, in his judgment, wise to include this approach in that trial.

It was available and known but not used. Later on, when we came before the Senate committee, then I described something that was new to me at that time, and it was a linguistic analysis, and when it came to me it was one of the elements that I presented to the Ethics Committee to see if we could have a hearing that would include that, among some other things, as I recall it. But the hearing was not continued or opened or whatever. This is the first it has come before the Senate on the subject matter before the Senate.

Mr. LONG. Would it be correct to say that this type of testimony would have been relevant or admissible at the trial and, if so, of course, the Government, I assume, would have had the right to present similar expert testimony to contend for an opposite conclusion?

Mr. WILLIAMS. The answer is, yes. Several jurisdictions question this professional analysis in various ways.

I know Dr. Shuy's work has been used in Oklahoma, Texas, and many other places. Dr. Shuy's work has also been presented in courtrooms, including some criminal cases.

The next subject I would like to introduce at this time is directed to new evidence, Mr. President. But before I continue I should like to advise the Senate that many of the documents to which I will be referring have only recently been obtained under the Freedom of Information Act or from other counsel in other cases. Some of the documents to which I shall refer were not available to me at my trial.

Judge Penn in the Jenrette case believed these documents to be exculpatory.

Last, I shall be referring to documents in motions to reopen the Kelly and Jenrette cases before Judges Bryant and Penn here in the District, as well as in motions to reopen my own case before Judge Pratt.

These documents are based upon the charges of Marie Weinberg, late wife of Melvin Weinberg, who died under mysterious circumstances only 1 week after she made some of these charges on national network television in the program "20/20" that has been mentioned before.

This is a listing of the materials that I describe as new evidence: a Nathan memorandum of September 1981; the affidavit I have referred to of Ottavianio of September 16, 1981; some testimony of Mr. Edward Plaza of December 1981; a Plaza letter of December 1981; grand jury proceeding—and I would say these are dates of receipt of these matters that came to my attention—of December 1981; an Amoroso transcript also in December; McLaughlin transcript in December; and then from—I have indicated these motions to reopen cases, motions made in January of 1982, this year—Marie Weinberg's affidavit, transcripts of conversations with Marie Weinberg, and also grand jury and related trial transcripts.

In addition, a 302 involving a man, Mr. DiLorenzo—I mentioned earlier there was evidence that Weinberg and Errichetti might have been involved in dividing money that was supposedly directed at the bribing of an individual. This came in January of this year. A Katz transcript which came to my attention in January of this year; and the FOIA document on value, that reviews the question of the value of the stock that I received, came to me through FOIA in December of this year; and just recently affidavits of FBI agents received this month.

These I have just listed, all of these are matters of newly discovered evidence that will be brought up later for my analysis here, and I hope on Monday, when we reconvene.

The next topic that I would like to discuss is under the heading, a phrase that I have been obliged to use countless times in the past 2 years, "I did nothing wrong." Under a subheading, the first subtopic is "The stock was worthless."

I will tell you, my colleagues, the stock I received was worthless. The Government knew it and so did I.

I offer first the following Government document which shows the Government knew the stock was worthless. I obtained this document under the Freedom of Information Act in December of 1981, and will have it included, if I may, as exhibit 8.

It is a redacted copy of a review by the Civil Division of the Department of Justice. Their review was of many, many cases. I am certain of this because of the extent of the redaction.

Their review was to see what suits would be brought to recover money. I would like to indicate those parts that were not redacted. They involve me. But I will read it as it comes to me—the part that was not redacted.

"Authority is hereby granted to"—that was not redacted, but who it was granted to is redacted.

". . . close this matter without suit as to HARRISON A. WILLIAMS, JR. Approve." There is a checkmark before "approve." It is signed by Stuart E. Schiffer, acting Assistant Attorney General, Civil Division.

Then there is the memorandum for Mr. Schiffer, Acting Assistant Attorney General, the man I just mentioned, which reads:

> Re: HARRISON A. WILLIAMS, Jr., summary. We also seek to close without civil suit the matters involving Senator HARRISON WILLIAMS because there is no evidence that Sen-

ator WILLIAMS received anything more than worthless stock certificates.

Let me point out another memorandum for Mr. Stuart Schiffer. This is in a redacted form.

Re: (5) HARRISON A. WILLIAMS, Jr., Combined Request For Authority To File Suit And To Close. Recommendation: those involved with Harrison Williams where the Government suffered no monetary loss. We recommend closing as to Williams.

Finally: "This page withheld—outside scope." Another "This page withheld—outside scope."

Then "(5) HARRISON A. WILLIAMS, Jr., Alexander Feinberg, George Katz and Angelo J. Errichetti. A nine-count indictment charged WILLIAMS with violations of" and it recites the indictments.

Then it says:

On August 5, 1979, in New York, WILLIAMS took possession of stock certificates in a valueless corporation. No cash was paid to WILLIAMS or the other defendants. There is one factual difference with respect to WILLIAMS.

Then something is redacted.

Similarly, because WILLIAMS took nothing of value (only stock in a fictitious corporation), and because we are unaware of any other losses that the Government suffered as a result of his actions, the Government can claim no damages. Consequently, we also recommend that no civil action be instituted against him and that this matter be closed as to them. For the above reasons, we recommend that: (5) this matter be closed without suit as to HARRISON A. WILLIAMS, Jr.

It was signed Jane A. Restani, Director, Commercial Litigation Branch, Civil Division, Department of Justice.

I submit the document for the RECORD.

EXHIBIT 8

MEMORANDUM FOR FILE RE: HARRISON A. WILLIAMS, JR., D.J. FILE NOS. 186-52-77

Authority is hereby granted to:

* * * * *

Close this matter without suit as to Harrison A. Williams, Jr.

(x) Approve.

STUART E. SCHIFFER,
Acting Assistant Attorney General,
Civil Division.

Dated: July 9, 1981.

MEMORANDUM FOR MR. STUART E. SCHIFFER, ACTING ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION

Re: (5) Harrison A. Williams, Jr.

SUMMARY

* * * * *

We also seek to close without civil suit the matters involving Senator Harrison Williams because there is no evidence that Senator Williams received anything more than worthless stock certificates.

MEMORANDUM FOR MR. STUART E. SCHIFFER, ACTING ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION

Re: Harrison A. Williams, Jr. . . .

COMBINED REQUEST FOR AUTHORITY TO FILE SUIT AND TO CLOSE

Time limit: . . .
Opposing counsel: . . .
Nature of claims: . . .
Amount of claims: . . .
Action of the Criminal Division: . . .
Recommendation: . . . those involved with Harrison Williams where the Government suffered no monetary loss. We recommend closing as to Williams . . .

INTRODUCTION

* * * * *

[This page withheld—Outside scope.]
[This page withheld—Outside scope.]

(5) Harrison A. Williams, Jr. [Alexander Feinberg, George Katz and Angelo J. Errichetti.] A nine count indictment charged Williams with violations of 18 U.S.C. §§201(c) (bribery), 201(g) (acceptance of gratuity), 203(a) (unlawful compensation to Members of Congress). Feinberg and defendants George Katz and Angelo J. Errichetti were charged with violation of 18 U.S.C. §2 (aiding and abetting). All defendants were charged with violation of 18 U.S.C. §§371 (conspiracy) and 1952 (interstate travel to commit unlawful acts). The case against Katz and Errichetti was severed. The trial of Williams and Feinberg resulted in jury verdicts of guilty on all counts.

On August 5, 1979, in New York, Williams took possession of stock certificates in a valueless corporation. No cash was paid to Williams or the other defendants.

DISCUSSION

* * * * *

There is one factual difference with respect to Williams. . . . Similarly, because Williams took nothing of value (only stock in a fictitious corporation), and because we are unaware of any other losses that the Government suffered as a result of his actions, the Government can claim no damages. Consequently, we also recommend that no civil action be instituted against him and that this matter be closed as to them.

* * * * *

CONCLUSION

For the above reasons, we recommend that:

* * * * *

(Five) this matter be closed without suit as to Harrison A. Williams. Jr.,

JANE A. RESTANI, *Director,*
Commercial Litigation Branch,
Civil Division.

The one phrase that struck me—because we are unaware of any other losses that the Government suffered as a result of his actions—was that there was no suit against me to get anything back. The Government suffered no losses as a result of my actions.

As I read it, it just hit me, Mr. President, the terrible national loss that has come here as the result of this Government's escapade, whatever you call it, this fantasy of wrongdoing, a monumental amount of resources were put into this search for criminality in Congress, coming here with no predicate, as they say, no probable cause, coming to people—I am not the only one they came to with no prior record, any way, of wrongdoing, criminal wrongdoing, absolutely not.

When it comes to Government losses, believe me, the taxpayers of this country are paying some kind of bill for Abscam to get a guy like me who has never done anything wrong.

As I told my dear friend, a man I am not politically that close to, the majority leader, but I have the highest respect for him, when he asked me a question that I appreciated him asking and I hope that he will not be offended if I recite this. He asked me a question that he should have asked, as the leader of this Senate, one day when we were just conferring and there were just the two of us. And as he said it, I smiled. I have not practiced law for 30 years, but it was a lawyer's question, and he is an opposing lawyer, really.

He said, "Pete, are we going to have to try this case?" And I smiled a bit, I think, because it was good to hear that kind of old lawyer question. As a defense lawyer in civil cases long ago, I used to say it a lot. "Are we going to have to try this case?"

And my reaction, I think the Senator will recall, I said, as I recall it, "Howard, yes, we are going to have to try this case." I do not know if at that time I recognized the difficulty, the hardship, and the ordeal I am putting all the Members to. But I said, "Howard, if I had as much as touched that money and had thought that I might even think of taking that money, I wouldn't be here fighting this case."

Mr. BAKER. Will the Senator yield?

Mr. WILLIAMS. I am happy to yield.

Mr. BAKER. I remember that conversation vividly. And I recall the anguish that obviously beset the Senator from New Jersey when I put the question. I am glad to hear him say today that he understands the feeling of necessity that I had in having to put the question in the first instance.

As I recall, there was one other part of that conversation, as well. And that was, "Then, as the Senate debates this issue, we are going to resolve every close issue for Pete Williams. We are going to see that you get a fair shot at making your case."

And I hope that we have done that. I think the Senator from New Jersey has acquitted himself well and the Senate has acquitted itself well.

I will take just this brief time to say that I commend my colleagues for staying on the floor as diligently as they have in the course of this debate, and I commend all parties for their participation so far.

Mr. WILLIAMS. I would like to observe to our beloved majority leader that there were many things about the procedure and how this matter would be developed that my lawyers and I suggested and were not agreed upon; for example, the possibility, perhaps, of allowing witnesses either in the Chamber or in a caucus room hearing. I have not had what I consider to be a full opportunity.

But, believe me, I know the majority leader did everything possible to give me the opportunities that I needed to make the case that I felt and do feel compelled to make, even to the point of being very generous, considering my physical condition when I had to recover from surgery. In anticipation of hours on my feet, my doctor informed me, and then he said to the majority leader, that a certain amount of time was needed and it was granted immediately.

The majority leader mentioned 6 o'clock. This is a breaking place for me if it is for the majority leader.

Mr. BAKER. Mr. President, I thank the Senator. Mr. President, I think it is a good breaking point. It is 12 minutes to 6. I am prepared now to ask the Senate to recess over until Monday.

Mr. CRANSTON. Will the majority leader withhold just a moment?

Mr. BAKER. Yes.

Mr. INOUYE. Mr. President, I gather that the Senator from California has something to announce.

Mr. CRANSTON. Mr. President, I rise to speak only briefly today. Last night I spoke briefly about my conclusions regarding Senate Resolution 204 as reported by the Ethics Committee and my intention to proposed two courses of action with respect thereto.

First, next week, I will propose a substitute amendment to the pending measure that would censure, rather than expel, Senator WILLIAMS for behavior bringing the Senate into disrepute.

Second, I will be introducing next week, with the cosponsorship of the distinguished majority whip (Mr. STEVENS), an original Senate resolution to provide for a full Senate investigation of executive branch misconduct regarding the Abscam undercover operation and related executive branch investigations and other activities targeted against Members of the Congress. The investigation would be designed to determine the extent to which these activities constitute a danger to the separation of powers and the system of checks and balances inherent in our Constitution and to produce recommendations regarding what protections may be necessary to preserve the independence and integrity of the Congress.

I will be advocating the adoption of this resolution, as soon as possible, after disposition of the Williams matter.

INTRODUCTION

Last night, I had printed in the CONGRESSIONAL RECORD 20 exhibits, covering 78 pages, that I believe point up the need for the kind of in-depth Senate investigation Senator STEVENS and I will be proposing. These exhibits are also critical, in my opinion, to gaining a full understanding of the extent of Government misconduct in this case and the extent to which the Government itself was the victim of con man Mel Weinberg's own scam.

I urge all Senators and their aides to review these exhibits and the analysis of them that I have made and am making as part of my remarks today.

What I wish to do now is to summarize my conclusions for my colleagues.

It is my conclusion that there has been the grossest misconduct by the Government of the United States in the investigation and subsequent prosecution of Senator WILLIAMS. I believe that this misconduct far exceeded just the Government's failure to show there was a valid basis for pursuing Senator WILLIAMS—and it certainly has failed to show that. This misconduct is fully developed in the analysis I am about to make and I invite the close attention of my colleagues to it now and over the weekend.

I believe that this analysis shows that Abscam was an undercover operation totally out of control because the chief operative, Mel Weinberg, was totally out of control. Out of control in implicating Government targets. And out of control in terms of his relationship to those in the Government supposed to be supervising him. Weinberg manipulated, conned, compromised, defrauded, and ultimately made fools of the Government and its agents.

What is more, as this became more and more clear throughout the operation, officials of the Justice Department, in effect, ignored the warnings from its own prosecutors that the operation was out of hand.

As the following analysis demonstrates, what emerges in Abscam is a trail of executive branch delay, stalling, withholding, and finally coverup of Government misconduct.

DECISION

I have followed very carefully the deliberations on this matter. I have studied the video tapes and have reviewed the evidence for and against Senator WILLIAMS. I have discussed this matter with fellow Senators and with others whose views I hold in high regard.

I have reached a decision that it would be wrong, that it would be a miscarriage of justice, to proceed at this time to vote the ultimate sanction against Senator WILLIAMS.

SUMMARY OF ARGUMENTS

Mr. President, the case of Senator WILLIAMS is an extremely troubling one.

STATUS AND IMPLICATIONS OF PENDING CRIMINAL PROCEEDING

We are, in effect, being impelled to an expulsion of a fellow Senator because of his conviction by a jury of having committed several crimes involving abuse of his Senate office.

But that jury verdict is not all there is to this matter. Serious allegations have been made that there has been the grossest misconduct by the Government of the United States in the investigation and subsequent prosecution of Senator WILLIAMS. These allegations, and evidence to support them, unfold daily. Yesterday I introduced for printing in the RECORD, a great deal of this material, which appears beginning at page 2998.

The Ethics Committee argues that explusion is warranted regardless of the outcome of the criminal proceedings. That is a technically correct view of the Senate's authority and power. But would expulsion really be proposed if Senator WILLIAMS had been acquitted? I believe it is clear that it is the criminal case that is driving the Senate forward.

As was pointed out so forcefully and eloquently yesterday by the able Senator from Hawaii (Mr. INOUYE), there is no precedent, even in recent history, for the Senate to expel a Senator for the type of conduct comparable to the conduct charged against Senator WILLIAMS. All cases where expulsion has actually occurred have involved treasonous acts.

And there is no instance in which this body has expelled a Senator whose criminal conviction was still in the appellate process. In fact, the Senate in this century has permitted three convicted Senators to continue to sit until their appeals have been exhausted.

I am told by eminent attorneys for whom I have high regard that arguments and evidence being mustered against the Government may very well lead to an overturning of the jury verdict as well as a dismissal of the indictment on due process grounds.

A reversal of Senator WILLIAMS' conviction would, in my judgment, in no way excuse his conduct nor exonerate him from censure for conduct improper by a U.S. Senator. But the possibility of reversal on appeal, and numerous unanswered questions about this case, do mitigate the penalty which I think the Senate can fairly impose—at this time—to redress the wrong Senator WILLIAMS has done.

RECENT PRECEDENTS

Senators have been condemned, censured, and denounced—but not expelled—for conduct that many would consider worse than that of which Senator WILLIAMS is accused. These cases involved Senators personally enriching themselves by large amounts of money through improper use of the Office of U.S. Senator. Senator WILLIAMS—whatever may have been his intentions—was not enriched by his unfortunate escapades. Indeed, he emphatically rejected a direct and clearly criminal bribery attempt.

EXECUTIVE BRANCH INVASION OF SENATE INDEPENDENCE

To rely on the jury verdict in this case, obtained as it was—I will undertake to show—by a marauding executive branch thoughtless of constitutional separation of powers between the great executive and legislative branches of the Federal Government, is to abrogate to the executive our responsibility under article I, section 5, clause 2, of the Constitution to decide the qualifications of our Members and punish those who go astray. We should not, in the name of self discipline, in effect permit the executive branch to decide who may sit in Congress.

Moreover, I am sure all Senators share my deep concern about an undercover operation directed against the Senate by executive branch prosecutors who unblinkingly asserted in an October 2, 1981, Government brief on this matter that "undercover operatives do not need probable cause, or even reasonable suspicion to commence an investigation."

Mind you, the so-called "undercover operative" in question here is not the clean-cut, high-minded agent of "This Is Your FBI" fame. Not at all. The operative here is one of the sleaziest crooks and con artists ever caught and convicted of a Federal felony: He was then turned loose, with the blessing and protection of the Government, to pursue and ensnare Members of the Congress at a time when the Government had no basis to suspect them of criminal wrongdoing or propensities.

In the words of former dean and Solicitor General Erwin Griswold in the Williams' "due process" brief in support of a dismissal of the indictment and a new trial, tolerance of the unethical law enforcement standards and practices involved in Abscam "transforms a system designed to promote the general welfare into a system that fosters disobedience in order to punish. Such a system serves no legitimate law enforcement interest, and has no place in a democratic society".

Such an operation when directed against the coequal legislative branch of Government by the executive branch poses a very real threat to the separation of powers and checks and balances that the Constitution establishes to protect our system of government and the freedom of all Americans.

Executive branch action—such as through the manipulation that occurred in the 1960's and 1970's of FBI and IRS resources—to develop information which could be used to attempt to compromise Members of the Congress could impair the constitutionally established independence and integrity of the Congress itself.

Unchecked abuse of executive branch investigative and prosecutorial power could escalate into despotism and the ultimate subservience of the Congress to the executive branch in derogation of the Constitution.

It takes little imagination in light of the events of the last decade or so to conjure up a scenario whereby an executive branch, believing the tactics employed in Abscam were appropriate or at least tolerated, might target a Member of Congress because of the Member's antiadministration views and actions. Toleration by us of the Government's actions under the previous administration in this case would, in my view, invite its repetition under circumstances that could produce a disastrous blow to our constitutional form of Government.

I am not suggesting that individual Senators themselves deserve any special protection from Government undercover operations; but rather that the Constitution requires that the institution of the Senate be protected from such invasions and that the Senate's independence can be preserved only by requiring the executive branch, and ultimately, the Congress to consider the implications for the separation of powers when the executive targets its resources against a Member of the Congress.

INVESTIGATION OF EXECUTIVE BRANCH ABUSE OF POWER

It is vital to the reputation and dignity of the Senate that we act immediately to investigate the conduct of the Abscam operation which, by unleashing without cause a manufactured criminal scheme to ensnare whomever came within its web, could if repeated threaten the very independence and integrity of the U.S. Senate.

That is why I will be introducing next week, with the cosponsorship of the distinguished majority whip (Mr. STEVENS), a resolution directing a Senate investigation of the conduct of the Government in its Abscam operations and related activities directed against Members of Congress. I intend to ask for consideration of this resolution at the earliest possible time after we dispose of Senate Resolution 204.

SENATOR WILLIAMS' CONDUCT WARRANTS CENSURE

Notwithstanding the grossly improper action of the Government, Senator WILLIAMS did in my opinion act in a manner unbecoming a Senator, injuring the reputation of the Senate, and generally not adhering to the high standards which must be expected of a U.S. Senator.

Because of such action, I am prepared at this point to vote to censure Senator WILLIAMS in strong condemnatory language. I will be proposing a substitute amendment for the pending Senate Resolution 204 to accomplish that censure. The basic text of that amendment appears at page 2998 of yesterday's RECORD, although I note that I may be making minor adjustments in the format of the language before I submit it.

If we proceed with censure, the Senate would not be foreclosed from later expelling Senator WILLIAMS after the appellate courts have disposed of his appeal or at any time prior to the end of this term.

On the other hand, if we vote prematurely to impose what amounts to political capital punishment on Senator WILLIAMS by revoking his right to sit in the Senate, we have no future option if his conviction is overturned or if future investigations produce evidence which tends to exculpate his actions. We have no power to re-seat a Senator once expelled.

It is essential to the historic dignity of the Senate and its respect for fair play that any final judgment of expulsion await both the exhaustion of Senator WILLIAMS' appeals and a thorough investigation of the full set of circumstances surrounding the allegations and evidence regarding Government misconduct.

Although I believe that the criminal proceedings should be concluded before we can properly proceed with expulsion, I believe it is also the case that we are not bound by the results of that process or the findings of fact in that process. It is the duty of the Senate to look carefully at all the evidence and to determine for ourselves what really happened—what happened with respect to Senator WILLIAMS and what happened with respect to the Government's entire course of dealing in the Abscam matter.

WAS A CRIME COMMITTED?

Let us look carefully at the relationship between Senator WILLIAMS' conduct and the Government's conduct. Dean Griswold, in his fine reply brief for Senator WILLIAMS, concludes as follows:

> The court seems to assume that Senator WILLIAMS committed a crime and that he should therefore be punished. But does this not beg the question? One of the issues in this case is whether, in all of the circumstances, Senator WILLIAMS did commit a crime. It is easy to say, "Well, that is obvious, at least in light of the jury verdict." But is that really so?

Let us explore this central question of the Griswold brief: "Was there a crime?"

As Dean Griswold put it:

> The Government knew of no particular crime or threat of crime which it was seeking to uncover or track down. The only objective of the operation was to see if the Government could create a crime which would be committed at the Government's instigation.

And, I would add, a crime, if one occurred, every element of which was the product of the Government's artifice.

The manufacture of a crime to be committed totally as a result of the Government's instigation may be justifiable if the Government has a sound basis for suspecting the target is guilty of criminal activity which should be prevented and merely provides the target with an opportunity to engage in criminality.

In fact, the law sets standards for determining when it is permissible for the Government to proceed to uncover criminal behavior by this means. These standards apply to efforts to protect any person—be he a U.S. Senator or the man on the street—from being lured into a criminal enterprise.

PREDISPOSITION

An essential requirement to legitimize such an undercover operation is that there must be a predisposition on the part of the defendant to commit a crime. The rule used by the Government to determine Senator WILLIAMS' predisposition in this case is set out in the Viviano case. That rule requires that there must be:

> (1) an existing course of criminal conduct similar to the crime for which the defendant is charged, (2) an already formed design on the part of the accused to commit the crime for which he is charged, and (3) a willingness to commit the crime for which he is charged as evidenced by the accused's ready response to the inducement.

The prosecution relied on Senator WILLIAMS' alleged involvement in the Biocel Corp. matter and the Ritz Casino project. But the Ritz matter could not have been used by the Government to determine predisposition since it did not come to the Government's attention until October 1979, long after Senator WILLIAMS had become a target of a persistent Abscam operation.

And the Government did not learn of the Biocel matter until it began to prepare for trial.

Yet, testimony about allegations regarding these matters was presented to the jury in order to demonstrate that the Senator had engaged in a course of criminal conduct similar to the accusations arising out of Abscam.

Worse yet, this was done by the Government prosecutor even though he had in his possession the January 24, 1977, report of a New Jersey State investigation exonerating Senator WILLIAMS of any wrongdoing in the Biocel matter. This action by the prosecutor seems to me highly improper and prejudicial.

The other hard evidence of an existing course of similar criminal conduct consists of the March 24, 1979, "bagman" statement made by Angelo Errichetti concerning Alexander Feinberg. But there is good reason to suspect that this and similar remarks about Senator WILLIAMS were manufactured by the Government's undercover con man, Mel Weinberg.

Some 900 tapes were made during the Abscam operation. Many never have been transcribed. Many were missing—many disappearing while in Weinberg's custody. Many have gaps.

Custody and control of most of these tapes were entrusted to Mel Weinberg. The decision as to what to tape and what not to was entrusted to him. When the tapes were heard and transcribed by the FBI was controlled by Weinberg in terms of when he chose to send them in. The October 2, 1981, letter from former Federal Prosecutor Edward Plaza, which I had printed in yesterday's RECORD at page 2999 as exhibit 1, substantiates all of this.

Thus, it was very difficult as Abscam unfolded for supervisors and Justice Department lawyers to understand the chain of events, the relevancy of events, and the interconnection of events. Even upon careful study now in chronological sequence, uncovering the truth is still very difficult. However, with the guidance of an experienced former prosecutor like Mr. Plaza, who is very well informed about all aspects of Abscam, it becomes possible to weave disparate threads together into a fabric. What emerges when that is done is a criminal conspiracy woven out of whole cloth insofar as Senator WILLIAMS is concerned.

Let me illustrate: Tapes of March 1 and March 5 involving an Edward Ellis, a New Jersey owner of the Garden State Raceway property—not himself involved in the titanium mine—demonstrates exactly how Mel Weinberg created the words and actions the Government wanted in order to produce criminal prosecutions. These tapes were printed in yesterday's RECORD at pages 3018 and 3019 as exhibits 3 and 4.

On the March 5, 1979, tape, Mr. Ellis on five separate occasions in a relatively short meeting with undercover FBI Agent Amoroso describes Alexander Feinberg as WILLIAMS' bagman (p. 11, 15, and 19).

A reference to Senator WILLIAMS having a bagman apparently was considered by the Government very important to showing some predisposition toward criminality on Senator WILLIAMS' part. I note that yesterday the Senator from Alabama (Mr. HEFLIN) made specific mention of such a reference by Errichetti on March 24.

That being the case, why has not the Government relied on the repeated Ellis references to Senator WILLIAMS having a bagman, references that came 19 days before Errichetti's?

The reason, Mr. President, I believe is because of the way that Ellis' statement was manufactured by the Government. That fabrication process is revealed by another tape, not published by the Ethics Committee, of a March 1, 1979, telephone call between Ellis and Mel Weinberg. Weinberg proposes and Ellis agrees to meet one-half hour before the March 5 meeting to "go over it" (pp. 11 and 16). Significantly, in this conversation, Ellis describes Feinberg, not as a bagman, but as WILLIAMS' man, WILLIAMS' boy, and best man at his wedding (p. 14).

In a phone call Weinberg received after this one, he tells Ellis' partner, William Hyman, that there would be no problem getting the loan "if Ellis does what I tell him * * * when I spoke to you down in Florida" and assures Hyman that he's going "to meet * * * him at 9:30 in the morning, a half hour before, I'm going to go over it with him again" (p. 17).

Ellis also was apparently coached by Errichetti who stated 4 days later, on a March 8 tape of a meeting with Weinberg, Amoroso, and Feinberg, that he had told Ellis to make the bagman statement (p. 9). Excerpts from this tape appear at page 3022 of yesterday's RECORD.

From these conversations, I think it is inescapable that the references by Ellis to possible criminality involving Senator WILLIAMS were a product entirely of Weinberg's contrivance and coaching.

There emerges from all of the tapes and other evidence available a strong reason to believe that Mel Weinberg instructed Errichetti and perhaps others to whom he already had given or promised money to make incriminating statements about Senator WILLIAMS in front of a duped FBI undercover agent McCarthy—the directing agent first in charge and who posed as the Sheik's top representative—in order to convince the FBI that there were grounds to conclude that Senator WILLIAMS was predisposed to take a bribe. It is clear that Errichetti had received a large sum of cash from Weinberg prior to making on March 24 his bagman reference about Alex Feinberg.

So I ask my colleagues, how can Errichetti's bagman statement of March 24 be relied upon as a legitimate basis for reaching any judgment about Senator WILLIAMS in terms of predisposition.

Rather, as it turned out, the Government already had strong evidence from the same expert that Senator WILLIAMS was not susceptible to bribery—as events would later prove to be absolutely correct.

This exculpatory evidence appears in a portion of the March 8 tape not printed by the Ethics Committee. In that meeting, Mel Weinberg repeatedly goads Errichetti to get WILLIAMS to take a $10,000 or more bribe and Errichetti keeps responding "no [expletive deleted] way", "forget WILLIAMS", "U.S. Senator, forget it" (pp. 21, 22, and 23).

If there is one thing you would think Errichetti would be credible about, it would be who would not accept a bribe. But that was not enough for the Government.

Let me discuss yet another example of Weinberg super manipulation and fabrication: In the same March 5 tape, Edward Ellis, after coaching by Weinberg, indicates to undercover FBI man McCarthy that he can corrupt Senator WILLIAMS and that he has already bribed him—he "cost me a hundred thousand bucks" (pp. 10 and 15). Later, in the March 8 tape both Feinberg and Errichetti, talking about how Ellis had oversold the WILLIAMS connection, indicate Ellis had probably never even met Senator WILLIAMS (pp. 20 and 51).

As is confirmed by much other evidence, this was Weinberg's standard method of operation. As he told numerous Government prosecutors, "we would have no cases" if he did not put words in people's mouths.

Weinberg's scam depended upon convincing members of various business ventures, including the titanium mining venture, that the Arabs wanted to deal with persons who could get public officials involved in promoting their business interests in any manner possible, legally permissible or not. He stressed repeatedly that if the public official had a financial stake in the venture, according to his scenario, the Arabs liked it even better. Especially if the public official gave the appearance of corruptibility.

In sum, Weinberg would advise that what the Arabs need to be told before they would make a loan is that the businessmen have politicians available in case they or the Sheik ever need to call on them for help and paying them off in advance is the way they like to assure that. This is indeed the case. This line is a major theme of Weinberg's March 1 telephone conversation with Hyman (p. 17) and Weinberg's July 16, 1979, taped conversation with George Katz, the principal investor in the titanium mine venture (pp. 14, 15, 16, 18, 19, and 22).

Getting Angelo Errichetti to make these kinds of false representations was no problem. He already was totally corrupt. He willingly forged a letter from Senator WILLIAMS at Weinberg's instigation and duplicated and forged certificates of deposit—for almost a half million dollars—on blanks Weinberg had supplied him. He was more than eager to play his role in this sham.

Moreover, there is reason to believe that a contact memorandum to the Director of the FBI regarding the Weinberg-contrived bagman and $100,000 bribe statements by Ellis may have formed part of the basis for the Government's decision to go after Senator WILLIAMS. If this is true—and a reliable source involved with the Abscam prosecution has stated that it is—this alone demonstrates that the prosecutorial integrity of the executive branch has been gravely compromised, the victim of another Mel Weinberg scam.

It is such new evidence and allegations, new interpretations and interconnecting of seemingly unrelated events, questions about the untranscribed tapes and undocumented meetings in Abscam, and the untold story of the entire operation that convince me that the Senate does not know all it should before it proceeds to vote to expel Senator WILLIAMS.

Evidence deliberately kept back from the jury has already come to light which, had it been presented, might well have altered the verdict. Indeed, one juror—Salvatore Ottaviano—swore under oath on September 16, 1981, that had he been aware of the Justice Department's November 29, 1979, memorandum about a November 11 Justice Department meeting and the concern in the Department at that time that the case against Senator WILLIAMS was weak, he would have never voted to convict.

But it is only that jury verdict that now holds in place manufactured facts and inferences which even the prosecution, we now know, doubted would hold firm.

Without the jury's unwitting endorsement of the Government's post facto justification for proceeding to target Senator WILLIAMS, the Government has no criminal case against the Senator.

To mask its embarrassment, the prosecution argued, as I pointed out earlier, "It is permissible for Government undercover agents to initiate criminal activity even when there is no reason to believe that the defendant is engaged in wrongdoing. Undercover operatives do not need probable cause, or even reasonable suspicion, to commence an investigation."

The cases cited by the Government to support this theory are in no way comparable to the kind of extensive, prolonged, persistently persuasive and all-consuming operation that was directed against Senator WILLIAMS and others.

STATE OF MIND RE COMMITTING A CRIME

The second test for predisposition is: Was a design to commit the crime already formed in Senator WILLIAMS' mind?

The facts show that prior to the Government's intervention there was no plan. It was invented by the Government and put in place by its operative, Mel Weinberg.

If guesswork and rumor supported by manufactured corroboration are to be the standard for due process, then no one is free from the danger of being targeted by the Department of Justice.

I do not have to invent a case of the Government's apparent willingness to target a U.S. Senator for a bribe offer without any reasonable basis for suspecting that Senator. As Senator INOUYE described yesterday, that happened with respect to Senator STROM THURMOND as a result of an allegation by former Representative John Jenrette. In his trial, the following exchange took place between his counsel, Kenneth M. Robinson, and former Assistant Attorney General for the Criminal Division, Philip Heymann:

> Mr. ROBINSON. After you learned that Mr. Jenrette had made an allegation about a Senator on a video tape, can you tell us why the offer was not made when you had three weeks before the shutdown of Abscam?
>
> Mr. HEYMANN. The first time I think I learned of Mr. Jenrette's statement about Senator THURMOND was when U.S. Attorney Ruff called me up and said: "I want to go ahead and offer in some way * * *" I don't remember how "* * * an opportunity for Senator THURMOND to come and take money, because we found this in the record and we think that we ought to follow this through."
>
> And I said "Go ahead." That is the first time I ever heard of it, so for me the timing was within 15 minutes of the time the phone rang I said "yes."
>
> Mr. ROBINSON. So, you don't know what Mr. Ruff and others did about proceeding against Senator THURMOND?
>
> Mr. HEYMANN. I don't know, exactly what they did, but they did proceed and Senator THURMOND, I think did not respond. I don't know exactly what happened.

What we have here is a decision made at the highest levels of the Justice Department to proceed against one of the most esteemed Members of the U.S. Senate soley because he was mentioned by a man the Government knew at that very time was himself corrupt and unreliable. The bribe to Jenrette had been paid the month before, and yet the prosecutors apparently made no effort whatsoever to substantiate his statement that the senior Senator from South Carolina had any predisposition to commit a crime.

Nevertheless, this very same Assistant Attorney General Heymann testified to the House Judiciary Committee on March 4, 1980, after the existence of the Abscam operation became public knowledge, that "where we are met by the representatives of an initiating agent of uncertain reliability, we seek to take every precaution against involvement of the innocent."

Abscam was a wholesale fishing expedition with the executive branch using a large net to try to trap Members of Congress. It could have mounted into a massive assault upon the Constitution. Any Senator, no matter how unblemished his or her record, could have been targeted.

Due process requires strict observance of rules to protect all citizens from entrapment—from deliberate designs to overcome the will of someone resisting temptation and criminality.

That is why the Senate must not ignore those standards in making a decision in the matter of Senator WILLIAMS.

No one is immune from rumor and innuendo. Someone is almost always available to circulate gossip or fabricate changes against any elected official.

People can always be found who will say anything.

Hence, if the FBI agent in charge is gullible, compromised, or simply careless, and hence fails to supervise his undercover operator, as the evidence indicates beyond any doubt happened in Abscam, an individual in any walk of life could be made the target of a sophisticated, persistent scam. This conclusion is buttressed by Assistant Attorney General Heymann's testimony to the House Judiciary Committee on March 4, 1980, about how "special training" is provided for all undercover FBI agents, "with emphasis on instruction in legal areas, including entrapment." He said nothing of providing any training to an undercover operative like Mel Weinberg, however.

READY RESPONSE WITHOUT PERSUASION

The third standard regarding predisposition asks: Did Senator WILLIAMS make a ready response to criminal inducement? Judge Learned Hand, one of our great Federal appellate judges, articulated the standard as "ready and willing without persuasion" to commit a crime.

Senator WILLIAMS, it is clear from all the tapes and transcripts, was a tough man to persuade.

Throughout the first half of 1979, Weinberg kept pouring on the pressure, urging long-time friends and associates of WILLIAMS to get "Pete" to go along because there would be no loan and no successful business venture without him. All to no avail. Weinberg and Errichetti finally had to engage in the infamous coaching sessions in June 1979. That is when they contended that all Senator WILLIAMS needed to do to help his friends was a little play acting; that he would never really have to do anything to get any contracts because the venture could make it on its own since there was a ready market in the private sector for paint pigments.

Absence of persuasion is supposed to be crucial for a finding of predisposition. Yet Senator WILLIAMS was pushed, pulled, tugged, and insinuated up to the threshold. And if he crossed that threshold, why was it that the Government as late as November 1979 did not think it had an acceptable case—long after Senator WILLIAMS had his June meeting with the sheik and had received the bogus stock certificates?

If the Government thought it did not have a clear case after those 9 months of persistent efforts, that should have been the end of the criminal proceeding. But, for reasons that I expect will come out eventually, the Government was driven to make a case against a U.S. Senator, and to get such a case before a jury to complement the cases it was building against Members of the House.

On the basis of the foregoing analysis of the three elements of predisposition, I believe it is clear that the Government not only failed to satisfy all three but failed to satisfy even one of the elements of the predisposition it needed to prove against Senator WILLIAMS. The threat to individual liberty posed by this kind of unrelenting, uncontrolled Government action to create criminal activity is enormous. A U.S. Senator thrown into the criminal justice system as a result of such activities may have the resources available to defend against the Government's misconduct. To the individual private citizen who may not have these resources available, the threat is far greater in terms of the consequences of prosecutional abuse.

EXTENT OF GOVERNMENT MISCONDUCT: THE DOUBLE SCAM

What is now clear, I believe, from the record, is that there is far more here than just a failure of the Government to show there was a valid basis for pursuing Senator WILLIAMS, far more than was ever presented to the Ethics Committee before it reached its recommendation or to the trial judge at the tie of the due process hearing.

We can see now from the affidavit of Marie Weinberg, the tragically and recently deceased wife of Mel Weinberg, that Abscam was actually a double scam. The con man was not only out of control in implicating Government targets. He was also out of control in terms of his relationship to those in the Government supposed to be supervising him. Weinberg manipulated, conned, compromised, defrauded, and ultimately made fools of the Government and its agents.

Why should we believe Marie Weinberg's accusations?

Well, for one thing she was consistent. She related the same events during hours of taped telephone calls with a Jack Anderson investigative reporter and during 4 hours of video taped discussions with the ABC television network. We now know that relevant aspects of her affidavit were confirmed in a statement to the FBI—which I printed in the RECORD yesterday as part of exhibit 7 at page 3028—by Errichetti's nephew, Joseph DiLorenzo, regarding a meeting on April 1, 1979, between Errichetti and Weinberg. According to the December 17, 1980, Plaza memorandum attached to his letter to Judge Penn, DiLorenzo also told this to Plaza and another Justice Department lawyer.

At such an April 1 meeting, there is good reason to believe that Weinberg and Errichetti split up $75,000 of the $100,000 FBI bribe money intended for but apparently never received by Kenneth McDonald of the Atlantic City Casino Control Commission. The letter containing this information about the nephew was not made available to defense attorneys until December 2, 1981, 2 months after it was written by former first principal assistant U.S. attorney in New Jersey Edward Plaza.

Both Plaza and Errichetti's nephew are supported in this version of events by Errichetti saying to Weinberg at the April 8 meeting that "MacDonald isn't getting a [expletive deleted] quarter. No way. I may buy him a cigar, a three dollar cigar, but that's it, but there ain't no [expletive deleted] way I'm gonna offer, give him the money" (page 27).

Finally, this theory is also supported in a most unlikely way by a tape of a telephone call that Weinberg made to Errichetti on April 1, 1979, the day that the Errichetti-Weinberg meeting allegedly occurred. I printed this tape in the RECORD yesterday as exhibit 3 at page S1506. This tape is another example of how relevant tapes have often been overlooked. On this tape, Weinberg and Errichetti discuss the attempted payment of the $100,000 bribe to McDonald 2 days earlier and go out of their way to make it clear that $75,000 of the money was finally taken by McDonald. Of course, no reference is made to any meeting that day at the Holiday Inn.

There are two very unusual things about this tape. First, the tape begins with Weinberg stating "April 1, 2:30 p.m., Sunday, I am returning the mayor's call." He then places the call and charges it to his office phone. Two-thirty was approximately the time that Errichetti's nephew told the grand jury that Weinberg and Errichetti had met that day. After the nephew's grand jury testimony, the FBI agents apparently found this tape and by virtue of the lead-in, disbelieved the nephew's testimony. However, I have learned that Justice Department attorneys, skeptical as to the time when the call actually occurred that date, had telephone company toll records checked. They showed, I am advised, that the call actually was made at 5:30 p.m.

The second strange thing about that call is that neither Weinberg nor Errichetti used any profanity throughout a 7-page transcript. A cursory review of any other tape involving the two will quickly reveal how unique is that occurrence. Errichetti, particularly, is almost incapable of letting more than a sentence go without embellishing it with major profanity.

Parenthetically, I wish to explain to my colleagues that, in the material appearing at page 3028 in yesterday's RECORD, two "Christ's" were deleted from the transcript of the April 1 telephone tape. This was done by the Government Printing Office at my request to remove any profanity from any material in case we had missed any in our editing.

The most plausible explanation for all this and the reason that the Government has never been able to find the $75,000 is that Weinberg and Errichetti ripped it off and that this phone call was a play act that Weinberg conned Errichetti into joining in order to give Weinberg something to use to convince his "bosses" that the target had actually taken the bribe.

Interestingly, Jack Anderson's January 18, 1982, column which is printed in yesterday's RECORD as part of exhibit 20 at page 3076 asserts that Errichetti has indicated to Anderson through an intermediary that he gave $75,000 to Weinberg at that meeting and would so swear under oath if he was given limited "use" immunity. Weinberg denied under oath to a grand jury that he had had any such meeting with Errichetti that day or that he got money from Errichetti then or at any other time.

Which convicted felon, liar, and con man is one to believe? Hard to choose on the face of it—except that the evidence from Errichetti's nephew, from Marie Weinberg, from the March 8 tape, and from the April 1 tape itself also strongly suggests that Weinberg pulled off the ultimate—a quintuple scam—scamming Errichetti, McDonald, and the U.S. Government for whom he was supposed to be scamming each of the others and scamming Errichetti a second time in the scam to cover their scam.

Also, we learned only last week that FBI affidavits filed on February 23 before Judge Pratt fully corroborate Marie Weinberg's allegations that numerous personal effects from her home were turned over to FBI agents by her husband when the Weinbergs moved to Florida in the summer of 1979, including an organ, men's suits and sportscoats, women's fur coats, and large furniture items. Three FBI agents admitted under oath that they paid Mel Weinberg over $7,500 for various items of personal property.

Besides attesting to Marie's reliability, these affidavits show incredible insensitivity on the part of the FBI and the Justice Department. Chief Prosecutor Puccio now defends these actions by the FBI and suggests that the extent to which the agents—including the chief FBI undercover operative who succeeded Agent McCarthy, Anthony Amoroso—had been compromised by engaging in personal financial transactions with Weinberg is irrelevant to Senator WILLIAMS' case.

Despite Mr. Puccio's assertions in Judge Pratt's court that there was nothing improper about these transactions, they clearly violate the Department of Justice's Standards of Conduct regulations, in part 45 of the Code of Federal Regulations, governing the behavior of all Justice Department employees.

These regulations provide generally, in section 45.735-2, that Department of Justice employees shall "conduct themselves in a manner that creates and maintains respect for the Department of Justice and the U.S. Government", and avoid any action "which might result in, or create the appearance of using public office for private gain", "giving preferential treatment to any person", or "losing complete independence or impartiality".

I think that there can be little doubt that the agents' activity, at a minimum, created the appearance of prohibited conduct.

More specifically, the regulations provide, in section 45.735-14, that a Department of Justice employee "shall not solicit or accept for himself or another person, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a person who * * * conducts operations or activities that are regulated by the Department * * * [or] has interests that may be substantially affected by the performance or nonperformance of the employee's official duty." The agents' conduct falls afoul of both these standards.

First, the agents were responsible for overseeing and regulating Mel Weinberg's operations and activities. Second, as the record amply illustrates, Weinberg clearly had an interest that was "substantially affected by the performance or nonperformance" of the agents' official duty. I do not see how there can be any doubt that the agents, by entering into financial transactions with Mel Weinberg, violated these regulatory prohibitions against such conduct.

So the executive branch is urging the courts to take a head-in-the-sand approach and ignore conflicts of interest and the appearance of such conflicts on the part of the agents who were supposed to be in charge of the man who in fact was running them.

As I said, all of this abundantly corroborates what Marie Weinberg has to tell us about Mel's efforts to rip off Abscam for far more than the $133,000 in compensation that the Justice Department admits it paid to him directly.

Moreover, ample evidence exists to confirm Marie's allegations of Weinberg's having extorted from Abscam targets expensive gifts to be passed to the sheik and in fact kept by Weinberg, facts she asserts Good, Amoroso, and other FBI agents were well aware of. We're talking about three $1,000 gold watches, a $1,200 stereo, a $900 Betamax, at least three $300 Sony TV's, and a $900 microwave oven. This does not include bribe moneys he probably absconded with. Except for the watches, Mel Weinberg denied under oath in another Abscam case that he was given such booty.

I ask: Is there not ample reason to believe Marie Weinberg? Has her credibility not been clearly established?

She was never convicted of swindling anyone.

Her husband, on the other hand, is a self-admitted liar whose credibility Judge Pratt has discounted and, according to evidence outlined in the Edward Plaza October 2, 1931, letter, and described in Jack Anderson's recent letter to the Senate leadership that was sent to each Senator, printed in yesterday's RECORD at page S1479 as exhibit 1, who perjured himself on numerous occasions in Abscam judicial proceedings.

I ask each Senator to read the Marie Weinberg affidavit and tape, the Plaza letter, and the FBI affidavits recently presented to Judge Pratt, all of which I will submit for printing in the RECORD.

I wish this narration of misconduct could stop here—that Weinberg and some FBI agents were the only ones implicated in possible governmental wrongdoing, but the scandal goes higher.

The Government's chief Abscam prosecutor, Mr. Puccio, characterized Mel Weinberg, in the memorandum he just filed on February 23 in Judge Pratt's court, as follows:

> Weinberg's character was never an issue at trial. He was conceded to be a con man, a charlatan whose credibility could be established only by corrobative evidence.

FURTHER IMPROPER DEPARTMENT OF JUSTICE ACTION

How can we overlook the testimony of Chief Abscam Prosecutor Thomas Puccio reluctantly admitting to having discussed with a journalist a book about Abscam while the investigations and case preparations were in progress? This testimony and the book contract appear at page S. 1511 as exhibit 11 in yesterday's RECORD. Is it credible that the $60,000 advance available to Mr. Puccio, under a book contract negotiated by that journalist which Puccio admits he was aware of throughout his prosecution had no effect on his conduct? That it did not influence his decision as to which cases would go to indictment? That it did not influence his decision as to whether allegations of Government misconduct would be investigated?

The American Bar Association Standards Relating to the Administration of Criminal Justice state:

> Standard 3-1.2 Conflicts of Interest: A prosecutor should avoid the appearance or reality of a conflict of interest with respect to official duties.
>
> Standard 3-1.3 Public Statements: (a) The prosecutor should not exploit the office by means of personal publicity connected with a case before trial, during trial, or thereafter.

Is there any question that Mr. Puccio's undisclosed contingent financial interest in this venture was improper?

The disclosure of this situation alone casts severe doubt on the integrity of the basic conduct of the Justice Department vis-a-vis Senator WILLIAMS and on the fairness of his trial. All parties were apparently unaware of this obvious conflict, including the jury, judge, and defense attorneys until it was brought out in the Errichetti due process hearing after the Williams trial was over.

And how can we ignore the allegations by Mr. Plaza that former Deputy Attorney General Irwin Nathan testified incorrectly, incompletely, or falsely in numerous respects about the Government's action in the Abscam cases? Mr. Plaza also makes allegations that erroneous testimony was given by FBI special agent, John Good.

Mr. Plaza cites numerous internal Justice Department memoranda in support of his various contentions. Inasmuch as the Department of Justice has generally refused to provide these memoranda to the defendants in the criminal cases or to the House Judiciary Committee's subcommittee with FBI oversight jurisdiction, how can we do other than to assume the veracity of Mr. Plaza's statements.

What do we know about Mr. Plaza's credibility? I have been advised by counsel for the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights, which has FBI oversight jurisdiction, that its investigation of Mr. Plaza's allegations has indicated, through independent corroboration, that his credibility is of the highest order.

Finally, a recent piece of Government dishonor has emerged. Two weeks ago in filing answers to Senator WILLIAMS' and Mr. Jenrette's motions to reopen the due process hearings, the Government took conflicting positions. In its memorandum before Judge Bryant in opposition to the motion in the Jenrette case, the Government staunchly denied Marie Weinberg's allegations regarding the transfer of personal property from Mel Weinberg to the FBI agents. But before Judge Pratt in the Williams case, the Government the very next day filed the FBI affidavits confirming her account.

Because the Government's action here is so distressing I want to quote directly from the memorandum before Judge Bryant. The Justice Department memorandum makes the following absolutely incredible statements about what it stresses on several occasions is the:

> Alleged behavior of Mr. Weinberg and certain FBI agents (page 1), including claims: that . . . Weinberg gave furniture and clothing to Agents Good and Amoroso and also gave books to a female FBI agent . . . (page 2, f.n. 1):
>
> We have studied the allegations contained in the defendant Weisz' motion. While it is unclear whether, and to what extent, any of them can be proven, particularly in view of Mrs. Weinberg's death on January 28, we would suggest to that Court that none of these allegations, even if all of them are assumed to be true (which we steadfastly deny) bears in any meaningful way on the due process question before this Court. (Page 3.)
>
> [Defendant's] pleadings fail to allege acts or omissions which, even if they are true which we dispute . . . (Page 18.)
>
> While his allegations and they are only allegations . . . (Page 18.)

I must say that I am truly shocked by this latest revelation of Government duplicity. Is this a case of forum shopping to find where best to bury incriminating evidence of Government misconduct?

Another instance of the extreme lengths to which the Government would go to manipulate the Abscam prosecutions and to ignore the separation of powers took place in the chambers of Judge Curtis Meanor of the U.S. District Court for New Jersey on March 5, 1981, relating to investigation of the McDonald-Errichetti case.

In the judge's chambers were Reed Weingartner, representing the Department of Justice, and William Robertson, the U.S. attorney for new Jersey District. They met with the judge to discuss the grand jury's formal protest of a request of the Justice Department from Washington to withdraw the Government presentation to the New Jersey grand jury and to transfer the proceedings to a grand jury sitting in Brooklyn, N.Y.

After some discussion took place, Judge Meanor pointedly asked Mr. Weingartner of the Department of Justice whether the Government was seeking to move the Abscam prosecutions out of New Jersey entirely in order to avoid a third circuit decision, U.S. against Twigg, a decision controlling the Federal court in New Jersey which would have greatly strengthened any due process arguments of defendants in various Abscam proceedings.

The judge first began by asking what was the authority of the Department to make such a request, and I quote:

> Mr. WEINGARTNER. The authority, the only authority I have is that the executive branch has given——
>
> THE COURT. I don't care about the executive branch. The grand jury is an arm of this court. It's an autonomous, independent constitutionally recognized body. And I may be ignorant but I know of no way that the U.S. Attorney or the Department of Justice attorneys can force a grand jury to discontinue an investigation it wants to perpetuate.
>
> * * * * *
>
> THE COURT. And it's obvious to me—call a spade a shovel—they want this thing away from your office because the Department wants to control it. . . . They have control in Brooklyn. They apparently have lost control in Newark.
>
> * * * * *
>
> Mr. ROBERTSON. Judge, let's be specific. There's a feeling that—and you correct me if I'm wrong—that, for example, maybe Mr. Melvin Weinberg would not like to be in the District of New Jersey given the fact that Mr. Plaza and Mr. Weir have questioned some of the tactics used.
>
> THE COURT. I would assume we would all agree were an indictment returned by this grand jury involving the ABSCAM cases it would be inappropriate for Mr. Weir and Mr. Plaza to participate in the prosecution?
>
> Mr. ROBERTSON. That's correct, Judge. . . .
>
> * * * * *
>
> THE COURT. . . . To me it sounds more and more like an effort to get all Abscam prosecutions out of New Jersey, to get them out from under either the U.S. Attorney's Office here or the Judiciary in New Jersey, or the Judiciary in the Third Circuit. . . . The leading Court of Appeals case that would harm the government's position as to the propriety of the Abscam conduct, as I have read it in the papers, comes out of the Third Circuit.
>
> Mr. WEINGARTNER. U.S. v. Twigg is the case you refer to?
>
> THE COURT. Yes.
>
> Mr. WEINGARTNER. I think this is the point. I have not been instructed to say this violent dispute is the reason we are leaving this District. I was instructed to say there are a lot of valid reasons. The government chose to exercise its discretion.
>
> THE COURT. . . .Grand juries and courts do not exist for the convenience of the prosecution. I do not exist as a lackey of the Department of Justice, although I sometimes think that the Department of Justice would like to have it be that way. So when you go in and talk to that grand jury you stick to my principles. . . .

ABSCAM MAY REACH WATERGATE PROPORTIONS AS A THREAT TO OUR BASIC DEMOCRATIC INSTITUTIONS

As I noted earlier, what emerges in Abscam is a trail of executive branch delay, stalling, witholding, and finally coverup of Government misconduct.

In my opinion, when the full measure of Government misconduct is discovered, the Abscam scandal will rival if not exceed Watergate in terms of the extent and breadth of Government misconduct and the resultant threat it poses to the survival of our basic democratic system of government.

In characterizing the pervasive nature of the misconduct of the executive branch throughout, I want to stress again that this is not a partisan concern. The Justice Department's actions in connection with the undercover operation and indictment all occurred under a prior administration as did the failure to investigate adequately the initial allegations of impropriety in the operation. The actions with regard to the trial itself occurred very early on in the present administration, although the recent actions I have just outlined are the responsibility of the present leadership of the Justice Department.

EVALUATING SENATOR WILLIAMS' CONDUCT IN CONTEXT

It will be asked and Senators are asking: "Why is all this relevant to what punishment the Senate should impose on Senator WILLIAMS?"

In the opinion of the Ethics Committee, Mel Weinberg's credibility and actions are not central to the case before the Senate against Senator WILLIAMS.

The committee believes that, because we can find reprehensible behavior and words by Senator WILLIAMS on a relatively few minutes of tape out of the hundreds of hours of tapes, his expulsion is justified.

I have great respect for the Senators on that committee. I know they have labored exhaustively over this matter, devoting enormous amounts of time to the proceedings and deliberations. Their devotion to the Senate in tackling this "thankless" task is a credit to each of them.

I cannot, however, accept the Ethics Committee's thesis that the Senate should judge this case with blinders on. And I submit that this approach is critical to sustaining the expulsion recommendation.

What I mean by a "blinders" approach is that we are asked to look only directly ahead—to look only at the specific words and one action—submit it is only one action of Senator WILLIAMS—and not look to the right or to the left or behind.

I believe that approach is wrong. To me, Senator WILLIAMS' ultimate actions and words are equivocal. To understand them fully and to evaluate them fairly, I submit that one must look at the entire process—all that preceded and followed and surrounded those ambiguous words and one action.

The analysis I have presented today will, I hope, help each of us to do that—look at the whole picture.

This includes the extent to which the Government itself was being deluded by Weinberg and the extent to which adverse statements by others about Senator WILLIAMS were manufactured by Weinberg and relied on by the Government.

This includes what might be found when gaps in tape transcriptions are filled in, if possible, and what can be learned of untaped and undocumented conversations.

This includes what Weinberg persuaded Senator WILLIAMS' friends they had to do to get him involved because without his involvement there would be no loan.

This includes the truth about prosecutor Puccio's book deal and whether Weinberg believed that any of his compensation depended on convictions.

This includes the extent to which the U.S. Government was itself scammed and compromised by the con man who was masterminding the entire undercover operation.

Finally, this includes the extent to which the full scope of the Government's improper conduct—from the chief Abscam perpetrator, Mel Weinberg, the field FBI agents, and their supervisor in the field, through the field office supervisor, to the Justice Department's strike force and the responsible at Justice Department headquarters—has so thoroughly infected and polluted the investigation and prosecution of Senator WILLIAMS as to convince the Senate that the conduct in which he did engage does not warrant expulsion from this body.

CONCLUSION

It is my contention, and I will expand on this further next week, that Senator WILLIAMS' conduct, while not warranting expulsion at this time, does justify his censure.

Senator WILLIAMS faced what in my opinion was a cruel and unreasonable test. Conceding the interpretation of events most favorable to him, I conclude that his conduct fell short of what must be the high standard for every Senator here.

Even though a private citizen might be exonerated in court because of due process considerations in a case like this—and that may well be the ultimate result of the judicial process for Senator WILLIAMS—that does not mean a Senator should escape appropriate punishment by the Senate for a violation of its ethical standards which clearly must be higher than those by which society judges the conduct of its citizens in terms of the criminal law.

Thus, even though I find substantial mitigation for Senator WILLIAMS' actions here, I also find his conduct wanting when measured against the conduct which must be expected of those who hold a high public trust.

I reach this conclusion even though I believe that he was improperly led into the improper conduct by the executive branch. I do not believe that Senator WILLIAMS should escape appropriate punishment by the Senate because of due process violations by the Government.

For conduct that is undisputed on the record, I am prepared now to censure Senator WILLIAMS, but not to expel him.

I note again that I will speak further next week on my censure substitute amendment and the Senate investigation resolution I will be introducing with Senator STEVENS. Let me also repeat my urging that Senators review the 20 exhibits that were printed in yesterday's RECORD.

In that regard, Mr. President, I wish to express my appreciation to all of the dedicated individuals at the Government Printing Office who worked so long and hard last night to print the 20 exhibits. They did a magnificent job under truly onerous conditions, and I am most grateful for their efforts.

I thank my colleagues for their attention.

Mr. BAKER. Mr. President, I yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I believe we can assume that there are those who believe that the conduct of the Department of Justice in the Abscam operation is relevant to the resolution before us, there are those who think it is not, and there are those who are undecided.

It seems to me an elemental duty to Senator WILLIAMS to report to the Senate that I have the transcripts of two meetings involving Mr. MELVIN WEINBERG, Mr. William Rosenberg, Mr. Bruce Brady, a special agent of the FBI, and also Mr. Tony DeVito, a special agent of the FBI which were referred to yesterday by the distinguished Senator from Hawaii.

In this transcript, Mr. Rosenberg, who was a convicted felon, who has subsequently been found guilty in one of the Abscam cases, represented himself as having been in contact with Senator Javits, with me, with Congressman LENT, of New York. It would be of some interest to the body to know he also represented himself as being in contact with the late Senator Robert Kerr, of Oklahoma. [Laughter.]

He was instructed by Weinberg and DeVito to offer money and bring in a person.

I would say that Senator Javits is no longer in the Chamber.

It could be pointed out that Mr. Charles B. Renfrew, the Deputy Attorney General on January 27, 1981, wrote to me and wrote to Senator Javits that Mr. Rosenberg had confessed to lying with respect to the representations that he had made, that they were not true, and he had left the matter right there.

There may be Senators who wish to read these transcripts, and they will certainly be available. I wanted it to be known that I do have the transcripts. They are dated September 10, 1979, at the JFK Hilton, and October 21, 1979, also at the Hilton.

Mr. STENNIS. Will the Senator yield to me for just 1 moment?

Mr. BAKER. I yield.

Mr. STENNIS. The Senator mentioned Senator Kerr's name. It is known to us here, but some may not recall. Senator Kerr passed away some 15 years ago.

Mr. MOYNIHAN. Yes.

Mr. STENNIS. I thought I should mention that at this point in the RECORD.

Mr. MOYNIHAN. He was at that time dead almost 17 years, to be clear. [Laughter.]

Mr. LONG. Will the Senator yield?

Mr. MOYNIHAN. The majority leader has the floor.

Mr. LONG. Will the Senator yield?

Mr. BAKER. I yield.

Mr. LONG. When the proposal was made that the FBI bribe Senator Kerr, was the person making or receiving the proposition knowledgeable that Senator Kerr was in his grave at the time?

Mr. MOYNIHAN. The man who represented himself to Mr. Weinberg, whether he knew that or not, I cannot say. He represented that Senator Kerr was retired.

Mr. LONG. Might we assume that that might be some great feat, if the FBI actually succeeded in bribing someone in his grave?

Mr. MOYNIHAN. I think the distinguished Senator from California does not want to go beyond his knowledge in these matters, and neither do I. [Laughter.]

The VICE PRESIDENT. The majority leader.

Mr. BAKER. Mr. President, at 6 o'clock, a few minutes from now, according to the Parliamentarian, the committee will have utilized 58 minutes and Senator WILLIAMS, 243 minutes. That may not be exactly accurate, depending on how we have clocked the time that has been used in the last 10 minutes or so. The point I make is that we have failed miserably in trying to allocate time equally on each day. But by force of events it has sort of evened out in these 2 days.

If the committee is agreeable, and if Senator INOUYE, the minority leader, and Senator WILLIAMS are agreeable, I would propose that we just start fresh on Monday and divide the time equally when, presumably, the opening statements, so-called, will be out of the way and we will be down to the time when there will be a need for perhaps a little more equity and control, or at least a little more precision, in the allocation of time. Is that satisfactory to the chairman?

Mr. WALLOP. By all means it is satisfactory to the committee.

Mr. BAKER. Is that satisfactory to the Senator from Hawaii?

Mr. INOUYE. Yes.

Mr. BAKER. On Monday we will begin fresh.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following joint resolutions:

On February 26, 1982:

S.J. Res. 134. Joint resolution to designate 1982 as the "National Year of Disabled Persons."

On March 1, 1982:

S.J. Res. 122. Joint resolution to authorize and request the President to designate the week of February 28, 1982, through March 6, 1982, as "National Construction Industry Week."

MESSAGE FROM THE HOUSE

At 10:36 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the following bill:

H.R. 4625. An act to authorize the Secretary of the Army to return to the Federal Republic of Germany certain works of art seized by the U.S. Army at the end of World War II.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1503) to authorize the President to allocate supplies of crude oil, residual fuel oil, and refined petroleum products during a severe petroleum supply shortage, and for other purposes.

The message further announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 4977. An act to direct the President to name the next Nimitz class nuclear-powered aircraft carrier as the U.S.S. *Hyman G. Rickover;*

H.J. Res. 348. Joint resolution to provide for the awarding of a special gold medal to Her Majesty Queen Beatrix in recognition of the 1982 bicentennial anniversary of diplomatic and trade relations between the Netherlands and the United States; and

H.J. Res. 373. Joint resolution expressing the sense of the Congress that the government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights at Geneva in February 1982.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 226. Concurrent resolution expressing the sense of the Congress that the President should press for unconditional discussions among the major political factions in El Salvador in order to guarantee a safe and stable environment for free and open democratic elections.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 4625. An act to authorize the Secretary of the Army to return to the Federal Republic of Germany certain works of art seized by the U.S. Army at the end of World War II;

S.J. Res. 91. Joint resolution to designate July 1982 as "National Peach Month"; and

S.J. Res. 105. Joint resolution to designate October 1982 as "National P.T.A. Membership Month."

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 3:45 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 142. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred to the Committee on Armed Services:

H.R. 4977. An act to direct the President to name the next *Nimitz*-class nuclear-powered aircraft carrier as the U.S.S. *Hyman G. Rickover.*

HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read, and referred to the Committee on Foreign Relations:

H. Con. Res. 226. A concurrent resolution expressing the sense of the Congress that the President should press for unconditional discussions among the major political factors in El Salvador in order to guarantee a safe and stable environment for free and open democratic elections.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, March 4, 1982, he presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 91. A joint resolution to designate July 1982 as "National Peach Month"; and

S.J. Res. 105. A joint resolution to designate October 1982 as "National P.T.A. Membership Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2833. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Korea; to the Committee on Armed Services.

EC-2834. A communication from the General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to extend the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2835. A communication from the General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1983 and 1984 for the conduct of flood studies under the National Flood Insurance Act of 1968; to the Committee on Banking, Housing, and Urban Affairs.

EC-2836. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, notice of proposed revisions of NASA's space transportation upper stages program and related changes in the Galileo mission to Jupiter and the International Solar Polar Mission; to the Committee on Commerce, Science, and Transportation.

EC-2837. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1981 annual report on the anthracite mine water control and mine sealing and filling program; to the Committee on Energy and Natural Resources.

EC-2838. A communication from the Under Secretary of the Interior transmitting, pursuant to law, a report on activities of the Geological Survey during calendar year 1981; to the Committee on Energy and Natural Resources.

EC-2839. A communication from the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, and Installations transmitting a draft of proposed legislation to provide an extension of certain special tax treatment provisions for members of the armed forces listed as missing in action; to the Committee on Finance.

EC-2840. A communication from the Secretary of Labor transmitting a draft of proposed legislation to limit eligibility for unemployment compensation for ex-service members; to the Committee on Finance.

EC-2842. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, a report on experimental alternative work schedules for Federal employees; to the Committee on Governmental Affairs.

EC-2843. A communication from the Chairman of the Federal Energy Regulatory Commission transmitting the annual report of the Commission for 1981 under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2844. A communication from the Postmaster General of the United States transmitting, pursuant to law, the report of the Service for 1981 under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2845. A communication from the Public Information Specialist of the Occupational Safety and Health Review Commission transmitting, pursuant to law, the Commission's 1981 report under the Freedom of Information Act; to the committee on the Judiciary.

EC-2846. A communication from the Chairman of the National Endowment for the Humanities transmitting, pursuant to law, the 1981 report of the Endowment under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2847. A communication from the Freedom of Information Officer of the Office of the Federal Inspector of the Alaska Natural Gas Transportation System transmitting, pursuant to law, the report of the Inspector for 1981 under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2848. A communication from the Chairman of the National Credit Union Administration transmitting, pursuant to law, the report of the Administration for 1981 under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2849. A communication from the Director of the Selective Service System transmitting, pursuant to law, the System's semiannual report for April 1 through September 31, 1981; to the Committee on Armed Services.

EC-2850. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Federal Review of Intrastate Branching Applications can be Reduced"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2851. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Despite Recent Improvements, Bank Supervision Could be More Effective and Less Burdensome"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2852. A communication from the Chairman of the Securities and Exchange Commission transmitting a draft of proposed legislation to permit payment of relocation expenses to Washington, D.C. for participants in the Commission's fellows programs by their former private employers; to the Committee on Banking, Housing, and Urban Affairs.

EC-2853. A communication from the Secretary of Energy transmitting, pursuant to law, notice of intention to submit by May 1 the Department's report on the size of the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC-2854. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, volumes 1 and 3 of the Administration's 1981 Annual Report to Congress; to the Committee on Energy and Natural Resources.

EC-2855. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the fiscal year 1981 report on the testing of chemicals, manufacturing and processing notices, regulation of chemicals, relationship to other federal laws, penalties and state programs; to the Committee on Environment and Public Works.

EC-2856. A communication from the Deputy Director of the Office of Management and Budget transmitting, pursuant to law, an integrated proposal for the Uniform Federal Procurement System recommending certain procurement reforms; to the Committee on Governmental Affairs.

EC-2857. A communication from the Chairman of the Federal Maritime Commission transmitting, pursuant to law, the Commission's 1981 report under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-2858. A communication from the Chairman of the Federal Deposit Insurance Corporation transmitting the fifth annual report of the Corporation under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-2859. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2860. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the annual report of the Commission on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2861. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2862. A communication from the Acting Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report of the Commission on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2863. A communication from the Assistant Secretary of State for Congressional Relations, transmitting, pursuant to law, the annual report of the Department on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2864. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the fifth annual report on Evaluation of Multipurpose Arthritis Centers; to the Committee on Labor and Human Resources.

EC-2865. A communication from the Secretary of Health and Human Resources transmitting, pursuant to law, the fourth annual report on Evaluation of Diabetes Research and Training Centers; to the Committee on Labor and Human Resources.

EC-2866. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the 1981 Director's Report and Annual Plan for fiscal years 1983-87 for the National Cancer Program; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-708. A resolution adopted by the Legislature of the Virgin Islands; to the Committee on Agriculture, Nutrition, and Forestry.

"RESOLUTION NO. 1056

"Whereas Farmers Home Administration (FmHA) home loans are administered through a federal program not subject to the legislative jurisdiction of the United States Virgin Islands; and

"Whereas FmHA is by far the most significant non-bank direct home loan source in the United States Virgin Islands, serving to supplement the amount of credit and capital directly available from commercial lenders; and

"Whereas after careful study, it has been determined that the average purchase price of a home in the United States Virgin Islands is approximately $90,000, while the average purchase price of a home in the continental United States is approximately $72,000, or 14.6% less than in the United States Virgin Islands; and

"Whereas the present FmHA program in the United States Virgin Islands supports only a $45,000 loan maximum and a $54,000 home purchase maximum assuming a 20%

downpayment, the equivalent of $36,000 less than the average price of a home in the United States Virgin Islands; and

"Whereas the average worker in the United States Virgin Islands earns approximately 13.8% less than his average counterpart in the continental United States; and

"Whereas the cost of living in the United States Virgin Islands is approximately 30% higher than the level found in Washington, D.C., primarily because of expensive sea freight costs; and

"Whereas despite these facts, FmHA promotes home building only in the lower household income price ranges while local banks and other non-public financing sources focus upon homebuyers with substantially more purchasing power; and

"Whereas the victims or those caught in the gap between low and high buying power groups are not adequately served due to the lack of available financing; and

"Whereas for the purposes of home loans, FmHA attempts to maintain a posture of "lender of last resort" with respect to commercial lending sources, making loans to qualified applicants who can find no other sources of financing available on terms or conditions they can meet: Now, therefore, be it

"*Resolved by the Legislature of the Virgin Islands:*

"SECTION 1. The United States Congress is respectfully petitioned to direct that the FmHA declare the United States Virgin Islands a "high income area" and raised the FmHA maximum income levels from the present $15,600 to $23,400 as it is in Alaska for direct home loans, and from $11,200 to $16,800 for subsidy loans also as it is in Alaska. The Congress is further petitioned to raise the loan maximum level applicable to the United States Virgin Islands from the present $45,000 to the higher level of $54,000 currently applicable to Alaska, Hawaii and Guam.

"Sec. 2. A copy of this Resolution shall immediately upon its passage be forwarded to the Vice President of the United States as Presiding Officer of the Senate, the Speaker of the United States House of Representatives, the Chairman of the Senate Committee on Agriculture, Nutrition and Forestry, the Chairman of the House Committee on Agriculture, and the United States Virgin Islands Delegate to the House of Representatives, Washington, D.C."

POM-709. A petition from a citizen of Baltimore, Md., favoring a prohibition to forbid the use of American tax dollars directly or indirectly by the U.N. to finance or support SWAPO; to the Committee on Appropriations.

POM-710. A resolution adopted by the Eldorado County, Calif., Board of Supervisors, favoring legislation to provide ex-spouses of military personnel an equitable share of military retirement benefits; to the Committee on Armed Services.

POM-711. A resolution adopted by the Executive Committee of the American Legion, Department of Puerto Rico, relating to the proposed reduction of Coast Guard activity in Puerto Rico; to the Committee on Commerce, Science, and Transportation.

POM-712. A resolution adopted by the Wisconsin State Senate; to the Committee on Commerce, Science, and Transportation.

"1981 SENATE RESOLUTION 17

"Whereas, the interstate system of highways is a vital part of this nations modern transportation system; and

"Whereas, the maintenance and good repair of the interstate system is important to the economy of this state and the nation generally and to the users of the interstate system specifically; and

"Whereas, the current methods of financing the maintenance and repair of the interstate system will not provide sufficient funds for the necessary maintenance and repair; and

"Whereas, increasing the gasoline tax, vehicle registration fees, general taxes or a state's indebtedness for the purpose of maintenance and repair of the interstate system would create an inequitable burden on all persons for the benefit of the users of the interstate system; and

"Whereas, instituting a system of tolls on the interstate system will provide the funds necessary for maintenance and repair and will provide such funds in an equitable manner by assessing the users of the interstate system for the necessary maintenance and repair; now, therefore, be it

"*Resolved by the senate,* That the legislature of the state of Wisconsin requests that the members of the congressional delegation of this state prepare, introduce and support legislation which will authorize this state and any other state that so chooses to institute a system of tolls for the use of the national interstate system of highways within the individual state's boundaries; and, be it further

"*Resolved,* That duly attested copies of this resolution be transmitted to each member of the congressional delegation from this state, the secretary of the U.S. senate and the chief clerk of the U.S. house of representatives."

POM-713. A resolution adopted by the Franklin Delano Roosevelt Centennial Commission urging Congress to provide for a speedy restoration of Franklin Roosevelt's House at Hyde Park, N.Y.; to the Committee on Energy and Natural Resources.

POM-714. A joint resolution adopted by the California Legislature; to the Committee on Finance.

"JOINT RESOLUTION NO. 41

"Whereas, Surveys on sales tax tables published by the Internal Revenue Service are conducted only once every 10 years; and

"Whereas, these sales tax tables do not reflect the sales tax paid by Californians; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes Congress to require the Internal Revenue Service to revise the optional sales tax tables for California on an annual basis; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Commissioner of the Internal Revenue Service, and to each Senator and Representative from California in the Congress of the United States."

POM-715. A petition from citizens of New York, favoring the restoration of recently eliminated student benefits under the Social Security Act; to the Committee on Finance.

POM-716. A concurrent resolution adopted by the Legislature of the State of Indiana, to the Committee on Finance.

"CONCURRENT RESOLUTION

"Whereas, The existing income tax laws and the printed forms for collection of the United States Internal Revenue Service and the Indiana Department of Revenue are unnecessarily complex, complicated and confusing making it difficult, if not sometimes impossible, for taxpayers to understand and file as they are required to pay tribute demanded by the State and the National Governments; and

"Whereas, Many, if not most individual taxpayers, are required to seek professional assistance in the preparation of their federal and state income tax returns; and

"Whereas, Governments created of, by and for the people should not in extracting the tribute from its citizens for its maintenance and the funding of its projects, place an additional monetary burden upon its citizenry in order to secure the involuntary support they demand: Therefore, be it

"*Resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

"SECTION 1. That the Congress of the United States and the Internal Revenue Service are requested to simplify federal income tax laws and the forms used in its collection so that the citizenry will not require the assistance of a professional to pay the tribute demanded.

"SEC. 2. That the Governor of the State of Indiana and the Indiana Department of Revenue are requested to simplify Indiana income tax laws and forms used in its collection so that Hoosier citizens will not require the assistance of a professional to pay the tribute demanded.

"SEC. 3. That the Secretary of the Senate is directed to transmit copies of this resolution to the leadership of Congress of the United States, the Indiana Congressional delegation, the Internal Revenue Service, the Governor of the State of Indiana, and the Indiana Department of Revenue."

POM-717. A resolution adopted by the Public Affairs Luncheon Club of Dallas, relative to South Africa; to the Committee on Foreign Relations.

POM-718. A resolution adopted by the House of Representatives of the State of Illinois to the Committee on Foreign Relations.

"HOUSE RESOLUTION NO. 614

"Whereas, Since the Paris Peace Accords were signed eight years ago, some 2,500 Americans remain unaccounted for in Southeast Asia; and

"Whereas, Various live sighting reports, currently being investigated, indicate Americans are still held captive in Vietnam, Cambodia, and Loas; and

"Whereas, The United States must insist that the governments of Vietnam, Cambodia, and Laos live up to their legal and humanitarian responsibilities by giving a full and complete account of these missing American servicemen; and

"Whereas, Such accounting is not just a humane gesture, but an obligation and responsibility due every serviceman, past, present, and future; and

"Whereas, The Congress of the United States should demand that the governments of Vietnam, Cambodia, and Laos, furnish the government of the United States with a complete accounting of the hundreds of prisoners of war never repatriated; therefore, be it

"*Resolved, by the House of Representatives of the Eighty-Second General Assembly of the State of Illinois,* That we hereby urge the Congress of the United States to demand that the governments of Vietnam, Cambodia, and Laos promptly account to the government of the United States for all

Americans missing in Indochina, to immediately release all soldiers held capitive and return any American remains which are in their possession, or which may be subsequently discovered; and, be it further

"*Resolved*, That suitable copies of this preamble and resolution be forwarded to the President of the United States Senate, the Honorable George Bush, the Speaker of the U.S. House of Representatives, the Honorable Thomas P. O'Neill, and to each member of the Illinois Congressional Delegation."

POM-719. A resolution adopted by the Federation of Citizens Associations of the District of Columbia, relative to the welfare and safety of the citizens of the District of Columbia; to the Committee on Governmental Affairs.

POM-720. A resolution adopted by the Mexican American Democrats of Texas, relative to the shifting of certain welfare programs to the States; to the Committee on Governmental Affairs.

POM-721. A resolution adopted by the House of Representatives of the State of Kansas; to the Committee on the Judiciary.

"HOUSE RESOLUTION No. 6117

"Whereas, Teachers, through education of the young, provide both the foundation of modern civilization and the means for enhancing the lives of all members of society; and

"Whereas, The personal inspiration and enrichment which students receive from their teachers extend far beyond the few years spent in the classroom to exert a valuable lifelong influence on the young people of this nation, and through them, on all of our citizens; and

"Whereas, Teachers richly deserve individual recognition, honor and encouragement for their dedication and excellence in the pursuit of their profession; and such recognition, honor and encouragement should be bestowed each year on a nationwide basis; and

"Whereas, Students, parents, school administrators and all other citizens of the United States should be encouraged to personally communicate by word and deed to their present and former teachers, the special appreciation and recognition that teachers so richly deserve: Now, therefore,

"*Be it resolved by the House of Representatives of the State of Kansas:* That the Congress of the United States is hereby requested to enact the necessary legislation to declare and establish the first Friday in March of each year to be the day upon which each teacher in the schools of our nation is to be given special recognition and honor, and to provide for such day to be known as Teacher Day USA; and

"*Be it further resolved:* That the Chief Clerk of the House of Representatives is hereby directed to transmit enrolled copies of this resolution to the President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; to each member of the delegation to Congress from the state of Kansas; to Laurence L. Stanton, Dr. Steven A. McKee and Frank B. Toalson, all in care of Kansas Teachers Hall of Fame, 500 W. Wyatt Earp, Dodge City, Kansas 67801; and to Glenn E. Burnette, 1630 Knollwood, Topeka, Kansas 66611."

POM-722. A petition from a citizen of Keego Harbor, Mich., relative to payment of debts to States in gold and silver; to the Committee on the Judiciary.

POM-723. A resolution adopted by the House of Representatives of the State of Michigan; to the Committee on Labor and Human Resources.

"HOUSE RESOLUTION No. 387

"Whereas, Recent federal budget cuts are having devastating effects on the services offered to Michigan's many unemployed individuals, including the closing of various Michigan Employment Security Commission offices throughout the state and a substantial reduction in the Work Incentive Program (WIN). They are also resulting in the immediate layoff of more than 750 Michigan Employment Security Commission employees, over and above the 1,000 employees which the Michigan Employment Security Commission layed off in September of 1981; and

"Whereas, While these cuts will undoubtedly affect millions of unemployed individuals throughout our nation, they will be especially devastating to the State of Michigan, which is reeling under the country's highest unemployment rate. It will also hinder unemployed individuals in locating available jobs for which they are eligible; and

"Whereas, The State of Michigan has been on a determined course over the past couple of years to keep its economy on an even keel and to reduce Michigan's staggering unemployment rate. These federal budget cuts constitute a major setback to this effort and are not good public policy; now, therefore, be it

"*Resolved by the House of Representatives,* That the members of this legislative body memorialize the President and the Congress of the United States to reconsider the recent budget cuts which are so particularly devastating to unemployed individuals; and be it further

"*Resolved,* That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to the members of the Michigan Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with amendments and an amendment to the title:

S. 1554. A bill to amend the Bail Reform Act of 1966 to permit consideration of danger to the community in setting pretrial release conditions, to eliminate surety bond, to permit pretrial detention of certain offenders, and for other purposes (Rept. No. 97-317).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 333. An original resolution authorizing expenditures by committees of the Senate (Rept. No. 97-318).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: in the Marine Corps there are 10 permanent promotions to the grade of brigadier general (list begins with Louis H. Buehl III). I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. ROTH, from the Committee on Governmental Affairs:

John R. McKean, of California, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1986;

John W. Crutcher, of Virginia, to be a Commissioner of the Postal Rate Commission for the term expiring October 16, 1986; and

Henry R. Folsom, of Delaware, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 1982.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2167. A bill to amend the Unfair Competition Act of 1979 and Clayton Act to provide for further relief in the event of unfair foreign competition; to the Committee on the Judiciary.

By Mr. BRADLEY:

S. 2168. A bill to amend section 235 of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRYOR:

S. 2169. A bill making a rescission of certain funds for the Department of Defense for the fiscal year ending September 30, 1982; to the Committee on the Budget and the Committee on Appropriations, jointly, pursuant to the order of January 30, 1975; to be reported by the Appropriations Committee pursuant to the provisions of S. Res. 45 of the 94th Congress.

By Mr. DODD:

S. 2170. A bill to amend chapter 6 of title 5, United States Code, with respect to the requirements for the preparation of regulatory analysis; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. CRANSTON):

S. 2171. A bill to stimulate the development and rehabilitation of affordable multifamily rental housing; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GOLDWATER (for himself and Mr. KASTEN):

S. 2172. A bill to amend the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

By Mr. CHILES (for himself and Mr. HOLLINGS):

S. 2173. A bill to enable the shrimp industry to establish, finance, and carry out a coordinated program of research, quality enhancement, and producer and consumer education in order to improve, expand, maintain, and develop markets for shrimp; to the Committee on Commerce, Science, and Transportation.

By Mr. KASTEN:

S.J. Res. 156. A joint resolution to designate April 9, 1982, as "POW-MIA Commemoration Day; to the Committee on Judiciary.

By Mr. MOYNIHAN (for himself, Mr. Pryor, Mr. Inouye, Mr. Williams, Mr. Riegle, Mr. D'Amato, Mr. Levin, Mr. Kennedy, Mr. Randolph, Mr. Quayle, Mr. Mitchell, Mr. Matsunaga, Mr. Lugar, Mr. Jackson, Mr. Huddleston, Mr. Eagleton, Mr. Heinz, Mr. Kasten, Mr. Armstrong, and Mr. Garn):

S.J. Res. 157. Joint resolution to provide for the awarding of a special gold medal to Her Majesty Queen Beatrix in recognition of the 1982 bicentennial anniversary of diplomatic and trade relations between the Netherlands and the United States; indefinitely postponed.

By Mr. SYMMS:

S.J. Res. 158. Joint resolution expressing the policy of the Government of the United States of America with respect to the Government of Cuba, to the Committee on Foreign Relations.

By Mr. ROTH (for himself, Mr. Long, Mr. Durenberger, Mr. Goldwater, Mr. Laxalt, Mr. Leahy, Mr. Moynihan, Mr. Zorinsky, Mr. Levin, Mrs. Hawkins, Mr. Baucus, Mr. Hayakawa, Mr. Riegle, Mr. Sasser, Mr. Tsongas, Mr. Chafee, Mr. Weicker, Mr. Heflin, Mr. Kasten, Mr. Burdick, and Mr. Percy):

S.J. Res. 159. A joint resolution entitled the "White House Conference on Productivity Act"; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. Heinz):

S. Res. 332. A resolution to assure Israel's security and to oppose advanced arms sales to Jordan; to the Committee on Foreign Relations.

By Mr. MATHIAS, from the Committee on Rules and Administration:

S. Res. 333. An original resolution authorizing expenditures by committees of the Senate; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2167. A bill to amend the Unfair Competition Act of 1979 and Clayton Act to provide for further relief in the event of unfair foreign competition; to the Committee on the Judiciary.

(The remarks of Mr. Specter on this legislation appear earlier in today's Record.)

By Mr. BRADLEY:

S. 2168. A bill to amend section 235 of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

BRAM HOLLOW CONDOMINIUM

Mr. BRADLEY. Mr. President, the bill which I am introducing is necessary to halt an imminent threat to an important housing project in Jersey City, N.J. The St. Patrick's Church Bram Hollow Condominium project may grind to a halt because of a recent decision by the U.S. Department of Housing and Urban Development to place a March 31, 1982, deadline for firm commitments on section 235 mortgage subsidy projects.

The Bram Hollow project is unable to meet the March 31 deadline because the sponsors appropriately operated under the assumption that the deadline would be the end of the fiscal year until a change in the law, effective this January sped up the deadline. Recognizing that this was a problem for municipal projects, Congress passed, and the President approved, an extension of the deadline for those projects.

St. Patrick's proposes to build, on its own land, moderate income housing for 36 families in Jersey City. After much planning, the church began its search for a developer in spring 1981. In July, an application was submitted to HUD for a formal reservation. In August 1981, HUD gave St. Patrick's a reservation. From August to December of last year St. Patrick's completed the steps necessary to meet additional HUD requirements. Since New Jersey law requires approval by the State attorney general before the offering of a prospectus this additional delay has prevented advertising or accepting deposits on the condos. In January 1982 St. Patrick's applied to the attorney general for approval. In late January they were permitted to accept preliminary reservations and nonbinding reservations. St. Patrick's is now awaiting final approval of their prospectus which is expected by mid-March which will permit the acceptance of binding contracts of sale. After approval the 10 persons who have submitted nonbinding reservations will have 15 days within which to submit contracts of sale or receive refunds. After submission of a contract application for a mortgage is submitted for an FHA loan, processing takes 8 weeks. Afterward HUD approval takes about one week. Then a firm commitment is issued.

As is quite apparent from these facts, it is impossible for St. Patrick's Church to meet a March 31 deadline—not because they have procrastinated, but because the process of Federal, State, and local governmental approvals is slow.

The bill I am introducing today would amend section 235 to return this deadline to the end of fiscal year 1982, not only for housing which is developed on land owned on September 30, 1982 by a municipal sponsor, but for such projects sponsored by a charitable organization. This would insure that money appropriated to provide home ownership opportunities for moderate income families will be used for that purpose. Groups such as St. Patrick's Church have acted in good faith and developed proposals for badly needed housing units. The current housing market only intensifies the need for these projects. We ought to at least permit approved projects to use funds which have already been appropriated for this purpose.

The question is simply whether we will permit a last minute change in the rules to shelve the months of planning and to dash the hopes of those families in Jersey City who are counting on this project.

By Mr. PRYOR:

S. 2169. A bill making a rescission of certain funds for the Department of Defense for the fiscal year ending September 30, 1982; to the Committee on Appropriations and the Committee on the Budget, jointly, pursuant to the order of January 30, 1975.

M-9 ARMORED COMBAT EARTHMOVER

Mr. PRYOR. Mr. President, the Federal budget is under severe constraints. The cost of defense, when added to the so-called uncontrollable costs of major entitlement programs, is rising faster than revenues can be found. Every department, including defense, is going to feel the squeeze of reduced resources.

In this context, it is alarming to note that the costs of defense are joining the ranks of the uncontrollable. As a result of major modernization efforts occurring simultaneously in all services and the accompanying huge increases in procurement accounts, we are undermining our budgetary flexibility in the out-years. We find that it is often impossible to make real reductions in outlays because we are obligated by the decisions of previous years. And we almost invariably find that our obligations are more expensive than we thought they would be. And when we find that what we have bought does not work as well as we had expected, it only increases our sense of frustration and disappointment.

I am, therefore, pleased to introduce a bill that will cut some $40 million in outlays for a program that is an all too typical disappointment, the M-9 armored combat earthmover, or ACE. This vehicle is essentially a high-speed bulldozer designed to go into battle with the M-1 tank. It was originally supposed to cost some $200,000; but now the price tag has risen to more than $1 million apiece, and we plan to buy between 600 and 1,400 of them.

The ACE is not a weapon system. It does not destroy Warsaw Pact tanks. It does not terrorize Soviet infantry. It digs holes. The program is likely to have procurement costs of around $1 billion, at a time when the search for economies in the Defense Department might mean the usual cuts from crucial operations and maintenance accounts.

The Army tells us that we need the ACE because the M-1 cannot dig itself in, unlike the old-fashioned, obsolete tanks it is replacing. The idea is that the ACE will give the M-1 increased survivability. We were never told that the M-1, with its low silhouette and great speed, would be anything less than the most survivable tank in history. But the Army tells us that we must have a bulldozer that can roar into battle at 40 miles per hour or we will endanger our wonderful tanks.

What I fear most is that this is typical of the way we develop our doctrine, the way we identify what the armed services need and absolutely cannot do without. Complexity leads to greater complexity. We have a fast tank, so we have to have a hot-rod bulldozer, no matter the cost.

To add insult to injury, the Defense Department awarded the contract for the first $40 million and 36 bulldozers on a sole-source basis. Of course now it seems that we might get no more than 25 bulldozers for that first $40 million. And the Defense Department has identified the program as a likely candidate for multiyear procurement.

Luckily, it is not too late for us to save $40 million now, before we throw it down a deep hole, and a lot more later on. I understand that the original $40 million is as yet unobligated, and I propose that we rescind those funds before they are wasted.

I ask unanimous consent that the bill and two recent newspaper articles on this subject be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That of the funds appropriated under the head "Other Procurement, Army" for fiscal year 1982 in Public Law 97-114, $40,400,000 appropriated for the M-9 Armored Combat Earthmover are rescinded.

[From the Washington Post, Mar. 3, 1982]

Recall the M1's ACE? Now It's Got a Problem

(By Walter Pincus)

You remember ACE, that plucky little bulldozer the Army decided to buy some time ago to help solve a problem with its new M1 tank?

Well, it seems that ACE has a problem, too.

In just three months its price has gone up almost 50 percent, from $1.1 million per dozer last December to an estimated $1.6 million last week. And even at that price, the Army is not certain that the sole-source contractor, Pacific Car and Foundry Co. of Renton, Wash., will be able to build it, Army sources say.

ACE stands for Armored Combat Earthmover. The Army decided it needed the ACE to help the speedy M1 tank dig in when the M1 arrived wherever it wanted to be in battle. While the M1 is fast, its transmission is too delicate for clearing away battlefield debris or for simple, soft-earth moving. And while the Army's current bulldozer, the D7, is an unsurpassed digger, it is much too slow to keep up with the M1.

The new price increase is not the first for ACE. When the new bulldozer was first proposed in fiscal 1978, its cost was put at $200,000 each. Congress would not buy it. The next year the price had risen to $660,000. Again, Congress said no.

When the Army came back a third time last year, the cost per unit was put at about $1.1 million—$40.4 million for the first 36 machines. This time, Congress voted aye.

But no sooner had it done so than the Army began a design review, which was completed last week. That inquiry found, according to Army sources, that the ACE needed a new, more expensive cooling system and additional armor on the top to bring it up to the performance level it was described as having already attained. In addition, some parts have now risen in price.

Last week, the Army said its initial response to this would be to buy fewer vehicles. An Army official said that the fiscal 1982 money would be enough to buy only "25, or maybe even less." But, he added, the additional cost would eventually help bring the price down for future ACEs.

And then Defense Secretary Caspar W. Weinberger indicated in testimony before a House Appropriations subcommittee that the Army might even stop buying them altogether. After calling the ACE a "useful enough gadget," he said, "We are not going to purchase any more."

A spokesman in Weinberger's office, however, said the secretary meant to say only that there is no money for ACEs in the fiscal 1983 budget before Congress. As to the Army's future plans to buy more ACEs, the spokesman said that that "is what the service wants today . . . Whether the secretary will approve it next year is an open-ended question."

The Army, meanwhile, has shifted ground on the M1-ACE combination in two other ways. First is the basic question of whether the M1 is too delicate to be fitted with a blade and do the simple scraping and soft-dirt moving that the older M60 tank still in service can.

When official testimony to this effect was first noted in a Washington Post report Feb. 9, Maj. Gen. James P. Maloney, director of Army weapons systems, wrote this newspaper that "our older tanks have such a blade, and so will the M1."

That contradicted what Army Chief of Staff Edward C. Meyer told Congress last year, which was that to put a blade on the M1, "You would have to use a different engine, different transmission."

Now, an Army spokesman has contradicted Maloney. The spokesman said last week that the Army plans only to "look at a device in August" that the Israelis have that could be attached to the M1 and serve as a blade.

The second problem has to do with how many ACEs the Army wants. Last year it said 1,300, but in a statement last week, the Army raised this to 1,400 to meet not only needs of the mobile regular forces but also the Rapid Deployment Force. In addition to all its other attributes, the Army says the ACE is the only bulldozer built that can be airdropped.

Tanks That Need a Butler

(By Mary McGrory)

While he was roaring through the Siegfried Line in the lead tank, in the fall of 1944, Gen. George S. Patton Jr is said to have sent back a message to GenComZone in Paris: "Have just p - - - ed in Rhine. For God's sake send gasoline."

You'll get no such message from any Patton of tomorrow. He'll be trying to cope with the Army's new M1, a $2.5-million baby which goes into battle with a butler and a nanny close behind.

The M1, if it were a child, would be Little Lord Fauntleroy. If it were a dog—and some people think it is—it would be a thoroughbred greyhound, fleetfooted but highstrung. It is so finely bred that it cannot dig a hole, which, if it were to fire its guns at the enemy from a stationary position, it would probably want. That was all that coarse, old-fashioned, unchaperoned tanks ever had to do.

Why not put a hole-digging capability on the M1, so you wouldn't need the ACE, the Armored Combat Earthmover, to accompany it to the front like a stage mother? Hear a general explain to a congressional committee:

"It would mean radical changes. It is not just adding a blade. There are a lot of other things you would have to do."

The ACE only costs $1.1 million, for heaven's sake. And how in the world is the Pentagon going to spend the $258 billion that Ronald Reagan is sending it if it's going to nickel-and-dime itself to death looking for practical solutions to expensive mistakes?

The M1, for all its beauty and speed, has another slight defect which requires another vehicle in its supporting cast. It gets very low mileage on its gasoline.

The cost of sending fuel trucks with tank battalions would be a mere $63 million more. Patton would not have to send salty wires back to headquarters for more gasoline. He would have the fast-lunch van for his tanks right with him, providing, of course that the tank, the earthmover and the fuel truck could manage to stay together in the heat of battle.

This of course, raises the question of command structure. Who would be in charge? The bulldozer—excuse me, Armored Combat Earthmover—would presumably have to race ahead to scout out a berth for the tank. I am assuming they will have an elaborate radio-communications system among the three vehicles, but that may be just the beginning of the problem.

What if he hears on his earphones orders from the tank to dig in at a certain coordinate on the map? The ACE finds the spot, radios back that it is solid rock and, besides, the view is rotten. The fuel truck comes in. It is running out of gas. Does it give its remaining drops to the tank or the ACE?

They might have to wire the commander-in-chief for a decision on that one. Getting that message encoded and back and forth to 1600 Pennsylvania Ave. could mean the loss of valuable digging time.

Gen. Erwin Rommel used solo tanks with great effectiveness in the desert of North Africa in World War II. How will the clinging-vine M1 perform in the sand? In the desert it is plainly visible from above. Apparently, the ACE could dig it a grave deep enough to provide overnight cover. But what about the ACE, which, weighing in at 34,000 pounds, is somewhat noticeable? After burying the M1, what would it do with itself until dawn?

Would it have to be dismantled and reassembled in the morning? But hark! It is, its fans say, "air-droppable," which means it could be flown back to Saudi Arabia and catch an early return flight in the morning.

But we still have the fuel truck. Could it hitch a ride on the ACE and be dropped off in Saudi Arabia for the night? Would they drop the vehicles with the people in them, or do the personnel parachute? This could start a jurisdictional war with the Air Force, but when you are talking about a Rapid Deployment Force, you have to take risks.

But anyone who has ever driven a party of more than three on a long journey knows where the real rub comes. Deciding when and where to put up for the night can produce acrimonious stalemate.

Someone wants to keep going until dark. Someone says it's better to quit early and get a decent hotel. In the sands of the Persian Gulf, this would be no problem. But in Germany—and aren't we going to stop the Reds at the Oder?—some fuel truck jockey is going to insist that the best Wiener schnitzel on the continent is only a village away, and the ACE operator says the local beer is better right where they are. The tank commander will have to be more diplomat than warrior.

Our only hope is that the Soviets also have an M1, that they are even now patting it on the turret, telling it not to be afraid in the dark, that it will never be alone, that the butler and the nanny will take care of it, even when, assuming both sides solve their logistical problems, the guns are going off.

I think if Gen. Patton had ever met an M1, he would have slapped it in the face.

By Mr. DODD:

S. 2170. A bill to amend chapter 6 of title 5, United States Code, with respect to the requirements for the preparation of regulatory analysis; to the Committee on the Judiciary.

REGULATORY FLEXIBILITY ACT

● Mr. DODD. Mr. President, I am proposing today legislation to remove a loophole in the Regulatory Flexibility Act that I do not believe the Congress ever intended to leave open.

My bill would make clear that the Regulatory Flexibility Act is intended to apply to all rules published for public notice and comment that may have a substantial impact on small business or other small institutions. Under the current language of the act, several Federal agencies have claimed that their rules are exempt from the analyses required under the Regulatory Flexibility Act. Certain exemptions are certainly valid. The Congress clearly did not intend that the Regulatory Flexibility Act apply to rules not published for public comment. But where public comment is solicited, and where these proposed rules could have a significant impact on small business, I believe it was intended that the Regulatory Flexibility Act be brought to bear. Rules published for public comment by the Department of Defense and the Internal Revenue Service are of particular importance to small business, yet both have been reticent in complying with the act.

I will attempt, in the remainder of my statement, to demonstrate the implications of and weaknesses in the arguments for exemption put forward by the DOD and the IRS. I believe in the process, the need for congressional clarification by way of amending the act and the need for close congressional oversight of the act will become clear.

The Regulatory Flexibility Act, passed by the 96th Congress, requires that agencies, in developing rules that would have a significant impact on a substantial number of small businesses undertake a regulatory flexibility analysis to determine what that impact might be under alternative ways of implementing the rule. Agencies are encouraged to adopt the least onerous approach or exclude small business from coverage completely. The findings and purposes section of the act are straightforward and unambiguous in expressing the congressional rationale and objectives and I ask unanimous consent that a copy of that section be printed in the RECORD following my statement.

Mr. Frank Swain, Chief Counsel for Advocacy at the Small Business Administration, succinctly summarized the Regulatory Flexibility Act's intent in testimony last October 7, before a House Small Business Subcommittee when he stated:

> The Regulatory Flexibility Act imposes a requirement of regulatory analysis, and the expectation is that Federal agencies' sensitivity to the needs and problems of small entities will increase, and different regulatory decisions will result.

He went on to say:

> The instrument of regulatory analysis is basically a self-help mechanism for the Federal regulator. Making him think first before acting, making the rulemaking process itself more open to those who are most directly affected by that process, and making sure that regulations more frequently reflect rather than dictate economic realities."

Mr. Swain's predecessor as Chief Counsel for Advocacy, Mr. Milton Stewart, characterized the act as:

> An effort by what is perhaps the largest institution in the world to limit its own negative regulatory impact on "small business". It is a conscious and laudable, if overdue, effort at self-control, at forbearance in the exercise of power.

I ask unanimous consent that a copy of the "Message From the Chief Counsel," printed in the Small Business Administration's Guide to the Regulatory Flexibility Act, from which this latter quote was taken, be printed in the RECORD following my statement.

The loophole being used by some agencies to avoid this selfhelp mechanism, to avoid forbearance in the exercise of power, lies largely in a technical misinterpretation of the act.

Specifically, the act requires that when an agency publishes a general notice of proposed rulemaking "pursuant to section 553(b) of the (Administrative Procedure Act), or any other law," it must undertake a regulatory flexibility analysis unless the agency certifies in advance that the proposed rule would not have a significant impact on a substantial number of small businesses or other small entities.

My proposal would strike the language "pursuant to section 553(b) of this title, or any other law," in the definition of "rule," and similar language in two other sections of the act, so as to make the act read:

> Whenever an agency publishes general notice of proposed rulemaking for any proposed rule, the agency shall prepare and make available for public comment . . . a regulatory flexibility analysis.

The change would not make the Regulatory Flexibility Act an independent authority or mandate for any Federal agency to publishing for public notice and comment any rule which it would not otherwise publish. It simply would require that when the rulemaking process is opened up to the public, its impact on the little guys, as well as the big ones be assessed. It would require that the rule writers attempt to increase their sensitivity to the needs and problems of small entities. It would require that rule writers to think first before acting.

I do not think that is too much to ask, but apparently the officials of some Federal agencies and departments do.

The most notable examples that have come to my attention are the Department of Defense and the Internal Revenue Service. Both of these agencies have claimed a near blanket exemption from the requirements of the Regulatory Flexability Act on the grounds that they are not "required by section 553(b) of the (Administrative Procedure Act), or any other law" to publish notice of proposed rulemaking for public comment. I should point out that both of these agencies regularly publish notice for comment of their own volition. I commend them for their action, and hope they will continue this practice.

I ask unanimous consent that copies of correspondence between the SBA's chief counsel for advocacy and the Office of General Counsel of the Department of Defense concerning the applicability of the Regulatory Flexibility Act be inserted in the RECORD. This correspondence makes it clear that the DOD considers itself completely exempt from the Regulatory Flexibility Act as a consequence of the language addressed by my proposed amendment.

The Internal Revenue Service made its position clear when it published, on October 8, 1981, its notice of proposed rulemaking concerning pooling of industrial development bonds, a matter of tremendous importance to small business. The proposal stated:

> Although this document is a notice of proposed rulemaking which solicits public com-

> ment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretive and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act.

These items illustrate the technical arguments on which the DOD and the IRS base their claims of exemption from the Regulatory Flexibility Act. Both agencies publish rules for public notice and comment, but they assert that unlike other agencies, it is not necessary for them to comply with this particular step in the rulemaking process.

The technicality upon which the DOD and the IRS base their exemption contains sufficient ambiguity to leave open the question of congressional intent of the applicability of the Regulatory Flexibility Act to the proposed rules. This ambiguity, and its implications, were addressed by Mr. Swain in his October 1981, testimony before Representative ANDY IRELAND's Subcommittee on Export Opportunities and Special Small Business Problems. I ask unanimous consent that Mr. Swain's testimony concerning the Department of Defense and the Internal Revenue Service be printed in the RECORD following my statement.

I also ask unanimous consent that a copy of a recent article published in nation's Business, "A Fairer Shake for Small Business," be printed in the RECORD.

Representative IRELAND, the chief sponsor of the Regulatory Flexibility Act in the House of Representatives, should be complimented for his prompt and conscientious oversight, within the House Small Business Committee, of the implementation of this landmark legislation. I would also like to commend Representative JOHN LAFALCE, chairman of the House Small Business Committee's General Oversight Subcommittee, for specifically addressing the issue of the application of the Regulatory Flexibility Act to Department of Defense procurement during hearings on small business and the Federal procurement system in June of 1981. Prompt and frequent oversight of major legislation such as the Regulatory Flexibility Act is essential. Such vigorous hearings will insure effective implementation, and uncover gaps the act may fail to address because of technical deficiencies in the legislation, or problems created as a result of administrative misinterpretations. This is particularly important in the case of laws affecting agencies' administrative procedures which affect practically every activity of the Federal Government.

Setting aside for the moment technical interpretations of the law, the most disturbing element of the positions taken by the DOD and the IRS is the arrogance reflected in their attitudes. The legislative history of the Regulatory Flexibility Act makes it abundantly clear that technical compliance with the law would achieve little of substance without a change in attitude. In fact, the Senate's own record of August 6, 1980, the day the act passed this body, states explicitly that the goals of the act, "can be met largely through attentiveness by rulemakers to the unique problems of smaller institutions." The DOD's and the IRS' virtually absolute refusal to comply with the act reflects, more than anything else, an arrogance and insensitivity toward small business and other small institutions that is a clear violation of the spirit of the law even if it is not a technical violation.

The Department of Defense provided perhaps the clearest example of this arrogance on October 2, 1981, in its response to Mr. Swain's inquiry concerning the application of the Regulatory Flexibility Act to a rule published on September 11, 1981, by DOD for public notice and comment. I would like to quote briefly from DOD's response and ask that copies of Mr. Swain's letter and DOD's reply be printed in the RECORD.

> . . . Concerning the proposed Department of Defense instruction of "education of handicapped children in the DOD dependent schools".
>
> Under 5 U.S.C. sections 603 and 604, agencies are required to prepare initial and final regulatory flexibility analyses of specified types of rulemakings conducted pursuant to 5 U.S.C. section 553. Section 553, however, does not apply to rules involving "a military . . . function of the United States".
>
> As I am sure you will readily agree, the overseas dependent schools, which are maintained primarily to serve the children of members of the Armed Forces stationed abroad, are an integral part of the military mission of this Department. Thus, regulations governing the overseas schools are exempt from the requirements of section 553.
>
> The proposed instruction, therefore, was not subject to the procedural requirements of the Regulatory Flexibility Act on that basis alone.

While the claim of exemption of this proposed rule from section 553 of the APA under the military function exemption of title 5, is debatable, the important point is that the DOD did publish this rule for public comment and it was a rule that could have a significant impact on a substantial number of small institutions, namely the schools that educate military dependents overseas. An assessment of that impact during the rulemaking process, as called for by the Regulatory Flexibility Act, would clearly not have jeopardized any aspect of military security and may well have led to a rule that enhanced the ability of these schools in meeting the educational needs of military dependents.

Again, my amendment would not require the DOD to publish for public comment any rule it does not elect to otherwise publish. It would require, where appropriate, that the Department specifically assess the impact of its rules on small business and other small entities such as schools. Those rules of chief significance to small business, of course, are DOD's procurement rules which affect billions of dollars of Government contracts annually.

It has been argued by some that the Department of Defense might cease publishing rules for public notice and comment if, by publishing, it will have to comply with the Regulatory Flexibility Act. The argument has been put forward that if my proposal is adopted, and the voluntary publication of proposed procurement rules by the DOD is ended, the result will be even less opportunity for small business to participate in Defense Department procurement.

In response, I remind my colleagues that Public Law 93-440, as amended by Public Law 96-83, (which is the enabling legislation for the Office of Federal Procurement Policy (OFPP)), requires the development of procurement rules Governmentwide that include "establishing criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties." The Department of Defense is not exempt from this law and the rules for implementing Public Law 96-83 are currently being developed. Publication of proposed rules governing procurement by the DOD will not be strictly voluntary when this law is fully implemented.

In further response to this argument, I would suggest that the entire matter of the military function exemption under section 553 of the APA might well merit reexamination by the Congress. This exemption and its use are certainly matters on which the Congress, not the Department of Defense, should have the final word. I would urge the Committee on the Judiciary to include an examination of this exemption in any oversight hearings on the rulemaking process.

Finally, Mr. President, the question of whether or not a different attitude or different perspective can be effected in a Federal agency and whether or not such an attitudinal factor can make any real difference in Federal regulations does not have to be answered hypothetically. Mr. Swain's testimony in October illustrates that change in attitude and the difference it can make in the case of several agencies with which his office has worked during the first year under the Regulatory Flexibility Act.

Perhaps the best example of the difference that can be made by a sensitivity to the unique characteristics of small business is provided by the Environmental Protection Agency. The EPA began exploring alternative ways to implement regulations to reduce the burdens on small business long before the Regulatory Flexibility Act was enacted. In fact, the EPA provided many of the models for regulatory flexibility analyses that were studied by the Congress during the development of the act. It is not surprising that Mr. Swain's October testimony concerning the Environmental Protection Agency and the Regulatory Flexibility Act gives that agency the highest marks of all Federal agencies in its compliance with both the letter and the spirit of the law. I ask that Mr. Swain's comments on the EPA be pritned in the RECORD. These comments stand in stark contrast to those concerning the Department of Defense and the Internal Revenue Service.

I believe my proposed amendment will move us a step closer to making that contrast less dramatic and I urge the Senate to support its provisions.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 601 (2) of title 5, United States Code, is amended by striking out "pursuant to section 553 (b) of this title, or any other law".

(b) Section 603 (a) of such title is amended by striking out "is required by section 553 of this title, or any other law, to publish" and inserting in lieu thereof "publishes".

(c) Section 604 (a) of such title is amended by striking out "under section 553 of this title, after being required by that section or any other law to publish" and inserting in lieu thereof a comma and "after publishing".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds and declares that—

(1) when adopting regulations to protect the health, safety and economic welfare of the Nation, Federal agencies should seek to achieve statutory goals as effectively and efficiently as possible without imposing unnecessary burdens on the public;

(2) laws and regulations designed for application to large scale entities have been applied uniformly to small businesses, small organizations, and small governmental jurisdictions even though the problems that gave rise to government action may not have been caused by those smaller entities;

(3) uniform Federal regulatory and reporting requirements have in numerous instances imposed unnecessary and disproportionately burdensome demands including legal, accounting and consulting costs upon small businesses, small organizations, and small governmental jurisdictions with limited resources;

(4) the failure to recognize differences in the scale and resources of regulated entities has in numerous instances adversely affected competition in the marketplace, discouraged innovation and restricted improvements in productivity;

(5) unnecessary regulations create entry barriers in many industries and discourage potential entrepreneurs from introducing beneficial products and processes;

(6) the practice of treating all regulated businesses, organizations, and governmental jurisdictions as equivalent may lead to inefficient use of regulatory agency resources, enforcement problems, and, in some cases, to actions inconsistent with the legislative intent of health, safety, environmental and economic welfare legislation;

(7) alternative regulatory approaches which do not conflict with the stated objectives of applicable statutes may be available which minimize the significant economic impact of rules on small businesses, small organizations, and small governmental jurisdictions;

(8) the process by which Federal regulations are developed and adopted should be reformed to require agencies to solicit the ideas and comments of small businesses, small organizations, and small governmental jurisdictions to examine the impact of proposed and existing rules on such entities, and to review the continued need for existing rules.

(b) It is the purpose of this Act to establish as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.

MESSAGE FROM THE CHIEF COUNSEL

This pamphlet is an introduction to a new law—the Regulatory Flexibility Act (RFA). Its major features are outlined for laymen; they may check what is said against the brief text of the law which is printed in full.

Several reasons are suggested for using the term "landmark" to describe the importance of the new statute as a law. But there is an even "larger-than-law" sense in which the RFA is a "landmark" for those concerned with diversity, competition, balance, and individual opportunity in our economy—as well as our political liberty. This law is a prime example of a big institution—our Federal Government—imposing a new discipline on itself. It is an effort by what is perhaps the largest institution in the world to limit its own negative regulatory impact on "small entities." It is a conscious and laudable, if over-due, effort at self-control, at forbearance in the exercise of power.

In that sense, the RFA is an important and promising precedent in two directions. The same direct effort to limit the negative effect of Federal "uniform action" on large and small entities needs to be extended beyond regulation. And, indeed, in the fields of taxation, procurement, capital and credit, science, and technology support—in all these areas we are intensifying the quest for multi-tiered policies to replace the spurious equality of treating large and small entities in the same way.

To understand what is meant by "spurious equality" just think of a single regulation's impact on two competing businesses of very different sizes. Larger Company, Inc. has assets of $5,000,000 and sales of $10,000,000. Smaller Company, Inc. has assets of $500,000 and sales of $1,000,000. Now each must comply with the same Federal regulations; that looks and sounds fair. But assume the cost of compliance is $10,000—the same indirect tax is being imposed on both. Obviously, the Federal Government is intervening in the marketplace with a burden that will be heavier for the small business to bear. Larger Company, Inc. has 10 times the sales and assets over which to spread the cost of regulation.

While it looks and sounds fair, it is a spurious equality of treatment. The Federal Government is actually intervening in the marketplace on the side of the larger business, giving it a new non-market competitive edge. Now multiply the one regulation by 100 to reflect many regulations. The cumulative impact becomes a major obstruction to small entities and a built-in synthetic bias and pressure towards bigness. Obviously, we want no needless and indefensible regulation of anyone by government. But where regulation is necessary, the RFA brings the welcome relief of genuine fairness—regulation must be tailored to the size and ability of the regulated to bear the burden—as well as the other legitimate goals of proper regulation.

What is happening in government, moreover, needs to be made a model for the giant institutions of the private sector. They too, in ways appropriate to their roles, must contribute to the survival and expansion of "small entities." Multinational businesses, major unions, universities—all can profit from this example of self-discipline and forbearance.

The RFA culminates a long period of effort by the organized small business community, capped by the January 1980 White House Conference on Small Business. Small business leaders know only too well that even the best intended laws may be made dead letters by the way they are administered. Whether this happens to the RFA will depend first on the way hundreds of government managers and their lawyers view the changes sought by the RFA. They can support the quickest, most thoroughgoing changes in the direction spelled out in the new Act. Or they can dig in and fight to limit and delay its force in many subtle ways at which they can be so expert.

The Office of Advocacy will, of course, do its best to perform its monitoring mission under the Act. To succeed it will need the vigilant, thoughtful, and active participation of many private citizens. A task force on regulatory flexibility is being established to help with the tasks of education and implementation. It will ultimately include economists, local officials, and small business people as well as lawyers.

Even good causes are soured by excessive zeal. It is important for us now to avoid creating new problems as we try to solve the old ones.

We need and solicit the advice and assistance of all those interested—but especially the groups and leaders who represent those whom the RFA is intended to help. We also need the awareness by small entities that responsible behavior is necessary and required by all of us if regulatory flexibility is to work. This law is a good and useful tool which will help correct abuses of long-standing.

MILTON D. STEWART,
Chief Counsel, Office of Advocacy.

SBA: THE REGULATORY FLEXIBILITY ACT—BETTER FEDERAL TREATMENT FOR SMALL ENTITIES

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., December 5, 1980.

DEAR AGENCY OFFICIAL: The Office of Advocacy is pleased to send you a copy of our pamphlet which describes major elements of the recently passed Regulatory Flexibility Act (RFA), Public Law 96-354. The RFA amends the Administrative Procedure Act (APA), adding a new chapter VI, providing for special considerations of small entities in rulemaking and becomes effective on January 1, 1981.

This Act affects every agency in the Federal Government—all executive and independent agencies which propose rules, pursuant to notice to the public.

The Act designates the Chief Counsel for Advocacy to monitor government-wide performance of agencies in regulating "small entities" of all three kinds. The Act requires special treatment in the regulation of small business, small cities and counties, and small voluntary associations, among others.

I request that you designate a Regulatory Flexibility Officer to monitor activities under the Act in your agency and to serve in a liaison capacity with the Office of Advocacy. The officer you designate will hopefully have a solid background in administrative law and also have a firm grasp of your agency's substantive policies. It is important that you designate such an officer immediately and notify us of your action as soon as possible.

I believe it would be mutually beneficial to discuss the RFA and the concept it embraces, as well as its technical provisions, prior to its effective date. I would like to invite you to such a meeting to be posted by the Office of Advocacy on Wednesday, December 17, 9:30 a.m. in room 214 in the Small Business Administration building at 1441 L Street, N.W.

It is also important that your agency establish an inventory with the trade associations and small entity organizations affected by your regulations in the past. It would be desirable for you to contact them and advise them on how your agency will provide for their participation in rulemaking as required by the Act.

You may also find it appropriate and beneficial to brief the President-elect's Transition Team assigned to your agency on the urgency and significance of the Regulatory Flexibility Act.

The Act is reprinted in the enclosed pamphlet; I look forward to establishing a meaningful relationship with your agency regarding implementation of the Act.

Sincerely,

MILTON D. STEWART,
Chief Counsel for Advocacy.

Enclosure.

Honorable Bob Bergland, Secretary of Agriculture, Room 200-A, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250. Mr. Secretary.

Honorable Philip M. Klutznick, Secretary, Department of Commerce, Room 5854, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Mr. Secretary.

Honorable Harold Brown, Secretary of Defense, Room 3E880, The Pentagon, Washington, D.C. 20301. Mr. Secretary.

Honorable Hans M. Mark, Secretary of the Air Force, Room 4E87, The Pentagon, Washington, D.C. 20330. Mr. Secretary.

Honorable Clifford L. Alexander, Jr., Secretary of the Army, Room 3E718, The Pentagon, Washington, D.C. 20310. Mr. Secretary.

Honorable Edward Hidalgo, Secretary of the Navy, Room 4E686, The Pentagon, Washington, D.C. 20350. Mr. Secretary.

Honorable Robert H. Barrow, Commandant General, United States Marine Corps, Arlington Annex, Columbia Pike and Arlington Ridge Road, Arlington, Virginia 20380. Commandant General Barrow.

Honorable Shirley M. Hufstedler, Secretary of Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Ms. Secretary.

Honorable Charles W. Duncan, Jr., Secretary of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Mr. Secretary.

Honorable Patricia Roberts Harris, Secretary of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201. Ms. Secretary.

Honorable Moon Landrieu, Secretary of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20401. Mr. Secretary.

Honorable Cecil D. Andrus, Secretary of the Interior, C Street between 18th and 19th, N.W., Washington, D.C. 20240. Mr. Secretary.

Honorable Benjamin R. Civiletti, Attorney General, Department of Justice, Tenth Street, and Constitution Avenue, N.W., Washington, D.C. 20530. Mr. Attorney General.

Honorable Ray Marshall, Secretary of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Mr. Secretary.

Honorable Edward Muskie, Secretary of State, 2201 C Street, N.W., Washington, D.C. 20520. Mr. Secretary.

Honorable Neil Goldschmidt, Secretary of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. Mr. Secretary.

Honorable G. William Miller, Secretary of the Treasury, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. Dear Mr. Secretary.

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, D.C., February 25, 1981.

Mr. MILTON D. STEWART,
Chief Counsel for Advocacy, Small Business Administration, Washington, D.C.

DEAR MR. STEWART: This is in response to your letters requesting that the Department of Defense designate a Regulatory Flexibility Officer to assist in implementing the Regulatory Flexibility Act, Public Law 96-354, 94 Stat. 1164 (1980). This legislation, an amendment to the Administrative Procedure Act, requires that agencies consider alternative approaches in rulemaking that would tailor a regulation to the size of the business, organization, or government jurisdiction, which is subject to the regulation. The Department of Defense does not engage in any of the rulemaking activities that the Regulatory Flexibility Act was intended to cover. Accordingly, there is no need for the Department of Defense to appoint a Regulatory Flexibility Officer.

Sincerely,

DENNIS H. TROSCH,
Assistant General Counsel (Logistics).

MARCH 20, 1981.

DENNIS H. TROSCH, Esq.,
Assistant General Counsel, Logistics, Department of Defense, Washington, D.C.

DEAR MR. TROSCH: I am writing in response to your letter of February 26, 1981, concerning the applicability of the Regulatory Flexibility Act, P.L. 96-354 to the Department of Defense.

In your letter you stated that it is unnecessary for DOD to appoint a regulatory flexibility officer since "the Department of Defense does not engage in any rulemaking activities that the Regulatory Flexibility Act was intended to cover." We are unable to understand what you mean by this statement. The language and legislative history of the Act indicate that it is of broad applicability.

Furthermore, under 5 U.S.C. section 612, I am required to ". . . monitor agency compliance . . . and . . . report . . . thereon to the President and to the Committees on the Judiciary of the Senate and House of Representatives, the Select Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives." In order to assist me in accomplishing this task, I would appreciate your providing me a more detailed rationale.

If you have any questions please contact Mr. Paul J. Seidman, my Assistant Chief Counsel for Procurement. I look forward to hearing from you.

Sincerely,

A. J. PRENDARGAST,
Acting Chief Counsel, for Advocacy.

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, D.C., June 30, 1981.

Mr. MARSHALL PARKER,
Acting Chief Counsel for Advocacy, Small Business Administration, Washington, D.C.

DEAR MR. PARKER: This is in reply to your letter requesting that I elaborate on the views of the Department of Defense regarding the Regulatory Flexibility Act. As I stated in my earlier letter, we have concluded that the Department of Defense does not issue any regulations that are subject to the Act.

The Regulatory Flexibility Act established, as a principle governing the issuance of regulations, that agencies will attempt to tailor regulatory and informational requirements to the size of the business or other organization which is subject to regulation. This Act does not, however, apply to all regulations. The Act was designed to minimize the economic impact of rules issued by the regulatory agencies; accordingly, the Act applies only to those rules defined as follows: "[T]he term 'rule' means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of this title,[5] or any other law . . ." Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (1980) (to be codified in 5 U.S.C. 601(2)). Section 553 of title 5 exempts military and foreign affairs functions of the United States and exempts matters related to agency management, personnel, public property, loans, grants, benefits, or contracts. The Department of Defense does not perform a regulatory function, and the regulations of the Department of Defense come within these exemptions. There is no other law that requires the Department of Defense to publish a notice of proposed rulemaking. Thus, by its terms, the Regulatory Flexibility Act does not apply.

Our reading of the Act is consistent with the intent of this statute that regulatory agencies should seek to avoid unnecessary economic burdens on the public when adopting regulations to protect the health, safety, and economic welfare of the nation. Unlike rules of general applicability issued by the regulatory agencies, the Department of Defense principally deals with the public through its contracting. Our regulations established the procedures and the terms and conditions under which the Department of Defense contracts. Contractors are compensated in the contract price for complying with these terms.

Congress has enacted statutes pertaining to our contracting activities that in many respects parallel the Regulatory Flexibility Act. Through the Small Business Act, the Congress has made known its favor for small business, and the Department of Defense has implemented an extensive small business program. Under the Small Business Act. Moreover, the Office of Federal procurement Policy (OFPP) is required to conduct analyses of the impact on small business regulating from revised procurement regulations. The policies adopted by OFPP apply to the contracting of the Department of Defense.

In summary, our conclusion that the regulations issued by the Department of Defense are not of the type contemplated by the Regulatory Flexibility Act does not mean that we do not recognize the needs of small business. Although our regulations are not subject to the Regulatory Flexibility Act, we will continue to accommodate the needs of small business through our small business program.

Sincerely,

Dennis H. Trosch,
Assistant General Counsel (Logistics).

Department of Defense

The Department of Defense (DOD) poses a special problem because it is not entirely clear whether the Regulatory Flexibility Act (RFA) applies to its regulations. Because of the specific exemption for regulations pertaining to military functions in § 553(a)(1) of the Administrative Procedure Act (APA), which the RFA amends, it has consistently been the position of the DOD that the RFA does not apply to that agency. Because of the military function exception, almost all DOD regulatory functions are not subject to APA notice and comment rulemaking.

Thus, the passage of the RFA has had no impact on DOD's proposed regulations. Except for the U.S. Army Corps of Engineers (ACE). DOD has totally ignored the RFA. The Assistant General Counsel for Logistics in DOD has written that "the DOD does not issue any regulations subject to the Act" (referring to the RFA). With the exception of an official in the U.S. Army Corps of Engineers, no regulatory flexibility officers have been appointed in the DOD. Nor has DOD shown the slightest interest in special training or sought any information about the RFA or about the Act's underlying concept of regulatory tiering.

From January 1, 1981, the effective date of RFA, to October 1, 1981, the DOD has published seventeen notices of proposed rulemaking in the Federal Register. Of all these proposed rules, there were no initial regulatory flexibility analyses (IRFAs) and only four certifications of no substantial impact on a number of small entities. Two of these certifications were improperly done. Significantly, however, on May 29, 1981, the DOD published a semi-annual agenda of regulations, pursuant to Executive Order 12291. As expected, in the agenda's summary, the DOD states that since the agenda was voluntarily published consistent with the Executive Order, the RFA did not apply. I would like to point out that within DOD's agenda was a section published by the ACE. The ACE stated that pursuant to the RFA, it was publishing "for public information a list of regulations pertaining to the civil functions of the Department."

The ACE issued three of the aforementioned seventeen DOD notices of proposed rulemaking. ACE certified all three as having no substantial impact on a number of small entities, though one contained minor technical shortcomings. All three of these regulations had to do with the designation of danger zones off the coast of Hawaii and California. To the credit of ACE, it is the only division within the DOD which has appointed a regulatory flexibility officer.

Because of the broad-ranging use of the military function exception to the APA, the DOD appears to have decided that outside of the civilian public works function of the ACE, every regulation proposed by DOD pertains to its military functions, and all regulations therefore are exempt from the provisions of the APA and the RFA.

The Office of Advocacy finds this attitude on the part of DOD profoundly disturbing, because by using this broad-brush approach, the DOD has included a whole class of significant regulations which would have a definite substantial impact on a number of small entities. By this we refer to DOD's procurement regulations and to the impact of those regulations on small business and other small entity contractors for DOD procurement.

DOD argues that because of § 553(a)(2) of the APA, its procurement regulations, aside from being military functions, are exempt from notice and comment rulemaking, and accordingly, from the RFA. We believe this is too narrow a reading of DOD's responsibilities. RFA does apply to procurement regulations because § 603(a) of the RFA states IRFAs must be conducted "whenever an agency is required by § 553 of this title (Title 5 U.S.C.) or any other law (emphasis added), to publish general notice of proposed rulemaking for any proposed rule. . . ." The "other law" regarding procurement regulations is P.L. 93-400 and its amendment P.L. 96-83, which is the enabling legislation of the Office of Federal Procurement Policy (OFPP). This statute specifically states that the functions of the OFPP Administrator (who has overall leadership in developing and implementing procurement policies) include "establishing criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms." All procurement regulations are subject to this type of notice and comment rulemaking, and DOD's procurement regulations are not exempted from this requirement.

This is obviously a complicated area, and this Subcommittee might well wish to pursue the issue of procurement and the Regulatory Flexibility Act in separate hearings.

Internal Revenue Service

In the important subject of tax policy and procedure, the Internal Revenue Service (IRS) has purported to comply with the letter of the Regulatory Flexibility Act (RFA). But the IRS has certainly not embraced the spirit of the law. The provisions of the Act apply to "rules" of "agencies" for which the agency publishes a general notice of proposed rulemaking pursuant to Section 553(b) of the Administrative Procedure Act (APA). However, interpretative rules, general statements of policy, and rules of agency procedures, organization or practice are specifically exempted from the requirements of APA Section 553(b). Thus, the APA applies to so-called legislative rules.

Generally, a legislative rule is promulgated by an agency pursuant to a specific grant of legislative power by the Congress. Interpretative rules do not rest on any specific statutory delegation of authority. Instead, they are promulgated under the authority of delegated interpretative power to assist in the implementation of a statute by an agency.

In the tax area, the Treasury Department has taken the position that the great bulk of IRS regulations are interpretative. It should be noted that IRS usually follows the routine requirements of the APA even with respect to interpretative rules. Nevertheless, in the context of the Regulatory Flexibility Act, the Internal Revenue Service has utilized the distinction between interpretative and legislative regulations and the exemption of the former from the provisions of the APA to minimize efforts under the RFA, in the tax area.

In those instances where Congress has specifically delegated authority to the Treasury Department/Internal Revenue Service in certain sections of the Internal Revenue Code to write detailed rules, the IRS has considered regulations issued pursuant to such provisions to be legislative and has fully complied with the requirements of the RFA applicable to such regulations. Examples are regulations issued in the LIFO inventory area and those promulgated pursuant to the Windfall Profit Tax Act of 1980. However, where regulations have been issued, without such specific statutory delegation of authority, the Treasury Department has claimed exemption from the RFA on grounds that such rules are interpretative, and therefore, not subject to the Act.

Since the majority of tax regulations issued by the Treasury Department/Internal Revenue Service are described as interpretative, this position arguably enables the bulk of tax regulations to escape the scrutiny of the substantive requirements of the RFA despite what the Office of Advocacy considers to be their potential substantial impact on small business. We recognize that IRS's narrow position in this regard enables them to argue that they have to meet only the technical requirements of the law. However, apart from my reservations we have regarding the "interpretative" nature of the bulk of tax regulations, the Office of Advocacy believes this position, even if assumed to be based on solid legal grounds, effectively circumvents the spirit or intent of the RFA in the tax area and provides the basis for a continuation of the status quo. In view of the importance of taxes to small businesses, we find this situation unacceptable and recommend this area as a suitable subject for legislative investigation and action.

A Fairer Shake for Small Business

(By Michael Thoryn)

Says an irreverent Capitol Hill staffer, "Regflex goes after crazy regulations and Equal Access aims at crazy enforcement." His quip sums up the intent of two laws hailed as "milestones" and "significant wins for small business" when they were passed in the fall of 1980.

The Equal Access to Justice Act, which took effect in October, is intended to tear a hole in the deep pockets of litigation-happy federal agencies. Small business people can now recover their legal fees from the agency budget when they challenge a tax or regulatory ruling and win. Supporters say the act restores balance between citizens and government when a disagreement arises.

The Regulatory Flexibility Act, which took effect a year ago, requires the federal government to tailor regulations to the ability of small firms to comply. It is slowly taking hold: Federal agencies and departments, with some reluctance, are revising or dropping burdensome rules.

"It's really good to see something work," says Rep. Andy Ireland (D-Fla.), who labored for three years to move the Regflex legislation through Congress. Ireland, chairman of the Small Business Subcommittee on Export Opportunities and Special Small Business Problems, plans regular oversight hearings to make sure the intent of Regflex isn't scuttled.

Government agencies are now required to give public notice of impending major rules so small business can comment; to weigh the effect of proposed rules on small business; to explain the need for and objective of each proposed rule; and to review all existing rules within 10 years with an eye toward eliminating those that aren't needed.

Regflex sits well with Robert E. Carr, president of Seacor, a marine engineering firm in Cherry Hill, N.J. A delegate to the 1980 White House Conference on Small Business, Carr observes: "Regulatory agencies have made a living out of beating up on the small guy, who had no defenders."

Ireland says Regflex's impact is difficult to measure because of the difficulty of separating it from the impact of two other deregulatory efforts—the Reagan administration Executive Order 12291, which directs the Office of Management and Budget to monitor regulations for cost effectiveness, and Vice President George Bush's Task Force on Regulatory Relief.

Monitoring Regflex compliance at federal agencies is a top priority of the Small Business Administration, says Administrator Michael Cardenas. Frank Swain, SBA's chief counsel for advocacy, whose office the act charges with making sure that Regflex works, likes much of what he surveys. "The act is well on its way to becoming the landmark legislation many believed it to be," Swain says.

It may also be a path to redemption for the often criticized SBA. The agency's loan and management assistance programs help relatively few of the estimated 10 million small businesses. Regflex gives SBA a chance to work for—and thus protect—its entire constituency.

Does small business need protection? Small banks must struggle with the same forms given to giant rivals. A 1980 Department of Energy regulatory analysis proposed an energy efficiency rule for appliances that would have put 80 percent of appliance manufacturers out of business; the rule was withdrawn after protests from business groups.

Regflex does not lengthen the regulatory process dramatically, but it does add a few more steps. The required analysis is "basically a self-help mechanism for the federal regulator, making him think before acting," Swain says.

Among the new considerations: Regulators must estimate the number and kind of small firms a regulation will affect and make a detailed evaluation of the reporting, record-keeping and compliance requirements they anticipate.

As you might expect, agencies aren't enthusiastic about Regflex. Most haven't had to consider small business needs before.

"Bureaucrats are making a stab at it," says Jere W. Glover, a top official in SBA's advocacy office during the Carter administration. "However, I sense an undercurrent of 'Oh my, what am I going to do?'"

Voices rose at Regflex oversight hearings last October when Commissioner Bevis Longstreth of the Securities and Exchange Commission said Regflex was a burden—to the SEC.

"The Regflex act has added little of value to our processes while at the same time imposing internal burdens," Longstreth said. Why, he asked, does the agency have to spend extra staff time on regulatory analysis and review?

"We're not here to discuss the inconvenience to your staff," snapped Rep. Ireland. "You are complaining about your workload. We're concerned about the day-to-day workload of small businesses."

While the SEC, which has simplified stock issue requirements and reporting rules for small business, wishes compliance were easier, the Department of Defense and the Internal Revenue Service don't want to comply, period.

IRS says it only interprets laws and doesn't write regulations—and therefore it can generally ignore Regflex.

"That interpretation [of the act] is unacceptable," says the SBA's Swain.

The Department of Defense argues that military functions are exempt from the Administrative Procedure Act, which Regflex amends. New legislation may be needed to snare the two holdouts.

Other agencies are already complying:

The Interstate Commerce Commission has eliminated the requirement that small motor carriers file annual reports with the commission.

The Labor Department is planning to eliminate a piece of Davis-Bacon Act paper work—a weekly report on each worker. Davis-Bacon requires contractors to pay prevailing wages—usually the highest union wage in the area—on federally funded construction projects.

The Department of Transportation is holding public hearings in the evening to enable small business people to attend.

For Regflex to build on its success—and not be just another regulatory procedure—constant monitoring is needed by both SBA's advocacy office and small business groups. The advocacy office, which has about 25 professionals working on Regflex, aids the writers of agency regulations, tracks their progress and reviews their efforts when regulations appear in the Federal Register. But the real check on abuses, Ireland insists, "is the small business person and his trade association. If silly rules start creeping back in, I'll hear about it."

Federal agencies may not be prepared for Equal Access. "I get the impression agencies will not give Equal Access nearly sufficient thought until some agency gets banged," says Raymond S. Wittig, minority counsel for the House Small Business Committee, adding that eventually there will be "plenty of government losses."

Wittig points out that government attorneys lose about 25 percent of their cases. His best guess for the first small business victory: the Occupational Safety and Health Administration. "Equal Access applies to existing cases, and about 90 percent of cases that come to the OSHA Review Commission are overturned," Wittig says.

To be eligible to recover fees and related costs—the top rate is $75 an hour—businesses must have bad a net worth of less than $5 million or fewer that 500 employes when the action was filed. Individuals' net worth at the beginning of proceedings cannot exceed $1 million.

Equal Access has five key provisions:

It is irrelevant whether it is the government or the taxpayer who initiates litigation.

It is not necessary to prove bad faith by the agency.

The agency must show that its actions were "substantially justified."

It is not necessary to prevail on all issues to receive an award.

There is no dollar limit on awards.

Unfortunately, says Steven F. Holub, national director of tax services as the Laventhol & Horwath accounting firm, the act "has a gaping hole in terms of protecting taxpayer rights." It does not apply to the U.S. Tax Court, which is where litigants often try to get their cases heard, since they may dispute their taxes with IRS without first having to pay the tax allegedly due.

Holub adds, "Equal Access is going to help the small business executive only if he wins. Companies have to weigh the hazard of litigation—they might lose."

Glover, the former official of SBA's advocacy office and now a Washington attorney, points out that if the government agency loses, the money would come out of the agency's budget. Therefore, he says, "the government might think twice about the cost of litigation and change the kind of issues it contests. That is the cure the law envisions."

To Rep. Ireland, Regflex and Equal Access represent "a big stick for attitude change—the bureaucracy must consider small business needs."

It's an important change for millions of small business people.

SEPTEMBER 28, 1981.

Dr. DIANE L. GOLTZ,
Department of Defense Dependents School,
Alexandria, Va.

DEAR DR. GOLTZ. On January 1, 1981, an important new law, the Regulatory Flexibility Act (P.L. 96-354), [5 U.S.C. § 601 et. seq.] which amends the Administrative Procedure Act, took effect. I wish to call your attention to this law because it imposes certain resposibilities on your agency with regard to your proposed rule regarding Education of Handicapped Children in the Department of Defense (DOD) Dependents Schools, which appeared in the Federal Register on September 11, 1981, page 45368.

Under P.L. 96-354, I have a statutory obligation to review Federal regulations and to monitor compliance with the law. The notice of proposed rulemaking appearing in the Register gave no indication whether or not you had complied with the requirements of the Regulatory Flexibility Act. Since it is a new law, you may be unaware of the requirements of this legislation. The Regulatory Flexibility Act (P.L. 96-354) establishes as a "principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious considerations."

To achieve this goal, Public Law 96-354 requires that you prepare an initial regulatory flexibility analysis [5 U.S.C. § 603] for each rule for which your Agency publishes a general notice of proposed rulemaking after January 1, 1981, with certain exceptions. However, an agency may not be required to prepare an analysis with respect to a particular rule if it certifies that the rule will not exert, if promulgated, a significant economic impact on a substantial number of small entities. A copy of the certification must be sent to the Chief Counsel for Advocacy for comment [5 U.S.C. § 605].

I recommend that members of your staff review your responsibilities under P.L. 96-354 with regard to this particular rule. In addition to the requirements outlined above, there are other responsibilities of which you should be aware and for that reason I am enclosing an explanatory booklet prepared by the Office of the Chief Counsel which includes a copy of the Act.

I look forward to receiving the results of your determination. Dorothy Nakama of my staff is the Regulatory Flexibility contact person for your agency, and is available to assist you in this process. Her number is (202) 653-8212.

Sincerely,

FRANK S. SWAIN,
Chief Counsel for Advocacy.

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, D.C., October 2, 1981.

Mr. FRANK S. SWAIN,
Chief Counsel for Advocacy, Small Business Administration, 1441 L Street NW., Washington, D.C.

DEAR MR. SWAIN: I have received a copy of your September 28, 1981 letter to Dr. Diane L. Goltz of the Department of Defense Dependents Schools (DoDDS) concerning the proposed Department of Defense Instruction on "Education of Handicapped Children in the DoD Dependents Schools." The proposed Instruction was published in the Federal Register for public notice and comment on September 11, 1981 (46 Fed. Reg 45368). You have written to Dr. Goltz concerning the applicability of the Regulatory Flexibility Act, Pub. L. No. 96-354, 5 U.S.C.A. § 601 et seq. (1981 Supp.), to the proposed Instruction. This letter responds on Dr. Goltz's behalf.

Under 5 U.S.C. §§ 603 and 604, agencies are required to prepare initial and final regulatory flexibility analyses of specified types of rulemakings conducted pursuant to 5 U.S.C. § 553. Section 553, however, does not apply to rules involving "a military . . . function of the United States." 5 U.S.C. § 553(a)(1). As I am sure you will readily agree, the overseas dependents schools, which are maintained primarily to serve the children of members of the armed forces stationed abroad, are an integral part of the military mission of this Department. Thus, regulations governing the overseas schools are exempt from the requirements of section 553. The proposed Instruction on special education and related services provided by DoDDS, therefore, was not published for public notice and comment pursuant to section 553, but in accordance with a Departmental directive that encourages voluntary solicitation of public comments on DoD regulations of broad public interest. The proposed Instruction, therefore, was not subject to the procedural requirements of the Regulatory Flexibility Act on that basis alone.

Moreover, 5 U.S.C. § 605(b) excuses an agency upon proper certification from preparing regulatory flexibility analyses for proposed or final rules that will not "have a significant economic impact on a substantial number of small entities." 5 U.S.C. § 605(b). As its name implies, DoDDS only operates facilities abroad. Although it may occasionally pay the tuition of individual students in schools within the United States, such placements are exceedingly rare.

In sum, the proposed DoD Instruction falls outside the scope of the Regulatory Flexibility Act. As a result, the preparation of regulatory flexibility analyses for the proposed Instruction is unnecessary. Questions concerning this matter may be directed to Paul Koffsky of my staff, who can be reached on 695-3657.

Sincerely,

ROBERT L. GILLIAT,
Assistant General Counsel,
Manpower and Health Affairs.

ENVIRONMENTAL PROTECTION AGENCY

In the first nine months of this year, the Environmental Protection Agency (EPA) has already acquired substantial experience with implementing the RFA. EPA has issued 100 certifications over this period and omitted certification in only five instances. All of the omissions occurred in the first four months (three in January) and were apparently oversights by the agency. EPA has agreed to issue final certifications with the final rules at the time of promulgation to remedy these omissions.

The vast majority of the certifications concern routine matters (e.g. state air pollution plans, pesticide tolerances) and contain adequate explanations. In several instances, the agency has certified regulations on the basis of a beneficial impact, rather than an insignificant impact. We have been informed that EPA wishes to discuss this issue with us in the near future. They are presently undecided on whether a regulatory flexibility analysis may be required for positive benefits.

EPA has issued only one IRFA in this period (effluent guideline for porcelain enameling plants). As with most of its past regulatory analyses, it was very comprehensive and professional. In contrast, EPA has specifically acknowledged that it has failed to prepare IRFAs for two hazardous waste regulations (which won't he ready for months). EPA is under a court ordered deadline to issue these regulations and could not complete the detailed analyses required by these regulations. We cannot fault EPA for the lengthy delay.

As for the agenda, EPA combined the agency requirements of the RFA and Executive Order 12291 thereby combining "major regulations" with regulations having an impact on small entities. It was published on April 27, 1981, in compliance with the Act. The agenda offers brief but adequate descriptions of all rules which EPA expects to act upon. EPA used a conservative approach to RFA compliance by including regulations where it could not yet determine whether there would be a significant small entity impact.

EPA's periodic review plan was published on July 16, 1981 (due on July 1, 1981). It provides the criteria that EPA will utilize in choosing regulations for review and invites public suggestions for regulations to review. EPA also initiated review of three regulatory programs which were described in the plan. The plan provides that EPA announce with each agenda the regulations it has targeted for review. In the subsequent agenda, EPA will report its decision on each regulation listed, whether to revise, rescind or continue the rule unchanged. This plan seems to be adequate for compliance with the RFA. However, a more satisfactory plan would have already indicated at least a tentative plan for reviewing rules for the next few years.

In establishing its good track record in implementing regulatory flexibility, EPA is benefiting from its extensive experience over the years of exploring regulatory alternatives. EPA is well known for its innovative approaches to rulemaking, and for its detailed economic analyses. The agency appears to be sensitive to the needs of small businesses. It is also very accustomed to implementing regulatory reform, as reflected by EPA's excellent implementing guidelines under Executive Order 12044, the predecessor to Executive Order 12291. Therefore, EPA appears to have little difficulty implementing the few mechancial changes posed by the RFA.

The ease of compliance with RFA is likely the result of EPA's adoption of the RFA—type procedures in advance of the RFA's passage. For example, an excellent model IRFA is provided by numerous large EPA analyses of the economic impact of proposed air or water pollution regulations. The FRA requires little that EPA did not voluntarily provide before RFA. The only major change for EPA is the required certification statement which was previously unnecessary. EPA had some initial trouble tracking all its regulations for this requirement, but his problem has apparently been resolved.●

By Mr. DODD (for himself and Mr. CRANSTON):

S. 2171. A bill to stimulate the development and rehabilitation of affordable multifamily rental housing; to the Committee on Banking, Housing, and Urban Affairs.

RENTAL HOUSING PRODUCTION AND REHABILITATION ACT OF 1982

● Mr. DODD. Mr. President, I am introducing legislation today to authorize the Secretary of Housing and Urban Development to provide assistance to State and local governments to finance the rehabilitation and development of affordable multifamily rental housing. I believe that this program, in conjunction with either existing or modified program resources focused on the problem of housing affordability, represents an efficient and cost-effective means of continuing this Nation's commitment to addressing the housing needs of its citizens who are not being served by the private sector.

During the previous session, I introduced a more limited proposal to establish a demonstration housing development loan program. Although hearings were not held on that bill, I have received much support as well as several suggestions for modifications to this earlier proposal. Based on this input, I am revising and expanding this initiative and intend to pursue this proposal actively during consideration of this year's housing legislation. I am pleased that this measure is being introduced today by the able Chairman of the House Committee on Banking, Finance, and Urban Affairs, Mr. ST GERMAIN, the chairman of the Housing and Community Development Subcommittee, Mr. GONZALEZ, and other members of the committee, including the cosponsor of the proposal I offered last session, the gentleman from New York, Mr. SCHUMER.

This program is intended to serve as a replacement for the section 8 rehabilitation and construction programs. This housing strategy not only will provide greater fiscal control, but will allow us to better target our assistance to individuals and areas most in need. Given the continuing, severe housing crisis facing this Nation and the significant budget reductions made in these activities during the previous session, I believe that alternatives must be considered expeditiously. I do not believe that we can reduce these resources further without calling into question this Nation's commitment to affordable housing and a decent living environment for its citizens. Although this bill is being introduced in the House in the context of an omnibus housing initiative being offered by the committee majority, it is my intention to pursue and refine this initiative with both majority and minority members of the Senate Committee on Banking, Housing, and Urban Affairs. I believe that we can come up with a balanced housing package which is both fiscally responsible and yet responds to the various dimensions of a national problem of increasing proportions.

Any housing policy which places sole reliance on income support measures will not represent a comprehensive approach to current needs and, in fact, will prove counterproductive in supply constrained areas.

Mr. President, this action is essential if we are to begin to reverse the conditions contributing to a national housing shortage reaching crisis dimensions. This crisis is especially severe with respect to the availability of rental housing. Today, Americans who want to rent housing cannot find decent, affordable housing opportunities. The vacancy rate for rental housing shows no signs of improving from the recent record low levels.

Demographic trends, as well as the continuing prohibitive costs of homeownership, will increase the already high demand for rental housing. As the baby boom generation comes of age, and individuals choose to live in smaller households, more and more people will need rental housing.

In my State of Connecticut, the production of multifamily housing units fell by 30.8 percent from 1978 to 1981. Last year, only 9,000 total housing starts were recorded for the entire State against a projected annual demand of 25,000 units. In the housing plan released last year by the Connecticut Department of Housing, it was estimated that 175,000 households were either living in substandard housing or paying excessive portions of their income for rent. The rental vacancy rate in the State is below 2 percent and lower than that in most major cities. In Stamford, for example, the vacancy rate is zero and, with the exception of several federally sponsored projects, virtually no rental units were constructed over the past decade despite unprecendented demand.

The supply of rental housing has been exacerbated further by the loss of existing units as the inventory ages and is not replaced. Anthony Downs, in the "Future of Rental Housing in America," estimated that the gap between rental needs and production in the decade of the 1980's will range from 1.1 to 4.6 million units. The study, "Housing Needs in the Eighties," published by ICF Inc., predicts a shortage of 3.5 million rental units over the course of the decade.

The crisis in the rental housing industry is real, and the outlook is not encouraging. A 1979 GAO report states that the rental housing market could be likened to "an endangered species." Dangerously low vacancy rates aggravate already inflationary rents, thereby threatening the ability of moderate- and low-income Americans to afford decent housing.

The legislation I am proposing embodies certain important principles for the future of Federal housing policy. This initiative overcomes the budgetary criticism of the section 8 program. The Congress will regain annual control over these activities and will not incur the long-term obligations inherent in the current programs. Resources will be delivered more efficiently as a result of the separation of affordability and availability concerns. In addition, State and local officials will become an equal partner in the development process. This will insure better coordination and leverage of resources as well as highlight the importance of local support in the planning and location of housing developments so as to spur neighborhood development and mitigate displacement. Most importantly, this proposal reaffirms the premise that the Government has an obligation to respond to the housing needs of all our citizens who are not being served or provided with decent, affordable housing opportunities by the private sector. This will be accomplished at the lowest possible cost in a manner which anticipates maximum participation by other governmental entities and the private sector.

Mr. President, the purpose of this bill is to increase the Nation's stock of affordable rental and cooperative housing. State and local governments would make application for assistance to encourage the construction or rehabilitation of multifamily developments in areas found to be experiencing severe shortages of decent rental housing opportunities, as determined by objectively measurable indices. In conjunction with the private sector, these governmental entities would have broad flexibility in designing the type of program assistance necessary to respond to prevailing local housing market conditions. For example, the assistance could be utilized as a capital grant or loan, annual interest reduction payments or other comparable means to reduce project debt service and thereby create affordable, marketable housing. In accordance with locally identified needs, funds could be directed for either new construction, substantial rehabilitation or moderate rehabilitation.

The amount of assistance would be the least amount required to provide modestly designed housing in an area for families or individuals without other reasonable and affordable alternatives in the private market. In addition, the amount of assistance would be sufficient to provide affordable rents in at least 20 percent of the units in any assisted development to families with incomes below 80 percent of area median income. A project selection priority is established for proposals which exceed this later requirement in terms of either the percentage or length of commitment to our lower income citizens.

The bill contains other selection criteria designed to assure that only feasible proposals which maximize the necessary Federal assistance will be selected, including the degree to which such assistance will be eventually repaid to the Federal Government. Although this is a highly targeted program, the Secretary of HUD is directed to make resources available in different geographic regions and in nonmetropolitan as well as urban areas.

If any conditions of this assistance are breached or the owner sells or converts the development during the term of assistance, the amount of Federal contribution must be repaid in full with accumulated interest. While the Secretary will continue to regulate rent levels as is the case in current assisted housing programs, a new feature has been added to expedite consideration of rent requests from private owners.

In conclusion, this proposal attempts to overcome the criticisms of current programs and incorporates, both in terms of philosophy and program design, many elements of other pending initiatives, such as housing block grants and the administration's recent request for a rental rehabilitation grant program. In conjunction with other ongoing and emergency initiatives, it is my hope that we can reaffirm a national housing policy during this session which is a comprehensive response to the shelter needs confronting the American people.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Rental Housing Production and Rehabilitation Act of 1982".

STATEMENT OF PURPOSE AND AUTHORITY

SEC. 2. (a) The purpose of this Act is to increase the Nation's stock of rental and cooperative housing and to reduce the housing costs of the residents of such housing by encouraging the construction and rehabilitation of multifamily rental housing projects and cooperative housing projects for families and individuals without other reasonable and affordable housing alternatives in the private market.

(b) The Secretary of Housing and Urban Development (hereafter referred to as the "Secretary") shall, to the extend approved in appropriation Acts, provide financial assistance to carry out the purpose of this Act with respect to multifamily rental housing and multifamily cooperative housing if such cooperative housing is owned by limited dividend corporations, private nonprofit corporations or other nonprofit corporations or limited dividend entities eligible under section 221(d)(3) or (e) of the National Housing Act.

(c) Such assistance shall be made available by the Secretary to States, units of local government, or designated agencies of States or units of local government which apply for such assistance in a form and manner prescribed by the Secretary and which are selected for such assistance on the basis of the eligibility and selection criteria and other conditions set forth in this Act.

(d) States, units of local government, or agencies thereof which receive such assistance shall utilize it to stimulate the construction or rehabilitation of rental or cooperative housing projects described in subsection (b) by providing—

(1) capital grants;

(2) loans;

(3) interest reduction payments;

(4) grants to finance the purchase of land; or

(5) other comparable assistance, which the Secretary deems appropriate to carry out the purposes of this Act, designed to reduce project debt service cost.

AREA ELIGIBILITY CRITERIA

SEC. 3. To be eligible for assistance under this Act, a project must be located in an area which is experiencing a severe shortage of decent rental housing opportunities for families and individuals without other reasonable and affordable housing alternatives in the private market. The Secretary shall issue regulations, consistent with the preceding sentence, which set forth minimum standards for determining areas eligible for assistance. Such standards shall take into account the extent and change in the level of poverty, housing overcrowding, the amount and duration of rental housing vacancies, the amount of substandard rental housing, the extent of rental housing production lag, and such other objectively measurable conditions specified by the Secretary which are consistent with the first sentence of this section.

PROJECT SELECTION CRITERIA

SEC. 4. (a) In selecting projects for assistance under this Act from among the eligible projects, the Secretary shall make such selection on the basis of the extent—

(1) to which the project or projects described in the application reduce the severe shortage of decent rental housing opportunities in the area for families and individuals without other reasonable and affordable housing alternatives in the private market;

(2) of non-Federal public and private financial or other contributions which reduce the cost of the project or projects;

(3) to which the project or projects contribute to neighborhood development and mitigate displacement;

(4) to which, and the manner in which, some or all of the assistance provided under this Act will be recaptured by the Federal Government;

(5) to which the applicant has established a satisfactory performance in meeting assisted housing needs; and

(6) to which the assistance requested from the Secretary will provide the maximum number of units for the least cost, taking into consideration cost differences among different areas and differences among the types of projects and tenants being served.

(b) In selecting among such projects, the Secretary shall give a priority based on the extent to which the requirement of section 7 (a) (2) is exceeded.

ALLOCATION OF ASSISTANCE

SEC. 5. In providing assistance under this Act, the Secretary shall seek to assure a reasonable distribution among eligible areas in different geographic regions, between metropolitan and nonmetropolitan areas, and between States and units of local government or their designated agencies, based on the Secretary's determination of the prior and current capacities of those entities to develop and implement housing initiatives. In addition, the Secretary shall make a reasonable distribution of assistance among newly constructed, substantially rehabilitated, and moderately rehabilitated projects on the basis of local housing needs and prevailing local housing market conditions identified in the application for assistance.

AMOUNT OF ASSISTANCE

SEC. 6. The amount of assistance provided under this Act with respect to a project shall be the least amount which the Secretary determines is necessary to provide, through the construction or rehabilitation of such project, decent rental or cooperative housing of modest design which is affordable for families and individuals without other reasonable and affordable housing alternatives in the private market, including an amount necessary to make rents for units described in section 7(a)(2) affordable for persons and families whose income does not exceed 80 per centum of the median income of the area.

TERMS AND CONDITIONS OF ASSISTANCE

SEC. 7. (a) Assistance under this Act may be provided with respect to a project only if—

(1) the owner has entered into such agreements with the Secretary as may be necessary to assure compliance with the requirements of this section, to assure financial feasibility of the project, and to carry out the other provisions of this Act;

(2) the owner agrees that, during the 15-year period beginning on the date on which 50 per centum of the units in the project are occupied (or in the case of a moderately rehabilitated project, are completed), at least 20 per centum of the units the construction or rehabilitation of which is provided for under the application shall be occupied, or available for occupancy by, persons and families whose income does not exceed 80 per centum of the area median income;

(3) the owner agrees—

(A) to pass on to the tenants any reduction in the debt service payments resulting from the assistance provided under this Act;

(B) not to discriminate against prospective tenants on the basis of their receipt of or eligibility for housing assistance under any Federal housing assistance program; and

(C) not to convert the units to condominium ownership (or in the case of a cooperative, to condominium ownership or any form of cooperative ownership not eligible for assistance under this Act);

during the 15-year period beginning on the date on which the units in the project are available for occupancy (or in the case of a moderately rehabilitated project, are completed);

(4) any mortgage secured by the property—

(A) has a principal amount which is not more than the amount which could be insured for the project under section 207 of the National Housing Act; and

(B) bears a rate of interest and contains such other terms and conditions as the Secretary determines are reasonable;

(5) the project is newly constructed or substantially or moderately rehabilitated, contains five or more dwelling units, and is used predominantly for residential purposes; and

(6) the State or unit of local government which receives the assistance certifies to the satisfaction of the Secretary that the assistance will be made available in conformity with Public Law 88-352 and Public Law 90-284.

(b)(1) The Secretary shall provide that if the owner or his or her successors in interest fail to carry out the agreements described in paragraphs (1), (2), and (3) of subsection (a) during the applicable period, the owner of his or her successors in interest shall make a payment to the Secretary in an amount which equals the total amount of assistance provided under this Act with respect to such project, plus interest thereon (without compounding), for each year and any fraction thereof the loan was outstanding, at a rate determined by the Secretary taking into account the average yield on outstanding marketable long-term obligations of the United States during the month preceding the date on which the assistance was made available.

(2) Notwithstanding any other provision of law, any assistance provided under this Act shall constitute a debt, payable in the case of any event described in paragraph (1), secured by the security instruments given by the mortgagor to the Secretary.

(c)(1) A mortgage on a project assisted under this Act may be insured under title II of the National Housing Act.

(2) Section 817 of the Housing and Community Development Act of 1974 is amended—

(A) by striking out "and" after "1966,"; and

(B) by inserting after "and 1970" the following: ", and the Rental Housing Production and Rehabilitation Act of 1982".

(d)(1) Rents charged for units described in subsection (a)(2) in any such project shall be approved by the Secretary. In approving such rents, the Secretary shall provide that tenants of such units are charged not more than 30 percent of their adjusted income for rent, including utilities, and shall require that not less than 30 days prior written notice of any increase in rents be provided to such tenants.

(2) Any schedule of rents submitted by an owner to the Secretary for approval shall be deemed to be approved unless the Secretary informs the owner, within 60 days after receiving such schedule, that such schedule is disapproved.

LABOR STANDARDS

Sec. 8. Any contract for assistance pursuant to this Act shall contain a provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, and technicians employed in the development, and all maintenance laborers and mechanics employed in the operation, of the housing project involved; and shall also contain a provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of the project involved, and the Secretary shall require certification as to compliance with the provisions of this section prior to making any payment under such contract.

AUTHORIZATION

Sec. 9. There is authorized to be appropriated for assistance under this Act not to exceed the sum of $1,300,000,000 for fiscal year 1983.●

By Mr. GOLDWATER (for himself and Mr. Kasten):

S. 2172. A bill to amend the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

CABLE TELECOMMUNICATIONS ACT OF 1982

● Mr. GOLDWATER. Mr. President, the bill I introduce today, the Cable Telecommunications Act of 1982, represents the culmination of a process that began in 1979 when I introduced legislation that contained similar provisions. Extensive hearings were held on that bill but no action was taken in the 96th Congress.

Last year, the Commerce Committee considered a number of communications bills that were passed by the Senate. Among those was S. 898, which contained several cable television provisions. However, no hearings had been held on those particular sections in S. 898. Therefore, during the floor debates on that bill, I objected to these provisions because of the commitments I had made that there would be no cable legislation without hearings. I also made it clear that I was not objecting to the substance of the cable provisions in S. 898. My amendment to delete those provisions was successful, and they were stricken from the bill.

Mr. President, this bill is the first time that a comprehensive bill has been introduced on cable television. There will be ample opportunity for public comment on its provisions, as I have steadfastly promised in the past. The subcommittee has tentatively scheduled 4 days of hearings on this bill next month: April 27, 28, 29, and 30, 1982.

Mr. President, I invite my colleagues to join in cosponsoring this bill.

Mr. President, I ask unanimous consent that this bill and a summary describing it be printed in its entirety in the Record, following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Cable Telecommunications Act of 1982".

(b) The Communications Act of 1934 is amended by inserting immediately after title V the following new title:

"TITLE VI—CABLE TELECOMMUNICATIONS ACT

"FINDINGS

"Sec. 601. The Congress hereby finds that—

"(1) cable systems are engaged in interstate commerce through the origination, transmission, distribution, and dissemination of broadband telecommunications services;

"(2) the expansion and development of cable telecommunications is of primary concern to the Federal Government;

"(3) it is necessary and appropriate for the Federal Government to establish and maintain a national policy for cable telecommunications to assure the evolution of cable as a medium in its own right; and

"(4) a national and uniform policy for cable is needed to prevent the emergence of conflicting regulation and to allow the growth and development of cable as a medium which will be responsive to and serve the needs and interests of the public.

"PURPOSES

"Sec. 602. The purposes of this Act are to—

"(1) create a jurisdictional framework which apportions the authority to regulate cable systems between the Federal Government and each of the several States of the United States; and

"(2) allow cable systems to compete in the marketplace with other providers of telecommunications services to the public.

"STATEMENT OF AUTHORITY

"Sec. 603. The provisions of this title shall apply as follows:

"(1) The Commission shall have jurisdiction and exercise authority with respect to cable systems solely as specified in this title. Commission jurisdiction under this title is exclusive and no other Federal or State instrumentality or agency or any political subdivision thereof shall make or establish rules or policies regarding the matters dealt with in this title.

"(2) Any cable system shall be subject to the provisions of this title and such orders, rules, or regulations as may be adopted pursuant thereto and any Federal rule, regulation, order, or standard applicable to cable systems shall, to the extent inconsistent with the provisions of this title, be null and void.

"(3) A State, instrumentality, agency, board, commission, or authority or any political subdivision thereof may adopt or continue in force any law, rule, regulation, order, or standard affecting cable systems, unless such law, rule, or regulation, or order or standard is inconsistent with the exclusive grants of authority under this title and is not forbidden to any governmental authority under this title.

"DEFINITIONS

"Sec. 604. For purposes of this title, the term—

"(1) 'basic service', 'basic cable service', or 'basic subscriber service' means the retransmission of broadcast signals and any other service as determined by a cable operator;

"(2) 'broadband telecommunications' means any receipt or transmission of electromagnetic signals over one or more coaxial cables or other closed transmission medium;

"(3) 'broadcasting' means telecommunications by radio intended to be received by the public, directly or by the intermediary of relay stations;

"(4) 'cable channel' or 'channel' means that portion of the electromagnetic frequency spectrum used in a cable system for the propagation of a radio, television, or other electromagnetic signal;

"(5) 'cable operator' or 'cable system operator' means any person or persons, or an agent or employee thereof, that operates a cable system, or that directly or indirectly owns a significant interest in any cable system, or that otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system;

"(6) 'cable service' means the retransmission of any television or radio broadcast signal, or program origination, for distribution by cable or any other closed transmission medium to multiple subscribers;

"(7) 'cable subscriber' means any person who receives radio, television, or other electromagnetic signals distributed or disseminated by a cable operator or a channel programer over a cable system;

"(8) 'cable system' means a facility or combination of facilities under the ownership or control of any person or persons, which consists of a primary control center used to receive and retransmit, or to originate broadband telecommunications services over one or more coaxial cables, or other closed transmission media, from the primary control center to a point of reception at the premises of a cable subscriber, but such term does not include a facility or combination of facilities that serves only to retransmit the television signals of television broadcast stations located within the market in which such facility is located, nor shall a common carrier subject to the provisions of title II of this Act be deemed to be a cable system solely by reason of receiving or transporting broadband telecommunications services in the ordinary course of its business as a common carrier;

"(9) 'channel programer' means any person or persons that lease, rent, or are otherwise authorized to use the facilities of a cable system for the origination of programing over a cable channel, and such term shall include a cable system operator to the extent that such operator, or person or persons under common ownership or control with such operator, is engaged in program origination;

"(10) 'closed transmission medium' or 'closed transmission media' means media having the capacity to transmit simultaneously electromagnetic signals over a common transmission path such as coaxial cable, optical fiber, wire, waveguide, or other such signal conductor or device;

"(11) 'origination' or 'program origination' means the use of a cable channel by a channel programer to create and distribute programs such as news, public affairs, entertainment, sports, educational, informational, and religious, but such term does not include carriage of radio or television broadcast signals by a cable operator;

"(12) 'person' means an individual, partnership, association, joint stock company, trust, corporation, or any governmental authority;

"(13) 'radio or television signal' means a signal or any radio or television broadcast station, domestic or foreign, operating on a channel regularly assigned to its community, which is receivable by the general public without charge;

"(14) 'telecommunications' means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information, by means of electromagnetic transmission, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission;

"(15) 'telecommunications carrier' or 'carrier' means any person, including any government or quasi-government entity, which offers any telecommunications service or facilities used by any person to provide telecommunications services, except that a person engaged in broadcasting, or in providing any cable service, shall not, insofar as such person is so engaged, be deemed a carrier;

"(16) 'telecommunications service' means the offering for hire of telecommunications facilities, or of telecommunications by means of such facilities; and

"(17) 'United States' means the several States and territories, the District of Columbia, and the possessions of the United States.

"OWNERSHIP OR CONTROL OF CABLE SYSTEMS

"SEC. 605. (a) Except in the case of the antitrust laws of the United States and to the extent otherwise provided in subsections (b), (c), and (d) of this section, no executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, including a cable franchising authority, shall have the authority to prohibit, or otherwise regulate, the ownership of cable systems by any person.

"(b)(1) Notwithstanding the provisions of subsection (a) of this section, for the purpose of ensuring fair and equitable treatment of United States cable enterprises seeking access to markets in a foreign country, the Commission shall have authority to conduct inquiries and establish policies, rules, regulations, and requirements applicable to foreign persons from that country seeking access to domestic markets in the United States in connection with the construction, ownership, and operation of cable enterprises with a view to assuring that such United States cable enterprises are permitted access to such foreign markets upon terms and conditions which are reciprocal with the terms and conditions under which such foreign persons have access to domestic markets in the United States.

"(2) For purposes of this subsection, the term 'foreign persons' includes any individual who is not a citizen of the United States, any subsidiary (although established under the laws of the United States or any State thereof) of a corporation or other business entity which was established under the laws of a foreign country, any corporation or other business entity established under the laws of a foreign country, or any corporation or other business entity established under the laws of the United States or any State thereof, if 25 percent or more of the capital stock or equivalent ownership is owned or controlled by an individual who is not a citizen of the United States or by a corporation or other business entity established under the laws of a foreign country, or any subsidiary of a corporation or other business entity established under the laws of a foreign country.

"(3) The Commission shall adopt such rules, regulations, policies, requirements, and procedures, and may impose such restrictions as it determines to be necessary or appropriate to carry out the provisions of this subsection.

"(c) Notwithstanding the provisions of subsection (a) of this section, a State or any political subdivision or agency thereof may not own or acquire an ownership interest in any cable system, unless such State, subdivision, or agency acquires such ownership or interest at not less than fair market value and not by condition of franchise unless the franchise provides for purchase at fair market value. In any case in which any such State, subdivision, or agency has or acquires any such ownership or interest in accordance with this subsection, such State, subdivision, or agency shall, in no case, own or control, directly or indirectly, any of the programing on such cable system except as provided in section 606(a)(1).

"(d) Notwithstanding the provisions of subsection (a) of this section, no telecommunications carrier shall engage in the provision of cable services in the same operating area, unless the Commission, in any particular case, shall otherwise permit and then only upon a sufficient showing that such provision by a carrier will provide significant additional media diversity and competition. In any particular case, the Commission shall require conditions which foster the purposes and policy of this Act.

"(e)(1) Notwithstanding the provision of subsection (d) of this section, telecommunications carriers serving rural areas with low population density, as defined by the Commission, may provide cable services in such areas.

"(2) The Commission shall prescribe regulations necessary to carry out the provisions of this section within the 180-day period following the date of its enactment.

"DEDICATION OF CHANNEL CAPACITY

"SEC. 606. (a) The Commission shall require cable systems having twenty or more television broadcast channels (120 MHz or more of bandwidth) for immediate or potential use to dedicate or set aside—

"(1) 10 percent of such channels for use by public, educational, and governmental channel programers; and

"(2) 10 percent of such channels for use by leased channel programer.

"(b) (1) The obligation to provide access imposed under paragraph (2) of subsection (a) of this section (relating to leased channels) shall cease upon determination by the Commission that there are reasonably available alternatives for persons desiring to provide programing service to the public in a particular geographic area or market.

"(2) IN determining whether there are reasonably available alternatives in the relevant area or market, the Commission shall consider—

"(A) the number and size of other providers of service;

"(B) the extent to which service is available from other providers;

"(C) the ability of such other providers to make such service readily available at comparable rates, terms, and conditions; and

"(D) other indicators of the extent of the competition.

"(c) The channels referred to in paragraphs (1) and (2) of subsection (a) of this section shall be made available on a first-come, first-served, nondiscriminatory basis.

"(d) Until such time as there is demand for each channel full time for its designated use, public, educational, governmental, and leased channel programing may be combined on one or more channels. To the extent time is available therefor, such dedicated channels may be used for other services.

"RATE REGULATION

"SEC. 607. (a) Each State or political subdivision or agency thereof, or cable franchising authority, is authorized to establish, fix, or otherwise restrict the rates, on a nondiscriminatory basis, charged for the use or sale of cable channel capacity or time on such channels referred to in paragraph (1) of subsection (a) of section 606.

"(b) Each State or political subdivision or agency thereof, or cable franchising authority, is authorized to establish, fix, or otherwise restrict the rates, on a nondiscriminatory basis, charged for basic services.

"(c) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or cable franchising authority, shall have authority to establish, fix, or otherwise restrict the rates charged channel programers by cable system operators for the use of channels described in paragraph (2) of subsection (a) of section 606.

"CRIMINAL AND CIVIL LIABILITY

"SEC. 608. Nothing in this title shall be deemed to affect the criminal or civil liability of channel programers pursuant to the law of libel, slander, obscenity, incitement, invasions of privacy, false or misleading advertising, or other similar laws, except that the cable operator shall not incur such liability for any program carried on any public, educational, governmental, or leased channel referred to in paragraphs (1) and (2) of subsection (a) of section 606, or for any program originated by a channel programer having no ownership affiliation with the cable system operator.

"CARRIAGE OF BROADCAST SIGNALS

"SEC. 609. The Commission may establish the terms and conditions respecting the carriage of radio and television broadcast signals by cable system operators.

"FAIRNESS DOCTRINE, EQUAL TIME, AND REASONABLE ACCESS

"SEC. 610. No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or cable franchising authority, shall require a cable operator to comply with the provisions of sections 312(a)(7) and 315 of this Act.

"FRANCHISE FEES

"SEC. 611. (a) The Commission shall establish reasonable ceilings for the fees to be paid to States, or any political subdivision thereof, by operators of cable systems receiving franchises from such State or political subdivision thereof and, periodically upon its own motion or upon petition, may review the appropriateness of such ceilings and make adjustments therein.

"(b) The Commission shall prescribe procedures necessary to carry out the provisions of this section within the 180-day period following the date of its enactment.

"PROTECTION OF SUBSCRIBER PRIVACY

"SEC. 612. (a) No person shall intercept or receive broadband telecommunications unless specifically authorized to do so by a cable system operator, channel programer, or originator of broadband telecommunications or as may otherwise be specifically authorized by law.

"(b) In order to safeguard the right to privacy and security of broadband telecommunications, such broadband telecommunications shall be deemed to be a 'wire communication' within the meaning of section 2510(1) of title 18 of the United States Code.

"(c) In the event that there may be any difference between the provisions of this section and chapter 119 of title 18 of the United States Code, or any regulations promulgated thereunder, it is the intent of the Congress that such chapter 119 shall be controlling.

"(d) No cable operator, channel programer, or originator of broadband telecommunications, shall disclose personally identifiable information with respect to a cable subscriber, or personally identifiable information with respect to the broadband services provided to or received by a particular cable subscriber by way of a cable system, except upon the prior written consent of the subscriber, or pursuant to a lawful court order authorizing such disclosure.

"(e) If a court shall authorize or order disclosure, the cable subscriber shall be notified of such order by the cable operator, or other person to whom such order may be directed, within a reasonable time before the disclosure is made. For the purposes of this paragraph, a reasonable period of time shall not be less than fourteen calendar days.

"(f) Any cable subscriber whose privacy is violated in contravention of this subsection, shall be entitled to recover civil damages as authorized and in the manner set forth in section 2520 of title 18 of the United States Code. This remedy shall be in addition to any other remedy available to such subscriber.

"TECHNICAL STANDARDS

"SEC. 613. The Commission shall ensure that cable system operators conform to technical standards necessary to promote the compatibility and interoperability of cable systems, the compatibility of the receivers and other terminal equipment connected to such systems by cable subscribers, and to prevent harmful interference to radio and television communications. No person shall manufacture, import, sell, offer for sale or lease, ship, or use devices which fail to comply with such regulations promulgated by the Commission.

"RECORDS

"SEC. 614. The Commission shall require the maintenance of such records by cable operators and the submission of such reports to the Commission as may be necessary and relevant to the performance of its duties and responsibilities as provided under this title or under any rule, regulation, or order adopted pursuant thereto.

"EQUAL EMPLOYMENT OPPORTUNITY

"SEC. 615. The Commission shall ensure and promote equal employment opportunity by cable system operators.

"SPORTS

"SEC. 616. (a) No cable system shall retransmit into any area within 50 miles of the home stadium of a club which is a member of a professional sports league the broadcast or any part thereof of any game involving that home club or a member club of that league unless it obtains the consent of that home club or its designee.

"(b) Nothing in this section shall prevent a cable system from retransmitting the programing of any broadcast station into an area which is located wholly within that station's 'local service area', as defined in section 111(f) of title 17, United States Code.".

SIGNAL PIRACY

SEC. 2. Section 705 of the Communications Act of 1934 (as redesignated by section 3 of this Act) is amended (1) by designating the existing text thereof as subsection (a), and (2) by adding at the end thereof the following:

"(b)(1) Any court having jurisdiction of a civil action under this section may grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of subsection (a).

"(2) Any person who violates the provisions of subsection (a) shall be liable to any person aggrieved by such violation, for damages as provided by subsection (c).

"(3) Any civil action under this section may be commenced in any United States district court of competent jurisdiction, without regard to the amount in controversy, or in any other court of competent jurisdiction.

"(c)(1)(A) Damages awarded under subsection (b)(2) shall be computed in accordance with subparagraph (B) or subparagraph (C).

"(B) The party aggrieved is entitled to recover the actual damages suffered by him as a result of the violation, any profits of the person committing the violation that are attributable to the violation and are not taken in account in computing the actual damages. In establishing such profits, the party aggrieved is required to present proof only of the gross revenue of the person committing the violation, and such person is required to prove his deductible expenses and the elements of profit attributable to factors other than the violation.

"(C) The party aggrieved may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits under subparagraph (B), an award of statutory damages for all violations involved in the action, in a sum of not less than $250, or more than $10,000, as the court considers just.

"(2) In a case where the party aggrieved sustains the burden of proving, and the court finds that the violation of subsection (a) was committed willfully and for purposes of commercial advantage or private financial gain, the court in its discretion may increase the award of damages, whether actual or statutory under paragraph (1), by an amount of not more than $50,000. In a case where the person committing a violation sustains the burden of proving, and the court finds, that such person was not aware and had no reason to believe that his acts constituted a violation of subsection (a), the court in its discretion may reduce the award of damages to a sum of not less than $100.

"(d)(1) Any person who violates subsection (a) willfully shall be fined not more than $1,000 or imprisoned for not more than six months, or both.

"(2) Any person who violates subsection (a) willfully and for purposes of commercial advantage or private financial gain shall be fined not more than $25,000 or imprisoned for not more than one year, or both, for the first such offense, and shall be fined not more than $50,000 or imprisoned for not more than two years, or both, for any subsequent offense.

"(e)(1) No criminal proceeding shall be maintained under the provisions of this section unless it is commenced not later than three years after the cause of action arises.

"(2) No civil action shall be maintained under the provisions of this section unless it is commenced not later than three years after the claim accrues.".

REDESIGNATION

SEC. 3. The existing title VI of the Communications Act of 1934 is redesignated as title VII, and sections 601 through 609 are redesignated as sections 701 through 709, respectively.

SUMMARY: CABLE TELECOMMUNICATIONS ACT OF 1982

SECTION 601—FINDINGS

1. Need for a national policy.

SECTION 602—PURPOSES

1. Establish jurisdiction.
2. Allow competition.

SECTION 503—STATEMENT OF AUTHORITY

1. The FCC has exclusive jurisdiction.
2. States can regulate if not inconsistent with FCC authority.

SECTION 604—DEFINITIONS

SECTION 605—OWNERSHIP OR CONTROL OF CABLE SYSTEMS

1. Generally, no ownership restrictions.
2. Foreign ownership of cable prohibited if no reciprocal rights granted to U.S. companies.
3. Municipal ownership allowed if acquired at fair market value and if no control over programming.
4. Telephone companies prohibited from providing cable in their same operating areas except in rural areas.

SECTION 606—DEDICATION OF CHANNEL CAPACITY

1. Cable systems with 20 or more channels must set aside:

(a) 10% for public, educational, and governmental use; and

(b) 10% for leased channel use.

2. The leased channel access obligation ceases when the FCC determines that there are reasonably available alternatives for programmers.

SECTION 607—RATE REGULATION

1. States may regulate rates for public access channels.
2. States may regulate rates for basic service.
3. No entity may regulate the rates for leased access channels.

SECTION 608—CRIMINAL AND CIVIL LIABILITY

1. No liability by cable operator for programs on public or leased channels.

SECTION 609—CARRIAGE OF BROADCAST SIGNALS

1. The FCC may require carriage of broadcast signals.

SECTION 610—FAIRNESS DOCTRINE, EQUAL TIME, AND REASONABLE ACCESS

1. No government entity may require a cable operator to comply with the Fairness Doctrine, equal time, or reasonable access requirements.

SECTION 611—FRANCHISE FEES

1. The FCC shall establish reasonable ceilings for franchise fees paid by cable operators.

SECTION 612—PROTECTION OF SUBSCRIBER PRIVACY

1. No unauthorized interception of cable.
2. No cable operator shall disclose personal information about a subscriber without permission.

SECTION 613—TECHNICAL STANDARDS

1. The FCC shall ensure that cable operators conform to technical standards.

SECTION 614—RECORDS

1. The FCC shall require operators to keep records.

SECTION 615—EQUAL EMPLOYMENT OPPORTUNITY

1. The FCC shall ensure equal employment opportunity by cable operators.

SECTION 616—SPORTS

1. Cable systems must blackout carriage of a professional game within 50 miles of the home club's stadium.

SECTION 2—SIGNAL PIRACY

1. Contains protections for programmers against signal piracy.●

By Mr. CHILES (for himself and Mr. Hollings):

S. 2173. A bill to enable the shrimp industry to establish, finance, and carry out a coordinated program of research, quality enhancement, and producer and consumer education in order to improve, expand, maintain, and develop markets for shrimp; to the Committee on Commerce, Science, and Transportation.

SHRIMP RESEARCH, QUALITY AND CONSUMER INFORMATION ACT OF 1982

● Mr. CHILES. Mr. President, today it's my pleasure to join with Senator Hollings, to introduce the Shrimp Research, Quality and Consumer Information Act of 1982. This bill would enable the shrimp industry to establish, finance, and implement a coordinated program of research, quality enhancement, and producer and consumer education in order to improve and develop shrimp markets. There is widespread support for this legislation in the industry and a general feeling that it will give the industry a chance to establish the kind of programs that have benefited the egg, cotton, and peanut industries.

This legislation, similar to the enabling legislation for the Egg Board, would authorize the Secretary of Commerce to issue an order designating both a warm water and cold water shrimp industry in the United States. It would also authorize the Secretary to identify shrimp harvesters and shrimp marketers in each industry and to conduct a referendum among the harvesters and marketers to determine whether they desire the establishment of a council for their respective regions. If a majority of both harvesters and marketers approve the referendum, then the Secretary will appoint members of both councils. The appointments will come from nominations received from the harvesters and marketers. Once both shrimp councils are established, they will formulate and implement educational, research, and quality enhancement programs designed to assist the shrimp industries.

An appealing element of this proposal is that the cost of the program is borne by the industry. There would be no Government funds for promotion or research programs. Once the councils are in place, shrimp marketers will pay an assessment based on the number of pounds of shrimp they purchase. Although the collection is mandatory, actual assessment is voluntary since marketers have the right to receive a refund of the assessment from the councils. Also included in the legislation are provisions for dissolution of the councils if enough industry members so desire.

It is no secret that the last few years have been difficult for the shrimp industry. High fuel prices particularly have taken their toll. Consequently, it's more important now than ever for the industry to have a mechanism to help solidify and expand its markets. While a sizable body of knowledge exists regarding shrimp production and processing, a great deal remains unknown about the consumption and marketing of shrimp and shrimp products. This legislation will give the shrimp industry the opportunity to initiate programs that will help fill these informational and research voids. It will also give the industry a chance to work together in solving some of its pressing problems and to help insure that it remains one of the major components of our national fisheries sector.●

By Mr. KASTEN:

S.J. Res. 156. Joint resolution to designate April 9, 1982, as "POW-MIA Commemoration Day"; to the Committee on the Judiciary.

POW-MIA COMMEMORATION DAY

● Mr. KASTEN. Mr. President, today, I am introducing legislation to declare April 9, 1982 as "POW-MIA Commemoration Day." The ultimate sacrifice one can make is to put his life on the line for his country. This bill commemorates our American POW's and MIA's and the sacrifices made by their families.

POW's and MIA's are some of America's most deserving heroes. Their captivity in World War I, World War II, the Korean and Vietnam conflicts was marked by physical abuse, mental torture, and living day-in and day-out at the mercy of their captors. During these conflicts, over 140,000 Americans were prisoners of war and over 17,000 died.

Mr. President, we must never forget those who are still listed as "missing in action." Since World War I, almost 92,000 Americans have been listed as MIA's; in World War I, there were 3,300; in World War II, there were 78,000; during the Korean conflict, there were 8,000 MIA's, and from the Vietnam conflict, there are still 2,500 Americans considered as missing in action.

I believe it is important that we remember Americans from all past wars and conflicts during this special day. The date of April 9 signifies the fall of the Peninsula of Bataan and represents the point in time when the largest single group of Americans were taken hostage by enemy forces. Our prisoners of war, our missing in action, and their families deserve this special day of recognition.

Mr. President, the joint resolution which I have proposed today pays special tribute to our POW's and MIA's who served America to protect the freedom of this Nation.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 156

Whereas thousands of American soldiers have been captured by the enemy and held as prisoners of war or have been declared missing in action in wars involving the United States;

Whereas many American prisoners of war were subjected to cruel and inhumane treatment by their captors in violation of international law and suffered physical and mental anguish;

Whereas many Americans died and most of those who survived continued to suffer as a result of such treatment;

Whereas it remains uncertain whether those Americans missing in action are dead or alive and such uncertainty causes hardship and suffering for their families;

Whereas the sacrifices of American prisoners of war, Americans missing in action, and their families are deserving of national recognition;

Whereas on April 9, 1942, the largest group of American soldiers ever taken prisoner by an enemy of the United States were captured in the Phillipines; and

Whereas the recognition of this date will coincide with the 40th anniversary of the fall of the Peninsula of Bataan: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1982, is designated as "POW-MIA Commemoration Day", and the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the day with appropriate ceremonies, programs, and activities.●

By Mr. SYMMS:

S.J. Res. 158. Joint resolution expressing the policy of the Government of the United States of America with respect to the Government of Cuba; to the Committee on Foreign Relations.

U.S. POLICY WITH RESPECT TO CUBA

Mr. SYMMS. Mr. President, today I wish to introduce a joint resolution entitled "A joint resolution expressing the policy of the Government of the United States of America with respect to the Government of Cuba." The joint resolution reads as follows:

> A joint resolution expressing the policy of the Government of the United States of America with respect to the Government of Cuba
>
> That it is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the Joint Resolution entitled "A Joint Resolution Expressing the Determination of the United States with Respect to the Situation In Cuba,"

Mr. President, that resolution passed the Senate on September 20, 1962, and the House of Representatives on September 26, 1962. It was signed into law by President Kennedy on October 3, 1962.

It stated as follows, Mr. President:

> Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "To extend their system to any portion of this Hemisphere as dangerous to our peace and safety"; and
>
> Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations", and
>
> Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and
>
> Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence: Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States is determined:
>
> (a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;
>
> (b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and
>
> (c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

Mr. President, I ask unanimous consent for that resolution to be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 158

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the Joint Resolution entitled "A Joint Resolution Expressing the Determination of the United States with Respect to the Situation In Cuba," passed by the Senate on September 20, 1962 and by the House of Representatives on September 26, 1962, and signed into law by the President on October 3, 1962 (76 Stat. 697), as follows:
>
> Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "To extend their system to any portion of this Hemisphere as dangerous to our peace and safety"; and
>
> Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the excercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Stations", and
>
> Whereas the Foreign Ministers of the Organization of American States of Punta del Este in January 1962 declared: "The present Government of Cuba has indentified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence; Now, therefore, be it
>
> *Resolved* by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—
>
> (a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;
>
> (b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and
>
> (c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

Mr. SYMMS. Mr. President, there are several important aspects of this joint resolution. First and, I think, the most important part is that it reaffirms the law of the land on American policy toward Cuba as embodied in Senate Joint Resolution 230 or Public Law 87-733 (76 Stat. 697). This bill can be found in the CONGRESSIONAL RECORD, 87th Congress, 2d session, volume 108, No. 170, September 20, 1962, pages 18892-18951, and No. 174, September 26, 1962, pages 19702-19753. That joint resolution passed the Senate on September 20, 1962, by an almost unanimous vote of 86 to 1, and it passed the House of Representatives on September 26, 1962, by an overwhelming vote of 384 to 7.

So I think, Mr. President, it would do us all good to note that the established law of the land is what we are talking about in this resolution.

Second, this proposed joint resolution reaffirms the Monroe Doctrine, first announced in 1823, and the Rio Treaty of 1947.

Third, this proposed joint resolution has several policy thrusts. It expresses the determination of the United States to prevent, by force if necessary, the Soviet-backed Communist regime of Cuba from engaging in aggressive or subversive activities in any part of the Western Hemisphere. It also expresses American determination to prevent the Soviets from establishing a military base in Cuba. Finally, it states American support for the freedom and self-determination of the Cuban people.

Mr. President, this proposed reaffirmation of the 1962 Cuba resolution is fully consistent with President Reagan's Caribbean policy expressed on February 24, 1982. It is my intention, and the intention of my colleague, Representative JACK KEMP, of New York who is sponsoring this joint resolution in the other body, to fully support the President's Caribbean policy. The President's speech had three main elements relating to U.S. policy toward Cuba. First, President Reagan proclaimed that security in the Caribbean region is vital to U.S. national interests. The President said:

> The Caribbean region is a vital strategic and commercial artery for the United States. Nearly half of our trade, two-thirds of our imported oil, and over half of our imported strategic minerals pass through the Panama Canal or the Gulf of Mexico. Make no mistake, the well-being and security of our neighbors in this region are in our own vital interest.

Second, President Reagan described the nature of the threat from Soviet-backed Cuba. He said:

> Cuba and its Soviet backers . . . (have) trained, armed, and directed extremists in guerrilla warfare and economic sabotage as part of a campaign to exploit troubles in Central America and the Caribbean. Their goal is to establish Cuban-style Marxist-Leninist dictatorships. Last year, Cuba received 66,000 tons of war supplies from the Soviet

Union, more than in any year since the 1962 missile crisis.

Of course, President Reagan was not ruling out potential American use of force in the Caribbean or against Cuba. He was merely stating that at present we may not be planning to use force.

Mr. President, I hope that this reaffirmation of American determination to resist Soviet and Cuban aggression and military threats in the Caribbean will receive unanimous support from colleagues. As John F. Kennedy accurately predicted during his 1960 Presidential campaign—I quote President Kennedy, at that time Senator Kennedy, who was running for President in 1960:

> Soviet missile power will be the shield behind which they will slowly but surely advance—through Sputnik diplomacy, limited brush-fire wars, indirect, nonvert aggression, intimidation and subversion, internal revolution, increased prestige or influence, and the vicious blackmail of our allies. The periphery of the free world will slowly be nibbled away.

Mr. President, that is the end of the quote by candidate John F. Kennedy when he was running for President in 1960. How prophetic that turned out to be, Mr. President.

I ask unanimous consent to have printed in the RECORD the following articles relating to the present situation in Cuba. Mr. President, a statement and news release from Representative KEMP dated February 1, 1982, in which Representative KEMP accused the Soviet Union of violating the 1962 Kennedy-Khrushchev agreement prohibiting the introduction of offensive weapons into Cuba and called for comprehensive hearings into Soviet and Cuban activities in the Caribbean and the administration's plan of action to counter that threat.

(Mr. SPECTER assumed the chair:)

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KEMP CALLS FOR HEARINGS ON SOVIET/CUBAN THREAT TO WESTERN HEMISPHERE

At hearings today before the House Foreign Operations Subcommittee, ranking Republican Member Jack Kemp (R-N.Y.) accused the Soviet Union of violating the 1962 Kennedy-Khrushchev agreement prohibiting the introduction of offensive weapons into Cuba, and called for comprehensive hearings into Soviet and Cuban activities in the Caribbean, the threat posed to the security of the nations of the region, and the Administration's plan of action to counter that threat. The text of Congressman Kemp's statement follows:

"As I understand it, the narrow purpose of this hearing today is to consider a forthcoming notice from the Department of State of the President's intention to provide $55 million in aerial support equipment to compensate for the severe losses inflicted by guerrillas in last Wednesday's attack on the airbase outside of San Salvador.

"This attack has seriously impaired transportation within the country. If we fail to assist the Government of El Salvador to repair its vital lines of transport, we will concede to the terrorists a major victory. Encouraged by this success, they would most certainly escalate the incidence of violence, with the objective of disrupting the elections scheduled for March 28.

"In short, if there are ever to be free elections in El Salvador, it behooves the United States to help support the people and government of El Salvador against the guerillas' attacks.

"And that brings me to a crucial distinction that we must face squarely. What we are seeing in El Salvador is more an invasion than a civil war. And by no means is that invasion limited to El Salvador.

"I believe that the threat to the peace and security of our allies in the Western Hemisphere is growing to dangerous proportions.

"Cuban military advisors and Soviet arms and materiel have been pouring into Nicaragua for the purpose of destabilizing neighboring countries. The latest escalation in this dangerous arms supply effort is the anticipated receipt of Russian MiG-23 attack jets in Nicaragua, dramatically increasing Nicaragua's threat to its neighbors.

"Nicaragua now hosts some 5,000 civilian and 1,500 military advisors supplied by Cuba. Moreover, Cuban advisors are believed to be serving in key posts throughout the government. And there are significant numbers of advisors present from East Germany, Bulgaria, North Korea, and the Soviet Union.

"Air bases in Nicaragua and Cuba are under Soviet supervision. Soon to be added is an airbase now under construction in Grenada. On December 19, 1981 Grenada's Minister of National Mobilization declared that the new airbase and housing facilities in his country were at the disposal of Cuba and the Soviet Union.

"Yasser Arafat has publicly boasted of the presence of PLO operatives in Nicaragua.

"All of this has been made possible by the Soviet Union's control over Cuba, and the use of Cuba as a staging ground for the export of aggression in this hemisphere.

"In 1962, President Kennedy reached an agreement with Premier Khrushchev which provided three things. First, the Soviet Union would withdraw all offensive weapons from Cuba, and assure that no new offensive weapons would be introduced into Cuba. Those offensive weapons included medium range ballistic missiles and lightweight bombers. Second, in exchange for that withdrawal and forebearance, the United States agreed not to invade Cuba. Finally, and central to the agreement, was the tacit understanding that Cuba would not engage in disruptive activity in this hemisphere. This final understanding was embraced in Senate Joint Resolution 230, which read in part "That the United States is determined to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere."

From public records we know that today, on the docks of Havana, there are crates containing perhaps a squadron of MiG-23 attack aircraft. These flogger jets are the latest in the Soviet military supply of Cuba, which has continued unabated since 1962.

If anyone would doubt the offensive nature of these aircraft, consider that the newest versions have a range in excess of 1,600 km, and carry loads of bombs, rockets and guided munitions up to 3,500kg payload. Moreover, these ground attack aircraft are nuclear capable.

But apart from the specifications of the MiGs, the essential point is this: The Soviet Union has a military infrastructure in place and growing in Cuba, from which offensive actions may be launched. This includes:

Soviet brigade (2,600-3,000 men) located near Havana;

Major Soviet intelligence collection facility which monitors U.S. communications;

$3 billion annual aid program, or ¼ of Cuba's GNP;

$2.5 billion in arms deliveries since 1960;

Three times more Soviet military equipment sent to Cuba in 1981 than in the previous year, and more than in any year since 1962;

Soviet deliveries to Cuba transshipped to Nicaragua and elsewhere; ultimately used against target governments such as in El Salvador.

The Soviet Union's record of an extensive military buildup in Cuba, and its systematic expansion of Cuba's potential to serve as a base for aggressive actions, leads to one conclusion: the Soviet Union has violated its 1962 pledge not to emplace offensive systems in Cuba.

Moreover, Cuba's activities throughout the Caribbean, promoting violence and instability and seeking to overthrow existing governments, is a gross violation of the understanding reached in 1962 that this hemisphere would be a zone of peace, free from Soviet sponsored disruption.

In sum, Mr. Chairman, I believe that it would be extremely shortsighted for us to attempt to evaluate the President's military assistance program in El Salvador without looking at that program in the context of the security situation in the entire Caribbean region.

Accordingly, I would like to request that we schedule hearings in the near future, with ample advance notice to all members of the subcommittee and to the Administration, to examine the question of Soviet influence in the Caribbean, of Cuban activities throughout the region, and of the implications for our security and the peace and security of our neighbors in Latin America.

Mr. SYMMS. I also have the message of October 26, 1962, from Chairman Khrushchev of the Soviet Union to President Kennedy. It is very clear if one reads this statement and the other correspondence between Khrushchev and Kennedy in October 1962 that the Soviets are in violation of the agreements that were reached by President Kennedy and Mr. Khrushchev in 1962. The U.S.S.R. should certainly now be made aware in my opinion, of the affirmation by Congress of U.S. policy toward Cuba that passed Congress and was signed into law by the President in the fall of 1962. I ask unanimous consent that the following unclassified excerpts from the Kennedy-Khrushchev correspondence be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

KHRUSHCHEV MESSAGE, OCTOBER 26, 1962

Therefore, Mr. President, let us show good sense. I assure you that the ships bound for Cuba are carrying no armaments at all. The armaments needed for the defense of Cuba are already there. I do not mean to say that there have been no shipments of armaments at all. No, there were such shipments. But now Cuba has already obtained the necessary weapons for defense.

Let us normalize relations. We have received an appeal from U Thant, Acting Secretary General of the U.N., containing his proposals. I have already answered him. His proposals are to the effect that our side not ship any armaments to Cuba for a certain period of time while negotiations are being conducted—and we are prepared to enter into such negotiations—and the other side not undertake any piratical action against vessels navigating on the high seas. I consider these proposals reasonable. This would be a way out of the situation which has evolved that would give nations a chance to breathe easily.

If the President and Government of the United States would give their assurances that the United States would itself not take part in an attack upon Cuba and would restrain others from such action; if you recall your Navy—this would immediately change everything. I do not speak for Fidel Castro, but I think that he and the Government of Cuba would, probably, announce a demobilization and would call upon the people to commence peaceful work. Then the question of armaments would also be obviated, because when there is no threat, armaments are only a burden for any people. This would also change the approach to the question of destroying not only the armaments which you call offensive, but of every other kind of armament.

Let us therefore display statesmanlike wisdom. I propose: we, for our part, will declare that our ships bound for Cuba are not carrying any armaments. You will declare that the United States will not invade Cuba with its troops and will not support any other forces which might intend to invade Cuba. Then the necessity for the presence of our military specialists in Cuba will be obviated.

Khrushchev Message October 27, 1962

I therefore make this proposal: We are willing to remove from Cuba the means which you regard as offensive. We are willing to carry this out and to make this pledge in the United Nations. Your representatives will make a declaration to the effect that the United States, for its part, considering the uneasiness and anxiety of the Soviet State, will remove its analogous means from Turkey. Let us reach agreement as to the period of time needed by you and by us to bring this about. And, after that, persons entrusted by the United Nations Security Council could inspect on the spot the fulfillment of the pledges made. Of course, the permission of the Governments of Cuba and of Turkey is necessary for the entry into those countries of these representatives and for the inspection of the fulfillment of the pledge made by each side. Of course it would be best if these representatives enjoyed the confidence of the Security Council, as well as yours and mine—both the United States and the Soviet Union—and also that of Turkey and Cuba. I do not think it would be difficult to select people who would enjoy the trust and respect of all parties concerned.

We, in making this pledge, in order to give satisfaction and hope of [to] the peoples of Cuba and Turkey and to strengthen their confidence in their security, will make a statement within the framework of the Security Council to the effect that the Soviet Government gives a solemn promise to respect the inviolability of the borders and sovereignty of Turkey, not to interfere in its internal affairs, not to invade Turkey, not to make available our territory as a bridgehead for such an invasion, and that it would also restrain those who contemplate committing aggression against Turkey, either from the territory of the Soviet Union or from the territory of Turkey's other neighboring states.

The United States Government will make a similar statement within the framework of the Security Council regarding Cuba. It will declare that the United States will respect the inviolability of Cuba's borders and its sovereignty, will pledge not to interfere in its internal affairs, not to invade Cuba itself or make its territory available as a bridgehead for such an invasion, and will also restrain those who might contemplate committing aggression against Cuba, either from the territory of the United States or from the territory of Cuba's other neighboring states.

Of course, for this we would have to come to an agreement with you and specify a certain time limit. Let us agree to some period of time, but without unnecessary delay—say within two or three weeks, not longer than a month.

The means situated in Cuba, of which you speak and which disturb you, as you have stated, are in the hands of Soviet officers. Therefore, any accidental use of them to the detriment of the United States is excluded. These means are situated in Cuba at the request of the Cuban Government and are only for defense purposes. Therefore, if there is no invasion of Cuba, or attack on the Soviet Union or any of our other allies, then of course these means are not and will not be a threat to anyone. For they are not for purposes of attack.

If you are agreeable to my proposal, Mr. President, then we would send our representatives to New York, to the United Nations, and would give them comprehensive instructions in order that an agreement may be reached more quickly. If you also select your people and give them the corresponding instructions, then this question can be quickly resolved.

Kennedy Message, October 27, 1962

Dear Mr. Chairman: I have read your letter of October 26th with great care and welcomed the statement of your desire to seek a prompt solution to the problem. The first thing that needs to be done, however, is for work to cease on offensive missile bases in Cuba and for all weapons systems in Cuba capable of offensive use to be rendered inoperable, under effective United National arrangements.

Assuming this is done promptly, I have given my representatives in New York instructions that will permit them to work out this weekend—in cooperation with the Acting Secretary General and your representative—an arrangement for a permanent solution to the Cuban problem along the lines suggested in your letter of October 26th. As I read your letter, the key elements of your proposals—which seem generally acceptable as I understand them—are as follows:

(1) You would agree to remove these weapons systems from Cuba under appropriate United Nations observation and supervision; and undertake, with suitable safeguards, to halt the further introduction of such weapons systems into Cuba.

(2) We, on our part, would agree—upon the establishment of adequate arrangements through the United Nations to ensure the carrying out and continuation of these commitments—(a) to remove promptly the quarantine measures now in effect and (b) to give assurances against an invasion of Cuba. I am confident that other nations of the Western Hemisphere would be prepared to do likewise.

If you will give your representative similar instructions, there is no reason why we should not be able to complete these arrangements and announce them to the world within a couple of days. The effect of such a settlement on easing world tensions would enable us to work toward a more general arrangement regarding "other armaments", as proposed in your second letter which you made public. I would like to say again that the United States is very much interested in reducing tensions and halting the arms race; and if your letter signifies that you are prepared to discuss a detente affecting NATO and the Warsaw Pact, we are quite prepared to consider with our allies any useful proposals.

But the first ingredient, let me emphasize, is the cessation of work on missile sites in Cuba and measures to render such weapons inoperable, under effective international guarantees. The continuation of this threat, or a prolonging of this discussion concerning Cuba by linking these problems to the broader questions of European and world security, would surely lead to an intensification of the Cuban crisis and a grave risk to the peace of the world. For this reason I hope we can quickly agree along the lines outlined in this letter and in your letter of October 26th.

Khrushchev Message, October 28, 1962

I regard with respect and trust the statement you made in your message of October 27, 1962, that no attack would be made on Cuba and that no invasion would take place—not only on the part of the United States, but also on the part of other countries of the Western Hemisphere, as your same message pointed out. In view of this, the motives which prompted us to give aid of this nature to Cuba no longer prevail. Hence, we have instructed our officers (these means, as I have already reported to you, are in the hands of Soviet officers) to take the necessary measures to stop the construction of the facilities indicated, and to dismantle and return them to the Soviet Union. As I have already informed you in my letter of October 27, we are prepared to come to an agreement with you to enable representatives of the U.N. to verify the dismantling of these means.

In this way, on the basis of the assurances you have made and of our orders to dismantle, there appear to exist all the necessary conditions for the elimination of the conflict which has arisen.

Kennedy Message, October 28, 1962

I consider my letter to you of October twenty-seventh and your reply of today as firm undertakings on the part of both our governments which should be promptly carried out.

Mr. SYMMS. Mr. President, I ask unanimous consent that an article from the Foreign Service Journal of July 1979 by Barton Bernstein entitled "Kennedy and Ending the Missile Crisis: Bombers, Inspection and the No Invasion Pledge" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Kennedy and Ending the Missile Crisis: Bombers, Inspection, and the No Invasion Pledge

(By Barton J. Bernstein)

On Sunday morning, October 28, 1962, Americans awakened to discover that the Cuban missile crisis seemed over: The Soviets had agreed to remove their missiles, and the United States would both withdraw its quarantine and promise not to invade Cuba. Sticky issues soon emerged: Premier Fidel Castro refused to allow on-site inspection, a brief quarrel developed over removal of the Soviet bombers, the United States pushed for Soviet withdrawal of their 15,000-20,000 troops, and the administration refused to give a firm, public "no invasion" pledge.

In private negotiations, the two powers speedily agreed on inspection at sea to establish withdrawal of the missiles. But for about three weeks, until November 20th, American and Soviet negotiators vigorously disputed other issues. On at least two occasions, American advisers flirted with bombing the Soviet bombers (IL–28s) in Cuba if the Soviets did not promise to remove them speedily. And through much of this period, the president worried about what action he should take if the Soviets or Cubans shot down an American plane conducting surveillance of Cuba. Finally, on the 20th, the Soviets promised to withdraw their bombers, and the United States accepted aerial inspection of them at sea. In the next few weeks, the two powers vigorously negotiated but never agreed on two remaining problems—the "no invasion" pledge and continued American surveillance of Cuba. By early January, the Soviet Union and the United States agreed that they could not agree on these problems.

These two months of negotiations raise important, neglected questions: Why did President John F. Kennedy insist upon removal of the bombers, which had been a marginal issue during the missile crisis? Why did the Soviets concede on this matter? How close did Kennedy come to taking military action against the bombers? What were the roles of domestic and international-political influences on his decision? Did the administration insist upon on-site inspection in order to avoid a firm "no-invasion" pledge?

FACING PROBLEMS

When Premier Nikita Khrushchev publicly capitulated on October 28th, the president knew that he still had to confront two sets of problems—negotiating a settlement with the Soviets, and rebutting domestic critics who wanted to overthrow Castro and heap greater humiliation on the Soviet Union. How, they asked, could the president settle for so little when more was within his grasp? America's conventional and nuclear superiority, they argued, could achieve more victories.

On the 28th, Theodore Sorensen, the president's counsel and trusted adviser, sketched the administration's future response to these charges: The United States had used moderate force and diplomacy to compel the Soviets to retreat, but greater goals and additional threats would have estranged allies and might have provoked the Soviets to retaliate elsewhere. They might have grabbed Berlin and "blame[d] . . . us." Put simply, rejoice in an important but shrewdly limited American victory but don't take risks that could provoke retaliation.

The administration was not guaranteeing that Castro would remain in power, Sorensen stressed, but "only repeat[ing] assurances not to invade" and thus restoring the status quo. "[The] effect on Castro of having [the] rug pulled out from under could be profound." The defeat might topple him from power. Other advisers pointed out that the widespread cut-off trade with Cuba and CIA pressures on his regime and economy could drive him from power.

At the morning meeting of the executive committee of the National Security (ExComm) on the 28th, Kennedy stressed, in the words of the minutes, that "many serious problems will be encountered in the withdrawal of Soviet weapons from Cuba." He wanted to secure the removal of the 42 IL–28 bombers "by making a private approach to Khrushchev, [but] said we should not get 'hung up' on the bombers. . . ." He proposed a deft solution to accomplish his goal—including the bombers "in the Soviet definition of 'defensive weapons'" and of "weapons we call offensive." Since the Soviets had agreed publicly on the 28th "to dismantle the arms which [Kennedy] described as offensive, and to crate and return them to the Soviet Union," Kennedy was acting within the framework of their informal public agreement.

When General Maxwell Taylor, chief of the Joint Chiefs of Staff, stressed the importance of returning to the status quo ante, Kennedy agreed that the goal was desirable but he was also uneasy. He seemed to fear that the bombers were not clearly covered by the Soviet message, and, according to the minutes, "he did not want to get into a position where we would appear to be going back on part of the deal. The IL–28 bombers were less important than the strategic missiles. Admittedly, we would face the problem of Soviet armaments in Cuba if the Russians continued to build up their defense capacity there."

As Kennedy knew, he would find it politically difficult to accede to the Soviet bombers in Cuba, for, like the missiles, they were capable of offensive use and could bomb the United States. But, on the other hand, the bombers did not raise the same sense of peril domestically or internationally. They were slower and more familiar than missiles, so for psychological and military reasons they were not generaly alarming. Yet, to reduce political objections at home, he would find it desirable to remove the bombers. And, unlike the missiles, the bombers could be operated by Cubans, and thus might be very dangerous if they fell into Castro's control and he was as unpredictable as many Americans feared.

Kennedy was seeking to achieve a settlement with the Soviets and to avoid creating unnecessary problems. For example, he briefly halted aerial surveillance of Cuba, and hoped that the United Nations would take over this task. For personal, political, and military reasons, he believed that he needed almost daily evidence on soviet activity at the missile sites and air fields; he did not want to be caught unprepared. But he also did not want to provoke an incident (a downed American plane) and then have to confront the painful problem of whether to retaliate militarily. And to expand its room for manuevering, the administration tried to block Cuban emigrés from broadcasting inflammatory statements. In the laconic words of the minutes, the USIA director "was authorized to discuss with the FCC some way of dealing with this problem [emigrés buying radio time for angry comments] without appearing to be asking for radio censorship."

On Monday, the 29th, John J. McCloy, Kennedy's special representative, and Adlai Stevenson, ambassador to the UN, began negotiations in New York with the Soviets to settle the crisis. They promptly agreed to a modification of the quarantine—in troubling cases, the International Red Cross, an not the United States, would inspect cargoes from the Soviet Union to Cuba to assure that offensive weapons were not being shipped. There was quick agreement that the missiles would be dismantled and sent back to the Soviet Union, but there were fears that Castro would bar on-site inspection. They suspected that he would *insist* upon terms that the United States would reject—the return of Guantanamo, termination of subversive activities against Cuba, and a halt to both aerial surveillance ("violation of Cuban air space") and the trade embargo. Since Kennedy still hoped to topple Castro and defined Castro's relationship with the Soviet Union as "non-negotiable," the administration would not yield to his terms. How, then, would verification be conducted? McCloy indicated that termination of the quarantine rested on guaranteed verification of dismantling and withdrawal of the missiles, and he implied that on-site inspection was essential.

When UN Secretary General U Thant conferred with Castro, he learned that the Cuban leader would not permit inspection. It was a violation of Cuba's sovereignty, Castro argued, unless America also allowed inspection. His demands for a quid pro quo included inspection of possible emigré camps in the southern United States. Temporarily thwarted by Castro, on November 1st, Kennedy sought to increase the pressure on both the Cubans and the Soviets. He authorized low-level flights over some medium-range missile sites, where there was evidence of dismantling, and over airbases with IL–28s. "The major reason for overflying the IL–28s," according to the minutes, "is to make clear that we consider these planes 'offensive weapons' to be removed by the Russians and, therefore, we must know whether they are being dismantled." If an American plane was shot down, "the president decided that no retaliation would take place *today*." (emphasis added) Then what? The evidence suggests no clear answer. The president did not want to attack the anti-aircraft weapons, for the could mean killing Soviets, and provoke more hostile responses. But he did want to maintain aerial surveillance and could not long tolerate attacks on the spy planes. His credibility would be impaired, and domestic critics would skewer him.

Kennedy and his associates did not know, or even suspect, some very unsettling information: that the Cubans, not the Soviets, had shot down the American U-2 on Saturday, October 27th. A few years after the crisis, American intelligence cracked a key code and then discovered that Cuban troops had briefly seized the surface-to-air (SAM) site and fired the deadly missile.

Had Kennedy realized this by the 29th, what would he have done? Halted surveillance lest the Cubans capture another SAM? Attacked the SAM sites and risked killing thousands of Soviets? Most likely, Kennedy would have tried to work out a speedy deal with the Soviets to gain the dismantling of the SAMs. The Soviets, anxious to avoid another clash with the United States or another reason to justify an American attack on Cuba, would probably have conceded.

STRUGGLING WITH THE SOVIETS

The Soviets were deftly trying to block the aerial surveillance in order to assuage the embittered Castro and probably to forestall another Cuban effort to seize a SAM site. The Cubans warned UN officials that they could shoot down the planes, and Soviet Deputy Foreign Minister Vasily Kuzetzov informed McCloy that all the anti-aircraft equipment, including SAMs, was in Cuban control. American intelligence contended that the Soviets were bluffing, and the CIA concluded that "the SAM sites are under exclusive Soviet control."

To try to calm Castro and possibly to secure on-site inspection, Deputy Prime Minister Anastas Mikoyan visited Cuba. The CIA forecast that the soviets were sincerely seeking a way out of the crisis, and thus they "might exert pressure on Castro" and offer him more financial aid, while trying to wring from Kennedy a pledge to halt Cuban exile attacks in addition to his promising not to invade Cuba. Roger Hilsman, the State Department's director of research and intelligence, offered a more cynical interpretation: The Soviets were exploiting Castro's opposition to inspection for their own purposes. They would dismantle the missiles, he forecast on the first, but not remove them from Cuba until they could wring more concessions. Like the CIA, Hilsman believed the Soviets would ask for stronger guarantees for Castro.

Through this tense period, as the ExComm minutes make clear, Kennedy was maintaining close control over negotiations with the Soviets, the handling of press releases, and the conduct of aerial surveillance. Often meeting twice daily with the ExComm, he determined the number and focus of the surveillance flights, and even which pictures of sites and weapons would be distributed within the government and to the press. Fearing leaks and wanting to quiet fears in America, he circulated pictures showing the dismantling of the missile sites but not those of the assembled bombers.

He kept insisting privately that the bombers had to be removed and that the quarantine would continue until their withdrawal. Because Castro was blocking inspection in Cuba, Kennedy agreed that the United Nations or the Red Cross would inspect the ships removing the missiles. He "instructed [the] USIA . . . to emphasize Castro's obstruction to UN inspection and to measures necessary to restore peace to the Caribbean rather than to depict Castro as a Soviet puppet." By focusing attention on Castro, Kennedy presumably hoped to minimize the continuing Soviet-American disputes over removal of the bombers and when the quarantine would end.

By the third, after only five days of negotiations, Kennedy was becoming more uneasy. The crisis might heat up again, he feared. Undoubtedly, he recalled the warning, a few days before, from former Secretary of State Dean Acheson, who reminded Kennedy of the two years of wrangling over the Korean armistice, after a settlement seemed imminent. The president warned Stevenson and McCloy of Soviet perfidy: "[This] is a course in which bargains are fudged, secrecy prevents verification, agreements are reinterpreted, and by one means or another the Soviet government seeks to sustain and advance the very policy which it has apparently undertaken to give up." The assembling of the bombers continued, and he had some sketchy evidence that the Soviets might be establishing a submarine base in Cuba. "In blunt summary," Kennedy told his negotiators, "we want no offensive weapons and no Soviet military base in Cuba, and that is how we understand the agreements of October 27 and 28."

He was not prepared to admit what he had implied on the 28th—that the bombers might not be clearly included and thus that the United States should not "get hung up" on their removal. Nor did he acknowledge that he was adding a new requirement—no Soviet submarine base. What would he do if the Soviets publicly admitted that they were establishing such a base? Since he had justified the quarantine primarily on the grounds that the Soviets had clandestinely sought to alter the balance of power, and he had even tried to distinguish American missiles in Turkey from Soviet missiles in Cuba on the basis of open vs. clandestine deployment, how could he justify opposing an openly acknowledged submarine base? Most Americans would not be troubled by the problem of justification, but the administration might need international support if it chose actions reaching beyond words—a continued quarantine, attacks on Soviet subs, and destruction of the base. Undoubtedly, Kennedy would have also argued, as he did in distinguishing the missiles in Turkey from those in Cuba, that American weapons were "defensive" and Soviet weapons "offensive". But such claims, rooted in self-righteousness, would not have won much international support.

Fearing that negotiations were stalemated, Kennedy cabled Khrushchev on the sixth to stress that the bombers must be removed and that anti-aircraft weapons, even in the hands of Cubans, must not interfere with American surveillance. He emphasized that "we attach the greatest importance to the personal assurance you have given that submarine bases will not be established in Cuba." (Though much of their correspondence remains classified, Khrushchev had probably implied that he would not create such bases, and Kennedy was converting the implication into a firm promise.) American relations with Cuba could not improve, Kennedy stated, until the Soviets withdrew their troops and offensive weapons. It was a temperate but firm message, which avoided threats but stressed that the solution of these problems was essential to the restoration of confidence and the broader negotiations (on a test ban and disarmament) that Khrushchev wanted.

By November 8th, with the issue of the bombers still unresolved, Secretary of the Treasury C. Douglas Dillon, a Republican, foresaw two alternatives, as Vice President Lyndon B. Johnson noted: "Hit planes or strengthen the quarantine." The scattered declassified materials make clear that the president was not about to launch an attack but was considering a stronger quarantine, which would bar petroleum products. He was also resisting the arguments of some advisers, including his negotiators, to let Khrushchev "wiggle off the hook" and leave the bombers in Cuba. That was unacceptable for reasons of domestic politics and probably of pride.

At the same time, Kennedy was trying to reduce domestic fears about Soviet weapons in Cuba and thus to deflate the political pressures on the administration. It was not a time for candor, he apparently concluded. So the administration did admit publicly that the procedures for verifying the withdrawal of the missiles had led to confusion. One Soviet ship that was supposed to "have carried two missiles had none and another had one more than [the] number forwarded by the Soviets," an administration member complained privately. The United States "observed [only] 38 of 42 missiles [that the] Soviets had reported," he noted.

Even after the Soviet shipment of the missiles from Cuba on the ninth and the widely publicized pictures of their removal, rumors continued that the Soviets were hiding additional missiles in Cuba. To kill these rumors, Kennedy directed CIA director John McCone to have the agency check on every emigré report on missiles in Cuba, to ask for the source of information, and to refute the charge in the press if the "refugee is unable to give any significant substantiating information."

On the 13th, the ExComm again discussed strategy for forcing the Soviets to remove the bombers: a private message to Khrushchev threatening a stiffer quarantine, and OAS and UN action dramatizing the "incompleteness of Soviet compliance with the Kennedy-Khrushchev understanding" and also exhorting Cuba to cooperate. Appraising this strategy, U. Alexis Johnson, the deputy under secretary of state, acknowledged that "it would be difficult to mobilize opinion in the UN to exert pressure on the USSR to get the IL-28s out of Cuba since Communist arguments regarding their obsolete character, limited range, and the apparent disequilibrium between such weapons and our own, would make an impact on a good many countries. [Many] members of the UN will adopt the view that the Soviets have acted in good faith and have fulfilled, to the degree possible, their part of the bargain."

WINNING REMOVAL OF THE BOMBERS

During the next three days, the two powers failed to break the stalemate but they did narrow their differences. The Soviets said they would withdraw their bombers, but first they wanted certain United States acts—termination of the blockade and announcement of the "no invasion" pledge. "Our view," explained McGeorge Bundy, special assistant for national security, "is that the first step must be a Soviet order to remove [the bombers] in 30 days," and then the United States would lift the blockade. He implied that a pledge required on-site inspection, and Castro has barred such inspection. In addition, Bundy stressed, the Soviets had refused to promise that they would not reintroduce offensive weapons in Cuba. "We may soon find ourselves back in a position of increasing tension," the administration warned the Soviets.

The Joint Chiefs, as General Maxwell Taylor told Kennedy, were delighted that he was insisting on removal of the bombers. But they hoped that the Soviets would reject Kennedy's offer to lift the blockade in return for Khrushchev's promise to remove the bombers soon. The chiefs wanted to use the quarantine to secure more concessions—withdrawl of Soviet technicians and soldiers, and acceptance of on-site inspection. They left unclear how the Soviets could force Castro to allow inspection, and perhaps they would not have been unhappy if the Soviets failed to meet their terms. They proposed an expanded quarantine to include petroleum products. "If the expanded quarantine did not succeed in obtaining withdrawal of the IL-28s, we should be prepared to take them out by air attack," the chiefs concluded.

The Soviets continued to insist that the bombers would be withdrawn as part of a final solution, in which the United States would pledge not to invade Cuba, support covert activities against Castro, or conduct air surveillance. To put pressure on the Soviets, McCloy informed them on November 18th that Kennedy was scheduling a press conference on the 20th, at 6 p.m., and that the Soviets had to promise before then to withdraw the bombers. There is no evidence that McCloy communicated a direct threat, but the early evening press conference scheduled at such an unusual time, was probably designed to remind the Soviets of Kennedy's early evening speech of October 22nd, when he had surprised the Soviets by declaring a quarantine.

To put additional pressure on the Soviets and to prepare the way for military action, the State Department notified OAS and NATO allies that the Soviets had not agreed to withdraw the bombers and that Castro was threatening to attack American surveillance planes. "Situation is fluid and may take one of several courses [including] the reestablishment of the quarantine and its extension to [petroleum products]," the State Department warned. In a special message to Harold Macmillan, Konrad Adenauer, and Charles de Gaulle, Kennedy stated, "we have to face the fact that a second backdown for Khrushchev may be harder in some ways than the first. For this and other reasons we see some advantages in concentrating any action we take on Castro, from now on, if it can be managed. But the Soviets say the IL-28s are still under their control, and until they are removed we have very little choice but to apply at least part of our pressure against direct Soviet interests."

As Under Secretary Johnson had pointed out earlier, many nations would not support American demands for withdrawal of the planes. Even an expansion of the quarantine would seem extreme. Military action would provoke fear and antagonism among most allies. Even though the chiefs and possibly Secretary Dillon were ready to move beyond an expanded quarantine to bomb the planes, Kennedy and others were far more cautious. They hoped to succeed through hard bargaining and minor threats. If such threats had failed, would the president have done more? Perhaps he would have warned the Soviets that America might increase activities against Castro, but it is unlikely that Kennedy would have bombed the planes. Such action would have frightened allies, outraged neutrals, and unnerved many Americans.

The Soviets, as they had indicated in earlier negotiations, were not hoping to keep the bombers in Cuba. Perhaps they, too, feared that Castro might seize these weapons and thus provoke a crisis that would drag the Soviets into another confrontation with America. Or possibly dominant forces in the Kremlin had simply concluded that Kennedy would not accede to the maintenance of Soviet bombers in Cuba. For about ten days, Soviet negotiators had tried to wring concessions from the United States in return for withdrawal of the bombers. But the administration had refused to offer more than the termination of the quarantine. That would not be sufficient to assuage Castro or to puncture the charges of the Chinese, who accused the Soviets of cowardly retreating and abandoning Cuba. Possibly the announcement of the evening press conference, with the implication of such drastic American action, alarmed the Soviets. They did not want to deal with another dramatic crisis after having been humiliated.

On Tuesday, the 20th, the Soviets capitulated. A few hours before the press conference, Kennedy received a message (still classified) from Khrushchev that he had ordered withdrawal of the bombers in thirty days and that he would also remove some of the Soviet troops. At his evening press conference, the president announced the Soviet promises, implied that aerial surveillance of Cuba would continue, and avoided giving a no-invasion pledge. (In an earlier draft, prepared by Sorensen, the refusal of the pledge had been explicit: "In the absence of necessary safeguards, there is no occasion for formal assurances on the subject of invasion.") Having been thwarted by Castro, Kennedy probably feared that a pledge, in the absence of guaranteed inspection, would have enraged many Americans. And since he was reluctant to tie his hands permanently, he was undoubtedly quite pleased that he could avoid granting such a promise. He had not initially stipulated a condition (on-site inspection) in order to avoid the pledge, but evidence had accumulated by mid-November that his condition would have that consequence. He clung to it when he knew that an embittered and outraged Castro was not prepared to yield.

Bundy suggested that the President might meet some of the Soviet needs by issuing a vague statement, like his announcement of the 20th, which "the Soviets can readily interpret as promised assurances against invasion." He noted that Khrushchev had so construed the earlier statement. "You should emphasize," Bundy counseled Kennedy, "that there is in fact no present danger of invasion of Cuba, but that we cannot be put in position of giving blanket guarantees to a man who has refused to cooperate with UN to fulfill [Soviet-American] understanding of October 27 and 28."

Kennedy followed Bundy's strategy, and the Soviets had to settle reluctantly for a presidential statement reaffirming that "there will be peace in the Caribbean . . . if Cuba is not used for the export of aggressive Communist purposes." America had no "intent to launch a military invasion of the island," the president said. Publicly, Khrushchev treated Kennedy's statement as a firm pledge and told the Supreme Soviet that he would take "appropriate action" if America broke its promise. Despite Soviet objections, Kennedy would not renounce America's right to conduct aerial surveillance of Cuba to guard against reintroduction of offensive weapons. Because the Soviets were unhappy about these positions, the two great powers were unable to achieve a complete settlement. As a result, in early January, after weeks of haggling, they jointly informed the UN that some issues remained unresolved.

CONCLUSIONS

Three weeks of difficult negotiations, followed by a few weeks of less anxious negotiations, had ended the crisis. The Soviets had gained a very weak, carefully hedged, "no invasion" pledge. And the administration did not feel barred from continuing covert activities to overthrow the Castro government. The American government had gained removal of all offensive weapons and some Soviet soldiers, and a Soviet promise not to reintroduce the weapons. Cuba, while asserting her sovereignty by resisting inspection, had been both an impediment and a pawn in the negotiations.

Kennedy had carefully guided the negotiations to settle the crisis. Rejecting the counsel of those who would have liked an attack on Cuba, he had bargained shrewdly and avoided direct threats. While delighted by his dramatic victory in forcing the Soviets to remove their "offensive" missiles, he had sought to avoid a public crisis over the bombers. That effort had required that he manage the news by blocking the emigré groups and by concealing troubling evidence that the government had not observed the removal of all 42 missiles from Cuba.

By January, when the two great powers submitted their report to the UN, the rumors in America about missiles in Cuba were dying out. In fact, the faith in the president and his ability to protect American interests in dealing with the Soviets was so great that he was soon able to secure American approval of a limited test-ban treaty.

Mr. SYMMS. In addition, I also have a Rowland Evans and Robert Novak article from the Washington Post of February 3, 1982, entitled "The Bears In Cuba." It deals with the subject of the Soviet TU-95 Bear, heavy, intercontinental bombers that have been brought into Cuba and are now supporting Castro's air force. As Evans and Novak point out, the SALT II Treaty, in a Common Understanding, defines all variants of the Soviet TU-95 Bear as "heavy bombers." The Soviet IL-28 Beagle Medium bombers were required to be removed from Cuba because they were offensive weapons. A heavy bomber should be even more clearly classed as an offensive weapon. As Evans and Novak suggest, the United States is still unilaterally complying with the unratified SALT II treaty, and hence the United States apparently still accepts the Common Understanding defining all TU-95 variants as heavy bombers. As Evans and Novak imply, the United States may therefore have to choose between honoring an inconvenient definition in the SALT II treaty, or accusing the Soviets of violating the Kennedy-Khrushchev and McCloy-Kuznetsov agreements. One solution to the problem could be to amend the SALT II treaty, or to renounce it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 3, 1982]

THE BEARS IN CUBA

(By Rowland Evans and Robert Novak)

An early warning signal has been flashed to President Reagan that defense-oriented senators, many of them solid Reaganites, will break their self-imposed silence and demand decisive U.S. action against the Soviet arms buildup in Cuba, using a political backdrop that could embarrass the president.

That backdrop is the drama of President John F. Kennedy's spectacular success in backing down the Soviet Union in the 1962 Cuban missile crisis. What gives piquancy to the demand for action is the new disclosure that Cuban airfields now operate as a base for the Soviet TU95 heavy bomber called the Bear—far superior to the IL28 that Kennedy insisted be withdrawn.

Despite the rising demand for action by an administration that has been talking tough on Cuba and the Caribbean for a full year, but carrying a small stick, the consensus within Reagan's national security bureaucracy was described to us this way: "We all agree the Soviets are developing a fantastic strategic opportunity." But as for the U.S. counteraction, well, let's see what happens.

Twenty years ago, when the United States still held an unequivocal military margin over the Soviets, Kennedy extended the missile crisis beyond mere Soviet agreement to pull out the medium-range missiles surreptitiously unloaded on Cuban wharfs. He insisted, also, on the withdrawal of the Cuban-based IL28s.

Congressional agitation has been rising for months over U.S. intelligence reports that Soviet weapons have been piling up in Fidel Castro's Cuba. But the latest intelligence added a new dimension: Cuban-based TU95s, the aircraft classified in the SALT II treaty as the primary Soviet heavy bomber, have been engaged in reconnaissance flights against U.S. naval vessels along the Atlantic Coast for the first time. The Senate Foreign Relations subcommittee that oversees Latin America and the Caribbean has asked State Department officials to give it details and documents of the 1962 agreements (that resolved the missile crisis) between John J. McCloy, representing the United States, and Vasily Kuznetsov, then a high-ranking official in the Soviet Foreign Office.

The subcommittee, headed by Sen. Jesse Helms, means business, but the State Department is exhibiting signs of wariness. Senate insiders say the administration does not want to reveal the fine print of the written and oral undertakings by the Soviets in the so-called "McCloy-Kuznetsov agreements." A closed-door session scheduled for this week was postponed for at least another week.

Rising Senate agitation is based on the suspicion, now nearing conviction, that the McCloy-Kuznetsov agreements have been torn to shreds by Moscow. The essence of those agreements was an embargo on "offensive" weapons in Cuba that could be used either against the United States or in Cuban political manipulations against Central America or elsewhere in the Caribbean.

Assuming the accuracy of American intelligence, the presence of Soviet Bear bombers on any one of nine different airfields equipped to handle them amounts to a quantum jump in proliferation of more ambiguous Soviet weapons. Crates recently unloaded from Soviet vessels are acknowledged to contain MiG23s, a late-model Soviet fighter that has been present in Cuba for many months. Some specialists, however, believe they may contain the bomber version of the MiG23, known as the MiG27, which would also appear to be a clear violation of the 1962 agreement.

Administration officials correctly fear that the coming Senate probe points to far more difficulties for the president than merely identifying Castro's most recent Soviet acquisitions. The true target is the president's curious lassitude in adopting a consistent policy to deal with Cuba's central role in spreading Marxist revolution or civil war throughout Central America.

What the senators are after is candid, public recitation of the extent and significance of the Soviet arms shipments, their use by Cuba and what the Reagan administration is going to do about it. It may be a lot more than they get.

Mr. SYMMS. Mr. President, I also request that the National Security Record of the Heritage Foundation published last summer entitled "Removing the Soviet Influence From Cuba" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REMOVING SOVIET INFLUENCE FROM CUBA

The necessity of formulating a new strategy toward Cuba has been underscored by the Reagan Administration's emphasis on the central role played by the Caribbean region in American security. This strategy must effectively counter Fidel Castro's expanding position as the principal supporter of radical groups in the area, and also thwart Soviet exploitation of Cuba as a military surrogate in the Third World. Castro has been free to pursue his ambition of spearheading revolution in Africa and Latin America with minimal opposition from the United States. Both the passive policy of economically isolating Cuba and the active promotion of the normalization of relations have proved inadequate in checking Cuba's active involvement in Soviet expansionism. More direct and positive policies must be developed to challenge Cuban militarism and adventurism, and ultimately to remove Soviet influence from Cuba.

IMPACT OF COMMUNISM

Although Castro came to power promising redistribution of national wealth to the lower classes, his actions have impoverished the entire country. He destroyed a flourishing economy based on free enterprise, and alienated the technical and managerial sectors, who comprise a large portion of the refugees over the past two decades. Many who were not able to escape are dead or in prison. Primary support for the regime had come from both wealthy classes opposed to corruption and political restraints under Batista, and the rural poor, who initially received some marginal benefits from Castro's rule. But rather than further open the political process in Cuba, Castro completely closed it, and all segments of society have suffered reductions in living standards. The urban population, especially in Havana, has opposed Castro since his rise to power. Cuba today is an economic disaster.

Because of the combination of Castro's emphasis on the international role of Cuba and the failure of the Communist system to provide incentives for production, the economy has actually retrogressed. The annual Soviet subsidy of more than three billion dollars in non-military aid does not even maintain normal levels of subsistence. As early as 1965 the per capita *ration* of food had dropped to far below the actual consumption before the Castro regime took power. Official statistics have not been released since then, although in 1979 at a December meeting of the National People's Assembly Castro stated "the year 1979 was one of the worst years" in terms of agricultural production and food supplies. In 1957 Cuba's per capita Gross National Product ranked fourth in the Americas, but after a decade of "revolutionary development" it had dropped to eleventh, and has since fallen further.

By 1970 Fidel Castro had abandoned all hope of establishing an independent economy and accepted the Soviet Union as a permanent protector and provider. The price of Soviet aid is the use of Cubans around the world in support of Soviet political and military designs. As a result most aspects of Cuban life have become subordinated to the military, especially as a result of mandatory military training and the emphasis on armed conflict as the major defense of the revolution, as illustrated in Chart 1 below. As this often leads to duty in an African adventure, avoidance of the draft has become more and more of a problem in Cuba. Taken together with the other social and economic factors, this lucidly explains the flight of over a million Cubans since 1959—over 10 percent of the population.

CHART 1—SOLDIER TO CIVILIAN RATIO

	Population	GNP-1976 (millions of U.S. dollars)	Soldier/civilian ratio[1]	Active duty military
Cuba	9,720,000	8,120	79	189,000
Chile	10,742,000	10,980	145	88,000
Peru	16,832,000	12,610	276	95,000
Brazil	113,859,000	125,570	421	231,000
Guatemala	6,531,000	4,070	553	15,000
Mexico	65,487,000	67,640	722	107,000

[1] Number of civilians per soldier

This extraordinary mass exodus graphically contrasts the nature of the tyranny in Cuba from that of any other country in Latin America. Despite varying degrees of dictatorial rule in the hemisphere, only Cuba has established a totalitarian regime which rigidly regulates or supervises all aspects of society. As the annual State Department survey on human rights reports:

"Cuba is a totalitarian Marxist-Leninist state. Under the 1976 constitution, the government may restrict any right or freedom when exercised in opposition to the state. All political, economic, social, and cultural activities are under the close control of the communist party."

This report notes that repression has increased since a new penal code went into effect on November 1, 1979, which lists a wide range of "crimes" which threaten the "security of the state." This was followed by general unrest and the occupation of the Peruvian Embassy by over ten thousand discontented Cubans. Eventually the government encouraged 125,000 people to flee the country.

A SOVIET SUBCONTRACTOR

Soviet use of Cuba as a proxy has sparked heated debate as to what extent Castro initiates Cuba's foreign policy and military moves. Economic dependence and Soviet control of Cuba's security forces preclude any Cuban action not in accord with Russian designs. Regardless of Castro's personal objectives or the interests of the Cuban people, his forces are serving the interests of the Soviet Union. In order for Castro to justify the enormous cost of these overseas adventures and Cuba's subservience to Soviet interests, the cause of "internationalism" and "revolutionary solidarity" is continually cited. Castro has often stated that only after the final defeat of capitalism will Cuba achieve complete independence, rationalizing the global involvement of Cuban troops as being in the national interest. The degree of this involvement is staggering for a country of Cuba's size and population. Some examples from the past decade include:

Syria: During the October 1973 Yom Kippur War, five hundred "tanquistas" (armored corps troops) were airlifted to Syria to operate Soviet-supplied tanks. This participation, in view of Cuba's total lack of ties to the area, was presumably under Soviet orders, and certainly made possible by Soviet transport.

Angola: After the Portuguese withdrawal in November 1975, Soviet military equipment and Cuban troops began to arrive in large numbers. At the height of the intervention 20,000 Cuban troops and hundreds of East German security advisors and Soviet technicians sustained the MPLA. This success in Angola bolstered Castro's personal prestige and at the same time reestablished his position as a major leader of the nonaligned movement. Over 10,000 Cuban troops continue to protect the MPLA against popular nationalist movements in Angola.

Zaire. Cuban forces trained and armed the so-called Congolese African Liberation Front, which invaded Zaire in 1977 and 1978. Cuban officers led the former Katangan gendarmes at least as far as the Zaire border. Only the rapid assistance provided to Zaire by Morocco and France prevented an eastward expansion of Soviet influence in southern Africa.

Ethiopia: Cuban advisors appeared in Ethiopia soon after a Marxist *coup d'etat* overthrew the government of Haile Selassie, while all eastern-bloc aid was withdrawn from the Eritrean and ethnic Somali independence movements, although aid had been supplied for years. When in spite of this the insurgencies threatened to end Ethiopian rule in Eritrea and the Ogaden, a massive Soviet airlift of material and an estimated 16,000 Cuban troops reversed the situation. By March 1978 the last field opposition to the Cuban and Ethiopian forces had been defeated.

Nicaragua: Cuba played a vital role in training and supporting the guerrilla movement in this country and throughout Latin America. Indeed, as the Assistant Secretary of State for Latin American Affairs Thomas Enders points out, in most cases Castro actually created a central leadership for these movements:

"That is where Cuba came in: One by one—first Nicaragua, then El Salvador, then Guatemala, now Colombia—Cuba brought the leaders of the different factions together. Often Castro personally worked out their differences in long negotiating sessions. He forged unified directorates, counseled the formation of broader fronts, to manipulate legitimate opposition groups and unleashed a global propaganda campaign."

Castro continues to exercise considerable influence over events in Nicaragua. There are two to three thousand Cubans currently in the country, including over 800 security advisors and troops, exercising far more influence than the 48 American military advisors in El Salvador.

Colombia: After the capture of a number of terrorist M-19 leaders in June 1981, Colombian intelligence learned that they were trained and supplied with Soviet arms by Cuba. The Colombian government hopes that this revelation will discredit the M-19 leadership and bolster the government's amnesty offer. Colombia has broken diplomatic relations with Cuba.

Guatemala: In the midst of growing violence, American intelligence reports growing Cuban involvement in training and equipping guerrilla groups operating against the government forces. Equipment traced to Cuba and Nicaragua has been captured—unconfirmed sources report Guatemalan capture of a Cuban soldier.

Chart 2: Advanced Soviet Weaponry in Cuba

In Cuban Service:

2 W and F Class Submarines: 6000-9000 miles range.

6 Kronstadt Patrol Craft: 3500 miles range.

10 Osa Fast Attack Craft: 450 miles range.

12 P-6 Torpedo Boats: 400 miles range.

12 P-4 Torpedo Boats: 400 miles range.

80 MiG-21 Close Support Aircraft: 683 miles range.

10 MiG-23 Interceptors: 600 miles range.

48 MiG-23 and 27 Fighter-bombers: 600-1500 miles range.

Soviet Forces F ently in Cuba:

Tu-95 "Bear-D . 00 miles range.

Golf Ballistic Missile Submarines: 9000 miles range.

Echo Cruise Missile Submarines: Nuclear powered.

Kresta II Guided Missile Cruiser: 9000 miles range.

In each case Cuba's role has been contrary to the interests of regional peace and stability, and also detrimental to the national security interests of the United States. The presence of Soviet military forces in Cuba; a submarine base at Cienfuegos; Soviet pilots flying advanced tactical bombers capable of delivering nuclear weapons; and the famous Soviet brigade, which is configured in the same manner as other Soviet units guarding nuclear munition dumps in Eastern Europe, continue to have potentially adverse consequences for American security.

AMERICAN POLICY AND THE FUTURE OF CUBA

No nation so firmly entrenched in the Soviet orbit for as long as Cuba has ever extricated itself from Moscow's grip. The defection of Cuba from the Soviet camp would have a great dual impact: (1) the Soviet Union would have to focus its attention on its other satellites to prevent their following suit, turning it away from overseas expansion; and (2) the removal of Cuba as a base for Communists expansion in the Western hemisphere would weaken radical revolutionary movements that threaten Latin America's movement toward development and democracy.

Enormous discontent exists in Cuba, as was demonstrated by the Mariel exodus. The people of Cuba may now be very receptive to a change of government that would improve their quality of life. But the possibility that Cuba can expel Castro's Soviet patrons by popular uprising is unlikely at the present. Castro remains an extraordinarily effective dictator, well able to manipulate the Cuban population, and his large Soviet directed internal security apparatus is fully capable of repressing dissent.

The Carter Administration initially advocated normalization of relations with Cuba. In its view, Castroism would be moderated by the demands for increased personal freedom made by Cubans after trade, travel, and freer contact with the exile community in America opened their horizons. In 1977 interest sections were established in Washington and Havana, but Carter intentions to upgrade them to embassies were halted by the escalation of Cuban activities overseas. Advocates of this policy fail to explain why Castro would be interested in promoting a process that would result in a weakening of internal control, or why the Soviet Union would grant its approval. In fact, Cuba has directly or indirectly spurned U.S. efforts to improve relations.

Diametrically opposed to this view is the advocacy of direct U.S. intervention. In response to new Cuban operations overseas the United States could take direct military action against Cuba, ranging from a blockade to invasion. Although this is probably the most effective option for removing Soviet influence from Cuba available to the United States, such an option raises numerous concerns for reasons which include:

Misperception of the Soviet role in Cuba. Many American leaders continue to perceive Castro as being essentially independent of the Soviet Union in his foreign policy initiatives. Therefore they continue to hope that in spite of past failures it will be possible to reach an accommodation with Castro.

Fear of Latin American reaction. The image of America as an imperialist power remains an integral element of leftist politics in Latin America. Many Latin Americans admire Castro, in spite of disagreements with his policies, for continually humiliating the United States for a generation. However, most of these Latin Americans have always opposed American policy uncritically. Other groups, including the leaders of many of the most important Latin American nations, would either overtly or quietly support actions to remove Castro from power.

Fear of Soviet reaction. There is a very real possibility that the Soviet Union would react to the loss of Cuba by striking elsewhere in the world. Before the signing of the Four Power Treaty in 1971 the Soviet Union had repeatedly threatened to seize West Berlin if the United States intervened in Cuba. Such a reaction could still take place against Berlin or in the Middle East, exploiting the concentration of American troops close to home. Because of this, many Americans have suggested the toppling of the Castro regime in response to a Soviet invasion of Poland, when the Soviet Union would be too preoccupied to react.

Fear of unacceptably high losses. An action by the American military could well be costly in terms of both men and materiel. In light of Castro's continual harping of the threat from America and the failure of the United States to explain through radio broadcast its opposition to the Communist regime, the intervention could possibly rally the Cuban people to Fidel for a time. Castro commands an army of 190,000 regular troops and a militia of nearly half a million. An application of American force must be decisive in the early part of a conflict to avoid a prolonged involvement.

Fear of direct conflict with the Soviet Union. As the Soviet Union has five thousand troops in Cuba, the disposition of these Russian forces would be an important consideration in the event of direct intervention. There status would have to be determined and if possible, arrangments made for their return to the USSR. In any movement that toppled the Castro regime the Soviets should be allowed to evacuate their forces as the United States did at the fall of South Vietnam: safely, but with humiliation.

NEW POLICY GUIDELINES

Unless as a result of Soviet or Cuban provocation a consensus is reached to intervene directly, the Reagan Administration will be confined to indirect means of opposing Soviet influence in Cuba. At present the question of which means are appropriate is under review. Several steps have already been taken which indicate an increased resolve to deal with the Cuban problem. These include a Caribbean economic plan, increased military and economic aid to El Salvador, and a cut-off of aid to Nicaragua. But these steps are essentially countermeasures to Cuban efforts to destabilize Caribbean nations.

More active measures can be taken to contain Cuban military operations and at the same time arouse the discontent of the Cuban people with their arduous life under Communism and loss of sovereignty to the Soviet Union. These include:

Increased materiel and financial assistance to governments and movements directly resisting the Cubans, including Honduras, Guatemala, Colombia, and the Angolan UNITA movement, and the various nationalist movements in Ethiopia.

Direct action against Cuban forces overseas through covert or overt actions. This could involve sabotage, air support for freedom fighters, and direct interdiction of Cuban resupply and relief forces by means of a naval quarantine.

Support of desertion of Cuban troops from their overseas military units and destruction of their morale by the use of radio and other propaganda mechanisms.

Direct action by the State Department to once again discourage Americans from visiting Cuba, possibly prohibiting such travel completely without State Department approval.

Active diplomatic efforts to encourage those countries currently maintaining close ties with Cuba to downgrade their relations.

Persistent efforts to convince the Organization of American States and the United Nations to seek sanctions against Cuba for its support of global terrorism and for violating the basic human rights of its people.

Cooperation from our allies and the other Latin American nations to boycott the Cuban economy, so that the Soviet Union must expend even greater efforts to maintain the Communist regime. Revenue from tourism and trade should be curtailed to the greatest degree possible.

Direct radio broadcasts to Cuba, independent of the Voice of America, should be increased to 24-hour service. The format of these broadcasts should differ strongly from Voice of America, stressing instead internal news and the losses involved in the African adventures.

Similarly, Cuban nationals in the United States should also be encouraged to broadcast from their own stations and not be harassed by U.S. FCC officials as in the past.

The American people should be educated as to the extent of Soviet control of Cuba, and the threat this poses to the United States.

CONCLUSION

Overall, the United States should pursue a cautious policy of isolating Castro's regime, fomenting discontent on his island, and reacting vigorously to any attempt he makes to intervene in the affairs of other nations. Such a policy would nullify the immediate impact of Havana on world events, and possibly set into motion forces in Cuba that will lead to the demise of the Castro regime.

But the determining fact in formulating a policy to remove Soviet influence from Cuba must be the extent to which the United States feels Cuba poses a threat to itself and its neighbors, and the price it is willing to pay to remove this threat. If the American people believe that Soviet influence ninety miles from their shores is unacceptable, and that the growing role of Cuba as a nursery for infant revolutions is a threat far too great to tolerate, then the United States will bring the necessary pressure to bear on Castro to end his oppressive rule and return Cuba to its place as a peaceful member of the Caribbean community.

Mr. SYMMS. Mr. President, I think what this means is that we in Congress and the United States as a nation, whether governed by Republicans or Democrats have a vested interest in our security and what is going on with our neighbors to the south. I would say there are many of my constituents, and, I am sure, of the distinguished Presiding Officer's constituents who talk with us about immigration and illegal immigrants coming into this country. I only say that if we fail at this point to restrain the Soviet-Cuban aggression, and fail to do whatever is necessary to defeat it, we have not seen anything yet in terms of an immigration problem in this country because, once the revolution starts in Mexico, it will not have to be successful. If revolution just starts with our neighbors to the south, in Mexico, we shall have immigration problems across that 2,100-mile border that one has not imagined up to this time.

There is a 2,100-mile border virtually unguarded and untended between ourselves and our friends in Mexico to the south. All it will take is for the United States to stand idly by and allow the Marxist-Lenin revolutions to be successful in El Salvador, Costa Rica, Honduras, and Guatemala. Then it will start in the oilfield regions in Mexico. If it ever starts, people will start fleeing from Mexico into the United States.

I believe it may come to pass in a very short time that we shall have an immigration problem that will be really unimaginable.

I often hear, Mr. President, and I would say in the last 10 days, I spent a good share of that time in my home State, Idaho, talking with people, having town meetings and so forth. I heard everyone saying we cannot have another Vietnam. I tell them they are quite right, we cannot suffer another defeat as we did in Vietnam. Because the Communist victory in Vietnam was a gross violation of human rights. It is very interesting to me to hear the hue and cry one hears from particular quarters, especially from part of the great national news media, about alleged human rights violations in El Salvador by the beseiged government. Very rarely do we hear anything about the Communist human rights violations in Southeast Asia today, where 2 million Cambodians were murdered or where North Vietnamese troops are illegally using mycotoxins on the people in Laos and Cambodia, where hundreds of thousands of innocent, freedom loving people are trying to escape South Vietnam in leaky boats.

I implore this body to accept this joint resolution in view of the fact that we cannot afford another defeat like Vietnam, not in our own back yard, because to accept what happened in Vietnam in the Americas will surely mean the ultimate defeat of the United States. I think that is a very serious problem. I hope that my colleagues will accept this joint resolution because it merely reaffirms what the law of the land is, as it was passed in 1962. I think that it only points out the fact that we have probably not successfully followed that policy of resisting Soviet-Cuba aggression that passed Congress in the 1960's, during the sixties or the seventies. It never is too early to start doing what is right. I implore my colleagues to join me in passage of this resolution.

I yield back the floor, Mr. President. If there are no other Senators on the floor who wish time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

By Mr. ROTH (for himself, Mr. Long, Mr. Durenberger, Mr. Goldwater, Mr. Laxalt, Mr. Leahy, Mr. Moynihan, Mr. Zorinsky, Mr. Levin, Mrs. Hawkins, Mr. Baucus, Mr. Hayakawa, Mr. Riegle, Mr. Sasser, Mr. Tsongas, Mr. Chafee, Mr. Weicker, Mr. Heflin, Mr. Kasten, Mr. Burdick, and Mr. Percy):

S.J. Res. 159. Joint resolution entitled the "White House Conference on Productivity Act"; to the Committee on Governmental Affairs.

WHITE HOUSE CONFERENCE ON PRODUCTIVITY ACT

● Mr. ROTH. Mr. President, today I am introducing, on behalf of Senator Long and myself, a bill calling on the President to convene a White House Conference on Productivity.

America today is in the midst of a productivity crisis. We have seen our productivity growth rates decline with the passage of time and have witnessed a loss of markets and sales opportunities throughout the world to countries whose efficiency surpasses ours. Loss of markets means loss of jobs and a declining standard of living for all Americans.

During the 1950's and the first half of the 1960's, U.S. productivity growth averaged more than 3 percent per year; by 1965, however, it had begun to decline. From the midsixties until 1973, growth was only 2.3 percent per year, and after 1973, 2.3 percent dropped to 1 percent. In 1978, 1979, and 1980, we actually saw a decline in productivity; and the United States, once a world leader in innovation, efficiency and economies of scale, began losing precious ground to tough foreign competitors.

While the figures for 1981 were, on the whole, better than those in 1980, the fourth quarter showed a 6.5-percent drop in output per hour of all persons. That was the biggest drop, on an annual basis, since World War II.

Productivity declines affect each and every one of us. The Department of Commerce and the American Productivity Center estimate that if we had maintained our earlier growth rates, the average American household would have $5,500 more in real income this year. Moreover, without corresponding productivity improvements, wage increases merely fuel inflation, leaving us with higher prices and illusory profits.

Internationally, our productivity doldrums seriously impair our ability to compete in world markets. From 1973 to 1979, U.S. output per hour increased less than 1.5 percent per year. In Japan, by contrast, output increased nearly 7 percent per year. West Germany topped 5 percent and Belgium 6 percent. Productivity slowdowns at home are thus being met by productivity leaps abroad.

Such comparisons are more than academic exercises. It is no coincidence that, as our productivity growth rates have declined, our share of world markets has followed suit. While our share of the world market for manufactured goods was nearly 20 percent in 1960, we were supplying less than 13 percent of that market by 1980. Much of this market share has been seized by more productive firms in Japan and the newly industrializing countries around the rim of Asia.

As members of a global system U.S. producers must compete with foreign producers everywhere; and as unit costs of production overseas decline relative to U.S. costs, foreign goods become cheaper and we lose markets and job opportunities.

These competitive problems affect our Nation's basic industries. U.S. producers of carbon steel, for example, unable to keep pace with productivity improvements in Japan, have seen that country gobble up an increasing share of the U.S. market. Even my own State of Delaware has suffered from international pressure. Delaware's Chrysler and General Motors auto and truck producers have watched Japanese auto manufacturers walk away with as much as 30 percent of the U.S. market in a given month.

This experience is being repeated throughout our economy, in consumer electronics, motorcycles, machine tools, apparel, and a host of other products.

We must turn this situation around and regain our international competitiveness. We must develop a strategy for economic growth that will boost the standard of living for all Americans and increase job stability for U.S. workers. And I am convinced that, over the long term, the solution to our domestic and international dilemma lies in greatly improved productivity. To sell abroad and compete at home, we must become more productive.

Productivity improvements, however, will require some basic changes in our thinking. We must give up our crisis mentality approach to issues and begin to emphasize long-term stability.

Business, government and labor all have a stake in improving our productivity performance and in developing long-term guidelines that will enable us to become more efficient. These groups, working together, can contribute to a cooperative strategy for growth. As in the case in Japan, we must all work as partners, exchanging ideas to enhance individual welfare and planning for a strong United States in the 1990's.

As a key step in this cooperative process, the President should convene a White House Conference on Productivity. Such a conference—preceded by a statewide and regional meetings among business, labor, academia, government at all levels and consumers—would provide a forum for airing views on such diverse topics as robotics, government organization, quality of worklife, capital formation, regulatory policy, export prospects and technology sharing.

This conference could focus national attention on the individual benefits that accrue from productivity improvements. It could study the measures and policies that have been successful in countries like Japan to learn how we might become more efficient. And it could study educational systems around the world to learn how students are taught to become formidable competitors in the world marketplace.

What I envision is a grassroots campaign to spread the word on the value of productivity improvements to each and every American citizen. I do not envision a one-shot deal—just another Federal conference where ideas and recommendations are thrashed out, only to be filed and forgotten due to lack of interest or followup action.

Rather, this White House conference would be an important contribution to our Nation's economic recovery—first as a statement by the Chief Executive on the priority he places on improved productivity, and, second, as a forum for developing innovative solutions to get our productivity back on track.

The United States can again be the world's productivity leader, but to do so requires the cooperation and active participation of every American. A White House Conference on Productivity could get that ball rolling.

Mr. President, I ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 159

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "White House Conference on Productivity Act".

TITLE I—FINDINGS

SEC. 101. The Congress finds that—

(1) The United States' traditional annual productivity improvement rate of approximately 3 percent has fallen drastically in recent years to a negative one-half of one percent;

(2) if our traditional productivity improvement rate had been maintained, the average household would have received nearly $5,500 in additional real income each year;

(3) the decline in productivity has inflated the cost of goods and services produced in the United States relative to the goods and services of nations with higher productivity rates;

(4) improved productivity will enhance our international competitiveness, which will expand foreign market opportunities and jobs;

(5) productivity improvement can be restored in the United States through the application of policies and management techniques which have brought substantial productivity gains on a broad scale in other countries and in some businesses within the United States;

(6) when adequate protections are provided, productivity improvement techniques can bring great benefits to labor as well as management; and

(7) the United States must act immediately to reverse our productivity decline and to restore our annual productivity improvement.

SEC. 102. For purposes of this joint resolution—

(1) the term "conference" means the White House Conference on Productivity;

(2) the term "Director" means the Director of the Office of Management and Budget;

(3) the term "productivity" means output per paid employee hour of all employees in the private sector;

(4) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

TITLE II—THE WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SEC. 201. The President shall call a White House Conference on Productivity not later than one year after the date of enactment of this title in order to develop recommendations to stimulate the Nation's productivity improvement rate.

SEC. 202. For the purpose of ascertaining facts and developing recommendations concerning the improvement of productivity, the Conference shall bring together individuals who are experts in the field of productivity, employees, and representatives of businesses, associations, labor organizations, academic institutions, and Federal, State, and local government.

SEC. 203. The Conference shall consider the following policy options with regard to their role in improving national productivity:

(1) reorganization of the Federal Government so that it can best promote productivity improvement in the private and public sectors;

(2) bringing to the attention of American businesses, labor organizations, and government officials the benefits which result from implementing productivity improvement techniques;

(3) improving the general training and skill level of American labor;

(4) redirecting Government efforts to inform American businesses of foreign technological developments;

(5) encouraging Government agencies to share with industry new discoveries and processes that improve productivity;

(6) establishing annual Presidential awards of recognition for those businesses and industries which accomplish outstanding improvement in productivity and establishing similar awards at the State and district levels;

(7) revising the tax laws to encourage companies to take actions to improve productivity;

(8) reviewing the effect of the antitrust laws on efforts to improve productivity;

(9) reviewing the patent laws to determine if changes are needed to encourage more productive use of American patents;

(10) improving the accuracy and reliability of data gathered by the Bureau of the Census and other Government statistical collection centers which measure American productivity; and

(11) revising Federal civil service laws to improve the productivity of Government workers and encouraging similar action at State and local levels.

SEC. 204. A final report of the Conference on Productivity shall be submitted to the President not later than one hundred and twenty days following the date on which the Conference is called and the findings and recommendations included therein shall be immediately made available to the public. The President shall, within one hundred and twenty days after submission of such final report, transmit to the Congress his recommendations for the administrative action and legislation necessary to implement recommendations contained in such report with which he concurs.

TITLE III—ADMINISTRATION

SEC. 301. In administering this joint resolution, the Director shall—

(1) request the cooperation and assistance of the Departments of Commerce, Labor, and the Treasury and such other Federal departments and agencies as may be appropriate in carrying out the provisions of this joint resolution;

(2) render all reasonable assistance, including financial assistance, to groups and organizations which are conducting district, State, or regional productivity conferences in preparation for the Conference;

(3) prepare and make available background materials for the use of delegates to the Conference which are deemed necessary, and prepare and distribute any report of the Conference as may be necessary and appropriate;

(4) engage such additional personnel as may be necessary to carry out the provisions of this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(5) enter into contracts only to such extent and in such amounts as are provided in appropriation Acts, with organizations with particular expertise in productivity to conduct preparatory and follow-up work for the Conference.

SEC. 302. There is authorized to be appropriated up to $1,500,000 to carry out the provisions of this Joint Resolution. The Director shall attempt to raise all or part of the Conference's operating funds from groups participating in the Conference, including private industry, labor organizations, State and local governments, and private organizations and foundations.●

ADDITIONAL COSPONSORS

S. 671

At the request of Mr. PELL, the Senator from South Dakota (Mr. PRESSLER), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of S. 671, a bill to amend section 402 of title 23, United States Code, relating to establishment by each State of comprehensive alcohol-traffic safety programs as part of its highway safety program.

S. 1018

At the request of Mr. CHAFEE, the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 1018, a bill to protect and conserve fish and wildlife resources, and for other purposes.

S. 1693

At the request of Mr. KASTEN, the Senator from South Carolina (Mr. HOLLINGS), the Senator from South Carolina (Mr. THURMOND), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of S. 1693, a bill to provide for the issuance of a special stamp to commemorate the 200th aniversary of the presence of the bald eagle on the official seal of the United States of America.

S. 1852

At the request of Mr. JEPSEN, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1852, a bill to amend the Export-Import Bank Act of 1945 to provide for the extension of credit for agricultural commodities.

S. 1987

At the request of Mr. CRANSTON, the Senator from Florida (Mr. CHILES), the Senator from New York (Mr. MOYNIHAN), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 1987, a bill to amend the Social Security Act to provide general revenue funding for successful programs providing rehabilitation services to individuals in receipt of disability benefits under title II or XVI of such act.

S. 2012

At the request of Mr. PROXMIRE, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2012, a bill to amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congress and to eliminate the provision which allows such deduction without substantiation of such expense.

S. 2036

At the request of Mr. QUAYLE, the Senator from Pennsylvania (Mr. HEINZ), the Senator from Mississippi (Mr. COCHRAN), the Senator from Montana (Mr. MELCHER), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2036, a bill to provide for a job training program, and for other purposes.

S. 2051

At the request of Mr. DANFORTH, the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 2051, a bill to amend the Internal Revenue Code of 1954 to deny the deduction for amounts paid or incurred for certain advertisements carried by certain foreign broadcasting undertakings.

S. 2155

At the request of Mr. KASTEN, the Senator from Iowa (Mr. GRASSLEY), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 2155, a bill to require a foreign country be declared to be in default before payments are made by the U.S. Government for loans owed by such country or credits which have been extended to such country which have been guaranteed or assured by agencies of the U.S. Government.

SENATE JOINT RESOLUTION 138

At the request of Mr. ROBERT C. BYRD, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of Senate Joint Resolution 138, a joint resolution to authorize and request the President to designate the week of April 18, 1982, through April 24, 1982, as "National Coin Week."

SENATE JOINT RESOLUTION 154

At the request of Mr. PELL, the Senator from Colorado (Mr. HART), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of Senate Joint Resolution 154, a joint resolution expressing the sense of Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights at Geneva in February 1982.

At the request of Mr. BOSCHWITZ, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Joint Resolution 154, supra.

SENATE RESOLUTION 299

At the request of Mr. WEICKER, the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Kentucky (Mr. FORD), the Senator from Iowa (Mr. GRASSLEY), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Pennsylvania (Mr. SPECTER), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of Senate Resolution 299, a resolution to designate May 4, 1982, as "International Franchise Day."

SENATE RESOLUTION 332—ASSURING ISRAEL'S SECURITY AND OPPOSING ADVANCED ARMS SALES TO JORDAN

Mr. KENNEDY (for himself and Mr. **Heinz**) submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. Res. 332

Whereas Israel is a stable, democratic and reliable ally of the United States;

Whereas the security of Israel is in the national interest of the United States;

Whereas Jordan has opposed the Camp David peace process and joined forces with Iraq, whose government is committed to the destruction of Israel;

Whereas Jordan is intending to purchase additional advanced weapons from the Soviet Union; and

Whereas the sale of U.S. advanced fighter aircraft and mobile antiaircraft missiles to Jordan would jeopardize the security of Israel.

Resolved, it is the sense of the Senate of the United States of America that:

1. The United States should not sell advanced fighter aircraft, mobile antiaircraft missiles, or any other advanced weapons to Jordan because they threaten the security of Israel.
2. The United States should ensure that Israel retains its qualitative military edge in the Middle East.

SALE OF ADVANCED ARMS TO JORDAN

Mr. KENNEDY. Mr. President, I send to the desk a resolution, and ask for its appropriate referral. I also ask unanimous consent that a letter from Senator **Heinz** and myself to the President of the United States on this issue be printed in the **Record**.

There being no objection, the letter was ordered to be printed in the **Record**, as follows:

U.S. Senate,
Washington, D.C., March 4, 1982.

The President,
The White House,
Washington, D.C.

Dear Mr. President: There are continuing reports that the Administration plans to recommend the sale of F-16 fighter aircraft, mobile HAWK ground-to-air missiles or any other advanced weapons to Jordan. These reports are of deep concern, and we believe that such sales would jeopardize the security of Israel. We have introduced a Senate Resolution opposing such sales and reaffirming our nation's commitment to ensure that Israel's military forces continue to maintain a qualitative advantage in the Middle East.

Such a sale to Jordan would jeopardize the prospects for peace in the Middle East. Jordan has opposed the Camp David peace process and has joined forces with Iraq, whose government is committed to the destruction of Israel. This sale would violate clear restrictions imposed in 1975 as well as your own long-standing personal pledge to retain Israel's qualitative military edge in the Middle East.

It is wrong for Jordan to ask the United States to violate these commitments. We reject the implicit threat that Jordan may purchase additional arms from the Soviet Union if the United States does not supply them. Instead of succumbing to this pressure, the Administration should pursue an active diplomatic strategy for enduring peace and security in the Middle East.

We hope that you and your Administration will make clear that the United States does not intend to pursue these arms sales with Jordan, either now or in the future. Our national interest in a secure Israel and a stable peace in the Middle East clearly outweighs any purported justification for such sales.

Sincerely,

Edward M. Kennedy.
John Heinz.

SENATE RESOLUTION 333—RESOLUTION AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. Res. 333

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution of 1982".

AGGREGATE AUTHORIZATION

Sec. 2. In carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized in the aggregate $41,936,869, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Sec. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry, is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,309,000, of which amount not to exceed $2,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON APPROPRIATIONS

Sec. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,780,310, of which (1) not to exceed $5,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON ARMED SERVICES

Sec. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,607,807, of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,563,411, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,645,961, of which amount not to exceed $50,000 may be expended for the procurement of the services of individuals consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,161,746, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,102,840, of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than Fedruary 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that voucher shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,213,000, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,118,200, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1982, through February 23, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,404,912, of which amount not to exceed $18,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,432,426, of which amount (1) not to exceed $68,725 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud and the use of offshore banking facilities to carry out criminal objectives;

(E) riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States;

(F) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(iii) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(G) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government,

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(H) the efficiency and economy of all branches and functions of government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this subsection, the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1982, through February 28, 1983, is authorized, in its, his, or their discretion (A) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to holding hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Permanent Subcommittee on Investi-

gations specifically authorized by the chairman, by deposition.

(4) All subpenas, contempt proceedings, and related legal processes of the committee and its subcommittees authorized under S. Res. 361 of the Ninety-sixth Congress, second session, and S. Res. 57 of the Ninety-seventh Congress, first session, including the subpena enforcement and contempt proceeding against William Cammisano, are authorized to continue.

(d) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(e) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,398,223, of which amount (1) not to exceed $80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) The committee shall report its findings, together with such recommendations for legislation or other action as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,046,000, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,243,833, of which amount not to exceed $15,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $897,000.

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $784,438.

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the special committee under this section shall not exceed $901,946, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the special committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SELECT COMMITTEE ON INTELLIGENCE

Sec. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, approved May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,728,106, of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SELECT COMMITTEE ON INDIAN AFFAIRS

Sec. 21. (a) In carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, and in exercising the authority conferred on it by such section, the Select Committee on Indian Affairs is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $597,710, of which amount not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as its deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries paid at annual rate.

REPEALER

Sec. 22. Senate Resolution 289 of the Ninety-seventh Congress, agreed to February 8, 1982, is repealed.

OMNIBUS COMMITTEE FUNDING RESOLUTION

● Mr. MATHIAS. Mr. President, today I am reporting an original resolution funding committees of the Senate for the committee fiscal year which begins on March 1, 1982. This action reflects the unanimous decision of the Committee on Rules and Administration to recommend to the Senate that there be no aggregate increase over last year in overall spending by Senate committees.

As you know, last year we achieved a remarkable overall reduction of 10 percent in costs for running the committees. We must continue to protect these savings. We have thus consolidated the individual committee resolutions into a single resolution. Consequently, you will find all committee budgets, section by section, in this resolution. In addition, an accompanying comparative chart shows committee budget experience since our reductions in spending at the beginning of 1981.

The committee's rationale for individual increases or decreases is self-evident from the chart. Briefly, the committee looked at increases and decreases in individual committee spending over the past several years; realistic estimates for administrative expenses in committee budget submissions; unexpended balances in the previous committee fiscal year; and committee plans for oversight and legislative review activities in the coming year.

Finally, I would call your attention to the first clause in this resolution. This clause is an adaptation of a budget control technique successfully used in our consideration of concurrent resolutions on the budget; it sets aggregate Senate committee funding at the same level as last year: $41,936,869. I would ask that any of my distinguished colleagues who wish to propose amendments to the Rules Committee recommendations also propose conforming amendments which will preserve our goal of no increase this year in aggregate committee spending.●

AMENDMENTS SUBMITTED FOR PRINTING

COPYRIGHTED WORKS ON VIDEO RECORDERS

AMENDMENT NO. 1333

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. MATHIAS (for himself, Mr. BAKER, Mr. ROBERT C. BYRD, Mr. CRANSTON, Mr. STEVENS, Mr. BAUCUS, and Mr. HART) submitted an amendment intended to be proposed by them to the bill (S. 1758) to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing to review the capacity, distribution and status of the strategic petroleum reserve, previously scheduled for Monday, March 8, at 2 p.m., has been postponed until Tuesday, March 16, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

For further information regarding this hearing you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-4236.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I announce that the Senate Agriculture Committee will hold a hearing March 12 on the relationship of the export lending activities of the Commodity Credit Corporation to the problems of overdue payments to the U.S. Government and private banks by Poland and other Soviet bloc nations.

Invited witnesses include representatives of the U.S. Department of Agriculture and other Federal agencies, as well as producer, exporting, and financial sectors of the economy.

The hearings will begin at 10 a.m. in room 324 Russell Building. Anyone desiring further information should contact the Agriculture Committee staff at 224-2035.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will hold a full committee hearing to consider the nomination of James C. Sanders to be the Small Business Administration Administrator. The hearing will be held in room 424 of the Russell Senate Office Building, March 9, at 9:30 a.m.

ADDITIONAL STATEMENTS

THE RECOGNITION OF ANGOLA

● Mr. TSONGAS. Mr. President, almost 3 years ago to the day, March 8, I spoke in this Chamber about an important foreign policy question—the recognition of Angola. That was 1979 and President Carter was convinced that the presence of Cuban troops in Angola was a barrier to normal relations between our Government and theirs.

I argued in my statement and have ever since that the regime in Angola was restless and discontented with its Soviet and Cuban sponsors, that the MPLA government was reaching out to multinational corporations, many of them American, and would do much more if the American diplomatic context was less, shall we say, frigid.

I have no reason to alter those views today. I still think recognition makes sense, not because it would be moral or principled to do so, but for the simple reason that it would serve U.S. national interests. Trade, investment, diplomacy, and what the administration might call the "strategic" competition all points to a single course—the recognition of Angola.

One of the curious dimensions of this issue has been the position of the business community. When officials from both the Carter and Reagan administrations have lectured congressional committees on the Marxist complexion of the Angolan Government, they were usually followed by witnesses from the private sector, arguing that Angola is a fairly good place to do business.

Now, the press reports another testimonial from the "supply" side. David Rockefeller, described as the "epitome of capitalism" by the Washington Post, said it would be "to the advantage" of the United States and Angola to establish normal diplomatic relations.

I believe that the Post article makes for interesting reading and I ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, Mar. 3, 1982]

DAVID ROCKEFELLER CITES "ADVANTAGE" TO UNITED STATES OF NORMAL TIES WITH ANGOLA

(By Jay Ross)

Salisbury, ZIMBABWE, March 2.—David Rockefeller, whose name is the epitome of capitalism, said today he does not think that African Marxism is a threat to the United States or to American business interests on the continent.

Nearing the end of a 10-nation tour of Africa, the retired chairman of Chase Manhattan Bank told reporters it would be "to the advantage" of the United States and Marxist Angola to create normal relations. He had two days of talks with Angolan government leaders before coming here yesterday.

Rockefeller said the presence of thousands of Cuban troops and Soviet advisers had no "direct bearing on American business operations in Angola. Clearly, it has not interfered with our own banking relations."

The United States, the only major Western nation that does not recognize the Angolan government of President Jose Eduardo dos Santos, has linked normal relations with the withdrawal of 15,000 to 20,000 Cuban troops in the country. Last year, the Reagan administration failed in its attempt to repeal the Clark amendment, which prohibits U.S. covert or overt actions to aid Angolan political factions.

Rockefeller, whose bank has helped finance purchases of airliners and oil equipment for Angola, said that "the question of Cuban troops is an issue that needs to be included" in bilateral talks, but he declined to comment further.

On the question of Marxism, he told a press conference at the conclusion of his two-day visit here, "The more I've seen of countries which are allegedly Marxist in Africa, the more I have a feeling it is more labels and trappings than reality."

The primary interest of these countries' leaders, he said, "is to improve the lot of their people and strengthen the economies of the countries."

"They are willing to accept help from any source to achieve it," he continued. "In some cases, those governments did not receive support from Western countries, and therefore they accepted it from where they could get it."

Dealing with socialist or Marxist countries "really does not cause us any problem at all" Rockefeller, now chairman of the bank's international advisory committee, said. "We do business with at least 125 countries in the world, governments ranging over the whole political spectrum." He noted that Chase Manhattan was the first American bank in Moscow and Peking.

"I don't think an international bank such as ours ought to try to set itself up as a judge of what kind of government a country wishes to have. We have found we can deal with just about any kind of government, provided they are orderly and responsible."

He also pointed out to a reporter who questioned relations between capitalist bankers and socialist governments that there are wide varieties within both economic systems and many similarities.

Rockefeller said he was optimistic that U.S.-led negotiations to bring about independence in South African-controlled Namibia, Angola's southern neighbor, would succeed. Such a move, he said, could end South African attacks on Angola, which plays host to Namibian guerrillas, cause a withdrawal of the Cuban troops and bring stability to the Luanda government.

A Western businessman who recently visited Angola said stability there could lead to "geometric growth" in Western investment in the country because of its great economic potential in oil, minerals, agricultural potential and water power.

The businessman, apparently not at all concerned about Angola's professed Marxist economy, added, "Angola is the only country in southern Africa with the ability to pay" because it has $2 billion a year in oil revenue.

Angola supplies oil to the United States, almost all of it pumped by American companies, led by Gulf, which has invested more than $400 million in the country.

On other matters, Rockefeller said:

"Some very attractive investment opportunities" exist in Zimbabwe and the country's economy has done remarkably well in two years of independence.

His bank opposes South Africa's system of racial separation, but he is against economic sanctions to pressure for change because they would not work. Defending Chase Manhattan's loans to the private sector there, he added, "We don't feel our activities in South Africa are inconsistent with our sense of social responsibility."

Rockefeller leaves Wednesday for Zambia and concludes his tour in Morocco. He has also visited Senegal, Guinea, Ivory Coast, Nigeria, Cameroon and Gabon.●

U.S. POPULATION

● Mr. PACKWOOD. Mr. President, I wish to report that according to the latest U.S. Census Bureau approximations, the total population of the United States on March 1, 1982, was 230,773,787. This represents an increase of 139,693 since February 1, 1982. Since this time last year, our population has grown by an additional 2,177,215.

In 1 short month we have added enough people to our population to more than fill the entire city of Savannah, Ga. Over the past year, our population has increased enough to fill the city of Pittsburgh, Pa., more than five times.●

FRANK MANKIEWICZ

● Mr. HART. Mr. President, I would like to share with my colleagues an article from today's New York Times about a remarkable and truly talented individual, Mr. Frank Mankiewicz, president of National Public Radio.

As the article explains, Frank Mankiewicz's whole life has been one of public service. The contributions he has made in both domestic and foreign policy matters are unique and impressive. Now Frank is in the midst of another important struggle, insuring the survival of National Public Radio, and making it a strong and independent educational and informational force in our lives.

I ask that the article be printed in the RECORD at this point.

The article follows:

FRANK MANKIEWICZ'S NEW CAUSE: SAVING NATIONAL PUBLIC RADIO

(By David Shribman)

WASHINGTON, March 3—Frank Mankiewicz, the president of National Public Radio, is sitting in a Washington coffee shop, toying with his two poached eggs and doing what few people in this city do better. He is telling stories.

At first it sounds like the standard Mankiewicz repertoire, one of the capital's longest-running performances: stories about Peru and his days there with the Peace Corps, stories about his travels with Senator Robert F. Kennedy and the Presidential campaign that ended in death in a Los Angeles hotel, stories about being press secretary to George McGovern and about the 49 states the former South Dakota Senator lost in the 1972 Presidential race.

But Mr. Mankiewicz has added something new. Lately he can't stop talking about radio.

There's the satellite hookup that N.P.R. has arranged to carry more programs and produce better sound quality. There's the progress of "Morning Edition," the two-hour news and feature show that has drawn more than a million new listeners. There's the private sponsor plan that N.P.R., in its quest for new sources of financing, inaugurated this week. And more.

Nearly breathless, Mr. Mankiewicz pauses suddenly and blurts out: "I love this job."

ASKING FOR MONEY

For the better part of the past five years, he has headed National Public Radio, working to shave away its reputation for too much elitist programing and trying to sculpt an identity separate from that of its video cousin, the Public Broadcasting System. Now, as the Reagan Administration pares its budget, Mr. Mankiewicz faces yet another struggle, insuring the survival of N.P.R. itself and working to make it independent of the uncertainties of Federal financing by 1986.

"We expect to be around," he says. "We're going out to the private sector asking for the money. The President says the private sector will give it. And we're going to earn the money, too, with our satellite operations. We have no guilt about that."

With the current emphasis on Capitol Hill on the impact of budget cuts on the poor and on education grants, National Public Radio may lose as much as $3 million in Federal financing next year, a serious matter for an organization whose 1982 budget is $14.5 million. To offset such a loss, N.P.R. has raised more than $1 million in donations over the past four months.

It is somewhat characteristic of Mr. Mankiewicz that he did not take the characteristic route to leadership in the radio industry. Before he went to N.P.R., his radio experience consisted almost entirely of a short and rather undistinguished stint with United States Armed Forces Radio in West Germany, where he did the usual mix for his G.I. listeners: a little sportscasting in the daytime, an introduction to the Bremen Philharmonic at night. He did not come away from the experience with any great commitment to the airwaves.

Today, however, Mr. Mankiewicz is totally committed. He is, in fact, something of a radio evangelist, peddling the religion of radio. In the Mankiewicz traveling salvation show—and that, with the Administration's budget cuts, is truly what it is—the pitch goes something like this:

"Radio is live. People know that when they listen to the radio that a live voice is going to be there. It's a link to the world. It's flesh and blood. Television is not. You can watch TV for three hours and not know for sure that anyone's alive."

Moreover, Mr. Mankiewicz considers himself a journalist and has made it clear that he believes news is where N.P.R. can make its mark and, not incidentally, where it can compete most effectively with public television.

"If you watched public television all day," he says, "you'd know how to make a terrific quiche, you'd know how to strip the veneer off your furniture, you'd know a lot about Edwardian England. Pinchas Zukerman and Isaac Stern and the other one, Itzhak Perlman, would be like neighbors. But you wouldn't know if there were a war on in El Salvador."

The son of the late Herman J. Mankiewicz, the screenwriter who wrote "Citizen Kane" and "Pride of the Yankees," Mr. Mankiewicz often came home to find the Marx Brothers, James Thurber, E.B. White and Edmund Wilson seated around the family dinner table. But it was his father who drew him into politics and the world of issues and news.

THE KENNEDY INFLUENCE

"If I hadn't known what he did for a living, I would have thought my father was a columnist," he says now.

Although Mr. Mankiewicz, who is 57 years old, has written a syndicated column, run (unsuccessfully) for Congress, been the Peace Corps' regional director for Latin America, written four books, argued cases for the United Steelworkers of America and practiced law, he likely will be remembered mostly as the man who, as Robert Kennedy's press secretary, issued the periodic medical bulletins on the condition of the fatally wounded Presidential candidate.

"If I were to leave N.P.R. and become Chief Justice of the United States, win a Nobel Prize for literature and two or three Academy Awards, my obituary will still say: 'Former Kennedy Aide Dies.'" Mr. Mankiewicz says. "They'd be right. That in many ways was the shaping influence in my adult life."

Even so, he has developed a style that is, as a colleague puts it, all his own. It is, in a word, informal, based on conversation rather than memo. "I like to keep up with things," he says. "I prefer one-on-one dealings."

Then, as if to reassure a skeptical listener, Mr. Mankiewicz goes on: "We do the things other companies do. We interact. Sometimes we interface." He pauses, winks and adds, "Behind closed doors, of course."●

THE DEXTER UNITED METHODIST CHURCH

● Mr. LEVIN. Mr. President, ours is a land of change, of movement, of flux. There is, of course, much of virtue associated with the constant level of activity which characterizes our time. But there is also, I would suggest, a strength that comes from stability and a power that comes from permanence.

In that context, I rise to pay tribute to the Dexter United Methodist Church of Dexter, Mich. They are in the midst of a yearlong celebration of their 150th anniversary. For that extraordinary period of time, they have sought to bring the joy of fellowship to its members and a sense of service to its community.

Since 1841 this church has stood in the same spot. After a fire destroyed the original structure in 1925, the members of the church decided to rebuild the sanctuary on the same spot. And from that spot, in their current building, the 461 members of the Dexter United Methodist Church join in worship.

In celebration of this anniversary, the church has created a memorial logo: A tree representing the strength of the church; roots symbolizing the strength of its traditions; branches and leaves suggesting renewal and rebirth; and a continuous circle suggesting the continuity of past, present, and future action.

Mr. President, this institution, now looking forward to its 200 years of operation, knows well the value of tradition. I am sure my colleagues will join with me in extending congratulations and expressing admiration for the work of the Dexter United Methodist Church.●

STATE OF BLACK AMERICA

● Mr. HART. Mr. President, the National Urban League recently released its annual report on the "State of Black America". Their findings and recommendations merit the attention and study of every Senator.

In releasing the report which has been issued every year since 1976, the Urban League's new president John Jacob said:

> Never in that time has the state of Black America been more vulnerable. Never in that time have black people so strongly felt themselves under siege. Never in that time have black economic and civil rights gains been under such powerful attack. Never in that time have so many black people been so alienated from their government.

The reasons for Mr. Jacob's deep concern are outlined in the eight major documents that make up the report, which is available from the National Urban League. I ask that Mr. Jacob's entire statement be printed in the RECORD at this point. It is an eloquent analysis which I urge all my colleagues to review.

The statement follows:

REMARKS BY JOHN E. JACOB

Today the National Urban League releases its seventh annual State of Black America report.

Never in that time has the State of Black America been more vulnerable. Never in that time have black people so strongly felt themselves under siege. Never in that time have black economic and civil rights gains been under such powerful attack. Never in that time have so many black people been so alienated from their government.

This is an unhealthy and dangerous situation. It is something the government must act to dispel. It is a situation created by this Administration's actions, and only this Administration can reverse it.

In 1981, the black community was hit by economic and political disasters of the first magnitude. For black Americans, 1981 was a year of economic Depression, savage cuts in survival programs for the poor, and the betrayal of basic civil rights protections.

Let me briefly summarize some of those elements. Black unemployment is at record levels—sixteen percent by the understated official statistics that don't include discouraged workers or involuntary part-timers. Teenage black unemployment went through the roof in 1981. We are in the seventh postwar national recession, so those numbers will get worse. After each recession, black jobless rates stay higher than they were.

This time around the social safety net is in shreds. Cuts in federal social programs did not just trim the fat, they slashed deep into bone. And those cuts were concentrated in programs in which blacks were a third to a half of all beneficiaries.

We must be very clear about what happened in 1981: the rich got tax cuts, the Pentagon got a blank check; but poor people lost jobs, training opportunities, food assistance, health care, and much else.

We didn't go through some sort of abstract budget adjustment process. We went through a series of earthquakes that left disproportionate numbers of black people with fewer resources and drove them deeper into poverty. Especially in the context of those economic disasters, the attack on civil rights is downright immoral. This nation did not go through a long, painful process of desegregating society only to have it resegregated in the 1980s.

In 1981, an Administration from which blacks and minorities are virtually absent, took a number of negative steps on civil rights. From its backtracking on desegregating schools to its de-emphasis of civil rights enforcement to its attacks on affirmative action, the Administration created a feeling among many blacks that they were forgotten people.

Perhaps the most blatant of those anti-civil rights policies was the unconscionable decision to reward racism by granting tax-exempt status to schools that discriminate. The President's later statement that he would ask Congress to pass a law authorizing the IRS to refuse exempt status to such schools does not change the issue. The IRS had the authority. The courts said it had the authority. The Administration's claim that this is simply a procedural issue about legal authority does not hold water. Its actions provided aid and comfort to the racists in our midst.

Taken together, these and other steps can only be interpreted as attempts to dismantle the process of desegregating America. They raise the grim prospects of a return to a past that denied basic human rights and tolerated racial discrimination. They account for the bitter feelings of alienation and isolation, not only among many black Americans, but among all who don't want the clock turned back to a meaner, nastier period.

What about 1982? Past experience indicates black workers will not recapture their losses in a general economic recovery. The Administration, faced with enormous deficits, will try to cut what remains of important programs that help poor people. Attempts to bury affirmative action and civil rights enforcement are likely to accelerate.

But there is also greater hope in 1982 that these calamities can be prevented. The steamroller of the Administration's radical approach to national problems has stalled. A year's experience has shown that supply side economics is indeed what David Stockman said it was, nothing more than old-fashioned "trickle down." The fight against inflation used the old, discredited tools of the past—tight money and high unemployment. The promised economic growth turned to deep recession. The New Federalism just dumped problems on to the states; problems they know they can't handle.

So I sense a new realism today, especially among Congressmen who recognize the political risks involved in policies that put their constituents out of work, increase pressures on local governments in their districts, and outrage the moral sensibilities of Americans who believe in fairness.

Two key tests of that new realism are now shaping up. The first is the framing of the 1983 Budget. We call on Congressional leaders of both parties to inform the Administration that further cuts in poor people's programs are unacceptable. The budget deficit caused by the Administration's tax cuts and defense spending increases can be closed by scaling down the defense budget and by closing tax loopholes for special interests.

A second key test is the Senate battle over extension of the Voting Rights Act. We call on the President to abandon his opposition to the House Bill. The Senate should swiftly pass this vital protection of the right to vote, a right denied many black people until 1965.

We also call on the President to order his Justice Department to call a cease-fire in its war on affirmative action. To equate affirmative action with restrictive quotas is nothing less than a Big Lie. As practiced by both the public and private sectors and consistently endorsed by the courts, affirmative action is nothing less than fair play—removing race and gender as obstacles to hiring and promoting qualified people. As the National Urban League says in our new national advertising program, "everybody deserves a chance to make it on their own."

1982 offers major challenges to all Americans. To all who are concerned with the terrible pressures placed on poor people it is a time to take off the gloves and come out swinging against further attempts to weaken the weak. We must build coalitions to protect the interests of the forgotten and neglected.

To the Administration and to political leaders of both parties, 1982 offers the challenge of replacing failed policies and noting the increased political risk attached to staying on the road of recession.

The private sector in 1982 is challenged to make our system work for all Americans, and to reaffirm support for affirmative action and social responsibility.

And black Americans in 1982 are challenged to marshall community and political strengths. While we build external coalitions we must also mobilize black communities to deal with their problems at the neighborhood level. That's a job not only for civil rights and social service agencies, but for every community organization and every individual.

1982 then, will be a year of challenge and struggle; a year in which black people must channel their alienation and bitterness to positive efforts for change. It is a year in which all Americans must strive to recapture the faltering ideals of equal opportunity and equal rights. It is a year in which a nation concerned with the loss of rights in Poland must also become concerned with the threat to civil rights here at home.

THE RESEARCH AND DEVELOPMENT CRISIS IN AMERICA

● **Mr. GLENN.** Mr. President, on March 9, 1982, the Subcommittee on Energy, Nuclear Proliferation, and Government Processes, of which Senator PERCY is the chairman and I am the ranking minority member, will hold a hearing on "Research and Development: The Role of the Public and Private Sectors."

This hearing occurs at a time when it is increasingly important that public policymakers listen more carefully to what the scientific and technical community is saying about our competitive position with regard to R. & D. and industrial innovation.

We are witnessing today a wholesale retreat in the Federal role in civilian research and development in the United States. This retreat manifests itself in the shrinking amount of research support available to our universities, our private nonprofit research laboratories, and our national multiprogram laboratories.

It is as if we had decided that inquiry into the unknown is irrelevant to the removal of hunger, disease, and poverty from the world. Indeed just the opposite is true. Research has given us knowledge, knowledge has given us technology, and technology has revolutionized and is continuing to revolutionize the world. Consider that within a single lifetime, agriculture, the original basis of civilization, has lost its dominance in nation after nation. Today, in a dozen major countries, agriculture employs fewer than 15 percent of the economically active population. In the United States the figure is below 6 percent and is still shrinking, while agricultural productivity expands.

THE BENEFITS OF TECHNOLOGY

The symbols of technology are no longer just images of smoky steel plants or the clanking noises of an automobile assembly line. Rather the symbols of technology today include the relative silence and clean surroundings of the advanced technological processes involving space technology, electronics, and gene-splicing.

This ongoing technological revolution is not a historical anomaly. Just as our first human ancestors were driven to satisfy their curiosity about what lay beyond that next hill or valley, just as Columbus, Vespucci, and Cabot were driven to venture beyond the horizon, mankind is driven by an insatiable curiosity to explore the unknown. Our job must be to nurture the inquisitive and inventive mind, not to stifle it. When we do nurture it the results may not be predictable, but the benefits can be incalculable.

Let us look at what has happened in the field of transportation over the past 100 years. First, recall that it took the human race millions of years to get to the point where man could travel at a speed of 100 miles per hour. That was in the 1880's. It took less than 60 years thereafter to quadruple the limit so that by 1938 airborne man was cracking the 400 mph line; in another 20 years the limit was doubled again; by the 1960's rocket planes approached speeds of 4,000 mph; and men in space capsules were circling the Earth at 18,000 mph. And even those who had the vision to be able to imagine such machines could not foresee all the benefits that would arise from their development. The spinoffs from the American space program, which includes the development of the field of microelectronics and the creation of powerful, portable, and low-cost computers, have led to a revolution in communications that will change the way we live and work from now on.

We are living today at a time of austerity. We are looking toward rigorous cost accounting in the justification of the expenditure of public moneys and that is not bad. But research is not amenable to the rigors of cost account-

ing. We may start off looking for one thing and find another. Sir Alexander Fleming, through an accidental discovery in 1929 that green mold slowed the growth and reproduction of bacteria, began the research that ended with the discovery of penicillin and the development of antibiotics. And Michael Faraday's experiments, that ended with the principle of the discovery of electromagnetism and the dynamo, set the stage for the development of new industries that all electrical engineers in particular, are familiar with. There is, in fact, a story about a famous exchange between Benjamin Disraeli and Michael Faraday regarding the invention of the dynamo. After Disraeli had inspected this earliest of generators he pointedly asked Faraday, "What good is this?" To which Faraday replied, "What good is a baby, Mr. Disraeli?" The point of that story is that one cannot judge the potential of a new discovery or of a new idea any more than one can judge the potential of a baby.

Our prosperity, our national security, our industrial strength have come about because we were willing to invest in research into the unknown and that willingness has paid handsome dividends. Let me cite a few examples.

In 1843 the U.S. Congress actively supported the development of the first practical application of electic energy with a grant of $30,000 to Samuel F. B. Morse to construct a telegraph line from Baltimore to Washington. Within 20 years no developed area in the United States was without telegraphic service and submarine cables were in regular operation under the Atlantic Ocean. In some sense, that was the beginning of the communications revolution that we are experiencing today.

In 1956 John Bardeen, William Shockley, and Walter Brattain shared the Nobel Prize for physics for their invention of the transistor. Subsequent Government policies on military procurement had a major effect on the development of the semiconductor industry thereafter, an industry which has become a mainstay of the U.S. economy.

In 1964 Charles Townes became a co-winner of the Nobel Prize for his research on the maser and laser. Today laser technology is used in a variety of activites ranging from brain surgery to optical scanners in supermarkets.

Norman Borlaug won the Nobel Peace Prize in 1970 for his work on the development of high-yield grains. That research was not only used in this country, but was exported abroad where it provided the basis for the Green Revolution that fed a hungry world.

The list could go on and on, but the point is obvious. Research, and the technology we develop to exploit the fruits of that research, has made America the wealthiest, most powerful, and most productive Nation on Earth. R. & D. supported by both Government and private sources has transformed the United States into the dominant technological force in the world. It is the key to our productivity and to our ability to compete successfully in a highly competitive world market. Let us, therefore, examine what has been happening with respect to productivity in the United States and investment in R. & D.

U.S. SLIPPAGE

Between 1961 and 1978 the annual productivity gain in manufacturing averaged 3 percent in the United States. This should be compared to an average gain of 9 percent in Japan, and 5 percent in Germany. Moreover, total U.S. private sector productivity has actually declined in recent years. That decline in productivity has cost us 2 million jobs since 1970. That fact makes me extremely concerned, especially with unemployment hovering at the 9-percent mark in this country today, but we cannot sit around wringing our hands. The Japanese are presently outproducing us in a number of areas.

We are being challenged as we never have been before. But let me tell you something. I welcome the challenge because given the proper tools, Americans can still outwork, outproduce, outinnovate, and outcompete anyone on the face of this planet. But if we are going to do it, we are going to have to turn around some worrisome trends that are occurring in the United States today—trends that indicate lagging capital investment, shortsighted management, lagging human resources, and most important of all, slippage in our commitment to maintain and extend the amount of research and development necessary to stay ahead in the technological race.

In capital investment we were first in the world in 1963. By 1975 we had slipped to sixth place on a per capita basis. Europeans are increasing their per capita investment in industrial plant and equipment at a rate which is double ours and the Japanese are doing so at a rate which is five times ours. We need to encourage savings and we are not going to do it by voodoo economics.

We have to educate our corporate managers to look beyond the planning horizon of 3 or 4 years. The economist Edwin Mansfield has shown that there is a direct relation between the amount of long-term basic research carried out by an industry or firm and its rate of productivity increase, all other things being constant. The short-term, bottom line mentality must be refocused toward the future. Short-term advantages can evaporate almost overnight and can have a devastating impact on our national security.

Let me give you an example. A recent Rand report discusses the difficulties the Soviets had until the early 1970's in trying to develop equipment for grinding precision miniature ball bearings which are important in current missile guidance systems. Within less than a decade, the Soviets are now claiming to have developed high precision machine tools capable of turning out miniature ball bearings with tolerances of two ten-thousands of 1 millimeter. These are closer tolerances, they claim, than Western equipment allows.

The conclusion is obvious. If we sit back and try to rest on the technological laurels we have, we will find the leaves of our laurels plucked away one by one. Unfortunately, when one sees what we have been doing with respect to human resources and investments in R. & D. over the past 10 or 15 years, it appears that we have, indeed, been sitting down on the job. And, I might add that if the Reagan administration's philosophy and budget continue to be accepted, we will go rapidly from a position of sitting down to a position of lying prostrate before the world.

Over the past 15 years the proportion of America's GNP invested in research and development has steadily declined—dropping more than 20 percent since 1965. During that same period and by that same measure, the Soviet Union's R. & D. investment has climbed by 21 percent, Japan's has risen by 27 percent, and West Germany's by 41 percent. Over the 12-year period, 1968-1980, investment in industry in basic research as a fraction of net sales declined by 32 percent.

Similarly, investment by the Federal Government in basic research as a fraction of the Federal budget declined 27 percent over the same period. Overall, R. & D. spending by the Federal Government as a fraction of the Federal budget decreased 36 percent. There are other worrisome indicators as well. At a time when domestic U.S. patents have decreased by almost 25 percent, U.S. patents of foreign origin have increased by more than 70 percent. Thus, the foreign origin share of total U.S. patents increased from 20 percent in 1966 to 36 percent in 1977. On top of this, we must remember that much of the R. & D. in the United States supported by Government is for defense purposes. If we look only at civilian R. & D., then we see that as a percent of GNP, civilian R. & D. in the United States rose only 10 percent during the past 14 years; in West Germany it rose 30 percent, and in Japan it rose 25 percent. Is it any wonder therefore, that during the same period manfacturing productivity rose 30 percent in the United

States, 85 percent in Germany, and 290 percent in Japan?

With statistics like these, with the knowledge that 40 to 60 percent of all technological advances occur as a result of doing basic research, and with studies showing that advances in knowledge constitute the single most important source of productivity gain in economic expansion, does it make sense to have a hands-off national policy on R. & D.? Does it make sense to have a policy that removes the prime source of investment in basic research, the Federal Government, from a good part of the game, in the hope that private industry will take up the slack? I submit that to even ask the question is to already give the answer, and the answer is a resounding "no."

In addition to the huge underinvestment in R. & D., that has been occurring in the United States over the past 15 years, we are failing to produce the technical people that we need to sustain needed increases in productivity and to make advances in knowledge that will be the basis for our economic prosperity and national security in the coming decades.

For example, last year American colleges and universities granted 58,000 degrees in engineering. By contrast, Japan, with roughly half our population, graduated 74,000, and the Soviet Union graduated about 300,000 engineers. In the field of computer science there is an estimated demand for 54,000 graduates at the bachelor's level, but we are only supplying 13,000 graduates. The estimated demand at the master's level is for 34,000 people, we are only graduating 3,400, and at the doctoral level the estimated demand is 1,300, whereas last year we only graduated 330.

The intense demand for technically trained people has resulted in high salaries that are luring faculty and graduate students away from even our best universities. The result is unfilled faculty positions in our Nation's engineering colleges, and a dramatic drop in the number of science and engineering students who are going on for advanced degrees. In 1979 for example, a full 46 percent of U.S. doctoral degrees in engineering went to foreign students—two-thirds of whom were studying here on temporary visas.

To complete this dismal picture, there is mounting evidence that the research labs and instrumentation in American universities are rapidly becoming obsolete. According to an ASEE assessment, the engineering teaching equipment found in most university labs is 20 to 30 years old and equipment to teach new growth technologies is almost nonexistent. Few colleges and universities can afford expensive computer-aided design or computer-aided manufacturing teaching equipment. Yet, without such modern equipment efficiency of output is sacrificed, promising areas of research are foreclosed, and the ability of our universities to attract and retain top-quality professors and graduate students is further diminished.

THE REAGAN ADMINISTRATION RESPONSE

In the face of the international challenge that I have outlined, and in the face of the clear indication that an expanded national R. & D. effort is needed to shore up our productivity, strengthen our national defense, and halt the scientific braindrain, what has been the response of the Reagan administration? Let us examine four specific areas: Energy, space, science education, and the national labs.

ENERGY

For over 3 years I worked, and jawboned, and cajoled the Carter administration to increase its funding in energy R. & D. in the areas of solar and renewables and conservation. My goal was to have this R. & D. funded at a level which would represent at least 1 percent of the cost of our annual oil import bill which was projected to be about $80 billion in fiscal year 1982. We finally got this amount and a bit more in the fiscal year 1982 budget request submitted in January 1981—about $777 million in solar and renewable energy R. & D. and $336 million for energy conservation R. & D. And then what happened?

At a time when the Pentagon was asking for billions more for defense—a goodly portion of which was justified on the grounds of maintaining our access to foreign oil supplies, the new administration cut $487 million or 62 percent from solar and renewable R. & D. and $248 million or 74 percent from energy conservation R. & D. for fiscal year 1982. That was in the revised fiscal year 1981 budget submission by President Reagan, presented to the Congress on March 15, 1981.

On September 15, 1981, another revised budget submission came along calling for additional cuts of 12 percent across the board. In trying to save some of these programs, Congress deferred funding for some programs from 1981 to 1982. Thus, for fiscal year 1982 the amount of money available for R. & D. in solar and other renewables is $374 million, while R. & D. funds for conservation for fiscal year 1982 amount to $144 million. DOE's own Energy Research and Advisory Board (ERAB) disagreed with these cuts. In their report of November 1981 they stated that:

> . . . R&D funding for energy conservation and end-use technology is underfunded, particularly when compared with funding levels for supply technologies. A balance . . . should be achieved by increases in funds allocated to buildings and community systems and industrial conservation.

So, what is the Reagan administration's response to the ERAB report's recommendations? In fiscal year 1983 the Reagan administration is requesting a total of only $18 million for energy conservation R. & D., which is a cut of 87.5 percent from fiscal year 1982, and a cut of 95 percent from the original Carter fiscal year 1982 figure. All this at a time when the Japanese Government has doubled its investment in conservation, France's investment has increased 221 percent, and Germany's commitment increased 66 percent to a level of $1 billion. In the case of solar and renewables R. & D. the Reagan figure for fiscal year 1983 is $83 million. That represents a cut of 78 percent from the amount available in fiscal year 1982 and represents nearly a 90-percent cut from the original Carter fiscal year 1982 figures.

The impact of these cuts is incalculable. The programs that are being zeroed out include the industrial energy conservation program, the transportation energy conservation program, which includes the all-electric and hybrid vehicle research and development, the buildings and community systems conservation research program, which includes the energy efficient buildings research program at the Lawrence-Berkeley Laboratory, and the energy storage program, which includes long-term, high-risk battery R. & D. that could make electric vehicles and utility load-leveling devices possible, as well as eliminate some of the practical difficulties that arise from the use of solar and renewable energy technologies because of their intermittency.

These budget cuts may be pennywise in this year's budget, but they are absolutely pound stupid for the long-term interests of this Nation. Cutting basic research funding of this type is almost guaranteed to prolong the dependency of the free world on the Arabian Gulf, and the mammoth outflow of money that goes with it.

The energy efficient buildings research program at the Lawrence-Berkeley Laboratory has a 1,000-to-1 potential return on investment. It has been costing the Nation less than $10 million annually, but has been producing technology and knowledge which have the potential of saving consumers and business more than $10 billion annually. None of this research is likely to be taken over by the private sector. For less than $1 million, this program produced an innovation in high-frequency ballasts for fluorescent lamps that advanced the adoption of these ballasts by 5 to 10 years and saved the U.S. ballast industry from severe foreign competition. The electrical savings are about 35 percent. The importance of that figure becomes obvious when I tell you that the electricity used to run fluorescent lamps in 1981 is estimated to be approximately the output of 40 base-load powerplants and costs businesses nearly $10 billion. So every 10-percent gain in efficiency saves a billion dollars a year and the equivalent output of four powerplants.

The industrial energy conservation program also has major achievements to its credit. It produced innovations in coil coating, textile foam finishing, crop residue grain dryers, granulated fertilizer production, efficient slot forge furnaces, high temperature recuperators, and cogeneration. The potential energy savings coming out of this program were of the order of many tens of millions of barrels of oil equivalent per year, and of course, these are savings that would occur every year once the innovation is in place. All this for an investment which last year amounted to less than $50 million. Once again, there is no evidence that the projects that were being worked on under this program would be taken over by private industry.

In the case of the energy storage program, the decision by the Reagan administration to zero this program out is particularly egregious in my view. We are presently in the middle of a technological race to develop a suitable battery capable of being used in electric vehicles or in utility load-leveling markets. A number of laboratories in Western Europe, Japan, and the United States have entered this competition, the result of which is a worldwide renaissance in battery technologies. About 10 advanced battery systems are being developed for this application and many technical advances have been made.

The Department of Transportation estimates that 92 percent of the noncommercial driving in the United States is done within 20 miles of our homes. General Motors and Ford have said that they intend to market electric vehicles as soon as battery technology permits. However, the technical barriers are numerous and difficult. There are cost barriers making for narrow profit margins. There are technical risks. The potential savings by the year 2000 could amount to over 400 million barrels of oil equivalent per year, not to mention the possibility that powerplants which are currently being planned might not have to be built, thereby freeing up a huge amount of investment capital for other purposes.

Does the administration really, seriously believe that the private sector will take up the slack in all these scientific areas that are being abandoned with such dispatch?

Here's what DOE's Energy Research and Advisory Board said about the new policy:

> ERAB is concerned that some energy R&D of great potential significance for the achievement of the nation's energy goals will fall between Federal and industry responsibilities.
>
> The new policy recognizes that private industry cannot be expected to do *basic* energy research or projects of a long-term, higher risk character, but there are other circumstances in which it would be unrealistic to expect timely and effective assumption by industry of R&D responsibilities abdicated by the government, however worthy the projects involved, and despite the provision of new generous tax incentives.

Thus, I ask again. Should our future be determined only by the private sector's response to the level of market prices for commodities like oil? I submit this is risky at best, and may be downright dangerous for the future welfare of our country. We need look no further than to an unusually candid interview given to a pro-government Saudi newspaper in Jidda by Sheik Ahmad Yamani. In the interview, he stated that Saudi Arabia has opposed recent petroleum price increases because increases in 1979 and 1980, "caused a great rush toward investment in energy technologies, with the aim of reducing consumption and developing alternative energy sources. . . . This has resulted in a drop in OPEC's share of the market from 31 million barrels per day in 1979, to less than 24 million barrels a day this year". Yamini goes on to say that such Western actions could further reduce OPEC's leverage in the future which would mean "the end of the organization". He finally adds that keeping prices low enough "to curb investment in alternative sources", will insure continued Western dependence and Saudi Arabia "will be assured of obtaining income sufficient to meet its financial requirements for the next 20 or 30 years." Well, its all in that statement. If we refuse to be farsighted enough to provide investment in alternative sources and in conservation in order to keep up our technological base and prepare us to switch to alternative fuels in the future, we will be forever condemned to be at the mercy of the OPEC oil producers who are honest enough to state that they intend to keep the price low enough so that any strategy for obtaining alternatives through market forces will fail.

SPACE

If you think that what the Reagan administration is doing to energy R. & D. is ridiculous, wait till you examine their decisions on the space program. The fiscal year 1983 budget for space shows sharp reductions for the planetary program. The Galileo program is now the only remaining U.S. planetary program in development. The Venus orbiting imaging radar mission which was postponed by the Reagan administration last year, is canceled this year and the fiscal year 1982 operating plan deletes the $10 million provided by Congress for this project. They are even cutting the research and analysis line items for planetary programs. The argument has been made that the United States can forego planetary exploration for the next decade because we still have a great deal of data from past spacecraft to analyze, but now the funding is being cut for this data analysis function. In addition, some of the older space probes which continue to return data from their locations in space may be turned off because of insufficient funds for continued tracking and data acquisition. This action would affect Pioneer-10 which is now the farthest manmade object from Earth. Funds have also been cut for technology transfer and technology utilization programs, as well as for the construction and launching of a satellite to test new advances in communication. Last, but of extreme importance to our economy, aeronautics research and technology has been cut by more than one-third from NASA's original request to OMB—this for a program which helped us to achieve and maintain our technological lead in commercial aircraft around the world and which the Department of Defense still says is important to our national security. And I say "of extreme importance to our economy" because sales abroad of U.S. aircraft are second only to agriculture in our balance-of-payments tally sheets. Is this the time to cut back on aeronautics research, at a time when the Europeans are challenging us with the development of the airbus, when the Japanese and even the Brazilians are thinking of launching major forays into the international aircraft market? I submit once again the answer is "no."

And, more generally, what about all of the technological spinoffs from the space program that have helped to raise our standard of living and that have kept us ahead in the international race for technological supremacy? I am talking about satellite communications technology, the microelectronics industry, and hundreds of new consumer items based upon new materials for packaging and clothing. Is turning off this type of activity what we should be doing at a time of increasing international competitiveness? Is this what you would call leadership, foresight, and orientation toward the future? Not in my book.

SCIENCE EDUCATION

The administration claims that it is interested in the future. That it is interested in supporting long-term, high-risk, potentially high payoff R. & D. activities which the private sector will not support. They like to point to the increase in the budget of the National Science Foundation, which is up by 7.7 percent for fiscal year 1983 over fiscal year 1982 if you do not take inflation into account. What the administration prefers to ignore is the zeroing out of NSF's request for funds to upgrade university laboratories and, in addition, the 70-percent reduction that they forced on NSF in the science education budget. Now is not that a wonderful way of insuring that we will get the amount of engineers and hard scientists that we are going to need in the future? I wonder if the administration is considering population and demographics. The birth rate has gone down and college-age populations are going to be decreasing for a number of years into the future. Besides that, only 6 percent of U.S. college graduates are engineers or hard scientists, as opposed to over 35 percent in West Germany, or 20 percent in Japan. We are right to be concerned as to whether we will be able to meet the demand for technical people in the future. We are also right to be concerned about whether we will continue to have the kind of social and political climate in the United States that is supportive of the work of technical people. All of this requires better scientific and technological literacy within our population. But for the sake of saving a few million dollars at the National Science Foundation the administration is willing to give up on attempts to create more scientifically and technologically minded young people. That says a great deal about the administration's attitude toward the technical manpower of tomorrow.

THE NATIONAL LABS

What about the technical manpower of today? Here is what is happening at our national laboratories. At Argonne, which is deeply involved in energy and environmental research, 600 positions already have been cut. The laboratory's Director says 600 additional employees may have to be laid off. At Brookhaven National Laboratory, 270 of 3,600 employees have been laid off and officials say further cuts may eliminate 25 percent of the work force within the year. At the Fermi National Accelerator Laboratory, which I talked about earlier, the staff was trimmed by 200 people after the March budget projections, about 12 percent of the staff. The laboratory's Deputy Director has been quoted as saying that an additional 200 to 300 people may be let go in a worst-case situation. At the NASA Lewis Laboratory in Cleveland, a center which employs 2,700 persons, and which some years ago employed 5,500, more than 200 full-time equivalent slots are scheduled for the ax in 1983. The Jet Propulsion Laboratory at Pasadena may end up having so little to do because of the cutbacks in the planetary program at NASA that its best people will inevitably start drifting away.

The administration seems not to realize that it takes 8 to 9 years to produce a Ph. D. scientist, and years and years and years to assemble a topnotch research team and carry a project to fruition. When funding disappears even for a year, so do the people, they cannot just sit and wait, highly competent teams breakup, teams that are valuable national resources—and you cannot necessarily bring them back without additional years of buildup later on.

As Dr. John McCarthy, head of the NASA-Lewis Laboratory put it:

> It is time that this country came to its senses and supported the vital research and technology necessary for national economic health. Cyclical, inadequate funding is the road to disaster.

He is absolutely right. This Nation is what it is because we have from our founding days put more effort into pushing back the frontiers of knowledge, of learning the new and putting it to work, than any nation in history.

WHY GOVERNMENT SUPPORT OF RESEARCH IS NECESSARY

The mood in this administration, and in many places outside it, that Government should leave well enough alone, even in the R. & D. area. In answer to that let me quote what President Harry Truman said to a joint session of the Congress on September 6, 1945, only 3 weeks after VJ Day:

> Progress in scientific research and development is an indispensible condition to the future welfare and security of the nation. No nation can maintain a position of leadership in the world of today, unless it develops to the full its scientific and technological resources. No government adequately meets its responsibilities unless it generously and intelligently supports the work of science in university, industry, and in its own laboratories.

We must remember that much industrial R. & D. is devoted simply to meeting the requirements of Government regulation, rather than to the kinds of risk-taking research that promises true technological breakthroughs. Basic research by definition will rarely result in an immediately salable end product, so it is not attractive to most businesses. But, it is the new information that comes together that makes later commerically usable products possible.

Let me be clear. In no way am I suggesting that the Government should seek either to compete with, or supplant the business community's research and development efforts. Both efforts should be complementary and, wherever possible, symbiotic.

I have spent a lot of time giving my views on what is wrong with our present situation in the area of science and technology, research and development.

Now I want to say a few words about what, specifically we ought to be doing about it.

First. Increase financial support for scientific and technological research. We should restore funding for research programs that have potentially high payoffs and which the private sector will not pick up. Government funding for basic research should be stable and predictable, and should be given on a multiyear basis for selected fields of particular importance to the health of our economy or national security. Such stability of funding should be available to our best universities, nonprofit research institutions, and Government laboratories. In addition we must upgrade the equipment in our university laboratories. Finally, we should remove artificial impediments to increased support that have hampered the ability of the Department of Defense to support basic research along a sufficiently wide spectrum.

Second. Alleviate shortages of technical personnel with advanced training, including faculty at our schools of engineering. Our brightest students should be given incentives to go on to postgraduate training, and our scientists must receive adequate compensation commensurate with their abilities and contributions. Incentives for industry-endowed university chairs and/or the use of industrial laboratory equipment for graduate training and research should be explored.

Third. Provide incentives for better university-industry cooperation in areas of both basic and applied research. Industry must recognize some responsibilities to support the training of the next generation of scientists that will be of use to it, and the universities should recognize that raising the health of our technology is part of the key toward increasing the economic benefits that mean more support for university activities. At the same time, we must insure that increased university-industy cooperation does not lead to a significant loss of university independence to play its traditional role of pursuing knowledge for its own sake.

Fourth. Improve and expand science and mathematics education at our primary and secondary schools. We can build the society of the future only if our population is scientifically and technologically literate. A first step in this direction is to restore the science education program at the National Science Foundation. In addition, we must explore ways of increasing the supply and training of science and math teachers at the precollege level.

Fifth. Improve the climate for research, development, and technological innovation within the private sector. We should seek to implement additional incentives for R. & D. wherever necessary and effective. In this regard, a reexamination of our patent policy would be valuable. We should also reexamine our antitrust laws to see if we have unnecessarily restricted cooperative R. & D. ventures within industry.

Sixth. Develop a coherent national science and technology policy, and raise the visibility and the voice of the science and technology community in the making of such policy. Decisions about support for research on energy, space, and health should not be made only by lawyers and accountants. If the Office of Science and Technology Policy cannot be sufficiently effective in this role then we should start thinking seriously about creating a Cabinet-level Department of Science and Technology as a focal point for Federal nondefense research activities. Such a Department could probably include the present Department of Energy's energy research and development, NASA, the multiprogram national labs, NSF, NOAA, NBS, possibly the major Federal statistical agencies, and possibly a national engineering foundation to do for applied research what NSF has done for basic research.

It is my intention to introduce legislation to deal with some of the above issues in the near future.

Another point: From all the above concerns, and through all the generations since our founding days, has come the matrix of new ideas that has provided the new industries, the new businesses, and products and services to trade not only domestically, but in international commerce.

That has meant jobs, employment, Americans at work in fields the rest of the world will follow. Short-term job protection in the United States may benefit from tariffs on quotas on foreign imports, but stable long-term jobs into the future can and will come only from our willingness to stay ahead of the world in information, in knowledge, in new ways of doing things, in out-inventing, out-researching, out-innovating, and out-producing any other nation on Earth. We will not maintain that preeminence by default, we must earn it. It is the key to jobs for the future and the economic health of our Nation in an increasingly competitive world.

I invite my colleagues to join me in sending a message to the executive branch of our Government. The message is that greatness cannot emerge from the stifling of either macro- or micro-exploration of the unknown in the name of economic ideology; that the future will not be ours if we seek only the return of the past; that we have cast our lot as a people and a nation with giving man the freedom and the resources to use his ingenuity to find a better way—and that our character as a people is reflected by our commitment to this ideal.●

MORE SOVIET DISINFORMATION UNMASKED

● Mr. **SYMMS**. Mr. President, Soviet doctrinal concepts have long called for the achievement of overall military superiority. A significant part of the Soviet effort to achieve this goal is focused on disrupting Western military programs. To this end, the Soviets employ a variety of techniques including disinformation, propaganda, diplomatic pressure, and direct threats, and sabotage, directed against government officials, allies, influential individuals, organizations, the media, and academia.

The disruptive—and from the Soviet point of view, successful—effects have been particularly noticeable in the strategic nuclear weapons field, beginning under Stalin, intensifying under Khrushchev, and growing more sophisticated under Brezhnev. The following comment that appeared in Orbis several years ago on activities associated with the resumption of atmospheric nuclear weapons testing in 1961-62 illustrates the problem and, of special interest, the Presidential importance accorded to it:

> Khrushchev savagely shattered the nuclear test moratorium with a sixty-megaton monster blast. Washington confidently sat back expecting worldwide protest demonstrations. It got a rude shock; the protest demonstrations came only when President Kennedy began pondering whether American security required new tests. As a result, the President appointed his brother, Robert F Kennedy, to head a cabinet-level study of the problem of subversion and the American tools of statecraft.

More recently, the Soviets have been employing direct influence tactics to block NATO theater nuclear force modernization. While some data has been collected and published to show that the Soviet propaganda effort is both extensive and effective, there has been no known effort to lay out the full dimensions of the Soviet effort, assess its effectiveness, and identify approaches that can be undertaken to counteract such efforts.

A brief listing of possible disinformation cases in the 1960's and 1970's suggests that the Soviet disinformation program may be far more effective than most people would suspect, and that if the United States does not begin to understand this and learn how to counter it, all major U.S. weapons programs will be subject to effective Soviet manipulation.

I shall place in the RECORD the article entitled "The Growing Disinformation Problem," that was published this past fall in the International Security Review. This article by Dr. Joseph Douglass describes the Soviet apparatus behind these efforts and presents actual examples where Government and private industry analyses of defense issues have been grossly mislead by Soviet disinformation.

Douglass became intensely interested in this problem several years ago when he began to suspect problems of accuracy and validity with various types of intelligence data. Further work with high level defectors convinced him of both the need to carefully scrutinize all data, including the sources and methods by which it was collected, and simultaneously the inability to do this and disinclination within the Government to take the disinformation problem seriously. One of the more profound statements of the problem, was the very succinct statement by the former Deputy Director of Counterintelligence at CIA, Mr. Raymond Rocca:

> So we come to the real question: How does one get people at the political level, or even at the high or medium-high decisionmaking level within the intelligence organization to recognize that deception is a real problem?

It seems appropriate for Congress to focus some attention on the disinformation problem. The attached article sheds important light on the growing problem of identifying and coping with Soviet propaganda and disinformation. Dr. Douglass has analyzed some significant and heretofore unknown cases of Soviet disinformation. If further research into these cases proves that Soviet disinformation has in fact been as effective as Douglass suggests, then the problem is of utmost seriousness to U.S. national security.

The article follows:

THE GROWING DISINFORMATION PROBLEM

(By Joseph D. Douglass, Jr.)

The importance of being sensitive to Soviet-directed disinformation has gained considerable currency over the past few years. For many years the topic was kept under cover; now it is beginning to emerge and find its way into the popular market with such books as *The Spike*, into military publications such as *The Retired Officer*, which as recently as April 1981 had a disinformation article entitled, "Russia's Propaganda Machine"; and into such specialized newsletters as the *Accuracy in Media Reports*.

Perhaps the major reason behind this emergence is a growing concern in the West over the possible effectiveness of Soviet disinformation in disrupting and derailing Western foreign policy and national security programs.

For example, in the early 1970's, the KGB used disinformation to bring about the U.S. decision to stop its chemical and biological warfare (CBW) research and preparedness activities. The result of this now is seen reflected in the gross U.S./Soviet disparity in CW and BW capabilities.

In the mid-1970's, the Soviets carried out a massive program to convince the United States that the Soviet Union shared certain U.S. views on the impossibility of nuclear war and on the need to limit arms. They denied having any interest in a first-strike capability or in achieving military superiority. This disinformation, if that is what it was, most likely was directed at countering new U.S. strategic nuclear programs (e.g., the B-1, MX, and cruise missile) none of which has yet emerged and simultaneously at lessening the impact of the new Soviet strategic nuclear systems (e.g., SS-18, SS-19, and SS-20 missiles) all of which now are operational. These possible disinformation themes were accepted without question in many official U.S. circles.

Later in the 1970's, Soviet disinformation efforts became most blatant in opposing NATO nuclear modernization, particularly the neutron bomb and long-range theater nuclear force weapons.

Of special concern in the late 1970's in the political area was the effectiveness of the Soviets in denigrating the U.S. image in the critical Middle East, and especially in turning major portions of the Moslem community in that area of the world against the United States, for example, by accusing the U.S. of being behind the attack on the Grand Mosque at Mecca in November 1979.

The Soviets' most recent efforts in the 1980's can be seen in their campaign against the space shuttle and its possible military application, their support of various terrorist and revolutionary activities (e.g., El Salvador), and their efforts to undermine U.S. policy concerning these activities and the affected countries.

Soviet disinformation has been very successful (and there still is very little appreciation of the magnitude of its success over the past 30 years), perhaps, because there is in general so little concern for the problem and so little sensitivity to the techniques being employed. In reviewing the broader problem of deception, within which disinformation is imbedded, the former deputy chief of the counterintelligence staff, CIA, remarked as recently as 1980, that the real question is how to get people at the political level, or even at the high or medium-high decisionmaking level within the intelligence organization, to recognize that the problem is a real problem.[1]

Another reason for disinformation's success may be the common tendency of people in the West to read what they want to read, hear what they want to hear, and see what they want to see. This is one reason that the Soviet literature is discounted by many who believe it can be used to support any desired position. This tendency also may lie behind Lenin's famous guidance to the first head of the Soviet Secret Police, Felix Dzerzhinskiy, when he sought counsel on the techniques to use in deceiving the West. Lenin advised, "Tell them what they want to believe."

This problem is further compounded because of the variety of ways in which words, written or spoken, can be interpreted. Take for example the concept of warning. A warning can be such as a friend might provide to alert someone or some country to a possible danger, for example, of an enemy preparing for war. Alternatively, the same warning could be meant or taken more in the context of a warden addressing a new prisoner: two different types of warnings and, possibly leading to different courses of action or inaction.

Another good example is the word "balance." Balance can be used in the sense of measuring a degree of equivalency, as it often is used in the West in referring to the military or strategic balance. It can also be used in the sense of a ratio or collection of ingredients; for example, the proper balance of ingredients in a medicine, which has no sense of equivalency in it. Used in this sense, an appropriate balance of forces can mean superiority; that is, imbalance, if that is what is considered desirable.

A similar problem is caused by the very different meanings associated with words such as war, peace, neutrality, and defense when used in a Marxist-Leninist context. For example, the Soviet leaders definitely want peace, but peace, as they use the word, is only achieved when the threat of war, i.e., capitalism, no longer exists, which is quite different from the concept that Westerners have in mind when they speak of peace.

Similarly, peaceful coexistence to the Soviets does not describe a condition of international harmony, but rather the process by which capitalism is to be destroyed without world war. For example, as stated in 1965 in the official journal of the Ministry of Defense, "Capitalism, as the main obstacle on the way to the progressive development of human society, must and should be eliminated by the revolutionary struggle of the popular masses under conditions of peaceful coexistence of states with different social systems—world war is not necessary for this."[2]

Another general problem is the lack of long-range planning in the West. Disinformation, in general acts gradually, and when applied gradually, it is most deceptive and effective. This is one reason why disinformation plans are incorporated in the first instance in the Soviet Union as part of its Long-Range Global Plan and why disinformation should be viewed as a component of strategic deception. In disinformation, many meachanism, many sources, are applied over a long period of time. This is why a long-term perspective and interest and a high degree of access to multi-source data are critical to identify and confirm what is happening. Insofar as none of these conditions tend to exist anywhere in the U.S. government, the problem of coping with or combating Soviet-directed disinformation is further exacerbated.

The U.S. limited appreciation of Soviet long-range planning also is reflected in intelligence analyses of Soviet strategic intentions. In recent Congressional hearings on this subject, Professor Richard Pipes pointed out, "The fundamental problem is that the people drafting these estimates [National Intelligence Estimates] do not believe that there is such a thing as a Russian or Soviet grand strategy, for which reason they deal with each aspect of Soviet behavior separately. They deal with politics and military affairs separately, economics, propagada and ideology separately, and then within each of these categories, with each item, such as each weapon system, separately."[3] With disinformation, each individual piece seem innocuous, relatively harmless, and may be easily dismissed. However, until one puts the pieces together, studies their variety, and examines them and their effect with a long-term perspective and in the context of Soviet national strategy, such casual assessment may be grossly in error.

A closely related problem, equally serious in the West, is the tendency to discount disinformation as mere propaganda. Disinformation should not be confused with propaganda. Propaganda, as it is understood in the West, is an important tool used as a support element of disinformation.[4] But propaganda, per se, lacks the "precision and bite" of disinformation. As suggested above, disinformation is much more akin to deception, strategic deception.

According to Soviet terminology, disinformation is not just false or incorrect information. Disinformation also includes misleading and incomplete information, which can contain strong elements of truth, that is "passed, fed, or confirmed to a targeted individual, group or activity."[5] The subject targeted, therefore, is not just a country. Special groups, for example, intelligence organizations, Congress, religious groups, academia, and so forth, are all important targets of Soviet disinformation operation. Especially important targets are individuals with special influence, e.g., teachers, religious leaders, and news commentators, and those with important decisionmaking authority, e.g., financial, industrial and, of course, to political leaders.

The recent CIA study *Soviet Covert Action and Propaganda* presented a clear definition of strategic disinformation that was taken from a Soviet KGB training manual. Strategic disinformation, the manual explains, is used in support of State tasks. It is directed to mislead the enemy concerning basic questions of State policy, the military-economic status, and the scientific-technical achievements of the Soviet Union; the policy of certain imperialist states with respect to each other and to other countries; and the specific counterintelligence tasks of the organs of State Security.[6]

Certain types of tasks that disinformation contributes to are also identified in the CIA study. Additional tasks were identified in an earlier CIA release that was printed in the *Congressional Record* in 1965.[7] Priority Soviet disinformation tasks taken from these two CIA releases are:

Confuse world public opinion regarding the aggressive nature of certain Soviet policies;

Create a favorable environment for the execution of Soviet foreign policy;

Influence both world and American public opinion against U.S. military and political programs which are perceived as threatening the Soviet Union;

Destory the confidence of the Congress and the American public in U.S. personnel and agencies engaged in anticommunist and cold war activity;

Undermine American prestige and democratic institutions and denigrate American leaders with NATO governments and other non-communist countries; thereby contributing directly to the breakup of the NATO alliance;

Sow distrust and create grounds for subversion and revolt against the United States in the Western Hemisphere and among the new nations of Africa and Asia.

The close coupling between disinformation and intelligence can be seen by comparing the above tasks with six specific tasks that Czech intelligence sevices were directed to assist the KGB with as part of the Soviet long-range plan that was developed in the late 1960's. According to a high-level Czech political officer, General Major Jan Sejna, who was granted political asylum by the United States in 1968, these tasks were strategic civilian intelligence tasks of a long-term nature directed against the West, most specifically against NATO, and in direct support of the Soviet strategy of "peaceful coexistence." They were:

Discredit antiprogressive forces, for example, the Christian Democratic party leaders in West Germany, the de Gaulle party in France, the Social Democratic party in Austria, the Conservative party in the United Kingdom, and the Christian Democratic party in Italy.

Support individuals and organizations who support the Soviet position on arms control proposals.

Discredit military-industrial complexes.

Exacerbate internal NATO disharmony.

Infiltrate international financial circles (these are regarded as the best barometers for reading the economic and political climate in capitalistic countries).

Isolate China economically from the West and politically from the third world.[8]

This author's concern about Soviet disinformation has grown mainly as a result of many hours of conversation with Mr. Sejna. Until the defection of General Pecepa in the late 1970's, Sejna was not only one of the highest ranking officers to leave the communist bloc, but also one of the best informed. Beginning in the mid-1950's, he had held very responsive positions in the highest

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decisionmaking bodies in Czechoslovakia, including Chief of Cabinet of the Ministry of Defense; Working Secretary of the Defense Committee, which met on a weekly basis and had responsibility for fomulating policy and approving all military and intelligence operations; First Party Secretary at the Ministry of Defense and as such a member of the Kolegium of the Ministry of Defense; member of the Administrative Department, which controlled the military, justice, and the secret police; and member of the Central Committee of the Czech Communist party. His position drew him into frequent formal and informal contact with high-level political leaders of the Soviet Union (e.g., Khrushchev, Suslov, Grechko, Ponomarev, Brezhnev, and so forth) and with similar leaders from other communist and third world countries.

When he defected in February 1968, his character was directly attacked by the Czech and Soviet governments, perhaps because of his wide ranging knowledge and well-disciplined memory. His bona fides have also been widely questioned in the West, perhaps in a sense for similar reasons and because what he had to say was so contrary to the spirit of detente and certainly was not what many people wanted to hear. In the summer of 1975, Lord Chalfont, writing in The Times (London), initiated a series of three articles dealing with Sejna's description of the Soviet Long-Range Strategic Plan that was developed in the late 1960's to coordinate all Warsaw Pact efforts in their war against the capitalist West.[9] The third article was delayed for several weeks. As explained by Lord Chalfont, the reason was pressure, both to suppress the story and to discredit General Sejna and diminish the value of the information on Soviet foreign policy which he brought with him from Czechoslovakia. Lord Chalfont described these problems and his own efforts to verify the bona fides of General Sejna and the information. He "checked relevant details with independent sources who confirmed in every case the factual accuracy of what General Sejna had said." I followed a similar practice whenever possible and the result has been the same.

As described by Sejna,[10] the main center of all strategy and policy in the Soviet Union is the Central Committee of the Communist Party of the Soviet Union (CPSU). The party reigns supreme and within the party, the decisionmaking authority regarding deception and disinformation resides with the First Secretary. While there are differences of opinion regarding the role and importance that various Soviet organizations play in disinformation, the following all appear to be heavily involved: The Politburo, the Defense Commmittee (Council), the Administration Department, the Department of Ideology, the International Department, the International Information Department, the Department of Propaganda, the Department of Press, the Academy of Sciences of the USSR and its research institutes, and of course the Committee for State Security, the KGB.

The Politburo appears to be less involved than many would suspect. Its main occupation is the day-to-day running of the party, not foreign policy, military matters, or intelligence. Its main formal involvement comes as an adjunct to its review and approval of the Soviet Long-Range Global Plan, the Politburo reviews the plan each year and approves the goals, the methods by which the goals are to be achieved, and the decisions on who will participate and how, and how the satellites will be exploited. Strategic deception and disinformation plans, in general terms, are included and approved as part of this plan.

The two most important bodies for deception operations are probably the Defense Committee and the Administration Department. The Defense Committee represents and directs all the people in charge of national defense, intelligence, and counterintelligence. Only the Defense Committee is empowered to approve the long-term development of military forces of the Soviet Union, to approve the long-term plans of KGB intelligence and GRU (defense) intelligence, and only the Defense Committee is empowered to approve the integral strategic deception and disinformation plans. The Defense Committee decides, additionally, what information regarding these plans the First Secretary, or Secretary General, should give to the Politburo, and nothing else goes to the Politburo from the Defense Committee. The Defense Committee is involved with deception and disinformation planning and implementation worldwide. Topics addressed by the Defense Committee range far beyond what the West would normally associate with military or defense matters. Some examples include: infiltration of foreign media; exploitation of religions; political differences between foreign political organizations and minorities; influence in foreign elections; actions to support separatist tendencies in various foreign leaders; and support for terrorist movements in the form of money, training, and technology. These all have important disinformation aspects.

The lead deception oversight department is the Administration Department. This department is one of the two most powerful departments in the communist system. This department controls the military forces, the police or KGB forces, and the legal mechanism or justice organization. Insofar as this department has control over both the GRU and KGB, it exercises the most important control mechanism for carrying out deception and disinformation through the intelligence and counterintelligence services of the Soviet Union and its satellite countries. The second, generally most powerful, department of the Central Committee is the Organization Department. This department controls the party mechanism. This department has control over personnel and positions. This department is where the party strategy is prepared and where the Central Committee's interest in deception and disinformation is most direct.

There is no counterpart to the Ideology Department in the West, yet this is an extremely important department and one to which very high responsibility is assigned in the Soviet Union. This department is responsible for exploiting Marxism-Leninism and for ensuring that Soviet strategy maintains a proper course and heading. From an ideological point of view, this department can manipulate the communist movement, the social democratic parties, and other organizations. As such, it has important control over the Soviet propaganda machinery such as the press, television, and so forth. It is, for practical purposes, on a higher level of importance than either the Press Department or the Department of Propaganda.

The Ideology Department is also interesting in a very different, but possibly related, sense. Very little is known about this department in the West, including its very existence, which has not been confirmed. It is possible that the Department does not exist as a "formal" Central Committee Department. It is also possible that its existence is secret to deliberately deemphasize the importance of ideology today in the Soviet system.

The International Department exercises control in varying degrees over the Soviet diplomatic corps, the diplomatic corps of the satellite nations, worldwide communist and revolutionary movements, the so-called democratic organizations, and so forth. Many of these frequently are used to disseminate Soviet propaganda and views. This department also has significant influence over KGB and GRU operations abroad.

The International Information Department of the CPSU directs the external Soviet propaganda effort. This department also has important information collection responsibilities. Its formation was announced in March 1978 as part of a Central Committee decision to reorganize the entire foreign propaganda apparatus, improve its effectiveness, and open a new propaganda offensive against the West.[11] Other evidence suggests that this department may have come into existence in 1972. Creation of this new organization signaled the top leadership's desire to place even greater emphasis on the role of propaganda in Soviet foreign policy and to increase centralized control and coordination of the entire Soviet propaganda network, ensuring that the network would be fully responsive to the demands of top policymakers and could be quickly mobilized to disseminate selected propaganda themes on a worldwide basis. As described in *Humint*, the head of this Department, Leonid Zamyatin, was initially a Soviet intelligence officer in charge of aviation and atomic energy. He also attended the Higher Diplomatic School and served in the United States for several years in high diplomatic capacities. Subsequently he was Deputy Director of the American Department of the Ministry of Foreign Affairs, and then Deputy Minister of Foreign Affairs and Head of the Press Department.[12]

A very important role is played by the Ministry of Defense, Department of Special Propaganda, which is supervised directly by the chief of the Main Political Administration and the chief of the GRU. This department is responsible for collecting very important information on governments, political leaders, military policy leaders, political parties, and influential persons in specialized fields, such as economics, journalism, law, and so forth. This information is collected from open journals, the press, intelligence services and agents abroad, diplomatic corps, and other organizations, such as trade and union organizations, and of course, local communist parties. This information is collected first for party propaganda use in peacetime for blackmail, for deception and disinformation, and for information for party, military, and intelligence leaders; and second, for the preparation for war and revolution in each country. The Department of Special Propaganda also has the mechanisms and technology required to carry out deception and disinformation in war and revolutionary situations. For example, this department has its own mobile radio and television stations and the authority to use the air force and other services for flights over enemy territory to disseminate information.

Any discussion of the Soviet disinformation organization structure would be incomplete without special mention of the Research Institutes of the Academy of Sciences, such as the Institute of World Economy and International Relations (IMEMO) and the Institute of the USA and Canada. This latter institute has been reported by a high-level Soviet defector as being under KGB control.[13] These institutes play important roles in collecting data and in the planning and execution of operations. The Soviet disinformation efforts are designed by people with excellent knowledge of the targeted country. Disinformation planners are intimately familiar with all aspects of Western governments' finance, industry, media, legal systems, influential people, and organizations--information that the West graciously makes available for them. The studies of the research institutes, especially those oriented to the West, are not naive or heavy-handed. They are extremely sophisticated and up to date. As has been seen in the case of SALT, members of these institutes also play major roles in communication to (i.e., deceiving) the West, both orally and through the media.

It is interesting to note here that there has been emerging what may be a disinformation effort to convince the various countries being studied that the Soviet research institutes are ineffective and unimportant—that their reports only gather dust, a condition that is highly believable in the West considering its own think-tank studies. In a similar manner, there also seems to be an effort to create the impression that field reports from diplomats and intelligence agents abroad tend to reflect what the writers believe Moscow wants to hear and hence are also ineffective and misleading.

Tactical disinformation, according to the CIA quotations from the KGB training manual, is used in support of strategic disinformation and, "in fact, comprises the principal disinformation work of the organs of State Security." The manual also notes that "disinformation on strategic matters falls within the jurisdiction of the government, the appropriate ministries and committees, and the high command of the country's armed forces. The organs of State Security constantly render assistance to other departments on this matter. . . ."[14]

The important point here is that disinformation is a state activity directed by the party. The KGB is only one of the State's implementing instruments. The KGB contributes and renders assistance to others. But, disinformation is spread far wider and, as indicated in the quotation, involves many ministries, committees, and of major importance, the military high command. This contrasts with another possible disinformation task, which appears oriented to "lay the blame" for disinformation and deception on the KGB, often referred as the "Center," possibly to make further use of the connotations associated with the word "center." One explanation for this task is that by so doing, the political and military leaders are placed above or outside of this insideous art by inference. But, as indicated in the quotation, nothing could be farther from the truth.

Deception and disinformation are carried out by the communist party, and within the party, by the KGB, the Ministry of Defense, the GRU, the Ministry of Foreign Policy, Press, and so forth. Within the Central Committee, each Secretary is responsible for how deception and disinformation are carried out within his respective department, organization, and ministry. At the same time, all these groups work under the bureau of the management of the Defense Committee and party apparatus, which controls how deception is carried out and analyzes its results

Soviet satellites also are involved in a coordinated manner. When the various plans have been approved within the Soviet Union, the satellites receive directions and guidance on how to prepare their own plans, and on which operations to incorporate in their own plans. Subsequently, each Warsaw Pact country prepares its plans, and again the critical organizations that do the planning are the counterpart ministries and departments of the Central Committees, civilian and military intelligence, and counterintelligence.

Here it is very important to recognize that the Soviet representatives participate at both the civilian and military intelligence headquarters of the Warsaw Pact countries. The Soviet representatives control the preparation of the satellite nation plans, and they have the authority to ensure that all directions from the Soviet Union are incorporated in these plans.

Once these plans are prepared, they are presented to headquarters in Moscow, and, if approved, are subsequently presented to the Defense Committees of each of the satellite countries. After the plan is approved by the Defense Committee, the agencies participating in the deception and disinformation components of the plan are directed to carry out that plan through the decisions of the Defense Committee. Subsequently, each department, along with its intelligence organization and other committees, prepares its own plan—again, under the presence and control of Soviet representatives. Thus, at all stages, Soviet representatives within the headquarters of intelligence and counterintelligence are able to monitor and control all details throughout the process of preparing detailed plans.

As indicated earlier, one good example of the nature of Soviet combined disinformation planning and its effectiveness was the communist anti-neutron bomb campaign. To convey an idea of the range of activities undertaken in this case, President Brezhnev wrote letters to every Western government warning each that the neutron bomb was a serious threat to detente. The Dutch communists organized an "International Forum against the Neutron Bomb," which culminated in a march of some 40,000 people. In Istanbul, a "peace committee" demonstrated in front of the U.S. Consulate General. In Stuttgart, Frankfurt, and Dusseldorf, front groups delivered notes to U.S. Consulates General; in Bonn, two Soviet journalists were observed at a demonstration at the U.S. embassy; a front group in Lima, Peru sent a protest to the U.N.; in Tanzania, a World Peace Council delegation sought propaganda assistance from President Nyerere.[15] And finally, a former CIA covert-action specialist described what he believes may have been the culminating blow when a group of devout "believers" demonstrated in front of the church in Washington where President Carter was attending services. As the specialist described the event, the President saw their demonstration, went back to the White House, and canceled production of the weapon.[16]

A good example of the role of the Soviet research institutes in this campaign is a very incisive, succinct chapter by Professor M. Milshtein of the Academy of Sciences of the USSR in the 1978 SIPRI book Tactical Nuclear Weapons: European Perspectives. Professor Milshtein is also a Lieutenant General in the Soviet Army and an identified former GRU officer, formerly with the General Staff Academy, facts overlooked in the SIPRI book. The principal points emphasized by Milshtein, referencing Western literature and directed toward NATO nuclear weapons, are: first, there is no such thing as a tactical nuclear weapon; second, the use of nuclear weapons can only lead to the destruction and annihilation of Europe; third, there is no rational doctrine for their use; fourth, the weapons should not be improved because the improvements do not lessen the danger of nuclear war, rather they drastically increase its possibility; fifth, any use, however limited, can lead to an irreversible escalation from tactical conflict to all-out nuclear war, and hence, can be an ominous step toward global nuclear disaster; and sixth, therefore, nuclear weapons must not be improved but must be reduced and completely removed from all probable theaters.[17] This message has been consistently communicated to the West since the early 1960's. It is quite different from the message contained in Soviet literature that is intended for the Soviet military and that emphasizes that Soviet forces must prepare to fight and win tactical nuclear wars.[18]

The CIA estimates that the Soviets invested over $100,000,000 in the antineutron bomb campaign from 1977 to 1980, or more than $30 million per year, which also should say something about how the Soviets view the potential of this weapon for NATO defense and alliance cohesiveness. This expenditure covered subsidies to West European communist parties, suborning of noncommunists, contributions to common cause type affairs as quid pro quo for cooperation, direct advertisement, travel of Soviet and Bloc lobbyists to the West, and of Western groups to the USSR, where they could be influenced.[19] It apparently did not cover other "active measures" or clandestine operations that might also have been part of the overall effort.

If the Soviets spent over $30 million per year just to defeat the neutron bomb, how much might they be spending to block modernization of the U.S. strategic nuclear deterrent. Considering the relative importance of the two areas, several hundred million dollars per year would not seem unduly excessive. On the other hand, even if it were only $100 million per year, the magnitude of the problem this could create (or has created) could be enormous. Occasionally, this has stimulated some Presidential interest. For example, using the 1961-1962 nuclear test resumption as an example, as explained in an Orbis book review years ago:

"Khrushchev savagely shattered the nuclear test moratorium with a sixty-megaton monster blast. Washington confidently sat back expecting worldwide protest demonstrations. It got a rude shock: the demonstration came only when President Kennedy began pondering whether American security required new tests. As a result, the President appointed his brother, Robert F. Kennedy, to head a cabinet level study of the problems of subversion and the American tools of statecraft."[20]

The most difficult problem in dealing with disinformation is probably confirmation. It is very difficult to verify something as subtle and secretive as disinformation; and, indeed, perhaps the best an analyst can hope to achieve most of the time is merely to raise in the minds of the appropriate people the possibility that they may be being misled. This problem is exacerbated because there are many different and contrasting beliefs that cannot be classified simply as right or wrong. While one may easily believe that something is merely propaganda or disinformation when it looks wrong, the problem is how to demonstrate that this conclusion is indeed reasonable and then convince someone else that the information may be tainted—especially when the information agrees with his or her predisposition.

For example, there are a number of recurrent themes, all of which are likely to be true to a certain extent, that many intelligence officers, analysts, Soviettologists, political scientists, high-level decisionmakers, and so forth believe to reflect correctly the state of affairs in the Soviet Union. At the same time, others believe that the publicizing of these same themes is basically disinformation used either to establish credibility (that is, to provide the proper setting) for other disinformation or as psychological efforts to "disarm" the West by communicating a message that causes the listener or reader to discount the serious nature of the Soviet threat. A few of the more prominent of such themes—potential candidates for disinformation—are:

The Soviet Union will change. The problem with the Soviet Union is its top leaders. Nepotism, drunkenness, and debauchery run rampant. The leaders no longer have the respect of the bureaucrats. The thousands of middle level workers only work as best they can within a system they see as bad. The new leaders must respond to the economic and social chaos that the current leaders have caused before the whole system caves in.

There is a split in the leadership, and the West must play to the hand of the more moderate elements.

Convergence is possible and is proceeding. Signs of pluralism within the Soviet Union are already noticeable.

One should not pay attention to communist ideology. Few people in the Soviet Union pay attention anymore to those concepts.

The Soviet Union is only defense oriented. The leaders lack self-confidence. They are not a threat to anyone and only want peace. Their use of force in Afghanistan, Czechoslovakia, Finland, Hungary, and East Germany was only to quell uprisings and ensure stability on their borders. Their arms buildup is only a natural defensive reaction to the arms race initiated by the U.S.

The Soviet Union does not seek military superiority and does not have, nor has it ever had, a first strike nuclear strategy. Nuclear war is not a valid instrument of politics and any further augmentation of the existing stockpiles would be meaningless. The only alternative to nuclear war, which would be a disaster for all, is peaceful coexistence.

While the contribution of these themes to the accomplishment of the general disinformation tasks identified earlier is not difficult to understand, this still does not make them disinformation. Their contribution per se is independent of their veracity; and, as indicated above, there is clearly some truth to some, if not all, of them. Many professionals believe and would and do argue with conviction that the themes are basically true and thus are neither misleading nor disinformation.

A difficult case to assess, and one that may be a good example of several of the above themes acting in concert, is the Soviet peace campaign that was mounted in the mid-1970's. In the mid-1970's, there was a definite shift in tone in Soviet literature. In brief, the emergent themes were that the Soviets do not seek superiority; their doctrine is strictly defensive and only in reaction to the West; they do not have, nor have they ever had, a first-strike strategy; and, should the West try to upset the current "balance," it would only trigger another round in the arms race. Here the manner in which each point builds to the final "action message" (i.e., do not try to catch up; we will not let you) is very clear.

The main actors who were focused on the United States in this case have included the First Secretary, Brezhnev; Arbatov, Trofimenko, Milshtein, Bogdanov, and Semeiko of the research institutes; political commentators such as Bovin; Ogarkov, Chief of the General Staff; and Defense Minister Ustinov. For example, on the eve of President Carter's inauguration, Brezhnev gave a major foreign policy speech in which he described as "absurd and totally unfounded" the allegation that the Soviet Union "strives for superiority in armaments with the aim of delivering a 'first strike' . . . the Soviet Union has always been and remains a convinced opponent of such concepts." This statement was reiterated by Henry Trofimenko, a Soviet specialist on U.S. foreign policy and a member of the Academy of Sciences of the USSR, in an article published in Orbis later that year.[21]

Another good example is an article by Bogdanov and Semeiko of the Institute of the USA and Canada (their prior ties run to the Soviet General Staff and the KGB) printed in Fortune in 1979. After discussing U.S. over-estimates of the "Soviet military threat" (always in quotation marks), the need to avoid discussing the statistics of Soviet military strength, and getting trapped in the endless numbers game (i.e., don't focus on the facts), they state:

"The Soviet Union is opposed to any idea of its own strategic superiority. This very notion is now meaningless, considering the vast scale of the stockpiled nuclear weapons. Besides, it is realized in the Soviet Union that any attempt to acquire such superiority will be retaliated against, which would mean an endless arms race."[22]

A good example of an article apparently designed for two audiences (East and West) is Marshal Ogarkov's entry in the new Soviet Military Encyclopedia (Volume VII, 1978) entitled "Military Strategy." In it Ogarkov writes, "Soviet military strategy, as well as Soviet military doctrine as a whole, has a particularly defensive tendency; it does not provide for any *preemptive strikes* or premeditated attacks. . . . It does not have as its own objective the attainment of military-technical superiority. . . . We are threatening no one, and we are imposing our will on no one." And, referring to nuclear weapons, "At the foundation of Soviet military strategy lies the proposition that the Soviet Union, based on the principles of its policy, will not employ these weapons first."

However, Soviet military doctrine is definitely and explicitly stated as offensive not defensive in their "internal" press; although one might state that it had a particularly defensive *tendency*. By Soviet definition, the West always unleashes or starts the war; hence, the Soviets do not speak of premeditated or preemptive strike. What they speak of is the strong need to strike first, which is called "seizing the initiative." Toward the end of his article Ogarkov correctly characterizes the Soviet view of modern operations as having increased scope and as "a bitter struggle to seize and maintain the initiative." Attaining military-technical superiority has always been a major Soviet objective. However, in the 1970's, the related dialogue was shifted to the topic of combat readiness, which includes the adequacy of the material-technical supply as its first concern. At the same time, because the Soviets had achieved superiority during the decade, and because this perception had become clear throughout most of the world, in the 1970's it no longer was necessary to state that superiority was an objective. In the 1970's, the message was that the West should not attempt to redress the imbalance.

Finally, the "no first use" statement is especially unusual. It is completely inconsistent with Soviet statements of doctrine and strategy since the late 1950's. Consider, for example, the following representative excerpt from the official Ministry of Defense journal, *Voyennaya mysl'*:

"Victory in war depends upon the balance of forces. But, . . . the side which has even a significant superiority in manpower and equipment can lose it very rapidly. The surprise use of nuclear weapons is able to sharply alter the possibilities of the sides and, consequently, make victory closer or remote. This new pattern of nuclear war has been considered by Soviet military doctrine both in the organization and equipping of the Armed Forces as well as in preparing them for conducting combat."[23]

Ogarkov's statement of no first use can only be regarded as technically correct in the sense that the Soviet Union cannot be the first to employ these weapons because the United States already did so at the end of World War II against Japan.

The possible shift in Soviet doctrine (or in disinformation tactics) as discussed above has been noted in several U.S. government studies. For example, an August 1977 FBIS Trends paper entitled "Soviet Statements on the Consequences of Nuclear War" identified a Soviet trend toward moderation, especially in the 1970's, and, beginning in 1974, the emergence of the thesis that "current nuclear arsenals are sufficient to destroy all life on earth." In 1976, the study continues, lower-ranking military figures—veteran commentators on strategic affairs—voiced support for Brezhnev's thesis and concluded that any augmentation of existing stockpiles was futile.[24] This was on the eve of the emergence of the SS-17, SS-18, SS-19, SS-20, SS-21, SS-22, and SS-23 missiles, not to mention new naval and air force nuclear capabilities.

A Math Tech study in 1978 of Soviet strategic intentions reached similar conclusions based on analysis of open source data provided by FBIS. It also concluded that the evidence indicated that Soviet intentions were primarily defensive, reactive to the United States with a goal of parity, and that the Soviet leaders, including the seven military leaders in its sample, did not appear to devote much written or verbal attention to war-related questions. That is, based on its analysis, fighting and winning a future war was not found to be an issue to which Soviet leaders devoted much written or verbal expression. This last observation is especially interesting considering that the next war is by proscription the primary concern of Soviet military doctrine and strategy.

In 1979, another FBIS report, *President Brezhnev and the Soviet Union's Changing Security Policy*, linked the change to the SALT process and concluded that "especially since 1974, the USSR has come to recognize the limitations of military power and the benefits of military balance with the West in achieving national security."[25] According to the FBIS analysis, the change became effective in 1974. "Beginning in 1974, President Brezhnev introduced new concepts and accompanying vocabulary into soviet strategy discourse, signaling a clear break with the notion that security derives directly from military power." This change, reasoned the FBIS analysis, represented the conclusion of a "debate" on nuclear war and Soviet security that had emerged following the 1972 and 1973 U.S.-Soviet summits.

A different interpretation might place greater significance on other events that took place in 1972—for example, Zamyatin taking charge of international propaganda in 1972 as discussed earlier, and the almost simultaneous upgrading of the KGB disinformation "Department" to a "Service" status, indicating a corresponding growth in its importance. It is also possible that the Soviets took serious note of the joint Congressional Resolution, Public Law 92-448, which on September 30, 1972, approved the U.S.-Soviet Interim Executive Agreement growing out of the Strategic Arms Limitation Talks. The last sentence of this Resolution reads as follows:

"Congress considers that the success of the interim agreement and the attainment of more permanent and comprehensive agreements are dependent upon the preservation of longstanding United States policy that *neither the Soviet Union nor the United States should seek unilateral advantage by developing a first strike potential.*"[26] (Emphasis added.)

This sense of Congress may have increased the Soviet appreciation of their need to "cover" their new strategic capabilities that were about to emerge, e.g., the new SRF strategic missiles, naval nuclear, and command/control capabilities for nuclear war, with carefully designed disinformation. In this hypothesis, one of their major targets would have been the U.S. Congress. And, as indicated by the above-mentioned FBIS and contractor studies, their efforts could have been quite successful.

Each of these three studies had three common characteristics. First, all were based on open-source Soviet material that was readily available in the West through FBIS. Second, none appear to have considered the possibility that the identified "changes" in Soviet nuclear doctrine may have been designed for Western consumption as part of a carefully orchestrated disinformation dimension of Soviet strategy. Third, none seemed to be very familiar with Soviet military doctrine (i.e., national security policy). The main points of this doctrine are, because of its potential decisiveness, preparing for nuclear war has been the highest priority task of the State since 1956; achieving superiority in nuclear weapons and methods of their use is the most important task both in peace and during the course of war; and the surprise use of nuclear weapons can radically change the balance and make victory closer or remote.

The importance of surprise and of striking first has been a hallmark of Soviet military doctrine since the mid-1950's.[27] From their analyses of surprise and the "initial period of the war" in a historical context, they have concluded that surprise is usually achieved "as a result of poor knowledge of the attacking side, subjective mistakes in evaluating the intentions and plans of the aggressor, and superficial analysis of the measures directed toward surprise." In the *Soviet Military Encyclopedia* (Volume 2, 1976) surprise is achieved first by "misleading the enemy concerning Soviet intentions." In his recent article on deception and disinformation, Sejna explained, "Perhaps the most important deception and disinformation operation is that designed to cover the military readiness [which includes size] of the Soviet/Warsaw Pact military forces, and, in particular, their readiness for surprise attack and first strike."[28]

It is interesting to note that the Soviets also have directed an almost identical pitch toward NATO. Consider for example the following paragraph from the May 1980 meeting of the Political Consultative Committee of Warsaw Pact Treaty Member-Countries:

". . . The Warsaw Treaty member-countries declare once again that they have never striven and will not strive for military superiority; they are invariably coming out for safeguarding the military balance in ever lower levels, for reduction and elimination of the military confrontation in Europe. They have not, have never had and will not have any other strategic doctrine except a defensive one. They have not, have never had and will not have intentions to build up the potential for the first nuclear strike. By the very nature of their social order, they cannot and will not strive for setting up "spheres of influence," for the establishment of military or political control over any regions or international transport communication."[29]

This discussion also concludes with the admonishment that NATO should not try to upset the current "balance" insofar as this would merely incite another arms race.

One of the more disconcerting aspects of a major portion of Soviet disinformation is the apparent lack of concern of the Western media in reprinting and distributing it. In addition to the previously mentioned articles in *Fortune* and *Orbis*, a very good example is a commentary written by Zamyatin for *Newsweek* and printed on February 4, 1980. Zamyatin was described simply as "Brezhnev's chief foreign affairs spokesman and a member of the Communist Party Central Committee." While the article does indicate that his views are "predictably one-sided and self-serving," it also represents them as "an authoritative statement." The opening paragraph of Zamyatin's article provides an especially interesting insight into Soviet SALT negotiating tactics.

A scene I observed during the meeting of the two Presidents, Leonid Brezhnev and Jimmy Carter, in Vienna last June etched itself in my memory. After the official ceremony of signing the SALT II treaty was over, a woman came up to the table and blessed with a cross that truly historic document. Surrounded by journalists later on, she said: "Please God that everything written in the treaty is translated into life."[30]

Again, before discounting the possible role of such a tactic too rapidly, it is perhaps worth recalling the *Washington Post* article on the Vienna SALT conference the prior year, especially as regarding "small talk."

Vienna, June 16—Jimmy Carter takes out a pen and jots down what Leonid Brezhnev has told him in a moment of small talk, "God will not forgive us if we fail."[31]

When the Western media reprints news from TASS or *Pravda* or publishes comments or articles by "respected" Soviet political, military, diplomatic, or academic seers, it is rare to find any acknowledgment of the possibility that what they print may be part of a well-orchestrated Soviet deception or disinformation operation, or otherwise caution or warn the reader. This presents a problem insofar as the general reader, as indicated earlier, is neither sensitive to the role of Soviet deception and disinformation directed against the West nor its effectiveness in furthering Soviet objectives. Soviet news items are presented or reported as through they are no different from those printed in the *Boston Globe* or *The New York Times.* Articles written by "ex" soviet generals and KGB officers, now in the assorted "research institutes," are presented as matter-of-factly (and without explanation of the individuals' prior associations) as articles by former U.S. officials and academics. If there is a possibility that such Soviet-authored articles might be connected with State disinformation, then one might ask what difference there is between the media carrying these articles and ones such as the recent one by former *Washington Post* reporter Janet Cooke on "Little Jimmy." Of the two, at least Cooke's article may have had some redeeming social benefits. At least Cooke's article was not part of a long-range effort whose objective is the destruction of our form of government.

On the analytical side, it has become increasingly important for analysts to begin questioning critically both their own data and other analyses. Again, the reason is simple. Disinformation was given a prominent role in the late 1950's as part of Khrushchev's peaceful coexistence strategy. Since that time, it has grown substantially with major organizational changes (promotions) taking place in the mid 1960's and early 1970's, perhaps an indication of its success.

Analysts, and analysis sponsors, might well reflect on the potential for mischief that could be introduced by a controlled society, and one bent on world domination, that appears able and willing to spend upward of $100,000,000 in three years just to counter the neutron bomb. Moreover, on a yearly basis, this is less than one percent of the total Soviet budget for propaganda and covert action, as estimated by the CIA.

While failure to read what is available and lack of incentives for analysts may in part be responsible for the U.S. shortcomings in assessing Soviet strategic intentions, as pointed out in recent Congressional hearings, Soviet Strategic Forces, the problem may be far deeper, far more complex.[32] For example, the problem also includes the failure of analysts even to examine the bona fides of the data they do use. Most analysts simply do not concern themselves with critically assessing data. In a sense, it is probably just as well that they don't, because should they, they would soon encounter the intelligence collectors, who often block any attempt on the part of the analyst to critically assess the data. This is especially true of much of the specific material that was identified as recommended reading in the above hearings. And, in this case, "security" certainly does not seem to be the underlying problem.

Part of the problem is the so-called "sources and methods" rule that is used to prevent analysts' access to "raw data." The impact of this rule was discussed in the recent Senate history of the CIA. "Intelligence anslysis found this arrangement [whereby the analysts were given only vague descriptions of assets providing the information] highly unsatisfactory, since they could not judge the quality of information they were receiving" and instead turned to open sources and COMINT for their data.[33] What seems to have resulted is an analysis product that is assessed more in terms of the methodology, the acceptability of the conclusions, and the presentation than in terms of the analysis itself and the data upon which it so critically depends. Analysis agencies are unwilling to question data, even after serious issues have been raised, in large measure because they believe it will be fruitless, only cause trouble, and perhaps lead to curtailment of their access.

This problem may also suggest the need to ponder seriously the recent observation of the former deputy chief of counterintelligence, CIA, that the real question is how to get people at the high or medium-high decisionmaking level in the intelligence community to recognize that deception is a real problem. And considering that the current size of the Soviet budget within which deception and disinformation activities appear to be funded is in excess of $3 billion per year, the "problem" may well be more than merely the size or effectiveness of the Soviet-directed effort. Perhaps one should add to this the question of how to generate interest in good critical analysis, and, where there is interest, of how to come to grips with the organizational problem that can frustrate even the most determined effort to get at the truth.

So we appear to be caught in a bit of a circle, with no immediately apparent way out. Hopefully, concern for Soviet-directed disinformation will grow, and at the same time. Western research efforts, associated understanding, and ability to recognize and counter or otherwise neutralize it, also will improve. While Western freedoms may render the West particularly vulnerable to such manipulate efforts, these same freedoms have equally strong defense mechanisms that are especially effective when aroused. In the meantime, it is important to continue to study Soviet-directed disinformation efforts as best we can, with special attention directed to keeping such studies as objective and balanced as possible to avoid the rebuttals that otherwise might well serve to remove, once again, the topic from public scrutiny and awareness.

FOOTNOTES

[1] Raymond Rocca, "Discussion" in Roy Godson (ed), *Intelligence Requirements for the 1980's, Analysis and Estimates* (NSIC, 1980), p 157.

[2] Col. V. Morozov, "Books on Laws of Armed Conflict," *Boyennaya mysl'*, No. 7, 1965, FDD 962, May 25, 1966, p 80.

[3] *Soviet Strategic Forces*, Hearings before the Subcommittee on Oversight of the Permanent Senate Committee on Intelligence (Washington, D.C.: USGPO, 1980), p 34.

[4] "The Soviet and Communist Bloc Defamation Campaign," *Congresssional Record* (House), September 28, 1965, p 25391.

[5] Ibid.

[6] *Soviet Covert Action (The Forgery Offensive)*, Hearings before the Subcommittee on Oversight of the Permanent Senate Committee on Intelligence (Washington, D.C.: USGPO, 1980), p 63.

[7] "The Soviet and Communist Block Defamation Campaign," p 25392.

[8] Discussions during 1978-1979 with Jan Sejna, formerly General Major (U.S. Brigadier General equivalent) in the Czech Army.

[9] Lord Chalfont, sequence of three articles, July 28, August 4, and September 9, 1975 in *The Times* (London).

[10] The description of Soviet organizations heavily involved in deception was drawn mainly from "General Sejna on Soviet Deception," *Congressional Record* (Senate) December 20, 1979, pp 19536-19539 and discussions with the author.

[11] Soviet Covert Action, p 61.

[12] *HUMINT, The Human Intelligence Network Report* (June 15, 1981), Volume I, Issue 5, p 6.

[13] *AIM Report*, (July 1, 1981), Vol. X, No. 13, p 3.

[14] *Soviet Covert Action*, p 63.

[15] Ibid., pp 75-76.

[16] Roy Godson (ed), *Intelligence Requirements for the 1980s: Covert action* (NSIC, forthcoming).

[17] M. Milshtein, "Tactical Nuclear Weapons: Problems of Definition and Application," in *Tactical Nuclear Weapons: European Perspectives* (London: SIPRI, Taylor & Francis, Inc., 1978).

[18] See for example: William R. Kintner and Harriet Fast Scott, *The Nuclear Revolution in Soviet Military Affairs* (Norman, Okla.: University of Oklahoma Press, 1968): V.D. Sodolovskiy, *Soviet Military Strategy*, 3rd ed., edited and translated by Harriet Fast Scott (New York: Crane, Russak and Company, 1975); V. Ye. Savkin, "The Basic Principles of Operational Art and Tactics (A Soviet View)," *Soviet Military Thought* (Moscow), 1972, No. 4, translated by U.S. Air Force (Washington: USGPO, 1974); A.A. Sidorenko, "The Offensive (A Soviet View)," *Soviet Military Thought* (Moscow), 1970, No. 1, translated by U.S. Air Force (Washington: USGPO, 1974): N.A. Lomov (ed), "Scientific-Technical Progress and the Revolution in Military Affairs (A Soviet View)," *Soviet Military Thought* (Moscow). 1973. No. 3, translated by U.S. Air Force (Washington: USGPO, 1974).

[19] *Soviet Covert Action*, p 76.

[20] Eugene A. Methvin, "Subversion as a Tool of Statecraft," *Orbis* (Fall 1972), Vol. 26, No. 3, p 807.

[21] Henry Trofimenko, "The Theology of Strategy," *Orbis* (Fall 1977), Vol. 21, No. 3, p 510.

[22] Radomir Bogdanov and Lev Semeiko, "Soviet Military Might, A Soviet View," Fortune, February 29, 1979, Vol. 99, No. 4, p 66.

[23] Lt. Col. V. Molchanovskiy, "The Dialetics of Possibility and Reality in Military Affairs," Soviet Military Thought, No. 7, 1971.

[24] "Soviet Statements on the Consequences of Nuclear War," FBIS Trends (August 17, 1977), p S-1.

[25] "President Brezhnev and the Soviet Union's Changing Security Policy," FBIS Analysis Report, FB 79-10009 (May 25, 1979), p i.

[26] Roger P. Labrie (ed.), SALT Hand Book (Key Documents and Issues 1972-1979) (Washington, D.C., American Enterprise Institute for Public Policy Research).

[27] H.S. Dinerstein, "The Revolution in Soviet Strategic Thinking," Foreign Affairs (January 1958), and War and the Soviet Union (Praeger, 1959), p 167-214.

[28] "General Sejna on Soviet Deception," p 19538.

[29] Cited in Joseph D. Douglass, Jr., "Soviet Disinformation," Strategic Review (Winter 1981), Vol. IX, No. 1, p 21.

[30] "The Kremlin Answers Carter," Newsweek (February 4, 1980), p 12.

[31] Martin Schram, "Reference to God by Brezhnev Hits Chord in Carter," Washington Post (June 17, 1979), p 1.

[32] Soviet Strategic Forces, p 31.

[33] Final Report of the Select Committee to Study Governmental Operations with Respect on Intelligence Activities (Book IV), Senate (USGPO, 1976), pp 47-48.

EXPORT TRADING COMPANIES ARE NECESSARY—IV

● Mr. HEINZ. Mr. President, yesterday I discussed why bank involvement in ETC's is necessary. Today's excerpts from Franklin Cole's article, "Establishing American Trading Companies," which appeared in the Northwestern Journal of International Law and Business, autumn 1980, explains how it works, referring to the 1980-passed bill, which differs only in detail from the current one. Of particular note is his comment that amendments to limit bank involvement in ETC's to noncontrolling interests actually provide more risk for the bank rather than less, because the bank would not be able to stop imprudent actions. Mr. Cole points out correctly that the major means of limiting risk is the cap on bank assets that can be invested in the ETC's, which the bill limits to 5 percent. He also details the other safeguards in the bill.

The excerpt follows:

BANK PARTICIPATION IN EXPORT TRADING COMPANIES

The Export Trading Company Act of 1980 does not authorize banking organizations[72] to undertake the activities of an export trading company directly. The Act does, however, permit banking organizations to invest up to $10 million in one or more separately incorporated export trading companies without prior federal regulatory approval, if the investment does not cause an export trading company to become a subsidiary of the investing banking organization.[73] Investments that exceed the $10 million limit or that confer control of an export trading company upon the investing banking organization[74] require prior approval of the appropriate federal banking agency.[75]

A banking organization's aggregate investment in export trading companies is limited by the Act to five percent of the banking organization's consolidated surplus and capital.[76] The Act also prohibits any banking organization from directly or indirectly investing and lending more than ten percent of its capital surplus in or to an export trading company.[77] These limits on a banking organization's financial exposure, either as an investor in or creditor of any export trading company, apply regardless of whether the export trading company is controlled by the investing or lending banking organization.

In addition to mechanical statutory limits on a banking organization's investment in an export trading company, the Act empowers the appropriate federal banking regulatory agency to order termination of an investment on an export trading company whenever "it has reasonable cause to believe that the ownership or control of any investment in an export trading company constitutes a serious risk to the financial safety, soundness or stability of the banking organization and is inconsistent with sound banking principles, with the purposes of the Export Trading Company Act or with the Financial Institutions Supervisory Act of 1966."[78] Thus, while the Act relaxes prohibitions that had kept banks from involvement in export trading companies, the participation that will now be permitted remains strictly controlled by statute and by regulatory oversight.

On the Senate floor, with the support of certain federal banking authorities,[79] Senator Proxmire proposed an additional restriction limiting the participation of banking organizations in export trading companies to a 20% non-controlling interest.[80] Had this been approved, it would not only have significantly tipped the balance against the formation of export trading companies, but would also have undermined the prudential limitations in the Act designed to guarantee the soundness of banking organizations. A controlling interest in an export trading company does not necessarily threaten the soundness of a bank more than a non-controlling interest. The bank's real financial exposure is determined by the total amount of assets it has at risk in the separately incorporated export trading company, either as equity investment or in the form of loans, and this is already strictly controlled by the 5% and 10% capital surplus tests.[81] The public policy of ensuring bank soundness is already satisfied; controls over the affiliated export trading company's corporate governance structure do no more to limit the banking organization's capital at risk. Indeed,

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Footnotes appear at end of article.

limitations on a banking organization's ability to obtain control of an export trading company in which the former's capital is at stake can actually increase the risk to the banking organization. Relegated to a minority and non-controlling equity position, the banking organization would not be able to preclude those export trading company activities which the bank might consider unsound and which might lead to the export trading company's collapse. Such an unfortunate scenario was recently played out in the financial collapse of the Real Estate Investment Trust industry.[82] Unwilling to be placed in such a position again, banking organizations might forego investing in or lending to export trading companies,[83] depriving the export trading companies of needed know-how and financial resources.

While majority control of non-banking affiliates by banking organizations is clearly called for to ensure the formation and success of export trading companies, it has been suggested that such control might give rise to possible conflicts of interest and to transactions between banks and export trading companies which are unfairly biased in favor of one of the parties. It has been feared, for example, that ownership of export trading companies by banking organizations would skew the latter's "arm's-length" credit judgments, and lead banks to grant loans to export trading companies when the loans—or the trading companies—were unsound.[84] Even if ownership did not lead to impaired judgment in granting of credit, some suggest that banking organizations will feel compelled to rescue failing export trading companies which have come to be identified with the banking organization and whose financial condition is reflected on the banking organization's consolidated balance sheets.[85]

These concerns are without solid foundation, and even if potentially justifiable, are adequately safeguarded against by provisions of the Act. The Act does not suspend the numerous banking regulations and fiduciary laws which are applicable to a banking organization's top management. While there is the potential for insider misconduct in any transaction between corporate affiliates, these stringent laws and regulations already inhibit managerial overlaps and harmful self-dealing.[86] It is unlikely that rational bank officers, whose compensation is tied to the wisdom of their investments, would suddenly so compromise their professional judgment that they would endanger the soundness of their banking organizations with excessively risky loans. Still further assurance is provided by provisions of the Act which prohibit the total of a banking organization's historical cost of direct and indirect investment in all loans to export trading companies from exceeding ten percent of the banking organization's capital and surplus,[87] and explicitly prohibit either extending credit to any export trading company in which the banking organization holds any interest, or to customers of such a company, on terms more favorable than those afforded other similar borrowers in similar circumstances, or extending credit that involves more than normal risks of repayment.[88] Thus, the Act limits the amount of resources a bank may commit to the rescue of a failing export trading company, and furthermore, it prevents the sort of identification of a bank with the trading company, that would lead to a rescue attempt.[89] The Act, then, protects the soundness of the bank without preventing its affiliation with an export trading company.

Another concern regarding the granting of credit by banking organizations is that bank affiliation with export trading companies will lead to favoritism and anticompetitive tie-ins in which third parties would be extended unsound, undue, or simply unfair credit from banking organizations in return for the purchase of commodities or services from bank-affiliated export trading companies.[90] These fears appear to be greatly exaggerated. With significant competition for credit and customers in an efficient capital market, and with little evidence of substantial reciprocal dealing problems in the past, there is little to suggest that our ordinary antitrust laws and policies could not adequately deal with any such problems that might arise.[91]

FOOTNOTES

[72] The term includes state and national banks, federal savings banks, Edge Act and Agreement corporations, bank holding companies, and "bankers' banks." § 105(a)(1). "Bankers' banks" are banks whose stock is owned exclusively by other banks and which are engaged exclusively in providing banking services for other banks and their officers, directors or employees. § 105(a)(5). Through "bankers' banks" a number of smaller banks can join to form an export trading company.

[73] § 105(b)(1)(A).

[74] § 105(b)(1)(B). In addition to investments which cause an export trading company (ETC) to become a subsidiary of the investing banking organization, prior regulatory approval is required for investments causing more than 50% of the voting stock of an ETC to be owned or controlled by banking organizations. *Id.* The terms "control" and "subsidiary" have the same meaning as assigned to those terms in the Bank Holding Company Act of 1956, 12 U.S.C. §§ 1841-50 (1976 & Supp. III 1979). § 105(a)(12). Section 2 of the 1956 Act defines "control" as ownership of 25% or more of the voting shares, control of a majority of the directors, or exercise of a controlling influence. 12 U.S.C. § 1841(a)(2) (1976 & Supp. III 1979).

[75] In reviewing proposals for investment in ETCs in excess of the discretionary limits, the appropriate federal banking agency must take into consideration the financial and managerial resources, competitive situation, and future prospects of the banking organization and ETC concerned as well as the benefits of the proposal to U.S. business, industrial, and agricultural concerns (with special emphasis on small, medium-size and minority concerns), and to U.S. competitiveness in world markets. § 105(d)(1). A banking organization wishing either to make additional investments in ETCs, or to undertake through a subsidiary ETC a line of activity not previously approved, must give the appropriate federal banking agency 90 days prior written notice, within which period the agency must act. § 105(b)(2). Applications by banking organizations to make a $10 million investment or any controlling investment in an ETC must be acted upon by the appropriate federal banking agency within 120 days. § 105(b)(3).

[76] § 105(b)(1). The limit for Edge Act and Agreement corporations not engaged in banking is 25%. Id. The 25% limit is smaller than currently provided for non-banking Edge investments overseas under the Federal Reserve's Regulation K. 12 C.F.R. § 211.5 (1980). The 5% limit is the same as currently applied to national bank investments in small business investment companies, 12 C.F.R. § 225.111 (1980), and in community development corporations, 12 C.F.R. § 7.7480 (1980). In contrast national banks can invest in excess of 5% in safe deposit corporations, 12 U.S.C. § 24 (1980), premise companies, 12 U.S.C. § 371(d) (1976 & Supp. III 1979), bank service corporations, 12 U.S.C. § 1862(a) (1976), Edge Act and Agreement corporations, 12 U.S.C. § 618 (1976 & Supp. III 1979), and agricultural credit corporations, 12 U.S.C. § 24 (1976). There is no limit on the amount a national bank can invest in Federal National Mortgage Association (FNMA) or Government National Mortgage Association (GNMA) corporations authorized under Title IX of the Housing and Urban Development Act of 1968, in the Student Loan Marketing Association, or in non-banking companies permissible under the Bank Holding Company Act, 12 U.S.C. § 24 (1976).

[77] § 105(c)(2).

[78] § 105(d)(4). This broad regulatory authority to require divestiture of any ETC investment parallels powers over other bank holding company investments which were given to the Federal Reserve under the Financial Institutions Regulatory and Interest Rate Control Act of 1978, Pub. L. No. 95-630, 92 Stat. 3641 (1978) (codified in scattered sections of 5, 12, 15, 28, 31, and 42 U.S.C.).

[79] See S. 2718 Hearings, supra note 4, at 6 (statement of Irvine Sprague, Chairman, Federal Deposit Insurance Corporation), 61 (statement of Henry C. Wallich, Member, Board of Governors, Federal Reserve System); S. Rep. No. 735, 96th Cong., 2d sess., 34 (1980) (Letter from Paul A. Volcker, Chairman, Board of Governors, Federal Reserve System).

[80] Senator Proxmire's amendment was proposed Aug. 26, 1980, and defeated by voice vote. [1980] 322 INT'L TRADE RPT. U.S. EXPORT WKLY. (BNA) at C-1 (Sept. 2, 1980); 323 id. at C-1.

[81] It has been suggested that a banking organization's liability may extend beyond its capital at risk if it has been providing management to an ETC or was engaged in significant intercompany transactions and if creditors of a failing ETC are able to "pierce the corporate veil." S. 2718 Hearings, supra note 4, at 11 (statement of Irvine Sprague, Chairman, Federal Deposit Insurance Corporation). This is a purely speculative danger. Clark, supra note 58, at 834.

[82] *See* Taylor, *The Financial Collapse of the REIT Industry: An Analysis and Proposed Regulatory Framework*, 9 Tex. Tech. L. Rev. 451 (1978).

[83] In a similar context, in recommending that the Small Business Investment Companies Act be amended to remove a provision which prohibited a bank from acquiring 50% or more of the voting stock of an SBIC, the Senate Banking, Housing and Urban Affairs Committee noted: "Allowing banks to control or wholly own a license would serve to encourage financial institutions which are interested in the sound development of the SBIC program [to invest] and would increase the amount of capital available for small business investment." S. Rep. No. 420, 94th Cong., 2d Sess. 8-9 (1976).

[84] *See, e.g., S. 2718 Hearings, supra* note 4, at 60 (statement of Henry C. Wallich, Member, Board of Governors, Federal Reserve System).

[85] *Id.* at 61.

[86] In addition, the Act specifically empowers the appropriate federal banking agency, in approving applications for investments in export trading companies exceeding $10 million or conferring control on the investing banking organization, to impose such conditions as it may deem necessary to prevent possible conflicts of interest, or banking practices that would be unsafe or unsound. § 105(d)(2).

[87] § 105(c)(2).

[88] § 105(c)(4).

[89] § 105(c)(1) prohibits an ETC from using a name which is similar in any way to the name of the investing banking organization. For a discussion of the consequences of the public confusing the name and identity of a risky affiliate with that of the intermediary itself, see Schotland, *Bank Holding Companies and Public Policy Today*, in House Comm. on Banking, Currency and Housing, 94th Cong., 2d Sess., Financial Institutions and the Nation's Economy (FINE), Compendium of Papers Prepared for the FINE Study 233, 270-277 (Comm. Print, 1976).

[90] *See, e.g., S. 2718 Hearings, supra* note 4, at 2 (statement of Senator Proxmire).

[91] Clark, *supra* note 58, at 827-28.●

CONTRIBUTIONS OF WOMEN IN HISTORY

● Mr. PACKWOOD. Mr. President, Oregon is again taking a leading role in recognizing the contributions women have made in our history. Activities throughout the State in celebration of Women's History Week, the week of March 7 to 14, will focus attention on the part women have played in shaping our destiny.

I am proud to have been a cosponsor of the original resolution which established Women's History Week to honor the significant contributions of the female members of our society.

Oregon is proud of the women who courageously crossed a continent to settle in the Oregon territory, and once there, made Oregon a State well known for its lead in notable accomplishments by women.

Women have played such a vital role in shaping our American society that it is only fitting we pause to recognize and rediscover their achievements. Women have provided the impetus for many important social reforms and have made individual contributions in the fields of science, education, medicine, religion, and government. They have helped build America as homemakers and pioneers, and they have clearly led the way in establishing the charitable and philanthropic organizations which have greatly improved the quality of American life.

I do not have to recite the accomplishments of such great figures as Betsy Ross, Helen Keller, Eleanor Roosevelt, and Susan B. Anthony. They are symbols of what American women have achieved.

But there are others, most of them far less famous, who have made great contributions to society and deserve to be honored during Women's History Week. Among them are Janette Rankin, elected in 1917 as the first female Member of Congress; Margaret Sanger, who pioneered the family planning movement in this country; Harriet Tubman, the former slave who led the underground railroad that brought freedom to hundreds; and Louisa May Alcott, the 19th century author of more than 270 books and short stories.

My own State of Oregon has its own list of notable women who should be included in the honors. Among them are Tabitha Brown, a 66-year-old partial invalid, who led a wagon train through a disastrous shortcut—chosen by the train's male leadership—and brought it to a new life in the Oregon territory. Then in 1848, at the age of 71, this remarkable woman founded the Tualatin Academy, which is now known as Pacific University.

In 1836, Narcissa Whitman and Eliza Spaulding became the first American women to cross the Continental Divide. Narcissa Whitman helped her husband establish the Waiilatpu Mission near Fort Walla Walla, where she taught in and managed the mission school.

Abigail Scott Duniway was Oregon's most indefatigable suffragist. She was successful in helping women in Western States get the vote years before Eastern women won that right. Abigail Duniway financed her efforts for suffrage by managing and editing her own newspaper, the New Northwest.

Governor Chamberlain's secretary, Mrs. C. B. Shelton, became the first woman to govern Oregon when, in the early 1900's, he took a seat in the Senate and left her in charge of State affairs.

Margaret Jewett Bailey wrote the first novel printed on the Pacific slope, and Dr. Bethenia Owens-Adair had to receive a second medical degree, when her first was discredited, to become Oregon's first woman physician.

Mr. President, these are not the only women who have contributed to Oregon and to the Nation. Every Member of this body could add women from their own State to the list. But I am pleased to call special attention to these few in the hopes we can better understand women's contributions to American life and their importance in our history.●

HANDLING OF AIRLINE RECORDERS

● Mr. CANNON. Mr. President, I wish to inform my colleagues that I will offer an amendment in committee intended to clarify and improve the situation regarding handling of tapes and transcripts of pilot conversations after an airline accident. In some instances, transcripts of conversations recorded by the cockpit voice recorder have become public shortly after an accident while the investigation is still incomplete.

The disclosure of these conversations without any other data about the accident can lead to serious misconceptions about an accident's cause and a crews' fault or lack of fault in an accident. The transcript must indeed be publicly released, but released together with other factual data about the accident or incident.

On the personal side, the effect of the release of these conversations has been particularly severe on the relatives and other loved ones of cockpit crew members who were killed in the accident. Often, the last words of the pilots include personal and intimate expressions directed at spouses.

My amendment will remedy a problem in the present procedures for handling cockpit voice recorder (CVR) tapes after airline accidents and incidents. The amendment directs the National Transportation Safety Board to withhold from public disclosure the CVR tapes and transcripts after an accident. The transcripts could then be available to the public when the NTSB holds a public hearing on the accident. If a public hearing is delayed or not held, the transcripts would be available no later than 60 days after the accident. In the unlikely event that the recorder is not recovered immediately after the accident, then the transcripts would be available no later than 60 days after the recorder is recovered.

This amendment would not alter the current practice whereby designated parties to an NTSB investigation have access to the information on the CVR tape. Nor would this amendment affect the NTSB's returning the CVR tapes to their owner, the airline involved, when the investigation is complete.

I want to emphasize to my colleagues that CVR transcripts would continue to be public, as they are now. What my amendment does is delay briefly the public availability of these transcripts out of concern for the feelings of the relatives and loved ones of those who were killed in the accident and to avoid misleading conclusions that can have an adverse impact on the investigation of the accident.

The following is the language of the amendment I intend to offer, which is supported by both the NTSB and the Airline Pilots Association:

COCKPIT VOICE RECORDER DISCLOSURE

Notwithstanding any other provisions of law, the Board shall withhold from public disclosure cockpit voice recorder recordings and transcriptions, in whole and in part, of oral communications by and between flight crew members and ground stations, that are associated with accidents or incidents investigated by the Board; Provided, that portions of a transcription of such oral communications which the Board deems relevant and pertinent to the accident or incident shall be made available to the public by the Board at the time of the Board's public hearing, and in no event later than 60 days following the accident or incident; Provided, further, that nothing shall restrict the Board at any time from referring to cockpit voice recorder information in making safety recommendations.●

CHANGING ROLE OF GOVERNMENT

● Mr. DURENBERGER. Mr. President, while spending reduction and tax revenue increases discussions dominate our legislative agenda, there are many who see the answers to rising costs, declining revenues, and lowered public confidence in public sector performance in changing the role of the public sector in meeting needs for public service. Ted Kalderie of Minneapolis, until recently the executive director of the Citizens League of Minneapolis-St. Paul, reports on conclusions of a recent conference on the subject with United States and European leaders. I ask that his report appearing in Transatlantic Perspectives of January 1982 appear in the RECORD at this point.

The report follows:

GOVERNMENT IN THE EIGHTIES: SHIFTING ROLES AND RESPONSIBILITIES

Caught between the rising costs for services and stable or declining revenues, the nations of Western Europe and the national and state governments in the United States are for the moment preoccupied with short-term expenditure and revenue policies. Partly, they are slashing programs and benefits; partly, as these cuts wound affected groups, they are restoring programs and benefits and raising some taxes. But this approach represents a stop-gap course of action. Rapidly, it is becoming imperative for these nations to move to some longer-term and more fundamental response to the problem.

Almost everyone's preference is for long-term action on the revenue side, to stimulate economic growth. But growing international economic competition makes it unlikely that the developed countries will be able to match the high levels of economic growth in the West of the quarter century from 1950 to 1975.

The remaining possibility is to do something fundamental with public service on the expenditure side. This approach would involve a basic reshaping of the traditional model, which postulates a governmental agency financed by appropriations derived from taxes, providing services uniformly available and accessible without charge, with professionals accountable to elected officials and elected officials accountable to the voters. Some restructuring would have considerable appeal. Many of the major costs arise in education, transportation, health care, public safety, and other social services. It is the remoteness and bureaucratization of many of these services that underlie the public's loss of confidence in the institutions of government. Even the growing awareness of innovations and alternatives in the delivery of services has not yet really attracted government toward this line of policy. It is not just that restructuring is complex, difficult, and controversial. It is also that the ideas of choice and competition that lie down that road seem to many persons wrong, improper, and basically inconsistent with their conception of the public sector.

Perception of this path is blocked by the way many people think about the problem, by a deficiency in theory. In the same way that, around the turn of the century, the United States needed a new conception of how to act in order to deal with the failures of the private sector, it now needs a new theory to permit it to deal with the failures that have begun to appear in the public sector.

Some constructive new thinking, however, is under way. It is possible now to sketch out a rough framework of ideas that gives some coherence to the various experiments now being tried, and to proposals now being advanced.

BASIC IDEAS EMERGE

A first basic element of a new view of the urban public sector involves recognition that community life-support systems depend on far more than government. Scientific American in 1970 talked about "the metabolism of cities." It is useful to think in almost biological terms about the systems for bringing in food and fuel, eliminating wastes, keeping order, educating and training inhabitants, circulating and communicating, and continually rebuilding the physical environment. Each of these, clearly, consists of a mixture of governmental and nongovernmental elements. In transportation there are governmentally owned bus and rail facilities, but there are also private buses, commercial taxis, company-owned vehicles leased to employees, and a huge fleet of private automobiles that in many cities constitutes the largest single carrier of passengers. Any reasonable planning and policy analysis must begin with the fact of a mixed and diverse system of movement. It is the same with every other system.

From this idea emerges a second basic idea about the essential role of the government. That role need not be as owner and operator. The essential role is, rather, a policy role: to see what needs to be done, to insure that it is done, and to provide public financing if required. Government is essentially an arranger of things; at times, it is a buyer.

In the older and narrower conception, public officials see themselves essentially as members of a board of directors, as the administrative managers, of an operating enterprise—a monopoly seller of services to themselves as a monopoly buyer. The new view will be of the policymaking body as the shaper of the larger community system; and even where there administrative department continues to operate, the elected officials will increasingly view the department as one among many sellers and themselves as prudent buyers.

Third, there will be a new theory of accountability to replace the outworn notions that bureaucracies are adequately responsive to policy through management, and that policymakers are adequately responsive to citizens through elections. This traditional theory does not serve effectively in bringing down costs and improving performance.

The whole current debate about appropriate forms of accountability can, as it happens, be handled almost perfectly by the formulation worked out in 1969 by the economist Albert O. Hirschman around the twin concepts of "exit" and "voice"—as different yet complementary "responses to decline in firms, organizations and states."

This formulation simply says that all performance is subject to deterioration. As this deterioration occurs, members or customers of the organization may simply leave; and their departure then impels those in charge to correct the failings that caused this exit. Or, dissatisfied members may stay—in a church, a business firm, a political administration, a marriage—and talk it out. Neither remedy works without the other present; and, as Mr. Hirschman showed, the mix must be constantly changing.

So in the future for government and public services, accountability will be enforced somewhat more—and legitimately—by the pattern of choices, as citizens vote with their feet and exit.

FORMULATING THE STRATEGY

Businessmen, when called in as civic leaders, frequently think in terms of reorganizing a firm, as if the need were simply for better management or greater centralization. A new view will see the problem rather as one of restructuring an industry, in which the object is to maintain incentives for innovation and change, and in which those organizations that perform well are rewarded and those that do not, fail.

Again, a four-part formulation of the reshaping strategy accommodates many of the ideas moving through the discussion about the public sector today. The first element has to do with changes in the service itself.

There is the case of professional service: someone doing something for another person (usually but not always for pay). Where this practice involves a permanent, public-employee staff, it is possible to consider the alternative of securing the service through contract. This can be important, both for the emphasis that contracts usually place on performance, and for the incentive that the option not to renew creates in the contractor. These are alternatives within the concept of professional service.

There is also the case of alternatives to professional service. This is the self-help alternative. Here professionals drop out and the user provides the labor, supported by others who provide the tools, materials, design, instruction, and sometimes the motivation. Examples abound: in transportation, the carpool/vanpool is such a supported self-help arrangment.

Another notion substitutes one service for another, usually in such a way as to achieve a better result at lower cost. Thus, there is growing interest in substituting conservation for production, maintenance and prevention for repair (whether of houses or human beings), electronic communication for travel, and hospices for high-technology hospitals.

Some powerful ideas about personal responsibility and self-reliance are involved here, along with some strong economic incentives. Both can be consciously encouraged through information and persuasion.

Important changes also are taking place in the way things are paid for. This is a central second element in the reshaping of the system. In some service areas the financial responsibility (and, indeed, the decision whether to provide them) may be shifted out of government to individuals, churches, or corporations. This shift is called "privatization."

The more important change is likely to be in the way tax money flows. In the past it has flowed directly to sellers, which is what they greatly desire. Now there is active interest in channeling the money instead to recipients, and requiring sellers to earn their revenues from these recipients; hence food stamps and transit stamps, housing vouchers and education vouchers. It is a strategic change that greatly diversifies the buyer side of public-service market, and makes the purchase of service a personal rather than political transaction. It is also very threatening to establish sellers because it means they have to earn their revenues in a marketplace.

Another variation is to leave off paying for the activity (fee-for-service) and begin paying for results. In a growing number of cases, doctors are now being given a fixed sum per capita with which to meet families' health needs for the year, with the doctors being allowed to keep what they do not spend. This approach puts the seller at risk for the cost of unnecessary expenditures.

Most important is the possibility that some part of the cost of a service may be charged to the user, and paid for through fees and charges. In fact, this is now the fastest-growing source of public finance in the United States. User charges will grow further, and will require improved mechanisms for aid to help those with the lowest incomes. Equity considerations cannot be handled best through low prices: the public resists the heavy taxation, operating managers fear that it will not support maintenance, and analysts deplore such a non-need-based subsidy to upper-income people.

Third, as an element of restructuring, there is the opportunity to shift the roles and responsibilities on the buyer side. In one recent case in the United States where refuse collection had been bought by-the-household, a local private leader organized the neighborhood for a group purchase-of-service. Even a small aggregation on the buyer side produced a rationalization of pickup routes that made possible a reduction in charges of 25 percent. The contract will be awarded competitively each year. In another case a big county government was able to reduce total expenditures on refuse collection by disaggregating the buyer side, that is, by calling for bids separately for districts within the county.

A multilevel federal system offers opportunities almost totally unexplored for raising revenue at higher and therefore more equitable levels of the governmental system, and for distributing money to the lower-tier units on the express condition that they use it to purchase—rather than themselves to administer—service.

The fourth element of a restructuring strategy is on the seller side. The idea is to have a number of sellers competing. Just as the private sector tries to develop a number of suppliers, so can government. It can avoid what corporations have long learned to avoid—becoming dependent on a single supplier. The contracting must be thought through carefully. There is little to be gained by shifting from a monopoly public bureau to a noncompetitive contract. Demonstrations aimed at learning which system works better are pointless; either, alone, is dangerous. The sensible arrangement is a mixed system, with some direct labor and some contract, and with many organizations seeking the contract work.

Public works commissioners, such as state highway commissioners, have extensive experience in how to maintain a competitive input market. They vary the size of the jobs let out for bid and the timing of the lettings. When the prices are suspiciously high, they may use their own resources instead. They also may contract with municipal governments.

An aggressive effort can find, and draw in, new service entrepreneurs. More of these are likely to be in small business firms and nonprofit organizations than in big corporations. Some governmental agencies might want to go on an entrepreneurial basis; some individuals in public service might want to form their own private firms to provide services. And, of course, more of these kinds of entrepreneurs are likely to emerge and prosper if payment arrangement can be restructured so that there are a lot more nongovernmental buyers to sell to in a market that is more diverse and less political.

NEW ARRANGEMENTS ARE NEEDED

All these points emphasize the current change in thinking about the future of the public sector. Clearly, for the moment, short-term efforts at budget-cutting and tax-raising dominate the policy agenda, along with efforts to revive economic growth. The fourth major policy option—the effort to control costs by fundamentally restructuring the service-delivery system—is only beginning to be discussed.

As is normal, most of this thought and discussion is beginning outside government. In the United States, investigators at the Stanford Research Institute are exploring what they call nonservice alternatives. Researchers at The Rand Corporation are interested in improving the user-charge system. The American Enterprise Institute is supporting work on new forms of self-help, partly on the neighborhood scale. Some nonprofit organizations and some corporations are venturing into the public-service market. The ideas are rising from many different wellsprings.

Across state and local government in the United States, public officials are uncertain and apprehensive about these new ideas. They are reluctant to give up their traditional managerial role. They are worried about political opposition from their employees and their employees' unions. They are concerned about the equity question. They wonder if citizens can be trusted with choice. They are uncomfortable with exit as an element of control—reluctant to concede the limitations on their system of voice.

All that can be said is that some really fundamental effort of this sort to improve the productivity or community systems is probably necessary in the 1980s and 1990s, and probably possible. Rising educational levels and an enormously increased capacity for the exchange of information are moving Western societies away from the older model of professionalized and bureaucratized service delivery. Some new arrangements, built around the appeal of diversity, responsibility, responsiveness, choice, and a greater built-in capacity for change, seem likely to come.●

TECHNOLOGY TRANSFER—A CASE STUDY IN DEEP ROCK DRILLING

● Mr. SCHMITT. Mr. President, the Federal funding for basic science research and technology has historically provided tremendous direct and indirect spinoffs of U.S. industry. Although we are just beginning to examine new mechanisms to encourage and maximize Government and industry cooperation, this past October, along with a variety of private and public institutions in New Mexico, I sponsored the "Showcase for Technology." This turned out to be an unusually successful mechanism for this exchange.

High technology developments, discussed at the conference, have been successfully transferred to industry. This result is an example of what can be accomplished by our National Laboratories. One typical example has been provided by technology transfer from geothermal drilling research.

Sandia, the national engineering laboratory, was responsible for developing instrumentation which would be used for production logging of geothermal wells, that is, assessment of the reservoir size and life. Geothermal resource exploration and production is small relative to oil and gas—in 1981, 80 geothermal wells were drilled compared to 80,000 oil and gas wells—thus the drilling industry has little incentive to develop technologies specific for geothermal energy recovery. Required process and product changes to accommodate high temperature needs presented too great an investment risk. The Sandia program funded by DOE/Division of Geothermal Energy, has been successful in developing that technology and transferring it to industry at a total program cost of less than $7 million, barely the cost of drilling one deep offshore gas well.

The Sandia high temperature electronics program was completed in fiscal year 1981 and held a final symposium in Houston, December 8-9, 1981. Over 350 attendees, with papers and hardware demonstrated that not only had the technology been developed, but a new era of instrumentation was starting in many industries. Some results are summarized in an Electronics magazine article which I ask be printed in the Record at the end of my remarks.

Items such as dielectrically isolated, silicon circuits were originally developed by Sandia and Harris semiconductor for radiation resistance in weapon applications, have been modified to make them temperature-tolerant. Hybrid microcircuit technology used for high reliability, compact packaging in weapons has been modified for high temperature logging tools and subsequently adopted by Gearheart, Schlumberger, Dresser, and other industries. This technology is being applied not only to the logging industries but also designed into electronics for use inside nuclear reactor containment structures, for monitoring combustion in jet engines and other new applications. As stated in the Electronics article:

> Sandia's approach encourage not only oil and gas firms, but also component companies to jump into the high-temperature electronics business. Sandia contracts already have permitted heat-resistant hybrid circuits, complementary-MOS parts, and instruments to be developed by firms like Teledyne Philbrick, Harris Corp.'s Semiductor Group, and General Electric Co.'s Space Systems division (ELECTRONICS, Aug. 14, 1980, p. 41). Others with high-temperature-electronics programs include Burr-Brown Research Corp., Micro Networks Co., and MicroPac Industries, Inc.

This is just one example of technology transferred from the National Labs to private industry. Other transfers include the downhole steam generator for enhanced oil recovery; rock failure mechanics for design of stimulation operations to recover gas from tight gas sands and Devonian shales; advanced drilling and completion concepts: diagnostics for in situ shale oil recovery, coal gasification and enhanced oil recovery; and many others.

Technology can be successfully transferred to private industry from New Mexico's National Laboratories such as Sandia and Los Alamos. However, appropriate interactions, climates, and laws are required. Symposia such as the New Mexico Showcase for Technology, legislation such as the Schmitt-Ertel patent bill, and dedicated staff such as those at the labs are needed to enhance effective use of the Federal R. & D. expenditures.

The material requested to be printed in the Record is as follows:

INDUSTRY WARMS TO HIGH-TEMP R. & D.

(By Roderic Beresford)

A major Government-funded research and development program in high-temperature semiconductor devices has just slid into the lap of industry. Work at Sandia National Laboratories has shown the feasibility of fabricating a wide range of semiconductors that can be used in environments where temperatures commonly reach 300°C or more.

Oil- and gas-producing companies probably have the greatest interest in such technology because their deep-well exploratory operations can reduce the risk of drilling a dry hole if they use electronic parts that can withstand high temperatures. Because of this need, firms like Schlumberger Ltd., Gearhart Industries Inc., and Dresser Industries Inc. are beginning to increase their commitment to high-temperature-electronics development and design, says Anthony F. Veneruso, former director of the Sandia program in Albuquerque, N.M.

This information transferral occurred during the High-Temperature Electronics and Instrumentation Conference in Houston, held Dec. 7 and 8, where papers describing Sandia's geothermal logging instrumentation development program were delivered to companies with a commmercial stake in such devices.

Veneruso himself is an example of the increased commercial commitment. He recently moved to Gearhart, where his duties as manager of the Houston development laboratory include supervising work on high-temperature logging instruments.

"The Sandia program was a catalyst," says Veneruso. "It raised the awareness about the potential of high-temperature electronics in an industry relatively unfamiliar with it and showed these firms what kinds of expertise they needed to continue research on their own." Although developments in the near future will rely on silicon-device technology, the eventual commercialization of gallium phosphide, or other wide-bandgap semiconducting materials, promises operating temperatures higher than those that are possible with silicon.

GaP widens. Junction leakage currents—a central problem in integrated-circuit design for high temperatures—depend on thermally generated carriers, whose numbers drop with increasing bandgap. Recent work at Sandia documents the advantages to be expected from GaP, a material with a wider bandgap than silicon.

Diodes and transistors fabricated with GaP operate reliably between 300° and 400°C, and a 500°C capability is in sight. These devices are made in magnesium-doped epitaxially grown layers.

Sandia's approach encouraged not only oil and gas firms, but also component companies to jump into the high-temperature-electronics business. Sandia contracts already have permitted heat-resistant hybrid circuits, complementary-MOS parts, and instruments to be developed by firms like Teledyne Philbrick, Harris Corp.'s Semiconductor Group, and General Electric Co.'s Space Systems division [*Electronics*, Aug. 14, 1980, p. 41]. Others with high-temperature-electronics programs include Burr-Brown Research Corp., Micro Networks Co., and MicroPac Industries Inc.

"I think the work Sandia started gave a lot of impetus to small, 'Lone Ranger' research operations buried in many companies," Veneruso comments. Agreeing with him is Paul L. Sinclair, manager of Schlumberger's Microelectronics Systems group in Houston. "We've been building electronic components for down-hole exploration for decades, but development of high-temperature-circuit prototypes only got under way in 1980. It's still a relatively small program, but it's going to grow fast."

The Schlumberger group will concentrate on developing circuit designs, Sinclair adds. "We're scouting for components houses to build the parts for us."

Needed now. The time is ripe for high-temperature electronics because of dwindling supplies of gas and oil from traditional sources, Sinclair maintains. "Every developed country is scrambling for new sources; the last five years have seen phenomenal growth in geophysical well-logging operations, which I'd estimate have been growing at a rate of roughly 33 percent a year."

Probing deeper and deeper past many strata for fuel, drillers encounter steadily rising temperatures, which at the bottom of a well can reach a peak of 275°C. In addition, a promising new oil-recovery method, using steam injection, must deal with temperatures that can reach a point around 250°C.

So the need for all types of heat-resistant parts—sensors, amplifiers signal conditioners, converters, and digital-processing and transmission equipment—is increasing dramatically. "I anticipate that this will become the dominant technology for our industry in the next 10 years," Sinclair asserts.

"We're rather constrained by what chips the semiconductor makers can produce for us," he adds. "Although there are definite benefits to be gained from GaP, it is going to be years before we get our hands on this material in commercial ICs."

In the meantime, making do with silicon will soon be a lot easier, because Harris Semiconductor in Melbourne, Fla., is about to make generally available its dielectrically isolated C-MOS parts, which are specified for 350°C. The group will base its product plans on the sentiments of the narrow market.

"There is not enough demand to warrant an entire high-temperature edition of the 4000-series logic family," points out Harris's Scott Falater, an analog product designer, "although we now have that capability. We are looking at universal gate chips, in which specific configurations could be selectively powered up by pin programming."

Dielectric isolation clears up two common failure modes in junction-isolated chips—latch-up and parasitic device formation. Otherwise, the fabrication process is not so different from conventional room-temperature C-MOS. However, circuit designs must consider device behavior at high temperatures.

For example, forward-biased diodes drop only about 100 millivolts at 300°C, so biasing schemes based on diode strings are ruled out. Furthermore, leakage currents from a transistor's collector-base junction get so large that the net base-current flow reverses, requiring bias circuits that can source and sink current.

Work needed. Although much of the Harris effort has been focused on circuit design "there is still much process refinement to be done," say Falater. A major stumbling block is electromigration—the rupturing of metal interconnects by current flow that is aggravated as the temperature rises.

In addition to this problem, the stability of metal layers is a prime concern for hybrid-circuit makers. Thin-film processes for passive components have demonstrated excellent performance in the temperature range of 350° to 500°C [*Electronics*, Jan. 3, 1980, p. 39].

Interconnection with the thick-film components, however, requires a special treatment. The usual gold-to-aluminum bonds that connect chip pads to wires and then to the thick-film conductors last only about 100 hours at 200°C. Burr-Brown gets up to 1,000 hours of operation by using an aluminum-composition bond wire and doping the gold films with platinum and palladium. The formula helps minimize the bond's intermetallic phases.●

REPRESENTATIVE GEORGE MILLER'S ASBESTOS BILL

● Mr. HART. Mr. President, today the House Labor Standards Subcommittee, chaired by Representative GEORGE MILLER, began hearings on the Occupational Health Hazards Compensation Act of 1982. I commend Chairman MILLER for his leadership on this vitally important health issue.

Chairman MILLER and I have worked closely over the last year in developing proposals for a legislative remedy to provide compensation for workers disabled by occupation diseases. Our work has been based on the fact that the present workers' compensation statutes are inadequate, ineffective and inequitable. Congressman MILLER's bill, like the legislation I have introduced in the Senate (S. 1634), builds on the recommendations of the National Commission on State Workmen's Compensation laws. There are significant differences in a number of the provisions of our bills. But we are continuing to work together to narrow these differences and to produce a legislative remedy which will be enacted by Congress, and which will effectively reform workers' compensation for occupational disease.

Representative MILLER has made a major contribution to our Nation's efforts to finally come to grips with the complex occupational disease problems we face. I hope my colleagues in the Senate and the House will consider his bill carefully, as well as my own legislation and any other proposals that are put forth, so that Congress will finally be in a position to act on the occupational issue in the months ahead.

Again, I commend Representative MILLER for his dedicated work on this matter and I ask that his opening statement from this morning's hearing be printed in the RECORD at this point.

The statement referred to is as follows:

STATEMENT OF HON. GEORGE MILLER ON THE OCCUPATIONAL HEALTH HAZARDS COMPENSATION ACT OF 1982

I am introducing this morning, "The Occupational Health Hazards Compensation Act of 1982."

This legislation will receive the immediate attention of the Subcommittee on Labor Standards. It is the product of five years of effort to identify the workers' compensation system's failure to provide adequate benefits to disable workers who suffer from occupational diseases.

The present compensation system is simply not designed for occupational diseases. Instead, this system takes workers who are victims of cancer and other disabling and fatal illnesses due to their jobs and makes them victims again—victims of an indifferent system which denies them, their families and their survivors the income maintenance and medical care which they need and to which they are fully entitled.

Only about 5 per cent of workers disabled by occupational diseases receive benefits from the workers' compensation system. Moreover, the benefits that small fraction of workers receive are totally inadequate—less than half those receive by injury victims.

The failure of the compensation system is alarming for the stricken worker and for the American taxpayers who pay $3 billion a year to victims of occupational diseases to make up for the shortcomings of the Worker's Compensation System. That $3 billion loss from Social Security, Disability Insurance, Veterans' programs, Welfare, Food Stamps, Medicare, and Medicaid will grow every year in the future if we fail to develop a better, and fairer system for the worker.

This Subcommittee has held exhaustive hearings on occupational disease since 1978. We have been told repeatedly that over half of the victims of occupational disease receive Social Security benefits. Another 17 percent receive Veteran's benefits. And another 16 percent depend on Welfare programs.

At a time when these programs are strained to provide benefits to those who have nowhere else to turn, we cannot allow taxpayers' dollars to continue to subsidize hazardous industries and dangerous jobs in this country.

"The Occupational Health Hazards Compensation Act" will create a means for providing the victims of occupational diseases, resulting from asbestos and uranium mining with adequate benefits on a timely basis. It will significantly reduce the demand on Social Security and other publicly funded programs by placing the burden where it has always belonged in cases of workers' compensation—on the responsible employers, not on the taxpayers.

Past efforts to establish such a compensation system for victims of asbestos diseases or other occupational illnesses have been acused of "bailing out industry." My legislation will do no such thing.

My bill will provide more disabled workers with more income maintenance and health benefits than has ever been possible under the antiquated workers' compensation system without having to wait years for administrative processing or for their day in court. It provides an efficient—and an effective—mechanism for processing compensation claims.

This legislation places the financial burden where it properly belongs: with the manufacturers and the employers. I am hopeful that they, too, will support this legislation because it does establish a just system.

The legislation I introduce today builds on the recommendations of the National Commission on State Workmen's Compensation laws. While limiting initial coverage to asbestos victims and uranium miners, about which the evidence of job-related diseases is unquestionable. The Bill includes a trigger mechanism for bringing additional diseases and occupations under its coverage when the scientific and medical evidence warrants.

This legislation will not establish any new federal bureaucracy. It will result in the saving of billions of federal dollars because industry will pay not only for compensation benefits, but for the program's administration, too. It will also save money by establishing a program of surveillance and medical treatment to reduce the incidence and severity of occupational exposures.

Over the course of the year in which I have developed this Bill, I have solicited the advice of the broadest possible range of experts—within the manufacturing industries, insurance, labor, compensation administrators, and the medical and scientific community.

This legislation is a synthesis of their best advice. Undoubtedly, it is not perfect. It will totally please no party in this complex, and often bitter debate. But this is a fair and financially sound program, and I intend to devote my time, and time of the Subcommittee, to assuring that it will be considered by the Congress this year.

Quite simply stated, we have dedicated a decade to debating and analyzing the issue of occupational disease compensation. We could debate it for another decade or more.

But there are tens of millions of men and women throughout this country, nearly a quarter of a million asbestos victims alone, who will die before the end of this century because of occupational disease. Millions more will be disabled. They will lose their wages and incur billions of dollars in health costs.

We need to accelerate our efforts to prevent the exposure of workers to hazardous substances in the workplace. My legislation will establish a program of surveillance and medical treatment to reduce the severity of occupational exposure in the future. This program is essential to reducing the incidence of occupational diseases in the future.

But for millions of men and women, it is too late. They have been exposed. After latency periods, of several decades, in some cases, they are going to get sick. They need the assurance of income maintenance, medical care and survivors' benefits which the current compensation program promises them, but tragically fails to provide.

We must move on. I am grateful that so many members of the Subcommittee on Labor Standards have joined me in cosponsoring this legislation, because they recognize the seriousness of the problem and they share a commitment to moving the legislation this year.

I am also grateful to Dr. Irving Selikoff of Mt. Sinai Medical Center in New York who is internationally recognized as the leading occupational disease expert, for his valuable advice in the past, and for joining us today to provide us with his testimony on the need for occupational disease compensation legislation.●

SENATOR HAYAKAWA NOT A CANDIDATE FOR REELECTION

● MR. ARMSTRONG. Mr. President, a few days ago our distinguished colleague from California, SAM HAYAKAWA, announced that he will not be a candidate for reelection to the U.S. Senate. Like all of Sam's many friends in the Capitol and his millions of admirers nationwide, I received this news with mixed emotions.

On the one hand, I can well appreciate the motives for his decision which he so eloquently and thoughtfully set forth in his remarks before the Republican State Convention in Monterey, Calif., on January 30. His observations and his reaffirmation of the American dream is an inspiration. His plan to return to private life and the resumption of his literary and journalistic career portend the enrichment of the intellectual life of our country. So I can well understand his decision to leave the Senate at the end of 1982.

But this decision is also one which I must receive with regret. He has represented his State and served our Nation with great distinction and his presence will be greatly missed in our deliberations. His keen insight and wisdom are literally irreplaceable. He will be greatly missed, and his valued contribution and friendship will be long remembered.●

TEAMSTERS CENTRAL STATES PENSION FUND SUPPORTS S. 1785

● Mr. NUNN. Mr. President, George W. Lehr, the executive director of the Teamsters Central States Pension Fund, has informed me that the fund supports in principle the Labor Management Racketeering Act of 1981, S. 1785.

The bill, which I introduced with the cosponsorship of Senators CHILES, ROTH, RUDMAN, NICKLES, DECONCINI, STENNIS, JOHNSTON, PRYOR, HOLLINGS and HATCH, is a result of hearings by the Permanent Subcommittee on Investigations on corrupt and irregular practices in the labor-management field.

The legislation increases the penalties for violations of the Taft-Hartley Act to prohibit persons convicted of certain crimes from holding offices in unions and employee benefit plans. The measure also makes clear that the Labor Department has the responsibility to detect, investigate and properly refer for prosecution instances of corrupt practices in the management and operations of pension and welfare benefit plans.

S. 1785 also has the support of the AFL-CIO and the National Association of Stevedores.

Mr. President, I request that Mr. Lehr's letter of December 17, 1981, expressing the fund's support for S. 1785 be printed in the RECORD.

The letter follows:

CHICAGO, ILL., *December 17, 1981.*

Hon. SAM NUNN,
Dirksen Office Building,
Washington, D.C.

DEAR SENATOR NUNN: Pursuant to my testimony before the United States Senate Permanent Subcommittee on Investigations on October 29, 1981, and my prior discussions with representatives of your staff, please be advised that the Central States, Southeast and Southwest Areas Pension Fund endorses in principle the bill (S. 1785) recently introduced by you, dealing with officials of employee benefit plans and providing for removal from office upon conviction of certain enumerated offenses.

Please accept the thanks of the Trustees and myself for soliciting our views in this regard, and let me know if we can be of any further assistance.

Sincerely yours,

George W. Lehr,
Executive Director. ●

BOTANIC GARDEN CONSERVATORY

● Mr. MATHIAS. Mr. President, the Joint Committee on the Library is announcing today new procedures for congressional use of the Botanic Garden Conservatory, located at Independence Avenue and First Street SW.

Revised procedures for the after-hours use of the Conservatory are necessary to permit congressional use of the building after public visiting hours at little or no additional cost to the Government.

We urge all Members and their staffs to review the following letter from the Joint Committee and "Conditions for Use of the U.S. Botanic Garden Conservatory" for their information and convenience.

The following material explains the conditions in detail:

Joint Committee on the Library,
Congress of the United States,
Washington, D.C., March 4, 1982.

Re Procedures for Congressional Use of the Conservatory of the U.S. Botanic Garden.

Dear Colleague: This letter is intended to clarify for Senators, Representatives, congressional committees, Officers of the Congress, and their staffs the governing rules and procedures for congressional use of the Botanic Garden Conservatory, located at Independence Avenue and First Street, S.W.

In 1977 the Joint Committee on the Library determined that the Conservatory, a beautiful and functional educational facility and museum, might be made available for congressional use after public visiting hours at little or no additional cost to the government.

In the ensuing four years, after-hours use of this popular building has increased to an extent that heavy personnel overtime costs are now being incurred and that the initial conditions require modification in order to achieve the original intent of use of the building for congressional purposes.

Therefore, to clarify that intent and to permit usage of the Conservatory at a level commensurate with available operating funds, the Joint Committee on the Library has adopted the following amended procedures for the information and convenience of eligible users.

Sincerely,

Augustus F. Hawkins, M.C.,
Chairman,
Joint Committee on the Library.

Charles McC. Mathias, Jr., U.S.S.,
Vice-Chairman,
Joint Committee on the Library.

The Conditions for Use of the U.S. Botanic Garden Conservatory

1. Facilities may be made available:

A. For meetings or other functions originated and sponsored by Senators, Representatives, Congressional Committees, Officers of the Congress and Congressional employee associations, which are Congressionally related. Personal celebrations such as birthdays or anniversaries are not permitted.

B. To other federal government agencies when requested by a Senator or Representative.

C. To private, non-profit organizations qualifying under Internal Revenue Code 501C(6) provisions when requested by a Senator or Representative. Evidence of 501C(6) status may be required.

2. Facilities are not available for meetings or functions:

A. Originated, sponsored or primarily attended by members of commercial or profit making organizations, trade associations, professional societies, social clubs and similar entities.

B. Of any organization practicing discrimination based on race, creed, color or national origin.

C. Of organizations planning to charge admission fees, make collections, seek contributions, give door prizes, have auctions or raffles, or sell articles while in the building.

D. Held for political or lobbying purposes.

E. During June, July, or August, when the Botanic Garden remains open to the public until 9:00 p.m.

F. That begin prior to 6:00 p.m. during months other than June, July, or August, or that continue beyond 11:00 p.m.

G. That propose preparation of food at the Botanic Garden, where only food prepared elsewhere in advance may be warmed.

H. At a frequency exceeding one evening per week, for all events.

I. During formal flower shows.

J. Which include exhibits or other structures.

3. Procedures for reserving the facilities:

Reservations may be made no more than 6 months in advance of the proposed event.

All requests for use of the conservatory must be approved by the Architect of the Capitol. A letter of request should be directed to the Architect by the sponsoring Senator or Representative, providing full details about the event, including the purpose of the meeting, particulars about the agency or organization if the Member is sponsoring an event under Paragraphs 1B or 1C above, the date and time that use of the facilities is desired, the approximate number of people to be in attendance, whether refreshments or a full meal is to be served, the name of the Senator's or Representative's staff contact for the event.

A Member's office may telephone the Botanic Garden Office (x58333) to determine if the date proposed for use of the facilities is open, and, if so, a tentative hold may be placed on the Conservatory pending a decision by the Architect on the Member's written request for use of the facilities. Telephone requests of this nature should be followed up promptly by the Member's written request to avoid unauthorized staff requests that deny access to the facilities by other Members of Congress. ●

AMERICA'S RENTAL HOUSING CRISIS

● Mr. DODD. Mr. President, while national and congressional attention has focused on the plight of the housing industry, which suffers from one of its worst depressions in 40 years, the desperate condition of the rental housing segment of that industry has received only passing notice. This is unfortunate, because rental housing serves one-third of our population, particularly that part which is elderly or lower income, and a good many of these individuals rent because they have no other choice. High interest rates, urban economic conditions, and open administration hostility to rental housing are fast diminishing renters' opportunities for decent, affordable housing.

Mr. President, in preparation for legislation I have introduced to aid this damaged housing sector, I have conducted a review of conditions in rental housing markets, especially involving multifamily housing. I would like to share with my colleagues the results of that review.

In brief, the Nation faces a rental housing crisis that involves both a shortage of units and severe conditions in existing units. This rental housing shortage promises to grow worse in the next several years. While progress has been made in improving the quality of the housing stock, millions of units remain substandard and deteriorating. Many people still live in unacceptably overcrowded units, which hastens a dwelling's decline. Moreover, millions of families must pay rents that consume substantial portions of their income—well over traditionally acceptable levels of 25 to 30 percent. Low-income families often spend years on lists waiting for federally assisted units to become available. Although the crisis in rental housing has largely affected lower income people whose housing choices are the most limited, people earning moderate and even middle incomes are coming face to face with this crisis as their access to the homeownership market becomes increasingly restricted.

Let me present in greater detail the alarming conditions that persist in rental housing markets across the country. Before I do, however, I would like to note that assessing housing needs has always been difficult because of the absence of any one reliable measure. We must, therefore, rely on a variety of indicators and estimates of need. These measures include vacancy rates, substandard and overcrowding estimates, ability to pay, waiting lists for federally assisted housing, and prediction of rental housing shortages based on supply and demand estimates.

A RENTAL HOUSING SHORTAGE

A number of studies in recent years have estimated that the supply of rental units is falling short of the number of units our people need or demand. Uriel Manheim, in a report for the National Association of Homebuilders, found that in the last 5 years of the 1970's the total rental apartment (five units or more) shortage was estimated at between 200,000 and 300,000 units. A report prepared in HUD in 1980 gives some indication of the depth of the shortage to come. For 1980-90, it is estimated that the Nation will experience an annual shortfall of multifamily units of between 170,000 to 302,000 units. This prediction assumes that the Federal Government will continue to fulfill its responsibility by providing subsidized multifamily housing production in the range of 150,000 to 167,000 annually. If the proposed administration budget for fiscal year 1983 is enacted, Federal subsidized new production would be all but eliminated and, of course, the annual shortfall would then be considerably higher.

The Council of State Housing Agencies (CSHA), using Manheim's production estimates and the housing demand projections of J. Pitkin and G. Masnick of the MIT-Harvard joint center for urban studies, expects a shortfall of rental units of approximately 3.25 million during the 1980's, which is in the upper range of the internal HUD projection noted above. Manheim believes that there is an annual need for 500,000 new rental units to alleviate tight conditions and to create a healthy market. In 1980, however, only 279,000 multifamily rental units were begun, and in 1981 the number of such starts dropped 16.5 percent to approximately 233,000. Overall housing starts in 1980 and 1981 matched previous record lows. In 1980, housing starts were the lowest since 1975, and in 1981 starts were the lowest since 1946.

In a yet to be published study, Anthony Downs, in preliminary estimates, also predicts that there will be a shortage of rental housing in the decade of the eighties. In fact, according to Downs, even given reduced household formation due to such a shortage and at present production levels, there will remain an annual shortfall of 191,000 units. This shortfall is 68 percent of the entire multifamily rental production of 1981. Let me remind my colleagues that the very low-production level for 1981 was supplemented by federally subsidized units, the future of which is now in question.

Two other forces bear on the rental housing supply production of single family rental housing and condominium conversion. While single family housing contributes units to the stock of rental housing, the availability of such units for rent has been declining. In addition, very few new single family units are being built today for rental use, thereby diminishing another source of rental units.

Condominium conversions have continued to increase in the last 3 years while the number of almost every other form of housing construction and rehabilitation has declined. While some conversions have been slowed temporarily by staggering interest rates, in 1980 the Advance Mortgage Corp. estimated conversions at 160,000. Despite high interest rates, this number is nevertheless a 10-percent increase over 1979 and an 88-percent increase over 1978 when approximately 85,000 units were converted. HUD estimates that 71 percent of the units converted in the 1970's were authorized between 1977 and 1979. The number of conversions not only increased in the last decade, but their impact has been felt in the depressed housing market of the late 1970's.

The actual effect of conversions on the rental market is controversial. Nationwide, a 1980 HUD study indicates net loss of rental units to be 5 out of every 100 conversions. A number of the units not included in this 5-percent loss are units converted but then offered for rent. They are, however, returned as rental units at much higher rents; rents which low- and moderate-income families cannot afford. The 1970's saw only 1.3 percent of the Nation's rental units converted, but the percent of rental units converted in cities or subsections of cities varies from 1 percent to as high as 30 percent. In addition, almost 60 percent of the units are concentrated in 12 large SMSA's. Thus, the impact upon a low- or moderate-income community can be quite severe. With national rental vacancy rates running at 5 percent, and many urban areas with rates under 2 percent, the low- and moderate-income urban renter is having great difficulty finding an acceptable replacement unit.

In order to understand the extent of the crisis in rental housing, we need to look at the total housing market as well. We find that additional pressure will be placed on rental housing because of an expected shortage of all types of housing in the 1980's. Using Pitkin's and Masnick's projections of housing demand and NAHB economist Michael Sumichrast's projections of housing starts, CSHA estimates a total housing shortage of over 5 million units. This figure includes single family homes.

The negative impact on the rental housing market will be seen in a variety of ways. Middle-income families looking for homeownership will force the conversion of rental units at an accelerated pace. Rental vacancies, now nationally at 5 percent, will become still worse, decreasing mobility and housing choice. Low-income families presently living in older, declining units will be forced to remain still longer, and overcrowding will grow. The portion of income devoted to housing will rise still higher, as supply fails to match demand. We already see these consequences occurring in a number of rental markets.

HUD would have us believe that there is no rental housing shortage. This view would support the administration's desire to eliminate Federal rental housing production programs, although what would replace these programs is anyone's guess. The major study upon which the Department relies is one produced by the Rand Corp. This report does not even address itself to the rental housing needs of the 1980's. Rather, it examines the economic stress in which landlords found themselves in the 1970's. Rand is correct in pointing out that because of declining operating returns, landlords are often forced to abandon units and investors are unlikely to develop new rental properties. The aggregate data that Rand analyzed is never broken down to examine subpopulations, particularly low- and moderate-income sectors. Thus, hidden in national data are the needs of lower income renters. The author of the report, Ira S. Lowry, admits that his report is:

> Unable to assess supply-demand balance in rental housing markets, either nationally or locally, so it cannot evaluate arguments about rental housing surplus or shortages.

In brief, the Rand report is of little help to us in determining need beyond pointing out that presently rental housing development is not economically viable. It simply fails to support the claim that a rental housing shortage does not exist.

Rental housing faces an economic squeeze from all sides. Landlords do face escalating operating costs, including high energy prices. Rents have not, and cannot, keep pace with such costs which eventually reduces profit and maintenance. Consumer demand for, and achievement of, rent control further aggravates the financial picture for rental housing. Prospective landlords are frightened off by towering interest rates as well as by low operating returns. Such investors, thus, are squeezed out of the rental market. Renters, 50 percent of whom earn less than $10,000 annually and a majority of whom already pay more than 25 percent of their income for rent, are unable effectively to demand new rental construction. They simply cannot afford such housing. The predicted shortage of rental units along with low vacancies rates and low production levels, place the renter in a squeeze as well. There are few winners in the rental housing market, while there are many who suffer its condition.

SUBSTANDARD AND OVERCROWDED HOUSING

Mr. President, the Congress can look with pride at the great strides we have taken to eliminate substandard housing. In 1940, almost half of the housing stock could be considered substandard. With the efforts of both the public and private sectors, less than 10 percent of the stock was substandard by 1970. Progress continued through the 1970's, but the problem has not been eliminated. That partial progress is no excuse to bring our efforts to a close, as the administration proposes.

Of the 36.6 million lower income households, 5.3 million live in physically inadequate housing. A physically inadequate unit includes one of more of the following defects: Lack of a shared bathroom, multiple structural problems such as leaky roofs, holes in floor, walls or ceilings, recent evidence of rats or mice, or frequent breakdowns of toilets, heating or electrical systems. Again, national data needs to be broken down into subgroups to see the true extent of the problems. For renters, 13.3 percent of units are physically inadequate, and for all black households, 19.1 percent, for Puerto Ricans 12.3 percent, for rural southerners 12.8 percent, for residents of large cities 9.6 percent, and for female headed households 10.1 percent. With 1 in 5 black households, and 1 in 10 female headed households living in substandard units, it is clear that such housing remains a serious problem. Also, as of 1978, overcrowding remains a concern for 1.5 million additional households that were not in otherwise physically inadequate housing. Overcrowding, for the first time in many years, has begun to increase again. It is likely to grow much worse with the expected rental housing shortages.

A MEASURE OF NEED

Each local public housing authority (PHA) keeps a list of those waiting to occupy a public housing unit. These lists become a measure of need for rental housing. The increasing number of people on such lists, and the length of time they must wait for a unit, testify to the major rental housing problem.

In May of 1981, the National Association of Housing and Redevelopment Officials (NAHRO) surveyed 22 PHA's which manage 369,000 units. These authorities had over 300,000 households on their waiting lists, or 83 percent of occupancy. While the annual average rate of tenants moving out of units remained unchanged, waiting lists increased, from 1980, by 28.5 percent.

Local data on waiting lists indicate an even more severe problem for some areas. In Hartford, Conn., the average wait was 2½ years in 1980; In New York, 11.3 years; in Baltimore, 14 years; in Boston, 3¾ years; in Detroit, 1.4 years; in San Antonio, 1.8 years; in Chicago, 2.17; and in Pittsburgh, 3.13 years. These families are waiting for a unit of public housing. What kind of alternatives do they face? In what kind of unit must they remain while they wait? Such waits clearly indicate that in most major cities rental housing is simply not available that meets some minimum standard.

ABILITY TO PAY RENT

All reports, including the interim report of the President's Commission on Housing, find that the rent burden on low-income families has increased to unacceptable levels. Over 60 percent of very low-income households—incomes less than 50 percent of median family income—pay more than 30 percent of their incomes for rent. In addition, almost 25 percent of low-income households—incomes between 50 and 80 percent of median family income—pay over 30 percent of their income for rent. This data likely understates the problem because a flat 30 percent ignores the important impact on affordability of variation in family size. An excessive rent burden clearly falls much more severely among lower and large households than among other groups. Such households have little choice but to secure the only available housing regardless of the rent burden it imposes.

CONCLUSION

Mr. President, the problems in rental housing markets are clearly numerous. There are no simple solutions. The President of the United States has proposed a solution that is inadequate to these many problems. He has suggested a housing voucher program, that while it may approach the problem of housing affordability, will not construct, or cause the construction of, one new rental unit. It simply does not address the huge rental housing shortage we face. In addition, the proposed voucher program only partially addresses the affordability problem because the program is not an entitlement available to all who need it. The voucher, itself, is to average only $2,000 per family per year with no planned increases for inflation in succeeding years. It begins at an inadequate benefit level and grows worse with time. Besides 10,000 units of elderly housing and a small moderate rehabilitation program, the administration makes no attempt to deal with the crisis. It is clear that we need to devise a response to these problems that includes not only some type of adequate voucher program, but also a production. Only a production program can begin to relieve the shortages felt most severely by low and moderate income families. Mr. President, we must not lose faith in a promise we made to the American people over 30 years ago—a promise of a decent home for every American.●

SOVIET REPRESSION AND THE CASE OF IDA NUDEL

● Mr. D'AMATO. Mr. President, the rapid deterioration of the Madrid Conference on Security and Cooperation in Europe can be directly attributed to the utterly reprehensible attitude of the Soviet delegation in resolutely blocking any progress. The Madrid Conference has slowly ground to a halt in the face of Soviet attempts to brutally suppress all internal dissent. This clear violation of the final act of the Helsinki accords, an agreement among nations to which the Soviet Union freely signed, has been characterized by the U.S. Ambassador to Madrid, Max Kampelman, as "sheer hypocrisy"; a view to which I wholeheartedly ascribe.

The Soviet Union, in signing the Helsinki accords, pledged to respect human rights in both internal and external affairs. I am sure that there is no need to point to the imperial character of the Soviet regime. The attempts to extinguish the people of Afghanistan who would oppose the Soviet invasion as well as the brutal crackdown by the military government in Poland all show the true nature of Soviet "hypocrisy".

What should be of equal concern to the people of the world is the internal repression in the Soviet Union that has little or no equal in the world today. The Soviet authorities, from the birth of the Soviet Union in the Revolution of 1917, have kept tight control over the domestic population through a campaign of terror. To control a host of captive nations, Estonia, Latvia, and Lithuania, to name a few, and virtually all of Eastern Europe, the Soviets have employed ruthless and disgusting tactics on an unimaginable scale. Purges and attempts at Russification have devastated various ethnic groups or national movements. If one were to devise some sort of historical tally of those who have died through ruthless oppression, the Soviet Union would be champion par excellance.

I rise today to speak of one particular group that the Soviet regime appears bent on destroying. This one religion has suffered throughout the history of Soviet oppression and it now appears to be worsening. Jews in the Soviet Union have been the victims of an orchestrated plan of genocide. Jewish emigration, 51,000 in 1979, has come to a virtual standstill. Even requesting permission to leave the Soviet Union can be hazardous. Would be emigrees are harassed, detained and often imprisoned on trumped up charges. Even the use of psychiatric facilities as a means of torture and detention is prevalent.

One example of this inhuman and viscious persecution was released from exile in Siberia on March 2. A Jew, a refusenik, an activist, a reformer and above all a human being fighting the totalitarian nature of the Soviet regime: Ida Nudel has served close to 4 years of internal exile after being convicted of "malicious hooliganism" under article 206/2 of the Soviet Criminal Code.

This conviction came after she repeatedly protested the denial of an exit visa. Her history is one of continual harassment, arrest, torture and depravation at the hand of the KGB. A true Prisoner of Conscience, Ida Nudel has had her life virtually destroyed because she refused to give up the hope of one day living in Israel.

To me, this life of constant threats and abuse, of intolerable living conditions, is incomprehensible. I know it to be true, but it is still difficult to conceive. I appeal to all of my colleagues to continue the fight against this true evil. I know that it is difficult to persevere in the face of total silence from the Soviets. Every inquiry to Ambassador Dobrynin has met with silence, and I am sure that this is the norm rather than the exception. Public outcry and congressional pressure, I am confident, will eventually yield results. We cannot let these people be forgotten.

If I may paraphrase someone who heretofore I would not have been philosophically disposed to cite, Susan Sontag, Communism is merely another form of Fascism, Fascism with a human face.●

JOB TRAINING LEGISLATION

● Mr. **QUAYLE**. I am pleased to announce that I will be introducing the administration's job training proposal next week. The legislation will be cosponsored by Senator HATCH, chairman of the Labor and Human Resources Committee. The administration's proposal is built on the same fundamental principles as those which guided the preparation of S. 2036, the training for jobs bill which I introduced last month with Senator KENNEDY, Senator HAWKINS, and Senator PELL. I am particularly pleased that Senator HATCH has also agreed to be a cosponsor of that bill. Both bills, as well as other job training proposals that have been introduced in the Senate and in the House, will be the subject of joint hearings March 15 through March 18 before the Subcommittee on Employment and Productivity which I chair and the Employment Opportunities Subcommittee chaired by Congressman HAWKINS.●

ORDER FOR THE RECOGNITION OF SENATOR HAYAKAWA ON MONDAY, MARCH 8, 1982

Mr. **BAKER**. Mr. President, I ask unanimous consent that on Monday when the Senate resumes, after the recognition of the two leaders under the standing order, the Senator from California (Mr. HAYAKAWA) be recognized for not to exceed 15 minutes under a special order.

The **VICE PRESIDENT**. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. **BAKER**. Mr. President, is there an order for Monday next?

The **VICE PRESIDENT**. The Senate will convene at 10:30 a.m.

May we have order in the Senate?

PROGRAM

Mr. **BAKER**. Mr. President, on Monday, under the order previously entered, the Senate will convene at 10:30 a.m. It is the intention of the leadership to ask the Chair to lay this matter before the Senate at 12:30. It is hoped that we will begin consideration of the Williams resolutions at 1 o'clock and run until 6 o'clock, approximately.

RECESS UNTIL MONDAY, MARCH 8, 1982, AT 10:30 A.M.

Mr. **BAKER**. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until Monday at 10:30 a.m.

The motion was agreed to, and the Senate, at 5:58 p.m., recessed until Monday, March 8, 1982, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 4, 1982:

DEPARTMENT OF STATE

Herman W. Nickel, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3370:

To be colonel

Abel, Gene P., 191-32-2720
Abell, Julian L., 579-42-6628
Ackerman, Arlene A., 546-46-8876
Adams, Edward L., 448-28-5277
Adams, Henry L., 570-26-3619
Adams, John Q., 045-24-6670
Adams, Robert E., 550-40-8479
Adamson, David M., 483-32-6384
Addison, Louis C., 267-40-7669
Aepli, Emmett C., 527-20-4850
Affeldt, Ronald D., 501-24-5413
Akre, Richard D., 516-42-8229
Albee, Donald D., 129-28-0398
Albrecht, George H., 112-24-2414
Aldridge, Allan C., 242-42-3002
Alexander, Thomas H., 251-56-0524
Allen, John W., 542-32-0959
Allen, Richard F., 422-52-4633
Allen, Willard T., 390-34-3765
Allende, Velarde A., 567-26-8834
Alsip, Tommy G., 445-32-4724
Altman, Richard A., 029-24-2704
Amero, Clifford J., 031-20-8430
Amick, George L., 491-36-6580
Amos, Robert B., 537-26-6624
Anderson, Ben A., 471-30-9399
Anderson, Benny P., 526-46-6967
Anderson, Walter D., 260-36-6251
Andrysiak, Frank L., 219-30-2379
Arnold, Joseph R., 425-64-3568
Arntz, Benjamin L., 526-36-1360
Aske, Lambert J., Jr., 009-22-3534
Atherton, Walter B., 277-28-4715
Aubuchon, James M., 515-34-5243
Auerbach, Ernest S., 193-28-4005
Austin, Joseph R., 032-22-8130
Austin, William H., 421-52-5691
Ayres, Billy J., 411-42-1206
Bagley, Donald M., 038-26-4389
Baiden, Arthur H., 251-62-1236
Baker, John W., 519-32-4147
Baker, Merrill S., 428-44-0700
Baldwin, Harrison V., 002-26-1062
Ballard, Lawrence L., 443-30-4174
Barfield, Walter R., 253-42-2230
Barlament, Reginald, 399-30-0288
Barnes, Wilson C., 024-22-2624
Barringer, David F., 418-50-8464
Bartlett, William A., 023-26-6595
Basier, Irvin P., 295-26-3832
Bassard, Knowlton H., 249-50-4537
Beach, Dwight E., 411-56-7301
Beachy, Donald K., 284-28-7815
Bean, Loring B., 200-24-5172
Becker, John B., 213-34-1035
Bedoka, Louis, 447-30-2183
Bell, James F., 331-24-0063
Bell, Robert A., 451-60-0984
Belt, William P., 527-54-1810
Benbow, Edward A., 566-40-5728
Bennett, Basil O., 232-44-1505
Bennett, Don P., 421-36-0618
Bergevin, Duane B., 535-36-5745
Berglund, David W., 469-34-6519
Bergman, Howard G., 070-30-9643
Beringer, Leroy H., 519-28-1222
Berry, James C., 434-48-4211
Bertolett, Craig R., 166-28-3671
Best, James R., 184-26-2911
Bicket, Howard J., 543-28-2222
Biscomb, William M., 371-36-9281
Bitonti, Frank, 209-24-2111
Bitters, Tom G., 396-34-3496
Black, Emery R., 458-50-7991
Black, John R., 224-52-8479
Bland, Robert A., 430-58-4521
Blanford, Kenneth J., 306-28-2584
Blott, William C., 451-36-7843
Blunck, Leo G., 519-36-7328
Boatman, Howard, 415-58-9314
Bodal, Robert A., 469-34-3136
Bodine, Robert, 136-22-0573
Boehm, Harold L., 232-50-9826
Boerner, Mark S., 397-30-4850
Boerschel, August P., 215-34-1842
Boleware, Garland W., 427-76-0923
Bolton, Thomas N., 483-40-0087
Borcher, Dale H., 505-36-5439
Borden, Clifford C., 144-24-0982
Bowdy, James B., 045-28-3437
Bowling, Jimmy V., 238-46-1016
Bowman, James B., 446-28-7749
Bowman, Pasco M., 225-40-2444
Boyd, Donald G., 442-32-5240
Boyer, Ohlen R., 225-44-1556
Boynton, Earl W., 560-36-8556
Bradford, Henry M., 431-48-7510
Bradish, John T., 438-34-9042
Bradley, Paul R., 369-34-4770
Brandt, Robert J., 562-48-6792
Brashear, Jay, 526-32-0329
Braverman, Robert, 093-22-1655
Bray, William E., 207-26-4114
Breed, John W., 459-48-1710
Breeden, Howard L., 520-36-1894
Breeding, Joel W., 430-68-8097
Brewer, Charles E., 412-48-4644
Brill, Joseph N., 118-24-6397
Britton, J. V., 415-54-2232
Broadway, Buddy, S., 426-66-0462
Brooke, James A., 380-28-1544
Brooke, Robert D., 557-50-8055
Broome, James C., 428-48-0118
Brown, Carlton M., 009-22-3928
Brown, Donald P., 503-42-8020
Brown, Emmett L., 435-52-4090
Brown, Gerald V., 556-44-6209
Brown, Joe B., 410-64-6793
Brown, Lewis C., 254-52-9038
Brown, Michael A., 461-60-0578
Brown, Warren C., 540-30-1821
Brox Charles A., 023-26-7838
Broxson, Joseph E., 423-34-7969
Brunk, Gordon L., 543-38-9453
Bryan, Curtis H., 443-32-4205
Bryan, James C., 397-32-5820
Bryant, Douglas R., 245-56-5534

Buck, Robert H., 411-38-3491
Buck, Thomas E., 284-34-2220
Budd, Alan L., 151-28-6949
Bugbee, James T. Jr., 063-26-6158
Bullis, Lawrence H., 212-38-8304
Bumgardner, Rudolph, 223-56-3596
Bundy, L. D. Lamar, 348-28-9496
Burgmeier, Richard, 480-34-8180
Burke, Glen D., 443-28-0253
Burkett, William E., 423-28-7469
Burns, Daniel T., 039-22-8858
Burt, Roy A. Jr., 512-28-8502
Butler, Richard G., 366-30-8108
Byrne, John P., 129-28-4942
Caldwell, Arthur H., 389-30-6014
Calhoun, John R., 480-28-2072
Callies, Fritz A., 389-30-8442
Canon, Anthony J., 012-22-7771
Canon, Val H. Jr., 455-54-9833
Cantrell, Jerry L., 542-40-6255
Capps Billy F., 241-48-3363
Cardile, Thomas C., 132-28-8584
Carl, William E., 133-24-6460
Carlson, Edwin S., 094-22-2256
Carlson, James S., 539-36-1237
Carpenter, Jimmie J., 527-46-6861
Carpenter, John A., 503-30-7925
Carrigan, Taylor K., 467-32-8735
Carroll, Joseph L., 019-22-2669
Carson, Earl W., 256-60-2577
Carte, Dale W., 301-34-9591
Carter, Kevin R., 569-42-2242
Carter, Ralph L., 528-40-3021
Carter, Thomas L., 412-58-1946
Carter, William C., 316-26-6851
Casey, Joe W., 414-50-8654
Casto, Eldridge R., 235-50-1239
Cattley, Robert A., 010-28-1130
Cavalaris, James G., 408-56-1729
Chambers, Lomer R., 430-52-8132
Chamblee, Herbert M., 426-42-9006
Champe, Gene E., 300-22-2697
Chandler, Jackie D., 373-32-7730
Channell, Howard F., 027-22-8559
Chavanne, Raymond E., 438-50-5974
Cheek, Forrest H., 243-44-1207
Chegar, Richard D., 317-38-1059
Cheney, John F., 057-24-4674
Chin, Dick K., 528-46-9609
Chirico, Anthony P., 144-20-2068
Chopin, Lamy J., 435-52-6168
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Smith, Norbert F., 142-30-1079
Smith, Orville M., 444-32-3017
Smith, Richard L., 216-30-2265
Smith, Taylor M., Jr., 424-42-1416
Smithson, Leland D., 478-34-1975
Snodgrass, William, 313-28-2268
Snyder, George C., 140-28-6315
Sokol, Leo J., 154-24-9483
Solomon, James R., Jr., 416-54-1912
Sosby, Earl B., Jr., 405-42-5068
Southcombe, Robert, 539-30-0749
Sprang, Donald W., 504-40-6810
Springer, Bobby J., 432-50-5688
Springsteen, George, 152-22-6323
Stafford, Roger O., 484-40-1390
Stark, James M., Jr., 428-60-2237
Starring, John W., 438-52-7916
Stetts, Joseph J., 164-30-1921
Steuber, Richard R., 388-32-6887
Stewart, Jerry A., 428-80-7041
Stiglets, Jimmy W., 428-70-9976
Stone, Patrick S., 423-42-4650
Strickland, Edwin A., 416-52-3530
Strong, Bob C., 528-40-8734
Stuessi, Dennis A., 338-34-5053
Stull, Harman A., 269-30-5528
Sullivan, Daniel J., 531-32-6183
Sullivan, John J., 033-24-4415
Sullivan, M. F., Jr., 400-34-4058
Sunyak, Edward M., 287-22-8206
Swanson, Edward L., 571-48-0678
Sykora, Harold J., 504-40-0416
Temple, George M., 288-28-1755
Tennant, Harold B., 562-38-2870
Terrazas, Bert J., 525-64-2008
Testerman, James B., 226-50-8483
Thacker, Lyle V., 528-38-3467
Thackston, Carroll, 228-42-0803
Thomas, Jackie L., 496-42-5181
Thomas, James L., 525-64-7195
Thompson, John A. 218-28-8238
Thompson, Llewellyn, 526-60-9607
Thrash, Melvin C., 432-52-8976
Thurmond, George E., 253-46-9249
Tibbetts, Roscoe C., 006-28-2501
Todd, James C., 245-48-0245
Todd, James P., 539-34-2186
Torrell, John J., 096-26-9645
Trabold, Charles J., 144-28-1284
Traxler, David L., 425-50-6604
Trombly, Donald D., 386-32-4650
Trudeau, Normand A., 038-24-3426
Tucker, Terry G., 565-50-3135
Tuft, John R., 533-30-6714
Turnage, Albert J., 428-76-9435
Turner, James A., 431-42-9213
Tyra, Thomas O., 434-42-7029
Ulrich, Carl E., 566-54-6278
Underwood, John T., 406-40-8305
Upton, Frederick R., 154-20-9883
Uselton, Sammie R., 414-46-2549
Utley, Freddy D., 445-30-6048
Valdez, Victor G., 421-20-3602
Vanderveen, James R., 569-52-2762
Varese, Lewis J., 484-40-4300
Varnado, Billy W., 428-42-9054
Vaughn, William A., 225-38-3694
Velasco, H. P. Jr., 360-26-2718
Velasquez, Refugio, 455-34-6201
Vincent, James L., 524-36-7880
Viney, John A., 548-36-7124
Voliva, Benjamin H., 305-38-5371
Volz, Russell L., 347-22-2438
Vos, Francis W., 482-30-9304
Vowell, Leonard G., 442-32-6417
Vozzella, Anthony P., 014-22-3981
Waits, Fred W., 255-40-0239
Walker, Clarence E., 414-44-7385
Walker, George Jr., 420-38-3715
Wallace, Glen K., 444-28-3019
Walling, Jack H., 509-26-0207
Ward, Frank J., 557-48-5884
Ward, John R., 412-50-4476
Warner, Clarence E., 509-40-7554
Waters, William H., 224-40-1912
Watkins, Bobby F., 465-44-9178
Watson, Robinson R., 230-34-7099
Wattel, Marshall L., 565-40-1182
Watts, Donald R., 417-40-4094
Webb, Kenneth R., 465-42-2044
Webber, Fredrick W., 492-36-6057
Wedinger, Robert H., 126-28-7767
Welch, Bobby R., 428-66-6440
Wells, William W., 304-38-1133
Wepster, Jan P., 544-42-4517
Whitaker, Mark, B., Jr., 250-64-3654
White, Gerald J., 564-46-1631
White, Joe I., Jr., 259-46-4505
White, Minor K., 569-44-8175
Whitlock, Charles L., 478-38-3212
Whitlock, Myles W., 247-60-9200
Wierenga, Melvin J., 366-30-1305
Wigley, George M., 424-40-2219
Wilkes, Earl C., 461-20-5687
Wilkinson, Theodore, 509-28-5971
Williams, David C., 524-34-0313
Williams, Nevin R., 282-28-3837
Williamson, Charles, 408-48-3270
Willis, Clinton V., 239-34-8982
Wilshire, Roy L., 451-60-7479
Wilson, Bobby D., 429-54-2208
Wilson, Robert W., 542-34-4017
Womack, James K., 430-62-1677
Wood, Kenneth C., 402-36-7641
Wood, Milton O., 160-28-7097
Woods, Thomas R., 308-26-8378
Wootten, Charles W., 446-32-9485
Worth, Stephen G., Jr., 245-40-9276
Worthington, Earle, 222-16-0376
Worthington, Milten, 213-32-3901
Wright, Arvin L., 404-44-2979
York, Frederick A., 021-26-9642
Young, John R., 513-30-9221
Young, Ralph R., 156-32-0640
Young, Timothy R., 031-22-6971
Zaysoff, John, Jr., 520-30-7444
Zetterstrom, Thomas, 077-28-9357

CHAPLAIN

to be colonel

Almquist, James A., 470-36-8695
Armstrong, Mack M., 242-42-6052
Barr, John C., 247-48-7672
Berberich, Thomas E., 047-24-6265
Byrne, Joseph P., 281-22-3869
Carver, Russel J., 349-40-8056
Conard, James M., 429-48-0892
Crowley, Donald L., 445-32-3162
Dowdell, Brian J., 076-24-7025
Dunn, Billy D., 466-40-2153
Foster, Robert D., 504-24-0398
Fullilove, Roy J., 428-40-8307
Fulmer, Guerry A., 249-44-4277
Georges, Nikos, 029-24-9476
Goodner, James H., 077-22-6390
Gore, Albert N., 428-50-3802
Hasty, Charles R., 238-40-5907
Hoffmann, Wayne W., 092-30-3333
Humphrey, Donald C., 400-34-1105
Kinoshita, Carl K., 575-30-1196
Kissinger, Harry P., 197-22-0678

Leath, James A., 242-36-9661
McCarty, Willis B., 265-34-8652
Neuville, Donald L., 381-32-8583
Nix, Billy R., 424-28-5181
O'Connor, John A., 130-28-4811
Ohsiek, John H., 255-52-5480
Pearce, Arthur J., 428-34-3177
Phillips, Daniel P., 470-24-9171
Privette, Coy C., 245-48-3509
Reed, Kenneth R., 449-48-7910
Rendahl, Roger E., 503-16-0636
Richardson, Leland, 242-48-0683
Simons, John W., 223-38-1231
Thomas, William L., 573-34-7837
Thompson, Harold D., 457-46-0102

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, and 533:

to be lieutenant colonel

Edwards, David L., 474-40-0505
Griffiths, John J., 525-60-9103
Halcomb, Dallas W., 404-54-3127
Purks, Stuart K., 227-46-0571
Smoot, Ralph R., 308-42-5614
Zore, John, 398-38-5062

to be major

Cook, Lorenza A., 230-52-8082
Davis, Clarke T., Jr., 491-46-9054
Drake, Michael L., 308-46-9839
Falmlen, Martin, Jr., 450-64-4697
Garry, Kent J., 528-52-8349
Gates, John M., 561-68-2375
Jackson, David T., 006-48-1379
Kaczmarskyj, Orest, 102-32-2989
Knapp, Gervid, 445-56-7793
Krug, Samuel R., 172-40-1695
Murphy, Daniel T., 585-05-5559
O'Neill, Timothy R., 248-70-7589
Rachfal, John R., 078-34-7980
Reynolds, Johnny, 462-74-4297
Ryan, Larry E., 494-44-4706
Smith, Lyle R., 538-40-9048
Smith, Stephen E., 303-34-8686
Testerman, Robert L., 446-46-7057
Thornton, Ellis D., 223-62-1339
Whittaker, James F., 151-36-5390

to be first lieutenant

Barbaro, Richard R., 053-44-1522
Denny, Stephen L., 500-62-3776
Deldo, Louis J., Jr., 264-31-5632
Dysart, Stanley H., 255-98-9266
Elmore, William C., 245-98-7787
Garcia, Michael D., 457-78-5609
Grover, Robert A., 005-54-2835
Hammer, Bradley D., 503-82-8698
Hanson, Larry J., 260-96-4393
Harthcock, Kerry A., 452-08-3760
Kruse, Richard W., 181-36-3540
Lawrence, Wade B., 153-40-6677
Maniscalco, Mary E., 227-90-6235
Martin, Winston K., II, 227-68-8462
McKenzie, Colin S., 226-86-0759
Mengel, Mark B., 456-02-8474
Olsen, Wayne L., 088-44-6664
Robert, John P., 123-48-0583
Robinson, Undra, 256-94-8749
Royal, Mike A., 010-46-3458
Sanders, Charles R., Jr., 266-86-6622
Slagel, Gerald A., 202-40-0813
Spaulding, Stephen A., 079-50-1399

IN THE U.S. ARMY

The following named Regular Army officers for permanent promotion in the U.S. Army, in accordance with section 603, title VI Transition Provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Army:

to be lieutenant colonel

Adcock, Jerry W., 429-68-4791
Allen, Cullen S., 450-58-4962
Anckaitis, William H., 203-28-7572
Ash, Hughes L., Jr., 514-30-7388
Ballenger, Kenneth D., 510-32-3652
Barrell, Donald H., 284-34-2924
Barrett, Donald G., 429-64-5513
Blackwood, Jerry D., 489-38-6023
Boyd, William L., 258-56-3899
Brock, Orville L., 287-28-2505
Browning, Robert W., 574-12-2532
Brugh, Larry D., 355-28-4496
Bullock, Robert E., 422-40-4278
Cannon, Joe M., 251-62-5597
Carr, John M., 029-28-8946
Cartwright, Edward L., Jr., 257-50-8075
Cline, Corwyn M., 526-48-2222
Cottington, David C., 479-40-0368
Crockett, William A., 466-50-0583
Curbow, Elmer E., 497-40-8953
Daily, Jerry R., 420-42-5832
Davidson, James D., 257-54-8192
Degner, Herbert L., 389-36-9185
Devitt, John M., 059-30-1326
Dorsey, Ira, 494-36-2531
Downer, George R., 176-30-1502
Edwards, Leroy E., Jr., 165-30-3106
Eidson, Edward W., 255-54-3304
Emery, Douglas E., 007-34-3199
Evans, John A., 464-52-1156
Flemming, Herbert M., 195-30-0679
Foster, David H., 119-39-5440
Fourson, George R., Jr., 382-36-4055
Freihube, Garry R., 194-28-6620
Gilliam, Taft R., 229-38-5628
Graham, Robert G., 422-48-7382
Grant, David E., 122-28-3407
Harper, John Jr., 241-56-0944
Harrington, William B., 131-26-6537
Harris, David J., 530-20-8011
Hogan, Donal D., 261-54-0634
Holmes, Allen E., 264-48-6374
Hooverson, Richard L., 390-34-2253
Johnson, Darrell R., 535-30-9166
Keller, John T., 265-52-4530
King, Charles T., 004-30-9991
Kirk, William M., Jr., 410-54-3595
Klingensmith, David B., 184-28-9289
Kobayashi, Norman T., 576-34-0801
Kroll, Gerald, 284-32-9431
Laird, William R., 112-30-1549
Lambert, Harold E., 349-28-2576
Lanphear, Paul J., 210-28-8826
Lasater, Gerald D., 445-34-9069
Layman, John W., 126-30-9226
Lazzaro, Gerald J., 375-36-7395
Leeper, Leon E., 460-52-6921
Lewis, Sterling M., Jr., 189-32-6636
Liewert, Karl H., 367-40-0469
Lyerly, Edward D., 250-54-4045
Lynch, David F., 181-30-9024
Lytle, William L., 431-62-2780
Mayhew, Ronald E., 301-28-6748
Mcdaniel, Everett S., 035-22-6727
Meder, Gene L., 212-34-0127
Miner, James F., 524-42-8178
Molskow, Thomas S., 142-28-8813
Moore, Frederick T., 540-46-5580
Morris, Richard C., 286-32-1827
Neesmith, Delmus M., 241-46-5090
Nixon, Charlie J., 248-52-4820
Norton, Daniel B., 036-24-5606
Oconnor, Patrick M., 310-24-4381
Oelschig, Carl H., III, 254-54-3642
Orr, Danford M., 510-28-5606
Raymond, Charles W., III, 563-48-6556
Reedy, Clyde M., 452-56-9767
Reeves, Troy, Jr., 424-44-9144
Reynolds, Joseph C., 187-28-1965
Saxon, Rufus C., 370-32-9887
Schaaf, James C., Jr., 459-58-3457
Schuler, William D., 261-54-4135
Siegel, Herbert, 094-28-8520
Sims, Jackie D., 260-54-0276
Slovacek, Anthony S., 063-26-2499
Smith, Irving B., 087-30-3818
Snoddy, George R., 458-52-1467
Spencer, Sherman L., 436-50-1531
Teates, Bryan W., Jr., 227-44-0091
Teska, Thomas E., 399-32-2244
Tolliver, Ronald P., 409-50-3022
Touhey, Henry J., 141-26-9255
Warnshuis, Roger E., 079-32-7330
Weedel, Joseph F., 151-24-4192
Whitaker, Lewis H., Jr., 364-34-2929
White, Donald R., 258-50-6379
Wolff, Robert R., 473-36-9804
Zook, Neil J., 316-36-9505

CHAPLAINS CORPS

to be lieutenant colonel

Scilley, George R., 502-30-9397
Woodbery, Jerry M., 253-50-4581

MEDICAL SERVICE CORPS

to be lieutenant colonel

Barnes, Perry A., 002-24-3112
Brouillette, Robert F., 009-18-8046
Donehew, Gerald R., 446-32-1073
Evans, Harold L., 101-26-3535
Gorby, Richard J., 546-44-1855
Hahn, Ruediger, 408-64-2885
Kelley, Hubert A., 487-36-3626
Shannon, Sam, Jr., 262-48-6862
Sheek, Alton J., 240-56-7166
Soles, Elmer M., 208-26-0405

VETERINARY CORPS

to be lieutenant colonel

Garrett, Charles A., 537-30-2408
Vandercook, Richard A., 309-28-6671

ARMY NURSE CORPS

to be lieutenant colonel

Benedict, Jerry M., 430-46-9532
Foster, Imogene., 306-32-4805

To be major

Antholt, Steven M., Sr., 398-42-0340
Aubuchon, William F., Jr., 427-88-2022
Baird, Robert D., 261-66-5320
Barney, Michael L., 221-28-4035
Barnum, John M., Jr., 265-84-6504
Bates, Robert L., 585-03-1976
Beech, George W., 424-54-6926
Berry, Jerry L., 247-60-9695
Betit, Eugene D., 092-36-3682
Bird, Robert D., 414-72-8897
Bishop, Charles R., 258-66-4950
Blanchard, Robert C., 434-54-2818
Borns, Charles J., 576-42-2246
Boutin, Wilbur H., Jr., 045-36-5313
Brawn, Richard E., Kar., 534-42-1740
Brennan, Richard T., 377-40-7002
Brown, Gordon M., II, 497-48-7841
Bush, James D., 387-44-8854
Cain, Michael E., 008-34-5938
Cannon, Carl H., 537-46-2664
Carroll, Jason D., 544-46-3070
Cherry, Atwood C., 460-68-8732
Clement, Ronald C., 567-60-1439
Coombe, David A., 040-36-4599
Crawford, Mike O., III, 252-70-7604
Cresswell, John R., III, 236-66-0241
Crider, Don R., 294-38-3947
Curtis, Thomas M., 075-38-0209
Daniels, Richard A., 557-56-8803
Darden, Thomas S., 243-76-2598
Davis, Glenn E., 434-64-3433
Dempsey, Jack D., 518-44-1172
Ehrenreich, Richard L., 130-34-1597
Eichling, Robert E., Jr., 442-46-5727
Emig, John T., 288-38-0875
Estes, Richard D., 521-56-6984
Farless, Darold W., Jr., 495-46-8324
Farr, Richard S., II, 563-64-7861
Faxon, Don R., 262-64-9383
Fields, Randall L., 320-38-6012
Flanagan, Michael H., 223-54-9701
Fuller, David W., Jr., 465-74-4715

Fulton, James W., Jr., 240-70-3126
Gattis, Thomas T., 414-62-1059
Gecowetts, Bernard E., 280-34-7816
Gentry, Joseph W., 489-48-4678
Glock, James H., 183-36-0318
Gordon, Robert E., 306-44-9534
Graham, Curtis C., Jr., 243-74-5128
Grassi, Augustine M., 278-38-5446
Haas, Allen J., 328-38-0192
Hampton, David A., 419-54-5429
Harris, Brooke L., 479-54-2420
Hatton, Gwyn R., 512-44-8748
Henkel, Jonathan C., 378-44-2687
Hill, Gerald L., 208-30-2318
Houston, Curtis A., 474-50-5627
Howard, Carrol J., 155-32-7191
Howell, Robert N., Jr., 189-34-0422
Hurley, Michael W., 104-34-0119
Jackson, Thomas H., 461-78-1901
James, Larry R., 461-62-5373
Jelinski, Barry J., 374-44-7761
Jennewine, William L., Jr., 264-70-2833
Jessup, Terry M., 445-40-0932
Johnson, Henry H., Jr., 251-62-5655
Jones, James H., 525-96-6536
Jones, James R., 444-34-9777
Jones, Richard E., 445-42-3175
Keldsen, Donald L., 567-62-2610
Keppeler, Clifford C., 169-36-1962
King, Larry L., 333-34-0121
Kirts, Bobby J., 448-42-4691
Konopka, Michael A., 171-34-8471
Koopman, Garold A., 454-68-5382
Lafrentz, James W., 334-34-3158
Latimer, John D., 460-68-1057
Lauer, Ronald A., 046-36-4358
Leader, Jason A., 185-36-1683
Lighthill, Michael S., 309-36-9651
Lilygren, Evan, Jr., 269-40-4182
Lindekugel, Claude P., 505-56-3270
Mabry, Dawson B., 463-54-8475
Mann, Roy E., 231-54-0204
Mayo, Charles E., 049-34-5415
Mcbride, Robert L. V., 421-50-4709
Mcdonnell, Patrick J., Jr., 264-74-6818
Miller, William G., 107-34-2240
Muceus, Peter L., 275-40-0118
Neely, Robert A., 224-54-7660
Nicholas, David P., 409-80-2124
Noble, Jeffrey D., 267-70-6941
Olivarez, Cayetano, 460-74-6568
Orians, Frank J., 374-42-5476
Otto, Charles R., 417-58-5644
Peckinpaugh, Dennis P., 585-07-3388
Pierce, David W., 029-36-0076
Rainbolt, Michael T., 534-42-5046
Rees, Michael D., 529-64-1529
Reese, Justin M., III, 256-68-1427
Riggs, Jerry W., 464-68-2094
Robinson, Robert L., 260-48-8214
Rock, Paul J., 195-34-1686
Ross, John L., Jr., 417-62-7530
Sawyer, Leroy, 424-52-9713
Sax, James A., 274-36-4411
Saxby, Robert E., 557-58-9595
Sempek, Robert A., 225-60-7977
Shaw, Charles C., 547-54-3994
Simcoe, Darwin D., 091-38-4700
Singer, James C., 520-50-2317
Stankus, Frank T., 235-68-7310
Stark, Jeffrey A., 112-32-9850
Stephens, Bennie M., 253-74-4694
Stephens, L. D., 532-38-4547
Stringham, Glenn P., 357-36-9587
Sumera, Ronald R., 110-36-5698
Tarbutton, Thomas R., 222-28-2098
Taylor, James A., 358-34-8070
Terry, Richard A., 254-66-9904
Thomson, John E., 082-34-1090
Thonus, Francis W., 140-32-1759
Townsend, Steven N., 335-40-5026
Traynham, John C., 458-68-8621
Walker, Harold S., III, 077-36-8252
Walls, James A., 431-80-0892
Weimer, Robert M., 276-38-2463
Wilgus, William D., 134-34-3293
Zygan, Robert F., 554-56-6153

CHAPLAINS CORPS

to be major

Adams, Richard L., Roy., 560-56-4711

MEDICAL SERVICE CORPS

to be major

Aron, Bruce L., 001-34-9276
Bentz, Curtis L., 504-50-9601
Boyd, Ronald D., 542-46-3415
Brenner, Paul F., 206-32-3564
Childs, Ronald P., 126-36-5867
Dellinger, William R., S., 414-64-7085
Demars, Gary A., 541-42-4685
Devine, Jerry P., 486-46-3446
Goding, William R., 262-64-1144
Hanohano, William, Jr., 576-46-4396
Keller, Larry J., 437-66-3810
Kelly, Dennis M., 555-58-5019
Leavitt, Ronald N., 559-56-1592
Markham, Selwyn L., 464-70-6066
Nardozza, Anthony J., 141-32-2381
Slayton, Jack R., 551-58-6160
Strobel, Fred H., 048-32-3203

ARMY MEDICAL SPECIALIST CORPS

to be major

Jesse, Norris F., II, 508-54-1525
Martino, Louis A., 233-64-5739

VETERINARY CORPS

to be major

Byrum, James W., Jr., 238-68-8178
Gaub, Steven D., 537-38-9207
Miller, John G., 268-44-3528

ARMY NURSE CORPS

to be major

Lewis, Jane L., 415-76-0373
Man, Louisa P., Anton., 289-48-9275
Marcotte, Jerome J., 354-34-2933
Miller, Elizabeth A., 233-60-3419
Reed, Edwin D., 506-58-5353
Stegura, Frank H., 207-32-7772
Steib, Mary E., 435-60-1634

to be captain

Ailport, John H., 535-56-4072
Carden, Randall B., 563-88-4018
Cervenka, Richard C., 345-44-9512
Durant, Donald C., 253-92-1243
Eltzroth, Richard H., 272-44-6024
Fernekes, Robert W., 573-66-5800
Hendricks, Kenton H., 461-94-8058
Herrmann, Arthur., 025-42-2192
Hesnard, David A., 503-66-5368
Hill, George W., 238-84-8113
Hodge, John P., 260-88-7029
Huskey, Leonard, 413-90-3764
Kaelin, Joseph, 037-40-3820
Malcolm, James R., 558-86-6445
McCaffrey, Michael, 373-58-5343
Parker, Enoch A., 047-42-7820
Phillips, Frederick, 375-58-1037
Rines, Paul W., 184-42-5864
Sauer, Charles P., 147-40-6602
Sims, Marzine, Jr., 587-03-8236
Tixier, Michael L., 231-70-4709
Toomy, Robert S., 265-04-5663
Walters, Larry J., 510-48-4891
Williams, Gilbert F., 578-68-2965
Young, Dan C., 462-88-3795

MEDICAL SERVICE CORPS

to be captain

Ramos, Edwin T., 357-48-8114

ARMY NURSE CORPS

to be captain

Baksic, Michael T., 366-46-3856

IN THE MARINE CORPS

The following-named naval reserve officers training corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107, subject to the qualifications therefor as provided by law:

Montgomery, Kenneth W.
Morrison, Robert B.
Morrissey, Desmond P.
Morsch, Jeffrey
Morton, Ulysses L.
Murray, William G.
Nelson, Edward J.
Newman, William T.
Nisbet, John E., Jr.
Nobles, Charles M.
Noonan, Patrick D.
Oates, Michael P.
Oblenes, Scott T.
O'Brien, Michael D.
Officer, Lyn R.
Olson, Allen S.
Omera, Francis X.
Osterhout, Karol E.
Osterman, Joseph L.
Ottery, Willis D.
Pflederer, Raymond F.
Pritchett, David F.
Proudfoot, Christopher N.
Raketty, Gordon G.
Rau, Ronald C.
Rebholz, Joel L.
Reddick, Charles A.
Reeve, Charles K.
Reiff, Gregory S.
Ren, Stephen J.
Riggs, Robert C.
Roach, Chris J.
Roberts, Bernie C.
Robinson, Larry E.
Robinson, Robert C.
Rollinger, Martin G.
Rooyakkers, Mark D.
Rule, Randol D.
Schubert, Dean M.
Seaton, James B., III
Sedor, John W.
Severin, Frederick M.
Simpson, Steven S.
Skinner, Albert W.
Smith, David A.
Smith, Gerald L.
Smith, Steven M.
Steenson, Wayne R.
Stein, Nick F.
Steinbach, Stanley S.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 4, 1982:

DEPARTMENT OF STATE

Howard Kent Walker, of New Jersey, a Foreign Service Officer of Class two, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.

William Robert Casey, Jr., of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

Keith Lapham Brown, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Anthony Cecil Eden Quainton, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nicaragua.

Howard Eugene Douglas, of Virginia, to be U.S. Coordinator for Refugee Affairs and Ambassador at Large while serving in this position.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Otto J. Reich, of Virginia, to be an Assistant Administrator of the Agency for International Development.

INTER-AMERICAN DEVELOPMENT BANK

Hugh W. Foster, of California, to be Alternate Executive Director of the Inter-American Development Bank.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

FEDERAL HOME LOAN BANK BOARD

James Jay Jackson, of Texas, to be a Member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1982.

THE JUDICIARY

Leroy J. Contie, Jr., of Ohio, to be U.S. Circuit Judge for the Sixth Circuit.

Robert B. Krupansky, of Ohio, to be U.S. Circuit Judge for the Sixth Circuit.

John R. Gibson, of Missouri, to be U.S. Circuit Judge for the Eighth Circuit.

Eugene F. Lynch, of California, to be U.S. District Judge for the Northern District of California.

Elizabeth A. Kovachevich, of Florida, to be U.S. District Judge for the Middle District of Florida.

DEPARTMENT OF JUSTICE

J. William Petro, of Ohio, to be U.S. Attorney for the Northern District of Ohio for the term of 4 years.

Richard L. Cox, of Florida, to be U.S. Marshal for the Middle District of Florida for the term of 4 years.

Carlos C. Cruz, of Florida, to be U.S. Marshal for the Southern District of Florida for the term of 4 years.

M. Clifton Nettles III, of Georgia, to be U.S. Marshal for the Southern District of Georgia for the term of 4 years.

Eugene G. Liss, of New Jersey, to be U.S. Marshal for the District of New Jersey for the term of 4 years.

Rudolph G. Miller, of New Mexico, to be U.S. Marshal for the District of New Mexico for the term of 4 years.

Gene G. Abdallah, of South Dakota, to be U.S. Marshal for the District of South Dakota for the term of 4 years.

William J. Nettles, of Illinois, to be U.S. Marshal for the Southern District of Illinois for the term of 4 years.

Basil S. Baker, of Texas, to be U.S. Marshal for the Southern District of Texas for the term of 4 years.

COMMISSION ON CIVIL RIGHTS

Mary Louise Smith, of Iowa, to be a Member of the Commission on Civil Rights.

EXTENSIONS OF REMARKS

PRUDENT BANKING

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. MORRISON. Mr. Speaker, the recent vote in the Congress on the question of Commodity Credit Corporation guaranteed loans in Poland has stimulated much debate all across America. Should we trigger default on Poland's shaky financial structure? What is the impact on our allies? Can we use our financial position as leverage to expand the split between the Polish people and U.S.S.R. Communists?

I found the answers to these questions and many more in a thoughtful article in the February 13 edition of the Economist. I am inserting the article in the CONGRESSIONAL RECORD so that it will be available to aid Members and all citizens in this great debate.

DOWN COMMUNISM'S SINK

The west should ready itself to declare Poland in default on its debts, which would have a shattering effect on lending to and trading with all eastern Europe. And then not declare the default until it has harder practical reasons than it yet has for doing so, even though everybody knows that Poland cannot make the loan repayments due from it this year.

Of moral reasons to declare default on Poland there are, and will be, plenty. But morality wins no repayment, no freedom and no wars. The better practical reasons would be three. The west should declare Poland in default

1. If Russian refuses to take on financial responsibility for the interest and at least some of the immediate loan repayments due from a Poland whose own inability to pay them results from its having to work Russia's economic model in Russia's military shadow.

2. If Poland is not allowed to link its need for fresh credit to projects that start to make economic sense.

3. If Russia invades Poland.

The whip of withheld credit is now shifting into western bankers' hands, not into Russia's. Russia and eastern Europe are going to need at least a minimum trickle of credit from the west's bankers: either that or the communist empire in eastern Europe is going to be forced into so complete an economic isolation over the next 10 years that every Russian rifle will end up turned on its own peoples, every Russian tank will cost 1,000 unfertilised acres of grainland to make, and any Russian adventure abroad will eventually stretch its resources beyond what is possible.

Lord Keynes remarked that if you owe your bank a hundred pounds, you have a problem, but that if you owe a million, it has. That is why Russia thinks it has some leverage today over a jittery banking system in the west. Some of the west's banks, depending as they do on never provoking a run of depositors, do have cause to jitter. But less each month. Each month that the lending to the east dries towards a trickle, as it is now doing, each month that both east and south in the world witness a new post-Christmas prudence among the west's once-bitten bankers, each month that huge positive real interest rates tempt savers and lenders to keep their money in America or Europe, each month that the price of oil—of which Russia is the world's largest producer—droops on a glutted oil market, so each month will Russia need to sell more gold and diamonds on the falling markets of Zurich and London to keep paying for the communist bankruptcy that it has forced on Poland, forced on eastern Europe, nourished in Cuba, fostered in Vietnam and would, if it could, foster, nourish and force elsewhere.

Those in America who would foreclose formally on Poland are confusing this flexible whip of withholding future credit, which can be made to hurt, with the pistol of declaring default on past credit. A western declaration of default would not be a suicide pistol. It would bring some injuries to some western banks and businesses, which could be bandaged if central banks then acted sensibly, but it would bring economic amputation for Russia's empire. That is why the west needs to threaten default first, and to invoke it only second if the communists do some further undesirable things. Draw back and see why this is so.

WHY RUSSIA NEEDS THE MONEY

Russia's need is not for credit for itself, but for its satellites. Russia probably ran a deficit on its current balance of payments last year, but in most years it can keep its own trade in balance or surplus. Soviet central committee members were freely telling their western visitors in Moscow last year that Poland's debt was Poland's debt, not Russia's. That confession, however, was in the late autumn, before General Jaruzelski had forestalled the final collapse of his own Polish communist party, and invasion by Russia, with his coup in the early morning of December 13th.

With those events Russia's hope—though it still wanly expresses it—offending Poland's debt away from its own coffers collapsed. Russia's problem now is somehow to prevent a Polish default becoming a tidal wave on uncreditworthiness across eastern Europe. It has to prevent the wave starting because it lacks the store of hard currency or the central banking mechanism to stem it once it does start. The west, by contrast, has to prepare its central banking dykes against only a containable ripple of bankruptcies even if default comes, large though its loans have been.

The west's largely unrepayable gross loans to the six east European satellites have gone up by something like $60 billion to nearly $80 billion in 1975-81. That is a handover bigger than one year of oil-rich Norway's gnp in that period: a probably faster rate of grant-giving even in real terms than American Marshall aid to Europe in 1948-52. This lending to eastern Europe was politically odd for the west and economically crazy for everybody, including Mr. Edward Gierek and his Poland. If you pile such a load of international aid and money supply on to an inflexible economic system which has rigid attempted price controls, you do not put up real gnp. You increase queues, and—once you have then helped create a Jaruzelski junta to silence the resulting roar of social outrage—you, the western banker, have helped increase inflation in the country you lend to with a great big belated jerk. To some real extent, lax western credit was the creator of Solidarity. And its executioner.

As the feature on the next page explains, there are many different definitions of east Europe's debt, but last year foreign exchange grew tighter everywhere in the east. The cash balances in the west of all east European countries fell last year: Russia's may have plunged by 75% to $2 billion. Russia's soft- and hard-currency handouts to its satellites shot up; according to the CIA's foreign assessment centre the hard-currency portion may have been over $6 billion. Approaching $2 billion of that may have gone to Poland, $1.9 billion to Cuba, over $1¼ billion to (in order of burden on Moscow) Rumania, Czechoslovakia, East Germany and Hungary, over $1 billion to Vietnam.

Those would be small numbers to shell out to friends were the giver America, Japan or West Germany. They are less small for a Russia whose oil for export is running out (it cut its subsidised oil supply to east European countries by 10% last year, so increasing the burden on them) and whose main currency earners are all for sale on, and helping to create, soft markets. The numbers will become unmanageable if, following a default, western credit dries up altogether. That is the west's whip-hand.

PLANNED IMPORTS BECOME SUCH CRITICAL ONES

The whip-hand is there because eastern Europe has come to depend far more heavily on imports from the main credit-suppliers of the west than either western bankers or western exporters depend on east Europe's market. People forget this. East-west trade was supposed to bind eastern Europe into the west and, in so doing, to give political leverage to the west. Well, it has. After the invasion of Afghanistan in 1979 some in the west, notably some in West Germany, began to say that the east too had leverage over them: that their western bankers and their western exporters were dependent on the doors remaining open to the east more than eastern consumers depended on them. It may still seem that way, in these lazy times that never dare face even the most marginal loss: certainly west Europe's political system, where a government can depend on a single by-election, and a single by-election can turn on whether a single company or a single bank goes bust, is more vulnerable to loss of a pipeline contract than is Mr. Brezhnev's central committee. But in real terms the east is much more vulnerable.

If the shutters come down on eastern trade, a few political windows may fall open with a clatter in Austria (which sends 10-15% of its annual exports to Comecon) and in West Germany (which sends 5-10%). Every other big western country sends

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

under 5% of its exports there, and the proportion of gnp is in each case tiny. After any stoppage of east-west trade the wind blowing through Russia's east European empire would, by contrast, be extreme indeed. And so, as Russia knows, would the turmoil in those countries by the end of the 1980s. Each of the east European six has "planned" its imports tightly: which means that the imports are the capital equipment or spare parts most urgently required for keeping a factory running, or the consumer goods most needed to slow the spread of discontent.

The west's banking system would suffer some wounds but not a catastrophe. It provides the credit that pays for the trade—and, egged on by governments, bad credit-risk assessment and a market that has made lendable money plentiful but dear, it has provided unwisely. So, with Poland, the west's banking system is left holding something over $15 billion ($6 billion of it guaranteed by western governments) of the estimated $27 billion gross debt, one third of that ludicrously "repayable" in the current year plus interest that Poland cannot meet either.

DEFAULT IS WITHSTANDABLE, AND SO AVOIDABLE

A pretty pickle? Yes. But a small one in the jar. What characterises most east European debts is that they grossly exceed the export earnings conveniently available to service them in any single year. So too do the debts of some other big poor-country debtors—Brazil, say, or Mexico, whose combined debts exceed eastern Europe's. These Latin American debtors are distinguished, however, by the scale of their export earnings and by the flexibility of their economies which have proved in recent years that their balance of payments can bounce back impressively.

Western banks are at present also worried sick about the International Harvesters, the Chryslers and the Pan Americans, some of which may go bust. But the warning signals for them have gone up. Prudent lending is the new order of the day with them too. If Poland were to default altogether, Deutsche Bank (Germany's largest bank) would still be in profit, Bank für Gemeinwirtschaft (Germany's largest Polish creditor) would still be in confortable surplus on its capital and reserves, and just the first-quarter earnings of Bank of America (Poland's largest American bank creditor) would fall by about one seventh.

This ability to withstand a default is the best reason for not incurring it. A decision not to declare default on Poland avoids encouraging other irresponsibles—like Zaire—from possibly provoking it. It leaves old debts unpaid but in play.

And, above all, knowledge that default is not disaster for the west, but may be for the east, puts pressure on at least two men to avoid it if they can. They are General Jaruzelski and President Brezhnev. In place of default now there should be a stick held over these two men that a future default will be invoked if they do not reschedule debts in a plausible way. And a carrot of future credit to any east European countries that put their economic houses in order, which would mean liberalising their societies too. Such a policy will be a slow business. Russia will not allow itself or its lesser donkeys publicly to notice such carrots or such sticks. The donkeyman coaxing and goading Russia will therefore best be dressed in banking rather than political clothes. Some ideas:

1. Governments will need to impress on commercial banks that in their future lending to eastern Europe they will be on their own. Export credit guarantees from governments should be restricted to overtly political loans, which may be given only if the project, purpose and possible cost to the taxpayer is publicly announced. Preferably this system should be by Nato agreement but, if this fails, then

2. Export-credit-guarantee cheaters—West Germany?, Italy?, France?—should be left alone to carry the huge extra demand for credit from eastern Europe if their taxpayers are silly enough to let them. If there is evidence of cheating, uncheating governments should help their own banks pursue all unpaid debts through the courts until this stops.

3. In addition to their own increasingly stringent country credit limits, commercial banks should have penalties imposed by central banks in the form of higher provisions for their sovereign debts that have to be rescheduled.

4. Most routine trade should henceforth be financed by suppliers' credits and bills. Any longer-term credits should be tied to projects that are seen to be run with visible price mechanisms and hard-currency potential spelled out in advance—and held to before each credit tranche is disbursed.

5. To avoid Chase Manhattan's bitter experience when lending Poland money to develop its copper (a project which should have been self-financing but whose earnings just disappeared into Poland's general hard-currency pot) there should be closer co-operation between banks, governments, the IMF and BIS on data-gathering to discover whether they are not (unbeknown to each other) overloading a country with debt.

6. One carrot. Western politicians should say "our banks are having to slow their lending to east Europe's six because they have gone bust; we would like to provide an escape route to real gdp growth for any that want it". There should therefore be an offer that some long-run, government-insured money will be made available for Russian satellites who want it and who agree to packages for gdp growth and partial free-market incentives on terms perhaps somewhat in excess of what Hungary is doing for its economy now. These IMF-type packages would best not be provided by the IMF itself because its own conditional aid requires more freedom from price controls and other distortions than even Hungary is allowing. And the money should not come from an American-led institution. Let any such scheme be managed by Mr. Helmut Schmidt and Mr. Francois Mitterrand. Even then no Russia-fearing satellite will be in a hurry to accept such conditional, and political, help. But the fund should stand there, a carrot-shaped beacon at the end of the road.

The start down that road will be a rescheduling of present debts, and a more stringent and modest system of future ones, which ties the west's lending to the east's ability to repay on each individual project that is being financed. That ability, as only Hungary and possibly Czechoslovakia have yet begun to see, will rest on some sort of pricing and incentivised way of running a socialist economy. Call that not politics. Call it prudent banking.●

TEN THOUSAND MISKITO INDIANS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. LAGOMARSINO. Mr. Speaker, a Washington Post editorial recently focused on the violation of human rights by the Sandinista regime in Nicaragua. The Miskito Indians are being affected gravely by the regime, since they are being used as an instrument to gain support for the purpose of consolidating the Sandinistas' own power.

I urge my colleagues to carefully consider this article.

The text follows:

TEN THOUSAND MISKITO INDIANS

The latest report from Nicaragua describes an apparent violation of human rights of breathtaking dimensions. Officals of the left-leaning Sandinista regime have acknowledged, according to Post special correspondent John Dinges, that in recent weeks Nicaraguan troops removed from their villages some 10,000 Miskito Indians, from among a small community of about 100,000 who have long lived in relative poverty and isolation by Nicaragua's remote Atlantic coast. A police official assured Mr. Dinges that the villagers cooperated in their own removal and there were no injuries, though "more than 40" prisoners are being held in a coastal town. Travelers, journalists and other international observers have been barred from the area.

What is happening? It seems that the Miskitos, who have traditionally resisted central authority reacted to the military presence that the Sandinistas imposed after taking power in 1979—and to Cuban soldiers and civilians whom the Sandinistas brought with them. On their part, the Sandinistas, who say they have fielded "no more than 2,000 troops" in the area, have tied the Miskitos to some of the late dictator Anastasio Somoza's National Guardsmen now sitting in nearby Honduras awaiting the counter-revolution. A number of Moravian clergymen are accused of "preaching a primitive band of anti-communism." This is the context in which the regime has justified mass evacuations: to protect loyal Indians and to thwart creation of a "theater of operations of counter-revolutionary actions."

Much still has to be learned about the way the Sandinistas and the Cubans are treating this vulnerable Indian community. What is known, however, buttresses suspicions of a grievous calamity. Is it possible to believe that 20 whole villages cooperated to the man with soldiers trucking them away from their tribal homes? That only they were caught up in the sweep? That there were no injuries? That there is no continuing resistance?

In the United States and elsewhere, too many people are prepared to believe the worst about the center-right El Salvador junta even as they accept at face value the leftist Sandinistas' claim to a kind of traditional Marxist Robin Hood mantle. It is useful to keep in mind, however, that what the United States is trying to do in El Salvador is to prevent a concentration of power by precisely the sort of self-appointed elite ruling in Nicaragua. Anyone who needs to be reminded why has only to consult the fate of the Miskito Indians.●

FOREIGN DEBT: AMERICAN DEPENDENCE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. PAUL. Mr. Speaker, Karl Marx predicted that the workers of the world would one day unite under the banner of communism. His prescience was no better than that of today's economists. It is ironic, however, that just as his intellectual progeny have crushed the Polish workers, the strongest voice of dissent has arisen not from the owners of capital in America, but from the head of our largest labor union, Mr. Lane Kirkland of the AFL-CIO.

Indeed, some prominent American capitalists now have interests so terribly intertwined with the world's Communist despots that a very peculiar division of allegiances has resulted from the crisis in Poland, and the larger worldwide debt crisis. Big American banks have mortgaged away their future in loans to a myriad of Communist, Socialist, and other Third World economies. These economies have borrowed frantically, but have totally ignored the principles of individual liberty and self-reliance which are the prerequisites of prosperity and sound government.

Now the banks urge the U.S. Government to prevent even one country from defaulting on even one loan: they fear that a devastating chain reaction might ensue. But who, I ask, is to pay the price for all this foolish lending? You guessed it—the American taxpayers.

Now we see that American commercial interests are opposed to U.S. Government actions to block the planned natural gas pipeline in the Soviet Union. The pipeline is desperately needed by the U.S.S.R. to support its failed economy and its gargantuan military machine. And David Rockefeller, the spiritual leader of the New York bankers, has urged "normalization" of relations with Angola, the Russian puppet state where Cuban troops guard the oil rigs of American companies.

What does all this signify? One thing is clear: It is our Government, and not that of the Soviet Union or Poland, which is held hostage by foreign loans. And the result is that we continue to subsidize our avowed enemies with Government-sponsored credit, and we are foisting the burden of foreign debt upon the already overburdened shoulders of the American taxpayers.

I cannot, and will not, condemn American businesses for pursuing their interests abroad. But a government must heed imperatives higher than those dictated by short-term business interests. We must recognize the urgent threat posed by our growing dependence on the Communist and other foreign nations so deeply in debt to American banks.

Therefore, I heartily recommend the insightful editorial by Mr. Lane Kirkland, which is printed below. He recognizes that we must extricate ourselves from the dependence bred by the debt of Communist nations. Let me suggest how we can begin: I have introduced House Joint Resolution 414, to end the Federal Government's practice of making loan guarantees and credits available for the benefit of foreign countries. With stifling interest rates in the midst of a terrible recession, can anyone now justify Government programs which channel scarce credit abroad? With Poland, Romania, and the Soviet Union itself nearing financial insolvency, can we perpetuate programs which insure that our Nation's foreign policy will continue to be wagged by the tail of global debt?

U.S. Government guaranteed loans and credits made for the benefit of foreign nations, and now outstanding, total some $57 billion. It is high time for this Congress to declare: Enough is enough. Only in doing so will we rise above the status of international debtmongers. I urge my colleagues to support House Joint Resolution 414.

Lane Kirkland's editorial follows:

[From the Washington Post, Feb. 24, 1982]

WHY NOT ECONOMIC WAR?

(By Lane Kirkland)

The media are wrong to play up personality clashes in the Reagan team as the source of the administration's failure to project a coherent and credible foreign policy.

The problem does not lie in who reports to whom, or in the alleged idiosyncracies or turf-consciousness of the players, or in the president's preoccupation with other matters. It lies, rather, in the deep and enduring division within the Republican Party, a division that long predates Ronald Reagan's arrival in Washington.

On the one side are the true believers—principled anti-communist ideologues, including some non-Republicans now labeled "neo-conservatives." On the other side are the commercial and banking interests, whose philosophy was asserted with stunning candor by Citibank's Thomas Theobold: "Who knows what political system works best? All we ask is: can they pay their bills?"

The true believers, to their credit, know what political system works best, and they provide the administration with its tough anti-Soviet rhetoric. They had every reason to count the president in their camp.

But when push comes to shove, the priorities of business prevail, and the ideologues are shunted aside. They still write the speeches, though, which accounts for the widening gap between the president's words and his deeds.

Poland throws the problem into high relief.

Before an international audience of tens of millions, the president's speechwriters promised stronger sanctions against the Soviets if the repression in Poland were not alleviated. The repression intensified, but the bankers persuaded the president to cover Poland's debt without declaring default. Default, they warned, would disrupt the international banking system.

The Chamber of Commerce has now weighed in to protect the Siberian natural gas pipeline, which, according to Chamber President Richard Lesher, would give Western Europe "a degree of leverage over the Soviets rather than vice versa"—a fact the obtuse Russians have apparently overlooked in their eagerness to be ensnared in our web of detente. To cripple the pipeline and deny the Soviets hard currency earnings (with which to buy Western technology) would represent, in Lesher's shocked words, "a strategy of economic warfare."

Lesher would exempt European companies operating with U.S. licenses from the sanctions imposed by the president, lest we worsen "our already poor international reputation for commercial reliability." Pepsico Chairman Donald Kendall—who previously expressed admiration for Leonid Brezhnev's devotion to peace—agrees: "I certainly question whether the [U.S.] government should put its long arm into another sovereign country and force it to accept these sanctions."

The long arm of multinational corporations and banking institutions is another matter. The flow of Western credits to Poland, accompanied by demands for food price hikes and other austerity measures, was perfectly permissible. So was the flow of credits, grain and technology to the Soviet Union, alleviating its economic problems and permitting the diversion of its resources into military purposes. What is objectionable is government intervention to achieve such foreign policy goals as enforced adherence to human rights agreements.

Simply put, the business of America is business—not only at home but throughout the world—and what's good for the bankers is good for the Poles. Above all, we must safeguard our reputation for "commercial reliability"—even as Lech Walesa remains imprisoned, thousands of Solidarity members huddle in concentration camps, and the church itself is threatened. So speak the Theobolds, the Leshers and the Kendalls.

They practice a pseudo-pragmatism that perverts, even as it seems to draw upon, the American tradition. The business ethos, applied to foreign policy, favors cost-benefit analyses done on a case-by-case basis. This method obscures the large and interwoven issues that confront us.

It is plausible to argue that calling in the Polish debt would disrupt international banking (more likely, it would embarrass the bankers by forcing them to switch loans now listed as assets into the liabilities column). It is also plausible to argue that American farmers would be hurt more than the Soviets by a grain embargo (though this assumes, and thus ensures, that we are powerless to discourage other nations from rescuing the Soviets).

But there are questions that cannot be answered by bookkeepers. If our bankers and farmers have become hostages of the Soviet bloc—the reverse of what detente was supposed to accomplish—should we not move urgently to extricate ourselves from this situation, or should we continue down the road to increasing dependence? Can we extricate ourselves painlessly, or is there a price to be paid for a misbegotten policy? If we eschew "economic warfare," what kind of war do we want, and whom will we send to fight it? Or do we conclude that we have nothing worth fighting for, that between totalitarianism and democracy no fundamental values are at stake—that, as Theobold suggests, political systems, like capital, are fungible?

Without squarely facing these issues, which transcend business calculations, we will not persuade our allies of our capacity to lead. The message we are now sending to our allies, and to the Soviets, is that we are unwilling to endure sacrifice or inconvenience to restrain Soviet lawlessness. The Republican administration's foreign policy lacks cogency because the business interests it disproportionately represents constitute the soft underbelly of freedom.●

THE PRESIDENT'S NOMINEE TO THE LEGAL SERVICES CORPORATION BOARD: A REVEALING LETTER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. FRANK. Mr. Speaker, I have witnessed with great alarm the President's continued attempts to undermine the very successful Legal Services Corporation, attempts which have been resoundingly rejected by this House. I have been particularly disturbed recently by the process by which the President has nominated new members of the Board of Directors of the Corporation—filing these nominations as recess appointments instead of asking for immediate Senate review. But even more distressing is the record of at least one of these nominees, George Paras of California. In a letter to a former judicial colleague cited in a recent edition of the St. Louis Post-Dispatch, Mr. Paras is quoted as accusing his colleague of being a professional Mexican rather than a lawyer. In defending this obnoxious remark, Paras stated:

> You know, there are such things as professional blacks, or professional Greeks, professional Dagos, professional Jews—people who put their ethnic origin ahead of everything else.

I am shocked by the nature of these statements. Coming from a person who is being nominated to serve on a board, one of whose functions is to protect the legal rights of minorities and poor people, it is clear that Mr. Paras is ill-suited to serve in that capacity. It is one thing to have honest differences on the best method to deliver legal service to the Nation's poor. But it is quite another matter to nominate a person with a clear intolerance for anyone who takes his or her ethnic heritage seriously. The President should withdraw Mr. Paras' nomination at once.

An excerpt from the Post-Dispatch article follows:

> George E. Paras, a former California appeals court judge, said in an interview that he had initially opposed government involvement in legal services.
>
> He said when he was a young lawyer, the bar in Sacramento provided legal services for the poor without government assistance. He said he would prefer that approach, but added, "I just don't think you could go back to that once the government begins paying for things like that."
>
> Paras recently has been criticized for a letter to a former colleague on the appeals court, Cruz Reynoso, opposing Reynoso's elevation to the state supreme court. In the letter, Paras said Reynoso's social views were similar to those "first proclaimed by Karl Marx."
>
> "Your problem," Paras wrote Reynoso, "is that you feel it is your obligation to be a professional Mexican rather than a lawyer. Thus you must remain true to the ideals consistently tossed about by the leaders of the so-called Mexican movement . . .
>
> "You must ever champion the 'oppressed,' meaning those who so designate themselves, such as criminals, handicapped, welfare recipients, demonstrators, 'minorities,' and miscellaneous other have-nots."
>
> Paras defended the letter in a telephone interview. "You know," he said, "there are such things as professional blacks, or professional Greeks, professional Dagos, professional Jews—people who put their ethnic origin ahead of everything else. That's what I meant."
>
> Paras also opposed affirmative action programs in an appeals court opinion declaring illegal an admissions policy favoring minorities at the Law School of the University of California at Davis.●

REAGAN ADMINISTRATION'S PROPOSED CUTS IN STUDENT FINANCIAL AID

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. YOUNG of Missouri. Mr. Speaker, this past Monday was dubbed "National Student Lobby Day." Over 5,000 college students from throughout the country came to Washington to ask Congress to oppose the student financial aid cuts which have been proposed by the Reagan administration. This did not resemble a protest rally of the 1960's; it was a genuine appeal for help.

Student financial aid suffered heavy losses last year as a result of the Budget Reconciliation Act. Deeper cuts could result in the erosion of student loans and grants. The Department of Education has estimated that the administration's proposed cuts would reduce the number of students eligible for student financial aid by 2.9 million. My State, Missouri, could lose as much as $31,578,420 in student aid, which translates into a loss of 45,115 student awards, if the proposed reductions in the Pell grant and campus-based programs are enacted. And these figures do not even reflect cuts in the guaranteed student loan program.

Soaring tuition costs have made student financial aid more important that ever, and its loss would not only take a heavy toll on students, but on private educational institutions as well. The economy would also feel the effects of the administration's proposed cuts in student aid. With youth unemployment at an alarming rate of 21.7 percent, can we afford to throw these young people out of school and into the job market? An increase of 1 percent in the jobless rate pushes up the cost of unemployment insurance by $4 billion.

Higher education is more important than ever in our technologically advanced society. We cannot allow it to become dominated by the wealthy elite. Let us take money from the MX missile project and invest it in our future—higher education. I urge my colleagues to join me in opposing the administration's proposed cuts in student financial aid.●

RADIO BROADCASTING TO CUBA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. BROOMFIELD. Mr. Speaker, I wish to affirm my support for the proposed radio broadcasting service to Cuba which is embodied in H.R. 5427. This bill, introduced by request by the esteemed chairman of the Foreign Affairs Committee, CLEMENT ZABLOCKI, would establish what is popularly known as Radio Marti. This service would be distinguished from the present Voice of America service because it would carry specific news about Cuba to Cuba. Voice of America carries general news about the entire world.

Radio Marti would play a similar role to Cuba as Radio Free Europe and Radio Liberty play for the Communist European bloc. It would enable the oppressed people of Cuba to hear directly what their Government is doing not only to them, but to millions of people worldwide. It would let the uncensored truth about Cuban activities reach the Cuban people. With this service in operation, no longer could Castro cover up the number of Cubans who have died fighting in Angola, Ethiopia, or other parts of the world. The Cuban role in Central American and Caribbean insurrection could be highlighted. The manifest failure of the Communist economy in Cuba would be exposed. In short, the Cuban people would be able to learn the facts surrounding their own situation.

With Radio Marti on the air, Castro's lies will no longer be the major source of news for the masses in Cuba. The people will be able to compare the rhetoric coming out of Havana with the news from abroad. In conjunction with firsthand information told to them by their friends and relatives living outside of Cuba, the people of Cuba will then be able to truly judge Cuban events and comprehend Castro's efforts to oppress the Cuban people and subvert his neighbors.●

EL SALVADOR: THE OTHER SIDE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. FIELDS. Mr. Speaker, it is imperative that the Members of this body become aware of the flaming discrepancies and the slanted reporting practices of the American press on the crisis in El Salvador.

The following article from Human Events depicts one journalist's onsite experiences in El Salvador with the Salvadoran Army. While most liberal reporters chose to sympathize with the leftist cause and consequently report only the guerrilla position in this civil strife, Mr. Kelly strives to find the truth and explains the other side: The role the El Salvadoran Army plays in this struggle against Marxist expansionism.

I commend my colleagues' attention to this enlightening article which sheds new light on the situation in El Salvador.

EL SALVADOR: THE OTHER SIDE

Sheldon Kelly is an American Journalist who has been to El Salvador twice in the last few months. During both visits he was approached by sympathizers of the Marxist guerrillas. Speaking fluent English, one of them said, "I can help you. I can show you around the countryside."

Kelly, who has written for Harper's, Life, and The Reader's Digest, didn't want that kind of help. Nevertheless, he was impressed. "They have a way of reaching journalists," he told us. "They seem to know who comes in and when." And because Kelly was a journalist, "they immediately thought I was naturally pro-guerrilla."

Indeed, many of our major newspapers and news magazines have carried interviews with guerrillas who wanted to give "their side" of the story about the war in El Salvador. But Kelly, who was on assignment for Time-Life, Inc., went down to El Salvador to get the "other side" of the story—that of the Salvadoran Army.

That Army has been portrayed in the American press as demoralized, incompentent and ruthless. Kelly said the opposite is the case.

Last December he traveled on patrol with the American-trained Atlacatl battalion of the Salvadoran Army. In February he was with the Army when it conducted a successful offensive against the guerrillas near the city of Usulutan.

Speaking with a group of journalists, including a reporter for Human Events, Kelly said that the Salvadoran Army has gotten a bum rap from the U.S. media. Contrary to news reports, he found that the Army enjoyed peasant support and was restrained in its use of firepower. The troops are highly motivated and want to defend their country, he said, but they could use more assistance in the areas of communications, intelligence gathering and medical supplies.

Kelly had harsh words for those reporters in San Salvador who have been on "guided tours" with the guerrillas but have not been on patrol with the Army. He said they are providing the American people with a false and distorted view of the war. He said the guerrillas have been portrayed as Robin Hoods when, in fact, they are guilty of terrorizing the peasants and committing horrible atrocities and economic sabotage.

He said he was told of one soldier whose head, arms and legs were amputated by the guerrillas. What was left of the body was hoisted up on a bamboo pole and the word "pig," in Spanish, was written on a sign and hung over it.

Kelly was with the Army when it overran a guerrilla camp south of the city of Usulutan. The guerrillas didn't put up much of a fight, he said. They fled, taking some peasants with them. But many peasants, he said, greeted soldiers as liberators.

Ironically, just one month before this offensive, Institute for Policy Studies associate fellow John Dinges was reporting in the Washington Post that the "apparently secure position" of that same guerrilla camp "demonstrates the Salvadoran Army's scant success in preventing the guerrillas from holding territory or their expansion into new areas of the country."

Dinges also reported that the guerrillas had set up a school in the camp. What he didn't report, according to Kelly, was that the guerrillas has destroyed a government school not very far away. Kelly visited the remains of the school, and by interviewing peasants in the area discovered that the guerrillas had killed a professor and three of his students. "The rest of the students had been intimidated into joining the guerrillas," Kelly told us.

Moreover, while Dinges quoted a guerrilla commander as saying that Army soldiers had engaged in "the wholesale killing of noncombatant peasants in the guerrilla-controlled areas," Kelly said that after the guerrillas were chased south, the Army did not call for artillery strikes or air support, fearing there would be civilian casualties.

Kelly interviewed many peasants and a captured guerrilla who provided an insight into how these "guerrilla-controlled areas" came into existence. "Everything was fine until the priest came," Kelly quoted one peasant as saying. "He told us that we were poor, and that we were hurting and that people would come and help us. They [the guerrillas] came and built a big school." The peasant said that they were told by the priest that if they left the area they would be killed by government forces.

Fighting near the city of Usulutan was very much in the news in February when reports about a "battle for control" of the Litoral highway surfaced. Film and photos of guerrillas actually guarding the highway appeared almost everywhere. One armed guerrilla, who was wearing a bandana and a hat, was seen by readers of the Washington Post, Time magazine, the New York Times, and other publications.

But Kelly traveled that highway and found that it was under government control. What happened, he told us, is that for a few hours the guerrillas launched attacks on the highway, burning a few trucks and buses and demonstrating to the press how they collect "war taxes."

Kelly said he was told by military officials and peasants that the guerrilla with the bandana and the hat had been photographed in many different poses. "Each photo was an exclusive," Kelly joked.

Indeed, the United Press International wire service carried two different photographs of that same guerrilla. One showed him standing in front of a burning government truck. Another showed him in front of a line of trucks and cars "on the second most important highway in the country to collect 'war taxes.' "

In reporting on how the guerrillas collected these "war taxes," Washington Post correspondent Christopher Dickey observed: "A bus full of peasants stopped at the guerrillas' signal. A couple of the insurgents walked beneath the open windows. Some passengers, and the driver, threw coins and small bills.

"And if there is contribution? 'We just let them go,' said one of the guerrillas."

Kelly laughed at such a report. "Now you know and I know, and every damn journalist who has any sense knows, that when the press isn't there, that isn't how they go about it," he told us. He said he was told by peasants that the guerrillas collect their "war taxes" by forcing people off the buses and trucks and frisking them.

Although the guerrillas have learned how to work with the foreign press, Kelly said the Army views most reporters, especially those who have traveled with the guerrillas, almost as if they were enemies. With only two officers dealing with the press, Kelly said, the Army is also at a disadvantage in handling requests and questions from the 40 to 70 foreign correspondents in San Salvador.

Kelly, who has military experience, contacted the Salvadoran Embassy in Washington and arranged for a briefing on the military situation before he made his trip. However, many reporters, he said, simply arrive in the country without any knowledge of the situation and expect the red-carpet treatment.

He said he met one foreign journalist who didn't even know where El Salvador was located. Another did most of his reporting from a room in a luxury hotel. This reporter, who files two stories each day, read a number of Spanish language newspapers and then "put together a compilation of what he thought was the truth."

Kelly said one of the big-name American reporters in El Salvador was openly contemptuous of the Salvadoran government but at the same time complained that he had not been "given access."

Kelly doubts whether the military can work with such reporters, but he thinks it's worth a try. He told us that he has recommended to the Salvadoran government that it make an effort to take more journalists out into the field so they can get a better idea of what the military situation is really like. Because biased and distorted media coverage can jeopardize continued American support of the Salvadoran government, Kelly said military officials in the country are finally coming to the realization that they could lose the war not on the battlefield but here in the U.S.

On March 2 Kelly will testify on the situation in El Salvador before the House Subcommittee on Inter-American Affairs.●

WALTER J. MAHONEY: A MAN FOR ALL SEASONS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. KEMP. Mr. Speaker, I would like to bring to my colleagues attention an editorial from the March 2 Buffalo Evening News. It eulogizes a man who's life and achievements should serve as an example for every individual who serves our Nation.

Like the great Sir Thomas More, Walter Mahoney's resolve to be a dedicated family man, and a public servant of conscience and integrity, gained him the great respect of all who knew him. Today that dedication is reflected in his loving family: his wife, Betty; his children, Walter, Jr., Moria, Ellen, and Eileen; his 7 grandchildren; 4 stepdaughters; and 10 stepgrandchildren.

It is with great respect for a wonderful man, a great leader, and many thanks on my behalf, and that of the people of New York State, that I commend this editorial to my colleagues.

WALTER J. MAHONEY

Walter J. Mahoney served this region and this state with great skill and dedication through 40 years of public life, leaving his stamp on both the legislative and judicial branches of state government and on countless projects of benefit to Buffalo and Western New York.

He served as state senator from Buffalo for 28 years, 10 of them as majority leader. It was during this latter period that Mr. Mahoney became a formidable force in state political life, second in power only to the governor. He was, indeed, a favorite for the gubernatorial nomination in 1958 until Nelson Rockefeller appeared on the scene and swept away the prize.

In retrospect, the Mahoney years a majority leader were golden years for this area, when Buffalo had its "man in Albany" to fight for local projects. Mr. Mahoney took part in many of the major developments of those years—the absorption of the private University of Buffalo into the State University system, the state decision to build the Amherst campus, the expansion of Buffalo State College and Roswell Park Memorial Institute, the building of the Donovan State Office Building and the West Seneca Development Center and the creation of the Niagara Frontier Port Authority, a forerunner of the present Niagara Frontier Transportation Authority.

Buffalo's power in Albany waned when Mr. Mahoney was defeated in the LBJ landslide in 1964, although Sen. Earl W. Brydges of Niagara Falls ably served the region's interests as majority leader from 1966 until 1973. Today, the region lacks that kind of potent representation.

In 1968, Mr. Mahoney began a whole new career with his election to the State Supreme Court. There had been some misgivings as to whether his long involvement in politics might affect his judicial performance, but his deep insight and long experience with public issues combined to make him an outstanding judge. For three years, he served with distinction as an associate judge of the Appellate Division.

While successful in this second career, Mr. Mahoney made his most important contributions in Albany. He served under five governors and proved himself able to lead by consensus and to work with members of both parties. Even his political adversaries held him in high personal esteem for the rare quality of his leadership. His death, at 73, will be mourned by many friends and associates throughout the state, but especially by those in his native Buffalo.●

SUPPORT PRESIDENT REAGAN'S PROGRAM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues a thought provoking editorial by the Camarillo Daily News, supporting President Reagan's program.

CHANGE FOR THE BETTER

President Reagan went up to Capitol Hill last week to present to the Congress and the nation his wish list for the next few years.

It was quite a list, coated with a slick presentation and numerous flowery phrases about the greatness of America. He also admitted we are in a recession and interest rates and unemployment are still too high.

Through it all, though, one could detect Reagan is still on the main course he promised when he campaigned for the job two years ago—stronger national defense, less and less government, fewer handouts and greater state involvement. Oh, yes, and lower taxes.

He said he intends to eliminate the Departments of Energy and Education and cut the federal payroll by 75,000 in the next few years.

This is a tall order, but his biggest fight will be in the area of returning a number of Washington-based aid programs back to the states. We can already hear the doubters who will claim state involvement will involve fraud, inefficiencies and inequalities. Of course, they will conveniently overlook the waste and inefficiency involved in sending our tax dollars to Washington to accomplish programs that state and local agencies could provide for less money.

Truly, Reagan charted a new course. He presented us all with a real challenge. It should be obvious that the course taken the past decade hasn't worked. America is tired of high taxes, big government and huge taxes.

The voters were obviously fed up with these things or they wouldn't have elected Reagan.

While some of Reagan's proposals may arouse skepticism even from some Republicans, any change can't help but be for the better.●

PHILIPPINE DOG BUTCHERS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. PAUL. Mr. Speaker, the Enquirer's shocking report 3 weeks ago on the wholesale torture, mutilation, and slaughter of helpless dogs in the Philippine marketplaces is enough to make a civilized American sick to his stomach.

We cannot, I suppose, argue with the oriental culture, in which dogs are considered as an edible meat—but we certainly can condemn the barbaric treatment of those animals awaiting slaughter.

Imagine how quickly the various Federal agencies would swoop down with the full might of the U.S. bureaucracy on any American slaughterhouse that followed practices even remotely resembling those of the Philippine dog butchers.

Now, I certainly am not going to try to tell the Philippine Government how to handle its own internal affairs, nor do I believe it is the place of Congress to do so. In any event, I am sure that would be a futile gesture.

On the other hand, I do not believe the American taxpayers will want their hard-earned dollars squandered on economic assistance to a foreign government that permits such outrages to continue.

Under the best of circumstances, I am bitterly opposed to the level of foreign aid maintained by the U.S. Government these last 35 years.

Since the end of World War II, the United States has contributed a staggering total of $2,995,734,000 in foreign aid to the Government of the Philippines.

And of that total, $345.6 million—$24 million during the last fiscal year alone—was paid under the food-for-peace program. Food for peace to a country that permits barbarous practices such as these? I think that is ironic, to say the least, particularly so since the tortured dogs were used, not for nourishment, but for cocktail snacks at parties.

How do the American people feel about such activities? I think the more than 250,000 letters received by the Enquirer in the first few weeks after its report appeared answer that question more than adequately.

Therefore, in keeping with my own objections to the massive flow of U.S. foreign aid and in response to the outrage of Americans everywhere to the barbarous goings-on in the Philippine marketplaces, I am introducing today legislation calling for an immediate and total cutoff of all economic aid to that country.●

CONGRESSIONAL VIGIL ON SOVIET JEWRY

SPEECH OF

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. GINGRICH. Mr. Speaker, I am happy to take part in this year's "Call to Conscience Vigil" for Soviet Jews.

Life in the U.S.S.R. for Jews has become more and more unbearable. Life is even worse for those Jews who express a wish to leave the country. They are systematically harrassed and often lose their jobs and are forced to hide from the authorities.

The number of Soviet Jews who have been denied the right to emigrate to a free society is almost impossible to count. It is my hope that our effort will help many of the families and individuals in the Soviet Union who have been denied this right.

As part of the effort to aid these persecuted people, I'm sponsoring the refusenik, Alexander Kushner. Alexander has been trying to join his mother, brother, and grandparents in Israel since 1976. As of December 1980, he had been refused permission five times to leave the Soviet Union. Alexander cannot find suitable employment despite being a skilled construction engineer. He was recently called up for reserve military duty even though he served in the Soviet Navy from 1967 to 1970. Alexander's mother is asking support for her son.

It is my hope that this vigil and the letter I and my colleagues are sending to the President can have some positive effect on Soviet human rights policy. I commend the gentleman from New York, Mr. LENT, for chairing this year's Congressional Call to Conscience Vigil.●

THE LIFELONG LEARNING INSTITUTE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. GILMAN. Mr. Speaker, I take this opportunity to inform my colleagues of an innovative and successful program which is run by the Rockland Community College Senior Citizens Club—the Lifelong Learning Institute. While many senior citizens clubs meet for social stimulation, this group aims to stimulate mental activities.

The Lifelong Learning Institute began when Mr. Otto Hutt, chairman to the advisory board of the Rockland County Office on Aging, and director of some 14 clubs in our congressional district, went to the Rockland Community College requesting a room to use for the formation of a senior club devoted only to eduction. The club took root in the spring of 1980, with only a handful of members, to discuss issues and concerns. The group received great support from the college faculty, and, realizing the potential offerings of senior citizens, began to run minicourses. The courses are so successful that they are now recognized by the State of New York with financial support to the college. The Rockland Community Center Senior Citizens Club has about 200 members, who do not work for pay but for personal fulfillment. The club charges dues of $1 per year, in return for one free minicourse each year. The Lifelong Learning Institute is currently offering four minicourses, in current events, religions of the world, understanding aging, and literature. To my knowledge, this is the only such club in the State of New York, and may very well be the only one throughout our Nation.

The senior citizens club of the Rockland Community College has set an important example by creating the Lifelong Learning Institute. This group of older Americans has reinforced for us the realization that our senior citizens have significant contributions to offer. The club has given its members an opportunity to feel proud, to stand tall, and to offer their knowledge and skills to each other, and to their communities.

It is my hope that the establishment of this institution will begin a trend in our Nation, to bring the senior citizens of the United States back into the mainstream. Accordingly, I urge my colleagues to encourage similar institutions in their constituencies.●

TRIBUTE TO CONGRESSMAN GEORGE DANIELSON

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. RAILSBACK. Mr. Speaker, I was surprised, like many of my colleagues, to learn 2 weeks ago that we will be losing one of our most able Members, Congressman GEORGE DANIELSON of California. However, we are losing him to another very important post—as a judge of the court of appeals in his home State. I am certain he will take to that job the same thoughtfulness and responsibility he exhibited in his work in Congress.

In his 12 years in Congress, Congressman DANIELSON has been a hard worker and achieved a leadership role. In his work on the Judiciary Committee, where I have been pleased to serve with him, he has achieved an impressive record. He is to be commended for his work on regulatory reform, where he was one of the early advocates of doing something to overhaul the Federal Government's regulatory system. He has worked in the areas of the administration of justice and copyright laws.

I want to congratulate Congressman DANIELSON on his appointment to the California Court of Appeals. His contributions will be missed in Congress.●

IDA NUDEL, PRISONER OF CONSCIENCE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. GUARINI. Mr. Speaker, I appreciate this opportunity to join with Representative LENT and my other distinguished colleagues to express our concern and dismay about the plight of Ida Nudel as we commemorate March 2 as the World Day of Protest on her behalf.

Ida Nudel was imprisoned for helping other Jewish prisoners of conscience to emigrate to Israel from the Soviet Union. Once again, through the example of Ida Nudel, we can see the persecution and suffering of the Jew who wishes to uphold his religion or emigrate to Israel, rights supposedly granted its citizens by signatories of the Helsinki accords.

Ida Nudel's refusal to accept official Soviet policies against religious freedom and emigration is an example of tremendous courage. For this, she has earned the affectionate title of "Guardian Angel for Soviet Prisoners of Conscience." Also for this, she has spent the last 4 years in Soviet jail in Siberia.

I join with my colleagues in calling on the Soviet Union to allow an exit visa for Ida Nudel when she is released from prison on March 20 so that she can be reunited with her family. I also call on the Soviet Union to respect the rights of its people. We must work to remove the reasons for Ida Nudel's imprisonment and banishment, while recognizing that the actions of Ida Nudel stand as a testimony to courage and conviction.●

THE HELL WITH THE LAW OF THE SEA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. FIELDS. Mr. Speaker, the Law of the Sea Treaty, as currently drafted, does not reflect U.S. interests. The treaty amounts to a sell-off of U.S.

concerns in favor of placating Third World countries. The Law of the Sea Treaty is inequitable and is antithetical to U.S. economic and national security interests, particularly those relating to deep seabed mining.

These are some of the points emphasized in a recent article by James J. Kilpatrick appropriately entitled "The Hell with the Law of the Sea." Kilpatrick, in no uncertain terms, refers to the draft convention of the LOS Treaty as "spinach" and as "long winded lunacy." Even though Kilpatrick's references to the LOS Treaty appear harsh and stark, they are warranted: This treaty is not in the best interests of the United States and should be rejected by the U.S. Senate.

Although President Reagan recently announced that the United States would resume our participation in the law of the sea negotiations, it is clear that the Reagan administration has no intention of accepting the treaty as currently drafted. Based on Kilpatrick's analysis, this is certainly the correct outlook on the LOS Treaty. I encourage my colleagues to review the revealing conclusion of this Kilpatrick article.

[The Washington Post, Feb. 19, 1982]

THE HELL WITH THE LAW OF THE SEA

(By James J. Kilpatrick)

The papers on Jan. 30 were full of Gen. Dozier's release and Franklin Roosevelt's centennial, with the result that no one paid much attention to a lamentable announcement from the White House. The announcement was to this effect: the United States will resume its participation in negotiating a treaty on the Law of the Sea.

The president made it clear—as clear as the opaque amenities of diplomacy will permit—that we probably will not be participating much longer. Ambassador James L. Malone will go to the United Nations on March 8 for sessions that are scheduled to run through April 30, but unless the principal sponsors of this longwinded lunacy are prepared to accept drastic revisions, Malone might as well catch the next shuttle home.

Maybe Reagan should be commended for his patience and praised for his restraint. It is hard to say. He might better have cleared the air with a thunderclap appraisal of the pending draft convention: I say it's spinach, the president might have said, and I say the hell with it.

The draft convention is indeed spinach. It is the indigestible product of 19 years of cud-chewing by the bovine idealists and predatory beasts that roam the pastures of Geneva and New York. Their proposed treaty, as one commentator has observed, contemplates the greatest territorial grab since Genghis Khan set loose his Tatar hordes. The U.S. Senate would agree to universal abortion before it would ratify this treaty in its present form.

Have a look. The draft is composed of 17 parts, 320 articles and 8 annexes. The text runs to 175 pages of single-spaced typescript. A preamble echoes the platitudes of the old World Federalists. The sponsors want only to contribute to the realization of "a just and equitable international economic order."

Just? Equitable? Come now. The treaty would create an International Sea-Bed Authority, based in Jamaica, with title to all the sea-beds of the planet Earth. The Authority would have an Assembly, a Council and a Secretariat; there also would be a new International Tribunal on Law of the Sea.

Every member nation would belong to the Assembly. Every nation would have one vote. The United States would have the same voice accorded Qatar, Sri Lanka and the Solomon Islands. The Assembly would be the "supreme organ" of the Authority, but for everyday purposes the Council would be running the store.

Curious thing about the Council. It would have 36 members. The Soviet bloc would be guaranteed at least three of these seats. Can you guess how many would be guaranteed to the United States? Try to guess. Close your eyes. Think hard. Right! The answer is that no seat would be guaranteed to the United States. But who would pay the largest share of the costs? Right again! Uncle Chump! Contributions would be "based upon the scale used for the regular budget of the United Nations."

Under this treaty, an "Enterprise" would be created. Like everything else, the Enterprise would benefit all mankind, but it would especially benefit all mankind of the Third World nations. It would benefit them in this fashion, an American mining consortium would raise millions of dollars in capital, apply for permission to explore a couple of likely sites, and perhaps eventually get the word to go ahead. If the exploration proved fruitful, the Enterprise would appropriate the better of the two sites, along with all the technology the consortium had developed.

In the next step, the miner would have to get a production authorization, fixing limits on the kind and volume of minerals that could be brought to the surface—but never mind. The treaty goes on and on. If Lewis Carroll had written Alice in the Sea-Bed, he could not have contrived a more preposterous scenario. Only 60 signatories are required for ratification. Unless the Senate has lost its collective mind, the United States will not be among them.●

MORAL EDUCATION

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. SHUMWAY. Mr. Speaker, an increasing number of educators and sociologists express concern about the basic amorality of today's young people. The existence of this amorality is evidenced by an increase in cheating in school—and in life after school—and also in the burgeoning promiscuity that destroys so many young lives through teenage pregnancy, abortion, divorce, and suicide. It would be too much to link this growing problem to the removal of prayer from the public schools, but at the same time, it is not unreasonable to expect young people to draw conclusions about the value of religion and traditional morality from this very conscious and highly official decision to exclude them from the major societally imposed activity, school.

Terry Eastland has written very preceptively in this area over the years. In the Wall Street Journal recently, he published an article discussing this modern morality of dilemmas. I think my colleagues will find his comments interesting, and I am inserting the column at this point in the RECORD:

[From the Wall Street Journal, Feb. 22, 1982]

TEACHING MORALITY IN THE PUBLIC SCHOOLS

(By Terry Eastland)

It has been 20 years since the Supreme Court declared in Engel vs. Vitale that state-sponsored public school prayer violates the Constitution. The decision sparked immediate controversy because it was hardly obvious how public school prayer could constitute an establishment of religion when the tax-paid presence of chaplains in Congress or the state-sponsored holiday of Thanksgiving, to cite two conspicuous examples, did not.

These apparent contradictions still bother many people who would like to see prayer returned to the public schools. Yet today there is something altogether new in the brief favoring school prayer.

Proponents of school prayer say that crime, racial conflict, drug abuse and sexual promiscuity, among other social problems, have intensified since the Engel decision. They claim that these ills would be ameliorated if prayer were now returned to the public schools.

Opponents of school prayer typically deride the idea that prayer might be thus efficacious. But few people dismiss the reality of the problems cited, and there is substantial evidence to show that indeed they have intensified over the past two decades.

AN ABSENCE IN YOUNG PEOPLE

Sociologists may speculate about the causes of these problems, but fundamentally they result from a widespread absence in young people of a basic morality. This morality consists of, among other things, honesty, fairness, respect for law, courage, diligence and respect for others. These qualities are commonly regarded as part of the Judeo-Christian ethic, but not its exclusive property. They are also compatible with other religions and with what philosophers in the West have often called "reason."

This basic morality has an intellectual aspect; justifications for moral attitudes and action are important. But equally, if not more important is the affective side. People are supposed to be raised not simply to reject wrongdoing as an intellectual matter but also to be strongly disposed against it, even to hate it. As Aristotle observed, a morally educated person will find virtue agreeable and vice unpleasant.

For more than 2,000 years Western nations have transmitted this basic morality to each new generation. The means of propagation have typically been the family, the church and the schools. In the U.S., the public schools have been assigned the major share of the responsibility. But in the past two decades, the schools increasingly have failed to do this job.

School prayer proponents are right to link today's social ills with the court's prohibition on prayer and also, in 1963, on Bible readings. These exercises promoted piety but also the basic morality, and when they were banned, moral education necessarily suffered.

Yet, as bad a loss as the prohibition on religious exercises was, from the perspective of instilling the basic morality, it was not as bad as it could have been. The court did not, contrary to all that has been imputed to it in recent years, condemn either the basic morality or its inculcation in students.

To be sure, in the wake of these decisions there were many school leaders unable to make a distinction between religion and morality. Because they had no idea of how moral education might be taught in the absence of a prayer or a devotional, they frequently did nothing.

But the court did not really require that they do nothing. The prayer decisions reflected the idea that secular education can be distinguished from, and taught without reference to, religion. Educators and sociologists, not the court, introduced the more sweeping idea that the public schools should teach everything but religion and morality. Not surprisingly, though there are a few heartening instances of schools that do transmit the basic morality, the craze in the schools today is a type of "moral education" that is unfortunately empty of substantive morality.

Common to the various "moral education" approaches offered today is the idea that there is nothing right or wrong and that to teach any substantive ethical precept or idea is to "indoctrinate" students. In one approach, students are invited to "clarify" their own values; the focus is on "rationality," "creativity," "autonomy" and "process." In another approach, students are asked to dwell on ethical dilemmas such as when lying can be justified, or on public policy questions such as the morality of racial quotas.

The problems with these approaches are obvious to anyone raised in the basic morality. In the values approach, no one need fear a teacher's judgment if his values are wrong, because there are no wrong values (other than, of course, the value of opposing "values" education). Upon learning that all choices are equally valid, a student will be educated into skepticism about morality, fertile soil for wrong action.

As for thinking about ethical dilemmas and public policy questions, that is important business, but it should not be the central task of moral education in the public schools. As philosopher Andrew Oldenquist has pointed out, "Teen-agers and adults can benefit from reasoning about dilemmas and hard cases only if they have accepted and internalized a basic core of principles." One of the dangers of asking students to focus on "dilemmas" is that they can easily think that these kinds of issues lie at the heart of a moral life.

Today's "moral education" fails in the most critical way because it addresses the intellect but not the emotions. No one is taught to dislike and certainly not to hate anything. If young Americans are shaped, they are unfortunately shaped to be moral neuters. The inculcation of the basic morality in the minds and hearts of young people, as given in American education since the 17th Century, has for the most part ceased to be in the latter part of the 20th.

Leaving aside the constitutional problems raised by the question of returning religious exercises to the schools, prayer and devotionals could help repair the situation—but only so much. It would be an interesting schizophrenia—an honoring of all values indeed—for students to pray at the start of the school day and then commence a cool, rational clarifying of their values.

Obviously, given the "values-free" state of much of public education today, far more than having a daily prayer is needed. Everyone interested in the public schools should begin reviewing what is taught or failing to be taught in their schools, with a view toward making sure that the basic morality is recovered and instilled in the latest generation of students. Concerned teachers can make a difference here, but often the job will fall to parents, who are usually the least susceptible to educational fads like "values clarification."

NO RESPECT FOR OTHERS

People willing to undertake this task should note that they have encouragement from Chief Justice Warren Burger. "We have virtually eliminated from public schools . . . any effort to teach values of integrity, truth, personal accountability and respect for others' rights," the Chief Justice said in a speech last year. It is just this task of basic moral education that, looking at recent crime figures, Justice Burger is now vigorously endorsing.

Whether the schools' adoption of a sound, moral education would fully satsify those who want prayer returned to the public schools is doubtful. And whether the schools can confidently teach the basic morality—what C. S. Lewis once called the "Tao"—without also mentioning religion is unclear; we have yet to cultivate in this country, at least on a broad scale, a means of teaching the Judeo-Christian ethic without also frequently bringing up its religious roots.

What should be abundantly clear, however, is that until the public schools once again become institutions that confidently train the intellect and emotions of young people according to the basic morality, they will continue to lose students to private and parochial schools, one of whose major attractions is that they not only aim to produce students of good character, but also actually do so.

Meanwhile, those who ignore the need for character education and see every mention of virtue as a threat to liberty should consider that one of the most free-thinking Americans thought that a rigorous moral education and the building of character were essential to producing good citizens. It is hard to see how many of today's public schools could even begin to produce a Thomas Jefferson.●

CONGRESSMAN GEORGE DANIELSON

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. COELHO. Mr. Speaker, I would like to join my friends and colleagues in honoring GEORGE DANIELSON for his service in the Congress.

GEORGE DANIELSON's determination and perseverance have provided as inspiration to us all. As chairman of the Judiciary Subcommittee on Administrative Law, he has worked diligently to improve the day-to-day functioning of the Government as well as making the Government more responsive. GEORGE has effectively and honorably served his constituents and the Nation. He will be missed.

As a colleague in the House, as a fellow member of the California delegation and as a friend, I thank GEORGE for his contributions. I wish him the best of luck and am delighted he will be continuing his record of public service on the California court of appeals.●

SUPPORT SOUGHT FOR PRESIDENT'S PROGRAM

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. HUBBARD. Mr. Speaker, Mr. Charles F. Latham, an engineer in Hopkinsville, Ky., has written me a very timely and thoughtful letter urging that the President's economic recovery program not be abandoned. I believe Mr. Latham's letter is one which should be shared with my colleagues and I wish to do so at this time. The letter follows:

DEAR CONGRESSMAN HUBBARD: It has become quite disturbing to see so much of the news slanted toward a movement to abandon the President's plan to improve the economy through reduction in Government spending and taxes paid by the people.

The liberal voices of the agencies and the news media do not represent the large group of voters that elected our President and legislators in the last year to change the direction of our country and it's economy.

This letter is to reinforce our earlier comments requesting your support of the President's plan, the Economic Recovery Program. All knowledgeable individuals know more time and effort is required to correct the miserable conditions created during the liberal, debt-ridden, past.

Respectfully,

CHARLES F. LATHAM.●

JUDGE BILL SPEER

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. CLAUSEN. Mr. Speaker, when those of us in Congress leave home and come to Washington, we bring with us a storehouse full of wonderful memories of life in our hometown. We are reminded of these memories often by our frequent trips to our congressional districts, but usually the rush of events and many people we see prevents us from reflecting completely on what it all means until we climb aboard for an airplane trip or car ride back to the Nation's Capital. It is on those trips that many of us finally have time to think about who we have seen, and to make notes on what we have to do. It is also when many of us can open our briefcases and take a close look at our districts' newspapers. In my case, I like to peruse the scores of daily and weekly newspapers from the towns all along California's north coast.

Inevitably, as I read the news and views of the Redwood Empire, my attention is drawn to the "Opinion Page" of the Del Norte Triplicate, which is published in my hometown residence of Crescent City. I can always count on a strong and well-reasoned point of view being expressed by Jim Yarbrough in his editorial. Whether Jim is writing about the state of the national economy or the state of local crab races, he is clear, lucid, and always substantive.

Because of my high respect for Jim, I was especially pleased when I opened the Triplicate of February 13 and found an editorial entitled "Times Have Changed Since He Came Here." Jim had written a column in observance of the retirement of a very close personal friend, Bill Speer of Del Norte County, Calif., a man who was widely respected and honored by the entire community. A man of impeccable integrity who was extremely thorough in any task he undertook, Bill Speer dedicated his professional life to the improvement of the county's legal climate, both as a lawyer and as a judge. He had those great qualities of being fair, firm, and factual in the conduct of his duties. He has the judicial temperament so essential to our judicial system.

But while Bill Speer was a dedicated professional and a perfectionist, he did not let his work consume him. As Jim mentions in his editorial, Bill Speer was an avid golfer and still is an avid storyteller around the local clubhouse. In fact, Bill and his devoted wife Yvonne have been recognized as two of the top golfers in Del Norte County. Bill Speer was also an aviator, and I was privileged to be his flight instructor during the lessons which led to his pilot ratings. His favorite aircraft was a converted BT-13, a plane which gave him and me no end of enjoyment as we flew together over our beautiful northwest corner of northern California. In remembrance of all the good times Bill Speer and I shared, in recognition of all his personal contributions to my own memories of home, and in honor of his service to all the people of Del Norte County, I would like to place in the RECORD the following editorial:

[From the Del Norte Triplicate, Feb. 13, 1982]

TIMES HAVE CHANGED SINCE HE CAME HERE

Changes have indeed been wrought on the local scene since Judge Bill Speer, whose retirement was observed here last weekend, first came to Del Norte county.

The judge himself noted some of these changes at that dinner the local bar association sponsored. The court then, he noted, was "really informal, man". In those days, most judges below the superior court level were laymen, many without any training for the job. Since then, state laws have changed and all courts must be under judges who have been trained in the law.

When Speer came to Del Norte, there were but four practicing attorneys in the county. The district attorney, who also dispensed counsel to the board of supervisors, also maintained a private practice on the side. At times it was difficult to distinguish whether he was on county business, criminal or civil, or working for a private client.

Speer was the first county counsel employed to serve the board of supervisors exclusively. But he was also enabled to maintain a private practice on the side and used his private office as the county counsel's office as well. He got the job done but now would be one of the first to concede that life is much more complicated these days.

Now instead of four practicing attorneys in a county of barely over 4,000 people, there are nine in private practice and another six who are on the county payroll, plus another five outside lawyers who are members of the local bar and practice here occasionally. This is in a county now grown to 18,000 souls. Today's numbers include the district attorney, the public defender and, when the job is filled, the county counsel.

Speer's resignation, after some 17 years in both public and private practice, was not sought by him. He would have preferred to continue working. But his health would not permit it.

That doesn't mean he has left the scene. He is still a familiar figure at the golf course, even though he is still unable to play the game he loves so well.

And his wit, as noted at his retirement dinner, is still sharp when he wishes to call upon it. One of his earlier sayings, never used with strangers but pulled out when he wanted to get his licks in, was "Well, What's on your alleged mind?"

On the links, he has another favorite with those who are too meticulous about debris on the putting surface between their ball and the hole. He declares they are removing "imaginary gnat wings".

His golfing friends would sometimes accuse him of arranging his court calendar to accommodate his Wednesday afternoon golf game. And there was some truth in it. But he never shirked his responsibilities. If he had a job to do, he did it.

Sometimes, in fact, he takes his responsibilities too seriously. He loves weekend golfing excursions with his friends. He also loves to organize golf matches, sometimes to the point that those who participate feel they are too well organized—in his favor.

He is also a great non-mechanic. He bought a chain saw once and his wife Yvonne wouldn't let him use it for fear he would come out second best.

One of the better stories about Judge Speer is the one involving Lee Richardson and the gopher killing machine. It seems the judge had read an advertisement offering a device with a money-back guarantee that would eliminate gophers within a radius of several hundred feet. Theoretically, it would send out a signal which interfered with the gopher's sex life and the burrowing pests would fail to reproduce—so finis. After much discussion, he and Richardson went partners. The gadget, which looked like a flying saucer, cost $750, they shared half and half. It had to be buried just so.

Yvonne didn't know anything about it at first. But the boys around the clubhouse did and everyone had a great time conjecturing upon the impact of the gadget on the gophers' sex life.

Several weeks went by and there seemed to be no diminishing of the gophers around Club Drive. To the contrary, they seemed to flourish. Then Yvonne found out about it and the judge decided it wasn't going to do the job and set out to get his money back.

He wrote letters and made telephone calls to no avail. He may not have mentioned that he was a practicing lawyer. Finally he requested, again apparently without mentioning he was an attorney, the help of a television station's consumer advocate—Action Report. Eventually, he got his money back but not without giving the boys on the golf course something to talk about beside bogies.

Yes, times have changed since Bill Speer came to Del Norte. Bill may not be quite up to getting around the links these days. But he visits the clubhouse every day—after all, this is the golf course he started. He still enjoys watching others play and he uses the practice range, the putting green and may one day soon start calling friends to arrange a game—to Speerize it, as some would say.●

EQUALIZING THE NATO BURDEN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mrs. SCHROEDER. Mr. Speaker, today I introduced a House resolution, modeled after Senator Mike Mansfield's S. 300 of August 31, 1966, expressing the sense of the House that we make a substantial reduction of U.S. forces permanently stationed in Europe.

I am seeking cosponsors for this resolution and, in order to provide background information to my colleagues, I have compiled a brief bibliography on U.S. support for NATO:

(1) "European Security, American Interests, and Alternatives to NATO." Stanley Sloan, CRS/JX 4005 C, January 15, 1978

(2) "The Mansfield Proposals To Reduce U.S. Troops in Western Europe, 1966-1973," Edward T. Lampson, CRS, July 21, 1972.

(3) "Relations With the NATO Allies." Stanley Sloan, CRS, October 27, 1981.

(4) "The Case Against NATO," George Ott, Washington Monthly, December 1980.

(5) "Let's Tell Our Allies Uncle Sucker Is Dead," William Greider, Washington Post, July 14, 1981.

(6) "U.S. Force Structure in NATO: An Alternative," Richard Lawrence and Jeffrey Record, the Brookings Institution, 1974.

(7) "NATO May Be Dangerous to Our Safety: Western Insecurity," Theodore Draper, the New Republic, March 28, 1981.

(8) "The NATO Sacred Cow: Still Roaming the Range," E595, February 23, 1981.

(9) "A Worldwide 'Defense Stamps' Program," E920, March 12, 1981.

(10) "The NATO Tarbaby," E762, March 2, 1981.

(11) "The Illusion of American Omnipotence," D. W. Brogan, Harper's magazine,

December 1952, reprinted at E1593, April 6, 1981, and E1627, April 7, 1981.●

GEORGE DANIELSON

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. PANETTA. Mr. Speaker, I would like to thank the chairman of the California delegation, DON EDWARDS, for taking this special order, and I would like to join my colleagues in paying tribute to GEORGE DANIELSON as he leaves the Congress to assume his duties as an associate justice of the California Court of Appeals.

It has been a real pleasure to be able to work with GEORGE over the past several years. His legislative skills, as well as his great sense of humor, have made him a valuable and well-liked member of this body. He has been particularly helpful as a member of our delegation, and we will miss him a great deal.

As a long-time member of the Judiciary Committee, GEORGE has been involved in the enactment of many key peices of legislation, particularly bills involving the ethics of public officials and the integrity of the legislative process in general. He is probably best known for his active and incisive questioning during the impeachment proceedings of President Nixon in 1974. GEORGE's contribution at that time was essential to the smooth and effective working of an extremely difficult and painful process.

Now, GEORGE will have an opportunity to make an even greater contribution to the country, and particularly to the State of California. As a judge on the court of appeals, he will have tremendous responsibility in determining law and in insuring that justice is well served in the Nation's largest State. I wish him the best of luck, and I know all of my colleagues join me in congratulating him on his new post.●

SHRINERS OF NORTH AMERICA

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. GILMAN. Mr. Speaker, it is with pride and respect that I rise on this occasion to honor the Shriners of North America. As a member of Cyprus Temple and past president of the Capitol Hill Shrine Club, I am well aware of all of the good work that our Shriners and their hospitals do for crippled children. I want to add my special thanks to the gentleman from Florida (Mr. FUQUA), in whose district the newest Shriners hospital for crippled children is being built, for arranging the time on the House floor for this special order.

Mr. Speaker, the Shriners support 18 orthopedic hospitals and 3 burn institutes dedicated to the health of crippled children. There is no work more worthy for our Nation's future than restoring the health to our children.

Shriners hospitals are open to all children regardless of race, religion, national origin, or relation to a Shriner. The only prerequisite is financial need. The Shriners hospitals for crippled children are a source of great pride to our Nation. These men devote their own time and money not only to build these hospitals but to provide entertainment for the children in their hospitals, and assistance to the families. They are a truly dedicated benevolent organization and I am proud to be counted among them.

It is indeed an honor to welcome to Capitol Hill Imperial Sir Randolph R. Thomas, imperial potentate of the Shrine of North America and his divan. They are commended for the years of hard work and the dedication that they and their families have given to achieve this great honor. I know that my colleagues join with me in wishing you and all Shriners continued success in the work of treating crippled children and assisting their families, "until there are no more crippled children anywhere."●

JOE MEIS RETIRES FROM DOD

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. FUQUA. Mr. Speaker, a dedicated employee of the Department of Defense has announced his retirement and I thought it appropriate to mention his years of dedicated service.

A former colleague of mine, however, had a much closer working relationship with Joe F. Meis than I had.

Former Congressman Robert L. F. "Bob" Sikes served for decades on the Armed Services Committee where he developed a knowledge of personnel and procedures equaled by few.

His letter praising the work of Joe Meis is thus a higher testimonial than I could possibly achieve, and I would simply like to associate myself with the thoughts expressed in Mr. Sikes' letter which follows:

ROBERT L. F. SIKES,
Crestview, Fla., February 23, 1982.

Hon. JOE F. MEIS,
Department of the Air Force,
Washington, D.C.

DEAR JOE: During my years in Washington as a member of Congress from Florida, I came to know many, many government officials, and I learned to differentiate between the "doers" and those who were "just going along for the ride." High on the list of doers is Joe Meis.

Every department of government has in it some career employees who know their work intimately and who accept to the fullest their responsibilities to our country. Joe Meis is one of these.

Because much of my work in Congress was associated with the Department of Defense and because of a very deep and sincere interest in an adequate defense for our country, I probably knew the personnel of that agency of government better than any other. I worked closely with the Department through the years, and I spent a great deal of time in conferences with both military and civilian personnel in the Department. I knew many who were dedicated and conscientious and very capable. Joe Meis certainly ranks among the leaders in this category.

In my opinion, you, Joe Meis, are one of the best informed people in the Department of Defense and one of those most anxious to do a good job for our country and for the Department. To those of us on Capitol Hill, you were always most cooperative and painstakingly accurate in the information which you provided.

You are one whose labors and whose contributions will be sorely missed when you retire. I consider myself fortunate to have known you, to have been able to draw on your expertise, and, most importantly, to have been able to call you Friend. As the years passed, you became a close and warm personal friend. This letter is an expression of that friendship and of my admiration for your dedicated service.

With best wishes for all you do in the years ahead, I am

Most sincerely,
BOB SIKES.

OCCUPATIONAL HEALTH HAZARDS COMPENSATION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. MILLER of California. Mr. Speaker, I am introducing today the Occupational Health Hazards Compensation Act of 1982.

This legislation is receiving the immediate attention of the Subcommittee on Labor Standards, of which I am chairman. It is the product of 5 years of effort to identify the workers' compensation system's failure to provide adequate benefits to disabled workers who suffer from occupational diseases.

The present compensation system is simply not designed for occupational diseases. Instead, this system takes workers who are victims of cancer and other disabling and fatal illnesses due to their jobs and makes them victims again—victims of an indifferent system which denies them, their families and their survivors the income maintenance and medical care which they need and to which they are fully entitled.

Only about 5 percent of workers disabled by occupational diseases receive benefits from the workers' compensation system. Moreover, the benefits that small fraction of workers receive are totally inadequate—less than half those received by injury victims.

The failure of the compensation system is alarming for the stricken worker and for the American taxpayers who pay $3 billion a year to victims of occupational diseases to make up for the shortcomings of the workers' compensation system. That $3 billion loss from social security, disability insurance, veterans' programs, welfare, food stamps, medicare, and medicaid will grow every year in the future if we fail to develop a better and fairer system for the worker.

This subcommittee has held exhaustive hearings on occupational disease since 1978. We have been told repeatedly that over half of the victims of occupational disease receive social security benefits. Another 17 percent receive veterans' benefits. And another 16 percent depend on welfare programs.

At a time when these programs are strained to provide benefits to those who have nowhere else to turn, we cannot allow taxpayers' dollars to continue to subsidize hazardous industries and dangerous jobs in this country.

The Occupational Health Hazards Compensation Act will create a means for providing the victims of occupational diseases, resulting from asbestos and uranium mining with adequate benefits on a timely basis. It will significantly reduce the demand on social security and other publicly funded progams by placing the burden where it has always belonged in cases of workers' compensation—on the responsible employers, not on the taxpayers.

Past efforts to establish such a compensation system for victims of asbestos diseases or other occupational illnesses have been accused of bailing out industry. My legislation will do no such thing.

My bill will provide more disabled workers with more income maintenance and health benefits than has ever been possible under the anitquated workers' compensation system without having to wait years for administrative processing or for their day in court. It provides an efficient—and an effective—mechanism for processing compensation claims.

This legislation places the financial burden where it properly belongs: with the manufacturers and the employers. I am hopeful that they, too, will support this legislation because it does establish a just system.

The legislation I introduce today builds on the recommendations of the National Commission on State Workmen's Compensation Laws. While limiting initial coverage to asbestos victims and uranium miners, about which the evidence of job-related diseases is unquestionable. The bill includes a trigger mechanism for bringing additional diseases and occupations under its coverage when the scientific and medical evidence warrants.

This legislation will not establish any new Federal bureaucracy. It will result in the saving of billions of Federal dollars because industry will pay not only for compensation benefits, but for the program's administration, too. It will also save money by establishing a program of surveillance and medical treatment to reduce the incidence and serverity of occupational exposures.

Over the course of the year in which I have developed this bill, I have solicited the advice of the broadest possible range of experts—within the manufacturing industries, insurance, labor compensation administrators, and the medical and scientific community.

This legislation is a synthesis of their best advice. Undoubtedly, it is not perfect. It will totally please no party in this complex, and often bitter debate. But this is a fair and financially sound program, and I intend to devote my time, and time of the subcommittee, to assuring that it will be considered by the Congress this year.

Quite simply stated, we have dedicated a decade to debating and analyzing the issue of occupational disease compensation. We could debate it for another decade or more.

But there are tens of millions of men and women throughout this country, nearly a quarter of a million asbestos victims alone, who will die before the end of this century because of occupational disease. Millions more will be disabled. They will lose their wages and incur billions of dollars in health costs.

We need to accelerate our efforts to prevent the exposure of workers to hazardous substances in the workplace. My legislation will establish a program of surveillance and medical treatment to reduce the severity of occupational exposure in the future.

But for millions of men and women, it is too late. They have been exposed. After latency periods of several decades, in some cases, they are going to get sick. They need the assurance of income maintenance, medical care and survivors' benefits which the current compensation program promises them, but tragically fails to provide.

We must move on. The Subcommittee on Labor Standards recognizes the seriousness of the problem, and has held 5 years of hearings on the crisis of occupational disease and the failure of the present workers' compensation system to provide benefits to victimized workers. The studies are complete; the case is indisputable; the need is great, and growing. The subcommittee began its hearings today on this legislation with expert testimony from Dr. Irving Selikoff of Mount Sinai Medical Center.

We are moving this legislation forward this year because millions of men and women cannot afford to wait any longer.

A brief explanation of the legislation follows:

SUMMARY ANALYSIS—CONGRESSMAN MILLER'S OCCUPATIONAL DISEASE COMPENSATION BILL

SCOPE OF THE BILL

The bill establishes a federal compensation program for victims of occupational diseases. At present, compensation is provided for victims of asbestos-related and uranium ore-related diseases which result from employment exposure. The bill also contains a procedure for legislative expansion of the scope of coverage when medical studies demonstrate the relationship between other workplace exposures and significant increases in diseases.

BENEFITS

Benefits are provided to the survivors of workers who die as a result of these occupational diseases, and to workers who suffer permanent partial and permanent total disabilities resulting from these diseases. Benefits, which are based on the recommendations of the National Commission on State Workman's Compensation Laws, include:

Death and total disability and survivors benefits of two-thirds of the pre-disability earning;

Partial disability benefits of two-thirds of the lost earnings of the worker, with provision for annual reevaluation of the disability;

Complete medical benefits;

Integration of compensation benefits with the Social Security System.

CLAIMS ADMINISTRATION AND ADJUDICATION

The bill establishes no new federal agencies or bureaucracies. Claims are filed with the Office of Workers' Compensation Programs of the U.S. Department of Labor, under procedures established by the Longshore Act, with administrative law judge hearings and administrative appeals to the Labor Department's Benefit Review Board. Judicial review is in the U.S. Courts of Appeals.

ELIGIBILITY FOR BENEFITS

Like all workers' compensation laws, the bill compensates disabilities which result from diseases, not the diseases themselves. Eligibility standards, based on the current medical knowledge, link certain diseases with asbestos or uranium ore exposure. In all cases, however, the burden of proving that exposure to asbestos or uranium ore arose out of and in the course of employment rests with the claimant. Whether the employee is disabled, and the degree of disability, are questions of fact to be determined on a case-by-case basis.

RESPONSIBILITY FOR THE PAYMENT OF BENEFITS

The bill creates no federal liability for the payment of benefits. Following the traditional workers compensation practice, employers who expose workers to asbestos or uranium ore hazards are responsible for the payment of compensation benefits. If the last employer employed the worker for at least two years, and exposed that worker to asbestos or uranium ore, that employer will be "responsible" for the payment of benefits. "Responsible employers" may insu their liability under the bill, or qualify as self-insurers.

Where the last employer is responsible, the bill eliminates the need to go back in the employment chain and identify an earlier employer who is "responsible". In those cases, liability for the payment of benefits will be assigned to a compensation fund, which will be funded by annual contributions of employers who expose their workers to asbestos or uranium ore, and in the case of the asbestos fund, by manufacturers or importers of asbestos and of products which contain asbestos.

LIMITATIONS ON LIABILITY

The compensation program established by the bill would be the primary source of benefits for employees who are disabled or who die as a result of asbestos or uranium ore-related diseases. Compensation under the bill, following the traditional workers' compensation system, would be the employee's exclusive remedy against the employer, fellow workers, and collective bargaining agents. Liability suits which had been filed against asbestos manufacturers prior to the effective date would be unaffected, except that recoveries in such suits would be reduced by the compensation received by the plaintiffs under the Act. Subsequent to the effective date of the Act, no such suits would be permitted against asbestos manufacturers who participate in the compensation fund.

SURVEILLANCE AND MEDICAL TREATMENT RESEARCH

The bill provides an industry-funded program for surveillance of workers who have been exposed to hazardous substances, and a program of medical treatment research in order to reduce the effects of such exposure, retard the rate of progression of such diseases, and forestall complications which could result in premature death of such workers.●

STUDENTS FIGHT BACK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. FRANK. Mr. Speaker, this week Members of Congress witnessed one of the most effective grassroots lobbying campaigns in recent memory as thousands of students from across the country came to Washington to fight the administration's savage and unjustified cuts in student assistance programs. I was very pleased to meet personally with a number of students, many of whom traveled several hundred miles from Massachusetts in order to express their feelings. What they realize is that if the President's student aid cuts are passed, higher education will be a prerogative of only the rich. In a highly specialized and technical society, higher education of all our young people is not a luxury—it is an absolute necessity if America is to maintain its standard of living and economic well-being. The cuts already enacted last year were too severe and should be restored.

The students who visited with me made their case very effectively. In fact, students from two institutions, the University of Massachusetts Medical School and Wheaton College, two outstanding institutions in the Commonwealth, prepared detailed charts demonstrating the effect these cuts would have on the student body. For example, at the University of Massachusetts, the elimination of the guaranteed student loan program for graduate students would deprive 83 percent of the student body from utilizing this program. At Wheaton, cuts in national direct student loans would eliminate 130 needy students. I attach the charts and ask that they be reprinted at this point in the RECORD and ask my colleagues to study them carefully.

UNIVERSITY OF MASSACHUSETTS MEDICAL SCHOOL—IMPACT OF STUDENT AID CUTBACKS

	1980-81			1981-82			Projected 1982-83			Projected 1983-84		
	Allocation	Number of students	Percent of student body	Allocation	Number of students	Percent of student body	Allocation	Number of students	Percent of student body	Allocation	Number of students	Percent of student body
National direct student loan (NDSL)	$270,561	185	45	$146,480	119	29	$140,621	114	28.0	0	0	0
Health professions student loan (HPSL)	60,812	37	9	55,698	25	6	[1] 18,937	9	2.0	0	0	0
Guaranteed student loan (GSL) HELP in Massachusetts	1,475,226	343	83	1,685,000	339	83	0	0	0	0	0	0
College Work Study (CWS)	68,825	38	9	77,353	64	16	[2] 74,259	62	15.0	$55,695	46	11.0
Exceptional financial need (EFN)	33,460	4	1	36,228	4	1	17,027	2	0.5	0	0	0
National Health Service Corps (NHSC)	117,110	14	3	98,702	11	3	81,000	9	2.0	20,000	2	0.5
Health education assistance loan (HEAL) (at market interest rates compounded while in school)	50,700	14	3	400,000	80	70	2,000,000	285	70	2,500,000	300	73.0

[1] 66-percent decrease from 1981-82

[2] 4-percent decrease from 1981-82

IMPACT OF FEDERAL FINANCIAL AID REDUCTIONS ON WHEATON COLLEGE STUDENTS

	Pell	SEOG	NDSL [1]	CWSP [2]	Total cuts
1981-82					
Total dollars	226,700	99,000	58,700	142,500	526,000
Number aided	260	135	130	200	350 +
Continuing resolution, 1982-83					
Total dollars	219,900	74,250	56,400	136,800	487,350
Number aided	240	100	125	190	320
Dollar decrease	6,800	24,750	2,300	5,700	39,550
Percent decrease	3	25	4	4	8
Proposed rescissions, 1982-83					
Total dollars	210,800	74,250	56,400	125,400	466,850
Number aided	230	100	125	175	310
Dollar decrease	15,900	24,750	2,300	17,100	60,050
Percent decrease	7	25	4	12	11
Reagan's budget, 1983-84					
Total dollars	136,000	0	0	102,600	238,600
Number aided	210	0	0	140	160
Dollar decrease	90,700	99,000	58,700	39,900	288,300
Percent decrease	40	100	100	28	55

[1] Federal Capital contributions

[2] Federal allocation

Note: All decreases are calculated on the basis of 1981-82.●

THE PRESIDENT ON THE ECONOMY: ANECDOTES, METAPHORS, AND MYTHS

HON. JOHN CONYERS, JR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. CONYERS. Mr. Speaker, the week began on the economic front with the President asking a group of small businessmen in the East Room of the White House, "Would you agree we are on the right road to recovery and we should stick it out?" The Washington Post reported the audience roared its approval. Then the President responded, "Thanks, I needed that."

On Tuesday, a senior Republican Senator, and the chair of the Republican Campaign Committee, Senator Bob Packwood reported that in recent talks between his colleagues and the President on budget policy, Mr. Reagan responded to the Senators' concerns "on a totally different track." To illustrate their differences, Mr. Packwood stated: "(Senator Pete Domenici, chair of the Senate Budget Committee, might note at the meeting that the budget deficit is dangerous and the President says) You know a person yesterday, a young man, went into a grocery store and he had an orange in one hand and a bottle of vodka in the other, and he paid for the orange with food stamps and took the change and paid for the vodka. That's what's wrong."

On that same day, Mayor George Latimer of St. Paul, Minn., after a meeting of leaders of the National League of Cities with the President, recounted an anecdote of Mr. Reagan's about a man who drew social security disability payments while he continued to work. Mr. Latimer expressed bewilderment. Latimer could only think of stories of thousands of unemployed workers lining up for jobs, as occurred recently in St. Paul when 5,200 jobseekers lined up for 200 department store jobs. "His anecdotes are not my anecdotes," Mr. Latimer stated.

The press has celebrated the President as "the great communicator." It is true his mastery of political audiences has been first rate. On the other hand, his communication with Members of Congress as well as the public raises questions about the clarity and appropriateness of the President's communications over policy.

By some accounts, the current state of the economy verges on disaster. According to others, including the Business Roundtable—the association of top business leaders—current administration policy has failed to deal with critical issues, including interest rates, deficits, and targeted assistance to depressed industries and areas.

According to recent press reports, the President communicates on economic policy through anecdotes. Reading these accounts, one wonders whether Mr. Reagan has been reading of late ancient Greek history. In ancient Athens, leaders periodically retreated to Delphi when serious matters of state were involved to consult with the Oracle, that invariably responded to their concerns in the most obtuse and ambiguous of ways. In ancient Rome, leaders there would guide their policy by viewing the entrails of animals.

The President may be seen as a great communicator. In important regards, however, it may be more appropriate to call him "a great simplifier." Before he began to communicate in anecdotes, the President's tendency was to communicate in myths. That has happened at recent press conferences when reporters have pointed out misstatements of fact. A few examples will suffice.

A month ago, Mr. Reagan blamed economic policy of the past 40 years as the reason for the economic mess we are in today. That is a long stretch of time, and it involved many different types of policy. In the post-war period, the Truman and Nixon administrations instituted wage-price control policies. Federal Reserve policies over this period fluctuated often between tight money and expansionary policy. Most economists agree that the inflation problem is traceable to the Vietnam war and the unwillingness of the Johnson administration to raise taxes to finance military spending. There were, of course, periods of prosperity during the past 40 years; and 16 years of the 40 were under Republican administrations.

Just the other day, before an approving audience on the west coast, the President argued that Federal deficits could not be reduced by raising tax revenues, an unusual proposition at best. Other times, he has called for further cuts in spending, except that he omits military spending from his categories of cuts. This blind spot in the President's analysis is particularly intriguing because of the magnitude of the defense spending hikes he has called for—more than $1.6 trillion over the next 6 years, a 13.3-percent increase in real terms this year over last year, and growth in the defense share of Federal spending from 25 percent in 1982 to an expected 36 percent in 1987.

The President has accused his critics of failing to devise alternatives of their own. "Put up or shut up," I believe were his words. Yet my computer file cannot store the great number of budget and economic policy alternatives that have been circulating on the Hill of late. To name a few, the Hollings plan for a spending freeze, across the board; the Dole plan for changes in tax law and generating new revenues; the Schroeder plan for cuts in defense spending; the Congressional Black Caucus alternative budget; plans to institute price controls and credit allocation; and even a Conyers plan to reform Federal Reserve policy and structure by integrating monetary, fiscal, and budget policy.

Mythmaking and simplification is unhelpful under normal conditions; under present circumstances, the current modes of Presidential policy communication are downright dangerous.

A few days ago at the White House meeting with small business leaders, the President expressed confidence that the economy was picking up steam. "It has begun to level out," Mr. Reagan told them. "That always happens at the bottom. You've got to have a curve before you turn up—the ship is afloat. It's just in the hollow of the wave and riding out for the next curve."

One can speculate whether Mr. Reagan is reminiscing about his days as a sportscaster in Des Moines, or else thinking of the sea. In any case, his recent communications on economic policy are seriously lacking in clarity and grasp, and certainly are hardly reassuring as a reading of the current economic situation.●

EPA'S INCREDIBLE ACT

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. LEVITAS. Mr. Speaker, a recent editorial in the Atlanta Journal calls the action of the Environmental Protection Agency in lifting the ban on burying toxic wastes in unsecure containers incredible. It is indeed incredible and amazing that the Agency created to protect our environment is pursuing policy known to be harmful to our environment and to the health of the American people.

The EPA has lifted the ban on such unsafe toxic waste dumping for 90 days while they consider permanently discarding it.

Maybe the administrators at the EPA do not remember the terror of Love Canal and the Valley of the Drums and the disruption of people's lives caused by the leaking of dangerous chemicals from unsafe dumpsites. ● If they do not remember, they should certainly be reminded. To lift the ban imposed on unsafe dumping of toxic chemical wastes is to invite more disasters. We should be looking at the laws on toxic waste dumping and the superfund to be sure that they are doing their job, but that does not mean that we should do away with the laws which are in place in the meantime.

Perhaps the administrators in the Agency are moving to take the "P" out of the EPA. Certainly pursuing policies such as this one does nothing for the protection of the public and our environment.

The editorial in the Atlanta Journal on March 2, 1982, points to the absurdity of this policy. At this point I would like to enter the article in the RECORD and commend it to my colleagues' attention.

The article follows:

[From the Atlanta Journal, Mar. 3, 1982]

EPA's INCREDIBLE ACT

The Horror stories about toxic wastes leaking out of landfills are well known by now. At Love Canal in New York State, dangerous chemicals ate their way out of steel drums and rose to the surface to kill plants and trees and sear the skins of children and animals. Even now, toxic wastes leaking from dumpsites are oozing their way inexorably toward the principal water supplies of Atlantic City, N.J.

No one in his right mind would want this kind of unsafe dumping of poisonous chemicals to continue—or would he? The Environmental Protection Agency, of all people, is attempting to let companies resume burying toxic wastes in unsecure containers. And not only that, the agency has suspended the ban on such dumping completely for 90 days while it considers now to go about letting the landfill disposal resume at a limited rate.

We are disturbed that an agency which is supposed to protect the environment, including the people in it, would be taking the lead in resumption of unsafe disposal of dangerous chemical wastes. It may be that some modifications of existing law are needed, but there is no justification for letting industries resume large-scale dumping in containers that are certain to leak—which is what the EPA proposal entails.

Furthermore, we are astonished and outraged that EPA would suspend the ban on dumping while it is trying to decide what it wants to do in the long run. During this 90-day window it is a sure bet that thousands of tons of poisons are going to be tossed out, buried and left to work their way back into the water table or the food chain in many parts of the country.

The lifting of the ban must be stopped immediately before unscrupulous companies take advantage of it to clear their storage facilities of toxic wastes in an unsafe manner. And the proposal to change the law needs to be reworked to be sure that only the technical problems with it are resolved. Safe disposal methods are being discovered all the time, and we believe the American people prefer that to more Love Canals.●

HONORING JULIUS LARKING HOYT AND NANCY CRISCI

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. GILMAN. Mr. Speaker, recently, the town of Newburgh (New York) Republican Committee honored Julius Larkin Hoyt as the 1982 Republican Man of the Year, and Mrs. Nancy Crisci as the 1982 Republican Woman of the Year.

I have had the pleasure of knowing and working with Mr. Hoyt for many years. A 1950 graduate of Cornell Law School, Julie served in the Armed Forces for 3½ years. Upon his return to the Newburgh area, he formed a law partnership with his late brother, Judge Claire Hoyt.

Julie served as town attorney in the town of Newburgh from 1958 until 1972, and was elected a member of the Orange County Legislature for three terms, beginning on January 1, 1970, the date that the new county charter established the legislative form of government.

Mrs. Crisci has earned a stellar reputation for her diligent, outstanding service to the Golden Age Club of Newburgh, to the Newburgh Volunteer Ambulance Corps, and to many other civic organizations.

Seventy-eight years young, Mrs. Crisci, the widow of Angelo Crisci, is the mother of 8, grandmother of 17, and great-grandmother of 7. She served as receiver of taxes for the town of Newburgh in the fifties, and currently serves on the town recreation board.

Mr. Speaker, I know that my colleagues join with me in congratulating Julius Larkin Hoyt and Nancy Crisci for their inspirational and dedicated community involvement.●

AMERICA'S DEPENDENCY

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. RUDD. Mr. Speaker, in the words of the editor of one of Arizona's prominent newspapers, "America has become a nation of dependents."

These are tough words, a clarion call with the unfortunate ring of startling truth. There is a direct Government subsidy extending to virtually every sector of our economy, to beneficiaries of every income and to almost every aspect of our livelihood. Everybody recognizes that the Federal Government has gotten too large, but few are willing to bring themselves out from under our Nation's umbrella of dependency.

The editor of the Phoenix Gazette, Mr. Loyal Meek, offered his own rendition of the Declaration of Independence, which he altered to today's standards, headlined in his column, "Time Has Come for America To Celebrate Our Glorious Dependency." As this Congress prepares to undergo a difficult budget process, making tough decisions on where our national priorities lie, I think we should reflect on the situation we now find ourselves in. For this purpose, I urge my colleagues to read Mr. Meek's column, which follows:

TIME HAS COME FOR AMERICA TO CELEBRATE OUR GLORIOUS DEPENDENCY

(By Loyal Meek)

America has become a nation of dependents.

Every one of us, in one way or another, is dependent on Washington for support and protection—far more so than our grandparents ever dreamed of being.

Business, labor, farmers, minorities, religions, news media, states, communities, schools and colleges, the poor, the rich, the in between, you name it, all look to big, central government for aid, subsidy or regulation to facilitate our pursuit of happiness.

Ronald Reagan was elected president on a promise to get government off our backs. As it is turning out, apparently that's not what the people wanted at all.

Instead, what Americans evidently want is to keep on riding on the back of government.

The relatively modest efforts of the Reagan administration to curtail everybody's and every place's dependency on Washington is bringing about a veritable firestorm of resistance.

Proposals to return power to the state, the community, the people; to reduce income taxes, and to remove stultifying regulations are met with vociferous objections. Special interests rise up in wrath.

"Take it away from them, but not from me."

Never mind that the dependents are paying for these "pursuit of happiness" narcotics peddled by the political pushers in Washington, either through taxes or inflation.

"Just keep giving me my fix."

All of which suggests that the time may be at hand to recognize and celebrate our glorious dependency.

Herewith, then, is offered a revision of the Declaration of Independence to accommodate that noble document to current conditions:

"When in the Course of human events, it becomes necessary for one people to defend their dependency on others, and to assume among the powers of the earth, the rights to sustenance and protection which a benevolent government is obligated to provide them, a decent respect to the opinions of person kind requires that they should declare the reasons which entitle them to cradle-to-grave support.

"We hold these truths to be self-evident, that all persons are created equal, that they are endowed by their Self Interest with certain unalienable Rights, that among these are Life, Security and Happiness.

"That to secure these rights, Governments are instituted among Persons, deriving their just powers from the acquiescence of the governed. That whenever any Form of Opposition threatens to interfere with these ends, it is the Right of the People to drive them out, and to rescue the status quo and thus preserve their welfare payments, subsidies and tax loopholes.

"Prudence, indeed, will dictate that welfare systems well established should not be changed for light and transient causes; and accordingly all experience hath shewn that personkind are more disposed to enjoy, while goodies are here to be enjoyed, than to change things by reverting to old-fashioned independence which their grandparents had to put up with before we found how to eat our cake and have it, too.

"But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to replace dependency with individual liberty, it is their right, it is their duty, to throw off the threats from such uncompassionate kooks, and to provide new Guards for their future security. Such has been the patient sufferance of these Uncle Sam dependents; and such is now the necessity which constrains them to defend their dependency.

"The history of the uncompassionate kook movement, now personified in President Reagan, is a history of repeated injuries and usurpations, all having in direct object the restoration of power to the states, local communities and even individual citizens.

"To prove this, let Facts be submitted to a candid world.

"He has endeavored to put an end to the spend and spend, tax and tax, elect and elect policies that have, over the last 50 years, brought the nation to our current pinnacle of prosperity.

"He has promised to get the government off the backs of the people, a cleverly disguised way of suggesting that the liberal elite does not know what is best for you.

"He has sought to reduce income taxes and put an end to bracket creep, thereby letting the people keep money which government needs to redistibute to the have-nots and businesses being forced into bankruptcy by foreigners hung up on the work ethic.

"He has sought to divert resources to build up the national defense, putting tomorrow's security ahead of today's comfort.

"We, therefore, in the name of the people, solemnly publish and declare that we are, and of a right ought to be treated as perpetual dependents and pledge to each other everything except our tax deductions, exemptions and sacred loopholes."●

MAURICE E. HELLIKER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. SKELTON. Mr. Speaker, it was with great sadness that I learned of the recent death of a friend and fellow public servant. On Sunday, February 21, Maurice E. Helliker, mayor of Higginsville, Mo., passed away.

During my years in Congress, and before as a State senator, I had many opportunities to observe and work with Mayor Helliker in an official capacity. He worked hard at making his community a good place to live and raise a family. In 9 years as a city councilman and 5 years as mayor, he devoted countless hours to his town. He was also an active participant in his church and in community organizations, such as the Boy Scouts and the chamber of commerce. He was respected in his profession as an administrator for an electric cooperative.

Please allow me to use this statement as an opportunity to eulogize my friend. His spirit of concern for his fellow man, as demonstrated so many ways, is commendable. He will be missed.●

USDA'S PROPOSED CHANGE OF BEEF GRADING STANDARDS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. PEYSER. Mr. Speaker, today I am introducing a resolution of disapproval for the U.S. Department of Agriculture's proposed change in the beef grading standards and ask all my colleagues to join with me in sponsoring this measure.

Since its inception, people have come to rely on the USDA beef grades in making their purchasing decisions. Whether it is a housewife shopping for her family or a chef selecting the prime cuts for the restaurant's clientelle, the beef grades tell consumers about the quality of the beef they are buying with the concomitant assurance that the beef they buy will be consistent with past purchases.

The beef grading system was designed to protect and inform the consumer. The changes as proposed by the USDA would do nothing more than exploit and confuse the consumer. By lowering the minimum marbling required for prime beef to include the moderate category of the present choice grade, and lowering the present choice grade to include the upper one-half of the slight marbling category of the good grade, the standards on which people have come to rely will be diluted. By lumping nearly all fed beef into two grades, discriminating beef buyers would be provided with significantly less information on which to make a decision. What confidence will people place in the beef grades as they realize that they are being diluted every few years.

USDA's proposal will result in consumers—from housewives to restaurant dinners—paying prime prices for choice beef and choice prices for the good grades of beef. Expenditures for meat account for the single largest portion of the food dollar today. It is estimated that the proposed change will mean increased beef costs to consumers which could exceed $300 million per year. In effect, people will be paying more for less.

In addition, the increased prices that consumers will pay will not be confined to only beef products. As other livestock and poultry markets adjust to the new grading scheme for beef, then pork and poultry will increase in response to higher beef prices. According to USDA's own analysis, it will cost consumers about $450 million more for other meat products by 1985.

The American people have made great sacrifices in the last year to achieve a reduction in the inflation rate. USDA's proposal would do nothing more than fortify inflation. Neither the American economy nor the American consumer has use for a proposal which adds to the inflation pressures.

A dilution of U.S. beef grading standards would also impair our exports of high quality beef to countries which seek to obtain consistently top quality beef.

But this is not simply a consumers versus producers issue. Many State cattlemen's associations have recognized the error and shortsightedness of the USDA proposal and have testifed against its adoption. They believe that it is vital to the future of the cattle industry that current standards be maintained, that the integrity of the grading system be preserved, and that consumers not be led to believe that they will be paying more for less.

The interests of consumers nationwide and many cattle producers are once again being sacrificed to the special interests. You would have thought that USDA would have learned from the examples of the past. Because of similar demands by segments of the cattle industry, the USDA diluted the beef grading standards in 1976. The promises fed to the consumers in 1976, that greater supplies of better quality, more economically priced beef would be available, and those fed to cattle producers, that more beef would be sold, have failed to materialize.

Rather, there is sufficient evidence to conclude that the 1976 dilution of the beef grading standards have contributed to the problems of the cattle industry. Since 1976, beef consumption has declined, complaints about the quality of beef served in restaurants have increased manyfold. Purchasers of prime beef need assurance that the premium prices they pay purchase top-of-the-line high quality beef. Uncertainty about the quality of the choice beef has resulted in many shoppers buying different cuts of meat or increasing their seafood purchases. Consumers have been forced to accept less through the weakening of the grading standards. How often can the quality of beef be dropped and still expect the American public to buy beef as it has in the past?

The folly of the 1976 beef regrading is about to be repeated, and once again millions of unsuspecting consumers will be ripped off. The existing grades should not be weakened any further. By disrupting the marketing system, fueling consumer distrust, and aggravating inflation, the beef grading standards which USDA has proposed would make everyone—from the cattlemen to purveyors to restaurants to shoppers—a loser.●

BILL GREEN PRAISES LARGEST ORTHOPAEDIC HOSPITAL FOR 75 YEARS OF SERVICE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. GREEN. Mr. Speaker, I would like to share with my colleagues in the House of Representatives a story of exceptional dedication and service that began 75 years ago in upper Manhattan, and is continuing today on the city's East Side.

During this year the Hospital for Joint Diseases Orthopaedic Institute, the largest orthopaedic specialty hospital in the United States, is celebrating its jubilee year of service to four generations of New Yorkers, and the world.

Founded in 1906 by a distinguished surgeon, Dr. Henry W. Frauenthal, it started as a seven-bed facility, dedicated to improving the lives of those who suffered from orthopaedic and rheumatology disorders.

Today, it is acclaimed as one of the finest such facilities in the world for treatment of these highly prevalent dysfunctions.

I invite my colleagues, and others who love art, to visit the Hospital for Joint Diseases Orthopaedic Institute, to observe a truly unique medical treatment plan in action. It is called "Art for Health," and makes use of original works of art from such artists as Rauschenberg, Dali, Rosenquist, Picasso, Chagall, Kadishman and others, to motivate patients to begin walking much sooner than normal following surgery. It accomplishes this by encouraging the patients to move through the hospital corridors to see, discuss, and experience a museum of contemporary art. Actually, the hospital has created one of the largest museums in the world with 4 miles of corridors devoted to this art program. In many cases, this imaginative and innovative medical program is said to be helping patients return to their homes and work much earlier than normally expected in the past.

This art for health program is one part of the institute's new occupational and industrial orthopaedic center. This center addresses the exceptional challenge of reducing chronic absenteeism in industry. Figures compiled by researchers at Yale University disclose that some 20 million Americans suffer from some form of musculoskeletal impairment, at an annual cost to business and industry of $20 billion.

Mr. Speaker, I believe that the residents of the East Side feel that this nonprofit, voluntary hospital is a great asset to New York City and our society. And, under the financial guidance of George M. Jaffin, it expects to continue to expand its services.

An evidence of this widespread support for its aims and services, a newly formed associates council, composed of 100 young leaders in finance, business, banking, and real estate, is pledged to keeping the Hospital for Joint Diseases Orthopaedic Institute a leader in modern orthopaedic technology. I know we all applaud their actions.

I ask my colleagues to join me in recognition of the goals of the Hospital for Joint Diseases Orthopaedic Institute as it enters the last quarter of its first century of service to those who suffer from orthopaedic and rheumatology maladies.●

INDEPENDENT CONTRACTOR TAX STATUS CLARIFICATION ACT OF 1982

HON. RICHARD A. CEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. GEPHARDT. Mr. Speaker, today I am again introducing legislation that would clarify the tax status of independent contractors. It is my hope that this proposal will end a long-standing dispute between millions of taxpayers and the Internal Revenue Service. The expiration of a freeze on action in this area at the end of June and the Ways and Means Select Revenue Subcommittee's decision to hold hearings on the issue later this month suggest we may finally get some action in this area.

There are lots of independent contractors in America. They range from housewives who sell cosmetics to neighbors in their spare time to loggers and real estate and insurance salesmen. They are not employees in that they have a wide leeway in their working habits and a wide variation in earnings independent of any organization they may be affiliated with. Over the years there has been extensive debate about how precisely an independent contractor is defined by the IRS. There have even been regulatory attempts that could destroy large segments of this industry.

My legislation would end this dispute by creating a simple 5-year test to determine whether a person truly was an independent contractor or not.

A radio commentator made a good case for such reform in 1978 when he said:

> It's time that Congress told the IRS, loud and clear, that the independent small contractor is a vital part of America. They cannot survive if, in addition to the risks of the economy, they are harassed into insolvency by an IRS determined to make them pay the taxes of others with whom they contract, as well as their own.

In the past 4 years that argument has become even more compelling. The commentator who made it is now our President. This gives me hope that we will finally solve this thorny problem.●

CLAUDE PEPPER: THE SOUTHERN LIBERAL IN RONALD REAGAN'S COURT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. LEHMAN. Mr. Speaker, CLAUDE PEPPER is a much admired and beloved Member of this body. He is a living lesson in American history, as all of us who heard him speak in honor of Franklin D. Roosevelt are well aware. His Senate career alone has secured him a place of high esteem in our history books. Yet, he has shown that he is not content to rest on his laurels. His energetic leadership in the struggle to end discrimination against older Americans and improve the quality of their lives has made him a hero to senior citizens across the country.

Florida Trend magazine recently published an excellent article about CLAUDE PEPPER that I believe my colleagues will find timely and interesting.

The article follows:

CLAUDE PEPPER: THE SOUTHERN LIBERAL IN RONALD REAGAN'S COURT

(By Rudy Abramson)

He is 81 now, the oldest member of the Congress, an unrepentant New Dealer in a capital held by conservative Republicans and young "boll weevil" Democrats who see the world in an altogether different perspective than the "old gentleman" from Miami.

He was swept into the Senate at Franklin Roosevelt's high tide—his campaign amounted to a Florida referendum on the New Deal—and he was swept away by the riptide of McCarthyism 14 years later.

That should have been the last the nation's capital ever heard of Claude Denson Pepper, but here he is 45 years after he was first elected to the Senate, and 18 years after his sheer stubbornness got him started on a long career in the House when his contemporaries were making serious plans to retire.

Here he is, twin hearing aids, bifocals, hair piece and all, pounding the halls of Congress, leading a cause which some forecasters—including himself—believe will turn into America's most significant social movement of the 1980s: emergence of the elderly as a massive political force. Apparently, he is indestructible, for he has survived open heart surgery, the death of his wife and closest ally and dangerous political currents, all with his abilities undiminished.

Now he is out to expose and stamp out "ageism" in America. To him, a national revolt against age discrimination is as inevitable as the civil rights crusade of the 1960s or women's demands for equality in the 1970s.

Because he is as old as he is and because of his hard-headed refusal to be set on the sidelines, Pepper has accumulated a national constituency of the elderly, receiving as many as 800 letters a week, and more than that in times when older Americans feel trouble is brewing—as they recently did when President Reagan's budget cutters eyed the Social Security system. So many look to Pepper, in fact, that he has started a syndicated "Dear Claude" newspaper column to communicate with his people beyond Florida's 14th Congressional District.

Pepper does not dispense much psychosexual advice or comment on delicate matters of etiquette. His constituents want to know:

"Is surgery especially dangerous for an older person?"

"I read so many stories about the Social Security fund being broke. Will there be anything left when I retire in six years?"

"I feel that I have many good years left and would like to do something that would contribute to the lives of the other people. Do you have any suggestions?"

"I need eyeglasses but am told that Medicare does not cover them. Is there any place I can go for this help?"

His followers troop into his office from all over the country, considering him as much their own congressman as if he came from their own states.

Catching him, however, isn't easy. He maintains a faster pace than many of the upstarts who weren't even born when he first came to Congress, speaking around the country, flying back and forth to Florida, stepping along the corridors between his office and the House chamber, routinely putting in 12 or 15 hours a day.

And, though it is hard to picture the elderly marching in the streets, Pepper is bringing an unmistakable touch of militancy to the subject of "elderly rights." "There is nothing in the Declaration of Independence or the laws of this country," he maintains, "that gives a younger man the right to say, 'Get out of my way, I want your job.'"

At a hearing he chaired on his 81st birthday, he observed, as he often does, that only 5% of the nation's population was over 65 the year he was born on a tenant farm at Dudleyville, Alabama. The figure is now 11%. In Florida it is 18%, and within a half century, it will surpass 20% nationwide.

The country is growing old faster than it realizes, but the elderly are still subject to discrimination every day, "a discrimination on account of age," Pepper says, "which is just as wrong as racism or sexism or any other form of discrimination."

It is insidious, creeping even into medical care, where, he claims, some doctors take the view, "let them die; they are going to die of something anyway."

"That," thunders Pepper the way he used to thunder on the floor of the Senate, "is no way to treat human beings!"

He is a steadily flowing fountain of statistics showing that the "golden years" are not really very "golden" for huge numbers of elderly Americans: A sixth of the population over 65—four million people—have incomes below the officially defined poverty level, 60% of the elderly are primarily dependent upon Social Security payments for a livelihood and only one in five is covered by a private pension plan.

The House Select Committee on Aging, which Pepper chairs, is a "select committee" without legislative authority, but Pepper has adroitly used it to investigate, educate and put the problems of the elderly on display before the nation's news media. It is a forum where the age of admission is 65, the base where Pepper lobbied for his most satisfying piece of legislation—a law that abolished the mandatory retirement age of 65 for government employees and moved from 65 to 70 the age at which employees may be retired in private business. Now he is talking of another step, removing age altogether as grounds for forced retirement.

For legalistic reasons, Pepper has not formally declared that he will seek an eleventh term in the House this year. But he does intend to run again, and to keep on running as long as he feels he is getting the job done for the 14th District and for the nation's elderly.

If the Democrats manage to hold onto a majority in the House Pepper could become one of its most powerful members. In fact, with the announcement last summer that Rep. Richard Bolling (D-Mo.) would retire at the end of his present term, Pepper, in all likelihood could become chairman of the Rules Committee, a powerful chair which oversees what matters reach the House floor and under what circumstances. It will give Pepper an unusual opportunity to aggressively push his favorite legislation, but it would mean giving up the chair on the Select Committee on Aging. So far, Pepper says he hasn't even considered what he would do if faced with that tough choice.

Such developments sometimes make the old New Dealer wonder whether his career (some would say his "strange" career) has been under the influence of some force greater than politics. Pepper is, after all, one of the truly historic figures serving in Congress today, perhaps the only such person in the House.

Pepper arrived in Washington after a special election in 1936 to replace Sen. Duncan Fletcher, who died in office. His first speech on the Senate floor was a rousing defense of FDR and the New Deal and an admonishment of fellow Democrats who were wavering in their support of the administration. Drew Pearson called the young senator's oration "one of the greatest of its kind ever heard in the Senate chamber," and it established Pepper as one of the "comers" within the Democratic ranks.

Even though he would be reelected in 1938 and 1944, his liberalism started building opposition for him quickly. His political ideas were far ahead of the political establishment in Florida.

Two years after arriving in Washington, Pepper was cosponsoring national health insurance. He supported civil rights, abolition of the poll tax, the minimum wage and old age pensions. He infuriated "isolationists" before the outbreak of World War II. Then, after the war, after a visit to the Soviet Union and a meeting with Josef Stalin, Pepper announced that the USSR had expansionist ambitions and he actively supported disarmament. Opposition to his views grew.

In 1948, with the Democratic Party seriously divided on a presidential candidate, Pepper flirted with support for Henry Wallace before finally coming home to Harry S. Truman. His loyalty to the party mainstream was questioned.

By 1950 the flames of anti-Communism were crackling, and Sen. Joseph McCarthy of Wisconsin was fanning them. Claude Pepper was being called "Red" Pepper. Racists called him "nigger lover." No less a civil libertarian then Ralph McGill, the legendary Atlanta newspaper editor, branded him a "spellbinding pinko," a comment McGill later regretted and for which he offered Claude Pepper an apology. But by then it was too late. Pepper was vulnerable; he had too many powerful enemies, not the least of whom was Ed Ball, who controlled the vast duPont holdings in Florida.

When Ball formed a coalition with George Smathers, backing Smathers in the race for the seat Pepper held, Claude Pepper's political career in the Senate was doomed. The Smathers victory that year forced Pepper out of the Senate just when he was getting enough seniority to exert an influence. The campaign was one of the ugliest in modern American politics, and it made Pepper something of a martyr to liberals for years afterwards. If he had never returned to Washington, he would have been remembered by liberals for that campaign alone.

Having gone through what he did in 1950, having had a second career as a lawyer and a third career in the House of Representatives, Pepper looks at politics in perspective. He has not yet conceded what the pundits have been saying since last November, that the conservative landslide was a political landmark, representing a fundamental change in the country's politics.

In the long sweep of Claude Pepper's memory, Republican control of Congress in the 1950s was brief. The 1950 Senate elections were a disaster for the Democrats, too. Not only did Pepper lose; so did the Senate majority leader, the Senate majority whip, the chairman of the Armed Services Committee, the chairman of the Education and Labor Committee and several others.

Pepper was sworn into the House of Representatives in January 1963. People still called him "Senator," not because he had been a Senator, but because that had been his nickname ever since Harvard law school when a U.S. Senate seat was his ultimate goal in life. They still call him "Senator" today, some out of habit, some out of respect.

"I loved the Senate," he told Florida Trend recently, "and I hated to be knocked out under circumstances like that. I have often thought about it. If I had stayed in the Senate, I would have been president pro tempore, and chairman of the Foreign Relations Committee, probably longer than anybody else in the history of the country."

Regardless of that defeat, Pepper's office is filled with mementos from all three of his careers, including letters from Dwight Eisenhower, Winston Churchill and Franklin Roosevelt. There are paintings by his wife Mildred, and somewhere he has an effigy of himself, hanged once on the Capitol grounds by isolationists who thought the Florida Senator was helping push the country toward war.

Through the years, Pepper's district has dramatically changed since he was first elected to the House. Pepper has changed, too. No longer does he run using a "liberal" label.

"The liberal," Pepper explains, "is simply a fellow who has an appreciation of humanitarian values in our society. He is not unaware of the need for productivity in the economy. He knows very well that there must be a productive economy in order to maintain programs of social value. He wants the whole nation to be strong in terms of security; he wants it to be prosperous. He wants private enterprise to be successful so that it can, through taxes and contributions, lift those who are less fortunate to walk on higher ground."

But Pepper's perception of the balance between social good and economic necessity is vastly different from that of Ronald

Reagan, a man the Congressman has never met.

Two days before the President went on television last September to tell the nation the federal budget had to be cut another 13 percent, Pepper was in Puerto Rico holding hearings on the impact of the already announced budget cuts upon the elderly.

His reaction to the cuts and the resulting decreases in social programs was predictable. When government makes those cuts, industry has to make up the difference or the programs have to be cut back too, as Pepper sees it, and that causes social dislocations which are traumatic and often sad.

"The elderly needy, the elderly sick and the elderly who need housing are going to be on our doorsteps and on our consciences, and we won't be able to help them," he maintains.

"That situation," Pepper said," is going to be repeated to some extent all over the country. It is being reflected in Dade County where the city of Miami and the county both had to cut budgets. The crippled and the elderly came in begging for transportation, and a lot of taxpayers jeered them. This is what we are facing. We are going to have a chaotic situation all over the country once these cuts go into effect."

Pepper has an agenda of his own, however, and mere budget cuts are a small worry. Fighting age discrimination is at the top of it. "I want to obliterate age as a criterion for employment," he explains. In addition, he has already introduced legislation designed to stabilize the embattled Social Security system, to expand Medicare coverage to include glasses, hearing aids and dentures and to reform the pension system of corporate America.

"In a democracy, we have moral obligations," he said recently. "President Roosevelt believed that, and I believe it. The federal government has a proper place, a duty to look after the needs of the people of this country. This administration is ignoring humanitarian demands arising from the people of this country."

And, he adds darkly, "They are going to pay the price for it."●

TECHNOLOGY GAP

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. SKELTON. Mr. Speaker, today I am introducing legislation to establish a National Commission on Science and Engineering Education. The purpose of this Commission will be to combine the efforts of the educational community, the private sector, and the Government in defining the scope of science and engineering education problems in the United States; evaluating the impact of these problems on our national defense, industry, research, and the schools; and in formulating actions which can be taken by these various sectors to resolve these problems.

Mr. Speaker, at my request the Library of Congress has recently issued a report on the status of science and engineering education in the United States and the effect predicted deficiencies in this area will have on the Armed Forces and the Department of Defense. Shockingly, the report reveals major problems ahead in meeting this country's needs for scientists and engineers. If this situation is not recognized now, and addressed head on, we are going to find the United States in a "Technology Gap" that is far more serious than the "Sputnik Gap" of the 1950's.

A shortage of trained technical personnel has particularly serious implications for our defense posture. U.S. ships, planes, and tanks have become increasingly more sophisticated and reliant on high technology. Yet the Air Force predicts a 114,000 total shortfall of engineers over the next 10 years. This presents a real national security risk.

In addition, our national economic superiority could be jeopardized. One of the most important reasons behind our national success has been the technological edge which we have maintained over our international neighbors. This edge will evaporate rapidly if we do not have scientists and engineers to provide us with advances in agriculture and industry.

The Government is not going to be able to resolve this problem without the combined efforts of the educational community and the private sector. This legislation will bring these people together for the first time and give some coordination to efforts toward resolving this threatening problem. I urge my colleagues to join me as cosponsors of this important legislation.●

LEGISLATIVE-VETO ISSUE: WILL IT END IN A LOGJAM?

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. LEVITAS. Mr. Speaker, as the ranks of those who support giving Congress the right to veto rules and regulations promulgated by executive branch and independent agencies continues to grow, I was gratified to see an article by the distinguished political scientist, James Sundquist, of the Brookings Institution, explaining the important policy and pragmatic reasons for it.

In his article which appeared in the Los Angeles Times, on February 26, 1982, Sundquist recognizes the legislative veto as workable policy, which is practical and appropriate in establishing the balance of power between the executive and legislative branches of our Government. As Sundquist notes, the legislative veto device has served the country well as a way to break the logjams which occur between the branches.

If the Supreme Court strikes down the legislative veto as unconstitutional, as the administration advocates, Sundquist points out that the impact on our government will be dramatic, and the executive branch will be the one to lose out. The ability of Congress to oversee executive branch actions and thus the willingness of Congress to delegate power to the executive branch would be dealt a severe blow. To maintain its responsibility for making the laws of this country, Congress would be forced to resort to other more cumbersome and burdensome mechanisms of overseeing the executive branch. The end result would be a great logjam.

At this point, I would like to enter the article by James Sundquist in the RECORD. His analysis of the legislative veto should be considered by all who are interested in good government.

[From the Los Angeles Times, Feb. 26, 1982]

LEGISLATIVE-VETO ISSUE: WILL IT END IN A LOGJAM?

(By James L. Sundquist)

A constitutional dispute a half-century old appears finally headed for resolution by the U.S. Supreme Court, with profound implication for the practical conduct of government. At issue is a device invented in 1932 to enable Congress to delegate power to the President or to agencies of the executive branch, yet reserve the right to veto actions taken under the executive power.

Critics of the legislative veto contend that it permits Congress to meddle in the administration of laws, exerting improper influence and authority over decisions that should belong exclusively to the executive. They can make a strong case, but it overlooks a practical reality. If Congress is not permitted to veto actions taken under delegated powers, it can simply refuse to delegate the powers in the first place. It can retain the decision-making authority, to be exercised through statute, but that will further clog the overloaded congressional calendar and result in delays and deadlocks on matters that urgently require action.

The specific case before the court arises from a ruling by the 9th Circuit Court of Appeals in San Francisco a year ago that struck down a legislative-veto provision in the statute regulating the deportation of aliens. Late last month, the Circuit Court for the District of Columbia rendered a much broader decision in a natural-gas-pricing case, appearing to outlaw the legislative veto in all forms and circumstances as a violation of the separation-of-powers doctrine of the Constitution. If the Supreme Court upholds that position, the veto provision in about 200 statutes will be invalid.

The veto came into being as a compromise in 1932, when Congress was unwilling to give President Herbert Hoover a free hand to reorganize government bureaus, yet could not do the job itself. Its solution was to authorize the President to issue reorganization orders provided that the House or the Senate could disapprove any such order within 60 days. Although Hoover signed the bill, his attorney general concluded a few months later that the arrangement was unconstitutional and a bad precedent. The

Justice Department has stuck by that position ever since, sometimes (as, notably, in the Carter Administration) while the President was acquiescing in, or even advocating, legislative-veto provisions as the way to break legislative logjams.

How will those logjams be broken in the future if the legislative veto is outlawed? Certainly in many cases the executive branch will not gain power but will be the loser. Reorganization of the government is a case in point. Congress will be no more willing to trust President Reagan or any future President to recast the governmental structure on his own than it was willing to trust Hoover. Every reorganization will have to be achieved through a congressional act, and few that are controversial are likely to become law.

In the War Powers Resolution of 1973, the legislative veto was the key to settling an even older and more urgent constitutional issue, over who has the power to involve the United States in war. Congress was again reluctant, and understandably so, to give the President carte blanche to use military forces anywhere in the world solely at his own discretion. Yet it recognized that sometimes the President has to act in crises, immediately and forcefully. The artfully crafted compromise that was adopted—over President Richard M. Nixon's veto—authorized the President to respond to emergencies with military force, but gave Congress the right to reverse the President's decision.

In the Impoundment Control Act of 1974, the President is prohibited from refusing to expend appropriated funds, but is allowed to defer expenditures, subject to a legislative veto. Without such a simplified procedure, every such action would have to go through the full legislative process. The result would inevitably be fewer deferrals—in other words, more spending.

Similarly with regulatory agencies. For Congress to have review veto power over rules and regulations can be pernicious, but without it the legislators can simply withold authority—telling the Federal Trade Commission, for example, to draft its regulations as proposed bills, to be enacted into law.

The list of cases could go on. But they all add up to this: If the executive branch finally wins its case against the legislative veto, it will live to regret its victory. Tension and conflict will increase within the government, many deadlocks between the branches will prove unbreakable, and problems that demand urgent attention will go unresolved.

The Supreme Court may hold that in interpreting the constitutional language it is not permitted to take practical considerations into account, although there are many occasions when it has done so. But the constitutional separation of powers surely introduces enough difficulties into the operation of the government already, without the addition of a new rigidity that would prevent statesmen from working out on a case-by-case basis the kind of power relationships that so far—on balance—have served the country well.●

DOUGLAS CORNELL

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Ms. OAKAR. Mr. Speaker, one of America's foremost journalists passed away last week. Douglas Cornell was noted for his journalistic integrity and skill in covering the White House. I offer my personal sympathy to his family including his devoted wife Helen Thomas. The following is an article which appeared in Sunday's Washington Post concerning Mr. Cornell:

DOUGLAS B. CORNELL, 75

Douglas B. Cornell, former White House reporter for the Associated Press and husband of UPI reporter Helen Thomas, died Saturday at the age of 75.

Mr. Cornell, who covered presidents from Franklin D. Roosevelt to Richard Nixon during his 36 years with AP, had been in failing health in recent years. He died in Detroit where he was being cared for by the parents of Thomas. He was hospitalized with pneumonia six weeks ago.

A native of St. Louis, Mo., Mr. Cornell spent his childhood in Falls City, Neb., where as a high school student he landed his first newspaper job at the Falls City Daily News. Mr. Cornell graduated from the University of Missouri School of Journalism in 1928. He worked at the Moberly (Mo.) Monitor-Index, the Des Moines (Iowa) Register, the United States Daily and the General Press Association before joining the AP in 1933.

As White House correspondent for the wire service, he worked in direct competition with his future wife, Helen Thomas. At his retirement party at the White House in 1971, then first lady Pat Nixon announced Mr. Cornell's engagement to Thomas. They were married soon afterward.

Mr. Cornell, who was a member of the Sigma Delta Chi Hall of Fame, also leaves a son from his first marriage, Douglas Cornell Jr. His first wife, Jenny died in 1966.●

IRA—INDIVIDUAL RETIREMENT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. COLLINS of Texas. Mr. Speaker, IRA's represent a major step forward in helping American people save. This is constructive because it means taxes will not overburden savings.

In the Dallas Morning News they wrote two pages in the business section regarding IRA's and what they provide in investment for retirement.

There are IRA financial institutions including banks, insurance companies, savings and loans, investment firms, and credit unions. There are questions such as the amount of return earned. Also you are buying a fixed guaranteed return or a variable return. There are different lengths of time for certificates. There is also the issue of whether funds are compounded daily, monthly, or annually.

But as I read the report, I noted with particular interest a chart that was prepared by the Christian Science Monitor. The Monitor raises the question of what today's $100,000 will be worth in the future. They compared the annual rate of inflation from 6 percent up through 14 percent. Then they reviewed the money erosion over a 25-year period. For instance, $100,000 with an 8-percent rate of inflation would be worth only $14,602 in 25 years.

Let us take an annual rate of inflation of 12 percent, which would be anticipated with the big government spending we now have. Then let us assume that 6 percent of this goes for taxes. Now if you receive 12 percent interest on your $100,000 and 6 percent of it is paid for taxes, this means that with inflation, even with earnings, your money would only be worth $23,000 in 25 years. Our country has too much inflation and too much taxes. It all goes back to one basic subject—America has more government than we need and more taxes than America can afford to pay.

Below is the Christian Science Monitor chart that was published in the Dallas Morning News.

WHAT TODAY'S $100,000 WILL BE WORTH

Annual rate of inflation	Today	In 5 years	In 15 years	In 25 years
6 percent	$100,000	$74,726	$41,727	$23,300
8 percent	100,000	68,058	31,524	14,602
10 percent	100,000	62,092	23,939	9,230
12 percent	100,000	56,743	18,270	5,882
14 percent	100,000	51,937	14,010	3,779

Source: Christian Science Monitor ●

THE 100TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH, OF FRESNO, CALIF.

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. PASHAYAN. Mr. Speaker, next week the First Baptist Church of Fresno, Calif., will be celebrating its 100th anniversary of service in a community that had been established just 7 years earlier.

It was on March 18, 1982, when the First Baptist Church was organized in Fresno, and its congregation began meeting in the Good Templar's Hall. By year's end the church had its first pastor, its first candidate for baptism, and a membership nearing 50 individuals.

Three years later the congregation had nearly doubled and on June 18, 1885, dedicated its first church building in what today is downtown Fresno. The next decade and a half was not an easy period for the congregation as fires claimed both a chapel and sanctuary.

At the beginning of this century, also on March 18, the First Baptist Church of Fresno dedicated its new building, made of bricks, and it was to remain the church home for the next 52 years.

Prompted by growth of the downtown area, the church moved to its current home in September 1953 and continued to grow until today it has a congregation exceeding 1,200.

Now, as the church and its congregation begin a week-long centennial celebration on March 13, I should like to invite the attention of my colleagues and ask them to join with me in saluting this historic event.●

INCENTIVE PAY AMENDMENTS OF 1982

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. WOLF. Mr. Speaker, in an effort to restore a measure of equity to the pay process for midlevel managers and supervisors in the Federal Government, GS-13 through GS-15, I am introducing legislation which will once again provide for the full annual pay adjustment and step pay increases to these employees. In addition, performance bonuses will be awarded if they earn them.

This is very similar to the prevailing pay practices with large firms in the private sector.

The Civil Service Reform Act, Public Law 95-454, established a merit pay system for managers and supervisors in grades 13 through 15. Under this system, within-grade increases were eliminated for this group, and the annual comparability pay raise was limited to one-half of the increase other Federal employees receive. This group would then earn pay increases strictly on the basis of performance. This system—called merit pay—was designed to encourage superior service in return for higher pay.

This is a good concept. However, the merit pay system developed under this concept has not worked as planned. And, I don't believe it can.

Instead, I am proposing that all employees in grades GS-13 through GS-15, not just managers and supervisors, receive full comparability and step increases. In the private sector, these pay adjustments are given for satisfactory service and are often referred to as cost-of-living and longevity raises, respectively. For performance above this level, a bonus pay system would be established.

Under this system, those employees who truly excel will enjoy a pay bonus commensurate with their efforts.

I believe that this bill will contribute to the effective management of our Federal personnel. Good government and proper management of Government personnel will benefit all.

I insert the text of my bill as well as a section-by-section analysis at this point in the RECORD:

SECTION-BY-SECTION ANALYSIS

The first section of the draft bill cites the short title of this bill as the "Incentive Pay Amendments of 1982".

The second section of the draft bill consists of amendments to chapter 54 to title 5, United States Code. This section replaces the former Merit Pay System with a new Bonus Performance System. Under the former Merit Pay System, supervisors and management employees in grades GS-13 through GS-15 were eligible for pay increases based on performance. In addition, they received half of the amount of annual pay adjustments. The new Performance Bonus System continues to peg pay increases to performance but restores full comparability annual pay raises and quality step increases to all employees in grades GS-13 through GS-15.

Subsection (a) of Section 5401 sets forth the purpose of the performance bonus system. It shall recognize and reward quality performance by varying performance bonuses; and use performance appraisals as the basis for determining performance bonuses; provide for training to improve objectivity and fairness in the evaluation of performance, and regulate the cost of performance bonuses by establishing appropriate control techniques.

Subsection (b) makes the bonus performance system apply to any person in GS-13, 14 and 15 of the General Schedule (Section 5104 of title 5).

Subsection (a) of 5402 (Performance Bonus System) establishes a performance bonus system. Bonuses shall range in amount based on level of performance. The minimum bonus shall be 2% of an employees' annual salary, and the maximum bonus shall not exceed $10,000.

Subsection (b)(1) provides for the Office of Personnel Management to issue regulations permitting the head of each agency to make an annual performance bonus to any covered employee.

Subsection (b)(2) provides that any award shall be in a lump sum payment, and shall be in addition to basic pay.

Subsection (b)(3) states that an individual performance bonus shall take into account individual performance and may take into account organizational accomplishment. Factors to be considered are improvement in efficiency, productivity, and quality of work or service, including any significant reduction in paperwork. Other considerations include cost efficiency, timeliness of performance, and other indications of effectiveness.

Subsection (b)(3)(C) & (D) state the head of an agency shall establish procedures under which a review of the bonuses may be undertaken.

Subsection (c) stipulates that acceptance of a bonus constitutes an agreement that the use by the Government of an idea, method, or device for which the bonus is made does not form the basis of any nature against the Government by the employee accepting the bonus, or the employee's heirs or assigns.

Subsection (a) of section 5403 (Availability of Funds) provides that the Office of Personnel Management shall estimate at the beginning of each year the amount of funds available for performance bonuses. The funds available for this purpose shall reflect the quality step increases which OPM certifies to have been paid under subchapter III of chapter 53 of title 5 during the fiscal year to the employees of the agency covered under this chapter if the employees were not so covered. Also, incentive awards which OPM certifies to have been paid under chapter 45 of title 5 during the fiscal year to the employees of the agency covered under this chapter if the employees were not so covered.

Subsection (b) states that funds available for bonus awards shall not be less than the amount estimated by the OPM as necessary for providing bonuses at the minimum award level.

Subsection (c) provides that the OPM shall prescribe regulations for the allocation of funds for performance bonuses.

Section 3 makes technical and conforming changes to title 5, USC, including an amendment to section 5332(a) which restores full compatibility to managers and supervisor in grades GS-13 through GS-15.

Subsection (b) provides that the pay of any employee shall not be reduced because of this Act during the 1 year period following the effective date.

H.R. 5743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Incentive Pay Amendments of 1982".

FEDERAL EMPLOYEE PERFORMANCE BONUSES

SEC. 2. Chapter 54 of title 5, United States Code, is amended to read as follows:

"CHAPTER 54—PERFORMANCE BONUSES

"Sec.
"5401. Purpose.
"5402. Performance bonus system.
"5403. Availability of funds.
"5404. Regulations.

"§ 5401. Purpose

"(a) It is the purpose of this chapter to provide for a performance bonus system which shall—

"(1) within available funds, recognize and reward quality performance by varying performance bonuses;

"(2) use performance appraisals as the basis for determining performance bonuses;

"(3) within available funds, provide for training to improve objectivity and fairness in the evaluation of performance; and

"(4) regulate the costs of performance bonuses by establishing appropriate control techniques.

"(b) This chapter shall apply to any person who is in a position which is in GS-13, 14, or 15 of the General Schedule described in section 5104 of this title.

"§ 5402. Performance bonus system

"(a)(1) In accordance with the purpose set forth in section 5401(a)(1) of this title, the Office of Personnel Management shall establish a performance bonus system.

"(2) Bonuses under such system shall range in amount based on the respective levels of performance for which the bonuses are awarded. In establishing the various bonus levels—

"(A) the minimum bonus, in the case of any employee, shall be an amount equal to 2 percent of the employee's annual rate of basic pay; and

"(B) the maximum bonus shall not exceed $10,000.

"(b)(1) Under regulations prescribed by the Office, the head of each agency may award an annual performance bonus for any employee covered under this chapter.

"(2) Any bonus under this section shall be paid in a lump-sum payment, and shall be in addition to the employees' basic pay paid under subchapter III of chapter 53 of this title. Such bonuses shall not be considered to be an equivalent increase in pay for purposes of section 5335 of this title.

"(3) Determinations to award performance bonuses under this section—

"(A) shall take into account individual performance,

"(B) may take into account organizational accomplishment, and

"(C) shall be based on factors such as—

"(i) any improvement in efficiency, productivity, and quality of work or service, including any significant reduction in paperwork;

"(ii) cost efficiency;

"(iii) timeliness of performance; and

"(iv) other indications of the effectiveness, productivity, and quality of performance of the employee or other employees for whom the employee is responsible;

"(C) shall be subject to review only in accordance with and to the extent provided by procedures established by the head of the agency; and

"(D) shall be in accordance with regulations issued by the Office which relate to the distribution of bonuses authorized under this section, including the relative distribution between (i) supervisors and mangement officials (as defined in paragraphs (10) and (11) of section 7103 of this title) and (ii) other categories of employees covered by this chapter.

"(c) Acceptance of a bonus under this section constitutes an agreement that the use by the Government of any idea, method, or device for which the bonus is made does not form the basis of any claim of any nature against the Government by the employee accepting the bonus, or the employee's heirs or assigns.

"§ 5403. Availability of funds

"(a) Subject to subsection (b) of this section, the funds available for the purpose of this chapter to the head of any agency for any fiscal year shall be determined before the beginning of the fiscal year by the Office of Personnel Management on the basis of the amount estimated by the Office to be necessary to reflect—

"(1) quality step-increases which the Office certifies as likely to have been paid under subchapter III of chapter 53 of this title during the fiscal year to the employees of the agency covered under this chapter if the employees were not so covered; and

"(2) incentive awards which the Office certifies as to likely to have been paid under subchapter I of chapter 45 of this title during the fiscal year to the employees of the agency covered under this chapter if the employees were not so covered.

"(b) Notwithstanding paragraphs (1) and (2) of subsection (a), the amount determined by the Office under subsection (a) for any fiscal year shall not be less than the amount estimated by the Office as necessary for providing bonuses during such fiscal year at the minimum level required under section 5402(a)(2)(A) of this title.

"(c) The funds available to agency heads under this chapter shall be allocated for purposes of performance bonuses in accordance with regulations prescribed by the Office of Personnel Management.

"§ 5404. Regulations

"The Office of Personnel Management shall prescribe regulations to carry out the purpose of this chapter.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 3. (a) Section 4501(2)(A) of title 5, United States Code, is amended by striking out "by the merit pay system established under section 5402 of this title" and inserting in lieu thereof "under chapter 54 of this title".

(b) Section 5332(a) of title 5, United States Code, is amended by striking ", except an employee covered by the merit pay system established under section 5402 of this title,".

(c) Section 5334(c)(2) of title 5, United States Code, is amended by striking out ", or for an employee appointed to a position covered by the merit pay system established under section 5402 of this title, any dollar amount,".

(d) Section 5334 of title 5, United States Code, is amended by striking out subsection (f).

(e) Section 5335(e) of title 5, United States Code, is amended by striking out "covered by the merit pay system established under section 5402 of this title, or,".

(f) Section 5336(c) of title 5, United States Code, is amended by striking out "by the merit pay system established under section 5402 of this title" and inserting in lieu thereof "under chapter 54 of this title".

(g) Section 5361(5) of title 5, United States Code, is amended by striking out the comma after "General Schedule" and inserting "or" in lieu thereof and by striking out ", or the merit pay system under section 5402 of this title".

(h) Section 5362(c)(3) of title 5, United States Code, is amended by striking out "merit pay system" and inserting in lieu thereof "performance bonus system".

(i) Section 5363(c)(2) of title 5, United States Code, is amended by striking out ", 53, or 54" and inserting in lieu thereof "or 53".

(j) Section 5948(g)(1)(C) of title 5, United States Code, is amended by striking out "relating to the Merit Pay System".

(k) The table of chapters for part III of title 5, United States Code, is amended by striking out the item relating to chapter 54 and inserting in lieu thereof:

"54. Performance Bonuses.................. 5401".

EFFECTIVE DATE; SAVINGS PROVISION

SEC. 4. (a) The amendments made by this Act shall take effect on the first day of the first applicable pay period which begins on or after October 1, 1982.

(b) During the 12-month period following such effective date, the pay of any employee shall not be reduced by reason of the amendments made by this Act.●

LASERS

HON. GREGORY W. CARMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. CARMAN. Mr. Speaker, the article in yesterday's Washington Post entitled "Soviets Reported Ready To Orbit Laser Weapons" causes me great concern.

The development of these weapons could provide a fundamental threat to our security. It is the duty of all of us in Congress as well as to the administration to assure that fully adequate preparations are made for the technological breakthrough. Our safety and freedom must not be dependent on the good will of the Soviet Union.

I am writing the Secretary of Defense to express my concern and to request his assurance that this potentially lethal threat to our security is being met. Since these weapons have the potential to dominate all others, this is not an area where risks can be taken. We must assure our security.

[From the Washington Post, Mar. 3, 1982]

SOVIETS REPORTED READY TO ORBIT LASER WEAPONS

(By George C. Wilson)

The Soviet military is well on its way to seizing the high ground of outer space, with the first big step, the likely deployment of lasers there as early as next year, the Pentagon's research director said in secret papers inadvertently made public.

While the space-based lasers pose an early threat to American satellites used for spying, communicating, navigating and guiding missiles, Richard D. DeLauer painted an even grimmer picture for the 1990s.

"We expect a large, permanent, manned orbital space complex to be operational by about 1990 . . . capable of effectively attacking . . . ground, sea and air targets from space," he told the House Armed Services Committee.

DeLauer's statement was supposed to have been kept secret, but Rep. Ken Kramer (R-Colo.) read it aloud last week during a public hearing, where it was tape-recorded by Walter Andrews of Army Times and published in that newspaper this week.

DeLauer's assessment represents a big advance over previous official assessments of Soviet preparations for space warfare, and threatens to add a new dimension to the arms race between the superpowers.

Efforts to negotiate a way out of anti-satellite weapons have not been successful to date, although the United States and the Soviet Union agreed in 1967 "not to place in orbit around the earth, install on the moon or any other celestial body or otherwise station in outer space nuclear or any other weapons of mass destruction."

The U.S. military has become increasingly dependent on satellites whirling around the earth to determine what weapons the Soviets have produced, to provide warnings of nuclear attack, to communicate from one part of the earth to another, to guide ships over the sea and missiles through the sky and to tell soldiers exactly where they are on the ground at any given moment.

If DeLauer is correct, all those satellites may be threatened by powerful beams of light shot from laser guns riding around in space, where there is no atmosphere to bend and weaken the destructive rays. However, he could be giving too much credit to Soviet technology.

Former defense secretary Harold Brown credited the Soviets with weapons that might knock out low-flying spy satellites, but not the ones that hang over the earth at an altitude of 23,000 miles.

Defense Secretary Caspar W. Weinberger has earmarked $218.3 million in the fiscal 1983 budget for space defense. He said, "We are assessing the technical feasibility of space-based laser weapons."

The Air Force is pursuing a number of weapons that could be shot into space to seek and destroy Soviet satellites. One idea is to rely on a collision, rather than explosives, to destroy the satellites, with iron shot and an umbrella of metal arms among the concepts.

"If our understanding of soviet space doctrine is correct," DeLauer said, "[it] will allow the Soviets to begin to place in orbit in the early 1990s systems capable of effectively attacking ground, sea and air targets from space." In other words, troops, ships and aircraft would be imperiled by Soviets looking down on them from their space ships, if DeLauer is correct.

The making public of DeLauer's estimates is almost certain to help build support for a bigger Pentagon space program, raising the question of whether the disclosure was purposeful. Reporter Andrews said last night that DeLauer had tried to dissuade the Times from printing his statements, saying that "it would not be a good idea."

A source at the committee, where Kramer read DeLauer's comments at a public hearing last Thursday, said the quotations from Andrews' tape were accurate. A committee staffer stopped Kramer before he had read the entire DeLauer statement on the Soviet space program.

Air Force Gen. B. L. Davis, commander of the Strategic Air Command, had told the committee the day before in public session that, unless the United States prepares to operate in space, "The Soviets will eventually be able to deny us use of space as a support medium and use it as a high ground to launch attacks on U.S. targets. If they should achieve superiority in space, they could well attain a decisive war-winning edge."●

COLORADO VIEWS THE REAGAN ADMINISTRATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mrs. SCHROEDER. Mr. Speaker, President Reagan appointed numerous Coloradans to his administration, their records so far, in my opinion, leave much to be desired.

The Colorado press, however, has not quieted its pens just because the State's sons and daughters fill the front ranks of the administration. Indeed, from their ranks I want to make my own appointments.

Daniel Lynch, columnist for the Rocky Mountain Business Journal, describes the Reagan policy in El Salvador as "stupid and self-defeating." I nominate Mr. Lynch for Secretary of State.

Bill Payne, publisher of the Colorado Labor Advocate, ridicules current conventional wisdom about giving up our basic industrial economy in exchange for a service economy. I nominate Mr. Payne for White House adviser.

A SYMBOL OF U.S. STUPIDITY

(By Daniel F. Lynch)

El Salvador is the symbol of what is wrong with the foreign policy of the Reagan Administration.

It has committed the prestige of the United States to a dubious cause in a situation where we have nothing to gain and everything to lose. It is a stupid and self-defeating policy which, if successful, will result in a permanent burden, (the permanent sustenance of our client government) and which, if unsuccessful, can only encourage successful Marxist revolutionary movements throughout Latin America.

I do not propose to discuss the relative merits of the contestants within that tragic country. From my view, it is not important what virtues, if any, attach to either side. The only fact which must be accepted to understand my point is that the issue is in doubt. We are not sure whether the current government, or some pro-American successor, will win, or whether the insurgents will overthrow the people we would prefer to deal with. That fact is evidenced not only by all reportage to emanate from the country, but also by the very fact that the Reagan Administration seeks a wider American involvement.

If the issue is in doubt, it is obvious that by participating we run the risk of losing. Obviously, if our initial efforts in favor of "our side" fail to gain it a victory, we must either accept failure or increase the level of our participation. If larger efforts fail, we must either swallow a defeat of increased significance or escalate still further. That is clearly the cycle we followed in Viet Nam. It is a cycle born of a commitment of prestige—a matter of face—and not something peculiar to the Asian locale of the earlier struggle. It can cleary happen again.

Even if one supposes that Reagan would not or could not commit American troops to combat to win a resolution in our favor, and that El Salvador would not, for that reason, be precisely another Viet Nam, every effort we do make in behalf of the government clearly increases the embarrassment of the United States which would attend a triumph of the rebels.

The first question which must be asked is simple: What do we have at stake in El Salvador?

The answer provided by the Reagan Administration is that El Salvador is a proving ground for Soviet and Cuban sponsored wars of national liberation in the Americas. If El Salvador falls it is said, Honduras is next, then Guatamala, and perhaps, then even Mexico. We picture the gradual encirclement of the U.S.A. by hostile Communist states.

Conceding such a possibility, does the Reagan policy make sense?

The answer is a resounding "No!"

The fact is that Communism is a failure as an economic system. Nowhere in the world has it met the expectations of the people who live under it. Although in many cases it has managed some significant social reforms—increasing literacy, reducing public corruption, stamping out such capitalist vices as organized prostitution and narcotics distribution—it has been unable to produce goods and services in quantities sufficient to maintain the hope and loyalty of its subjects. And, of course, it stifles and frustrates the natural desire of people for individual personal and political rights.

Communist dictators, as all others, whatever their ideological hue, will resort to violent force to prevent their overthrow. It is not easy for any people, once under such control, to overthrow it.

Yet, one thing is obvious. In all Eastern Europe, which has enjoyed the doubtful blessings of Communist government for nearly forty years, there is but one force which sustains the present regimes. That force is the Red Army. It has intervened directly in Poland, Hungary, Czechoslovakia and East Germany. It was the really credible force behind the puppet Polish army takeover of December, 1981. Without its menace, Eastern Europe would cleanse itself in a trice.

Its power is undisputed because Eastern Europe lies within the strategic penumbra of Russian power. Eastern Europe is close to Soviet Russia and far removed from the United States. Though we may empathize with the captive million of the Eastern Bloc, we dare not intervene because we lack the power successfully to oppose the Russian empire on its doorstep.

In this light, consider now the situation in Latin America. That region lies in our shadow. It is distant by thousands of miles from the Soviet Union. The United States has the military ability and has demonstrated the potitical will to exclude a significant Russian military presence from the hemisphere. Consider the reaction of the Kennedy Administration to the Soviet attempt to install missiles in Cuba.

Should the Cuban people undertake a genuine insurrection against Castro, the Russians would be as powerless to save him as we are powerless to upset their applecart in Poland.

Indeed, there is much reason to argue that our current policy toward Cuba encourages and perpetuates the Communist control of that country. By making Cuba an outlaw state, we have ensured its total dependence on the U.S.S.R. Does Cuba provide troops for Russian geopolitical adventures in Africa? How could it refuse when the very existence of its economy depends upon aid from the Soviets?

Consider what might happen if we would treat Cuba as we treat virtually every other Communist state. Suppose we traded with Cuba, buying cigars, rum, sugar and citrus fruits and selling needed American technical products. It is not true that such an association would create the possibility of some imdependence from Russian ukases?

Whether we trade or not, the system of management of the Cuban economy will guarantee a failure to gain real economic progress. That failure will result in Nicaragua or El Salvador or anywhere else such management gains control. Such failure will assure a change in those nations, a change which the Russians cannot prevent.

Meanwhile, every Soviet success in its effort to revolutionize the third world drains Moscow, as it is currently drained by Viet Nam, Afghanistan, Cuba and Poland.

Yet, like robots, we react against every Soviet initiative as though ours was the shrinking and fading system of the world.

and as though we can prevail only by prompt use of military force. The truth is that only our system shows some promise of continued viability. We are resilient. They are brittle. We have the capacity to endure. They must seek transient victories to paper over the proof of failure. We are strong. They are weak.

Our policy in Latin America should be clear and simple: First, we will not tolerate the establishment of foreign bases on American soil, and will fight to exclude them. Second, we will not interfere in the internal political affairs of any Latin American nation. Each people is sovereign, free to establish, maintain and overthrow whatever political, ecoonomic and social system it chooses too experiment with.

We might appropriately give extra nonmilitary aid and comfort to governments which attempt to succeed as democratic states. Yet, we ought to recognize every government with the juridical attributes of sovereignty and trade with all on terms favorable to ourselves.

Lincoln called the United States "the last best hope of Earth." He did not say this because he conceived our mission to convert the rest of the world. He saw us, in the Biblical sense as a "City set on a hill," a beacon and example for people everywhere to emulate, if they chose to do so.

The source of our power is in the success of our system, not in our willingness to use our military might.

Reagan is setting us up for a fall. It is a fall we need not take. By supporting a government widely viewed as murderous and oppressive, he puts us into symbolic alliance with all the despots who oppose both Communism and freedom. We become a right wing as opposed to a left wing force, leaving people the choice between two unacceptable alternatives. Our true mission is to embody a successful alternative to all despotism.

That is the reason we should get out of El Salvador.

LIMITED NUCLEAR WAR LIKE BEING A LITTLE PREGNANT—AIN'T NO WAY!

(By Bill Payne)

You know I don't claim to be the smartest man in the world but as I read the papers and watch the tube, I wonder what happened to just plain common sense. Especially amazing are the "superbrains" from Washington and other great places of power.

Did you happen to catch CBS's "Face the Nation" this last time? Well, there was good old Paul Volcker, Chairman of the Federal Reserve Board giving out with more Mickey Mouse answers than Walt Disney ever thought of (come to think of it, Washington is a kind of Disneyland) . . . without the rides! Anyhow, our whole money supply concept is wrong! They talk and talk about cheap money and high interest, well how in the heck do you keep interest rates down when the federal deficit keeps going up—and the biggest debtor is Uncle Sam!

Quick answer is to get the investment dollar back into plants that make products. Example, U.S. steelmakers can't make it because our plants are old. Following our "victory" over the Japanese and Germans in WW II, good old Uncle went in and built modern steel plants. Take away labor costs in all three countries, and their steel is still cheaper make because of plant efficiency!

Then there are those "think tanks" who keep coming up with those theories that America should have a "service oriented" economy because basic steel, autos, etc. can be made cheaper "over there"—which sounds swell, until you have to fight a war—then our computers hook into a world-wide circuitry and prints out bang in 200 languages!

Or those military pin heads both in and out of Congress and the Pentagon who keep trying to peddle the crazy concept of a limited nuclear war! Seems to this old veteran of the Pacific theater, that once fighting starts every weapon around will be used in the fray especially the side that is losing at the moment . . . maybe limited nuclear war is like being just a little bit pregnant . . . there just ain't no such thing!●

CONGRESSIONAL VIGIL FOR SOVIET JEWRY

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. SABO. Mr. Speaker, as a participant in the Congressional Vigil for Soviet Jewry, I would like to bring the plight of Soviet Jews to the attention of my colleagues and the American people. Since coming to Congress over 3 years ago, our efforts have not only been frustrated, but the predicament of Soviet Jewry has gotten much worse. It is, therefore, even more imperative today that we continue our vigil—helping to sustain the hope and courage of Jews who continue to face oppression and reminding the Soviets and the world that we are aware and we care.

Again this year I call your attention to the case of 71-year-old Abe Stolar, a retired translator from Moscow, his wife Gita, and their son Mikhail.

Abe Stolar's situation is unusual in one respect. He was born in Chicago, an American citizen. In 1931, following Stolar's graduation from high school, his parents took him to the Soviet Union, seeking work which could not be found during the Great Depression. Stolar never renounced his American citizenship and always carried a valid U.S. passport—until it was confiscated when he applied for an exit visa in 1974.

The Stolar family received exit visas in 1975, sold their apartment and shipped their belongings to Israel, where they hoped to join Abe's sister Eva. But as they were about to board the airplane leaving the Soviet Union, they were stopped. Their visas were rescinded on the pretext that Gita had been doing secret work in her job as a chemical engineer.

When they returned to Moscow, the local housing authority put them in an unfurnished apartment belonging to someone else. They continue to be faced with possible eviction. Since 1977 Abe Stolar and his family have lived without proper clothing, beds, and the documents essential for life in the Soviet Union. Only after continued fighting were their pensions returned. Stolar's rights as a disabled World War II veteran have been denied. The Soviets refuse to register his family as aliens with the right to live and work, and 22-year-old Mikhail has been denied his right to work or study since he was 16. They also refuse to make any statement as to why they are denying the Stolars their visas, even though Gita's former employer has certified that she participated in no secret work and it has been 9 years since she retired.

There are a multitude of other examples—documented cases of hardship, separated families, and persecution more severe than Abe Stolar's. The Helsinki Accords, which the Soviet Union signed, require respect for the rights of religious and ethnic groups. They also forbid governments from stopping people who want to emigrate and rejoin their families. The Soviet Union, however, increasingly ignores these agreements.

Recent evidence from the Soviet Union shows that diminishing numbers of Jews are being allowed to emigrate while the incidence and severity of discrimination against the Jewish population are growing. In 1979, 51,000 Jews were allowed to leave the Soviet Union. In 1980 this figure dropped to 21,000 and in 1981 it fell again to only 9,450. Every month since last August a new all-time low record of exit visas issued has been set, since emigration started 12 years ago. This trend continued in January with only 290 visas granted.

Today more and more Soviet Jews are trying to leave due to the rise in anti-Jewish activities and practices. The denial of equal rights persists and is increasing in education, employment, denial of religious and ethnic expression, and propaganda promoted in the media.

The plight of Soviet Jews is one for which all Americans share concern, since the search for freedom is the cornerstone of our Nation. We must continue to express our outrage and keep our vigil over this deplorable condition.●

JOHNIE COOKS, ALL-AMERICAN

HON. DAVID R. BOWEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. BOWEN. Mr. Speaker, last week I had the great pleasure and privilege of attending ceremonies in Leland, Miss., honoring an authentic all-American hero and constituent of mine, Johnie Cooks. Because I am so proud of Johnie, his hometown, and his alma mater, Mississippi State University, I want to share with you and with Johnie's many fans everywhere this special tribute to an extraordinary young man.

The Johnie Cooks story is one of heart-warming success both on and off the football field. It is about a quiet, small-town Delta boy who rose from humble beginnings to become one of the very best who ever played at Mississippi State. Equally important, it is also a story about strength of character and a remarkable gift for leadership.

Great achievers are often those who have struggled against and overcome great adversity. That is certainly true of Johnie Cooks. For example, in the opening game of his sophomore year, Johnie was responsible for 19 tackles of opposing ball carriers before he suffered a serious knee injury. He was forced to the sidelines for the remainder of that season and all of the next one as well. There was grave concern that Johnie Cooks might never play again.

We know, of course, and are all thankful, that Johnie did come back—in a way that earned him not only stardom but enormous respect for his courage and ability to inspire. Smart, tenacious defense has been the hallmark of winning football teams at Mississippi State in recent years, and Johnie Cooks, as middle linebacker and defensive signal caller, was always the key to its tremendous success. Personally, I will never forget Johnie's brilliant performance in Jackson 2 years ago, when he sparked his team to a bruising upset victory over then undefeated and top-ranked Alabama.

To no one's surprise, in 1981, his senior year, Johnie was a bona fide consensus choice for all-American, and he was also named the best defensive player in the tough Southeastern Conference. Fittingly, in his last collegiate game in a Bulldog uniform, Johnie once again led his team to victory as State defeated Kansas in the Hall of Fame Bowl, and Johnie walked away with still another trophy for outstanding defensive play.

Despite his newfound fame and fortune—Sport magazine calls him one of the 10 sure-fire picks in this year's upcoming pro draft—Johnie is still basically the same person who graduated in 1977 from Leland High School—humble, levelheaded, well liked, a good student. Hometown folks always know one best, and the huge overflow crowd which gathered to pay him tribute on February 25 demonstrated as nothing else could how richly deserving Johnie Cooks is.

Leland Progress editor Mac Gordon, whose knowledge of sports is matched by few writers anywhere, clearly understood why Johnie occupies first place in the hearts of local citizens, as well as Mississippi State coach Emory Bellard and his staff, teammates, alumni, and fans. In his weekly column run on "Johnie Cooks Day" and which I have had reprinted below, Mac also spoke for the millions of television viewers all across the country who saw and admired Johnie Cooks' unique brand of football.

Let me take this opportunity now to join with all those who know and appreciate Johnie Cooks in congratulating him on his exceptional career, and in wishing him a most successful life in the future.

The article follows:

JOHNIE GAVE IT ALL HE HAD

In the December 16, 1976 issue of the newspaper you're now reading, there was a story telling about a young Leland High School senior's decision to sign a football scholarship with Mississippi State University.

Johnie Cooks was quoted just once in that story. He said, "I'm really going to give it a try," referring to the adjustment from Delta Valley Conference football to Southeastern Conference football.

That, good friends and neighbors, has to rank as one of the great understatements of all time.

Johnie Cooks did more than just try. Five-plus years later, the young LHS senior-turned young man ranks as very possibly the greatest football player in the history of Mississippi State University. And a lot of Bulldogs have put on a lot of helmets in the time since Mississippi State played, and lost 21-0 to, Southern Baptist University one fall afternoon in 1895.

I don't know how many times I've heard it in the past year, this statement: "Mississippi State has never had a better football player than Johnie Cooks." If I've heard it once, I've heard it 300 times, and it has come not only from homefolks, but observers of the athletic scene far and wide. It's a mouthful of a statement in itself, but very likely a true one. And it has been said by all these people without hesitation.

We're honoring Johnie Cooks today for this perhaps unbelievable-to-some performance on the field, but we're also honoring Johnie Cooks for other deeds. Like just being himself and a credit to his community and to his family.

Johnie Cooks has not forgotten from where he came. Never did the opportunity present itself in the past two years, when John was earning every football honor imaginable, that he failed to tell the whole world that Leland, Mississippi, was his hometown. He wasn't very subtle about it either—"Hello, Leland, Mississippi" became his bywords, his trademark. Johnie Cooks has brought Leland a tractor-trailerload of publicity rivaled only by Christmas on Deer Creek, and you can write that down in your book and remember it.

The mutual admiration society between Johnie Cooks and his hometown is very real. It's something positive in a world of negatives, and it's as refreshing as a field of September cotton.

The fact that sticks out in my own mind about Johnie Cooks is that he simply was not satisfied with being average.

There are so many average athletes running around it would take four U.S. censuses to count 'em.

It is a great puzzle to me just how many athetes in this county, in this state, in this Delta could have been a Johnie Cooks, and, for one reason or another, wouldn't.

They wouldn't sacrifice. They wouldn't w-o-r-k. They wouldn't care about their school enough, or their teammates enough. They wouldn't stay up nights studying to keep themselves academically eligible. It is no small accomplishment that Johnie Cooks was always academically eligible. It is also no small accomplishment that come this spring, Johnie Cooks will leave Mississippi State University with a blue ribbon for football, and a diploma for the classroom.

Oh, there were skeptics, even here in the hometown. There are always skeptics. I wasn't around at the time, but I've been told that this statement was made more than once five years ago: "He'll never make it."

Butch Inmon, one of Johnie's high school mentors and one of his greatest admirers, says he'll never forget the night when a recruiter for another Mississippi school left a Leland High game at halftime. The man had come to observe Johnie Cooks. "He can't play in the Southeastern Conference,' said the recruiter.

Obviously, if there was a joke in that statement, it was on the recruiter.

How many "could have beens" are roaming the streets of Jackson, of Memphis, of Tupelo, of Leland? There must be hundreds of them, and they are of all sizes, shapes and colors.

It is so nice to add that Johnie Cooks is not among them. He's millions of miles away, but it's not a dreamland he's in. It's all very real. ●

HON. JOHN JARMAN

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. SYNAR. Mr. Speaker, I would like to take this means to express my deep sorrow at the passing away of former Oklahoma Congressman John Jarman.

Congressman Jarman served in the U.S. House of Representatives during the 82d Congress through the 94th. He was first elected 3 weeks after I was born, and I grew up not knowing an Oklahoma congressional delegation without him.

Oklahoma's small congressional delegations have traditionally observed an unwritten "division of labor" in which each member will develop an expertise in an area of importance to our State. I have inherited the seat John held on the Energy and Commerce Committee. In that seat I am coming to appreciate more and more the behind-the-scenes work John did for Oklahoma.

He represented Oklahoma City during a period of phenomenal growth. His service helped form that city's present status of leader in the energy industry.

The State of Oklahoma was well served by John Jarman's 26 years in the House, and I am sure that his service will be well remembered. ●

AFFIRMING THE PRINCIPLES OF UNITED STATES-CHINA NORMALIZATION

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. SOLARZ. Mr. Speaker, I learned today that on February 24 in Beijing, China, some people completely misrepresented the new United States immigration law granting a quota to people born in Taiwan as "an attempt to create two China's."

Anyone who knows the legislative history and intent of that law knows that the one and only purpose of that legislation was to right a wrong, to see that American citizens whose family members were born on Taiwan were not kept from being reunited because of the happy event of United States-China normalization.

The normalization of relations with China after decades where people in China could not apply for United States immigrant visas led to a sudden surge of Chinese applicants at Peking and Canton who stand at a high level of preference such that the number of immigrant visas for people born on Taiwan was being squeezed out and a big backlog was building. Since the U.S. Congress had already committed itself to guaranteeing that normalizing relations with China would not injure U.S. families who had migrated here from Taiwan, the Congress simply kept faith with its promise in passing the new statutes.

Since late in the 19th century, the U.S. record on excluding people from China from immigrating to our country is not one to be proud of. Some people might argue now that it is not fair to limit some 1 billion Chinese people to the same number of immigrant visas as little Belize. Surely the Chinese case has to be seen on its own unique merits. Surely even if we cannot right past wrongs, no injustice is done by this new expanded immigration visa situation.

Most important, in righting this wrong in American immigration law, I wanted to make certain that it would in no way infringe the principles of United States-China normalization. I made this intent clear to the Government of China and to the Members of Congress. Consequently, I drafted and redrafted the legislation to meet legitimate Chinese objections. And when a misunderstanding remained, I wrote to the Department of State to guarantee in writing that the new law would be interpreted in harmony with the principles set forth in the agreement on normalization between China and the United States. No reasonable person informed of the facts can contend that my goal was to create two Chinas. That is patently absurd.

The House Foreign Affairs Subcommittee on Asian and Pacific Affairs, which I chair, has made great efforts to contribute constructively to the full development of normal United States-China relations. I will continue to do so. I hope that ill-informed people will not again ignorantly suggest that the new U.S. immigration law in any way undermines those normalization principles and mutually beneficial United States-China relations to which I am deeply committed.●

CLINTON MAHAN FAIR

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. PERKINS. Mr. Speaker, I would be remiss in my duties as Chairman of the Committee on Education and Labor if I did not note in the proceedings of the House the passing on January 6 of Clinton Mahan Fair.

Clinton Fair was well and favorably known by many of us in this body as a legislative representative of the AFL-CIO for 15 years prior to his retirement in 1975. Earlier he had been assistant director of the AFL-CIO social security department from 1957 to 1960.

A great gentleman and a good friend, he made a useful and significant contribution to legislation affecting the welfare of his union members. He always had a firm grasp of the facts and the issues, and he used them to the benefit of the working men and women of America. It was always a pleasure to work with him.

Clinton made many friends on the Hill over the years, and I am genuinely sorry about his loss. He had been ill for the past 2 or 3 years and was 72 when death overtook him in his native town of St. Ignace, Mich.

Clinton Fair began his professional career as a history teacher in St. Ignace. During World War II he saw service as a lieutenant commander in the Navy in the Pacific and Mediterranean theaters of operations. He was a lifelong member of the American Federation of Teachers and was national secretary in 1957.

He served as legislative secretary to Governor G. Mennen Williams of Michigan from 1949 to 1951.

Clinton was a 1930 graduate of Eastern Michigan University and took a graduate degree from the University of Wisconsin in 1938.

Memorial services were held in St. Ignace.●

TRIBUTE TO RABBI BERNARD L. BERZON

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. SCHUMER. Mr. Speaker, it is with great pride that I rise to honor Rabbi Bernard L. Berzon, who after 43 years of service to Young Israel of Avenue K, Congregation Ahavath Israel, has announced his retirement. A man of rare quality, Rabbi Berzon's combination of intellect and charm make him an individual who has deeply touched the lives of those who know him.

Rabbi Berzon began his career serving the Jewish community in Bangor, Maine from 1935 to 1939, at which time he came to Young Israel of Avenue K. His list of accomplishments reflect his selfless generosity. From 1967 to 1969, he was president of the Rabbinical Alumni of Yeshiva University/Rabbi Issac Elchanan Theological Seminary and an executive member of the Rabbinical Board of Flatbush. From 1970 to 1972, he was president of the Rabbinical Council of America and from 1971 to 1973, he was vice president of the Religious Zionists of America. For his service and achievements, Rabbi Berzon is reknowned throughout the world rabbinate as well as within our community.

A multitalented man, Rabbi Berzon has written and published numerous articles on Jewish law. Gaining the accolades he so rightly deserves, Rabbi Berzon has received numerous awards from Yeshiva University, the Religious Zionists of America, the State of Israeli Bonds, the United Jewish Appeal, and the Jewish National Fund.

Viewed throughout the community as a warm and sincere man, Rabbi Berzon has served for 36 years as Jewish chaplain at Coney Island Hospital, until 1981. He remains active in the Boy Scouts of America; a long-time interest.

His loyalty and sensitivity, in addition to his finesse put Rabbi Berzon in "the foremost eyes of everyone," remarked one congregate.

In spite of the tireless energy with which he serves others, Rabbi Berzon still has time to be a model family man. He speaks proudly of his wife of 47 years, Sylvia, and their daughters Judith and Adina, and sons Chananya and Azarya, both of whom are rabbis. He is equally devoted to his 12 grandchildren.

I echo the sentiments of an entire congregation and community when I say Rabbi Berzon is a man who will be long remembered. He engenders the respect, admiration, and affection of all those with whom he comes in contact. Although saddened by his departure, our community views this not as the closing of one door, but as the opening of another. On behalf of the Congress and my constituents, I take this opportunity to wish Rabbi Berzon health and happiness on his Aliyah to Eretz Yisroel. A truly outstanding man, it is indeed an honor for us in Brooklyn to call him one of our own.●

OIL, OIL EVERYWHERE

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. BROWN of Colorado. Mr. Speaker, the Wall Street Journal recently pointed out in an editorial that the only synthetic fuel plants we need are the ones that make economic sense. As the Journal noted, the subsidies handed out by the U.S. Synthetic Fuels Corporation will crowd out other projects that have a more legitimate claim to credit. At the same time, the Synthetic Fuels Corporation's billions simply distort the already overburdened credit markets.

For those who are unfamiliar with the spectacular decline in world oil prices and the effect of this on synthetic fuels, I am reprinting below a commentary by Hobart Rowen in today's Washington Post and an analysis yesterday in the Christian Science Monitor.

Once again I ask my colleagues to join me in my effort to abolish the ill-conceived Synthetic Fuels Corporation by cosponsoring H.R. 5404.

OIL, OIL EVERYWHERE

(By Hobart Rowen)

In many ways, the events associated with the spectacular decline in world oil prices now taking place are as meaningful as the two OPEC oil price increase "shocks" that destabilized the world economy in the 1970s.

While world prices remain, theoretically, tied to the Saudi Arabian standard of $34 a barrel set last October, Iran has come back into the market aggressively with three successive price reductions to $30. And the real price, in the spot markets, is no more than $28. North Sea oil, which sells at a premium over Middle East oil, was slashed by $4 a barrel this week to $31, following a $1.50 reduction only a month ago. This will unquestionably accelerate price cuts among the OPEC countries.

Meanwhile, the Russians, in urgent need of cash and commodities, reportedly are meeting the Iranian price on a substantial amount of oil offered in European markets.

As the glut continues to pile up, it becomes increasingly clear that the price trend is inevitably further down. Increasingly, consumers should see it at the pump—with gasoline moving down toward $1 a gallon, and possibly lower.

Exxon chairman Clifton C. Garvin conceded the other day that the world's largest oil company hadn't foreseen the huge drop in world consumption, which represents "something more basic" than conservation alone.

Exxon analysts warn that forecasting oil prices is risky. Others are less bashful. Reports out of London say the Saudis would readily drop the benchmark price to $29—but that may not be low enough. Some conservative oil experts would not be surprised to see $25 oil, and there are credible predictions of $20 a barrel within the next year.

That stunning figure (less than half of the peak spot market price two years ago) comes from at least two sources—Philip K. Verleger Jr. of Yale University and Booz-Allen & Hamilton; and freewheeling oil broker Harry Neustein, who is involved in the burgeoning oil barter business.

Verleger thinks the decline could be stopped by big production cuts in OPEC, but he doubts that will happen. Neustein adds up non-Communist world production potential to nearly 70 million barrels a day, and concludes that a continuing price slide is inevitable, regardless of OPEC attempts to manage supply.

Others warn that because the Middle East is a tinderbox, the glut could quickly disappear. But many oil experts believe consumption has dropped so dramatically, and new sources of oil are coming onstream so steadily, that the Middle East will never again have the controlling role that it held during the 1970s.

At present levels, declining oil prices have wiped out the attractiveness of investments in synthetic fuels, tar sands and the like, and are dealing a body blow to profitability in coal. Beyond that, the decline makes painfully clear that DuPont's $7.89 billion takeover of Conoco and U.S. Steel's $6 billion takeover of Marathon Oil may not turn out to be the brilliant corporate gambits they were advertised to be.

Both takeovers were aimed at picking up, cheaply, the highly valued oil reserves held by Conoco and Marathon. But what is the true value of reserves? Neustein, in an interview, says bluntly, "It was a bad deal for both of them (U.S. Steel and DuPont). A few years from now, it will be a millstone around their necks."

Bruce Lazier, a Paine Webber Mitchell Hutchins analyst who follows the oil industry, is less bearish than Neustein, because he thinks the acquisitions "were cheap enough," and besides, doesn't expect that the glut will last forever.

Nonetheless, Lazier agrees that the two industrial giants "aren't getting as good a bargain as they thought," especially DuPont, which will be hit hard by the declining value of the coal properties picked up in the Conoco deal. "At $25 oil, you can shut down most of Appalachia," Lazier told me. "At $20, it's finished."

There are other worldwide ramifications: Japan is sitting on an enormous—perhaps as much as 100 days' supply of oil—brought at peak prices. Verleger points out that when interest rates rise from 10 to 18 percent, the annual cost of holding a $34 barrel of oil jumps from $3.40 to $6.12 a barrel.

So far, efforts by Saudi Arabia and the rest of OPEC to get together in an effort to control production—and price—have failed. OPEC's output has fallen to 19 million barrels a day, compared to a high of 31 million barrels a day in 1977. This is the lowest level since 1969—before the first oil-price shock.

The dramatic turn will require oil exporters who have gotten used to high incomes and huge internal budgets to change their way of life. As a result, there may be severe internal social and economic distress within OPEC. If so, it would be one more unhappy product of the irresponsible wave of price hikes that OPEC set off 10 years ago.

ALTERNATIVE ENERGY PROJECTS FALTERING

(By Thomas Watterson)

Oil from the tar sands of Canada and the shale deposits of the Rocky Mountains were supposed to help bring energy self-sufficiency to North America and free it from the tight control of the oil exporting nations.

However, a world oil glut and its partner, falling prices, have left the pricing system of the Organization of Petroleum Exporting Countries in disarray. Ironically, they have also taken away much of the economic incentive for oil sands and shale oil projects, leaving the short-term future of these resources uncertain. And in the long run, the oil glut and declining prices could leave the world vulnerable to another oil shortage.

The world's current bounty of oil and its reduced price were primary factors in the decision of three of eight partners to withdraw from the Alsands project in northeastern Alberta last week.

First, Dome Petroleum and its affiliate, Hudson's Bay Oil & Gas Company, took out their 12 percent share. Then, Shell Explorer Ltd., owned by the Shell Oil Company, pulled its 20 percent stake. Two other partners, Amoco Canada and Chevron Standard, with 10 and 8 percent, respectively, had folded their tents a few weeks before.

Now there are only three firms, including Petro-Canada, the national oil company, remaining in the $14 billion project aimed at turning the gooey oil-and-sand mixture into usable petroleum. The project is supposed to produce 137,000 barrels of oil a day, or 10 percent of Canada's production, by 1990.

"The one thing the participants wanted to realize was a return that was above the inflation rate," says Alex Squires, energy analyst with Pitfield Mackay Ross Ltd., a Toronto investment firm. Without the promise of that kind of return, projects like Alsands "may likely die," Mr. Squires says. It is possible, however, that they could be "resurrected in some other manner," with the government perhaps taking on a bigger share, he says.

"The economics of these projects are getting thinner and thinner," says Michael Smolinski, energy analyst with Data Resources Inc. (DRI), the Lexington, Mass., economic consulting firm.

"All of these projects [oil sands and shale oil] were based on projections of what oil prices would be in five or 10 years," notes Rosario S. Ilacqua, energy analyst at L. F. Rothschild, Uterberg, Towbin in New York. "But there's been a downward revision in what the price will be 10 years from now. On the other hand, the cost of building these things keeps going up."

Despite its current troubles, the Alsands project will continue, says Hans Maciej, technical director of the Canadian Petroleum Association in Edmondon, Alberta. While it "is in trouble at the moment," he says, "that's no indication of collapse."

There are two other oil sands projects in Alberta. But one of them, Syncrude, due to a plant breakdown, is reportedly only operating at half capacity, turning out 60,000 barrels a day. The other, Suncor, has not resumed production since two major fires in January.

For Canadian oil sands projects to survive, Mr. Maciej argues, they need more than a return to tight oil supplies and higher prices. They also need a reduction in the Canadian government share of oil revenues.

Last September, Alberta's provincial government and Canada's federal government ended a 16-month pricing dispute with an agreement that increased the federal share of oil and gas revenues from 10 to 29 percent. Alberta, which produces 85 percent of Canada's oil and gas, cut its share of revenues from 45 to 34 percent, and the oil companies' share fell from 45 to 37 percent.

If oil prices do not head upward again, "there may have to be a significant adjustment in what the companies get," to keep them interested, energy analyst Squires says.

But higher oil prices are not expected soon. "In our current forecast through 1986 we see significantly lower prices for oil, relative to inflation, says James Osten, oil analyst in DRI's Toronto office.

Might the federal government reduce its share, then?

"There is no possibility of that," says Marc Lalonde, Canada's energy minister. "The problems with Alsands are particular to that project. . . . Other projects—including offshore oil—are going ahead without any problems under the agreement."

Despite the current economic climate, the Alsands project should continue, Mr. Lalonde said in a telephone interview with the Monitor. "Canada needs the oil. We are still importing oil, but we want to be self-sufficient.

"I would still argue that tar sands are a good source of oil. But the oil companies tend to take a very short-term view of these things. We are in a recession, but when we come out of it, we will need these oil resources." For a long time, the oil companies overestimated the future price of oil, Lalonde notes. Now, he says, they are being "too pessimistic" in expecting prices to stay low.

The three companies left in the Alsands currently hold a 50 percent share of the project. These remaining partners are talking with "other parties" about the possibility of joining the project, Lalonde says, though he would not name them.

Another factor is slowing the development of the oil sand projects: tight money and high interest rates. "The capital markets have dried up and the private companies don't have the wherewithal to go ahead with projects like these on their own," Squires says.

The "price of money" has also inhibited the development of shale oil, says Martin D. Robbins, director of the Colorado Energy Research Institute. But Mr. Robbins thinks the current climate of oil oversupply, declining price, and high interest rates could lead to important advancements in shale oil technology, if the oil companies seize the opportunity.

"Current shale oil recovery technology," he argues, "is basically the same as it was in 1949. Here you have a technology that is more than 30 years old and it's never been tested on a full-scale project." Oil companies should use the "breather" in oil demand to research new, more efficient ways to get oil out of shale in the next century, he believes.●

JOHN MacINNES, ADMIRED HOCKEY COACH RETIRES

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. DAVIS. Mr. Speaker, one of our outstanding citizens recently announced his retirement as one of our country's most admired hockey coaches. John MacInnes, hockey coach at Michigan Technological University in Houghton, Mich., will retire at the end of this season after more than 550 victories. All of us who believe sports can play an integral part in the education of our young people will sorely miss John MacInnes. Recently, the Daily Mining Gazette, published in Houghton, printed an editorial honoring Mr. MacInnes. I insert it to be reprinted in the RECORD.

[From the Daily Mining Gazette, Feb. 23, 1982]

MACINNES GOES OUT A WINNER

A poetic question: How can you tell the dancer from the dance?

An athletic question: How can you separate the Michigan Tech hockey program from John MacInnes?

MacInnes has been the Tech hockey coach for so long that it's almost impossible to think of Tech hockey without him.

MacInnes is going to take a well-deserved retirement from the rigors of hockey coaching at the end of the season. His former players wish him well, and some have expressed relief that he is getting out now—after 26 successful seasons—as the college hockey coach who has won more games than any other. His health hasn't been perfect, and his job is a tough one.

When people talk about MacInnes's hockey program, they're not just talking about the 552 wins. They're talking about a man and his wife (Jerry) who took young students in and made them a part of a university community that was in some ways like home.

His players have had nothing but good things to say about him and the role he played in their lives. And now he is about to end his career as the John Wooden or the Bear Bryant of college hockey.

MacInnes has already coached his last regular season home conference game. Coming up are the CCHA playoffs. Let's hope that this year's team, which has played brilliantly at times and slowly at others, sends him off as a winner on the ice.

But whether that happens or not, John MacInnes will always be remembered in the Copper Country and in college hockey circles as one of the biggest winners around: a man who in 26 years earned only respect and gained only friends and admirers.●

A TRIBUTE TO FRED LENFESTEY

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. IRELAND. Mr. Speaker, I would like to take this opportunity to pay tribute to one of my constituents who, for the greater part of his professional career, has seen fit to dedicate his life to the education, betterment, and cultural enlightenment of the citizens of his community.

Fred Lenfestey is retiring in June as president of Polk Community College in Winter Haven, Fla. Dr. Fred, as he is called, has served as president of Polk Community College since it was founded in 1964. It would be impossible to list his achievements in this RECORD but, needless to say, they have been many.

Dr. Lenfestey took a newborn college that was based in rented facilities in Bartow, Fla., and had an initial enrollment of less than 1,000 students, to its present leadership as one of the outstanding members of the Florida community college system.

Today, thanks to Dr. Lenfestey's guidance, Polk Community College is permanently located on a 100-acre campus in Winter Haven, Fla., and each year enrolls over 5 percent of Polk County's total population in credit or noncredit courses. During his tenure as president, Dr. Fred has personally awarded 9,327 associate degrees to citizens of his community.

According to Dr. Lenfestey himself, the highlight of his career came a few months ago when, at the urging of students, the District Board of Trustees approved the naming of the college's student center as the Fred T. Lenfestey Student Center.

A bronze plaque on the outside of the student center perhaps sums up Dr. Lenfestey's efforts on behalf of his community. It refers to him as the founding president, academic leader, master teacher, involved citizen, and above all a friend of students.

It is my pleasure to honor a fellow Floridian at this time.●

THE IMPACT OF BUDGET CUTS ON CHILDREN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1982

● Mr. RANGEL. Mr. Speaker, yesterday I held joint hearings between the Oversight and Investigations Subcommittee of Ways and Means, and the Health Subcommittee of the Commerce and Energy Committee, on the impact of the budget cuts on children. I was honored that my distinguished colleague from California, Mr. **Miller**, presented important testimony during those hearings which demonstrates the effectiveness and critical need to continue the programs enacted for children. The shortsightedness of the administration's efforts to dismantle these programs is amply documented in Congressman **Miller**'s statement. The text of his testimony follows:

STATEMENT OF CONGRESSMAN GEORGE MILLER: "IMPACT OF THE BUDGET CUTS ON CHILDREN"

It is difficult to imagine a more important task than that represented by the charge of this hearing: To assess the impacts of the adminstration's budget cuts on our Nation's children. I am sure that by the end of the day, this administration's assault on this defenseless population—a population we commonly refer to as "our most important resource," and "our greatest source of hope"—will be appallingly obvious.

Children are neither partisan nor powerful. They cannot lobby on their own behalf, they cannot vote, and they cannot make campaign contributions. They are poor or handicapped or left without parents through no fault of their own. Children must depend on us to protect and advance their cause. And now they need us more than ever.

This administration claims it cares about children. This is simply not so. This administration's concern for children is sheer hypocrisy.

This administration would have us reverse a steady path of progress:

Progress in reducing our infant mortality rate.

Progress in bringing more and more children into this world as healthy babies and insuring that they receive essential health care during their formative years.

Progress in assuring handicapped and disadvantaged children equal educational opportunities.

Progress in placing foster children in stable homes rather than losing them in institutions.

We did not establish the programs and policies that have forged these accomplishments because we had nothing to do one day, but because they are the fundamental goals of a civilized and humane and compassionate society, because we were told repeatedly about distressing problems and unmet needs. We have seen our solutions work and we have seen them save money. It takes only a few examples to set the record straight:

WIC

The March of Dimes informed us of horrifying statistics about high infant mortality rates, birth defects, and mental retardation.

We learned that these outcomes could be traced to severe cases of malnutrition among low-income, pregnant women.

So, we designed the WIC program—the special supplemental feeding program for women, infants, and children.

This program provides nutritious food to supplement the diets of pregnant, postpartum, and breast-feeding women and their children who are medically certified to be at high nutritional risk.

And it has worked. It has worked not only to save lives, but also to save money.

A study by the Yale School of Medicine revealed that, for pregnant women participating in WIC, the number of infant deaths was almost one-third the number for women who did not participate.

We also know this program is cost-effective: A Harvard School of Public Health study shows that every dollar spent on WIC saves $3 in future medical costs. And the USDA has estimated that,

If WIC reached all eligible pregnant women, the savings to Federal taxpayers could exceed $1 billion.

FOSTER CARE

We heard about some 500,000 children who were caught in limbo in the foster care system, two-thirds of them placed inappropriately and at a cost of billions of dollars to taxpayers.

So, we enacted the Adoption Assistance and Child Welfare Act, which passed with resounding, bipartisan support in 1980 after 8 years of work.

This legislation provides essential safeguards for foster care children.

It contains incentives for State welfare agencies to reunite families whenever possible or to place children in stable adoptive homes.

The Department of Health and Human Services estimated that, if properly implemented, this program could save as much as $4 billion in taxpayer expenditures over the next 5 years.

We know that, in the communities and States that have implemented the types of procedures contained in the act, the foster care caseload has been reduced.

TITLE I AND HEAD START

We heard about children who remained virtually illiterate, despite years in public schools.

We learned that these early educational losses which stunt the opportunities of children to become productive members of society can be reversed.

So, we created Head Start and title I of the Elementary and Secondary Education Act—the centerpieces of this country's compensatory education policies.

And these programs have worked.

We know that Head Start has produced lasting eductional gains for its graduates. They score better than their non-Head Start peers on standard achievement tests, have fewer grade retentions, and fewer special education placements.

We know that title I has exhibited an equally impressive track record confirmed recently by the Department of Education's own evaluation of the program.

Yet, despite these programs' successes, this administration has repeatedly attempted to destroy them.

Last year, the Reagan Administration proposed:

To cut WIC by over 30 percent. Nearly 700,000 low-income women and their children would have been forced off the program.

To block grant and cut by 25 percent the adoption assistance, foster care, and child welfare programs, thus repealing the 1980 landmark legislation.

To fold title I into a block grant and reduce its funds by 25 percent. School districts have already reduced personnel and dropped students from compensatory education projects.

To request a meager 2 percent increase for Head Start that does not begin to keep pace with inflation.

In addition, the administration recommended cuts in CETA, title XX, and child nutrition programs, which have had severe impacts on Head Start.

Now, here we go again—despite the clear messages of Congress to the President to keep his budget ax away from foster care, from WIC, from title I, and from Head Start—the administration has renewed efforts to decimate these programs.

And again, administration officials will minimize the impacts of these cuts, such as last year when the Administrator of the Food and Nutrition Service assured us that their cuts would not force a single school off the school lunch program.

But, the USDA has documented that 1,500 schools are no longer participating in school lunch and the American School Food Service Association estimates that at least 3 million children have lost their lunch programs as of January 1, 1982.

Let me ask again: why should we cut these valuable programs?

Not a single member of the administration has testified that these programs don't work. In each and every case, the administration officials have acknowledged the successes of the very programs they want to destroy.

Secretary of Education Terrel Bell has confessed that, "The rational for the budget cuts was not based upon any alleged failure of title I. I know, and I can testify to this committee, that our title I programs are successful."

Deputy Secretary of Agriculture Richard Lyng admitted: "No one questions the importance of the WIC program in preventing nutritional and medical problems of pregnant and nursing women and infants, especially those with measurable nutritional problems."

Dorcus Hardy, Assistant Secretary for Human Development Services, Just last week, told the Human Resources Subcommittee that the administration is "very supportive"of Head Start. Which she described as "one of the most important and effective" of federal social programs.

So, on what basis are they gutting these programs? What are their justifications? There is only one: We need to cut the budget. Yet, even if we totally eliminated these and similar programs that serve needy children, the President would still be faced with the largest Federal deficit in history.

Where is their evidence that these cuts will, in fact, save money in the years ahead? Where is their evidence that these programs are ineffective? There is not a shred of evidence.

The administration knows that these programs work, that they are cost—effective, and that they help children. Yes, they cost money . . . because they do their job. And, if we do not have the wisdom and the courage to fight this administration's efforts to decimate these programs, our shortsighted frugality will haunt us later in the form of massive unemployment, welfare, and health care costs.

What we are talking about here is the kind of future we want our children to face. And for some children, the tradeoffs we are talking about are between literacy and illiteracy, between a healthy life and a life stunted by malnutrition and poor health care, and between a stable home and a life lived in institutions. Children are counting on us. Their parents are counting on us. And the American public is counting on us. We owe them all a fight.●

HOUSE OF REPRESENTATIVES—*Monday, March 8, 1982*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore (Mr. BEVILL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, D.C.,
March 3, 1982.

I hereby designate the Honorable TOM BEVILL to act as Speaker pro tempore on Monday, March 8, 1982.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, for all men and women who have encouraged us along life's way, who have inspired us and given of their concern in our behalf. We are grateful that You have raised up those people who become our counselors in perplexity, our companions in joy, and our friends in every season. For those personal colleagues who so freely give of their talents that we may know a more blessed life, we offer this our word of praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed, without amendment, joint resolutions of the House of the following titles:

H.J. Res. 348. Joint resolution to provide for the awarding of a special gold medal to Her Majesty Queen Beatrix in recognition of the 1982 bicentennial anniversary of diplomatic and trade relations between the Netherlands and the United States; and

H.J. Res. 373. Joint resolution expressing the sense of Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights at Geneva in February 1982.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 29. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week of June 6 through June 12, 1982, as "National Garden Week"; and

S.J. Res. 145. Joint resolution authorizing and requesting the President to proclaim "National Orchestra Week."

REPORT ON RESOLUTION PROVIDING AMOUNTS FROM CONTINGENT FUND OF HOUSE FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY STANDING AND SELECT COMMITTEES

Mr. ANNUNZIO, from the Committee on House Administration, submitted a privileged report (Rept. No. 97-448) on the resolution (H. Res. 378) providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the 2d session of the 97th Congress, which was referred to the House Calendar and ordered to be printed.

LEGISLATION TO PROHIBIT FURTHER MILITARY ASSISTANCE TO EL SALVADOR

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROSENTHAL. Mr. Speaker, today I am introducing a joint resolution on behalf of myself and Representatives GEORGE BROWN, PHILLIP BURTON, JOHN CONYERS, DON EDWARDS, and ROBERT KASTENMEIER to prohibit all further military assistance to El Salvador.

The resolution prohibits all U.S. military assistance to El Salvador, with the exception of permitting articles presently in the pipeline to reach their destination. It also orders the immediate withdrawal of any military advisers in that country and prohibits any further training programs for El Salvadoran soldiers in this country. In short, no more arms, no more military advisers, and no more military training unless Congress expressly authorizes it.

It is ironic that the sponsors of this resolution were among the 11 Representatives in the 90th Congress that voted against any further appropriations for the then escalating war in Vietnam.

We recognize the differences between El Salvador and Vietnam. What distresses us are the chillingly familiar similarities. What is civil war in a small country, we are told by the administration, is directed by Moscow through their Cuban intermediaries. American global strength, we are told, is being tested in the villages and mountains of this tiny country. Human rights violations, we are being told, are an inevitable consequence of this test. Political negotiations are a sign of weakness. Peace will be won by more war.

We have heard it all before; it was wrong then and it is wrong now.

The resolution is being introduced with the full understanding of its effect. It is the view of its sponsors that while it will have a serious and significant impact on events in El Salvador, there is no other reasonable or viable alternative. All other avenues and options have either failed or are doomed to failure.

Unless America ceases its intervention in El Salvador, the conflict in the Caribbean Basin will escalate and spill over to other countries in the region. The Caribbean is in danger of becoming for the eighties what Southeast Asia was for the sixties.

It is time to get out before we are in over our heads. We had no business there is the first place. What is called for is a political settlement among the Salvadoran people themselves.

We recognize that both parties in El Salvador have committed their share of killings and atrocities. But the present administration is asking Congress to increase military assistance to a regime that is credited with the killing and torture of over 12,000 of its own citizens. Our military support has been increased during the period of time when the Salvadoran Army and its adjuncts have engaged in a campaign of increased represssion and violence.

The sponsors of this resolution, while committed to the fullest use of the legitimate electoral process, do not believe that the conduct of the ruling Salvadoran junta will permit such an event to occur. In addition, we believe that the assertion of outside regional control and direction of the antigovernment forces in El Salvador—whether true or not—totally distorts the nature and character of the conflict and does not justify further U.S. involvement.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

We support the many other congressional initiatives presented so far. We invite still more. The overwhelming opposition to this administration's El Salvador policy by the vast majority of Americans should be taken as a demand that Congress put an end to this reckless course.

The time of reckoning has arrived. We see the handwriting on the wall. We must prevent the growth of war now or we will pay dearly for it later. We believe it is possible to stop this inevitable escalation of conflict, if the American people voice their opposition and Congress moves swiftly in response.

The resolution provides:

That the President may not—

(1) provide any assistance for El Salvador under chapter 2 (military assistance), including section 506 (special drawdown authority), or chapter 5 (International military education and training) of part II of the Foreign Assistance Act of 1961;

(2) issue any letters of offer, extend any credits, or issue any guarantees with respect to El Salvador under the Arms Export Control Act;

(3) enter into any leases of defense articles for El Salvador under chapter 6 of the Arms Export Control Act; and

(4) issue any licenses under section 38 of the Arms Export Control Act for the export of defense articles or defense services sold commercially.

SEC. 2. The President shall immediately order the prompt withdrawal from El Salvador of all members of the United States Armed Forces who are performing defense services under the Foreign Assistance Act of 1961 or the Arms Export Control Act, conducting international military education and training activities under chapter 5 or part II of the Foreign Assistance Act of 1961, or performing international military assistance and sales program management functions under section 515 of the Foreign Assistance Act of 1961.

SEC. 3. The requirements of this resolution may not be waived under section 614 of the Foreign Assistance Act of 1961 or any other provision of law.

I also want to submit for the RECORD the following two articles that appeared in the Sunday, March 7, 1982, editions of the New York Times and the Washington Post which cogently set forth the necessity of the resolution we are introducing today:

[From the New York Times, Mar. 7, 1982]

AN ERROR ON SALVADOR

(By Robert A. Manning and William M. LeoGrande)

WASHINGTON.—The Administration's policy of increasing the United States' military involvement in El Salvador is producing an outcome that is exactly the opposite of the one intended.

Washington's efforts to shore up the junta with increasing amounts of military aid has only deepened the war, and the Salvadoran military's brutality has become the guerrillas' best recruiter. According to United States intelligence estimates, for every civilian that the Salvadoran Army kills, at least 25 guerrilla sympathizers spring up.

As the military situation deteriorates, the Reagan Administration's options narrow. The guerrillas have refused to participate in the March 28 election, designed and administered by their opponents, for a constituent assembly to write a constitution and select an interim president. This election, which United States officials concede will not stop the war, might not produce a center-right Christian Democratic government, but rather one of right-wing extremists.

If current efforts fail to break the existing stalemate, Washington will be faced with only two options: allowing a victory for the leftist guerrillas or sending in ground combat troops on a large scale. Either outcome would profoundly destabilize Central America.

A guerrilla victory, which might radicalize El Salvador, would further polarize Guatemala, strengthen the hand of antidemocratic factions in the Honduran armed forces, and probably demolish relations between the United States and Nicaragua. United States intervention, on the other hand, could spread the war throughout the region with no guarantee of victory. Landing 50,000 Marines in Central America would be far easier than getting them home and would have cataclysmic domestic political consequences. Moreover, a wider war would only serve to create opportunities for greater involvement by the Soviet Union and Cuba—the very thing the Administration is determined to prevent.

By portraying the Salvadoran conflict as a superpower confrontation, President Reagan is painting himself into an ideological corner where nothing short of victory will vindicate Washington's investment of power and prestige. But the investment is still relatively small. Before raising the stakes any further, the Administration ought to reconsider a third option backed by a growing chorus in Congress and by key allies such as President José López Portillo of Mexico: negotiations.

The essential conditions for beginning negotiations already exist: a bloody stalemate, a broad international consensus in favor of talks, and the dependency of both the Salvadoran Government and the opposition on external powers that can use their leverage to bring both sides to the bargaining table. Prompted by Mexico and Europe's Social Democratic parties, the opposition already has agreed to begin negotiations without conditions. Christian Democrats in the Government are also prepared to negotiate but have been blocked from doing so by the armed forces. Only Washington can force the military to the table.

For negotiations to succeed, both sides must be certain that they will not suffer militarily. Thus, the first step must be an in-place ceasefire and an end to all foreign military aid. The next step is to draw up a constitution and procedures for conducting free and fair elections. The constitution could guarantee a democratic outcome by committing all sides to a set of constitutional principles. To guarantee its honesty, the electoral process would have to be supervised by a nonpartisan international body such as the Organization of American States or a combination of countries acceptable to both sides. An international peacekeeping force would be necessary to monitor the ceasefire and oversee the transition process.

The most difficult task would be integrating the opposing armies. But reformist army officers, who, led by the now-exiled Col. Adolfo Majano, ousted the dictator Gen. Carlos Humberto Romero in 1979, and pragmatic guerrilla leaders could form the core of a unified force, perhaps under Colonel Majano's leadership.

Under very similar conditions, a comparable formula—including the merger of opposing armies—succeeded in ending the war in Zimbabwe. And the process was overseen by a British Government no less conservative than Mr. Reagan's and equally opposed to nationalist guerrillas similarly dubbed "Marxist terrorists."

Successful negotiations would not only end the war in El Salvador but would reduce tensions throughout the region, remove the main obstacle to better relations between the United States and Nicaragua, allow Honduras to continue its transition to democracy, and increase Guatemala's chances of avoiding a full-scale civil war. If the guerrillas are as unpopular as the Reagan Administration claims, Washington has nothing to fear from such a negotiated settlement. Without negotiations, the war will go on, and a stable, democratic El Salvador will be the least likely outcome.

(Robert A. Manning writes on foreign affairs for magazines in the United States and abroad. William M. LeoGrande is professor of political science at American University.)

[From the Washington Post, Mar. 7, 1982]

IS SALVADOR VIETNAM? THE VERY QUESTION IS ALTERING THE SCRIPT

(By Robert G. Kaiser)

George Ball was the undersecretary of state when the United States was sucked into Vietnam like a long piece of thread drawn into a vacuum cleaner. Ball was the highest American official in those days who fought against military involvement in Vietnam. Now an investment banker, Ball is watching the United States fight against the suction in El Salvador.

He likens the spectacle to a song, or the soundtrack of a movie: "The music and words seem to be almost a plagiarization. I have the feeling we've heard it all before, but in another setting."

No, no, reply officials of the Reagan administration—El Salvador is not Vietnam. Secretary of State Alexander M. Haig insists that any attempt to draw a parallel between the two "is a terrible distortion of reality and one which overlooks a number of fundamental differences."

Curiously, Ball and Haig are both right. El Salvador is profoundly different from Vietnam, but it is also eerily familiar. The setting has changed, but it looks like the same old movie.

The Reagan administration involuntarily evokes Vietnam in almost every public statement it makes about El Salvador. This is an East-West test. The rebels are controlled from Nicaragua or Cuba or Moscow. If we don't stop them now the other dominoes will begin to tumble. Oh yes, and please trust us. We have the real dope. We know.

But for Americans El Salvador is different from Vietnam in one overriding respect: It comes to us after Vietnam. We were willing to go to war in Vietnam because the president, his State Department and his Pentagon told us we had to fight to protect the national interest. Not this time.

According to a recent Gallup Poll, the American public opposes sending U.S. troops to El Salvador by 89 percent to 8 percent. Even sending military supplies or advisers is opposed by substantial majorities.

In Vietnam we were more malleable. At the end of 1965, for instance, after the first U.S. combat forces had gone to fight in Vietnam, Gallup found that the public still supported the war effort by 3 to 1.

Secretary Haig, of course, notes other distinctions between El Salvador and Vietnam. Pressed on the question last week, this was his answer:

"First and foremost is the difference with respect to the strategic importance of Central America . . . to the United States today . . . This is a vitally important region . . . The outcome of the situation there is in the vital interest of the American people and must be so dealt with."

In other words, in Haig's opinion the country where America lost 57,639 lives and squandered $130 billion was not of vital importance to the United States; but El Salvador is.

And what is the "reality" Haig thinks is being distorted? In his view it is a case of external aggression against El Salvador. In Haig's words (speaking of the leftist Salvadoran rebels): "They're being commanded, controlled, and run externally—completely. They are being armed and trained externally, and they are not espousing the wishes of the people of Salvador." There goes the old movie again.

What about the history of El Salvador? What about the story of the 14 families that ran the place like a family farm for decades? What about the supposedly anti-communist Christian Democratic politicians in El Salvador who have joined the rebels? What about the accusations that the army and police are responsible for most of the deaths and arbitrary violence? The list of "what abouts" could be a long one indeed, but the movie skips over those questions, leaves them unasked—as the old one did for so long.

Perhaps modern life is a series of movies, some new, some reruns. While the Vietnam movie certainly seems to be running again at times, whoever is up there in the projection booth is playing with the machinery. This time the movie is running much faster than it did in the 1960s.

At the beginning in Vietnam, only a few people paid much attention. The networks didn't start their half-hour evening news programs until 1962, well after the first U.S. military advisers took up the cudgels against the Vietcong, and they didn't devote much air time to this far-off counterinsurgency effort. Of course no one knew then what was coming. The thread was already caught in the pull of the Vietnam vacuum, but almost no one realized it. The first time around this was a new movie, and the plot had to unfold one scene at a time.

Now everyone thinks they know how the movie ends, and no one wants it to get that far.

So the networks have camera crews scurrying around Salvador like ants on a picnic blanket. Every night the network correspondents share a one-hour satellite "feed" to the states—instant communications, not shipping film to Hong Kong or Bangkok the way they did in Vietnam, even at the height of the war. Congressional committees are already giving administration officials skeptical, even hostile, grillings of a kind they didn't get until late in the Vietnam war.

Government officials want to rewrite the ending to this movie, too. Privately, it is reliably said, Alexander Haig rules out the use of American ground forces in Central America as definitively as any of the members of Congress who are shouting out against the possibility in public. Professional soldiers at the Pentagon show no appetite for a military adventure in the Central American mountains. Civilian officials at the Defense Department are impressed by the professional military's unwillingness to contemplate any new use of American armed force that is not enthusiastically supported by the public.

Stop the movie; we want to get off.

There are many other differences and similarities between El Salvador and Vietnam. Consider some differences:

Vietnam is nearly the size of California, with 47 million inhabitants (including both north and south). El Salvador, the size of Massachusetts, has just 3 million citizens.

Vietnam is on the other side of the world, and it shares a South Asian peninsula with Cambodia, Laos and Thailand—hardly a strategic location. El Salvador is just 1,400 miles from Florida and 800 miles from the Panama Canal, still a vital link for American commerce and military logistics. It is surrounded by similarly impoverished countries long ruled by feudal oligarchies and ripe for insurgencies of their own. Guatemala, the biggest and richest nation in Central America, already has one; Nicaragua already has a radical leftist regime because its insurgency prevailed. Cuba, nearby, is eager to help leftist rebels in all of these countries, and appears to have weapons and materiel that they can use.

Vietnam before 1975 was an artificially divided country whose northern half was ruled by a ruthlessly efficient—and nationalistic—totalitarian regime. Reunification of the country was the overriding preoccupation of that regime, which could get all the arms and equipment it needed from China and the Soviet Union. Vietnam's southern half was ruled by a Catholic family whose connections to the United States were stronger than its nationalist credentials. Thanks to the superpower patrons of both sides and the large populations in both halves of the country, the Vietnam war involved hundreds of thousands of troops on both sides—not to mention the Americans involved.

In El Salvador there are only about 32,000 armed troops in the continuing civil war. The leftist insurgents have friendly almost-neighbors in Nicaragua (they are separated by about 30 miles of the Pacific Ocean or 70 miles of Honduran territory) and more powerful friends in Cuba. But there is no prospect that a Salvadoran civil war could ever assume the proportions of the Vietnam war. The soundstage for this movie is just too small.

There is no American Armed Forces Network radio station in El Salvador, probably because there are only about 50 U.S. military men in the country. When John F. Kennedy entered the White House in 1961, there were already 3,200 American advisors in South Vietnam.

Then ponder other similarities:

The American government has committed itself rhetorically to an outcome in El Salvador, just as it committed itself to an outcome in Vietnam, long before it was clear that this outcome could be achieved. "We will do whatever is prudent and necessary to ensure the peace and security of the Caribbean area," President Reagan said last month. Haig has been more specific, committing the United States to do "whatever is necessary" to head off a rebel victory in El Salvador.

It was the same in Vietnam. As early as the Truman administration, American policymakers were insisting on the strategic importance of Indochina to the United States. The Tonkin Gulf resolution during the Johnson administration formally declared America's commitment to stop "aggression."

Reading through old speeches one is reminded of a form of rhetoric that has been resurrected for El Salvador.

"I believe, and I am supported by some authority, that if the communists are not checked now the world can expect to pay a greater price to check them later." So said Lyndon B. Johnson in January 1967, speaking of Vietnam.

"There is no question that the decisive battle for Central America is under way in El Salvador . . . If after Nicaragua El Salvador is captured by a violent minority, who in Central America would not live in fear? How long would it be before major strategic United States interests—the Panama Canal, sea lanes, oil supplies—were at risk?" So said Thomas O. Enders, assistant secretary of state for Inter-American affairs, just last month.

Because Americans like to act, rhetoric has not stood alone, just as it didn't in Vietnam. We already have military advisers on the scene in El Salvador—though we have renamed them "trainers." Trainers, advisers, whatever—they are our tribute, our tangible contribution meant to make our commitment look good.

Of course advisers in Vietnam proved inadequate to the task at hand, a task that wasn't carefully measured before the commitment was made. In El Salvador, again, the advisers don't seem sufficient to stem the rebel tide. Haig now bridles at suggestions that with all the help we've already given, our side in El Salvador should have done better in the civil war.

"Nobody had hoped they would go any better," Haig said of the government's forces in a recent interview with The Post. "That's the one thing I want do disabuse you of. All we did in the first stages of our assistance program where we sent 50 guys and a few helicopters and $30 million more to El Salvador was to help to slow down a tide that we inherited. And nobody deluded himself that this was going to solve El Salvador . . ."

Our side also looks weak again. In Vietnam our side looked so weak in 1963 that the United States encouraged a coup against Ngo Dinh Diem, the Vietnamese patriot on whose behalf we made our original commitment to South Vietnam. That left us with no leader on our side, just army officers, against Vietnamese nationalists led by Ho Chi Minh. For 12 years we tried to transform those generals into popular political leaders, with no real success.

In El Salvador our side is an army junta nominally led by a civilian politician, Jose Napolean Duarte. Duarte was once undeniably popular, but his standing now seems problematical. Reports from El Salvador suggest that he may be ousted after the March 28 elections (which the rebels are boycotting and trying to subvert) and replaced by a rabid right-winger who—is this in the script?—got his start as an army officer.

A final similarity: The actual situation "on the ground" is baffling. El Salvador's history—like Vietnam's—did not begin the moment the United States took an intense interest in the place. Salvadoran actors are playing out a Salvadoran drama that isn't part of our movie. There are ancient enmities, a well-established social and economic order, old traditions of leadership and much else in El Salvador that can't be explained away by "external aggression." Who and what is our side fighting for?

Our movie skipped over these tough, fundamental questions in Vietnam. The rerun is skipping over them, too.

Walt W. Rostow was Lyndon Johnson's national security adviser during the Vietnam war. He is now a professor at the University of Texas. Rostow also sees similarities between Vietnam and El Salvador.

"I'm not an expert on El Salvador," Rostow said in a recent conversation in Austin. Nevertheless, he went on, this moment has a familiar quality. "It's the same bunch" of "left-intellectuals" and journalists who undermined the Vietnam war effort who are at work now undermining our efforts to help Salvador, he said. "I fear for my country," he added, complaining of the "knee-jerk" reaction he perceived in the media that "romanticizes terrorists" and denigrates American policy.

George Ball sees a similarity of a different kind. "We are making essentially the same mistake in thinking that all local situations must be resolved in terms of the East-West conflict," Ball said. "What's going on in Salvador is only tangentially related to the Soviets," he added. "This is not a problem that can be solved by military means. It's total nonsense to say that it is."

Another perspective—the perspective from television that helped create the old film—is offered by Gary Shepard of CBS, who covered Vietnam and just returned from three weeks in El Salvador. "The most vivid recollection I've got that ties these two stories together is the Huey Helicopter," Shepard said. In Vietnam that warhorse chopper landed beside rice paddies; in Salvador it's sugar cane fields—same helicopter.

Does the local life and culture seem as opaque and foreign as it did in Vietnam? "I think we have a better handle on it in Salvador," he replied. He said it wasn't too hard to see how years of oligarchic rule by a few families had helped radicalize the peasantry and lay the groundwork for civil war.

"It really is a civil uprising to a great degree . . . a pure version of a civil war," Shepard said. Cuba and the Soviet Union can't be helping very much, he added.

According to Shepard, the insurgents are better at public relations than the government. Whereas it is easy to visit rebel forces, interview their commanders and watch them in action, the Salvadoran army doesn't accomodate the TV crews, he said.

Is CBS in New York receptive to material from El Salvador? Oh, yes, Shepard replied, they took everything he could send during a recent three-week assignment. The network still likes "bang-bang" (this is, battlefield) coverage, as it did in Vietnam, he said, "but they want bang-bang with a message"—explanations of what's really going on on the ground.

Gen. Samuel V. Wilson was in the thick of the Vietnam war in its early stages. Later he was the U.S. military attache in Moscow. Later still he was director of the Defense Intelligence Agency. He's now retired in Rice, Va.

"We sort of came wretching and vomiting out of our Vietnam experience saying 'Never Again!' " Wilson said the other day. "We've sort of spooked ourselves."

Like Secretary Haig, Wilson believes that America's vital interests are more clearly at risk in Central America than they ever were in Vietnam. He thinks that despite Vietnam, Americans could be persuaded to support "reasonable steps in this area" to secure those interests, provided they understood what was involved.

"But I don't see evidence that we learned a helluva lot from our experience in Southeast Asia," Wilson said. The main lesson he learned, Wilson went on, is that a man in one of these third-world countries racked by internal strife "has got to be able to see fairly clearly what his options are . . . If he sacrifices himself, what are his possible gains?"

The man in the rice paddy, like the man in the sugar cane field, wants security, social justice, educational opportunity for his children, rudimentary health care and some basic economic opportunity, Wilson suggested. "You have to look at your programs and see how well you satisfy these five," he said. "You start dealing with these first."

Americans are too quick to make others' problems their own, Wilson remarked. "Hell, this is a much bigger problem for Mexico than it is for us." He suggested the United States encourage Mexico to take initiatives in El Salvador that we could endorse and support. "We'd be so much better off getting somebody else into this instead of playing the dominant Yankee role from the North."

Secretary Haig has already looked ahead to the end of the movie. He does not see a light at the end of the tunnel; he sees refugees.

"Just think what the level [of illegal Central American immigration into the United States] might be," Haig said recently, "if the radicalization of this hemisphere continues with the only alternative a totalitarian model in one state after the other. Why, it will make the Cuban influx look like child's play."

Will there also be boat people? Please, somebody change the script.

LAW OF THE SEA TREATY IS FLAWED

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, as a congressional adviser to the Law of the Sea Conference, I want to bring to my colleagues' attention the fact that this is the first day of what has been presented as the last negotiating session of the Law of the Sea Treaty before signatures are to be attached to this treaty in Caracas, Venezuela, in the fall.

Mr. Speaker, this treaty is fundamentally flawed. It does not represent the best interests or the national interests of the United States of America. This treaty as drafted would create an entity much stronger than the United Nations.

It would create an international seabed authority which would not only make laws but would control two-thirds of the Earth's surface. Quite simply, we would be giving up the right to explore two-thirds of the Earth's surface without firing a shot.

In this international seabed authority, in the Assembly, each country has one vote. Our country has no veto. We have received no guarantee of a seat on any important committee in this particular international seabed authority. The orientation is toward the Third World and the Communist bloc.

Under this treaty we would not have unfettered access to deep ocean bed minerals. There would be a mandatory technology transfer provision in this particular treaty. There would be production ceilings. There would be antimonopoly provisions. To top it all off, the United States would end up funding 25 percent of the cost of the international seabed authority.

The Law of the Sea Treaty should be lost at sea. This is not in the best interest of this country and our efforts as a country should be placed toward the Reciprocating States Agreement which is currently a law and something that will be ratified by our country, as I understand it, this week.

COMMUNICATION FROM MARY LEE DUNCAN

The **SPEAKER** pro tempore laid before the House the following communication from Mary Lee Duncan:

FEBRUARY 25, 1982.

Hon. THOMAS P. O'NEILL, JR.,
Speaker of the House,
Room H-205, Capitol,
Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to the provisions of Rule L(50), paragraph 2, of the Rules of the House, that this afternoon I was served with a subpoena to testify in a case pending in the United States District Court for the District of Columbia.

I am to appear on Friday, March 5th at 9:30 a.m., at the United States District Court House, Washington, D.C.

Sincerely yours,

MARY LEE DUNCAN.

DUBIOUS ARMS PACKAGE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

● Mr. DERWINSKI. Mr. Speaker, as a member of the House Foreign Affairs Committee, I am especially concerned over the possible sale to Jordan of F-16 fighter bombers and I-Hawk missiles because of the foreign policy questions it raises as well as the question of the overall arms balance in the Middle East. Therefore, I have written to Secretary of Defense Weinberger to express my opinion that it is essential that interested Members of Congress be consulted before an attempt is made to ramrod this dubious arms package to Jordan through Congress.

Mr. Speaker, I ask leave to insert the text of my letter to Secretary Weinberger into the RECORD at this point.

WASHINGTON, D.C., *March 8, 1982.*

Hon. CASPAR WEINBERGER,
Secretary of Defense,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: This is to express my great concern over the possible sale of F-16 fighter bombers and I-HAWK missiles to Jordan because of its geopolitical, military and economic consequences and the questions it raises about the credibility of U.S. policies in the Middle East.

Jordan has been demonstrating an increasingly erratic foreign policy since it clearly is susceptible to pressure from the PLO and radical Arab governments such as Syria. The government of Jordan should realize it has far more to fear from Arab extremists acting on behalf of the Soviet Union or despots such as Assad and Qadhafi than it does from Israel. However, Jordan has not shown any progressive attitude or willingness to reach any understanding or accommodation with Israel. Jordan has consistently refused to participate in the Camp David Accords or recognize the fact that Israel has lived up to the Accords to the fullest possible extent. One only has to look at the tragic situation in Lebanon to see the Syrian-PLO destructive presence. This ongoing tragedy in Lebanon should have a sobering effect on Jordan's foreign policy. In contrast, the government of Israel has demonstrated by its actions concern over the future of the Christian communities in Lebanon.

Therefore, given the many scars left in Congress by the manner in which the Administration handled the sale of AWACS to Saudi Arabia, and the ongoing concern many Members of Congress have with regard to the validity of that sale, it is essential that interested and knowledgeable Members of Congress be consulted before an attempt is made to ramrod a dubious arms package to Jordan through Congress.

Sincerely yours,
EDWARD J. DERWINSKI,
Member of Congress.●

CAN YOU AFFORD A PLACE TO LIVE IN?

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

● Mr. GONZALEZ. Mr. Speaker, hardly anybody can afford a place to live in today. The cost of mortgage interest is excruciatingly high, which shuts all but a few out of the market for new homes. Only a third as many new homes are being built today as were built in 1977. What few homes are being built are not being sold. Nearly one-third of the homes built last year have not sold, and that was a year in which new home starts were at depression levels.

It is not easy to find—or afford—a place to rent, either. Apartment construction is off by 50 percent from the 1977 level. Even though vacancies are practically nonexistent, apartment construction remains low.

The savings and loan industry, which powers the housing business, is in desperate trouble. The savings people want $10 billion to keep sick institutions afloat; economists think that 1,000 or more savings and loans will go out of business without some kind of Federal intervention. With the savings and loan industry sick, mortgage money is scarce.

As chairman of the Housing Subcommittee, my responsibility is to find some way to ease the sickness of the housing industry. Everybody from lumberjacks to real estate salespeople are hurting. Anybody who wants to build, buy, or sell a home is frustrated.

Last week I offered a new housing bill intended to lift some of the gloom and make housing more affordable.

An important part of my bill is a program for affordable rental housing. I would make available a flexible grant to local sponsors of affordable rental housing. To get the most efficient type of program possible, project sponsors could get Federal aid in almost any form, from an outright capital grant to a loan. My bill, H.R. 5731, encourages local governments to make contributions like land donations to keep the cost of the units low. To qualify for aid, the sponsor would have to agree to rent one-fifth of the apartments to low-income persons. The rest would be available for people of moderate incomes, whose only real need is for a place to rent at a reasonable price.

H.R. 5731 also provides for funds to finance homes for sale. It would make subsidies available to home buyers whose income is slightly above average—people who could finance a home if interest rates were at a reasonable level.

Altogether, the bill would make available up to 175,000 units of affordable housing for rent or sale. This would boost home construction substantially in the coming year.

This bill reaffirms the historic national commitment to providing a safe, decent, affordable home for every citizen. It is not extravagant: The economic benefits will far outweigh the costs. The cost of the program would be no greater than current Federal outlays for housing, which have been greatly reduced from previous levels.

The Reagan administration does not want to provide any new Federal assistance for housing production. In fact, the President aims to cut 46,000 homes out of existing Federal commitments. Yet history shows that no nation, not even ours, has been able to meet all its housing needs without a national commitment and an effective national housing program. Ironically, the Reagan administration's drive to dismantle America's housing programs comes at a time when the demand for homes is reaching an historic high. We are faced with a real threat that the Nation's ability to house itself will decline sharply at the very time when the housing industry ought to be reaching its greatest strength.

An example of the dismantling process is that the administration wants to kill 5,000 new units of subsidized housing for the elderly—which supposedly is the one assisted housing program that the President supports. The Department of Housing and Urban Development is also trying to pull back thousands of commitments on subsidized single-family homes, in the section 235 program, on the pretext that the units were not completed on time. Construction delays are understandable in a year when the Nation has just endured its worst winter in history. The Nation also needs affordable homes, and it is unconscionable that the administration is trying to eliminate tens of thousands of section 235 low-cost housing at a time when builders are desperate, very few buyers are able to afford today's incredible interest costs, and unemployment in the construction industry is running rampant.

In the past 50 years, thanks to such Federal help as FHA insurance, low-rent public housing, and incentives to build, this has become a Nation of well-housed people, the best housed people in the world. The Federal help has been essential, and it has paid far more economic benefits than it ever cost. For example, FHA mortgage insurance has not cost the Government a dime: It has, in fact, turned a $1½ billion profit.

I do not think we can afford to abandon our commitment to housing. The need for a positive Federal policy has never been greater. The program I introduced in the House last week is constructive and workable, one that will go a long way toward unraveling the dilemma that today has trapped everyone who needs a home, or is trying to make a living building or selling homes, along with all those who supply the brick, glass, lumber, and myriad other ingredients of housing, from appliances to shingles. If we do not solve the housing dilemma, nobody will be able to afford a home, except the very rich.●

EQUALITY AND FAIRNESS: BACK TO METHUSELAH?

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

● Mr. **REUSS**. Mr. Speaker, there follow my remarks on the distribution of income and wealth in America given before the Franklin Delano Roosevelt Memorial celebration, sponsored by Americans for Democratic Action, in Washington on March 6:

EQUALITY AND FAIRNESS: BACK TO METHUSELAH?

(Remarks of Representative HENRY S. REUSS of Wisconsin at ADA FDR Memorial, Washington, D.C., Mar. 6, 1982)

Fifty years ago, when FDR was elected President, the first thing he had to do was to combat the three pillars of Hooverism—trickle-down economics, the idea of an impotent federal government, and an almost mystical belief in gold.

Herbert Hoover believed deeply in trickle-down economics. As he said, "The sole function of government is to bring about a condition of affairs favorable to the beneficial development of private enterprise.' Aided by his Secretary of the Treasury Andrew Mellon, huge tax cuts were given the wealthy. As banker Frank D. Vanderlip said at the time, "Capital kept too much and labor did not have enough to buy its share of things."

In his acceptance speech at the Chicago Convention in 1932, FDR met the trickle-down theory head on:

"The theory of government that helps a favored few and hopes that some of their prosperity will leak through to labor, to the farmer, to the small businessman has been discredited."

Hoover also held that the problems of the unemployed should be left to private charity and local government:

"This is not an issue as to whether people shall go hungry or cold in the United States. It is solely a question of the best method by which hunger and cold shall be prevented. It is a question as to whether the American people, on one hand, will maintain the spirit of charity and mutual self-help through voluntary giving and the responsibility of local government as distinguished, on the other hand, from appropriations out of the Federal Treasury for such purposes."

A third Herbert Hoover article of faith was gold as the rescuer of his collapsed economy. Declaring that gold is a metal "enshrined in human instincts for over ten thousand years," he boasted of having saved the gold standard in early 1932: "Never was our Nation in greater peril."

Today, fifty years later, we find Ronald Reagan doing a replay on Herbert Hoover.

Trickle-down is now called supply-side economics. In the words of its chief theologian, George Gilder: "Forget the idea of overcoming inequality by redistribution . . . A successful economy depends on the proliferation of the rich."

The second pillar of Hooverism is also born again. Reagan's New Federalism holds that if only the churches would take care of the poor, "our welfare problem would be solved," and that children's aid and food stamps should be turned over to the states.

The final link between the economics of Hoover and the economics of Reagan—gold—was put into place only last month. Before the Gold Commission, Treasury Secretary Regan and Economic Advisers Weidenbaum and Jordan chose this time of crisis to bring gold to the rescue. These gentlemen propose the creation of a gold coin to be sold by the United States Treasury and to be exempt from all capital gains taxes, thus giving gold speculators a free ride.

I present this comparison of Hoover and Reagan not to compare the twin disasters they have achieved—ten million unemployed, widespread bankruptcies, and mounting human misery.

I am mainly interested in looking at the distribution of income and wealth in this country, what has happened to the ideal of equality and fairness in the last fifty years, and where we are heading today.

So let us look at history.

Back in 1929 the top 20 percent of American families enjoyed 54.4 percent of the income, with the remaining 45.6 percent spread among the remaining four-fifths of a nation.

Through FDR, and Harry Truman, and Ike, and JFK, and right up until 1967, the overall size of the American pie, and the shares of the bottom 80 percent, both improved markedly. Federal responsibility for jobs and economic growth, the progressive income tax, and low interest rates surely had a great deal to do with it. Thus, from 1929 to 1967, the share of the top 20 percent declined from 54.4 percent to 43.4 percent, with the lower four-fifths picking up these extra billions. Incidentally, this enlarged middle class provided the savings and investment that was needed for growth.

With steady growth and improved distribution, the United States managed to hold together during depression and war. Progress toward economic equality—not absolute equality, surely, but at least the avoidance of extremes—went hand in hand with progress toward political equality and social equality.

Then, in 1967, something happened. That something was the Vietnam War, and thus guns-plus-butter economic mistakes which led to the years of stagnation, with alternating unemployment and inflation, that have bedeviled us ever since. All during the 1970s wages of the average worker lagged behind inflation. Middle-class people were not able to take advantage of the tax loopholes of the rich.

Thus moderate-income people found their income shares declining by several points, whereas the top one-fifth recouped some of their early losses, rising from 43.4 percent in 1967 to 45.2 percent in 1978, the latest year for which we have figures.

Since 1978, the disparity of incomes has grown worse. Consumer prices have even farther outstripped average weekly earnings. And for the affluent, dividend income, interest income, executive compensation, perks in the form of entertainment allowances, club dues, company cars, stock options, have all skyrocketed.

As a result of this backsliding, the United States is today at close to the bottom, in terms of inequality, of the leading industrialized democracies. West Germany, Canada, Sweden, Great Britain, and Japan all have more equal income distribution than the United States. Only France for a while was worse than we, and the new French government is presently leaving us in bottom place, in the cellar.

And now, enter the economic program of Ronald Reagan. While we sit here, the most abrupt and radical redistribution toward inequality of wealth and income in history is taking place.

The Reagan program achieves this by its spending program, its tax program, its monetary program, its regulatory program, and its nondiscrimination program.

We can see the radical redistributive effectives of Reaganism on every side:

1. In expenditures, all the time-tested programs for the poor are drastically cut—medicaid, food stamps, school lunches, housing, energy assistance, legal services, pneumonia immunization, neighborhood programs, compensatory education, daycare, public service jobs. Other sharp casualties are programs of particular interest to middle-class groups—passenger rail, mass transit, clean air and water, student loans, public television, the arts and humanities, unemployment compensation.

While it is true that military spending will be sharply increased, this will be of little economic help to the average American. Military industries tend to be concentrated in the Sunbelt, and to be capital-intensive rather than labor-intensive. And military spending is particularly inflationary because, unlike the production of civilian goods, it creates no purchaseable commodity to satisfy the money demand of the workers and managers who make the military hardware.

2. In tax policy, the few pennies of reduction the average taxpayer—those with present taxable incomes of $15,000–$35,000—will get from Kemp-Roth will be more than swallowed by inflationary bracket creep, and by the continued increases in the social security payroll tax.

Meanwhile, the affluent will do splendidly as the "heroes of economic life", in George Gilder's phrase. A family with an income of $150,000 will find its marginal rate drops from 64 to 49 percent by 1984. Already in effect are reductions in the top bracket on unearned income from 70 to 50 percent, and of the maximum tax rate on capital gains from 28 to 20 percent. Half of all capital gains are received by the top 1.3 percent of taxpayers, half of all dividends by the top 1.4 percent.

As President Reagan shifts former federal social programs to state and local governments, the tax burden will shift from the progressive federal income tax to the regressive state and local property taxes on the homeowner and sales taxes on the consumer, both tough on average income families.

As Scott Fitzgerald once remarked, it is better to be rich than poor. This is particularly true under the Reagan tax program. Added to the vast array of existing loopholes for the rich, are new goodies for the receivers of dividends, for those who buy All-Savers certificates, for the expanded IRA.

According to the Congressional Budget Office, 86 percent of the Reagan tax cuts go to over-$20,000 a year families, while two-thirds of all the spending cuts will be taken from under-$20,000 families.

The corporate income tax, and the estate and gift tax, have been largely done away with.

The distribution of wealth in this country has been even more unequal than the distribution of income. With the radical reductions in individual and corporate income taxes, and of estate and gift taxes, the disparities of wealth will become greater.

3. In monetary policy, the super-high interest rates of Reaganomics foster greater inequality of income and wealth as surely as his spending and tax programs.

The Reagan administration blames the present ruinous level of interest rates on the Federal Reserve. The Federal Reserve blames the administration.

Both are right. But that is small comfort to the unemployed men and women, and the bankrupted businesses, that are falling victim to the Reagan tight-money policy.

Like dividends, interest income is also highly skewed toward upper-income people. The top 24 percent of taxpayers get 50 percent of interest payments, the top 3 percent, 21 percent.

These disparities are obvious when you look at who borrows and who lends. Moderate-income people borrow heavily for home mortgages, consumer goods, doctor bills and education. And upper-income groups, having the money to lend, naturally do most of the lending.

4. In regulatory policy, the Reagan administration's shoddy effort to get rid of regulatory protection is also going to worsen inequality. Breadwinners who grow ill of black lung disease or who die in an accident on an unsafe shop floor are headed for involuntary poverty for themselves and their families. When we tear up programs of occupational safety and of clean air and water, we condemn millions not only to physical harm but to growing poverty.

5. A fifth contributor to the maldistribution of income and wealth is the Reagan administration's attack on efforts to end discrimination against blacks and women. Whether by the sleazy decision to exempt racist institutions from taxation, or by abandonment of the fight for the Equal Rights Amendment, what hurts blacks and women hurts the drive for equality overall.

There you have it—a concerted radical drive backward toward greater inequality, toward Hoover, toward Methuselah.

Unless we check it, the poor, the handicapped, the minorities will be ground to the breaking point. Unless we check it, modest-income people will run out of the purchasing power needed to turn the economy's wheels. Unless we check it, we are courting the violence that comes when whole classes feel themselves endangered.

FDR said: "The test is not whether we add more to the abundance of those who have enough. It is whether we provide enough for those who have too little."

We need another FDR.●

FARM ECONOMY IS IN A DEPRESSION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HIGHTOWER) is recognized for 10 minutes.

Mr. **HIGHTOWER**. Mr. Speaker, last September, 32 percent of the farm loans in Texas were delinquent, 35 percent of my area, the 13th Congressional District. The January 1, 1982, figure shows around 80 percent of the Farmers Home Administration farm program loans in my district are delinquent, 69 percent statewide. If 80 percent being delinquent is not serious, I do not know what is serious. I have been told so many times that I cannot stand to hear it that the inefficient farmers are the ones in trouble. That we need to get rid of inefficient farmers. I am telling this House today that 80 percent of the farmers with Farmers Home loans in my area are not inefficient. Most of the inefficient farmers went under in 1978, 1979, 1980. They are gone.

This does not mean that we are going to lose 80 percent. It does mean that the entire farm economy is in a depression. Farm income, according to the Secretary of Agriculture, will not top the $19 billion figure that we have for the past 2 years. Several respected agricultural economists are predicting a net farm income of $14 billion this year.

I have asked the Secretary of Agriculture what we can do to improve the situation, and the response is that things always improve. I hope so. I pray every day that we are going to see a turnaround that this entire country needs. I cannot just sit and hope. My people did not elect me to sit and hope that some other country will have bad crops and our prices will improve.

I am going to do everything possible on the Appropriations Committee to fund the revolving credit fund to help us win back markets lost to other countries because they do make credit available. We have lost significant foreign markets that used to be ours. The dollar value of our exports may very well go down this year for the first time in 5 years. We need to be selling our products, not just sitting and waiting for someone to call on us.

I am working with Congressman CHARLES STENHOLM, of Texas, on a program to encourage farmers to use all of the marketing tools available to use the loan, the reserve, to use acreage set aside to try and improve the prices.

I will continue to urge the administration to increase the loan levels for the different commodities for two reasons: First, to raise the price floor, and second, to reduce the budget exposure of the tax dollar between the loan and the target price.

The final result must be that the administration has to accept that there is a very real problem that is not going to go away by pretending that it does not exist. Interest rates are killing the farmer, the businessman, the homebuilder, the Federal budget. The problem is a little bigger than that, like one of the farmers from my district told the Secretary of Agriculture the other night in Lubbock, if I did not have the principal to pay back, the interest would not be near the problem that it is today.

If we are going to have any farmers left, we must look at what is happening on the farm. In 1981, Farmers Home loaned farmers in Texas $75 million under the economic emergency program. A program with $600 million in it that the administration is not using as of today. In 1981 Farmers Home loaned farmers in Texas $492.9 million under the disaster emergency loan program. We had good crops in Texas this past year so there will not be any money to speak of loaned under this program for the 1982 crop year. Finally, we had $79 million loaned under the operating loan program in 1981, there is $102 million available this year. The banks are not able to take back most of these farmers. There is not anywhere to go. If things do get better ultimately many farmers will not be around to enjoy it.

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IMPORTANT BUSINESS THE HOUSE COULD DO

The **SPEAKER** pro tempore. Under the previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 15 minutes.

Mr. **WALKER**. Mr. Speaker, the House again today has met in a pro forma session, which in effect says to the American people that we have no serious business to conduct at this time and that we have had no serious business to conduct since the beginning of the year.

I think, Mr. Speaker, that the American people should begin to focus on this procedure and should begin to focus on the fact that here in this House, we have met day after day in pro forma sessions or in very short sessions, doing next to nothing.

I submit, Mr. Speaker, that there are some things this House could be doing. There are issues that we could be taking up, issues that we have been told for years around here that we just do not have the time to consider.

Very often when some of us have suggested, for example, the school prayer issue ought to be addressed on this floor, we are told that, well, we have pressing legislative business and we just cannot get to that, or that when we say that busing should be addressed on this floor, we are told, no, there are just too many other things cramming the calendar. We cannot get to that, or when we suggest that discriminatory quotas might be something that this House should take a position on and that we ought to debate—no, we cannot get to that, either, because we just do not have the time, or when we suggest that one way of getting at crime might be to have the death penalty put on certain classes of Federal crimes, we are told, well, that is something also that we just do not have the time to address.

Well, I submit, Mr. Speaker, that right now we do have the time. We have shown since the beginning of this year that we do have the time.

Now, I am admonished when I bring this up on the floor that, well, we have got to follow the regular procedures of the House. These bills that we are discussing just are not ready to be brought out.

Well, that raises another question. I wonder why they are not ready to be brought out. For instance, a balanced budget bill was put into the hopper of this House and went to committee on January 5, 1981. It has been sitting around for more than a year waiting for some kind of action on it.

The school prayer amendment was introduced on January 16, 1981, and yet it still has not been brought out under the regular procedures of the House.

Busing, that issue which has been addressed in the other body, was first introduced in this body in committee on January 5, 1981. It has been more than a year and we have not addressed it under the regular procedures.

Antiquota legislation, January 5, 1981, more than a year.

The death penalty, January 5, 1981, more than a year that these things have been around, they could be addressed and yet we are here on the floor. We are saying that we are going to meet in pro forma sessions and we are not going to cover those issues.

What happens then, Mr. Speaker, is that we find out that those issues, because they are so important, have to come up under irregular procedures. Those of us who feel strongly about them bring them up under appropriation bills or authorization bills and then again we are admonished that, well, again, this is not the proper way to address that issue. You ought not to bring that issue up under these kinds of procedures. We ought to face these issues face forward, straight up, debate them on the merits of the issue.

Well, that is what I am saying, Mr. Speaker. I think we ought to and I think we ought to be addressing them right now while we have the time.

For example, even if we want to follow the regular procedures of this House, we do not want to resort to going into the committees and asking them to speed up a bill so that we can have it here on the floor.

The busing proposal was passed by the other body and is just sitting and waiting for this House to take it up, and yet we understand that the Chair may decide to hold that bill and not bring it up on the floor.

What I am saying is, all right, here we are meeting in pro forma session. The Chair is holding very important legislation. We could be addressing that right here today on this floor.

Well, what is going to happen is that we are going to have all these important issues. We are going to have a lot of other important issues facing this House and they are going to get jammed up just before a recess or just before adjournment, just like we have always done here over the last several years. That means that we are going to get some awful bad legislation jammed through this House on the idea that we have got to act because it is an emergency. We are going to be told that, well, you just have got to take this up today and you have got to pass it. You cannot amend it. You cannot do anything with it because we are right down at the time in which people are going to be cut off their social security checks or all of you want to go home for a recess to your districts and talk about these issues back in your districts. We have got to pass these right now.

That is exactly what is going to happen again, because we are meeting here in pro forma session, doing nothing. We are going to have these things jammed up at the end of the year and we are going to pass some bad legislation.

I think the American people would know what kind of legislation we passed in those late hours of the last session. That they may remember is when Congress gave themselves a hefty increase in outside earnings kind of under the table, very sneakily.

Well, that is the kind of thing that happens when you get legislation jammed up at the end.

I submit that is a bad way to legislate. We ought to be using the time we have right now. It is high time that this Congress begins to act on the important issues before the American people.

I think there needs to be a focus on pro forma sessions and that the American people ought to know that every time they see that the House has met pro forma, that we have really done nothing about the issues which most directly affect them.

IMPORTANT BUSINESS BEING CONSIDERED BY THE HOUSE

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I would like to advise the gentleman from Pennsylvania that this session today has not been an unfruitful one, because I have introduced in the hopper at the beginning of the session with 236 cosigners a bill to award to Adm. Hyman Rickover, U.S. Navy, retired, a gold medal in honor and appreciation for his manifold services to the country.

I am advised by the chairman of the appropriate subcommittee in the Banking and Currency Committee that that bill is going to be acted on as a result of the action today during what the gentleman has referred to as a pro forma session, and is going to be acted on in the subcommittee tomorrow.

I trust that the House overwhelmingly will approve it on the following day; so I want to assure the gentleman that even though these are pro forma sessions, that, nevertheless, it is possible for important business to be, if not transacted, at least meaningfully contributed to.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WALKER, for 15 minutes, today.

(The following Members (at the request of Mr. ROBERTS of South Dakota) to revise and extend their remarks and include extraneous material:)

Mr. MARKS, for 60 minutes, March 9.

Mr. SILJANDER, for 10 minutes, March 9.

Mr. DERWINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. HIGHTOWER) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. HIGHTOWER, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROBERTS of South Dakota) and to include extraneous matter:)

Mr. WILLIAMS of Ohio.

Mr. GOLDWATER.

Mr. CLINGER.

Mr. DORNAN of California.

Mr. BROOMFIELD.

Mr. CORCORAN.

Mr. HUNTER.

Mr. PORTER.

Mr. SHUMWAY.

Mr. DANNEMEYER.

(The following Members (at the request of Mr. HIGHTOWER) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. FROST in five instances.

Mr. MINETA in three instances.

Mr. HAMILTON.

Mr. CROCKETT.

Mr. BOWEN.
Mr. RODINO.
Mr. FRANK.
Mr. LELAND in 10 instances.
Mr. LEHMAN.
Mr. BONIOR of Michigan in two instances.
Mr. BEILENSON.
Mr. CONYERS.
Mr. DIXON.
Mr. SCHUMER in eight instances.
Mr. SWIFT.
Mr. NATCHER.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 29. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week of June 6 through June 12, 1982, as "National Garden Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 145. Joint resolution authorizing and requesting the President to proclaim "National Orchestra Week"; to the Committee on Post Office and Civil Service.

BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on March 5, 1982, present to the President, for his approval, a bill of the House of the following title:

H.R. 4625. An act to authorize the Secretary of the Army to return to the Federal Republic of Germany certain works of art seized by the U.S. Army at the end of World War II.

ADJOURNMENT

Mr. STRATTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 9, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3303. A letter from the Acting Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment), transmitting notice of location, nature, and estimated cost of various construction projects proposed to be undertaken by the Naval Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

3304. A letter from the Acting Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment), transmitting notice of location, nature, and estimated cost of various construction projects proposed to be undertaken by the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

3305. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-161, "D.C. workers' compensation act of 1979 amendments act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3306. A letter from the Secretary of Education, transmitting a draft of proposed legislation to amend title IV, part B of the Higher Education Act of 1965; to the Committee on Education and Labor.

3307. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1980 on Federal activities on alcohol abuse and alcoholism, pursuant to sections 102(1) and 101(d)(1) of Public Law 91-616; to the Committee on Energy and Commerce.

3308. A letter from the Secretary of Energy, transmitting the annual report on the Power Plant and Industrial Fuel Use Act, pursuant to section 806 of Public Law 95-620, as amended; to the Committee on Energy and Commerce.

3309. A letter from the Comptroller General of the United States, transmitting the annual report on the activities of the U.S. General Accounting Office for fiscal year ending September 30, 1981, pursuant to section 312(a) of the Budget and Accounting Act of 1921; to the Committee on Government Operations.

3310. A letter from the Director, U.S. Office of Personnel Management, transmitting the annual report on the financial status of civil service retirement fiscal year ending September 30, 1980, pursuant to section 121(a) of Public Law 95-595; to the Committee on Government Operations.

3311. A letter from the Acting Assistant Public Affairs Director for News, Department of Agriculture, a report on the Department's activities under the Freedom of Information Act, during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3312. A letter from the Assistant Secretary of State for Congressional Relations, transmitting reports on political contributions made by Ambassador-designate Herman W. Nickel, and by members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

3313. A letter from the Assistant Secretary of the Interior (Territorial and International Affairs), transmitting the annual report of the fiscal condition of the American Samoa Government for the fiscal year ended September 30, 1980, pursuant to section 3(d), Secretary's order 3009, September 13, 1977; to the Committee on Interior and Insular Affairs.

3314. A letter from the Assistant Secretary of the Interior (Indian Affairs), transmitting a proposed plan for the use and distribution of Three Affiliated Tribes of Fort Berthold Reservation judgment funds awarded in dockets 350-G and 54-81L, pursuant to sections 2(a) and 4 of Public Law 93-194; to the Committee on Interior and Insular Affairs.

3315. A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to reform habeas corpus procedures, and for other purposes; to the Committee on the Judiciary.

3316. A letter from the Commissioner, Immigration and Naturalization Service, and U.S. Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

3317. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years of 1983 and 1984 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

3318. A letter from the Secretary of Energy, transmitting the fifth annual report on the electric and hybrid vehicles program, pursuant to section 14 of Public Law 94-413; to the Committee on Science and Technology.

3319. A letter from the Comptroller General of the United States, transmitting an audit of the office of the attending physician revolving fund for fiscal year 1981, (AFMD-82-36, March 5, 1982); jointly, to the Committees on Government Operations and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Mar. 4, 1982, the following reports were filed on Mar. 5, 1982]

Mr. DANIELSON: Committee on the Judiciary. H.R. 4491. A bill to exempt the U.S. Capitol Historical Society from certain taxes; with an amendment (Rept. No. 97-445). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2160. A bill to amend the Potato Research and Promotion Act; with an amendment (Rept. No. 97-446). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3881. A bill to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain lands conveyed to the Arkansas Forestry Commission, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such lands to such commission; with an amendment (Rept. No. 97-447, Pt. I). Ordered to be printed.

[Submitted Mar. 8, 1982]

Mr. ANNUNZIO: Committee on House Administration. House Resolution 378. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the 2d session of the 97th Congress (Rept. No. 97-448). Referred to the House Calendar.

Mr. BROOKS: Committee on Government Operations. Report: "Norad Computer Systems are Dangerously Obsolete" (Rept. No. 97-449). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 3943. A bill to amend the Federal Grant and Cooperative Agreement Act (Rept. No. 97-450). Referred to the Committee of the Whole House on the State of the Union.

Mr. KINDNESS: Committee on the Judiciary. H.R. 4468. A bill to amend chapter 84, section 1752 of title 18, United States Code, to authorize the Secretary of the Treasury to establish zones of protection for certain persons protected by the U.S. Secret Service; with an amendment (Rept. No. 97-451). Referred to the Committee of the Whole House on the State of the Union.

Mr. SYNAR. Committee on the Judiciary. H.R. 4688. A bill to amend the Military Personnel and Civilian Employees' Claims Act of 1964 to increase from $15,000 to $20,000 the maximum amount that the United States may pay in settlement of a claim under section 3 of that act; with amendment (Rept. No. 97-452). Referred to the Committee of the Whole House on the State of the Union.

Mr. SYNAR: Committee on the Judiciary. H.R. 2329. A bill conferring jurisdiction on certain courts of the United States to hear and render judgment in connection with certain claims of the Cherokee Nation of Oklahoma with amendment (Rept. No. 97-453, Pt. I). Order to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 5744. A bill to amend the Military Selective Service Act to reduce to $200 the maximum penalty applicable to persons who fail to register under that act during any period when there is no authority to induct persons into the Armed Forces; to the Committee on Armed Services.

H.R. 5745. A bill to provide that checks drawn on the Treasury must be presented for payment within 6 months after the date of issuance; to the Committee on Government Operations.

By Mr. BROYHILL:

H.R. 5746. A bill to apply duty-free treatment to hosiery knitting machines; to the Committee on Ways and Means.

By Mr. FLORIO:

H.R. 5747. A bill to amend the war powers resolution to require specific authorization for the introduction of U.S. Armed Forces into El Salvador for combat; to the Committee on Foreign Affairs.

By Mr. FUQUA (by request):

H.R. 5748. A bill entitled the "National Science Foundation Authorization Act for Fiscal Years 1983 and 1984"; to the Committee on Science and Technology.

By Mr. HUBBARD:

H.R. 5749. A bill to provide that the amendment made by the Economic Recovery Tax Act of 1981 with respect to the eligibility of replacement property acquired in a section 1031 or 1033 transaction for special farm valuation for estate tax purposes shall apply to estates of decedents dying after December 31, 1976; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 5750. A bill to stimulate the production and rehabilitation of multifamily rental housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHUMWAY:

H.R. 5751. A bill to impose quotas on the importation of East German montan wax during 1982, 1983, and 1984; to the Committee on Ways and Means.

By Mr. SWIFT (for himself, Mr. Collins of Texas, Mr. Bliley, Mr. Luken, Mr. Moorhead, Mr. Mottl, Mr. Tauke, and Mr. Tauzin):

H.R. 5752. A bill to amend the Communications Act of 1934 to make certain revisions in procedures applicable to the renewal of broadcasting station licenses; to the Committee on Energy and Commerce.

By Mr. ROE (for himself and Mr. Rosenthal):

H.J. Res. 425. Joint resolution to designate April 24, 1982, as "National Day of Remembrance of Man's Inhumanity to Man"; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL (for himself, Mr. Brown of California, Mr. Phillip Burton, Mr. Conyers, Mr. Edwards of California, and Mr. Kastenmeier):

H.J. Res. 426. Joint resolution to prohibit military assistance for El Salvador; to the Committee on Foreign Affairs.

By Mr. DANIEL B. CRANE:

H. Res. 379. Resolution expressing the sense of the House of Representatives regarding the torture and mutilation of dogs for profit in the Republic of the Philippines; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

281. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to free movement of aircraft; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. VOLKMER:

H.R. 5753. A bill for the relief of certain persons who suffered damages arising from the flood caused by the breach, by the U.S. Army Corps of Engineers on July 27, 1981, of a cofferdam on the Salt River in the State of Missouri; to the Committee on the Judiciary.

H.R. 5754. A bill to provide compensation to lessees of certain Federal land located in Missouri for losses sustained in 1981 as a result of the flooding of such land; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1140: Mr. Lagomarsino.

H.R. 1400: Mr. Railsback.

H.R. 2102: Mr. Winn.

H.R. 3416: Mr. Shaw.

H.R. 4399: Mr. Fazio, Mr. Tauke, and Mr. Young of Alaska.

H.R. 4786: Mr. Akaka, Mr. Mavroules, Mr. Skelton, Mr. Ford of Tennessee, Mrs. Kennelly, Mr. Clinger, Mr. Dougherty, and Mr. Mottl.

H.R. 4936: Mr. Mitchell of Maryland, Mr. James K. Coyne, Mr. Gibbons, Mr. Horton, Mr. Ottinger, and Mr. Fazio.

H.R. 5127: Mr. Whitten, Mr. Bowen, Mr. Craig, Mr. Daschle, Mr. Oxley, Mr. Hansen of Idaho, Mr. Daub, Mr. Won Pat, Mr. Smith of Pennsylvania, Mr. Bevill, Mr. Courter, Mr. Andrews, Mr. Lagomarsino, Mr. Wilson, Mr. Hartnett, Mr. Akaka, Mr. Montgomery, Mr. Robinson, Mr. Ashbrook, Mr. Napier, Mr. Lott, Mr. Hammerschmidt, Mr. Roberts of Kansas, Mr. Holland, Mr. Roe, Mr. DeNardis, Ms. Mikulski, Mrs. Kennelly, Mr. Cheney, Mr. Spence, Mr. Gingrich, Mr. Bailey of Missouri, Mr. Mattox, Mr. Foglietta, Mr. Anthony, Mr. Pritchard, Mr. Sharp, Mr. Alexander, Mr. Clinger, and Mr. Dowdy.

H.R. 5192: Mr. Bliley, Mr. Brown of Colorado, Mr. Coats, Mr. Coughlin, Mr. James K. Coyne, Mr. Clinger, Mr. Fields, Mr. Hendon, Mr. Hopkins, Mr. Kemp, Mr. Leach of Iowa, Mr. Lee, Mr. Lewis, Mr. Rogers, Mr. Skeen, Mr. Pickle, and Mr. O'Brien.

H.R. 5312: Mr. McKinney.

H.R. 5341: Mr. Bethune, Mr. Stump, and Mr. Grisham.

H.R. 5432: Mr. Annunzio, Mr. Dan Daniel, Mr. Harkin, Mr. Montgomery, Mr. Lungren, Mr. McHugh, Mr. Hutto, Mr. Bevill, Mr. Brinkley, Mr. Aspin, Mr. McCurdy, Mrs. Holt, Mr. Dickinson, Mr. Shumway, Mr. Michel, Mr. Dellums, Mr. Bolling, Mr. Mineta, Mr. Akaka, Mr. de Lugo, Mr. Zablocki, Mr. Kazen, Mr. Broomfield, Mr. McEwen, Mr. Foley, Mr. Roybal, Mrs. Byron, Mr. White, Mr. Mollohan, Mr. Dyson, Mr. Leath of Texas, Mr. Davis, Mr. McGrath, Mr. Rudd, Mr. Conte, Mr. Hamilton, Mr. Lewis, Mr. Peyser, Mr. Stokes, Mr. AuCoin, Mr. Hightower, Mr. Alexander, Mr. Hefner, Mr. Benjamin, Mr. Sabo, Mr. Dicks, Mr. O'Brien, Mr. Livingston, Mr. Miller of Ohio, Mr. Robinson, Mr. McDade, Mr. Green, Mr. Edwards of Oklahoma, Mr. Scheuer, Mr. William J. Coyne, Mr. Murtha, Mr. Richmond, Mr. Trible, Mr. Beilenson, Mr. Natcher, Mr. Boland, Mrs. Boggs, Mr. Watkins, Mr. Gray, Mr. Obey, Mr. Fazio, Mr. Porter, Mr. Pursell, Mr. Young of Florida, Mr. Coughlin, Mr. Loeffler, Mrs. Smith of Nebraska, Mr. Myers, Mr. Bailey of Pennsylvania, Mr. Gaydos, Mr. Walgren, Mr. McClory, Mr. Fowler, Ms. Mikulski, Mr. Fountain, Mr. Wright, Mr. Fauntroy, Mr. Addabbo, Mr. Zeferetti, Mr. Yates, Mr. Rousselot, Mr. Brooks, Mr. Thomas, Mr. Ashbrook, Mr. Atkinson, Mr. Biaggi, Mr. Boner of Tennessee, Mrs. Bouquard, Mr. Breaux, Mr. Broyhill, Mr. Campbell, Mr. Clausen, Mr. Conyers, Mr. Dannemeyer, Mr. James K. Coyne, Mr. Donnelly, Mr. Clinger, Mr. Oxley, Mr. Hammerschmidt, Mr. Hansen of Idaho, Mr. Ritter, Mr. Hughes, Mr. Hyde, Mr. Lent, Mr. Lowery of California,Mr. Lujan, Mr. Matsui, Mr. Mattox, Mr. McDonald, Mr. Murphy, Mr. Neal, Mr. Wilson, Mr. Pepper, Mr. Patterson, Mr. Pritchard, Mr. Howard, Mr. Rodino, Mr. Roe, Mr. Wortley, Mr. Patman, Mr. McCollum, Mr. Corcoran, Mr. Corrada, Mr. Vento, Mr. Won Pat, Mrs. Kennelly, Mr. Ford of Tennessee, Mr. Goldwater, Mr. Gejdenson, Mr. Fary, Mr. Downey, Mr. Reuss, Mr. Moakley, Mr. Dwyer, Mr. Smith of Iowa, Mr. Synar, Mr. Lehman, Mr. Jones of Oklahoma, Mr. Forsythe, Mr. Vander Jagt, Mr. Russo, Mr. Shannon, Mr. Bowen, Mr. Yatron, Mr. Fascell, Mr. Gonzalez, Mr. Florio, Mr. Dougherty, Mr. Bonior of Michigan, Mr. Bonker, Mr. Frost, Mr. Gilman, Mr. Grisham, Mr. Solomon, Mr. Erdahl, Mr. Martin of New York, Mr. Dunn, Mr. Carman, Mr. Coats, Mr. Badham, Mr. Jones of Tennessee, Mr. Pickle, Mr. Ratchford, Mr. Railsback, Mr. Holland, Mr. Quillen, Mr. Hall of Ohio, Mr. Seiberling, Mr. Udall, Mrs. Heckler, Ms. Ferraro, Mr. Solarz, Mr. Hartnett, Mr. Hoyer, Mr. Rangel, Mr. Jones of North

Carolina, Mr. Mitchell of New York, Mr. Leach of Iowa, Mr. Lagomarsino, Mr. Rahall, Mr. Ginn, Ms. Oakar, Mr. Anthony, Mr. Stump, Mr. Shamansky, Mr. Nichols, Ms. Fiedler, Mr. Gore, Mr. Bingham, Mr. Kastenmeier, Mr. Miller of California, Mr. Glickman, Mr. Hawkins, Mr. Garcia, Mr. Dornan of California, Mr. Weber of Ohio, Mr. Molinari, Mr. Lee, Mr. Butler, Mr. Moore, Mr. Lantos, Mr. Moorhead, Mr. Beard, Mr. Chappell, Mr. Philip M. Crane, Mr. Courter, Mrs. Fenwick, Mr. Hubbard, Mr. Hunter, Mr. Jenkins, Mr. LeBoutillier, Mr. Roemer, Mr. Spence, Mr. Swift, Mr. Wolf, Mr. Whitten, Mr. Whitehurst, Mr. Evans of Georgia, Mr. Derwinski, Mr. Bliley, Mr. Schulze, Mr. Nelson, Mr. Rosenthal, Mr. Carney, Mr. McCloskey, Mr. Levitas, Mr. Mavroules, Mr. Fuqua, Mr. Napier Mr. Schumer, Mr. Sunia, and Mr. English.

H.R. 5485: Mr. Dixon, Mr. James K. Coyne, Mr. Peyser, Mr. Simon, Mr. Swift, and Mr. Coelho.

H.R. 5558: Mr. Smith of Pennsylvania, Mr. Blanchard, and Mr. Kildee.

H.R. 5583: Mr. Bereuter, Mr. Pritchard, and Mr. McClory.

H.J. Res. 272: Mrs. Heckler, Mr. Archer, Mr. Ford of Michigan, and Mr. Anthony.

H.J. Res. 385: Mrs. Heckler, Mr. Gray, Mr. Michel, Mr. Derwinski, Mr. Clausen, Mrs. Bouquard, Mr. Corcoran, Mr. Emery, Mr. Hunter, Mr. Bennett, Mr. Latta, Mr. Martin of North Carolina, Mrs. Martin of Illinois, Mr. Weber of Ohio, Mr. Morrison, Mr. Horton, Mr. Murtha, Mr. Robinson, Mr. Dickinson, Mr. Myers, Mr. Fuqua, Mr. Daniel B. Crane, Mr. Hammerschmidt, Mr. Shumway, Mr. Mineta, and Mr. Molinari.

H.J. Res. 420: Mr. Bafalis, Mrs. Bouquard, Mr. Brinkley, Mr. Corrada, Mr. Crockett, Mr. DeNardis, Mr. Dickinson, Mr. Dougherty, Mr. Emerson, Mr. Erdahl, Mr. Fauntroy, Mr. Fazio, Mrs. Fenwick, Mr. Foley, Mr. Ford of Tennessee, Mr. Fuqua, Mr. Gramm, Mr. Green, Mr. Gregg, Mr. Hall of Ohio, Mr. Hefner, Mrs. Holt, Mr. Hughes, Mr. Jenkins, Mr. LaFalce, Mr. Lee, Mr. Lehman, Mr. Madigan, Mr. Miller of Ohio, Mr. Moakley, Mr. Morrison, Mr. Oberstar, Mr. Roemer, Mr. Rosenthal, Mr. Skelton, Mr. Sunia, Mr. Weber of Ohio, Mr. Whitehurst, Mr. Winn, Mr. Won Pat, and Mr. Wortley.

H. Con. Res. 275: Mrs. Heckler, Mr. Archer, Mr. Derwinski, Mrs. Bouquard, Mr. Lungren, Mr. Whitehurst, Mr. Corcoran, Mr. Emery, Mr. Goodling, Mr. Hunter, Mr. Bennett, Mr. Latta, Mr. Addabbo, Mr. Martin of North Carolina, Mr. Santini, Mr. Weber of Ohio, Mr. Horton, Mr. Bowen, Mr. Murtha, Mr. Robinson, Mr. Dickinson, Mr. Oxley, Mr. McDonald, Mr. Murphy, Mr. Daniel B. Crane, Mr. Pepper, Mr. Shumway, Mr. Clinger, Mr. Mineta, Mr. Lee, Mr. Hammerschmidt, Mr. Brown of Colorado, and Mr. Roe.

H. Res. 265: Mr. Weber of Ohio.

H. Res. 321: Mr. Bethune and Mr. Grisham.

H. Res. 362: Mr. Smith of Oregon, Mr. Roberts of Kansas, Mr. Lungren, Mr. Oxley, Mrs. Schneider, Mr. Roberts of South Dakota, Mr. Lujan, and Mr. Johnston.

PETITIONS, ETC.

Under clause 1 of rule XXII,

362. The SPEAKER presented a petition of Alabama Labor Council, AFL-CIO, Birmingham, Ala., relative to decontrol of natural gas; which was referred to the Committee on Energy and Commerce.

SENATE—*Monday, March 8, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

I suggest that we observe a moment of silent prayer for the family of former Senator Clifford P. Case.

(Moment of silence).

Let us pray.

The Lord is gracious and merciful, slow to anger and abounding in steadfast love. The Lord is good to all, and His compassion is over all that is made . . . The Lord is near to all who call upon Him in truth. He fulfills the desire of all who fear Him . . . The Lord preserves all who love Him.—Psalm 145 : 8, 9, and 18-20.

We thank Thee, Lord, for Thine availability. Thou art not a god far off or in hiding. Thou art near to us, nearer than hands or feet. If we reach for Thee, we have already gone too far. Nothing is too hard for Thee, nothing impossible. Thou knowest all things: the thoughts within us, the words unspoken on our tongues, the end of our lives from the beginning.

As Thou dost know us, Lord, in the total context of our being, rule Thou in our hearts today. Preside over the business of the Senate, guide the deliberations to a conclusion which will honor Thee and please Thee. "Hallowed be Thy name, Thy kingdom come, Thy will be done (in the Senate) as it is in heaven. For Thine is the kingdom and the power and the glory." Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

JOURNAL

Mr. TOWER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. TOWER. Mr. President, I ask unanimous consent that following the time allocated to the two leaders under the standing order and following the time to be consumed by the Senator from California (Mr. HAYAKAWA) under a special order, the Senate proceed to the morning hour for the consideration of routine business not to extend beyond the hour of 12:30 and that Senators be permitted to speak not more than 10 minutes therein.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I am sure the Senator did not mean to use the words, "morning hour," because that has a special connotation.

Mr. TOWER. Mr. President, a period for the transaction of routine morning business, I should have said.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished acting majority leader.

HAPPY BIRTHDAY, SENATOR RANDOLPH

A REASON TO CELEBRATE

Mr. ROBERT C. BYRD. Mr. President, today is a special day in the Senate. On this date in 1902, Senator JENNINGS RANDOLPH was born. Today, Senator RANDOLPH has reached his 80th year, and I know that all of our colleagues join me in wishing Senator RANDOLPH well as he celebrates this milestone in his life and in our own.

Senator RANDOLPH was first elected to Congress in 1932. He served 14 consecutive years in the House of Representatives. During those decisive years—the years of the Great Depression and World War II—JENNINGS RANDOLPH was a close witness to and participant in some of the most dramatic events in modern American history.

In 1958, Senator RANDOLPH was elected to the Senate. He and I, together with some Senators still serving here, have enjoyed rich experiences together in the last two and one-half decades. Throughout that time, I have often been the beneficiary of Senator RANDOLPH's characteristic graciousness and helpfulness, and I have been honored by my close association with him as, together, we have represented the people of West Virginia over these many years.

Senator RANDOLPH has now attained a robust and respected fourscore years. His eight decades have crowned him with wisdom and perception. I am glad today to offer him—on behalf of my wife, Erma, and myself—our wishes for a happy birthday, and a hope that we shall celebrate many more such occasions with him in the years ahead.

Mr. TOWER. Mr. President, I simply wish to add to that tribute of the minority leader my congratulations to the distinguished Senator from West Virginia (Mr. RANDOLPH) on the achievement of his 80th birthday. He is a man of such youthful demeanor and vigorous activity that none of us supposed that he had attained that rather mature age. He does continue to make a substantial contribution to the deliberations of this body and we all wish him well on this important day in his life.

Mr. President, I reserve the remainder of my time. I yield to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. KASTEN). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I would like to join in the congratulations on his birthday to the able and distinguished Senator from West Virginia (Mr. RANDOLPH). Senator RANDOLPH is one of the most unique persons I have had the pleasure of knowing. He is a man of fine intellectual qualities. He has also served in many other capacities. He has served here during the Presidency of Franklin D. Roosevelt and the Presidents since that time. He has had a most interesting life.

I have often wondered if he is not the typical American legislator. He takes a special pride in young people, and I guess that is one reason I am so interested in him, because I am intensely interested in young people, too. He and I have conversed many times about what can be done to encourage and inspire young people.

Mr. President, I am very proud of his friendship. I am proud to serve with him in the Senate, and I wish him a long life of good health and happiness.

Mr. TOWER. Mr. President, I yield 2 minutes to the distinguished Senator from Oregon (Mr. HATFIELD).

Mr. HATFIELD. Mr. President, I think this is indeed a day worthy of commendation of not only the longevity of our colleague, the Senator from West Virginia (Mr. RANDOLPH), but also the outstanding contribution he has made within and without the Senate.

I should like to touch on just one of his many interests. That is the devotion and dedication to his alma mater, Salem College of West Virginia. That, as you know, is one of those unique

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

colleges. It is Seventh Day Baptist in its origins and our colleague is a Seventh Day Baptist. I happen to be Baptist. There is a saying that if you are a Baptist it does not mean very much because there are so many of kinds of Baptists. I think "Mead's Handbook on American Denominations" list 22 varieties of Baptist. That does not include the one that President Truman belonged to. A member of the press asked him one day, "Mr. President, what kind of Baptist are you?" He replied, "I am a bourbon Baptist." That denomination is not listed in the handbook.

Salem is the college where our colleague graduated and as a student, he was elected to the board of trustees. He has served on that board of trustees continuously throughout his years, longer than any other member. I doubt that any other college in America can boast such longevity of one single trustee.

Even though we think of people slowing down as they reach older ages, I was confronted the other day by Senator RANDOLPH, who told me of the financial difficulties that, like many of the liberal arts colleges, his college is in today. He was talking about trying to raise about one-tenth of what they have to raise. He was going out and being personally responsible for raising $50,000 of a $500,000 campaign. That is the kind of energy, the kind of foresightedness, the kind of devotion he has to the younger generation and those students yet to come and matriculate at Salem College.

Mr. President, I want to add my words of commendation and pride to a man who has not only distinguished himself in the Senate but has devoted his life to the educational opportunities of the young people of West Virginia and others who come to Salem College.

Mr. President, we speak today of the long and distinguished service of our colleague, JENNINGS RANDOLPH, in the Congress of the United States. I have done some research, the results of which should help us to understand the tremendous portion of our country's history in which he has been involved. In the 193 years since the Congress was established in its present form, 31 Senators and 43 Members of the House of Representatives served beyond their 80th birthdays. Senator RANDOLPH thus is a member of an exclusive group of men and women who have contributed much in the way of experience and wisdom to the legislative process. It is truly remarkable that of those 74 Members of the Congress, Senator RANDOLPH has served with or known 40.

He is the fourth person from his State to have reached the age of 80 while in office, the others being Senator Matthew M. Neely, Representative Elizabeth Kee, and Representative William E. Neal.

The PRESIDING OFFICER. The Senator from California.

Mr. HAYAKAWA. Mr. President, I wish to add my name to those who are congratulating our distinguished colleague, Senator JENNINGS RANDOLPH, on his 80th birthday. Others have already spoken much of his record and of his friendliness and how grateful we are for his companionship and his collegiality in this body. I should like to add one footnote.

I understand that this is Senator RANDOLPH's 80th birthday. This summer I shall celebrate my 76th, and my doctor tells me, "Keep your weight down, keep your weight down, and you will live long." I look at Senator RANDOLPH, and I think I ought to quarrel with my doctor.

It is a very happy occasion, indeed. I am glad to see that he is in such excellent health, despite the fact that he disobeys the injunctions at least of my doctor. I do not know what kind of doctor he has.

Mr. BAKER. I want to join my colleagues in expressing my very best wishes to the senior Senator from West Virginia on the occasion of his 80th birthday. Senator RANDOLPH has pointed out that he is the 31st Senator to serve in the Senate beyond the age of 80, and I just want to tell him that may be so, but he is clearly the youngest of that entire group.

Throughout my 15 years in the Senate, Senator RANDOLPH has been more than just a colleague. He has been a teacher, a partner, and above all, a friend.

The privilege and indeed, the pleasure of serving on the Environment and Public Works Committee with Senator RANDOLPH, and the opportunity to accompany him on visits to Salem College remain among the most unique aspects of my legislative career, and I want to take this opportunity to congratulate the Senator on his remarkable milestone.

DEATH OF FORMER SENATOR CASE

Mr. BAKER. Mr. President, this past weekend, America lost a dedicated public servant, and I lost a trusted friend. Throughout his distinguished service in the U.S. Senate, Clifford Case brought honor and excellence to the Senate and to the Nation. I, along with my colleagues who were fortunate enough to serve with Senator Case, have long admired him and will dearly miss him.

ETHICS

Mr. BAKER. Mr. President, this week's poem is entitled "Ethics," and was written by Linda Pastan. I believe the timely words speak for themselves.

ETHICS

(By Linda Pastan)

In ethics class so many years ago
our teacher asked this question every fall:
if there was a fire in a museum
which would you save, a Rembrandt painting
or an old woman who hadn't many
years left anyhow? Restless on hard chairs
caring little for pictures or old age
we'd opt one year for life, the next for art
and always half-heartedly. Sometimes
the woman borrowed my grandmother's face
leaving her usual kitchen to wander
some drafty, half-imagined museum.
One year, feeling clever, I replied
why not let the woman decide herself?
Linda, the teacher would report, eschews
the burdens of responsibility.
This fall in a real museum I stand
before a real Rembrandt, old woman,
or nearly so, myself. The colors
within this frame are darker than autumn,
darker even than winter—the browns of each,
though earth's most radiant elements burn
through the canvas. I know now that woman
and painting and season or almost one
and all beyond saving by children.

ORDER OF BUSINESS

(The following statement, which was made later in today's proceedings, is printed at this point in the RECORD by unanimous consent.)

AMERICAN TROOPS AND EL SALVADOR

Mr. ROBERT C. BYRD. Mr. President, later today, I shall introduce legislation requiring the President to get specific authorization from the Congress before introducing U.S. combat forces into El Salvador.

My legislation amends the War Powers Act which presently allows the President to introduce troops into a foreign conflict for 60 days if he notifies the Congress in writing within 48 hours of such a commitment. The legislation would retain Presidential flexibility by allowing combat forces to be sent to El Salvador in those cases where they are needed to protect, and assist in the evacuation of, American citizens, or to protect the territorial integrity of the United States.

It is my view that before we proceed any further, all Americans need to debate and evaluate fully the nature of our role in El Salvador.

I am taking this step now because of my growing concern over what I perceive to be an escalation of administration rhetoric and an escalation of administration involvement in that Central American country. The following are some of the recent events which have given me pause and led me to take a critical look at the nature of our involvement.

In March 1981, the administration asserted the following in the State Department's submission to the Senate Committee on Foreign Relations as to the applicability of the war powers resolution to El Salvador: The war powers resolution did not apply to U.S. military advisers sent to El Salvador because, contrary to that resolution, first, these personnel were not equipped for combat; and second, they had not been introduced into hostilities or situations of imminent involvement in hostilities.

The administration asserted at that time that U.S. personnel would carry only personal sidearms for self-defense. They also mentioned that the level of fighting had receded since the January 1981 guerrilla offensive.

It is obvious that the situation has changed dramatically since the administration last reported to the Congress.

The New York Times, reporting on February 20, 1982, quoted Secretary of State Alexander Haig as saying that M-16's, a basic combat weapon, would be far more reassuring for U.S. forces. He stated further that U.S. forces in El Salvador needed M-16's because they were operating in an unpredictable guerrilla environment.

In the same edition of the New York Times, Secretary of Defense Caspar Weinberger, in justifying the carrying of M-16's by our military advisers, was quoted as saying:

> Trainers down there have to have some kind of personal protection.

The public remarks followed the airing of a Cable News Network film clip on February 11, 1982, showing U.S. military advisers equipped with M-16's, walking through an area recently recaptured from guerrilla control.

There have been emanating from our military leaders expressions of growing alarm over the armed conflict in El Salvador. Gen. Wallace Nutting, the head of U.S. Southern Command in Panama, recently in El Salvador, was quoted as saying that the United States would have to rethink its current policy of not allowing U.S. advisers to accompany Salvadoran soldiers on combat missions. General Nutting also stated:

> There is no quick or easy or cheap solution to the challenge. * * * Beyond that, no one knows.

On February 28, the New York Times quoted a high administration official to the effect that the President's senior advisers were not optimistic about the Salvadoran Government's ability to achieve a military victory over the rebels.

Finally, at the behest of my distinguished colleague, Senator BIDEN, on March 1 the minority staff of the Senate Foreign Relations Committee confirmed from the Pentagon that U.S. forces in El Salvador were receiving regular hostile fire pay.

Looking at the trend implicit in these events, I am led to the conclusion that now is the time to undertake a full debate on this issue, no matter how remote the possibility might be that the President would feel compelled to commit U.S. troops to El Salvador.

In this regard, I have also asked that an independent study and analysis be conducted by the Intelligence Committee of all the available intelligence information concerning Central America. As I indicated in my request to Senator MOYNIHAN, I think it would be useful for the Senate to receive the committee's own expert assessment of the situation, especially regarding Soviet and Cuban plans, intentions, and activities with respect to El Salvador.

There is growing concern in America over the direction of the administration's policy in El Salvador. We are becoming more and more deeply involved in a country whose history we are not very familiar with and whose culture we do not fully understand. And we know from experience the difficulty in using a foreign military presence to impose a political solution in such a situation. By moving incautiously, we run a great risk of creating a divisive debate which could once again rip the fabric of this country apart.

Before we have committed ourselves to such an extent—and I am not saying we should commit ourselves or we should not. I am not voicing any opinion on that matter whatsoever at this time. I am simply saying that Congress ought to be brought into the debate, ought to be brought into the dialog, and that Congress should fulfill its role under the Constitution and should be required to authorize such involvement before such involvement could go forward.

It is my hope that this legislation will insure a full debate before we have committed ourselves to such an extent. I feel this is a necessary step because the administration has not clearly presented a well-defined strategy in pursuit of clear and agreed upon objectives. The Congress has yet to be presented with evidence as to the risks to be accepted or the resources to be expended in the long run, for what could be essentially an open-ended commitment.

The policy we finally choose will only succeed if there is a national consensus in support of that policy. The only way to insure that we will choose the wisest course of action for our Nation is for the Congress to first exercise its responsibility under the Constitution.

The Congress is vested with the war-making powers of our Government. The Founding Fathers in their wisdom established a system of checks and balances to insure, to the extent possible, that the interests of the Nation were protected. It is my belief that in a matter as serious as this, the executive branch must be able to make a very compelling case and that it is our constitutional responsibility to err on the side of debate and caution before we are confronted with a situation that could cost us so dearly in money, national unity, and the spilling of American blood in the jungles of El Salvador.

The War Powers Act, as it now stands, does not address the issue before us. It requires the President to notify Congress within 48 hours of introduction of U.S. combat forces into a foreign country. Congress then has a 60-day period in which to either declare war or pass a concurrent resolution forcing a withdrawal of U.S. forces.

If one has to balance the risks, I see far worse consequences flowing from an introduction of U.S. combat forces into El Salvador, which the Congress then has to overturn by concurrent resolution.

Therefore, if one would argue that my legislation would be foreclosing one of the options available to the President, I would argue that there would be far greater damage to the President and to the national interest, if the scenario I just outlined were to occur.

It is my hope that the legislation I am offering today will receive additional cosponsors; that it will open up debate that will insure Congress constitutional responsibilities to be carried out fully; and, finally, that a full discussion will lead to policies the American people can support. I am serious in presenting this legislation and I hope its enactment will ensue. To do less would be to forfeit our responsibility under the Constitution.

Mr. President, I thank the Chair and I yield the floor.

ACTIVATION OF SECOND KC-10A UNIT AT MARCH AIR FORCE BASE, CALIF.

Mr. HAYAKAWA. Mr. President, last month, the Air Force announced its proposal to activate its second KC-10A unit at March Air Force Base. I also was pleased to learn that the Air Force Reserve plans to establish an associate KC-10 unit at this base to provide additional support personnel. The KC-10 aircraft is vital to our Nation's military objectives. Therefore, it is crucial that adequate military staffing be maintained. This certainly bears out the Joint Chiefs of Staff's statement that the Selected Reserves provides a significant portion of the fighting capability of the armed services.

The concept of Reserve associate units has been successful in the past. It was first established in 1968 for the strategic airlift—C-5 and C-4. The idea was then incorporated into the first KC-10A unit at Barksdale Air Force

Base in Louisiana. The new program will consist of about 150 members in the KC-10A Reserve associate squadron working side by side with crews flying the same Active Force aircraft. Active Force personnel will provide flight line maintenance, while intermediate and depot level maintenance and supply responsibilities will be performed under contract. Active duty personnel will begin arriving at March Air Force Base in mid-1982 and the associate Reserve unit would be activated near the time of the first KC-10A arrival at the base later this year.

I repeatedly expressed my strong support of the procurement of the KC-10 aircraft during the Department of Defense's review. Adequate and experienced personnel are necessary for efficient operation of the aircraft and the establishment of an associate KC-10 unit at March Air Force Base will be a much welcomed and needed addition.

CASE OF IDA NUDEL

Mr. HAYAKAWA. Mr. President, I recently cosigned a letter with several of my colleagues to Soviet Ambassador Anatoly Dobrynin expressing our desire that Ida Nudel, a Soviet refusenik, be allowed to emigrate to Israel now that she has completed her 4-year sentence of exile in Siberia.

Ida Nudel, a heroic fighter for human rights, has repeatedly been denied permission to emigrate to Israel and join her only living relatives. She first applied for permission to emigrate in 1971 with her sister, Illana. Illana received permission, Ida did not. In 1978, after a frustrating 7 years, Ida joined a protest of women dissidents by displaying a banner from her balcony which read, "KGB, give me my visa." She was subsequently arrested and exiled to the remote Siberian village of Kirovsheino. As Senators know, conditions are such that daily life is almost unbearable, and as a result Ida's health has deteriorated severely. In addition, local citizens abuse her almost daily for being an exile in Siberia.

Ida has devoted her life to the plight of Jewish political prisoners throughout the Soviet Union, and has earned the title of "Guardian Angel of the Prisoners of Conscience." Reports of her work and dedication have circulated throughout the world and serve to inspire others who find themselves in similar situations. I offer my sincere appreciation for her work and heartfelt sympathy for all she has had to endure for her cause.

The Soviet Union is a cosignatory of the Final Act of the Conference on Security and Cooperation in Europe signed in 1975. This document expresses humanitarian concerns such as the freer movement of people, ideas, and information; family reunification and visits; binational marriages; travel; access to printed, broadcasted, and filmed information; improved working conditions for journalists; and increased cultural and educational exchanges. Signatories of the act are committed to respond in a positive and humanitarian spirit to persons who are seeking to emigrate and rejoin their relatives. It is with this act in mind that I request the Soviets to honor their commitment and allow Ida Nubel to emigrate to Israel.

ALLEVIATION OF HUNGER AND MALNUTRITION

Mr. HAYAKAWA. Mr. President, through my duties on the Senate Agriculture Committee, I have become aware of the many problems faced today by our Nation's farmers. The most ironic of these is the large number who are being hurt by the low prices of overproduction, while so many people in the world are afflicted by hunger.

At this very moment, 800 million people suffer from hunger or malnutrition. Over 50 percent of the people who die from starvation are children under the age of 5. Through the use of recent studies, the World Bank estimates that the number of malnourished people in the Third World will more than double between the years 1980 and 2000. This would result in a devastating total of 1 billion starving persons. In fact, it has also been estimated that over 12 million children died from malnutrition last year alone.

To balance the food needs of the Third World and their actual imports, a gap of over 44 million tons of grain a year would have to be filled. This projection takes into account that developing nations can only import 50 percent of their actual food needs due to the enormous cost of food and transportation.

There has been much discussion concerning S. 1675, the African assistance and global security bill. Although I agree with much of the intent and many of the provisions of this legislation, I have not cosponsored it because I believe portions cut across existing lines of authority in both the Agency for International Development (AID) and the Department of Agriculture. At a time when we are trying to decrease the size of the Federal Government, legislation which would duplicate existing programs is unnecessary.

We must not forget, however, that the United States has already made significant efforts in the war against hunger. All Americans should be proud of the progress that has been made in agricultural development and related forms of economic assistance.

The Department of Agriculture, under Public Law 480, the Agricultural Trade Development and Assistance Act of 1954, directs its efforts toward meeting the needs of developing nations as a whole. Through the Public Law 480 program, agricultural commodities are procured and exported to combat hunger and malnutrition, and to encourage economic advancements in the developing countries. We should all be proud of that great piece of legislation.

AID, on the other hand, focuses its development assistance programs on those critical problem areas that affect the majority of the people in the developing countries. It works to alleviate hunger and malnutrition through programs designed to increase the productivity and income of small farmers. Over the years, the Agency has sent hundreds of agriculturalists—including agronomists, project managers, livestock and extension advisers, irrigation experts, and so forth—to developing nations to help with their nutrition and food production. These agriculturalists came from the private sector and have joined in working with the Peace Corps and various privately funded organizations.

The Agency initiated a self-help project in the Mahawili Basin in Sri Lanka by providing a loan to help finance a new land irrigation project. This project directly benefits 15,300 small farmers and homeless families through technical assistance, marketing services, and the provision of fertilizer and seed. In another project, AID and the farmers in Nepal are working on a cereals program. Ninety-five percent of the people in Nepal depend on their own domestic agricultural production for their survival, and together, our two nations are working to produce the technology that best suits this Asian country.

However, we must also be aware that problems exist in implementing any plan aimed at alleviating world hunger. The causes of hunger are complex and have economic, political, social and cultural dimensions. Solving the worldwide problem is equally complex, involving not only increased food production, but the need for higher incomes, and better nutrition and health. Population growth and resource management are also part of hunger's equation.

Although the United States is viewed as the richest country in the world, our ability to assist developing nations has been compromised by the enormous economic problems we ourselves face. America will be in a much better position to provide the aid developing countries need when our own economic house is put back in order, our interest rates reduced, and our national security restored. The current state of the American economy always has an enormous effect on our ability to help the developing countries.

I believe our Nation should strive for two basic objectives in solving the problem of world hunger:

First. Provide food aid and methods that reduce the rate of population growth in the Third World countries. There is little hope for the poor in these nations due to a lack of fertile land and natural resources; and

Second. Pursue two proposals for solving the hunger problem in those Third World nations where natural resources do exist; lessening trade barriers in order to promote free enterprise, private investment, and a generally healthy economic climate; and sending voluntary American agricultural experts and farmers from the private sector to teach proper farm methods for the development of self sufficiency.

Incredibly enough, the Third World contains 70 percent of the world's arable land. Therefore we must assist these developing countries in their efforts to become self-sufficient. By providing for their own food needs, these nations would not only be combating the hunger problem, but would be promoting world food security as well.

As far as the multilateral banks are concerned, the United States should continue to donate money to the World Bank, the International Monetary Fund and other such institutions. In addition, the Reagan administration should follow through on a program they have initiated which will encourage bilateral discussions between the United States and Third World nations for possible adoption of appropriate economic policies by developing countries.

And the United States should uphold its promise to protect, with security assistance aid, those developing nations who are incapable of protecting themselves from foreign aggression. However, we must remember that in order to protect the well-being of these nations, our own national security must be assured.

Mr. President, passage of effective and efficient legislation addressing the problem of world hunger is something I would like to see before finishing my term, and I hope the sponsors of S. 1675 and the administration will be able to work out the problems inherent in this legislation as soon as possible.

All Americans should be proud of the efforts of their country and what we have already undertaken to combat the complex problem of world hunger. We must continue to expend our efforts in the direction and not forget that we live in a community of nations, where all must be done to assure that no person is subject to malnutrition that no child starves through no fault of his or her own. We can and we should be able to help.

I thank the Chair.

NATIONAL POW-MIA RECOGNITION DAY

Mr. HAYAKAWA. Mr. President, it is with a certain degree of sorrow that I, along with 41 of my colleagues, introduce a joint resolution today designating July 9, 1982 as "National POW-MIA Recognition Day." Last year Senator DECONCINI and Senator DOLE introduced similar legislation which passed, and, as a result, America set aside July 17, 1981 as a special day of recognition for our POW-MIA's. We had hoped that marking a day this year would not be necessary—that we instead could express gratitude for resolving once and for all the issue of our prisoners of war and missing in action from the war in Southeast Asia. Unfortunately, that is not the case.

It has been 9 years since the signing of the peace accords in Paris which brought about the end of the Vietnam war. But the war has not ended for the families of 2,500 Americans who remain unaccounted for. These families still do not know the fate of their loved ones. I am wearing a bracelet myself, bearing the name of Maj. Kurt McDonald who was shot down December 31, 1964. His parents, who live in San Mateo, Calif., just want to know what happend to their son. Others want to know what happened to daddy, to their loved ones—and we do not know.

So we must continue our search. We must continue our negotiations with the Government of Vietnam.

I myself tried to initiate such negotiations with the Government of Laos in August 1981.

Last Friday the East Asian and Pacific Affairs Subcommittee was briefed by Deputy Secretary of Defense Richard Armitage and other members of a delegation who went to Hanoi to discuss the POW/MIA issue with Vietnamese officials. Even though the delegation did not return with the answers we so desperately await, I believe some progress was made by the mere fact that Hanoi at least agreed to the visit. For my part, I am grateful to the President and the administration for taking this initiative, and I urge them to continue to explore any possible avenue for resolving this tragic situation.

It is a humanitarian problem of great importance to the American people—one which rises above the political problems separating our nations, that is Vietnam, Laos, and ourselves. And it was the humanitarian aspect of this issue which took me to Laos last summer in order to seek an accounting of our MIA's who were known to have been shot down in Laos.

Although I felt that my talk with the Laotian officials might lead eventually to resolving this matter, at least so far as our servicemen who were shot down in Laos were concerned, progress is still not perceptible.

I was greatly disappointed that the Laotians did not permit Mr. Armitage to visit Vientiane on this trip. Despite this, I intend to continue my efforts and support administration efforts to secure a full and complete accounting from the Vietnamese and Laotian Governments.

I remain optimistic that in the end the American people will be provided with an accounting of their loved ones—an accounting which we all so earnestly desire. In the meantime we must continue to focus our attention on this tragic matter. We cannot allow these 2,500 men to become a forgotten part of our history and join over 90,000 Americans from other wars whose fate are still unknown.

Mr. PERCY. Mr. President, my distinguished colleague from California has introduced legislation, Senate Joint Resolution 160, to designate July 9, 1932 as "National Prisoner of War and Missing in Action Recognition Day." The purpose of this resolution is to authorize and request the President to issue a proclamation calling on the people of the United States to observe this day with appropriate ceremonies commemorating the sacrifices of the thousands of prisoners of war and missing in action who have so honorably served our country in the past 206 years.

There is a similar, but not identical, resolution under consideration in the House of Representatives. As my distinguished colleague from the Illinois delegation, Congressman FINDLEY, a cosponsor of this resolution, remarked on the floor on February 22, there have been more than 140,000 servicemen captured and interned since World War I and over 90,000 lost in combat and never recovered. It is both fitting and proper that our Nation pay tribute to those who have so valiantly defended the values which we espouse.

Moreover, it is entirely appropriate that we call to the attention of our friends, our allies, and our potential enemies around the world the sacrifices which the American people have made in the cause of freedom. It will signify to them that we as a Nation attach great importance to those who are missing and to learning their ultimate fate. This is particularly important in 1982 at a moment when a delegation, sent to Hanoi by President Reagan to seek information on our POW's and MIA's, has just returned. There are approximately 2,500 Americans who were either killed or are missing as a consequence of the conflict in Indochina and who have never been fully accounted for. Of this number, approximately 1,150 are known to have been killed in action, but their remains have not been recovered.

I discussed this tragic situation personally with Richard Armitage, Deputy Assistant Secretary of Defense, who headed the delegation to Hanoi, immediately upon his return. Mr. Armitage's mission in Hanoi was to impress on the Vietnamese Government the importance which the American people attach to this humanitarian issue which stands between us. Mr. Armitage reported that he had a frank exchange of views with his hosts and that they agreed to continue meetings between our MIA specialists, though no date was set for the next meeting. He also reported that the Vietnamese accepted our Government's invitation to visit our Joint Casualty Resolution Center and Central Identification Laboratory in Honolulu. I take these statements as signs of progress—that the Vietnamese agreed to continue discussions and that they will visit Honolulu. Indeed, that Mr. Armitage went to Hanoi is a sign of progress. I commend President Reagan and his administration for this initiative.

We must continue to explore every possible way of impressing on the Vietnamese and Lao Governments the importance which we attach to a full and complete accounting for our POW's and MIA's. This is a humanitarian imperative and we cannot rest until this is accomplished. I believe that the resolution introduced today by the distinguished Senator from California, which I have the honor to cosponsor, will make a contribution to this process and I commend it to my colleagues.

● Mr. DeCONCINI. Mr. President, last year I was joined by my colleague, Senator Dole, in introducing Senate Joint Resolution 50, a bill to designate July 17, 1981, as "National POW/MIA Recognition Day." When that bill was signed by President Reagan on July 12, 1981, I had hoped that another special day to focus public attention on the plight of our former prisoners of war and those who are still listed as missing in action would be unnecessary. Unfortunately, that is not the case so I am pleased to add my name as an original cosponsor of Senator Hayakawa's resolution to once again designate July 17 as a special day of recognition for this illustrious group of American patriots.

The horrors of war can never be erased from the minds of the combatants. The additional traumas suffered by our prisoners of war who saw their comrades die as a result of torture, starvation, exposure, disease, and the lack of medical attention have left emotional scars that can never be truly healed. But the physical problems resulting from their internment in inhumane living conditions where they suffered deprivations of every kind can and should be addressed. I was pleased, therefore, to be a cosponsor of the legislation enacted last year, Public Law 97-37, which greatly expanded VA health benefits available to our former prisoners of war. While this legislation was 30 years late in coming and does not totally resolve all the health care problems of our POW's, it was a giant step forward.

Unfortunately, no such giant strides have been achieved by this Government in resolving the fate of the more than 2,500 Americans who remain listed as missing in action in Southeast Asia. Despite the agony of not knowing whether loved ones are living or dead, relatives of our MIA's have never lost hope. They have pursued every possible avenue in seeking a final determination of the fate of our MIA's. Our Government should do no less.

I hope adoption of this legislation will send a signal to officials at the highest levels of our Government to redouble their efforts to seek a final determination of the destiny of those whose wartime fate remains unresolved.●

● Mr. DOLE. Mr. President, today, we introduce a joint resolution to designate July 9, 1982, as "National P.O.W.-M.I.A. Recognition Day." It is with deep gratitude and heartfelt thanks that we seek to honor those who so honored us with their heroic and selfless sacrifices, ultimately that of their freedom.

The Veterans' Administration has estimated that since World War II, 140,000 soldiers have been captured and held as prisoners of war. Over 9,000 men have been listed as missing in action and never recovered. These men suffered in ways that we may only hope to understand. They endured loss of their freedom and loved ones, lack of proper medical attention, torture, and in many cases a horrible death. For those now free, their memories will always be held captive to those dark years of their lives.

How can we ever hope to repay the sacrifices of those men who stood as living embodiments of the words honor and courage? We must start by remembering. We must start by letting these men know that we will honor their incredible sacrifices. We must start by expressing that which we so deeply feel. And we must proclaim this day as a day to remember the unspeakable torment and pain that both prisoners and their families suffered for their country. We are proud of these men. Let us let them know that.●

Mr. HAYAKAWA. Mr. President, I ask unanimous consent to have printed in the Record the text of Senate Joint Resolution 160, to designate July 9, 1982, as "National P.O.W.-M.I.A. Recognition Day," which I have introduced for myself, Mr. DeConcini, Mr. Dole, Mr. Pryor, Mr. Sarbanes, Mr. East, Mr. Humphrey, Mr. Roth, Mr. Williams, Mr. Biden, Mr. Eagleton, Mr. Ford, Mr. Baucus, Mr. Bumpers, Mr. Thurmond, Mr. Levin, Mr. McClure, Mr. Moynihan, Mr. Mattingly, Mr. Cohen, Mr. Huddleston, Mr. Specter, Mr. Symms, Mr. Randolph, Mr. Hollings, Mr. Laxalt, Mr. Lugar, Mr. Cochran, Mr. Percy, Mr. Garn, Mr. Long, Mr. Exon, Mr. Cranston, Mr. Durenberger, Mr. Zorinsky, Mr. Grassley, Mr. D'Amato, Mr. Burdick, Mr. Andrews, Mr. Goldwater, Mr. Hatch, and Mr. Kennedy.

There being no objection, the text of the joint resolution was ordered to be printed in the Record, as follows:

Whereas the United States has fought in many wars;

Whereas thousands of Americans who served in such wars were captured by the enemy or are missing in action;

Whereas many American prisoners of war were subjected to brutal and inhuman treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war and many such prisoners of war died from such treatment;

Whereas it is uncertain whether those Americans missing in action are alive or dead and such uncertainty has caused their families to suffer acute hardship; and

Whereas the sacrifices of American prisoners of war and Americans missing in action and their families are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That July 9, 1982, is designated as "National P.O.W.-M.I.A. Recognition Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The minority leader has 8 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, for the Record, which orders have precedence: the standing orders recognizing the two leaders at the beginning of the day or do 15-minute orders recognizing Senators?

The PRESIDING OFFICER. The order for the two leaders come first.

Mr. ROBERT C. BYRD. I thank the Chair.

I call attention to the fact that the order for the minority leader awaited the execution of the order for the Senator from California.

I did not want to interrupt the Senator from California. I did not want to show him that discourtesy. But I think that if we are going to have the standing order recognizing the two leaders of the Senate then the two leaders should be recognized.

At no time did I ask to reserve my time nor did I yield it back. I used 2 minutes of it in recognition of Mr. Randolph's birthday, and when the Senator from California began he commented on the birthday of my senior colleague. I thought that was going to be the extent of his comments.

I do not direct my comments to the instant occupant and I do not make this statement with rancor, but I would just as quickly defend the right of the majority leader to be recognized in accordance with the standing order and if he were still the minority leader and I the majority leader I would just as quickly and just as vigorously recognize his right to be recognized under the standing order prior to the recognition of other orders that have been entered. From now on I am going to insist on that procedure. If the procedure is to mean anything then it should mean something.

Mr. President, I ask unanimous consent that a statement which I am about to make appear at a position in the Record where it would have been made; and I ask unanimous consent that the time that I consumed in calling this matter to the attention of the Chair not be charged against my order.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

[Mr. ROBERT C. BYRD's statement appears in the Record, at another point.]

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Hayakawa). Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 12:30 p.m during which Senators may speak up to 7 minutes apiece.

The Senator from Wisconsin.

THE SIBERIAN NATURAL GAS PIPELINE AND THE SOVIET BLOC DEBT CRISIS

Mr. KASTEN. Mr. President, the battle to stop construction of the Soviet natural gas pipeline, or at least to slow it down, seems to be lost. When administration officials meet with our NATO allies later this month, they will not talk about stopping the pipeline, but about the prospects for cutting off future credits to the Soviet Union. Of course, if the pipeline goes through on schedule, the Soviet bloc will have a steady supply of hard currency and will not need Western credits anywhere near as badly as it does now.

Members of Congress sense another abdication in the making, and their frustration has been voiced in proposals to withdraw U.S. troops from the European Continent. But Congress has another, less drastic, tool at its disposal, to put backbone into the U.S. position. The quickest, least controversial way to slow construction of the Soviet pipeline is to declare Poland in default in its loans to the United States. That short and simple statement would send shock waves throughout the international financial community, and do more than any high-level talks ever could to cutoff credit to the Soviet bloc.

Western bankers and governments have all kinds of arguments against a declaration of default, as the Wall Street Journal pointed out in an editorial last Friday. We are told that, "Default would lose us all leverage with the debtors. It would force the banks to write off the loans and might cause some banks to fail. There have been periods of debt moratoria for some nations in the past with no adverse consequences."

But that is an extremely short-run view. In the next year or two, the Soviets face a complete breakdown of the Polish economy—Romania and Hungary might be next. And these Soviet satellite nations are not going to solve their deepseated economic problems without some fundamental changes in the way their economies work. Thus, the prospect is not that Western lenders will be able to withdraw from the East, but that they will soon be sucked into a deeper commitment to protect previous loans.

In testimony before my Foreign Operations Appropriations Subcommittee, the former Polish Ambassador to Japan, Zdzislaw Rurarz, laid out the choices before us. He said:

> There are only two options: either you stop subsidizing a system which is falling apart, which is highly economically inefficient, or you subsidize it. For how long? Well, I do not know. For as long as the taxpayers and other foolish banks are willing to subsidize.

He made it clear that U.S. subsidies by propping up the current system only postpone the kinds of reforms that would enable Poland to make good in its debts.

We have a chance to get out now, to cut our losses, and wait for the inevitable changes which must then take place in the Polish economy, and in other Eastern-bloc economies. Or we can continue to pour U.S. taxpayers' money down the Communist sinkhole.

In the past few years, the United States has become so worried about the allies' reactions that, over and over again, we fail to do what is right. Our bark may be getting louder, but our bite has become so weak that the United States has very little credibility abroad, with either our allies or our adversaries. A declaration of Polish default would slow construction of the Soviet gas pipeline, and help restore some of that missing credibility.

Mr. President, I ask unanimous consent that the Wall Street Journal editorial, entitled "Debtor Leverage," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Mar. 5, 1982]

Debtor Leverage

A dispatch from London by our Mr. Kempe this week described the anger of Western bankers over the hard-ball tactics Romania is using against its worried creditors. The Romanians made a deal with nine banks to reschedule their debts and then, in effect, told their other 200 creditors they can whistle for their money unless they go along with it.

The Romanians, considering their dismal financial condition, may not be very wise in treating money men this way. On the other hand, it is easy enough to understand why they thought they could. Look what everyone else has been getting away with.

Even more banks, 500, are holding Poland's paper, $2.5 billion of which had to be rescheduled last year. But not one has broken ranks and declared the Polish loans officially in default. This is despite the fact that the Poles still are short on the $500 million in back interest that they had promised to pay by February 15 and that the Western bankers were confidently predicting would be paid.

Indeed, the Poles are being treated with kid gloves. Yesterday, the banks agreed to give the Poles more time and postponed signing the rescheduling until early April. The U.S. government, at the same time it was applying hard-line rhetoric against the Soviet-Polish suppression of Solidarity, did not insist that banks declare an official default before it made good on food loan guarantees. The West German government still is insisting, partly by means of guarantees, that European banks dump a new load of credit in the East bloc by financing the Soviet Siberian gas pipeline and it appears that U.S. resistance to that project is withering. Other forms of lending to the East bloc, which is more integrated economically than most Westerners realize, have by no means dried up.

All this timidity in the West has raised discussion among bankers of "debtor leverage," the ability of very large debtors to call the tune for creditors. The Soviet Union and Eastern Europe are very large debtors indeed, with gross debt to Western commercial banks, according to Wharton Econometrics, of $58.6 billion as of last Sept. 30, and net debt, after deducting their Western deposits, of $48.4 billion last June 30.

Indeed, the Feb. 15 issue of Grand Strategy, countercurrents, a newsletter published from Clarement, Calif., by a group of political scientisits, suggests that, contrary to popular wisdom, the accumulation of huge debts may have been a deliberate policy of the Communist states. As long as the debts remain unpaid the East bloc has the use of the goods it bought with them free of charge. And, as the German attitude toward the pipeline amply demonstrates—not to mention a plea made by U.S. suppliers of equipment to the President this week to let the deal go through—Western manufacturers have become hooked on the idea of supplying these free goods, so long as someone (the taxpayers?) is willing to finance them.

"What we have managed to do is involve the Soviet Union and its allies intimately in our internal affairs, and in our relations with our own allies," says Grand Strategy. "It is we who are moving in their direction, not they in ours."

Grand Strategy's editors admit that there is room for debate on this thesis. But certainly the Communists are showing no sign of being overcome with embarrassment. The Romanian attitude is a case in point. One of the first acts of Poland's new military government was to demand that the banks lend it the money to pay its interest due, a demand the banks resisted.

Western banks and governments have all sorts of alibis for not taking a tougher line. Default would lose them all leverage with the debtors. It would be equivalent to declaring economic war against the East bloc. It would force the banks to write off the loans and might cause some banks to fail. There have been long periods of debt moratoria for some nations in the past with no adverse consequences.

We would urge, however, a longer view. The Poles, the Romanians, the Russians, etc. are not going to solve their deepseated economic problems without some fundamental changes in their systems and there is no prospect of that. That is to say, they are not going to earn much hard currency to pay their debts. Indeed, the latest crop failure in Russia and the break in the price of oil, which accounts for a major share of Soviet hard currency earnings, have pushed Soviet reserves down sharply, and they may continue to fall.

Thus, the prospect is not that Western lenders will gradually withdraw from the East but that they will be sucked into a deeper commitment to protect previous loans. They should ask themselves now whether they want to do that, while there still is a chance to cut their losses.

SANDINISTA INTOLERANCE FOR THE MISKITO INDIANS

Mr. PROXMIRE. Mr. President, the Miskito Indians, a community numbering approximately 100,000, situated in northeastern Nicaragua are suffering a tragedy.

Without much interaction with other Nicaraguans, the Miskitos have traditionally coexisted with their fellow countrymen harmoniously. For ages they have been permitted to follow their own traditions and customs without any threat of reprisal. Before the Sandinista regime, took power the Miskitos lived in peace.

But now the Nicaraguan Government is herding them like cattle against their will. About 20 villages in which approximately 10,000 Miskitos once lived have been emptied. Eyewitness reports tell of truckloads of Indians being deported to school buildings that are under police control. In addition, a recent State Department advisory warned that "there are also numerous though unconfirmed reports of repressive tactics by government forces."

I do not intend to label the actions of the Sandinistas an act of genocide. Genocide is defined specifically as an action committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. Nonetheless, the Sandinistas' treatment of the Miskitos is indeed characterized by the intolerance common among all acts of genocide.

The Miskitos are primarily Protestant, not Roman Catholic like most other Nicaraguans. They speak their own language and their second language has traditionally been English, not Spanish. For all intents and purposes the Miskitos even govern themselves. There is a clear separation between the Miskitos and other Nicaraguans. The cultural differences are most likely one motivation for the Sandinistas' actions. It in no way serves as an excuse for their oppressive behavior, though.

Intolerance lies at the root of all persecution. The level of harassment carried out by any transgressor is often dependent solely upon the villain's whim. In the case of the Sandinista regime, there has been minimal bloodshed so far. At any time, though, they could decide to rid themselves of their Miskito problem once and for all. Were the Sandinistas to perpetrate genocide what would the American response be? I certainly hope the answer would most unequivocally be to punish the regime for its crime.

What I consider to be of the utmost importance is that we not only make it clear to any potential transgressor that we might retaliate for an act of genocide, but that we would punish the guilty party. I am certain that any criminal would think twice before committing genocide if he knew that the U.S. Government would come crashing down upon him.

It is for this reason that I am once again calling upon my colleagues to ratify the Genocide Convention.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

THE LAW OF THE SEA TREATY

Mr. PRESSLER. Mr. President, I rise to speak on the subject of the Law of the Sea Treaty.

I am opposed to the proposed Law of the Sea Treaty in its present form. Today, another session is beginning in New York regarding the Law of the Sea Treaty negotiations.

I know that there is a great desire to mine the seabeds, and, indeed, mankind needs to have the resources of oil, nodules, and the other wealth that lies in our seabeds. Our mining companies are prepared to mine with the technologies available.

It is my view that over the past 8 to 10 years the United States and the great maritime powers have held out too many promises to nations that have no capability of mining—that somehow there is to be control of this mining by a United Nations type organization.

A recent article by James J. Kilpatrick discusses the difficulties with administering such a treaty and I ask unanimous consent that it be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 19, 1982]

THE HELL WITH THE LAW OF THE SEA

(By James J. Kilpatrick)

The papers on Jan. 30 were full of Gen. Dozier's release and Franklin Roosevelt's centennial, with the result that no one paid much attention to a lamentable announcement from the White House. The announcement was to this effect: the United States will resume its participation in negotiating a treaty on the Law of the Sea.

The president made it clear—as clear as the opaque amenities of diplomacy will permit—that we probably will not be participating much longer. Ambassador James J. Malone will go to the United Nations on March 8 for sessions that are scheduled to run through April 30, but unless the principal sponsors of this long-winded lunacy are prepared to accept drastic revisions, Malone might as well catch the next shuttle home.

Maybe Reagan should be commended for his patience and praised for his restraint. It is hard to say. He might better have cleared the air with a thunderclap appraisal of the pending draft convention: I say it's spinach, the president might have said, and I say the hell with it.

The draft convention is indeed spinach. It is the indigestible product of 19 years of cud-chewing by the bovine idealists and predatory beasts that roam the pastures of Geneva and New York. Their proposed treaty, as one commentator has observed, contemplates the greatest territorial grab since Genghis Khan set loose his Tatar hordes. The U.S. Senate would agree to universal abortion before it would ratify this treaty in its present form.

Have a look. The draft is composed of 17 parts, 320 articles and 8 annexes. The text runs to 175 pages of single-spaced typescript. A preamble echoes the platitudes of the old World Federalists. The sponsors want only to contribute to the realization of "a just and equitable international economic order."

Just? Equitable? Come now. The treaty would create an International Sea-Bed Authority, based in Jamaica, with title to all the sea-beds of the planet Earth. The Authority would have an Assembly, a Council and a Secretariat; there also would be a new International Tribunal on Law of the Sea.

Every member nation would belong to the Assembly. Every nation would have one vote. The United States would have the same voice accorded Qatar, Sri Lanka and the Solomon Islands. The Assembly would be the "supreme organ" of the Authority, but for everyday purposes the Council would be running the store.

Curious thing about the Council. It would have 36 members. The Soviet bloc would be guaranteed at least three of these seats. Can you guess how many would be guaranteed to the United States? Try to guess. Close your eyes. Think hard. Right! The answer is that no seat would be guaranteed to the United States. But who would pay the largest share of the costs? Right again! Uncle Chump! Contributions would be "based upon the scale used for the regular budget of the United Nations."

Under this treaty, an "Enterprise" would be created. Like everything else, the Enterprise would benefit all mankind, but it would especially benefit all mankind of the Third World nations. It would benefit them in this fashion; an American mining consortium would raise millions of dollars in capital, apply for permission to explore a couple of likely sites, and perhaps eventually get the word to go ahead. If the exploration proved fruitful, the Enterprise would appropriate the better of the two sites, along with all the technology the consortium has developed.

In the next step, the miner would have to get a production authorization, fixing limits on the kind and volume of minerals that could be brought to the surface—but never mind. The treaty goes on and on. If Lewis Carroll had written Alice in the Sea-bed, he could not have contrived a more preposterous scenaria. Only 60 signatories are required for ratification. Unless the Senate has lost its collective mind, the United States will not be among them.

Mr. PRESSLER. Mr. President, I hope our delegation in New York does not mislead the rest of the nations. As chairman of the subcommittee of Foreign Relations that deals with the law of the sea issues, I asked the Reagan administration to review the Law of the Sea Treaty that was being proposed

The treaty would turn over the power to make decisions about mining law of the seas to signators of the document, including many Third World countries who currently have little or no access to the oceans. Such a procedure would probably result in no mining because there would be such chaos, so much dissention, and so much disagreement.

It is my feeling that this Law of the Sea Treaty would hurt our national defense by putting us at the mercy of a U.N. group to state the rights of passage of our ships.

We depend heavily on the right of passage through certain archipelagos and certain channels which we would essentially be turning over with full authority to a United Nations committee.

Mr. President, let me say that I am a supporter of the U.N. I am not here demagoging the United Nations. But I feel strongly that the Senate would not approve this Law of the Sea Treaty. I should say that bluntly now. Someone needs to say it. Otherwise, we will be in the embarrassing position of misleading Third World countries.

We have raised their expectations to the point that they now think they are going to control a law of the sea regime of some sort, by which they would give approval to countries to mine the oceans.

Such a treaty would not pass the U.S. Senate.

Our delegation in New York at the U.N. would be in error to represent that it is the position of the U.S. Government that such a treaty would pass the Senate.

I thought it appropriate for me to rise today, since I am chairman of the subcommittee that has held numerous hearings in the last year on this subject. I have gone out of my way to hold hearing after hearing, and I commend the other Senators who have participated, in order to listen to all sides. The fact of the matter is, however, that this Senate would not approve the present draft of the Law of the Sea Treaty or, indeed, probably any variation that is being currently considered.

Therefore, I wonder about the wisdom of keeping our delegation actively negotiating in New York. Are we misleading other nations?

It would be acceptable to me if the great maritime powers reached an agreement and went forward and mined or used the technology that is now available.

The requirement of the sharing of our mining technology is another and perhaps insurmountable difficulty with the treaty.

The fact of the matter is that once that treaty came into effect, our military and our Pentagon and our CIA would object to a sharing of a lot of that technology because it is related to national security. We would be entering a very complicated and nightmarish set of international agreements that no one in this country has really thought through carefully.

I sat through several of these hearings and, as the Chair, who is a member of the Foreign Relations Committee and a very knowledgeable one, knows, we held long hearings this year on the Law of the Sea Treaty. We heard from industry, we heard from consumer groups, we heard from mining groups, and we heard from the general public. I have kept my counsel on this subject up to this point. Up to this point I have said we are considering the treaty; that it should be reviewed, and I have commended the President for his efforts in this regard. I wrote him a letter in February of last year and suggested to him that a review should be conducted of the present form of the treaty before we went forward. Such a review was conducted and now we are back at the negotiating table.

It is my judgment, Mr. President, from what Senators have said during the time I have been chairman of the Subcommittee on Oceans, that this treaty would not get to first base in this body. It is also my judgment that a large segment of people advocating the treaty are a bit out of touch with the Senate. Furthermore, I have grave personal reservations as to whether we really want to turn over law-of-the-sea mining to a U.N.-type structure. The atmosphere in that organization is highly politically charged. It is an atmosphere in which a lot of steam is blown off and I think it is a good place for that. But in terms of the practical administration of a regime to manage and control law-of-the-sea mining, it is not the right place.

Also, it should be noted, Mr. President, the Soviet Union is given three votes in such an organization while the United States is given one, based, somehow, on the fact that they have three nations within one. By agreeing to such a treaty we would be giving up our control over our technology, our ability to mine, our ability to explore, the rights of passage of our ships, both commercial and military. We would be placing ourselves in the high seas, at the mercy of the Soviets and a group of small Third-World countries which really have very little interest in what goes on other than a political interest.

Mr. President, I have studied this matter for over 2 years and I have tried to be an impartial chairman of the subcommittee conducting a number of hearings on this subject. It is therefore, with some reluctance, that I rise today to indicate my opposition to this Law of the Sea Treaty. I hope that our delegation in New York will be careful not to be causing rising expectations of the other nations by indicating Senate support for this process.

We have been in these Law of the Sea negotiations for 15 years and, somehow, all these Third-World nations are now angry with us because we are not turning the authority over to them, we are not turning our technology over to them, we are not making payments to them in areas that we have no responsibility for doing so. Uncle Sam cannot be blamed for everything. But if Uncle Sam goes around making implied promises, we are in trouble and opening ourselves to blame.

Let me say if that treaty came to the Senate, I think it would be defeated overwhelmingly. So let us hope that our delegation in New York is aware of what the situation is here.

I cannot speak for other Senators, Mr. President, I can only give my personal assessment. The time for this type of agreement is not now. Therefore, I make the statement that I am opposed to the Law of the Sea Treaty and that I hope that our delegation is very careful in what it implies.

I yield to my good friend from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, is not what is involved also in some respects that there are a lot of either landlocked or relatively landlocked countries of the world—I could mention a few: Nepal, Chad, Upper Volta, just to name three. Paraguay is another. Or many countries that may have some contact with the sea, though very little, where, using the United Nations concept, if they can, they would like to claim their share of the ocean, even though they do not border on the ocean or little, if at all.

And some of our very generous and international-minded statesmen would, if they could, say, well, the high seas belong to the whole family of nations and, in effect, cut Nepal in for a share of it or include Paraguay or Swaziland or whoever showed up on the scene wanting to claim some of the ocean.

As a practical matter, is it not the fact that the United Nations cannot administer anything? It cannot agree on anything. At some point, somebody has to take charge and run the thing if it is to be administered or someone is going to make some money out of it. I am talking about mining something, providing a service; sometimes without anybody telling it to be that way, the service is just being provided for one's neighbors, because many times, a person does not make money. So they are providing a service for humanity, even though they did not intend it that way; they might have hoped to make a profit out of it.

But is it not a fact that, in a situation of that sort, some of our well-meaning statesmen will say, "Well, just give it to the United Nations and then everybody on God's green Earth can participate and get some benefit out of it?" They tend to propose things like that. It sounds good to a landlocked nation, but, as a practical matter, is totally impractical. It would not do anybody any good because it really could not be effectively administered in that fashion.

Mr. PRESSLER. I thank the Senator from Louisiana very much. That is true. What has happened here with the Law of the Sea Treaty is a phenomenal thing. Over the last 10 or 15 years, our Government has led the rest of the world to believe that we are about to enter into a treaty. There are only really four or five maritime powers that are capable of forming a regime to mine or to work the oceans. But we have been waiting and holding back during the time when we could have gone forward with other nations or have gone forward by ourselves. I personally think we should go forward by ourselves. I do not think we need an agreement with anybody. That is my position.

Unfortunately, very well-meaning administrations of both parties and very well-meaning negotiators we have sent there have created the impression that before we are going to mine, we are going to let the United Nations take it over and manage it. Believe me, Mr. President, such an agreement would not pass the Senate, in my judgment. Maybe the Senator from Louisiana has his judgment on that.

We have, in international affairs, a tendency to raise expectations.

Can one imagine what would happen under the rights of passage for national defense, what would happen regarding the rights of U.S. ships, military and civilian, if we became hostage to the U.N.? We would be giving up much of our national sovereignty under such a treaty. Our Navy, under different administrations, has taken a public position in support of the treaties. But I have seen some very frightening things that could happen if we let a regime down in Jamaica administer this.

What would we do as a nation if we accepted this treaty and the U.N. group said that the ships of any country that supports Israel cannot go through the Strait of Gibraltar? What would we do? What about any country that supports Argentina or that supports France or England, or any country that is in a wheat agreement, or any country that does not give so much aid to South Africa? You can imagine what the question might be.

We, as a nation, would be hostage to this type of international politics. I wonder if our negotiators up in New York are making it clear that the United States of America is not prepared to enter into that sort of agreement.

I have made this speech today only after considerable thought. I spent 2 years as chairman of the subcommittee. I have held hearings, and I have been fair. I have listened to all sides. I have called Congressmen, public groups, miners, people for the treaty, and former Secretary Richardson. But I have concluded that we have to step back and take a very hard look at this process. We are not going to approve a Law of the Sea Treaty if it is submitted; and I doubt, therefore, that we should be participating in those negotiations, because we are misleading the other countries by keeping their expectations up for something that is not going to happen. Meanwhile, during the treaty negotiation process, mining is not going on, and that is tragic. The mining should be done by the maritime powers who have the ability to do it.

Mr. LONG. Will the Senator yield?

Mr. PRESSLER. I yield.

Mr. LONG. Is it not true, if one looks, for example, to the Pacific Coast, that the United States is in position to claim practically all the area from the North Pole up to the international dateline, right on down past the Hawaiian Islands, that the United States is nearest to the area off Alaska? We have offshore islands off Canada. But, generally speaking, if one takes the view that whoever owns land nearest the particular point can claim the right to mine it, the most of that area north of the Equator and between the United States and Hawaii, and even going off the Hawaiian chain, could be claimed by the United States for mining.

We could do a lot to develop techniques in that vast area out there. Insofar as we had to negotiate with somebody on this side of the international dateline, it would have to be perhaps Canada in some respects or perhaps Mexico, but a country with whom we should be able to come to terms and reach some kind of agreement.

What kind of task does that give us if we want to do business and, say, cut the United Nations in on all this, and then we try to come to terms with a hundred different nations about that? Can the Senator explain to me how we are ever going to work something out to get everybody to agree on doing something?

Mr. PRESSLER. My colleague states the question very well. Nothing would happen.

What the great powers should do is take the responsibility to begin mining, to get the wealth of the seas so that it can be used by mankind, to move forward. The United States should do it alone if necessary. There is no reason why we cannot mine and take oil alone. There is no reason the other great nations cannot. We should end this delusion that there is going to be a treaty. It has been going on for 15 years. We read "Foreign Affairs" and "Foreign Policy." When I was a college student, I started to read about this, in the early 1960's, articles about the fact that we are going to have an international regime under the U.N. to manage the oceans.

There needs to be some agreement about preserving fish life, although some countries such as Chile and Peru do not pay any attention to them. But, we are supposed to be the good guys, and we will be the good guys. We are going to preserve the fish of the ocean.

There are some areas where there can be agreements. Let us say that Uncle Sam is always expected to pay all the bills and be the good guy, and these little countries do not pay any attention to these agreements, as Peru indicated so clearly. We are supposed to make payments. An international fund is to be set up from the oil and wealth and nodules that will be harvested, and payments are to be made to the nations of the world in a fashion decided by the United Nations.

In essence, U.S. citizens are going to be taxed, and it is going to be distributed by this group.

The fact of the matter is that all the technology, all the risk, all the work is going to be done by the United States and maybe two or three other nations. Probably, when it ends up, the United

States is going to do all of it. It will mean that our people will be paying out this money. These other countries would never have thought of the law of the sea if we had not encouraged them.

Some of these countries are landlocked. They have no more right to claim the wealth of the oceans than the United States has to claim that the great forests in Brazil are the property of all mankind. Or to claim that the oil of the Middle East belongs to all citizens of the world.

This is a ridiculous concept. That is what it has boiled down to.

We have now rejoined the talks today in New York City after a year's suspension. I sent a letter to President Reagan a year ago this past February, 13 months ago, asking for a review, and now we are going to make some proposals for changes. But even with those changes, if the United Nations is going to be managing such a treaty, it is not going to be acceptable in this country.

Mr. LONG. Will the Senator yield for a further question?

Can the Senator tell me what is the attitude of the Soviet Union with regard to that matter?

Mr. PRESSLER. I believe that the Soviet Union supports the Law of the Sea Treaties.

I went up to New York, to one of the last sessions, and I met the Soviet Ambassador. But I think the reason why they support it is that they have more control—or they believe they will—over what the Third World countries will do. The Soviet Union wants to slow our Navy down. They believe that they have a chance through this Law of the Sea Treaty to limit our access. The Soviet Union does not plan to put up any money for mining. It would not be their usual pattern if they did. They do not have the technology. They would like to share our technology. The Soviet Union could use this treaty as a vehicle to hurt our national defense through blocking the passage of our ships through the archipelagos and the straits.

The Soviet Union could use this treaty to hurt the refusal to transfer certain technological things that have a national defense interest that are related to submarines and other types of activity under water. The Soviet Union could use this as a way to lessen our national sovereignty. That is truth of the matter. So the Soviets should be for the treaty. At the time, they were, and I suppose they still are.

Mr. LONG. Mr. President, at least we can say for the Soviet Union they consistently tend to do something that we can all understand. They consistently tend to look after their own interest, whatever that may be, be that either getting something for the Soviet Union or keeping us from having something to our advantage, or even just to undermine the free world, but in any event they consistently take the positions that look after their interests.

I hope that at some point we would begin to see some people emerge with more influence in the State Department and in the U.S. delegation to the United Nations, who would start making a reputation that we are looking after the United States for a change, just once in a while, and I believe our President will begin to think that way. Let someone who is paid by the American taxpayers who has a duty to look after the American citizens once in a while actually do what they are expected to do when the American people are paying for their keep.

The Senator knows that altogether too often we find someone deluded by the Communists or the Soviets, and doing their bidding for them for some reason, either by misguided good intentions or just poor judgment.

But I would think that at some point it might be worth expecting or fair to expect that those who are appointed by this Government, those who are paid by this Government, those who have a duty to the American citizens, would look after the interests of America or our people for a change and once in a while recognize that if they do not no one will unless we here in Congress at some point manage to veto and override their poor judgment.

But at some point it would seem they should recognize that they have a burden to the people who are paying them, the people who put them in their jobs, that they are supposed to be looking after the U.S. interests not some nebulous community of nations, or some such thing. It may be that someone belongs to some kind of a nebulous community of nations concept, but as a practical matter there is no agreement of any such community of nations.

The Soviets and those who agree with them are still dedicated to the utter and complete destruction of our form of government and our system of private property ownership and matters of that sort. They believe it is evil. They want to destroy it.

We are dedicated to our system and against theirs. We just do not have much to agree on.

The whole concept in the preamble of the United Nations that we are all a lot of peace loving nations seeking to preserve all the benefits of peace and bestow the blessings of liberty upon all posterity is not shared by those in the Soviet bloc, so that to think that we are here putting together some family of nations to share all the world's resources is pretty ridiculous if one recognizes what the facts of life are anyway.

I hope at some point those who are supposed to be representing us will recognize that is a jungle out there and those people do not agree with us and we do not agree with them. I am talking about those who represent the Communist point of view, the Soviet Union certainly, and in view of the fact we are not going to agree and they are going to do what they can to destroy our influence and destroy our form of government if they can, we should go ahead and look after our business and they look after theirs.

Mr. PRESSLER. If I could ask my colleague a question, does he believe that the Law of the Sea Treaty would pass this Senate? I frequently said it would not.

Mr. LONG. I would not think so.

Mr. PRESSLER. I would hope not in its present form.

I commend my colleague for his insightful remarks.

The Law of the Sea Treaty also would mean that the Soviet Union would have three votes plus all their satellites would have a vote. Can you imagine the United States going to such an organization to apply for permission to do some mining?

First of all, let us say that Israel, for example, takes an action which is opposed by a number of other nations. We could find ourselves in the situation in which all mining rights could be suspended unless particular nations withdrew support to Israel. That is a resolution that would pass in the United Nations under the present structure.

Do we want to put our national sovereignty in that kind of crippled position? I do not think there has ever been an international agreement that would reduce U.S. sovereignty as much as the Law of the Sea Treaty if we really carry it through.

We would have to have permission from this regime, which is going to be located in Jamaica. We would have to have permission from them for the rights of our submarines to go through the Straits of Gibraltar or through certain archipelagos in the world or here or there or wherever.

Can one imagine what the reaction of the American people would be when they heard that we had to go ask permission for our ships to pass through certain areas? We are turning this decision over to Third World countries, basically, many of which do not have any ships.

So on this, the day that the negotiations are starting again, as chairman of that subcommittee I felt compelled to rise and state in blunt language the problems with this Law of the Sea Treaty, and I thank my colleague from Louisiana for joining in this discussion. I know that the present Presiding Officer is very knowledgeable in this subject and we look forward to his comments at a future time.

Mr. STEVENS. Mr. President, I rise after the Senator from South Dakota has made his principal remarks. As I understand his message, which is indicated by his latest comment, I am delighted to hear that as chairman of the subcommittee he has spoken so forcefully on this issue. It reflects a similar message that we delivered to our Canadian counterparts last weekend at the Canadian-United States Interparliamentary Conference. We warned that the U.S. Senate was not going to accept the concept of business as usual in going back to put a few cosmetic touches on the Law of the Sea Treaty before bringing it back to us.

I understand that to be his message, and hope the Senate will listen.

Mr. PRESSLER. Yes; if my colleague will yield briefly, I commend my colleague from Alaska. I did say that I took this occasion to rise for the first time and say that I am opposed to the treaty.

I held over 2 years of hearings on these treaties. We heard from a wide variety of individuals, the various groups, the Navy, the citizens committee, the so-called consumer groups, past administrations, and today in New York the negotiations are being reopened.

A year ago I wrote to the President asking to review the treaty. I have remained silent on this subject until now.

Today in very blunt language I said I am opposed to these treaties.

Second of all, I think our delegation should not be misleading Third World nations to think we are going to accept the treaty.

I commend my colleague from Alaska. I could not attend the meeting with the Canadians. I think we have to be very frank about where we stand on these things and these endless talks that have been going on have misled the rest of the countries.

I commend my colleague from Alaska for his work this weekend.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS ON WEDNESDAY, MARCH 10, 1982

Mr. STEVENS. Mr. President, I ask unanimous consent that the special orders for the Senator from Tennessee (Mr. BAKER) and the Senator from Alabama (Mr. DENTON) for Tuesday, March 9, 1982, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senators BAKER and DENTON be recognized on Wednesday, March 10, 1982, following the time set aside for the leaders on Wednesday, March 10.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I also ask unanimous consent that the Senator from Wisconsin (Mr. PROXMIRE) be recognized on Thursday, March 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent that all three of these special orders be for 15 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTRUCTION OF THE FRANKLIN DELANO ROOSEVELT MEMORIAL

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate Calendar No. 436, Senate Joint Resolution 95, a joint resolution dealing with the Franklin Delano Roosevelt Memorial Commission.

The PRESIDING OFFICER (Mr. HEINZ). The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 95) to authorize and direct the Secretary of the Interior, subject to the supervision and approval of the Franklin Delano Roosevelt Memorial Commission, to proceed with the construction of the Franklin Delano Roosevelt Memorial, and for other purposes.

The Senate proceeded to consider the joint resolution.

Mr. RANDOLPH. Mr. President, it is a privilege to express my support for Senate Joint Resolution 95, a measure to authorize the construction of a Franklin Delano Roosevelt Memorial.

I commend the Senator from Oregon (Mr. HATFIELD) for his sponsorship of this measure. I express appreciation also to Senator MATHIAS, chairman of the Rules and Administration Committee, and the other members of the committee for taking affirmative action on Senate Joint Resolution 95. The consideration of this measure has not been an easy task. As Senators know, the debate and discussion on a F. D. R. memorial has been extensive and conducted over a long period of time.

This is a bipartisan effort to memorialize a President who led this country through one of the most difficult periods of our Republic's existence. The consideration of these bills is also timely since we have just commemorated the 100th anniversary of the birth of Franklin Delano Roosevelt, January 30, 1982. We did this through a joint session of Congress to marking the birth of our 32d President.

Having first been elected to the House of Representatives in the same year Franklin Delano Roosevelt was elected to the Presidency, 1932, and being the only current Member of Congress who served during that first term, I am particularly aware of the economic conditions that prevailed across this land and the leadership which President Roosevelt exerted to begin a rebuilding process.

This dynamic man of action and compassion gave hope to a Nation that was devastated by a Great Depression. He moved deliberately, but quickly and he continued to guide our Republic through that crises and through a World War.

I worked with Franklin Delano Roosevelt through his entire Presidency and witnessed vividly the strength, courage, and confidence that he imparted to the people of this Nation and the world.

Clearly, his actions have shaped our modern society. He led our Republic in a most critical time domestically and in the international arena.

Franklin Roosevelt's Presidency is a vital part of our country's history and, as such, should be memorialized for future generations.

Mr. LEVIN. Mr. President, passage of this resolution does more than honor a remarkable President; it also honors a remarkable Senator. The distinguished Senator from Oregon (Mr. HATFIELD) has been involved with this legislation for more years than he might care to confess. But in all that time, with all the problems associated with this effort, he has never lost faith or hope. He has consistently sought to make sure that a fitting memorial to Franklin Delano Roosevelt is errected. With Senate passage of this legislation, he—and the Nation—come a step closer to that goal.

And it is a goal we ought to reach; ought to have reached years ago. Franklin Roosevelt was a passionate man. And he was a man who aroused passions. Even now, 50 years after he began his first term as President, the mention of his name is guaranteed to evoke an emotional response. Whether one accepts or rejects his philosophy, everyone must agree that he changed the course of history. It is the scope of his influence that we seek to finally commemorate through this legislation.

I know full well that many would argue that in these times of recession, we ought not spend the $24 million that this memorial will cost.

But Mr. President, the value of this memorial must be measured in psychological as well as material terms. The memorials which grace the landscape of this Federal city contribute to both our sense of history and our sense of destiny. Surely Franklin Delano Roosevelt contributed immeasurably to both. He took a nation which was weak and made it strong; he took a people who were afraid and helped us to become brave; he took a country that was dispirited and gave it hope. He came in a time of depression and lifted our spirits. He came in a time of fear and taught us that the only thing we had to fear was fear itself. Those accomplishments take on a special significance now; they fill a special need now; and they deserve a special tribute now.

Franklin Delano Roosevelt was the architect of a philosophy of compassionate government which has held sway in this country for 50 years. Whether or not one agrees with everything he did, one must recognize its importance. And recognizing that importance, we should memorialize it—not so much as a tribute to him but rather as a pledge to ourselves.

Mr. President, let me close by paying tribute to Senator **HATFIELD** and to those members of the Franklin Delano Roosevelt Memorial Commission, particularly Mr. Gene Keogh, who have labored so long and so hard on this project. I hope and trust that the Senate's action today will mark the beginning of a process which will end, in the near future, with the completion of the memorial itself.

AMENDMENT NO. 1254

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Mr. **MATHIAS** and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alaska (Mr. **STEVENS**), on behalf of Mr. **MATHIAS** proposes a printed amendment numbered 1254.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

> On page 2, line 2, strike out "approved" and insert in lieu thereof "approval".
>
> On page 2, line 7, strike out "March 2, 1978" and insert in lieu thereof "September 20, 1979".
>
> On page 2, line 16, insert "for fiscal years beginning after September 30, 1982" immediately after "appropriated".

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. I support the resolution of the distinguished senior Senator from Oregon. It is time we get on with constructing a proper memorial to Franklin Delano Roosevelt in the Nation's Capital.

My colleague knows that I introduced legislation to establish a national memorial to President Roosevelt in New York, his home State and the State he served exceptionally well as State senator and Governor. This memorial will be located on Roosevelt Island in the city of New York.

Its design, completed in 1973 by the late, preeminent American architect, Louis I. Kahn, is focused on the realization of one of Franklin D. Roosevelt's greatest dreams—the dream of peaceful world order, embodied in the United Nations Building in Manhattan. The memorial incorporates a formal garden, tree-shaded lanes, sculpture, and a columned court. It is to be located at the southern tip of Roosevelt Island, an island renamed for the President and now transformed from a wasteland into a model residential community. From the court, enclosed on three sides by granite columns inscribed with statements by or about F. D. R., visitors will view the nearby U.N. buildings or look beyond them to the open sea.

When built, it will surely be recognized as one of America's great examples of memorial architecture, and both its design and location would have met with Franklin D. Roosevelt's enthusiastic approval. The design reflects his concern for decent housing, his love of the sea, and his penchant for great architecture. It will be accessible to handicapped persons, for whom the life of Franklin Roosevelt is an inspiration.

I realize that we are not, at this time, going to approve two national memorials to the late President. And I call to the attention of the Senate the urgent need to make repairs to F. D. R.'s house at Hyde Park, N.Y., a national historic site struck by fire tragically on January 23 of this year, just 1 week before the centenary of F. D. R.'s birth.

On February 4, Senator **PELL** and I wrote the Director of the National Park Service requesting he take immediate steps to restore the house. I ask that the letter be inserted in the **RECORD** following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MOYNIHAN. May I ask the Senator from Oregon, who serves with such distinction as chairman of the Committee on Appropriations, if he will join the senior Senator from Rhode Island and me in urging the Park Service to transfer or otherwise obtain the necessary funds to carry out the repairs?

Mr. HATFIELD. I am pleased to join the Senator from New York and the Senator from Rhode Island in that request.

Mr. MOYNIHAN. And do I understand correctly that the Senate's approval of Senate Joint Resolution 95, authorizing the F. D. R. memorial in the District of Columbia, should not in any way impede the State or city of New York or private sources from carrying out the construction of the F. D. R. memorial on Roosevelt Island?

Mr. HATFIELD. The Senator is correct. I would go further, and state that I would encourage the Government and people of New York to proceed with that most fitting memorial.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., February 4, 1982.

Mr. RUSSELL E. DICKENSON,
The National Park Service,
Interior Building,
Washington, D.C.

DEAR MR. DIRECTOR: You are doubtless aware that a fire destroyed part of the Franklin D. Roosevelt house at Hyde Park, New York, on January 23. The house is a national historic site, of course, and has had to be closed to the public just as we begin the centennial commemoration of President Roosevelt's birth.

The house is the property of the United States and its upkeep the responsibility of the federal government. We understand the fire may have been caused by a failure to keep the electrical system in good repair. Responsibility to restore the house surely rests with the government.

We are anxious to see that repair and restoration of the house be understaken as soon as possible, and have considered introducing the necessary legislation. We understand however, that you may be able to use for this purpose funds already available to the National Park Service.

We want to be helpful in whatever way we can and request that you meet with us as soon as possible to discuss possible courses of action.

Sincerely,

DANIEL PATRICK MOYNIHAN.
CLAIBORNE PELL.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read a third time, and passed, as follows:

S.J. RES. 95

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed, subject to the supervision and approval of the Franklin Delano Roosevelt Memorial Commission, to construct the Franklin Delano Roosevelt Memorial in accordance with the general design developed by the Franklin Delano Roosevelt Memorial Commission and approved by the Commission of Fine Arts on September 20, 1979. Such memorial shall be constructed in that portion of West Potomac Park in the District of Columbia which lies between Independence Avenue and the inlet bridge, reserved for the memorial by a joint resolution approved September 1, 1959 (Public Law 86-214).

SEC. 2. The Franklin Delano Roosevelt Memorial shall be operated and maintained by the Secretary of the Interior subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

SEC. 3. There are authorized to be appropriated for fiscal years beginning after September 30, 1982, such sums as may be necessary to carry out the provisions of this joint resolution.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRINTING OF THE PRAYERS OF THE REVEREND EDWARD L. R. ELSON AS CHAPLAIN OF THE SENATE

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 67) authorizing the printing of the prayers delivered by the Reverend Edward L. R. Elson, S.T.D., as Chaplain of the Senate during the 96th and 97th Congresses, which was considered, and agreed to, as follows:

S. CON. RES. 67

Resolved by the Senate (the House of Representatives concurring), That there be printed with an appropriate illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-sixth and Ninety-seventh Congresses, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed and bound one thousand additional copies of such document, of which four hundred and twelve copies shall be for the use of the Senate and five hundred and eighty-eight copies shall be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering all the nominations on the Executive Calendar commencing with Calendar No. 651, U.S. International Trade Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the nominations commencing with Calendar No. 651 on page 2 and continuing through 659, 660, 661, and 662 on page 3 of the Executive Calendar be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

U.S. INTERNATIONAL TRADE COMMISSION

Veronica A. Haggart, of Virginia, to be a member of the U.S. International Trade Commission for the remainder of the term expiring June 16, 1984, vice Catherine May Bedell.

[NEW REPORTS]

IN THE MARINE CORPS

The following named colonels of the Marine Corps for promotion to the permanent grade of brigadier general, pursuant to title 10, United States Code, section 624, subject to qualification therefor as provided by law:

Louis H. Buehl, III.
Charles H. Pitman.
Norman H. Smith.
Ray M. Franklin.
John R. Dailey.
Edmund P. Looney, Jr.
Michael K. Sheridan.
James E. Cassity.
Carl E. Mundy, Jr.
Ernest T. Cook, Jr.

U.S. POSTAL SERVICE

John R. McKean, of California, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1986, vice Richard R. Allen, resigned.

POSTAL RATE COMMISSION

John W. Crutcher, of Virginia, to be a Commissioner of the Postal Rate Commission for the term expiring October 6, 1986, vice Clyde S. DuPont, resigned.

Henry R. Folsom, of Delaware, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 1982, vice A. Lee Fritschler, resigned.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were confirmed en bloc.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONFIRMATION OF JOHN CRUTCHER

Mr. DOLE. Mr. President, I rise today in support of the nomination of John Crutcher to be a Postal Rate Commissioner. I have known John for over 30 years. When I first became active in Kansas politics, John was already one of the bright stars on the Kansas political scene. And, I can safely say today that I know of few people more qualified for a prominent role in the Federal Government. It is an honor to recommend his confirmation to my colleagues in the Senate.

Mr. President, John Crutcher will bring to the U.S. Postal Rate Commission a wealth of experience built up over a distinguished and varied career in both the private and public sectors of our economy. John's service to our country includes a 9-year stint with the U.S. Navy, during which he saw active duty in World War II and the Korean war. Typical of his commitment to our country John remained a member of the Naval Reserve and currently wears the eagles of a Navy captain. He is a former member of the Kansas State Senate and served two terms from 1965 to 1969 Lieutenant Governor of Kansas, with both Republican Democratic Governors.

While he was active in Kansas politics, John was also a successful Hutchinson, Kan., businessman, as president of Hutchinson Investment Co. and as president of Countryside West, Inc., a small land development corporation.

More recently, he has had extensive involvement in the Federal Government, serving as director of the OEO Division of State and Local Government, where he assisted in the development of policies for relating programs to State and local government. John also served 2 years as director of the Bureau of Outdoor Recreation at the Department of Interior, serving as the banker for the $300 million land and water conservation fund.

John also found time in 1974 and 1975 to serve as my administrative assistant. In that role I came to truly know and appreciate his talents and abilities. From that experience I can proudly speak in support of his nomination.

John Crutcher has spent the majority of his life living in Kansas, developing a unique perspective on the postal needs of rural America. As I am sure John knows, the decisions and recommendations made by the Postal Rate Commission are perhaps more closely watched by rural residents than by any other segment of society. In rural areas, where people are widely disbursed and phone rates are high, the mail takes on an increasingly important role in the daily lives of residents. Their concerns about 6-day mail service and continued operations of small post offices need representation on the Commission. I could not help but notice in the 1981 Kansas Directory, that 243 post offices have been discontinued in my State alone. Which is not to say that we should ignore the overall needs of the system for the convenience of rural areas, but, we should take their needs and concerns into consideration when formulating postal policy. I am confident that John will provide that representation in a fair and competent manner.

Mr. President, the U.S. Postal Service catches a great deal of criticism. Some of that criticism is not doubt justified. But, I have always believed that by and large the Postal Service does do a good job. It is my belief that they will continue that good job with John Crutcher as a Postal Rate Commissioner. I look forward to working with John and the other members of the Commission. I think all Senators will find him to be a responsible, dedicated, hard-working public servant.

Therefore, it is with a great deal of pleasure and home State pride that I speak today on behalf of John Crutcher's nomination to the Postal Rate Commission and encourage all Senators to support his confirmation.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GOLAN HEIGHTS AND ISRAEL'S SECURITY

Mr. DECONCINI. Mr. President, as an observer of American foreign policy from the unique vantage point of the U.S. Senate, the difficulty that our Nation's leaders seem to have in charting a course suitable to a world power never ceases to amaze me. Simply stated, we refuse to set goals for our own Nation; instead, we try to set them for everyone else. For unique cultural-historic reasons, we seem unable to admit to wanting to further our own Nation's political, military, and economic interests. For example, during World War I we did not define our goal as American security; rather we saw ourselves trying to make the world safe for democracy. After World War II, the Marshall Plan rebuilt Europe for the Europeans, not because a strong European economy would provide an effective barrier against Communist expansion.

This reluctance to conceive self-interests as a legitimate motive in international politics has caused us to squander countless millions of dollars in foreign assistance over the past 35 years. In too many cases, we have consciously obscured ourselves as the rightful target of gratitude by the recipients of our assistance by hiding it under the guise of multilateralism.

This same attitude has invaded the realm of military operations as well. In Vietnam we carefully circumscribed the level of our power to support the theory that we were just helping the South Vietnamese determine their own destiny. In El Salvador we seem to be on the same course, even though the threat of a Central America dominated by Soviet/Cuban communism is what involved us in the first place.

The legalistic-moralistic tint to our foreign policy has paid some dividends; but overall, I believe we have lost—and the world has lost—from our unwillingness to think about and to pursue actively and openly our own Nation's self-interest. We are still branded as aggressive imperialists by the propaganda of the left even though our willingness to use power is minimal. In truth, we are neither feared nor loved.

A case in point which I find most disturbing is the strategic and volatile Middle East, and involves America's most consistent ally, Israel. The United States was deeply involved in the creation of Israel, and in that ideals and self-interest coincided. Israel was created for the millions of Jews who had been displaced during World War II and who yearned to return to their historic homeland. But the creation of Israel also installed a bulwark of democracy in a volatile area of the world. Israel is a unified nation of people committed to the values that those who love liberty hold dear, a nation determined to hold its own and thrive in a sea of adversity. We helped establish a beachhead in the area of the world which was soon to become of incalculable strategic and economic importance.

Exactly 11 minutes after Israel was proclaimed a state, the United States recognized the provisional government. Thus began the official relationship between our two nations, which was founded on good will and which thrived through mutual support and understanding. Throughout 1948 and 1949, President Truman reaffirmed our support for Israel by resisting all attempts to diminish its territory. In October of 1948, Truman put forth the principles which formed the basis for our policy toward Israel. He said:

> The subject of Israel must not be resolved as a matter of politics . . . it is my desire to build in Palestine a strong, prosperous, free and independent democratic state. It must be large enough, free enough, and strong enough to make its people self-supporting and secure.

These principles clearly and logically provided both for our pragmatic goal of securing a political/strategic tie in the Middle East and for the altruistic goal of securing a homeland for the Jewish people.

The logic and inherent worth of those principles remains unchanged. The fanatic Ayatollah Khomeini runs Iran, the Soviets rule Afghanistan, the madman Quaddafi rules Libya, and Egypt's noble leader Sadat is dead. But Israel thrives as a strong and industrious democracy. Nevertheless, over the past few years American policy has wavered in the Middle East. We sell advanced arms and equipment to Saudi Arabia without any guarantee of Saudi political cooperation in the Middle East. The administration is talking about selling arms to Jordan even though that nation has been even less cooperative than Saudi Arabia in helping to maintain stability in the Middle East. We criticize Israel for eliminating a nuclear powerplant in Iraq which would have eventually given Iraq the ability to threaten world stability. And most recently we have decried the Israeli decision to annex the Golan Heights—a decision which only made official what in reality has been a fait accompli.

Mr. President, I cannot help but believe that in straying from our traditional policies in the interest of so-called even-handedness, we are exposing our true national interests. The fact is that the only viable method to insure against a collapse of the Middle East is to insure that Israel has the means to defend itself. And Israel wants to defend itself. It has annexed the Golan Heights because it is territory which is necessary to its defense. Prior to the 1967 war, the Heights were controlled by Syria, the nation perhaps most vitriolic in its hatred of Israel. Israelis well remember Syrian artillery firing from the Heights down on to their villages and their fishing boats on the Sea of Galilee. In the October war of 1973, Syrian tanks advanced through the Heights.

The Israelis consider the Golan Heights—444 square miles of rocky land that rises to more than 7,000 feet above sea level to be the lynchpin of their security against hostile Arab nations. Had the Syrians made any gesture or indication of willingness to come to the bargaining table or to even recognize Israel's right to exist, the Israeli decision might be questionable. But Syria has done just the opposite—they proclaim their sworn opposition to Israel at every opportunity; they give assistance to anti-Israel Palestinian terrorist activities in every way possible; and they willingly serve the interests of the Soviet Union in the Middle East. In light of these factors, how can we question the legitimacy of Israel's need for this territory? How can we deny Israel the right to defend herself?

It seems to me a very strange twist of logic to criticize Israel for providing for its own defenses at a time when we are urging Japan and our European allies to do the same very thing. At a time when we are concerned that our own sons may be called upon to fight in Central America, is it not strange that we should criticize a nation which, as the eloquent Israeli statesman, Abba Eban, put it: "seeks respect for its solitude of responsibility?" Should we not be very careful in dealing with an ally that recognizes that—again quoting Mr. Eban:

> We are not alone in arms—we are greatly helped. We are not alone in economic strength. We are greatly reinforced. We are not alone politically, we are greatly aided by American understanding. But there is one domain in which Israel is alone. When the last account is made, when there is sacrifice of life and blood, it is the sacrifice of Israeli life and Israeli blood alone. We would not have it otherwise.

In conclusion, Mr. President, I urge us all to think very carefuly of our Nation's true interests, and to ask: Will this action maintain our ability to make the world a better place in the long run or will it be an act of shortterm kindness which will diminish our strength in the future? Perhaps we should learn a lesson from the Israelis and remember that we, too, survive in a growing sea of hostility and totalitarianism; that we, too, are vulnerable, and that we, too, will ultimately have to depend upon our own resources to survive and prosper.

CONCLUSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

RECESS UNTIL 12:30 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until 12:30 p.m., at which time there will be a quorum call instituted to commence the proceedings on Senate Resolution 204.

There being no objection, the Senate, at 12:08 p.m., recessed until 12:30 p.m.; at which time the Senate reassembled when called to order by the Presiding Officer (Mr. HEINZ).

The PRESIDING OFFICER. Does the Senator from Alaska seek recognition?

SENATOR HARRISON A. WILLIAMS, JR.

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Senate Resolution 204.

THE PRESIDING OFFICER. The clerk will state the pending business.

The assistant legislative clerk read as follows:

A resolution (S. Res. 204) expelling Senator HARRISION A. WILLIAMS, JR., of New Jersey, from the Senate.

The Senate resumed consideration of the resolution.

QUORUM CALL

Mr. STEVENS. Mr. President, it is our intention to institute a quorum call. It will be a live quorum.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 21 Leg.]

Heflin
Heinz
Jackson
Melcher
Randolph
Stevens

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 21 Leg.]

Baker
Bentsen
Bumpers
Burdick
Byrd,
  Harry F., Jr.
DeConcini
Dole
Garn
Goldwater
Hart
Inouye
Kennedy
Laxalt
Mathias
Mattingly
Murkowski
Packwood
Pryor
Roth
Sasser
Stafford
Tower
Wallop
Warner

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to require the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Iowa (Mr. JEPSEN) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Maine (Mr. MITCHELL), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—90

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Denton
Dixon
Dole
Domenici
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jackson
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Roth
Rudman
Sarbanes
Sasser
Schmitt
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—3

Goldwater
Proxmire
Quayle

NOT VOTING—7

D'Amato
Dodd
Durenberger
Huddleston
Jepsen
Mitchell
Riegle

So the motion was agreed to.

The VICE PRESIDENT. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The majority leader is recognized.

Mr. BAKER. Mr. President, if I could have the attention of the Senate—could we have order, Mr. President?

The VICE PRESIDENT. The Senate is not in order.

The majority leader.

Mr. BAKER. Mr. President, we still do not have a good attendance on the floor notwithstanding the live quorum call and the vote, and I can understand that. This is the first time we have attempted to assemble the quorum this week. But it is no less important, it is no less urgent, that we keep a full attendance on the floor this week than it was last week.

I have no idea how long this debate will take. It will take as long as appears desirable under the circumstances, because the leadership will not try to press this debate to an early conclusion.

But I urge that all Members take heed of their responsibility and remain on the floor. As I observed two Senators leaving the Chamber, I am inclined to sit down. But, Mr. President, it is important, and I am prepared now to proceed with the debate on this measure and to resume the statement of the Senator from New Jersey which is the next item of business. But I ask the Senator from New Jersey, since there is not yet a full attendance, would he prefer that I have another quorum or would he prefer to begin at this point?

Mr. WILLIAMS. I would prefer that.

Mr. BAKER. I do not blame the Senator. I agree with that.

Mr. President, I am going to suggest the absence of a quorum. I wish to execute it as fast as possible. We will have another rollcall vote, if that is necessary, if a quorum does not quickly assemble on the floor. Once again, I apologize to my colleagues for sounding preemptive on this subject, but I feel a heavy responsibility, as I am sure each Senator does, to see that the Senate treats properly the debate that is before it now.

QUORUM CALL

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 22 Leg.]

Baker
Baucus
Bentsen
Boren
Boschwitz
Bradley
Byrd,
  Harry F., Jr.
Cannon
Chafee
Cochran
Cranston
Danforth
DeConcini
Dixon
East
Exon
Garn
Gorton
Hatch
Hawkins

Heflin
Helms
Inouye
Johnston
Kennedy
Laxalt
Leahy
Levin
Lugar
Mathias
Matsunaga
Mattingly
McClure
Metzenbaum
Moynihan
Murkowski
Pell
Proxmire
Quayle
Randolph
Rudman
Stafford
Stennis
Wallop
Warner
Weicker
Williams
Zorinsky

The VICE PRESIDENT. A quorum is not present. The clerk will call the names of absent Senators.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Maine (Mr. MITCHELL), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

The PRESIDING OFFICER (Mr. STEVENS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—90

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Denton
Dixon
Dole
Domenici
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jackson
Jepson
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Roth
Rudman
Sarbanes
Sasser
Schmitt
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—3

Long
Proxmire
Quayle

NOT VOTING—7

D'Amato
Dodd
Durenberger
Goldwater
Huddleston
Mitchell
Riegle

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is present.

The majority leader is recognized.

Mr. BAKER. Mr. President, if we can have order in the Senate, I believe we are ready to proceed. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will come to order. Senators will take their seats, please.

Mr. BAKER. Mr. President, we have good attendance on the floor and clearly have a quorum present. Indeed, I think we have virtually every Member.

The Senator from New Jersey, I believe, had not completed his statement on Thursday when we recessed. I shall yield the floor shortly and I assume the Senator from New Jersey will wish to continue with his statement at this time.

Mr. WILLIAMS. I would, Mr. President.

I thank the majority leader.

Mr. BAKER. Mr. President, the Senate will remain in session until approximately 6 p.m. today. Based on information I have picked up, I gather we are not going to be able to finish today and perhaps not tomorrow. So Members, I think, should probably plan that the Senate will be on this resolution well into the middle of the week, Wednesday or Thursday.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. WILLIAMS. I thank the Chair. Mr. President, I would like now to discuss some significant points which have not as yet been made as keenly or as poignantly as I feel they should have been. I believe many of you may recall the book by J. Edgar Hoover entitled "Masters of Deceit." The most tragic irony of this sordid fantasy of Abscam is that the FBI, the judicial system, the Congress, and I all became victims of the grand masters of deceit, who were given almost indiscriminate and uncontrolled use of the power, prestige, and influence of the FBI in order to swindle or frame whomever they chose. With the vast resources of the Federal Government at their disposal, they deceived and deceived and deceived. This deception continues.

I was deceived, friends and acquaintances were deceived, the media were deceived, judges and juries were deceived, the FBI itself was deceived. But I have held a firm and final hope; that in this Chamber, we would not bow down before charlatans.

In my particular case, the grand masters of deceit took every character trait that I consider a personal and political virtue and attempted to twist and torture it, making it appear as a vice on hidden cameras. My willingness to assist those in need was staged and choreographed in such a manner as to create the appearance of self-interest.

The fact that I knew the schemes and proposals had lost any resemblance to reality when they started issuing worthless pieces of paper has been twisted to argue that I was acting greedily and criminally. They had to chase me down to give me that worthless paper; I did not go looking for it.

My criminal response upon receipt of the proposed $18 million in stock was an uninterested, "uh-huh." Is that the expression of excessive greed which my adversaries would claim characterized my actions? Or is it, rather, the expression of sheer disinterest in a meaningless action?

These grand masters of deceit have distorted my every action. Even my sense of humor, which prompted me to suggest the sale of the mining venture which I had come to consider totally worthless, is cited as an example of excessive greed on my part. Humorously, I suggested that we increase the selling price from $70 to $100 million. It prompted laughter, as I intended, and as the tapes do show. But my intent has been overlooked while, in actuality, it is a crucial aspect of the true nature of that kind of conversation.

Completely apart from my personal ordeal and yours, I think careful consideration should be given to the institutional wreckage resulting from these distortive tactics. They include the threat of police intrusion into citizens' lives at all levels of government. As Dean Griswold warns, "It is surely very close to the police state which we all have always shunned." There is the damage to the prestige and credibility of the FBI and the very real constitutional danger posed to the legislative branch of Government.

With regard to the future of our citizens' rights, I ask you to think about the frightening implications of the Abscam technique. How many prosecutors or police will be tempted to create a crime, especially knowing that they can obtain a videotape machine and a record in poor quality, some vague transaction. Any overzealous Government official can thus build a career at the expense of an unwitting victim.

With Abscam as a precedent, these officials are free to use vast Government resources to fabricate schemes whereby honest citizens are pursued, indicted, and convicted.

What of those who have had a strong and abiding faith in the FBI as an institution, even despite the attacks made on that institution in recent years? I have been contacted by former FBI agents who fought long and hard with political action and financial support to protect the Bureau against attacks, but they express sorrow and shame over what has happened in my case.

Finally, there is the issue of separation of powers, which has been alluded to in general ways in this debate.

For nearly a year after the news leaks and the trial by press, I was in a legal limbo. I was suddenly aware that the executive branch had used incalculable resources to manipulate, fabricate, and manufacture the case against me. The situation I faced is unique in the history of our Nation.

Never before had employees in the executive branch tried to frame a Member of Congress. Never before in the history of our great Nation has a Senator been convicted of a created crime. For the first time, we confront the fear that we could be ultimately and whimsically subjected to criminal punishment for no reason or any reason—all at the caprice of some executive employee.

Many lawyers felt that I would not be indicted. Yet, day after day—indeed, month after month—I waited while the executive branch was determining whether to seek an indictment against me. Can you imagine the oppressive feeling I had whenever the President called me about a vote that was critical to the administration? Though still in a legal limbo, I reacted as I know you would have. I resolved that I would not allow this to affect my judgment on legislative issues before us. I further resolved that I would do everything I could to insure that no executive employee would ever be in a position to coerce a Member of this body. That is why I have continued this struggle.

The separation of powers doctrine is fundamental to our Constitution and is essential to the free and unfettered performance of the duties and functions of the legislative branch. My example shows what a threat this Abscam charade poses to every one of you. The willingness of executive employees to use drugs and forgery, or whatever it takes, to manufacture a case makes everyone vulnerable.

It should be of utmost concern to this body that the principles upon which our Government is founded have been so severely violated to compromise the independence of any Senator and the ability of the Senate to function in its proper role.

These grand masters of deceit now have the power to intimidate and coerce members of the legislative branch. But, let us resolve that no matter how grandly and masterfully they do it, they shall never be in a position to frame any Member of this body again.

The VICE PRESIDENT assumed the chair.

Mr. WILLIAMS. Yes; this was a scheme, a creation. Every aspect of it was manufactured. Out of that has come a knowledge on my part that my personality traits were warped and twisted into a synthetic creation. The atmosphere created out of the words and the appearance on the videotapes is a lurid and sordid scene, with me the only one generally in the light. This was an attempt to foster the image of a person of avarice and greed who would do anything that was hoped for by those who were creating the scene—would use his Government position for personal gain.

That creation, that attitude, that misrepresentation of my personality was advanced by the prosecutor in New York. It was echoed here in this Chamber. I can say to my colleagues here today that it is my great sorrow, of course, that all that was created about me was not me. I feel deeply saddened that I did go to situations that could be used that way. It leaves me with a feeling of great sorrow, No. 1, within this institution that I have served with all the devotion that I could give it. It leaves me not only with a sense of sorrow and sadness, but also, almost apologetic that my actions and the places I went, could be used in a way to bring this problem to the Members of the Senate.

I know it is a difficult problem, because of the image they attempted to create—and that has been sent forth not only by prosecutions but also by a partnership press. The development of a synthetic personality.

I know that it is my responsibility to make you know me as I am, as I have been, and as I was during this Abscam episode. I am today the same person I was when I came here a little over 23 years ago. When I came here then and took my seat as a Senator, I made a decision. I had been in the House of Representatives for 3 years and had served there on the Foreign Affairs Committee; and when I came to the U.S. Senate in 1959, I felt that I would try to be part of some things here that I had not been in my service in the House.

I wanted, in a sense, to come home to the hopes, the aspirations, and the needs of the people I was closer to. So, when I came here, I sought and was placed on the Committee on Labor and Public Welfare and the Committee on Banking and Currency which dealt with the programs of the metropolitan areas that I represent in good measure. This gave me an opportunity to do what I wanted to do—to associate with people in their needs, their hopes, and their aspirations.

I am still on those committees, and it has given me a chance, that I have honored completely, to use a U.S. Senate position to fashion and develop responses to human needs.

The first year I was here in 1959, the year that I looked within the jurisdiction of labor and public welfare, I saw an isolated group of people who had not been included in any action of our Federal Government that was in response to the social and economic needs of people of very low estate, low-income people. The migrant community that travels and harvests our crops were not included in any of our laws that came on since the thirties and had been developed through the forties, and it was my suggestion that we do something about them. As a matter of fact, we did. We brought a measure of new economic opportunity, new social opportunity to migrant workers and we assured access by their families to the health clinics available in the communities where they were visitors.

I will not go through all of the things that were my purpose in being a Senator, which was service to people in housing, in labor, and in so many other ways.

As I look around and look to the Senator from West Virginia, I know it was just 10 years after my arrival in the Senate that together we fashioned a response to the need of some people who were leading unnecessarily incredibly dangerous lives, the coal miners of our country. Together with the great Senator from New York, Senator Javits, we fashioned a measure that responded to the needs of these people and provided them protection. People who I did not happen to personally represent in terms of my State, but they represented a group of people that needed our response. The bill that I introduced became the coal mine health and safety law.

I only recite these examples to say there has never been one moment of my service here that I have thought in terms of advancing my personal economic advantage, never once.

I know a great syndicated columnist put me on the grill last June, I believe, on this Abscam business, and in that conversation he talked about this. "It looks like a greedy business you are in." And I mentioned what I am saying here. Never in my service have I ever thought in terms of economic advance resulting from any aspect of my job as a Senator.

I said, "You know for a long time I was chairman of a subcommittee. If I wanted to make money out of office that surely was the one that you could make money out of."

I was referring to the chairmanship of the Subcommittee of Securities of the Committee on Banking, Housing, and Urban Affairs and I was chairman of it for better than 10 years and obviously had to work with those people who were at the pinnacles of finance in our country. Not once did I ever even buy one equity measure while I was in this position, and it did not have anything to do with my worrying about the propriety. It never even came to my mind. I did not think about it.

I use this as an example because that man then looked deeply into my activities as a Senator and into this Abscam business. After reviewing the facts involved in my case, this journalist came to believe in my innocence. He has been one in this country who has tried to explain the situation as I know it is. I go into this because, as I continue now, I just want my true personality, my true nature, to be known in relation to the activities they involved me with during this created scenario, created scene.

When I finished the other day, I hoped I had made it clear how I knew that I had done no wrong in the various aspects of this case. I indicated the worthlessness of the stock that is involved in this case and included in the RECORD as an exhibit the Justice Department's statement to that effect.

Now, I would like to develop why the manufactured scenario was to me, as it proceeded, wholly meaningless. I must go back and say that what started all of this had a reality.

I mentioned it before and I must say it again because that reality stayed with me and was on my mind throughout the long year of pursuit. The reality was a mine in Virginia. The reality was that there was a plant there that had been used for the processing of ore. The reality was that two very close friends and constituents of mine had devoted better than 3 years to perfecting an organization to acquire the mine and the processing plant and to put them back into operation. The ore would be processed into its parts, which were titanium pigment for paint, iron ore for a foundry, and phosphorus for fertilizer companies. All of it was a private venture. There was nothing to do with the Government. It was limited to Piney River, and what they needed to fashion this operation was about $10 million. My friends struggled and they struggled for 3 years and they did get to a position where they had letters of commitment, for two of the products if they started this mine—the titanium for paint, that I believe was with Glidden Co., and the iron for the foundry which was with Lynchburg foundry.

That was the reality. I had helped them once before—by just introducing them to an investment banker I knew. He was generous with his time as was his banking institution's staff. He gave them a lot of advice, but did not feel that his institution could finance the venture. And my action was customary. They were friends and constituents. I called Henry Fowler, requested that he see them if he could. It did not work out. I later called Henry Fowler and thanked him for his efforts.

I suggest to all of you who work with your constitutents and try to be helpful to them, this was in the usual order of our everyday life. That was the reality.

Then came the new possibility for my friends to get financing for the venture. And upon that reality was created not a proposal to acquire Piney River solely, but a scenario that went well beyond Piney River to the acquisition of an operating plant in Georgia. A very major establishment within the American Cyanamid Co. organization. Suddenly, the $10 million required for the Piney River enterprise was transformed into $100 million for the acquisition of the American Cyanamid plant in Savannah as well as Piney River in Virginia.

My doubts about this new endeavor were heightened in the few meetings I attended with the Government agents who created this new scheme.

The first doubt I had developed with the first meeting, which occurred when I went to a reception for the mayor of Camden, who was the one who had introduced the Abscam investors to my friends. The reception was on a boat, and there I met a person who I had been told was a member of the financial group interested in investing in the mining venture. I had been told that this did not only include a group from the Middle East, but also an investment adviser who had a distinguished pedigree. This participant was said to be an investment adviser to the Kennedy Foundation—I met him at that reception, and had a very brief conversation with him.

But I did advise him of the long and very pleasant, very fine, relationship I had with the three Kennedys who have served here in the U.S. Senate. All had been members with me on the Labor Committee.

I started talking about them, and I got nothing but a blank stare. I was talking to a blank wall. He apparently did not have any kind of association in any way with their family, and I thought this was strange, since he was an adviser to them.

There were other aspects of that very first meeting, I will have to confess, which I thought at the time were unusual. The personalities of some of those in attendance impressed me as being in line with the nature of this meeting—Middle Eastern money available for investment. The sheik was for me believable. He did not say much, but he was for me believable, and I thought he was what he was described as being.

Beyond that—and I mentioned it to my friends—I was startled that the one individual, a man by the name of McCloud from Boston, did not seem to know much about a very distinguished family that he was supposed to be associated with in Boston.

After that, there were other developments that gave me check points that established for me that this whole operation that had developed away from Piney River had very little reality, if any reality. I told my friends that if there is anybody lending $100 million, I am sure that they will look at their security and they will look at this mine and see what it is all about, to see if it has a prospect of being successful.

Sandy Williams, who constantly traveled to Piney River, Va., told me no, nobody had been down. I directed him that he had better go to the courthouse and see if they had searched the title and to see if anybody had been out to the mine area to assess its potential. Nobody had been down there.

I said that there is something wrong there:

> It looks to me like there is something wrong about these guys if they were not doing what anybody would do if they were going to protect their $100 million investment.

There was was another checkpoint that I had. The most unlikely people to be negotiating with American Cyanamid in Savannah, Ga., for that $80 million plant, were the two agents Mel Weinberg and Amoroso. They had no appearance, there was nothing about them that gave me the impression they would be knowledgeable enough, competent enough, to deal at the higher levels of a great company. Yet they were the ones who were going to do the purchasing of American Cyanamid in Savannah. That was in the spring of 1979.

I had the opportunity one afternoon in July of checking this out with the chairman of the board of that company when he came to my office on a legislative matter. After we finished the legislative discussion, I asked Mr. Affleck—after telling him that I knew people interested in buying the Savannah facility with investment money that is supposedly coming from the Middle East—if he were aware of such negotiations for the sale of the Savannah plant. But he did not know a thing about it.

It was not dispositive of whether there was anything or not, but it just seemed to me that if there was any reality about that purchase, the chairman of the board would have known if one of his major divisions was being purchased by somebody.

After that, there was another unlikely occurrence. Those representatives Weinberg and Amoroso, representing the wealthy sheik, demanded that Sandy Williams' and Alex Feinberg's partner in financing Piney River, a man by the name of George Katz, that he, George Katz, give to them some very expensive watches.

This one did not add up to me, representing all that wealth and, in effect, extorting watches. That one surprised me.

The other thing that developed that just took reality away as far as I was concerned was the second stage of the whole loan proposal developed by Weinberg.

After the loan was made or was to have been made, making the purchasing possible, it was his additional creation that there would be a sale of that that was created. It was presented as a simultaneous closing, and I will tell you that that one boggled me as it is seen in the record of the meeting of September 11.

Let me just say that I perceived an unreality, which I repeatedly described to my friends whenever I talked to them, generally on the phone.

When stock was created, I said to the creator of the stock, Alex Feinberg, who was a friend, "The stock has got to be worthless, and with this whole manufactured scheme so unreal, the stock would never have any value." That is what I believed. This is what I knew.

One reality that crossed my mind during that period was the sheik. I thought he was real. Whenever I had the opportunity, I came back to the other reality—and this was Piney River and the mine and the plant. The record shows this.

One of my friends wanted to come down here and testify, if there were an opportunity. Obviously, there was not. Alex Feinberg, who had great hope—even up to the end—that this project was going through, made an affidavit. I shall introduce that for the RECORD, and that would be Exhibit No. 9.

EXHIBIT 9

AFFIDAVIT

I, Alexander Feinberg, of full age, being duly sworn, according to law, upon my oath depose and say:

1. I am an Attorney-at-Law of the State of New Jersey.

2. I am a co-defendant with Harrison A. Williams, Jr., in the case of United States of America v. Harrison A. Williams, Jr., and Alexander Feinberg.

3. Certain shares of stock were issued in the following named corporations: G.T.D., Inc., P.I.T., Inc., P.R.V., Inc., and subsequently delivered to Harrison A. Williams, Jr., et als, representing shares of stock in corporations created by our office and subsequently duly organized by the stockholders at a meeting, at which time Harrison A. Williams, Jr., was not present.

4. This stock was given to the undercover government agents (who represented themselves as authorized employees of Abdul Enterprises, alleged Arab investors) at their specific request under the pretense that they wanted to present them to their principals, the alleged investors, for their examination and that said shares of stock would be returned to the individuals at a later date.

5. On several occasions in discussing these corporations, and the investors, Harrison A. Williams, Jr., expressed his doubt as to the integrity of the individuals who stated that they were representing certain Arab interests who wanted to make this mortgage loan to these corporate entities.

6. As a matter of fact, I discussed the status of this stock with a tax lawyer who advised me that since no funds had been advanced, nor were there any funds invested, that the stock was worthless.

7. In discussing this matter with Harrison A. Williams, Jr., on several occasions, I so advised him and he agreed that the stock was worthless and of no value whatsoever.

8. I am making this affidavit knowing full well that it is to be used by Senator Williams in his defense involving his hearing before the United States Senate.

ALEXANDER FEINBERG.

I will just read one paragraph that deals with what he says about my conversations on the topics that I have just described. In paragraph 5 of his affidavit he says:

> On several occasions in discussing these corporations and the investors, HARRISON A. WILLIAMS, JR. expressed his doubt as to the integrity of the individuals who stated that they were representing certain Arab interests who wanted to make this mortgage loan to these corporate entities.

Again, he is one of the witnesses that I would have had if we had any opportunity in this debate.

I would like to read from the transcript a portion which represents the doubt that one of the participants and investors in Piney River, George Katz, finally felt. On pages 477 and 505 of volume 6 in the Senate Ethics transcript, there are two passages that I would like to read.

> Alex Feinberg says first: "As far as the business thing goes."
>
> George Katz replies: What is holding this thing up? (UI) Do you rember when we met in Washington, see, and Tony yeah, I remember my memory is clear as a bell, when you came down, it was in June that we met and you said it's gonna take about 60 days, which brought it to August. Then from August it went to November.
>
> MEL WEINBERG. "We had a" and then it is unintelligible.
>
> GEORGE KATZ. Wait a minute, wait a minute.
>
> ALEX FEINBERG. Yea, let him finish, Mel.
>
> GEORGE KATZ. Let me finish, Mel. All this is what bring it around to you doubting me and me doubting you. Well, what would you do if it was you in my place and I said August, and then from August it goes to September to October, to November, then I even said, "Look, we got an option running on the most important thing of all and that is the property which is gonna supply ya the ore to make this stuff with. It's more important than the foundation and all that bullshit with the machinery and everything else. And Sandy shouldn't be a problem here. Forget it.
>
> "OK go ahead," says Tony DeVito.
>
> George Katz says: "Forget it."
>
> MEL WEINBERG. When you want him.
>
> GEORGE KATZ. Oh let me, finish here. Now it goes from one day to another. Have the people got a right to not question--Is there ever gonna be a deal, or is there never gonna be a deal?

That was January 13, and the next selection I am going to read is January 13 also. I will say January 13, 1980, was the end of the line, because it was by that day when they knew they had not snared me in any of the corrupt activity talked about by the Government operators during the preceding year. When they had not succeeded in establishing a criminal case, you will recall they brought me back on January 15. They invited me into a meeting with a sheik on January 15 to make it clear that I was corrupt. They offered me money, and they got turned down. But it was just two nights before at the January 13 meeting, which I was not at, that the unreality of the situation finally was being discussed by those who had been hoodwinked for a year. On page 505 of the same transcript, later on Mel Weinberg says:

> You let the people's buying do that.
>
> GEORGE KATZ. Excuse me one second. Let me just finish. I forgot another thing I, I've gotta tell ya. Now I'm talking about the people buying. I'm talking about the priority here, you know, they can't buy it, we, we have to buy it and sell it.
>
> MEL WEINBERG. Right. We don't have to put no machinery in there.
>
> ALEXANDER FEINBERG. No, no, he's, no, what, what Mel is saying is this, George, listen to me carefully.
>
> GEORGE KATZ. I understand.
>
> ALEXANDER FEINBERG. We buy what is existent.
>
> GEORGE KATZ. If, if we don't put the machinery in, we got nothing to sell, don't you understand? What are we selling? What are we selling for sixty-five or seventy-five million dollars or something like that? The only way that we can, we can accomplish what we're doing—I don't care if the people who are buying it, let them stand behind our shoulders and tell us what to buy, how, how to buy it, whether it has to be bought so that we have something to sell because if we don't have nothing to sell, why are we gonna get seventy-five million for? We have to buy it.
>
> Alexander Feinberg says, "He's right."

You know, when I read that section, I am reminded of, with apologies to the Senators from California, both Senator CRANSTON and Senator HAYAKAWA—I believe it was Gertrude Stein, talking about when you finally get to Los Angeles: "When you finally get there, you discover there is no 'there' there." And I will tell you when they finally got to the end here, there was nothing there.

Was I correct when I say that was when she was getting to Los Angeles?

Mr. CRANSTON. It was Oakland.

Mr. WILLIAMS. Was it Oakland? Same State. I stand corrected. It was not Los Angeles. They have taken enough abuse. That is Oakland as it used to be long ago. "There is no 'there' there."

I now would like to deal with something that is on everybody's mind here and that is just why, with all of the doubts that I had about this project, why did I go back three times? Really, after I had these doubts, why did I go back? Three or four times, why did I go back? These are most logical questions.

And I will tell you, if there is anything I would kick myself about, of course, is that, I did. But let me explain to you why I did go back to those meetings.

Come back to Piney River. Come back to the 3 years that Sandy Williams and Alex Feinberg had worked on that. Recall that I knew how hard they had worked, and I knew that they thought they had some prospect of success as miners. Perhaps it was unlikely, but they worked at it. They thought they had something that could be developed. They were my friends.

As I indicated the other day, I met those two guys the same year, 1958, when I was running for the Senate. One was a publisher of a paper, Sandy Williams; and Alex was a candidate for Congress. We were close. I was particularly close to Alex for all of the years after that.

They thought they had something that could be advanced into a successful venture—a purely private venture. I had doubts, I told them, I really told them. In my judgment, they stayed with it, with the hope that there would be successful investment there.

If there had not been a Piney River, I never would have gone back, but with the fact that they did have something real—small compared to the monstrous creation, but something real—I felt they might have a chance not with Weinberg and Amoroso, the representatives of the sheik, but with the sheik. I questioned the unreality of the total operation but not the reality of Piney River.

There was only one meeting. I went back to that meeting and it was discussed. That is the only thing that I saw was real, and I stayed with it, even though the people that Sandy and Alex were talking to, and George Katz later on, were reprehensible in every way. I know a lot more about them after reading the transcripts. The transcripts show the obscene language, the unusual pressures that were put on those involved in these creations.

When I was present at these meetings the language used was foul. I am not sure why. As you read the transcripts record, it just has to engender disgust. It does in you; it does in me. I was disgusted with these people. They were not my kind—Weinberg and Amoroso. But my constituents and friends wanted me to stay, so I went along without interest with the thought that maybe that Piney River project might become operable with the financing from the sheik. As you know it never did , because the whole thing was a giant sham.

As part of this sham was the suggestion that Government contracts would be obtained. A careful review of the tapes will show that the only contracts even under consideration were for the purchase of the ore which would have been used in the production of paint, iron for Lynchburg Foundry and phosphorous for fertilizers. The companies involved would have been firms like Glidden or Sherwin-Williams. There was never any suggestion of Government contracts up to this point.

On the tape of April 23, 1979, Weinberg for the first time raised the prospect of Government contracts in a telephone call to Sandy Williams. I direct the Senate to page 375 in volume 6 of the Senate Ethics Committee transcripts.

Mel Weinberg says:

> All right. Now what about, uh, let me ask you a question. There's a lot of Government contracts, that ya know, on the chemicals.

Sandy Williams answered, "Right."

> MEL WEINBERG. Now, can Williams get us the bids on them?
>
> SANDY WILLIAMS. Well, I don't know about that. The main thing is with this Cyanamid thing. . . .
>
> And if we wanna increase our business, we'll have to go into like Sherman-Williams and people like that and try to get their business away from somebody else.

In the tapes of September 11, 1979, and October 7, 1979, Sandy Williams and I discussed the market for titanium, and I am asked who I have talked to my response is:

> What do they know about this, when they say contracts what, what are they talking about? Going metal, it got to be metal because——
>
> MEL WEINBERG. I, I know what—I only know finances. I don't know anything about—I say, because of the nature, not the scarcity of titanium, but the fact that you're coming on with titanium. And it's here in this country. There's a market anywhere you go; right, Sandy?
>
> SANDY WILLIAMS. Absolutely, titanium slag right now. QIT a private organization is the only one producing it. We will be the second one producing it. And Glidden would like to buy it, American Cyanamid would like to buy it if we didn't buy out American Cyanamid, of course Gulf Western wouldn't because Gulf Western owns.

On page 345, Tony DeVito, the name used by FBI agent Anthony Amoroso, who was the partner and supposed supervisor-director of the hired criminal Weinberg begins to speak.

We will find out later in our discussion of this part of Abscam that things got turned around and Weinberg, the hired criminal, was the one who took over operations, but now I shall quote from the agent Tony DeVito.

"Have you had an opportunity to discuss er titanium with anybody in er you know on——"

I say, "Sure, I"——

Then DeVito says, "the Government?"

Then I say, "I talk titanium with everybody, anybody, that has a connection. Er, like Bethlehem Steel. I was with their vice president in charge of mining."

Tony DeVito says, "Um hum."

A careful analysis of every tape will show that the only contracts I mentioned, or affirmatively respond to, are private rather than Government contracts. I hope Senators will remember the analysis of Dr. Shuy that was presented here and was demonstrated by the posters on the easels in the back of the Chamber. Dr. Shuy's analysis shows who said what on this issue.

Senators will find that the Government or its "agents", including Angelo Errichetti and Mel Weinberg, were those talking about Government contracts, not me. It is clear that the Government itself knew I had not promised to obtain Government contracts.

I refer my colleagues back to an exhibit we included in the RECORD; a memorandum from Mr. Gow to the director of the operations here in Washington, Mr. Mullen. It says:

> Williams has got to do something. Williams hasn't done anything about "Government business."

I would like to turn your attention to January 15, 1980. The Gow-Mullen memorandum of November is now directing the operation, basically. I remind you that it says, "Williams has got to do something. We have got to recontact him."

In other words, I had not done anything to meet their specification, their specification of an official act, their specification of taking something of value.

"Recontact WILLIAMS," the Government people said in November, "get him to do something."

You will recall that that tape, which was the last time that there was any taping of me, although there was one more tape, one of Alexander Feinberg, is the FBI's effort to recontact me to get me to do something. After talking about all of the elements of legislation, the sheik says, "We are alone. I want to give you money," and I say, "No, no, no, no. When I work in that area, that kind of activity, it is purely public."

At that point, you will recall, agent Amoroso came in, and interrupted before I could explain what we all know so well: When you are doing anything in the public area, you never take money. I never had a chance to explain this because Amoroso came in, and said a call would come in. The call came in and the sheik walked out.

It has been said repeatedly that when an offer is made, one can always say "No;" one can always walk out. Here, I clearly said "No," but the sheik walked out, and I was left alone in the room thereafter.

So, at most, on the merits, without a quid pro quo, what I did was offer to see if I could be of assistance to this foreign dignitary who said that he was in trouble in his own country and that he wanted to take up permanent residence here. My behavior, what I did, was what a person would do before taking action; I requested information. And that is exactly what that last tape shows—an itemization, characterization, and listing of the elements that have to be known. And I requested that the sheik bring me that information. Such precedes any decision on legislation.

I will tell you that if there had been any greed involved, while alone with that sheik and aware of an offer of money, I would have thought about it, believe me. I return to what I said here the other day: I not only did not think about it, I said "No" before he had finished his sentence. And that is clear on the tape; it is clear in the transcript. Before he even said "residence," he said "money," and I said "No." He said "residence," and I said, "No, no, no."

I tell you, knowing that the stock was of no value, if there had been any dishonesty or greed on my part, there was ample opportunity for it to be shown. It was not.

I should like to indicate that there are an awful lot of documents that are vital to the understanding of this case. A lot of the documents, Government documents, were very hard to obtain for a variety of reasons, and none of them worthy reasons. Materials have come into my possession long after the trial, some after the ethics hearing, which substantiate what I am telling you here, that I had not done anything wrong. That is why, with so much material still coming out of the bowels of files—material that has come from that brave, courageous, and honest woman, Marie Weinberg—we are only beginning to hear the whole story. She knew that she took her life in her hands by coming forward and telling the truth. She is gone; but from all that she said, and the affidavit she made, as well as from many quarters, there are so many things yet to surface so that we might understand what this Abscam is. This is the first time in the history of our country that the Government, the Executive Department, tried to move in here and create crime.

I would point, at this point, to exhibit 2 from Robert Stewart. Law enforcement cannot be condemned. The Department of Justice and the FBI cannot be condemned. There were individuals within those organizations who lost sight of their purpose. They departed from the standards of their great institutions by their conduct. There are so many that did not betray their responsibility or their oath. They did the honorable thing in this case and in these cases; they reported to superiors what was transpiring when they observed things that their colleagues in Government were doing which they felt were wrong. In exhibit 2, which has been submitted and is in the record, Mr. Robert Stewart, one of those men of loyalty and integrity said, and I quote here:

> There is reason for concern, (1) when two public officials are brought before a TV camera to take a bribe, but both decline.

I was one of them. And he was greatly concerned about the whole operation that would not accept "no" for an answer.

The guidelines described to us after this was over, by both Mr. Heymann, who headed the Department and by Mr. Nathan, maintained that all one must do is say "No"; and that would be the end of the effort of testing one's criminality. All one must do is say "No."

Well, I will tell you, that certainly was not applicable in my case. My "noes" throughout a month—throughout a year of many months—were all countered by heightened efforts, "let's do it this way, let's do it that way."

You remember the forgery. When I would not do anything about Government contracts, the very next day, one operative inquired, "How are we going to make him do it? How about a letter? We need a letter." And there then appeared a forged letter which said that I was going to do what they knew I would not do.

I would like now to talk about other areas that I know we must discuss and that are on the minds of all of you. They have to be understood if this case is going to be understood and if my role in all of this is to be understood, for your deliberations, for your thoughtful, searching answers to what it was all about and what I was all about.

In every instance where the Government operatives pushed their fantastic scenarios to the point of a clear question of illegality, that record will show I unequivocally rejected them. This is in the area when they talked about taxes, when they talked about disclosure, or about hidden interests; there was once a suggestion of an employment contract of some kind; and there was, of course, the one that I have just described here, that money bribe.

The Government's tapes clearly show that I never had nor would have had any hidden interest in the business venture. On the September 11, 1979, tape, I stated in response to the possibility of a second Arab group purchasing the potential assets of the three corporations and the resultant tax liability:

> Williams——
>
> This WILLIAMS;
>
> I think it's the smart way for a guy like me to go by the way——
>
> For me to——
>
> You know out in the open. I mean ya——
>
> Right, pay the taxes.

The only thing I slipped into there, in their terms, was a little bit of street language that I am not proud of; but I did it. Still, the essential thing to know is what was I going to do about taxes, if there was anything, and I knew there were not going to be any taxes here. But remember Piney River. There was a reality; but as for the unreality, no. Notwithstanding that, whenever taxes came up, I pay taxes. Whenever disclosure comes up, I disclose, as I did on October 7, 1979, where I again stated that any future interest which I might obtain would be dealt with according to our rules—not only the law but also our standards we live with under our Senate rule book.

I indicated that I would blind trust my interest, and Feinberg says, "I've got an expert." Feinberg also says, "He teaches at the law school and he has a master's degree in this." And I say, "Yes, we will have it under the trust." So, I have done what I had to do under my rules at this point. It has been suggested that this was a way to hide something, and that I do not know what a blind trust is. That is absolutely not true. I know what a blind trust is; and I know there is a disclosure going in, too. Anything that happens after that is not disclosed to the creator of the trust.

The quotes that I have just read are from volume VI at 331 and 339.

So it is clear from the tapes that I intended to pay taxes, if there were any, and to put any interest I might obtain in a blind trust. I, of course, never received anything of value which required paying taxes or anything to be placed in a blind trust. I might say at this point that, whatever it is, as long ago as 1976, it is entitled an agreement. And it is from Sandy Williams, Henry A. Williams III, to me. I cannot find two lawyers who agree on what it is, and perhaps it is really nothing. But it was given to me by him as an expression of generosity; so he explained as he was giving it to me, his oldest and dearest friend.

It would be worthwhile, if you have time, to review that document because it dates back to 1976. Sandy Williams was very grateful to me because, when he needed phosphorous for something he was working on—and he was involved in many ventures, none of which succeeded—I suggested he contact the Department of the Interior and they would tell him which to locate phosphorous.

He did. He got a book, and the book told him it was down in Virginia, at Piney River. I guess it was out of an abundance of good feeling for me since I was the one who led him to find the mine, he gave me half of whatever he had in something. We reviewed it. It is not an enforceable gift. It has provisions like a will. But there it is.

I raise it under the subject I am discussing here now because, while I did not know what it was, I did review it on May 15 with my administrative assistant. I said, "I do not know what it is, but if somebody wants to give me something, I wonder whether this should be put in the May 15 disclosure." Together, we agreed that it certainly does not have any value; so, therefore, we did not.

But even that was reviewal, there was nothing else out of all of this to consider except Sandy Williams, generous gift-hope that he gave me back in 1976. It is the tab E of the book that is on the desk, the brown book from the Ethics Committee.

I did mention an employment contract in another connection. There was some idea that I would have a continuing relationship. It looked like they were trying to put me into an employment contract after the simultaneous sale to the new Arabs, whom nobody ever saw.

I said, "There are a lot of problems with what you are suggesting for me. This looks as though I'm getting into an employment situation, and I can't do that." This passage is reflective of my absolute adherence to the rules that we work with and under in this body. That is part 6 of the committee print, page 230.

I should now like to go back to Robert Stewart's memo of January 29, exhibit 2, in connection with Government documents raised, and quote one paragraph.

> But, the primary concern, and one which the operational prosecutors in newark pinpointed at the very outset of their involvement in the matter, has been with the very essence of this investigation. There is reason for concern . . . when so many people could have believed for eight months that "W" had a hidden interest in the business venture when the facts now appear to be to the contrary.

I not only did not have a hidden interest in the business venture—and I knew it—but also, the Government was aware I did not. Again, I quote from a Stewart Memorandum of January 8, 1980, exhibit 6:

> On March 27, 1979, Mr. Puccio indicated suspect "W"—

That is Williams—

> of New Jersey had a hidden interest in the particular business venture . . . Many months later, when we finally obtained the tapes, the situation proved to be quite different . . . "W" did not say that he had an interest, hidden or otherwise—only that he was interested. "W"—

Williams—

> said only that when the venture materialized, he would then have to disclose his interest—an interest which would come into being at that time. All of this is a far cry from having a "hidden interest."

I quote from pages 2 to 5 of the memorandum.

I again remind my colleagues of the memorandum from FBI Section Chief W. D. Gow to Assistant Director in Charge, Francis Mullen, and this is dated November 27. I have mentioned it before. It is in the RECORD.

> Relative to the matter concerning U.S. Senator Harrison Williams of New Jersey, the following was decided:
>
> 1. It will be necessary to recontact U.S. Senator Williams in attempt to obtain an overt action on his part regarding his sponsoring of some type of legislation; i.e., titanium mine and/or import quotas for titanium mine.
>
> 2. It was also suggested that attempts should be made to elicit from U.S. Senator Williams whether or not he wanted his shares hidden, through discussions concerning reporting of personal taxes and official acts that he promised to provide.

At this point, I remind the Senate of what was said by Mr. Irving Nathan, who worked with Philip Heymann. Those men were at the pinnacle of the Justice Department on this Abscam operation. The other day, I had posted here, a quote of his from the 20/20 television program. It was the conclusion of these remarks that he stated these people could always say no. I just want to say to all of you, my friends and colleagues, I did say no. I said it continually, yet the pursuit went on.

Even though statements by Mr. Heymann, and the records of congressional committee meetings indicate, that the Government pursuit would be discontinued, after the opportunity for wrongdoing was offered, and was turned down, and it was not done in this case. Month after month after month, right up to the final, the pursuit persisted.

On the Government's side, within the operation led by Weinberg, there was little direction over the decisions which were made. It seems that many of the actions against me were motivated by personal rather than professional objectives. This thing, the whole operation on me was, for the most part directed out of Brooklyn. There the man who turned out to be the prosecutor of the case against me was involved in decisions on this pursuit. I say these people had motives beyond their jobs. Puccio had a motive that developed at hearings on due process and I believe it will be gone into in some greater detail later. He was negotiating and coming to agreements for collaboration on a book about Abscam. Its coauthor, Mr. Newfield, a reporter, has been quoted as saying that: "If WILLIAMS isn't convicted maybe there won't be any book."

I have never been a prosecutor in my life, and those of you who have been will know better than I, but I read and feel that all of the rules and standards that guide prosecutorial conduct insist that his official role is a role of objectivity and not subjectivity.

When this particular prosecutor had an economic stake in seeing that I was convicted, that gives us some clue as to why he handled the preliminaries and the case against me in the manner he did.

That book deal and the records of the cases reveal, that the contract was entered into by Mr. Thomas Puccio before I was indicted.

Coming back to that January 15 meeting when I was alone with the sheik, you will recall that the sheik offered money, and I said no, no, no. Then there was an interruption, just as I was about to explain the law, which came under the direction of the prosecutor who I just mentioned. He was hidden in another room, secretly watching the conversation between the sheik and I. He was with the supervising FBI agent, Mr Good, and together they directed agent Amoroso, to burst in and cut me off, before I gave them their biggest trouble, an explanation of the law that guided me in my refusal of the money. I turned down a bribe the very last time I saw that group.

I indicated earlier that so many were guided not by their job and their responsibility, their oath, but were guided by profit, personal profit. Puccio I have just discussed. Weinberg I do not have to tell you about, I am sure, because this has been widely reported—the bonuses that he got, and he was also involved in another book situation. I am pausing here because I am recalling just how outrageous Weinberg, the hired criminal during Abscam, was. During this investigation, he was working with an author on a book and that book, "The Sting Man," was published and came on the market the day my trial started, almost a year ago. His profit motive ran throughout this sordid investigation to the point where he not only got his supervisors to pay him bonuses for exceptional jobs done, but fabricating jobs so that he would get additional bonuses. With all of those bonuses he was in a position to lead a very lush life. When he moved, many of the possessions he had were given or purchased at knocked-down prices by the agents who were supposed to be directing him. And out of it came a lifestyle which he did not wish to relinquish. That was another motive to keep this thing alive, and that will all be developed as a major subject that must be of concern to Congress and to the Senate—the lifestyle that some of the agents acquired at taxpayers' expense during Abscam. You can see the rottenness that pervades this entire investigation when you view the departure from their responsibilities of the agents involved as they become more concerned over the quality of their lives.

Mr. President, we believe that there are others who want to speak at this time, this afternoon, and I have reached a convenient breaking point to relinquish the floor.

I want to say, as I do at this time, that I wish to express my deep gratitude for the attention here this afternoon of all Members, so many of whom are here.

I reiterate what I said before: The job I have taken on, while it is tough for me, is not tough in a sense because I know that I must do it as a matter of principle. The job I have given to you is a difficult one, too. For 2 years, the sleaziness of Abscam, the banners, the press talking about the corruption, the money, and the bribing of Members of Congress, came through on those tapes in a way that misrepresents reality so much. This has been a creation made public. And I know that this is what you all have to deal with. I am sorry, indeed, that it came to this.

I hope you will understand how, knowing so deeply that I did no wrong, I have to live with myself and I had to do this.

My friends, my colleagues, I can just say that I regret in a sense that I have to burden you with this ordeal.

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The majority leader.

Mr. BAKER. Mr. President, Thursday we had a great deal of difficulty in reassembling the quorum after the break in the middle of the afternoon, so I would urge Senators to return today as soon as possible.

In a moment I intend to ask the Senate to stand in recess after 15 minutes. But before I do that may I inquire of the distinguished assistant minority leader if he has, as I believe he announced on Thursday that he had, an amendment to propose to the resolution, if he intends to do that today?

Mr. CRANSTON. I do not intend to propose it today for action today. I am perfectly prepared to agree to a time when it would be voted upon by the Senate, provided that time is acceptable to the committee, to Senator INOUYE and to Senator WILLIAMS.

Mr. BAKER. Would it be possible during this 15-minute break then for the committee chairman and vice chairman to meet with you and others who may be interested to see when that might be done?

Mr. CRANSTON. I will be glad to do that.

Mr. BAKER. I will be happy to assure the Senator, as he knows I am certain, that there is no inclination to rush. But, by the same token, there is a responsibility of the leadership to try to arrange the business of the Senate so that Members will have some idea of how to conduct themselves. I thank the Senator.

Mr. WALLOP. Mr. President, if the majority leader will yield, I think that is a good idea. We would be happy to meet and make such an arrangement. But I would also suggest to the majority leader, without in any way impinging on his prerogatives of leadership, that to the extent we exceed the 15 minutes we might go over the 6 o'clock hour because I do think it is important to be able to do that.

Mr. BAKER. Yes, I understand that suggestion, and within reason I am willing to do that. But knowing my colleagues, as I think I do, we may end up at 7 or 8 o'clock. So let us stay at 15 minutes. Once again may I urge Members to come back and be at their seats in 15 minutes.

RECESS FOR 15 MINUTES

Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3:20 p.m.

There being no objection, the Senate, at 3:04 p.m., recessed until 3:20 p.m.; at which time the Senate reassembled when called to order by the Vice President.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, I know that we have a good attendance, perhaps even a quorum on the floor, but in order to make sure that all Members are aware of the fact that 3:20 has arrived, for a brief time I will suggest the absence of a quorum and I do now suggest the absence of a quorum. I do not expect this quorum call to go live.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, by way of beginning a rebuttal and may I say that rebutting the arguments which have been presented is certainly no more pleasant than it was presenting the arguments in the first place—I think it is important that the Senate should realize a couple of things, the most important of which is that the Ethics Committee has had no reason to pursue or create a vendetta against Senator WILLIAMS, nor has it now. It is not part of a conspiracy at any level of Government to get a Member of this body. That is a preposterous thought. Indeed, the committee would have gladly had the problem go away, or would have liked to have been able to resolve it in favor of Senator WILLIAMS.

The truth of it is that we simply could not. We tried. The committee badly wanted that result, that it reviewed as fairly as it could the evidence that was presented to it. It came up with the recommendation which brings us all to this floor and which is the subject of Senate Resolution 204.

I would suggest to you this afternoon that in many respects you have not heard the testimony or the arguments of a passive outsider. In Senator WILLIAMS' own words this afternoon, when he had doubts, he did not get out but told us this afternoon that he asked his friend, Sandy Williams, to check out important records since things did not add up. But he said he attended meeting after meeting.

He said that the second phase of the operation did not make any sense. To quote him, he said, "It boggled me." But he did not leave. He was offered a higher price and promised to cooperate with the new group.

He said that it did not seem real to him, that the stock must be worthless. Yet he took it.

He questioned the integrity of some of those involved.

The committee has questioned the integrity of Mel Weinberg and has from the beginning. Nobody ever believed that that was not a character. He was so unsavory that it was impossible to contrive such a person.

But of these people we keep hearing of, it is important to recognize a couple of things. Only Weinberg, DeVito and the sheik, Farhart, were working for the FBI. Mr. Feinberg was Senator WILLIAMS' friend, his lawyer, Alex. He testified in the committee that he was his best friend. And Mr. Feinberg was convicted as an aider and abettor of Senator WILLIAMS in this scheme.

Sandy Williams, who, as has been pointed out, was no relation to Senator WILLIAMS, was given immunity and testified against Senator WILLIAMS.

All these things I state to try to leave some perspective as to where we are and the fact that we must return to the issue which is before us. The issue is not as Senator WILLIAMS would have us believe, the conduct of others, but, rather, is the conduct of Senator WILLIAMS himself. In so doing, I would like to review briefly the evidence which compelled your committee to conclude unanimously that in the public interest and that of the Senate, Senator WILLIAMS must be expelled.

In this regard, it needs to be stated for the record that, contrary to the Senator's contention, your committee did conduct its own investigation, a key element of which was the adjudicatory hearing in which Senator WILLIAMS himself testified. He called as a witness in his behalf Dr. G. Robert Blakey, a professor of Notre Dame University School of Law, and introduced documentary evidence, much of which he offered again here today and last week.

I would suggest to Senators that they read volume 1 of the open hearing sessions of July 14, 15, and 28, pages 126 to 156—it is 30 pages, relatively short—Senator WILLIAMS' own testimony to the committee in our investigatory level of these proceedings.

Before turning to the review, I would like to address several issues that were raised by Senator INOUYE and Senator WILLIAMS in their statements last week and today.

These include the Government's alleged improper targeting for investigation of Senator WILLIAMS and other Members of Congress; the alleged forgery by Government undercover agents of an incriminating letter over Senator WILLIAMS' signature; internal prosecution memoranda which allegedly exonerate Senator WILLIAMS; and the testimony of Dr. Shuy, a linguist, that Senator WILLIAMS never said or did anything wrong on the tape recorded evidence which the Ethics Committee unanimously found to be so incriminating as to require Senator WILLIAMS' explusion.

The first area is the targeting. Last week, it was suggested that Members of Congress may have been improperly targeted for investigation by the Department of Justice. As an example, the statement was made that without adequate monitoring and based only upon a 15-minute phone call, the decision was made by law enforcement authorities to offer a $125,000 bribe to the distinguished senior Senator from South Carolina. The question was asked, if they will try to get Senator STROM THURMOND, who, here, is safe? And it is important, genuinely important, that several points be made in response.

First is that the issue before us is the conduct of Senator WILLIAMS and not that of law enforcement authorities in the Abscam cases and if the latter is to be considered, it should be done at a later time when these law enforcement authorities are given the same opportunities as have been given to Senator WILLIAMS to present their side of the various allegations made against them. Just as we have not rushed to judgment against Senator WILLIAMS, we should not rush to judgment as to the conduct of others.

Second, it would be morally and ethically wrong to allow Senator WILLIAMS to become the beneficiary of any wrongdoing on the part of law enforcement officers, even assuming that the allegations of such wrongdoing are borne out by the facts.

Third, as to the factual assertions made regarding Senator THURMOND's case, I must respectfully disagree. The allegations do not comport with my understanding of the facts. Let me comment on a few of the facts which, hopefully, will put the matter into some perspective. While Senator THURMOND's case was never before the Ethics Committee, it is my understanding that he was never offered a bribe nor did he ever suggest by word or deed that he would become involved in any such sordid affair as is before us. Moreover, the Department of Justice did not authorize the offer of any bribe to Senator THURMOND.

The Thurmond matter arose because Representative Jenrette falsely claimed that Senator THURMOND could be bought and that although it would be expensive, he, Representative Jenrette, could produce him. When faced with such clear statements made by a fellow member of his delegation in Congress, the Department of Justice felt it could not look the other way. Accordingly, it was authorized by law enforcement authorities that Representative Jenrette should ask Senator THURMOND to attend a meeting, after having explained to him that the meeting would involve discussion of the introduction of a private immigration bill in the Senate. However, the actual offer of a bribe to Senator THURMOND was not authorized by the Government at this initial stage. When this meeting did not occur—and it is important, this meeting did not occur—in accordance with the representations of Representative Jenrette, the matter was dropped as to Senator THURMOND. Senator THURMOND thus was not targeted or pursued by the Government and no attempts were made to entrap or ensnare him in a criminal case.

Count 3 of the indictment against Representative Jenrette charged bribery, alleging that he solicited money based on representations that he would cause Senator THURMOND to introduce an immigration bill in the Senate. It was the Government's position in that case that this was done without the knowledge of Senator THURMOND and that Representative Jenrette intended to keep the money for himself.

Moreover, the indictment alleged in count 1 that Jenrette's claims about Senator THURMOND were, in fact, false, a position which Congressman Jenrette confirmed on the witness stand at his trial. Senator THURMOND testified at trial as a Government witness against Representative Jenrette and, as you know, Representative Jenrette was convicted.

In short, it appears that this matter was carefully handled by the distinguished U.S. Attorney for the District of Columbia who, at that time, was the Honorable Charles Ruff. Mr. Ruff did not take precipitate action regarding Senator THURMOND. He carefully reviewed the matter with the assistant U.S. attorneys in his office handling the Jenrette case before contacting Mr. Philip Heymann, a supervisor at the Department of Justice, for further guidance.

Fourth, turning to the general allegations of targeting Members of Congress, while I fully appreciate and share the concern expressed by certain Members here about the possible targeting of Members of Congress, I would like to bring to your attention certain statements which appear in relevant court decisions regarding the Abscam cases. In United States against Myers, which is officially reported at 527 Federal Supplement 1206 (1981), the several defendant target Congressmen argued that "Abscam was outrageous because its selection of congressional targets was arbitrary and unprincipled." In rejecting these claims of the Congressmen, Judge Pratt ruled in pertinent part as follows:

> The court is convinced that the defendant congressmen appeared through a "self-selecting" procedure that involved the other defendants as well. The agents did not set out to offer bribes to any particular congressman.

He goes on to say:

> Uncontroverted testimony established that no prospect was rejected or vetoed either by the agents or by higher authorities in the justice department. No congressional defendant was forced to attend the videotaped meeting, and no congressman was contacted directly by any of the undercover agents. Prior to the payoff meetings all contacts with the congressmen were through the middlemen, who apparently believed the sheik's offer, who claimed to have influence with the congressmen, and who claimed to be able to produce congressmen willing to take bribes. With the convicted congressmen, these claims proved accurate; with some other legislators, the middlemen did not live up to the abilities they had boasted of. In some cases, as noted above, after the legislator appeared, he rejected the offer of money.
>
> With each defendant brought before the TV cameras, the criminal nature of the proposed deal was made clear. Each of the congressmen was a sophisticated politician who clearly was aware what was being requested of him and what the money was being offered for. While Amoroso and Weinberg talked around the point somewhat and did not mention the word bribe in the on camera discussions, they handled the matter in each case as tactfully and delicately as one might suppose, given the nature of their undercover role as agents of foreign principals offering a bribe to a high public official. But, as the videotapes clearly showed and as the juries necessarily concluded, each congressman was aware of the criminal nature of the transaction, and each acted willfully.
>
> The claim that the justice department "targeted" only supporters of Senator Kennedy in his presidential race was unsupported by the evidence.
>
> In short, on this record it is clear that those defendants who appeared and accepted bribes were not "targets" in the sense that any government agent selected them for some sort of "honesty test"; instead, each was a willing volunteer seeking illegal and corrupt payments. (*Id.* at 1226-1227)

Representative Myers attacked his indictment for bribery on several additional grounds, including a claim that the bribery statute may not be validly applied to an alleged bribe instigated by agents of the executive branch creating fictitious roles and a fictitious plot. In other words it was claimed by Representative Myers that the statute does not authorize the executive branch to conduct a "scam" or "sting" operation to see if Members of Congress, without any inducement, will accept a bribe. In upholding the constitutional propriety of the Abscam technique, the court of appeals for the second circuit in *United States* v. *Myers*, 635 F. 2d 932 (1980), analyzed the issues and ruled in pertinent part as follows:

> The constitutional argument focuses essentialy upon the risk of abuse. If agents of the Government can confront Members of Congress with manufactured opportunities to accept bribes, there is created the risk that malevolent officials of the Executive Branch will one day select as targets for a bribery sting particular Senators or Representatives in political disfavor with the President. The argument further maintains that if this occurs, such political targeting, though doubtless prohibited by the First Amendment, will be infrequently detected. The argument does not assert that Members of Congress have a constitutional immunity from prosecution for bribery. It simply maintains that the public interest in deterring bribery of Members of Congress can be adequately served by prosecution of those who accept bribes under "real" circumstances, without the added threat of prosecution for bribes accepted in response to manufactured opportunities.
>
> Forceful arguments are available in response to these concerns. Any Member of Congress approached by agents conducting a bribery sting operation can simply say "No." Each Member's capacity to reject bribe opportunities could be regarded as sufficient safeguard against the risk that the Executive Branch would successfully use these tactics for political reprisal. Additionally, as the Government points out, bribery is a secretive enterprise, not likely to be detected as long as the bribe giver and taker maintain their silence. A sting operation, it is urged, provides a needed law enforcement weapon. Finally, emphasis is placed on the high public interest in guarding against corruption in the legislative process. The known availability of a bribery sting can act as a powerful deterrent.
>
> Having examined these competing considerations, we conclude that they involve choices of public policy, rather than constitutional imperatives. Once the Supreme Court decided in *Brewster* that the Constitution does not prevent Congress from applying the criminal law enforcement process to a Member's acceptance of a bribe in return for a promise of legislative action, the way was cleared for that process to function without any special constitutional restraints arising from the status of the defendant. The normal constitutional and statutory protections of the criminal process of course remain available to the accused. These protections include the defense of entrapment, but that defense is not established simply because government agents "afford opportunities or facilities for the commission of the offense," [citing *Sorrello* v. *United States* or engage in "deceit" [citing *United States* v. *Russell*]. If the public policy concerns that have been identified warrant additional restrictions on the prosecution of Members of Congress for bribery, such restrictions are matters for consideration by those with public policy responsibilities, administrators in the Executive Branch and ultimately law-makers in the Legislative Branch. In *Brewster* the Supreme Court pointed out that if that decision underestimated "the potential for harassment, the Congress, of course, is free to exempt its Members from the ambit of federal bribery laws." By the same token, if the risks of a bribery sting operation outweigh its benefits, Congress always has the power to make the more limited modification of redefining the offense to exclude, in the case of Members of Congress or others, acceptance of bribes offered by undercover agents of the Government. With the policy choice thus fully within the control of Congress, we cannot conclude that the separation of powers doctrine creates a constitutional barrier to the law enforcement technique selected by the Executive Branch. [*Id* at 938-39] (citations omitted).

That was the decision of the second court of appeals in the Myers case.

While I personally would oppose legislation which would put us, Members of Congress, in a special category by exempting us from the laws of bribery or constitutionally approved law enforcement techniques, I must emphasize that such legislative issues are not now before us. Such issues are appropriately considered, if they are to be considered at all, only after hearings and careful analysis. Such matters cannot and should not be allowed to cloud the issue before us; that is, whether the full Senate will adopt the resolution of its Ethics Committee that Senator Williams should be expelled for his ethically repugnant conduct.

I again submit that the only issue before us today, and throughout this proceeding, is the conduct of Senator Williams.

As to Senator Williams, Senator Inouye has stated that Senator Williams, too, was improperly targeted and that the Justice Department's investigation was based on charges against Senator Williams which were initially fabricated by Mel Weinberg. This statement simply is not borne out by the record in this case.

In fact, there is no evidence that the FBI sought out Senator Williams. Quite the contrary, the evidence is clear that Senator Williams became a subject of investigation through a "self-selecting" process in which he was brought to the undercover agents through the medium of Mayor Errichetti, whom Judge Pratt described in the Myers case as standing in the center in a "cesspool of corruption" (527 F. Supp. at 1246). As Judge Pratt observed, Errichetti "openly claimed access to the strings of power in the White House" and other governmental institutions, as well as in labor unions and organized crime. Remember Errichetti was a political associate of Senator Williams and was not an FBI agent or hired informer.

The Government's investigation of Senator Williams, far from being part of an orchestrated attack on the legislative branch, was the natural outgrowth of Senator Williams' January 1979 meeting with Mayor Errichetti in Camden, N.J. On March 8, 1979, Alex Feinbert, having been put in touch with Errichetti by Senator Williams for the purpose of pursuing financing for the titanium venture, met with Errichetti, Mel Weinberg, and undercover FBI agent Amoroso, posing as Tony DeVito, president of Abdul Enterprises. After the arrival of Feinberg—whom Senator Williams has here described as his "eyes, ears and even representative" for various affairs—talk turned from a racetrack venture involving Ed Ellis, a client of Feinberg, to the mining venture, and Weinberg asked directly: "Does Williams got a piece of this mine?" Here is that part of their conversation:

> AF. I'm representing him [Ellis] on that deal [the racetrack]. See you know how I got into that? Williams. Whenever anybody goes . . . see, (IA) he's a friend of Williams. Whenever anybody . . . I'm, I'm gonna brag about this and he [meaning Errichetti] can verify it.
>
> AE. Look, I know what he's gonna say (laugh).
>
> AF. He, he, he [meaning Senator Williams] says, well, I want Alec in this. I want Alec in . . . I want Alec to run it. We're we're like, is that right?
>
> AE. How many years? Twenty-four years?
>
> AF. Twenty some years . . . we've been together.
>
> MW. Does Williams got a piece of this mine?
>
> AF. He's gonna have a piece of the mine, yeah.
>
> MW. Cause he don't . . . he doesn't show on here.
>
> AF. Ah . . . He can't show.
>
> MW. I was just wondering how . . .
>
> AE. . . . hired a good lawyer.
>
> AF. I can't show.
>
> MW. Cause you don't show on there either.
>
> AF. No, I know. I can't show. I can't show Pete or myself. But we're gonna have a piece. OK? Now . . .
>
> MW. As long as we undertstand.
>
> AF. That's right.
>
> (Tape transcripts (part 6) at 1-2).

Senator Williams himself traveled to Miami on March 23, 1979—not, as Senator Inouye suggested as a political favor to Errichetti, but rather at Alex Feinberg's urging, with the understanding he was going to meet people who were potential investors in the mine (trial proceedings (part 4) at 3567-72, 3584-85). On board the yacht, Senator Williams met the sheik, and was also introduced to Weinberg. Weinberg asked him if it would be alright to use his—Senator Williams'—name in endorsing the mining venture, and Senator Williams responded, "Sure" (tape transcripts (part 6) at 20).

(Mr. STEVENS assumed the chair.)

Mr. WALLOP. After the meeting on the yacht, Alex Feinberg, Sandy Williams and Mayor Errichetti continued to discuss possible financing for the venture with representatives of Abdul Enterprises.

On March 24 Errichetti met with Amoroso and Weinberg, and linked Feinberg to Senator Williams as his "bagman." He suggested that the Senator could be of a lot of service in Washington, especially in light of his seniority because, in Errichetti's words, "this is Government stuff, now" (Tape transcripts (part 6) at 35). On April 3, Sandy Williams discussed the status of the proposed titanium venture with FBI Agent McCarthy and Weinberg. He indicated that Feinberg was in the deal—this is Sandy Williams talking—"to keep, keep Pete Williams' interests, get this thing organized right so when we do make an overall deal it'll be divided up the right way" (Id. at 38).

In short, from a number of contacts with several of Senator WILLIAMS' oldest and closest friends and political associates the Justice Department gleaned that Senator WILLIAMS had an interest in the mine for which Feinberg was seeking financing; that Feinberg was the Senator's "bagman"; that Senator WILLIAMS' interest in the mine was being represented, and concealed, by Feinberg; and that the Senator would be willing to use his influence as a U.S. Senator to make the venture succeed. None of this information came from Weinberg, the FBI's disreputable informant, but rather came to him—first from Senator WILLIAMS' closest friends and associates, and ultimately, as we have seen, from Senator WILLIAMS himself.

Judge Pratt in rejecting the claims of targeting made by Senator WILLIAMS made several comments of relevance to the point including the following:

> Defendant Williams moved pretrial for dismissal of the indictment on the ground that he was the victim of selective prosecution. The court reserved decision on the motion in order to consider it post-trial in light of evidence that would develop at trial and in the post-trial "due process" hearing. Williams now reasserts the motion, although the basis for the contention has shifted somewhat.
>
> Originally, Williams contended that he and other ABSCAM defendants had been singled out for prosecution because they had supported Edward Kennedy for the Democratic nomination for president rather than the then incumbent, Jimmy Carter. Now, by letter to the court dated October 23, 1981, Williams' attorney states that the claim is as follows:
>
> "Not so much that Kennedy supporters were targeted but rather that certain people were given the honesty test and others, who may have been targeted by lower level government agents, were not so tested either as a result of orders from superiors or tipoffs to them as to the scam. It appears that to a large degree those people were supporters of then President Carter."
>
> * * * * *
>
> The court finds that Williams was not singled out for prosecution, nor was he "negatively selected" through the failure of some justice department official to tip him off that he was under investigation.
>
> * * * * *
>
> The court further finds that there were no orders from superiors directing the investigators to focus upon particular individuals, nor were there any orders forbidding them from pursuing any leads that the investigation opened up. The court further concludes that Williams was not the victim of selective prosecution; on the contrary, his prosecution was the natural outgrowth of his initial joining with Errichetti to seek financing for the titanium mine from the undercover operatives. (Slip Opinion at 41-42)

With regard to the forged letter, the issue of Errichetti's forging of a letter over Senator WILLIAMS' signature has been raised in this Chamber again in this debate, and I believe it has generated a certain amount of confusion which can easily be cleared up. You will recall a videotaped meeting in September of 1979 at which Senator WILLIAMS and the other stockholders in the titanium venture discussed a sale of the entire project for a substantial profit plus a continuing shareholder interest, on a reduced scale, in the ongoing venture. Weinberg explained to Senator WILLIAMS at that meeting that the sale would depend on Senator WILLIAMS' willingness to continue to help get Government contracts for the new investors just as he had agreed to do for the present stockholders; and Senator WILLIAMS proposed giving the new investors "some assurance" that the original group would "be helpful to them" and continue on the same "premises" that formed the basis for the initial consortium (tape transcript at 261).

In this connection, Weinberg and Amoroso had told Errichetti that the new investors would like written confirmation that Senator WILLIAMS would continue to provide assistance in obtaining Government contracts. Errichetti then on his own initiative forged such a document and delivered it to the undercover FBI operatives.

The Government never attempted to use this document against Senator WILLIAMS in any fashion. As Judge Pratt observed in the Myers due process opinion, the Government committed no improprieties with respect to the document, which "constitutes powerful evidence of the depths of corruption to which Errichetti, an elected public official, has sunk" (527 F. Supp. at 1234).

Now the issue of the internal Government memorandum: Senator WILLIAMS has cited three internal Government memoranda, all of which he relied upon heavily in his presentation before the Ethics Committee. It has been said on the floor here that some of these were not available to the committee and we did not know about it. In each instance they were his documents which he presented to the Ethics Committee and we did in fact have them.

His presentation was in an effort to suggest that the Government itself did not believe it had a case against him. While the preliminary opinions of prosecutors as to the strengths and weaknesses of their case would not be relevant to an ultimate determination of guilt or innocence, it must be pointed out that this is in any event not an accurate characterization of the contents of these memoranda.

The first of these memoranda, dated November 27, 1979, was prepared by a nonlawyer FBI agent, summarizing a meeting at which a number of New York and New Jersey prosecutors were present. This was Senator WILLIAMS' exhibit 39-A at 95. As Judge Pratt has observed, this prosecutors meeting brought to the surface an ongoing disagreement between the Brooklyn and New Jersey prosecutors over the Brooklyn office's Abscam investigation in general and the Williams case in particular. The New Jersey prosecutors—whom Judge Pratt found were professionally jealous and embarrassed because the Brooklyn office's investigation had uncovered a nest of political corruption in their State—felt there was insufficient evidence to proceed against Senator WILLIAMS at that time. The Brooklyn prosecutors felt there was a "prima facie" case, but not an "open and shut" case. It was agreed that additional evidence, such as the January 15, 1980 meeting, should be sought in order to assure conviction.

The Government of course—and this is important—was not bound by such an internal preliminary evaluation of the strengths and weaknesses of its case against Senator WILLIAMS. And as Judge Pratt ruled, in denying Senator WILLIAMS' due process claims, this memo was inadmissable at trial since opinions of Government counsel about the strength or weakness of their case are irrelevant to the jury's determination of guilt and innocence (Pratt Op. at 55).

It should also be borne in mind that Senator WILLIAMS had, at the time this memorandum was written in November of 1979, already engaged in a number of unethical acts, which I submit to the Senate would warrant his expulsion even absent the additional evidence against him which was obtained as a result of his subsequent videotaped meeting with the sheik in January 1980.

While I will shortly review the record of that misconduct in somewhat greater detail, it is well to recall now, because of the arguments that have been made, that by November of 1979 Senator WILLIAMS had promised his assistance in obtaining Government contracts, in exchange for a loan to the titanium venture; received stock in the titanium venture; agreed to conceal his interest in the titanium venture, and explored the use of a blind trust so that in his own words "nobody knows nothing;" and agreed to assist a second group of investors in procuring Government contracts, in the hope of obtaining a share of a substantial profit from the sale of the entire venture.

These are all matters which took place prior to November in that year, and on which a conviction has been obtained.

I submit that we in the Senate should not allow our decision here today to be affected by the opinions of the various Government agents given in November of 1979 regarding the strengths and weaknesses of the case against Senator WILLIAMS any more than we should allow ourselves to be affected by the fact that Senator WILLIAMS was subsequently indicted by a grand jury or convicted by a petit jury applying the highest burden of proof. We must make this decision based upon our own standards and our own judgment as to the evidence of Senator WILLIAMS' misconduct.

The same is true of the other two excerpts from memoranda cited by Senator WILLIAMS, both of which were authored by Robert Stewart, a member of the New Jersey strike force, who was critical of the Brooklyn office's Abscam investigation.

Once again it was said that this first memorandum had not been seen by the committee. But it was Senator WILLIAMS' own memoranda, and it was his exhibit 1 and his exhibit 52 in the proceedings before the Senate Ethics Committee.

It is also important to note that Senator WILLIAMS has reacted from the first of these two Stewart memoranda, which is at page 879 in the exhibit book, the following conclusion drawn by Mr. Stewart about Senator WILLIAMS' conduct. This was not part of what Senator WILLIAMS submitted here. It was simply taken out of the Stewart memorandum. It was submitted to the committee as evidence, and the quotation is as follows from the Stewart memorandum:

> In W's case,

Senator WILLIAMS stood on the floor and said "W" was he—

> of course, he subsequently made statements which discredited him, at least morally.

And as the U.S. attorney for New Jersey, Mr. Del Tufo, acknowledged, Senator WILLIAMS:

> Shouldn't have been in the room with those people. He shouldn't have done the things that he did.

Thus while the New Jersey prosecutors may, for whatever reasons, have been critical of the investigation being conducted by their colleagues from Brooklyn, it is clear by their criticism of that investigation that they were not signaling their approval of Senator WILLIAMS' behavior.

It is that behavior the Ethics Committee examined and found so ethically repugnant as to warrant the recommendation of expulsion.

Let me talk for a minute about Dr. Shuy. In response to a question from Senator LONG, Senator WILLIAMS stated that Dr. Shuy could have been called as a witness at his trial which took place during March and April and May of 1981, but that for tactical reasons recommended by his trial counsel, Mr. George Koelzer, Dr. Shuy was not called as a witness.

Mr. Kenneth Feinberg, counsel for Senator WILLIAMS at the July 1981 hearing before the Ethics Committee, also apparently determined not to call the linguist for technical reasons.

However, when Senator WILLIAMS appeared before the Ethics Committee on November 16, 1981, this past fall, with his new counsel, in an effort to persuade the committee to reopen his hearings, he testified as follows, and I quote:

> I would say this, if I could interrupt for a moment. This whole linguistic analysis is a newly discovered professional technique to me. Koelzer didn't know about it. Feinberg didn't know about it. I didn't know about Dr. Shuy until long after our hearing. It was a revelation to me. I sat before you gentlemen, I was abject in my description of my regret that I had boasted and a few other things. You know, as you analyze these tapes, as I have done with Dr. Shuy, hell I am not apologizing any more. (10/16/81 Transcript at 58).

Apparently for tactical reasons Senator WILLIAMS now chooses to present Dr. Shuy's report to the full Senate.

That report, which attempts to drain highly incriminating conversations of their content by charting them as numbers in columns with vague headings like "Request Information" and "Report Facts," fails to consider a number of the most culpable of Senator WILLIAMS' statements, and draws highly questionable conclusions about others. Moreover, I respectfully submit to you that no linguistic analysis can adequately answer these concerns of the Ethics Committee regarding Senator WILLIAMS' conduct:

First. Why did Senator WILLIAMS attend seven meetings regarding this illegal scheme?

Second. Why did Senator WILLIAMS accept shares of stock in the three corporations formed to own the titanium venture?

Third. Why did Senator WILLIAMS suggest that the stock arrangements be handled through Alexander Feinberg, and agree that the shares would be issued in Feinberg's name and endorsed over to the Senator in blank?

Fourth. Why did a U.S. Senator make reference to the comparative strengths of the United States and the Soviet Union in the context of Government contracts, and in the presence of a foreign sheik and an obviously corrupt politician like Mayor Errichetti?

Fifth. Why would a U.S. Senator use the names of the leaders of our Nation to impress a foreign sheik for personal business gain?

Sixth. Why did Senator WILLIAMS suggest selling the entire mining venture to a second group of Arab investors for a substantial profit with assurances that he would continue to assist in securing Government contracts?

Seventh. Why did the Senator ask how are we doing on owning "the whole bucket?"

Eighth. Why did Senator WILLIAMS give his absolute pledge to do every thing in his power to assure permanent residency for the sheik, in exchange for the sheik's promise that the loan to the titanium venture would be made by the end of the month?

Ninth. Why would a Senator allow Errichetti to describe in his presence how he would be used in connection with this illegal scheme?

Tenth. In short, why did not Senator WILLIAMS say "No!" Why did he not walk out of that first meeting and never return? Or any subsequent one? Why did he not act either by word or deed to show distaste, disagreement, outrage at what was being discussed in his presence at meeting after meeting? Why did he actively participate as an insider in this obvious scheme of corruption?

Judge Pratt found that the videotapes provided substantial guarantees of reliability. He said in the Congressmen's cases, in a view which he again adopted in Senator WILLIAMS' case:

> A more reliable basis for conviction can hardly be imagined. Through the videotapes the juries were permitted to see the actual crimes committed. Compared to the ordinary trial where oral testimony can best only partially recreate an event, the reliability of the Abscam evidence was increased many times over.

Moreover, it should be emphasized that during the committee hearings our special counsel examined Senator WILLIAMS regarding what was seen on the tapes. The Senator not only did not question the accuracy of the tapes, but admitted that he made the statements contained in them. Yet we are now being told that we cannot understand the words and deeds of one of our own colleagues, as recorded on these tapes, without the aid of a linguist to interpret them for us. I ask you, who then will interpret our words for us when we address each other in debate on this floor?

Finally, it must be remembered that the decision of the committee was not based solely upon the tapes, but that we carefully considered the explanations offered by Senator WILLIAMS to the voluminous evidence before the committee.

Now, it must be remembered that Senator WILLIAMS told the committee—and I want to read to you his own statement.

> Why do I even appear on the tapes saying the things that I say? Only I can answer this question. No pertinent testimony of others can be read into the record to enlighten this Committee. And no tape can be played in some futile search for an answer.

> I became involved in Abscam and appear on the tapes because I was asked to do so by particularly close friends and because I wanted to help them if I could legitimately do so.
>
> Having since examined all of the tapes which appeared at trial and during this proceeding, I am forced to admit, with great sadness, that I am not a good judge of friends. My friends asked me to perform a role that they said was important to them, and their financial well-being. I permitted those feelings of friendship to override my judgment.

That is the testimony given at the investigatory phase of the committee hearings on Senator Williams.

Now, let us just for a minute review the evidence. Senator Heflin, the vice chairman, did a superb job of examining that in detail. I will not go into the details but will reveal basically the evidence which brings us to the conclusion presented here.

V. REVIEW OF EVIDENCE

SENATOR WILLIAMS TRADED ON HIS OFFICE IN ORDER TO OBTAIN A LOAN FOR THE TITANIUM VENTURE

Senator Williams has strenuously denied to the Senate that he promised to help obtain Government contracts—he did on Thursday last and again today—and to obtain passage of a private immigration bill in exchange for a loan to the titanium venture. But a brief review of the evidence in this matter, so ably presented in detail by the distinguished vice chairman of the Ethics Committee, Senator Heflin, at the opening of this debate, clearly refutes the Senator's contentions. First, Senator Williams was not merely a passive listener or outsider, even at the so-called coaching session prior to his June 28, 1979, meeting with the sheik. For instance, when Mel Weinberg told the Senator how important it was to impress the sheik with his ability to get Government contracts, Senator Williams responded:

> Well, that's why it comes down to metal is the big thing, that's the government's area. (Tape Tr. at 95.)

This representation by Senator Williams, that the Piney River mine was a potential source of titanium ore which could be manufactured into metal for national defense purposes, plainly contradicts Senator Williams' statement on the floor that he always believed the titanium was to be used only for paint and that Government contracts were therefore never a possibility.

In his June 28 meeting with the sheik, Senator Williams again underscored the value of the mine as a source of titanium metal for the Government, pointing out the competitive disadvantage of the United States vis-a-vis the Soviet Union in the development of a titanium sheathed submarine, and highlighting the role he could play—because of his "position * * * within our Government"—in promoting its sale. I quote from the transcript of Senator Williams:

> * * * If this can be put together in my position with, within our government here, which goes back decades, and knowing as I do the people that make the decisions with, when we've got it together we move. We move with our government and we catch up, we go ahead, we have what we need, which we don't have now. (Tape Tr. at 108.)

In admittedly boasting about his friends in Government, Senator Williams mentions the President, Vice President, and Secretary of State, and he goes along with Errichetti's listing of the Secretaries of Defense, Navy, and Army. More importantly, when DeVito asks whether, given this litany of high officials, getting contracts would be a problem, Senator Williams responds with the flat assurance there would be none:

> No problem. No. In a situation where we can just sit around and describe, they'll see, it will come to pass. (Tape Tr. at 112.)

This assurance that his political influence as a U.S. Senator could be translated into Government action follows shortly upon Senator Williams' reference to himself and Errichetti as a powerful and effective team, when he states:

> And we've got a combination here, we're a couple of Senators and uh, we, we we when we work together, Senator Errichetti and I, it works. (Tape Tr. at 109.)

Again, Senator Williams is no passive listener, no outsider merely offering linguistic "lax tokens," when he makes this pitch, which Errichetti then obligingly picks up, elaborating on how he and Senator Williams will work together:

> Uh, but the contracts with the government, which is to the Navy Department, the Army, the defense, that's where the Senator will utilize me, uh, work together in regards to guaranteeing these necessities, commodities, commodity, titanium for the building of submarines and aircraft that are needed for our country. Uh, as for the Senator, well, uh, he'll pick up the phone and I will be the emissary as per se. (Tape Tr. at 113.)

In the face of these clear descriptions of the intended abuse of Senator Williams' position and power, DeVito remarked that the Senator could possibly reach into other areas, and manipulate behind the scenes, and Senator Williams declares:

> * * * We have a relationship that will make all of that possible. That's that's all I want to tell you now. (Tape Tr. at 116.)

While his linguist would have us believe that Senator Williams is here merely deferring the topic, viewed in context this is an assurance that he and Errichetti can be helpful in areas other than Government contracts as well.

The evidence clearly establishes that Senator Williams' assistance in obtaining Government contracts for the venture was a predicate commonly understood by all those involved in the deal. In meetings attended by the Senator months after the June 28 coaching session, without the sheik there to impress, it is plain that the others involved are looking to the Senator to help get Government contracts and that they regard his role as a key to the success of the venture. For example, in the discussion of September 11, 1979, regarding the sale of the venture to a new group of Arabs, Weinberg spells out for the Senator the condition that he continue to assist the new group of Arabs in getting Government contracts, saying "the whole thing depends upon you to work the same capacity as you working for us to get the Government contracts." (Tape Tr. at 236.) Senator Williams expressly confirms that the new group of investors is "talking about Government contracts" and that their interest is in titanium metal. (Tape Tr. at 246.) He then proposes to the others that they collectively give the new investors "whatever they feel there is some assurance this entity will continue with them," and "be helpful to them" stating that "we all got this together on certain premises and they will, they will continue." (Tape Tr. at 261.) The others enthusiastically agree to this proposal, the key to which is Senator Williams' willingness to continue along the same premises as with the initial deal, namely, that he would help get Government contracts.

Similarly, on October 7, 1979, Senator Williams asks what the new group of Arabs "know to keep the deal about all of the arrangements." Weinberg responds that "all they know is that you will help to get the Government contracts," and Feinberg explains, "to open the doors, open the doors." (Tape Tr. at 334.) While his linguist would neutralize this question by simply recording it as a numerical entry on a two dimentional grid in column labeled "Request Information," the tapes graphically reveal a U.S. Senator confirming the details of a conspiracy in which a vital element is his own fundamental violation of the public trust.

Finally, on January 15, 1980, Senator Williams meets again with the sheik. Although the Senator rejects the offer of a cash bribe, he ties the concept of assistance with the sheik's residency problem to the titanium deal, stating that he finds it "desirable" to help the sheik with his "personal situation" as "part of creating something of value, bringing in that ore." (Tape Tr. at 356.) The sheik then indicates that with this assurance the loan will be consummated by the end of the month. (Tape Tr. at 359.) Senator Williams in turn gives the sheik his "absolute pledge" to do everything in his power to advance the sheik's permanency, and the meeting ends with a reference by the Senator to DeVito that he and the sheik had "a handshake" on the "understanding." (Tape Tr. at 361.)

Faced with this evidence, how can the Senate accept Senator WILLIAMS' assertion that he never promised to use his influence to help get Government contracts for the titanium venture, in which he and his friends had an interest? I submit that no amount of linguistic analysis can brush away the fact such a promise was made by Senator WILLIAMS to induce the sheik to make a loan to the venture; and further that Senator WILLIAMS made an absolute commitment to do everything in his power to assist the sheik with his immigration problem as a further inducement for that loan.

SENATOR WILLIAMS RECEIVED A VALUABLE INTEREST IN THE TITANIUM VENTURE

Senator WILLIAMS has also maintained that he never received "anything of value from anybody." (Hearing Tr. at 128.) It is undisputed that the Senator received stock in each of three corporations organized to own and operate various components of the titanium venture. He contends, however, that he knew all along that all of that stock was worthless.

As Senator HEFLIN discussed last week, value for purposes of bribery and conflict of interest is subjective, a question of whether the public official believes he is receiving something of present or prospective value to himself or others. Judge Pratt's instructions on this point to the jury in Senator WILLIAMS' case provide a useful guide here:

> A loan of money would be a thing of value. Stock could also be a thing of value if, regardless of its actual worth in the commercial world, you find that defendant Williams believed the stock had value for himself. [Trial Proceedings (Part 5) at 4911-12.]

Senator WILLIAMS' statements that he knew the stock to be worthless are inconsistent with his testimony at both his criminal trial and before the Ethics Committee that he believed the mining properties which were owned and to be acquired by these corporations were valuable, and that he was being truthful when he represented them to be valuable in his conversations with the sheik. (E.g., Hearing Tr. at 143.) Indeed, even before Abscam, Senator WILLIAMS had introduced his friend Sandy Williams to Joe Fowler, former Secretary of the Treasury and a partner in a major investment banking firm, in an effort to arrange financing for the Piney River mine because he believed it to be a valuable property. (See Committee Hearing Tr. at 138.)

He represented time and again to the committee that it was a legitimate business deal because this was a valuable property.

In his meeting with the sheik on June 28, 1979, Senator WILLIAMS placed particular emphasis on the value of titanium metal, stating at one point:

> And this of course, is the most valuable metal. Uh, the sponge that goes into the metal is, is, is, is in the market for that is $8,000 a ton. We've got 30,000 tons we could produce a year. Therefore, with what we got of this value, knowing the need of our country, being here in a position to go ah, well you know, right to the top on this one (Tape Tr. at 109).

Summarizing for the sheik at another point on June 28, Senator WILLIAMS remarks:

> None of us have time to be wasting on trivia and this is important because of its important (sic), it's of great value (Tape Tr. at 125).

Similarly, on September 11, 1979, when Senator WILLIAMS participated in a discussion with Errichetti, Weinbeg, Amoroso, Feinberg, and Sandy Williams regarding the sale of the entire mining venture to a second group of investors, it is Senator WILLIAMS who observes that the venture had the potential to produce either metal (at the plant located at the Piney River site) or paint products (at a facility in Georgia which the group was attempting to acquire from the American Cyanamid Corp.). It is Senator WILLIAMS who describes the venture as a "two-way operation" and suggests raising the price because of this unique aspect of the venture (Tape Tr. at 257). Finally, on January 15, 1980, Senator WILLIAMS again stresses the value of the Piney River property, a subject which he and not the sheik raises, and which he and not the sheik connects to the issue of assistance with the sheik's permanent residency. Let me read once more Senator WILLIAM's own words upon the sheik's return to the room:

> HW. Forgive me, I smoke. I, er, I will not impose this upon you. No, the er, my interest is with my associates. To, to see this very valuable mining area, er, appropriately developed. It's doing nothing now. There is the, there is the ore, there's the titanium. There is the iron. There is the phosphorous. All of them are needed and yet nothing is happening. So my only interest is to see this come together. And the, and the, the elements that I can help with, your, your personal situation. Er, I am very, I find it, er, a desirable thing to do for you, personally. And it's part of creating something of value, bringing in that ore (Tape Tr. at 356).

From these words, conveniently ignored by his linguist, it is clear Senator WILLIAMS believed the Piney River mine and the titanium it could produce to be a great value, especially inlight of its applications to the national defense. To now say, as Senator WILLIAMS does, that the Government did not believe Senator WILLIAMS' stock in that venture is to lose sight of the issue. The issue is not what the Government believed but what Senator WILLIAMS believed. The Government knew what Senator WILLIAMS did not know—that the sheik was an undercover FBI agent, and that no loan would ever be made to the titanium venture. Obviously, with that knowledge, the Government's estimate of the value of the stock would be radically different from Senator WILLIAMS'. But it is Senator WILLIAMS' subjective belief that counts, and his own words and deeds confirm that he believed the stock to be valuable.

SENATOR WILLIAMS SOUGHT TO CONCEAL HIS INTEREST IN THE TITANIUM VENTURE

Senator WILLIAMS denies he sought to conceal his interest in the titanium venture and insists that he always spoke out in favor of disclosure. He points to a part of a conversation in May of 1979, before any stock had been issued, in which he noted that if stock were to be issued to him, he would have to disclose his interest. But he leaves out the very next words of that conversation, an exchange between Weinberg and Feinberg, in which Weinberg says "you can put any name down," and Feinberg replies, "I know that, I understand that" (Tape Tr. at 391).

This of course is exactly the arrangement that was worked out by Feinberg with Senator WILLIAMS' express approval. Feinberg recognized that the reason why stock shares could not be put in the Senator's name was that, if the Senator's name were revealed he would not be useful in getting Government contracts: "Then he can't help us. So I don't want to put anything in his name" (Tape Tr. at 72).

Feinberg therefore decided that the best approach was to issue the shares of stock in his, Feinberg's name, instead and deliver them to the Senator, who could fill in his own name at the appropriate time—that is, after leaving the Senate (Tape Tr. at 91-92). During a phone conversation with Weinberg, Feinberg explained that the 18 shares to be owned by Senator WILLIAMS in each of the three corporations to be formed would be issued in Feinberg's name and endorsed in blank because it "has to be that way." * * * "Because as soon as you put his name in you, you, you've killed it" (Tape Tr. at 136-37.)

Senator WILLIAMS himself made a number of statements clearly indicating that he wanted to conceal his interest. On June 28, 1979, undercover FBI agent Amoroso raised the question of Senator WILLIAMS' stock ownership "and how to conceal it best," to which Senator WILLIAMS responded that he would work his arrangement through Alex Feinberg; and after being told that his shares would be put in Feinberg's name, that Feinberg would endorse them, and that if the Senator wished, he could maintain possession of them, Senator WILLIAMS stated, "That's the way to do it. Yeah." (Tape Tr. at 112, 113, 127.)

Remember that. He is his friend, not a Government agent, his longtime friend.

On August 5, 1979, at a meeting at the John F. Kennedy International Airport in New York, the shares of stock which had been prepared in the agreed-upon manner were delivered to and accepted by the Senator. And when again told that they were endorsed in blank by Feinberg, the Senator asks: "And he just endorsed these over then." DeVito says "Yeah," the Senators says "In blank," Weinberg says "Right" and the Senator says "Very good" (Tape Tr. at 186). It is then explained to the Senator that transfer of the stock by the other shareholders had been restricted to protect him against disclosure of his interest to outside parties, to which the Senator responds, "Right" (Tape Tr. at 187-89).

In a meeting on September 11, 1979, at the Hilton Hotel at John F. Kennedy Airport, at which the proposed sale of the venture is discussed, it is made perfectly clear to Senator WILLIAMS that the deal with the new purchasers depends upon the Senator's agreement to help them get contracts with the Government, but that his interest in the new venture and involvement on behalf of the new investors will continue to be concealed. Alexander Feinberg tells the Senator:

> Pete, the 18 shares will actually be divided physically absolute and yours'll be held in absolute confidence under a blind whatever the hell (Tape Tr. at 236).

Weinberg then reiterates this point, stating:

> But the whole thing depends upon you to work in the same capacity as you working for us to get the government contracts. Ya do it for them. No, in no way would your name be mentioned there or any shares in your name (Tape Tr. at 236).

On October 7, 1979, the sale to new purchasers having been approved, Senator WILLIAMS tells DeVito and Weinberg that he and Feinberg have not yet figured out how or when he would "go public with something or other." After DeVito recounts that "everything was going to be hidden, and you were going to be behind the scenes," a discussion ensues about the possibility of using a blind trust. That the concept of a blind trust was intended to be nothing more than a "gimmick," as DeVito described it, for circumventing the requirements of disclosure, is evident from the Senator's own statement: "Now, if it's a blind trust, er, then that's the way for my purposes * * * "and nobody knows nothing" (Tape Tr. at 337).

In light of these facts, I submit that no reasonable conclusion can be drawn other than that Senator WILLIAMS, believing he had a disclosable interest, participated in a concerted effort to conceal that interest and circumvent the required disclosure.

Next, Mr. President, I should like to deal with the hypothetical of the Senator from Hawaii, which he proposed to the Senate.

In an attempt to minimize the seriousness of the misconduct of Senator WILLIAMS, the distinguished Senator from Hawaii asks—What did he do wrong? He then gives us a hypothetical case in which a mayor of one of his islands seeks him out for political help in connection with a geothermal plant to be built in Hawaii for the benefit of his constituents. We are told by the distinguished Senator, that this is why we are here; to help our constituents. It is suggested, quite rightly, what is wrong with helping?

Let me respond to this argument by saying, Senator WILLIAMS did a lot that was wrong, and that the hypothetical example given us by Senator INOUYE is simply not the case before this body. From the evidence reviewed by the committee and now before this body, it is clear that this is not a case of helping constituents.

First, it should be remembered that Senator WILLIAMS and his friends were not seeking a loan or financial benefit for companies in New Jersey and these transactions would have brought no benefit to New Jersey. The only benefit to be derived by New Jersey constituents was the illegal and unethical lining of the pockets of Senator WILLIAMS himself and his close friends and associates. I am sure that Senator INOUYE helps his constituents effectively but also honestly. Had Senator INOUYE helped this hypothetical mayor, would Senator INOUYE have taken a "piece of the action"? Would Senator INOUYE have agreed to receive certificates of stock ownership issued in someone else's name and endorsed over to him in blank by the likes of Alexander Feinberg, who was identified as the purported bagman of Senator WILLIAMS? Would Senator INOUYE have agreed to conceal his interest? Does anyone in this Chamber believe that Senator INOUYE would work closely with the mayor of one of the islands if he, like Mayor Errichetti, was motivated by greed and was mired in the depths of corruption? Would Senator INOUYE agree that he and a mayor like Errichetti could "move mountains" when they worked together? The DANNY INOUYE that I know and respect so much would have no part in such ethically repugnant conduct and corruption.

Would Senator INOUYE have excluded his staff on a substantive "special project" for his constituents?

Would Senator INOUYE allow a local mayor to say in his presence that the political power of the Senator INOUYE was essential to the success of the venture, and that Senator INOUYE would trade on that power and relationship to push a venture in which they both had a financial interest?

Think for yourself. I doubt that. I know that not to be the case.

Would Senator INOUYE concur that the way to hide the Senator's financial interests was to use a blind trust so "nobody knows nothing"?

Would Senator INOUYE participate in the following discussion, which occurred on June 28, 1979, and comes directly from the taped transcripts, starting with Tony DeVito, who is the FBI man, and Angelo Errichetti, the Senator's friend and political cohort from New Jersey, and Senator WILLIAMS himself. It starts as follows, with Tony DeVito:

> TD. Ya know, this is, this is why I wanted you to meet with the Sheik and he wanted to meet with you because I think without you, originally, uh, without you, I think he would've felt it was just another business deal.
>
> AE. Well, without the Senator, there is no—forget it. There's no, no mines or nothing. In fact, the Senator, Pete had the opportunity, wherewithal and the know-how in his position as the United States Senator. Fifth, You're what, Chairman of the Labor——
>
> HW. Yes. I, I've been here decades and, uh, in that position you come up to those positions and you work with the people that make the decisions.
>
> TD. Right.
>
> HW. I'm very close to them. Uh, very close. That's that's no problem and, uh, the way I am, my personality, I have I, I only involve myself in something that I, I just completely believe in and this one, this whole situation we've presented through the mine, the processing and the product. I believe it, you know. With, with, with great great pleasure talk to the President of the United States about it and, you know, in a personal way and get him as enthusiastic and excited because we know what our country needs. Yeah.
>
> TD. Well——
>
> HW. Matter of fact——
>
> TD. What-more important, through your connections in the——
>
> HW. Yeah.
>
> AE. The Senate?
>
> TD. Senate and the people from the State Department. Ah——
>
> HW. (continued). Well, no-yeah, as a matter of fact——
>
> TD. You know as a matter of military, military——
>
> AE. His personal——
>
> HW. The Sec-Secretary of State is a neighbor back in New Jersey. We live in the same town. Yeah, we're very close, very close——
>
> AE. Secretary of Defense, personal friends of Pete.
>
> HW. Yeah.
>
> AE. Secretary of the Navy, Secretary of the Army, people that are gonna be utilized——
>
> HW. And the Vice President used to work for me, on the committee.
>
> AE. That's right.
>
> HW. I was his Chairman and we were very, you know, that's the way it goes, very close.
>
> TD. Well, then, there—in that respect, then, with you being in that position and contracts and, uh, the like would not be a problem.

HW. No problem. No. In a situation where we can just sit around and describe, they'll see, it will come to pass.

TD. O.K. Now I, I talked with, uh, the Mayor and Alex and we were discussing your shares and how to conceal it best and ah, we came up with who, who do you want, or what name or how are we gonna handle it as far as you're concerned.

HW. Well, in my situation, uh—with with Alex, you met him, you know Alex, uh, we've been very close. We ran for office together, by the way.

TD. Right. I, I understand that.

HW. Back in——

TD. He told us (IA).

HW (continuing). In 1956 and, uh, we're that close and we I, I would work my arrangement, my situation with Alex and, uh, this is, you know, we're not gonna be, I'm not gonna be in this situation forever and I want to have a you know foundations with give me that independence when I, later time (IA).

TD. Alright. Well, then we're agreed on the—I just wanted, uh, for you to tell us who you wanted to have it in——

HW. Alex.

TD (continuing). So that we're gonna put your shares in Alex's name——

HW. Alex.

TD (continuing). And he will control them and I think, ah, he's gonna actually sign them and then, if you want, you can maintain possession of them.

AE. (IA) as he sees fit.

HW. That's the way to do it. Yeah.

TD. O.K. this, this way——

AE. It avoids, it avoids any confrontations or embarrassments or whatever.

TD. Yeah, this way there would be no, there would be no connection between you and the company that's formed so that somebody could not later go back and say that you're using your influence to——

HW. Well.

TD (continuing). To do that.

HW. Understand.

AE. That's covered. That's covered as far as, uh, Alex, Alex's situation.

TD. Ah——

AE. Uh, but the contracts with of the government, which is to the Navy Department, the Army, the Defense, that's where the Senator will utilize me, uh, work together in regards to guaranteeing of these necessities, commodities, commodity, titanium for the building of submarines and aircraft and other defense materials that are needed for our country. Uh, as for the Senator well uh he'll pick the phone up and I will be the emissary, as per say. So that we have a clean, efficient, well-managed operation that it produces the end result of a multitude of dollars to be made in loans, profits, or whatever have you. That's where (IA) the senator's as far as picking up the phone, is essential, because you know, truthfully, Sheik, without the Senator there would be nothing. It's his position, power, where he sits, with friends, being in Washington, what twenty years now?

HW. More than that Alex.

AE. Twenty——

HW. Uh, Alex—Eric. Yeah, more than that. I came here in 50, 1953. The other, over in the House of Representatives and then in 1958 to the Senate, so it's a little more than more than twenty years, yeah.

AE. Eighty percent of all the bills——

HW. Yeah, yeah. (laughs)

AE (continuing). All the bills that have to go into this country's input in regards to laws, chairman of that committee.

HW. Well——

AE. Eighty percent of all the bills——

HW. A variety of things, both. Well——

AE. Whether involve labor. Whether they involve, education whatever.

HW. Education, health and, uh, that's out of a committee I'm chairman of and right now I just left the chairmanship of a—the Housing Committee, has the housing program.

TD. Well, with all your senority and power, I'm sure that you can reach into other areas——

HW. Oh yeah.

TD (continuing). And influence——

HW. Oh sure, yeah.

TD (continuing). Uh, influence those areas.

HW. Sure. Exactly. That's why you mentioned the Secretary of State, Secretary of the Treasury, you know, we're very close, personal friends and of course, the Secretary of State Vance, we're neighbors and so, we're close.

AE. We talked real estate. You know, this is a diverse subject in regards to investments, that can be unbelievable, untold in regards to the opportunities that present by the position of picking the phone up—whether it be housing. That can be something that we'd have down the line that would be, again, in New Jersey, particularly, where, where, again, a Senator and a Mayor could be uh most useful in regards to the needs of our our region, with the Senator who has the opportunities whether it be he—HEW or HUW, which is HUD and Health, uf, what it's Califano, isn't it? Califano's in there.

HW. Yeah, yeah.

AE. (IA)

HW. HEW is Califano. Mrs. Harris is the——

AE. You know the the system of our country, Sheik, one that seniority is probably the key word in regards to public officials, in regards to the federal level. these fellows just don't come in on the first year and become, uh, part of the system. It's proven, tried, the situation over the course of years where by seniority he becomes the fifth man in this country. Who's over you, by the way? I mean in regards to seniority. Vice President? (laugh)

HW. To—to yeah (IA) (laugh). Yeah it—the Vice President is the President of our Senate. That's his constitutional role. He, he is the presiding officer of the Senate, uh Mondale, and, of course, as I mentioned, ah we have that relationship that comes from working side by side, so many things and, uh, though all of the principal figures in this government we've, I've had a good, the best kind of background association, working as personal friends.

TD. Well, that, like we've discussed, ah that end of it is really, uh, not our concern, it's none of our business, who you go to——

HW. Yeah.

TD (contining). You know, to do——

HW. But you can be assured that we, we——

TD. (continuing). The manipulation behind the behind the scenes.

HW (continuing). We have a relationship that will make all of that possible. That's that's all I want to tell you now.

We all know that Senator INOUYE would say "No." We all know he would walk out and would not go near the cesspool of corruption, the evidence of which was so carefully and completely described by Senator HEFLIN in his opening statement last week. But Senator WILLIAMS did not say "No." He said "Yes" time and time again, in meeting after meeting. And now to avoid scrutiny of his own conduct he asks Senators to focus on the conduct of others, both real and hypothetical.

Let me talk just briefly about the sanction before concluding. Senator INOUYE has suggested that only the high crime of treason warrants the sanction of expulsion, and that cases involving what he has referred to as "financial misconduct" have in the past always received some lesser rebuke. The answer to this should be clear: The precedent of this body has not been, nor should it be, to harbor those whom we know to have violated their public trust.

The Constitution confers complete discretion upon the Senate in determining what conduct warrants the expulsion of a Member. Although the Senate has never adopted standards or guidelines for the imposition of expulsion or any other sanction, Senate committees which have in the past been charged with the responsibility of reviewing allegations of misconduct have recommended expulsion where a Member was found to have engaged in the receipt of bribes or gratuities, or in conflicts of interest, as Senator WILLIAMS has been found to have done. However, in the previous cases, the Members in question either resigned or were defeated for reelection prior to Senate action on the committee recommendations of expulsion, and the Senate has, therefore, in the past been spared the necessity of confronting this issue.

Thus, charges of bribery, or of the receipt of compensation in conflict of interest situations, have resulted in the following Senate explusion cases:

James F. Simmons (1862): Expulsion was recommended by the committee; the Senator resigned before the next session began.

James W. Patterson (1873): Expulsion was recommended by the committee; the Senator was defeated for reelection before the Senate could consider the matter.

Charles H. Dietrich (1904): The Senator was cleared of charges.

Joseph R. Burton (1906): The Senator resigned before the committee report was filed.

Burton F. Wheeler (1924): The Senator was cleared of charges.

It should also be noted that the House of Representatives recently expelled Congressman Myers based on his involvement in Abscam transactions similar to those in which the committee found Senator WILLIAMS to have participated. Clearly, there is no historical basis on which to infer that either House has reserved the sanction of expulsion solely for the crime of treason, or that the Constitution intended us to do so.

Perhaps more important, however, is the fact that we have clearly and unequivocally expressed our views as to the appropriate sanction when an executive branch officer is convicted of a conflict of interest felony, such as Senator WILLIAMS has been on two of the criminal counts against him. If he were in the executive branch, title 18 of the United States Code, section 203, provides that any person convicted of a conflict of interest "shall be incapable of holding any office of honor, trust, or profit under the United States." Because the Constitution provides that only the Congress itself shall have the power to expel one of its Members, this statutory provision, which we ourselves enacted, does not reach our own conduct or our own office.

But it would indeed be ironic, inconsistent, and even hypocritical, were we to say that although Senator WILLIAMS' conduct would bar him today from holding office in the executive branch as say a Cabinet member, or an Ambassador, he should nonetheless be permitted, by our indulgence, to continue to serve in the U.S. Senate.

Senator INOUYE has stated that we should not substitute our judgment for that of the people of New Jersey. Yet that is precisely what the Constitution requires us to do. The people of New Jersey have no power to recall their senior Senator for improper conduct. That solemn task has been entrusted entirely into our hands. However, were Senator WILLIAMS a member of his own State senate rather than this body, the laws of New Jersey leave no doubt as to what his fate would be. New Jersey statutes section 2C:51-2(a) provide that:

> A person holding any public office, position or employment, elective or appointive, under the government of this State or any agency or political subdivision thereof who is convicted of an offense shall forfeit such office or position.

This provision would apply where, as here, Senator WILLIAMS has been convicted of a Federal offense such as bribery which would also violate State law, and also of offenses such as conflict of interest, which touch upon his public office. Indeed, New Jersey statutes section 2C:51-2(c) provide that:

> Any person convicted of an offense involving or touching on his public office, position, or employment shall be forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions.

Again, how can this body condone the continued presence of a Member who would be barred, by his own misconduct, from holding similar office in his own State or at the Federal Government's executive level?

In accordance with Senate precedent, your Ethics Committee unanimously found that only the most severe sanction is appropriate for the extreme abuse of the public trust caused by Senator WILLIAMS conduct. For a period of more than 10 months, Senator WILLIAMS repeatedly promised to use his power, position, influence, and relationships as a U.S. Senator to foster the success of a business venture in which he and his friends had a financial interest, in exchange for the promise of a loan to that venture. In effect, as Senator HEFLIN has stated, Senator WILLIAMS agreed to sell his office for personal gain and thereby violated the trust of the public and the integrity of the Senate, as well as Federal criminal laws.

Under the Constitution, the Senate alone can preserve the confidence of the people in its integrity and the honor of its Members. Therefore, the committee's recommendation that the Senate agree to Senate Resolution 204 without amendment stands. While the full Senate as a body has never before confronted the issue whether expulsion is warranted in cases involving bribery and related crimes, the committee, like others which have come before, and like the House of Representatives in the Myers case, has concluded that any lesser sanction would break faith with the American public, which must look to us alone to preserve the integrity of their national legislature.

CONCLUSION

In this Senate Chamber there have, over the years, been many compromises on matters coming before this body. This is so because reasonable men and women of good will and integrity can differ as to the appropriate legislative response to the needs of our constituents. Compromise in such situations is totally valid and appropriate and serves to reconcile the diverse interests of our society.

In the matter before the Senate, there is no divergence of interests. Nor indeed can there be any compromise in the response to the unfortunate matter in front of us. There can be no compromise with wrongdoing, bribery, influence peddling, conflict of interest and ethically repugnant conduct. Any such compromise would taint the Members of this body and harm this great institution.

I submit in closing that our duty requires that this resolution of expulsion be passed. The interest of our Nation and the integrity of this body demand no less.

Mr. President, I yield the floor to the Senator from Alabama, the vice chairman.

The VICE PRESIDENT. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I will not attempt to try to duplicate or to add to the remarks on the various issues that the distinguished chairman of the Ethics Committee has so eloquently done.

However, there are a few matters that have come to light in the presentation by Senator WILLIAMS and by Senator INOUYE that I feel that I should comment on. I will comment where Senator WALLOP has commented only to maybe bring out a certain point and hopefully will not be redundant or to keep Senators unduly long.

I wish to mention first the statement about drugs that Senator WILLIAMS made. His two-page statement that has been passed out makes the statement:

> They plotted to intoxicate me or to drug me so that I would act as they wanted when in front of a hidden camera.

And I repeat, "They plotted to intoxicate me or to drug me so that I would act as they wanted when in front of a hidden camera."

Senators you are then referred to F, if you will turn with me to tab F if any of you have it. Let us see the substantiation that is used for this rather drastic statement that—

> They plotted to intoxicate me or to drug me so that I would act as they wanted when in front of a hidden camera.

The only presentation comes from volume 6 at page 90 where Mel Weinberg says: "He don't drink anymore, does he?"

> ALEX FEINBERG. "Pete? No.
>
> ANGELO ERRICHETTI. Club soda.
>
> ALEX FEINBERG. Oh, no.
>
> MEL WEINBERG. Maybe we should give him a marihuana to pep him up.

That is all there is.

I ask Senators does that substantiate the charge, "They plotted to intoxicate me or to drug me so that I would act as they wanted when in front of a hidden camera."

There have been charges that the FBI forged a letter on the stationery of Senator HARRISON A. WILLIAMS, JR., and that they forged his signature to that letter.

Senator WALLOP addressed that. I only want to mention and put in context how this occurred. It was said, "It would be nice if we had such a letter from Senator WILLIAMS to give to the second group of Arab investors." Angelo Errichetti, the mayor of Camden, the Senator, who worked as a team with Senator WILLIAMS, volunteered:

> I can provide such a letter. I can forge it.

Now, bear in mind that at this time the FBI was building a case against Mayor-Senator Angelo Errichetti. He was a suspect, he was tried later in another case, was convicted. They were building a case against him.

Therefore, they let him say that he could provide such a letter. They let him produce the stationery. They let him sign Harrison Williams' name to the letter. They were building a case against Angelo Errichetti.

Did the FBI use the letter against HARRISON WILLIAMS? They did not.

I would like to refer to Judge Pratt's dealing with this matter. In his due process hearing opinion in the Congressman's case in which Errichetti was involved, Weinberg and Amoroso had told Errichetti—

> That the new Arab businessmen who were considering buying the titanium mine would like confirmation in writing that Senator Williams would guarantee Government contracts for the purchase of the titanium after the sale, just as he had agreed to do for the original investors before the sale.
>
> Errichetti volunteered to supply such a document, indicating his willingness and ability to have it forged.
>
> There was no impropriety in Amoroso and Weinberg permitting Errichetti to go ahead when the only result was to have the forged document delivered to them. Indeed, the document constitutes powerful evidence of the depth of corruption to which Errichetti, an elected public official, had sunk.

So again did the FBI used illegal conduct which would be reprehensive against Senator WILLIAMS? Did they forge a letter against him? Did they sink to the depths of venal conduct in this regard? When the true facts come out we realize that that is not a statement upon which you can give much credit in the allegation that "they forged documents against me," and, I think, it does not deserve much credit on your part.

There has arisen the issue of the tapes, the interruption of the tapes. There have been statements that Marie Weinberg says that Mel Weinberg lost or had stolen various numbers of tapes. So the issue of tapes and the use of the tapes have to be considered, in my judgment.

I think it is wise to go back and to consider the tape recordings and the fact that in this case you have tapes, you have film. In the normal case that is tried in court you have one witness reconstructing what is said in a certain circumstance, and he recites from the witness stand. Instead here you have on tapes the crimes being committed. Tape recordings in this case are legal and did not violate the fourth amendment, because on all occasions at least one Government agent, Weinberg or DeVito, was a consenting party to the recordings. Such consentual recordings made without a search warrant have been approved by the U.S. Supreme Court as recently as *U.S.* v. *White* at 401 U.S. 745 in 1971.

On page 753 of that opinion the United States Supreme Court states:

> We are not prepared to hold that a defendant who has no constitutional right to exclude the informer's unaided testimony, nevertheless has a Fourth Amendment privilege against a more accurate version of the events in question. It is thus untenable to consider the activities and the reports of the police agent himself, though acting without a warrant, to be a reasonable investigative effort and lawful under the Fourth Amendment, but to view the same agent with a recorder or transmitter as conducting an unreasonable and unconstitutional search and seizure.

Now, Judge Pratt, in regarding these tapes, says in his due process opinion:

> While he (meaning Senator Williams) grudgingly acknowledges that consentual recordings have as a matter of precedent escaped the exclusionary rule, U.S. v. White, the new counsel for Defendant Williams argues that when so many tapes are used the cumulative effect becomes unreasonable and, therefore, unconstitutional. A cynic might characterize defendant's arguments as urging that while a little truth is permissible, large quantities of truth are unconstitutional. For present purposes, however, it is sufficient to comment that there is no authority for the novel contention advanced by new counsel for Defendant Williams, and this court concludes that the argument is as wanting in logic as it is unsound in principle.
>
> As pointed out in the Myers decision, the quality of evidence produced by tape recordings, particularly by videotapes in Abscam cases, far exceeds the sketchy imperfect evidence available in the usual trial based upon witnesses' unaided recollections.

Now, the question of whether the tapes accurately depict the Senator's conduct has been raised, and I would like to point out that in the Ethics hearing the special counsel for the Ethics Committee and counsel for Senator WILLIAMS stipulated as to the authenticity of the tapes and the transcripts presented at the committee hearing, as to the authenticity of the fact that they were the same ones that had been introduced in the trial of the criminal case, and they also stipulated as to the authenticity, that there is testimony that he said these things that were recorded on the tapes.

During the questioning at the hearing Senator WILLIAMS was repeatedly asked whether he made the specific answers which he made in the transcript, and he answered, "Yes," in respect to each of them.

The committee has now no reason to believe, the committee had then no reason to believe, that the tapes do not accurately record what happened. No evidence was presented at the trial or before the committee that suggests any significant events were not recorded or that the tapes were altered in any way.

It might be noted in this regard that Judge Pratt admitted the tapes and the transcripts at the trial over the objection of defense counsel, but authorized Senator WILLIAMS to submit to the jury his own transcript of the tapes if he found the FBI transcripts to be inaccurate.

Senator WILLIAMS did not permit any such substitute transcripts, and Judge Pratt ruled that the tapes were highly reliable.

In regard to the linguist, Professor Shuy, if you will recall in the linguist's report in regard to the vote on whether to sell to the second group of investors, they went around and questioned all five of the people involved in the corporation, and each said, "Aye." The linguist comes up with a question as to whether the transcription on the tape was such as to whether you could hear the word "aye" from Senator WILLIAMS. However, the tapes had been previously transcribed, put down in writing. Senator WILLIAMS was given an opportunity to have a substitute or to point out that that transcription was inaccurate, and he went through the trial without having any corrections. He went through the Ethics Committee hearings without any corrections.

Now, if he did not say so, it would appear to me that it would have been most important to have brought that to the attention of the jury and to have brought it to the attention of the Ethics Committee at the time that it came up.

Now, there have been some allegations that some tapes were lost. Even if tapes were lost by, or stolen from, the Government, there is no evidence to suggest that Senator WILLIAMS has in any way been prejudiced by the loss or the theft of such tape recordings.

General allegations regarding loss or stolen tapes were repeatedly made at the Senator's and the Congressmen's trials and due process hearings, as well as before the committee. Senator WILLIAMS, as well as the Congressmen and other Abscam defendants, had ample opportunity to testify as to the existence of exculpatory meetings or conversations, tapes of which may have been lost, stolen, or never made by the Government. However, no witness, including Senator WILLIAMS, has ever been able to identify a single such conversation or meeting.

Now, there has been a question raised about the timing of the interruption and whether it was done to prevent Senator WILLIAMS from explaining. I read from the committee's report on page 98, if you have it:

> At the outset it should be emphasized there is no evidence that any exculpatory conversations involving Senator Williams were not recorded, either on tape or on a Form 302, or that any tapes of such conversations were erased, lost or stolen. As Judge Pratt observed in dismissing these same contentions as made by the Congressmen, "none of the defendants has shown any direct or specific harm resulting from the alleged lack of supervision." Nor has any indication of how any such conversation could exculpate Senator Williams been offered. And as to the interruption of Senator Williams' refusal of the cash bribe offer by the Sheik on January 15, 1980, the Senator's testimony at trial indicates he had essentially spoken his piece on this subject:

These questions were asked of Senator WILLIAMS at the trial.

> Q. You never finished your answer or your statement to the sheik?
>
> A. I didn't?
>
> Q. The screen now goes blank for a minute or two. What were you going to say?

> A. Just going to explain to him that in our country a public official doing the public work does not accept money for anything he might do in connection with his public position.
>
> I might have gone to—gone on to—and I probably would have——

Now, that appears in the trial transcript. He was asked at the trial: "Well, what else would you have said or what would you have said if the interruption had not occurred?"

> Senator Williams has had nothing more to add on this subject, either at trial or at the hearing.
>
> Judge Pratt has already found, with respect to identical allegations in the Congressmen's cases, that no inference of misconduct or evil intent is warranted based on the evidence on these points. More particularly, Weinberg's compensation was found by Judge Pratt not to have been contingent upon obtaining convictions, contrary to the suggestion in Exhibit 32 offered on behalf of Senator Williams.
>
> Finally, Judge Pratt found the tape recorded evidence to provide substantial guarantees of reliability:
>
> A more reliable basis for conviction can hardly be imagined. Through the videotapes the juries were permitted to see the actual crimes committed. Compared to the ordinary trial where oral testimony can best only partially recreate an event, the reliability of the Abscam evidence was increased many times over.

Now, there has been another issue in regards to the issue of missing tapes.

Judge Pratt deals with this issue in the due process hearing.

> All defendants argue in one way or another—

This is at the Congressmen's case and others—

> That entire tapes or parts of tapes are "missing." This argument is directed not to any videotapes, but only to audiotapes, most of which were recorded by Weinberg. In some instances, entire conversations were not recorded; Weinberg explained that he sometimes had conversations over the telephone when his recorder was not available, and that at other times he did not have blank tapes available. On occasion Weinberg recorded over a previously recorded conversation that he regarded as unimportant. There is no evidence that the recordings thereby erased were anything but what Weinberg judged them—unimportant. Once when he was flying to New York from Florida, a number of tapes, less than 10, were stolen from his flight bag, an incident he promptly reported to Amoroso. With some conversations the recorded portion does not begin until after the conversation had obviously begun; with others, the recorded portion ceases before the conversation ends.
>
> All of these claims add up to an assertion that not every conversation during Abscam between Weinberg and various subjects was preserved in a recording. As already discussed, however, this is not a constitutional defect. While it offered to defendants an argument to the jury as to the credibility of the government's case, the argument did not prove to be persuasive.
>
> The Myers defendants argue, in addition, that the "missing" tapes require an inference that they contained exculpatory material. However, they explain neither what effect the inference should have nor in what way the unrecorded conversations could exculpate any of the defendants. Nor did they request such a charge to the jury.
>
> Perhaps defendants seek a "per se" rule that whenever a law enforcement agent fails to record a conversation the defendant automatically must be acquitted on the presumption that the unrecorded material would have totally exonerated him from guilt. Such an argument must be rejected out of hand as frivolous. Trials are a search for truth and fairness, not a game to be run by automatic, unrealistic rules. Absent even a hint of what benefit to defendants the information on the "missing" tapes would offer, the effect of any "missing" tapes ceased to be relevant upon the return of the juries' verdicts.

Now there has been some discussion in regards to the time of the interruption on January 15. And I think we see from the evidence that the first interruption when the sheik left lasted 1 minute and 31 seconds and the tape was cut for 1 minute and 12 seconds. The second interruption, when the sheik is out of the picture, lasted 38 seconds and the tape was cut out for 25 seconds. So I think that in regards to this matter that this is a matter that we ought to consider, it is a matter that an interruption occurred, but at the same time we realize that there has been no evidence that the interruption kept Senator WILLIAMS from explaining his position. He was asked that on trial. When the tape started running, the film started running again, he spoke up, went back to the subject, nothing regards to the cash offer of a bribe. And then he went into other language.

In regards to the tapes, I do want to point out that in the course of the committee's hearing, the attorney representing Senator WILLIAMS raised the issue of missing or erased tapes, but concluded, after pointing out that there was testimony regarding missed or erased tapes, that there is no evidence that these particular conversations is actually tapes involving Senator WILLIAMS, either video tapes or specific audiotapes that has been erased.

So they went into the issue of the missing and erased tapes and his own counsel before the Ethics Committee comes forth with the statement that there is no evidence in these particular conversations that it is actually tapes involving Senator WILLIAMS, either video tapes or specific audiotapes that have been erased.

I also point out that in the response to the committee's report, Senator WILLIAMS' counsel noted this and said this:

> The charge against Senator Williams arises out of a series of meetings with Government agents between early 1979 and January of 1980. These meetings were taped.

And then he, as the counsel for Senator WILLIAMS, makes this statement:

> We join the Ethics Committee in urging each Senator to become familiar with this evidence.

So I think in regards to the issue of the tapes, the interruptions, the questions of missing tapes, or any erased tapes, when we get down to it there has not been enough evidence that there are any exculpatory matters, there has been no evidence that Senator WILLIAMS has been prejudiced as a result of any lost tapes, as a result of any missing tapes, as a result of any erased tapes, as a result of an interruption. I think if there is any prejudice, he should come forward and set it out and explain in detail what prejudices there might be.

There have been discussions of internal memorandums. Senator WALLOP went into great detail on this. I will not go into these matters in any great detail, but I do want to point out that, first, the Department of Justice representatives, the members of the U.S. attorney's office in New Jersey, were involved in this, and they were given an opportunity to review the evidence at various stages after certain films were made. Not only did the strike force in New York, in Brooklyn, where the case was tried, but they submitted the Government's case at certain stages. We find on November 27 the Gow memorandum was mentioned very much. It was submitted to the New Jersey people.

The people in the U.S. attorney's office in New Jersey, where there obviously was a great circle of corruption in regards to many activities, reviewed this and they raised certain questions.

The New York members of the strike force considered the evidence and they presented it. It was all presented finally to the head of the Criminal Division of the Department of Justice, and after he OK'd it, of course, it then went to the grand jury for an indictment.

Any time various attorneys look at various documents, various evidence, and various tapes, they may come up with different opinions. I think this does show that the FBI allowed a careful evaluation, an evaluation from New Jersey as well as an evaluation from New York.

The decision was made to go ahead.

The issue arises as to whether or not these memorandums ought to be admitted into evidence. We have a situation where, clearly, the internal evaluation by the lawyers is not admissible into evidence. It would not be admissible to show weaknesses. Just as no memorandum between the attorney representing Senator WILLIAMS, attorney "A", who may differ with attorney "B". That internal evaluation is not admissible in a trial.

Yet, we have here a situation in which a lot has been said, a lot has been put on television on 20/20, on the fact that a juror said that he would not now vote for a conviction since he had seen the memorandum of November 27, 1979. That is the Gow memorandum, where he thinks that there ought to be more evidence, there ought to be an overt act committed by Senator WILLIAMS. That overt act, in my judgment, does occur on the January 15, 1980, tapings as you have seen and as you read from the transcript.

But a juror says, "All right, because I have now been shown the Gow memorandum of November 27, 1979, I would have not voted that Senator WILLIAMS was guilty."

That was inadmissible testimony. It would not have been admissible in trial. The individual evaluation of any attorney as to the evidence is not admissible. Therefore, a juror is seeing inadmissible, illegal testimony and basing his opinion on being shown that. Therefore, he says, to the effect that, "I would not have voted for conviction."

On the question relative to jurors after a trial is over, where lawyers from one side in an ex parte manner go and start talking to them saying, "All right, you did not know about this; would you have voted a guilty verdict if you had known about this?" we all know, particularly those who have legal background, that it is one of the fundamental principles of law that a jury cannot impeach its own verdict by what it finds out after the trial.

The whole purpose of a judge ruling on the admissibility of evidence is to keep out prejudicial matter, illegal matter, immaterial matter. In this instance here, we have had a juror say that he would not have voted guilty, a guilty verdict, in this instance if he had known about the existence and the contents of this memorandum.

I think we realize that a juror, if he is allowed to impeach his testimony, can come in. There are reasons for impeaching the juror's testimony, where there is misconduct, where somebody, in effect, goes in and tampers with the jury, or if there is somebody who sends in some information that is illegal. But a juror, because he finds out certain inadmissible, illegal testimony is not then allowed in a court of law to go back to the judge and say, "Judge, I voted wrong. I found out some illegal testimony. Therefore, I want to change my verdict."

You would have an endless situation in regard to trials if that were allowed to occur.

I want to bring up one other thing that struck me as being something that needed some further explanation.

In the course of the presentation by Senator WILLIAMS, he mentioned that through the Freedom of Information Act he had obtained various Government documents that prove that the stock was worthless. This is really him saying, through the Freedom of Information, "I have obtained documents from the Government which prove that the Government knew that the shares of stock were worthless and, therefore, had no value."

Let us see in what context this arose. The Government, as you will recall, had several Abscam's, including Congressmen. They gave, in good greenbacks, $50,000 in cash to certain Congressmen. Certain Congressmen put it into their pockets and patted their pockets down, as you have heard about and read, and took the money. Then the trial occurred, or they resigned from the Congress, from the House of Representatives, and the Government said, "Whoa, we want that $50,000 back." And these people would not give it to them. So the Government had then to go into the Civil Division of the courts and through the Commercial Division of the Department of Justice and bring suit to obtain the $50,000 that went to Jenrette, that went to Myers, that went to the other people.

Well, the issue came around, let us consider the Williams case; is there anything of value that we want to sue for, that we ought to take action to try to recover? So they started looking and said:

> Senator WILLIAMS did not get any cash; we are not going to file a civil suit to recover cash. He has those certificates of stock, but we actually know they are really worthless. Therefore, there is no point in filing a suit to recover from Senator WILLIAMS the three stock certificates.

Now, that is value in actuality. That is, in a sting operation, what did Senator WILLIAMS think about it? Did he think that the shares of stock had value? That is the crucial issue. If he, in his subjective evaluation, says that those shares of stock are worth to me $14 million, as he mentions that figure, if that is worth, to me, 18 percent of $70,000, then it has a subjective value to him and it suffices for the bribery case and it suffices for the element of value.

I think Senator WALLOP read a while ago portions of Judge Pratt's charge to the jury on value. It is very short and it is, I think, while redundant, important. Judge Pratt charges the jury:

> The value for purposes of this statute is subjective; that is, did the public official believe he was receiving something of present or prospective value to him or others? If so, this element is satisfied, even if other people might not regard it as having value.
>
> You may find a loan of money would be a thing of value. Stock could also be a thing of value if, regardless of its actual worth in the commercial world, you find that Defendant Williams believed that the stock had value for himself.

That was the charge to the jury in regard to that and it seems to me that this explains the situation pertaining to the documents that were obtained under the Freedom of Information Act which have come forward.

Mr. President, I want to address some comments to the remarks of the distinguished Senator from Hawaii, who made an excellent, superb statement in defense of Senator WILLIAMS. I think we want to look at some of his remarks and think a little further about them. He raises the issue of the precedents of the Senate, saying that in the past, we have only used the extreme sanction of expulsion for treason. He, in effect, as I understand it, wants us on this occasion to follow those precedents and to confirm that precedent of only having the extreme sanction of expulsion used in case of treason.

Let us look at this. If we want to do that and to really establish that as a precedent, how would the U.S. Senate appear if, in the future, a Senator is charged with a clear instance of bribery in which cash changes hands? Suppose we had the case, as was the case before the House, where $50,000 was received and the Congressman stuck it into his pockets and then patted it down—all on tape. In such a case, if it were to involve a Senator and come before this body, should the Senate say, "No, we do not expel because that falls short of being treason; we only use the sanction of expulsion for extreme cases"?

Let us think about an instance in which a Senator may be convicted of perjury and he is brought before the Senate on ethical conduct and we say:

> All right, the precedents are expulsion only in case of treason, but not for something less.

Suppose the Senator commits murder. Suppose the Senator commits rape and is convicted in a criminal case involving that.

Suppose the Senator is convicted of the offense of hijacking an airplane. Suppose the Senator is convicted of the offense of assassination of the President.

To say that we reserve expulsion only for treason, in my judgment, is lacking in logic. It is lacking in commonsense, and, in my own judgment, this is certainly a type of case in which expulsion should be used.

Senator INOUYE mentioned the appeals process, and he cited numerous instances in which Senators were not tried before the Senate until after the appeal process was completed. As I recall, these involved the case of Senator Joseph R. Burton of Kansas, of Senator John H. Mitchel of Oregon, and Senator Truman H. Newberry of Michigan. In each of those cases, those Senators did not vote or participate in any proceedings during the time that their case was on appeal.

I might say, and this does not appear on record but I think it occurred, that there was some consideration given to the idea that we might approach Senator WILLIAMS and say, "Do not vote, do not participate in any proceedings, and we shall wait until

Judge Pratt comes down with his due process hearing decision and hold up until that time."

I discussed this with our distinguished minority leader, Senator Robert C. Byrd, and with his brilliant mind pertaining to the Constitution, he pointed out that there was a provision that says that no State can be deprived of equal representation in the U.S. Senate and that that procedure would violate that provision of the Constitution.

I looked and I found that there is such a constitutional provision, that the Founding Fathers, in their belief that we ought to have two Senators for every State, had the provision that you could not deprive a State of its equal representation in the U.S. Senate. I do not know whether or not the Senate realized that that provision was in the Constitution when Senator Joseph R. Burton or Senator John H. Mitchel or Senator Truman H. Newberry was considered in that regard. But I do feel that we cannot wait in this instance until the entire appeal process expires, because I think today, we find that appeals take much longer.

Appeals involve a long period of time. We have here a jury verdict, a judge's confirmation of the jury verdict. But regardless of that, we have the situation by which, regardless of any criminal offense, we have a constitutional duty in this instance, even if the jury had acquitted him, to consider the testimony, the facts, and to see whether or not there was a violation of the Senate Rules of Conduct. Regardless of what might have occurred, I think it would be our responsibility.

When the Abscam scheme broke, the Senate Ethics Committee met, and we looked at what was in the newspaper reports. We asked the representatives from the Department of Justice to come before us. This was 2 years ago. We have waited, in effect, 2 years.

At that time, several members of the Ethics Committee, including myself, thought we ought to employ a special counsel and to proceed simultaneously with the criminal prosecution.

In the Watergate matters, this occurred. There was a simultaneous consideration of certain duties imposed by the Constitution on the legislative body while the Department of Justice was making its investigation.

We talked to the Department of Justice officials about this. They said, "We will not allow you to see the tapes. We will not allow your investigators to interview the FBI agents who are involved."

So we said, "All right, we will try to make an independent investigation," and we started. We had various and sundry investigators that we had employed trying to find out something about it. But every time it would come back that the only witnesses that knew anything about this were FBI agents. Therefore, we could not interview them. We could not see the tapes. How could we proceed?

We attempted to have the Department of Justice give us their assurances that they would move and move expeditiously. We received a commitment that they would go through the grand jury stage within 90 days. That was the first time.

Later, the Department of Justice said, "We cannot do it. We want more time."

Finally, just before November 1, in October, the grand jury did meet and did indict.

Then, of course, we still were not allowed to see the tapes or to interview the witnesses. It was not until the trial occurred. When the trial occurred, we sent Mr. Paul Colborn of the Ethics Committee staff, and he was present and listened to every bit of the testimony that was taken in the criminal trial of the case.

We would have liked, at least some of us—maybe not a majority, but some of us would have liked—to have moved simultaneously with the criminal prosecution. But in the end, with the realization that we did not have the tapes and that we could not interview the witnesses, we decided that we should not, that actually it might really in the long run turn into a circus if we were doing this; that it might be detrimental to the fundamental rights of Senator Williams and could also jeopardize the prosecution of the case.

So we withheld. We withheld until after the trial. Immediately thereafter, we proceeded to move forward. We had our hearing, and are here, some 2 years after the Abscam broke and was made known to the public.

If we are to wait until the appeals process is completed, we will have well over at least 2 more years, in my judgment.

I think we now are in a position where we ought to move forward, in that there is no reason now to hold back in regard to a final disposition of this matter.

There are a couple of statements I should like to make about Senator Inouye's remarks. One hit me between the eyes. He said, "I felt uncomfortable and embarrassed as I viewed the tapes."

I think that is descriptive of my feelings when I first saw them. But I do not believe that I would have been uncomfortable and embarrassed if I thought that Senator Williams was only a fool. I think the embarrassment and the uncomfortableness that occurs is because of the seriousness of the offenses that occurred on tape and what I saw through the use of a television screen.

I should now like to discuss the Puccio book contract.

In his recitation of alleged Government misconduct (Record, March 4, 1982, page 3340), Senator Cranston cites prosecutor Thomas Puccio for improperly having a contingent financial interest in a yet to be written book about Abscam—a conflict of interest my distinguished colleague from California suggests was only revealed during the Errichetti due process hearing after the Williams trial, thereby casting serious doubt on the fairness of the trial.

Actually, the Errichetti due process hearing was in January and February 1981, before the Williams trial in April. And Senator Williams' counsel was obviously aware of the alleged book deal before trial because he filed a pretrial motion to disqualify Mr. Puccio on that ground, which Judge Pratt denied.

This book contract issue is a vivid example of how critics of Abscam have relied on allegations rather than evidence. The evidence in the Record shows only that Jack Newfield, a friend of Mr. Puccio, has a contract with a publisher to write a book about Abscam and the contract allows for Newfield to have a yet to be named collaborator on the book. Newfield and Puccio both testified that after the Abscam undercover operation was over, Newfield asked Puccio if he would be interested in working on such a book, and Puccio responded that he could not even talk about the project while he was a prosecutor. And that was the end of the matter. So much for this so-called contingent financial interest.

I have probably already given more attention to this issue than it deserves. But I cannot resist commenting on the naivete of the proposition that prosecutors of widely publicized cases are nonentities without ambition who have no personal interest in the outcomes of their cases. Just look around this body and count the many distinguished former prosecutors among us. I have the highest regard for my colleagues with prosecutorial backgrounds, and I make this point only as another way to remind the Senate that the prosecutor is not on trial here and any discussions he has about writing a book are simply not relevant to the Senate's immediate task of judging whether Senator Williams' conduct was ethically repugnant.

There has been some reference to Mr. Nathan's comments. Senator Williams, as Senators know, highlighted a statement by former Justice Department official Irving Nathan that, as a consequence of Abscam, public officials must be concerned that people with whom they are dealing might be undercover agents and that what they discuss may be taped and be used against them in court.

Nathan concludes that the possibility necessarily has an inhibiting effect upon public officials.

These statements are being criticized as constituting a presumption that the executive branch has a license to give morality tests to the legislative branch.

I of course do not support any principle that the executive branch should be permitted to target the legislative branch. That would certainly be an impermissible violation of the separation of powers doctrine.

But neither do I support any principle that if John Doe citizen gets drawn into the net of an undercover operation, or John Doe local official, he must be punished if he does not walk away, but if a Senator gets drawn into the net the FBI must excuse him. That would not be equal justice.

Should not a public official be prepared to live with what he says, in public or private? Should not a public official unequivocally refuse any offer of a bribe, whether in cash or in a share of a business, for the use of his office? Should not a public official walk away from inducements to corruptly use his office?

The bottom line is if someone offers you a bribe, do not take it; if someone suggests you use your office for personal gain, walk away.

And as I said before, I do not place much stock in the argument, "If they did it to PETE they can do it to me."

I do not say from this that the FBI in all of this Abscam is not guilty of a lot of misconduct.

I think, for example, what occurred pertaining to Senator PRESSLER is certainly reprehensible. They allowed a person who was in effect a con man to make the decision to substitute Senator PRESSLER after another Member of Congress, a House of Representatives person, a Representative, a Congressman was available and this person made the decision to bring Senator PRESSLER to the cameras in the townhouse. Certainly any time that you allow a decision to be made in the executive branch of Government by which a person at a lower echelon or a con man makes that decision, then there is something faulty about that.

Certainly in regard to the separation of powers we should have a law, and I think that this is something we can look into, that if a decision is made to target a Member of Congress that that decision should be made at the highest echelons of the Department of Justice and the Federal Bureau of Investigation.

We think that the sting operations are effective in bringing people who have been committing crimes to a stage of where they can be convicted, and sting operations have been effectively used by the FBI and by police departments in various places. In law enforcement they have been very effective. But I do not feel that because a person is a Member of Congress that that gives him immunity from a sting operation.

However, certainly the decisions being made as to targeting should be made at the very top of the echelon ladder in regard to the Department of Justice. There are certain things as to whether or not you would allow a person like Mel Weinberg to go to the extent that he did in this case. In my judgment he went beyond where he should have gone. I think that there are other instances of that.

But still it comes back down to the issue of whether or not the misconduct of the Government was of such a degree that the will of Senator WILLIAMS was overborne. He himself has testified that his will was not overborne. He testified pertaining to that at the Ethics Committee hearing. He testified at trial that he paid no attention to the coaching exercises that occurred before he met with the sheik on June 28.

So I think that we must look at this situation. We can find that the FBI has done some wrongful things. But did the wrongful things that they did in effect control or have an influence on what Senator WILLIAMS did? In my judgment he acted of his own free will and accord and made those statements.

I think that that is important to remember as we consider these matters.

I wish to go into one or two other issues and the time is about to run out. As I understand we close at 6 o'clock. There is the issue of why he did not accept the cash bribe. In the beginning, the last week I mentioned and brought out the testimony where Angelo Errichetti, the Senator who works as a team that moves mountains with Senator WILLIAMS, stated in effect that Alex Feinberg was Senator WILLIAMS' bagman.

I said it would be up to you to determine what credibility you wanted to give to that testimony of Angelo Errichetti, stating that if a person has a bagman that he does not accept cash.

There is another issue that I think is revealing in this regard. It has not been mentioned so far but is in the evidence and was before the trial and was before the jury and was also present at the Ethics Committee hearing.

That is the testimony of Sandy Williams. He is a man who says that Senator HARRISON A. WILLIAMS is his dearest and longest friend, and we have heard a lot about him.

Sandy Williams testified under immunity as a Government witness. Sandy Williams testified pretty well to everything that was brought out on tape, showing that Senator WILLIAMS was involved in every degree.

Sandy Williams also brings up a situation which is not on tape, but he says that he went to Senator HARRISON WILLIAMS and says "They want to give you $20,000 in expense money."

Senator HARRISON WILLIAMS' reply was to the effect, "Fine, go ahead and accept it, but I do not want to take it. You take it for me."

Sandy Williams testifies that they discussed it and Sandy says, "Can I have half of it?" And Sandy Williams, the friend of Senator WILLIAMS, testifies that Senator HARRISON WILLIAMS says "Yes, you can have half of it."

And then Sandy Williams, the friend of Senator HARRISON WILLIAMS, testifies: He says: "Senator WILLIAMS says, 'My son, Jonathan, in California needs an automobile. And can you handle that through that money?'"

Sandy Williams goes and the next instance that comes up Sandy Williams reports back to Senator HARRISON WILLIAMS, "No, they won't give it to me. They insist that they have to give it to you."

And Senator WILLIAMS says, "No, I am not going to take it." And Sandy said "Let's not take it."

So we have an instance in which there obviously was an attempt, if you believe Sandy Williams, to give him $20,000 as expense money. He turned it down. He did not want to soil his hands with cash.

I think that sheds light on why the cash bribe was declined.

It has reached the hour where I think the majority leader would like to adjourn, and I have a few more remarks that I will make and I will complete those tomorrow.

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. I thank the Senator very much. The Senator from Alabama contributes greatly to the debate and I apologize to him for asking him to interrupt his remarks so that we can fulfill the commitment I made earlier that we would end this day at approximately 6 o'clock.

In a moment I will ask the Senate to recess over until tomorrow. Before I do that, Mr. President, may I inquire of the distinguished Senator from California if it is still his intention, as he indicated earlier, to lay down his amendment this evening?

Mr. CRANSTON. Yes. I will offer it whenever it is the will of the Senate or the desire of the Senate leadership to do so, with an effort to make it the pending business.

I would like to do that with the hope that no Senator will move to table at any premature time so that there can be opportunity to consider it. I will not ask for the yeas and nays, and I hope no one else will do that, so that if it is desirable I will amend it before we go to a vote on it.

I will be ready to vote after the Senate is ready to vote after I make a statement on it tomorrow.

Mr. BAKER. All right.

Mr President, earlier I had indicated that during the midafternoon recess I would confer with the distinguished Senator from Hawaii, the Senator from California, the minority leader as to a time certain on the possibility of voting on or in relating to the Cranston amendment.

I must report that it does not appear feasible to do that at this time, and I think for very good reasons. No. 1, there is no way to tell when debate will be concluded at this point. For instance, I do not know now how many Senators have statements they wish to make or questions they wish to ask; and, No. 2, it is premature, it seems to me, to deal with that subject until we see the amendment, until it has been offered and made the pending business. So I will not attempt to obtain a unanimous-consent agreement at this time, but rather I will express the hope that if we have the Cranston amendment pending tonight or in the morning, that we can dispose of it and, perhaps, this entire matter on Wednesday of this week. I will not now make any request nor any effort to deal with it other than to express that hope.

Mr. President, if Members will indulge me for just a minute so that we can get some idea about how much time will be required, may I inquire of Senators—before I do that may I say that I hope early tomorrow we will permit members of the Ethics Committee on both sides to make their statements, if they intend to make statements.

But after the Ethics Committee, plus whatever response the Senator from Hawaii or others may wish to make in that respect, may I inquire what other Senators intend to make statements or to propound inquiries, questions, to engage in colloquies on this subject just so we will have some basis for inquiry? On this side I see seven, and I will make a short statement, which will be eight. On the minority side——

Mr. ROBERT C. BYRD. I may make a short statement.

Mr. BAKER. It would appear that there are about 7 on the minority side, 14 or 15 Members then who still intend to participate in the debate or in a colloquy.

Mr. LONG. Mr. President, I have no idea whether I will or not say anything. I would like to reserve my right.

Mr. BAKER. The Senator's rights will not be impaired by this colloquy, and we will all await with bated breath his decision. [Laughter.]

It would appear then we are going to have to move pretty promptly if we can finish this, as I indicated, on Wednesday or Thursday.

I intend in a moment to ask the Senate to recess over. There is already an order, is there not, for 10:30 in the morning?

The VICE PRESIDENT. There is such an order.

Mr. BAKER. I wonder if we can arrange matters this way. I wonder if instead of laying down the amendment tonight if we can come in tomorrow and let the Senator from Alabama finish his statement? There is only a brief time for that, with the understanding that the Senator from California will probably propose his amendment at that time.

Mr. CRANSTON. That suits me.

Mr. BAKER. All right. I see the minority leader on his feet as if he had a question or a suggestion.

Mr. ROBERT C. BYRD. Mr. President, I was only going to voice my own opinion, without having discussed it with anyone, and it was simply this: That if we could understand the exact contents of the amendment by Mr. CRANSTON I personally—and I only speak for myself—would be happy to give that amendment an up or down vote, with the understanding that once that amendment is disposed of that there be no further amendments, and that the only remaining vote will be on the resolution itself up or down.

Mr. BAKER. Mr. President, I agree with the minority leader. Indeed, without asking for an agreement to that effect, I sort of sense that that is the direction in which we are heading, that there will be a vote up or down perhaps on the amendment, as I understand it, that may be offered by the Senator from California, and if that fails then there will promptly be—or not immediately—a next vote on the resolution of expulsion only. I once again would not ask for an agreement to that effect but let me express the hope that that will be the case.

Mr. ROBERT C. BYRD. I echo what the Senator has said, that the vote on the resolution will not then necessarily follow immediately thereon but that will be the only vote that will remain in respect to the subject matter.

Several Senators addressed the Chair.

Mr. LONG. Mr. President, may I say to the Senator I think any Senator on hearing all of this would have the right to offer an amendment if he wants to do so, and I hope that if I should not be on the floor at some point while this was being discussed that there would not be a unanimous-consent request in my absence to shut off amendments.

Mr. BAKER. There will not be, I can assure the Senator.

Mr. LONG. There may be some amendments some may want to offer, including this Senator.

Mr. BAKER. I can assure the Senator that no such request will be made by me, and I will urge other Senators to take that position. I am not now propounding it.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield? I will give the same assurance to the distinguished Senator and not do anything by way of proposing anything at this time, but merely voicing my own opinion.

Mr. BAKER. I thank the Senator.

Mr. WALLOP. Mr. President, if I may have the majority leader's attention for a moment, it is my hope and that of the committee that with these things we remain as legislatively clean as we can, and that people do not resort to some kind of tactical maneuvering to obscure what is at issue.

I have told Senator CRANSTON, the Senator from California, that that is what I hoped would happen on his amendment. But I would also hope, by the same token, that those who might come in and offer other amendments would keep the issue clean and in front of us and not use amendments as a tactical means by which to further this proceeding. So I thank the majority leader.

Mr. BAKER. I have one other inquiry.

The VICE PRESIDENT. The majority leader.

Mr. BAKER. May I inquire of Senators, while we do not ordinarily remain in session late on Tuesday nights and Wednesday nights, and while we have special circumstances here, the Senator from New Jersey is on the floor and, of course, we are concerned for his physical well-being. The Senator from Hawaii is here and others who are directly involved. Let me ask if it appeared desirable in order to finish this by Wednesday or Thursday, would it be the sense of the Senate that we should consider staying later? If there is an objection to that, of course, I will take that into account. But it would be my plan at this time to ask the Senate to remain late, meaning until 9 o'clock or so on Wednesday night if necessary in order to improve the chances that we can conclude this debate on Thursday. I do not now ask consent for that, but I rather plant that idea in the minds of Senators so that they can convey their sentiments to me on tomorrow.

HAPPY BIRTHDAY, SENATOR RANDOLPH

Mr. ROBERT C. BYRD. Mr. President, before the Senator asks for a period for the transaction of routine morning business, I wish to call the attention of my colleagues to the fact that my very distinguished senior colleague is today enjoying his 80th birthday.

[Applause, Senators rising.]

Mr. BAKER. Mr. President, I made this remark to the distiguished Senator from West Virginia earlier in the day. I believe my statistics are right. He is only the 31st Member of the Senate to serve on his 80th birthday, and while he may be the 31st Senator to do so in the history of the Senate, he is clearly the youngest to do so.

Mr. RANDOLPH. Mr. President, I genuinely thank Senator BYRD, my colleague through all the years that both of us have been together in the Senate. I am grateful to Senator BAKER and to all Senators for their gracious expressions.

Mr. President, it is impossible for me to adequately express the gratitude and the affection I feel for the kind and generous thought expressed today by my colleagues.

In the 37 years it has been my privilege and responsibility to serve in the Congress, I have cherished working with capable and constructive men and women. I am also helped by the officers and staff of the Senate, including the helpful pages. There is a lasting memory I treasure from this service in the legislative branch.

It is a joy to have been associated with these public servants. We have differed on issues. I anticipate in the future we shall sometimes hold divergent opinions; this Mr. President, does not diminish my love of the Senate and the satisfaction I receive from our labors together in common purpose.

ORDER OF BUSINESS

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. BAKER. I yield to the Senator from New Jersey.

THE DEATH OF FORMER SENATOR CLIFFORD P. CASE, OF NEW JERSEY

Mr. WILLIAMS. Mr. President, on another matter, after the happy salute to my dear friend, I ask for the sad consideration of a resolution on the death of our former colleague and dear friend, the Honorable Clifford P. Case. There is a resolution at the desk, and I ask that it be considered at this time.

The PRESIDING OFFICER (Mr. STEVENS). Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative cerk read as follows:

The Senator from New Jersey (Mr. WILLIAMS), on behalf of himself and Mr. BRADLEY, proposes a Senate resolution numbered 335:

S. RES. 335

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Clifford P. Case, who served in the United States Senate from the State of New Jersey from 1955 until 1979.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to attend the funeral of the deceased Senator.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

Mr. WILLIAMS. Mr. President, I am grieved by the passing of Cliff Case. He was my colleague, my friend, and I will miss him dearly.

It is rare when two people of different parties and backgrounds can share so much; yet I felt, and still feel, a philosophical kinship with Cliff Case.

He was one of the most popular Congressmen ever to represent the district we both called home. Twenty-nine years ago, when I first campaigned for the seat he vacated to become president of the Fund for the Republic, I stated that my ambition would be to serve the Sixth Congressional District of New Jersey as well as he had.

Over the years, this respect and affection produced a solid relationship. During his last term in the Senate, Cliff and I labored on legislation which was designed to protect a vast, environmentally vulnerable area of our State—the Pinelands. All through that successful effort, Cliff demonstrated the hallmarks of his career: the desire to act, the willingness to listen to all sides of a question before coming to a conclusion, and the fortitude to advance resolutely once a final decision had been made. The Case years in Congress were good for New Jersey and for the Nation.

During his service here, Cliff established himself as a man of towering integrity and honor; he was a person worthy of our highest esteem, which he certainly had.

Serving on both the Foreign Relations and Appropriations Committees, he exercised responsible judgment and adept leadership to bring to fruition legislation ranging from transportation and environmental protection to measures clarifying the role of the United States in the world.

We will miss his voice—a voice of warmth, humanity, understanding, and compassion that expressed itself in ways that always enhanced the human condition and the lives of those he shared as a U.S. Senator and friend.

We served New Jersey together in friendship and harmony; his accomplishments were great, and Jeanette and I have known great joy and great comfort in our friendship with Cliff and Ruth Case. We share the loss and sorrow of Ruth Case and her family.

The PRESIDING OFFICER. The question is on agreeing to the resolution offered by the Senator from New Jersey (Mr. WILLIAMS).

The resolution (S. Res. 335) was agreed to.

The PRESIDING OFFICER. Pursuant to the resolution, the Chair appoints the two Senators from New Jersey (Mr. WILLIAMS and Mr. BRADLEY) as members of the funeral committee.

Mr. MATSUNAGA. Mr. President, if the leader has no objection, will the resolution be left at the desk for cosponsorship by the Members?

Mr. BAKER. Mr. President, I ask unanimous consent that the resolution remain at the desk for the remainder of this calendar day until not past 8 o'clock for cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 6:15 p.m. in which Senators may speak for not more than 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:40 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5118. An act to provide water to the Papago Tribe of Arizona and its members, to settle Papago Indian water rights claims in portions of the Papago reservations, and for other purposes.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred to the Select Committee on Indian Affairs:

H.R. 5118. An act to provide water to the Papago Tribe of Arizona and its members, to settle Papago Indian water rights claims in portions of the Papago reservations, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2867. A communication from the Commander of the Naval Facilities Engineering Command, Department of the Navy, transmitting, pursuant to law, the annual report on military construction contracts awarded on other than a competitive bid basis to the lowest responsible bidder, and the top ten architect-engineering firms, for fiscal year 1981; to the Committee on Armed Services.

EC-2868. A communication from the Defense Security Assistance Agency of the Department of Defense, transmitting, pursuant to law, a notification of a proposed foreign military sale to Thailand; to the Committee on Armed Services.

EC-2869. A communication from the Defense Security Assistance Agency of the Department of Defense, transmitting, pursuant to law, a notification of a proposed foreign military sale to Thailand; to the Committee on Armed Services.

EC-2870. A communication from the Defense Security Assistance Agency of the Department of Defense, transmitting, pursuant to law, notification of a proposed foreign military sale to Saudi Arabia; to the Committee on Armed Services.

EC-2871. A communication from the Defense Security Assistance Agency of the Department of Defense, transmitting, pursuant to law, a notification of a proposed foreign military sale to Saudi Arabia; to the Committee on Armed Services.

EC-2872. A communication from the Acting Deputy Director of the Defense Security Assistance Agency of the Department of Defense, transmitting, pursuant to law, Presidential Determinations, concerning the lease of vessels to Turkey and Republic Korea dated February 18, 1982; to the Committee on Armed Services.

EC-2873. A communication from the General Counsel to the Department of Energy, transmitting, pursuant to law, proposed legislation to authorize appropriations for conservation, exploration, development, production sale, and use of naval petroleum reserves and naval oil shale reserves, for fiscal year 1983 and fiscal year 1984, and for other purposes; to the Committee on Armed Services.

EC-2874. A communication from the General Counsel of the Department of Energy, transmitting, a draft of proposed legislation to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983 and fiscal year 1984, and for other purposes; to the Committee on Armed Services.

EC-2875. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1983 and 1984, and for other purposes; to the Committee on Armed Services.

EC-2876. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to extend the Aviation Insurance Program for 5 years; to the Committee on Commerce, Science, and Transportation.

EC-2877. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the activities of the Environmental Protection Agency regarding the progress of regulations to protect stratospheric ozone; to the Committee on Environment and Public Works.

EC-2878. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Powerplant and Industrial Fuel Use Act dated March 1, 1982; to the Committee on Energy and Natural Resources.

EC-2879. A communication from the Assistant Secretary of the Interior (Territorial and International Affairs), transmitting, pursuant to law, the annual report of the fiscal condition of the American Samoa Government for fiscal year 1980; to the Committee on Energy and Natural Resources.

EC-2880. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowings for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2881. A communication from the Deputy United States Trade Representative, Executive Office of the President, transmitting a draft of proposed legislation to amend the Act implementing the International Sugar Agreement, 1977; to the Committee on Finance.

EC-2882. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports submitted to Congress by the General Accounting Office during January 1982; to the Committee on Governmental Affairs.

EC-2883. A communication from the Assistant Secretary of Housing and Urban Development (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records for the Department; to the Committee on Governmental Affairs.

EC-2884. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act during calendar year 1981; to the Committee on the Judiciary.

EC-2885. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Department of the Treasury on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2886. A communication from the Assistant Secretary of Energy for Management and Administration transmitting, pursuant to law, the 1981 annual report on the administration of the Freedom of Information Act; to the Committee on the Judiciary.

EC-2887. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, the report on actions during calendar year 1981 under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2888. A communication from the Acting Assistant Public Affairs Director for News of the Department of Agriculture transmitting, pursuant to law, the calendar year 1981 report of the Department on activities under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2889. A communication from the Acting Director of the Office of Government and Public Programs of the National Science Foundation transmitting, pursuant to law, the 1981 annual report of the Foundation on actions under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2890. A communication from the Commissioner of Immigration and Naturalization transmitting, pursuant to law, orders suspending deportation of certain aliens under section 244(a)(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2891. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Special Services for Disadvantaged Students Program; to the Committee on Labor and Human Resources.

EC-2892. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Upward Bound Program; to the Committee on Labor and Human Resources.

EC-2893. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Library Career Training Program; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 1640. A bill to amend certain provisions of title 18, United States Code, relating to the procedures for interception of wire or oral communications (Rept. No. 97-319).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Charles Edwin Lord, of the District of Columbia, to be First Vice President of the Export-Import Bank of the United States.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Mr. PACKWOOD. Mr. President, from the Committee on Commerce, Science, and Transportation, I report favorably two nomination lists in the Coast Guard which appeared in the CONGRESSIONAL RECORDS of February 3 and February 22, 1982, and, to save the expense of reprinting them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, Mr. DeConcini, Mr. Heflin, Mr. Kasten, Mr. Murkowski, and Mr. Stafford):

S. 2174. A bill to recognize the organization known as American Ex-Prisoners of War; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 2175. A bill to amend the Social Security Act to provide for the removal of the social security trust funds from the unified budget, and to provide for crediting to the social security trust funds in the amount of unnegotiated social security checks; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

By Mr. ARMSTRONG:

S. 2176. A bill to amend the Internal Revenue Code of 1954 to require substantiation of the living expenses of Members of Congress which are allowed as a deduction; to the Committee on Finance.

By Mr. DeCONCINI (for himself and Mr. Goldwater):

S. 2177. A bill to amend title III of the Colorado River Basin Project Act (Public Law 90-537; 82 Stat. 885, as amended by Public Law 95-578; 92 Stat. 2471 and Public Law 96-375; 94 Stat. 1505); to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 2178. A bill to prohibit user fees for hunters and fishermen on Federal lands; to the Committee on Energy and Natural Resources.

By Mr. ROBERT C. BYRD (for himself, Mr. Pell, Mr. Hatfield, Mr. Melcher, Mr. Randolph, Mr. Riegle, Mr. Mitchell, Mr. Proxmire, Mr. Ford, Mr. Levin, Mr. Kennedy, Mr. Dixon, Mr. Metzenbaum, Mr. Inouye, Mr. Huddleston, Mr. Tsongas, Mr. Leahy, Mr. Dodd, Mr. Matsunaga, Mr. Bumpers, and Mr. Pryor):

S. 2179. A bill to amend the War Powers Resolution to require specific authorization before the introduction of any U.S. Armed Forces into hostilities in El Salvador, and for other purposes; to the Committee on Foreign Relations.

By Mr. HAYAKAWA (for himself, Mr. DeConcini, Mr. Dole, Mr. Pryor, Mr. Sarbanes, Mr. East, Mr. Humphrey, Mr. Roth, Mr. Williams, Mr. Biden, Mr. Eagleton, Mr. Ford, Mr. Baucus, Mr. Bumpers, Mr. Thurmond, Mr. Levin, Mr. McClure, Mr. Moynihan, Mr. Mattingly, Mr. Cohen, Mr. Huddleston, Mr. Specter, Mr. Symms, Mr. Randolph, Mr. Hollings, Mr. Laxalt, Mr. Lugar, Mr. Cochran, Mr. Percy, Mr. Garn, Mr. Long, Mr. Exon, Mr. Cranston, Mr. Durenberger, Mr. Zorinsky, Mr. Grassley, Mr. D'Amato, Mr. Burdick, Mr. Andrews, Mr. Goldwater, Mr. Hatch, and Mr. Kennedy):

S.J. Res. 160. Joint resolution to designate July 9, 1982, as "National P.O.W./M.I.A. Recognition Day;" to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 161. Joint resolution to designate the week commencing with the fourth Monday in June of 1982 as "National NCO/Petty Officer Week;" to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. METZENBAUM (for himself, Mr. Kennedy, Mr. Melcher, Mr. Pell, Mr. Burdick, Mr. Heinz, Mr. Eagleton, Mr. Pryor, Mr. Sasser, Mr. Riegle, Mr. Weicker, and Mr. Baucus):

S. Res. 334. A resolution to express the sense of the Senate disapproving the policy of the administration with respect to railroad retirement for fiscal year 1983; to the Committee on Labor and Human Resources.

By Mr. WILLIAMS (for himself and Mr. Bradley):

S. Res. 335. A resolution relative to the death of the Honorable Clifford P. Case, formerly the Senator from the State of New Jersey; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. DeConcini, Mr. Heflin, Mr. Kasten, Mr. Murkowski, and Mr. Stafford):

S. 2174. A bill to recognize the organization known as American Ex-Prisoners of War; to the Committee on the Judiciary.

AMERICAN EX-PRISONERS OF WAR

Mr. THURMOND. Mr. President, today I am introducing a bill which would grant a national charter to the American Ex-Prisoners of War, Inc., an organization which consists of many brave Americans who were prisoners of war during World War I, World War II, the Korean conflict, and the Vietnam conflict. Mr. President, not only did these Americans display extreme courage and sacrifice during the wars in which they fought and were imprisoned, they have chosen to continue to serve through this fine organization.

The American Ex-Prisoners of War is the primary veterans organization concerned with the well-being of the 93,000 ex-prisoners of war who were still alive as of January 1, 1982. It is a growing, active organization that has earned the recognition and respect of other veterans service organizations. It functions in a comparable manner to these organizations by publishing a monthly magazine, holding local and national meetings, and involving itself in public service to former POW's, their relatives, and survivors.

Mr. President, the American Ex-Prisoners of War have over 12,600 members located in State and local chapters throughout the United States. The organization has Veterans' Administration approval to provide national service officers who assist veterans in obtaining benefits or seeking medical treatment from VA facilities. It has worked closely with the VA in identifying unmet needs of POW's and in developing policies and procedures pertinent to the unique problems and needs of this group.

In summary, Mr. President, the American Ex-Prisoners of War is a major patriotic organization that has a long record of constructive involvement on behalf of that special group of Americans whose unique sacrifice was the loss of freedom and endurance of the most brutal and inhumane conditions imaginable. By their service to their country during war and by their continuing services as described above, their members, via this organization, have earned the recognition that a national charter from the U.S. Congress would bring. Moreover, such a charter would provide the American Ex-Prisoners of War an opportunity to participate more fully, as do those organizations already so chartered.

By Mr. METZENBAUM:

S. 2175. A bill to amend the Social Security Act to provide for the removal of the social security trust funds from the unified budget, and to provide for crediting to the social security trust funds in the amount of unnegotiated social security checks; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

REMOVING SOCIAL SECURITY FUNDS FROM THE UNIFIED BUDGET

● Mr. METZENBAUM. Mr. President, the bill I am introducing today is designed to safeguard the social security system from being misused for political purposes and to improve its financial soundness.

First, the bill will prevent this administration or any other from balancing the budget on the backs of the elderly. It does this by removing the social security trust funds from the unified budget, thus keeping financial transactions in social security completely separate from other Government income and expenses. Second, the bill improves the financial soundness of the system by crediting the social security trust funds for all uncashed social security checks. Presently, such funds remain in the General Treasury.

The necessity of removing social security from the unified budget becomes apparent when one considers the massive cuts in social security benefits which were proposed by the administration last year. In an effort to balance the budget, the President proposed cuts in cost-of-living increases, early retirement benefits, and many other social security entitlements.

Right now, social security income and expenditures are treated in the general budget the same way as general revenue income and expenses. Therefore, a cut in social security expenditures will make the general budget appear to be closer to balance than it in fact is.

This is a very misleading practice because it gives the country a distorted picture of the actual state of the economy. By law, social security funds can only be used to pay social security benefits and administrative expenses. These funds cannot be transferred to other acccounts or used for other purposes. In these tough economic times, however, it is very tempting for politicians to use social security for budget balancing purposes. Every dollar cut from social security makes the overall budget look better.

This practice violates the very premise upon which social security is based. Social security is a contractual agreement between working people and the Government. The Government has promised to provide workers with basic economic security in their retirement in return for regular contributions made from wages during their working years. Unfortunately, the American public is losing confidence that their Government will honor this contract because of the various budget-balancing proposals to cut benefits. The removal of these funds from the budget will preclude the use of social security as a balancing measure and will help restore public confidence that social security will indeed provide the promised economic security for contributing workers in their later years.

The second provision of this bill deals with the problem of the many social security checks which remain uncashed for a variety of reasons. At the present time, the money to cover these outstanding checks is transferred to the Treasury, but never recredited the trust funds no matter how long they remain outstanding. Social security not only loses the total amount of such checks, but also the interest that could be earned on this amount. It has been estimated that the trust funds could lose over $100 million in the next 4 years if this practice continues. Therefore, this bill provides that, after a period of 1 year, the amount of the uncashed check is recredited to the appropriate trust fund.

This accounting change is a small, but helpful step in restoring the financial soundness of the social security system.●

By Mr. ARMSTRONG:

S. 2176. A bill to amend the Internal Revenue Code of 1954 to require substantiation of the living expenses of Members of Congress which are allowed as a deduction; to the Committee on Finance.

TAX TREATMENT OF MEMBER'S SALARIES

● Mr. ARMSTRONG. Mr. President, there has been considerable confusion about the changes Congress made last year in the tax treatment of business tax deduction claimed by Members of Congress. One reason for the confusion is that the changes were hastily made, and without careful thought.

Since the details of the legislation and regulations are somewhat complicated, let me first state clearly the main issue—should Senators and Representatives be taxed in the same manner as other taxpayers. That is the basic question. In my opinion, they should be so taxed; Members of Congress should be treated in exactly the same manner as other taxpayers, no better, no worse.

Now here is what happened:

Since 1952, Members of Congress have been limited as to the amount of business expenses which they may deduct. No matter what expenses they incurred, no more than $3,000 could be deducted. Since no other taxpayer is limited in this way, I voted to eliminate this provision of the law * * * in effect, to permit legislators to deduct expenses in any reasonable amount using the same tests of reasonability that apply to other taxpayers.

A few weeks later, a second amendment was suggested. It seemed reasonable and I therefore supported it. Unfortunately, however, it has not worked out well. The amendment gave the Treasury Department authority to set guidelines for deductions by Members of Congress who do not itemize their deductions for business expenses. Treasury set a rule of thumb of $50 per day or, for those Members who do not take interest deductions, $75 per day. Although this is not as outrageous as some contend, it does seem excessive. So unless the Department lowers this guideline to a more reasonable amount, I will support legislation to do so by statute or to revoke the Department's authority altogether.

Therefore, I am today introducing legislation to repeal both the law and regulations permitting Members of Congress to claim business tax deductions without substantiating them. The effect of this legislation, once enacted, will place Members of Congress on equal footing with other American business men and women.●

By Mr. DeCONCINI (for himself and Mr. GOLDWATER):

S. 2177. A bill to amend title III of the Colorado River Basin Project Act (Public Law 90-537; 82 Stat. 885, as amended by Public Law 95-578; 92 Stat. 2471 and Public Law 96-375; 94 Stat. 1505); to the Committee on Energy and Natural Resources.

FLUCTUATIONS IN COSTS FOR DISTRIBUTION AND DRAINAGE FACILITIES FOR NON-INDIAN LANDS

● Mr. DeCONCINI. Mr. President, I am today introducing legislation, together with my distinguished colleague, the senior Senator from Arizona, Senator BARRY GOLDWATER, which will allow the inclusion of ordinary fluctuations in costs for the construction of distribution and drainage facilities for non-Indian lands as is already authorized for the basic funding of the central Arizona project under the Colorado River Basin Act, Public Law 90-537.

Section 309 of the 1968 authorizing act provides for indexing of certain costs to reflect fluctuations in construction costs. Inadvertently, the authorizing language for the distribution systems failed to repeat the indexing clause. The bill we are introducing will correct that inconsistency.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 90-537 (82 Stat. 885) as amended is further amended to provide for cost indexing as may be justified by reason of ordinary fluctuations in construction costs.

Section 309(b), first sentence, is amended to read: There is also authorized to be appropriated $100,000,000 for construction of distribution and drainage facilities for non-Indian lands plus or minus such amounts, if any, as may be justified by reason of ordinary flucuations in construction costs as indicated by engineering and cost indices applicable to the types of construction involved therein from the date of the Colorado River Basin Project Act.●

By Mr. BAUCUS:

S. 2178. A bill to prohibit user fees for hunters and fishermen on Federal lands; to the Committee on Energy and Natural Resources.

USER FEES FOR HUNTERS AND FISHERMEN

Mr. BAUCUS. Mr. President, the Secretary of the Interior in legislation presented to Congress on February 21, 1982, proposed a drastic and ridiculous change in public land policy.

Under the proposal, fishermen across the country would be required to pack a Federal license in addition to their pole, fly box and creel before using public lands and waters. Even more, the legislation would allow the Departments of the Interior, Agriculture, and Army to slap user fees on hunters and family hikers.

Certainly this administration has sent home the message that there will be no free lunches. This proposal, however, totally ignores the fact that the millions of Americans who ask only for the privilege to hunt, fish, and enjoy our public lands are taxpayers. Surely that is not too much to ask.

As my colleagues undoubtedly know, Secretary Watt withdrew this proposal 5 days after its introduction. He labeled it "poorly drafted and subject to misinterpretation."

The legislation is poorly drafted. But I believe that the interpretation is clear and the rejection of the policy it would establish should be even more clear. Efficient management of our Federal lands is one thing. A policy which is so parsimonious that it would deny weekend sportsmen access to our forests, rangelands, and streams is quite another.

The intent of Congress in this matter must be made crystal clear. For that reason, I am today introducing legislation which would expressly prohibit the imposition of user fees on hunters and fishermen for access to Federal lands or waters. I believe this measure is straightforward, necessary, and deserving of the support of my colleagues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Land and Water Conservation Act of 1965 is amended by inserting at the end thereof:

"Notwithstanding any other provision of law, no agency, department, board, or commission of the United States shall charge any fee for any use of Federal lands or waters under their jurisdiction related to recreational activities associated with the pursuit of or taking of fish and wildlife."

By Mr. ROBERT C. BYRD (for himself, Mr. Pell, Mr. Hatfield, Mr. Melcher, Mr. Randolph, Mr. Riegle, Mr. Mitchell, Mr. Proxmire, Mr. Ford, Mr. Levin, Mr. Kennedy, Mr. Dixon, Mr. Metzenbaum, Mr. Inouye, Mr. Huddleston, Mr. Tsongas, Mr. Leahy, Mr. Dodd, Mr. Matsunaga, Mr. Bumpers, and Mr. Pryor):

S. 2179. A bill to amend the war powers resolution to require specific authorization before the introduction of any U.S. Armed Forces into hostilities in El Salvador, and for other purposes; to the Committee on Foreign Relations.

WAR POWERS RESOLUTION AMENDMENTS OF 1982

Mr. ROBERT C. BYRD. Mr. President, I send to the desk the bill I announced earlier today I would introduce with the following cosponsors: Mr. Pell, Mr. Hatfield, Mr. Melcher, Mr. Randolph, Mr. Riegle, Mr. Mitchell, Mr. Proxmire, Mr. Ford, Mr. Levin, Mr. Kennedy, Mr. Dixon, Mr. Metzenbaum, Mr. Inouye, Mr. Huddleston, Mr. Tsongas, Mr. Leahy, Mr. Dodd, Mr. Matsunaga, Mr. Bumpers, and Mr. Pryor, and ask that it be appropriately referred and printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) this Act may be cited as the "War Powers Resolution Amendments of 1982".

(b) The War Powers Resolution (Public Law 93-148) is amended—

(1) by redesignating sections 9 and 10 as sections 10 and 11, respectively; and

(2) by inserting after section 8 the following:

"PROHIBITION ON THE INTRODUCTION OF UNITED STATES ARMED FORCES INTO EL SALVADOR

"Sec. 9. (a) Notwithstanding any other provison of this joint resolution, United States Armed Forces shall not be introduced into El Salvador for combat unless—

"(1) the Congress has declared war or enacted specific authorization for such use of United States Armed Forces; or

"(2) such introduction of United States Armed Forces is necessary—

"(A) to meet a clear and present danger of hostile attack upon the United States; or

"(B) to meet a clear and present danger to, and to provide essential and immediate evacuation of, citizens of the United States.

"(b) If the United States Armed Forces are introduced into El Salvador pursuant to grounds set forth in clause (A) or (B) of subsection (a)(2), the President shall describe such grounds in the report required by section 4(a).".

By Mr. HAYAKAWA (for himself, Mr. DeConcini, Mr. Dole, Mr. Pryor, Mr. Sarbanes, Mr. East, Mr. Humphrey, Mr. Roth, Mr. Williams, Mr. Biden, Mr. Eagleton, Mr. Ford, Mr. Baucus, Mr. Bumpers, Mr. Thurmond, Mr. Levin, Mr. McClure, Mr. Moynihan, Mr. Mattingly, Mr. Cohen, Mr. Huddleston, Mr. Spector, Mr. Symms, Mr. Randolph, Mr. Hollings, Mr. Laxalt, Mr. Lugar, Mr. Cochran, Mr. Percy, Mr. Garn, Mr. Long, Mr. Exon, Mr. Cranston, Mr. Durenberger, Mr. Zorinsky, Mr. Grassley, Mr. D'Amato, Mr. Burdick, Mr. Andrews, Mr. Goldwater, Mr. Hatch, and Mr. Kennedy).

S.J. Res. 160. Joint resolution to designate July 9, 1982, as "National P.O.W.-M.I.A. Recognition Day"; to the Committee on the Judiciary.

(The remarks of Mr. Hayakawa on this legislation appear earlier in today's Record.)

Mr. THURMOND:

S.J. Res. 161. Joint resolution to designate the week commencing with the fourth Monday in June of 1982 as "National NCO/Petty Officer"; to the Committee on the Judiciary.

NATIONAL NCO/PETTY OFFICER WEEK

Mr. THURMOND. Mr. President, today, I am introducing a joint resolution that will designate the week beginning June 28, 1982, as "National Noncommissioned Officer and Petty Officer Week."

Never in more than 200 years of U.S. history has the important role of our Nation's noncommissioned officers (NCO) and petty officers been more dramatically acclaimed than in recent time. About 2 years ago, Adm. Thomas B. Hayward, Chief of Naval Operations, cited the value of the Navy petty officers when he publicly announced that the U.S. Navy could not get its ships to sea because of a significant shortage of experienced and qualified petty officers.

Mr. President, Chief of Staff of the Army, Gen. Edward C. Meyer, reported a "hollow Army" when our U.S. combat divisions moved into "not ready" status because of the shortage of experienced and qualified noncommissioned officers.

The Marine Corps and Air Force also were caught short in their enlisted career forces. Many junior enlisted personnel were assigned to noncommissioned officer billets without the experience required to properly lead and train their subordinates. As reported in a 1981 San Francisco Examiner article by Arnold Abrams:

> Such shortages of noncommissioned offices and petty officers figure significantly in our Nation's low state of military preparedness, which finds most stateside Army units unready for combat, increasing numbers of naval vessels unable to sail and key air squadrons grounded.

Mr. President, the exodus of career enlisted noncommissioned officers and petty officers can be traced to the All-Volunteer Force. Decisionmakers, as well as Defense officials and the press, paid more attention to recruiting and not enough to retention. The emphasis was on meeting recruiting goals. Combat-trained and experienced noncommissioned officers and petty officers were removed from their specialties and assigned to recruiting and basic training. Their normal peacetime activities were nearly doubled, yet past administrations continued to terminate or threaten their very existence as wage earners and heads of families. Many left their careers to seek better treatment in the civilian market.

Those who stayed are symbolic of the proud tradition and loyalty our noncommissioned officers and petty officers have always had in sharing a heavy burden of our Nation's defense. They hold high the significance of their corps as leaders and trainers. Their code has been one of honor epitomized in the long list of noncommissioned officer and petty officer recipients of the Medal of Honor and other decorations of personal valor.

Mr. President, these officers have accepted their missions, used their experience and knowledge to train millions of service men and women, accomplished their tasks in an exemplary manner, and provided for the well-being of their troops. They have done all this and continue to do so under trying conditions and during unsettled times. They have done this despite the fact that this Nation has never guaranteed their tenure beyond a period of enlistment far short of a career pattern, or offered them 1 penny in severance pay if they cannot, or do not, remain in the military service until reaching retirement eligibility.

In the past 2 years, Congress has done much to recognize the career enlisted force. In 1980, it provided a substantial increase in pay and allowances. Last year it passed legislation alleviating the pay compression that has held career military wages near poverty levels and, again, provided increases in other allowances. This year, I am confident that the Congress will continue to improve the quality of their livelihood.

Meanwhile, I urge my colleagues to further recognize the contributions of our Nation's noncommissioned officers and petty officers by passing this resolution to name the week beginning with the fourth Monday in June 1982, as "National Noncommissioned Officer and Petty Officer Week." By doing so, we will foster greater public respect for the noncommissioned officers and petty officers and a wider public appreciation for their major role in our defense posture. We must retain these dedicated men and women whom we need to man our Armed Forces.

Mr. President, I ask unanimous consent that this joint resolution to designate the week of June 28, 1982, as "National Noncommissioned Officer and Petty Officer Week" be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 161

Whereas the noncommissioned officers and petty officers of the Army, Air Force, and Marine Corps and the petty officers of the Navy and the Coast Guard have been regarded as the "backbone" of the Armed Forces of the United States for than 200 years;

Whereas noncommissioned officers and petty officers continue to be the recruiters, trainers, and noncommissioned leaders of the men and women who join the Armed Forces of the United States;

Whereas the noncommissioned officers' and petty officers' spirit and devotion to duty is epitomized in the long list of recipients of the Medal of Honor and other decorations of personal valor;

Whereas noncommissioned officers and petty officers have made great sacrifices during their service to this Nation;

Whereas the recent shortage of such officers serving on active duty has highlighted their value to the Nation and its military forces;

Whereas the Non Commissioned Officers Association (NCOA), with a representative membership of active, retired, reserve, national guard, and former noncommissioned officers and petty officers of the Army, Navy, Marine Corps, Air Force, and Coast Guard, will hold its twenty-first international convention in the final week of June 1982; and

Whereas it is fitting and proper to recognize the significant contributions made by all noncommissioned officers and petty officers of the Armed Forces of the United States to the freedom and defense of this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week commencing with the fourth Monday in June 1982 is designated as "National NCO/Petty Officer Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups and organizations to set aside that week to honor past and present noncommissioned officers and petty officers of the Armed Forces of the United States in an appropriate manner.

ADDITIONAL COSPONSORS

S. 265

At the request of Mr. PERCY, the Senator from Wisconsin (Mr. KASTEN), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of S. 265, a bill to amend the Congressional Budget Act of 1974 to establish procedures for setting targets and ceilings, in the congressional budget process, for loans and loan guarantees under Federal credit programs.

S. 312

At the request of Mr. LEVIN, the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 312, a bill for the relief of Maria and Timofei Chmykhalov, and for Lilia, Peter, Liubov, Lidia, and Augustina Vashchenko.

S. 398

At the request of Mr. ARMSTRONG, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 398, a bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes.

S. 1030

At the request of Mr. MCCLURE, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 1030, a bill to protect firearms owners constitutional rights, civil liberties, and rights to privacy.

S. 1573

At the request of Mr. PACKWOOD, his name was added as a cosponsor of S. 1573, a bill to amend the Water Resources Development Act of 1976 with respect to Lake Oswego, and for other purposes.

S. 1782

At the request of Mr. WEICKER, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1782, a bill to amend section 305 of the Federal Property and Administrative Services Act of 1949 pertaining to contract progress payments made by agencies of the Federal Government, providing for the elimination of retainage in certain instances, and for other purposes.

S. 1819

At the request of Mr. WALLOP, the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1819, a bill to amend the Internal Revenue Code of 1954 with respect to the taxation of crude oil purchasing cooperatives.

S. 1861

At the request of Mr. CANNON, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1861, a bill to amend the Internal Revenue Code of 1954 to simplify certain requirements regarding withholding and reporting at the source and to correct inequities regarding carryover of losses.

S. 1947

At the request of Mr. WEICKER, the Senator from Vermont (Mr. STAFFORD), and the Senator from New Mexico (Mr. SCHMITT) were added as cosponsors of S. 1947, a bill to improve Small Business Access to Federal Procurement Information.

S. 1968

At the request of Mr. HATCH, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1968, a bill to clarify the application of the Clayton Act and the Federal Trade Commission Act with respect to certain joint ventures which promote the international competitiveness of U.S. businesses.

S. 1984

At the request of Mr. MCCLURE, the Senator from Mississippi (Mr. COCHRAN), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 1984, a bill to amend the Federal Trade Commission Act to protect the legislative and regulatory authority of the State legislatures, and for other purposes.

S. 2078

At the request of Mr. HART, the Senator from Arkansas (Mr. PRYOR), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Maine (Mr. MITCHELL), the Senator from Connecticut (Mr. WEICKER), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Mississippi (Mr. COCHRAN), were added as cosponsors of S. 2078, a bill to prohibit the use of funds for the production of lethal binary chemical munitions.

S. 2086

At the request of Mr. METZENBAUM, the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 2086, a bill to amend title II of the Social Security Act to provide for certain procedures to accompany reviews of continuing eligibility for disability insurance benefits.

S. 2094

At the request of Mr. Danforth, the Senator from New York (Mr. D'Amato), the Senator from West Virginia (Mr. Randolph), and the Senator from New Mexico (Mr. Schmitt) were added as cosponsors of S. 2094, a bill to amend the Trade Act of 1974 to insure reciprocal trade opportunities, and for other purposes.

S. 2107

At the request of Mr. Levin, the Senator from Kentucky (Mr. Ford), and the Senator from Maine (Mr. Mitchell) were added as cosponsors of S. 2107, a bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reason of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, to extend from August 1985 to August 1986 the month before which any such entitlement terminates, and to require the Secretary of Health and Human Services to notify all individuals who are entitled to childs benefits under title II of the Social Security Act for the month in which this act is enacted of the changes made in the eligibility for, and the amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this act.

S. 2128

At the request of Mr. Moynihan, the Senator from New Mexico (Mr. Domenici), and the Senator from Ohio (Mr. Metzenbaum) were added as cosponsors of S. 2128, a bill to limit the availability and use of handgun bullets that are capable of penetrating certain body armor.

S. 2150

At the request of Mr. Levin, the Senator from Nebraska (Mr. Zorinsky) was added as a cosponsor of S. 2150, a bill to amend the Social Security Act to provide that the amount of any unnegotiated social security check shall be returned to the trust fund from which the check was issued.

SENATE JOINT RESOLUTION 148

At the request of Mr. Helms, the Senator from Maine (Mr. Cohen), the Senator from New Mexico (Mr. Schmitt), and the Senator from Arkansas (Mr. Bumpers) were added as cosponsors of Senate Joint Resolution 148, a joint resolution to proclaim March 18, 1982 as "National Agriculture Day."

SENATE JOINT RESOLUTION 149

At the request of Mr. Metzenbaum, the Senator from Michigan (Mr. Riegle), the Senator from Nevada (Mr. Laxalt), and the Senator from Georgia (Mr. Mattingly) were added as cosponsors of Senate Joint Resolution 149, a joint resolution to designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week."

SENATE RESOLUTION 334—RESOLUTION RELATING TO THE RAILROAD RETIREMENT BOARD

Mr. METZENBAUM (for himself, Mr. Kennedy, Mr. Melcher, Mr. Pell, Mr. Burdick, Mr. Heinz, Mr. Eagleton, Mr. Pryor, Mr. Sasser, Mr. Riegle, Mr. Weicker, and Mr. Baucus) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. Res. 334

Whereas the budget proposed by the President for fiscal year 1983 contains a proposal to abolish the railroad retirement board;

Whereas the budget proposed by the President for fiscal year 1983 contains a proposal to shift tier one benefit payments to railroad retirees to the Social Security Administration, and to convert tier two benefit payments to railroad retirees to a privately negotiated system;

Whereas the budget proposed by the President for fiscal year 1983 contains a proposal for reducing dual benefit payments to railroad retirees; and

Whereas the budget proposed by the President for fiscal year 1983 contains a proposal to disband the railroad retirement field service system: Now, therefore, be it

Resolved, That it is the sense of the Senate that changes to the Railroad Retirement Act of 1974 proposed in the budget of the President for fiscal year 1983 described in the preamble should not be implemented.

OPPOSITION TO ABOLISHING THE RAILROAD RETIREMENT BOARD

● Mr. METZENBAUM. Mr. President, I am submitting today along with Senators Kennedy, Melcher, Pell, Burdick, Heinz, Eagleton, Sasser, Riegle, Pryor, Weicker, and Baucus, a resolution expressing opposition to the administration's proposal to abolish the Railroad Retirement Board, shift tier I benefit payments to the Social Security Administration, convert tier 2 benefit payments to a privately negotiated system, and reduce the dual benefit payment.

The administration's proposal, allegedly aimed at defederalizing the railroad retirement system, has sent a shockwave across the country. It has created anxiety for the million current retirees and has greatly distressed railroad workers from coast to coast.

Railroad workers and retirees have good reason for concern. The administration's plan, Mr. President, is ill conceived, unfair, and totally unwarranted.

The railroad retirement system's situation has been carefully built through the longtime interaction of three parties: Government, railroad management, and railroad labor. The administration's proposal would unravel the consensus that is at the very heart of the system. And what do we gain?

Will the recipients of tier I benefits gain by having the Social Security Administration make their payments?

No, the Social Security Administration is already overworked and it would only further burden SSA by adding another million recipients.

Will the Federal Government save money by abolishing the RR Board?

No. The administrative costs of the Board are paid entirely by the rail industry and its work force, with the Federal budget serving as a pass-through vehicle.

Will the conversion of the tier 2 benefit payments to a privately negotiated system serve the industry?

No. Shifting tier 2 benefits to private pensions would severely strain its actuarial soundness by atomizing a single plan among 20 unions and 50-60 railroads.

Will disbanding the field service system help recipients receive quicker dispositions of inquiries?

No. It will result in the beneficiaries, many of whom are widows and children, having less available to them in the way of information and assistance.

And finally, Mr. President, whose interests are served by reducing dual benefit payments?

Certainly not the recipients who have watched their checks go up and down depending on the whim of the administration. It is not fair that these individuals, who were guaranteed a rightful benefit, should face a cut in benefits.

Mr. President, I am a strong supporter of a balanced budget reducing waste, and eliminating unnecessary Federal regulation. However, the adminstration's proposal does not fit any of these criteria.

Last year, the Congress acted to tighten the financial soundness of the railroad retirement system. I believe we did a good job in accomplishing just that. Now, after enacting those changes, we are faced with a radical proposal to basically eliminate the system. I believe it is ill timed and without merit. I urge my colleagues to join with me to send a clear signal to the 1 million recipients that their plight will not be forgotten and that they have a voice in Congress.●

DEATH OF HON. CLIFFORD P. CASE, FORMERLY A SENATOR FROM THE STATE OF NEW JERSEY

Mr. WILLIAMS (for himself, Mr. BRADLEY, Mr. BAKER, Mr. CHAFEE, Mr. CHILES, Mr. CRANSTON, Mr. DODD, Mr. FORD, Mr. GARN, Mr. GOLDWATER, Mr. HATCH, Mr. HATFIELD, Mr. HAYAKAWA, Mr. INOUYE, Mr. KENNEDY, Mr. LUGAR, Mr. MATHIAS, Mr. MATSUNAGA, Mr. McCLURE, Mr. MELCHER, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, and Mr. ZORINSKY) submitted the following resolution; which was considered and agreed to:

S. RES. 335

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Clifford P. Case, who served in the United States Senate from the State of New Jersey from 1955 until 1979.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to attend the funeral of the deceased Senator.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

NOTICES OF HEARINGS

COMMITTEE OF THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a hearing on "The State of American Agriculture," on Monday, March 8, at 9:30 a.m. in 6202 Dirksen Senate Office Building. The Honorable John R. Block, Secretary of Agriculture; The Honorable Henry Bellmon; Mr. Robert P. White, chairman, Van Dale, Inc.; and Mr. Carl T. Frederickson, Senior Deputy Governor, Farm Credit Administration, are scheduled to testify.

For further information contact Nancy Moore of the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing on "User Fees," on Wednesday, March 10, at 10 a.m. in 6202 Dirksen Senate Office Building. The Honorable Alice Rivlin, Director, Congressional Budget Office; Dr. Lester Lave, the Brookings Institution; and Charles Swinburn, Deputy Assistant Secretary for Policy and International Affairs, U.S. Department of Transportation will testify.

For further information contact Nancy Moore of the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing on "The State of American Housing," on Thursday, March 11, at 2 p.m., in 6202 Dirksen Senate Office Building. Mr. Jay Janis, president, California Federal Savings & Loan Association; the Honorable Samuel Pierce, Secretary of Housing and Urban Development; Dr. Jack Carlson, executive vice president and chief economist, National Association of Realtors; and Dr. Mark J. Riedy, executive vice president, Mortgage Bankers Association of America, are scheduled to testify.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing on "Federalism and State-Local Problems," on Friday, March 12, at 10 a.m., in 6202 Dirksen Senate Office Building. Scheduled to appear in the first panel are the Honorable Richard A. Snelling, Governor, State of Vermont; the Honorable Scott M. Matheson, Governor, State of Utah; and the Honorable S. Curtis Kiser, minority leader, house of representatives, State of Florida. Scheduled to appear in the second panel are the Honorable Joseph P. Riley, Jr., of South Carolina; the Honorable Tom Moody, mayor, Columbus, Ohio; and the Honorable Alfred Delbello, county executive, Westchester County, N.Y.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the hearing to consider the nomination of James C. Sanders for Administrator of the Small Business Administration scheduled for March 9, 1982, at 9:30 a.m., in room 424 of the Russell Senate Office Building has been changed to 10 a.m. instead of 9:30 a.m.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Energy Research and Development on the Department of Energy research and development programs. These oversight hearings have been scheduled as follows: Monday, March 15 at 2 p.m. (fossil energy; conservation and renewable energy); Wednesday, March 17 at 2 p.m. (nuclear energy (other than breeder reactor programs)); and Friday, March 19 at 9:30 a.m. (energy research, inertial confinement fusion, nuclear materials security and safeguards, environmental protection). All hearings will be held in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy Research and Development, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding these hearings you may wish to contact Mr. Paul Gilman of the subcommittee staff at 224-7077.

ADDITIONAL STATEMENTS

A MONETARY STANDARD—A BASIC PART OF "REAGANOMICS"

● Mr. HELMS. Mr. President, the ongoing debate on the budget—spending cuts and possible tax increases—has centered on the deficit. The question has been put, "Should we cut spending or raise taxes—or both?"

Some economists point out that the deficit must be viewed as a result of a recession and the result of inflation. Today's debate, in sum, centers around which fiscal solution should be used, when actually this is a problem needing a monetary solution.

Mr. President, Alan Reynolds cut through a lot of political and economic fog in a recent article entitled, "The Matter with Reaganomics," which appeared in the March issue of the "American Spectator."

I recommend Mr. Reynolds' analysis to anyone seriously concerned about first, ending the recession; second, lowering interest rates; third, stopping inflation; fourth, lowering unemployment rates; and, fifth, balancing the Federal budget.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the American Spectator, March 1982]

THE MATTER WITH REAGANOMICS

(By Alan Reynolds)

Those who would blame our economic problems on last year's policy changes face a difficult task. They must somehow argue that the prospect of future tax cuts caused a recession, or that people would have gladly financed more long-term loans at lower interest rates had they been assured the Fed would keep printing lots of money.

Since nobody really believes that tax cuts cause recession or that loose money is good for bond and mortgage markets, there has been no criticism of the Reagan fiscal program that can be taken seriously, nor any serious alternatives offered on the tax and budgetary side.

The problem is not in anything the Reagan Administration did, but in something it did not do. Markets were initially euphoric because they also expected a new policy to end inflation. What they got was not a bit different from Jimmy Carter's policy: Inflation is something you constantly "fight" by narrowing the budget deficit. Nobody ever expects to win this fight, of course; nor should he with such meaningless tools and objectives.

A supply-sider, we are repeatedly told, is anybody who thinks "deficits don't matter." Since nobody in his right mind thinks deficits don't matter, this implies that supply-siders are mentally deficient.

I am quite concerned about the government's budget strains, but I am also concerned about the similar financial problems of American households and enterprises. We might be able temporarily to improve the government's cash flow at the expense of the private sector, but it is hard to see how this would help; The government could then borrow less; the rest of us would have to borrow more—even to pay our taxes. We tried to tax our way out of a monetary crisis after we forced England off the gold standard in 1931. We tried a tax surcharge to fix our next defiance of the gold standard in 1968. It doesn't work. Poland is now proposing more taxes to solve its own monetary collapse. That won't work, either.

Many seemingly separate problems—from the U.S. budget deficit to the Polish debt crisis—are actually symptoms of a single problem: Long-term credit is too scarce and too expensive. The government is groaning under a $100 billion annual interest expense for the same reason that corporations are dangerously dependent on short-term loans and young households are stuck with onerous three-year mortgages. As Maury Harris of Paine Webber put it, "high federal deficits primarily reflect the impact of Fed-related high interest rates both on depressing economic activity and tax collections and raising government interest costs." Federal deficits are a consequence of the global monetary crisis, not the cause. If interest rates were anything close to normal, the budget would be in surplus. Wall Street bond traders know that, though a few notoriously partisan economists claim ignorance.

According to Henry Kaufman of Salomon Brothers, there is supposedly a "clash" between tax-rate cuts to expand real GNP and a monetary policy to slow the growth of nominal GNP or inflation. This assumes either that inflation is good for growth, or that an increase in the money supply could lower long-term interest rates. If true, bond yields would have been much lower in the seventies, when money was abundant, than in the sixties. Interest rates, on this theory, should also be lower in Argentina than in Switzerland. The Fed can expand the nominal quantity of money, but cannot thereby increase the real value of the money stock, much less the attractiveness of investing in claims on future dollars (bonds). Plenty of new money does not mean plenty of long-term credit; it usually means the opposite.

The Kaufman-Stockman theory is that the volume of borrowing determines its price. With government and business both borrowing more, interest rates must go up. That sounds plausible, but so does the exact converse: If interest rates go up, there will be fewer dollars borrowed. Neither statement is enlightening. The interest rate at which borrowers and lenders strike a deal does not depend on how much money changes hands. In fact, the volume of credit has been generally weak since 1979.

In its original form, the Reagan policy was to lean primarily on reducing marginal tax rates to improve real growth, and to construct a long-term monetary policy to end inflation. Additional support was to come from slowing the growth of federal spending, and making regulations less capricious and less costly. Dave Stockman, however, soon elevated a balanced budget as the sole objective, neglecting important deregulation (e.g., natural gas) and totally ignoring any long-term monetary reform.

Stockman and the mass media adopted an extreme Keynesian theory, wrongly blamed on Wall Street, that the collapse of bond and mortgage markets was entirely due to the budget deficit. Inflation either had nothing to do with money, or else monetary policy was the helpless victim of federal borrowing. Yet we have had much larger deficits before, relative to the size of the economy, and long-term interest rates were never even half of what they are today. President Carter brought Treasury borrowing down from a $99 billion annual rate at the start of the 1975 recovery to a negligible $8 billion by the second quarter of 1979. Inflation and interests rates did not go down, they went up. The deficit has risen since then, but conventional measures of money have slowed down. Inflation also looks better by some measures, though it is scary when officials seem pleased by an 8.4 percent GNP deflator in the fourth quarter (the 1980 average of 9 percent was the worst since 1975).

There are many possible ways of testing the theory that inflation and/or interest rates rise and fall with larger or smaller budget deficits. I have looked at federal budget and off-budget deficits as a share of GNP, related Treasury borrowing to Federal Reserve purchases of securities, and compared deficits with inflation and interest rates in a dozen countries. In each case, no link was found between deficits and inflation (or interest rates). In each case, adherents to the fiscal theory proposed yet another test. So, I added state and local budgets, or federally guaranteed and sponsored loans, or private borrowing. I also compared each of these series with the volume of savings or total borrowing. I looked into U.S. and foreign history. Still, there is no visible link between government borrowing and interests rates or inflation. When Bill Niskanen of the CEA recently confirmed this sort of evidence, he was widely chastised for daring to introduce facts into a theological debate.

Everyone assumed that supply-siders abhor all of Mr. Stockman's proposed excise tax hikes, but I was rather indifferent about it. When taxes have long been stated as a specific number of pennies, like the gasoline tax, it makes some sense to bring taxes up to compensate for past inflation. Poincaré did that in France in 1926, but he also cut income tax rates in half and restored the gold standard.

The real objection to the panicky push to pass new taxes is that it gives credence to the idea that another $15 billion in federal revenue will have an effect on inflation or interest rates. That is the silliest idea since the OMB's "September initiative" which was supposed to make bonds more valuable by trimming $4 billion off federal spending. A waste of scarce time.

The central economic trauma is quite obvious. People, and the institutions that manage their assets, are unwilling to lend money for long periods of time without a very high yield. The high yield is to compensate for the risk that today's dollar may be worth a dime when 20-year bonds and mortgages are paid off.

It is not simply that long-term interest rates are still too high, though they certainly are, but that borrowers cannot know whether they are going to end up high or low after adjusting for unknown future inflation. No indexing scheme quite gets around this problem. How can a household, with a variable-rate or balloon mortgage, plan its finances when future mortgage payments may be unbearable? That sort of fear provokes retrenchment, and the problem is pervasive. For one thing, the shortage, uncertainty, and expense of new mortgages has vastly reduced the mobility of labor, which is crucial to dynamic efficiency.

The economy's precarious dependence on short-term credit mirrors the growing unwillingness of people, and the institutions entrusted with their savings, to commit funds for long periods of time—to finance bonds, stocks, or mortgages. It is not possible to exaggerate how dangerous this situation is. It is not a new problem, but has accelerated markedly since the 1968-73 moves away from gold. This is not a coincidence.

In 1965, corporations could finance new investments by selling long-term bonds at 4.5 percent. Mortgage interest rates were below 6 percent. That was not unusual. In the entire history of our country, long-term interest rates almost never exceeded 5 or 6 percent. The only exceptions were during the two previous experiments with irredeemable paper money—Continental currency in the Revolutionary War, greenbacks in the Civil War.

Our third experiment with fiat money began, symbolically, with the elimination of silver coins in 1964, the two-tier pricing of gold in 1968, and the final repudiation of our national pledge to convert dollars to gold on August 15, 1971. Since that time, the cost of long-term financing has gone higher and higher, regardless of the savings rate, and regardless of the budget surplus of 1969 or the shrinking deficit from 1976 through 1979. For over a dozen years, we have seen an accelerating loss of confidence that the dollar will hold its purchasing power in the future, and therefore a growing unwillingness to commit funds to the long-term investments needed to keep the economy from deteriorating.

The shortage of long-term credit cannot be solved by enticing people to save a larger share of existing production, because that production is too low and added savings are just flowing into short-term money markets. Taxing consumption is not fundamentally different from taxing incomes or saving (future consumption), and would not help. And contrary to economist John Rutledge, large losses on real estate do not necessarily make the losers anxious to buy bonds. What is needed is to make bonds a safe investment again.

Bonds and mortgages are a promise to pay dollars in the distant future. The interest rate on such claims to future dollars clearly depends most of all on the expected future purchasing power of the dollar. The value of future dollars, in turn, is mainly dependent on future monetary policy. What the Federal Reserve is doing right now, or what the latest price index says about current inflation—these things are at best indirect clues to the future. No short-term change in the amount of money could have prevented the bond market collapse that led to recession. Trouble in long-term markets requires a long-term solution.

This is not to let the Fed off the hook. Pledging to let interest rates approach infinity in order to slow M1B is enough to scare anyone into borrowing before that happens. As rates went up, people naturally kept more money in high-yield money market funds, overnight RPs, and Eurodollars. It spends like money but keeps M1B down, and each dollar of M1B then finances more spending than usual (that is, velocity speeds up). From the third quarter of 1980 to the same quarter of 1981, annual trends in nominal GNP rose from 8 percent to 12 percent—spending or "demand" accelerated as M1B slowed down.

The Fed understands how arbitrary the measures of money are becoming, but not what to do about it. Anthony Solomon, president of the New York Fed, observes that "we may already be nearing the point where the Federal Reserve can influence the growth of these broad measures [of money] only indirectly by first influencing the behavior of the economy itself."

To slow some arbitrary measures of money, the Fed feels obliged to toss an occasional credit crunch to flatten the real economy. Chairman Volcker is also a firm believer in "slack" (a euphemism for unemployment) as a way to fight inflation. Annual recessions, unknown since 1918-1920, are the Fed's new technique for lowering credit demands by bankrupting borrowers. Yet recessions do not provide any lasting relief from inflation. Indeed, inflation worsened during the last two recessions, and has almost never improved significantly for even a single year after recession.

Fed governors would also have us believe that deficits and money growth are interchangeable substitutes. That is, we could fight inflation with budget deficits and slow money growth, or we could fight inflation by balancing the budget and printing lots more money. This is what Mr. Solomon means when he says "we shouldn't overload monetary policy with the full burden of countering inflation." Cut the deficit, the Fed promises, and we'll pump up the money supply. They did that for President Carter, after all, and we saw what happened.

The hard truth is that the nation still has no plan to get inflation to near-zero and keep it there. We have no predictable monetary policy at all, no way of knowing what monetary authorities intend to do in the years ahead or how or why. The Fed manipulates overnight interest rates to influence the nonborrowed part of bank reserves in order to approach shifting targets for a variety of measures of money in the hope of having some unspecified impact on total spending and thereby perhaps either affecting inflation, engaging in countercyclical fine-tuning, or manipulating interest and exchange rates. In short, the Fed uses inadequate tools to hit irrelevant targets in order to meet unknown or unachievable objectives.

We can prudently ignore short-term interest rates, like the bank prime rate. If the long-term doubts about the dollar were solved, short rates would take care of themselves. Businesses, households, and governments could then reduce their precarious dependence on short-term credit, making short-term interest rates lower and more stable. Indeed, the long-term interest rate reflects the expected trend of short-term rates, so it is now telling us that any easing of short-term rates will be very brief. In late January, the prime rate was four percentage points lower than a year before, but long-term interest rates were two percentage points higher. That is not an improvement.

Long-term interest rates clearly reflect expected inflation. And inflation clearly depends on how much money there is and how rapidly it is spent (velocity) relative to the growth of production. More production can help a bit, but no supply-sider ever said that tax cuts are the cure for inflation.

To sum it up, the collapse of bond markets reflects expected inflation and inflation depends on monetary policy.

The difficulty with continuing to pursue fiscal solutions to the world monetary crisis is not that the initiatives are bad, but that they are irrelevant. Constant fiddling with changes in spending and taxes, where additional changes are now necessarily quite small, simply diverts attention from genuine solutions to genuine difficulties.

Give Stockman a vacation, or lend him to Poland. Convene economists from the Treasury, the Council of Economic Advisers, and the Federal Reserve and ask them to nail down a monetary policy that will instill long-term confidence in money. Ignore the White House political advisers, who are inherently afraid of meaningful change. Hold an international monetary conference, like Bretton Woods but better.

The Administration has at least begun to talk about monetary policy, but the talk adds to the confusion. Sprinkel thinks the Fed did well "on average," Regan and Gergen once wanted a bit more M1, but the President thought one weekly number was too big. Whatever this is, it is not a policy. We don't even know what the Fed is going to do from one week to the next, or what it is trying to do and how it intends to do it. There must be a credible long-term plan to maintain the purchasing power of the dollar over decades. That has always been an implicit promise of Reaganomics, and has always been a central plank of classical supply-side economics.

My monetarist friends claim to have a few more technical adjustments, or a secret plan, that will do the job. Yet they have been saying that for a decade since Nixon, on their advice, ended the last institutional guarantees of the quality of money. Those os us with three-year 15-percent mortgages are growing impatient. Let us take a look at any concrete monetary reform. If the plan shows promise, long-term interest rates will drop like a stone. If those rates do not drop, monetary policy remains a failure, and a new approach must be tried.

The nation and the world are adrift without a monetary anchor, without a durable unit of account. There has been a fundamental loss of confidence in managed money, and there is not likely to be a managerial solution. The only thing that has ever worked is guaranteeing to convert dollars into gold at a known price, adjusting policy levers to make that promise stick. I am often told that "gold is not the answer," but those who seem most certain about that have not yet asked the right questions.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. Any portion which is classified information has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, room 4229 Dirksen Building.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 1, 1982.

In reply refer to I-01398/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-45 and under separate cover classified listings of current War Reserve Stocks for Allies (WRSA). This Transmittal concerns the Department of the Defense's proposed Letter of Offer to Korea for defense articles and services estimated to cost $2 billion. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL NO. 82-45

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Korea.

(ii) Total estimated value:

[In 1981 dollars]

Major defense equipment[1]	$1,292,099,900
Other	707,900,100
Total	2,000,000,000

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Munitions, spare and repair parts, support equipment, and general supplies from DOD stocks designated as War Reserve Stocks for Allies (WRSA), including supply operations.

(iv) Military department: Defense Security Assistance Agency (ZZZ).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Case not included in Section 28 report.

(viii) Date report delivered to Congress: March 1, 1982.

POLICY JUSTIFICATION

KOREA—SALE OF DEFENSE ARTICLES AND DEFENSE SERVICES

This sale will provide for the transfer to the Republic of Korea (ROK) Government of munitions, spare and repair parts, support equipment, and general supplies from DOD stocks designated as War Reserve Stocks for Allies (WRSA), including supply operations. Delivery and passage of title will occur following a declaration of Defense Condition II in Korea, receipt of an official ROK Government request, and a joint determination by the President of the United States and the President of the Republic of Korea that hostilities are occurring or are imminent.

In the event of renewed large-scale hostilities in Korea, there will be an urgent requirement to transfer large amounts of U.S. Government-owned materiel designated as WRSA to ROK forces on an emergency basis. Most of this materiel will come from stockpiles located in Korea, but some items will have to be provided from the continental U.S. (CONUS) and other offshore locations.

The dollar value of items to be transferred under this sale is expected to amount to approximately $2 billion in 1981 dollars.

This sale will ensure the timely supply of WRSA items required for the defense of Korea in the event of a military emergency. It will contribute to the foreign policy objectives of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for modernization and progress in eastern Asia.

The sale will enhance deterrence and contribute to the preservation of peace and stability on the Korean peninsula.

The sale will involve such WRSA items as may be determined by the U.S. Government to be available for transfer from DOD's inventory.

Because of the scope of this transaction and the requirement for unusually detailed and precise definition of specific U.S. Government and ROK Government responsibilities and the terms and conditions under which transfers would be accomplished, this transaction will be carried out pursuant to a Memorandum of Agreement (MOA) in lieu of a Letter of Offer and Acceptance. Following satisfactory completion of the Congressional notification period, the Department of Defense will negotiate and sign the MOA.

Implementation of this sale will not require the augmentation of existing U.S. logistic management capabilities in Korea.

There will be no impact upon U.S. defense readiness as the result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 2, 1982.
In reply refer to I-00255/82ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-43 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $350 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL No. 82-43

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$146
Other	204
Total	350

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Ten RF-5F tactical reconnaissance aircraft and five F-5E/F aircraft, special and multi-purpose cameras, specialized support equipment, and three years of spare parts support.

(iv) Military department: Air Force (SLA).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid:

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: March 2, 1982.

POLICY JUSTIFICATION

SAUDI ARABIA—F-5 AIRCRAFT

The Government of Saudi Arabia has requested the purchase of ten RF-5E tactical reconnaissance aircraft and five F-5E/F aircraft, special and multi-purpose cameras, specialized support equipment, and three years of spare parts support at an estimated cost of $350 million.

This sale is consistent with the U.S. policy of assisting other nations to provide for their own security and self-defense by allowing the transfer of reasonable amounts of defense articles and services. Saudi Arabia's strategic location on the Arabian Peninsula and its role as a major oil producer require a modern defense force capable for ensuring the nation's security. The sale will demonstrate the continuing willingness of the United States to support the Saudi Arabian effort to improve the security of the country while acting as a force for moderation in the region.

This sale will provide the Royal Saudi Air Force with an upgraded tactical aerial reconnaissance capability and satisfy attrition requirements of its F-5 fleet.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Northrop Corporation of Hawthorne, California.

Implementation of this sale may require the assignment of a small number of U.S. Government or contractor personnel to Saudi Arabia at the time of the delivery of the aircraft.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 3, 1982.
In reply refer to I-13053/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-39, concerning the Department of the Air Force's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $67 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL No. 82-39

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$0
Other	67
Total	67

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: This amendment will increase the capitalization value of the existing stock level equity (FMSO I) portion of the Cooperative Logistics Supply Support Arrangement (CLSSA) case for spare parts in support of major items of defense equipment of U.S. origin already delivered to and being operated by the Saudi Arabian armed forces.

(iv) Military department: Air Force (KAA, Amendment #8).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: March 3, 1982.

POLICY JUSTIFICATION

SAUDI ARABIA—COOPERATIVE LOGISTICS SUPPLY SUPPORT ARRANGEMENT

The Government of Saudi Arabia has requested that the value of the existing Cooperative Logistics Supply Support Arrangement (CLSSA) FMSO I stock level equity case for support of major items of defense equipment of U.S. origin already sold to Saudi Arabia be increased from $47 million to $114 million, an increase of $67 million.

This sale is consistent with the U.S. policy of assisting other nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the U.S. to support Saudi Arabia which is an important force for moderation in the region.

This amendment will increase the CLSSA FMSO I equity of Saudi Arabia in the U.S. Air Force logistics system and will provide continued logistical support for major items of defense equipment of U.S. origin previously sold to Saudi Arabia.

This sale will not affect the basic military balance in the region.

There will be no prime contractor for this transaction.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 3, 1982.
In reply refer to I-13319/81ct

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-40, concerning the Department of the Army's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $30 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL No. 82-40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Thailand.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$23
Other	7
Total	30

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: A quantity of 12 UH-1H helicopters with three spare engines, spare parts, and support equipment.

(iv) Military department: Army (VAI).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: March 3, 1982.

POLICY JUSTIFICATION

THAILAND—HELICOPTERS

The Government of Thailand has requested the purchase of 12 UH-1H helicopters with three spare engines, spare parts, and support equipment at an estimated cost of $30 million.

This sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly, moderate nation which is an important force for peace and regional stability in Southeast Asia. Recent events have underscored the need for the Thai armed forces to maintain well-equipped military units to deter potentially hostile forces now operating in the neighboring countries.

The Thai armed forces will use the UH-1H as a multi-purpose aircraft, primarily for troop lift and administrative support. The current Thai fleet of helicopters is aging. New replacement aircraft are imperative for mission accomplishment. The Thai armed forces have an established logistical support system capable of maintaining the UH-1H.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Bell Helicopter Textron of Ft. Worth, Texas.

Implementation of this sale will require the assignment of five additional U.S. Government personnel to Thailand for approximately two weeks to accomplish quality assurance activities.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 3, 1982.
In reply refer to I-00001/82ct.
Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-41, concerning the Department of the Army's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $33 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL No. 82-41

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Thailand.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$25
Other	8
Total	33

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: A quantity of 148 M113A2 armored personnel carriers and 40 M825 ¼ ton trucks with support and ancillary equipment.

(iv) Military department: Army (VAM).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: March 3, 1982.

POLICY JUSTIFICATION

THAILAND—ARMORED PERSONNEL CARRIERS (APCS) AND ONE-QUARTER TON TRUCKS

The Government of Thailand has requested the purchase of 148 M113A2 APCs and 40 M825 ¼ ton trucks with support and ancillary equipment at an estimated cost of $33 million.

This sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly, moderate nation which is an important force for peace and regional stability in Southeast Asia. Recent events have underscored the need for the Thai armed forces to maintain well-equipped military units to deter potentially hostile forces now operating in neighboring countries.

The Royal Thai Army (RTA) is forming a new armored division. This equipment will be used by the mechanized reconnaissance element of this new division. The RTA will be able to operate and maintain this equipment.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractors will be the FMC Corporation of San Jose, California, for the APCs and the AM General Corporation of South Bend, Indiana, for the ¼ ton trucks.

Implementation of this sale will require the assignment of three additional U.S. Government personnel to Thailand for approximately three weeks to accomplish quality assurance activities.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 3, 1982.
In reply refer to I-00104/82ct.
Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-42, concerning the Department of the Army's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $17 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL No. 82-42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Thailand.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$15
Other	2
Total	17

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Twenty-eight M198 155mm towed howitzers.

(iv) Military department: Army (VAL).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: March 3, 1982.

POLICY JUSTIFICATION

THAILAND—M198 TOWED HOWITZERS

The Government of Thailand has requested the purchase of 28 M198 155mm towed howitzers at an estimated cost of $17 million.

This sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly, moderate nation which is an important force for peace and regional stability in Southeast Asia. Recent events have underscored the need for the Thai armed forces to maintain well-equipped military units to deter potentially hostile forces now operating in neighboring countries.

The sale will assist in redressing the imbalance between Thai forces and those of neighboring countries. It will be favorably regarded by friendly countries in the region as an indication of continued U.S. interest in assisting a friendly country to provide for its own security.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Rock Island Arsenal of Rock Island, Illinois.

Implementation of this sale will require the assignment of three additional U.S. Government personnel to Thailand for approximately two weeks to accomplish quality assurance activities.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on March 1, 1982.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room 4229 Dirksen Building.

The notification follows:

DEFENSE SECURITY
ASSISTANCE AGENCY,
Washington, D.C., March 1, 1982.

In reply refer to I-00200/82ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Northeast Asian country tentatively estimated to cost in excess of $50 million.

Sincerely,

JAMES AHMANN,
Acting Director.●

SOVIET ARMS BUILDUP

● Mr. GOLDWATER. Mr. President, on March 2, the Honorable Alton Keel, Assistant Secretary of the Air Force, Research, Development, and Logistics, gave one of the most comprehensive reports on the Soviet buildup of armament and its relationship to our own that I have had the pleasure of reading. Because we hear so many comments coming from Members of the Congress that we have to cut the defense budget, I ask that this article be placed in the RECORD. We have begun hearings on tactical warfare and I only wish that our colleagues in the Congress who are crying the loudest for defense reductions could sit through just one hearing and I think they would understand quickly and completely that even though the defense authorization is very, very high, our ability to produce in numbers of the money we have is very, very low.

I trust that this article of Dr. Keel's will be read by Members of the Congress to obtain a better understanding of just what problems face us.

The article follows:

OPENING STATEMENT: FISCAL YEAR 1983 AIR FORCE RESEARCH AND DEVELOPMENT, ACQUISITION AND LOGISTICS PROGRAMS

(By Hon. Alton G. Keel)

Mr. Chairman and Members of the Committee: I welcome this opportunity to meet with you today to report on Air Force Research and Development, Acquisition and Logistics Programs and the Fiscal Year 1983 budget request for these programs. It is only appropriate that we start with a discussion of the threat we face as a nation from the Soviet Union and the Warsaw Pact countries. This threat determines the priorities as well as the substance of our Fiscal Year 1983 and Five-Year Defense Programs. Our decisions today will determine whether we develop and field those weapon systems needed to meet the Soviet challenge in the late 1980s and beyond. The need to meet this challenge comes at a time when domestic pressures are mounting for us to review, and perhaps, to revise our national priorities of defense versus nondefense spending. It is imperative in this environment that we review the threat and, hence, the need for our defense request.

In addition, I would also like to discuss our commitment to get the most out of the defense dollar. We are firmly committed to increasing efficiency and to reducing waste in our weapon system acquisition process. Furthermore, we are dedicated to improving supportability and maintainability of the systems we do procure. In short, we want to field cost-effective weapon systems which are fully supportable in the operational environment. We cannot afford to do less . . . and we will not settle for less.

Now, let me begin by addressing the Soviet Challenge we face, as I view it. It is important as we examine and debate U.S. defense spending that we keep in perspective the magnitude of the Soviet buildup and the steadfast commitment on the part of the Soviets to sustain defense investment. It is thus of benefit to review and update the trend in Soviet military investment and to examine the consequences.

First, to appreciate fully the extent of the Soviet and Warsaw Pact commitment to national defense, it is interesting to make the following comparisons of resources between the Warsaw Pact and the Atlantic Alliance and Japan. The Alliance and Japan has a roughly two-to-one advantage in population or people resources over the Warsaw Pact. The Alliance with Japan has over a three-to-one advantage in gross national product, or gross domestic product over the Pact. Yet with this advantage in population and in national wealth, the size of the Alliance defense effort—priced in dollars—is only 10% more than that of the Pact.

This comparison does not tell us whether our defense effort is too large, too small, or just right. It does illustrate, however, that the size of the Warsaw Pact defense effort is three times greater as a percent of gross national product as that of the Alliance. Thus, it is difficult to sustain an agreement that we cannot afford more for defense if, in fact, we judge it is required.

To understand the significance of this relative comparison of total defense effort we must examine its components. In so doing we determine that in terms of so-called military investment—procurement of weapons, research and development for weapons, and military construction for support of weapon systems—the Warsaw Pact effort is significantly larger than the Alliance. Furthermore, the Warsaw Pact has been out-investing the Alliance in weapon systems since about 1972. In fact, the cumulative asymmetry in investment over the 10-year period from 1971 to 1982 now favors the Warsaw Pact by about $100 billion. But even this comparison of military investment between the Warsaw Pact and the Alliance does not truly reflect the total inherent advantage that the Warsaw Pact accrues from this edge in investment.

There are other considerations which make this advantage greater.

First, the Soviet Union contributes 90 to 95% of the total military investment of the Warsaw Pact, and hence imposes control over use of those resources. The United States effort, on the other hand, constitutes about 60% of the Alliance military investment. With the Soviet Union in control of almost all of the Warsaw Pact military investment, the result is a more efficient and effective use of those resources. There is less duplication and less redundancy in forces and in military capability. Secondly, and perhaps most significantly, there is greater efficiency through procurement of larger numbers of given types of weapon systems.

Thus, the "effectiveness" of the Alliance military investment as compared to that of the Warsaw Pact is clearly less or the advantage to Warsaw Pact in "effective" military investment is even greater.

To put the magnitude of the Soviet defense commitment in true perspective, we must compare directly Soviet military investment to U.S. investment. In making that comparison, we find that the Soviet Union today is out-investing the U.S. in weapon systems almost two-to-one. Over the last decade the dollar costs of Soviet efforts have exceeded those of the U.S. by over $400 billion more in weapon systems than has the U.S.—$230 billion more in procurement of weapon systems, $100 billion more in research and development for future systems, and $70 billion more for military construction to support weapon systems. In fact, the Soviet Union's investment efforts have been larger than those of the U.S. for about the last 15 years.

It is significant to note that a sustained gap between U.S. and Soviet military investment will persist through the period of the President's Fiscal Year 83 Five-Year Defense Plan, even with the projected increases in defense spending. The Soviet Union has been, is now, and will be investing more in defense—even with the President's new Five-Year Defense Plan. Yes, the President's plan is a bold start which will begin to reverse adverse trends in the military balances. But it cannot be done in a few years, and that is not our intent. To meet the challenge, we must sustain a continuous, steadfast commitment to allocating sufficient resources for defense.

The military benefit to the Soviet Union, owing to their advantage in military investment, manifests itself into two principal ways.

First and most obvious, the advantage in military investment has correlated into a substantial Soviet Union advantage in numbers or quantity of weapon systems, especially in conventional forces. Secondly, this steady, sustained Soviet advantage in military investment has also now translated into an unprecedented pace of modernization of Soviet military forces. The consequence of which, of course, is higher quality weapons. We can see both these trends if we examine Soviet fighter production, as a typical example.

In total tactical fighter production the Soviets are outproducing the U.S. by better than 2½ to one. Over the decade of the 70's the Soviets produced more than twice the number of fighter aircraft as the U.S. The production rate of the Soviet Flogger alone exceeds all U.S. fighter aircraft production. With the Soviet rate of aircraft production, we could replace our entire active U.S. Air Force Tactical Fighter Force every seventeen or eighteen months. With the USAF rate of fighter aircraft production planned for Fiscal Year 1983, it would take us over twenty-five years to replace the Soviet tactical fighter force.

In fact, overall, the Soviets are out-producing the U.S. in weapon systems about three-to-one, while the estimated dollar cost of the Soviet effort exceeds ours by two-to-one.

The Soviets accomplish this not by buying simpler less expensive systems but by using the leverage of greater military investment to take advantage of the economies of scale. With the advantage in military investment, the Soviets buy more systems at more economical rates, and thus at lower unit weapon system costs than would otherwise be possible.

With this advantage in aircraft production, the Soviets have attained and maintained a numerical superiority. Moreover by sustaining this rate of production, this advantage has translated into a Soviet pace of fighter aircraft modernization which far surpasses that of the U.S. The consequence has been an increasingly modern Soviet air force.

So as a result of the sustained Soviet military investment, today about two-thirds of their 4500 air-to-air fighters are new generation aircraft—the so-called "third generation" aircraft, such as the MIG-23 and MIG-27 Flogger, the MIG-25 Foxbat, and the SU-24 Fencer. These new generation aircraft are replacing the older second generation aircraft—the MIG-19 and MIG-21 series and so on. More impressive perhaps is the fact that within the next year or so the Soviets will begin introducing their next fourth generation aircraft. So they are programmed to begin introduction of their future generation aircraft before they even complete the current introduction of their new aircraft. The obvious result, of course, is that the Soviets are extensively modernizing their air force with more and more capable aircraft. The average age of their fighter force is about 5½ years—or about one-half the average age of the U.S. fighter force.

The next pertinent question is how capable are the new Soviet aircraft. The simple answer is—quite capable. Comparisons of USAF F-15 and F-16 aircraft with the new generation Soviet aircraft as well as the future generation Soviet aircraft indicate areas where the Soviets have an advantage—average speed, thrust-to-weight ratio, air-to-ground combat radius.

In short, the conclusion is that the new Soviet aircraft are indeed highly capable. The Soviet air force represents a formidable offensive threat and is attaining an increasing ability to project force.

Similar conclusions can be reached with respect to the evolving U.S.-Soviet military capability and with respect to the shifting U.S.-Soviet force balance from analyses of other mission areas. The Soviet's publications document their own stark and sobering conclusion.

On the cover page of the January 15, 1980 edition of the Soviet Red Star publication, the Soviets state "With respect to the military balance, the correlation of forces has shifted." Based on the evidence, it is difficult to argue with this statement. The Soviets also assert that the balance has shifted "Once and for all and irrevocably." This assertion is unacceptable! The challenge we face is to make sure that this will not be the case.

Our success in meeting this challenge will, to a great extent, depend upon our maintaining a continuing commitment to rebuilding our nation's defenses. We are beginning to make progress. Over the past few years, we have had real growth in funding, and our Fiscal Year 1983 request is another strong step forward toward meeting the Soviet challenge. We must not waiver from our commitment. The threat has not diminished, nor should our resolve.

STRATEGY FOR THE 1980'S

Mr. Chairman, as indicated by the above discussion, it is clear that we face an adversary with serious long term goals incompatible with our own, whose defense efforts far surpass legitimate defensive needs. We must therefore undertake a sustained effort to increase the ability of the United States and our allies to protect our common interests and to deter any use of force.

The United States remains committed to a defensive use of military strength. Our objectives is to deter aggression or to respond to it should deterrence fail. It is not to initiate warfare or pre-emptive attacks. This requires that our military forces be prepared to respond after the enemy has taken the initiative and to react so strongly that our counterattacks will inflict unacceptably high cost on the enemy—a requirement that puts a heavy burden on our readiness and intelligence capability.

This places the highest priority upon assuring that we have military forces and the command, control, communication and intelligence (C^3I) that can respond to a variety of potential crises of extended duration.

Let me highlight our Air Force programs designed to meet our defense requirements.

STRATEGIC SYSTEMS

Over 40% of the FY 1983 Air Force RDT&E program is devoted to strategic offensive and defensive forces. This emphasis is dictated by the need to upgrade our strategic capabilities and to redress the imbalance in U.S.-Soviet strategic forces. The fundamental objective of our strategic nuclear forces is to deter nuclear attack. In light of substantial Soviet commitment to strategic force buildup, the ability of our strategic forces to maintain their deterrent value must be ensured by a series of steps for force modernization.

Last October President Reagan announced a comprehensive plan for strategic force modernization. The intent of our program is to strengthen deterrence of nuclear war by denying the Soviets any realistic prospects of gaining an advantage by initiating the use of nuclear weapons. Survivability and endurance are key attributes of this plan.

There are five mutually reinforcing elements of the Reagan program: (1) improvements in strategic command, control, and communications (C^3) systems; (2) modernization of our strategic bomber force; (3) development of new submarine-launched ballistic missiles; (4) a step-by-step plan to improve the capability of our ICBM's and to reduce their vulnerability; and (5) improvements in strategic defense. The Air Force is responsible for carrying out much of the President's strategic program.

Over the past decade we have developed impressive C^3I capabilities for peacetime use. However, we have not made these systems as survivable as we would like, nor have we provided a reliable post-attack C^3I system. Thus the President's program placed the highest priority to improvements in our warning systems, command and communication links, including the capability of a post-attack reconstitution to ensure enduring C^3I. These improvements, which are supported in the Air Force budget, are intended to ensure that we can effectively employ our nuclear forces throughout all stages of a conflict and thus maintain a credible deterrent.

A critical and growing challenge facing us today is improving the capability and survivability of our land-based ICBM forces. The M-X missile under development is the cornerstone of our plan to improve ICBM capability. A key objective of our plan is a survivable and enduring basing mode. Several options are being evaluated and a selection of the preferred mode will be made in July 1983.

The Army has the lead in pursuing ballistic missile defense (BMD) alternatives that represent evolutionary improvements over concepts of the past. The Air Force is working closely with the Army to assure effective coordination of BMD efforts with our MX deceptive basing efforts. It is essential that full cooperation and communications be achieved and all levels of management are dedicated to accomplishing this.

Historically, the unique military characteristics of the manned bomber have provided a vital dimension of flexibility to our strategic and tactical forces. Bombers are the only element of the Triad that can be launched prior to a decision to employ these weapons.

The B-52's have been the mainstay of our manned bomber forces for the past 25 years, but their ability to continue to serve effectively in the penetration mission is diminishing.

The limitations inherent in the B-52 make it imperative that we start fielding a replacement aircraft now. We have begun a timed-phased bomber modernization program designed to produce 100 B-1Bs which will have an initial operational capability (IOC) in 1986 and produce an Advanced Technology Bomber (ATB) with an estimated IOC in the early 1990s.

Acquiring the B-1B while continuing to pursue the ATB is the most prudent approach for revitalizing our bomber forces.

This approach enables us to field the necessary additional forces required during a period when the United States must depend heavily on bombers, while we take the proper steps to stengthen our land-based missiles. It will also provide time for an orderly and logical development pace of the ATB to capitalize on this important technology and avoid the costly major redesigns likely in a too rapidly paced program. In addition, a combined force of B-1Bs, ATBs, and cruise missiles will place maximum stress on Soviet air defenses and provide the United States with significant leverage in our long-term strategic competition with the Soviets.

We are continuing development and procurement of the Air Launched Cruise Missile (ALCM), the only major near-term initiative we have to counter the growing expansion of Soviet strategic capabilities. The ALCM enhances our bomber's capabilities by providing greater weapons accuracy, increased flexibility for bomber routing and targeting, reduced bomber exposure to defense, and defense saturation.

Tanker aircraft are a vital part of our bomber and conventional forces. In the KC-135 program, the major effort is to replace the current engines with CFM56 modern technology engines. Reengining with CFM-56 is the most cost-effective means of alleviating a serious and growing thanker shortfall. In addition, the new engines will offset the high and growing costs of operating and maintaining the present aging engines.

In the area of strategic defensive systems, we have large gaps in radar coverage provided by the North American Defense Warning Network, our strategic air defense interceptors are obsolete, and our anti-satellite and ballistic missile defense programs have lagged behind those of the Soviets. As indicated above, the President's program calls for vigorous research and development on ballistic missile defense. It also takes the first steps toward improving the other components of our strategic defensive forces.

The North American air surveillance network will be upgraded in coordination with Canada. The plan includes some combination of over-the-horizon backscatter (OTH-B) radars, AWACS aircraft, and improved versions of the ground radar systems that exist today. It also calls for replacing the aging five squadrons of F-106 interceptors with new F-15s. Additional AWACS aircraft will augment the ground-based radars in peacetime and will provide surveillance and control for interceptors in wartime. We also plan to continue to demonstrate an anti-satellite system as a counter to the capability already demonstrated by the Soviets.

SPACE-RELATED ACTIVITIES

Finally, Mr. Chairman, I want to conclude this part of the statement with a brief discussion on space and space-related systems. Our space systems have unique capabilities enabling many missions to be accomplished more efficiently than with earthbound systems. The United States is becoming increasingly reliant on these systems for such missions as navigation, communications, and surveillance and this dependence will increase.

We are developing navigation systems such as the NAVSTAR Global Positioning System that will provide extremely accurate position and navigation information, to be used by all services as well as the civil sector. We also have requirements for expanded global communications from space as well as highly jam-resistant and survivable satellite communication for tactical and strategic command elements.

The importance of space systems for the United States is well realized by the Soviets, who have the world's only operational Antisatellite (ASAT) system. To ensure our systems are available when needed, we are examining methods to increase survivability. The United States also recognizes the value of Soviet space systems and is developing an ASAT system to ensure that space does not become a Soviet sanctuary.

In addition, the Department of Defense is committed to the Space Shuttle and has worked closely with NASA to develop methods of exploiting the Shuttle's capabilities. The Air Force is developing the Inertial Upper Stage booster and building a Shuttle launch capability at Vanderberg AFB to support civil and military missions requiring higher orbit inclinations, which cannot be flown from Kennedy Space Center. The Vandenberg launch facilities are planned to support an October 1985 initial operating capability.

CONVENTIONAL FORCE PROGRAMS

Turning our attention now to conventional forces, the major threat facing our general purpose forces continues to be the numerically superior forces of the Soviet Union/Warsaw Pact. Western strategy has relied heavily upon technological superiority to offset this quantitative advantage. Accordingly, we are pursuing carefully selected general purpose programs which enhance the flexibility, deployability, firepower, and relatively quick response to our tactical air force.

The most demanding conventional threat the United States must deter and counter is an attack on Western Europe by the Warsaw Pact. To meet the Soviet challenge, we have constructed a force improvement plan for maintaining our qualitative edge. In the near term, we will develop evolutionary improvements to our existing fighters while continuing balanced procurement of the F-16 and F-15.

To deal with our disadvantage in numbers as well as the dense defenses of the Warsaw Pact, we are emphasizing weapons that achieve much higher effectiveness through accuracy and lethality, while reducing aircraft attrition through standoff or reduced exposure.

Over the last few years Soviet tactical air has changed from primarily a limited range defensive force to a formidable offensive force.

They now have the capability to conduct strikes against targets anywhere in NATO Europe. To meet this challenge, the Air Force must continue to procure and improve F-15 and F-16 fighter aircraft. Our RDT&E emphasis is on increasing the air-to-air capabilities of our fighters. The most important improvement under development is the AMRAAM, employing technology which gives it a high kill probability from standoff ranges.

Soviet air defense systems continue to grow in density, quantity and complexity as the Soviets develop and deploy new tactical and strategic air defense systems. These new systems emphasize mobility and use both radar and electro-optical means for target acquisition and tracking. Growth in their air defense capability has also been marked by increased reliance on command, control, and communications as they strive to maintain a highly reliable, efficient, and integrated system.

Because of this growing threat, we have and will continue to place considerable emphasis on electronic combat. Our objective is to achieve a mix of systems which disrupt, degrade, deceive, or destroy an enemy's air defense network in order to ensure the survivability of our aircraft and aircrews. To accomplish this, we have programmed updates for our operational defense suppression systems, as well as continued development of several new systems to handle the highly sophisticated Soviet threat.

To protect our global interests, the U.S. deploys some forces forward, prepositions limited amounts of material, but maintains the majority of our forces and supplies at home.

These home-based forces, supported by mobility resources, serve as a centrally located strategic reserve which can be projected anywhere in the world.

Airlift is the most visible, responsive, and flexible element of our mobility resources. Its primary role is to project and sustain combat forces until other means of transportation can deliver the required follow-on support. In many situations, airlift is the only means of responding rapidly, because of either the geographic location or the speed with which the threat develops.

Existing airlift is seriously inadequate to meet the mobility requirements of our conventional war strategy. The Air Force RDT&E and procurement strategy will begin correcting the airlift shortfall. We have ongoing programs to improve the readiness, sustainability and capabilities of our current aircraft. Our programs include increasing spare part stocks and crew ratios to permit higher utilization rates of our C-5 and C-141 aircraft. In addition, we plan to increase inventories of C-5 and KC-10 aircraft.

To make full use of our investments in modern weapon systems and munitions we must make similar investments in readiness and sustainability and thus assure that our forces are ready for combat on short notice and capable of sustained military operations over a considerable period. We must have the proper mix of modern equipment and well trained, dedicated people supported by modern repair facilities, sufficient spare parts, and adequate stocks of effective munitions to achieve such readiness and sustainability.

In our FY 83 budget submission, we have continued to place priority emphasis on improving the combat preparedness and staying power of our forces. This is necessary in view of the significant deficiencies in our present ability to sustain effective combat and the very real possibility that we may be required to use military force to defend our global interests over the next few years.

TECHNOLOGY INITIATIVES

Now, I would like to discuss another aspect of meeting the Soviet challenge—namely, maintaining our technological edge. The nature of our worldwide commitments almost guarantees that our forces will be outnumbered, especially in the crucial early phases of conflict. Today we have that technological edge which can alleviate some of this imbalance. However, while maintaining their dedication to overall numerical superiority, the Soviets are narrowing the technology gap.

We must continue a strong research, development, test and evaluation program which investigates technology that will enable us to counter future threats and correct military deficiencies., The goal of our Technology Base Program is to use advanced technology to develop more effective weapons that are also reliable, maintainable and, above all, affordable.

The FY 1983 Technology Base program is our response to the challenges to our future. It provides a lean, focused foundation for national initiatives in science and technology to exploit promising breakthroughs for operational usage.

As indicated we will emphasize technology application to make our system more reliable, more maintainable and in general more supportable.

In the the area of logistics, for example, the demands of our new and future weapon systems and the diversity and dynamics of logistics force structure underscores the importance of a comprehensive logistics R&D program. Logistics employs over 40 percent of our Air Force work force and accounts for 30 percent of the dollars which directly affect readiness and force sustainability. Research and development is needed to assure the supportability of our emerging weapon systems and to gain knowledge of how logistics force structures must operate in the future.

A logistics long-range planning program is now being used to determine research requirements. We are strengthening the management structure and funding of the laboratories in both the technology base and engineering development. Laboratory development efforts which once focused exclusively upon performance improvements are now giving due consideration to supportability and cost.

Programs have been started to evaluate diagnostic and built-in test techniques to improve weapon system and component maintainability and to reduce the burden of maintenance at the unit level. We are examining battle damage repair concepts to enhance our war fighting capability. In addition, we see such electronic technologies as Very High Speed Integrated Circuits (VHSIC) and solid state active aperture radar modules having the potential of appreciably improving our current capabilities for both performance and support.

The United States strategy for dealing with the Soviet military challenge is critically dependent on the effective exploitation of the broad based U.S. technology. During the past year, the Defense Science Board conducted a Summer Study on the Technology Base and made recommendations aimed at improving the responsiveness of the Technology Base to national security needs. Additionally, other initiatives were begun this past year for improving the Service Laboratories, increase the university involvement and maintain a viable, highly trained scientific workforce. I can assure you the Air Force is working very closely with the Office of the Secretary of Defense and other Services to make sure that we are getting the most out of our Technology Base dollar and people resources.

EFFECTIVE MANAGEMENT

Mr. Chairman, I would like to conclude with a discussion of the complementary aspect of increased defense spending—namely, the need to get the most out of every defense dollar. To get the most out of what we spend, we must not only strive to maximize efficiency and reduce waste but also to invest wisely for the future. In that regard, we must never lose sight of the need for a healthy and productive technology base as indicated above . . . small investments today can save us significant costs tomorrow.

Another challenging responsibility of the Air Force is to prepare and implement policies which provide for effective resource management of current and planned weapon system programs included in the budget. In response to the initiatives of the Congress, we are decentralizing program management responsibility, implementing new management policies, and stressing energy conservation.

In accordance with overall Department of Defense guidance, the Air Force is now operating under a policy of "controlled decentralization". This gives the Air Force flexibility in developing specific policies to meet unique requirements, as well as allowing decisions to be made at the lowest level at which a total view of a given issue exists. Through controlled decentralization, milestone decisions on specific programs have been allocated to the Air Force System Acquisition Review Council, which I chair, and the Air Force major acquisition commands. In response to Congressional direction, we are also currently revising program reporting thresholds for all responsible decision levels.

The key management initiatives being implemented by the Air Force are multiyear procurement, economic order quantities, increased contract competition, incentives to improve reliability and support and policies to eliminate fraud, waste and abuse. The overall effect of these policies is to stabilize and improve our industrial base for defense programs while achieving economies for the Air Force.

We are making a concerted effort to increase the level of competition achieved in our contract awards. Under the aegis of the Defense Acquisition Reforms, actions are being taken to remove impediments to competition, where possible.

Over the last decade, our experience in fielding modern weapon systems has been one of persistent growth in weapon system support costs. In a concerted effort to reduce weapon system costs and control life cycle costs, we have prepared a product performance guide of potential incentives that can be used on appropriate acquisition programs.

With respect to fraud, waste and abuse, the Air Force has initiated several programs directed at recognizing, reporting, and eliminating these problems, especially as they relate to Air Force acquisition programs.

Mr. Chairman, I can assure you that these management initiatives have my personal attention and commitment. In today's environment of economic constraints, it is not enought to emphasize just the need for increased support of defense but also to commit to getting the most out of that support once it is given. There is no room for waste and inefficiency.

In conclusion, I would like to point out that the program represented by the Air Force's FY 83 budget request was constructed with considerable deliberation regarding required military capability, program priorities, and available resources. In order to take advantage of economic savings available on some programs, others had to be eliminated.

These hard decisions which have reduced or eliminated other programs should not be viewed as a reduction in our military requirement for these capabilities. Those decisions were tough, but so are the times. What we finally decided on are the absolute essentials to meet the Soviet challenge. There is no fat. With each succeeding year that we delay our response the challenge that confronts us becomes that much more formidable. There is now no time to delay. The time to act is now. We must continue to sustain full support for restoring our nation's military forces. The President's program is adequate to do so, but it will not do it overnight. It will take time and your dedicated, unequivocal support. We solicit that continued support.●

BUDGET CUTS IN CHILDREN'S PROGRAM

● Mr. METZENBAUM. Mr. President, over the last two decades Congress has enacted a variety of programs to promote the welfare of this Nation's children—programs to attack hunger, disease, and poverty. The administration's fiscal year 1983 budget asks Congress to greatly reduce its commitment to these objectives. This is simply unacceptable.

Children comprise the largest single group of Americans who can, by any standards, be described as "truly needy." One in five children is born poor. But in this budget, the children are the truly forgotten victims of heavyhanded slashes in education, nutrition, health care, and basic social services. Programs such as adoption assistance, child abuse prevention, and juvenile justice programs will be cut, some by as much as 100 percent.

The title I program has, for example, provided to the States for the past 17 years, funds to furnish special education services to disadvantaged children. These programs demonstrably work—and they serve 5.4 million children in 68 percent of our public schools. Title I funding was $3.1 billion in fiscal year 1981. For fiscal year 1983, the administration's proposed title I budget drops to $1.9 billion—a 39-percent cut. This, despite the fact that even this administration's Secretary of Education recently pronounced the program a rousing success.

But title I is by no means the only endangered children's program.

Educational aid for the Nation's 4.1 million handicapped children, is slated in fiscal year 1983 to be lumped into a block grant, and reduced by $196 million—a 19-percent cut.

Head Start, a program the President has promised to protect, will receive level funding, which amounts in fact to a cut, since no adjustment has been made for inflation. In addition, the Head Start program will be badly hurt by reductions in the essential support services provided through the child nutrition program, CETA, and medicaid.

In the area of nutrition, at a time when 3 million children have already lost their school lunches, we have from the administration a budget proposal 20 percent below the fiscal year 1981 level—and again, that does not take inflation into account.

Aid to families with dependent children may not be the most politically popular of Federal programs, but the fact remains that children make up fully two-thirds of all AFDC beneficiaries. AFDC under the proposed fiscal year 1983 budget will be cut by 28 percent.

The food stamp program has also been the object of much criticism. But in weeding out the abuses of the program, we cannot afford to forget the nearly 12 million children who stand to suffer if the administration's large new cuts are adopted.

The list of proposed cuts goes on:

The WIC program for mothers and infants;

Three million children eliminated from immunization programs against polio, rubella, mumps, diphtheria, and tetanus;

The medicaid program, in which children make up 45 percent of the eligible population;

Research on genetic diseases, hemophilia, sudden infant death syndrome;

Lead-based poisoning prevention; and

The runaway youth program.

The children's defense fund estimates that these cuts would reduce our commitment to providing nutrition, health, education, and welfare programs serving children by $8 billion. This on top of the $10 billion cut Congress has already approved for the current year.

States are already having troubles coping with last year's program cuts. Virginia, for example, is proposing to terminate services to blind and disabled children under the age of 18. Six States have eliminated medicaid benefits to children living at home with both parents. A recent study by the Center for the Study of Social Policy concludes that the new cuts, if enacted, would force most States to further reduce services. The study finds that in 33 States children of working-poor families would become ineligible for medicaid assistance. Certainly the President does not intend that children should "Vote with their feet."

I do not believe that the budget process should jeopardize the quality or availability of programs serving the nutrition, health, or welfare of this Nation's children. As a member of the Senate Budget Committee, I will offer to work in each function to preserve this Government's longstanding commitment to the welfare of our children. If necessary, I will also offer amendments on the floor.

I am committed to the principle that the shape of our country tomorrow will depend on the investments we make today in our children—the Nation's most precious resource.

I ask that a table of budget cuts in children's programs and three newspaper articles be printed in the RECORD.

The material follows:

CHILDREN'S PROGRAMS

	Fiscal year 1982			Fiscal year 1983 proposed level	Percent cut from fiscal year 1982–83	Percent cut since fiscal year 1981
	Current policy [1]	Funding level	Proposed level			
Nutrition:						
School lunch	$2,738.5	$2,045.5	$2,045.4	$2,220.9	+8.6	−18.9
School breakfast	413.2	335.0	335.0			
Child care food	391.0	276.9	276.9			
New block grant	804.2	611.9	611.9	448.0	−20.2	−39.3
Child care equipment	15.0	0.0	0.0	0.0	0.0	−100.0
Summer food	132.1	61.1	61.1	0.0	−100.0	−100.0
Nutrition information	16.6	5.0	5.0	0.0	−100.0	−100.0
Supplemental food (WIC) [2]	1,028.5	934.1	934.1	652.5	−30.1	−36.6
Maternal and child health block grant (excludes WIC transfer)	494.6	347.5	347.5	347.5	0.0	−29.7
Education:						
Handicapped education	1,201.5	1,042.1	783.5	845.7	−18.8	−29.6
Compensatory education	3,961.0	2,886.0	2,474.4	1,942.0	−32.7	−51.0
Child care and child welfare:						
Head Start	904.0	911.7	911.7	912.0	0.0	+0.5
Runaway youth	11.0	10.5	10.5	6.6	−37.2	−39.9
Juvenile delinquency prevention	116.4	70.0	70.0	0.0	−100.0	−100.0
Child abuse State grants	7.4	6.7	6.7	4.6	−31.3	−37.8
Foster care	346.0	321.6	321.6			
Adoption assistance	10.0	10.0	10.0			
Child welfare services	177.0	156.3	156.3			
Child welfare training	5.6	3.8	3.8			
New block grant	538.6	491.7	491.7	380.1	−22.7	−29.4

[1] The funding needed during fiscal year 1982 to provide the same services as were funded by the fiscal year 1981 appropriations in effect at the time President Reagan took office.

[2] WIC is to be combined with the existing maternal and child health block grant under the budget proposal.

[From the Washington Post, Feb. 16, 1982]

CHILDREN BIG LOSERS UNDER REAGAN SOCIAL POLICY, GROUP SAYS

(By Herbert H. Denton)

The Reagan administration is demanding "more sacrifice from children than from any other group in American society" with its purposed cuts in welfare, education, nutrition and other programs, the head of the Washington-based Children's Defense Fund charged yesterday.

President Marian Wright Edelman said an analysis of the administration's budget proposals indicates that more than 750,000 pregnant women would become ineligible for a federally supported prenatal nutrition program, 100,000 families would no longer get day-care services, and more than half of the 5.8 million pupils in compensatory education programs would be dropped if the budget cuts are approved.

The CDF estimated that President Reagan's proposed fiscal 1983 budget would cut $8 billion from the $49.1 billion in federal aid for welfare, health, nutrition and education programs that benefit children. These spending reductions would be in addition to $10 billion in fiscal 1982 cuts in these programs, the CFD estimated.

Edelman said Reagan has "preyed on the fears and resentments of those Americans who want to believe that most welfare recipients cheat—they don't—and implied that if we just end fraud and abuse in these programs, we will solve our economic problems. What he has not told the American public is that 70 percent of the welfare 'cheats' he is ridding us of are children."

The 216-page analysis of Reagan's fiscal 1983 budget that the CDF released yesterday provides one of the first comprehensive efforts to go through its fine print and calculate the cost of the cuts to individuals.

At a time when the debate in Washington over the new budget is largely focused on the size of the deficit, the Children's Defense Fund report highlights spending reductions that will have the effect of:

Reducing the number of meals and snacks served in day-care centers. Before the cuts, they served three meals and two snacks daily. Now there are funds for two meals and one snack a day.

Ending the Summer Feeding Program for children by the summer of 1983. About 1 million poor children are expected to get meals in this program in the summer of 1982.

Eliminating food stamp and Medicaid benefits for upwards of a million people because of cuts and new eligibility requirements.

Cutting from $3,600 to $2,000 a year the federal assistance low-income families get for housing.

The working poor have been among those hit hardest by budget cuts already approved, Edelman said, and this is likely to continue if President Reagan's new cuts are approved.

The case of Sharon Haller, a rural Ohio woman with three children who quit her job driving a school bus rather than lose benefits, is one of several examples the Children's Defense Fund report cites. Haller quit her job after determining that under the new Reagan welfare policies she would gain only $1 a month in welfare benefits by continuing to work but lose $9 a month in food stamps and the Medicaid card entitling her and her children to free medical care.

The report also attempted to trace the widely varying methods to which states have resorted to absorb the costs of cuts approved last summer. Six states, Washington, Oregon, Missouri, Kentucky, Iowa and Utah, have eliminated Medicaid benefits for children living at home with both parents.

Virginia is proposing to stop coverage completely for blind and disabled children under 18. South Carolina is proposing limiting the number of hospital days paid by Medicaid to 10; Tennessee is proposing that they be limited to 14 days; Maryland has a 20-day limit.

The report found similar disincentives to work in the changes the administration is making in the food stamp program. A working family that earns $5,000 a year will get from $300 to $400 a year less in stamps than the family that receives $5,000 a year from welfare or unemployment compensation. This is because a working family's benefits will be tied to its gross wages under the changes and no consideration will be given to the fact that a portion of that income is withheld as taxes or consumed by work-related costs.

In combing through the fine print of the budget, CDF found that the administration in cutting various programs had made in one place or another these assumptions: that the poor should pay 35 percent of their income for food, 30 percent for housing and 25 percent for home energy. The fund noted that these costs alone add up to 90 percent of the poor family's income.

The CDF estimates that 150,000 families will no longer be eligible for federally aided day care because of cuts already made and that another 100,000 will be cut from the program next year if Reagan's new budget is approved.

According to the report, states are handling these reductions in widely differing ways. In Washington state, working families with incomes that are 38 percent above the state's median are no longer eligible for day care. Pennsylvania families can earn up to 90 percent of that state's median

In Massachusetts, the state Department of Social Services eliminated slots for one-third of the preschool-age children in day-care programs and replaced them with slots for school-age children. In Albany, N.Y., parents earning $8,000 a year must now pay $800 annually for day care.

Edelman proposed as alternatives to the cuts Reagan is proposing number of reductions in spending and tax breaks, including the oil depreciation allowance, various agricultural subsidies and a wide array of military programs.

She noted that the 1983 budget contains an $800,000 increase in residential expenses for the White House.

"While we want President and Mrs. Reagan to live comfortably, we would prefer to use the proposed annual increase toward replacing 40 percent of the child abuse prevention services which the president proposes to cut," she said.

In a section of the report entitled "Bombs Over Babies," Edelman has these other suggestions:

That the Defense Department cease sending routine, non-priority messages by teletype, which the General Accounting Office has estimated could save $20 million a year. These funds could be used to restore cuts of about $23.9 million in programs for handicapped children, she said.

That the taxpayer subsidy of $12.06 for every meal served in Secretary of Defense Caspar W. Weinberger's private dining room be eliminated and that the secretary and his guests be required to pay the full cost of the food they consume. Each subsidized lunch served in Weinberger's dining room, she said, costs the taxpayers about the same as it does to serve 40 low-income children a morning snack of orange juice and crackers.

That the program of providing personal servants to 300 senior officers at the Pentagon be ended and the money be used to restore funds for 160 homemaking aides in Virginia. Funds for those aides who had served 2,500 aged, blind and disabled persons and families with handicapped children were cut by Reagan last year.

That the Defense Department no longer provide shots and other veterinary services for the pets of military personnel and that the $1.4 million now spent for that program be used to restore funds to immunize 35,000 poor children who were cut from the childhood immunization program last year.

[From the Honolulu (Hawaii) Advertiser, Dec. 7, 1981]

Too Many Children Fall Through Our "Safety Nets"

(By Ronald B. Taylor)

A little girl, abandoned by her parents, is locked away in a state hospital because county officials failed to find a foster home for her.

A teen-ager, once a ward of the juvenile court with a long record of delinquent behavior, is serving a life sentence in prison for murder.

A crippled boy, labeled mentally retarded, is confined in private "community care," where he is caged and treated like a dog when he misbehaves. Later, emotionally unstable and grown to manhood, he is warehoused in an underfunded state hospital ward.

These cases are examples, not exaggerations, of a hidden population of children removed from their natural homes who are in jeopardy. No matter what the cause of dislocation, no matter how reasoned the process, these children are as likely to be harmed as helped. Foster care in the United States is seriously flawed; the juvenile justice system breeds criminal adults; the needs of children who are handicapped or emotionally disturbed are too often neglected.

In theory, this country is committed to helping children in need. We have created the legal structures, appropriated large sums of money and assigned experts to carry out this work. And, having consigned these children to the supervision of juvenile court, it is a case of out of sight, out of mind. Occasionally, reports of scandals and abuses surface, giving us horrifying glimpses of the system at work.

Even before Proposition 13 in California and then President Reagan's attempts to "zero out" programs that directly affect 700,000 homeless children, there was an uneasy awareness that something was basically wrong, that the entire system was failing children in need. But why? The answers can be found in our national attitudes.

We are a nation founded on conservative socio-economic principles that place little value on unproductive individuals. We say that we love children, but we begrudge the expenditure of public funds for economic and social services that could bring some stability to their lives. We accept our president's view that only the "truly needy" should have access to the taxpayers' largess. The unworthy must be screened out, and aid to the qualified must be closely supervised to insure against misuse. In this process, bureaucrats become regulators and "safety nets" become nothing more than over-costly webs spun by public officials to catch chiselers and sinners.

But the system is crazy. We've decided that we cannot afford to provide abandoned, delinquent and handicapped children with a nurturing home environment, backed by the kinds of services that natural or adoptive parents need to stabilize a child's life, yet we spend far more placing them in institutions.

Angered by the high cost of supporting welfare, we encourage the president's attempts to eliminate budgets for programs that provide health care for pregnant women and infants, delinquency prevention, food stamps for working mothers and help for disintegrating families.

Certainly the cost of administering these huge Band-Aid programs can and should be cut. But, rather than using more of the shrinking budgets to police recipients of aid, wouldn't everyone be better served if the bureaucracy were overhauled instead? Can't we see that wholesale budget-cutting is more costly in the long run, that as a result more children will be born handicapped, more will grow up delinquent and unproductive in this competitive society?

We need to recognize that children, especially those who are disabled or neglected or abused, are a natural part of our society. We must learn to keep them with us where they can be nurtured, not shoved out of sight by the rich and powerful fighting for advantage at the public trough.

We who vote and pay taxes must use our leverage on behalf of the children. We must remind the Reagan administration and Congress that they represent the nation's children, too, and are obligated to establish a national children's policy, one that centers on support for the nurturing family, for that is where children have the best chance to thrive.

[From the New York Times, Feb. 23, 1981]

'Bye, School Lunches for the "Truly Needy"

(By Marshall L. Matz)

WASHINGTON.—While seeking to cut $1.575 billion from the $3.918 billion child-nutrition budget in fiscal 1982, the Reagan Administration has listed school lunches for the "truly needy" as one of seven programs that will not be affected by the drive to reduce Federal spending. On the contrary, poor children will be affected, for millions who qualify for a free or reduced-price lunch under the nutrition program stand to be lopped from it.

Granting that the Administration is proceeding in good faith, it appears that its analysis of the lunch program is being limited to only one dimension: direct Federal support to the States for free lunches.

Students qualifying for a reduced-price lunch are not being considered "truly needy," and the Federal subsidy for such lunches would be slashed substantially. Though some six million middle-class students—those whose family of four earns more than $15,630 a year—are likely to drop out of the program because of dramatic increases in lunch prices, the Administration apparently considers this irrelevant to the availability of the program to the poor. However, as participation drops, many schools, unable to finance the programs or unwilling to continue them because they no longer serve all the students, will end them, and they will be lost to the entire community, including the poor. Overall, of the 27 million in the program, conservatively nine million can be expected to drop out or be forced out.

The Agriculture Department's commodity-support program constitutes a major part of the proposed cutback in general assistance. Commodity support, unlike cash assistance, cannot be divided between free and paid meals. The commodities (such as potatoes, peaches, ground beef) are shipped in bulk to the states and then to schools; it is not possible for cooks to use different amounts of such commodities in preparing free meals and paid meals. Thus, the commodity cut will be felt across the board, affecting poor children receiving free lunches along with everyone else.

Not considered in the President's claim that the $1.575 billion cut will not hurt the "truly needy" is the effect on lunches of the administration's proposal to deduct the cost of school meals from a person's food-stamp allotment. This request, labeled a "food-stamp cut," seems to be viewed as irrelevant to the lunch program. Other assistance called "nonessential" includes nutrition education and training, as well as equipment assistance to schools, both of which benefit the poor.

Under current law, the general subsidy for each lunch served in the 1981-82 school year (fiscal 1982) will be 39.5 cents per student per meal in cash and commodities. If the administration's proposals are enacted, the 39.5 cent subsidy will be completely eliminated and the cost of a lunch can be expected to approximately double. It is this cut that represents the bulk of the child-nutrition savings. It is also this modest subsidy to middle-class students that has prevented the lunchroom from becoming economically and, in some cases, racially segregated.

The school-lunch program operates like a business. It receives income from four sources—Federal, state, and local governments, and the students—and if income does not equal expenses, local programs will close. Unlike food stamps or aid to families with dependent children, the lunch program does not involve direct payment to individuals. All income, from whatever sources, goes into the same school-lunch cash register. It is not possible to withdraw $1.575 billion from the child-nutrition budget and reasonably expect that the poor will not be affected.

The Federal effort to eliminate child malnutrition dates back at least to the creation, in 1946, of the national school-lunch program. Since then, the Federal commitment to child nutrition has grown steadily, along with the evidence of its success. When a team of medical doctors returned in the late 1970's to the poor rural counties they had visited 10 years earlier to determine if any progress had been made in combating hunger, they concluded, and reported to Congress: "Our first and overwhelming impression is that there are far fewer grossly malnourished in this country today than there were 10 years ago." Their report attributed the progress directly to Federal nutrition programs.

America's nutrition programs have been amazingly successful, perhaps more than any other social-policy endeavor. The "war on hunger," originally declared by President Richard M. Nixon in 1969, has been an unsung bipartisan success story that has dramatically reduced malnutrition and increased human productivity. It is incumbent on those who advocate cutting back our nutrition programs to show that such changes will not reverse the progress we have made.●

PAT ROBERTSON AND HIS "PERSPECTIVE"

● Mr. HELMS. Mr. President, my good friend Pat Robertson is an American who is loved and respected by millions of his fellow citizens. And, as Senators know, he has a close family link to the U.S. Senate. Pat's distinguished father was the able A. Willis Robertson of Virginia who served in this Senate from 1946 to 1967 and was chairman of the Committee on Banking and Commerce; he previously had served seven terms in the U.S. House of Representatives.

Pat Robertson is known nationwide as host of television program, "The 700 Club," a program seen currently on 150 TV affiliates and 2,900 local cable systems serving more than 15 million people. Pat is also the president and founder of the Christian Broadcasting Network, chancellor and founder of CBN University, president and founder of First Colonial Corp., the Continental Satellite Corp., and the Continental Broadcasting Network. His contribution to Christian television ministry is, in a word, enormous. He is widely regarded as the pioneer in Christian broadcasting.

Mr. President, Pat Robertson is well qualified for the position of influence he now occupies. He holds degrees from Washington and Lee University, the Yale University Law School, and New York Theological Seminary. Most important, he is a dedicated servant of Jesus Christ.

In addition to his broadcasting activities he also publishes a newsletter entitled "Pat Robertson's Perspective." Its circulation is approximately 400,000. It is chock-full of timely information and insightful commentary.

Mr. President, I call particular attention to the February 1982 edition of Pat Robertson's Perspective. We in the United States would do well to heed the warnings from this perceptive son of a Senator. To this end, I ask that the text of Pat Robertson's Perspective for February be printed in the RECORD at the conclusion of my remarks.

The report follows:

PAT ROBERTSON'S PERSPECTIVE, FEBRUARY 1982

The brutal Soviet invasion of Afghanistan took place on Christmas Eve in 1979. Two years later during the season meant to celebrate "peace on earth, good will toward men," the Polish Communist authorities under Russian direction moved to suppress the free labor movement in Poland.

President Carter responded to the Afghan crisis with a grain embargo. President Reagan responded to the Polish crisis with a series of sanctions aimed at both the Polish government and the Russians. The Soviet controlled press responded with angry attacks at the United States.

The big question for 1982—what comes next?

Certain facts are clear. Poland is bankrupt. It has already lost 20 percent of its gross national product. Inflation is rampant. The Polish currency—the zloty—is becoming worthless. Peasants refuse to sell food to the state because the paper money buys nothing. Widespread unrest, slowdowns, or strikes could paralyze the country. Western bankers holding some $27 billion in Polish debt actually welcome martial law as a means of recovering their money. As the situation now stands, government banking officials may force banks to write off a substantial portion of their Polish debt.

If Western banks loan more of their depositor's funds to Poland, they will be supporting the communist regime. If they refuse to lend more, their present loans may be lost and Poland will become totally dependent on the Soviet Union for survival.

This in turn may further drain the Soviet system which already is in a serious condition due to a disastrous harvest in 1981. Russian herds are being killed for lack of grain. Reports indicate food shortages in the Soviet Union plus widespread sale of Soviet gold to pay for grain imports.

Coupled with deteriorating economic conditions in Poland and the Soviet Union are reports of economic crises in Rumania and Yugoslavia, and serious deterioration in Hungary. Along with those crises is further danger of default on multi-billion dollar western loans to communist countries.

Set over against its deteriorating domestic economy is the growingly ominous Soviet military buildup. By mid-summer of this year the Soviets for the first time will have in place a complete first strike counterforce capability. This means that without warning the Soviets would be able to eliminate all or essentially all of the land based intercontinental ballistic missiles of the United States. Then with a vast second strike capacity still ready, the Soviets could threaten every major United States city with annihilation. They would know that our sea based missiles could reach their cities, but would not have the accuracy to eliminate their land based second strike capacity. An American president would then have the option of surrendering after 20 million casualties or provoking a Soviet second strike that would leave 150 million Americans dead.

This war of ultimate annihilation will probably never be fought, but the existence of such a serious "window of vulnerability" from this summer on means that United States resolve can be progressively diminished while the Soviets grow more aggressive.

When an analysis is made of conventional forces, the Soviet Union and its allies must face not only the United States, but the NATO allies to the West, and China to the East. Although the Soviets could make an aggressive move with conventional military forces against Western Europe or China, the price would be very costly and the outcome would be much in doubt.

Turning to the rich gulf oil states would require no such risk. There are 25 divisions in the Transcaucasus region of the Soviet Union. Of these forces the Soviets are using 90,000 men in Afghanistan. The Soviets could send two airborne divisions into Iran in a week's time and could quickly reinforce them with armor from Afghanistan. Militarily the United States and its allies are not now ready to prevent such a strategic thrust.

Ethiopia and South Yemen are Communist states. Despite rebel fighting Afghanistan is controlled by the Soviets. Syria is pro-Russian. Libya tilts toward Moscow. A recent report in Time magazine indicated that Ayatollah Khomeini has invited the Soviet KGB to train and direct Iranian internal security.

Of the remaining key Middle East states, Jordan and Egypt are pro-western with some military capability. Pakistan has a sizeable army, with antiquated air power and armor. Saudi Arabia, Kuwait, the Emirates, and the other small oil producing states have virtually no military strength at all.

Iraq is officially non-aligned and seemed strong militarily until its war with Iran and its weakness when the Israeli air strike destroyed its nuclear reactor.

In short, there is no combination of Arab countries in the Middle East capable of preventing the Soviet Union and its allies from seizing the region.

To prevent a runaway Soviet move against the Middle East oil states, the United States needs massive deployment of men and war material into the region. Yet despite their vulnerability to Soviet aggression, none of the major Arab states are willing to accept major U.S. bases on their territory.

This is why Israel, with the strongest military force in the region, is so vital to United States security. Israel is not only pro-western, but the Israeli people share with us centuries of religion, civilization, culture, and freedom. Israel needs the United States, but with the growing Soviet menace in the Middle East, the United States needs Israel more.

Haifa will become the ideal port of supply for the United States 6th Fleet, and undoubtedly there will be United States air bases in the Negev. For this reason, the dispute over the annexation of the Golan Heights will soon pass and the United States and Israel may enter a period of the closest cooperation they have known.

Sooner or later in the struggle against the Soviet Union someone in government—hopefully it will be the President—must demand that our free enterprise system stop selling money, credit, food, factories, and technology to those who have sworn to destroy us.

Our President has told us that we must cut out social programs and face $100 billion deficits so that government can spend $1.5 trillion over the next five years to defend us against the Soviet Union. According to the Washington Post the total cost may well run an additional $750 billion.

Even while our people are being asked for this incredible sacrifice to defend our land, another arm of government is readying authorization and financial credits to enable International Harvester Corporation to build a $300 million farm combine plant capable of making armored vehicles inside the Soviet Union. And yet another arm of our government is authorizing enormous grain sales to the Soviets so that the Soviet government will be spared the embarrassment and civil disobedience that another miserable grain harvest would cause.

And while all of this takes place the West Germans go forward with plans to construct an enormous gas pipeline from the Soviet Union to Western Europe and the French enter into a long range multi-billion dollar contract to purchase Soviet gas from the pipeline.

And while all of this is taking place Austrian banks are noting that they have loaned 170 percent of the total capital and surplus of the entire Austrian banking system to east bloc countries with repressive regimes, notably Poland, Czechoslovakia, and Hungary.

And at the same time Western banks are looking for ways to restructure some $89 billion in loans to Russia and its satellites, while U.S. manufacturers are looking to the private banking system or the Export Import Bank for more credit to finance more trade with Russia and her allies.

And while merchants and bankers rub their hands at their profits—or perhaps contemplate their losses—the American taxpayer is being asked to pay for a standing army in Europe to "protect Europe from Soviet aggression."

And while this is going on, the Soviets invade Afghanistan, use poison gas in Southeast Asia, repress freedom in Poland, support international terrorism, send troops and supplies to subvert governments in Central America, persecute Christians and Jews, violate Human Rights contrary to the Helsinki Accords, vilify the United States everywhere, and carry on unremitting espionage against us.

Only a nation of fools would shelter those of its own citizens and its allies which strengthen its enemies. How long must this madness continue before we call a halt?

We could stop it very quickly. The comptroller of the currency could immediately declare all loans to Poland and other near bankrupt Soviet satellites in default. No further loans or extensions of credit would be permitted by United States financial institutions to the Soviet Union or its allies.

The President could embargo all sales of any nature from the United States to the Soviet Union and its allies. There would be no new equipment, no technical know-how, and no spare parts.

Then we could inform our European allies that all of our forces in Europe would be withdrawn from defensive positions in Europe. If they continue to build up the Soviet bloc, they can also defend against it as well.

Then when we sit down to bargain with the Soviets, we will tell them unmistakably that all negotiations involve linkage. Arms reduction, trade, and credit would all be linked to Soviet policies on terrorism, repression, human rights violations, subversion. The Soviets respect—in fact feel comfortable with—firm resolve and clear-cut policies. It may be too late to try, but certainly our past policies of appeasement and unilateral disarmament have led us to the brink of disaster.

In summary, the worsening economic condition within the Iron Curtain countries aggravated by United States sanctions and tough talk will undoubtedly cause the Soviet Union to improve its position in the region where the most can be gained at the least cost—the Middle East. Only Israel has the infrastructure and political orientation to be the leading strategic partner of the United States in the region. This will make Israel an obvious and ultimate battleground in the Middle East.

Sometime this fall we should expect a clear and dramatic move by the Soviets to extend their grip on the Middle East.

The onrush of events toward the end of the year may see the world in flames. Remember that these events are clearly foretold by the prophet Ezekiel. They are not intended to frighten Christians, but to encourage them. This series of events will leave Israel intact and Russia destroyed as a major power. It can be a time when God's people begin to shine in a world of darkness and confusion.

The marketplace is filled with theories on the outcome of the economy this year and beyond. Most analysts expect the customary post-recession rebound to begin by spring of 1982. This time something quite different is happening. Here's why.

The economies of nations follow a clearly discernible cycle. There is a beginning, a slow expansion which then accelerates rapidly, a peak, a fall off, a plateau, then a sharp contraction. The reason for this economic life cycle seems to center around the availability of funds, then the lack of funds; the lack of industrial capacity, then the oversupply of capacity; the absence of debt, then the accumulation of too much debt.

At the peak of the cycle debt has grown enormously, borrowers no longer have the capacity to borrow, and lenders lack the capacity to lend. Because of a shortage of funds people stop buying, prices begin to fall, industrial capacity begins to be idled, businesses stop investing and expanding, workers are laid off, less money is spent. The cycle feeds on itself as prices drop, debtors are unable to pay their debts, businesses fail, etc.

After the washout of debt and excess capacity, the process begins again. Money is cheap, goods and labor are cheap, savings begin to rise, banks and businesses begin to rebuild their money positions. Demand for housing, and furniture, and transportation begins to grow, so business begins to invest in order to meet the rising demand.

Then the stage is set for a rising and prosperous boom until about fifty years later when once again a surfeit of borrowing and the lack of credit makes further growth impossible. Then like a tired old man that economic cycle falters and dies and another takes its place.

In 1982 the economy of the world has reached the point where further growth of the nature that we have known since 1945 is virtually impossible. A contraction (depression) is beginning. The key indicator is the level of private and public debt. Since 1979 the debtors have been just about borrowed out and the lenders have been just about loaned out.

Consider this. In 1929 the loan to deposit ratio of lending institutions in the United States reached 80% during the summer and closed the year at 78%. By 1945 at the close of World War II, the loan to deposit ratio had fallen to 19%. This meant that both banks and borrowers were bursting with lending and borrowing power.

Between 1945 and 1970 the gross national product of the United States increased 11 times and commercial bank loans increased an amazing 35 times.

By 1980 the loan to deposit ratio of commercial banks had exceeded the 80% level of 1929. The banks have to keep some reserves, so in 1982 there is little lending power left. If portfolio losses from low interest securities are taken into account; if the billions of dollars in questionable loans to third world and communist countries were written off, and if we take into account the skyrocketing business bankruptcies, there would be little or no lending capacity left in the system.

A key indicator of the extreme illiquidity of the banking system is shown in the demand deposit turnover rate of the New York banks. This so-called "velocity" has increased from about 25 times annually in 1945 to 170 times annually in 1970 to 600 in 1979 to about 1,200 in 1981. There is a practical physical limit in the number of times money can change hands in a single day and that limit has about been reached.

In the late sixties and early seventies the Federal Reserve Board had the ability on its own motion to raise and lower interest rates and to regulate the money supply. By 1982 the pressure of the marketplace is such that interest rates are acting independently of Fed action. During 1981 the Fed made a staggering $2 trillion in transactions in the credit markets, yet often the markets moved in a contrary fashion to what the Fed was hoping to achieve.

As the crunch gets progressively tighter, stocks and bonds are being liquidated. Jewels, gold, silver, and collectibles are being liquidated. Real estate has been dumped on the market with no buyers. More and more discounts will be in evidence as merchants try to clear overstocked goods to pay off loans. Plants will shut down, and workers will be laid off.

What all this means is that the economy does not have the strength for a sustained recovery. At best we will have stagflation—a no-growth situation with high prices—or worse there will be a very bad crash. A recovery without a solution to the debt problem is out of the question.

The traditional way out of debt in industrial societies has been a depression. The anguish of the 1929-1933 period was so intense that the government would never be allowed to permit such pain again. However, even the government does not have the wealth to bail out all of the weak businesses, the farmers, the financial institutions, and personal debtors who are going under financially. Nor can the government do much about the overall multi-trillion dollar debt of our society. Consequently, we will see a painful transition from inflation to deflation this year and beyond. Undoubtedly there will be very high interest rates later this year. Then a sharp drop. The fall of 1982 will see a time of panic or near panic in the financial markets.

We may see urban violence as unemployment hits 9% or more. In the preelection 1980 issues of the Perspective I warned that Ronald Reagan and the Republican party would be blamed for the economic debacle which they were inheriting. Undoubtedly 1982 will be a political disaster for Republican congressional candidates. When the economy worsens—either by depression or hyperinflation in 1983 and 1984—the President will be held responsible. In the April 1980 Perspective I wrote these words which are being fulfilled in 1982:

"King Louis XIV of France said, 'Apres moi, le deluge.'

"The deluge will come between 1980 and 1984. A new president during that time will be blamed for problems that he did not cause. Corrective policies may appear to exacerbate the problems. Appropriate fiscal restraint may bring on temporary problems which will cause the public to blame the cure rather than the sickness."

In practical terms what does all this mean? Absent a war, it means the following.

Many more businesses will go bankrupt during 1982; there will be more people out of work; as many as 900 savings and loans will see their stated capital fall below the 4 percent level needed to continue in business; the commercial paper market may be badly hurt; money market funds not specializing in government securities may not have enough money to cover withdrawals; gold, silver, antiques, art works, and precious gems will continue to fall in price; the price of housing will continue to fall; and the stock and bond markets will be confused and depressed.

The Christian should follow this plan. Be faithful in your financial stewardship. Funds placed in God's kingdom will prosper regardless of the business cycle. Use every means possible to get out of debt. If you have a good home with a low interest mortgage, enjoy it. Unless you live in a boom area like Texas or the Rocky Mountain area, you should refrain from buying a house now. Rent instead until the situation clears.

Do what you can to hold on to your job. As excellent investment can be made in yourself. Either learn more about the job you now do so that you are more valuable where you are, or learn alternate skills that are valuable elsewhere.

Unless you have special information available to you, it would be most prudent to move funds out of stocks, bonds, savings and loans, and uninsured money market funds and either directly into short term government securities or into one of the several money market funds that invest exclusively in government backed securities.

It is possible to buy treasury bills directly from the Federal Reserve Bank near you. It you buy them through a bank or brokerage, they will merely be a bookkeeping entry in the bank or brokerage firm's name. If that institution were to go under, you might have a difficult time recovering your funds.

Absent war or total cataclysm, a time will come when inflation has diminished. At that time those who have preserved their capital will find before them some rather remarkable opportunities for service and profit. Keep in mind the brief duration of today's crazy prices. Silver only a few years ago sold for 90 cents an ounce. Now we are told that silver is a "bargain" at $8.00 per ounce. Houses that cost $18,000 to build only a few years ago are called "bargains" at $70,000. Diamonds that sold for $1,800 a flawless carat are described as "bargains" at $32,000 per carat. Now is the time to be as skeptical as those from Missouri. What goes up also must come down.

This is not a time of fear. Fear paralyzes, but faith leads to intelligent action. A time must come when a world system based on materialism comes crashing down. That hour is upon us. Jesus Christ said this, "When you see these things come to pass, lift up your heads for your redemption draweth nigh." (Luke 21:28).

The Christian may well ask "what is God doing in 1982 and beyond." I feel a word from the prophet Isaiah sums it up: "The consumption (failing, destruction) decreed shall overflow with righteousness." (Isaiah 10:22 KJV).

The word "consumption" describes fruit that has reached peak ripeness and then begins to rot away. It signifies vulnerability to inner decay and outward aggression. This is the condition of Western civilization. It has peaked and is now decaying. Like an overripe apple it has lost its spiritual bite and firmness. Pockets of rapidly spreading rottenness are readily apparent. It seems unable to stop its own moral and economic decay and therefore is an easy prey to determined aggressors.

Analogies between nations and fruit can only go so far. Fruit cannot reverse consumption but nations can. God also brings destruction on nations or he rescues them from destruction.

In the case of our world God has decreed destruction. The awful grip of communist tyranny is going to be broken—not by other nations, but by God Himself. Not only will "natural" disasters fall upon them, but they will begin to fight and kill one another.

As this struggle takes place, it will destroy the economic and political stability of Western Europe, which in turn will cause devastating economic consequences in the United States.

Yet Isaiah writes that the destruction "shall overflow with righteousness." This means that the troubles to come are not lasting but are intended by God to produce an abundant and lasting spiritual revival in our world. Remember that the symbol of holiness is fire, because fire consumes impurities, but leaves intact what is precious. Even so the flames that will engulf our world will destroy the impure but will strengthen the righteous.

I believe that God will preserve America, but will purge it and purify it. Israel also will come out of the coming troubles purged and purified and one of the great nations of the earth. The Soviet Union will be destroyed as a great power and communism will be a thing of the past. Europe will be in shambles but unfortunately ready for another Hitler. The nations of Asia will continue to prosper economically while experiencing one of the great spiritual revivals of world history.

To those whose hope is in humanistic materialism the future may seem filled with gloom. To the Christian there is only a bright future filled with hope.

Remember, however, Abraham and Lot. Abraham walked with God in the high country. Lot chose to live in Sodom and to do business just like the Sodomites. When God destroyed Sodom, Lot's life was spared but he lost everything else. Abraham, on the other hand, interceded for Sodom but watched its destruction from afar. He lost nothing. Instead he had resources available to help the survivors when Sodom fell.

The man or woman who walks with God in the "high country" need not fear "the consumption decreed."●

THE REAL SOVIET THREAT IN EL SALVADOR—AND BEYOND

● Mr. LAXALT. Mr. President, the present situation in El Salvador has become an issue of increasing concern and importance. If the United States is to meet the problem of closing the "window of vulnerability," all Americans must make themselves aware of the rapid progress of events in America's foreign relations all over the world and, particularly, in South America. For this reason, I request that a recent U.S. News & World Report interview with CIA Director William J. Casey entitled, "The Real Soviet Threat in El Salvador and Beyond," be printed in the RECORD.

The interview follows:

THE REAL SOVIET THREAT IN EL SALVADOR—AND BEYOND

Q. Mr. Casey, there's a great deal of concern that this country might be dragged into a Vietnam-like quagmire in El Salvador. In your view, is that fear warranted?

A. No. I don't think El Savador or what we're likely to do there bears any comparison to Vietnam. In the first place, El Salvador is on our doorstep. And we're not just talking about El Salvador; we're talking about Central America—Costa Rica, Honduras and Guatemala. The insurgency is beamed at all those countries. Furthermore, this is part of a worldwide problem.

Q. Worldwide in what sense?

A. Around the middle of the '70s, the Soviets assessed the impact of Vietnam on American public opinion and decided we probably would be restricted in our ability to respond to low-level insurgency operations. In the last seven years, starting with the dispatch of sophisticated weapons to join up with Cuban troops in Angola, they have developed a very innovative and brilliant mix of tactics: Political, diplomatic, destabilization, subversion, terrorists and support of insurgencies. And they have applied this around the world.

Over this past year alone, you've had insurgencies in North Yemen, Chad, Morocco, Kampuchea, El Salvador, Guatemala. You have incipient insurgencies in many African counties. The Soviets work in some concert with Cuba, Libya and North Korea. They work with Angola against Namibia and Zaire; with Ethiopia against Somalia, and with Libya and Ethiopia against the Sudan.

Q. How are the Soviets involved?

A. What happens in these insurgencies is that the Soviets go in and exploit the underlying social and economic discontents, which are plentiful. That gives them a base. They feed it with trained men and with arms. That drives away investment. The insurgents sabotage economic targets, and so economic discontent grows. And as the discontent grows, more people go over to the insurgents' side.

It's almost a no-lose proposition for the Soviets. They can stay in the background. They sell their arms and get up to 20 percent of their hard currency from Libya and other countries that can pay for the arms. It's something we have very great difficulty coping with.

Q. What is Cuba's role in all this?

A. Here's a country of 10 million, with 50,000 people around the world—military and civilian. Besides the Cuban troops in Angola and Ethiopia, there are 12,000 technical trainees in East Germany and Czechoslovakia and 5,000 to 6,000 students in the Soviet Union. They have 50 people here. 60 people there—in Africa, in the Middle East and in Latin America.

They can do this because of the demographics that led them to get rid of 120,000 people in the Mariel sealift. There has been a 50 percent jump in the 15-to-19 age group in the Cuban population. That's quite a latent force that Castro has no work for at home and can use for mischief abroad. He said in a speech just a few months ago that he would like to send 10,000 young Cubans to Siberia to chop down trees for construction projects in Cuba.

Q. Do you have evidence that material is being supplied by Cuba to the guerrillas in El Salvador on a significant scale?

A. Oh, yes. Without it the guerrillas wouldn't be able to sustain an insurgency.

Q. And Nicaragua? What part does it play?

A. This whole El Salvador insurgency is run out of Managua by professionals experienced in directing guerrilla wars. You've got to appreciate that Managua has become an international center. There are Cubans, Soviets, Bulgarians, East Germans, North Koreans, North Vietnamese, representatives of the PLO. North Koreans are giving some weapons they manufacture. The PLO provides weapons they've picked up around their part of the world. There are American weapons that the Vietnamese brought in in substantial quantities—mostly small arms that were left behind in Vietnam.

Q. How large are these foreign groups operating in Managua?

A. In the case of the Cubans, 6,000 are in the country, of whom 4,000 are in civil work and maybe 1,800 or 2,000 are in military and security work. The East Germans and Soviets each have somewhere between 50 and 100. The Bulgarians, the North Koreans and the Vietnamese are fewer. They all have their little function: The East Germans work on the security system: Cubans work on the general strategy, and the Soviets work, for the most part, on the large weapons that have come in. The North Koreans and Vietnamese are good at caching arms and digging tunnels and things like that.

Q. Why is the administration apparently so concerned about the arrival in Cuba of crates presumably containing a squadron of MiG-23s—a plane that already is operating there?

A. Well, Cuba has the biggest air force in the hemisphere next to ours. The new planes are just part of a buildup. But I don't know that we are that concerned. Jimmy Carter made it an issue when MiG-23s arrived in Havana, and he didn't do anything about it. I think this President has been rather careful not to make it an issue—although I wouldn't say we're unconcerned.

Q. Does what is happening now in Cuba violate the 1962 Kennedy-Khrushchev agreement ending the missile crisis?

A. Oh, sure it does because the '62 agreement said the Soviets would send no offensive weapons, and it also said there would be no export of revolution from Cuba. The agreement has been violated for 20 years.

Q. So the aircraft coming to Cuba now are attack planes——

A. They're attack airplanes, yes.

Q. Are they nuclear capable?

A. They can be made nuclear capable. There's an export version which is not nuclear capable. We haven't seen these planes yet. They're not out of the crate. The probability is they're the export version, but it just takes a little bit of wiring and a little bit of work and some pilot training to make them nuclear capable.

On the other hand, the Soviets have better ways to hit us with nuclear bombs. It's more likely these planes are for the purpose of building Cuba up militarily, modernizing their Army, probably paying them for their work in Africa—to keep their forces in Angola and Ethiopia. Their Army probably feels happy if it gets modern equipment, and they probably wrangled these planes out of the Soviets.

Q. Could these MiGs be destined ultimately for Nicaragua?

A. We think that Nicaragua is lengthening its runways at three airports for the purpose of being able to take this kind of fighter. It probably hasn't been determined whether the planes will go from Cuba to Nicaragua or whether additional planes will go directly from the Soviet Union.

Q. Is there a point at which the United States says to the Soviet Union and Cuba, "This far and no further"?

A. That's the $64 question. I don't think the American public generally perceives the threat in as serious a light as we may perceive it at this stage. I think we'll come to our senses and face up to it. But you've got a problem not only of American public opinion but of Latin American public opinion. It's the gringo problem: They don't want us down there.

When we go down there, we play into the hands of the Marxists to a degree; we give them a rallying point. The President has made it clear that there is no intention of sending troops there. Exactly what to do to help these countries defend themselves is a very difficult, complex political, diplomatic, military decision. You can't make it without public understanding and public support.

Q. Is there any sign that Latin American opinion is changing and becoming more supportive of the United States?

A. A year ago no Latin American country was greatly concerned about what was happening in El Salvador. Yet when Mexico and France spoke out in support of the El Salvador insurgents several months ago, 12 Latin American countries dissented. That shows growing concern. At the OAS meeting in St. Lucia a couple of months ago, there was a 22-to-3 vote in support of orderly elections in El Salvador. The three dissenters were Nicaragua, Mexico and Grenada. Just two or three weeks ago, Costa Rica, El Salvador and Honduras got together and called upon Venezuela, Colombia and the United States to help protect them against Nicaragua.

Increasingly, the Colombians and the Venezuelans are getting concerned. The Mexicans should be concerned because they could be the next target. I read now that they've got at least the beginnings of a quick-reaction force. So maybe they're coming around. Also, there is dissidence in Nicaragua. A lot of Nicaraguans think that the Sandinistas are betraying the revolution. They resent having the country taken over and run by Cubans.

So we can hope that developments in Central America will breed a reaction. You say "Halt" to all this when you're not saying it alone, when you're not perceived to be behaving in Central America the way the Soviets behave in Poland and when you have enough Latin American participation so that you're helping them instead of doing the whole thing for them.

Q. Concretely, what threat do these developments in Central America pose for the U.S.?

A. Well, just look at what is happening down there. Nicaragua, a country of 2½ million people, has an Army twice the size of El Salvador's, which has twice the population and is fighting for its life. Nicaragua is sitting there with a big Army that's getting bigger, with Soviet tanks and airfields being extended and pilots being prepared for Soviet supersonic planes. When and if that happens—I think it will happen in six months—Nicaragua will have military dominance over the rest of Central America, with a population 7 times theirs.

If Cuba, with 10 million people, and Nicaragua, with 2½ million people, take over the rest of Central America and build up the armies on the scale of their own, you would have a very large army down there on our doorstep. Mexico is sitting there with a military force of about 150,000 today and never thought of having anything more.

Q. Are the persistent reports true that government troops are responsible for most of the massacres of civilians in El Salvador?

A. Nobody knows where all these casualties come from. This is civil war. Sometimes they come from the government, and sometimes they come from the guerrillas. We are satisfied that the government is sensitive to the importance of disciplining its forces and is making a genuine effort to do so. But that's going to be very slow and not entirely satisfactory to our public opinion. El Salvador has a violent society, and the law is kind of slow. A man can't be convicted of murder without a witness under their law. And those who sit in judgment risk their lives because the society is violent. So judges have a tendency to duck the responsibility.

But the widely propagated notion that all the massacres of civilians are perpetrated by government and not by the guerrillas is clearly false. In the final analysis, you have to make up your mind whether you would prefer a Marxist-Leninist dictatorship to a society that is capable of reform.

Q. Turning to Russia: The CIA and the Defense Department recently stressed the need to limit Soviet access to American scientific and technological research. Why the sudden concern?

A. You need to be concerned about it. We have established a technology-transfer center at the CIA that has taken a very comprehensive look at the whole question of the degree to which American research and development—and Western technology generally—has contributed to the increased accuracy, sophistication, precision, power and countermeasure capability of the Soviet arsenal.

We have determined that the Soviet strategic advances depend on Western technology to a far greater degree than anybody ever dreamed of. It just doesn't make any sense for us to spend additional billions of dollars to protect ourselves against the capabilities that the Soviets have developed largely by viture of having pretty much of a free ride on our R&D. They use every method you can imagine—purchase, legal and illegal; theft; bribery; espionage; scientific exchange; study of trade press, and invoking the Freedom of Informaiton Act—to get to this information

We found that scientific exchange is a big hole. We send scholars or young people to the Soviet Union to study Pushkin poetry; they send a 45-year-old man out of their KGB or defense establishment to exactly the schools and the professors who are working on sensitive technologies

The KGB has developed a large, independent, specialized organization which does nothing but work on getting access to Western science and technology. They've been recruiting about 100 young scientists and engineers a year for the last 15 years. They roam the world looking for technology to pick up. Back in Moscow there are 400 or 500 assessing what they need and where they might get it—doing their targeting and then assessing what they get. It's a very sophisticated and far-flung operation.

Q. Can you give examples of how U.S. research has directly contributed to the development of Soviet military capabilities?

A. Yes. The Soviet ability to MIRV their weapons—to develop multiple, independently targetable warheads for their missiles and to achieve the accuracy of their missiles that threaten the survivability of our fixed-site land-based systems came largely from their hooking on to the technology behind our guidance systems and from the use of high-precision grinding equipment they were able to get from us. I'm not saying they might not have made these advances sometime anyway. But they got them on the cheap and quick.

Q. How can the U.S. counter this Soviet drive to gain access to American technology?

A. This is something which needs to be looked at across the board in terms of our export controls, in terms of the openness of information and in terms of scientific exchanges. I think there probably will be a panel of the National Academy of Sciences that will look carefully at the question of scientific exchanges and determine how far one might go to control damaging leakage. But you're not going to shut these down. We want to preserve an open society. We're not going to alter that. But, at the same time, we are entitled to protect our scientific and technological secrets.

Q. Early in the Reagan administration there was much talk of Soviet involvement in international terrorism. Is there evidence that Russia orchestrates the activities of these terrorist groups?

A. We believe they export them more than orchestrate them. Terrorism has become a great industry. It was always a false issue whether the Soviets directed and controlled world terrorism. World terrorism is made up of a bunch of freebooters, and they're all, more or less, in business for themselves. The Soviets have supplied weapons and trained the Palestinians and other terrorist groups. They have training camps in South Yemen. That was part of their getting influence and edging their way into the Middle East.

But if anybody orchestrates them, it's Libya's Qadhafi. He has made many of them dependent on him. After the '73 war, when the Arab world was in disarray, Qadhafi was looking for leadership. The only thing he had was money—and nothing to spend it on. So he found all these Palestinian organizations wanting to stir things up, and he started to put money in them. And then he started to train them and so on. There are over 25 terrorist and guerrilla training camps in Libya. Training guerrillas and terrorists is the second largest industry there—second only to oil.

When Qadhafi wants to send hit teams out to get his own dissidents or to retaliate for the downing of two of his planes in the Gulf of Sidra by the United States, he uses mostly Libyans, but he'll also go to Palestinian and other terrorist organizations and sign them up to help.

The capitals of terrorism are Tripoli and Beirut. The money comes out of Tripoli, and the infrastructure and the false documents—the headquarters—are in Beirut. It's a big business today. They need money, and Qadhafi provides it.

Q. What is Qadhafi's aim?

A. He's striving for ego satisfaction. He wants to be a big figure in the world. He wants leadership.

Q. Is he a madman?

A. You could say that. When he's confronted, he has to retaliate. He has that kind of ego drive. He has to show that he's as big as anybody else, and if the United States knocks two of his planes out of the air, he's got to do something about it. He talks about it, and then he's under greater pressure to do something about it. He wants to spread his influence across Africa, and his money reaches Muslim groups as far away as the Philippines.

Q. It's your view that the hit squads we heard so much about were sent by Qadhafi to assassinate U.S. leaders in retaliation for the downing of the two Libyan planes—

A. I think that's when it started. Of course, we had previously broken diplomatic relations and taken other steps against Libya. Qadhafi is a little guy feeling he's being kicked around by the big guy, and he thinks he's really bigger—and he's going to show it.

Q. Do those hit teams still pose a danger to the President?

A. I think they do. You don't call those things off. Qadhafi sent somebody to say, "We're going to call them off." And then he said he was firing people out of his intelligence organization, but we find they're still there. We keep getting reports that people are being recruited, moving around. It's interesting that the American colonel—the deputy military attaché in Paris—who was killed at his home was at the highest level below those provided with security. I think that so much security was laid on to protect the President and other top Americans that the Libyans may have pulled back for a while. But you don't know when they're going to resume.

Our Paris embassy believes that a large number of their personnel are under surveillance. We see people casing the homes of ambassadors in other countries. There's clearly still a threat, and you've got to be concerned with it.

Q. Does the rescue of Brig. Gen. James L. Dozier from Italy's Red Brigades imply that the terrorist threat is receding?

A. Oh, no. It's growing. I think we're just seeing the beginning of it.

Take the Red Brigades. People who take up that activity are not normal, and their egos are easily bruised. When they suffer a setback, they want to come back to regain their reputation and status. They bungled the Dozier affair from their point of view, so their reputation recedes. Like any other business, when their reputation recedes, their ability to recruit and to get money diminished. If they want to stay in business, they've got to do something again. They've got to score a hit. They do this to make an impression or to get attention.

The reason I say it's going to increase is that the opportunity to inflict real damage and to really influence public opinion hasn't been scratched yet. The opportunities to score propagandistic hits are so much greater than has been exploited. That's why I think we're going to have more terrorism before we get less of it.

Q. If you were to name the half-dozen most dangerous spots in the world for the U.S. in the coming period, what would they be?

A. Iran, Central America, the Middle East, the other side of the Persian Gulf, Germany and East Europe, Morocco and the Strait of Gibraltar.

Q. Do you mean East Germany—or West Germany and Eastern Europe?

A. I think that whole mix—that's where something could break out.

Then, too, I think, you've got to look at southern Africa. There's the danger of that area being cut off and ultimately falling into the Soviet sphere of influence. That could put a squeeze on the minerals and other resources that are so important to the West. That may not be an imminent threat, but it's something you have to worry about.

But let me emphasize this: We're not the only people at risk. The Soviets have their problems, too.

Q. What sorts of problems are most serious for the Soviets?

A. I would make three points.

First, the Soviets have been able to carry on the biggest military buildup in the history of the world and somehow manage to make us warmongers. We're portrayed as the threat to peace because we're responding. If we tell our story right, we can turn that tide. We're not very good at it, but we can make the world more concerned about the Soviet as a threat to the peace.

Second, the Poland development should be proof of the failure of the command economy and the Communist system. They can't work on the long run without brutal repression. I don't know how Poland and Romania, which is also in a mess, are going to pull out.

Finally, the Soviet economy is in very bad shape. The leadership was a year late with its five-year plan. And in order to increase military spending, they had to make an enormous reduction in their investment program. The poor economy has led to a social malaise, alcoholism, labor unrest and strikes in the Baltic states. I'm told that Solidarity buttons were bringing $20 apiece in the Ukraine before December 13.

At some point, the bottom of the barrel is going to emerge in the Soviet Union. There are real constraints on the Soviets—real constraints. They're only able to carry on their activites around the world because they've learned to use other people so well.

UNDERWAY: A BIG BUILDUP FOR THE CIA

Q. What have you done to strengthen the agency after its years of buffeting?

A. The basic intelligence-gathering capability can't be changed overnight. It had run down over a seven or eight-year period largely because of a 40 percent drawdown in funds and a 50 percent drawdown in people. Over the past two years, starting with the last year of the Carter administration, there has been an increase in resources.

We have completed a broad examination of the challenges that the intelligence community will face during the rest of this decade—and the available technologies. We have defined the capabilities needed to meet those challenges, and we now have a general go-ahead to carry out that buildup.

Q. Does that mean a big increase in funding and staff?

A. Yes, but I can't be specific about either as they're classified but the buildup is roughly in line with the defense buildup. We also have introduced a number of other improvements to integrate more effectively the intelligence process with the administration's policymaking machinery and to improve coordination within the intelligence community. We now have a fast-track procedure that can produce an estimate in a week or two when policymakers need something quickly.

Q. How important are covert operations, which were virtually suspended during the Carter administration?

A. The Carter administration did virtually discontinue these for about two years, but in the final two years they undertook increasing numbers of special activities. These can be important. We don't talk about these activities, and they're undertaken only if they're authorized by the executive branch and reported to Congress.

Q. Are you seriously hampered by legislative constraints?

A. No. We tell the congressional intelligence committees our plans. They raise questions, and this can help us to improve and fine-tune what we are doing.

Q. Do you tell congress of these operations beforehand?

A. I can't think of any time that we haven't.

Q. Does the President's recent executive order defining the role of the CIA permit it to engage in operations in this country or spy on Americans abroad, as critics have alleged?

A. Despite the fuss made over the executive order, it doesn't alter the situation. We don't spy on Americans in this country. All counterintelligence, law-enforcement and antiterrorist activity in this country is the province of the Federal Bureau of Investigation.

But since these problems don't stop at the water's edge—they flow in—the new executive order permits the CIA to operate to the extent of supporting and coordinating with the FBI under rules laid down by the Attorney General. In pursuit of foreign-policy objectives abroad, we can work with Americans who want to help or with foreigners here in this country.

THE ASSASSINATION OF THE TURKISH CONSUL GENERAL

● Mr. HELMS. Mr. President, on January 28, Kemal Arikan, the Turkish Consul General, was brutally assassinated in Los Angeles. A terrorist group calling itself the Justice Commandos of the Armenian Genocide has claimed responsibility for the murder. One of the two gunmen, Harry Sasspunian, has been charged with murder and remains in police custody. Police are still searching for the second assailant.

Mr. Arikan was the 21st member of the Turkish diplomatic community to be gunned down by an Armenian terrorist group, and the third to die in the United States.

Mr. President, I denounce these senseless killings committed on American soil by Armenian terrorists. I commend the President and the Department of State for their forthright statements against the killing of diplomats of our NATO ally, Turkey. Mr. President, I ask that these statements be inserted into the RECORD.

The statements follow:

THE WHITE HOUSE,
January 28, 1982.

STATEMENT BY THE PRESIDENT

This afternoon a tragic event occurred in Los Angeles. The Turkish Consul General, Kemal Arikan, was assassinated in an apparent act of terrorism. I condemn this vicious act.

I have, in addition to communicating with the Turkish Ambassador here in Washington, instructed my Administration to forthwith assist local law enforcement in both investigating the murder and, hopefully, bringing this criminal or these criminals to trial so that justice might be done.

MURDER OF TURKISH CONSUL GENERAL

(Statement Made by Department Spokesman at Noon Briefing, Friday, January 29, 1982)

Yesterday morning in Los Angeles the Consul General of Turkey, Kemal Arikan, was brutally murdered by gunmen. An anonymous caller has claimed that the Justice Commandos of the Armenian Genocide carried out this assassination. The Justice Commandos are a well-known terrorist organization which has been killing Turkish diplomats and their families around the world for the past few years. Kemal Arikan is the 21st victim of this savage campaign. The Justice Commandos also claimed responsibility for the Columbus Day 1980 bombing in New York, which severely damaged the Turkish UN Mission and adjacent buildings and injured a number of innocent pedestrians.

President Reagan, Secretary Haig, and Acting Secretary Stoessel have extended their condolences to the Government of Turkey and the family of Mr. Arikan. They have also expressed shock and outrage at this vicious and cowardly act. We are deeply gratified to learn that authorities in California were able promptly to take several suspects into custody.

Terrorism is a hideous crime which violates the norms of decent human behavior. It cannot be tolerated by the civilized community of nations. Those who practice it must find no excuse and no haven. The murder of Kemal Arikan is a sharp reminder to all nations of the need to redouble their efforts to stamp out the worldwide menace of terrorism.

Mr. HELMS. Mr. President, the two major Armenian terrorist organizations are the Armenian Secret Army for the Liberation of Armenia, a Marxist organization, and a newer group, the Justice Commandos of the Armenian Genocide. These two groups have boastfully taken credit for 21 killings and over 40 bombings which injured innocent bystanders in Western Europe, Australia, and the Middle East.

An article in the Los Angeles Times described the Secret Army for the Liberation of Armenia as follows:

> Led by hardened Marxists, its troops are mostly well brought up children from middle class Armenian families from Lebanon, France and the United States. Their goal * * * is to force Turkey to surrender the eastern fifth of its territory to the descendants of the Armenians who once lived there—or failing that, to the Soviet Union. Their method is killing Turkish diplomats.

The article goes on to say that Palestinian and Armenian sources assert that the Secret Army also maintains close relations with the radical Marxist Popular Front for the Liberation of Palestine.

The Secret Army manifests a pro-Soviet ideology. At their press conference in the PLO-controlled sector of Beirut, Lebanon, in April 1980, they praised the Soviet Union for having granted a homeland to the Armenians and denounced the United States as an imperialist power.

The second terrorist group, the Justice Commandos of the Armenian Genocide, is the illegitimate offshoot of the Dashnak Party's youth wing. This group took credit for the Los Angeles assassination, the killing of two Turkish diplomats in Australia in 1980, and for wounding the Turkish Ambassador to Denmark.

Despite an announcement by these terrorist organizations that their operations would begin in Turkey in April 1980, no terrorist acts were reported in that country. Assassinations took place in Western Europe, Australia, and the United States. Turkey had its share of political violence between 1975 to 1980, and certainly the terrorists had the opportunity to kill in Turkey—that is, if they had possessed any strength among the Armenian minority.

In addition, neither the Secret Army for the Liberation of Armenia or the Justice Commandos of the Armenian Genocide mention the religious, cultural, or national oppression of the 3 million Armenians in the Soviet Union. This, Mr. President, I find quite strange since 3 million of their brothers and sisters have to struggle, often without avail, to maintain their religion and culture against atheistic communism and russification. However, it is not against this injustice the terrorists protest, but against Turkish actions committted by the Ottoman Empire in 1915.

The methods of these Armenian terrorists are most reprehensible and violent. They violate the most rudimentary principle of international law, and indeed, of international relations—the sanctity of innocent life. These terrorist groups are facilitating Moscow's strategic designs by attempting to destabilize our pivotal NATO ally which controls the straits to the Mediterranean Sea from the Soviet dominated Black Sea.

On February 1, the Wall Street Journal featured an excellent article entitled "Terrorism at Home". Mr. President, I ask that this article be inserted in the Record.

The article follows:

Terrorism at Home

The rescue of Gen. James L. Dozier may break the back of the Red Brigade terrorist movement in Italy. In itself a considerable blow to the group's mystique, the brilliant rescue is also testimony to the progress Italy's anti-terrorist police have made in cracking the organization and arresting its leaders.

How ironic that on the same day Gen. Dozier was rescued, the Turkish consul was assassinated at a stoplight in Los Angeles. It would be a huge mistake to view the killing of consul Kemal Arikan by Armenian terrorists as part of some obscure Byzantine quarrel. There is every reason to worry that it will mark the start of the same sort of process with which the Italians are so painfully learning to cope.

The Armenian grievances against the Turks arise from massacres committed by the Ottoman empire around 1915. There is no question that the Ottoman suppression of the Armenians involved terrible brutality, not excused by the fact that it was deliberately provoked by terrorist groups in the hopes that the Christian powers of Europe would protect their co-religionists from the Moslem Turks and set up a separate Armenian state.

Even accepting the Armenian massacres as something close to the Holocaust, though, what excuse are they for assassinating diplomats who were not even born at the time, and who serve a vastly different political regime than the one that existed then? One does not expect to find Jewish terrorist groups gunning down German ambassadors or consuls, whether from West or East Germany.

And indeed, while there is no doubt deep resentment of everything Turkish among Armenian communities everywhere, the wave of assassinations did not start until some two generations after the massacres. Suddenly in the early to mid-1970s, a wave of highly professional and well-coordinated killings began, sometimes during the same week at locations separated by oceans. More than a score of Turkish diplomats have now perished. Mr. Arikan was the third to die in the United States.

Adding to the mystery, nothing was known about the leadership of the most prominent terrorist group, the Armenian Secret Army for the Liberation of Armenia. Another group, the Justice Commandos of the Armenian Genocide, claimed responsibility for last week's killing.

The Armenian Secret Army's literature is fascinating. Armenia, a publication issued in Beirut in Arabic, Armenian and English, is one example. One issue is particularly explicit. The aim of the group, it says, is to liberate Armenian lands occupied by Turkey. That is, the eastern part of the country, which borders Iran, Iraq, Syria and the Soviet Union. Because of the massacres few Armenians still live there, but it does contain airfields from which planes could overfly the Persian Gulf.

The Armenian Secret Army's magazine further explicitly stipulates that the Armenian Soviet Socialist Republic is already liberated. Indeed, it proclaims that after Armenian lands in Turkey are liberated, they should achieve "unity with the Armenian S.S.R." In short, the avowed purpose of the leading Armenian terrorist group is to detach a strategic hunk of NATO real estate and attach it to the Soviet Union.

The Armenian assault on Turkish diplomats, of course, came in conjunction with a well-financed terrorist assault within Turkey itself, leading to the current hiatus in Turkish democracy. Propaganda broadcasts were directed from East Germany to Turkey, and terrorists were known to find refuge in Bulgaria. The killings within Turkey reached 28 per day before the military intervened to take over the government. The government has succeeded in stopping the killings, and as it proceeded to arrest terrorists, has seized weapons worth more than $250 milion. Turkish authorities estimate that total financing of terrorism came to more than a billion dollars, the equivalent of NATO military aid to Turkey over the same period.

Given this history, Armenian dissidence in the U.S. clearly deserves the highest scrutiny. There is plenty of room to wonder whether law enforcement officials have taken it seriously enough, since the Arikan killing comes in the wake of public demonstrations on Turkish-Armenian issues in recent weeks and the bombing of the Turkish consulate in Beverly Hills three months ago. But the terrorist outbreak in Los Angeles should be viewed as neither solely a local law enforcement issue nor mainly a result of ancient wrongs. It would be nice to be reassured that the highest levels of the U.S. government understand that this is not an isolated aberration but in all likelihood part of a world-wide struggle.

Mr. HELMS. Mr. President, I would like to conclude with a quote from His Beatitude Shnoorkh Kalousdain, the spiritual head of the Armenian Catholic Church in Turkey, which appeared in the publication Marmara:

> The perpetrators of these abominable crimes should be exposed as soon as possible and brought before justice. The Turkish Armenian Catholic community strongly condemns these senseless and cruel crimes which are incompatible with the tenets of our religion and humanity, directed against innocent people and which serve no purpose.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule 35 that I place in the Congressional Record this notice of Senate employees who propose to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received requests for a determination under rule 35 which would permit Mr. Herman Pirchner of the staff of Senator Jepsen, and Mr. Jeffrey Lewis of the staff of Senator Packwood, to participate in a program sponsored by a foreign educational organization, the Van Leer Jerusalem Foundation in Israel from March 15 to 24, 1982.

The committee has determined that participation by Messrs. Pirchner and Lewis in this program is in the interests of the Senate and the United States.●

NATIONAL CONSERVATION CORPS

● Mr. MOYNIHAN. Mr. President, on February 3, Senator Mathias and I introduced S. 2061, the Public Lands Conservation, Rehabilitation, and Improvement Act. This bill addresses two of our most pressing problems; namely the alarmingly high rate of teenage unemployment and the deterioration of our Nation's public lands and cultural resources, by creating a national conservation corps to enhance and rehabilitate our public lands.

I would like to direct my colleagues' attention to a most eloquent call for the creation of a new national conservation corps delivered by Mr. Sydney Howe, executive director of the Human Environment Center, in the March 3, Christian Science Monitor. Mr. Howe's argument is both cogent and forceful. I ask that it be printed in the Record.

The article follows:

America Needs the CCC Again

(By Sydney Howe)

A national conservation corps could rescue many young men and women from the idleness now burdening their lives and America's future. The cost would be minimal, and liberals and conservatives alike would find their values served.

Youth work to conserve cities, towns and the hinterland can be essentially self-financing. The benefits defy calculation: young lives given meaning, welfare and crime costs avoided, and human and natural resources made productive for decades ahead.

Some active conservation corps proposals deserve immediate attention. Last June, United States Rep. Edward Roybal, an original Civilian Conservation Corps member, proposed "CCC II." In late October, Democratic Representatives Seiberling, Moffett, and Roybal, with Republican Representatives Bereuter and Conte, introduced the Public Lands Conservation, Rehabilitation and Improvement Act. Their bill, H.R. 4861, would create urban and rural "conservation centers" for youth work throughout the nation. It now has over 80 House cosponsors. Senators Moynihan and Mathias have just introduced the same bill in the US Senate.

The small year-round youth conservation program now dying from budget slashes performs needed natural resource and facility-maintenance work for the Interior and Agriculture Departments, the states, and local governments. The cost is 20 percent lower than any alternative procurement of the same services, and considerable gains for young people and society accrue without charge. The work is demanding, and it builds character, confidence, and basic skills. "Hard work, low pay, and miserable conditions," advertises the state-backed California component, which has many more applicants than positions. Enroliees often say, like 16-year-old Antonio Dixon of Brooklyn, that without this experience, "I'd be in trouble."

Under the same program, said New York Mayor Edward I. Koch last July, crews of primarily black and Hispanic high school dropouts, at a cost of $2.9 million, completed work projects in more than 70 parks throughout the city: "The open market value of this work is estimated at $8.8 million." Could this be workfare? The mayor called it "a relatively inexpensive but high-impact program" that is "critical for urban areas."

Some federal funds available even now could finance youth work. The National Park Service has new money for maintenance catchup, some of which is labor-intensive and could be performed most cheaply by minimum-wage crews. Aid to insulate low-income people's homes, although reduced, could finance weatherization like that done in New York by the foundation-backed Youth Energy Corps. Each state's share of federal taxes on hunting and fishing equipment could help support habitat-saving youth projects. The mushrooming Abandoned Mine Land Fund, launched in 1978, takes in $200 million a year from coal companies; little has been spent from the fund, and it could well pay young workers to plant ravaged strip-mine slopes.

The revenue-producing possibilities on private lands are immense. Small woodlots produce poor trees because timber stand improvement doesn't pay at prevailing wages, but low-paid youth crews could make the difference, benefiting landowners, the timber and housing industries, and ultimately consumers. Such fee service for landowners could include low-cost soil conservation, wildlife enhancement, stream-bank protection, and other projects, supplanting government outlays for both conservation and youth jobs. Some authorities assert that youth crews gathering forest waste for gasohol production would be self-financing energy producers.

Both immediate and long-term savings in the costs of crime, incarceration, and welfare programs would be large. Enrollment preference should be given to disadvantaged youth from families in poverty. With recent youth unemployment at 22 percent, and more than 45 percent for black youth, and with a growing national backlog of maintenance—from dilapidated urban facilities to eroding grasslands—we must combine human and natural resources to save both.

Four months after the CCC was proposed to Congress in 1933, there were 200,000 young men at work in camps across the country. Ultimately enrolling 500,000, Franklin Roosevelt's initiative acquired wide bipartisan support and became a source of pride for all Americans. Today's youth and tomorrow's human and natural resources warrant no less.●

THE 19TH WEHRKUNDE CONFERENCE

● Mr. KASTEN. Mr. President, recently I had the privilege of participating in the 19th Wehrkunde Conference in Munich. The exchange was extremely useful, I think, for participants from both sides of the Atlantic.

Both the United States and our European Allies are experiencing economic difficulties. The United States is nevertheless committed to a sustained recovery program for our national defense. The margin of safety that we seek to restore clearly benefits our Allies as much as it does our own country. Yet many of these Allies use their economic problems as an excuse for cutting back severely on their defense commitments.

Senator Glenn's remarks at the Wehrkunde Conference were very timely in this regard. Mr. President, I ask that these remarks be printed in the Record.

The remarks follow:

Remarks of Senator John Glenn at the 19th Wehrkunde Conference

Defense Minister Apel refers to this gathering as a symposium. One definition of a "symposium" given by my Webster's Unabridged Dictionary is that of "a meeting following the banquet proper, usually with music, singing, and dancing." There may be little music, singing, and dancing about the subjects we discuss here today. I am concerned that NATO is preparing for one particular threat, but that there is another threat of equal importance that has crept up on us that is not being adequately considered, even though it affects us all.

When NATO was established, the major Soviet threat in Europe was a land attack on the central front. I would submit that this started changing at the time of the Cuban missile crisis. The Soviets went home in embarrassment and decided to build their military capabilities. And they built—not defensive forces—but power projection forces. Where they were capable previously only of land attack from their homeland, they became capable slowly over the past 15 years or so of airmobile and amphibious operations continents away.

And the Kremlin leaders have used these projection forces. You saw the original coup in Afghanistan, for instance. Major help then followed for Syria and Iraq. After this came the use of a new military experiment—surrogates. Cubans with Soviet equipment, used that equipment in such places as Angola, Zaire, Ethiopia, Somalia, South Yemen, and doubled their presence in the Indian Ocean and the islands north of Japan with an additional 12,000 troops. The Soviets gave major help to the Vietnamese in their invasion and occupation of Cambodia and followed that up with a military takeover in Afghanistan. So we are seeing them move without hesitation in these areas as they have developed their strategic mobility and conventional forces.

So why should we of NATO be concerned with what the Soviets do in other areas? While NATO has remained focused on the central European front, we have seen our resources dependency expand at a tremendous rate. Oil is but one example. While we get some 20 percent of our oil in the Persian Gulf, Europe gets approximately 50 percent from that same source, and Japan gets over 75 percent.

But we are not vulnerable solely because of energy dependence. We in the United States have some 90 materials we consider to be of strategic and critical importance. Two-thirds of which are minerals. We are self-sufficient in two, mellithemum and magnesium. We are close to sufficiency in two more, copper and lead. But we have virtually no U.S. production in four of the most critical—cobalt, manganese, chromium, and platinum. Just to use one example, on our F-100 jet engines, we use some 1,485 pounds of chromium for each engine. Significant amounts of aluminum, cobalt, columbian, manganese, nickel, tantalum, and titanium are also required. We have a U.S. dependency on overseas supply for between 77 and 100 percent of all of those particular metals. The same thing can be said across the board for our industrial base and for the industrial base of the rest of the free world, including, of course, Germany and Europe.

So the Soviet Union can now threaten resources that are absolutely necessary to our society. Indeed, if one looks at the map and plots those African areas where the Soviets have made their moves with their Cuban surrogates, we will find an ominous alignment with the sources of these vital resources.

The United States has been trying to come to grips with this new vulnerability and to protect the West from this changed threat. I myself just came to this conference from a visit around the Persian Gulf area. But NATO still concentrates on the central front. At last year's conference, Minister Apel stressed that NATO had no business getting outside of its traditional area unless there are individual commitments that particular nations wish to make. This year in the English version of his paper, Herr Apel says in part, ". . . we should bear in mind that expanding the NATO area is out of the question." I would submit that NATO needs to do a new threat analysis that now includes resources. The United States is expanding its commitments to benefit all of the three major free world economic centers—Europe, Japan and the United States. But Americans expect our European and Asian allies to increase their share of the new burdens we all must bear.

Let me give a view of things from the United States and what I think this may well result in—perhaps even this year. I'm sure that many here recall that back 12 or 13 years ago, Mike Mansfield annually introduced a bill in the Senate to force the United States' withdrawal from NATO. Senator Mansfield believed we had been here too long, and he thought it was right that we withdraw our forces from NATO. He did not get broad support for the proposal. But I think there is a change in the United States today.

I think that Americans expect a greater degree of burden sharing and are willing to press in the same directions outlined by Senator Mansfield. If we see that move coming, I think many politicians may be well obliged to follow. It would not surprise me at all to see such an amendment this year. I am personally not for it. I think it would send all the wrong signals. But I am being very blunt and straightforward in saying that I think it would be possible, perhaps even this year with the mood of the people in the United States with regard to burden sharing, that there will be a reduction in our European commitment unless there is some sort of additional help or aid for our Middle East expenses and our commitment there.

I am not making threats, but I think I'm being realistic in saying that Americans believe that we are reaching the limits of our resources by taking on broader global commitments. These are commitments that we see benefiting all NATO and all free industrial world nations. But we see far too little additional burden sharing by our allies.

Now how much is enough for defenses? Well, that is difficult to say. I think too often we set up a balance sheet between the social and the military programs as though military spending is merely some sort of sop to a special interest constituency of generals, admirals, and defense contractors and that somehow military budgets ought never exceed what is spent on social welfare programs. I wish it were that simple. I am reminded that during America's first Constitutional Convention in 1787, one of the delegates wanted to make it law that America's army would forever be limited to 5,000 men. George Washington, the presiding officer, turned to another delegate and whispered, "Amend the motion to provide that no foreign enemy shall invade the United States with more than 3,000 soldiers at any one time."

We cannot benefit from balanced budgets if we're subjugated from abroad. We cannot prosper if we are deprived of critical raw materials. And we cannot survive unless we remember that the most important social service a democracy owes to all its citizens is to keep them free from oppression.

The major cause of our inaction, perhaps, lies in the fact that the locale of Soviet advances fits the indirect strategy so clearly described by B. H. Liddell-Hart. NATO wakes each day to find itself increasingly threatened by yet another Soviet move in areas outside the European arena. Areas in which our traditional patterns of thinking do not prepare us to respond in any meaningful way. Our energy supply lines and critical materials are more threatened now than ever before. The economies of Western Europe, Japan and the United States could literally be devastated without a shot being fired at the Fulda Gap. The Soviet arms build-up has clearly challenged the alliance where it is the most vulnerable.

What is the purpose of the alliance? It seems to me the purpose of the alliance is to protect against the threats to our collective and individual freedoms. The threat has advanced; the NATO response has not kept pace.●

FATHERS AND CHILD SUPPORT

● **Mrs. HAWKINS.** Mr. President, as the debate over the President's New Federalism heightens, I believe the Nation's attention should be directed to a subject that has serious implications in an era of budget crunches and that is—the subject of absent fathers. When the question of welfare reform arises, attention turns to absent fathers, and ways to get them to make more effort to support their families. Unfortunately, any sense of obligation on the part of the fathers themselves appears to be disappearing. That is, I suspect, largely because society has stopped asserting that responsibility and requiring effort on the part of fathers through the mechanisms of the law.

Nevertheless, there is something that can be done. The usual assumptions about absent fathers—that they cannot be found, that they are on welfare themselves, that paternity cannot be established, and so on—turn out upon investigation not to be true. The result is considerable variation in the amounts of money different jurisdictions are able to recover from absent fathers for the maintenance of their families.

For instance, in 1980, New York State collected child support payments amounting to 3.4 percent of its aid to families with dependent children payments. Michigan, which has a similar caseload, collected 8 percent. The differences appear to be due entirely to different attitudes toward what is expected of absent fathers, and to the variation in effort made to achieve collections.

Mr. President, this entire subject has been treated in an exceptional article in the current Public Interest. Written by Blanche Bernstein, who was Mayor Koch's administrator of human resources, the article lays to rest most of the false assumptions made about child support and absent fathers, and offers real hope of improvement in this area of welfare. I ask that the article be printed at this point in the RECORD for the benefit of my colleagues.

The article follows:

[From the Public Interest]

SHOULDN'T LOW-INCOME FATHERS SUPPORT THEIR CHILDREN?

(By Blanche Bernstein)

The title of this article may seem odd. If any proposition would receive an extraordinarily high affirmative vote in a national poll, it is that parents are responsible for the care and support of their children if they are physically, mentally, and financially able to be. In particular, the father is regarded as having this obligation, whether he is present in the house or not. It is a principle embedded in national and state laws governing domestic relations. And yet there has always been some gap between this principle and reality, and this gap has widened in recent decades as divorce rates have skyrocketed and the number of children born out of wedlock has risen each passing year.

Some anecdotal material indicates that some fathers with middle- or upper-level incomes fail to provide any or sufficient support, and so force their wives and children to apply for public assistance, but the data available from various sources on the incomes and occupations of the "absent" fathers of families on Aid to Families with Dependent Children (AFDC) do not indicate that this is at all widespread. The sense of obligation of the divorced or otherwise absent father to support his family holds, by and large, in the middle- and upper-income groups, or else the family obtains support from sources other than public assistance.

The sense of obligation of the relatively low-income father, however, has greatly weakened, as evidenced by the huge increase during the last two decades in the numbers of female-headed families on welfare, most of them receiving no financial support from the absent fathers. Indeed, the welfare system itself, in the sense that it provides an alternative, may, in significant measure, be responsible for the diminished sense of obligation felt by low-income fathers to support their children. One New York City Family Court judge, recounting a typical case in her court in which she inquired of the father how much financial support he was giving to his wife and children, received the reply, "She doesn't need help from me. She's on welfare." One must ask how such an attitude, so contrary to both the ideal and the norm, developed and became widespread. Are such attitudes and the resulting behavior acceptable to society as a whole? If not, can they be changed? By what means? This article is an effort to respond to these questions with special reference to the problem as it manifests itself in New York City.[1]

THE LEGISLATIVE BACKGROUND

When the AFDC program was first established in the Social Security Act of 1935, little attention was paid to the issue of child support payments. The presumption was that most recipients would be wives and children of deceased or disabled fathers, and such was in fact the case during the early years of the Program. The change started in the 1950's and accelerated through the next two decades. By 1980, in the country as a whole, only about 4 percent of the fathers of AFDC recipients were deceased or disabled; in New York City less then 2 percent were. But while the characteristics of the welfare caseload changed, and although most state laws provided that support should be sought from the absent fathers, few serious steps were taken by state or local welfare administrations to accomplish this purpose. One reason was that the new facts about child support had not yet caught up with the outdated presumptions; another is that such efforts were not welcomed by the social welfare community or the judiciary.

Dissatisfaction with the results of modest Congressional efforts in 1950 and 1967 to increase collections for child support from absent fathers led Congress in 1974 to the passage of Title IV-D of the Social Security Act. In reporting the bill, the U.S. Senate Committee on Finance stated "The Committee believes that all children should have the right to receive support from their fathers. The Committee Bill is designed to help children attain this right, including the right to have their fathers identified so that support can be obtained."[2]

Title IV-D, which came into effect August 1, 1975, requires that as a condition of eligibility for AFDC every applicant or recipient assign support rights to the state and cooperate with the state in establishing paternity and securing child support.[3] Title IV-D also laid down a number of requirements for HEW, Internal Revenue Service, and the states with respect to the administration of the program, all designed to provide an aggressive, effective administration of the law. Finally, it provided for 75 percent federal reimbursement of the costs, instead of the usual 50 percent, and as a further incentive it permitted a locality, such as New York City, to keep 50 percent of total collections for a year and 40 percent thereafter in place of its usual 25 percent. In sum, after two decades of benign neglect of the child support issue, the Congress moved in a massive way to create a system to maximize efforts to obtain support from absent fathers of AFDC recipients.

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[1] The author was Adminstrator of the New York City Human Resources Administration from January 1, 1978 to April 30, 1979.

[2] Staff of the Committee on Finance, U.S. Senate, U.S. Government Printing Office, March 19, 1975, p. 3.

[3] In this context "state" includes the political subdivisions of the state as well.

As with any new large-scale program, establishing the administrative mechanisms is difficult and time-consuming, and this program was particularly complex. As problems arose, recrimination was rife among the feds, the state, and the localities, and between the localities and the Family Court, as each accused the others of not doing what they were supposed to do. In New York City, initiation of the Title IV-D program coincided with the beginning of the acute phase of the city's fiscal crisis. Massive layoffs occurred in the Human Resources Administration (HRA), as in other agencies, seniority rules required transfer of large numbers of staff into different jobs, and the unions complicated matters by prolonged negotiations over appropriate duties of staff in various positions.

Despite all the problems, common in other states as well, the program not only got underway, but by the end of 1976, the first full year of operation, collections exceeded expenditures in most states including New York (but not in New York City). Philip Toia, New York State Commissioner of Social Services at this time, wrote to the Governor and the Legislature as follows:

"Perhaps the most important conclusion that should be drawn from our experience to date is this: IV-D can work. It may seem surprising that this is being presented as a conclusion two years after Congress mandated the program. Yet in many ways, the conclusion is an appropriate one. For probably no other major initiative in the field of public welfare has in recent years been as controversial as IV-D. No other program has been as widely attacked by professionals in the field as misconceived, misdirected, and doomed to failure."

THE ATTITUDE OF SOCIAL WELFARE PROFESSIONALS

Nowhere was the attack against the program by the social welfare community more acute and more sustained than in New York City. The Community Council of Greater New York, a coordinating group for many of the social welfare organizations in the city, began to monitor the program in February 1976. An interim report issued at the end of the year was appropriately critical of many aspects of the administration of the program. But what is revealing of the attitudes of the organization is the absence of any affirmation of the notion that fathers have an obligation to support their children if they are able to do so.

The final report, entitled "Who Should Support the Children," issued in early 1978, does make a policy statement, but it is ambiguous at best, and at worst is basically hostile to an aggressive program to obtain child support from absent fathers. The Council questions the general societal disposition to place a high value on marriage and points to the increase in the number of female-headed families in the United States during the last two decades. It rejects the findings of any studies which point to a connection—real or collusive—between welfare and family breakup; questions whether the absent fathers have sufficient income to support their families; expresses doubt that it will be possible to establish paternity for the large number of out-of-wedlock children (though as the report itself indicates, establishing paternity proved to be relatively easy); and concludes that the child support program will work effectively only where a legal marriage exists, paternity has been established, the father's whereabouts are known, and his income is adequate to contribute toward the support of his dependents. This is a curious indictment—the purpose of the law was, among other things, to promote efforts to establish paternity for those children who needed to have it established (those born out of wedlock) and to locate the fathers, recognizing that this would indeed take some effort.

Apart from the Community Council, many social welfare leaders in the community, who were members of the Advisory Committee to the HRA Administrator at various times between 1975 and 1979, opposed the program and urged the various Administrators, including me, to oppose it. The adverse impact of the Advisory Committee's attitude on the operation of the program was clearly evident. By August 1976, a year after its initiation, the program in New York City was, in the view of the New York State Department of Social Services, in complete disarray. HEW officials were threatening sanctions against the state, sanctions which could have meant heavy financial penalties which the state and the city could ill afford.[4]

At an October meeting of top officials of the New York State Department of Social Services and HRA to discuss the problem, state offcals were particularly disturbed by HRA Commissioner J. Henry Smith's comment that:

"I don't know if it will ever be a good program. I had a meeting with my Advisory Committee today—these are the high priests of welfare—and they don't believe the program is good or can be. Conditions in New York City . . . make it impossible. Motivations are all wrong; to assume it will do the job it's supposed to do is probably a mirage."

As one reviews these expressions of opposition by the social welfare community, including its "high priests," to the efforts to obtain child support from absent fathers, the following major justifications for their position emerge:

1. The children may be endangered, or the mothers may be harassed and their civil rights abridged.

2. The notion that the father should ordinarily be regarded as the primary source of support for the children is outdated and should be superseded by the view that government must guarantee an adequate income for people in whatever life style they choose to follow.

3. A set of "facts" are assumed: to wit, the fathers can't be found; if found they will not admit paternity; if they do, they do not earn enough to provide support, etc. In sum, it is not possible to administer the program effectively. Therefore, it is "obviously" not cost-beneficial since "experience shows" that it is not cost-benefical.

4. The effort is nothing more than a reflection of racism, sexism, and hostility toward the poor.

RACISM AND SEXISM?

It is worth examining this rationale in some detail. Is it soundly based on analytical studies, or is it simply an ideological assertion based on unproven assumptions? My reply is presented seriatim.

1. Child abuse has not been unknown in the history of mankind, though it is fair to say that only in the last decade have we come to a better understanding of the size and depth of the problem. There is much that we do not know about the causes of child abuse, but what we do know from the records of cases brought to the courts is that it is generally committed by the parents(s) or relatives in the home, not by the parent out of the home.

The notion that the children may be endangered if the absent father is required to contribute to their support is not based on any study or analysis. Rather it is an assertion based on a view of low-income fathers, disproportionately black or hispanic, as unable to bear any responsibility without lashing out physically or emotionally at their children. Undoubtedly, there are such fathers—from all income levels and all races, and mothers, too—but surely, and fortunately, experience and available data indicate they constitute only a small fraction of the population.[5] And when there are indications that serious difficulties may arise, Congress has provided an exception to the requirement that the mother cooperate in locating the father if it would not be in the best interest of the child.

It is essential to the effective administration of the child-support program that the AFDC mother cooperate with the welfare administration by providing the information she has to assist in the location of the father. And it is the worker's duty to probe and to obtain the information and not to accept at face value such statements as, "I don't know where he lives"; "I don't know where any of his family or friends live"; "I don't know what work he does or where he works," etc. Very few out-of-wedlock children on welfare are born of casual relationships. The vast majority of unmarried women on AFDC have had a relationship with the father for at least a year before becoming pregnant, and more than half for two or more years. Among the married women, less than 10 percent had been married for less than two years.[6] They must know something about the father.

It is always possible that a social worker may, through prejudice, overzealousness, or even incompetence, incorrectly assume lack of cooperation when in fact the mother does not have the necessary information, and that an unreasonable denial of assistance will slip through the review process. But the denied applicant may apply for a fair hearing and in the meantime obtain food stamps and emergency assistance if need can be shown.

Is it harassment or an abridgment of civil rights to insist on the mother's cooperation in naming and locating the father in exchange for obtaining public assistance? In

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[4] These threats continued through most of 1977. In the end, however, they were avoided as HRA in 1978 was able to claim sufficient improvement over the situation found by audits in 1976 and 1977.

[5] A report in the New York Times July 21, 1981, one in a special series on children, states that 711,742 cases of child abuse were reported in the country in 1980, involving 1.1 percent of those under 18 years of age. Even if actual cases are triple those reported, the figure would come to 3.3 percent; and, as indicated above, most child abuse is committed by parents in the home.

[6] B. Bernstein and W. Meezan, The impact of Welfare on Family Stability (Center for New York City Affairs, June 1975), p. 30.

Sweden, which has as liberal and extensive a social welfare program as any country, the mother applying for assistance is required to name the father and provide other relevant information so that he can be contacted and required to contribute to her support. If she does not cooperate she is denied assistance. It is as simple and routine as that and no one charges harassment or denial of civil rights. The social welfare community in New York appears to insist that the client is always right and never says anything but the truth. In the world we live in, this should not be regarded as a liberal view but as simple naivete.

2. It has become fashionable in social welfare circles to accept any grouping of individuals who choose to consider themselves a "family" as such, and in particular to regard the female-headed family as "normal" because of the enormous increase in the numbers of such families since the early 1960's. Since it is "normal," and therefore acceptable, financial support and other necessary services should be provided by the government. But we do not regard crime, drug abuse, or terrorism as normal or acceptable because each has vastly increased in recent years, nor do we accept with equanimity rising absenteeism from schools and factories with its accompanying increase in school dropouts or declining productivity. To suggest that because the number of female-headed families has increased, government should be regarded as bearing the primary or even sole responsibility for support, is circular and absurd reasoning. Of course, government must step in if there is no other source of support. But if the father is financially able to contribute, the mores of the general society require that he do so, and to insure that he, in fact, does so, an effective enforcement system must be established.

3. Most of the social welfare community's "facts" with respect to the possibilities of finding fathers, establishing paternity, and obtaining support, have proved ephemeral and the assertion that the program cannot become cost beneficial has proved unfounded. In the country as a whole, as well as in many of the industrialized urban states (including most of New York State), the program has been highly cost-beneficial. New York City has always been the exception.

4. Where does this leave us with respect to the final and most emotional charge that the child support program is racist, sexist, and anti-poor? It is true that in the country as a whole, blacks and hispanics are disproportionately represented among AFDC clients, and that in many of the major cities blacks and hispanics constitute a substantial majority of the caseload. Perforce, they are the major target of the child-support enforcement program. But translating this fact into "racism" must rest on the notion that one should not impose the same standards of family responsibility on black or hispanic men that one would impose on white men in a comparable financial position. But why should we have lower expectations for blacks and hispanics than for whites? Are they inferior? Are they naturally irresponsible? Don't they care at all about their children? Is it a characteristic of their race?

If the responses to these questions are negative, as mine are, the charge of racism is nonsensical, as is the notion that efforts to obtain child support are sexist or anti-poor. Rather, the set of views expressed by the social welfare leaders becomes an elaborate justification, perhaps more aptly called a smokescreen, to permit an indiscriminate use of public assistance funds to redistribute income not in accord with legislative intent but in accord with the view of social justice held by many in the social welfare community.

ATTITUDES OF THE FAMILY COURT

The Family Court has an essential role in the implementation of the child support program. Only the court can make the legal determination of paternity (the basis for requiring support payments), only the court can issue an enforceable support order, and only the court can enforce it. Even support agreements entered into voluntarily cannot be enforced unless they have been submitted to the court and a confirmatory order issued. A major obstacle to the effective administration of the child support program lies in the attitudes of the judges in the Family Court, particularly in New York City, toward the basic legislative policy embodied in Title IV-D.

It must be recognized that the Title IV-D program, designed as it was to promote a vastly increased and aggressive effort to locate absent fathers and obtain support, placed a heavy additional burden on the Family Court already overburdened with a growing volume of juvenile delinquency and child abuse cases, issues of much public concern requiring prompt court attention. Further, the city's fiscal crisis precluded any increase in Family Court staff; indeed, it imposed a decrease.

A host of administrative problems arose in the processing of child support cases through the family courts, and a large volume of recriminatory correspondence was exchanged between state and city officials, on the one hand, and Judge Joseph B. Williams, Administrative Judge of the Family Court in New York City, on the other. But while the Family Court had legitimate problems in terms of limited staff and additional work loads, one must look to the judges' attitudes toward the program to understand why it has been so much less effective in New York City than in a city such as Detroit, which has a caseload similar to New York's.

What was at issue was whether the Family Court and the judges were going to abide by the spirit as well as the letter of the legislation and the administrative regulations, or whether they were going to exploit judicial discretion without limit. That the latter was probable became evident to me in the summer of 1978 when, in my capacity as HRA Administrator, I visited the Brooklyn Family Court and had a long talk with Judge Philip D. Roache and sat in his court to listen to three cases involving child support. Shortly thereafter, I wrote Mayor Koch describing what I heard and saw, and I will quote extensively from the memorandum.

I wrote the Mayor:

Judge Roache indicated a lack of sympathy with the IV-D program and I shall try to give the flavor of a series of complaints he made as follows:[7]

1. "What is the point of bringing in all these 18 or 19 year olds who have not seen their fathers for 15 years to try to establish paternity? It's an utter waste of time." I then responded with the fact that there are very, very few such cases. The great bulk of cases dealt with are young children.

2. "What was the use of bringing the fathers into court since they are all on public assistance? I said, on the basis of available figures, this clearly was not true. Most of the fathers were not on public assistance. Further, even when they were, we might want to establish paternity in case they later become self-supporting. But we did not try to obtain support while they were on public assistance.

3. "What is the use of bringing these men in for support since none of them are earning very much?" I said some were not earning much and others were earning enough to provide some support according to the state standard which allowed the "absent father" to retain enough income to maintain the Bureau of Labor Statistics lower level standard of independent living. Judge Roache rejected the state standard and said, he "knew better what a man could afford to contribute to the support of his child."

I then moved into Court with Judge Roache and observed the procedure in three child support/paternity cases. Among the six people involved, all were young—somewhere in their twenties. None were married. The three children involved were all very young. The three men were working and all three readily admitted paternity. With respect to this latter point, I felt that Judge Roache in his efforts to inform the men of their right to deny paternity overstressed the burdens this could impose on them without any counterbalancing statement indicating that if they were the fathers of the children, they had a responsibility toward them.

More disturbing was what could almost be called a farce in terms of determining what the father could afford to pay toward support. Judge Roache asked what they paid for rent, a question each was generally able to answer; whether accurately or not, one could not say. He then asked how much they spent on food and what other bills they had—questions which each of the three men found utterly confusing; clearly they had no idea. The three men respectively earned $91, $120, and $140 per week, net of taxes. In one case, the man offered to pay $15 per week, but Judge Roache decided that he should pay only $10; this was the man earning $120 a week who was living with his aunt and paying $25 a week for rent and board. The man earning $140 was already making a support contribution and the amount was not divulged or reviewed by the Court.

It was later advised by staff who are frequently in Judge Roache's Court that even the above sums, which are substantially below the state standard, were higher than he ordinarily allows and may have been due to my presence in court.

On July 25, 1978, subsequent to receiving the above memorandum, the Mayor wrote the Administrative Judge for Courts in New York City, David Ross, bringing the problem to his attention and requesting some corrective action. In conclusion he said, "What is particularly painful to me is to learn that last year the City of New York collected under this program approximately $15 million while Detroit, in a similar period of time, collected approximately $50 million. It would appear to me that the missing ingredient is the will of the Family Court judges to assist by carrying out their responsibilities." Certainly the willingness—or unwillingness—of the judges to fulfill their responsibilities in the child support program is a major factor influencing the effectiveness of the program.

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[7] Judge Roache's comments are in quotes; mine are not, though both are quoted from the memorandum.

WHY JUDGES DON'T COOPERATE

I have quoted my memorandum of discussion with Judge Roache at length because his attitudes and views, though not held by all Family Court judges, are typical of so many as to exercise a controlling influence on the outcome of the Title IV-D program in the city and state. There are in my view three major reasons why the judges behave as they do with respect to the child support obligation.

First, to the extent that the law permits, judges jealously guard the prerogative of judicial discretion. While Family Court judges are aware of the extraordinary variation in the value of the support orders issued in seemingly similar circumstances, they defend the practice on the grounds that only the judge can make a correct appraisal of the individual circumstances in each case. In brief, each judge tends to regard himself in the image of Solomon. Limits to his discretion are considered not only as a diminution of his power and authority but demeaning to his status.

Second, the politics of judicial appointment in both city and state, where a liberal, humanitarian tradition has generally prevailed, whether under Democratic or Republican administrations, has meant the appointment, by and large, of persons of liberal persuasion to the Family Court as well as to other courts. Exception can hardly be taken to that. The difficulty lies on how the liberal tradition has been interpreted in the public assistance and child support programs. We see again an overreaction to past and existing discrimination against minorities, against blacks particularly, materializing in an uncritical acceptance of what are supposed to be facts but are not, in lower expectations with regard to parental responsibility among low-income families, and a general sense that a little extra income redistribution, over and above legislative intent, is not such a bad idea in an insufficiently just society.

Third, one cannot ignore the politics involved in the appointment of blacks and hispanics to the judiciary. This is not to say that adequate representation of minorities in the judiciary is not an essential element of a just society, and indeed that such representation was not long overdue. Rather, it is to say that those who have the necessary political clout, along with the substantive credentials to obtain the appointments and reappointments, are likely to carry with them the whole ideological baggage of the activist minority community. They stress discrimination and poverty and the obligation of the white community to redress grievances, to the virtual exclusion of any recognition of the advances which blacks have made in education, jobs, and income, or of the obligations which rest on the members of any community to fulfill their responsibilities to the extent possible. Mayor Koch, who has not been exactly restrained in his public criticism of judges in the criminal as well as the Family Court, reappointed Judge Roache when his term expired in 1980. Such was the political reality. I must add that what I have said with respect to the appointment of black and hispanic judges applies in substantial measure to white judges as well; many of them carry the same ideological baggage. But there is more diversity of views among the white political leadership and among white judges.

Neither my memorandum nor the Mayor's letter to Judge Ross had much effect. The attitude and actions of many of the Family Court judges continued to be hostile toward the program, as reflected in their responses to the two major matters which control the outcome of the effort to achieve child support from absent fathers: the level of support payments, and the methods used to enforce the support obligation ordered by the Court. It was through its resistance to the administrative tools provided in state legislation or Department of Social Service Administrative Directives that the court impeded the implementation of the policy enacted in the child support program.

In an effort to deal with the wide variation in and generally low level of support payments ordered by Family Court judges, New York State Department of Social Services in 1976 issued a revised standard for such payments. It was reasonably generous to the absent father in that it allowed him to retain at least sufficient income to maintain the Bureau of Labor Statistics (BLS) lower standard of living ($14,393 for a family of four in autumn 1980 prices) and took only a graduated portion of the excess income above the BLS level. It was anticipated that, although not mandatory, it would be widely accepted and utilized by Family Court judges. It was not; court-ordered support payments averaged only 54.3 percent of the state standard in October 1977.[8] A revision of the formula in 1978 to give the judges greater flexibility also had no success in raising the level of court-ordered support payments; the judges set the payment at the lower end of the formula range. Judicial discretion reigns supreme, and as it is exercised in many areas of the country, but particularly in New York City, it reflects a reluctance to impose any significant burden on the absent father to support his children and little interest in reducing the burden on the public treasury represented by the AFDC program.

An enormous administrative effort goes into locating the father, preparing for hearings before a hearing officer and the judge, and finally obtaining the court-ordered support payment, low as it may be. The effort is all for naught, however, if the order is not enforced. It was a major problem; in the third quarter of 1977, payments were not obtained on almost two-thirds of the court orders issued in the city. The most effective tool for insuring payments is an automatic payroll deduction order whereby the sum deducted is paid directly to the Bureau of Child Support. Without it, enormous staff time is consumed in going back to court when payments have not been made. Further, arrearages build up and repayment becomes more difficult, if not impossible. The system has been used with considerable success in Michigan and Massachusetts, but Family Court judges in New York were extremely reluctant to issue such orders.

The Legislature responded to this problem by requiring that support orders issued after January 1, 1979 provide for an automatic payroll deduction order in the event of failure of the respondent to keep up with his payments, and in 1979 the state made it illegal for an employer to dismiss an employee because of the imposition of such an order.

It was only a month after the law became effective that I found it necessary to inform the Mayor that "after four weeks of observation, I am distressed to advise you that most of the Family Court judges have decided not to issue this order stating on the record that the law is unconstitutional." HRA again had to return to the Court to request a payroll deduction order in the event of non-payment. Only after HRA instituted appeals and won in the Appellate Divisions in both Manhattan and Brooklyn would Family Court judges in all boroughs permit an automatic payroll deduction order. Thus, full implementation did not begin until August 1980, some 20 months after the law was supposed to become effective.

WHAT HAPPENED TO SUPPORT COLLECTIONS

One may ask whether it made much difference what the leaders of the social welfare community in New York thought and said and what the Family Court judges generally thought and did. Has the record of collections of support payments in the city over the five year period since Title IV-D came into effect in August 1975 been any worse than in the rest of the country? The answer is yes, it did make a difference, and yes, the city's record is worse—much worse.

In the country as a whole, collections on behalf of AFDC families more than doubled between 1976 and 1978, increasing from $203.6 million to $471.6 million. A further increase of 16.1 percent occurred between 1978 and 1979 and an additional 10 percent rise was achieved in 1980 when total collections reached $602.3 million. During the same five-year period, collections on behalf of non-AFDC families almost tripled, rising from $308.1 million to $871 million. Collections on behalf of AFDC and non-AFDC families exceeded expenditures by more than three-to-one. In New York City, collections during the same five year period have only increased about 4 to 5 percent per year and still do not exceed total expenditures, although, because of the formula for the distribution of collections among the three levels of government, the New York City treasury still benefits.

TABLE I.—*Percent of Total Title IV-D Cases With Child Support Collections, Fiscal Year 1980* [1]

All States Reporting	10.8
Massachusetts	42.6
Connecticut	32.0
Michigan	22.8
Pennsylvania	15.6
New Jersey	12.4
California	9.5
Ohio	8.8
Illinois	7.8
New York	7.8

[1] Source: U.S. Dept. of Health and Human Services, Office of Child Support Enforcement, *Child Support Enforcement Statistics*, May 1981, Table 14.

It can be unfair to compare New York State and certainly New York City with the country as a whole; the more appropriate comparison is with the other highly urbanized, industrial states. In this case, New York fares even worse, as Table I indicates. It seems New York State collects from only about one-sixth as many cases proportionately as does Massachusetts, a quarter as many as Connecticut, and a third as many as Michigan. The New York City ratio is at the appallingly low level of 3.7 percent.

TABLE II.—*Child Support Collections as Percentage of AFDC Payments Fiscal Year 1980* [1]

All States Reporting	5.2
Michigan	8.0
Connecticut	7.0
Massachusetts	6.3
New Jersey	6.1
Ohio	4.8
California	4.6

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[8] Data prepared by Bureau of Child Support, N.Y.C. Human Resources Administration.

Pennsylvania	4.6
New York	3.4
Illinois	1.6

[1] Source: U.S. Dept. of Health and Human Services, Office of Child Support Enforcement, *Child Support Report*, Vol. III, No. 4, April, 1981, p. 7.

SHOULDN'T LOW-INCOME FATHERS SUPPORT THEIR CHILDREN?

In terms of collections as a proportion of AFDC payments, New York State is the second lowest and New York City is lower still, with less than 2 percent. Michigan has the best record in terms of the proportion of AFDC expenditures recouped through support payments, even though it has one of the higher welfare standards in the country and was, in 1980, in a deep recession with an unemployment rate of about 16 percent. (See Table II.)

Massachusetts and Michigan also lead in terms of ratio of dollars of AFDC child support collections to each dollar of AFDC expenditures for the Title IV-D program, with figures of $3.80 and $3.54 respectively. New York State is at the bottom of the list, collecting only 98 cents for each dollar of expenditures,[9] and this because of New York City which has obtained only 54 cents per dollar of expenditures.[10]

On any index one may choose to compare New York City with other urban areas, the city's record is dismal. Its only competitor for low man on the totem pole is Illinois, influenced mainly by Chicago. Are there lessons to be learned from other states? Are we bereft of means to improve the effectiveness of the program in the city to bring it in line with the achievements in Detroit or Boston, or at least Philadelphia?

FOR THE CHILDREN'S SAKE

Michigan is frequently cited for its superior achievement in the child support program. Among the factors which explain its success, one which has relevance to New York, is that the program has the support of the unions--more particularly of the union in Michigan, the automobile workers. Major auto manufacturers and the unions cooperate with the program to ensure enforcement, with wide use being made of the payroll deduction order.

The Michigan experience suggests that a strong effort should be made in New York by the Governor's and Mayor's offices, as well as by state and local social services officials, to enlist the aid of the unions in promoting the child supports program among their members. New York is not like Detroit where one union predominates, but five or six, especially if they included District Council 37 (the municipal workers union), would cover a substantial segment of the city's union membership. The unions could influence their own members who should be making support payments and could create a general climate in which it is taken as given that parents have an obligation to support their children, if able to do so.

But the Michigan experience makes it clear that unless we change the attitude of a large majority of the Family Court judges, we cannot expect much improvement in the effectiveness of the child support program. Basically, progress can be made only through the political process, and in New York City that means the Mayor. As indicated earlier, Mayor Koch has not been sparing in his criticism of Family Court judges in child support cases, but he has not always followed through when it came to appointments and reappointments. He needs to do so and trust that the public which elected him will not withdraw its support if he refuses reappointment to judges who do not share the legislatively established principle that fathers have an obligation to support their children.

Federal officials involved with the child support program, also concerned over the low level of the court-ordered support payments, have recently inaugurated an effort through the Judicial College to raise judicial understanding of the problem. The size of the effort is such, however, that even if successful, it will take many years to permeate the nation's family courts. The more expeditious method would be for Congress to mandate that each state develop an appropriate support formula for use in its courts and for the states to mandate that judges use that formula in determining the support payment. In sum, judicial discretion needs to be very substantially narrowed with respect to the level of support.

New York State has now mandated a variety of procedures to facilitate the court process through provision for mail service of the summons, establishment of hearing officer panels to reduce the burden on the judges, and means to improve enforcement, through automatic payroll deductions, limitation on the cancellation of arrearages, and a variety of other detailed procedures. But there must still be the will to make it work among those involved in implementation of the program if it is to work well, and that requires informed and vigorous public support for the effort. It is a subject which the city's major newspapers should cover at least as intensively as they cover the public assistance and food stamp programs, and yet they rarely do so.

The leaders of the social welfare community have been successful in creating a climate of opinion unfavorable to the child support program among those who have a significant role to play in its implementation: the judiciary and the large body of workers in HRA who do the daily work of interviewing clients and absent fathers and handling the details of the cases as they go through the court process. They should not be left unchallenged. The problem has not been high on the agenda of other civic groups in the city. It is time that they took it up. It is an issue which ought to be of concern to the major women's groups. They have forced the child support program on the national level but do not appear to have devoted their attention to the implementation of the programs at the state or local level. It could be useful if they took up the cudgels for an effective program in New York as well as in other major cities. The stakes are high, not only in potential savings of public funds, but more importantly for its potential as a deterrent to family breakup and its deleterious consequences for the children involved.●

WHAT SORT OF DESPOTISM DEMOCRATIC NATIONS HAVE TO FEAR

● Mr. ARMSTRONG. Mr. President, during the early 19th century, the French writer Alexis de Tocqueville spent a great deal of time in this young country and published, in "Democracy in America," one of the most insightful, prophetic, and far-reaching accounts of democracy ever written.

Many of the Tocqueville writings are more relevant today, if possible, than when he wrote them. At a time when we are confronting deep economic problems, I am amazed that this writer was able to predict better nearly 150 years ago what would happen if Government spending and regulation was unchecked, than our own leaders have been able to do in the past 20 years.

In chapter 6 of "Democracy in America," the point is made that the overregulation of society provides an intangible, almost invisible threat to our liberty that can be as dangerous as absolute tyranny. Government "does not break men's will, but softens, bends, and guides it; it seldom enjoins, but often inhibits action; it does not destroy anything, but prevents much from being born * * *."

Surely these words shed a remarkable beam of light on the current drop in the productivity of the American people. Every Senator and Congressman, indeed every American citizen, should seriously consider this concern as we think of adding to the regulatory burden of Government. I ask that the chapter be printed in the Record.

The material follows:

Chapter 6: What Sort of Despotism Democratic Nations Have to Fear

Taking into consideration the trivial nature of men's passions now, the softness of their mores, the extent of their education, the purity of their religion, their steady habits of patient work, and the restraint which they all show in the indulgence of both their vices and their virtues, I do not expect their leaders to be tyrants, but rather schoolmasters. (See Appendix I, AA.)

Thus I think that the type of oppression which threatens democracies is different from anything there has ever been in the world before. Our contemporaries will find no prototype of it in their memories. I have myself vainly searched for a word which will exactly express the whole of the conception I have formed. Such old words as "despotism" and "tyranny" do not fit. The thing is new, and as I cannot find a word for it, I must try to define it.

I am trying to imagine under what novel features despotism may appear in the world. In the first place, I see an innumerable multitude of men, alike and equal, constantly circling around in pursuit of the petty and banal pleasures with which they glut their souls. Each one of them, withdrawn into himself, is almost unaware of the fate of the rest. Mankind, for him, consists in his children and his personal friends. As for the rest of his fellow citizens, they are near enough, but he does not notice them. He touches them but feels nothing. He exists in and for himself, and though he still may have a family, one can at least say that he has not got a fatherland.

Over this kind of men stands an immense, protective power which is alone responsible for securing their enjoyment and watching over their fate. That power is absolute, thoughtful of detail, orderly, provident, and gentle. It would resemble parental authority if, fatherlike, it tried to prepare its charges for a man's life, but on the contrary, it only tries to keep them in perpetual childhood. It likes to see the citizens enjoy themselves, provided that they think of nothing but enjoyment. It gladly works for their happiness but wants to be sole agent and judge of it. It provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, makes rules for their testaments, and divides their inheritances. Why should it not entirely relieve them from the trouble of thinking and all the cares of living?

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[9] Dept. of Health and Human Services, Office of Child Support Enforcement, *Child Support Report*, June 1981, p. 7.

[10] N.Y.C. figure obtained from tables made available by HRA, Bureau of Child Support.

Thus it daily makes the exercise of free choice less useful and rarer, restricts the activity of free will within a narrower compass, and little by little robs each citizen of the proper use of his own faculties. Equality has prepared men for all this, predisposing them to endure it and often even regard it as beneficial.

Having thus taken each citizen in turn in its powerful grasp and shaped him to its will, government then extends its embrace to include the whole of society. It covers the whole of social life with a network of petty, complicated rules that are both minute and uniform, through which even men of the greatest originality and the most vigorous temperament cannot force their heads above the crowd. It does not break men's will, but softens, bends, and guides it; it seldom enjoins, but often inhibits, action; it does not destroy anything, but prevents much being born; it is not at all tyrannical, but it hinders, restrains, enervates, stifles, and stultifies so much that in the end each nation is no more than a flock of timid and hardworking animals with the governnment as its shepherd.

I have always thought that this brand of orderly, gentle, peaceful slavery which I have just described could be combined, more easily than is generally supposed, with some of the external forms of freedom, and that there is a possibility of its getting itself established even under the shadow of the sovereignty of the people.

Our contemporaries are ever a prey to two conflicting passions; they feel the need of guidance, and they long to stay free. Unable to wipe out these two contradictory instincts, they try to satisfy them both together. Their imagination conceives a government which is unitary, protective, and all-powerful, but elected by the people. Centralization is combined with the sovereignty of the people. That gives them a chance to relax. They console themselves for being under schoolmasters by thinking that they have chosen them themselves. Each individual lets them put the collar on, for he sees that it is not a person, or a class of persons, but society itself which holds the end of the chain.

Under this system the citizens quit their state of dependence just long enough to choose their masters and then fall back into it.●

FORMER SENATOR JACOB JAVITS

Mr. PERCY. Mr. President, on a day of joy for our distinguished colleague from West Virginia—and we all join in congratulations—is a day of great sadness that we learned of the death of our distinguished former colleague from New Jersey.

I also know we were all shocked Saturday morning to hear that former Senator from New York had been taken by ambulance to St. Mary's Hospital in West Palm Beach, Fla.

I visited with Senator Javits yesterday. He was unable to talk. He is having considerable difficulty in breathing, but is putting up a valiant fight against the great difficulties that he has experienced. We all have a great affection and love for him.

I know that a note from our colleagues to Senator Javits in St. Mary's Hospital in West Palm Beach, Fla., would be deeply appreciated.

ILLINOIS BUSINESS SURVEY ON ECONOMIC RECOVERY PROGRAM

Mr. PERCY. Mr. President, the Illinois State Chamber of Commerce along with Sentry Insurance recently conducted a survey of Illinois business leaders on their attitudes toward the Economic Recovery Tax Act of 1981. The survey included questions about what each business leader believes will be the economic impact of this omnibus tax cut legislation. It also included specific questions about what each business intends to do in the way of investment, expansion, and plant modernization. Four hundred and fifty businesses of all shapes and sizes responded to the survey, and the results are both impressive and encouraging. They support the contention I have long held, that given the proper incentives for savings and investment, we will witness an explosion of economic creativity and growth that will get our economy on the move again.

Mr. President, Illinois is a keystone of industrial activity and business acumen in this country. I was therefore not surprised to learn that business leaders from all over Illinois believe that last year's tax cut legislation will lead to industrial recovery and increased productivity. Over half of those who responded to the survey expect their own businesses to generate more capital as a direct result of the tax cut, and four-fifths predict increased capital investment in the Illinois economy. Overall, business and industrial executives have high expectations that President Reagan's economic recovery program will have a favorable impact on their own businesses, the Illinois economy and on U.S. industrial recovery.

As the Members of this body know well, I have been a strong supporter of the President's economic program, and argue strongly that it would be unwise and even counterproductive to undo the incentives that have been put in place for economic recovery. I believe this point of view is supported fully by the results of this survey completed recently by the Illinois Chamber of Commerce and Sentry Insurance. As an example, over three-fourths of the business leaders interviewed stated that the capital cost recovery provisions of last year's tax cut would have a positive effect on their own business. I supported the adoption of accelerated depreciation schedules during the 96th Congress, and believe they are a crucial portion of the economic recovery program enacted last year.

Nearly a third of the respondents to this survey reported that they plan to invest in plant modernization and 29 percent in new plant. Many provide specific dollar estimates which project to nearly $2 billion in new or modernized plant within the next year.

The Illinois State Chamber of Commerce and Sentry Insurance have provided a great service in undertaking this survey. The results indicate clearly that Illinois business and industrial leaders believe strongly in the economic potency of President Reagan's tax and budget reductions, and are ready to act in a way that will lead this Nation out of its economic slump. I am confident that this is true all across this country, and believe we are fortunate to have an economic recovery program in place that will spur economic growth and productivity.

Mr. President, I ask unanimous consent that the results of this survey be printed in the RECORD at this point.

There being no objection, the results were ordered to be printed in the RECORD, as follows:

A BUSINESS STUDY—BY THE ILLINOIS STATE CHAMBER OF COMMERCE AND SENTRY INSURANCE

ILLINOIS BUSINESS SPEAKS: RESPONSE TO THE REAGAN ECONOMIC RECOVERY PROGRAM

Survey results

Components of Tax Relief Program Rated by Member Companies

Question 1: Considering the components of the Reagan tax relief program enacted in August, which will have the greatest effect on your company? Designate 1st, 2nd, etc. for any that apply.

[In percent]

	Rate No. 1	Rate No. 2	Rate No. 3	No effect
Capital cost recovery—accelerated depreciation (15-10-5-3)	50	15	12	23
Small business provisions (for example, cuts in corporate rates to $50,000, accumulated earnings credit, sub-S changes, LIFO changes)	13	15	17	55
Savings and investment incentives (Keogh, IRA, all-savers, interest exclusion, dividend reinvestment changes)	8	10	21	61
Individual rate cuts (5-10-10) and indexing	7	16	22	55

	Rate No. 1	Rate No. 2	Rate No. 3	No effect
Estate and gift tax changes	7	9	22	62
Research and development tax credits	4	15	15	66
Other individual provisions (for example, reducing marriage penalty, lower maximum rates, lower capital gains rates, exclusion of foreign-earned incomes, etc.)	2	10	19	69
None will have any significant effect	1			
No first place selection	8			

Capital cost recovery under accelerated depreciation is by far the most important feature of the Reagan Economic Recovery Program, as anticipated by responding members of the Illinois State Chamber of Commerce.

Exactly half of the responding members rate capital cost recovery as the number one item in terms of effect on their own companies, and an additional 27 percent say this will have some effect, although rating it lower than number one. Only 23 percent fail to select this feature of the tax program as having an effect on their companies.

None of the other components show strongly as a clear "second place;" other features of the program are designated by less than half as having any effect on their particular companies.

Nine in every ten responding Illinois companies, however, expect to be affected by some of the tax programs. Only 1 percent answered that "None will have any significant effect," and another 8 percent simply fail to make any first place selection. Some of the latter checkmarked two or more items without specifying any of them as "number one."

Direct Versus Indirect Tax Relief

Question 2: Some of the items in Question 1 represent direct tax relief to business (Capital cost recovery; Small business provisions; Research and development tax credits); others are indirect (Savings and investment incentives; Individual rate cuts; Estate and gift tax changes; Other individual provisions) through tax relief to individuals. Which do you expect will have the greatest impact on your company?

	Percent
Direct tax relief	50
Indirect relief	21
Both equally	16
No opinion	8
No answer	5

Fully half of the responding companies indicate that the direct tax relief to business will have the greatest impact on their particular companies, while another 21 percent specify that the indirect measures will have more impact, and a substantial number (16 percent) say that both will have about equal impact.

There are considerable differences in the responses of different types of companies, however. For example, among manufacturing companies, there is a margin of 69 percent to 8 percent indicating that the direct tax relief will have the main impact. On the other hand, among the insurance and financial institutions, the margin is 57 percent to 22 percent that the indirect tax relief will be more important. Among the other types of business, direct relief is stressed, but by a much smaller margin than was the case for the manufacturing firms.

There is also considerable difference between the replies by regular corporations and those organized in some other manner. Answers by corporations stress the direct tax relief by a margin of 3 to 1, but there is a roughly even division of opinion among those companies that are organized as something other than a regular corporation.

Specific Impact on Respondent Companies

Question 3: What will be the specific impact on your company of the Reagan Tax Plan, within the next 24 months? Check any that apply.

	Percent
Positive effects:	
More internal generation of capital	52
Greater productivity	36
More employment	34
Plant modernization	31
Investment in new plant	29
Increased new product development	28
More research	19
Higher dividends to shareholders	18
Lower prices to customers	15
Lower costs including wages	11
Negative effects:	
Higher prices to customers	10
Higher costs including wages	9
Lower employment	3
More reliance on bonds and debt capital	2
Lower dividends to shareholders	2
Lower productivity	2
Other answers:	
More reliance on equity financing	7
Miscellaneous other answers	6
No answer	10

This question was in the form of a check list, with 17 possible impacts listed and a place for respondents to write in any other anticipated impact.

The only item receiving majority agreement was more internal generation of capital, designated by 52 percent of the responding companies. This was followed by greater productivity, more employment, plant modernization, investment in new plant and increased new product development, with answers ranging from 36 percent down to 28 percent anticipating each of these effects.

Other positive effects anticipated include more research, higher dividends, lower prices and lower costs.

Negative impacts anticipated include 10 percent expecting higher prices to customers and 9 percent higher costs including wages, with an aggregate of 9 percent anticipating other negative effects.

The total responses indicating various positive effects total 273 percent, compared with only 28 percent identifying anticipated negative effects. This is nearly a 10 to 1 ratio of positive anticipation. Answers that cannot be classified as either positive or negative (more reliance on equity financing, miscellaneous answers, and no answers given) amount to only 23 percent.

A total of 31 percent of the responding companies indicated that plant modernization during the next 24 months would be one of the anticipated results of the tax changes. Respondents giving that answer were asked to indicate the estimated dollar amount. The total of 136 companies planning plant modernization included 89 that specified a dollar amount and 47 that did not. The amounts specified were in a wide range, and projected to the total ISCC membership would amount to nearly $1.2 billion. This figure is probably conservative because it does not include any dollar estimates from about one-third of the responding companies that do expect plant modernization. It is also very conservative as related to the entire state of Illinois because there are many companies that are not members of the ISCC, particularly smaller firms.

Similarly, 29 percent of the responding companies expect to invest in new plant. The dollar amounts specified by 74 of these companies, when projected to the entire membership, represent more than $680 million of investment in new plant. Again, this figure is conservative, for the same reasons cited in connection with plant modernization.

Finally, those companies anticipating more employment amount to 34 percent of the responding sample, while only 3 percent anticipate less employment. Those giving specific replies as to the number of additional (or reduced) employees, project to a total of more than 68,000 new jobs. This figure is conservative in the same sense as the dollar figures just quoted, but it may also contain an element of overstatement, since it does not reflect any adjustment for changes of employment. In other words, some of these anticipated jobs might be offset by reduced employment in other companies whose employees left to take some of these jobs.

Anticipated Effects on the Economy of Illinois

Question 4: What effect do you think the Reagan tax package will have on the economy in Illinois?

	Percent
Inflation:	
Less inflation	72
More inflation	9
No change	15
No answer	4
Employment:	
Higher employment	62
Lower employment	16
No change	17
No answer	5
Savings (industry):	
More savings into industry	67
Less savings into industry	3
No change	23
No answer	7
Savings (housing):	
More savings into housing	62
Less savings into housing	4
No change	23
No answer	11
Productivity:	
More productivity	61
Lower productivity	3
No change	26
No answer	10
Capital investment:	
Higher capital investment	83
Lower capital investment	3
No change	7
No answer	6
Poverty:	
Reduced poverty	36
Increased poverty	13
No change	42
No answer	9
Dependence on OPEC and similar foreign influences:	
Less dependence	45
Greater dependence	3
No change	42
No answer	10

Competitiveness in foreign markets:	
Greater competitiveness	58
Less competitiveness	7
No change	23
No answer	12
Interest rates:	
Lower interest rates	69
Higher interest rates	9
No change	14
No answer	89

This question requested answers on each of ten types of economic results. In contrast to the preceding questions, responses were directed to the expectation of the Reagan tax package impacting the economy of Illinois, not the individual responding company.

Positive rather than negative effects are anticipated on all ten of these categories, by varing margins. On eight of the ten subjects, there is a majority consensus. These ten subjects are compared in the condensed summary below.

[In percent]

Subject	Positive	Negative	No change/no answers
Capital investment	83	3	13
Inflation	72	9	19
Interest rates	69	9	22
Savings flow into industry	67	3	30
Savings flow into housing	62	4	34
Employment	62	16	22
Productivity	61	3	36
Competitiveness in foreign markets	58	7	35
Dependence on OPEC and similar foreign influences	45	3	52
Poverty	36	13	51

Expected Results From Higher Take-home Pay for Most Individual Wage Earners

Question 5: Take-home pay will automatically increase for most individual wage earners. This is the cornerstone of the Reagan supply-side economic plan. Specifically, which (if any) of the following do you expect will result from these gradual increases in take-home pay? (Check any that fit.)

	Percent
Positive effects:	
Increased demand for goods and services	68
General industrial recovery	66
More consumer savings will channel money into housing	62
Lower interest rates	54
Lower rates of inflation	52
More consumer savings will channel money into industry	52
Easier negotiations	28
Less consumer debt	24
Negative effects:	
Tougher negotiations as new wage and benefit contracts come up for renewal	23
Higher rates of inflation	8
Higher interest rates	7
Scarcity of goods and services	2
No answer	2

Expectations are again quite positive. Majorities ranging from 68 percent down to 52 percent expect increased demand, general industrial recovery, more consumer savings channeled into both housing and industry, lower interest rates and lower rates of inflation. Very few anticipate the opposites of any of these results, for example only 8 percent predict higher inflation, only 7 percent predict higher interest rates, and only 2 percent think that demand will lead to a scarcity of goods and services.

There is less of a consensus in regard to the effect on negotiations. While 28 percent say negotiations will be easier, 23 percent think that negotiations will become tougher as new wage and benefit contracts come up for renewal.

Apparently there is also expectation of continued high consumer debt, since only 24 percent designate "less consumer debt" as one of the results they expect from higher take-home pay.

Expectation as to Federal Budget Deficits Over the Next 3 to 5 Years

Question 6: Considering both the Reagan tax program and the projected spending cuts, what trend in federal budget deficits do you expect, over the next 3 to 5 years?

	Percent
Some deficit but less than now	60
About the same as now	16
Increasing deficits	10
A balanced budget	10
No answer	4

Very few take an extreme position in their responses to this question. On the one hand, only 10 percent anticipate a balanced budget, and only 10 percent expect federal deficits to increase. By far the largest number anticipate that there will be continuing deficits, but smaller than at the present. That reply is given by a clear majority of 60 percent. Another 16 percent expect the deficits to be the same as at the present.

Considering that this has been a very controversial subject, it is surprising that only 4 percent do not offer a prediction of one kind or another.

Impact of Federal Budget Cuts on State and Local Government

Question 7: Federal budget cuts are predicted to gradually put the squeeze on state and local governments, as Federal funding of various programs is cut back or eliminated entirely. How do you expect this to impact state and local government? (Some gave more than one answer.)

	Percent
Many of the federally-supported social programs will simply disappear	58
Federal spending will be replaced with higher state and local spending, financed by higher state and local taxes	54
Block grants will take up most of the slack, with state and local governments allocating the money more efficiently	27
Political reaction will force the U.S. Congress to restore most of the federal budget cuts in the area of social services (health, education, welfare, and elderly)	17
Miscellaneous other answers	10
No answer	4

The four suggested answers were not mutually exclusive, and many executives checked a combination of answers.

If there is a concensus it is that many of the federally-supported social programs will simply disappear, but that federal spending will be replaced with higher state and local spending, financed by higher state and local taxes. These options were designated by 58 percent and 54 percent respectively, with many respondents checking both.

The next most common viewpoint is that block grants will take up most of the slack, with state and local governments allocating money more efficiently. That is the view of 27 percent.

Only 17 percent selected the option that political reaction would force the U.S. Congress to restore most of the budget cuts in the area of social services.

Expectation of Further Tax Cuts or Simplification of Tax Structure

Question 8: The new tax laws are effective at various dates—some immediately, some as far away as 1985 or 1986. Looking even further down the road, do you expect:

	Percent
Further reduction of top individual tax rates:	
Yes, expect further reduction	18
No	58
Not sure	19
No answer	5
If yes, to what maximum level (18 percent asked):	
50 to 59 percent maximum level	(1)
40 to 49 percent maximum level	4
30 to 39 percent maximum level	1
20 to 29 percent maximum level	1
No answer	12
Reduction in corporate rates:	
Yes, expect further reduction	21
No	54
Not sure	19
No answer	6
If yes, to what maximum level (21 percent asked):	
40 to 49 percent maximum level	5
30 to 39 percent maximum level	2
20 to 29 percent maximum level	1
10 to 19 percent maximum level	(1)
No answer	13
Simplification of tax structure, such as phase out of various exemptions or loopholes:	
Yes, expect simplification of tax structure	43
No	23
Not sure	27
No answer	7
If yes, which exemptions (43 percent asked):	
Tax shelters, executive "perks," things for special interests	3.5
Interest deductions	3.3
Other itemized deductions	1.5
Single tax structure, no deductions	1.3
Restriction on depreciation	0.8
Tax-free municipal or industrial revenue bonds	0.6
Nonspecific exemptions	1.7
Miscellaneous other exemptions	2.2
No answer	30.3

[1] Less than ½ of 1 percent.

Relatively few expect further reduction in tax rates, either the top individual rate (18 percent) or the corporate rate (21 percent). There is somewhat more expectation, however, that there will be simplification of the tax structure to phase out some of the exemptions or loophoes, with 43 percent anticipating that this will happen.

In regard to further reduction of individual or corporate tax rates, most of those saying they expect this to happen are nonspecific as to the maximum level that might remain after such reduction.

Answers about the future tax structure also tend to be nonspecific, with various individuals mentioning such things as tax shelters, limiting interest deduction, other itemized deductions, a single tax, etc.

Rating of America's Economic Future Between Now and the Year 2001

Question 9: On a scale of 1 to 10, how would you rate America's economic future between now and the year 2001? (10=very good and 1=very poor)

	Percent
10	7.1
9	3.7
8	26.0
7	22.2
6	14.0
5	14.0
4	6.2
3	1.5
2	0.4
1	0.8
No answer	3.7

In this question, survey respondents were asked to rate America's economic future on a scale of 1 through 10, with 1 defined as very poor and 10 as very good.

Most ratings fall between 5 and 8. Only about 11 percent give ratings of either 9 or 10, and only about 9 percent give ratings of 4 or less. The median rating is 7.

For purposes of analysis, these have been grouped in three clusters with a rating of 8 through 10 considered to be optimistic, 1 through 5 pessimistic, and a 6 or 7 an essentially neutral rating. On this basis, the most optimistic group is made up of CEOs, those in insurance and financial institutions, and those in companies with between 100 and 200 employees. In each of these groups, 41 percent rate as optimists.

At the other end of the scale, groups in which the largest numbers have a pessimistic outlook include organizations other than regular corporations (32 percent are pessimistic) companies with 25 or fewer employees (also 32 percent) and those with between 100 and 200 employees (30 percent).

APPENDIX A

METHODOLOGY

This report is based on replies by 450 members of the Illinois State Chamber of Commerce.

Questionnaires were mailed on October 9, 1981 to 1,393 members of ISCC. This included 100 percent coverage of members with 500 or more employees, and a 20 percent random sampling of members with fewer employees. A duplicate questionnaire, with a reminder letter, was mailed on October 23, 1981. Cutoff date for returns was November 10, 1981. Response was as follows:

	Number mailed	Number of replies	Percent response
Over 500 employees	414	126	30.4
Under 500 employees	979	324	33.1
Total members	1,393	450	32.3

A description of the survey respondents, in terms of type of business, size, etc. follows. Several of those completing the questionnaire apparently overlooked the last page which contained the classifying data, and a few others omitted one item or another, hence the "unknown" number in each grouping.

In the "Survey Results" percentages will not always equal 100 percent, for several reasons: (a) due to rounding, they may total 99 percent or 101 percent; (b) some questions permitted multiple answers; (c) sometimes two or more related items are grouped in a table, for which respondents may have checked both or neither.

SURVEY SAMPLE

Type of business or industry:[1] 196—manufacturing; 48—retail; 42—wholesale, distributive; 49—financial, insurance; 6—electric, gas, or telephone utility; 15—transportation; 17—printing and publishing; 94—miscellaneous other service; and 18—unknown.

Questionnaire completed by: 253—CEO, president, chairman, partner; 61—vice president; 78—treasurer, other financial executive; 39—miscellaneous other; and 19—unknown.

Approximate number of full-time employees in Illinois: 87—25 or fewer; 135—26 to 100; 46—101 to 200; 38—201 to 500; 47—501 to 1000; 79—over 1000; and 18—unknown.

Is your company: 376—corporation; 10—proprietorship; 13—partnership; 14—Sub-S Corporation; and 37—unknown.

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[1] Some checked more than one category.

RAILROAD RETIREMENT BOARD

Mr. BURDICK. Mr. President, I join my distinguished colleague from Ohio (Mr. METZENBAUM) in sponsoring this resolution. This administration seems bent on proving that it has no regard for the rights of working people who have toiled all their lives in order to assure themselves retirement with security and dignity. Last year it was social security recipients who were the target of proposed cuts in basic retirement benefits. Now the administration wants to eliminate the Railroad Retirement Board and the special services it provides to railroad employees, as well as reduce the Federal Government's contribution to the so-called windfall benefits account. The Senate overwhelmingly rejected the sudden and drastic reductions proposed for social security, and I urge my colleagues to oppose the dismantling of the Railroad Retirement Board with equal determination.

The administration's fiscal 1983 budget calls for the staff of the Railroad Retirement Board to be reduced by the equivalent of 143 full-time positions. This would result in the closing of most of the Board's 77 district offices around the country. According to the Office of Management and Budget, these offices can be replaced by a toll-free telephone line into the Board's headquarters in Chicago.

To my mind, such a personnel reduction would be totally unfair and counterproductive. First, the Board's administrative costs are fully funded by taxes paid by railroad management and railroad employees. The Federal Government provides no money toward the administration of the Railroad Retirement System, and should not be dictating the level of services provided by that System. Second, elimination of the field offices will result in more waste and fraud, not more efficiency. The personnel in these offices investigate and verify claims for retirement, unemployment and sickness benefits. If all claims go straight to Chicago, many more of them will be approved automatically because there will not be sufficient staff to determine the merits of each claim.

I am also very disturbed by the administration's fiscal 1983 request for only $350 million to fund the dual benefits retirement account. That account is currently funded at a level of $379.2 million, or approximately 85 percent of full funding. We should be moving toward 100 percent funding of dual benefits, not away from it. These windfall benefits were earned by railroad retirees in employment outside the railroad industry, and Congress pledged in 1974 to make sufficient annual appropriations to insure their payment.

But the adminstration's ultimate and most objectionable goal, as described in its 1983 budget report, is to entirely abolish the Railroad Retirement Board and redistribute its functions between the Social Security Administration, a private pension corporation, and State umemployment offices. The legislation necessary to accomplish these changes has not yet been submitted, and I think the Senate should use this resolution as a message to the administration that any such bill will receive a very hostile reception.

This proposal simply makes no sense at all. It results in no actual budget savings for the Federal Government. It would add 1.5 million railroad retirees, whose problems and needs are unique, to an already overburdened Social Security System. And most importantly, it would exempt current benefit obligations assumed by the new pension corporation from the Employee Retirement Income Security Act of 1974 (ERISA). This would leave railroad retirees without protection in the event that liabilities stemming from present obligations should exceed future revenues.

This is shabby treatment of the "rails" who have worked the Nation's railroads and have made them the foundation of our country's economic strength and diversity, and I do not think this Senate or the Congress will stand for it. I, for one, will do everything I can to prevent the elimination of the Railroad Retirement Board and uphold the Federal Government's commitments to railroad retirees. I urge all my colleagues to join me in this resolve.

JOINT REFERRAL—S. 1662

Mr. BAKER. Mr. President, this request, I believe, has been cleared on both sides.

Mr. President, I ask unanimous consent that Calendar No. 393, S. 1662, the National Nuclear Waste Policy Act of 1981, be referred to the Committee on Armed Services for the purpose of permitting the committee to review the following provisions of the bill: section 202, section 203, and title VIII of the "Environment and Public Works" version of the bill; section 202 of the "Energy and Natural Resources" version of the bill; and the applicability of title VII of the "Energy and Natural Resources and Environment and Public Works" versions of the bill to a licensed repository or monitored, retrievable storage facility for radioactive waste from atomic energy defense activities.

I further ask unanimous consent that the Committee on Armed Services be obligated to report the bill by March 25, 1982, or be discharged from further consideration thereof.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

WILLIAM ROCKEFELLER PROXMIRE

Mr. **ROBERT C. BYRD**. Mr. President, today, Senator PROXMIRE of Wisconsin became a proud grandfather to his third grandson—the first to bear his name. William Rockefeller Proxmire was born this morning—Monday, March 8, 1982—at approximately 9 a.m. The healthy young Proxmire weighed in at 7 pounds and 1 ounce at Georgetown University Hospital, and is the son of Ted and Barabara Proxmire.

Ted's father, the Senator, has estimated—if not predicted—that his grandson and namesake having been born today could be President of the United States of America in the year 2020.

We congratulate him on his optimism and on the arrival of his new grandson.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. **THURMOND**. Mr. President, I move, in accordance with the order previously entered, and pursuant to Senate Resolution 335, as a further mark of respect to the memory of the deceased Hon. Clifford P. Case, formerly a Senator from the State of New Jersey, that the Senate stand in recess until 10:30 a.m. tomorrow.

The motion was agreed to unanimously; and, at 6:18 p.m., the Senate recessed until Tuesday, March 9, 1982, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 8, 1982:

FOREIGN SERVICE

The following-named Career Member of the Senior Foreign Service of the Agency for International Development for promotion in the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, class of minister-counselor:

Ralph J. Edwards, of Alabama
John R. Eriksson, of Maryland

The following-named Career Member of the Foreign Service of the Agency for International Development for promotion into the Senior Foreign Service to the class indicated, and for the other appointments as indicated:

Career Member of the Senior Foreign Service of the United States of America, class of Minister-Counselor, and a Consular Officer and a Secretary in the Diplomatic Service of the United States of America:

L. Michael Hager, of the District of Columbia

The following-named persons for appointment in the Foreign Service of the agencies indicated as Foreign Service Officers or Foreign Service Information Officer of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of class 2, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Anna Maria Anderson Lehel, of the District of Columbia

DEPARTMENT OF COMMERCE

George Frederick Ruffner, of Pennsylvania.

For appointment as Foreign Service Officers of class 3, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

George Lee, of California.
Catherine Munnell Smith, of Connecticut.
Ruth A. Whiteside, of Texas.

DEPARTMENT OF COMMERCE

Robert John Marro, of New Jersey.

For appointment as a Foreign Service Information Office of class 3, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

INTERNATIONAL COMMUNICATION AGENCY

Lois E. Knoll, of California.

For appointment as Foreign Service Officers of class 4, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Peter K. Augustine, of Texas.
Donna M. Blair, of Louisiana.
William Marcellus Butler, of Maryland.
James Philip Callahan, of Florida.
John Albert Cloud, Jr., of Virginia.
Brendan A. Hanniffy, of Florida.
Susan Rockwell Johnson, of New York.
Keith Loken, of California.
Eileen Anne Malloy, of Connecticut.
Gerard E. Marandino, of New York.
Kevin T. McConnell, of Virginia.
Olaf North Otto, of Virginia.
Suzanne P. Payne, of Ohio.
Carlos Pérez, of Pennsylvania.
Suella Pipal, of California.
Francis T. Scanlan, Jr., of Louisiana.
Joseph D. Stafford III, of Florida.
William Ross Tagliani, of Virginia.
Sharon Anderholm Wiener, of Ohio.
Herbert Yarvin, of California.

The following-named members of the Foreign Service of the Departments of State and Commerce, the Agency for International Development and the International Communication Agency to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Joan B. Adrian, of the District of Columbia.
Kenneth E. Albright, of New Mexico.
Thomas M. Alexander, of Virginia.
Michael H. Anderson, of Minnesota.
Sheila M. Anderson, of Virginia.
David E. Appleton, of New Hampshire.
Pamela Corey Archer, of Virginia.
Diana Deverell Askman, of Maine.
Lon D. Augustenborg, of Virginia.
Sheldon E. Austin, of New York.
Carlos S. Bakota, of Indiana.
Jonathan H. Barber, of Virginia.
Douglas M. Barnes, of the District of Columbia.
Roberto Barrios, of Florida.
Mari L. Baumgarten, of Florida.
Steven W. Bay, of Nevada.
Frederick Claude Bayler, of Texas.
Robert L. Beckman, of New York.
Michael J. Boyle, of Wyoming.
Ruth E. Bright, of Florida.
Donald R. Brown, of Virginia.
Gayleatha B. Brown, of the District of Columbia.
John H. Brown, of the District of Columbia.
William Joseph Burns, of Pennsylvania.
Steven Allen Candy, of Michigan.
Jose Cao-Garcia, of Maryland.
Miriam Caravella, of Maryland.
Mary B. Carlin, of the District of Columbia.
Robin C. Carter, of Texas.
Will J. Carter, of the District of Columbia.
Lisa Ann Carty, of New Jersey.
Milton Lewis Charlton, of California.
Linda Carol Cheatham, of Texas.
Martin Chorich, of California.
Gordon F. Compton, of Virginia.
Edwin F. Cooke, of Virginia.
John A. Cord, of Virginia
Alan S. Costa, of Virginia.
David J. Creagan, of Ohio.
Carolyn R. Creatore, of the District of Columbia.
Henry A. Crumpton, of Virginia.
Chantal B. Dalton, of New Jersey.
Bernard F. D'Ambrosio, of Maryland.
Willene Daniels, of Florida.
Christopher J. Datta, of New Jersey.
Francis R. Daulong, of Virginia.
Nola Day, of Vermont.
Robert Scott Dean, of Minnesota.
John Frederick DeVleming, of Washington.
Suresh Kumar Dhir, of Maryland.
Joseph Hunter Downs II, of Virginia.
Darrel L. Dudley, of Virginia.
Robert F. Eaton, of Virginia.
William E. Edwards, of Florida.
James S. Elliott, of Tennessee.
Darrell Kevin Ellison, of New York.
Edward Ely, of Maryland.
Gregory W. Engle, of Colorado.
John T. Enkoji, of Virginia.
Juanita Y. Enkoji, of Virginia.
Richard C. Fagan, of the District of Columbia.
Cynthia J. Farrell, of New York.
Christian Filostrat, of Maryland.
Helena Kane Finn, of New York.
Robert T. Finneran, of New Hampshire.
Luis A. Fisher, of Virginia.
M. Anthony Fitchue, of the District of Columbia.
Deborah A. Fitzgerald, of Virginia.

Amelia Fitzjohn-Broderick, of Wisconsin.
James A. Forbes, of Virginia.
Audrey Annette Ford, of Michigan.
Max L. Friedersdorf, of Florida.
Mickey R. Frisby, of Oklahoma.
Karl H. Fritz, of the District of Columbia.
Michael P. Galbraith, of Ohio.
John C. Gannon, of Virginia.
Michael J. Ganski, of Virginia.
Elaine Lawson Garland, of Virginia.
Claude C. Gau, of Maryland.
Emmett George, of the District of Columbia.
Jeffrey T. Gersick, of California.
Julie Gianelloni, of Texas.
Grace Carolyn Gilinger, of Pennsylvania.
Scott E. Gilman, of Virginia.
Philip M. Giraldi, of New Jersey.
William M. E. Glass, of Virginia.
Edward M. Gomez, of North Carolina.
Marcia A. Grant, of the District of Columbia.
Malcolm H. Gray, of Maryland.
Jonathan Greenhill, of Virginia.
Jennifer A. Gregg, of Virginia.
Kathryn McPherson Gunning, of California.
Bill Allan Hadley, of Maryland.
Timothy D. Hadley, of Virginia.
Michael Hahn, of Virginia.
Peter H. Hanley, of Virginia.
Linda Kay Hardesty, of California.
Lisa S. Harper, of Maryland.
James Thomas Healy, Jr., of New York.
Karen Benucci Hendershot, of New Jersey.
Ann Lyman Henderson, of the District of Columbia.
Salomé Hernández, of California.
Margaret Doranne Higgins, of Arizona.
Joseph Hilliard, Jr., of Washington.
Willie J. Holmes, of the District of Columbia.
John A. Hols, Jr., of Virginia.
Earl H. Hopgood, of Maryland.
Richard L. Horne, of Massachusetts.
Michael H. Howland, of Virginia.
Peter J. Hussey, of Virginia.
Pete Kazuhiko Ito, of California.
William C. Jackson, of Delaware.
Morris E. Jacobs, of the District of Columbia.
Arlene R. Jacquette, of Rhode Island.
Frederick E. Janney, of Maryland.
Mary H. Johnson, of North Carolina.
Dotti Jones, of Texas.
William C. Jones, of Missouri.
Watt William Jordan III, of Virginia.
Michael Kalogeropoulos, of Virginia.
William D. Kane, of Virginia.
Karla D. Karnap, of Virginia.
M. Corinne Kearfott, of Virginia.
Inez G. Kerr, of Ohio.
Susan C. Kirkby, of Maryland.
Joseph V. Kirschner, of Virginia.
L. W. Koengeter, of Pennsylvania.
Stanley J. Konski, of Virginia.
George Albert Krol, of New Jersey.
Robert Laing, of Michigan.
James C. Lawler, of Virginia.
John J. LeBeau, of Virginia.
Mildred A. Leinweber, of Florida.
Hugo Llorens, of New York.
Efrain Lopez, of Virginia.
Benjamin M. Lowe, of Florida.
Robert Sanford Luke, of Florida.
Walter L. Mackey, of Maryland.
Carol A. Madison, of Ohio.
Michael B. Magnani, of Virginia.
David J. Manners, of Virginia.
Cheryl Ann Martin, of Connecticut.
James Edward Maxstadt, of Indiana.
Jean Baum McAlpine, of New York.
Deborah Ann McCarthy, of California.
Cynthia K. McDowell, of Texas.
Donald McMahill, of Virginia.
Sarah Maxson Medvitz, of Massachusetts.
Charles R. Mellor, of Maryland.
James C. Mellstrom, of Virginia.
John K. Menzies, of California.
John H. Mercer, of Virginia.
Janet L. Meyer, of Virginia.
Augusta D. Moore, of Virginia.
Thomas C. Moore, of Virginia.
Alfred L. Morgan, of Oregon.
Michael P. Morgan, of the District of Columbia.
Robert O. Morris, of Virginia.
Mark James Mowrey, of New Jersey.
Kiki Skagen Munshi, of California.
Patricia Jane Murphy, of California.
Frank Lee Myers, of New Jersey.
Jerome B. Neal, of Kansas.
Hugh Mears Neighbour III, of California.
Karl G. Nelson, of Hawaii.
Pamela J. Noe, of Maryland.
Patricia D. Norman, of California.
Molly L. O'Neal, of Texas.
Marjorie Rodgers Overton, of Maryland.
Larry Leon Palmer, of North Carolina.
Andrew Charles Parker, of Pennsylvania.
David D. Pearce, of Maine.
M. Angier Peavy, of Texas.
Edward James Perkins, of Virginia.
Sheila Jane Peters, of Pennsylvania.
Shirlie Carol Pinkham, of the District of Columbia.
William C. Poole, of Virginia.
Diana C. Proeschel, of Virginia.
Guilford C. Queen, of the District of Columbia.
Cyrus M. Quigley, of Virginia.
David J. Rabadan, of New Jersey.
Thomas Bolling Robertson, of Virginia.
Victor Manuel Rocha, of California.
David P. Rolph, of Virginia.
Erwin J. Runge, of Virginia.
Eric William Running, of Washington.
Edward E. Ruse, of Texas.
Brooks Ryno, of Virginia.
John M. Sandels, of Virginia.
James F. Sartain, of Maryland.
Thomas Franklin Scaletta, Jr., of California.
Ronald Lewis Schlicher, of Tennessee.
Richard Scorza, of Florida.
Pamela M. Seaton, of Louisiana.
Charles Bratton Seidel, of Virginia.
Priscilla Sellers, of Virginia.
Florita Indira Sheppard, of Texas.
Colleen Shores, of Washington.
Mark Aaron Sigler, of Minnesota.
Paul Edward Simons, of New Jersey.
Mark Jay Smith, of California.
Shirley M. Smith, of Virginia.
Fredd D. Snell, of Virginia.
Gianpaolo Spinelli, of Virginia.
James R. Sporn, of Virginia.
Paul Dwight Stephenson, of Washington.
Frances Sullinger, of Texas.
Gerald J. Svat, of Virginia.
Patrick Syring, of Ohio.
Thelma P. Terjelian, of Virginia.
Linda Joyce Thomas, of Louisiana.
Marshall S. Thomas, of Virginia.
Carol Ellis Thompson, of California.
Mary Elizabeth Thornhill, of Connecticut.
Timothy Andrew Tulenko, of North Carolina.
Melvin Raymond Turner, of California.
Mary K. Vinson, of Virginia.
Cantwell Walsh, of the District of Columbia.
William H. Wanlund, of the District of Columbia.
Henry Webb, Jr., of Wisconsin.
Brian D. Weese, of Pennsylvania.
Jeffrey A. Weissman, of Virginia.
John W. Whiteley, of New York.
Barbara A. Wojciechowski, of Virginia.
Gene W. Wojciechowski, of Virginia.
Richard R. Wooten, of Washington.
Howard Clinton Wright, of Georgia.
Richard D. Wurdeman, of Hawaii.
Mark Zamkov, of Virginia.
Susan Weir Zelle, of Florida.

Consular Officers of the United States of America:

LeRoy D. Blanchard, of Washington.
James-Michael von Stroebel, of Florida.

Secretaries of the United States of America:

Malcolm Butler, of Texas.
John M. Scott, Jr., of Virginia.

The following-named person of the Department of State for appointment as a Foreign Service Officer of class 2, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America; effective December 11, 1981:

Miguel de la Pena, of Massachusetts.

In the Marine Corps

The following named colonel of the Marine Corps Reserve for promotion to the grade of brigadier general, pursuant to title 10, United States Code, sections 5902 and 5912, subject to qualification therefor as provided by law:

Charles S. Bishop, Jr.

Federal Mediation and Conciliation Service

Kenneth E. Moffett, of Maryland, to be Federal Mediation and Conciliation Director, vice Wayne L. Horvitz, resigned, to which position he was appointed during the last recess of the Senate.

Small Business Administration

James C. Sanders, of California, to be Administrator of the Small Business Administration, vice Michael Cardenas, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8, 1982:

U.S. Postal Service

John R. Mckean, of California, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1986.

Postal Rate Commission

John W. Crutcher, of Virginia, to be a Commissioner of the Postal Rate Commission for the term expiring October 16, 1986.

Henry R. Folsom, of Delaware, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 1982.

U.S. International Trade Commission

Veronica A. Haggart, of Virginia, to be a Member of the U.S. International Trade Commission for the remainder of the term expiring June 16, 1984.

In the Marine Corps

The following named colonels of the Marine Corps for promotion to the permanent grade of brigadier general, pursuant to title 10, United States Code, section 624, subject to qualification therefore as provided by law:

Louis H. Buehl III
Charles H. Pitman
Norman H. Smith
Ray M. Franklin
John R. Dailey
Edmund P. Looney, Jr.
Michael K. Sheridan
James E. Cassity
Carl E. Mundy, Jr.
Ernest T. Cook, Jr.

EXTENSION OF REMARKS

REFORM OF LICENSE RENEWAL PROCESS

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. SWIFT. Mr. Speaker, today I am introducing legislation that will reform the license renewal process for radio and television broadcasting stations in this country. Essentially this bill would eliminate the present cumbersome comparative renewal process and replace it with a streamlined, two-step process.

Under current regulation when a station applies for renewal, it has a record of actual performance by which its public service efforts can be judged. However, anyone else can file competitively against that station, offering more promises for comparison with the station's actual record.

My proposal makes the process more rational in that the first step would be for the FCC to determine whether or not the station has, on the basis of it's actual record of service, met the public trust responsibility contained in the 1934 Communications Act.

If the station has done the job it's supposed to do—any citizen or group can provide information or comments for FCC consideration in making that judgment—then the FCC simply proceeds with the renewal process.

If, on the other hand, the Commission finds the station has not performed in the public interest, or has violated FCC rules, it must reject the application and accept other applicants.

This reform will rationalize the renewal process and put the emphasis where I believe it should be: directly on a judgment of a station's performance of its public trust responsibility.

In the last Congress, the House passed H.R. 6228, a bill I introduced which required the FCC in renewal proceedings to consider performance, not unrelated issues such as other ownerships. This bill is an extension of that effort and, I believe, a more direct way of achieving the same purpose—to focus on actual performance of a licensee in determining whether to renew.

I would want to add, however, that I have another bill, H.R. 4726, which is before this Congress and is designed to quantify the public trust responsibility. I still firmly believe that quantification will further streamline the regulation of broadcasting. Further, I believe it is in the best interests of both the public and the broadcaster to move away from the ephemeral standard now used by the Commission to make determinations for renewal to a concrete and measurable standard.

The bill I introduce today is totally consistent with the approach of H.R. 4726. It is, however, no substitute for either it or some other method of assuring the preservation and vigorous implementation of the public service obligation of broadcasters. I welcome cosponsorship of both of these bills as I believe they both represent policy changes that need to be adopted.

I am joined today in introducing the two-step renewal bill by seven of my colleagues on the Subcommittee on Telecommunications, Consumer Protection and Finance: Mr. Tauzin, Mr. Luken, Mr. Mottl, Mr. Collins of Texas, Mr. Bailey, Mr. Tauke, and Mr. Moorhead.

Our subcommittee has before it already a full plate of legislation which may probably keep us from considering a comprehensive bill, but we are concerned that we move forward with some broadcast legislation this year.

Mr. Speaker, this bill will give us that opportunity. It has bipartisan support on the subcommittee and I look forward to working with my colleagues on it this year.

I ask unanimous consent to have the full text of the bill printed in the Record.

The text of the bill follows:

H.R. 5752

A bill to amend the Communications Act of 1934 to make certain revisions in procedures applicable to the renewal of broadcasting station licenses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309(a) of the Communications Act of 1934 (47 U.S.C. 309(a)) is amended by inserting "(1)" after the subsection designation, and by adding at the end thereof the following new paragraph:

"(2)(A) The Commission, in acting upon any application for the renewal of a broadcasting station license which is filed by a licensee under section 308, shall grant such application for renewal if the Commission finds that such licensee has operated the broadcasting station during the most recent period of license—

"(i) in a manner which serves the public interest, convenience, and necessity; and

"(ii) without serious violations of any provision of this Act or any rule or regulation of the Commission authorized by this Act or by any treaty ratified by the United States.

"(B) If the Commission determines, after notice and opportunity for a hearing, that a licensee specified in subparagraph (A) does not meet the requirements established in subparagraph (A), the Commission shall—

"(i) issue an order denying the application for renewal filed by such licensee under section 308; and

"(ii) accept and consider such applications for a construction permit as may be filed under section 308 for the broadcasting station operated by such licensee.

"(C) The Commission shall not accept and consider any application in accordance with subparagraph (B)(ii) unless and until the Commission has issued an order denying an application for the renewal of the broadcasting station license involved."

Sec. 2. The amendments made by this Act shall apply to broadcasting station license renewal applications and construction permits filed with the Federal Communications Commission under section 308 of the Communications Act of 1934 (47 U.S.C. 308) after March 8, 1982.●

DR. MORRIS CHARNER

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. ROSENTHAL. Mr. Speaker, on March 26, 1982, Rabbi Dr. Morris Charner will be honored for his 30 years of dedicated service as principal and head of the Rosh Ha Yeshiva in Forest Hills, N.Y. Today, I want to take the opportunity to pay tribute to this man who has dedicated a major portion of his lifetime to the betterment of the Jewish community, both here and overseas.

Prior to his tenure with the Yeshiva in Forest Hills, Dr. Charner served as principal at the Mizrachi High School in Israel and the Yeshiva in Hartford. Among his numerous achievements, Dr. Charner earned masters and doctoral degrees from Columbia University, as well as membership to two educational honor societies, Kappa Delta Pi, and Phi Delta Kappa. At Hunter College he spent 7 years as an instructor of Judaic studies. For 12 years, Dr. Charner acted as the national president of the Yeshiva English Principals' Association, and for 8 years he served as the president of the Long Island Association of Yeshiva Principals. One of his many accomplishments was the founding of the Joseph and Sylvia Shaw Synagogue of Dov Rel, where he also spent 25 years as rabbi for the congregation.

Morris Charner's dedicated religious and educational pursuits have made him an intelligent, effective, and well-liked leader. Those of us in Queens are honored and proud that he has used them to improve both the lives of our young people and our community as a whole.

I wish him mazel tov in his future endeavors.●

DR. MARTIN LUTHER KING, JR., RECOGNITION DAY PROGRAM

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. RODINO. Mr. Speaker, I want to call my colleagues' attention to a very special event in my congressional district celebrating America's continued commitment to human rights. I was proud to participate in the Dr. Martin Luther King, Jr., Recognition Day program sponsored by the North Ward Center of Newark on February 26.

Mr. Stephen Adubato, executive director of the North Ward Center, is a good friend of mine, and he is the man responsible for putting together the Dr. King Recognition Day in such a way that many different groups of people in Newark can participate and obtain meaning from the teachings of Dr. King. Mr. Adubato's goal is to carry on the tradition of Dr. Martin Luther King's commitment to justice and freedom for all Americans.

The North Ward Center's program, which was open to all Newarkers, opened with remarks from Mr. Adubato, Mayor Kenneth Gibson, and New Jersey Energy Commissioner Leonard Coleman. After an inspirational song, sung beautifully by Janice Carr, two awards were presented to individuals who have carried on the dream of Martin Luther King, Jr. Dr. Zachary Yamba, president of Essex County College and a person who in his own way has uplifted the spirit of the educational community in Newark, presented one Dr. Martin Luther King, Jr., Recognition Day Award to Ms. Adrianne Davis, an Essex County Freeholder and administrator of the North Ward Center. Ms. Davis' involvement with the Newark community, especially her efforts to help the young and the elderly, have earned her a special place among those who are striving to overcome inequality and economic injustice.

I had the privilege to present the other Dr. Martin Luther King, Jr., Recognition Day Award to Mr. Charles Blair, program officer for the Lilly Endowment. Mr. Blair is a young man of many talents who has used his professional position to help the disadvantaged of society gain a sense of dignity and purpose. As an educational counselor to juvenile delinquents, as a guidance counselor and youth worker, as a writer, editor and lecturer he has worked to make Dr. King's dream a reality for those who have suffered from inequality of opportunity. As a senior program officer of the Lilly Endowment, he has spent a great deal of time in New Jersey setting up programs for youth employment, juvenile justice and minority leadership development.

Mr. Speaker, this was a very important awards program because it reminded all of us of the value of individual commitment to Dr. King's dream.

The Dr. Martin Luther King Recognition Day Awards were engraved with the nobility of one of America's great teachers and leaders—a man who spoke the truth and embraced a nation with its meaning. The North Ward Center's program is dedicated to bringing the fullness of that meaning to many more generations of Americans.●

LABOR TODAY: A 20TH ANNIVERSARY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. CONYERS. On Friday night, April 30, I will be speaking at a rally-concert in Chicago celebrating the 20th anniversary of Labor Today, the only independent national labor publication in the United States. I will be joined on that occasion by Mr. William W. Winpisinger, president of the International Association of Machinists and Aerospace Workers, AFL-CIO. The evening's program will include a unique cultural presentation of "Songs You Can See" featuring Carol Ann North, Peggy Lipshutz, and Rebbecca Shepherdy. I am happy to announce that four Members of the House of Representatives—CARDISS COLLINS, RONALD V. DELLUMS, GUS SAVAGE, and HAROLD WASHINGTON—are among those listed on the sponsoring committee for the event.

My knowledge of, and respect for, Labor Today dates from the time it was founded in Detroit in 1962. I wrote my first article for Labor Today in 1964, and April 30 will be the second time that I have had the privilege of speaking at one of their affairs.

For the past 20 years Labor Today has been a part of every major struggle facing U.S. workers and the American labor movement:

The fight to organize the unorganized—and today the fight to organize the unemployed.

The fight against the war in Vietnam—and today the fight against insane increases in the military budget.

The fight against wage controls in the seventies—and today the fight against union busting and take aways.

The struggle for dignity and justice for all Americans in the workplace and in the ranks of the labor movement—and today the fight to defend and expand affirmative action programs.

Labor Today was the first labor publication to call for a March on Washington—and then rallied its readers to help build the campaign that eventually blossomed into the historic Solidarity Day Demonstration in Washington on September 19.

Labor Today has been particularly supportive of H.R. 1784, legislation that I have introduced in the last three sessions of the Congress that would provide more than 7 million jobs by reducing the workweek to 35 hours, imposing a double time penalty on overtime and outlawing forced overtime. And, of course, it should come as no surprise to anyone that Labor Today stands in vigorous opposition to the Reagan administration's attempt to replace the New Deal with the raw deal.

I urge all who share the vision of a progressive labor movement to join me and Brother Winpisinger at the Packinghouse Labor and Community Center in Chicago on April 30 and to do whatever else they can do to guarantee the continued—and indispensable—work of Labor Today.

The following individuals are sponsors of Labor Today's 20th anniversary concert-rally:

SPONSORS

Committee in Formation, Lance Cohn, Cathern Davis, Len deCaux, Cochairs; James G. Archuleta, Editor, Union News Oil, Chemical & Atomic Workers International Union; James Balanoff, United Steelworkers of America; Mark Selkin, Editor, Iowa AFL-CIO News; Boris Block, Secretary-Treasurer, United Electrical, Radio & Machine Workers of America (U.E.); Lydia Sanchez Bracamonte, President, Midwest Coalition in Defense of Immigrants; Carol Mosely Braun, Illinois State Representative; Harry Bridges, President Emeritus, International Longshoremen's & Warehousemen's Union; Lance Cohn, Cochair, National Center for Trade Union Action & Democracy (TUAD); Hon. Cardiss Collins, Congresswoman, Seventh District, Illinois; Dave Cortwright, Executive Director, Committee for a Sane Nuclear Policy (SANE); Cathern Davis, Professor, Malcolm X College, Chicago, Local 1600 Teachers Union; Len deCaux, Founding Editor, CIO News; Hon. Ronald V. Dellums, Congressman, Eighth District, California; Ernest Demaio, U.N. Representative, World Federation of Trade Unions.

Thomas Ducy, General Vice President, International Association of Machinists & Aerospace Workers, AFL-CIO; Eugene Glover, Secretary-Treasurer, International Association of Machinists & Aerospace Workers, AFL-CIO; Anne C. Greene, President, Workers Education Local 189; Aubrey Grossman, Secretary, Trade Union Committee for a Transfer Amendment and Economic Conversion; Charles Hayes, Vice-President, United Food & Commercial Workers Union, AFL-CIO; Fr. William "Bill" Hogan, Concerned Clergy & Laity; Johnnie Mae Jackson, Chair, Chicago Coalition of Labor

Union Women; Arthur Loevy, Vice President, Amalgamated Clothing & Textile Workers Union, AFL-CIO; Frank Lumpkin, Chair, Wisconsin Steelworkers Save Our Jobs Committee; James Lyons, Griever, Local 1033, Steelworkers; Charlene Mitchell, Executive Secretary, National Alliance Against Racist and Political Repression; William Moody, Editor, Union Tabloid, Graphics Arts International Union; Lewis "Lew" Moye, Cochair, National Center for Trade Union Action & Democracy (TUAD); Michael Myerson, Executive Director, U.S. Peace Council; Norman Roth, Founder, Labor Today Associates; Frank Rosen, President, District 11, United Electrical, Radio & Machine Workers of America (U.E.); Frank Runnels, President, All Unions Committee to Shorten the Work Week; Hon. Gus Savage, Congressman, Second District, Illinois; Ira Silver, Financial Secretary, Local 7610, Steelworkers; Robert Simpson, Executive Vice President, Chicago Chapter, Coalition of Black Trade Unionists; Pat Strandt, Editor, Voice of the Cement, Lime & Gypsum Workers International Union; Hon. Harold Washington, Congressman, First District Illinois; Roberta Wood, Trustee, Local 65, Steelworkers; James Wright, Director, Region 4, United Automobile, Aerospace & Agricultural Workers of America.●

INVITATION TO BRIEFINGS ON CLEAN AIR ACT AMENDMENTS OF 1982

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. WYDEN. Mr. Speaker, reauthorization of the Clean Air Act could easily become the most important environmental legislation to reach the floor of the 97th Congress. Markup at the subcommittee level is underway.

Stakes are high. Drawing from the more than 10 years experience under this hallmark law of the 1970's, we must identify necessary adjustments that will not sidestep the fundamental goals of protecting public health and preserving and enhancing our Nation's air quality.

The overwhelming public interest in the future of this law demands we conduct our debate in a nonpartisan manner, with the fullest understanding of the goals of the Clean Air Act and the details of proposed amendments thereto. And, above all, that we separate fact from rhetoric.

It is in this spirit that I invite my colleagues or their staff to attend a series of briefings on the provisions of H.R. 5555, the Clean Air Act Amendments of 1982.

Introduced February 22 by HENRY WAXMAN, chairman of the Energy and Commerce Subcommittee on Health and Environment, H.R. 5555 is the second of two comprehensive House bills to amend the Clean Air Act.

Both bills reflect good-faith efforts to abide by the premise that the Clean Air Act needs reform to give the American people what they want and deserve—both cleaner air and less unproductive Government regulation. Nevertheless, these bills differ significantly in approach and in the degree to which they amend the present Clean Air Act.

The first of the three planned briefings will cover the stationary source provisions of H.R. 5555. It will be held Friday, March 12, at 2 p.m. in 2318 Rayburn.

The briefings will be conducted by representatives of business, labor, the environmental community, and the Congressional Research Service. H.R. 5555 will be explained and contrasted with the existing act. A question-and-answer session will follow.

Subsequent briefings will be held on the mobile source provisions of H.R. 5555 and on the acid rain and toxic pollutant control provisions of H.R. 5555. I will provide notice of the precise time and location of each.

I hope you can attend.●

IN SUPPORT OF INTEGRITY OF THE CHARTER OF THE UNITED NATIONS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. BROOMFIELD. Mr. Speaker, later this week, I will join with a number of my colleagues in introducing a resolution clearly putting the United Nations on notice that if it intentionally fails to adhere to its own charter by illegally expelling, suspending, or otherwise denying rights and privileges to any of its democratic member states, then the United States will suspend its participation in the General Assembly, and withhold its assessed contributions until the illegal action is rectified. In addition to myself, the principal sponsors of this resolution are Congressmen JACK KEMP, CLAY SHAW, JONATHAN BINGHAM, BENJAMIN ROSENTHAL, and CHARLIE WILSON.

Once conceived as the very embodiment of freedom and democracy, a place where international disputes could be resolved through negotiation, the United Nations has now degenerated into a focal point of Soviet espionage, Communist subversion, and Third World fascist demogoguery. Rather than resolving international disputes, the General Assembly now exacerbates them by quickly lining up into camps against one or another Western country and then tries to ram through ludicrous and totally unacceptable resolutions against these Western nations. There is no attempt made any more to find the middle ground, to find areas in which the parties in dispute can agree and then build upon these areas to resolve their greater differences.

It is outrageous that these Third World and Communist nations, nations which deny any semblance of democracy at home, are so intent upon using majority rule in the General Assembly to ride roughshod over the Western democracies.

The General Assembly routinely attacks Israel, El Salvador, and South Africa, among others. Yet the General Assembly and its human rights agencies were silent while the Communist forces of Pol Pot killed 3 million Kampucheans. No Third World voices were raised while Idi Amin murdered 250,000 Ugandans. In fact, Amin was the president of the Organization of African Unity during this period. Not one Third World spokesman in the United Nations called for sanctions against Jordan when they ruled the West Bank and controlled the Palestinian population from 1948 to 1967. And, of course, the United Nations is silent concerning the oppression, imprisonment of political prisoners, and complete denial of human rights that exist in the Soviet Union, Cuba, and other Communist bloc nations.

It is for these reasons that this resolution is so important. It states in no uncertain terms that there are genuine standards of behavior that must be adhered to in the world, and that the United States will not tolerate a double standard being applied to suit the majority of tyrants whose representatives occupy seats at the United Nations.

As the leading country behind the creation of the United Nations, the United States had high expectations that the establishment of the United Nations would mark a new era of international understanding and progress for humanity. No one denied that the tasks were large, but the potential rewards in the political and economic spheres were great. Today, the United States has not changed its goals. We have not lowered our sights. We still believe that the rewards are more than worth the effort. The question, however, is whether the United Nations is worthy of the task. Whether the United Nations is even attempting to fulfill the mandate set down decades ago is in doubt. The United Nations should clearly understand that the United States is wedded to the concepts upon which the United Nations was founded. It is not wedded to the institution itself.

Mr. Speaker, at this point I would like to include the text of the resolution.

House Concurrent Resolution in Support of the Integrity of the Charter of the United Nations

Whereas the United Nations Charter clearly establishes the universality of United Nations membership; and

Whereas the Charter further stipulates that United Nations members may be expelled or suspended by the General Assembly only "upon the recommendation of the Security Council"; and

Whereas a move by the General Assembly that would illegally deny and democratic state its credentials in the Assembly would be a direct violation of these provisions of the Charter: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That if any democratic state is illegally expelled, suspended, denied its credentials, or in any other manner denied its rights and privileges in the General Assembly of the United Nations, the United States will:

(1) suspend its participation in the General Assembly;

(2) withhold its assessed contributions to the United Nations until this illegal action is rectified; and

Resolved further, That the Department of State is directed to communicate these concerns to the members of the General Assembly of the United Nations.●

IMPORTATION OF UNREFINED MONTAN WAX

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. SHUMWAY. Mr. Speaker, I am today introducing legislation to impose quotas on the importation of unrefined montan wax from the German Democratic Republic (East Germany) for a 3-year period. This action is necessary because of the serious injury caused by such imports to the sole domestic producer of montan wax, American Lignite Products Co. (ALPCO) of Ione, Calif. The primary use for both domestic and imported montan wax is as a flow agent in the manufacture of one-time carbon paper.

ALPCO's struggle against the predatory efforts of the East Germans to attain a U.S. monopoly through underpricing, is one of longstanding. As long ago as 1954 and 1955, the U.S. Tariff Commission considered evidence of East German dumping. Since then, ALPCO has been involved in several administrative proceedings. More recently, in both the 95th and 96th Congresses, legislation was considered by the House Ways and Means Committee—but not enacted—which would have imposed an import duty on montan wax. The recommendation of the Trade Subcommittee, after hearings held in 1980, was essentially that ALPCO should seek to obtain relief administratively.

Mr. Speaker, in the past year, the International Trade Commission has considered both an antidumping petition and a section 406 case—market disruption as a result of imports from a nonmarket economy. The ITC found that dumping was in fact occurring, but the Department of Commerce—largely because of the inherent difficulty in determining East German costs of production—has reduced the recommended margin to zero. The ITC found, with regard to the section 406 case, that "market disruption does not exist."

Consequently, the last chance for preserving the only domestic source of montan was—ALPCO—and the jobs of its employees is through legislation. My bill encompasses the recommendation of ITC Commissioner Frank, in his dissent to the section 406 finding, that a specific import quota be established. I urge the colleagues on the Ways and Means Committee to consider this proposal seriously, and to take into account the very possibility that if it is not enacted, East Germany will control the U.S. montan wax market.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. CORCORAN. Mr. Speaker, due to a previous commitment, I was unable to be present Thursday for the debate and vote on Senate Joint Resolution 142, a resolution authorizing and requesting that the President issue a proclamation designating March 21, 1982, as "National Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces. Had I been present, I would have voted for the resolution.●

DISAPPROVAL OF NEW TRADE POLICY WITH SOUTH AFRICA

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. CROCKETT. Mr. Speaker, I rise today to register my disapproval of the administration's recent decision to relax restrictions on trade with South Africa. The administration's revised export regulations, which took effect Monday, March 1, 1982, will now permit sales by American companies of nonmilitary goods to the South African military and police. The new regulations have effectively dismantled a 4-year-old policy of the U.S. Government that prohibited the sale of all U.S. manufactured items to the South African police and military. Those regulations were introduced so that this country could more effectively comply with the provisions of the United Nations arms embargo. If the administration has not in fact violated the letter of the U.N. embargo by promulgating these new trade regulations, it certainly has seriously undermined the spirit of the arms embargo.

Mr. Speaker, a relaxation of trade regulations with South Africa at this time will only further undercut the credibility of our Nation's stated abhorrence of South African apartheid, and will embolden a power structure in Pretoria that over the past year has become increasingly brazen, repressive, and inhumane. This most recent change in our trade policy is a clear indication that the administration still desires to engage in an insipid dialog of constructive engagement and to grant carrots and other concessions to a country that continually flaunts most accepted norms of behavior in its international and domestic relations.

Mr. Speaker, a recent review of events, including United States and South African diplomatic initiatives, was provided by a witness before a joint hearing of the Committee on Foreign Affairs' Subcommittees on Africa and International Economic Policy and Trade. These events, which I will cite in part, clearly reveal a pattern of South African recalcitrance and U.S. acquiesence:

January 1981: After the inauguration of President Reagan, the new administration places U.S.-southern Africa policy under review. Shortly thereafter, President Reagan terms South Africa a friendly country and ally.

South African commandos invade Mozambique, killing 12 South African refugees.

March 1981: Five senior South African military officers enter the United States under false pretenses and meet with National Security Council and Defense Department personnel. One meets with UN Ambassador Kirkpatrick, violating a longstanding U.S. policy against such contacts.

May 1981: President Reagan formally meets with the first dignitary from a sub-Saharan African country, South Africa's Foreign Minister, Pik Botha.

South Africa detains 200 black labor union officials.

July 1981: The State Department issues visas to the South African national rugby team.

An African National Congress official is assassinated in Salisbury, Zimbabwe. The South African government is strongly implicated in the act. The Associated Press later reports that the U.S. government had prior knowledge of South African government plans to engage in similar activities of terror and subversion.

August 1981: South African troops invade Angola.

The United States vetoes a UN resolution condemning South Africa's invasion, claiming that the invasion should have been weighed against the Cuban presence in Angola. Nonetheless, not one report exists of Cuban troop incursions into Nambia or South Africa.

Chester Crocker, Assistant Secretary of State for African Affairs, declares in a speech in Honolulu that the U.S. will not "choose between black and white" in South Africa.

A black squatters camp outside Cape Town is demolished by the police; numerous persons are arrested and returned to their "homelands."

December 1981: South Africa releases 39 of 44 mercenaries who hijacked a plane from the Seychelles to South Africa. Only after an international outcry are the hijackers rearrested.

February 1982: Imprisoned trade union reformer, Neil Aggett, is found hanged in his cell. Though South African officials ruled it a suicide, many others continue to question the circumstances of his death. A week after Mr. Aggett's death, five union leaders are hospitalized, two for "psychiatric" treatment. Among those hospitalized is Mr. Aggett's girlfriend.

The day the administration announces its new trade policy with South Africa, it also announces that Donald DeKieffer, general counsel in the White House trade representative's office, will be travelling to South Africa on official business. Before joining the administration, Mr. DeKieffer was a paid lobbyist for the South African government.

Mr. Speaker, these events describe a South Africa that has embarked on an intensified campaign of terror, repression, and international blackmail, and bespeak a U.S. administration that has chosen to succumb to and collude with Pretoria's machinations. The administration's new trade policy is but a reflection of the preceding description.

Mr. Speaker, there is nothing socially, economically, or politically redeeming in the administration's recent foreign policy gambit. The policy seriously compromises the ideals for which this country has stood. It exacerbates tensions in our foreign relations with the whole of the African continent, lessens this country's chances to resolve successfully the conflict in Namibia, and seriously jeopardizes the United States long-term interests in that region of the world.

I would urge my colleagues not to be party to this most unwise and insensitive policy, and to join with me and other Members of Congress in disapproving these new trade regulations.●

TRIBUTE TO HON. GEORGE E. DANIELSON

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1982

● Mr. CORRADA. Mr. Speaker, I am honored to join in this tribute to GEORGE E. DANIELSON who is leaving the House of Representatives to become a justice of the California Court of Appeals in Los Angeles.

As a colleague and a friend, Congressman DANIELSON has distinguised himself with his service, since coming to Congress in 1970, on the House Judiciary Committee and International Relations Committee.

Congressman DANIELSON's district in California includes a significant number of Mexican Americans. He has understood their problems and served them well.

Congressman DANIELSON is now retiring from Congress and fortunately his new position in the California judicature will enable him to continue his long tradition of service to the public, one which has been marked with a sense of justice, fairness, and compassion for the less fortunate in our society.

As he leaves this body, I join with our other colleagues in wishing him the very best in his new career.●

COMMUNITY INVOLVEMENT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. BONIOR of Michigan. Mr. Speaker, I would like to share with my colleagues an article that recently appeared in the St. David Herald. The article by Robert Selwa, discusses the importance of neighborhoods in our urban communities and draws on the experience of our colleague from Maryland, Representative BARBARA MIKULSKI.

Detroit and Baltimore are alike in many respects and both are enriched by diverse and important neighborhoods. These neighborhoods are the thread that holds the fabric of our urban communities together.

Representative MIKULSKI's activities on behalf of Baltimore and its neighborhoods serve as an example of community involvement at its best. Citizen participation in our neighborhoods is essential if government is to work effectively for people. I know that my colleagues will share my enthusiasm and support for neighborhoods throughout our Nation.

DETROIT OUR TOWN

(By Robert Selwa)

Barbara Ann Mikulski is a teacher, author, social worker, and member of the United States's House of Representatives—but simply describes herself as a neighborhood person and a person proud to be ethnic.

The third term democratic congresswoman from the St. Stanislaus Polish neighborhood of Baltimore has been to Detroit and has noted the similar difficulties the people of the two cities have experienced.

First woman of Polish extraction ever to serve in Congress, she grew up in a family operating a neighborhood grocery store. She "became involved" when she saw Baltimore's neighborhoods threatened.

"The city wanted to put an expressway through Greek, Polish, Italian and Black neighborhoods. It was to be 16 lanes wide and the argument was the same thing you hear here, namely that it would provide more jobs. We said, no, we loved our community.

"Our neighborhoods were where you could have a home which no king, kaiser, or czar could take away from you. It was where my great-grandmother came in the 1880s in a prearranged marriage as part of the American dream."

The neighborhood people organized a "Southeast Council Against The Road."

'We ultimately won the battle though it was not easy," said Barbara, who was elected to city council in the process.

"The city bought homes, scared people to death, said 'sign now or you won't get anything.' The city sought to move people out thus the problem of vacant homes.

"We were told it was going to bring jobs to Baltimore, the only commitment we had was the jobs of the construction company building the highway. By 16 to 3 they voted against us in council, they then said it was too late, take your money and call it quits. We still said, no.

"We came up with an alternate suggestion to the engineers. We said move the expressway out on the water and over the water, and we won. This expressway does not go through the neighborhoods and the Renaissance is taking place in the neighborhoods they were going to level and which we fought to save.

"We now have the Inner Harbor Redevelopment, Baltimore's claim to fame, and the homesteading of homes. Out of our protest movement we saved the city."

She indicated the freeway's fight in Baltimore did not cost the city jobs but ended up providing more jobs through commercial and neighborhood revitalization.

Congresswoman Mikulski related all this on a visit to Detroit, speaking to the Poletown neighborhood council at Immaculate Conception Church.

Named Detroit Our Town's Woman of the Year, for coming to the aid of the church and the neighborhood council she has written a letter of appreciation. "One's efforts are not always acknowledged in such a distinguished manner," she said in her letter of January 28.

"Please know that the Polish community of Detroit and elsewhere can always count on me in time of need. I am proud of my heritage and eager to be of service."●

THE PRESIDENT'S DISAPPOINTING RESPONSE ON THE EDUCATION OF THE HANDICAPPED

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. FRANK. Mr. Speaker, several weeks ago a broadly based bipartisan group of 285 Members of Congress, including myself, wrote a letter to President Reagan urging that he impose no further cuts in the vitally important Education for all Handicapped Children Act. We recognize that this program, which has given new hope to thousands of handicapped children for a well-suited, individualized, and appropriate public education, could not be the target of further unjustified cutbacks and severe programmatic changes. The budget reductions imposed last year by the President, in concert with every Republican Member of the House, were senseless and cruel and were unusually harsh even by last year's standards. Instead of looking for further cutbacks and methods to undermine the program, we should be restoring funding for this very critical program.

Unfortunately, the President has chosen to ignore our advice. In a reply, dated February 25, the President's assistant, Kenneth Duberstein, stated that "budget reductions are proposed in almost all Federal programs including those authorized by the Education of the Handicapped Act." Further, Duberstein stated, Federal administrative requirements have resulted in inefficient programs which problems will be solved by relieving States and local governments of these requirements. But, "these reductions will not result in dollar for dollar service reductions," Duberstein concluded.

Mr. Speaker, these assertions are quite frankly, not believable. The funding levels for this program have dropped, by the administration's own calculations, by almost 30 percent from the fiscal year 1981 to the proposed fiscal year 1983 levels. The program would, by present administration projections, remain level funded through fiscal year 1987. It is simply not credible to claim that administrative costs will be reduced to that extent so that program reductions will not result. The American people, and the citizens of Massachusetts who have shown tremendous support for handicapped education programs, will not accept these assertions. Members of Congress should not accept these assertions either.

A copy of the Duberstein letter, on behalf of the President, follows.

THE WHITE HOUSE,
Washington, D.C., February 25, 1982.

Hon. BARNEY FRANK,
House of Representatives,
Washington, D.C.

DEAR MR. FRANK: On behalf of President Reagan, I would like to thank you for your February 4 letter, cosigned by 284 of your colleagues, in which you indicated your concern about proposed reductions in the programs authorized by the Education of the Handicapped Act.

We understand and share your concern for the disabled. We hope you will understand, however, that all programs must be reviewed in light of the Administration's goals of restoring health to the economy by, in part, reducing Federal spending, and returning to the people more say in the way government affects their lives.

Because of the overriding importance of slowing the rate of growth in Federal spending, budget reductions are proposed in almost all Federal programs including those authorized by the Education of the Handicapped Act.

Federal administration of the many programs authorized by the Education of the Handicapped Act has resulted in less efficient and effective programs because of the excessive administrative costs required to satisfy Federal regulatory and reporting requirements and because of decisionmaking in Washington on issues best decided at the State or local level.

We anticipate that these reductions will not result in dollar for dollar service reductions because at the same time the Administration will seek to relieve State and local governments, as much as possible, of costly and burdensome Federal regulations and reporting requirements. Given this flexibility, the Administration expects State and local governments will continue to support effective programs which are focused on disabled individuals most in need of services.

While the Administration recognizes education as primarily a responsibility of the States, we envision a continuing Federal function to provide Federal resources for helping States educate the handicapped under the President's new Federalism initiative.

In closing, let me thank you for your letter and encourage your support of our economic recovery program.

With best wishes,
Sincerely,
KENNETH M. DUBERSTEIN,
Assistant to the President.●

IT IS MORE BLESSED TO GIVE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. PEPPER. Mr. Speaker, I am pleased today to bring to the attention of my colleauges the good and charitable work of the Miami Elks Lodge No. 948. I have the privilege and the honor of being a member of this fine lodge. On February 27, the Miami Elks held their annual charity night and presented contributions totalling in excess of $100,000 to worthy Florida institutions and individuals.

Children's needs have always been of major concern to the Elks. Last year the single largest donation was to the Florida Elks Crippled Childrens Hospital. This year, the Miami Elks Lodge No. 948 has made the Florida Elks Harry-Anna Crippled Children Hospital at Umatilla, Fla., their No. 1 project. To commemorate this project, the Elks issued a cachet and I would like to share with my colleagues the message that accompanies it:

IT IS MORE BLESSED TO GIVE

Last year the Miami Elks Lodge #948 provided more than $100,000 to worthy institutions and has budgeted a similar amount for assistance in 1981-82.

Children's needs have been and will continue to be of major concern to Elks. Our largest single donation was to the Florida Elks Crippled Childrens Hospital $17,400. Ronald McDonald House at Jackson Memorial Hospital which will house the parents and relatives of hospitalized children in Miami, was another high priority project and was given $10,000 to further its important work.

Concern for the Welfare of Adults has not been overlooked: cancer research at the Papanicolaou Cancer Research Institute, heart studies at the American Heart Association of Greater Miami, padgets research and arthritis research are being supported by sizeable grants from the Lodge to the University of Miami, Department of Medicine.

Other well-known institutions chosen for substantial financial assistance included: the Dade County Advocates Program, the Miami Fire Fighters Burn Unit, the Mental Health Association, the Salvation Army, the Miami Police Benevolent Association, the Harvey Seeds American Legion Post and the Cutler Ridge American Legion Post sponsorship of their baseball team.

Camillus House received a check for $2,000 and on New Years Day received $1,000 worth of food and the volunteer assistance of members of Miami Elks Lodge #948 in serving 900 needy persons.

Earlier in the year, Miami Elks donated 100 tickets to the Big Brothers and Big Sisters in Orlando to attend the Tangerine Bowl game, and 50 tickets to the Ringling Bros. Circus were given to the children at Dorsey Head Start School.

Other recipients were: Boy Scouts of South Florida, Girl Scouts of Tropical Florida, and the Dade County Unit of American Cancer Society.

A TREASURE TO SHARE WITH THOSE WHO CARE

The International Year of the Handicapped provides the Benevolent and Protective Order of Elks of the United States of America a unique opportunity to focus attention on one of our major, long-range activities—recognizing the potential among the disabled and assisting them up the road to happy and useful lives.

It is natural then that we should view 1981 as an historical time to emphasize the importance to the nation's economy of hiring the handicapped.

The millions of Elks across America have, from the beginning, recognized the special qualities of the handicapped . . . their loyalty, dependability and capability . . . so this year might be considered just another for Elks in aiding the disabled . . . but we hope to make it more than that . . . an opportunity to alert others to recognize the fact that "Disabled doesn't mean Unable", as noted on the new 18¢ stamp stuck officially to the upper right hand corner of this prized FDC, cancelled in Milford, MI the day of issue.

Although President Franklin D. Roosevelt was the most notable of our generation's handicapped, thousands today are making their way . . . because others cared and gave them a chance.

Miami Elks of Lodge #948 took a good look at the U.S. program of national recognition of the abilities of the handicapped and decided to add its approval and support by issuing this First Day Cover in honor of its #1 Project, the Florida Elks Harry-Anna Crippled Children's Hospital in Umatilla, Florida.●

GEORGE E. DANIELSON

HON. M. CALDWELL BUTLER
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 3, 1982

● Mr. BUTLER. Mr. Speaker, I join many others in honoring our distinguished colleague from California, GEORGE DANIELSON. I have served with GEORGE in the U.S. House of Representatives and the House Judiciary Committee since 1972.

We served together on the Judiciary Committee during the impeachment hearings of former President Nixon, and the confirmation hearings of Gerald Ford and Nelson Rockefeller.

As chairman of the Subcommittee on Administrative Law and Government Relations, GEORGE is a major spokesman for regulatory reform. He was instrumental in the passage of the Ethics in Government Act of 1978.

GEORGE is an able, meticulous attorney whose talent and diligent efforts will be missed by the House of Representatives.

I wish him every success in his new position on the California Court of Appeals.●

REPUBLICAN TACTIC ENDANGERS COMPLETION OF WORK ON REVISION OF FEDERAL CRIMINAL LAWS

HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, March 8, 1982

● Mr. CONYERS. Mr. Speaker, during the previous 12 months, the Subcommittee on Criminal Justice has concentrated its efforts on revision of Federal criminal laws. The subcommittee's work throughout this period has been predicated on an understanding that controversial issues, such as the death penalty and preventive detention, would not be addressed in the revision legislation. This understanding has prevailed not only among the Democratic members of the Criminal Justice Subcommittee and the Judiciary Committee, but has also received the explicit endorsement of the Attorney General and the ranking minority member of the Judiciary Committee. This same understanding guided the subcommittee and full committee in its efforts last Congress, when it received the approval of the gentleman from Ohio (Mr. KINDNESS), who was then the subcommittee's ranking minority member and who, this Congress, has sponsored criminal code revision legislation (H.R. 1647) that is identical to the bill reported by the Judiciary Committee last Congress. In accordance with this approach, I introduced H.R. 4711, in October of last year. H.R. 4711 is very similar to the bill reported by the full Judiciary Committee last Congress, and includes the minimum number of changes in that bill which I considered necessary to produce an acceptable Federal criminal code.

When the subcommittee began markup of H.R. 4711 on February 24, the gentleman from Wisconsin (Mr. SENSENBRENNER) offered an amendment in the nature of a substitute. The amendment, which is now pending before the subcommittee, includes many provisions, such as the death penalty and preventive detention, which have previously been considered too controversial for inclusion in a comprehensive revision bill. Moreover, many of those issues, because of the agreement to avoid controversy, have never been the subject of hearings. The gentleman from Wisconsin has subsequently introduced this amendment, with some changes, as H.R. 5679, and has obtained the cosponsorship of all the Republicans on the subcommittee, including the gentleman from Ohio.

Because this new tactic by the Republicans on the subcommittee means that they have abandoned the understanding not to address highly controversial issues, I believe it appropriate to offer to the Members of this body a new version of a revised Federal criminal code—one which strikes the optimum balance between the rights of defendants and the protection of the people and their Government; properly separates the role of the Federal and State governments in law enforcement; and assures in a time of budgetary restrictions that the limited resources of the Federal Government will be used in the most productive manner. For this reason, Wednesday, March 3, 1982, I introduced H.R. 5703, "The Criminal Code Revision Act of 1982." Although this bill is similar in format and style to the bill reported last Congress by the Judiciary Committee, it contains many differences, both major and minor. During the next week, I will be inserting material in the RECORD detailing the major changes and explaining the reasons for my proposal.

The major changes include the following.

1. Greater encouragement of the use of alternatives to prison.
2. Handgun control.
3. Additional and more severe sentences for corporate crimes.
4. Easier prosecution of public corruption.
5. Penalties for corporations that endanger human life through corporate activities.
6. Abolition of the Federal death penalty.
7. Deletion of the proposed guidelines system of sentencing.
8. Limitation of Federal jurisdiction based solely on an effect on interstate commerce.
9. Refinement of the vague and overly broad Federal racketeering statutes.
10. More complete codification of defenses and bars to prosecution.

It is indeed unfortunate that the minority has chosen, at this late date, to introduce new, controversial issues into the criminal code revision debate. Because of the lack of previous testimony and deliberation on the newly raised matters, it would be irresponsible for the subcommittee to act summarily on these issues. I have therefore directed staff to prepare a comparative print of the four versions of criminal code revision legislation. In addition, during the next few weeks, the subcommittee will be holding additional hearings concerning the controversial matters. I assure my colleagues, however, that I will continue to do my utmost to expedite consideration of this legislation.●

THE DEFENSE DEBATE

HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 8, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for March 3, 1982, in the the CONGRESSIONAL RECORD:

THE DEFENSE DEBATE

How much should we spend for defense? The annual congressional debate on that question is taking on special significance this year, partly because of the sheer number of dollars involved and partly because of uncertainty about how those dollars should be spent to provide the best defense.

The President's answer to the question is that the minimum budget to do the job is $216 billion for 1983. In terms of spending authority, that sum represents a 13.3 percent real increase over last year; in terms of outlays, it is a 10.5 percent real increase for this year. In addition, Mr. Reagan proposes that military spending rise from about 25 percent of the federal budget today to about 36 percent by 1987. Under his program, total costs for defense over the next five years would be $1,640 billion. These funds would finance the most comprehensive national rearmament since World War II.

When they confront such astronomical sums, most legislators and many Americans question whether all that money can be spent efficiently and applied consistently to a solid, clearly defined military strategy.

There is unusually broad agreement in Washington on the need to strengthen our defense. This consensus is based on the impressive increase in Soviet military power and the growing military demands on the United States in a dangerous world. In fact, the President has made the rearming of America the centerpiece of his foreign policy. Most analysts in Washington agree that our armed forces suffer from deficiencies in mobility, readiness, and sustainability. For example, if we were required to fight in Western Europe or the Persian Gulf, our air-sea "lift" capacity would be less than one-half of that needed by our armed forces. Unfortunately, cuts in defense budgets for many years have come out of the funds for readiness. Our ability to sustain battle is less than it ought to be because we lack the munitions and spare parts to keep our forces in the field while industry gears up to maintain the flow of supplies.

So while few analysts dispute the need for high military spending, they raise many doubts about its efficiency and direction. Will we put the dollars where they will do us the most good?

One concern is that the Pentagon will waste money by tolerating cost overruns, overspending on the officer corps, maintaining unnecessary military bases, and buying less useful, more expensive weapons. Should we buy a $250-million aircraft which will be able to penetrate Soviet air defenses for no more than several years? Should we buy a $2.7-million tank with undeniable advantages but of questionable durability, one which is three times more expensive than its predecessor but hardly three times more effective? Is it necessary to employ eight times as many admirals per ship, seven times as many generals per aircraft in the Air Force, and twice as many generals per soldier than we employed at the end of World War II? Should we buy two more nuclear-powered carriers for $6.3 billion in the face of serious doubts about the role of carriers in a day of percision-guided munitions? A new attitude is developing in this country. It holds that our defense might well be strengthened, and total defense costs reduced, by increasing the number of weapons by shifting to simpler, less costly ones. A more constructive approach to defense would reverse the trend toward dependence on ever more costly, complex weapons.

A second concern has to do with the effect of the military buildup on the economy. Recent history would suggest that "stops and starts" in defense spending have had a damaging effect on our ability to produce the weapons we need on time and within budget. There are already shortages of materials and skilled labor in some sectors, too rapid a military buildup would make things worse. If the buildup diverted scarce resources away from civilian industry, it would make the United States less competitive in international markets than other nations which do not carry a similar defense burden. Also, defense spending tends to exacerbate regional disparities in economic growth.

The basic question is whether the most urgent priority is preparing for war or bolstering the economy. If we believe that war is imminent, then we should begin an all-out military buildup now. In such a circumstance the country can afford to meet just about any commitment in the way of military resources. However, if we believe that war is not imminent, then we can proceed to improve our armed forces over a longer period of time and keep our attention focused on the immediate problems of the economy. On this view, more military strength is needed and the United States can afford to pay for it, but it should not opt for every sophisticated weapon and every novel military strategy at once.

A third concern is whether the military buildup will give us the kind of armed forces we must have for the challenges we are most likely to face. In the past, the national debate on defense has centered on how much to spend. A "good" defense is more; a "poor" defense is less. Congress ponders whether we should hike military spending by 3 percent per year, as former President Carter proposed at one point, or 10 percent per year, as President Reagan now proposes. The debate does not take sufficient account of the threats our armed forces will encounter and the kinds of forces which are best able to cope with those threats. We are coming to realize, however, that it is not enough simply to list the number of Soviet tanks and ships and then to try to match or surpass those quantities. Rather, we are beginning to see the need for a clear concept of what the military buildup is to accomplish in the real world. We must relate our major military requirements to the protection and advancement of our specific national interests. In recent years, we have been troubled by events in Iran, Afghanistan, Poland, and El Salvador. A vigorous response to such events requires economic power and diplomatic skill in addition to a formidable arsenal. Such events also suggest the kinds of military demands we must be ready to meet. The point is that judgments of foreign policy must guide judgments on defense spending, not vice versa.●

J. ALVIN HAWBAKER DAY IN STATE COLLEGE, PA.

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. CLINGER. Mr. Speaker, the land developers who plan and build the subdivisions surrounding our urban centers have a pervasive and enduring effect on our daily lives. Those who create communities out of countryside have the substantial task of determining the nature of the human environment in that area for many years to come. Unfortunately, not all developers have respected the relationship between the natural environment and the one created for man, and the consequences have been an abundance of poorly planned, sprawling subdivisions that will plague us long after the developer has left.

One man who has made the creation of proper human environments his first priority is J. Alvin Hawbaker, who will be honored for his achievements this month by his fellow residents of State College, Pa. This recognition is thoroughly earned and long deserved. Mr. Hawbaker began his career over 50 years ago as a carpenter's apprentice, learning the homebuilding business firsthand, and working his way up to owning his own construction company. He came to State College during World War II, and 5 years later founded his present company, J. Alvin Hawbaker, Inc., which has now engaged in all aspects of real estate subdivision in central Pennsylvania for over 30 years.

When many developers have seen their task as one of taming nature, Mr. Hawbaker has built living environments in harmony with it. While some have made fortunes by throwing up developments with little regard to planning, Mr. Hawbaker has made his own fortune by making planning a prerequisite to building. His success in his field is a testament to this view that the designing and building of communities is "a marriage of beauty, practicality, and economics."

Mr. Hawbaker has stated that in creating human environment, we should seek to serve not only needs, but also aspirations. Today, I stand with the citizens of State College in saluting this man's unique accomplishments, and wish him the best in fulfilling his own aspirations.●

TAX-EXEMPT PRIVATE SCHOOLS NOT A "RELIGIOUS FREEDOM" ISSUE

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. DIXON. Mr. Speaker, the Reagan administration's January 8 decision to grant tax exemptions to discriminatory private schools has opened up a raw wound in our society which the President's hollow assurances have utterly failed to close. These actions have alarmed not only black Americans, but also many parents of parochial school students, who fail to appreciate the new right's attempt to cheapen the cherished and fundamental principle of religious freedom by invoking it on this issue.

Recently, the Los Angeles-based B'nai B'rith Messenger published a column by Robert E. Segal, pointing out the duplicity of those who defend the administration's misguided decisions on religious freedom grounds. Certainly no organization in our society appreciates more deeply the first amendment's religious freedom protections than does B'nai B'rith, and I feel that Mr Segal's comments adds considerable insight into this aspect of the tax-exempt schools controversy.

The article follows:

[From the B'nai B'rith Messenger, Feb. 26, 1982]

AS WE WERE SAYING

(By Robert E. Segal)

TAX FREEDOM FOR THE BIASED?

It was shortly before Martin Luther King's date of birth—Jan. 15—that the Reagan Administration was putting out word that it was going, in effect, to sabotage that part of the 1964 Civil Rights Act that forbids federal financial assistance for any racially discriminatory program.

Specifically, Mr. Reagan had decided to grant tax-exempt status to schools and colleges that discriminate against blacks. This astounding action, invalidating policies instituted by Richard Nixon 11 years ago and subscribed to by Gerald Ford and Jimmy Carter, runs counter to rulings by the Supreme Court and every federal appeals court that has considered the tax exempt issue.

Leading the fight to regain the tax exemption is Bob Jones Jr., president of the Bob Jones University in Greenville, South Carolina. Senator Strom Thurmond is a trustee of that religious institution which granted Ireland's fiery Protestant leader, Rev. Ian Paisley, an honorary degree in 1965. Mr. Paisley, seemingly oblivious to some teachings of his great faith, called the Pope "old red socks" and refers to Prime Minister Thatcher as "that perfidious woman of 10 Downing Street."

Pause for a moment to absorb a few pertinent quotations: Bob Jones Jr. (1972) "The question is not whether we are discriminatory. We are, and we have never tried to hide the fact."

President Reagan (1982): "I deny that any racism is involved" (in the matter of granting tax exemption to educational units that discriminate). Again: "It is the bureaucrats we are after, not the blacks."

Martin Luther King (1968). "We will not hate you, and yet we cannot obey your evil laws. Do to us what you will, and we will wear you down by our capacity to suffer; and in earning our freedom, we will so appeal to your hearts and consciences that we will win you in the process."

Now in backing Bob Jones University, the National Association of Evangelicals said it did so because it saw in the denial of tax exemption an ominous threat to religious freedom. John Baker, counsel for the Baptist Joint Committee on Public Affairs, held that once the I.R.S. is allowed to force you to choose between your tax exemption and your theology, the I.R.S. would have the power to destroy many churches. Again, Mr. Baker acknowledged that there will be racist scoundrels who cloak their actions in religion, but "we are going to have to allow some of that to take place."

Indeed! Suppose tomorrow, the Ku Klux Klan, the leaders of which boast loudly of their devotion to God and the highest principles of religion, decide to constitute that movement as a church. Shall the KKK Church of the Burning Cross go tax exempt?

Or consider the pronouncement of Rev. Greg Dixon, national secretary of Moral Majority. He says that Bishop James Armstrong of the United Methodist Church now heads an organization (the National Council of Churches) "the goals of which parallel those of the Communist Party."

Nor is there any question in Preacher Dixon's mind that "Communists are in many pulpits of the old-line denominations of America," and these are church leaders determined to subject the entire world to slavery and tyranny. Tax exemption for such as these? Would this be permitted by Senator Jeremiah Denton of Alabama, Chairman of the Senate Subcommittee On Security and Terrorism?

And would one of America's best-known religious sects want now to lose its tax-exempt status by renewing its practice of polygamy which Congress outlawed in 1862?

Pithily and graciously, the Rev. Charles Whelan, a Fordham law professor, has urged the injection of reason along with morality into the issue of tax deductions as related to religious institutions: "Christ came to save us," he has said, "not to exempt us."

Mr. Reagan, who has asserted he opposes discrimination with every fibre of his being, holds that the I.R.S., by denying tax exemption to Bob Jones University, has been guilty of making a social law without authority to do so. He's dead wrong.

We may be witness to an exercise not only of banality but of cynicism.●

GIRL SCOUT WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. NATCHER. Mr. Speaker, it is a pleasure for me to join with the Girl Scouts of America as they celebrate their 70th anniversary, March 7-13. These fine young women and their leaders want to show everyone just how much the Girl Scouts have been going and growing. This year, they are working on their own special gift to our Nation: clean, abundant water. By assisting with water conservation projects and participating in water safety programs, the Girl Scouts are certainly doing their part to achieve this goal.

Girl Scouting has touched countless lives. Today, 1 out of every 9 schoolage girls is a Girl Scout. The handicapped have been included into chapter activities. A Spanish language adaption of the Girl Scout Manual has been made, and minority membership has increased. This organization deserves to be commended for its successful efforts to make scouting available to all girls.

Learning to be a responsible decisionmaker is the goal of every Girl Scout. These young people know that more options are open to them than ever before. Career education programs are helping girls be prepared to face the challenges of the future. I know that scouting makes a positive difference in each girl's life.

Everyone is aware of the ways the Girl Scout makes her community a better place to live. In my home State of Kentucky, the Girl Scouts are known for their concern for the elderly and the shut-in. In the Second Congressional District, which I have the honor to represent, the Girl Scouts volunteer their time to the special Olympics.

Girl Scouts have come a long way during the last 70 years, but their devotion to the outdoors has not changed. No matter whether a girl decides to pursue a career, raise a family, or both, she will have been enriched by her experiences as a Girl Scout. I would like to take this opportunity to thank the thousands of adults who have donated their energies to the Girl Scouts of America, and I would like to wish each and every Girl Scout happiness in the future.●

CAL STATE, HAYWARD'S "OEDIPUS REX" HONORED NATIONALLY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. STARK. Mr. Speaker, today I am happy to share with my colleagues the good news that California State University, Hayward's production of "Oedipus Rex" has been selected as one of six productions from colleges and universities across the Nation to be presented by the American College Theater Festival (ACTF) at the John F. Kennedy Center for the Performing Arts.

"Oedipus" was chosen in the 14th annual ACTF national competition. ACTF's nationwide survey of student theater work is supported in part by a grant from the U.S. Department of Education and the Amoco companies.

It is especially gratifying to see all of those whose hard work, talent, and dedication contributed to this outstanding accomplishment, honored by performing in our Nation's Capital. The "Greek Tragedy," under the direction of Edgardo de la Cruz, will be performed in the Terrace Theater of the Kennedy Center on April 21, at 7:30 p.m., and April 22, at 2 p.m. and 7:30 p.m. I urge you to attend one of these performances to demonstrate your encouragement and support for the arts and for this fine group.

May I also take this opportunity to congratulate the cast and crew and to personally express my appreciation for bringing this national honor to the department, the university and the community.●

DOGS SLAUGHTERED FOR FOOD

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. DANIEL B. CRANE. Mr. Speaker, I am introducing today for study and examination by my distinguished colleagues this account of an inhumane and barbaric practice taking place in the Philippine Islands even as I speak. It is an account of brutality and cruelty almost beyond comprehension involving the torture, mutilation, and slaughter of thousands of dogs each year in the towns and cities of that country so their flesh may be used for party cocktail snacks.

This report, published in the National Enquirer, has been fully documented both by photographs and onsite investigators for the International Fund for Animal Welfare (IFAW) and the

World Society for the Protection of Animals.

Like most of us in this deliberative body, I have seen and heard of many things that reflect poorly on the character of mankind. Somehow this shocking situation ranks high among those, perhaps more so because it involves poor, dumb animals who have no chance at all of protecting themselves from the barbarism of these death merchants.

I am fully aware that it is the custom of some in that part of the world to regard dogs as a food source, a meat to be consumed like any other. I can accept that, reluctantly. But I cannot accept that it also is custom to torture the animal before eating it; that concept is disgusting beyond credibility.

These terrible practices are not confined to uneducated peasants in the most remote regions of the Philippines; we now have reports of dog markets operating openly in the capital city of Manila, despite the fact that they are prohibited by Philippine law.

How, then, can the authorities be unaware of these terrible activities? And if they are aware, why do they refuse to take the actions required under their nation's laws? These are questions I cannot answer with certainty; I can only speculate—though investigators who have been on the scene claim the dog slaughter is profitable not only for the butchers, but for some law enforcement officials, as well.

In the spirit of friendship, one nation to another, these are matters of which President Ferdinand Marcos, an honorable and civilized man, must be made aware. If the Philippines are to remain members in good standing of the community of civilized nations, barbaric practices such as these cannot be tolerated. Having been made aware, I hope most sincerely that President Marcos will take the necessary steps to put an end to this appalling situation.

Like most of us in Congress, I am painfully aware that our own Nation faces many serious problems—inflation combined with recession, widespread unemployment, and the like. Perhaps in light of these problems, some might say congressional concern over the fate of a few thousand dogs is misplaced. Not so. Can we, as men and women of conscience, ever afford to ignore such a blatant affront to the conscience and morality of mankind? I do not think we can.

Nor do the nearly 250,000 Americans whose letters of outrage over the Philippine dog markets even now are being forwarded to President Marcos.

As friends, as neighbors and as people of conscience, I ask that the Congress of the United States lend its support to those Americans through a sense-of-the-Congress resolution urging President Marcos to put an end to this butchery.

As I thought about this resolution at my home in Danville last weekend, I must admit to having certain reservations. Was this a proper matter for congressional consideration? Would I be accused of frivolity in light of the major problems Congress already must resolve?

I must confess it: The decision was made for me by a large, not too handsome female named Susie who ambled over to my chair, placed her head on my knee and stared up at me with the total trust and adoration only a dog can bestow.

What we have here is a question of morality, of conscience. And there can be no compromise with either.

The January 19, 1982, article follows:

INNOCENT DOGS SLAUGHTERED FOR FOOD IN COUNTRY WITHOUT SHAME

There's a hell on earth for dogs. It's in the Philippines—where each year nearly half a million dogs are mutilated, killed and turned into cocktail snacks for humans.

The story of their suffering will break your heart . . . but it's a story that must be told before the torture can ever be stopped.

In the marketplaces of countless Philippine towns, the sad eyes of dogs waiting for death stare up at passersby.

Often the poor animals' forelegs are tightly bound behind their backs with wire, and they cry out in their agony . . . yet incredibly, they're still friendly.

The dogs try to bark a greeting, but many are too weak from hunger. They cannot stand, but their tails are wagging hello.

They're loving dogs no different from your own friendly pooch at home.

But they're doomed to be clubbed, strangled, stabbed and even roasted to death in the islands' gruesome, illegal dog meat markets.

"Going into one of these Philippine dog slaughterhouses is just like going down to hell!" storms a furious Brian Davies, executive director of the International Fund for Animal Welfare (IFAW).

"I've never seen cruelty to any other animal that compares to this disgusting act.

"It's carnage , , , just horror!"

Davies led an investigative team to the Philippine Islands where the dogs are openly sold in the various marketplaces in towns—even though it's illegal.

What makes the practice even more disgusting is the fact that the dog meat doesn't go to feed starving people.

It's sold as a delicacy, to be eaten as a luxury snack with liquor.

The dogs are shipped live by the thousands from outer islands to the towns.

In the death markets the atrocities committed on the hapless and terrified animals are beyond belief, says Donna Hart, another member of the IFAW team.

"And after a dog's front legs are tied behind it, the legs serve as a grotesque carrying handle," explained Miss Hart.

"The dogs are stuffed and smashed into cages so tightly that sometimes you could see only a dog's leg or tail and couldn't find the helpless animal's head.

"When a customer chooses a dog, the dealer reaches into the cage and snags it around the neck with a rope noose on an iron pole. He pulls until eventually the dog pops out of the mass of dog bodies, screaming in pain.

"The sound at these markets was unbelievable.

"The dogs were actually screaming—unlike any dog sounds I've ever heard.

"The dealers also use their iron poles to poke a dog into an already-overstuffed cage. The pole's end mutilates the dog's head. I saw many dogs with terribly infected and also mutilated eyes.

"Some eyes were almost cut of their sockets. Sometimes, too, dogs are muzzled with sharp-edged cans tied to their snouts."

Said Steven Best, IFAW's Canadian coordinator:

"One of the butchering methods is to lightly stun the dog with a club and then burn the dog over an open butane flame—while the poor creature is still alive. Then the animal is crudely gutted by the shopkeeper before it goes to the customer.

"In another butchering method, the dealer slams the dog down on top of a cage then cuts its throat.

"The butchered dog's blood drips down on the other caged dogs, who sit there terrified, helplessly awaiting their own death.

"It's like a scene out of hell!"

Best's voice choked with emotion as he added: "The saddest thing about this whole sick scene is that all the time the dogs are going through this torture and mutilation, they're still friendly.

"They'll wag their tail at you if they aren't too weak and too far gone.

"It actually brings tears to your eyes."●

A MAN FOR ALL SEASONS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. DORNAN of California. Mr. Speaker, at a time when one world crisis after another captures the headlines, simple daily acts of self-sacrifice and charity are often overlooked or ignored. Yet it is these daily expressions of love and concern for others that enrich the lives of all of us and which are a true measure of a nation's character.

One such example of selfless concern in my own district is the life of Joe Jelikovsky of Pacific Palisades, Calif. For the past 25 years, Joe has devoted most of his time, money, and energy to combating the problems of juvenile crime, drugs, and alcohol abuse by initiating a number of critically important programs which include counseling juveniles, adults, and families. To counter the high rate of teenage alcohol abuse, Joe has pioneered a highly specialized program for teen alcoholics. Because of this innovative program, three teenage dropouts are now back in school on a regular basis. It should be pointed out that Joe has done this at his own expense without benefit of Government or other funds, relying simply on the generosity of volunteers.

Because of the high success rate, 65 percent, the Los Angeles Police Department over the past 8 years has accredited Joe's program with reducing juvenile crime. When juveniles first have contact with the law, they are sent to the community-based diversion counseling program instead of going through the system. It saves the taxpayer money while the juvenile learns to function as a productive citizen.

When interviewed by the Palisades Post last year, Joe was asked:

> Why, over so many years have you reached out without pay and with so much dedication?

His reply was:

> Our children are the future of this Nation and as parents and citizens we have a responsibility to send them into adulthood with respect, not social misfits.

On January 6, President Reagan sent a letter of commendation to Joe in which he said:

> You have my great admiration and I want to wish you continued success in your efforts as you enrich the lives of your fellow man.

Mr. Speaker, I would like to add my commendation to that of the President's. Congratulations, Joe, for a job well done.●

NADIA AND LEV OVSISCHER

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. BEILENSON. Mr. Speaker, I would like to take the occasion of March 5—the 11th anniversary of Lev and Nadia Ovsischer's first attempts to receive Soviet exit permission—to bring this couple's plight to my colleagues' attention. Mr. Ovsischer is a retired Jewish war hero from Minsk, Russia, who has been trying to emigrate to Israel with his wife since March 1971. They currently reside at Yanko Kupala 17/30/112, Minsk, Belorussian SSR, U.S.S.R.

Since their first application, the Ovsischers have repeatedly been denied permission to emigrate to Israel to be reunited with their only daughter, Tania. The Ovsischers are in their 60's, and they have been subject to continued harassment by the Soviet bureaucracy and the KGB. In addition, their situation recently became even more grave when Mrs. Ovsischer suffered a heart attack. Now they fear they may never see their daughter again.

I would like to take this opportunity to affirm my strong belief that granting the Ovsischers permission to emigrate to Israel to join their daughter would not only indicate to the world the Soviet Union's compliance with the Helsinki accords, but would also affirm its desire to ameliorate relations between our two great nations. I look forward to the day when pleas such as this will no longer be necessary to insure the freedom of Soviet Jews.●

ARMS SALE TO JORDAN

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. GOLDWATER. Mr. Speaker, I urge my colleagues to review the following editorial from the San Francisco Examiner. I believe that it delineates a very real problem we see emerging from the Reagan administration, and that is the administration's lack of coherence in its Middle East policy.

Who is really making that policy? Do we take Cap Weinberger's trip to the Middle East and its accompanying flirtation with arms sales to Jordan as the definitive statement on Middle East policy? Mr. Reagan may find himself falling into the same trap as the past two administrations did: Arms merchant to the world; few strings attached.

This very sale of Hawk missiles and F-16's to Jordan illustrates this principle. Jordan needs to make some commitment to us before we sell them these offensive weapons. Let us see some quid pro quo before we get into another messy situation. Let us also have some answers from the administration about their intent in the Middle East.

WEINBERGER'S MESSY TRIP

In his recent meandering through the Middle East the Secretary of Defense either made a colossal mess on his own initiative, or he was representing an official policy so mischievous and secretive as to invite both reproach and alarm.

What was Caspar Weinberger up to?

From the surface indications, he was traveling to Saudi Arabia, Oman, and Jordan to tilt the United States more in the direction of Arab powers and a little bit away from Israel. He was pursuing the courtship of big oil producers while his official plane sprang leaks along the way to journalists, to the effect that U.S. policy no longer would be "held hostage to Israel."

Hostage indeed. It's the imperious Saudis who were holding Weinberger's reputation as diplomat the hostage on this journey. He and the whole Reagan administration strained their political muscle and credibility to the limit to push the AWACS sale to the Saudis through a skeptical Senate last October, on the basis that these super-sensitive planes are necessary to a new "strategic consensus." In other words, that they are vital to a cooperative arrangement between the Arab "moderate" states and the United States for defense of Persian Gulf oil against any Soviet-inspired designs.

Since the AWACS deal was sewed up, the Saudis have been contemptuous of that whole line of thought, making plain that Israel is the adversary they are thinking about. So Weinberger went to Riyadh on this recent trip to advance the proposition of cooperative defense to its next stage, and sure enough, was treated contemptuously. After long sessions with the Saudis he announced an "agreement of cooperation," only to hear the Saudi defense minister dismiss the product as something that was "not based on cooperation in the field of military endeavor."

Earlier, the Saudi government had scolded Oman, a fragile state that sits at the critical entry to the Gulf, for its cooperation with a modest U.S. defense exercise. Weinberger did not seem affected by any of this slippery business, though—for him, it was on to Jordan, where he put out the astounding word that the United States was willing to sell mobile Hawk missiles and American F-16 warplanes to King Hussein.

Hussein hadn't asked for them officially, mind you, but we were willing to talk turkey, expecially since he has been talking to the Soviets about buying mobile missiles. Weinberger seemed to be there as the breathless traveling salesman, offering the sophisticated movable missilery and top-flight supersonic planes that could hit Israel, next door, with instant impact.

Never mind that Congress had forbidden the sale of mobile Hawks to Jordan (which already has some of these in stationary bases for protection against Syria). Never mind that Hussein is utterly contemptuous of the Camp David peace process, in which he should be a key participant. Never mind either that these Arab states are police states, aligned against the region's single embattled democracy, which is the United States' single ally in the region.

No, the people in Weinberger's entourage weren't minding; the journey was capped by the unattributed remark by one of them that the United States was setting about to "redirect" its policy toward the Arabs at the expense of Israel.

Of course the Israelis responded furiously, and of course Reagan subsequently had to reassure them in a personal letter to Prime Minister Menachem Begin that all of this really isn't coming true. The alliance is secure, and this nation remains committed to maintenance of Israel's military superiority in the region, he reiterated in effect. There seems to be an effort to scuttle the Weinberger notion of selling the Jordanians those costly implements (which it can't afford) that might well upset the balance of forces in that sector.

Why did Weinberger go so far out on a limb? Was it a tricky ploy by the administration to warn the Israelis away from any more military strikes against Palestinian terrorists in Lebanon? If so, it was a dangerous and debilitating tactic; Reagan should not be placed in a position of having to give assurances, in effect, that his secretary of defense is not speaking for him.

It may be mainly another case of Weinberger's invading and attempting to occupy the field of diplomacy, which of course is Secretary of State Haig's field. The two are in conflict on major points affecting Europe, Central America and the Middle East, and in the latter case Haig certainly is right in opposing Weinberger's attempt to bend U.S. policy toward the Arab nations.

If the attempt is gratuitous—if the defense secretary is not speaking for the president, but rather is going off on his own initiative to try to make foreign policy—then Reagan should sit him down hard, before vast damage is done.

But if he does speak for the administration, then vast harm already may have been done. Trying to buy the Arab nations' friendship with billions in sophisticated armaments, which well might be turned against Israel, could be the riskiest gamble of the century.

Congress quite likely would stop it in the early stages, to the embarrassment of the administration. But this country needs to cut down sharply on its foreign embarassments; they have become a glut on the market.●

DRAFT LAW

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. ASPIN. Mr. Speaker, I am today introducing legislation to lower the penalties imposed under the law for failure to register for the draft in a time when there is no draft.

Under current law, failure to register is a felony punishable by a fine of up to $10,000 and a prison term of up to 5 years.

My bill would make nonregistration in the absence of a draft a misdemeanor punishable by a fine of no more than $200. In the event that inductions are ever resumed, the higher penalties now in the law would take effect 3 weeks after the resumption of the draft, thus giving people a 21-day grace period in which to comply.

It is one thing not to register for the draft when that means evading the draft. It is something else to avoid registering when there is no prospect of a draft on the horizon. The penalty should have some relationship to the crime.

The current law was written when we had a draft and evading registration was viewed as draft evasion. Times have changed.

Attorney General William French Smith has announced that the administration expects to proceed with the prosecution of "hundreds" of nonregistrants. I am concerned about both of two possible outcomes. Some judges may be tough and impose harsh penalties, thereby making martyrs out of nonregistrants and generating a cause celebre we really do not need. In other cases, nonregistrants may get off scotfree because the felony charge will be viewed as ridiculously harsh for the offense.

The total number of nonregistrants is now estimated at 927,000. The volume of nonregistrants is largely the fault of the administration's registration system.

Young men are now supposed to register within a few weeks of turning 18. But because registration means nothing without a draft, many people do not even know about the requirement. I warned when this registration system was started that the proportion of men registering would decline steadily—and that is just what has happened.

A better system would be to have mass registration once a year, with radio and television public service announcements, to make 18-year-olds and their parents aware of the registration requirement.

When the Carter administration reinstituted registration, its Selective Service Director, Bernard Rostker, emphasized that the goal was "registration, not prosecution." That was a good goal then and should be the goal now. Prosecution is a stupid basis for an advertising campaign designed to encourage registration.

My bill is an amendment to the Military Selective Service Act. It would lower the penalties effective on the date of enactment. The penalties for counseling or urging others not to register would not be altered under my bill. The lowered penalty for an individual who fails to register would apply to any sentence imposed on or after the date of enactment as well as to sentences imposed before that date so long as the legal period in which a district court can reduce sentences has not expired by the date of enactment. That period is 120 days after disposition of appeals or 120 days after sentencing if there is no appeal.●

AGRICULTURAL WEATHER SERVICE IN JEOPARDY

HON. DAVID R. BOWEN

OF MISSISSPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. BOWEN. Mr. Speaker, I was greatly distressed to learn that the administration has targeted the National Weather Service's agricultural weather service program for extinction. Although I understand the need for budget restraints at this time, I find it very difficult to understand why a valuable and cost-effective program such as this, which makes such a unique contribution to one of our most depressed industries, agriculture, is selected for total elimination.

In recent years, we have been threatened by shortages of fuel, agricultural chemicals, and other petroleum-based products. These and other factors have contributed to a much greater inflationary impact on the production costs of agriculture than most other sectors of the American economy, with agriculture already subject to depressed worldwide prices.

In the face of such adversity, one of the most effective tools available for American farmers to cope with the difficult problem of weather conditions is provided by the NOAA agricultural weather service program. Studies recently conducted in my State indicate that farmers have been able to achieve an average of 7 percent greater cash farm receipts as a result of eliminating preventable weather losses through services provided by the NOAA Agricultural Weather Service.

Among the service provided by NOAA is a careful analysis of soil temperature and moisture measurements so badly needed to establish appropriate planting times; precise analysis of wind speed and direction, essential for agricultural aviation to minimize the application of costly agricultural chemicals; direct computer linkage through these NOAA facilities to the weather bank of the National Weather Service, thus obtaining far more detailed information needed for agriculture purposes than general weather reports contain; establishment of computer models for use by farmers, such as one prepared at NOAA's Agricultural Weather Service Center in Stoneville, Miss., in cooperation with area universities, which is used by 30,000 rice growers farming 2.5 million acres in Mississippi, Arkansas, and Louisiana, providing information on when to irrigate, control pests and weeds, and when to schedule harvests; and ultimately the all-important 24-hour agricultural weather radio, which is used to supplement the information provided by commercial television and radio stations for farmers. General weather information provided by these commercial sources is inadequate for agricultural purposes, though helpful, and must be supplemented by the more precise and substantially different kinds of analyses of data prepared by the NOAA Agricultural Weather Service.

It is estimated by NOAA, and confirmed by independent sources, that their weather forecasts save U.S. farmers at least $750 million a year in production costs of major farm commodities such as wheat, corn, soybeans, cotton, fruit, and vegetables, and in a free market such as we have, these savings translate into higher production and lower prices for consumers. It seems shortsighted to me to eliminate a program that so clearly benefits our Nation's farmers and our Nation's consumers as well.

Last week I testified before the House Science and Technology Subcommittee on Natural Resources, Agriculture Research and Environment on this important issue. At that time I strongly urged the members of that subcommittee, as I now urge my other colleagues in the House, to support the authorization and appropriation for the NOAA Agricultural Weather Service for fiscal year 1983.●

DEFICITS: DANGEROUS GAMBLE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. DANNEMEYER. Mr. Speaker, congressional debate is presently dominated by justified concern over the projected size of budget deficits for the next several years. In fact, the trail of deficit spending extends as far as the eye can see. The administration estimates a deficit as large as $52.3 billion as late as fiscal year 1987.

Columnist George F. Will, in the Washington Post of February 11, 1982, addressed himself to these issues under the heading, "Deficits: Dangerous Gamble." Several points bear repeating: First, what makes the deficit particularly important is that the projections call for a series of record deficit levels as opposed to a temporary deficit. In Will's words:

> But the fiscal 1983 deficit is most alarming precisely because it is not an isolated phenomenon produced by a particular passing phase of a business cycle. Rather, it is projected to be one of a series of huge deficits produced by structural rather than cyclical reasons—by the structure of America's economy and government.

The conclusion, from a policy standpoint, that one must draw from such an observation is that we cannot wish the deficits away. They cannot be ignored. They cannot be blamed on the Federal Reserve. Reducing the deficit must be part of the structural realinement necessary to right past fiscal wrongs.

The second major point made by Will cannot be restated enough because the myth it corrects continues to appear in public debate. Comparing our deficit in relation to GNP with that of other countries, such as West Germany and Japan, is misleading. Will notes that the savings rate in Japan was 13 percent of GNP last year and 9 percent of GNP in West Germany. The comparable figure for the United States was 4 percent.

Japan and West Germany are able to finance their relatively larger deficits without the inflationary and interest rate consequences we have experienced because the supply of savings from which deficits are financed is much greater in those countries. In addition, we must finance not only the budget deficit, but a host of off-budget spending programs, credit enterprises sponsored by the Federal Government, and loan guarantee commitments. In short, as Will put it,

> . . . government borrowing to finance deficits sops up an alarming amount of the investment resources generated internally.

Just how alarming was quantified by the November 1981 economic report of the Manufacturers Hanover Trust Co. This report, discussed during a special order commencing at page H10 of the RECORD of January 25, 1982, shows that total Federal borrowing absorbed 78.8 percent of savings in 1981 if the supply of gross savings is reduced by the depreciation on capital assets. Such a "capital consumption allowance" permits us to compare Federal borrowing to the level of savings left over for new economic activity and the expansion of plant and machinery. I am presently preparing a more detailed analysis of this issue and will share it with my colleagues in the near future.

Mr. Speaker, I would like to insert the full text of George Will's column at this point in the RECORD:

[From the Washington Post, Feb. 11, 1982]

DEFICITS: DANGEROUS GAMBLE . . .

(By George F. Will)

On ABC television last Sunday, when Ed Meese said the administration might favor making retroactive to January the tax cut now set to take effect in July, a dull-witted journalist (me) asked him: What do you want Americans to do with their tax cuts? Open IRA (Individual Retirement Accounts), thereby increasing the pool of savings available for investment? Or buy new cars, thereby igniting a recovery driven by consumer spending?

"Both," answered Meese. There, in a single word, is the do-everything-at-once spirit that makes the administration's economic program so exhilarating to some people and so hair-raising to others.

The Reagan program is called, and is, "probusiness." But the business community is a house divided, and the Reagan program has a split personality. Part of the business community hopes for a burst of high consumption. Another part hopes for increased savings and investment. The administration rationally wants the latter, but emotionally wants both.

The body is the temple of the soul, and a genial soul has made its home within the ample Meese temple. Meese is a Dickensian sort, round and jolly and Micawberesque. Mr. Micawber was the fellow in "David Copperfield" who, when things looked dark, always said that something would turn up to make things turn out well.

But many unlikely things have to turn out right for the administration just to make the budget turn out no more dismaying than it is as proposed. Keeping the deficit at $91.5 billion depends on, among other things, $55.9 billion worth of congressional actions—raising revenues and cutting spending—many of which are doubtful.

Reaganomics always has presupposed a kind of consensus that is rare: a consensus that must endure for several years. But Reagan's consensus was jeopardized by the successes achieved in the first year.

In 1981 Reagan achieved a degree of Republican discipline in Congress unprecedented in the 29 years that Congressional Quarterly has been keeping such records. And three-quarters of all Democratic senators—37—voted for Reagan's tax cut. But all this was purchased at a terrible cost to the Treasury, as congressmen and senators auctioned their votes. And the budget cuts voted midway through the first year have begun to galvanize the client groups.

Some Republicans worry, reasonably, that their party will acquire—or reinforce—an image like another Dickens character: Scrooge. Rep. Newt Gingrich of Georgia worries that relentless pressure to prune social programs will make the GOP seem like "a party of bookkeepers." But the fiscal 1983 budget may be the worst the GOP seem like a party with the soul of a bookkeeper who cannot even balance the books.

The budget embodies domestic policy that is off-putting to all but a fraction of the conservatives—those whose equanimity is not disturbed by the combination of large deficits and contracted social programs. And the administration's principal foreign challenge—Poland—has elicited a policy mortifying to most conservatives. This situation might discompose an administration made up entirely of Micawbers.

Mr. Micawber said: "Annual income twenty pounds, annual expenditures nineteen six, result happiness. Annual income twenty pounds, annual expenditures twenty pounds ought and six, result misery." Micawber did not take the broad, spacious view of things. He had a picky, cramped attitude about deficits that some conservatives today consider old-fashioned.

Some say the deficit is not alarmingly large, relative to GNP—that is, when compared with other deficits that occasionally occurred when the GNP was smaller. But the fiscal 1983 deficit is most alarming precisely because it is not an isolated phenomenon produced by a particular passing phase of a business cycle. Rather, it is projected to be one of a series of huge deficits produced by structural rather than cyclical reasons—by the structure of America's economy and government.

Some say that the deficit, relative to GNP, is not worse than some Japanese or German deficits, relative to those nations' GNPs. But last year personal savings were 13 percent of Japan's GNP and 9 percent of Germany's. America's personal savings are just 4 percent of GNP, so government borrowing to finance deficits sops up an alarming amount of the investment resources generated internally.

Felix Rohatyn, the financier who is becoming the Democrats' shadow Treasury secretary, says: "Huge deficits will push interest rates higher until the economy really goes into a nose dive." Donald Regan, the real Treasury secretary, says large deficits will have "no effect" on interest rates. We are going to find out who is wrong.●

BACKDOOR METHODS USED TO RAISE CONGRESSIONAL INCOME

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. HUNTER. Mr. Speaker, during the past several weeks the American public has rightfully vented its outrage at the backdoor methods used to raise congressional income. As I said at the time of the enactment of these measures, I believe that these self-serving actions are a slap in the face of the American people.

We can and indeed must reverse our irresponsible behavior. How can we ask other Americans to forgo benefits when we are feathering our own nests?

For these reasons, I have signed on as a cosponsor to DAVID DREIER's bill, H.R. 5364, which not only would repeal the tax deduction but would cut in half the amount that Members may now earn in outside income.

To show that this effort is indeed a good-faith attempt at correcting the Congress past mistake, I call on you, Mr. Speaker, to cosponsor H.R. 5364 along with me.

As we are all aware, the American public will not look favorably on those Congressmen that accept a backdoor raise nor should they. Congress must remain true to the principle of Government accountability. I hope, Mr. Speaker, that we can count you as a partner in this effort.●

SYSTEMATIC PERSECUTION OF JEWS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. MINETA. Mr. Speaker, the systematic persecution of Jews by Soviet Government officials is reaching unprecedented heights. Assaults by the KGB on Jewish self-study groups and other cultural activities has drastically intensified. The increased harassment has led many Soviet Jews to apply for emigration visas to Israel.

In recent years emigration procedures have effectively eliminated the possibility of leaving the Soviet Union for most Jews. The case of Vladimir and Maria Slepak illustrates the alarming and tragic plight of Soviet refuseniks.

In 1971 Vladimir, his wife Maria, and their two sons were denied exit visas because of "state interests." Upon application to emigrate, the Slepaks' home was repeatedly raided and searched—furniture was smashed; books, personal letters and photographs confiscated; the telephone disconnected and the walls bugged.

Vladimir himself was followed, interrogated, labeled a traitor, and sentenced to short terms in prison on various fabricated charges.

The Slepaks' sons were finally allowed to emigrate to Israel in 1977. A year later, Vladimir and Maria displayed a banner from the window of their Moscow apartment which stated, "Let us go to our sons in Israel." They were arrested, charged with "malicious hooliganism" and sentenced to 5 years in exile.

Now separated from their children, Vladimir and Maria live in a remote village in Siberia. Bitter cold temperatures coupled with malnutrition and inadequate medical care have endangered the Slepaks' health.

We cannot tolerate these gross injustices while Soviet authorities close the doors of emigration to Jews. It is time to apply direct pressure on the Russian Government and encourage the administration to step up their efforts on behalf of these people.

REGISTRATION AND PUNISHMENT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. ASPIN. Mr. Speaker, in its handling of the declining numbers of draft registrants, the Reagan administration has just given us a lesson in good government.

And what it has done is not good government.

The goal is to get the word out to young men that they have the responsibility to register and to get the largest proportion possible registered.

Without imagination or subtlety, this administration chose to use the heaviest armament available—the threat of prosecution—to encourage registrations.

To improve our registration program, Mr. Speaker, I wish to speak today about three needed changes: A switch away from continuous registration to a once-a-year mass registration; a reduction in the unreasonably high penalties for nonregistration to something more rational; and the institution of a system for classifying conscientious objectors now.

Mr. Speaker, members of both parties have emphasized the importance of restoring public trust in the institutions of government, especially among the younger generation that has not grown up with any experience of an era in which government was seen as more a help than a hindrance. You do not advance that goal by the heavy-handed application of the threat to jail hordes of young men for failure to register in an era when there is no draft.

As many in this Chamber know, I have long been a vocal supporter of the all-volunteer force (AVF) as well as a vocal advocate of registration. Many see those as contradictory policies. I do not. The AVF came into being as a peacetime concept. It was recognized from the beginning that should there be a major crisis necessitating national mobilization, we might well have to return to conscription. A registry of young men available for conscription was one of the foundations of the AVF. This is made explicit in the 1970 report of the Gates Commission, which laid the groundwork for the AVF. The report said there should be three pillars for an AVF: Doubling recruit pay; improving recruiting techniques and the conditions of service; and maintaining a standby draft machinery for activation in time of emergency. The Gates Commission said:

> The rationale for providing a standby draft is the possible, urgent need for the nation to act quickly. (page 120)

The standby mechanism was defined as including: A register of all males who might be conscripted when essential for national security. (page 119)

Registration is not, therefore, a break with the AVF or an admission of failure of the AVF. It is simply one of the pillars of the AVF.

As a glance at the media will show, however, there is widespread belief that this pillar is crumbling. About a million young men who should have registered have not done so.

Why?

There are several reasons. One is conscious refusal. The administration's use of the threat to prosecute indicates that it believes most nonregistrants are refusers.

A second cause of nonregistration is certainly pure laziness. There is no draft. Registration leads to nothing. And 18-year-olds feel they have better things to do with their time than fill in forms. I would not be at all surprised to find that lots of volunteers for the Armed Forces never bothered to register.

A third factor is ignorance. Word that 18-year-olds are required to register gets around almost entirely by word of mouth. That was true in pre-AVF days as well. Back then word got around because military service was a subject of conversation wherever youth gathered. Without the draft hanging over young men, the topic of registration understandably does not come up so often and many teenagers are totally unaware of the requirement.

If we look at the data available from the Selective Service System and the Census Bureau, we find that when men born in 1960 and 1961 were told to register in a 2-week period—surrounded by lots of articles in the newspapers and by public service announcements on radio and television—about 93 percent signed up. The next year there was a similar public relations buildup to a 1-week registration period and an estimated 89 percent signed up. At that point, Selective Service switched to a continuous registration system under which young men are supposed to register as they turn 18. The first cohort to sign up under the continuous registration system was that born in 1963; for that group an estimated 79 percent have signed up—a 10-percentage point drop from the preceding year.

I warned when Selective Service switched to continuous registration and lost the public relations benefits of the 1-week mass signup that it would see a major drop in registration.

That has now come about. Let me, however, put a couple of qualifying notes on these statistics. First, many men sign up late; 93 percent of those born in 1960 did not sign up just in the 1-week registration period in 1980. That is the proportion registered through February 23 of this year. Some of the 1960 cohorts are still straggling in to register. Thus the low figure for the 1963 cohort that was due to register last year will undoubtedly rise by a few percentage points in succeeding months. It already rose from a rate of 77 percent in August to February's 79 percent. Second, the reverse side of the coin is that continuous registration last year was boosted by the fact that it began immediately after the 1-week signup period for the 1963 birth cohort. Therefore, the registration rate of 79 percent is probably higher than we will see in future years without benefit of publicity. The administration's prosecution threats will undoubtedly give a boost to the registration for the 1964 cohort that is registering this year. But what about the future? Are we always going to have some artificial stimulant like the threat of jail just to make people aware of the registration requirement?

My first proposal, therefore, is that we return to the system of mass signups once a year accompanied by a panoply of public service announcements to make people aware of the requirement. The mass registrations of 1980 and 1981 proved it can be done. One-week signups would not guarantee 100 percent compliance; we never had that at any time. But I think we could anticipate compliance of close to 90 percent with all the publicity attending a 1-week signup. Without it—and without the stimulus of prosecution threats—I would not be surprised to see compliance fall below 75 percent.

COMPLIANCE RATES SINCE REGISTRATION RENEWED

[In percent]

Birth group	Nature of registration	Compliance as of Feb. 23, 1982
1960–61	2 weeks in July 1980	93
1952	1 week in January 1981	89
1963	Continuous in 1981	79
1964	Continuous in 1982	[1]

[1] No data.

A corollary problem the system faces is out-of-date addresses. The Census Bureau estimates that 30 percent of all males move in the 12-month period between their 20th and 21st birthdays. Selective Service tells me that only 7.9 percent of all those registrants born in 1960—men who registered in January 1980, more than 2 years ago—have sent in a change of address notice. Of the 1961 birth cohort, 7.1 percent have sent in change of address notices, while 11 percent of the 1962 group and 5 percent of the 1963 cohort have done so. Although no comparable data exists for the draft era of previous decades, we do know that it was always a problem getting up-to-date addresses. The annual 1-week signup period could also deal with that problem, as the public service announcements would remind registrants who moved in the preceding 12 months to report their new addresses. I should point out that it requires no legislation to return to the mass signups. The administration already has the authority for that type of registration under the Selective Service Act, which is permanent legislation.

Ironically, one component of the publicity that undoubtedly helps registration is controversy. When registration was resumed in 1980, there was a lot of vocal opposition. That generated stories in the media that made more young men aware of the registration requirement. Opposition to registration has since faded and thus helped the cause it sought to promote: noncompliance. Maybe the Government should fund antiregistration organizations to go out there and help boost registration.

The second issue is what to do about people who fail to comply. The statutes, written when there was a draft, makes failure to register a crime equal to failure to appear for induction when summoned: A fine of up to $10,000 and a jail term of up to 5 years. The penalty was not necessarily unreasonable when failure to register was similar in import to draft evasion. But there is no draft now. The punishment clearly does not fit the crime. The prosecution threat being used by the administration, therefore, looks a lot like going after a gnat with a steamroller. That simply serves to bring Government into disrepute with an entire generation.

I am introducing legislation to address this. The draft legislation I am now looking at would change the penalty for failure to register—in a period without a draft—from a felony to a misdemenaor punishable by no more than a $200 fine.

The goal should be to encourage registration, not to make martyrs out of young men and not to use the strongarm tactic of a jail threat as a substitute for a public relations effort to make the registration requirement more broadly known.

My bill also provides that should inductions ever be resumed the old penalties would also be resumed 21 days later.

When peacetime registration was resumed 2 years ago, the then director of Selective Service, Bernard Rostker, said the goal was "registration, not prosecution." That was a good policy then, and I think it would stand us in good instead today as a policy.

The administration publicly put a moratorium on the prosecution of nonregistrants in January. It said it was providing a grace period until February 26. After that date, Attorney General William French Smith promised to enforce the law. Recognizing that the nonregistrants are estimated to number close to 1 million, the attorney general said, "If we can't handle everybody, we'll handle as many as we can."

This is a threat. But it is not a serious one. Making empty threats trivializes the judicial system. There is no way the justice system could handle all of these cases. And even if it tried to prosecute thousands of young men, it would mean removing resources now devoted to organized crime and other truly major offenses. There are not many U.S. attorneys around the country prepared to let the local Mafia kingpin off the hook so they can nail an 18-year-old who never felt the urge to fill in a card at his local post office. Many U.S. attorneys balked even during the Vietnam war when, in an 8-year period, there were 25,000 indictments for draft evasion and close to one-quarter of the cases pending in the Federal judicial system were Selective Service cases. Those were cases of draft evasion in a time of conflict. To suggest that equal resources should be devoted to registration evasion in an era without a draft is preposterous.

There is also a resolution before the House introduced by Mr. SOLOMON suggesting that we deny any Federal benefits—student aids, welfare, civil service employment, et cetera—to anyone who is not registered. That is another approach to encouraging registration which is nowhere near so coercive as the prosection threat.

There is, however, a problem identifying who has and who has not registered. That stems from the fact that we no longer have draft cards, as I understand it, the last administration did not want to give cause for a resumption of draft card burnings so it decided simply to dispense with the cards. This had two results: First, you cannot readily check who is registered when, for example, applicants come in for student aids. Second, it removes one of the inducements to registration during the 1940's, 1950's and 1960's—namely, and ID that would prove a person was old enough to drink in those jurisdictions that had the 18-year-old drinking age. Police officers stopping a youthful driver in those decades would quite commonly ask for their draft cards as well as driver's license, which served as an additional mechanism for uncovering nonregistrants. Since opposition to registration has now faded, and since many more jurisdictions now have 18-year-old drinking laws, the administration ought to reconsider the issuance of draft cards. Draft registration might suddenly become very popular.

My final point has to do with conscientious objectors. Under the current system we now have registration without classification. This makes sense since full classification is costly. Medical classification is the most costly. But medical conditions can quickly change so that the only medical check that really matters is the one made upon induction. Therefore, it is quite reasonable to skip medical classifications now. Clergymen are exempt from induction. But that is an easy status to demonstrate, so there is no loss of efficiency if we do not classify clergymen until and unless we resume inductions.

But conscientious objection is another matter. Under the current plans of the Selective Service System, if the draft were resumed tomorrow, young men would be told to tick off a box on their induction notices if they wished to apply for CO status. They would then go into a holding category to be dealt with later. You can easily imagine what might happen. Knowing that they could avoid the draft at least for awhile, untold numbers would simply check off that they wished CO status. As the months rolled by and the numbers would applicants rolled up, those who had been drafted and their families would beecome incensed. There would be a national outcry demanding that the backlog of applicants be cleared and cleared fast. In the ensuing rush to judgment, who knows who would get CO status and who would be denied it. It would likely leave a very sour taste for many years to come and provide fodder for all sorts of critical books and articles.

What I suggest is simply that the Selective Service System resume classification, but only for conscientious objectors. Draft boards have been set up in recent months, but have nothing to do. Providing for CO classifications would give them a useful task to perform. The registration card available at post offices would need to be redesigned to include one extra line asking if the registrant wishes to seek CO status. Those who so check the card would then be mailed a packet detailing what the requirements are. The interviewing and processing of applicants could be handled slowly and deliberately, without the emotional pressures certain to accompany the opening months of a conflict when casualty lists are long and draft boards are already hardpressed to perform a large number of chores.

Conscription is the least pleasant means for gathering military personnel because it is wholly coercive. In utmost danger, however, we know we would resort to it in what James Madison termed the "impulse of self preservation." Registration is simply one element of planning for an emergency we hope will never develop. Most emergencies we plan for never do develop. Yet Government still owes it to the public to plan responsibly for emergencies and to act responsibly in preparing those plans. Threatening jail terms and shunting aside questions that deal with CO's are not examples of responsible management.

Our registration system could be measurably improved if the Federal Government followed three simple courses:

First, drop continuous registration and return to a system of 1-week signups accompanied by an advertising campaign to make the duty to register more widely known.

Second, reduce the penalty for failure to register in a nondraft era to a more rational level.

Third, institute a system of classification for applicants for conscientious objector status.

These three courses would not solve all the problems of the registration system, but they would go a long way to making it more humane and rational.●

FIRST IMMANUEL LUTHERN CHURCH OF SAN JOSE, CALIF.

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. MINETA. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the First Immanual Lutheran Church in San Jose, Calif., as they commemorate their centennial during 1982.

The church was begun 100 years ago by a few families who held services in a small building on the corner of two of the original streets in San Jose—Almaden Avenue and West San Carlos. The congregation grew rapidly and the building was expanded many times. In 1945, the congregation was forced to sell the church and property to the city of San Jose which needed the land for the expansion of the Civic Auditorium.

The church then purchased the land on South Third Street that it now occupies. The building of the new church was delayed because of World War II and the new church was finally completed and dedicated in December 1949. The congregation has continued to grow since then, and today has approximately one thousand members.

The church has been very involved in many community and civic programs. They initiated and support a continuing visitation program, community outreach ministry endeavor, where members visit patients in board and care homes and convalescent hospitals. The church also maintains a "clothes closet" for those in need, and on the first Wednesday of every month holds a free dinner for seniors in the nearby community. Eighty to one hundred people regularly attend these dinners. The members of First Immanuel Lutheran Church also participate in the worldwide work of the Lutheran Church-Missouri Synod. They have a very active youth program and provide various counseling services.

Mr. Speaker, the First Immanuel Lutheran Church has been an active and involved participant in the city of San Jose for the last 100 years and I ask you and all my colleagues in the House of Representatives to join me in commending them on the occasion of their centennial.●

HANDGUN BODY COUNT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● Mr. LEHMAN. Mr. Speaker, the handgun body count for December 1981 reached a staggering 842 deaths. This is the largest one-month count since 1979. The total number of handgun deaths for 1981, as reported in the media, came to 8,656.

These numbers are outrageous. At current rates of production, there will be 100 million handguns in our country by the year 2000. It is urgent that we, in Congress, pass legislation to stop these numbers from continuing to grow.

Citizens throughout the country are urging Federal, State, and local jurisdictions to take action to stop this carnage. In Florida, for example, the Greater Miami Chamber of Commerce has proposed a waiting period and background check prior to delivery of a handgun, and a proficiency test, insuring that handgun owners know how to use their weapons.

Fatal violence may never completely be eliminated, but we can try to insure that at least one tool of death—the gun—be harder to acquire.

The list follows:

HANDGUN BODY COUNT—DECEMBER 1981

ALABAMA (14)

Willie Barney, Hobart Bradley, Larry Evans, Benny Everhart, Carl Floyd, Percy Gibson, Clarence Jones, Denise Moye, Frances Neely, Rosemary Rutland, Landras Sewer, Pat Tipton, Eugene Thrasher, Unidentified male.

ARIZONA (9)

Dewel Donaldson, Herman Hansen, Rodolfo Maldonado, Betty Pratt, Hal Pratt, Gary Russell, Ismael Teran, Julie Wong, Willie Williams.

ARKANSAS (7)

Troy Allen, Anthony Doherty, John Hoffman, Ed Nelson, Ida Roberts, Jim Ross, Freddy Douglas.

CALIFORNIA (87)

(Male) Aristoozad, Richard Angelitti, Rodolfo Avalos, Herbert Bagley, Eddie Ballard, William Bonanno, Robert Camp, Jiles Carr, Andrea Casey, Elias Casillas, Cheryl Catron, Jun Chiu, Raymond Clanton, Denise Davis, Edward Davies, Elizabeth Denton, Salty Dinkha, Eileen Dutra, Denise Evanchik, Sammy Featherstone, Arthur Fields, Ernest Foster, Jeff Grant, Carolyn Grayson, Robert Hagy, Evelyn Hare, James Hare, Gregorio Hernandez, Miguel Hernandez, Ilda Herrera, Robert Hodge, Paul Holmes, Joseph Irwin, Danny Juarez, Eugene Laurie, Rolando Lopez, Rene Lozano, Miguel Maldonado, Pedro Marshal, Sidney Marshall, Darrel McCall, Jackie McCallister.

Sean McLarnon, Otilio Melendez, Gregory Metoyer, Cynthia Moelker, Arturo Morquecho, Rudolpho Muniz, Cingun Park, Marcus Peterson, Richard Philbert, Gary Phillips, Rima Pikas, Francis Pimentel, Fredrick Pimentel, Felipe Ramirez, Jesus Ramires, Guy Rando, Jr., Marilyn Rangonese, Efren Reyes, Sherry Ries, David Rivero, Shirley Robinson, Moletta Roderick, Ronald Staley, Bill Steed, Willard Stone, Vincent Tafoya, Ronald Thiessen, Eduardo Umana, David Wetzell, George Willis, 2 unidentified females, 13 unidentified males.

COLORADO (11)

Colleen Barrett, Bonnie Correll, Edward Craddock, Joseph Fleming, Nancy Hockenberry, Eileen Miller, Kenneth Newland, David Rincoe, Robert Schoenberger, Tony Sczpanski, Verna Skrbine.

CONNECTICUT (7)

Louis Coppola, Michael Jones, Melissa Lavender, Floriano Ramos, Robert Ransom, Eriberto Soto, Unid. male.

DELAWARE (1)

Van Dashiell.

DISTRICT OF COLUMBIA (7)

Willie Bell, Cristobal Bonilla, Charles Campbell, Antonio Florence, Linwood Gales, Lewis Miles, Calvin Taylor.

FLORIDA (73)

Ena Acosta, Thomas Alexander, Ronald Anderson, Raul Badel, Morris Bakke, Lourdes Banos, Chester Bartley, Robert Belle, Ernest Brookens, Nalido Campo, Anthony Coley, Walter Cowan, Johnnie Crews, Francisco Dagness, Randy Echols, Richard Ellis, Florence Everette, Valerie Gadson, Susan Gerlack, Shelly Glaspie, Elana Goldstein, Rafael Gonzalez, Ramon Gonzalez, Richard Halderman, Lemon Harvey, Lynn Johnson, Joe Jordan, Jr., Paul Kowalsky, George LeClair, Joseph Lovette, Elisha Mike, Benito Morin, Gracie Myers, Jasper Myers, Jr.

Marta Ortiz, Eldon Owens, Jean Paul, Malan Payzont, Annette Pew, Kenneth Rabenold, Delso Reyes, Jorge Rosado, John Shaw, Eugene Simmons, Annie Simpson, Charles Smith, David Smith, Clare Snider, Jack Taylor, William Taylor, Angel Tejera, Roger Toledo, Rolando Valdez, Michelle Velez, Evelyn Walker, William Walker, Danny Wantland, Paul Wickham, Gary Ziemba, 2 Unid. females, 11 Unid. males.

GEORGIA (18)

Charles Alexander, Leo Baldwin, Nancy Bowman, Thomas Brown, John Ellison, Angela Fuller, Jerome Henderson, Jim Johnson, Eddie McArthur, Glenn McKinney, James Newkirk, Grady Parks, Willie Schott, Sandy Simmons Saul Wallace, William Whitcomb, James Wolfe, Unid. male.

HAWAII (1)

Adelaide Perreira.

IDAHO (1)

Harold Marley.

ILLINOIS (92)

Darren Abramsen, Herman Adams, William Adams, Carrie Alcherald, Michael Armentano, Jeffrey Baronick, Michael Barr, Paul Battle, Herbert Beer, Roger Blair, Howard Bloomfield, Laurence Boyd, Jr., Charles Brooks, Levy Bruke, Jr., Alvin Burks, Emmerson Burks, James Caradine, D. Casey, Joseph Clark, Randy Clifton, Anthony Coleman.

Robert Crow, Tammy Brown, Donald Davis, Larry Davis, Michael DiBiase, Tammy Doden, Reina Dunn, Albert Embers, John Feliciano, Wayne Francis, Iahdggo Ghebrembhim, Yvon Grant, Barnett Hall, Jimmy Hampton, Robert Haynes, Walter Hogan, Pamela Hubbard, John Hurn, Raymond Jerzak, Ismael Jimenez, Charles Johnson, Jimmie Johnson, Ruth Johnson.

Willie Jones, Luke Kelly, Alphonse Lewis, Jr., Lynn Luettich, Lester Mance, Daniel Marle, Frank Martin, Thomas McCarthy, Mack McClain, Michael McClintock, Greg Mendez, Fernando Mollinedo, Bernard Moore, Carlos Morales, Jeffery Nash, Alfredo Cuan, Joey Palmer, Theresa Palmer, John Perkins, Sharif Rahmann, George Redmon.

Robert Reed, Arthur Richardson, Adrian Rife, Roy Rose, George Russell, William Schmidt, Manuel Segarra, Melo Silba, Jose Silva, Luis Soland, Ralph Soto, Robert Stifter, Jack Stillson, Anthony Sulls, Lavelle Taylor, Earl Thomas, Margie Rodriguez, Michael Vravec, Bob Walsh, Larry White, Darryl Williams, Lawrence Wilson, Paul Woods, Jr., Nancy Weismiller, 3 unidentified males.

INDIANA

Carrie Archerald, Adrian Brown, Sr., Herbert Demmings, Charlotte Desmond, Louis Desmond, Harold Etchison, Fred Evens, James Garland, Jerry Horn, William Lowe, George Parson, Charles Ramsey, Gregory Robbins, Armando Rossi, Manuel Segarra, George Topa, Richard Wetter, Michael Williams.

KANSAS

Keith Allen, Claudene Berry, Darrell Calhoun, Jerry Miller, Thomas Mongar, Derrick Nelson, Debra Nguyen, Hong Nguyen, Ronald Pace, John Schwarz, Gary Stevens, Blanche O'Brien, Ronald Pace, Lucy Webb.

LOUISIANA

Ricky Batiste, Larry Bingham, James Chelf, Bobby Darries, Robert Fortuna, Lionel Haywood, Robert Hebert, Kenneth Lyons, Billy Mills, Morris Phillips, Michael Ritchie, Michael Sanders, Shelby Sherman, Henry Smith, Roger Smith, George Stiles, Lee Thomas, Kissy Uwague, Joseph Winburg, unidentified male.

MAINE

Norman Roy, Theresa Roy, 3 unidentified persons.

MARYLAND

Jeffery Adams, David Brown, Donna Carback, John Carback, Robert Duncan, Herbert Durham, Calvin Green, Kun Hwang, Preston Lecato, Joseph Miller, Anne Richmond, Michael Schooley, Timothy Slack, Walter Stanton, Brian Stephen, Earle Tegeder, Robert Travas, George Williams, Richard Wright, 2 unidentified males.

MASSACHUSETTS (14)

Frank Almeida, Paul Austin, Jeffrey Connors, James Johnson, David Koski, Paul Labonville, James Martellite, Harold Matloff, Bobby Ransom, U.S. Marshal G. Rosati, Leonard Samuels, Robin Shea, Michael Wench.

MICHIGAN (49)

Avery Abbot, Jamie Adreil, Charles Ansley, Stanley Bridges, Debra Burgess, Nicaco Chavez, John Compton, Charles Couch, Marshall Curtiss, John Danielski, Joseph DeAngelie, Elizabeth Diehl, Roy Edison, Tom Fernandez, Dennis Gardiner, Douglas Gilbert.

LeRoy Hagood, Raleigh Hayes, Michael Holmes, Ronald Jackson, Earl Johnson, Charles Jones, Alfred Jordan, Norman Latourette, Leon Lutts, Michael Lynch, Joyce Martin, Tyrone Mason, Roy McKibbens, Patrolman M. Michlek, Janet Murlone, Peter Neasz, Gail Norfleet, William Norman.

John Parker, Andre Parks, Beldon Perigon, Sandra Phillips, John Risko, Thomas Russell, Derride Rutland, James Sanchez, Karadius Sanders, Shaher Saraya, Martin Stevenson, Walter Sypurwski, Glenn Talbert, Terrance Wheeler, Unidentified male.

MINNESOTA (4)

Culese Campbell, William Gould, Gerald Howard, William Opsahl, Jr.

MISSISSIPPI (1)

Will Birden.

MISSOURI (24)

Mary Bergman, Virginia Bocock, Robert Evans, Valia Fairfax, Robert Guice, Theodore Jackson, Jr., Martin Jones, Priscilla Jones, Claude Kinder, Jr., Gregory Martin, Clarence McNeal, Patricia Middleswart, Clark Moore, Melvin Moses, Thomas Osborne, George Page, Ronald Proffer, John Ramsbottom, Charles Scott, Leon Shaw, Lola Skinner, Philip Whitmarsh, Fannie Young, Unidentified male.

MONTANA (3)

Leesia Chandler, Joseph Kemph, Ngoc Van Nguyan.

NEBRASKA (1)

Lisa Lisco.

NEVADA (3)

Betty Paladin, Clyde Paladin, Lauralee Paladin.

NEW JERSEY (15)

Tuncay Argun, Robert Blackmon, Gregory Cook, Thomas Fowler, Oder Gregory, Henry Harris, Joseph Itturrisi, Philip Lamonaco, Steve Lewis, Alphonse Rhodes, Howard Schultz, Allan Shapiro, Louis Veasy, 2 unidentified males.

NEW MEXICO (7)

Mark Chambers, Hayward Foster, Judy Gilmore, Raymond Gurule, Michael Philips, Douglas Rice, Stanley Stanford.

NEW YORK (62)

Anthony, Abruzzo, Jr., Peter Annunziata, Libertad Arroyo, Edwina Atkins, Richard Bretz, Vincent Brown, Jr., Joseph Carozza, Virginia Carson, John Castro, Charles Cintron, Donald Davidson, Don Devis, Gilbert Earle, John Floriano, John Forster, Nicholas Gerek, John Goertz, Alfred Green, Stephen Hassell, Curtis Jackson, Alfred Johnson, Sylvia Killian, Brian Kondrosky, Krzysztof Kozbial, James Mazurek, Mary McMullen.

Maurice Micholson, Heriberto Morales, Mose Perry, Jr., Floriano Ramos, Alphonse Rimpel, Donald Rios, Edwin Rivera, Raphael Rivera, Victor Rodriguez, Stephen Rosenthal, Ellen Silverman, Charles Sitton, Raphael Simone, Amy Smith, George Spencer, Horton Taylor, Sylvia Taylor, Frederick Turner, Jose Vega, John Waldron, James Weber, Anthony White, Gilbert Williams, Leroy Williams, Michael Williams, 11 unidentified males.

NORTH CAROLINA (22)

Mark Absher, Barbara Aldridge, Inez Ball, Dave Bobb, Joe Cannon, Leon Cole, Otha Coppedge, Yancey Culton III, Buford Dorsett, Donald Dyer, Edward Ford, Leo Freeman, George Hunt, Diane Garner, James Harris, Jr., Cornelia Martin, Johnny McMillan, Tonja Oxendine, Stephanie Pratt, C. B. Scruggs, Sheriff Reese Smith, Joann Williams.

OHIO

Henry Bigham, Winford Canada, Jr., Anthony Coleman, Tom Conry, Gerald Dixon, Richard Greene, Darryl Hickman, Louise Jones, Harriett Kaltenbach, Sondra Kelley, Walter Mandry, William McClelland, Darrel McDonald, Rafael Mojica, Roosevelt Moses, Richard Rife, John Riggins, Dr. Wm. Sulkes, Wayne Sullivan, Wayne Thompson, Jr., Robert Wade, 2 unidentified males.

OKLAHOMA

Manfred Cummings, Artits Lovin, Charles Lovin, Donald Peeler, Howard Rose, Jim Ross, Ralph Sanders, Jr., William Sharp, Frances Villanueva.

OREGON

Raymond Cloyd, John Holbrook, Brian Massey, Craig McGerry, John Smith, Andrea Thomas, Terry Vaughn, Thomas Warren.

PENNSYLVANIA

Phillip Alexander, Donna D'Angelico, Jane Bugliese, Luis Diaz, Fred Dillon, Daniel Faulkner, Ronald Graham, Gene Harlowe, Elinor Jentsch, Robert Kragle, William Kreisl, Paul Lehman, John Lovell, William Lydon, Leon Macon, Donald Miller, Donald Morris, Clyde Nonnemacher, Louise Priddy, John Reese, Carol Warren, Jane Westerfer-Publiese, Aaron Williams, Darryl Williams, John Wilson, Joseph Wood, Eddie Wright.

SOUTH CAROLINA

Elizabeth Wilson, William Wilson.

TENNESSEE

Patrolman Childress, Kathleen Colosimo, Clarence Dabney, Rev. Percy Douglas, Harry Gass, Dr. Orville Gass, Glenn Hascher, Michelle Haviland, Alonzo Jones, William Long, Timothy Shaw, James Sutton, Dorothy Trayer, Betty Warren, James Williams.

TEXAS

John Abrams, Jamie Adreil, Joe Arreguin, Rodolfo Banuelos, Orville Bell, Thomas Benitez, Wanda Braselmann, Waldo Carr, Jose Chavez, Nicaco Chavez, James Clark, Andrew Clifton, Jr., Peggy Coffey, Kenneth Coogler, James Davis, Mary Denny, Delores Descanza, Esteban Diaz, Jose Duque.

Eulalio Garica, Dennis Gardiner, Sunday Ghogboade, Rosbel Gomez, Felipe Gonzales, Todd Granger, Mary Gray, Arvest Harper, Steven Harris, Leonard Haseloff, Sr., Viola Henderson, Olin Jameson, Rick Jamison, Kristopher Jeeves, Roxann Jeeves, David Jimenez, Frank Jones, Jr., Joseph Lee, Norman Lim, Rodolfo Lopez, Servando Lozano, Noemi Lozano, Felipe Macias.

Reginald Malone, George Martinez, Sr., Luis Martinez, Harold Massey, Oliver McDonald, Guadalupe Munoz, Tony Nicholas, Rowland Okorie, John Patrick, Jerry Payne, Nola Payne, Manual Pena, Ida Penalosa, Joe Pina, Jr., Willie Pippens, Jerome Reszetucha, Ferrell Robbins, Diane Roberson, Knitty Roberts, Martha Roberts, John Rodriguez, David Rogers.

Evelyn Rosenbaum, James Rosenbaum, Julio Santiago, Michael Sarantus, Carrie Scott, Pinkney Smith, Feliciano Sotello, Alvin Staples, Michael Staranthus, Robert Stringer, E. C. Suther, Clarence Swank, Arthur Taylor, Corine Telles, Ruben Tellez, Michael Thomas, Dalton White, Johnny White, 3 unidentified females, 7 unidentified males, Nola Barbur.

UTAH

Egbert Freund, Jerry Hansen, Robert Ross.

VERMONT

Sherbie Heath.

VIRGINIA

John Agnew, Jr., Edmund Baydush, Elwood Browder, Ruth Browder, Heren Cabacar, Robin Creasy, Meredith Currie, Patricia Curry, Amanda Deel, Don Deel, Jeanette Deel, Sam Deel, Donna Doyle, Ann Fox, Don Fox.

Marvin Goodson, James LaFollette, Police Officer Maloney, Hannah Overton, Barry Prillaman, Kenneth Sigers, Joe Silver, Glenn Siple, Harry Squire, Alleen Walker, Harry Walker, Heine White, Jerry Wood.

WASHINGTON

James Anderson, Robert Hansen, Harold Marley, Minette Pruitt, Thomas Smyth, Roy Sommerfeld, Randy Werstler, Unidentified male.

WEST VIRGINIA

Billie Elliott, Jack Elliott, Paul Harmon, Mickey Hughes, Nancy McMillan, Douglas Peggs.

WISCONSIN

Sandor Arvoy, John Machajewski, Charles Mehlberg, Lennie Melon.

WYOMING

Vernon Rogers, Robert Schoenberger, Bill Sears, Unidentified male.

PREVIOUSLY UNREPORTED DEATHS—1981

JANUARY

Alabama: Ray Johnson.

Connecticut: Gail Rogers, Harry Williams.

Florida: Levon Jones, Raymond Kennedy, Freddie McQueen, Robert Person, Arthur Rawls, Hilliard Stamper, Samuel Singleton.

Indiana: Deloris Rayford.

New York: Alan Peckman.

Ohio: Dwight Craig.

Tennessee: James Grizzle.

Texas: Patrick Cephus.

FEBRUARY

Connecticut: Rufus Frazier.

Florida: Dennis Keene, Johnny Perry.

Georgia: Judson Ray.

MARCH

California: Michael Thomas.

Florida: Curtis Baldree, Richard Cain, Albert Johnson, Glenn Kleskley, Steven Lauterback, Peggy Pratt.

Maryland: Ephriam Hobbs.

Texas: Larry Kimble, Masine Kimble.

Virginia: Ronnie Bynum.

APRIL

Alabama: John Ros.

California: Elbert Allen, Mark Babich, James Barlow, Jr., Lanthe Bason, Lonnie Carrasco, Wendell Carraway, Guillermo Carillo, Otis Carter, Jr., Ramiro Castellanos, Pedro Contress, Harold Dawson, Ronald Derr, Maurice Downs, Armando Duran, Edwin Eley, Sylvia Escobar, Epifania Fisher.

Mark Fork, Alvaro Garcia, Salvador Gomez, Curtis Green, Phil Han, Robert Hardesty, Peter Jaloma, Charles Jones, Maunuel Lamas, Raymond Lange, Carl Lawson, Terrance Lemonier, Lawrence Llatkiss, Jose Lopez, Luis Lopez, Arias Marcos, Antonio Marriscal, Mary Mitchell, Sally Morales, Walter Mulvaney.

Eduardo Nunez, Kalabhi Patel, Derek Perry, Efrain Qintero, Raymundo Rodriquez, Irvin Roy, Allen Salters, Rosie Scott, Mark Shaw, Joy Sheets, Shaun Silva, John Simerly, Jesse Stewart, Jesus Useda, Wenseslao Valensuela, Franklin Walker, Michael Wilder, Clarence Witters, Gary Woods.

Connecticut: James Hill.

Florida: Kenneth Hendrickson, Marion Brown.

Illinois: Marie Azevedo.

Texas: Martin Thompson.

MAY

California: Alonzo Johnson, Jr.

Connecticut: Mark Moore.

Florida: Larry Kitchen, Carolyn Sparks, Thomas Szafranski, Hilda Thompson, Harry Webb, Cheryl Wilson.

New Jersey: Ranier Derfuss.

New York: Tracy Weber.

Pennsylvania: Reddie McKinley.

Washington: Shirley Delcambre.

JUNE

Alabama: Pamela Gunter.

California: Ronald Lauretti, G. Seddon.

Connecticut: William Lane.

Florida: Fancisco Andrade, Floyd Moore, Ellis Orr, Percy Wright.

Illinois: James Mayze.

Massachusetts: Victor Alvarado.

New York: Michael Cerniglia, Stuart Yaskulka.

Texas: John Franklin.

JULY

California: Mario Aguirre, Ronald Chiquet, Carlos Esparza, Feliciano Vasquez.

Florida: Jody Garrett, George Heel, Royce Poirer, Albert Young.

Oklahoma: Dorsie Morris.

Virginia: Alzrina Daniels.

Texas: Weldon Spencer, Homero Rodriquez.

AUGUST

Alabama: William Hicks, Alva Vinson, William Waymon.

California: Salvadore Gonzales, Magaret Wilson.

Florida: Moises Faroy, Felix Lopez, Gertrude Peck.

Georgia: Thomas Fouts, Jerome Thorpe.

Indiana: Peter Chipps.

Missouri: James Lockhart.

New Mexico: William Ray.

South Carolina: Josephine Dawkins.

New York: Kirk Caldwell.

Texas: Albert Escamilla, James Mitchell.

SEPTEMBER

Alabama: Timothy Pettaway.

Arkansas: Melvin Woodward.

California: Charles Barnes, Salvadore Gonzales, Mary Grabhorn, Albert King, John Taylor, James Tucker.

District of Columbia: Glenn Bailey.

Florida: Timothy Hall, Robert Mallory, Jane Messina.

Illinois: Judy Martin.

Kansas: Jacqueline Musgrave, Connie Knapp, Kelsie Robbins.

Michigan: Holly Delano.

Minnesota: Jeffrey Frost.

Mississippi: Peggy Lowe

Nebraska: Stanley Fisher, Kate Fisher.

New Jersey: Melvin Jeffcoat.

Ohio: William Parker, Michael Miller.

Oklahoma: Bobby Truelove.

Texas: Eddie James, James Perry, Billy Robbins.

Washington: James Underwood.

West Virginia: Dennis Eanes.

OCTOBER

California: Charles Baird, Leo Benes, Lucy Conanan, Norman Crawford, William Eads II, Albert Martinez.

Connecticut: Dennis Owens, Billy Tate.

District of Columbia: Samane Chantaboun.

Florida: Eddie Jones, Gordon Lombard, James Ogletree, William Robinson, Bryce Waldman.

Georgia: Carnel Frasure.

Idaho: Xavier Garcia.

Illinois: Cynthia McGhee, Harold Peters.

Indiana: Otis McCowan.

Louisiana: Scott Reid.

Maryland: Keith Bee.

North Carolina: Ernestine Hayes, Davida Colonna, Henrietta Wallace.

New York: Robert Jefferson, Stephen Myers.

Pennsylvania: Wade Whaley.

Utah: Carol Brannon.

Vermont: Lura Rosenblum.

NOVEMBER

Alabama: Henry Hudson.

California: Kenneth Gillespie, Roger Kirby, Aida Lemmel, Robin Menke, William Rook.

Connecticut: Carmen Bruno, Robert Sandoz.

Florida: Frank Carpansky, Beatrice Rodriquez.

Georgia: Shirley Owens.

Indiana: Roy Chapman, LeRoy Estrada, Dwane Murphy.

Maryland: Suk Chung, Jestine Williams.

Michigan: Terry Andrews, Barbara Watson, Harold Watson.

New Jersey: Elsie Boyd, Susan Breidenbach.

New Hampshire: Lisa Cantella.

New Mexico: Daniel Pimentel.

New York: Jenny Alberga, John Alberga, Kim Wong, Stewart Yaskulka.

Ohio: John Sobina.

Tennessee: Carolyn Munn, Randall Wolfe, Kathleen Colosimo.

Texas: Jimmie Ewing, William Sisson.●

GAS BILL BLUES

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1982

● **Mr. MINETA.** Mr. Speaker, the Federal Energy Commission (FERC) is moving ahead to decontrol natural gas through a series of administrative rulemakings which will significantly raise the cost of natural gas to consumers.

I strongly feel that these efforts to decontrol natural gas through administrative proceedings are an inappropriate use of FERC's authority. Moreover, I believe these actions will significantly increase the price of natural gas to consumers at a time when they are least able to bear such costs.

I have formally commented upon one of these rulemakings, and would like to share my comments with the House.

The Federal Energy Regulatory Commission has proposed significantly increasing the price of natural gas from wells 10,000 to 15,000 feet deep. This proposal is badly conceived, unwarranted by the facts, and ill-timed. The proposal should not be approved.

Any action to increase the price of intermediate gas would add from $6 billion to $18 billion to consumer energy bills over the next 3 years, depending on the price level ultimately set. Gas costs to homeowners would go up by nearly $300. In California alone the cost to consumers from the proposed rulemaking might reach $1.5 billion over 3 years.

Given the Nation's current economic recession, and more importantly given the President's supply side economic program; this is most definitely not the time to radically increase consumer gas prices. Some studies estimate that full decontrol would add between 1 and 3 percentage points to the Consumer Price Index.

Underlying the questions posed by this specific rulemaking is the issue of basic national policy on natural gas decontrol. The schedule established by the 1978 Natural Gas Policy Act (NGPA), calls for a gradual decontrol of new natural gas culminating in 1985. This basic policy of gradual decontrol remains valid, important, and indeed the law. Some have suggested there will be a problem in 1985 when most controls are ended and gas prices adjust to prevailing market prices. If a sharp increase in gas prices does appear likely at that time, the only logical response consistent with current law and policy would be to extend the scheduled decontrol. To respond to an expected increase several years in the future by raising prices now would make the situation worse, not better. Such perverse logic does not do credit to FERC, and it certainly does not assist this nation's consumers.

This discussion of basic national policy is relevant to the proposed rulemaking because this proposal—and other recent FERC rulemakings—are directly counter to the existing policy embodied in NGPA. These FERC actions amount to a significant acceleration of the NGPA schedule of decontrol. That FERC is taking actions of this scope and significance is astonishing.

To be sure, the NGPA does include a provision allowing FERC to adjust the decontrol schedule for categories of gas involving "extraordinary risks or costs" in drilling. It is on this provision that the proposed FERC action is based.

But this is not a blanket authority. Congress found no such risks associated with intermediate drilling in 1978. What has happened to alter the factual situation of just 4 years ago? What is the proof of a need to override the congressional decision? The notice of proposed rulemaking says that gas producers have "suggested" that costs for intermediate wells exceed the costs associated with shallow wells. What FERC's notice does not present is any justification of the Commission's view that the risks of intermediate drilling have profoundly increased since the 1978 legislative decision.

This is far from an insignificant issue. Some estimates place the volume of gas affected by the proposed ruling at 30 percent or more of our national reserves.

Furthermore, this rulemaking would not be the first such action by FERC. Recently the Commission liberalized controls for gas from wells more than 300 feet offshore and for gas from wells drilled into tight sands formations. When taken together, these two completed rulemakings and the pending proposal clearly amount to an administrative end run around the basic principle of the Natural Gas Policy Act.

These actions by FERC affect more than just the specific volumes of gas nominally within the limits of the administrative action. Because of contract escalator clauses common to the industry, increases in the price of any segment of the gas supply reverberates throughout the entire gas marketing system and raises the price of all gas for all consumers, even if they do not actually use any of the gas directly affected by the rulemaking.

The timing of this proposed rule is particularly puzzling on two accounts. The President has announced he will not ask the Congress to act on accelerated decontrol this year. For FERC to go ahead and act administratively in the face of this apparent Presidential policy indicates either a serious lack of policy coordination within the administration or an intentional effort to conceal the actual policy direction.

There is also the phenomena of the recent fluctuations in the price of crude oil. Given our national policy of ultimate parity between oil and gas prices, it only makes sense to delay any gas price increases in this time of plunging crude prices.

This proposed rulemaking is of enormous economic, social, and political significance. It is also an extremely complex matter. Surely an issue of this importance and complexity deserves the opportunity to be fully discussed and debated in an extensive series of open public hearings. For FERC to proceed to approve this rule without such public hearings would be a breach of faith with the American people, and a violation of the spirit of the President's regulatory reform initiative.

In preparing these comments, Mr. Speaker, I have relied heavily upon the Citizen Labor Energy Coalition. This group is an alliance of several consumer and labor organizations that are deeply concerned about the future of energy prices in this country.

One of their most important products has been a study entitled "Gas Bill Blues: A Survey of Winter Gas Heating Costs 1981-82."

The study follows:

Residential natural gas users can expect sharp increases in the rates they pay for natural gas this winter and even higher rates under the Reagan Administration's proposal to accelerate decontrol of well-head prices. The average residential user will spend about $400 for natural gas this winter without any acceleration of natural gas decontrol. This represents an increase of 25 percent, to $480/thousand cubic feet (Mcf), over the winter of 1980-81 average national price of $3.84/Mcf, under the existing Natural Gas Policy Act (NGPA).

If accelerated natural gas decontrol were to occur before the beginning of this winter heating season (November 1981), then prices to the average residential user will increase another 18 percent during the winter over the expected 25 percent increase. By the winter of 1982-83 gas prices will have doubled—up 97 percent—from the winter of 1980-81. This assumes accelerated decontrol begins in November 1981 and continues to run through the winter of 1982-83 toward December 1984.

Forecasts were performed by region, and these numbers provide the most accurate description of what residential consumers can expect to pay. Price increases vary greatly by region because of differences in historic purchase patterns of pipelines serving geographic regions.

Some pipelines have very large contributions of expensive new gas or stripper gas (sections 107 and 108 gas under NGPA) or supplemental gas such as liquified natural gas. Pipelines serving New England currently have the greatest amount of expensive gas, and consequently the price increases under decontrol are less than for southern regions, where there is still a considerable cheap, old gas cushion. (This is not to say that dollar amount increases will not be large in New England, only that such increases will be less in both percent and absolute terms vis-a-vis other regions.)

Table 1 shows the percent increases, by region, that can be expected under a continuation of well-head pricing under NGPA. The highest increase for this winter heating season (November 1981 through March 1982) is expected in the East North Central region (ENC), a result, in large part, of recent purchases of expensive deep or liquified gas by prime pipeline suppliers. Here gas prices are expected to go up an average of 30 percent. In some cities, Lansing, Michigan, for example, the increases could be as large as 50 percent over last winter as a result of expensive purchases by pipelines that serve distribution companies in certain areas.

Table 1 also shows the 1980-81 and 1981-82 dollar amounts per thousand cubic feet (Mcf), with New England at the high end ($6.57/Mcf) and West South Central at the low end ($3.88/Mcf).

Table 2 shows the additional cost that can be expected this winter (1981-82), if accelerated decontrol comes into effect this winter. This is the cost, due to a phase-out of NGPA controls, over the percent increases given in Table 1. Table 2 also shows the average consumers bill, by region, under accelerated decontrol vis-a-vis the expected bill under NGPA.

Table 3 provides a picture of how much gas prices will increase by next winter (1982-83) over last winter (1980-81). Both dollars per Mcf and percent increases are given.

Finally, Table 4 compares average residential bills, by region, under all four cases: (1) last winter's bill (1980-81); (2) this winter's (1981-82) bill under NGPA; (3) this winter's bill under accelerated decontrol beginning November 1981; (4) next winter's bill (1982-83) under accelerated decontrol beginning November 1981.

METHODOLOGY

Accelerated Decontrol: Assumes a three year phase-out of old gas controls and immediate decontrol of new gas, similar to the recommendation of the President's Cabinet Council on Natural Resource and the Environment.

Forecast Under NGPA 1981-82: Results from a survey of real price increases in selected cities together with projected increases by utilities and the American Gas Association. The survey relied upon phone contact with consumer groups in 60 cities; direct phone contact with gas distribution utilities; and a sampling of recently approved rate and purchased gas requests.

Forecasts Under Accelerated Decontrol: Assumes $60/barrel oil in December 1984, and that the well-head price of gas must increase in equal amounts each month between November 1981 and December 1984 toward oil parity by December 1984. For each region the well-head gas cost contribution to end-user prices is computed (ranges between 60 and 78 percent, averages 72 percent). For each region the per month increase in well-head costs is computed by determining the difference between current well-head costs and well-head costs equivalent to $60/barrel of oil ($10/Mcf). Once the forecasted per month increase is computed by region, the 1981-82 and 1982-83 increases were figured by multiplying times the number of months (5 and 14 respectively).

Caveats

1. The forecast is for residential price increases only, but depending on local rate structures is roughly characteristic of commercial rates as well.

2. The forecasts by region are averages. Actual increases under both NGPA and accelerated decontrol will vary among utility service areas and cities.

3. The increases for 1981-82 under accelerated decontrol are for purchased gas only and do not include rate increases due to pipeline and utility operating expense increases.

4. Winter bills include consumption for hot water heat and cooking.

TABLE 1.—RESIDENTIAL NATURAL GAS PRICE INCREASES: 1980-81 AND 1981-82 UNDER NGPA

	NGPA percent increase 1980-81: 1981-82	NGPA per Mcf	
		1980-81	1981-82
New England	15	$5.71	$6.57
Mid-Atlantic	25	4.67	5.84
East North Central	30	3.52	4.58
West North Central	25	3.46	4.33
South Atlantic	20	4.27	5.12
East South Central	20	3.57	4.28
West South Central	20	3.23	3.88
Mountain	25	3.79	4.74
Pacific	25	3.59	4.49
National Average	25	3.84	4.80

Note.—See table 5 for listing of States by region.

TABLE 2.—PRICES UNDER ACCELERATED DECONTROL: THIS WINTER VERSUS LAST WINTER

	Increase[1]	Average winter 1981-82 bill	
		NGPA	Decontrol[2]
New England	$56	$618	$674
Mid-Atlantic	80	629	709
East North Central	102	518	620
West North Central	95	473	568
South Atlantic	60	364	424
East South Central	71	321	392
West South Central	54	210	264
Mountain	68	360	428
Pacific	48	229	377
National Average	70	398	468

[1] Dollar increase due to accelerated decontrol, 5 mo.

[2] Accelerated decontrol, 5 mo.

Note.—Increase and bills only for winter heating season November-March. Bills based on average consumption, American Gas Association.

TABLE 3.—PRICES UNDER ACCELERATED DECONTROL: LAST WINTER (1980-81) VERSUS NEXT WINTER (1982-83)

	1980-81[1]	1982-83[2]	1980-81:1982-83[3]
New England	$5.71	$8.79	54
Mid-Atlantic	4.67	8.45	80
East North Central	3.52	7.46	112
West North Central	3.46	7.20	108
South Atlantic	4.27	7.94	86
East South Central	3.57	7.31	105
West South Central	3.23	7.01	117
Mountain	3.79	7.62	101
Pacific	3.59	7.50	109
National average	3.84	7.56	97

[1] NGPA, dollars per Mcf.

[2] Accelerated decontrol, dollars per Mcf.

[3] Percent increase.

TABLE 4.—AVERAGE WINTER BILLS: LAST WINTER (NGPA), THIS WINTER (NGPA), THIS WINTER (ACCELERATED DECONTROL), NEXT WINTER (ACCELERATED DECONTROL)

	NGPA		Accelerated decontrol	
	1980-81	1981-82	1981-82	1982-83
New England	$528	$618	$678	$826
Mid-Atlantic	531	629	709	904
East North Central	405	518	620	843
West North Central	303	473	568	756
South Atlantic	316	364	424	563
East South Atlantic	255	321	392	548
West South Central	179	210	264	378
Mountain	224	360	428	579
Pacific	164	229	377	383
National average	313	398	468	627

Note.—Dollar bill increases cannot be compared to compute percent increases per Mcf because of varying consumption assumed between years. For example, 1981-82 bill increase under NGPA over 1980-81 for East North Central is 56 percent. Rate increase, however, is 25 percent (table 1); the difference due to abnormally low consumption from mild winter in 1980-81, with normal consumption assumed for 1981-82.

Table 5.—Regions and States

New England: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Middle Atlantic: New Jersey, New York, Pennsylvania.

East North Central: Illinois, Indiana, Michigan, Ohio, Wisconsin.

West North Central: Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.

South Atlantic: Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia.

East South Central: Alabama, Kentucky, Mississippi, Tennessee.

West South Central: Arkansas, Louisiana, Oklahoma, Texas.

Mountain: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming.

Pacific: Alaska, California, Hawaii, Oregon, Washington.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 9, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 10

9:00 a.m.
Armed Services
Tactical Warfare Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Navy tactical programs and other procurement matters.
224 Russell Building

Judiciary
To hold hearings on the proposed divestiture of American Telephone & Telegraph, focusing on its effect on local rates.
2228 Dirksen Building

Special on Aging
To hold hearings on problems associated with the medicare reimbursement system for hospitals.
3110 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on S. 2109, authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Immigration and Naturalization Service, Drug Enforcement Administration, and the Bureau of Prisons, Department of Justice.
S-146, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings to examine certain financial institution practices restricting individuals from withdrawing funds represented by checks deposited to their accounts.
5302 Dirksen Building

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

Labor and Human Resources
Business meeting, to resume consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review foreign assistance programs with regard to proposed budget estimates for fiscal year 1983 for the Department of State.
1318 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Social Security Administration and refugee programs, Department of Health and Human Services.
1224 Dirksen Building

Budget
To resume hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Finance
To continue hearings to further discuss budget proposals for fiscal year 1983 for those programs which fall within its legislative jurisdiction, focusing on certain spending reductions.
2221 Dirksen Building

Foreign Relations
International Economic Policy Subcommittee
To hold hearings on U.S. economic relations with Canada.
4221 Dirksen Building

1:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Resources Administration, Department of Health and Human Services.
1224 Dirksen Building

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Food and Drug Administration, Department of Health and Human Services, and the Farm Credit Administration.
1318 Dirksen Building

Select on Intelligence
Budget Subcommittee
To hold closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

MARCH 11

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Park Service, Department of the Interior.
1114 Dirksen Building

Armed Services
Tactical Warfare Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Marine Corps tactical programs.
212 Russell Building

Governmental Affairs
To resume hearings to review the President's proposals on New Federalism.
3302 Dirksen Building

Office of Technology Assessment
The Board, to hold a general business meeting.
S-205, Capitol

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To continue hearings on S. 2109, authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Economic Research Service, Statistical Reporting Service, World Agricultural Outlook Board, Office of the Secretary, departmental administration, Office of Governmental and Public Affairs, and the Office of the General Counsel, Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold joint hearings with the House Committee on Science and Technology's Subcommittee on Science, Research and Technology on proposed legislation authorizing funds for the Earthquake Hazard Reduction Act (Public Law 95-124).
235 Russell Building

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

Small Business
To hold hearings on the Small Business Administration's surety bond guarantee loan program.
424 Russell Building

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review Navy programs with regard to proposed budget

estimates for fiscal year 1983 for the Department of Defense.

1223 Dirksen Building

Appropriations

Foreign Operations Subcommittee

To hold hearings to review foreign assistance programs and operating expenses with regard to proposed budget estimates for fiscal year 1983 for the Agency for International Development.

S-146, Capitol

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on Proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the Panama Canal Commission, Research and Special Programs Administration of the Department of Transportation, and the Washington Metropolitan Area Transit Authority.

1223 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

Finance

To continue hearings to further discuss budget proposals for fiscal year 1983 for those programs which fall within its legislative jurisdiction, focusing on certain spending reductions.

2221 Dirksen Building

Foreign Relations

To resume hearings on the President's January 28, 1982, certification concerning military aid to El Salvador.

4221 Dirksen Building

Judiciary

Criminal Law Subcommittee

To resume hearings on S. 613, amending the Federal Criminal Code to revise the scope of, and penalties under, the Hobbs Act, prohibiting interference with commerce by threat or violence.

5110 Dirksen Building

Judiciary

Security and Terrorism Subcommittee

To resume hearings on terrorist and intelligence activities of the Cuban Government in Miami, Fla.

2228 Dirksen Building

Select on Indian Affairs

To hold hearings on H.R. 3731, extending the period of time, in which the Secretary of the Interior shall prepare and submit to Congress a plan for the use and distribution of Indian judgment funds, within one year after appropriation; to be followed by a business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

424 Russell Building

10:30 a.m.

*Judiciary

To hold hearings on pending nominations.

357 Russell Building

2:00 p.m.

Budget

To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.

6202 Dirksen Building

Select on Intelligence

Closed briefing on intelligence matters.

S-407, Capitol

3:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed supplemental appropriations for fiscal year ending September 30, 1982, for the Department of Labor.

1114 Dirksen Building

MARCH 12

8:00 a.m.

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on S. 2133, providing for the redevelopment of the Mount St. Helens national volcanic area in Washington.

3110 Dirksen Building

9:00 a.m.

Judiciary

Agency Administration Subcommittee

To hold joint hearings with the Committee on Labor and Human Resources on S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Department of Energy all functions relating to research regarding the health effects of radiation on human beings to the Department of Health and Human Services.

4232 Dirksen Building

Labor and Human Resources

To hold joint hearings with the Committee on the Judiciary's Subcommittee on Agency Administration on S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Department of Energy all functions relating to research regarding the health effects of radiation on human beings to the Department of Health and Human Services.

4332 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the U.S. Trade Representative, Legal Services Corporation, and the Commission on Civil Rights.

S-146, Capitol

Commerce, Science, and Transportation

Consumer Subcommittee

To resume hearings on proposed legislation unifying and clarifying the product liability tort law.

235 Russell Building

Foreign Relations

East Asian and Pacific Affairs Subcommittee

Closed briefing to discuss a General Accounting Office report on U.S. defense programs in Thailand.

S-116, Capitol

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine export lending activities of the Commodity Credit Corporation, focusing on overdue payments to the U.S. Government and private banks by Poland and other Soviet bloc nations.

324 Russell Building

Appropriations

Energy and Water Development Subcommittee

To hold hearings to review water research and development programs of the U.S. Army Corps of Engineers with regard to proposed budget estimates for fiscal year 1983.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the office of Inspector General and the St. Lawrence Seaway Development Corporation of the Department of Transportation, and the Architectural and Transportation Barriers Compliance Board.

1318 Dirksen Building

Armed Services

Preparedness Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Army, Navy/Marine Corps, and Air Force Guard and Reserve operation and maintenance programs.

224 Russell Building

Armed Services

Sea Power and Force Projection Subcommittee

To continue open and closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on CINC, Southwest Asia/Rapid Deployment Joint Task Force.

1224 Dirksen Building

Budget

To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.

6202 Dirksen Building

Finance

To continue hearings to further discuss budget proposals for fiscal year 1983 for those programs which fall within its legislative jurisdiction, focusing on certain spending reductions.

2221 Dirksen Building

Governmental Affairs

To hold hearings on the nomination of Frederic V. Malek, of Virginia, to be a Governor of the U.S. Postal Service.

3302 Dirksen Building

Judiciary

Security and Terrorism Subcommittee

To continue hearings on terrorist and intelligence activities of the Cuban Government in Miami, Fla.

2228 Dirksen Building

MARCH 15

9:00 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed authorizations for the railroad financial assistance program, Department of Transportation.

235 Russell Building

Finance

Health Subcommittee

To resume hearings on the effectiveness of the end stage renal disease (ESRD) program, focusing on the equity and effectiveness of the prospective reimbursement rate structure.

2221 Dirksen Building

Labor and Human Resources

Employment and Productivity Subcommittee

To hold joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.

4232 Dirksen Building

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the National Transportation Safety Board.

1318 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for elementary and secondary education and education block grant programs, Department of Education.

1114 Dirksen Building

MARCH 16

9:00 a.m.

Armed Services

Tactical Warfare Subcommittee

To resume closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Air Force tactical programs.

212 Russell Building

Foreign Relations

Arms Control, Oceans and International Operations, and Environment Subcommittee

Open and closed hearings on United States and Soviet civil defense programs.

4221 Dirksen Building

Labor and Human Resources

Employment and Productivity Subcommittee

To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.

2175 Rayburn Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Commerce, focusing on the Office of the Secretary, General Administration, and the Economic Development Administration.

S-146, Capitol

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.

6226 Dirksen Building

Labor and Human Resources

To hold hearings on S. 1929, proposed Comprehensive Smoking Prevention Education Act of 1981.

4232 Dirksen Building

Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold hearings on the extended family.

3110 Dirksen Building

10:00 a m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Consumer Product Safety Commission and the Office of Revenue Sharing (New York City Loan program).

1318 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for impact aid, vocational and adult education, libraries and learning resources programs, Department of Education.

1114 Dirksen Building

Energy and Natural Resources

Energy and Mineral Resources Subcommittee

To hold oversight hearings to review the capacity, distribution, and status of the strategic petroleum reserve.

3110 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

Finance

To hold hearings to review the administration's tax proposals for fiscal year 1983.

2221 Dirksen Building

Governmental Affairs

To resume hearings to review the President's proposals on New Federalism.

3302 Dirksen Building

10:30 a.m.

Select on Indian Affairs

To hold hearings on S. 1894, permitting Indian tribes to enter certain agreements for the disposition of tribal mineral resources.

357 Russell Building

11:30 a.m.

Foreign Relations

To hold hearings on the nominations of James L. George, of Maryland, to be Assistant Director, Bureau of Multilateral Affairs, Robert T. Grey, Jr., of Virginia, to be Deputy Director, and Norman Terrell, of California, to be Assistant Director, Bureau of Nuclear Weapons Control, all of the U.S. Arms Control and Disarmament Agency.

4221 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for education for the handicapped, rehabilitation services, and handicapped research programs, Department of Education.

1114 Dirksen Building

MARCH 17

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.

1224 Dirksen Building

Armed Services

Tactical Warfare Subcommittee

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Air Force tactical programs.

212 Russell Building

Labor and Human Resources

Employment and Productivity Subcommittee

To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.

2175 Rayburn Building

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Soil Conservation Service, Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation, Department of Agriculture.

1318 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Oceanic and Atmospheric Administration, International Trade Administration, and the U.S. Travel and Tourism Administration.

S-146, Capitol

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1983 and 1984 for the National Bureau of Standards, Department of Commerce.

235 Russell Building

Labor and Human Resources

Labor Subcommittee

To resume hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, educational research and training activities overseas, Department of Education.

1114 Dirksen Building

Finance

To continue hearings to review the Administration's tax proposals for fiscal year 1983.

2221 Dirksen Building

Select on Intelligence

Budget Subcommittee

To resume closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

Select on Indian Affairs

To hold hearings on the Department of the Interior's proposal for the use and distribution of Wichita and Caddo Indian judgment funds awarded by the U.S. Court of Claims.

6226 Dirksen Building

1:30 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.

1224 Dirksen Building

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed supplemental appropriations for fiscal year ending September 30, 1982, for foreign assistance, focusing on the Caribbean Basin initiative.

S-146, Capitol

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Education, fund for the improvement of postsecondary education (FIPSE), and education statistics, Department of Education.

1114 Dirksen Building

Select on Intelligence

Budget Subcommittee

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

MARCH 18

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for conservation programs of the Department of Energy.

1224 Dirksen Building

Governmental Affairs

To resume hearings on Senate Resolution 231, providing for an inventory of U.S. assets, to estimate their market value, identify which are unneeded and can be sold, and recommend legislative and administrative actions to streamline the liquidation process.

3110 Dirksen Building

Labor and Human Resources

Employment and Productivity Subcommittee

To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.

4232 Dirksen Building

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Office of Transportation, Agricultural Cooperative Service, and the Packers and Stockyards Administration, Department of Agriculture.

1318 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Patent and Trademark Office, Scientific and Technical Research Service, and the Minority Business Development Administration.

S-146, Capitol

Commerce, Science, and Transportation

To hold oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.

235 Russell Building

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings, in closed session, on proposed legislation authorizing funds for the National Aeronautics and Space Administration.

6226 Dirksen Building

Judiciary

Agency Administration Subcommittee

To resume hearings on S. 1775, making the Federal Government liable for constitutional torts and generally the exclusive defendant in all tort suits involving Government employees acting within the scope of their employment.

5110 Dirksen Building

10:00 a.m.

*Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for special institutions, Howard University, departmental management (salaries and expenses), and the Office for Civil Rights, Department of Education.

1223 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

Finance

To continue hearings to review the administration's tax proposals for fiscal year 1983.

2221 Dirksen Building

Governmental Affairs

To resume hearings to review the President's proposals on New Federalism.

3302 Dirksen Building

Select On Intelligence

Budget Subcommittee

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

2:00 p.m.

Select on Intelligence

Budget Subcommittee

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

MARCH 19

9:30 a.m.

Commerce, Science, and Transportation

To continue oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.

235 Russell Building

Labor and Human Resources

Employment and Productivity Subcommittee

To hold hearings on productivity in the American economy.

4232 Dirksen Building

10:00 a.m.

Finance

To continue hearings to review the administration's tax proposals for fiscal year 1983.

2221 Dirksen Building

2:00 p.m.

Select on Intelligence

Budget Subcommittee

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

MARCH 22

9:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Telecommunications and Information Administration, Department of Commerce.

235 Russell Building

MARCH 23

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Holocaust Memorial Council, and the Bureau of Land Management of the Department of the Interior.

1114 Dirksen Building

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.

1318 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of the Census, National Telecommunications and Information Administration, and the Economic and Statistical Analysis.

S-146, Capitol

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for weather programs of the National Oceanic and Atmospheric Administration, Department of Commerce.

235 Russell Building

Select on Indian Affairs

To hold oversight hearings on the statute of limitations relating to Indian affairs.

6226 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Veterans' Administration.

1224 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

MARCH 24

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Helsinki Commission, Board for International Broadcasting, Japan-United States Friendship Commission, Arms Control and Disarmament Agency, and the International Communication Agency.

S-146, Capitol

Finance

International Trade Subcommittee

To hold hearings on S. 2094, proposed Reciprocal Trade and Investment Act, and other related measures.

2221 Dirksen Building

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings on the Internal Revenue Service's taxpayer assistance programs.

6226 Dirksen Building

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the National Highway Traffic Safety Administration of the Department of Transportation, and the Interstate Commerce Commission.

1318 Dirksen Building

Governmental Affairs

To resume hearings to review the President's proposals on new federalism.

3302 Dirksen Building

MARCH 25

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Indian Education, Navajo and Hopi Indian Relocation Commission, and the Pennsylvania Avenue Development Corporation.

1114 Dirksen Building

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Farmers Home Administration, Rural Electrification Administration, and the Office of Rural Development Policy, Department of Agriculture.

1318 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for international organizations, International Communication Agency, and the Chrysler Loan Board.

S-146, Capitol

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Science Foundation.

235 Russell Building

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the Federal Highway Administration of the Department of Transportation, and the Office of the Secretary of Transportation.

1224 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

Governmental Affairs

To hold hearings on S. 1932 and H.R. 2098, bills establishing an Office of Inspector General in each of the Departments of Defense, Justice, and Treasury, and in the Agency for International Development, and on other related measures.

3302 Dirksen Building

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Secretary of Agriculture, to review the general agricultural outlook, and to review the overall budget for the Department of Agriculture.

1114 Dirksen Building

MARCH 26

9:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Vice Adm. James S. Gracey, U.S. Coast Guard, to be Commandant of the U.S. Coast Guard; and Rear Adm. Benedict L. Stabile, U.S. Coast Guard, to be the Vice Commandant of the U.S. Coast Guard; to be followed by hearings on proposed legislation authorizing funds for the U.S. Coast Guard.

235 Russell Building

9:30 a.m.

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To hold hearings on the role of the Federal Government in the operation of U.S. payment systems.

5302 Dirksen Building

Labor and Human Resources

Employment and Productivity Subcommittee

To resume hearings on productivity in the American economy.

4232 Dirksen Building

MARCH 29

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation authorizing funds for the food stamp program.

324 Russell Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Civil Aeronautics Board.

1318 Dirksen Building

Environment and Public Works

Toxic Substances and Environmental Oversight Subcommittee

To hold hearings to review proposed authorizations for the safe drinking water program.

4200 Dirksen Building

MARCH 30

9:00 a.m.

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To hold oversight hearings to review budget proposals for fiscal year 1983 for energy conservation programs of the Department of Energy, focusing on state grant, research and development, and solar energy programs.

3110 Dirksen Building

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Foreign Agricultural Service, Food for Peace program (Public Law 480), Office of International Cooperation and Development, Agricultural Marketing Service, and the Federal Grain Inspection Service, Department of Agriculture.

1318 Dirksen Building

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on proposed legislation authorizing funds for the Nation-

al Aeronautics and Space Administration.
235 Russell Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on title X of the Public Health Service Act relating to health aspects of teenage sexual activity.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the U.S. Coast Guard of the Department of Transportation.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

10:30 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation Subcommittee
To hold oversight hearings on the implementation of the Resource Conservation Act (Public Law 95-192).
324 Russell Building

Veterans' Affairs
To hold hearings to receive Veterans of Foreign Wars legislative recommendations for fiscal year 1983.
318 Russell Building

MARCH 31

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for strategic petroleum reserve and Naval petroleum reserves of the Department of Energy.
1114 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on activities of the National Highway Traffic Safety Administration, Department of Transportation.
235 Russell Building

Judiciary
Agency Administration Subcommittee
To resume hearings on S. 1775, making the Federal Government liable for constitutional torts and generally the exclusive defendant in all tort suits involving Government employees acting within the scope of their employment.
5110 Dirksen Building

Labor and Human Resources
To hold hearings on proposed authorizations for certain health programs of the Department of Health and Human Services.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To continue hearings to review proposed authorizations for the safe drinking water program.
4200 Dirksen Building

Governmental Affairs
To hold hearings on the substance of S. 1724, proposed Federal Employees' Compensation Act Antifraud Amendments of 1981.
3302 Dirksen Building

APRIL 1

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Commodity Futures Trading Commission, to review budget proposals for the Department of Agriculture's Inspector General, and agricultural aspects of the General Accounting Office.
1318 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on expanding employment opportunities for older workers in the private sector.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.
1224 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the U.S. Railway Association, and Conrail.
S-128, Capitol

Select on Indian Affairs
To hold oversight hearings on the implementation of indirect costs and contract provisions of the Indian Self-determination and Education Assistance Act (Public Law 93-638).
6226 Dirksen Building

APRIL 2

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 13

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the railroad safety program, Department of Transportation.
235 Russell Building

APRIL 14

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Supreme Court, Securities and Exchange Commission, Federal Maritime Commission, and the Federal Trade Commission.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

APRIL 15

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the land and water conservation fund, and to receive testimony from congressional witnesses.
1318 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for The Judiciary, International Trade Commission, and the Marine Mammal Commission.
S-146, Capitol

Labor and Human Resources
To hold hearings on proposed authorizations for the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on environmental quality.
1224 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

Select on Indian Affairs

To hold oversight hearings on the tribally controlled community college program.

6226 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.

1114 Dirksen Building

APRIL 16

9:30 a.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To resume hearings on productivity in the American economy.

4232 Dirksen Building

APRIL 20

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services, and the Geological Survey, Department of the Interior.

1318 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of State, focusing on the Office of the Secretary and administration of foreign affairs.

S-146, Capitol

Labor and Human Resources

Business meeting, to consider proposed legislation authorizing funds for health programs and the National Science Foundation.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.

1224 Dirksen Building

Environment and Public Works

Business meeting, to consider pending calendar business.

4200 Dirksen Building

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for foreign assistance activities of the Department of the Treasury.

1318 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.

1114 Dirksen Building

APRIL 21

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Small Business Administration, Federal Communications Commission, Equal Employment Opportunity Commission, and the Maritime Administration.

S-146, Capitol

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Federal Railroad Administration of the Department of Transportation, and Amtrak.

1318 Dirksen Building

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on S. 1889, authorizing funds for fiscal year 1983 and 1984 for the establishment of a national institution to promote international peace and resolution of international conflict.

4232 Dirksen Building

APRIL 22

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.

1318 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain related programs.

S-146, Capitol

Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold hearings on promoting volunteerism in America.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Urban Mass Transportation Administration of the Department of Transportation.

1318 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.

1114 Dirksen Building

APRIL 23

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.

1114 Dirksen Building

APRIL 26

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Federal Aviation Administration of the Department of Transportation.

1318 Dirksen Building

APRIL 27

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.

1318 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.

1224 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

APRIL 28

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings to receive testimony from congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for certain transportation programs.

1318 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

APRIL 29

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.

1318 Dirksen Building

9:30 a.m.

Judiciary

Criminal Law Subcommittee

To resume hearings on proposals providing for a ban on the manufacture or sale of nonsporting handguns, mandatory sentences for the use of a firearm in committing a felony, and a preclearance procedure for the sale or transfer of any handgun.

Room to be announced

Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold hearings on community social support systems.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings to receive testimony from congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, on certain transportation programs.

1224 Dirksen Building

10:30 a.m.

Veterans' Affairs

To hold hearings to receive AMVETS legislative recommendations for fiscal year 1983.

Room to be announced

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

APRIL 30

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings to receive testimony from congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for certain transportation programs.

1318 Dirksen Building

MAY 3

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction

1114 Dirksen Building

MAY 4

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.

1318 Dirksen Building

9:30 a.m.

Labor and Human Resources

To hold oversight hearings on activities of the Equal Employment Opportunity Commission.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

MAY 5

9:30 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.

1224 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

MAY 6

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.

1318 Dirksen Building

9:30 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

MAY 7

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

MAY 11

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation providing for the appointment of special magistrates to serve each Indian reservation over which the United States exercises criminal jurisdiction under existing law.
6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans' Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

HOUSE OF REPRESENTATIVES—*Tuesday, March 9, 1982*

The House met at 12 o'clock noon.

The Reverend Dr. John H. Tietjen, president, Christ Seminary, St. Louis, Mo., offered the following prayer:

O God, you revealed Yourself to the prophet Elijah not in storm or earthquake or fire but in a still, small voice. You tell us, "Be still, and know that I am God." We stop amidst the tumult and roaring din of our lives to acknowledge You as our God. With Your still, small voice cut through the clamor and confusion of the crucial issues that cry out for decision. Speak to those who serve in this House that they may know and do Your will so that our Nation may be Your instrument for prosperity and freedom, justice and peace in our land and throughout our world; through Him who gave His all that we may hear Your voice and do Your will. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **HAGEDORN**. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **HAGEDORN**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 340, nays 17, answered "present" 1, not voting 75, as follows:

[Roll No. 20]

YEAS—340

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Aspin
Atkinson
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bevill
Biaggi
Bingham
Bliley
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Broomfield
Brown (CO)
Broyhill
Burgener
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Clausen
Clinger
Coats
Coelho
Coleman
Collins (TX)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
de la Garza
Deckard
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dougherty
Dowdy
Dreier
Duncan
Dunn
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Emery
English
Evans (DE)
Evans (GA)
Evans (IN)
Fascell
Fazio
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Florio
Foley
Ford (TN)
Fountain
Fowler
Frank
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hartnett
Hatcher
Heckler
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Jeffords
Jeffries
Jenkins
Johnston
Jones (OK)
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Latta
Leach
Leath
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lungren
Madigan
Markey
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
McKinney
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (NY)
Moakley
Moffett
Molinari
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Murtha
Myers
Natcher
Nelligan
Nelson
Nichols
Nowak
Oakar
Oberstar
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (SD)
Robinson
Roe
Rogers
Rosenthal
Rostenkowski
Roth
Roukema
Rousselot
Roybal
Rudd
Russo
Santini
Sawyer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whittaker
Williams (MT)
Williams (OH)
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki
Zeferetti

NAYS—17

Butler
Emerson
Forsythe
Gejdenson
Goodling
Harkin
Hawkins
Hendon
Jacobs
LeBoutillier
Miller (OH)
Mitchell (MD)
Roemer
Schroeder
Walker
Weber (MN)
Young (AK)

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—75

Applegate
Ashbrook
AuCoin
Bethune
Blanchard
Bolling
Brooks
Brown (CA)
Brown (OH)
Burton, John
Burton, Phillip
Chisholm
Clay
Collins (IL)
Crockett
Dellums
DeNardis
Derrick
Derwinski
Dixon
Dornan
Downey
Edwards (AL)
Edwards (OK)
Erdahl
Erlenborn
Ertel
Evans (IA)
Fary
Fenwick
Foglietta
Ford (MI)
Garcia
Ginn
Goldwater
Gray
Hall (OH)
Hansen (UT)
Howard
Hubbard
Ireland
Jones (NC)
Jones (TN)
Kennelly
Lantos
Leland
Lowry (WA)
Lundine
Marks
Marlenee
Mattox
McDade
McHugh
Mollohan
Napier
Neal
O'Brien
Obey
Petri
Roberts (KS)
Rodino
Rose
Sabo
Savage
Shelby
Shumway
Stangeland
Thomas
Wampler
Washington
Weber (OH)
Whitley
Whitten
Wilson
Yates

☐ 1215

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agreed to the following resolution:

S. Res. 335

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Clifford P. Case, who served in the United States Senate from the State of New Jersey from 1955 until 1979.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to attend the funeral of the deceased Senator.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate had passed a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 95. Joint resolution to authorize and direct the Secretary of the Interior, subject to the supervision and approval of the Franklin Delano Roosevelt Memorial Commission, to proceed with the construction of the Franklin Delano Roosevelt Memorial, and for other purposes; and

S. Con. Res. 67. Concurrent resolution authorizing the printing of the prayers delivered by the Reverend Edward L. R. Elson, S.T.D., as Chaplain of the Senate during the 96th and 97th Congresses.

THE REVEREND DR. JOHN TIETJEN

(Mr. SIMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMON. Mr. Speaker, our guest chaplain this morning was Dr. John Tietjen, who is one of the really distinguished religious leaders of this Nation. He is the former president of Concordia Seminary and the president now of Christ Seminary.

It is certainly an honor to this body and our Nation to have Dr. Tietjen as a guest chaplain here today.

A GLIMMER OF HOPE FOR CENTRAL AMERICA

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR of Michigan. Mr. Speaker, against the darkening clouds of conflict in Central America, a glimmer of hope has been cast this weekend by Secretary of State Haig's discussions with Mexico's Foreign Minister Castaneda. The talks centered around Mexican President Lopez Portillo's peace initiative, supported by myself and 105 other Members of this Congress—from both sides of the aisle.

Secretary of State Haig called the talks "positive" saying he had not rejected anything out of hand. I hope we can take him at his word.

It is time for this administration to live up to its promise to do "whatever is prudent and necessary to ensure the peace and security of the Caribbean area."

Not with more bellicose rhetoric, or by flexing U.S. military muscle, but by adopting the one option it has until now ruled out—the internationally and domestically endorsed option of unconditional negotiations among all major political factions.

Let us hope that dialog begun this week between Mexico and the United States will be expanded, without delay, to a full-fledged peace process for Central America.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, I was not present for the vote on rollcall No. 15 on House Resolution 357, the open rule providing for consideration of H.R. 5118, to provide water to the Papago Tribe of Arizona. Had I been present I would have voted in the affirmative.

Mr. Speaker, I was not present for the votes on rollcalls No. 17, to resolve into the Committee on the Whole for consideration of H.R. 5118, providing water to the Papago Tribe of Arizona; No. 18, on the final passage of H.R. 5118; and No. 19, on passage of the Senate joint resolution (S.J. Res. 142) to establish March 21 as Afghanistan Day. Had I been present, I would have voted on rollcalls Nos. 17, 18, and 19 in the affirmative.

THE CONGRESSIONAL SPACE CAUCUS

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, as you know, many of us in the House are concerned about the fact that we, as a nation, do not appear to have any long-range national space program. We are concerned enough to have formed a Congressional Space Caucus. We believe that one of the most important things that we can do is to make sure that each Member of this body has the opportunity to discuss our space program with experts in the field. To that end, we sponsor briefings, seminars, and workshops which are open to all Members of the House. Tonight, the Congressional Space Caucus will sponsor a joint House/Senate briefing by Dr. Carl Sagan on the state of the U.S. planetary exploration program, in 1202 of the Dirksen Building from 5:30 p.m. to 7:30 p.m. Open to all Senators and Congressmen, as well as to key staff, the briefing is also cosponsored by Senators SCHMITT, GARN, RIEGLE, CANNON, MATSUNAGA, and HAWKINS.

Dr. Sagan, internationally known scientist, author, and host of the TV series "Cosmos," will present an overview of the accomplishments and future of the U.S. program of planetary exploration. He will also touch on the impact of budget cuts in planetary exploration, devoting an hour or so to a question-and-answer session. This briefing represents an unprecedented opportunity for you to talk with the world's expert on our Nation's space science enterprise—its past, present, and future. Dr. Sagan's talk, "Human Exploration of the Solar System: The Declining American Role," promises to be a thought-provoking one.

I urge all of my colleagues not to miss this opportunity to talk with Dr. Carl Sagan, tonight, from 5:30 p.m. to 7:30 p.m., in 1202 of the Dirksen Building. I also urge my colleagues to join the 38 Members of the House who are already members of the Congressional Space Caucus.

PERMISSION TO PUBLISH PARTS I AND II OF ANNUAL HOUSE REPORT NO. 97-418 OF SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. ZEFERETTI. Mr. Speaker, I ask unanimous consent that both parts I and II of the Annual House Report No. 97-418 of the Select Committee on Narcotics Abuse and Control be published in one volume.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING THE 5-MINUTE RULE ON WEDNESDAY, MARCH 10, AND THURSDAY, MARCH 11, 1982

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit on Wednesday and Thursday, March 10 and 11, 1982. During the 5-minute rule for the purpose of holding a hearing on H.R. 5723, a bill to authorize appropriations for certain maritime programs of the Department of Transportation for fiscal year 1983, and for other purposes.

The ranking minority member of the subcommittee, the gentleman from California (Mr. McCLOSKEY), has been apprised of the hearing time and is in accord with this request.

The **SPEAKER** pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from New York?

There was no objection.

LET'S GET THE SHOW ON THE ROAD!

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, on the charts behind me is the agenda for the remainder of the 97th Congress which has been established by the majority leadership, with district work periods marked in yellow and primary dates in pink. Since the House convened more than a month ago, we have been in session less than 40 hours, and under this schedule we will be out half of April and for extended periods of time in June, July, and August.

It is obvious that we cannot afford to waste any more time. Very shortly, we will be faced with several deadlines on the budget. In the meantime, we are not considering any real substantive legislation even though there are several matters that could be placed on the schedule. At any rate, before we "go up the mountain," we should be putting our own House in order. Let us get the show on the road.

LEGISLATION INTRODUCED CALLING FOR RECONFIRMATION OF FEDERAL JUDGES

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, as you know, at the present time, Federal district judges, circuit judges, and Supreme Court Justices serve life terms. There is no effective procedure available to remove dishonest, disabled, alcoholic, senile, or otherwise unfit members of the Federal judiciary or prevent them from performing the duties of their office short of going through the impeachment process. The impeachment process is a long and cumbersome process, and as a result, only a couple of jurists have been removed from office in more than 100 years.

Under these circumstances, there is a serious threat to the quality of justice which the people of this Nation will receive in the future from the Federal judiciary. Accordingly, I believe this is an appropriate time to give strong consideration to my proposal requiring reconfirmation of Federal judges.

Today, I am introducing legislation which proposes an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 6 years. I believe that this legislation will make judges more responsive to the people through their elected representatives, and I invite your cosponsorship. My bill would not require renomination—which is political—but would simply require that every 6 years the Senate look over the list and reconfirm—or not—all sitting Federal judges based on performance and ability.

PRESIDENTIAL ASSASSINATION BILL INTRODUCED

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, the attempted assassination of President Reagan last March raised the specter of once again losing another President at the hands of a determined murderer.

The assassination of a President involves more than the tragic loss of life. As the only nationally elected office, the Presidency serves as the embodiment of our national will and purpose. The vulnerability of its occupant to such a heinous act strikes at the heart of our collective confidence as a people.

The aggravated nature of such a crime therefore warrants the ultimate criminal sanction if appropriate expression is to be given to our moral concern over the gravity of the offense. Accordingly, I have introduced H.R. 5448 which will create Federal procedures for constitutionally imposing the death penalty when the President or Vice President is killed.

If you share my belief that the supreme penalty is an appropriate response to the supreme crime in a democracy, I invite you to join me in cosponsoring H.R. 5448.

THE LAW OF THE SEA

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, the proposed Law of the Sea Treaty represents an unmitigated disaster for the United States. The Third United Nations Conference on the Law of the Sea has put forward a draft which is both an insult to our intelligence, and an affront to our national security.

Our adversaries in the world are adamant that key treaty provisions not only set production limitations on the amounts of valuable minerals which may be taken from the ocean floor, but also provide that an International Seabed Authority will have sole jurisdiction to pass on U.S. mining applications and activities.

It does not matter that our mining companies may already have invested heavily in site exploration and technology development. It does not matter that they alone possess the resources and skills required to successfully develop the site. It does not matter that the treaty presents great danger to the interests of American consumers, to industry and employment, and to national security. For some reason, past U.S. representatives to these negotiations have been willing to turn over two-thirds of the Earth to a hostile, international bureaucracy.

Mr. Speaker, is it any wonder that this treaty has been characterized as the greatest attempted land-grab since Genghis Khan?

This treaty must be scuttled and sunk.

EL SALVADOR

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, the Communist-backed guerrillas in El Salvador have now publically stated that they will do everything in their power to sabotage upcoming elections.

The leftists will destroy buildings, bomb highways and other transportation outlets, and wipe out all electricity to prevent what all Marxist-trained revolutionary movements fear the most: elections by the citizenry and the prospect of eventual democratic rule.

Fear and destruction are the tools of the insurgents; this was true in the recent Communist takeover in Nicaragua, and this was also witnessed prior to the vote in Guatemala last weekend.

Let us not forget the historically violent methods of subversion employed by international communism. Nor can we ignore the leftists' proven military support and encouragement from Havana and Moscow.

Liberty and freedom for ourselves and for our neighbors in this hemisphere will be lost if we fail to defend against the subversion.

WEAKENING U.S. DEFENSE CAPACITY WILL NOT BALANCE THE BUDGET

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, recent arguments in favor of reductions in the defense budget are based on two premises: First, that there is no growing national security threat posed by the Soviet arms buildup; and second, somehow by scrapping the President's defense modernization program the United States can magically erase the current budget deficit. Both premises are patently false.

Now, we are hearing calls for the repeal of the defense modernization program from a few people who have recently developed a convenient fear of deficits. If we were to remove from the fiscal year budget the nuclear carriers, the Trident submarine, the B-1 bomber and the MX missile, we would save only about $4.7 billion in 1983 outlays. What we would lose would be some 347,000 defense-related jobs.

Mr. Speaker, we cannot balance the budget by weakening the U.S. defense capacity. We must follow through on the desire of the American people for a stronger national defense, which was made clear by the election results of 1980.

CONGRESS HAS SMALL POTATOES SCHEDULE

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I know the membership is pleased by the fact that we are meeting here, not in a pro forma session, but on a day when we actually have legislative business scheduled.

America has been breathlessly waiting to see what this House is going to do on the Potato Research and Promotion Act, and today we are going to take that bill up. There was another bill scheduled that dealt with the Hoboken Pier, but of course that had to be pulled off the calendar. I know that millions of Americans are probably going to be disappointed to learn this fact.

We may not be able to deal with the issues as big as the Hoboken Pier or other important issues like balanced budgets or busing or school prayer, but let there be no doubt, when it comes to small potatoes, this Congress measures up.

EXPORT TRADING COMPANY ACT

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, with current trade and economic conditions, I feel that it is imperative that the United States pursue an expansionary export policy in the eighties. Passage of legislation which I am currently cosponsoring, the Export Trading Company Act, would, in my estimation, be a very positive step toward promoting U.S. export growth.

The value to be derived from expanding America's foreign trade includes increased employment, reduction of our Federal deficit and substantial increases in GNP. While it is difficult to quantify the impact of this type of legislation, a study done by Chase Econometrics estimates that by 1985, export trading companies could increase GNP by $27 to $55 billion, increase employment by 320,000 to 640,000 workers, and reduce the Federal deficit by $11 to $22 billion.

In my home State of Illinois, export trade plays a vital role. Illinois ranks as first in overall agricultural exports and fourth in manufacturing; therefore, it is extremely important to the economic well-being of my State to stay competitive in the world markets. The overall value of exports in Illinois in 1980 was $11 billion, over one-tenth of the gross State product.

A recent study done by Prof. James Heins of the University of Illinois in conjunction with the Illinois State Chamber of Commerce, provides some dramatic statistics. Using an econometric model of Illinois and assuming an increase of 10 percent in U.S. exports, the study projects that in the fourth quarter of 1982, a total of 12,728 new jobs would be created—8,787 of these would be in the manufactured goods area and 3,941 would be in other sectors. By 1983 there could be a total of 15,268 newly created jobs as a result of increased export activity. These new employment opportunities are especially important at a time when unemployment is running at 8.8 percent nationally and at 9.6 percent in Illinois. In addition, if projections are met, personal income could rise in 1982 by $332 million and States' revenues could be increased by as much as $14.2 billion.

In conclusion, Mr. Speaker, I would urge my colleagues in the House to support action on the Export Trading Company Act. This legislation would permit banks to take limited ownership interests in an export trading company and would allow export trading companies to apply for an antitrust certification preclearance, giving greater assurance their activities would not make them liable to antitrust action. The Department of Commerce and representatives of the business community, including such respected groups as the U.S. Chamber of Commerce, the National Association of Manufacturers, and the Business Roundtable, all support this legislative effort. We must meet the challenge of developing new institutions to improve our position in the world trading community.

PASSAGE OF EXPORT TRADING COMPANY ACT URGED

(Mr. MORRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON. Mr. Speaker, this morning, the House Agriculture Committee was discussing export efforts being made by this administration. We had as our special guests Secretary Block of Agriculture and Ambassador Brock, the Trade Representative to the President, and the representative of Secretary Haig.

In response to a question, when we asked, "What tools can Congress give to you that would help us in this effort?" they came up with one that was just mentioned at his microphone, the Export Trading Company Act.

I might remind the Members of this body that this act passed the Senate several times, and at least once without a dissenting vote. This Congress is being criticized, appropriately, for a lack of action on almost anything. Here is one issue that could be very helpful to the economic recovery of this country. It is very much in order, and I urge immediate consideration of the Export Trading Company Act, which should pass this House very enthusiastically.

□ 1245

SUPPORT FOR PRESIDENT'S BUDGET LACKING IN CONGRESSIONAL DISTRICTS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, several weeks ago at a press conference the President urged Members of Congress to get back to their districts and find out how the real people felt about his budget. I took him at his word. I have been back in my district repeatedly, and I have yet to find very many people who are supporting that budget down the line.

In fact, just this last weekend, Friday and Saturday, I addressed several groups, and I asked them, "Just raise your hands, those of you who want me to support the President down the line on his budget." In over 2,000 people in all those groups, there was not one—not one. My people are saying, "Reduce the deficit. Get that deficit down."

We cannot have such a high deficit and also have high interest rates when

I have the highest unemployment in my district since the 1930's. When we have farmers losing their farms, small businesses going out of business, and industries closing their doors, we cannot survive a huge $100 billion deficit.

I would like to ask the gentlemen on the other side of the aisle here to take another look at that budget and not support it 100 percent, as many of them have been doing in their speeches here on the floor. Take a look at it. Let us get that deficit down, and let us pass a meaningful budget for the country.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The **SPEAKER** pro tempore laid before the House the following resignation from the House of Representatives:

WASHINGTON, D.C.,
March 5, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby resign my office as a Representative in Congress from the 30th Congressional District of California effective at 12 o'clock Noon on Tuesday, March 9, 1982.

Very truly yours,
GEORGE E. DANIELSON,
Member of Congress.

POTATO RESEARCH AND PROMOTION ACT AMENDMENTS OF 1982

Mr. **DE LA GARZA**. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2160) to amend the Potato Research and Promotion Act, as amended.

The Clerk read as follows:

H.R. 2160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Potato Research and Promotion Act Amendments of 1982".

REQUIRED TERMS IN PLANS

SEC. 2. Section 308 of the Potato Research and Promotion Act (7 U.S.C. 2617) is amended by—

(1) amending subsection (b) to read as follows:

"(b) Providing that the board shall be composed of representatives of producers and the public appointed by the Secretary from nominations submitted in accordance with this subsection. Representatives of producers shall be nominated by producers in such manner as may be prescribed by the Secretary. Public representatives shall be nominated by the board in such manner as may be prescribed by the Secretary. If producers fail to select nominees for appointment to the board, or the board fails to nominate public representatives, the Secretary may appoint persons on the basis of representation as provided for in such plan.";

(2) amending subsection (e) to read as follows:

"(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred under subsection (d) of this section, including any referendum and administrative costs estimated to be incurred by the United States Department of Agriculture under this title: *Provided,* That the rate of assessment for fiscal year 1982 and each fiscal year thereafter shall not exceed one-half of 1 per centum of the immediate past ten calendar years United States average price received for potatoes by growers as reported by the Department of Agriculture."; and

(3) inserting before the semicolon in subsection (f)(1) the following: ", including any referendum and administrative costs incurred by the Department of Agriculture under this title".

ENFORCEMENT

SEC. 3. Section 312 of the Potato Research and Promotion Act (7 U.S.C. 2621) is amended to read as follows:

"SEC. 312. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued under this title. The facts relating to any civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropriate action: *Provided,* That nothing in this title shall be construed as requiring the Secretary to refer to the Attorney General violations of this title whenever the Secretary believes that the administration and enforcement of any such plan or regulation would be adequately served by administrative action under subsection (b) of this section or suitable written notice or warning to any person committing such violations.

"(b)(1) Any person who violates any provision of any plan or regulation issued by the Secretary under this title, or who fails or refuses to pay, collect, or remit any assessment or fee duly required of such person thereunder, may be assessed a civil penalty by the Secretary of not less than $500 or more than $5,000 for each such violation. Each violation shall be a separate offense. In addition to or in lieu of such civil penalty the Secretary may issue an order requiring such person to cease and desist from continuing such violations. No penalty shall be assessed or cease and desist order issued unless such person is given notice and opportunity for a hearing before the Secretary with respect to such violation, and the order of the Secretary assessing a penalty or imposing a cease and desist order shall be final and conclusive unless the affected person files an appeal from the Secretary's order with the appropriate United States court of appeals.

"(2) Any person against whom a violation is found and a civil penalty assessed or cease and desist order issued under subsection (b)(1) of this section may obtain review in the court of appeals of the United States for the circuit in which such person resides or carries on business or in the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence.

"(3) Any person who fails to obey a cease and desist order after it has become final and unappealable, or after the appropriate court of appeals has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary, after opportunity for a hearing and for judicial review under the procedures specified in subsections (b)(1) and (2) of this section, of not more than $500 for each offense, and each day during which such failure continues shall be deemed a separate offense.

"(4) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any appropriate disctrict court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review."

REQUIREMENT OF REFERENDUM

SEC. 4. Section 314 of the Potato Research and Promotion Act (7 U.S.C. 2623) is amended to read as follows:

"SEC. 314. (a) The Secretary shall conduct a referendum among producers, who during a representative period determined by the Secretary have been engaged in the production of potatoes, for the purpose of ascertaining whether the issuance of a plan is approved or favored by such producers.

"(b) No plan issued under this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum.

"(c) The failure of potato producers to approve an amendment to any plan issued under this title shall not be deemed to invalidate such plan.

"(d) The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in section 310(c) above.".

The **SPEAKER** pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. DE LA GARZA) will be recognized for 20 minutes, and the gentleman from Missouri (Mr. COLEMAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. **DE LA GARZA**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2160, a bill to amend and update the provisions of the Potato Research and Promotion Act of 1971.

H.R. 2160, known as the Potato Research and Promotion Act Amendments of 1982, essentially does the following:

First, it expands the membership of the National Potato Promotion Board, which administers the program, to include representatives from the public;

Second, it authorizes an increase in the rate of assessment levied on potatoes to fund the program;

Third, it provides for reimbursement to USDA for all expenses incurred in administering the program;

Fourth, it provides for a more efficient and speedier enforcement system by giving the Secretary of Agriculture authority to implement administrative remedies through warning notices, cease and desist orders, and civil penalties; and

Fifth, it provides a safeguard to keep in force any existing plan, in the event a referendum fails to approve proposed amendments to any potato research and promotion plan.

Perhaps a little background and history of this legislation will help us to better understand the nature and purpose of this bill.

Eleven years ago, Mr. Speaker, on January 11, 1971, the Congress enacted the Potato Research and Promotion Act to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets. The financing of this program was to come from a voluntary system of assessments among participating potato growers on all potatoes harvested for commercial use. That act gave our Nation's potato producers the tools they needed to secure their position in the market.

A National Potato Promotion Board selected by the Secretary from nominations made by potato producers administers the program. The Board's activities have included industry-wide merchandising and advertising programs, export promotion programs, and the development of nutritional data and guidelines. Since its enactment in 1971, the voluntary assessment program has enjoyed the participation of over 97 percent of potato growers in the country.

This bill, H.R. 2160, incorporates amendments recommended by the National Potato Council together with amendments suggested by the administration.

Why is it necessary to raise the rate of assessment? Because since its inception in 1971, the assessment rate for potatoes has remained constant, while the Consumer Price Index has risen over 100 percent. This erosion of purchasing power has reduced money available for potato promotion.

Under existing law, checkoff contributions to the potato program—which would be refunded to any individual farmer who wishes to request it—are limited to 1 cent per 100 pounds produced by each commercial grower. Under H.R. 2160, farmers would vote on a proposal which would allow the assessment to rise to a level based on past market prices. The ceiling for each year would be one-half of 1 percent of the average potato market price during the preceding 10 years. For 1983, this formula would yield a level of about 1.9 cents a pound and could bring farmer contributions to $4.2 million compared with $2.3 million under existing law.

The proposed change in the assessment rate will generate the revenues necessary to continue the marketing and research assistance so vital to the potato industry.

However, let me explain that, before any increase in assessment could become effective, the plan governing operations of the program would need to be amended and the revised plan approved by potato producers in a national referendum.

Based on experiences had by similar national commodity research and promotion boards, H.R. 2160 provides that membership of the Board, presently restricted to potato producers, be expanded to include representatives from the public.

USDA provides oversight on similar promotion programs for a number of agricultural commodities, and with the exception of the program for wool and potatoes, the Department is fully reimbursed for its costs from assessments collected on the sale of the commodity. H.R. 2160 would eliminate Federal funding of costs incurred in the administration of this act and bring the potato program into conformity with present USDA policies. Costs for the administration of this program will be borne by the potato producers.

Assuming enactment of the bill by fiscal year 1983, CBO estimates that this reimbursement will result in savings to the Government of $48,000, $52,000, $55,000, $58,000, and $61,000 in fiscal years 1983 through 1987, respectively, based on the current estimated cost of about $45,000 for the referendum and administrative expenses.

By modifying the enforcement provisions, this bill will adopt a streamlined procedure similar to other commodity boards. This will assure a more expeditious administrative system instead of the present cumbersome procedure dependent on the Federal district courts.

The enforcement provisions are modified to provide the Secretary with authority to deal directly with violators through written warning notices, cease and desist orders, and civil penalties. The committee believes that this administrative enforcement authority will result in increased compliance. These changes, too, would conform the Potato Research and Promotion Act to the Department's policy governing similar commodity promotion programs.

Finally, Mr. Speaker, in order to assure the continuity of any existing potato research and promotion plan, the bill provides that said plan would remain in effect in the event proposed amendments to said plan were not approved in a referendum. Thus, if in the referendum, producers should fail to approve the increase in assessment authorized by H.R. 2160, the existing plan would continue in effect and the program would not be discontinued.

I ask all members to join me in supporting enactment of H.R. 2160.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. PANETTA), the author of the legislation.

Mr. PANETTA. Mr. Speaker, I thank the distinguished committee chairman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2160, the Potato Research and Promotion Act Amendments of 1981. I introduced this bill on behalf of the National Potato Council on February 25, 1981. I am pleased to be able to report that this bill enjoys the strong support of the potato industry and the administration.

The Potato Research and Promotion Act was enacted in 1971 and approved by U.S. potato producers in a referendum soon after. The act established the National Potato Promotion Board and vested it with the authority through the Secretary of Agriculture to assess potato producers up to 1 cent per hundredweight to fund programs for advertising and marketing, export promotion, and research and development.

Since 1971, the programs of the Potato Board have enjoyed great success. The Board's industrywide merchandising programs have increased potato consumption. As a result potatoes have gained a significant market share with other competitive commercial foods. The Board's export promotion programs have opened new foreign markets for U.S. potatoes and have positively contributed to our Nation's balance of payments. The Board is also recognized for its nutritional data and guidelines, which are being constantly updated and have been accepted for official use by the Food and Drug Administration. Also, the Board's promotional activities have achieved national distinction through several advertising awards. It is not surprising that the voluntary assessment program has enjoyed the participation of 97 percent of potato growers nationwide.

Since 1971, however, the assessment rate on potato producers has remained constant, while the consumer price index has risen over 100 percent. This erosion of purchasing power has reduced the funds available for the Board's programs and, as a result, in recent years the board's activities have been substantially curtailed. The central feature of the bill today is to amend the assessment rate set in the original legislation to one that is structured to keep pace with our changing economy. Under H.R. 2160, the assessment rate would be set at an amount not to exceed one-half of 1 percent of the immediate past 10-year U.S. average price received by potato growers as reported by the U.S. Department of Agriculture. While preserving the purely voluntary character of grower participation, this change will provide the Board with adequate resources to continue its vital services for the industry.

Another important provision of H.R. 2160 would allow the Department of Agriculture to be reimbursed for its administrative and referendum costs under the act. Funding for these costs, which may reach an estimated $60,000 in 1982, have been cut from the Department's budget request for 1983. By allowing the Department to be reimbursed from the assessment fund, the Department can continue its valuable administrative and supervisory activities.

Another provision of H.R. 2160 would give the Department authority to impose administrative sanctions on those who violate the act. Under present law, the provisions of the act can be enforced only in Federal courts. H.R. 2160 would authorize the Department to issue cease and desist orders and to assess civil penalties when appropriate. The Department claims that these provisions would encourage more compliance and would spare overburdened Federal courts the responsibility of cases that could be more effectively and efficiently resolved through administrative actions.

Two other amendments to the act would provide for public representation on the board and would allow the Board's present program to remain intact in the event potato producers fail to approve an amendment to any potato research and promotion plan.

There is no question that a farmer competing in today's market depends not only on his knowledge and skill at growing a crop, but on his ability to market that crop as well. The Potato Research and Promotion Act of 1971 gave our Nation's potato producers the tools they needed to secure their position in the market and to begin to build new markets at home and abroad. The assessment rate proposed in H.R. 2160 would generate revenues to the Potato Board of about $4.2 million per year as compared with the current assessment amount of approximately $2.3 million per year. The amendment to the assessment rate, as well as the other amendments proposed in H.R. 2160, are vitally important to ensure that the valuable activities of the Potato Board continue to benefit our potato producers in the years to come.

Mr. COLEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2160, which was reported to the House on March 4 of this year, meets, I think, generally the approval of the minority members of the committee. It was heard before our Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition last fall and was reported out of subcommittee with recommendations from the U.S. Department of Agriculture.

Those recommendations, Mr. Speaker, were incorporated into this legislation which is now before us, and I recommend passage of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. EMERY).

Mr. EMERY. Mr. Speaker, as an original cosponsor, I rise in support of H.R. 2160, the Potato Research and Promotion Act amendments.

This legislation amends the act in a significant way, by changing the manner in which the assessment rate for potato producers is made. Originally, the National Potato Promotion Board was given the authority to assess potato producers, up to 1 cent per hundredweight, the funds derived from this assessment to go to advertising and marketing programs, export promotion, and research and development assistance. All of these tasks are extremely important for the ability of the U.S. potato industry to remain competitive in a world market.

H.R. 2160 changes the assessment mechanism so that twice the amount of money gained from that assessment is obtained, thereby more accurately reflecting the increased costs of potato industry promotion in today's world. The change will also allow for modest increases in each successive year as well as keep pace with inflation.

There is strong producer support for this change, and it is encouraging that those who will most closely benefit from the assistance gained through the Potato Research and Promotion Act, are willing to continue to contribute the necessary funds to keep this important program in operation.

I urge my colleagues to support this legislation.

Mr. COLEMAN. Mr. Speaker, I reserve the balance of my time.

Mr. RICHMOND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2160, a bill to amend the Potato Research and Promotion Act. The effect of this bill would be to enable the Potato Board to recommend increased assessment rates for the purpose of maintaining national research, promotion, and market development activities on Potatoes. Due to spiraling costs over the past decade the Potato Board's activities have been substantially curtailed.

By passing this bill, Congress can give the Nation's potato producers the tools they need to secure their position in the market and to begin to build new markets at home and abroad for this nutritious commodity.

H.R. 2160 incorporates the proposed amendments of the National Potato Council and the modifications suggested by the Department of Agriculture. Both the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition and the full Agriculture Committee are in full concurrence with the present bill. In short, the bill: First, provides for public representation on the Board; second, increases the rate of assessment based on a 10-year average price of potatoes; and third, reimburses the Department for administrative and referendum costs. In addition, the enforcement of the order would be modified to include issuance of cease-and-desist orders and assessment of civil penalties rather than resort to action in the Federal courts. These modifications could speed up the process of enforcing the provisions of this act. Other commodity promotion programs give the Department the enforcement provisions recommended by this bill.

I urge the Members of Congress to support H.R. 2160. Let us permit the potato farmers in this country to tax themselves to improve the demand for potatoes.

Mr. COLEMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MORRISON).

Mr. MORRISON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am proud to join with the gentleman from California (Mr. PANETTA) in sponsorship of this particular measure. I feel very strongly about it in that my background is in agriculture and I have worked with a number of other self-help programs.

It is appropriate that this Congress at this time give to industries that seek that sort of help the tools with which to expand their production and marketing efforts.

I might point out that the tax structure that goes with this particular measure is voluntary, and I would stress the fact that since the original act passed in 1971, 97 percent of the growers involved have assessed themselves and contributed to the efforts and to these programs which are so desirable. Included in those programs are research, and much of that research has pointed up the amazing nutritional value of the potato as a product here in America. The marketing efforts they have made have led to the expansion of export opportunities which we need to balance our trade here in this country and also for promotion, that is, to tell America and in fact all of the world about this fantastic crop which we can grow so abundantly here in this country.

Mr. Speaker, this measure is supported enthusiastically by those who appeared at the hearings and is endorsed by the U.S. Department of Agriculture as well as the administration. So I urge all of my colleagues to join in support of this bill, which is described by some as "small potatoes," but for an important industry and for a hungry world it can indeed be very, very important.

Mr. COLEMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Speaker, I thank the gentleman very much for yielding this time to me.

Mr. Speaker, I join with my colleagues today in support of H.R. 2160 and the continued effort by the potato industry nationwide to support itself and promote its own efforts.

There is nothing more pleasing to me, having come from agriculture, to see agriculture using its own initiative to create and better its industry and the marketplace for that industry. They have only asked that we use Government as a tool by which to allow them to operate, without Government support. My colleague, the gentleman from Washington (Mr. MORRISON), has mentioned, this is a voluntary effort in which over 97 percent of the growers in this Nation have volunteered to tax themselves for the purpose of promotion, research, and development of their own industry and the markets that serve it. They ask only that we use the Department of Agriculture as a mechanism to allow and facilitate them to do their own thing, and that the Department of Agriculture be so reimbursed for it.

Mr. Speaker, I congratulate this Nation's potato industry and, more importantly, I congratulate this body on recognizing that we can help and assist in facilitating private enterprise in this country to, in fact, be private and to promote itself. I urge the passage of this legislation.

Mr. COLEMAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maine (Mrs. SNOWE).

Mrs. SNOWE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2160, the Potato Research and Promotion Act amendments, and I urge my colleagues to join me in that support.

Since its creation in 1971, the National Potato Promotion Board has engaged in research, development, promotion, and marketing activities designed to increase consumer education and foreign and domestic consumption of American potato products. While the National Potato Promotion Board has effectively competed for market share with other competitive commercial foods, its task is becoming considerably more difficult because of the restriction of the potato assessment rate set in the original legislation.

The assessment rate for potatoes has remained constant since 1971, while the Consumer Price Index has risen over 100 percent. The increase in the assessment rate, as proposed by H.R. 2160, would allow the program to continue to provide vital marketing and research assistance to the potato industry. The change in the assessment rate will also insure that revenue will continue to increase in future years as the price of the product goes up.

It is also important to note that this is purely a voluntary assessment. If a particular producer does not wish to support the activities of the National Potato Promotion Board, his assessment is refunded. It gives me great pleasure to say, however, that in my own State of Maine with its own regional promotion program, less than 3 percent of the producers ask for a refund. Such a high participation level clearly indicates the Board's strong nationwide producer support.

Mr. Speaker, as you know the current potato situation in Maine deeply concerns me. In the past 4 years alone, exports from Canada to the United States have increased an average of 75 percent each year, for a total of 300 percent. Industry leaders in Maine have estimated that the industry may lose as much as $60 million this season due to the increase of Canadian exports to the United States.

In addition, potato producers in Maine are confronted with an unfavorable exchange rate that makes it extremely attractive for Canadian producers to sell their products in the United States. It has also been pointed out to me that the Canadian Government has over 30 governmental aid programs to assist their potato producers with production and marketing costs. Therefore, I believe the Potato Research and Promotion Act Amendments will provide the tools by which the American potato producers can compete on a more equal footing with their counterparts in other countries.

There is no doubt that the amendments proposed in H.R. 2160 will benefit both the potato industry and the American consumer. A farmer competing in today's market depends not only on his knowledge and skill at growing a crop, but also on his ability to market that crop. The additional revenues that will be generated with an increase in the assessment rate will enable potato producers to improve their position in the market as well as assist them in building new markets at home and abroad. For the consumers, the nutritional and educational programs that the Potato Board has had to modify and cut because of a lack of sufficient funds will be able to continue and expand.

Therefore, I urge my colleagues to support this legislation in an effort to assist both the potato farmer and the American consumer.

● Mr. HANSEN of Idaho. Mr. Speaker, the first legislation to authorize potato research and promotion was drafted in my office over a dozen years ago and, since its passage in 1971, the program has worked well. Now, as an original sponsor of this amending legislation, I rise in support of H.R. 2160, the Potato Research and Promotion Act of 1982.

This proposal has the endorsement of the producers, the support of the administration and was passed by the Agriculture Committee with no apparent opposition.

The original Potato Research and Promotion Act provides that the Federal Government sponsor various activities to assist potato producers. The promotion program must be approved by the potato farmers in a referendum and the program is administered and directed by the National Potato Producers Board composed of producers.

Expenses of the program are covered by voluntary producer participation in an assessment program and historically over 97 percent have participated. The most difficult problem the program now faces comes from the maximum assessed amount currently in the law which is 1 cent per hundredweight of potatoes or about $2.3 million annually. This rate has not kept pace with inflation and H.R. 2160 would correct this by changing the assessment from 1 cent per hundredweight to 0.5 percent of the average grower price of the previous decade. The new current rate would be approximately 1.9 cents per hundredweight or about $4.2 million. Again, any such increase will require approval of the producers, otherwise the existing program would stay in place.

Other provisions of the measure would provide that:

First. USDA administrative costs be fully reimbursed. This will spare the taxpayers of any expense in the program and will result in a Congressional Budget Office (CBO) estimated saving of $48,000 in fiscal year 1983 alone—an important item in this period of Federal budget difficulties.

Second. Public representation be included on the promotion board now reserved for producers—a hopefully useful expansion of perspective.

Third. The USDA may enforce the act by administrative procedures in addition to the court action now available—which should enable an even more responsive operation.

Mr. Speaker, I strongly urge passage of this excellent legislation which has near unanimous support from those directly affected.●

● Mr. GUNDERSON. Mr. Speaker, first of all, I would like to take this opportunity to commend the chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, the gentleman from New York (Mr. RICHMOND), and the ranking member, the gentleman from Missouri (Mr. COLEMAN), for their hard and diligent work in bringing H.R. 2160, the Potato Research and Promotion Act amendments, of which I am a cosponsor, to the floor today.

Since its creation in 1971, the National Potato Promotion Board has engaged in research, development, promotion, and marketing activities designed to increase consumer education and foreign and domestic consumption of American potato products.

However, its effectiveness has been threatened in recent years as a result of inflation that has eroded the purchasing power of the assessment made for the Board under Public Law 91-670.

I, therefore, reiterate my strong support of section 2 of H.R. 2160 that would update the formula by which the assessment is made so as to tie the Board's operating capital to the price received by the producers for their potatoes rather than to the weight of the product.

This assessment is, of course, voluntary and is refundable to any producer who does not wish to support the activities of the Board. It is truly a tribute to the National Potato Promotion Board and its various programs that less than 3 percent of the producers ask for such a refund:

I am pleased to have been associated with this legislation.●

Mr. COLEMAN. Mr. Speaker, I yield back the balance of my time.

Mr. RICHMOND. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA) that the House suspend the rules and pass the bill, H.R. 2160, as amended.

The question was taken.

Mr. HOPKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members. The vote was taken by electronic device, and there were—yeas 361, nays 8, not voting 64, as follows:

[Roll No. 21]

YEAS—361

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkinson
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Benedict
Benjamin
Bereuter
Bevill
Biaggi
Bingham
Blanchard
Bliley
Boggs
Boland
Bolling
Boner
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brown (CA)
Brown (CO)
Broyhill
Burgener
Butler
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Chisholm
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (TX)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Daschle
Daub
Davis
de la Garza
Deckard
DeNardis
Dickinson
Dicks
Dingell
Donnelly
Duncan
Dunn
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Emerson
Emery
English
Evans (DE)
Evans (GA)
Evans (IA)
Evans (IN)
Fascell
Fazio
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Florio
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frenzel
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Jacobs
Jeffords
Jeffries
Jenkins
Johnston
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Latta
Leach
Leath
LeBoutillier
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lungren
Madigan
Markey
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCloskey
McCollum
McCurdy
McEwen
McGrath
Mica
Michel
Mikulski
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Molinari
Montgomery
Moore
Moorhead
Morrison
Murphy
Murtha
Myers
Natcher
Nelligan
Nelson
Nichols
Nowak
Oakar
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (SD)
Robinson
Roe
Roemer
Rogers
Rosenthal
Rostenkowski
Roth
Roukema
Rousselot
Roybal
Rudd
Russo
Santini
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Traxler
Trible
Udall
Vander Jagt
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zeferetti

NAYS—8

Bennett
Dannemeyer
Dreier
McDonald
Miller (CA)
Mottl
Ottinger
Paul

NOT VOTING—64

Ashbrook
AuCoin
Bethune
Bonior
Brooks
Broomfield
Brown (OH)
Burton, John
Burton, Phillip
Collins (IL)
Dellums
Derrick
Derwinski
Dixon
Dorgan
Dornan
Dougherty
Dowdy
Downey
Edwards (AL)
Edwards (OK)
Erdahl
Erlenborn
Ertel
Fary
Fenwick
Foglietta
Foley
Garcia
Ginn
Goldwater
Howard
Hubbard
Ireland
Jones (NC)
Lantos
Lowry (WA)
Lundine
Marks
Marlenee
Mattox
McDade
McHugh
McKinney
Mollohan
Napier
Neal
O'Brien
Oberstar
Obey
Petri
Roberts (KS)
Rodino
Rose
Sabo
Savage
Stangeland
Thomas
Vento
Washington
Whitley
Wilson
Yates
Zablocki

□ 1300

Mr. STRATTON changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DORGAN of North Dakota. Mr. Speaker, I was giving a speech at the time of the vote on H.R. 2160. I arrived on the floor just after the conclusion of the vote.

Had I been present during the vote, I want the record to show that I would have voted "yes."

□ 1315

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COURT OF APPEALS FOR THE FEDERAL CIRCUIT ACT OF 1981

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4482) to establish a U.S. Court of Appeals for the Federal Circuit, to establish a U.S. Claims Court, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment, as follows:

House amendment to Senate amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Federal Courts Improvement Act of 1982".

TITLE I—UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT AND UNITED STATES CLAIMS COURT

PART A—ORGANIZATION, STRUCTURE, AND JURISDICTION

NUMBER AND COMPOSITION OF CIRCUITS

SEC. 101. Section 41 of title 28, United States Code, as amended by the Fifth Circuit Court of Appeals Reorganization Act of 1980 (Public Law 96-452; 94 Stat. 1994), is amended by striking out "twelve" and inserting in lieu thereof "thirteen" and by adding at the end thereof the following:

"Federal .... All Federal judicial districts.".

NUMBER OF CIRCUIT JUDGES

SEC. 102. (a) Section 44(a) of title 28, United States Code, as amended by the Fifth Circuit Court of Appeals Reorganization Act of 1980 (Public Law 96-452; 94 Stat. 1994), is amended by adding at the end thereof the following:

"Federal .... 12".

(b) Section 44(c) of title 28, United States Code, is amended by adding the following sentence at the end thereof: "While in active service, each circuit judge of the Federal judicial circuit appointed after the effective date of this Act, and the chief judge of the Federal judicial circuit, whenever appointed, shall reside within fifty miles of the District of Columbia.".

PANELS OF JUDGES; NUMBER OF JUDGES FOR HEARINGS

SEC. 103. (a) Section 46(a) of title 28, United States Code, is amended by striking out "divisions" and inserting in lieu thereof "panels".

(b) Section 46(b) of title 28, United States Code, is amended—

(1) by striking out "divisions" each place it appears and inserting in lieu thereof "panels";

(2) by inserting immediately before the period at the end of the first sentence the following: ", at least a majority of whom shall be judges of that court, unless such judges cannot sit because recused or disqualified, or unless the chief judge of that court certifies that there is an emergency including, but not limited to, the unavailability of a judge of the court because of illness"; and

(3) by adding at the end thereof the following new sentence: "The United States Court of Appeals for the Federal Circuit Court shall determine by rule a procedure for the rotation of judges from panel to panel to ensure that all of the judges sit on a representative cross section of the cases heard and, notwithstanding the first sentence of this subsection, may determine by rule the number of judges, not less than three, who constitute, a panel.".

(c) The first sentence of section 46(c) of title 28, United States Code, is amended by inserting immediately after "three judges" the following: "(except that the United States Court of Appeals for the Federal Circuit may sit in panels of more than three judges if its rules so provide)".

(d) Section 46(d) of title 28, United States Code, is amended by striking out "division" and inserting in lieu thereof "panel".

PLACES FOR HOLDING COURT

SEC. 104. (a) Section 48 of title 28, United States Code, is amended by striking out the first two sentences and inserting in lieu thereof the following:

"(a) The courts of appeals shall hold regular sessions at the places listed below, and at such other places within the respective circuit as each court may designate by rule.".

(b) Section 48 of title 28, United States Code, as amended by the Fifth Circuit Court of Appeals Reorganization Act of 1980 (Public Law 96-452; 94 Stat. 1994), is amended further by inserting at the end of the table of circuits and places the following:

"Federal .... District of Columbia, and in any other place listed above as the court by rule directs.".

(c) Section 48 of title 28, United States Code, is amended further by striking out the final paragraph and inserting in lieu thereof the following:

"(b) Each court of appeals may hold special sessions at any place within its circuit as the nature of the business may require, and upon such notice as the court orders. The court may transact any business at a special session which it might transact at a regular session.

"(c) Any court of appeals may pretermit, with the consent of the Judicial Conference of the United States, any regular session of court at any place for insufficient business or other good cause.

"(d) The times and places of the sessions of the Court of Appeals for the Federal Circuit shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the court with as little inconvenience and expense to citizens as is practicable.".

ORGANIZATION OF UNITED STATES CLAIMS COURT

SEC. 105. (a) Chapter 7 of title 28, United States Code, is amended to read as follows:

"CHAPTER 7—UNITED STATES CLAIMS COURT

"Sec.
"171. Appointment and number of judges; character of court; designation of chief judge.
"172. Tenure and salaries of judges.
"173. Times and places of holding court.
"174. Assignment of judges; decisions.
"175. Official duty station; residence.
"176. Removal from office.
"177. Disbarment of removed judges.

"§ 171. Appointment and number of judges; character of court; designation of chief judge

"(a) The President shall appoint, by and with the advice and consent of the Senate, sixteen judges who shall constitute a court of record known as the United States Claims Court. The court is declared to be a court established under article I of the Constitution of the United States.

"(b) The President shall designate one of the judges of the Claims Court who is less than seventy years of age to serve as chief judge. The chief judge may continue to serve as such until he reaches the age of seventy years or until another judge is designated as chief judge by the President. After the designation of another judge to serve as chief judge, the former chief judge may continue to serve as a judge of the court for the balance of the term to which appointed.

"§ 172. Tenure and salaries of judges

"(a) Each judge of the United States Claims Court shall be appointed for a term of fifteen years.

"(b) Each judge shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title.

"§ 173. Times and places of holding court

"The principal office of the United States Claims Court shall be in the District of Columbia, but the Claims Court may hold court at such times and in such places as it may fix by rule of court. The times and places of the sessions of the Claims Court shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the Claims Court with as little inconvenience and expense to citizens as is practicable.

"§ 174. Assignment of judges; decisions

"(a) The judicial power of the United States Claims Court with respect to any action, suit, or proceeding, except congressional reference cases, shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

"(b) All decisions of the Claims Court shall be preserved and open to inspection.

"§ 175. Official duty station; residence

"(a) The official duty station of each judge of the United States Claims Court is the District of Columbia.

"(b) After appointment and while in active service, each judge shall reside within fifty miles of the District of Columbia.

"§ 176. Removal from office

"(a) Removal of a judge of the United States Claims Court during the term for which he is appointed shall be only for incompetency, misconduct, neglect of duty, engaging in the practice of law, or physical or mental disability. Removal shall be by the United States Court of Appeals for the Federal Circuit, but removal may not occur unless a majority of all the judges of such court of appeals concur in the order of removal.

"(b) Before any order of removal may be entered, a full specification of the charges shall be furnished to the judge involved, and such judge shall be accorded an opportunity to be heard on the charges.

"(c) Any cause for removal of any judge of the United States Claims Court coming to the knowledge of the Director of the Administrative Office of the United States Courts shall be reported by him to the chief judge of the United States Court of Appeals for the Federal Circuit, and a copy of the report shall at the same time be transmitted to the judge.

"§ 177. Disbarment of removed judges

"A judge of the United States Claims Court removed from office in accordance with section 176 of this title shall not be permitted at any time to practice before the Claims Court.".

(b) The item relating to chapter 7 in the chapter analysis of part I of title 28, United States Code, is amended to read as follows: "7. United States Claims Court........... 171".

REPEAL OF PROVISIONS RELATING TO THE COURT OF CUSTOMS AND PATENT APPEALS

SEC. 106. Chapter 9 of title 28, United States Code, and the item relating to chapter 9 in the chapter analysis of part I of such title, are repealed.

INTERLOCUTORY APPEALS FROM CERTAIN ORDERS

SEC. 107. Section 256(b) of title 28, United States Code, is amended by striking out "section 1541(b)" and all that follows through "in that section." and inserting in lieu thereof the following: "section 1292(d)(1) of this title, and the United States Court of Appeals for the Federal Circuit may, in its discretion, consider the appeal.".

REPEAL; ASSIGNMENT OF CIRCUIT JUDGES

SEC. 108. (a) Subsection (b) of section 291 of title 28, United States Code, is repealed.

(b) Subsection (c) of such section is amended by striking out "(c)" and inserting in lieu thereof "(b)".

ASSIGNMENT OF DISTRICT JUDGES

SEC. 109. Section 292(e) of title 28, United States Code, is amended by striking out "the Court of Claims, the Court of Customs and Patent Appeals or" and by striking out "in which the need arises".

REPEAL; ASSIGNMENT OF OTHER JUDGES

SEC. 110. (a) Section 293 of title 28, United States Code, is amended—

(1) by repealing subsections (a), (c), and (d);

(2) by redesignating subsection (b) as subsection (a); and

(3) by redesignating subsection (e), as that subsection will become effective on April 1, 1984, as subsection (b).

(b) The section heading of section 293 of title 28, United States Code, is amended to read as follows:

"§ 293. Judges of the Court of International Trade".

(c) The item relating to section 293 in the section analysis of chapter 13 of title 28, United States Code, is amended to read as follows:

"293. Judges of the Court of International Trade.".

(d) Section 160(a) of title 28, United States Code, as that section will become effective on April 1, 1984, is amended by striking out "293(e)" and inserting in lieu thereof "293(b)".

JUDICIAL CONFERENCE

SEC. 111. Section 331 of title 28, United States Code, is amended—

(1) in the first paragraph, by striking out ", the chief judge of the Court of Claims, the chief judge of the Court of Customs and Patent Appeals,"; and

(2) in the third paragraph, by striking out the second sentence.

RETIREMENT

SEC. 112. (a) Section 372(a) of title 28, United States Code, is amended—

(1) in the third paragraph, by striking out "Court of Claims, Court of Customs and Patent Appeals, or"; and

(2) in the fifth paragraph, by striking out "Court of Claims, Court of Customs and Patent Appeals, or".

(b) Section 372(b) of title 28, United States Code, is amended by striking out "Court of Claims, Court of Customs and Patent Appeals, or" each place it appears.

(c) Section 372(c)(17) of title 28, United States Code, is amended by striking out "Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court" and inserting in lieu thereof "United States Claims Court, the Court of International Trade, and the Court of Appeals for the Federal Circuit".

REPEAL; DISTRIBUTION OF COURT OF CLAIMS DECISIONS

SEC. 113. Section 415 of title 28, United States Code, and the item relating to section 415 in the section analysis of chapter 19 of such title, are repealed.

DEFINITIONS

SEC. 114. Section 451 of title 28, United States Code (including that section as it will become effective on April 1, 1984), is amended—

(1) in the first definition, relating to court of the United States, by striking out "the Court of Claims, the Court of Customs and Patent Appeals,"; and

(2) in the third definition, relating to judge of the United States, by striking out "Court of Claims, Court of Customs and Patent Appeals,".

TRAVELING EXPENSES AND COURT ACCOMMODATIONS

SEC. 115. (a)(1) Section 456 of title 28, United States Code (including that section as it will become effective on April 1, 1984), is amended to read as follows:

"§ 456. Traveling expenses of justices and judges; official duty stations

"(a) The Director of the Administrative Office of the United States Courts shall pay each justice or judge of the United States, and each retired justice or judge recalled or designated and assigned to active duty, while attending court or transacting official business at a place other than his official duty station for any continuous period of less than thirty calendar days (1) all necessary transportation expenses certified by the justice or judge; and (2) a per diem allowance for travel at the rate which the Director establishes not to exceed the maximum per diem allowance fixed by section 5702(a) of title 5, or in accordance with regulations which the Director shall prescribe with the approval of the Judicial Conference of the United States, reimbursement for his actual and necessary expenses of subsistence not in excess of the maximum amount fixed by section 5702 of title 5. The Director of the Administrative Office of the United States Courts shall also pay each justice or judge of the United States, and each retired justice or judge recalled or designated and assigned to active duty, while attending court or transacting official business under an assignment authorized under chapter 13 of this title which exceeds in duration a continuous period of thirty calendar days, all necessary transportation expenses and actual and necessary expenses of subsistence actually incurred, notwithstanding the provisions of section 5702 of title 5, in accordance with regulations which the Director shall prescribe with the approval of the Judicial Conference of the United States.

"(b) The official duty station of the Chief Justice of the United States, the Justices of the Supreme Court of the United States, and the judges of the United States Court of Appeals for the District of Columbia Circuit, the United States Court of Appeals for the Federal Circuit, and the United States District Court for the District of Columbia shall be the District of Columbia.

"(c) The official duty station of the judges of the United States Court of International Trade shall be New York City.

"(d) The official duty station of each district judge shall be that place where a district court holds regular sessions at or near which the judge performs a substantial portion of his judicial work, which is nearest the place where he maintains his actual abode in which he customarily lives.

"(e) The official duty station of a circuit judge shall be that place where a circuit or district court holds regular sessions at or near which the judge performs a substantial portion of his judicial work, or that place where the Director provides chambers to the judge where he performs a substantial portion of his judicial work, which is nearest the place where he maintains his actual abode in which he customarily lives.

"(f) The official duty station of a retired judge shall be established in accordance with section 374 of this title.

"(g) Each circuit or district judge whose official duty station is not fixed expressly by this section shall notify the Director of the Administrative Office of the United States Courts in writing of his actual abode and official duty station upon his appointment and from time to time thereafter as his official duty station may change.".

(2) The item relating to section 456 in the section analysis of chapter 21 of title 28, United States Code, is amended to read as follows:

"456. Traveling expenses of justices and judges; official duty stations.".

(b)(1) Section 460 of title 28, United States Code, is amended to read as follows:

"§ 460. Application to other courts

"(a) Sections 452 through 459 and section 462 of this chapter shall also apply to the United States Claims Court, to each court created by Act of Congress in a territory which is invested with any jurisdiction of a district court of the United States, and to the judges thereof.

"(b) The official duty station of each judge referred to in subsection (a) which is not otherwise established by law shall be that place where the court holds regular sessions at or near which the judge performs a substantial portion of his judicial work, which is nearest the place where he maintains his actual abode in which he customarily lives.".

(2) The item relating to section 460 in the section analysis of chapter 21 of title 28, United States Code, is amended to read as follows:

"460. Application to other courts.".

(c)(1) Chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 462. Court accommodations

"(a) Sessions of courts of the United States (except the Supreme Court) shall be held only at places where the Director of the Administrative Office of the United States Courts provides accommodations, or where suitable accommodations are furnished without cost to the judicial branch.

"(b) The Director of the Administrative Office of the United States Courts shall provide accommodations, including chambers and courtrooms, only at places where regular sessions of court are authorized by law to be held, but only if the judicial council of the appropriate circuit has approved the accommodations as necessary.

"(c) The limitations and restrictions contained in subsection (b) of this section shall not prevent the Director from furnishing chambers to circuit judges at places where Federal facilities are available when the judicial council of the circuit approves.

"(d) The Director of the Administrative Office of the United States Courts shall provide permanent accommodations for the United States Court of Appeals for the Federal Circuit and for the United States Claims Court only at the District of Columbia. However, each such court may hold regular and special sessions at other places utilizing the accommodations which the Director provides to other courts.

"(e) The Director of the Administrative Office of the United States Courts shall provide accommodations for probation officers, pretrial service officers, and Federal Public Defender Organizations at such places as may be approved by the judicial council of the appropriate circuit.

"(f) Upon the request of the Director, the Administrator of General Services is authorized and directed to provide the accommodations the Director requests, and to close accommodations which the Director recommends for closure with the approval of the Judicial Conference of the United States.".

(2) The section analysis of chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"462. Court accommodations.".

(3) Section 142 of title 28, United States Code, and the item relating to section 142 in the section analysis of chapter 5 of such title, are repealed.

EXPENSES OF LITIGATION

SEC. 116. (a) Chapter 21 of title 28, United States Code, as amended by section 115 of this Act, is further amended by adding at the end thereof the following new section:

"§ 463. Expenses of litigation

"Whenever a Chief Justice, justice, judge, officer, or employee of any United States court is sued in his official capacity, or is otherwise required to defend acts taken or omissions made in his official capacity, and the services of an attorney for the Government are not reasonably available pursuant to chapter 31 of this title, the Director of the Administrative Office of the United States Courts may pay the costs of his defense. The Director shall prescribe regulations for such payments subject to the approval of the Judicial Conference of the United States.".

(b) The analysis of chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"463. Expenses of litigation.".

INTERESTS OF THE UNITED STATES IN CERTAIN ACTIONS

SEC. 117. Section 518(a) of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court or in the United States Court of Appeals for the Federal Circuit".

TRANSMISSION OF PETITIONS IN SUITS AGAINST THE UNITED STATES

SEC. 118. (a) Section 520 of title 28, United States Code, is amended—

(1) in subsection (a), by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court or in the United States Court of Appeals for the Federal Circuit"; and

(2) by striking out "Court of Claims" in the section heading and inserting in lieu thereof "United States Claims Court or in United States Court of Appeals for the Federal Circuit".

(b) The item relating to section 520 in the section analysis of chapter 31 of title 28, United States Code, is amended to read as follows:

"520. Transmission of petitions in United States Claims Court or in United States Court of Appeals for the Federal Circuit; statement furnished by departments.".

BUDGET ESTIMATES

SEC. 119. (a) Section 605 of title 28, United States Code, is amended—

(1) by inserting immediately before the period at the end of the second undesignated paragraph the following: "and the estimate with respect to the United States Court of Appeals for the Federal Circuit shall be approved by such court"; and

(2) by striking out "Bureau of the Budget" each place it appears and inserting in lieu thereof "Office of Management and Budget".

(b) Funds appropriated to the Court of Customs and Patent Appeals and the Court of Claims for fiscal year 1982 shall be made available for the operation of the United States Court of Appeals for the Federal Circuit and the United States Claims Court. Such sums shall be apportioned among the new appropriations as determined by the Director of the Administrative Office of the United States Courts in consultation with the chief judges of the respective courts.

DEFINITION OF COURTS

SEC. 120. (a) Section 610 of title 28, United States Code, is amended by striking out "the Court of Claims, the Court of Customs and Patent Appeals" and inserting in lieu thereof "the United States Claims Court".

(b)(1) Section 713 of title 28, United States Code, is amended to read as follows:

"§ 713. Librarians

"(a) Each court of appeals may appoint a librarian who shall be subject to removal by the court.

"(b) The librarian, with the approval of the court, may appoint necessary library assistants in such numbers as the Director of the Administrative Office of the United States Courts may approve. The librarian may remove such library assistants with the approval of the court.".

(2) The item relating to section 713 in the section analysis of chapter 47, United States Code, is amended to read as follows:

"713. Librarians.".

(c)(1) Chapter 47 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 714. Criers and messengers

"(a) Each court of appeals may appoint a crier who shall be subject to removal by the court.

"(b) The crier, with the approval of the court, may appoint necessary messengers in such number as the Director of the Administrative Office of the United States Courts may approve. The crier may remove such messengers with the approval of the court. The crier shall also perform the duties of bailiff and messenger.

"§ 715. Staff attorneys and technical assistants

"(a) The chief judge of each court of appeals, with the approval of the court, may appoint a senior staff attorney, who shall be subject to removal by the chief judge with the approval of the court.

"(b) The senior staff attorney, with the approval of the chief judge, may appoint necessary staff attorneys and secretarial and clerical employees in such numbers as the Director of the Administrative Office of the United States Courts may approve, but in no event may the number of staff attorneys exceed the number of positions expressly authorized in an annual appropriation Act. The senior staff attorney may remove such staff attorneys and secretarial and clerical employees with the approval of the chief judge.

"(c) The chief judge of the Court of Appeals for the Federal Circuit, with the approval of the court, may appoint a senior technical assistant who shall be subject to removal by the chief judge with the approval of the court.

"(d) The senior technical assistant, with the approval of the court, may appoint necessary technical assistants in such number as the Director of the Administrative Office of the United States Courts may approve, but in no event may the number of technical assistants in the Court of Appeals for the Federal Circuit exceed the number of circuit judges in regular active service within such circuit. The senior technical assistant may remove such technical assistants with the approval of the court.".

(2) The section analysis of chapter 47, United States Code, is amended by adding at the end thereof the following new items:

"714. Criers and messengers.

"715. Staff attorneys and technical assistants.".

OFFICERS AND EMPLOYEES OF THE UNITED STATES CLAIMS COURT

SEC. 121. (a) Section 791 of title 28, United States Code, is amended by amending subsection (a) to read as follows:

"(a) The United States Claims Court may appoint a clerk, who shall be subject to removal by the court. The clerk, with the approval of the court, may appoint necessary deputies and employees in such numbers as may be approved by the Director of the Administrative Office of the United States Courts. Such deputies and employees shall be subject to removal by the clerk with the approval of the court.".

(b) Section 792 of title 28, United States Code, and the item relating to section 792 in the section analysis of chapter 51 of such title, are repealed.

(c)(1) Section 794 of title 28, United States Code, is amended to read as follows:

"§ 794. Law clerks and secretaries

"The judges of the United States Claims Court may appoint necessary law clerks and secretaries, in such numbers as the Judicial Conference of the United States may approve, subject to any limitation of the aggregate salaries of such employees which may be imposed by law.".

(2) The item relating to section 794 in the section analysis of chapter 51 of title 28, United States Code, is amended to read as follows:

"794. Law clerks and secretaries.".

(d)(1) Section 795 of title 28, United States Code, is amended to read as follows:

"§ 795. Bailiffs and messengers

"The chief judge of United States Claims Court, with the approval of the court, may appoint necessary bailiffs and messengers, in such numbers as the Director of the Administrative Office of the United States Courts may approve, each of whom shall be subject to removal by the chief judge, with the approval of the court.".

(2) The item relating to section 795 in the section analysis of chapter 51 of title 28, United States Code, is amended to read as follows:

"795. Bailiffs and messengers.".

(e) Section 796 of title 28, United States Code, is amended by striking out "The Court of Claims" and inserting in lieu thereof

"subject to the approval of the United States Claims Court, the Director of the Administrative Office of the United States Courts".

(f)(1) Section 797 of title 28, United States Code, is amended to read as follows:

"§ 797. Recall of retired judges

"(a) Any judge of the United States Claims Court who has retired from regular active service under subchapter III of chapter 83 of title 5 shall be known and designated as a senior judge and may perform duties as a judge when recalled pursuant to subsection (b) of this section.

"(b) The chief judge of the Claims Court may, whenever he deems it advisable, recall any senior judge, with such judge's consent, to perform such duties as a judge and for such period of time as the chief judge may specify.

"(c) Any senior judge performing duties pursuant to this section shall not be counted as a judge for purposes of the number of judgeships authorized by section 171 of this title.

"(d) Any senior judge, while performing duties pursuant to this section, shall be paid the same allowances for travel and other expenses as a judge in active service. Such senior judge shall also receive from the Claims Court supplemental pay in an amount sufficient, when added to his civil service retirement annuity, to equal the salary of a judge in active service for the same period or periods of time. Such supplemental pay shall be paid in the same manner as the salary of a judge.".

(2) The item relating to section 797 in the section analysis of chapter 51 of title 28, United States Code, is amended by striking out "commissioners" and inserting in lieu thereof "judges".

(g)(1) The item relating to chapter 51 in the chapter analysis of part III of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

(2) The chapter heading of chapter 51 of title 28, United States Code, is amended by striking out "COURT OF CLAIMS" and inserting in lieu thereof "UNITED STATES CLAIMS COURT".

ABOLISHMENT OF UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

SEC. 122. (a) Chapter 53 of title 28, United States Code, and the item relating to chapter 53 in the chapter analysis of part III of such title, are repealed.

(b) Section 957 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "(a)", and

(2) by repealing subsection (b).

TECHNICAL AND CONFORMING AMENDMENTS RELATING TO REPEAL OF COURT OF CUSTOMS AND PATENT APPEALS

SEC. 123. Sections 1255 and 1256 of title 28, United States Code, and the items relating to sections 1255 and 1256 in the section analysis of chapter 81 of such title, are repealed.

COURTS OF APPEALS JURISDICTION

SEC. 124. Section 1291 of title 28, United States Code, is amended—

(1) by inserting "(other than the United States Court of Appeals for the Federal Circuit)" after "courts of appeals"; and

(2) by adding at the end thereof the following new sentence: "The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292 (c) and (d) and 1295 of this title.".

INTERLOCUTORY DECISIONS

SEC. 125. (a) Section 1292(a) of title 28, United States Code, is amended—

(1) by striking out "The courts" and inserting in lieu thereof "Except as provided in subsections (c) and (d) of this section, the courts";

(2) by striking out the semicolon at the end of paragraph (3) and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

(b) Section 1292 of title 28, United States Code, is amended by adding at the end thereof the following new subsections:

"(c) The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction—

"(1) of an appeal from an interlocutory order or decree described in subsection (a) of this section in any case over which the court would have jurisdiction of an appeal under section 1295 of this title; and

"(2) of an appeal from a judgment in a civil action for patent infringement which would otherwise be appealable to the United States Court of Appeals for the Federal Circuit and is final except for an accounting.

"(d)(1) When the chief judge of the Court of International Trade issues an order under the provisions of section 256(b) of this title, or when any judge of the Court of International Trade, in issuing any other interlocutory order, includes in the order a statement that a controlling question of law is involved with respect to which there is a substantial ground for difference of opinion and that an immediate appeal from that order may materially advance the ultimate termination of the litigation, the United States Court of Appeals for the Federal Circuit may, in its discretion, permit an appeal to be taken from such order, if application is made to that Court within ten days after the entry of such order.

"(2) When any judge of the United States Claims Court, in issuing an interlocutory order, includes in the order a statement that a controlling question of law is involved with respect to which there is a substantial ground for difference of opinion and that an immediate appeal from that order may materially advance the ultimate termination of the litigation, the United States Court of Appeals for the Federal Circuit may, in its discretion, permit an appeal to be taken from such order, if application is made to that Court within ten days after the entry of such order.

"(3) Neither the application for nor the granting of an appeal under this subsection shall stay proceedings in the Court of International Trade or in the Claims Court, as the case may be, unless a stay is ordered by a judge of the Court of International Trade or of the Claims Court or by the United States Court of Appeals for the Federal Circuit or a judge of that court.".

CIRCUITS IN WHICH DECISIONS ARE REVIEWABLE

SEC. 126. Section 1294 of title 28, United States Code (including that section as it will become effective on April 1, 1984), is amended by striking out "Appeals" and inserting in lieu thereof "Except as provided in sections 1292(c), 1292(d), and 1295 of this title, appeals".

JURISDICTION OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SEC. 127. (a) Chapter 83 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1295. Jurisdiction of the United States Court of Appeals for the Federal Circuit

"(a) The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction—

"(1) of an appeal from a final decision of a district court of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the Virgin Islands, or the District Court for the Northern Mariana Islands, if the jurisdiction of that court was based, in whole or in part, on section 1338 of this title, except that a case involving a claim arising under any Act of Congress relating to copyrights or trademarks and no other claims under section 1338(a) shall be governed by sections 1291, 1292, and 1294 of this title;

"(2) of an appeal from a final decision of a district court of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the Virgin Islands, or the District Court for the Northern Mariana Islands, if the jurisdiction of that court was based, in whole or in part, on section 1346 of this title, except that jurisdiction of an appeal in a case brought in a district court under section 1346(a)(1), 1346(b), 1346(e), or 1346(f) of this title or under section 1346(a)(2) when the claim is founded upon an Act of Congress or a regulation of an executive department providing for internal revenue shall be governed by sections 1291, 1292, and 1294 of this title;

"(3) of an appeal from a final decision of the United States Claims Court;

"(4) of an appeal from a decision of—

"(A) the Board of Appeals or the Board of Patent Interferences of the Patent and Trademark Office with respect to patent applications and interferences, at the instance of an applicant for a patent or any party to a patent interference, and any such appeal shall waive the right of such applicant or party to proceed under section 145 or 146 of title 35;

"(B) the Commissioner of Patents and Trademarks or the Trademark Trial and Appeal Board with respect to applications for registration of marks and other proceedings as provided in section 21 of the Trademark Act of 1946 (15 U.S.C. 1071); or

"(C) a district court to which a case was directed pursuant to section 145 or 146 of title 35;

"(5) of an appeal from a final decision of the United States Court of International Trade;

"(6) to review the final determinations of the United States International Trade Commission relating to unfair practices in import trade, made under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337);

"(7) to review, by appeal on questions of law only, findings of the Secretary of Commerce under headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (relating to importation of instruments or apparatus);

"(8) of an appeal under section 71 of the Plant Variety Protection Act (7 U.S.C. 2461);

"(9) of an appeal from a final order or final decision of the Merit Systems Protection Board, pursuant to sections 7703(b)(1) and 7703(d) of title 5; and

"(10) of an appeal from a final decision of an agency board of contract appeals pursuant to section 8(g)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607(g)(1)).

"(b) The head of any executive department or agency may, with the approval of the Attorney General, refer to the Court of Appeals for the Federal Circuit for judicial review any final decision rendered by a board of contract appeals pursuant to the terms of any contract with the United States awarded by that department or agency which the head of such department or agency has concluded is not entitled to finality pursuant to the review standards specified in section 10(b) of the Contract Disputes Act of 1978 (41 U.S.C. 609(b)). The head of each executive department or agency shall make any referral under this section within one hundred and twenty days after the receipt of a copy of the final appeal decision.

"(c) The Court of Appeals for the Federal Circuit shall review the matter referred in accordance with the standards specified in section 10(b) of the Contract Disputes Act of 1978. The court shall proceed with judicial review on the administrative record made before the board of contract appeals on matters so referred as in other cases pending in such court, shall determine the issue of finality of the appeal decision, and shall, if appropriate, render judgment thereon, or remand the matter to any administrative or executive body or official with such direction as it may deem proper and just.

"§ 1296. Precedence of cases in the United States Court of Appeals for the Federal Circuit

"Civil actions in the United States Court of Appeals for the Federal Circuit shall be given precedence, in accordance with the law applicable to such actions, in such order as the court may by rule establish.".

(b) The section analysis of chapter 83 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"1295. Jurisdiction of the United States Court of Appeals for the Federal Circuit.
"1296. Precedence of cases in the United States Court of Appeals for the Federal Circuit.".

INTERSTATE COMMERCE COMMISSION ORDERS; JURISDICTION

SEC. 128. Section 1336(b) of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

UNITED STATES AS DEFENDANT; JURISDICTION

SEC. 129. Section 1346(a) of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

INTERSTATE COMMERCE COMMISSION ORDERS; VENUE

SEC. 130. Section 1398(b) of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

UNITED STATES AS DEFENDANT; VENUE

SEC. 131. Section 1402(a) of title 28, United States Code, is amended by inserting "in a district court" after "civil action".

CURE OR WAIVER OF DEFECTS

SEC. 132. Section 1406 of title 28, United States Code, is amended—

(1) by repealing subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

UNITED STATES CLAIMS COURT JURISDICTION AND VENUE

SEC. 133. (a) Section 1491 of title 28, United States Code, is amended to read as follows:

"§ 1491. Claims against United States generally; actions involving Tennessee Valley Authority

"(a)(1) The United States Claims Court shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort. For the purpose of this paragraph, an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States.

"(2) To provide an entire remedy and to complete the relief afforded by the judgment, the court may, as an incident of and collateral to any such judgment, issue orders directing restoration to office or position, placement in appropriate duty or retirement status, and correction of applicable records, and such orders may be issued to any appropriate official of the United States. In any case within its jurisdiction, the court shall have the power to remand appropriate matters to any administrative or executive body or official with such direction as it may deem proper and just. The Claims Court shall have jurisdiction to render judgment upon any claim by or against, or dispute with, a contractor arising under section 10(a)(1) of the Contract Disputes Act of 1978.

"(3) To afford complete relief on any contract claim brought before the contract is awarded, the court shall have exclusive jurisdiction to grant declaratory judgments and such equitable and extraordinary relief as it deems proper, including but not limited to injunctive relief. In exercising this jurisdiction, the court shall give due regard to the interests of national defense and national security.

"(b) Nothing herein shall be construed to give the United States Claims Court jurisdiction of any civil action within the exclusive jurisdiction of the Court of International Trade, or of any action against, or founded on conduct of, the Tennessee Valley Authority, or to amend or modify the provisions of the Tennessee Valley Authority Act of 1933 with respect to actions by or against the Authority.".

(b) Section 1492 of title 28, United States Code, is amended by striking out "chief commissioner of the Court of Claims" and inserting in lieu thereof "chief judge of the United States Claims Court".

(c)(1) Sections 1494, 1495, 1496, and 1497 of title 28, United States Code, are amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "United States Claims Court".

(2) The section heading of section 1497 of title 28, United States Code, is amended by striking out "growers," and inserting in lieu thereof "growers".

(d) Section 1498 of title 28, United States Code, is amended—

(1) in subsection (a), by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court"; and

(2) in subsections (b) and (d), by striking out "Court of Claims" each place it appears and inserting in lieu thereof "Claims Court".

(e)(1) Sections 1499, 1500, 1501, 1502, and 1503 of title 28, United States Code, are amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "United States Claims Court".

(2) (A) The section heading of section 1499 of title 28, United States Code, is amended by inserting "and Safety" after "Hours".

(B) The item relating to section 1499 in the section analysis of chapter 91 of title 28, United States Code, is amended to read as follows:

"1499. Liquidated damages withheld from contractors under Contract Work Hours and Safety Standards Act.".

(f) Section 1504 of title 28, United States Code, and the item relating to section 1504 in the section analysis of chapter 91 of such title, are repealed.

(g) Section 1505 of title 28, United States Code, is amended—

(1) by striking out "Court of Claims" the first place it appears and inserting in lieu thereof "United States Claims Court"; and

(2) by striking out "Court of Claims" the second place it appears and inserting in lieu thereof "Claims Court".

(h) Section 1506 of title 28, United States Code, and the item relating to section 1506 in the section analysis of chapter 91 of such title, are repealed.

(i) Section 1507 of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

(j)(1) The item relating to chapter 91 in the chapter analysis of part IV of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

(2) The chapter heading of chapter 91 of title 28, United States Code, is amended by striking out "COURT OF CLAIMS" and inserting in lieu thereof "UNITED STATES CLAIMS COURT".

REPEAL OF PROVISIONS RELATING TO THE COURT OF CUSTOMS AND PATENT APPEALS

SEC. 134. Chapter 93 of title 28, United States Code, and the item relating to chapter 93 in the chapter analysis of part IV of such title, are repealed.

REPEAL; CURE OF DEFECTS

SEC. 135. Section 1584 of title 28, United States Code, and the item relating to section 1584 in the section analysis of chapter 95 of such title, are repealed.

REPEAL; TIME FOR APPEAL

SEC. 136. Section 2110 of title 28, United States Code, and the item relating to section 2110 in the section analysis of chapter 133 of such title, are repealed.

COURT OF APPEALS JURISDICTION

SEC. 137. Section 2342 of title 28, United States Code, is amended—

(1) by inserting "(other than the United States Court of Appeals for the Federal Circuit)" after "court of appeals";

(2) in paragraph (4), by inserting "and" after the semicolon;

(3) in paragraph (5), by striking out "; and" and inserting in lieu thereof a period; and

(4) by striking out paragraph (6).

PLANT VARIETY PROTECTION OFFICE DECISIONS

SEC. 138. Section 2353 of title 28, United States Code, and the item relating to section 2353 in the section analysis of chapter 158 of such title, are repealed.

UNITED STATES CLAIMS COURT PROCEDURE

SEC. 139. (a) Sections 2501 and 2502(a) of title 28, United States Code, are amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "United States Claims Court".

(b)(1) Section 2503 of title 28 United States Code, is amended to read as follows:

"§ 2503. Proceedings generally

"(a) Parties to any suit in the United States Claims Court may appear before a judge of that court in person or by attorney, produce evidence, and examine witnesses.

"(b) The proceedings of the Claims Court shall be in accordance with such rules of practice and procedure (other than the rules of evidence) as the Claims Court may prescribe and in accordance with the Federal Rules of Evidence.

"(c) The judges of the Claims Court shall fix times for trials, administer oaths or affirmations, examine witnesses, receive evidence, and enter dispositive judgments. Hearings shall, if convenient, be held in the counties where the witnesses reside.".

(2) The item relating to section 2503 in the section analysis of chapter 165 of title 28, United States Code, is amended by striking out "before commissioners".

(c) Section 2504 of title 28, United States Code, is amended—

(1) by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court"; and

(2) by striking out "commissioner" each place it appears and inserting in lieu thereof "judge".

(d) Section 2505 of title 28, United States Code, is amended—

(1) by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court"; and

(2) by striking out "report findings" and inserting in lieu thereof "enter judgment".

(e) Section 2506 of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

(f) Section 2507 of title 28, United States Code, is amended—

(1) in subsection (a), by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court"; and

(2) in subsection (c), by striking out "Court of Claims" and inserting in lieu thereof "Claims Court".

(g) Section 2508 of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

(h)(1) Section 2509 of title 28, United States Code, is amended by amending subsection (a) to read as follows:

"(a) Whenever a bill, except a bill for a pension, is referred by either House of Congress to the chief judge of the United States Claims Court pursuant to section 1492 of this title, the chief judge shall designate a judge as hearing officer for the case and a panel of three judges of the court to serve as a reviewing body. One member of the review panel shall be designated as presiding officer of the panel.".

(2) Section 2509 of title 28, United States Code, is amended—

(A) in subsections (b), (c), (d), and (f), by striking out "trial commissioner" each place it appears and inserting in lieu thereof "hearing officer";

(B) in subsections (b), (c), and (e), by striking out "chief commissioner" each place it appears and inserting in lieu thereof "chief judge";

(C) in subsections (b), (f), and (g), by striking out "Court of Claims" each place it appears and inserting in lieu thereof "Claims Court";

(D) in subsection (d), by striking out "of commissioners"; and

(E) in subsection (g), by striking out "commissioners serving as trial commissioners" and inserting in lieu thereof "judges serving as hearing officers".

(i)(1) Section 2510 of title 28, United States Code, is amended to read as follows:

"§ 2510. Referral of cases by Comptroller General

"(a) The Comptroller General may transmit to the United States Claims Court for trial and adjudication any claim or matter of which the Claims Court might take jurisdiction on the voluntary action of the claimant, together with all vouchers, papers, documents, and proofs pertaining thereto.

"(b) The Claims Court shall proceed with the claims or matters so referred as in other cases pending in such Court and shall render judgment thereon.".

(2) The item relating to section 2510 in the section analysis of chapter 165 of title 28, United States Code, is amended to read as follows:

"2510. Referral of cases by Comptroller General.".

(j)(1) Section 2511 of title 28, United States Code, is amended by striking out ", or of the Supreme Court upon review,".

(2) Sections 2511, 2512, 2513(c), 2514, 2515(a), and 2516(a) of title 28, United States Code, are amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "United States Claims Court".

(k) Section 2517 of title 28, United States Code, is amended—

(1) in subsection (a), by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court"; and

(2) in subsection (b), by striking out the comma immediately after "discharged".

(l) Section 2518 of title 28, United States Code, and the item relating to section 2518 in the section analysis of chapter 165 of such title, are repealed.

(m) Section 2519 of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

(n)(1) Section 2520 of title 28, United States Code, is amended in subsection (a)—

(A) by striking out "(a)";

(B) by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court"; and

(C) by striking out "$10" and inserting in lieu thereof "$60".

(2) Subsections (b) and (c) of section 2520 of title 28, United States Code, are repealed.

(3) The section heading of section 2520 of title 28, United States Code, is amended by striking out "; cost of printing record".

(4) The item relating to section 2520 in the section analysis of chapter 165 of title 28, United States Code, is amended to read as follows:

"2520. Fees.".

(o)(1) The item relating to chapter 165 in the chapter analysis of part VI of title 28, United States Code, is amended to read as follows:

"165. United States Claims Court Procedure.. 2501".

(2) The chapter heading of chapter 165 of title 28, United States Code, is amended by striking out "COURT OF CLAIMS" and inserting in lieu thereof "UNITED STATES CLAIMS COURT".

(p)(1) Section 1926 of title 28, United States Code, is amended to read as follows:

"§ 1926. Claims Court

"(a) The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected in the United States Claims Court.

"(b) The court and its officers shall collect only such fees and costs as the Judicial Conference prescribes. The court may require advance payment of fees by rule.".

(2) The item relating to section 1926 in the section analysis of chapter 123 of title 28, United States Code, is amended to read as follows:

"1926. Claims Court.".

(q)(1) Chapter 165 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 2522. Notice of appeal

"Review of a decision of the United States Claims Court shall be obtained by filing a notice of appeal with the clerk of the Claims Court within the time and in the manner prescribed for appeals to United States courts of appeals from the United States district courts.".

(2) The section analysis of chapter 165 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"2522. Notice of appeal.".

REPEAL OF PROVISIONS RELATING TO THE COURT OF CUSTOMS AND PATENT APPEALS

SEC. 140. Chapter 167 of title 28, United States Code, and the item relating to chapter 167 in the chapter analysis of part VI of such title, are repealed.

COURT OF INTERNATIONAL TRADE; PROCEDURE

SEC. 141. Section 2645(c) of title 28, United States Code, is amended by striking out "Customs and Patent Appeals within the time and in the manner provided in section 2601 of this title" and inserting in lieu thereof "Appeals for the Federal Circuit by filing a notice of appeal with the clerk of the Court of International Trade within the time and in the manner prescribed for appeals to United States courts of appeals from the United States district courts".

FEDERAL RULES OF EVIDENCE

SEC. 142. Rule 1101(a) of the Federal Rules of Evidence is amended by striking out "Court of Claims" the first place it appears and inserting in lieu thereof "United States Claims Court" and by striking out "and commissioners of the Court of Claims".

PART B—CONFORMING AMENDMENTS OUTSIDE TITLE 28

FEDERAL SALARY ACT

SEC. 143. Section 225(f)(C) of the Federal Salary Act of 1967 (2 U.S.C. 356(C)), is amended by inserting "and the judges of the United States Claims Court" immediately before the semicolon at the end thereof.

MERIT SYSTEMS PROTECTION BOARD

SEC. 144. Section 7703 of title 5, United States Code, is amended—

(1) in subsection (b)(1), by striking out "Court of Claims or a United States court of appeals as provided in Chapters 91 and 158, respectively, of title 28" and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit";

(2) in subsection (c), by striking out "Court of Claims or a United States court of appeals" and inserting in lieu thereof "Court of Appeals for the Federal Circuit"; and

(3) in subsection (d), by striking out "District of Columbia" and inserting in lieu thereof "Federal Circuit".

PLANT VARIETY PROTECTION ACT

SEC. 145. The second sentence of section 71 of the Plant Variety Protection Act (7 U.S.C. 2461) is amended to read as follows: "The United States Court of Appeals for the Federal Circuit shall have jurisdiction of any such appeal.".

FEDERAL FIRE PREVENTION ACT

SEC. 146. Section 11(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2210(d)) is amended by striking out "Court of Claims of the United States" and inserting in lieu thereof "United States Claims Court".

CRIMINAL CODE

SEC. 147. Section 204 of title 18, United States Code, and the section heading thereof are amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court or the United States Court of Appeals for the Federal Circuit".

TRADEMARK ACT

SEC. 148. Section 39 of the Trademark Act of 1946 (15 U.S.C. 1121) is amended by inserting "(other than the United States Court of Appeals for the Federal Circuit)" after "circuit courts of appeal of the United States".

INDIAN CLAIMS COMMISSION

SEC. 149. (a) Section 29 of the Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes", approved August 13, 1946 (25 U.S.C. 70v-3), is amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "Claims Court".

(b) Subsection (c) of section 29 of such Act is repealed.

(c) Subsection (d) of section 29 of such Act is amended—

(1) by striking out "(d)" and inserting in lieu thereof "(c)"; and

(2) by striking out "Supreme Court in accordance with the provisions of section 1255" and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit in accordance with the provisions of section 1295".

(d) Subsection (e) of section 29 of such Act is amended by striking out "(e)" and inserting in lieu thereof "(d)".

CLAIMS BY INDIANS OF CALIFORNIA

SEC. 150. Section 2 of the Act of May 18, 1928 (25 U.S.C. 652) is amended—

(1) by striking out "Court of Claims" the first place it appears and inserting in lieu thereof "United States Claims Court";

(2) by striking out "Court of Claims of the United States" and inserting in lieu thereof "United States Claims Court"; and

(3) by striking out "Supreme Court of the United States" and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit".

INTERNAL REVENUE CODE

SEC. 151. Section 7422(e) of the Internal Revenue Code of 1954 (26 U.S.C. 7422(e)) is amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "United States Claims Court".

INTERNAL REVENUE CODE

SEC. 152. Section 7428 of the Internal Revenue Code of 1954 is amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "Claims Court".

INTERNAL REVENUE CODE

SEC. 153. (a) The second sentence of section 7456(c) of the Internal Revenue Code of 1954 is amended to read as follows: "Each commissioner shall receive pay at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of title 28, United States Code, and also necessary traveling expenses and per diem allowances, as provided in subchapter I of chapter 57 of title 5, United States Code, while traveling on official business and away from Washington, District of Columbia.".

(b) Notwithstanding the amendment made by subsection (a), until such time as a change in the salary rate of a commissioner of the United States Tax Court occurs in accordance with section 7456(c) of the Internal Revenue Code of 1954, the salary of such commissioner shall be equal to the salary of a commissioner of the Court of Claims immediately prior to the effective date of this Act.

INTERNAL REVENUE CODE

SEC. 154. Section 7482(a) of the Internal Revenue Code of 1954 is amended by inserting "(other than the United States Court of Appeals for the Federal Circuit)" after "United States Court of Appeals".

APPROPRIATION FOR JUDGMENTS AGAINST UNITED STATES

SEC. 155. Section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a), is amended by striking out "Court of Claims" and inserting in lieu thereof "Court of Appeals for the Federal Circuit or the United States Claims Court".

CONTRACT DISPUTES

SEC. 156. Section 8(g)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607(g)(1)) is amended—

(1) in subparagraph (A), by striking out "Court of Claims" and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit"; and

(2) in subparagraph (B), by striking out "United States Court of Claims for judicial review, under section 2510 of title 28, United States Code, as amended herein," and inserting in lieu thereof "Court of Appeals for the Federal Circuit for judicial review under section 1295 of title 28, United States Code,".

CONTRACT DISPUTES

SEC. 157. Section 10(c) of the Contract Disputes Act of 1978 (41 U.S.C. 609(c)) is amended by striking out ", or, in its discretion" and all that follows through "of the case".

CONGRESSIONAL PRINTING

SEC. 158. Section 713 of title 44, United States Code, is amended—

(1) by striking out "eight hundred and twenty-two" and inserting in lieu thereof "eight hundred and twenty";

(2) by inserting "and" after "Superintendent of Documents;"; and

(3) by striking out "to the Court of Claims, two copies; and".

EXECUTIVE AND JUDICIARY PRINTING

SEC. 159. Section 1103 of title 44, United States Code, is amended by striking out "the Court of Claims," and by striking out "chief judge of the Court of Claims,".

CONFORMING AMENDMENTS

SEC. 160. (a) The following provisions of law are amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "United States Claims Court":

(1) Sections 1 and 2 of the Act of October 19, 1973 (87 Stat. 466).

(2) Section 8715 of title 5, United States Code.

(3) Section 8912 of title 5, United States Code.

(4) Section 2273(b) of title 10, United States Code.

(5) Section 337(i) of the Tariff Act of 1930 (19 U.S.C. 1337(i)).

(6) Section 606(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2356(a)).

(7) Section 1 of the Act entitled "An Act providing for the allotment and distribution of Indian tribal funds", approved March 2, 1907 (25 U.S.C. 119).

(8) Section 2 of the Act of August 12, 1935 (25 U.S.C. 475a).

(9) Section 6110(i)(1) of the Internal Revenue Code of 1954.

(10) Section 2 of the Act of May 28, 1908 (30 U.S.C. 193a).

(11) Section 7 of the Act of July 31, 1894 (31 U.S.C. 72).

(12) Section 183 of title 35, United States Code.

(13) Section 104(c) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 330(c)).

(14) Sections 13(b)(2) and 14 of the Contract Settlement Act of 1944 (41 U.S.C. 113(b) and 114).

(15) Sections 8(d) and 10(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d) and 609(d)).

(16) Sections 171 and 173 of the Atomic Energy Act of 1954 (42 U.S.C. 2221 and 2223).

(17) Section 10(i) of the Trading with the Enemy Act (50 U.S.C. App. 10(i)).

(18) Sections 103(f), 103(i), 105, 106(a)(6), 108, 108A, and 114(5) of the Renegotiation Act of 1951 (50 U.S.C. App. 1213(f), 1213(i), 1215, 1216(a)(6), 1218, 1218a, and 1224(5)).

(19) Section 4 of the Act of July 2, 1948 (50 U.S.C. App. 1984).

(b) The section heading of section 108A of the Renegotiation Act of 1951 (50 U.S.C. App. 1218a) is amended by striking out "COURT OF CLAIMS" and inserting in lieu thereof "UNITED STATES CLAIMS COURT".

(c) Section 108A of the Renegotiation Act of 1951 (50 U.S.C. App. 1218a) is amended by striking out "Supreme Court upon certiorari in the manner provided in section 1255" and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit in accordance with the provisions of section 1295".

CONFORMING AMENDMENTS

SEC. 161. The following provisions of law are amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "Claims Court":

(1) Section 4(c) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(c)).

(2) Section 20 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831s).

(3) Section 403 of the International Claims Settlement Act of 1949 (22 U.S.C. 1642b).

(4) Section 2(a) of the Act of May 15, 1978 (92 Stat. 244).

(5) Section 311(i) of the Federal Water Pollution Control Act (33 U.S.C. 1321(i)).

(6) Section 10(b) of the Intervention on the High Seas Act (33 U.S.C. 1479(b)).

(7) Section 282 of title 35, United States Code.

(8) Section 5261 of the Revised Statutes (45 U.S.C. 87).

(9) Section 41(a) of the Trading with the Enemy Act (50 U.S.C. App. 42(a)).

(10) Section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1)).

CONFORMING AMENDMENTS

SEC. 162. The following provisions of law are amended by striking out "United States Court of Customs and Patent Appeals" and "Court of Customs and Patent Appeals" each place they appear and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit":

(1) Section 21 of the Trademark Act of 1946 (15 U.S.C. 1071).

(2) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

(3) Section 305(d) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(d)).

CONFORMING AMENDMENTS

SEC. 163. (a) The following provisions of law are amended by striking out "Court of Customs and Patent Appeals" each place it appears and inserting in lieu thereof "Court of Appeals for the Federal Circuit":

(1) Subsections (d) and (f) of section 516 of the Tariff Act of 1930 (19 U.S.C. 1516 (d) and (f)).

(2) Section 516A (c) and (e) of the Tariff Act of 1930 (19 U.S.C. 1516a (c) and (e)).

(3) Section 528 of the Tariff Act of 1930 (19 U.S.C. 1528).

(4) Section 337(c) of the Tariff Act of 1930 (19 U.S.C. 1337(c)).

(5) Section 284(c) of the Trade Act of 1974 (19 U.S.C. 2395(c)).

(6) Section 308(9) of the Ethics in Government Act (28 U.S.C. App.).

(7) Sections 141 through 146 of title 35, United States Code.

(b)(1) The item relating to section 141 in the section analysis of chapter 13 of title 35, United States Code, is amended by striking out "Court of Customs and Patent Appeals" and inserting in lieu thereof "Court of Appeals for the Federal Circuit".

(2) The section heading of section 141 of title 35, United States Code, is amended by striking out "Court of Customs and Patent Appeals" and inserting in lieu thereof "Court of Appeals for the Federal Circuit".

CONFORMING AMENDMENTS

SEC. 164. The following provisions of law are amended by striking out "the United States Court of Claims, the United States Court of Customs and Patent Appeals" each place it appears and inserting in lieu thereof "the United States Claims Court":

(1) Section 6001(4) of title 18, United States Code.

(2) Section 906 of title 44, United States Code.

PART C—MISCELLANEOUS PROVISIONS

CONTINUED SERVICE OF CURRENT JUDGES

SEC. 165. The judges of the United States Court of Claims and of the United States Court of Customs and Patent Appeals in regular active service on the effective date of this Act shall continue in office as judges of the United States Court of Appeals for the Federal Circuit. Senior judges of the United States Court of Claims and of the United States Court of Customs and Patent Appeals on the effective date of this Act shall continue in office as senior judges of the United States Court of Appeals for the Federal Circuit.

APPOINTMENT OF CHIEF JUDGE OF COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SEC. 166. Notwithstanding the provisions of section 45(a) of title 28, United States Code, the first chief judge of the United States Court of Appeals for the Federal Circuit shall be the Chief Judge of the United States Court of Claims or the Chief Judge of the United States Court of Customs and Patent Appeals, whoever has served longer as chief judge of his court. Notwithstanding section 45 of title 28, United States Code, whichever of the two chief judges does not become the first chief judge of the United States Court of Appeals for the Federal Circuit under the preceding sentence shall, while in active service, have precedence and be deemed senior in commission over all the circuit judges of the United States Court of Appeals for the Federal Circuit (other than the first chief judge of that circuit). When the person who first serves as chief judge of the United States Court of Appeals for the Federal Circuit vacates that position, the position shall be filled in accordance with section 45(a) of title 28, United States Code, as modified by the preceding sentence of this section.

COURT OF CLAIMS COMMISSIONERS

SEC. 167. (a) Notwithstanding the provisions of section 171(a) of title 28, United States Code, as amended by this Act, a commissioner of the United States Court of Claims serving immediately prior to the effective date of this Act shall become a judge of the United States Claims Court on the effective date of this Act.

(b) Notwithstanding the provisions of section 172(a) of title 28, United States Code, as amended by this Act, the initial term of office of a person who becomes a judge of the United States Claims Court under subsection (a) of this section shall expire fifteen years after the date of his or her employment with the United States Court of Claims, or on October 1, 1986, whichever occurs earlier. Any such judge shall continue in office until a successor is sworn or until reappointed. No such individual shall serve as a judge after reaching the age of seventy years.

(c) Notwithstanding the provisions of section 172(b) of title 28, United States Code, as amended by this Act, until such time as a change in the salary rate of a judge of the United States Claims Court occurs in accordance with such section 172(b), the salary of such judge shall be equal to the salary of a Commissioner of the Court of Claims.

APPOINTMENT OF JUDGES BY THE PRESIDENT

SEC. 168. The Congress—

(1) takes notice of the fact that the quality of the Federal judiciary is determined by the competence and experience of its judges; and

(2) suggests that the President, in nominating individuals to judgeships on the United States Court of Appeals for the Federal Circuit and the United States Claims Court, select from a broad range of qualified individuals.

TENNESSEE VALLEY AUTHORITY LEGAL REPRESENTATION

SEC. 169. Nothing in this act affects the authority of the Tennessee Valley Authority under the Tennessee Valley Authority Act of 1933 to represent itself by attorneys of its choosing.

TITLE II—GOVERNANCE AND ADMINISTRATION OF THE FEDERAL COURTS

PART A—CHIEF JUDGE TENURE

APPOINTMENT AND TERMS OF CHIEF JUDGES OF THE COURTS OF APPEALS

SEC. 201. (a) Section 45 of title 28, United States Code, is amended by amending subsection (a) to read as follows:

"(a)(1) The chief judge of the circuit shall be the circuit judge in regular active service who is senior in commission of those judges who—

"(A) are sixty-four years of age or under;

"(B) have served for one year or more as a circuit judge; and

"(C) have not served previously as chief judge.

"(2)(A) In any case in which no circuit judge meets the qualifications of paragraph (1), the youngest circuit judge in regular active service who is sixty-five years of age or over and who has served as circuit judge for one year or more shall act as the chief judge.

"(B) In any case under subparagraph (A) in which there is no circuit judge in regular active service who has served as a circuit judge for one year or more, the circuit judge in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

"(3)(A) Except as provided in subparagraph (C), the chief judge of the circuit appointed under paragraph (1) shall serve for a term of seven years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge of the circuit.

"(B) Except as provided in subparagraph (C), a circuit judge acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge has been appointed who meets the qualifications under paragraph (1).

"(C) No circuit judge may serve or act as chief judge of the circuit after attaining the age of seventy years unless no other circuit judge is qualified to serve as chief judge of the circuit under paragraph (1) or is qualified to act as chief judge under paragraph (2).".

(b) Section 45 of title 28, United States Code, is amended by amending subsection (c) to read as follows:

"(c) If the chief judge desires to be relieved of his duties as chief judge while retaining his active status as circuit judge, he may so certify to the Chief Justice of the United States, and thereafter the chief judge of the circuit shall be such other circuit judge who is qualified to serve or act as chief judge under subsection (a).".

APPOINTMENT AND TERMS OF CHIEF JUDGES OF THE DISTRICT COURTS

SEC. 202. (a) Section 136 of title 28, United States Code, is amended by amending subsection (a) to read as follows:

"(a)(1) In any district having more than one district judge, the chief judge of the district shall be the district judge in regular active service who is senior in commission of those judges who—

"(A) are sixty-four years of age or under;

"(B) have served for one year or more as a district judge; and

"(C) have not served previously as chief judge.

"(2)(A) In any case in which no district judge meets the qualifications of paragraph (1), the youngest district judge in regular active service who is sixty-five years of age or over and who has served as district judge for one year or more shall act as the chief judge.

"(B) In any case under subparagraph (A) in which there is no district judge in regular active service who has served as a district judge for one year or more, the district judge in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

"(3)(A) Except as provided in subparagraph (C), the chief judge of the district ap-

pointed under paragraph (1) shall serve for a term of seven years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge of the district.

"(B) Except as provided in subparagraph (C), a district judge acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge has been appointed who meets the qualifications under paragraph (1).

"(C) No district judge may serve or act as chief judge of the district after attaining the age of seventy years unless no other district judge is qualified to serve as chief judge of the district under paragraph (1) or is qualified to act as chief judge under paragraph (2).".

(b) Section 136 of title 28, United States Code, is amended by amending subsection (d) to read as follows:

"(d) If the chief judge desires to be relieved of his duties as chief judge while retaining his active status as district judge, he may so certify to the Chief Justice of the United States, and thereafter, the chief judge of the district shall be such other district judge who is qualified to serve or act as chief judge under subsection (a).".

EFFECTIVE DATE; APPLICABILITY

Sec. 203. (a) The amendments to section 45 of title 28, United States Code, and to section 136 of such title, made by sections 201 and 202 of this Act, shall not apply to or affect any person serving as chief judge on the effective date of this Act.

(b) The provisions of section 45(a) of title 28, United States Code, as in effect on the day before the effective date of this Act, shall apply to the chief judge of a circuit serving on such effective date. The provisions of section 136(a) of title 28, United States Code, as in effect on the day before the effective date of this part, shall apply to the chief judge of a district court serving on such effective date.

Part B—Precedence and Composition of Panel

PRECEDENCE ON PANEL

Sec. 204. Section 45(b) of title 28, United States Code, is amended by inserting "of the court in regular active service" immediately after "circuit judges" in the second sentence.

COMPOSITION OF PANEL; REQUIREMENTS AND SIZE

Sec. 205. Section 46(c) of title 28, United States Code, is amended by striking out the period at the end of the second sentence and, inserting in lieu thereof the following: ", or such number of judges as may be prescribed in accordance with section 6 of Public Law 95-486 (92 Stat. 1633), except that any senior circuit judge of the circuit shall be eligible to participate, at his election and upon designation and assignment pursuant to section 294(c) of this title and the rules of the circuit, as a member of an in banc court reviewing a decision of a panel of which such judge was a member.".

Part C—Judicial Councils of the Circuits

TECHNICAL AND CONFORMING AMENDMENTS

Sec. 206. (a) Section 3006A(h)(2)(A) of title 18, United States Code, is amended—

(1) by striking out "judicial council" each place it appears and inserting in lieu thereof "court of appeals"; and

(2) by striking out "Judicial Council of the Circuit" and inserting in lieu thereof "court of appeals of the circuit".

(b) Section 3006A(i) of title 18, United States Code, is amended by striking "judicial council" and inserting in lieu thereof "court of appeals".

(c) The amendment made by subsection (a) of this section shall not affect the terms of existing appointments.

Part D—Judicial Resignation; Pensions

PENSIONS OF JUDGES WHO RESIGN TO ACCEPT EXECUTIVE POSITIONS

Sec. 207. (a) Section 8332(b) of title 5, United States Code, is amended by striking out "and" at the end of paragraph (10), by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and", and by inserting at the end thereof the following new paragraph:

"(12) service as a justice or judge of the United States, as defined by section 451 of title 28, and service as a judge of a court created by Act of Congress in a territory which is invested with any jurisdiction of a district court of the United States, but no credit shall be allowed for such service if the employee is entitled to a salary or an annuity under section 371, 372, or 373 of title 28.".

(b) Section 8334 of title 5, United States Code, is amended by inserting at the end thereof the following new subsection:

"(i)(1) The Director of the Administrative Office of the United States Courts shall pay to the Fund the amount which an employee may deposit under subsection (c) of this section for service creditable under section 8332(b)(12) of this title if such creditable service immediately precedes service as an employee subject to this subchapter with a break in service of no more than ninety working days. The Director shall pay such amount from any appropriation available to him as a necessary expense of the appropriation concerned.

"(2) The amount the Director pays in accordance with paragraph (1) of this subsection shall be reduced by the amount of any refund to the employee under section 376 of title 28. Except to the extent of such reduction, the amount the Director pays to the Fund shall satisfy the deposit requirement of subsection (c) of this section.

"(3) Notwithstanding any other provision of law, the amount the Director pays under this subsection shall constitute an employer contribution to the Fund, excludable under section 402 of the Internal Revenue Code of 1954 from the employee's gross income until such time as the contribution is distributed or made available to the employee, and shall not be subject to refund or to lump-sum payment to the employee.".

Part E—Rules of Practice

PUBLICATION OF RULES

Sec. 208. (a) Chapter 131 of title 28, the United States Code, is amended by adding at the end thereof the following new section:

"§ 2077. Publication of rules; advisory committees

"(a) The rules for the conduct of the business of each court of appeals, including the operating procedures of such court, shall be published. Each court of appeals shall print or cause to be printed necessary copies of the rules. The Judicial Conference shall prescribe the fees for sales of copies under section 1913 of this title, but the Judicial Conference may provide for free distribution of copies to members of the bar of each court and to other interested persons.

"(b) Each court of appeals shall appoint an advisory committee for the study of the rules of practice and internal operating procedures of the court of appeals. The advisory committee shall make recommendations to the court concerning such rules and procedures. Members of the committee shall serve without compensation, but the Director may pay travel and transportation expenses in accordance with section 5703 of title 5.".

(b) The section analysis of chapter 131 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"2077. Publication of rules; advisory committees.".

TITLE III—JURISDICTION AND PROCEDURE

Part A—Transfer of Cases

TRANSFER TO CURE WANT OF JURISDICTION

Sec. 301. (a) Title 28, United States Code, is amended by adding the following new chapter after chapter 97:

"CHAPTER 99.—GENERAL PROVISIONS

"Sec.

"1631. Transfer to cure want of jurisdiction.

"§ 1631. Transfer to cure want of jurisdiction

"Whenever a civil action is filed in a court as defined in section 610 of this title or an appeal, including a petition for review of administrative action, is noticed for or filed with such a court and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed, and the action or appeal shall proceed as if it had been filed in or noticed for the court to which it is transferred on the date upon which it was actually filed in or noticed for the court from which it is transferred.".

(b) The chapter analysis of part IV of title 28, United States Code, is amended by adding at the end thereof the following:

"99. General Provisions........................ 1631".

Part B—Interest

INTEREST ON JUDGMENTS

Sec. 302. (a) Section 1961 of title 28, United States Code, is amended—

(1) by inserting "(a)" immediately before "Interest shall" in the first sentence;

(2) by striking out "at the rate allowed by State law" in the last sentence and inserting in lieu thereof the following: "at a rate equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to the date of the judgment. The Director of the Administrative Office of the United States Courts shall distribute notice of that rate and any changes in it to all Federal judges"; and

(3) by adding at the end thereof the following new subsections:

"(b) Interest shall be computed daily to the date of payment except as provided in section 2516(b) of title 28, United States Code, and section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a), and shall be compounded annually.

"(c)(1) This section shall not apply in any judgment of any court with respect to any internal revenue tax case. Interest shall be allowed in such cases at a rate established under section 6621 of the Internal Revenue Code of 1954.

"(2) Except as otherwise provided in paragraph (1) of this subsection, interest shall be allowed on all final judgments against the United States in the United States Court of Appeals for the Federal circuit, at the rate provided in subsection (a) and as provided in subsection (b).

"(3) Interest shall be allowed, computed, and paid on judgments of the United States Claims Court only as provided in paragraph (1) of this subsection or in any other provision of law.

"(4) This section shall not be construed to affect the interest on any judgment of any court not specified in this section.".

(b) Section 2411 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "(a)"; and

(2) by repealing subsection (b).

(c) Section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a), is amended by striking out "to which the provisions of section 2411(b) of Title 28 apply".

(d) Section 2516(b) of title 28, United States Code, is amended by striking out "at the rate of four percent per annum" and all that follows through "affirmance" and inserting in lieu thereof ", from the date of the filing of the transcript of the judgment in the General Accounting Office to the date of the mandate of the affirmance, at a rate of interest equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to the date of the judgment".

TITLE IV—MISCELLANEOUS PROVISIONS

DISTRICT COURT REPORTERS

Sec. 401. (a) Section 753(b) of title 28, United States Code, shall be amended to read as follows:

"(b) Each session of the court and every other proceeding designated by rule or order of the court or by one of the judges shall be recorded verbatim by shorthand, mechanical means, electronic sound recording, or any other method, subject to regulations promulgated by the Judicial Conference and subject to the discretion and approval of the judge. The regulations promulgated pursuant to the preceding sentence shall prescribe the types of electronic sound recording or other means which may be used. Proceedings to be recorded under this section include (1) all proceedings in criminal cases had in open court; (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall agree specifically to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule or order of court as may be requested by any party to the proceeding.

"The reporter or other individual designated to produce the record shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk who shall preserve them in the public records of the court for not less than ten years.

"The reporter or other individual designated to produce the record shall transcribe and certify such parts of the record of proceedings as may be required by any rule or order of court, including all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording as provided in this subsection and the original records so taken have been certified by him and filed with the clerk as provided in this subsection. He shall also transcribe and certify such other parts of the record of proceedings as may be required by rule or order of court. Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter or other individual designated to produce the record shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his official certificate, and deliver the same to the party or judge making the request.

"The reporter or other designated individual shall promptly deliver to the clerk for the records of the court a certified copy of any transcript so made.

"The transcript in any case certified by the reporter or other individual designated to produce the record shall be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of the proceedings of the court shall be considered as official except those made from the records certified by the reporter or other individual designated to produce the record.

"The original notes or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge.".

(b) The regulations promulgated by the Judicial Conference pursuant to subsection (b) of section 753 of title 28, as amended by subsection (a) of this section, shall not take effect before one year after the effective date of this Act. During the one-year period after the date of the enactment of this Act, the Judicial Conference shall experiment with the different methods of recording court proceedings. Prior to the effective date of such regulations, the law and regulations in effect the day before the date of enactment of this Act shall remain in full force and effect.

EFFECTIVE DATE

Sec. 402. Unless otherwise specified, the provisions of this Act shall take effect on October 1, 1982.

EFFECT ON PENDING CASES

Sec. 403. (a) Any case pending before the Court of Claims on the effective date of this Act in which a report on the merits has been filed by a commissioner, or in which there is pending a request for review, and upon which the court has not acted, shall be transferred to the United States Court of Appeals for the Federal Circuit.

(b) Any matter pending before the United States Court of Customs and Patent Appeals on the effective date of this Act shall be transferred to the United States Court of Appeals for the Federal Circuit.

(c) Any petition for rehearing, reconsideration, alteration, modification, or other change in any decision of the United States Court of Claims or the United States Court of Customs and Patent Appeals rendered prior to the effective date of this Act that has not been determined by either of those courts on that date, or that is filed after that date, shall be determined by the United States Court of Appeals for the Federal Circuit.

(d) Any matter pending before a commissioner of the United States Court of Claims on the effective date of this Act, or any pending dispositive motion that the United States Court of Claims has not determined on that date, shall be determined by the United States Claims Court.

(e) Any case in which a notice of appeal has been filed in a district court of the United States prior to the effective date of this Act shall be decided by the court of appeals to which the appeal was taken.

Mr. KASTENMEIER (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the Record.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. RAILSBACK. Reserving the right to object, Mr. Speaker—and I will not object—will the gentleman give us the changes or describe what action was taken?

Mr. KASTENMEIER. Mr. Speaker, if the gentleman will yield, this House substitute amendment to the Senate amendment corrects over 80 technical errors. All of these changes are necessary; with one exception, they are truly technical in nature. The exception is the striking of Senator Dole's grain elevator bankruptcy amendment. This deletion has occurred with Senator Dole's agreement, and pursuant to Chairman Rodino's decision to hold separate hearings on the item.

I might add that for a 75-page bill, 80 errors is not a disproportionate number. Over 30 of the errors were printing errors in the text of the Senate-passed bill. These errors were communicated to the House Legislative Counsel's office by the Senate enrolling clerk. We have corrected the Senate's printing errors.

In conclusion, Mr. Speaker, I remain an enthusiastic supporter of this legislation. I hope it passes this Senate in the near future and is signed by the President.

Mr. Speaker, the following is a more complete description of resolution of differences between the original House and Senate versions of the bill:

Resolution of Differences Between S. 1700 and H.R. 4482, Relating to the Court of Appeals for the Federal Circuit

1. The House text will be substituted for the Senate bill number with the following provisions inserted from the Senate text:

a. a new provision in title 28 making it possible for judges who travel over 30 continuous calendar days to be recompensed for actual travel expenses.

b. a provision permitting the Director of the AO to request the GSA to provide places of holding court for the new court.

c. a provision permitting the Director of the AO to provide counsel to judges sued in their official capacity when the services of the Justice Department are not reasonably available.

d. a provision granting administrative authority over court employees to appropriate court officials rather than requiring full court action.

2. The House provisions regarding transition and grandfathering of Court of Claims Commissioners to be trial Court of Claims judges are adopted except that instead of the terms of office of all existing trail judge/commissioners terminating on October 1, 1986, they will terminate 15 years from the date of their employment with the Court of Claims or on October 1, 1986, whichever occurs earlier.

3. The Senate bill contains Titles II, III and IV, not in the House bill, which would be added to the House text. These provisions are summarized as follows:

TITLE II

Part A—lowers from 70 to 65 the maximum age at which one can be appointed Chief Judge of a circuit or district.

Part B—requires that a majority of judges in a 3-judge panel of any Circuit Court of Appeals be judges of that court.

Part C—amends Title 18 to provide for appointment of Federal Public Defenders by the Court of Appeals rather than the judicial council. This is a technical amendment necessitated by the addition of district court judges to the judicial council, thus foreclosing the use of the legal fiction that councils are just the administrative extension of the Court of Appeals.

Part D—this section permits prior judicial service to be considered when determining the tenure of Executive Branch Officials for retirement purposes.

Part E—provides for appointment of advisory committees in each circuit from among the public and the bar to advise the Courts of Appeals on Rules of Practice.

TITLE III

Part A—permits a case mistakenly filed in the wrong court to be transferred as though it had been filed in the transferee court on the date in which it was filed in the transferor court.

Part B—provided for setting a national rate of interest on post-judgment awards.

TITLE IV

Permits experimentation with new forms of court reporting no sooner than one year after effective date of the bill.

Mr. RAILSBACK. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I would like to add my support to the Senate amendment to H.R. 4482, a bill to help improve our patent system by creating a single court, consolidating the Court of Claims and the Court of Customs and Patent Appeals. The bill further creates a U.S. Claims Court, a trial level court.

H.R. 4482 has the support of all three Republicans on the subcommittee, the administration, the Departments of Justice and Commerce, the American Patent Law Association, the Judicial Conference, and the judges and commissioners of the two courts involved. It is also supported by numerous corporate lawyers and the Industrial Research Institute which is a private, nonprofit corporation with a membership of approximately 250 industrial companies that account for a major portion of the industrial research and development conducted in the United States. In early December the Senate passed this legislation. In the interim, House staff—with the capable assistance of Legislative Counsel—studied the Senate amendment and prepared necessary technical changes only.

I would like to make two points regarding section 401 of the bill.

First, as part of the legislative history it is important to note that during the 1-year experimentation period with alternative court reporting methods, the current law requiring a court reporter to record court proceedings remains in effect. Therefore, any testing of alternative methods will take place while the reporter is also recording the proceedings.

Also, the sole utilization of alternative methods cannot be implemented until after the 1-year test period, evaluation thereof and the promulgation of implementing regulations by the Judicial Conference, which regulations "shall not take effect before 1 year after the effective date of this act."

In closing, Mr. Speaker, there was an amendment added in the Senate which related to the protection of the farmer when a particular grain elevator would go bankrupt. This is an important amendment. As a result of Senator DOLE's amendment Chairman RODINO has agreed to begin hearings this week on this very important issue and we will monitor it closely and hopefully it too will become law in the near future.

I urge my colleagues to vote favorably for the passage of H.R. 4482, as amended.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The **SPEAKER** pro tempore. Is there objection to the initial request of the gentleman from Wisconsin?

There was no objection.

A motion to reconsider was laid on the table.

REAGAN TURNING HIS BACK ON ELDERLY AND POOR

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in the Washington Post of Sunday last, there appeared, I think, an excellent article by the Honorable PATRICK J. LEAHY, Senator from the State of Vermont, pointing out how the Reagan administration program is adversely affecting the elderly and poor of this country.

I include this article to appear in the RECORD following my remarks, as follows:

[From the Washington Post, Mar. 7, 1982]

REAGAN IS TURNING HIS BACK ON THE ELDERLY AND THE POOR

(By Patrick J. Leahy)

(Contrary to some of the wild charges you may have heard, this administration has not and will not turn its back on America's elderly or America's poor.—President Reagan, the State of the Union Message)

Unfortunately, charges that the Reagan administration is turning its back on elderly and poor Americans, and most especially elderly poor Americans, are anything but wild. Such charges are, in my opinion, indisputable. The President's proposed FY 1983 food stamp cutbacks provide a case in point.

Currently, there are about 2.2 million food stamp households with elderly and disabled members. No one has suggested that these people have abused the program. It is widely accepted that only the truly needy among the elderly and disabled (who must also meet strict income and assets tests) actually participate.

Yet, according to preliminary Congressional Budget Office estimates, the Reagan budget proposals would reduce or terminate food stamp assistance for 92 percent of all households with elderly or disabled members. Over 26 percent of all elderly and disabled households would be dropped from the program altogether. About 25 percent of the food stamp dollars now paid to elderly and disabled participants would be taken away, with an average loss per household of $16 a month, or $192 a year.

Such proposals show a frightening lack of awareness of those who will be affected. They are not proposals to weed out so-called "high income" participants. They cut deeply across the board, reducing subsistence and, in some cases, less-than-subsistence benefits. Millions of elderly and disabled persons already living at or near the poverty level cannot afford a substantial reduction in their food budgets. The President doesn't seem to realize that a loss of $16 a month would mean that many elderly and disabled persons will run out of food before the end of each month. To an elderly widow, $16 represents one week's worth of food.

It's disturbing that the President would condone such sharp reductions for elderly and disabled persons. These are persons least likely to be able to augument their income from outside sources to make up for a loss in food stamp benefits. What is even more disturbing are increasing reports in the media about starvation and malnutrition among our senior citizens.

The administration would cut benefits in several ways. For starters, it would cut all food stamp recipients' benefits by an amount equal to 5 percent of their disposable incomes. An elderly couple whose sole income is Social Security payments of $425 a month (or less than 90 percent of the poverty line) would have their food stamp benefits cut 62 percent (from $312 to $120 a year). Another administration proposal—to eliminate the $10 minimum benefit that applies to most elderly and disabled households—would reduce this couple's food stamp benefits further, to $108 a year.

If, in addition, this couple were to receive any government aid to help with high fuel bills in the winter months, the budget proposals would cut their food stamps by up to 50 percent of the fuel assistance received. If this hypothetical couple received as little as $30 a month in fuel assistance, they would be eliminated from the food stamp program for those months.

For them, the "heat or eat" dilemma could be very real. In my home state of Vermont, where it is not unusual for winter fuel bills to run $300 to $400 a month, the president's proposal on fuel assistance could have a devastating effect.

Of course, it is not only the elderly and disabled who would be harshly affected by the president's food stamp proposals. Nearly all participants (about 85 percent) would be cut an average of $262 a year. Low-wage or part-time working households (headed mostly by females) with children would face more severe reductions than anyone else. The administration proposed elimination of the deduction now allowed for work-related expenses. This would encourage people not to work and penalize those who do. Working households stand to lose about 40 percent of the food stamp benefits they now receive if the new Reagan proposals are enacted.

Last year, I supported a move by Congress to cut the food stamp program $2.3 billion, a reduction of about 20 percent. Eligibility was limited to persons who meet the administration's definition of "truly needy." It should come as no surprise that the additional $2.8 billion the president seeks to cut this year cannot be achieved without harsh effects on millions of poor people. His proposals have nothing to do with cutting fraud and abuse. They cut benefits.

I believe that if the American people were fully aware of the real-life effects of the president's budget proposals for social programs, they would oppose them overwhelmingly. The president's repeated references to abuse by a small minority of participants blurs the real issues. If the compassion of his program is measured by its direct effect on millions of needy human beings, it can indeed be charged that the president is turning his back on the poor and elderly in this country.

STUDY BY CBO SHOWS BUDGET CUTS AFFECTING LOW-INCOME AMERICANS MORE THAN HIGH-INCOME AMERICANS

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEASE. Mr. Speaker, President Reagan's economic recovery plan embraces the theory of supply-side economics—a policy that implies a shift in resources from poor people who use Government programs to more financially secure people who can invest in economic growth.

A new study by the bipartisan and highly respected Congressional Budget Office (CBO) shows that the President's budget cuts are affecting low-income Americans far more than high-income taxpayers. This is the topic I addressed in my most recent weekly newspaper column, Washington Report. It follows.

WASHINGTON REPORT

(By Don J. Pease)

Two rocks of President Ronald Reagan's policy are reducing the size of the federal government and "supply side economics"—the theory that the whole country will be better off to the extent that people with money invest it productively.

That policy implies a shift in resources from poor people who use government programs to more financially secure people who can invest in economic growth.

That's what the President's "economic recovery plan"—enacted last summer—was all about.

A new study by the bi-partisan and highly respected Congressional Budget Office (CBO) shows how closely the 1981 budget and tax bills achieved the President's goals.

Other reports have shown how the 1981 tax bill favored the wealthy over those in lower income brackets. This new CBO report also calculates the effects of 1981 budget cuts on different income groups.

Not surprisingly, the budget cuts are affecting low-income Americans far more than high-income taxpayers.

The net effect is that the average family in the "less-than-$10,000" category will be $240 worse off this year than before—considering both the tax cut bill and budget cuts. The average family earning over $80,000 will be better off by $15,130.

For households in the $10,000-$20,000 group, the combined effect of tax and budget cuts is a gain of $220 (about $4 per week) on average. For families in the next category—$20,000 to $40,000—the gain nearly quadruples to $810 in this year. In the next grouping—$40,000 to $80,000—the net gain doubles to $1,700. Then comes that big jump to $15,130 for the over-$80,000 category.

Actually, middle-income Americans ($20,000-$40,000)—that large group that tended to support Ronald Reagan's election in 1980—is not much affected relative to other income groups. In the aggregate, the $20,000-$40,000 group makes up 35 percent of all taxpayers and is estimated to receive 38 percent of the gain from the tax and budget bills.

The real switch is from poor and moderate-income Americans to moderately well-off and wealthy Americans.

As a group, Americans earning less than $10,000 annually make up 22 percent of all taxpayers; they suffer a 7-percent loss from the tax and budget cuts enacted last year. Those in the $10,000-$20,000 category make up 25 percent of all taxpayers and receive 7 percent of the benefits.

Taken together, that means that the 47 percent of Americans who earn less than $20,000 annually receive one-third of one percent of the total net gain from the Reagan program.

On the other hand, taxpayers in the $40,000-$80,000 group make up 16 percent of the total and receive 37 percent of the benefits. Those in the top income category—over $80,000 income annually—make up 2 percent of all taxpayers and receive 25 percent of the net gain.

The CBO report makes the point that the imbalance is actually greater than the above figures suggest. Many of the savings incentives, gift and estate tax provisions and other changes in last year's tax bill are too hard to ascribe to specific income groups. They were not factored into the CBO figures, but they definitely are more likely to be used by higher income Americans.

Similarly, many Federal grant programs to States and local governments eventually help individual Americans, but such grant programs were omitted from the CBO study because the distribution among income groups is uncertain. But, for sure, cuts in those programs hurt the poor more than the wealthy.

As my constituents know, I voted against President Reagan's "economic recovery program" last summer, preferring instead my own balanced budget plan. At the time, I was troubled by what seemed to me a basic inequity in the President's approach. Now the figures speak for themselves. What does it say when 47 percent of Americans receive one-third of one percent of the benefits from a $65 billion change in the law?

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REAGANOMICS HITS COLORADO

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and to include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, to date Colorado has been relatively protected from the economic squalls buffeting the Nation. Unemployment in the State is less than half the national rate. But not even Colorado can weather Reagonomics.

Last week Frontier Airlines, headquartered in Denver, announced it was laying off 400 people. That represents about 7 percent of Frontier's entire work force. The same week, Beech Aircraft Corp.'s plant in Boulder laid off 81 of its 560 employees.

Leonard Silk reported in his March 3 column that 49 percent of the 1,030 chief executive officers surveyed in the latest Heller/Roper small business survey "do not expect the recession to end before the close of 1982."

Mr. Speaker, I submit two newsstories for the RECORD:

[From the Rocky Mountain News, Denver, Colo., Feb. 25, 1982]

FRONTIER ANNOUNCES 400 LAYOFFS

(By Kimberly Mayer)

Frontier Airlines Wednesday announced it is laying off 400 employees, more than half of whom are based in Denver, where the company has its headquarters.

The group consists of about 200 management employees and 200 union people and amounts to about 7 percent of Frontier's 5,700-member work force systemwide. About 3,900 employees are based in Denver.

The latest round of 400 layoffs brings to 620 the number of people placed on furlough by Frontier since December.

Frontier spokesman Bob Schulman said some of the management personnel were furloughed last week and others were laid off effective Wednesday. The union layoffs will be effective in about two weeks because Frontier's contracts require the airline to give union members at least two weeks' notice.

Union furloughs were based on seniority, with senior members retaining "bumping" rights. That privilege allows union personnel who are laid off in one city to go to another location and replace a newer union employee with the same job.

Shulman said because of the bumping provision, Frontier won't know for several weeks exactly how many Denver-based employees have been laid off.

Layoffs in the management rank were not based on seniority. Said Schulman, "Any (management) functions not directly related to safety, reliability or quality of service was gone over with a fine-tooth comb."

Frontier Chairman Glen L. Ryland said the job cutbacks are designed to "match our resources to market demand."

Frontier has been consolidating some of its routes to adjust for a decline in air traffic demand.

Ryland noted that Frontier will continue to take advantage of "profitable opportunities for increased revenues." He cited as an example Frontier's planned Denver-to-San Diego service that is set to begin May 1.

In December and January, Frontier laid off 220 employees, 170 of whom were based in Denver. The airline attributed that cutback to its phasing out its Convair 580 aircraft and to its discontinuation of service to 11 small cities that will be served by commuter airlines.

Frontier has dropped three of those cities, and it will eliminate the remaining eight in March and April. The airline will discontinue service to Vernal, Utah, on March 1. It will drop Cody and Worland, Wyo.; and Alamosa, Cortez, Gunnison, Pueblo and Hayden on April 1.

Frontier was the fourth most active stock on the American Stock Exchange Wednesday, closing at $20.25 a share, down 75 cents.

[From the Rocky Mountain News, Feb. 25, 1982]

BEECH LAYS OFF 81 IN BOULDER

Beech Aircraft Corp.'s Boulder plant has laid off 81 of its 560 workers this week and will lay off "a few more between now and Friday," a spokeswoman for the plant said Wednesday.

The layoffs are part of the Wichita-based firm's nationwide cutback of its labor force.

An unusually large unsold inventory of Beechcraft commercial airplanes—notably the company's popular King Air turboprop business airplane—teamed with a slowdown in airplane orders to prompt the cutback, spokesman Steve Kane said in Wichita. Company officials hope the anticipated national economic recovery will change this, Kane added.

Airplane engine assemblies are the Boulder Beech plant's major product line. The plant's several other product lines aren't related to commercial aircraft.

The 81 workers who received layoff notices all were working on the aircraft engine assemblies, said Audie Cupp, supervisor of administrative services at Beech in Boulder. Layoffs will be effective March 1.

In Boulder, Beech manufactures military target missiles for training. Cupp said the outlook for such products appears "very promising."

The Boulder plant also manufactures aerospace hardware, some of it linked to the nation's space shuttle program, including liquid hydrogen and liquid oxygen tanks. This industry seems stable, said Cupp, and few Beech Boulder layoffs are expected for this segment.

Also manufactured in Boulder are tanks and other components for companies using liquid oxygen to fuel their fleets of cars and trucks. The first Beech production contract for this equipment was landed last year, prompting a few new hirings, said Cupp.

INSULAR WATCH INDUSTRY NEEDS TARIFF INCENTIVES

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DE LUGO. Mr. Speaker, of all the efforts to promote economic development in the territories, the most successful was the establishment of the watch and watch movement assembly industry. This industry has developed since 1959 as the result of tariff incentives provided under general headnote 3(a) of the Tariff Schedules of the United States. These incentives accorded duty-free treatment to articles produced in the insular possessions of which not more than 50 percent of the total value was of foreign origin.

At its peak, this industry provided more than 1,300 jobs and has contributed nearly $100 million in wages and taxes to the local economy since 1967. Because of a market shift away from its mainstay of mechanical 17-jewel watches to quartz analog timepieces, however, the industry will not survive unless it can adapt to that market shift. Since 1980 more than half of the industry has closed down and employment has dropped to fewer than 300 persons. Existing tariff incentives are inadequate to justify territorial production of quartz analog watches. The mainland watchcase and bracelet industry, partly reliant on the insular industry, might also not survive the insular industry's demise.

To prevent the death of this industry, I am today introducing legislation which, if enacted, would place the industry on permanently solid footing. The major features of this bill provide for the elimination of the current limitation on foreign material content and creates a supplementary incentive tied to assembly activity in the territories. All this can be accomplished without a single new budget outlay. The supplementary incentive would result in foregone duties up to $5 million through 1982 and thereafter be indexed to growth in the GNP. Projected annual costs are not expected to exceed $3.5 million.

By encouraging new and existing insular assembly operations, this legislation would avoid indirect budget costs associated with letting the industry fold. No private sector alternatives to existing watch industry employment in the insular possessions is foreseeable. In my own district, the U.S. Virgin Islands, the watch industry could disappear as early as this year or next without these new tariff incentives. This would come at a time when the President is pursuing a program of economic development in the Caribbean region to benefit our less fortunate neighbors.

The tariff incentives that I am advocating constitute a unilateral concession on direct imports of watches and watch movements. It violates no GATT commitments and conflicts with no domestic manufacturing interest. This bill has been discussed informally with the Departments of Treasury, State, and Labor, the U.S. Trade Representative and the International Trade Commission. Each of these agencies either supports or does not object to my approach. In the private sector. Timex, the American Watch Association, and the American Watchcase and Band Association have no opposition.

I am providing here the text of my legislation for my colleagues' review and request their support.

H.R. 5758

A bill to amend the Tariff Schedules of the United States with respect to the dutiable status of watches and watch movements from insular possessions of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Tariff Schedules of the United States (19 U.S.C. 1202) are amended by striking out "(or more than 70 percent of the total value with respect to watches and watch movements)" in subparagraph (a)(i) of headnote 3 of the General Headnotes and Rules of Interpretation.

SEC. 2. For articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment, headnote 6 of schedule 7, part 2, subpart E of the Tariff Schedules of the United States is amended—

(a) by striking out "paragraph (b)" in paragraph (a) and inserting in lieu thereof "paragraphs (b) through (h)"; and

(b) by striking out "an insular possession of the United States outside the customs territory of the United States" in paragraph (a), and inserting in lieu thereof "the Virgin Islands, Guam and American Samoa (the "insular possessions"); and

(c) by striking out paragraphs (b) through (d) and inserting in lieu thereof the following new paragraphs:

"(b) Watches and watch movements produced or manufactured in a U.S. insular possession which contain any foreign component may be admitted free of duty without regard to the value of the foreign materials they contain if they conform with the provisions of this headnote, but the total quantity of such articles entered free of duty shall not exceed the amounts established by or pursuant to paragraph (c) of this headnote.

"(c) In calendar year 1983 the total quantity of such articles which may be entered free of duty shall not exceed seven million units. In subsequent calendar years, the Secretaries of Commerce and the Interior (the "Secretaries"), acting jointly, shall establish a limit on the quantity which may be entered free of duty during the calendar year, and shall consider whether such limit is in the best interest of the insular possessions and not inconsistent with domestic or international trade policy considerations; *Provided*, That the quantity they establish in each calendar year shall not—

(I) exceed ten million units, or ⅛ of apparent domestic consumption (as determined by the International Trade Commission pursuant to paragraph (d) of this headnote), whichever is greater.

(II) be decreased by more than 10 percent of the quantity established for the immediately preceding calendar year; and

(III) be increased to more than seven million units or by more than 20 percent of the quantity established for the immediately preceding calendar year, whichever is greater.

"(d) On or before April 1 of each calendar year (beginning with the first year in which watch imports from the United States insular possessions exceed 9 million units), the International Trade Commission shall determine the apparent United States consumption of watches and watch movements (including solid state timepieces) during the preceding calendar year, shall report such determination to the Secretaries and shall publish such determination in the Federal Register."

"(e) In calendar year 1983, not more than 5.2 million units of the total quantity of such articles which may be entered free of duty shall be the product of the Virgin Islands, not more than 1.2 million units shall be the product of Guam, and not more than 600,000 units shall be the product of American Samoa. For calendar years 1984 and 1985 and thereafter, the Secretaries may establish new territorial shares of the total amount which may be entered free of duty, taking into account the capacity of each territory to produce and ship its assigned amounts, *Provided, however,* That in those years a territory's share shall not be reduced by more than 200,000 units. For calendar year 1986 and thereafter, the Secretaries may reduce a territory's share by no more than 500,000 units per calendar year, *Provided,* That no territorial share is established at fewer than 500,000 units.

(f) The Secretaries, acting jointly, shall allocate the calendar year duty exemptions provided by paragraphs (b), (c), and (e) of this headnote on a fair and equitable basis among producers located in the insular possessions, and shall issue appropriate licenses therefore. Allocations by the Secretaries shall be final. In making the allocations, the Secretaries shall consider the potential impact of territorial production on domestic production of like articles and shall establish allocation criteria, which may include minimum assembly requirements, that will reasonably maximize the net amount of direct economic benefits to the insular possessions.

(g) Production Incentive Certificates.

(i) Effective January 1, 1983, the Secretaries, acting jointly, shall verify the wages paid by each producer to permanent residents of the insular possessions in the preceding calendar year, and, by March 1 of each year, shall issue to each producer a certificate for a portion of the amount so verified, determined pursuant to subparagraph (ii) of this paragraph.

(ii) The value of each producer's certificate shall equal 90 percent of each producer's creditable wages on the assembly of the first 300,000 units produced annually, plus a graduated declining percentage to be annually established by the Secretaries of the producer's creditable wages on the assembly of additional units, up to a maximum of 750,000 units annually, *Provided,* That the aggregate value of all certificates does not exceed an annual certificate limit, the value of which bears the same ratio to $5,000,000 as the gross national product of the United States for the preceding calendar year, as determined by the Department of Commerce, bears to the gross national product of the United States for calendar year 1982. If such limit is exceeded, the value of each producer's certificate shall be reduced proportionately by an amount sufficient to account for the amount by which the aggregate base amount exceeds the annual certificates limit, *Provided,* That each producer's certificate shall not be reduced below an amount equal to 90 percent of each producer's creditable wages on the assembly of up to the first 300,000 units produced annually, unless the aggregate of these reduced certificates exceeds the annual certificate limit, in which event each producer's certificate shall again be reduced proportionately to account for the excess.

(iii) Such certificates entitle the certificate holder to secure the refund of duties equal to the face value of the certificate on watches, watch movements (including solid state timepieces) and, with the exception of discrete cases and bracelets, parts therefore imported into the customs territory of the United States by the certificate holder.

(iv) Such certificates, or portions thereof, are negotiable.

(v) Such certificates shall expire one year from the date of issuance and may be applied against duties on imports of watches and watch movements the entry of which were made within two years prior to the date of issuance of the certificate.

(vi) For purposes of calculating the value of each producer's Production Incentive Certificates to be issued during calendar year 1983 only, the greater of either (A) a producer's creditable wages for calendar year 1982, or (B) an amount equal to 70 percent of a producer's creditable wages for calendar year 1981 shall be considered the creditable wages for calendar year 1982 for purposes of subparagraph (ii) of this paragraph.

"(h) The Secretaries are authorized to issue such regulations, not inconsistent with other provisions herein, as they determine necessary to carry out their respective duties under this headnote. Any duty-free entry determined not to have been made in accordance with applicable regulations shall be subject to the applicable civil remedies and criminal sanctions, and, in addition, the Secretaries may cancel or restrict the license or certificate of any manufacturer found in willful violation of the regulations."

DEFENSE BURDEN-SHARING WITH JAPAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. REGULA) is recognized for 60 minutes.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Speaker, I have requested time, that we might discuss what I perceive to be an inequitably high cost to the United States of providing defense capabilities which substantially benefit the people of Japan without an equivalent contribution from their government. The clearest evidence of this is the fact that while the Japanese are now equaling or surpassing the United States in terms of per capita gross national product, Japan, with the second largest GNP in the free world, is applying less than 1 percent of its GNP to defense while our Nation is applying over 6 percent. By further contrast, our NATO allies in Europe each allocate an average of 3.6 percent of their respective GNP's to defense. None of these nations are experiencing the economic success that Japan is enjoying. This disparity with Japan exacerbates the trade imbalance.

In analyzing this dichotomy, many factors need to be considered. It is not a simple matter of legislating a form of parity in these expenses. However, I believe that the American and Japanese peoples and their governments can and must achieve a more equitable solution.

There are several obvious distinctions between our two nations which have caused our current situation. I begin with a brief historical explanation.

Immediately after our bitter struggle with Japan in World War II, the United States agreed to provide the defense for Japan and most of Western Europe. We made this commitment, in part, so that these nations could concentrate on reconstructing their shattered economies. This was fair and equitable. We were strong both militarily and economically. Japan especially, was not.

At the same time, it was the consensus in both nations that steps had to be taken which would preclude Japan from ever being capable of waging a war of aggression. General Douglas MacArthur described the United States intention of disarming Japan to make it the "Switzerland of the Far East" such that it would not "have the power for preserving its own security." Shortly after these statements were made, Japan adopted its constitution in 1947, which included the famous article IX—the "no war" clause which the United States had urged. This clause read:

> Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes.
>
> In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential—

And I emphasize "war"—

> Will never be maintained. The right of belligerency of the state will not be recognized.

Greater scholars of the law than myself, both in the United States and in Japan, have determined that this provision only serves to preclude Japan from possessing obviously offensive weapons and forces.

Members of Japan's Diet and its judiciary have identified many weapons which they deem to be defensive in nature. Among the more prominent leaders who have advocated improved Japanese defensive capabilities since 1947 are General MacArthur—reflecting the prevailing change of thought in 1950 when he called for the creation of a Japanese National Police Reserve of 75,000 men—John Foster Dulles, Presidents Eisenhower, Nixon, Carter, and Reagan, Defense Secretaries Brown and Weinberger, and Japan's Present Prime Minister, Zenko Suzuki.

Only last week, a group of 46 prominent members of Japan's ruling Liberal Democratic Party signed a statement that called for greater equity in defense expenditures on the part of Japan.

Throughout all of the post-World War II years, Japan's attitude toward defense has been dominated in varying degrees by feelings of pacifism, reliance on the United States for defense, a perceived absence of an external military threat, the much greater emphasis on economic growth, and a somewhat fatalistic attitude that an all-out war would result in the annihilation of Japan, regardless of the extent of its defenses.

The memories of the two crushing blows to Japan in the last days of the Second World War are still so strong that Japan has steadfastly refused to permit any nuclear armaments to be included in its arsenal or even to be located on its soil or in its waters.

Japan's industrious people have been able to turn these attitudes—which might have been considered signs of weakness in other times and cultures—into opportunities for economic growth far exceeding that of any other nation. It is not surprising that during the decade of the 1970's when Japan consistently kept its level of defense spending below 1 percent of its GNP, it was able to invest much of its product into capital improvements, particularly in the industrial area.

While the United States devoted nearly 6 percent of its resources to protecting the free world, Japan was investing in its own productivity.

If, over the past decade, the United States had invested only 1 percent of its GNP in defense, a staggering amount of $1 trillion could have been available for other purposes.

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The most obvious one that comes to my mind is that these funds could have almost reduced our national debt to zero. Even more importantly, had $1 trillion been invested in modernizing our industrial technology, "Made in the U.S.A." would still be the hallmark of world industrial leadership.

Today, the average U.S. taxpayer pays $759 a year for defense; an average Japanese citizen only $98. Japan's own economic council now reports that not only has per capita GNP in Japan caught up with that in the United States, but now it exceeds it by 22 percent, $22,500 to $17,600.

Other statistics about the cost to the United States for the defense of Japan are equally enlightening. There are approximately 46,000 American troops on Japanese soil. Another 38,000 Americans are stationed in Korea, much to the benefit of the Japanese and their economy. Another 25,000 of our naval forces patrol the northwest Pacific Ocean in the 7th Fleet. The 5th Air Force also provides protection for the area.

The Japanese Government provides slightly over $1 billion in support of the U.S. forces which use the rent-free bases on Japanese soil. Actually, this turns out to be equivalent to about $1.2 billion because of differences between Japanese and American payments to personnel. The United States spends nearly $3 billion for facilities and personnel to defend east Asia and the northwest Pacific Ocean area.

The Japanese Self Defense Forces have remained at a fairly constant level in recent years and now number approximately 243,000 citizens. The Japanese Defense Agency currently plans for an increase to 270,184 members. This is contrasted to our own 2.2-million-plus members of the Armed Forces.

Our naval forces in the Indian Ocean and Persian Gulf are a significant force in the protection of the continuity of the flow of oil from the Middle East to Japan. The island nation is entirely dependent on the outside sources of oil, among other key materials. Japan draws 80 percent of its oil imports from the Middle East, while the United States today obtains only 7 percent of its oil from that troubled part of the globe.

This morning in the Interior Subcommittee on Appropriations, Secretary Edwards mentioned in his testimony that our imports have dropped from a peak of 8.7 million barrels per day to 4 million barrels as a result of conservation, and I think it illustrates how we have become less dependent on the Middle East while Japan in effect is more dependent, and yet we are providing the security forces for this part of the world.

Today, we are experiencing a large trade deficit with Japan. Most experts estimate that trade between the two economic superpowers of the free world will show Japan's exports to the United States exceeding our exports to Japan by $18 billion. It is estimated by some that this imbalance will hit $25 billion in the near future.

Analysts point to many factors for this growing problem. The most frequently attacked are the nontariff barriers established by Japanese concerns that force U.S. products such as automobiles to sell in Japan for a price nearly twice their cost in the United States, and sometimes even more, while comparable Japanese products cost virtually the same in either nation.

I believe that the most significant factor, however, has been Japan's ability to invest so much of its GNP in its industrial capitalization. Their factories are constantly being modernized while ours are being closed down. Can you imagine the impact on our major industries if the $1 trillion figure which I mentioned earlier could have been applied to capitalization for our industries?

Japan has recently made concerted efforts to increase the amount of foreign aid to developing nations. In fact, in 1981, Japan's foreign assistance was a greater percentage of its GNP, 0.32 percent, than was the foreign assistance given by the United States, 0.28 percent. Japan is to be praised for embarking on a 5-year plan to double the amount of foreign aid it offers. It is noteworthy, however, that the recipient nations of this aid seem to be determined more on a basis of ultimate use to Japan, such as in supplying vital raw materials, than on a basis of true need.

As I mentioned earlier, neither the Congress of the United States nor the Diet of Japan can easily legislate a solution to this unbalanced situation. Despite the soundness of the Japanese industrial base, the Japanese Government faces financial problems and a growing deficit that, at over 30 percent of the total of its Government's budget, is more than twice the percentage of the U.S. deficit. The Japanese Finance Ministry has obviously declared the need for austerity measures for good reason. The individual tax rates of the Japanese people may have to be raised. Currently, they are lower than U.S. levels. The ruling party in Japan finds such a prospect understandably distasteful. That party judges that its fragile majority would be shattered by such a move.

I cannot share in these fears of the Liberal Democratic Party leaders. A poll taken in the spring of 1980 found that more than 80 percent of the Japanese voting public supported the existence of the Self-Defense Force and favored improvements in their defense capabilities. No doubt, the Soviet incursion into Afghanistan, and more recently Soviet control of affairs in Poland, have given the Japanese reason to abandon their former belief that a military threat to their nation does not exist. Soviet failure to return the Kuril Islands to Japan is also of great concern to Japan. The lack of stability in North Korea and Southeast Asia are unquestionably on the minds of many Japanese as well.

The government of Prime Minister Zenko Suzuki has increased its defense budget by a modest 7.75 percent for fiscal year 1982. This is the largest increase of any major category in the budget. In real terms, this is an increase of 4.62 percent. The Japanese are quick to point out that in terms of this real growth, Japan has increased its defense budget by more than the 3 percent per year standard that the NATO nations are committed to, although most have failed to meet that promise.

There are other signs of improvement in the defense spending dichotomy. Last May, Prime Minister Suzuki and President Reagan agreed that steps must be taken to resume the progress of Japan's assuming a greater role in its own defense. The Prime Minister stated that Japan could, within the limits of its Constitution, defend its own territory, the seas and the skies around Japan, and its sea lanes to a distance of 1,000 miles. He also stated that Japan would take additional measures to alleviate the financial burden of the U.S. forces based in Japan. Unfortunately, it is a fact of life that Japan's budgetary increases, however large they may seem in Japan, cannot possibly accomplish any of these goals. The Self Defense Force is expected to produce a 5-year plan later this year which sets forth some measures to enable these objectives to be met. Our Defense Department is maintaining a continuing dialog with its Japanese counterparts on this subject.

Quite honestly, I am skeptical. The Japanese Government must do more than continue its longstanding practice of making promises to the United States to improve. The modest goals announced by Prime Minister Suzuki will soon be forgotten if more determined actions are not taken by Japan.

There is much that can and should be done by Japan to meet the announced goals. Several major functions of a defensive force are shockingly primitive or nonexistent in Japan. There is virtually no command, communication, and control network. With the Japanese reputation for systems planning and electronics development, this should be a simple matter to resolve. Nevertheless, it has not happened.

Japan's ranking as the eighth highest spender on defense means relatively little when its inefficiencies are uncovered. Its SDF is very top heavy. There are proportionately more generals and admirals in Japan than in any other country's armed forces.

Japan's air defense radar is so woefully inadequate that, in 1976, a Soviet military pilot defected by flying his fighter into Japan without detection by the Japanese military. Japan's shipboard air defense systems are no better. Hopefully, the purchase of E-2C AWACS may help to reduce this inadequacy.

As an island nation, one would think that Japan would have a strong antisubmarine capability. It does not.

Japan's supplies of ammunition have not kept pace with the needs of its forces. Its logistics systems are judged inadequate to control its inventories.

There has been virtually no move by Japan to undertake the defense of its sealanes out to 1,000 miles as was promised last May. Neither have there been any noteworthy proposals toward meeting the stated objective of Japan's assuming the primary responsibility for its own defense.

Finally, I believe that the Japanese can take on an increased portion of the support to the U.S. troops based in Japan.

I have no doubt but that the Japanese Government has every good intention of eventually keeping its promise to even out the defense imbalance. But, I also feel that our Nation cannot wait much longer for significant improvements. The Members of this Congress can be very sympathetic with and empathetic to the Japanese Government's deficit problems, but it is difficult to feel too much this way with a nation experiencing unprecedented economic growth and minimal unemployment problems.

This is especially difficult when many Americans believe that much of the unemployment problems in our Nation are directly caused by the trade restrictions in Japan which make competition for American products unduly difficult. To the unemployed American worker, it almost seems that Japan has succeeded in exporting unemployment.

Obviously, many of the citizens of Japan recognize these inequities and feel more responsible to the American people than does their government. The private offer of $10 billion in loan assistance to U.S. industries by Japanese businesses is a gesture of friendship that has characterized our alliance for over a generation. However, this action underlies the inability of the Japanese Government to seek a fairer balance of trade or defense spending with the United States.

This afternoon, I entertain the view of my colleagues of the problems I have mentioned. I am confident that we will act in a manner which properly lays out a healthy challenge for our Japanese allies.

I hope that we can fashion solutions jointly with our allies without having to resort to recourses such as "responding in kind" with nontariff barriers or taking any steps to cutoff trade. But trade must be not only free, but fair.

Both of our nations need each other's trade and friendship. I fear, however, that our patience and our options may be dwindling. I call upon the Government of Japan to move decisively so that we need not consider any such measures.

It is past time for the people of Japan to assume a mature and responsible role in the family of free nations.

The comments I have made today are based on the need for greater equity and fairness. Since a thoughtful dialog on the aforementioned problems is important to both of our countries, I have extended to the Government of Japan the opportunity to provide me with their response to all that my colleagues and I will discuss here today.

I would be pleased to request that any such response of similar length to my remarks be printed in the Record.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the distinguished chairman of the Appropriations Subcommittee on Defense.

Mr. ADDABBO. Mr. Speaker, I want to express my appreciation to the gentleman from Ohio (Mr. Regula) for taking the time for two special orders to discuss the disproportionate defense burden that the United States carries compared with our NATO and Japanese allies. I understand that the special order today will deal with Japan and March 16 will concentrate on the issue with respect to our NATO allies.

I wish to associate myself with the gentleman's concern. At a time when the American people are being asked to support a staggering $1.7 trillion or more for defense over the next 5 years, we are facing unmanageable budget deficits that will total $246.3 billion according to the administration's own estimates, and $389.1 billion according to estimates by the Congressional Budget Office (CBO). To make matters worse, CBO cautions that the administration may have underpriced its projected defense appropriations request. Furthermore, CBO's technical analysis of the administration's budget estimates suggests that revenues may be overstated. The administration forecast for inflation and real growth is more optimistic than CBO's. The slower growth expected by CBO is largely the consequence of higher interest rates in its forecast, which would dampen the recovery in economic activity. In order to partially solve our economic difficulties, the administration's answer is to drastically reduce all other Government activities and to make a radical shift of responsibilities to State and local government.

Let us face it. Proposed defense spending of this magnitude will adversely effect our already shaky economy. It is time that Congress take a serious and impartial look at what our allies, and most particularly Japan, are doing to share the defense burden in order to meet the perceived growing threat of the Soviet Union to the free world.

On March 3, 1982, the Secretary of the Navy testified before the Defense Subcommittee of the House Appropriations Committee. He spoke of the emergence of the Soviet Navy as the world's largest and most modern, global in nature, equipped and trained to interdict our vital lifelines and access to the world, and to dispossess us of allies, resources, and trade. The Secretary pointed out that the United States imports nearly half of our oil requirements and of 27 critical materials, the United States is dependent on foreign sources for all but 3. A network of some 40 treaty commitments bind our fortunes to all of the world's great oceans—the North and South Atlantic, the Caribbean, the Norwegian and Barents Sea, the Mediterranean, the Indian Ocean and Persian Gulf, and the Southwest and Northwest Pacific. He stated that the United States must, therefore, recognize that the choice is to maintain security of the sealanes in each of these ocean areas to prevent the cutting of our sea lines of communications to those vital areas.

The Secretary's answer to this challenge is 15 carrier group task forces as a minimum, plus the activation of four battleships as the centerpiece of four surface action groups. Each of these task forces and battle groups will require large numbers of very expensive aircraft, as well as surface and submarine combatants. As a downpayment, the fiscal year 1983 shipbuilding budget totals $18.6 billion, an increase of $9.7 billion or about 109 percent over the fiscal year 1982 level. Most of the increase reflects the funding of two additional nuclear-powered aircraft carriers at a total cost of some $7 billion. In all, a total of 16 aircraft carriers plus a training carrier is programed in order to maintain the minimum force required. This shipbuilding budget, as well as future shipbuilding requirements, is a tremendous burden for the American taxpayer to carry when our allies are not shouldering their fair share of the burden.

The Secretary of the Navy made another profound statement which brings me to the issue of today's discussion. He stated:

> With Anchorage only 2,000 miles from the major Soviet fleet operating base, Petropavlovsk, and with Japan, Korea, and our other Asian friends and allies dependent on our securing the sea lanes, the flexibility of past decades in using our Pacific fleet as a reserve for other areas such as a NATO conflict, leaving the Pacific sea lanes undefended, is now out of the question.

Well, my question is: "What is Japan doing and what can it do to assist the United States in meeting the Soviet challenges in its area of the world?" The answer is relatively little, but Japan is capable of making a significant contribution.

Consider these facts:

First, Japan had a total population of 117 million in 1980, second only to the United States in the United States-NATO and United States-Japan alliances.

Second, the Japanese economy has had the highest rate of growth than any of the major industrial nations.

Third, Japan's gross domestic product (GDP) in 1980 was second only to the United States. It had increased 54 percent since 1971, compared with a 31 percent GDP increase for the United States during the same period.

Fourth, Japan's steel industry is the world's most efficient and productive.

Fifth, Japan builds about one-half of the world's ships.

Sixth, Japanese per capita income grew 39.2 percent between 1971 and 1980, second only to Norway in the NATO alliance.

Seventh, when compared with the 14 NATO countries, Japan ranks last in total defense spending as a percent of GDP.

On March 1, 1982, Hon. Francis J. West, Jr., Assistant Secretary of Defense for International Security Affairs, testified before a subcommittee of the House Foreign Affairs Committee on United States-Japanese defense cooperation and U.S. policy. He gave this history of the U.S. efforts to encourage the Japanese to increase its defense capabilities:

After World War II, all Japanese military forces were disbanded by fiat of the allied occupation.

Japan's present constitution, written with considerable American influence, banned all armed forces except for that absolutely necessary and exclusively for self-defense.

At the time of the discussion of a peace treaty in 1951, the United States expressed a desire for a significant military buildup by Japan, which it was unable to do for both psychological and financial reasons.

Post-1952 Japanese Governments preferred to rely on U.S. military power and to permit rent-free U.S. military bases on Japanese soil, rather than act themselves to insure free use of the seas which Japan needed in order to prosper.

At the urging of the United States, Japan created the Self-Defense Forces in 1954, wrote a defense policy in 1957 to rely on the United States, and only marginally on its own defense forces for its well-being.

Attempts have been made by previous U.S. administrations to convince Japan to do more in terms of defense forces, but defense has been a sensitive political issue in Japan.

American and Japanese friends and allies in Southeast Asia have still not completly abandoned the fear and possible danger of resurgent Japanese militarism.

During the early 1970's, U.S. policy largely left Japan to decide for itself what it wanted to do in the defense area; therefore, Japanese Governments chose reliance on the United States to carry the majority of the expensive and politically sensitive military load.

From the mid-1970's, the United States still did little more than vaguely urge Japan to do more for defense, while the United States decreased its presence in the Western Pacific.

In 1978, the United States and Japanese defense establishments concluded the guidelines for defense cooperation, but it was the Soviet invasion of Afghanistan which caused renewed high-level U.S. interest in meaningful Japanese self-defense efforts.

The current administration has as a central thrust of U.S. defense policy a "rational division of labor" among Japan, the United States, and our NATO allies.

As a result of the meeting between President Reagan and Prime Minister Suzuki in May 1981, on the rational division of labor issue, the Prime Minister stated that Japan could, within the limits of its constitution, defend its own territory, the seas around Japan, and its sealanes to a distance of 1,000 miles.

Unfortunately, Japan cannot carryout these roles because its Self-Defense Forces cannot sustain itself in combat due to very limited supplies of ammunition, torpedoes, and missiles. On the positive side, Secretary West made these observations:

The United States homeports a 7th Fleet aircraft carrier battle group in Japan. The U.S. commanders of both the 7th Fleet and 5th Air Force have their homeport and headquarters, respectively, in the Tokyo area. More than 22,000 Marines, the ready force of the 7th Fleet, are based in Okinawa. A major U.S. Army Command headquarters and a corps headquarters are located in Tokyo.

The Yokosuka Navy Base has the only U.S. military controlled drydock capable of handling a U.S. super aircraft carrier west of Pearl Harbor.

In the field of host nation support, Japan contributes annually about $1 billion to the costs of U.S. forces in Japan. The 1982 Japanese defense budget contains $186 million for new construction for U.S. forces, an increase of 27 percent over 1981. This is the fourth straight year Japan will spend over $100 million for new construction alone.

Over 80 United States/Japanese naval exercises have taken place since 1955, now including sophisticated antisubmarine and antiair drills with aircraft carriers and attrack nuclear submarines. Bilateral air exercises which began in 1978 presently involve sophisticated fighter aircraft. Over the last 2 years the Japanese ground forces have particpated in combined command post exercises with U.S. Army Japan. This year, for the first time, the Japanese hosted this exercise in-country. U.S. Marines conducted a training exercise with Japanese ground forces in 1981.

Japan has developed some of its defense equipment indigenously, principally tanks and ships, and has coproduced some systems with the United States, such as F-4, P-3C, and F-15 aircraft. Some Japanese reports indicated that the Maritime Self-Defense Force will acquire more Harpoon missile capable ships, about double the number of P-3C presently planned (to about 100), and that the Air Self-Defense Force will double the number of F-15's (to about 200) to defend Japan's territory and nearby air space.

The Japanese Self-Defense Forces of some 250,000 men and women are presently made up of 13 ground divisions; 50 destroyer-type ships (over twice as many as the entire 7th Fleet's total of cruisers, destroyers, and frigates); 90 percent as many antisubmarine warfare aircraft as the U.S. Navy has in the entire Pacific and Indian Oceans; and about 400 fighter aircraft, which is larger than the Republic of Korea's Air Force (360), and larger than the U.S. Air Force in Japan, in the Philippines and in Korea combined (320).

Secretary West acknowledged that if Japan should decide it is in its interest, it could with its economic vitality do significantly more for its own self-defense than any other U.S. ally in the world. The current adminsitration would like to see Japan carryout the defensive responsibilities Prime Minister Suzuki stated in May 1981. Nevertheless, the problems of obtaining such cooperation are still psychological, political, and financial. To date, the Prime Minister has not spoken clearly on the likelihood of exceeding the 1 percent for defence which was set as an arbitrary ceiling by cabinet decision in the 1976 national defense program outline.

Secretary West explained that the United States has provided the impetus in other ways that should encourage the Japanese to do more for defense. Over the past 10 years, U.S. military strength in Japan has declined from over 75,000 troops to about 46,000 personnel today. In the same time frame, overall U.S. Navy ship levels have been cut in half and, as a result, the U.S. 7th Fleet has been reduced to about 70 ships.

There are a number of House concurrent resolutions that bear in one way or another with this Japanese issue of greater defense. House Concurrent Resolution 172 addresses Japanese patrols in the Indian Ocean. House Concurrent Resolution 210 relates to the payment of a 2 percent of GNP security tax of over $20 billion, while House Concurrent Resolution 213 concerns Japan's exceeding 1 percent of GNP for defense.

Mr. Speaker, it is quite apparent the Japanese Self-Defense Forces as presently constituted are unable to provide effective, meaningful defense against the threat facing Japan in the 1980's. There is little question in my mind but that the Japanese economy and industry have the capability and capacity to do significantly more in enhancing its defense effort and accepting more responsibility in protecting the sea lanes and other mutual United States-Japanese interests in the East Asian-Western Pacific region. We share common interests and goals in that part of the world. Psychological, political, and financial problems are not particular to Japan.

The United States has its own psychological, political, and financial problems and of far greater magnitude than do the Japanese. Japan relies on the military power of the United States to protect it but we cannot be expected to assume 99 percent of that rule. And as long as we continue to unilaterally accept that role, Japan will do little more than it is doing to acknowledge its fair share of the burden. I cannot understand how building a global U.S. Navy to police and protect the world and spending $1.7 trillion on defense over the next 5 years will give encouragement to our allies to do more. While I applaud past administrations and the current administration on what has been and is being done, I believe that greater efforts should be made to redress this defense imbalance that exists today between the United States and its allies. And as we await Japan's decision on defense weapon expansion, the least Japan can do is pay a greater share of maintenance of our forces in their country.

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Mr. REGULA. Mr. Speaker, I thank the gentleman for his contribution.

I yield to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, I wish to commend the gentleman from Ohio (Mr. REGULA) for his initiative in bringing to the attention of our colleagues the serious issue of spending for defense of the free world. In particular today, the relationship between United States and Japanese defense spending.

I am sure we all agree that the Japanese could and should be doing more to contribute their share in the defense of the Pacific. But as we urge the Japanese Government to increase the defense portion of its budget, I believe we should also recognize the efforts made by Prime Minister Suzuki to accommodate our interests.

It is important that we not forget the events of last May when President Reagan and Prime Minister Suzuki issued a communique in which Japan acknowledged there should be an "appropriate division of roles between (both countries) in insuring peace and stability in the region and the defense of Japan." Japan also further committed itself "to make even greater efforts for improving its defense capabilities in its territories and its surrounding sea and air space." The controversy in Japan that followed the announcement of that communique resulted in the resignation of Foreign Minister Ito and a significant loss of confidence expressed for Prime Minister Suzuki. With that kind of political reaction underlying Japanese actions, it is easier to understand why the Japanese Government is cautious in its commitment to increase defense spending.

Understanding that background then, I think it is significant that for their fiscal year 1982, the Japanese proposed an increase of 7.75 percent for defense over the previous year's budget. At the same time, the average increase for other budget items is only 1.8 percent. The Japanese fiscal year 1982 defense budget reflects a 25-percent increase in what the United States views as cost-sharing—the Japanese contribution to the improvement of facilities used by U.S. military forces in Japan. The Japanese draft budget also provides for purchase of major U.S. defense items (23 F-15's, 3 destroyers, 7 P-3C's, among others) which will also require significantly greater financial commitments for Japan's defense budget in both 1983 and 1984.

In the 10 months following the United States-Japanese communique, the United States has not relaxed its efforts to persuade the Japanese to increase their defense commitments. Secretary Weinberger, Deputy Secretary Carlucci and other defense officials have made clear to Japanese leaders that we will continue to pursue a "policy of encouraging a rational division of labor in the defense field."

As we pursue the goal of a more equitable sharing of defense costs between the United States and Japan, I hope we will demonstrate an understanding of the sensitivity of the issue for our Japanese allies. There is no question that the Japanese can do more. I believe they are moving in the right direction and we should encourage them by praising what they have done, not just complaining about what they have not done.

Mr. REGULA. Mr. Speaker, I thank the gentleman.

I yield to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Speaker, once again, President Reagan is proposing enormous increases in defense spending—$33 billion over fiscal year 1982. I do not think anyone here argues with the necessity of a strong national defense. But we must ask where our defense dollars will go. Those defense dollars will go for highly sophisticated defense systems, which in turn will provide security and protection for not only this country, but our allies, such as Japan, as well.

Where do those defense dollars come from? They come from the pockets of the taxpayers. Only a lot of people in my district will not be paying for the sophisticated weapons systems we hear so much about. Because a lot of people in my district—about 18 percent of them—do not have jobs.

They are a part of the depressed auto industry. Auto workers are apparently not participants in what the administration terms "economic recovery." Neither are the other industries in my district. United States Steel just laid off 1,000 workers in my district. Rubber workers are out of work. The victims of this economic recovery are endless.

The beneficiaries of this program are easy to spot. According to the Heritage Foundation, the Japanese Finance Ministry prefers to fund domestic programs and has generally taken a dim view of military and defense-related projects and expenditures. Japan's domestic programs include their steel industry which floods the world market and, in turn, eliminates demand for steel from the United States. While Japanese cars invade our highways, American workers pay for the defense of Japan. This scenario adds to a $15.3 billion merchandise trade deficit with Japan in 1981, up from $9.9 billion in 1980.

In a recent report, the Heritage Foundation concluded that—

> During both the short- and long-term, Japan must seriously reevaluate much of its current defense posture . . . in such a reexamination and reevaluation, Japan should be encouraged to define and develop its own concept of security and act accordingly.

Mr. Speaker, I could not agree more. I hope Japan is listening.

Mr. REGULA. Mr. Speaker, I thank the gentleman for his contribution.

I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I commend Mr. REGULA for his statements. We are here today to discuss the relative United States and Japanese defense burdens. I will say, right off the bat, that I do not think the Japanese are doing enough to defend themselves. In fact, I think it is clear that the United States-Japanese defense burden is a one-way street. It is time to update the 1951 United States-Japan Security Treaty which committed the United States to respond to an attack on Japan, but which required no reciprocal obligation from the Japanese.

There are many who say that the one-sided provisions in the existing security relationship are unfair in light of the fact that Japan is the third largest economic power in the world today. It is unfair for the United States to spend 6 percent of our gross national product while Japan spends less than 1 percent of their GNP on defense. It is galling to think that while the United States spends such a significant portion of our national economic resources on defense, the Japanese get a free ride and are able to put their resources into automobiles and electronic products. In effect, we work out tail off so that the Japanese can have a stable international economic environment which they use to put Americans out of work. This is preposterous! It must and will change.

But unfair as this may be, the one-way defense relationship cannot even guarantee Japan's survival any more. Just last week, Admiral Watkins, commander in chief of the U.S. Pacific Fleet, said that current force levels are inadequate to insure victory over the Soviet's Western Pacific Fleet. The United States alone can no longer provide an adequate defense for Japan. If the Japanese cannot see their own pressing need to defend against the Soviet threat, then we must work to educate them against the threat.

Many Japanese see the possibility of a Soviet attack on Japan as highly unlikely. I believe that they are hampered by an antiquated vision of warfare. In centuries past, the traditional invasion route of Japan was through Korea. There are many in Japan who can only conceive of a possible threat to Japan as being in the form of a land invasion, by the Soviets, through Korea. I myself think that this is unlikely, and if I were a Japanese defense planner and considered this to be the only threat, I would not worry too much.

But this is the 20th century, and a Soviet attack would be in a 20th-century format. There needs to be growing awareness in Japan that Soviet meddling in the Middle East and its support for radical Arab factions in the region are highly destabilizing and threatening to its supply of crude oil. There needs to be a heightened awareness that Japan is so highly dependent on imports of raw materials. They import most of their food, energy, and minerals that make their economy the third largest in the world. There needs to be a heightened awareness that the Soviet threat to Japan is the threat to Japan's sealanes.

I think already that in Japan there is a heightened awareness of the Soviet's capability. Just this morning, I had breakfast with Secretary Weinberger, and he mentioned that the Pentagon's publication on Soviet power that was put out last fall is now a best seller in Japan. They are becoming aware of Soviet power. Now they have to become aware of how that power affects them.

In the last couple of years, the Soviets have been steadily expanding their Pacific fleet. It is now the largest and best of all Soviet fleets. Their huge base at Vladivostock has been expanded, and they are moving into bases in Vietnam. They have begun extensive use of the former American naval base at Camranh Bay and Soviet naval activity in the region has become increasingly active. This should be especially frightening to Japan since the Soviets themselves are a land power and have no significant sea lines of communication in the area. The Soviet naval forces in the area are in direct position to cut off Japan's source of raw materials and destroy Japan's economy.

While I think that this threat alone is significant and, in itself, should make the Japanese spend much more than they are currently doing, there are two other developments that have increased the danger to Japan even more.

The American naval presence in the western Pacific has been reduced by 50 percent and the Soviet Navy has moved southward to be in a position which threatens Japan even more.

After the Iranian crisis at the end of 1979, the U.S. Navy's Western Fleet was cut in half, from two carrier battle groups to only one battle group, as the United States established a presence in the Indian Ocean. Further diffculties in the Caribbean could further thin out the U.S. carrier battle fleets. We do not have the resources to adequately defend the western Pacific right now, and our ability to do so could be further eroded in the future. This deficiency is coupled with a shift in Soviet naval forces southward toward bases in Vietnam. The Soviet forces have moved into the area left open by the United States as it was the U.S. carrier battle group stationed in the Philippines which has shifted to the Indian Ocean.

It is to our advantage to maintain a strong naval presence in the Western Pacific. It is even more to the advantage of the Japanese to have a strong U.S. presence in the region. There have been a number of proposals, such as increased Japanese defense spending, and a defense umbrella tax. One idea that I would like to put forward is for the Japanese to fund an additional U.S. carrier task group to make up for the increasing difficulties which we are facing in defending Japan.

One U.S. carrier battle group consists of basically the following: one nuclear-powered aircraft carrier at $3.4 billion; one CG-47 Aegis cruiser at $1.0 billion; three FFG frigates at $300 million each; one SSN-688 class attack submarine at $1.2 billion, and one oiler at $200 million. This comes to a total of $6.7 billion for ships alone. Added to this would be the cost of pay, benefits, and training for the roughly 8,000 men required to man the battle group, and the costs for operation and maintenance of the group. This would involve roughly a cost in the range of $10 to $15 billion.

I think the Japanese ought to be required to pay the United States for such a battle group. In this way, they would not violate their constitutional difficulties in building up an armed force. Second, they would receive the protection that they so vitally need from the world's best fighting force. The Japanese could not build their own battle group; they simply do not have the ability to do it right now. The United States has 50 years of experience in naval aviation and operation carrier task groups. The United States has the ability to defend Japan; it is only fair that they, who have the money to pay for their defense, do so. The Japanese have to understand that the general environment of peaceful international cooperation and economic interdependence in which their economy flourishes is guaranteed by U.S. Armed Forces. They also have to realize that we do not have the resources to defend Japan by ourselves. They, who face the threat and can afford to pay to counter the threat, should do so. I hope that the Japanese heed my remarks today and begin to get serious about the threat that is facing them.

Mr. REGULA. Mr. Speaker, I thank the gentleman.

My original statement was that the Constitution actually just prohibits warmaking potential or offensive weapons. The percentage limitation was legislated and not contained in the Japanese Constitution. We have had many experts who say that defensively, there is a great deal more they could do that would in no way violate the Constitution because it would be purely defensive in nature.

Mr. Speaker, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I want to commend my colleague, who has made a very important speech that needed to be made. As someone who serves on the Defense Appropriations Subcommittee with the gentleman from New York (Mr. ADDABBO), I am painfully aware of the threat that this country and the free world faces in terms of national defense. I am also aware of the lack of effort that has been made, I think, by the Japanese to shoulder their share of the burden and responsibility for the defense of the free world.

The gentleman is absolutely correct in urging that the Japanese Government do more in this area. I, for one, come from a State that has a very high rate of unemployment. We are having to make major sacrifices and I think that the people of Japan should also make some sacrifices as it relates to providing the funds for a common defense effort.

I believe that it is wrong for us to expect the American people to spend more and more on defense if, in turn, our allies, the Japanese, the Germans, and our other NATO allies, are not willing to commit themselves to a higher rate of defense effort. In fact, I think there was a mistake made when we did not demand that they keep the 3-percent increase commitment that was made during the prior administration.

I hope that not only will the Congress move ahead on this important issue, but I also hope that the administration, through its foreign policy, would put more pressure on the Japanese and the Germans and our NATO allies to shoulder more of this responsibility.

Again, I think it is unfair to the American people to ask them to spend more and more on defense when these other countries are unwilling to shoulder and keep the same level of commitment. If we are going to increase our effort by 10 percent, we certainly can ask the Japanese and the Germans to increase their efforts by 3 or 4 percent.

So I commend the gentleman for an excellent speech.

I also think the gentleman is on target on the economic issues as well. We are sick and tired out in our part of the world of Japanese unwillingness to buy finished forest products. They want our raw logs, but they do not want to buy our finished products.

We find trade barriers, whether direct or indirect, that stand in the way of American products being sold in Japan. I think it is time that the Japanese got the message that we are not going to tolerate a $15- or a $16-billion trade deficit. We are not going to tolerate their unwillingness to share their responsibilities in our joint defense efforts and that they had better wake up to the fact that the American people are getting very, very restless about these policies.

I thank the gentleman and again I commend him for this very important speech.

Mr. REGULA. Mr. Speaker, I thank the gentleman.

I yield to my distinguished friend and colleague, the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Speaker, I thank the gentleman.

I certainly applaud the speech the gentleman gave today. I thought it was extremely important. I do not have to tell the gentleman from Ohio the impact on northeast Ohio that exports have had, including exports from Japan.

I wanted to call to the attention of the committee and my colleagues a specific problem that we have in our area that is an adjunct to this situation the gentleman describes.

The situation is this, that apparently Japan is interested in manufacturing a certain type of defense equipment that would add to their own defense. What they have done is purchased the blueprint for this equipment that was manufactured in an adjoining congressional district, one of the suburbs outside of Cleveland, and as a result they bought the blueprint for a very small amount of money and now the Japanese will produce this defense equipment.

I just question the rationale of our Government carte blanche selling that blueprint when our people could have manufactured the product and just as easily exported that product to Japan for the sake of their defense.

I think in terms of trade it is a two-way street and in particular the idea of defense and other related issues is a two-way street. While we value the friendship of Japan, I think they ought to realize that we are just not going to tolerate this continued inequity.

We have called on the Secretary of Defense to rescind that contract, let our people manufacture the needed equipment which Japan needs.

The following is a letter which I sent to the Secretary of Defense on this issue:

WASHINGTON, D.C.,
March 3, 1982.

Hon. CASPAR W. WEINBERGER,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY. It has been brought to my attention that the U.S. government recently concluded a contract with the Japanese Defense Ministry to provide Japan with a technical data package for the production of the M110A self-propelled howitzer. This is a disturbing development and I urge you to reopen negotiations with Japan to substitute the export of the actual vehicles rather than the export of the technology for the weapons system.

As you know, we have a significant balance of payments deficit with Japan. There are many reasons for this problem—among them are unfair trade practices by the Japanese. As a result, many of our domestic industries suffer, not to mention our economy as a whole. One of the hardest hit of our domestic industries is the fastener industry. A number of major companies are located in my district. A weakened domestic industry in any vital field is a serious threat to our national security and sets an unwarranted precedent for future weapons contract negotiations.

Japan's domestic defense needs for the M110As could easily be filled by American manufacturers who already have the technology intact to do so. After all, they developed the weapons system and provided our own military with the vehicles. By insisting that Japan buy the actual vehicles instead of the blueprints for the system, we would be helping to alleviate our disastrous unemployment and balance of payments deficit.

Let me again impress upon you the urgency to reopen negotiations for Japanese purchase of U.S. weapons. I also encourage you to provide firm assurances to the American manufacturing companies that future weapons contracts are forthcoming.

Sincerely,

MARY ROSE OAKAR,
Member of Congress.

I think there is a view in this country and it certainly is a view that many of my constituents have that we have very generously shared our technology and that technology in many areas has been imitated, as in the case of this particular blueprint being sold to Japan, and I think it is about time, quite frankly, that we start thinking of our own self-interest, because as the gentleman knows, in Ohio we have the second highest unemployment rate in the country and we ought to start thinking of our American workers and the opportunities they have.

In addition, because of the gentleman's work in the area of defense, I would also like to call his attention to the fact that so many our defense contracts are subcontracted out to foreign countries.

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I think that is the real problem that so many people in our State who manufacture small parts and metal fasteners and various other forms of equipment relative to defense really cannot reconcile, and so it is an additional reason to be against the astronomical defense budget.

So, I want to commend the gentleman, and I appreciate his yielding to me.

Mr. REGULA. I thank the gentlewoman.

Ms. MIKULSKI. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentlewoman from Maryland.

Ms. MIKULSKI. Mr. Speaker, I would like to compliment the gentleman from Ohio on his remarks earlier, and to associate myself with those remarks and to share with the gentleman an experience we are having in the Baltimore community that I think has a bearing on this discussion before the House of Representatives.

By way of background, the unemployment in my district among automobile workers, steelworkers, and shipyard workers is at an all time high. One of the problems that we face in Maryland is that coming into our Dundalk Marine Terminals were 3,400 trucks ordered by the U.S. military, paid for by the American taxpayer, that were being manufactured in Japan. The U.S. Government decided that they wanted quarter-ton trucks, and put them out for bid. Chrysler was the lowest bidder. Instead of manufacturing them here in this country, they had to subcontract with Mitsubishi, I believe, and now those trucks are coming into American ports.

We got calls, Mr. REGULA, because unemployed automobile workers moonlighting down at the docks were forced to put the American seal on those foreign imports and put the undercoating on.

I think it adds insult to injury when: First, this Congress bailed out Chrysler; second, many workers are out of work; and third, we are using American taxpayers' dollars to now buy trucks made in foreign countries.

I really question our policies in that area, first, for economic reasons; and second, for strategic and tactical reasons.

Let me conclude by saying, as others have stated, and as the gentleman has stated, that the Japanese pay nothing for their defense, and at the same time we are the largest sustainer of the NATO Alliance. Just as we are about to consider user fees for ports and Coast Guard, maybe we ought to charge the Japanese and the Germans a user fee for their defense, and begin to put the user fees on the imports coming into this country.

I thank the gentleman.

Mr. REGULA. I thank the gentlewoman, and I yield to the gentleman from Guam (Mr. WON PAT).

Mr. WON PAT. Mr. Speaker, I thank my colleague.

Mr. Speaker, I rise to join my colleagues here today in urging that our good ally, Japan, take a greater role in the defense of the Pacific. My good friend, Congressman RALPH REGULA, is to be congratulated for reserving this time so that we can publicly discuss our growing concern over this vital issue.

The problem is really not quite as simple as it may seem, but this Nation can no longer afford to support—either financially or physically—the legitimate defense needs of Japan and other Asian nations. We have done this since the end of World War II without complaint. But times are changing and so much the level of this Nation's contributions to the defense of this area against Communist threats.

Let me call your attention to an excellent article written recently by Senator JOHN GLENN, who provides a most convincing argument for an increased level of defense spending by Japan. Senator GLENN does point out that Japan is already making a vital contribution to its defense via support for its own forces and for ours in Japan. My colleagues and I, on the House Armed Services Committee, fully recognize the key role Japan has played in this area in the past. But, our relations with Japan have reached a crossroad. We cannot continue putting so much of our limited financial resources of this Nation into a defense situation which clearly serves Japan as much as it does our own interests.

This year, the Government of Japan has announced an $11.7 billion defense budget. While Japanese officials assert that this amount reflects their good intentions, President Reagan and countless others, including myself, believe that this amount is insufficient to counter the vastly increased Soviet buildup in the Pacific.

Only last week I talked at length about Pacific defense issues with a man who is one of the Nation's leading experts, Adm. Thomas Hayward, Chief of Naval Operations. Admiral Hayward said that he shared my concern about the need for a stronger defense by free nations in the Pacific. The United States is too deeply involved with our defense concerns in other parts of the world to do the job we should be doing in the Pacific. Our concern over the need for our allies to accept a greater burden of our common defense is not new. President Nixon in 1969, as part of his famous Guam doctrine, called on U.S. allies to help more in this area. So did Presidents Ford and Carter, but to little avail.

Let me make it clear that I am not saying that Japan should triple its defense spending overnight. Hardly. But it has the financial means, and I believe, the public concern at home to take steps toward building a much more effective defense force which could prevent a Soviet force from quickly dominating the Sea of Japan. This is certainly to Japan's interest and I believe that a strong Japan can prove to be an effective deterrent to Soviet expansionism. The failure of Japan to provide for its own defense will clearly send the Soviet Union and other hostile powers a signal that they can operate with impunity in waters that are the domain of other nations.

The Pacific is a vast ocean. We do not attempt to patrol the Atlantic alone. Why should we attempt to do the same with the Pacific. Frankly, I am deeply worried about the lack of adequate U.S. military naval forces in the Western Pacific. We on Guam, and in other American areas in the Trust Territory, are particularly undefended. We do not have a naval force or an Air Force capable of patrolling the entire Trust Territory area. Aside from a meager Coast Guard presence, there is nothing to stop Soviet submarines from landing on these islands at will, and, in fact, this was rumored to have happened only several years ago. The Soviets understand strength and resolve. We must strengthen our forces in the Pacific while our allies must also recognize that they too, must increase their own efforts on defense spending. It would be nice to live in a world where defense spending could be the smallest item in our budgets. But reality dictates otherwise, and I urge Japan to recognize that the time has come for it to accept responsibility for its own defense requirements. This is as it should be with friends, and I would welcome a dialog with Japanese officials on this issue. Thank you.

Mr. REGULA. Mr. Speaker, I thank the gentleman, and especially in light of his sensitivity to the problem, coming from one of the western-most parts of our world in the Pacific area.

Mr. Speaker, I yield to my colleague from Ohio (Mr. ECKART).

Mr. ECKART. Mr. Speaker, I thank the gentleman very much.

I would like to take this opportunity before I commence my remarks to commend the gentleman in the well for taking the time to place this special order and special discussion before the House and before the American people. As I sat here listening to the many articulate speakers who have preceded me, I could not help but note that we have an array of interests represented on the floor this afternoon; Members of Congress from the Ways and Means Committee, from the Appropriations Committee, from the Banking Committee, from the Armed Services Committee, from the Energy and Commerce Committee, from the Budget Committee; leaders on both sides of the aisle, all underscoring what the gentleman hopes to illuminate better through this special order, and that is, what is occurring in our defense appropriations expenditures, and particularly as they relate to what is occurring in our relationship to what our allies spend for defense, is not something that is in the small, narrow purview of a single committee, but affects the breadth and depth of every single subject we in the Congress are going to be debating in the next several months.

Of course, I was equally pleased to see liberals, conservatives, Republicans, Democrats standing up to help articulate what is happening to the American economy as a direct result of inappropriate spending patterns by some of our Nation's strongest allies. What we have not heard, however, in this debate is the accent to what this does to American foreign policy.

As the gentleman in the well is fully aware, the concept of burden sharing in international defense appropriations matters is one that makes a great deal of sense. Not only is it in our economic best interests to pursue that, but it is also in the best interests of a well balanced international foreign policy that had the broad consensus of support needed to be effective in the kind of world we are confronted with today.

Burden sharing. Yes, that means that all of us are allies who stand to benefit from the umbrella of protection, if you will, that our mighty country, the strongest of the free world nations in the world today, is willing to extend to our friends. And yes, we realize that it perhaps is a proper role for us in terms of the moral responsibilities we have to peace throughout the world, but it does not mean that the extension of that umbrella that protects, if you will, should be done to the economic detriment of the American citizens.

While we all share a great deal of concern about the philosophical underpinnings envisioned in a rearming of certain countries who at previous points in their history may have been adversaries of ours, let us not let anyone mistake what we ask for in this debate today; that is, the establishment of a meaningful, strategic consensus for each one of our allies that benefits from the massive expenditures, also share in the responsibilities of providing for those expenditures, because truly, each one of us has a stake in the ultimate outcome.

In 1977, members of our NATO alliance pledged substantial increased, as the gentleman referred to in his very well articulated opening remarks—Belgium, West Germany, Denmark, and Italy fell far short of what they originally promised us. It was not only in our interests that they meet those requirements, but in the interests of Western Europe and in the interests of Southeast Asia as well.

Indeed, many of our allies are now very fearful of the discussion in this very hall about the possibilities of pulling our troops out of Western Europe; and yes, about not extending the coverage in the very sensitive Persian Gulf region, through which a majority of the very most important raw materials that Japan needs for its tremendous economic might pass.

Let us not look at the not so subtle trade restrictions that hurt our economy in northern Ohio, as the gentleman is most familiar with, beef and citrus products. Just until a year ago, it is my understanding that the Japanese required American tobacco to advertise in American, totally contrary to the major Japanese markets, of course, in which major advertisers advertise in Japanese.

□ 1415

How would they feel if they required Datsun and Toyota to run their TV commercials in Japanese in the American market?

How about the questions of the manipulation of the yen and the fact that it has become very clear to those of us who have followed this practice that people now seem to feel the Japanese Government deliberately pegs the value of the yen to insure that the products that are marketed in the United States have an unfair economic competitive advantage over products here in the United States?

Why should the best test of our defense capability be how much money we can cram down the throat of the Pentagon and not the better perspective of how much we can get for our defense dollar, not only for my own State of Ohio and the gentleman in the well who has led this special order, but for the Japanese and for our NATO allies as well?

This debate is important. It is important because of the economic ramifications that have been so well elucidated by previous speakers, and it is important as well if we are to accomplish what has been set out to be the goal of this administration, and that is a single unified foreign policy that speaks with but one voice. I hope that through this debate and the subsequent one to follow next week the message will go forth to our allies, to our supporters, and to our adversaries that, yes, we stand ready and willing to fulfill our commitment to a strong and proper national defense that is good for all the free world but which at the same time does not so cripple our economy that when we have been successful in avoiding conflict from without, we become damaged from within.

Mr. Speaker, I want to commend the gentleman from Ohio (Mr. REGULA). He has done a marvelous job in assembling this subject matter. I know how difficult it is to devote time to these individual subjects, but if we are truly to be revitalized economically, we cannot avoid a thorough inspection of our defense spending practices both here and abroad. I want to thank the gentleman from Ohio for this effort.

Mr. REGULA. Mr. Speaker, I thank the gentleman from Ohio (Mr. ECKART) for his contribution and particularly for highlighting the diversity of representation we have had here today and also in remarks that will be submitted by our other colleagues.

I think, as the gentleman from Ohio pointed out, there is a broad consensus of concern that exists in the Halls of Congress in terms of the effort of the Japanese in providing for free world security as well as for the impact it has on the economic problems of this Nation.

The gentlewoman from Ohio (Ms. OAKAR) alluded to the matter of giving free access to our technology, and I would only reemphasize that and add that there has also been free access to the greatest market in the world, that of the United States, with some 240 million people according to the latest census.

I hope that our friends in Japan will recognize that there is a growing concern that while there is free access to our markets, we do not have a counter ability to market freely in the Japanese market, and also that their unwillingness to share a larger portion of free world security has certainly had a great impact on technological advances that have provided some great advantage to them.

● Mr. YATRON. Mr. Speaker, I am grateful for this opportunity to join my colleagues to discuss the problem of equity in the defense burden with our Pacific ally Japan.

I have been greatly concerned over the reluctance of the Japanese Government to assume a greater responsibility for protecting the freedoms and liberties that the Western World hold in common. It is particularly distressing at this moment because of the massive trade deficit we have with

Japan, which runs into the tens of billions of dollars. While domestic auto, steel and other industries are seriously threatened by Japanese imports, and hundreds of thousands of Americans are unemployed as a consequence, I do not think it is too much to ask the Tokyo government to take a second look at its defense spending.

Japan spends less than 1 percent of its gross national product on defense, while the United States spends almost 6 percent. The Japanese economy benefits from its relatively low military expenditure, as more dollars are free to invest in the consumer sector, which in turn aggravates Japan's competitive advantage over the United States.

Our Government is active in the Middle East, protecting the international sea lanes between the Indian and Pacific Oceans. Through these sealanes pass much of the world's oil and strategic raw materials. While this oil is essential to the American economy, it is even more critical to the Japanese, who depend more than we do on OPEC petroleum. An enhanced role in the defense of these sealanes for Japan is not an unreasonable request.

At this moment our country is suffering from a recession. Our economic troubles are partly due to the persistance of high interest rates, which are a direct consequence of high budget deficits. There is a tremendous pressure to lower the deficit through reducing Government spending. I believe it is most unfair to ask the American people to shoulder more cuts while our Government assumes a good part of the Japanese defense burden.

Following the Second World War, a consensus was reached that it was in the interests of the United States and the free world for our country to assist the Japanese in rebuilding their devastated economy and to provide a high degree of military protection. Times, of course, have changed. The economy of Japan is one of the strongest and most vibrant in the world. Their leadership and people are committed to a free and open society.

I call on this body and the administration to give the defense burden inequity with Japan top priority. We must impress the importance of restoring defense equity to the Japanese so they can act to assume a greater degree of their military burden.●

● **Mrs. BYRON.** Mr. Speaker, I want to thank the gentleman for allowing us this opportunity to address the sharing of the burden for the defense of ourselves and our allies.

We all recognize that spending more of our scarce resources for defense is a matter of necessity and not one of choice.

This special order should provide an important sounding board on the priority of allocating taxpayer dollars to effective and necessary defense expenditures.

Is it any wonder that our allies also debate this priority and hesitate to concede defense spending increases?

We are partners, however, and we need to share the expenditures as completely as partners share the responsibilities. The fact remains that the whole of our defense is no better than the sum of the parts shared by our allies.

I agree with my colleagues that we are not asking our partners to do enough.

But I suggest we look beyond the dollars they spend on defense.

If there ever was a need for mutual cooperation; and for sharing responsibility; and for maintaining our military advantages, it is in the area of technology transfers.

Whether it is sharing defense related technology, or exporting civilian technology compatible with defense programs, we need mutual restraint.

A unique and important feature of our defense capability is the quality of the technology built into our equipment.

We do not rely on quantity, we rely on quality. Hence, we research, design, and build the best antitank weapons rather than tanks to offset the Soviet 3-to-1 advantage.

The very fact that the Soviet Union is building about twice as much military equipment as all of NATO combined, far above its defensive needs, requires us to rely not on an offensive capability, but on quick response.

And that need is met not by single purpose technology, but on multipurpose, advanced technology for detection and protection. It is a defensive policy based upon technology utilization.

Our technology, in partnership with our allies, is our edge. And that defense technology is funded with scarce defense budget dollars. If our defense dollars are coveted, then we have to covet our technology.

And if technology is important for enhancing our economic productivity, then it is important that we not provide a better way for our adversaries to meet their goals or be able to negate the advantages we seek.

If we are to receive the full benefit and impact of our defense dollars we must be tightfisted with our technology.

We are not, and neither are our allies.

Recent reports indicate West Germany continues to resist a ban on the sale of high-grade silicon used in making computer chips to the Soviet Union.

Japan, a coleader in the world of computers, optics, and semiconductors, routinely sells products that find their way into the Soviet economy to be diverted from commercial to military applications.

I can assure you that the Soviet Union and the Warsaw Pact countries recognize the importance of Western technology, and we had better begin right now in realizing that the economic and foreign policy implications of technology transfers are not any more significant than the military implications.

Reports from visiting scientists indicate that 50 to 80 percent of the equipment in Soviet laboratories is from the West.

The integrated circuit lines in operation in the Soviet Union are run almost exclusively with Western equipment.

And the accuracy of Soviet ICBM's is attributed to Soviet acquisition of Western technology used in making ball bearings for gyroscopes.

The Soviet Union saves billions of dollars in research and development costs because they can get not only proven hardware and equipment that is trouble free, but they get the concepts and theories behind the hardware. In some cases, they even get complete manufacturing processes, the most memorable being the Kama River truck facility.

We have been, and will continue to be, in the absurd position of having to defend ourselves against an enemy that uses our know-how without conscience.

And, I might add, the Soviet Union is able to track what our next breakthrough may be. A simple example is our operation of the National Technical Information Services (NTIS). 75 percent of the information and research in this system comes from the Departments of Defense, Energy, and NASA.

The Soviet Union subscribes to every document made available to NTIS. This is easy access to the state-of-the-art progress we are making in R. & D. and what our research efforts are directed toward.

We have been, and will continue to be, in the absurd position of spending more and more defense dollars for research and development to gain an edge on our own technology, and to be more productive than an enemy that constantly applies Western technology to its first priority, increased productivity for its military systems.

We debate and haggle over every dollar to gain a marginal advantage in our civilian and military technical capability, only to ship it overseas in a commercial application that is either spawned from defense related products and research, or compatible with existing defense programs.

For example, some of the children's toys and video games contain more advanced technology than military equipment. Many systems in the private sector are more sophisticated than the command and control nets that warn us of nuclear attack.

We spend billions of dollars and hundreds of thousands of man-hours to perfect and invest in our R. & D. efforts, and we find the Soviet Union, or one of its emissaries, goes out and spends a fraction of those costs to get the end product.

How many more billions will we spend to push our marginal advantage that much higher?

How many more billions will it take to fight the learning curve of advanced technology?

We are not asking our allies to share enough of the burden in restricting technology to the East.

I have painted a rather broad picture of the situation we face concerning technology transfers.

Momentum is growing to address this area. NATO, our intelligence community, the foreign ministers to CoCom, the Departments of Defense and Commerce, and this Congress will all be involved. We need to tighten up our exports of critical technologies, and those other technologies that add far too much to Soviet military capabilities.

I agree with Richard Perle, Assistant Secretary of Defense for International Security Policy, "It is a question of increasing the costs and delaying the schedules of Soviet advances in technology, so that at any given time the aggregate effect of previous transfers means a less competent Soviet military machine than they would otherwise have."

This is a shared responsibility. And while I appreciate the concern that each Member participating today is expressing, there is more to our shared defense burden than direct spending of dollars.

We have to recognize that what we develop and buy with those defense dollars is just as important and in need of the same scrutiny as the defense budget.

As a member of the Armed Services Committee, I will be particularly involved in the defense implications of technology transfers and will continue to speak up to alert the Members to the impact technology transfer has on our spending and defense policy.●

● Mr. **COLEMAN.** Mr. Speaker, I want to take this opportunity to thank my colleague, the gentleman from Ohio, for arranging this special order today to discuss this very important issue.

As chairman of the House Republican Research Committee's Task Force on Foreign Policy, I have prepared a paper on the current state of United States-Japan defense relations. While the report is prepared in an objective manner, when one balances the facts presented, it is unmistakably clear that the Japanese are not shouldering anywhere near their full share of the global defense burden. It is also clear that Japanese shortcomings in defense have permitted added investment in economic areas, to the benefit of Japanese industry and the detriment of American industry. Indeed, some believe that a double subsidy is being paid Japanese industry, one provided directly by the Japanese Government, the other provided indirectly by the average American whose tax dollar helps pay for Japan's defense.

These are very serious problems, particularly in light of our Nation's current economic ills. There was a time when we could and did ignore this deliberate policy on the part of the Japanese.

Though much of the public debate surrounding U.S. foreign policy centers on the Soviet Union, Europe, and the Middle East, U.S. relations with Japan remain a vital and controversial element of our national security and foreign policy. Since the conclusion of World War II, the United States has shouldered most of the responsibility for Japan's security. Japan's emergence as a major economic power has now called this relationship into question.

Japan's economic growth since World War II has been phenomenal; yet, it has not taken on defense responsibilities commensurate with its economic growth. In 1981, when Japan registered a $13.5 billion trade surplus with the United States, it devoted only 0.93 percent of its GNP on defense; the United States spent close to 6 percent of its GNP.

Concern in the United States focuses on both the expense of maintaining U.S. facilities in the region, as well as the ability of the United States and its allies to defend the area. According to the Defense Department, the United States spent $2.7 billion in facilities and personnel to defend East Asia and the Pacific in fiscal year 1980; including, $1.05 billion for Japan. These figures, however, do not include the cost of logistical support or the signficant cost for military equipment used to defend the region. Japan does pay the United States about $1 billion each year to offset some of these expenses.

The Reagan administration believes Japan should increase its defense capabilities beyond the Japanese Government's current plans. At a June meeting in Honolulu between United States and Japanese defense officials, the U.S. delegation recommended that Japan add more interceptor aircraft to its air force, as well as increase the number of antisubmarine planes to 125, destroyers to 70, and submarines to 24. Though estimates are difficult to calculate, those recommendations could require an increase of about 15 percent in Japan's defense budget for the first year, with continued significant increases over the next 4 years. The program would improve Japan's ability to defend its islands, as well as assist in the defense of sea lanes extending about 1,000 miles around Japan. At the meeting, however, the Japanese put forward a less ambitious proposal, and next year plan to limit their defense budget increase to 7.75 percent.

Public opinion in the United States supports increased Japanese defense spending. In a 1980 poll, 53 percent of those Americans surveyed felt Japan should continue to expand its military, while only 36 percent opposed such expansion. In Congress, a number of resolutions have been introduced calling for Japan to increase defense spending. As the United States increases its own defense budget to meet the growing Soviet threat, it is becoming increasingly clear that Americans expect its allies to do so as well. Japan's increases are particularly important since many Americans believe that Japan's trade surplus with the United States is in part the result of Japan's low defense spending. Many Americans argue that since U.S. businesses and taxpayers must devote more of their profits and income to meeting defense needs, the United States cannot compete as well against Japanese exporters.

Despite the longstanding and deeply imbedded Japanese public opposition to defense spending, and budget difficulties, these problems should be overcome. For example, a spring 1980 poll taken in Japan revealed that more than 80 percent of the Japanese voting public supported the self-defense forces and favor improvements in Japan's defense capabilities.

Japanese oppostion to a strong military is based upon several factors: Pacifism, the result of the destructive force of World War II; reliance on the United States, as outlined by United States-Japanese military agreements; the perceived absence of an external threat; and economic growth as the national priority. Many Japanese citizens believe their country can be friends with all countries, conduct trade everywhere, and avoid the threat of military attack by conducting friendly relations with potential adversaries. These concerns may have been understandable in the immediate post-World War II years, but today, Japan's reemergence as an economic power of the first magnitude requires that it also assume part of the overall burden of helping to protect the security of the free world.

Some Japanese argue that, rather than force Japan's present leadership to risk a political crisis in order to initiate a military buildup, Japan could help the United States in other ways, such as by playing a greater role in providing economic assistance to developing countries. In 1981, Japan spent over $3 billion on bilateral and multilateral assistance. This represented about 0.32 percent of Japan's GNP, as opposed to the 0.28 percent of GNP which the United States devotes to assistance programs (about $10 billion).

There is unquestionably a mood developing among Members of Congress that Japan must increase its contribution to defense of East Asia. There are several bills which have been introduced in the House calling for Japan to contribute a larger percentage of its GNP to pay for continued U.S. military operations in East Asia, and to assist the United States in defending waterways in the region. A failure by the Japanese to pick up their fair share of their own defense security is not being well received by Americans or their Representatives in Congress. People are tired of excuses. Americans no longer wish to tolerate seeing the average American pay $759 a year for defense, while the average Japanese spends a mere $98 a year. This is unacceptable.

Japan's immense trade surplus in recent years further exacerbates this problem in the eyes of the average American. As Japan's trade surplus with the United States grows, the domestic budget debate intensifies, and, as the United States reassesses its global defense posture, Members of Congress will expect Japan to play a greater role in defending itself and the surrounding region.●

● Mrs. MARTIN of Illinois. Mr. Speaker, today I join my colleagues from both sides of the aisle in expressing concern about our relations with our good friend and trading partner—Japan.

As our economy faces continued stress, it is natural that we examine our priorities in terms of defense and in terms of our relations with our allies. I think it is appropriate that we do that now.

According to figures from the Pentagon we spend $2.2 billion in direct outlays to defend Japan. This includes salaries, construction, operations and maintenance, bulk petroleum for the 7th Fleet, and that portion of the 7th Fleet actually based in Japan. It does not include our other forces spread around the Pacific which have a direct role in the defense of Japan.

In terms of our total defense budget, this $2.2 billion is not large. But this figure does not tell the entire story about our share of the burden we carry for Japan.

Japan spends for its own defense $11 billion. This means that for every $5 spent by the Japanese for their defense, we spend $1. Or put in often quoted terms of GNP, Japan spends less than 1 percent of its GNP for defense while the United States spends nearly 6 percent of its GNP for defense—our own defense and that of our allies.

It seems to me that if Japan were to pick up more of its own defense costs, we could do with our savings more to help our productivity and balance of trade problems. The Japanese priority has long been in this area of their economy. As we all know, Japan spends a large portion of their resources on furthering their foreign trade position. The United States for several reasons has not promoted such efforts. I believe we must seriously reexamine our priorities.

To the extent that our current economic difficulties are caused by our own inefficiencies, we must accept the hard decisions and make the changes. To the extent that our difficulties can be traced to problems created by tariff and nontariff barriers erected by Japan and to the dependence of Japan on the United States for its defense, we must again make some decisions, and they may indeed be hard ones.

I look forward to continuing our close relationship with Japan. I suspect we may, however, need to revamp our priorities and, indeed, renegotiate some points with Japan. I am uncomfortable with their posture toward agricultural imports. I am uncomfortable with the fact that our businesses are frequently not allowed to sell equipment to other countries because it is classified as high technology, yet Japan can sell the same equipment to these countries and take the profit. I am uncomfortable with the fact that Japan can export cars with little if any difficulty to the United States, but U.S. manufacturers face unacceptable informal barriers when they attempt to export cars to Japan. These are problems that particularly hurt my part of the United States and ones that create especially grave difficulties for Illinois.

I believe the special and close relationship we have had with Japan should continue, but in a slightly different framework. If some changes are not made, I believe this relationship will erode. I join with my colleagues who call for a closer look at Japan's share of the defense burden and at our trading relationship with our good friends across the Pacific.●

● Mr. PRICE. Mr. Speaker, I rise in support of the thesis stated by my colleague from Ohio, Mr. REGULA. I have state on a number of occasions in recent years that I believe it reasonable to expect Japan to assume a greater share of the international security burden—a share more commensurate with its economic resources and interests.

One of the great stumbling blocks in the security dialog with Japan has been tht the phrase, "Japan should do more," is just an abstract sentiment. It never provided the framework for a workable plan.

I am encourage by the forthright statements by Prime Minister Suzuki who has, for the first time, clerly delineated a commitment, for Japan to create a capability to defend itself and its sealances up to 1,000 miles against threats suh as the Backfire bomber and submarines. Japan has a long way to go to achieve such a capability, but the very fact that it acknowledges this goal as a national responsibility, is a breakthrough.

I think it is clear that Japan will have to breach the 1 percent of GNP barrier very soon if it is serious about achieving a credible defense capability. While the current defense budget in Japan contains more real growth than other protions of the budget, it is equally clear that the Suzuki government is still very sensitive to the political risk of breaching that barrier. I think our position should be supportive of the Suzuki government's efforts, but firm in our insistence that progress be made.

The Government of Japan should also be encouraged to expand its efforts in quasi-military areas such as host nation support for U.S. forces in Japan and increased economic assistance for strategically important countries throughout Asia.

Mr. Speaker, I believe progress has been made in Japanese defense efforts in recent years. Progress that is in large part due to the countinuing pressure on the part of the U.S. Congress. But I think it important that Japan understand that a ground swell of popular opinionn is forming in this country which has sent a message to the Congress. The American people will not, indefinitely, be willing to do more to defend Japan than the Japanese people are willing to do themselves.●

● Mr. DASCHLE. Mr. speaker, I am pleased to be able to join the special order today concerning the need for Japan to pay for a greater share of their national security and defense burden.

There are several reasons why Japan should increase their defense related expenditures. For the past 37 years Japan has relied on an American security umbrella, choosing to spend little for national defense, instead rebuilding and developing their economy. Since the end of the Second World War, the Japanese have rebuild their nation and assumed international economic prominence and respectability, yet they have actually reduced their defense expenditures from 1.45 percent of their GNP in 1958 to 0.93 percent of the GNP for 1982.

I feel there is absolutely no reason why Japan cannot raise their defense spending to the level of GNP they achieved in 1958, which is still considerably less than the 5 percent of GNP the United States spends. In raw dollars, the United States is already spending 16 times as much on defense, 8 times on a per capita basis.

Second, while the Japanese have reduced defense expenditures as percent of GNP, they have significantly strengthened their economy and stndard of living. Again, the numbers illustrate this fact very well. In GNP per capita, the Japanese are catching up quickly to the United States—$8,902 to $11,786. disposable income per capita in Japan has risen over threefold since 1972, while in the United States it has only doubled.

The advances and progress achieved by the Japanese has resulted in an annual real growth rate in GNP over the past decade of 4.9 percent. The United States in contrast has only managed a 3.2-percent growth rate. Probably most significant, however, is than the Japanese expect increases in tax revenues of around 18 percent per annum from 1981 to 1984, and 14.1 percent for 1985. Coupled with a shrinking inflation rate it is clear that Japan will have the capacity to increase defense expenditures without significantly reducing outlays in other areas.

Mr. Speaker, it is imperative that the Japanese, who are a valuable and important strategic ally, share a greater burden of their own national defense needs.

Currently, the United states has stationed approximately 20,000 servicemen in Japan at an annual cost of approximately $2.5-$3 billion. The american taxpayer has been asked to foot this bill at the same time that Japanese imports have put many of these same Americans out of work. It is thus time for the Japanese to realize that economic prosperity entails a responsibility to provide at least for their own national defense so that the United States can divert a portion of the billions we spend in Europe and asia to an economic recovery plan which will revitalize our industrial base, create jobs, and maintain our standard of living. For the benefit of my colleagues, I would like to have the following chart printed in the RECORD:

DEFENSE EXPENDITURE, TOTAL, PER CAPITA, AND AS A PERCENT OF GNP. JAPAN AND THE UNITED STATES, 1972–80[1]

Year	Total defense expenditure[2] (millions of dollars)		Defense expenditures per capita in dollars)		Defense expenditures as a percent of GNP	
	Japan	U.S	Japan	U.S	Japan	U.S
1972	2,700	77,639	25	372	0.8	6.7
1973	3,800	78,472	35	372	0.8	6.1
1974	4,300	85,906	39	405	0.9	6.1
1975	4,620	88,983	42	417	0.9	5.9
1976	5,058	91,000	45	423	0.9	5.4
1977	6,090	100,928	53	465	0.9	5.2
1978	8,567	105,135	75	481	0.9	5.0
1979	10,083	114,503	87	520	0.9	5.2
1980	8,960	142,700	142,700	75	644	0.9

Source: International Institute for Strategic Studies. The Military Balance Reprinted annually in air force Magazine, December issue.

[1] Comparable figures for 1980 for West Germany were $25,120, $410, and 3.3 percent, for Great britain were $24,448, $437, and 4.9 percent, and for France were 20,220, $374, and 3.9 percent for defense expenditurer in total, per capita, and as a percent of GNP, respectively.

[2] Based on NATO definition which differs from budgetary data Japan's expenditures are converted to dollars at prevailing exchange rates (which caused the decline in 1980. ●

Mr. REGULA. Mr. Speaker, I yield back the balance of my time.

WOMEN'S HISTORY WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Ms. MIKULSKI) is recognized for 15 minutes.

GENERAL LEAVE

Ms. MIKULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. MIKULSKI. Mr. Speaker, I am pleased to address my colleagues regarding Senate Joint Resolution 28, passed by this body on July 15, 1981, which designates the week of March 7, 1982 as "Women's History Week."

I would like to acknowledge the many individuals and organizations who have made this week possible and in particular, the Congressional Caucus on Women's Issues—formerly known as the Congresswoman's Caucus—for their untiring efforts.

Across the Nation this week people will be learning about and celebrating the outstanding contributions that women have made to make this country great. Women are half of the population, and they are responsible for forming at least half of its history. And yet, any American child reading a history book in any of our school systems, would never have the slightest idea that women helped shape the founding of this country, the pioneering of this country, or the defense of this country.

But the truth remains that women's work and women's minds and women's bodies helped build this country. From the time the first ships landed at Jamestown and Plymouth Bay, women worked along with men as full partners in the hard labor of making a new life in a new land. Throughout the Colonies, American women of all races worked alongside men in the fields to plant and harvest crops, to raise children, and to establish homes.

John Adams could not have spent all that time in Philadelphia if Abigail was not at home running the farm. But while the Founding Fathers got into Independence Hall, and into the paintings and history books, the Founding Mothers got overworked and overlooked. John Adams was not exactly known for his great sense of humor—but when Abigail wrote to him at the end of her 15-hour day and asked him to "remember the ladies" in the new Constitution, he thought that was pretty funny. He patted her on the head and told her not to worry about it—and some people have gone right on trivializing women's issues ever since.

Women's rights, and women's roles in the shaping of our Nation were not funny in 1787 and they are not funny now. It was not funny that the women who worked side by side with the authors of the Constitution were not written into the Constitution. It was not funny that the Women's Temperance movement, so often portrayed as grim lipped women smashing bottles was founded by battered women trying to stop drunken beatings by their husbands.

It was not funny that the suffragettes marching on the day of Woodrow Wilson's inauguration had to be protected by the National Guard from the hostility of the crowd. It is not funny that in the year 1982 women still have no place and no protection in the Constitution of the United States.

It is time for all of us, women and men, to turn the portrayal of women throughout history into the accurate portrait of courage that it should be.

We should celebrate this week, celebrate the lives of all women, lives that were freely given to make this country a better place to live. Let us celebrate Elizabeth Blackwell, Harriet Tubman, Sojourner Truth, Mary Bethune, Susan B. Anthony, Anmarie Zakerewska, Mother Seton and Mother Cabrini.

Let us celebrate the women who were our labor leaders, doctors, lawyers, homemakers, mothers, physicists, chemists, politicians, clergywomen, bankers, and civil rights leaders. Let us join history as one people, for that is the way it happened.

Mrs. KENNELLY. Mr. Speaker, will the gentlewomen yield?

Ms. MIKULSKI. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise to join my colleagues in appreciation of Women's History Week which provides a special occasion on which to note the civic contributions of our Nation's women.

I would like to take this opportunity to celebrate the contributions made by an extraordinary woman to the people of the State of Connecticut, I speak of the late Ella Tambussi Grasso, 83d Governor of my State. Ella Grasso was a true public servant whose dedication and competence won her a place in the hearts of both colleagues and constituents.

Ella Grasso's public service began with her election in 1952 to the Connecticut House of Representatives. As a member of the house, she immediately involved herself in improving the well-being of her constituents and played a critical role in developing a State office of mental retardation.

In 1958 Ella Grasso was elected to the office of secretary of the State of Connecticut. So great was her concern for the well-being of the individual that during her three terms as secretary of the State the office became known as the people's lobby.

In 1971 Ella Grasso went to Washington as U.S. Representative from the State's Sixth District, and worked for aid for the elderly, consumer bills and health legislation. She helped draft a nutrition program for senior citizens and an Emergency Employment Act.

The national press applauded in 1975 when the people of Connecticut inaugurated Ella Grasso as their 83d Governor. She was the first woman elected in her own right to lead one of the United States. A master of the political demands of her job, she was also a warm and compassionate human being. In Connecticut households she was known simply and affectionately as Ella.

Governor Grasso's administration created a stronger department of public utility control, championed a "sunshine" law that opened many functions of government to public scrutiny, and reorganized the executive branch to make it more efficient.

Ella Grasso resigned from the office of Governor on December 31, 1980, for reasons of health. Her death on February 5, 1981, was a terrific loss to all the people of our State. In a final display of admiration and appreciation, mourners filed past Ella Grasso's casket in the State capitol for 24 hours.

Of herself she had said:

> I realized early on that if I was concerned with problems, the best way of getting them solved was to be part of the decisionmaking process. I truly have a sense of mission. Being in public service is the most important thing in my life.

Ella Grasso exemplified the finest qualities of the American tradition of public service. Her record of ability, action, and concern is an example to all who serve in elected office. She served in this great body of Congress—and was the personification of a person to celebrate in this Women's History Week.

Mrs. BOGGS. Mr. Speaker, will the gentlewoman yield?

Ms. MIKULSKI. I yield to the gentlewoman from New Orleans, La.

Mrs. BOGGS. Mr. Speaker, I am delighted to join my colleagues in today's recognition of Women's History Week.

We can all be proud that history textbooks are beginning to reflect the many significant contributions made by women in the United States throughout the years. I hope that, as a result of commemorative activities for Women's History Week around the country, even more people will learn about the personalities and special talents and the significant contributions of American women.

I am especially proud that my colleagues in Congress have been responsive to the need for information of this kind and have encouraged its development and dissemination. In 1976, as chair of the Joint Committee on the Commemoration of the Bicentennial, I was happy to fulfill their directive and help coordinate the publication of "Women in Congress: 1917-1976." This soft-bound book contains the photograph and biography of every woman elected to serve in the U.S. Congress, starting with Jeannette Rankin. My colleagues also provided extensive, bipartisan support for the resolution which made Women's History Week a reality. I might add that the Congressional Caucus for Women's Issues, formerly known as the Congresswomen's Caucus, was instrumental in bringing their support together.

It is appropriate that, today, I call to your attention several women from my State of Louisiana who have made their marks in U.S. history.

First, I would like to note that two Louisiana women have served in the U.S. Senate by appointment. Mrs. Rose Long was appointed to fill the unexpired term of her husband, Huey Long, who was assassinated in the Baton Rouge State capitol in 1935. And in 1972, Mrs. Elaine Edwards, wife of then-Gov. Edwin E. Edwards, was appointed to fill the term of Louisiana Senator Allen Ellender who died unexpectedly.

In addition, there are two very special women from Louisiana who deserve to be remembered during Women's History Week. Jean and Kate Gordon were born in New Orleans in the 1860's and were among those rare southern women who espoused the cause of women's suffrage. Together, in 1896, they founded the Era Club whose letters stood for "Equal Rights Association." The Gordon sisters had wide vision and high aspirations and also worked through the Era Club to secure the public necessities of water, sewage, and drainage. I would like to submit for the RECORD the biographies of Jean and Kate Gordon, who fought then, as we must now, for child labor laws, better working conditions, better pay, and better recognition for working women and as the founding members of ERA—the Equal Rights Association—bring full participation to American women in the political arena.

Mr. Speaker, I am including with my remarks the biographies of Jean and Kate Gordon, as follows:

Gordon, Jean Margaret (1865-Feb. 24, 1931), Louisiana social welfare and suffrage leader, was born in New Orleans, the third daughter of Margaret (Galiece) and George Hume Gordon. Her father, a teacher, had migrated from Edinburgh, Scotland, to New Orleans, where he married into a socially prominent family. For a time he operated his own school, the Gordon Academy; from 1871 until he retired he was principal of the Jackson Boys' School. Mrs. Gordon's social position afforded her five children the advantage of moving in the best circles and joining the most exclusive clubs. The three unmarried sisters became a familar trio in New Orleans. After earlier education in public schools, they graduated from Miss Shaw's School. Always together, they traveled, attended concerts, and went to services at the First Unitarian Church. Both Jean and Kate, however, rejected a comfortable life in society to labor for the cause of social justice, and Frances, the oldest of the three, was silent partner in their work. Their brothers, George H. and William Andrew, also entered fully into civic affairs and became respected and successful members of the New Orleans business community.

Jean Gordon first entered the field of social service after the death of her fiancé, Edward Jennings, in 1988. Working as a volunteer for the Charity Organization Society of New Orleans, she became aware of the harsh conditions of child labor and set out to reform them. In 1893 she interested the Era Club, a woman suffrage organization that she and her sister Kate had helped to establish (see Kate M.Gordon), in forming a committee to investigate child labor in the city. Armed with the committee's report, and with the aid of Louisiana's lieutenant governor, Jared Y. Sanders, Jean Gordon in 1896 appealed to the state legislature to revise Louisiana's ineffectual child labor law of 1886 and authorize the appointment of women factory inspectors; but the legislature refused to act. By 1906, however, she was successful in convincing a group of legislators that a new law was needed. After a vigorous campaign, in which she took her case to the people of Louisiana through the newspapers and had many citizens write or visit their representatives, the legislature passed the Child Labor Act of 1906 and added an amendment to the state constitution allowing women to become factory inspectors. Miss Gordon herself was one of those appointed, a position she held until March 1911.

As the first factory inspector in New Orleans, Jean Gordon was both adroit (she was not above using subterfuge to pursue her aims) and just. But it soon became obvious to her that the 1906 law was not stringent enough. Using the statutes of California, Missouri, Illinois, and New York as examples, she drafted a new bill which, after some compromise, was enacted in July 1908. She and other women made a speaking tour in its behalf. The following year she assisted Mayor Martin Behrman of New Orleans and Jared Sanders, now governor of Louisiana, in promoting a conference of Southern governors to deal with the problem. The conference, unexpectedly successful, became an annual affair, and by 1912 the Southern states had achieved some uniformity in laws dealing with child labor. Miss Gordon's concern with working conditions had meanwhile led her into the National Consumers' League, which she served as vice-president (1909-11) and as "secretary for the Southern states" (1912-13), helping to organize a Louisiana branch in 1913.

Through her efforts in behalf of working children Jean Gordon became interested in the plight of the mentally deficient. As president of the board of the projected Milne Asylum for Destitute Orphan Girls in 1905, she took the lead in changing the original concept of an orphan asylum into a home for retarded girls. Upon the advice of Dr. Alexander Johnson, a staff member of the training school for the feebleminded at Vineland, N.J., it was then decided to create both a detention home and a training school, and in August 1919 the Alexander Milne Home for Girls was opened. Throughout the remainder of her life, Jean Gordon served both as president of the board and as supervisor of the Milne Home. In recognition of this work she was appointed in 1922 to the administrative board of the State Colony and Training School for the Feebleminded. In 1921 she was awarded the New Orleans Times-Picayune loving cup for conspicuous service in community affairs.

Jean Gordon championed other causes. Realizing the hardship suffered by children of working mothers, she opened a day nursery in 1909 in connection with Kingsley House, the New Orleans social settlement headed by Eleanor McMain. Because she believed that professionally trained individuals were needed to carry on the work of charitable and welfare organizations, she assisted in establishing the School of Applied Sociology in New Orleans and, in 1914-15, served as lecturer and field supervisor at the school. Interested, like her sister Kate, in woman suffrage, Jean Gordon served as president of the Era Club in 1903-04 and as president of the Louisiana Woman Suffrage Association, 1913-20. During her presidency she, too, broke with the National American Woman Suffrage Association over the issue of states' rights. Like her close friend Gov. John M. Parker, she joined the Progressive party of Theodore Roosevelt in 1912, serving on its state committee.

Of all the causes that Jean Gordon championed none was more unpopular than her attack upon the New Orleans Community Chest in October 1930. She had in 1914 aided in the establishment of the city's Federation of Non-Sectarian Charity and Philanthropy and in 1921 had helped to create the New Orleans Central Council of Social Agencies, predecessor of the Community Chest. But in 1930 she became convinced that the Chest had been unfair in its allocation of funds, and, undaunted by criticism, she determined to carry out an investigation. This, however, was never completed. After an attack of appendicitis, followed by two emergency operations, she died in New Orleans in February 1931. She was buried in the Gordon family tomb in that city's Metairie Cemetery.

Both Jean Gordon and her sister Kate were energetic women with active minds and what their cohorts often called "the tenacity of the Scotch." Of the two, contemporaries found Jean Gordon the more dynamic, with a quicker wit and warmer understanding. Closely associated in much of their work, though at times differing in emphasis, the two sisters took the lead in New Orleans in awakening the sense of social responsibility among middle-class women that was a feature of Progressive reform in major cities throughout the nation.

Gordon, Kate M. (July 14, 1861-Aug. 24, 1932), suffrage and civic leader, was born in New Orleans, La., the second daughter of George Hume Gordon, teacher and schoolmaster, and Margaret (Galiece) Gordon. Like her sister Jean Gordon, Kate attended Miss Shaw's School and the First Unitarian Church and moved in the city's best society. Like her sister, she felt an urge to help those less fortunate than herself, though she chose different channels. While Jean favored direct efforts to remedy social evils, Kate Gordon felt that woman's emancipation would bring with it the uplifting of all society and to this end devoted the greater part of her energy, time, and wealth.

By the late 1890's it was clear to all New Orleans that Kate Gordon was one of those rare Southern women who espoused the cause of woman suffrage. She became a member of the Portia Club soon after it was organized in 1892 by Mrs. Caroline E. Merrick, but finding the membership too conservative, she withdrew and with the aid of her sister Jean and others founded on May 9, 1896, the Era Club (the letters stood for "Equal Rights Association"). As its dominant member, Kate Gordon made it clear that the club would work for woman suffrage, but when necessary would also sponsor social legislation and civic improvement. Its most important campaign came in 1899. Becoming convinced that the city government would do nothing on its own to correct a dangerously inadequate water and sewage system, the club called a mass meeting at which the Women's League for Sewerage and Drainage was formed with Kate Gordon as president. Taking advantage of a recent constitutional amendment which gave taxpaying women the vote on tax questions submitted to the electorate, she organized a systematic campaign at the ward and precinct level which first compiled lists of women taxpayers, then got enough signatures to put an initiative petition for a new tax and bond issue on the ballot, and finally rounded up the necessary votes (of both men and women) to carry it. Newspapers widely credited the outcome to the Women's League; their work was later honored by a bronze tablet placed in the city's new Sewerage and Water Board Building.

Kate Gordon was soon enlisted in the national suffrage movement. Called in 1900 to address the annual convention of the National American Woman Suffrage Association on her recent civic campaign, she was the following year elected corresponding secretary. She held the position until 1909, at first working at the national office in New York but after 1903, because of her mother's illness, in New Orleans, although she frequently journeyed to other states to aid local campaigns. She was influential in having the association's 1903 convention held in New Orleans, a step which gave great impetus to the movement in the South. From 1904 to 1913 she headed the Louisiana state suffrage association.

Like many Southern suffragists, Kate Gordon favored state action rather than a federal amendment, sharing her section's states' rights convictions and its fear of any further precedent for federal control of voting requirements that might threaten the existing disfranchisement of the Negro. When by November 1913 a federal suffrage amendment began to seem a real possibility, Kate Gordon organized the Southern States Woman Suffrage Conference to combat it and press instead for state action. As president she directed the new group in a vigorous campaign of publicity and political pressure (backed financially by Alva Erskine Vanderbilt Belmont of New York) that culminated when she won from the Democratic National Convention of 1916 a platform endorsement of state suffrage. From 1913 until its demise in 1917 Kate Gordon gave her full time to the Conference, editing its monthly paper, the New Southern Citizen. She nevertheless retained close ties with the national suffrage organization until that body voted in 1916 to subordinate state work to federal. The great majority of Southern suffragists came to accept the idea of a federal amendment, and all but a handful worked for the ratification of the Nineteenth Amendment once it was passed, but Miss Gordon joined with antisuffragists to defeat it in Louisiana and even lobbied, with Laura Clay of Kentucky, in a last-ditch attempt to block the crucial Tennessee vote that put the amendment into effect.

Long interested in the control of pulmonary tuberculosis in Louisiana, Kate Gordon had as early as 1906 been instrumental in establishing the New Orleans Anti-Tuberculosis League, and shortly thereafter she had spearheaded the movement for the founding of its Camp Hygeia, located outside the city. After 1919 she turned her efforts toward a tuberculosis hospital that would care for all citizens regardless of race or social position and which would have a permanent clinic for education and diagnosis. She and her associates achieved their goal in 1926, when the New Orleans Anti-Tuberculosis Hospital was erected; Kate Gordon served as vice-president until her death.

Other causes, too, enlisted Kate Gordon's support. She aided in establishing in New Orleans a Society for the Prevention of Cruelty to Animals (1888) and a Travelers Aid Society (1908). She fought for a law to set a minimum standard of education for nurses in Louisiana and for the admittance of women to the medical department of Tulane University. She helped in the creation of the city's first permanent juvenile court (1921) and of the New Orleans Hospital and Dispensary for Women and Children (see Sara Tew Mayo). After her sister Jean's death she became president of the board and superintendent of Milne Home, and she continued her sister's fight for an investigation of the Community Chest's budget. Like her sister she did not live to see this completed. She died in New Orleans of a cerebral hemorrhage at the age of seventy-one and was buried in the Metairie Cemetery.

Mr. MARKS. Mr. Speaker, will the gentlewoman yield?

Ms. MIKULSKI. I am happy to yield to the gentleman from Pennsylvania.

Mr. MARKS. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I just wanted to mention that I was very pleased and privileged to be on the floor while the gentlewoman spoke as she did a moment ago, and I would like to add that I share her sentiments and join her in what she has done in the past in fighting for women's rights. I also suggest to the gentlewoman that I will continue to work with her to see to it that we are successful.

Ms. MIKULSKI. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. MARKS) for his comments, and I thank all of the good men who have joined us in our struggle over the years, because just as our issues are often minimized and trivialized and subjected to ridicule, we find that those who then join our cause often suffer the same type of diatribes. We thank them for their efforts.

● Mr. BARNES. Mr. Speaker, I am pleased to participate in this commemoration of Women's History Week by honoring one of the most distinctive individuals in the history of Montgomery County, Md., Lavinia Engle.

Miss Engle, the first woman to represent Montgomery County in the Maryland House of Delegates, was also a highly esteemed official of the Federal Government during Franklin Roosevelt's Presidency and a lifelong crusader for women's rights. She was born in 1913 in Forest Glen, Md. Her father was a Treasury Department official; her mother, who once testified before Congress with Susan B. Anthony, was the first president of the Montgomery County League of Women Voters. On March 31, 1913, as a 21-year-old graduate of Antioch College, Miss Engle joined Alice Paul and thousands of other women in a march down Pennsylvania Avenue to Capitol Hill to dramatize the effort to obtain the vote for women. She later joined the push for integration of women into the existing political system, alining herself with the National American Women Suffrage Association rather than the more militant Women's Party of Alice Paul, saying that her weapons were "justice, logic, and persuasion." She worked as an organizer and field secretary with the association from 1913 until 1920, traveling throughout the country on behalf of the women's vote. Once, she rode on muleback up a dry creek bed in West Virginia to argue—successfully—with a legislator for his support for a suffrage amendment to the State's constitution.

During World War I, Miss Engle helped organize a suffrage field hospital staffed entirely by women. Later, she went to Europe with the YMCA Canteen Service and helped run canteens in France, Belgium, and occupied Germany.

The National American Women Suffrage Association became the League of Women Voters in 1920, the same year the 19th amendment went into effect giving women the vote, and from 1921 to 1936, Miss Engle served as executive secretary of the Maryland League. During Miss Engle's years in office, the league investigated a variety of social problems and lobbied for health services and similar programs for women and children.

In 1930, Miss Engle became the first woman to represent Montgomery County in the Maryland House of Delegates. She served in the House from 1930 to 1934 and was the first woman to become a member of the Ways and Means Committee.

During the mid-1930's, Miss Engle was a member of the Montgomery County commission, serving on a special commission on the reorganization of the executive department, on the Maryland State Commission on Higher Education, and as chairman of the Montgomery County welfare board.

In 1932, Miss Engle, a Democrat, headed the speaker's bureau of Roosevelt's first Presidential campaign and in 1936, when the Social Security Act passed, Secretary of Labor Frances Perkins asked her to be in charge of field services for the new agency. Miss Engle became a regional director of the old Social Security Board and remained with the board and its successor agencies until her retirement in 1964.

Miss Engle remained active in politics throughout the last years of her life, serving as a member of the Montgomery County Commission on Aging and as a delegate to the White House Conference on Aging in 1972. She was indeed, as she liked to call herself, an "early crusader" for the full participation of women in government.●

● Ms. OAKAR. Mr. Speaker, it is a particularly relevant time to be looking at women's place in history. The importance of recognizing women's historical contribution to the creation and growth of our society is essential to gaining respect and recognition for current initiatives and contributions. There is strength to be derived from this reminder and fortification from this celebration. This is an important time for that show of support.

It is our responsibility as legislators to future generations of women to recognize the meaningful contributions for our foremothers—the project an accurate legacy, not the insufferable stereotype of the marginal woman. The image of women in history must not remain as a "marginal being" contributing only to men's ability to make history. We are makers of history in our own right, and deserve recognition as such. Please join with me in lending support for "Women's History Week."●

● Mr. MATSUI. Mr. Speaker, in celebration of Women's History Week, I am proud to rise in salute of two women from the State of California who pioneered women's entry into the professional fields of architecture and law. Their contribution to California's heritage must be measured both by their historic breakthroughs of professional entry barriers and by their permanent endowments of the arts and letters of the Golden State. The people of California are enriched today because these two women dared to challenge.

The first woman architect in California was Ms. Julia Morgan, born in San Francisco in 1872. Her hometown was one of the primary beneficiaries of her professional skills, including when immediately after the 1906 earthquake Ms. Morgan rebuilt the demolished Fairmont Hotel as her personal testament to the resurrection of San Francisco. It is most appropriate that this city benefited from her services as it fostered their very development. Ms. Morgan was the first woman to graduate from the San Francisco-based State Institute of Mechanical Engineers. This training subsequently led to her graduation in architecture from the prestigious Ecole des Beaux-Arts in Paris. Again, she was the first American woman to graduate.

Her return to San Francisco and her association with the architectural firm of Maybeck & Howard commenced her professional career which subsequently was to span a period of 50 years. During this time she applied her skills to over 300 public buildings and 600 private residences. Her crowning achievement was Hearst Castle in San Simeon which consumed 27 years of her artistic energy. These edifices serve today as lasting evidence of the imagination and creativity of the first California woman who dared to challenge the entry barriers of her chosen profession.

The first woman lawyer of California was Clara Shortridge Foltz. As a young widowed mother of five, she realized that she could best provide for her family as a lawyer. She petitioned and challenged the admission process at Hastings College and was finally admitted in 1879. As a graduate of this law school, I am pleased that Hastings was the focus of this historic breakthrough.

Ms. Foltz' professional career was far from timid. She maintained offices in four California cities, while leading the crusade to improve the laws controlling charities and corrections. The first public defender program in California was established under her supervision.

Her professional career reflected her social awareness. She was a leader in the women's suffrage movement, was the campaign director for her brother's successful election to the U.S. Senate, and was herself a candidate for Governor in 1930. Today women are still benefiting from her commitment. California's progressive divorce laws are a direct result of her unfailing dedication. Better legal equality for today's women serves as lasting evidence of the concern and care of the first California woman who dared to challenge the entry barriers of her chosen profession.●

● Mr. GUARINI. Mr. Speaker, in commemoration of Women's History Week I would like to memorialize the life of a woman born in my district who was not only an outstanding educator in her own right, but who helped many women realize their educational goals in a time when educational opportunities were scarce.

Mabel Smith Douglass was born to colonial Dutch parents in Jersey City, N.J., on February 11, 1877. Throughout her life she was devoted to study and to improvement of the institutions of education. After attending public elementary and high schools in Jersey City, she entered Barnard College, graduating in 1899. For the next 3 years she taught in New York City public schools. On April 14, 1903, she was married to William Douglass, a wholesale produce merchant in Jersey City. They had two children, Edith and William.

In 1911, while serving as president of the College Women's Club of Jersey City, Mrs. Douglass became interested in a movement initiated by the State Federation of Women's Clubs to make Rutgers coeducational. When she found that the Rutgers trustees opposed full coeducation but favored an affiliated women's college, she began to raise funds for the effort, and support mounted as influential individuals and groups were won by her enthusiasm. In May 1918 the Rutgers trustees voted to establish a separate women's college under its charter and Mrs. Douglass became the first dean.

During the first year she recruited students, worked on curriculum problems, and helped transform a leased private residence in New Brunswick into the New Jersey College for Women, which opened with 54 students. When Dean Douglass retired 14 years later, the campus had expanded and over a thousand young women were attending classes.

Two principal reasons for this success were Mrs. Douglass' unrelenting purpose and her strong personality. Her goal was to build a college where girls from New Jersey could get the highest quality liberal arts and vocational educations without traveling out of the State.

In 1919 control of the new institution was vested in a board of managers appointed by the Rutgers trustees. In practice, however, responsibility and power rested with Dean Douglass, who untrammeled by precedent or tradition, gave her regime a highly personal character. From 1919 onward she continued to retain the financial support of her backers and successfully lobbied for funds before the legislature.

Though she divided her time between her work as a member of the Senate board of education and the college, the New Jersey College for Women remained her main concern. Her conscientious attachment to duty, along with the tragedy of her son's early death undermined her health and led to her comparatively early retirement at the age of 56. Following her death in 1933 the New Jersey College for Women was renamed the Douglass college in her honor.

I ask my colleagues to join me in saluting the women who have made the world richer through their contributions, both in New Jersey and throughout the United States. Through the skill and determination of citizens like Mabel Douglass our country has been made stronger, and our heritage has been enriched.●

● Mr. **AuCOIN**. Mr. Speaker, in my home State of Oregon, and in many other States across this country, events celebrating National Women's History Week are taking place this week. As a cosponsor of the resolution which established this special week of recognition, I am happy to join my friends here on the floor to note the achievements and courage of the women who contributed so much to this country, with so little recognition.

The biographical dictionary, "Notable American Women," only describes the lives of two Oregon women—Abigail Scott Duniway and Blanche Lyon Bates. Most schoolchildren have never heard of these pioneers. I am confident that what we do here today will give them a better perspective on American history, and hopefully some new heroes.

I would like to take a few minutes to recognize and record for future history text authors the lives of some Oregon women—women who crossed the breadth of the United States in search of a better life or a new adventure in the wilderness of the Oregon territory.

Abigail Scott Duniway, born in 1834, wrote the first full length novel written in the Pacific Northwest, "Captain Gray's Company," a fictional description of her 2,400 mile westward journey from Indiana. She established a weekly newspaper, the New Northwest, to promote equal rights for women. In 1873, 2 years after she managed Susan B. Anthony's 1,000-mile speaking tour in the Northwest, she founded the Oregon Equal Suffrage Association. Her lectures and inexhaustible energy are largely responsible for attaining the vote for western women. She was also a dedicated wife and mother who worked to support her family after her husband was disabled by a runaway team.

Blanche Lyon Bates was an actress born in 1873, the daughter of two actors in a traveling company. Her first efforts to take New York by storm were unsuccessful, but after 3 years of experience in western theatres she decided to give it another shot. For her successful role as Miladi in "The Musketeers," the producers Liebler & Co. signed her to a 5-year contract at the amazing salary of $20,000 a year, and she later won fame as the original "Madame Butterfly." Amidst the glitter and glamour of an actress' life, she too was a devoted mother and wife.

Tabitha Brown, perhaps one of this country's first "Gray Panthers," founded a boarding school when she was 71 years old which is now Pacific University. Marie Aloe Dorion, an Iowa Indian, was the first woman plains crosser to settle in Oregon. Narcissa Whitman helped establish the Wailiatpu Mission where she taught and managed the school. Frances Fuller Victor authored the first comprehensive history of the State of Oregon. Caroline Gleason, a young woman who later became Sister Miriam Theresa, worked in Oregon's factories where she kept a journal about the hardships women and children endured at work—resulting in the first minimum wage and hour law in the Nation.

Martha Anderson wrote an early history of black pioneers in the Northwest. Nan Wood Honeyman was Oregon's first Congresswoman. Isabelle Logie Moar was my State's first nurse practitioner. Elizabeth Lord, a landscape architect, helped plan Oregon's Capitol Mall. Mrs. C. B. Shelton became the first woman Governor of Oregon. Oregon's first woman physician, Dr. Bethenia Owens-Adiar, completed two medical degrees. Margaret Jewett Bailey, Oregon's first divorcee wrote an autobiographical account of her life as a victim of her husband's battering. Frances E. Willard, a teacher and suffragette, is remembered by State law in a school holiday each October 4.

Then there was Sacajawea. "A fine example of a working mother with a husband that did not carry his part of the load", in the words of Nancie Fadeley, a former member of the Oregon House of Representatives who has spent many many hours of research on Oregon's forgotten women.

These are just a few names to add to the ever-growing list of great American women. Not all were wives and mothers, but most were. They also had careers of their own. Their dedication and energy should be recognized, and when this week is finished, the task should be much easier for whomever takes it upon themselves to update that bibliography I mentioned earlier.●

● Mrs. **HECKLER**. Mr. Speaker, it is both a privilege and pleasure for me to join with my colleagues in this chamber to recognize Women's History Week.

This week, March 7-13, gives us the opportunity to focus, in 7 days, on what historians need to concentrate 365 days of the year—women's role in history.

Women's role spans race, class, and ethnic background. It includes every socio-economic contribution. Nonetheless, it "has been consistently overlooked and undervalued in the body of American history," which is why we rise on the floor of the House today.

When I spoke on July 15, 1981, for passage of House Joint Resolution 162, to authorize Women's History Week, I pointed to numerous women in the Commonwealth of Massachusetts who had been "overlooked and undervalued":

Abigail Smith Adams, who counseled her husband, John, second President of the United States, to "remember the ladies, and be more generous and favorable to them than your ancestors";

Louisa May Alcott, who contributed 270 books and short stories to American literature;

Susan B. Anthony, who fought for women's suffrage, civil rights, temperance, and better wages and conditions for workers;

Elizabeth Cabot Cary Agassiz, who was the first president of Radcliffe College;

Emily Dickinson, who was one of the greatest poets of the 19th century;

Ludia Folger Fowler, a physician who was the second woman in America to receive a medical degree;

Margaret Fuller, an outstanding author, critic, teacher, and feminist, who wrote for the New York Tribune;

Josephine Shaw Lowell, who was one of the most influential persons in the charity and reform movement of her generation;

Mary Lyon, who used her inheritance and fund-raising abilities to found Mt. Holyoke College;

Frances Perkins, who, as Secretary of Labor, was the first woman Cabinet member in this Nation's history;

Lucy Stone, who was the first woman in Massachusetts to take a college degree and who established the Women's Journal, the voice of the women's movement for 47 years; and

Phillis Wheatley, who was the first black woman poet in America.

In addition, because members of the Congressional Caucus on Women's Issues have selected individual women in their regions to honor in recognition of this week, I would like to comment upon Elizabeth Pole, who in the 1830's purchased the town of Taunton, Mass., from the local Indian tribe "for a jack knife and a pot of beans." The first woman to found a town or city in the United States, she was sought after for her advice and counsel by Gov. William Bradford of the Plymouth Bay Colony.

Women's History Week not only commemorates the fact that women like these have helped develop our society but also that women are contributing to it today. History is being made, as we speak, by female scientists, factory workers, teachers, business owners, homemakers, nurses, religious leaders, home economists, writers, judges, and politicians. In recognizing women's achievements in the past, we also honor those of the present and look to those of the future, in every field of endeavor.●

● Mr. FAZIO. Mr. Speaker, it is most appropriate that we designate one week out of each year as Women's History Week, for this provides us with an opportunity to pause and reflect upon the innumerable contributions that women from all walks of life have made to building our Nation and bettering our world.

Rarely do time, events, and individuals converge to create greatness. Only a very few transcend momentary recognition. As Eleanor Roosevelt or a Golda Meir, a Florence Nightingale or a Madame Curie, a Jane Austen or an Elizabeth Barrett Browning—these are women that will long be lauded.

But what of others? What of individuals who quietly and unselfishly gave of themselves without desire for, or expectation of, recognition and reward; those whose lives and deeds were devoted to the betterment of all around them? California history is filled with narratives of pioneer women who toiled endlessly to shape and mold an untamed land into a productive and civilized society. These women were imbued with the spirit and drive to succeed.

It was out of this inbred determination that women like Eleanor McClatchy emerged. She became chairman of one of the most influential newspapers companies in California, having succeeded her father as president of McClatchy newspapers in 1936. Her grandfather, James McClatchy, founded the first of the corporation's publications, the Sacramento Bee, in 1857.

When she died in 1980 at the age of 85, she had long been regarded as one of the most powerful women in the West. Yet, she was a woman of quiet demeanor, an unpretentious woman who never sought the limelight, but one with endless drive and creativity. She loved the arts and brought many ongoing theatrical events to Sacramento. She founded the Summer Theater in the Round and the Little Theater group. She gave to many charities, yet requested no recognition for her efforts. She inspired great loyalty among her employees and great respect, appreciation, and admiration among the citizens in and around Sacramento County.

Her contributions may not go down in the annals of recorded history, but she has indeed left a living legacy. She enhanced the quality of life for her generation and generations to come.

Women's History Week is an appropriate time to pay tribute to Eleanor McClatchy and to all women who enrich the world around them. This is a week to remember and to recognize.●

● Mr. WEISS. Mr. Speaker, I wish to commend our colleague from Maryland (Ms. MIKULSKI) for arranging this special order commemorating Women's History Week, March 7-13.

I am pleased to have this opportunity to take special note of women's role in U.S. history. The variety and volume of women's contributions require wide acknowledgment throughout the year.

We have consistently overlooked and undervalued women's role in the history of our Nation. History courses, as they have been taught in our schools and universities, have largely ignored the achievements of women. Instructors, for the most part, have neglected the female role in shaping history, and textbooks have portrayed women almost exclusively as traditional helpmates to men.

Yet women have played and continue to play a critical role in every sphere of our national life through their work both outside and inside the home. Women have served as early leaders in every major social change movement in this country. Individual American women who deserve our attention include Anne Hutchinson, a reformer and leader of women; Sojourner Truth, a courageous abolitionist; Susan B. Anthony, an international political leader; Elizabeth Blackwell, the first woman medical doctor in the United States and a pioneer in hygiene and medical education for women; Margaret Sanger, a pioneer advocate of birth control; and many others.

Despite these contributions, the male role has been featured almost exclusively in our historical records. As a result, we have a lopsided view of the past in which women are relegated to an inferior position. Without more education about women in history, progress will be slow in advancing women toward equality in our society.

Today women are still the majority of our executive secretaries but few of the executives. They are still far more likely to be nurses than surgeons. They comprise only small proportions of our political leadership—only 2 percent of our U.S. Senators, 4 percent of the U.S. Representatives, 6 percent of State senators, and 14 percent of State representatives.

Breaking down the historical stereotypes takes more than a general acknowledgment that the goal is a worthy one. It also takes concerted efforts to introduce this information to society and draw attention to the need—efforts such as this designation of Women's History Week. The more we acknowledge women's contributions to history, the more we will free ourselves to view the shaping of our future destiny as a task for which men and women bear equal responsibility.●

● Mr. FISH. Mr. Speaker, I am delighted and privileged to join my colleagues in commemorating Women's History Week.

It is with a great sense of pride that I have the opportunity to memorialize one of America's earliest woman business executives, a former constituent of the 25th District of New York which I represent, Margaret Getchell LaForge.

Entering the job market as cashier for an exclusive dry goods store in New York City at the age of 19, Miss Getchell displayed an astute business sense. This experience facilitated her later advancement in the R. H. Macy store, an establishment of a distant relative.

Her marriage to Abiel T. LaForge of Fishkill, N.Y., a lace buyer and subsequent partner with the Macy Co., further solidified her association with the store.

As Macy's superintendent, Margaret Getchell LaForge oversaw routine affairs, supervised employees, and handled customer disputes. She also exerted considerable influence in the direction of policy by introducing several new lines of merchandise.

Forming a business team with her husband, Margaret Getchell LaForge provided innovative management expertise in the early years of Macy's & Co. while living above the store and working well into the night on inventory and accounts.

Her assertiveness, keen business intellect, and integrity will be remembered today, as a true pioneer in our country's business history. Her success stemmed from her ability to employ the necessary administrative and marketing talents for the creation of an urban department store.

During this week commemorating women's contributions to American history, the accomplishments of Margaret Getchell LaForge are certainly noteworthy.●

● Mr. CONTE. Mr. Speaker, it is a great honor for me to stand before you today to commemorate Women's History Week. As a member of the Congresswomen's Caucus, I am proud to be a part of a group which is dedicated to making known outstanding accomplishments of women from the past.

There have indeed been many great women who have profoundly affected our history, but today I would like to focus attention on one particular individual, Susan B. Anthony. Ms. Anthony was, as I am sure you are all aware, the first actual woman to be honored by having her likeness minted on an American coin. Rooted in the realities of the 19th century struggle to reform democracy and society, Ms. Anthony's personal history is an inspiring model of dedication, perseverance, and courage.

Susan B. Anthony began her life in 1820 in the western Massachusetts town of Adams, which is in my First Congressional District. She grew up under the strong influence of her father, a Quaker who was known to be quite progressive. His firm moral convictions were deeply rooted in young Susan so that when she became an adult she would voice her opinions in favor of abolitionism, temperance, and her greatest cause—women's suffrage.

American women were to wait 48 years after Ms. Anthony first began the call for women's suffrage before they would have the right to vote in Federal elections. However, her actions, lectures, and organizing activities were instrumental in laying the groundwork for ratification of the 19th amendment. She was the organizer of the National Women Suffrage Association and was later the president of the National American Women Suffrage Association, formed by the merger of the two leading women's groups of the day.

When she died in 1906, the battle for women's suffrage had remained unfinished, and the struggle for complete equality continues today in our courts, our legislatures, and our society at large, but her efforts to change our attitudes and laws remain a significant contribution to this Nation's progress.

It is fitting that during Women's History Week we remember great accomplishments of great human beings like Susan B. Anthony. While it is important to look back, I would like to close by looking to the future. The accomplishments of women like Susan B. Anthony will enable women in the future to carry on in Ms. Anthony's tradition and for the cause of women's equality.●

● Mr. CORRADA. Mr. Speaker, I am pleased to join my colleagues today in commemorating Women's History Week.

As a member of the Congresswomen's Caucus, I take special pride in paying tribute to the women in our history, for so often little attention and honor has been showered on them.

Unlike the traditional view shared by many about Latin women, Puerto Rican women have always been a strong presence and force throughout our history. I would like to bring to your attention a few contemporary Puerto Rican women who have achieved recognition in their respective fields.

Evangelina Colón: leading soprano with the New York City Opera Theater;

Miriam Colón: founder to New York's Puerto Rican Traveling Theater, the first Hispanic-American theater on Broadway;

Carmen Delagado Votaw: principal U.S. delegate and president of the Inter-American Commission of Women. Served as cochairperson of President Carter's National Advisory Committee for Women;

Sister Isolina Ferré: known internationally for her work with youth and the needy. She was a member of the U.S. delegation to the World Conference of United Nations Decade of Women and member of the National Advisory Council on Women's Educational Programs;

Felisa Rincón de Gautier: mayor of San Juan from 1946 to 1968. One of the founders of the Popular Democratic Party. A recipient of the Golden Medal of Honor from Spain, the Joan of Arc Medal from France, the Simon Bolivar Medal from Venezuela, and the Jane Adams Medal from the Federated Women's Clubs of America;

Josie de Guzmán: star of Broadway stage, acted in the role of Maria in the 1979 revival of "West Side Story";

Marifé Hernández: chief of protocol for New York in the Carter administration;

Marta Istomin: artistic director of the John F. Kennedy Center for the Performing Arts. She helped her late husband, Maestro Pablo Casals, in establishing the Casals Festival. An accomplished musician, she has served as visiting cello professor at Curtis Institute of Music in Philadelphia. Married to renowned concert pianist Eugene Istomin;

Sonia Manzano: popular star on "Sesame Street" where she portrays the role of Maria;

Rita Moreno: the only performer in the history of American show business to win all four of its most prestigious awards: the Oscar, Emmy, Tony, and Grammy.●

Ms. MIKULSKI. Mr. Speaker, I would like to enter the following biographies of women in American history into the RECORD for my colleagues and for others who are interested, to read. These women represent a broad cross-section of race, geography, and class. Each one has made a unique and lasting contribution to the history of this great Nation. I submit them as representatives of all the women throughout history who have been mothers, sisters, leaders, scientists, farmers, doctors, and all other occupations.

They include: Juliette Gordon Low, founder of Girl Scouts; Alice Paul, founder of the National Woman's Party, author of the ERA, and community leader; and Mary F. Handy, organizer and administrator.

In addition, I am submitting a statement by Mary H. Purcell, president of the AAUW, which discusses some of the challenges women face today.

HOW GIRL SCOUTING IN THE UNITED STATES BEGAN

Girl Scouting in the United States was started by a very unusual woman named Juliette Gordon Low. Juliette's nickname all her life was "Daisy." She was given this nickname shortly after her birth, when an uncle said, "I bet she's going to be a daisy!"

Daisy was born in Savannah, Georgia, on October 31, 1860. This was only a few months before the Civil War between the North and the South began. By the time the war ended, Daisy was almost four and a half years old.

Her first years were a confusing time for Daisy because her mother was from the North and her father was from the South. She had relatives fighting on both sides in the war. She and her mother spent some of the time in Chicago, with their northern relatives, because it wasn't safe for them to stay in Georgia during the war.

After the war, Daisy and her family returned to their home in Savannah. They spent their summers in the country.

Daisy enjoyed making up her own games, writing and acting in plays, drawing pictures, and playing with her pet animals.

Daisy and her brother and sisters had many projects. They sold a special drink called "peach gobble." They played "streetcar," riding down to the river in a goat cart or a donkey cart. They paid for their rides with paper money they made themselves.

Daisy put on plays and charged admission to raise money to help the Indians. Her grandfather up north had been an important friend to the Indians, and she had become their friend, too.

Daisy also started a magazine that lasted five years. It was special because only children could write and draw pictures for it. They all took the pen names of flowers, and, of course Daisy used her own name.

She spent her winters at boarding school, where she was a good student and well-liked by the other girls. She had a special talent for art, and drawing was her favorite subject.

Daisy loved to form clubs. She once started a club called "Helping Hands." She decided to be the sewing teacher for the club, but she didn't know how to sew. The club members were nicknamed the "helpless hands" before they all finally learned to sew!

Daisy was a very active girl. She enjoyed sports and being out-of-doors. She loved to play tennis and was a very good horseback rider.

Daisy married Willie Low in 1886. She chose to be married on the same date as her parents because she hoped to have a happy family life like theirs. After that, she went to live in England and traveled a lot.

Two very sad things happened to Daisy. When she was a teenager, an ear infection left her partially deaf in one ear. Then, on her wedding day, a guest threw some rice at her for good luck, and some of the rice went into her other ear. When a doctor tried to remove it, Daisy became totally deaf in that ear.

Juliette Gordon Low was not one to be stopped by a handicap. Wherever she went, she was the life of the party. People loved to listen to her, and they enjoyed visiting her home because she was so friendly.

Daisy loved animals all her life and had many pets. Whenever she saw an animal that was sick or hurt, she tried to help. She was just as helpful when it came to people. Often she would slip away from her family to visit someone who was old or sick.

After her husband's death, she studied sculpture. In May 1911, she went to a luncheon in England, where she met Sir Robert (later Lord) Baden-Powell, the founder of Boy Scouting. Lord Baden-Powell, or "B.P." as he was called, had started Boy Scouting in 1908. At a rally in England, two years later, he found that girls, too, were interested in becoming Scouts.

At the rally, B.P. saw a group of girls wearing the shirts and the hats of the boys' uniforms with long skirts. The girls were marching behind the boys. When he asked them who they were, they replied, "We're the Girl Scouts." With so many girls becoming Scouts, B.P. decided the answer was an organization for girls. He asked his sister Agnes to help him start Scouting for girls that year. It was not easy for Agnes to start Scouting for girls. When she began in 1910, girls were not allowed to join in many of the activities that you do today. B.P. rewrote the handbook, *Scouting for Boys*, and called it *How Girls Can Help to Build Up the Empire*. The name was changed from "Scouts" to "Guides" for use by the girls' movement.

When Baden-Powell visited Daisy in Scotland in August, 1911, she heard about the Scouting movement for girls. She was so excited she began a Scottish Girl Guide troop. The seven girls in the troop visited her house on Saturday afternoons. Some of them walked as far as six miles to the meetings.

They had fun learning knots, flag history, the Girl Guide laws, knitting, cooking, first aid, map reading, and how to send messages by signals. Daisy tried to prepare the girls to earn a living. She helped them learn useful skills such as raising chickens and spinning. She started other Girl Guide troops in London before sailing to America to begin the first American Girl Guide troop.

When Daisy arrived in Savannah, she phoned her cousin, Nina Pape, and said, "Come right over! I've got something for the girls of Savannah, and all America, and all the world, and we're going to start it tonight!"

After hearing the story of the British Girl Guides and how much they learned both indoors and out-of-doors, Nina was impressed. As a teacher, she thought that some of the girls at her school would be very interested in Scouting. So the word spread, and on March 12, 1912, 18 girls met at Daisy's house to form a Girl Scout troop.

The girls made their own uniforms without using patterns. Their long skirts and blouses of dark blue, with light blue ties, were copied from pictures of the British Girl Guide uniforms. Their badge patches were also handmade. The Savannah troop grew fast, and soon other troops were started in the Savannah area and in other parts of the United States.

Besides making their own uniforms, Juliette Low's first Girl Scout troop worked on Girl Guide requirements. They learned the Girl Guide law, played games, went on nature hikes, did bird watching, and kept bird books. With other troops in Savannah they started an inter-troop basketball league. They played on a court set up on a vacant lot across from Juliette's house.

Camp Lowlands, the first Girl Scout camp, was started that summer, and some of the girls in Daisy's troop went camping.

Daisy changed the name of the American Girl Guides to Girl Scouts in 1913. That same year, she decided to set up a national organization with headquarters in Washington, D.C. At that time, the girls decided to change the color of their uniforms from blue to khaki because khaki didn't show the dirt as much.

For the rest of her life, Daisy traveled and shared her ideas and dreams with millions of girls everywhere.

Daisy died in 1927. The Juliette Low World Friendship Fund was started a few months later to honor her and her vision of worldwide friendship. Every year, Girl Scouts all over the United States give money to this Fund—usually on Juliette's birthday or on Thinking Day (see page 29). Part of the money is used to send Girl Scouts to other countries and to bring Girl Guides to the United States. The other part goes to the Thinking Day Fund set up by the World Association. It is used to help Girl Scouts and Girl Guides all around the world.

Few women have been honored as much by the United States Government as Juliette Low. During World War II, the government named a liberty ship after her. In 1948, there was a Juliette Low United States postage stamp. In 1974, Daisy was also honored by her own state of Georgia, with a bust of her in the Georgia Hall of Fame.

Juliette Low is remembered as a woman who worked for peace and good will. Her dream was to have young people make the world a friendly, peaceful place. She wanted young people to understand themselves and others. She wanted to give something special to the girls of the world, and that was Girl Scouting.

FOLLOW IN DAISY'S FOOTSTEPS

Would you like to follow in Daisy's footsteps by doing some of the things she did as a girl? These are some things you could do:

Start your own children's magazine, just as Daisy did.

Make your own book about Daisy. Be both author and artist. (See page 282 for some pointer on bookbinding.)

Try your hand at sculpture and painting. Donate your art work to a local center.

What are some other things you could do?

Everybody likes to celebrate a birthday. Girl Scouts have three very special birthdays to celebrate:

October 31: Juliette Low's birthday (also known as Founder's Day).

February 22: Thinking Day, the birthday of both Lord Baden-Powell and Lady Baden-Powell, the World Chief Guide.

March 12: The birthday of Girl Scouting in the United States of America.

JULIETTE LOW'S BIRTHDAY

Girl Scouts honor Juliette Low on her birthday in many different ways. These are some things you might want to do:

Put on a play, skit, or puppet show about Juliette's life for younger girls or another troop.

Make a picture display of Juliette's life or the history of Girl Scouting.

Learn some Girl Scout and Girl Guide songs, and sing them at a neighborhood gathering.

Invite another troop to celebrate with you and have a party.

Hold a Scout's Own (see page 37) or a candlelight ceremony (see page 36).

Give money to the Juliette Low World Friendship Fund.

BIOGRAPHICAL SKETCH—ALICE PAUL

(Compiled and edited by Elizabeth Chittick)

Alice Paul, best known as the founder of the National Woman's Party and author of the Equal Rights Amendment, devoted her entire life to the fight for equal rights for women.

She was born in Moorestown, New Jersey on January 11, 1885, daughter of Quaker parents, William Mickle and Tacy (Parry) Paul. Pursuing extensive education in both social work and law, by 1928 Alice Paul had earned her B.A. (1905 Swarthmore College), M.A. (1907 University of Pennsylvania), Ph.D. (1912 University of Pennsylvania), LL.B. (1922 Washington College of Law), LL.M. and D.C.L. (1927-8 American University).

In 1907, after two years as a resident social worker in the New York College Settlement, Alice Paul went to England to study and work at the Woodbrooke Settlement for Social Work in Birmingham. It was during her stay in England that she met Emmeline and Christable Pankhurst and began her life long advocacy for women's rights. Her connection with the suffrage campaigns led to her imprisonment twice in England and once in Scotland.

Following these experience, she came to Washington, D.C. in 1912, bringing new life to the ebbing suffrage movement in the United States. The national American Woman Suffrage Association (NAWAS) was at an all time low. Alice Paul asked the NAWSA for authority to set up headquarters in Washington and with their permission did so. She immediately felt the need for some sanction stronger than a local committee. Therefore, she formed the Congressional Union for Woman Suffrage, the sole purpose of which was to work toward a suffrage amendment to the United States Constitution. A rift grew between the parent body (NAWSA) and the new organization stemming from the Congressional Union's decision under Alice Paul's direction, to hold the "party in power" responsible for passage of the national amendment while NAWSA chose to continue working through the states. Subsequently, the Congressional Union for Woman Suffrage became the National Woman's Party with Alice Paul serving as its national chairman until the conclusion of the suffrage campaign in 1921.

Alice Paul was an activist with a flair for the dramatic, organizing parades and demonstrations with banners and costumes. In 1913 a parade of some 5,000 women marched down Pennsylvania Avenue to the White House the night before President Wilson's inauguration. Alice Paul and several of her followers were jailed for their suffrage activities in 1917. While in jail, Alice Paul went on a hunger strike that lasted for over three weeks. As a result she was force-fed. Such severe treatment of the imprisoned women drew angry public response and national recognition of the suffrage issue. More hunger strikes followed and unceasing political pressure was brought to bear just before the 1920 election. Finally, in 1920 the 19th Amendment to the U.S. Constitution, the Susan B. Anthony Amendment guaranteeing equal suffrage, was passed and U.S. women had the right to vote.

In 1923, after winning the struggle for the right to vote and knowing that the struggle for equality was not yet over, the National Woman's Party held a commemoration of the 1848 Seneca Falls Equal Rights Convention. At this anniversary meeting the National Woman's Party passed a resolution to further the rights for women first demanded by Elizabeth Cady Stanton and Lucretia Mott 75 years earlier. The resolution of the National Woman's Party to work for the passage of the Equal Rights Amendment written by Alice Paul resulted in the introduction into Congress in 1923 of the first Equal Rights Amendment to the United States Constitution ever proposed for women. Alice Paul called this the Lucretia Mott Amendment. The original version read: "Men and women shall have equal rights throughout the United States and in every place subject to its jurisdiction."

There was much opposition to the Equal Rights Amendment, not only from expected sources, but also from other women's organizations who felt satisfied with the victory that had been won granting the right to vote. These organizations were concerned that the Equal Rights Amendment would render invalid all of the protective state laws governing the rights of women, especially those regarding women's labor.

Alice Paul, who was ahead of her time in perceiving that most "protective" legislation only furthered discrimination, worked relentlessly for the passage of the Equal Rights Amendment. Under her leadership, the valiant and courageous women of the National Woman's Party succeeded in getting this Amendment introduced in every Congress for the next 49 years, until its final passage in 1972. Over the years it was the National Woman's Party, led by Alice Paul, who diligently kept the fires burning for the Equal Rights Amendment, educating other organizations, publishing bulletins and maintaining an instant information bureau where anyone interested in the ERA could obtain the exact status of its progress and sponsors day or night.

To date thirty-five states have ratified the Equal Rights Amendment and only three more are required to make it the Twenty-seventh Amendment to the United States Constitution. Passage seems imminent. This Amendment will guarantee the legal rights of women in every respect. The women of the United States should certainly feel indebted to Alice Paul for her foresight and dedication to the cause of women and their rights.

Alice Paul's commitment to equal rights for women was not confined to the United States. In the 1930's she worked with women from many countries in bringing the concerns and status of women to the attention of the League of Nations. In 1938 Alice Paul founded the World Woman's Party for equal rights, which later sent delegates to the convention which drafted the United Nations Charter. These women successfully pressured for affirmation of the principle of equal rights between women and men in the preamble of the Charter and for an equal rights pledge in the United Nations Charter.

In 1928, a delegation from the National Woman's Party presented an Equal Rights Treaty written by Alice Paul to the Conference of American Republics at Havana. At the persistence of the National Woman's Party, the conference resolved to create the inter-American Commission of Women to work to raise the position of women in the twenty-one American Republics. Throughout 1928 and 1929 Alice Paul worked to establish the Inter-American Commission of Women as an integral part of the Pan American Union (now known as the Organization of American States). The Inter-American Commission of Women is now an international organization of women representatives from South America, North America, and Caribbean countries, to which the United States has appointed a woman delegate under our United States Ambassador to Latin-American countries.

Alice Paul, with single minded dedication to equal rights for women, organized women both nationally and internationally. The full impact of her lifelong efforts to secure equal rights for women in the United States Constitution, in the United Nations Charter, and throughout the world has yet to be felt.

JUNE 14, 1977.

MARY F. HANDY

Organizer and administrator Mary F. Handy was born in Baltimore and was educated by a private tutor. Religious training at the Waters A.M.E. and the Asbury M.E. Sunday schools supplemented her secular education. Nationally recognized for her work with the Women's Parent Mite Missionary Society of the A.M.E. Church, Handy worked with and directed numerous female church organizations located in Baltimore and Maryland.

Handy was most actively involved with the philanthropic activities of the A.M.E. church. In the 19th and early 20th centuries black churches functioned as centers for many of the social and political activities of the community, and women's organizations frequently directed church programs. In 1896 Handy became the first President of the Baltimore Conference Branch of the Women's Mite Missionary Society. Serving for four years, she received praise as one of the best administrators in the history of the branch. From 1892 to 1895 she served as a Vice President, and from 1907 to 1919 she was President of the Women's Parent Mite Missionary Society, which had jurisdiction over all the conference branches. Handy directed the organization's fund-raising efforts for the support of missionary activities in South Africa, West Africa, the West Indies and the United States.

In addition to her work with the Women's Parent Mite Missionary Society, Handy developed programs for The Colored Young Women's Christian Association, the Maryland State Federation of Christian Women and the Old Women's Home of the A.M.E. Church. In 1920 she became Superintendent of the Home for Aged Women. When the 19th amendment was passed giving women the right to vote, Handy proudly escorted the residents of the home to vote. Handy had voted in 1895, in Kansas, when women were permitted to vote in municipal elections.

THE NATIONAL COUNCIL
OF NEGRO WOMEN,
Washington, D.C., February 26, 1982.
MS. INGRID BAUER,
Congressional Women's Caucus,
Washington, D.C.

DEAR MS. BAUER: Enclosed are materials that you requested concerning the lives of deceased black women. They include two copies of an exhibit catalogue entitled "Twenty 19th Century Black Women" and brochures of the National Archives for Black Women's History, the Mary McLeod Bethune Memorial Museum, and one on Mary McLeod Bethune. When citing information from these works, please give credit to the National Archives for Black Women's History and the Mary McLeod Ethune Memorial Museum, institutions of the National Council of Negro Women. We would like to have a copy of the Congressional Record that includes this information.

If you should need additional information, please call me.

Sincerely,
BETTYE COLLIER-THOMAS, Ph.D.,
Director,
Bethune Museum-Archives.

Enclosures.

EQUITY FOR WOMEN IS AT A CROSSROAD

(By Mary H. Purcell, AAUW president)

Equity for women is at a crossroad. We can continue to move forward so that by the year 2000 we will be equal partners with men in making the decisions that affect our political, business and family life, or we can turn back the clock to when women were dependent and subservient.

There will be continued progress for women

If affirmative action programs continue to enable women to obtain the necessary education, training, and experience,

If society continues to look favorably on women as equal partners, and

If women control their own bodies.

This will not be possible if the Far Right, including the Moral Majority, has its way! If their views prevail, it will be back to Kinder, Küche, and Kirche, back to where women were when AAUW was founded in 1881. In that era our founders refuted a prominent Boston physician who asserted that education was injurious to women's mental and physical health and to that of their offspring! Perhaps those who want to dismantle Title IX, which gets at discrimination against women in athletic programs and educational opportunities, would like to have the Boston physician, Dr. Edward H. Clarke, around now to espouse his theories. Would the extremists turn the clock back to:

1910 when our members were fighting against unequal pay for equal work in our educational system and against low salaries and slow advancement for women?

1916 when women were excluded from Federal civil service examination?

The 1940s when women in the armed forces were accorded inferior rank and pay?

The 1960s when even the anti-war protest groups relegated women to making coffee for the male decision-makers?

The period when graduate and professional schools had quotas restricting the admission of women? or to

The recent past when women were not even considered for executive positions and corporate boards?

The new conservatism as expressed and espoused by key politicians and—with the apparent blessing of President Reagan—is waging a war against women to strip them of gains made in recent decades. For example, the so-called Family Protection Act has been set aside only until the president's economic package is taken care of. If enacted, the bill would, under the guise of "protecting" women, significantly restrict women's choices and opportunities.

Some of the soldiers in the war on women are especially dangerous because they purport to have God on their side. Whereas women, on the other hand, have only the backing of the majority or Americans who have told poll after poll they favor ERA and the opportunity for a wide range of choices by women in all sectors of life.

Will women continue to reach their full potential? Will they be able to run for political office and obtain the financial backing that their make friends enjoy? Will they have the support of society through adequate day care and other community services?

Or will the erosion of affirmative action programs and Title IX prevent them from getting the education and skills they need to be successful? Will couples have more children than they want due to restrictions on birth control and reproductive choice? Will women continue to earn less than 60 cents for every dollar or a man's salary because they're relegated to so-called women's jobs? Will women be limited to only 12 percent of political office holder?

Now is the time for women to let their government leaders know that they want equity and will settle for nothing less. It's up to us to see the Moral Majority's views do not prevail.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN BALANCE SHEET ON WOMEN'S EQUITY

Clearly, women have made progress toward full citizenship, but that progress is now endangered. This balance sheet indicates the factors working in women's favor and those that could end and even reverse progress toward equity for women.

ASSETS

Employment

Women's Bureau.

Title VII.

Executive Orders 11246 and 11375.

Fair Labor Standards Act of 1938.

Equal Pay Act of 1963.

Vocational Education Amendments.

Comprehensive Employment and Training Act (CETA).

Affirmative Action.

Equal opportunity

Title VII.

Executive Orders 11246 and 11375.

Federal Equal Credit Opportunity Act of 1974.

Health

Women, Infants, and Children's nutrition programs (WIC).

Roe vs. *Wade*.

Title X.

Education

Women's Educational Equity Act (WEEA).

Vocational Education Amendments (1976).

Title IX.

Women in Science.

Families

WIC nutrition programs.

Aid to Families with Dependent Children (AFDC).

Title X.

Retirement

Older Americans Act.

ERISA

Social Security.

Constitutional protection/political representation

ERA.

19th amendment.

Poverty

CETA.

Aid to Families with Dependent Chidlren (AFDC).

Legal Services Corporation (LSC).

LIABILITIES

Employment

Proposals to weaken affirmative action regulations.

Loopholes in Equal Pay Act.

Elimination of CETA Public Service Jobs.

Weakening enforcement of Executive Orders.

Equal opportunity

Proposals to weaken affirmative action legislation.

Exclusion of women from draft.

Health

Proposed "human life" amendments.

Hyde amendments.

Health insurance discrimination.

Funding cuts for WIC, Title IX.

Education

Jeopardized funding for WEEA.

"Family Protection" Act.

Proposed weakening of Title IX.

FY 1981 Omnibus Reconciliation Act.

Tuition tax credits.

Families

"Family Protection" Act.

Marriage penalty tax.

Cuts in WIC, AFDC programs.

Retirement

Current pension, vesting laws.

No IRA for homemakers.

Threats to Social Security, Medicare.

No pension rights for divorced military spouses.

Constitutional protection/political representation

ERA deadline June 30, 1982.

Administration appointments—only 43 of 367 are women.

Poverty

Program cuts in AFDC, CETA.

Threatened cuts in LSC.

Cuts or elimination of UN Voluntary Fund.

The Women's Bureau is the only federal agency devoted exclusively to the concerns of women in the labor force.

Title VII of the 1964 Civil Rights Act prohibits discrimination in employment. Enforcement is being weakened.

Executive Order 11246 prohibits discrimination based on sex by federal contractors. Enforcement is being weakened.

Executive Order 11375 amends 11246 requiring federal contractors to pledge not to discriminate in employment. Enforcement is being weakened.

The Equal Pay Act of 1963 amended the Fair Labor Standards Act to become the first statutory prohibition against sex discrimination, compels employers engaged in interstate commerce to offer equal pay for equal work. Loopholes limit its effectiveness.

Vocational Education Amendments of 1976 mandated activities to eliminate sex bias, stereotyping, and discrimination in federally funded vocational education programs and requires each state to employ a full-time equity coordinator.

Roe vs. *Wade* was the Supreme Court decision of 1973 that declared anti-abortion laws unconstitutional. "Human life" amendments will void that ruling.

Women in Science program promotes education of women in scientific fields. Funding is in jeopardy.

Title X of the Public Health Service Act mandates funding for family planning program.

Family Protection Act was introduced in House and Senate in the 96th and 97th Congresses. Principal intent is to promote the traditional nuclear family structure as the only acceptable social unit. Requires role sterotyping in education materials as one means of achieving its goals.

Women's Educational Equity Act (WEEA) is the only federal program devoted solely to the advancement of educational equity for women. Funding is in jeopardy.

Title IX prohibits sex discrimination in education. Legislation has been proposed to diminish federal commitment to sex equity in education.

Hyde Amendments to limit government funding for abortions effectively deny poor women freedom of choice.

Health insurance: A recent study by the Health Insurance Institute shows that 56.4 percent of all new health insurance group policies exclude any coverage for maternity.

The UN Voluntary Fund channels money to disadvantaged women in both rural and urban areas of the world's poorest countries. This year, money available for the program will be halved at best, and at worst, eliminated altogether.

Pensions and vesting laws: 50 percent of American women work for wages, but only 21 percent of women in the private labor force are covered by pensions.

CONGRESSMAN MARKS SPEAKS OUT AGAINST REAGANOMICS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MARKS) is recognized for 60 minutes.

Mr. **MARKS**. Mr. Speaker, I stand before you today and speak as one who voted for every major economic program that Ronald Reagan and this administration have put forth since coming to power. In addition, I have issued press releases and made public speeches in which I have indicated that Reaganomics was worth while. I also speak to you, as one who has been chastised, and to some extent praised, for being independent from time to time, beginning during the first few months I was a Member of this body, when I voted against deregulating natural gas in the Commerce Committee when the Republicans wanted it done and President Carter did not. And again, as late as just a week or so ago when I was the only Republican to vote to hold Secretary of Interior Watt in contempt. I suggest also, and acknowledge, that I have been called moderate, independent, and, yes, liberal, but I have never been called nor do I expect to be called conservative. I have had the experience of being criticized by the new right, by the old right, and by the always right since I came to this body and I would expect that their criticism will continue.

In candor, I have for a long time now been contemplating speaking out, and foremost among the reasons for hesitating until now has been my questioning as to whether a three-term white haired Republican from western Pennsylvania, who in his own mind has not made much of an impact on the Nation, should be the one to speak out. Besides that very important reason, I felt until now that it was politically unwise and, of course, like so many of you, believed this administration's plan should be given a chance to work.

But, Mr. Speaker, the time has come to stop this massacre.

The time I have taken today is for the purpose of saying to you what is on my mind, to you my colleagues, and I hope, to the American people. With the desire that whether you or they agree, at least someone will be saying these things and perhaps if nothing else happens, our constituencies will begin openly to discuss and debate these issues. My colleagues, I feel very strongly that the time is now to call out to thinking women and men everywhere—to raise their voices against this murderous mandate that is being carried out. I believe the time has come to try to persuade those, who still need persuading, that what our Vice President perceptively called, many months ago, voodoo economics should be restrained before it destroys forever a Federal Government which Washington created, which Lincoln preserved, and for which Franklin Delano Roosevelt settled old arguments about its supremacy and the supremacy of its powers.

The time is now to see to it that what Washington, Lincoln, and Roosevelt accomplished, that is to provide for those who for whatever reasons cannot provide for themselves, is not destroyed forever by a President and his cronies whose belief in Hooverism has blinded them to the wretchedness and to the suffering they are inflicting, through their policies and their refusal to reevaluate those policies on the sick, the poor, the handicapped, the bluecollar, and whitecollar workers, the small business person, the black community, the community of minorities generally, women of all economic and social backgrounds, men and women who desperately need job training, families that deserve and desire the right to send their children to college or graduate school—in fact, anyone and everyone, other than those who have been fortunate enough to insulate themselves in a corporate suit of armor. And even they, my colleagues, are now beginning to join their brethren on Wall Street, as we saw just last week, when the Business Rountable finally began questioning, even though in moderation, what is happening to this country.

As a leading columnist and broadcaster said a few days ago on his program, "Confrontation," I quote: "What has Ronald Reagan done for the blacks?" and then he answered, "he has tried to change the Voting Rights Act, gutted the civil rights section of the Justice Department and ordered the IRS to grant tax exemptions to segregated schools." And then he asked question No. 2, "What has he done for women?" and he answered that by saying, "Why he's opposed the equal rights amendment and supported what you people call the traditional family in other words, girls get back in the kitchen where you belong." And then he asked question No. 3, "What has he done for the Jewish American?" And his answer was, "Why he sold the AWACS to Saudi Arabia and proposed selling Jordan the F-16's." And then he asked question 4, "What has he done for Hispanic Americans?" And the answer was, "The same thing he's done for the blacks." And then he asked question 5, "What has he done for America's young people?" and the answer to that was, "Cut back on student loans." And finally—if I may continue to quote him—he went on to say, "Now he's a charming man this fellow Reagan, and he makes a marvelous after-dinner speech full of anecdotes about kids buying vodka with foodstamps, but if you think the abovementioned groups containing as they do millions, maybe even a majority of Americans, are going to vote Republican this fall, you've been spending too much time at the country club bar."

I say to you, my brothers, the time is now to wonder, out loud, whether what Senator PACKWOOD said, in candor, about this President's understanding or his interest in what is happening to our people, was not in fact true. Is it not unfortunate that political restraints caused him to call the President on Air Force 1 and apologize? I think it noteworthy, however, and commendable, that Senator PACKWOOD at least did not take back his words.

My own experience during the course of the Watt contempt proceedings as a result of the irrational policy followed by the White House in forcing, for no good reason, a constitutional crisis leads me to believe that if this President knows at all about what is taking place throughout this land, then he lacks the compassion necessary to be President. You have, I am sure, received letters as I have and spoken to constituents who have told you of very serious personal problems that they are experiencing as a result of this President's policies.

Permit me to tell you, about my experience in my district where the unemployment rate is now approximately 15 percent. Just a couple of weeks ago, on a Saturday morning about 7 a.m., I sat next to a man who had just the week before lost his job.

He leaned over to me and said:

> Mr. Marks, I lost my job just about a week ago. I still have two kids that I have to educate. I don't know how I am going to pay my mortgage payment and all the other expenses I have because I haven't been able to save very much. Why me, Mr. Marks? Why did they do this to me? Hell, the only thing I ever took from the Federal Government was taking off the interest that I paid on my mortgage. I have never been in any trouble, and I have never given any trouble to anybody else. Why me, Mr. Marks?

I believe that we owe this man, and people like him all over the country, not only an explanation, but we owe him his job back—we owe him his self-respect back. And he will not get either of these if this President and this administration are not willing to admit that, for whatever the reason, things have not gone as planned, and have caused, and will continue to cause, more misery than the plan is worth—if they do not begin now to make the necessary corrections.

Even the worst of business people, when seeing that a business decision that he or she has made is causing havoc in his or her business, will not refuse to make the necessary corrections merely to save face—or merely for his or her own ego.

Justice, if not mercy, calls for this administration to do no less.

Government does things that are worthwhile. Though excesses will, and have always occurred, those words—government of the people, by the people, and for the people, are not merely rhetoric: They are meaningful—perhaps more today than ever.

It is the height of irresponsibility, on our part, to permit the new right, the old right, or the alway right to erase those words or at least water down their meaning.

I, like yourselves, have watched the reaction to this administration's call for a New Federalism.

Interestingly, this call has come as the States have attempted to redistrict themselves to accommodate fewer or more of us within their boundaries.

Should we not at least be concerned, as we watch one State legislature after another, patently and without any apparent shame, pay little or no attention to the reason behind all this—one man, one woman, one vote rule of law—but rather proceed selfishly to frame membership in this body on parochial and selfish political interests only? Should we not at the very least ask ourselves why they would react any differently to legislating and/or administering the most sensitive social programs within our system of government—programs that mean life and death to many of our people?

In the name of all that is holy, how can you and I read about what is happening from some of our most distinguished and reputable columnist and economists or hear and see what is being said by some of America's top television journalists and believe that we can do nothing. How can we give ourselves tax breaks? How can we provide more and more tax loopholes for the corporate world? How can we even think of stuffing the defense community with more dollars than they in their wildest dreams, could use, without vomiting money? How can we permit this administration to spit out words of war and indulge in actions that must lead us to battle, while at the same time they try to excuse the millions of people that are marching in Europe, opposed to our nuclear policies, opposed to our policies in the Middle East, our policies in Central and South America and in Africa by just saying it is all a Communist-inspired plot? My God, did the McCarthy era teach us nothing?

I acknowledged openly and candidly that I say these things knowing that I voted along with many of you, to do these things.

If I can not convince you, if my words fall on deaf ears, for whatever reason, then may I appeal to you at least on political grounds?

I have the greatest empathy for the dilemma faced by our Republican leaders, such as our minority leader, and the majority leader in the Senate, and our Vice President. If I have ever known three men of great stature, with concern for not only human rights, but human compassion, it is those three men. Yet political realities, which we all to some extent must consider, dictates that they restrain themselves because of this Republican President.

May I add parenthetically the real heroes are not only they, but people like Senator DOLE and Senator DOMENICI, who, with all the restraints that are upon them, political restraints that some of us do not have any longer, they have been willing to begin to speak out.

Yet do we, their troops, not have the right, if not the responsibility, to our people and to in fact those three men themselves, to speak out and say, "Enough is enough."

No responsible citizen, let alone a responsible Member of this body would disagree with the statement that the two-party system is important to our American way of life. Yet here we are as Republicans, having won the majority in the Senate and looking to do the same in the House of Representatives and about to destroy masochistically, or at least vastly minimize, the advantages the Nation and we have gained by our ascendancy to power.

I do not pose as or pretend to be a political pundit, or even a very good politician for that matter. However, if any Republican within the sound of my voice or who may read these words at some point, believes that the country will not turn to new leadership with the millions, and millions of unemployed people, with the black community rightfully indignant and afraid, with women who want only their fair share of what this Government should give to all its citizens denied those rights, with small business people about ready to close up shop voluntarily, if not involuntarily, with middle-income mothers and fathers unable to look forward to the education of their children for which they have saved all these years, with the savings and loan institutions about to go under, with interest rates to the point where it is impossible to buy homes and cars and borrow money, with farmers on the verge of collapse, with the poor, elderly, and the handicapped among us having to choose between eating or keeping warm, with our young people having been traumatized by wars that wiped out thousands of young lives before they had a chance even to begin to live, now afraid that this administration by its rhetoric and its irrational approach to self-defense is placing us on the brink of total annihilation—then they are indulging in self-deception. If present policies persist, I predict that the American people will choose new leadership and choose it soon—and how can we blame them?

I remember not too long ago that even our most conservative colleagues from this President on down, were saying that the black community and the labor community had finally seen the light and could become a part of the Republican Party--the party "of the people."

If any of you, my Republican colleagues, still think this might happen, may I ask you to think with me about how this President, and all the President's men, have carried that program out.

Take a moment with me and count the number of black Americans in top positions in this administration. Have you been listening to the leadership of the NAACP, the National Urban League, and the Southern Christian Leadership Conference? From the reaction of this administration, from the very top, it appears that they have not been listening and I respectfully suggest that we should be listening to these great Americans and begin to try to understand what they are saying.

Are the policies of this administration building a roof under which we, as Republicans, can stand together with labor to avoid the acid rain of economic disaster—of raging unemployment and all it portends?

Is there any reason, why, having asked them to join us, we should now close the door in their face and tell organized labor that the door is locked to them and their people forever.

Are we not concerned as members of the party which has, in modern times at least, been known as the party of the rich and who have tried to disassociate ourselves from that political weight? Are we not concerned that this President has failed to grasp that perception of this administration's "regal image?" Are we not concerned that the China policy, and the secondhand dress business image have tarnished the statements made by this President that his administration is one dedicated to helping the people? Should we not be concerned that our constituents who sweated blood so that we can meet in this magnificent Chamber and so that that President can live in that magnificent White Home, may very well turn on us and even more to the point for some of our Members turn them out? Sweat blood at least they cannot anymore for many of them do not have jobs.

This House must soon face the guns of political war. If winning for the sake of winning is not the only reason for your willingness to face, what most people do not realize is a terrible trauma, then I would think that you must begin to understand that not now, nor has there ever been, any truth to the political adages, "go along to get along," or, "Loyalty to the President at any cost."

I know—I very well know that those words sound presumptuous but I truly do not mean them to be. Remember, I speak as one who, though chastised for my so-called independence over the 6 years I will have served in this House, am as guilty as anyone else of following those slogans too often.

Let there be no misunderstanding as to the fact that my words today are not only for myself and my Republican colleagues, but for my Democratic friends as well—particularly those who chose to "go along to get along," both at home and in Washington.

It strikes me as extraordinary that with few exceptions, we see the Democrats going to church more than perhaps ever before and looking toward the heavens expecting a message to be telegraphed on a bolt of lightning as to "what to do now."

Fortunately, the Speaker, Mr. O'NEILL, who among all of those on the other side of the aisle took more personal abuse during the last election than any Speaker should have to bear, and took it with the grace of a saint, I might add, has had the guts to begin to point the finger at the President and suggest that for all of the President's good humor, he, the President, is the sting that paralyzes the sensibility of a Government that should be helping, not hurting, the people it serves.

Perhaps if there is a message in all of this, at least the message that I hope comes through loud and clear, it is that our Federal Government is good—it is worth keeping—and it is meant to help, not harm our citizens, and that the time has come to see that those, including ourselves, wielding its power now do so once again for the benefit of those who sent us here and who by the way, pay this President, and us, to do it for, or to, them.

Only hired guns kill anything for money—and this President and those that surround him, pictured more and more these days in Western garb, were not hired to do us in.

Lastly, the first six drafts of these words that I myself wrote, started off each time by saying, "This is a sorrowful task I undertake." I have deleted them in this the final draft. I did so because I really knew at the very beginning, as I know now, that whatever abuse or criticism I take, that this task is not a sorrowful one. I feel strongly, very strongly, that few men or women ever have the political freedom to say what I have said and I am fortunate, indeed, to be able to say these things.

These words are what I believe.

I yield, Mr. Speaker, back the balance of my time.

□ 1445

THE ECONOMY

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. SILJANDER) is recognized for 10 minutes.

Mr. SILJANDER. Mr. Speaker, our economy is experiencing one of its most difficult periods in two decades. We find ourselves in a stubborn recession with large unemployment. With a $100 billion deficit projected for the fiscal 1983 budget the Government is in no position to help, since further tax cuts or increased Government spending is out of the question.

The high unemployment we see throughout the heart of our economy is indicative of the depth of the recession we are in. With auto and construction workers being hit the hardest, the prospect of any recovery without a boost to these industries is slim. The problems in these industries are largely caused by high interest rates and the resulting lack of available funds. These interest rates have prevented the implementation of needed new technologies and made it impossible for consumers to purchase homes or automobiles.

Since there is very little the Government can do to stimulate these industries, the answer is to rely on private investment to provide the necessary funds to bring these industries out of their depression and get the Nation out of its recession. The largest source of private investment available is pension funds. It is estimated that there are $400 billion invested in private pensions and another $200 billion invested in public employee pensions. These funds are generally long-term investment that would be ideally suited toward investments in housing and the auto industry. Currently, the President's report on housing, released in January 1982, estimates that only 2 percent of pension plan assets are invested in residential mortgages. No assets of any measurable amount are invested in consumer auto loans.

There are 10.1 million people out of work. In my State of Michigan the unemployment rate is approximately 60 percent higher than the rest of the Nation. This further emphasizes the need for new investment in these industries. Because of the multiplier effect of investment in housing and auto manufacturing a vast amount of new jobs would be created. In a 1977 study completed by the Federal Economic Development Administration, it was estimated that for every $1 billion invested in private dwelling constructions, 19,100 onsite jobs, 14,600 indirect jobs, and 103,000 induced jobs would be created. For every $1 billion invested in multiunit housing units the number is even greater: 31,900 onsite jobs, 13,500 indirect jobs, and 172,300 induced jobs would be created. What all this means is that, according to the study, if $10 billion of pension money was invested evenly between private dwelling and multihousing unit construction, a total of 2,005,000 jobs would be created. This would result in a 2 percent drop in the Nation's unemployment rate. The auto industry, of course, has a similar multiplier effect of employment throughout the auto, steel, retail, and service areas of the economy.

It is clear that union investment in this area would be an act of enlightened self-interest. By investing in their retirement future now, they perpetuate their own jobs and enable themselves to continue working through their productive years, and of course, continue having contributions made toward that pension fund. If an auto worker is out of work, it is obvious that no contributions will be made to his pension at all.

This investment also benefits Government. It is widely known that every 1-percent increase in the rate of unemployment cost the Government $25 billion in benefit outlays and lost revenue. With a 2-percent reduction in the unemployment rate we could expect the Federal budget deficit to be reduced by $50 billion.

That brings me to my next point: Public employees would obviously benefit from pension investment in these areas, as the resultant decrease in the Federal deficit would serve to make their Government jobs much more secure.

To make this all possible Congress must approve legislation that will insure the integrity of the pension funds involved under the guidelines set forth under ERISA.

Although my colleagues and I are working on a bill to facilitate the use of these funds for residential mortgage loans and consumer automobile loans, we feel a diversity of ideas are necessary to develop the broad based consensus needed to make this idea a reality. We are hopeful that other Members will propose ideas or work with us so that we can bring desperately needed relief to our economy this year.

The President has challenged us in Congress to develop positive budget proposals to reduce the projected Federal deficit without taking back the tax cuts that the middle-class taxpayer deserves and has a right to keep. This proposal will reduce the Federal deficit, lower the rate of unemployment significantly, stimulate the industries that are at the heart of our national economy, and consequently reduce the need for further cuts in social spending this year. It does all this not through a zero-sum game like so many people seem to be playing here on Capitol Hill, but through the miracle of free enterprise and the multiplier effect that productive investment has on our economy.

It is my hope, and the hope of all the other original sponsors, that by introducing this resolution, Congress will begin the process necessary to facilitate the innovative use of these funds. We owe it to the American worker and the American taxpayer to fully explore this idea for revitalizing this important area of our economy. It only makes sense to allow the pensions of American workers to contribute toward their own security and the security of future earnings which gives those pension funds their reason for being in the first place.

□ 1500

Mr. Speaker, I yield to my friend from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Speaker, I would like to congratulate my colleague from Michigan for bringing this issue to the floor. We have worked together on it and I think that is an important concept that this Congress needs to investigate fully.

Mr. Speaker, with the introduction today of our resolution, calling upon this Congress to determine the feasibility of enabling pension funds to be made available for home mortgages and auto loans, we want to emphasize two very important points:

First, these vital industries are in deep trouble, now, and

Second, Congress has dilly-dallied around and drug its feet for too long and will have no one to blame but themselves if these industries do not survive to see better times.

This resolution calls upon the Members of this body to address a feasible partial solution to these troubled industries. This does not assume that all our problems can be so easily solved, but we had better at least begin to ponder the solutions that are available to us.

We have spent the last year in one pro forma session after another, blaming each other for the political print we think we all need for reelection, while America's housing and automobile industries plead with us for help.

Mr. Speaker, there is no reason why we cannot take the legislative proposals now in various committees and act upon them. There is absolutely no valid reason why this body should not make constructive progress toward considering the feasible alternatives for insuring a stable, affordable money supply for these critical industries in the future.

Today I join with my colleague from Michigan in calling upon Congress to simply study the feasibility of making these pension funds available to meet these ends. It is a reasonable and logical request that should be honored.

In addition to this resolution, I join with Congressman LAGOMARSINO of California in reintroducing the individual housing accounts bill. This bill is designed to create tax-exempt housing accounts to provide long-term financing for this Nation's first-term home buyer. If we are seriously concerned about the diminishing ability of America's families to purchase homes, this bill is a major step in reversing that trend.

Although my particular interest lies in the revitalization of our housing and timber industries, the need to encourage the automobile industry is just as immediate.

To those unemployed at this time, who is to blame for the recession is irrelevant. What is very relevant, vitally relevant, is that the means through which we can sustain life in these industries is available to this Congress now. The long-term solutions are languishing in committees for lack of interest. Now, the short-term tools of basic survival for these industries is also being stalled.

Today's introduction of this resolution and the individual housing accounts bill, is the beginning of what I hope will be the refocusing of attention, a refocus of attention away from the partisan politics that has held this House spellbound, to providing the legislative leadership that we were sent here to provide.

I hope you share my grave concern for this Nation's housing and timber industry and join with me in forcing this issue to the floor where it belongs. I hope you will join with me in an effort to formulate a package of legislative proposals to get the housing industry moving again and put our people back to work.

I hope that the resolution that my colleague from Michigan and I submit today will be true signals to the housing and automobile industries that somebody is listening and cares.

Mr. ROBERTS of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to my friend, the gentleman from South Dakota.

Mr. ROBERTS of South Dakota. Mr. Speaker, first of all, I would like to thank my distinguished colleagues, Mr. SILJANDER and Mr. CRAIG, for allowing me the opportunity to join them as an original sponsor of this resolution.

I am greatly concerned about the current plight of the housing industry. High interest rates and the general state of our economy have dried up the money supply for the purchase of new and existing homes and forced many homebuilders and realtors out of business.

We have many measures under consideration in this body to assist the ailing housing industry. However, the Government is not in a financial position to singlehandedly bring about the recovery of the housing industry, or for that matter, the auto industry, which is suffering the same ill health due to the current oppressive interest rates.

There is a presently untapped source of funds which could provide for lower interest home mortgages and auto loans. That source is the over $500 billion which is invested in pensions throughout this country. If we were to pass legislation to allow public and private pension funds to have the option of investing in home mortgages and automobile loans, we would not only open up a source of funds for potential home purchasers so that their dream of owning a home may become a reality, but we would also allow the creation of approximately 64,000 jobs in the housing industry for every $1 billion of pension money invested in home mortgages.

Increased employment in the housing and auto industries would greatly aid in this country's economic recovery. As we have pointed out in the resolution, every 1 percent increase in the unemployment rate costs the Government $25 billion, and is a major cause of the large deficit we have been experiencing.

This resolution calls on this distinguished body to study the feasibility of enabling pension funds to invest in home mortgages and automobile loans. During that study, there may be other proposals introduced which may provide even better methods of aiding those two industries.

I believe we owe it to not only the people involved in those industries, but to the entire country, to explore every means possible to promote economic recovery, reduce unemployment and get this country back on track.

ELECTIONS IN EL SALVADOR

The SPEAKER pro tempore (Mr. SHANNON). Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Last week, we had a resolution through the Committee on Foreign Affairs. It was one of what I called namby-pamby resolutions that in reality I think have made us sort of the laughing stock even though you cannot argue with them on the face of the resolutions. They are meaningless. It had to do with El Salvador.

It said that we were all for elections. We came down all foursquare for elections in El Salvador. I was one of the three who voted "no," but as far as I can tell the only one that voted "no" for the reasons I stated.

That was that the House of Representatives in passing this resolution made no allusion to the real issue. So you have elections as I pointed out. You have elections in Russia.

You have elections not in Fidel Castro's Cuba. You had elections from time immemorial in these countries south of the border that are off and on whether the particular ideology happened to be oligarchism or facism or communism or socialism.

The history is repetative for the very basic reasons that for some undefined plausible reason has not entered into the makings of judgments as far as I can see by Presidents as well as by congressional leaders in the last few decades.

I think that unfortunately we are committing the same error with respect to a far more ominous situation in middle Europe.

We totally ignore history. We act as if the world was made in our image, and the truth is that just like people generally, we cannot expect people to be like we want them to be. We have to take people as is.

It is the same thing with the world. The world is not like we would like to structure it and it seems to me calamitous that after the experiences in Korea and Vietnam, costly in blood, costly to the Treasury, and costly to our ultimate destiny as leaders in the world, we have not learned—nothing at all.

It just seemed to me so exasperating last week that nowhere did this great body refer to the fact that we wanted to make sure that the democratic process would be insured, that after elections there would be a meaningful government representing what we take for granted, government through and because and by the just consent of the governed.

So that in that connection at this point I will put in the RECORD an article written in 1960 by a great and eminant expert, since deceased, Frank Tannenbaum, in appearing in the Foreign Affairs magazine, volume 38, No. 3, April 1960, the title of the article, "The Political Dilemma in Latin America."

THE POLITICAL DILEMMA IN LATIN AMERICA

(By Frank Tannenbaum)

There have been changes in Latin America in the past generation which have complicated and obscured the political scene without really changing its character. The spread of doctrines such as Nazism, Fascism, Socialism and Communism, and their adoption as party names, has given foreigners and even some culturally Europeanized nationals the impression that something strange has happened, that what was always a personal phenomenon in Latin America had become a matter of ideals—that the party, the ideology, has displaced the individual, that the slogan is more important than the leader, that law is now of greater significance than personal influence, that matters of principle now substitute for friendship, family and political clan. Those who have let themselves believe all this have simply lost their bearings and are reading their politics out of a European book and calling things by false names.

The one thing that has not changed has been the caudillo, the leader, he who has la suma del poder, who governs because he can, not because he was elected. There are many differences between Fidel Castro and Trujillo, but there is one thing in common between them: they govern because they can. The fact that Trujillo has himself elected and always receives 100 percent of the vote while Fidel Castro has had no election is irrelevant except as embroidery, or something that gives apparent sanction, or that satisfies critics in the United States or England who do not really appreciate what is going on. And what is going on has always gone on—if "always" is the wrong word, then we will have to say "what has gone on for a very long time." Leadership is personal. The basis of authority is customary rather than constitutional. The political unit is not the individual. It is the "gang," the extended family, the community, the Indian village, each with its own "natural" leader, each endowed with unlimited authority, each possessing the complete loyalty of his immediate followers.

The great leader by some magic, fraud or force has at his disposal all this power, which in his absence devolves to the local leaders. And because he has it, his power is absolute regardless of what the constitution may say. The power is absolute because it is all deposited in one person and he cannot divide it, delegate it or refuse to use it. As a matter of simple fact, he cannot resign it—as Fidel Castro could not resign from being the "maximum leader of the Revolution" in Cuba. He could resign his office of Premier, but not his personal authority. The caudillo governs by his mere presence, and anything he says is an order; and if he refuses to say anything at all, then others will act in his name on the assumption that they are carrying out the orders he would have given, and he will be credited with them. The king could abdicate in favor of the legitimate heir to the crown. In Latin America the leader cannot abdicate because there is no legitimate heir to his power. When the successor appears, the power of the older leader evaporates. The power cannot be shared. It is absolute or it does not exist.

The case of Fidel Castro is particularly revealing. Cuba is not typical of Latin America. The Indian influence is nil. The Negro, on the other hand, is important in numbers, but more so even in over-all influence. The Negro has given the Cubans a gentle, friendly and optimistic attitude towards life. He has tended to emphasize the importance of the moment. He has filled the land with music, the drum and the dance. Cuba, too, is close to the United States and our impact upon Cuba has been great—greater perhaps than either they or we realize. There are therefore many reasons for arguing that politically Cuba should be less Latin American than it has shown itself to be. For what it has shown in Fidel Castro is that it likes to have a caudillo who stands above the law, above the constitution, because all authority, all justice, all good emanate from him.

The differences between Fidel Castro and Batista are many and great, but as administrators they both respond to the same demand, the same way. Batista was secretive, cruel, selfish and acted for himself and a small clique. But no one doubted who exercised the power. He depended upon the police and the army, and his power was absolute. All constitutional formulas were secondary. Fidel Castro uses the radio and television; he is devoted to the ideal of nationalism and a strong Cuba. Administratively, like Batista, he stands above the law, above the constitution, for he embodies them both. The uses the power is put to are different. The totality of its lodgement in a single hand is the same.

The power is put to different uses because the individual leaders are different and not because the "party" which carried them to power is different. In fact, there was no party in Batista's case and there is none in Fidel Castro's case. The Cuban people have Fidel Castro because they want him. They had Batista because they tolerated him—perhaps, until the last two years, wanted him—not because he was "good" or constitutional, but because he was strong, because he was a caudillo. If they finally overthrew him (and the active fighters against him were never very numerous) it was because he had become a tyrant, because he was misusing his power beyond reason, beyond the wide tolerance of human fallibility so characteristic of Latin America. He had lost what moral sanction he might have had or claimed. His overthrow by a revolution was accepted as good and the leader of the revolution was greeted with an outpouring of public joy.

It is difficult for people outside Latin America to understand the reasons for these repeated changes. They know only that Latin American governments are unstable, that revolutions are frequent, that tyrannies are a commonplace and occasionally, as the recent one in Colombia, bloody and heartless, and that constitutional government has remained an unsatisfied aspiration. This has now been the case for nearly 150 years and there is really no evidence that, politically speaking, the countries are closer to representative democracy now than they were in the nineteenth century. There are exceptions to these broad generalizations, but they are few and even so would be subject to qualification.

The pattern of dictatorship, then, is rebellion and again dictatorship, and it has not materially changed since 1900. Anyone who would make a count of the abortive uprisings and the rebellions that were successful in the last 59 years would convince himself that if there has been political change, it has not necessarily been in the direction of greater stability. This is so in spite of an almost universal commitment to the ideals of democracy among Latin American intellectuals and statesman. Students, scholars, newspapermen and politicians have written an impressive public record in their striving for political democracy, and every constitution descibes in detail the manner in which popular governments are to come to power, how long they are to last and how they are to be succeeded by another administration freely elected and resting upon the consent of the governed.

This contrast between what men say they want politically and what they do cannot be ascribed to malice or perfidy. That would be too simple. If the political difficulties were merely the product of evil entent, they could be dealt with. Politically active people in Latin America are on the whole neither better nor worse than their kind in other parts of the world. The trouble lies somewhere else. Politicians do what they do because they have only limited alternatives and it is not always clear that choices other than those they make would always be better.

The social and cultural matrix within which the politicians operate is such that popular democracy is not a feasible immediate alternative. The only really responsible question that the democratically minded observer can ask of a politician in Latin America is whether his conduct is conducive towards an increasing prospect of popular democracy, and an honest man would find it difficult to give an honest answer. For how can one be sure that the professed idealist in his enthusiasm for reform, in his stirring the passions and hopes of simple folk beyond his own ability to satisfy them, may not be sowing the dragon's teeth and preparing the ground for some conscienceless tyrant tomorrow, who will make all promises and fulfill none? The difficulty lies somewhere else. It is not personal. It lies in the absence of a universally accepted symbol of political authority. That is why Latin American politicians cannot do what they would and lack the moral support to carry out the programs they do have in mind.

For the business of government is to govern. That is the first responsibility. If it fails at that, then the politicians in office will soon be fleeing the country and seeking exile in places where they will have no relentless responsibilities to fulfill. But to govern in Latin America is an unusually difficult matter.

General Lazaro Cardenas once remarked that the people of Mexico must learn that they can be governed without violence. Cardenas, however, had qualities of leadership which made violence unnecessary. He could govern Mexico that way but no one else had been able to do so before him. Violence has been an essential in Latin America because the governments have been unstable, and the governments have been unstable because violence is a traditional means of coming to office. And violence is traditional because there had generally been no other sure means of transferring political power from one administration to another. Here is the heart of the matter: how to come to power without violence, how to transfer it without revolution.

In other parts of the world which are familiar with the political miracle of entering upon and leaving public office peacefully, there is some universally accepted principle of legitimacy. A universal symbol makes the government of today just as much a government as it was yesterday in spite of a complete change-over in personnel. The king is dead, long live the king, is a perfect example of this kind of symbol of authority. As long as the accepted principle of descent is adhered to, there is never any question as to where authority resides and to whom the crown descends. The government is never without a recognized head. Everyone knows who the king is. No such universally accepted symbol exists in Latin America.

During the colonial period the question of where legitimate power resided never arose. The king was the king in all things and at all times. People might have notions about the wisdom, the stupidity or even the lunacy of the king or queen, but none about the legitimacy of the power he or she exercised. So universal was this acceptance that it seemed like a part of nature itself. Men had laid down their lives for "God and the King" for so many generations that the king's "divine" authority was beyond question. He filled every political and civil need and his law protected the innocent and punished the guilty. All offices, all honors, all men, all property, life itself were under his protection and held by his mercy. Even the church, because of the Patronato, was in many important ways subject to the king. The authority of the crown was everywhere, unquestioned and unopposed. The two things that were known even to the most humble were the power of the king and the mercy of God. It was therefore always simple to transfer power as long as the rules of succession were followed. The future king was known while the present king was still alive.

It is at this point that the independence movement served the people of Latin America poorly. It destroyed legitimate political power without providing an equally legitimate substitute. When the wars of independence were over, no one knew where political power resided. Who was the legitimate heir to the King of Spain—to his authority, influence, prestige, semi-sacred character, the embodiment of the will of the people, the protector of the poor, the fountainhead of justice?

The answer, of course, is that no one inherited those qualities of popularly endowed eminence; no one received the same degree of devotion from the populace and no one was looked to as the absolute father of his people. Latin America was left without a legitimate symbol of political authority. And that vacuum has remained unfilled. It has not been filled by "democracy," "federalism," "socialism," "Communism," "justiciatism," or whatnot. The idea of the nation comes closer to being a substitute for the idea of the king than any so far. But nationalism in Latin America is relatively recent and many of the nations lack cultural unity. A considerable part of the population, the majority perhaps, in Guatemala, Peru, Bolivia and Ecuador, for instance, have but the vaguest notion of what the nation means. There is the other difficulty that nationalism has taken an anti-foreign turn and has become a slogan for demagogues and ambitious politicians. More serious, however, is the absence of a fixed rule of who is to represent the nation and how he is to be chosen.

The constitution has proved an insufficient influence to guide the political process. There have been too many constitutions and they have been disregarded with such regularity that they do not serve to discipline political behavior. In fact, the constitution has frequently been a personal political broadsheet used by the new mandatario as his own private declaration, and since it is private it need not be scrupulously followed. What ought to be protected and guarded as the embodiment of all public law and public will has become a matter to be changed, modified, suspended or abolished. What might have become an effective symbol of authority as a substitute for the awe-inspiring bearer of the Spanish crown has been perverted to personal use.

An American scholar tells the story somewhere that when as a young man he went to Venezuela to study its constitutional history, people in Caracas, when they learned of his purpose, said, "Why, he must be a poet!" The constitution in their mind had a literary, conceivably a theoretical interest, but certainly not a political one. The 19 constitutions that he studied showed no evolutionary principle and could not be classified on any rational basis. He finally grouped them under various rubrics including that of experimental constitutions. All of this merely goes to emphasize the point that there is no recognized basis of political authority universally accepted and universally respected. What does not in fact exist cannot be symbolized. This, however, is only one part of the difficulty.

In the meanwhile, I noticed errors being compounded upon errors and I noticed a big ado here on the House floor on the part of some of my colleagues that I know have the best of intentions and who are pleading with the President, in fact insisting, that he use the offices of the President of Mexico in order to bring about some kind of resolution as far as the question in El Salvador is concerned, and I believe also peripherally the matter of Nicaragua.

☐ 1510

As a matter of fact, as of 48 hours ago, the Secretary of State, Alexander Haig, was meeting with the Mexican officials in Mexico City. According to the press reports, that was supposed to be the subject matter of the discussions.

Now, just what is the case, we do not know. As far as I can tell, there has been no communique issuing from the general and Secretary of State, Alexander Haig, whose policy reflecting President Reagan's has been one of error compounded upon error from the very beginning 1 year ago, where very dramatically, I do not know why Secretaries of State like Haig and President Reagan love this comparison of drawing the line, presumably like Colonel Travis at the Alamo, and 1 year ago Secretary Haig says, "We are drawing the line here in El Salvador."

On what, on injustice, on poverty? No, on communism. Proving that we have learned nothing.

There is no way that an idea or a concept or a way or an ideology is going to be bombed out of existence, no way. The only way to fight anything, whether it is communism or fascism or any other ism is through social justice, nothing else. There is no other way. There is no way we are going to bomb communism, per se.

I notice this is a big hangup with the spokesmen on both sides here in the Senate and in the House, on the congressional level as well as on the executive branch—communism, that is the thing we are going to extricate; but if that is the case, why do we not break diplomatic relations with France? France now has two, maybe three live and kicking card-carrying bona fide Marxists in their cabinet.

This is supposed to be the unforgivable thing in the case of the Nicaraguan group or junta, whatever you want to call it, overlooking the presence in that same junta of about two or three eminent members of the Catholic hierarchy.

Now, I think that ought to show us, if nothing else does. We cannot put on our colored American spectacles, ideological spectacles, if you please, and have a correct assessment. If we do not have a correct assessment of the problem or the cause, how in the world can we ever get the correct assessment as to a solution?

Interestingly enough, while all this discussion was going back and forth and the President of Mexico offered his leadership week before last, simultaneously at the time I received an invitation from both the Mexican Embassy here, as well as the Secretary of the Navy here—to what? To a decommissioning of two of our destroyers at Newport, R.I., and immediately upon their decommissioning, we were going to turn them over to the Mexican Navy.

Now, last year I was the one that brought out the fact that the United States had made a secret deal with Mexico for the delivery of sophisticated jets. Finally, after about 6 months, that the deal had been consummated, the fact was released.

Now, to the United States that has embarked in the greatest arms-selling program in the history of any government, including our own, just in the last 12 months, I guess it did not mean much; but when you know the history of a country like Mexico where to its great honor and prestige it has always boasted that it does not have a standing army, that it is really one of the first Republics south of our border that has had stable government, in that it has had orderly transfers of power without the military intervention; and that, of course, did not happen in Mexico until the early 1930's in the case of President Lazaro Cardenas.

Now, why would this country, this great country—Mexico is a great country, great people, great culture, great history, and great leadership; it has been the greatest exponent of the auto determinacion, self-determination; no intervencion, nonintervention. It prides itself, and rightfully so, as a nonaggressive country. It does not have standing armies, because as some of its spokesmen have said, it does not have any stakes in an imperialistic venture outside of its borders.

So why all of a sudden sophisticated jets, two destroyers?

Now, the destroyers are a very interesting deal. When I saw that invitation, I wondered why these two destroyers were being transferred. Not being able to make it to Newport, R.I., to ask in person, because I was back home in the district, I then acknowledged the invitation of the Secretary and then jokingly said, "What assurances are we getting that these destroyers would not be used to capture some of our shrimp boats in the Gulf of Mexico?" We have had some experiences with that down in Texas.

I do not know if it was taken as a joke. I was halfway kidding.

In the meanwhile, I also made some inquiries and I find the following information:

Now, here we have the President of a country saying, "Hey, look, Mister United States, you have lost your leadership ability." Some of us have been saying this since April 1, 1980, specifically in the case of El Salvador, it was the first time I spoke out here in the well of the House, and I cannot be accused of partisanship because the President then was a Democratic President. It was President Carter.

I mentioned then, I said, "The United States has a little vestige of leverage left, but if it does not utilize it, in a matter of weeks it will be gone and then no matter what we do, one way or the other, even by sheer force of necessity, it would not be the wise thing."

I am sorry to say that that has been the case.

Now, here is the President saying, "You have lost that leadership, but I can give it to you. You just follow me here and let me show you the way."

I think that is great, but I think the United States ought to be a little proud and it ought to realize that it may be the blind leading the blind, because Mexico at this time seems to be a very frightened country. Why else would it be getting sophisticated jets? Why else would it be getting two destroyers?

Now, let us look at the destroyers. What kind were they? Well, the vessels were *Gehrig*-class destroyers, both of them launched in 1944, that is during World War II. The vessels originally cost about $8½ million each. They were sold to Mexico for scrap value, plus some minor surcharges. The scrap value was $347,000 each. The total price after adding the surcharges were $376,350 each. Both vessels were on active duty in the U.S. Navy at the time of the sale. They were part of the Navy's reserve fleet, used for training Navy reservists.

Now, I am informed that the Navy sells vessels under three categories: Market value, fair value, and scrap value. Now, I was not able to learn why these two ships were sold as scrap, in view of their condition and their present utilization and the fact that they were in the active category.

Now, interestingly enough, the Defense Department could not give me any information or record they had of sales of other military equipment, presumably the jets that I spoke about a few minutes ago.

Now, I think this raises some very interesting questions.

□ 1520

First, why are two active Navy vessels sold as scrap?

Second, what was the reason for their sale to Mexico? On whose initiative, Mexican or American?

As we have with Venezuela, for instance, we had a big ado here about the F-16 sale to Saudi Arabia, but not a word about the F-16's to Venezuela. What I am saying is that we are sowing dragon's teeth all over the Caribbean and its basin, and you know what sprouts from dragon's teeth. So that at this point this is where I am in my interrogatories of the Department of the Navy, still trying to get some information, and I will report to the House as soon as I have some definite information.

However, there are other concurrent events. Mexico also, and rightfully and proudfully, has always proclaimed the fact that it would never accept bilateral aid. That is what we call foreign aid. It has been a heavy user of the multinational type of aid through the Inter-American Development Bank and through the World Bank, where the United States, of course, has been one of the chief pegs in that enterprise.

However, something that is not known at all, and as far as I know the only one that has brought that out is yours truly, and that is that our banks in New York principally have about $2 billion alone invested in the so-called spectacular Mexican oil and gas developments, their fields. That is Chase Manhattan, First City National, and that kind of investor that has made it possible for Mexico to develop these big finds in which we find that Mexico—and I am not here judging whether they were properly defending their national interests or not—where Mexico just a matter of a couple of years ago was siding with OPEC and did everything it could to consummate deals with European countries, West Germany and a few others, and Japan, and the only reason they did not is that of course the inevitable fact and the inescapable economic fact of life is that the United States is the best and the most profitable market that Mexico could ever have, for many reasons, as they found out in their attempted deals with West Germany, even with Russia through Cuba, and with Japan.

So that sheer necessity and not any particular friendship toward the United States dictated that, but meanwhile it is our American investors that really control the purse strings. As a matter of fact, recently there was a flurry of headlines over in Moscow and other countries, quite a big ado when the Mexican Government ceased intervening to hold up or shore up the value of the peso, because the peso has gyrated to where today it is worth about 2 cents of the American dollar. The reason is that the Mexican Government finally stopped intervening into the market to shore it up, which it had been doing since the formal devaluation in 1976. But, there are reasons behind that, and the fact is that Mexico today has an external debt that has increased immensely just since 1977. In fact, better than 350 percent. The external debt is now over—that is, officially, and I assume these are very, very conservative figures, and you can rest assured, you can take a bet and win it, that it is much more than that, but consecutive estimates have it at $75 billion.

Better than one-third of that, much better than one-third, is owed by Mexico to the United States banks, part of which I will say and repeat, is the $2 billion for these oil developments. We found out that money has no citizenship with the oil spill a couple of years ago or 3 years ago. It will be this summer, that inundated and damaged our Texas shores to this day, and it so happened that the Governor of Texas turned out to be the man whose oil rig was the one that had blown up, and here is the great exponent of Reaganomics and great enemy of Federal money or Government or subsidies, but who was able to buy that plus five other rigs through $300 million worth of loan guarantees through the Department of Commerce.

Again, it took yours truly to bring that out, but like President Reagan, they are well protected and they are well covered up for, and to this day the duplicitous role and the absolute refusal on the part of the Mexican Government to accept any kind of responsibility for that gigantic damage done the ecological situation in the marshlands and croplands and bays and areas, and even that has been covered up. But the people know, even though they know they are helpless and feel that they are, and this is what I think is bad, but now why all of this armament? The best that I can get as a reason emanating from Mexican sources is that Mexico is scared. It is frightened. It is frightened of a spillover of violence south of its borders. Maybe not so much El Salvador as what is happening and will happen and will blow up in Guatemala, but in that case it is naturally our bankers here who are worried more than anybody else about protecting those gas deposits and pipelines and oil pipelines. But from whom?

This is what we hope to get from documentation, all in the near future. In the meanwhile, my advice to my colleagues that seem to think that the salvation for the lack of assertion of leadership on the part of our country other than the blind and the backward and the unconscionable support of the most oppressive regimes in the whole world, and we are sowing dragon's teeth, as I repeat. We now have been the cause of Argentina, one of the most oppressive governments on the whole face of the globe, to send their troops to El Salvador, and what about ours? Well, I have constituents who happen to be on duty, and what is their plight? Identical to that which confronted some of my constituents in May 1963.

The only thing different was that in that case they were writing to me from Vietnam. In this case, they are writing to me from El Salvador, but the situation is the same. They are there as plain soldiers, advisers. They have no protection whatsoever, not even allowed to carry guns. Yet, there is violence all around them, but the Embassy and all of its staff, from the Ambassador on down, work in a fortress. They go back and forth to work in armored cars or vehicles.

□ 1530

They get extra duty or hazardous duty pay. The soldier boy gets nothing because technically he is in a nonhostile area. The reason it has to be defined "nonhostile" is because otherwise the President would have to come to the Congress and seek its approval for the stationing of the military there.

This is the Alice-in-Wonderland repetition of the way Vietnam started. It is no different. The only thing is that in Vietnam we started with less than 50 advisers, and by the time these constituents wrote me in May 1963 it had grown to several hundred.

I finally did get the ear of the President. At that time we had an accessible President, John Kennedy; at least he was accessible to me. This President is not, but Kennedy was. On his last trip into Texas, I happened to have been one of the very few who rode with him on *Air Force One* into Texas, and let me say what he told me to my face, because he recalled how I had been "bugging" his advisers, including the then head of the 7th floor desk, the Southeast Asia desk, the brother of McGeorge Bundy, William P. Bundy, because of the Alice-in-Wonderland situation of these poor airmen and soldier boys who were in Vietnam facing hostile fire and the threat of serious bodily harm or death and yet were not permitted to be armed.

In fact, one of my constituents was shipped back because on one of his last trips aboard a helicopter he received hostile fire, and not having a gun, he ordered the ARVN to use his gun; he refused, so he grabbed the gun from him and fired back. When he landed, he was reported for violating his advisory capacity, and his CO, in order to avoid an international argument, shipped him back home to San Antonio. That was in 1963.

Finally, I had a little input to the President on his last trip to Texas. The President told me two things: First, that as soon as he got back he was going to the Pacific to meet with CINCPAC and all of them in order to completely review the Southeast Asia situation, which he felt had gotten out of control by then; and second, he was going to order the removal of all those so-called military advisers and, as he said, including the helicopters.

Now, that order was given. I did not know it at the time. He said he was going to, and he did. President Johnson revoked that order the following year, in February.

That is the history, and it seems to me so disturbing, so shameful, and so exasperating to see us blindly stumbling the same way, except that this time fate is inexorable. This is not Southeast Asia; this is our front and back steps.

We cannot afford to make a mistake. We cannot afford to have American boys fighting Latin Americans or continuing what we have already started—getting one to fight the other, prevailing on the Argentinian Government to send its military to involve themselves and intervene in El Salvador as they are right now.

How in the world can we have the moral right to revile even Castro? And we are the ones who have made a hero out of Castro, a third-rate leader. We have managed to make a hero out of him. We have ascribed every single aspiration of the downtrodden peasants in Latin America to Fidel Castro's machinations, just like the President ascribes to a successful Russian Communist movement all the demonstrations in Holland, where we recently had half a million Dutchmen protesting and the President said that was the work of Russian Communists.

What a sorry commentary on our leadership and on the helpless fate of so many Americans.

Mr. Speaker, I yield back the balance of my time.

REDEFINING AND UPDATING THE MISERY INDEX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 15 minutes.

Mr. WALKER. Mr. Speaker, it seems to me that a lot of nonsense gets paraded out on this floor on many occasions as political and economic fact. I think we have heard some even here this afternoon. One of my Pennsylvania colleagues paraded forth some myth that has to be labeled as something other than political fact and economic fact.

But I think that perhaps what we ought to do from time to time is go back and begin to look at the measurement standards that have been used in the past to say whether the economy is improving or whether it is not improving. It seems to me that it might be fair to use the Democrats own standards in evaluating what is going on in the economy in this country today.

President Carter back in 1976 created a measurement device for measuring how well the economy was doing. He called it the misery index. He said that what you could do is measure how well things are going on in the economy by finding out just how miserable people were out there. He said that the higher the total of the misery index, the worse off you are.

He also made the point that if the misery index had validity—and he claimed that it did—it particularly applied to the low- and middle-income people because, after all, the rich can always survive in an economy; they always find their way, but it is the low- and middle-income people of this country who suffer when the economy goes wrong.

President Carter went all over the country beating the then President, President Ford, over the head with the idea that the misery index was rising, and that President Ford had had an average misery index somewhere in the vicinity of 16 percent, as compared to Presidents in the past who had had a good deal lower average. In fact, then Candidate Carter said that President Ford's misery index was higher than any President's since Woodrow Wilson.

Well, Candidate Carter became President Carter, and the misery index during the Carter years rose steadily, until we get to the final year of the Carter administration, in 1980, and we find that the misery index did not stand at 16 percent; it stood at 19.5 percent in that last year of the Carter administration.

Let us be clear as to what the misery index is. It is a measurement where we put inflation figures together with unemployment figures, and the total of that is how badly the economy is being devastated in toto. As to President Carter, in the last month of his Presidency, in December 1980, the last full month of the term, the misery index in this country at that point stood at 18.1 percent as the total for the economy.

Well, given that figure, it seems to me then that it might be well to take a look at what some of the Democrats have been saying recently. For instance, the Democratic study group was quoted recently as saying that the economy is in far worse shape now than it was when Ronald Reagan took office and it is getting worse. Well, I wonder how that compares with the misery index of the Carter administration.

The fact is that if we annualize the figures for February of this year, after a full year of the Reagan administration, we find that the misery index for February 1982 stands at 12.3 percent, almost 6 points lower, measured not by Ronald Reagan's standards but measured by the Democrats' standard.

The misery index has been coming down. The Democrats are wrong. However, some of my Democratic colleagues might say, "Well, what we ought to do is include interest. Interest has become far more important since those days, and President Carter did not include interest in there."

All right. Why can we not then have a prime misery standard where we include the prime interest rate? When we go back to that last month of the Carter administration, we find that the prime misery rate stood at 39.6 percent. In February 1982 the prime misery rate stands at 28.3 percent—over a 10-point drop in the time that Ronald Reagan has been in office.

What do these statistics show? They show one thing, and that is that under Jimmy Carter and under the Democratic-controlled Congress the misery index in this country went up by 56 percent in a 4-year period, from 1976 to 1980. In the period of time since 1980, until February of 1982, the decline in the misery index has been 37 percent. Not only is it not still going up, it is actually coming down. It has come down to 37 percent in that short period of time.

□ 1540

The prime misery index where you include the interest, the prime misery index has dropped by 19 percent in that same period of time under Ronald Reagan, whereas it went up by 80 percent in the 4 years of the Carter administration.

Ronald Reagan asked a question during the campaign. It is a question that some of my Democratic colleagues say is going to get repeated in this campaign. It was "Are you better off this year than you were last year?"

The answer measured by the Democrats' own misery index is "Yes." Ronald Reagan has begun the process of turning around the economy.

Obviously we are not happy with the unemployment figures. Obviously we are not happy with the interest rate figures. But the fact is the economy is beginning to turn around. It shows up not in figures created by the Republicans but in the figures created by the Democrats themselves.

I yield back the balance of my time.

FORECAST OF HIGH-TECH PERSONNEL NEEDS

● **Mrs. HECKLER.** Mr. Speaker, most of my colleagues are aware that this country is currently facing a shortage of engineers and other technical professionals and paraprofessionals. In order for America to remain the state-of-the-art world leader in scientific and technological fields, we must support strong science education programs with broad participation and high standards.

To expand upon the severity of the problem in science education in America today, I am submitting the excellent testimony by Robert Henderson, chairman and chief executive officer of the Itek Corp., before the November 24, 1981, field hearing in Boston of the Subcommittee on Science, Research, and Technology of the Science and Technology Committee. As the ranking minority member of the subcommittee, I initiated the hearing in order to document the needs of high-tech industries. Dr. Lewis Branscomb, chairman of the National Science Board and chief scientist and vice president of IBM Corp., refers to Bob Henderson's testimony as the "finest document on the status of science education in America that I have ever seen."

I offer this testimony so that all of my colleagues will have the opportunity to read it.

FORECASTING NEEDS: THE HIGH TECHNOLOGY INDUSTRY

In the last two years, the high technology industry has created almost 31,000 jobs in Massachusetts, in the face of overall declining manufacturing employment. The question today is: Can this rate of growth or any rate of growth continue in light of present conditions?

There are a number of reasons for the question. Among them are the high cost of capital, increasing competition from overseas and the ability of the present market to absorb new products.

The most serious impediment to continued growth, however, is not a market or economic factor. It is the existing scarcity of engineering and technical help. The high tech industry is people poor. There are not enough technically trained people available to meet the requirements of this industry. The United States, unlike other nations, is seemingly unable to produce a sufficient supply of technically educated people. This has prevented many companies from expanding and adding to the economy. Overall, it is hurting our ability to maintain a technological edge in world markets.

SEVERITY OF PROBLEM

The shortage is very real. The U.S. Department of Labor estimated that there were 17,000 unfilled entry-level engineering jobs in 1980; other estimates have been as high as 25,000. There is no letup expected in demand over the foreseeable future. According to a recent American Electronics Association's Survey of its membership, representing about one-third of the total U.S. electronics industry, the anticipated demand for engineers in this segment of the high technology industry far exceeds the growth potential for colleges and universities.

Much has been said about the reasons for the engineering graduate shortfall. They were discussed in at least two recent hearings before the House Science and Technology Committee. Basically, the reasons given for the shortfall were: inadequate facilities at colleges and universities, facility shortages and the lack of up-to-date equipment for training.

These points need not be restated. It is more important to look at the implications of this shortage. They include the following:

Shortfall in Employment. The New England Congressional Institute stated that as of June 1980 over 5,900 jobs in Massachusetts high technology industry remained unfilled. On an average, for each technical/professional job filled in this industry, an additional three to five support and administrative personnel are required. To this must be added 7.4 jobs in the non-manufacturing sector which are created for each 10 new manufacturing jobs. The total employment shortfall to Massachusetts could have been as high as 40,000 jobs or just under 25 percent of the State's current unemployment figure.

Economic Impact. The loss in personal income as a result of the Massachusetts employment shortfall is substantially over half a billion dollars.

Small Business Impact. Small companies create the majority of new jobs. David Berg of M.I.T. determined that 80 percent of all new jobs came from firms with fewer than 500 employees. These firms are today's innovators, yet they suffer most from the engineering shortage.

But the shortage causes all high technology companies to suffer. Any company, faced with the necessity to deliver on today's programs and solve today's problems, utilizes maximum human resources to produce what is needed immediately. Therefore, engineers are not available for advanced development or process improvements. Innovation and productivity suffer. The effect causes serious implications for the long term by narrowing the "technology gap" between the U.S. and its international competitors.

Moreover, we reduce our ability to compete against foreign competition. If this state of affairs is allowed to continue, high technology imports will increase and the one bright spot in today's U.S. economy will go the way of automobiles, TV sets and shoes.

Other nations, especially those that are economic and political competitors, are apparently able to graduate more engineers than the United States. It is well known that Russia, with a population just slightly larger than ours, graduates three times as many engineers and that Japan, a nation with half our population, graduates 5,000 more electronic engineers annually than we do.

What is even more telling, however, is that, on a per capita basis, the output of engineers by Czechoslovakia is twice that of the United States; Bulgaria is three times and East Germany is four times our rate.

Admittedly, these are not today's industrial competitors. But, based on their proportion of college age people in engineering, they could very well be our competitors in the decades ahead.

The countries that have built up their engineering population have outpaced the United States. Between 1963 and 1977, Japan's share of world trade in manufactured goods (excluding fuel and food) increased from eight to 15 percent while the United States' share fell from 21 to six percent. Between these same years, productivity increased in the manufacturing industries of West Germany by 114 percent, of Japan by 197 percent, and of the United States by only 39 percent. For the last two years, a zero productivity gain has been reported in this country.

If the U.S. had maintained its 1963 productivity rate until the present time, the United States would have been able to afford the Carter Budget, the Reagan tax cuts and been able to give a substantial cash grant to every man, woman and child in the United States.

DURATION OF SHORTFALL

The duration of the engineering shortage is disputed. Some sources claim a surplus of BSEE's by 1990. Other claim the shortfall will reach 300,000 by that time.

The truth probably lies in between, but the general concensus in the high technology industry is on the side of a continued shortfall even through engineering degrees have increased over the past four years.

There are reasons for this pessimism other than the fact that there is a limit as to how far existing, over utilized, colleges and universities can expand without a mass infusion of funds.

The principal reason is the anticipated expansion of the high technology industry. Some examples of this expansion are:

The dawning of the first VLSI's will herald a new information technology product demand explosion which will equal or exceed the growth curves of the computer industry.

The marriage of communications and computers will bring forth an entirely new industry to the American scene.

Increased defense spending, and the need for new, even more sophisticated weapon systems, will significantly add to engineering demand.

Emerging fields, such as robotics, and the need to increase productivity will create new, specialized engineering fields.

The increasing complexity of each additional engineering advancement in ongoing technologies will increase the numbers of engineers required to maintain continuing programs and products.

Other reasons for pessimism include the fact that there are indications that there will be a significant decline in the number of degrees granted in the next few years and that the peak we are now experiencing will decline.

In addition, an increasing portion of the advanced engineering degrees granted in the United States go to foreign nationals, the majority of whom do not remain here after graduation.

As bad as the engineering shortfall is, the situation for technicians and skilled workers is even worse. It has been estimated by 1990 that the country will need over 10,000 tool and die makers, 11,000 drafters, 23,000 engineering technicians, and 58,000 machine service technicians.

Against these needs we are faced with a declining school enrollment. A viable supply of engineers, technicians and skilled workers is just not on the horizon.

CONCERNS WITH BASIC EDUCATION

A primary reason for this upcoming shortfall lies in our nation's primary and secondary school systems. This country does not adequately prepare students that are willing or capable of continuing training or education in technical subjects. This is very evident since the ratio of technical degrees to all degrees in most other industrial countries is much higher than ours.

Two reasons can account for this that relate directly to the country's primary and secondary educational process—the quality of the curriculum and educators. The declining quality of the curriculum is reflected in the most common measure of academic aptitude. Scholastic Aptitude Test Scores, or SAT's, have been on the decline for over a decade, and the decline has been consistent, regardless of the ever increasing amounts of money, in constant dollars, that the American public has been willing to spend.

Excuses given for the decline include the fact that a greater percentage of students are taking the test or that the expectations of today's parents are not high. Others discount the test as not being meaningful.

There is another more realistic premise. Students leaving our high schools are less prepared in the basics than previous generations of Americans.

Only one-sixth of all high school students take a junior and senior level science course. Only one-half of all U.S. high school students take a math course after grade 10, creating a need for math remediation by one-half of all entering college feshmen. Just 15 percent of all high school students take a course in chemistry—only seven percent in physics.

The 1980 presidential report on science and engineering education concluded that "more students than ever are dropping out of science and mathematics courses, and this trend shows no sign of abating." We now rank fourth in scientific literacy behind the Soviet Union, West Germany and Japan.

Our national government offers no encouragement, either. To this day there are areas within the Federal Government insisting that declining achievement scores cannot be attributed to a lessening of the study of mathematics and science. What is not said by the U.S. Department of Education is that present day offerings of math courses include such areas of study as "Consumer Math," "Math Review," "General Math" and "Financial Investment," courses unheard of two decades ago.

Our industrial and economic competitors do not make this mistake.

In Russia, algebra and geometry begin in grades seven and trigonometry is added in grades eight through 10. All Russian students complete five years of physics, four years of chemistry, and one to four years of high school biology.

In West Germany, biology is introduced in grade three, physics and chemistry in grade five and an increasingly advanced math and science course added each year of high school.

In Japan, 25 percent of all class time in grades seven to nine is spent on math and science, with trigonometry added in grade nine. Thirty-three percent of all Japanese high school students take three natural science courses and four math courses. Japanese 13-year-olds have the highest math achievement scores amongst 12 industry countries, including the United States.

The results are evident. Whereas in the United States, 75 percent of our children complete high school, that percentage is 98 percent in Russia and 92 percent in Japan. And, unlike in the United States, there apparently is very little dispute in those two countries over the quality of education.

Another thing happens in our elementary grades where the teaching process plays a role. Until grade six both male and female students score about equally on standardized math tests. From that time on, females take fewer science and math courses than their male counterparts. By the twelfth grade, according to a recent California study, female competency in math has declined to 51 percent of that of their male counterparts. Today, although women make up half of our workforce, only nine percent of the science and engineering workforce is female and most of these are in the sciences.

Whereas a substantially higher ratio of high school graduates in other countries go on to become engineers, our children, because of a dearth in math and science courses, do not even have the choice to major in these fields—even it they wanted to. Most students do not take the prerequisite courses which would allow them to enter engineering colleges. And even many of those that do take the prerequisites need remedial work.

PRIMARY AND SECONDARY TEACHING QUALITY

This problem is either caused by and/or aggravated by teaching staff quality.

As there is at the college level, a shortage of math and science teachers and certified instructors also exists in our nation's public schools. A 1981 national study of estimated supply and demand of secondary science and mathematics teachers found that 16 of the 46, or 35 percent of state science supervisors responding characterized the mathematics teacher supply situation in their state as a "critical shortage"; 16 others said they had some shortage.

Unlike the college level, however, this shortage is apparently not caused by low salaries but by an inadequate number of teachers trained in these subjects. The production of newly-qualified mathematics and science teachers has slowed to a trickle. Last year, for example, Ohio State University, the University of Nebraska, and the University of Minnesota each graduated only one newly-qualified mathematics teacher.

The change from "the basics" to "innovative curriculum" apparently coincided with a decline in teacher qualification. A recent national survey indicated that less than 10 percent of elementary school teachers felt qualified to teach math or science at this low level.

The situation for the secondary teachers is, if anything, worse.

To cite one example: A recent study in North Carolina shows that fully 70 percent of their teachers who hold the science certification are certified only in biology. Only 52 percent of the teachers who taught science in grades seven to nine were appropriately certified. Almost 29 percent of the teachers who taught science in grades seven through 12 had no science certification at all.

From 1972 to 1980, the decline in SAT scores for education majors, nationwide, was over twice that of all undergraduates.

EFFECT OF NONSCHOOL FACTORS

That teaching quality, rather than nonschool factors, is a leading culprit in the decline in achievement scores seems an unavoidable conclusion.

Whereas SAT scores, as well as achievement scores in reading and math have declined persistently since the mid-sixties, achievement scores in grades one through three have remained stable.

The implication seems to be that, far from being responsible for dropping achievement, students' home environments and parental expectations sustain them through the early years of schooling. It is during these early years that parental control and influence are undoubtedly strongest.

Comparison of absolute raw scores of elementary pupils of the late 1930's with the raw scores of 1950's school children on the same test shows that 1930's school children scored significantly higher; and SAT scores in the 1950's were substantially higher than they were in 1981. Today's lower achievement scores cannot be blamed on lack of funds or class size. Nor, apparently, can they be explained by socioeconomic background.

The International Evaluation of Educational Achievement (IEA) is a ten-year study which compared the results of schooling in nineteen countries. "After the socioeconomic background of the students has been taken into account, students are still remarkably different in their academic performance, with about 90 percent of the variance in their test scores still remaining to be explained by other factors," the study concluded.

To quote the study further, "In the IEA studies, school variables turned out to have substantial influence on achievement, and some analyses produced the finding that school quality was 'of equal or of even greater importance than the home background of the child.' "

This report indicates that undertrained, thus underqualified, teachers, along with a soft curriculum, have played a major role in the decline of educational standards in this country.

REASON FOR IMPORTED TECHNICAL EDUCATION

There has been a serious deterioration in the teaching of math and science in our basic educational system.

On a very elementary level, this has resulted in today's most common phobia in America, technophobia. At the highest level, it is threatening the economic and political leadership in the United States.

There is a need for everyone to have an educational background in technology so that those who do not become scientists or engineers can make informed decisions about the nation's technological goals and objectives.

The increasing technical complexity of the workplace favors the employment of youth with a firm understanding of math and science

RECOMMENDATIONS

First, this country should have a national engineering policy—an expression of the nation's commitment to that field. It should include manpower objectives and a system for measuring against those objectives. It should also address the issues of educational technology standards, information transfer and cooperation between industry and schools.

Second, although funding is being cut back and may be sent to the states for disbursement, the use of available funds should be tied to very specific objectives and quality standards.

Third, since almost 70 percent of foreign students learning in this country return to their homeland, federal regulations should require foreign students to pay full and actual educational costs rather than having their education subsidized at the expense of the U.S. taxpayers and students.

Fourth, the recently enacted 25 percent tax credit for equipment donations to universities apparently was restricted to gifts for use in research in the physical sciences. This Act should be extended to include equipment donations for engineering and technical teaching applications.

Finally, the federal government should act as a coordinator in bringing industry and education together to seek common grounds and resolve difficulties.

Other recommendations have been made in Congressional hearings over the past year to correct both the existing engineering shortage and the deterioration in U.S. education. Basically, they are the same problem. Congress is strongly urged to address this issue now.●

U.S. SECURITY POLICY IN THE WESTERN HEMISPHERE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP), is recognized for 60 minutes.

● Mr. **KEMP**. Mr. Speaker, last month it was reported that Soviet TU-95 "Bear" bombers operating out of Cuba penetrated 42 miles into the U.S. air defense zone off the coast of Virginia, to within 1 mile of the new U.S.S. *Carl Vinson* nuclear aircraft carrier. This latest escalation of the Soviet presence in Cuba is in addition to a 3,000-man Soviet brigade located near Havana, a major intelligence collection facility that monitors U.S. communications, 8,000 civilian and 2,000 military advisers, $3 billion annual aid or one-fourth of the Cuban GNP, and $2.5 billion in arms shipments since 1960.

U.S. policy in the face of this buildup is clear. It was set in 1962 by a joint resolution of Congress, which still remains the law of the land. That resolution reads in part:

> That the United States is determined to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere: (and) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States.

This language was signed into law by President John F. Kennedy on October 3, 1962, who pledged that if Cuba ever became an offensive military base of significant capacity for the Soviets, then the United States would take any action necessary to protect itself and its hemispheric allies.

These principles were echoed in a declaration issued by the Organization of American States, in support of measures necessary to prevent Cuba from threatening the peace and security of the continent. The text of the declaration is printed below.

Nothing has changed since the early sixties that makes an offensive Soviet military presence in Cuba or a highly armed Castro government in Cuba any less of a threat to the peace and stability of this hemisphere. In fact, the argument can be made that the Soviets' presence in Cuba and the arms flow into Cuba are more ominous today than 20 years ago, because today the overall military balance has shifted to the disadvantage of the United States.

Accordingly, on Thursday I introduced a joint resolution to reaffirm that the principles enacted into law in 1962 are still the policy of the U.S. Government, and to reaffirm that this Nation is still resolved to take whatever measures may be necessary to preserve the peace and security of this hemisphere. The joint resolution reads as follows:

H.J. RES. 423

Joint resolution expressing the policy of the Government of the United States of America with respect to the Government of Cuba

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the joint resolution entitled "Joint resolution expressing the determination of the United States with respect to the situation in Cuba", passed by the Senate on September 20, 1962, and by the House of Representatives on September 26, 1962, and signed into law by the President on October 3, 1962 (76 Stat. 697), as follows:

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence: Now, therefore, be it further

Resolved, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

Mr. Speaker, I would like to point out that this resolution is fully consistent with the President's Caribbean basin initiative, which I support. In his speech before the OAS, President Reagan spoke at length about the growing threat to the security and stability of the Western Hemisphere posed by the flow of arms into Cuba, and the transshipment of those arms elsewhere in Latin America. This resolution serves as a reiteration of what is already law: that the United States will use whatever means necessary to oppose Cuban aggression and subversion in this hemisphere. The choice of such means rests in the first instance with the President, as the Constitution provides.

When this resolution was first introduced in 1962, it passed in the Senate by a vote of 86 to 1, and in the House by a vote of 384 to 7. Today Senator SYMMS of Idaho is cosponsoring the same resolution in the Senate. We would hope that our colleagues will unanimously join with us, and with our colleagues of the 87th Congress in 1962, in supporting this resolution.

Mr. Speaker, I would like to insert into the RECORD a Washington Post article, reporting the incursion of Soviet Cuban-based bombers into American airspace, and the text of the resolution passed by the American Republics of the Organization of American States in support of the original joint resolution of Congress on Cuba.

U.S. AWACS SPOT INTRUSION OF SOVIET JETS

(By Michael Getler)

Two Soviet TU95 "Bear" reconnaissance bombers that penetrated deep into U.S. airspace off the Virginia coast yesterday to get a look at a new U.S. aircraft carrier were detected by Airborne Warning and Control System (AWACS) planes now said to be patrolling the waters between Cuba and this country.

Although it is not uncommon for Soviet reconnaissance planes to probe around U.S. fleet maneuvers, informed sources said deployment of the Air Force's AWACS planes is a new development and is linked to growing concern about shipment of new MiG23 "Flogger" attack jets from Moscow to Havana earlier this month.

Military officials said last night that the two Soviet TU95s had taken off from their base in Cuba and were intercepted and escorted from U.S. airspace by Air Force F15 Eagle fighters and Navy F4 Phantom jets. The Soviet planes returned to Cuba.

The planes reportedly penetrated 42 miles into the U.S. air defense zone off the coast within about one mile of the new USS Carl F. Vinson, the 93,000-ton Nimitz-class nuclear aircraft carrier. The Vinson left Newport News Sunday and is undergoing sea trials.

Pentagaon officials said the TU95s were at about 1,200 feet when they came closest to the Vinson off Cape Charles, Va.

Such Soviet bombers occasionally have penetrated the U.S. air defense zone, which extends about 200 miles. U.S. jets normally intercept Soviet planes detected in the zone and escort them out.

Officials who declined to be identified told the Associated Press that yesterday's incursion was the first they could recall in which TU95s made a special round-trip from Cuba to reconnoiter U.S. naval units off the East Coast. It was not known immediately whether Soviet planes have penetrated more deeply than they did yesterday.

According to the Pentagon, an unspecified number of F15s scrambled from Langley Air Force Base, Va., and intercepted the Soviet planes about 218 miles from the Vinson.

Two F4s from Oceana Naval Air Station at Virginia Beach took over the escort about 46 miles from the Vinson, and accompanied the TU95s as they circled the carrier once before heading back toward Cuba, the Pentagon said.

The presence of about half a dozen MiG23s in packing crates at an airfield near Havana is "making a lot of people uncommonly unhappy" in Washington, one well-placed source said here yesterday.

Secretary of State Alexander M. Haig Jr. expressed concern about the MiGs yesterday during a meeting with Soviet Foreign Minister Andrei F. Gromyko in Geneva, the source said.

Although the MiGs are crated, sources here said U.S. specialists, jokingly called "crate-ologists," are sure the planes are of the modern MiG23 variety. About 30 or 40 other crates are believed to contain spare parts and other equipment.

The major unknown is whether these MiGs are primarily models used for air defense or to support ground troops or whether they are models that can carry various bombs, including nuclear weapons.

If they are the bomb-carrying variety their presence could involve a breach of understanding reached in 1962 between Washington and Moscow about keeping such weapons out of Cuba.

It is not known whether the planes are meant to stay in Cuba or are for eventual shipment to Nicaragua.

AMERICAN REPUBLICS APPROVAL OF "MEASURES NECESSARY TO PREVENT CUBA FROM THREATENING THE PEACE AND SECURITY OF THE CONTINENT": RESOLUTION APPROVED BY THE COUNCIL OF THE OAS, OCTOBER 23, 1962

Whereas:

"The Inter-American Treaty of Reciprocal Assistance of 1947 (Rio Treaty) recognizes the obligation of the American Republics to provide for effective reciprocal assistance to meet armed attacks against any * * * and in order to deal with threats of aggression against any of them".

Article 6 of the said Treaty states:

"If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continential or intra-continental conflict, or by any other fact or situation that might endanger the peace of American, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent."

The Eighth Meeting of Consultation of the Ministers of Foreign Affairs of the American Republics in Punta del Este in January, 1962, agreed in Resolution II "To urge the member states to take those steps that they may consider appropriate for their individual and collective self-defense, and to cooperate, as may be necessary or desirable, to strengthen their capacity to counteract threats or acts of aggression, subversion, or other dangers to peace and security resulting from the continued intervention in this hemisphere of Sino-Soviet powers, in accordance with the obligations established in treaties and agreements such as the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance":

The Ministers of Foreign Affairs of the American Republics meeting informally in Washington, October 2 and 3, 1962, reasserted "the firm intention of the Governments represented and of the peoples of the American Republics to conduct themselves in accordance with the principles of the regional system, staunchly sustaining and consolidating the principles of the Charter of the Organization of American States, and affirmed the will to strengthen the security of the Hemisphere against all aggression from within or outside the Hemisphere and against all developments or situations capable of threatening the peace and security of the Hemisphere through the application of the Inter-American Treaty of Reciprocal Assistance of Rio de Janeiro. It was the view of the Ministers that the existing organizations and bodies of the inter-American system should intensify the carrying out of their respective duties with special and urgent attention to the situation created by the communist regime in Cuba and that they should stand in readiness to consider the matter promptly if the situation requires measures beyond those already authorized";

The same meeting "recalled that the Soviet Union's intervention in Cuba threatens the unity of the Americas and its democratic institutions, and that this intervention has special characteristics which, pursuant to paragraph 3 of Resolution II of the Eight Meeting of Consultation of Ministers of Foreign Affairs, call for the adoption of special measures, both individual and collective";

Incontrovertible evidence has appeared that the Government of Cuba, despite repeated warnings, has secretly endangered the peace of the Continent by permitting the Sino-Soviet powers to have intermediate and middle-range missiles on its territory capable of carrying nuclear warheads;

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES ACTING PROVISIONALLY AS ORGAN OF CONSULTATION

Resolves:

1. To call for the immediate dismantling and withdrawal from Cuba of all missiles and other weapons with any offensive capability.

2. To recommend that the member states, in accordance with Articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance, take all measures, individually and collectively including the use of armed force, which they may deem necessary to ensure that the Government of Cuba cannot continue to receive from the Sino-Soviet powers military materiel and related supplies which may threaten the peace and security of the Continent and to prevent the missiles in Cuba with offensive capability from ever becoming an active threat to the peace and security of the Continent.

3. To inform the Security Council of the United Nations of this resolution in accordance with Article 54 of the Charter of the United Nations, and to express the hope that the Security Council will, in accordance with the Resolution introduced by the United States, dispatch United Nations observers to Cuba at the earliest moment.

4. To continue to serve provisionally as Organ of Consultation and to request the member states to keep the Organ of Consultation duly informed of measures taken by them in accordance with paragraph 2 of this resolution.●

CONGRESSMAN TRIBLE INTRODUCES BILL TO REQUIRE ANNUAL OPEN SEASON

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. TRIBLE) is recognized for 15 minutes.

● Mr. TRIBLE. Mr. Speaker, today my colleagues, STAN PARRIS and FRANK WOLF, and I have introduced a bill to require the Office of Personnel Management to hold an open season at least once every 12 months for the 9.2 million participants in the Federal employment health benefits program.

More than 15 months have elapsed since the last open season. During that time, health insurance premiums for the FEHB program have risen by an average of 30 percent, and benefits have been cut back by an average of 16 percent. Despite these drastic changes, the participants in this program have not been allowed either to transfer their health coverage or to leave the program. It is unconscionable to force these people to pay higher prices for less coverage without giving them these opportunities.

It now appears that the Office of Personnel Management will hold an open season in May 1982. Although this is welcome news, the Congress must act to assure that in the future there is an open season at least once every 12 months.

My bill would accomplish three objectives. First, it would require the Office of Personnel Management to hold an open season each year. In 1981, there was no open season at all. It would also require that no more than 12 months elapse from the beginning of one open season to the beginning of the next open season. This is to prevent OPM from scheduling, for example, an open season in January 1983 and the next open season in December of 1984. This would meet the requirement of an open season at least once each year, but 23 months would have elapsed from the beginning of the 1983 open season to the beginning of the 1984 open season. My bill would prevent this by requiring that not more than 12 months elapse between open seasons.

Second, it would require that the Office of Personnel Management give at least 4 weeks notice before the beginning of an open season of any changes in benefits or premiums. Sufficient notice is essential to making an informed choice.

Third, my bill would require the Office of Personnnel Management to hold an open season before reducing benefits or increasing premiums. Contracts between OPM and the insurance carriers are for a period of 12 months, beginning on January 1 of each year. My bill would require an open season immediately before a new contract begins if the new contract will result in lower benefits or higher premiums for the recipient. An open season would also be required if OPM and a carrier make any modification during the term of the contract which results in decreased benefits or increased premiums.

The Congress must guarantee an open season at least once every 12 months for the 9.2 million Federal employees, retirees, and dependents who participate in the FEHB program. Requiring an open season would contribute substantially to the morale of Federal employees. It would permit those with a pressing need to amend their health coverage to do so. It would eliminate the hardship and expense now imposed on Federal employees, retirees, and their families. In sum, requiring an open season would restore fairness to the system.

I urge your support and cosponsorship of this legislation.●

THE FIRST-TIME HOMEOWNERS OPPORTUNITY ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 10 minutes.

● Mr. FRANK. Mr. Speaker, today I am introducing the First-time Homeowners Opportunity Act. This bill will give new hope to young families unable to purchase what we have long considered the American dream—one's own home.

First-time homeowners find themselves locked out of the housing market by factors totally out of their control—high interest rates. Even those who diligently save and who have very reasonable incomes are unable to afford a mortgage on only a moderately price dwelling. Make no mistake, high interest rates have many victims in addition to first-time buyers—homebuilders, construction workers, building suppliers, realtors, and those in financial institutions. The inability of first-time buyers to purchase homes also means that those wishing to sell will have added difficulty. The historic mobility which Americans have enjoyed is threatened by this crisis.

As millions of the postwar baby-boom generation have reached adulthood, the problem has only exacerbated. Interest rates on mortgages have remained unacceptably high for months on end and show no sign of significantly decreasing any time soon. Added to this is an administration absolutely unwilling and unable to sense the magnitude of the problem or to propose concrete solutions.

The First-time Homeowners Opportunity Act would provide mortgage assistance in fiscal year 1983 to more than 100,000 first-time homeowners whose incomes are no more than 130 percent of area median. For example, in the Boston, Mass., area, the income eligibility limit would be $37,700; in the Fall River area, $30,420. This assistance would be utilized to reduce the cost on an FHA-insured mortgage--by direct payments to the mortgage holder—to as low as 9½ percent but would be limited to no more than the amount necessary to reduce monthly payments for mortgage, taxes, and insurance to 30 percent of the homeowner's income.

It is important to emphasize that because of this limitation—requiring the homeowner to expend 30 percent of income—the mortgage will not necessarily be subsidized to as low as 9½ percent. These payments would continue for 10 years—unless the homeowner sold the home—but could continue after 10 years if the Secretary of

HUD determined that the homeowner was still in need of assistance. Assistance would be recaptured upon sale of the home but would be limited to 50 percent of the appreciation in value of the property. Purchasers of new and existing single-family homes and individual condominium and cooperative units—which do not result in the displacement of a tenant—could utilize the program. The maximum sales price would be 110 percent of the maximum FHA mortgage—currently $67,500 in Massachusetts. The minimum downpayment would be 5 percent of the purchase price.

Mr. Speaker, this legislation will allow those with very reasonable but moderate incomes to afford modestly priced homes. For example, a $55,000 mortgage, hardly large by today's standards requires $762 for principal and interest; adding taxes and insurance to that means the monthly housing cost is likely to be well over $900. Even a family with a $35,000 income, applying 30 percent of its income to these costs, could not afford such a mortgage without assistance. Looked at another way: With the legislation I am introducing a family earning the median income—$23,400—in Fall River, Mass., could afford the same $55,000 mortgage.

The $400 million annual appropriation authorized in this legislation would go a long way toward relieving the crises we face in the house industry today and would provide new hope for Americans devastated by their inability to afford the cost of homeownership. Against the policy of doing nothing being offered by the administration, this investment in our citizens, particularly our young families, is critically needed.●

LEGISLATION PERMITTING TAX-FREE ROLLOVER OF CERTAIN BENEFITS RECEIVED BY LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, I am today introducing legislation to permit law enforcement officials to contribute to their retirement accounts, without payment of a tax penalty, funds they receive at the time of their separation from service.

Mr. Speaker, often when law enforcement officials leave their jobs they are given a lump-sum payment for vacation or sick days that they earned but did not use. This income, which can sometimes be substantial, is taxable. My bill would allow these sums to be transferred, without payment of income tax, into the individual retirement accounts—IRA's—of those individuals. These payments would of course not escape taxation but as with all funds in IRA's, taxation would be postponed until retirement. Individuals who fall within the ambit of this bill, however, would not be allowed an additional deduction for the amount of their contribution to an IRA in excess of the current allowable $2,000 deduction.

This legislation is a small change for those who so valiantly serve us in the war against crime. I hope that my colleagues will join me in working for swift approval of this legislation.

H.R. 5781

A bill to amend the Internal Revenue Code of 1954 to permit the tax-free rollover of certain benefits received by law enforcement officers on separation from service by increasing the limitations on the deduction for retirement savings

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 219 of the Internal Revenue Code of 1954 (relating to deduction for retirement savings) is amended by adding at the end thereof the following new paragraph:

"(5) INCREASE IN LIMITATION BY AMOUNT OF CERTAIN BENEFITS RECEIVED BY LAW ENFORCEMENT OFFICERS.—

"(A) IN GENERAL.—The limitation of paragraph (1) (as modified by paragraph (4)) for any taxable year shall be increased by the amount of any qualified separation benefit to the extent such benefit is includible in the gross income of the individual for the taxable year.

"(B) QUALIFIED SEPARATION BENEFIT.—For purposes of this paragraph, the term 'qualified separation benefit' means the payment within one taxable year of the recipient of the amount—

"(i) which becomes payable on account of the recipient's separation from service as a law enforcement officer, and

"(ii) which is attributable to accumulated sick leave or vacation or holiday pay (or similar amounts) earned for service as a law enforcement officer.

"(C) LAW ENFORCEMENT OFFICER.—For purposes of this paragraph, the term 'law enforcement officer' means any officer or employee of the United States or of any State (or political subdivision thereof) whose duties primarily are—

"(i) administration or enforcement of Federal, State, or local criminal laws.

"(ii) control and investigation of criminal offenders (including juvenile offenders),

"(iii) control and discipline of incarcerated criminal or juvenile offenders, or

"(iv) protection of public officials, foreign diplomats, public buildings or property, or foreign diplomatic missions.

"(D) COORDINATION WITH OTHER PROVISIONS.—

"(i) For purposes of sections 408(a)(1), 408(d)(5), and 409(a)(4), any contribution for which a deduction is allowable under this section by reason of this paragraph shall be treated as a rollover contribution described in section 402(a)(5).

"(ii) Any qualified separation benefit shall not be treated as compensation for purposes of paragraph (1) of this subsection."

(b) Subparagraph (B) of section 219(c)(2) of such Code is amended by inserting "(determined without regard to subsection (b)(5)" after "subsection (a)".

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1981.●

THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 15 minutes.

● Mr. ST GERMAIN. Mr. Speaker, it seems fair to state that most societies can be judged by the manner in which they choose to use their capital—financial as well as human. The combination of both makes up production and they are critical to determining what that society will reflect as to the well-being of its citizens, and the strength of its economic and social system.

Today, if we look back over the past year for judgment of whether we, as a nation, have chosen wisely in the manner of how we have used this capital, the consensus is that we have misused it badly, and the net result is a recession that by any other definition, may turn into a depression.

By rights, the American economy should not be in a recession. After all, we were told so just last year.

In fact, we were told we would be or should be zooming along at breakneck speed with investment plans for all manner of economic activity, and particularly for our pivotal housing industry—for housing as we know, is the activity to which businessmen and economists look to lead this Nation out of economic doldrums. When housing begins to move—so do lumber and metals, and so do the refrigerators, home appliances, furniture, and even doorknobs.

The housing industry is a $63 billion industry.

Currently, it is in such deep trouble as to boggle the mind and imagination of even the most incurable optimist.

Bankruptcies among homebuilders are up over 50 percent of their figure of 1981, and 1981 set a record for the moment.

Business failure among thousands—I repeat—thousands of housing subcontractors, has compounded the documented misery of small business in this country. What has happened over the past 12 months is a travesty beyond description.

Hundreds of thousands of unsold housing units stand vacant in thousands of subdivisions throughout our land, while the malignancy of increased high unemployment in the building trades, the national catastrophe of high and rising interest rates, and the growing loss of consumer confidence eat away at our national expectations. I speak of the expectations of millions of Americans raised to believe they have the right to individual homeownership. A right we are being asked to postpone.

Mr. Speaker, there is no better indication of the depth of the national malaise besetting this most important element in the American economy than that provided by a review of the Reagan HUD budget proposals for fiscal year 1983. I urge my colleagues to examine them with care, for they portray a keen sense of governmental indifference to the meaning of home and hearth to the American people.

They reflect a sense of indifference in particularly harsh terms:

In the area of assisted housing—the only remaining hope for millions of low-income families—the total of funds made available through 1982 by this Congress was $27.6 billion.

But what does the Reagan HUD budget proposal suggest in its place?

It proposes the rescission of $9.4 billion for 1982, thus lowering our figures to $18.26 for 1982. Beyond that it would drop the total to $7.5 billion for 1983, by seeking no new authorizations and by further rescissions. In essence, this is a reduction in excess of 350 percent concerning funds appropriated and available. It is aimed directly at an industry and at a population on the brink of disaster. It is targeted for the poor, the aged, and the young. And if we approve of these tactics—we are going to be damned by generations of Americans to come for denying them the opportunity and right to homeownership.

If you were to translate these dollar amounts of cutback in our housing programs, what do they really mean in terms of direct impact:

We will lose 20,000 public housing units.

We will lose 34,000 section 8 new construction units.

We will lose 2,000 section 202 units—for our elderly.

We will lose at least 8,000 other units.

We will lose a total of 64,000 units—for 1982 alone.

The grim meaning of these figures are even more frightening when you move on to their predicted effects by the end of 1983. By then,

We will lose an additional 40,000 units of public housing.

We will lose an additional 16,000 units of section 8 new construction.

For moderate rehabilitation—we will lose 30,000 units.

As for our elderly population—we will lose an additional 61,000 units—so necessary for their prospective needs.

To this you can add 1,000 other cancellations—all of which gives you a total of 148,000 units canceled for fiscal year 1983—if we approve these budgetary plans.

Mr. Speaker, I would also like to direct attention to what can best be described as a budgetary anomaly, for it is a prime example of how you can do much less, while appearing to be doing much more.

I am speaking particularly about the apparent large increase in the number of units assisted—so displayed in the proposed HUD budget—despite the rescissions I have just listed.

How can this be done?

Easily—through the simple device of shifting the mix between new construction and existing housing, and thus from a ratio of 45 to 55 percent—as it is now—to a ratio of 10 to 90 percent—under the new proposal. So it is, that while you thus appear to be more than generous in your support of housing, you actually provide less than enough to succeed, and you count on the factor of existing housing as being your ultimate ace-in-the-hole for the sake of the industry's and the public's salvation.

In the litany of injustices pending against the American people, through the proposed HUD budget cutbacks, no greater evidence of hardship can be assembled than that documented through the plight of our housing industry. Last year, new starts dipped below 1.1 million for the first time since the end of World War II, and 36 years of almost uninterrupted progress began to unravel. Today, a year later, new starts are down to 894,000—showing only slight improvement over even lower figures posted for the October-December 1981 period.

The January 1982 rate is 44 percent less than a year ago.

The major question facing all of us today is—has this decline progressed to the point that structural damage has been done to an industry upon which so much of our economic recovery is dependent?

Perhaps the answer can be provided by the new 960,000 building-trades workers now out of work. Their numbers have increased by 250,000 during the past 12 months, and more may be joining their lists in the weeks and months ahead.

Perhaps the answer can be provided by a thrift industry, which has seen its net worth eroded by 15 percent or a staggering $9.4 billion during the past 12 months. An industry now averaging one a week in Government-assisted merger simply to staunch the flow albeit-temporarily.

Perhaps the answer will be provided by the many living in our Nation's rural areas for this segment of our population will be especially hard hit by the proposed 1983 HUD figures:

For example, with regard to section 502 homeownership loans, though the 1982 figure is $2.7 billion, the 1983 proposed budget figure for such loans is reduced to $900,000,000; and

Rural rental housing loans, under section 515 programs, would be dropped from a 1982 total of $940,000,000 to a 1983 proposed dollar amount of only $200,000,000.

In essence, this means homeownership loans will be reduced from 83,000 to 20,000, and rental housing loans reduced from 30,000 to an incredibly low figure of only 5,740.

Mr. Speaker, this is no "rouge et noir"—a system of red and black—to be played out as if it were a game of chance, yet that is what we are being asked to consider.

We are being asked to gamble away—no—better I should say hammer away at the very foundation of national housing policies adopted because that is what these proposals really means, and unless you have a rich Aunt Agatha—willing and able to cosign your very short-term note for a mortgage, you may never be able to build or buy that first—and sometimes only—home. That's the way it was once upon more recent times for many Americans. Only since the 1930's and with the adoption of our commitment to a housing national policy has it been possible for all of us regardless of our station in life to realize that most important part of our dream of individual homeownership. Before that time—far too many of our people were left with no choice but to rent what they could find.

Well, Mr. Speaker, in the words of one observer of today's conditions, "we are creating a whole new class of Americans who will be permanent renters. And at some time, they are going to want to break into homeownership. The question is—will they ever be able to do so."

This country's tradition for homeownership has distinguished us from much of the rest of the world for many years. That tradition's chance for survival will be crippled if the administration's housing policies are adopted by this Congress, and with it, almost any chance for this society to maintain its claim that it has used its capital—financial and human, in its most productive manner.

Mr. Speaker, I ask that at this point my remarks be followed by a summary prepared for me setting forth the content of the President's budget proposals for HUD for fiscal year 1982 and fiscal year 1983 and again, I urge my colleagues to examine these proposals for what they do not reflect in fact, in impact, and in the name of equity.

HUD BUDGET FISCAL YEAR 1983

Program	1982 authorization	1982 appropriation	Reagan 1983 proposal	CBO baseline
Assisted housing:				
Funds available at start of year [1]	$2.802 billion	$2.802 billion	$24.8 million	
Recaptured funds	$5 billion [2]	$7.484 billion [3]	$9.9 billion [4]	
New authority provided	$18.087 billion	$17.374 billion	0	$18.35 billion.
Total funds available before proposed rescission	$25.89 billion	$27.66 billion	$9.925 billion	
Reagan rescission proposal		−$9.4 billion	−$2.415 billion	
Total funds available after proposed rescission	$25.89 billion	$18.26 billion	$7.51 billion	

Program	1982 authorization	1982 appropriation		Reagan 1983 proposal	CBO baseline
		Congressional action	Reagan proposal		
Public housing modernization	$1.5 billion	$1.8 billion [7]	$1.8 billion [8]	$1.8 billion [9]	Not available.
Public housing operating subsidies	$1.5 billion	$1.152 billion		$1.075 billion	$1.37 billion.
Fiscal year 1981 supplemental		$140.6 million			
Sec. 202 elderly housing	$797.036 million	$744.511 million		$276.617 million	$787.91 million.
Units	17,000	16,933		10,000	16,933.
Housing counseling assistance	$4 million	$3.52 million		0	$3.756 million.
Troubled projects:					
New authority	$4 million	$4 million		0	$6.8 million.
Transfer from rental housing assist fund	$51.3 million	$51.3 million		$24 million	([10])
Total	$51.7 million	$51.7 million		$24 million	

Program	1982 authorization	1982 appropriation		Reagan 1983 proposal	CBO baseline
		Before proposed rescission	After proposed rescission		
Assisted housing:					
Estimated units assisted	152,500	$142,500	$219,917[5]	121,615	154,200.
Mix between new construction and existing housing	45/55	45/55	10/90	08/92	
Newly assisted units[6]	117,500	107,000	25,917	40,000	
Newly assisted units after deobligations and recaptures are accounted for.			−32,083	−46,000	

Program	1982 authorization	1982 appropriation	Reagan 1983 proposal	CBO baseline
FHA Mortgage Insurance	$41 billion	$40 billion	$35 billion	Not available.
GNMA mortgage—backed securities	$69.542 billion	$68.25 billion	$38.4 billion	Do.
Reagan proposed rescission		−$20.25 billion		
GNMA tandem	$1.973 billion	$1.973 billion	0	Not available.
HUD research	$35 million	$20 million	$20 million	$21.4 million.
CDBG	$3.666 billion	$3.456 billion	$3.456 billion	$3.68 billion.
UDAG	$500 million	$440 million	$440 million	$478 million.
Section 312	$68.05 million [10]	$68.05 million [10]	0[11]	([12]).
Rental rehabilitation grants [13]			$150 million	
Sec. 108:				
Loan guarantees	$225 million	$225 million	0	
Reagan proposed rescission		−$100 million		
Urban homesteading	0	0	$12 million	

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[1] Includes funds carried over from previous years and permanent budget authority available for re-use.

[2] Under earlier budget assumptions HUD assumed the same amount of recaptures for 1982 as for 1981. In order to achieve this level of recaptures approximately 37,000 unit reservations would have to be canceled. More recent predictions indicate that the likely amount of recaptures in 1982, absent any change in HUD policy, would probably be about $4.4 billion, which would occur is approximately 33,000 unit reservations were canceled.

[3] In order to increase the amount of recaptured funds available for 1982, HUD is planning to adopt a harder stance in "encouraging" the cancellation of outstanding contracts. This figure includes an expected cancellation of reservations for approximately 20,000 public housing units, 34,000 sec. 8 new construction units, 2,000 sec. 202 units and 8,000 other units, for a total expected cancellation of 64,000 unit reservations.

[4] Includes an expected cancellation of reservations for 40,000 public housing units, 16,000 sec. 8 new construction units, 30,000 moderate rehabilitation units, 61,000 units of sec. 8 existing which are being canceled in order to convert to the new voucher program, and 1,000 other cancellations, for a total of 148,000 unit reservations expected to be canceled.

[5] The large increased in the number of units assisted occurs in spite of the proposed rescission as a result of shifting the mix between new construction and existing housing from 45/55 to 10/90, and as a result of reserving in 1982. Sec. 8 assistance for 173,000 units to be converted from rent supplement/RAP to sec. 8, even though those conversions are planned to take place over a 3-yr period.

[6] Represents those units which have not been assisted under any other HUD program. In 1982, under congressional assumptions, 35,000 of the total units represent conversions from the rent supplement and sec. 23 programs to sec. 8, and a set-aside of sec. 8 units for use in conjunction with loan management activities and the sale of HUD-owned properties. Under Reagan assumptions for 1982, 194,000 of the total units assisted represent a conversion from 1 HUD program to another, including 160,000 units for conversion of rent supplement units to sec. 8 anticipated to take place over a 3-yr period, and 13,000 units needed to provide rental assistance to sec. 236 tenants in 1984. Under Reagan assumptions for 1983, 81,615 of the total units assisted represent a conversion from 1 HUD program to another, including 60,615 units that are being converted from the current sec. 8 program to a new rent certificate program.

[7] Includes $300 million in authority made available in fiscal year 1981 but deferred for use until fiscal year 1982, and $1.5 billion in newly appropriated funds.

[8] In addition to the $300 million deferred from fiscal year 1981, includes $1.5 billion that would only be made available if outstanding public housing development reservations are canceled and recaptured.

[9] Proposed to be financed exclusively from the use of recaptured public housing development funds.

[10] This is the level of new loan reservations that could be made from the use of loan repayments and other income, after other operating costs have been met. No new appropriation was provided.

[11] Although $63.1 million would be available from loan repayments and other income for new loan reservations, after other operating costs have been met, the administration is proposing that no new loan reservations be authorized.

[12] Since no new appropriation was provided in fiscal year 1982, the CBO baseline for 1983 (which measures the 1982 appropriation adjusted for inflation) is zero.

[13] A new program to be proposed by the administration which would provide assistance to State and local governments to support the rehabilitation small single-family and multifamily properties. A set-aside of 30,000 new rent certificates would be provided for use in conjunction with this program.

ADMINISTRATION REFUSES TO TESTIFY ABOUT SECURITY CLASSIFICATION ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker, last week I brought my colleagues up to date on the latest developments with regard to the Reagan administration's plans to revise the Executive order on security classification. I also announced that the Subcommittee on Government Information and Individual Rights would conduct hearings on March 10 and 11, 1982.

When I spoke last week, I had thought that the administration would not proceed quickly with the revisions. My conversation with National Security Adviser William Clark had left me with the impression that the administration was not under any pressure to issue a revised order quickly. Unfortunately, that impression was apparently incorrect. It appears that the comment period for the draft order closed last Friday and that the administration was unwilling to extend it to allow interested congressional committees to conduct hearings.

My subcommittee will proceed with its hearings regardless. On Wednesday of this week, we will receive testimony from Prof. Mary Cheh, George Washington School of Law; Dr. Morton Halperin, Center for National Security Studies; Bob Schieffer of CBS News, representing Sigma Delta Chi; Charles Row of the Fredricksburg Free Lance Star, representing the American Newspaper Publishers Association; and Dr. Anna Nelson representing several organizations of historians. Other witnesses may be announced later.

I had invited William Clark of the National Security Council and William French Smith of the Department of Justice to send representatives to the hearing on March 11. Both have refused to supply witnesses. Accordingly, the hearing originally scheduled for March 11 is canceled.

It is unfortunate that no administration spokesman is willing to appear to explain the draft Executive order. There are many unanswered questions about the intent of the administration. Last year, Ed Meese said that he thought that there was "way too much classification." Yet the draft order seems to permit the classification of more information rather than less.

One of the new categories of information that would be subject to classification for the first time under the Reagan draft order is so broad and vague that it might even permit the classification of roadmaps of the Interstate Highway System. It might also authorize the classification of the Nation's telephone system, possibly including phone books.

In addition, the draft order may expand the ability of the Government to classify private technology. Whether the Government should be allowed to interfere with free enterprise by classifying basic scientific research or private technology that is not directly related to military weapons or similar national security matters is a question that is certainly worthy of public debate.

I also wonder whether the administration is using the Executive order on security classification to circumvent the requirements of the Freedom of Information Act. Since all properly classified information is exempt from disclosure under FOIA, an expansion in the amount of information that is subject to classification means that less information has to be publicly disclosed.

These are some of the issues that I would have liked to discuss with the administration. If the concerns of those who have studied the draft Executive order are unfounded, a public hearing would have been the perfect place to dispel those concerns. However, it appears that no one in this administration is willing to defend the draft order in public.

In its refusal to discuss security classification issues before the Congress, the Reagan administration is following in the footsteps of the Nixon administration. In 1973, Nixon's National Security Council would not send a witness to explain the changes made in the Executive order on security classification. I am sorry that the Reagan White House has chosen the Nixon administration as its model for congressional relations.

In contrast, the Carter administration's revision of the Executive order on security classification was conducted with a refreshing degree of openness. Copies of the Carter proposal were made widely available outside the administration, and over 500 comments were received and considered during the revision process. In the midst of its work on the order, the Carter administration sent an Assistant Attorney General to testify before this subcommittee to discuss, among other things, the security classification work then in progress.

This appearance before a congressional committee by an administration witness while changes were being considered did not disrupt the process, did not prevent the President from exercising his powers, did not restrict other Presidential actions, did not interfere with relations between the Congress and the White House, and did not upset the constitutional doctrine of separation of powers. In short, nothing harmful resulted from providing a little information to the Congress.

Unlike some other Presidential orders, the Executive order on security classification is essentially legislative in nature. The order establishes the rules under which most Government information is classified. The order has a direct impact on the availability of information under the Freedom of Information Act. A change in the order should be conducted with the same degree of openness that is usually accorded by the Congress when legislation is considered. Surely the administration would be unhappy if we routinely considered legislation without allowing adequate time for the executive branch to comment.

There is little that can be done in this instance to prevent the President from proceeding with whatever degree of secrecy he chooses. We in the Congress must proceed with our own review of Presidential actions at our own pace. If the White House chooses to ignore us, so be it. Of course, requests for congressional consideration of the administration's own proposals may well receive the same degree of interest and respect that the administration is showing to the Congress in this instance.

The hearing before my subcommittee will concentrate on general classification policy, effect of the Executive order on the Freedom of Information Act, and declassification procedures. We do not plan to focus on the scientific issues raised by the Executive order because it is my understanding that other committees are considering holding hearings in this area. We retain an interest, however, in all aspects of security classification. I invite those who share this interest to submit statements for inclusion in the subcommittee's hearing record.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I am informing the House today of the U.S. Export-Import Bank's proposal to lend $7.8 million to enable the Korea Electric Power Corp. (KEPCO) to obtain engineering services in the United States for two nuclear powerplant units to be constructed in Korea.

The engineering work would be provided by the Ebasco Overseas Corp. of New York at a total cost of $12 million. Because no new nuclear powerplants are being built in the United States, the Korean project would give Ebasco an opportunity to maintain its work force and give the firm's employees a chance to develop their skills and expertise.

French suppliers won most of the contracts for the Korean nuclear powerplants, but Ebasco can obtain the engineering work if Eximbank financing is made available for 65 percent of the cost.

This Eximbank notification was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment and Monetary Policy. Under section 2(b)(3)(iii) of the Export-Import Bank Act of 1945, as amended, the Eximbank must notify Congress of proposed loans or guarantees involving the export of nuclear technology or equipment. Unless Congress determines otherwise, the Eximbank may give final approval to the transaction after 25 days of continuous session of the Congress after notification.

I am submitting the Eximbank's notification, which includes the details of the proposed Korean transaction, for the RECORD. I would welcome any comments or questions my colleagues might have on this financing proposal.

The Eximbank material follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., February 17, 1982.
Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, House Banking Committee, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Eximbank has submitted a statement to the Speaker of the House of Representatives and the President of the Senate in accordance with the provisions of Section 2(b)(3)(iii) of the Export-Import Bank Act of 1945. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

NANCY S. PIGMAN,
Congressional Relations Officer.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., February 17, 1982.
The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
The Speaker's Room,
U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Sections 2(b)(3)(iii) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the House of Representatives with respect to the following transaction involving U.S. exports to the Republic of Korea ("ROK").

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to authorize a Credit of $7,800,000 to Korea Electric Power Corporation ("KEPCO"), formerly the Korea Electric Company, to facilitate the purchase in the United States of advisory engineering services for use in Korea Nuclear Units 9 and 10. KEPCO has selected the Ebasco Overseas Corporation ("Ebasco") to provide the services. The total U.S. export value of this transaction is $12,000,000. This transaction was included in a preliminary commitment issued previously to potential U.S. suppliers of goods and services for the project. The French were awarded the bulk of the procurement for the two units.

2. Identity of the parties

KEPCO was originally incorporated as a private stock company in 1961 and reincorporated on January 1, 1982 as a publicly owned corporation. All of its shares of stock are owned by the Government of the ROK. It is the ROK's sole supplier of central station electric power. KEPCO is one of the largest users of Eximbank's programs for its U.S. purchases and has maintained an excellent credit relationship with Eximbank.

The Republic of Korea will issue an unconditional, full faith and credit guarantee of repayment of the Eximbank Credit.

3 Executive branch approval

Eximbank requested through the Department of State the views of the Executive Branch on the proposed transaction. The State Department has advised Eximbank that the Executive Branch has no objection to Eximbank proceeding with this transaction. The Department of Energy has advised also that it has no objection to the proposed transaction.

4. Nature and use of the services

The services to be exported from the United States will relate to project management, schedule and cost control, quality assurance, engineering (including the review of mechanical, electrical and controls design), licensing, construction management and start-up. In addition to the placing of U.S. nationals at KEPCO offices and at the site, much of Ebasco's design review and project control work will be undertaken at the company's offices in New York.

B. EXPLANATION OF FINANCING

1. Reasons

In July, 1981, Eximbank issued a preliminary commitment offering to provide financing for the turbine generators, engineering and the balance of plant associated with the two nuclear power units. The French initially were awarded the contract for the nuclear steam supply system on a non-competitive basis. At the conclusion of the bid evaluation the French were also awarded the remainder of the equipment and engineering procurement except for the engineering services that the proposed Eximbank Credit will finance. KEPCO conditioned the award of the U.S. originated engineering sevices on the availability of satisfactory financing from Eximbank.

The performance of the engineering service will provide 46 man/years of employment for U.S. personnel principally in the ROK and at Ebasco's New York offices. Financing for the export of the services will provide employment in a sector where there is limited employment opportunities in the construction of nuclear power plants in the United States because no new plants are being built here. Also the financing permits Ebasco to keep its employees involved in a very important technological area so that they may maintain their skills and expertise.

2. The financing plan

The total cost of the U.S. engineering services to be exported from the United States for the project is estimated to be $12,000,000, which will be financed as follows:

	Amount	Percentage
Cash Payment	$1,800,000	15
Private Financing (without an Eximbank guarantee)	2,400,000	20
Eximbank Credit	7,800,000	65
Total	12,000,000	100

(a) Eximbank Charges. The Eximbank Credit will bear interest at the rate of 10.75 percent per annum, payable semiannually. There will be a commitment fee of 0.5 percent per annum charged on the undisbursed portion of the Eximbank Credit and a credit application fee of 2 percent of the amount of the Eximbank Credit.

(b) Repayment Terms. Indebtedness incurred by KEPCO under the Private Financing and the Eximbank Credit will be repaid in ten equal semiannual installments of principal beginning January 4, 1989. This date is six months after the midpoint of the estimated completion dates of the two units. The lenders of the Private Financing will be repaid from the earlier installments and Eximbank will be repaid from the later installments.

Attached is additional information on Eximbank activity in and economic data on the Republic of Korea.

Sincerely,

MARGARET W. KAHLIFF,
Director.

Eximbank exposure in the Republic of Korea as of Dec. 31, 1981

	Thousands
Direct loans	$2,899,964
CFF loans	8,686
Financial guarantees	575,107
Bank guarantees and other	5,820
Insurance	8,855
Medium term	(998)
Short term	(7,857)
Total exposure	3,498,432

REPAYMENT EXPERIENCE

Payment of principal, interest and fees due on Eximbank loans to Korea borrowers have usually been prompt.

KOREA KEY ECONOMIC INDICATORS

[All values in millions of U.S. dollars and represent period averages unless otherwise indicated. Exchange rate: U.S. $1.00 = 688.1 won as of Nov. 21, 1981]

	1980	1st half 1981	Estimate 1981	Percent change [1] 1979	Percent change [1] 1980	Percent change [1] 1981
Income production, employment:						
GNP at current prices	57,616		65,953	26.9	−4.1	14.5
GNP at constant (1975) prices	28,763	12,873	30,776	6.4	−5.7	7.0
Per capita GNP, current prices	1,511		1,703	25.1	−5.6	12.7
Plant and equipment investment, current prices	6,149		6,000	28.1	−24.6	−2.4
Personal income, current prices	44,127		49,680	26.3	−4.5	12.6
Indices (1975 = 100):						
Industrial production	209.8	225.4	230.8	11.7	−1.7	10.0
Average labor productivity	167.2	187.8	192.3	15.5	10.4	15.0
Average industrial wage	375.6	414.6	450.7	28.5	22.9	20.0
Labor force (thousands)	14,454	15,224	14,744	2.0	1.7	2.0
Average unemployment rate (percent)	5.2	4.8	4.8			
Total population (thousands, midyear)	38,124		38,723	1.58	1.57	1.57
Money and prices:						
Money supply [2]	5,769	5,418	6,043	20.7	−14.7	4.8
Interest rates (commercial banks)	23.1	19.5	19.3			
Indices (1975 = 100):						
Wholesale price	225.2	267.8	277.4	18.8	38.9	23.0
Consumer price, all cities	221.3	263.5	274.8	18.3	28.7	24.0
GNP deflator	251.6		299.9	19.3	27.7	19.2

KOREA KEY ECONOMIC INDICATORS—Continued

[All values in millions of U.S. dollars and represent period averages unless otherwise indicated. Exchange rate: U.S. $1.00=688.1 won as of Nov. 21, 1981]

	1980	1st half 1981	Estimate 1981	Percent change [1]		
				1979	1980	1981
Balance of payments and trade:						
Gold and FX reserves [2]	6,571	6,207	6.600	15.6	15.1	0.4
External debt [2] [3]	16,700		21.000	26.0	20.1	25.8
Annual debt service [3]	3,000		3,850	25.8	13.0	28.3
Annual debt service ratio (percent) [3]	13.3		14.0			
Balance of payments [4]	−3,464	−1,532	−2,800			
Balance of trade (f.o.b.)	−4,384	−1,901	−3,900			
Exports (f.o.b.) [5]	17,505	10,116	21,200	18.4	16.3	21.2
To United States	4,607	2,678	5,400	7.8	5.3	17.2
Imports (c.i.f.)	22,292	12,772	25,800	35.8	9.6	15.7
From United States	4,890	2,811	5,700	51.3	6.2	16.6
Average exchange rate (won/U.S. dollars)	608	676	677	0	25.6	11.3
Period-end exchange rate (won/U.S. dollars)	659.9	685.1	693	0	36.3	5.0

[1] Because of devaluation, U.S. dollar prices for 1980–81 rates of change will be distorted from the previous year.

[2] Data are for end of period.

[3] Embassy estimates. Includes payments on all debt of 1 yr and longer maturity as a percentage of total exports of goods and services.

[4] Basic balance.

[5] Customs clearance basis.

Note.—Major imports from United States in 1980 (in millions of dollars, c.i.f.): Grain ($974); nonelectrical machinery ($408); cotton ($569); transport equipment ($397); electrical equipment and machinery ($396); and scrap iron ($234). Major exports to United States in 1980 (in millions of dollars, f.o.b.): Textiles ($1,011); electrical products ($708), base metals and articles ($641); footwear ($491); and transportation equipment ($358).

Source: Economic Trends Report, Nov. 25, 1981.●

COIN COLLECTORS SAY NO TO HUGE OLYMPIC COIN BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 15 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the American Numismatic Association is this country's largest association of coin collectors. And as chairman of the House Consumer Affairs and Coinage Subcommittee, I have always found that organization genuinely reflects the feelings of a vast majority of coin collectors of this country. It is for that reason that I call the attention of the Members of the House to a letter recently sent to the members of the House Banking Committee dealing with legislation authorizing a commemorative coin program for the 1984 Olympic games.

The Senate has already passed legislation, S. 1230, calling for the striking of a series of 25 coins to commemorate the games. Similar legislation, H.R. 3958, has been introduced in the House. Although the Senate-passed bill calls for the striking of 25 coins, the Los Angeles Olympic Organizing Committee and its coin group, have agreed to reduce the number of coins to 17. The coin group is a joint venture composed of Occidental Petroleum, Lazard Freres, a multinational investment firm, and the Franklin Mint. This organization has contracted with the Los Angeles Olympic Organizing Committee to sell the coins. While the sellers have agreed to a 17-coin program, the individuals who undoubtedly will make up the largest purchasers of these coins are very definitely opposed to such a large program.

The American Numismatic Association, at its recent midyear convention, voted in support of only two coins. A position much closer to that is contained in my legislation, H.R. 3879, which calls for the striking of a single 90 percent silver $1 coin, which would be sold directly by the U.S. Treasury.

My legislation, as well as the coin total proposed by the American Numismatic Association, would make certain that even the small collector would have an opportunity to purchase all of the Olympic coins. Under the Senate-passed bill, as well as the revised 17-coin program, coin collectors might have to pay as high as $8,000 to purchase a complete Olympic coin set. This is only one reason why I have adopted a go-slow philosophy toward an Olympic coin program based on such a large number of coins.

While the income projections on a 25- or 17-coin program may look attractive, it must be remembered that those figures are indeed nothing more than projections. And if coin collectors will not buy the coins, then those projections are worthless. And based on the position of the American Numismatic Association, which wants only a two-coin program, I can only conclude that the projections of those favoring a 25- or 17-coin program are worthless, and that the entire coin program could wind up not as a moneymaker for the Los Angeles Olympic Organizing Committee but rather as a financial disaster.

So that every Member of the House will have an opportunity to know the true position of America's coin collectors, I am including a copy of the ANA's letter to the Banking Committee members as well as a copy of that organization's February 18 resolution.

AMERICAN NUMISMATIC ASSOCIATION,
Colorado Springs, Colo.,
February 26, 1982.

Hon. FRANK ANNUNZIO,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. ANNUNZIO: As a member of the House Banking Committee, you will be taking up a matter of great importance to the numismatic community. A bill, S. 1230, calling for the striking of a series of 25 coins to commemorate the 1984 Los Angeles Olympic Games, will soon come under consideration by your committee.

I would like to take this opportunity to convey to you a resolution adopted by a 7 to 1 vote on February 19, by the governing board of the American Numismatic Association, a non-profit, Congressionally chartered, national organization of coin collectors. As you can see by the text, collectors feel S. 1230 is an ill-considered piece of legislation that will not accomplish the primary task assigned to it—that of raising money to support the Olympic Games.

We are not opposed to commemorative coinage, but we believe the extremely large scope of the present legislation will cause it to raise far less money than a better-structured proposal would.

As a case in point, we look to the experience of Canada, a country that created a 30 coin Olympic set to raise money for the 1976 Montreal Games. The set was marketed essentially by the same entity that is designated to market American issues under the terms of S. 1230. The Canadian issues raised only $124,498,880 Canadian, according to a March 31, 1981, report to Parliament by the Postmaster General, and succeeded in trivializing Canada's coinage. Some issues even sold for less than face value and, even now, sell only for the value of the bullion in them. The marketers originally had forecast a $250 million profit.

As you know, the revenue shortfalls of the Montreal Games caused great financial hardship for the city of Montreal. We would not like to see this happen to Los Angeles.

The market for coins is not limitless. Collectors, however, would eagerly await a reasonable issue, such as the 4 coin set proposed in the American Numismatic Association resolution. Marketed correctly, a small issue could raise more money than the large one, which seems to be an attempt to repeal the economic law of diminishing returns.

I hope this letter has clarified for you the position of the American Numismatic Association and that you will consider it when you make your decision on S. 1230.

Sincerely,

ADNA G. WILDE, Jr.,
President.

Resolution

Be it resolved that the members of the American Numismatic Association recommend to members of the United States Congress, That the Olympic commemorative coin issue be limited to uncirculated and proof specimens of one gold coin and one silver coin and that the sale thereof be conducted by the United States Mint or other appropriate Government agency.●

THE FIRST BAPTIST CHURCH OF FRESNO—100TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Coelho) is recognized for 5 minutes.

● Mr. COELHO. Mr. Speaker, it is with great pleasure that I recognize an event symbolizing the continuity and strength of religion in American life today. On March 18 the First Baptist Church of Fresno will celebrate the 100th anniversary of its founding.

The First Baptist Church has grown with the city of Fresno, founded only 7 years before the church. In 1882 seven Baptists organized a Sunday school. From the beginning the church placed a high priority on education. Through the years the church grew in terms of both members and services. When the city of Fresno needed the church, during the Depression and World War II for example, the First Baptist Church responded with programs for the coummunity, such as the Church-Door Canteen operated by women of the congregation for local servicemen.

Today, the First Baptist Church of Fresno remains a vibrant and spiritual institution. Maintaining its traditional promotion of good will and fellowship, the church has a large congregation, conducts religious surveys and lay institutes, sponsors four choirs, and provides its members with gym facilities. The church continues in its support for the community. It supports the Fresno Rescue Mission and sponsors radio and television programing.

Mr. Speaker, I am encouraged by the spiritual and community leadership displayed by the First Baptist Church of Fresno. At a time when some may claim that religion is weakening in America, we can point to such institutions as the First Baptist Church of Fresno as fine examples of the strength and fortitude of religion in American life. The First Baptist Church of Fresno should be praised for its positive contributions to the city and people of Fresno.●

PRESIDENT REAGAN'S CARIBBEAN BASIN INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico (Mr. Corrada) is recognized for 5 minutes.

● Mr. CORRADA. Mr. Speaker, President Reagan's Caribbean Basin initiative is a bold, creative act of statesmanship designed to tackle the major problem—inadequate economic growth—endangering regional stability and peace in Central America and the Caribbean. Puerto Rico is supporting this effort.

The administration's commitments to major new tax incentives for Puerto Rico to further strengthen our industrial development, to assist us in increasing our agricultural production, to use Puerto Rico as a regional technical assistance and training center, to expand air and sea passenger links, to assist in reducing transportation costs, and to seek assistance for refining petrochemicals, are a major shot in the arm for Puerto Rican development and jobs. These measures will insure that the main U.S. domestic area in the Caribbean will not suffer as a result of other CBI policies.

While protection and safeguards are provided especially for the rum industry and returned excise taxes, I remain concerned that the very positive effects of one-way free trade not be compromised by serious damage to industries such as rum, tuna canning, and others in Puerto Rico. I will continue to seek adequate protection, safeguards, and an early warning and adjustment assistance program to help threatened industries be more competitive, produce new products, save and expand jobs.●

FED MONETARY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 60 minutes.

● Mr. REUSS. Mr. Speaker, the Financial Times of London in a story March 2, 1982, characterized the Democratic views in the Joint Economic Committee's annual report as "perhaps the most comprehensive attack yet attempted on Reaganomics" and "a 35-point alternative policy which may become their major rallying point in the approaching battles over the 1983 budget." The full article follows:

[From the Financial Times, Mar. 2, 1982]

Fed Monetary Policy Held to Blame for Recession in United States

(By Anatole Kaletsky)

Inflation is bad, productivity is good, Paul Volcker is responsible for the U.S. recession. Some things are so obvious that even economists and politicians can agree about them.

This week the Joint Economic Committee (JEC) of the U.S. Congress published its 500-page annual report on the Reagan Administration's economic policy. The two halves, written separately by the committee Republican and Democratic members, might have been about different countries were it not for one central point of agreement: the Federal Reserve monetary policy is mainly to blame for the present recession.

That may not be too serious as far as the Republicans are concerned. They consider that "the recession of 1981 was due to the rapid monetary growth the Fed engineered in the second half of 1980, and to the inflation, high interest rates and financial problems that high money growth in the 1977-80 period as a whole produced, as well as to the sharp deceleration of money growth that occurred in the spring and summer of 1981."

But they loyally see President Reagan's economic policy beginning to come good in the near future despite the Fed's clumsiness and confine their criticisms to marginal issues.

The Democrats, however, have used their half of the JEC report to launch perhaps the most comprehensive attack yet attempted on Reaganomics and to lay out a 35-point alternative policy which may become their major rallying point in the approaching battles over the 1983 budget and the campaign for the November Congressional elections.

The Democrat's alternative strategy is centered on a relaxation of what they call the present "super tight" monetary targets, coupled with a deferral of the 1983 tax cut at least cherished political indepenary situation becomes clearer. This "act of fiscal responsibility" would calm fears about prospective budget deficits and improve inflationary expectations, and result, in conjunction with the monetary relaxation, in a rapid reduction of interest rates.

This would be further reinforced by some direction of bank lending away from "unproductive purposes" such as the creation of credit lines for huge corporate takeovers and towards productive business, agricultural, housing and automobile finance.

In the longer term the Democrats would aim not only for the obligatory "restrained" monetary policy and a fiscal policy which would "close the budget deficit." In addition, they also declare themselves in favour of, among other things, an incomes policy, an industrial policy aimed at encouraging "catalyst" industries such as semiconductors and even of a policy of exhorting American managers to adopt the attitudes and practices of their counterparts in Japan and Europe.

The solid core of the Democrat's proposals, however, is macroeconomics not managerial theory. Interest rates have to be cut sharply, not just in nominal terms, as President Reagan promises, but also in real terms. Not least this is necessary because of the international dislocation which a U.S.-led "interest rate war" has been producing.

The Democrats do not want monetary targets abolished. Indeed they support the October 1979 reform of Fed policy which gave more prominence to monetary targeting. But they suggest that the Fed must improve the quality of its figures, explain how monetary targets should be varied in response to shocks such as oil crises and, clarify the effects of changes in the financial system on the meaning of its variables.

They also want more political accountability from the Fed and closer co-ordination between fiscal monetary and micro-economic policies (with a veiled threat against the Fed's until the economic and budget * * *).

The main accusation the Democrats have against the Fed is that, with the Administration's undisguised blessing, it has persistently biased its policies towards under shooting its targets. Periods of excessive growth in money supply have been rapidly and savagely repressed while periods of slow or negative growth have been allowed to continue unchecked.

The Administration's own recent criticism of the Fed, attributing high interest rates not to the low level but the volatility of monetary growth, is derided as so disingenuous as to be "breathtaking." The theory, put forward by Mr. Donald Regan, the Treasury Secretary, last month, was "an entirely new line of criticism drawn from a form of fringe monetarism" whose ideas the Administration had never endorsed until they needed a new explanation for the recession, the Democrats claimed.

The Fed should aim for monetary growth of about 6 percent in 1982, they believe, instead of leaving open the possibility of growth as low as 2.5 percent specified in the present monetary target range. Such a low level of growth would result in a total increase of only about 2 percent in the "shift adjusted M1" monetary measure which the Fed mainly follows, over a period of two years.

The mystery about the Democrats' whole strategy is why they should want to tie themselves even to a 6 percent monetary constraint. After all, they reject the idea that unemployment can be used to reduce inflation in the long run.

They also show that 91 percent of the decline in inflation between 1980 and 1981 was due to reductions in energy and food prices, which are unconnected with monetary policy and housing costs, which much lower interest rates could reduce further. So why not dispense altogether with the tiresome Mr. Volcker and his awkward monetary targets?●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 60 minutes, today.

(The following Members (at the request of Mr. ROBERTS of South Dakota) to revise and extend their remarks and include extraneous material:)

Mr. FORSYTHE, for 60 minutes, March 11.

Mrs. HECKLER, for 60 minutes, today.

Mr. KEMP, for 60 minutes, today.

Mr. WALKER, for 15 minutes, today.

Mr. TRIBLE, for 15 minutes, today.

(The following Members (at the request of Mr. DYSON) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 10 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ST GERMAIN, for 15 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mr. ANNUNZIO, for 15 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. CORRADA, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. REUSS, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROBERTS of South Dakota) and to include extraneous matter:)

Mr. LOWERY of California.

Mr. MORRISON.

Mr. LEBOUTILLIER in two instances.

Mrs. ROUKEMA.

Mr. CORCORAN.

Mr. NELLIGAN.

Mr. DICKINSON.

Mr. WILLIAMS of Ohio.

Mr. SOLOMON in two instances.

Mr. LAGOMARSINO in four instances.

Mr. SNYDER.

Mr. HYDE in two instances.

Mr. EMERY.

Mr. SHUMWAY.

Mr. RUDD.

Mr. WINN.

Mr. CRAIG.

Mr. FIELDS in two instances.

Mr. GUNDERSON.

Mr. EVANS of Iowa.

Mr. DAVIS.

Mr. CAMPBELL.

Mr. GILMAN in two instances.

Mr. PORTER in two instances.

(The following Members (at the request of Mr. DYSON) and to exclude extraneous matter:)

Mr. LUNDINE.

Mr. MARKEY.

Mr. YATRON in three instances.

Mr. ST GERMAIN.

Mr. RODINO.

Mr. STARK in two instances.

Mr. BAILEY of Pennsylvania in two instances.

Mr. ASPIN.

Mr. HAWKINS in two instances.

Mr. YOUNG of Missouri.

Mr. YATES.

Ms. MIKULSKI.

Mr. ECKART.

Mr. GUARINI in two instances.

Mr. STUDDS.

Mr. HOYER in four instances.

Mr. LELAND.

Mr. CHAPPELL.

Mr. WEISS.

Mr. RICHMOND.

Mr. MOTTL.

Mr. FOGLIETTA.

Mr. LEVITAS.

Mr. FASCELL.

Mr. NOWAK.

Mr. HARKIN.

Mr. SCHEUER in two instances.

Mr. PEPPER.

Mr. EDWARDS of California.

SENATE JOINT AND CONCURRENT RESOLUTIONS REFERRED

Joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 95. Joint resolution to authorize and direct the Secretary of the Interior, subject to the supervision and approval of the Franklin Delano Roosevelt Memorial Commission, to proceed with the construction of the Franklin Delano Roosevelt Memorial, and for other purposes; to the Committee on House Administration.

S. Con. Res. 67. Concurrent resolution authorizing the printing of the prayers delivered by the Reverend Edward L. R. Elson, S.T.D., as Chaplain of the Senate during the 96th and 97th Congresses; to the Committee on House Administration.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 1503. An act to amend the Energy Policy and Conservation Act to authorize the President to allocate crude oil, residual oil, and other petroleum products in the event of a severe petroleum supply shortage, and for other purposes; and

S.J. Res. 142. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 10, 1982, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3320. A letter from the Secretary of Defense, transmitting a report on improving the system for air defense of North America; to the Committee on Armed Services.

3321. A letter from the Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting the defense manpower requirements report for fiscal year 1983, pursuant to 10 U.S.C. 138(c)(3); to the Committee on Armed Services.

3322. A letter from the Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the Navy's proposed sale of certain defense articles and services to Saudi Arabia (Transmittal No. 82-38), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3323. A letter from the Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the Army's proposed sale of certain defense articles to Israel (Transmittal No. 82-44), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3324. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the National Flood Insurance Act of 1968, as amended, to extend certain authorities thereunder, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

3325. A letter from the Secretary of Education, transmitting the executive summary report of the study, "Projections of Non-English Language Background and Limited English Proficient Persons in the United States to the Year 2000," pursuant to section 731(c) of the Education Amendments Act of 1978; to the Committee on Education and Labor.

3326. A letter from the Secretary of Education, transmitting the third and fourth annual reports on the Education for All Handicapped Children Act, pursuant to Public Law 96-142; to the Committee on Education and Labor.

3327. A letter from the Secretary of Energy, transmitting energy projections, pursuant to section 301(c) of Public Law 96-294; to the Committee on Energy and Commerce.

3328. A letter from the Secretary of Health and Human Services, transmitting the third annual report on the end-stage renal disease program, section 1881(g) of the Social Security Act; to the Committee on Energy and Commerce.

3329. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Australia for permission to transfer certain U.S. origin military equipment to Singapore, pursuant to section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

3330. A letter from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting various project performance audit reports prepared by the International Bank for Reconstruction and Development, special studies prepared by the external review and evaluation office of the Inter-American Development Bank, and project performance audit reports of project completion reports prepared by the Asian Development Bank, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3331. A letter from the Lieutenant General, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to Saudi Arabia (Transmittal No. 82-38), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3332. A letter from the Lieutenant General, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Israel (Transmittal No. 82-44), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3333. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting the report on the Israeli economy and debt repayment prospects, pursuant to section 723 of Public Law 97-113; to the Committee on Foreign Affairs.

3334. A letter from the Under Secretary of the Interior, transmitting a report carried out by the Geological Survey during calendar year 1981 in areas outside the national domain, pursuant to section 2 of Public Law 87-626, as amended (88 Stat. 1971); to the Committee on Interior and Insular Affairs.

3335. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting comments by the Advisory Council on Historic Preservation on the construction of Interstate Highway 90 through Wallace, Idaho, pursuant to section 106 of the National Historic Preservation Act; to the Committee on Interior and Insular Affairs.

3336. A letter from the Comptroller General of the United States, transmitting a report on the F/A-18 naval strike fighter (MASAD-82-20, February 26, 1982); jointly, to the Committees on Government Operations and Armed Services.

3337. A letter from the Comptroller General of the United States, transmitting a report on the Navy's AV-8B Harrier II aircraft (MASAD-82-19, February 26, 1982); jointly to the Committees on Government Operations and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4627. A bill to establish a national policy of authorizing, promoting, financing, and facilitating, on a priority and expedited basis, the operation, maintenance, and improvement of deep-draft commercial ports in the United States, and for other purposes; with an amendment (Rept. No. 97-454, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HARKIN (for himself, Mr. Bedell, Mr. John L. Burton, Mrs. Chisholm, Mr. Conte, Mr. D'Amours, Mr. Dellums, Mr. DeNardis, Mr. Edgar, Mr. Foglietta, Mr. Gejdenson, Mr. Jacobs, Mr. Jeffords, Mr. Lowry of Washington, Mr. Markey, Mr. Minish, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mottl, Mr. Richmond, Mrs. Schneider, Mr. Seiberling, Mr. Vento, Mr. Volkmer, Mr. Weaver, Mr. Weber of Minnesota, Mr. Evans of Iowa, Mr. Tauke, and Mr. Leach of Iowa)

H.R. 5755. A bill to amend section 205 of the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases; to the Committee on Energy and Commerce.

By Mr. BEREUTER (for himself and Mr. Daub):

H.R. 5756. A bill to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DAVIS:

H.R. 5757. A bill to amend title II of the Social Security Act to give recipients of disability insurance benefits a more effective and realistic opportunity to challenge actions taken to terminate such benefits, by expediting the appeals process, and by extending the period for which such benefits are payable before their termination takes effect; to the Committee on Ways and Means.

By Mr. de LUGO (for himself, Mr. Won Pat, and Mr. Sunia):

H.R. 5758. A bill to amend the Tariff Schedules of the United States with respect to the dutiable status of watches and watch movements from insular possessions of the United States; to the Committee on Ways and Means.

By Mr. EMERY:

H.R. 5759. A bill to amend the Internal Revenue Code of 1954 to provide a limited exclusion from gross income for per diem received by certain State legislators ineligible for the special deduction with respect to living expenses; to the Committee on Ways and Means.

By Mr. EVANS of Iowa (for himself, Mr. Ottinger, and Mr. Fish):

H.R. 5760. A bill to provide environmental employment opportunities for senior citizens by establishing the Senior Environmental Employment Corps within the Environmental Protection Agency; to the Committee on Education and Labor.

By Mr. FRANK:

H.R. 5761. A bill to provide assistance to individuals and families purchasing a residence for the first time; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FORD of Tennessee (for himself and Mr. Bailey of Pennsylvania):

H.R. 5762. A bill to amend title 38, United States Code, to extend the delimiting period within which a Vietnam-era veteran may use educational assistance under chapter 34 of that title upon discharge or release from active duty from the present 10 years to 20 years, but not later than December 31, 1999; to the Committee on Veterans' Affairs.

By Mr. GIBBONS:

H.R. 5763. A bill to amend the Internal Revenue Code of 1954 to modernize the base on which the tax on large cigars is imposed; to the Committee on Ways and Means.

By Mr. GUARINI:

H.R. 5764. A bill relating to the tariff treatment of dolls and certain other toy figures; to the Committee on Ways and Means.

By Mr. SAM B. HALL, JR.:

H.R. 5765. A bill to amend title 18 of the United States Code in order to promote the effective investigation and prosecution of livestock fraud; to the Committee on the Judiciary.

By Mr. HANSEN of Utah:

H.R. 5766. A bill to amend the Federal Water Pollution Control Act to restrict the jurisdiction of the United States over the discharge of dredged or fill material to those discharges which are into navigable waters, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. JACOBS:

H.R. 5767. A bill to amend the Internal Revenue Code of 1954 to eliminate the individual income tax reductions which take effect in 1983, and to exclude from gross income interest on certain low-interest residential mortgages and new motor vehicle loans; to the Committee on Ways and Means.

H.R. 5768. A bill to amend the Internal Revenue Code of 1954 to increase the Federal excise tax on distilled spirits and to provide that the revenues from the additional tax shall be deposited in the Federal hospital insurance trust fund under the Social Security Act; to the Committee on Ways and Means.

By Mr. LAGOMARSINO (for himself, Mr. Craig, Mr. Porter, Mr. Fish, Mr. Solomon, Mr. Forsythe, Mr. Kildee, Mr. Kogovsek, Mr. LeBoutillier, Mr. Won Pat, Mr. Lott, Mr. Annunzio, Mr. Duncan, Mr. de Lugo, Mrs. Bouquard, Mr. Lowery of California, Mr. Burgener, Mr. Gingrich, Mr. Evans of Delaware, Mr. Ralph M. Hall, Mr. Whittaker, Mr. Edwards of Oklahoma, Mr. James K. Coyne, Mr. Wyden, Mr. Wolf, Mr. Horton, Mr. Ottinger, and Mr. Roemer):

H.R. 5769. A bill to amend the Internal Revenue Code to provide for individual housing accounts; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 5770. A bill to modify the royalty rates applicable to onshore and offshore oil and gas leases; to the Committee on Interior and Insular Affairs.

By Mr. MICA:

H.R. 5771. A bill to amend the Immigration and Nationality Act to provide for a U.S. Immigration Court, to expedite and improve exclusion and deportation proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. MITCHELL of Maryland:

H.R. 5772. A bill to authorize SBA emergency loan assistance to small businesses confronted by economic disaster; to the Committee on Small Business.

By Mr. MORRISON (for himself and Mr. Foley):

H.R. 5773. A bill to designate certain lands in the State of Washington as a national volcanic area, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. PEPPER:

H.R. 5774. A bill to amend title 18, United States Code, the Controlled Substances Act, and the Controlled Substances, Import and Export Act, to improve forfeiture provisions and strengthen penalties for controlled substances offenses, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. SHUMWAY:

H.R. 5775. A bill to provide law enforcement authority for certain Bureau of Reclamation employees, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SKELTON:

H.R. 5776. A bill to provide appropriations for an agricultural export credit revolving fund; to the Committee on Appropriations.

By Mr. SNYDER:

H.R. 5777. A bill to amend the Tariff Act of 1930 to exempt from duties equipments and repairs to certain vessels, and for other purposes; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 5778. A bill to provide for the issuance of a postage stamp to commemorate the 200th anniversary of the first issuance of the Purple Heart military decoration by George Washington on August 7, 1782, at Newburgh, N.Y.; to the Committee on Post Office and Civil Service.

H.R. 5779. A bill to amend the Internal Revenue Code of 1954 to repeal the special leasing rules added by the Economic Recovery Tax Act of 1981 which permit transfer of tax benefits; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 5780. A bill to amend the National Flood Insurance Act of 1968 for the purpose of providing insurance with respect to damage caused by flood-related landslides, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5781. A bill to amend the Internal Revenue Code of 1954 to permit the tax-free rollover of certain benefits received by law enforcement officers on separation from service by increasing the limitations on the deduction for retirement savings; to the Committee on Ways and Means.

H.R. 5782. A bill to prohibit imports from Iran until the Government of Iran ceases its persecution of the Bahais in Iran; to the Committee on Ways and Means.

By Mr. TRIBLE (for himself, Mr. Parris, and Mr. Wolf):

H.R. 5783. A bill to amend section 8905(e) of title 5, United States Code, to require the Office of Personnel Management to provide Federal employees and annuitants with an opportunity to transfer enrollments between health benefits plans whenever an adjustment is made in the rates charged or the benefits provided under any each plan, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DICKINSON (for himself, Mr. Forsythe, Mrs. Holt, Mr. Shelby, and Mr. Jefferies):

H.J. Res. 427. Joint resolution proposing an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 6 years; to the Committee on the Judiciary.

By Mr. DYSON (for himself, Mr. Aspin, Mr. Addabbo, Mr. Akaka, Mr. Albosta, Mr. Alexander, Mr. Andrews, Mr. Annunzio, Mr. Anthony, Mr. Ashbrook, Mr. Atkinson, Mr. AuCoin, Mr. Badham, Mr. Bafalis, Mr. Bailey of Pennsylvania, Mr. Barnes, Mr. Beard, Mr. Benjamin, Mr. Bennett, Mr. Bethune, Mr. Bingham, Mr. Bliley, Mr. Boland, Mr. Boner of Tennessee, Mr. Bonior of Michigan, Mrs. Bouquard, Mr. Breaux, Mr. Brinkley, Mr. Brodhead, Mr. Brown of California, Mr. Brown of Colorado, Mr. Campbell, Mr. Carney, Mr. Chappie, Mr. Clinger, Mr. Corcoran, Mr. Corrada, Mr. Coughlin, Mr. Courter, Mr. Dan Daniel, Mr. Daschle, Mr. Davis, Mr. Dicks, Mr. Dixon, Mr. Donnelly, Mr. Dougherty, Mr. Dreier, Mr. Duncan, Mr. Dwyer, Mr. Dymally, Mr. Edgar, Mr. Emery, Mr. English, Mr. Erdahl, Mr. Evans of Georgia, Mr. Fary, Mr. Fauntroy, Mr. Fazio, Mrs. Fenwick, Mr. Findley, Mr. Fish, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Forsythe, Mr. Frenzel, Mr. Frost, Mr. Gejdenson, Mr. Gibbons, Mr. Gingrich, Mr. Guarini, Mr. Gunderson, Mr. Hagedorn, Mr. Hammerschmidt, Mr. Hansen of Idaho, Mr. Hansen of Utah, Mr. Hartnett, Mr. Hatcher, Mrs. Heckler, Mr. Hefner, Mr. Heftel, Mr. Hertel, Mr. Hightower, Mrs. Holt, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Hughes, Mr. Hutto, Mr. Jacobs, Mr. Kazen, Mr. Kemp, Mrs. Kennelly, Mr. Kildee, Mr. Kramer, Mr. Lantos, Mr. LeBoutillier, Mr. Lent, Mr. Livingston, Mr. Lowery of California, Mr. McDade, Mr. McEwen, Mr. Markey, Mrs. Martin of Illinois, Mr. Matsui, Mr. Mattox, Mr. Mavroules, Mr. Mazzoli, Ms. Mikulski, Mr. Mineta, Mr. Moakley, Mr. Molinari, Mr. Mollohan, Mr. Montgomery, Mr. Moorhead, Mr. Murphy, Mr. Murtha, Mr. Myers, Mr. Napier, Mr. Natcher, Mr. Nowak, Ms. Oakar, Mr. Oberstar, Mr. Obey, Mr. Ottinger, Mr. Oxley, Mr. Pashayan, Mr. Pepper, Mr. Petri, Mr. Porter, Mr. Price, Mr. Pritchard, Mr. Pursell, Mr. Rangel, Mr. Richmond, Mr. Rinaldo, Mr. Roberts of South Dakota, Mr. Roberts of Kansas, Mr. Rodino, Mr. Roe, Mrs. Roukema, Mr. Rudd, Mr. Sabo, Mr. St Germain, Mr. Santini, Mr. Sawyer, Mr. Scheuer, Mrs. Schneider, Mr. Shamansky, Mr. Shaw, Mr. Siljander, Mr. Simon, Mr. Skelton, Mr. Smith of Alabama, Mr. Smith of Pennsylvania, Mr. Smith of Iowa, Mr. Solomon, Mr. Stangeland, Mr. Stenholm, Mr. Stratton, Mr. Sunia, Mr. Synar, Mr. Tauke, Mr. Tauzin, Mr. Vento, Mr. Walgren, Mr. Weaver, Mr. Weber of Ohio, Mr. White, Mr. Whitley, Mr. Williams of Ohio, Mr. Wirth, Mr. Wolpe, Mr. Won Pat, Mr. Wortley, Mr. Yatron, Mr. Young of Florida, Mr. Young of Alaska, Mr. Young of Missouri, Mr. Rosenthal, Mr. Smith of New Jersey, Mr. Smith of Oregon, Mr. John L. Burton, Mr. Perkins, Mr. Zablocki, Mr. Sharp, Mr. Frank, Mr. Foley, Mr. Coelho, Mr. Marriott, Mr. Swift, Mr. Hyde, and Mr. Holland):

H.J. Res. 428. Joint resolution to provide for the designation of April 9 of each year as "National P.O.W./M.I.A. Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. SIMON:

H.J. Res. 429. Joint resolution to establish State commissions on teacher excellence; to the Committee on Education and Labor.

By Mr. SIMON (for himself and Mr. Gilman):

H.J. Res. 430. Joint resolution designating October 16, 1982, as "World Food Day"; to the Committee on Post Office and Civil Service.

By Mr. MICA:

H. Con. Res. 282. Concurrent resolution with respect to the scheduled elections in El Salvador; to the Committee on Foreign Affairs.

By Mr. STARK:

H. Con. Res. 283. Concurrent resolution expressing the sense of Congress that the President and other official representatives of the United States should at every opportunity before international forums reiterate and emphasize the extent to which we deplore and condemn the religious persecution of peoples of the Baha'i faith by the Government of Iran; to the Committee on Foreign Affairs.

By Mr. PORTER:

H. Res. 380. Resolution on the imposition of martial law in Poland and the release of Lech Walesa; to the Committee on Foreign Affairs.

By Mr. SILJANDER (for himself, Mr. Craig, Mr. Jacobs, Mr. Roberts of South Dakota, Mr. [illegible]ard, Mr. Smith of New Jersey, Mr. [illegible]hamansky, Mr. Emery, Mr. McEwen, Mr. Albosta, Mr. Parris, and Mr. Clausen):

H. Res. 381. Resolution to authorize pension fund investments; jointly, to the Committees on Education and Labor, Ways and Means, and Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

282. By Mr. Rudd: Memorial of the Legislature of the State of Arizona, relative to impact aid to school districts on Indian reservations; to the Committee on Education and Labor.

283. By the Speaker: Memorial of the General Assembly of the State of Ohio, relative to the medicaid program; to the Committee on Energy and Commerce.

284. Also, memorial of the Senate of the State of Washington, relative to the Pacific Northwest Trail; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HYDE:

H.R. 5784. A bill for the relief of Franklin F. Offner; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 5765. A bill to quiet title and possession with respect to a certain private land claim in Livingston Parish, La.; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. Dymally and Mr. Jacobs.

H.R. 248: Mr. Corcoran.

H.R. 352: Mr. Mollohan.

H.R. 385: Mr. Boner of Tennessee.

H.R. 789: Mr. Bennett.

H.R. 1918: Mr. Holland, Mr. Kramer, Mr. Boland, Mr. Smith of Iowa, Mr. Annunzio, Mr. Won Pat, Mr. Roth, Mr. Beilenson, Mr. Rinaldo, Mr. Daniel B. Crane, Mr. Dornan of California, Mr. Molinari, Mr. English, Mr. Staton of West Virginia, Mr. Perkins, Mr. McGrath, Mr. Walker, and Mr. Fauntroy.

H.R. 1937: Mr. Foley, Mr. Skelton, Mr. Dan Daniel, Mr. Hendon, Mr. James K. Coyne, Mr. Spence, Mr. Derrick, Mr. Wortley, and Mrs. Bouquard.

H.R. 2445: Mr. Scheuer.

H.R. 2869: Mr. Hughes and Mr. Corrada.

H.R. 3234: Mr. Hughes and Mr. Corrada.

H.R. 3824: Mr. O'Brien and Mr. Dreier.

H.R. 4154: Mr. Bailey of Pennsylvania, Ms. Oakar, and Mr. Anthony.

H.R. 4562: Mr. Wyden.

H.R. 4725: Mr. Hughes and Mr. Corrada.

H.R. 4868: Mr. Ralph M. Hall.

H.R. 4987: Mr. Brinkley, Mr. McDonald, Mr. Dyson, Mr. Kramer, Mr. Sam B. Hall, Jr., Ms. Fielder, Mr. Jeffries, Mr. Barnard, Mr. Mitchell of New York, and Mrs. Bouquard.

H.R. 5130: Mr. Jeffries.

H.R. 5168: Mrs. Martin of Illinois, Mr. Skeen, Mr. Tauke, Mr. Morrison, Mr. Evans of Indiana, Mr. Courter, Mr. Campbell, Mr. Glickman, Mr. Huckaby, Mr. Bedell, Mr. McDade, Mr. Wilson, Mr. Hughes, Mr. Horton, Mr. Benedict, Mr. Johnston, Mr. Jeffries, Mr. Young of Alaska, Mr. Hillis, Mrs. Smith of Nebraska, Mr. Jacobs, Mr. Rahall, Mr. Paul, Mr. McEwen, Mr. Bailey of Pennsylvania, Mr. Coughlin, Mr. Petri, and Mr. Hansen of Utah.

H.R. 5193: Mr. Oberstar and Mr. Murphy.

H.R. 5214: Mr. Horton and Mr. Roberts of South Dakota.

H.R. 5421: Mr. Foglietta.

H.R. 5448: Mr. Nelligan and Mr. Burgener.

H.R. 5469: Mr. Jacobs.

H.R. 5510: Mr. Mitchell of Maryland.

H.R. 5529: Mr. Rinaldo.

H.R. 5558: Mr. Brodhead.

H.R. 5617: Mr. Hughes, Mr. Emery, Mr. Miller of California, Mr. Gejdenson, Mr. Simon, Mr. Forsyth, Mr. McKinney, Mr. Clay, Mr. Lehman, Mr. Frank, Mr. Bonker, Mrs. Schneider, Mr. Foglietta, Mr. Horton, Mr. Sunia, Mr. Whitehurst, Mr. Bonior of Michigan, Mr. Edgar, Mr. de Lugo, Mrs. Chisholm, and Mr. Hutto,

H.R. 5630: Mr. Archer.

H.R. 5681: Mr. Benjamin, Mr. Hertel, Mr. Ertel, Mr. Murphy, Mr. Mitchell of Maryland, Mr. Brodhead, Mr. Richmond, Mr. Hoyer, Mr. Bonior of Michigan, Mr. Dingell, Mr. Vento, Mr. Roth, and Mr. Jacobs.

H.R. 5689: Mr. Conable, Mr. Forsythe, Mr. McGrath, and Mr. Porter.

H.J. Res. 272: Mr. Shaw, Mr. Emery, Mr. Marlenee, and Mr. Roberts of South Dakota.

H.J. Res. 339: Mr. Biaggi, Mr. Lagomarsino, Mr. Daub, Mr. Markey, Mr. Frost, Mr. Murphy, Mr. LeBoutillier, Mr. Duncan, Mr. Howard, Mr. Rosenthal, Mr. Dreier, and Mr. Simon.

H.J. Res. 375: Mrs. Boggs, Mr. Ertel, Mr. Swift, Mr. Lehman, Mr. Siljander, Mr. Trible, Mr. Crockett, Mr. Ottinger, Mrs. Fenwick, Mr. Craig, Mrs. Heckler, Mr. Jones of Tennessee, Mr. Roberts of Kansas, Mr. Archer, Mr. Winn, Mr. Broomfield, Mr. Hiler, Mr. Edwards of Oklahoma, Mr. Yatron, and Mr. Fascell.

H.J. Res. 393: Mr. Emery, Mr. Williams of Ohio, Mr. Benjamin, Mr. Atkinson, Mr. Young of Florida, Mr. Mazzoli, Mr. Vento, Mr. Sharp, and Mr. Zablocki.

H.J. Res. 395: Mr. Foley, Mr. Won Pat, Mr. Dorgan of North Dakota, Mrs. Holt, Mr. Mottl, Mr. Leland, and Ms. Oakar.

H.J. Res. 408: Mr. Brown of California, Mr. Perkins, Mr. Vento, Mr. Biaggi, Mr. LeBoutillier, Mr. Oxley, Mr. Bevill, Mr. Brooks, Mrs. Fenwick, Mr. Hughes, Mr. Whittaker, Mr. Rogers, Mr. Frost, Mr. Smith of Iowa, Mr. Mitchell of Maryland, Mr. Fish, Mr. de la Garza, Mr. Murphy, Mr. Lagomarsino, Mr. Frenzel, Mr. Skeen, Mr. Dougherty, Mr. Gregg, Mr. Lehman, Mr. Hertel, Mr. Green, Mr. Hyde, Mr. Downey, Mr. Smith of Pennsylvania, Mr. Vander Jagt, Mr. Snyder, Mrs. Chisholm, Mr. Lee, Mr. Emerson, Mr. Lungren, Mr. Yatron, Mr. Stenholm, Mrs. Heckler, Mr. Akaka, and Mr. Scheuer.

H.J. Res. 418: Mr. Hoyer, Mr. Rangel, Mr. James K. Coyne, Mr. Weiss, Mr. Addabbo, Mr. O'Brien, Mr. Annunzio, Mrs. Schneider, and Mr. de Lugo.

H. Con. Res. 249: Mr. Heckler, Mr. Kennelly, Mr. Lagomarsino, Mr. Bedell, Mr. Mavroules, Mrs. Fenwick, Mr. Hughes, Mr. Hoyer, Mr. Lungren, Mr. Atkinson, Mr. Corrada, Mr. Dougherty, Mr. Dunn, Mr. Matsui, Mr. Evans of Delaware, Mr. Kramer, Mr. Roemer, Mr. Miller of California, Mr. LeBoutillier, Mr. Hyde, Mr. Ottinger, Mr. Richmond, Mr. Frank, Mr. Conte, Mr. Brodhead, Mr. Roe, Mr. Solarz, Mr. Lehman, Mr. Weiss, Mr. Neal, Mr. Howard, Mr. Benjamin, Mr. Marriott, Mr. Schumer, Mr. Zeferetti and Mr. Frost.

H. Res. 374: Mr. Addabbo, Mr. Atkinson, Mr. Barnes, Mr. Benjamin, Mr. Bingham, Mr. Blanchard, Mr. Carman, Mr. Corcoran, Mr. de la Garza, Mr. Duncan, Mrs. Fenwick, Mr. Foglietta, Mr. Frank, Mr. Frenzel, Mr. Frost, Mr. Gradison, Mrs. Heckler, Mr. Hertel, Mr. Howard, Mr. Hyde, Mr. Lagomarsino, Mr. Lantos, Mr. LeBoutillier, Mr. Lent, Mr. Levitas, Mr. Long of Maryland, Mr. Mavroules, Mr. Murphy, Mr. Nelligan, Mr. Ottinger, Mr. Patterson, Mr. Porter, Mr. Ratchford, Mr. Regula, Mr. Rodino, Mr. Roe, Mr. Roemer, Mr. Sabo, Mr. Schumer, Mr. Stangeland, Mr. Udall, Mr. Weber of Ohio, Mr. Wyden, Mr. Yates, Mr. Kemp, Mr. Hoyer, Mr. Gejdenson, Mr. Wilson, and Mr. Vento.

PETITIONS, ETC.

Under clause 1 of rule XXII

363. The SPEAKER presented a petition of the Council, Tontogany, Wood County, Ohio, relative to natural gas deregulation; which was referred to the Committee on Energy and Commerce.

SENATE—*Tuesday, March 9, 1982*

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable HOWARD H. BAKER, JR., a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Almighty God, gracious Father of us all, Thou hast guided the leadership of this Nation through troubled waters often in the past. We remember with gratitude their devout dependence upon Thee, how they turned to Thee, trusted in Thee in overwhelming circumstances.

They were not less wise in asking Thee for Thy wisdom, nor less strong in calling upon Thee for strength. They did not demean their humanness by humbling themselves before Thee, nor forsake their leadership by admitting their need of Thee. Indeed, Lord, by coming to Thee in their need, they enlarged their wisdom, increased their strength, dignified their humanness, and gave greater-than-ever leadership to the people.

Teach us dear God, that we have nothing to lose, everything to gain by obedience to Thee and everything to lose, nothing to gain by ignoring Thee. God of our fathers, give to the Senators, and all who labor here, with their families, the godly resources needed to lead the people through present difficulties. In the name of Him to Whom belongs all power and glory. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore (Mr. THURMOND). The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the minority leader is necessarily absent from the floor at this moment. I ask unanimous consent that the time allocated to him under the standing order be reserved for his control at any time prior to the commencement of the debate on the Williams resolution.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, is there a special order for the recognition of any Senator this morning?

The PRESIDENT pro tempore. There is no special order.

Mr. BAKER. I thank the Chair.

ORDER DESIGNATING PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order, there be a brief period for the transaction of routine morning business to extend not past the hour of 11:30 a.m., in which Senators may speak for not more than 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS FROM 11:30 A.M. UNTIL 2:30 P.M. TODAY

Mr. BAKER. Mr. President, this is Tuesday and on Tuesday there are regular caucuses by Senators on both sides of the aisle that take place off the floor of the Senate. These meetings are of an official nature. They expedite the business of the Senate. They are essential to the transaction of our business.

In order to provide the time for all Senators to meet according to those arrangements, I ask unanimous consent that today at 11:30 a.m. the Senate stand in recess until the hour of 2:30 p.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER, I ask as well, Mr. President, that when the Senate reconvenes, Senate Resolution 204 be automatically laid before the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, at 2:30, it is anticipated that we will resume debate on the Williams resolution. The first order of business will be a quorum call. It is the hope of the leadership that a quorum can be assembled by 3 o'clock, in which event debate on the Williams resolution will continue until approximately 6 p.m. today.

Mr. President, it is my hope that the Senate can complete the consideration of Senate Resolution 204 on today, tomorrow, or Thursday. I have no desire to hurry this matter, Indeed, I will not now do so, for Senator WILLIAMS and his supporters must have every opportunity to make their case. I will not seek any unanimous-consent agreement for a time certain vote either on the Cranston amendment or on the resolution itself.

I observe with approval the recommendation the minority leader made on the floor last evening which, as I understand it, was that we should try to arrive at a time to vote up or down on the Cranston amendment, and then shortly thereafter have a vote on the resolution itself.

There are many other parlimentary techniques for dealing with this matter, but I think that has much to commend it.

I think on a matter of this importance and gravity, the Senator from California, on behalf of the Senator from New Jersey, should have the opportunity to make his case and have a vote on the amendment in the nature of a substitue. By the same token, after the disposition of that amendment, I think the Senate should proceed as promptly as possible to the consideration of the underlying resolution.

CLIFFORD PHILIP CASE

Mr. BAKER. Mr. President, yesterday, I joined with my colleagues in noting with sadness the death of Senator Clifford Philip Case of New Jersey. He was a trusted partner and a beloved friend; those of us who had the pleasure of serving with him will miss him.

I ask unanimous consent, Mr. President, that editorials from the Washington Post and the New York Times on Senator Case be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Clifford Philip Case

His gentle demeanor and patrician courtesy made the words "the gentleman from New Jersey" something more than a pro forma senatorial title for Clifford Case, who died here Friday at the age of 77. Sen. Case was revered by his colleagues for more than his civility, however. As notable was the courage with which he championed his convictions and the integrity that characterized his service in the Senate. Whether the topic was ethics in government, the war in Vietnam or racial justice, Clifford Case was willing to speak out and to lead.

Sen. Case was one of the small but influential group of liberal Republicans who contributed so much to the better social legislation of the 1960s. As an advocate of strong civil rights laws, he was one of the bipartisan floor managers of the landmark Civil Rights Act of 1964. Later, as a member of the Appropriations Committee, he actively promoted full funding for those programs—in particular those relating to education—that were directed toward the poor and the victimized.

Sen. Case was first elected to the House in 1944, and served five terms there before moving to the Senate 10 years later. A brief period as president of the Fund for the Republic separated these periods of service. At a time when only one Republican senator had taken a similar position, he announced, during his first race for the Senate, that he strongly opposed the activities of Sen. Joseph McCarthy, and pledged himself to vote against allowing the Wisconsin senator to continue as chairman of the Committee on Government Operations.

Once elected, Mr. Case continued to press for measures that would establish clear ethical standards for members of Congress and to publish annually and voluntarily a complete statement detailing his own finances. Today's requirement that legislators and high government officials file statements disclosing assets, liabilities and sources of income is due, in large measure, to his early and persistent advocacy.

As a member, and eventually ranking Republican, on the Foreign Relations Committe, Sen. Case was an opponent of war in Vietnam before it was fashionable to be one. He was an environmentalist when such folks were still called "conservationists." He was a man of principle and compassion who served his party, his state and his country with distinction.

Clifford Case

He reached the Senate in 1954 by defeating the McCarthyites on the extreme right of New Jersey's Republican Party. He was ousted, finally, in a 1978 party primary by a new political right. For the quarter-century in between Clifford Case upheld the middle ground of moderate Republicanism. He advanced bipartisanship in foreign affairs, compassion in the civil rights struggles, quality in judicial appointments and decency in everything.

Long an influential member of the Foreign Relations Committee, Senator Case supported Presidents of both parties when he saw them leading the nation toward peace. And he was bipartisan in his denuciation of executive excesses.

He came to oppose President Johnson's involvement in Vietnam as unauthorized and he was critical of President Nixon for not ending that involvement sooner. He helped to produce the War Powers Act to make the executive more accountable for military operations and sponsored a law requiring early notice to Congress of secret agreements with other countries.

New Jersey, the Senate and the nation all profited from Clifford Case's intellectual gifts and quite dignity. Nor did moderation die with his political defeat. After he lost his party's support, by only a few thousand votes, the electorate turned to a moderate Democrat for his replacement. Clifford Case was what you might call an impassioned moderate. He gave moderation a long run and a good name.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have no need for the remainder of my time under the standing order. I ask unanimous consent that it may be reserved to any point prior to the consideration of the Williams resolution, as in the case of the time reserved for the minority leader.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

Mr. SYMMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. BAKER. Mr. President, will the Senator from Idaho permit me to ask the Chair if he is prepared at this time to put us into a period for the transaction of routine morning business?

The PRESIDENT pro tempore. There will now be a time for routine morning business.

The Senator from Idaho is recognized.

Mr. SYMMS. I thank the distinguished majority leader.

(The remarks of Mr. Symms at this point in connection with the introduction of legislation are printed under Statements on Introduced Bills and Joint Resolutions.)

ISRAEL AND THE UNITED STATES SHARE COMMON VALUES AND INTERESTS

Mr. JACKSON. Mr. President, I wish to invite the attention of my colleagues to a speech delivered by Senator Cannon to the B'nai B'rith Lodge in Las Vegas, Nev., on January 24, 1982.

Senator Cannon puts special emphasis on the common values and interests shared by the United States and Israel. Both peoples have common ideals and spiritual roots. Both governments are committed to democracy, justice, human rights, and individual freedom. And beyond this, the strategic interests of both nations are served by close political and mutual security ties.

This address is very timely, and I ask unanimous consent to have it printed in the Congressional Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Address of Howard W. Cannon

It is a pleasure to be with you this evening. I am delighted to have this opportunity to restate my commitment to the security of Israel and continued good relations between the United States and Israel.

I firmly believe that the people of the United States and Israel share common ideals, values, and spiritual roots. Both governments are committed to democracy, justice, human rights, and freedom. These are more than just slogans—they are the essence of what both nations stand for.

In addition, I strongly believe that the strategic interests of the United States are served by close political and military alignments with Israel. I feel that expanding America's strategic partnership with Israel enhances the influence of the United States in the region and promotes our global goals.

As we are about to celebrate the first anniversary of Ronald's Reagan's inauguration, I feel that this is a particularly appropriate time to assess the record of his administration's Middle East policies and then attempt to speculate on the future. I believe it is important to look at the implication of the AWACS sale, its effects, consequences, and aftermath. I would then like to discuss the current status of American relations with Israel, including some comments on the recent actions in the Golan Heights. And finally, I would like to speculate on the likely events after Israel returns the Sinai to Egypt this April.

When Reagan took office, he announced that the Soviet Union would be his top foreign policy priority. Within a few months, however, the Middle East moved to the top of the agenda. The administration tried to develop policies that could meet the Soviet threat in the region, while playing down the regional tensions, including the Arab-Israel conflict.

The administration believes that these objectives would be well served by the sale of advanced military equipment to Saudi Arabia, including offensive enhancements for the F-15's and 5 airborne warning and control systems (AWACS). Thus, they concluded an 8.5 billion dollar deal transferring this technology to Saudi Arabia.

It is always difficult to disagree with a President on a major foreign policy initiative. It is particularly difficult to oppose a popular President at the beginning of his term. Despite tremendous pressure from the administration and corporate lobbying, I took this difficult course and was one of the earliest opponents of the arms sale to Saudi Arabia.

I was one of the first signers of the Packwood-Jackson letter urging the President not to proceed with the sale; I cosponsored the resolution of disapproval. I spoke out against the sale on the Senate floor and elsewhere.

I did not then and still do not believe that the sale was in the best interest of the United States. AWACS are so sensitive, so advanced, that we do not even allow our NATO allies to have the exclusive control that Saudi Arabia demanded and got.

I objected to selling the most sophisticated weapons in our arsenals:

To a nation that is potentially unstable;

To a nation that rejects the Camp David peace process;

To a nation that declares "Jihad" (holy war) against Israel;

To a nation that could not guarantee the security of the AWACS;

To a nation that would not allow American bases;

To a nation that finances and supports the terrorist PLO;

To a nation that raised its oil price from $12 a barrel at the time of the last big sale in 1978 to $32 a barrel in 1981.

I objected to the sale of this equipment to Saudi Arabia.

I opposed this sale for three other reasons:

First, I believe that the sale violated a pledge to Congress that this type of equipment would never be sold to Saudi Arabia.

Second, I do not believe that the United States received enough in return—we did not gain access to bases in Saudi Arabia; we did not receive assurances on the peace process or on oil pricing.

Third, the sale undermines the security of America's most dependable ally in the Middle East—Israel. In addition to jeopardizing the existence of Israel, increasing the arms race in the region presents Isreal with a budget crisis that it simply cannot afford.

I was pleased that the House passed the resolution of disapproval by a 301 to 111 vote. I believe that the vote would have been similar in the Senate if the Senators had voted purely on the merits of the sale. However, the final vote in the Senate did not reflect the merits of the issue. The vote reflected the power and prestige of the Presidency rather than the wisdom of Reagan's policies. It is, in fact, ironic that the same Ronald Reagan who urged the Congress to reject the Panama Canal treaties and SALT on the ground that it is the duty of Congress to correct flawed policies of a President, should turn around and claim that for Congress to reject his policies would weaken the power of the Presidency.

I was also disturbed by the undertone of anti-Semitism that was used by some of the proponents of the sale. Calling this sale a choice between "Reagan or Begin" or asking whether "the Jews should run American foreign policy" calls into doubt the patriotism of a vital element of American society. Even the President's comment that he did not want "foreign nations" to interfere in the foreign policy process of the United States was a direct slap at American Jews and Israel. It is also interesting to note that this comment was made at the same time that the administration was going all out to assist Prince Bandar of Saudi Arabia to lobby for the sale.

I cannot express in strong enough terms my rejection of anti-Semitism and these charges of dual loyalty. These charges are not new. The late Hubert Humphrey addressed this very issue. His eloquent words bear repeating today:

"Columnists, editorial writers, have warned us about ethnic lobbies. They've been warning us about ethnic lobbying especially in foreign affairs. We've heard careless and I think reckless things being said about the powerful Jewish lobby, the Greek lobby, the Turkish lobby, the Baltic States lobby—you mention it, as if somehow or another, it was against the law in this country to speak up for what you believe in. Let no one contest the patriotic dedication of the Jewish community in the United States. From the first days of our republic, from the days George Washington needed help in the battle for our independence, people of Jewish "faith have been in the front lines doing their job for freedom, for justice. The whole theme of justice and the priceless nature of the human spirit is the essence of Judaism."

Even though the sale has been approved, it is important to monitor its effects, particularly the actions of Saudi Arabia. The administration tried to gain support for the sale by arguing that Saudi behavior would moderate if the sale was passed. Unfortunately, since the sale the Saudis have:

Raised their price of oil to $34 a barrel and lowered production by one million barrels per day.

Pressured Oman to reject American facilities;

Urged Oman not to participate in operation bright star;

Offered a 1.2 billion dollar bribe to this effect;

Contributed an additional 28 million dollars to the PLO;

Pushed the Fahd "peace plan," which calls for a Palestinian state with "East Jerusalem" as its capital.

These do not seem to be the actions of a friend, an ally or even a moderate. While I was glad to see the Fahd plan rejected at the Fez conference, I was appalled that it was rejected because radicals like Syria and Libya thought it was too moderate toward Israel. Interestingly, Fahd recently met with President Assad of Syria. Just one hour after their meeting, Fahd canceled his scheduled trip to the United States. In sum, I have not seen the promised moderation from the Saudis.

Shortly after the AWACS vote, the administration considered selling an advanced telecommunications satellite system to a consortium of Arab states called ARABSAT. The members of this group include Libya, Yemen, Syria, and the PLO. Not only would this sale have military advantages for the very countries listed by the State Department as supporting terrorism, it would be a tacit recognition of the PLO. At this time the administration is still considering whether to proceed.

Let me turn next to the current status of U.S.-Israel relations.

Secretary of State Alexander Haig told the House Foreign Affairs Committee on November 12, 1981, that "If our friends are more secure, they will be more willing to take risks for peace." I certainly agree with this statement, but I do not believe that America has been adhering to the Secretary of State's guidelines. Recent U.S. actions, statements and policies have had the effect of increasing Israel's nervousness about the strength and depth of American support. Israel is beginning to see the United States as a fickle and unreliable ally, quick to abrogate agreements, contractual, and otherwise. It sees the United States as frightened of offending the Arabs and irrationally concerned about Moscow. As Jordan recently proved, any nation that even threatens to go to the Soviet Union for succor gains entre in Washington, even if the threatened link to Moscow poses a greater danger to that country. The raid on the Iraqi nuclear facility last spring resulted, in part, from Israel's convictions that neither the U.S. nor anyone else really cared about the Iraqi nuclear threat and failed to do anything to help despite Israeli pleas.

To a degree, I believe that Israel's recent actions in the Golan Heights are direct repercussion of the AWACS sale and other American actions.

There has been a great deal of rhetoric concerning the Golan Heights—let me briefly explain the situation.

Essentially, all Israel did was to extend civil jurisdiction in place of the military law which had prevailed in the area since the 1967 war. In the words of the Wall Street Journal, Israel merely "imposed the right to a trial by jury on 18,000 Arabs and Jews in the Golan."

This action did not foreclose the option of negotiations on the final settlement of the territory. These negotiations are unlikely, however, because Syria has consistently refused to negotiate with Israel.

There were numerous Syrian actions which led up to the Israeli move:

Syria invaded Israel three times through the Golan Heights.

In the 19 years preceding the 1967 war, Syria used the Heights to make life hell for the settlers below in the Galilee.

Syria has obtained increasingly sophisticated military materiel in the last year.

Syria's actions in Southern Lebanon, including the placement of more SAM batteries, endanger Israel's Security.

The Syrians totally rejected Philip Habib's efforts to remove the Syrian missiles.

Syrian actions resulted in the collapse of the Fez-Arab summit and the rejection of the Fahd peace plan. This plan was uncompromising and unacceptable to Israel, but even the remote possibility of Saudi willingness to recognize Israel was unacceptable to Syria.

Syria has signed a friendship treaty with the Soviet Union and is clearly a Soviet surrogate.

I was upset that the United States voted in the U.N. Security Council to condemn Israel for its Golan actions and took unilateral steps to punish Israel. This is the wrong signal to send. It gives the impression that Israel, rather than the Soviet surrogate Syria, is the enemy of the United States. This is not the case, as the fundamental friendship between Israel and the United States continues. Thus, I do not believe that the Administration's actions were appropriate.

Conversely, I was also upset at the excessive rhetoric used by Prime Minister Begin in response to American actions. I can understand how he felt, but that is not the way statesmen should behave, especially in such a public forum. I hope that calmer heads will soon prevail and that America's relations with Israel will rebound from their current status. When there is a storm, the dust eventually settles. The current problems do nothing to change the essential need for strong U.S.-Israeli ties. This is in the best interest of both of our nations.

On April 25th, Israel is scheduled to return the last part of the Sinai to Egypt. This will complete the return of 92 percent of the territory taken in the 1967 war, taken, I want to stress, as a result of Arab aggression against Israel.

As April 25th approaches, Arab pressure on Egypt will mount. Thus far, President

Mubarak has given every indication of continuing the good relations established with Israel by President Sadat. Egypt has realized the benefits it gains from peace with Israel.

On the other hand, other Arab States are making efforts to weaken this relationship. It is important for the United States to disassociate itself from these Arab efforts. There have been troubling indications and statements by prominent Americans urging a shift away from the Camp David process. For example, I cite the statements by former Presidents Carter and Ford, the Seven Springs report by Harold Saunders and Philip Klutznik, the administration's flirtation with the Fahd peace plan, and a background paper prepared for the prestigious Council on Foreign Relations by Malcolm Kerr recommending new U.S. approaches to the PLO. These types of statements and actions only serve to intensify the concerns already expressed in Israel.

As we look forward to future American policies in the Middle East, many pitfalls and problems remain. Israel's security must be preserved, particularly after the return of the Sinai in April 1982. The instability in Southern Lebanon, particularly the increasing number of Syrian and PLO troops and armaments is a potential crisis. Soviet activity in the region, the actions of Qadhafi, and Western reliance on Middle Eastern oil are just a few more issues that must be dealt with in a constructive and careful manner. Your interest, and your participation in the American political process are a cause for optimism. It is largely because of people like you, people who are informed, active and involved, that I have faith that America's future actions will contribute to the cause of peace.

COMMEMORATING A HERO WHO FOUGHT AGAINST GENOCIDE

Mr. PROXMIRE. Mr. President, those people who risk their lives to save others are heroes, regardless of whether they themselves survive.

In the case of the disastrous Air Florida crash earlier this month, two men performed heroically, and they deserve our highest praise and thanks. Lenny Skutnik lived and is honored. The other man, believed to be Arland Williams, perished after saving others but is remembered for his deeds. I only hope that, years from now, their actions will remain with us all.

January 17 marked the 37th anniversary of the disappearance of Raoul Wallenberg, another hero. Wallenberg was a Swedish diplomat who saved thousands of Jews from Nazi extermination by issuing some people Swedish passports and hiding others in a network of "protected houses."

He was on a rescue mission to Budapest, supported by the U.S. War Refugee Board, when he was arrested and incarcerated by the Russians without reason. We still do not know his whereabouts. Many experts believe he died in a Soviet prison.

To help perpetuate Wallenberg's memory, a shelter for some of Washington's homeless has been named after him. The Raoul Wallenberg House, owned by Luther Place Memorial Church, was dedicated on the anniversary of his disappearance by the church's paster, Rev. John Steinbruck. Not only will this building act as a home for the needy, it will serve as a memorial to a man who independently battled genocide, as well.

Think about it, Mr. President. Think about it: Neither individual actions to eliminate genocide nor commemoration of these past attempts are enough. We need an international contract binding the governments of the world to protect mankind from this crime.

The Genocide Convention, drafted and unanimously approved—unanimously, no objection, by the United States—shortly after World War II provides such a vehicle. President Truman presented this treaty in 1949 for ratification in the Senate. Every administration, Democratic and Republican, since that time has supported the Genocide Treaty, every Secretary of State, every Secretary of Defense, every Attorney General, the American Bar Association, every single religious group in this country, everyone. They call for it as an act of humanity, as a necessary act to prevent the systematic extermination of an entire ethnic, racial, national or religious group the way Hitler systematically exterminated Jews in Europe, the way Cambodians have been exterminated by Communist forces in Asia, the way tribes in Africa have been exterminated by governments headed by people like Idi Amin. We have had more than 3 decades to approve it. Every other developed country in the world—certainly, every other major country—already has ratified it. We still have not done so.

Why not move on this now, Mr. President.

QUORUM CALL

Mr. PROXIMIRE. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Morning business is closed.

RECESS UNTIL 2:30 P.M.

The **PRESIDING OFFICER.** Under the previous order, the Senate will now stand in recess until 2:30 p.m. today.

Thereupon, the Senate, at 11:30 a.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

SENATOR HARRISON A. WILLIAMS, JR.

The **PRESIDING OFFICER.** The clerk will state the pending business.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 204) expelling Senator Harrison A. Williams, Jr., of New Jersey, from the Senate.

The Senate resumed consideration of the resolution.

The **PRESIDING OFFICER.** The majority leader is recognized.

QUORUM CALL

Mr. BAKER. Mr. President, yesterday, it took us more than 1 hour to get a quorum, or at least to have enough Senators on the floor so that it would appear desirable to go ahead with debate. I hope that it will not take that long today. I have asked our Cloak Room to notify Senators that they should come to the floor and answer the call for the quorum, which I will suggest shortly, as soon as possible. I have notified the Democratic Cloak Room that I have made such a request of our Members.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 23 Leg.]

Andrews
Armstrong
Baker
Biden
Boren
Byrd,
  Harry F., Jr.
Chiles
Cochran
Garn
Gorton
Hatfield
Hawkins
Heflin
Helms
Lugar
Mathias
McClure
Melcher
Pressler
Rudman
Schmitt
Specter
Stevens
Tower
Warner

The **PRESIDING OFFICER.** A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be requested to compel the attendance of absent Senators, and I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **STEVENS.** I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

The **PRESIDING OFFICER.** Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—94

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Schmitt
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—5

Goldwater
Johnston
Long
Proxmire
Quayle

NOT VOTING—1

Hatch

So the motion was agreed to.

The **PRESIDING OFFICER.** With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. **BAKER** addressed the Chair.

The **PRESIDING OFFICER.** The majority leader is recognized.

Mr. **BAKER.** Mr. President, as the next order of business, I hope the Chair will recognize once more the Senator from Alabama, who had not completed his statement last evening when we recessed. I am advised by the Senator from Alabama that it may take him about 30 minutes. After that, we will proceed as circumstances require.

The Senate will be in session until approximately 6 p.m. today. It is my hope, I say to Members, that if, as anticipated, the Senator from California is in a position to offer his amendment sometime today, we might consider a time certain to vote on that amendment tomorrow.

I will not now propound such a request, but I put Members on notice that I suggest that we consider doing that sometime late tomorrow afternoon, if possible.

I have no desire to hurry this matter, but I think it is important that we try to establish a schedule on which we can rely.

I mention this now so that the distinguished Senator from New Jersey may think about that, as well as the Senator from California and all other Senators.

Mr. President, I yield the floor.

Mr. **HEFLIN** addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Alabama is recognized.

Mr. **HEFLIN.** Mr. President, yesterday, I made a statement about Senator PRESSLER's case, indicating that it was my understanding that the decision was made that he be brought to the townhouse and before the cameras——

Mr. **SCHMITT.** Mr. President, may we have order so that we can hear?

The **PRESIDING OFFICER.** The Senator's point is well taken.

Important testimony is being heard. Senators will take their seats and clear the aisles, and the Chair will ask the Senator from Alabama to resume.

The Senator from Alabama is again recognized.

Mr. **HEFLIN.** Mr. President, I believe I made the statement yesterday that in Senator PRESSLER's case the decision that he be brought to the townhouse and before the cameras—where he was brought and where he clearly showed that he was not interested in accepting any bribe or money, and certainly acted as a responsible, ethical Senator would have acted and should have acted—was made by a con man, without any FBI decisionmaking at a high echelon level.

It is my understanding that there has been some information released today by the FBI, perhaps to Senator PRESSLER, that would indicate that some top echelon decision was made, or approval given in that regard.

I merely state this because this information has come to me. Perhaps it will be brought out more clearly at a later time.

Senator WILLIAMS has been critical of the Ethics Committee and has made some statements that the Ethics Committee prohibited any consideration of gross misconduct of the operatives from the Department of Justice and FBI, and alleged at another time that no independent investigation was made by the Senate Ethics Committee, and another time that "The evidence against me as presented by the Senate Ethics Committee exists exclusively of evidence used by the Government at my trial."

The Senate Ethics Committee at its hearing had all of the transcripts of the trial, including the prosecution witnesses and exhibits, documents, tapes, all of the defense witnesses' testimony, documents, exhibits, and tapes, and in addition to that, had all of the due process hearings that were conducted by Judge Pratt relative to FBI misconduct. All of that information was before the Ethics Committee and has been made available to all Members of the Senate.

In addition to that, the testimony in the prior case in New Jersey involving Congressmen was adopted.

Senator WILLIAMS had the opportunity to present any witness that he wanted to and at the end it was clearly brought out that any witness that he wanted we would assist him in getting, even to the point of issuing subpenas.

The Ethics Committee had done independent investigation. It was limited because we could not interview up until the trial evidence was made available, or may have been made available a few months in advance of the actual trial, I believe, but they did have an independent investigation, and after this was over then, of course, the new set of lawyers, being a third group of lawyers who were involved, wanted to reopen the case. The committee had already made its report.

The majority leader and the minority leader, the leadership in the Senate, asked the Ethics Committee to act as an investigative arm for them and we made our recommendations, in effect saying that we did not feel any new evidence was presented or if it was new evidence that it could not have been presented at the trial.

I now want to go into the statement of Dr. Shuy, the linguist. As we heard from Senator WILLIAMS, at the trial in the criminal case, it was considered whether or not to use Dr. Shuy. The question of the linguist was raised. The tactical decisions were made relative to this matter. It also is my understanding that at the Ethics Committee hearing counsel for Senator WILLIAMS again made a consideration as to whether or not they would use Dr. Shuy at that particular time as a decision had been made previously about the criminal case.

At the hearing pertaining to Dr. Shuy and the desire to reopen the Ethics Committee's hearings, which was after the report had been made, the new set of lawyers talked about it and involved in it was the question that was asked as to whether or not a linguist would have expertise which would be the equivalent of a walking human polygraph or a language lie detector expertise, and there was some indication that this would fall within the field of the expertise that was there.

I think we have to look at the linguist's report. I think that you have to realize that by trimming some of the trees or giving different interpretations of trees you do not change the overall appearance of the forest. I think it is wise to bear that in mind.

The question arises whether or not linguist testimony is admissible in court. I think Senator Long raised this issue and we have attempted to review decisions of the court pertaining to it and frankly can find very little pertaining to linguist testimony being admissible.

Basically, Members of the Senate who have been lawyers and tried lawsuits are familiar with the objection that is frequently made. "We object to that because it is invasive of the province of the jury," which means that it is within the decisionmaking power of the jury to determine certain evidence, to give certain credence to certain forms of testimony to the extent that you would give credence to it.

The issue, of course, is for some linguist to look at tapes and then tell the jury that the words mean something different from what you may think they mean.

A jury is composed of 12 individuals. The 12 individuals have to be unanimous. Those 12 different people are from all walks of life. Some people from a laboring class may be on the jury. There may be a housewife. They may have a person who is a psychologist, for all we know, or any sort of thing. But the melting together of 12 individuals gives a pretty good idea of the interpretations that they may have of the use of language.

Those 12 have to be unanimous in the decision of guilty in a Federal court in criminal cases. So you can see that you have 12 individuals that are weighing what words may be said.

I want to mention also that I do not think a linguist can change actions that go to the heart of an issue. No linguist can refute the acceptance of the stock certificates. No linguist can refute the fact that Senator Williams took shares of stock to Europe and brought them back to his office. No linguist can refute the words pertaining to permanent residency, "I give you my pledge I will do everything in my power to advance your permanency." And no linguist can refute the handshake.

If Senator Williams did not make the right answers, that is, if you accept the linguist's position or conclusions, then you, nevertheless, are left with the undeniable fact that he was conning the sheik. If you did not accept that he was attempting to say that "I will get Government contracts," then I think, on the other hand, you have to say, well, what was all of that talk about the Secretary of State, about the President, about the Secretary of Defense? And you have to come to the conclusion that if he did not intend to get Government contracts, did not say that he was going to get Government contracts, never later was going to make an effort to get Government contracts, then he was bound to be conning somebody.

I think that certainly you cannot read the testimony without coming to the conclusion that there was a great deal of talk and that the sheik was impressed, or you would be impressed if you were in the sheik's position, that he was telling you that, I have all the contacts necessary to get the Government contracts.

The tapes that the linguist reveiwed, as was pointed out by Senator Hayakawa, do not show facial expressions. I believe Senator Hayakawa referred to the fact that he had an associate who had gone into the issue of psychoanalysis and that he concluded that in reveiwing tapes as to the words, it is necessary to see facial expressions and to see what was on it, but that these films were not adequate to show facial expressions to add to the words.

A linguist coming in and not being able to see facial expression is at a disadvantage, and it limits his ability to be able to truly explain what words say.

I have had the staff of the Ethics Committee, primarily John Saxon, go over and to make an analysis of the exhibit of Dr. Roger Shuy, which was circulated, which was comprised of 112 pages and went into great detail. I have passed out before you this analysis that has been prepared by staff, and I want to point out certain sections. I do not intend to read it all, but I do want to point out certain sections of it, I think, to give you an idea of this type of analysis.

The linguistic analysis by Prof. Roger Shuy of the audio and video tapes involving Senator Williams, a summary of which was presented on Thursday, is an interesting but overstated and misleading piece of work which, at its best, suffers from strained analysis, faulty inferences, and unsupported conslusions of the broadest nature, and at the worst is guilty of selective methodology—playing up exculpatory statements while totally ignoring inculpatory ones—and outright misrepresentation. In sum, it is not a credible work.

(Mr. STEVENS assumed the chair.)

Mr. HEFLIN. First, conduct versus linguistic games. Shuy's most common fallacy is to engage in a linguistic discussion of who said what while ignoring the fundamental, and in many cases uncontested, conduct of Senator Williams. Perhaps the most glaring example of this concerns the August 5, 1979, meeting at the JFK Airport in New York. At that meeting, Senator Williams was presented, and accepted, stock certificates in the three different corporations which certificates were endorsed by Alex Feinberg but made out in blank. The dialog of the other participants in the meeting make it unmistakably clear that Senator Williams knew what he was receiving when he took these certificates. Yet, Professor Shuy, confining his analysis to linguistics alone, and not conduct, overlooks what Senator Williams did—taking something of value—and simply concluded (at p. 42) that "(A)nalysis reveal(s) that Senator Williams' contributions to this meeting were, at best, minimal," and (at p. 44) that Senator Williams was "a passive participant with little of substance to offer." That was not a meeting, however, in which Senator Williams offered. It was a meeting in which he received, a critical factor which Shuy's limited approach ignores.

Shuy repeatedly refers to Senator Williams as an outsider to these conversations, as being at a "conversational disadvantage," and as being a "passive participant." One does not have to be involved in a series of discussions in an active, aggressive, or dominating fashion to nonetheless be a culpable participant in a corrupt or dishonest enterprise. For example, Shuy places undue emphasis on who introduces a topic, his clear but unproven implication being that if you did not introduce a topic, it was not on your agenda of items in which you were interested; since Senator Williams introduced few substantive topics, and was a passive participant, according to Professor Shuy it follows, ipso facto, that he had no criminal intent. Such a narrow criterion for judging culpability would miss the criminal conduct in the following hypothetical: Two parties are engaged in a conversation, and I hope you will read with me on this. "A" is a public official who only introduces two topics of a nonsubstantive nature, "hello" and "goodbye"; "B" is a sleazy character who bribes A, and who introduces eight topics, all of which fall within A's two topics. The conversation goes as follows:

A. Hello.
B. Good to see you.
B. I brought the money.
B. There's $5,000 in cash.
B. You can count it if you wish.
B. All you need to do is vote for "X".
B. It will be greatly appreciated by all of us.
B. Let me know if we can do business again.
B. Thanks, again.
A. Goodbye.

Shuy would contend that A was a passive participant who not only said nothing incriminatory, but by expressly failing to respond affirmatively to the invitation to do business again indicated his unwillingness to do so.

As to Shuy's contention that linguistic analysis indicates Senator Williams was an outsider who rarely introduced substantive topics and in many cases, simply asked questions, several responses are warranted.

One is to Senator Williams as being an outsider. Well, of course, it is natural that Senator Williams was a key figure in this whole deal. It depended upon his getting Government contracts. He would come to a session and when he would come to the session, obviously, it is reasonable to expect a busy U.S. Senator to stay on top of such business developments and details less than, say, Sandy Williams, who had only a business preoccupation of making the titanium mine a profitable business. Second, he was not so much an outsider that he did not know what was going on in a number of critical meetings. For example, in the June 28 meeting with the sheik, Senator Williams presents a compelling and detailed explanation of the properties and marketability of titanium, which a true "outsider" could not have provided. More importantly, however, whether one is an "outsider" or "insider" does not go to the critical question of conduct. To say Senator Williams only had the option of saying "I hear you" or "I understand what you're saying" is both an insult to the intelligence of Senator Williams and those reading or hearing Shuy's analysis. At any moment, in this entire sordid affair, Senator Williams had the option of saying "Stop. This is wrong. I want out." Even an outsider can divorce himself from an enterprise he knows to be improper.

Relatedly, as to Shuy's observation (at p. 109) that the introduction of all topics pertaining to Government contracts comes from participants other than Senator Williams, that it was part of their agenda but not Senator Williams', it is undeniable that at any point in these proceedings Senator Williams could have said, "Now, look, for the last time I'm telling you I won't have anything to do with getting Government contracts. That is improper, and probably illegal." That Senator Williams did not himself first raise the topic of Government contracts does not address the question of his responses thereto, nor of conduct which ensued.

SENATOR WILLIAMS AS UNINFORMED ASKER OF QUESTIONS

Shuy supports his ultimate conclusions of Senator Williams' lack of culpability in large measure by repeated references to the fact that he was uninformed—similar to the "outsider" argument—and in most meetings simply asked questions. For example, Shuy concedes (at p. 56) that while Senator Williams introduced 23 substantive topics in one meeting—8 more than anyone else—15 were questions, therefore concluding "he is still relatively uninformed." There are several responses: First, one's degree of knowledge about a criminal enterprise—the lack of which Shuy would argue can be evidenced by one's questions about the enterprise—neither excuses nor disproves one's willingness to engage in it. Uninformed does not mean disinterested. Second, if a reasonably intelligent person were uninformed about an enterprise—as evidenced by his incessant asking of questions about it—that individual would not remain uninformed for long. Third, and perhaps most importantly, Shuy ignores the fact that many of Senator Williams' questions are textually incriminatory. For example, Shuy cites (at p. 56), but does not comment on, two of Senator Williams' questions in the September 11, 1979 meeting: "How are we doing on owning (the plant)?" and "We're selling out on our investment?" It is clear from the text of his questions he did not consider himself an "outsider" as to ownership of the titanium mine. If to merely ask questions indicates one is an outsider without culpability, how would Shuy characterize the question, "When do I get my money for being bribed?"

4. CONTAMINATION

Shuy argues (at pp. 6-7, and throughout) that a jury viewing these tapes would have difficulty in avoiding confusion over who said what, confusing statements by others in general, and about Senator Williams in particular, with what Senator Williams said himself. Shuy illustrates this "contamination" principle by the following example: A and B are engaged in a conversation; A slanders C; B remains silent. A listener to the conversation may attribute A's statement to B and/or conclude that B agrees with A as to C's characteristics. While not an invalid principle, "contamination" is inapposite or of limited significance in this instance for three reasons:

First, Shuy cites the principle of contamination for the proposition that it makes the use of videotape evidence inherently unreliable before triers of fact. The problem with this line of analysis, of course, is that it is not unique to videotape evidence, but to all evidence. Triers of fact often have difficulty recalling exactly who said what, when, and to whom. At least with videotape, it can be replayed in an effort to lessen confusion, which cannot be said for other forms of evidence.

Second, as far as the members of the Select Committee on Ethics as triers of fact are concerned, they had more than one showing of critical tapes; at their public hearing, transcripts were provided for them to consult while viewing the tapes; and they had the transcripts in their possession during deliberative stages to consult should any question have arisen about precisely who said what. Moreover, other Members of the Senate likewise had the transcipts available while viewing the tapes, and have had them in their possession for many months for consultation.

Third, the illustration Shuy cites is appropriate to illustrate contamination as an abstract principle but is not analogous to this matter. In his example, he cites a simple transaction in which two parties are involved, with comments being made about a third. That is all that is involved and contamination conceivably could result. In the Williams' matter, however, there are previous and subsequent conversations, intervening external acts, and a host of matters which provide greater context. Moreover, in Shuy's example, A does not ask B if he agrees, objects, or has any problem, with his (A's) analysis before they proceed to another topic. In other words, B is not required, as was Senator Williams on repeated occasions, to respond.

Finally, if one is required to evaluate intent or state of mind as is a trier of fact, it can be argued that whereas B's silence is not to be equated with agreement, it is not an impermissible inference that B's failure to disagree or disassociate himself from A's remarks is some evidence of B's state of mind. This would be true especially where, over time, one observed A make repeated comments about C in B's presence and B not only never objected but on occasions made comments which would permit a strong inference of agreement. Such is the case with Senator Williams.

5. QUALITY OF THE TAPES

Shuy contends (at p. 11) that the tapes are of poor technical quality. Nowhere, however, does he demonstrate other than by assertion that Senator Williams was prejudiced thereby.

SHUY'S ANALYSIS IS NOT CREDIBLE DUE TO SELECTIVE TREATMENT

1. OMISSIONS: A. NOT GONNA BE IN THIS SITUATION FOREVER

Shuy spends 19 pages analyzing the June 28, 1979 videotape (pp. 23-41). Nowhere in that lengthy analysis, however, does he make any reference to an inculpatory statement by Senator Williams to the sheik. In the transcript of that meeting (Committee print, V. 6, p. 112), with the discussion focused on Senator Williams' "shares" in the enterprise, Senator Williams explains his relationship to Alex Feinberg, stating that: "I would work my arrangement, my situation with Alex", then volunteered "I'm not gonna be in this situation forever and I want to have a you know foundations which give me that independence when I, later time (IA)." A clear and incriminating inference can be drawn from this statement, yet Shuy strangely fails to address it at all.

B. CREATING SOMETHING OF VALUE, BRINGING IN THAT ORE

While admittedly Senator Williams turned down the bribe offered by the supposed sheik in the January 15, 1980, meeting, immediately thereafter he made a damaging link between performing an official act on behalf of the sheik (assisting him in the process of obtaining permanent residency) and the sheik's financing for the mine—which would inure to the Senator's personal financial benefit. Senator Williams stated (V. 6, p. 356):

> (M)y interest is with my associates. To, to see this very valuable mining area, er, appropriately developed. It's doing nothing now. There is the, there is the ore, there's the titanium. There is the iron. There is the phosphorous. All of them are needed and yet nothing is happening. So my only interest is to see this come together. And the, and the, the elements that I can help with, your, your personal situation. Er, I am very, I find it, er a desirable thing to do for you, personally. And it's part of creating something of value, bringing in that ore."

Shuy's work loses credibility because of the total omission of this statement deemed by the committee to have been highly incriminating—perhaps the singlemost incriminating statement in all the tapes. He neither discusses it in his analysis section, nor does it appear in figure 19, his linguistic chart of the January 15 meeting.

C. THAT'S TO PROTECT YOU. ALRIGHT?

To support his contention (at p. 50) that Senator Williams never used terminology dealing with concealing his interest in the mine, Shuy cites Mel Weinberg (p. 188 of the transcripts) saying "we want to keep it a secret" and (on his page 45) shows a linguistic chart with Senator Williams saying in response "uh-huh", which Shuy puts under the categorization column of "says he understands" (a category of response, says Shuy, less commital than "agrees"). In fact, this misrepresents what transpired because of what Shuy totally omits. Weinberg said, "we want to keep it a secret", to which Senator Williams responded "um hum" (not "uh-huh") but then, still in relation to the same topic of concealing the Senator's interest, Weinberg says "That's to protect you. Alright?", to which Senator Williams responded, in agreement, "um hum." This "agrees" response does not appear at all in Shuy's work, either in a chart or his analysis section.

2. MISREPRESENTATIONS

Shuy not only makes critical omissions of incriminatory statements by Senator Williams, but also makes material misrepresentations. This is true in at least three instances.

Shuy contends (at his p. 47) that at the August 5, 1979 JFK Airport meeting "Senator Williams clearly agrees to only three things:

"First, that they have somebody inside working on it (p. 193)

"Second, that he should be kept appraised [sic] of the thing (p. 196).

"Third, that it's better in his possession than in someone else's (p. 196)."

It can easily be contended that Shuy is wrong; Senator Williams also agreed at this meeting that blank stock certificates are the way to go (p. 186), and that it is wise to structure the corporations so subsequent shareholders do not know the identity of the other shareholders (p. 189).

In his chart of the October 7 meeting at the Plaza Hotel, Shuy cites (at p. 83) Senator Williams' statement (p. 337 in the transcript), in discussing the use of a blind trust to conceal his interest, "Now, if its a blind trust er, uhh that's the way for my purposes, I, I will find a way to—Alex Feinberg interrupts—make that kind and nobody knows nothing." In analyzing this statement (at p. 86), Shuy concludes:

> Senator Williams says that if a blind trust is necessary, he'll find a way to do it and that he is going to find a way to protect himself with some kind of declaration. He promises that he will have to go public with something or other.

While a blind trust, admittedly, is a filing for record, a declaration of sorts, what Shuy concludes Senator Williams said is greatly at variance with his unmistakably clear statement that to do it as he proposes, "nobody knows nothing." Shuy misrepresents this statement by Senator Williams as a promise "to go public with something or other."

A very incriminating statement made by Senator Williams occurred in the June 28 meeting at the Marriott. Tony DeVito stated that, "he (the sheik) feels that with you behind this thing, with the people that you know, the ah Government contracts, available, you know, this whole thing" to which Senator Williams responded, "Right through." (p. 110, transcript). Shuy would have the reader believe, based on his expertise in the field of linguistics, that Senator Williams could have thought DeVito said, "Government contacts" (at p. 33). There are several problems with this analysis. First, the transcript of the entire meeting was replete with specific and unmistakable references to Government contracts. Second, if DeVito was not referring to Government contracts, but to Government contacts, his statement is still incriminatory because it then pertains to Senator Williams using his official position with his Government contacts for the benefit of the enterprise in which he had an interest. Of course, Senator Williams could have thought DeVito said "contacts," but he did not. Senator Williams conceded at trial (4-23-81, trial transcript, p. 4387, lines 3-23) that he knew on June 28 that he was pressured to get Government contracts, and that Government contracts was a topic of repeated reference in the coaching session just prior to this conversation with DeVito. In fact, he testified (4-23-81, p. 4333), "I heard the words 'deals, contracts, don't talk mines.'" In light of Senator Williams own testimony at trial, Shuy's hypothesis is not believable.

3. INTERNAL INCONSISTENCIES

Shuy's analysis suffers in two critical areas from internal inconsistences.

A. COACHING SESSION

The first concerns whether Senator Williams was affected by the June 28 coaching session. At page 15 of his analysis, Shuy leaves no doubt that, in his opinion, Senator Williams was not: "As it is manifestly clear from figure 1 (a linguistic chart of the June 28 coaching session), Senator Williams does not agree to tout his own power and influence in this coaching meeting." In his "referencing analysis" of this meeting, however, Shuy concludes (at p. 20) that Weinberg and Errichetti "change" from suggesting what Senator Williams should say to use of "the actual sentences" he should use, thereby "putting words" in his mouth.

It is thus not clear from Shuy's treatment of the coaching meeting whether Senator Williams was, in fact, affected by the coaching, or not.

B. TOPIC INTRODUCTION

Throughout his analysis, as already indicated, Shuy labels Senator Williams an "outsider" lacking in information which places him at a "conversational disadvantage." The basis for this conclusion, according to Shuy, is in large part because Senator Williams does not introduce many topics of conversation (for example, Shuy, at p. 25, points out that in the June 28 meeting with the sheik he only introduced three topics; and, at p. 42, in the August 5 meeting he only introduced five topics). Even assuming, arguendo, that infrequency of topic introduction can be equated with disinterest and therefore innocence (something never satisfactorily demonstrated by Shuy), this argument loses all force after the September 11, 1979, meeting in which Shuy notes (at p. 51) that of 72 topics introduced, Senator Williams introduced 26, Mel Weinberg 15, and the other 5 participants from 5 to 8 each.

It would seem if topic introduction per se evidences interest and, ipso facto, guilt or innocence (as Shuy maintains throughout his analysis), then as of the September 11 meeting Senator Williams ceases to be an "outsider" and "uninformed." But once the Senator's conduct becomes inconsistent with Shuy's analysis, he shifts to a second level of interpretation: Although Senator Williams introduced 26 topics, 15 were questions or requests for information, therefore "he is still relatively uninformed" (at p. 56). By the October 7 meeting, however, Senator Williams has again become, according to Shuy, an "outsider to the group" because he only introduced 11 of 55 topics, only 7 of which were substantive and only 2 of which were not questions (at p. 94).

Professor Shuy should make up his mind: Either the frequency of topic introduction matters, in which case Senator WILLIAMS ceased being an "outsider" after the September 11 meeting, or it does not.

4. INACCURATE RESPONSE CATEGORIZATION

On his charts, Shuy categorizes Senator WILLIAMS' responses as either of the following: "Changes Topic"; "Comments on Non-Substantive Part of Topic"; "Defers Topic"; "Indicates Understanding of Topic"; "No Response to Topic"; or "Agrees with Topic". In many instances Shuy's categorization of Senator WILLIAMS' response is not only incorrect, but it is so much so, and with such frequency, to seriously undermine the overall credibility of Shuy's work. Several examples follow:

a. At p. 31, Shuy quotes DeVito as saying "So we're gonna put your shares in Alex' name . . . exercise them as he sees fit." Senator WILLIAMS responds in obvious agreement, "That's the way to do it." Incredibly, Shuy's categorization is: "Defers Topic".

b. At p. 31, Shuy quotes DeVito: "It's none of our business who you go to—you know to do the manipulation behind the scenes." Senator WILLIAMS: "We have a relationship that will make all of that possible. That's all I want to tell you now." Shuy: "Defers Topic". Should have been both "Agrees" and "Defers Topic", or a separate category "agrees in part and defers in part".

c. At p. 31, Shuy quotes DeVito: "he just wanted to make sure . . . how you wanted your shares distributed." Senator WILLIAMS: "We are together now . . . no distance." Shuy: "Defers Topic". Should be "Agrees".

d. At p. 32, Shuy quotes DeVito, "We'll just have Alex sign the ones . . . that are gonna be controlled by you." Senator WILLIAMS, "Right." Shuy: "Defers Topic". Should be "Agrees".

e. At p. 45, Shuy charts Senator WILLIAMS' response to others, "Very good. OK. Yeah", as "Says he understands". 'Very good' is an expression of approval; it is not a neutral phrase, and should have been categorized as "Agrees".

f. At p. 69, Shuy quotes DeVito, "have uh you talked to anybody uh within the government as to what their feeling is about titanium?" to which Senator WILLIAMS responded, "Yeah I have . . ." (categorized by Shuy as "Agrees"), but continued with "As a matter of fact . . . the situation on titanium can be described as desperate", which Shuy categorizes as "changes subject". It was not a change of subject, but an emphatic reiteration or elaboration upon his previous "Agrees" statement, an even stronger "Agrees" statement than that which preceded it.

g. At p. 72, Shuy cites a conversation in which Senator WILLIAMS' role and relationship to the second group of investors is being discussed. Errichetti says "Five of us again participating in the same numbers that we're talking about in the first organization which is now." Senator WILLIAMS responded, "Something could be worked out," which Shuy categorized as "Defer the Topic". At a mimimum, this is "Defer, with Basic Agreement", and arguably is "Agrees".

h. At p. 84, Shuy quotes DeVito as saying, "The government will probably be . . . the biggest market of all though in the long run," to which Senator WILLIAMS replied, "Yeah and aviation". Shuy categorized this as an "I hear what you are saying" response when it is clear agreement, with a substantive addition.

i. Shuy cites Weinberg, at p. 87, asking Senator WILLIAMS how he wants to handle his share of the finder's fee, to which Senator WILLIAMS responded, "Handle it with Alex for now. Let's do it that way. Use Alex." Shuy labeled this as "Defers"; it is not deferring, but constitutes clear and unmistakable agreement to what is an arrangement to conceal his financial interest.

j. At p. 89, Shuy quotes from a dialogue between DeVito and Senator WILLIAMS as follows:

DEVITO. Shares . . . in Alex name.

WILLIAMS. Yeah.

DEVITO. Everything was going to be hidden.

WILLIAMS. Right.

DEVITO. . . . They were buying it because of the position that you were going to have in the thing.

WILLIAMS. Yeah.

DEVITO. The sale was based on the fact that you were going to be with the second group.

WILLIAMS. Everybody is protected in a quiet, in other words, not out front?

DEVITO. Everybody can declare . . . you can't . . . If you were to declare we'd have to go back and reform the corporation.

WILLIAMS. Uh-huh. Well, this is where the lawyer comes in Alex . . . We can blind trust me you know.

Shuy analyzes this as Senator WILLIAMS simply "understanding what DeVito is saying" and views WILLIAMS' response about seeing Alex as "Deferring". It appears without question that Senator WILLIAMS agrees that he should not disclose, and that Alex Feinberg can blind trust him so the corporation would not have to be reformed.

5. UNSUPPORTED OR OVERDRAWN CONCLUSIONS

Shuy draws indisputable conclusions from what are merely possible inferences. He does this in a number of instances, but none is more obvious than that regarding "hornblowing" in the June 28 meeting with the sheik. Unquestionably, Errichetti and Weinberg attempt in the "coaching" session which preceded the meeting to persuade Senator WILLIAMS to "blow his own horn". In the meeting with the sheik which followed the coaching session, however, Senator WILLIAMS stated that the owner of the Marriott (where the meeting took place) "owes me a lot of favors"; when he and Errichetti worked together, "it works" (which he said three times); he had been in the Senate for "decades and, uh, in that position you come up to these positions and you work with the people that make the decisions"; that with "great pleasure" he would talk to the President; that he and the Secretary of State were neighbors and were "very close, very close"; that he was a personal friend of the Secretary of Defense; that the Vice President "used to work for me" and "we were very . . . very close"; and that he and the Secretary of the Treasury were "very close, personal friends."

After such a recitation, Shuy incredibly concludes, at p. 37, "He does not blow his own horn"; at p. 39, "The Senator declines to discuss his own importance * * *"; and, at p. 41, "Is there horn blowing (in) the June 28 meeting with the sheik? There certainly is * * * however, the horn blowing is done by DeVito and Errichetti, not by Senator WILLIAMS." Shuy's conclusions on this one point alone are so transparently unobjective and flat-out wrong as to color with a total lack of credibility any valid conclusions he might otherwise make.

SUMMARY

While linguistic or discourse analysis such as that attempted by Professor Shuy is not in itself an invalid intellectual exercise, Shuy's linguistic distinctions ignore the clear import of Senator WILLIAMS' conduct. He makes distinctions—such as Senator WILLIAMS being an "outsider" to these discussions—which are either unsupported, or irrelevant, or both. Whether one is an outsider to, or relatively uninformed about, a criminal enterprise does not excuse one's willingness over a lengthy period of time to engage therein.

Such a "micro" analysis of individual words, sentences, or phrases ignores the broader context of human discourse, to which Senator HAYAKAWA addressed himself. For example, Senator WILLIAMS' statements—at pages 360-361 in the tape transcripts—that he gave the sheik his "pledge" and his "absolute pledge" to assist on the issue of permanent residence, and that they "had a handshake * * * on the understanding", by themselves, are not incriminating. Considered in the context of what else transpired at that meeting, however, especially Senator WILLIAMS' linkage of his assistance with residency to the sheik's financing of the mine, these statements are likewise very incriminating. Shuy's limited approach does not address the "macro" discourse analysis issue of context, for which it is flawed.

Most importantly, the credibility of Shuy's analysis is substantially undermined by his conspicuous unwillingness to address—or even acknowledge—incriminatory statements made by Senator WILLIAMS, particularly the statement by Senator WILLIAMS that he was "not gonna be in this situation forever", which provides the motivation for his misconduct, and his statement that helping the sheik with permanent residency is "part of creating something of value, bringing in that ore." The credibility of Shuy's work is also damaged by his repeated and material (though not necessarily advertent) misrepresentations; glaring inconsistencies; inaccurate—and therefore misleading—characterizations of Senator WILLIAMS' responses; and generalizations and conclusions either vastly broad and overdrawn, or downright incorrect, such as Senator WILLIAMS' "blowing his own horn" at the June 28 meeting.

As a result, Professor Shuy's analysis sheds little light on the ultimate question of the propriety of Senator WILLIAMS' conduct in the "Abscam" affair, and in no way renders him blameless or the committee's findings and recommendations invalid.

I believe altogether, when we look at Dr. Shuy's testimony, his report, that it is full of a lot of holes.

Let me conclude by saying that a lot has been said here about the fact that Senator WILLIAMS did not get up and leave, that he had many opportunities to do so. It has been suggested that when the sheik left the room on January 15, he could have left at that particular time.

I think there is even more a telling act, and that is the act of going. Here we find after the first meeting there are numerous other meetings that are set up in which this takes place, and in each of those instances it was not in Senator WILLIAMS' office but usually in a hotel, sometimes in New York, and Senator WILLIAMS went to them.

I think he knew what was going on. It was inescapable, as I review this in my mind, to say that he did not know what was going on.

Many of you have been asked to go to certain places. I have right now a request from some of my constituents to go to a certain place, and I know there is another group of constituents that would not like for me to go there. I am weighing in my mind the pros and cons of whether I ought to go. I always have the excuse, and every U.S. Senator has the excuse, that I am busy doing something else if I do not want to go. The fact that Senator WILLIAMS goes to the June 28 meeting, that he goes to New York, that he goes to these other places—he knows what is going on.

So I say that even greater than the opportunity and the refusal to walk out is the incriminating part by his actually going to those meetings.

There is one other matter.

In the book that you have as a summary, in J, when an interruption occurs in the January 15 meeting, in the brown book on page 356, after the cash bribe had been offered and had been turned down, the interruption occurs and Senator WILLIAMS comes back there in the middle of the page.

"Forgive me, I smoke. I, er, I will not impose this upon you. No, . . ."

He is going back to the fact that he is turning down the cash bribe. Then the next words: "my interest is with my associates."

He does not say, "My interest is with my constituents." He does not say, "My interest is with my friends."

He says, "my interest is with my associates."

Then he goes on, "To, to see this very valuable mining area, er, appropriately developed. It's doing nothing now." This particular meeting occurred after the first of the year when the options that they had had on titanium mines had run out and they had gotten them renewed for 3 months. They had been dealing with this matter for some 10 or 11 months and the fact that they had only 3 more months was in his mind and to say, Go ahead, it is doing nothing now.

"There is the, there is the ore, there's the titanium. There is the iron. There is the phosphorus. All of them are needed and yet nothing is happening. So my only interest is to see this come together. And the, and the, the elements that I can help with, your, your personal situation. Er, I am very, I find it a desirable thing to do for you, personally. And it's part"—that is, the permanent residency—"it's part of creating something of value, bringing in that ore"—in order that my interest be with my associates.

I say that that is very damaging to the position of Senator WILLIAMS.

I now yield back to the chairman of the Committee on Ethics, the distinguished Senator from Wyoming.

Mr. LONG. Will the Senator yield for a question at this point?

Mr. HEFLIN. Yes, I yield.

Mr. LONG. Mr. President, may I say the Senator has made a very strong argument. I am impressed by it. It seems to me that some of these words might not necessarily mean what the Senator contend they mean.

For example, throughout this debate on behalf of the committee, when the world "contracts" is used, it is invariably used as though there is something corrupt about the contract, that if the Senator helped someone to get a contract, that was necessarily corrupt.

I ask the Senator, would there be situations—could there be situations with regard to obtaining contracts where the contract might be completely ethical and completely proper and aboveboard?

Mr. HEFLIN. If you do not have a personal interest within it.

Mr. LONG. Well, let us assume you did. Let us assume you did. Could there, nevertheless, be situations in which the contract could be completely proper, not improper—not illegal?

Mr. HEFLIN. I believe under the criminal statute of conflict of interest, it would not. It would be an illegal undertaking.

Mr. LONG. Suppose you bid for the business and you made the best bid.

Mr. HEFLIN. What was that, Mr. President?

Mr. LONG. Suppose you bid for the business. Suppose the company bid for the business and made the best bid. Would that be criminal conduct, to participate in a contract when you made the best bid?

Mr. HEFLIN. I think when you participated and you endeavored to get the Government contract—now, what we are talking about here, there is no bidding involved in this. This is what I gather to be a negotiated type of contract. But even if you were in a bid situation, if you as a U.S. Senator take efforts to obtain a contract, you have an interest in it, then I think that under the statutes, and the Senate Code of Conduct, you would be involved in a conflict of interest or, under the statute, dealing with illegal receipt of gratuity, you would be guilty of that, and that you would be guilty technically of bribery.

Mr. WALLOP. If the Senator will yield, I would also say that in this instance, the committee's position is, and the evidence clearly shows, that he was talking contracts and tying them clearly to his official position. He was going to use his position with the Vice President of the United States, the Secretary of Defense and other things, to acquire these contracts in a venture his interest in which was hidden and concealed from the public view.

Mr. LONG. I am not discussing the matter about interest being hidden, I am just discussing the contract itself at this point. If one is a Member of the U.S. Senate and involved as a stockholder in a corporation and if a contract is acquired by that company by the low bid, would that be criminal conduct?

Mr. HEFLIN. Well, if you did not do anything and did not take any action. The rule pertaining to conflict of interest is that you take an affirmative action in an official capacity toward a financial gain that inures to your benefit. In this instance, they were not talking about bidding on a contract, they were talking about getting contracts. But in the Senator's hypothetical, in a hypothetical situation in regard to that, I do not know. I would have to give some look to the language of the statute and study it.

If you did nothing—for example, say you own shares of stock in X corporation and X corporation bids, I do not think that it gets a Government contract. I do not think there is, in itself, anything wrong with that. But if you participated toward making it easy for them to get it or to influence them if they have a choice of the top three bids, or if you participate in any way, then you are acting in a conflict of interest.

Mr. LONG. Let me now ask about another point that is troubling this Senator. Assuming that a Senator, a Member of this body, had stock in the company and assuming that he undertook to help his company get business; assuming further that he made a disclosure saying, I am a shareholder in this company, I am as prejudiced as any lawyer who ever pled a lawsuit, please hear my evidence. We are offering you this material, this ore at a much lower net price than you are paying from the sources from which you are acquiring it. Would that be a crime against the laws of the United States?

Mr. HEFLIN. If you participate for your advantage and use your official duties, then there is in effect a violation of conflict-of-interest law. As long as you are taking personal action to acquire the contract and you have got a personal interest in it, I think that that is a violation of the rule of conflict of interest.

Mr. LONG. Will the Senator tell me, if he knows, how does the Government acquire titanium? Does it do it by bid or by negotiation?

Mr. HEFLIN. Sir?

Mr. LONG. How does the Government acquire titanium? Does it do it by bid or does it do it by negotiation?

Mr. HEFLIN. I do not know.

Mr. LONG. Would it not occur to the Senator that that might be very important whether the Government acquires this metal by bid or whether it acquires it by negotiation?

Mr. HEFLIN. Well, in the film, it is obviously assumed that it is acquired by negotiation rather than bid. I do not think you can go through this testimony with anything else except to go to one conclusion, that what they were talking about was getting of Government contracts, not through any bid basis but through a basis of influence.

The other issue, I do not think there is any issue whatsoever, or that there was ever any consideration that there would be bidding.

Mr. LONG. If we assume, and I hate to discuss this matter in such hypotheticals, but I am offered no choice. If we assume that the Government acquires these metals, if we assume that the Government acquires titanium by bid, that is how it is acquiring it. It is not acquiring it by negotiation, it is acquiring it by bid. If we were to assume that and the Government were not acquiring it in any other fashion—I do not know the answer, I say to the Senator, that is why I am asking the question.

Mr. HEFLIN. I am saying that I do not know.

Mr. LONG. If that were the case, knowledgeable people would know it, and we are assuming that here is a conversation that has no relation to reality at all—just to say, now, Senator, you are supposed to help get these contracts and so forth and so on and so on, and the Senator says, "No problem." If we assume that there is no problem for the very simple matter that you have to bid for the business, then would the Senator still think that that is a crime?

Mr. HEFLIN. I would have said that if Senator WILLIAMS thought that the contracts were going to be obtained by bid, he sure as the devil would have brought it out in the present case.

Mr. LONG. That leads to another question, Mr. President. As I understand, a person is presumed to be innocent until proven to be guilty beyond a reasonable doubt. Now, if the conversation is such that you could easily construe it that the man did know what it was all about and that he did understand that you had to bid for the business—which is assuming that to be the case—and the man said, "No problem about the contract," in that situation, would the distinguished Senator still feel that the man had committed a crime?

Mr. HEFLIN. I would say, in looking over this, that I doubt that the inner workings of the minds of those involved in this would have thought that there would have been a direct contract for titanium for the Government, that it would have been necessarily involved in many different ways—maybe with the Government, maybe with a defense contractor who was supplying a submarine or who was supplying a part of it.

It seems to me that it is clear that the issue of titanium in the minds of those who were dealing with it, that "we can get contracts through the Government or through the Senator's influence," and therefore getting those through his influence, was the issue on their minds.

I think, very clearly, that if they thought there was going to be a situation of bidding for it or if they got into these specifics of how it might be acquired, certainly that would have been something they would have brought out.

I think that certainly in this instance the burden of proof has been met and has been met to prove beyond all reasonable doubt. But as to any details of that, that is an explanation. It is not a reasonable doubt issue.

Mr. LONG. I thank the Senator.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. BIDEN. I am a little confused now about several things, and maybe the Senator can answer. They do not necessarily directly relate to the Williams case, but I should like them to be cleared up, so that all of us know whether or not we are violating the law.

Let me begin by saying that I own no stock in any corporation, and I do not own any farms or businesses.

Here is my question: What happens if I happen to be a cattle rancher or I happen to have an interest in a stripper well or I happen to be a wheat farmer and that interest is disclosed to everyone? It is on my disclosure statement, and everyone knows it. I come along when there is a bill here in the U.S. Senate—as a cattle rancher; I am a cattle rancher—and there is a bill to curb the amounts of beef imported into the United States from Australia.

Once I disclose that, am I prohibited under any circumstance from voting on that?

If I am able to vote on it, am I able to lobby my colleagues? Am I able to say to Senator KENNEDY, "Look, it is in the national interest of the consumers or the rest of the beef farmers of America"?

Am I able to go even further and suggest that Senator RIEGLE take me downtown to introduce me to his friend in the Commerce Department or the Justice Department, or whatever, so that I can argue my case?

What is the answer to this?

Mr. WALLOP. I can answer the Senator.

The code of conduct clearly distinguishes being a member of a common group such as cattle ranchers, such as parking lot owners, or automobile dealers, where the interest you have is diluted, or being one of a party that exists across the country, as opposed to, especially in this case, two points that I think could be made.

One point is that in the testimony that has been presented on the floor, Senator WILLIAMS claims they never talked about metal.

Two, in this instance, the evidence also presented shows that there is only one other producer of titanium in the country.

So you are talking about influencing something on which you, yourself, could inordinately profit, or what you are talking about is the group as it exists across the country.

Mr. BIDEN. Let us assume I own an interest in a little, tiny stripper well.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. BIDEN. I yield.

Mr. HEFLIN. Let me read from rule 37, "Conflict of Interest":

> A Member, officer, or employee of the Senate shall not receive any compensation, nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt or accrual of which would occur by virtue of influence improperly exerted from his position as a Member, officer, or employee.

Then, section 4 of that rule:

> No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class.

In the Nelson committee report, which goes into this language and explains it, they explain, for example, that the dairy farmer or the beef farmer—as the Senator pointed out—in voting on it is not in violation.

It says, in the terminology of the paragraph, that the dairy farmer would be part of a class affected by the legislation but not a member of the limited class. Basically, he would have to be in a situation where he had substantial holdings and a percentage of the holdings involved in the company would have to come to the forefront.

Mr. BIDEN. If that is the interpretation, I think that is a little crazy. I think we should think about the changing the law.

If I own a stripper well, on one little old stripper well I could make a great deal of money. I may not, in fact, be the guy who dominates the stripper well.

Take all the stripper wells in America. I may have a 1-percent interest in a stripper well. Yet, I may be able to make, by a change in the law, such as we did on stripper wells, a profit, personally, of tens of millions of dollars. A million dollars. Let us be conservative.

It says "improperly" lobby. Suppose I go around here and say, "Look, we need the energy, we need it badly," and I go to all you guys and say, "We need that; we need your vote on the stripper wells"; and besides that, I go downtown to the administration, or I sit down with other stripper well owners, and I say, out there in the reception room where they come to lobby for stripper wells, "You know what, fellows, I want to tell you I'm going to go right to the top on this one. I have some real influence. I'm going to the top." And I go to the top. I go downtown, and I go to the Vice President and I say, "Mr. Vice President, you have to talk the President into going into this. It is essential to the interests of the United States. By the way, I own one, but it is essential to interests of the United States."

Am I guilty of a crime?

Mr. WALLOP. The Senator has put his finger on what is at issue here. It is a disclosed interest he is talking about.

Mr. BIDEN. That is all I want to know.

So if Senator WILLIAMS' interest was disclosed, if JOE BIDEN concludes, after this is all over, that Senator WILLIAMS was disclosed, then I should vote not guilty and not expel him. Is that right?

Mr. WALLOP. No; I do not think that is the case; because in this instance, you are talking about a specific influence.

There are little discussions around me that are not relevant, and they are distracting.

In this instance, you are talking about a limited owner, a member of a narrow class who was engaging, in front of your eyes, in a conspiracy, as it were, to influence the President of the United States, the Vice President of the United States, the Secretary of Defense, and all others to obtain a contract; and, in addition, to obtain a contract for a company in which the interest was undeclared and conspired to be hidden.

Mr. BIDEN. If you had said to me that the issue here really is whether WILLIAMS agreed to use his influence in order to get a loan, that is one thing. If I conclude that, then I think I have to vote to expel Senator WILLIAMS.

Mr. WALLOP. That is one of the issues.

Mr. BIDEN. But you are not making that argument. My colleagues are not making that argument at this moment.

Mr. WALLOP. We are making the argument that the Senator proposed to us. Senator HEFLIN and I have been talking for 2 days about the argument just mentioned by the Senator from Delaware.

Mr. BIDEN. The Senator from Louisiana keeps talking about contracts. The Senator from Wyoming makes it sound as though, assuming that a Senator is not getting anything in return for it, and assuming that it is disclosed, if he uses his influence to get a contract, bid or otherwise, that is against the law.

It seems to me there are two elements here:

You have to decide first, WILLIAMS got something in return. The sheik agreed to come up with a million bucks or 10 bucks or anything, in order to finance this operation.

Or second, you have to prove that WILLIAMS did not disclose his interest.

But if you do not prove either of those two things, it sounds as though you are saying that even if you do not prove those two things, the mere fact that WILLIAMS stood before a camera and bragged about his influence, that he could go right to the top, is evidence, in and of itself, of a violation. I do not think it was.

Mr. WALLOP. I think both points the Senator has made have been proved beyond any reasonable doubt.

Mr. BIDEN. Let me ask one question. I have intervened only once, and I will not intervene again.

If I conclude that Senator WILLIAMS did not think he was getting something in return for pushing the mine; that his agreement to push the mine and/or bring this fellow's brother, whoever it was, into the country—if I conclude that that was not causally connected to and a consequence of a promise for that sheik to invest in this operation, then I should vote not guilty. Is that right?

Mr. WALLOP. I think that is only part of what is at issue here.

Mr. BIDEN. If I conclude that and I also conclude that Senator WILLIAMS disclosed his interest—if I conclude those two things, how am I obliged, as a Senator, to vote, under our rules?

Mr. WALLOP. Again, I say that the object here is one further thing, and that is that he led the sheik to believe that by using that influence, the business venture would be a success and that without it, it would not.

So there is a third act in there, which was the conspiracy, if you will, to persuade this sheik that because of his interest, this business venture would be a success, and without it, it would not.

Mr. BIDEN. But that had to be done toward the end of getting the sheik into the deal with money. Is that right?

Mr. WALLOP. No; I do not think so.

I think, in the first question, on the yacht in Florida, they asked whether he had any objection to using his name—using Senator WILLIAMS' name—to further the project, and he said no.

Mr. BIDEN. Let me ask this. Let us assume WILLIAMS had no interest, WILLIAMS did not receive any stock at all and we could not prove he received any stock at all.

Mr. WALLOP. I will not engage in that hypothetical because he did have stock from the beginning.

Mr. BIDEN. Did he use his influence?

Mr. WALLOP. He promised to. He assured the sheik that he would not only do that but as to the second group of investors that came along he was going to use the same level of influence that he had promised to use in the first place in order to get the sale and the loan.

Mr. BIDEN. I am taking too much of the Senate's time, and I will sit down, but I think at some point after this is over, regardless of what happens to our colleague Senator WILLIAMS, Senators should clarify the question at least for me and maybe for the rest of the American people that if we use our influence to get something done that benefits individuals of which we are not a party to or, if we do own a part, that we are only part of a class, are we guilty of a crime because that gets pretty sticky and it sounded as if the Senator is saying to me, and if that is the case I did not think that is what the law was, and I think maybe we all should consider divesting ourselves of any stock or interest or anything at all and join the club of the poor.

Mr. MOYNIHAN. Mr. President, will the distinguished Senator yield for a question?

Mr. WALLOP. I am happy to yield for a question.

Mr. MOYNIHAN. May I put to the distinguished chairman of the committee a question to which I do not know the answer. It is simply this: Does the U.S. Government in fact purchase titanium either for the strategic metal stockpile or for manufacturing operations?

Mr. WALLOP. Yes, it does, but to what extent I cannot say. Yes, it does. It is a defense material. It is a strategic material.

Mr. MOYNIHAN. It is in the strategic metal stockpile?

Mr. WALLOP. I cannot answer that. I would think that it was.

Mr. JACKSON. Mr. President, if the Senator will yield, it is definitely a strategic material and we do have titanium in this strategic stockpile. We buy it and we sell from the stockpile from time to time metal.

Mr. WILLIAMS. Metal or ore?

Mr. JACKSON. No; I am talking about the sponge. Titanium sponge is what is purchased.

Mr. MOYNIHAN. I thank the Senator from Washington.

Mr. JOHNSTON. Mr. President, if the Senator will yield for a question, I have a question regarding, if Senators will look with me at the brown book, the documents which are there.

Mr. WALLOP. If I may direct the attention of the Senator from Alabama to this question because he and his staff prepared the brown book.

Mr. JOHNSTON. Very well. There are tabs C and D. Tab D purports to be a document, and I think it was entered into evidence, which indicates that HARRISON WILLIAMS is the owner of one-half, I believe, of the interest in U.S. Titanium Corp., and I think that was entered into evidence. That is correct, is it not?

Mr. WALLOP. I believe, yes.

Mr. JOHNSTON. And if we look over on tab C it shows the diagram of the various transfers of stock and corporate interrelationship which confirms that in the corporation Penque-Williams, Inc., as of 1975 HARRISON WILLIAMS owned 25 percent of that corporation. That is correct, is it not?

Mr. WALLOP. Yes.

Mr. JOHNSTON. And that is the same Penque-Williams corporation which is described in tab D, is it not?

Mr. WALLOP. Yes.

Mr. JOHNSTON. Very well. So that as of 1975, according to the FBI and the Government, WILLIAMS owned 25 percent. Now that ownership was transferred in 1976 to U.S. Titanium Corp. of which Penque-Williams, Inc. owned 56⅔ percent. That is correct, is it not?

Mr. WALLOP. That is correct.

Mr. JOHNSTON. And the proposed reorganization of that was to give HARRISON WILLIAMS and Sandy Williams 22½ percent each, which I take it was the ownership in the prior U.S. Titanium Corp. In other words, in reorganization they did not own less than they did in the original U.S. Titanium Corp.

My final question is as to these three corporations at the bottom which are the corporations in which stock was supposedly given, which stock was given and endorsed in blank to Senator WILLIAMS. All of these three corporations are but corporate children, if you will, in other words, spinoffs from the U.S. Titanium Corp. in reorganization, are they not?

Mr. WALLOP. Yes, but it is my understanding and I think perhaps Senator HEFLIN could clue me in that these three became the three corporations.

Mr. JOHNSTON. My question is this. If in fact these three corporations are in effect only corporate children or spinoffs of U.S. Titanium Corp. in reorganization and if U.S. Titanium Corp. in reorganization, its corporate parent, as of 1975 and 1976, was already owned by Senator WILLIAMS according to the FBI, then what additional ownership did he get as represented by the stock certificates endorsed in blank?

Mr. WALLOP. The increased value created by the $100 million loan to corporations which Senator WILLIAMS testified he thought were valueless in the first place. So what you get you do not get an increased ownership; you get an increased value to that ownership and the old corporation which was out there has been disposed of. So Senator WILLIAMS says it had no value. Now all of a sudden with $100 million loan attached to them they become worth about $12 million apiece.

Mr. JOHNSTON. So the change in the form of the corporate ownership, that is, from U.S. Titanium Corp. in reorganization to the three subsidiary corporations, was it that act which increased the value, or was it rather not a proposed loan from the sheik which was to increase that value?

Mr. WALLOP. It was the loan that was to increase the value.

Mr. HEFLIN. Mr. President, if the Senator will yield, I think I can throw some light on that issue.

Of course, there is basically Sandy Williams' testimony as to what this chart represents as to what he testified in the case as to the ownership and as to the ownership that he says that Senator HARRISON WILLIAMS had in it.

The three corporations, FIT, PRV, and GTD are not children of U.S. Titanium Corp. U.S. Titanium Corp dealt strictly with Piney River. Added to this were additional interests that were going to be acquired, some including a $70 million purchase of American Cyanamid in Savannah, Ga. In addition to that was George Katz, who owns some, I believe, 400 acres of titanium mines that were not with the Sandy Williams U.S. Titanium Corp., so really in effect when the Senator used the words "children of the parent corporation" they were not. They were additional investments in the corporation. In other words, I suppose the Senator is going to say why would a man with 22½ percent come down to only 18 percent?

But when you look at the fact that the Georgia corporation was to be purchased, additional mining lands were to be acquired where titanium was located on it, and there were options on it, there is a difference and they are not children but they are additives to it.

Mr. JOHNSTON. Let me ask the Senator this: Were any of those additional assets, that is, the purchase of the land in Georgia, or anything else, to be acquired by the individuals and then given to the corporation, or were the individuals personally endorsing on those, or were these assets to be acquired by the same corporate structure without any personal involvement of the stockholders?

Mr. HEFLIN. The GTD, for example, was going to be the corporation of the three corporations that would acquire the Savannah, Ga., purchase and make that. The PIT is a phosphorus, iron, and titanium corporation which was the original Sandy Williams corporation.

The PIT Corp. was to acquire and the PRV Corp. was to operate. That is the way I understand it.

Mr. JOHNSTON, All right. Were they going to acquire or operate anything that U.S. Titanium Corp. in reorganization did not have; in other words, was there any personal endorsement or personal capital contributed by any of the individuals?

Mr. HEFLIN. There was no capital or personal endorsements involved in it. The PIT would be the Virginia Corp. and GTD would be the Georgia Corp. and the PRV would be the operating agency or corporation.

Mr. JOHNSTON. The point I am getting at and what worries me, and this is more of a question rather than a statement, is from what the Senator has just said, it looks to me as though, or I have a question in my mind as to whether the delivery of the corporate stock endorsed in blank was not in fact simply a formalization of the informal agreement already entered into back in 1975 and 1976 with no additional personal contributions of capital or personal endorsements by any of the stockholders but the same corporate assets and simply changed up into a different way and made into a different form? I wish the Senator would expound on that.

Mr. HEFLIN. No, I do not. In other words, according to Sandy Williams' testimony, the equivalent of the way the U.S. Penque-Williams and down to U.S. Titanium would be organized, that dealing with the interest that Sandy Williams had acquired through or had options pertaining to the titanium operation, then when you came in Sandy Williams, HARRISON WILLIAMS, Feinberg, Katz, and Errichetti were making in a sense contributions because of their involvement in this scheme.

And therefore they would own interest. They did not own an interest. For example, Errichetti did not own any interest in U.S. Titanium. They were going to also acquire the Georgia Corp., and they were going to acquire some additional land that Katz had an option on.

(Mr. GARN assumed the chair.)

Mr. JOHNSTON. Who is "they"?

Mr. HEFLIN. All of them together.

Mr. JOHNSTON. The corporation or the individuals?

Mr. HEFLIN. Well, I am using the word "they" to include all of them. The corporations were to acquire and would get these. So instead of having just what Sandy Williams had an interest in, you would have additional things added to it in Georgia. The Katz interest in titanium lands would be added to it, in addition to what Sandy Williams would have had.

Mr. WALLOP. If the Senator would yield, I would just add that at no level, at any moment in time, was there any disclosure by Senator WILLIAMS of any interest in the original corporation or any of the spinoffs, and his sole purchase price was the use of his office. There was no financial contribution.

Mr. WILLIAMS. Will the Senator yield? You can see how confusing this all is. There is only one point of time when I reviewed anything I had in terms of disclosure and it was prior to any Abscam development. It was a review of that document that appears at D, on the Penque-Williams letterhead, and the following agreement between Henry Williams and myself, signed by Henry Williams. That was reviewed in terms of disclosure. And it was the only thing that I ever had that I had to look at in terms of disclosure. And it was not disclosed on May 15, 1978 or 1979, whatever it was, for a very good reason. It was worthless, valueless. So there was nothing else to disclose at any time.

Mr. WALLOP. Senator, with a $100 million loan it suddenly had considerable value.

Mr. WILLIAMS. If the Senator can tell me when there was any contract of loan and if the Senator will look at the very last meeting of January 13, even those other participants did not think they had an agreement of loan.

Mr. LEAHY. I do not want to interject in this if the distinguished chairman and the Senator from New Jersey are not finished.

Mr. WALLOP. We have finished.

Mr. LEAHY. I would like to follow up on the question of the Senator from Delaware to the Senator from Wyoming. On the specific question of promising to use your office to get something of value for another, let me pose a hypothetical: Suppose someone comes to you from your State, the mayor of a community in your State, and says that they need Federal funds to finish a sewer project in that community, otherwise they are going to have to raise taxes in their community. Let us say, to even stretch it a little further, that you own property within that community.

The mayor comes to you and the Senator responds, "Mr. Mayor, how fortunate you are that you live in a State that has the good foresight to elect me to the U.S. Senate and how fortunate you are that you even have a chance perhaps to reelect me to the U.S. Senate, because, lo and behold, I am the chairman of the subcommittee on whatever, which has some influence over this particular issue. The secretary or the director of OMB or whatever has to come before my committee once a week on this very subject. I will remind him that the good little town of Smalltown, U.S.A., needs that sewer grant and thank God for me and thank God for the people of our State. This is your lucky day, because I know all of these people right up to the top and they need me. They need me badly. I will get you that sewer grant or whatever."

And let us push it even further. Let us say, indeed, whoever is involved with issuing those grants downtown in the bureaucracy actually comes before that committee on whatever subject, and on the way out the Senator says: "By the way, I know you have got x amount of discretionary money. Smalltown, U.S.A. needs some money. Send them some money." Is that a violation?

Mr. WALLOP. Yes, I think it would be a violation, if it could ever be proved that the Senator traded on his influence in return not for his constituents but for his support and a wide realization that he had held those two things together.

Mr. LEAHY. That is not my hypothetical.

Mr. WALLOP. Well, it sounds like your hypothetical to me.

Mr. LEAHY. No. The hypothetical is stated exactly as it was. He said just those things. "I am a powerful important Senator because I am chairman of this subcommittee or whatever and as a result I can make calls on behalf of the Smalltown, U.S.A. and indeed I will and there it is." And, indeed, he makes the phone calls and either because of that or maybe purely coincidentally the assistant deputy associate director of sewer grants uses some of that discretionary funds and the money actually shows up there.

Has he violated his office?

Mr. WALLOP. Senator, my guess is that probably he has not, unless he also shares in $100 million loan to the sewer company that is building it, which is what is at issue here.

Mr. LEAHY. Let us say he has an interest in a sewer company but is also interested that he does not want his taxes to go up.

Mr. WALLOP. I think any time in the world a Senator ties his public service to some personal function, he is on the thinnest of ground with the Ethics Committee, whether or not it could be proved. I doubt under your hypothetical that anybody would ever learn of that event, but if there were, any time you tie yourself to a performance that gives the implication that you would not perform, if it were not for the support of the small town mayor when you go back for your election, my guess is you have bad trouble.

Mr. McCLURE. Will the Senator yield?

Mr. LEAHY. I will yield in just a second, I say to my good friend from Idaho, but if I could follow up on the question a little more. Is the Senator saying then that a Senator—I am sure this would never happen to any Member of this body, but let us assume that future Senators for their edification, if they were to actually fall to the temptation while campaigning in their own State to say "Because of me you have this veterans hospital," or "Because of me you have this dam," or "Because of me you have this park," or "Because of me you have this Federal building," or "Because of me you have this seaport," or whatever, that they are——

Mr. WALLOP. Senator, the difference is unbelievable in what we are talking about here in the case of Senator WILLIAMS, who traded his office for personal profit and a Senator going out and reciting his recitation of achievements to his constituents. It is a big difference, Senator.

Mr. LEAHY I am not suggesting——

Mr. WALLOP. What we ought to be looking at is what is at issue here in front of us.

Mr. LEAHY. I am not suggesting to the distinguished chairman that I am comparing those two things at all and I do not intend to. But I am trying to follow up, based on what he said before, I am trying to see just how far this rule goes, because by reaching to the further points, it could be a lot easier to come back and apply it to this. I think we may be saying it might be entirely different things, and I am not sure.

Mr. McCLURE. Will the Senator yield?

Mr. LEAHY. I yield to the Senator.

Mr. McCLURE. I understand the question that was asked by the Senator from Delaware and now being followed up by the Senator on his feet. But the hypothetical situation the Senator has outlined seems to me to be in the ordinary course of the business that we are doing here. But let us——

Mr. LEAHY. But that does not seem to be the answer I get from the distinguished chairman.

Mr. McCLURE. Let me answer. But the situation would have been somewhat different had that mayor, together with the sewer contractor, came to you and said, "If you will get us that grant, we will give you $50 million worth of stock in this contracting company." I think you and I at that particular point would have walked away from that conversation as fast as we could.

Mr. LEAHY. In fact, at that point I think the first thing would be to report it to the Attorney General. But that was not my question.

Mr. WALLOP. Perhaps I do not understand the Senator's question. I have tried to. But that is exactly what I thought we were talking about. I am not certain what the Senator is asking. Perhaps he could restate it.

Mr. LEAHY. The concern I had to your answer to the Senator from Delaware was the emphasis you were putting on bragging about your ability to use your office. And I questioned whether at least the temptation might not be there to Senators, on occasion, to brag, back within their own States, of their importance or their influence or their seniority or whatever. And I am asking the chairman to what extent—and the reason I posed my hypothetical is to what extent that creates an unethical situation, because if it does, we may be here for the next couple years trying 99 more people.

Mr. WALLOP. I say to the Senator that I consistently thought throughout that he was suggesting that it was tied to the promise of specific performance and of personal property.

Mr. LEAHY. Personal property, not specific performance. Let us be clear on this. Is it a violation if a Senator promises specific performance—again, I go back to the sewer grant—if he promises to say, "I am going to call up the Deputy Secretary, or whatever, and, by gosh, I am going to pound the table and cajole and plead and everything else until he sends that sewer grant to Smalltown." Is that a violation?

Mr. WALLOP. I do not see that it would be unless you own the company that is going to build the sewer proposal or whatever. I think we misunderstood each other.

Mr. STEVENS. Will the Senator yield?

Mr. WALLOP. I am happy to yield.

Mr. STEVENS. I, too, would ask the distinguished cochairman of the Ethics Committee, in exhibit C, as to these corporate interrelationships. My question deals specifically with regard to these stocks and corporations. The Penque-Williams, Inc., in the lefthand column shows HARRISON WILLIAMS' interest to be 25 percent. I assume that is tied into exhibit D. Then, Biocel Corp., Biocel of New Jersey, Biocel of Sussex County, U.S. Titanium Corp., and U.S. Titanium Corp. (proposed reorganized).

My questions are these: Did Senator WILLIAMS actually receive stock in those corporations?

Second, did he pay anything for the stock if he did receive it?

Third, did he at any time disclose the stock on his disclosure form as required of all Members of the Senate?

Mr. WALLOP. The answer is yes, he received the stock in the three corporations signed in blank. They were not disclosed. He received stock that was not disclosed and he paid nothing for any of the stock.

Mr. WILLIAMS. Will the Senator from Alaska yield? Could I ask where he is referring to?

Mr. STEVENS. I am referring to all the corporations set out on exhibit 3 disclosing that HARRISON WILLIAMS has a percentage interest and ask whether, first, the stock was received; second, whether there was any payment made for the stock received; and, third, whether any of the stock received was ever disclosed on the Senate disclosure form.

Mr. WALLOP. No, no stock was ever disclosed on the Senate form.

Mr. LONG. Will the Senator yield for a question?

Mr. STEVENS. I would like the answer to the questions posed. I have been waiting patiently. I do want answers to those three questions.

Does the distinguished cochairman agree with the answers offered by the Senator from Wyoming?

Mr. HEFLIN. Will the Senator give me the questions individually?

Mr. STEVENS. On Penque-Williams, Inc., it shows 25 percent in the lefthand corner to HARRISON WILLIAMS. Was that stock received?

Mr. HEFLIN. No. That was Sandy Williams' testimony that he had, in effect, given him half of his interest in it. Up above it shows Sandy Williams at 50 percent. There was no stock transfer. That was basically the instrument in writing signed by Sandy Williams on tab D, Sandy Williams' statement that he had given and HARRISON WILLIAMS had accepted it, but no stock certificates were involved.

Mr. STEVENS. Was there any payment?

Mr. WALLOP. No payment.

Mr. STEVENS. Was there any disclosure on the Senate form that there was such an interest?

Mr. HEFLIN. No.

Mr. STEVENS. Next, the exhibit shows Biocel of New Jersey and lists HARRISON WILLIAMS, with 24 percent. Was that stock ever issued, according to your knowledge?

Mr. HEFLIN. No. That was issued to Sandy Williams, too.

Mr. STEVENS. And Biocel of Sussex County?

Mr. HEFLIN. It shows that Sandy Williams had 13 percent. There was no testimony in regard to it.

Mr. STEVENS. And U.S. Titanium Corp., am I correct that to assume that it carried through to the WILLIAMS ownership. The proposed reorganization of U.S. Titanium Corp., was that stock issued?

Mr. HEFLIN. No.

Mr. STEVENS. Was the PIT, Inc. stock issued?

Mr. HEFLIN. Yes.

Mr. STEVENS. And PRV Enterprises, Inc., was that issued?

Mr. HEFLIN. Yes.

Mr. STEVENS. Was GTD, Inc. issued?

Mr. HEFLIN. Yes.

Mr. STEVENS. Was there any payment made by Senator WILLIAMS?

Mr. HEFLIN. No.

Mr. STEVENS. Was there disclosure on the Senate disclosure form as to ownership of that stock?

Mr. HEFLIN. No.

Mr. STEVENS. I would be happy to yield to the Senator from New Jersey.

Mr. LONG. May I ask a question first?

Mr. WALLOP. Mr. President, after the Senator from New Jersey speaks, the Senator from Georgia wishes to speak, and then I understand the Senator from California wishes to speak.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I have one further followup question, but I will wait until the Senator from New Jersey answers the question.

Mr. WILLIAMS. On tab C, the first block is Biocel Corp. In all of those Biocels there was never any stock issued, never any stock recevied, never any value reaching me or my wife, whose name appears in one of those boxes. Zero. There was nothing ever to report.

We come to the U.S. Titanium Corp. Nothing was issued to me in terms of stock, even though my name appears in the last U.S. Titanium Corp. box.

Back in 1976, an instrument labeled an agreement—it was not an agreement, or at least I had not signed anything. No two lawyers agree as to what it was that Sandy Williams was giving to me. It is part will, part promise to give, but nothing was issued other than that, no stock.

I did review it with my staff—this is the one time my staff knew anything about this—that I had a piece of paper and described it. We decided because it was totally without any value it was not disclosed.

The last three boxes represent the stock that was brought to me over at Kennedy Airport that I have described earlier and put in my briefcase, forgot about. Worthless. Valueless. Never had them for any reporting period than that. Never reviewed them for a reporting period for disclosure. That was August 5, 1979.

By February 2, at 6 o'clock at night, we knew the whole thing was a phony, a total creation of the Government.

So, obviously, by May 15, 1980, I had nothing to report.

Mr. STEVENS. One more question. The implication of this tab C is that these corporations were interrelated. Is it true that the Biocel, Corp. owned Biocel of New Jersey, which owned Biocel of Sussex County, which owned Titanium? Is this a flow-through chart on stock ownership?

Mr. WALLOP. It is in part, if I may have a half second. There is a pedigree, if you will, a memorandum submitted by special counsel for the committee called the "Evolution of Corporate Structure for Titanium Venture" and it appears on pages 1021 through 1027 of the open hearings before the select committee in volume 2. It gives the whole track of all that took place.

Mr. STEVENS. I thank the Senator.

Mr. INOUYE. Mr. President, may I inquire how long the Senator from Georgia is going to speak? I ask because at 4:30 this afternoon the Ethics Committee had consumed 635 minutes and Senator Williams 433.

Mr. WALLOP. The Senator can do whatever he likes. I am responding to questions which appear to be on Senator WILLIAMS' side. From the beginning I have been trying to accommodate that particular division. As the Senator well knows, it bounces back and forth. There was a time yesterday when it was far on the other side. It had been my intention to yield to the Senator from Georgia, and then the Senator from California, speaking on Senator WILLIAMS' side, will introduce his amendment.

Mr. LONG. Will the Senator yield for a question prior to that?

Mr. WALLOP. I prefer not to because I do want to get on to the promise I made to the majority leader and Senator CRANSTON, that we would lay down his amendment. If I could, I will yield now to the Senator from Georgia with the expectation that at his conclusion the Senator from California will have the floor.

Mr. MATTINGLY. I thank the Senator from Wyoming.

Mr. President, I want to take this moment to praise the work of the chairman and vice chairman of the Ethics Committee on which I serve. Senator MALCOLM WALLOP has been scrupulously fair in all of his action. Senator WALLOP and Senator HEFLIN have made certain this investigation was handled in a totally nonpartisan manner and with complete fairness toward all. Finally, I would like to commend Senators WALLOP and HEFLIN for a masterful presentation of the facts against Senator WILLIAMS. I say to my colleagues you have been clearly presented with the reasons why the committee chose to unanimously recommend expulsion. When all the talk and discussion is completed, your vote will be measured against those facts. What we are deciding will be remembered and become part of the history of this body long after the issues of the day are forgotten. We have a duty to perform—a duty we owe to the Senate as an institution, to ourselves, to Senator WILLIAMS, and a duty to history.

What we do in this case will set a standard. If we fail to act upon the recommendations of the Ethics Committee and act strongly in this case, we are saying we have no standards. I would like to repeat a question I asked Senator WILLIAMS during these proceedings in light of and with knowledge of the code of ethics: "Do you think this is proper conduct for a U.S. Senator? Do you believe we could show these tapes to freshmen Senators and Congressmen as an example of acceptable conduct?"

I submit to you the answer to both questions must be an unequivocably "no." Once a bribe attempt is apparent, the only honorable course of action is to refuse and exit immediately. Anything less compromises your honor and the honor of the U.S. Senate. A bribe is a bribe, whether it is a suitcase of money or an interest in a corporation.

The question of entrapment is one that has been fully answered by the jury in the Senator's criminal case. That is where the question belongs. That question has no bearing on my decision and it should not have any bearing on the Senate's action.

We are not bound by any legal technicalities as in the courts, nor should we be. It is entirely conceivable that, someday, a jury would fail to convict in a case or a judge would dismiss a case against a Senator, and the Senate, operating under its own rules, its own code of ethics, would vote to expel because its code of ethics had been violated.

We do need to set a higher standard for ourselves than that given criminal defendants. We have to do more than stay just this side of illegality. But I say that a U.S. Senator should not succumb to temptation regardless of how flagrant the effort to entrap him. The courts will eventually decide if Senator WILLIAMS goes to jail. Our duty is to judge Senator WILLIAMS by the Constitution and our code of ethics, and in this case it is rule 37 dealing with conflict of interest. That is our only duty.

What we have to judge Senator WILLIAMS by is his own conduct as it relates to our own rules. We must not lose sight of that fact. The important thing is not the conduct of outside forces: indeed their conduct is unrelated.

What is important is Senator WILLIAMS' conduct. Did his conduct bring the Senate into disrepute? The answer for this Senator—who had the task of serving on the Ethics Committee, the job of reviewing the trial transcript, viewing the tapes and listening to Senator WILLIAMS' personal explanation—the only answer for this Senator and, I submit for the Senate is yes.

This conduct must not be tolerated. The only appropriate response, the only adequate response, is to expel the offending Member—no matter who he is, no matter how long he has served in this body.

At the beginning of the Ethics Committee hearing into this matter, the special counsel asked three questions:

Is this the way a U.S. Senator should act?

Is this the way a U.S. Senator should use his influence, his prestige, his power?

Is this the way the public trust should be nurtured and preserved?

The answer to each of these questions is an unequivocal "No." We need to make that as clear and as plain as possible in this case so there can be no doubt in the public's mind about the standard of conduct necessary to sit in this Chamber. If we do not act in this case, could not the public rightly ask, when will there ever be a case where the Senate will act?

Our first responsibility is to guard the public's trust in it's Government. If we fail in this, we fail in everything. The responsibility is present. The duty is ours.

I thank the Chair.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I yield to the Senator from California.

Mr. CRANSTON. I thank the Senator.

UP AMENDMENT NO. 826

(Subsequently numbered amendment No. 1336.)

(Purpose: To censure instead of expel Senator HARRISON A. WILLIAMS, Jr., of New Jersey)

Mr. **CRANSTON**. Mr. President, I send to the desk a substitute amendment and ask for its immediate consideration. I also shall ask that it not be read, since I shall read its text in the course of my remarks.

The **PRESIDING OFFICER**. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes an unprinted amendment numbered 826.

Mr. **CRANSTON**. I ask unanimous consent that further reading be dispensed with, since I shall read it during my statement.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter after *"Resolved"* insert a comma and the following: That the Senate finds that Senator Harrison A. Williams, Junior, of New Jersey

(1) knowingly and willfully in 1979 permitted an outside business activity with which he was associated to use his name and office in such a way as to conflict with the conscientious and proper performance of the official duties of a United States Senator; and

(2) knowingly and willfully in 1979 engaged in a course of conduct that inevitably would lead any reasonable person participating in such activity (including a person Senator Williams believed to be a high foreign dignitary and such person's representatives)—

(A) to conclude (from certain statements made by Senator Williams and from his inexcusable failure to disassociate himself from numerous statements made in his presence by other participants in such activity regarding anticipated future improper actions by Senator Williams) that Senator Williams had agreed to use his official position to further a business venture in which he had or expected to have a financial interest, and

(B) to conclude (on the same basis) that Senator Williams intended to take steps to conceal such interest in violation of the disclosure requirements in the Standing Rules of the Senate; and

(3) knowingly and willfully in 1979 involved himself in an undertaking designed to mislead (through statements made in Senator Williams' presence and with his acquiescence) a person Senator Williams believed to be a high foreign dignitary into making a $100,000,000 loan to such business activity with the expectation that after such loan was made Senator Williams would (notwithstanding his later explanation that he had no intention to) use his official position and office to obtain government contracts for such business activity in which such person was led to believe Senator Williams had or would have a financial interest.

It is the judgment of the Senate that the foregoing conduct was in violation of the Standing Rules of the Senate, reprehensible, and ethically repugnant, and thereby tends to bring the Senate into dishonor and disrepute and deserves the censure of the Senate; and that, pursuant to article 1, section 5, clause 2 of the Constitution of the United States, Senator Williams is hereby censured for such conduct.

THE WILLIAMS' CASE

Mr. **CRANSTON**. Mr. President, I wish to explain why I cannot support the resolution to expel Senator WILLIAMS, and why I will instead propose a substitute that would censure Senator WILLIAMS for behavior bringing the Senate into disrepute.

To censure a Senator is not just to slap his wrist.

To censure Senator WILLIAMS would not, as the Senator from Alabama, for whom I have great admiration, suggests, set a stamp of approval on Senator WILLIAMS' behavior.

To censure a Senator is to take harsh action against a Senator.

Any one of us would feel disgraced if we were censured.

To censure a Senator is to make unmistakably clear the Senate's opinion that he has engaged in improper conduct, conduct unbecoming a U.S. Senator.

I do not condone the behavior of Senator WILLIAMS.

I do not defend the behavior of Senator WILLIAMS.

I deplore the behavior of Senator WILLIAMS.

Senator WILLIAMS acted in ways that brought disrepute upon himself and disrepute upon the U.S. Senate.

The Senate in all its long history has probably never been held by the citizens of our country in the high esteem in which I would like to see it held, the high esteem in which all of us would like to see it held.

Events of recent years have contributed to the cynicism and doubt, yes, even the scorn, with which some Americans view all government—including the Senate.

I have the greatest reverence for the U.S. Senate, for its great traditions and customs, for its incredibly rich heritage, and for the giants who have distinguished its ranks.

I am humbled to be a Senator.

When I walk into the Capitol office I am privileged to occupy, I am humbled by the thought that John Calhoun and Henry Clay and Daniel Webster worked there before me.

I say, unabashedly, that I love the U.S. Senate.

No one ever privileged to serve in the Senate will want more than I to contribute to making the Senate fulfill the highest standards and the greatest ideals of our brilliantly conceived, if not perfectly conceived, democracy.

It is precisely because of this reverence, this history, this love, that I urge that we act in the matter before us in a way that will serve this institution, uphold our high tradition and honor, place what is right above what may seem politically expedient, and temper justice with compassion.

As highly as I regard this institution in which we all share a page of history today, I hold the same regard for the rights of the individual, for fundamental fairness to the accused—whether before the bar of the court or the well of the Senate.

Indeed, we shall not be acting with due respect for the institution of the Senate if we do not always accord due respect for the rights of the individual, whether a fellow Senator or some unknown citizen.

The most profound of all the many fundamental differences between democracy and dictatorship is that democracy always considers the rights of the individual while meeting the needs of the state and its several institutions.

The greatest evil among the many evils of dictatorship is that dictatorship never considers the rights of the individual.

I know that many Senators, and I suspect that all Senators, have felt pangs of uncertainty, pangs of uneasiness, pangs of doubt about the Williams case ever since we first became aware of it, and became conscious of its strangely unique nature.

Some of us who sought to understand the process that the Senate would follow in dealing with the case learned of matters that compounded our undefined, not-fully-formed concerns.

We learned that attorneys representing Senator WILLIAMS would not be permitted to speak on his behalf on the Senate floor—a decision with which I do not quarrel that is in accordance with general Senate tradition, but not in accord with our precedents in contested expulsion cases.

We learned that—as we presumed—the Senators leading the majority and the minority on the Ethics Committee would speak, presenting the case against Senator WILLIAMS and the case for expelling him from the Senate.

We learned that—as we presumed—Senator WILLIAMS would be permitted to speak in his own defense.

We also found that perhaps no Senator would speak on behalf of Senator WILLIAMS.

We found, finally, that if no Senator spoke out against the recommendation of the Ethics Committee, that would not be because all Senators agreed with the recommendation of the Ethics Committee.

Rather, it would be for a variety of other reasons:

The fact that we are all busy and have other compelling demands upon our time and our attention;

The fact that most of us not on the Ethics Committee—perhaps all of us not on the committee—had not really focused on the details of the case, and did not really want to until the arrival of the case on the Senate schedule would require us to do so; and

Most significantly, the fact that each of us knew that any active opposition to the recommendation of the Ethics Committee was pretty sure to be misunderstood; was probably going to be interpreted as a manifestation of a form of Senate clubbiness and cronyism at best, and at worst as evidence of condoning conduct that has been found by the courts, thus far, to be illegal, and is widely viewed not only as illegal but as otherwise improper, unethical, and in violation of Senate rules and of the standards of behavior Americans have a right to expect of U.S. Senators.

Thus, it seemed, then, that even though some Senators tended to doubt the appropriateness of expulsion, no Senator might speak against expulsion in part because of fear of bringing disfavor down on their own heads, and in part because of fear of adding to the disfavor with which so many citizens and constituents view the Senate itself.

All this added to the sense of uneasiness about fair process in the minds of more than a few Senators:

A natural uneasiness over the embarrassment and plight of a fellow Senator;

An unusual uneasiness caused by uncertainties over the role of the Justice Department in creating that embarrassment and that plight;

A nagging uneasiness about fair process in the Senate.

One who was uneasy, because of his deep sense of justice and profound respect for the Senate and the fairness of its procedures, was my esteemed friend and fellow whip, Senator TED STEVENS of Alaska.

He suggested that if no one was going to defend Senator WILLIAMS, then two Senators, one a Republican, one a Democrat, should be appointed to defend him.

So that their constituents would not misunderstand, Senator STEVENS recommended it be made very plain that the two Senators had not volunteered for the assignment, and that in defending Senator WILLIAMS they were not necessarily acting in accordance with their own convictions about his guilt or innocence and whether or not he should be expelled.

This proposal did not fly, because it was felt that no Senators should be required to defend Senator WILLIAMS if they did not wish to do so.

Senator STEVENS then suggested a fall-back solution.

He proposed that perhaps he and I should be appointed to defend Senator WILLIAMS.

Senator STEVENS said that he did not really want to take on the task, but that somebody should.

I shared the concerns of the Senator from Alaska. But I frankly confess that my response to his suggestion was not enthusiastic.

I thought of several reasons to demur.

I think I am incredibly busy.

I have, along with my good colleague, Senator HAYAKAWA, more constituents to tend to than anybody else.

I had not studied all the ins and outs of the case, and was not eager to until I had to.

I am not an attorney, and if Senator WILLIAMS was going to be defended, he was entitled to have it done professionally.

And, of course, back of it all, was the thought: How will it look to the folks back home?

I was saved from having to make a final decision.

The leadership has a difficult enough time persuading Senators to accept appointments to serve on the Ethics Committee—for understandable reasons. The leadership, for a variety of reasons, did not want to appoint any Senators, whether they were willing or unwilling, to defend Senator WILLIAMS.

And there the matter rested, for weeks.

Until the Senator from Hawaii, DANIEL INOUYE, stepped forward in an act of courage and conscience that I admire more profoundly than I can express.

Senator INOUYE's action caused me to think anew about the whole Williams affair. I then went to the Senator from Hawaii to hear his thoughts on the case. He was extremely convincing. I did more thinking, studying, and consulting.

SUMMARY OF CASE FOR CENSURE

And so I stand before you now to seek to lead you to the conclusion I have come to: That it would be premature to expel Senator WILLIAMS at this time, though perhaps we should later come to expulsion; that what is appropriate now is censure; that justice for Senator WILLIAMS requires censure not expulsion; and that the best interests of the Senate require that he be censured and not expelled.

I believe that there has been the grossest abuse of power and misconduct by the executive branch of the Government of the United States in the investigation and subsequent prosecution of Senator WILLIAMS.

It took the Government a long time, and constant prodding and pressure, to manufacture a crime which it could induce Senator WILLIAMS to commit—if he did.

Somewhere along the way, Senator WILLIAMS may have yielded in terms of criminal activity, to the persistent, pernicious pressure of the Department of Justice and its hired con man, Mel Weinberg.

Without regard to the criminality, I am convinced that Senator WILLIAMS did succumb to this pressure and did engage in clearly improper conduct.

Senator WILLIAMS faced what, in my opinion, was a cruel, unreasonable, unwarranted, improper test.

But, even conceding the interpretation of events most favorable to him, I conclude that his conduct fell short of what must be the high standard for every Senator here.

It fell short in three specific respects, on the undisputed facts:

First, Senator WILLIAMS permitted an outside business activity with which he was associated to use his name and office in a way not consistent with the proper performance of his duties as a U.S. Senator.

Second, Senator WILLIAMS knowingly permitted others to believe he was willing to corrupt his office.

Third, Senator WILLIAMS knowingly participated in a venture designed to induce the making of a business loan on the specific expectation that he would do certain things that he later asserted he had no intention of doing.

Specifically, the substitute amendment I am proposing reads as follows:

> The Senate finds that Senator Harrison A. Williams, Junior, of New Jersey—
>
> (1) knowingly and willfully in 1979 permitted an outside business activity with which he was associated to use his name and office in such a way as to conflict with the conscientious and proper performance of the official duties of a United States Senator; and
>
> (2) knowingly and willfully in 1979 engaged in a course of conduct that inevitably would lead any reasonable person participating in such activity (including a person Senator Williams believed to be a high foreign dignitary and such person's representatives)—
>
> (A) to conclude (from certain statements made by Senator Williams and from his inexcusable failure to disassociate himself from numerous statements made in his presence by other participants in such activity regarding anticipated future improper actions by Senator Williams) that Senator Williams had agreed to use his official position to further a business venture in which he had or expected to have a financial interest, and
>
> (B) to conclude (on the same basis) that Senator Williams intended to take steps to conceal such interest in violation of the disclosure requirements in the Standing Rules of the Senate; and
>
> (3) knowingly and willfully in 1979 involved himself in an undertaking designed to mislead (through statements made in Senator Williams' presence and with his acquiescence) a person Senator Williams believed to be a high foreign dignitary into making a $100,000,000 loan to such business activity with the expectation that after such loan was made Senator Williams would (notwithstanding his late explanation that he had no intention to) use his official position and office to obtain government contracts for such business activity in which such person was led to believe Senator Williams had or would have a financial interest.
>
> It is the judgment of the Senate that the foregoing conduct was in violation of the Standing Rules of the Senate, reprehensible, and ethically repugnant, and thereby tends to bring the Senate into dishonor and disrepute and deserves the censure of the Senate; and that, pursuant to article 1, sec-

tion 5, clause 2 of the Constitution of the United States, Senator Williams is hereby censured for such conduct.

That is the resolution I propose.

There is no doubt—no doubt at all—that what I have read describes serious misconduct. It describes conduct violating the Senate's Rules. However, I believe it must be considered, when judging Senator WILLIAMS' conduct that his fall was the product of Government contrivance and connivance. I do not excuse his lapse on that ground, but I cannot ignore its origin.

Moreover, though a private citizen might be exonerated in court because of due process consideration in a case like this—and that may well be the ultimate result of the judicial process for Senator WILLIAMS—that does not mean a Senator should escape appropriate punishment by the Senate for a violation of its ethical standards which clearly must be higher—clearly must be higher—than those by which society judges the conduct of its citizens in terms of the criminal law.

Thus, even though Senator WILLIAMS was improperly led into improper conduct by the Government of the United States, and though I am not at all certain as to his motives and purposes, I find his conduct wanting when measured against that which must be expected of those who hold a high public trust.

I agree with the Ethics Committee that we cannot condone such conduct.

So, I believe the Senate should censure Senator WILLIAMS.

JURY VERDICT AND ITS IMPLICATIONS

The momentum toward expulsion of Senator WILLIAMS stems in my view primarily from his conviction by a jury.

The Ethics Committee argues that expulsion is warranted regardless of the criminal proceedings.

But I ask you: Would expulsion really be proposed, or would explusion actually be our decision, if Senator WILLIAMS had been acquitted?

I believe it is clear that it is the criminal case that has driven the Senate toward expulsion.

As was pointed out so forcefully and eloquently by the Senator from Hawaii, there is no instance in which this body has expelled a Senator whose criminal conviction was still in the appellate process. In fact, the Senate in this century has permitted three convicted Senators to continue to sit until their appeals have been exhausted.

I am told by eminent attorneys for whom I have high regard that arguments and evidence being mustered against the Justice Department may very well lead to an overturning of the jury verdict as well as a dismissal of the indictment on due process grounds.

A reversal of Senator WILLIAMS' conviction would, in my judgment, in no way excuse his conduct nor exonerate him from censure for conduct improper for a U.S. Senator. But the possibility of reversal on appeal, and numerous unanswered questions about this case, must be considered in determining the penalty which the Senate can fairly impose—at this time—to redress the wrong Senator WILLIAMS has done.

It will be argued that the appeals process is not likely to run its course before Senator WILLIAMS' term expires. That is possible: it is not certain.

It is true that if the appeals have not run their course by then, and if the Senate does not now expel Senator WILLIAMS, there might be no opportunity for the Senate to consider expulsion again before the end of his term.

But what can properly be made of that possibility? Is Senator WILLIAMS to be prejudiced because the Department of Justice did not ensnare him and secure his indictment until near the end of his term?

What is it we are concerned about? Is it that the public will disapprove our permitting a convicted felon to remain among us? Are we concerned that the public will think less of the Senate if that is the case?

As Senator INOUYE declared last week, some Americans view Abscam as a grand success in ridding America of corrupt politicians.

But you and I know, we know, as the Senator from Hawaii also noted, that there is much, much more involved in this case.

If the Department of Justice can engage in illegal activities against Members of the U.S. Senate and get away with it, a threat will be posed—not just to Senators—to every citizen in this land.

A Senator is in a better position to defend himself, with greater resources at his disposal, than the average citizen. If a Senator, however, cannot muster a successful defense against improper Department of Justice activities, what chance will a citizen have unless that citizen has enough wealth to employ the best legal talent available?

SEPARATION OF POWERS

Putting the question of criminal prosecution to one side for the moment, we should consider a matter fundamentally affecting the separation of powers.

An operation such as Abscam, when directed against the coequal legislative branch of Government by the executive branch, poses a very real threat to the separation of powers and checks and balances that the Constitution establishes to protect our system of government and to protect the freedom of all Americans.

Executive branch action to develop information which could be used to attempt to compromise Members of the Congress could impair the constitutionally established independence and integrity of the Congress itself.

Unchecked abuse of executive branch investigative and prosecutorial power could escalate into despotism and the ultimate subservience, the subservience of Congress to the executive branch in derogation of the Constitution.

It takes little imagination in light of the events of the last decade or so to conjure up a scenario whereby an executive branch, believing the tactics employed in Abscam were appropriate or at least tolerated, might target a Member of Congress because of the Member's antiadministration views and actions.

There most certainly is historical evidence from the unfortunate events of Watergate which demonstrates that some members of the executive did have the imagination to conjure up schemes to compromise Members of Congress who were their political enemies.

The most notorious instance is the infamous "enemies list" memorandum of Charles Colson in which he hints at a sting or scam-type operation against at least one Member of the Congress. There is also clear evidence of executive branch action in the 1960's and 1970's to produce political intelligence by use of electronic surveillance, including taps used against the Congress.

Toleration by us of the Government's actions in Abscam carried out under the previous administration would, in my view, invite its repetition under circumstances that could produce a disastrous blow to our constitutional form of government.

EXPULSION IS PREMATURE

There is an old adage that two wrongs do not make a right.

The Senate is in danger of making two wrongs into still another wrong.

The Justice Department, I believe, was wrong in its handling of Abscam.

The Department's misbehavior should be fully investigated and publicly aired.

I shall introduce—with Senator STEVENS—a resolution calling for such an investigation.

Senator WILLIAMS was wrong for going along to the extent that he did, with the Abscam scenario.

He should be censured for his misconduct.

But the Senate, I believe, would be adding a third wrong—ethically and logically—if it were to vote for expulsion at this time.

What must prey on everybody's mind, inside and outside this Chamber, I believe, is that Senator WILLIAMS is a convicted felon.

And the thought of permitting a convicted felon to continue to sit in the U.S. Senate galls. Understandably.

But it is arguable whether an individual whom a jury has found guilty of a felony can accurately, fairly, and finally be called a "convicted felon" until and unless his appeals have been exhausted and his conviction finally upheld.

How will we appear—individually and institutionally—if we expel this so-called convicted felon primarily because of his present conviction and a higher court subsequently determines that he is not a felon at all? Will our conscience let us rest?

No; we would be wrong to expel Senator WILLIAMS at this time.

A vote of censure is justified at this time and would stand up, in logic and in fairness, no matter what the courts eventually do.

But a vote to expel at this time would be unfair because it would be premature.

But one might reply, what may happen on appeal does not matter in the real world outside the courtroom. A jury found Senator WILLIAMS guilty and in a nonlegalistic, popular sense, it might be argued, guilty he will remain, and we want no such tainted Senator in this Chamber.

If we adopt that thinking—that conviction by a trial jury per se brands a Senator as unfit to serve—then why in the world have we been going through the agony of these floor proceedings? Why in the world go through all this?

Should we not put an end to the charade?

Should not a felony conviction by a jury be made grounds for immediate and automatic expulsion?

Even if it takes a constitutional amendment to bring that about, as undoubtedly it would, should we not then pass such an amendment right away so we will not have to go through this again so that those who follow us here will never have to go through this again?

If only such an amendment were already in place, would not all our problems be solved?

Not exactly, not exactly.

Consider what it would mean if—whether in the Constitution or in our minds—a jury's felony conviction is made automatic grounds for expelling a U.S. Senator.

It would mean that any prosecutor, by bringing a case against a Senator into court and winning it, could, in effect, determine who could or could not sit in the U.S. Senate.

It would mean that any trial court in the United States could, in effect, determine who could or could not sit in the U.S. Senate.

It would mean that an unscrupulous Executive could deliberately engineer a whole train of events which might lead to such a conviction and there by determine, in effect, who could or could not sit in the United States.

No; we must not at this time allow Senator WILLIAMS' trial conviction to affect our judgment of the fit punishment for his misbehavior.

We must not, even subconsciously, base a vote to expel him from the Senate on the fact that a trial jury has ruled against him.

Difficult though it may be, we must ignore the verdict of the jury.

The Senate must judge Senator WILLIAMS' actions independently and mete out whatever punishment he may deserve.

DUE PROCESS IS FUNDAMENTAL TO THE SENATE'S DECISION

The Senate, by rejecting the resolution of expulsion and voting instead for censure, can reaffirm its dedication to a basic principle that far transcends the specifics of the Williams case and the question of suitable punishment for Senator WILLIAMS' wrongdoing.

It is a principle basic to American justice and fair play, and to a free, democratic society—basic to the Judeo-Christian way of life.

It is the principle that the end does not justify the means.

That principle underlies due process; it is what due process is all about.

The executive branch violated due process in the case of Senator WILLIAMS. The Ethics Committee says, in effect, that that may or may not be true but in any case it is irrelevant.

I disagree.

Due process is not irrelevant—must never be allowed to be irrelevant—to the way the Government treats any American citizen, whatever his or her position. Due process is every American's protection against tyranny, and let us not undermine that protection.

The violation of due process in the case of Senator WILLIAMS was an attack against the rights of every American, and it was an attack against this body, this Senate, in particular.

EXPULSION AT THIS POINT CONDONES EXECUTIVE BRANCH MISCONDUCT

Mr. President, we have only one certain means presently at our disposal to express our strong disapproval of this violation of principle by the agents of the executive department and to deny the endorsement of their misconduct that expulsion would signify.

When a private citizen is deprived of due process, punishment is not imposed regardless of culpability. But a public official must he held to stricter account.

The violation of Senator WILLIAMS' rights notwithstanding, he did, in the language of the censure substitute I have offered, engage in "reprehensible, and ethically repugnant" conduct. He should, indeed, have "walked away."

For failing to do so, he deserves our censure.

But by expelling Senator WILLIAMS the Senate would vindicate an executive department guilty of violating principles of fairness, equity, and justice.

That we must not do.

I do not intend any reproach to our criticism of the Ethics Committee. I have great regard for the enormous contributions Chairman WALLOP, Vice Chairman HEFLIN, and the four other members of that committee made to the Senate by their unselfish service in that unwelcome assignment.

I want to stress my concurrence with the view already expressed by other Senators on both sides of the aisle that there is and has been no partisan issue involved here. The chairman and vice chairman of the Ethics Committee has emphasized that point.

The distinguished majority leader did not seek to defer consideration of this matter until after the seating of a Republican Governor in New Jersey; indeed, he sought earnestly to bring this matter to judgment last year while a Democratic Governor was in office.

The distinguished minority leader made no attempt to precipitate a timetable which might have led to an opening in the New Jersey Senate seat during the term of the former Democratic Governor.

There was no partisan gain to be had from either of these positions taken by our two leaders.

The statesmanship that motivated the positions of the party leaders with respect to this matter should set the theme for consideration of this matter by every Senator.

When the pervasive nature of the misconduct of the executive branch throughout this process is cited, that, too, is not a partisan concern. The Justice Department's actions in connection with the undercover operation and indictment all occurred under a prior administration, as did the failure to investigate adequately the initial allegations of impropriety in the operation. The actions with regard to the trial itself occurred very early on in the present administration, although recent actions are the responsibility of the present leadership of the Justice Department.

Nor do attacks on the actions of the Department of Justice and the FBI in the Williams case, and the Abscam, imply condemnation of those institutions generally. In my view, the Department of Justice and the FBI perform a crucial and generally praiseworthy role in our Government and in the lives of our people.

But no institution is perfect, and no institution avoids serious error.

NATURE AND EXTENT OF JUSTICE DEPARTMENT MISCONDUCT

Abscam was an undercover operation totally out of control because the chief operative, Mel Weinberg, was totally out of control. Out of control in implicating Government targets. And out of control in terms of his relationship to those in the Government supposed to be supervising him. Weinberg manipulated, conned, compromised, defrauded, and ultimately made fools of the Government and its agents.

What is more, as this became more and more clear throughout the operation, officials of the Justice Department in effect ignored the warnings from its own prosecutors that the operation was out of hand.

What emerges in Abscam is a trail of executive branch delay, stalling, withholding, and finally coverup of Government misconduct.

My questions about the Government's performance include:

The extent to which the Justice Department itself was being deluded by Mel Weinberg, the con man who was masterminding the entire undercover operation, and the extent to which adverse statements by others about Senator WILLIAMS were manufactured by Weinberg and relied on by the Government.

The extent to which the U.S. Government was itself scammed and compromised by Weinberg.

The extent to which there are gaps in tape transcriptions, what might be found when the gaps are filled in, if possible, and what can be learned of untaped and undocumented conversations.

The extent to which Weinberg may have believed that any of his compensation depended on convictions.

The extent to which the full scope of the Government's improper conduct—from chief Abscam perpetrator Mel Weinberg, the field FBI agents and their supervisor in the field, through the field office supervisor, to the Justice Department's strike force and the responsible officials at Justice Department headquarters—has polluted the investigation and prosecution of Senator WILLIAMS.

I have followed the Senate's deliberations on this matter very carefully. I have studied the video tapes and have reviewed the evidence for and against Senator WILLIAMS.

Some 900 tapes were made during the Abscam operation. Many never have been transcribed. Many are missing—many disappearing while they were in Weinberg's custody. Many have gaps.

Custody and control of most of these tapes were entrusted to Mel Weinberg. The decision as to what to tape and what not to tape was entrusted to him. He chose when to send tapes for the FBI to hear and transcribe. Tapes frequently were sent badly out of sequence. Former Federal Prosecutor Edward Plaza substantiates all this.

Thus, as Abscam unfolded, it was very difficult for supervisors and Justice Department lawyers to understand the chain, relevancy, and interconnection of events. Even upon careful study now, uncovering the truth is still very difficult. However, with the guidance of an experienced prosecutor like Mr. Plaza, who is well informed about all aspects of Abscam, it becomes possible to see how the disparate threads were woven together into a fabric. What emerges is a criminal case against Senator WILLIAMS woven out of whole cloth.

THE WEINBERG CORRUPTION OF PUBLIC OFFICIALS SCENARIO

To begin with, Weinberg built his scam on the following scenarios: He would convince members of various business ventures, including titanium mining, that the Arabs wanted to deal with persons who could get public officials involved in promoting their business interests in any way possible, legal or illegal. He repeatedly stressed that if the public official had a financial stake in the venture, the Arabs would like it even better. Especially if the public official gave the appearance of corruptibility.

The more talk about payoffs, the better, Weinberg explained. It does not matter whether or not payoffs occurred in the past. Just say they did and the Arabs will take you much more seriously, he would stress over and over again.

In sum, according to Weinberg's scenarios, the Arabs needed to be told that the businessmen seeking a loan have politicians available should they or the sheik ever need help. Paying politicians off in advance, Weinberg insists, is the way the Arabs like to assure that this will indeed be the case.

PREDISPOSITION: THE CRITICAL "BAGMAN" REFERENCE

To avoid an entrapment defense, the Government had to show that Senator WILLIAMS had prior to Abscam engaged in criminal conduct similar to that of which he was accused.

The Government apparently considered a reference to Senator WILLIAMS having a "bagman" very important to show predisposition toward criminality on Senator WILLIAMS' part. Last week, the Senator from Alabama (Mr. HEFLIN) made specific mention of such a reference by Angelo Errichetti on March 24 concerning Alexander Feinberg.

But there is good reason to suspect—very good reason to suspect—that this and similar remarks about Senator WILLIAMS were manufactured by the Government's undercover con man, Mel Weinberg.

First, Errichetti had received a large sum of cash—$25,000—from Weinberg prior to making on March 24 his "bagman" reference about Alexander Feinberg. He had also been promised by Weinberg many times more than that amount through various schemes and scams.

There emerges from all of the tapes and other evidence available strong reason to believe that Mel Weinberg instructed Errichetti and perhaps others to whom he already had given or promised money to make incriminating statements about Senator WILLIAMS in front of a duped FBI undercover agent. Weinberg's purpose for this was to convince the FBI that there were grounds for concluding that Senator WILLIAMS was predisposed to take a bribe.

Tapes involving an Edward Ellis, a New Jersey owner of the Garden State Raceway property and himself not involved in the titanium mine, demonstrate how Mel Weinberg created the words and created actions the Government wanted in order to produce criminal prosecutions.

On a March 5, 1979, tape, not printed by the Ethics Committee, Mr. Ellis on five separate occasions in a relatively short meeting with undercover FBI Agent Amoroso describes Alexander Feinberg as WILLIAMS' "bagman."

That this was a fabrication is revealed by a March 1 tape, not published by the Ethics Committee.

That is a tape of a telephone call between Ellis and Mel Weinberg. Weinberg proposes, and Ellis agrees, to meet one-half hour before the March 5 meeting to go over it. Significantly, in this March 1 conversation, Ellis describes Feinberg not as a "bagman" but only as WILLIAMS' "man," or WILLIAMS' "boy," or as the "best man" at his wedding.

In a phone call Weinberg received right after he talked to Ellis, he tells Ellis' partner, William Hyman, that there would be no problem getting the loan, "if Ellis does what I tell him * * * when I spoke to you down in Florida." This obviously indicates that they had discussed what should be said well in advance of this March 1 call. Weinberg then assures Hyman that he is going "to meet * * * him at 9:30 in the morning, one-half hour before, I am going to go over it with him again."

Going back to March 5, in that meeting after his 9:30 a.m. coaching session with Weinberg, Ellis indicates to undercover FBI man McCarthy that he can corrupt Senator WILLIAMS and that he has already bribed him. He "cost me a hundred thousand bucks," Ellis claims. Later, on a portion of the March 8 tape of a meeting with Weinberg, Amoroso, and Feinberg, also not printed by the Ethics Committee, Feinberg and Errichetti indicate Ellis probably had never even met Senator WILLIAMS.

Ellis apparently was also coached by Errichetti. Errichetti stated 3 days later at the March 8 meeting, in a portion of that tape not printed by the Ethics Committee, that he had told Ellis to make the "bagman" statement.

It is an inescapable conclusion from these references on March 1 and 8 that the March 5 references by Ellis to possible criminality involving Senator

WILLIAMS were a product entirely of Weinberg's contrivance and coaching—his standard method of operation. As Weinberg told Government prosecutors, "We would have no cases if he didn't put words in people's mouths."

Thus, at the time of its reliance on the Errichetti statement, the Justice Department either knew or it should have known that Weinberg had already evidenced a disposition and willingness to manufacture incriminating statements about Senator WILLIAMS.

Getting Angelo Errichetti to make false representations was no problem. He already was totally corrupt. He willingly forged a letter from Senator WILLIAMS at Weinberg's instigation. He duplicated and forged certificates of deposit—for almost one-half million dollars—on blanks Weinberg had supplied him.

Errichetti was more than eager to play his role in this sham.

I ask my colleagues, can Errichetti's "bagman" statement be relied upon as a legitimate basis for reaching any judgment about Senator WILLIAMS' predisposition? I think not.

Especially since the Government had strong evidence that Errichetti did not believe that Senator WILLIAMS was susceptible to bribery.

On another portion of the March 8 tape—a tape not printed by the Ethics Committee—Weinberg repeatedly goads Errichetti to get WILLIAMS to take a bribe of $10,000 or more.

Errichetti repeatedly rejects the possibility of bribing Senator WILLIAMS. "No [expletive deleted] way", he says. "Forget WILLIAMS." "Oh, Jesus," "U.S. Senator, forget it," Errichetti insists.

If there is one thing you would think Errichetti would be credible about, it would be who would and who would not accept a bribe.

Without the March 24 "bagman" statement, the Government had no evidence of predisposition on Senator WILLIAMS' part. Without evidence of predisposition, there should have been no further activity, no prosecution, no indictment—and obviously no conviction. Yet it is only the jury verdict that now holds in place manufactured facts and inferences which even the prosecution, we now know, doubted would hold water.

A final note on the Government's case regarding a predisposition to criminality on Senator WILLIAMS' part: A reliable source involved with the Abscam prosecution has stated that a contact memorandum to the Director of the FBI regarding the Weinberg-contrived "bagman" and the $100,000 bribe statements by Ellis may have formed part of the basis for the Government's decision to go after Senator WILLIAMS.

If this is true, this alone demonstrates that the prosecutorial integrity of the executive branch has been gravely compromised—the victim of another Mel Weinberg scam.

It is now unmistakably clear that there is far more we need to know about Abscam than was presented to the Ethics Committee or to the trial judge at the due process hearing.

We see now from the affidavit of Marie Weinberg, the tragically and recently deceased wife of Mel Weinberg, that Abscam was actually a double scam.

We know now that many key aspects of her affidavit were confirmed in a statement to the FBI by Errichetti's nephew, Joseph DiLorenzo, regarding a meeting on April 1, 1979, between Errichetti and Weinberg. DiLorenzo also told Plaza and other Justice Department lawyers about this meeting.

At such an April 1 meeting, there is good reason to believe Weinberg and Errichetti split up $75,000 of the $100,000 FBI bribe money intended for Kenneth McDonald of the Atlantic City Casino Control Commission. McDonald apparently never received the money.

Errichetti is heard on the March 8 tape saying to Weinberg: "McDonald isn't getting a [expletive deleted] quarter. No way. I may buy him a cigar, a three dollar cigar, but that's it, but there ain't no [expletive deleted] way I'm gonna offer, give him the money."

The most plausible explanation of why the Government has never been able to find the $75,000 is that Weinberg and Errichetti ripped off the money. They then "play acted" on a phone call, which they taped, so Weinberg could convince his "bosses" that the target had actually taken the bribe.

The tape of this phone call, also not published by the Ethics Committee, is another example of how relevant tapes have often been overlooked. On the tape, Weinberg and Errichetti discuss the attempted payment of the $100,000 bribe to McDonald the day before and are careful to make clear that McDonald ended up taking $75,000.

There are two unusual things about this taped call. Weinberg begins by stating: "April 1, 2:30 p.m., Sunday, I am returning the mayor's call"—thereby conveniently seeking to establish an alibi since 2:30 was approximately the time that Errichetti's nephew, DiLorenzo, told the FBI that Weinberg and Errichetti had met on that day. The FBI, apparently because of this tape, disbelieved DiLorenzo. I have learned, however, that telephone company records show and that Government prosecutors knew that the call was actually made at 5:30, not at 2:30.

What is also strange about that call is that neither Weinberg nor Errichetti used any profanity throughout a seven-page transcript. Errichetti, particularly, is almost incapable of letting more than a sentence go by without embellishing it with profanity.

Jack Anderson asserts that Errichetti told him through an intermediary that he would swear under oath that he gave Weinberg the $75,000 if he was given limited "use" immunity.

Weinberg, for his part, denied before a grand jury that he had gotten money from Errichetti at any time.

I ask you: Which convicted felon, liar, and con man is one to believe?

Hard to choose. But evidence from Errichetti's nephew, from Marie Weinberg, and from the March 8 and April 1 tapes strongly suggests that Weinberg pulled off the ultimate—a quintuple scam.

He scammed Errichetti, he scammed McDonald, and he scammed the U.S. Government, for whom he was supposed to be scamming the others, and he scammed Errichetti a second time in a scam to cover their scam.

We also learned just last week of full corroboration of Marie Weinberg's allegations that her husband turned over to FBI agents clothing and furniture when the Weinbergs moved to Florida in the summer of 1979. Three FBI agents, including Anthony Amoroso, the chief FBI undercover operative who succeeded Agent McCarthy, admitted under oath that they paid Mel Weinberg over $7,500 for the items.

Chief Prosecutor Puccio defends this action and suggests that the extent to which the agents had been compromised by engaging in personal financial transactions with Weinberg is irrelevant to Senator WILLIAMS' case.

Despite Mr. Puccio's assertions, these transactions clearly violate the Department of Justice's Standards of Conduct regulations, in part 45 of the Code of Federal Regulations, governing the behavior of all Justice Department employees.

These regulations provide, generally, in section 45.735-2, that Department of Justice employees shall "conduct themselves in a manner that creates and maintains respect for the Department of Justice and the U.S. Government," and shall avoid any action "which might result in, or create the appearance of, using public office for private gain," "giving preferential treatment to any person," or "losing complete independence or impartiality."

More specifically, the regulations provide, in section 45.735-14, that a Department of Justice employee "shall not solicit or accept for himself or another person, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a person who * * * conducts operations or activities that are regulated by the Department * * * (or) has interests that may be substantially affected by the performance or nonperformance of the employee's official duty."

The agents' conduct clearly falls afoul of both of these standards.

But the executive branch takes a "head-in-the-sand" approach and ignores conflicts of interest, and the appearance of conflicts of interest, by agents who were supposed to be in charge of the man who, in fact, was running them.

All of this abundantly corroborates what Marie Weinberg has to tell us about Mel's efforts to rip off Abscam for far more than the $133,000 in compensation that the Justice Department admits it paid to him.

Moreover, ample evidence exists to confirm Marie Weinberg's allegations of her husband's having extorted from Abscam targets expensive gifts to be passed to the Sheik but which Weinberg, in fact, kept for himself. She asserts that Special Agents Good and Amoroso and other FBI agents were well aware of this. What is involved are three $1,000 gold watches, a $1,200 stereo, a $900 Betamax, at least three $300 Sony TV's, and a $900 microwave oven.

This does not include bribe moneys with which Weinberg probably absconded. Weinberg has denied under oath that he received this booty, except for the watches.

There is ample reason to believe Marie Weinberg. Her credibility has been clearly established by much independent corroboration of her allegations.

She was never convicted of swindling anyone.

Her husband, on the other hand, is a self-admitted liar who has perjured himself on numerous occasions in Abscam judicial proceedings.

The Government's Chief Abscam prosecutor, Thomas Puccio, said in a memorandum just filed in Judge Pratt's court, that "Weinberg's character was never an issue at trial. He was conceded to be a con man, a charlatan whose credibility could be established only by corroborative evidence."

I suggest to my colleagues that Mel Weinberg's lack of good character is a red herring being used by Mr. Puccio to distract attention from the real issue of the Abscam operation. The real issue—the real issues—is that rational law enforcement in a democracy does not launch an unguided missile upon the public and then rush to harvest victims from whatever target the missile happens to hit.

It is this unfolding of new evidence and allegations, of new interpretations and interconnections of seemingly unrelated events, of unanswered questions about untranscribed tapes and undocumented meetings, and of the still undisclosed story of the entire Abscam operation that convince me that the Senate does not have all the information it needs to vote to expel Senator WILLIAMS.

The narration of misconduct does not stop here, as I described last Thursday.

THE SCAM ON THE COURTS

A further piece of government dishonor has emerged—a further piece. Two weeks ago, in filing answers to Senator WILLIAMS' and Mr. Jenrette's motions to reopen the due process hearings, the Government took conflicting positions. And listen to this: In its memorandum before Judge Bryant in the Jenrette case, the Government staunchly denied Marie Weinberg's allegations about her husband's transfer of personal property to the FBI agents. But the very next day, before Judge Pratt in the Williams case, the Government filed the FBI affidavits confirming her account.

I am shocked by this Government duplicity. Is this a case of forum shopping to find where best to bury incriminating evidence of Government misconduct?

HOW WE SHOULD APPLY THE PRECEDENTS

Mr. President, let me close with a word or two about the precedents regarding the nature of the offense involved and the pendency of criminal appeals. I concur with what the distinguished chairman of the Ethics Committee suggested yesterday about that. He noted that it had been stated by the Senator from Hawaii—quite correctly in my view—that prior expulsions all involved treasonous or disloyal action. Senator WALLOP then asked in effect: but is it suggested that we should not impose expulsion in any other kind of case? What about the kind of case where a Member clearly takes a large bribe and stuffs it in his pocket, as happened in cases involving Members of the House of Representatives in course of Abscam?

This is a perfectly valid question, and I agree that treason should not be—should not be—the only ground for expulsion.

But this question reveals clearly what is and what is not involved in this case.

My position on our precedents is that certain facts certainly would justify departure from past practice regarding the nature and the time of punishment.

But are these facts present in this case?

What is there about these facts, what is there about this case, that would justify breaking with past Senate precedents and practice?

Nothing, I submit. Rather, this case is unique among all other disciplinary cases which have ever come before this body.

Here the actions of the accused Senator were precipitated and induced every step of the way by agents of the executive branch.

Here, there are substantial grounds for appellate reversal of the criminal conviction and dismissal of the indictment because of the gross abuse of process by the executive branch.

Here, new evidence and allegations are uncovered almost daily about the extent of Government misconduct and possible coverup of that misconduct; and about the Justice Department's withholding of exculpatory evidence.

Here, the U.S. Senate itself has been assaulted and targeted by the executive branch, with implications that shake the very foundations of our system of checks and balances.

Here, in fairness to ourselves and the integrity of our own processes, it is our responsibility to probe extensively to determine the true extent of this executive branch activity aimed against the Congress, and this has not yet been done.

Just as it is true that the public trust bestowed on a U.S. Senator is a grave responsibility and requires high ethical standards, so is it true that service as a Senator does not deprive an individual of the right to be judged in a fundamentally fair process.

I ask my colleagues: Where in good conscience would we be 3 months from now if evidence comes to light in the course of the appeals process or in concurrent investigations that tends to exculpate Senator WILLIAMS but we have already expelled him from the Senate?

Simple justice and common notions of fair play dictate that we not rush to an irreversible judgment here.

I urge instead that we proceed with the judgment of censure that my substitute amendment proposes, based on the conduct of Senator WILLIAMS that is undisputed on the record.

I urge that we proceed at this point without regard to whether that conduct entailed violations of the laws of the United States and that we not at this point take up that still unresolved question.

Under this approach, the Senate is not precluded from taking further action in the case of Senator WILLIAMS if it so wishes after the matter has finally been resolved in the courts or at some earlier time prior to the end of his term.

Finally, I urge that as soon as possible after we conclude this matter, we adopt the separate resolution I will shortly introduce with Senator STEVENS to provide for a full-scale Senate investigation of the executive branch assault upon the Congress and the separation of powers under the Constitution.

CONCLUSION

The case of Senator WILLIAMS, as we all know, is an extremely troubling one. The allegations of gross misconduct by the Government of the United States in the case, and evidence to support the allegations, continue to unfold.

I am sure all Senators share my deep concern about an undercover operation directed against the Senate by executive branch prosecutors who unblinkingly asserted in an October 2, 1981, Government brief on this matter that "undercover operatives do not need probable cause, or even reasonable suspicion to commence an investigation."

I say to my colleagues, to be influenced by the jury verdict in this case, obtained as it was by a marauding executive branch thoughtless of constitutional separation of powers between the great executive and legislative branches of the Federal Government, is to abrogate to the executive our responsibility under Article I, Section 5, Clause 2, of the Constitution to decide the qualifications of our Members and punish those who go astray.

We should not, in the name of self discipline, in effect permit the executive branch to decide who may sit in the Senate.

I thank each of my colleagues for their patience and their attention throughout this lengthy presentation.

(Mr. McCLURE assumed the chair.)

Mr. STEVENS. Will the Senator yield?

Mr. CRANSTON. Of course, Mr. President.

Mr. STEVENS. Mr. President, the Senator from California, the distinguished minority whip, has stated the proposition that I made to him and others concerning this matter. I do join him, I intend to join him on the separate resolution he has mentioned concerning an investigation into activities of the executive branch that might tend to influence one of the other branches of our Government. I want to make certain that there is no misunderstanding. I do not support the substitute resolution that has been suggested by the Senator from California. It is very clear, and I paraphrase it, it is in our book on Senate procedure on page 674—I am paraphrasing it as it appears in Dr. Riddick's book—that the Constitution states each House may punish its Members for disorderly behavior and, with the concurrence of two-thirds, expel a Member.

I do not believe that the allegations of misconduct on the part of the FBI are before the Senate now. They may be later. The impact of what we have seen, what we have heard and what has been recommended to us unanimously by the committee is such that I do not believe this is a case, or situation in which we would be justified in merely punishing a Member if we support the recommendation of the Ethics Committee. If we do support the recommendation of the Ethics Committee, it will take a two-thirds vote and, accordingly, we do not function as a court. It does not require a unanimous position of the Senate. We are not asked to convict Senator WILLIAMS, we are asked whether we will take the action the Constitution gives us the authority to take. I believe, in only extraordinary cases, should the Senate act to expel a Member from the Senate.

Under the circumstances, the matter before the Senate, in my opinion, is not one that is subject to the censure action, it is one that is subject to the action recommended by the Ethics Committee.

I do not pass judgment on that now. We must reserve judgment until later. I do, however, want to make certain that the Senate understands that, while I have reason to believe there has been improper action on the part of the executive branch with regard to Members of the Senate and want to see that investigated, I do believe the Senate can separate that issue from the matter before the Senate now. I can state that this Senator does separate that matter from the Williams matter and believe that the record should be plain in that regard.

I do thank the Senator for his courtesy.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, while we have the attention of the Senator from California, I would like to make two inquiries, if I may.

The first is what the sentiment and attitude of the Senate would be, especially that of Senator INOUYE, Senator CRANSTON, and Senator WILLIAMS, in respect to stopping at our usual recess hour of 6 o'clock, or whether there is any desire on their part to continue past that hour on this day.

Mr. INOUYE. Mr. President, the next speaker is the Senator from Montana, and he has advised me that his statement will take at least an hour, which would mean we would be here until about 7 o'clock. If we continue beyond that, I have been requested by the Senator from Missouri for some time. I have no idea how long he will take.

Mr. EAGLETON. Twelve to fifteen minutes.

Mr. BAKER. I thank the Senator.

Mr. President, I inquire whether it is possible, since 12 or 15 minutes would be consumed by the Senator from Missouri, to perhaps finish that statement tonight, unless the Senator from Missouri would rather wait and do it tomorrow.

Mr. EAGLETON. Mr. President, I am ready now.

Mr. BAKER. I have a second inquiry, if the Senator will permit me to put it.

Mr. President, I have discussed this earlier with the minority leader and with the assistant minority leader. I should like the attention of the Senator from California for a moment. Mr. President, as the situation stands now, the Cranston amendment in the nature of a substitute is the pending question before the Senate. Is the Senator from California in a position to suggest a time certain when we might vote on his amendment?

Mr. CRANSTON. I am prepared at any time tomorrow, when all Senators who wish to speak, or to ask questions about the case, have had their opportunity. Yesterday, it appeared that there were quite a few people who wanted to speak or ask questions. How many of them want to do that before there is a vote on my substitute, I have no idea. But I am willing to accommodate myself to whatever time the majority leader can work out.

Mr. BAKER. Simply in the interest of trying to establish a schedule on which we can all rely, I ask unanimous consent that a vote on the Cranston amendment occur not later than 6 p.m. on tomorrow.

Mr. LONG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Mr. President, on tomorrow, I will try once more to establish some sort of time frame.

Mr. LONG. Mr. President, will the Senator yield at this point?

Mr. BAKER. I yield.

Mr. LONG. I say to the majority leader that I fully understand his desire to move on with this business, but I think those who want to express themselves have a right to, and this particular motion is subject to a motion to table whenever the leadership wants to do so. I understand the feeling of the Senator. I think it just as well that this matter be debated, and if the leadership feels it is running on too long, I surely respect the majority leader or any Senator asking to table it.

Mr. BAKER. I thank the Senator from Louisiana. I am sure he observed that the unanimous-consent request I made would forfeit the right to table because it was a vote on the Cranston amendment. As I said earlier, I have no desire whatever to abbreviate the consideration of this matter. Indeed, I will not rush it. But at some point we have to explore the possibility of setting up a schedule by which we can abide. I respect the point established by the Senator from Louisiana, and tomorrow we will explore that possibility once more.

Mr. WALLOP. Mr. President, if the Senator will yield, I say again to my friend from Louisiana that it was my expressed hope last night and before that we do not resort to parliamentary tactics such as a tabling motion to bring an end to this kind of debate. Certainly, that is my position. I realize that I cannot speak for the Senate and that any Senator has that right. But the majority leader expressed it last night, and certainly so did I. I hope that we will not have some parliamentary maneuvering with regard to this amendment, and I do not think anything was sought by the majority leader in seeking a time agreement on it.

Mr. BAKER. Mr. President, I thank the Senator.

Mr. LONG. Mr. President, I hope the Senator does not think I am engaging in parliamentary maneuvering.

Mr. BAKER. I do not think that. The Senator knows I do not think that. The Senator and I have crossed swords on parliamentary maneuvering a time or two, and I know one when I see one. As we say in Tennessee, "That ain't one." So, I have no illusions about that.

I am prepared to yield the floor now. I hope that we will proceed now to the statement of the Senator from Missouri, after which I will ask the Senate to recess until tomorrow.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Will the Senator from Wyoming yield me 15 minutes?

Mr. WALLOP. Mr. President, I am happy to yield to the Senator from Missouri.

I also express to the Senator from Louisiana and the Senator from Hawaii that it is not my desire to get our agreed upon timing out of skew. That was the reason why I did not yield to the Senator from Louisiana for a question. When we have ourselves back kind of equal, I will be happy to yield to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, we are coming to the close of a chapter of the most distasteful aspect of service in the U.S. Senate: Sitting in judgment of a fellow Senator. Of the six of us who serve on the Ethics Committee, I have known Senator WILLIAMS the longest and the best. For 13 years, I have served with him in this body and for all of those years we served together on the Labor and Human Resources Committee. For 10 of those years, he was the chairman and leader of that committee.

Moreover, I am the showcase liberal on the Ethics Committee. Senator WILLIAMS' governmental philosophy and mine are similar. I have worked with Senator WILLIAMS and followed his lead in a wide array of social legislation designed to help the aged, the handicapped, the poor, the sick, the infirm, the working man, the student, and all the rest. Against the strong current political tide, Senator WILLIAMS and I share the belief that government, despite its frequent inefficiency and occasional heavyhandedness, has a legitimate and honorable role to play in trying to make life a bit better for those who are not affluent, and an indispensible role in helping to create and maintain the conditions essential to a decent society. And very few Senators who have ever served in this body can claim anything near the legislative accomplishments of Senator WILLIAMS. His efforts have improved the lives of literally millions of Americans.

Thus, as all 99 of us sit in this Chamber with heavy hearts, mine is possibly a shade heavier than some by reason of my committee association with Senator WILLIAMS, my philosophical affinity with Senator WILLIAMS, and my service on the Ethics Committee where I, along with the other 5 members thereof, had an in-depth opportunity to evaluate the Williams case. I ask for no tears or sympathy by reason of all of this. I merely state it for the record and reserve tears for all of us in this body who must participate in this final act of a great human tragedy.

I will not replow old ground by offering yet another recitation of the facts in this case. By now, they are well known to every Member of the Senate. I would simply like to comment briefly on what I think are the major questions facing the Senate, and in the process, give my characterization of the evidence as I have seen it, as I heard it, as I evaluate it.

The Ethics Committee unanimously recommended that Senator WILLIAMS be expelled for ethically repugnant behavior. Those Senators who have ably argued the case for a lesser sanction have, in essence, offered two arguments:

First. They say that Senator WILLIAMS committed no criminal wrongdoing and demonstrated no corrupt or venal motive. He was helping some friends obtain financing for a legitimate business enterprise, in which he had no financial interest. He never promised to obtain Government contracts for the enterprise. He admits to being guilty of misjudgment; of boasting unwisely about his influence; of leading the would-be sheik to believe that he would use that influence; of being, in his words, "soft when he should have been hard," but nothing more. This was not John Jenerette or Richard Kelly, or any of the other Abscam defendants carting away money by the suitcase.

Second. They say that whatever Senator WILLIAMS did, he was the victim of manipulation, entrapment, and pressure of the FBI and its hired con man, Mel Weinberg. Senator WILLIAMS' defenders argue that the Government went to extraordinary lengths to nail him; that they refused to accept the fact that he had no criminal intentions; that whatever Senator WILLIAMS did must be taken in the context of outrageous Government pressure and misconduct.

I see this tragic case quite differently.

In my view, Senator WILLIAMS was a knowing participant in this sleazy enterprise. He was not dragooned or bludgeoned into it. He aggressively pursued the scheme with his fellow conspirators at meetings on a yacht anchored at Del Ray Beach, Fla.; at the Pierre Hotel in New York City; at the Marriott Hotel in Arlington, Va.; at the Kennedy Airport in New York; at the Plaza Hotel in New York City; and in his Senate office. He was actively engaged in the enterprise. He devoted considerable time to it. He was going to participate in the rewards which promised to be far greater than the $50,000 which enticed the other Abscam defendants. However, he cooperated in steps to keep his share of the operation secret, leaving no discernible traces.

It is now alleged that Senator WILLIAMS' behavior was in the nature of overzealous constituent service. Churchillesque, some constituents. Some service.

On the subject of friends: I will say that my assessment of Senator WILLIAMS' behavior is certainly influenced by the friends whom he was "helping." The performance of Camden Mayor Angelo Errichetti is sickening to any person who believes that politics is an honorable profession. Alexander Feinberg, Senator WILLIAMS' longtime friend and sometime legal adviser, orchestrated Senator WILLIAMS' participation in the scam. He helped get WILLIAMS' into the plot; he was always looking out for Senator WILLIAMS' financial interests; and he was coordinating the effort to cover up any ethical or legal traces to Senator WILLIAMS, once the scam had succeeded. Those defending Senator WILLIAMS have focused—understandably—on the role played by Mel Weinberg in pulling off this scam at Senator WILLIAMS' expense. To me, however, Alexander Feinberg, not Mel Weinberg, is the key player insofar as Senator WILLIAMS' guilt is concerned. Senator WILLIAMS did not choose Mel Weinberg to be his mouthpiece, but he did pick Alexander Feinberg, his longtime friend and sometime lawyer, to represent his interests and do his bidding. Speaking about Alexander Feinberg, Professor Blakey, Senator WILLIAMS' only live witness, other than himself, before the Ethics Committee, stated: "I am outraged by his conduct," and the tragic fall of PETE WILLIAMS is closely related to the despicable behavior of Alexander Feinberg.

Painful as this whole process is, I cannot and I do not agree with those who subscribe to the charitable interpretation of Senator WILLIAMS' conduct and motives.

This brings me to the role of Mel Weinberg, the Government's behavior in this case, and how it bears on Senator WILLIAMS.

Mel Weinberg is a demonstrated crook and a liar—truly a reprehensible person. But, as a former prosecutor and State attorney general, I realize that in certain areas of criminal law enforcement, you must sometimes deal with reprehensible people in order to make a case. In the case of narcotics cases, you use the testimony of addicts. In organized prostitution cases, you use the testimony of whores. In buying and receiving stolen goods cases, you use the testimony of thieves. In bribery cases, you use the testimony of those who offer bribes. In conspiracy cases, you use the testimony of greasy-thumbed coconspirators. A free society faces enormous difficulties in trying to investigate and prosecute political corruption and many other forms of criminal conduct. We deal with this challenge in part, by making use of informants, criminals who "turn," people like Weinberg. I wish that it were not necessary, but no one has shown me a good alternative.

We should not be naive about the need for undercover operations. But we should not be naive about the dangers posed by such operations. I agree with Senators INOUYE, CRANSTON, and others to this extent: Weinberg was not the ordinary undercover agent any more than Abscam was the ordinary undercover operation. I am disturbed by the length to which the Government went to make its case against Senator WILLIAMS, and the evidence that the FBI failed to supervise Weinberg in accordance with its guidelines governing undercover operations.

The U.S. Court of Appeals for the Second Circuit and the Supreme Court must decide whether the Government crossed the line and violated Senator WILLIAMS' constitutional rights. The Congress, particularly its Judiciary Committees, should address the numerous policy questions arising out of Abscam, particularly the overriding questions: Does the value of such an operation safely outweigh the danger of resorting to such tactics? These are vital questions, but they are questions for another day. The question facing us today is the Senate's responsibility to judge Senator WILLIAMS' conduct.

Some of Senator WILLIAMS' supporters have charged that the Government is out to get him; that the Ethics Committee is carrying on where the Justice Department left off. Senator WILLIAMS, himself, has talked of the solitary fight, against all odds, which he is waging.

It is perhaps worth noting again for the record: Senator WILLIAMS has been extraordinarily well represented by a series of outstanding attorneys, who have presented his arguments at every stage of the proceedings involving him.

At the criminal trial itself, he was vigorously represented by an outstanding trial lawyer, George Koelzer, and his rights were fully protected.

At the motion for new trial, or the so-called due process hearing, he was represented by my Harvard Law School dean and later, Solicitor General of the United States, Erwin Griswold.

At the Ethics Committee hearing, I can personally attest to the superb quality of representation Senator WILLIAMS received from Kenneth Feinberg.

And finally, at this very moment, he is receiving absolutely first-rate representation from the most popular and respected Member of this body, Senator DANIEL INOUYE.

The point I am making is that Senator WILLIAMS has at all times had the skilled representation to raise any issue, any question, any doubt about his guilt.

He has not been and is not now defenseless and alone. Any sense of defenselessness comes from the overwhelming thrust of the sordid video tapes. It is the video tapes that constitute the "smoking gun" of this case—indeed, the video tapes in the aggregate, constitute a "smoking machine-gun." Senator WILLIAMS' dilemma comes from his own gross misconduct, not from the poison of nefarious outside sources. He stands convicted of his own misdeeds.

If nontreasonous behavior be the sole benchmark of fitness to serve in this body, then one must ask how fit is this body in which we serve?

On the notion that "this could happen to any one of us," I ask 98 of my colleagues, would any of you have engaged in this tawdry, greedy enterprise? If your silent answer of inner conscience is in the affirmative, then do your soul a favor by serving out your term and passively fade into deserved oblivion.

Senator WILLIAMS has not had the good grace and good judgment to withdraw from this body. We should not perpetrate our own disgrace by asking him to stay.

The Cranston substitute is just such an invitation and I will vote against it.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past 6:15 p.m. in which Senators may speak.

The PRESIDING OFFICER (Mr. STEVENS). Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker had signed the following enrolled bill and joint resolution:

S. 1503. An act to amend the Energy Policy and Conservation Act to authorize the President to allocate crude oil, residual oil, and other petroleum products in the event of a severe petroleum supply shortage, and for other purposes; and

S.J. Res. 142. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1982, an "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2894. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2895. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of the Office of the Attending Physician Revolving Fund—Fiscal Year 1981;" to the Committee on Appropriations.

EC-2896. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the status of Department of Defense guaranty loans as of September 30, 1981; to the Committee on Armed Services.

EC-2897. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1983 and 1984 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2898. A communication from the Administrator, Veterans' Administration, transmitting, pursuant to law, a report covering those cases recommended for equitable relief under 38 U.S.C. 210(c)(3); to the Committee on Veterans' Affairs.

EC-2899. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, volume 1 of 3 and volume 3 of 3 of the Annual Report of the Energy Information Administration for 1981; to the Committee on Energy and Natural Resources.

EC-2900. A communication from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Solid Waste Disposal Act, as amended, for 2 years;

to the Committee on Environment and Public Works.

EC-2901. A communication from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend title I of the Marine Protection, Research, and Sanctuaries Act, as amended; to the Committee on Environment and Public Works.

EC-2902. A communication from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriation for environmental research, development, and demonstrations for fiscal years 1983 and 1984; to the Committee on Environment and Public Works.

EC-2903. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the third annual report on the end-stage renal disease (ESRD) program, prepared by the Health Care Financing Administration (HCPA); to the Committee on Finance.

EC-2904. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the Department's annual report for fiscal year 1980 on its finding of validation surveys of accredited hospitals relative to medicare/medicaid programs; to the Committee on Finance.

EC-2905. A communication from the Secretary of Commerce transmitting, pursuant to law, the Department's foreign service recruitment results and plans; to the Committee on Foreign Relations.

EC-2906. A communication from the Director of the Office of Legislative Affairs of the Agency for International Development transmitting, pursuant to law, the report of the Agency for fiscal year 1981 on new contracts entered into without competitive selection procedures; to the Committee on Foreign Relations.

EC-2907. A communication from the Assistant Secretary of State for Congressional Relations transmitting, pursuant to law, a copy of an international agreement entered into between the American Institute in Taiwan and Taiwan; to the Committee on Foreign Relations.

EC-2908. A communication from the Assistant Secretary of the Department of Housing and Urban Development (for Administration) transmitting, pursuant to law, a report on an amendment to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2909. A communication from the Comptroller General of the United States transmitting, pursuant to law, the Annual Report on the Activities of the General Services Administration for 1981; to the Committee on Governmental Affairs.

EC-2910. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act adopted by the Council, D.C. ACT 4-161; to the Committee on Governmental Affairs.

EC-2911. A communication from the Inspector General of the Department of Health and Human Services transmitting, pursuant to law, his quarterly report for the period October 1 to December 31, 1981; to the Committee on Governmental Affairs.

EC-2912. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority transmitting, pursuant to law, its report under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-2913. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, the second annual report on the financial status of the Civil Service Retirement System; to the Committee on Governmental Affairs.

EC-2914. A communication from the Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a proposed plan for the use and distribution of judgment funds of the Three Affiliated Tribes of the Fort Berthold Reservation; to the Select Committee on Indian Affairs.

EC-2915. A communication from the President of the Inter-American Foundation transmitting, pursuant to law, a report on the Foundation's activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2916. A communication from the Attorney General of the United States transmitting a draft of proposed legislation to effect reforms in habeas corpus procedures; to the Committee on the Judiciary.

EC-2917. A communication from the Director of the Federal Labor Relations Authority transmitting, pursuant to law, a report on activities of the Authority for calendar year 1981 under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2918. A communication from the Director of Procurement and Assistance Management of the Department of Energy, transmitting, pursuant to law, a report on the implementation of certain procurement regulations; to the Committee on the Judiciary.

EC-2919. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Commission for calendar year 1981 under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2920. A communication from the Chairman of the Council on Environmental Quality, transmitting, pursuant to law, the Council's annual report under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2921. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Commission on its activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2922. A communication from the Assistant Attorney General of the United States, Civil Rights Division, transmitting, pursuant to law, the report of the Attorney General on the Administration of the Civil Rights of Institutionalized Persons for Fiscal Year 1981; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Treaty Doc. No. 97-22. Protocol to the North Atlantic Treaty on the Accession of Spain (Ex. Rept. 97-51).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS:

S. 2180. A bill to amend the Public Buildings Act 1949 to require a minimum five-year period between an individual's death and the naming of a post office for that individual; to the Committee on Governmental Affairs.

By Mr. GOLDWATER (for himself, Mr. Packwood, Mr. Schmitt, Mr. Pressler, Mr. Stevens, and Mr. Cannon):

S. 2181. A bill relating to the National Telecommunications and Information Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ARMSTRONG:

S. 2182. A bill to amend the Internal Revenue Code of 1954 to make the individual rate reductions fully applicable to fiscal year taxpayers; to the Committee on Finance.

By Mr. McCLURE (for himself, Mr. Laxalt, Mr. Symms, Mr. Hatfield, and Mr. Wallop):

S. 2183. A bill to make certain amendments to Public Law 92-195 relating to the protection of wild free-roaming horses and burros; to the Committee on Energy and Natural Resources.

By Mr. QUAYLE (for himself and Mr. Hatch):

S. 2184. A bill to authorize job training programs for welfare recipients, economically disadvantaged out-of-school youths, and other persons who are in particular need of such training to obtain productive employment in the private sector of the Nation's economy, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROTH:

S.J. Res. 162. A joint resolution to authorize and request the President to designate the week of June 20, 1982, through June 27, 1982, as National Safety in the Workplace Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DeCONCINI:

S. Res. 336. A resolution expressing the sense of the Senate that extended voluntary departure status should be granted to El Salvadorans in the United States whose safety would be endangered if they were required to return to El Salvador; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 2180. A bill to amend the Public Buildings Act of 1949 to require a minimum 5-year period between an individual's death and the naming of a post office for that individual; to the Committee on Governmental Affairs.

POSTAL FACILITY NAMES

Mr. STEVENS. Mr. President, today I am introducing legislation which would allow the naming or dedicating of any postal facility for an individual who has been deceased longer that 5 years. Each year we have a rash of well-meaning pieces of legislation dedicating or naming a post office after a public figure, oftentimes a former or current Member of Congress.

First of all, we need to establish, once and for all, that we cannot change the name of a post office. A post office is named after a geographic location. If residents wish to change the name of their city or community, then the post office would be changed accordingly. That certainly is a decision for the local community.

The Postal Service currently has a policy regarding the issuance of commemorative stamps whereby they may issue a stamp honoring an individual only after that individual has been deceased for at least 10 years. In that way, the Postal Service and the American public can fully gage whether a particular person's worthiness has met the test of time and still deserves to be honored by a commemorative stamp. I think we should apply the same criteria to the dedicating of a post office, although we may not need 10 years. I think 5 years would certainly give us a better feel as to whether or not a local individual might deserve this honor.

If the local community feels strongly about an individual who may be living, or who does not meet the criteria of the bill, they certainly have the prerogative of naming a street, courtyard, square, or other prominent city location after that individual. I think we should let local communities honor their local outstanding public officials in the best way they see fit and leave the naming or dedicating of Federal structures after an individual whose reputation and contributions remain untarnished and unrivaled after a number of years.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 410 of the Public Buildings Act of 1949 (40 U.S.C. 298d) is amended—

(1) by inserting "(a)" before "The"; and

(2) by adding at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law, no post office building may be named after, or dedicated to, an individual if such individual is living or if less than 5 years have passed since the death of such individual.".

By Mr. GOLDWATER (for himself, Mr. PACKWOOD, Mr. SCHMITT, Mr. PRESSLER, Mr. STEVENS, and Mr. CANNON):

S. 2181. A bill relating to the National Telecommunications and Information Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

● Mr. GOLDWATER. Mr. President, the bill I introduce today has two purposes. First, it is an authorization for the National Telecommunications and Information Administration (NTIA) at $12,400,000 for fiscal year 1983. Second, it authorizes the Secretary of State to designate private individuals to speak on behalf of and for the United States at conferences involving international telecommunications matters.

Mr. President, the NTIA was established by the Secretary of Commerce in 1978, pursuant to Reorganization Plan No. 1 of 1977 and Executive Order No. 12046. These measures abolished the White House Office of Telecommunications Policy (OTP) and consolidated its functions with those of the Commerce Department's Office of Telecommunications. Additional functions, including administration of the public telecommunications facilities program (PTFP), were conferred on NTIA in 1978.

NTIA's major responsibilities in calendar 1981 included: First, serving as the principal executive branch adviser to the President on communications policies; second, developing executive branch policies concerning telecommunications and information services; third, prescribing policies for and managing Federal use of the radio frequency spectrum, in accordance with section 305 of the Communications Act of 1934, as amended (47 U.S.C. 305 (1976)); fourth, together with the Department of State and other agencies, developing international telecommunications plans and policies, and coordinating U.S. Government positions in and for international telecommunications meetings and conferences; fifth, serving as a Federal telecommunications research and study center, and providing expert technical support to other agencies, chiefly through the Institute for Telecommunications Sciences in Boulder, Colo.; sixth, administering the public telecommunications facilities program; seventh, advising the Office of Management and Budget and other Federal agencies on policies governing the use and acquisition of telecommunications systems, services, and products, including the protection of sensitive, though unclassified, information transmitted by telecommunications systems; eighth, coordinating Federal research efforts regarding the biomedical effects on nonionizing electromagnetic radiation; and ninth, facilitating expanded world trade opportunities in the telecommunications and information services sectors, through the reduction and avoidance of nontariff trade barriers and other constraints.

Additionally, NTIA published extensive technical reports, detailed economic and policy studies, and developed regulatory proposals in respect of broadcast and cable television services, domestic and international communications and information services, telephone rate and pricing policies, transborder data flow, and information policy topics generally.

NTIA's principal program efforts were in the following major areas: First, domestic and international telecommunications; second, Federal radio frequency management; third, the public telecommunications facilities program; fourth, telecommunications and information system applications; and fifth, providing expert technical support to other agencies' telecommunications operations.

Mr. President, NTIA has served us well. Under the able leadership of Bernard Wunder, the Agency has been in the forefront of the development of executive branch policy in the constantly changing telecommunications policy. NTIA has been a highly reliable source of sound counsel and advice throughout all of our deliberations on telecommunications legislation.

The sharply decreased authorization level reflects the administration's and my belief that most of NTIA's participation in regulatory proceedings is not needed and, in light of the decreased legislative activity on the domestic common carrier front, its legislative functions should be curtailed. Most of NTIA's expanded activity occurred during the Carter administration. When OTP's functions were reorganized into NTIA, the annual budget was less than $10 million. Then it increased to over $17 million—primarily from increased participation in regulatory agency proceedings. With this administration's emphasis on decreased regulation and our efforts to deregulate many telecommunications services, NTIA's participation in regulatory proceedings is not needed. Its important policymaking and spectrum management functions, however, will not be impaired and, in fact, our committee will continue to encourage the United States to improve the development of international telecommunications policy through more effective coordination within the executive branch and the FCC. NTIA must play a key role in the process.

The second purpose of this bill is to authorize the Secretary of State to designate private individuals to speak on behalf of the United States at international conferences where telecommunications matters are at issue.

The purpose of this bill is to draw upon the expertise in the private sector, especially since the topic of telecommunications is one of such a technical nature, and has such broad implications for both our defense and our commercial activities.

The position of the United States on the various issues before these conferences will be argued far more persuasively and effectively than would be otherwise by drawing upon the expertise in both government and the private sector. The inclusion of private sector representatives at the 1979 World Administrative Radio Conference demonstrated the value of their inclusion.

Mr. President, this bill allows the Secretary of State the authority to appoint private sector representatives for all telecommunications conferences and meetings. The importance of this bill at this time is that there will be many such conferences and meetings in the coming years and delegations are being formed now for those conferences.

It is important in the delicate negotiations of telecommunications that the Secretary of State has flexibility in providing the type of expertise which is needed for successful negotiations.

Therefore, I hope the Senate will adopt this bill, which waives certain provisions of the ethics in government law so that the private sector can support the efforts of the United States in conferences of this kind.●

By Mr. ARMSTRONG:

S. 2182. A bill to amend the Internal Revenue Code of 1954 to make the individual rate reductions fully applicable to fiscal year taxpayers; to the Committee on Finance.

FISCAL YEAR TAXPAYERS

● Mr. ARMSTRONG. Mr. President, today I am introducing legislation that would correct an oversight in last year's Economic Recovery Tax Act.

The oversight is simple. Last year's tax bill provided individual rate reductions for each of the next 3 calendar years, and the bill was designed to reduce taxes for all Americans. The problem is that the law, as now written, does not reduce tax rates for all Americans. Those Americans who pay their taxes on a fiscal year basis do not receive the same tax treatment as those who pay on a calendar year basis. Tax rate reductions for fiscal year taxpayers come 6 months after rate reductions for calendar year taxpayers.

There are some 80,000 fiscal year taxpayers in this country who deserve, and ought to demand, tax rate reductions equal to those of all other Americans. The bill I am introducing today makes this correction, and I urge its speedy enactment.●

By Mr. McCLURE (for himself, Mr. LAXALT, Mr. SYMMS, Mr. HATFIELD, and Mr. WALLOP):

S. 2183. A bill to make certain amendments to Public Law 92-195, relating to the protection of wild, free-roaming horses and burros; to the Committee on Energy and Natural Resources.

WILDLIFE PROTECTION

Mr. McCLURE. Mr. President, I offer for consideration of the Senate some critical amendments to a 10-year-old law that has served its purpose but must now be updated to reflect past achievements, past failures, and refined objections.

In the early 1970's, this body joined a nationwide movement to show concern and sensitivity toward a vestige of our Western U.S. culture and toward a goal of assuring humane care and treatment for animals.

When we passed the Wild Free-roaming Horse and Burro Act of 1971 the animals' numbers had been drastically reduced by "Mustangers" and others who brutally mistreated the animals and carted them off to slaughterhouses and pet food canneries. The wild horse and burro roamed free on the West's rangelands for decades. While previously unprotected by Federal law, humane treatment was still required under various State statutes. Little notice was taken of requirements to be kind to the animals and some of the horror stories that emerged over the years energized a horse protection movement that was unrivaled in modern times on a domestic public policy issue.

The pressures brought to bear on Congress were great. As a result we passed unanimously and sent to the President strong legislation guaranteeing the protection of wild horses and burros on lands administered by the Bureau of Land Management and the Forest Service. Our action established that this is the only wild animal actually "owned" by the Federal Government and its land managing agencies, whereas they provide habitat for all other wild or domestic species.

Mr. President, the Wild Free-roaming Horse and Burro Act of 1971 has provided for the protection, control, and management of wild horses and burros on lands administered by the Bureau of Land Management and the U.S. Forest Service.

In 1971, when the act was passed, there were an estimated 17,000 wild horses and 10,000 wild burros on Federal lands administered by the BLM and USFS. Today, the 1982 wild horse and burro population estimates are by State:

1982 WILD HORSE AND BURRO POPULATION ESTIMATES

State	Horses	Burros
Arizona	150	5,600
California	3,320	[1] 3,130
Colorado	650	0
Idaho	880	20
Montana	200	0
Nevada	26,050	1,330
New Mexico	80	30
Oregon	3,270	20
Utah	1,330	20
Wyoming	9,000	0
Total	44,930	10,150

[1] Reflects burro removals and revisions to delete previously counted burros on China Lake Naval Weapons Center and Death Valley National Monument.

BLM estimates that a population level for effect management on the public rangelands is much lower than the present levels.

Responsibility for the animals was delegated to the Bureau of Land Management through the Secretary of the Interior and the Forest Service through the Secretary of Agriculture.

The 1971 act provided three alternative methods of controlling excess wild horses and burros where necessary to protect the basic resources of the rangelands—first, they could be relocated to other areas inhabited by wild horses and burros on the date the act was passed; second, they could be placed in the custody of individuals, organizations, or other Government agencies and remain the property of the Federal Government for their lifetime; or third, when these methods were impractical, they could be destroyed in the most humane manner possible. BLM elected to control excess animals with the second alternative and initiated an adopt-a-horse program.

The 1971 Wild Horse Act was amended in 1978 by the Public Rangelands Improvement Act (PRIA). This act limits the number of wild horses and burros a single applicant can adopt to four animals in any given year, unless a determination is made that the individuals can properly care for more, and allows the transfer of title of up to four animals per year to an individual who has provided humane care and treatment for 1 year.

According to PRIA, if excess animals exist on public lands, a determination must be made as to whether management levels should be achieved by removal, destruction, or other means such as sterilization or natural controls of population levels. This determination must be made by BLM after consultation with the U.S. Fish and Wildlife Service, State wildlife agencies, individuals in the private sector recommended by the National Academy of Sciences, and other individuals with scientific expertise and special knowledge of wild horse and burro protection, wildlife, and rangeland management.

When a determination is made that overpopulation exists, excess animals must be removed in the following order and priority:

Old, sick, or lame animals are to be destroyed in the most humane manner possible;

Additional animals may be removed and placed through the adopt-a-horse program, if a demand for adoption exists by qualified individuals;

Additional animals for which there is no adoption demand may be destroyed in the most humane manner possible.

The Public Rangelands Improvement Act also required a report to

Congress before January 1, 1983, on a special research study of wild horse and burro population dynamics and their interrelationships with wildlife, forage, and water resources. The study must be completed by experts recommended by the National Academy of Sciences, and the terms and outline of the study must be determined by a panel appointed by the Academy's president. BLM, the Forest Service, and the National Academy of Sciences initiated the research study in January 1979.

Wild horse and burro management emphasis up to this point has been the reduction of animals where seriously deteriorated range conditions exist. While reductions remain a high priority in some areas, BLM and the FS are shifting emphasis to on-the-ground management of herds.

Herd plans are developed to implement multiple-use management goals for each area where wild horses and burros are located. The plans detail range condition, current population levels, age and sex ratios, watering facilities, and forage available for the herd. The plans may identify specific improvements and facilities required to enhance range resource use by the animals and to maintain viable, thriving herds. Some herd areas may need improved water sources, while others may require increased quantity and/or quality of the vegetation. Measures to prevent damage to the vegetation, soil, and water resources may be necessary. Efforts to maintain herd characteristics will be made. Desired management levels are stated. Actions necessary to maintain and protect the proper number of animals are described, including population manipulation or control techniques to be used. The public is involved in this planning process.

Three areas of the public lands, totaling 495,000 acres, have been designated as wild horse ranges. These are the Pryor Mountain Wild Horse Range on the Montana-Wyoming border, established in 1968; a range on Nellis Air Force Base established in 1962 through an agreement with the Air Force; and the Little Book Cliffs Wild Horse Range near Grand Junction, Colo., dedicated in November 1980.

The practice of removing wild horses and burros from the public lands and placing them in the custody of individuals began in Montana in 1973 when 23 excess horses were removed from the Pryor Mountain Wild Horse Range and offered for adoption. The next year BLM began an adoption program in Oregon, followed by one in Nevada in 1975. BLM launched the adopt-a-horse program nationwide in the spring 1976. Adopted animals are trained for riding, showing, packing, and farm work, among other uses.

THE NEED FOR CHANGE

Mr. President, damage began to accelerate as the horses and burros grazed scarce grass, invaded widespread water sources and, in many cases, became pests as yards and parks were frequently invaded by hungry animals. Further, competition became great between wildlife, domestic animals, and the wild horses and burros.

As Federal land managers grope for solutions, they have also recognized a far greater sensitivity to the overall need to manage the rangeland environment. They have also realized that there must be balanced treatment of all users, the domestic cow or sheep, the many wildlife species, and the wild horse or burro.

No longer can we allow management of the ranges to receive our partial attention. The amendments I am offering today seek to provide the Secretaries of the Interior and Agriculture better options to control and manage wild horse and burro populations and to give them better authority to manage rangelands under the true multiple-use concept envisioned in the Federal Land Policy and Management Act of 1976 and the Public Rangelands Improvement Act of 1978.

My amendments are supported by many cosponsors in this body. We have joined in an effort to make some fairly significant changes in the management aspects of the program; yet, we retain and strengthen the philosophy that wild, free-roaming horses and burros are living symbols of the historic and pioneer spirit of the American West. In fact, our amendments will assure a more balanced approach to rangeland management by insisting that it is the policy of Congress that healthy populations of wild, free-roaming horses and burros be sustained and that rangeland resources be protected for all forage consumers.

Our recommendations to the Senate include a strengthened requirement for public land planning to determine the best management strategies for wild horses and burros. We would also reduce the number of animals that could be adopted each year by an individual from four to two. This will increase the probability that the animals will be given humane care and treatment and will reduce the possibility of commercial gain by those persons who take more than two animals under the adoption program.

The most significant changes we are proposing would authorize the secretaries to sell excess animals where there is no adoption demand. The adoption program has been very successful in providing responsible homes for excess animals. To date, the Bureau of Land Management has adopted nearly 33,000 animals. The program has received nationwide attention and compliments. Thousands of homes today provide loving care for these excellent animals.

The administration is now at a critical crossroads in the horse and burro program, faced with ever tightening budgets and the recognition that the U.S. taxpayer can no longer afford to subsidize the program—to the tune of more than $300 for each horse adopted—the BLM instituted in January a fee of $200 per horse and $75 per burro, in addition to the costs of transportation from holding facilities to adoption centers in Texas, Tennessee, Nebraska, or other States.

This will only partially offset the cost of gathering, medical examinations, or caring for the animals prior to adoption. The fee system is under review in the Department and will be examined by the Appropriations Committees, I am certain. Additional increases are likely.

The land manager must now respond to a critical problem created in part by Congress. We have made it mandatory, in strong, clear language, that the Secretaries must destroy excess animals for which there is no adoption demand. We recognize now that this is a somewhat intemperate approach. We must find reliable and humane alternatives that will still afford protection to the animals while they are under Federal control. We do not wish to have large numbers of healthy animals destroyed. There are other viable uses for the animals. As an alternative, we propose that the Secretaries be given authority to sell excess animals removed from the West's rangelands. Revenue generated from the sales would be returned to BLM or the Forest Service and would be available for habitat improvement, studies designed to improve the general welfare of the animals, and for general on-the-ground program management. Present estimates indicate that under this amendment the wild horse and burro program would become nearly self-supporting if not totally so. This could save the American taxpayer some $6 million in appropriated funds each year.

There are other important features of our proposed amendments: Reestablishment of the Citizen Advisory Committee originally authorized in the 1971 act and an upgrading of the criminal penalties for repeated violations of the act. The Advisory Committee served a useful function; yet, it was abolished under the last administration in a misguided effort to save costs. We feel this committee can serve a useful purpose as a communications bridge to advise the Secretaries on significant policy issues.

The upgrading of the enforcement penalties is needed to act as a further deterrent against unlawful acts committed against the wild horses and burros on Federal rangelands. Some convictions have been obtained in past years; however, a tougher stance will benefit the animals.

Mr. President, this legislation has been prepared through the close assistance and cooperation of a number of citizen organizations representing millions of Americans. We have worked closely with the Carey Ranch Wild Horse Sanctuary, the National Wildlife Federation, the Israk Walton League, the National Association of Conservation Districts, and others. There is also strong support for our concepts with the administration where the land managers are almost desperate for a more flexible program.

These organizations and individuals and others across the land have expressed a strong commitment to greater volunteer efforts to help the Bureau of Land Management screen potential adopters and to help in checking on adopted animals—animals found in almost every State. I compliment these citizens in all regions of the Nation for their dedication to wild horses and burros. Their efforts should not go unrecognized. The spirit of volunteerism is strong in support of this program. Their contributions will be invaluable.

Our overall goal is to assure that wild horses and burros are a full part of multiple-use management of the public rangelands and are not regarded solely as misfits that have no legitimate place on the West's open spaces. The amendments we propose are designed to assure that wild horses and burros are managed with greater status than in the past, to match other values found on the public lands.

I invite my colleagues to become more familiar with the issues surrounding the critical problem of creating this balance among forage consumers on the range and to join in supporting early favorable conclusions on this legislation in the Senate. The Committee on Energy and Natural Resources will soon schedule field hearings on the legislation. We are assured that an excellent cross-section of interests will appear in support of the legislation. To be certain, dissenting voices will be heard, voices that do not care about environmental balance nor do they seem to care about proper multiple-use management of the lands. In fact, my concern is that certain public groups seem more interested in maintaining the controversy and keeping wild horse and burro management as an issue to enhance their own financial stability.

This is an unfortunate situation. Management of natural resources on so many hundreds of millions of acres of the public's lands is not a partisan issue. The laws Congress has passed stress multiple use. Successive administrations have worked closely with Congress to assure that responsible policies are developed and implemented for the benefit of the resources, not for political gain. That is our goal in proposing these needed amendments. The Secretaries need broader options to effectively manage the rangelands.

Mr. President, the bill which I offer to amend the Wild House and Burro Act (Public Law 92-195) does the following good things:

Recognizes that wild horse and burro populations are thriving, and not in danger of "disappearing";

Recognizes that it is the intent of Congress to maintain on public lands administered by the Secretary of Agriculture and he Secretary of the Interior a population base of wild horses and burros consistent with the principle of multiple use;

Provides for management of wild horse and burro herds and their habitat in accordance with planned resource objectives for the area;

Reduces the amount of subsidy to the adopt-a-horse program by the Federal Government;

Reduces the possibility of individuals adopting excess animals for the purpose of commercial gain;

Provides revenue by authorizing sale of excess wild horse and burros not placed in private maintenance.

Provides the protection of State and local humane laws to excess animals that are sold and no longer protected by Public Law 92-195, and amended;

Clarifies when wild horses and burros lose their protected status under the act;

Improves the cost effectiveness of the program by eliminating unnecessary program requirements such as the biennial report to Congress and public hearings on the use of helicopters, and by reducing compliance and titling costs;

Eliminates paperwork required of adopters to obtain title to their adopted animal;

Provides for increased public participation in the development of regulations and policies concerning the management of wild horses and burros;

Strengthens language in the act that allows prosecution of individuals who illegally sell or process into commercial products any wild horse or burro;

Deters individuals from illegal sale or inhumane treatment or care and other violations of the regulations by increasing the penalty for conviction of a second offense;

And finally, allows the Secretary of Agriculture and the Secretary of the Interior to use adoption and/or sale procedures to dispose of unbranded and unclaimed horses and burros on Federal lands not covered by the act.

Mr. President, I ask unanimous consent that S. 2183 be printed following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of Public Law 92-195 relating to the protection of wild free-roaming horses and burros is amended by—

(1) striking out "; and that these horses and burros are fast disappearing from the American scene." and inserting in lieu thereof a period; and

(2) by inserting at the end thereof the following: "It is also the policy of Congress that a healthy wild free-roaming horse and burro population base shall be sustained and that rangeland resources shall be protected for the benefit of wild free-roaming horses and burros, wildlife, and livestock.".

SEC. 2. Section 3 of such Act is amended—

(1) in the fifth sentence of subsection (a) by striking out "at the minimal feasible level and" and inserting in lieu thereof "in accordance with the resource management objectives for the area established in land use plans. Such plans and activities";

(2) in subsection (b) (2) (B) by striking out "*Provided*, That, not more than four animals may be adopted per year by any individual unless the Secretary determines in writing that such individual is capable of humanely caring for more than four animals, including the transportation of such animals by the adopting party" and inserting in lieu thereof "*Provided*, That not more than two animals may be adopted per year by any individual";

(3) (A) in subsection (b) (2) (C) by striking out "destroyed in the most humane and cost efficient manner possible." and inserting in lieu thereof "sold or destroyed in the most humane cost efficient manner possible: *Provided*, That after the sale, the excess wild free-roaming horses and burros become subject to all State and local humane laws, and all Federal humane laws other than this Act.";

(B) in subsection (b) (2) by adding at the end thereof the following flush material: "Revenue from the sale or adoption of excess wild free-roaming horses and burros authorized by section 3 (b) (2) shall be deposited in the appropriate account of the agency from whose lands the excess animals were removed in order to reimburse the agency for costs related to removal, sale, private maintenance, habitat improvement, and studies for the general welfare of wild free-roaming horses and burros.";

(4) in subsection (b) (3) by striking out "January 1, 1983" and inserting in lieu thereof "January 1, 1985";

(5) in subsection (c) by striking out "upon application by the transferee to grant title to not more than four animals" and inserting in lieu thereof "to grant title"; grant title";

(6) in subsection (d)(1) by striking out "pursuant to subsection (c) except for the limitation of subsection (c)(1) of this section" and inserting in lieu thereof "at sale or pursuant to subsection (c)"; and

(7) in subsection (d) by striking out the semicolon and "or" in clause (4) and all of clause (5) and inserting in lieu thereof a period.

SEC. 3. Section 7 of such Act is amended by striking out "The Secretary of the Interior" and inserting in lieu thereof "Notwithstanding the provisions of any other Act, the Secretary of the Interior".

SEC. 4. Section 8 of such Act is amended—

(1) in clause (1) by striking out "willfully" and inserting in lieu thereof "knowingly";

(2) in clause (4) by inserting after "horse or burro" the following: "without authority from the Secretary";

(3) in clause (5) by adding after "remains thereof" the following: "without authority from the Secretary"; and

(4) in clause (6) by striking out "willfully" and inserting in lieu thereof "knowingly" and by adding at the end thereof the following: "Any person who previously has been convicted of a violation of this section or any Federal, State, or local humane laws shall, upon conviction of an offense punishable pursuant to this section, be subject to a fine of not less than $5,000 and not more than $10,000, or imprisoned for not more than two years, or both.".

SEC. 5. Section 9 of such Act is amended in the second sentence by striking out "a public hearing" and inserting in lieu thereof "public notification".

SEC. 6. Section 11 of such Act is amended by striking out the first sentence and inserting at the end of such section the following: "Administrators of other Federal lands not subject to the provisions of this Act shall consult with the Secretary before removing unbranded and unclaimed horses and burros under their jurisdiction. Upon request and to the extent that manpower and scheduling permit, the Secretary is authorized to remove such unbranded and unclaimed horses and burros in accordance with section 3(b)(2) of this Act.".

By Mr. QUAYLE (for himself and Mr. HATCH):

S. 2184. A bill to authorize job-training programs for welfare recipients, economically disadvantaged out-of-school youths, and other persons who are in particular need of such training to obtain productive employment in the private sector of the Nation's economy, and for other purposes; to the Committee on Labor and Human Resources.

JOB TRAINING ACT OF 1982

● Mr. QUAYLE. Mr. President, I am pleased to introduce today the administration's job-training proposal with Senator HATCH, the chairman of the Labor and Human Resources Committee, as cosponsor. The administration proposal is based on the same fundamental principles as those which underlie the bipartisan training-for-jobs bill which I introduced last month with Senator KENNEDY, Senator HAWKINS, and Senator PELL (S. 2036). Both of these bills are based on the following major principles:

First, to strengthen the involvement of the private sector.

Second, to increase the role of the State government and reduce that of the Federal Government.

Third, to concentrate our resources on training persons for jobs and to avoid the mistake of creating an additional income maintenance program under the guise of a training program.

Fourth, to concentrate on training those who cannot compete in the labor market without additional help.

Last, to concentrate on results rather than on the details of how those results are achieved by applying and enforcing meaningful performance standards.

I am pleased to sponsor both of these bills because they are based on the same principles. They do, of course, have some differences which I hope will be explored in joint hearings to be held March 15 through March 18 by the Subcommittee on Employment and Productivity which I chair and the Subcommittee on Employment Opportunities chaired by Congressman HAWKINS.

The differences between the bills raise a number of questions on which the committee would particularly appreciate advice and guidance. Specifically, should Federal job-training legislation specify any role for local governments in the design and administration of job-training programs? Is it desirable to mandate a State-level, job-training council to assist in making policy decisions at the State level? Should Federal legislation include a sub-State allocation formula? Should there be a separate authorization for a displaced worker program? Should eligibility be defined only in terms of income or should other factors, such as age and school status, be included? Should training legislation include provisions relating to the employment service? The committee is also particularly interested in hearing views on the advisability of funding on a program-year-versus-a-fiscal-year basis.

I ask unanimous consent that the bill and explanatory materials submitted by the Department of Labor be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents may be cited as the "Job Training Act of 1982".

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CONGRESSIONAL FINDINGS AND STATEMENT OF PURPOSE

SEC. 2. (a) CONGRESSIONAL FINDINGS.—The Congress finds and declares that: (1) Many people in our Nation, particularly welfare recipients and economically disadvantaged out-of-school youths, are unable to take their places in the mainstream of our economic system because they lack the training necessary to obtain and retain productive private sector jobs;

(2) The virtual lack of productivity growth in recent years has become seriously detrimental to the Nation's long-term economic well-being, and investment in training of such persons can help restore productivity growth;

(3) In order for such persons to obtain and retain employment in the private sector of our economy, in which lies the vast majority of jobs and job creation activities, it is essential that Government and the private sector enlist in a cooperative partnership to provide such persons with essential job training;

(4) To be successful, such training must be designed and administered at the State level so that State officials, in close cooperation with private sector employers, vocational educators, local officials and labor unions in their States, and in accordance with the economic realities and employment needs in their States, can properly match such persons with training opportunities and jobs;

(5) This investment, to be effective, must be focused on job training, leaving to other appropriate agencies and organizations such matters as income maintenance;

(6) To achieve optimum results, the job training system must be measured by performance standards based on outcomes rather than on process; and

(7) The job training system, at both the State and local levels, must be an integral part of the State's overall job creation, job placement and employability improvement strategy.

(b) STATEMENT OF PURPOSE.—It is the purpose of this Act, therefore, to establish programs which will afford job training to those persons, particularly welfare recipients and economically disadvantaged out-of-school youths, who are in special need of such training to obtain productive employment in the private sector, by substantially strengthening the involvement of the private sector in the planning and delivery of such training, by conferring upon States the primary responsibility for program design and operation, by concentrating on job training rather than on income maintenance, by establishing performance standards which measure results rather than process, and by integrating job training with related programs and strategies at the State and local level.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) There are authorized to be appropriated $1,800,000,000 for fiscal year 1983 to carry out the purposes of title I, sections 208 and 209 of part A of title II and title IV.

(b) There are authorized to be appropriated $200,000,000 for fiscal year 1983 to carry out the purposes of part B of title II less any amounts appropriated to carry out training under the Trade Act of 1974, as amended.

(c) There are authorized to be appropriated $387,000,000 for fiscal year 1983 to carry out the purposes of title III.

(d) There are authorized to be appropriated such sums as may be necessary for fiscal year 1983 and for the following four fiscal years for federal administrative expenses under part A of title II and title IV.

(e) There are authorized to be appropriated for fiscal year 1984 and for each of the three succeeding fiscal years such sums as may be necessary for carrying out the purposes of this Act.

(f) Notwithstanding any other provision of law, unless enacted to specifically limit the provisions of this subsection, any funds appropriated, other than for federal administrative expenses, which have not been obligated prior to the end of the fiscal year for which such funds were appropriated, shall remain available for obligation in the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

DEFINITIONS

SEC. 4. As used in this Act—

(1) the term "economically disadvantaged" means a person who (A) receives, or is a member of a family which receives, Aid to Families with Dependent Children (AFDC) or assistance under the Bureau of Indian Affairs Child Welfare Assistance or General Assistance Program; (B) has, or is a member of a family which has, received a total of family income for the 6-month period prior to application for the program which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Secretary of Health and Human Services, or (ii) the lower living standard income level; (C) is a foster child on behalf of whom State or local government payments are made; or (D) is a handicapped individual living at home, or is institutionalized in a hospital or similar institution, or is a client of, or is receiving services in, a sheltered workshop or in community care. Except for any person who would be eligible for assistance under section 223, or a handicapped individual who is sixteen years of age or older, any person claimed as dependent on another person's federal income tax return under section 151(e) of the Internal Revenue Code of 1954 for the previous year shall be presumed, unless otherwise demonstrated, to be part of the person's family for the current year.

(2) the term "Governor" means the chief executive of any State.

(3) the term "handicapped individual" means any individual who has a physical or mental disability which for such individual constitutes, or results in, a substantial handicap to employment.

(4) the term "lower living standard income level" means, for a family of four, 50 percent of the U.S. median income level for families and unrelated individuals (classified by regions and metropolitan-nonmetropolitan areas) determined annually by the Secretary.

(5) the term "private sector" means, for purposes of the State job training councils and Private Industry Councils, persons from the upper management of private-for-profit employers.

(6) the term "recipient" means any person, organization, unit of government, corporation, or other entity receiving financial assistance under this Act directly from the Secretary.

(7) the term "Secretary" means the Secretary of Labor.

(8) the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(9) the term "subrecipient" shall mean any person, organization, unit of government, corporation, or other entity which receives financial assistance, or funds under a contract, through a recipient.

(10) the term "substate service delivery area" means a geographic area within a State which a State serves under title I.

(11) the term "unit of general local government" means any city, county, parish, or other general purpose political subdivision which has the power to levey taxes and spend funds as well as general corporate and police powers.

TITLE I—JOB TRAINING GRANTS TO STATES

PART A—FINANCIAL ASSISTANCE PROVISIONS

SECRETARY'S ALLOCATION OF FUNDS

SEC. 101. (a) For fiscal year 1983 the Secretary shall allocate 97 percent of the funds made available for this title in accordance with the provisions of section 202 of the Comprehensive Employment and Training Act as in effect prior to the enactment of this Act. Funds received by Governors under this allocation may be used to plan to implement the job training program authorized by this title. The remaining three percent of such funds shall be used to carry out the purposes of title IV and to carry out sections 208 and 209 of part A of title II, but shall not be used for the salaries or expenses of federal personnel.

(b) For fiscal year 1984 and for each of the three succeeding fiscal years the Secretary shall allocate funds made available for this title as follows: (1) For fiscal year 1984, 97 percent of such funds, and for fiscal year 1985-1987, at least 72 percent of such funds, shall be allocated among those States, on behalf of which States have submitted job training reports under section 104, pursuant to the following formula:

(A) $2.5 million shall be allocated among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands and the Trust Territories of the Pacific Islands in accordance with their respective needs;

(B) The balance shall be allocated by formula to the remaining States as follows:

(i) 33⅓ percent shall be allocated on the basis of the relative number of AFDC recipients within the State as compared to the total number of AFDC recipients in all such States;

(ii) 33⅓ percent shall be allocated on the basis of the relative number of persons with family incomes at or below the lower living standard income level or the poverty level, whichever is higher, who are between the ages of 16 and 24, inclusive, and not in school (as determined by the 1980 census) within the State as compared to the total number of such persons in all such States;

(iii) 33⅓ percent shall be allocated on the basis of relative number of persons in the State who have been unemployed for at least 15 weeks as compared to the total number of such persons in all such States.

(2) For fiscal years 1985-1987, up to 25 percent of such funds shall be allocated to those States which the Secretary determines have successfully met the performance standards established under section 201; and

(3) The remainder of such funds shall be used to carry out the purposes of title IV and to carry out sections 208 and 209 of part A of title II, but shall not be used for the salaries or expenses of federal personnel.

(c) Except as otherwise provided, allocations under paragraph (1)(B) of subsection (b) shall be made on the basis of the two most recent years for which appropriate data or estimates are available, as determined by the Secretary.

DESIGNATION OF SUBSTATE SERVICE DELIVERY AREAS AND FUNDING

SEC. 102. (a) To carry out programs under this title the State job training council established under section 103, with the approval of the Governor, is authorized to designate one or more substate service delivery areas to receive job training services under this title. Each such area should be related to a labor market area but need not be coterminous with the boundaries of substate political jurisdictions.

(b) Notwithstanding the provisions of subsection (a), any unit of general local government which has a population of 500,000 or more persons shall be designated as a substate service delivery area.

(c) The State job training council shall give strong consideration to designating as a substate service delivery area under subsection (a), after consultation with the entity which served the area as a prime sponsor under section 101(a)(5) of the Comprehensive Employment and Training Act, any rural area served by a concentrated employment program.

(d) In designating substate service delivery areas under subsection (b), the council, with the approval of the Governor and with the agreement of each of the independently eligible jurisdictions under subsection (b), may combine two or more such areas into one substate area or may add other areas to such areas.

(e)(1) Except as provided in paragraph (3), the State job training council, with the approval of the Governor, shall determine the distribution of funds within the State.

(2) In distributing funds within the State, except from those funds to be allocated under paragraph (3), the council may set aside a portion of the funds to match cash donations from the private sector.

(3) To serve substate service delivery areas designated under subsection (b), funds shall be allocated, based on the two most recent years for which appropriate data or estimates are available, as follows:

(A) The funds allocated to the State under section 101(b)(1)(B) shall first be divided into three portions each equaling 33⅓ percent of such amount.

(B) The first 33⅓ percent shall be allocated on the basis of the percentage of the State's AFDC recipients who reside in the substate area.

(C) The next 33⅓ percent shall be allocated on the basis of the percentage of the State's population which resides in the substate area adjusted by the percentage by which the substate area's average per capital income is lower than or exceeds the average per capita income in the State.

(D) The final 33⅓ percent shall be allocated on the basis of the percentage of the State's unemployed persons who reside in the substate area.

(4) In distributing funds allocated to the State under section 101(b)(2), due consideration shall be given to those subrecipients, including subrecipients serving substate service delivery areas, which have met the State's performance standards during the previous year.

STATE JOB TRAINING COUNCILS

SEC. 103. (a) To receive funds under this title a State shall establish a State job training council chaired by the Governor or the Governor's designee.

(b) The members of the council shall be appointed by the Governor. At least 51 percent of the members shall be selected from the private sector and twenty percent from the ranks of elected officials of units of general local government. The remainder shall include one representative from the State employment service agency, one from the State vocational education system, and representatives of organized labor, private nonprofit community-based organizations, and other groups interested in job training programs.

(c) The council shall provide advice to the State on all aspects of job training, job information, and job placement in the State.

(d) With respect to programs under this title, the council, subject to the approval of the Governor, shall designate substate service delivery areas, provide management guidance and review for all programs in the State and approval of all substate area plans and activities, develop appropriate linkages with other programs, coordinate activities with Private Industry Councils, plan resource allocations, and develop the State job training report and performance standards.

(e) In addition to performing the functions set forth in this Act, the council shall also perform the functions previously performed by any State council established by State law under the Wagner-Peyser Act. The State may also give consideration to having the council perform the functions of any State Apprenticeship Council established under the Apprenticeship Act.

(f) The council shall also review and provide written comments to the State on the State plan developed by the State employment service agency under the Wagner-Peyser Act.

STATE JOB TRAINING REPORTS

SEC. 104. (a) No State shall be allocated funds under section 101 unless the State submits a job training report to the Secretary.

(b) The State job training report shall:

(1) demonstrate that the State is fiscally and legally responsible for the administration of programs under this title throughout the State; and

(2) include (A) a statement of goals, objectives, and needs, and the performance standards established under section 114;

(B) information on the types of activities to be funded, geographic areas to be served, and categories or characteristics of individuals to be served; and

(C) the criteria and method established for the distribution of funds.

(c) Beginning in the fiscal year 1984, the report shall include a description of how the State has met the goals, objectives, needs and performance standards in the previous fiscal year.

(d) The report, and any changes in the report, shall be made public on a timely basis and in such manner as to facilitate comments from interested local governments and persons.

PRIVATE INDUSTRY COUNCILS

SEC. 105. (a) To receive services under this title, a Private Industry Council must be established in each substate service delivery area. The Governor shall appoint, or shall establish a mechanism for appointing, the members of the council after consultation with, and receipt of nominations from, appropriate local private sector persons and public officials. The majority of the council members shall be from the private sector. The council shall also include a significant percentage of members who are elected officials of units of general local government, one member representing the State employment service agency, one representing the public vocational education system, and representatives from organized labor, private nonprofit community-based organizations and other groups interested in job training programs.

(b) The council shall plan the program for the area, subject to the approval of the State job training council and the Governor, including fund utilization, persons to be served, types of training and services to be provided, industries and occupations of training, criteria for the content and quality of training, and the entities which will administer the program and deliver training and services.

(c) The council shall perform the functions previously performed in the area by any labor market advisory council established under part C of title IV of the Social Security Act. The State, wherever appropriate, shall encourage the coordination of, and if possible the integration of, the work of the Private Industry Council with that of any Job Service Employer Committee.

Part B—Job Training Program

ELIGIBILITY FOR PARTICIPATION

SEC. 111. (a) To participate in a program under this title a person must be a person who—

(1) (A) receives, or is a member of a family which receives, Aid to Families with Dependent Children or assistance under the Bureau of Indian Affairs Child Welfare Assistance or General Assistance Program, and

(B) is at least 16 years old; or

(2) is an out-of-school youth between the ages of 16 and 25, inclusive, who is economically disadvantaged.

(b) In addition, the State may use up to 10 percent of the funds allocated to the State under this title to serve other persons, including veterans, in-school youth, older workers eligible under section 223, and displaced workers, whom the State determines have special labor market disadvantages. Further, States with severe displaced worker problems may use up to an additional 5 percent of the funds allocated to the State under this title to serve displaced workers provided such States appropriate an equal amount of matching funds to assist such workers.

TRAINING ACTIVITIES

SEC. 112. (a) Training activities may include—

(1) on-the-job training;

(2) institutional or classroom training;

(3) job placement assistance, including job search and job club activities;

(4) vocational education and other skill training in a classroom setting;

(5) preparation for a General Equivalency Degree (GED) and other such remedial and basic education needed to facilitate skill training; and

(6) employability assessment and employability development planning.

(b) Training may include—

(1) training programs operated by the private sector, including by consortia of private sector employers;

(2) training programs wherein participants are trained alongside nonparticipants, which are funded by both private and public funds, and from which employers have pledged to hire a proportion of all qualified graduates; and

(3) training programs funded under performance-based contracts.

(c) States may enter into agreements with the Secretary in order to fully operate for one year with funds received under this title Job Corps centers which are no longer funded by the Secretary, except that no funds under this title may be used to pay allowances, including those required under title III. In subsequent years the State shall operate the center with funds other than funds under this Act except that funds under this title may be used only to pay the tuition of individual corpsmembers.

(d) Training programs may include the use of apprenticeship programs under the Apprenticeship Act and on-the-job training under section 1787 of title 38, United States Code.

(e) All training agreements shall contain standards on the content, quality, duration, and results of the training.

(f) Commercially available training packages, including advanced learning technology, may be purchased for "off-the-shelf" prices and without requiring a breakdown of the cost components of the package provided such packages are purchased competitively and include performance criteria.

(g) Upon the request of employers which have obligations under federal, State or local affirmative action programs, States and subrecipients may take appropriate training and placement agreements that will assist such employers in carrying out their affirmative action programs. In assessing a federal contractor's compliance with its affirmative action obligations under Executive

Order 11246, as amended, the Secretary shall take into consideration that contractor's activities under this subsection.

SPECIAL CONDITIONS APPLICABLE TO TRAINING

SEC. 113. (a) No more than 15 percent of the funds allocated to a State under this title may be used for administrative costs.

(b) The State shall allow subrecipients, including those serving substate service delivery areas, an amount of administrative funds adequate to ensure efficient and effective operation of their programs.

(c) No funds under this title may be used to pay stipends, allowances or other such payments to participants, or to others on behalf of, participants.

(d) No funds under this title may be used to pay wages to, or on behalf of participants.

(e) No more than 10 percent of the funds allocated to the State under this title may be used to pay for social or supportive services unless, for extraordinary reasons set forth in the State job training report, the Secretary has approved a somewhat higher percentage. Such services include such things as child care, health care and transportation.

(f) Payments under this title made to employers on behalf of participants in on-the-job training shall not, during the period of such training, average more than 50 percent of the wages paid by the employer to such participants.

(g) No funds under this title may be used to train participants for occupations other than occupations which have labor or skill shortages.

(h) No funds under this title may be used to pay a fee for the placement of any participant in a training program or in a job.

PROGRAM OPERATION

SEC. 114. To receive funds under this title each State job training program shall establish—

(1) linkages with other programs, including linkages with the State employment service agency, the State welfare agency, the State vocational education agency, the State vocational rehabilitation agency, and State agencies and private organizations concerned with such matters as economic development;

(2) fiscal control, accounting, audit and debt collection procedures to assure the proper disbursal of, and accounting for, funds received under this title;

(3) subgranting and subcontracting procedures, which, except for distributions and allocations under section 102(e), must be competitive procedures which take into account past performance in job training or related activities, fiscal accountability, and ability to meet performance standards;

(4)(A) result-oriented performance standards to measure the performance of subrecipients, including those serving substate service delivery areas. Such standards shall be consistent with the Secretary's performance standards established under section 201; and

(B) procedures for annually assessing whether such subrecipients meet the standards; and

(5) procedures for monitoring, requiring corrective actions of, and sanctioning subrecipients which fail to meet the State's performance standards or the requirements of the Act or regulations. If a subrecipient refuses or fails to bring its operations into compliance with the requirements of the Act or regulations, or if a subrecipient fails to meet the State's performance standards by the time of the next annual assessment, the State shall cease to conduct the program through such a subrecipient and shall arrange for the program to be transferred to another entity in a timely fashion, giving consideration to the service needs of affected participants.

TITLE II—SECRETARY'S RESPONSIBILITIES

PART A—SECRETARY'S MANAGEMENT RESPONSIBILITIES

SECRETARY'S PERFORMANCE STANDARDS

SEC. 201. (a) The Secretary shall establish federal performance standards which shall be used to measure the performance of programs funded under title I.

(b) Such standards shall (1) include factors which recognize that performance may vary among the States due to economic conditions and to the employability barriers confronting their eligible populations;

(2) be based participant outcome measures that are directly related to the purposes of this Act, including measures of placement in unsubsidized employment and reduction or elimination of transfer payments; and

(3) measure cost effectiveness and, if feasible, post-program compared to pre-program earnings.

(c) The Secretary, using the federal performance standards, shall annually assess the performance of each State's program.

MONITORING

SEC. 202. (a) The Secretary is authorized to monitor all recipients of financial assistance under the Act to determine whether they are complying with the provisions of the Act and the regulations under the Act.

(b) The Secretary may investigate any matter deemed necessary by the Secretary to determine compliance with the Act and regulations. Such investigations may include examining records (including making certified copies thereof), questioning employees, and entering any premise or onto any site in which any part of a recipient's program is conducted or in which any of the recipient's records are kept.

(c) For the purpose of any investigation or hearing under this Act, the provisions of section 49 of title 15, United States Code (relating to the attendance of witnesses and the production of books, papers and documents) are made applicable to the Secretary.

AUDITING

SEC. 203. (a) Every recipient under this Act shall conduct financial and compliance audits, audit resolutions, and debt collections in accordance with standards prescribed by the Comptroller General. Recipients shall make copies of audits available for public inspection.

(b) Audits required by subsection (a) shall be conducted by an independent entity and shall be conducted with respect to the two-year period beginning on October 1, 1983, and with respect to each two-year period thereafter.

(c) No funds under this Act shall be awarded by the Secretary or by a recipient, as appropriate, to any applicant until the applicant has complied, or taken acceptable action towards compliance, with any corrective actions or sanctions imposed by the Secretary or recipient as a result of prior audit findings against the applicant.

CORRECTIVE ACTIONS AND SANCTIONS

SEC. 204. (a)(1) If the Secretary concludes that any recipient has failed to comply with the Act or the regulations under the Act, or that any recipient has failed to take action against a subrecipient which has failed to so comply, or that the program of a recipient has failed to meet the Secretary's performance standards, the Secretary may order the recipient to take appropriate corrective action or may order appropriate sanctions against the recipient.

(2) Whenever an initial determination under paragraph (1) is made, the Secretary shall offer the recipient an opportunity to informally resolve outstanding issues, and shall thereafter issue a final determination.

(b) The Secretary shall publish regulations which shall provide for the gradation of corrective actions and sanctions in accordance with the seriousness or degree of the nonperformance or violation. Corrective actions may include increased monitoring, program redesign, modification of fiscal and accounting systems, increased fiscal reporting requirements, and other such actions. Sanctions, as appropriate, may include the withholding of funding, the termination or suspension of all or part of financial assistance, the ordering of the repayment of misspent funds from nonfederal funds, and the provision of services allowable under this Act (and in addition to services under the Act) funded from nonfederal sources.

(1)(A) The Secretary shall disallow all expenditures incurred in violation of this Act or the regulations except when the Secretary determines that all of the following criteria were met: There is no indication that fraud, willful disregard of statutory or regulatory requirements, or gross negligence led to the erroneous expenditure; the recipient took immediate action to correct the deficiency causing the improper expenditure; the recipient had in place and utilized financial and management systems which met standards and requirements in effect at the time the expenditure was incurred; and the expenditure was not of substantial magnitude.

(B) The Secretary may issue regulations for making the determination in paragraph (A). Such regulations may establish conditions under which recipients may apply the criteria in paragraph (1) to misexpenditures by subrecipients.

(2) Recipients may be held liable to repay a debt from non-federal funds when the Secretary determines that the misexpenditure of funds was due to fraud, willful disregard of statutory or regulatory requirements, or gross negligence.

(c) In emergency situations, when it is necessary to protect the integrity of the funds or the operation of a program, the Secretary may suspend or terminate financial assistance in whole or part, or withhold funding in whole or part, without prior written notice and opportunity for a hearing, provided the reasons for the action and an opportunity to request a hearing are afforded to the recipient in the notice of suspension, termination, or withholding.

(d) The authorities granted under this section shall be construed to be in addition to the Government's existing statutory, contractual and common law rights to establish and recover debts to the United States.

ADMINISTRATIVE ADJUDICATIONS

SEC. 205. (a) Whenever any applicant for financial assistance under this Act is dissatisfied because the Sectretary has made a determination not to award financial assistance in whole or in part to such applicant, the applicant may request a hearing before an Administrative Law Judge of the Department of Labor. A similar hearing may also be requested by any recipient upon whom a corrective action or a sanction has been imposed by the Secretary under section 204. Except to the extent provided for in section 504, all other disputes arising under this Act shall be adjudicated under grievance procedures established by the recipient or under applicable law other than this Act.

(b) In any hearing conducted under subsection (a) the burden shall be upon the recipient to establish by clear, convincing and probative proof that the findings of the Secretary were not based upon substantial evidence.

(c) The decision of the Administrative Law Judge, a party dissatisfied with the decision or any part thereof has filed exceptions with the Secretary specifically identifying the procedure, fact, law or policy to which exception is taken. Any exception not specifically urged shall be deemed to have been waived. Thereafter the decision of the Administrative Law Judge shall become the final decision of the Secretary unless the Secretary, within 30 days of such filing, has notified the parties that the case has been accepted for review.

(d) Any case accepted for review by the Secretary shall be decided within 180 days of such acceptance. If not so decided, the decision of the Administrative Law Judge shall become the final decision of the Secretary.

(e) The provisions of section 505 of this Act shall apply to any final action of the Secretary under this section.

REALLOCATION OF FUNDS

SEC. 206. (a) The Secretary may reallocate funds allocated under section 101 if the Secretary determines that the State will not be able to use the funds within a reasonable period of time and provided the Secretary has given the State written notice of the proposed reallocation at least 30 days before the proposed effective date of the reallocation and has given due consideration to any timely written comments received from the State in response to such notice.

(b) In accordance with standard Government procurement law the Secretary may terminate for convenience any contract funded directly by the Secretary under this Act. The Secretary may also terminate for convenience any financial assistance agreement financed with funds under section 208 or under the introductory text of part B of title II of this Act.

PERFORMANCE REPORTS

SEC. 207. Every recipient shall maintain such records and submit such reports as the Secretary requires regarding the performance of its programs. Such records and reports shall be made available to the Secretary at such time and in such form as the Secretary requires.

RESEARCH AND EVALUATION

SEC. 208. (a) The Secretary is authorized to establish a research program to find solutions to the Nation's training and employment problems and an evaluation program to assess the results, effectiveness and impact of all programs conducted under this Act. Research activities may include studies, experiments, and demonstrations, e.g., pilot projects in such areas as easing the transition from school to work, increasing employment of skilled workers critical to defense readiness, and eliminating artificial barriers to employment.

(b) The Secretary shall consult with States about activities under this section to be conducted in such States and shall disseminate to States and other recipients the results of research and evaluations.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 209. Upon request the Secretary may provide directly, or through grants, contracts or other arrangements, appropriate preservice and inservice training for specialized, supportive, supervisory or other personnel, and appropriate technical assistance with respect to programs under this Act.

PART B—SECRETARY'S PROGRAM RESPONSIBILITIES

From funds made available for this part, the Secretary is authorized to provide financial assistance to recipients under this Act, or to other agencies or organizations, for job training programs designed to meet the needs of persons with special labor market disadvantages, including Indians and other Native Americans, migrants and seasonal farmworkers, older workers, veterans, displaced homemakers, persons of limited English language proficiency, handicapped individuals, displaced workers, offenders and other persons determined by the Secretary to require such special assistance.

NATIVE AMERICAN PROGRAMS

SEC. 221. (a) The Congress finds that (1) serious unemployment and economic disadvantage exist among members of Native American Indian tribes, bands and groups and among members of Alaskan Native villages; (2) there is a compelling need for the establishment of job training programs for members of these communities; and (3) such programs are essential to the reduction of economic disadvantage among individual members of these communities and to the advancement of economic and social development in these communities consistent with their goals and lifestyles.

(b) The Congress therefore declares that, because of the special relationship between the federal Government and most of those to be served under this section, (1) such programs can best be administered at the National level; and (2) such programs shall be administered in such a manner as to maximize the federal commitment to support growth and development as determined by representatives of such communities and groups.

(c)(1) In carrying out this section, the Secretary, wherever possible, shall fund Native American Indian tribes, bands, or groups on federal or State reservations having a governing body (including Alaska Native villages or groups as defined in the Alaska Native Claims Settlement Act of December 18, 1971, and the Oklahoma Indians). To receive such funds such tribe, band, or group or Alaskan Native village shall submit a plan meeting such requirements as the Secertary prescribes.

(2) Whenever the Secretary decides to serve Native American Indian tribes, bands, or groups or Alaskan native villages through other public agencies or private organizations, the Secretary, to the maximum extent feasible, shall fund public agencies or private organizations which meet with the approval of those to be served.

(d) The Secretary shall establish administrative procedures and machinery (including personnel having particular competence in this field) to administer programs under this section.

(e) The provisions of section 112, except for subsection (c), and the provisions of section 113, except for subsection (b), shall apply to programs under this section.

(f) No provision of this section shall abrogate in any way the trust responsibilites of the Federal Government to Native American bands, tribes or groups.

MIGRANT AND SEASONAL FARMWORKER PROGRAMS

SEC. 222. (a) The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, substantially affected by recent advances in technology and mechanization, constitute a substantial portion of the Nation's rural employment problem and substantially affect the entire national economy; and

(2) because of the special nature of farmworker job training problems such programs can best be administered at the National level.

(b)(1) The Secretary shall meet the job training needs of migrants and seasonal farmworkers through public agencies and private organizations, such as recipients under other provisions of this Act, which the Secretary determines have an understanding of the problems of migrants and seasonal farmworkers, a familiarity with the area to be served, and a capability to effectively administer a job training program for migrants and seasonal farmworkers.

(2) Programs under this section shall include job training in agricultural or nonagricultural occupations and related assistance and supportive services.

(c) In awarding funds under this section the Secretary shall use competitive procedures.

(d) In administering programs under this section the Secretary shall consult with appropriate State and local officials and may enter into agreements with such officials to assist in the operation of such programs.

(e) The provisions of section 112, except for subsection (c), and the provisions of section 113, except for subsections (b) and (e), shall apply to programs under this section.

OLDER AMERICANS PROGRAMS

SEC. 223. (a) From funds available for use under this part, the Secretary is authorized to financially assist job training programs for older Americans.

(b) To be eligible to participate in a job training program under this section a person must be economically disadvantaged and aged 55 or over.

(c) The provisions of sections 112, except for subsection (c), and the provision of section 113, except for subsection (b), shall apply to job training programs funded under this section.

VETERANS

SEC. 224. (a) The Congress finds and declares that serious unemployment among veterans, particularly disabled, Vietnam-era and recently separated veterans is a National problem and responsibility.

(b) From funds available for use under this part, the Secretary is authorized to financially assist job training programs for veterans. Such programs shall place emphasis upon the training needs of disabled, Vietnam-era and recently separated veterans.

(c) The provisions of section 112, except for subsection (c), and the provisions of section 113, except for subsection (b), shall apply to job training programs funded under this section.

TITLE III—JOB CORPS

TRANSFER AND REDESIGNATION OF THE JOB CORPS

SEC. 301. (a) The provisions of law authorizing the Job Corps, which heretofore have been set forth in part B of title IV of the Comprehensive Employment and Training Act, are hereby transferred into this Act. Sections 450 through 468 of the Comprehensive Employment and Training Act, therefore, are hereby redesignated as sections 302 through 320 of this Act. References to such sections contained in any statutory provision are redesignated accordingly.

(b) Section 320 of the Act, as redesignated by subsection (a) of this section, is amended by striking the words "title II and Part C of this title" both times they appear, and by substituting in lieu thereof the words "title I".

TITLE IV—NATIONAL COMMISSION ON TRAINING AND EMPLOYMENT

STATEMENT OF PURPOSE

SEC. 401. The purpose of this title is to establish a National Commission on Training and Employment which shall examine, in conjunction with the National Advisory Council on Vocational Education, broad issues concerning employment, job training, labor market information, unemployment, job placement, apprenticeship, access to the job market by disadvantaged persons, and other related matters, and advise the President and the Congress on such issues.

COMMISSION ESTABLISHED

SEC. 402. (a) There is established a National Commission on Training and Employment. The Commission shall be composed by 19 members selected as follows:

(1) The Secretary, the Secretary of Commerce, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Education, the Administrator of Veterans' Affairs, and the Chairman of the Equal Employment Opportunity Commission; and

(2) The chairman of the National Advisory Council on Vocational Education; and

(3) Eleven members, appointed by the President, broadly representative of labor, business, education, veterans, State and local elected officials currently serving in office, community-based organizations, and the general public.

(b) The term of office of each member of the Commission appointed under paragraph (3) of subsection (a) shall be three years, except that the term of any member appointed to fill a vacancy shall last for the remainder of the term for which that member's predecessor was appointed, and the term of any person who was a member of the National Commission for Employment Policy on the date of enactment of this Act shall continue until the expiration of their term of appointment to membership on that council.

(c)(1) The Chairman shall be selected by the President from among members appointed pursuant to paragraph (3) of subsection (a).

(2) The Commission shall meet not fewer than three times each year at the call of the Chairman.

(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings. Any recommendation may be passed only by a majority of the members present. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(d) The Chairman (with the concurrence of the Commission) shall appoint a Director, who shall be chief executive officer of the Commission and shall perform such duties as are prescribed by the Chairman.

FUNCTIONS OF THE COMMISSION

SEC. 403. The Commission shall—

(1) identify, in conjunction with the National Advisory Council on Vocational Education, training and employment issues affecting the Nation, and assess the extent to which training and employment, unemployment, apprenticeship, vocational rehabilitation, income maintenance, employment-related tax, labor exchange and labor market information, and other policies and programs address such issues.

(2) develop and make appropriate recommendations (including recommendations responsive to requests made by the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives), designed to address the issues described in paragraph (1);

(3) examine and evaluate the effectiveness of federally assisted training and employment programs (including programs assisted under this Act, the Wagner-Peyser Act and the Apprenticeship Act), with particular reference to the contributions of such programs to the achievement of objectives sought by the recommendations made under paragraph (2);

(4) examine and evaluate federal programs which are intended to, or potentially could, contribute to achieving major objectives of existing training and employment and related legislation or the objectives set forth in the recommendations of the Commission, with particular attention to programs which are designed, or could be designed, to develop information and knowledge about training and employment problems through research and demonstration projects, or to train personnel in fields (such as occupational counseling, guidance, and placement) which are vital to the success of training and employment programs;

(5) identify, in conjunction with the National Advisory Council on Vocational Education, the job training and vocational education needs of the Nation and assess the extent to which training and employment, vocational and adult education, vocational rehabilitation, apprenticeship, labor exchange and other programs represent a consistent, integrated, and coordinated approach to meeting such needs;

(6) study and make recommendations to the Congress on the impact of energy shortages and new energy developments upon training and employment needs;

(7) study and make recommendations on how, through policies and actions in the public and private sectors, the Nation can attain and maintain full employment, with special emphasis on the employment difficulties faced by the segments of the labor force that experience differentially high rates of unemployment;

(8) identify and assess the goals and needs of the Nation with respect to economic growth by studying such matters as conditions of employment, organizational effectiveness and efficiency, alternative working arrangements, and technological changes; and

(9) perform the federal advisory functions previously required under section 11(a) of the Wagner-Peyser Act.

ADMINISTRATIVE PROVISIONS

SEC. 404. (a) Subject to such rules as may be adopted by the Commission, the Chairman is authorized to—

(1) prescribe such by-laws as may be necessary;

(2) appoint and fix the compensation of such staff personnel as the Chairman deems necessary;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) accept voluntary and uncompensated services of professional personnel, consultants, and experts, notwithstanding any other provision of law;

(5) accept in the name of the United States and employ or dispose of gifts or bequests to carry out the functions of the Commission;

(6) enter into contracts and make such other arrangements as may be necessary;

(7) conduct such studies, hearings, research activities, demonstration projects, and other similar activities as the Commission deems necessary to enable the Commission to carry out its functions;

(8) use the services, personnel, facilities, and information of any department, agency, or instrumentality of the executive branch of the federal Government and the services, personnel, facilities, and information of State and local public agencies and private research agencies, with the consent of such agencies, with or without reimbursement therefor; and

(9) make advances, progress, and other payments necessary under this title without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529).

(b) Upon request made by the Chairman of the Commission, to the extent permitted by law other than this Act, each department, agency, and instrumentality of the executive branch of the federal Government shall make its services, personnel, facilities, and information (including computer-time, estimates and statistics) available to the greatest practicable extent to the Commission to assist the Commission in the performance of its functions.

REPORTS

SEC. 405. The Commission may make such reports or recommendations to the Congress, the President, or to the heads of federal departments and agencies, and in such form, as it may deem desirable. The Commission shall include in any report made under this section any minority or dissenting views submitted by any member of the Commission and the comments of the National Advisory Council on Vocational Education.

TITLE V—GENERAL PROVISIONS

SERVICES AND PROPERTY

SEC. 501. (a) The Secretary is authorized, in carrying out this Act, to accept, purchase, or lease in the name of the department, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes of the United States.

(b) The Secretary may make such grants, contracts, or agreements, establish such procedures and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds under this Act as deemed necessary to carry out this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments.

UTILIZATION OF SERVICES AND FACILITIES

Sec. 502. (a) The Secretary is authorized, in carrying out this Act, and to the extent permitted by law other than this Act, to accept and use the services and facilities of departments, agencies, and establishments of the United States. The Secretary is also authorized to accept and use the services and facilities of the agencies of any State or political subdivision of a State, with its consent.

(b) The Secretary is authorized to carry out this Act through the use, to the extent appropriate, of resources and facilities for job training and other skill development available in industry, labor, public and private educational and training institutions, vocational rehabilitation agencies, other State, federal, and local agencies and other appropriate public and private organizations, with their consent.

INTERSTATE AGREEMENTS

Sec. 503. Whenever compliance with the provisions of this Act would be enhanced by cooperative agreements between States, the consent of Congress is hereby given to such States to enter into such agreements, subject to the approval of the Secretary.

NONDISCRIMINATION

Sec. 504. (a)(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving federal financial assistance.

(2) No person, on the ground of sex, religion, or political affiliation or belief, shall be excluded from participation in, denied the benefits of, or subjected to discrimination in the provision of services under, any program or activity financially assisted in whole or in part under this Act.

(3) Participation in programs and activities financially assisted in whole or in part under this Act shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other persons authorized by the Attorney General to work in the United States.

(b) Whenever the secretary finds that a State financially assisted under title I, or a recipient financially assisted under part B of title II, has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2) or (a)(3), or with an applicable regulation (including one prescribed to carry our subsection (a)(2) or (a)(3), the Secretary shall notify such State or recipient and shall request it to comply. If within a reasonable period of time, not to exceed sixty days, the State or recipient fails or refuses to comply, the Secretary may—

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act, as may be applicable; or

(3) take such other action as may be provided by law, including actions authorized by section 204 of this Act.

(c) When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a state financially assisted under title I, or a recipient financially assisted under part B of title II, is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2) or (a)(3), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(d) For purposes of this section Job Corpsmembers shall be considered as the ultimate beneficiaries of federal financial assistance.

JUDICIAL REVIEW

Sec. 505. (a)(1) If any applicant for financial assistance under this Act is aggrieved by the Secretary's final order under section 205 whereby the Secretary determines not to award, or to only conditionally award, financial assistance, or if any recipient is aggrieved by the Secretary's final order under section 205 with respect to a corrective action or sanction imposed under section 204, such applicant or recipient may obtain review of such final order in the United States court of appeals having jurisdiction over the applicant or recipient by filing a review petition within 30 days of receipt of such final order.

(2) The clerk of the court shall transmit a copy of the review petition to the Secretary who shall file the record upon which the final order was entered as provided in section 2112 of title 28, United States Code. Review petitions, unless ordered by the court, shall not stay the Secretary's order. Petitions under this Act shall be heard expeditiously, if possible within 10 days of the filing of a reply brief.

(3) No objection to the order of the Secretary shall be considered by the court unless the objection shall have been specifically and timely urged before the Secretary. Review shall be limited to questions of law and the Secretary's findings of fact shall be conclusive if supported by substantial evidence.

(b) The court shall have jurisdiction to make and enter a decree affirming, modifying, or setting aside the order of the Secretary in whole or in part. The court's judgment shall be final, subject to certiorari review by the Supreme Court of the United States as provided in section 1254(1) of title 28, United States Code.

RULES AND REGULATIONS

Sec. 506. The Secretary shall have authority to make, amend, suspend and rescind such rules and regulations as may be necessary to carry out this Act. Such rules shall include regulations on such matters as conflict of interest designed to protect the program from abuses.

TRANSITION PROVISIONS

Sec. 507. (a) The Secretary may provide financial assistance in the same manner that such assistance was provided under the Comprehensive Employment and Training Act (as in effect on the day before the date of enactment of this Act) to the extent the Secretary considers necessary to provide for the orderly transition from programs carried out under that Act to programs authorized under this Act.

(b) The authority granted to the Secretary by subsection (a) shall expire on September 30, 1983.

(c) Notwithstanding any other provision of law, the Secretary may waive the application of any requirement of law relating to rulemaking to the extent the Secretary deems such waiver necessary to carry out the provisions of subsection (a).

(d) Until September 30, 1984, the Secretary shall have the authority to withhold funds otherwise payable to a recipient under this Act to fully satisfy debts to the Government established against the same recipient as a recipient or subrecipient in any year under the Comprehensive Employment and Training Act. Such authority shall be in addition to the Government's existing statutory, contractual or common law rights to establish or recover debts to the United States.

(e) All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses and privileges, which have been issued under the Comprehensive Employment and Training Act as in effect prior to the effective date of this Act, or which are issued under that Act on or before September 30, 1983, shall continue in effect until modified or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law other than this Act.

(f) The provisions of this Act shall not affect administrative or judicial proceedings pending on the date of enactment of this Act, or begun between the date of enactment of this Act and September 30, 1984, under the Comprehensive Employment and Training Act.

(g) Upon implementation of this Act by the Secretary, no federal funds shall be spent for federal or State advisory councils under the Wagner-Peyser Act or for labor market advisory councils under title IV of the Social Security Act.

CRIMINAL PROVISION

Sec. 508. (a) Section 665 of title 18, United States Code, is amended to read as follows:

"THEFT OR EMBEZZLEMENT OF JOB TRAINING FUNDS; OBSTRUCTION OF INVESTIGATIONS

"Sec. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance under the Job Training Act of 1982, knowingly enrolls an ineligible participant, embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property, which are the subject of a financial assistance agreement or contract under such Act, shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both; but if the amount so embezzled, misapplied, stolen or obtained by fraud does not exceed \$100, such person shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both.

"(b) Any person who willfully obstructs or impedes, or willfully endeavors to obstruct or impede, an investigation by federal authorities under the Job Training Act of 1982 or the federal regulations under that Act, shall be fined not more than \$5,000 or imprisoned for not more than 1 year, or both."

(b) the analysis of chapter 31 of title 18, United States Code, is amended by striking out the item relating to section 665 and inserting in lieu thereof the following new item:

"665. Theft or embezzlement of job training funds; obstruction of investigations."

TECHNICAL PROVISION

Sec. 509. Effective on the date of the enactment of this Act, all references in any statute other than this Act to the Comprehensive Employment and Training Act shall be read to refer to the Job Training Act of 1982.

REPEALERS

SEC. 510. (a) The Comprehensive Employment and Training Act is repealed.

(b) Section 5(b) of the Comprehensive Employment and Training Act Amendments of 1978 is repealed.

(c) Sections 611-617 of the Rehabilitation Act are repealed.

(d) Section 11(a) of the Wagner-Peyser Act, (29 U.S.C. 49j(a)), relating to Federal and State advisory councils, is repealed.

(e) Section 432(f) of the Social Security Act, relating to labor market advisory councils, is repealed.

U.S. DEPARTMENT OF LABOR,
SECRETARY OF LABOR,
Washington, D.C., March 9, 1982.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: We are pleased to transmit to you draft legislation, entitled the "Job Training Act of 1982," which would authorize, for a period of five years, Labor Department programs to address the job training needs of welfare recipients, economically disadvantaged youths and other persons who are in need of such training to obtain productive employment in the private sector of the Nation's economy.

The bill recognizes that such persons are unable to take their places in the mainstream of our economic system because they lack the training necessary to obtain and retain productive private sector jobs.

The bill recognizes that the virtual lack of productivity growth in recent years has become seriously detrimental to the Nation's long-term economic well-being and that investment in job training of such persons can help restore productivity growth.

The bill recognizes that, for such persons to obtain and retain employment in the private sector of our economy, in which lies the vast majority of jobs and job creation activities, it is essential that Government and the private sector enlist in a cooperative partnership to provide such persons with essential job training.

The bill recognizes that, to be successful, such training must be designed and administered primarily at the State level so that State officials, in close cooperation with private sector employers, local officials, vocational educators and labor unions in their States, and in accordance with the economic realities and employment needs in their States, can properly match such persons with training opportunities and jobs.

The bill recognizes that, to be effective, this investment must be focused on job training, leaving to other appropriate agencies and organizations such matters as income maintenance.

The bill recognizes that, to achieve optimum results, the job training system must be measured by performance standards based on outcomes rather than on process.

Finally, the bill recognizes that the job training system, at both the State and local levels, must be an integral part of the State's overall job creation and employability improvement strategy.

Specifically, the Job Training Act of 1982 will authorize:

Job Training Grants to States (title I), which will be administered by the States, and which will provide job placement and job training, including on-the-job training and institutional training, to AFDC recipients, economically disadvantaged youths who are out-of-school, and a relatively small percentage of other persons.

This program features—

Allocations of funds to States which take into account the success of each State's program in meeting specific result-oriented performance standards;

Providing States with flexibility to allocate job training funds to serve substate areas;

Increasing the involvement of the private sector in job training by establishing job training councils in the State and in substate areas. Membership on such councils will come predomiantly from the private sector. The State council, in addition to advisory functions, will play a strong role in designating job training areas, planning the expenditure of job training funds, and developing performance standards for programs in the State. Private Industry Councils will perform similar functions in substate service delivery areas; and

Authorizing job placement, on-the-job training and institutional training activities which are specifically designed to address both the employment needs of participants and the labor needs of employers.

Secretary's Responsibilities (title II) which would authorize, in part A, the Secretary of Labor's responsibilities for providing overall management for the job training system. The Secretary's responsibilities would include: establishing Federal performance standards which take into account the varying economic realities in the States; monitoring programs under the Act; applying appropriate corrective actions and sanctions to recipients; adjudicating disputes with recipients; reallocating unused funds; conducting research and evaluations; and providing recipients with technical assistance and training.

Part B of title II would authorize the Secretary to administer training and employment programs for groups with special labor market disadvantages, including Indian tribes, bands and groups on Federal or State reservations and Alaskan Native villagers; migrants and seasonal farmworkers; older workers previously eligible to be served under title V of the Older Americans Act, as amended; and veterans.

Job Corps (title III), which would authorize the continuation of the Job Corps program.

National Commission on Training and Employment (title IV), which establishes a National Commission on Training and Employment as the successor to the National Commission for Employment Policy. The new Commission would also assume the advisory functions currently authorized under the Wagner-Peyser Act.

General Provisions (title V), which contains provisions generally applicable to programs under the Act, transition provisions, repealers, and other technical and conforming provisions.

We enclose with the bill a statement which explains and justifies the provisions of the bill. We urge that the bill receive prompt and favorable consideration.

The Office of Management and Budget advises that enactment of this legislative proposal would be in accordance with the program of the President.

Sincerely,

RAYMOND J. DONOVAN.

JOB TRAINING ACT OF 1982

SUMMARY

The Administration has submitted to Congress legislation which will provide a program to prepare those persons most in need of assistance for full-time, unsubsidized employment.

To carry out the purposes of the Act the legislation authorizes to be appropriated $2.387 billion for Fiscal Year (FY) 1983 and such sums as may be necessary for FY 1984 through FY 1987. Funds appropriated under the Act may be obligated through the Fiscal Year succeeding appropriation, and may be expended for two years from the date of obligation.

TITLE I—JOB TRAINING GRANTS TO STATES

This title describes the program which will be funded to State governments to provide job training to individuals most in need of assistance. The program will be operated through a grant from the Department of Labor to each of the 50 States, with the State government having primary responsibility for the design and management of the program.

Of the total funds available under this title, 97 percent is distributed to the States. Of the total, 72 percent (minus $2.5 million for the Trust Territories) is to be distributed to the States by formula, based on the number of AFDC recipients, number of low income youth and, number of long term unemployed in each State; and 25 percent is to be distributed based on successful achievement of performance standards. The remaining 3 percent will be used in carrying out the Secretary's responsibilities. Local political jurisdictions with a population of 500,000 or more are guaranteed a formula pass through of funds for jurisdiction based on the same considerations as those used in the distribution formula for States.

This title provides for a State Job Training Council appointed by the Governor from persons nominated by local elected officials and business persons which consists of at least 51 percent upper management of private business, 20 percent local elected officials, and the rest representative of State Employment Service (ES), vocational education, organized labor, community based organizations (CBOs) and other interested groups. This council not only advises the Governor, but, with the Governor's approval, designates substate service delivery areas, determines resource allocation to the substate areas, approves substate service delivery area plans formulated by local Private Industry Councils (PICs), develops the State's performance standards, and reviews and comments to the Governor on the State ES plan. In addition, the State Council promotes linkages and performs the functions previously performed by any State council established by State law under the Wagner-Peyser Act. At the Governor's discretion, the council may perform the functions of the State Apprenticeship Council.

In addition to those political jurisdictions of 500,000 or greater, other areas within the State may be designated by the State Job Training Council and Governor as substate service delivery areas. Such areas should relate to labor market areas and can be added to the guaranteed substate service delivery areas of 500,000 or greater population. The bill encourages State Job Training Councils to give strong consideration to designating rural Concentrated Employment Programs as substate service delivery areas.

Each substate service delivery area will have a PIC appointed by the Governor from persons nominated by local public officials and business persons. The PIC will consist of a majority of persons who are upper management of private-for-profit businesses. The remaining membership will include significant numbers of elected local public officials, and representatives from the State ES vocational education, organized labor, CBOs, and other interested groups. The PIC will plan, for submission to the State, the substate program, including utilization of funds; persons to be served; types of training and services; industries, occupations, content, and quality of training; and entities to administer the program and to provide training and services. In addition the PIC will perform the function of any WIN labor market advisory council, and with the Governor's encouragement, shall coordinate with or integrate the functions of the local Job Service Employer Committee.

Persons eligible under this title are members of AFDC families and out-of-school economically disadvantaged youth, 16 through 25 years old. Ten percent of the funds may be used to serve other persons, including veterans, in-school youth, older workers and displaced workers. In those States with a serious displaced worker problem, up to an additional 5 percent of the funds may be used to match other funds to serve displaced workers.

Activities which are permitted under this title include on-the-job and classroom training, placement assistance, vocational education, remedial and basic education, employability assessment, and supportive services. All training will be designed to emphasize quality and results, and will be in skill shortage occupations.

The bill limits administrative costs to 15 percent and supportive services to 10 percent of the State's allocation. No allowances or participant wages will be paid.

TITLE II—SECRETARY'S RESPONSIBILITIES

Title II of the bill provides for specific responsibilities of the Secretary of Labor to maintain sound management of the program including performance standards, monitoring, auditing, corrective actions, administrative adjudications, reallocation, reports, research and evaluation, and technical assistance. The Secretary's performance standards which will emphasize participant outcomes will take into consideration legitimate variations among the States.

Awards of funds under the Act is contingent upon satisfactory progress of recipients on corrective actions. The bill provides that funds misspent due to fraud, willfull disregard or gross negligence may be recovered from recipient funds other than those appropriated under this Act.

This title also authorizes the Secretary to provide specific services to Native Americans, migrant and seasonal farmworkers, older workers, and veterans. Additional target groups with special labor market disadvantages, such as displaced workers and offenders, may be served under this title.

TITLE III—JOB CORPS

This title transfers the authority for the Job Corps to this Act and redesignates appropriate section numbers.

TITLE IV—NATIONAL COMMISSION ON TRAINING AND EMPLOYMENT

This title establishes a national commission which is similar in purpose, membership, and function to the current National Commission for Employment Policy under the Comprehensive Employment and Training Act (CETA).

TITLE V—GENERAL PROVISIONS

Title V of the Act provides for certain authorities needed to facilitate the transition of services from CETA and to implement this Act. It authorizes the Secretary to provide for the transition of activities by providing financial assistance in accordance with CETA until September 30, 1983.

STATEMENT IN EXPLANATION AND JUSTIFICATION

The "Job Training Act of 1982" would authorize, for a period of five years, Labor Department programs to address the job training needs of welfare recipients, economically disadvantaged youths and other persons who are in need of such training to obtain productive employment in the private sector of the Nation's economy.

The bill consists of introductory sections and five titles. Title I authorizes job training grants to the States. Title II sets forth the Secretary of Labor's responsibilities under the Act. Title III authorizes the continuation of the Job Corps. Title IV establishes a National Commission on Training and Employment. Title V contains general provisions relating to programs under the Act. In general, the five titles of the bill would authorize the following:

Job Training Grants to States (title I), which will be administered by the States, and which will provide job placement and job training, including on-the-job training and institutional training, to AFDC recipients, economically disadvantaged youths who are out-of-school, and a relatively small percentage of other persons. This program features—

Allocations of funds to States which take into account the success of each State's program in meeting specific result-oriented performance standards;

Providing States with flexibility to allocate job training funds to substate areas;

Increasing the involvement of the private sector in job training by establishing job training councils in the State and in substate areas. Membership on such councils will come predominantly from the private sector. The State council, in addition to advisory functions, will play a strong role in designating job training areas, planning the expenditure of job training funds, and developing performance standards for programs in the State. Private Industry Councils will perform similar functions in substate service delivery areas; and

Authorizing job placement, on-the-job training and institutional training activities which are specifically designed to address both the employment needs of participants and the labor needs of employers.

Secretary's Responsibilities (title II) which would authorize, in part A, the Secretary of Labor's responsibilities for providing overall management for the job training system. The Secretary's responsibilities would include: establishing Federal performance standards which take into account the varying economic realities in the States; monitoring programs under the Act; applying appropriate corrective actions and sanctions to recipients; adjudicating disputes with recipients; reallocating unused funds; conducting research and evaluations; and providing recipients with technical assistance and training.

Part B of title II would authorize the Secretary to administer training and employment programs for groups with special labor market advantages, including Indian tribes, bands and groups on Federal or State reservations and Alaskan Native villagers; migrants and seasonal farmworkers; older workers previously eligible to be served under title V of the Older Americans Act, as amended; and veterans.

Job Corps (title III), which would authorize the continuation of the Job Corps program.

National Commission on Training and Employment (title IV), which establishes a National Commission on Training and Employment as the successor to the National Commission for Employment Policy. The new Commission would also assume the advisory functions currently authorized under the Wagner-Peyser Act.

General Provisions (title VI), which contains provisions generally applicable to programs under the Act, transition provisions, repealers, and other technical and conforming provisions.

Specifically, the sections of the bill would provide as follows:

The introductory portion of the bill contains four sections, as follows:

SECTION 1. SHORT TITLE

This section denominates the bill as the "Job Training Act of 1982" and contains the table of contents for the bill.

SECTION 2. CONGRESSIONAL FINDINGS AND STATEMENT OF PURPOSE

This section, in subsection (a), proposes the following congressional findings:

The bill recognizes that welfare recipients, economically disadvantaged out-of-school youths, and other persons with labor market disadvantages are unable to take their places in the mainstream of our economic system because they lack the training necessary to obtain and retain productive private sector jobs.

The bill recognizes that the virtual lack of productivity growth in recent years has become seriously detrimental to the Nation's long-term economic well-being and that investment in job training of such persons can help restore productivity growth.

The bill recognizes that, for such persons to obtain and retain employment in the private sector of our economy, in which lies the vast majority of jobs and job creation activities, it is essential that Government and the private sector enlist in a cooperative partnership to provide such persons with essential job training.

The bill recognizes that, to be successful, such training must be designated and administered primarily at the State level so that State officials, in close cooperation with private sector employers, local officials, vocational educators and labor unions in their States, and in accordance the economic realities and the employment needs of the eligible population in their States, can properly match such persons with training opportunities and jobs.

The bill recognizes that, to be effective, this investment must be focused on job training, leaving to other appropriate agencies and organizations such matters as income maintenance.

The bill recognizes that, to achieve optimum results, the job training system must be measured by performance standards based on outcomes rather than on process.

Finally, the bill recognizes that the job training system, at both the State and local levels, must be an integral part of the State's overall job creation and employability improvement strategy.

This section, in subsection (b), states that it is the purpose of the bill to authorize job training programs designed to address the concerns set forth in the proposed congressional findings.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS

This section would authorize, for fiscal year 1983, $1.8 billion to fund job training grants to States, the Secretary of Labor's research, evaluation, training and technical assistance responsibilities under the Act, and the National Commission on Training and Employment; $200 million, less amounts appropriated for training under the Trade Act of 1974, as amended, for Native American programs, migrant and seasonal farmworker programs, low income older worker programs, and programs for veterans and other persons with special labor market disadvantages; and $38 million for Job Corps. It also authorizes, for fiscal years 1983-1987, such sums as may be necessary for federal administrative expenses to carry out the Secretary of Labor's administrative responsibilities under the Act and to carry out the administrative functions of the National Commission on Training and Employment. Finally, it authorizes, for fiscal years 1984-1987, such sums as may be necessary to carry out programs under the Act.

SECTION 4. DEFINITIONS

This section contains definitions for terms used in the Act.

SECTION-BY-SECTION ANALYSIS

TITLE I—JOB TRAINING GRANTS TO STATES

Part A—Financial assistance provisions

Section 101. Secretary's allocation of funds: This section authorizes the Secretary to allocate 97 percent of the funds available for title I using, for fiscal year 1983, the formula set forth in section 202 of the Comprehensive Employment and Training Act. The remaining 3 percent of the funds would be authorized to fund the Secretary's research, evaluation, training and technical assistance responsibilities and to carry out the activities of the National Commission on Training and Employment. For fiscal year 1984, 97 percent of the funds, and, for succeeding fiscal years, 72 percent of the funds, would be allocated to the States, consistent with the groups targeted to be served under the bill, on the basis of the State's share of AFDC recipients, long-term unemployed and low income youths. For fiscal years 1985-1987, up to 25 percent of the funds would be allocated to States which meet performance standards set by the Secretary. The remaining 3 percent of the funds would be used to carry out the Secretary's research, evaluation, training and technical assistance responsibilities under sections 208 and 209 of the Act, and to fund the National Commission on Training and Employment under title IV of the Act.

Section 102. Designation of substate service delivery areas and funding: This section authorizes the State council, with the approval of the Governor, to designate one or more substate service delivery areas. Jurisdictions of 500,000 or more people would be automatically designated. Strong consideration would be required to be given to designating rural areas served by existing concentrated employment programs. Funds to serve jurisdictional areas of 500,000 or more persons would be required to be allocated based on the area's relative number of AFDC recipients, unemployed and total population, with the latter factor adjusted by the area's relatively high or low per capita income. In addition, States would be authorized to allocate a portion of the funds to match donations made by the private sector.

Section 103. State job training councils: This section would require, as a condition of funding, that the State establish a job training council chaired by the Governor, and of which at least 51 percent of the members would be from the business community. The council, in addition to advising the Governor on job training, job information, and job placement in the State, would have major substantive functions, including designating substate service delivery areas and developing the State job training report and performance standards.

Section 104. State job training reports: This section describes the job training reports which States would submit to the Secretary in order to receive funds. Report requirements are kept to the minimum but would include essential items such as descriptions of program goals, population to be served, and substate service delivery areas.

Section 105. Private Industry Councils: This section would require the establishment of Private Industry Councils for substate service delivery areas to advise on job training, job placement and job information matters. Subject to the approval of the State job training council and the Governor, the council would plan the administrative and operational aspects of the job training program in the substate area, and would also approve training occupations and establish criteria for the content and quality of training programs.

Part B—Job Training Program

Section 111. Eligibility for participation: This section would require that, to participate in the program, a person must be a member of a family receiving AFDC or assistance under the Bureau of Indian Affairs Child Welfare or General Assistance program, be an out-of-school youth aged 16-25 who is economically disadvantaged or, in a small percentage of cases, be an otherwise ineligible person whom the State determines to have serious labor market disadvantages. In addition, States with severe displaced worker problems could spend up to an additional 5 percent of their funds to serve such workers provided the State appropriates an equal amount of matching funds.

Section 112. Training activities: This section authorizes job training programs, including on-the-job training, institutional training, job placement assistance, vocational education, remedial and basic education needed to facilitate skill training, and employability assessment and employability development planning.

Section 113. Special conditions applicable to training: This section would put minimal limitations on the use of funds, including limitations needed to assure that funds are used for job training (rather than on such things as public service employment, income maintenance, excessive administration, etc.) and to assure cost-effectiveness in training.

This section, in subsection (f), would explicitly authorize reimbursements to on-the-job training contractors averaging 50 percent of the wages paid to participants by such employers. Such reimbursement may be graduated downward over time to reflect the gradually increasing productivity of such workers. Such payments are intended to reimburse employers for the extraordinary costs of training such participants and for the lower productivity initially associated with employing these workers. The "50 percent" methodology authorized by this section is not new. It has been, since the mid-1960s, the traditional methodology for reimbursing such employers. However, because of the onerous difficulties involved in calculating the exact amount of "extraordinary training" and "lower productivity" costs during the conduct of audits, and because such difficulties potentially pose a serious disincentive to employer participation in on-the-job training, explicit statutory authorization of the methodology is needed.

Section 114. Program operation: This section would set forth requirements which are essential to assure an effective job training program (e.g. performance standards) and fund accountability (e.g. audit, debt collection, and subrecipient monitoring procedures).

TITLE II—SECRETARY'S RESPONSIBILITIES

Part A—Secretary's management responsibilities

Section 201. Secretary's performance standards: This section would authorize the Secretary to establish federal performance standards to measure the performance of State job training programs, taking into account the various economic situations in each State and the job-related problems of their populations.

Section 202. Monitoring: This section would authorize the Secretary to monitor all programs under the Act for compliance with the Act and the regulations.

Section 203. Auditing: This section would require recipients to have audits conducted on their programs.

Section 204. Corrective actions and sanctions: This section would authorize the Secretary to impose corrective actions and sanctions on recipients which fail to meet performance standards or to comply with the Act or regulations. Corrective actions and sanctions would be graduated in accordance with the seriousness of the performance failures or violations.

Section 205. Administrative adjudications: This section would authorize the Secretary to administratively adjudicate disputes between applicants for, and recipients of, funds under the Act and the Secretary. In keeping with the responsibilities vested in the States under the bill, disputes which occur at the State level or below would not be adjudicated by the Secretary but under the State's grievance system. In accordance with the provisions of section 504, however, the Secretary would retain authority to enforce the nondiscrimination provisions of that section throughout the program.

Section 206. Reallocation of funds: This section would authorize the Secretary to reallocate funds which are not put to use in a reasonable period of time. This section would also authorize the Secretary to terminate certain agreements for the convenience of the Government.

Section 207. Performance reports: This section would require recipients of funds to keep records and submit appropriate reports regarding the performance of their programs.

Section 208. Research and evaluation: This section authorizes the Secretary to conduct research on the Nation's training and employment problems and to evaluate programs funded under the Act.

Section 209. Training and technical assistance: This section authorizes the Secretary, upon request, to provide training and technical assistance to recipients under the Act.

Part B—Secretary's program responsibilities

This part authorizes the Secretary to provide job training services to Indians and other Native Americans, migrant and seasonal farmworkers, older workers, veterans and other persons determined by the Secretary to have special labor market disadvantages.

Section 221. Native American programs: This section would authorize the Secretary to administer training and employment programs for Native American Indians on Federal and State reservations and Native American Alaskan villagers. Programs for nonreservation Indians are not included because such individuals are more appropriately served along with other minority and nonminority persons by the States in which they reside. In addition, the budgetary restraints imposed upon the Nation at the present time would not allow for sufficient services for the former tribes, groups, bands, and villages, if special programs were to be funded for the latter individuals.

To ensure effective use of limited job training resources, funds under this section could not be used for public service employment or work experience or to pay allowances, and funds allowed to be spent on supportive services would be limited.

Section 222. Migrant and seasonal farmworker programs. This section would authorize the Secretary to fund job training programs on behalf of migrants and seasonal farmworkers. To ensure effective use of limited job training resources, funds under this section could not be used for public service employment or work experience or to pay allowances.

Section 223. Older Americans programs: This section would authorize the Secretary to fund job training programs on behalf of persons previously eligible for services under Title V of the Older Americans Act, as amended. To ensure effective use of limited job training resources, funds under this section could not be used for public service employment or work experience or to pay allowances, and funds allowed to be spent on supportive services would be limited.

Section 224. Veterans: This section would authorize the Secretary to fund job training activities to serve veterans, particularly disabled, Vietnam-era and recently separated veterans. To ensure effective use of limited job training resources, funds under this section could not be used for public service employment or work experience or to pay allowances, and funds allowed to be spent on supportive services would be limited.

TITLE III—JOB CORPS

Section 301. transfer and redesignation of the Job Corps: This section transfers the Job Corps program from title IV, part B, of the Comprehensive Employment and Training Act into title III of this Act.

TITLE IV—NATIONAL COMMISSION ON TRAINING AND EMPLOYMENT

Section 401. Statement of purpose: This section states that it is the purpose of this title to establish a National Commissor on Training and Employment.

Section 402. Commission established: This section would establish the Commission. The Commission would be expanded to include the Secretaries of Commerce and Treasury and two additional private sector members.

Section 403. Functions of the Commission: This section sets forth the functions of the Commission. These would include the advisory functions of the federal advisory council formerly authorized under the Wagner-Peyser Act.

Section 404. Administrative provisions: This section would authorize the Commission to establish bylaws, hire personnel, and perform other such administrative functions.

Section 405. Reports: This section would require the Commission to submit, at least annually, a report to the President and the Congress.

TITLE V—GENERAL PROVISIONS

Section 501. Services and property: This section, in subsection (a), would authorize the Secretary, in carrying out the Act, to purchase or lease property and accept funds from sources other than the Act. This provision is especially needed for the operation of the Job Corps.

Subsection (b) would authorize the Secretary to enter into grants, contracts and other arrangements in order to carry out the Act.

Section 502. Utilization of services and facilities: This section would authorize the Secretary, in carrying out the Act, to use the services and facilities of other agencies and organizations.

Section 503. Interstate agreements: This section, which would authorize interstate agreements, is constitutionally required to enable such agreements to be effected.

Section 504. Nondiscrimination: This section would continue the comprehensive nondiscrimination protections formerly provided to participants by the Comprehensive Employment and Training Act (CETA) and would extend such protections to Job corpsmembers. The section, however, would eliminate coverage of personnel involved in the administration of the program since such coverage is unnecessarily redundant of coverage provided under title VII of the Civil Rights Act. In addition, this section would simplify the enforcement provisions now contained in CETA, and would provide for enforcement by the Secretary, the Attorney General and other appropriate authorities in accordance with established nondiscrimination enforcement procedures.

Section 505. Judicial review: This section would authorize judicial review of final agency action following the completion of administrative adjudications by the Secretary.

Section 506. Rules and regulations: This section would authorize the Secretrary to issue regulations to carry out the Act. The provisions of the Comprehensive Employment and Training Act, which currently impose rulemaking procedures above and beyond those contained in the Administrative Procedure Act, would be deleted as unnecessarily burdensome for the proper and effective administration of the program.

Section 507. Transition provisions: This section would provide for transitional provisions necessary for the phasing out of programs under the Comprehensive Employment and Training Act and the implementation of programs under the bill.

Section 508. Criminal provision: This section would amend the criminal provision in Title 18, United States Code, to take account of the new Act.

Section 509. Technical provision: This section would change current statutory references to the Comprehensive Employment and Training Act so that they will now refer to the Job Training Act of 1982.

Section 510. Repealers: This section contains the following repealers:

(1) The Comprehensive Employment and Training Act (CETA) which would be replaced by the bill;

(2) Section 5(b) of the CETA amendments of 1978, which requires an unnecessary report;

(3) That part of Title VI of the Rehabilitation Act which authorizes a categorical jobs program outside the mainstream of the training and employment system, and for which funds have never been appropriated;

(4) Section 11(a) of the Wagner-Peyser Act, which requires the establishment of federal and State employment service advisory councils. This provision would recognize the reality that, at the federal level, the functions of the federal advisory council have long ago been assumed by the National commission established under the Comprehensive Employment and Training Act, and that such functions would be continued by the National commission which would be established under the bill. The functions of extant State advisory councils, in keeping with the responsibilities vested in Governors under the bill, would be assumed by the State job training councils. This will ensure both increased accountability to the Governor of the training and employment system in each State and a better integration of the system; and

(5) The labor market advisory councils under the work incentive program, which are replaced by the Private Industry Councils under the bill.●

ADDITIONAL COSPONSORS

S. 966

At the request of Mr. SASSER, the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 966, a bill to amend chapter 13 of title 18 of the United States Code.

S. 1581

At the request of Mr. JEPSEN, the Senator from Idaho (Mr. MCCLURE), the Senator from South Carolina (Mr. THURMOND), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 1581, a bill to amend the Internal Revenue Code of 1954 to allow the taxpayer the choice of a tax credit or a deduction for each household which includes a dependent person who is at least 65 years old.

S. 1634

At the request of Mr. COCHRAN, the Senator from Missouri (Mr. DANFORTH), the Senator from Kentucky (Mr. FORD), the Senator from Nevada (Mr. LAXALT), the Senator from Michigan (Mr. LEVIN), the Senator from Georgia (Mr. MATTINGLY), the Senator from Indiana (Mr. QUAYLE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Idaho (Mr. SYMMS), the Senator from Texas (Mr. TOWER), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 1634, a bill to incorporate the National Federation of Music Clubs.

S. 1753

At the request of Mr. DECONCINI, the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1758, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

S. 1943

At the request of Mr. SCHMITT, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 1943, to increase the penalties for smuggling quantities of marihuana exceeding 1,000 pounds.

S. 1982

At the request of Mr. SCHMITT, the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 1982, a bill to amend the Strategic and Critical Materials Stock Piling Act and the Defense Production Act of 1950 to strengthen military preparedness, and for other purposes.

S. 2016

At the request of Mr. LUGAR, the Senator from Iowa (Mr. GRASSLEY), the Senator from Georgia (Mr. MATTINGLY), and the Senator from New Hampshire (Mr. HUMPHREY) were added as cosponsors of S. 2016, a bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restrictions on the right of any alien in a foreign country to receive such benefits.

S. 2022

At the request of Mr. HOLLINGS, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2022, a bill making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

S. 2057

At the request of Mr. KASTEN, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2057, a bill to amend title 49, United States Code.

S. 2080

At the request of Mr. KASTEN, the Senator from Iowa (Mr. GRASSLEY), the Senator from North Carolina (Mr. EAST), the Senator from Florida (Mrs. HAWKINS), and the Senator from Utah (Mr. GARN) were added as cosponsors of S. 2080, a bill to amend the Federal Election Campaign Act to provide that all persons must comply with the act.

S. 2107

At the request of Mr. LEVIN, the Senator from Alabama (Mr. HEFLIN), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of S. 2107, a bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reason of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, to extend from August 1985 to August 1986 the month before which any such entitlement terminates, and to require the Secretary of Health and Human Services to notify all individuals who are entitled to childs benefits under title II of the Social Security Act for the month in which this act is enacted of the changes made in the eligibility for, and the amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this act.

S. 2130

At the request of Mrs. KASSEBAUM, the Senator from Michigan (Mr. RIEGLE), the Senator from New York (Mr. MOYNIHAN), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Delaware (Mr. ROTH), the Senator from North Dakota (Mr. ANDREWS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alaska (Mr. STEVENS), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 2130, a bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development of drugs for rare diseases and conditions, and for other purposes.

S. 2155

At request of Mr. KASTEN, the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 2155, a bill to require a foreign country be declared to be in default before payments are made by the U.S. Government for loans owed by such country or credits which have been extended to such country which have been guaranteed or assured by agencies of the U.S. Government.

SENATE JOINT RESOLUTION 156

At the request of Mr. KASTEN, the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. BURDICK), the Senator from Illinois (Mr. DIXON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Louisiana (Mr. LONG), the Senator from New York (Mr. MOYNIHAN), the Senator from Illinois (Mr. PERCY), the Senator from South Dakota (Mr. PRESSLER), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alabama (Mr. HEFLIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Delaware (Mr. ROTH), the Senator from Idaho (Mr SYMMS), the Senator from Massachusetts (Mr. TSONGAS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Kentucky (Mr. FORD), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of Senate Joint Resolution 156, a joint resolution to designate April 9, 1982, as "P.O.W./M.I.A. Commemoration Day."

SENATE JOINT RESOLUTION 159

At the request of Mr. ROTH, the Senator from Indiana (Mr. QUAYLE), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Vermont (Mr. STAFFORD), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of Senate Joint Resolution 159, a joint resolution entitled the "White House Conference on Productivity Act."

SENATE JOINT RESOLUTION 160

At the request of Mr. HAYAKAWA, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of Senate Joint Resolution 160, a joint resolution to designate July 9, 1982, as "National P.O.W.-M.I.A. Recognition Day."

SENATE RESOLUTION 322

At the request of Mr. ROBERT C. BYRD, the Senator from Virginia (Mr. WARNER), the Senator from Maryland (Mr. MATHIAS), the Senator from Arizona (Mr. DECONCINI), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from New Jersey (Mr. BRADLEY), the Senator from Maryland (Mr. SARBANES), the Senator from Illinois (Mr. DIXON), the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. FORD), the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. INOUYE), the Senator from North Dakota (Mr. BURDICK), the Senator from Arkansas (Mr. PRYOR), the Senator from South Dakota (Mr. PRESSLER), the Senator from Oklahoma (Mr. BOREN), and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) were added as cosponsors of Senate Resolution 322, a resolution expressing the sense of the Senate with respect to possible actions taken to expel Israel from the General Assembly of the United Nations.

SENATE RESOLUTION 331

At the request of Mr. CHAFEE, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of Senate Resolution 331, a resolution expressing the sense of the Senate that the Federal Energy Regulatory Commission should take no action to accelerate the decontrol of wellhead natural gas prices.

AMENDMENT NO. 1333

At the request of Mr. SASSER, his name was added as a cosponor of amendment No. 1333 intended to be proposed to S. 1758, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

DEATH OF HON. CLIFFORD P. CASE, FORMERLY A SENATOR FROM THE STATE OF NEW JERSEY

Through inadvertence, the RECORD of yesterday did not include all the cosponsors of Senate Resolution 335, relating to the death of the Honorable

Clifford P. Case. The permanent Record will show that the resolution was submitted by Mr. Williams (for himself, Mr. Bradley, Mr. Baker, Mr. Chafee, Mr. Chiles, Mr. Cranston, Mr. Dodd, Mr. Ford, Mr. Garn, Mr. Goldwater, Mr. Hatch, Mr. Hatfield, Mr. Hayakawa, Mr. Inouye, Mr. Kennedy, Mr. Lugar, Mr. Mathias, Mr. Matsunaga, Mr. McClure, Mr. Melcher, Mr. Metzenbaum, Mr. Moynihan, Mr. Specter, Mr. Stevens, Mr. Thurmond, Mr. Wallop, and Mr. Zorinsky).

SENATE RESOLUTION 336—RESOLUTION RELATING TO THE DEPARTURE STATUS OF EL SALVADORANS IN THE UNITED STATES

Mr. DeCONCINI submitted the following resolution, which was referred to the Committee on the Judiciary:

S. Res. 336

Whereas ongoing fighting between the military forces of the Government of El Salvador and opposition forces is creating potentially life-threatening situations for innocent nationals of El Salvador;

Whereas the Immigration and Naturalization Service estimates that as many as sixty thousand nationals of El Salvador fled from El Salvador and entered the United States in 1980;

Whereas such Service in 1980 has detained more than eleven thousand of such nationals and is deporting to El Salvador approximately four hundred of such nationals each month;

Whereas deportation of such nationals could be temporarily suspended, until it became safe to return to El Salvador, if the Attorney General, upon the recommendation of the Secretary of State, provides such nationals with extended voluntary departure status; and

Whereas such extended voluntary departure status has been granted in recent history in cases of nationals who fled from Vietnam, Laos, Iran, and Nicaragua: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of State should recommend to the Attorney General that extended voluntary departure status be granted to aliens who are nationals of El Salvador and that the Attorney General should exercise his discretion and grant such status to such aliens until the situation in El Salvador has changed sufficiently to permit their safely residing in that country.

EL SALVADORAN DEPARTURE STATUS

Mr. DeCONCINI. Mr. President, it has frequently been my concern as a U.S. Senator and as a student of American history that all too often the relationship between American foreign and domestic policy is obscured, that policymaking in these two spheres is kept apart artificially and to the detriment of overall U.S. interests.

The purpose of the resolution I am introducing today is to help deal with a problem originating not in the artificial separation of domestic and international policy, but in the artificial linking of these policies. The problem that I refer to is the status of refugees coming from El Salvador to the United States.

We are all well aware of our Nation's relationship with the Government of El Salvador. The administration has made very clear its decision to help that Government, led by José Napolean Duarte, fight off leftist forces backed by Soviet/Cuban aid and institute economic reforms to help rectify years of oligarchial rule.

But we are considerably less aware of the extent to which refugees from El Salvador are coming into this country, the hardships that they have experienced prior to and in order to get here, and—what is worst of all—we do not realize the hardships that they are forced to endure here in the United States, the land to which people are fleeing oppression from any source have come for over three generations.

Now, the State Department has advised the Immigration and Naturalization Service that at this time it does not recommend the blanket granting of voluntary departure for illegal Salvadorans presently in the United States. A recommendation to grant voluntary departure for Salvadorans would include providing them a safe haven in the United States until the political situation in that nation stablizes as well as other special immigration measures such as permission to work in the United States. According to the State Department, the high levels of violence in El Salvador do not warrant the granting of voluntary departure to Salvadorans in the United States. The State Department justifies this determination by indicating that basic public services are still being maintained in El Salvador, particularly in the major cities. Unfortunately, I believe that the State Department's case ignores the crucial testimony of Americans who have been to El Salvador and, more importantly, the Salvadorans who have entered this Nation.

Who in the Chamber has not heard accounts of atrocities, random violence, and deliberate sabotage committed by both extremes in the conflict in El Salvador and committed against innocent civilians? The United Nations High Commissioner for Refugees determined in its September 1981 study that the large number of Salvadorans who enter the United States illegally is casually related to the internal strife in El Salvador, and a comparison of INS' yearly totals of Salvadorans in this country helps to confirm this determination. Yet the State Department ignores this evidence in favor of a carefully tailored, impersonal overview of the situation in El Salvador.

The granting of blanket periods of voluntary departure is not a particularly unusual means for the State Department to deal with immigrants from nations under the throes of civil war. For varying lengths of time during the past 5 years aliens from Ethiopia, Uganda, Iran, and Nicaragua have been granted blanket periods of voluntary departure. In 1976, the State Department advised that requests by Lebanese nations for extensions of voluntary departure should be viewed sympathetically on a case-by-case basis.

I suggest, Mr. President, that the main difference between these nations and El Salvador is our own Government's relations with those other governments. I believe that the true source of the State Department's reluctance to recommend granting Salvadorans temporary voluntary departure status is the view that this would reflect adversely on our Nation's policy of assisting the Duarte government in El Salvador.

To me such a judgment does the opposite of what it intends to do. To refuse to recognize the sufferings of these people implies a guilty conscience. I believe it conveys to other nations of the world the view that the Duarte government, by design or impotence, is totally responsible for this suffering and that the U.S. Government, realizing the responsibility of the Duarte government, is burying its head under the sand.

The lives that would be saved and the suffering that would be alleviated are reasons enough in my mind to warrant the granting of voluntary departure for Salvadorans, but the opportunity to show to the world that we are cognizant of the suffering caused by the civil war in El Salvador—which I believe has as its root cause the intervention of outside Communist sources—should be appealing enough for even the State Department.

Therefore, I urge my fellow Senators to join with me in support of the resolution I am introducing today urging the State Department to grant voluntary departure status for Salvadorans.

AMENDMENTS SUBMITTED FOR PRINTING

WAR POWERS RESOLUTION AMENDMENTS OF 1982

AMENDMENT NO. 1334

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. SYMMS (for himself, Mr. Helms, Mr. Denton, Mr. Mattingly, Mr. Hayakawa, Mr. Thurmond, Mr. East, and Mr. Goldwater) submitted an amendment intended to be proposed by him to the bill (S. 2179) to amend the war powers resolution to require specific authorization before the introduction of any U.S. Armed Forces into hostilities in El Salvador, and for other purposes.

AMERICAN POLICY ON SOVIET-CUBAN AGGRESSION AND WAR POWERS

Mr. SYMMS. Mr. President, today, I am submitting an amendment to Senator **ROBERT BYRD**'s amendment to the War Powers Act. In essence, Mr. President, my amendment, cosponsored by Senators **HELMS**, **DENTON**, **MATTINGLY**, **HAYAKAWA**, **THURMOND**, **EAST**, and **GOLDWATER** significantly modifies the Byrd amendment

My amendment in the second degree would have to be voted upon before the Byrd amendment, and my amendment has several important aspects. First, and most significantly, it reaffirms the law of the land on American policy toward Cuba as embodied in the September 1962 Senate Joint Resolution 230 (Public Law 87-733, 76 Stat. 697). Second, my amendment embodying the overwhelmingly endorsed joint resolution, of 1962 reaffirms the Monroe Doctrine, first announced in 1823, and the Rio Treaty of 1947. Third, my amendment reaffirming the 1962 joint resolution has several policy thrusts:

It expresses the continued determination of the United States to prevent, by force if necessary, the Soviet-backed Communist regime in Cuba from engaging in aggressive or subversive activities in any part of the Western Hemisphere;

It expresses continued American determination to prevent the Soviet from establishing a military base in Cuba; and

It states continued American support for the freedom and self-determination of the Cuban people.

My amendment reaffirming the almost unanimously adopted 1962 Cuban missile crisis resolution is fully consistent with, and supportive of President Reagan's Caribbean policy announced on February 24, 1982.

Mr. President, in no way does my amendment relate to the issue of whether or not American troops should be committed to Cuba. This is a decision that the War Powers Act presently leaves for the President to make. The President has not ruled out the use of force in the Western Hemisphere to oppose Marxist-Leninist aggression and subversion, and my amendment also leaves open this option.

Presidential powers in the realm of foreign and military affairs as guaranteed by the Constitution were eroded considerably with passage of the War Powers Act. I have always opposed the War Powers Act. Senator **BYRD** is attempting to paralyze the President further.

Mr. President, I think that it is necessary for the Senate to vote first on a resolution adopted overwhelmingly by bipartisan majorities of Democrats and Republicans during the Cuban missile crisis of 1962. This resolution reaffirms the Monroe Doctrine and American determination to oppose Soviet-Cuban aggression and subversion, by force if necessary, in the Western Hemisphere. I believe that it is essential for the Senate to reaffirm the Monroe Doctrine and the Rio Treaty, as it did during the Cuban missile crisis of 1962. This is no time to be weakening the powers of the President, when our country faces massive Soviet-Cuban aggression in our own hemisphere.

Now, more than ever, as the cancer of Fidel Castro's brand of Soviet-backed Communism is spreading in the Western Hemisphere, the President's power must not be weakened. We need to rally around our President in this time of growing national security crises for our Nation. Freedom and liberty are being sorely challenged throughout the Western Hemisphere.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the entire Kennedy-Khrushchev correspondence documents which were declassified under Executive Order 11652, dated November 19, 1973. In my opinion, the Kennedy-Khrushchev agreements have certainly been violated.

There being no objection, the Kennedy-Khrushchev correspondence of October 1962 were ordered to be printed in the RECORD, as follows:

[Significant documents declassified under Executive Order 11652]

MESSAGES EXCHANGED BY PRESIDENT KENNEDY AND CHAIRMAN KHRUSHCHEV DURING THE CUBAN MISSILE CRISIS OF OCTOBER 1962

In response to requests from the public under Executive Order 11652, the Interagency Classification Review Committee has recently taken declassification action on a series of messages exchanged between President Kennedy and Nikita S. Khrushchev, Chairman of the Council of Ministers of the U.S.S.R., during the Cuban missile crisis of 1962. During October 1962 President Kennedy and Chairman Khrushchev exchanged a total of 10 messages about Cuba, only the last four of which were made public at the time. All 10 messages, with annotations supplied by the Historical Office of the Department of State, are printed here as a matter of general public interest. For each of the five messages from Chairman Khrushchev there are included both the informal translation which was made immediately available to President Kennedy and the official translation prepared later. Related documentation was published in the Department of State Bulletin of November 12, 1962, and in "American Foreign Policy: Current Documents, 1962."

PRESIDENT KENNEDY'S MESSAGE OF OCTOBER 22, 1962 [1]

[WASHINGTON,] *October 22, 1962.*

DEAR MR. CHAIRMAN: A copy of the statement I am making tonight concerning developments in Cuba and the reaction of my Government thereto has been handed to your Ambassador in Washington.[2] In view of the gravity of the developments to which I refer, I want you to know immediately and accurately the position of my Government in this matter.

In our discussions and exchanges on Berlin and other international questions, the one thing that has most concerned me has been the possibility that your Government would not correctly understand the will and determination of the United States in any given situation, since I have not assumed that you or any other sane man would, in this nuclear age, deliberately plunge the world into war which it is crystal clear no country could win and which could only result in catastrophic consequences to the whole world, including the aggressor.

At our meeting in Vienna and subsequently, I expressed our readiness and desire to find, through peaceful negotiation, a solution to any and all problems that divide us. At the same time, I made clear that in view of the objectives of the ideology to which you adhere, the United States could not tolerate any action on your part which in a major way disturbed the existing over-all balance of power in the world. I stated that an attempt to force abandonment of our responsibilities and commitments in Berlin would constitute such an action and that the United States would resist with all the power at its command.

It was in order to avoid any incorrect assessment on the part of your Government with respect to Cuba that I publicly stated that if certain developments in Cuba took place, the United States would do whatever must be done to protect its own security and that of its allies.

Moreover, the Congress adopted a resolution expressing its support of this declared policy. Despite this, the rapid development of long-range missile bases and other offensive weapons systems in Cuba has proceeded. I must tell you that the United States is determined that this threat to the security of this hemisphere be removed. At the same time, I wish to point out that the action we are taking is the minimum necessary to remove the threat to the security of the nations of this hemisphere. The fact of this minimum response should not be taken as a basis, however, for any misjudgment on your part.

I hope that your Government will refrain from any action which would widen or deepen this already grave crisis and that we can agree to resume the path of peaceful negotiation.

Sincerely,

JOHN F. KENNEDY.

CHAIRMAN KHRUSHCHEV'S MESSAGE OF OCTOBER 23, 1962

Informal translation [3]

MR. PRESIDENT: I have just received your letter, and have also acquainted myself with text of your speech of October 22 regarding Cuba.

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[1] Text communicated to the Soviet Ambassador at Washington at 6 p.m. on Oct. 22, 1962; text had previously been telegraphed to the American Embassy at Moscow for simultaneous delivery there.

[2] For President Kennedy's television and radio address on Oct. 22, 1962, see Bulletin of Nov. 12, 1962, p. 715.

[3] Informal translation by the American Embassy at Moscow of text received by the Embassy from the Soviet Foreign Ministry at 3 p.m. Moscow time on Oct. 23, 1962, and transmitted to the Department of State by telegram at 5 p.m. Moscow time (received at 11:56 a.m., Oct. 23, Washington time).

I should say frankly that measures outlined in your statement represent serious threat to peace and security of peoples. United States has openly taken path of gross violation of Charter of United Nations, path of violation of international norms of freedom of navigation on high seas, path of aggressive actions both against Cuba and against Soviet Union.

Statement of Government of United States America cannot be evaluated in any other way than as naked interference in domestic affairs of Cuban Republic, Soviet Union, and other states. Charter of United Nations and international norms do not give right to any state whatsoever to establish in international waters control of vessels bound for shores of Cuban Republic.

It is self-understood that we also cannot recognize right of United States to establish control over armaments essential to Republic of Cuba for strengthening of its defensive capacity.

We confirm that armaments now on Cuba, regardless of classification to which they belong, are destined exclusively for defensive purposes, in order to secure Cuban Republic from attack of aggressor.

I hope that Government of United States will show prudence and renounce actions pursued by you, which could lead to catastrophic consequences for peace throughout world.

Viewpoint of Soviet Government with regard to your statement of October 22 is set forth in statement of Soviet Government,[4] which is being conveyed to you through your ambassador in Moscow.

N. KHRUSHCHEV.

Official translation[5]

MOSCOW, *October 23, 1962*.

MR. PRESIDENT: I have just received your letter, and have also acquainted myself with the text of your speech of October 22, regarding Cuba.

I must say frankly that the measures indicated in your statement constitute a serious threat to peace and to the security of nations. The United States has openly taken the path of grossly violating the United Nations Charter, the path of violating international norms of freedom of navigation on the high seas, the path of aggressive actions both against Cuba and against the Soviet Union.

The statement by the Government of the United States of America can only be regarded as undisguised interference in the internal affairs of the Republic of Cuba, the Soviet Union and other states. The United Nations Charter and international norms give no right to any state to institute in international waters the inspection of vessels bound for the shores of the Republic of Cuba.

And naturally, neither can we recognize the right of the United States to establish control over armaments which are necessary for the Republic of Cuba to strengthen its defense capability.

We reaffirm that the armaments which are in Cuba, regardless of the classification to which they may belong, are intended solely for defensive purposes in order to secure the Republic of Cuba against the attack of an aggressor.

I hope that the United States Government will display wisdom and renounce the actions pursued by you, which may lead to catastrophic consequences for world peace.

The viewpoint of the Soviet Government with regard to your statement of October 22 is set forth in a Statement of the Soviet Government, which is being transmitted to you through your Ambassadors at Moscow.

N. KHRUSHCHEV.

PRESIDENT KENNEDY'S MESSAGE OF OCTOBER 23, 1962[6]

[WASHINGTON, *October 23, 1962*].

DEAR MR. CHAIRMAN: I have received your letter of October twenty-third. I think you will recognize that the steps[7] which started the current chain of events was the action of your Government is secretly furnishing offensive weapons to Cuba. We will be discussing this matter in the Security Council. In the meantime, I am concerned that we both show prudence and do nothing to allow events to make the situation more difficult to control than it already is.

I hope that you will issue immediately the necessary instructions to your ships to observe the terms of the quarantine, the basis of which was established by the vote of the Organization of American States this afternoon, and which will go into effect at 1400 hours Greenwich time October twenty-four.

Sincerely,

JOHN F. KENNEDY.

CHAIRMAN KHRUSHCHEV'S MESSAGE OF OCTOBER 24, 1962

Informal translation[8]

DEAR MR. PRESIDENT: I have received your letter of October 23, familiarized myself with it and am answering you.

Imagine, Mr. President, that we had posed to you those ultimative conditions which you have posed to us by your action. How would you have reacted to this? I think that you would have been indignant at such a step on our part. And that would have been comprehensible to us.

Having posed these conditions to us, you, Mr. President, have challenged us. Who asked you to do this? By what right have you done this? Our relations with the Republic of Cuba, like our relations with other states, regardless of what sort of state it may be, concern only the two countries between which those relations exist. And if one is really going to talk about a quarantine, referred to in your letter, it can be established, according to accepted international practice, only by the agreement of states between themselves, and not by any sort of third party. There exist, for example, quarantines on agricultural goods and products. But in the case at hand, the question is in no way one of quarantine, but rather of far more serious things, and you yourself understand this.

You, Mr. President, are not declaring quarantines, but advancing an ultimatum and threatening that unless we subordinate ourselves to your demands, you will use force. Consider what you are saying! What does agreement with such demands mean? This would mean to guide oneself in one's relations with other countries not by reason but to indulge arbitrariness. You are no longer appealing to reason, but wish to intimidate us.

And, Mr. President, I cannot agree with this and think that in your heart you recognize that I am correct. I am convinced that in my place you would act the same way.

Reference to the decision of the Organization of American States cannot in any way substantiate the demands now advanced the the United States. This organization has absolutely no authority or basis to make decisions like that of which you speak in your letter.[9]

Consequently, we do not recognize these decisions. International law exists, generally recognized norms of conduct exist. We firmly support the principles of international law, strictly observe the norms regulating navigation on the high seas and in international waters. We observe these norms and enjoy the rights recognized by all states.

You wish to compel us to renounce the rights that every sovereign state enjoys, you are attempting to legislate in questions of international law, you are trampling upon the generally accepted norms of this law. And all this not only out of hatred for the Cuban people and its Government, but also as a result of considerations of the election campaign in the USA. What morality, what law can justify such an approach by the American Government to international affairs? You cannot find such a morality and such a law, because the actions of the USA with regard to Cuba are outright banditry, or, if you like, the folly of degenerate imperialism. Unfortunately, the peoples of all countries, and at least of all the American people,[10] can suffer gravely from such folly, since the USA has fully lost its former inaccessibility with the advent of contemporary types of armament.

Consequently, Mr. President, if you coolly weigh the situation which has developed, not giving way to passions, then you will understand that the Soviet Union cannot fail to reject the arbitrary demands of the USA. When you confront us with such conditions, try to put yourself in our situation and think how the USA would react to these conditions. I do not doubt that if someone had attempted to dictate conditions of this sort to you, the USA, you would have rejected such an attempt. And we also say—No.

The Soviet Government considers that violation of freedom of the use of international waters and international air space is an act of aggression, pushing mankind towards the abyss of a world missile-nuclear war. Consequently, the Soviet Government cannot give instructions to the captains of Soviet vessels bound for Cuba to observe the instructions of the American naval forces blockading that island. Your instructions[11] to Soviet mariners are strictly to observe the generally recognized norms of navigation in international waters and not to retreat from them by even one step. And if the American side violates these rules, it must realize what sort of responsibility will rest on it in that case. Of course, we shall not be simply observers of piratical actions of American ships on the high seas. We will then be forced for our part to take the measures which we deam necessary and adequate in order to protect our rights. For this we have all that is necessary.

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[4] For text see New York Times of Oct. 24, 1962.

[5] Prepared subsequently by the Department of State.

[6] Text transmitted by the Department of State to the American Embassy at Moscow at 6:51 p.m. Washington time on Oct. 23, 1962, and delivered in Moscow at 7 a.m., Oct. 24 Moscow time.

[7] So transmitted to the American American Embassy at Moscow, but corrected there to read "step".

[8] Informal translation by the American Embassy at Moscow of text received by the Embassy from the Soviet Foreign Ministry at 11:30 p.m. Moscow time on Oct. 24, 1962, and transmitted to the Department of State by telegram at 2 a.m., Oct. 25, Moscow time (received at 9:24 p.m., Oct. 24, Washington time).

[9] In the Russian original the four sentences which follow form part of this paragraph. See the official translation below.

[10] As received by telegram in Washington. The passage should read "and not least of all the American people". Compare the official translation below.

[11] As received by telegram in Washington. The Russian text, however, read "Our instructions". See the official translation below.

Respectfully yours,

N. KHRUSHCHEV.

OFFICIAL TRANSLATION[12]

DEAR MR. PRESIDENT: I have received your letter of October 23, have studied it, and am answering you.

Just imagine, Mr. President, that we had presented you with the conditions of an ultimatum which you have presented us by your action. How would you have reacted to this? I think that you would have been indignant at such a step on our part. And this would have been understandable to us.

In presenting us with these conditions, you Mr. President, have flung a challenge at us. Who asked you to do this? By what right did you do this? Our ties with the Republic of Cuba, like our relations with other states, regardless of what kind of states they may be, concern only the two countries between which these relations exist. And if we now speak of the quarantine to which your letter refers, a quarantine may be established, according to accepted international practice, only by agreement of states between themselves, and not by some third party. Quarantines exist, for example, on agricultural goods and products. But in this case the question is in no way one of quarantine, but rather of far more serious things, and you yourself understand this.

You, Mr. President, are not declaring a quarantine, but rather are setting forth an ultimatum and threatening that if we do not give in to your demands you will use force. Consider what you are saying! And you want to persuade me to agree to this! What would it mean to agree to these demands? It would mean guiding oneself in one's relations with other countries not by reason, but by submitting to arbitrariness. You are no longer appealing to reason, but wish to intimidate us.

No, Mr. President, I cannot agree to this, and I think that in your own heart you recognize that I am correct. I am convinced that in my place you woud act the same way.

Reference to the decision of the Organization of American States cannot in any way substantiate the demands now advanced by the United States. This Organization has absolutely no authority or basis for adopting decisions such as the one you speak of in your letter. Therefore, we do not recognize these decisions. International law exists and universally recognized norms of conduct exist. We firmly adhere to the principles of international law and observe strictly the norms which regulate navigation on the high seas, in international waters. We observe these norms and enjoy the rights recognized by all states.

You wish to compel us to renounce the rights that every sovereign state enjoys, you are trying to legislate in questions of international law, and you are violating the universally accepted norms of that law. And you are doing all this not only out of hatred for the Cuban people and its government, but also because of considerations of the election campaign in the United States. What morality, what law can justify such an approach by the American Government to international affairs? No such morality or law can be found, because the actions of the United States with regard to Cuba constitute outright banditry or, if you like, the folly of degenerate imperialism. Unfortunately, such folly can bring grave suffering to the peoples of all countries, and to no lesser degree to the American people themselves, since the United States has completely lost its former isolation with the advent of modern types of armament.

Therefore, Mr. President, if you coolly weigh the situation which has develped, not giving way to passions, you will understand that the Soviet Union cannot fail to reject the arbitrary demands of the United States. When you confront us with such conditions, try to put yourself in our place and consider how the United States would react to these conditions. I do not doubt that if someone attempted to dictate similar conditions to you—the United States—you would reject such an attempt. And we also say—no.

The Soviet government considers that the violation of the freedom to use international waters and international air space is an act of aggression which pushes mankind toward the abyss of a world nuclear-missile war. Therefore, the Soviet Government cannot instruct the captains of Soviet vessels bound for Cuba to observe the orders of American naval forces blockading that Island. Our instructions to Soviet mariners are to observe strickly the universally accepted norms of navigation in international waters and not to retreat one step from them. And if the American side violates these rules, it must realize what responsibility will rest upon it in that case. Naturally we will not simply be bystanders with regard to piratical acts by American ships on the high seas. We will then be forced on our part to take the measures we consider necessary and adequate in order to protect our rights. We have everything necessary to do so.

Respectfully,

N. KHRUSHCHEV.

MOSCOW, *October 24, 1962.*

PRESIDENT KENNEDY'S MESSAGE OF OCTOBER 25, 1962[13]

[WASHINGTON,] *October 25, 1962.*

DEAR MR. CHAIRMAN: I have received your letter of October 24, and I regret very much that you still do not appear to understand what it is that has moved us in this matter.

The sequence of events is clear. In August there were reports of important shipments of military equipment and technicians from the Soviet Union to Cuba. In early September I indicated very plainly that the United States would regard any shipment of offensive weapons as presenting the gravest issues. After that time, this Government received the most explicit assurances from your Government and its representatives, both publicly and privately, that no offensive weapons were being sent to Cuba. If you will review the statement issued by Tass in September, you will see how clearly this assurance was given.

In reliance on these solemn assurances I urged restraint upon those in this country who were urging action in this matter at that time. And then I learned beyond doubt what you have not denied—namely, that all these public assurances were false and that your military people had set out recently to establish a set of missile bases in Cuba. I ask you to recognize clearly, Mr. Chairman, that it was not I who issued the first challenge in this case, and that in the light of this record these activities in Cuba required the responses I have announced.

I repeat my regret that these events should cause a deterioration in our relations. I hope that your Government will take the necessary action to permit a restoration of the earlier situation.

Sincerely yours,

JOHN F. KENNEDY.

CHAIRMAN KHRUSHCHEV'S MESSAGE OF OCTOBER 26, 1962

Informal translation[14]

DEAR MR. PRESIDENT: I have received your letter of October 25. From your letter, I got the feeling that you have some understanding of the situation which has developed and (some)[15] sense of responsibility. I value this.

Now we have already publicly exchanged our evaluations of the events around Cuba and each of us has set forth his explanation and his understanding of these events. Consequently, I would judge that, apparently, a continuation of an exchange of opinions at such a distance, even in the form of secret letters, will hardly add anything to that which one side has already said to the other.

I think you will understand me correctly if you are really concerned about the welfare of the world. Everyone needs peace: both capitalists, if they have not lost their reason, and, still more, communists, people who know how to value not only their own lives but, more than anything, the lives of the peoples. We, communists, are against all wars between states in general and have been defending the cause of peace since we came into the world. We have always regarded war as a calamity, and not as a game nor as a means of the attainment of definite goals, nor, all the more, as a goal in itself. Our goals are clear, and the means to attain them is labor. War is our enemy and a calamity for all the peoples.

It is thus that we, Soviet people, and, together with us, other peoples as well, understand the questions of war and peace. I can, in any case, firmly say this for the peoples of the socialist countries, as well as for all progressive people who want peace, happiness, and friendship among peoples.

I see, Mr. President, that you too are not devoid of a sense of anxiety for the fate of the world, of understanding, and of what war entails.[16] What would a war give you? You are threatening us with war. But you well know that the very least which you would receive in reply would be that you would experience the same consequences as those which you sent us. And that must be clear to us, people invested with authority, trust, and responsibility. We must not succumb to intoxication and petty passions, regardless of whether elections are impending in this or that country, or not impending. These are all transient things, but if indeed war should break out, then it would not be in our power to stop it, for such is the logic of war. I have participated in two wars and know that war ends when it has rolled through cities and villages, everywhere sowing death and destruction.

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[12] Prepared subsequently by the Department of State.

[13] Text communicated to the Soviet Embassy at Washington at 1:45 a.m. Washington time on Oct. 25, 1962; transmitted to the American Embassy at Moscow at 1:59 a.m., Oct. 25, Washington time for delivery also in Moscow.

[14] Informal translation by the American Embassy at Moscow of text received by the Embassy from the Soviet Foreign Ministry at 4:43 p.m. Moscow time on Oct. 26, 1962, and transmitted to the Department of State at 7 p.m. Moscow time (received in four sections between 6 and 9 p.m., Oct. 26, Washington time).

[15] The parentheses are in the source text.

[16] On Oct. 27, 1962, the Department of State sent to the White House the following corrected version of this sentence: "I see, Mr. President, that you too are not devoid of a sense of anxiety for the fate of the world, of understanding and a proper evaluation of the character of contemporary war and of what war entails."

In the name of the Soviet Government and the Soviet people, I assure you that your conclusions regarding offensive weapons on Cuba are groundless. It is apparent from what you have written me that our conceptions are different on this score, or rather, we have different estimates of these or those military means. Indeed, in reality, the same forms of weapons can have different interpretations.

You are a military man and, I hope, will understand me. Let us take for example a simple cannon. What sort of means is this: offensive or defensive? A cannon is a defensive means if it is set up to defend boundaries or a fortified area. But if one concentrates artillery, and adds to it the necessary number of troops, then the same cannons do become an offensive means, because they prepare and clear the way for infantry to attack. The same happens with missile-nuclear weapons as well, with any type of this weapon.

You are mistaken if you think that any of our means of Cuba are offensive. However, let us not quarrel now. It is apparent that I will not be able to convince you of this. But I say to you: you, Mr. President, are a military man and should understand: can one attack, if one has on one's territory even an enormous quantity of missiles of various effective radiuses and various power, but using only these means. These missiles are a means of extermination and destruction. But one cannot attack with these missiles, even nuclear missiles of a power of 190 megatons because only people, troops, can attack. Without people, any means however powerful cannot be offensive.

How can one, consequently, give such a completely incorrect interpretation as you are now giving, to the effect that some sort of means on Cuba are offensive. All the means located there, and I assure you of this, have a defensive character, are on Cuba solely for the purposes of defense, and we have sent them to Cuba at the request of the Cuban Government. You, however, say that these are offensive means.

But, Mr. President, do you really seriously think that Cuba can attack the United States and that even we together with Cuba can attack you from the territory of Cuba? Can you really think that way? How is it possible? We do not understand this. Has something so new appeared in military strategy that one can think that it is possible to attack thus? I say precisely attack, and not destroy, since barbarians, people who have lost their sense, destroy.

I believe that you have no basis to think this way. You can regard us with distrust, but, in any case, you can be calm in this regard, that we are of sound mind and understand perfectly well that if we attack you, you will respond the same way. But you too will receive the same that you hurl against us. And I think that you also understand this. My conversation with you in Vienna gives me the right to talk to you this way.

This indicates that we are normal people, that we correctly understand and correctly evaluate the situation. Consequently, how can we permit the incorrect actions which you ascribe to us? Only lunatics or suicides, who themselves want to perish and to destroy the whole world before they die, could do this. We however, want to live and do not at all want to destroy your country. We want something quite different: to compete with your country on a peaceful basis. We quarrel with you, we have differences on ideological questions. But our view of the world consists in this, that ideological questions, as well as economic problems, should be solved not by military means, they must be solved on the basis of peaceful competiton, i.e., as this is understood in capitalist society, on the basis of competition. We have proceeded and are proceeding from the fact that the peaceful coexistence of the two different social-political systems, now existing in the world, is necessary, that it is necessary to assure a stable peace. That is the sort of principle we hold.

You have now proclaimed piratical measures, which were employed in the Middle Ages, when ships proceeding in international waters were attacked, and you have called this "a quarantine" around Cuba. Our vessels, apparently, will soon enter the zone which your Navy is patrolling. I assure you that these vessels, now bound for Cuba, are carrying the most innocent peaceful cargoes. Do you really think that we only occupy ourselves with the carriage of so-called offensive weapons, atomic and hydrogen bombs? Although perhaps your military people imagine that these (cargoes)[17] are some sort of special type of weapon, I assure you that they are the most ordinary peaceful products.

Consequently, Mr. President, let us show good sense. I assure you that on those ships, which are bound for Cuba, there are no weapons at all. The weapons which were necessary for the defense of Cuba are already there. I do not want to say that there were not any shipments of weapons at all. No, there were such shipments. But now Cuba has already received the necessary means of defense.

I don't know whether you can understand me and believe me. But I should like to have you believe in yourself and to agree that one cannot give way to passions; it is necessary to control them. And in what direction are events now developing? If you stop the vessels, then, as you yourself know, that would be piracy. If we started to do that with regard to your ships, then you would also be as indignant as we and the whole world now are. One cannot give another interpretation to such actions, because one cannot legalize lawlessness. If this were permitted, then there would be no peace, there would also be no peaceful coexistence. We should then be forced to put into effect the necessary measures of a defensive character to protect our interests in accordance with international law. Why should this be done? To what would all this lead?

Let us normalize relations. We have received an appeal from the Acting Secretary General of the UN, U Thant, with his proposals. I have already answered him. His proposals come to this, that our side should not transport armaments of any kind to Cuba during a certain period of time, while negotiations are being conducted—and we are ready to enter such negotiations—and the other side should not undertake any sort of piratical actions against vessels engaged in navigation on the high seas. I consider these proposals reasonable. This would be a way out of the situation which has been created, which would give the peoples the possibility of breathing calmly.[18] You have asked what happened, what evoked the delivery of weapons to Cuba? You have spoken about this to our Minister of Foreign Affairs. I will tell you frankly, Mr. President, what evoked it.

We were very grieved by the fact—I spoke about it in Vienna—that a landing took place, that an attack on Cuba was committed, as a result of which many Cubans perished. You yourself told me then that this had been a mistake. I respected that explanation. You repeated it to me several times, pointing out that not everybody occupying a high position would acknowledge his mistakes as you had done. I value such frankness. For my part, I told you that we too possess no less courage: we also acknowledge those mistakes which had been committed during the history of our state, and not only acknowledged, but sharply condemned them.

If you are really concerned about the peace and welfare of your people, and this is your responsibility as President, then I, as the Chairman of the Council of Ministers, am concerned for my people. Moreover, the preservation of world peace should be our joint concern, since if, under contemporary conditions, war should break out, it would be a war not only between the reciprocal claims, but a worldwide cruel and destructive war.[19]

Why have we proceeded to assist Cuba with military and economic aid? The answer is: we have proceeded to do so only for reasons of humanitarianism. At one time, our people itself had a revolution, when Russia was still a backward country. We were attacked then. We were the target of attack by many countries. The USA participated in that adventure. This has been recorded by participants in the aggression against our country. A whole book has been written about this by General [William Sidney] Graves, who, at that time commanded the US expeditionary corps. Graves called it "The American Adventure in Siberia".

We know how difficult it is to accomplish a revolution and how difficult it is to reconstruct a country on new foundations. We sincerely sympathize with Cuba and the Cuban people, but we are not interfering in questons of domestic structure, we are not interfering in their affairs. The Soviet Union desires to help the Cubans build their life as they themselves wish and that others should not hinder them.

You once said that the United States was not preparing an invasion. But you also declared that you sympathized with the Cuban counterrevolutionary emigrants, that you support them and would help them to realize their plans against the present government of Cuba. It is also not a secret to anyone that the threat of armed attack, aggression, has constantly hung, and continues to hang over Cuba. It was only this which impelled us to respond to the request of the Cuban government to furnish it aid for the strengthening of the defensive capacity of this country.

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[17] The parentheses are in the source text.

[18] In the corrections to this message which the Department of State sent to the White House on Oct. 27, 1962, it was indicated that a new paragraph should start at this point.

[19] On Oct. 27, 1962, the Department of State sent to the White House the following corrected version of this sentence: "Moreover the preservation of world peace should be our joint concern, since, if, under contemporary conditions, war should break out, it would be a war not only between the Soviet Union and the USA, between whom, strictly speaking, are no reciprocal claims, but a worldwide cruel and destructive war."

If assurances were given by the President and the Government of the United States that the USA itself would not participate in an attack on Cuba and would restrain others from actions of this sort, if you would recall your fleet, this would immediately change everything. I am not speaking for Fidel Castro, but I think that he and the government of Cuba, evidently, would declare demobilization and would appeal to the people to get down to peaceful labor. Then, too, the question of armaments would disappear, since, if there is no threat, then armaments are a burden for every people. Then, too, the question of the destruction, not only of the armaments which you call offensive, but of all other armaments as well, would look different.

I spoke in the name of the Soviet government in the United Nations and introduced a proposal for the disbandment of all armies and for the destruction of all armaments. How then can I now count on those armaments?

Armaments bring only disasters. When one accumulates them, this damages the economy, and if one puts them to use, then they destroy people on both sides. Consequently, only a madman can believe that armaments are the principal means in the life of society. No, they are an enforced loss of human energy, and what is more are for the destruction of man himself. If people do not show wisdom, then in the final analysis they will come to a clash, like blind moles, and then reciprocal extermination will begin.

Let us therefore show statesmanlike wisdom. I propose: we, for our part, will declare that our ships, bound for Cuba, will not carry any kind of armaments. You would declare that the United States will not invade Cuba with its forces and will not support any sort of forces which might intend to carry out an invasion of Cuba. Then the necessity for the presence of our military specialists in Cuba would disappear.

Mr. President, I appeal to you to weigh well what the aggressive, piratical actions, which you have declared the USA intends to carry out in international waters, would lead to. You yourself know that any sensible man simply cannot agree with this, cannot recognize your right to such actions.

If you did this as the first step toward the unleashing of war, well then, it is evident that nothing else is left to us but to accept this challenge of yours. If, however, you have not lost your self-control and sensibly conceive what this might lead to, then, Mr. President, we and you ought not now to pull on the ends of the rope in which you have tied the knot of war, because the more the two of us pull, the tighter that knot will be tied. And a moment may come when that knot will be tied so tight that even he who tied it will not have the strength to untie it, and then it will be necessary to cut that knot. And what that would mean is not for me to explain to you, because you yourself understand perfectly of what terrible forces our countries dispose.

Consequently, if there is no intention to tighten that knot and thereby to doom the world to the catastrophe of thermonuclear war, then let us not only relax the forces pulling on the ends of the rope, let us take measures to untie that knot. We are ready for this.

We welcome all forces which stand on positions of peace. Consequently, I expressed gratitude to Mr. Bertrand Russell, too, who manifests alarm and concern for the fate of the world, and I readily responded to the appeal of the Acting Secretary General of the UN, U Thant.

There, Mr. President, are my thoughts, which, if you agreed with them, could put an end to that tense situation which is disturbing all peoples.

These thoughts are dictated by a sincere desire to relieve the situation, to remove the threat of war.

Respectfully yours,

N. KHRUSHCHEV.

Official translation [20]

DEAR MR. PRESIDENT: I have received your letter of October 25. From your letter I got the feeling that you have some understanding of the situation which has developed and a sense of responsibility. I appreciate this.

By now we have already publicly exchanged our assessments of the events around Cuba and each of us has set forth his explanation and his interpretation of these events. Therefore, I would think that, evidently, continuing to exchange opinions at such a distance, even in the form of secret letters, would probably not add anything to what one side has already said to the other.

I think you will understand me correctly if you are really concerned for the welfare of the world. Everyone needs peace: both capitalists, if they have not lost their reason, and all the more, communists—people who know how to value not only their own lives but, above all else, the life of nations. We communists are against any wars between states at all, and have been defending the cause of peace ever since we came into the world. We have always regarded war as a calamity, not as a game or a means for achieving particular purposes, much less as a goal in itself. Our goals are clear, and the means of achieving them is work. War is our enemy and a calamity for all nations.

This is how we Soviet people, and together with us, other peoples as well, interpret questions of war and peace. I can say this with assurance at least for the peoples of the Socialist countries, as well as for all progressive people who want peace, happiness, and friendship among nations.

I can see, Mr. President, that you also are not without a sense of anxiety for the fate of the world, not without an understanding and correct assessment of the nature of modern warfare and what war entails. What good would a war do you? You threaten us with war. But you well know that the very least you would get in response would be what you had given us; you would suffer the same consequences. And that must be clear to us—people invested with authority, trust and responsibility. We must not succumb to light-headedness and petty passions, regardless of whether elections are forthcoming in one country or another. These are all transitory things, but should war indeed break out, it would not be in our power to contain or stop it, for such is the logic of war. I have taken part in two wars, and I know that war ends only when it has rolled through cities and villages, sowing death and destruction everywhere.

I assure you on behalf of the Soviet Government and the Soviet people that your arguments regarding offensive weapons in Cuba are utterly unfounded. From what you have written me it is obvious that our interpretations on this point are different, or rather that we have different definitions for one type of military means or another. And indeed, the same types of armaments may in actuality have different interpretations.

You are a military man, and I hope you will understand me. Let us take a simple cannon for instance. What kind of a weapon is it—offensive or defensive? A cannon is a defensive weapon if it is set up to defend boundaries or a fortified area. But when artillery is concentrated and supplemented by an appropriate number of troops, then the same cannon will have become an offensive weapon, since they prepare and clear the way for infantry to advance. The same is true for nuclear missile weapons, for any type of these weapons.

You are mistaken if you think that any of our armaments in Cuba are offensive. However, let us not argue at this point. Evidently, I shall not be able to convince you. But I tell you: You, Mr. President, are a military man and you must understand: How can you possibly launch an offensive even if you have an enormous number of missiles of various ranges and power on your territory, using these weapons alone? These missiles are a means of annihilation and destruction. But it is impossible to launch an offensive by means of these missiles, even nuclear missiles of 100 megaton yield, because it is only people—troops—who can advance. Without people any weapons, whatever their power, cannot be offensive.

How can you, therefore, give this completely wrong interpretation, which you are now giving, that some weapons in Cuba are offensive, as you say? All weapons there—and I assure you of this—are of a defensive nature; they are in Cuba solely for purposes of defense, and we have sent them to Cuba at the request of the Cuban Government. And you say that they are offensive weapons.

But, Mr. President, do you really seriously think that Cuba could launch an offensive upon the United States and that even we, together with Cuba, could advance against you from Cuban territory? Do you really think so? How can that be? We do not understand. Surely, there has not been any such new development in military strategy that would lead one to believe that it is possible to advance that way. And I mean advance, not destroy; for those who destroy are barbarians, people who have lost their sanity.

I hold that you have no grounds to think so. You may regard us with distrust, but you can at any rate rest assured that we are of sound mind and understand perfectly well that if we launch an offensive against you, you will respond in kind. But you too will get in response whatever you throw at us. And I think you understand that too. It is our discussion in Vienna that gives me the right to speak this way.

This indicates that we are sane people, that we understand and assess the situation correctly. How could we, then, allow [ourselves] [21] the wrong actions which you ascribe to us? Only lunatics or suicides, who themselves want to perish and before they die destroy the world, could do this. But we want to live and by no means do we want to destroy your country. We want something quite different: to compete with your country in a peaceful endeavor. We argue with you; we have differences on ideological questions. But our concept of the world is that questions of ideology, as well as economic problems, should be settled by other than military means, they must be solved in peaceful contest, or as this is interpreted in capitalist society—by competition. Our premise has been and remains that peaceful coexistence of two different socio-political systems—a reality of our world—is essential, and that it is essential to ensure lasting peace. These are the principles to which we adhere.

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[20] Prepared subsequently by the Department of State.

[21] The brackets are in the source text.

You have now declared piratical measures, the kind that were practiced in the Middle Ages when ships passed through international waters were attacked, and you have called this a "quarantine" around Cuba. Our vessels will probably soon enter the zone patrolled by your Navy. I assure you that the vessels which are now headed for Cuba are carrying the most innocuous peaceful cargoes. Do you really think that all we spend our time on is transporting so-called offensive weapons, atomic and hydrogen bombs? Even though your military people may possibly imagine that these are some special kind of weapons, I assure you that they are the most ordinary kind of peaceful goods.

Therefore, Mr. President, let us show good sense. I assure you that the ships bound for Cuba are carrying no armaments at all. The armaments needed for the defense of Cuba are already there. I do not mean to say that there have been no shipments of armaments at all. No, there were such shipments. But now Cuba has already obtained the necessary weapons for defense.

I do not know whether you can understand me and believe me. But I wish you would believe yourself and agree that one should not give way to one's passions; that one should be master of them. And what direction are events taking now? If you begin stopping vessels it would be piracy, as you yourself know. If we should start doing this to your ships you would be just as indignant as we and the whole world are now indignant. Such actions cannot be interpreted otherwise, because lawlessness cannot be legalized. Were this allowed to happen then there would be no peace; nor would there be peaceful co-existence. Then we would be forced to take the necessary measures of a defensive nature which would protect our interests in accordance with international law. Why do this? What would it all lead to?

Let us normalize relations. We have received an appeal from U Thant, Acting Secretary General of the U.N., containing his proposals. I have already answered him. His proposals are to the effect that our side not ship any armaments to Cuba for certain period of time while negotiations are being conducted—and we are prepared to enter into such negotiations—and the other side not undertake any piratical action against vessels navigating on the high seas. I consider these proposals reasonable. This would be a way out of the situation which has evolved that would give nations a chance to breathe easily.

You asked what happened, what prompted weapons to be supplied to Cuba? You spoke of this to our Minister of Foreign Affairs. I will tell you frankly, Mr. President, what prompted it.

We were very grieved by the fact—I spoke of this in Vienna—that a landing was effected and an attack made on Cuba, as a result of which many Cubans were killed. You yourself told me then that this had been a mistake. I regarded that explanation with respect. You repeated it to me several times, hinting that not everyone occupying a high position would acknowledge his mistakes as you did. I appreciate such frankness. For my part I told you that we too possess no less courage; we have also acknowledged the mistakes which have been made in the history of our state, and have not only acknowledged them but have sharply condemned them.

While you really are concerned for peace and for the welfare of your people—and this is your duty as President—I, as Chairman of the Council of Ministers, am concerned for my people. Furthermore, the preservation of universal peace should be our joint concern, since if war broke out under modern conditions, it would not be just a war between the Soviet Union and the United States, which actually have no contentions between them, but a world-wide war, cruel and destructive.

Why have we undertaken to render such military and economic aid to Cuba? The answer is: we have done so only out of humanitarian considerations. At one time our people accomplished its own revolution, when Russia was still a backward country. Then we were attacked. We were the target of attack by many countries. The United States took part in that affair. This has been documented by the participants in aggression against our country. An entire book has been written on this by General Graves, who commanded the American Expeditionary Force at that time. Graves entitled it *American Adventure in Siberia*.

We know how difficult it is to accomplish a revolution and how difficult it is to rebuild a country on new principles. We sincerely sympathize with Cuba and the Cuban people. But we do not interfere in questions of internal organization; we are not interfering in their affairs. The Soviet Union wants to help the Cubans build their life, as they themselves desire, so that others would leave them alone.

You said once that the United States is not preparing an invasion. But you have also declared that you sympathize with the Cuban counterrevolutionary emigrants, support them, and will help them in carrying out their plans against the present government of Cuba. Nor is it any secret to anyone that the constant threat of armed attack and aggression has hung and continues to hang over Cuba. It is only this that has prompted us to respond to the request of the Cuban Government to extend it our aid in strengthening the defense capability of that country.

If the President and Government of the United States would give their assurances that the United States would itself not take part in an attack upon Cuba and would restrain others from such action; If you recall your Navy—this would immediately change everything. I do not speak for Fidel Castro, but I think that he and the Government of Cuba would, probably, announce a demobilization and would call upon the people to commence peaceful work. Then the question of armaments would also be obviated, because when there is no threat, armaments are only a burden for any people. This would also change the approach to the question of destroying not only the armaments which you call offensive, but of every other kind of armament.

I have spoken on behalf of the Soviet Government at the United Nations and introduced a proposal to disband all armies and to destroy all weapons. How then can I stake my claims on these weapons now?

Armaments bring only disasters. Accumulating them damages the economy, and putting them to use would destroy people on both sides. Therefore, only a madman can believe that armaments are the principal means in the life of society. No, they are a forced waste of human energy, spent, moreover, on the destruction of man himself. If people do not display wisdom, they will eventually reach the point where they will clash, like blind moles, and then mutual annihilation will commence.

Let us therefore display statesmanlike wisdom. I propose: we, for our part, will declare that our ships bound for Cuba are not carrying any armaments. You will declare that the United States will not invade Cuba with its troops and will not support any other forces which might intend to invade Cuba. Then the necessity for the presence of our military specialists in Cuba will be obviated.

Mr. President, I appeal to you to weigh carefully what the aggressive, piratical actions which you have announced the United States intends to carry out in international waters would lead to. You yourself know that a sensible person simply cannot agree to this, cannot recognize your right to such action.

If you have done this as the first step towards unleashing war—well then—evidently nothing remains for us to do but to accept this challenge of yours. If you have not lost command of yourself and realize clearly what this could lead to, then, Mr. President, you and I should not now pull on the ends of the rope in which you have tied a knot of war, because the harder you and I pull, the tighter this knot will become. And a time may come when this knot is tied so tight that the person who tied it is no longer capable of untying it, and then the knot will have to be cut. What that would mean I need not explain to you, because you yourself understand perfectly what dread forces our two countries possess.

Therefore, if there is no intention of tightening this knot, thereby dooming the world to the catastrophe of thermonuclear war, let us not only relax the forces straining on the ends of the rope, let us take measures for untying this knot. We are agreeable to this.

We welcome all forces which take the position of peace. Therefore, I both expressed gratitude to Mr. Bertrand Russell, who shows alarm and concern for the fate of the world, and readily responded to the appeal of the Acting Secretary General of the U.N., U Thant.

These, Mr. President, are my thoughts, which, if you should agree with them, could put an end to the tense situation which is disturbing all peoples.

These thoughts are governed by a sincere desire to alleviate the situation and remove the threat of war.

Respectfully,

N. KHRUSHCHEV.

Moscow, *October 26, 1962.*

CHAIRMAN KHRUSHCHEV'S MESSAGE OF OCTOBER 27, 1962[22]

Informal translation[23]

DEAR MR. PRESIDENT: It is with great satisfaction that I studied your reply to Mr. U

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[22] Broadcast over Moscow radio at 5 p.m. Moscow time, Oct. 27, 1962; Russian text delivered to the American Embassy at Moscow at the same hour.

[23] Reprinted with corrected paragraphing from Bulletin of Nov. 12, 1962, pp. 741-743.

Thant on the adoption of measures in order to avoid contact by our ships and thus avoid irreparable fatal consequences. This reasonable step on your part persuades me that you are showing solicitude for the preservation of peace, and I note this with satisfaction.

I have already said that the only concern of our people and government and myself personally as chairman of the Council of Ministers is to develop our country and have it hold a worthy place among all people of the world in economic competition, advance of culture and arts, and the rise in people's living standards. This is the loftiest and most necessary field for competition which will only benefit both the winner and loser, because this benefit is peace and an increase in the facilities by means of which man lives and obtains pleasure.

In your statement, you said that the main aim lies not only in reaching agreement and adopting measures to avert contact of our ships, and, consequently, a deepening of the crisis, which because of this contact can spark off the fire of military conflict after which any talks would be superfluous because other forces and other laws would begin to operate—the laws of war. I agree with you that this is only a first step. The main thing is to normalize and stabilize the situation in the world between states and between people.

I understand your concern for the security of the United States, Mr. President, because this is the first duty of the President. However, these questions are also uppermost in our minds. The same duties rest with me as chairman of the USSR Council of Ministers. You have been worried over our assisting Cuba with arms designed to strengthen its defensive potential—precisely defensive potential—because Cuba, no matter what weapons it had, could not compare with you since these are different dimensions, the more so given up-to-date means of extermination. Our purpose has been and is to help Cuba, and no one can challenge the humanity of our motives aimed at allowing Cuba to live peacefully and develop as its people desire.

You want to relieve your country from danger and this is understandable. However, Cuba also wants this. All countries want to relieve themselves from danger. But how can we, the Soviet Union and our government, assess your actions which, in effect, mean that you have surrounded the Soviet Union with military bases, surrounded our allies with military bases, set up military bases literally around our country, and stationed your rocket weapons at them? This is no secret. High-placed American officials demonstratively declare this. Your rockets are stationed in Britain and in Italy and point at us. Your rockets are stationed in Turkey.

You are worried over Cuba. You say that it worries you because it lies at a distance of 90 miles across the sea from the shores of the United States. However, Turkey lies next to us. Our sentinels are pacing up and down and watching each other. Do you believe that you have the right to demand security for your country and the removal of such weapons that you qualify as offensive, while not recognizing this right for us? You have stationed devastating rocket weapons, which you call offensive, in Turkey literally right next to us. How then does recognition of our equal military possibilities tally with such unequal relations between our great states? This does not tally at all.

It is good, Mr. President, that you agreed for our representatives to meet and begin talks, apparently with the participation of U.N. Acting Secretary General U Thant. Consequently, to some extent, he assumes the role of intermediary, and we believe that he can cope with the reponsible mission if, of course, every side that is drawn into this conflict shows good will.

I think that one could rapidly eliminate the conflict and normalize the situation. Then people would heave a sigh of relief, considering that the statesmen who bear the responsibility have sober minds, an awareness of their responsibility, and an ability to solve complicated problems and not allow matters to slide to the disaster of war.

That is why I make this proposal: We agree to remove those weapons from Cuba which you regard as offensive weapons. We agree to do this and to state this commitment in the United Nations. Your representatives will make a statement to the effect that the United States, on its part, bearing in mind the anxiety and concern of the Soviet state, will evacuate its analogous weapons from Turkey. Let us reach an understanding on what time you and we need to put this into effect. After this, representatives of the U.N. Security Council could control on-the-spot the fulfillment of these commitments. Of course, it is necessary that the Governments of Cuba and Turkey would allow these representatives to come to their countries and check fulfillment of this commitment, which each side undertakes. Apparently, it would be better if these representatives enjoyed the trust of the Security Council and ours—the United States and the Soviet Union—as well as of Turkey and Cuba. I think that it will not be difficult to find such people who enjoy the trust and respect of all interested sides.

We, having assumed this commitment in order to give satisfaction and hope to the peoples of Cuba and Turkey and to increase their confidence in their security, will make a statement in the Security Council to the effect that the Soviet Government gives a solemn pledge to respect the integrity of the frontiers and the sovereignty of Turkey, not to intervene in its domestic affairs, not to invade Turkey, not to make available its territory as a place d'armes for such invasion, and also will restrain those who would think of launching an aggression against Turkey either from Soviet territory or from the territory of other states bordering on Turkey.

The U.S. Government will make the same statement in the Security Council with regard to Cuba. It will declare that the United States will respect the integrity of the frontiers of Cuba, its sovereignty, undertakes not to intervene in its domestic affairs, not to invade and not to make its territory available as place d'armes for the invasion of Cuba, and also will restrain those who would think of launching an aggression against Cuba either from U.S. territory or from the territory of other states bordering on Cuba.

Of course, for this we would have to reach agreement with you and to arrange for some deadline. Let us agree to give some time, but not to delay, two or three weeks, not more than a month.

The weapons on Cuba, that you have mentioned and which, as you say, alarm you, are in the hands of Soviet officers. Therefore any accidental use of them whatsoever to the detriment of the United States of America is excluded. These means are stationed in Cuba at the request of the Cuban Government and only in defensive aims. Therefore, if there is no invasion of Cuba, or an attack on the Soviet Union, or other of our allies then, of course, these means do not threaten anyone and will not threaten. For they do not pursue offensive aims.

If you accept my proposal, Mr. President, we would send our representatives to New York, to the United Nations, and would give them exhaustive instructions to order to come to terms sooner. If you would also appoint your men and give them appropriate instructions, this problem could be solved soon.

Why would I like to achieve this? Because the entire world is now agitated and expects reasonable actions from us. The greatest pleasure for all the peoples would be an announcement on our agreement, on nipping in the bud the conflict that has arisen. I attach a great importance to such understanding because it might be a good beginning and, specifically, facilitate a nuclear test ban agreement. The problem of tests could be solved simultaneously, not linking one with the other, because they are different problems. However, it is important to reach an understanding to both these problems in order to make a good gift to the people, to let them rejoice in the news that a nuclear test ban agreement has also been reached and thus there will be no further contamination of the atmosphere. Your and our positions on this issue are very close.

All this, possibly, would serve as a good impetus to searching for mutually acceptable agreements on other disputed issues, too, on which there is an exchange of opinion between us. These problems have not yet been solved but they wait for an urgent solution which would clear the international atmosphere. We are ready for this.

These are my proposals, Mr. President.

Respectfully yours,

NIKITA KHRUSHCHEV.

[Moscow,] October 27, 1962.

Official translation [24]

DEAR MR. PRESIDENT, I have studied with great satisfaction your reply to Mr. Thant concerning measures that should be taken to avoid contact between our vessels and thereby avoid irreparable and fatal consequences. This reasonable step on your part strengthens my belief that you are showing concern for the preservation of peace, which I note with satisfaction.

I have already said that our people, our Government, and I personally, as Chairman of the Council of Ministers, are concerned solely with having our country develop and occupy a worthy place among all peoples of the world in economic competition, in the development of culture and the arts, and in raising the living standard of the people. This is the most noble and necessary field for competition, and both the victor and the vanquished will derive only benefit from it, because it means peace and an increase in the means by which man lives and finds enjoyment.

In your statement you expressed the opinion that the main aim was not simply to come to an agreement and take measures to prevent contact between our vessels and consequently a deepening of the crisis, which could, as a result of such contacts, spark a military conflict, after which all negotiations would be superfluous because other forces and other laws would then come into play—the laws of war. I agree with you that this is only the first step. The main thing that must be done is to normalize and stabilize the state of peace among states and among peoples.

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[24] Prepared subsequently by the Department of State.

I understand your concern for the security of the United States, Mr. President, because this is the primary duty of a President. But we too are disturbed about these same questions; I bear these same obligations as Chairman of the Council of Ministers of the U.S.S.R. You have been alarmed by the fact that we have aided Cuba with weapons, in order to strengthen its defense capability—precisely defense capability—because whatever weapons it may possess, Cuba cannot be equated with you since the difference in magnitude is so great, particularly in view of modern means of destruction. Our aim has been and is to help Cuba, and no one can dispute the humanity of our motives, which are oriented toward enabling Cuba to live peacefully and develop in the way its people desire.

You wish to ensure the security of your country, and this is understandable. But Cuba, too, wants the same thing; all countries want to maintain their security. But how are we, the Soviet Union, our Government, to assess your actions which are expressed in the fact that you have surrounded the Soviet Union with military bases; surrounded our allies with military bases; placed military bases literally around our country; and stationed your missile armaments there? This is no secret. Responsible American personages openly declare that it is so. Your missiles are located in Britain, are located in Italy, and are aimed against us. Your missiles are located in Turkey.

You are disturbed over Cuba. You say that this disturbs you because it is 90 miles by sea from the coast of the United States of America. But Turkey adjoins us; our sentries patrol back and forth and see each other. Do you consider, then, that you have the right to demand security for your own country and the removal of the weapons you call offensive, but do not accord the same right to us? You have placed destructive missile weapons, which you call offensive, in Turkey, literally next to us. How then can recognition of our equal military capacities be reconciled with such unequal relations between our great states? This is irreconcilable.

It is good, Mr. President, that you have agreed to have our representatives meet and begin talks, apparently through the mediation of U Thant, Acting Secretary General of the United Nations. Consequently, he to some degree has assumed the role of a mediator and we consider that he will be able to cope with this responsible mission, provided of course, that each party drawn into this controversy displays good will.

I think it would be possible to end the controversy quickly and normalize the situation, and then the people could breathe more easily, considering that statesmen charged with responsibility are of sober mind and have an awareness of their responsibility combined with the ability to solve complex questions and not bring things to a military catastrophe.

I therefore make this proposal: We are willing to remove from Cuba the means which you regard as offensive. We are willing to carry this out and to make this pledge the United Nations. Your representatives will make a declaration to the effect that the United States, for its part, considering the uneasiness and anxiety of the Soviet State, will remove it analagous means from Turkey. Let us reach agreement as to the period of time needed by you and by us to bring this about. And, after that, persons entrusted by the United Nations Security Council could inspect on the spot the fulfillment of the pledges made. Of course, the permission of the Governments of Cuba and of Turkey is necessary for the entry into those countries of these representatives and for the inspection of the fulfillment of the pledge made by each side. Of course it would be best if these representatives enjoyed the confidence of the Security Council, as well as yours and mine—both the United States and the Soviet Union—and also that of Turkey and Cuba. I do not think it would be difficult to select people who would enjoy the trust and respect of all parties concerned.

We, in making this pledge, in order to give satisfaction and hope of [to] the peoples of Cuba and Turkey and to strengthen their confidence in their security, will make a statement within the framework of the Security Council to the effect that the Soviet Government gives a solemn promise to respect the inviolability of the borders and sovereignty of Turkey, not to interfere in its internal affairs, not to invade Turkey, not to make available our territory as a bridgehead for such an invasion, and that it would also restrain those who contemplate committing aggression against Turkey, either from the territory of the Soviet Union or from the territory of Turkey's other neighboring states.

The United States Government will make a similar statement within the framework of the Security Council regarding Cuba. It will declare that the United States will respect the inviolability of Cuba's borders and its sovereignty, will pledge not to interfere in its internal affairs, not to invade Cuba itself or make its territory available as a bridgehead for such invasion, and will also restrain those who might contemplate committing aggression against Cuba, either from the territory of the United States or from the territory of Cuba's other neighboring states.

Of course, for this we would have to come to an agreement with you and specify a certain time limit. Let us agree to some period of time, but without unnecessary delay—say within two or three weeks, not longer than a month.

The means situated in Cuba, of which you speak and which disturb you, as you have stated, are in the hands of Soviet officers. Therefore, any accidental use of them to the detriment of the United States in excluded. These means are situated in Cuba at the request of the Cuban Government and are only for defense purposes. Therefore, if there is no invasion of Cuba, or attack on the Soviet Union or any of our other allies, then of course these means are not and will not be a threat to anyone. For they are not for purposes of attack.

If you are agreeable to my proposal, Mr. President, then we would send our representatives to New York, to the United Nations, and would give them comprehensive instructions in order that an agreement may be reached more quickly. If you also select your people and give them the corresponding instructions, then this question can be quickly resolved.

Why would I like to do this? Because the whole world is now apprehensive and expects sensible actions of us. The greatest joy for all peoples would be the announcement of our agreement and of the eradication of the controversy that has arisen. I attach great importance to this agreement in so far as it could serve as a good beginning and could in particular make it easier to reach agreement on banning nuclear weapons tests. The question of the tests could be solved in parallel fashion, without connecting one with the other, because these are different issues. However, it is important that agreement be reached on both these issues so as to present humanity with a fine gift, and also to gladden it with the news that agreement has been reached on the cessation of nuclear tests and that consequently the atmosphere will no longer be poisoned. Our position and yours on this issue are very close together.

All of this could possibly serve as a good impetus toward the finding of mutually acceptable agreements on other controversial issues on which you and I have been exchanging views. These issues have so far not been resolved, but they are awaiting urgent solution, which would clear up the international atmosphere. We are prepared for this.

These are my proposals, Mr. President.

Respectfully yours,

N. KHRUSHCHEV.

[MOSCOW,] *October 27, 1962.*

PRESIDENT KENNEDY'S MESSAGE OF OCTOBER 27, 1962[25]

[WASHINGTON,] *October 27, 1962.*

DEAR MR. CHAIRMAN: I have read your letter of October 26th with great care and welcomed the statement of your desire to seek a prompt solution to the problem. The first thing that needs to be done, however, is for work to cease on offensive missile bases in Cuba and for all weapons systems in Cuba capable of offensive use to be rendered inoperable, under effective United Nations arrangements.

Assuming this is done promptly, I have given my representatives in New York instructions that will permit them to work out this weekend[26] in cooperation with the Acting Secretary General and your representative—an arrangement for a permanent solution to the Cuban problem along the lines suggested in your letter of October 26th. As I read your letter, the key elements of your proposals—which seem generally acceptable as I understand them—are as follows:

1) You would agree to remove these weapons systems from Cuba under appropriate United Nations observation and supervision; and undertake, with suitable safeguards, to halt the further introduction of such weapons systems into Cuba.

2) We, on our part, would agree—upon the establishment of adequate arrangements through the United Nations to ensure the carrying out and continuation of these commitments—(a) to remove promptly the quarantine measures now in effect and (b) to give assurances against an invasion of Cuba.[27] I am confident that other nations of

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[25] Reprinted from Bulletin of Nov. 12, 1962, p. 743. This message was transmitted by the Department of State to the American Embassy at Moscow at 8:05 p.m. Washington time, Oct. 27, 1962, delivered to the Soviet Foreign Ministry at 10:30 a.m. Moscow time, Oct. 28. Text also delivered to the Soviet Embassy at Washington during the evening of Oct. 27 and released to the press.

[26] As transmitted to Moscow, this passage read "week and".

[27] As transmitted to Moscow, this sentence was joined with the following sentence with the word "and."

the Western Hemisphere would be prepared to do likewise.

If you will give your representative similar instructions, there is no reason why we should not be able to complete these arrangements and announce them to the world within a couple of days. The effect of such a settlement on easing world tensions would enable us to work toward a more general arrangement regarding "other armaments", as proposed in your second letter which you made public. I would like to say again that the United States is very much interested in reducing tensions and halting the arms race; and if your letter signifies that you are prepared to discuss a detente affecting NATO and the Warsaw Pact, we are quite prepared to consider with our allies any useful proposals.

But the first ingredient, let me emphasize, is the cessation of work on missile sites in Cuba and measures to render such weapons inoperable, under effective international guarantees. The continuation of this threat, or a prolonging of this discussion concerning Cuba by linking these problems to the broader questions of European and world security, would surely lead to an intensification of the Cuban crisis and a grave risk to the peace of the world. For this reason I hope we can quickly agree along the lines outlined in this letter and in your letter of October 26th.

JOHN F. KENNEDY.

CHAIRMAN KHRUSHCHEV'S MESSAGE OF OCTOBER 28, 1962[28]

Informal translation[29]

DEAR MR. PRESIDENT: I have received your message of October 27. I express my satisfaction and thank you for the sense of proportion you have displayed and for realization of the responsibility which now devolves on you for the preservation of the peace of the world.

I regard with great understanding your concern and the concern of the United States people in connection with the fact that the weapons you describe as offensive are formidable weapons indeed.

Both you and we understand what kind of weapons these are.

In order to eliminate as rapidly as possible the conflict which endangers the cause of peace, to give an assurance to all people who crave peace, and to reassure the American people, who, I am certain, also want peace, as do the people of the Soviet Union, the Soviet Government, in addition to earlier instructions on the discontinuation of further work on weapons constructions sites, has given a new order to dismantle the arms which you described as offensive, and to crate and return them to the Soviet Union.

Mr. President, I should like to repeat what I had already written to you in my earlier messages—that the Soviet Government has given economic assistance to the Republic of Cuba, as well as arms, because Cuba and the Cuban people were constantly under the continuous threat of an invasion of Cuba.

A piratic vessel had shelled Havana. They say that this shelling was done by irresponsible Cuban emigres. Perhaps so; however, the question is from where did they shoot. It is a fact that these Cubans have no territory, they are fugitives from their country, and they have no means to conduct military operations.

This means that someone put into their hands these weapons for shelling Havana and for piracy in the Caribbean in Cuban territorial waters. It is impossible in our time not to notice a piratic ship, considering the concentration in the Caribbean of American ships from which everything can be seen and observed. In these conditions, pirate ships freely roam around and shell Cuba and make pirate attacks on peaceful cargo ships. It is known that they even shelled a British cargo ship.

In a word, Cuba was under the continuous threat of aggressive forces, which did not conceal their intention to invade its territory.

The Cuban people want to build their life in their own interests without external interference. This is their right, and they cannot be blamed for wanting to be masters of their own country and disposing of the fruits of their own labor. The threat of invasion of Cuba and all other schemes for creating tension over Cuba are designed to strike the Cuban people with a sense of insecurity, intimidate them, and prevent them from peacefully building their new life.

Mr. President, I should like to say clearly once more that we could not remain indifferent to this. The Soviet Government decided to render assistance to Cuba with the means of defense against aggression—only with means for defense purposes. We have supplied the defense means which you describe as offensive means. We have supplied them to prevent an attack on Cuba—to prevent rash acts.

I regard with respect and trust the statement you made in you message of October 27, 1962, that there would be no attack, no invasion of Cuba, and not only on the part of the United States, but also on the part of other nations of the Western Hemisphere, as you said in your same message. Then the motives which induced us to render assistance of such a kind to Cuba disappear. It is for this reason that we instructed our officers—these means as I had already informed you earlier are in the hands of the Soviet officers—to take appropriate measures to discontinue construction of the aforementioned facilities, to dismantle them, and to return them to the Soviet Union. As I had informed you in the letter of October 27, we are prepared to reach agreement to enable United Nations Representatives to verify the dismantling of these means.

Thus in view of the assurances you have given and our instructions on dismantling, there is every condition for eliminating the present conflict.

I note with satisfaction that you have responded to the desire I expressed with regard to elimination of the aforementioned dangerous situation, as well as with regard to providing conditions for a more thoughtful appraisal of the international situation, fraught as it is with great dangers in our age of thermonuclear weapons, rocketry, spaceships, global rockets, and other deadly weapons. All people are interested in insuring peace.

Therefore, vested with trust and great responsibility, we must not allow the situation to become aggravated and must stamp out the centers where a dangerous situation fraught with grave consequences to the cause of peace has arisen. If we, together with you, and with the assistance of other people of good will, succeed in eliminating this tense atmosphere, we should also make certain that no other dangerous conflicts which could lead to a world nuclear catastrophe would arise.

In conclusion, I should like to say something about a detente between NATO and the Warsaw Treaty countries that you have mentioned. We have spoken about this long since and are prepared to continue to exchange views on this question with you and to find a reasonable solution. We should like to continue the exchange of views on the prohibition of atomic and thermonuclear weapons, general disarmament, and other problems relating to the relaxation of international tension.

Although I trust your statement, Mr. President, there are irresponsible people who would like to invade Cuba now and thus touch off a war. If we do take practical steps and proclaim the dismantling and evacuation of the means in question from Cuba, in so doing we, at the same time, want the Cuban people to be certain that we are with them and are not absolving ourselves of responsibility for rendering assistance to the Cuban people.

We are confident that the people of all countries, like you, Mr. President, will understand me correctly. We are not threatening. We want nothing but peace. Our country is now on the upsurge. Our people are enjoying the fruits of their peaceful labor. They have achieved tremendous successes since the October Revolution, and created the greatest material, spiritual, and cultural values. Our people are enjoying these values; they want to continue developing their achievements and insure their further development on the way of peace and social progress by their persistent labor.

I should like to remind you, Mr. President, that military reconnaissance planes have violated the borders of the Soviet Union. In connection with this there have been conflicts between us and notes exchanged. In 1960 we shot down your U-2 plane, whose reconnaissance flight over the USSR wrecked the summit meeting in Paris. At that time, you took a correct position and denounced that criminal act of the former U.S. Adminstration.

But during your term of office as President another violation of our border has occurred, by an American U-2 plane in the Sakhalin area. We wrote you about that violation on 30 August. At that time you replied that that violation had occurred as a result of poor weather, and gave assurances that this would not be repeated. We trusted your assurance, because the weather was indeed poor in that area at that time.

But had not your planes been ordered to fly about our territory, even poor weather could not have brought an American plane into our airspace. Hence, the conclusion that this is being done with the knowledge of the Pentagon, which tramples on international norms and violates the borders of other states.

A still more dangerous case occurred on 28 October, when one of your reconnaissance planes intruded over Soviet borders in the Chukotka Peninsula area in the north and flew over our territory. The question is, Mr. President: How should we regard this. What is this: A provocation? One of your planes violates our frontier during this anxious time we are both experiencing, when everything has been put into combat readiness. Is it not a fact that an intruding American plane could be easily taken for a nuclear bomber, which might push us to a fateful step? And all the more so since the U.S. Government and Pentagon long ago declared that you are maintaining a continuous nuclear bomber patrol. Therefore, you can imagine the responsibility you are assuming, especially now, when we are living through such anxious times.[30]

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[28] Broadcast over Moscow radio at 5 p.m. Moscow time, Oct. 28, 1962; Russian text delivered to the American Embassy at Moscow at 5:10 p.m. on the same date.

[29] Text of a Moscow broadcast in English; reprinted with corrections from Bulletin of Nov. 12, 1962, pp. 743-745.

I should like to express the following wish; it concerns the Cuban people. You do not have diplomatic relations. But through my officers in Cuba, I have reports that American planes are making flights over Cuba.

We are interested that there should be no war in the world, and that the Cuban people should live in peace. And besides, Mr. President, it is no secret that we have our people in Cuba. Under such a treaty with the Cuban Government we have sent there officers, instructors, mostly plain people: specialists, agronomists, zootechnicians, irrigators, land reclamation specialists, plain workers, tractor drivers, and others. We are concerned about them.

I should like you to consider, Mr. President, that violation of Cuban airspace by American planes could also lead to dangerous consequences. And if you do not want this to happen, it would better if no cause is given for a dangerous situation to arise.

We must be careful now and refrain from any steps which would not be useful to the defense of the states involved in the conflict, which could only cause irritation and even serve as a provocation for a fateful step. Therefore, we must display sanity, reason, and refrain from such steps.

We value peace perhaps even more than other peoples because we went through a terrible war with Hitler. But our people will not falter in the face of any test. Our people trust their Government, and we assure our people and world public opinion that the Soviet Government will not allow itself to be provoked. But if the provocateurs unleash a war, they will not evade responsibility and the grave consequences a war would bring upon them. But we are confident that reason will triumph, that war will not be unleashed and peace and the security of the peoples will be insured.

In connection with the current negotiations between Acting Secretary General U Thant and representatives of the Soviet Union, the United States, and the Republic of Cuba, the Soviet Government has sent First Deputy Foreign Minister V. V. Kuznetsov to New York to help U Thant in his noble efforts aimed at eliminating the present dangerous situation.

Respectfully yours,

N. KHRUSHCHEV.

[Moscow,] *October 28, 1962.*

Official translation [31]

DEAR MR. PRESIDENT: I have received your message of October 27, 1962. I express my satisfaction and appreciation for the sense of proportion you have displayed, and for your understanding of the responsibility you now bear for the preservation of peace throughout the world.

I regard with great understanding your apprehension and the apprehension of the people of the United States of America over the fact that the weapons which you describe as offensive are indeed terrible weapons.

Both you and we understand what kind of weapons they are.

In order to eliminate as rapidly as possible a conflict which endangers the cause of peace, to give confidence to all peoples longing for peace, and to reassure the people of America who, I am sure, want peace as much as the peoples of the Soviet Union, the Soviet Government, in addition to previously issued instructions for the cessation of further work at the weapons construction sites, has issued a new order to dismantle the weapons, which you describe as offensive, and to crate and return them to the Soviet Union.

Mr. President, I would like to repeat, as I have already stated in my previous letters, that the Soviet Government has extended economic aid as well as arms to the Government of Cuba, since Cuba and the Cuban people have constantly been under the continual threat of an invasion of Cuba.

A piratical vessel has shelled Havana. It is said that irresponsibile Cuban emigres did the shooting. This is possibly the case. But the question arises: from where did they shoot? After all, these Cubans have no territory; they are fugitives from their homeland; they have no funds for conducting military actions.

This means that someone put into their hands the weapons for shelling Havana and for piratical acts in the Caribbean, in Cuban territorial waters. It is unthinkable in our time that a pirate ship could pass unnoticed, particularly considering the saturation of the Caribbean with American ships from which literally all of this is seen and observed. And in such circumstances pirate ships freely roam about Cuba, shell Cuba, and carry out piratical attacks upon peaceful cargo ships. It is, after all, known that they even shelled a British freighter.

In short, Cuba has been under a continual threat from aggressive forces that have not concealed their intention to invade Cuba's territory.

The Cuban people wish to build their life in their own interests without external interference. This is their right, and they connot be blamed for wanting to be masters of their own country and to enjoy the fruits of their labor. The threat of a Cuban invasion and all the other designs aimed at surrounding Cuba with tension are designed to engender uncertainty in the Cuban people, to intimidate them, and to hinder them in freely building their new life.

Mr. President, I want to say clearly once again that we could not be indifferent to this, and so the Soviet Government decided to help Cuba with means of defense against aggression—means only for purposes of defense. We placed means of defense there, means which you call offensive. We placed them there in order that no attack might be made against Cuba and that no rash acts might be permitted.

I regard with respect and trust the statement you made in your message of October 27, 1962, that no attack would be made on Cuba and that no invasion would take place—not only on the part of the United States, but also on the part of other countries of the Western Hemisphere, as your same message pointed out. In view of this, the motives which prompted us to give aid of this nature to Cuba no longer prevail. Hence, we have instructed our officers (these means, as I have already reported to you, are in the hands of Soviet officers) to take the necessary measures to stop the construction of the facilities indicated, and to dismantle and return them to the Soviet Union. As I have already informed you in my letter of October 27, we are prepared to come to an agreement with you to enable representatives of the U.N. to verify the dismantling of these means.

In this way, on the basis of the assurances you have made and of our orders to dismantle, there appear to exist all the necessary conditions for the elimination of the conflict which has arisen.

I note with satisfaction that you have echoed my desire that this dangerous situation be eliminated and also that conditions be created for a more thorough appraisal of the international situation, which is fraught with great dangers in our age of thermonuclear weapons, rocket technology, space ships, global rockets, and other lethal weapons. All mankind is interested in ensuring peace.

Therefore, we who bear great trust and responsibility must not permit the situation to become aggravated but must eliminate breeding grounds where dangerous situations are created, fraught with serious consequences for the cause of peace. And if we, together with you and other people of good will, succeed in eliminating this tense situation, we must also concern ourselves with seeing that other dangerous conflicts do not arise which might lead to a world thermonuclear catastrophe.

In conclusion, I should like to say something about the improvement of relations between NATO and the states of the Warsaw Pact, which you mention. We spoke of this a long time ago, and are ready to continue exchanging opinions with you on this question and to find a reasonable solution. We also wish to continue to exchange opinions on the prohibition of atomic and thermonuclear weapons, on general disarmament, and on other questions relating to relaxation of international tensions.

Mr. President, I place belief in your statement. On the other hand there are irresponsible people who would like to carry out an invasion of Cuba at this time and thereby unleash a war. If we take practical steps and announce the dismantling and evacuation of the above-mentioned means from Cuba, in doing so we at the same time want the Cuban people to be sure that we are with them and are not relieving ourselves of the responsibility of granting aid to the Cuban people.

We are convinced that the peoples of all countries will, like yourself, Mr. President, understand me correctly. We do not threaten. We desire only peace. Our country is now on the upswing. Our people are enjoying the fruits of their peaceful labor. They have achieved tremendous successes since the October Revolution, and have created the greatest material, spiritual, and cultural values. Our people are making use of these values and want to develop their achievements further and by their steadfast labor to ensure even greater growth along the path of peace and social progress.

I should like, Mr. President, to remind you that military aircraft of a reconnaissance nature have violated the frontiers of the Soviet Union—over which matter we had a controversy with you, and an exchange of notes took place. In 1960 we shot down your U-2 aircraft, whose reconnaissance flight over the U.S.S.R. led to the disruption of the summit meeting in Paris. You took a correct position at the time in condemning that criminal action on the part of the previous Administration of the United States.

But during your term of office as President, a second case of violation of our frontier by an American U-2 aircraft has taken place in the Sakhalin area. We informed you of this violation on August 30. You then replied that this violation had occurred as a result of bad weather and gave assurances that it would not be repeated. We accepted your assurances because there was, indeed, bad weather in that area at the time.

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[30] See the official translation below for a paragraph omitted here.

[31] Prepared subsequently by the Department of State.

However, if your aircraft had not been given a mission to fly near our territory, then even bad weather could not have led an American aircraft into our air space. The conclusion follows that this is done with the knowledge of the Pentagon, which tramples on international norms and violates the frontiers of other states.

An even more dangerous case occurred on October 28, when your reconnaissance aircraft invaded the northern area of the Soviet Union, in the area of the Chukotski Peninsula, and flew over our territory. One asks, Mr. President, how we should regard this. What is this—a provocation? Your aircraft violates our frontier, and this happens at a time as troubled as the one through which we are now passing, when everything has been put in battle readiness. For an intruding U.S. aircraft can easily be taken for a bomber with nuclear weapons, and that can push us toward a fatal step. All the more so, because the U.S. Government and the Pentagon have long been saying that you continually maintain bombers with atomic bombs in the air. Therefore, you can imagine what kind of responsibility you assume, especially during such an anxious time as the present.

I should like to ask you to assess this correctly and to take steps accordingly, to prevent it from serving as a provocation to touch off a war.

I should also like to express to you the following wish. Of course, this is the Cuban people's affair—you do not at present maintain diplomatic relations, but through my officers in Cuba I have reports that American planes are conducting flights over Cuba.

We are interested in not having any war at all in the world and in the Cuban people's being able to live in peace. But, in addition to this, Mr. President, it is no secret that we have our people in Cuba. By agreement with the Cuban Government, we have there officers and instructors who are training the Cubans; they are mainly ordinary people, including specialists, agronomists, animal husbandry technicians, irrigation and reclamation experts, common laborers, tractor drivers, and others. We have concern for them.

I should like to ask you, Mr. President, to bear in mind that a violation of Cuban air space by American aircraft may also have dangerous consequences. And if you do not want that, no cause should be given for the creation of a dangerous situation.

We must now be very cautious and refrain from any acts that would not help in the defense of the states involved in the controversy, but which could arouse only irritation, and even prove to be a provocation for a fatal step. We must therefore display sense and wisdom, and refrain from acts of that kind.

We value peace, perhaps even more than other peoples, because we experienced a terrible war against Hitler. But our people will not flinch in the face of any ordeal; our people trust their own government, and we assure our own people and world public opinion that the Soviet Government will not allow itself to be provoked. But if the provocateurs unleash a war, they will not escape the responsiblity and the grave consequences that war will bring to them. We are confident, however, that reason will prevail, that war will not be unleashed, and that the peace and security of peoples will be ensured.

In regard to the current negotiations of Acting Secretary General U Thant, with representatives of the Soviet Union, the United States of America and the Republic of Cuba, the Soviet Government has sent to New York V. V. Kuznetsov, First Deputy Minister of Foreign Affairs of the U.S.S.R., with a view to assisting Mr. Thant in his noble efforts aimed at eliminating the present dangerous situation.

Respectfully yours,

N. KHRUSHCHEV.

[MOSCOW], *October 28, 1962.*

PRESIDENT KENNEDY'S MESSAGE OF OCTOBER 28, 1962[32]

[WASHINGTON,] *October 28, 1962.*

DEAR MR. CHAIRMAN: I am replying at once to your broadcast message of October twenty-eight, even though the official text has not yet reached me, because of the great importance I attach to moving forward promptly to the settlement of the Cuban crisis. I think that you and I, with our heavy responsibilities for the maintenance of peace, were aware that developments were approaching a point where events could have become unmanageable. So I welcome this message and consider it an important contribution to peace.

The distinguished efforts of Acting Secretary General U Thant have greatly facilitated both our tasks. I consider my letter to you of October twenty-seventh and your reply of today as firm urdertakings on the part of both our governments which should be promptly carried out. I hope that the necessary measures can at once be taken through the United Nations, as your message says, so that the United States in turn will be able to remove[33] the quarantine measures now in effect. I have already made arrangements to report all these matters to the Organization of American States, whose members share a deep interest in a genuine peace in the Caribbean area.

You referred in your letter to a violation of your frontier by an American aircraft in the area of the Chukotsk Peninsula. I have learned that this plane, without arms or photographic equipment, was engaged in an air sampling mission in connection with your nuclear tests. Its course was direct from Eielson Air Force Base in Alaska to the North Pole and return. In turning south, the pilot made a serious navigational error which carried him over Soviet territory. He immediately made an emergency call on open radio for navigational assistance and was guided back to his home base by the most direct route. I regret this incident and will see to it that every precaution is taken to prevent recurrence.

Mr. Chairman, both of our countries have great unfinished tasks and I know that your people as well as those of the United States can ask for nothing better than to pursue them free from the fear of war. Modern science and technology have given us the possibility of making labor fruitful beyond anything that could have been dreamed of a few decades ago.

I agree with you that we must devote urgent attention to the problem of disarmament, as it relates to the whole world and also to critical areas. Perhaps now, as we step back from danger, we can together make real progress in this vital field. I think we should give priority to questions relating to the proliferation of nuclear weapons, on earth and in outer space, and to the great effort for a nuclear test ban. But we should also work hard to see if wider measures of disarmament can be agreed and put into operation at an early date. The United States government will be prepared to discuss these questions urgently, and in a constructive spirit, at Geneva or elsewhere.

JOHN F. KENNEDY.

Mr. SYMMS. Mr. President, I think it is important to mention General Jones. General Jones, our current Chairman of the Joint Chiefs of Staff, has joined myself and Representative JACK KEMP of New York in accusing the Soviets of clear-cut violations of the Kennedy-Khrushchev agreement of 1962. The Soviet acts which violate the agreement, according to press reports, are as follows:

The Soviet strategic submarine base built at Cienfuegos, complete with a nuclear warhead handling facility.

The visits of Soviet Golf and Echo class submarines to Cienfuegos, carrying strategic nuclear warhead-equipped missiles.

The Soviet TU-95 Bear bombers which regularly fly to Cuba.

The 66,000 tons of Soviet military equipment shipped to Cuba in 1981, three times more than in 1962.

The nuclear-missile-equipped Soviet naval task force tours of the Caribbean in 1981, threatening vital oil fields.

The 40 nuclear-capable Mig-23/27s in Cuba.

The Soviet Combat Brigade in Cuba.

I would be happy to add to the list of cosponsors the distinguished President pro tempore of the Senate, Mr. THURMOND.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I suggest we keep this open all day long and invite other Senators to add their names in cosponsorship of this amendment.

I think, Mr. President, it is important to have available in the RECORD the Kennedy-Khrushchev Agreement of 1962, not only for out colleagues but also for the public. The correspondence and the above Soviet actions reported in the press point out how glaringly that is being violated.

I would add, Mr. President, that our President now faces a very difficult problem. What faces the Commander in Chief, is the fact that in the soft underbelly of the United States, the Caribbean basin, Fidel Castro has become a real cancer clearly threatening American security.

I think we should reaffirm our 20-year-old policy in this area and keep the peace. In this time of clear-cut national security danger, it is going to be necessary for us to do nothing which would in anyway weaken the power and authority or our Commander in Chief, the President of the United States. That is what I object to in the otherwise nobly intended amendment offered by the distinguished minority leader. I think my amendment would certainly be much more appropriate at this time. It would clearly send the strong and correct signal to Castro and the other aggressors who are openly intervening with brute force from outside our own hemisphere into El Salvador and disrupting the stability of Latin America. Recently, Secretary Haig has testified that there are over 70 Soviet military advisers, 30 Warsaw Pact and PLO military advisers, and over 2,000 Cuban troops in Nicaragua, aiding the Marxist insurgency threatening El Salvador.

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[32] Reprinted from Bulletin of Nov. 12, 1962, pp. 745-746. This message was transmitted by the Department of State to the American Embassy at Moscow at 5:03 p.m. Washington time, Oct. 28, 1962, delivered to the Soviet Foreign Ministry at 6:08 a.m. Moscow time, Oct. 29. Text also delivered to the Soviet Embassy at Washington on Oct. 28 and released to the press at 4:35 p.m. on that date.

[33] As transmitted to Moscow, the text read "in turn can remove".

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

A BILL, PROPOSED BY MR. ROBERT BYRD,
AMENDMENT NO. 1334

Strike all after the enacting clause and substitute the following:

That it is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the Joint Resolution entitled A Joint Resolution Expressing the Determination of the United States with Respect to the Situation In Cuba, passed by the Senate on September 20, 1962 and by the House of Representatives on September 26, 1962 and signed into law by the President on October 3, 1962 (76 Stat. 697), as follows:

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "To extend their system to any portion of this Hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the excercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations", and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

CRIMINAL CODE REFORM ACT OF 1981

AMENDMENT NO. 1335

(Ordered to be printed and lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill (S. 1630) to codify, revise, and reform title 18 of the United States Code, and for other purposes.

RESOLUTION EXPELLING SENATOR HARRISON A. WILLIAMS FROM THE SENATE

AMENDMENT NO. 1336

(Ordered to be printed.)

Mr. CRANSTON proposed an amendment to the resolution (S. Res. 204) expelling Senator HARRISON A. WILLIAMS, JR., of New Jersey, from the Senate.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Governmental Affairs will hold a hearing on the President's federalism initiative on Thursday, March 11, 1982, at 9 a.m. in room 3302 of the Dirksen Senate Office Building. For further information regarding this hearing, please contact Mike Mitchell at 224-4751.

In addition, the committee will consider the nomination of Frederick V. Malek of Virginia to be a Governor of the U.S. Postal Service for the term expiring on December 8, 1989, in a hearing on Friday, March 12, 1982, at 10 a.m. in room 3302 of the Dirksen Building. For further information on this hearing, please contact Margaret Hecht at 224-4751.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I wish to announce for the information of the Senate and the public the scheduling of public hearings before the Committee on Energy and Natural Resources to consider natural gas policy and regulatory issues, including related proposals for modifications to existing law. The hearings will be held on Monday, March 22 and Tuesday, March 23, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding these hearings you may wish to contact Mr. Howard Useem of the committee staff at 224-5205.

Mr. President, I have announced the first 2 days of a series of hearings the Committee on Energy and Natural Resources will hold on the subject of natural gas policy and regulatory issues, including related proposals for modifications to existing law. These 2 days will occur on the 22d and 23d of March. The additional days of hearings will be scheduled at a later date.

The purpose of these hearings is to explore in great detail existing natural gas law and the related regulatory structure to determine the nature and extent of the problems that are occurring, and possible solutions to these problems. To that end, these hearings will also review the several pending legislative proposals to modify existing law.

During the course of the hearings, the committee expects to receive testimony from a broad spectrum of witnesses, including representatives of the administration, industry, and consumer groups.

SUBCOMMITTEE ON WATER AND POWER

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Water and Power to consider S. 956, a bill to amend the Reclamation Safety of Dams Act of 1978 to authorize additional appropriations, and for other purposes. The hearing will be held on Saturday, March 27, beginning at 9:30 a.m., in conference room 212 of the State Office Building (O.L.B.) located at 1645 W. Jefferson, Phoenix, Ariz.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Water and Power, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Russell Brown of the subcommittee staff at 202-224-2366.

ADDITIONAL STATEMENTS

REPRESENTATIVE JAMES R. JONES

● Mr. BOREN. Mr. President, it has been my privilege to work with Representative JAMES R. JONES of Tulsa during his decade of service to Oklahoma in the U.S. House of Representatives. He now serves ably as chairman of the House Budget Committee. I join my fellow Oklahomans in feeling pride because of the national recognition which JIM JONES is now receiving for his ability and hard work. The following is the text of an article about Chairman JONES which appeared in the March 1982 issue of the Washingtonian. I ask that it be printed in the RECORD.

The material follows:

[From the Washingtonian, March 1982]

JAMES JONES IS A LITTLE LIKE A FLAT-CHESTED MOVIE STAR

(By Ervin S. Duggan)

On a November evening in 1968, a Marine bandsman in the balcony of Georgetown's Holy Trinity Church hoisted his trumpet and blared the first notes of Henry Purcell's "Trumpet Voluntary."

At the sound, a priest, followed by a tail-coated bridegroom and his best man, entered the sanctuary and stood before the altar. Several hundred wedding guests began to shift in their pews, craning to get the first glimpse of the bride.

It was a thoroughly traditional scene. But this was no ordinary wedding.

For one thing, the assembled guests included the President of the United States, Lyndon Johnson, and his wife Lady Bird, assorted Cabinet officers, congressional moguls, and high-voltage media people: an aviary of power and influence.

For another, the marriage of James Robert Jones to Olivia Barclay was a glamorous moment in a story of small-town-boy ambition: the story of Jim Jones' missile-like trajectory from Muskogee, Oklahoma, to Washington.

Four years before his wedding night, Jim Jones had been an obscure 25-year-old Army lieutenant. Now, at 29, he was Lyndon Johnson's White House chief of staff. He was known, along with Lady Bird Johnson, secretary Marie Fehmer, and two or three others, to be one of the few people who could handle the contrary, obstreperous President.

And Johnson's pride in his self-effacing young aide was so great that after the wedding ceremony, as the guests milled and danced at the Sheraton-Carlton, the President behaved as if this affair were another Johnson family wedding. He greeted every guest, lingered late into the night, and posed repeatedly for pictures with the bridal party, a paternal smile creasing his face.

Today, thirteen years later, some of those wedding pictures hang on Congressman Jim Jones's office wall; the rise of Jim Jones is still under way.

Elected in 1972 to the House, Jones nudged his way into a place on the powerful Ways and Means Committee. In 1979, when the Democratic Steering Committee denied him the seat he wanted on the House Budget Committee, Jones fought in the Democratic Caucus. He won. In late 1980 he defeated his more liberal colleague, David Obey of Wisconsin, for the chairmanship of the Budget Committee—and in the process sent out a signal that Jim Jones, though as bland-looking as a small-town mortician, was an important political force.

Last year, Jones wrestled with Ronald Reagan—over the size and shape of the 1982 federal budget and the extent of future federal tax cuts. Jones lost on both, but it now appears his ideas made more economic sense than those of the President and David Stockman.

So Jones is a politician worth watching. Reagan's easy victories of last year won't be repeated: Congress and the electorate have grown more skeptical. In the hard bargaining that will accompany this year's budget and tax proposals, Jones will be a key figure.

Jones, moreover, is emerging as a power among the Democrats. As the party adjusts to a more frugal and conservative national temper, moderate-to-conservative Democrats like Jones are gaining visibility and influence. Jones has demonstrated that he wants both.

Finally, Jones is interesting as a political type in Washington: the legislative workhorse. Jones has won his current status not through mediagenic glamour but through political strategy and hard, often dull work. In this, his career recalls politicians of the past—Sam Rayburn, for instance. But in today's world of fifteen-second news stories, such politicians are increasingly endangered.

Jones's career may be the nearest thing to a log-cabin saga for a politician reared in post-World War II America.

He was born May 5, 1939, in Muskogee, the last, late-in-life child of a rural letter-carrier and a telephone operator. Muskogee, then and now a big threadbare town in northeastern Oklahoma, had few rich families, and the Joneses were not among them. They had seen the Depression from the inside: one of their sons, Jim's older brother, had died early; the other children—another son, a daughter, and young Jim—learned early that life was difficult, that work, even for youngsters, was a necessity, and that luxuries were mostly for others.

As a child, he was skinny and inquisitive, with a hero-worshiper's enthusiasm for sports and a precocious interest in politics and journalism.

"Ed Edmondson really got me interested in politics," Jones says. "He was the county attorney in Muskogee. He organized a Junior Officers Corps, and when I was eight years old, I went down to Roxy Theater to join. We toured Ed's office, and he gave us a speech about law enforcement or good citizenship."

It was the sort of experience other kids endure and forget, but young Jim Jones was somehow hooked. He became a pint-sized volunteer in Edmondson's subsequent political efforts, stuffing envelopes and passing out handbills after school.

"When I was twelve, Ed ran for Congress. He won, and I became a member of his staff," Jones says. "When I was eighteen, Ed's brother ran for governor and I worked for him, too. It was a summer primary and I was out of school, so I stumped the state with a sound truck for him. Somewhere along the way he fired his press secretary, and I took over the job."

The teenaged political press secretary, however, not only was familiar with Oklahoma politics; he also understood the workings of the press. Years before, in addition to his volunteer political chores, Jones had begun to work for pay, covering general assignments for both of Muskogee's rival newspapers—first the Muskogee Daily News, then the Muskogee Phoenix.

"I covered my first murder when I was fourteen," Jones recalls. "It was at Gooseneck Bend, Oklahoma. I got there with my camera, before the sheriff, and I spent a long time consoling the bereaved widow. She told me that somebody had appeared at their house and shot her husband in the face with a sawed-off shotgun. When the sheriff got there, it turned out that the killer was the bereaved widow.

"I started out as a sports writer, and then I did everything. I was wire editor and sports editor. I was in high school, the lowest-paid employee on the staff, and I was working longer and harder than the rest of the others put together."

Jones's precocious energy was matched by his ambition. Selected to attend Oklahoma Boys' State—an American Legion-sponsored summer camp that teaches civics through political role-playing—Jones ran for the top office, governor, and was elected.

Later, at Oklahoma University, he held down five jobs, one as a radio broadcaster. "I put together a small radio network," he says. "I did sports, news, a little bit of everything.

"Then, during my senior year at O.U., Ed Edmondson offered me a job as a legislative assistant in his office when I graduated. That's how I first got to Washington."

Jones's political education continued in Washington, where he spent the roiling decade of the '60s.

As a legislative assistant to Edmondson, his first mentor, Jones spent his days on Capitol Hill, soaking up the lore of legislative politics.

At night, he went to law school. "I was in a three-year accelerated program at the old Georgetown Law campus at 6th and E Streets," Jones recalls. His classmates included, among other future luminaries, Tom Boggs, son of the late Democratic Whip Hale Boggs, and now a prominent Washington lawyer-lobbyist; and John Durkin, later to serve as a U.S. senator from New Hampshire.

"In 1963, Tommy Boggs introduced me to some of Vice President Johnson's staff people," Jones recalls. "They were looking toward the 1964 campaign; Johnson expected to be nominated for Vice President again, and they needed people to do advance work. So in my spare time, I started learning to be an advance man.

"Later that year the Johnsons invited some staff and advance people to a swimming party at their house in Spring Valley. I had never learned how to swim, but I accepted the invitation anyway. I went to the YMCA, took a crash course in swimming, went to the party, and I swam."

After the assassination of John F. Kennedy in November 1963, Lyndon Johnson's travel schedule intensified, and Jones became a part-time, but regular, advance man for the White House.

His great moment as an advance man came during the 1964 campaign, when Jones headed the advance team for Lady Bird Johnson's whistlestop train tour of the former Confederate states. The trip was arduous and marred in places by hostile demonstrations, but Jones won plaudits from Mrs. Johnson's staff. Liz Carpenter, Lady Bird's staff chief and press secretary, returned to Washington and recommended Jones for a White House job.

Jones, however, had an Army ROTC obligation to fulfill. He was already on duty when, in January 1965, Johnson's appointments secretary, Marvin Watson, called him to Washington for an interview. Within a few days, Jones had new orders: to report to duty at the White House as a military aide to the President.

At the White House, Jones had little to do with military matters; he served as a deputy to Watson, managing the President's daily schedule, monitoring the flow of paper through the Oval Office, traveling with the President to Texas and abroad.

On one trip, Johnson visited Pope Paul VI at the Vatican, where Jones, a devout Catholic, witnessed a bizarre exchange of gifts between the two men. Several of the Pope's priestly aides rolled an object into the meeting room and unveiled the Pope's gift to the President: a priceless pre-Renaissance painting from the Vatican's collection of religious art. Then Johnson, scarcely waiting for the expressions of awe to subside, pressed a small gift-wrapped box into the Pontiff's hands. The Holy Father struggled vainly with the ribbons; several Johnson aides advanced to help, but Johnson waved them aside. Then, withdrawing a penknife from his capacious trousers, Johnson moved close to the Pope, cut the wrappings away from the box, and, beaming, pulled out his gift to the Pope: a plaster bust of LBJ. Jones rose fast in his White House job. Johnson, who himself had served as a congressional assistant and had gone to law school nights, took a fatherly interest in the young aide.

Jones, in turn, displayed a knack for dealing with the President, who was famous for his orneriness.

One weekend in Texas, Johnson announced to his staff and family that he had decided to accept an invitation to cut the opening ribbon at Astroworld, an amusement park near the Astrodome in Houston. The park's promoter, "Judge" Roy Hofheinz, was an old friend and supporter of Johnson's. Johnson's aides and relatives were unanimously opposed to the idea; President's traditionally do not endorse commercial schemes—especially amusement parks. It would be, well, unpresidential. But Johnson was resolute: Hofheinz was his friend; Hofheinz wanted LBJ at Astroworld; LBJ would go and cut Hofheinz's goddamned ribbon.

Jones, charged with managing the President's schedule for the weekend in Texas, began planning the ribbon-cutting in elaborate detail. Several times a day, he would consult the President about little aspects of the event. Where did the President want to position the press and the cameramen who would cover the event? Did the President want to fly to Houston by JetStar or on Air Force One? Did the President want a speech prepared extolling the glories of Astroworld?

Finally, on the appointed day, when Jones was beginning to warn Johnson that he must soon depart for Houston and Astroworld, Johnson snapped at Jones: "Stop pestering me about that goddamned amusement park. I'm the President of the United States of America. I'm not going to cut any ribbon at any damned amusement park."

Jones' tact and patience were rewarded. In 1968, after Marvin Watson had accepted a post as Johnson's Postmaster General, Johnson named Jones his White House chief of staff: At 29, Jones was the youngest person in history to have held the job.

For Jones, the experience promised an opportunity to absorb a great politician's lessons—and to observe his flaws.

"First of all," Jones says now, "I learned the importance of homework. I learned that to be effective at all, you've got to learn your subject matter, marshal your facts.

"I learned to touch all bases. Nothing is more important than wide, careful, patient consultation.

"I learned to think ahead; to ask, 'What is the great design? What is the end result of this action likely to be?' "

Jones doubtless learned something else as well: political guerrilla warfare.

Jones' later bids for advancement in the House—first for a seat on the Budget Committee, then for its chairmanship—required some LBJ-style elbow-jabbing and recalled LBJ's vulpine political subtlety. Knowing, for example, that the liberal Tip O'Neill was unlikely to support his bid for the chairman's gavel against the liberal David Obey, Jones—in LBJ fashion—settled for a pledge of neutrality from the Speaker. He won, but his victory was not without price: a reputation for brashness that is only partly offset by Jones' quiet manner.

And Jones can be harsh. In February 1981, when he returned from a working trip to Europe, Jones learned from his staff that budget chief David Stockman and Treasury Secretary Donald Regan would testify on the President's economic program before a Senate Committee first, then before Jones' House Budget Committee.

Jones was peeved. Tradition, and the Constitution, dictate that all revenue bills must originate in the House. Jones sent word, through an aide, that the House testimony of both Stockman and Regan would simply be canceled; there was a remote possibility, Jones said, that he might reschedule the hearings for "late April or May."

It was vintage LBJ, and it worked. Within a short while, both Regan and Stockman called. Each apologized profusely for the mixup, and each promised to rearrange his schedule to suit Chairman Jones's convenience. In political combat, Jones's mild demeanor masks a flinty core. At home in Washington, by contrast, Jones is as mild as he seems.

Having listened for years to Lyndon Johnson's boast about his marriage to Lady Bird—"I outmarried myself!"—Jones resolved to do the same.

Olivia Barclay Jones, a graduate of Stanford University and Harvard Law School, was the first woman lawyer hired by Hogan & Hartson, one of Washington's oldest and biggest law firms. ("I remember a party the firm gave for us associates," she says, recalling her sojourn with the firm. "It was held at the Metropolitan Club, so of course I couldn't go.")

She and Jones met in the early spring of 1968 at the Washington premiere of *2001: A Space Odyssey.* She was with someone else, but Jones remembered her name; on one of his trips to the LBJ Ranch, he called her in Washington and asked her out. He proposed the following June, and their wedding at Holy Trinity, with the Marine musicians in the balcony, took place five months later.

"I remember being struck by how mature he was, even at age 28 or 29," she says of their courtship. "He was always very careful about maintaining his anonymity, about not being too well known. One evening I was at the White House, waiting for him to finish up, and I asked him about it. 'If I'm going to be effective, especially at my age,' he said, 'I can't afford to be known. If I waste my energy trying to get recognition, I'll breed resentment; I'll lose effectiveness.' That impressed me."

On January 20, 1969, as Richard Nixon was being sworn in as President, the Joneses left Washington behind, heading by car back to Jones's native Oklahoma.

They settled not in Muskogee, but in the adjacent First Congressional District, in Tulsa, a booming city built on a foundation of oil, fundamentalist religion, and conservative—mostly Republican—politics.

In Tulsa they bought a big, fading house built in 1919 by William Skelly, an early Oklahoma oil man. Then they hung out their shingle as partners in the practice of law: Jones & Jones, Attorneys.

In 1970, the year Jim Jones first ran for Congress (and lost), their first son, Geoffrey, was born. Two years later, in a year when Richard Nixon won 79 percent of the vote in Tulsa and the surrounding area, Jones ran for Congress again, and this time—despite the Republican landslide—squeaked by. Their second son, Adam, was born in 1973.

Today in Washington, the Joneses live a few blocks from his office in another vintage dwelling: a Victorian house that Olivia Jones has restored. Today she works full-time as a partner in a Capitol Hill real estate and restoration firm and part-time on a novel.

How does she feel about giving up her law career? Has her ambition been reined in by her husband's political career?

"I'm at peace," she says, bristling a little at the question. "I'm an intense person. What I do, I want to do well. What I'm doing now is raising this family and running a business of my own. I'm enjoying that. As for the law, I have no feeling that I've ever ceased to be a lawyer. I use it every day in my business."

As Lyndon Johnson used to tell it, the late Senator Carl Hayden admonished him when Johnson came to the Senate: "Son, you've got to decide whether to be a workhorse or a show horse." LBJ prided himself on being a workhouse: a tactician, a negotiator, a legislator.

Jones applied himself from the beginning to economic issues, preaching a kind of fiscal old-time religion that reflected the oil-rich, Bible-believing majority in his Sunbelt district.

During his early years in Congress, Jones's conservatism made him a curiosity among his Democratic colleagues. But in the late '70s, with the passage of California's tax-cutting Proposition 13, Jones began to notice more sympathy among congressional Democrats for his calls to restrain federal spending and to encourage business investment through tax incentives.

Jones's victory in his fight for the Budget Committee chairmanship reflected something new: a fragile, emerging consensus among Democrats that the federal budget must be restrained. Joined to the traditional budget-cutting fervor of many Republicans, this new consensus among Democrats created a potentially powerful tide in the House.

As the Reagan era dawned, Jones saw an opportunity: to play a key role as broker between Reagan and the Democratic majority in the House. Reagan, he reasoned, would need Jones's help to win the votes of Democratic moderates; Democratic moderates and liberals, to save their programs from extinction, would likewise need Jones's help.

Jones, conservative though he was, had serious doubts about Reaganomics and the Reagan-Stockman legislative proposals as they emerged. He thought Reagan's rosy predictions of rapid economic growth were hogwash. He believed that without such rapid growth, Reagan's tax-cut proposals would create yawning deficits. He strongly opposed Reagan's across-the-board personal tax cuts, favoring instead more modest cuts targeted toward business investment. The House, Jones predicted, would give Reagan "half to three quarters of what he wanted."

Jones, by his own account, believed that he and the Democratic leadership could negotiate compromises with Reagan, in the way that LBJ and Sam Rayburn had negotiated with Eisenhower in the '50s.

It worked for a time—or seemed to. Jones, the patient negotiator, held dozens of meetings with his old congressional colleague, budget director David Stockman. The two were a study in contrasts: Stockman, intense, impatient, intellectual, eager for a major overhaul of the government; Jones, low-key, folksy, a traditionalist suspicious of all sweeping change.

Roughly one month into the 1981 legislative year, Jones heard that Stockman wanted to rush Reagan's economic proposals through the House, bypassing individual committees. Jones engineered a compromise that would allow the committees first crack at examining the Reagan budget, but still speed up the budget review process. Backed by the Democratic leadership, Jones went into negotiation with Stockman; Stockman—and Reagan—agreed to Jones's timetable. In this, and in dozens of other encounters, Jones found Reagan and his lieutenants—notably Stockman—amiable and conciliatory.

Jones and his fellow Democrats presented the Budget Committee with their alternative to the Reagan-Stockman model. The Democratic alternative embraced the Reagan mandate to scale down the federal government; it endorsed, as Jones had promised, about 75 percent of Reagan's budget cuts. But it rejected Reagan's 30-percent, three-year tax cut in favor of more limited cuts, it trimmed some of Reagan's proposed increases in defense spending, and it allowed a little more money to flow into federal social programs. Jones's committee, on a party-line vote, accepted the proposal.

Jones hoped that the result would be a negotiated compromise with the White House. The contest, after all, was between two versions of conservatism; the differences between the two were small. In mid-April, appearing on a television talk show, Jones said he believed that the administration was willing to compromise on its economic package—by considering a one-year tax cut instead of the three-year scheme.

He was wrong. What occurred in the ensuing days was not a season of gentlemanly compromise, but a partisan brawl. President Reagan denounced the rumors of compromise and called for unconditional congressional surrender on his economic proposals. In the early months of 1981, Jones had found Reagan and Stockman open to suggestion; now Stockman, in meetings with Jones, appeared rigid and demanding.

What caused the change in attitude?

"I associate it with the assassination attempt on the President," Jones says today. "Whether that's coincidence, or whether it really had something to do with the shooting, I don't know. But suddenly there was no interest in bipartisanship. The doors were closed, and the confrontation started. Maybe they had a heightened sense of being under attack."

"That's only part of the story," says a White House aide. "We were concerned about a loss of momentum for the program when the President was shot. But we were concerned also about Republican defections from the President's program. We were concerned about Democrats taking credit for the legislative achievements of the President's first year. We knew the President was very popular. We made a decision that we could win without those guys."

By late April, total support for the President's economic program had become a litmus test of support for the President himself. The White House unleashed a massive lobbying campaign; telephones all over Capitol Hill began to jangle with a message from the hinterlands: Give the President's program—whatever it is—a chance to work.

When the final votes were counted in the battle of the budget and other economic issues, Reagan, Stockman, and company had won every major round. They insisted on drastic budget cuts, carved mostly out of social programs, and they got them. They insisted on large tax cuts, weighted in favor of high-income taxpayers and not keyed to the performance of the economy. They got them. Republicans stuck by the President with virtually unprecedented loyalty—and scores of Democrats, feeling the political heat, split ranks and supported the administration.

Jones and his fellow Democrats, in a word, got clobbered.

"In the end," he says today, "those bills weren't decided on their merits. It was a popularity question—a question of whether you supported the President, nothing more. Short of getting Gregory Peck to tell our side of the story, I don't know what more we could have done. We were just overwhelmed."

This year, as a new legislative session got under way, Jones seemed philosophical about the defeats of last year.

Jones is clever enough not to gloat, but the past year must have brought him certain satisfactions that cushion the memory of defeat. He has seen his high-flying adversary David Stockman brought low by indiscreet ramblings to a reporter. "I couldn't believe it had happened," Jones says of the Stockman-Greider affair. "The only thing I can figure is that his ego got the best of him. . . . Maybe he wanted to be seen in the best light by history—to distance himself from Reagan's mistakes. But history came too soon."

More important, Jones has seen his misgivings about Reagonomics at least partially confirmed by events. At the beginning of last year, in an article warning that Reaganism would come to grief like Thatcherism in Britain, Jones wrote: "The extraordinary growth rates upon which the Reagan budgets are based are unlikely to occur, just as they have not occurred in Britain. And without such growth, the combination of personal tax cuts, major increases in defense spending . . . and the rising cost of unemployment . . . will result in very high deficits, on the order of $100 billion. . . . The housing and auto industries will suffer badly, and that will ripple through the entire economy." Jones's predictions of recession, high unemployment, and mounting deficits were as right as Reagan's and Stockman's predictions were wrong—a fact that Jones points out often in his speeches these days.

Jones professes himself ready, once again, to extend the olive branch of bipartisian cooperation to Reagan. And Reagan—if he wants results rather than campaign issues—may need to compromise this year; victories will not be so easy for the President this year as last. The recession, high unemployment, and the Stockman-Greider affair have tarnished Reagan's credibility. And members of Congress, who last year attached themselves eagerly to Reagan in his success, will unstick themselves if he seems to be failing in this election year.

So Jones, in spite of last year's bruising defeats, has reason to feel some comfort. As a colleague put it, "Jim lost battles, but he gained stature."

What does the future hold for Jones? He has clearly lost none of the ambition that originally propelled him into politics. Asked to describe a James Jones program, he begins ticking off items in rapid fire:

"I'd call for a steady reduction in federal spending. Second, a reconstruction of the tax program to relate tax cuts to spending and thus reduce the deficit. Third, I'd ease up slightly on monetary policy. Fourth, I'd launch a vigorous international trade and export program, concentrated on Asia and South America, where the new markets will be. And fifth, I'd start building the mechanisms to create a social compact between government, labor, and business, with clear goals for each sector of the economy.

"In defense policy, I would restore the draft in a modified fashion, beef up the reserves, and launch some serious education programs in the military. One of our goals should be to have a technologically literate population, and military training should be helping us to get to that goal. . . ."

As he goes on, what strikes the listener most forcibly is not the details; it is that Jones finds it so easy to imagine himself in charge.

Yet however able and ambitious he may be, Jones faces some formidable obstacles.

As a Democrat from an essentially Republican district, he has managed to win five successive terms—but he has had to fight for each victory, and until recently his majorities have not been large.

As a conservative Democrat, Jones attracts opposition from all sides. Liberals of the Common Cause variety dislike Jone's conservatism and his support from business and the oil industry. And last year Jones became a target of the far right: He was marked for defeat by the National Conservative Political Action Committee for "obstructing" Reagan's economic program; NCPAC ran newspaper ads linking Jones to the liberal Tip O'Neill.

Perhaps the most ironic obstacle of all to Jones's future career may be the very asset that has helped him to advance so far: Jones's quiet, workhorse style.

In an age that puts a premium on star quality above most other traits, Jones, in the words of journalist Richard Strout, "seems to be suffering from a case of terminal mildness."

Jones has a quick smile and he can tell a good political story. But he is balding, slight of stature, and decidedly unflashy. His strong points—diligence, a gift for negotiation, mastery of complex detail—are not of a sort easily captured by television cameras.

In the past, some legislative workhorses—Johnson and Harry Truman, for example—have made it to the White House, but by succession, not election. Others, like Robert Taft, have found it impossible to succeed beyond Capitol Hill. Show horses, for all their lack of substantive achievement, get noticed; workhorses may toil unto eternity in the cloakrooms. The odds against workhorses like Jones may be unfair, but they are there.

"Jim Jones?" says one of his colleagues, another southern Democrat. "Jim Jones reminds me of a flat-chested movie actress. He doesn't have much up here like the other girls"—he gestures chestward. "All he has to rely on is pure, raw talent."●

FREEDOM IN PERIL—A YEAREND ASSESSMENT

Mr. GOLDWATER. Mr. President, it is not often that I ask that a rather lengthy piece of manuscript be placed in the RECORD, but the yearend assessment by the Association of the United States Army entitled "Freedom in Peril," is so vivid, cogent, and to the point, that it is something my colleagues should read. Freedom is what we are all about. It is the only reason we are here, and without freedom, the accomplishment of all the goals we set mean nothing. It is one subject we should keep foremost in our minds in all of our deliberations.

Therefore, I ask that this report be printed at this point in my remarks.

The report follows, with the exception of certain charts and maps contained therein, which are not reproducible in the RECORD.

FREEDOM IN PERIL

YEAR-END ASSESSMENT

"Hear the loud alarum bells—Brazen Bells! What a tale of terror, now, their turbulency tells!"—EDGAR ALLEN POE, "The Bells," 1849.

INTRODUCTION

At the end of 1981, as we do each year, we took a look at the events that had transpired around the globe during the past 12 months and tried to give them some relationship to the well-being of the United States as a member of the world community. We were interested as well in how these events impacted on our safety. This report is not intended as the definitive work for historians or academicians but rather to give our citizenry a usable summary, clearly presented.

The United States started 1981 with great expectations. We had a new President who promised to undo the tangle of frustration and embarrassment left by his predecessors. The President had a Senate dominated by his own party and a House that seemed willing to cooperate. We made a patriotic orgy of the return of our hostages from Tehran. The fledgling President scored an immediate victory by cajoling, persuading and manipulating a series of tax reforms through Congress. But it has been mostly downhill ever since.

It did not take long to discover that, even with the draconian budget cuts proposed for social programs, federal revenues would not support the full range of near-term improvements to military readiness or long-term growth in defense capacity that are so urgently required. While the tax cuts stand, the impact of inflation and recession will conspire to keep federal outlays much higher than income and to thwart the promise of a balanced budget in the foreseeable future.

Our confidence was shaken momentarily by the election of a socialist government in France and by the decision of that government to include communists in its cabinet. This, so far, has been no problem. Our hopes for establishing a balance against the threat of superior numbers of Soviet nuclear weapons poised against Western Europe were impeded by pro-peace and anti-nuclear demonstrations in the capitals of many of our NATO allies. Our assurance that the course we have taken in Europe was correct was made suspect by the 20th birthday of the Berlin Wall in August. Our own hemisphere continued to be kept in turmoil by insurgencies fomented and supported by the Soviet Union and its Cuban agents and by political unrest that has fundamental, economic roots. The assassination of President Anwar Sadat of Egypt has served to slow progress toward a peaceful solution of the Middle East's many problems.

At times the lure of "dropping out" from the community of nations must seem very inviting to the elected leaders of the United States. They must speculate, however briefly, that life would be much simpler if we could retire behind our own borders, solve our own problems and turn our collective back on the misery, oppression and dependency that play such a large part in world affairs. But they know it is not part of the American psyche to ignore the misfortune of others, whether their misery is brought on by natural phenomenon, by mismanagement or by aggression. We need not look very far to gauge the complexity of the intraworld relationships. Figure 1 touches on just a few of them and shows how fast they are growing.

Our leaders realize, also, that the United States can never again be a self-contained entity, for the absolutely selfish reason that we no longer have the wherewithal. Unless the people of the United States were to make the unlikely decision to accept a serious degradation of their life-style in return for the freedom to withdraw from the world's affairs, this nation is inextricably bound to internationalism.

During 1981, it became apparent that the act or threat of terrorism as a means to obtain political goals was growing rapidly in frequency. The yearly rate of incidents of terrorism worldwide increased from 279 in 1971 to 2,773 in 1980. Terrorist acts in 1971 caused 22 deaths but by 1980 the toll reached 1,173. This year the bombing and shooting that grows out of the impasse in Northern Ireland has spread to England and has expanded. Pope John Paul II was shot by a member of a radical Turkish sect. In Iran terrorism begat more terrorism as political opponents sought to exterminate each other. The U.S. Army commander in Germany escaped a rocket grenade attack with only minor injuries, but President Sadat of Egypt did not survive an attack by religious fanatics. The President of the United States was wounded by a young man whose attorneys say he is deranged and was only trying to attract attention. And, in case an American is convinced that it cannot happen here, they should know that in the past 12 years there has been 325 explosive bombings in North America, a rate of almost 30 per year. This gives our continent the dubious distinction of ranking just behind Western Europe, Latin America and Mideast in the number of such incidents.

We were permitted another momentary clutch of pride when Navy fighters downed two Libyan interceptors which had ineptly attacked them. But at year's end the President and Congress were still battling over priorities for the reduced federal budget, our newspapers were sounding alarms about assassination squads from Libya and there seemed to be no thinning of contrary events in any corner of the world. The balance of this paper will be devoted to an examination of the events, and the areas in which they occurred, that conspired to ring the alarm bells for the defenders of freedom, wherever they might be.

GEOGRAPHIC DISTRIBUTION OF INTERNATIONAL TERRORIST INCIDENTS, 1968–80, BY CATEGORY OF ATTACK

	Asia	Pacific	North America	Latin America	Western Europe	USSR/Eastern Europe	Sub-Saharan Africa	Middle East/North Africa	Other	Total
Kidnaping	25	1	5	203	47	0	61	57	2	401
Barricade-hostage	4	0	8	51	38	2	2	33	1	139
Letter bombing	131	0	26	17	200	0	15	32	49	470
Incendiary bombing	36	7	85	101	390	3	6	113	12	753
Explosive bombing	96	16	325	496	859	16	28	489	46	2,371
Armed attack	21	0	4	54	52	1	23	122	1	278
Hijacking	21	0	29	35	30	3	11	38	6	173
Assassination	34	3	29	94	140	2	27	111	3	443
Sabotage	1	0	2	3	8	0	2	8	0	24
Exotic pollution	0	0	0	0	21	0	0	1	0	22
Threat	78	27	99	228	275	29	21	240	11	1,008
Theft, break-in	3	0	4	56	19	1	7	17	0	107
Conspiracy	9	1	9	17	36	1	4	30	14	121
Hoax	11	0	18	10	10	0	1	6	2	58
Other actions	13	0	12	10	39	1	5	22	14	116
Sniping	10	1	17	63	15	1	3	42	0	152
Shootout with police	0	0	0	8	6	0	0	1	1	16
Arms smuggling	2	0	2	0	20	2	2	20	14	62

Source: CIP Report, "Pattern of International Terrorism, 1980"

A 13-YEAR FORCE COMPARISON (1968-1981)—NATIONS ABLE TO PROJECT MAJOR COMBAT ELEMENTS

	Soviet Union		China (Peoples' Republic)		United Kingdom		France		United States	
	1968	1981	1968	1981	1968	1981	1968	1981	1968	1981
Personnel, all services	3,220,000	3,673,000	2,761,000	4,750,000	427,000	343,646	505,000	504,630	3,500,000	2,050,000
Army divisions	140	173	[1] 116	[1] 129	(2)	(3)	(4)	[1] 15	[1] 18	[1] 16
Marines	8,000	12,000	30,000	38,000	9,000	7,899	600	160	302,000	188,000
Tactical fighter aircraft	4,000	5,000	2,500	5,300	606	180	304	295	2,800	1,870
Interceptors	3,700	2,600	3,000	4,000	100	112	120	150	588	312
Strategic aircraft	155	150	12	90	80	98	45	33	520	376
Major surface ships	130	294	45	32	78	62	51	44	337	201
Patrol/torpedo boats	400	834	157	945	50	27	14	38	0	4
Attack carriers	1	4	0	0	2	0	3	1	15	14
Attack submarines	187	190	32	102	32	28	19	21	113	84
Missile submarines	43	84	0	3	4	4	0	5	41	36
SLBM's	0	989	0	0	64	64	0	80	656	576
ICBM's	1,000	1,400	0	70-90	0	0	0	18	1,054	1,052
Tanks	30,000	50,000	8,000	11,000	1,000	1,171	2,000	1,454	8,000	11,400
Tube artillery	15,000	20,000	15,000	18,000	300	290	(5)	522	4,800	6,500
Tactical nuclear missile launchers	800	1,300	0	0	0	1Regt	60	32	456	144

[1] Divisions plus

[2] 15 Bde plus 53 Regts

[3] 24 Regt plus 56 Sep Bns

[4] Plus 8 Regts

[5] Unknown

Western Europe

It seemed almost inevitable. Among the nations of Western Europe the number of people who remember World War II is shrinking fast and there are only a small handful who remember both world wars. When President Reagan indirectly acknowledged that the defense of Western Europe against a Soviet/Warsaw Pact attack might have to be conducted with nuclear weapons he gave added impetus to a wave of reaction by young Europeans whose security has never been directly threatened but who are honestly and understandably fearful of being at the center of a nuclear conflagration. In scenes reminiscent of anti-Vietnam rallies in the United States, thousands of anti-nuclear demonstrators filled the streets of European capitals.

While most of the placards and oratory focused on Mr. Reagan and the United States, some saw both sides of the nuclear equation, pleading for an end to the Soviet threat, too. The ludicrous grounding of a Soviet submarine, apparently carrying nuclear weapons in a restricted area of the Swedish coast, served to balance the issue among Scandinavians. However, it took a masterful proposal by President Reagan to establish a "zero option" in the balance of intermediate-range nuclear missiles poised on either side of the East/West border to bring the issue squarely into perspective for all of Western Europe. The zero option proposal will be discussed in more detail in the NATO section of this paper.

U.S. FORCES OVERSEAS AS OF SEPTEMBER 30, 1981

	1981	1980	Change
Total in foreign countries	501,834	488,726	+13,108
Totals in specific areas			
In Europe			
Total	337,375	331,705	+5,670
Locations: [1]			
West Germany	248,468	244,320	+4,148
Britain	25,101	24,312	+789
Italy	12,179	11,903	+276
Spain	8,651	8,974	-323
Turkey	5,125	5,263	-138
Greece	3,334	4,445	-1,111
Iceland	2,791	2,868	-77
Belgium	2,081	2,114	-33
Netherlands	2,461	2,630	-169
Portugal	1,400	1,367	+33
Sixth Fleet	25,006	22,313	+2,693
In the Western Hemisphere			
Total	16,595	16,878	-283
Locations [1]			
Bermuda	1,339	1,350	-11
Canada	655	691	-36
Cuba (Guantanamo)	2,164	2,150	+14
Panama	9,566	9,146	+420
Puerto Rico	3,542	3,707	-165
In the Pacific and Far East			
Total	132,278	124,396	+7,882
Locations [1]			
Japan and Okinawa	46,196	46,004	+192
South Korea	38,254	38,780	-526
Philippines	14,500	13,387	+1,113
Guam	8,781	9,053	-272
Australia	657	644	+13
Midway Island	426	498	-72
Afloat	25,265	15,515	+9,750
In other areas			
Egypt	143	495	-352
Diego Garcia	1,533	1,373	+160
Saudi Arabia	659	502	+157
Afloat—Africa, Mideast, South Asia	14,184	18,559	-4,375

[1] Major concentrations only.

Source: U.S. Department of Defense.

Polls taken by the Allensbach Institute of Demoscopy and by the U.S. International Communications Agency earlier in the year were predictive of what happened on the streets of Brussels, Amsterdam, Paris, bonn and elsewhere this past fall. A March 1981 survey by USICA of the better educated Europeans (Figure 7) showed the least support for NATO and the highest leaning toward neutrality among the young people of Europe and the converse for the people over 50 years of age. It is interesting, and encouraging to note, however, that even among the younger people a majority favored NATO over neutrality. No surveys are yet available to gauge the possible damage to this consensus for the anti-nuclear demonstrations or the countering reinforcement by the zero option proposal.

The Allensbach poll taken in May (Figure 8) is less reassuring. It shows that among West Germans the percentage who would go to war rather than accept a communist form of government has begun to decline again after barely achieving a majority in the last poll in 1976. Similarly, the number of Germans who would defend freedom at the risk of nuclear war is once again on the downtrend after rising slightly in 1976. It should be noted here that, among Germans, taking the risk of nuclear war has never been accepted (in poll measurements) by more than a third of the respondents.

The widespread nature of the demonstrations against nuclear warfare is still another manifestation of the growing mutuality of interests among the nations of Western Europe. The European Community and other cooperative undertakings are tending to blur some of the lines of demarcation that have traditionally set European nations apart from one another. Nevertheless, we must examine the state of each of the major players on the European scene before we can reach an intelligent assessment of this area which is so vital to the interest of the United States.

France

On May 10 the people of France elected socialist Francois Mitterand to be their president. In subsequent parliamentary elections Mitterand's socialists won 285 of the 491 seats in the National Assembly, giving the left-leaning but anit-Soviet president a controlling majority without the help of the Communist Party, parts of which had assisted in his election. The communists, in fact, lost seats in the assembly, dropping from 86 to about half that number.

The socialists were elected on a platform that calls for the nationalization of 11 major industrial operations that range from the Dassault-Breguet aviation conglomerate through the areas of electronics and chemicals. The scant 200 French banks that had not been nationlized previously will be brought under closer government control and three large international corporations (two U.S.-owned and one West German) have been put on notice that they will eventually be taken over by the government. When Mitterand's new premier, Pierre Mauroy, announced the implementation of this platform the French stockmarket took it in stride, actually experiencing a 2.2-percent gain.

Mitterand created a far greater furor when he appointed four avowed communists to cabinet posts as a gesture of appreciation to the many communists who crossed party lines to vote for him. The communist ministers make up only a small segment of the 44-member cabinet and all but one (the Minister of Transportation) hold minor portfolios. Nevertheless, U.S. Vice-President Bush, who was visiting Mitterand at the time of the cabinet announcement, was compelled to voice the displeasure of the Reagan Administration, as much as anything as a sign to Italy and Spain, where the same phenomenon might occur. In recent elections, however, the communist share of the vote has declined everywhere in Europe except in Spain where it rose from 9.24 percent in the 1977 election to 10.66 in 1979.

In the months since his election Mitterand has seemed to go out of his way to reassure the United States that France is committed to the defense of Europe. He has announced plans to build a seventh nuclear powered missile submarine and to modernize the bomber and other missile elements of France's nuclear force de frappe and to develop a neutron weapon. The planned increase in the defense budget would be second only to that planned by the United States among the NATO nations. In his very first press conference Mitterand pledged his vigilance to ensure that ". . . by 1985 the Soviet Union and its allies do not have the means to allow them, in the space of a few instants, to dominate the world."

The United Kingdom

The year 1981 was a tumultuous one in Britain. Imprisoned members of the outlawed Irish Republican Army fasted to the death to protest Prime Minister Margaret Thatcher's refusal to grant them political-prisoner status, even though they were in jail for crimes of violence. Thousands of young people, many emigres from other parts of the commonwealth, rioted in the streets of London, Liverpool and Manchester to protest unemployment and alleged racial injustice.

The turmoil served to heighten the pressure on Prime Minister Thatcher's government as it wrestled with higher-than-ever unemployment (approaching 11 percent generally but exceeding 30 percent in some areas) and a faltering economy. Mrs. Thatcher's prescription for correcting all this was a continuation of her monetarist policies, the implementation of which has seen unemployment double since she became prime minister two years ago.

Disquiet over the policies of Thatcher's Conservative Party was expected to give the Labor Party a large boost toward a return to power, but radical statements by labor spokesmen, recommending such actions as the elimination of private education and medical care, pulling out of the European Community and the banning of nuclear weapons and U.S. bases on British soil, have hurt labor's chances. The most notable effect of this drift from the left has been the defection of many moderate laborites into a new party, the Social Democrats. Formed early this year by 12 members of parliament, the Social Democrats have taken advantage of recent off-year elections to increase their seats to 24. Political prognosticators in Britain maintains that unless both Labor and the Conservatives move closer to the center before the next general election (in 1983 or 1984) the Social Democrats will win enough seats to propel them into a major role in a coalition government.

In the face of Britain's severe economic problems it seems certain that its defense expenditures will fall short of the three-percent annual increase the United States has been asking its NATO allies to make. Defense Secretary John Nott has said that he will be attempting to reallocate some expenditures because the services have been acquiring sophisticated new weapons but have lacked the funds to equip them completely. The lack of funds has also curtailed training and the procurement of ammunition and fuel. According to Nott, however, two parts of the defense program are safe from cuts: the continuation of the British Army on the Rhine at a strength of 55,000 and the long-term plan to reequip Britain's missile-firing submarines with the newer, American-made missile system.

West Germany

Nowhere in Europe are the pressures of East/West strife more apparent than in the Federal Republic of Germany. Its populace must live with the certainty that should the Soviet Union decide to take the final, overt step toward conquest their cities, towns and people will be the first to bear the brunt of war. It is small wonder that West Germans sometimes question whether the defense of freedom is worth the sacrifice of Europe's most affluent society.

This questioning has been brought into sharper focus by a 45-percent rise in unemployment during 1981 (to 4.8 percent from 3.3 percent in 1980), by a declining gross national product and by occasional unfavorable balances in trade with other countries (as high as DM 6.1 billion in January and February). The resurgence of the nuclear-missile issue brought demands for the United States to sit down for negotiations with the USSR and elevated anti-American sentiment in some sectors. A series of violent anti-American actions was capped by a bombing at Ramstein Air Force Base that injured 20 and by an assassination attempt against General Frederick Kroesen, the U.S. Army commander in Germany. By the end of the year, however, the United States was, in fact, sitting down with the USSR over the missile issue and President Reagan had offered his comforting zero-option proposal, actions that seemed to defuse both the anti-American and anti-defense questions.

The 20th anniversary of the construction of the Berlin Wall was observed quite differently on the opposite sides of the barrier. On the Western side there were memorial services to honor the wall's victims and speeches about the suffering of the people of Berlin. On the East German side banners proclaimed ". . . 20 years of the antifascist protection wall" and newspapers reminded their readers to revere their "border guard heroes." Strangely, several Western commentators declared their satisfaction that the wall had served a useful purpose by stemming the sometimes bloody rush of people toward the West and eliminating a potential trigger for an armed conflict.

The West German bubble has not burst but has clearly lost some of its buoyancy. For the first time in many years, the government has had to give serious thought to curtailing defense expenditures, although it seems that the Bundeswehr will continue its preeminent part among the active NATO military participants.

Spain

On the third anniversary of Spain's new democratic constitution, it received an invitation to become a member of NATO. The entry of Spain will help fill a substantial void in the southwest corner of NATO's defenses, bringing with it 340,000 troops, 190 combat aircraft, eight submarines and 29 other warships. The Spanish government hopes to be able to ratify the invitation before new parliamentary elections in the spring of 1982.

While Spain has made substantial strides in the direction of operating democracy, there is still a strong undercurrent of support for a right-wing dictatorship exemplified by that of the late Francisco Franco. While the leadership of King Juan Carlos is unquestionably enlightened, it has also been naive in dealing with threats to the democratization process. The Army officers who took over the parliament at gunpoint on February 23 did so, they claimed, in reaction to the growing Basque separatist movement, the influence of Marxism and the need for "patriots" to restore the country's honor. The coup collapsed because Juan Carlos refused to go along with it, but although many senior army officers were relieved of their commands they remain in position to foment another coup whenever the time seems propitious.

Italy

For the 41st time since the end of World War II, Italy has a new government but, unlike the economic or political crises that brought down most of its predecessors, the 40th government headed by Premier Arnaldo Forlani was destroyed by a scandal involving a super-secret Masonic lodge. When police raided the home of the grand master of the lodge because they suspected his involvement in criminal activity, they found evidence that linked hundreds of Italy's top politicians and military officers to the illegal organization. Although most of these five officers have subsequently been cleared of any wrongdoing, the chairman of the joint chiefs of staff resigned, along with several generals heading various internal security agencies.

When Premier Giovanni Spadolini formed the 41st government in June he continued the exclusion of communists from the cabinet, despite the fact that they now dominate most of the major city governments and hold 201 of the 630 seats in the Chamber of Deputies. The communists also wield considerable power over Italy's labor unions which are now pressing for pay raises tied directly to the 20-percent annual inflation rate. Spadolini has pledged continued full participation in and support of NATO.

On December 17 communist terrorists of the Red Brigade kidnaped U.S. Army Brigadier General James Dozier from his Verona apartment. Several days later, without stating any demands in return for his release, they announced that he was being tried by a "people's court" for alleged war crimes relating to Vietnam. At year's end he was apparently still alive but remained in captivity.

Greece and Turkey

These nations are customarily discussed together in this annual assessment because of the special role they play in the defense of Southern Europe and because their long-standing animosity is the basis for unusual problems with their membership in NATO.

This year the events that have taken place in these countries, detached geographically from the rest of the alliance, have taken on a special import because of the election, in October, of Andreas Papandreou, a softline Marxist, as prime minister of Greece. Papandreou, son of the late socialist leader Georges Papandreou, once fled Greece and became a U.S. citizen. After earning a doctorate in economics at Harvard he served on the faculties of the University of Minnesota and the University of California before returning to Greece to serve as a cabinet member under his father in 1964. His party platform for this year's election called in Greece to pull out of NATO and for the closing of U.S. bases in Greece. His anti-Americanism is said to be based on the refusal of the United States to help his father resist a coup by Greek colonels. His animosity toward NATO stems from his view that the alliance should have come to the aid of Greece when Turkey invaded Cyprus in 1974.

Despite some initial hedging on the NATO withdrawal after he took office, Papandreou told a NATO Defense Planning Committee in December that Greece will observe ". . . a partial suspension" of alliance commitments and that the "process of disengagement is under way." He later insisted on a pledge of assistance from the rest of the alliance should the Turks attack. The assurance was not forthcoming and the Turkish defense minister categorized Papandreou's fear of an attack as "absurb and preposterous."

There is little doubt that Papandreou has raised the specter of Turkey in the hopes that the Greek armed forces will be diverted from any involvement in the internal political arena. Animosity toward Turkey is not hard to generate in Greece, considering the fact of 400 years of Turkish occupation prior to Greece's regaining its independence in 1827.

Turkey, in the meantime, is still being ruled by its military establishment, which seized power in a bloodless coup in September 1980, in an effort to end rampant assassination and mob violence among opposing political and religious groups. At that time the Turkish civilian government was unable to cope with the violence or with deep economic problems that saw inflation passing an annual rate of 130 percent and heavy reliance on imports that consumed the country's cash reserves.

There has been a pattern of military intervention in politics since the present form of government in Turkey was founded by Kemal Ataturk. When the situation has seemed hopeless the military has stepped in, restored order, accomplished reforms and then turned the government back to civilians after elections were held.

The military government of General Kenan Evren has clamped down hard on terrorism and has installed new economic programs. The number of assassinations has dropped from an average of 22 per day before the coup to about two per day. Inflation has dropped to about 35 percent and is expected to continue downward. Exporters of Turkish goods have increased by 45 percent as cash trade reserves are rebuilt and the new stability has begun to encourage foreign investments. In fact, the influx of foreign capital over the past 20 months has exceeded $300 million, which is more than the aggregate for the prior 25 years. The military regime has promised a return to constitutional government and has laid out a timetable to achieve that goal by 1983. The Turkish armed forces, potentially of extreme value to the defense of Southeastern Europe, still need much help to recover from large-scale obsolescence and the inability of the economy to support modernization.

Scandinavia

The grounding of a Soviet submarine on the Swedish coast on October 27 served to shock many Scandinavians from the sense of isolation from the problems of the rest of Europe. But even before this comic-opera event, there were several hopeful signs that Northern Europe had begun a not-so-subtle shift toward political reality. Norway, which had become a hotbed of "better-red-than-dead" sentiment, has elected a new, conservative government which has reserved many of the policies of its predecessor in the foreign affairs and defense areas.

The new Norwegian government has abandoned earlier support for creation of a nuclear-free zone in Northern Europe, has announced plans to increase defense spending by about four percent over inflation and has accelerated arrangements for receiving reinforcing U.S. aircraft and troops in the event of an emergency. While a significant minority of Norwegians retain deep suspicions about the United States and NATO, President Reagan's zero-option statement has at least momentarily stilled their protests.

Denmark, which enjoys one of the highest standards of living in the world, is suffering in the throes of a "social programs vs. defense" debate similar to that underway in the United States. After announcing its intent to hold defense spending at the bare inflation level, which would have forced severe cutbacks in troop deployments, phasing down the number of coastal patrol boats and postponement of improvements in air defense, the left-of-center government of Prime Minister Anker Jorgensen has changed its mind. It will increase defense spending one percent above inflation in 1982 and one-half of one percent in each of the following years. While this is far below the three percent per year being pressed for by the United States for all the NATO partners, Jorgensen points out that it may well be higher than the West German increase and, unless President Reagan and the U.S. Congress get together, may be higher than the actual increase in U.S. defense investment.

THE SOVIET UNION AND EASTERN EUROPE

The USSR

In mid-November Soviet President Leonid Brezhnev admitted that the agricultural program had once again failed to provide an adequate grain harvest. For the third consecutive year the Kremlin was forced to decide whether it should ask the populace to tighten their belts again or if it should taken another plunge into the international grain market, thereby avoiding nationwide food rationing but using scarce international monetary credits. In mid-November Brezhnev admitted that food is the greatest political and economic challenge facing his regime. The Soviet Parliament immediately endorsed a new five-year plan with a higher goal but did nothing to correct the basic weaknesses of the agricultural system that cause the shortfalls.

Inflation, that capitalistic bogeyman, has hit the Soviet economy very hard. Controlled wages have been permitted to climb by about 35 percent since 1970 but over that same period the price of a kilogram of coffee has ballooned from $5.60 to $28.00 and a Zhiguli automobile that cost $4,647 in 1970 now sells for $13,000. Since this summer the cost of a liter of good vodka has jumped from $14 to more than $17. In the past year the archtypical "shapka" or winter fur hat has doubled in price to $492, or about twice the average monthly wage in the USSR.

Indeed, the failures of the Soviet economy tend to snowball. Coal miners complain about the shortage of food, their miserable working conditions and the failure of their managers to pay for overtime or honor earned bonuses. Production in the coal mines slips so there is not enough coal available for the steel mills and, when steel production falls, the shortage of steel is felt throughout the manufacturing segment of the economy—with the unquestioned exception of the plants turning out the latest generations of tanks and other weaponry.

It is small wonder that the leaders of the USSR see the Polish labor movement as a precursor to a similar problem within their own country and as an example of the kind of expression they cannot tolerate. They have overlooked the birth of an active free enterprise system for distribution of farm goods. They turn their backs on obvious bribery and influence peddling among managers. But they cannot permit the development of widespread trade unionism because they know they cannot meet worker demands for food, housing, and consumer goods without diverting a substantial portion of the all-consuming arms-building.

The USSR has recently completed an agreement with West Germany to provide large amounts of natural gas from fields in the far north, some 2200 miles away. The deal was completed in spite of U.S. counselling that to increase Western European dependence on Soviet gas will make the whole region subject to economic blackmail. West Germany alone is expecting to receive $45 billion worth of gas over the next 25 years and eventually the gas will also be flowing to France, Belgium, the Netherlands, Austria, and Italy. According to U.S. News and World Report, one Soviet official, when asked if his country would use the gas as a weapon, replied, "Yes, we can stop gas from going to Western Europe—but we would only do it 10 minutes before our tanks roll over the West German plain."

There are certainly no signs of a change in Soviet adherence to long-range Marxist/Leninist goals. At the present time a minimum of 19 countries scattered around the world have forces of at least 200 Soviet military people—advisors, technicians, and troops in organized units. Figure 9 shows the dispersion of the larger groups of Russians, along with their East German, Vietnamese and Cuban surrogates. At the same time more than one-fourth of Soviet Army divisions, while still technically in their homeland, are deployed along the 4,500-mile border with the People's Republic of China, reaffirming the deep distrust between the two countries. The end of 1981 saw the USSR continuing its so-far futile efforts in Afghanistan with no end in sight and with 85,000 troops still unable to cope with the revolting tribesmen.

Throughout the year evidence mounted to support the U.S. claim that the USSR was testing a new form of chemical or biological agent in Southeast Asia and in Afghanistan. What has become known as "yellow rain" has turned out to be not a chemical agent but a toxin made from fungus. Chemical warfare and medical experts had been puzzled about the nature of yellow rain because it produced convulsions like nerve gas, tissue burning like mustard gas and hemorrhaging like no known agent. The issue was clouded, too, by the fact that T2, as the toxin is being called, could occur in nature. It was decided, however, that it would be impossible for enough T2 to occur naturally to produce the symptoms found in victims of yellow rain and that samples of the toxin collected in the affected areas were too concentrated to be anything but man-made. And perhaps the most convincing evidence of all has been the absence of any vehement denials from the USSR that it had indulged in experimentation with the new killer. U.S. Army researchers are now hard at work, trying to develop antitoxins to be carried by troops, as they carry atropine to minimize the effects of nerve agents.

Soviet-bloc military forces outside their own borders

In Europe

Czechoslovakia, 80,000 Russians; East Germany, 400,000 Russians; Hungary, 65,000 Russians; and Poland, 40,000 Russians.

In Latin America

Nicaragua, 1,000 Cubans; and Cuba, 6,000 Russians.

In Asia and Mideast

Afghanistan, 85,000 Russians; Cambodia, 200,000 Vietnamese and 200 Russians; Iraq, 1,065 Russians; Laos, 50,000 Vietnamese and 2,000 Russians, South Yemen, 1,100 Russians, 200 Cubans, and 100 East Germans; Syria, 2,480 Russians, and Vietnam, 3,000 Russians.

In Africa

Algeria, 1,015 Russians and 250 East Germans; Angola, 15,000-19,000 Cubans, 1,000 Russians, and 1,000 East Germans; Congo, 400-800 Cubans and 20 East Germans; Ethiopia, 11,000-13,000 Cubans, 1,000 Russians, and 300 East Germans, Libya, 1,820 Russians and 400 East Germans; and Mozambique 600 East Germans and 525 Russians.

The Kremlin reacted far more vehemently to the release of a U.S. Defense Department pamphlet detailing the growing military and naval superiority of the Soviet Union. The pamphlet, Soviet Military Power, was described by Pravda as a "routine fabrication." The Tass News Agency described it as an effort to counter ". . . . the growth of the public movement in the United States for reduction of excessive military expenditures." The Pravda reaction also described the pamphlet as having been prepared by the Pentagon with the help of "CIA disinformation experts." Soviet reaction notwithstanding, the booklet made heavy inroads into public misconceptions about just how far ahead the USSR has drawn in terms of military capabilities.

Poland

While the world has been well aware of the internal conflicts of Poland for several months, their severity came home with a crash on December 13 when the government of General Wojciech Jaruzelski declared martial law, began imprisoning opposition leaders and cut the country off from communication with the rest of the world. At the time of this writing, the severity of the crackdown on individual freedom and particularly on the Polish unionists of Solidarity was only beginning to be appreciated, but it seems clear that there were mass arrests, some beatings at the hands of Polish troops and even some deaths. It is clear, however, that resistance to the martial law decrees continued in the Polish factories, steel mills and coal mines. The Polish Army seems to have been generally responsive to its political leaders.

The declaration of martial law and the subsequent suppressive acts brought a hue and cry from the noncommunist world and expressions of satisfaction from the Soviet Union. President Reagan made a nationally televised statement deploring the events in Poland, but, like other leaders of the free world, he was essentially at a loss to do much about it without in some way penalizing the people of Poland, who are already suffering enough. The United States chose to impose trade sanctions against Poland and the Soviet Union.

If there is any small comfort to be derived from the events in Poland subsequent to December 13 they must be related to the fact that the Polish internal action has at least temporarily removed the likelihood of direct Soviet military intervention. Had this occurred, the free nations would have had even fewer retaliatory courses left open and world tension would have heightened even further.

What brought on the December 13 actions? The following discussion, written before that time, may help set the scene:

While city dwellers in Poland were standing in line day after day in the hope of being able to buy food, the farmers who control 75 percent of the country's arable land were cutting back on their crops, refusing to send pigs to market and bartering among themselves and the nearby villages for the things they need to support their families. The farmers say they won't produce cash crops because the cash won't buy anything worth having. It is understandable, then, that the longstanding "solidarity" between the factory workers in the cities and the farmers was beginning to crumble. The situation was so bad that, in late November, President Reagan announced a plan to ship $30 million worth of food to Poland to assist in feeding those who need nourishment most—pre-school children, pregnant women and the elderly.

As much as anything else, the issue of food supply kept the Polish labor movement vigorous over the past few months, but still underlying the whole solidarity effort was the notion of liberalizing the control of the Communist Party. Prime Minister Jaruzelski, who is also the minister of defense and the head of the Communist Party, has watched party membership decline by about a half-million as activists have been lured away by the appeal of solidarity or driven off by reported examples of party bumbling. Jaruzelski knew, too, that Poland was on a very short tether as far as the Soviet Union was concerned and that the next strike or the one after might push the Soviets' tolerance too far.

Through all the debate about government mismanagement and the dissatisfaction of the workers, however, there was one segment of the Polish population whose loyalty to the nation remained unquestioned—the army. With its roots deeply implanted in the farms and factories, Poland's mostly draftee army could be expected to do what is best for Poland, not what Marxist dogma would want them to do. Polish officers, almost all Communist Party members, knew that resistance to a Soviet invasion would be futile and yet there was little doubt that they would lead their troops in the defense of their homeland if threatened from the outside.

Czechoslovakia

The Czechs have been through it. Attempts at liberalization in 1968 brought the Soviet invasion and a government that is hard-line pro-Soviet. Its economy is dependent on the USSR for fuel and for raw materials, but the Czechs do not suffer from the food shortages that stir unrest in Poland. Indeed today's Czechs seem almost apolitical, even apathetic, concerned more about the acquisition of creature comforts than about the abstractions of political theory. Among the workers, per capita production is low, despite a program of bonuses and other incentives. The labor supply, perhaps because of the low individual production, is inadequate and older workers are being enticed into staying on the job.

In Czechoslovakia life is comparatively good. There is a lively black market for consumer goods, particularly things from the West, and the Czechs have devised a scheme of small-time bribery to get the little favors they need greased through the bureaucracy. They see no easy way out of their political predicament, if they see it as a predicament in the first place, and are content to let it stay that way for now.

Hungary

Lacking the history of political debate that has played such a large part in Poland and Czechoslovakia, Hungary is, nevertheless, probably the most free of the Eastern European nations. Hungary has been down the same road as Czechoslovakia as far as feeling the fury of the USSR is concerned. The Hungarians emerged from the bloody 1956 invasion, which killed nearly 20,000 of them, determined to make the best of the situation. They have succeeded.

The once centrally controlled economy has been largely decentralized; private enterprise is being encouraged in the form of small shops, restaurants and some industry, and the labor organizations are participants in almost every important management decision. Because Poland is an important source of coal, automotive parts and construction material, Hungarian workers are not too happy with their Polish counterparts as continued labor unrest in Poland has slowed down, and in some cases stopped, the flow of materials needed by Hungarian factories.

About 40 percent of Hungary's gross national product comes from foreign trade and 45 percent of that trade is with the West. Hungary, therefore, is the most vulnerable of all the East European nations to the effects of a possible embargo by the West in retaliation for Soviet oppression or political adventurism. If, for instance, the West responded to a Soviet invasion of Poland by cutting off trade with the Eastern bloc, half of Hungary's industries would be idle within 90 days.

East Germany

It has been said that East Germany is going to ward off "the Polish disease" by making sure all its people are working too hard to have any idle thoughts abut freedom. Another way is to accomplish what the East Germans already have—the highest standard of living in Eastern Europe. Still another is to give labor a participating role in major business decisions, as has been going on for some time.

But in order to enjoy this working man's Valhalla one must also learn to tolerate restrictions on personal movement almost as strict as those in the Soviet Union. No East German travels to the West by himself unless he is on official business. Police patrols are omnipresent. Travelers from the West are sequestered in special hotels to minimize their contact with ordinary citizens. Perhaps most important of all, there are 400,000 Soviet troops stationed within the borders of East Germany.

Most of the population in East Germany is close enough to western radio and television stations to have access to a full diet of free-enterprise electronic journalism and entertainment but there has been no concerted effort to block this contact beyond the usual cautions about poisonous ideas. The East Germans are proud of the fact that they have cut themselves off from the historic Germany that was the tinderbox for two World Wars. They say their goal is to make sure no future war is launched from or over their soil, whether the source is to the east or the west. There are many who say, however, that the accumulation of creature comforts can keep the people content for a limited period of time. Sooner or later the only expectation worth striving for will be greater personal freedom and when that point is reached, the police state will be hard pressed to maintain control.

Romania

It is hard to conceive of a European nation that considers itself a "developing" country, but Romania is working toward a goal of industrialization by 1990 and hopes to have grown out of its multitude of economic problems by that time. Romanians who have left the farm for work in the fledgling industries seem to prefer their new life even though they are working six-day weeks most of the time and have to stand in line to buy food and other necessities.

President Nicolae Ceausescu, like other Eastern European leaders, has learned from the experience of Poland and given unions a greater voice in government decisions. There are no Soviet troops in Romania and the Romanian forces do not participate fully in Warsaw Pact exercises. In early December Ceausescu organized a massive rally against the possible use of nuclear weapons which pointed accusing fingers at both the West and the USSR. Romania maintains relations with Israel and has publicly criticized the USSR for its invasion of Afghanistan.

Ceausescu seems to be promoting himself more than a political concept. The space in the national history museum devoted to his exploits grows continually and and he is constantly on the move throughout the country. Ceausescu believes, apparently, that the more his country is in the world's eye the less likely it would be for the USSR to step into its affairs.

Bulgaria and Yugoslavia

Bulgaria seems content in its role as auxiliary breadbasket for the Soviet Union. The Bulgarians see the Russians as saviors of a sort, having been rescued from the Turks by czarist forces in the 19th century and from the Germans by Soviet troops in World War II. Bulgaria would be a loyal and well-placed ally in any Soviet move into Greece, Yugoslavia or Turkey.

Other than its selection as the host for the next Winter Olympics, Yugosolavia has largely stayed out of world view ever since the death of its longtime leader, Josip Broz Tito. This quiescence has laid to rest years of speculation that the death of Tito would so divide the country along political and ethnic lines that the USSR would have an excuse to step in to restore order. The division has not taken place and the USSR has adopted an overt "hands off" policy, allowing Tito's successors to establish their own form of leadership.

NATO AND THE WARSAW PACT—A 1981 BALANCE

The conventional balance

Nothing occurred in 1981 to redress significantly the conventional war-fighting imbalance between the forces of the NATO nations and those of the Warsaw Pact. Indeed, the NATO allies have almost universally fallen short of their pledge to increase defense outlays at an annual rate of at least three percent above the swell of inflation. Even the United States, in the midst of a battle against a recessive economy and many skirmishes between the President and Congress over the choices among several budgetary paths, has shown some uncertainty about how far it can go toward increased defense spending.

The number in Figure 10 shows the broad range of differences in the forces immediately available to the two alliances. They do not include the forces of France, which we assume would be available in the event of a full-scale Warsaw Pact attack. Also, they do not include the Soviet forces in the Western and Southern European USSR which are far closer to being in immediate reinforcing range than NATO's potential reinforcements from the United States. If we add both the French forces (about 17 division equivalents), and all active and reserve U.S. Army and Marine divisions not already deployed overseas (about 21 division equivalents) NATO could field a total of 76 divisions. The Soviet Union has a potential reinforcement capability (without touching its forces in the Far East) of 97 divisions, bringing the possible total for Warsaw Pact deployment in Western Europe to 175 divisions.

All these calculations, of course, assume that neither party is involved anywhere else in the world, which is probably very unrealistic. It is more logical to assume that the Soviet Union would try to shrink the available U.S. reinforcements by creating threats in the Mideast, Asia and perhaps even in Latin America, with its own forces where necessary but more likely through the use of surrogates.

We must also remember that Soviet reinforcements would be moving overland through territory under their control and with few chances of harassment except by NATO deep interdiction. Forces moving from the United States, however, must cross the Atlantic by air or sea. Their arrival airfields in Germany would logically be at the top of the Warsaw Pact target list and the sea convoys could move safely only after the NATO navies have gained reasonable control of the sea lanes.

A 13-YEAR COMPARISON OF THE BALANCE IN EUROPE (1968–1981)

	Northern and Central Europe			Southern Europe		
	NATO	Warsaw Pact	(Of which U.S.S.R.)	NATO	Warsaw Pact	(Of which U.S.S.R.)
Year—1968						
Divisions [1]	25	[2] 57	[2] 32	33	[2] 37	[2] 19
Tanks	4,800	11,500	6,000	1,600	4,300	1,100
Tactical aircraft						
Light bombers	50	450	400	0	200	200
Close support	1,500	1,650	1,120	540	980	740
Interceptors	720	3,000	2,000	280	1,360	1,000
Reconnaissance	530	280	200	130	210	160
Year—1981						
Divisions	38	[3] 78	41	30	48	24
Tanks	10,300	19,500	13,000	6,700	6,700	2,500
Tactical aircraft						
Close support	1,707	1,500	500	790	400	80
Interceptors	435	1,000	1,090	137	500	0
Reconnaissance	280	324	200	117	200	125

[1] Division equivalents. ISS data for 1968 expressed in terms of brigades. Conversion to division equivalents based on 3 brigades per division.

[2] Includes all categories of readiness (I, II, & III).

[3] Includes Soviet divisions stationed in the portion of the European U.S.S.R. adjacent to Poland and Czechoslovakia.

EQUIPMENT BALANCES BEFORE AND AFTER REINFORCEMENT (NATO: WARSAW PACT)

	Before reinforcement	After reinforcement
Main battle tanks	1 1 54	1 2 65
Artillery and multiple rocket launchers	1 1 05	1 2 05
Surface-to-surface missile launchers	1 1 75	1 3 45
Antitank guns	1 1 94	1 3 75
Antitank missiles	4 03 1	3 17 1
Surface-to-air missile launchers	1 1 78	1 3 56
Attack aircraft	1 31 1	1 1 42
Reconnaisance aircraft	1 1 32	1 2 26
Armed helicopters	4 70 1	1 37 1

Source: International Institute for Strategic Studies.

Figure 11 shows the impact of reinforcement on the equipment balances between NATO and the Warsaw Pact. NATO, according to these figures, would go to war in a position of numerical superiority in only three of these equipment areas: antitank missiles, attack aircraft and armed helicopters. After reinforcement is complete the imbalances in favor of the Warsaw Pact would have increased considerably, one of the NATO advantages (attack aircraft) would have been reversed and the NATO advantage in armed helicopters would have almost disappeared.

The Atlantic Council of the United States recently reported on an 18-month study of the credibility of the NATO deterrent. The report concludes that the conventional balances has grown to far greater importance since NATO lost its clear advantage over the USSR in nuclear weapons. The report cites a long list of apparent shortcomings on the NATO side of the conventional balance, the most significant of which are:

The lack of defense against and response to chemical attack.

Inadequate numbers of tanks and antitank weapons to counter the Soviet armor superiority.

Deficiencies in operational reserves.

The shortage of ammunition (now adequate for sustained combat operations of only a few days and, in some cases, poorly located and protected).

Shortage of war reserve equipment stored in the theater to replace combat losses.

Inadequate air-defense measures, particularly surface-to-air missiles.

Lack of survivable war headquarters and interface of allied and national communications net works.

Lack of naval forces needed to ensure the arrival of reinforcements.

Lagging electronic-warfare measures needed to overcome the impressive Soviet capability on this area.

Deficiencies in trained manpower in both ready and reserve units.

Clearly, NATO has a long way to go before it can confidently face the ever-growing conventional threat of the Soviet Union and its Warsaw Pact allies.

DIVISIONS (AND EQUIVALENTS) FOR REINFORCEMENT [1]

	NATO	Warsaw Pact
Armored	5 1/3	27 2/3
Mechanized	16	61
Other	6	10
Total	27 1/3	98 2/3

[1] NATO reinforcements include only existing active and reserve formations. Warsaw Pact reinforcements include all category II and III divisions of Poland, Czechoslovakia and East Germany, plus all Soviet divisions in the European USSR.

The nuclear balance

In the mid-1970s it became apparent to the United States and its NATO allies that the Soviet Union was engaged in the production and deployment of a new-model, intermediate-range nuclear missile, known as the SS-20. With a range of over 3,000 miles the SS-20 outdistanced any similar missile available to NATO, such as the U.S. and German Pershing missiles capable of striking about 450 miles. As far as range was concerned, the NATO nations had no comparable capability. While SS-20s, based in their home country, could fan out over all of Europe, including the British Isles, Pershings positioned on the German/Czech borders could barely reach the closest cities in the USSR.

After considerable debate NATO voted to embark on a two-part program to offset or eliminate this new element in the theater nuclear force equation. They agreed to an effort to reach realistic arms limitations with the USSR with a concurrent U.S. program to station 572 land based cruise missiles and improved Pershings in Europe. This agreement triggered an immediate reaction from anti-war/nuclear/U.S. factions particularly those in Britain, the Netherlands, Belgium and Germany where the new missiles were proposed for stationing.

Theater nuclear weapons—The balance

As the U.S. sees it:	
United States:	
Missiles	0
F-111 fighter bombers	164
F-4's, A-6's, A-7's	333
FB-111's based in United States	63
Total	560
U.S.S.R.:	
SS-20's	250
SS-4's & 5's	350
SS-12's & 22's	100
SSN-5's	30
TU-Backfire bombers	45
TU-16 Badgers and TU-22 Blinders	350
SU-17, SU-24 & MIG-27 fighter bombers	2,700
Total	3,825
As the U.S.S.R. sees it:	
United States:	
Pershing I missiles	108
Fighter bombers	555
Britain:	
Polaris missiles	64
Vulcan bombers	56
France:	
Land-based missiles	18
Submarine missiles	80
Mirage IV bombers	33
West Germany:	
Pershing I missiles	72
Total	986
U.S.S.R.:	
Land-based missiles	496
Submarine missiles	18
Medium-range bombers	461
Total	975

The Belgian and Dutch governments began to equivocate on their commitment, but the protests faded as time passed. The storm was renewed in the fall of 1981 when both President Reagan and Secretary of Defense Weinberger made statements about the use of theater nuclear weapons and the way such a war might be fought in Europe. But on November 18, President Reagan delivered a masterful speech describing a proposal for a so-called "zero option" in theater nuclear weapons that almost immediately stilled the protests. He pointed out that while NATO had steadily cut back on its expenditures for conventional weapons the USSR had just as steadily increased its force improvements. While NATO was concerned with the coventional balance the USSR developed, fielded and built up their new SS-20 theater nuclear missile force, which NATO had no means to match. It was to offset this imbalance, the President said, that NATO agreed to the stationing of the new U.S. missiles. This program, he said, would be canceled if the USSR dismantled its long-range theater nuclear missile force. If both sides lived up to that pledge, he continued, they would have achieved a true "zero option."

Arms-limitation talks between the United States and the Soviet Union got under way in Geneva early in December, but two serious impediments became immediately apparent. First, the United States was trying to bargain with missiles that do not exist, while the USSR was dealing from the strength of a missile force in being. Second, there was a basic dichotomy in the negotiations because the USSR claimed the existing forces on both sides were already equal and the United States claimed a seven-to-one advantage in favor of the USSR. Figure 13 shows the numbers involved in the argument.

The United States does not consider the present Pershing missiles to fit the theater nuclear weapon category because of their relatively short range. The Soviet Union, on the other hand, considers the submarine-launched missiles of Britain and France in the theater category instead of the strategic class and does not assign a theater capability to any of its own fighter-bombers. This last categorization has some validity in view of the fact that, as a group, the Soviet fighter-bombers have a shorter operating radius and smaller ordnance-carrying capacity than their U.S. counterparts.

The negotiations will not be easy and cannot be expected to produce swift results. Nevertheless, as long as they are going on they hold some hope for the application of reason to what could have turned out to be a constantly escalating nuclear threat on the European continent. As long as that hope is alive the people of Europe, on both sides of the East/West borders, can look toward the future with some confidence.

AFRICA—CONTINUING TURMOIL AMIDST POTENTIAL RICHES

While incidents of open warfare in Africa during 1981 were at a lower level than the previous year there were only scattered signs of the kind of harmony needed to realize the full benefits of life on this potentially rich continent. It can certainly be said that few, if any, of the issues that have kept the continent in turmoil since the post-World War II end of European colonialism have been settled. Here, arranged generally in a north to south pattern, is an assessment of the major events which occurred in Africa during 1981.

Libya

Like Egypt, Libya must be discussed in two roles, first as a nation of Africa and second as a nation with Arab roots. Under the quixotic rule of Colonel Muammar Kaddafi, Libya has made some economic and substantial social progress, but, unfortunately, Kaddafi has not been content to limit his energies to his own country. The extent of his ambition to unite all the Arab countries under his leadership has put him in conflict with moderate Arab leaders and with those Western nations attempting to negotiate a solution to the problems of the North Africa/Mideast Region.

Early in January, Kaddafi announced that Libya would unit with Chad. Libyan troops had just restored Chadian President Goukouni Queddei to power, attempting to end a long revolt by elements of the Chadian armed forces led by the former defense minister. Strong protests from other African nations, in addition to those from France and the United States caused Kaddafi to back down from this takeover. Eventually, Premier Mitterand of France was successful in influencing the Organization of African Unity to form an all-African peacekeeping force for Chad and the Libyan troops were withdrawn.

On August 19, two Libyan SU-22 fighters attacked two U.S. Navy F-14s flying cover for a carrier task force in international waters off the Libyan coast. The Libyan pilots fired on the F-14s but missed. The SU-22s were then shot down by the F-14s' air-to-air missiles. This action culminated several days of harassment of the task force by Libyan aircraft. International reaction generally supported the justification for the U.S. action with the only cries of outrage coming from the predictably anti-U.S. sources.

The resulting upswing of harassment and intimidation of Americans working in Libya has since caused the Exxon Corporation to withdraw its operations from the country and the Mobil Corporation subsequently announced that it would follow suit. On December 10, citing ". . . the danger the Libyan regime poses to American citizens there," President Reagan asked the 1,500 remaining U.S. citizens there to leave the country and canceled all visas for travel to Libya.

Through the course of the year there were repeated accusations of Libyan sponsorship—even orchestration—of terrorist acts against people and organizations antithetical to Kaddafi. A former member of the U.S. Army Special Forces has been convicted of the attempted assassination of an anti-Kaddafi Libyan student in the United States. Other former members of the U.S. armed forces and employees of the Central Intelligence Agency have been accused of being Libyan agents. Evidence indicated that the attempted murder of the U.S. charge in Paris was instigated in Libya. But by far the most widely reported accusations against Libya were those leveled by the Reagan Administration, claiming that a Libyan-sponsored hitsquad was operating with orders to assassinate the President, Vice-President and other highlyplaced officials. Security has been stepped up for all the claimed targets, but Colonel Kaddafi has denied the existence of assassination plan. He can be expected to be a force toward instability, both within the region of North Africa and almost anywhere else in the world where he sees an opportunity to make inroads.

Egypt

It is still too soon to gauge the full impact of the assassination of President Anwar Sadat on October 6. While the transition of power to former Vice-President Hosni Mubarak appears to have gone smoothly, the Egyptians, the Mideast and Africa will all miss the open, often flamboyant leadership of Sadat. Although Mubarak has reaffirmed Egypt's commitment to the Mideast peace process, he seems better attuned than Sadat to his country's internal problems and may focus more of his initial effort inwardly.

Whereas Sadat was most frequently associated with Egypt's economic and political upper crust, Mubarak so far has avoided that sort of association. In his first major speech to the parliament Mubarak said: "Our aim should be to serve the interests of the masses. Our ultimate aim should be to set up a society of purity and justice, and not a society of privileges and class differences and exploitation." Mubarak has invited the three legal opposition parties to meet with him (Sadat ignored them more often than not) in the hope of broadening his political base and installing a more democratic process. At the same time, however, he cannot afford to relax the crackdown on the religious extremists who conceived and executed Sadat's killing.

A third of Egypt's work force is unemployed. Only heavy government subsidies hold the cost of food low enough to keep the mass of people fed. Although he knows that continued close association with the United States and the Mideast peace process will leave him open to criticism at home and by his Arab neighbors, Mubarak has little choice. There is no other country standing in the wings with a full assistance basket. Even the USSR would think twice before recommitting itself to assist Egypt, and Mubarak probably could not withstand the pressure of criticism he would encounter if he were to turn Egypt once again in the direction of the Soviet Union.

Barely more than a month after Sadat's death, U.S. and Egyptian forces conducted Operation Bright Star '82 with elements of the U.S. 82d Airborne Division arriving by air and troops from the 24th Mechanized Division coming by sea. A total of about 4,000 troops participated, more than double the number involved in the first such exercise a year ago.

In the months before his death Sadat had continued to play the role of prime mover in finding solutions to the complex problems of the area. He urged President Reagan to meet with representatives of the Palestine Liberation Organization in the hope that the Palestinians could be given a part in finding a solution to the problem of their homeland (Reagan refused). He completed Egypt's part in setting up a multinational peacekeeping force for the Sinai after Israel's withdrawal. He repeatedly reaffirmed his commitment to the principles of the Camp David accords. His departure from the scene leaves great uncertainty that the halting movement toward lasting peace in the Mideast and North Africa will be finally concluded.

Ethiopia

Mengistu Haile Mariam, the army officer who cast out Emperor Haile Selassie and later had him executed, now seems to be in firm control of Ethiopia. He has had a lot of help—from more than 100 Soviet advisors and technicians, from 350 East Germans and from more than 13,000 Cuban soldiers. In addition to the advisors, the USSR has funneled more than $2 billion in military aid to Mengistu. In return, the USSR has received his permission to build a naval base in the Dahlak Islands, near the mouth of the Red Sea and perilously close to the routes of Western supertankers transiting the Persian Gulf region.

Mengistu has been given high marks for intelligence, hard work and his devotion to the revolution he fomented; however, he has recently been accused of assuming some of the trappings of royalty that were so evident under the emperor. He has increased the size of the Ethiopian Army from about 30,000 to more than 300,000 and yet, even with the help of the Cuban troops, has not been able to subdue the perennial rebels in Eritrea and barely manage to overcome the ragtag Somali Army in the Ogaden region between the two countries.

The army represents the only real threat to Mengistu's continued rule and he has cracked down hard on any signs of opposition from within its ranks. Observers say that the militancy of the Ethiopian revolution is mellowing now that its perpetrators have moved in from the outside. "They were the have-nots," one Ethiopian commented, "and now they are the haves. Our revolution is coming to a halt."

Morocco/Algeria/Mauritania

These three countries are discussed together because of their involvement in the long-standing dispute over control of the Western (Spanish) Sahara. Algeria has been providing bases and supplies for Polisario guerrillas who have been at war with Morocco for six years in a campaign to establish a Saharan Arab Democratic Republic in the mineral-rich wasteland stretching between Mauretania and Morocco along the Atlantic coast and briefly bordered inland by Algeria.

Libya also plays a role in this conflict since it is the source of most of the weapons and equipment (supplied to Libya in turn by the USSR) being used by the Polisario. While Maurtania does not overtly support the Polisarios, Morocco claims many Polisario attacks originate there. The Maurtanians, for their part, say there are too many historic ties between their people and the nomads who inhabit that part of the Sahara to justify control by Morocco.

King Hassan II of Morocco, with substantial material aid from the United States, had begun to gain control over portions of the contested area early this year using C-130 aircraft to patrol the approaches from Polisario base areas and striking at their columns with F-5 and Mirage jet fighters. Then in October, the Polisario launched an attack on a remote Moroccan outpost using, King Hassan claims, Soviet/Libyan supplied T-54 and T-55 tanks as well as surface-to-air missiles. In the course of the battle, the Moroccans lost a C-130, two Mirages and an F-5. Hassan claimed that one of the Polisario columns that attacked the outpost came from Maurtania and that the missiles which shot down the C-130 patrolling at an altitude of 18,000 feet was manned by "non-African" technicians. The United States is considering a request to Algeria to decrease its support of the Polisario, whose headquarters is in Algerian territory, and may also ask Saudi Arabia to provide Hassan increased financial assistance.

U.S. relations with Algeria hit a high during the period of Algerian intercession in negotiations for the release of the U.S. hostages held by Iran but fell again when a long-standing agreement for U.S. purchase of Algerian natural gas collapsed. After an investment of about $4 billion by U.S. companies and the Algerian government in equipment to liquify and then regassify the gas the agreement broke down over price. Originally, the gas was to be sold by Algeria at 35 cents per 100 cubic feet, but the Algerian oil ministry decided the price should be based on thermal equivalents with oil. They concluded that the cost of the gas to produce a given amount of heat should be the same as the cost of oil to produce that heat. This formula drove the cost of the gas to $7 per 1,000 cubic feet, almost double the cost of gas from Canadian fields. The liquification facilities in Algeria and the regasification point on the Maryland shore of the Chesapeake Bay now lay idle.

Kenya

The United States has a substantial stake in Kenya as an example of how a free enterprise system can work in an emerging nation. In the 19 years since it became independent, Kenya has made great social strides such as establishing universal attendance at primary schools and increasing secondary enrollment from two percent to 17 percent. Until this year Kenya was able to maintain a favorable balance of payments in spite of the need to import oil. This year, however, the price of its coffee beans has plummeted and the management of its agricultural program has been so bad that it has become necessary to import grain rather than export it, as was true in past years.

The United States also has a stake in maintaining access to the Indian Ocean port of Mombassa, the only deep-water port on the east coast of Africa now available to the U.S. Navy and elements of the Rapid Deployment Force if its use becomes necessary. With Marxist Ethiopia and socialist Tanzania along major portions of its borders, Kenya, hopefully, will be a model of what an African nation can do for itself without a petroleum windfall. The Reagan Administration hopes to commit about $120 million in aid to Kenya in 1982, about $51 million of it in the form of military assistance.

Uganda and Tanzania

Idi Amin was driven from Uganda two years ago but the bloodbath that saw as many as 500,000 people killed during his eight-year reign has not stopped. The Tanzanian troops who bore the brunt of Amin's overthrow and who had provided a stabilizing influence in the intervening months began leaving Uganda in May. They left the country to the not-so-tender care of the Ugandan Army which was already embarked on a campaign of revenge against the people of the West Nile area. This was Amin's home and the army claims it harbors guerrillas trying to return Amin to power.

The Ugandan adventure has been expensive for Tanzania in terms of cost as well as the criticism it has received from other African nations. President Julius Nyerere recently showed his pique about the criticism by saying that someone had to invade Uganda to get rid of Amin, ". . . and we were the chosen victims." The occupation probably cost Tanzania about $500 million. The new Ugandan president, Milton Obote, agreed to pay for the upkeep of the Tanzanian troops but has not done so. Nyerere pulled his troops out after other African countries compared the occupation to the Soviet seizure of Afghanistan.

Angola

In the six years since Angola gained its freedom from Portugal it has drifted backward into economic chaos. Much of the difficulty the Angolans have found in steering their own course can be blamed directly on the Portugese. They did not permit natives to participate in running the colony at any but the most menial level and, upon the arrival of independence, stripped the country of 300,000 technicians and experts of various kinds, as well as removing or sabotaging much vital equipment.

The inept management by what is truly an amateur bureaucracy has stifled or slowed almost every aspect of the Angolan economy. Only the oil industry, run primarily by Americans, seems to be operating efficiently. Unfortunately, the government's revenue from that source is being devoted almost entirely to the conduct of the continuing civil war with Dr. Jonas Savimbi's National Union for the Total Independence of Angola (UNITA). Backed by South Africa, Savimbi's forces now occupy between a third and a half of Angola.

Savimbi claims the prime impediment to settlement of the civil war is the presence in Angola of between 15,000 and 19,000 Cuban troops. The Angolan government, on the other hand, maintains that the Cubans are being used for nothing more than rear-area security and that Savimbi is fighting only Angolan countrymen.

The present Angolan government, supported by the Soviet Union, is the successful survivor of a three-way struggle for the country that erupted after independence was granted. At the time of that conflict, Savimbi pleaded for help from the United States, but, with the bad taste of Vietnam still discernible, the U.S. Congress legislated a prohibition against military assistance to any Angolan faction and then sat back to see what would happen. The result, of course, has been continued conflict and economic chaos. Savimbi traveled to Washington in early December and was received warmly by the U.S. State Department, reflecting the Reagan Administration's opposition to the use of Cuban surrogates wherever they are found. Congress, as it approached the end of its legislative session, did not repeal existing restrictions on military aid.

Zaire

We must add Zaire to the list of African countries having difficulty achieving the potential of their natural resources. In the case of Zaire, however, many of the financial problems being encountered by the government are due to misappropriation and outright thievery rather than to mismanagement. Zaire's copper and cobalt mines seem to be producing efficiently, but the marketing of the ore is still done through Belgian brokers and payments sent back to Zaire are frequently diverted to the pockets of Zaire's autocratic leadership. The country has only recently begun to pare bogus names from civil service payrolls and to drop "phantom battalions" from the army, thereby keeping the imaginary salaries from being pocketed.

President Mobutu Sese Seko arrived in the United States late in November for talks with the Reagan Administration and to deliver a plea for greater military and economic assistance. U.S. State Department spokesmen acknowledged that Zaire has a long way to go in the areas of human rights and economic administration but praised Mobutu for his long-standing support of U.S. policies in Africa. Mobutu and his government are aware that they must clean up their act if they are to continue to receive support with the blessing of the U.S. Congress. The International Monetary Fund is also insisting on improved management before granting any more development loans.

The situation in Zaire is complicated by the presence of an estimated 600,000 refugees from Uganda who first began to flee from Idi Amin and have since been kept in motion by the vengeance-bent Ugandan Army. Most of them are from the West Nile area mentioned in the Uganda section. The death rate among children in the refugee camps has become very high and most of the refugees are suffering from severe malnutrition. The turmoil over the whole area has made it difficult for farmers to bring in normal crops that otherwise might be adequate to stave off hunger.

Zimbabwe

The conditions in formerly white-ruled Rhodesia after a year and a half of black rule are interpreted differently, according to one's point of view. An experienced American newspaper reporter concluded that the level of murders, interracial assaults and accidental deaths caused by an abundance of firearms was probably no greater in Zimbabwe last year than it was in the state of Texas. Ian Smith, the former prime minister and now the head of the minority white party in the Zimbabwean parliament, says the country is on the verge of economic and political chaos.

It must be said that fears expressed by white Zimbabweans immediately after the election of a black government have not been realized. There has not been a coup by the army nor have the thousands of armed guerrillas in the bush mounted a widespread campaign of terror against the remaining white population. The government of President Robert Mugabe has increased the minimum wage, broadened access to primary education and attempted to provide the same services to the entire country that were once only available in the cities and to the white families of the countryside. The results, unfortunately, have been a severe shortage of teachers, a shortage of better kinds of food, now affordable by more blacks, and an inflation rate of about 15 percent.

Zimbabwe is almost totally dependent on South Africa for the movement of crops and commodities into and out of the country. Early this year the South African government announced it was ending the favored-treatment status it had habitually granted the former white government. Later in the year South Africa withdrew the fleet of locomotives leased to Zimbabwe to move a bumper grain crop, then set up artificial barriers to renewing the leases. These actions did nothing to relax the tensions between the two countries that have been building since the beginning of black majority rule.

South Africa Namibia

The government of South Africa seems to have a difficult time doing anything to overcome its unpopularity with the rest of the continent or with most of the rest of the world. It truculently continues its apartheid approach to the problem of dealing with the black majority of its populace. In the eyes of the leaders of its neighboring nations it has impeded the achievement of a settlement of the Namibian problem. Most recently it incensed public opinion with its offhand treatment of a group of mercenaries who attempted a coup in the Seychelles then, having failed, hijacked an airliner and fled to South Africa. Most of the mercenaries initially were released outright. Subsequently, based on world pressure on South Africa, all participants have been brought up for trial on hijacking charges.

Certainly South Africa has not made it easy for the United States to maintain any vestige of support. When the United States refused to provide enriched uranium for South African nuclear plants in the hope that this refusal would force South Africa to become a signatory to nuclear control treaties, the government in Pretoria simply bought the uranium from France. Just as the United States thought it had helped to negotiate a peaceful solution to the question of Namibian independence, South Africa launched a week-long attack against guerrillas from the Southwest Africa People's Organization (SWAPO) that carried the fighting across the border into Angola.

In fairness to South Africa it must be said there are no other immediate choices between rule of Namibia by pro-Soviet SWAPO or continued control by South Africa. The multiracial coalition that has tried to run the Namibian national assembly has failed miserably and driven the economy into a state of near collapse. South Africa wants a solution that will continue to give it access to Namibia's rich mineral deposits and to the deep-water port of Walvis Bay, the only good harbor for 1,400 miles along Africa's west coast.

In spite of almost worldwide censure of its racial policies South Africa is doing nicely. It has the strongest armed forces in the area and it knows that its two major trading partners, Britain and the United States, are not likely to take any drastic action against them. Right now it suits South Africa to maintain the status quo.

THE MIDDLE EAST

This vital region was no more stable at the end of 1981 than it was at the beginning. There were many efforts by a number of parties to achieve agreement on some of the host problems that beset the nations of the Mideast, but they seemed to generate even more disagreement. King Hassan II of Morocco, for example, announced that he would hold the 12th summit meeting of the 21-member Arab League in Fez, Morocco, in November. Libya, Algeria, South Yemen and Iraq boycotted the meeting entirely and when the other nations gathered the meeting lasted only 5½ hours before breaking up in disarray.

To add to the difficulty of getting the nations of the Mideast to agree on anything is the obvious effort by the Soviet Union to reestablish itself in the area after being dealt some severe blows in previous Mideast relationships. Just before his assassination, President Sadat of Egypt expelled the Soviet ambassador and six other embassy staff members for inciting the religious fundamentalists who were ultimately responsible for Sadat's murder. The same hard-line Arab states that boycotted the Fez summit met in September to ". . . develop a strategy in Arab-Soviet relations." In Iran, at the request of the Ayatollah Khomeini, Soviet security agents are training a new internal security force to replace the Shah's Savak.

Israel

Perhaps more so than in any recent year, the relationship between Israel and the United States had a lot of ups and downs during 1981. The first big "down" came on June 7 when U.S.-built Israeli fighter-bombers attacked and destroyed a nuclear reactor near Baghdad, Iraq. The Israeli government claimed the reactor could have been used to create fissionable material for nuclear weapons to be used against Israel. The raid came on the eve of elections that returned Prime Minister Menachem Begin to power by an extremely narrow margin and there was considerable speculation that it was contrived to tip the election in Begin's favor.

After several false starts Israel did agree to the makeup of a security force to occupy the Sinai area when it is evacuated by Israel in April 1982 and taken over by Egypt under the terms of an earlier agreement. Israel had objected to the planned participation of Britain, France, Italy and the Netherlands because they belong to the European Community which has gone on the record in favor of Palestinian participation in the Mideast Peace process.

The defense ministers of Israel and the United States signed an agreement on November 31 that binds the two nations to "act cooperatively and in a timely manner" to any threat to the region posed by the Soviet Union. It was obviously a pacifier to Prime Minister Begin from President Reagan, designed to assuage the damage of the U.S. Congressional approval for the sale of airborne warning and control (AWACS) aircraft to Saudi Arabia. Nevertheless, Begin had to call in all his chips with the Knesset (parliament) to survive four no-confidence votes called for by the opposition parties to express their disapproval of the agreement.

On the 15th of December Israel once again shook U.S. understanding and seemingly impaired the Camp David peace process by announcing that it had annexed the Golan Heights along its border with Syria. The announcement asserted Israel's "perpetual sovereignty" over the area that has long been a buffer zone and frequently a battlefield. In justification, Prime Minister Begin said the action was taken because of recent "extremist" positions taken by Syria. The move was inevitable, he said, and should have surprised no one. He also cited historical and security reasons for the annexation. The fact that almost 7,000 Israeli settlers live in 31 villages on the heights and have been clamoring for annexation for some time undoubtedly influenced the decision as well.

The Egyptian ambassador to Israel immediately condemned the annexation as being contrary to the United Nations Charter and contrary to the "spirit of Camp David" as well as a violation of various international laws. The U.S. State Department stated that it had earlier warned Israel that a takeover of Golan would be looked upon with disfavor and that there was no need to make the U.S. position any more clear.

In response to Israel's vow to hold on to the Golan in spite of international disapproval, the United States first suspended the November 13 mutual cooperation agreement then voted with the rest of the United Nations Security Council to condemn Israel's action. Israel, in turn, completely canceled the November 13 agreement. Prime Minister Begin likened U.S. treatment of Israel to that applied to a vassal state or a rebellious child.

For the time being, at least, the United States will continue to mean what it says about supporting Israel. But even within Israel itself there is growing consternation about the hard-line policies that have seen the country bounced between the pillars and posts of international opinion. In the United States, too, there is more and more public concern over what is seen as Israel's insistence that everyone else defer to its wishes while it refuses to budge on any issue.

Iran

According to a report released by Amnesty International in October, there had been more executions in Iran during the previous four months (1,800) than there were in the rest of the world during the entire year of 1980 (1,229). The report reflects the continuing bloodbath in that troubled country as its fundamentalist religious leaders attempt to stamp out the last vestiges of political opposition.

The degree to which the Ayatollah Khomeini and his militant religious followers have usurped the Iranian political process was most evident in the dismissal on June 22 of President Bani-Sadr who had been elected to office by an overwhelming popular vote. Bani-Sadr had apparently seen the threat coming and had disappeared on June 10, shortly after the Ayatollah Khomeini had dismissed him as commander in chief of the armed forces. Bani-Sadr and Massoud Rajavi, leader of the opposition leftist Mujaheddin-e-Khalq guerrillas, later surfaced in France after managing to escape from Iran aboard a commandeered Iranian Air Force transport plane. When the French government of Francois Mitterand granted Bani-Sadr and Rajavi political asylum there were demonstrations in Tehran demanding the return of the pair. Mitterand later recalled the French Ambassador and ordered the evacuation of all French nationals from Iran.

Both Bani-Sadr and Rajavi denied any involvement with the bombing of the Iranian prime minister's office in Tehran on August 30 which killed both the newly elected president of Iran, Mohammed Ali Rajai, and the new prime minister, Mohammed Javad Bahonar. Earlier (on June 28) another bomb planted in the headquarters of the Islamic Revolutionary Party had killed the Ayatollah Beheshti, considered to be the second in power only to the Ayatollah Khomeini.

The on-again, off-again war between Iran and Iraq continued through the year with the Iranian armed forces performing surprisingly well, given the interference of their religious leaders and the lack of logistic support. In October the Iranian Army launched a surprise attack against the Iraqi's northwest of Abadan, inflicting heavy casualties and capturing substantial numbers of tanks and other equipment. Iranian aircraft conducted a simultaneous raid against hydroelectric plants 50 miles inside Iraq.

Lebanon, Syria and Jordan

Syria and Jordan came to the brink of war late in 1980 and although they have not come as close to the precipice in 1981 Jordan's effort to mediate a deescalation of the conflict between Syria and Israel has kept the enmity between the two countries alive throughout the year. Jordan blamed Syria for the disappearance of two of its diplomats and for the revealed plot to assassinate the Jordanian prime minister. During a visit to Washington, Jordan's King Hussein made a personal appeal to President Reagan for support of a Saudi Arabian plan for Mideast peace which calls for the recognition of Israel's right to exist but concurrently calls for Israel to give up all the territory it has captured or annexed. The President could not agree with the Saudi plan, but his meeting with Hussein broke up after reaching an agreement to continue close cooperation in the Mideast peace effort. Hussein, for his part, cautioned the President not to be alarmed if Jordan began to procure weapons from the USSR. Jordan's traditional orientation toward the West, Hussein said, will continue. Third parties familiar with the conflict between Syria and Jordan say that Syrian President Hafez Assad is dedicated to Hussein's destruction. One reason for this must be Jordan's full support for Iraq in its war against Iran while Syria has just as fully supported Iran.

The people of southern Lebanon are trapped in what must seem a never-ending series of crises between the Syrian forces supposedly keeping the peace in the region and the Israeli forces which retaliate vigorously to every Lebanon-based Syrian provocation. The Lebanese also host substantial numbers of Palestinians, whose adventures against Israel also bring retaliation. Raids into Israel by Palestinian guerrillas, for example, are immediately met by Israeli air strikes or ground actions, some of which almost always spills over into the area surrounding the Palestinian centers.

In April the Israeli Air Force shot down two Syrian troop helicopters inside Lebanon and the Syrians retaliated by moving in Soviet-supplied surface-to-surface missile batteries. Israel threatened to destroy the batteries if they were not removed, saying that their presence violated the agreement under which Israel would not attack Syrian peace keeping troops in Lebanon. Missiles like this were specifically prohibited under the terms of that agreement. Israeli threats to destroy the missiles caused President Reagan to dispatch special envoy Philip Habib to mediate the dispute. Habib conducted his version of shuttle diplomacy in the region thoughout the balance of the year. Although the missiles are still inplace and Habib has not been able to bring about any sort of solid agreement, at least the Israelis have held off their threatened attack.

Despite the fact that a major portion of southern Lebanon has become a sort of perpetual battleground, the country as a whole has continued to act in its traditional role of commercial middleman for the entire region. Banks are booming and trade flourishes as the confident Lebanese work to rebuild the hotels and other buildings that once made Beirut the watering place of the eastern Mediterranean.

Iraq

President Saddam Hussein of Iraq sees his country as the eventual leader of the Arab world, but this grand plan ran into several obstacles during 1981. Foremost, of course, was the continuing war with Iran which all the would-be experts had predicted would be won by Iraq with ease. The Iraqi armed forces are the largest in the region and they had not suffered the trauma of lost leadership inflicted on the Iranian forces during the revolt against the Shah and the follow-on purge of political unreliables.

Iraq has also found itself in direct political confrontation with Libya which has supported the religious fundamentalists in Iran. At the same time, the Soviet Union, which has been Iraq's prime supplier of military equipment, has been slow in its delivery of promised supplies. Reportedly, it was this last consideration that began to generate an Iraqi move toward better relations with the United States. Iraq and the United States worked closely together in the United Nations to write an acceptable condemnation of Israel for the June 7 bombing of the Iraqi reactor. While there are no formal diplomatic relations between the United States and Iraq (relations were severed after the 1967 war) President Saddam Hussein has been treating the U.S. charge in Baghdad as the head of a diplomatic mission. Iraq nevertheless continues its staunch rejection of U.N. Resolution 242 which calls for recognition of Israel's right to exist within secure borders.

Saudi Arabia

During the heated debate in the U.S. Congress over President Reagan's request for authority to send airborne warning and control (AWACS) aircraft to Saudi Arabia there was some innuendo that an unstated quid pro quo had been arranged to give the United States certain advance basing rights in the Persian Gulf area in return for the aircraft. This speculation was effectively killed early in December when a highly placed Saudi spokesman revealed the existence of an offer from the Saudis to the Sultanate of Oman which would give Oman $1.2 billion in aid if the sultan would renege on his agreement to make Omani facilities available to U.S. forces.

At the same time Kuwait has been attempting to convince South Yemen to cut off its assistance to Soviet forces. Both Kuwait and Saudi Arabia, it seems, would rather have both of the superpowers out of the area rather than have them constantly competing for an advantage. It is becoming more apparent that the basis for continued good relations between the United States and Saudi Arabia in the economic area is mutual need, rather than political philosophy. The United States needs a secure source of Mideast oil and Saudi Arabia needs the technical help the United States offers.

ASIA AND THE PACIFIC

The Soviet Presence

When the U.S. commander in chief in the Pacific was asked in a 1980 Congressional hearing about the military balance between the United States and the Soviet Union in that vital area, he responded that we had a slim margin of superiority. When asked the same question in 1981, he responded that the margin was too close to call. His responses reflect a number of things that have happened over the past year.

The USSR has added 200 of its latest fighter aircraft to its Pacific air force and the fleet they have deployed between the Red Sea and the North Pacific is now the largest and most modern in the Soviet Navy. Using bases at Danang and Cam Ranh Bay in Vietnam, the Soviet Navy has ranged throughout Southeast Asia. In late 1980 the Soviet aircraft carrier *Minsk* deployed out of Cam Ranh Bay into the Gulf of Siam, the first time in recent history that a Soviet combatant vessel entered that area. Also from Cam Ranh Bay, the Soviets have mounted an ambitious reconnaissance program covering the entire Southeast Asia region.

Through its involvement in Southeast Asia, particularly as the supporter of actions taken by Vietnam in Kampuchea (Cambodia), the Soviet Union has continued to attempt to outflank the People's Republic of China in an effort to force it to divide its attention between its own border with the USSR and the lengthy border it has with several other countries of South Asia.

Afghanistan

Whatever success the USSR may have had in Asia over the past year is diminished by their two-year-old failure in Afghanistan. A Soviet force that has built to over 90,000 is still tied down there by a relative handful of tenacious rebels. The Afghan army that numbered 100,000 before the rebellion began has shrunk to about 30,000. The government has been forced to draft all males between the ages of 15 and 35 and to extend the services of those already in uniform. Substantial numbers of the prospective draftees simply disappeared into the hills rather than report for induction. Many others did report, took two weeks of training, were issued weapons and then took the weapons with them into the hills. Rebel groups frequently infiltrate supposedly secure towns to kill Soviet (and Afghan) soldiers and to capture weapons and ammunition.

So far the Soviet Union has been patient. While the Soviets have somewhat increased the size of their forces, they have not stepped up the overall level of intensity of their operations. They have begun to have problems with drug consumption (understandable in a country where drugs are readily available) and alcoholism, but they have not encountered widespread disciplinary problems. As far as the Soviet home front is concerned, one observer noted that the students at Moscow University are not likely to burn their draft cards in protest.

Pakistan

Resentment to the continued rule of President Mohammed Zia ul-Haq was the impetus in March for one of the few truly successful political hijacking incidents in the history of this form of protest. Three Pakistani students claiming allegiance to the late President Bhutto hijacked a Pakistan International Airways jet with 100 passengers and insisted on the release of 54 political prisoners. During the course of the hijacking, the students killed a Pakistani diplomat, threatened to kill three American passengers and finally convinced the Pakistanis to agree to their demands. The prisoners were released and, along with the hijackers, granted asylum in Syria. While the families of the hostages were undoubtedly pleased by the outcome, both Pakistan and Syria were the targets of worldwide criticism for providing an example that terrorism could be made to work.

Pakistan has also been under fire for its continuing effort to produce nuclear weapons. In a hearing before the Senate Foreign Relations Committee, Senator Alan Cranston (D-Calif.) claimed that Pakistan is just one step away from having nuclear weapons. The missing step is the design and fabrication of warheads, which is the easiest part of the process. Using a Canadian-supplied reactor, the Pakistanis have been producing weapons-grade material and not reporting it, as is required under the Nuclear Nonproliferation Treaty. Pakistan is not a signatory to that treaty.

In spite of its bad record on a number of issues, however, the U.S. Congress has approved the sale of 40 F-16 fighter aircraft to Pakistan and the Reagan Administration will move ahead with plans to help modernize all the Pakistan armed forces. The modernization is necessary, the Administration says, because of Pakistan's proximity to the USSR and to Afghanistan and the threat that the Soviet Union might decide to extend the Afghanistan operation across the border. Soviet/Afghan troops and aircraft sometimes stray across the ill-defined international boundary in efforts to track rebel groups. Camps set up for Afghan refugees in Pakistan are frequently attacked by armed helicopters and indirect fire from across the border. The aircraft have also sowed antipersonnel mines in the mountain passes between the countries to discourage movement and resupply for the rebels.

The long-standing dispute between Pakistan and India over the alignment of their borders in the Kashmir area escalated heavily during the year with a threefold increase in shooting incidents during the months of July, August and October. Pakistan surprised India in September with a proposal for a mutual nonaggression pact, but despite the fact that Pakistan provided details of its proposal in late October India did not respond until late November, and that response was noncommittal.

India

Prime Minister Indira Gandhi is not happy about U.S plans to sell F-16s to Pakistan. "We are against the collection of highly sophisticated arms in the region," she said in Mid-December. Her government is buying Soviet MiG-23s and is exploring the purchase of advanced Mirage jets from France. Gandhi understands that the impact of the Soviet action in Afghanistan has impelled Pakistan toward modernizing its forces, but she is also concerned that those forces may be used against India in Kashmir, just as they were in 1965.

To India, the preferred solution to the Afghan crisis is to cut off supplies to the rebels so their effort will collapse and permit the Soviet forces to retire. India has never condemned the Soviet action in strong terms. India also looks with disfavor on any effort by the United States, such as preparing the Rapid Development Force for emergency deployment in the Mideast, to counter what the United States perceives to be Soviet incursions in the area.

To many, India's fear of Pakistan approaches the irrational. India is the second most populous country in the world (684 million people compared to 80 million in Pakistan); its armed forces outnumber those of Pakistan by almost three to one and it has three times as many combat aircraft. Still, some Indians accuse the United States of driving their country into an arms race with Pakistan. India exploded its first nuclear weapon in 1974 and has since refused to open its nuclear production facilities to international inspection as required by the nonproliferation treaty (India, like Pakistan, is not a signatory).

Vietnam

Six years after North Vietnamese troops marched into Saigon and renamed it Ho Chi Minh City the communist rulers of Vietnam are still far from realizing the benefits they hoped to achieve through unification. The people of a country that has one of the greatest agricultural potentials in all of Asia are suffering from widespread malnutrition. There has been so many skilled workers and technicians among the 600,000 or more people who have fled Vietnam since 1975 that industries ranging from fishing to manufacturing are far below the hoped-for production levels. In a small way capitalism still flourishes in the free markets on the streets of Ho Chi Minh City and elsewhere, but prices are incredibly high. Since June, when the government doubled the legal salary scale, the price of rice has jumped from 50 cents per kilogram to 90 cents; a gallon of gasoline that cost $8.33 in June now costs $12.49, and the cost of a bottle of

Vietnamese-brewed beer has soared from 45 cents to $1.50.

The government in Hanoi has finally admitted that it has an internal security problem. Members of the former South Vietnamese Army are conducting a guerrilla campaign in the Mekong Delta, which was so long a haven for the communist Vietcong. The mountain tribes men whose services were the object of a concerted effort by the U.S. Army Special Forces and who acknowledged no allegiance to any central government, are now fighting against attempts by Hanoi to bring them under control. Hanoi is forced to maintain a force of about 250,000 in Laos and Kampuchea at a cost of almost half its annual budget. The Soviet Union is underwriting the Vietnamese economy to the tune of about $5 million per day in exchange for the bases it demanded at Danang and Cam Ranh Bay, but the 4,000 to 5,000 Russian "advisors" in the country are warned not to identify themselves as Russian if they wish to avoid insults or even personal harm.

Kampuchea (Cambodia)

The United States has been supporting the efforts of the Association of Southeast Asian Nations (ASEAN) and the United Nations demanding the withdrawal of Vietnamese occupation troops from Kampuchea. But the people of that country are faced with a potentially terrible alternative if the Vietnamese do leave without a neutral force to fill the void. There are still about 40,000 Khmer Rouge guerrillas in the countryside, waiting to occupy the vacuum that would be left by the departure of the Vietnamese. These are remnants of the forces that installed Pol Pot as dictator of the country and triggered a reign of terror that, according to available estimates, killed about one-third of the country's population.

Kampuchea in 1981 was a study in stark contrasts. The markets in Phnom Penh, its capital, were well stocked and its people well fed, but in parts of the country the combination of violent floods and, a few miles away, severe drought drove more and more people westward toward Thailand and its refugee camps. Those camps now hold about 140,000 Cambodians.

The Khmer Rouge has accused the Vietnamese of using both deadly and incapacitating chemical agents against their troops and against groups of refugees attempting to reach the Thai border. There have been numerous reports of Vietnamese trucks loaded with chemical munitions headed toward the border area and doctors in the refugee camps have reported treating chemical casualties. The Thai government has cooperated with the U.S. State Department in gathering evidence of the use of new deadly toxins. It would appear, however, that the Vietnamese are probably acting as agents for the Soviets in a chemical-testing program.

Prince Norodom Sihanouk, the former Cambodian head of state, nominal Khmer Rouge president Khieu Samphan and former prime minister Son Sann met in Singapore in September to attempt to work out an arrangement for some sort of coalition government. They all agree that the Vietnamese will probably not leave Cambodia as long as the only alternative is a pure Khmer Rouge government. A coalition of this kind is being pushed by ASEAN.

Thailand

Other than being the setting for the 14th attempted coup against the government since Thailand undertook constitutional government in 1932, the year passed quietly for the Thais. In April the deputy chief of the Thai Army attempted to overthrow the government of Prime Minister Prem Tinsulanond, who was also the army chief. Tinsulanond fled briefly to the city of Korat where he rallied the support of most of the army as well as that of the highly respected Thai royal family. The coup was over in less than three days.

Border incidents with Vietnamese troops declined sharply in number during 1981, perhaps influenced by the demonstrated intention of the United States to come to Thailand's aid. It seems certain, too, that Vietnam is more sensitive to international criticism since it touched off a worldwide hue and cry with its attacks in the Thai border area in 1980.

China/Taiwan

In China leaders may come and go; development programs may succeed or fail, but there is a common thread woven through every aspect of life in that nation that stays very constant—distrust, animosity or outright hatred for the Soviet Union. It is this constant that makes the relationship between the United States of America and the People's Republic of China a crucial one—the benefits of trade and cultural exchange notwithstanding.

U.S. commercial interchange with China continues to grow. In fact China is the largest customer in the world for U.S. agricultural products. From an initial low of just $44,000 five years ago, China's purchases of American farm commodities will probably reach or pass $2.5 billion this year. While there are still some limitations on shipments of high technology to China those barriers seem to be gradually eroding.

One of the ways in which those barriers are most likely to be brought down will be in the context of U.S. assistance in modernizing China's armed forces. While China has more people in uniform than any other nation, its forces are extremely short of equipment and what they do have tends to be antiquated rather than just obsolete. China has always relied on superior numbers to gain a military success, but the need to improve the availability of equipment was driven home sharply in 1979 when superior numbers of Chinese troops were badly mauled by battle-experienced, better equipped Vietnamese.

Deputy Premier Deng Xiaoping, China's leader in fact if not in title, wants to make the nation's armed forces more professional, in terms of both training and capabilities. This may very well lead to a reduction in size since the upgrading of a single Chinese armored division might cost as much as a half-billion dollars. To bring all of China's 129 divisions up to a modern standard, particularly when it has to be attempted in concert with the industrialization of the entire country, seems an almost impossible task. The cost, however, could be pared considerably by licensing arrangements which would permit the manufacture of weapons and equipment in China. The relatively backward nature of China's economy, however, limits China's ability to absorb high-technology data.

China's leaders chose the celebration of the 70th anniversary of the overthrow of the Manchu Dynasty to make a conciliatory offer to Taiwan, in essence offering to let Taiwan's leaders share in the governing of a reunited China. The offer even included permission for Taiwan to keep its own armed forces and a promise that China would not interfere in Taiwan's internal affairs. Taiwan's leaders dismissed the offer as propaganda.

Throughout the year, the Reagan Administration has explored the feasibility of selling Taiwan new fighter planes to replace its fleet of F-5Es and aging F-104s. China, in turn, has repeatedly expressed its displeasure over this plan, at one time going so far as to say the sale could destroy the budding U.S./China relationship. The F-5E is still capable of dealing with China's present fleet of aircraft, but Taiwan is looking toward the future and considering China's plans for military modernization.

Japan

The 40th anniversary of Japan's attack on Pearl Harbor found the United States and its one-time arch enemy at odds over a number of significant issues but still in basic agreement over what must be done to prevent the further spread of Soviet influence in Asia. One of the major issues, of course, is the continuing debate about the size of Japan's military contribution to the security of the region. Japan's Self-Defense Forces, while well equipped and trained, cannot adequately defend the Japanese homeland without U.S. support and could contribute little to the control of an emergency elsewhere.

The Japanese government continued its slow but steady movement toward defense efforts commensurate with Japan's economic and political influence. Despite significant popular opposition, the Japanese government announced that for the first time in 26 years, it would increase its defense spending at a rate higher than those for other government agencies. The U.S. government has announced its satisfaction with this positive trend toward increased defense efforts, but Japanese defense spending continues below one percent GNP. The U.S. approach has been to emphasize new Japanese roles in regional security, not to focus on absolute spending amounts.

U.S. Ambassador Mike Mansfield, a Carter appointee continued in the job by the Reagan Administration because of his excellent rapport with the Japanese, has said that Japan can and should contribute more to regional defense in view of the fact that the United States has had to shift a major portion of its Pacific fleet to the Red Sea/Persian Gulf area. Japan is the prime beneficiary of the shift, Mr. Mansfield says, because it is more dependent on Mideast oil than is the United States.

The issue of nuclear weapons aboard U.S. ships in Japanese waters was raised unexpectedly this year by former U.S. Ambassador Edwin Reischauer, who stated that the United States has always had the right, with tacit agreement from Japanese leaders, to bring the weapons into Japanese waters and ports. Mr. Mansfield, for his part, has religiously followed the practice of refusing to confirm or deny the presence of the weapons. The government of Prime Minister Zenko Suzuki has managed to evade a crisis by steadfastly maintaining that nuclear weapons have never been brought into Japanese waters or stored on shore. A Japanese opinion poll taken in July indicated that the Japanese are aware of the U.S. nuclear weapons transit and the majority recognized it as a necessary part of their security arrangement with the United States.

At the end of World War II the Soviet Union occupied four small islands at the northern tip of Hokkaido and held them ever since. The Soviets maintain a division-size force there which presents a real threat to Japan's ability to maintain sea control in that area. Pressure has been growing within Japan to get the islands back, but the USSR has refused to discuss what they claim is a nonexistent issue.

Korea

One of the first acts of the Reagan Administration was to reject the policies of its predecessors relating to the Republic of Korea. President Reagan has said there will be no further withdrawals of U.S. ground combat forces from Korea and that the United States will continue to be ". . . a reliable Pacific partner."

Former General Chun Doo Hwan was officially confirmed as president of the republic for a seven-year term following an election in which 80 percent of the electorate went to the polls but from which most well-known politicans were banned. Chun granted amnesty to more than 5,000 political activists charged by the regime of the late President Park, but, in this case also, no prominent dissenters were included. If Chun can maintain his equilibrium his country can expect to continue the spectacular economic/industrial growth it has experienced over the past few years but which slowed noticeably during the more recent political uncertainty.

North Korea continues to behave as befits its role of hard-line American-hater. While its anti-American propaganda barrage had abated slightly during the time that President Carter was actively pursuing a troop reduction, North Korea has greeted President Reagan's reversal of that trend with a renewed program to generate anti-Americanism at every level of its society, beginning at the preschool age.

In late August the United States accused North Korea of firing a surface-to-air missile at a U.S. SR-71 high-altitude intelligence aircraft operating in international airspace. The crew of the aircraft observed the trail of a rocket motor and the explosion of a warhead, but the missile missed its supposed target by several miles. North Korea termed the U.S. charge "slanderous," but its statement did not deny the fact that it might have fired a missile at the plane while it was over what it considers to be its territorial waters.

The Philippines

At one time President Ferdinand Marcos could take some small comfort in noting that the Moro insurgency against his government on the island of Mindanao was simply an extension of the rebellion that began at the end of the turn of the century and has been under way ever since, regardless of the nature of the government in Manila. But now the insurgency has been joined by another, more widespread rebellion being mounted by a movement espousing what they call "M.L.M.T.T." or Marxism-Leninism-Mao Tse-tung Thought. Unlike the Moro rebellion, however, this one has taken roots in every one of the major Philippine islands with substantial strongholds on Luzon and Samar as well as on Mindanao. In the overwhelmingly Catholic Philippines the insurgency has been abetted by activist priests and nuns. The church leadership, while not directly supporting the new group calling itself the New People's Army (NPA), has been sharply critical of Marcos's birth control program (on religious grounds), of restrictions on press freedom and of abuses of human rights.

Vice-President George Bush visited the Philippines in July to represent the United States at the inauguration of Marcos for a new term. The inauguration followed an election in which the major opposition parties refused to participate. Vice-President Bush's praise for Marcos in several public appearances was called "naive" and "uninformed" by the coalition of opposition parties that had hoped to achieve more influence in a truly free election.

The United States has a great deal at stake in the Philippines. Its air base at Clark Field and the Subic Bay Naval Station are its westernmost outposts in Southeast Asia and would play a major role in supporting a U.S. effort as far west as the Persian Gulf. Only a stable government in the Philippine Republic can assure the availability of those bases. The United States has a hard choice between Marcos, who will probably renew a base rights agreement, and a less repressive regime which might not be as well disposed toward the United States.

WESTERN HEMISPHERE

Canada

For the past 114 years Canada has been governed under the provisions of the British North America Act which delegates extraordinary powers to the provinces and limits control that can be exercised by the national government in Ottawa. Britain has left that act in effect because Canadians could not agree on just what they wanted their central government to do. But this year, after a 13-year effort, Prime Minister Pierre Trudeau has finally been able to negotiate an agreement with all but one province (French-speaking Quebec) and as soon as the Canadian Parliament moves to request withdrawal of the act Canada will be, in Trudeau's own words, ". . . in a technical and legal sense, an independent country."

Speaking for his province, Quebec Prime Minister René Levesque let it be known that the *Quebecois* would never accept a change in status. "Never will we accept," he said, "that our traditional and fundamental powers be removed without our consent." Levesque spoke from the strength of a resurgence of support during provincial elections which saw his party win at least 86 seats in the provincial parliament. This rebound was particularly notable in view of the strong vote against his separatist policies last year.

The United States and Canada are on the brink of a major commercial disagreement evolving from Canadian desires to limit foreign investment in its industries. At the present time more than 80 percent of the foreign investments in Canada are U.S.-controlled. In the oil and gas industry alone, 72 percent is under foreign ownership and Trudeau has proposed to reduce that to 50 percent by 1990. Some of this limiting would be done by nationalization, which has raised hackles in the U.S. business community and in the Reagan Administration. The U.S. Department of Commerce is exploring ways to retaliate should the nationalization take place, but it is not easy to find ways to do that without hurting the United States more than Canada.

Mexico

The presidents of Mexico and the United States held private meetings twice during 1981, the first time before President Reagan was inaugurated. While the meetings did not produce spectacular results, they served to underline the importance attached to the relationship between the two countries, a relationship that has been disintegrating for a number of years and is now improving with the amistad of President Reagan and Lopez Portillo.

A major sticking point in the discussions between the two presidents was the interplay of dealing with other nations in Central America and the Caribbean, most specifically El Salvador, Guatemala, Nicaragua and Cuba. Mexico is alarmed by U.S. aid to the regimes in the first two countries. The United States is concerned that Mexico may be too friendly with Cuba and that Nicaragua is rapidly becoming a radical communist state with a mushrooming armed force. Another problem is created by the flow of Mexican nationals across the border into the United States, a condition largely tolerated by President Carter but opposed by Reagan.

With its recently acquired oil wealth Mexico has decided to increase the capabilities of its armed forces. The army will eliminate the remnants of its horse-cavalry units and replace them with armored car and jeep units. The air force, which has been flying aircraft dating back to the late forties and early fifties, will buy F-5 fighters and other modern aircraft. The defense budget that totaled about $600 million in 1980 was increased to $1.1 billion for 1981. While the Mexican government explains this substantial growth in terms of simple modernization, other Latin American nations are concerned that Mexico will go the way of so many oil-rich nations by creating armed forces far more sophisticated than appear to be necessary to deal with local needs.

For all its new wealth Mexico still has a serious problem with large numbers of unemployed and underemployed. Despite an atmosphere that seems ripe for communist activity, Mexico has kept its communist party under control by permitting it to hold seats openly in congress and to participate in the political process. The communists now hold just 19 of the 400 seats in the lower house and claim only 112,000 members in the overall population of 72 million. The ruling Institutional Revolutionary Party, which has held the reins of government since 1929, has actively involved itself in the labor and peasant movements, thereby denying the communists a foothold.

In November, following a number of statements by U.S. officials speculating on the possible need to intervene to prevent the further radicalization of Nicaragua and to stop its support of radical movements elsewhere, Mexican President Lopez Portillo noted that it would be a "significant historical error" for the United States to intervene in Nicaragua. Secretary Haig replied that the United States has no plan to intervene there for the moment, but he did not rule out the possibility of action in the future. The Mexican government has agreed to pass the U.S. concerns to Nicaragua.

Honduras and Costa Rica

So far these two countries have avoided the intense insurgency existing elsewhere in Central America. In Honduras a land-reform program has been a political success if not an economic one, and the government of General Policarpo Paz Garcia has held free elections for a national assembly. The country is struggling economically, and its widespread unemployment is an acknowledged invitation to agitators.

Costa Rica has long been the bright economic star of the region, but now its economy is lagging because it imports more than it produces and this negative balance is eating up cash reserves. As an island of democracy in a peninsula trapped by strong-arm governments, Costa Rica hopes that the United States will see its need for economic assistance rather than concentrate on the military confrontations that, so far, the Costa Ricans have managed to avoid.

Guatemala

U.S. pleas to Guatemalan General Romeo Lucas Garcia to control the right-wing terrorists in his country as a precondition for assistance have not done much good. Lucas' harsh repressive measures, coupled with the already restive population of Gautemala and the lure of its oil fields, make that country a likely target for a larger insurgency, probably exported from Nicaragua.

El Salvador

El Salvador may be lost. Its insurgents are growing more successful and the government forces are experiencing difficulty in dealing with the guerrillas' hit-and-run tactics. In August, Mexico and France, to the consternation of the U.S. government, recognized the Salvadoran guerrillas as, ". . . a representative political force," thus giving them stature in any future negotiations. The U.S. government blames the French move on Regis Debray, a foreign affairs advisor to President Mitterand, and a Marxist who once acted as an advisor to Cuban-sponsored revolutionaries in Bolivia.

Some agree that it may be more important to control the militant right-wing elements in El Salvador than to eliminate the left-wing insurgency. The Salvadoran oligarchy which has long controlled most of the land and commerce has been hit hard by land reforms and other government plans to distribute the country's wealth better. So-called right-wing "death squads" have reportedly been assassinating government officials and generally contributing to the instability of the civilian/military junta led by President Jose Napoleon Duarte. Nonetheless, the first step is to control the leftist insurgency. In late November President Luis Herrera Campins of Venezuela advised President Reagan to take a strong stand against the Salvadoran reactionaries ". . . so that this sector will not think the United States is giving it open or tacit support."

Nicaragua

Not very much has happened in the two and a half years since the demise of the Somoza regime to give the people of Nicaragua much to be thankful for. The economy, which was healthy even though poorly distributed under Somoza, is faltering under the pressure of inflation and unemployment. The repression, which triggered the anti-Somoza revolt is still there—in fact it is gradually getting even worse.

The leaders of the Sandinista revolution have demonstrated their inexperience along with an ineptitude and a heavy-handedness that has cost them the support of many people who had expected them to turn the country around. Their pro-communist leanings and close association with Cuba have cost them any chance of obtaining the help from the United States that probably would have been forthcoming otherwise. Even one of their own heroes, Eden Pastora, the Commandante Zero of the early Sandinista uprising, has left Nicaragua and has since told a Panamanian newspaper he left because he objected to the heavy presence of Cuban and Soviet advisors.

Throughout the year, the United States has maintained heavy pressure on Nicaragua in the form of accusations of aiding the revolutions in El Salvador and elsewhere in Central America. Early in December Secretary of State Haig met with his Nicaraguan counterpart during an Organization of American States meeting in St. Lucia and accused the Nicaraguans of supporting ". . . a drift toward totalitarianism." While the meeting generated public exchanges of charge and countercharge over Nicaraguan involvement in El Salvador and U.S. threats to intervene, the meeting ended on a somewhat positive note. Nicaraguan Foreign Minister Miguel D'Escoto stated that the high-level dialogue with Haig was ". . . an important development," but that events in the future will determine whether a real breakthrough can be made.

Panama

Omar Torrijos, the leader who made Panama's case for control of the Panama Canal, died on July 31 in a plane crash. Much of the Western Hemisphere, and particularly the United States, watched apprehensively to see how Panama adjusted to the loss of a man who held no elected office but effectively ruled the country by the force of his personality and his control of the National Guard, Panama's army.

So far the loss of Torrijos has had little effect. His place as commander of the National Guard was taken by Colonel Florencia Florez who is as conservative as Torrijos was flamboyant. Florez seems to have control over the National Guard, but there is always a possibility that an internal power struggle could erupt. There is also a possibility that Panama's figurehead president, Aristedes Royo, could decide to fight his way out of the shadow of Torrijos (who chose him for the job) and become a real leader.

The Panama Canal continues to function, although some disgruntled Americans claim it will not continue to do so very long under Panamanian management. Anti-American sentiment that had been whipped into a fervor by the propaganda barrage in support of the Canal Treaty has now subsided noticeably. With one of the highest literacy rates in Latin America, Panama has difficulty finding appropriate work for its young people who are not content with menial jobs. Foreign investments are being encouraged, however, and Panama's economic future is hopeful. Free elections are scheduled to be held in 1984. Panama's ability to avoid the insurgencies that plague its neighbors could well depend on whether that schedule is met.

Venezuela and Colombia

The long-standing dispute between these countries over oil rights in the Gulf of Venezuela continues and has now been compounded by arguments over the flood of illegal Colombian immigrants making their way into Venezuela to take advantage of its oil-supported boom. Venezuela does not really know how many illegals have crossed the border from Colombia but has estimated there are as many as three million. Naturally, Venezuelans blame everything on the illegals from increasing crime to higher rates of venereal disease, leprosy, malaria and yellow fever.

After several bold raids on Colombian towns by guerrillas of the April 19 Movement, the Colombian government launched a major counteroffensive in March which it claimed wiped out the leadership of the leftists. It was an element of this group which kidnapped an American missionary in Bogota in January and killed him on March 7 after announcing to the world that the execution was about to take place.

Bolivia

President Luis Garcia Meza installed himself as the leader of Bolivia in July, after unseating the elected president, his cousin, Lidia Gueiler. Since that time Garcia himself has survived five attempted coups. The latest one involved two army generals, one a former president, who returned from exile in Argentina and attempted to enlist the Bolivian armed forces in their cause. Already holding the dubious title of poorest country in Latin America, Bolivia has little hope of achieving even modest prosperity under these conditions of continued political turmoil.

Peru

Although it is rich in minerals, Peru is second only to Bolivia in poverty among Latin American nations. About half of its population is unemployed or underemployed and the country is deeply in debt to foreign banks, thus limiting its ability to engage in trade. President Fernando Belaunde Terry was elected to office in 1980 after being forced into exile by a military coup in 1968. Belaunde has managed to make some significant economic progress, even repaying $350 million of foreign debt and making Peru once again a viable credit risk.

Fighting broke our early this year in a narrow strip of mountainous jungle separating Peru and Ecuador. This was the most recent result of a dispute between the two nations that began in the 19th century and has been smoldering ever since. The area is claimed to have substantial oil deposits and its rivers also make it possible to use the Amazon River network. The United States, Argentina, Chile and Brazil have offered to mediate the dispute.

Peru is the world's largest producer of the coca leaves that are refined to make cocaine. Of the 50,000-ton annual production of coca in Peru about 14,000 tons are used legally for pharmaceuticals, but the balance, 36,000 tons, is illegally refined into coca paste and smuggled in Colombia for refining into cocaine. Much of it, of course, eventually finds its way into the United States. For this reason, the U.S. Agency for International Development has proposed an ambitious plan to wipe out coca production in Peru and reorient the Peruvian farmers on food crops.

Chile

The government of General Augusto Pinochet has achieved some degree of legitimacy by a plebiscite held last year, but that vote only confirmed acceptance of a constitution that was written under Pinochet's supervision. If he chooses to do so, the 65-year-old Pinochet can remain president for life. While he has brought stability to the country, there is still an undercurrent of opposition on the part of lawyers and scholars who object to the manner in which Pinochet has legitimized his regime. There was even a loud argument among the Catholic clergy about the propriety of permitting the president to worship in Santiago Cathedral as part of his inauguration celebration in March.

The Reagan Administration has removed restrictions on Export-Import Bank financing for Chile and the U.S. Senate has approved lifting the ban on military assistance to Chile that was imposed in 1976 because of alleged civil rights violations by the Pinochet regime. There has been some economic growth in Chile—the inflation rate has been reduced dramatically from about 400 percent annually to just 30 percent—but Chile remains a nation of haves and have-nots, with an unemployment rate of at least 15 percent and its wealth badly distributed.

Chile and Argentina continue their long-standing dispute over control of three small islands at the southernmost tip of Tierra del Fuego. The Chileans claim the Argentines want them as a window on the Pacific and the Argentines say that Chile, a Pacific nation, wants access to the Atlantic. The predominantly Catholic Argentines have been put in a tight spot by a Papal ruling in favor of Chile and have ignored a 1977 ruling in Chile's favor by the International Court of Justice. The two countries were ready to go to war over these islands three years ago but were dissuaded by a Papal offer of mediation.

Argentina

Relations between Argentina and the United States suffered in the late 1970s due to charges by the Carter Administration that the Argentine military junta was guilty of widespread human rights violations. At that point, the Soviet Union saw an opportunity to gain an entry into the second largest country in Latin Ameria. The Soviets were so successful that they are now Argentina's primary trading partner, using its agricultural bounty to counter the agricultural failures in the USSR. Nevertheless, the United States and Argentina remain fundamentally friendly.

After some initial success in the economic arena, Argentina's military rulers have once again fallen on hard times. Inflation has soared by 200 percent over the past year, interest rates hit 40 percent, and for the first time in four years Argentina has a negative balance of trade. The impact of these failures caused the ruling three-man junta to fire President Roberto Viola, an army general, in December and replace him with General Leopoldo Galtieri, who will serve out Viola's unexpired term. The new administration is expected to sell off many of the state-owned manufacturing plants and strive toward monetary stability.

The growing unemployment has generated strikes in defiance of a "no-strike" dictum and has been the source of demands by the still-active Peronist party for economic improvements. In July the government released former President Maria Estela Martinez de Peron from five years of house arrest and permitted her to fly to Spain. The widow of the now-revered Juan Peron was removed from office by the junta. Known to the people of Argentina as Isabel, she had been a nightclub dancer in Panama when Peron married her and created a new political partner in the image of his first wife, Evita.

Brazil

The economic leader of Latin America, Brazil has abandoned its traditional isolation from its Spanish-speaking neighbors and launced an ambitious campaign to secure markets for its growing industrial machine. President Joao Baptista Figueiredo has made first-time-ever visits by a Brazilian president to Colombia and Venezuela, to Argentina for the first time in 40 years and to Chile for the first time in 17 years. Brazil's school of diplomacy only recently began to teach Spanish.

Brazilian businessmen follow President Figueiredo's visits with contracts in hand, hoping to stave off the expected influx of their Japanese counterparts who are now being rebuffed in the United States and in Europe. Since Brazil must import 85 percent of its oil, it must secure outside markets for its manufactured goods in order to maintain a favorable balance of trade.

Brazil recently entered into an agreement with the Soviet Union that, over the next five years, will see an exchange of Brazilian agricultural products for Soviet oil with a combined value in excess of $6 billion. Brazilian-built Volkswagen cars are now sold in 22 African countries and simple, rugged tractors from Brazil are favored there over the much more sophisticated U.S.-built models. Brazilian trade in Africa is expected to reach $2.5 billion by the time all the 1981 deals are added up.

The Amazon region of Brazil's interior has only just begun to be developed. It holds the promise of both agricultural expansion and a yet-undetermined wealth of minerals and oil.

The Caribbean/Jamaica

Prime Minister Edward Seaga of Jamaica was the first head of state to visit President Reagan in the White House following his inauguration and the President responded to Seaga's appeal for assistance by setting up a business-oriented advisory group that has so far put together a monetary package that will be worth over $1 billion over the long run. The results were immediate, if not dramatic, with many outside investors expressing interest in establishing facilities in Jamaica or enlarging some that are already there.

Whether the turnaround will build fast enough remains to be seen. Michael Manley, the left-leaning prime minister beaten by Seaga last year, has been climbing in Jamaican popularity polls and he is sure to take political advantage of a slow return to economic health.

Grenada

Two and a half years ago a coup in the tiny island nation of Grenada brought to power a leftist government with close ties to Cuba. That government has been trying ever since to establish better relations with the United States but has been rebuffed by both the Carter and Reagan Administrations. The Grenadan foreign minister spent more than a week in Washington in November, trying to get an audience with someone who would listen to his protestations of nonalliance with Cuba and his government's good faith. He was never officially received, but the chairman of the House Foreign Affairs Committee commented that the Administration policy of "If you have anything to do with Cuba you are bad" was probably counterproductive in this case. The Administration's pique with Grenada seems to center on the construction of an airfield, with Cuban help, which seems far too sophisticated to support Grenada's tourist trade. The facility is viewed as a potential stopping-off spot for Cuban or Soviet supply flights in support of Latin American insurgencies and belies Grenada protestations of nonalliance with Cuba.

Haiti

If Fidel Castro were offered Haiti, wrapped and tied with a ribbon, he would probably decline to accept it. Almost six million Haitians are crammed into a space twice the size of Connecticut with a literacy rate of just 10-12 percent, an infant mortality rate of 15 percent, a per capita income of just over $300 per year, and unemployment in excess of 50 percent. About 44,000 Haitians have fled to the United States since 1971 and the government of Jean-Claude Duvalier, heir of the infamous "Papa Doc" Duvalier, will not do much about it because the exodus lessens some of the problems at home.

The U.S. government has begun to make it tough on Haitians trying to enter the country illegally because they are not considered true escapees from political tyranny. They also have become a major problem for efforts to assimilate both the Haitians and the Cubans into the areas of the United States where they have collected. There is little doubt, however, that Haitians will continue to try to reach the United States, the only hope many of them can see.

Cuba

Cuba must be treated by itself because of the surrogate role it plays for the USSR in Latin America and other parts of the world. What seemed to be a move toward rapprochement between Cuba and the United States during the Carter Administration has evaporated as Cuba continues to export revolution in the form of arms and assistance. Cuba's diatribes reached a new low this year when it blamed the United States for an outbreak of dengue fever that, in reality, was probably transmitted by Cuban soldiers returning from Africa, where the disease is endemic.

At the OAS meeting on St. Lucia in December, Secretary Haig reinforced his claims about the activities of Cuba elsewhere in Latin America with descriptions of Cuban involvement in the Nicaraguan revolution and its efforts to control the new government. He also detailed Cuban involvement in El Salvador, Guatemala and more recently in Colombia. In September the United States established a special radio station to broadcast "the truth" to the people of Cuba. While the Reagan Administration has repeatedly held it has no plans to use U.S. troops to counter Cuban actions in Latin America, it has been deliberately vague about the counteraction it might take, saying only that a "whole range" of actions is available.

SOLDIER TO CIVILIAN RATIO

	Population	Active duty military	Soldier/civilian ratio[1]
Cuba	9,720,000	189,000	1:79
Chile	10,742,000	88,000	1:145
Peru	16,832,000	95,000	1:276
Brazil	113,859,000	281,000	1:421
Guatemala	6,531,000	15,000	1:553
Mexico	65,487,000	107,000	1:722

[1] Number of Civilians per soldier

One only needs to compare the size of the Cuban armed forces on a "soldier to civilian" basis to show how grossly out of balance they are with the rest of Latin America (Figure 14). From the largesse of the USSR, Cuba's army has been equipped with 650 tanks (400 of them rather antiquated) and artillery up to 152-mm in caliber. Its navy has three former Soviet submarines, 11 ex-USSR large patrol craft and 70 patrol vessels. Its air force has 175 combat aircraft, including 75 MiG-23s and 24 battalions of surface-to-air missiles. In addition there is a Soviet combat brigade permanently stationed in Cuba and Soviet aircraft and warships, including nuclear-powered ballistic missile submarines, frequently operated from Cuban bases.

The Soviet Union continues to support Cuba economically in an effort to bring an acceptable standard of living back to a country that had been able to fend for itself almost completely before the Castro revolution. Supermarkets have canned goods mostly from the USSR and satellite nations; Cuba gets Soviet oil at 25 percent below world rates and sells sugar to the USSR for far more than it would cost elsewhere. The total annual tab for Soviet support of Cuba approaches $3 billion and Cuba's interest-free debt to the USSR has reached $7 billion—with none of it due until 1986.

CONCLUSION

In mid-December, U. S. News and World Report published the results of polls taken in France, West Germany and Japan. They provide an interesting insight to the way the people of three basically friendly nations view the United States at the close of a tumultuous year. In France 64 percent of the respondents were convinced that the United States would surely come to the defense of Western Europe in the face of a serious threat. At the same time, however, the French respondents saw the United States itself as the fourth greatest threat to world peace, behind the Soviet Union, Libya and Iran.

In West Germany only nine percent of those surveyed had "very great" trust in the ability of the United States to cope with present world problems while 53 percent had "quite great" trust and 28 percent had "limited" trust. Among the West German respondents 56 percent thought their country should cooperate more with the United States than with the USSR, while only one percent took the reverse position. Thirty-two percent, however, favored equal cooperation with the United States and USSR.

In Japan 56 percent of the respondents saw the United States as most trustworthy among five essentially friendly nations, the others being China, Britain, Switzerland and Germany. The majority (56 percent) of the Japanese surveyed held that the level of cooperation between the United States and Japan should be kept as it is, while 27 percent favored stronger ties.

While no survey data is available to support it, we can logically conclude that the same faith in the good intentions of the United States and the same expectation of assistance in troubled times could be found in almost every corner of the world. Certainly, the people of the United States have not lost their fundamental sympathy for people of all races and conditions who are subjected to physical and political deprivation.

We came to the end of 1981 in much the same posture as the hero in an old-time movie serial—surrounded by perils from which there was no ready escape. In Europe only one of our allies, Britain, stood foursquare with us when President Reagan chastised the Soviet Union for instigating the martial-law takeover in Poland. Only after personal arm-twisting by the President did West German Chancellor Schmidt grudgingly acknowledge that the USSR was probably responsible for what happened in Poland. President Mitterand of France proved more staunch on this issue.

The anti-nuclear movement in Western Europe has put so much pressure on the governments of Britain, Belgium and the Netherlands that hopes to achieve a balance with the Soviets in theater nuclear weapons now depend entirely on the outcome of U.S./USSR negotiations in Geneva. The new Greek government has acted in a way which further weakens the vulnerable southeast corner of the North Atlantic alliance.

The year 1981 has seen a further growth of Soviet initiatives beyond their borders, with a naval base created near the choke point between the Red Sea and the Indian Ocean, expanded activity from bases in Vietnam and reinforcement of the siege army in Afghanistan. Each year, it seems, the USSR pushes just a little further forward on its own, while at the same time keeping its surrogates busy.

The events in the Mideast in 1981 added up to a backward step for the peace process. The death of Sadat, the Israeli annexation of the Golan Heights, the failure of the Fez conference, the inevitable recognition of Colonel Kaddafi as the source of terrorism on a worldwide scale, the Israeli bombing of the Iraqi nuclear facility—even Prime Minister Begin's diatribe against the United States when he was condemned for the Golan action—all combined to lessen hopes for peace in the area.

After reviewing the events in Africa last year we must conclude that stability is still a scarce commodity in a continent with the potential to be the world's richest. There has been some progress, to be sure, such as that in Zimbabwe, but it is a sad commentary on the state of the continent when we must conclude that racist South Africa represents its only substantial pocket of economic progress and political stability.

In some ways the situation in Asia and the Pacific represents an even greater challenge to the United States than do the problems within the Western Europe alliance, the Mideast and Africa. The United States has, after all, just about reached the limit of what it can do in the furtherance of freedom around the world. There are problems extant with the developing nations of the Pacific and Asia that can best be solved by other Asian nations, notably Japan. Certainly, Japan must assume a larger share of the defense of Northeast Asia. For the foreseeable future China will keep its primary focus inward as it attempts to achieve the promise of its heritage and its natural riches.

If proximity to danger makes the alarm ring more loudly the perilous conditions in the southern half of our own hemisphere should have triggered the biggest bells of all. While our attention has been turned elsewhere the very real deprivation of many of the people of Latin America has been used as a foil by those who sell the elixir of Dr. Marx or see dictatorship as the only route to stability. It can be said, justifiably, that if the United States had spent as much effort in its own hemisphere as it did in Asia, Africa and particularly Europe, Latin America would present a different picture today. We cannot permit our attention to wander any longer.

While we look back on a disquieting year, we also find ourselves at a crossroads that requires a fundamental decision on defense priorities. Will we spend the bulk of our defense dollars to prepare for the least likely form of warfare or will we allocate them toward preparedness for far more likely contingencies?

The choice, of course, is between being ready for the mass destruction of strategic nuclear war, which can produce survivors but no winners, and being ready to further our philosophical—and practical economic—goals which are most vulnerable to conventional threats. While the strategic option cannot be set aside completely, a major investment in new missiles, missile-launching submarines and manned bombers at the expense of well-rounded readiness to deal with the more likely threat is an exercise in shortsightedness. The fact that the planned strategic investment will not buy us any spectacular improvement is all the more unsettling. The investment in almost-outdated bomber technology is an admitted stopgap that can surely be turned in a more profitable direction.

Yet, our heavy investment in strategic modernization must necessarily slow the procurement of everything we would need to meet the greater challenge. We have stretched out the acquisition of a new tank fleet to the extent that, in spite of periodic product improvement, it will be obsolescent by the time the last one rolls off the production line. After raising a hue and cry over inefficient military procurement, we have abandoned plans to set proper production rates and are wondering away from badly needed modernization of our production base. The list of things being sloughed off is both long and alarming.

Perhaps more than ever before, the question the Association of the United States Army asked in 1978, "Can we get there from here—in time?" demands an answer. When we have only enough amphibious lift to deploy a single Marine division (and it would take weeks to assemble it); as long as there is real doubt that our airlift capacity is adequate to sustain forces on contact in Europe until the battle for control of the Atlantic is won, we will be far from ready to meet the most likely threats in the places they are most likely to occur. We would applaud early correctional efforts in this area if they are truly forthcoming.

Certainly, nothing happened during 1981 that should in any way diminish our concern over the path of future events. We grew more, rather than less, dependent on overseas sources of raw materials. There were no signs of lessening Soviet aggression—military, political or economic. The threat of Soviet surrogates, most notably Cuba, is more real than ever before and that reality is burgeoning unchecked in our own hemisphere. Incidents of terrorism continue on the upswing. Somewhere we will soon be forced to draw a line in defense of our vital interests. Would it not be better if that line could be drawn by a hand of unquestioned strength?

We must all be aware that, even with accelerated procurements and increased budgets, little but good intentions will be evident in 1982 or for several years to come.

We continue to live in a volatile, dangerous world.●

PERTH AMBOY BOY SCOUT CITIZENSHIP DAY

● Mr. BRADLEY. Mr. President, I submit for the RECORD, the following proclamation from the city of Perth Amboy, N.J., and the Boy Scouts of America, Thomas A. Edison Council, in recognition of the Annual Perth Amboy Boy Scout Citizenship Day on Tuesday, February 2, 1982:

PROCLAMATION

Whereas, the City of Perth Amboy, New Jersey and the Boy Scouts of America, Thomas A. Edison Council are co-sponsors of The Annual Perth Amboy Boy Scout Citizenship Day on Tuesday, February 2, 1982, and

Whereas, for many years Perth Amboy Mayor George J. Otlowski, Scoutmaster John Williamson, of Troop No. 15 and John J. Wolczanski, Boy Scout Day Chairman have strongly supported the youth activities in Central, New Jersey, and

Whereas, because of the drastic changes in the life of our youth of the present generation, the Boy Scouts of America is and always will be "The Shining Light" in the youth movement to lead the way of good citizenship in our country, and

Whereas, because of the good behavior and the fine example shown by The Boy Scouts to the rest of The American Youth,

I, Therefore, Mayor George J. Otlowski, City of Perth Amboy, New Jersey, wish to proclaim Tuesday, February 2nd, 1982 as the Perth Amboy Boy Scout Citizenship Day.

LITHUANIAN INDEPENDENCE DAY

● Mr. TSONGAS. Mr. President, on February 16, 1918, Lithuania announced its declaration of independence. During their brief period of self-government, the Lithuanian people clearly demonstrated their devotion to the ideals of liberty and justice. Unfortunately, as we all know, freedom for Lithuanians was short lived, and today, 64 years later, the Lithuanian people still endure the burden of Soviet domination.

I believe the U.S. Senate should take this opportunity, the anniversary of Lithuania's independence, to recognize the determination of its people's struggle for freedom. After many decades of Soviet control, Lithuanians continue to resist their oppression through organized demonstrations, petitions, and underground publications. Despite the Soviet's strenuous campaign to eradicate their culture and religious heritage, the Lithuanian people still fight to preserve their identity.

In the past, we have witnessed Soviet repression inflicted upon men such as Antanas Terleckas, Julias Sasnauskas, and Algirdas Statkevicius; as Helsinki monitors who have bravely spoken out in favor of those human rights included in the Final Act of the Helsinki accords. Unfortunately, the situation in Lithuania appears to be getting worse. Recently, the Soviet Union launched a new attack of intimidation and violence against the Lithuanian Catholic Church. We have received reports that church officials have been brutally tortured, and their property stolen and vandalized. In fact, one priest, Father Lyoanas Shapoka, was reportedly beaten so severely that he died. Curiously, there has been little effort on the part of Soviet officials to investigate these reports.

Mr. President, I feel the U.S. Senate must not remain silent in the face of such flagrant abuses. We must express our concern to Soviet authorities and let them know we will not tolerate their wholesale disregard for fundamental, internationally accepted standards of human rights. The Lithuanian people deserve all the assistance we can offer them. Their will and determination to achieve independence is worthy of our admiration, and should be an inspiration for us all.●

THE RIGHT TO WORK—A NATIONAL PRIORITY

● Mr. JEPSEN. Mr. President, a fundamental belief in this country has always been that power should be derived from the bottom up rather than from the top down. The basic strength of our democratic form of government lies in this fact.

For the most part, this is a principle which has become woven into the fabric of our society. Unfortunately, situations very often occur where this power structure becomes unbalanced and instead of leaders taking their que from the people they are elected to serve, the elected leaders dictate to their members. Tragically, just such a circumstance has occurred in northern Idaho.

Because of the intransigence of union officials thousands of miles away from Idaho, thousands of individuals from Shoshone County, Idaho, are unemployed.

Mr. President, last month, workers at the Bunker Hill Co., a mine and smelter complex, voted to accept a new contract which would have kept the ailing, century old plant from closing due to economic hardship. In exchange for wage and seniority concessions, an investor group agreed to keep the business in operation and retain 1,500 to 2,100 jobs. The plan was approved by the rank-and-file members of the union.

But before the ink was barely dry, the Pittsburgh-based officials of the Steelworkers International, and five other unions, vetoed the contract, refusing to sign. Because of this insensitive and self-serving act, thousands of Idaho workers remain in the unemployment line. In addition, because the plant remains closed, the local economies of Wallace, Coeur d'Alene, and Kellogg, Idaho, all suffer under the loss of a $55 million payroll.

Mr. President, I would point out that the unemployment rate for Shoshone County is forecast to reach 50 percent in the near future. This tragically avoidable situation underscores the need for a national right-to-work law.

For a long time, I and other freedom-of-choice advocates have maintained that right-to-work laws make better unions. Only when workers have the freedom to choose whether or not to join or support a labor union, are union officials constantly held accountable to the membership. When union membership is voluntary, worker dissatisfaction with the union hierarchy can be measured in plummeting numbers and loss of union dues. By contrast, worker satisfaction with union hierarchy can be measured by soaring numbers and increases in union dues.

The issue involved here, Mr. President, is not whether the Pittsburgh officials acted in the best interest of the workers in Shoshone County; rather, the issue is that the workers had no choice but to accept the edicts of the Pittsburgh officials.

An editorial in the January 23 edition of the Coeur d'Alene Press, "Lies Won't Fool Unions' Critics," indicates how intensely Idaho citizens and opinion molders believe in the right-to-work cause. I ask that this editorial be printed in the Record.

As the original sponsor of the national right-to-work bill, I believe this real-life story pointedly illustrates the genuine need for passage of a national law. All Americans deserve the right to freely choose to join unions and, upon joining, be the masters of those unions. By voting with their feet, the rank and file can insure more responsive union officials. American workers deserve nothing less.

The editorial follows:

[From the Coeur D'Alene Press, Jan. 23, 1982]

Lies Won't Fool Unions' Critics

Recent events in the Bunker Hill tragedy have verified the gut feelings most Americans harbor against the big unions. And hopefully, this animosity will take shape in the passage of "Right to Work" legislation throughout the land.

Big Labor in this country has gone too far. We all know it.

Its main concern is no longer reasonable representation of its dues-paying membership, but the perpetuation of its own bureaucratic power structure at all costs.

Businesses can be destroyed, worker demands ignored, jobs sacrificed and lies told with no qualms from these self-serving big shots.

We have seen all of these crimes at Bunker Hill.

Repeatedly, the good workers of this Silver Valley giant were lied to. And the lies haven't stopped.

Now, with the union chieftains taking a beating from all sides—the public, the media and even their own members—they are telling the biggest lie of all: that "law" prevented them from signing the labor contracts with the proposed buyers.

If that were true, why were members allowed to vote on accepting the contract in the first place. If "law" prevented these officials from approving the pact, why go through the unnecessary motions of a democratic vote.

The "why" is obvious.

The unions were cocksure they had the Bunker Hill working force under thumb, that they could be manipulated, that they would never vote against the wishes of Pittsburgh.

That they had no minds of their own.

How wrong they were. How far removed from reality they are.

It's no mystery that workers would rather save their jobs rather than save face for the unions. What kind of a choice is that?

So they voted. And the unions told them they didn't care. And now, they are telling bald-faced lies to cover their tracks.

But we know better. Don't we?●

EL SALVADOR—A PLAN FOR PEACE

● Mr. TSONGAS. Mr. President, the agony of El Salvador goes beyond the border of that small country to the highest offices in the United States. Over the weekend, we learned from a State Department spokesman that the administration is backing away from the politically dangerous option of sending American troops to El Salvador. Yesterday morning, the Washington Post reported Nicaraguan officials as saying that the Salvador guerrillas should scaledown their military successes in order to prevent the total collapse of the Salvadoran Army. The Nicaraguans do not want the guerrillas to provoke President Reagan with an all-out military victory at this particular time, according to press reports.

It is fair to say that the military situation in El Salvador is not encouraging for the Reagan administration. Perhaps that is what drove Secretary Haig into lengthy discussions with Jorge Castaneda, Mexico's Minister of Foreign Affairs. The President of Mexico, Jose Lopez Portillo, proposed a regional peace plan on February 21 in Managua, and Secretary Haig has now given the plan his personal attention in his talks with Minister Castaneda in Mexico City.

The text of President Lopez Portillo's speech has not been printed in the press, and I think it is a document very relevant to the war in El Salvador. It stands as a concrete example of how a negotiated settlement in El Salvador might be implemented and what it could accomplish.

The Mexican plan certainly does not exhaust the options for pursuing a negotiated settlement. It has been drafted, however, to address a number of President Reagan's security concerns. It should be considered seriously as a realistic avenue toward a negotiated settlement.

Senator DODD and I coauthored a resolution (S. Con. Res. 144) calling on the administration to pursue a negotiated settlement in El Salvador. We introduced the resolution because we believe that a negotiated settlement will empower the Salvadoran center at the expense of the extreme left and right, end an opportunity for Soviet meddling, and stop the cycle of violence in that country and the region.

I ask that an English translation of President Portillo's speech and a New York Times article covering the speech be printed in the RECORD.

The material follows:

LOPEZ PORTILLO SPEECH (EXCERPTS)

Nicaraguan brothers, I have the privilege of being with you, among you, as I was 2 years ago, summoned by the name of Sandino, because of what this time of struggle and sacrifice meant to what is now seen as the path and model of liberation. With the people of Mexico, I deeply regret that this day was stained with the sacrifice of Nicaraguan blood. Please accept the condolences of the Mexican people and the firm message: Terrorism will not intimidate us and threats will not restrain us.

When I learned of the decision of the Nicaraguan Government and the FSLN National Directorate to confer upon me the order of Gen. Augusto Cesar Sandino in the grade of Battle of San Jacinto, which now does honor to my chest, as the representative of the Mexican people, I felt deeply honored by that decision, and most sincerely moved because it is an insignia that symbolizes the ideals of our peoples. I receive this decoration with great humility and I interpret it as a tribute to Mexican-Nicaraguan solidarity. Through me, Nicaraguan brothers, please receive the fraternal and sincere thanks of the Mexican people for such a high distinction.

We reiterate here what we have said publicly and in private to one party and the other: Central American and even Caribbean revolutions are above all the struggles of poor and oppressed people to live better and with more freedom. To describe them as something else and act as if they were otherwise is counterproductive. This in the end brings about that which one sought to avoid. Hopes should not be canceled and people and their rights should not be hemmed in.

Mexico's posture with regard to the Sandinist revolution is based on this assessment. Our support for the struggle of the Nicaraguan people against the Somozist tyranny was not a last-minute affair. Our support for the Junta of National Reconstruction and the FSLN during the equally difficult struggle to reconstruct a country that was destroyed and to consolidate a young state, was extended from the very beginning, and I believe that I can confirm that it has been unfailing. Today, now that time has passed, I can say loudly and with pride, and I am sure with the agreement of all Mexicans; our solidarity with the Nicaraguan revolution is a source of pride to Mexico.

For the aforementioned reasons, and because I fully share the authentic and supportive sympathy that struggles like this one have always generated in Mexican sensibilities; this support has become a true cornerstone of our foreign policy. It is not and will not be afflicted with the vicissitudes of repentance or disillusion and it will certainly not yield to terror or threats.

Neither foreign pressure and provocations nor the natural internal impatience and demands have altered the Nicaraguan leaders' commitment to their people. They have made no changes in the position that they have outlined to the international community on many occasions. I pay tribute here to such constancy and honesty in political conduct and to their firm determination to avoid bloodying the postrevolution.

To my Sandinist friends I say: Continue on your path, which is the one chosen by the people. Mexico has been and will always be at your side. Always at your side.

It has been there in times of joy and it is there now in times of difficulty, in times when the horizon is darkened by the clouds of foreign threat, not only to Nicaragua, but also to the entire region.

An intervention in Central America and the Caribbean would represent a gigantic historic error, in addition to constituting a return to phases that sought to give rights by force. It would provoke a continental upheaval and the resurgence of a deep anti-U.S. feeling in the best men of all Latin America. I can assure my good friends in the United States that what is occurring here in Nicaragua, what is happening in El Salvador and the wind that is blowing throughout the entire region does not represent an intolerable danger to the basic interests and the national security of the United States. However, they do imply a risk of historic condemnation if there is a violent curtailment of the rights that the U.S. people undoubtedly demand for themselves; self-determination with independence, dignity and the exercise of sovereignty.

I am happy to have heard from Commander Ortega the five points that the junta has proposed and that have been publicly and openly accepted here by the Nicaraguan people. The fact that I also dare to say this publicly in front of these people means only that it is time for reason to prevail. The fact that we all agree to seek peace requires that we all adhere to peaceful reasoning. That is why I dare to outline my proposal to the people here, to the region and to the United States.

It is not an overall peace for the region, since as such it could hardly be successful. It is a matter of proposing—through channels that are separate, if close and possibly convergent over the medium term—means for negotiation, for the exchange of concessions and formalization of these concessions that could lead to a climate of detente, peace, democracy, stability and development.

This option necessarily implies two premises. Each interested party must make real concessions, and second, no one should be obliged to renounce his basic principles or his vital interests.

There are three thorny points in the region's conflict: Nicaragua, El Salvador and, if one wishes to look at things directly, the relationship between Cuba and the United States. I believe that if these last two countries were to follow the path opened by the talks between the U.S. secretary of state and the vice president of the Cuban Councils of State and Ministers, there would be real possibilities for dialogue to be converted into negotiations.

The present detente in southern Africa allows for predicting certain real possibilities in this regard. I do not wish to go into detail at this point; however, we emphatically accept the possibility that Mexico may play a more active role in this regard. We have some useful ideas which we think are effective on the subject. They are based essentially on the complex, but not unresolvable system of mutual concessions by each party.

With every consideration, I dare to refer to El Salvador. It is obvious that the aggravation of the war, of violence and of tragedy have reached extreme levels. Mexico, which for some time has advocated a political and negotiated solution to the Salvadoran conflict, sees with great concern the increasingly limited possibility that negotiation will put an end to the bloodbath suffered by those people, who are subject to the risks of unbearable victories or intolerable intervention. Between elections without negotiation and negotiation without elections, there is undoubtedly a solution consisting of a commitment to a constituent assembly. I do not wish to go into this in detail at this time. I will say only that this solution could be one formula submitted to all the interested parties for discussion. Similarly, I believe that the main U.S. concerns regarding the possible consequences of a negotiated resolution of the Salvadoran crisis should be resolved. Mexico and other countries that are friends and even allies of the United States could be in a position to provide guarantees in this regard.

Finally, and I wish to be more specific in this case, I propose here a number of steps and ideas that fortunately coincide with those that have been expressed about Nicaragua's situation in the region. There are three basic points for a possible relaxation of tensions in the area.

First the U.S. Government must rule out all threat or use of force against Nicaragua. It is dangerous, unworthy and unnecessary. Invoking the close relationship between Mexico and its neighbor to the north, I reiterate from here my direct and respectful call to President Reagan, who fortunately has already made statements in this regard; no armed intervention in Central America and certainly not in Nicaragua.

Second, I say this with reflection and with the greatest consideration to these threatened people. It is possible and indispensable to begin a process of balanced reduction of military troops in the area. If the bands of Somozist guardsmen who are operating along the border between Honduras and Nicaragua are disarmed and if the training of similar groups within the United States is brought to an end, thus eliminating a real threat to this country's safety, one could believe that the Nicaraguan Government will simultaneously give up both the purchase of weapons and airplanes and the use of its scarce resources to maintain military troops on a scale that worries bordering and nearby countries. This is what I consider to be the truth, with all respect, Nicaraguans.

The third and last point is: I believe that it is feasible and desirable to draft a system of nonaggression pacts between Nicaragua and the United States, on the one hand, and between Nicaragua and its neighbors on the other. Such instruments would formalize previously reached agreements and, to the extent that they were not directed against any particular party, they would contribute significantly to the establishment of a lasting peace in the region.

I have no doubts that if this system of pacts became a reality, the main points of dispute in relations between Nicaragua and the United States could be resolved by negotiations immediately afterward.

These points constitute the public part of Mexico's proposal. They constitute a number of serious and realistic measures, free of demagoguery and of national or personal ambition. They are based on a simple, but decisive idea: If each party accepts that his neighbor should and can live however he wishes, the difference of interests and approaches are surmountable through negotiation.

On the foreign front, Mexico does not defend one or another ideology. It defends principles. It defends the supreme right of peoples to self-determination and to respect for the sovereignty of each country. In the name of these principles, in the name of responsibility that my position implies and in the name of the imperative need for peace, I make a call from Managua to peoples and their rulers: The consequences of failure are unthinkable. I appeal to men of good will. Let us all give each other a last chance. We will make good use of it. Thank you very much.

[From the New York Times, Feb. 22 1982]

LOPEZ PORTILLO URGES TALKS ON REGION

(By Alan Riding)

MANAGUA, NICARAGUA, Feb. 21.—President José Lopez Portillo of Mexico began a major initiative today to reduce political tensions in Central America with the warning that this could be the "last opportunity" to avoid a "conflagration" in the region.

Speaking before a huge crowd during a one-day visit here, Mr. López Portillo called for a broad process of negotiations to bring peace to El Salvador and to improve United States relations with both Nicaragua and Cuba. He added that Mexico was willing to act as a conduit to promote an easing of tension.

Addressing "my good friends of the United States," the Mexican President said that a United States intervention in the region would be a "gigantic historical error" and he stressed that events in El Salvador and Nicaragua "do not represent an intolerable danger for the fundamental interests and national security of the United States."

A POSITION TO PROVIDE GUARANTEES

On El Salvador, he referred indirectly to United States concern that a negotiated solution to the war could lead to a Marxist takeover and added, "Mexico and other friends and allies of the United States would be in a position to provide guarantees on this point."

Senior Mexican officials said Mr. Lopez Portillo's initiative reflected his concern over the heightening of tensions in the region and his belief that Mexico alone could serve as a bridge between the polarized forces.

During today's ceremony, the coordinator of Nicaragua's ruling junta, Daniel Ortega Saavedra, also announced a five-point peace plan that included new negotiations with Washington, nonaggression pacts within Central America and the setting up of joint border patrols with neighboring Honduras and Costa Rica.

In addition, Mr. Ortega reiterated the Sandinist regime's commitment to preserve political pluralism and a mixed economy and "to hold democratic elections at the latest by 1985."

But the Sandinist commander also denounced 'insistent reports" that the Reagan Administration had approved plans to destabilize the Nicaraguan revolution. "The most serious thing," he went on, "is that when President Reagan was asked if they were true, instead of answering with responsibility and seriousness, he said, 'No comment.' "

Speaking just 16 hours after a bomb inside a suitcase killed four baggage handlers at the Managua Airport, Mr. Ortega added, "We have every right to think that this bombing is not unrelated to the covert operations of the United States Government."

President López Portillo came to Managua today—it was his third visit here in two years—in order to receive the "Order of Augusto César Sandino" in thanks for Mexico's recent aid to Nicaragua. Today marked the 48th anniversary of the murder of General Sandino, who fought against a United States occupation force here in the early 1930's and whose name was adopted by the Sandinist National Liberation Front.

POOR AND OPPRESSED PEOPLES

In his address, Mr. López Portillo sounded a conciliatory note, stressing that the "dramatic convulsions" affecting Central America were the result of "misery, tyrany and oppression" and could not be inserted "into the terrible dichotomy of East against West or capitalism against socialism."

He went on: "The Central American and Caribbean revolutions are, above all, the struggles of poor and oppressed peoples to live better. To say they are something else and to act as if they were is counterproductive: you finish up achieving what you wanted to avoid."

The Mexican President also pointedly urged the Sandinists to preserve political freedom and pluralism. "To my Sandinist friends, I say, continue along this path, which is the one chosen by your people."

The time has come, he said, to make public "the broad lines of a realistic, responsible and pondered alternative to the conflagration that will inevitably occur if serenity and concord do not prosper."

He stressed that it was essential for all parties to make "real concessions" in separate negotiations on the three key points of friction—relations between Cuba and the United states; the Salvadoran conflict, and the issue of Nicaragua, Mr. López Portillo made these points:

He said that last November's meeting in Mexico City between Secretary of State Alexander M. Haig Jr. and Cuba's Vice President, Carlos Rafael Rodriguez, opened the way for a dialogue between Washington and Havana. "We strongly accept the possibility that Mexico play a more active role in this context," he added.

On El Salvador, Mr. López Portillo said that the possibilities of a negotiated solution were fast shrinking. "Between elections without negotiations and negotiations without elections, there is a compromise solution," he said. He added, "This solution can be submitted to all interested parties for discussion."

On Nicaragua, Mr. López Portillo offered a three-point strategy. First, the United States should renounce any threat or use of force against Nicaragua; second, once Nicaraguan exile bands are disarmed in Honduras and forbidden from training in the United States, Nicaragua should "simultaneously" renounce the acquisition of arms and aircraft and reduce the size of its army, and third, Nicaragua should conclude nonaggression pacts with the United States and its neighbors.

"From Managua, I make an appeal to peoples and governments," he concluded. "Together, let us avert a catastrophe. It is possible. The consequences of failure are unthinkable. Let us give ourselves one last opportunity."●

THE COST OF INDIAN EDUCATION

● Mr. GOLDWATER. Mr. President, for over 200 years, the Federal Government has adopted almost as many Indian policies as there are Indians. Too often, as a result of the twists and turns in Federal policy, the individual States are left to guess and conjecture about their role in dealing with the Indians. Because of their special status as quasi-independent nations, the State and county authorities cannot tax these "nations" to support such things as schools, roads, and other services. Since the States and counties cannot obtain revenue from the Indians, the remainder of the people in the State must subsidize the cost of these services. As an example, in my own State of Arizona, about 27 percent of the land is encompassed within the Indian reservations. As long as the Federal Government grants special status to these lands and their people, then the Federal Government must assume that responsibility that rightfully belongs to it. In this regard, the House of Representatives of the Arizona State Legislature recently passed a memorial urging that the President and Congress continue to fund the impact aid program for Indian schools. Mr. President, without this Federal funding, the State of Arizona will lose in excess of $25 million with absolutely no way to make up this deficit.

Mr. President, I ask that this memorial be printed in the Record.

The memorial follows:

House Memorial 2001

Whereas, the State of Arizona contains within its boundaries a large amount of federal trust land on Indian and military reservations located within the State; and

Whereas, these lands are not available to the state or local school districts for the purpose of property taxes; and

Whereas, these lands held in trust for the Indian people and the military reservations are federal lands not subject to state jurisdiction and the children of people who work and live on these reservations receive their education in the public schools of the State of Arizona; and

Whereas, for many years, in recognition of its responsibility to provide for the education of school age children who live on federal lands and in recognition of the financial hardship imposed on local school districts by the presence of such federal trust lands, the United States government has provided impact aid funds to school districts under Public Law 81-874, and school construction funds under Public Law 81-815. These funds have enabled the school districts affected to provide a free public education for the students without placing an unreasonable burden on a few taxpayers or relying totally on state education funds; and

Whereas, the Office of Management and Budget and the appropriation committees of Congress are contemplating the elimination or severe reduction of federal impact aid funds without proposing any alternative means of meeting the federal obligation to provide for the education of the children in these schools or compensate the affected school districts for the federally-based impairment of their property tax base; and

Whereas, elimination of federal impact aid could result in the loss to the State of Arizona of in excess of twenty-five million dollars in education funds. It could cause the local school districts most affected to become totally incapable of supporting themselves, making them completely dependent on state revenues.

Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

1. That the President and Congress continue federal funding of Public Law 81-874 and Public Law 81-815 for school districts with large federal lands since the State of Arizona considers the provision of adequate funding to these school districts to be an obligation of the federal government and such funding should not be subject to reduction or transfer to the states.

2. That the Secretary of State of the State of Arizona transmit certified copies of this Memorial to the President of the United States, the Director of the Office of Management and Budget of the United States, the Chairmen of the United States Senate and House of Representatives Committee of Budget, Education and Labor and the Select Committee on Indian Affairs and to each Member of the Arizona Congressional Delegation.●

HUNGER

● Mr. HART. Mr. President, I would like to bring to the attention of my colleagues a compelling column written by Ms. Judy Mann and published in the March 5, 1982, Washington Post. The article, which responds to a recent House oversight hearing on the impact of the administration's proposed budget cuts on children, sharply illuminates both the moral and economic bankruptcy of undoing Federal investment in the programs that indisputably improve the health and wellbeing of young Americans.

Perhaps we need to be reminded that this country is not immune to malnutrition and disease, that these conditions never have and never will go away of their own accord. Federal investments over the past 15 years are directly responsible for the great progress we have made in improving the health and education of all our children. Since the late 1960's, 15 million Americans, including 5 million children, have been saved from poverty.

We are now being asked to turn back the clock on this progress, to further reduce Federal support for such highly successful programs as supplemental nutrition for nursing mothers and infants, and summer meals for poor children. If we accept these cuts, we not only risk the productivity of future generations of Americans—we undermine the values and promise for which this country stands.

I request the editoral be printed in the Record.

The editoral follows:

Hunger

(By Judy Mann)

Nancy Amidei was in the hearing room that day in July of 1967 when a panel of six medical doctors told a Senate subcommittee that children were starving in America. The physicians had visited counties in Mississippi and came back to say: "We saw children whose nutritional and medical condition can only be described as shocking—even to a group of physicians whose work involves daily confrontation with disease and suffering."

Just 15 years ago, the physicians declared: "It is unbelievable to us that a nation as rich as ours, with all its technological and scientific resources, has to permit thousands and thousands of children to go hungry, go sick, and die grim and premature deaths." It was unbelievable then, and Congress did something about it. It extended subsidized food programs for school children and developed the Women, Infant and Children program to help pregnant and nursing women and young children.

The programs worked; we are not hearing about starving children in the Mississippi Delta now. But the Reagan administration has targeted these programs for cutbacks and on Wednesday, witness after witness appeared before a congressional subcommittee to try to rescue America's invisible children from the administration. These are not programs fraught with waste, fraud and abuse, the witnesses told the subcommittee. In the long run they not only save lives, they save money.

And while the witnesses were able to make their case in terms of sound fiscal policy—namely that short-term cuts in medical and nutritional programs would end up increasing budget costs for medical care of sickly people—they also made their case in terms that have been lost on this administration. They spoke of values. They raised the question of what kind of country we want ours to be. As comedian Bill Cosby put it, there's the attitude that "some of you will just have to die, some of you will just have to suffer. . . . I don't think this is what America is supposed to be about."

Nancy Amidei is now executive director of the Food Research and Action Center. In the late '60s and early '70s she was on the staff of the Senate Select Committee on Nutrition and Human Needs. "We went into areas most politicians never go into. We saw people literally with no food, no health care." As a result of the extended food programs, she said, "gradually we saw a change. . . . The improvement was visible and palpable everywhere we went."

WIC provides prenatal care and nutrition to high-risk mothers and nutritional supplements such as milk and juice to children who otherwise would be undernourished, to babies whose mothers used to give them sugar water to keep them from crying from hunger. The goal was to reduce the incidence of low-birthweight babies, retardation, deformities and infant mortality. It is a program that a Harvard study found capable of saving $3 in health care costs for every $1 spent on preventive nutrition.

Carol Bellamy, president of the New York City Council, testified that there are 300,000 children and pregnant and nursing mothers in New York City who are potentially eligible for WIC. "Budget restrictions have already limited our ability to provide food supplements for two-thirds of this group and, if the administration prevails, we will lose another $15 million and 33,000 fewer people will be served."

"More than 14,000 people in my community are going to lose those scarce national resources called food, milk and orange juice," testified Barbara Mikulski, the Democratic Congresswoman from Baltimore. "Over 3,000 children in Baltimore won't be immunized," and will run the risk of polio and rubella. And she accused her colleagues of a "basic hypocrisy," when they pose with the poster child for the newsletters that go home and then vote against programs that might prevent children from being born crippled.

Rep. James Scheuer (D-N.Y.) tried to get Mikulski to stick to the cost-effectiveness arguments, but she had more to say than that. She had something to say about the real world and something to say about what was morally right. She had something to say about real dangers and imagined dangers, about responsible public policy versus irresponsible rhetoric.

"When they get ready to send helicopters to El Salvador they talk about saving the country from communism," said Mikulski. "I want them to start talking about saving the country from birth defects. I'm talking about children in my district who are more likely to die of birth defects than from some communist who's going to come up the Chesapeake Bay."●

THE M-1 TANK

● Mr. GOLDWATER. Mr. President, the Tactical Warfare Subcommittee of the Senate Armed Services Committee held a hearing to evaluate the progress of the M-1 Abrams tank. There have been many allegations by the news media concerning the M-1 tank. Most of these allegations are patently false. Others are distortions of the truth. Last Friday we heard from not only Army witnesses, but from the General Accounting Office as well. It was a pleasure to have many of the false charges refuted in an open hearing and I hope that the news media made extensive notes.

Since many of my colleagues were unable to attend this hearing, I would ask that a point paper refuting these charges against the M-1 be printed in the RECORD. I would strongly urge that my colleagues read this paper.

Mr. President, I ask that the article: "The M-1 Tank—Points and Counterpoints on Recent Media Coverage: The Whole Story" be printed in its entirety in the RECORD.

The article follows:

THE M-1 TANK

POINTS AND COUNTERPOINTS ON RECENT MEDIA COVERAGE: THE WHOLE STORY

Point: The most serious problem is the tank's "power train". The Army requirement is that 50% of the M-1 tanks must travel 4000 miles without a power train failure, yet test results indicate a failure rate of 81% or only 19% of the tanks achieving the 4000-mile requirement.

Counterpoint: It is true that the power train did not demonstrate the durability requirements established in the tank design during early testing. However, these low durability rates were based on raw data, and did not take into consideration the improvements made to the tank in this area. For example, transmissions began developing problems during troop tests at Fort Hood. It was determined that combat crews in timed scored test exercises discovered that they could reduce their times for pausing, firing, and backing out of position by putting the tank in reverse gear to stop instead of using the brakes, and then gunning it backwards to safety after firing. The transmission would withstand this maneuver a few times but would finally break. The transmission problem was corrected with a minor modification, and has been proven time and time again in further field testing. This past summer the Army convened a panel of industrial, scientific and technical leaders to evaluate the M-1 tank's durability. In August 1981, after evaluating the existing and planned power train corrections, this panel projected that after already-designed corrections are made to the M-1's power train, its durability should meet or exceed the Army's 50% requirement.

Point: The hydraulic fluid is extremely flammable.

Counterpoint: This is not true. Fire retardant hydraulic fluid was adopted for use in the M60 tank as a result of the 1973 Arab-Israeli war experience. The M-1 tank was designed to use the same hydraulic fluid as the M60. This fluid had a much higher flame ignition temperature than that used prior to 1976 and it significantly lowers the possibilities of hydraulic fluid fires in the crew compartment. Additionally, hydraulic lines and connectors have been strengthened to reduce the possibility of rupture. An automatic fire detection/suppression system that uses Halon gas to smother fires detected in either the crew or engine compartment has made the M-1 significantly more fire-safe than previous U.S. tanks. These were specifically designed into the M-1 to minimize casualties due to fire.

Point: The turbine engine emits a very strong infrared signature.

Counterpoint: Thermal detection technology is such that all tanks, turbine or diesel, are readily detectable. Visually, however, the M-1 turbine exhaust is not detectable at all while the M60 and all diesel powered tanks have a visible exhaust, particularly when accelerating.

Point: The turbine exhaust acts as a magnet for heat-seeking missiles.

Counterpoint: This allegation appears to be based on pure conjecture. If the Soviets employ a heat seeking antitank missile—and they do not appear to have one at this time—it would be able to attack diesel engine powered tanks as well as the turbine powered M-1. In other words, this potential threat exists for all combat vehicles, not just the M-1.

Point: The hot turbine engine prevents operations in dry woods due to fire danger.

Counterpoint: This is another incorrect allegation which presents a problem where there is none. In over 200,000 miles of testing, much of it in cross-country movement over terrain of varied vegetation, to include dry grass and woods, the M-1 has not started a fire. The M-1, categorically can operate in dry wooded areas.

Point: The new armor is not very resistant to certain types of kinetically-charged antitank rounds. Moreover, the side and rear armor is thinner than that of the M60.

Counterpoint: The M-1 special armor is totally different and vastly superior to M60 armor. The M-1 offers at least equal armor protection from all aspects, and provides far superior armor protection for both vehicle and crew. This has been demonstrated in live fire tests against the M-1 armor and components.

Point: The M-1 tank turbine engine is a gas guzzler, getting only 3.85 gallons per mile.

Counterpoint: This mileage is equivalent to that achievable by an automobile weighing 120,000 pounds being driven at the 55 m.p.h. speed limit. Yes, the turgine engine does require more fuel but one must realize it has twice the horsepower of the M60, is much faster and can go places the M60 cannot. The M-1 does not create a new tactical refueling requirement. The tanker fuel carrying capacity for an M-1 tank battalion is about the same as J-Series M60 battalion. Testing has demonstrated the M-1 meets the Army's daily combat operating range requirement. The overall increase in fuel usage was a deliberate trade-off; increasing survivabliity by doubling the current horsepower to ton ratio.

Point: The M-1 tank is prone to throwing tracks and the track has to be changed every 1000 miles against an Army requirement of 2000 miles.

Counterpoint: It is true that an initial problem was experienced with the tank throwing its tracks. This was quickly modified and only five track throws were experienced in over 75,000 miles of testing, or an average of once every 15,000 miles. Track life remains a problem. It averages something over 1000 miles against a requirement of 2000 miles. With twice the power of the M60 tank and use at much higher speeds, it wears out 400 or 500 miles sooner than the M60. A solution to this problem has not yet been found within the current state of the art of track manufacturing. It should be understood that this is strictly a peacetime problem. The M-1 tracks are rubber coated to protect road surfaces and are replaced when the rubber coating is worn to the metal track. In a combat situation this would not be a consideration and the steel tracks would continue to be serviceable for many additional miles.

Point: The M-1 has experienced unprecedented breakdown rates. The GAO recently testified at a Congressional Hearing that the breakdown interval was about every 30 miles.

Counterpoint: This is not true. The M-1 has not experienced an unprecedented breakdown rate. The M-1 has exceeded its overall combat mission and system reliability requirements in the most extensive testing ever given a U.S. tank—in excess of 70 tanks tested with an accumulation of over 200,000 miles driven and 33,000 main gun firings. With respect to combat mission reliability it has achieved 350 mean miles between failures (MMBF) against a requirement of 320 MMBF. This is over 11 times that alleged by the GAO, who cannot substantiate their findings, and compares very favorably with the M60 wich achieved only 242 MMBF after 12 years in production; and today, after 20 years production and extensive evolutionary improvements is achieving 407 MMBF.

Point: The M-1 costs too much.

Counterpoint: Most reports on M-1 costs are wrong or misleading. A frequent tactic is to compare the 1972 original design estimates of about $507 thousand to 1982 costs of about $1.8 million—a methodology guaranteed to produce a cost growth of 200% plus. The facts are that there has been excellent cost control on the M-1 program (it does not breach the Nunn Amendment). Over 90% of the historical cost growth is directly attributable to 11 years inflation (FY72-FY83). Most of the remainder is the constant dollar estimate of the cost of a package of pre-planned product improvements. The unit hardware cost of the M-1 is currently about one-third more than an M60A3, certainly not two or three times as expensive—a figure often cited. The M-1 is more expensive than the M60A3, but significantly better and provides our soldiers the ability to effectively fight and win outnumbered on the modern battlefield.

Point: Only 43-47% of M-1 tanks were available for use at any given time during recent operational tests while 85% of M60's were available.

Counterpoint: Operational availability at Fort Hood during testing of the first operational M-1 battalions has been above 80%, and has increased to 85-95% since July 1981. This has been achieved while logging more miles in six months than the M60 battalions at Fort Hood logged in a year. In late 1981 shipment of M-1's to Germany began, and the first M-1 combat tank battalion began

M-1 training in January. Operational availability rates have averaged 90-94%, with few maintenance problems. The Germany-based troops are really enthusiastic about the M-1's speed, mobility, deadly accuracy and survivability. They describe the M-1 performance as, "there isn't any other tank in the world that can drive that fast and shoot", and "there isn't a tank in the world I wouldn't go up against with the M-1".

Point: The M-1 needs an Armored Combat Earthmover (ACE) to dig it in.

Counterpoint: This is a grossly distorted allegation. The blade mounted on the current M60 tanks is nothing more than a scraper used for clearing light rubble, road blocks and minor obstacles along an armor unit's route of advance. It was never intended, nor had the capability, to dig in fighting positions. This function is currently provided by a commercial type bulldozer transported by a tractor trailer truck. The ACE capability will replace this obsolete equipment and in no way replaces the traditional role of the tank's dozer blade. The M-1 will also be provided with a blade similar to that on the M60, and the charge that the M-1 cannot perform its traditional role is untrue.

Point: The M-1 is a turkey!

Counterpoint: Army troops in the field with the M-1 tank state the view that by every measure of operational performance, the M-1 tank is an unequivocal winner. It is easier to maintain than the M60 tank. It shoots better at night than the M60 does in the daytime. It is twice as fast as the M60 and is able to reach the decisive point in battle rapidly to achieve victory. It can survive hits that would catastrophically destroy the M60. Maintenance support is no different than that currently used, and requires far less special tools than the M60. Some 70% of engine accessories can be replaced on the M-1 without removing the engine. If need be, the engine can be removed in about 30 minutes as contrasted to four hours for the M60. No refueling problems have been experienced in the most difficult combat simulation exercises—day and night. The M-1 is a winner and is far superior to the M60. This is hardly a turkey.

Point: The M-1 is just being issued to combat units yet the Army is already looking at new tank designs. Why continue with the M-1 if a new tank is going to be fielded?

Counterpoint: It is true the Army is studying a future tank design as a part of its combat vehicle technology program. The current study effort is for the tank test bed to evaluate design proposals for future tanks in the 1990's and later. This is a normal research and development effort to keep pace with rapidly advancing technology. We must look ahead with a plan of action rather than reaction to the threat of the future.●

PROPOSED SALE OF MISSOURI RIVER WATER FOR COAL SLURRY PIPELINE

● Mr. DANFORTH. Mr. President, the Missouri River is a vital element in our Nation's inland waterway transportation system. Not only is the river a navigable waterway in its own right all the way to Sioux City, Iowa, but at times of low flow it contributes up to 60 percent of the flow of the Mississippi River below St. Louis.

In addition, 60 percent of Missouri's populace depends on the Missouri River for its water supply, and the communities which line the river depend on it for safe handling of their treated sewage.

For these reasons I have expressed concern about the proposed sale of up to 50,000 acre-feet of Missouri River water a year to Energy Transportation Systems, Inc., for a coal slurry pipeline. The effect on downstream States of this proposed diversion was never adequately addressed in the environmental impact statement on the project.

Mr. President, the Missouri General Assembly recently went on record expressing similar concerns, in a concurrent resolution offered by Senators Truman Wilson, Hardin C. Cox, Harold L. Caskey, Henry A. Panethiere, and Harry Wiggins. I commend these senators for their initiative and ask that a copy of the resolution be printed in the RECORD.

The resolution follows:

RESOLUTION

Whereas, the Missouri River represents a valuable and irreplaceable natural resource of the state of Missouri; and

Whereas, the citizens of Missouri and the citizens of other downstream states rely on the Missouri River as a dependable source of water for drinking, domestic, industrial and recreational use; and

Whereas, the federal government is considering the possibility of permitting the sale of water from the upper Missouri River for use in coal slurry line between Gillette, Wyoming; Louisiana and Arkansas; and

Whereas, the the sale of Missouri River water could set a dangerous precedent that would result in large water transfers to energy companies thus imperiling navigation, waste-water treatment, irrigation and other uses of the Missouri River water; and

Whereas, the United States Corps of Engineers has advised that the federal government allow the states to resolve this Missouri River issue;

Now, therefore, be it resolved by the members of the Missouri Senate of the Eighty-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Legislature of Missouri hereby goes on record to oppose the sale of water from the upper Missouri River for use in a coal slurry operation; and

Be it further resolved that a copy of this resolution be transmitted to the Missouri River Basin Commission.●

THE MUDFLAP FLAP

● Mr. CANNON. Mr. President, as you know, one tends to become pretty cynical after only a short time in Washington. Everyone we hear from is firmly against excessive Government regulation—except, of course, when it directly benefits them economically. Then, suddenly, we start hearing about exceptions to the rule, special cases of national importance, and all sorts of other excuses to justify special interest legislation.

This morning I received a letter in the mail that really caught my attention. It is so unusual that I felt it was important to enter it into the CONGRESSIONAL RECORD as evidence that there is at least one company that matches its rhetoric with action.

The letter is self-explanatory. It is written by an executive of the Koneta Rubber Co. concerning an amendment to S. 1402 that was adopted on a close vote by the Commerce Committee. That amendment would require that so-called splash-and-spray flaps be added to all large trucks on the interstate highways. This would be required even in the absence of any evidence of the safety or effectiveness of such devices. As the largest manufacturer of splash guards in the country, Koneta is in the position of standing to earn millions in new business if the provision is enacted into law. Yet they have written to oppose the amendment because they simply feel that it is wrong for the Government to force businesses to purchase a product that has not been well received by the trucking industry.

According to Koneta:

> If spray suppressant devices are to be added to trucks, it should come about in the proper way: through free marketing by manufacturers to an industry striving for safety and a good public image—not because some company was big enough to have a law written to force truckers to buy its product.

That is an extraordinary position for a company to be taking. It helps to bolster my faith that there are a few people in this country left who really believe in the free market system and reduction of Federal regulation—even when they might benefit otherwise.

Mr. President, I ask that this letter be printed in the RECORD so that all the Members may see it.

The letter follows:

KONETA RUBBER CO.,
Wapakoneta, Ohio, March 3, 1982.

Senator HOWARD W. CANNON,
Russell Building,
Washington, D.C.

DEAR SENATOR CANNON: As America's largest manufacturer of splash guards (mudflaps), the "Uniform Motor Vehicle Standards Act of 1981" (S. 1402) which carries an amendment requiring "splash and spray suppressant devices on all tractors, semitrailers, and trailers" was of particular interest to Koneta. A law requiring the retrofitting of splash and spray suppressant devices on trucks and trailers now in use could mean millions of dollars in new business for us. While we could certainly use the business, we are strongly opposed to the splash and spray amendment tacked on S. 1402 by Senator Danforth of Missouri.

Spray suppressant mudflaps were introduced in 1979. Several manufacturers—including Koneta—offer spray suppressant mudflaps. After much advertising, promotion, and publicity, spray suppressant mudflaps have not been well received by the trucking industry. Evidence of this is the estimate that less than 50,000 pairs in total have been sold since their introduction three years ago.

We were tempted to support the amendment because its passage could mean millions of dollars in sales of our anti-spray mudflaps. After due consideration, we decided that we could not support the amendment because we think it is wrong for manufacturers to lobby for their own "special interests" at the expense of others.

At a time when many in the trucking industry—from major carriers to owner-operators—are struggling for survival, we think it is wrong to force the industry by law to spend millions of dollars to retro-fit their equipment with spray suppressant devices. Manufacturers of trucks and trailers would have to raise the prices of new equipment to pay for the addition of spray suppressant devices. At a time when inflation is already crippling the economy, we think it is wrong to add to the cost of delivering food and other merchandise to the consumer. We think it is wrong for business to complain about too much government and then to lobby for a law which would force truckers to buy a product.

Bad laws in this country have often been created by narrow-minded, selfish businesses trying to legislate their products into the market. If spray suppressant devices are to be added to trucks, it should come about in the proper way: through free marketing by manufacturers to an industry striving for safety and a good public image—not because some company was big enough to have a law written to force truckers to buy its products.

Sincerely,

K. E. LEFFEL,
General Manager.●

THE NATION'S ECONOMIC DILEMMA

● Mr. ARMSTRONG. Mr. President, America is reeling from one economic shock to another . . . inflation; skyrocketing interest rates; rising unemployment, small business and farm bankruptcies; large companies suspending dividends . . . These and other indicators are causing the worst cost economic jitters in a generation. As Congress debates possible solutions to the problems, it becomes increasingly critical to actually understand what is happening and the reasons why.

Peter G. Peterson, chairman of the Board of Lehman Bros. Kuhn Loeb, Inc., and former Secretary of Commerce, has written an extraordinarily perceptive report on the Nation's economic dilemma and how to cope with the situation. I commend his observations to my colleagues.

The report follows:

[From the New York Times, Jan. 17, 1982]

NATION'S ECONOMIC DILEMMA AND HOW TO COPE WITH IT

(By Peter G. Peterson)

Who, after the past Year of the budget, could any longer call economics a dismal science? Since last January, when Budget Director David A. Stockman was warning us of an Economic Dunkirk, we have bitten numerous budget bullets and dodged others. In July, we decorated an early Christmas tree with the gaudiest tax cuts in history. In the fall, Wall Street and the budget director himself were dragged to the woodshed. And finally, caught in the budget battle between President and Congress, thousands of unpaid Federal employees found themselves taking a premature Thanksgiving holiday. In drama and metaphor, it has been a vintage year. Washington hasn't seen a new show this exciting since 1933.

But one thing has not changed. During the worst years of the 1970's, budget deficits ran at 3 to 4 percent of the gross national product. Today all the experts project deficits for the mid-1980's in the $150 billion range—that is, close to 4 percent of the G.N.P. It would seem that the worst—giant deficits that cheat our future—has become the norm.

A nation, like a family, can provide for its future only by saving a big chunk of its income today and investing it productively—so that it will generate even more income in the years to come. A nation that, instead, consumes almost all that it earns is choosing instant gratification at the cost of tomorrow's prosperity; it is choosing negligible growth in the economy's output per worker and therefore in the living standards of its people.

That has been the American pattern in recent years. In real terms—that is, allowing for inflation—the value of our economy's output per worker, its labor productivity, has virtually stopped growing over the last several years. We have chosen to consume, rather than invest. Our private sector has been saving at about about the lowest rate in the industrialized world. Meanwhile, the Government has been draining an ever-increasing share of these meager savings away from productive investment and into the financing of public debt.

The proper function of Government is to prepare for the future. We have instead used Government to impose a massive mortgage on tomorrow's prosperity.

Accumulated budget deficits have pushed the national debt to more than $1,000 billion, involving annual interest charges of nearly $100 billion. In addition, we have quietly incurred "off-the-books" liabilities of more than $2,000 billion. Half of that will be needed to meet future shortfalls between scheduled benefits and scheduled payroll taxes in the Social Security system. Other Government pension commitments will take up the other half. Moreover, we have just as quietly granted off-budget loan guarantees and undertaken vast Federal insurance liabilities that amount to still another $2,000 billion to $3,000 billion.

These Federal claims on the capital markets, which inevitably limit the capital available to the private sector of the economy for productive investment, have been growing dramatically. In the 1960's, total borrowing that was performed, subsidized or sponsored by the Federal Government claimed less than 20 percent of all funds raised in American credit markets; in recent years, that figure has increased to between 40 and 50 percent.

At the same time, the country faces massive capital needs for the defense buildup, for completing the desperately needed strategic oil reserve, for keeping public facilities—from sewers to highways—in decent repair and for adapting our industrial machine to the environmental regulations and energy price increases that swept across the country in the 1970's.

How are we going to afford all this?

The only way to afford and enjoy the future is to invest in it. The industrial world's premier growth economy has shown how this is done: For several decades, the Japanese have given savings priority over consumption and have poured those savings into productive, long-term capital investment. Japan now has more industrial robots installed than all other nations combined. Japan's industrial plant and equipment—the engine of tomorrow's prosperity—averages 8 to 10 years of age; our plant and equipment averages 16 to 18 years. With an economy twice their size, we spend less than the Japanese on new plant and equipment. They dedicate a bigger share of the G.N.P. than we do to business research and development and technical education. Japan, not the United States, now has the world's largest trade surplus in technology-intensive products. Finally—and this bodes ill for our future—their production of new patents rose by 372 percent over the last decade, while ours was falling by 10 percent.

For most Americans, the word "investment" brings to mind an alien world of stocks and bonds, smokestacks and board rooms. Such imagery totally misses the point. Unless a nation pays the dues required for economic progress, its politics becomes a mean contest over scarce resources—and the invariable losers are the poor and the weak. Unless we start saving for the future, rather than borrowing against it, our children and grandchildren will inherit a harsh and illiberal society.

How much new investment do we need? No scientific answer is possible; but, by adding up the manifold challenges we will face over the remainder of this century, I come up with an annual invesment bill in the range of 14 to 15 percent of the G.N.P. Today we dedicate only about 10 percent of the G.N.P. to business investment. To raise that share by almost half is a huge task: We would have to shift to industrial investment all of the savings now being diverted into direct Federal Government borrowing (at least 3 to 4 percent of the G.N.P.) and simultaneously expand the total pool of national savings. To do this requires a very significant cut in the share of the G.N.P. currently devoted to consumption—for what is consumed is, by definition, not being saved.

The Year of the Budget has been very exciting, but it has not answered the basic questions: Where are we to find the resources for a Decade of Investment? Whose consumption is to be cut?

That something has gone haywire with our economy's priorities is now conventional wisdom. Politicians drone on in their sleep—and often in that of their audiences—about capital formation, technological innovation and balanced budgets. There is a bipartisan consensus to harp on these problems, but there is also a bipartisan consensus to avoid solving them. We have declared open seasons on scapegoats.

For the left, the favorite scapegoat is the "wasteful Pentagon": investment resources are disappearing down missile holes. This approach founders on simple arithmetic. In the 1950's and early 60's, when the economy showed a far sounder balance between current consumption and future needs, we emphasized defense spending far more than in the economically dolorous 70's. In 1980, the defense share of the Federal budget was the smallest since 1939, and the defense share of the G.N.P.—at less than 5 percent—was about one-third the Korean War figure. It is non-defense Federal spending that has been climbing swiftly, from about 10 percent of the G.N.P. in the mid-1960's to 18 percent of the G.N.P. in 1980. That the Pentagon is wasteful, that generals should not be left alone in the candy store, that military hardware should reflect military strategy—all this is beyond doubt. But, short of unilateral disarmament, we are never going to find enough "defense cuts" to finance large increases in productive investment.

The scapegoat for the right is the "welfare cheater": investment resources are disappearing into the pockets of the unworthy poor. The Year of the Budget gave this theory a good run, with major budget cuts in such antipoverty programs as food stamps and Medicaid. But here, too, the arithmetic fails. Of the 49 percent of 1980 Federal expenditures identifiable as "outlays to individuals"—most of them are paid directly to the recipient—only 13 percent go to programs that use, even in part, poverty or need as a criterion for receiving benefits. Cutting all these programs by a full 25 percent would save a mere 3 percent of the budget, and we would run out of unworthy poor people long before balancing the budget.

Politicians search frantically for scapegoats because the true source of the problem of underinvestment is uncomfortably close to home—and involves a lot of votes. The true enemy is, I suggest, none of the above; as Pogo observed long ago, the enemy is us.

Tomorrow's needs and opportunities are getting short shrift because the Great American Majority—the broad middle class, from the faded blue collar to the starchiest white collar—is choosing to consume today rather than to save for tomorrow. The budget is out of control because we—all of us—regularly demand that Government satisfy our immediate appetites rather than attend to the long-term requirements of national prosperity.

The evidence is everywhere. Though we divert our scarce investment capital excessively into residential housing, no one dares challenge the "American dream" that everyone should own a home. Though production per worker is no longer rising in our economy, we assume that everyone "deserves" a substantial wage increase every year. And when wages come under pressure, we routinely respond by calling for import limitations on everything from cars and steel to tomatoes and T-shirts. Though we complain about our defense costs and about the inefficacy of our "Army of unemployables," we recoil from even a limited period of military training for our middle-class employables. Though we have only 5 percent of the world's population and use 30 percent of the world's energy, we tax gasoline at a rate less than one-tenth of that commonly levied abroad, we refuse to tax oil imports and we continue to impose absurd regulatory ceilings on natural gas prices.

By far the greatest victory for the middle and upper classes, however, has been the creation of the so-called "safety net for the needy"—an exemption from budget cuts for a set of programs constituting more than half of all Federal spending not earmarked for defense or for interest on the national debt. These safety-net programs—Social Security retirement and disability payments, Medicare, veterans' benefits, railroad retirement and Federal-employee pensions—have in common one characteristic: Poverty or financial need is not a test for receiving the benefits. For this reason, the programs end up subsidizing the middle class far more than the poor.

Yet through all the budget cutting of the past year, these programs were hardly touched. It was the programs actually targeted on the "needy"—Medicaid, legal services, food stamps—that fell most heavily under the budgetary ax.

What we have then is a safety net for politicians who are unwilling to ask from the broad middle class an explicit contribution to budgetary control and economic revival. Or, we might say, the "safety net" is in fact a well-padded hammock for a collection of middle-class interest groups. Safety-net programs, adjusted fully for inflation and rich in lobbying support, have grown at 15 percent a year for more than a decade—far faster for far longer than any other element of the budget.

To be sure, President Reagan, through sheer tenacity, has set a historic and much-needed precedent by demonstrating that regulatory burdens and Federal programs can be slashed—not merely pruned, manicured or rearranged. This precedent has great and subversive potential. But let us not fool ourselves. By mid-decade, the safety-net programs alone will cost some $350 billion annually, probably more than 10 times greater than all the cuts made in the fiscal 1982 budget.

Why do politicians never tell us these things? The politicians remain silent because they sense, no doubt correctly, that to challenge these sacred middle-class "rights" is to profane the art of the possible. We are the ones who set these political limits. Until we agree to relax them, we can hardly blame our representatives for representing us.

So we must try a new tactic. To counter "middle-class welfare" and to help the President convert the Year of the Budget into a decade of fiscal reform and investment, the broad middle class itself needs to build a new political force of leading citizens—a true "Coalition for Investment." Like the problems it addresses, the coalition should be nonpartisan, and its chief task should be educational. The objective is simple: to demonstrate that we all have more to gain from investing in our common economic future than from striking special bargains in the political marketplace. But the details of the message run straight against the grain of today's political consensus.

Our system of old-age entitlements is far and away the biggest drain imposed by Government on the nation's investable resources.

In 1960, Federal outlays for the elderly constituted only 13 percent of the budget; today, that figure is 27.5 percent. In the last two years alone, outlays for the elderly increased by 30 percent, or almost $50 billion. Joseph A. Califano Jr., former Secretary of Health, Education and Welfare, has predicted that spending for the aged will constitute an unsustainable 35 percent of the budget by the turn of the century, and an unthinkable 65 percent by 2025.

Two great forces are driving up Federal outlays for the elderly. The first is the fact that benefits are 100 percent adjusted to the Consumer Price Index—a process called "indexing"—and are also subject to regular, politically motivated sweetening. Thus, the average Social Security benefit shot up 55 percent faster than the price level during the 1970's. By contrast, the average weekly income of wage earners, who must pay the benefits, rose less than 2 percent in real terms—that is, after allowing for inflation. In 1970, the typical married worker received, upon retirement, Social Security payments amounting to about 60 percent of his after-tax wages. Today, that has jumped to 90 percent.

The second great spur to these programs is the graying of America—the beneficiary population is exploding. Fifty years ago, only 4 percent of our population was over the age of 65; today, it is 11 percent, and that proportion will double again over the next 50 years. In fact, for the next several decades, our elderly population generally, those who receive the benefits, will grow at 20 times the rate of our labor force, those who contribute the benefits.

We still have time—but not much—to bring the burgeoning entitlements for the elderly under control with minimum pain for all concerned. Social Security benefits, for example, need not be cut; it is sufficient, if we start the job now, merely to slow the growth of benefits. A series of gradual changes, enabling our people to make adjustments over the long term, could eliminate our trillion-dollar unfunded liability for Social Security and release these desperately needed resources for the Decade of Investment.

The eligible age for full benefits should be raised gradually, perhaps over the next 15 years, from 65 to 68 or 70. The eligible age for early retirement (now 62 for Social Security and even earlier for Federal employees) should be raised in tandem. It is an anachronism to put the elderly out to pasture at 65, a benchmark chosen during the Depression when new jobs were nonexistent and old age meant ill health. (The life expectancy of an American today is about 12 years longer then when the Social Security legislation was first passed.) In the 1980's and 1990's, the labor force will grow very slowly, putting the skills and experience of the elderly at a premium and giving a headstart to those businesses imaginative enough to employ them usefully. Today, 65 is young and medical research shows that continued work is the best way to stay young.

A modest tax could be levied on half the Social Security benefits received by the retired worker—based upon the principle that he does not have to pay taxes on half of the payments made into the fund in his name, those provided by his employer.

Let us also slaughter the sacred cow of indexing, which so many are now milking. Neither the nation's working people nor private pensioners are given 100 percent protection against inflation. Today, by using the Consumer Price Index to index public pensions, we are shifting significant amounts of real income in a capricious fashion from working people to the retired population. In 1980, Social Security benefits were indexed up 14.3 percent while the average weekly wage of workers rose only 7.2 percent. And the benefits were tax exempt, while the workers had to pay an ever-rising levy of Federal income taxes and Social Security contributions.

Moreover, the price index has several built-in biases that overstate the degree of inflation in the economy, to the advantage of the entitled beneficiary. The single most important bias in the index, for example, is the exaggeration of housing mortgage costs. That has pushed up the price index and thereby the payments made to the elderly. Yet the burden of these costs falls primarily on homeowners under 45 years of age—92 percent of whom are still paying off their mortgages—rather than on elderly homeowners, only 19 percent of whom are still paying off their mortgages.

Even a minor indexing revision could generate enormous cumulative savings. The Congressional Budget Office has estimated, by way of illustration, that holding Social Security increases to 85 percent of the price index would save the Federal budget more than $40 billion in Social Security alone by 1986.

The country must learn that pensions can grow over the long term only if the economy is growing as rapidly as the retired population. To produce the needed real economic growth, we must transform both our pension systems and the tax systems surrounding them so that instead of encouraging spending and consumption they will encourage savings and investment.

When pensions are financed from Government spending programs, they merely add to the nation's consumption. Accordingly, we should limit such programs to providing a genuine safety net for old people in need. To provide the rest of retirement income, the Government should encourage individuals and private industry to build up pools of savings, invested in productive industrial assets.

That is the Japanese pattern. When we observe Japanese workers saving 25 percent or more of their personal income—versus 5 percent for Americans—we too often rush to explain it solely in terms of a "cultural force," such as their national "savings ethic." There are other explanations. First, provided with fewer Government old-age benefits, the Japanese need to save more for their later years. In addition, they have more powerful incentives to save. Japan grants far bigger personal deductions for ordinary interest and dividend income. In the United States, corporate earnings are taxed once at the corporate level and a second time when the stockholder receives dividends. Japan's holders of corporate shares receive a personal tax credit on dividend income to compensate for the corporate tax already paid. And Japan does not tax the capital gains that result from buying and selling securities. In the end, the Japanese pattern is safer for old people, because it insures a far stronger economy to support them. Had American workers these sorts of objective—not cultural—incentivies, our national rate of savings would rise substantially. It is time we move to a tax structure biased less against savings and more against consumption.

Yet leaving aside tax reform, our original challenge of entitlement reform remains. And it always raises the same objections: moderating Government pensions is "unfair" to the poor and violates society's "solemn contract" to pay old people what they contributed in payroll taxes. Such objections have very little merit.

These programs are neither intended nor designed primarily to benefit the poor. And a recipient's benefits bear almost no relation to his contributions. The typical Social Security recipient retiring today will reap three to six times more in benefits than he paid in—and that includes the interest he might have earned had the money been invested. The young worker starting his payroll contributions today will be very fortunate if he receives benefits merely equal to what he pays in. These benefit levels turn not on some sacred "contract" but on the realities of demography, economic growth and political clout.

The fairness argument is particularly outlandish when applied to Federal-employee pensions. Here, the benefit levels typically run 2.5 to 3 times those available to similarly placed workers in the private sector. Benefits for Federal Government retirees have increased by 130 percent over the last 10 years, while the average wage of a Federal worker has risen by 80 percent. Starting at a high proportion of final salary (up to 80 percent of final pay for members of Congress), Government pensions have been adjusted to the Consumer Price Index twice yearly. And the retirees themselves, though exempt from Social Security taxes during their Government careers, are free to dip into Social Security minimum benefits if they have also worked a sufficient time in the private sector. More than 80 percent of Federal retirees eventually engage in this sort of double dipping, and some of them become triple dippers by earning a private pension as well. After several years, a retired Federal employee frequently makes more from his Federal pension alone than his colleagues still in service. The retired Speaker of the House, John McCormack, enjoyed a pension of almost $92,000 while his successor in office was earning $79,000. As of a year ago, four-star generals, 10 years out of service, were getting $64,000 while those holding their old jobs received $54,000. The private pensioner, by contrast, typically gets less than one-half of the pay of his working colleagues and the ratio drops with each year of continued inflation since he, unlike the public pensioner, benefits from little or no indexing.

No one should underestimate the political forces fighting reform in entitlements for the aged. Federal retirees—actual and potential—make up the core population of the Washington area generally, and of Capitol Hill in particular. The elderly vote more regularly than younger citizens (70 to 80 percent versus less than 50 percent for the rest of the population); they are superbly organized and their ranks are swelling rapidly.

The most modest Social Security reform proposal triggers an automatic avalanche of postcards to Congressmen and Senators. The lobbies of Congress fill up regularly with representatives of S.O.S. (Save our Security), N.C.S.C. (the National Council of Senior Citizens), N.R.T.A. (the National Retired Teachers Association), A.A.R.P. (the American Association of Retired Persons), the Gray Panthers and another 100 or so pressure groups for the elderly that claim a combined membership of 35 million to 40 million.

Nonetheless, we shall not be able to afford the current entitlements system for the aged. To take the Social Security system as an example, the total payroll tax—today at 13 percent of wages—would have to soar well above 20 percent by the turn of the century and some say as high as 40 percent by the year 2030. If we instead dip into general revenues, the burden would simply switch to the income tax—a burden which would force us to forgo virtually every other important national objective.

At some point, young workers will simply refuse to pay the crushing taxes required to support their elders. By endlessly deferring this problem, we are setting the stage for a very ugly generational conflict.

Over the last 15 years, the entitlements revolution made a huge chunk of the budget hostage to the blind forces of inflation and demography. Unless we now launch a counterrevolution against middle-class and upper-class entitlements, budget control and economic recovery will continue to elude us.

In pursuing the American dream that every citizen should own his own home, we have pushed too large a portion of our already scarce investment resources into building houses.

Consider the anomaly. The Japanese dedicate 18 percent of their G.N.P. to increasing to total stock of buildings, equipment and other forms of fixed capital; the United States dedicates only 6 percent. Yet we pour half of this new investment into residential buildings. Over the last decade, our total stock of fixed capital has slowed its growth rate dramatically, and the entire reduction has come at the expense of business capital, rather than residential capital.

This pattern is a direct result of America's middle-class housing subsidies, which generate an astonishing flow of budgetary red ink.

A Japanese family shopping for a home benefits from none of our tax favors and must typically fork out at least 50 percent of the total price as a down payment. That does not mean the Japanese discourage home ownership; their idea is simply that, if you want to own a house, you should save for it. Those savings, in turn, fuel business investment, helping drive the entire economy. As a result, the Japanese family's real income has been rising, making it increasingly possible to afford excellent housing without special tax incentives.

We have shaped our laws in the other direction. Homeowners can deduct property taxes from taxable income. Capital gains from the sale of homes largely escape taxation. To the astonishment of foreigners, we permit all mortgage interest to be fully deducted. We have established an alphabet soup of Federal and federally sponsored agencies to insure homeowners 80 percent to 95 percent debt leverage. Taken together, the tax-code housing incentives alone cost more than $30 billion in lost Federal revenue for the fiscal year 1981, nearly all of it lost, of course, to the Pogo majority, the middle and upper-middle classes. In the same year, direct Federal subsidies to low-income homeowners and tenants amounted to $8 billion. The Government also has more than $100 billion at risk in unsecured deposit insurance at the nation's troubled savings and loan institutions. And no one really knows what future costs we will incur from about $350 billion outstanding in home loans insured and guaranteed by the Federal Government. (That figure is about 10 times the sum of the Federal loans and guarantees outstanding for business purposes.)

The result is that housing has been more than just a hedge against inflation; it has been an inflation winner. By combining big mortgages and big tax breaks, most homeowners find their houses the most profitable "investment" available. So why buy stock in a business?

The recent slump in the home-construction industry should not blind us to the longer-term trend. We have been building houses instead of factories. To believe we can do this indefinitely is not the American dream but simply a fantasy. It is time to wake up—to eliminate some of the tax incentives for housing, or at least to extend similar incentives to other productive assets that may not shelter our own family, but that do provide for the new plant and equipment required for our economy's future growth.

Yet the American economy needs more than new equipment. Even when their capital equipment is identical, the Japanese companies typically outproduce their American counterparts by a sizable margin. The Japanese are beating us in world markets, not only because their Government's policies assure a high rate of savings and investment, but also because their private sector does a better job than ours at the bargaining table, in the board room and on the shop floor.

American unions have regularly demanded, and won, annual wage increases in the range of 9 to 11 percent, far in excess of the rate of labor productivity growth, which recently has hovered around zero. Since labor costs constitute about two-thirds of business costs, this level of wage inflation virtually assures overall inflation at near double-digit levels.

The problem is most acute in our most venerable industries. From 1969 to 1980, hourly wages for auto workers have gone up 60 percent faster than for manufacturing workers generally. For steel workers, wages have risen 90 percent faster. The growth of productivity in these industries has lagged far behind. Current stratospheric wage levels combined with out-of-date manufacturing practices explain why both industries are losing their competitive place in the world.

To make an automobile in Japan requires only about 90 hours of labor, at a total hourly cost of about $11, including fringe benefits and absenteeism. In the United States, about 130 hours are required at a total hourly cost of nearly $20. Japanese companies thus start out with roughly $1,000 of plant labor embodied in each car; for American companies, the comparable figure is about $2,500.

Whose fault is this?

For those of us in management, the unions make a tempting target. But is not management getting the treatment it deserves?

American management too often treats labor relations as a narrow, adversarial ritual focused on near-term wages and working conditions. That the unions react by saying "more today, forget tomorrow" is hardly surprising. Too often, viewed from the other side of the table, management displays a similar attitude. Such managers keep their eyes on quarterly earnings, chase each other up executive-compensation ladders of their own making and grab for "up-front" bonuses and perquisites unrelated to the company's long-term success.

What is to be done?

First, our major industries must learn that their very survival requires common sense and moderation in both wages and executive pay. This message is finally getting through in Britain. Under the twin pressures of prolonged recession and fierce international competition, auto workers at British Leyland recently accepted a wage increase under 5 percent; wage bargains in the 5 to 7 percent range are suddenly commonplace throughout British industry: For the first time in many years, British productivity displays a rising trend.

To teach our own wage negotiators the lessons of survival, we must keep the marketplace free of excessive regulatory intrusions and import protection. Those who doubt that deregulation will diminish wage and salary inflation should examine the airline industry. Deregulating fares and routes has led to an explosion of entrepreneurship, with new airlines showing labor costs as much as 65 percent lower than the older airlines. The older companies are responding with wage freezes, agreements to increase productivity, reduced management overheads and employee stock-ownership plans.

Second, we must find ways to revive the productivity of our firms and, where necessary, drastically rethink our labor and management methods, preconceptions and institutions. The Japanese edge here is considerable.

The Japanese match our output levels with at least 20 percent less manufacturing space. They operate on inventories measured in hours rather than weeks. And their companies have much simpler organizational structures. A recent study, for example, showed 11 levels of organization and 200 worker classifications in a Ford plant as compared with six levels of organization and seven worker classifications in a Toyota plant.

The Japanese worker shows an exceptional commitment to his company's *long-term* future. To discuss the improvement of products or operations, Japanese employees meet two or three times a week, after work and on their own time, and in many companies average six to eight suggestions per month. Their absenteeism rate, at 3 to 4 percent including sick leave and vacations, is far lower than ours. The typical employee takes only five days of vacation, though entitled to 15 to 20 days. When Japanese management insisted that the "health and welfare of their employees" was their *top* business priority, American managers used to smile. When Akio Morita, chairman of Sony, told me he thinks of his employees as members of the "family," I was skeptical. But when surveys show that a Japanese worker would turn first to his company when confronted with a personal tragedy, I now sit up and take notice. Something important is happening.

To the Japanese, productivity means more quality as well as more quantity. The quality of Japanese products is often stunning. One study found that 96 percent of their automobiles leave the production line in fit shape for delivery, versus 75 percent of ours. American rent-a-car companies report that cars made in the United States require two to three times more servicing than comparable Japanese cars.

American companies can match these standards. Sony does it with American workers in its San Diego color-television plant. The secret is not some inscrutable Japanese "work ethic." The Japanese workers excel because management regards them as a long-term capital asset, whose value far transcends the quarterly earnings statement, and gives them a genuine stake in the process of management, through real shop-floor power to organize production, develop new products, control quality and lower costs.

Can American management and labor similarly discover their common interest in high and sustained productivity? Can today's institutionalized—and destructive—combat give way to a new deal? The deal is yet to be structured. Should American companies explore new forms of long-term job security? New forms of productivity pay? What would our unions be willing to give in return? More work-rule flexibility? Fewer, less rigid job classifications? It will take some doing.

Unlike Japanese unions, which are organized around individual companies, the American union movement has traditionally been focused on industries, with little attention paid to the competitive vigor of individual companies within a particular industry. Changing this may require major changes in the politics and bureaucratic structure of the labor movement.

For management, the new emphasis must be on long-term performance. Our system of mandated retirement for executives may be essential, but need we limit our appraisal and our compensation of top executives simply to the period of time they are in office? Does this not shape decisions that favor the short term at the expense of the longer view? I recently heard a provocative suggestion—that bonuses for top managers should be paid in significant part *after* their retirement, to reflect the lasting effects of their achievements. Whatever the idea's practical merits, its premise is irrefutable: Industrial progress will once again be made in the United States only when management recognizes the claims that a company's future rightfully makes on its current operations and finances. In our factories, as in Washington, we must begin putting tomorrow first.

Our economic program is at bottom political, and the politics involved could not be more difficult. Over the last 15 years, the broad middle class that ultimately governs this nation has fragmented into a collection of special interests: the elderly, homeowners, public employees, veterans and the like. We commonly assume that a clash of special interests will ultimately vindicate the general interest, that extreme will balance extreme, with compromise producing a workable harmony. In this case, however, that is not how it works. The special interests of the middle class do not fight each other. They have instead found common ground in using the Federal Government to expand today's consumption at the expense of investment in tomorrow's prosperity. The future, unrepresented, is being sacrificed.

In the global economy, there is a rising sun in the East, a sense of twilight in the West. To give the American economy fresh hope, we must begin shifting resources massively from Government-mediated consumption to productive, long-term investment in business plant, equipment and innovation.

I do not know whether a "Coalition for Investment" can overcome our collective fragmentation and shortsightedness. I do know that economic revival is possible. We possess the necessary resources in unparalleled abundance: science, energy, food, minerals, skills. What we lack—and desperately need—is the resolve to make some political choices. We Americans have been exceptionally good at prevailing in times of crisis. Today, defeat creeps upon us so gradually as to seem inevitable. It is not inevitable.

AHEPA HONORS SENATOR PELL

● Mr. SARBANES. Mr. President, yesterday our colleague, the distinguished Senator from Rhode Island, was honored by the American-Hellenic Educational Progressive Association for his exemplary and distinguished contributions to his country and fellow man. In receiving the 1982 Socratic Award from the Order of AHEPA, Senator CLAIBORNE PELL joined distinguished leaders such as the late Hubert Humphrey, Lyndon Johnson, and Everett Dirksen who have previously received this award.

The Socratic Award which Senator PELL received honors the individual who emulates and expresses the ideals of Socrates in the search for truth, which is the essence of the Socratic ideal. Over a distinguished career that includes 7 years in the Foreign Service and State Department, as well as 22 years in this body, Senator PELL has devoted himself to the principles of democracy with statesmanship, integrity, and steadfast dedication to the high principles on which free nations are founded.

Mr. President, I ask that the text of the award to Senator Pell be made a part of the Record at this point.

The text of the award follows:

The Order of AHEPA 1982 Socratic Award Presented to the Honorable Claiborne Pell

For exemplary and distinguished services and contributions to his country and fellow man.

For steadfast dedication to the high principles on which free nations are founded;

For dynamic defense and support of the dignity and the rights of men;

Over a span of 21 years the Honorable Claiborne Pell has served devotedly in the Congress of the United States. During his distinguished career, he devoted his life's work in the embodiment of the principles of the Socratic Philosophy, which brought forth one great thought, so novel and profound that a whole new age dawned in its light. This great thought exemplified in the Philosophy of Socrates was that man's nature, even in its mortality, is the glory of creation, and that man has a noble purpose: to live at the highest possible pitch of human performance—physically, morally and intellectually.

The Honorable Claiborne Pell has exemplified the Socratic Philosophy in his courageous devotion to the tenets of democracy; in his contributions to world humanity, in his statesmanship, and in his strength of integrity.

It is with grateful appreciation and recognition, therefore, that the fraternity does herewith present to the Honorable Claiborne Pell,

The AHEPA Socratic Award for 1982 represented by this scroll and the award itself, a bronze bust of the ancient philosopher, Socrates.

Done in the city of Washington, D.C. this 8th day of March, 1982.

Gustav Coffinas,
Supreme President, Order of AHEPA.

Mr. President, the principal address at the ceremonies honoring Senator Pell was delivered by the distinguished Member of Congress from New York, the Honorable Benjamin S. Rosenthal, whose topical and incisive observations were enthusiastically received by all in attendance. His Eminence, Archbishop Iakovos, primate of the Greek Orthodox Archdiocese of North and South America, delivered the blessing at the ceremony.

I also wish to commend the Order of AHEPA on the celebration of its 60th anniversary this year. Members of AHEPA take justifiable pride in the order's record of accomplishment. In promoting a better and more comprehensive understanding of the ideals of citizenship and patriotism, in its promotion of education, and in its many examples of benevolence and generosity, members of AHEPA strive for the betterment of our society. We look forward to working with this distinguished organization for many more years of service and accomplishment.●

A REAGAN "SHOKU" FOR JAPAN

Mr. SYMMS. Mr. President, I wish to call my colleagues attention to an important article on the need for the Japanese to increase their defense budget. Right now, the Japanese are spending less than 1 percent of their gross national product (GNP) on defense. Yet their GNP has almost outstripped the Soviet GNP, and the Japanese economy is the second or third largest in the world. The attached article was published in the winter 1982 International Security Review, and it is entitled "A Reagan 'Shoku' for Japan." Its author is Prof. Stephen P. Gibert of Georgetown University. Professor Gibert was a defense and foreign policy advisor to President Reagan during the campaign. This article has created a sensation and a storm of controversy since it was featured on page 1 of the Sankei Shimbun in Tokyo on January 4, 1981. In view of the forthcoming hearings in the Senate Foreign Relations Committee and in the House Foreign Affairs Committee on the Japanese defense budget issue, this article deserves careful attention. I request that this article be printed in the Record.

Professor Gibert's article and President Reagan's policies are having their desired impact in Japan, as the following Foreign Broadcast Information Service translation suggests.

The article follows:

A Reagan "Shoku" for Japan?

(By Stephen P. Gibert)

Japan is a military protectorate of the United States, not an ally. The present security framework, in which the United States is pledged to defend Japan but Japan is not pledged to support America, is obsolete and should be discarded. It was crafted in 1960—a different era when Japan was economically weak, not yet recovered from its devastating defeat in the Second World War and utterly dependent—politically, economically, and militarily—on the United States.

The situation is vastly different today. In all respects except the military, Japan is one of the world's great powers. As long ago as the early 17th century, Japan had around 25 million inhabitants, which was considerably more than the population of France, then the largest country in Europe. Today Japan, with a population of around 120 million, is twice or more the size of each of the four largest West European countries—the Federal Republic of Germany, the United Kingdom, Italy, and France. In per capita income, Western Europe, Japan, and the United States are roughly comparable. And, despite being an importer of almost all essential raw materials and nearly totally dependent on oil imports, Japan's inflation rate has been much lower than that of the United States. Technologically, except in the area of weapons production, Japan is one of the most advanced countries in the world. As regards trade relations, Japan had a trade surplus with the United States of about $12 billion in 1978, $8.6 billion in 1979, $10 billion in 1980, and about $15 billion in 1981. In fact, there is a general consensus that the Japanese economy, although smaller than the American, is the strongest among the developed industrial nations.

Nearly 35 years ago, the United States responded to Soviet pressures against the outside world by enunciating the Truman Doctrine and shoring up, through both economic and military aid, the positions of the threatened countries. This was followed by the creation of NATO, which was less a true military alliance than a legitimization of American force presence in Europe. Across the world, around the peripheries of the communist states, a network of mutual security arrangements provided for the forward deployment of American military forces. As President Kennedy expressed in his inaugural address, the United States was prepared to bear any burden and pay any price to maintain freedom. This was absolutely necessary—it could not be expected that the noncommunist states could defend themselves against the Soviet Union.

And certainly not Japan. As recently as 1960, Japan's gross national product was about eight percent that of the United States. Today, in contrast, Japan's GNP is about half that of the United States, placing Japan well ahead of the great powers of Western Europe—indeed, more than England and France combined, and approximately on par with the Soviet Union. While it can be debated whether Japan is the world's second largest economy or is in third place, behind the USSR, Japan is clearly growing faster and is in all respects, except the military, a much more advanced country.

Thus, while the weakness of a defeated Japan and Germany, a prostrate Western Europe, and a China in the throes of revolution made it inevitable in the first several decades after the Second World War that the burden of balancing Soviet military power would fall nearly exclusively upon the United States, these conditions no longer exist, indeed have not existed for some time. As Professor James Morley put it in a masterpiece of understatement, "The argument that a disproportionate share of the new burden [of opposing the Soviet military buildup] should be borne by the United States . . . has lost persuasiveness."[1]

Lost persuasiveness, certainly. But the stubborn facts remain. In 1980 the United States spent about 5.5 percent of its GNP on defense; Germany, France, and other European NATO countries about 3-4 percent; and Japan less than one percent. Current (fiscal year 1982) estimated defense budget outlays for the United States are about $180 billion[2] and for Japan approximately $12 billion.[3] Per capita defense spending in fiscal year 1981 was about $759 for the United States, $405 for West Germany, and $98 for Japan.[4] Of course arguments about amounts of spending avoid the more important issue—just what should the Japanese do in the defense area? This is a crucial question because no serious analyst—Japanese or American—claims that Japan could possibly defend itself against an increasingly powerful Soviet military presence in East Asia.

THE CURRENT DEFENSE CONTROVERSY

Given this situation, it is not surprising that the Reagan Administration hoped, as did all recent American governments, that the Japanese could be persuaded to carry a larger share of the defense burden made necessary by the unremitting Soviet military buildup. Some small progress toward this end seemed to have been made when Prime Minister Zenko Suzuki visited Presi-

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Footnotes at end of article.

dent Reagan in Washington in May 1981. Regrettably, this optimism now appears not to have been justified. While the joint communique issued following the meeting of the two leaders gave the distinct impression that Japan definitely would expand its present very modest defense effort, almost immediately upon his return to Tokyo the Prime Minister began to deny that this was the case.

It is conceivable that the different interpretations of what had transpired in the summit meeting could be attributed to the differing culturally-based negotiating styles of Japanese and Americans. A more likely explanation is that Prime Minister Suzuki underestimated the negative reaction in Japan to an enhanced military posture. Attacked vociferously by opposition party members and criticized by much of the Japanese press, Suzuki allegedly accused the Foreign Minister, during a Cabinet meeting, of having mishandled the joint communique. Suzuki claimed he had not, in fact, promised President Reagan that Japan would increase its defense efforts. Rather, in their final meeting the Prime Minister had stressed to the President that Japan's military posture is seriously constrained by public opinion in Japan, which opposes a greater defense effort. Furthermore, Suzuki said, he mentioned fiscal restraints imposed by heavy deficit spending that required the limiting of Japan's defense expenditures to its present low figure.

Deciding to accept the blame for the misleading joint communique, Foreign Minister Masayoshi Ito resigned, as did the Foreign Ministry's top career official, Vice Minister Masuo Takashima. The Prime Minister did not say, however, why he had authorized the joint communique if he did not agree with its contents. He also failed to explain why he did not protest the use of the word "alliance" to describe the American-Japanese security relationship, since in Japan "alliance" is a "code word" for United States-Japan defense cooperation, which is opposed by those elements in Japan who do not favor expanding Japan's contributions to mutual security.

One result of the obvious disarray in the ruling Liberal Democratic party—a situation resulting from personal political rivalries and factional strife more than from the issue of the Japanese defense budget itself—was that any progress in getting Japan to make a greater contribution to the defense of East Asia which could have occurred as the result of the Suzuki-Reagan summit was not only halted but indeed reversed. The Prime Minster, in the days following, stressed that he had not promised Japan would make a greater effort. As regards the use of the word "alliance," Suzuki denied this had any particular military connotation; in fact, Japan would not consider any form of collective defense with the United States. Instead, Japan would continue its "comprehensive security policy"—a euphemism in Japan which means a greater emphasis on economic and diplomatic measures as contrasted with greater reliance on military preparedness.[5]

To attribute this incident to a culturally-based misunderstanding would perhaps have been plausible, had this been the first time an apparent American-Japanese agreement ended in dispute and recrimination. A year earlier, however—in the spring of 1980—the Carter Administration seemed to have persuaded Suzuki's predecessor, Prime Minister Masayoshi Ohira, to raise substantially Japan's contribution to defense. But after Ohira's death in June 1980, this "understanding"—if it ever really existed—quickly evaporated. A new debate on Japan's role in world affairs ensued which led to Prime Minister Suzuki's comment in the Diet on February 15 that it was wrong to expect any military role on the part of Japan because the "peace constitution" prohibited it.

On a more concrete level, in 1980 for the first time in several years the rate of Japan's absolute defense spending increase—resulting from a rising GNP—fell below ten percent. Although Ohira had promised Washington that Japan's defense expenditures, while continuing to be held to less than one percent of GNP, would increase by 9.6 percent, this figure subsequently was revised downward to 7.6 percent. Adjusting for inflation, this nominal increase of 7.6 percent is closer to one or two percent in actual purchasing power.

Finally, it should be noted that Japan's Self-Defense Forces are paid more generously than the military services of any other industrial nation. Accordingly, only about one-fourth of the current $12 billion is available for weapons procurement. This is a partial explanation for the fact, as a Japanese panel appointed by former Prime Minister Ohira reported in June 1980, that about half of Japan's defense equipment is two generations old and "virtually useless." The study group, headed by the former president of Japan's National Defense Academy, said the country's defense expenditures "currently fall below the minimum amount necessary for Japan's defense capability to be of significance."[6]

Unfortunately, this report does not represent majority opinion in Japan. Other developments and statements by various Japanese leaders now make it clear that the American view that Japan had finally accepted the need to contribute more to defense was unwarrantedly optimistic. For example, at the thirteenth Japanese-American "working level" consultations on security, held in Honolulu in early June 1981, the Japanese once again refused to commit themselves to a greater defense role. Shortly afterward, Foreign Minister Sunao Sonoda stated in Manila that the Suzuki-Reagan joint communique had no binding power in Japan. Finally, Defense Agency Director-General Joji Omura, on the eve of his visit to Washington to confer with the U.S. Secretary of Defense, confirmed that Japan would reject American calls for increased Japanese defense efforts. This view was also buttressed by Chief Cabinet Secretary Kuchi Miyazawa, who reiterated that there would be no change in the 7.5 percent limit to increases for the 1982 defense budget.[7]

It is now reasonable to suppose that a decade of American attempts to persuade Japan to increase its contribution to mutual security have led to only the most meager results. This is all the more depressing when it is noted that the conservative and pro-American Liberal Democratic party, reversing a recent decline in its fortunes, achieved an overwhelming victory in the 1980 elections. Thus it seems obvious that the United States must pursue a somewhat different course in the future if it desires Japan to become a true partner in the coalition of states opposing the Soviet Union.

THE SECURITY RELATIONSHIP APPRAISED

The Mutual Security Treaty (MST) upon which Japanese-American defense collaboration has been based since 1960 has outlived its usefulness and contributes to the perpetuation of an unequal relationship between the two countries. In 1959 and 1960, when the MST was being debated, concern on the Japanese side was with a different form of security inequality—that of the 1952 security pact which clearly derogated from Japanese sovereignty. Particularly unacceptable to Tokyo was the provision in the 1951 agreement permitting the use of American military forces to quell domestic disturbances in Japan. Other objectionable features included the requirement for prior American approval before Japan could grant base rights to another nation, Washington's right to bring nuclear weapons into Japan without Japanese consent, and the unrestricted prerogative of the United States to send Japan-based American forces to other parts of Asia—including combat zones—without Tokyo's prior agreement. Put differently, the 1952 agreement was not really a mutual security pact; rather, it was a troop-stationing accord which gave U.S. forces essentially unqualified and unrestricted base rights in Japan.

The one-sided security arrangement of 1952 which strongly favored American interests gave way in 1960 to a one-sided security arrangement which strongly favored Japanese views. Paradoxically, while those provisions of the earlier treaty which infringed upon Japanese sovereignty were removed, the legal bases for other kinds of unequal obligations generally thought to be inconsistent with sovereignty were established. Specifically, Article 5 of the 1960 Mutual Security Treaty denies its "mutuality" in that the United States bears an obligation to defend Japan but Japan does not have a similar obligation to defend the United States, even against open aggression against U.S. military forces, provided the attack occurs outside of Japan: "Each party recognizes that an armed attack against either party in the territories under the Administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes."[8]

This nonreciprocated American obligation to Japan stands in sharp contrast to U.S. mutual security treaties with other nations. In the NATO treaty, for example, also by coincidence in an Article 5, the signatories "agree that an armed attack against one or more of them in Europe or North America shall be considered an atack against them all" and consequently will require common action by all the tready participants.[9]

Now, from a practical point of view, it could be argued that the 1960 treaty merely recognized the reality that should war occur involving Japan, it would be because Japan was attacked in the context of a world war between the two superpowers. Should only the United States be attacked, outside of the Western Pacific area, Japan would have no capability to assist in any event.

These contentions are plausible, indeed true. But the same arguments could be advanced with regard to U.S. mutual security arrangements with many other countries—indeed, when the NATO agreement was signed in 1949, even the major European powers could not really help the United States outside of the European theater and many, such as Holland or Norway or Denmark, for example, could not today. Of course this is usually the case also with American alliances with various Third World countries; yet these relationships legally speaking are mutual and reciprocal, unlike that with Japan. Explanation for the nonreciprocal character of the Japanese-

American treaty must be sought elsewhere—in the historic relations of the two powers and internal political factors which have combined to give Japan a peculiar, protectorate-like status with the United States. The situation is not only unique in terms of American policy but is certainly not typical of the relationships normally prevailing among great powers.

At the end of the Second World War the United States was determined to put an end to Japanese militarism. And, unlike in Germany, American occupation officials held unchallenged sway over the entire country. While the USSR and the other victorious allied powers were represented on the Control Commission which supposedly was to advise the Supreme Commander, in fact General MacArthur exercised complete and final authority. In all particulars, American policy could be implemented without the consent of any other nation. Thus it was the American Supreme Commander for the Allied Powers who, in 1946, drafted and put into effect a new constitution for Japan aimed at ending its alleged "martial propensities" forever. This "peace constitution" contains a now justly-famous clause, Article 9, which declares that "The Japanese people forever renounce war as a sovereign right of the nation" and, accordingly, "land, sea and air forces . . . will never be maintained. The right of belligerency of the state will not be recognized." Beyond this particular clause, the entire constitution is cast in a framework of war renunciation. For example, in the Preamble, one finds in the second paragraph this sentence: "We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationships . . . trusting in the justice and faith of the peace-loving peoples of the world."

A little over three years later, during the height of the Korean War, the same General MacArthur who had so firmly insisted on abolishing Japanese militarism now told the Japanese people that there might be times when the ideal of renouncing war had to give way to the duty of acting "in concert with others who cherish freedom to mount force to repel force." This new American attitude was reflected in the 1952 allied Treaty of Peace with Japan. In that document Japan is required to "refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any state. . . ." However, the "Allied Powers . . . recognize that Japan as a sovereign nation possesses the inherent right of individual or collective self-defense . . . and that Japan may voluntarily enter into collective security arrangements."[10]

Thus the American legacy bequeathed to Japan is a dual one. On the one hand, a unique "peace constitution" was created in an idealistic era when the central international political problem was viewed as preventing the rebirth of German and Japanese military power. By 1949-50, however, this concern had given way to containing Soviet expansionism and restoring a balance of power in Eurasia. Naturally, this entailed making allies out of the two former enemy countries since the destruction of Germany and Japan had created a political "vacuum" which was viewed as dangerous, given Soviet military strength, the communization of Eastern Europe, and the successful communist revolution in China. First peace treaties, then the establishment of alliances and mutual security pacts, and finally rearmament of Germany and Japan became the order of the day. This American policy largely succeeded in Germany; in Japan there remains much to be accomplished.

There is no single answer to the unsatisfactory evolution of American-Japanese security relations. One reason is that the initial American policy of "demilitarization" was pursued more wholeheartedly and vigorously in Japan than in Germany. While General MacArthur used his unfettered political control over Japan to implement measures intended to promote democracy and pacifism, Germany was split into rival East-West zones. One result was that the FRG did not have a "peace constitution" forced upon it by the occupying authorities as did Japan.

A second reason for Japanese resistance to rearmament unquestionably results from the fact that Japan is the only country ever to have suffered nuclear bombing. Out of this experience grew Tokyo's adoption of three nuclear principles: Japan would not produce nuclear weapons, would not possess nuclear weapons, and would not permit the stationing of nuclear weapons on its territory. Occasionally, however, problems arise such as that which occurred early in 1981 when former U.S. Ambassador to Japan, Edwin Reischauer, mentioned that U.S. warships visiting Japanese ports routinely have nuclear weapons aboard. Quite a stir was created in Japan, exacerbated by claims by former defense aide Daniel Ellsberg (of Pentagon Papers fame) that the United States, some years ago, had "stationed" nuclear weapons in Japanese territorial waters.

The Reischauer and Ellsberg statements were not helpful, to put it mildly. However, all informed people in Japan—and certainly the Prime Minister—know that certain U.S. warships carry nuclear weapons. It can hardly be expected that these weapons be off-loaded when visiting Japan. Perhaps it is time for Japanese officials to openly acknowledge this and modify the nuclear principles to permit temporary transit rights to U.S. nuclear-armed ships.

A third factor inhibiting a satisfactory Japanese-American security relationship is Japan's constitution, as mentioned earlier, especially Article 9. Influential Japanese continue to insist that this provision prevents a mutual security relationship with the United States. It is even argued that increasing the defense budget would violate the constitution because Japanese Self-Defense Forces would then acquire sufficient capabilities to be transformed from a purely defensive force into one capable of offensive warfare, clearly renounced by the constitution. As the first (1970) Japanese White Paper on Defense concluded, the defensive nature of the Self-Defense Forces imposes both qualitative and quantitative limitations on Japanese armaments, and Japan cannot constitutionally acquire weapons—leaving aside the political implications of doing so—that would pose a threat to its neighbors.

It does not appear, to an outside observer, that this argument has much merit. Several reasons may be advanced to support this opinion. First, there is the obvious point that whether a given level of armament for Japan's Self-Defense Forces poses a threat to other countries clearly turns on the problem of intentions. The concept of "threat" embraces not just military capabilities but what one intends to do with those capabilities. So long as Japan is a democratic state with a peaceful and nonaggressive policy, acquisitions of military capability per se are not threatening to other countries and thus on that basis cannot be considered unconstitutional.

Second, it is merely an excuse to argue that there is a quantitative dimension to the problem of what is or is not constitutional. For example, from a budgetary point of view, it seems nonsensical to claim that one percent of the GNP devoted to defense is constitutional while a higher figure, say two percent, would not be. Prior to 1965, Japan's defense budget always exceeded one percent; in 1955 Japan's defense budget was about 1.8 percent of GNP, which constituted about 13.6 percent of the federal budget. In fact, the defense budget was even higher in the very early years, reaching nearly 2.9 percent in 1952. The one percent ceiling now viewed as a binding limit was simply an arbitrary decision by then Prime Minister Miki in 1976 and has no constitutional significance.[11] In contrast, in 1980 the nine-tenths of one percent of GNP devoted to defense constituted 5.2 percent of the total budget. Obviously, the notion that from a budgetary point of view a figure higher than one percent would be unconstitutional is neither historically accurate nor logically consistent.

Regarding other quantitative distinctions, the Ground Self-Defense Forces had 170,000 men between 1958-60; this figure today is about 180,000. At what point would an increase cease being constitutional and become unconstitutional? At 200,000? Or 250,000? There is no need to belabor this point; it is nonsense.

With regard to qualitative distinctions in weapons systems, a somewhat better, although still weak, case can be made. It is generally agreed, for example, that surface-to-air missiles are defensive while surface-to-surface are offensive. But what about tanks or artillery? It would seem difficult to claim that certain weapons are constitutionally legitimate because of their defensive character while others are not. On balance, one is compelled to raise a more fundamental question: is any military force constitutional under Article 9? If the answer is "yes," then the exact number of people under arms, types of weapons acquired, and the particular percent of GNP devoted to defense do not raise constitutional issues.

As regards the more fundamental question as to whether any military forces are permissible under the "peace constitution," that question has been decided by both practice and court decision. "Practice" has established beyond any doubt the constitutionality of Japan's Self-Defense Forces. As to court decisions, in its only ruling on the subject, the Japanese Supreme Court on December 16, 1959, held that the constitution "does not prohibit Japan from exercising the right of self-defense."[12]

Finally, it should be remarked that the concept of sovereignty includes, as is expressed in Article 51 of the United Nations Charter, the inherent right of individual and collective self-defense on the part of the nation-state. Foreign policy and related acts, as the U.S. Supreme Court analogously held in 1920 in Missouri v. Holland, have as their legal justification the sovereign character of the nation-state and do not depend on affirmative constitutional clauses. Sovereignty itself, not positive law, permits self-defense and the means for accomplishing that objective. It is an integral attribute of statehood in the international community.[13] And even the most dogmatic opponents of Japan's Self-Defense Forces would not argue that Japan is not a fully sovereign member of the international community, equal in all respects to other members of the international state system. Such equality can only be effectuated if Japan enjoys, as do all other states, the inherent right of self-defense.

In sum, there is no constitutional prohibition on Japan's assuming a significantly larger share of the mutual defense burden. It is politically difficult, and those Japanese politicians who advocate a much greater effort on the part of Japan may be running a political risk. But they would not be acting unconstitutionally. By giving credence to those in Japan who argue otherwise, American political leaders are undercutting those Japanese friends of the United States who understand the Soviet threat and want to do something about it.

POLICY IMPLICATIONS

Any policy recommendations must begin by acknowledging that much of the blame for the deplorable state of Japanese defense must be laid at America's door. It is not just that the United States insisted, actually drafted and thrust upon the Japanese government and people the so-called "peace constitution." This curious document clearly demonstrated at that time greater fear of future Japanese militarism than with the potential danger of the Soviet Union. Rather, this fallacious notion persisted for some 30 years, punctuated, to be sure, with occasional lapses into reality, as when Secretary of State Dulles urged a greater Japanese defense effort. It was as if no important American political leader had any notion of what is today a geopolitical truism: by destroying both Germany and Japan the logical bulwarks against Soviet expansionism were removed, thus making American containment of the Soviet Union infinitely more difficult. Whether it was necessary to insist upon the unconditional surrender of both Germany and Japan, thus ensuring the war would be fought until both countries were in ruins, remains today a debatable point. And it is not certain that a different course would have yielded more felicitous results. Nevertheless, within five years of the war's end the necessity for integrating Germany into the containment ring had been fully accepted. In the case of Japan, however, this rather obvious requirement was not recognized for an additional generation—indeed, it can be argued that many do not recognize the essentiality of a militarily stronger Japan even today.

Nothing illustrates American vacillation and downright incompetence more than the United States response—or, rather, failure to respond—to the Japanese repudiation of the Suzuki-Reagan summit communique and the subsequent backtracking in Tokyo on the commitment to increase Japan's share of the defense burden. In the face of really outrageous behavior on the part of Japan's political leaders in the spring of 1981, Washington did not press the Japanese security issue at the Ottawa economic summit. This was unfortunate but possibly understandable given the economic emphasis at the conference. Inexplicable was the public pronouncement by a State Department spokesman in August that the United States was "not dissatisfied" with Japan's policy on the defense question.[14]

Not dissatisfied? Not dissatisfied that next year Japan's defense spending as a percentage of its GNP will fall from nine-tenths of one percent to about eight and six-tenths of one percent? Not dissatisfied with the repudiation of the joint communique? Or with the anti-American and openly hostile sentiments expressed by the Foreign Minister? Not dissatisfied that Japan refuses to acquire the capability that even the Prime Minister agreed is essential to carry out even the limited role assigned to Japan in the Western Pacific? Or with the failure to achieve agreement in the Honolulu security meetings? What, one is compelled to ask, would cause dissatisfaction by the Department of State?

Of course, the gratuitous declaration that the United States was not dissatified made the front pages of the newspapers in Tokyo.[15] Prime Minister Suzuki's supporters breathed a sigh of relief that he had managed to "manage the Americans." Foreign Minister Sunoda's followers felt smugly vindicated and the American Embassy in Japan continued its placid and flaccid business-as-usual routine. Undoubtedly they were pleased that their complacent attitude received approbation from former Secretary of State Cyrus Vance who on August 14 told his New York Times readers that he has stood fast against those "well-meaning but misguided people who wanted us to 'lower the boom on Japan.'" Lowering the boom, he informed us, includes among other things asking the "impossible of the Japanese in the military area." As to why it is impossible, Secretary Vance must have assumed it was self-evident, since he did not advance any reasons for this unhelpful conclusion other than the warning that American pressure on Japan would "only backfire."

It is of course true that so many things have backfired on the United States in recent years—especially those during which Secretary Vance served—that he must be forgiven his rather jittery attitude. It is hard to understand, however, why asking Prime Minister Suzuki to implement a communique which he agreed to with President Reagan should backfire on Washington. It should be observed also that the American failure to hold Japan's leaders accountable on the defense issue backfires on those Japanese who want Japan to improve its national security posture. Japan, after all, is a democracy, and there are a number of informed people—both former and present members of the Defense Agency, professors, analysts in "think tanks," and commentators—who feel very strongly about the Soviet threat and Japan's need to counter it and who disagree with Japan's official policy.[16] These people, to be sure, are a minority but nevertheless a significant element in the defense debate in Japan. Their position is weakened when the United States acquiesces in the Japanese government's retreat from its commitments to the United States.

It is now time to put aside the mutual recriminations of the past, to readily admit that United States policies toward Japan contributed mightily to the present situation where an unarmed Japan confronts the growing strength of the USSR in Northeast Asia and the Western Pacific. It is now essential that Japan make a much greater effort in the security sphere, acquiring the capability to defend not only Japan itself but the Western Pacific, as was agreed to in the spring of 1980, out to a distance of about 1,000 nautical miles to the west of Guam and to the north of Luzon.[17] This is a modest contribution and the absolute minimum currently acceptable role for Japan. The United States should continue to extend nuclear protection to Japan; all other aspects of Japanese defense should be borne by Japan and by Japan alone.

This expanded role for Japan is well within its potential capability. There are a number of reasons for this. First, Japan is very distant from the heart of Soviet power—Soviet forces in the Pacific are at the end of a very long logistical lifeline. Second, it is undeniably the case that the Soviet military buildup in Northeast Asia is and likely will continue to be directed primarily at China, not Japan. That this is so should not be an excuse for Japan to remain unarmed; rather, the Chinese factor enables Japan to proceed with an increase in its military forces confident in the knowledge that it is not a useless exercise against an overwhelmingly stronger opponent. Neither geography nor circumstance dictates Soviet domination of Northest Asia and the Western Pacific.

Third, anything the Japanese undertake they do well. If the Japanese decided to acquire a military capability to defend Japan and the Pacific waters out to about 1,000 nautical miles, it can be taken for granted that the forces created would be competent, well-equipment, efficient and disciplined.

Finally, it is true that currently Japan is running a budgetary deficit. But there is nothing to suggest that Japan cannot, from an economic point of view, more easily improve its defenses than any other great power. To the contrary, Japan's economic growth rate has been higher, productivity greater, technological advance more spectacular, unemployment lower, and inflation rate less than that of any of the other major industrial countries. It is, quite simply, ridiculous to argue that economic conditions prevent a substantial increase in Japan's defense spending.

What, therefore, should the United States do at the present time? On the negative side, the Department of State could stop saying it is "not dissatisfied" with Japan's recent behavior on the security question and the U.S. Embassy in Tokyo should be told in no uncertain terms to express dissatisfaction strongly at every reasonable opportunity. As regards "well-meaning but misguided people" like former Secretary Vance, the First Amendment stands in the way of any concrete action, but at least Administration spokesmen should not allow his views to go unchallenged.

More concretely, there are three possible U.S. sanctions against Japan. The most obvious (and potentially the most devastating) weapon is an American threat to hold U.S. imports of Japanese goods—especially automobiles and electronic equipment—hostage to a greater Japanese defense effort. However, such a sanction would be extremely threatening to Tokyo and indeed most certainly would cause a feared backlash in Japan. Further, it would encourage the use of economic weapons for political purposes—a position the U.S. has steadily held disruptive to appropriate international relations, especially since the politically-motivated OPEC oil embargo of 1973. And, of course, President Reagan rightly believes that free trade is essential to global well-being. This is not to argue the huge Japanese trade surplus with the United States—estimated to be about $15 billion in 1981—is acceptable. It is not; progress must be made in this area, too. Nevertheless, to advocate the restriction of trade for political purposes is contrary to American ideals and traditions and must not be seriously contemplated.

Second, the United States could begin reducing and perhaps removing altogether American military forces currently stationed in mainland Japan and on Okinawa. Of course, the presence of U.S. troops makes more credible an American response to an attack on Japan. But why should Washington want to make the response credible in the absence of Japan's willingness to defend itself? Surely among the "lessons" and pseudo-lessons of the Vietnam war was that the United States cannot defend any ally unwilling to exert maximum efforts to defend itself. As one writer put it,

"Thus, in cruel and ridiculous paradox, the United States fights in Vietnam to defend Asia from communism, but must pay South Koreans, Thais and Filipinos to secure their participation. American policymakers . . . became so involved in achieving their objectives, and so convinced that the objectives had to be achieved, that they sometimes seemed willing literally to "pay any price, bear any burden," no matter how absurd or self-defeating." [18]

Weakness, in short, has benefits for countries allied to the United States. Why should they do more if Washington, no matter what they do, will remain loyal and constantly strive to make its commitments credible by troop presence? Is it possible that the time has come when the United States should make its defense of Japan less rather than more credible? Indeed, it can be argued that the Japanese began to be seriously concerned about their defense only after the fall of Saigon in 1975 and the accompanying withdrawal of some 700,000 U.S. troops from Asia during the Nixon Administration. President Carter unwittingly furthered this process by calling into question American commitments to Asian allies with his abortive plan to remove U.S. troops from South Korea.

On the other hand, American withdrawal of forces from Japan and Okinawa would be a serious act indeed. There is no doubt that it would be a shock for Japan and probably a healthy one at that. But it would violate a basic rule of sensible national security policy: do not ask allies to do more so that you can do less. Rather, ask them to do more so that increased security for all will result. As one commentator some years ago complained about the Nixon doctrine, "We are encouraging and requiring our allies and friends to do more to defend themselves as the price of our doing less—a curious kind of bargain." [19]

Finally, removal of the American military presence from Japan would definitely exacerbate the problem of maintaining U.S. forces in South Korea. It would not be impossible to support American troops in Korea without Japanese facilities, but it would certainly make it harder to do so. Especially should a new war break out on the Korean peninsula, loss of Japanese facilities would immeasurably increase the difficulties which U.S. forces would confront in assisting South Korea. On balance, while this option should not be altogether ruled out, it should be held in abeyance with the hope that it will not be necessary.

A third approach to demonstrating to Tokyo that Washington is deadly serious about Japan's making a greater defense effort concerns the Mutual Security Treaty of 1960. This arrangement permits either party to renounce the treaty with one year's notice. Certainly the United States does not want to invoke the renunciation clause; however, there is no reason why the United States could not call for amending the treaty. Specifically, Washington could argue that the clause (Article 5) which requires the United States to defend Japan but Japan to defend only "in the territories under the Administration of Japan" is no longer acceptable and must be renegotiated. Indeed, even if Japan does increase its contribution to mutual security, it can be argued that the nonreciprocal character of the United States-Japan relationship is no longer tolerable. Washington should be interested in true alliances, not troop stationing accords. Such arrangements are holdovers from the pax Americana era and have no place in today's security environment.

But Japanese officials have not recognized this fact—indeed would be shocked if the U.S. insisted upon treaty renegotiation. It is possible, in fact, that Japan would "go it alone" rather than accept a true alliance with the United States. Possible, but not likely. More probably, a "great debate" would be touched off in Japan on the Japanese defense and the changing situation in East Asia. It is likely, too, that the question of whether Japan's peace constitution permits a truly reciprocal mutual security pact would be hotly contested. On balance, this would be healthy—at some point political leaders in Japan are going to have to confront these issues. With the Reagan Administration in Washington committed to a greater effort on the part of the United States, what better time than now for Japan to follow suit?

Possibly the least severe course of action Washington could pursue—and therefore the least threatening to Japan—would not consist of a single action, such as trade sanctions, or removing troops, or insisting on treaty revision. Rather, the Reagan Administration could simply insist that Japan do more, much more in the defense area. In every forum, on every possible occasion, whenever it could be brought up, responsible American leaders could demand that Japan improve substantially its military forces. This pressure should come directly from the President, both privately and publicly, as well as from other officials such as the Secretaries of State and Defense and the National Security Adviser. A veritable and unceasing barrage of criticism should be directed at the Japanese government, restrained only by the bounds of propriety, common courtesy, and civility. It should be repeatedly made clear that America is dissatisfied, very dissatisfied with Japan's policy.

Would such criticism, unaccompanied by particular sanctions, result in remedial action by Japan? Possibly not; in that case, specific sanctions would need to be considered, even if these entailed some risks. On the other hand, Japanese prime ministers and other political leaders cannot allow themselves to be vulnerable to the charge in Japan that they cannot "manage" the American relationship. Such a situation is too threatening to Japan; if one set of leaders cannot satisfy the Americans, another set will be found. In Japan's present, rather isolated and security-dependent situation, Tokyo's leaders must not be regarded as completely inept in dealing with Washington.[20] It should be America's aim to make all those in Japan who oppose equitable burden-sharing to suffer that charge.

No matter how reasonable the idea is that Japan should shoulder a greater share of the defense burden, this may not happen. No matter what policies Washington adopts, Japan may remain essentially unarmed. American pressures against Japan may, in the end, prove counterproductive. Japan is a democratic state with all the difficulties democracies customarily confront in coping with totalitarian enemies. The Japanese people, through their elected leaders, may choose to remain militarily helpless, even in the face of the growing might of the Soviet Union. Nothing the United States does may alter this situation.

But the United States is also a democracy. It is intolerable to expect the American people, whose defense burden already is much greater than that of the other members of NATO and vastly larger than that of Japan, to make the sacrifices entailed in the current Administration's attempt to rectify the military imbalance without greater exertions on the part of the other rich, industrial counties. Yet in the face of the continuing Soviet military buildup, the Federal Republic of Germany's response has been weak, self-serving, and condescending toward American political leaders. France's behavior in world politics has been what one has come to expect—quixotic, uncooperative, anti-American, and smugly superior.[21] As for Japan, the world "scandalous" is too strong. But not much. At least, however, the Japanese are not anti-American or, if so, they conceal it somewhat better than the Europeans.

President Reagan came into office pledged to tell the truth about the Soviet-American military balance. He courageously repudiated the endlessly repeated phrase that America would remain "second to none" in defense, and he is attempting to convert that untrue assessment into reality by seeking a "margin of safety" for the United States. It is now time for the Reagan Administration to inform the American people of another unpleasant fact of life: the alliance system on which U.S. security policy has been based for many years is in the most serious difficulty. It serves no useful purpose to continue to ignore this elementary fact.

FOOTNOTES

[1] James W. Morley, "Comprehensive Mutual Security Interests of the Major Industrialized Democracies," in U.A. Johnson and G.R. Packard (eds), *The Common Security Interests of Japan, the United States, and NATO* (Cambridge, Mass.: Ballinger Publishing Co., 1981), p 204.

[2] U.S. Department of Defense, *Annual Report, Fiscal Year 1982* (Washington, D.C.: 1981), p C-1.

[3] In yen, the Japanese expenditures for FY 1980 was 2,230.2 billion which represented 0.9 percent of the initially estimated GNP and about 5.2 percent of the General Account budget. See Japanese Defense Agency, *Defense of Japan 1980, Summary* (Tokyo: Public Information Division, October 1980), p 21.

[4] The International Institute for Strategic Studies, *The Military Balance 1981-1982* (London: ISS, 1981), pp 112-113.

[5] *Washington Post* (May 17, 1981).

[6] The study group was led by Masamichi Inoki with Professor Masataka Kosaka of Kyoto University as chief compiler of the report. See the discussion in the *Baltimore Sun* (July 30, 1980).

[7] *Washington Post* (June 17, 1981).

[8] For discussion of both the 1952 and the 1962 agreements, see Fred Greene, *Stresses in U.S.-Japanese Security Relations* (Washington, D.C.: The Brookings Institution, 1975), Chapter 3.

[9] A recent discussion of the "premises" of NATO may be found in Theodore Draper, "The Western Misalliance," *Washington Quarterly* (Winter, 1981), pp 2-4.

[10] Article V of the Treaty of Peace with Japan was signed September 8, 1951, and came into effect on April 28, 1952.

[11] James W. Morley, "Realism in the Military Defense of Japan" in Franklin Weinstein (ed), *U.S. Japan Relations and the Security of East Asia* (Boulder, Colorado: Westview Press, 1978), p 57.

[12] As cited in Hideaki Kase, "A Nation of Conscientious Objectors," Unpublished manuscript (August 1981), p. 23.

[13] This issue arose in the United States over whether or not the United States Congress could pass laws implementing a treaty with Great Britain regulating birds which migrated between Canada and the United States. Britain could enter into and

implement such a treaty; was the United States not the sovereign equal of Britain and other nation-states? Or was American policy limited by the Tenth Amendment which reserved to the states those powers not delegated to the federal government in Article I-8? The Supreme Court held in 1920, in its most famous and important foreign policy decision, *Missouri v. Holland*, that the U.S. Congress could pass laws based upon a treaty and that the Tenth Amendment did not extend to the treaty power. Why? Because the United States not only draws its powers from affirmative constitutional grants, as enumerated in Article I-8, but also from its sovereign nature. This is analagous and pertinent to the present constitutional controversy in Japan.

[14] *Mainichi Daily News* (Tokyo). August 8, 1981: *The Japan Times* (Tokyo). August 8, 1981.

[15] Ibid.

[16] The author interviewed a number of leading figures in the "think tank," university, Diet, and Foreign and Defense Ministries in Tokyo in August 1981. While not wishing to "go on record," a number (although, of course, not all) of these persons both acknowledge the Soviet threat and want to significantly improve Japan's defense.

[17] Shortly before the Suzuki-Reagan summit meeting in the spring of 1981, the Director General of the Japanese Defense Agency, Joji Omura and Foreign Minister Masayoshi Ito reaffirmed Japan's commitment to defend the era north of Luzon and west of Guam. See FBIS, *Daily Report, Asia and Pacific* (March 30, 1981), pp C-1 and C-2.

[18] Robert Keohane, "The Big Influence of Small Allies," *Foreign Policy* (Spring 1971), p 163.

[19] Frank N. Trager, "Alternative Futures for Southeast Asia and United States Policy," *Orbis* (Spring 1971), p 397. This was the basic criticism of the Nixon Doctrine: see Stephen P. Gibert, "Implications of the Nixon Doctrine for Military Aid Policy," *Orbis* (Fall 1972), *passim*.

[20] This point was made to me a number of times in various interviews during my visit to Tokyo in August 1981. Of course, not all persons interviewed agreed with this view.

[21] For a scathing attack on the policies of the European allies, see Draper, "The Western Misalliance."

SUZUKI, ITO LAUD REAGAN DEFENSE SPENDING REMARKS

TOKYO, February 9 (Kyodo).—Japanese Prime Minister Zenko Suzuki Tuesday sided with U.S. President Ronald Reagan in calling on U.S. allies to expand their defense capability to meet a rapid Soviet military buildup. "It is quite natural that the United States should pay keener attention to Japan's defense efforts based on the (bilateral) security treaty," Suzuki told a House of Representatives Budget Committee.

Suzuki was replying to an opposition questioner who expressed concern that the U.S. Government might press Japan to further increase its defense spending.

Suzuki said the United States is trying to expand its defense capability at the expense of social welfare, education and other social programs. "The United States could naturally expect similar defense efforts from the member states of the North Atlantic Treaty Organization (NATO) and other allies," Suzuki said.

Defense Agency chief Soichiro Ito told the same committee session that he highly esteems Reagan's defense spending proposal. Ito thus indicated that he will respond positively to U.S. calls for expanding Japan's air and maritime defense capability and for defending sealanes within 1,000 nautical miles from its shore.●

ADVERTISEMENT BY TEXTRON EARNS TOP NATIONAL HONOR

● **Mr. PELL.** Mr. President, the Freedoms Foundation at Valley Forge has selected Textron, Inc., of Rhode Island to receive its top national award for excellence in the category of advertising.

In previous years, this prestigious award's recipients have included Control Data Corp., Mobil, Bethlehem Steel, Pacific Power & Light, and others.

Textron was selected by the foundation's national awards jury and will receive the award at special ceremonies later this year.

I would like to share with my colleagues the message from Textron that earned the foundation's top honors for advertising:

> The right stuff is right here. There's a new spirit in America. A common cry from across the land to get this nation moving again.
>
> There are those who say that we can't do the job on our own. That we've lost our drive and sense of direction. That we must look abroad for guidance.
>
> At Textron, we don't buy that.
>
> America doesn't have to look outside for the ingredients of greatness. The right stuff is right here. We've got the people. The technology. The capital. And most important, we've got the will. We feel that at Textron. It's part of what makes us come to work every morning.
>
> Americans want a strong America. Textron is helping.
>
> Americans want America to regain its technological leadership. Textron is helping.
>
> Americans want America to keep pioneering in space. Textron is helping.
>
> Americans want America to stand for quality. Textron is helping.
>
> Americans want America to be more productive. Textron is helping.
>
> Textron. A diversified manufacturing company that believes in America's future as much as it believes in its own.
>
> An American company with the right stuff. "Textron."

This message ran as part of a full page advertisement in the Wall Street Journal and the Providence, R.I., Journal.●

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I believe we do not have an order for the Senate to convene tomorrow; is that correct?

The **PRESIDING OFFICER.** The Senator is correct.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW AND UPON THE COMPLETION OF BUSINESS ON TOMORROW RECESS UNTIL 10:30 A.M. THURSDAY

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10:30 a.m. tomorrow and when the Senate completes its business tomorrow it stand in recess until 10:30 a.m. on Thursday.

The **PRESIDING OFFICER** (Mr. STEVENS). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, are there special orders in favor of Senators for in the morning?

The **PRESIDING OFFICER.** There are two: One for the Senator from Tennessee (Mr. BAKER) and the other for the Senator from Alabama (Mr. DENTON) both for 15 minutes.

ORDER FOR THE RECOGNITION OF SENATOR PRYOR ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that the Senator from Arkansas (Mr. PRYOR) be recognized for not to exceed 15 minutes on tomorrow following the other two orders, in that sequence.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I have no further business, but before we recess the Senate, I will yield the floor.

The **PRESIDING OFFICER.** The Senator from Idaho.

LOOKING TO THE YEAR 2000

Mr. McCLURE. Mr. President, perhaps it is a symptom of civilization, but more and more often, we see a faulty perception of the actual manner in which the necessities of life are obtained. We have now become like children, who imagine that food materializes magically in the grocery store, and have no notion of the chain of events that leads from wheat field or dairy to their breakfast cereal bowl.

In this same way, a very vocal portion of our society cannot grasp that the minerals and fuels we need must come from somewhere, and that we must develop and protect these sources. Our world has limited amounts of these resources, and the United States is not the only country that needs scarce minerals and fuels for its very survival. Our relationship with the other nations of the world must take into consideration this inevitable competition. As essential mineral bearing areas of the world fall into the grasp of unfriendly and competing nations, we will be hobbled in the race to survive. We cannot exist as an industrial nation if we do not take pains to see that the sea lanes in the South Atlantic and Indian Oceans are open, and not locked in the Soviet's grasp. Our unfortunate dependence on foreign sources has made isolationism an unworkable relic from the past.

We must recognize the link between our foreign policy, strategic, and critical minerals and our ability to provide for the maintenance and security of this Nation. To cling to a provincial geopolitical view will lead to the inevitable erosion of security, not only for us, but for the free world. John Chamberlain, in a column in the Detroit News, brings to our attention the Shavano Institute, which has, in its first meeting, comprised of some of our country's foremost intellectual and business leaders, pointed out the grave necessity of preserving free access to the raw materials we need. I am pleased to share this column with my colleagues for the insight it provides into the serious matter of strategic and critical minerals, and their availability to this Nation.

Mr. President, I ask unanimous consent that the article to which I refer to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit News, Feb. 3, 1982]

Looking to the Year 2000

(By John Chamberlain)

COLORADO SPRINGS.—In kicking off the creation here of an organization that will be known as the Shavano Institute (named for a nearby Colorado mountain), President George Roche of Hillsdale College in Michigan outlined a proposal for something that has its paradoxical aspect.

On the one hand, he wants an institute that will be concerned with providing leadership for the American of the year 2000. More immediately, he is preoccupied with the here and now. He has plans for a "counterpoint series" program (public-question debates between lively adversaries) that is scheduled for a debut on Ted Turner's "superstation" cable-TV empire, whose satellite transmission takes programs to 17 million televison households, an "outreach" that is scaring old-line broadcasters in CBS and NBC half to death.

The relevance of "here and now" was succinctly underscored by the speakers brought here for Shavano's first seminar. They included two Reagan advisers, Lyn Nofziger and Richard Allen, now departed from the White House; Bob Bleiberg, the editor of Barron's Financial Weekly; Frank Barnett of the National Strategy Information Center; Tom Wolfe, the social critic whose sarcastic phrase, "radical chic," is so discomfiting to liberals; Frank Shakespeare, former head of the United States Information Agency; and Roche.

It was clear from the outset that the assembled 100 guests, mainly drawn from a group of intellectual and business leaders who are already on the scene, were not waiting for the year 2000. The guests could have benefited from a less guarded approach on the part of Nofziger and Allen toward the practical workings of the official Reagan White House entourage, but they were nonetheless heartened that President Reagan can count on loyalty from good men who have been temporarily displaced. The marvel is that Reaganism goes on even without Reaganites, as was demonstrated when the president, despite all his "close" financial advisers, reversed himself at the 11th hour on the subject of raising taxes to balance future budgets.

The really incisive stuff at this opening Shavano meeting came from Bleiberg, who feels that the age of inflation has reached its crest and is now on the downslide; from Tom Wolfe, who laughs contagiously at intellectual fashions; and from Frank Barnett, who thinks a lot of constructive things can be done to counter the Soviets on the world stage while we are waiting for superweapons to close the much advertised "window of vulnerability."

Barnett brought into focus the predicament of a NATO that is so incurably provincial. NATO tunnel-vision concentration on the European scene and the Mediterranean, while the Soviets are busy taking over the world's seven seas, is incomprehensible when one considers that Western Europe draws most of its raw material resources from the Persian Gulf, Africa, and Latin America. "In a sense," said Barnett of NATO, "the pursuit of present policies is like saying you'll defend the fort but not the waterhole." The Rudyard Kipling who wrote "what do they know of England who only England know?" should be around to ask some impertinent questions of the new isolationists who are "little Europeans."

To counter the Soviet drive to win an "undeclared" resource war in the South Atlantic and Indian Oceans, Barnett suggests an alliance of American, British, and Southern Hemisphere navies. A good idea, but it needs a lot of preliminary work to prepare the ground. The Argentinians and the Brazilians would hardly enter such an alliance as long as the Soviets are setting up a base for a South Atlantic fleet in Angola's Luanda. If the Reagan administration would only repeal the Clark amendment that keeps us from helping Jonas Savimbi's anti-Cuban, anti-Soviet UNITA movement to win in an Angola that is now a Russian colony, the Argentinians, the Brazilians, the Chileans, the South Africans, the Australians, and the New Zealanders might believe that we were ready to win the battle for the southern oceans, including the Indian Ocean sea lanes leading to Saudi Arabian oil.

Barnett's point about the "resource war" would make a good subject for a "counterpoint" program on Ted Turner's prime time. The difficulty would be to find a worthy opponent of the Barnett view. Our "liberals" don't want to fight the Soviets on the seven seas for access to raw materials. But for "environmental" reasons they are equally adamant against developing Idaho cobalt, Colorado molybdenum and shale oil, and deep-level gulf-state natural gas, to say nothing of atomic energy plants. The liberal, in effect, is too shortsighted to look at relevant alternatives.

If the Shavano Institute can bring this point home to 17 million Ted Turner TV-viewing families, it will have justified George Roche's fondest desires.

ORDER OF BUSINESS

The PRESIDING OFFICER. Who seeks recognition?

Mr. BAKER. Mr. President, does the Senator from California seek recognition at this point?

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AN INVESTIGATION INTO EXECUTIVE BRANCH ACTIVITIES ATTEMPTS TO COMPROMISE MEMBERS OF THE CONGRESS OF THE UNITED STATES

Mr. CRANSTON. Mr. President, I ask unanimous consent that the resolution that the Senator from Alaska (Mr. STEVENS) and I will introduce be printed in the RECORD at this point so that Senators can be aware of its nature.

I want to indicate that I will seek to have it considered as soon as possible after we are through with the Williams case.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. —

Whereas the investigation and report of the Select Committee on Ethics of the Senate in the matter of HARRISON A. WILLIAMS, Junior, have revealed substantial allegations of improprieties in connection with activities by the executive branch of Government that were allegedly designed to create improper conduct on the part of Members of Congress of the United States, including instances where no reasonable basis existed for suspecting prior improper activity by the target of such activities or predisposition on the part of such target;

Whereas prosecutions arising out of the so-called ABSCAM undercover operation by the Department of Justice have also revealed allegations of such substantial improprieties;

Whereas serious allegations have also been made in recent years about improper use of executive branch investigative and tax resources to develop information relating to Members of Congress and that could be used in attempts to compromise them;

Whereas the Constitution of the United States establishes the Congress of the United States as a branch of Government coequal with the executive branch, and the doctrines of separation of powers and checks and balances that inhere in this constitutional stucture are fundamental to the foundation of the Government of the United States under the Constitution;

Whereas executive branch action in connection with investigation and prosecution of Members of Congress may be carried on in such a way as to compromise or impair the Constitutionally-established independence and integrity of Congress itself;

Whereas, if substantiated, the allegations of improprieties in connection with executive branch action arising out of the Abscam undercover operation and other executive branch activities to develop information which might be used in attempts to compromise Members of Congress may disclose a substantial danger to the maintenance of the separation of powers and checks and balances inherent in the Constitution of the United States;

Whereas unchecked abuse of executive branch investigative and prosecutorial power with respect to another branch of the Government may permit an escalation of such abuses that could lead to despotic action by the executive branch in derogation of the Constitution of the United States; and

Whereas a thorough and independent investigation by the Senate of the United States is necessary to determine the facts with respect to the exercise of such executive branch power, to determine whether a danger to the independence and integrity of another branch of the Government exists or has existed as a result of such exercise, and whether, and if so what, protections should be established against such executive branch abuse of power: Now, therefore, be it

Resolved, That (a)(1) it is the purpose of this resolution to provide for the conduct by the Committee on Rules and Administration an investigation, as part of its responsibility to make a continuing study of the operation of the Congress, of the executive branch of the Government with respect to activities conducted by it in connection with the Abscam undercover operation and with any other operation or activities allegedly designed to create improper conduct or corrupt practices on the part of Members of another branch of the Government or to develop information that might be used in attempts to compromise such Members, with a view to determining whether abuses of Executive power have occurred that threaten the independence and integrity of another branch of the Government under the Constitution of the United States, and, if such abuses are found to have occurred, what new congressional legislation or administrative or other remedies are necessary or appropriate to insure that there is no repetition of such abuses.

(2) The Committee on Rules and Administration shall submit to the Senate not later than July 1, 1983, a report on its findings arising out of such investigation along with any recommendations for new congressional legislation (including legislation relating to corrupt practices) or administrative or other action that it considers necessary or proper in light of such findings, and may also submit to the Senate such interim reports as it considers appropriate.

(b) Until funds are specifically made available by the Senate for the conduct of the investigation provided for in subsection (a), the Committee on Rules and Administration shall be authorized to make such expenditures out of the contingent fund of the Senate, upon vouchers approved by the chairman of such committee, as it considers necessary to the proper conduct of its responsibilities under this resolution.

Mr. BAKER. Mr. President, does any other Senator seek recognition? I see no Senator rising for that purpose.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If there is no further morning business, morning business is closed.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I move now, in accordance with the order just entered, that the Senate stand in recess until the hour of 10:30 a.m. tomorrow.

The motion was agreed to; and at 6:14 p.m. the Senate recessed until Wednesday, March 10, 1982, at 10:30 a.m.

EXTENSIONS OF REMARKS

THE HOUSING ACT OF 1982

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. LUNDINE. Mr. Speaker, I am pleased to join with Mr. St Germain and Mr. Gonzalez, the chairman of the Banking Committee and Housing Subcommittee, in sponsoring H.R. 5731, the Housing and Community Development Act of 1982. I wish to commend Chairman Gonzalez for his leadership in formulating this comprehensive legislation that will significantly reduce the cost of Federal housing programs, continue our long-standing commitment to provide decent housing for the poor, and provide new initiatives to stimulate housing construction.

The problems of the Nation's housing industry have reached crisis proportions. The current housing recession is entering its 38th month, the deepest housing slump since the Great Depression. New housing starts in 1981 dropped below 1 million units, half the level of the previous year and less than 40 percent of the Nation's estimated annual demand for housing. Housing construction has continued to decline this year, with new starts in January nearly 44 percent below last year's disappointing level. Sales of new and existing homes are also running far below last year's levels, reaching their lowest point in more than a decade.

Home mortgage interest rates, which remain above 17 percent, continue to price more than 95 percent of the Nation's population out of the new housing market. The inability of potential home buyers to secure mortgages at more reasonable rates has not only dropped housing demand to a record low, it has caused the first sustained decline in housing prices since World War II.

The decline in housing construction and sales has put hundreds of thousands of Americans out of work. Bankruptcies among general building contractors during 1981 increased more than 50 percent from 1980. The failure rate among smaller subcontractors rose nearly 130 percent. Unemployment in the construction industry is currently 18.7 percent, more than twice the national unemployment rate. The closing or reduced operation of hundreds of real estate firms, lumber dealers, and sawmills has also added thousands of workers to the unemployment rolls.

The problems confronting housing are compounded by the weakening condition of the Nation's savings institutions, which traditionally provide the bulk of home mortgage financing. According to a recent Brookings Institution study, at least 1,000 mutual savings banks and savings and loan institutions will fail during the next 2 years unless extensive Federal assistance is provided. Collective losses among these institutions totaled nearly $5 billion last year, a decline in net worth of over 15 percent. Three out of every four savings institutions operated at a loss last year, with the industry cutting its mortgage activity by more than 50 percent.

The continuing recession in the housing industry not only undermines efforts to revitalize the Nation's economy, it guarantees future housing shortages and high housing costs. Unless conditions change drastically, we will see most of our children robbed of the chance of ever owning their own home. The loss of capacity represented by the closing of hundreds of building firms, savings banks, real estate offices, and lumber dealers will severely limit our ability to meet future demand for housing, even if interest rates drop dramatically. If the current recession were to end tomorrow, it would require more than 2 years to bring the housing industry back to full production.

The Reagan administration's response to what is clearly a depression in the housing industry has been to reduce direct Government involvement in housing and restrict Federal insurance, loan guarantee, and other assistance to private housing construction and finance. The administration's fiscal year 1983 budget eliminates all new Government-sponsored housing construction for low- and moderate-income families, while ending most housing rehabilitation aid. It curtails the mortgage insurance activity of the Federal Housing Administration (FHA) and limits the stimulus to mortgage financing provided by the Government National Mortgage Association (GNMA). The President also opposes any major effort to prevent widespread failure among savings institutions.

These Hoover-like policies are clearly inadequate to deal with the growing housing crisis and will serve only to prolong current depressed conditions. The effects will be particularly severe in the southern tier of New York State and in other rural areas of the country. In most rural communities, private mortgage financing has been unavailable, with over 900 rural communities not even served by a local savings institution. With the exception of housing efforts sponsored by the Farmers Home Administration (FmHA), housing construction in most rural areas has been at a standstill for years. Rural communities continue to be burdened with nearly 60 percent of the Nation's stock of substandard housing and with unemployment that is nearly 10 percent higher than in urban areas.

The administration's budget proposals would reduce loans to finance single-family housing for lower income rural families by nearly two-thirds and cut assistance for multifamily rental housing by nearly 80 percent. The rental assistance required to make any rental housing affordable to most rural residents would be virtually eliminated. These proposals would gut the housing efforts of the Farmers Home Administration and end any hope of providing new housing in most rural communities.

The legislation we have introduced offers a clear alternative to the President's short-sighted and destructive housing proposals. The American people now require a clear national housing policy—one that will stimulate private mortgage finance and home construction and will assure continued housing opportunities for the elderly and the poor. H.R. 5731 offers a comprehensive national program designed to meet these urgent housing needs.

The legislation extends, at fiscal year 1982 budget levels, current Federal programs providing public housing construction and modernization, rental housing for the elderly and handicapped, and special housing for Indians and migrant workers. It continues current levels of support for FmHA's single-family and multifamily housing programs for the rural poor, and provides an additional 30,000 new commitments for rental assistance in existing housing under HUD's section 8 program. Housing rehabilitation assistance would continue to be made available under HUD's section 312 and FmHA's section 504 programs.

In contrast to the administration's policies, H.R. 5731 would continue current levels of assistance for private mortgage activity through the FHA mortgage insurance and GNMA mortgage backed securities programs. Section 235 homeownership insurance would continue to be provided for an additional 15,000 new homes and nearly $2 billion in additional funding would be made available for long-term

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

financing assistance for multifamily rental projects under the GNMA "tamdem" program.

In a significant departure from recent Federal housing policy, H.R. 5731 would end the controversial section 8 multifamily rental construction and rehabilitation program. While this program has been extremely successful in providing needed housing for hundreds of thousands of low-income families since 1974, it has proven to be increasingly expensive as housing costs have risen in recent years. Our proposal would replace this program with a more cost-effective housing production program that would be targeted to areas of demonstrated housing need and would be operated largely by local government agencies.

Under the initiative, Federal assistance would be provided to local agencies in the form of flexible housing grants that would then be extended to developers to help reduce the cost of producing new multifamily rental projects. Assistance could be in the form of capital grants, loans, interest reduction payments, or other reasonable devices developed by local officials. Unlike the section 8 program, the initiative would not subsidize rents or make other long-term payments beyond the initial Federal outlay. This factor, together with a recapture of the Federal subsidy under certain conditions, would significantly reduce the cost of the program.

The program is designed to enable local housing agencies to develop the most efficient and effective means of providing new housing in communities with serious housing needs. It would extend assistance for the construction of as many as 100,000 new rental units for only a fraction of the cost of the current section 8 program.

A second initiative would extend low-cost homeownership assistance to nearly 100,000 low- and moderate-income families. The legislation would activate the section 235(q) program, which Congress approved in 1980 but never implemented. The program is designed to assist first-time homebuyers to purchase new homes by providing subsidies to reduce mortgage interest rates to as low as 9½ percent. Assistance would be provided only during the first 10 years of the mortgage and Federal costs would be recaptured at the time the home was either sold or refinanced. The initiative offers a low-cost means of stimulating single-family housing construction while assisting young families who otherwise would be unable to finance a new home.

A third major initiative in the legislation is an emergency mortgage relief program that would extend temporary assistance to nearly 76,000 homeowners whose non-FHA insured mortgages are threatened with foreclosure. The proposed program would operate similar to current mortgage assistance programs for FHA-insured property. Homeowners would be eligible for mortgage assistance if they are more than 90 days delinquent in their mortgage payments and have suffered a significant loss of income due to unemployment or other conditions beyond their control. Assistance would be provided for up to 12 months and would amount to the difference between the required mortgage payment and the amount the owner is capable of paying. All assistance would be repaid with interest and would be secured by a lien on the assisted property.

At a time when unemployment is approaching 10 percent, when mortgage foreclosures and bankruptcies are reaching their highest level in several decades, it is imperative for Congress to intervene to prevent thousands of families from losing their homes. This initiative would provide mortgage assistance to thousands of temporarily distressed households with minimal long-term cost to the Federal Treasury.

In conjunction with these housing production and relief measures, the legislation will also provide a major initiative to prevent widespread failure among savings institutions. The proposal authorizes Federal regulatory agencies to provide capital and earnings assistance to thrift institutions which are operating at a loss—due principally to large holding of low-yielding mortgages—and which have a net worth of less than 2 percent of assets. Assistance provided to institutions under the program would have to be repaid to the Federal Treasury and would carry the requirement that at least 50 percent of subsequent net deposits be invested in new home mortgages or in mortgage-backed securities.

Mr. Speaker, the legislation we have introduced provides a comprehensive national plan for dealing with the current housing crisis. It is a positive program, not one that passively relies on the uncertain whims of the private market or the unlikely prospect of immediate economic recovery. It offers new housing units for the elderly and the poor, provides incentives to stimulate private home construction and finance, and offers new assistance to prevent hundreds of savings institutions from failure and tens of thousands of families from losing their homes.

H.R. 5731 will achieve these objectives at a cost to taxpayers that is well within the fiscal limits of the fiscal year 1982 budget. However, it provides for more than twice the number of assisted housing units than the current budget. It would target this expanded assistance to persons and communities most in need and provide local officials with increased flexibility in designing housing assistance best suited to local needs and conditions.

I believe H.R. 5731 provides the kind of initiatives that can halt further decline in the housing market and stimulate recovery in the housing industry. I strongly endorse this legislation and urge its prompt and favorable consideration by the Congress.●

PRESIDENT DUARTE'S VIEWS ON ELECTIONS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. LAGOMARSINO. Mr. Speaker, on March 2, the House of Representatives debated and passed House Concurrent Resolution 226, expressing the sense of the Congress that the President should push for unconditional discussions among the major political factions in El Salvador.

President Duarte gave his views on the upcoming elections in El Salvador and negotiations with guerrillas during a press conference at the end of February. I urge my colleagues to read President Duarte's remarks and to keep in mind the distinction between holding discussions with various parties and participating in negotiations.

SAN SALVADOR, 27 Feb (ACAN-EFE).—The Salvadoran Government will not negotiate with submachineguns on the table, but will, after the elections, seek a path to permit all sectors to participate in the democratic process, according to Jose Napoleon Duarte, president of the Salvadoran Government junta.

Speaking at a press conference today, Duarte said that there is no chance of negotiating on power with the guerrillas, because the path of elections is the only one that will establish foundations of harmony and concord among all Salvadorans. "I do not own power and we are placing all of the authority we have exercised on the table, so that the people can decide what is best for them," Duarte stated.

He added that after the upcoming 28 March elections, the government is ready to search for mechanisms "so that the extreme left and extreme right can coordinate efforts to join the democratic process and search for peace."

AFGHANISTAN'S FORGOTTEN WAR

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. PETRI. Mr. Speaker, March 21 is Afghanistan Day in Europe and the United States; a time for people to remember the hundreds of thousands of deaths and injuries wrought by the

Soviet invasion of that country 2 years ago and the continuing brave resistance of the Afghan freedom fighters. I wish the U.S. media would give the war in Afghanistan even one-tenth of the attention they pay to El Salvador.

A fine article on this subject by Bruce Chapman ran recently in National Review and I commend it to your attention:

[From the National Review, Feb. 5, 1982]

AFGHANISTAN'S FORGOTTEN WAR

(By Bruce Chapman)

Phil Fagan, onetime director of a youth center in Kabul, and Ogden Williams, my wife's rumpled but dignified uncle, stand on a street corner in Georgetown on a Saturday afternoon and try to interest their countrymen in another people's freedom. On behalf of the Afghanistan Relief Committee, they are peddling bumper stickers, leaflets, and decorative prayer rugs. But the most eye-catching of all their offerings are the photographs of the casualties from a war that is now two years old, the Afghan-Soviet war.

"The only people on earth today who are directly taking on the Soviets in a fight are the Afghans," Williams reminds me. "They seem far removed from our line of defense, but if a people with their motivation can't succeed, who can? They're tougher than we are. They have a traditional hatred of foreign invaders. They're totally prepared to accept death, to sacrifice themselves for freedom. They won't tire out, either, and they won't be bought off."

HOLDING THEIR OWN

True, there is some disunity among the rebel tribes and factions, which has hampered the resistance ever since the Soviet invasion of December 1979, but despite such failings, and despite the ravaging of the Afghan population by 95,000 Soviet troops, the "Mujahedin" (freedom-fighters) are more than holding their own. The main reason, as Williams and Fagan say, is spirit.

Representatives Don Ritter (R., Pa.) and Joel Pritchard (R., Wash.) toured the border camps near Peshawar, Pakistan where an estimated two million refugees are located (there are said to be another 500,000 in Iran), and they corroborate the reports of the Afghanistan Relief Committee. The camps (40 percent financed by the U.S.) are hardly pleasant, the congressmen observed. Yet, when Pritchard and Ritter asked various leaders how they felt about, say, the food, the answer was always the same—"It's fine." The housing? "Fine." Sanitation? "Fine." Any complaints at all? "Yes. We need guns!"

Guns they now are getting, according to rumors in Central Asia and in Washington. Egypt is one distributor, if not the only source.

But back in America the nonprofit Afghanistan Relief Committee does not furnish guns; nor, made up as it is of private citizens, should it. Rather it is putting its meager resources into hospital care for the wounded Mujahedin and their families in the Pakistan camps. This humanitarian work avoids government waste and red tape, and it aids the war effort by putting dedicated but battered warriors back into fighting condition. It also assures the freedom-fighters that even after they cross back over the border, their families will continue to get medical attention.

The Afghanistan Relief Committee also aids the able team of the International Rescue Committee which is working in the camps, and it has provided medicine to a remarkable European group, Médecins sans Frontières, which operates "somewhere in Afghanistan"—in fact, in several areas. MSF may have the longest-established permanent floating clinics in the world; its caravans of medics are unencumbered by visas or any government's by-your-leave.

MSF is nonpolitical and, theoretically, would treat even Soviet soldiers, if any such showed up wounded. But the clinics' practice is in fact with the Afghans, who now control over 80 percent of the countryside and are overwhelmingly anti-Soviet. Usually, when Soviet forces, or troops of Babrak Karmal's puppet Afghan regime, move into an area, Médecins sans Frontières, quietly moves out.

Another priority in the Afghanistan Relief Committee's budget is to help equip a prosthetics unit at Khyber Hospital in Peshawar. Maxillo-facial reconstructive surgery and artificial limbs are particularly critical needs among the refugees. One sickening reason is that Soviet aircraft and helicopter gunships sow the mountain passes out of Afghanistan with small plastic mines, often disguised as children's toys. These devices are designed to activate upon secondary contact and to blow off the hands, feet, or face of the first person who touches them. Some seven hundred cases of injuries from the toy-bombs, and from other mines, were treated at one hospital in Peshawar in 1980.

AWAY FROM THE CARNAGE

Far from such carnage, the Afghanistan Relief Committee chapter in Washington, D.C. operates with a quietly effective spirit of its own. Williams, Sadie Goodman (like Williams, a former employee of the Agency for International Development), and Fagan work full time without salary. The office in Northwest Washington's McLean Gardens is donated. The honorary chairmen are James Michener (author of Caravans, as well as of better-known books), and former Treasury Secretary William E. Simon. (Until his death last fall, venerable radio commentator Lowell Thomas also served as an honorary chairman.) Small luncheons are given, and donations are collected at street-corner stalls, while an Afghan Fair, held one splendid weekend in late September, attracted several thousand supporters of a free Afghanistan. But the media declined to publicize the Afghan Fair, just as coverage of the war itself has declined recently. Even many avowedly sympathetic citizens seem to think that the government must now be getting aid to the Afghans and that expressions of popular concern and support are not necessary or important, which is totally untrue.

It makes one wonder if Americans can imagine Afghanistan. The atrocities committed by the Soviets and the brave and largely successful dedication of the resistance fighters aren't shown on our television screens. Does the war therefore not exist for us?

The Afghanistan Relief Committee volunteers—working at 3839 Rodman Street, N.W., Washington, D.C. 20016—know the war is real enough and that private citizens can provide direct help to the cause of freedom. They are looking for others who share that conviction.●

THE CLEAN AIR ACT

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. D'AMOURS. Mr. Speaker, few issues the Congress will consider in this year are as important as reauthorization of the Clean Air Act and the development of a strategy to deal with the problem of acid rain. Action has begun on this issue in the House Energy and Commerce Committee, and we may expect to consider this issue on the floor as early as May or June.

Despite countless pages of testimony, despite the cries of many Americans, from world-renowned scientists to private citizens, despite the ever-increasing body of knowledge that documents the causes and effects of acid rain, the administration is supporting a bill that ignores the problem. The administration backed bill, H.R. 5252, does not even call for accelerated research into the problem that is killing our fish and ruining our lakes, rivers and streams.

This problem has international repercussions. Numerous officials of the Canadian Government have appeared before congressional committees to document the extent of the problem they share with us. In fact, a Canadian Parliament subcommittee contends that acid rain, the majority of which is caused by emissions from the United States is "the greatest environmental threat faced by Canada in (that) nation's history."

Still, the administration and a disturbing number of Members of this body ignore this kind of information, and the threat it poses to our environment, to our relationship with our Canadian friends, and to the citizens in the areas affected. This problem is an immediate one. We cannot wait until the 10-year study only recently begun is completed.

Several Members of Congress, myself included, have introduced bills that propose strategies for reducing the sulfur dioxide and nitrogen oxide emissions that are the acknowledged precursors of acid rain. My bill, H.R. 4816, mandates reductions in a 31 State region based on the size and level of each emitter, and outlines a number of strategies that can be used to reach this goal.

Mr. Speaker, I urge that we reject the administration's view, and its bill, and adopt a comprehensive strategy to deal with the problem.●

CONTRADICTORY AND CONFUSING SIGNALS TO ISRAEL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. PORTER. Mr. Speaker, Secretary Weinberger returned from meeting with King Hussein of Jordan with a very bad idea on his mind: Selling F-16 fighter bombers and Hawk antiaircraft missiles to Jordan. The Israelis immediately protested, even going so far as to pass a resolution in the Knesset. The President's "Dear Menachem" letter to Prime Minister Begin gave reassurances to maintain Israel's qualitative military edge over its Arab enemies, but did not disavow an intention to sell the planes and missiles to Jordan.

Perhaps we in the United States should attempt to stand in the Israelis' shoes for a moment to understand their feelings. When the Yom Kippur War broke out in 1973, King Hussein sent his troops to Syria to fight against the Israelis. He avoided a direct confrontation because, as he himself explained, he lacked the air defense system to protect against Israeli retaliation.

Now, 4 years after Camp David and 3 years after the signing of the Egyptian-Israeli peace treaty, Jordan remains at war with Israel. It has mechanized all of its armor and infantry forces, upgraded its equipment, and remains an integral part of the Arab front. Since the Camp David signing we have attempted to entice Hussein into the peace camp with hundreds of millions of dollars' worth of arms sales. But Hussein, instead of taking any steps toward peace, openly seeks to buy Soviet arms and establish joint military communications.

Mr. Speaker, standing in Israel and looking across her borders we would see: Syria, with its Migs and late model Sukhoi bombers, and 30,000 troops and Soviet SAM missiles in Lebanon; Saudi Arabia, with its F-5's and (soon) its AWACS and F-15's enhanced for offensive strikes; the PLO, in place in Lebanon arming, from Libya and Soviet sources, more heavily every day that the cease-fire continues; and Jordan, with its growing air force which already has over 100 F-5 jets and now seeking the air-defense system it lacked in 1973.

Can there be any result other than increased tension in Israel when the last few months have brought the AWACS sale, the PLO buildup along Israel's northern border, Syrian missiles in Lebanon, the imminent Israeli withdrawal from the secure buffer of the Sinai, and the appearance of a redirection of American foreign policy in the Mideast away from our close strong ties to Israel?

Mr. Speaker, Israel is a democracy that shares our commitment to freedom and to the rights of the individual guaranteed under the rule of law. She is a strategic ally and one of the few on this Earth who will stand with us in time of need. Let us stand for a moment in her shoes and attempt to understand her feelings concerning the contradictory and confusing signals some are sending her way. Now is the time to end such signals and to reinforce our historic commitment to her future. We must reaffirm President Reagan's pledge that we will help maintain Israel's qualitative edge over its enemies so that her survival and peace in the Middle East will be assured.●

TIERRASANTA—LAND OF SAINTS

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. LOWERY of California. Mr. Speaker, it is a privilege for me to call the attention of my colleagues in the House of Representatives to a San Diego community, Tierrasanta, and pay a tribute to its citizens on the occasion of the 10th anniversary of its founding.

Tierrasanta provides sparkling proof that the promise of a self-contained, master-planned community can be fulfilled. Tierrasanta, I am told, translates from the Spanish as "Land of Saints," or "Sainted Land." I do not presume to vouch for the number of "saints" among the residents, but I can truthfully say that it is a blessed place of life for 12,500 people, a beautiful home development where once the soft Southern California breezes caressed only the sage and sand of a rolling terrain.

There now are four public schools, numerous churches, clubs, youth organizations, and an excellent newspaper, the Tierrasanta Times, which is devoted primarily to the news and welfare of the community.

Of the original 2,600 acres, approximately 1,000 have been preserved as open space with parks, greenbelts, and jogging trails available to the residents.

I wish to commend the developers, Christiana Community Builders, and the citizens for their obvious commitment to the quality of life, the positive growth into a model community, and the presentation and nurturing of those activities that affirm the foundation of successful community living.●

PROPOSED INCREASE IN STATUTORY RATE ON FEDERAL OIL AND GAS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. MARKEY. Mr. Speaker, I am introducing legislation today to increase the statutory royalty rate on oil and gas produced on Federal lands from 12½ percent to 16⅔ percent. This represents a 30-percent increase in our current royalty rate and will result in a $35 million increase in royalty receipts in 1983 and a $300 to $400 million increase in royalty receipts when it reaches its full effect.

The existing 12½-percent royalty is no longer considered the industry standard. A royalty rate of 16⅔ percent more accurately reflects current industry practices. At the same time we all recognize that there are instances of marginal production such as wells employing tertiary production techniques, wells producing heavy crudes, or wells that just barely produce enough to be profitable. My legislation provides for such occurences by granting the Secretary of Interior authority to promulgate regulations reducing the royalty rate for marginal production to 12½ percent. Simultaneously, it requires the Secretary to promulate regulations increasing the royalty rate to 20 percent and higher where economic and engineering factors indicate the potential for more profitable production activity exist. This flexible approach is clearly warranted since the Secretary has, by administrative fiat, recently ruled out alternative bidding forms.

Recently the Commission on Fiscal Accountability of the Nation's Energy Resources recommended an increase in the statutory royalty rate from 12½ to 16⅔ percent. The Commission stated it could see no reason for the 12½-percent rate and recommended a "standard minimum royalty rate of 16⅔ percent for new or renegotiated onshore leases." I commend the Commission for its forthrightness in dealing with this issue.

The legislation I am introducing also requires a thorough study of royalty rates on Federal lands by the Secretary of the Interior. It mandates that this study be transmitted to the Congress within 9 months.

In times of budget austerity, as we ask all Americans to tighten their belts in an effort to reduce our burgeoning deficit, this increase in royalty rates is not only equitable but necessary. I invite my colleagues to join with me by cosponsoring this legislation.

H.R. 5770

A bill to modify the royalty rates applicable to onshore and offshore oil and gas leases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Except where an alternative minimum rate is in effect as provided in subsection (b), notwithstanding any other provision of law relating to royalty rates, in the case of any oil or gas lease issued by the United States to any person under the Outer Continental Shelf Lands Leasing Act, under the Mineral Lands Leasing Act of 1920, under the Mineral Leasing Act for Acquired Lands, or under any other authority of law, the royalty rates applicable shall be not less than 16⅔ percent of the amount or value of the production saved, removed, or sold.

(b) Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior shall promulgate regulations under which alternative minimum royalty rates may apply to oil and gas leases issued by the United States. The promulgation of such rules and regulations shall be governed by the provisions of chapter 5 of title 5 without regard to section 553(a)(2). Such regulations shall provide simultaneously for the following two categories of minimum rates:

(1) a royalty rate of not less than 12½ percent of the amount or value of the production saved, removed or sold applicable to marginal production; and

(2) a royalty rate of not less than 20 percent of the amount or value of the production saved, removed, or sold applicable where economic conditions warrant.

Such regulations shall provide for the establishment of such rates by the Secretary on the basis of the quality of the oil or gas produced, pressure tests, flow rates, existing and projected market conditions and other appropriate factors.

(c) The provisions of this section shall apply to each oil or gas lease issued by the United States after the date of the enactment of this Act and, to the extent not prohibited by law, to each such lease issued on or before the date of the enactment of this Act which is reissued, readjusted, or renewed after such date of enactment.

SEC. 2. Not later than 9 months after the date of the enactment of this Act, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives a report respecting all onshore and offshore oil and gas leases issued by the United States which are currently in effect and the royalty rates which apply to those leases. The report shall set forth in detail—

(1) the current profit margins for each such lease;

(2) in the case of onshore leases, a comparison between the profit margin of comparable leases on private property which are adjacent to the Federal lease concerned; and

(3) all information currently available to the Secretary relating to the flow rates, pressure test results, the type and quality of oil or gas produced, and other pertinent factors for each such lease.●

NATIONAL FOREIGN LANGUAGE WEEK

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. SCHEUER. Mr. Speaker, this week, March 7-13, has been declared by President Reagan to be National Foreign Language Week in recognition of the national interest in promoting greater proficiency in foreign languages. Bearing this in mind, I think it is most appropriate at this time to address our Nation's alarming deficiency in foreign language skills.

In a world full of nations and cultures that is becoming increasingly interdependent, the value of competency in foreign languages is not only obvious but highly desirable. Reflecting for just a moment upon the many and varied fields of endeavor requiring foreign language proficiency, it is clear that our need for persons competent in foreign languages is very great.

Foreign competition in commerce and technology, as well as the ever-pressing need of the U.S. diplomatic corps and intelligence-gathering organizations, demands that knowledge of foreign languages be expected of more and more Americans. Yet the relatively small number of Americans competent in one or more foreign languages is woefully inadequate to meet our needs. In Europe, there is a popular saying to the effect that "One who speaks three languages is tri-lingual, one who speaks two languages is bi-lingual, and one who speaks one language is American." While some may find this to be merely an amusing observation, there is a heightened awareness that our Nation's declining ability to communicate in foreign language, if unchecked, will lead to disastrous consequences. Already, the inability to communicate with other nations in their native tongues is taking its toll on the effectiveness of our intelligence operations, the success of our exporting industries, and the competence of our foreign policy.

Legislation to counteract deficiency in foreign languages was introduced by Congressman PAUL SIMON as H.R. 3231. The Subcommittee on Postsecondary Education conducted hearings focusing on this legislation last summer. A long list of distinguished witnesses representing a wide range of Federal agencies and academic institutions testified to our inability to further our national interest as the direct consequence of deficiency in foreign languages. Indeed, Adm. Bobby Inman, Deputy Director of the CIA and past Director of the National Security Administration, declared that—

> The foreign language capability of our country is poor and getting worse. * * * Decisive action should be taken on the Federal level to ensure improvement in foreign language training in the United States.

The Simon bill, H.R. 3231, is an effective remedy to this pressing problem. This legislation would provide grants to improve foreign language programs in the schools and to promote the study of foreign language in the United States.

As a cosponsor of H.R. 3231, I urge my colleagues to give this legislation the thoughtful consideration it merits when it reaches the floor in the near future.●

SALVADORAN PEOPLE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. LAGOMARSINO. Mr. Speaker, a recent article from the Los Angeles Times by William C. Doherty, executive director of the American Institute for Free Labor of the AFL-CIO, points out an aspect of the El Salvadoran crisis which has received little attention: Salvadoran People.

The Salvadorans want to end the violence and hope to find the solution to their plight in the upcoming elections of March 28, 1982. The people want to have a say in their future, therefore, they want to vote.

I urge my colleagues to give this article their full attention. The text is as follows:

[From the Los Angeles Times, Feb. 9, 1982]

IN EL SALVADOR, A MIDDLE IS TRYING

(By William C. Doherty, Jr.)

A great deal has been written about the brutalities occurring in El Salvador and the competing political and ideological extremes that seek power for their own purposes. These aspects of the problems must be discussed and seriously considered, but there is still another force at work in El Salvador that is powerful enough to change the course of events in that country. I am speaking of a "democratic center" that is little reported on, and whose existence is even denied by some observers.

On March 28, this group, representing the great majority of the Salvadoran people, will prove that it has not become, as some would have us believe, completely polarized between the extreme right-wing oligarchy and the extreme left.

That fact is that the majority of the people of El Salvador try their best to make a living on the job; or by running a small business; or by planting, caring for and harvesting their crops. Making a living, for the Salvadoran worker and peasant farmer, has always been difficult and has been made doubly so in the last two years because of the concerted efforts of the guerrilla forces to sabotage the economy.

Salvadorans have been affected, but not dominated, by the bloody events that rage around them. In general, they blame the extremist politics and politicians of their country for the current situation. The overwhelming majority does not join with the extremists in their campaigns for power.

More important, most Salvadoran citizens reject totally the return of the oligarchy and the possibility of a reversal of the reforms that were initiated on Oct. 15, 1979. Likewise, they have repeatedly rejected the call of the extreme left to support its position through general strikes and armed insurrection.

Salvadorans want an end to violence, a restoration of economic growth and, for the first time in the country's history, a chance to choose the people who will represent them in the constituent assembly that will be elected next month. This is what the Salvadorans want, but it in itself raises some questions: Will violence from the forces on the left allow Salvadorans to cast their votes in a free election—an election that the left has already seen fit to boycott and therefore has a vested interest in destroying or interrupting? Will right-wing money and violence be used as in the past to buy votes and intimidate voters?

We owe it to Salvadorans to support their efforts to express their will at the polls.

Salvadorans are, if allowed to, inching their way toward representative government. Today, many organizations are endorsing not just the principle of elections but also specifically the elections called for March 28. Unidad Popular Democratica—a coalition of moderate democratic institutions including the powerful Federation of Construction and Transport Workers, the Salvadoran Christian Workers Union and many other smaller unions and civic groups—have publicly urged citizens to vote for the party and candidates of their choice. The 110,000-member Union Communal Salvadorena has done the same, and in order to be in a position to endorse candidates has held meetings with all political parties to judge their willingness to carry out the reforms—particularly the land reform in which they have played a predominant role.

The Roman Catholic Church has said "We see in the approaching elections . . . a possible beginning of a solution to the present crisis of the country," and, "By means of these elections we will move from a de facto government to a legal government."

This is a key point. The legitimizing of the government through elections is a real political solution for El Salvador. Negotiations, as proposed by the left instead of elections now, would result only in the continuation of a de facto government untested at the ballot box.

The army has been removed as an element in the electoral process by not allowing its soldiers to vote. In view of Salvadoran history, this is a positive sign of the intent to have free and honest elections. Too often in the past, soldiers have been ordered to vote, or have intimidated others to vote, for candidates of their officers' choice.

The Organization of American States has endorsed the electoral procedure, and about 60 countries and organizations such as Amnesty International and the Socialist International have been asked to send observers, not only for election day but also to observe events leading up to the elections.

To the suggestion that elections cannot be held in a climate of violence, Salvadorans recall that elections were held in similar circumstances in Venezuela not many years ago, and that a democratic government evolved from those elections.

But what is important is that ordinary Salvadorans—the overwhelming majority that many critics deny exists—are gearing up to vote. If the March 28 election does nothing else, it will signify their preference for a system of government in which, eventually, power is derived from the consent of the governed.●

THE TRAINING FOR JOBS ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. PETRI. Mr. Speaker, on February 12, Congressman ASPIN and I introduced H.R. 5533, the Training For Jobs Act, which is a comprehensive program designed to prepare untrained young people and the structurally unemployed to obtain productive jobs. It improves on previous Federal employment and training efforts in a number of ways.

In the first place, the Training For Jobs Act strengthens the role of the private sector in planning and administering training efforts at the local level. Since the object is to place people largely in private employment, it makes sense to give a strong role to private businessmen for designing the programs. This is done through upgrading the functions of the Private Industry Councils (or PIC's). Private businessmen will comprise a majority of each PIC, but the PIC's will also draw members from local governments, labor unions, education agencies, community-based organizations, and the employment service.

While this bill retains certain national programs such as the Job Corps and programs for Indians and migrant farmworkers, most of the funds will go to local service delivery areas, and a great deal of flexibility is provided in the use of these funds for training efforts. Since the whole emphasis of the bill is on job training rather than income maintenance, the funds may not be used to pay stipends for extended periods.

Along with increased local flexibility, there is a simpler Federal oversight. Most of the control over these programs will be passed to the State governments, which will be able to change service delivery areas, approve plans, oversee performance, and conduct financial audits.

This entire legislation is performance oriented. Local service delivery areas must meet specific performance criteria such as increased earnings and reduced welfare payments for adults and job placement and retention for youth. Service delivery areas that fail to meet their criteria are given technical assistance, and those that fail to meet their criteria for 2 years will be reorganized.

Since the bill emphasizes job training, it contains provisions encouraging the coordination of all employment and training related programs at the local level, including vocational education, vocational rehabilitation, and the employment service. If the States desire it, the PIC's may be used as the central planning body for all these efforts.

One final feature of the bill that I would like to highlight is its provision for the establishment of a national labor market information system. Eventually we ought to have a computerized system for finding particular types of jobs anywhere in the country, and this bill provides for beginning such a system.

H.R. 5533 is identical to S. 2036, introduced in the other body by Messrs. QUAYLE and KENNEDY. The following material is a brief summary of the legislation. Additional material on the Training For Jobs Act may be found in the CONGRESSIONAL RECORD of February 2, pages 598 to 615, including a detailed summary beginning on page 613 and the bill itself beginning on page 602.

TRAINING FOR JOBS ACT

BRIEF SUMMARY

The Training for Jobs Act is a training program for the economically disadvantaged and will replace the Comprehensive Employment and Training Act which expires in September 1982. The Act is designed to encourage business, state and local governments to work together to train and place these workers in permanent private sector jobs.

The Training for Jobs Act provides formula grants to the States with suballocations to "service delivery areas." Training programs in these areas will be designed by a private industry council in coordination with local elected officials. The Councils, appointed by the chief local elected officials, will have a majortiy of business members and include representatives from local government, organized labor, education, community based groups, economic development agencies and the Employment Service. Funds are available for training the economically disadvantaged and others with significant barriers to employment. Programs will be evaluated under performance standards that measure earnings gains and welfare payment reductions. At least 50% of the funds are reserved for programs for youth under 22.

The bill includes a separate retraining program for dislocated workers who have no reasonable prospect of returning to their employment. The bill retains the current Job Corps program.

In addition, the bill promotes coordination between the training program and the Employment Service program by giving the private industry council planning authority over the local employment service operations.

AUTHORIZATION

The bill provides for authorization of appropriations for an indefinite period with $3.8 billion authorized for the basic program in fiscal year 1983 and such sums thereafter. An additional $100,000,000 is authorized for the program for dislocated workers. The appropriation for the basic program is divided as follows: 22% for programs administered by the Secretary of Labor including the Job Corps, Indian Programs, Migrant Programs, and Program Administration; 7% for Governors for Statewide Programs and 71% for States and Suballocation to Service delivery areas.

THE DELIVERY SYSTEM

A private industry council (PIC) will plan the training program within each service delivery area. The plan will be submitted to the Governors by the PIC and local elected officials. The PIC will have a majority of private industry representatives and the remainder will be from general local government, educational agencies, organized labor, community based organizations, economic development agencies and the Employment Service. Private industry membership must include representation from small business.

SERVICE DELIVERY AREA

The Governor may propose to change the current delivery areas. Local governments and PICs may then petition for designation of specific areas. The Governor will accept those petitions filed jointly by local governments and PICs and those filed by local governments with more than 250,000 population, unless he finds that they are inconsistent with the purposes of the Act. Disputes may be submitted to the Secretary of Labor for resolution.

GRANT ADMINISTRATION

The program will continue to be operated by the current administrator but the Governor may transfer administration to the PIC if (1) the PIC and the local elected officials petition for the change or (2) the Governor determines the PIC has the ability to administer the program and the PIC members (including business members) are in favor of taking over the administration and the current administrator is not adequately carrying out the requirements of the Act.

PROGRAM ELEMENTS

Funds may be used for basic and remedial education, institutional and on-the-job training counseling, occupational training, preparation for work, job search training and other activities designed to prepare disadvantaged for and place them in unsubsidized jobs. Fund must be used for training related activities; funds may not be used to pay participant stipends or allowances. Modest sums may be paid to those with special needs due to participation in long-term training. Between 50% and 75% of the funds must be used to provide services to persons 22 years of age.

ELIGIBILITY

Persons eligible include the economically disadvantaged, defined as having an income no more than 70% of the BLS lower living income level for the prior six months, or persons receiving cash welfare or persons receiving food stamps. 10% of the participants may be persons not meeting these income standards but having other employment barriers.

PERFORMANCE STANDARDS

The basic measure of performance for adult programs is the increase in earnings and reductions in cash welfare payments resulting from participation in the program. Performance criteria for youth will be based on employment competencies acquired and on placements and retention in employment. Programs failing to meet performance standards for two years, after receiving technical assistance, must be reorganized or replaced.

GOVERNORS PROGRAMS

Funds are made available to the Governor to be used for a number of statewide programs including programs for dislocated workers. 10% of these funds must be used for performance bonuses, including bonus for serving the hard to serve.

OTHER PROVISIONS

The States have oversight responsibility for funds received within the state, including the responsibility for establishing fiscal control and fund accounting procedures in accordance with guidance from OMB and for auditing recipients at least once every two years.

NATIONAL PROGRAMS

Title IV B of the Comprehensive Employment and Training Act authorizing the Job Corps Program is retained—unamended. Training programs for Indians and Migrants are retained.

TITLE V DISLOCATED WORKER PROGRAM

$100,000,000 is authorized to be appropriated for Fiscal Year 1983 and "Such Sums as may be necessary" thereafter for a program to identify displaced workers, job opportunities and training available and then match the worker with the training and ultimately with the job. Funds provided under the provisions of this title may be used to pay 50 percent of the cost of the program, the remaining 50 percent must consist of non-federal matching.

TITLE VI COORDINATION OF JOB TRAINING ACTIVITIES

Provisions allow for the PIC to be used for planning or advising on other training related federal programs. Also, Governors may combine Advisory Councils whose functions relate to employment or training. State agencies may contract with other State agencies to perform job training or related programs.

AMENDMENTS TO THE WAGNER-PEYSER ACT

Provisions provide for a formula for distribution of funds to States and to Service Delivery Areas and provide for PICs to plan for local Employment Service operations in a service delivery area.●

CHARLES WEYANT AND THE MEANING OF FRIENDSHIP

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. GILMAN. Mr. Speaker, Charles Weyant, president of Highland Falls Federal Savings & Loan Association, Highland Falls, N.Y., and a good friend, was the subject of a moving tribute entitled "The Meaning of Friendship," by Joe Dineen of the West Point Sports Information Office and printed in the program distributed at a West Point football game. The article points out the need that Highland Falls (called "Hometown U.S.A." for its role in greeting the American hostages returning from Iran) like every "hometown" in America, has for people like Charlie Weyant, who combine business, civic, and purely personal roles and make significant contributions to their communities.

Charles Weyant serves on a larger scale; he is the immediate past chairman of the Savings Association League of New York State, and continues to speak out for the thrift industry; last year, the "down home" business practices of the savings and loan he heads were highlighted in a feature article in the New York Times.

Mr. Speaker, so that my colleagues may share Charlie Weyant's "meaning of friendship," I am inserting the West Point article in fun at this point in the RECORD.

THE MEANING OF FRIENDSHIP

(By Joe Dineen)

Stretched across the width of South Main Street in the Village of Highland Falls is a large canvas banner, now somewhat weathered by the bite of last year's winter. It reads in large red letters, "Hometown, U.S.A." an affectionate and rather appropriate nickname for this community whose citizens joined with their neighbors throughout the Hudson Valley to express their love and welcome for those fellow Americans who returned home from their long, tormentuous ordeal in Iran just a few short months ago.

This friendly village is situated on the doorstep of the United States Military Academy, which served as the host for the American hostages during their first few days back on United States soil and provided the backdrop for one of the most emotional experiences of anyone's lifetime, yours and mine included.

It was an historic moment for all in the scenic Hudson Valley, which was bedecked like one massive yellow ribbon, the symbol of remembrance utilized by citizens here at home throughout the ordeal. It was also a Hudson Valley trimmed in red white and blue on a flag-shrouded Temple Hill Road in New Windsor, the route the former hostages followed to West Point, or the three-year-old sitting atop his father's shoulders waving the American flag, but not really grasping the meaning of this happening.

"It was one of the most emotional experiences of my life," says Charlie Weyant, the president of the Highland Falls Savings and Loan and a lifelong resident of the community. "It was very emotional."

It was perhaps a characteristic response from Weyant, who has taken an active interest in Highland Falls, its people, and its neighbors on the West Point reservation.

There are times when the relationships between the community and the military installation have become strained, engendered perhaps by political problems of which neither party has control. Yet, Charlie Weyant continues to seek a community harmony between all parties, perhaps because this Village of Highland Falls and the United States Military Academy have played such a major role in his life.

Yes, Highland Falls may be called "Hometown, U.S.A." because of an historic moment in history, but every hometown must also have a citizen like Charlie Weyant in order to make life in the community a little bit better.

Weyant's roots are deep in the village. He was born and raised in Highland Falls, and is a product of its school system. His first and only full time job was with the Highland Falls Savings and Loan, where he started in 1947 following two years of college. He was elected President of the Highland Falls

Savings and Loan in 1963, and has held the position ever since.

His interest in West Point started as a youngster because his father, Chester Weyant, was an original member of the Army Athletic Association. Chester, the youngest of 14 children, was simply an industrious Dutchman who began working at the age of 14 when his father gave him a horse and wagon and told him he was on his own.

Chester Weyant entered into a partnership in a livery stable in 1912 and in 1926 when the automobile was becoming popular he started a dealership on South Main Street. He sold Oldsmobile and Buick cars, along with GMC trucks, but when World War II started, it was difficult to obtain cars so Weyant sold the business.

Years before when the Army Athletic Association was looking for financial support from community leaders. Chester Weyant, was the first to dig into his pockets. He remained a member of the Army Athletic Association until his death in 1964.

"My father loved sports, but he really loved his football," says Charlie Weyant. "He would drag me along to all the games, even though I really didn't understand it. Those were the days of Chris Cagle and Biff Jones. Chris Cagle was my hero."

There is little question that Charlie Weyant maintained his father's interest in athletics. He started the Little League in Highland Falls in 1950 and began the first youth activity at West Point with a youth hockey program that same year.

"I just went up to Smith Rink one day and saw a bunch of kids skating around and playing hockey, so I decided to organize them," says Weyant. "That's really how I met Jack Riley, who became the hockey coach in 1950 at West Point. We have been close ever since."

Weyant coached the West Point high school age team for 15 years at Smith Rink and authored a 192-27-5 record. In addition, 27 of his players went on to play college hockey. Weyant also served as a college hockey official for 16 years and umpired college baseball for eight years. He has served as the Army hockey statistician since 1950, and now works each game with his son David.

Weyant is equally active on behalf of his community. For 10 years he served as a councilman in the Town of Highlands. He served two terms as an Orange County legislator and he is presently Chairman of the Board of Trustees of Orange County Community College. Weyant is also the Orange County Director of The Catskill Region Off Track Betting Commission, and the immediate past chairman of the Board of Directors of the Savings Association League of New York State, just completing a two-year term.

Charlie Weyant's ties to the village and the Military Academy are equally strong and he doesn't mind admitting that fact.

"West Point has played a big role in my life," admits Weyant thoughtfully. "It has provided me with entertainment, inspiration and leadership. I am a firm believer in the Academy and what it stands for, its traditions, its education and its place in history. There is no place like it, and I am privileged to have an active part in an athletic program, and not just sit back and watch it happen."

"Charlie Weyant is just a very special type of community leader," says Carl Ullrich, the Director of Athletics at the U.S. Military Academy who occasionally banters back and forth with Weyant during Rotary meetings. "He provides us with the kind of support and interest that can only help and improve our athletic program. His support comes from the heart and his interest in the U.S. Military Academy and its mission is totally sincere. We are happy to call him a friend."

Charlie Weyant and Jack Riley have developed a relationship over the years which is akin to brotherhood. They have traveled together, laughed together, played golf together and raised their families together. As golf partners there was a time when they were unbeatable, although Joe Palone, Army's former soccer coach, and Neil Tosolini, the Commissary Officer here at West Point and recent club champion, might contest that statement. However, this foursome still battle on the rugged West Point course and some of their past matches have been classics.

"We always used to play on Sunday morning," recalls Weyant, who won the West Point club championship in 1969 and the seniors championship in 1979. "Jackie is something else on the golf course, and Joe Palone never stops talking. He talks through his swing, your swing, his putt, your putt and still has something left over."

One Sunday, a few years back, a scheduled match almost didn't come off because Joe Palone was late. However, the other three members of the foursome made him pay for his tardiness.

"The three of us decided we wouldn't say a word to Joe," laughs Weyant in recalling the match. "Well, we started the round and hit off the first tee, each of us playing our shots, but we didn't talk to Joe. The total silence went on through four holes. Finally, in the middle of the fairway on the fifth hole Joe blew his top and threw all his clubs on the ground."

"If you guys aren't going to talk to me, then I quit and I'm going home," shouted Palone.

"We just broke up when he screamed," laughed Weyant. "The funniest part is that it took five holes for him to realize he was the only one talking."

Weyant likes to talk about another match in which his Irish partner, Jack Riley, was having a horrendous day on the links. Nothing seemed to go right, whether he was hitting a tee shot, chipping or putting.

"On the fifth tee he hit a miserable drive," says Weyant. "Well, on the West Point course you have to cross a little bridge over a small stream on the fifth tee. Jackie got to the bridge after hitting his shot, stepped down into the stream and followed it the length of the hole, finally stepping out of the water near the green. Well, Joe Palone couldn't help himself when Jack finally approached the green."

"Hey, Jack," yelled Palone near the pin. "I think your shoes are wet."

"Needless to say, the comment didn't help Jack's golf game either," laughs Weyant.

Riley was not about to let Weyant off the hook without a story of his own, recalling Charley Weyant's coaching days.

"You know Charlie liked to watch me coach and picked up a few pointers," says the Army hockey coach with a smile. "He would even get excited like I do at times. Well, one year his West Point team was playing the Storm King School and a brawl breaks out. Well, Charlie rushes onto the ice to try to break up the melee, but someone throws a punch and Charlie goes one way and his hat goes the other. I finally rushed out on the ice to save him but some dummy stepped on my foot and ruined a new pair of Footjoy's. From that day on Charlie and I both swore we would never step out on the ice without a pair of skates."

Charlie Weyant doesn't break up many brawls any more, but Smith Rink is still his second home and Army hockey his second love. He doesn't miss an Army football game either, which is a Weyant family tradition.

We here in the Army Athletic Department hope the Weyant tradition continues for many years to come because what else are friends for, and Charlie Weyant, is one of our best friends.●

GREAT DAYS FOR CLEVELAND SERBIANS

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. MOTTL. Mr. Speaker, the date of June 13, 1982 will be a very joyous occasion for the members and friends of the St. Sava Serbian Eastern Orthodox Church of Cleveland. On that day, consecration ceremonies will be held for a new and strikingly beautiful church building on the grounds of the Serbian Cultural Center at 2151 West Wallings Road, Broadview Heights, Ohio. We in Greater Cleveland are particularly honored to have the spiritual head of the Free Serbian Orthodox Diocese of the United States and Canada, His Excellency Bishop Irinej, conduct the consecration ceremony.

The Serbian Orthodox Church in Cleveland was founded in 1909. From modest beginnings in rented facilities, the church flourished and grew in members and in involvement in the community. It now has more than 500 members. The development of the St. Sava Serbian Eastern Orthodox Church was not without growing pains. But problems were met straightforwardly and were conquered, just as Serbians have defeated adversity throughout their history.

The ground blessing for the new church building took place on August 31, 1980. Construction began shortly thereafter. The completed edifice is an imposing structure in the Serbian Byzantine style.

Greater Cleveland is proud of its Serbian community. While a number of Serbians came to Ohio late in the 1800's, many Serbian Americans in this century came to Ohio to escape tyranny and upheaval in Eastern Europe, and to start a new life where they could live and worship in freedom and in peace.

I sincerely congratulate members of the St. Sava Serbian Eastern Orthodox Church on the completion of their new building. I believe I express the sentiments of all Greater Clevelanders when I say that I wish these fine people many happy and prosperous years of worship in this fine structure.●

THE GOLDEN WEDDING ANNIVERSARY OF NICHOLAS AND WINIFRED FELANDO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. ANDERSON. Mr. Speaker, I take this opportunity to bring to the attention of my colleagues that today marks the golden wedding anniversary for two of my constituents, Nicholas and Winifred Felando.

It was 50 years ago this very day that Nicholas Gerald Felando and Winifred Violet Stanovich were joined together in holy matrimony at Mary Star of the Sea Catholic Church by the Reverend Father Russell. I might add that this was the first nuptial mass performed by Father Russell.

Nicholas and Winifred soon went on to become one of the community's most highly respected families. Nicholas became actively involved in the world of business through his position as vice president of the Commercial Fishermen Inter-Insurance Exchange as well as president of Fishermen's Cooperative Association. I might add that he was a charter member of the International Longshoremen's & Fishermen's Union and a distinguished member of the Yugoslav-American Club for 20 years. His wife, Winifred, became very much involved in the business community too. After being employed at a local cannery, she was elected recording and financial secretary of the United Cannery & Industrial Workers Union of the Pacific and held this important position for 15 years. Also, Winifred found the time to be a member of the Parent-Teacher Association for 20 years.

Mr. Speaker, I am indeed honored to be afforded the privilege of representing Nicholas and Winifred in this hallowed Chamber. In these hectic times of sometimes loose moral and ethical standards, it certainly is heartwarming to see the true love and friendship two people can have toward one another. Nicholas and Winifred have set a standard which we should all follow.

I might add, Mr. Speaker, that Nicholas and Winifred have been blessed with two fine and highly successful sons. The oldest, Gerald, very ably represents the 52d assembly district in the California State Legislature. His younger brother, Wilfred, has been a longstanding member of the International Longshoremen Workers Union and has worked on the docks at Los Angeles Harbor for the past 20 years.

With this in mind, I would like to say that my wife, Lee, joins me in expressing our heartfelt words of congratulations to Nicholas and Winifred on this joyous occasion. We send our best wishes for continued success and happiness to them and their two sons, Gerald and Wilfred, and their five grandchildren, Cynthia, Nicholas, Lynn, Lisa, and Charles.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL—VLADIMIR KISLIK

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. PORTER. Mr. Speaker, I rise today to participate in the Congressional Call to Conscience Vigil, 1982, and to protest in the strongest possible terms the continual inhuman treatment and persecution of Vladimir Kislik, a Soviet refusenik.

Since Vladimir Kislik first applied to emigrate to Israel in 1973, he has been subjected to constant harassment.

Mr. Kislik has been separated from his family since 1973 when his wife, Yevgenia, and son, Maxim, were allowed to leave for Israel. At this time Kislik was given the impression that he would soon be allowed to follow.

Kislik was a distinguished scientist at the Kiev Institute of Nuclear Research with many scientific and popular literature publications. Since the denial of his visa application, Kislik has not worked in the scientific field in any capacity, and has been able to find only menial jobs.

In 1974 Kislik was forcibly prevented from traveling to Moscow to meet with American Senators and Congressmen and, later that year, was the victim of a brutal beating which the KGB refused to investigate.

Kislik was told officially in early 1975 that he would not be allowed to emigrate for at least another 5 years.

In May 1976 Kislik's phone was disconnected after he had spoken to his wife in Israel. After being warned by police to discontinue the scientific seminars which he organized, he was arrested and severely beaten by KGB officers.

Vladimir Kislik and six other refuseniks declared a 5-day hunger strike in 1977 to protest not receiving replies or even reasons for refusal to their visa applications.

In 1979, Kislik was prevented from going to Moscow to attend a scientific symposium. Later that year, he was one of a group of refuseniks arrested outside the Kiev OVIR office and detained for several hours.

In July 1980, Vladimir Kislik was again detained by Soviet authorities for a period of 15 days. Upon notification of a second 15-day detention, he initiated a hunger strike in protest. Due to this protest, Kislik was forcibly committed to a mental institution to prevent any anti-Soviet activity during the Moscow Olympics.

After a resolution I introduced condemning Mr. Kislik's mistreatment passed the House, he was released from the mental institution.

Kislik was arrested again in March 1981 and sentenced to a hard labor camp, ostensibly for "living a parasitic life" and "malicious hooliganism." In reality, he was involved in conducting scientific and cultural seminars, and in teaching Soviet Jewish history.

Mr. Kislik, who has been plagued by heart trouble for years, has suffered two angina pectoris attacks within the last month. The medical commission at the labor camp where he is now held has reached the conclusion that he is too ill to perform hard labor. However, the labor camp officials have not complied and have not released Mr. Kislik from his duties.

Mr. Speaker, I fear for Vladimir Kislik's life.

Vladimir Kislik's case is but one example of Soviet violations of principles set forth in the Helsinki Final Act. Hundreds of Soviet refuseniks have been subjected to similar persecution. We must continue to voice our condemnation and pressure the Soviets to end the mistreatment of refuseniks and Prisoners of Conscience.

Mr. Speaker, it is time for Soviets to live up to their commitments and eliminate human rights violations and for the U.S. Congress to reaffirm our Nation's belief in basic human rights and personal freedoms.●

TRIBUTE TO BIG BAND GREAT, CHARLIE SPIVAK

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. CAMPBELL. Mr. Speaker, last week one of the truly great lead trumpeters of the "Big Band" era passed away in Greenville, S.C. Russian-born Charlie Spivak died March 1 at his home near Caesar's Head.

Mr. Spivak began playing the trumpet when he was 16. In the 1920's and 1930's, he played with some of the greatest bands of the day, including those of Ben Pollack, the Dorsey brothers, Ray Noble, Bob Crosby, Tommy Dorsey, and Jack Teagarden. In 1940, with the help of his friend and admirer Glenn Miller, he established his own band which toured successfully for some 17 years and then settled down in Florida.

For the last years of his performing career, Charlie Spivak played at Ye Olde Fireplace Restaurant in my home county of Greenville, and South Carolinians were fortunate enough to be able to enjoy firsthand "the sweetest horn this side of heaven" from 1967 to 1978.

The music world has lost one of its greatest with the passing of Charlie Spivak, and I extend my sincerest sympathy to his wife, Wilma H. (Dubby), and to all of the family.●

THE CARIBBEAN INITIATIVE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues a thought-provoking editorial by the Washington Post supporting President Reagan's Caribbean Initiative.

THE CARIBBEAN INITIATIVE

President Reagan's sensible and balanced Caribbean proposal deserves the strong support of Congress and, more important, of the Caribbean countries themselves. It wisely emphasizes the cooperative nature of the enterprise and its relation to work that other countries—Mexico, Canada, Venezuela—have already undertaken in the region. It accepts the principle that economic growth will contribute more to political stability than military aid can.

But the president also argues that security assistance is needed by those countries confronting insurgent movements armed and supported from outside their own boundaries—like El Salvador. The United States, he said, "will do whatever is prudent and necessary to ensure the peace and security of the Caribbean area." The attention to prudence is welcome, and essential to the kind of international support on which this initiative depends. Unfortunately, it is also true that some limited degree of military aid is going to be indispensable.

But the most valuable offer extended by Mr. Reagan is the opportunity to trade—the prospect of open access to the U.S. market for the Caribbean countries. This offer is unilateral; the Caribbean governments won't have to open their own markets to American competition. There are a couple of familiar exceptions to this offer—textiles and clothing, as you would wearily expect. But it is an extraordinary invitation to investment—not only American, but European and Japanese as well—in plants designed to ship their products into the United States. The implications here are highly interesting.

The Reagan initiative gives the expected priority to the private sector, and the amount of economic aid, in the conventional terms of grants and loans, is not terribly large. But it is plausible to suggest that the trade and investment incentives, over the years, can accomplish as much and more. The largest share of the direct aid would go, inevitably, to El Salvador. But there are more than negligible amounts for Costa Rica and Honduras. That anticipates the complaint that the United States will always do anything for a country fighting off Cuban-supported guerrillas, but nothing for a hard-pressed democracy as long as it conducts its affairs peacefully and legally.

Mr. Reagan's case is stronger precisely because he acknowledges that more has gone wrong in Central America than Cuban subversion and the clandestine flow of arms through Nicaragua. He points out that most of the countries of the region have suffered a series of severe economic reverses. While the price of oil is up, the prices of most of their major exports—coffee, sugar and bauxite are the leading examples—have fallen. That means rising unemployment, declining standards of living, and businesses strangling for want of foreign exchange. That is the setting in which the guerrillas flourish. Over the long haul, political security in the Caribbean will depend primarily on the ability of the region to offer its people a decent livelihood.●

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. OBERSTAR. Mr. Speaker, on March 4, 1982, because of official business, I was unable to be present for three votes. Had I been present, I would have voted:

Rollcall No. 16: Approving the Journal, "nay."

Rollcall No. 17: Resolving into the Committee of the Whole House, "yea."

Rollcall No. 18: Passage of H.R. 5118, Arizona Water Rights Settlement, "yea."●

SMOKING AND HEALTH

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. SCHEUER. Mr. Speaker, the Subcommittee on Health and the Environment of which I am a member recently held its first of 3 days of hearings on H.R. 5653, the Comprehensive Smoking Prevention Education Act of 1982. Appearing before the subcommittee were three well-known television celebrities, each with a story to tell about how cigarette smoking has affected their life and why they strongly endorse the objectives of H.R. 5653. I think that their statements reflect the tragedies suffered by many millions of Americans and bring a humanistic perception to this national epidemic. I encourage all of my colleagues to read these three statements of Ms. Amanda Blake, Mr. John Forsythe, and Mr. Robert Keeshan (Captain Kangaroo).

The statements follow:

TESTIMONY OF AMANDA BLAKE

Mr. Chairman and members of the Committee, I am privileged to have this opportunity to represent the American Cancer Society and to voice our support for H.R. 4957, the Comprehensive Smoking Prevention Education Act of 1981. This task is made especially pleasant in that I am able to testify today with my good friends John Forsythe and Bob Keeshan and that we are here together representing this very exciting new coalition of the American Cancer Society, American Heart Association, American Lung Association and the National Interagency Council.

That these organizations have joined together to fight as a combined force on this issue must surely highlight to us all the overwhelming importance the voluntary health agencies and the medical community place on smoking as a health hazard.

On February 22 of this year the U.S. Surgeon General in his report entitled The Health Consequences of Smoking—Cancer issued the following warning: "Cigarette smoking is the major single cause of cancer mortality in the United States. Tobacco's contribution to all cancer deaths is estimated to be 30 percent. This means we can expect that 129,000 Americans will die of cancer this year because of the higher overall cancer death rates that exist among smokers as compared to nonsmokers. Cigarette smokers have total cancer death rates two times greater than do nonsmokers. Heavy smokers have a three to four times greater excess risk of cancer mortality."

I was personally particularly interested in the Surgeon General's statistics on oral cavity cancer and Larynx cancer contained in that report. He said that these cancers would strike an estimated 40,000 people and will cause approximately 13,000 deaths this year in our country.

He went on to say that an estimated 50 to 70 percent of oral and laryngeal cancer deaths are associated with smoking. I am a victim of oral cancer, a victim of cigarette smoking. Clearly, had I known what it was going to cost me to be a smoker when I lit that first cigarette, I would never have struck the match.

Gentlemen, how do I explain in a way you can understand the fear of finding out you have cancer. They tell me cancer is the most feared disease. I believe it. In our minds, cancer has come to mean death. It has come to mean pain and disfigurement.

When my doctor told me I had cancer of the mouth, I didn't believe it. I had never even heard of cancer of the mouth. Yet I had it.

I am an actress and I found out cancer of the mouth meant I was going to have to have surgery that would affect my face. I would also have to learn to talk again. What worse could you tell an actress.

I thought, what if its in my larynx, what if they have to remove my vocal cords.

When I woke up, I remember I made a deliberate effort to moan and I thought, thank God, I still have my voice box. The nurse came and asked me if I needed pain medication and heard myself say yes. That simple word meant I could still talk, I could learn again to practice my profession. I was lucky.

But the emotional pain and the fear were monumental. The memory of it will be with me for the rest of my life.

After relating my experience to the members of this Committee you must surely understand why I am so disheartened to learn that the percentage of smokers among young girls ages 17 and 18 has gone up. I am even more disheartened to learn that lung cancer will outdistance breast cancer as the number one cancer killer of women by as early as next year and that many doctors and medical researchers attribute this to the increase in smoking among women. We may have come a long way as the cigarette ads say but, I doubt sincerely that where we women wanted to end up was with higher cancer mortality rates caused by smoking.

Still, we do know that our education efforts have not, overall, been a failure. According to American Cancer Society statistics there are still some 54 million smokers who smoke more than 630 billion cigarettes each year. However, there are also 33.3 million ex-smokers, up from 31.5 million three years ago.

Even the level of teenage smoking, which only a few years ago was going up at alarming rates, has started to drop in recent years. Teenage girls who smoke now constitute 13 percent of that population as compared to 15 percent in 1974 and teenage boy smokers are down to 11 percent from 16 percent.

I am not an expert on advertising. I am not a doctor or a research scientist. I am a cancer patient with a particular kind of cancer that is heavily associated by my doctor, by many U.S. Surgeons General and by most of the respected health professionals in the country with smoking. I smoked (insert) packs of cigarettes a day for (insert) years. That was probably a major contributing factor to my cancer.

I am here because I want to spare as many young Americans as I can the painful and frightening experience I have had. I find it incredible that anyone can sit in this room or any room and say that since we do not have enough information on the efficacy of cigarette labeling we shouldn't try a new labeling technique which might increase that number of ex-smokers.

I am sure we have all seen a report by the FTC that tells us that most people don't really know what could happen to them if they smoke. I surely did not. If we save just a few thousand people from having to suffer through surgery, radiation therapy, and chemotherapy and from having to face either the prospect or the reality of premature death and of disfigurement by simply changing cigarette labels, no cigarette company is going to be able to convince me that their cost is going to be too great to make it worthwhile. I simply will not accept it.

Last year the tobacco industry made over $6 billion dollars on tobacco products alone—$6 billion dollars on a product whose additives don't have to be listed anywhere, not even with government researchers, $6 billion dollars on a product that many U.S. Surgeons General say causes cardio-vascular disease, lung disease and cancer, $6 billion dollars on a product associated with over 300,000 premature deaths a year and with $25 billion dollars in lost productivity, $6 billion dollars on a product that caused me to go through surgery and extensive rehabilitation treatment. Since 1974 the Federal Government has spent over $215 million dollars to strengthen that $6 billion dollar a year industry. Every year the government spends money on tobacco price supports and tobacco research and marketing.

That industry can surely afford to spend a little more on its labeling—or even a lot more on its labeling. Therefore, I, for one, wholeheartedly endorse the legislation offered by the Chairman whatever the cigarette industry may claim it is going to cost. I do not believe any honest cost-benefit analysis of this labeling proposal will prove to be supportive of the tobacco industry's position.

I believe that I would not have smoked had I seen a label on a cigarette package or in a cigarette ad that said "Warning: Cigarette smoking may cause Death from heart disease, cancer, or emphysema." That simple message would have saved me years of grief in dealing with an illness that jeopardized my career and my life.

I urge the members of this Committee to overcome whatever political considerations exist with regard to the tobacco industry and to show the courage and public dedication that will be needed to pass this legislation. I understand how difficult this will be for some of you. I also believe you will have failed in your commitment to your constituents and in your duty as representatives of all of the people if you do not, at the very least, give our people an opportunity to make an informed decision about cigarette smoking—an opportunity to know what it is they do to their bodies when they smoke.

I am prepared to assist you, Mr. Chairman, and the other 38 sponsors of this legislation in any way I can to ensure passage of H.R. 4957. We must succeed for the sake of the health and safety of our citizens.

TESTIMONY OF JOHN FORSYTHE

Mr. Chairman, Members of the Subcommittee of Health and the Environment, I am John Forsythe. Thank you for inviting me to testify before you this morning.

While I am here as a concerned citizen and a father of three children, I also realize that I'm here because I'm an actor and as actors we have a certain visibility. This visibility and the affection that audiences may feel for us because of our work can often be used to sway and influences large numbers of people. As a group, we're not unmindful that this influence can be misused. So many of us who try to use that influence constructively realize that we bear a heavy responsibility to do our homework and to try to be as objective and even-handed as possible. I'm also aware that I'm not a scientist and that my opinions are based on material I've read and largely from the surgeon general's reports. I'm aware too of the importance of the tobacco industry to our very shaky economy. I'm also very sympathetic to the plight of the small farmer in these harsh times.

Having said that, I must tell you that I have very strong feelings about the importance of Bill H.R. 4957. I was fortunate enough to have stopped smoking some 30 years ago on the advice of a dear friend who is a surgeon specializing in lung cancer. I will never stop being grateful to him. Two other members of my immediate family were not so fortunate. My younger brother and sister, both moderately heavy cigarette smokers, wouldn't or couldn't stop and they both died of lung cancer within the past 3 years. To watch a beautiful vibrant woman in the prime of her life waste away to the point of being almost unrecognizable is something that is so devastating it defies talking about. Almost the same situation held true for my brother.

It was not long after those two back to back tragedies that I decided to use whatever clout I had as a reasonably well known actor to try to help. My feeling is that if I can be influential during my lifetime in getting even 50 teenagers not to start smoking I will have done much more than having entertained 50 million people each week through a television series. So now I talk with some regularity to groups of young people and I try to assist the American Heart Association and the American Cancer Society in any way I can. To describe my feelings about smoking to you now in specifics would be dificult and time consuming. I would prefer, if you'll permit me, to read to you a very short editorial from the Los Angeles Times dated February 24, 1982. It says—"In previous reports on smoking and health, the U.S. surgeon general's office had described cigarette smoking as "associated" with or "related" to bladder, kidney and pancreatic cancers. In his latest report, the Surgeon General goes further. Smoking is now cited as a "contributory factor" in these diseases, as well as the primary cause in 85 percent of the 90,000 deaths that occur annually from lung cancer.

What all this means is that the health risks from smoking have now officially been identified as being more extensive and more demonstrated than in the past. Smokers are more likely to die from stomach cancer or cervical cancer than are non-smokers. Smokers are more likely to suffer from premature cardivascular diseases than are non-smokers. In all, Surgeon General C. Everett Koop reports, smoking is responsible for an estimated 340,000 deaths in the United States each year. Smoking's costs exceed those of any natural catastrophe: $28 billion a year in health-care expenses, lost income, lost production.

All use of tobacco is dangerous. Cigars and pipe-smoking are linked to some cancers, as are chewing tobacco and snuff. The best and most obvious advice for anyone who uses tobacco is to stop. The best advice in every other case is never to take up tobacco use in the first place. It is far easier to avoid the habit than to break the addiction. Here, at least, there are encouraging signs. Smoking among young people has apparently been declining. In 1977, 29 percent of high-school seniors said they smoked daily. In 1981, the figure was down to 20 percent. Anti-tobacco education campaigns ought to be intensified. Children should be taught early to avoid tobacco as they would avoid rabid dogs.

The surgeon general's report again underscores the absurdity of federal subsidies—$78 million worth this year—to those who grow a crop that is a public health menace. This makes as much moral sense as giving government support to a cannery whose products are regularly contaminated by the botulism bacillus. What the surgeon general says about the perils of tobacco ought to be taken seriously by the public certainly and—for a change—by Congress."

Ladies and Gentlemen, that editorial voices my sentiments completely.

TESTIMONY OF ROBERT KEESHAN

Mr. Chairman, Members of the Subcommittee, I am Robert Keeshan. I am most grateful for the opportunity afforded me today to appear before the Subcommittee to express my views and concerns about a health hazard which threatens the well-being and eventually the lives of millions of young Americans. Most of you are aware that I have spent thirty five (35) years on television and radio educating young Americans, helping to develop them intellectually, physically and culturally so that they may become healthy, well educated, stable contributors to our American society.

The human being begins the learning process at birth. Much learning, especially in the earlier years, is by observation and imitation. We learn language by observation and imitation for example. As we grow older observation and imitation remain a significant part of the learning process and the models of our observation extend beyond the family. By pre-teen and teen years many of the most influential models for young people are their peers and that demon peer pressure which plays a significant role in the development of attitudes, actions and habits.

Peer pressure is probably the most significant influence in causing a young person to light a cigarette for the first time. It has been estimated that over 5,000 children light up for the first time each day. Many of these children are only 7 or 8 years old, part of our "hurried" generation, anxious to be grown up and, unfortunately, equating smoking with maturity. And why not? They are modeling the behavior of those they view as sophisticated adults. Almost 15 percent of teenage girls smoke cigarettes, slightly more than teenage boys. The increase in cigarette smoking by teenage girls in the last decade is alarming. There has been much speculation as to the reasons for this increase. Perhaps smoking by young women is no longer frowned upon; teenage girls have been liberated from social taboos and are as free as any other group to endanger their health and to shorten their life span.

We all know of the pains suffered by the long time adult smoker who decides to quit the habit. Would it not be a better idea to apply an ounce of prevention to the young American to arrest the development of America's most preventable cause of death?

This bill, which is the subject of these hearings, is attractive to me because it calls for the organization, the marshalling of forces to educate all Americans as to the dangers inherent in cigarette smoking in a more effective manner than in the past. Educating young Americans, telling them the facts, disabusing them of the notion that cigarette smoking is a sign of maturity, helping them to resist peer pressure are all programs that can creatively and effectively reach young Americans with the message, cigarette smoking, feeling good and living long do not go together.

We must reach pre-teens and teens with the life-saving message: "Smoking Can Kill You!" Yes, let's help those older Americans who are victims of the habit to give it up, but let us turn our great efforts to our children who have the most to gain and the longest to live. If we can reach young men and women successfully then we can say with conviction: "You've come a long way, baby!" ●

THERE'S NO SUBSTITUTE FOR QUALITY

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. LEBOUTILLIER. Mr. Speaker, after years of suffering the ill-effects of overzealous regulation, numerous public and private organizations are attempting to restore hiring guidelines to a more equitable and commonsense basis.

The instance to which I specifically refer concerns the Nassau County Police Department, whose members and performance record are among the most exemplary in the Nation.

While there must always be equal access to employment opportunities, that goal cannot be justly attained by denying the rights of those bypassed by arbitrary hiring schemes.

The ensuing article by Liam F. Twomey brings this point home most succinctly and makes a strong case for good old commonsense in the hiring of police officers—society's frontline forces against criminal activity of every kind.

[From Newsday, Feb. 26, 1982]

HIRE ON QUALIFICATIONS, NOT QUOTAS

(By Liam F. Twomey)

Robert L. Hodge Jr. in his article ["Nassau Should Settle Police Case," Viewpoints, Feb. 15] and U.S. District Judge George C. Pratt's ruling ["Judge Lifts Ban on Hiring Cops," Feb. 18] are typical examples of the numbers game being used to prove discrimination in hiring by the Nassau County Police Department.

The department has no obligation to hire members of any particular group; its only obligation is to hire the most qualified people who apply. It is up to the individual to meet those standards, not up to the department to lower its standards so that members of a particular group can qualify. If either the written or the agility test is not job-related, then the test should be changed.

As the late U.S. Supreme Court Justice William O. Douglas said, "There is no constitutional right for any race to be preferred . . . There is no superior person by constitutional standards . . . large quotas of blacks or browns could be added to the bar, waiving examinations required of other groups, so that it would be better racially balanced . . . The equal protection clause commands the elimination of racial barriers, not their creation in order to satisfy our theory as to how a society ought to be organized."

The problem lies in the courts, which have taken on the role of super-legislators in their perversion of the Constitution and Title VII of the 1960 Civil Rights Act. In 1972, the Supreme Court ruled that if a test doesn't predict job performance, it discriminates under Title VII even if there is no intent to discriminate. To remedy this "discrimination," the lower courts have ordered minorities hired over whites who score higher and in some cases whites are demoted or even fired.

A little bit of discrimination against white males is okay because after all it's really the "right" thing to do; so what if the most qualified doesn't get the job or promotion? It's the price that has to be paid for past discriminatory acts. Its the result that counts and results we will have regardless of whose rights we have to violate in order to get them.

Until 1974, the Nassau County Police Department was precluded by state law from hiring women for patrol duties. After 1974, women were hired on the same basis as men and the designation "police woman" was eliminated. These "newer" "tougher" standards were the same ones males had always met.

Whether or not carrying a 150-pound dummy up and down a flight of stairs is relevant is a question for the courts to decide, but for a sick or injured person it may be a matter of life or death. Even though the majority of police functions can be performed by a person in a wheelchair, it is for the emergency situation that size and strength are relevant and that minimum physical standards have to be met.

When the Justice Department first filed suit, Daniel P. Guido, who was then police commissioner, started an intensive recruitment campaign. He sent officers into the community, contacted local black and women's groups, started classes to prepare applicants for the test and engaged in mass media advertising. The result was 10.27 percent black applicants (the current quota being used), more than double the normal response. In addition the police department offered to use any exam the Justice Department would supply. When this was refused the department used a state exam, which had been developed after a job analysis was performed. By this approach, people whose written score is low can improve their grade on the agility test.

This is the only kind of affirmative action that should be taken. It is not up to Nassau County to make up previous educational deficiencies, it is up to the family and community; denial to white males of equality under the law is too high a price to pay. There is no right to a job, it must be earned; 95 percent of the whites who take the exam never get hired.

Oppression of the majority by the majority must stop. It is to be hoped that when the Supreme Court rules on this issue, it will rule in favor of sanity. The numbers game is all right for sociologists discussing the ills of the nation, but individual rights must come first.

The public has as much a right to the best police officers as it has to the best athletes, doctors, etc. The Nassau County Police Department is one of the best in the nation and it should remain so with only one standard for all no matter how disproportionate the numbers. ●

PROBLEMS IN EL SALVADOR

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. MICA. Mr. Speaker, regarding the current situation in El Salvador, we are faced with a traditional problem in Latin American politics; that is, the legitimacy of its government. The recurring habit of unsettled political disputes and the continuation of political grudges have always been reflected in their tendency toward instability and frequent coups.

Because there is no consensus in their political environment on what makes a government legitimate, the legitimacy of its government always remains in doubt. Besides this, there is a lack of firm democratic tradition, habits and affections, which tend to further hinder the possibility of a stable regime.

To these traditional patterns of instability, there have been added in the last decade the violent attack on its institutions by guerrilla groups, trained and supported by foreign governments. An example of this lies in the case of El Salvador, which brought its people and institutions to the verge of destruction.

The nations of Central America, like most of those in the Third World, suffer because significant portions of the population have not been incorporated into the political system and their chances for peace and progress have been damaged.

Obviously, El Salvador's problem is how to establish order and authority in a society where there is none.

Given this situation, the U.S. position should be to bolster a climate of security, founded on confidence in its own institutions, which could permit the integral development of El Salvador as an independent nation. We should help promote values and consolidate the full rule of representative democracy, reaffirm the value of seeking solutions through the democratic way asserting that free and democratic elections are the highest expression of popular will and participation.

Basically, our position is that Salvadorans should be allowed to resolve their own problems without coercion from any source. We wholeheartedly support a peaceful solution of El Salvador's political difficulties through the democratic process, because only a genuinely pluralistic approach can enable a profoundly divided society to live in peace with itself and its regional neighbors.●

AMERICA SHOULD PURSUE EL SALVADOR SETTLEMENT

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. STUDDS. Mr. Speaker, our very distinguished colleague, Mr. WIRTH, has teamed up with his brother, Prof. John Wirth, director of Stanford University's Center of Latin American Studies, to produce a most insightful analysis of U.S. policy toward El Salvador. While the authors concur with the administration's position that our Nation does indeed have important interests in the region, they conclude that the current policy is unlikely to serve these interests. Instead, they suggest that a negotiated settlement, implemented with the cooperation of Venezuela and Mexico, would be more effective.

I would like to insert the Wirths' article, as printed in the Denver Post, into the RECORD now for the benefit of all of my colleagues:

[From the Denver Post, Feb. 26, 1982]

AMERICA SHOULD PURSUE EL SALVADOR SETTLEMENT

(Tim Wirth is the congressman from Colorado's 2nd District. His brother, Prof. John D. Wirth, is director of the Center of Latin American Studies at Stanford University.)

The United States should seek a negotiated settlement to the civil war in El Salvador, which has claimed an estimated 20,000 lives in the past two years.

Our current policy as defined most recently by Secretary of State Alexander Haig is counterproductive. Increased economic and military aid to maintain the Duarte junta is likely to prolong the conflict, increase the probability of massive human rights violations, and undercut moderate elements on both sides of this complex, protracted and tragic conflict.

The United States does have longstanding and legitimate strategic interests in the region. But these can be served best by a forward policy for the Caribbean Basin as a whole, rather than by reacting piecemeal as we do to epic changes sweeping through a region which until recently was comfortably under our influence and control.

Foreign aid legislation passed by Congress last year took a step toward promoting a negotiated settlement by stipulating that further military aid could only be sent to El Salvador if demonstrated progress was made on human rights and political reform. The administration has declared the situation improved and is sending $55 million in emergency military aid. But many in Congress disagree, and a resolution introduced Feb. 2 (co-sponsored by Tim Wirth) would prohibit military aid until Congress determines that conditions established by law have been met.

Yet there are several paths to a more just and economically viable social order. The future need not be lit in neon flashing from Havana. Thus, the United States must learn to live with a variety of regimes, while developing an overall vision for a strategically important world region that can no longer be ignored.

El Salvador is but one of many crises, both real and potential. But it is a test of statecraft. The task is not as the administration contends, to confront revolution which it claims is formented from the outside but, essentially, to channel the forces of change toward political and economic solutions that promote economic growth and human rights.

To this end, the United States must end its confrontation with Nicaragua, a left-leaning regime through which arms pass to the Salvadoran insurgents. Learning to work with Nicaragua is linked to promoting a lasting settlement in El Salvador. In turn, this links to placing restraints on Guatemala—a terrible violator of human rights—while continuing to promote a more open, less-aggressive regime in Honduras, to support democratic Costa Rica, and to maintain close relations with strategically important Panama. The parts must then be set in a coherent vision of the whole.

A settlement negotiated now, before more violence and polarization occur, would be a calculated risk. There can be no ironclad assurance that the loose coalition of centrist, center-left and radical left elements which currently comprise the opposition Democratic Revolutionary Front (known as FDR) would be able or willing to build a new political system based on pluralism and democratic liberties.

Nor can we expect extreme right forces in the junta, including the paramilitary death squads, to acquiesce necessarily in the kind of settlement that would be acceptable to business and middle-class elements backing Duarte.

It is certain, however, that more fighting will further polarize, embitter and erode the coalitions on both sides of this insurrection. El Salvador will then "fall" to use Haig's term, by force of arms. Is there still time to encourage a solution more compatible with long-range U.S. interests?

A settlement, to be lasting and effective, must be embedded in a larger program to make the Caribbean Basin viable, both economically and politically. Gone is the nearly half century of regional stability under rightist dictators who freed Americans to fight the Nazis and later the Cold War elsewhere than in our back yard. Change is sweeping through the region—however inconvenient to us.

Rippling outward, a coherent forward policy would be coordinated with oil-rich Mexico and Venezuela, the emerging middle powers of the Caribbean Basin.

The Japanese, who enjoy an enormously one-sided trade advantage with the region, should be asked to join a Caribbean Basin Development Plan.

The Europeans should be asked as well to support a program of targeted loans on long-term, concessionary rates of interest to offset the devastating impact of U.S. high interest rates and the lack of capital in the Basin.

Current policy toward El Salvador will not work for long. Furthermore, the logical outcome of confrontation is to treat the Caribbean Basin as our equivalent to the Soviet Union's Eastern Europe. But the Soviets are showing that imperial solutions for Poland, the other captive satellites and Afghanistan work poorly, if at all.

Needed is a new American policy toward El Salvador in particular and toward the Caribbean Basin in general, a policy, to defend and advance legitimate vital interests in ways that are compatible with American traditions and aspiration, while accommodating the equally legitimate forces for change.●

H.R 5755 HOLDING THE LINE ON ELECTRIC RATES

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. HARKIN. Mr. Speaker, I am introducing today, along with 26 of my colleagues, H.R. 5755, a bill to limit the authority of the Federal Energy Regulatory Commission (FERC) to allow electric utilities to prebill their customers for the financial costs incurred in constructing electric plants until those facilities provide benefits to consumers.

Electric utility regulation is complex and, until now, has received relatively, little public attention. However, billions of dollars are involved and the pocketbooks of nearly every American household are affected by these regulatory decisions. During this past winter of the "Siberian Express," there is no need to recount the hardships imposed on families facing higher and higher utility bills. We must be vigilant in protecting consumers from ill-advised regulatory reforms that end up costing consumers additional billions of dollars.

One such reform is charging customers for construction work in progress—CWIP. CWIP is one means by which utilities can charge their ratepayers for the costs of building new plants, as those costs are incurred. Investors owned utilities claim that it is cheaper for consumers to pay these costs now, rather than when a utility plant is placed in service. However, this proposition has not been substantiated by any objective analysis.

Historically, public utility commissions followed the "used and useful" principle. This meant the customer paid for what the customer received. CWIP, however, is inconsistent with this principle because the customer pays for something for which he does not receive any present benefits.

In 1976, the FERC deviated from the "used and useful" principle by allowing CWIP in three limited instances. Those instances were: first, the cost of pollution control devices; second, conversion of oil or natural gas fired plants to other fuels; and third, if a utility was in "severe financial difficulty."

The first two instances were allowed routinely in part because the costs were mandated by Federal laws. Also, present consumers do receive some near term benefits. The third criteria was very limited. Although five utilities have applied for CWIP because of financial difficulty, the Commission has never approved it.

In July 1981, the FERC initiated a rulemaking procedure to "clarify" the term "severe financial difficulty." This was done in response to charges that the FERC lacked sufficient criteria to determine when a utility was in this financial condition. Under the FERC's proposed rule, a utility would be in "severe financial difficulty" if it had a bond rating of BBB or less from Standard and Poor's, or Baa or less from Moody's. Also, CWIP would have to equal a certain percentage of the wholesale rate base. Beyond the definition that was set forth, the FERC made it clear in its Notice of Proposed Rulemaking, that it wanted to consider all alternatives, including allowing all utilities to charge for all CWIP.

Investor owned utilities hope that the Commission will adopt the latter proposal The Edison Electric Institute, the investor owned utility trade association, has made it clear that they want this rule to serve as a precedent that can be used before State public utility commissions. If this happens, the impact to consumers, both at the wholesale and retail level, would be quite severe.

The Iowa Commerce Commission released a staff paper which said:

> While we do not agree with this proposed specific rule change, it is not our major concern. We view this specific change as an ill-disguised "stalking horse" to accomplish a more insidious goal, i.e., the adoption of an unlimited rule including CWIP in rate base. To this end, the FERC, instead of stopping with its concrete rule change, has solicited comments on alternatives to that change which it has biased or couched in terms to garner support for a rule which opens the door wide for CWIP in rate base.

I agree that this change is ill-advised. The intent of our bill is to prevent an "open ended rule" and maintain the spirit of the present regulation.

What is wrong with allowing utilities to prebill for CWIP? To allow a utility to charge for the cost of construction before a plant generates electricity dramatically alters the obligation of ratepayers. This same argument was the basis for opposition to the Alaska Natural Gas Pipeline waivers, because this gives the pipeline company the right to charge consumers for construction work in progress (CWIP). In effect, the customer assumes the risks of a stockholder, but does not share in the financial benefits.

If customers are forced to pay for CWIP, it significantly removes pressure on utilities to consider alternatives to building new plants. In turn, funding becomes considerably easier once CWIP is granted because present customers pay part or all of the bill. Thus, risk to stockholders is reduced.

There have been a hundred powerplant cancellations since 1975. The losses from these cancellations can be staggering. The Tennessee Valley Authority just abandoned three plants last week after spending more than $2.6 billion on them. These costs are nonproductive investments and reduce our country's industrial efficiency. Needless to say there can be considerable economic dislocation locally.

FERC Chairman C. M. Butler III acknowledged the financial protection that a company can receive when he said in a speech he delivered on October 27, 1981:

> A . . . reason that a company may want CWIP in rate base is that it may fear that it will not be compensated at all, or at least not fully, if the project fails or otherwise does not go on line. In theory, a Commission that was not willing to put a failed project in the rate base might also require that the company repay amounts that the company had earned on its investment in the project through inclusion of CWIP in the rate base. A company might reasonably hope, however, that a Commission would not strain for this kind of draconian consistency. Inclusion of CWIP in the rate base, therefore, offers some limited protection against the risks of failed projects.

Chairman Butler may view the repayment of funds paid by customers to build a plant that is never finished as a draconian remedy. I believe that the important question should be: Is it fair to require the electric customers to pay for the cost of an unfinished plant that provides them no benefits? It is clearly in our national interest for utilities to look toward the least costly method of meeting customers demand. Lower costs mean less expensive and competitively superior products. We could have less inflation and a higher standard of living for everyone.

Unfortunately, the Edison Electric Institute, consistently projects higher estimates for future electric power demand than almost everyone else. They fail to forsee reduction in demand due to energy conservation. EEI's view is adopted by individual utilities and it shows up in expensive new generating plants, which are often not needed at their completion date and which create overcapacity in the industry. When companies know that they must seek alternative, less costly options before the extreme remedy of having their customers pay for CWIP, those companies will examine the alternatives more carefully. In addition, as required by our bill, they would be more likely to spread plant construction risks widely among neighboring utilities.

Another major objection to allocating payment for CWIP is that it would place the burden of future electric demand on today's customers. However, some of those customers will not receive any benefits. The elderly, for example, are especially vulnerable when utilities charge for CWIP.

In addition, there will be a number of technical problems if FERC allows for the prepayment of CWIP. The Commission's jurisdiction extends only to wholesale customers; electricity sales to municipal utilities, and rural electric cooperatives. Some States do not allow the cost of CWIP to be passed on to retail customers. This results in a price squeeze. The wholesale customer would have to pay the bill but it could not be allowed to pass that charge on. Prepayment of CWIP could also cause local price anomalies. People living in an area directly served by an investor owned utility could end up paying lower rates than their neighbors served by a municipal utility acquiring its electricity from the same source.

Most utilities can only sell stock at below its book value. However, in today's market, this is the case with many industries.

The financial prospects for utilities are improving. The Edison Electric Institute recently quoted five investment analysts as becoming bullish on the electric utility industry.

The Economic Recovery Tax Act passed last year will eliminate taxes actually paid by the industry within a few years. It also gave stockholders specific advantages in owning stock which are helpful in attracting additional capital. The utility industry does not need the prepayment of CWIP to survive financially.

WHAT H.R. 5755 DOES

My bill limits the ability of the Federal Energy Regulatory Commission (FERC) to allow utilities to charge the cost of construction work in progress (CWIP) to their customers. In order to be granted the right to charge for

CWIP, a utility would have to: First, show that it is in severe financial difficulty; it cannot effectively enter the financial markets to sell additional bonds; second, demonstrate that the severe financial difficulty is not caused by mismanagement; third, that the construction is necessary to meet customer demand for energy at the lowest cost. The utility must submit an assessment of alternatives to construction of a plant including consumer efficiency improvement programs, load management techniques, cogeneration or small power production, the use of renewable resources and other options that may provide a cheaper way to meet the needs of the utility's customers; and fourth, demonstrate that those charged for the construction work in progress would actually benefit from it.

Under this final point, the utility asking for the rate increase would have to allow the wholesale customer the option of buying into the project. This is a very important principle. Since charging for CWIP transfers the burdens of an owner to the customer. The customer should be afforded option to become an owner and thereby ease the financial difficulty of the utility. In addition, if the customer does pay for CWIP and does not receive any benefit because the project is abandoned, then the customer should be entitled to a refund since the services paid for in advance were not received.

Under this bill, utilities would not be allowed to receive payment of CWIP until after a final decision by the Commission. However, the utility could apply for the decision prior to construction or at any point prior to when the need for the funds exists.

Although the bill sets stiff standards on a utility seeking to have customers pay for construction work in progress, it does set out two special cases in which charging for CWIP is allowed routinely. The bill allows charging for CWIP for pollution control devices and for conversion from oil or gas to alternative fuels. This is simply an attempt to codify existing practice.

Mr. Speaker, the American people have an enormous financial stake in the passage of this bill. The American Public Power Association, which represents publicly-owned electric utilities, estimates that if we had an across-the-board prepayment of CWIP, in 1981, it would have cost consumers about $12 billion in higher electric bills, or about $50 more per year for the average household in America.●

THE NEW YORK PHILHARMONIC

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. WEISS. Mr. Speaker, it is with pleasure that I acknowledge today a unique accomplishment of an outstanding symphony orchestra. On March 7, 1982, the New York Philharmonic performed its 10,000th concert, as Zubin Mehta conducted Mahler's Symphony No. 2.

The philharmonic has given more concerts than any other orchestra in the world, first performing on December 7, 1842. In 1842, Beethoven, Schubert, and Weber were "modern" composers. Berlioz, Schumann, Wagner, and Verdi were the "avant garde." And Brahms, Tchaikovsky, and Dvorak were only children. Not until 1880 was another symphonic organization founded in the United States.

Formed as a cooperative, the society for the first 70 years paid its musicians "dividends" out of concert receipts, the amounts depending upon the success of the season. Subscription receipts for the first season totaled less than $1,500. In 1909, the society was reorganized and systematized into a subsidized orchestra with a salaried administrative staff, contracts for musicians, and a board of directors to oversee its affairs. Under these modernized arrangements the philharmonic has steadily progressed to its present position as one of the world's major musical organizations with a budget of more than $9 million and audiences that number over 1 million each season.

Among the composers who have conducted their own works with the New York Philharmonic or the New York Symphony—with which it merged in 1928—are Victor Herbert, Richard Strauss, Camille Saint-Saens, Vincent d'Indy, Edward MacDowell, Arthur Honegger, Darius Milhard, Hector Villa-Lobos, Ottorino Respighi, Sergei Rachmaninoff, Bela Bartok, Serge Prokofiev, Igor Stravinsky, Paul Hindemith, Leonard Bernstein, Aaron Copland, and Pierre Boulez. Tchaikovsky conducted at ceremonies celebrating the opening of Carnegie Hall in 1891.

The philharmonic undertook its first domestic tour in 1909 under Gustav Mahler and its first European tour, which established its international reputation, in 1930 under Arturo Toscanini. By 1980, the philharmonic had performed in more than 334 cities and 44 countries. Since its first recording in 1917, the philharmonic has become one of the world's major recording enesembles. It currently has available more than 200 recordings, including a number of winners of highest international citations and awards.

Last weekend marked a truly momentous milestone for this great orchestra. We from New York City have been delighted to share the New York Philharomic with others across the country and the world.●

MORTGAGE SUBSIDY BOND TAX ACT OF 1980

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. CHAPPELL. Mr. Speaker, I am pleased to announce my strong support for H.R. 3614, legislation to amend certain provisions in the Mortgage Subsidy Bond Tax Act of 1980.

Mortgage subsidy bonds are State and local bond issues, of which the interest is exempt from Federal taxation, and the proceeds are used to finance single-family home mortgages. These mortgage subsidy bonds were first initiated in 1970 and have since proven to be one of the greatest opportunities for affordable housing for moderate- and lower-income families.

However, during the 96th Congress, the Mortgage Subsidy Bond Tax Act of 1980 was incorporated into the Reconciliation Act of 1980. This legislation provided for the continued issuance of tax-exempt bonds for single-family housing for an additional 3-year period. Further, these bonds were to meet specific requirements for which the Treasury Department was responsible for implementing the regulations. But due to technical problems with the legislation and the regulations, few bonds have been issued nationwide.

Duval County, which is in my Fourth Congressional District of Florida, was able to sell $17 million in bonds this year for the financing of single-family housing. This amount is far below the $150 million in bonds sold in two separate issues during 1980. The major problems preventing Duval County from the marketing of these bonds are the same problems plaguing other States and localities. First, the 95-percent compliance test, which does not allow the issuer to correct cases of noncompliance and retain tax exemption. And second, the reduction in the arbitrage figure, which is the spread between the cost of our bonds and the effective interest rate to the home buyer from 1.5 percent to 1 percent.

Duval County circumvented the 95-percent compliance test by selling insurance policies to the home buyer. These policies insure all bondholders against possible loss of tax exemption. However, the cost of these insurance policies not only increases the cost of a house by as much as 4 percent, which places a greater financial burden on an already struggling first-time home buyer, but it also creates more redtape for the administrators of the bond issue.

The second problem was with the arbitrage figure. As in all other tax-exempt issuances, a 1½-percent spread between the cost of bonds and the effective interest rate is allowed. However, under the new statute, the arbitrage figure was reduced to 1 percent, a figure even the Congressional Budget Office admits is not enough to cover the administrative cost. Duval County, as with other States and localities that have a history of bond issuances, has a limited reserve of funds which can be borrowed from temporarily for this bond issue. However, Mr. Speaker, these reserves are limited, and therefore, this will be the last bond issuance for Duval County unless this statute is amended.

Mr. Speaker, it is no secret that the homebuilding industry is in its worst depression since 1946. High mortgage rates, unyielding inflation, and Government overregulation have combined to virtually bring the housing industry to a halt. Florida's past decade of rampant growth and flourishing housing market staved off the housing crisis, and many a homebuilder believed the State's housing industry might be recession-proof. Unfortunately, this was not the case, and today, Florida's $25-billion-a-year housing industry suffers from the affects of a weak economy, the elmination of Federal housing subsidies, and the inability of the Government to create workable regulations for programs such as mortgage-subsidy bonds.

Mr. Speaker, hundreds of thousands of Americans are out of work because of the housing crisis. Furthermore, unemployment has affected not only carpenters, plumbers, electricians, concrete workers, and real estate sales people, but those many small businesses which furnish the home. And, while the housing industry primarily supports small business, several "Fortune 500" companies such as General Electric, Wayerhauser, United States Steel, and Whirlpool are being hurt by the sharp decline in housing starts.

Since 1978, the estimated loss to the economy due to the housing crisis has been $238 billion, in addition to the tax revenue loss of $15.66 billion. Further, with every percentage increase in unemployment, $25 million is added to the Federal budget. Mr. Speaker, the housing crisis has created many hardships for the people of this country, not least of all, the American dream of homeownership has been priced beyond the reach of over 90 percent of working American families.

Mr. Speaker, Congress must act now to help the housing industry, and H.R. 3614 is just that type of action. The bill will bring no new cost to the Federal Government, because the anticipated revenue impact for a 3-year period for mortgage revenue bonds has been included in the Omnibus Reconciliation Act of 1980. Clearly, the sooner H.R. 3614 is enacted into law the sooner the housing industry will be able to get back on its feet, which means more jobs, and more tax revenue for Federal, State, and local governments. I rise in strong support of H.R., 3614 and urge my colleagues to do the same.●

COMMEMORATION OF TARAS SHEVCHENKO DAY

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. NELLIGAN. Mr. Speaker, it is my privilege and honor today to commemorate Taras Shevchenko Day. This great Ukrainian poet and nationalist did much to inspire a national spirit of independence in the people of the Ukraine through his literary efforts.

Taras Shevchenko was born in Kiev in 1814. Shevchenko and other Ukrainians organized the Society of Saints Cyril and Methodius in 1843. The society led an unsuccessful attempt to win the Ukraine's independence from Russia. Shevchenko was exiled as a result of his efforts in 1847.

Unlike most of the romantic literature of the times, Shevchenko's poems have a clear social message. His poems describe the hard life of the Ukrainian serfs. By expressing their desire for freedom, Shevchenko did much to promote the cause of Ukrainian independence. By writing always in the language of the Ukraine, Shevchenko created a Ukrainian ethnic consciousness.

As a member of the Ad Hoc Committee on the Baltic States and the Ukraine, I proudly salute the achievements of this great Ukrainian patriot; I join with Americans of Ukrainian descent in Pennsylvania's 11th Congressional District in commemorating the accomplishments of the most famous of the Ukrainian poets.●

INDEXING IRA ACCOUNT LIMITS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. PETRI. Mr. Speaker, as one who supported liberalization of individual retirement accounts (IRA's), I was pleased that several tax law changes, including universal eligibility and higher contribution limits, were adopted last year.

One further change should be made. We need to protect last year's IRA gains from erosion through inflation. Two thousand dollars of IRA contributions per year may be an adequate limit in 1982, but 10 years from now inflation may cut the value of that limit in half. People who have been led to make a long run commitment to providing their own retirement income may gradually find that the contribution limits are inadequate to support that commitment.

Accordingly, Thursday, I introduced H.R. 5741, which would index IRA contribution limits for inflation beginning in 1983. This bill uses the indexing mechanism adopted for individual income tax brackets in last year's bill.

The only major objection to this bill will probably be the revenue loss it would eventually cause for the Treasury. However, close examination reveals that in this short intermediate time, Government revenue losses are more than matched by private capital increases.

For example, this year it is estimated that there will be $20 billion of IRA contributions nationwide, of which $7 billion, or 35 percent will be new savings (i.e., savings that otherwise would not have been made). On the other hand, the $20 billion is excluded from taxable income, so the revenue loss to the Treasury is $20 billion times the average marginal tax rate paid by those making the IRA contributions. If their average marginal rate is 35 percent, (which occurs in 1982 at a taxable income of $32,000 to $37,000 for a childless married couple), there will be a net gain of funds for the capital markets.

After the currently scheduled individual income tax rate cuts are completed next year, the top rate will be only about 38.5 percent. Thus, if 35 percent of IRA contributions continue to be new savings, the revenue loss from this bill will be more than offset by increased private capital formation.

This is a simple bill, and I urge my colleagues to support it. I also ask that the bill be printed in the RECORD at this time.

H.R. 5741

A bill to amend the Internal Revenue Code of 1954 to adjust the dollar limitations on the deduction for retirement savings for increases in the cost of living

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 219 of the Internal Revenue Code of 1954 (relating to retirement savings) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) INFLATION ADJUSTMENTS.—

"(1) In general.—In the case of any taxable year beginning in a calendar year after 1982, each of the provisions referred to in paragraph (2) shall be applied by increasing each dollar amount contained therein by the inflation adjustment for such calendar year. Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $10.

"(2) Provisions affected.—For purposes of paragraph (1), the provisions referred to in this paragraph are:

"(A) Subsections (b)(1)(A), (b)(4)(A)(i), and (c)(2)(A)(i) of this section.

"(B) Subsections (a) and (b) of section 408 and the first sentence of section 408(d)(5)(A).

"(C) Subsection (a)(4) of section 409.

"(3) Inflation adjustment.—For purposes of this subsection, the inflation adjustment for any calendar year is the percentage (if any) by which—

"(A) the CPI for the preceding calendar year (as defined in section 1(f)(4)), exceeds.

"(B) the CPI for calendar year 1981 (as so defined)."

(b) The amendment made by this subsection shall apply to taxable years beginning after December 31, 1982.●

VOICE OF DEMOCRACY CONTEST

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. DAVIS. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies' auxiliary conduct a voice of democracy contest. This year, more than 250,000 high school students participated in the contest competing for five national scholarships which are awarded as top prizes. This year's winner from the State of Michigan is also from my congressional district. Julie Ann Wilberding lives in Lake Linden, Mich., attends the Lake Linden-Hubell School and hopes to have a career in medicine. Her winning essay stresses the need for all Americans to work together to keep this Nation strong. I submit the essay to be printed in the Record.

"COMING TOGETHER IS A BEGINNING; KEEPING TOGETHER IS PROGRESS; WORKING TOGETHER IS SUCCESS."

The early colonists had a choice, they could work together for the success of our country, or they could work separately and fail. But failure comes in two classes: those who thought and never did, and those who did and never thought. The early Americans thought and did, today we think and do.

In the past 200 years, our country has been growing and developing at a rapid pace. The dreams and hopes of our forefathers have been fulfilled through the times of joy, sorrow, war and celebration. And we have fulfilled those dreams and hopes together.

Let's go back in history, shall we, to the times of the early settlers. It was a custom among the people of a certain town to help a new family build their home. Everyone in the town helped and when the task was completed, they celebrated in song and dance. This isn't as trivial as it sounds. Rather it can be thought of as the foundation of a great undertaking, America. From that time on, people have been following that example and when we look around at our country today, we see the results.

America is a fairly young country compared to a lot of others. We've only had 200 years to work with. But look at how much we have grown! Today we are one of the most advanced countries in the world. And this says a lot about the American people.

We have put into America our courage, sweat, blood, ourselves. We have put forth great human effort and we have worked together for a common good. And when the dark hours of our history were upon us, we hung together, we didn't give up. We should take great pride in this!

The great men and women who have built America are many, few are known. The legacy they leave us is what they have contributed to the growth of America. And it is up to us to build from that legacy.

We should always remember, as we continue to help our country develop, that the individual soloist does not make the symphonic music beautiful, rather, the whole orchestra playing together in harmony. Together, they produce the beautiful music that the composer desired. Our forefathers desired great things for our country. And like a finely balanced orchestra, we have succeeded in building a great and beautiful country. We have played our music well!

Not only has our country matured, but also the thought and values of the American people. We have come to realize that if we are willing to put forth hard work for a cause we believe in, we can build something great and cherish it for the rest of our lives and the lives of our children.

If three people go through a crisis, whether good or bad, that affects all of them; by working together through it, they seem to form a kinship. A special bond forms between them and they have all grown as mature individuals and they are all the more conscious of each other's needs. And so it is with the American people. Together we have shed our tears, blood, knowledge and capabilities. And together we have grown to be a mature people with a special bond between us.

To give real service, you must add something which cannot be bought or measured—sincerity and integrity. This is what Americans have contributed to the growth of our country, and we still must contribute it today. And if we work together as a united people, our capabilities are limitless.

Two hundred years of history are behind us. We still help a new neighbor out in building a home. We began by coming together—through the years we have kept ourselves together and progressed—today we are working together for the success of our future!

"There exist limitless opportunities in every industry. Where there is an open mind, there will always be a frontier," says Charles Kettering. Americans have open minds and we have a frontier before us that is as vast as the cosmos themselves. We can't conquer that frontier unless we work together, as we have done in the past!●

ALUMNI ARTIST GAINS WORLDWIDE ACCLAIM

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. PEPPER. Mr. Speaker, many of our great artists, authors, and composers have not received recognition for their creative greatness during their lifetime. That is a tragedy for those who devote their lives to creating beauty for all of us and leave a legacy of a brighter and better world for the generations that follow. Posterity judges a civilization by its culture.

In an article in The Miami Hurricane on February 12, 1982, tribute was paid to Mark Shecter, a 1958 graduate of the University of Miami and an artist whose work has been compared to that of Matisse by a world renowned art critic, Dr. Alfred Werner. It is a pleasure to join in giving recognition to an outstanding artist early in his career. Mr. Speaker, I submit the article about Mark Shecter for the Record at this point:

[From the Miami Hurricane, Feb. 12, 1982]

ALUMNI ARTIST GAINS WORLDWIDE ACCLAIM

Jacob L. and Ann Friedman, residents of Golden Beach, have acquired five impressive paintings from the renowned Mark Schecter, a 1968 graduate from the University of Miami.

The five paintings, "Bromeliad," "Marigolds and Four O' Clock," "Marigold Bush and Moonflower Leaves," "Blonde in a Red Shirt" and "Girl With Doll," will hang as a group in the new Radutzky Emergency Care Pavillion of Brookdale Hospital in Brooklyn, New York. The pavillion will be completed this spring.

About his work, Shecter has written that, "I usually seek the sensual. Color to excite the eye. Texture to excite the touch. And subject matter to either please the mind or make a statement."

Shecter added, "I like using the figure and such themes as still life, landscapes, interiors, nudes, ballerinas and occasionally an abstract or non-representational painting. My finished painting is a combination of the artistic qualities that court in modern art."

Dr. Alfred Werner, who as art director of the 16-volume Encyclopedia Judaica and author of 21 books achieved worldwide acceptance as art critic and art historian, issued the certificate naming Schect[illegible] as the fauve Matisse of today.

Werner wrote that, "In a career that now extends over a dozen years, he has learned that what counts is not the success of an isolated detail, but the satisfactory arrangement of the entire picture, a harmonious balance between nature and spirit, the senses and the mind—in short, the creative ego's transformation into impeccable harmonies."

Shortly before his recent passing, Werner wrote an article about Shecter in which he classified Shecter as a painter with the talent of men like Gauguin, Van Gogh, Matisse, Chagall and Soutine.

Ten of Shecter's paintings are in the Art in Embassies Program of the State Department, along with the works of Milton Avery, William James Glackens, Edward Hopper, Jack Levine, Robert Motherwell, Louis Elishemins and John Singer Sargent.

Shecter art has been exhibited in 27 countries. When Vice-President George Bush was American ambassador to China, he arranged an exhibition of Shecter paintings in Peking. It was the first showing of contemporary American art in China in many years.

Prime Minister Menachem Begin of Israel owns two of Shecter's paintings. One is a portrait of Begin and the other is a portrait of Jimmy Carter.

Shecter's work is in collections in such prestigious museums as the Corcoran Gallery of Art, the American Film Institute and Johns Hopkins University. His work is also at the Lowe Art Museum on the University of Miami campus.

The Jewish Theological Seminary of New York has aquired a portrait of Dr. Solomon Shecter for its permanent collection. Dr. Shecter was one of the important founders of Conservative Judaism in America. When the Jewish Theological Seminary was established in New York, Dr. Shecter was its first president.●

NATIONAL CONSTRUCTION INDUSTRY WEEK

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. WILLIAMS of Ohio. Mr. Speaker, the week of February 28 to March 6 has been designated as "National Construction Industry Week". The construction industry has made and continues to make a signficant contribution to our country and its economy, and this well deserved recognition is long overdue.

I wish to bring to the attention of my colleagues the role played by one important segment of the construction industry, known as the equipment rental industry, whose members supply equipment and tools of all types to contractors, industrial firms and consumers.

The principal representative of the equipment rental industry is the American Rental Association with more than 3,000 members in the United States, Canada, and abroad. ARA and its members, the vast majority of whom are small businesses, play a vital role in the construction industry by serving the needs of contractors, large and small, throughout the country.

The equipment rental industry revolves around the products and services it offers for rent. From tools to tractors, backhoes to bulldozers, the importance to the construction industry in terms of quality convenience and cost effectiveness cannot be overstressed.

Yet, despite its importance, the relatively new concept of short term equipment rentals frequently is misunderstood by Government agencies, taxing authorities, legislators, lawyers, accountants, and others.

In law, and in Webster's dictionary, no real distinction is made between renting and leasing. But for those in the equipment rental business, the differences are quite definite. Rental is for a short or indeterminate period of time. It can be less than 1 day, or for as long as the contractor wants it to be. The important thing is this: The contractor can return the rented item anytime he wants to, and pay rent only for the time he has used it. His cost and his liability begin and end with the rental period—which he controls.

Leasing, on the other hand, involves a contractually agreed upon period of time—generally more than 1 year—for which the contractor usually agrees to terms that repay at least the major portion of the full purchase price of the equipment leased. Some lease transactions include maintenance, but most do not. Renting never includes a guaranteed period of time, and renting always includes maintenance.

Renting equipment offers contractors many advantages, primarily economic, and all to the ultimate benefit of the consumer in the form of lower costs. Let's take a brief look at a few of them:

1. Maintenance. Equipment rented on a day-to-day basis includes full maintenance. The contractor needs no repair shop, no spare parts supply, no mechanics, and no parts supply inventory or maintenance records for it.

2. Breakdown. Virtually all equipment is subject to occasional breakdown in use. The equipment rental firm can supply a contractor with replacement equipment when his own breaks done—thus avoiding costly delays. When rented equipment breaks down, it is immediately replaced by the equipment rental firm at no cost to the user.

3. Warehousing. Warehousing facilities are seldom needed for rental equipment. This aspect of renting has made it possible for some contractors to operate successful construction businesses with little more overhead than the cost of a telephone answering service by having equipment rental firms serve as their warehouses.

4. Mobility. Equipment rental offers the contractor or other user a mobility that could not exist with owned equipment. A contractor, for example, can bid on a job several hundred miles away, secure in the knowledge that he will find the equipment he needs at an equipment rental firm near his job site. Before the rapid growth of equipment rental firms, a major argument in favor of owning equipment was availability and convenience. This has now become one of the strongest arguments against owning, since rental facilities are now almost universal.

5. Cost control. Better cost control is possible with rented equipment. Knowing the true costs of equipment owned is difficult. Rented equipment offers its user just one accountable cost figure—that shown on the rental invoice.

6. Inventory control. Another advantage in renting is better inventory control. Contractors in particular often find that they have less inventory loss due to pilferage when equipment is rented rather than owned. Although at first glance this may seem strange, there is a very logical reason for it. The presence of continuous billing on any rented item tends to establish accountability for that item. The contractor who owns a great deal of miscellaneous equipment has a difficult time establishing personal responsibility for any of it. Tools signed for at an equipment rental firm—tools which must ultimately be returned—seem somehow to be watched with sharper eyes.

7. Disposal costs. It is easy to overlook the cost of disposing of owned equipment. It costs money to sell any type of used or obsolete equipment. Preparing the equipment for resale, advertising and selling time are cost factors of ownership that do not occur in renting.

8. Obsolescence. Day-to-day renting eliminates obsolescence risk for the contractor. Faster and better equipment is constantly appearing, as manufacturers battle for a market keenly aware of rising wage costs.

9. Correct equipment for the job. Renting avoids another kind of inefficiency through use of the wrong size or type of equipment for a given job. Rental insures the correct equipment for the job. Equipment rental firms provide specialized equipment for the unusual job.

10. Minimum equipment for the job. Equipment rental enables contractors to avoid the cost of idle equipment. Contractors need only purchase basic equipment and are not burdened with the purchase of costly but seldom used machinery.

11. Personal property taxes and licenses. There are no personal property taxes or license costs for the user of rented equipment.

12. Conservation of capital. Renting conserves capital. It frees capital for other, potentially more profitable uses than that of being tied up in equipment.

13. Increases borrowing capacity. The equipment user who rents rather than buys generally finds borrowing easier because he has a better ratio of assets to liabilities, as the equipment does not appear as a liability on his balance sheet. This means that his normal line of bank credit is not disturbed. Contractors have found this

most important in securing the bonds necessary for construction work.

Equipment rental firms serve contractors (and consumers) throughout the country—providing convenient and efficient service and products.

The American Rental Association and its members are a dynamic and growing part of the construction industry and our economy.●

DEFENSE SPENDING: ANOTHER VIEW

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. FIELDS. Mr. Speaker, with an ever-increasing number of my democratic colleagues rushing to be baptized as "born-again" budget cutters, I believe it is incumbent upon the American people to closely examine the program these individual are suggesting.

It is a program simplistic in design but potentially devastating in effect. It calls for a return to the miserably failed economic policies of the last 25 years which are largely responsible for our current economic dilemma.

The linchpins of my Democratic colleagues program is to put the American people back into the shackles of overtaxation and to slash the defense budget.

While I personally feel the budget of every department is not cast in stone and that fraud, waste, and abuse must be eliminated no matter where it exists, to suggest that we can balance the budget by significantly cutting defense spending is both misleading and dangerous.

What the American people should know is that if Congress cut from the 1983 budget both new aircraft carriers, the B-1 bomber, the MX missile, the M-1 tank, the infantry fighting vehicle, the attack helicopter, the LAMPS III antisubmarine warfare program and every F-16 and all F-18's we would save about $5 billion in outlay money.

Mr. Speaker, I do not believe we should mortgage our Nation's future security for $5 billion, or for that matter, any amount of money, and I am hopeful that my colleagues will put aside political rhetoric and begin to work on realistic ways to reduce the unacceptable budget deficit we now face.●

NICK DARIENZO: MINEOLA'S SPECIAL LETTER CARRIER

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, it is a generally accepted fact that dedicated individuals who devote their energies to public service—and perform their duties in an exemplary fashion—comprise a very special group.

For 27 years, the residents of Mineola, Long Island, have been the beneficiaries of such service in the person of Mr. Nick Darienzo, an outstanding mail carrier.

Born and raised in the village which he now serves, Nick Darienzo represents the epitome of good service. Ever present and ever pleasant, he was often the only friendly face to many lonely, elderly shut-ins. His kindly ways made him a true friend of every child on his route.

At a time when it is fashionable to chastise the failings of bureaucracy, Nick Darienzo stands out as a shining example of the most important aspect of public service—conscientious concern.

Upon the occasion of his retirement from the U.S. Postal Service, it is most fitting that Mr. Nick Darienzo be honored and graciously thanked for a job well done. Though Nick Darienzo has worn the hat of letter carrier, good citizen, and neighbor—he will always be remembered and cherished, by all who have known him, as a friend.●

TRAGIC SITUATION IN EAST TIMOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. EDWARDS of California. Mr. Speaker, on previous occasions I have drawn attention to the tragic situation in the former Portuguese colony of East Timor, which was invaded by Indonesia in late 1975 and today remains occupied in defiance of interational law. The New York times and other newspapers have reported a Timorese death toll that may exceed 200,000—perhaps one-third or more of the island territory's original population of 700,000.

I have emphasized that it is wrong for the United States, which stands firm against foreign aggression in Afghanistan, Cambodia, and Poland, to back Indonesia's indefensible stance on East Timor. I have underscored the fact that Portugal—which in international law is still recognized as the legal sovereign—has the responsibility to initiate diplomatic steps that could lay the groundwork for an eventual end to the Indonesian occupation of East Timor.

Last May 21 I noted with concern Indonesian press accounts of massive military maneuvers in East Timor by the Indonesian Armed Forces. There was no independent evidence that these military maneuvers had extended to actual military operations against Timorese nationalists who continue to resist Indonesia's brutal occupation of their country. I stated, however, that in the event that an Indonesian military offensive did take place, it should be condemned in the strongest possible terms. I would like to remind my colleagues that East Timor had already been subjected to a Cambodia-like famine, caused by the Indonesian invasion and subsequent military operations.

In recent months there have been many credible reports that a new Indonesian military offensive did in fact take place from last July through September. No one seriously disputes that this offensive took place.

The information that has become available is horrifying. Indonesian troops forcibly conscripted thousands of Timorese villagers in an unsuccessful attempt to flush out the nationalist resistance by using the villagers as a human shield. An account in the well-regarded Australian daily, the Age, drew particular attention to this "corral campaign," which should be condemned by all civilized people.

Let us be clear about the nature of this conflict. Amnesty International has provided accounts of mass executions carried out by Indonesian troops against surrendered Timorese nationalist guerillas and civilians alike. A January 12 report in the London Guardian said that "East Timorese refugees arriving in Lisbon claim that mass executions and indiscriminate brutality are continuing in their homeland." Other refugee and Catholic Church accounts have spoken of Indonesian executions of women and children, and have even charged that in some instances surrendered Timorese guerillas have been executed, and their wives forced to live with Indonesian soldiers.

In a Christmas Day editorial, the New York Times stated that "the people of East Timor are still being destroyed with genocidal fury." On Christmas Eve, the London Times, like the New York Times, made reference to situations in Poland, Afghanistan, and Central America, and also made strong mention of Timor.

Closer to my home, California newspapers have recently published excellent editorials and commentary on the East Timor tragedy. In short, while some would prefer to avert their eyes, Timor will not go away: It will continue to haunt us, until firm steps are taken to bring this tragedy to an end. I have suggested such steps before, and will continue to do so.

The articles follow:

[From the New York Times, Dec. 25, 1981]

CHRISTMAS BEACONS

Faith and freedom, as President Reagan aptly put it, are the twin beacons that brighten the American sky this day. Faith in the power of love to conquer cruelty; freedom to pursue the potential of every person and community. It was altogether fitting for Mr. Reagan to join his Christmas prayer to a solemn warning that Americans would, without violence, punish the foes of Freedom who desecrate this holiday.

First of all in Poland. The President's warnings to Warsaw and Moscow are timely and measured. They still offer a choice: East-West collaboration in rebuilding Polish society or painful sanctions against the strained economies of the entire Soviet bloc.

This is, to be sure, intervention, but not to implant America's preference in social systems. It is intervention in defense of civilized values that Communists profess to share—the most basic rights of dissent and conscience.

In rebelling against a failed system, the Polish people do not threaten the Warsaw Pact. They demand only workers' rights in a workers' state. If that somehow threatens Soviet ideology, the remedy lies in Soviet reforms, not in the export of martial terror. Barbarity, like freedom, is contagious. The defeat of Stalinism is the business of every modern state.

Believing that there may yet be a path out of the Polish darkness, Mr. Reagan has so far imposed only the mildest sanctions. Yet he was firm in warning of costlier actions if Warsaw and Moscow persist in their war against the Polish people. To enjoy—indeed, depend upon—constructive relations with other peoples, the Communist governments simply have to learn to deal humanely with movements like Solidarity.

Today of all days, we recognize that the ideals of freedom are only imperfectly realized on earth. A mere nine years ago, Americans were ruthlessly bombing North Vietnam. One evil, however, does not validate another. To stop judging others would be to let all values disappear.

So not only Poland, Mr. President: there are, alas, not enough White House windows to light a candle for all the world's oppressed this Christmas.

As in Poland, Governments are now at war with their own people in Guatemala, El Salvador and Afghanistan. In Indonesia, *the people of East Timor are still being destroyed with genocidal fury*. In South Africa and Iran, protest against appalling suppression and racism is cruelly crushed.

These brutalities, too, are defended as ideologically imperative, but all offend faith and freedom. Their perpetrators, too, deserve notice that such crimes against humanity "will cost them dearly."

[From the London Times, Dec. 24, 1981]

How silently, how silently, the wondrous gift is given. The Times, like other national daily newspapers, falls silent for two days at this time of year. Those who normally write and read it are presumed to be celebrating, in whatever manner they see fit, the mystery of the Incarnation: the doctrine that God took on himself human nature, and subjected himself to human experience.

Human experience means, for the majority of human beings, suffering, deprivation and oppression. The stable in Bethlehem symbolises that: an expectant mother uprooted from her home by the arbitrary decree of an occupying power and obliged to give birth in what must have been dangerously insanitary, as well as acutely uncomfortable conditions; a child pursued, in the first days of His life, by the ruthless security forces of a puppet ruler in a panic.

God incarnate begins life on earth as a refugee and ends it as a political prisoner. He should certainly feel at home in the world of 1981. Where would He choose to be born now? We think first of Poland, of course. There, if anywhere, He is present this Christmas in the homes and churches of a brave Christian people who have miraculously drawn faith from a history of suffering apparently without end. They are part of the European family. Their pain, their struggles, their deaths are especially close to us.

Christ is no less present with the victims of torture, rape and murder in those countries where Herod and his soldiers add insult to injury by themselves professing the Christian faith. Guatemala and El Salvador—the latter actually named after the Redeemer of Mankind—are particularly flagrant examples, but one could make a long list in Latin America and then add the Philippines.

He is also in the prisons of the Ethiopian Dergue, where relatives of the late Emperor still languish, amid countless others, after six years of revolution. He is in the refugee camps of Somalia and Sudan, the "re-education" camps of Vietnam and the overcrowded townships of South Africa. He is hiding from Indonesian troops in the jungles of East Timor. He is perhaps one of the thousands of Cambodian orphans whom relief agencies are just managing to feed, but not to provide with the elementary stimuli needed for mental development. He is being held by revolutionary guards in Iran, liable to execution at any moment on a sentence pronounced in the name of God the Most Merciful and Compassionate by some self-appointed revolutionary judge. He is standing trial today with a group of Turkish trade unionists. He is with Jewish parents in the Soviet Union, unemployed because they applied for an emigration visa. . . . Or born in Bethlehem to a family whose house has been blown up because one member is suspected of terrorism.

But if all human misery is to be gathered in, the net of compassion must be spread much more widely to include the victims not just of misused state power but also of negligence, failure and indifference. It must take in the poor of Egypt, the starving of Calcutta, the African child dying of an infectious disease against which he could have been inoculated for the price of one of the cheaper Christmas presents of a British middle class child. It must take in the frightened of Northern Ireland and the unemployed of Britain.

"I was an hungered and ye gave me no meat: I was thirsty, and ye gave me no drink: I was a stranger, and ye took me not in: naked, and ye clothed me not: sick and in prison, and ye visited me not". Who can keep those words in mind and still enjoy his Christmas dinner? The very multiplicity of claims on our compassion helps to anaesthetize conscience and to excuse callousness. We cannot exclude or reject any claim, but neither can we focus equally on all at all times or we lose sight of the individual human dimension, which is the crucial one.

To the Iranian who knows that hundreds of his compatriots are being executed every week, or to the Palestinian refused access to what he regards as his homeland, the fuss made in the West about two old people on hunger strike for the sake of one healthy young woman's right to leave her country may seem disproportionate, just as in the France of the 1890s many hungry and exploited French workers could not see why so much energy was spent on a struggle to clear one bourgeois officer accused of espionage.

The right answer is that of Jean Jaures: justice for Dreyfus, bourgeois, was a step towards justice for Dupont, ouvrier. Winning human rights for Iranians or Cambodians or Kurds or Poles or Palestinians—or indeed for the Soviet population in general—is immeasurably more difficult than winning one exit visa for Lisa Alexeyeva, but if the world had not been able to save the Sakharovs its capacity to attempt those other tasks would have been greatly diminished. Concern for one individual life is the essential starting point for concern about many. Too many of the world's crimes hae originated in forgetfulness of this basic truth. In the case of the Sakharovs a principle of universal validity was successfully asserted and the forces of evil were persuaded to give way. There is no cause for complacency there, but a glimmer of hope. The struggle can and must move on.

[From the Los Angeles Times, Jan. 7, 1982]

THE SHATTERED WORLD OF EAST TIMOR: SOUTHEAST ASIAN ISLAND SUFFERS HORROR AT HANDS OF INDONESIA

(By Arnold Kohen)

It should be a news story of major importance, if measured in human lives many tens of thousands killed—perhaps a third of the territory's 600,000 inhabitants—as a result of a military invasion by a nation with a population 200 times its size. The occupation forces continue to wage a ruthless campaign to destroy nationalist resistance while keeping news of the situation from reaching the outside world by allowing few people to leave.

The victim nation had fought bravely on the Allied side during World War II, losing at least 40,000 lives while sheltering Australian commandos. But its erstwhile friends turned their diplomatic backs when in 1975, East Timor, a Southeast Asian island territory then emerging from 400 years of Portuguese colonial rule, faced invasion by its huge neighbor, Indonesia.

At first glance, the situation could not seem more distant from American concerns. The old World War II connection appears remote today, almost as tenuous as East Timor's role as a port of refuge for Captain Bligh in the 19th-Century classic, "Mutiny on the Bounty." Other factors in the tragedy of East Timor, however, are a bit closer to home, and have combined to make it a thorny issue for three successive Administrations in Washington.

The State Department had admitted that "roughly 90 percent" of the arms available to the Indonesian generals—rulers of a strategically located, oil-rich nation with the world's fifth-largest population—at the time of the 1975 invasion were American-supplied. U.S. weapon shipments were stepped up thereafter. Jakarta has also received American diplomatic support for its position at the United Nations, which nevertheless has repeatedly rejected Indonesia's claim to sovereignty over East Timor. And, significantly, whenever new reports of Indonesian atrocities have surfaced, U.S. officials have gone to great lengths to shield Jakarta from congressional and press criticism.

Whatever the level of U.S. involvement, it has been far from easy to draw Americans' attention to the situation. Few have ever heard of East Timor, and there are perhaps a dozen Timorese-Americans in the United States—hardly the makings of a pressure group.

Nonetheless, the invasion and the illegal use of U.S.-supplied weapons for aggressive purposes attracted enough attention to stimulate an initiative in early 1976 by Rep. Tom Harkin (D-Iowa), aimed at reducing U.S. military aid to Indonesia. The effort failed, but Congress held four hearings in 1977 and 1978 to probe, in the words of then-Rep. Donald Fraser (D-Minn.), "allegations of genocide committed by the Indonesian armed forces against the population of East Timor."

In September, 1978, a group of journalists, among the few allowed a glimpse of the territory since the invasion, cited accounts alleging that hundreds of Timorese were dying of starvation each month. In late 1979, international relief officials were finally admitted to the island, and they reported that conditions were "worse than Biafra and potentially as serious as Cambodia."

At the same time a group of Timorese refugees, mainly Roman Catholic priests, traveled to the United States in an attempt to alert Congress and the news media to their country's plight.

This was at the height of the Cambodian famine, which followed the Vietnamese invasion of that country. The Soviets were launching their invasion of Afghanistan. Though they tried, officials in the State Department were unable to explain persuasively just why the Indonesian invasion of East Timor was any different, or less in need of a humanitarian and political solution. Indonesia's status as a "friendly" nation and its staunch anti-communist presence in Southeast Asia were factors in the unsympathetic response of "security-minded" people in the press and in Congress. Besides, Timor was an impoverished agrarian area with no wealth, apart from its people, for even Indonesia to exploit. The best reason anyone can offer for the invasion is simply that East Timor was there, the Portugese were not, and Indonesia saw "instability" in the area.

Still, the congressional hearings in 1979-80 and the brief flurry of media coverage were enough to prod Jakarta into allowing some humanitarian aid onto the island. While that may have prevented some further deaths, it had no effect on other basic problems.

One of the Timorese priests (East Timor is largely Roman Catholic) who testified before Congress reported later that his relatives had been threatened because of his statements here. The Indonesians are still denying permission to emigrate, and those who dare to apply, and families of those who have left, are punished or threatened. (One thinks of the case of Andrei Sakharov and his family.) In late 1980, Amnesty International reported arbitrary executions of surrendered nationalist guerrillas by the Indonesian forces, "disappearances" and large-scale imprisonment without trial. Amnesty (and the Catholic Church in East Timor) recommended that international relief agencies be permitted to maintain and expand their presence in the territory as a means of providing some level of protection for the Timorese population.

Last May, the Timorese seemed to have gained a new and important ally in Senator S. I. Hayakawa (R-Calif.), chairman of the Foreign Relations Subcommittee on Asia. He circulated a letter among his colleagues supporting the need for continuing, full-time, on-the-spot international supervision of the situation. A diverse, bipartisan group of nearly 30 senators supported the letter, illustrating how a relatively small amount of press coverage had spread awareness of the Timor tragedy in Washington. But the initiative fell through when Hayakawa suspended the letter under pressure from the Reagan Administration, which shares the Carter Administration's reluctance to press Indonesia.

Meanwhile, horrifying accounts continue to arrive from East Timor. The most recent is a report, introduced into the Congressional Record last month by Sen. Paul E. Tsongas (D-Mass.), of a new Indonesian military offensive in which 500 Timorese, including children and pregnant women, were said to have been massacred. Church sources say that the latest Indonesian "operation" could lead to a renewal of serious food problems—this at a time when Jakarta has barred further international food aid for the island.

A few Timorese still manage to get out. A small group is now in this country, under the auspices of humanitarian organizations, to give first-hand accounts of the tragedy being suffered by their countrymen. Unfortunately, they arrived at a time when America is preoccupied with the suppression of the people of Poland. The people suffering on a little island thousands of miles across the Pacific wish that they could receive even one-tenth the attention.

[From the London Guardian, Jan. 12, 1982]

East Timor Refugees Tell of Mass Executions

(From Jill Jolliffe in Lisbon)

East Timorese refugees arriving in Lisbon claim that mass executions and indiscriminate brutality are continuing in their homeland, six years after Indonesia invaded the former Portuguese colony.

Two MPs from the Regional Assembly of East Timor were arrested recently after they complained in their annual report to President Suharto of the behaviour of occupying troops. They said that the Regional People's Representative Assembly of the province of East Timor was continually receiving verbal and written reports or complaints from the people about torture, maltreatment, murders, and other serious cases. Feelings of fear were widespread among the people with the result that living conditions had worsened.

The report, which went on to document specific atrocities, was signed by Joao Pedro Soares and Isaac Leandro, and was forwarded to President Suharto in June. In September it was leaked to the foreign press, and in November the two men were arrested, but have since been released after an outcry in the Australian press.

The incident echoed events of 1976, when Indonesian-appointed Governor Arnaldo Araujo submitted a similar report to President Suharto, complaining of looting and indiscriminate brutalities by the Indonesian military. He was dismissed soon after and replaced by the present Governor, Guilherme Goncalves. For Indonesia, East Timor is a problem which will not go away, despite regular military offensives finally to subjugate the territory, including an extensive military operation last year.

According to refugees who recently arrived in Portugal through a precarious escape route from Dili, the East Timorese capital, fighting is still going on between Indonesian troops and Timorese nationalists led by Fretilin, the Revolutionary Front of Independent East Timor, and arrests and arbitrary imprisonments are continuing.

Amnesty International has been monitoring the situation since the invasion and its list of East Timorese who have disappeared or allegedly been executed is growing. The refugees are bitter that the world community is vocally indignant about Afghanistan but appears to have forgotten them.

In recent months, the island territory has been the scene of a new military offensive by the Indonesian Army. Operasi Keamanan (Operation Security) was an attempt to sweep the country with a force made up of Indonesian army regulars and the conscripted local population, reminiscent of the 1830s manhunt in Australia which destroyed the last of the Tasmanian aborigines.

The result, according to a Catholic Church source in Dili—which has been one of the few reliable channels of information since 1975—was the execution of about 500 civilians late last year, although the operation failed to capture more than a handful of Fretilin guerrillas.

The resistance has survived the most devastating Indonesian military onslaughts over six years, and the population at large appears as opposed to the occupation as it was in 1975.

The fortunes of the guerrillas have varied: in late 1978, after an offensive which decimated the Freilin leadership, the resistance appeared to be finished. After years of pressing for access to Timor, the International Red Cross returned there in late 1979 (they worked there earlier in 1975) and found a scene of mass starvation. For months there was no news of military activity until June 10, 1980, when Fretilin attacked Dili, with support from inside the capital.

It was publicly admitted by Jakarta, and a new wave of repression began. Reports later filtered out of a "hot war" in the Eastern Lospalos region, which continues to worry the Indonesians, and was an objective of Operasi Keamanan.

First news of Operasi Keamanan came in a smuggled letter from Catholic Church sources. It said: "The intention is to wipe out all Fretilin by dislodging them from their hiding places and forcing them to keep moving from one place to another * * * (to push them) from the Eastern and Western districts to the District of Manatuto in the middle of East Timor, where they will be rounded up by the army. The tactics of the operation are derived from the traditional volunteer service for combating banditry in a village."

Timorese refugees in Portugal feel that their pleas, which have been constant since they arrived here in 1976, are lost on the world. As the UN vote showed, the big powers can afford to ignore a tiny country with no important resources or strategic influence."

After years of pressure, the Australian Parliament has agreed to a Senate inquiry on human rights in East Timor, to begin in March. Portugal's Democratic Alliance Government began a diplomatic initiative in 1980 to win the withdrawal of Indonesian troops but it appears to have died from an overdose of rhetoric.●

IDA NUDEL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. HOYER. Mr. Speaker, I missed the opportunity last Tuesday to participate with my colleagues in the world day of protests on behalf of Ida Nudel, who is otherwise known as the guardian angel of the prisoners of conscience. Though I was unable to join in the colloquy, I did not want to let the occasion pass without personally noting this woman's brave fight against oppression.

Ida Nudel first experienced the brutality and degradation of Soviet harassment and imprisonment after expressing her desire to emigrate to Israel by hanging a poster from her balcony. What is regarded in America as a commonplace exercise of free speech, is considered a state crime in the Soviet Union. It is Ida Nudel, and her Refusenik colleagues, who remind Americans of the joys of liberty and who remind the world that freedom must not be a characteristic of nationality but rather a characteristic of the human race.

Ida Nudel is not a healthy woman. Her imprisonment in Siberia and the constant assaults on her dignity have robbed Miss Nudel of her physical strength. But through her courage and undying faith in freedom, she continues to rekindle the spirit of Russian Refuseniks. She grows weaker with each passing day, yet her strength as a leader of the Soviet Jewry movement grows stronger.

Mr. Speaker, Ida Nudel is considered a criminal by the Soviet Government. On behalf of the Refusenids who regard this woman as a heroine, not as a criminal, on behalf of Americans who applaud this woman for her undaunting war against oppression, I urge Soviet President Brezhenev and Soviet Ambassador Dobrynin to allow Ida Nudel to live the remainder of her life the way all men and women should live—in freedom.●

A SALUTE TO RAYMOND WHEELER

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. RICHMOND. Mr. Speaker, today, I want to pay tribute to Dr. Raymond Wheeler, a scholar, a healer, a leader, a friend to the underprivileged, and a man of great compassion. Dr. Wheeler served his country as a marine officer in World War II for which he received the Silver Star and Purple Heart, and he served mankind through his practice of medicine for 30 years in Charlotte, N.C. However, he is remembered best for his leadership in the battle against hunger in America.

Dr. Wheeler quietly became involved in the civil rights movement in 1956 by joining the Southern Regional Council, a biracial civil rights organization in the South. While he was president of the Southern Regional Council from 1969 to 1974, he spearheaded the hunger movement and served on the Board of Inquiry Into Hunger and Malnutrition in U.S.A. which published "Hunger USA" in 1968. His professional expertise and his insistence on careful observation of the existing conditions in which many Americans lived made him the most effective advocate for documenting the existence of hunger in America.

In 1967 on behalf of the Field Foundation, he led a group of physicians on a national tour of poverty pockets that focused on the Mississippi Delta, the Mexican-American barrios, and the Appalachia region. These physicians found children in significant numbers who were hungry and sick and for whom hunger was a daily fact of life. They also found diseases in old and young thought only to exist in Third World countries. Dr. Wheeler's shocking evidence of hunger and malnutrition first brought to the American public's attention the severe tragedy in our midst.

Because of Dr. Wheeler's vigilance in exposing hunger and seeking solutions to overcome it, the Congress has enacted more than a dozen food assistance laws which have made it possible for the poor of this country to obtain an adequate diet. As president of the Children's Foundation and by working out of the Charlotte Medical Clinic, he participated in the production of "Hunger Revisited." In 1979, he led a second team of physicians to the same places he visited in 1967 and reported the dramatic improvements that had occurred over the intervening 12 years.

The correspondence from Dr. Wheeler to my subcommittee last year best describes his dedication and the successes of his professional work. I would like to share with the Members of Congress his letter as a reminder that, during this budget conscious time, we cannot afford to ignore or unravel the significant accomplishments of Dr. Raymond Wheeler and other antihunger advocates.

CHARLOTTE MEDICAL CLINIC,
Charlotte, N.C., March 12, 1982.

To: Subcommittee on Nutrition, House Agricultural Committee, U.S. House of Representatives, Washington, D.C.

From: Raymond M. Wheeler, M.D., Charlotte Medical Clinic, Charlotte, N.C.

I am one of the physicians who took part in the surveys of hunger and malnutrition from 1967 to 1970 and returned again with the Field Foundation sponsored medical team in 1977. From our studies, we have established beyond debate that hunger and malnutrition exist among the poor throughout the United States. We also believe the Federal Food Assistance Programs have significantly reduced the number of hungry and malnourished people in our country. They have made a significant difference in the nutritional and health status of the people they have reached. We can document decreases in illness, in infant and maternal deaths, in premature births, and in the incidence of iron deficiency, anemia, and retarded growth among children of the poor. These are important measures of improved health. Of particular interest and directly related to improved availability of food is the fact that these reductions in illness and death have occurred most significantly among blacks and American Indians and in the ten states waith the highest incidence of poverty and malnutrition.

The effects of malnutrition and inadequate medical care are not confined just to the poor but directly determine the vitality of our society, the amount of wealth we produce and the incomes we enjoy. More than ten years ago the Office of the Budget calculated that, for every dollar we failed to spend to feed hungry people, it cost our government more than three dollars for medical care and so-called handouts to the disabled. A balance sheet today of the cost of poverty versus the cost of ending it might well show that even in purely economic terms, humanity is the best policy.

The federal food stamp program has provided this country an unparalleled opportunity, unique in the world, to assure that all needy Americans have enough to eat. The Congress, the President, and the Secretary of Agriculture should give it their full moral and political support—without apology or defensiveness. This program does more to lengthen and strengthen the lives of disadvantaged Americans than any other social program. It represents the most valuable health dollars spent by the federal government and it is virtually the only government program offering aid to the working poor. It is unconscionable that the Congress, which has reformed the program to allow greater participation by the most needy, would consider not allowing sufficient funds to insure them an adequate diet.

We need to find the wisdom and the will to eliminate poverty from this nation. This is an achievable goal. When it is reached, its benefits will accrue to us all—not just the poor—and there will no longer exist the need for any food assistance program.

RAYMOND M. WHEELER, M.D.●

A TRIBUTE TO HORACE K. ROBERSON

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. GUARINI. Mr. Speaker, on March 12 tribute is being paid to one of Hudson County's greatest citizens, Horace K. Roberson, on the occasion of his 90th birthday. His record of achievement is so outstanding that I wish to share it with you today.

Mr. Roberson was born March 12, 1892 in Woodbury, N.J. A graduate of

Woodbury High School in 1909, he passed the bar in June 1913, 1 year before graduation from New York University Law School in June 1914. He married Elsie B. Harris on October 16, 1919. He and his late wife are the parents of three children; Mrs. John (Janet) Worthington of Bloomfield Hills, Mich., Mrs. George W. (Phyllis) Bauernschmidt, Jr., of Severna Park, Md., and the late Horace Roberson III. Mr. Roberson also has eight grandchildren.

After service in the U.S. Navy as an apprentice seaman during World War I, Mr. Roberson returned to Bayonne to practice law. From 1933 to 1935 he served as recorder for the city of Bayonne, and from May 1935 to May 1943 he served as a commissioner of the city of Bayonne. For this dedicated service to his community and party he was referred to as "Mr. Republican."

From April 1, 1944 to May 1, 1946 he served as a common pleas judge in the Hudson County court system. He resigned that post to become prosecutor of the please for Hudson County, a position he held until February 19, 1953.

In 1966 New Jersey sponsored a constitutional convention to which Mr. Roberson was a delegate.

He served many charitable organizations such as the YMCA, the Bayonne Hospital and Dispensary (where he is president of its board of directors), the Bayonne Kiwanis Club and the Bayonne Chamber of Commerce.

He has received many accolades and awards for services rendered to his fellow man from such organizations as the Catholic War Veterans, Bayonne Bar Association, Bayonne Kiwanis Club, the 1950 New York University Alumni Service Award, the distinguished service citation from B'nai B'rith, Man of Achievement Award for his dedication to civic and human causes from the American Red Cross and the Jersey Journal.

In 1962 he received the Brotherhood Award from the National Conference of Christians and Jews.

In 1977 the Salvation Army presented him with the Sam Cooper Humanitarian Award.

The Hudson County Public Health Hall of Fame gave him a 60 year of service award in 1978 where he also was honored by the Central New Jersey Lung Association.

On May 7, 1981 the Bayonne Hospital announced that the new wing being built by the hospital will be named the Horace K. Roberson Pavilion.

Roberson, throughout his career, has proven that the ability to stay young is to hold fast to old friends while making new ones, forever keeping our beloved in dear remembrance while quickly opening his heart to a light knock on the door.

He has lived up to Edwin Markham's adage:

> There is a destiny that makes us brothers;
> None goes his way alone;
> All that we send into the lives of others
> Comes back into our own.

His professional associations include the Bayonne Bar Association, the Hudson County Bar Association, and the New Jersey Bar Association. He also served as counsel to the Bayonne Trust Co. and the Centreville Building and Loan Association, as well as the First Savings and Loan Association of Bayonne.

A remarkably courageous individual, Hudson County, and indeed the State of New Jersey, without Horace K. Roberson's involvement would be like a summer without flowers and a homestead without a garden, and like a nation without justice.

Mr. Roberson was one of the founders and first president of the Hudson County Chapter New York Law School Alumni Association, and member and former president of New York University Law School Alumni Association, member of Judicature Society. For this I must salute him as I had the pleasure of just a few weeks ago of receiving the 1982 Achievement Award from this institution of higher learning, of which I am an alumni member.

He has accepted commitments from serving the ill and needy in his community to being the director of the Commercial Trust Co. of New Jersey. He has proven time and time again that nothing is impossible to a heart that is willing and often observed that society much too often shows love for things and uses people, when collectively we should be using things and loving people.

He indeed has lived up to his desire to be needed in other human lives, asserting that public service is greater and more beautiful than anything in this world.

His service to his fellow man stands as a beacon in New Jersey, and therefore I ask my colleagues to join in this salute to Horace K. Roberson on this his 90th birthday celebration. I think Shakespeare has said it all when he wrote:

> His years are young, but his experience old;
> His head unmellow'd, but his judgment ripe;
> And in a word (for far behind his worth
> Come all the praises that I now bestow)
> He is complete in feature and in mind,
> with all good grace to grace a gentleman.●

MRS. AMMA JOSEPHINE POTTINGER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. SKELTON. Mr. Speaker, please allow me to take a few moments to recognize a very special lady from Missouri. Mrs. Amma Josephine Pottinger will be celebrating her 100th birthday on the 12th of March. This in itself is quite an achievement, but Mrs. Pottinger has a long list of others also. She was born and raised in Missouri. After her marriage in 1904 she moved several times. Everywhere she lived she was always active in church, education, community, and philanthropic work. Besides being a wife and mother, she always felt the need to contribute time and energy to the community. Among her many contributions, she aided in establishing a scholarship fund at Judson College in Elgin, Ill., and founding of Palm Beach Atlantic College in West Palm Beach, Fla. Among her many honors, she was a recipient of the 1977 Harrisonville, Mo., Knights of Columbus Community Service Award and she has been a member of the Daughters of the American Revolution for 65 years. In extending birthday wishes to Mrs. Pottinger, I would also like to send a word of thanks for giving so freely of her time and energy to always help others and the community in which she lived. We Missourians are proud that she is a citizen of our State.●

OPEC'S RULE ENDED

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. CORCORAN. Mr. Speaker, a little over a year ago, on January 28, 1981, President Reagan exercised his authority to decontrol oil prices. That action, taken only a week after President Reagan took office, has been a major factor in reducing OPEC control over U.S. energy policy. We are now seeing increasing supplies of oil at decreasing prices.

Mr. Speaker, for the benefit of our colleagues, I would like to insert in the RECORD at this point the text of my January 29 news column to my constituents on this subject.

OPEC'S RULE ENDED

A year ago, President Reagan ended price controls on oil. Today, our country is more secure with respect to oil imports. OPEC has lost its power to boost prices at will and consumers are experiencing the first break in an eight-year upward spiral of petroleum prices.

Worldwide, oil consumption is down, continuing a trend started in 1979. World oil production exceeded consumption after a decade of short supplies. Crude oil prices, which had climbed from $2 and $3 a barrel in 1973 to as high as $40 in early 1981, declined somewhat by year's end. According to the University of Houston's Energy Information Service, the "U.S. average price for regular grade motor gasoline dropped approximately 6 cents per gallon between March and the end of the year."

In the United States, the amount of oil consumed has fallen by 14.6 percent since 1978, the Service reports based on preliminary figures. This has made it possible for America to reduce its oil imports 36 percent from the 1977 record level. "All the reduction was in imports from OPEC nations," according to the Service, which noted that our imports from OPEC countries has decreased 50 percent since 1977.

To permanently cripple OPEC's ability to control oil prices, domestic production of oil must be emphasized. The recent decline in American oil production has stopped, as was expected in the wake of the President's decision to allow free enterprise—not government—to govern the oil marketplace. In 1980, 27,025 oil wells were completed, according to figures compiled by the U.S. Energy Information Administration, and through November of 1981 the total had reached 33,058. This indicates a substantially increased effort to find oil within our borders.

Illinois has not been dotted by oil rigs and overrun by wildcatters in the past, but activity in our State in the search for domestic oil is up, mostly in the southeastern part of the State. About 2,000 "new holes" were drilled in hopes of finding oil or gas in 1980, compared with approximately 1,000 in 1979, the Illinois Geological Survey says. The Survey's "very conservative estimate" for 1981 is 3,000 and perhaps 4,000 wells were sunk last year, it says. Oil production in Illinois was at least 6.7 percent over 1980, according to the Survey.

Other factors than the decontrol decision affected what transpired on the oil front in 1981, but I believe now as I did then that the President's action improves our prospects a future more secure from oil import disruptions and from price increases over which we have no control.●

VOICE OF DEMOCRACY CONTEST

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. DICKINSON. Mr. Speaker, I wanted to give my colleagues the benefit of a speech made by Miss Beverly Sanders of Headland, Ala., an outstanding young constituent of mine. She won the statewide VFW Voice of Democracy Scholarship Contest. It is an inspiration to me, as I am sure it will be to you, to hear such belief and faith in our country from a young citizen like Beverly Sanders.

The essay follows:

BEVERLY RENA SANDERS, ALABAMA WINNER

Building America together. Even though my country is America the Beautiful, a land endowed with the wonders that must truly captivate the hearts of all of those who step within her boundaries, the efforts of all of those who struggled to make her that land of enchantment, gave birth to this—her glamour.

From the mountains that reach beyond the clouds, to the waters which traverse the farthest depths of this tremendous land mass, are found those fine American people, who have struggled together, fought together, and really became a part of each other. Together they have made this into a country that fills the individual's heart with a sense of pride that is reflected in the accomplishments of America's citizens.

For within the heart of the American patriot can be found a desire to achieve and a motivation to grow continuously in statue. These are the human characteristics that have worked together to build America into a nation that ranks at the top with the greatest nations in existence.

My country has developed into what she is today through the united efforts of the people who make up these United States of America. From the conception of this country, there has been a foundation that was centered around God as the cornerstone. In the construction are found the determination, loyalty, and unity of her citizens. It is the common forging of the many traits of her people that has produced a country of this caliber. It has given us a country able to withstand depressions, overcome political upheaval, and establish a nation that served to pull her people together and set the flame of success burning within our hearts.

It is the combined efforts of the many talents of this so diversified a people that have become amalgamated within the melting pot of America to strengthen the very heart of our country.

Every American fits into the total picture as a piece of a puzzle which makes up this country. Each person is to play his part. He has a role to fill and it is his duty and privilege to accept this responsibility. This responsibility might range from the student in high school who is called upon to learn of our American Heritage and then uphold that endowed heritage on to the elders who fulfill their responsibility daily as they lead the country in the decisions they make.

Not everyone can preach, teach, write, speak or excel in politics, but each person has his duty as a citizen to use his talents for his country. It is the fulfilling of these responsibilities that have led to the development of the finest country in the world where all of us can do our part in building a better America and building it together.●

LOIS CLAYTON

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. HAWKINS. Mr. Speaker, there is a bit less joy in my office these days. We have recently said goodbye and good luck to a dear colleague and a dear friend. Lois Clayton who has performed nobly in my employ for the past 3 years, has decided to return to her hometown of Wichita, Kans. I envy the residents of that fair burg, for Washington's loss is truly Wichita's gain.

Lois has ably handled a sophisticated computer system here in Washington and was instrumental in creating a similar system in Los Angeles. However, it is not solely for her skilled performance that we are saddened at her departure. Lois has consistently brought a fresh and joyous feeling to our office. Constituents and other visitors to the office are immediately put at ease by Lois' open and friendly personality. The pressures on staff are lightened by her practical and lighthearted approach to life. Lois claims that she's just a country girl at heart but that does not tell the whole story. While she retains a simple and charming openess to life, she also possesses an inimitable and undeniable sense of style. Her style is classy, unadorned, and genuine.

We will all miss Lois. Her skills have aided us. Her personality has charmed us. We love her. We will miss her. We wish her all the best.●

PROPOSES INDIVIDUAL HOUSING ACCOUNTS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. LAGOMARSINO. Mr. Speaker, as we are well aware, the housing industry needs help. Interest rates continue to linger at towering levels, extinguishing the hope that many individuals have of owning their own homes. At the beginning of last year, I introduced two pieces of legislation designed to help first-time home buyers purchase their own homes. Today, I am reintroducing this legislation with a few technical changes which will better address today's housing situation.

Based on the IRA concept, this bill authorizes the establishment of individual housing accounts, or IHA's. First-time homebuyers would be allowed to deposit up to $5,000 per year, tax deductible, in an IHA. For joint return filers, the limit is $10,000 per year. The maximum lifetime deduction allowed for each account is $20,000. However, a husband and wife may establish separate IHA's, permitting each of them to deposit up to $20,000, for a combined total of $40,000.

If the savings were withdrawn and not used for the purchase of a principal residence, the deductions would be revoked and any regular taxes would become payable. However, if the taxpayer becomes disabled, the money may be withdrawn without penalty.

As you know, the IRA concept has become very popular as a way to save for retirement. However, for those individuals with more immediate goals, such as purchasing a first home, the IHA is the answer. Perhaps with individual housing accounts, we can help first-time homebuyers rediscover a saving mentality which, until now, has been buried under an avalanche of inflation and excessive taxation.

The horizon does not look much brighter immediately for the housing industry. Thus, it is crucial that we act immediately to assist this beleaguered industry until interest rates return to more realistic levels.

I strongly urge all of my colleagues to support this measure and move it along rapidly so that a large part of the American dream—home ownership—can once again become a reality.

I would also like to take this opportunity to thank the gentleman from Idaho (Mr. CRAIG) for his interest in this legislation and his assistance in drafting this new proposal.●

PERSONAL EXPLANATION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mrs. ROUKEMA. Mr. Speaker, on March 4, 1982, I was unavoidably absent from the floor of the House of Representatives for one recorded vote. Had I been present, I would have voted in the following fashion:

Rollcall No. 19: Senate Joint Resolution 142, a joint resolution authorizing and requesting the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, "yes."●

THE ORDER OF AHEPA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. FASCELL. Mr. Speaker, on the occasion of the American Hellenic Educational Progressive Association's (AHEPA) 25th biennial national banquet in honor of the Congress of the United States, I am pleased to have the opportunity to pay a well-deserved tribute to this fine organization.

The Order of AHEPA is an association which has grown increasingly influential for more than half a century due to the many outstanding contributions its members have made on the national and international level. The objectives of this admirable organization are to promote loyalty to the United States and to encourage members to participate actively in the political, social, and commercial fields. AHEPA's resources are directed toward the spread of culture and learning in this country and abroad.

Members of the Order of AHEPA support such worthwhile causes as worldwide assistance for flood, earthquake, and hurricane victims, as well as for the victims of war. These notable Greek Americans have also established shelter homes for the underprivileged, aided health centers in the United States and Greece, and provided national scholarships to worthy students.

I am happy also to salute one of AHEPA's most active and energetic members who very capably fills the position of supreme vice president, Mr. Peter Kouchalakos, of Coral Gables, Fla. His contributions to AHEPA, and to south Florida are manifold. An active participant in the Miami community, he is known for his work in the educational system. Peter is a remarkable man to all who know him and to those who have had the privilege of working with him. He is proud to be an American of Greek ancestry.

I also take this opportunity to commend to our colleagues an article on the Greek National Anthem, provided by Archbishop Mark Athanasios C. Karras of Redwood City, Calif. With a universal idea of liberty and freedom from oppression, the Greek National Anthem and the poem on which it is based provide a noteworthy common bond for international understanding and cooperation.

"HAIL, OH HAIL, LIBERTY!"

These words are sung by a people whose existence is the incarnate expression of the ideal, the emotion, and the realization of liberty.

America is a living part of it. The people who sing the words are the people of Greece. They praise the land of George Washington and her independence from the shackles of oppression.

Is this something new? No, it is not. It first began in May 1823 and has been going on since!

And, when do Greek people invoke this praise? Best to ask, "when do they not?" For the words are an integral and inseparable part of the Greek national "Hymn to Liberty" which forms the lyrical basis for the Greek National Anthem!

The inspired author of the words is the National Poet of Greece, Dionysios Solomos who was born in the island of Zante (Zakynthos) in 1798 (baptized on April 8, 1798, two months after his birth), and who died on the island of Corfu (Kerkyra) at exactly the hour of noon on Saturday, February 9, 1857 (re Old Calendar). He was the first of two brothers born to an aristocratic elderly father and to a young commoner mother. He was educated in Zante by prominent Greek and Italian scholars of the period, and likewise later when he studied at the university in Pavia near Milan, Italy, mastering both the Italien and Latin languages. He produced several of his works in Italian. His first published poem, written in Italian, he achieved at the age of seventeen.

Solomos wrote the "Hymn to Liberty" in Zante in May 1823, during the Greek uprising against Turkish oppression which had lasted for almost four hundred years. March 25, 1821 is the official designation of Greek Independence Day and is commemorated with the same fervor, festiveness, and reverence as is July 4, 1776 in America.

Similar to the American's sensation of sacredness and respect upon the sound of "The Star Spangled Banner," is the feeling of the Greek citizen when the "Hymn to Liberty" is uttered. Think then, of the powerful emotion the Greek person experiences when reciting the Hymn and comes across words exalting American struggle for freedom. It casts a common cause, a point where both people unite. And historically this happened, just as the Hymn portrays America, officially, and Americans, as citizens, reacted most favorably to the cause of Greek independence and extended great cooperation.

The "Hymn to Liberty" comprises 158 stanzas! Of these, the twenty-second is dedicated to America. It is distinctly explicit about the union of the two people in their common determination to remain free. The entire poem is a product of excellence, which Solomos' contemporaries, as well as scholars today, rate in the level of an Homeric epic because of its narrative form, of Pindaric lyricism because of its dithyrambic form, and of Aeschylean power because of its tragical form. And, it is written, nevertheless, in the expressive popular language of the day. The words, the rhyme the rhythm, its content captivate the reader and compel him to continue through. It deals with many subjects—with liberty, with religion of Biblical tone, with politics, with nations, with history of the revolution, with dissension, with war, with suffering, and with hope. Each verse, each word, each implication is charged with meaningful significance electrifying the emotions, sensibilities, and thoughts of the reader. Often, the words are paintings of vivid scenes and action. Each stanza is a precious contribution to the whole. Truly, a justified selection for a national hymn. It is this level of excellence in which America is cradled, in the poem.

The construction of the work is as follows: There are one hundred and fifty-eight stanzas of four verses each. The first and third verses rhyme and so do the second and fourth. The first and third verses consist of eight syllables each, while the second and fourth have seven each. In all verses, the metrical pattern obtains by the accent on the first, third, fifth, and seventh syllables. The poet, at times, hyphenates between verses, and always achieves smoothest transition when changing subject matter.

Seven unifications underlie the entire poem as major organic parts of the whole. These are: Stanzas 1-16 where Liberty is hailed as she is envisioned to emerge from the sacred bones of the Greek dead. Vain efforts for freedom, with great patience, humiliation, slavery, and false promises from others are recounted. Then, the determination to be free or die finally crystalizes. And Liberty is greeted again. Stanzas 17-34 which laud the impassioned spread of insurrection throughout the land, but which also bemoan the political malevolence of other nations desiring her continued slavery. Here, however, is where America is hailed for her heartfelt joy in support of the struggle and where her own abject suffering is remembered. Spain is also hailed. Stanzas 35-74 which recount the siege of Tripolis by the Greeks and the ensuing destruction of the oppressor. Stanzas 75-87 which describe the devastation of the Greek forces of Dramalis by sickness and starvation at Derbenakia and at Corinth. Stanzas 88-122 which speak of the enemy's siege of Mesolongion and the devastation of the Turkish forces at the river Acheloos. Stanzas 123-138 which exalt the naval achievements, and which tell of the setting on fire of the Turkish flagship. But, which also passionately lament the hanging of the Patriarch of the Church, timed by the oppressor to happen on Easter Sunday (chief religious holiday of Greek or Eastern Orthodoxy). Stanzas 139-158 which, in closing, admonish the patriots to abstain from dissension and to look at the obligations ahead. And which, once more, accuse the monarchs of Europe of fostering oppression for political gain.

Personified Liberty struggles toward her inevitable victory, in the ideology of the poem. Now and then, in his fervor, Solomos, affected by the heat of the battle, slides into describing the events of men. But, never does he lose that pervasive continuity of the presence of Liberty supreme and aeonian.

First publication of the Hymn occurred in Paris, France in 1825, and later that same year in Mesolongion, while the city was still under siege. The French publication prompted translations in several languages, giving the poem international recognition and also praise. The citizen, Dionysios Solomos was decorated with the highest bestowal of the Greek constitutional government on February 10, 1849 and became the National Poet of Greece. He received the golden cross of the Knights of the Redeemer. In 1828-30, Nikolaos Mantsaros (1795-1873—Solomos' most intimate friend) had put the words of the poem into music. His work was officially submitted to the government in 1844, for which he was decorated with a silver medal. The Greek government requested him in 1861 to convey the music in the form of a march. By government directive, in 1864, Mantsaros' music and Solomos' first three stanzas of the "Hymn to Liberty" (because of the great length of the poem) became what to this date is the Greek National Anthem.●

READING AERO CLUB

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. YATRON. Mr. Speaker, I rise today to recognize and applaud the commitment to quality and excellence in aviation made by the Reading Aero Club, which celebrates its 50th anniversary on March 13, 1982. The Berks County area is well served by this outstanding organization.

It is my understanding that this club, which has been in continuous operation since March 1932, is the oldest flying club in the Nation. It is a nonprofit corporation in which all members hold equal shares and are eligible to participate in the running of the club. The basic purpose of the club has remained the same for the last 50 years:

> [T]o encourage aviation in general, to acquire, preserve and disseminate valuable information and knowledge through books, lectures and pamphlets on the subject of aviation; to acquire, own and maintain aircraft, hangers, club house and personal property for the use of club members, and to promote the safe use thereof in the interests of the protection of public and private property.

Aviation was first established in Berks County, Pa., with the building of Whander Field, our first official airport, just south of Leesport in October of 1927. It was at this field that a group of aviators joined together to jointly own an aircraft. After three years of informal operation, the group, incorporated, and the first meeting of the Reading Aero Club was held. In 1935, the group left Whander Field, which had become too small for their use, and established themselves at Madeira Field, opposite the Reading Fairgrounds. When this field could no longer be used because of the growth of the club, a strip of land was selected comprising 60 acres about a mile north of the present Reading Municipal Airport. In September 1937, the members began construction of the airstrip and hangers. The official name of this field was Berks Airport. One of the members of the club, Earl Savage, is credited with the first air mail flight out of Reading in October 1937.

By October 1939, the Reading Municipal Airport was a reality. In 1943, an all-girls flying club based at Madeira Field, called the Flying Ten Club, asked to join and was accepted into the Aero Club. By 1946, the club had 100 members ranging in age from 16 to 60 years old. Berks Airport continued to grow, and seven airplanes belonging to the club were housed in two hangers reserved for their use. In 1950, the club acquired its first four-place plane, a Stinson Station Wagon. Throughout the 1950's and 1960's the club maintained and improved its quarters at Berks Airport. In 1965, the club began to investigate the advantages of leasing a space at the Reading Municipal Airport. A suitable building was found where the club today keeps its airplanes.

The outstanding accomplishments of all the members of the Reading Aero Club through the last 50 years are too numerous to mention. A special tribute, however, should be given to Mr. Grant Blimline, president of the Reading Aero Club from 1955 to 1957 and presently the chairman of their board of directors. It has been through his tireless and continuous efforts that the club has been able to survive through difficult times. Mr. Blimline became a member of the club shortly after its formation and has served the members faithfully ever since.

The members of the Reading Aero Club can be proud of their excellent contribution to the history of aviation in Berks County and of their consistent dedication to benefiting the aviation community in general and particularly at the Reading Municipal Airport. I know my colleagues will join me in congratulating the members of the Reading Aero Club on the occasion of their golden jubilee anniversary and will wish them many more years of continued success.●

SOCIAL SECURITY PANELS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. ASPIN. Mr. Speaker, in December of 1977, the Congress created an independent, bipartisan, nine-member National Commission on Social Security. The panel was made up of private citizens who were to conduct a 2-year review and investigation of all areas of social security and related programs, and then develop a report on the kind of system that would best serve the United States in the future.

A year ago this month, that Commission issued a report totaling 414 pages. This report included 88 recommendations for improving the current social security system. The Commission made these recommendations in order that we could work to restore the program's financial soundness, strengthen public confidence in the system and, finally, present ways to better our social security program. Furthermore, the Commission recommended specific changes in the medicaid and supplemental security income programs. Today, however, it appears as though that report has been forgotten, along with the time and energies of those nine Commissioners and the $2.5 million of the taxpayers' money that went toward the study.

The present administration is now asking that a new social security panel be created. Its purpose: to help improve and reform the social security system by proposing realistic, long-term reforms to put social security back on a sound footing and to forge a working, bipartisan consensus so that the necessary reforms can be passed into law.

On January 6, the Sheboygan Press of Sheboygan, Wis., printed an editorial asking why the President plans to have yet another commission complete the same assignment. Then, on January 14, James J. Dillman, former vice chairman of the National Commission on Social Security, responded to the editorial. I would like to share the editorial and letter at this point in the RECORD.

> WHY, MR. PRESIDENT?
>
> It was less than 10 months ago that the National Commission of Social Security issued a provocative 414-page report—the result of an intensive two-year study—calling for specific measures to rescue the ailing Social Security system.
>
> At that time, we urged President Reagan and the Congress to give the report the consideration it deserved to maintain one of the

nation's best programs of social insurance and, at the same time, to shore up eroding public confidence in the system.

Today, it appears that the report—a monumental effort by an independent, bi-partisan, prestigious commission established by a statute passed by Congress—has been totally ignored, and that the study group's two years of labor has been a complete waste of not only time and effort but $2.5 million of the taxpayers money.

The Reagan administration is now proposing creation of a brand new Social Security Reform Panel with the same old assignment: another study to improve and reform the Social Security system.

The public is entitled to know what Mr. Reagan thinks a new study group will do that has not been done before. It is entitled to know why the recent report of the National Commission has been ignored. It is entitled to know why he proposes to go through the whole process again at considerable additional cost to the taxpayer.

Frankly, we would look upon any new study by a group appointed by President Reagan with genuine alarm and suspicion.

Just a few years ago, it was Mr. Reagan who teamed up with Barry Goldwater in a scheme to make Social Security "voluntary"—a scheme that all experts agreed would have undermined the actuarial and financial stability of the system. During the 1980 presidential campaign it was Mr. Reagan who assured us that the integrity of the Social Security system would be preserved, but once safely in office he cynically broke his promise and took steps to weaken the system under the guise of budget cutting. He retreated only when the polls showed that the American people were outraged over what they viewed as an attempt to cripple—if not to dismantle—the whole Social Security program.

The nine-member National Commission on Social Security—the group on which James J. Dillman, a Sheboygan attorney, served as vice chairman—offered specific recommendations last March to solve Social Security's short-range financial problems.

While not everyone will agree with all of the Commission's recommendations, its research and field hearings work and its factual findings should provide an excellent basis for charting the future of Social Security. There can be absolutely no justification for Mr. Reagan's suggestion to go back to square one with another study of the very same sort.

Over the years, eight presidents and 22 Congresses have made solemn promises to the American people that their government, acting as trustees for those who have built up rights under Social Security, will meet its obligations as they fall due.

Now is not the time for President Reagan to be proposing yet another Social Security study—an insensitive maneuver which will only further delay urgently needed reforms in the system. It is time for the president to offer the reassurance that his administration intends to fully carry out its compact with Social Security's contributing workers and beneficiaries.

ANOTHER SOCIAL SECURITY STUDY WOULD BE REDUNDANT

To The Press:

I was gratified to read your recent editorial regarding the creation of a new commission to study the Social Security system.

As vice chairman of the National Commission on Social Security, I was extremely irritated when the president proposed a new study of the system, going over the same ground that the National Commission so recently covered.

As you so ably pointed out, the National Commission filed its final report in March, 1981, after an intensive, in-depth study which was the result of hearings around the country from coast to coast, input by many experts and consultants and long, tedious deliberations by the commissioners.

The report recommended ways to solve the short and long range fiscal problems of the trust funds without reducing benefits. It made suggestions concerning improving administration to better serve our citizens, Medicare, Supplementary Security Income, and other areas critical to Social Security. It was indeed an inclusive and in depth study of a complex system.

I, for one, was proud of the report as it was the result of input by some of the most knowledgeable people in the country on Social Security. On the commission, were people like Donald McNaughton, who was chairman of the board and chief executive officer of Prudential Life Insurance Company; Wilbur J. Cohen, former Secretary of Health, Education and Welfare and who worked for the Social Security Administration since its inception; and Robert J. Myers, who was chief actuary of the Social Security system for 23 years and who has acted as a consultant to 33 countries around the world on actuarial problems. Each commissioner took his or her duties seriously and all had substantial input in the final report. In addition, the commission contracted for certain studies to be made, such as, Chase Econometrics and other to help us reach conclusions. It was indeed an in depth study.

The chairman of the Social Security Subcommittee of the House Ways and Means Committee received the news of another commission by saying, "We know all we need to know about Social Security now." In his view, a further study is redundant.

Information that I have received from sources in Washington indicate that the president got burned so badly on his proposals that he made in May that he has retreated for the time being. However, these same sources say that he has not given up his idea of reducing benefits but that he will defer these proposals until after the 1982 election. Appointing another study commission has given him an excuse for delaying these proposals until then.

In conclusion, I agree wholeheartedly with your editorial. It is indeed ludicrous to appoint another commission to study the same problems covered by the National Commission. In my view, it is a waste of time and money.

Thank you again for your timely editorial. It was something that needed to be said.

JAMES J. DILLMAN
Vice Chairman,
Former National Commission
On Social Security.●

CONTROLS ON HANDGUNS COULD LEAD TO USE OF MORE LETHAL WEAPONS

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. SOLOMON. Mr. Speaker, as you are aware, the issue of violent crime is one that concerns me very much. It is shocking that people in the United States of America are afraid to walk down the streets at night or that they are kept virtual captives in their homes.

I have said all along that the way to reduce crime is to hand out stiffer mandatory prison terms. Those who commit crimes with guns should be punished severely. Gun control, for all its good intentions, will only result in the victims of crimes being left even more vulnerable.

The question of banning handguns has become very emotional. Mark Benenson, a Manhattan attorney, has recently published an article dealing with this very subject. His conclusions should remind us that our good-intentioned actions might have results that are the complete opposite of what is intended.

I call attention to Benenson's article and insert it in the RECORD for the other Members of Congress to read:

CONTROLS ON HANDGUNS COULD LEAD TO USE OF MORE LETHAL WEAPONS

(By Mark K. Benenson)

For years many have argued that Saturday Night Specials, the cheap small pistol used in most gun crimes, should be outlawed. Recent reports suggesting that many criminals now pay up to $300 for good quality, small handguns—so concealability may be more important than price—have led to calls for restricting all "snubbies," or short-barreled handguns.

As a sportsman, target shooter and hunter, I have no particular use for midget handguns, except perhaps to try one out on tin cans for fun, just to see if I can hit anything. But that does not mean that they should be banned or that banning them would do any good.

The summary of a study by two sociology professors that was released by the Department of Justice on Nov. 15 notes that "there is a majority sentiment favoring a ban on the manufacture and sale of cheap, low-quality guns" and that 70 to 75 percent of all crime handguns "have barrel lengths of three inches or less." But it also says that the expression "Saturday Night Special is almost impossible to define with . . . clarity . . . for policy purposes," and it raises the possibility that 70-75 percent of all handguns, whether used by criminals or not, might fit the "SNS" description.

Thus legislation aimed at criminals would not necessarily force them to "drop down" to knives or clubs but might induce them to "go up" to higher quality larger handguns—"the overall effect might well be a sharp increase in the death resulting from criminal violence."

Two other objections spring to mind, one mechanical, the other ethical. First, almost any long-barreled revolver can be made into a shortie with a hacksaw. It is useless to ban the manufacture of pistols with short barrels when many bigger ones can readily be cut to pocket size. Second, under New York State law, anyone who owns a house, rents an apartment or maintains a business and who has no criminal or mental-health record, can obtain a "premises" pistol license which allows one to keep a handgun indoors but not transport it on the streets.

Nearly all applicants for this kind of a license receive them. Who will say that properly licensed residents must be forced to buy expensive rather that cheap handguns to protect themselves.

A definition of Saturday Night Specials drawing on price might also be constitutionally invalid. While the barrel-length criterion is not subject to this infirmity, it is too readily evadable in the criminal workshop.

Like nearly all gun-control proposals, the various ideas grouped under the rubric of controlling Saturday Night Specials treat the symptoms rather than the causes of crime: Pass a law, short-barreled handguns will vanish, and so will the three-quarters of handgun crimes presently committed with them. The truth is more complex: more powerful pistols may be substituted for the popguns and worse injuries result.

The criminologist Don B. Kates Jr. suggested in his 1979 "Restricting Handguns—the Liberal Skeptics Speak Out" that even if all handguns were banned and the ban could be enforced, many criminals would use rifles and shotguns. While only 5 to 10 percent of persons struck with handgun bullets die, the mortality rate is 35 to 40 per cent for those hit by rifles or shotguns. Kates hypothesized that if handguns were eliminated and only 30 per cent of handgun criminals switched to long guns and 70 per cent to knives or clubs, the homicide rate would nevertheless increase by 75 per cent because of the vastly greater power of long arms.

What all of this suggests is that the law of unintended consequences operates in the area of gun control, too. Effective control or banning of "snubbies" or Saturday Night Specials, like all handgun control, is neither feasible nor enforceable, and in the final analysis, appears likely to hurt as much as it cures.

Mark K. Benenson, a Manhattan attorney, is executive secretary of the Metropolitan Committee on Firearms Education and a life member of the National Rifle Association. He is a former chairman of the United States branch of Amnesty International.●

A TRIBUTE TO EARL G. DALTON

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. BAILEY of Pennsylvania. Mr. Speaker, seldom do I have an opportunity to praise a local community leader of the stature of Mr. Earl G. Dalton, a long-time resident of Latrobe Borough. For years, Earl has been heavily involved in community affairs and in recognition of his tireless efforts was recognized as citizen of the year in 1978. The selection is made only to a citizen of the community who has endeared himself through leadership in the affairs of the community by his contribution to the voluntary services of the community. In essence, the community's acknowledgment of Earl Dalton as citizen of the year is testimony to his character, integrity, and willingness to serve all of his neighbors.

Fire Chief Dalton was born in Latrobe and attended the Latrobe Public Schools, being graduated from Latrobe High School in 1938. He served his country from 1942 through 1946 as a member of the 69th Medical Regiment and the 458th Medical Company during the Rhineland campaign, Ardennes, and the European Theater.

His interest in serving the community dates back to 1940 when he joined Latrobe Company No. 2 of the local fire department. His leadership was acknowledged when, in 1948, he was elevated to captain of company No. 2, assistant borough chief in 1952, and since 1958 he has served as chief of the Latrobe Fire Department. Through these years he has continually sought more learning by attending the Southwestern Fire School in California, Pa.; the State Fire School in Lewistown, Pa.; and the St. Vincent College Fire School in Latrobe, Pa.

In the business community he was associated with the F. N. Dalton & Sons Plumbing and Heating from 1943 to 1968. Since 1968 he has been with the Latrobe Municipal Authority as chief operator of the sewerage plant.

Earl is actively engaged in many business organizations, some of which are: Water Pollution Control Association of Pennsylvania, Water Pollution Control Federation & Water Pollution Control Association of Pennsylvania, International Association of Fire Chiefs, Westmoreland Fire Chiefs Association, State and Western Firemen's Association, Mohawk Association of the Westmoreland County Firemen's Association, and Tri-State Fire Services Training Association.

And no less a leader is he in several community service organizations. He has been a member of the Boy Scouts Safety Commitee since 1962, assistant scout master in 1940-42 and 1946-47 of Boy Scout Troop No. 7 of the Presbyterian Church, a member of the board of directors of the Salvation Army, president of the Westmoreland County Fire Chief's Association in 1976-77, a member of American Legion Post No. 515 since 1946, and is constantly sought after as an instructor for various fire schools and seminars.

In 1950 he married Bertha Kuhn. They are the parents of Paula, a graduate of the University of Indiana in Pennsylvania; Patricia, a graduate of Slippery Rock College; and Michael, a student at Pennsylvania State University.

He is the brother of Mrs. Paul (Lois) Frey, Mrs. Larry J. (Dorothy) McDonald, and Clyde and Gene Dalton.●

IRRESPONSIBLE BUDGET CUTS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. HAWKINS. Mr. Speaker, the cuts enacted by the Reagan administration last year in welfare programs have been criticized as being cruel and inimical to the public health. I concur with both of these judgments. However, further evidence has come to light that these cuts may well actually end up increasing Government outlays. The Carnegie-Mellon University has done a study which shows that as a result of the changes enacted in AFDC last year, those on AFDC who also work will be better off to quit working and live solely on welfare. Another study done by the Center for the Study of Social Policy shows that not only will the working poor be better off if they quit working and relied solely on welfare, but that the truly poor will be negatively impacted by the latest round of budget cuts. The safety net is already in tatters. These latest proposals will wreak further damage on those most needy amongst us. When will it stop? I urge my colleagues to carefully consider the hard evidence provided in these studies. The budget cuts are cruel and inefficient. Those concerned with compassion and with Government savings ought to reject this latest proposal. I include information on both studies.

[From the Washington Post, Feb. 25, 1982]

WELFARE CUTS SAID TO REACH "TRULY NEEDY"

(By Spencer Rich)

The new welfare budget cuts that President Reagan has proposed to Congress this year would affect not just the working poor, as last year's did, but for the first time would reach "truly needy" households with no other income, a new study says.

The Reagan proposals would also leave working-poor families in 24 states better off if they quit their jobs and relied entirely on welfare, the study found.

The study was done by the Center for the Study of Social Policy, which calculated the combined impact of Reagan's proposed fiscal 1983 cuts in Aid to Families with Dependent Children, food stamps, and low-income energy assistance.

The largest effects are from the new food stamp proposals. Non-working recipients of food stamps would be affected because all their energy assistance and more of their AFDC benefits than in the past would be counted as income in figuring their eligibility for stamps. The higher a household's income, the fewer stamps it gets.

The study did not take into account the additional cuts Reagan has proposed in the two other main federal programs for the poor, housing assistance and Medicaid.

The center is headed by Tom Joe, a welfare expert who served in the Nixon administration. The study, the most comprehensive of its kind to date, was funded by the

Field Foundation. Here are the major findings:

The average combined monthly AFDC, food stamp and fuel-aid benefit for a mother with two small children who has no job and no other income would drop from $450 nationwide (based on 1981 welfare figures) to $423 in 1983. In the District of Columbia, according to the study, such a benefit would drop from $450 to $427; in Maryland from $432 to $408; and in Virginia from $417 to $398.

Nationwide, the typical non-working welfare family of three, whose income now stands at 76 percent of the federal poverty line, would drop to 72 percent. That poverty level for such a family of three was $7,070 in 1981. These non-working welfare families make up 85 percent of the 10.3 million people on AFDC.

For "working poor" families on AFDC the cuts would be even sharper. The center said that in 1981 a working AFDC family of three with average earnings had a combined after-tax disposable income—from the job, AFDC, food stamps, fuel aid and the earned income tax credit—of $595 a month, or 101 percent of the poverty line. The first Reagan changes, passed last year, cut the figure to $476. The fiscal 1983 proposals would cut it to $432, or 73 percent of the poverty line. In the District, the study said, combined disposable income was $616 in 1981, or 104 percent of poverty, and the 1983 figure would be $453 (77 percent). The figure in Maryland would drop from $590 in 1981 to $443 (75 percent), and in Virginia from $549 in 1981 to $407 (69 percent).

If the Reagan proposals go through, the cuts for the working poor would provide a clear disincentive to work; in 24 states a welfare mother with two would end up getting more disposable income if she depended solely on welfare than if she went out and took (or kept) an average job. In other states, the increased income from working would be almost inconsequential. In the District, Maryland and Virginia, families would be slightly better off working. But in Connecticut the non-working family would get $509, the working poor family $470; in Minnesota, $522 if the family stayed on welfare, $472 if it worked; in New York, $508 as against $468; in California $561 versus $479. Nationwide, the average family that worked would be only $9 a month better off than the one that did not ($432 vs $423).

In 33 states, including the District, Maryland and Virginia, working families could lose their entire AFDC cash benefit and, as a result, their automatic eligibility for Medicaid, through the combined impact of this year's Reagan proposals, the study says. However, in many of these states families could regain Medicaid eligibility if the state has special provisions for the "medically needy," as three-fifths do.

The center estimated that overall federal savings would not be nearly as large as a result of the cuts as the Department of Health and Human Services has estimated, because as working AFDC families stopped working, their AFDC and food stamp benefits would rise somewhat, though not as much as under current law.

[From the Washington Post, Mar. 9, 1982]

WELFARE CUTS BOOMERANG, STUDY FINDS

(By Spencer Rich)

A new study of President Reagan's proposed fiscal 1983 welfare cuts concludes that instead of encouraging people to work—the president's professed aim—the cuts instead will encourage welfare clients to quit jobs they have and fall back on welfare.

How can that be? The computer analysis by the Center for the Study of Social Policy of the University of Chicago found that in 24 states, the average family that now lives partly off work and partly off welfare would have a higher income if its members stopped working. Even in states where income would be higher for those who work, the advantage of working would generally be less than under previous law.

In the District of Columbia, Maryland and Virginia, however, the computer analysis shows that the average working welfare family would end up slightly better off than the one that relied solely on welfare.

But in California, for example, a working welfare mother with two children, who has average wages and expenses for such a family, would have combined income from earnings, Aid to Families with Dependent Children, food stamps, fuel aid and the earned-income tax credit (EITC) of $479 a month under the Reagan proposals, but $561 if she left her job and went entirely on welfare. (See chart for other states.)

The center analysis used projected 1981 average earnings figures in each state for a typical three-member welfare family (mother and two children) and average work-expense figures for such families, then computed welfare benefits on the basis of current state welfare laws and Reagan's proposals.

The reason families can end up better off not working in some states is the interaction of several Reagan proposals for cuts. The most important would give working families fewer deductions for work expenses and larger cuts in benefits under the food stamp program than under current law. As work increases, benefits will drop so sharply that total income will either go down or barely increase.

MONTHLY INCOME

State	Parent works	Parent doesn't work	Gain loss
Alabama	$301	$347	- $46
Arizona	363	355	8
Arkansas	305	420	- 115
California	561	479	82
Colorado	435	424	11
Connecticut	509	470	40
Delaware	405	438	- 33
District of Columbia	427	453	- 26
Florida	365	377	- 12
Georgia	351	347	4
Idaho	436	460	- 24
Illinois	428	420	8
Indiana	398	426	- 29
Iowa	466	450	16
Kansas	445	433	12
Kentucky	354	432	- 78
Louisiana	356	349	7
Maine	428	464	- 37
Maryland	408	443	- 35
Massachusetts	478	459	19
Michigan	488	482	6
Minnesota	522	472	50
Mississippi	279	410	- 131
Missouri	393	442	- 49
Montana	431	423	8
Nebraska	462	447	[illegible]
New Hampshire	457	444	[illegible]
New Jersey	466	451	[illegible]
New Mexico	393	406	[illegible]
New York	508	468	40
North Carolina	357	410	- 53
North Dakota	464	464	[illegible]
Ohio	403	393	10
Oklahoma	419	435	- 16
Oregon	441	451	- 10
Pennsylvania	439	455	- 16
Rhode Island	478	502	- 24
South Carolina	314	418	- 104
South Dakota	441	445	- 4
Tennessee	309	439	- 130
Texas	271	353	- 82
Utah	471	460	11
Vermont	542	478	64
Virginia	398	407	- 10
Washington	518	485	33
West Virginia	366	378	- 12
Wisconsin	539	467	72
Wyoming	437	426	10
National average	423	432	- 9

NOTE.—Figures are for monthly disposable income, rounded to the nearest dollar.

A similar conclusion was reached by the Congressional Budget Office recently with respect to the initial round of Reagan welfare cuts that was enacted in 1981. The CBO said that it was estimating smaller savings over the next few years than the administration expected from the 1981 welfare cuts because it assumed they would "reduce the work effort of recipients," requiring the government to pay more welfare.

Here are a few examples from then University of Chicago study of how the numbers work out (figures may not add exactly to totals because of rounding):

New York. The non-worker would get $409 from AFDC, $15 in energy aid and $84 in food stamps for a $508 monthly total. The worker would earn $486 in gross pay but end up with $320 after paying for work expenses and child care; she'd then get $21 from AFDC, $15 in energy aid, $70 in food stamps and $42 from the EITC, for a $468 total, less than the non-worker.

D.C.: The non-working mother would get $286 AFDC, $15 in fuel aid and $127 in food stamps for a total of $427. The worker, with $485 earnings but only $319 left after expenses, would lose all AFDC but get $15 in fuel aid, $78 in food stamps and $42 from the EITC for a $453 total, so in the District, it would pay to work.

Maryland: The non-worker would get $253 AFDC, $18 fuel aid and $138 food stamps for a $408 monthly total. The worker, with $445 earnings but only $293 after paying expenses, would lose all AFDC and get $18 in fuel aid, $91 in food stamps and $42 EITC, for a total disposable income of $443, so it would pay to work.

Viriginia: In Northern Virginia (benefits differ in the rest of the state), the non-worker would get $242 AFDC, $13 in fuel aid and $143 in food stamps for a $398 total. The worker, with $351 gross earnings but only $239 after expenses, would lose AFDC but still get $13 in energy assistance, $120 in food stamps and $35 in EITC, for a $407 total, or a slight benefit for working.

Wisconsin: The nonworker would get $450 in AFDC, $23 in fuel aid, $66 in food stamps for a total of $539. The worker, with $568 average earnings, would have $365 left after paying expenses. With that income, all AFDC benefits would be lost but she'd get $23 in energy aid, $46 in food stamps and $33 in EITC for a total of $467—a loss of $72.●

VOICE OF DEMOCRACY CONTEST

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. HOYER. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a Voice of Democracy contest. This exemplary effort enables thousands of schoolchildren across our great Nation to express their ideas on what democracy means to them. This year more than 250,000 secondary students participated in the contest competing for the five national scholarships which are awarded as top prizes.

This year's theme for the contest was entitled "Building America Together." I am particularly proud, Mr. Speaker, that this year's winner from the District of Columbia is Miss Mia Antoinette Jackson, a constituent from Seabrook, Md., in my own Prince Georges County. Mia is currently a 10th grade student at the Immaculate Conception Academy, located in Washington, D.C. She is an active participant in the school's newspaper and musical associations, and is interested in pursuing a career in teaching in the future.

Mr. Speaker, I know you and the other Members of the House of Representatives would want to join me and the citizens of the Fifth Congressional District in congratulating Mia Antoinette Jackson for her outstanding contribution. I am pleased to share her theme with the Members of this body:

BUILDING AMERICA TOGETHER

When we think of America we think of a great country built upon truth, strong commitments and the relentless efforts of many people filled with the spirit and determination to give all citizens freedom. We must remember that these individuals represented many different backgrounds. Although their origins were diverse, they realized that they could prosper only by working together toward their goal of maintaining the balance which is the foundation of our proud heritage.

In our society today, we must recognize our responsibility to carry on this tradition. We too can be united in our differences by understanding our duty to use the contrasts in the cultures of our nation to strengthen and preserve the bond that has been established for us. There is great importance in realizing the value of individualism. Some may say that it is the differences in our cultures and life-styles that make us strong. By blending the diversities of our population, we have created a people who can see and understand one another's outlooks and attitudes about working together to solve our problems. In learning to accept the basic differences in cultures and striving together to insure each person's freedom, we are preserving the very essence of America's greatness. Therefore, we must protect that harmony that we must experience, if our combined cultures are to make us strong.

Our personal and collective conduct should reflect our commitment to live in accord with the values established by our forefathers. An Englishman of the early twentieth century expressed his admiration for America by acknowledging its richness and variety in the forms of civilization, and for the inexhaustible inventiveness and tireless energy among its people.

John F. Kennedy did not want us to ask what our country could do for us, but he wanted us to ask what we could do for our country. In order to live up to the Englishman's compliment and President Kennedy's request, we must learn to accept and celebrate diversity and act together to preserve it, while we strengthen our individual cultures. The blending of people from varied backgrounds makes our nation unique, for from these combinations, come America's awareness of the significance of others' heritage. It prompts us to extend our knowledge beyond our own shores and thus broadens and strengthens our own values.●

EPA: A HAZARD TO YOUR HEALTH

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. LEVITAS. Mr. Speaker, an editorial in the Washington Post on March 5, 1982, recognized the absurdity of the recent move by the Environmental Protection Agency to lift the restrictions on the storage of liquid toxic wastes in landfills. As we all know from the horrible past experience of Love Canal, the Valley of the Drums and others, hazardous waste management is not something to be taken lightly.

Congress passed legislation to prevent unsafe dumping of toxic wastes and EPA issued regulations to carry out this purpose. But in moving to lift the ban on storage of liquid toxics in landfills, the EPA is now jeopardizing the progress we have made in this area and risking the health and safety of the American public.

As the Post editorial points out, "Safe and affordable means of hazardous waste disposal are a relatively simple challenge in the spectrum of known environmental dangers." This challenge must be met to ensure a safe environment.

The Public Works Subcommittee on Investigations and Oversight, which I chair, will begin hearings on this serious matter. We must make certain the EPA's policy is one which protects rather than harms our environment.

At this point I would like to submit for the RECORD the Washington Post editorial on this issue.

EPA: A HAZARD TO YOUR HEALTH

Six years ago, Congress passed a law intended to end the foolhardy but common practice of throwing hazardous chemicals into open pits and landfills, there to leach into the water supply and leak into the air. So vast and complex is the waste disposal system—about 130 billion pounds of hazardous wastes will be produced this year—that it took the Environmental Protection Agency four years and the threat of a court order to issue most of the regulations needed to implement the law.

Then in 1981 the Reagan EPA delayed, suspended or rescinded so many of the regulations that observers wondered whether its hazardous waste policy was merely to undo what had been so laboriously achieved. EPA's response—that some of the regulations were too complex, that some needed additional review and that some might not be the best way to reach a particular goal—sounded at least plausible. Its most recent action, however—the lifting of a ban on disposal of hazardous liquids in landfills—leaves little room for doubt as to whether EPA bases its policy on protection of the public health and environment or on the profits and convenience of waste generators.

Disposal of hazardous wastes in landfills, especially liquid wastes, is well known to create health hazards. Abandoned landfills constitute a large fraction of the sites EPA has named as warranting immediate cleanup attention under the emergency Superfund. Better alternatives, including incineration, are already available for the great majority of liquid wastes. And with a modest research investment, manufacturing processes can be redesigned to produce fewer wastes or to recycle wastes into useful products, saving money and imported raw materials. But landfills, especially landfills with minimal environmental precautions, are the cheapest and easiest method.

EPA let it be known in advance that it would lift the ban on liquid disposal in landfills, so generators let their barrels pile up in anticipation. During the 90-day suspension, liquids may be disposed of in any amounts. After that, EPA proposes that landfills may fill one-quarter of their space with hazardous liquids, even those most suited to incineration. The agency did not even adopt a proposal made by representatives of the chemical industry to require impermeable liners and water collection systems under the landfills to catch the chemicals in case leakage does occur.

Safe and affordable means of hazardous waste disposal are a relatively simple challenge in the spectrum of known environmental dangers. The only incentives necessary are regulations to put the clear intent of existing law into effect. In fact, some of the loudest objections to EPA's latest landfill decision are coming from the industries that have geared up to produce these better technologies. After Love Canal, Valley of the Drums and the rest, can there be any doubts about the need for better hazardous waste management? Under a barrage of criticism, EPA has announced it will reconsider its decision. It should do so and then act promptly to reverse it.●

GEORGE DANIELSON

SPEECH OF

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1982

● Mr. SKELTON. Mr. Speaker, I would like to join my colleagues in recognizing the selfless service and tireless devotion to our country of our colleague, GEORGE DANIELSON.

No country can ask for a greater contribution from a man than the dedication of his life to the service of the greater good of its people. GEORGE DANIELSON's commitment to the United States goes beyond normal loyalty and duty. His career reflects his conscious determination to bear the burden of the safety and the prosperity of our country directly on his own shoulders. Time and time again, GEORGE DANIELSON has been called on to serve: as a lieutenant in the Navy during World War II; in the Naval Reserves; as an agent of the FBI; as a U.S. assistant district attorney; as a California State legislator and senator; as a U.S. Congressman and now as judge on the California State Court of Appeals.

Here in the House, he has been a leader on both the Judiciary Committee and the Veterans' Affairs Committee. I was able to get to know him very well on our trip to Laos and Vietnam several years ago when we were members of an ad hoc committee who visited Southeast Asia to discuss information involving missing persons in Vietnam.

His leadership and counsel will be missed by all of us here in Congress but our loss is California's gain. His experience, his dedication, his scholarly knowlege of the law and its history all tempered by his inborn commonsense, make GEORGE DANIELSON an outstanding appointment to the bench. The citizens of the United States owe GEORGE DANIELSON, and men like him, a debt which we can never repay.●

CAMP DAVID PEACE PROCESS THREATENED BY DRIFT TOWARD ARAB STATES

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. YATES. Mr. Speaker, I am deeply troubled by what I perceive as a major shift in U.S. policies toward the Middle East. I am upset by both the process by which our policies are made and enunciated and also by the increasing drift toward Arab States that have consistently opposed the Camp David peace process.

These disturbing policies became clearer as a result of Secretary of Defense Caspar Weinberger's recent trip to the Middle East. Weinberger, or at least a high senior official on his plane, stated that the U.S. policies should not be held hostage to Israel and that we must redirect our policies away from Israel. I am opposed to a Secretary of Defense, any Secretary of Defense, traveling to foreign nations to formulate and announce American policies. This gives the impression to the world that our policies are little more than an ill-conceived series of ad hoc reactions to Arab requests. It implies that the President and his Secretary of State are secondary players in the foreign policy process, rather than the prime formulators of policy.

In addition, we have learned that the Secretary discussed the sale of F-16's and Hawk mobile antiaircraft missiles to Jordan. The administration is currently reviewing the advisability of these sales and the indications are that the decision to proceed will be announced shortly after the November elections. I sincerely hope that the administration will not pursue this unwise and potentially disastrous course.

Selling F-16's to Jordan would substantially alter the balance of power in the Middle East, undermine the security of Israel, reward the opponents of the Camp David peace process, and certify to the world that blackmail does work.

Mr. Speaker, the United States is aware of the legitimate defense needs of Jordan. Jordan already had 14 batteries of Hawk missiles, 300 Redeye anti-aircraft missiles and 100 Vulcan anti-aircraft guns. When Congress approved the sale of the Hawk missiles to Jordan, it did so only after receiving assurances from President Ford that the missiles would be stationed around Amman and would not be mobile. These Hawks protect Jordan, while not threatening Israel. Secretary Weinberger's desire to sell the mobile Hawks would violate these assurances.

F-16's and mobile Hawks are offensive weapons. In the Middle East, only Israel and Egypt currently have F-16's. The improved Hawk is among the most sophisticated, reliable missiles in the world. Its range of 25 miles gives it offensive and defensive capability.

Providing offensive weapons to Jordan could do more than upset the balance between Israel and Jordan. These weapons could wind up assisting Iraq in the Iraq-Iran war, thus interjecting American weapons into the conflict for the first time. Mr. Speaker, this proposed sale directly threatens Israels. Despite President Reagan's assurances that the United States would maintain Israel's qualitative military superiority, this sale would seriously jeopardize Israel's security, and ultimately, Israel's survival. The sale of this equipment would increase the likelihood of Jordanian participation in any future Arab-Israeli war. It would increase the quantitative edge possessed by the Arab nations. Eventually a numerical edge can be translated into a qualitative advantage. Even if the United States were to attempt to counterbalance this sale by sending additional weapons to Israel, the growth of Arab strength cannot be matched. Israel simply cannot afford, either economically or in terms of manpower, to continue an arms race with the Arab States. Mr. Speaker, selling such sophisticated weapons to Jordan at this time would signify that the United States is willing to reward states that have rejected the Camp David process. King Hussein has repeatedly been invited to join the peace process; he has consistently refused. He has rejected all efforts at peace with a nation he refers to as "the invaders, the Zionist onslaught." Mr. Speaker, this sale would also confirm a belief in the Third World that the United States can easily be blackmailed. The main rationale for the sale appears to be that Jordan was willing to go to the Soviets for weapons. Last year they purchased advanced SAM-8 missiles from the Soviets, with the $200 million price tag to be picked up by Iraq. If Hussein were truly the great friend of the United States that some in the Defense Department believe he is, would he have behaved in this manner?

In sum, this sale would only fuel the arms race in this already fragile region of the world; it will undermine the President's commitment to maintain Israel's qualitative military advantage, it casts doubts on Jordan's reliability as an ally; and, most important, it will further destabilize the Middle East. I thus urge the President and the administration not to proceed on this dangerous course.●

THE 75TH ANNIVERSARY OF THE BOROUGH OF WEST READING

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. YATRON. Mr. Speaker, I rise today to bring to the attention of my colleagues in the Congress, a historical event in my community which will occur on March 18, 1982. This date marks the 75th anniversary of the Borough of West Reading, Pa.

The land, today comprising the Borough of West Reading, was first purchased from the Indians by the Penn family. One deed, dated September 7, 1732, covered an immense tract of land along the Schuylkill River and included most of Berks County. Three Welshmen were the first settlers to be given warrants for land later included in part of the Borough of West Reading. Cumru Township, the Welsh word for friendly greeting, was established in 1737. Spring Township was established in 1850. These townships were later incorporated into the Borough of West Reading.

West Reading's real growth began in 1873. Prior to that time, there were few houses in the area. The population increased greatly in 1922 to 1930 and then again from 1946 to 1952. Farming was the chief occupation of the early settlers and iron ore mining the important industry. Before the American Revolution, iron from local mines was used to make implements and machinery. During the Revolution, ore from local mines was used to make cannons and cannonballs for the Continental Army. In the last half of the 19th century and the first quarter of the 20th century, brickyards were operated in West Reading. The manufacture of hats was the largest industry in the borough during the first two decades of the 20th century. Another industry which was prevalent was a carriage works begun in 1885.

The first grocery store in the village was opened in 1879. The first local post office went into operation in 1892. The Peoples Trust Co. was founded in 1913. The borough was incorporated in 1907 and a council of seven men was elected to serve for 4 years. The West Reading Board of Education was organized in June of 1907. The council-manager plan of government was adopted by the borough May 10, 1926.

Today, West Reading is a vital part of Berks County. The people of the Borough of West Reading can be justifiably proud of their accomplishments. West Reading is rich in community spirit that is never subdued, even in the face of difficult national or civic problems. The borough is strong in its traditions and its people are dedicated to the principles of our Nation.

Now, West Reading is celebrating its diamond jubilee. I invite the attention of my colleagues to the borough of West Reading and ask them to join with me in saluting this outstanding community. My warmest congratulations go to Mayor Ed Wayne and all the people of West Reading on their 75th anniversary.●

MOUNT ST. HELENS VOLCANIC AREA

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. MORRISON. Mr. Speaker, I am pleased to join with my colleague in sponsoring this legislation to designate the Mount St. Helens Volcanic Area.

On May 18, 1980, for the first time in 123 years, Mount St. Helens erupted, transforming the surrounding area into another world. The blast accompanied by hot gases, ash and pumice devastated more than 150 square miles of national forest, State and private lands north of the mountain with trees and vegetation killed, blown down or destroyed. The superheated debris tore through the side of the mountain, leveling every tree in a fan-shaped 20-mile zone. It was, indeed, a modern day wonder of nature.

The fallout has settled and the shock is over, and the rehabilitation process continues. Mount St. Helens in all its terrible splendor left Washington State a legacy of problems and a spectacle that the world needs to see; 9,000 acres of felled and standing dead trees are not only a major fire hazard but provide fertile ground for beetles and insects to breed in possible epidemic proportions. Blown down timber stretches for miles, mud and ash are everywhere, yet plants and wild flowers are bursting through, demonstrating already the marvelous recuperative powers of nature.

The bill I am introducing today with Congressman FOLEY is identical to the legislation introduced by Senators JACKSON and GORTON. Our intent is to provide the subcommittee hearings scheduled this week with a range of proposals for their consideration. The legislation is designed to implement the recommendations contained in the Forest Service Mount St. Helens Land Management Plan. This plan provides for a large interpretive area for protection of significant geologic and biologic features while providing for timber salvage and rehabilitation.

This bill legislatively designates the 84,700-acre interpretive area as outlined in the land management plan as a national volcanic area. The volcanic area is to be managed by the Secretary of Agriculture in accordance with the Mount St. Helens Management Plan prepared by the Forest Service. The Secretary is directed to acquire the non-Federal lands within the volcanic area using his existing authority to acquire land by donation, exchange or purchase. The best way to acquire these non-Federal lands is an area of great concern to me and one that must be explored thoroughly at the upcoming hearings.

Because much of the downed timber in the area is deteriorating at a rapid rate, this legislation insures that the value of the timber will be fixed as of a date certain so that any delay in completing the acquisition of the non-Federal lands will not cause undue hardship for the private landowners.

Mr. Speaker, I believe this bill will serve as a good mechanism to begin the process of debate on what to do legislatively about Mount St. Helens. It definitely needs more specificity, but those changes will be made in the committee process with the goal of having a bill passed into law before the end of the 97th Congress. I intend to work with my colleagues from Washington State and all interested parties to achieve that objective.●

MORATORIUM ON THE A.T. & T. DIVESTITURE

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. BAILEY of Pennsylvania. Mr. Speaker, on February 9, I introduced H.R. 5483, which would put a hold on the A.T. & T. divestiture for a period of 2 years.

The A.T. & T. divestiture, and resulting reshaping of the entire telecommunications industry of the United States, is now being taken without regard to the social and economic effect on our Nation. The proceedings before the Justice Department and now the courts consider the legal issues of the antitrust laws. However, due to the nature of the action by the Justice Department and the legal context of the case, the intent of Congress embodied in the communications laws and the regulatory function of the agencies acting thereunder may be circumvented.

Because of this, the people of the United States are robbed of the opportunity to have any impact on what will clearly be one of the most important decisions in the technical and economic future of our country. It is only through the legislative and regulatory processes that such a careful review of this issue can be made with input from the people affected as well as the company.

H.R. 5483, therefore, would prohibit the divestiture of A.T. & T. for a period of 2 years starting January 1, 1982. Subsequent to that 2-year moratorium, the company could apply for divestiture permission through the FCC. The Federal Communication Commission would be required to make a decision on divestiture proposals by A.T. & T. within 60 days and would be required to hold public hearings on the issue. Any proposal for divestiture approved by the FCC would have to be approved by Congress within 30 days in the form of a concurrent resolution.

The divestiture of A.T. & T. as presently being considered would completely reshape the American telecommunications industry by separating local service providers from the A.T. & T. network. The consent decree would allow A.T. & T. to maintain the present research and equipment parts of its network. The first major repercussion would be the increase in rates to consumers for local service. Some experts have estimated that rates could increase three- or fourfold by 1985. The present local rates have been structured together with long distance and other services provided to individuals and businesses. Local rates have been kept low by permitting higher rates in other charges. This has been a regulatory decision made in the total framework. To remove the local rate base from the overall rate system without changing the rate sructure of the nonlocal rates would be to extreme disadvantage of consumers and create a windfall for the A.T. & T. network. Ironically, premature divestiture could also result in severe problems for State public utility commissions and could increase rather than decrease Federal regulation and Federal interference in State affairs. The local service would continue with local companies regulated by the State public utilities commissions. However, long-distance rates and equipment service would be maintained by the national network. This would create a severe conflict between Federal and State regulation. While State regulatory agencies would be regulating within their jurisdictions, the relationship of the local provider of service would be conflicting with that of the national company providing the long-distance and technical services.

There are also many questions regarding what specific functions A.T. & T. would be divesting and the price paid by the company for that function. Such areas are yellow page advertisements, access charges, and physical assets. Rates would be adversely affected by this segmented service as well.

The proposed divestiture would also open up much of our technical communications industry to foreign competition without any legislative or regulatory treatment. This unrestricted foreign competition would thwart our domestic companies in developing telecommunications equipment. It would open us up to uplanned and uncontrolled dependence on foreign suppliers for this vital economic and national system.

I am not calling for the passage of any particular telecommunications legislation. Nor am I proposing that we prevent the A.T. & T. divestiture. I am simply proposing that Congress be given the opportunity to consider this vital issue in the legislative process. I am asking that the people be given an opportunity to be represented in this major decision. A 2-year moratorium will provide the time and the framework for a careful and balanced approach to divestitute.

In the interest of consumers—especially senior citizens who depend upon telephone communication as a matter of life and death—this potentially inflationary and productivity-threatening divestiture should be postponed pending congressional study. State regulatory commissions, as well as affected corporations, need time to evaluate these changes.

I call on my colleagues to consider H.R. 5483 and support this balanced approach to such a vital national issue.●

DEPENDS ON WHOSE PORT

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Ms. MIKULSKI. Mr. Speaker, news reports indicate that while the Reagan administration is attempting to force of the ports of this Nation the current Federal responsibility of dredging harbors for interstate and international commerce, the Navy is in the process of spending $50 million to deepen the Port of Mombasa, Kenya. These funds are reportedly being spent to facilitate shore liberty for our sailors. While I have nothing against easier access to shore liberty for the fine men and women of our Navy, that $50 million could be better invested in starting the dredging of the Ports of Baltimore, Hampton Roads, Mobile, and New Orleans, and other U.S. ports and put countless thousands of our unemployed miners, railroaders, and dock workers back to work during this terrible time of recession.

Therefore, I recommend the below article and editorial from the Baltimore Evening Sun to my colleagues:

DEPENDS ON WHOSE PORT

Mombasa, Kenya, is a port city on the Indian Ocean. It is also an important shore leave and provisioning stop for the American Navy. But only small vessels can negotiate the narrow approaches to the port. When a giant like the USS Constellation visits Mombasa, a flotilla of "liberty boats" has to ferry sailors and provisions two miles. The round trip can take up to six hours—not exactly a joy ride for sailors who have been cooped up for maybe two months without beer or female companionship.

But it won't be inconvenient for long. The U.S. is spending $50 million to dredge the Mombasa channel. A passage five miles long, half a mile wide and 45 feet deep will be cleared. "It will mean a great deal in terms of morale," says the commander of the Constellation.

Morale, indeed. There's a morale factor in Baltimore, which depends on its port for life-sustaining commerce and, not incidentally, for the shipment of coal that would help free the West from its dependency on OPEC oil. It has been a long 11 years since Congress approved the Port of Baltimore channel dredging project. The agreement with Kenya allowing American vessels to dock at Mombasa is not yet two years old.

It makes you wonder about priorities.

U.S. MILLIONS DREDGING PORT IN KENYA FOR GOBS' LIBERTY

The United States is spending millions of dollars to modernize the Indian Ocean port of Mombasa in Kenya—with an eye to getting its warship sailors ashore more quickly after weeks of duty at sea.

The money is being spent to widen and deepen the approach and sides of Mombasa harbor so that large vessels, including giant U.S. aircraft carriers, can dock in port instead of anchoring at sea.

Increasing superpower rivalry in the Indian Ocean has made this sweltering port town an important shore leave and provisioning stop for American vessels, allowed to dock here under a 1980 agreement with the Kenyan government.

But only the smaller frigates and cruisers can negotiate the narrow approaches and entrances to the port and steer a path through the reef-lined channel to seek safe anchor.

Last month the American aircraft carrier USS Constellation was anchored two miles out at sea, while two small warships from Britain, which also uses the port, were tied up inside the port.

On board, most of the carrier's 5,000-strong crew were waiting to get ashore to the Mombasa bars and clubs after 51 days at sea working up to 18 hours a day.

A small flotilla of boats, some chartered for the occasion, ferried the sailors ashore, where an army of girls, guides and souvenir salesmen waited.

Pitching and rolling in the swell, the liberty boats, as they are known in the U.S. Navy, made a picturesque sight.

But for the sailors the ride can be a frustrating and uncomfortable experience, and the trip can be delayed for hours if the weather is bad.

"You have to stand in line on board ship to wait your turn to get a liberty boat, sometimes an hour or more," an officer said.

"Then the journey to shore takes about an hour and a half; so a round trip can take up to six hours," he explained.

Such inconvenience should be eliminated next year when the harbor will have been dredged to allow the Constellation and ships of comparable size to enter the port, which at present can accommodate only vessels shorter than 800 feet.

The $50 million project involves dredging the approaches and blasting small bits of coral reef to clear a passage five miles long, half a mile wide and 15 yards deep, according to engineers.

"It will mean a great deal in terms of morale," said Capt. Dennis M. Brooks, commander of the Constellation.

It would also make supplying the ship much easier.

"Everything we get has to be dropped by helicopter or brought alongside in a boat; so tying up right by the shops will save a great deal of time," a senior officer said.

The carrier serves 15,000 meals a day, bakes 1,000 loaves of bread daily and goes through 5,000 pounds of meat and 10,000 pounds of vegetables and 3,000 pounds of potatoes every 24 hours.

A more interesting statistic for the local population is that an American sailor spends an average of $300 during a port call.

Last month there were an estimated 7,000 U.S. sailors as well as British crews in the town, a potential outlay of 2.1 million dollars during a stay of about 10 days.

Mombasa was bursting at the seams with young Americans drinking their first beer in 51 days—the U.S. Navy allows no alcohol on ship—and packing the discos and bars where the local girls are out in force.

Mombasa thrives on its tourism and adapts quickly to new markets. Many craft shops have huge signs in German advertising their wares because most tourists are from Germany.●

EL SALVADOR NEEDS OUR SUPPORT

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. SOLOMON. Mr. Speaker, the reaction of the American people to the situation in El Salvador has become increasingly emotional. I think this has happened because the public does not understand the basis intents of the administration's foreign policy.

To clear up some misconceptions about the situation in El Salvador, I call your attention to a letter that appeared in Sunday's Albany Times Union. The letter, written by Sister Maria Ann Kelly, an associate professor of Latin American history at the College of St. Rose in Albany, states succinctly and with great insight the argument for American assistance to that unfortunate strife-torn country.

I hope you will take the time to read Sister Kelly's letter. It does a great deal to eliminate any misconceptions about our policy in El Salvador that might still exist:

El Salvador Needs Our Support

(By Maria Ann Kelly, CSJ)

The current Caribbean-Central American crisis is very complex. At stake is an entire area which the U.S. considers vital to its own security. The Soviet Union, through its principal Caribbean satellite, Cuba, is attempting to carve out yet another sphere of influence at the doorstep of the United States.

It may very well do so if the American people do not realize they are being subjected to a tremendous propaganda campaign. Misinformation is being spread by some well-intentioned people as well as by less well-intentioned Marxist ideologues. We are being told that if one wants justice for the Salvadoran people, one must favor the rebels and let the Salvadorans decide their own destiny.

One can not deny that injustice and poverty exist in El Salvador and that changes are in order. It is equally clear that Cuba has assumed a very active role as the U.S.S.R.'s "Foreign Legion," especially in Africa and Latin America. Cuba, like its mentor, is committed to supporting all revolutionary "national liberation" movements and has incorporated this goal into its constitution.

The current ruling junta of Jose Napoleon Duarte is committed to modeate but substantive reform. Yet, Duarte's government is unacceptable to the radical Marxist leadership of the guerrilla movement. Their goal is the erection of a Marxist communist state like that of Nicaragua which is well on its way to becoming another Cuba. The current goal of Salvadoran guerrillas is to bring down the Duarte government by destroying the nation. It is no secret that they are being underwritten militarily by Cuba.

President Reagan did not lie to the American people when he stated that the human rights situation in El Salvador is improving. This fact has been corroborated by the acting archbishop of the Diocese of San Salvador, Arturo Rivera y Damas. The Episcopal conference of Salvadoran Bishops stated that the majority of the people are not with the guerrillas and has urged all Salvadorans, including the rebels, to participate in the upcoming elections so that the will of the people will be evident. Rivera y Damas has indicated, also, that since the rebels are being supplied with assistance from the outside, cutting off aid to the government would be unjust.

The United States must take a decisive stand now or the efforts of the Soviet Union to create a base of operations in the strategically important Caribbean-Central American zone will succeed. President Reagan is correct in sending both military and economic aid to this beleaguered nation. When peace and stability have been restored in the region, our economic aid will be able to bring about needed reforms.

UKRAINE REMEMBERED

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. NOWAK. Mr. Speaker, this year we observe the 64th anniversary of Ukrainian Independence.

As in many communities across the Nation, Buffalo and Erie County joined in commemorating this event. Part of our local observance included the issuance of a joint proclamation by Buffalo's Mayor James D. Griffin and Erie County Executive Edward J. Rutkowski.

The text of this proclamation reflects our sincere expression of concern for these people who have been deprived so long of their freedoms. Therefore, I would like to share with my colleagues the text of this message, along with an article from The Buffalo Evening News which—through the words of Dasha Procyk, an energetic leader among Ukrainian-Americans in western New York—captures poignantly the special meaning of this anniversary.

The following proclamation was issued jointly by Buffalo's Mayor James D. Griffin and Erie County Executive Edward J. Rutkowski on January 18, 1982:

Whereas, this nation having embarked on its third centennial and having built a foundation of freedom from foreign rule guarantees basic liberties for its citizenry through its Bill of Rights; and

Whereas, the American people have grown under this beneficial aegis into a world power dedicated to the concept that freedom is a universal birthright; and

Whereas, fundamental freedom, national and human rights can be ensured only in a free society regulated by voluntary elections within the framework of constitutional guarantees; and

Whereas, the Ukrainian people, through their duly elected representatives, did proclaim on January 22, 1918 their will to live an independent national life, free of foreign domination and be masters of their own destiny; and

Whereas, Ukraine's ancient and avowed adversary, Russia, has adopted a new aggressive Communist ideology with the same expansionist drive as their Czarist predecessors; and

Whereas, the recent ongoing plight and tragedies of the people of Poland and Afghanistan clearly demonstrate that the Russian monolith is a threat to world peace and freedom; and Russia's continual aggression, either direct or by proxy, must be stopped; and

Whereas, free people everywhere have an obligation to aid those who are silenced but unconquered and seek avenues to help and abet in the rightful quest for freedom and independence for the oppressed: Therefore, I, Edward J. Rutkowski, Erie County Executive, and I, James D. Griffin, Mayor of the City of Buffalo, do hereby proclaim January 22, 1982 as "Ukrainian Independence Day" in the County of Erie and City of Buffalo and urge all our citizens to give renewed devotion to the just aspirations of the people of Ukraine who seek to regain national independence and individual liberty.

The following appeared January 20, 1982, in the Buffalo Evening News:

Freedom: A Dream Kept Alive

(By Mike Vogel)

Dasha Procyk reads the headlines with sorrow. Her heart goes out to the people of Poland, but her mind reaches back to her own homeland and "the beginning of the long chain of conquests."

The headlines take on special meaning for her this week, as she and her countrymen who settled in Buffalo mark still another anniversary, for still another dream that was lost.

Friday is the 64th anniversary of Ukrainian Independence Day—the birthday of a nation that threw off the domination of Czarist Russia only to be engulfed by a wave of Russian-based communism little more than three years later.

The dream of independence died hard. There was fierce fighting against overwhelming odds, and pockets of resistance lasted until 1922. A Ukrainian insurgent army lasted decades longer, and there are underground freedom groups still.

Driven by man-made famines, religious persecutions and mass post-war deportations, Ukrainians carried the dream to other parts of the globe. It survives today in organizations such as the Ukrainian Congress Committee of America. Dasha Procyk serves as chairman of the Buffalo chapter.

As her late husband did before her, she carries on the dream of independence—and voices a warning to her new homeland and other Western nations she sees as too willing to trust other leaders, other lands.

"Every tyranny has to grow," she says, "because if it stops growing, it starts to disintegrate."

"We've had Russia on our backs for 375 years—Russian imperialism, not the Communist system."

When imperialism took Communist form, she says, Ukrainians were "the first victims." The fields of poppies she knew as a girl now form part of a territory known as a "union republic" of the U.S.S.R., but the process of "Russification" continues, with bans on the teaching of the Ukrainian language and the imprisonment of dissidents.

Buffalo's Ukrainians, she adds, are watching the "ongoing tragic events" in Poland with sorrow, sympathy—and apprehension.

Long-ago uprisings in the Ukraine, she says, "brought out the patriots long enough for Russia to make lists; I'm very fearful that now that is happening in Poland."

But Poland, she adds, is just part of a path begun long ago. "World history is going to be on our side, because now the whole world is seeing the true face of communism" she says.

While the world walked that path, communism strengthened its control over the 50 million inhabitants of the Ukraine. Through the years, the process has been followed closely by the 3 million Ukrainians who found homes in the United States.

In Buffalo, groups of Ukrainian-Americans "adopted" jailed dissidents, sent food and clothing. They also built a community here, with a Saturday school and church groups and youth camps near Fillmore and North Collins. They have tried to teach their children "a love for their homeland and at the same time a love for their American heritage and an appreciation of the freedoms they have here," Mrs. Procyk says.

Monday, Mayor Griffin and County Executive Rutkowski signed a joint proclamation commemorating the independence proclaimed in Kiev on Jan. 22, 1918. Sunday, members of the community will gather at Dnipro, the Ukrainian home on Genessee Street, to listen to a speech by Yurij Shymko, a member of the Canadian Parliament.

They will celebrate a dream that was proclaimed and lost, in this gathering in a land where the dream was proclaimed and sustained.

The difference, to them, will be painfully real. They will comfort each other on being "the first victims"—and wonder who will be the last. ●

FEDERAL RESERVE REPORT SHOWS WE MUST FIND A REPLACEMENT TO "ALL-SAVERS CERTIFICATES"

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. STARK. Mr. Speaker, last year, I asked the Federal Reserve Board to provide me with periodic reports on the impact of the all-savers certificate program.

I would like to include at this point in the RECORD data provided to me from the Fed, as of February 8, 1982. As this interim report concludes:

> All things considered, it seems very unlikely that the ASC has had an appreciable impact on aggregate saving—rather, the availability of the instrument has probably resulted primarily in a restructuring of asset portfolios.

Mr. Speaker, when the ASC program expires at the end of this year, I hope it can be replaced with a better program which will truly help increase the national rate of saving and benefit the homebuilding and realty sectors, while helping stabilize the Nation's lending institutions. Clearly the ASC program is not particularly effective and discriminates against those in the lower income brackets.

The interim report follows:

ALL-SAVERS CERTIFICATES

As of December 31, 1981, the all savers certificates (ASC's) totaled $42.9 billion in deposits, distributed among the major institutional categories as shown in the attached table. After an initial surge in October, flows into these accounts dropped off markedly at all institutions in November and December; the slowdown was most pronounced at thrifts.

Thus far, ASC's appear to have grown much less rapidly than many analysts had envisioned last fall, when predictions of $100 to $200 billion or more for the maximum level of deposits in these accounts were not uncommon. It should be noted, however, that many of these projections were made under the assumption that the program would last only for 12 months, which would have prevented depositors from renewing their initial ASC for another year. With the additional 3 months provided in the final legislation, depositors can effect such renewals and thus obtain the maximum lifetime interest income exemption—albeit spread over three tax years—with a smaller initial deposit and hence less of a liquidity loss. Thus, it may be that the maximum amount of these deposits will be less than it would have been under the 12-month program, but the accounts may remain for a longer period of time. Of course, given the relatively small inflow over the first three months of this instrument, it is not likely that the total volume would have approached the $200 billion level even if the program had been limited to only 12 months.

Prior to the authorization of ASC's, supporters of the instrument contended that it would be effective in competing with money market mutual funds, while others claimed that it would adversely affect the state and local sector. As best we can determine, neither appears to have occurred. Although it is impossible to trace directly the sources of funds placed in ASC's, survey data and industry reports suggest that a substantial portion represents internal transfers from other deposit categories, most notably the money market certificate, with a smaller proportion representing "new" money. As such, the amount of funds coming from outside the depository institutions simply does not seem large enough to support the contention that the ASC has materially reduced the supply of funds to the state and local sector. Moreover, while some of this "new" money undoubtedly represents transfers from money market mutual funds, the substantial growth in noninstitutional money funds over this same time period would indicate that the ASC has not greatly diminished the flow to these intermediaries either.

The effect of ASC's on the earnings of depository institutions depends on several key factors, including the overall size of the flows, the distribution of these flows between external sources and internal transfers, and the spreads between ASC rates and yields on depository institution investments (in the case of external flows) or between alternative sources of funds (in the case of internal transfers). As already noted, the distribution of deposit shifts is impossible to pin down precisely; however, if it is assumed that ASC outstandings reach around $70 billion in the months ahead and that most of the ASC flow has come from MMC's, it would appear that the program will bolster 1982 earnings at all depository institutions (including banks) by roughly $1 to $1½ billion, with the increase apportioned among the major types of intermediaries in rough proportion to the market shares shown in the table.

One of the key questions, of course, is what impact the ASC's may have on aggregate saving in the economy. The introduction of the ASC in October did coincide with an uptick in the personal saving rate; however, a number of other factors may help to explain that phenomenon, not the least of which might be the usual lagged impact of consumer spending to changes in taxes. All things considered, it seems very unlikely that the ASC has had an appreciable impact on aggregate saving—rather, the availability of the instrument has probably resulted primarily in a restructuring of asset portfolios.

Attachment.

TABLE 1.—ALL-SAVER CERTIFICATES (NOT SEASONALLY ADJUSTED)

[In billions of dollars]

	Commercial banks	Mutual savings banks	Savings and loans	Total[1]
Net flows 1981:				
October	12.8	3.3	16.5	32.6
November	4.1	.8	2.5	7.4
December	1.7	.4	.8	2.9
Outstanding balance Dec. 31, 1981	18.6	4.5	19.8	42.9
Market share (percent)[2]	43.4	10.5	46.2	100.0

[1] No credit union data are available.

[2] Shares do not sum to 100 percent owing to rounding. ●

TRIBUTE TO THE SOUTHERN BERKS PARAMEDICS AND THE GOVERNOR MIFFLIN AMBULANCE SERVICE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. YATRON. Mr. Speaker, it was my privilege to witness firsthand the outstanding efforts of the Southern Berks Paramedics and the Governor Mifflin Ambulance Service who together may have saved the life of a young man from Berks County, Pa.

On Saturday, February 20, a young man was thrown from his car during an accident and the automobile landed on top of him. After several individuals were successful in lifting the car off the victim, the Southern Berks Paramedics, the Governor Mifflin Ambulance service, and the Police arrived. The primary function of the Paramedic unit is to initiate advanced life support services at the scene and to stabilize the patient prior to transporting him or her to the hospital. In this particular incident, the physical condition of the victim was quickly ascertained and reported by radio to the command physician. His EKG was also transmitted by telemetry.

The physician ordered intravenous therapy for severe trauma which was started immediately. An oropharyngeal airway was inserted to assist the patient's breathing, oxygen was administered and MAST trousers applied. I was particularly impressed with the quick and effective action rendered to the patient by a student nurse, Ms. Debbie Dark. She and all the other individuals involved performed their duties in a highly efficient and comprehensive manner. I welcome this opportunity to bring to the attention of this body an example of human kindness and concern for others which was underlined by this heroic rescue.

Patients who suffer severe trauma or serious illness and receive advanced life support services at the scene, like the victim in this case, have a greatly increased survival potential. I think that it is most important that the people who perform these vital services are given the recognition they truly deserve.

I know that my colleagues will join me in paying tribute to the individuals whose prompt action, quick thinking, medical training, and compassion combined to save the life of a fellow human being, and to whom the previous example is part of their everyday efforts to protect the lives of our citizens.●

THE SENIOR CITIZENS ENVIRONMENTAL EMPLOYMENT ACT OF 1982

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. EVANS of Iowa. Mr. Speaker, it is with great pleasure that I introduce today a bill to establish the senior citizens environmental employment program.

As the Members of this body will remember, a few years ago, a very successful demonstration project under the Environmental Protection Agency (EPA), the Administration on Aging (AoA), and the Department of Labor, established the senior environmental employment (SEE) program in 10 States. This demonstration project hired over 200 senior citizens for a variety of activities. Examples of these activities include: First, a statewide survey of hazardous waste generators and implementation of a hazardous waste manifest system in New Jersey; and second, an Illinois program to monitor the quality of the State's water supplies.

SEE is a direct employment program under which the EPA hires elderly individuals. The primary task of these participants is to assist State and local governments with environmental control programs. They have in the past helped to implement various programs such as ECHO (each community help others), a State and local program which helped to transfer local noise control expertise from one town to another with little or no financial assistance from EPA.

The Foundation for Applied Research (FAR), an independent contractor to the AoA, examined the results of this demonstration senior citizens program. It concluded that:

> With regard to the costs of the program, we could have simply stated that the program was a grandiose success because it helped the environment in ways that cannot be easily measured in dollars and cents, but surely must be substantial. Or we could have said that the program was cost beneficial because it provided employment for a segment of the population which is too often presumed to be unproductive. These benefits are real and they are the greatest benefits of the program.

But even against a tough, analytic yardstick, the SEE program was productive. The FAR evaluation revealed that employment of these senior citizens resulted in savings of 16.4 percent of labor costs. The program was so successful that FAR recommended that it be expanded to all 50 States, and that existing State programs be increased.

Mr. Speaker, the Senior Citizens Environmental Employment Act of 1982 authorizes expanded use of senior citizens in both EPA's national and regional offices. It would allow for the employment of eligible older Americans to work within the EPA on such activities as air monitoring and emission testing, pesticide inventory and control, water supply sampling and monitoring, technical libraries and public information, carcinogenic surveys and followups, hazardous materials routing surveys, rural health screening, and noise abatement and control.

Why employ the elderly? First, they are a highly motivated, highly skilled and experienced work force. Approximately 1.4 million older Americans are unemployed and actively seeking work today. Senior citizens already possess the broad range of skills and extensive on-the-job training that the young worker has yet to accumulate. Older workers also have excellent records of hard work, reliability, and low absenteeism. Second, our system actively discriminates against them. The U.S. Commission on Civil Rights concluded that employment discrimination against the elderly was widespread in Federal job programs. The Commission said:

> We are shocked at the cavalier manner in which our society neglects older persons who often desperately need federally supported services and benefits.

In addition to the older Americans who are actively seeking work, there are an estimated 350,000 workers over the age of 55 who are "discouraged workers"—people who have given up looking for a job but would take one if it were offered. Many of these citizens are economically disadvantaged. One in every nine couples with a husband 65 or over had an income of less than $4,000 in 1976. Some 3 million persons aged 65 or older were below the poverty line in 1976.

And yet, as the FAR study cited above shows, these older workers, if given the chance, can be more productive per dollar of Federal cost than younger workers in the same fields of endeavor.

In closing, I say that we need to look at the Senior Citizens Environmental Employment Act as a program which will help the EPA stretch its already stretched budget, and assist older Americans to obtain productive and meaningful employment by allowing them to give future generations the benefits of a cleaner and safer environment.●

STUDENT FINANCIAL AID CUTBACKS

HON. [illegible]ND J. ST GERMAIN

[illegible]HODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. ST GERMAIN. Mr. Speaker, the following summary illustrates the effect of the administration's proposed budget cuts in student financial aid on the students at Roger Williams College in my State of Rhode Island. When this example is multiplied to reflect the number of students across the Nation who will lose Federal education assistance and be forced to either drop out or abandon a college education, the message becomes clear—we cannot allow such drastic cutbacks in funding for these student aid programs.

EFFECTS OF PROPOSED BUDGET CUTS TO ROGER WILLIAMS COLLEGE

In 1981-82, some 2,464 students applied for financial aid. They had a combined need of $8,231,708.

The available financial aid for 1981-82 is:

Pell Grant	$590,000
Supplemental Educational Opportunity Grant	212,100
College Work Study	150,500
National Direct Student Loan	96,000
Roger Williams College Scholarship	250,000
Rhode Island Scholarship	103,050
Total	1,310,650

We have 754 students receiving direct financial aid in 1981-82.

	Expected 1982-83 levels
Proposed changes:	
Pell Grant, $25,000 income cap (82 percent of financial aid applicants have an adjusted gross income greater than $25,000)	$550,000
SEOG, (40 percent cut proposed)	72,660

College Work Study, (50 percent cut proposed)	75,250
Roger Williams College Scholarship	250,000
Rhode Island Scholarship, (total elimination of SSIG, this represents about 10 percent of total R.I. Scholarship Budget)	92,750
Available in 1982-83 for direct financial aid	1,040,660

Assuming level tuition, room and board charges, Roger Williams College would be able to help some 58 fewer students in 1982-83.

If the tuition, room and board charges are increased by the current 8.9-percent inflation rate, Roger William College would be able to help 203 fewer students.

SOCIAL SECURITY

Some 9 percent or 221 of the students applying for financial aid in 1981-82 are also receiving social security benefits averaging $1,665 a year. This is a combined income of $367,965. A 25-percent cut per year represents a loss of $91,991 that will have to be made up from financial aid funds if the student is to be allowed to continue his or her education. At current cost levels, meeting this social security gap means that 52 other students a year would not receive financial aid.●

DON'T GIVE UP

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. FOGLIETTA. Mr. Speaker, I submit for inclusion in the RECORD the following responses to an advertisement appearing in the Washington Post on January 28, 1982. The ad, an open letter, was placed in that paper by the Natural Resources Defense Council (NRDC) to encourage the demoralized staff of the Environmental Protection Agency to continue working to implement and enforce our environmental protection laws.

Any number of newspaper accounts and common knowledge of this Agency confirm that its employees are working in an atmosphere of fear and mistrust created by political appointees, who view as disloyal the staff's efforts to carry out the congressionally mandated requirements of the air and water pollution, pesticide, and hazardous waste laws. The poignant responses to the included ad illustrate the sad situation. It is unfortunate not only for EPA's dedicated civil servants, but for the Nation that relies on EPA to protect it from environmental, safety, and health hazards. I hope my colleagues will join me in echoing NRDC's words to EPA staff, "Don't give up."

DON'T GIVE UP

AN OPEN LETTER TO THE STAFF OF EPA

You joined the Environmental Protection Agency as dedicated professionals seeking to achieve a goal shared by millions of Americans—a safe, healthy environment for us and for our children.

You have worked long and hard during the last decade, under three different administrations, to carry out the nation's environmental laws—laws passed to protect the public from poisons in the air, water and land. Those laws were passed because the public demanded them. Those laws have not been changed.

Because of your work, our air was getting cleaner; our rivers were coming back to life, and progress was being made in controlling dangerous toxic substances. But now a decade of environmental progress is in jeopardy.

New political bosses have come to EPA. They openly scorn the environmental laws Congress passed. They hold your achievements in contempt. To them, you are dangerous, because you care about your lawful responsibilities.

Many of you are being fired, transferred, demoted. You are being deprived of authority to act and ordered to disregard the laws and the facts. You are being publicly derided and shabbily treated by those for whom you work. Many of you are quitting in frustration and disgust.

We urge you to stick it out. If you are driven from the agency, it will be left an ineffectual shell, an illusion of protection. The most important work of all is still to be done.

The public needs and wants you where you are. In a recent Roper poll, seventy-one percent of those responding believe EPA should be doing as much as it is, or more, to protect the environment. In a Chamber of Commerce poll, seventy-two percent said they believe what EPA tells them about the environment, almost twice the number who believe what industry tells them.

While your bosses may not believe in you, the public does. We do. While your bosses degrade you, the public relies on you. Citizens across the country are working to save EPA.

So please stay on the job. We're all depending on you.

NRDC's Campaign to Save EPA needs public support. Please help!

—the Lawyers and Scientists at NRDC.

LETTER 1

SAVE EPA CAMPAIGN,
NATURAL RESOURCES DEFENSE COUNCIL,
1725 I Street NW., Suite 600, Washington, D.C.

It is with my deepest gratitude that I am writing to the NRDC staff to thank you for your open letter to the people at EPA published in the Washington Post. I served with EPA in ———————— and after the past several months of hearing the harsh criticisms from my new administrators, I acknowledge there have been times when I began questioning my value to the public and even my own self worth.

The uplifting effect of your letter I'm sure has far outreached anything you had ever hoped for. Even if this uplifting in spirits is only temporary, your encouraging thoughts I believe will endure.

It is sad, no it's worse than sad, it's scary that I am not signing this letter because I have to be aware of possible reprisals from my Agency's highest bosses. It's silly when in our free speech America, a person has to remain anonymous simply for thanking someone for encouraging him for a job well done.

You have offered me some welcomed encouragement, now I offer you the same. The public needs you. We are all relying on you also. Keep up the good work.

Sincerely,

LETTER 2

SAVE EPA CAMPAIGN,
NATURAL RESOURCES DEFENSE COUNCIL,
1725 I Street NW., Suite 600, Washington, D.C.

From my job with a chemical trade association, I am aware that EPA has been effectively shut down. Please let this contribution be effective in bringing a halt to the decimation in the name of reform . . .

Sincerely,

LETTER 3

NATURAL RESOURCES DEFENSE COUNCIL,
PRESS RELATIONS OFFICE,
Washington, D.C.

To whom it concerns:

I applaud your Save EPA Campaign and would like to know more about it—your action agenda . . .

I've seen the shambles at EPA, not only in and around the office but in the regulatory output. There's plenty of evidence not only of defiance of Congressional intent but of disorder. A lot of tax money is being wasted there these days and this is something to bring out in the campaign. I was there last May when Mrs. Gorsuch made her first talk to the whole EPA staff, outside the offices at lunchtime. One of the things she said was that she had found the offices to be a "mess," physically. Now she and her helpers have made the operation a mess. Hit the media with this, chapter and verse!

Sincerely,

— — ———.

LETTER 4

To whom it concerns:

As an employee, you're right! We all (EPA staff, the exposed public, our delicately balanced ecological world) need, the Save EPA organization. Garry Trudeau's Donnesbury is not that exagerated.

Sincerely,

——— ———.

P.S.—I would like my connection to EPA to remain anonymous in this context. Any form of dissent is not exactly welcomed at EPA now.●

DEDICATION OF THE EUROPEAN-BUILT SPACELAB

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. WINN. Mr. Speaker, I recently had the pleasure of attending the dedication of the European-built Spacelab which is an integral part of the Space Shuttle system. This was a very important occasion because it demonstrates that close cooperative relations with our European friends can and does exist. As an indication of how significant this occasion was, Vice President, GEORGE BUSH was on hand to make a very thoughtful statement. I would like to include that statement in the RECORD for my colleagues, review:

I'm very happy to be here with you all today, and I thank you for inviting me to take part in the ceremonies. It seems I turn up at so many space shuttle-related events, people are going to start calling me a NASA groupie.

As a matter of fact, I am one. And I hope you keep inviting me back.

I give a lot of speeches these days. This one will be short—you'll no doubt be relieved to hear. I often say, in these speeches, that we're doing our best to bring down the inflation rate, to bring down the interest rates—and that the only thing we want to see going up is the next Space Shuttle.

And now something else will be going up with the Space Shuttle.

This is a happy day, and an important day. Spacelab, Europe's contribution to the Space Shuttle program, is an extraordinary engineering achievement. It's also the largest cooperative space project ever undertaken. On behalf of President Reagan and all Americans, I want to congratulate our European partners, especially Dr. Johannes Ortner and Eric Quistgaard, for their fine work.

Spacelab is the fruit of a lot of hard work. Ten member nations of the European Space Agency brought it about. Over two thousand men and woman built it. Over fifty Europan firms participated in the project. Americans too can take satisfaction in it. If today can be considered Spacelab's birthday, then there are a great many proud parents celebrating.

You've heard enough about what Spacelab can do—or indeed, you already know enough, since I have the feeling most people here have Ph. D.'s in at least one scientific field. Let me just tell you that as a layman, I'm amazed by its potential. Its telescope will look up and out into the outer reaches of space, capturing images of galaxies, of Halley's comet; its cameras will look down on Earth, relaying vital information about crops, pollution, and precious natural resources. In this space laboratory, specialists will work to further our knowledge about vaccines, alloys, pure matter, microwaves . . . and they will try to find a cure for that unique misery of the modern age . . . spacesickness.

You all are much more conversant with science than I. So instead, I thought I might offer a comment or two on other, less technical aspects of Spacelab.

Before the first astronauts left the Moon, they left there a plaque that said, "We came in peace for all mankind."

Now man is returning to space once again, this time with all the tools of peace.

And in that connection, I feel very honored today to be able to announce that next flight. The third launch of the Space Shuttle *Columbia* from Kennedy Space Center has been set for March 22, 1982 at 10 a.m.

The crew for the third Shuttle mission is Jack Lousma, commander, and Gordon Fullerton, pilot. I know they will continue the unbroken chain of excellence in the performance of their important mission.

Following seven days and three hours in Earth orbit, the *Columbia* is scheduled to land on the dry lake bed at Edwards Air Force Base, California, on March 29th.

The knowledge that Spacelab will bring back from its many missions will belong to all mankind.

We are returning to space . . . together, and that is no small achievement. The Space Shuttle and Spacelab represent a bond, not just of transatlantic cooperation and friendship, but of a cooperation and friendship that will extend even beyond the Earth, into the heavens.

If the Shuttle itself embodies all that is bold and dynamic in the American character, Spacelab symbolizes the unity and determination of free Europe. Together they are a potent symbol, of the interdependence of our nations, and of our partnership.

Let us continue to be partners, in this and in all fields.

And let me take this opportunity to assure you that we intend to continue our international, cooperative programs, just as President Reagan recently reconfirmed the commitment of the United States to a vigorous space program.

"There is beauty in space," said Wernher von Braun, standing on the threshold of the space age in 1958, "and it is orderly . . . everything in space obeys the laws of physics. If you know these laws, and obey them, space will treat you kindly. And don't tell me man doesn't belong out there. Man belongs wherever he wants to go—and he'll do plenty well when he gets there."

How far we have come in the last quarter century, and how far we'll go in the next. Spacelab is a claim to the truth of von Braun's boast that we belong wherever we want to go . . . and will prove, I am sure, that we'll do plenty well when we get there.

Thank you.●

TWO PIECES OF LEGISLATION IN SUPPORT OF THE BAHA'IS AND DEPLORING THEIR PLIGHT IN IRAN

HON. H. FORTNEY (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. STARK. Mr. Speaker, Today I am introducing one concurrent resolution and one bill on the perilous situation of the 300,000 Iranian Baha'is. The Baha'is, who practice a religion that stresses world unity, universal education, and the equality of men and women, are facing the real possibility of annihilation.

Amnesty International says the imprisonment and execution of Baha'is "appear * * * to indicate a deliberate government policy of religious persecution." The Government of Iran has killed more than 100 individuals of the Baha'i faith since 1978, has jailed Baha'is unjustly, has confiscated and shut down Baha'i meetings, has dismissed Baha'is from public and private employment, has destroyed Baha'i homes and businesses, and has harassed or assaulted Baha'is in outlying villages trying to force them to recant their faith. In accordance with our history and national tradition of opposition to religious persecution, as well as in full respect for international law and custom, we must condemn and oppose the religious persecution of peoples of the Baha'i faith by the Government of Iran.

The concurrent resolution which I am introducing today expresses the sense of Congress that the President and other official representatives of the United States should at every opportunity before international forums reiterate and emphasize the extent to which we deplore and condemn the religious persecution of peoples of the Baha'i faith by the Government of Iran.

Last spring the Baha'i international community unsuccessfully sought adoption of a resolution by the U.N. Human Rights Commission deploring the Baha'is' plight in Iran. There is a better chance of passage at the current Commission session in Geneva, Switzerland.

I urge my colleagues to cosponsor this concurrent resolution. We must band together in great numbers, and then join other Western governments that have condemned the oppression of peoples of the Baha'i faith by the Government of Iran.

Today, I am also introducing a bill to prohibit imports from Iran until it ceases its persecution of the Baha'is. Although U.S. imports from Iran have been reduced drastically, totaling only $63.8 million for all of 1981 and only $3.4 million for January 1982, imposing an embargo on even this quantity of imports would be a clear, tough signal.

I truly hope that my colleagues will join me in the effort to help the Baha'is. If the message in the concurrent resolution is not heeded, we must move forward with more concrete actions, such as an embargo.●

ST. PATRICK'S DAY PARADE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. RODINO. Mr. Speaker, it is again an honor for me to salute the men and women of Irish heritage during this time of year when we celebrate St. Patrick's Day.

Throughout this week over 140 Irish-American organizations in my home State of New Jersey are preparing festivities for the 47th annual St. Patrick's Day parade on March 14. The parade is held in my home district, beginning in Newark and following to Seton Hall University in South Orange. It is the oldest and largest Irish-American celebration in the State.

Mr. Speaker, I am looking forward, once again, to participating in the parade—this year with Grand Marshal John Walsh and Deputy Grand Marshal Bridie Vesey and the many others who have worked to make this year's parade a success. The parade is dedicated to the memory of Sean McGonigal, noted pipemaster, and a leading figure in the evolution of bagpipe music. Sean McGonigal was a resident of Kearny, N.J., where he died in 1965.

Mr. Speaker, it is indeed a tribute to the Irish people that men and women from all ethnic backgrounds join in celebrating St. Patrick's Day. The message which St. Patrick brought to the Emerald Isle in 431 A.D. was one of Christian brotherhood and spiritual fulfillment. He preached peace and justice and supported his words with actions. He helped to establish many schools and churches in Ireland, as he became a trusted friend and symbol of hope for an entire country.

The warmth and wisdom of the Irish have greatly enriched American culture and the history of our Nation is replete with countless contributions of Irish-Americans. The Irish heritage is an important part of America's cultural diversity, and I am proud to join the voices all over the world next week who will be saying, "Erin go Bragh."●

INDIVIDUAL HOUSING ACCOUNT

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. CRAIG. Mr. Speaker, today, Congressman LAGOMARSINO and myself, are reintroducing a bill which will help the housing industry and allow first-time home buyers a tax deduction to purchase a home.

As you know, the housing industry is in a prolonged downturn. The need to create incentives for individuals to invest in the purchase of a home is tantamount to the success of revitalizing the housing industry. We believe the "individual housing account" is one tool that can be used as a long-term solution to bring about a cure for our ailing timber and housing industry.

The concept is very similar to individual retirement accounts, in fact the bill is titled "Individual housing account." This bill will create a tax deduction for first-time home purchasers if they start an "individual housing account." A single individual may contribute $5,000 yearly over a 10-year period, with a maximum allowed contribution of $20,000. A married couple may file jointly and make a maximum yearly contribution of $10,000 and $40,000 over a 10-year period. This bill also allows a couple the flexibility of establishing two separate IHA accounts but the maximum allowed contribution of $40,000 over a 10-year period does not change.

No one needs to tell you the economic costs to the Nation of the current housing downturn. The Federal Treasury lost more than $10 billion in personal income tax, corporate income tax, and social security payments. Local jurisdictions lost over $2.5 billion in real estate taxes in 1979 alone. This clearly shows the need to have a mechanism to generate new capital in the market dedicated for home purchases.

The "individual housing account" is an opportunity to help our ailing housing industry and offer tax incentives for our young people to invest in America's future. I hope you will join those of us who are cosponsoring this bill and assist us in our efforts to revitalize an important part of our economy, the housing industry.●

PROF. FRANKLIN OFFNER

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. HYDE. Mr. Speaker, at the bottom of Capitol Hill on the left side of the Mall rests the Air and Space Museum of the Smithsonian. It would do well to visit again this living tribute to American inventive know-how. To realize that the Wright Brothers, the *Spirit of St. Louis*, and the Space Shuttle are all homegrown, stirs in us a deep sense of pride. Less glamorous, but no less important, is the special exhibit on jet aviation. It is U.S. technology on parade. One of the principal reasons contributing to the spectacular achievement in American aviation is the encouragement and protection of invention, indeed it is part of our Constitution. Article I, section 8 directs Congress to "Promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

More often than not, success is contingent on cumulative effort and combined inventions—the building blocks of teamwork and ideas. Jet aviation is a prime example. No one can do it alone. In this special exhibit on jet aviation we can observe engineering masterpieces, we can appreciate the brilliance of the technical effort that went into such engines as the J-47 and the J-57.

They are the prototype for high performance jet aircraft. One of the essential elements to the operation of these complex engines is a fuel control system and acceleration system invented by Prof. Franklin Offner, now teaching at Northwestern Univesity in Evanston, Ill. Dr. Offner's credentials as an inventor and scientist are without peer. He was part of the Manhattan project and has a number of other patents to his name. He has contributed to advancement in medical science through his work in medical instrumention.

When Professor Offner should be enjoying the fruits of his labor, he has only a 30-year horror story to tell. His saga threatens the patent law system and the protection of small inventors everywhere. He has fought a lonely battle against corporate giants and Federal Government in court for almost a generation.

Briefly, I would like to relate some details about his legal battle to obtain just compensation. In 1943, Professor Offner, on his own initiative and his own expense, started development of an electronic fuel control system for jet engines. By 1945, his development had proceeded far enough so that the Air Force asked for a voluntary, no-cost demonstration. It was considered a great success. He continued his developmental work and the Air Force asked to purchase one of his fuel control systems at a total price of $7,500. He built one for them, which they had tested by an engine manufacturer. It was again found to operate well, and the development proceeded.

Because of this one sale of a device he developed at his own expense, the Government held it had a free license to use his invention. They purchased millions of dollars worth of controls based on his invention from a major jet engine manufacturer, and denied him any compensation based solely on this single purchase. He sought relief in vain for years through the Court of Claims. After this ugly experience Professor Offner has avoided defense-related projects like the plague. The public record documents the value of his work with respect to electronic control systems. A companion case in another court says of Professor Offner's invention:

> It is clear that [Offner's] contribution to the defense effort was historic and immense. . . . It gave the U.S. a decided edge over our international rivals. It saved the government millions of dollars in money and time.

In the interest of justice, science, and protection for a small inventor, I am introducing a bill for the private relief of Professor Offner. No direct compensation is provided, it merely is a congressional referral to the Court of Claims to review the issue. There is no dispute as to who invented the electronic speed control system, the issue concerns the use of that patent given to Professor Offner.

Before concluding I would like to note for the record that Professor Offner was offered $1 million by the Air Force to settle this case out of court. I believe it gives us a feel for the strength of his claim. Ultimately, the Offner case may lead to the protection of small inventors everywhere.●

J. DUDLEY DIGGES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. HOYER. Mr. Speaker, I would like to take this opportunity to honor a person who has contributed greatly to the State of Maryland over the years. I speak of J. Dudley Digges, a member of a distinguished Maryland family who recently retired as associate judge of the Court of Appeals of Maryland.

Judge Digges, a lifelong Marylander, was born in LaPlata, Charles County, 70 years ago. He attended St. Johns College in Annapolis, Md., graduating in 1933 with a bachelor of arts degree. He then received his law degree from the University of Maryland School of Law in 1936.

Judge Digges was admitted to the Maryland Bar Association and, as a partner of former Congressman Lansdale Sasscer, practiced law from 1936 to 1949. From 1968 to 1969 he served as president of the Maryland State Bar Association. In 1949 at the age of 37 he was appointed to the Seventh Judicial Circuit Court where he served until 1969. In 1964 he was appointed chief judge of the seventh circuit, the youngest man to hold that honor.

In 1969, then-Governor Marvin Mandel appointed him to the Court of Appeals of Maryland. Judge Digges was a hard working member of that auspicious body, serving on the rules committee which promulgates and advises on the adoption of rules for the court. Much involved in historic preservation in Maryland, Judge Digges acted as chairman of the 200th anniversary celebrating of the court of appeals, which was most successful.

His remarkable career as a member of the highest tribunal of the State of Maryland can best be described by the fact that on the day of his retirement, the court immediately recalled him to sit with them in the February session. His close attention to detail, his overriding concern for justice and fairness and equality under the rule of law mark him as a man who has contributed much to society.

Judge Digges has always presided with distinction, lending his quiet, self-effacing manner to all he did, gaining the respect and admiration of all of those who came to know him.

I am very proud, Mr. Speaker, to pay tribute to one of Maryland's most outstanding citizens. His dedicated service will surely be a hallmark for all those who follow.●

A SALUTE TO ADA D. SIMOND

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. PICKLE. Mr. Speaker, the city of Austin honored a special lady during Black History Month in late February. Mrs. Ada Simond is 78 years young. She is an educator, a volunteer for countless causes and groups; but she is probably best known as a writer, historian, and folklorist. Mrs. Simond has written several books about life in Austin, Tex., as experienced by blacks around the turn of the century. Her books are based on fact and real experiences, but the stories are fictionalized to illustrate for audiences of all ages the day-to-day lives of people she knew.

The Black Arts Alliance of Austin and the city recognized Mrs. Simond for her contributions to and support of black cultural arts. We join in congratulating this talented and dynamic lady.

Mrs. Simond subscribes to the logical but sometimes painful theory that we cannot fully grasp the future without knowing about the past. The black experience in Austin and other places in the past is mixed with pain and suffering, along with advances and progress in social justice.

In accepting the award, Mrs. Simond said she considered herself a stand-in for the women who toiled in menial jobs over many decades to help provide homes, schools, and other forms of support for succeeding generations to improve their lives. Indeed, the theme of Black History Week was "A Blueprint for Survival," which fits this thought so well.

To illustrate Mrs. Simond's vision, I am proud to present one of her poems, which she calls a literary portrait of her mother.

MAMMA

(Dedicated to Mrs. Mathilda DeBlanc by her daughter Mrs. Ada Simond)

You are a spring along the side of a road,
A road to the town of success,
You are an oasis to weary travelers that come your way.

For years, travelers have come by you,
Just as their jugs were empty,
And, here they drank their fill,
Then refilled their jugs with enough for the rest of their journey.

Ever so often, if the journey, was long,
You sent water on ahead to refresh them,
In spots where no fountains could be found.
None of these left much.

As all travelers, they carved or wrote their initials,
On the stone at the fountain;
Some took a chip from the stone as a souvenir,
And now, after so many years,
You are scratched, carved, broken,
Nay, almost destroyed,
By these travelers who stopped only for a drink.

One day, you'll be dry:
There will be need to find another oasis,
And they will.
The new travelers will only know of the old fountain,
From old travelers who went before.

Some travelers leave nothing,
But take away all,
As years go, they not only carry the refreshed ambition and purpose,
But also the cherished memory of the beauty that surrounds the fountain.

Perhaps a blooming lily,
Or the song of a thirsty bird,
Or perhaps the smile of an innocent child who also needed drink,
And the bench that was nearby,
They rested there.

But there are those, who,
Having drank, became springs themselves,
These are staggered ever so frequently on life's highway,
Giving new courage and hope to tired souls that pass their way.

In these, new worlds have been born;
In these, a bright dawn has come;
Through these, a better world is due,
In these, you will live on, and on, and on.●

INTRODUCTION OF THE BILL, "TO EXEMPT U.S.-FLAG VESSELS CONTINUOUSLY ABROAD FOR 2 YEARS OR MORE FROM DUTY ON FOREIGN EQUIPMENT AND REPAIRS"

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. SNYDER. Mr. Speaker, today I am introducing legislation which will remedy an inequity which presently exists for U.S.-flag vessels. Currently, U.S.-flag vessels are assessed a 50 percent ad valorem duty on the cost of equipment, parts or materials purchased for, and repairs made to, U.S.-flag vessels in a foreign country, unless necessitated by emergency.

The apparent purpose behind such a duty is to have nonemergency work done in U.S. shipyards. However, there is a certain impractically in expecting vessels trading in distant ports of the world to return to the United States for repairs. Congress recognized this inequity when it amended section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) to exempt shrimp boats and other "special purpose" crafts such as barges, oil drilling rigs, and oceanography vessels that remain away from U.S. ports for 2 years of more.

The bill which I am introducing today would broaden that exemption to include U.S.-flag cargo and passenger vessels. This bill is nearly identical to Public Law 91-654 which exempted certain shrimp boats and other craft that remain away from U.S. ports for a period of 2 years or more. Under my bill, the statutory requirement that a duty be levied on any repair work done in the first 6 months a vessel is away from a U.S. port would remain in effect. Also, the requirement that a U.S.-flag vessel be away from a U.S. port for 2 years or more in order to achieve duty-free status would remain in effect. In addition, I have added a proviso which does not now appear in the law, forbidding duty-free status to vessels which are taken overseas for the sole purpose of obtaining repairs. I believe this latter condition will discourage any potential abuse by operators who may have no intention of using their vessels for trading purposes while away from the United States.

I do not believe that shipyards in the United States could reasonably expect to receive the ship repair business involved, since return of the vessels to the United States would impose a prohibitive economic burden for out-of-service time and steaming costs. Yet, at a time when the competitive posture of the U.S. merchant marine is under severe constraints, due to the cost advantage enjoyed by foreign competitors and the trading protections being imposed by an increasing number of our maritime partners for the benefit of their own fleets, it is appropriate that U.S. merchant vessels regularly deployed abroad for extended periods be relieved of the further cost disadvantage of a duty on foreign equipment or repairs when returned to the United States.

My proposal is also consistent with a recommendation by the Comptroller General of the United States in a recent report to the Congress (CED 82-2; Nov. 30, 1981), in which he noted that the 50-percent duty on foreign equipment and repairs inhibit subsidized U.S.-flag operator's ability to compete with foreign-flag operators and recommended that Congress consider revising U.S. policies for promoting the U.S. ship repair industry with the objective of making them more equitable to U.S.-flag operators. The report also points out that in 1978, the latest year complete data was available, duties calculated on foreign vessel repairs amounted to $8.6 million, or about 0.1 percent of the estimated $7.5 billion of customs duties collected that year.

Finally, as one who also serves as the ranking minority member on the House Aviation Subcommittee, I would like to point out that the Tariff Act of 1930 was further amended in 1979 to exempt all U.S.-registry commercial aircraft from applicability of the duty in question, regardless of period of absence from the United States, to enhance their operators' international competitive position. Since U.S. commercial aircraft have the ability to return to the United States quite rapidly from any point in the world at substantially less operating and lost opportunity cost than oceangoing vessels, the case for also exempting the relatively small number of foreign-service, U.S.-flag merchant vessels is indeed compelling.●

LOCAL DRUGSTORES ARE TEMPTING TARGETS FOR CRIMINALS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. HYDE. Mr. Speaker, neighborhood drugstores are a tempting target for criminals; pharmacists and customers are beaten and even killed by criminals and addicts determined to steal narcotics.

Your local community pharmacist and any innocent bystanders in the pharmacy or drugstore are totally at the mercy of these criminals who need a fix or have a shopping list of drugs for sale on the street. The pharmacist is usually forced at gun point to meet the demands of the criminal. Drugs such as amphetamines and barbituates command as much as $25 or $30 on the street for 1 pill, and a couple of 100-tablet bottles can mean as much as $5,000 to a drug-dealing criminal.

No doubt you have been contacted recently by a pharmacist, retail druggist, or chain drugstore operated in your district, urging that you cosponsor H.R. 2034, which I introduced early last year. Why? They are frightened. Armed robberies of pharmacists to obtain narcotics is increasing at an alarming rate. The Justice Department estimates that one out of every five armed robberies that are committed against drugstores results in either death or injury. In 1979, the latest year for which there are statistics, there were 1,824 armed robberies of drugstores.

Specifically, H.R. 2034 penalizes the taking of controlled substances, by force or intimidation, which are under the control or on the premises of any pharmacy. The penalties for a first offense range from a minimum of 5 years imprisonment to a maximum of 20 years imprisonment and/or a $5,000 fine. In the case of a second or subsequent conviction, the penalties range from a minimum prison sentence of 10 years to a maximum term of 25 years and/or a $10,000 fine. Because these crimes pose a serious threat to life and limb, there are increased penalties, including a minimum sentence of 15 years imprisonment, for assaults committed in connection with the offense for the use of a dangerous weapon. If the offender kills anyone, he is subject to imprisonment for life, but not less than 20 years. Penalties are also imposed for attempting to commit such a robbery or for engaging in a conspiracy to commit the offense.

It is ironic that your local pharmacist violates a Federal statute—Controlled Substances Act—if he illegally dispenses drugs, but if those very same drugs are stolen from him it is not a Federal crime. H.R. 2034 would correct this glaring omission in the Federal scheme of drug regulation. The clear Federal interest in drug control and the danger involved makes congressional action not only appropriate, but imperative.

Seventy-five Members of the House have already agreed to cosponsor H.R. 2034. I urge my colleagues to join us in cosponsoring our bill that will make robbery of a pharmacy of controlled substances a Federal offense.

A list of cosponsors of H.R. 2034 follows:

Joseph Addabbo, Skip Bafalis, Don Bailey, Doug Barnard, Robin Beard, Tom Bevill, Carroll Campbell, Bill Chappell, William Clinger, James Collins, Silvio Conte, Baltasar Corrada, James Coyne, Norman D'Amours, Hal Daub, Edward Derwinski, Brian Donnelly, Robert Dornan, Charles Dougherty, John Duncan, Bill Emerson, David Evans, Tom Evans, Hamilton Fish, James Florio, Edwin Forsythe, Barney Frank, Newt Gingrich, Bo Ginn, Wayne Grisham, Frank Guarini, Steve Gunderson, Sam Hall, John Paul Hammerschmitt, Bill Hendon, Ed Jones, Jack Kemp, Ray Kogovsek, John LaFalce, Robert Lagomarsino, John LeBoutillier, Mickey Leland, Trent Lott, Tom Luken, Robert McClory, Ron Marlenee, Robert Mollohan, Sonny Montgomery, Carlos Moorhead, John Murtha, John Napier, Steve Neal, Bill Nichols, Charles Pashayan, Jerry Patterson, Joel Pritchard, Tom Railsback, Robert Roe, James Sensenbrenner, Richard Shelby, Paul Simon, Chris Smith, Virginia Smith, Gene Snyder, Gerald Solomon, Mike Synar, Billy Tauzin, G. William Whitehurst, Larry Winn, George Wortley, Ron Wyden, Chalmers Wylie, Gus Yatron, Bill Young, Leo Zeferetti.●

IMPACT AID: AN AREA OF FEDERAL RESPONSIBILITY

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. RUDD. Mr. Speaker, as far back as a century ago, our Federal Government made a commitment in cooperation with many of our Western States to establish federally operated Indian reservations for the benefit of the entire Nation. Acceptance of this historical treaty included strict limitations, and assurances, agreed to by all parties involved: the Federal Government, Indian communities, and the State governments.

One of the unquestionable terms of this historical relationship has been the Federal role in providing funding for the education of school children who live on Federal lands not subject to State jurisdiction. These lands are held in trust for the Indian people and the military reservations, unavailable for the State or local school districts for the purpose of property taxes, and thus impose a hardship on the surrounding local communities.

In compensation for this financial burden to these communities, Federal impact aid funds have been referred to the school districts on Indian reservations for school construction funds and other education costs.

It is my great concern that these established Federal responsibilities are being considered for unreasonable cutbacks when Indian school age populations are increasing steadily. The State of Arizona alone risks losing in excess of $25 million in education funds should the impact aid program be eliminated, since the local school districts on these Federal lands are incapable of supporting themselves.

With the situation as it exists today—that is, the Federal Government in control of vast territories within our States, offering no tax revenues in return—I believe the impact aid program should be kept intact with reasonable funding. By not honoring this longstanding agreement, designed at its inception through the encouragement of the eastern seaboard States, Congress would be neglecting its responsibility.

For the RECORD, I am including a resolution passed unanimously by the Arizona State Legislature a few weeks ago:

HOUSE MEMORIAL 2001

A memorial urging the President and Congress of the United States to continue funding of impact aid to school districts on Indian reservations

To the President and Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, the State of Arizona contains within its boundaries a large amount of federal trust land on Indian and military reservations located within the state; and

Whereas, these lands are not available to the state or local school districts for the purpose of property taxes; and

Whereas, these lands held in trust for the Indian people and the military reservations are federal lands not subject to state jurisdiction and the children of people who work and live on these reservations receive their education in the public schools of the State of Arizona; and

Whereas, for many years, in recognition of its responsibility to provide for the education of school age children who live on federal lands and in recognition of the financial hardship imposed on local school districts by the presence of such federal trust lands, the United States government has provided impact aid funds to school districts under Public Law 81-874, and school construction funds under Public Law 81-815. These funds have enabled the school districts affected to provide a free public education for the students without placing an unreasonable burden on a few taxpayers or relying totally on state education funds; and

Whereas, the Office of Management and Budget and the appropriation committees of Congress are contemplating the elimination or severe reduction of federal impact aid funds without proposing any alternative means of meeting the federal obligation to provide for the education of the children in these schools or compensate the affected school districts for the federally-based impairment of their property tax base; and

Whereas, elimination of federal impact aid could result in the loss to the State of Arizona of in excess of twenty-five million dollars in education funds. It could cause the local school districts most affected to become totally incapable of supporting themselves, making them completely dependent on state revenues. Wherefore your memorialist, the House of Representatives of the State of

Arizona, prays:

1. That the President and Congress continue federal funding of Public Law 81-874 and Public Law 81-815 for school districts with large federal lands since the State of Arizona considers the provision of adequate funding to these school districts to be an obligation of the federal government and such funding should not be subject to reduction or transfer to the states.

2. That the Secretary of State of the State of Arizona transmit certified copies of this Memorial to the President of the United States, the Director of the Office of Management and Budget of the United States, the Chairmen of the United States Senate and House of Representatives Committees of Budget, Education and Labor and the Select Committee on Indian Affairs and to each Member of the Arizona Congressional Delegation.●

LIMITED EXCLUSION FROM INCOME FOR PER DIEM EXPENSE

HON. DAVID EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. EMERY Mr. Speaker, this week I introduced legislation to amend the Internal Revenue Code of 1954 to provide a limited exclusion from income for per diem expense allowance received by certain State legislators who are ineligible under current law for a special deduction with respect to living expenses. Most States provide their lawmakers with a per diem--expense allowance—for each day that the State lawmaking body is in session or is conducting any other official business. Currently that per diem is counted as taxable income.

The Economic Recovery Act of 1981 contains a provision relating to the tax treatment of State legislator's travel expenses away from their residence. Under the law, legislators who live more than 50 miles from the doorstep of the State Capitol, may deduct $50 per day for travel expenses to the Capital—while on official business—from their Federal income tax return. However, legislators who live within a 50-mile radius of the State Capitol are not allowed to deduct any amount for their travel expenditures.

My legislation does not attempt to retract the deductions for representatives living outside the 50-mile radius; it would only eliminate the tax penalty put on those legislators who live within the 50-mile limit. Many States' per diem levels differ—some State levels are lower than Federal levels and visa versa. This bill would use the lower of the two allowances as the capping for nontaxable income.

In the State of Maine, the State per diem allowance is $35 per day, while the Federal level is $50. Therefore, each legislator living within the 50-mile area would not be taxed on their per diem income, and those living outside the area could deduct an extra $15 for their added travel.

In a State where the per diem granted by the State exceeds the Federal level, then the legislator inside the 50-mile limit would be taxed on the amount exceeding the Federal level—lower of the two.

In a time when the Federal Government is looking to the States to administer many of the current national programs, we need to encourage more participation in State government, not discourage involvement through tax penalties. State representatives give a great deal of time to their State and their constituencies. Unlike Members of Congress, these lawmakers have other occupations, and they sacrifice their valuable time to serve the public. I feel that the current law does not provide equitable tax treatment of the expenses associated with State legislative service, and encourage my colleagues to join me in correcting this arbitrary inequity.●

INTRODUCING BILL FOR BUREAU OF RECLAMATION

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. SHUMWAY. Mr. Speaker, a fundamental inconsistency exists in current law whereby the Secretary of the Interior has been granted the authority to promulgate rules and regulations governing the public use of Bureau of Reclamation lands and facilities under its administration, but for which there is no corresponding enforcement authority. This conspicuously absent gap in the law deserves to be filled, and it is for that purpose that I am today introducing a bill which would accomplish this objective.

The need for authority to enforce Federal regulations is especially apparent with regard to the administration of reclamation recreation areas. The increasing incidence of vandalism, environmental damage, traffic violations, dumping of refuse, littering, harassment of visitors, and encroachment of project lands, all constitute an infringement upon the general public's use and enjoyment of these Federal projects. The Secretary is currently precluded from issuing the necessary regulations to curb this kind of activity because he has no authority to enforce the same. The only other option the Bureau of Reclamation has in these situations is to seek recourse through civil suit—a costly and cumbersome process.

State and local agencies have no jurisdictional authority to enforce Federal rules and regulations. They do not even have the necessary funding and manpower to adequately enforce their own State and local laws at some of the larger reclamation water resource development projects. The weekend/holiday influx of recreationists at these projects may exceed the entire county population. Confronted with this massive influx of visitors to the areas under their legislative jurisdiction, many local law enforcement agencies cannot provide visibility, surveillance, traffic control, and investigation needed for proper visitor management.

In my district in California, I am particularly concerned about the proper recreational management of the New Melones Reservoir. Next year it is estimated that close to 1 million people will visit this site. The total population for the counties of Tuolumne and Calavaras in which this project is located does not even exceed 100,000. To make matters worse, the number of visitors that are expected to visit New Melones in the years ahead is expected to top 3 million people annually. Local law enforcement officials have informed me that they are ill-equipped to handle these kind of crowds.

Mr. Speaker, my bill would correct this situation by providing for two separate authorities. One is the authority granted to the Secretary of the Interior to designate certain Reclamation employees the power to issue notices of violation for petty misdemeanor offenses committed in violation of Federal rules and regulations. These employees will be required to complete a law enforcement training course prior to their deployment in the field.

The authority granted to the Secretary would allow him to enter into cooperative agreements with local law enforcement agencies for the provision of extraordinary services, for example surveillance and preventative patrols. Necessary financial reimbursement will be made by the Secretary to these local agencies for these services. Normal law enforcement duties—for example response to calls—would continue to be supplied by State and local personnel on a nonreimbursable basis.

These two separate enforcement authorities taken together will allow the Secretary to issue rules and regulations necessary for the proper recreational management of reclamation project areas. The provision of this authority is long overdue—the Bureau of Reclamation is the only Federal land-management agency without this power. Similar authority already exists for the Fish and Wildlife Service, the Bureau of Land Management, and the Corps of Engineers. The National Park Service and the Forest Service both already have considerable more enforcement authority than is being proposed here by the U.S. Bureau of Reclamation.

Bureau of Reclamation projects are a Federal responsibility. It is therefore our duty to provide the Bureau with the necessary tools to meet this responsibility. For this reason, I ask your support on this bill.●

HOUSE OF REPRESENTATIVES—*Wednesday, March 10, 1982*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Amid the clamor and change of the times, cause us, O God, not only to focus on the immediate needs, but also to be sensitive to the substance of life and the values of our existence. O God, You have breathed into us the very breath of life and fashioned us in Your own image, now help us to live each day with the knowledge of our creation by Your hand, so that we may be more aware of Your purposes for us and better understand the needs of those about us. In Your holy name, we pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. JAMES K. COYNE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. JAMES K. COYNE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 16, answered "present" 1, not voting 45, as follows:

[Roll No. 22]

YEAS—371

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Bliley
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Broomfield
Brown (CO)
Broyhill
Burgener
Butler
Byron
Campbell
Carney
Chappell
Chappie
Cheney
Clausen
Clinger
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
de la Garza
Deckard
DeNardis
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Downey
Dreier
Duncan
Dunn
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emery
English
Erdahl
Evans (DE)
Evans (GA)
Fascell
Fazio
Ferraro
Fiedler
Fields
Findley
Fithian
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fountain
Fowler
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jeffries
Jenkins
Johnston
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Latta
Leach
Leath
LeBoutillier
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Mineta
Minish
Mitchell (NY)
Moakley
Moffett
Molinari
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Murtha
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Rosenthal
Rostenkowski
Roth
Roukema
Roybal
Rudd
Russo
Santini
Sawyer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Washington
Watkins
Waxman
Weaver
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

NAYS—16

Barnes
Clay
Dickinson
Emerson
Evans (IA)
Forsythe
Gejdenson
Jacobs
Miller (OH)
Mitchell (MD)
Roemer
Rousselot
Sabo
Schroeder
Walker
Weber (MN)

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—45

Applegate
Ashbrook
Beard
Bolling
Brooks
Brown (CA)
Brown (OH)
Burton, John
Burton, Phillip
Carman
Chisholm
Crockett
Dellums
Derwinski
Dornan
Early
Edwards (OK)
Erlenborn
Ertel
Evans (IN)
Fary
Fenwick
Fish
Foglietta
Goldwater
Gooding
Harkin
Hubbard
Lantos
Madigan
Marks
Mattox
McDade
Miller (CA)
Mollohan
O'Brien
Railsback
Richmond
Rogers
Rose
Savage
Shumway
Whitten
Williams (MT)
Yates

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

□ 1515

So the Journal was approved.

The result of the vote was announced as above recorded.

THE TRUMPET GIVES FORTH AN UNCERTAIN SOUND

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, the President met with Senate Republicans yesterday on the question of budget compromise, but the trumpet gives forth an uncertain sound.

According to news accounts, the President seemed to be saying, "Oh yes, I'm willing to consider reductions in the deficit, but not reductions in the tax cuts for the wealthy which are causing the deficit."

It is almost like saying, "Oh yes, you may make a lemon pie, but you must not use any lemons," or "Yes, you may have an omelet, but you may not break any eggs."

The two overriding causes of the huge looming deficits are the high level of unemployment and the excessive welfare for the wealthiest which resulted from last year's tax cut.

The increase in joblessness in the past year adds approximately $37 billion to the deficit, and the Reagan tax cut will reduce revenues for fiscal year 1983 by some $95 billion.

To speak of compromise in reducing the deficit while ruling out any consideration of these two things which have bled away so much of the lifeblood from the Public Treasury, would be like saying that it is all right to consider together what we should do about a bank robbery so long as we do not consider going after the bank robbers.

To reduce these unprecedented deficits, we first must recognize honestly what is causing them.

NOTHING TO WORRY ABOUT BECAUSE OF POSITION OF PLANETS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, today rumors are running rampant that the end of planet Earth is at hand. Mars, Jupiter, Saturn, Uranus, Neptune, Pluto, Venus, and Mercury are all in the same position on the same side of the Sun.

I just want to assure the American public that there is nothing to worry about here. If the Congress had felt this was a real threat, we would have passed a joint resolution calling for a proclamation opposing this action. Of course, under the New Federalism, it would undoubtedly be necessary for each State to proclaim a resolution saying that the end of the world was not at hand.

Fortunately, we have not felt the need to take this action and it is obvious that for today the world is safe.

JAPAN'S ECONOMIC WAR

(Mr. MOTTL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOTTL. Mr. Speaker, some of the unemployed workers in my district are beginning to ask me, who won the Second World War—Japan or us?

I am beginning to wonder myself.

Last year we suffered an $18 billion trade deficit with Japan, as it pumped its autos and other goods into this country while it kept high barriers against American products. We buy Japanese cars, but they would not buy our food because of commodity import controls.

We help pay for Japan's defense, while Japan uses its savings in defense spending to subsidize industry.

Then, having stood silently while Japan made inroads into our basic industries, we pay jobless benefits to our people thrown out of work by this unfair relationship. We have even heard of a proposal for Japanese "foreign aid" to the United States.

I begin to think that Japan, and not the Soviet Union or other Communist nations, is public enemy No. 1 to our American workers.

The message which the Reagan administration and Congress should send to the Japanese is this: If you will not deal with us on an equal footing in trade and defense matters, we will not deal with you at all.

NUCLEAR WEAPONS FREEZE

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, I am happy to join with the two gentlemen from Massachusetts, Messrs. CONTE and MARKEY, in cosponsoring this resolution calling for a mutual and verifiable nuclear freeze. This is a case where the resolution did not originate in Washington. It originated around the country with people of various groups and backgrounds joining together in a common fear that the way we are going, the way we are heading, we are heading for a nuclear holocaust that would mean the end of civilization and, indeed, the end of life on this planet.

It is a great satisfaction that 122 Members of the House have joined in this resolution. It will be met with the argument that it is not timely; but there will never be a time when those who favor unlimited arms spending will be satisfied with a mutual and verifiable freeze. This is the time and this is the action that we hope the Foreign Affairs Committee will promptly take.

□ 1530

STONEWALLING ON THE BUDGET

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, all of us listened hopefully for some note of optimism from yesterday's budget discussion between the President and Republican Members of the Senate.

Today's headlines certainly do not encourage any optimism. One paper announced that the President "Gives No Ground In Budget Talks," and another says he "Stands Firm on Proposal."

Giving no ground and standing firm are not going to give this Nation, this year, a workable, reasonable Federal budget.

It is going to take a budget compromise—in the truest bipartisan sense—to get this economy moving again.

A rollback of the special interest tax breaks of 1981—especially the tax loss leasing and oil tax changes—would be a good place to start. Another would be a hard, and cost conscious, look at the size of the proposed defense increase. And the whole budget must be reexamined so that all programs—not just people programs—meet the tests of necessity and fairness.

Stonewalling it—by the administration, or by Congress—will not produce a budget compromise, will not turn the corner on this troubled economy, and will not put jobless Americans back to work.

It is time for a spring thaw in the city of Washington. It is time to break this pointless deadlock on the budget.

PRESIDENT'S SOFT-SHOE PERFORMANCE

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, the President's speech yesterday before the Republicans in the Senate leaves no doubt that he is planning to relinquish his responsibility for the budgetary process.

In the face of opposition from nearly every Member of the House and Senate—and that includes the people who formerly supported him every step of the way—the President agreed to no concessions in any area of the budget. He will not let us touch his tax cut. He has said "no" to any compromise on defense spending. He ridicules congressional attempts to rewrite the budget and patch the rupture of red ink that—by his own admission—has increased by $5 billion since it was originally submitted.

After yesterday's meeting, the President can count on very little support. Yet there are still those few diehard loyalists who point to Mr. Reagan's conciliatory tone of yesterday as a signal of a coming compromise. But that conciliatory approach consisted of nothing more than ambiguities and an attack on Democrats who are trying to salvage a very nasty economic situation.

And while the President engages in his soft-shoe performance, the economy continues to slide further into recession. This is not the time to parry with Congress. The President must either rewrite his budget or he must step aside and let us do it for him.

MOUNT ST. HELENS NATIONAL VOLCANIC AREA

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, it has been almost 2 years since the dramatic eruption of Mount St. Helens in the State of Washington. It is time the Congress acts to recognize and preserve this historic event by statutorily designating Mount St. Helens as a national volcanic area.

This week the House Interior and Agriculture Committees will begin joint hearings on legislation to create a national volcanic area around Mount St. Helens. I have already introduced H.R. 5281, a 110,000-acre proposal similar to that which was recommended by the Governor of the State of Washington. His task force looked into every aspect of establishing a volcanic area, including tourism, forest and stream rehabilitation, scientific research, forest and fire protection, ecological protection and recovery of communities near the mountain. The boundary incorporates approximately 35,000 acres of State and private land. Of this acreage, approximately 5,000 acres contain salvageable timber, according to the Forest Service.

I introduced H.R. 5281 because I firmly believe it is a sound beginning for Congress to consider as a statutory volcanic area. The Governor's proposed boundary adds some crucial areas to the Forest Service's preferred alternative, including areas around Miners Creek, portions of the upper Green River, along the South Fork of the Toutle River, and in the upper Bean and Smith Creek drainages.

Currently, the boundary of the Gifford Pinchot National Forest does not extend to cover even the Forest Service's proposed volcanic area. Therefore, the Forest Service has no authority to make land exchanges for the private and State landholdings within the proposed designations.

Meanwhile, several entities have millions of dollars worth of blown-down timber within all the proposed boundaries. Unless Congress acts quickly to grant new exchange authority, these parties will be forced for economic reasons to salvage timber in the most crucial areas around the volcano.

Salvage within these crucial areas would preclude many scientific studies and would spoil the lands that should be preserved for visitors.

There are two other proposals which deserve consideration by the Congress. By request, I am introducing both of them today, the first, written by Senators JACKSON and GORTON, goes a long way in addressing the need of equitably compensating through land exchanges and timber interests within the national volcanic area.

WHY THE WAR HYSTERIA OVER NICARAGUA?

(Mr. BARNES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARNES. Mr. Speaker, you would think world war III was about to begin. Yesterday the administration put on a media spectacular on a purported arms buildup in Nicaragua. Today we read reports that the President has authorized the CIA to create a 500-man Latin American paramilitary force to operate against Nicaragua out of commando camps across the Honduran border.

Mr. Speaker, what are we trying to do? It is almost as if the administration wants a war in Central America. Does the administration want to overthrow the Nicaraguan Government, in violation of our own stated principles of international behavior? If not, why is it whipping up this war hysteria? Does the administration want Nicaragua to turn to the Soviets and the Cubans for protection? If not, why does it threaten Nicaragua?

Two weeks ago Nicaragua issued a five-point proposal for peace in Central America. At the same time, the President of Mexico offered to mediate between the United States and Nicaragua. Yesterday we heard the administration's response: A virtual declaration of war. This is not only embarrassing, it is frightening. It is time for those entrusted with protecting our national security to realize that mindless tough talk is not a substitute for policies that serve our interests. We should be trying to dampen conflicts in Central America, not enflame them.

TRIMMING THE COSTS OF CONGRESS

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, if everyone swept their own front doorstep, the whole world would be clean.

That is sound advice for us in Congress as we consider this committee funding resolution today. Because Congress should be thinking about cleaning its own doorstep this afternoon.

I think we all know Congress is no model of fiscal responsibility. Like the rest of Federal Government, its budget has ballooned in recent years. Each year Congress spends about $1 billion on itself; there are more than 30,000 employees for only 535 Senators and Congressmen now.

So when it comes to exercising financial discipline, it seems Congress is not so much part of the solution as part of the problem.

Last year I cosponsored a resolution to put Congress on a spending diet by asking that funds for congressional committee staffs be cut by 10 percent. I thought it was a good idea then; I still think so.

For years, Congress and the executive branch have pursued a staff arms race. The executive branch hires a lot of people to watch Congress; Congress hires more people to watch the executive branch. Now is the time to unravel this mess. Everyone should cut back—especially those of us in Congress.

This afternoon we have a chance to reduce committee spending by limiting the 1982 authorization to last year's expenditure level. That means a 10-percent reduction from the figure recommended by the House Administration Committee. Otherwise, the committee budgets will rise by more than $700,000 this year.

Cutting the committee budget would be an important signal that Congress is serious about reducing Federal spending.

The country certainly would be better off if Congress, for once, would lead by example.

Charity should start at home and, I believe, so should thrift.

HOLD THE LINE ON COMMITTEE FUNDING

(Mr. HUCKABY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUCKABY. Mr. Speaker, this afternoon the first horse comes out of the chute, the first horse out of the spending chute in 1982. This House will decide how much money we are going to allocate to our committees this year.

Mr. Speaker, in the next 60 days, each of us is going to be asked to make hard decisions, hard budget cuts, cuts that are going to affect food stamps, cuts that are going to affect welfare, cuts that are going to affect everyone in every phase of life. And how, Mr. Speaker, can we in good conscience make these cuts and at the same time increase the money that we spend here in Washington on our committees?

I would urge the Members of this House to vote for the incremental motion to at least just hold spending at the same level that we did last year. I think that is the least that we can do.

WHERE ARE WE ON THE BUDGET?

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, "Where are we on the budget?" every citizen asks. The status of the budget is of great concern to all Americans. The Reagan budget proposal has been overwhelmingly rejected by public opinion, and the business community.

The President was defensive when he asked Congress to "put up or shut up." The response to this challenge has come from all corners of the Capitol, both partisan and bipartisan efforts have been organized throughout the Nation to present a responsible budget—as an alternative for the Reagan budget disaster—which would bring lower deficits and lower interest rates.

These congressional efforts have produced an optimism with the thought of lower deficits as evidenced by a rally of the New York stock market yesterday when the Dow Jones closed on a plus side for the first time in a week, after plunging 11.89 points on Monday.

Ironically, at the same time as the Congress is reported as having restored Wall Street's optimism, the President is reported as continuing to turn a deaf ear to bipartisan congressional efforts to right the economy.

Communication is a two-way street, but, the great communicator only speaks, he does not listen.

NUCLEAR ARMS MADNESS

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, I rise as a cosponsor of the resolution that has been introduced today by the gentleman from Massachusetts (Mr. MARKEY), calling upon the United States to seek, through negotiations with the Soviet Union, a bilateral freeze on the development, construction, and testing of nuclear weapons. This resolution expresses the growing sentiment of Americans everywhere—and of a large number of Members on both sides of the political aisle—that the madness of the nuclear arms race must be brought to an end.

The horror of nuclear holocaust is universally acknowledged. Today, the United States and the Soviet Union possess 50,000 nuclear weapons. In half an hour, a fraction of these weapons could destroy every city in the Northern Hemisphere. Yet, over the next decade—if current plans are implemented—the United States and the Soviet Union will build over 20,000 more nuclear warheads, along with a new generation of nuclear missiles and aircraft. Such developments will only increase superpower tensions, lower the threshold for a nuclear response in times of crisis, and increase the likelihood of a nuclear accident. This is a situation so dangerous that it demands our immediate attention and solemn consideration. It is a situation which has compelled us to call for a nuclear freeze.

A nuclear freeze would not only reduce tensions between the giant military powers and increase our own national security, but it would also release resources which could be used to meet pressing human needs—needs which have been tragically ignored and which grow more urgent with each passing day.

Unless we reverse our decision to participate in an arms race of indeterminable length and magnitude, we will—over the next 5 years—spend in excess of $1.6 trillion on defense alone—an amount of money that is almost incomprehensible. I would suggest that that money could be put to far better use: stimulating our economy, putting Americans back to work.

Our choice is surprisingly clear. We have before us an opportunity to reduce the threat of nuclear war, an opportunity to enhance national security, and an opportunity to redirect our scarce and precious resources toward more productive sectors of our economy. I strongly urge the support of my colleagues for the concept of a nuclear freeze and an end to the madness of the nuclear arms race.

□ 1545

FOUR MILLION DOLLAR REDUCTION IN COMMITTEE SPENDING URGED

(Mr. JAMES K. COYNE asked and was given permission to address the House and to revise and extend his remarks.)

Mr. JAMES K. COYNE. Mr. Speaker, I am pleased to hear the concern of many of my colleagues in this body, especially the born-again budget balancers, that we have a problem with the deficit. Many on my side of the aisle have been saying that for several decades.

Pointing out the obvious, the deficit stems from a situation where spending exceeds revenues. Some of these born-again budget balancers say that we must raise taxes to solve the problem. After all, they have shown us how easy it is to raise taxes. They have tripled the tax burden of the American taxpayer in less than a decade.

Many of us feel, however, that raising taxes in the middle of a recession would only exacerbate the problem. Instead, can we not today begin to reduce Federal spending? After all, today is the first day of the rest of our budget deficit. Why not start now?

Today we vote to set the budget for much of Congress. Today we vote on that funding resolution. Today we can vote to cut the amount of money we spend on ourselves.

I will be submitting today a motion for recommittal for the budget spending resolution to reduce this budget $4 million. I urge all of my colleagues to join me in this effort.

GOVERNMENT SPENDING CUTS SHOULD START HERE AND NOW

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, there is no uncertain trumpet from the House of Representatives. There are those here who advocate higher taxes for the people and higher funds for the house we live in.

Mr. Speaker, today the House will consider the committee funding resolution. Because there will not be an opportunity to amend the resolution itself, a motion to recommit with instructions will be offered by the gentleman from Pennsylvania (Mr. JAMES K. COYNE) and I urge all Members to support that motion. While I believe that the members of the House Administration Committee made a good effort to impose a degree of fiscal discipline on the committee budget process—I do feel that further cuts could have, and should have, been made. The motion to recommit will hold the committee funding levels at last year's levels while allowing the House Administration Committee the flexibility to decide where further reductions can be made.

If we are to be successful in achieving a meaningful reduction in the growth of the Federal Government, the place to start is right here in the House of Representatives, and the time to start is now.

COMMITTEE STAFF BUDGET FOR 1982

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, during the 97th session, Congress has increased Member's staff allowance and has voted to have unlimited tax deductions. Now, Congress is asking for an increase in an already bloated committee staff budget. Who are we trying to fool?

All of the Members of the House have received many inquiries from constitutents regarding the reduction in Federal spending. More specifically, folks continue to ask, "Why aren't cuts in Federal spending coming from the top as well as the bottom?" Good question. Are we giving our constituents truthful answers?

With a $90-billion-plus deficit, and while Americans are tightening their belts, we propose to pass an 11.1-percent increase in our House committee staff budgets from $36.9 million to $40.3 million. We can get along with less. We need no increases.

The people of this Nation sent a very specific message to Washington, D.C. in the 1980 election to cut Federal spending. We are rubbing salt into an open wound by increasing the budget of these committees.

How do we expect our people to bite the bullet when this body of Congress continues to pull stunts like this. If this Government wants to continue to have the support of the people, then we must realize Congress is not immune to the budget ax. We are expected to cut Government, not just Government services.

TODAY IS THE DAY TO PUT UP OR SHUT UP

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, the press has noted the unique position of the planets in our solar system today. Indeed, it is so strange that a wise scribe walking the Halls of Congress today said it was the strangest lineup he had seen since observing all the free-spending liberal Democrats falling all over themselves trying to line up in support of a balance budget this year.

Oh ye of little faith. Where were you when President Ford asked for your support in holding down spending when he brought down veto after veto? You were, of course, voting to go against those vetoes year after year. Where were you when our colleague from California (Mr. ROUSSELOT) was bringing balanced budget resolutions year after year? You were voting against him year after year in his efforts for a balanced budget.

Where were you when President Reagan asked for two simple proposals on the tax side, an across-the-board individual tax cut and a simple accelerated depreciation? Why, you were supporting the Democratic chairman of the Ways and Means Committee as he was holding an auction to the highest bidder for the lowest tax cuts.

To quote the President of the United States, "It is time to put up or shut up."

Friends, I suggest you start doing that today when we consider our very own funding resolutions.

ADMINISTRATION APPLAUDED FOR DECLASSIFYING AERIAL PHOTOGRAPHS

(Mr. NELLIGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELLIGAN. Mr. Speaker, for over 30 years I have held a top secret clearance in the U.S. Government, and during that period of time I have seen much information which I consider to be overclassified by the military. I would like to point out that during that period of time, and also as a member of the Armed Services Committee, I have asked for some declassifications of that information so that the American people could judge for themselves that indeed there is a threat, a military threat, from the Soviet Union.

Last night on the major networks of this Nation I saw a step in the right direction, a step by this administration to point out to the American people through aerial photographs that there is indeed a military threat from the Soviet Union and from Cuba to the United States of America.

I applaud the administration for declassifying that information. I applaud the administration for bringing that information to the attention of the American people.

FEDERAL GOVERNMENT MUST PAY ITS SHARE OF FUNDING FOR LOCAL SCHOOLS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the administration's position, and mine, regarding education is that it is generally best managed and addressed at the local level, that the Federal role is a limited one.

But there are many school districts in our country that have large numbers of pupils whose parents live and work on Federal reservations, mostly military, and who, therefore, do not pay local real estate taxes, nor, for the most part, State or local sales or income taxes—meaning that they do not do their part to support funding for local schools.

Here, without a reasonable Federal contribution for these so-called category A students, local and State resources must be unfairly tapped to pay for what is clearly a Federal responsibility.

It is particularly disturbing, then, to see the budget propose a further funding cut for impact aid, to cover the cost of educating these students, of 29 percent, reducing the fiscal year 1983 level to less than 70 percent of fiscal year 1981.

The Federal responsibility to pay its share is clear, and the rationale that it is a local matter in this case simply does not hold water.

LEGISLATION OFFERED TO AMEND IRA ACCOUNTS

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAWYER. Mr. Speaker, when I was back in the district a few weeks ago, I found that young people, young married couples, were not taking advantage of the IRA amendment because 59½, the withdrawal age, looked too far away to them, however falsely, and they wanted to buy homes, which was very reasonable.

I have a savings and loan industry in shambles because money that would normally go to them and provide mortgage money was being diverted to the higher interest money funds, and I have a building industry that is second only to the automobile industry and construction employees, second only in unemployment to our automobile workers.

We have put together a bill that I introduced today that would allow an amendment to the IRA, allowing a withdrawal without tax penalty for the purpose of making a downpayment on a principal residence, and providing no tax consequences so long as the house was lived in for 3 years as a principal residence, and then, and only after sale or other disposition or retirement, a 10-percent-a-year pickup of that income tax.

PERSONAL EXPLANATION

Mrs. SCHNEIDER. Mr. Speaker, on March 2, 1982, on rollcall No. 11, if my vote had been recorded, I would have voted "aye."

While I was present, my vote did not register. Rollcall No. 11 was passage under suspension of the rules of House Joint Resolution 373, expressing the sense of the Congress concerning Soviet religious freedom and the right to emigrate.

Mr. Speaker, I ask unanimous consent that this statement appear in the permanent RECORD.

The **SPEAKER** pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentlewoman from Rhode Island?

There was no objection.

MOVE TO EXPEL ISRAEL FROM U.N. IS A CLEAR VIOLATION OF U.N. CHARTER

(Mr. **SHAW** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **SHAW**. Mr. Speaker, I rise today in strong support of a resolution which charts the course this country will take in the event the United Nations should vote to expel the State of Israel. Such an expulsion would be a subversion of the principles on which the United Nations was founded.

The United Nations was created with a standard of universal membership; all nations, regardless of their politics or actions, have the right to participate. For this reason, a country's actions and positions cannot be grounds for expulsion from the General Assembly at the whim of a hostile neighbor.

Notwithstanding this, we are currently faced with the threat of a very dangerous precedent in the General Assembly. There is a move afoot to strip Israel of its U.N. membership. Any move to expel or suspend the rights of another country, without the recommendation of the Security Council, is a clear violation of the U.N. Charter. Such an action is illegal and is a clear prostitution of the very foundation of that organization.

Under our resolution, if a violation of this type were to occur, the United States will immediately suspend her participation in the General Assembly, and will cease to supply funds to the U.N. I am convinced that we must demonstrate our beliefs with such definitive actions.

The people of the United States have always assumed the responsibility of upholding the democratic ideals of which we are so proud. In this regard, we have a responsibility to uphold the rights of democratic states, who share our concern for and commitment to the democratic ideals which are so important to us. Violations of our commitments must be dealt with decisively.

I invite you to join me in support of this most important resolution. We must do all in our power to uphold and preserve the democratic process. A statement of our intention to act strongly in response to such illegal action will warn subversive forces that we are committed to our strong ideals.

CONGRESS IS STOPPED AT A FORK IN THE SPENDING ROAD

(Mr. **SMITH** of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **SMITH** of Oregon. Mr. Speaker, once again, Congress is stopped at a fork in the spending road. We can go one of two directions. To the left, the road leads to higher deficits and the land of "promise more than you can afford." Congress, for 50 years, has zoomed down this road leaving in its trail a huge deficit that now chokes our economy.

To the right, the road leads to the land of "live within your means." Congress has not taken this road. A trillion-dollar national debt, unfunded Federal pensions liabilities of $1 trillion, and $700 billion in unobligated budget authority are proof of that fact.

Today we should turn to the right by beginning with ourselves and our budget here in Congress. What better signal can we take than to vote to freeze spending for Congress in 1983?

At a time when we are asking Americans to do with less government. At a time when American workers are offering to sacrifice pay and benefits for the common good and future.

Should not we ask as much of ourselves? Would that not be fair?

I offered a hold-the-line substitute budget in the Interior Committee today. That measure was defeated. When are we in the Congress going to wake up?

The American people are looking to us for leadership. Let us give them that leadership by adopting the first step of the Smith-Grassley proposal to freeze all Federal spending at the 1982 level. And for once let us start with ourselves later this afternoon by voting to recommit the committee funding bill.

THAT'S INCREDIBLE!

(Mr. **DUNN** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **DUNN**. Mr. Speaker, on television there is a show called, "That's Incredible!" Watching the House these last couple of days, I wonder if maybe we are not getting our props ready to do that same show here.

We have had since the first of the year 23 legislative days. Fourteen of those days have been either nonlegislative or pro forma. That is 60 percent of the time. As of today, we have had 22 recorded votes. Of those 22 recorded votes, 25 percent have been on such weighty issues as whether or not to approve the Journal.

Today, we are asking—the Democrats are asking—for an 11-percent increase in committee funding. In the rhetoric they say, "Let us not protect the fat cats. Let us not cut the truly needy," but when it comes down to legislation, they ask for an 11-percent increase. For the American public to go on believing that, Mr. Speaker, "That's Incredible!"

□ 1600

NO PROVISION MADE FOR AMENDING COMMITTEE FUNDING RESOLUTION

(Mr. **WALKER** asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. **WALKER**. Mr. Speaker, America may note that today finally the House is going to do something of substance. We are going to vote on our own committee funding resolution.

Earlier today we had the whole thing explained to us by the majority leader and some others. The majority wants to spend more and they want to raise taxes to cover that spending.

That is why, even though we have plenty of time, we are not permitted to amend the committee funding resolution. We will have a recommittal motion where we can save some money, but we have no real chance to work our will on the legislation.

It becomes clearer and clearer. This House has not been working; it has literally been stagnant because it really does not want to admit to the American people that the majority here wants more spending and higher taxes.

INTRODUCTION OF BILL TO SUSPEND TARIFF ON CANTALOUPES

(Mr **DE LA GARZA** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **DE LA GARZA**. Mr. Speaker, there is a lot of talk around these days about protectionism, but in my district, I have the reverse of that very situation—and it affects cantaloupes.

That is why today I am introducing a bill which will temporarily eliminate the 52-year-old 35-percent ad valorem tariff on cantaloupes imported into the United States—coming in at a time when no U.S.-grown cantaloupes are on the market.

This high protectionist 35-percent tariff is not doing anybody any good. Besides hurting my district—which has unemployment problems enough—it forces American consumers to pay high prices for food when food prices are already too high.

In my district we grow the best cantaloupes in this country. They are the earliest U.S. cantaloupes to reach the U.S. market. But during the off season when there are no American-grown cantaloupes available the best cantaloupes that can be found are imported into the United States through my district.

Here is where we get to the problem with that unchanged 52-year-old high tariff rate which threatens the import business on which many of our cantaloup growers, truckers, and other folk depend during the off season.

These are the rates imposed by the Smoot-Halley Tariff Act of 1930. Unlike, however, the vast majority of provisions in that ultraprotectionist tariff the cantaloup rates have not been subject to trade agreement reduction in the intervening years. This current rate of duty remaining at 35 percent is a rate more than six times as high as the average duty rate for all dutiable imports.

We should do something about it. My bill relates only to importations during the period December 15 to May 15. In an August 1976 study the U.S. Department of Agriculture stated that the reasons are unclear for imposing the tariff during the winter when there are no U.S. cantaloup producers to protect. That is why I say it should be removed. I commend this legislation to your attention.

EIGHTEEN-PERCENT INCREASE ASKED IN WHITE HOUSE BUDGET

(Mr. LEVITAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I have sat and listened to some of the remarks this afternoon about the votes we may take later today on committee funding, and, frankly, I am one of the Members, who has not decided how I am going to vote on that, but I did not hear any of the Members, who spoke against that resolution, because it proposes increased funding for committee operations of the Congress, mention the budget from the White House.

Do the Members know that in the budget that President Reagan sent up there was an 18-percent increase in funding for the White House? I would hope that many of those Members who vote against the committee funding resolution today will address themselves to this matter of an 18-percent increase in White House funds at the proper time and join with some others of us in getting the budget cuts to start right at the top. If we are going to hold the line, we have got to hold the line beginning at the top, and I do not think it is right to propose an 18-percent increase in funding at the White House, most of which is going for salaries and communications and things like that, when we are asking the American people to make sacrifices.

COMMITTEE EXPENDITURES SHOULD BE HELD TO 1981 LEVELS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, within the next hour the House will vote on the proposed funding resolution for the several committees of the House. I think this vote on the issue will be an indication of what the House hopefully will do with the budget for 1983.

A vote for the motion to recommit the spending resolution will be to hold spending in this calendar year for 1982 at what was spent in 1981. That is constructive. I would hope that if that motion to recommit carries, it would be an indication that we will then proceed to do the same thing with respect to total spending during fiscal year 1983, and that is to hold it at the level of what was spent in 1982.

Mr. Speaker, if we have the courage to do that, we can indicate to the market system of this country that this House has begun to get runaway spending under control and bring down interest rates.

INTERIOR COMMITTEE STAFF SHOULD NOT BE INCREASED

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, the Committee on House Administration has recommended an increase in the budget of the Committee on Interior and Insular Affairs over the amount they expended last year.

I would hope the Members of this body, before they vote on that measure, would examine the workload of the committee and what has happened to the budget in the past.

The workload of that committee, comparing the 91st Congress to the 96th Congress, has dropped dramatically. The number of bills referred to that committee in comparing those two sessions has dropped 28 percent. The number of bills enacted coming out of that committee has dropped as well. In 1981, this pattern of reduced workload continued. At the same time the workload was dropping, the staff has increased consistently. In 1947, it had a staff of four. By 1970 it reached a staff of 15 members, almost a fourfold increase. In 1980, that staff reached 69—4½ times as many people on the staff at a time the workload dropped.

I submit to you that to increase the budget of that committee further at this time is a travesty. To ask the American people to sacrifice without sacrificing ourselves should not be permitted.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY STANDING AND SELECT COMMITTEES

Mr. ANNUNZIO. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 378) providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the second session of the 97th Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 378

Resolved, That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section, including expenses—

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946; and

(2) in the case of a committee named in section 4, for provision of assistance for members of professional staff in obtaining specialized training under section 202(j) of such Act.

Sec. 2. The committees and amounts referred to in the first section are: Select Committee on Aging, $1,223,680; Committee on Agriculture, $1,143,122; Committee on Armed Services, $918,866; Committee on Banking, Finance and Urban Affairs, $2,414,919; Committee on the District of Columbia, $265,000; Committee on Education and Labor, $2,705,005; Committee on Energy and Commerce, $4,044,000; Committee on Foreign Affairs, $1,988,424; Committee on Government Operations, $2,300,000; Committee on House Administration, $977,000; Committee on House Administration—House Information Systems, $7,509,560; Permanent Select Committee on Intelligence, $938,700; Committee on Interior and Insular Affairs, $1,264,615; Committee on the Judiciary, $1,502,336; Committee on Merchant Marine and Fisheries, $1,659,104; Select Committee on Narcotics Abuse and Control, $540,000; Committee on Post Office and Civil Service, $1,028,350; Committee on Public Works and Transportation, $1,890,521; Committee on Rules, $458,732; Committee on Science and Technology, $1,882,000; Committee on Small Business, $824,680; Committee on Standards of Official Conduct, $200,000; Committee on Veterans' Affairs, $427,494; and Committee on Ways and Means, $2,202,000.

Sec. 3. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for consultant services under paragraph (1) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $25,000; Committee on Armed Services, $27,000; Committee on Banking, Finance and Urban Affairs, $25,000; Committee on the District of Columbia, $15,000; Committee on Education and Labor, $54,500; Committee on Energy and Commerce, $5,000; Committee on Foreign Affairs, $40,000; Committee on House Administration, $50,000; Committee on House Administration—House Information Systems, $400,000; Committee on Interior and Insular Affairs, $7,200; Committee on the Judiciary, $90,000; Committee on Merchant Marine and Fisheries, $11,395; Select Committee on Narcotics Abuse and Control, $500; Committee on Post Office and Civil Service, $155,000; Committee on Public Works and Transportation, $25,000; Committee on Rules, $10,000; Committee on Science and Technology, $6,000; Committee on Standards of Official Conduct, $150,000; Committee on Veterans' Affairs, $17,500; and Committee on Ways and Means, $10,000.

SEC. 4. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for specialized training under paragraph (2) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Armed Services, $15,000; Committee on Education and Labor, $3,000; Committee on Government Operations, $2,000; Committee on House Administration, $10,000; Committee on House Administration—House Information Systems, $110,000; Committee on the Judiciary, $3,000; Committee on Public Works and Transporation, $1,500; Committee on Rules, $1,000; Committee on Science and Technology, $7,600; Committee on Small Business, $2,500; Committee on Standards of Official Conduct, $3,000; and Committee on Veterans' Affairs, $2,500.

SEC. 5. The Committee on House Administration—

(1) shall, through House Information Systems, develop, operate, maintain, and improve computer and information services for the House, including direct computer and information systems support for Members, committees, administrative offices, and other governmental entities, and shall conduct necessary investigations and studies of such services;

(2) is authorized to receive reimbursement for services under paragraph (1) and to expend amounts so reimbursed in accordance with policies of the committee; and

(3) is authorized to provide for professional development programs, office and personnel management consultation services, and periodic publication of handbooks, guides, bulletins, and other items necessary for the House.

SEC. 6. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 7. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning at noon on January 3, 1982, and ending immediately before noon on January 3, 1983.

SEC. 8. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) is recognized for 1 hour.

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume, pending which I yield 30 minutes to the ranking minority member of the Subcommittee on Accounts of the Committee on House Administration, the gentleman from California (Mr. BADHAM), for purposes of debate only.

Mr. Speaker, before the end of the 97th Congress we will vote on numerous appropriations and funding measures. However, not a single money bill will come before this body that will be as easy for Members to vote for as is House Resolution 378.

As chairman of the Subcommittee on Accounts, I am proud of the resolution. It is truly a bipartisan work product and was reported from the full Committee on House Administration with only a single no vote, by a vote of 14 to 1.

Many people are responsible for bringing this resolution to the floor. I want to thank the chairman of the full committee, the gentleman from California (Mr. HAWKINS), the ranking minority member of the committee, the gentleman from Minnesota (Mr. FRENZEL), and the ranking minority member of the Subcommittee on Accounts, the gentleman from California (Mr. BADHAM).

I want to thank the other Republican members of the subcommittee, the gentleman from California (Mr. THOMAS), the gentleman from New York (Mr. LEE), and the gentlewoman from Illinois (Mrs. MARTIN), for their time and for their energetic participation as they sat minute after minute, hour after hour, and asked the hard questions that do not come easy when posed to peers and colleagues.

And, on the Democratic side of the subcommittee, I want to especially express my gratitude for the day-in and day-out dedication and support of the gentleman from North Carolina (Mr. ROSE), the gentleman from California (Mr. JOHN L. BURTON), the gentleman from Connecticut (Mr. RATCHFORD), the gentleman from Washington (Mr. SWIFT), the gentleman from Pennsylvania (Mr. WILLIAM J. COYNE), and the gentleman from Pennsylvania (Mr. GAYDOS).

I also want to thank the committee chairmen from all of the committees of the House, the ranking minority members, and their staffs who worked so long and hard to bring meaningful budgets before the subcommittee.

For the first time in my almost 20 years of experience as a Congressman, not a single request for supplemental funding was dropped in the hopper; not a single supplemental request was granted to any committee of this House in 1981. The subcommittee expects that this cooperation will be extended into 1982, and that everyone will continue the good work and cooperate with the accounts staff so that there will again be no supplemental appropriations in 1982.

Each committee was considered on its individual merits, and on the same day it was heard. We did not know until the end of the hearings and markups what the total costs would be.

☐ 1610

Some have suggested that we should have taken an arbitrary figure such as last year's authorization and then sliced the budget pie into wedges that would fit that figure. To have done so would have avoided sound budget principles and favored political fantasies.

My colleagues do not need the Subcommittee on Accounts and the hard work of its members and its staff if that is how we are going to determine what to spend in conducting our legislative responsibilities and legislative business.

The committees of this House did not find it easy to live within the ceilings imposed upon them last year. There was an overall reduction in House committee staff of approximately 8 percent. I want to make that figure clear. We had a gentleman appear in this well who said that he would vote for the budget if we had a staff cut of 10 percent. Let the record show that in 1981 the committees cut their staff by 8 percent.

Some did not give their staff the 4.5 percent increase ordered for them last October. Some completely ignored giving merit increases to deserving staff. Some placed employees on leave without pay. They closed their books on purchases, canceled field hearings and onsite inspections, stopped payment to witnesses, returned working equipment to the Clerk and restricted the use of telephones to local calls only.

The $702,735 which we are providing over last year's authorization, which is 1.77 percent, barely covers the cost to committees of last year's raise in executive salary ceilings, 1.77 percent, and we expect further attrition in committee staff.

Mr. Speaker, at this point in the RECORD I am placing a table which shows that in constant dollars this year's primary expense resolution is 4.4 percent less than these same committees were authorized 7 years ago in 1975. Compared to that year in constant dollars, the 1982 resolution is less than a zero growth budget.

The table follows:

U.S. HOUSE OF REPRESENTATIVES STANDING AND SELECT COMMITTEES[1] FUNDING LEVEL HISTORY IN ACTUAL AND 1975 DOLLARS

Year	Actual authorization	Authorization in 1975 dollars	Deflator
1975	21,492,185	21,492,185	1.0000
1976	22,995,464	21,854,651	1.0522
1977	26,964,214	24,211,380	1.1137

U.S. HOUSE OF REPRESENTATIVES STANDING AND SELECT COMMITTEES [1] FUNDING LEVEL HISTORY IN ACTUAL AND 1975 DOLLARS—Continued

Year	Actual authorization	Authorization in 1975 dollars	Deflator
1978	29,236,826	24,465,963	1.950
1979	31,006,506	23,917,391	1.2964
1980	33,721,118	23,871,667	1.4126
1981	32,095,813	20,149,295	1.5929

Note.—The rate of inflation for the period of 1975 through 1981, as measured by the GNP implicit deflator, is 159.29 percent. This means that a product or service costing $100 in 1975 would cost $159.29 at the end of 1981. H. Res. 378 (1982 primary expense resolution) authorizes $32,798,548. The authorization for standing and select committees,[1] adjusted for inflation in a zero real growth environment with 1975 as the base year, would be $34,234,901,[2] a variance of $1,256,353.[3]

[1] The authorizations cited in this table are for the 23 standing and select committees covered by H. Res. 378.

[2] $21,492,185 x 1.5929 = $34,234,901.

[3] $34,234,901/$32,798,548 = 1.0438 or 4.38 percent.

Why did I select 1975? Because in 1974 we elected a freshman Congress that wanted to reform the House of Representatives. Oh, yes, they reformed the House of Representatives. They increased the subcommittees of this House by over 60 subcommittees, which required staff, telephones, office space, and you name it. That is what the freshman Congressmen of 1974 proposed.

Now I am told that the freshman Congressmen on the Republican side want to recommit this budget. I want to warn you, like I warned the people back in 1974, that if you fool around with these budgets any more you are going to destroy the committee system in this House because we have reached a zero base. You will be challenging the integrity of every chairman in this House who came before my subcommittee to present their budget in a frugal, honest manner. This is exactly what you are intending to do.

If we project that 1975 budget in constant dollars, our 1982 budget for committees would be $34,234,901. That sum is $1,436,000 more than committees will be authorized by the resolution this year.

OMB and CBO, using the GNP implicit deflator, calculate that products or services which cost $100 in 1975 cost us $159.30 in the fourth quarter of 1981.

The rate of inflation projected by the President for 1982 is 7.9 percent. Subtract from that the 1.77 percent we are providing committees over last year's authorization, and the difference is a minus 6.13 percent.

House committees, therefore, will have to be 6.13 percent more efficient in 1982. There is no add-on for increased work or any reserve for exceptional circumstances. If we cut any further we could seriously impair their ability to respond to the needs of this Nation.

Mr. Speaker, the 1982 primary resolution is as close to being a zero growth as it possibly can be, bearing in mind the unique and individual needs of the committees of the House.

Certainly the subcommittee could have granted only those funds that were authorized last year, but that would be completely ignoring the work that those outstanding committees have done and would completely ignore the role of the Accounts Subcommittee and the Committee on House Administration.

We allow a margin of 25 percent on military construction, yet there are some who are not even willing to give the House an increase of less than 2 percent. By any standard, the 1.7 percent recommended in this budget is not only tolerable, but absolutely necessary.

We must keep our sense of perspective and the need to exercise our congressional responsibility under the Constitution. Most in this Chamber agree that 90 percent of the work of the Congress rests on the backs of our committees and that Congress bears the responsibility for whatever goes on in our Federal Establishment. That is an awesome responsibility. It reaches not only to the well-being of the people of this country, it spans the well-being of peoples and lands and oceans throughout the world and the near space which surrounds it.

Read carefully the committees' programs for 1982, as contained in the report that accompanies this resolution. Weigh, if you can, and as your Subcommittee on Accounts has done, what dollar restraints and constraints should be placed on the exercise of this responsibility.

Compare the dollar costs of this responsibility with the responsibility of the Department of Defense. The President's 1982 budget for the Department is $216,978,244,000. Divided by the days in a year, that comes to an expenditure per day, a cost of defense for 18 minutes and 51 seconds, which would pay for the entire 1982 budget, 18 minutes would pay for the entire 1982 budget of all House committees.

We might show greater wisdom if we took the cost of those few minutes, gave that amount of money to our Committee on Armed Services for the exercise of its oversight responsibilities for the defense of America.

Mr. Speaker, last year our committee and the House Information Systems requested $47,394,475 for their operation. This year they voluntarily reduced their budget requests by $3,794,700. The Subcommittee on Accounts cut another $3,314,000 from this year's request, for a total reduction from the 1981 requests of $7,085,000. These cuts take us to the muscle and the bone of our ability to operate this session of Congress. There is no fat left, no reserve for hard times during the year.

There is $32,789,548 in the 1982 resolution for all of the committees of this House. There is $7,500,000 for the operation of the House Information Systems. The combined total is $40,308,108. We have shaved every penny and weighed every dollar.

□ 1620

Some of you were not here to vote on the 1975 budget which was more in constant dollars than this 1982 budget. Let me ask you if you believe the workload of this Congress is less than that of 1975. Do we have lesser problems than in 1975? Do we have less inflation? Is a higher proportion of the population gainfully employed? Is our industry gaining in productivity and profit? Do our children expect that they will get a better education? Are interest rates more stable? Are more dollars available for health and nutrition? Are more homes being built at prices the average citizen can afford? Do our allies feel more secure than they did in 1975? Are the answers to these questions of importance to our constituents? Do they place responsibility on this Congress?

You know the answers. If you have a conscience that tells you to vote "no" on this resolution, your constituents are alien to my constituents.

There will be an attempt to recommit this budget with instructions to provide the committees with the same or less than they received last year. Such a motion, if successful, means that all of the hard work done by the Accounts Subcommittee, all of the work done by the various committee chairmen and their staffs, will be for naught and a tremendous waste of time. Why do we have a committee to thoroughly review budgets and make recommendations if these recommendations, when they are backed with sound logic, with bipartisan support, with the support of the chairmen and the leadership of this House, are not adopted? Defeat of this resolution will be the first step toward the elimination of an effective committee system in the House of Representatives. You and I must not allow this to happen.

As chairman of the Accounts Subcommittee, I want to assure every Member of this body that this resolution is a sound resolution. It is a resolution that you can defend against even the most bitter attacks. And, finally, it is the best damn resolution for funding that you will vote on this year. You will never, never this year get another opportunity to vote on a budget that is only 1.77 percent increased over last year.

Mr. BADHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to take this opportunity to commend my good friend and colleague, the gentleman from Illinois (Mr. ANNUNZIO), for his leadership on the Subcommittee on Accounts. Under his chairmanship the subcommittee has checked committee spending. After a decade of ever accelerating committee spending, a measure of fiscal discipline is now being imposed.

The Subcommittee on Accounts, I think, has pursued the difficult task of evaluating budgets in a responsible manner, and the resolution before us today offers a package which demonstrates a recognition for the need of a smaller, a leaner, and a more efficiently operating House of Representatives.

I would, too, like to commend the chairman of our committee, the gentleman from California (Mr. HAWKINS), who, for the second year in a row now, has presented us with a budget embodying the significant cuts in authorization.

I believe our committee is a prime example that reductions can be made in a judicious manner, without impairing committee operations.

Mr. Speaker, I had hoped that the Subcommittee on Accounts would have endorsed an aggregate committee budget level no higher than last year's committee aggregate budget spending level of $39.6 million. We in the minority, trying hard, were unable to encourage and persuade the majority of the committee to this level, and we came up with a final figure of $40.3 million. It is a 1.77-percent increase.

We have a debate on this side of the aisle as to whether that increase or any increase is too much or whether or not we have done a good and credible job. I am, quite frankly, torn. I would have liked a lower aggregate budget, but I also recognize the political realities.

Admittedly, I, along with my minority colleagues, are dismayed by some authorization levels recommended for some committees. Energy and Commerce, as an example, for the Department of Energy that is to be phased out, will have few or no bills, tops the scales of committee spending at over $4 million. This excessive amount, in my judgment, is far beyond what any committee should demand or require. This is not a time, when we are proposing the dismantling of the Department of Energy, to increase the budget of that committee. Reduction in this committee's staffing allowances would have been more appropriate.

Post Office and Civil Service is provided with over $1 million—an unacceptably high figure, particularly when one realizes that this committee receives, if this resolution is adopted, $110,000 more than the Committee on Armed Services.

And if I may digress from my prepared notes for just a moment, let me tell you that the Committee on Armed Services this year will be responsible for authorizing over $200 billion to take care of our armed service personnel, to take care of our research and development, to take care of the defense program of the United States of America, and we are spending less in a committee, by request or by desire of the House Administration Committee, than the Committee on Post Office and Civil Service.

Nevertheless, despite a few specific objections, overall authorization levels before you today underscore a new restraint, and I say it is about time.

The authorizations in House Resolution 378 represent a marked change from the free-spending ways of the past and an appreciation for the present-day fiscal realities.

Mr. Speaker, the budgets before us contain, for the most part, moneys for the hiring of staff. The salaries of about 950 investigative staff will be funded by this omnibus resolution. On first glance, this may not appear to be an overwhelming number, until one realizes that the funding resolution does not include the funds for the support of the statutory staff. Once the statutory personnel are added to the investigative staff personnel, the House committee staff population climbs to over 1,800 bodies. This figure does not include 203 additional men and women employed by the House Information Service which operates our computer network. Combine this with the staff of the other body, which is less than half of our staff, and you see the difficulties we have in trying to take care of these budgets.

□ 1630

The magnitude of these numbers suggest that several committees seem more intent on creating their own staff bureaucracies than on the cuts that are being made necessary by our fiscal problems in the United States of America today.

Yet, despite this excessive total of committee staff, in the final analysis we on the minority side too often appear to be short counted. We have on the minority side but 20 percent of the committee staff. On the minority side during the hearings before our subcommittee several committees reflected disparities in investigative staff ratios which seemed totally unacceptable.

On the Committee on the Judiciary, only 3 of 43 investigative staff were minority staff members. On Foreign Affairs, only 4 of 54. On Energy and Commerce, the $4 million committee, only 15 of 122 staff members.

Any improvement in staff ratios contemplated by the proposed budgets appear to be negligible. Such ratios seem manifestly inequitable for a body in which the minority constitutes 44 percent of the membership.

Mr. Speaker, it is true that on several committees with relatively poor staff ratios Republicans neither need nor asked for additional staff, but in those cases it seems doubtful that the majority actually does require such an overloaded staff assistance.

A well-phased reduction of staff, particularly at the subcommittee level, while preserving equitable majority/minority ratios, would certainly do a more efficient and more responsive committee system.

Mr. Speaker, once again the subcommittee's review of committee budgets underscore the inadequacy of the committee funding process. The resolution before us today reflects only a partial accounting of these committee costs.

During the past year, we of the minority side have urged several improvements to strenghten the accountability and fiscal control of the process.

We should eliminate the distinction between statutory and investigative staff and require that all staff costs be incorporated in the funding resolution.

We should integrate the Appropriations and Budget Committees into the funding process. We should incorporate a one-third minority staff provision for investigative staff as well as statutory staff, and we should dispose of rule 11, clause 5(d) which endorses the hiring needed or not of independent committee staff.

Mr. Speaker, our colleagues believe that we on the Subcommittee on Accounts allow a fair, fiscally sound approach in our consideration of these budgets. As the ranking minority member of this subcommittee, I can assure the membership that this has been the case.

Last year marked our first departure from the free spending waste of the past. I hope it signals an approach to the future of further and continued funding budgets.

Mr. BADHAM. Mr. Speaker, I yield 4 minutes to the ranking member of the committee, the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I come here somewhat upset and certainly very much concerned. I am not only the ranking member of the House Armed Services Committee, whose budget is embraced in the resolution before us, but I have been for 18 years a member of the House committee that is offering the bill here today.

I have served on the Accounts Subcommittee and, of course, on a personal basis I am a very good friend of the subcommittee chairman, the gentleman from Illinois (Mr. ANNUNZIO), who offers the bill here today.

But I cannot sit idly by without commenting on the resolution that comes before us today.

The resolution that comes before us today, in my opinion, is absolutely ludicrous. I cannot imagine anything so much out of kilter as this proposal.

The House Armed Services Committee is without doubt the most frugal committee in the House. We do not even have a minority staff. We have about 55 employees total to oversee $200-plus billion of expenditures.

We came in an asked for $1,022,000 which we thought was reasonable and if we do not spend it, we turn it back. What did we get? We got cut $40,000. We got $918,000, but if the Members look at the great big committee like Post Office and Civil Service, that has the tremendous job of getting mail through, what do they get? Almost twice what the Armed Services Committee gets.

Look at Merchant Marine and Fisheries. That is a doozy for you. The Armed Services Committee is given by this committee $918,000. Merchant Marine and Fisheries, $1,600,000. What are they going to study? What sort of fish are they going to study for that?

If the Members look at Energy and Commerce, it gets under this resolution $4 million for staff, but the committee that has the responsibility for the defense of this country, for the manpower, the military construction, the procurement of aircraft, ships, planes, tanks, we get less than one-fourth of what the Energy Committee gets and the Energy Department is being put out of business.

I cannot imagine a more ludicrous position for us to be put in than for us on the Armed Services which does not even have a minority staff, that has always underspent, to be cut 10 percent, and the average of all cuts was 7.6 percent. We are cut 25 percent more than the others.

Now the point of this is—I think we will all take this to heart—if you are frugal, if you economize, you are the one that is going to get it in the neck, and if you put a lot of fat in here and add all the people you can possibly put in here, you will get your cut and those that economize get about the same cut, which means there is still plenty of fat in the big committees that do not do anything or does not do anything compared to what the Armed Services Committee. And $4 million in a budget for the Energy Committee, $1½ million for Post Office and Civil Service.

Merchant Marine and Fisheries, 50 percent more than the Armed Services Committee, and we are looking at the defense of this country.

I just cannot help but think that this is so assinine that everybody in this House ought to turn it down out of hand and vote to recommit.

● Mr. **FRENZEL**. Mr. Speaker, I would like to begin by commending the distinguished chairman of the Subcommittee on Accounts, the gentleman from Illinois (Mr. ANNUNZIO) and my good friend from California, the ranking minority member (Mr. BADHAM) for the excellent manner in which they conducted the review of committee budget requests. They—and the members of the subcommittee—worked long and hard and well.

Mr. Speaker, I would also like to compliment the distinguished chairman of the Committee on House Administration, the gentleman from California (Mr. HAWKINS). Since assuming the chairmanship last year, he has submitted—in both 1981 and 1982—budgets which assume significant reductions. Indeed, our proposed authorization for 1982 is a hefty 44 percent below that of 1980. His committee had much to give, but he, alone, has given it willingly 2 years in a row.

Further, during the past 12 months, Chairman HAWKINS has instituted comprehensive management reforms of the House Information Systems. These revisions have transformed HIS from an organization with no accountability to one with some control over expenditures, and better defined priorities.

The omnibus resolution (H. Res. 378) before us today reaffirms last year's pledge of fiscal restraint. In contrast to the 1970's—when increases in committee budget levels were routinely approved, after the most cursory of reviews—budget submissions have been carefully scrutinized in the past 2 years.

Mr. Speaker, the Republican minority set as an achievable target a "zero growth" budget. We hoped the aggregate of the 1982 authorizations—for House committees and the House Information Systems—would not have exceeded the 1981 aggregate of $39.6 million. Personally, I believe the House could function well on considerably less, and that most committees are still overfunded.

Our zero-growth goal was not reached, but the overall increase of 1.77 percent is a modest one. In my judgment, the final package, as reported, is more than the Republican minority wanted, but less than the Democrat majority wanted, and is, therefore, worthy of this House's support.

However, my endorsement of the resolution should not be viewed as approval of each specific authorization. Indeed, there are four budgets in particular—Energy and Commerce, Post Office and Civil Service, Judiciary, and Foreign Affairs—which are unreasonably high.

The authorization levels of these four committees, by any rational measurement, are excessive and should have been lowered. At a time of national sacrifice, they have been steadfast in their unwillingness to sacrifice. Their trough runneth over.

Three other committees, Aging, District of Columbia, and Narcotics still chew up large hunks of the taxpayers' money even though they have little or no legislative authority. They function merely as cheerleaders for special interests and if needed, should be funded by other sources than the general taxpayers.

Mr. Speaker, a word about total committee expenses is appropriate here. The perception exists that all committee costs are contained in the funding resolution presently under consideration. That is not true. Almost half of committee operating expenses are excluding from this funding process.

First and foremost, the salaries of all statutory staff are not reflected in these budgets. Statutory staff compensation for committees receiving funding resolutions topped $21 million in 1981. In addition, two committees—Appropriations and Budget—are completely exempt from the funding process. In 1981 their statutory staff salaries nearly reached $8 million, all of it exempted from the review of their peers.

Joint committees likewise escape this rigorous review. Other committee expenses—such as stationery and supplies—may be charged directly to the contingent fund, rather than being financed through the funding resolutions.

The following table presents an approximate total of all our committee costs. The taxpayers will read it and weep:

Costs of House committees

1981 actual expenditures:	
Funding resolution (H. Res 115, all standing and select committees—except Appropriations and Budget—plus HIS)	$36,259,170
Statutory staff:	
All standing committees except Budget and Appropriations	21,338,151
Budget Committee statutory staff	3,152,365
Appropriations Committee statutory staff	4,790,859
Contingent fund (stationery, related expenses)	354,113
Appropriations (studies and investigations—through Sept. 30, 1981)	2,478,398
Budget (studies—through Sept. 30, 1981)	161,420
Total	68,534,476
1982 projection on authorization/appropriations:	
Funding resolution (H. Res. 378)	40,308,108
Statutory staff (estimate)	31,500,000
Contingent fund (estimate)	500,000
Committee on Appropriations (studies and investigations) (estimate)	3,725,000
Committee on the Budget (studies) (estimate)	250,000
Total	76,283,108

NOTE.—Neither joint committees expenditures nor committee printing costs are reflected in either total.

The fact that over $30 million of committee spending is not subject to the authorization process undermines the fiscal discipline of the committee system.

During this session, as we have done in vain in the past, the Republican minority of House Administration intends to pursue such changes as are necessary to improve the accountability of the committee funding process. We want to insure that the entire range of committee expenditures is subjected to careful review and reflected in these resolutions.

Mr. Speaker, the unchecked rise in committee budgets during the past decade basically reflects the growth in our committee staff. Last year, as an example, about 90 percent of the moneys spent pursuant to these funding resolutions—$25.4 million—was attributable to staff compensation.

COMMITTEE EXPENDITURES [1]

	1981 authorizations	1981 expenditures [2]	Salaries [3]	Domestic travel	Witness	Consultant fees [4]	Equipment	Supplies	Telephone/ telegraph	Outside computer			
										HIS	Charges	Publications	Miscellaneous/other [5]
Aging	1,183,680	1,160,773	1,051,926	20,200	6,245	0	25,500	10,902	18,000	22,000	(6)	(7)	6,000
Agriculture	1,184,840	952,112	820,077	19,790	0	11,432	71,100	1,011	16,266	2,976	0	5,200	4,260
Armed Services [8]	952,223	776,676	611,903	38,224	0	418	105,163	1,461	5,615	4,775	(6)	2,988	6,129
Banking, Finance, and Urban Affairs	2,414,919	2,220,600	1,938,912	70,426	14,440	0	104,503	14,670	21,140	2,110	12,396	28,117	13,886
District of Columbia	275,187	236,533	193,006	8,709	817	0	19,907	5,155	4,017	4,922	(6)	(7)	(9)
Education and Labor	2,565,448	2,291,288	2,066,823	91,163	0	0	57,320	(9)	24,984	12,584	(6)	36,116	2,298
Energy and Commerce	3,750,000	3,724,496	3,260,145	72,314	15,210	500	274,021	2,650	15,318	2,267	46,347	31,360	4,364
Foreign Affairs	1,800,119	1,797,500	1,593,214	15,080	23,582	20,000	91,005	(9)	16,158	13,540	(6)	11,505	13,416
Government Operations	2,229,402	2,099,673	1,933,292	37,763	6,457	0	79,802	6,476	20,924	2,151	0	12,638	170
House Administration	1,219,090	844,039	709,196	20,043	951	15,000	51,030	2,350	2,665	29,672	0	5,064	8,057
Intelligence (Select)	938,700	867,208	807,210	15,149	4,588	0	29,016	5,554	2,091	0	0	2,595	1,006
Interior and Insular Affairs	1,219,615	1,156,482	944,701	120,611	0	0	45,792	0	31,059	1,508	0	9,682	3,129
Judiciary	1,350,410	1,346,751	1,193,535	26,214	30,266	7,000	72,692	41	1,398	3,815	(6)	11,345	445
Merchant Marine and Fisheries [10]	1,581,241	1,501,526	1,331,642	35,270	1,599	5,799	96,782	0	4,444	2,021	0	6,896	3,045
Narcotics Abuse and Control [11]	540,000	522,000	462,052	25,192	2,669	0	16,854	3,402	5,895	(12)	0	3,094	1,575
Post Office and Civil Service	902,500	902,470	748,551	41,219	373	38,099	46,874	0	13,426	3,647	0	8,771	1,509
Public Works and Transportation	1,806,373	1,707,748	1,453,788	115,000	2,700	10,000	100,000	(9)	19,000	(9)	0	6,800	460
Rules	530,738	425,382	331,549	4,750	718	12,000	57,346	34	4,899	4,201	0	8,262	1,623
Science and Technology	1,820,928	1,691,236	1,452,567	88,098	14,004	0	78,654	15,542	18,249	6,706	0	8,134	9,281
Small Business	776,000	749,709	575,717	70,573	3,766	0	49,312	2,106	30,402	3,595	5,942	6,734	1,562
Standards of Official Conduct	450,000	108,441	0	0	614	80,285	11,455	0	1,325	4,664	0	1,153	9,146
Veterans' Affairs	352,490	333,381	231,973	47,504	322	10,145	39,965	(9)	175	1,259	(6)	1,174	863
Ways and Means	2,252,000	1,950,146	1,713,807	38,078	6,496	0	101,499	(9)	30,167	10,506	(6)	24,323	25,270
Total	32,095,813	[10] [11] 29,366,170	25,425,586	1,021,370	135,827	210,678	1,625,593	71,354	307,417	138,919	64,685	231,951	117,494

[1] House Information Systems expenditures not listed.
[2] Expenditure columns may not reflect all late bills, or may include estimates of outstanding bills. Final expenditure figures may, therefore, vary to some degree.
[3] "Salaries" column only represents the salaries of investigative staff; salaries of statutory staff are not included.
[4] Authorized travel expenses for consultants may appear under "Domestic travel."
[5] "Miscellaneous/other" column includes such costs as staff training, representation allowance, etc., or item specific to one committee (e.g., tax services—Ways and Means).
[6] See HIS.
[7] See supplies.
[8] Expenditures for the Committee on Armed Services reflect an update to the budget submission accounting for late bills.
[9] No entry listed in budget submission. In such instances, any costs incurred may have been included in "miscellaneous."
[10] Expenditures of 1,501,526 for the Committee on Merchant Marine and Fisheries includes an estimated 14,028 in late bills. This 14,028 is not reflected in specific expenditure categories (e.g., salaries, domestic travel, etc.).
[11] Expenditures of 522,000 for the Select Committee on Narcotics Abuse and Control includes an estimated 1,268 in late bills. This 1,268 is not reflected in the specific expenditure categories.
[12] See equipment.

Note.—Committee expenditures are derived from the 1982 budget submissions, except for the Committee on Armed Services. Expenditure columns only represent expenses pursuant to the funding resolutions. Expenditures for the salaries of statutory staff, stationery purchases charged directly to the contingent fund, foreign travel, or printing costs are not included. Due to rounding, amounts may not total exactly.

Despite this growth—there is much that is wrong with the process—personnel resources have been unfairly distributed between majority and minority. Presently, the minority allotment of committee staff is only 20 percent. There are, however, three committees—Aging, Public Works and Transportation, and Agriculture—which adhere to an equitable division of staff. They are the standard against which other panels should be judged.

It is my view that the rules of the House should provide the minority, on request, one-third of the moneys allocated for staff. Currently a one-third standard applies to statutory staff; no such guidelines apply to investigative staff hired pursuant to these funding resolutions.

This year, one of the budgets submitted—that of the Committee on the Judiciary—failed to incorporate a number of minority needs including additional funds for minority consultant compensation and travel and for new equipment. The amount granted to Judiciary by this resolution has more than enough moneys for the items discussed. We expect that minority requirements will be provided.

Regarding minority staffing, on most committees it is not that the minority allotment is too small, rather it is that the majority numbers are indefensibly large. A prudent reduction would spur a more efficient and responsive committee system.

Too often our majority colleagues tell us that adding layer upon layer of staff translates into better legislation and improved oversight. The result, of course, is the direct opposite. More and more staff leads to entrenched staff bureaucracies, further fragmenting, and staff domination of the legislative process. Some of our committees now have enough staff so they almost cannot legislate.

One of the more counterproductive staffing arrangements arises from rule XI, clause 5(d) whereby each chairman and ranking minority member of a subcommittee may specifically designate staff. This procedure fosters fragmentation of staff and lack of control. It promotes subcommittee autonomy at the expense of full committee authority.

In recent years, we have witnessed the development of a new concept, associate committee staff. Employed by Rules, Appropriations, and Budget, this permits a Member, solely as a consequence of his membership on a committee, to hire an individual to assist with committee-related work. In reality, this simply allows a privileged class of Members to add to their personal staff allowances. Elimination of associate staff would save 100 unnecessary employees.

Until the House adopts rational staffing procedures, until the House discards obsolete distinction between statutory and investigative staff, reductions in funding resolutions provide the only effective tool to manage and limit the negative aspects of committee staff growth.

Mr. Speaker, the Subcommittee on Accounts confronted a very difficult task. Hours were spent in hearings and executive session markups. The particulars of each and every authorization, I am certain, are not entirely acceptable to any of us here. They obviously are not to me.

But, overall, this resolution represents a good faith attempt to move closer to fiscal discipline in our committee system. House Resolution 378 signals to committee chairmen that last year's reductions were not an aberration, but rather a new commitment to find a better path toward economy in our own institution.

Mr. Speaker, the distinguished gentleman from Pennsylvania (Mr. JAMES K. COYNE) will offer a motion to recommit this resolution to the House Administration Committee for further spending cuts. My heart is with him for I believe our committee budgets can always stand reductions.

However, because the House Administration Committee did a better than usual job, because I asked ranking Republicans to aim for the zero-growth target, and because at my urging the majority exercised more discipline than usual, I must support the resolution and vote against the motion to recommit.●

● **Mr. PRICE.** Mr. Speaker, the Committee on Armed Services has one of the smallest budgets of any major committee and yet has the responsibility of considering three major authorization bills totaling more than $190 billion. The Defense Department authorization bill alone totals more than $180 billion. In addition, there are authorization bills for military construction, $8 billion, and military nuclear programs, $5 billion. The committee's responsibility encompasses more than one-fourth of the total Federal budget.

The committee's workload has dramatically increased over the last year due to the growth of the proposed defense budget. The workload also has increased due to the extension of the prior authorization requirement to new categories of defense funding—the procurement of ammunition and the category known as other procurement, that is procurement of noncombat vehicles, communication equipment, and related items. Though unglamorous, these items have been found to have a substantial impact on the readiness and sustainability of our forces.

The committee has remained steadfast to its policy of operating frugally and shall continue to do so.

The committee budget for 1982 takes into account inflationary factors and the increased workload, which make desirable some small additional staff support and filling of several vacancies. The committee delayed filling vacancies last year in part due to the desire to stay within our budget. The request for this year would have provided the flexibility for small growth and allowed for covering costs due to inflation, including the projected pay comparability increases during the year.

The allocation incorporated in the resolution being considered today is actually a reduction of $33,000 below last year's allocation and is $104,000 below the amount we requested. This limit would force us to forgo additions to the committee staff and leave no funds to cover unforeseen contingencies. It is a bare-bones budget. Further cuts would mean forced reductions in the smallest staff of any major committee.

The Committee on Armed Services has always been supportive of the Committee on House Administration in its efforts to encourage the House to reduce expenditures and wishes to express its continued cooperation in that regard. But the budget proposed by the House Administration Committee should not be reduced further.●

● **Mrs. ROUKEMA.** Mr. Speaker, last year, I opposed efforts to increase committee staff budgets by 20 percent and joined 183 of my colleagues in support of a motion to reduce actual spending for committee investigative staff by 10 percent. That motion lost on a near-party line vote, and the House instead passed a bill that permitted actual spending to increase by 6 percent.

That 6-percent increase was not justified. This year, the budget picture is clearly more critical—we face a proposed $96 billion budget deficit—yet the committee is once again proposing increases in the amount of $4.1 million in expenditures over last year's levels.

These increases should be resisted. No less than a freeze on committee staff expenditures should be supported. While I personally would support an actual reduction in expenditures, if that cannot be realistically accomplished, we should not permit this budget to increase. Keep in mind that in the past 25 years committee staff budgets increased by 539 percent while the Consumer Price Index went up only 185 percent; holding the line on this year's budget in no way means we are depriving Congress of the necessary tools to do the job. The very least we can and should do is not permit the committee investigative staff yet another annual increase.●

COMMITTEE STAFF FUNDING

Mr. COLLINS of Texas. Mr. Speaker, today the House is squarely facing the issue of reducing the budget. We ask America to reduce the budget but we must show America how to do it—by tightening our belt right here in Congress.

We are talking about reducing the funding for committee staff under a category known as investigative staff. With such a high sounding name, we have increased the funding on this staff six times over in the past 10 years. Between 1971 and 1981 the authorization was increased from $6.8 million to $39.6 million.

Let us all understand what we are talking about in committee staff funding. The congressional staff that we have in each Congressman's office is already provided and we are each entitled to 18 staff members.

For the 24 committees that we have in the House, we have what is called statutory staff which totals 30 members for each committee. This consists of 20 for the majority and 10 for the minority. Statutory staff is already funded and money is already provided.

Today we are talking about this third level of staff. The investigative staff have no required qualifications, they have no tenure, and they are chosen by the chairman of each committee.

Experience shows that once a staff is increased because of special work, the next year it becomes a permanent commitment. Back in the early 1970's, the Judiciary Committee needed extra staff in the Watergate hearings, so they planned to keep them permanently. A few years ago there was extensive energy legislation. And yet without this extensive energy legislation, the Energy and Commerce Committee still have the largest budget of any group.

Since the House and Senate each determine their own staff funding, we need to look to the Senate for comparable figures. We handle exactly the same legislation so one would expect us to have the same number of staff.

Last year, the Republicans gained control in the Senate, and they reduced the size of their staff from 1,108 to 974.

Let us see how this Senate 974 compares to the House. In the House the total committee staff is 1,824, which is 761 statutory and 1,063 investigative. There is no earthly justification for the House to have 1,824 staff members when the Senate is efficiently conducting their business with 974 staff.

Let us look at some of committees that have had the most rapid expansion. Let us compare the 92d and 96th Congresses with their total, 2-year expenditures.

Committee	92d	96th
Energy and Commerce	$1,474,000	$7,458,000
Merchant Marine/Fisheries	519,000	3,176,245
Agriculture	250,000	2,272,200
Rules	5,000	1,134,000

A few years ago the District of Columbia became a separate, independent government. At that time the Senate reduced its District of Columbia Committee to a subcomittee level. Today the Senate has a staff of seven in the subcommittee that handles District of Columbia issues. But in the House, we carry an army of 41 members to do the same work.

Last year columnist James Kilpatrick zeroed in on the Rules Committee. He reminded us that 30 years ago the total staff was three. Even in 1972 the Rules Committee operated with a staff of six. Yet, in 1981 Rules was overflowing with 44 staff members.

Look at Merchant Marine. We still have the same shoreline in this country we had 200 years ago. But in 1973 the Merchant Marine and Fisheries Committee had 22 staff, while today they fill the committee room with 82 staff members.

Let us compare the committee workload from the 93d and 96th Congresses. Let us look at the bills and number of staff they have. Agriculture increased their bills from 46 to 49, but they increased their investigative staff from 11 to 42.

Banking dropped their reported bills from 33 to 19, but they increased their staff from 46 to 96.

Foreign Affairs which had 90 bills reported in the 93d had only 28 in the 96th. Yet, their staff zoomed from 28 to 55.

Let us remember that the larger the committee staff, the more people are working to spend the Government's money. In order to justify their position, these oversized staffs come forward daily with new ways to increase Government regulations. They have new plans for creating new Government agencies. They want to be creative and innovative for a bigger Government.

Today the American people are saying loud and clear that America has more Government than it wants, we have more regulations in America than we need, and America has more taxes than we can afford to pay. Let us get at the basic cause of this trouble, which is these oversized staffs here in Congress. Let us cut the spending.

Attached is a summary of the figures that I have discussed on these basic issues:

CONGRESSIONAL COMMITTEE STAFF HOUSE FUNDING

AUTHORIZATIONS

In 1971—$6.8 million; 1981—39.6 million; in 10 years—6 times as much money.

(a) 1981 authorization was $39,605,373; 1982 committee recommendation is $40,308,108: 1.8 percent increase over 1981 authorization, $4.1 million more than actual 1981 expenditures, and a 9 percent increase over 1981 expenditures.

(b) Senate: Rules Committee reported out an omnibus package on March 4, 1982, to keep funding level at the same as last year of $41,936,869. The Senate bill includes all of their committee staff. House already has authorized statutory committee staff of 30 people for each of the 24 staffs.

STATUTORY VERSUS INVESTIGATIVE

(a) Statutory: 30 permanent staff allowed each committee.

(b) Investigative: staff hired at the discretion of chairman, not employed under civil service, very few allotted to minority, and no required qualifications. (Congressional office staff remains as is with 18 for each Congressman.)

GROWTH

	Investigative	Statutory	Total
House:			
1973	570	308	878
1981	1,063	761	1,824
Senate:			
1980			1,108
1981			974

(a) Senate had 1,108 staff in 1980 and cut 12 percent in 1981 to 974.

(b) Senate has only one staff class totaling 974.

SPECIFIC EXAMPLES OF GROWTH—INVESTIGATIVE STAFF FUNDING

Committee	92d	96th
Energy and Commerce	$1,474,000	$7,458,000
Merchant Marine/Fisheries	519,000	3,176,245
Agriculture	250,000	2,272,200
Rules	5,000	1,134,000

STAFF GROWTH—TOTAL

(a) D.C. for 1980: House, 41 in full committee; Senate, 7 in subcommittee (became a subcommittee in the 95th Congress because of Home Rule).

(b) Rules: 30 years ago, 3 staff; 1972, 6 staff; 1981, 44 staff amounts to over 7 times the number in only 9 years.

(c) Merchant Marine: 1973, 22 staff; 1981, 82 staff.

COMMITTEE WORKLOAD

	Congress	
	93d	96th
Agriculture: [1]		
Bills reported	46	49
Average investigative staff	11	42
Banking, Finance & Urban Affairs: [2]		
Bills	33	19
Staff	46	96
Foreign Affairs: [3]		
Bills	90	28
Staff	28	55
Government Operations: [4]		
Bills	27	22
Staff	49	67
Merchant Marine: [5]		
Bills	54	68
Staff	12	60

[1] Only 3 more bills and nearly 4 times the staff.

[2] 14 fewer bills but more than twice the staff.

[3] Less than ½ the bills, nearly double the staff.

[4] 5 fewer bills but 18 more staff.

[5] 26 percent increase in workload; 400 percent increase in staff.

SALARIES

(a) During the past 10 years approximately 90 percent of each committee's expenditures were for salaries.

Committee	Investigative staff [1]	Total	Percent of total
Banking	33	67	50
Government Operations	32	67	50
Science and Technology	28	60	47
Foreign Affairs	24	56	43
Energy and Commerce	47	116	40

[1] Over $30,000 in 1980.

Mr. BADHAM. At this time, Mr. Speaker, I yield 14 minutes to the gentleman from Pennsylvania (Mr. JAMES K. COYNE), a member of the committee.

Mr. JAMES K. COYNE. Mr. Speaker, I wish to begin my discussion on this committee funding resolution by commending the members of the Subcommittee on Accounts of the Committee on House Administration for their efforts in reducing the committee budgets in 1982.

While I am encouraged that the rate of committee budget increases has been slowed, however, I am very disappointed that any growth has been——

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. JAMES K. COYNE. I will be happy to yield to the gentleman if the Chair will advise me the purposes for which he would request my yielding.

The SPEAKER pro tempore. The gentleman from Illinois, the Chair senses, may want to make a motion and would the gentleman yield for that purpose?

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. JAMES K. COYNE. For the purposes of debate only.

The SPEAKER pro tempore (Mr. DE LA GARZA). The gentleman will yield only for the purpose of debate. The gentleman has 14 minutes of which he has consumed about 30 seconds.

Mr. ANNUNZIO. Mr. Speaker, I yielded to the other side for purposes of debate only and I am asking them to yield so that I could make a motion.

The SPEAKER pro tempore. The Chair can only inform the gentleman that the gentleman from Pennsylvania has been recognized for 14 minutes and the Chair must honor that recognition.

Mr. JAMES K. COYNE. I would like to advise the gentleman I would be happy to yield at the conclusion of my time. I have waited here patiently for an opportunity to speak. At the conclusion of my 14 minutes——

I will be happy to yield to the gentleman from Illinois.

□ 1640

Mr. ANNUNZIO. Mr. Speaker, I withdraw the resolution.

The SPEAKER pro tempore. The gentleman from Illinois withdraws the resolution.

GENERAL LEAVE

Mr. FRENZEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just withdrawn.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would be happy to entertain 1-

minute speeches, pending other legislative business. Any Member who did not avail himself or herself of the 1-minute period earlier in the day may do so now.

PERSONAL EXPLANATION

(Mrs. FENWICK asked and was given permission to address the House for 1 minute.)

Mrs. FENWICK. Mr. Speaker, yesterday I went to New Jersey for the funeral of our former Senator Clifford Case. I therefore missed the vote for the Potato Research and Promotion Act which passed the House yesterday by a vote of 361 to 8.

Had I been here, Mr. Speaker, I would have voted in favor of that bill, which costs the taxpayers nothing and has to be voted on for any expenses by the potato farmers themselves; so I would be happy to be recorded in favor of that vote.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute for the purpose of inquiring of the distinguished majority whip the program for the balance of the day and conceivably the balance of the week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield to me?

Mr. MICHEL. Yes; I am happy to yield.

Mr. FOLEY. I would like to advise the distinguished Republican leader that the business for today has been concluded and that also concludes the business for the week.

The program for next week is not ready for announcement yet. The House will meet tomorrow at 11 a.m. and at that time there will be an announcement of the business for the following week, I would advise the distinguished gentleman.

Mr. MICHEL. I thank the gentleman.

BACK DOOR NATURAL GAS PRICE DECONTROL

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DASCHLE. Mr. Speaker, the administration has announced President Reagan will temporarily delay introducing legislation to accelerate the decontrol of natural gas prices. This is welcome news for 47 million residential natural gas consumers and one-half of the Nation's commercial establishments which also rely on natural gas.

Unfortunately, Mr. Speaker, at the same time the President has chosen to temporarily delay the introduction of legislation which would accelerate natural gas price decontrol, the Federal Energy Regulatory Commission has adopted and is pursuing a policy which is clearly designed to achieve accelerated natural gas price decontrol through the back door. For example, the Federal Energy Regulatory Commission has proposed a 50-percent increase in the wellhead price of natural gas produced from between 10,000 and 15,000 feet. This 50-percent price increase, which would increase natural gas prices by an estimated additional $10 billion during the next 3 years, has been proposed under the pretext of providing more encouragement for natural gas exploration and production. Since 1975, the number of gas wells completed a year has increased by 100 percent and the number of drilling rigs in actual operation in 1981 continued the record-setting pace of 1980.

Mr. Speaker, the policy being pursued by the Federal Energy Regulatory Commission has been designed to accomplish accelerated natural gas price decontrol and avoid the hurdles of open public debate and a vote in Congress which decontrol legislation would encounter. The back door should be slammed shut.

Mr. Speaker, I am today introducing a resolution opposing the transparent back door accelerated natural gas price decontrol policy of the Federal Energy Regulatory Commission. I request the text of this resolution be printed in the RECORD at this point as well as a recent article by Washington Post staff writer John Berry describing the accelerated price decontrol policy being pursued by the Federal Energy Regulatory Commission.

H. RES. 382

Resolution expressing the sense of the House of Representatives with respect to the acceleration of wellhead natural gas prices.

Whereas 47 million residential consumers and one-half of the Nation's commercial establishments rely on natural gas;

Whereas accelerated decontrol of natural gas prices at the wellhead would cost residential and commercial consumers tens of billions of dollars, with a disproportionate adverse impact on the elderly and others on fixed incomes;

Whereas such decontrol would adversely affect major sectors of the Nation's economy, including agriculture, small business, and public services;

Whereas such decontrol would further jeopardize economic recovery, increasing unemployment, depressing economic activity, and accelerating inflation;

Whereas the number of gas wells completed annually has increased 100 percent since 1975;

Whereas sufficient incentives exist for the exploration and production of natural gas: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Federal Energy Regulatory Commission should take no action to accelerate the decontrol of wellhead natural gas prices.

AGENCY SEEKS EASED CONTROL OF GAS PRICES

(By John M. Berry)

The White House and Congress have pretty well shelved the decontrolling of natural gas prices in this election year, but the head of the federal gas regulatory agency is now seeking—on his own—to relax large segments of the controls.

At the instigation of its new chairman, C. M. (Mike) Butler, the Federal Energy Regulatory Commission shortly will propose a new rule that would lift the average price of all gas now flowing into the national distribution system by about a third.

The rule is a long way from being final, and even if FERC finally issues it, consumer groups will almost surely move to delay and defeat it in court. If put in place, it would cost consumers about $10 billion more for gas each year.

This rule would affect "old" gas, discovered before April, 1977. Old gas now makes up more than half of the gas in the system. Its average price likely would rise about two-thirds.

FERC also has proposed, with Reagan appointee Butler as the inspiration, a rule that would partially free the price of one kind of new gas; "near-deep" gas found between 10,000 and 15,000 feet underground.

Gas found deeper than that already is free of controls, on the theory that producers need a high price as an incentive to find it.

Congress partially decontrolled natural gas in the Carter administration, through the Natural Gas Policy Act of 1978. The theory was that it made no sense to hold gas prices down while oil and other energy prices were rising, that this would create artificial distortions in the marketplace, and that higher gas prices would provide incentives both to cut consumption and to increase production, lessening dependence on imported oil.

The NGPA was a compromise between those who wanted to lift controls entirely and those who wanted to preserve them on grounds that producers already were doing nicely and consumers ought not have to pay any more than before.

Under the act, new gas prices now are generally allowed to rise 4 percent more than inflation each year, and in 1985 they will be set totally free. Old gas prices are held about to the inflation rate now, and the law would continue this indefinitely. As old wells are depleted, however, this gas will be a shrinking share of total production.

President Reagan came to office pledged to speed up this compromise process of decontrol but has submitted no bill to do so, even though his own Cabinet council on natural resources has urged him to.

One reason he has hesitated is a lack of enthusiasm for further decontrol in Congress, even in the Republican Senate. The recession has been a deterrent, as are the forthcoming elections. And producers are not hurting. Average gas prices have nearly doubled since passage of the NGPA three years ago; they have gone up more than seven-fold since 1973.

Chairman James A. McClure (R-Idaho) of the Senate Energy Committee told the White House earlier this year it would have to send a bill to Congress before last week's recess to have any hope of passage this year. No bill was forthcoming.

A major oil company's expert said the industry had hoped Reagan would propose decontrol in his January State of the Union address or shortly thereafter. "Now we are regrouping for next year," he said.

At FERC, however, Butler is busily at work, and not simply in the name of producers, but to avoid what he says will otherwise be enormous distortions of the market when price controls come off new gas, but not old, in 1985.

First will come a huge one-time-only price spurt as new gas leaps to the so-called free market level. Then will come confusion, Butler says. Some gas prices will be quite high, some relatively low, and competing pipeline companies will have access to the high-priced and low-priced gas in widely varying amounts, depending on their suppliers.

Butler and others in favor of speeding up decontrol refer to this as a "market ordering" problem and say that those who are resisting decontrol have not faced up to it.

The chairman argues that ultimately, under the old-new two-tier pricing system, prices for new gas will be bid up well above the free market level, and that the average price of new gas and old will be about the same as if no controls remained.

"In our analysis, the consumer obtains no benefit from continuing price controls on part of the gas," he said.

Distributing companies with access to comfortable amounts of lower-cost old gas could afford to pay very high prices for the remaining amounts of new gas that they needed; their average price would still be within bounds.

But other companies might then end up less well off, Butler says. A pipeline with relatively little old gas could find itself forced to pay such a high price for so much new gas that it would begin to lose customers. Some users, particularly industrial customers able to use oil as an alternative fuel, would begin to switch because oil would be cheaper.

This multiple-price problem would be compounded by clauses in many current contracts under which, as soon as one producer in a region obtains a higher price, all producers there become entitled to it.

Butler said FERC has no power to deal with these contract clauses, which is one reason he wants Congress to face up to the decontrol issue. Since gas prices will be equally high under NGPA or full decontrol, in his opinion, Butler said, "What you have on your hands is an exercise in political damage control."

Since neither the president nor Congress seems anxious to plunge ahead, Butler is pressing his commission to increase prices of certain categories of gas under authority he says FERC has through the NGPA.

Last month, FERC published a proposed rule under which newly discovered gas found onshore and at depths between 10,000 and 15,000 feet could be sold for an "incentive" price equal to 150 percent of the price for most other new gas—about $4.50 per thousand cubic feet (mcf) instead of $3. NGPA says incentive pricing is in order if there are "extraordinary costs and risks" associated with finding and producing gas.

Butler thinks the existing rules are distorting drilling patterns because wells of less than 10,000 feet are relatively cheap to drill, while gas from wells deeper than 15,000 feet is uncontrolled and bringing up to $10 per mcf.

Gas in between has nothing comparable going for it. But Butler acknowledged that FERC must build a record in the current proceeding showing conclusively that an incentive price is needed.

Critics, such as Edwin Rothschild of Energy Action, an organization seeking to hold down energy prices, point to the great increase in drilling activity since passage of NGPA as ample evidence that no new incentives are necessary.

FERC also has the power under NGPA to increase the price of gas found before 1977 if it concludes that doing so is "just and reasonable."

That phrase comes from earlier legislation and was the key test of gas price control decisions made for years by the Federal Power Commission, the predecessor to FERC. Essentially, the FPC always took "just and reasonable" to be somehow related to the cost of finding and producing the gas, and federal courts upheld such a definition.

Soon FERC will propose a rule covering old gas that likely would have the effect of raising all of it to the highest price being paid for any of it. At present, some old gas sells for a little as about 25 cents per mcf, with the average at about $1.20.

Butler acknowledged that these two rulemakings are "testing the frontiers of the commission's authority." But he is going ahead because he sees a "substantial opportunity to rationalize the market by raising the price of flowing gas."

With the rules changes formally proposed, "the commission can begin collecting numbers under the court-blessed methodology [used by the FPC] and see what we come up with . . . . If the facts bear out my theory, the commission might have the opportunity to eliminate much of that old gas cushion" that will allow some pipelines to pay so much more for decontrolled gas after 1985 under current law, Butler said.

Some intrastate pipelines, having no such old gas cushion because the prices they could pay were not regulated until passage of NGPA, are already complaining that they cannot compete with interstate pipelines for new gas. Some in Texas recently had to curtail shipments because they could not afford to buy gas available to them, they said.

If Butler and other administration analysts are right in saying users will get no benefit from controls after 1985, then continuing them would hardly make sense.

However, the rigidities of the natural gas marketplace are such—gas is the only commodity of any consequence to which a transportation company takes title when it picks it up and then sells it to someone else, a distribution company, for resale—that average gas prices might still remain below the full-decontrol level, some energy economists point out.

In that case, consumers still would benefit. Presumably this, too, will be argued in the FERC proceedings Butler has touched off.

NUCLEAR WEAPONS FREEZE

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MARKEY. Mr. Speaker. I am proud to stand before the House of Representatives today, along with my colleague from New York (Mr. BINGHAM), to introduce a joint resolution for a nuclear weapons freeze and reduction. Already, 128 House Members have signed onto this bipartisan resolution as original cosponsors. Senators KENNEDY and HATFIELD are introducing an identical resolution in the Senate today.

It is clear that Members of Congress are hearing from their constituents on this issue. They are telling Congress that the United States and the Soviet Union are on a dangerous nuclear collision course.

Both sides have built up gigantic nuclear arsenals. Both sides are developing more and more sophisticated weapons that will be harder and harder to control in a crisis. Both sides are poised to heat up the arms race.

It all adds up to one frightening conclusion as far as the public is concerned:

We are on the verge of blowing ourselves off the face of the Earth.

The overkill the superpowers have amassed is mind-boggling. More than 50,000 nuclear warheads are stockpiled on both sides. It would take no more than several hundred of those warheads to effectively destroy life as the United States and the Soviet Union now enjoy it.

And now the United States plans to build more nuclear bombs—17,000 more bombs, the largest expansion in warhead production this country has seen in 20 years.

The next generation of United States and Soviet nuclear weapons, which will improve each side's ability to knock out the other's missiles in a nuclear exchange, promises to put a hair trigger on nuclear deterrence.

In other words, we are developing weapons that could push us into a nuclear war, not keep us out of one.

The arms race between the superpowers also leaves the Americans and Soviets little credibility in persuading other nations to forgo nuclear weapons. As it now stands, more than 30 nations have the capability to build the bomb. Pakistan is preparing to detonate a bomb. Iraq wants the bomb. Libya has a bid to buy the Moslem bomb.

By the end of this century, the question we may be asking ourselves is not "Who has the bomb?" but "Who doesn't?"

We are now looking down two paths. The first path is an arms buildup that will have us spending hundreds of billions of dollars on new nuclear weapons.

But in the end, all those new nuclear weapons will not buy our children a dime's worth of security.

The other path is to sit down with the Soviets and halt this mindless march toward a nuclear holocaust, to sit down and decide how to reduce this awesome capacity for destruction.

Across the country, religious leaders, business executives, lawyers, doctors, college students, and local legislators are organizing to demand a halt to the nuclear arms race.

Their message is clear: Enough is enough. The superpowers must reduce their arsenals.

We in the Congress must respond to that message. This resolution calls on the United States and the Soviet Union to negotiate a mutual and verifiable freeze on their nuclear arsenals and then begin major reductions.

We must now recognize that the best security for the buck lies at the negotiating table. Building more nuclear weapons merely buys us more trouble.

A freeze in the nuclear arms race followed by major reductions is urgently needed—before it is too late.

I include a copy of the resolution and the list of original cosponsors in the Record.

List of Cosponsors

Mr. Conte, Mr. Markey, Mr. Bingham, Mr. Tauke, Mr. Forsythe, Mr. Lowry of Washington, Mr. Long of Louisiana, Mr. Hamilton, Mr. Rodino, Mr. Addabbo, Mrs. Fenwick, Mr. Udall, Mr. Leach, Mr. Solarz, Mr. Anthony, Mr. St Germain, Mr. Kastenmeier, Mr. Beilenson, Mr. Waxman, Mrs. Chisholm, Mr. Edgar, Mr. Conyers, Mr. Foglietta, Mr. Mavroules, Mrs. Heckler, Mrs. Ferraro, Mr. McKinney, Mr. Moffett, Mr. Fauntroy, Mr. DeNardis, Mr. Richmond, Mr. Hollenbeck, Mr. Moakley, Mr. Marks, Mr. Clay, Mr. Bedell, Mr. Lehman, Mrs. Schneider, Mr. Albosta, Mr. Oberstar, Mr. Brown of California, Mr. AuCoin, Mr. Rahall, Mr. Barnes, Mr. Frank, Mr. Garcia, Mr. Lantos, Mr. Yates, Mr. McHugh, Mr. Mazzoli, Mr. Boland, Mr. Evans of Indiana, Mr. Ford of Michigan, Mr. Sabo, Mr. Weiss, Mr. Seiberling, Mr. Panetta, Mr. Studds, Mr. Swift, Mr. Savage, Mr. Peyser, Mr. Shannon, Mr. Wyden, Mr. Mottl, Ms. Oakar, Mr. Wolpe, Mr. Phillip Burton, Mr. Ottinger, Mr. Harkin, Mr. Dellums, Mr. Mitchell of Maryland, Mr. Gejdenson, Mr. Rangel, Mr. Miller of California, Mrs. Schroeder, Mr. Coelho, Mr. Dymally, Mr. Matsui, Mr. Vento, Mr. Bonker, Mr. Gore, Mr. Donnelly, Mr. Ratchford, Mr. Simon, Mr. Eckart, Mr. Ford of Tennessee, Mr. Kildee, Mr. Walgren, Mr. Wirth, Mr. Weaver, Mr. Reuss, Mr. Pease, Mr. Stark, Mr. Neal, Mr. Edwards of California, Mr. Smith of Iowa, Mr. Rosenthal, Ms. Mikulski, Mr. Bonior, Mr. Stokes, Mr. Schumer, Mr. Williams of Montana, Mr. Crockett, Mrs. Kennelly, Mr. Brodhead, Mr. Leland, Mr. William Coyne, Mr. Murphy, Mr. Biaggi, Mr. Russo, Mr. Shamansky, Mr. Synar, Mr. Green, Mr. Pepper, Mr. Early, Mr. Blanchard, Mr. Clinger, Mr. Lujan, Mr. Traxler, Mr. John Burton, Mr. Fowler, Mr. Jones of Oklahoma, Mr. Hughes, Mr. James Coyne, Mr. Minish, Mr. Smith of New Jersey, Mr. Dixon, Mr. Howard, Mr. Gray, and Mr. Horton.

H.J. Res. 433

Whereas, the greatest challenge facing the earth is to prevent the occurrence of nuclear war by accident or design;

Whereas, the nuclear arms race is dangerously increasing the risk of a holocaust that would be humanity's final war; and

Whereas, a freeze followed by reductions in nuclear warheads, missiles, and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war: Now, therefore, be it

Resolved by the House of Representatives and the Senate of the United States of America in Congress assembled,

(1) As an immediate strategic arms control objective, the United States and the Soviet Union should:

(a) pursue a complete halt to the nuclear arms race;

(b) decide when and how to achieve a mutual and verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems; and

(c) give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

(2) Proceeding from this freeze, the United States and the Soviet Union should pursue major, mutual, and verifiable reductions in nuclear warheads, missiles, and other delivery systems, through annual percentages or equally effective means, in a manner that enhances stability.

GUERRILLAS ARE THE THREAT IN EL SALVADOR

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DAN DANIEL. Mr. Speaker, the ongoing debate on the situation in El Salvador and the role our Government should play continues to consume much effort and generate more heat than light.

There is no question but that the Government of El Salvador is repressive. Those who seek to overthrow the present Government are likewise oppressive. The issue then becomes which faction represents a threat to our own Nation. Neither in and of itself is a threat but one—the guerrillas—are supported with military supplies by nations whose philosophy does represent a threat.

On Monday, March 1, the lead editorial in the News of Lynchburg, Va., carries an excellent message regarding this and it is respectfully requested that it be inserted in the Record at this time.

Mr. Reagan's First Duty: To Protect Our Interests

Critics of President Reagan's attempt to prevent a Communist takeover of El Salvador are quick to point out that he is supporting a regime that is ruthless and tyrannical.

They either don't understand, or don't care, what Mr. Reagan's responsibility is as President of these United States. As President, he is required to put the interests of this country ahead of all others.

And that's exactly what he's doing.

It is in the best interests of this nation that the Communists not be allowed to seize control of another Central American country. Look at the map. They already control Cuba and Nicaragua, and have a Marxist regime in Panama. The Soviet Union has turned Cuba into an air and sea base which blocks the U.S. Navy from the Caribbean and the canal we gave to Marxist Panama. In Nicaragua they have a base which, with Cuba seals off the gulf of Mexico on the east and west. If they succeed in capturing El Salvador, they would have another land, air and sea base on the west coast of Central America, near the western approaches to the Panama Canal, and which, with Nicaragua, cuts Central America in two. The President's critics seem not to care that the Soviet Union's satellites and allies are already a dangerous military threat to the soft underbelly of the United States—or that nowhere in the world does the United States pose such a threshold threat to the Soviet Union.

The Duarte government in El Salvador undoubtedly is repressive, cruel, and tyrannical. But it represents no threat to the U.S.

The Communists seeking to topple Duarte are at the very least, equally as repressive, cruel and tyrannical, and they DO represent a threat to the U.S.

Any President who does not act in the best interests of this country, who allows enemies to threaten it, is betraying his oath of office, and his country.

Mr. Reagan's critics are in many instances the same ones who condemned our attempt to help South Vietnam resist Communist aggression. In that country, you may recall, they demanded that we "negotiate" with the Communists over the life of South Vietnam. They understood that as soon as we sold out South Vietnam the Communists would march in with their armies and trample it. Now they are demanding that we "negotiate" with the Communists in El Salvador over the future of that country—and they know, also, where that would lead.

Curious lot, wouldn't you say? Communist agression, murder, repression, seems not to upset them. When anyone resists that aggression, however, he is accused of the very crimes the Communists commit!

Let's see if we've got this straight: Murder, repression, brutality, tyranny, is tolerable when committed by Communists. It is awful when committed by anyone else, and particularly those who resist the Communists, and we should help the Communists brutalize them.

That's how it comes out, and that should tell you something about these people.

FARM CASUALTIES

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WATKINS. Mr. Speaker and Members of the House, yesterday the other body, the Senate Budget Committee, was entranced and stunned. Its former Republican member who would have been the chairman this year, Henry Bellmon from Oklahoma, was the witness, and he was telling how his 3,200-acre farm had lost $231,176 in just 2 years. His troubles, he said, are a sample of what ails farmers everywhere—high interest rates.

"High interest rates are killing agriculture," he said, with the characteristic of the bluntness that he holds back in Oklahoma. If farmers cannot meet interest payments on their farms, many of them will have to be sold over the next 12 months. In the national interest, this must not be allowed to happen, the Senator stated. The former Senator from Oklahoma, who would have been the Budget Committee chairman this year if he had run for reelection, voiced contempt of President Reagan's economic policies. He stated that supplyside so far has meant less for the tax collector and more, much more, for the moneylenders.

As a Republican, he stated, it helps to know that our deficit is not like theirs, the Democrats, in the past years; ours have been bigger.

[From the Daily Oklahoman, Mar. 9, 1982]

REAGAN POLICIES RUINING FARMERS, BELLMON TESTIFIES

(By Allan Cromley)

WASHINGTON.—The Senate Budget Committee was entranced.

Its former ranking Republican member, Henry Bellmon was the witness, and he was telling how his 3,200-acre farm had lost $231,176 in two years.

His troubles, he said, are a sample of what ails farmers everywhere—high interest rates. "High interest rates are killing agriculture," he said with characteristic bluntness.

If farmers cannot meet interest payments on their farms, "many will have to be sold over the next 12 to 18 months," he said.

"In the national interest, this must not be allowed to happen."

The former senator from Oklahoma, who would have been Budget Committee chairman this year had he run for and won reelection, voiced contempt for President Reagan's economic policies although he said the President is still popular in Oklahoma.

He said he would like to hear from Sen. Orrin Hatch, R-Utah, a Reagan defender, about "the glories of supply side economics."

(Reagan's recovery program is based on the "supply side" theory that cutting taxes stimulates the economy enough eventually to make up for lost revenues.)

"Supply side so far has meant less for the tax collector and more, much more, for the money lenders," Bellmon said.

"As a Republican, it helps to know that our (deficit) is not like theirs (the Democrats' in past years). Ours is bigger."

Amidst laughter from Republicans and Democrats alike, he added, "Somehow the resulting high interest rates hurt just the same."

Then Bellmon unloaded on Secretary of State Alexander Haig for his veiled threats to impose an embargo on the Soviet Union (of which 80 percent would be on grains).

"The secretary of state should keep his mouth shut . . . He should button his lip. The last three presidents each declared export embargoes.

"Haig amounts to an embargo. Anytime he makes some careless threat of an embargo, markets crash."

"I have about decided to sell short everytime he goes to a meeting overseas."

When he had finished, Sen. Nancy Kassebaum, R-Kan., said approvingly, "As always, you are clear and concise."

Bellmon said that before he left the Senate he wrote Reagan a letter advising against the tax cuts. He said he got a "kiss-off type" reply from Caspar Weinberger, later to become Secretary of Defense.

Sen. Lawton Chiles, D-Fla., said, "You bring it down where we can understand. We get so many witnesses talking about microeconomics and macroeconomics and all those terms they love to toss around."

Practically forgotten was the testimony, just before Bellmon's, of Secretary of Agriculture John Block, who predicted that Reagan's policies will lead to an additional $3 billion to $5 billion in net farm income by the end of 1984.

Sounding almost as if he were talking to H&R Block, Bellmon laid out his farm operations, sparing little detail. He provided equations in his prepared text. One of several examples:

"450 cows times 85 percent calf crop equals 382 calves weaned. One-half (191) are steers weight 425 times 64 plus 7 (home value) equals $51,530.

"Heifers weight 375 times 56 equals 191 times $210 equals $40,110.

"Total—$91,640.

"450 cows times $318 annual cost per cow equals $143,100.

"Annual loss on cow operation—$48,460."

He told the committee, "We run one cow on 100 acres and fertilize twice using a total of 200 pounds per acre of 34-0-0 which costs $140 per ton."

There were no questions.

Declaring that his is a "reasonably well-run, efficient operation fairly typical of the southern Great Plains," he said, "in 1980, my last year in the Senate, the farm showed a loss of $128,862. Interest costs were $218,351.

"I planned to go home, take over, and change all that. I did, but not much. In 1981 the farm showed a loss of $102,307. Interest costs were $273,300."

He said he has reached his limit at the bank.

"When I increased my land debt last fall the (Federal) Land Bank manager told me, 'This is the last time. Don't come back next fall.' He has probably told lots of other operators the same.

"So with little prospect for operating profit in 1982 and no equity left in the land to support increased borrowing, I'm staying awake nights trying to figure how I will meet my land interest payments when they come due next January."

He said he can stand a loss "one more time" because of outside income. His Senate pension is $19,200 per year. He teaches at Oklahoma City University. He is on five corporate boards of directors. He does TV commentaries.

"I did not come here to whine and complain, rather to tell you how it is down on the farm and to say straight out that another two years like the last two and the United States will no longer be the bread basket of the world."

He added that he is not asking for more government support programs. The government already is "about as generous to farmers as the country should support."

What would he do if he were in the White House, he was asked during a hallway interview.

"I would announce that the great experiment hasn't worked and that it's time to reconsider. I would sit down with Congress and plan a coordinated approach."

He said he would raise revenues by delaying tax cuts, restrain some increases in defense spending, and suspend a planned indexing of income taxes which protects payers against bracket creep due to inflation.

One of Bellmon's few points of agreement with the administration was that such programs as food stamps, and subsidies for medical treatment should be cut.

He said he does not favor a constitutional amendment to balance the budget: "When I came here I was for (it) but after you live here for awhile you see how difficult it is."

Nor does he favor a moratorium on farm foreclosures, advocated by some senators.

"Undoubtedly, some operators for good cause will have to get out of the business."

He had five principal recommendations:

Expansion of loan authority of the Farmers Home Administration and the Farm Credit Administration, so as "to avoid panic selling of land."

Creation of an OPEC-like compact among the four major grain exporters—United States, Canada, Australia, and Argentina—to keep world prices up.

Refrain from any grain embargoes.

"Get ready for food price increases and resulting consumer anger. Americans are spoiled by cheap food. Help make them understand they have no cause to throw rocks at the grocery store if prices rise enough to provide producers a reasonable return. . . ."

He said the Republicans will "take a drubbing" in the 1983 elections if things don't improve by November.

"I don't see farmers getting mad at the president yet. The crunch will come in July and August at harvest time."

When a reporter noted that Bellmon seemed to have no magic solutions, he said. "Well, there aren't any. That was Reagan's problem. He thought there were some."

INVESTIGATIVE COMMITTEE FUNDING

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, we are considering a crucial issue today—that of Congressional Investigative Committee funding. Congress sets the pace for the rest of the country and we must set a good example with our budget. We are all concerned about reducing Federal spending and there is no better place to start than right here in the Halls of Congress.

The problem begins right here with the growth of our committee staff. Because of this growth, the staff must justify their salaries and positions. They are constantly generating new proposals, new legislation, and new ideas. We are seeing empires being built right before us and we must take action to cut this "stafflation."

The growth of the investigative staff budget has exploded from $6.8 million in 1971 to $39.6 million in 1981. Now the House Administration Committee is recommending a 1982 budget of $40,308,108. It is $4.1 million more than the actual 1981 expenditures which is equal to a 9-percent increase.

The staff size has also zoomed. In 1973, the House had 308 statutory staff and 570 investigative staff for a total of 878. But in 1981, these figures mushroomed to 761 statutory and 1,063 investigative staff for a total of 1,824. The Senate on the other hand, had a total staff size of 974 in 1981 which was a 12-percent cut from the 1980 figure of 1,108.

One thing to remember is that the investigative staff are in addition to the 30 statutory staff allowed each committee. The investigative staff are hired at the discretion of the chairman, not employed under civil service, have no required qualifications and very few are allotted to the minority. This last point is unlike the Senate where the minority is automatically allotted one-third of the staff. Also remember that the congressional office staff remains as is with 18 for each Congressman.

Specific examples of uncontrolled growth are numerous. Energy and Commerce had a budget of $1,474,000 in the 92d Congress which zoomed to the enormous figure of $7,458,000 in the 96th. The Merchant Marine and Fisheries Committee grew from $519,000 in the 92d to $3,176,245 in the 96th. During the same time period, the Agriculture jumped from $250,000 to $2,272,200. And the Rules Committee which only needed $5,000 in the 92d, escalated to the unbelievable amount of $1,134,000 in the 96th.

Staff size has also grown. For example, the District of Columbia is handled by a subcommittee in the Senate which had seven staff in 1980. But over in the House, we have a full committee with a staff of 41—nearly six times the number of people in the House committee to handle the same issues.

The Rules is another prime example of the result of uncontrolled stafflation. Thirty years ago, the committee had a staff of three. By 1972, this staff had doubled to six. But by 1981, the staff had increase nearly seven times to 44 in only 9 years. Merchant Marine is another example. In 1973 it had a staff of 22 but by 1981 it had nearly quadrupled to 82.

If we look at the workload of some of the committees we see that there is no relation between that and the size of the staff. Agriculture for example, reported only 3 more bills in the 96th Congress than in the 93d, but its average investigative staff size nearly quadrupled from 11 to 42. Foreign Affairs reported less than half of the number of bills in the 96th than the 93d, but had nearly twice the staff.

The issue is being brought to the floor under a combined resolution. Up until last year we were able to vote on each committee staff separately. Of the 24 committee staffs, 14 of them are grossly inflated. In order to protect these 14, they have it all in a combined resolution. Let the will of the House be to return this funding resolution to the committee and cut it back. But we urge that the cutback be on those committees which are so grossly out of line. For instance, the District of Columbia Committee has a total of 41 people on its staff while the Senate does the same work with 7 staff members.

On March 4, the Senate Rules Committee recommended that the staff funding levels remain at the 1981 figures. I am proposing that the House take the lead and vote for a 10-percent cut in the most flagrantly bloated committees. Not all committees need to be cut, but I think we should carefully scrutinize each committee and cut the necessary amount.

The Nation will be watching Congress to see how we vote on this issue. It is a vote choice between fiscal restraint and sacrifice or unnecessary expense to the American taxpayers with inflation.

Let us vote to cut budgets right here in our own staff. The House does not need 1,824 staff to handle the same legislation that the Senate handles with 974 staff members.

ANALYSIS OF SOVIET GRAIN EMBARGO

(Mr. ROBERTS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS of Kansas. Mr. Speaker, yesterday, the House Agriculture Committee held hearings on current efforts of this administration to expand our agriculture exports. We are, in effect, trying to piece together a shattered U.S. export policy, shattered because of a previously imposed grain embargo.

However, with the declaration of martial law in Poland, the debate over "food as a weapon" has been renewed. But, the record will show that trade sanctions simply do not work. The sanctions we imposed on the Soviets in 1980 did far more harm to our Nation than it did to the Soviets.

Until recently, a comprehensive study of the impact of the Soviet embargo upon the United States has not been available. However, last week Schnittker Associates, a Washington-based agriculture consulting firm, released an analysis of the 1980 grain embargo's impact on our own economy. The following report places dollar values on the economic losses suffered by citizens of this country as a consequence of utilizing food as a weapon to achieve foreign policy aims. I believe it should be required reading by my colleagues as well as those appropriate officials within the White House, State, and Defense Departments.

EFFECTS OF THE 1980 AND 1981 LIMITATIONS ON GRAIN EXPORTS TO THE U.S.S.R. ON BUSINESS ACTIVITY, JOBS, GOVERNMENT COSTS, AND FARMERS

(By Schnittker Associates)

SUMMARY

One. The President's action of January 4, 1980, suspending or stopping shipments of agricultural products to the Soviet Union, directly affected 13 million metric tons (mmt) of corn, 4 mmt of wheat and 1.3 mmt of soybeans and meal that was destined for the USSR in the 1979-80 shipping season. U.S. exports of those products in the 1980-81 season (July 1, 1980 to June 30, 1981) and subsequent years were also substantially reduced. While these effects at first were partly offset by increased exports to other countries, losses to industry, the government, and farmers were substantial.

Two. The principal effects of the action outside the farm sector itself were on inland transportation, ocean shipping, labor use, the U.S. balance of payments, federal expenditures, and personal income.

Three. Estimates of direct losses and costs in the affected sectors include these sectoral impacts:

Reduced value of inland transportation—$120 to $175 million,

Reduced value of ocean shipping—$240 to $365 million,

Balance of payments losses of up to $2.5 billion arising directly from lost exports, and up to $1.9 billion arising from lower unit values of all U.S. grain exports in 1980 and most of 1981.

Direct U.S. government costs of $1.5 billion for acquisition of additional commodities, and $1.0 billion for interest, storage, and handling arising from owning the commodities for a period of years.

Additional target price payments to wheat farmers of $375 million.

The most important impacts, however, were those that take into account not simply the above sectors that were directly affected, but producer and consumer sectors on a national basis. There we estimate losses of $11.4 billion in overall national output, 310,000 jobs, and $3.1 billion in personal incomes earned in the U.S.

IMPACT OF LOST EXPORTS TO THE U.S.S.R. IN 1980 ON THE U.S. ECONOMY

	Nationwide losses in—		
	Output (millions)	Employment (workers)	Personal income (millions)
Corn	$6,863	189,630	$1,806
Wheat	3,014	79,508	856
Soybeans	1,568	40,635	445
Total	11,445	309,773	3,107

Four. Indirect, intangible, and future effects of both the 1980 action and its unofficial resumption in 1982 have far reaching implications for the U.S.

The U.S. has become the residual instead of the principal supplier of agricultural products to the Soviet Union.

The U.S. may export only very small tonnages or perhaps no grain at all to the USSR in some future years under certain economic and political conditions.

It will be very difficult to negotiate a favorable U.S.-USSR grain agreement in view of export availabilities from other countries.

Encouraged both by an expanding world grain market in the 1970's and by U.S. "stop and go" export policies, other exporting countries have increased both their transport and loading capabilities and their grain production.

Five. A general trade embargo banning the export of U.S. goods to the Soviet Union in 1982 would almost inevitably cut off or seriously reduce this trade for many years. Such an action would be inherently an action whose direct impacts would fall principally on the farm sector and allied industries, since most of our exports to the USSR are of farm origin.

If such an action prevented the shipment of 24 mmt or 945 mil. bu. of corn over three years, plus 12 mmt or 441 mil. bu. of wheat and 3 mmt or 110 mil. bu. of soybeans, before it could be ended in (say) 1985, the overall economic costs would be as shown in the table below.

IMPACT OF LOST EXPORTS TO USSR IN 1982-85 ON THE U.S. ECONOMY

	Nationwide losses in—		
	Output (millions)	Employment (man-years)	Personal income (millions)
Corn	$16,588	458,346	$4,365
Wheat	11,474	302,731	3,260
Soybeans	4,814	124,740	1,368
Total	32,876	885,817	8,993

FLORIDA SENATE HONORS FRANKLIN D. ROOSEVELT

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am pleased to report that on the same day that we were having here in this Chamber a centennial celebration of the birth of President Franklin D. Roosevelt, the Florida State Senate, then in session, paid its tribute to the late President. On that occasion the distinguished chairman of the Appropriations Committee of the Senate, Hon. Jack Gordon, and Dr. William Rogers, a member of the history faculty of Florida State University since 1959, spoke movingly and eloquently of the great contribution of President Roosevelt to his country and the cause of freedom in the world.

I ask unanimous consent that their able remarks from the Journal of the Florida State Senate follow my remarks in the RECORD.

Senator GORDON. Mr. President, Senators, Saturday, January 30th, will be the one hundredth anniversary of the birth of Franklin Delano Roosevelt. I was sort of distressed as I looked through the Senate handbook and discovered there are only five of us here who would have been old enough to have voted for him at least once and probably not too many who can really remember the time he was President.

It is a significant memory for me because, first of all, it was the first presidential election in which I ever voted. It was in 1944, aboard a ship in the Pacific, voting absentee. I also have a very vivid memory of the day he died. I was in an infantry unit in Okinawa and we got out of our foxholes that morning and got the news. It was a time when we were faced daily with death of friends and buddies and yet the sadness of that day is something, shared by everyone, that I don't forget very easily.

Also, I happen to have a memory of his inaugural. I don't think anybody who really didn't live through the Depression and understand it can really appreciate the kind of impact that he and his administration had.

But I remember his inaugural. I remember, "The only thing we have to fear is fear itself", and listening to that on the radio in Detroit in a house that was about to be foreclosed and in a city where the banks had been closed for three or four months and where nobody really had any money. What happens when you go over a budget and you don't have any money, you print your own. The City of Detroit was paying its employees in script and if you went twenty miles outside into another city, you could discount that script for sixty or seventy cents, in order to have some real dollars because everybody wouldn't take the script.

When you come through experiences like that it obviously molds the way in which you look at government and the way in which you look at life.

I thought that since today there is a joint session of Congress, which is going on for the purpose of commemorating Roosevelt's birthday, that the least we could do here in a state that Roosevelt visited many times is have some few moments of examining that part of history. So, we asked Dr. Sliger if there weren't someone on the faculty at FSU who had a particular interest in the area. He suggested we get Dr. William Rogers.

It turned out that Dr. Rogers was not only a well-known local historian, but a very popular teacher and his knowledge of the south seems to make him one of the most popular teachers. The courses he instructs for the Center for Professional Development are among those most sought-after in the continuing education curriculum.

He has been a member of the FSU history faculty since 1959. He earned his Bachelor's and Master's degrees from Auburn. He is a native of Alabama. He got his PhD from the University of North Carolina and wrote his dissertation on the Populist movement in Alabama. The heritage of that Populist movement we occasionally, as a matter of fact, quite often, see here particularly among those of our members who come from North Florida.

Dr. Rogers, who is noted for his ability to blow away the dry dust of history is here today to try to bring alive some of the memories of Franklin Roosevelt. It is really a pleasure to introduce Dr. Rogers.

Dr. ROGERS: Franklin Delano Roosevelt was born at Hyde Park, New York, on January 30, 1882. He died at Warm Springs, Georgia, of a cerebral hemorrhage on April 12, 1945. In the remarkable career that spanned those sixty-three years, he is best known to us and to history as the thirty-second President of the United States. He would have been one hundred years old this Saturday.

FDR, as he was popularly called, came from Dutch and English ancesters who had settled in the Hudson River Valley in the seventeenth century. In 1887, when he was five, Roosevelt was introduced to the then President, Grover Cleveland. Patting Roosevelt's head, Cleveland said, "My little man, I am making a strange wish for you. It is that you may never be President of the United States."

FDR was brought up as an aristocrat. The family mansion overlooked the Hudson River, and he spent quiet summers in England, had governesses and private tutors, went to prep school at Groton, and was an undergraduate at Harvard. He was athletic, active in campus activities, and popular with his classmates, but he was not a brilliant student. At Harvard Roosevelt edited The Crimson and graduated in 1904. Later, he attended law school at Columbia University, was admitted to the bar in 1907, and practiced law in New York.

In 1905, he married his distant cousin, Eleanor Roosevelt. They would have six children. Eleanor's uncle, Theodore Roosevelt himself, came to New York to give the bride away. In 1910, FDR entered politics, and, campaigning in a red Maxwell convertible, was elected to the state Senate. FRD always liked to drive fast—to the later dismay of secret service agents. Roosevelt had a lifetime love for the sea and for ships. From 1913-1920, he happily served as Assistant Secretary of the Navy.

We know now about the affair between FDR and Lucy Mercer (later Mrs. Winthrop Rutherford). Lucy was Eleanor's part-time social secretary. The affair began, apparently, in 1917 Eleanor found out and threatened a divorce. At that time such a scandal would have ruined the career of any aspiring politician, and so the affair ended. In later years they met at different times, and there is no doubt but that the episode permanently scarred the relationship between Eleanor and Franklin.

Tall, slender, handsome, and articulate, Roosevelt was named as James M. Cox's running mate in 1920. The National election was a disaster for the Democrats and a landslide victory for Warren T. Harding and the Republicans. The defeated Vice Presidential candidate wrote to a friend: "Franklin D. Roosevelt, Ex V.P. Canned. (Erroneously reported dead)."

Roosevelt's political career seemed ended in 1921. After swimming in the cold waters of the Bay of Fundy off Campobello Island where the family had a summer home, he had an attack of polio. Seemingly, he was a has-been at thirty-nine. Yet he made a courageous physical comeback. Even so, he would never work again without the use of crutches and by wearing heavy iron braces. During his recovery, Roosevelt was helped and encouraged by his wife and by Louis Howe, an Albany journalist. He discovered the waters of Warm Springs, and the small Georgia town became a haven for him.

Roosevelt had dash and flair like his fifth cousin Teddy. In 1924, he laboriously made his way to the podium of the national Democratic convention and placed the name of Governor Al Smith of New York before the delegates. FDR called him the "Happy Warrior." Smith had to wait until 1928 to get the nomination, and then he lost to Herbert Hoover. That same year, Roosevelt was elected governor of New York. This placed him in the national limelight and made him a contender for the Democratic nomination in 1932.

Meantime, the Great Depression hit with devastating impact, and rightly or wrongly, Hoover got the blame. We were in the most severe economic crisis in our history. Unemployment and breadlines were daily watchwords. FDR renewed his quest for the nomination, and aided by James A. Farley, a political wizard who knew everybody and signed his chatty letters in green ink, got it. Accepting the nomination, Roosevelt promised us a New Deal.

In 1932, most of us knew nothing about FDR. He seemed slightly snobbish, and he certainly spoke in patrician tones. Walter Lippman, the nation's most respected political analyst, wrote of FDR that, "He is a pleasant man who, without any important qualifications for the office, would very much like to be President." Roosevelt, according to Lippman, "simply does not measure up to the tremendous demands of the office of President."

Roosevelt not only won the nomination, he won the election. At his inauguration he told us that the only thing we had to fear was fear itself, "nameless, unreasoning, unjustified terror which paralyzes efforts to convert retreat into advance." Congress was called into special session for the famous, "Hundred Days", and the nation got an unprecedented amount of legislation designed to combat and get us out of the Great Depression.

We got the National Industrial Recovery Act, the Securities and Exchange Act, the Civil Works Administration, the Tennessee Valley Authority, the Agricultural Administration Act. A Civilian Conservation Corps was established and so was a Public Works Administration. Still later would come the National Labor Relations Act, the National Youth Administration, the Social Security Act, the Works Progress Administration, and many others.

Since Roosevelt was elected four times, we can conclude that his political abilities were exceptional, brilliant, and probably touched with genius. He had a streak of engaging good humor, surface geniality, and the gift of dramatizing political issues. Opponents saw him as cynical, vindictive, devious, a doubledealer, a man with an insatiable thirst for power. Admirers viewed him as warm-hearted humanitarian, courageous, and magnanimous. The truth lay somewhere between the extremes, but he was a highly complex personality.

Roosevelt was a pragmatist. He said, "It is common sense to take a method and try it; if it fails admit it frankly and try another. But above all, try something." In truth, the New Deal became an intricate set of compromises. After the New Deal the government would never again be considered a mere umpire for economic and social activity. It became a participant.

Roosevelt was a magnificent speaker. His fireside chats were called exercises in mass hypnotism. Americans huddled around their radios listening to FDR speak really thought he was talking to them personally. In the bleak 1930's, we welcomed a voice of concern.

Not surprisingly, he inspired both love and bitter hatred. We wrote him letters like we had never written letters before. We certainly pulled no punches. One person wrote: "Dear President Roosevelt: I'm proud of our United States and every time I hear the 'Star-Spangled Banner' I feel a lump in my throat. There ain't no other nation in the world that would have sense enough to think of WPA and all the other A's." Another wrote, "My dear sir: It is expensive and a headache to have a playboy as President. Wipe that grin off your face." And so it went. One wrote, Dear Honored Mr. Roosevelt: I never saw a President I would write to until you've got in your place, but I have always felt like you and your wife and your children were as common as we were." Another sincere and earthy tribute came from a tired textile worker in North Carolina who wrote FDR, "You're the only President we've ever had who would understand that my boss is a S.O.B."

Roosevelt did not pull the country out of the depression, but his confidence gave us confidence. He was flamboyant and charismatic. He projected an image of caring. If some of his programs failed, others succeeded. The jaunty thrust of this face, which led some to call him moosejaw, pleased most of us voters. If he wanted to wear pince-nez glasses, use a long cigarette holder, and drink two old fashions a day, we didn't care.

His reelection in 1936 was mind-boggling. He carried every state except Maine and Vermont. After the votes were counted someone hung a large banner across the highway leading from New Hampshire into Maine. It read, "You are Now Leaving The United States."

By the late 1930's, the domestic New Deal waned, and foreign affairs became uppermost. We know that Roosevelt broke historical precedent in 1940 when he became the first President to be elected for a third term. He was reelected for a fourth term in 1944. FDR presided over the nation's fortunes during World War II. The crises, the tension, the responsibilities—all were demanding and all took their toll. He was a highly successful commander during the conflict, and both friends and foes concede that in many ways he was a casualty of the war.

Although FDR looked terrible in his last months, his sudden death shocked us all. It upset me as a boy in a rural town in South Alabama. It simply was unacceptable. Any other man as President was inconceivable.

Yet he was dead. Roosevelt was mortal. He was flesh and blood. He certainly made mistakes, but he is one of the giants of the twentieth century. This enigmatic personality was truly a world leader. It is a measure of the man that many people in the United States refer to his era as the "Age of Roosevelt."

Thank you very much.

THE ADMINISTRATION MUST REAFFIRM COMMITMENT TO NUCLEAR NONPROLIFERATION

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, on Monday, the Washington Post lead editorial, under the heading "A Nuclear-Armed Latin America?", revealed an extraordinarily disturbing set of developments concerning the proliferation of nuclear weapons.

It has been known for some time that the military regimes in Argentina and Brazil were undertaking to develop the capability of producing weapons grade nuclear materials. It now appears that Mexico may do likewise.

According to the editorial, the competition to provide enrichment and processing technology has put the Reagan administration in the position of including in its bid to supply such technology to Mexico a promise of follow-on cooperation in advanced weapons-related technologies. Furthermore, the editorial charges that the administration appears to have made no effort to reach agreement among the potential supplier countries not to undercut each other by offering weapons-related technologies. The editorial concludes:

> But there is more than a little evidence that, without American objection and perhaps even with tacit American encouragement, the impediments to the spread of nuclear weapons to even more countries are being dismantled—or just roughly shoved aside.

Mr. Speaker, one must hope that the fears expressed in the editorial turn out to be unfounded. One of the key premises in the expansion of U.S. uranium enrichment capability, an expansion which I support so long as that premise is valid, is the belief that if the United States remains a reliable supplier of reactor fuel to other countries, it will be in the best position to impose conditions limiting the spread of nuclear-grade materials and nuclear weapons themselves. However, our positions as a supplier of both nuclear-reactor fuel and processing technologies must be utilized effectively if it is to achieve the objective of curbing proliferation of nuclear weapons.

Before he became President, Mr. Reagan was quoted as saying that nuclear weapons proliferation by other countries was none of our business. Now that he is President, he must surely no longer hold such a view. In any event, it is important that he and his administration promptly and publicly reaffirm this Government's commitment to use all reasonable means at its disposal to discourage the spread of nuclear weapons. I call upon the President and the Secretary of State to do so as promptly as possible. If they do not, there is likely to be a rapid erosion of support for the continued expenditure of large sums of money to develop a uranium enrichment capability that already exceeds projected domestic needs.

The full text of the Washington Post editorial follows these remarks:

[From the Washington Post, Mar. 3, 1982]

A Nuclear-Armed Latin America?

There is a strain of trouble spreading in Latin America that is potentially at least as serious as the fighting in Central America, although it has received little public or diplomatic attention. It is an accelerating interest on the part of several countries in acquiring nuclear weapons technologies and perhaps the weapons themselves.

Argentina is the leading nuclear power in Latin America. It has refused to sign either the worldwide Nuclear Non-Proliferation Treaty or the regional Treaty of Tlateloco, which would establish a nuclear-weapons-free zone in the area. The Argentine government has hinted for some time that it has the ability to build atomic weapons and has refused to renounce so-called "peaceful" nuclear explosions. Last week, the director of Argentina's atomic energy program, Adm. Castro Madero, went further than official spokesmen have in the past, saying his country might want to use nuclear explosions for such enterprises as mining and canal construction. Adm. Madero's statement could be laying the groundwork for an Argentine nuclear test.

Rumors have been circulating for some time of complaints raised at the International Atomic Energy Agency about Argentine activities, including an illegal diversion of fuel from its safeguarded reactor. Argentina is also building an unsafeguarded heavy water reactor capable of producing large quantities of plutonium, the optimal weapons fuel. Administration spokesmen now put

Argentina near the top of the list of potential new nuclear powers.

Speaking of the optimal weapons fuel, across the border, Brazil has built an unsafeguarded pilot reprocessing plant and is working on a breeder reactor. These projects, which rely on German and Italian aid, will make Brazil self-sufficient in plutonium. In addition, projects that are Brazilian-built and -run are also under way, and the intention seems to be to achieve self-sufficiency in every stage of the nuclear fuel cycle. At an air force facility, construction of centrifuges for uranium enrichment (the method being used covertly by Pakistan) is reported to be taking place in a bomb-proof building. The country's fourth major nuclear center is under contruction by the army. All of this is happening at once, despite severe strains on the Brazilian economy and a crushing foreign debt.

Both Brazil and Argentina are also becoming nuclear suppliers to other nations in their own right. Within their capabilities, each appears eager to supply whatever its customers want. Brazil has an extensive agreement with Iraq that may have included the secret supply of nuclear fuel for irradiation in Iraq's now destroyed research reactor. It expects the Iraqi agreement to be first of several with Middle Eastern countries. Argentina has signed nuclear cooperation pacts with several Latin nations and has built a research reactor in Peru.

In fact, there may no longer be much need for non-nuclear weapons states even to worry about the major suppliers' reluctance to export weapons-related technologies and materials to them. If the German and Italian programs in Brazil are not sufficient evidence of a renewed willingness to exchange long-term security for immediate commercial advantage, there is the bidding war under way in Mexico. Those who now are competing to become the supplier to Mexico's ambitious nuclear reactors program have been asked to provide the Mexicans with access to advanced technologies including enrichment and reprocessing.

The American bid includes extensive manpower training, an as yet undefined promise of "follow-on cooperation" in advanced weapons-related technologies, and a stated interest in Mexico's "becoming a close partner," presumably with rights to the extracted plutonium, in the administration's hoped-for American reprocessing plant. There is not a word about this country's non-proliferation goals or a hint that any technology may be considered by the government to be inappropriate for export. To public knowledge, the United States has made no effort to reach agreement among the suppliers not to undercut each other by offering weapons-related technologies. It seems likely that by the time Mexico reaches its decision later this year, the informal suppliers' agreement not to export such technologies reached a few years ago will have been abandoned without any serious effort having been made to rescue it.

The attempt to inhibit the spread of nuclear weapons is not an all-or-nothing proposition. It is a continuing drive to restrict the number of nuclear-armed nations, to minimize the amount of plutonium in international commerce and to build political incentives not to acquire nuclear weapons. It is (or was) an effort to slow an obviously dangerous international trend. But there is more than a little evidence that, without American objection and perhaps even with tacit American encouragement, the impediments to the spread of nuclear weapons to ever more countries are being dismantled—or just roughly shoved aside.

DAIRY SYMPOSIUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. JEFFORDS) is recognized for 5 minutes.

● Mr. JEFFORDS. Mr. Speaker, I rise to commend the Secretary of Agriculture, John Block, on a recent speech that he gave at the Western States Dairy Conference in Seattle, Wash., on March 3, 1982.

During the House-Senate conference debate on the 1981 farm bill, I asked the administration to develop a program that would penalize those regions the most which contribute the most to the overproduction of milk. Because the administration failed to develop such a proposal, I, as well as many of my colleagues, accepted a level of milk supports that would not cause serious economic problems in those production regions where supply and demand for milk and milk products has been in relative balance. One of those regions is the New England States, especially my own State of Vermont. January milk production in my State, according to the U.S. Department of Agriculture, was 2 percent less than the 1981 production level for the same month and 1 million pounds less than the 1980 level of production for the same month.

In his speech, the Secretary perceptively recognizes that—

> The Western States must share their fair responsibility for this problem (overproduction). California alone accounted for 24 percent of CCC butter purchases last year * * * and 26 percent of the dry milk purchases. Four Western States—and I am referring to California, Idaho, Oregon, and Washington—accounted for 31 percent of our total CCC purchases and 38 percent of our nonfat dry milk purchases last year.

The Secretary thus recognizes the regional disparity in production, and, I am convinced, is working toward developing an equitable solution. I support and endorse his call for a 2-day national dairy economics symposium to be held in Kansas City later this month in order to discuss ways to bring milk production under control in an equitable manner.●

A NEW PROPOSAL ON ANTITRUST CONTRIBUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. McCLORY) is recognized for 5 minutes.

● Mr. McCLORY. Mr. Speaker, it is my privilege to introduce today a new proposal drafted by the Department of Justice which would allow the equitable apportionment of damages in civil actions brought for violations of the antitrust laws. This bill, like other proposals on the same subject, has the major virtue of providing those charged with antitrust wrongdoing with fair treatment. Under present law, each person charged with an antitrust violation may find himself liable for treble the unjust gain of all others who participated in the same violation. Thus, for him personally, the damages may far surpass three times his own unjust enrichment. With the advent of nationwide class action suits on behalf of all injured parties, the unfairness can be staggering.

However, like other bills, this proposal has the major flaw of creating a mechanism which unavoidably complicates and extends litigation that already is extraordinarily complex and time consuming. The rub is not so much the burden such proposals place on the court as on the plaintiffs. My fear is that a new mechanism for contribution rights will be used to obstruct the cause of injured parties seeking justice in the courts. If victims must wait while scores of impleaded defendants depose each other, the very goal which prompts us to consider these proposals may elude us.

Unlike the other proposals, the one which I introduce today acknowledges this major problem. It addresses this problem by requiring that the court resolve contribution questions only after liability has been established. This is a beginning, at least. Of course, the problem of delay by discovery remains unanswered. Nevertheless, this proposal seems preferable to H.R. 1242 and H.R. 4072 which the Committee on the Judiciary has been considering in this Congress since it does recognize and address the broader question of fair treatment for both plaintiffs and defendants.

But the Justice Department proposal deserves even greater praise, in my opinion, for being the first to apply contribution principles generally for all antitrust violations and not limit coverage to price-fixing violations. If the purpose of creating a right of contribution is to foster justice, how incongruous it is to exclude from our providence all violators except the most heinous, those who fix prices. The bills we have considered do exactly that. The proposal I introduce today would rectify that incongruity.

Unfortunately, in this area, every step forward has a puddle underneath. Violations other than price fixing and the like are not susceptible to easy apportionment of liability for damages. When plaintiffs and defendants do not know where they stand, they are less likely to settle and more likely to go to court. Thus there are social and financial costs to extending contribution beyond price fixing.

But as in all matters the costs and benefits must be weighed. The committee has its work cut out for it as it grapples with this difficult matter in the days ahead. I believe that the necessary discussion and debate will be enriched by thoughtful consideration of the proposal I introduce today.●

MOUNT ST. HELENS LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington, (Mr. BONKER) is recognized for 10 minutes.

● Mr. BONKER. Mr. Speaker, the House Interior and Agriculture committees this week will begin hearings on legislation to create a national volcanic area around Mount St. Helens. The Senate Energy Committee also will begin its hearings.

This designation is important to the tourism industry, scientific and environmental communities, timber interests, Washington State, and visitors to the mountain from throughout the Nation.

Though the many interest groups have diverse ideas as to the size of a statutory volcanic area and the way in which it should be managed, nearly all agree that legislation is necessary.

Writing legislation to accommodate all the interest groups has been no easy task. This is why I introduced H.R. 5281, a 110,000-acre proposal paralleling Governor John Spellman's long-range planning committee.

This task force looked at every aspect of establishing a volcanic area, including tourism, forest and stream rehabilitation, scientific research, forest fire protection, ecological protection, and recovery of communities near the mountain.

I introduced H.R. 5281 because I firmly believe it is a sound beginning for Congress to consider as a statutory volcanic area. The Governor's proposed boundary adds some crucial areas to the Forest Service's preferred alternative, including areas around Miners Creek, portions of the upper Green River, along the South Fork of the Toutle River and in the upper Bean and Smith Creek drainages.

Currently, the boundary of the Gifford Pinchot National Forest does not extend to cover even the Forest Service's proposed volcanic area. Therefore, the Forest Service has no authority to make land exchanges for the private and State landholdings within the proposed designations.

Meanwhile, several entities have millions of dollars worth of blown-down timber within all the proposed boundaries. Unless Congress acts quickly to grant new exchange authority, these parties will be forced for economic reasons to salvage timber in the most crucial areas around the volcano.

Salvage within these crucial areas would preclude many scientific studies and would spoil the lands that should be preserved for visitors.

The boundary incorporated in H.R. 5281 would preserve these crucial areas, while protecting the interests of the many small mills which depend on National Forest lands for timber.

Also important, the area will enable the hard hit areas such as Longview to diversify their economies by building a sound tourism industry.

I recognize that there are other proposals which deserve consideration by the Congress.

By request, I am introducing two of them today.

The first, written by Senators JACKSON and GORTON, goes a long way in addressing the need to equitably compensate through land exchanges the timber interests within the national volcanic area. The Senators' legislation incorporates the Forest Service's 85,000-acre boundary.

The second proposal I am introducing is the work of the Mount St. Helens Protective Association and several national environmental groups, including the Audubon Society and Sierra Club. Its boundary is 216,000 acres.

The Protective Association has been working since long before the eruption of Mount St. Helens to designate the area around Mount St. Helens as a national monument. Lu Moore and Susan Saul are among the many who have tirelessly pursued this effort.

I believe it is the role of Congress, and my role as the representative of the most heavily impacted areas around the mountain, to forge a compromise that all interests can live with.

At this time, I include the Senators' bill in the RECORD, followed by the Protective Association's bill:

MOUNT ST. HELENS NATIONAL VOLCANIC AREA ACT OF 1982. (AS INTRODUCED BY SENATORS JACKSON AND GORTON).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That this Act may be cited as the "Mount St. Helens National Volcanic Area Act of 1982."

DESIGNATION OF NATIONAL VOLCANIC AREAS

SEC. 2. (a) That in furtherance of the purposes of this Act, certain lands within and adjacent of the Gifford Pinchot National Forest, Washington, which comprise of approximately 84,700 acres, as generally depicted on a map entitled "Mount St. Helens National Volcanic Area, October 15, 1981," are hereby designated as the Mount St. Helens National Volcanic Area (hereinafter referred to as the "Volcanic Area").

(b) As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall file a map and a legal description of the Volcanic Area designated under subsection (a) with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives. Such map and description shall have the same force and effect as if included in this act: *Provided,* That correction of clerical and typographic errors in such legal description may be made.

EXTENSION OF NATIONAL FOREST BOUNDARY

SEC. 3. (a) The exterior boundary of the Gifford Pinchot National Forest in the State of Washington, is hereby modified to include approximately 20,000 additional acres in Cowlitz County, as generally depicted on the map referenced in Sec. 2 of this Act.

(b) For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, the boundary of the Gifford Pinchot National Forest, as modified by this section, shall be treated as if it were the boundary of that forest on January 1, 1965

ADMINISTRATION

SEC. 4. (a) The Volcanic Area designated by this Act shall be administered by the Secretary in accordance with the provisions of this Act, appropriate laws pertaining to administration of the National Forest System, the Mount St. Helens Management plan prepared by the Forest Service, U.S. Department of Agriculture of subsequent revisions of that plan, or other applicable forest plans prepared in accordance with existing law.

(b) In furtherance of the purposes for which the Volcanic Area is established, the Secretary is authorized and directed to acquire all non-federal lands and interests therein within the boundaries of the Volcanic Area by exchange, purchase with donated or appropriated funds, or donation. *Provided,* That any lands owned by the State of Washington or any political subdivision thereof may be acquired only by exchange or donations.

(c) In recognition of the rapidly deteriorating nature of much of the timber in the Volcanic Area, any timber acquired pursuant to this section shall be valued at an amount not less than the fair market value of such timber on July 1, 1982.

(d) Lands and interests therein acquired pursuant to this section shall become National Forest System Lands under the jurisdiction of the Secretary to be managed in accordance with the provisions of this act and other laws applicable to the management of the National Forest System.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There is hereby authorized to be appropriated for such sums as may be necessary to carry out the provisions of this Act.

THE MOUNT ST. HELENS NATIONAL MONUMENT ACT OF 1982

A bill to establish a Mount St. Helens National Monument, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mount St. Helens National Monument Act of 1982."

FINDINGS

SEC. 2. The Congress finds that—

(a) Mount St. Helens is a resource of international significance, with inestimable scientific value, and vast potential educational and recreational benefits for the people of the world;

(b) the resource includes, but is not limited to, the geologic features of the lateral blast and avalanche of the 1980 eruption, recent and prehistoric lava, mud and pyroclastic flows, tephra deposits, lava caves, batholiths, intrusive plugs and other igneous features, and the creation of new lakes and river courses; ecologic features such as oldgrowth forests, meadow, riparian and alpine communities, natural reestablishment of forest and other vegetational cover and associated wildlife in areas both severely impacted and those essentially undisturbed by the 1980 eruptions, and other ecological responses to previous geologic processes; and cultural resources from prehistoric, historic and recent time;

(c) the vicinity of Mount St. Helens has always been a scenic and recreational attraction of national reknown, and continues to be such, although safety considerations may presently limit actual public access into the entire area;

(d) that for the benefit and enjoyment of present and future generations of the American people a comprehensive area surrounding Mount St. Helens, which contains both unique ecologic and geologic features, communities and landforms, and those which, by contrast, are characteristic of the region, should be preserved, for it is from such a spectrum that we reap the greatest scientific, scenic, educational and recreational benefits.

ESTABLISHMENT OF THE NATIONAL MONUMENT

SEC. 3. (a) In order to properly protect the resources and to provide for public enjoyment and interpretation of the features described in Section 2, there is hereby established within the State of Washington a Mount St. Helens National Monument (hereinafter referred to as the Monument) of approximatley 216,000 acres, located within the boundaries as depicted on a map entitled "Proposed Mount St. Helens National Monument," dated February 15, 1982, a copy of which shall be on file and available for inspection in the Offices of the Forest Service, Department of Agriculture.

(b) As soon as practicable after enactment of the Act, the Secretary of Agriculture (hereinafter referred to as the Secretary) shall file a map and legal description of the Monument designated under section 3(a) with the appropriate Committees of Congress. Such a map and description shall have the same force and effect as if included in this Act: *Provided*, That corrections of clerical or typographical errors in such documents may be made.

(c) The Secretary shall administer the Monument as a separate unit of the National Forest System, in accordance with the appropriate laws pertaining to such units of the National Forest System, and in accordance with the provisions of this Act.

(d) The Secretary is authorized and directed to acquire all non-Federal real property and interests therein, including exisiting leases, easements and cooperative agreements, within the exterior boundaries of the Monument by purchase, exchange or donation: *Provided*, That acquisition of lands owned by State and Federal Governments shall be by exchange or donation.

The value of the real property shall be set as of July 1, 1982. The Secretary is further directed to enter into interim agreements to acquire the real property at a later date in order to prevent human alteration of the natural features of the Monument.

(e) The Secretary is authorized and directed to acquire sufficient property outside the Monument boundaries as delineated in section 3, and with Cowlitz County of the State of Washington, to establish administrative, interpretive, scientific and other facilities needed in the furtherance of the purposes of this Act.

(f) Subject to valid existing rights, all lands and waters within the Monument are hereby withdrawn from disposition under the public land laws, and from location, entry and patent under the United States mining laws, and from the operation of the United States mineral leasing laws, and from the operation of the Geothermal Steam Act of 1970. No commercial timber harvest or water resource developments shall be allowed within the Monument.

MANAGEMENT OF THE MONUMENT

SEC. 4. (a) The Secretary shall manage the Monument to preserve the geologic, ecologic and cultural resources found there in as natural a state as possible, allowing primarily natural geologic forces and ecological succession to continue unimpeded: *Provided*, That actions may be taken to control fire, insects, diseases and other agents that might endanger irreplaceable features within the Monument or would cause substantial damage to significant resources adjacent to the Monument, or would endanger human life: *Provided further*, That any such actions shall be the minimum necessary to prevent or reduce the unacceptable damage, based on a written finding of need and assessment of alternative courses of action.

(b) The Secretary is directed to prepare within two years of enactment of this Act a management plan for the monument in accordance with the provisions of this Act. Such a plan shall be developed with full public involvement, in compliance with the National Environmental Policy Act of 1969 (Pubic Law 91-190), and in consultation with the State of Washington. The plan shall include contingency plans that address anticipated threats to life and property.

(c) The Secretary shall provide, as safety allows, recreational and interpretive facilities for the use of the public which are compatible with the purposes for which the Monument was established, and may assist local governmental agencies within Cowlitz, Skamania and Lewis counties with related interpretive programs: *Provided*, That roads or other developed facilities shall be located primarily in areas that were developed prior to the 1980 eruption and are still readily apparent on the ground, and that other roads no longer needed for proper administration of the Monument shall be obliterated by man-made actions or by allowing natural forces to occur. The Secretary shall also allow legitimate scientific studies to be undertaken: *Provided*, That such scientific studies shall cause minimum alteration to the natural condition of the Monument.

(d) In order to protect the Monument's resources, reduce user conflicts and ensure visitor safety, the Secretary is authorized to control times and means of access and use of the Monument or parts thereof: *Provided*, That nothing in this Section shall be construed as to prohibit the use of motorized vehicles, aircraft or motorboats for emergency and other essential administrative functions, or for legitimate and necessary use of authorized scientists.

(e) In furtherance of the purposes of this Act and of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132), the Secretary shall, within ten years after the date of enactment of this Act review the roadless lands within the Monument as to their suitability for preservation as wilderness and report his findings to the President. The Secretary shall conduct his review, and the President shall advise Congress of his recommendations in accordance with the provisions of subsections 3(b) and 3(d) of the Wilderness Act, except that any reference in such subsections to areas in the National Forests classified as "primitive" shall be deemed to be a reference to the roadless lands within the Monument designated by the Act, and except that the President shall advise the Congress of his recommendations with respect to such areas within ten years after the date of enactment of this Act: *Provided*, That the Secretary shall maintain the wilderness character of such roadless lands until Congress has acted upon the President's recommendations.

(f) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Washington with respect to fish and wildlife in the national forests: *Provided*, That fish and wildlife management actions shall not conflict with the purposes for which the Monument was established.

IN LIEU PAYMENTS TO COUNTIES

SEC. 5. The counties of Cowlitz, Skamania and Lewis in the State of Washington are hereby entitled to payments from the United States Treasury in lieu of taxes, as provided in the Act of 1976: *Provided*, That any assessment of fair market value shall be as of the date of enactment of this Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 6. There are hereby authorized to be appropriated after October 1, 1982 such sums as may be necessary to carry out the provisions of this Act.●

INTRODUCTION OF TARIFF SUSPENSION BILL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Oregon (Mr. AuCOIN) is recognized for 5 minutes.

● Mr. AuCOIN. Mr. Speaker, the mentally and physically handicapped face difficulties incomprehensible to most of us. Yet, as we have seen time and time again, a little help from someone who cares can destroy the barriers that block handicapped participation in some of life's most rewarding activities.

The Special Olympics helps destroy those barriers. Last year 750,000 handicapped people enjoyed the rewards of athletic competition. With caring help, the Special Olympics created unrivaled opportunities for these people to compete; in 19,000 communities in this country handicapped athletes trained and struggled knowing that some day they might earn a place in the International Special Olympic games.

Today, I am introducing legislation with my colleague from Oregon (RON WYDEN,) which enhances these competitive opportunities. Our bill modifies U.S. tariff laws to allow manufacturers of athletic shoes to import their products duty free and encourages them to donate their shoes to the handicapped who are training and competing in Special Olympics programs.

This is our opportunity to help the handicapped. This modest change in tariff law will directly benefit the 75 percent of the handicapped athletes who cannot afford the equipment they need to compete in these games. Let us use this simple act to create greater opportunities for these people. Opportunities to enjoy one of life's most rewarding activities, athletic competition.●

ADDITIONAL LEGISLATION TO STOP PRODUCTION OF "COP KILLER" BULLETS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, on February 3, our colleague from New York (Mr. BIAGGI), led in sponsoring legislation to ban the production of and provide penalties for the use of handgun bullets that can penetrate the bulletproof vests worn by police officers. This legislation, which I am proud to cosponsor, is pending before the House Judiciary Committee. While hearings may be held soon, it is uncertain when we can expect passage of this legislation.

Therefore, to speed the debate on this issue and to raise the possibility of legislation in another forum, Representative BIAGGI and I are introducing a bill to impose a prohibitive tax on the production and sale of such bullets. This bill will be referred to the Ways and Means Committee and will provide another opportunity for hearings and debate on the need for this legislation. If possible, I hope that this legislation can be considered by my Subcommittee on Select Revenue Measures.

The problem of armor piercing, "cop-killer bullets" has been brilliantly explained by our colleague from New York, who is himself a former officer who was wounded 10 times during his 23 years as a New York City policeman.

Briefly, an increasing number of police departments rely on lightweight body armor for the protection of their men. Since 1974, this body armor has been credited with saving the lives of some 400 officers. Tragically, this protection is being rapidly eroded by the production of special types of bullets, particularly ammo coated with Teflon. These "KTW" bullets are said to penetrate the equivalent of four bulletproof vests in a single shot.

Mr. Speaker, there is no worldly reason that such bullets need to be widely available. They have no marksmanship purpose. They are not needed in hunting. They are not needed in self defense. Those who say they are needed for hunting must be anticipating an invasion of rabid, roving herds of rhinos or the development of some new strain of vicious, maneating armadillo. Mr. Speaker, the hunting argument is simply ridiculous. Therefore, since there is no peaceful use for this type of ammunition, their production should be banned.

Representative BIAGGI's bill to ban the production of these "cop-killer" bullets and to impose a mandatory sentence for their use should be our first priority. But as an interim step, the introduction of my bill to impose a prohibitive tax should help signal to the producers of these devices that we want them stopped. My bill is modeled on the excise tax imposed on sawed-off shotguns to, in effect, prevent their manufacture.

I hope that the introduction of this legislation will help hasten the development of a legislative solution to the production and sale of ammunition that has no legitimate or useful place in our society.●

B-1B ACCOUNTABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. DASCHLE) is recognized for 5 minutes.

● Mr. DASCHLE. Mr. Speaker, I am introducing legislation today which I hope will make an important Department of Defense program more accountable. I feel it is imperative that the scrutiny given domestic human needs programs, like food stamps, and AFDC, be applied to the multibillion-dollar B-1B bomber program also. It is certainly true that waste and fraud have plagued human needs programs, but the American people have for too long endured massive and in many cases unnecessary cost overruns on all different types of weapons programs as well. Examples abound. Two of the more glaring include the Trident submarine program and the F/A-18 aircraft program. In 1974, a single Trident submarine was calculated to cost $1.35 billion, including its missiles. As of last year, the cost of the submarine itself, without the missiles, was figured at $2.4 billion. The F/A-18, envisioned to be a $5 million fighter, has escalated into a $30 million technological complexity. Whether this plane is six times as capable as its drawing board cousin is a matter of considerable debate.

Two specific things about the B-1B program disturb me greatly. The first, which I have just alluded to, involves the potential costs of the program. President Reagan recently certified to the Congress that 100 B-1B bombers could be built for $20.5 billion (in constant 1981 dollars). Unfortunately, this figure is about as realistic as the $45 billion Federal deficit we were supposed to have in fiscal year 1982. With inflation factored, the Air Force and Secretary of Defense have stated that the real costs will actually total $27.9 billion.

The Congressional Budget Office (CBO) feels the final tally will be much higher. CBO has testified that the outyear costs of the program, including inflation, will total $39.8 billion, nearly double what the President has stated. Approximately $5 to $6 billion of the CBO total is based on a GAO analysis which stated that there were questionable reductions in the program; that there would be expenses in other program elements; and that there are potential additions, all left out or not factored into the Air Force estimates. A chart citing the specific items and their cost follow:

B-1B bomber additional items identified by GAO (In millions of constant 1981 dollars)

	Cost
Questionable reductions:	
Engineering change order budget	440
Change in avionics learning curve	100
Change in airframe learning curve	500
Reduction in avionics production estimate	86
Consideration for multiyear procurement	800
Transfer of engine component engineering development to component improvement account	40
Deferral of air vehicle depot support development	300
Expenses in other program elements:	
Operational test and evaluation	(1)
Engine component improvement program	115
Conventional weapons certification	(1)
Interim contractor support	500-2,000
Production facilities improvement	71
Manufacturing technology enhancement	170
Base facility improvement	173
Nuclear weapons certification	500-750
Potential additions:	
Second inertial navigation system	220
Forward looking infrared sensor	125
Simulator development and procurement	337
Full scale fuselage fatigue testing	140
Fuel tank inerting system	(1)
Electro-magnetic pulse testing	(1)
Low frequency/very low frequency communications	(1)
Hardware, testing, electronics and support for additional weapons	(1)
Future improvements to avionics	(1)

[1] No estimate.

As one can see, every item was not even costed out.

Thus, one clause of my resolution specifically requests the Appropriations Committee to withhold funding for the B-1B program should the Air Force or DOD state the program costs for 100 bombers will exceed their inflation-factored estimate of $27.9 billion. I feel this provision will show the Air Force that they must stick to the basic design thus far approved by Congress and not seek those expensive little add-ons which drive the overall cost of weapons programs through the ceiling.

Another aspect of the B-1 program which concerns me is the actual ability of the aircraft to penetrate Soviet air defenses. The primary reason for the plane's development in the first place was to increase the likelihood for survival of our bomber force in the event of a U.S. attack on Soviet targets or a Soviet strike against our own SAC bases. Yet, in the course of a single week last fall, at least three different analyses were offered concerning both the B-1B and B-52 penetration capabilities, all from reputable and high-level officials.

On October 29, Rae M. Huffstutler, Director, Office of Soviet Analysis, Central Intelligence Agency (CIA), testified before Senator **Stevens'** Subcommittee on Defense Appropriations, that there would be little difference in either plane's ability to penetrate Soviet air defenses, both of which would be capable approximately until 1990.

That afternoon, Secretary of Defense, Weinberger, contradicted Mr. Huffstutler's statement by testifying before the same subcommittee that the B-52 would be able to play such a role only until 1985. Later, before Senator **Warner**'s Armed Services Subcommittee on Strategic and Nuclear Forces, he stated that "we will not be able to use the B-1 as a penetrator after 1990."

On November 4, Commander in Chief of the Strategic Air Command (SAC), Gen. Bennie Davis, testified before Senator **Warner**'s subcommittee that the B-52 would be able to play a penetrator role until 1989 or so, and the B-1B until 1995. All of these estimates assume continued Soviet progress in air defense systems.

Clearly, our intelligence community has not had its act together. Realizing this, a joint letter was prepared to allay congressional concern over this matter. Signed by Weinberger and CIA Chief William Casey, and conspicuously sent days before the House was to vote on the fiscal year 1982 B-1B appropriation, the letter cited the B-1B's ability to penetrate "well into the 1990's" and the B-52's increasing difficulty to penetrate through the last half of the 1980's. Considering the previous testimony, however, and the circumstances surrounding the joint letter, I feel that the actual capabilities of the B-1B as well as the B-52, are still in dispute within both the CIA and the DOD.

The second part of my resolution thus requests the CIA, Air Force, and Department of Defense to better coordinate their intelligence data so that they are able to provide a uniform assessment to the Congress of when Soviet air defenses will be able to detect and defeat penetration by both B-52 and B-1B aircraft. I am hopeful that this provision will result in better coordination of information so that our future deliberations of the B-1 and B-52 are not obscured by fragmented and contradictory analyses.

In conclusion, Mr. Speaker, it is vital that we more closely analyze that segment of the budget dollar which goes to defense. A positive step in this direction was the Nunn amendment to the DOD appropriation bill—fiscal year 1982—which required the initial cost certification by the President, and quarterly reports on the B-1B's program costs as they are incurred in the outyears of the budgetary process. My resolution goes one step further, however, by requiring an immediate halt to funding should it be determined that the costs exceed the $27.9 billion—assuming inflation—figure the Air Force is using to project the outyear costs of the program. With nearly $30 billion at stake in the B-1B program, the citizens of our great Nation deserve no less than a fully accountable and effective weapons system that will last well into the next decade and hopefully into the next century; a weapons system that will make the Soviet Union think twice about a preemptive strike against the United States, but also a weapons system that will not squander taxpayer money, or destroy the credibility of our Armed Forces and along with it the consensus which has developed in this country to rebuild and modernize our national defenses.

H. Res. 383

Resolution expressing the sense of the House of Representatives that cost overruns should not be permitted on the B-1B bomber aircraft program and that the Department of Defense, the Central Intelligence Agency, and the Air Force should better coordinate intelligence data so that they are able to provide Congress a uniform assessment of when Soviet air defenses will be able to detect and defeat penetration by both B-52 aircraft and B-1B aircraft

Whereas an official of the Central Intelligence Agency has testified before Congress that both the B-52 and the B-1B aircraft will have the capability to penetrate Soviet air defenses until 1990;

Whereas the commander of the Strategic Air Command has testified that the B-52 will have the capability to penetrate Soviet air defenses until 1990 and the B-1B will have the capability to penetrate Soviet air defenses until 1995;

Whereas the Secretary of Defense has testified that the B-52 will have the capability to penetrate Soviet air defenses until 1985 and the B-1B will have the capability to penetrate Soviet air defenses until 1990;

Whereas officials of the Air Force and the Department of Defense have stated that the program cost for 100 B-1B aircraft, assuming inflation, will be $27,900,000,000;

Whereas the Congressional Budget Office has stated that the program cost for 100 B-1B aircraft, assuming inflation, will be $39,800,000,000;

Whereas the General Accounting Office has stated that in the original cost estimates of the Air Force for the B-1B program the Air Force made approximately $2,000,000,000 in questionable cost reductions and may not have included an additional $1,500,000,000 for testing and certification requirements; and

Whereas funding for the B-1B program may divert funds from accelerated research for an Advanced Technology bomber: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that in view of the uncertainty concerning the duration of the usefulness of the B-1B bomber and its advantages over the B-52, the Committee on Appropriations should withhold funds from the B-1B program if the Secretary of the Air Force or the Secretary of Defense reports to the Committee, in budget documents or otherwise, that the total program cost for 100 B-1B aircraft will exceed $27,900,000,000.

Sec. 2. It is further the sense of the House of Representatives that due to recent uncertainty and conflicting estimates concerning the ability of the B-1B and the B-52 aircraft to penetrate Soviet air defenses, the Secretary of the Air Force, the Secretary of Defense, and the Director of Central Intelligence should better coordinate intelligence analyses so that in the future they will be able to provide Congress with a uniform assessment of the time at which Soviet air defenses will be able to detect and defeat penetration of Soviet air space by B-52 aircraft and by B-1B aircraft.●

THE WIC PROGRAM SHOULD BE PROTECTED AND PRESERVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. **Moakley**) is recognized for 15 minutes.

● Mr. MOAKLEY. Mr. Speaker, I rise today to express my grave misgivings regarding President Reagan's proposal to place the supplemental food program for women, infants and children, known as WIC, in a block grant with the maternal and child health programs. If the President's program is allowed to take effect, WIC would lose its identity as well as approximately $300 million in funding, or 35 percent of its current operating level.

There is also no assurance by the maternal and child health program that these newly acquired funds will be used for women, infants, and children, who are deemed by a medical professional to be nutritionally at risk.

In order for us to grasp the full importance of the WIC program, I would like to take this opportunity to provide you with some background information. One of the program's most impressive characteristics is that it is one of the most successful Federal programs to date. While WIC is similar to the food stamp program, in that it provides the needy with food assistance, it is dissimilar because it prescribes the types of food that may be purchased with the coupons from the program. In short, the program is allowing participants to buy only those foods which are nutritionally complete. Another laudable quality of the program is that it reaches out and services about 2 million needy women and children. And there are thousands more waiting to be placed on the program.

In an effort to explore the far-reaching capabilities of WIC, the Harvard School of Public Health conducted a study in the Greater Boston area, and concluded that the program was responsible for a significant reduction in the occurrence of low birthweight infants, a problem which is the eighth leading cause of death for children in the United States. When a pregnant woman receives inadequate nutritional and prenatal care, her baby is placed in great jeopardy and faces maladies such as blindness, deafness, and mental retardation. However, with the WIC program, an expectant mother receives substantial means, as well as education about nutrition and how to best feed her child. The figures in the study showed that for every $1 used in the WIC program, a cost of $3 in hospital care for a malnourished child was avoided.

Once again, allow me to reiterate my opposition to President Reagan's proposal for the WIC program and my commitment to the tremendous work done by those people involved in the problem. I feel it is important for a country that helps to feed the starving population around the globe should also make certain that their own children are receiving adequate nutrition, in preparation for a healthy future.

The supplemental food program for women, infants, and children is a highly successful and cost-effective service providing for the neediest of the needy of this country. Therefore, I urge you as my colleagues to oppose this proposed block grant of the President and hope you will lend your support to WIC so that it may continue to prosper and grow.●

FRAUDS AND WASTE IN U.S. CONTRACTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

● Mr. GONZALEZ. Mr. Speaker, last Sunday evening, March 7, 1982, CBS on its documentary, "60 Minutes," presented nationally to the public, a showing of evidence of fraud and waste in U.S. contracting practices and the results. The matter involved losses to the taxpayers of this country of millions of dollars. This loss will go to help add to the prospective U.S. budget deficit of $100 billion or more.

The event shown by the evidence on "60 Minutes," by CBS, March 7, 1982, involved fraud in charges made by Rockwell International in its performance on a cost-plus contract in connection with the work it was doing on the U.S. NASA Shuttle program. It was shown that Rockwell International also was doing work on certain fixed amounts on contracts for the Air Force. According to statements by a number of the lesser officials of Rockwell International, they were instructed and directed to have their employees of Rockwell International perform work on the fixed-cost Air Force contracts but to charge their time against the cost-plus contract for work on the NASA Shuttle program.

It appears that this was widespread as a practice in the handling of such contractual work. It is not known how many millions of dollars have been paid and will be paid by the taxpayers of this country as a result of this illegal and fraudulent activity.

It seems that such frauds can and should be prevented, however, it is obvious that the executive branch is not doing enough to prevent such frauds and waste and apparently is not interested in doing enough to prevent frauds and waste. When we think of the fact that the proposed defense expenditures in the current U.S. budget proposals for fiscal 1983 will reach a total of more than $220 billion, we can begin to imagine the opportunities that will thus be presented for further expanding fraudulent activities such as the one just discussed.

Mr. Speaker, it is submitted that it is time for us to stop, look, listen, think, and act against these fraudulent activities which will promote and add to budget deficits of more than a hundred billion dollars annually.

There are two ways for us to act against such frauds and waste: one is to act now to tighten up against the budget authorizations which will provide opportunities for such frauds.

Second, the Congress can reenact legislation which was once in effect as a deterrent to such frauds and waste in the performance of U.S. contracts.

What I am referring to in the latter is the statutory provisions against fraud in Government contracts which was enacted in 1863, sometimes known as the "Abe Lincoln Law." That was enacted when it was found that some Government contractors were shipping boxes to the Army of the Potomac ostensibly and pretending to contain muskets for use by Union soldiers. When the boxes were opened in the field, they were found to contain only sawdust. The law then proposed to act as a deterrent against such fraudulent activity in U.S. Government contracting provided that any citizen or soldier in the United States could complain about such fraud and sue on his behalf and on behalf of the U.S. Government in any Federal court and claim as damages every dollar that the Government had suffered in loss as a result of that fraud, as well as to claim as further punishment an "informers' compensation." That statute was designated as U.S. Revised Statutes, Sec. 5438.

An example of how that law could be enforced involved a lawsuit which finally reached the Supreme Court of the United States for decision in 1940 in the case of *Marcus* v. *Hess*, 317 U.S. 537 and 613.

In that case, an informant of a fraud involved in a contract in which U.S. taxpayers' funds were used, brought suit. The citizen that brought that suit was upheld and was allowed an amount of compensation under the above-referred to "Abe Lincoln Law." However, as preparedness contracts were being promoted at that time, preparatory to World War II, the would-be big contractors lobbied the Attorney General of the United States to seek a repeal or emasculation of the "Abe Lincoln Law." The proposal of emasculation of that statute was successful. Consequently, since then the individual private citizen, when made aware of frauds in U.S. contracting, as was shown on CBS' documentary "60 Minutes," last Sunday evening, March 7, 1982, cannot bring suit to recover the money for the taxpayers of the United States as he could prior to 1940.

Then, the last Congress killed the renegotiation board, our last watchdog against profiteering.

Mr. Speaker, it is submitted that it is time not only to act with respect to tightening up on the proposals for the huge expenditures for U.S. contracting by the Defense Department and NASA, so as to help reduce the budget deficit of a hundred billion dollars or more for fiscal 1983, but also it is incumbent upon us to act so as to reinstate the original provisions of the "Abe Lincoln Law," to which I have referred so as to assist us in uncovering and securing action against the frauds in U.S. contracting such as those presented to us on Sunday evening, March 7, 1982, through CBS' documentary "60 Minutes."●

CONGRESSIONAL PAY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 10 minutes.

● Mr. PANETTA. Mr. Speaker, I am introducing legislation today which I feel is essential to restoring the trust of the American people in this Congress. At a time when citizens are increasingly distrustful of public officials at all levels of government, it is vital that there be no taint of dishonor in the Congress, the most important legislative body in the land.

Last year's actions by the Congress to increase substantially the compensation of its Members were extremely disillusioning to millions of Americans. At a time when the President and the Congress were asking tremendous sacrifices of most Americans—particularly low- and middle-income Americans—we removed the limits on the tax deduction for expenses Members incur by living in Washington and we raised the outside earnings limitation, which serves as a curb on the amount of money Members may earn from special interests for making speeches, writing articles, et cetra. In the Senate, that limit was eliminated entirely, while in the House, it was doubled to over $18,000.

One of the worst aspects of this entire situation was that no separate rollcall vote was taken on any of these actions. Indeed, with regard to the increase in the outside earnings limits in the House, a rollcall vote, taken only a few weeks before the increase was granted by a voice vote, showed a solid majority of Members opposing the increase. Only through subterfuge—by bringing up the resolution without the knowledge or true consent of most Members—was this measure able to gain approval.

It has always been my belief that no salary increase enacted by the Congress should take effect until the following Congress is elected. I feel this way for two reasons: First, there is an inherent conflict of interest in a specific Congress voting itself a pay raise; and second, the voters should have an opportunity to endorse or reject an incumbent Member or another candidate at the new, actual salary Members will earn throughout a new Congress.

For this reason, I have followed this policy myself since I entered the House in 1977, turning back pay increases until the voters of my district have had the chance to endorse or reject me at the higher pay level. I am following that same policy with regard to the tax and outside earnings changes enacted last year and will not accept those increases until after the upcoming election.

I believe the entire Congress can and should maintain this kind of policy. I also believe that if the reasons for enacting a raise are legitimate, Members should not need to avoid going on record in support of such an increase.

Finally, I believe we cannot simply let last year's actions stand—I believe the increase in the outside earnings limit should be postponed until the next Congress. In addition, because it provides such a potentially huge windfall to Members, the elimination of the $3,000 limit on the tax deduction for Members' Washington expenses should be rescinded entirely.

The Ways and Means Committee should then reconsider the issue so that it can find a moderate level at which this limit can be set—one that recognizes legitimate expenses but does not make Members of Congress a privileged class, as the existing provision does.

Therefore, I have introduced several measures, which I will now describe:

First, a bill to prevent any salary increase from becoming effective until the seating of the Congress following that in which the increase was approved. The bill would also prevent a lameduck Congress from enacting a pay increase for the following Congress to prevent such an increase from becoming effective without any input from the voters.

Second, a resolution to prevent the House from voting Members any salary increase, any increase in outside earnings, or any tax credit or deduction that applies to them as a distinct class without a separate rollcall vote on the issue.

Third, a bill to repeal the effect of the tax breaks Congress voted itself last year.

Fourth, a resolution to delay until January 1, 1983, the effective date of the increase in the outside earnings limitation for Members of the House.

I am not someone who believes that there is no appropriate time for pay increases for Members of Congress. This is a fulltime job, and, when it is done properly, it is hard work. But there are benefits and responsibilities that go along with this job that cannot be quantified but are more significant than any pay we might receive. The benefit of having the ability to affect national policies, to provide enormous help to people, to contribute to the well-being of the Nation and the world, cannot be overestimated.

In addition, the responsibility that comes along with that privilege and power means that we cannot abuse our mandate—we must remain accountable to our constituents.

Therefore, while we should not be afraid to raise our salaries when it is appropriate, we should also remember that our jobs bring benefits no other American can share, so those increases must be limited. And we must remember to whom we are responsible and must be willing to tell our constituents that we feel a raise is merited and needed and that we are willing to go on record in support of such an increase.

Only when the Congress adopts a resonable and honest policy with regard to pay increases will the American people truly be able to trust the motives and the instincts of the Congress. At this time in our history, it is particularly important that we not create for ourselves additional benefits while we require others to sacrifice, and it is particularly important that we not undermine any further the confidence of our constituents in elected officials. Mr. Speaker, I hope my colleagues will join me in support of all of these measures.

At this point I include the following:

H. RES. —

Resolution to amend the Rules of the House of Representatives to require a recorded vote upon final passage of legislation that adjusts the pay of Members, and for other purposes

Resolved, That rule VIII of the Rules of the House of Representatives is amended by inserting at the end thereof the following new clauses:

"4. The yeas and nays shall be considered as ordered when the Speaker puts the question upon final passage or adoption, as the case may be, of any bill, resolution, or report of a committee of conference that would—

"(a) adjust the rate of pay of Members;

"(b) affect the limitations on outside earned income of Members as set forth in rule XLVII; or

"(c) provide income tax credits or deductions for Members of Congress as a separate and distinct class.

"5. It shall not be in order in the House to consider any bill or resolution which would be subject to clause 4 if the bill or resolution contains any item other than those set forth in such clause."

H.R. —

A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in any provision of law enacted after December 31, 1980, shall allow any Member of Congress (including any Delegate and Resident Commissioner) any deduction for Federal income tax purposes of any living expense which would not have been allowable as a deduction under the law as it was in effect on December 31, 1980.

H. RES. —

Resolution amending the Rules of the House of Representatives to decrease the amount of outside earned income which a Member may have in 1982

Resolved, That clause 1 of rule XLVII of the Rules of the House of Representatives is amended—

(1) by striking out "Except as provided by paragraph (b)" in paragraph (a) and inserting in lieu thereof "Except as provided by paragraphs (b) and (c)";

(2) by striking out "In the case of any individual" in paragraph (b) and inserting in lieu thereof "Except as provided by paragraph (c), in the case of any individual"; and

(3) by adding at the end thereof the following new paragraph:

"(c) With respect to the calendar year beginning on January 1, 1982, the term '30 per centum' in paragraphs (a) and (b) shall be deemed to read '15 per centum'.".

SEC. 2. The amendments made by this resolution shall take effect on January 1, 1982.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEE) to revise and extend their remarks and include extraneous material:)

Mr. JEFFORDS, for 5 minutes, today.

Mrs. HECKLER, for 60 minutes, today.

Mr. MCCLORY, for 5 minutes, today.

(The following Members (at the request of Mr. FOWLER) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR of Michigan, for 60 minutes, today.

Mr. BONKER, for 10 minutes, today.

Mr. MAVROULES, for 5 minutes, today.

Mr. AUCOIN, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. DASCHLE, for 5 minutes, today.

Mr. MOAKLEY, for 15 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. PANETTA, for 10 minutes, today.

Mr. ROSTENKOWSKI, for 60 minutes, on March 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. COLLINS of Texas, on House Resolution 378.

(The following Members (at the request of Mr. LEE), and to include extraneous matter:)

Mr. YOUNG of Alaska in two instances.

Mr. KEMP.

Mr. CLINGER.

Mrs. SMITH of Nebraska.

Mr. GRADISON.

Mr. GUNDERSON.

Mr. SAWYER.

Mr. DUNN.

Mr. CORCORAN.

Mr. BROOMFIELD in two instances.

Mr. SKEEN.

Mr. WHITEHURST in two instances.

Mr. EMERY.

Mrs. HECKLER.

Mr. EVANS of Delaware in three instances.

Mr. LEBOUTILLIER.

Mr. HANSEN of Idaho in two instances.

Mr. ROUSSELOT.

Mr. PAUL.

Mr. FIELDS.

Mr. ERDAHL.

Mr. CONTE in two instances.

Mr. KRAMER.

Mr. PETRI.

Mr. GREEN in two instances.

Mr. COLLINS of Texas in two instances.

(The following Members (at the request of Mr. FOWLER), and to include extraneous matter:)

Mr. DASCHLE in 10 instances.

Mr. ASPIN.

Mr. FORD of Michigan.

Mr. MOFFETT in two instances.

Mr. ECKART.

Mr. STUMP.

Mr. PEPPER.

Mr. HALL of Ohio in two instances.

Mr. BARNES.

Mr. NOWAK.

Ms. OAKAR.

Mr. FAUNTROY.

Mr. SYNAR.

Mr. RATCHFORD.

Mr. MOTTL.

Mr. PEYSER.

Mr. HAMILTON.

Mr. FROST.

Mr. STARK.

Mr. PANETTA.

Mr. OTTINGER.

Ms. MIKULSKI.

Mr. LELAND in three instances.

Mr. GUARINI.

Mr. GARCIA.

Mr. DWYER.

Mr. FRANK.

Mr. MILLER of California in two instances.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 348. Joint resolution to provide for the awarding of a special gold medal to Her Majesty Queen Beatrix in recognition of the 1982 bicentennial anniversary of diplomatic and trade relations between the Netherlands and the United States; and

H.J. Res. 373. Joint resolution expressing the sense of Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights at Geneva in February 1982.

ADJOURNMENT

Mr. FOWLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p.m.) the House adjourned until tomorrow, Thursday, March 11, 1982, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3338. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on recissions and deferrals of budget authority as of March 1982, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 97-151); to the Committee on Appropriations and order to be printed.

3339. A letter from the Secretary of the Army, transmitting written reports on five Army weapon systems that have exceeded a baseline unit cost, pursuant to section 917(b)(2); to the Committee on Armed Services.

3340. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the motion picture film processing services at the Naval Audiovisual Center, Washington, D.C., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3341. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the data transcription/data entry function at the Naval Construction Battalion Center, Port Hueneme, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3342. A letter from the Director, Office of Legislative Affairs, Department of the Navy, transmitting notice of the Navy's intention to sell a naval vessel to the Government of Sri Lanka, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

3343. A letter from the National Director, Congressional Award National Board of Directors, transmitting notice of delay in submitting the annual report of the Board, pursuant to section 3(e) of Public Law 96-114; to the Committee on Education and Labor.

3344. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to enhance the transfer of technical information to industry, business, and the general public by amending the act of September 9, 1950 (64 Stat. 823-824; 15 U.S.C. 1151-1157), as amended, to establish the technical information clearinghouse fund, and for other purposes; to the Committee on Energy and Commerce.

3345. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a draft of proposed legislation to authorize the Federal Energy Regulatory Commission to collect fees and charges for services, benefits, privileges, and authorizations granted in administering its regulatory programs, and for other purposes; to the Committee on Energy and Commerce.

3346. A communication from the President of the United States, transmitting notice of his intention to issue an Executive order extending for an additional year the waiver of the application of restrictions governing the retransfer or reprocessing of nuclear fuel exported from the United States to the European Atomic Energy Community (EURATOM), pursuant to section 126a(2) of the Atomic Energy Act of 1954, as amended (H. Doc. No. 97-150); to the Committee on Foreign Affairs and ordered to be printed.

3347. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting an inventory of nonpurchased foreign currencies as of September 30, 1981, pursuant to section 613(c) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3348. A letter from the Attorney-Adviser, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3349. A letter from the Director, Office of Legislative Affairs, U.S. International Development Cooperation Agency, transmitting a list of new contracts having a total estimated cost or price in excess of $100,000 which the Agency entered into without competitive selection procedures during the period October 1, 1980, to September 30, 1981, pursuant to section 634(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3350. A letter from the Secretary of Commerce, and the Administrator of General Services, transmitting a draft of proposed legislation to transfer the functions of the Secretary of Commerce set forth in sections 111 (f) and (g) of the Federal Property and Administrative Services Act of 1949 (79 Stat. 1128-29; 40 U.S.C. 759 (f) and (g) to the Administrator of General Services; to the Committee on Government Operations.

3351. A letter from the Director of the Office of Management and Budget, Executive Office of the President, and the Secretary of the Treasury, transmitting the annual report on improvements made in fiscal and budgetary information and controls pursuant to section 202(f) of the Legislative Reorganization Act of 1970, as amended; to the Committee on Government Operations.

3352. A letter from the Assistant Secretary of Housing and Urban Development, transmitting a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3352. A letter from the Secretary, Federal Trade Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3354. A letter from the Director, International Communication Agency, transmitting a report on the Agency's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3355. A letter from the President, Inter-American Foundation, transmitting a report on the Foundation's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3356. A letter from the President, National Safety Council, transmitting the audit report of the organization for the year ended June 30, 1981, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

3357. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to authorize appropriations for fiscal years beginning October 1, 1982, and October 1, 1983, for the maintenance and operations of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

3358. A letter from the Acting Executive Secretary, Office of the Secretary of Defense, transmitting a report on defense procurement from small and other business firms for October through December 1981, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

3359. A letter from the Administator, Veterans' Administration, transmitting a report covering calendar year 1981 on cases in which equitable relief from administrative error was granted, pursuant to 38 U.S.C. 210(c)(3)(B); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4326. A bill to amend the Small Business Act to strengthen the role of the small, innovative firms in federally funded research and development, and to utilize Federal research and development as a base for technological innovation to meet agency needs and to contribute to the growth and strength of the Nation's economy; with an amendment (Rept. No. 97-349, Pt. II). Ordered to be printed.

Mr. BROOKS: Committee on Government Operations. Report on Defense Department's failure to properly manage conventional ammunition (Rept. No. 97-455). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AuCOIN (for himself and Mr. Wyden):

H.R. 5786. A bill to apply duty-free treatment to athletic footwear imported for the use of organizations established for purposes of organizing, sponsoring, or providing training for athletic competition for physically or mentally handicapped individuals; to the Committee on Ways and Means.

By Mr. BONKER:

H.R. 5787. A bill to establish a Mount St. Helens National Monument, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. BROWN of Colorado:

H.R. 5788. A bill to incorporate the National Mining Hall of Fame and Museum, and for other purposes; to the Committee on the Judiciary.

By Mr. BROYHILL (for himself, Mr. Brown of Ohio, and Mr. Corcoran):

H.R. 5789. A bill to amend the Energy Policy and Conservation Act to extend certain authorities relating to the international energy program; to the Committee on Energy and Commerce.

By Mr. de la GARZA:

H.R. 5790. A bill to provide for the temporary duty-free treatment of imported fresh cantaloupes during limited periods in each year, and for other purposes; to the Committee on Ways and Means.

By Mr. FORD of Tennessee:

H.R. 5791. A bill to provide States and local governments administering the title XX social services program, the low-income energy assistance program, and the aid to families with dependent children program with adequate funding and program flexibility to accomplish the objectives of these programs; jointly to the Committees on Ways and Means and Energy and Commerce.

By Mr. GILMAN:

H.R. 5792. A bill to amend the Higher Education Act of 1965 to authorize grants to offset reductions in other forms of student financial assistance, and for other purposes; to the Committee on Education and Labor.

By Mr. HOWARD:

H.R. 5793. A bill to amend the Federal Election Campaign Act of 1971 to impose additional contribution limits for congressional elections and to amend the Internal Revenue Code of 1954 to increase the tax credit for contributions to candidates for public office; jointly, to the Committees on House Administration and Ways and Means.

By Mr. McCLORY:

H.R. 5794. A bill to amend the Clayton Act to establish a right of contribution with respect to damages in certain actions brought under such act; to the Committee on the Judiciary.

By Mr. McCURDY (for himself and Mr. Watkins):

H.R. 5795. A bill to provide for the use and distribution of the funds awarded to the Shawnee Tribe of Indians in Dockets 64,335 and 338 by the Indian Claims Commission and Docket 64-A by the U.S. Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MINISH:

H.R. 5796. A bill to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition; to the Committee on Ways and Means.

By Mr. NOWAK:

H.R. 5797. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income certain interest received or accrued on a mortgage loan made after February 28, 1982, and before January 1, 1984, to a first-time home buyer and to provide a credit against income tax for first-time home buyers for the purchase of a home during such period; to the Committee on Ways and Means.

By Mr. PANETTA:

H.R. 5798. A bill to provide that any adjustment in the rate of pay for Members of Congress proposed during any Congress shall not take effect earlier than the beginning of the next Congress; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.R. 5799. A bill to establish the Reconstruction Finance Corporation to make loans and loan guarantees to individuals or concerns engaged in industry, agriculture, or commerce who would otherwise be unable to obtain the needed financing or refinancing essential for continued operation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SAWYER:

H.R. 5800. A bill to amend the Internal Revenue Code of 1954 to allow an individual to withdraw amounts from an individual retirement account for the purchase of a principal residence; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 5801. A bill to remove the column 1 rate of duty and fix the column 2 rate of duty on certain small toy and novelty items; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 5802. A bill to prohibit the use of the special authorities contained in sections 506(a), 610(a), and 614(a) of the Foreign Assistance Act of 1961 in order to provide military assistance for El Salvador during the remainder of fiscal year 1982 and during fiscal year 1983; to the Committee on Foreign Affairs.

By Mr. STARK (for himself and Mr. Biaggi):

H.R. 5803. A bill to amend the Internal Revenue Code of 1954 to impose a tax on bullets capable of penetrating body armor; to the Committee on Ways and Means.

By Mr. GREEN:

H.J. Res. 431. Joint resolution designating the week beginning June 7, 1982, as "National Theater Week"; to the Committee on Post Office and Civil Service.

By Mr. RALPH M. HALL (for himself and Mr. Sam B. Hall, Jr.):

H.J. Res. 432. Joint resolution to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to the family of Sam Rayburn; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARKEY (for himself, Mr. Conte, Mr. Bingham, Mr. Tauke, Mr. Forsythe, Mr. Lowry of Washington, Mr. Long of Louisiana, Mr. Hamilton, Mr. Rodino, Mr. Addabbo, Mrs. Fenwick, Mr. Udall, Mr. Leach of Iowa, Mr. Solarz, Mr. Anthony, Mr. St Germain, Mr. Kastenmeier, Mr. Beilenson, Mr. Waxman, Mrs. Chisholm, Mr. Edgar, Mr. Conyers, Mr. Foglietta, Mr. Mavroules, Mrs. Heckler, Ms. Ferraro, Mr. McKinney, Mr. Moffett, Mr. Fauntroy, Mr. DeNardis, Mr. Richmond, Mr. Hollenbeck, Mr. Moakley, Mr. Marks, Mr. Clay, Mr. Bedell, Mr. Lehman, Mrs. Schneider, Mr. Albosta, Mr. Oberstar, Mr. Brown of California, Mr. AuCoin, Mr. Rahall, Mr. Barnes, Mr. Frank, Mr. Garcia, Mr. Lantos, Mr. Yates, Mr. McHugh, Mr. Mazzoli, Mr. Boland, Mr. Evans of Indiana, Mr. Ford of Michigan, Mr. Sabo, Mr. Weiss, Mr. Seiberling, Mr. Panetta, Mr. Studds, Mr. Swift, Mr. Savage, Mr. Peyser, Mr. Shannon, Mr. Wyden, Mr. Mottl, Ms. Oakar, Mr. Wolpe, Mr. Phillip Burton, Mr. Ottinger, Mr. Harkin, Mr. Dellums, Mr. Mitchell of Maryland, Mr. Gejdenson, Mr. Rangel, Mr. Miller of California, Mrs. Schroeder, Mr. Coelho, Mr. Dymally, Mr. Matsui, Mr. Vento, Mr. Bonker, Mr. Gore, Mr. Donnelly, Mr. Ratchford, Mr. Simon, Mr. Eckart, Mr. Ford of Tennessee, Mr. Kildee, Mr. Walgren, Mr. Wirth, Mr. Weaver, Mr. Reuss, Mr. Pease, Mr. Stark, Mr. Neal, Mr. Edwards of California, Mr. Smith of Iowa, Mr. Rosenthal, Ms. Mikulski, Mr. Gray, Mr. Bonior of Michigan Mr. Stokes, Mr. Schumer, Mr. Williams of Montana, Mr. Crockett, Mrs. Kennelly, Mr. Brodhead, Mr. Leland, Mr. William J. Coyne, Mr. Murphy, Mr. Biaggi, Mr. Russo, Mr. Shamansky, Mr. Synar, Mr. Green, Mr. Pepper, Mr. Early, Mr. Blanchard, Mr. Clinger, Mr. Lujan, Mr. Traxler, Mr. John L. Burton, Mr. Fowler, Mr. Jones of Oklahoma, Mr. Hughes, Mr. James K. Coyne, Mr. Minish, Mr. Smith of New Jersey, Mr. Dixon, Mr. Howard, Mr. Horton, and Mr. Dicks):

H.J. Res. 433. Joint resolution calling for a mutual and verifiable freeze and reduction in nuclear weapons; to the Committee on Foreign Affairs.

By Mr. KEMP (for himself, Mr. Bingham, Mr. Broomfield, Mr. Rosenthal, Mr. Shaw, and Mr. Wilson):

H. Con. Res. 284. Concurrent resolution in support of the integrity of the Charter of the United Nations; to the Committee on Foreign Affairs.

By Mr. WHITEHURST:

H. Con. Res. 285. Concurrent resolution calling for a regional conservation treaty to protect Northern Hemisphere pinnipeds; to the Committee on Foreign Affairs.

By Mr. DASCHLE:

H. Res. 382. Resolution expressing the sense of the House of Representatives with respect to the acceleration of wellhead natural gas prices; to the Committee on Energy and Commerce.

H. Res. 383. Resolution expressing the sense of the House of Representatives that cost overruns should not be permitted on the B-1B bomber aircraft program and that the Department of Defense, the Central Intelligence Agency, and the Air Force should better coordinate intelligence data so that they are able to provide Congress a uniform assessment of when Soviet air defenses will be able to detect and defeat penetration by both B-52 aircraft and B-1B aircraft; jointly, to the Committees on Appropriations, Armed Services, and Permanent Select Committee on Intelligence.

By Mr. DUNN (for himself, Mr. Daub, Mr. Gunderson, Mr. Leach of Iowa, Mr. Wortley, Mr. Duncan, Mr. Evans of Iowa, and Mrs. Schneider):

H. Res. 384. Resolution to express the sense of the House of Representatives with respect to funding of Pell grants; to the Committee on Education and Labor.

By Mr. YOUNG of Missouri:

H. Res. 385. Resolution providing for the consideration of the Senate bill (S. 951) authorizing appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

285. By Mr. RUDD: Memorial of the Legislature of the State of Arizona, relative to the repeal of the Federal Reserve Act; to the Committee on Banking, Finance and Urban Affairs.

286. By the SPEAKER: Memorial of the Legislature of the State of Arizona, relative to the repeal of the Federal Reserve Act; to the Committee on Banking, Finance and Urban Affairs.

287. By Mr. RUDD: Memorial of the Senate of the State of Arizona, relative to the 55-mile-per-hour maximum speed limit; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HYDE introduced a resolution (H. Res. 386) to refer H.R. 5784 to the Chief Commissioner of the U.S. Court of Claims; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 463: Mr. Foglietta.

H.R. 1292: Mr. de Lugo.

H.R. 1890: Mr. Chappie, and Mr. Skelton.

H.R. 1949: Mr. Minish, Mr. Hartnett, Mr. DeNardis, Mr. Young of Alaska, and Mr. Smith of Pennsylvania.

H.R. 1960: Mr. Wolf, Mr. Gejdenson, Mr. Stangeland, Mr. Chappie, Mr. DeNardis, and Mr. Ford of Michigan.

H.R. 2007: Mr. Yatron, Mr. Porter, Mr. Dowdy, Mr. Hiler, Mr. Emerson, Mr. Kramer, Mr. Neal, and Mr. Weaver.

H.R. 2280: Mr. Anderson, Mr. Schumer, Mr. Gejdenson, Mr. Simon, Mrs. Roukema, Mr. Walgren, Mr. Rangel, Mr. Dicks, Ms. Ferraro, Mr. Green, Mr. Gray, Mr. Tauke, Mr. Sabo, Mr. Bingham, Mr. McClory, Mr. Duncan, and Mr. Hoyer.

H.R. 2333: Mr. Evans of Georgia.

H.R. 2824: Mr. Hansen of Utah.

H.R. 3392: Mr. Whitehurst.

H.R. 3752: Mr. Boner of Tennessee, Mr. Dan Daniel, Mr. Duncan, Mr. Edgar, Ms. Fiedler, Mr. Hughes, Mr. Kindness, Mr. Lowery of California, Mr. McCollum, Mr. Murphy, Mr. Pepper, Mr. Rahall, Mr. Sawyer, Mrs. Schneider, Mr. Seiberling, Mr. Brodhead, Mr. Hall of Ohio, and Mr. Wolpe.

H.R. 3847: Mr. Fazio.

H.R. 3921: Mr. Stokes, Mr. Harkin, Mr. Gray, Mr. Boner of Tennessee, Mr. Mineta, Mrs. Snowe, Mr. Brown of California, Mr. Guarini, Mr. Fazio, and Mr. Erdahl.

H.R. 4250: Mr. Beilenson, Mr. Oberstar, Mr. Evans of Georgia, Mr. Matsui, and Mr. Vento.

H.R. 4280: Mr. James K. Coyne and Mr. Solomon.

H.R. 4326: Mr. Chappell, Mr. Wolf, Mr. Oxley, and Mr. Findley.

H.R. 4351: Mr. Smith of Alabama.

H.R. 4439: Mr. Hansen of Utah.

H.R. 4554: Mr. Tauzin, Mr. Johnston, and Mr. Collins of Texas.

H.R. 4576: Mr. Conte, Mr. Evans of Georgia, Mr. Andrews, Mr. Nelligan, Mr. Murphy, and Mr. Taylor.

H.R. 4657: Mr. Waxman and Mr. Schumer.

H.R. 4835: Mr. Waxman, Mr. Gregg, and Mr. DeNardis.

H.R. 4858: Mr. Stokes.

H.R. 4912: Mr. Wirth, Mr. Gephardt, Mr. Robinson, and Mr. Williams of Montana.

H.R. 5001: Mr. de Lugo.

H.R. 5117: Mrs. Byron.

H.R. 5180: Mr. Young of Alaska, Mr. Yatron, Mr. Jeffords, Mr. Kastenmeier, Mr. Gregg, Mr. Edwards of California, Mr. Clausen, Mr. Cheney, Mr. Derwinski, Mr. Bedell, Mr. Zablocki, Mr. William J. Coyne, Mr. Bennett, Mr. Shannon, Mr. Brooks, Mr. AuCoin, Mr. Parris, Mr. Minish, and Mrs. Heckler.

H.R. 5364: Mr. Hunter and Mr. James K. Coyne.

H.R. 5404: Mr. Weaver and Mr. Lowry of Washington.

H.R. 5436: Mr. Ford of Tennessee, Mr. Vento, and Mr. Wyden.

H.R. 5437: Mr. Ottinger, Mr. Dwyer, Mr. Corcoran, Mr. Beilenson, Mr. Patterson, Mr. Frank, Mr. Foglietta, Mr. Molinari, Mr. Miller of California, Mr. Stratton, Mr. Annunzio, Mr. Fish, Mr. Barnes, Mr. Vento, Mr. Guarini, Mr. Kildee, Mr. Bedell, Mr. Fazio, Mr. McKinney, Mr. Howard, Mr. Fary, Mrs. Holt, Mr. Bingham, Mr. Dornan of California, Mrs. Schroeder, and Mr. Mottl.

H.R. 5481: Mr. Bedell, Mr. Corrada, Mr. Fazio, and Mr. Leland.

H.R. 5494: Mr. Campbell, Mr. Lent, Mr. Napier, Mr. Solomon, Mr. Spence, and Mr. Derrick.

H.R. 5509: Mr. Ford of Michigan, Mr. Pepper, Mr. Sharp, and Mr. Traxler.

H.R. 5583: Mr. Martin of New York.

H.R. 5596: Mr. Gibbons, Mr. Holland, Mr. Petri, Mr. Whitehurst, Mr. Oxley, Mr.

Stanton of Ohio, Mr. Pease, Mr. Hance, Mr. Murphy, Mr. Hatcher, and Mr. Forsythe.

H.R. 5674: Mr. Dunn.

H.R. 5684: Mr. Oberstar, Mr. Rosenthal, Mr. Ottinger, Mr. Murphy, Mr. Fauntroy, Mr. Frost, Mr. Edwards of California, and Mr. Schumer.

H.R. 5689: Mr. Daub.

H.R. 5736: Ms. Oakar.

H.J. Res. 332: Mr. Marriott, Mr. Biaggi, Mr. de la Garza, Mr. Conte, Mr. Mitchell of Maryland, Mr. Foglietta, Mr. Rosenthal, Mr. Mavroules, Mr. Brodhead, Mr. Fountain, and Mr. Minish.

H.J. Res. 376: Mr. Murphy, Mr. Bedell, Mr. Dougherty, Mr. Skelton, Mr. Mitchell of Maryland, Mr. Fauntroy, Mr. Ottinger, Mr. Bonior of Michigan, Mr. Vento, Mr. Fazio, Mr. de Lugo, Mr. Kazen, and Mr. Weaver.

H.J. Res. 385: Mr. Addabbo, Mr. Bliley, Mr. Lungren, Mr. Dannemeyer, Mr. Parris, Mr. Edgar, Mr. Beard, Mr. Ritter, Mr. Mottl, Mr. Snyder, Mr. Hartnett, Mr. Evans of Delaware, Mr. Andrews, Mr. Chappie, Mr. Bingham, Mr. Coats, Mr. Stump, Mr. Robert W. Daniel, Jr., Mr. Campbell, Mr. Mica, Mrs. Snowe, Mr. Hopkins, Mr. Pashayan, Mr. Rudd, Mr. Walker, Mr. Skeen, Mr. Dan Daniel, Mr. Trible, Mr. Blanchard, Mr. Nelson, Mr. Bonker, Mr. Roberts of South Dakota, Mr. Marriott, Mrs. Fenwick, Mr. Staton of West Virginia, Mr. Guarini, Mr. Stangeland, Mr. Ashbrook, Mr. Dymally, and Mr. Pritchard.

H.J. Res. 404: Mr. Ginn.

H.J. Res. 414: Mr. McDonald and Mr. Duncan.

H.J. Res. 427: Mr. Huckaby, Mr. Shumway, Mr. Nichols, Mr. Daub, and Mr. Hansen of Idaho.

H.J. Res. 428: Mr. Skeen, Mr. Panetta, Mr. Chappell, Mr. Moffett, Mr. Loeffler, Mr. Stump, Mr. Moore, Mr. Grisham, Mr. Paul, Mr. McGrath, Mr. McCurdy, Mr. Hall of Ohio, Mr. Johnston, Mr. Edwards of Oklahoma, Mr. Neal, Mr. LaFalce, Mr. O'Brien, Mr. Leach of Iowa, Mr. Bowen, Mr. Conte, Mr. Fountain, Mr. Dingell, Mrs. Chisholm, Mr. Waxman, Mr. Nichols, Mrs. Byron, Mr. Mottl, Mr. de la Garza, Mr. D'Amours, Mr. Rahall, Mr. Gonzalez, Mr. Peyser, Mr. Fithian, Mr. James K. Coyne, Mr. Dowdy, Mr. Lott, Mr. Applegate, and Mr. Whitehurst.

H. Con. Res. 159: Mr. Hunter, Mr. Lungren, Mr. Marriott, and Mr. Courter.

H. Con. Res. 247: Mr. Dunn, Mr. Staton of West Virginia, Mr. Napier, Mr. Taylor, and Mr. Rinaldo.

H. Con. Res. 252: Mr. Bailey of Pennsylvania, Mr. Nelligan, Mrs. Boggs, Mr. AuCoin, Mr. Simon, Mr. Smith of New Jersey, Mr. Stokes, and Mr. Mitchell of Maryland.

H. Con. Res. 278: Mr. John L. Burton, Mr. Conte, Mr. Lehman, Mr. Frank, Mr. Boland, Mr. Pritchard, Mr. Daschle, Mr. Chappie, Mr. Dyson, Mrs. Kennelly, Mr. Oberstar, Mr. Brodhead, Mr. Chappell, Mr. Lee, Mr. Dunn, Mr. William J. Coyne, Mr. Rosenthal, Mr. Murphy, Mr. Ralph M. Hall, Mr. Sunia, Mr. McDade, Mr. Daub, Mr. Roe, Mr. Andrews, Mrs. Schroeder, Mr. Mollohan, Mr. Traxler, Mr. Whitehurst, Mr. Jacobs, Mr. Mitchell of Maryland, Mr. Marlenee, Mr. Markey, Mr. Kildee, Mr. Kazen, Mr. Bonior of Michigan, Mr. Bevill, Mr. Clinger, Mr. Vento, Mr. Crockett, and Mr. Roth.

H. Res. 252: Mr. Neal, Mr. Morrison, Mrs. Kennelly, and Mrs. Heckler.

H. Res. 262: Mr. James K. Coyne.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

364. By the SPEAKER: Petition of the City Council, Youngstown, Ohio, relative to the nuclear arms race; jointly, to the Committees on Armed Services and Foreign Affairs.

365. Also, petition of the Municipal Assembly of Ponce, Puerto Rico, relative to statehood for Puerto Rico; to the Committee on Interior and Insular Affairs.

366. Also, petition of the Board of Trustees, Village of Marissa, Ill., relative to the movement of commerce by water transportation in southern Illinois; to the Committee on Public Works and Transportation.

SENATE—*Wednesday, March 10, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Father in Heaven, the hour of decision is always a lonely one and often agonizing. When the facts are in, the debate completed, and discussion exhausted, each is left alone with his conscience to choose his option. Many seek to avoid such a moment, leadership accepts the responsibility and declares its position.

Thank Thee Father, for men and women who accept such onerous duty which is the burden of leadership. Thank Thee that they may freely look to the Holy Spirit, the Divine Comforter, who counsels and illumines from within. May He make His presence known to this body and guide the Senators in the way of God, the way of integrity, honor, and justice. We ask this in the name of the One who is Wonderful Counsellor. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR HARRISON A. WILLIAMS, JR.

Mr. STEVENS. Mr. President, I want to take a few minutes of the leader's time to reply to the statements made by Senator WILLIAMS on television last evening indicating that he thinks partisanship is creeping into the consideration of Senate Resolution 204, a resolution to expel Senator HARRISON A. WILLIAMS, JR., from the Senate.

When this matter first came to public attention, I was the acting minority leader. On February 5, 1980, I made a statement which referred to an editorial in the Washington Post regarding Abscam and reminded Members of Congress that even Members of Congress deserve to be presumed innocent until proven guilty.

We have done everything we can from the point of view of the leadership on this side to insure that the comments made by Members of the Senate from either side of the aisle concerning the Williams matter would be made in a manner required by our rules. We have urged every Member of the Senate to refrain from forming premature judgments when making public comments on this matter.

On September 24, 1981, the distinguished majority leader sent a letter to the Republican Senators, with copies sent to the minority leader, Senator ROBERT C. BYRD and to Senator WILLIAMS and his attorney, stating precisely the majority leader's hope that Senators not form premature judgments on this matter.

Mr. President, I ask unanimous consent that the letter that was sent to the Members of the Senate by the majority leader be printed in the RECORD at this point so that the record is clear as to the position we have taken.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 24, 1981.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR TED: As I indicated in a September 14 floor statement, it is the intention of the Leadership to recommend that the Senate proceed in early November to consider S. Res. 204, a resolution expelling Senator Harrison A. Williams, Jr. from the Senate.

I urge you to become personally familiar with the evidence and arguments related to this resolution. At such time as the measure is scheduled, the Senate will defer other business so that the full attention of Members can be devoted to it, and the Senate can fully and fairly meet its constitutional responsibilities. As soon as a precise date can be established to commence this proceeding, Senators will be notified so that their schedules can be appropriately adjusted.

The documentary and videotape materials pertinent to this measure are voluminous, and ample time has been allowed for Members to review them. In the meanwhile, I hope that in fairness to Senator Williams, Senators will refrain from forming premature judgments or making public comments on this matter.

Sincerely,

HOWARD H. BAKER, Jr.

Mr. STEVENS. Repeatedly, the majority leader has stated at our policy conferences that we would not take a leadership position on the Williams resolution. He has repeatedly urged, as I have, that each Member of the Senate not express public opinions or make premature judgments until we had the opportunity to listen to the presentation of Senator WILLIAMS' position on the floor.

In every instance, the leadership has made an effort to accommodate requests to postpone consideration of the resolution. I remember when the circumstances would have been different politically, as we stated on the floor yesterday, the suggestion made last year that there ought to be a postponement of this matter was rejected by many. The postponements that have taken place, every single one, have been at the specific request of Senator WILLIAMS. No action whatsoever has been taken by the leadership on either side to seek partisan advantage on this matter.

Both leaders have conducted themselves, I believe, in an exemplary manner.

I might say that Senator CRANSTON and I have tried to mirror that in our public statements. There is no partisanship on this resolution, and I think it is unfortunate the suggestion has been made that there has been any in the past.

I urge Members of the Senate to realize that there can be no partisan advantage accruing to any Member of the Senate from injecting partisanship into this matter by virtue of the duty that is imposed upon us under our rules and under the Constitution.

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the time allocated to the Senators under special orders, there be a period for the transaction of routine morning business not to extend beyond 12:30, with Senators being permitted to speak for not more than 10 minutes.

The PRESIDING OFFICER (Mr. MURKOWSKI). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, it is our intention to yield 7 minutes of the leader's time to the Senator from Alabama, who has a special order this morning. I ask unanimous consent that the special order time reserved for the Senator from Tennessee (Mr. BAKER) be transferred to the control of the Senator from Alabama (Mr. DENTON).

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. STEVENS. Mr. President, I reserve the remainder of our time at this point and inquire of the acting minority leader if he wishes to use his time.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The acting minority leader is recognized.

Mr. PROXMIRE. Mr. President, I say to the distinguished majority whip that I will use only a couple of minutes of the minority leader's time and then yield the floor so the Senator from Alabama can proceed.

RELIGIOUS PERSECUTION IN ETHIOPIA

Mr. PROXMIRE. Mr. President, consider the plight of approximately 25,000 Falashas in Ethiopia.

According to a group of 12 American and Canadian tourists who visited Ethiopia last fall, all Falasha villages in Gendar Province, where most Falashas live, have been sealed off by the military governor.

Representatives of both the 1,300 Israeli Falashas and of an American support committee state that many Falasha religious leaders have been arrested and tortured in Gendar Province—arrested and tortured, Mr. President. Figures conflict as to the number of Falashas actually killed.

In order to call attention to the Falashas' persecution, Israeli supporters are attempting to form a public council, structured after the Public Council for Soviet Jewry.

Describing the treatment of the Falashas as genocidal, Israeli Knesset member Shulamit Aloni contends that the United Nations should condemn the Ethiopian Government for suppressing the Falashas' basic human rights.

Mr. President, a treaty has been pending before the Senate since 1949 which, if ratified, would reflect our high regard for the most basic human right of all—the right to be protected from cold-blooded extermination.

This treaty has been rigorously analyzed during five sets of hearings held over the past 30 years. Throughout the hearings, the purpose of the treaty has remained quite clear. The purpose of the Genocide Treaty was, and still is, to insure that, within the limits of their own constitutions, nations will attempt to prevent and punish those who attempt the destruction of a national, ethnical, racial, or religious group.

If the United States were to add its approval to that of the 85 nations who already are parties to the Genocide Treaty—which includes every other major country in the world—we would have far more leverage in cases where genocide is alleged, as in the case of the Falashas.

Mr. President, I yield the floor.

Mr. STEVENS. At this point, Mr. President, I yield the remainder of the leader's time, as I have already indicated, and the time of the Senator from Tennessee to the Senator from Alabama.

RECOGNITION OF SENATOR DENTON

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

Mr. DENTON. I thank the leadership.

Mr. President, I believe I have 37 minutes. I do not intend to use that much time.

THE PRESIDENT'S BUDGET

Mr. DENTON. Mr. President, at the outset of our budget process for fiscal year 1983, I wish to express my enthusiastic support for the President's budget requests and for his program for reordering Federal and State responsibilities.

In my view, this Nation is confronting a point of no return, for we must now choose the correct course to take us away from mortally dangerous policies toward our society, our economy, and our security.

To reestablish and preserve the degree of well-being and security essential to our survival, we must strive to be objective and as bipartisan as possible as we consider the policy alternatives now before us. In particular, we must give the most deliberate and constructive consideration to the administration's proposals before we conclude they will not work. We vitally need a general sense of unity as we undertake that process. I believe we are, as a body, capable of measuring up to that need, but as yet we have barely begun to do so.

In social welfare policies we, and perhaps even more the members of our committee and subcommittee staffs, still tend to think in terms of the ruts we have been in for some 20 years. Those ruts were worn deep by people mostly well intended, but those ruts cannot be the parameters within which we now operate.

Many of the committees of the Senate have been unable to agree on requested budget figures for the programs under their cognizance. In one of my own subcommittees, "business as usual" at reconciliation and authorization levels would have meant a request $2.1 billion above the President's request, and I was urged to accept the higher figure.

But I am only one of 100 Senators. What will happen if each of those other 99 asks for the same $2.1 billion increase? What then will be our deficit? Where then will the citizens of this land seek for responsible government?

Mr. President, we cannot go on spending this Nation into bankruptcy, a condition in which it will be able to help no one.

We must find a way to stop our suicidal spending habits. We need dramatically new approaches that will preserve Federal involvement in responding to the needy but also permit the Nation's private enterprise sector to live, breathe and flourish.

It is that sector that is the only natural, enduring source of production, services, and jobs. It is that sector which can and will flourish not only to its own profit but flourish so as to increase total revenues from taxes, so as to increase employment not only of the totally qualified but also of those somehow lacking in qualifications or abilities who would otherwise require Government's expenditure on welfare and support programs.

Over several decades, free enterprise has become over-regulated and overtaxed. We have virtually outlawed the work ethic, not just for the working man but also for executives and entrepreneurs, by applying over-restrictive disincentives to the risk taking that is required for modernization, expansion, capital improvement, and the generation of invention and innovation.

The United States needs, on the whole, to reindustrialize, for efficiency and for international competitiveness. Our heavy industrial base was built decades before those of nations like West Germany and Japan, whom we helped to build the modern industry that now gives them advantage.

President Reagan has seen the needs and has proposed programs that are, overall, correct in their orientation. But we in Congress cut less spending than he asked, we gave more tax breaks than he asked, the economy moved in unpredictable and uncontrollable ways, preset entitlements skyrocketed, yet we now point to "his" deficit! We are too prone to propose our own programs without first trying to find a way to make his program work and to use our own initiative to build on it and develop it.

But many, expecting a revolutionary quick fix for the economic ills of our country, appear impatient with the careful evolutionary character of the President's program. Many oppose his effort to increase, over a period of time, our Federal Government's concentration on the problems of national defense, describing it as an abdication of Federal responsibility for social welfare. This opposition reflects an insensitivity to the real needs of our own people and a propensity to ignore the constitutionally mandated distribution of powers.

Let us, briefly, review the development of Ronald Reagan's lifelong perspective on these matters. At the time of the Great Depression, Reagan voted four times for Franklin Delano Roosevelt, who saw that free enterprise had become too free, too irresponsible, too negligent of compassion. Wall Street was a gamble, not a business; labor was exploited; banks were unreliable repositories for the hard-earned dollars of our people.

Reagan was then a liberal, as I personally believe he should have been, and he supported the adjustments by which Government injected more compassion into the rough and tumble that at the time characterized our free enterprise economy.

This process of reform continued in a generally suitable way to correct labor's plight, to bring blacks out of voting and educational and sociological discrimination. Women began to receive overdue attention to their rights. The needs of the poor, the elderly, and the disadvantaged were more adequately addressed. Even so, Mr. President, there remains room for more improvement in many of these areas.

But, in general, in addressing these and other needs, the ship of state has sailed into dangerous waters and we must now correct her course.

Now President Reagan, in a different era, correctly perceives the newly appropriate needs. He sees the need to provide some relative freedom for free enterprise and to sober up our expectations in a reappraisal of some extremely dangerous habits into which we have fallen.

President Reagan's program is a new beginning. It is an overdue effort to return to the indispensably precious principles established by our Founding Fathers. He proposes a steering correction to bring us once more onto the course laid down by the letter and intent of the Constitution that has served us so well.

The preamble to the Constitution charges us in the Federal Government to "establish Justice, insure domestic Tranquility, Provide for the common defense, Promote the general Welfare, and secure the Blessings of Liberty * * *" Please note that this does not require us to "provide" for the general welfare. Nor does it allow us simply to "promote" the common defense.

The 10th amendment specifies that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

That, Mr. President, is the concept of federalism.

I believe that those who accuse the administration and the Congress of an inordinate concentration on the reconstruction of our common defense defy both the lessons of history and the current pressing considerations of prudence and logic.

Throughout the great part of our national history, spending for the common defense has been the largest component of the Federal budget. Only in fiscal year 1971 did that pattern change, and change to the point where today we spend twice as much for social programs as we do for defense, reversing the ratio that existed when President Kennedy was our Chief Executive.

Prudence and logic tell us that our survival as individuals and the continuation of our way of life depend on national security. Put succinctly, the single indispensable social service that a government must provide for its citizens is national security: the capacity to preserve the Nation, its values, and its way of life.

Since World War II, more than half the population of the world has fallen under Communist control. Some may think that I am inordinately concerned by that fact, but let me mention its consequences for our economy, for our social concerns, and for the social programs that the President proposes to reduce.

We are all justifiably concerned about our economy, but those who think they can find solutions by cutting defense spending do not understand, apparently, that our military strength, and how it is perceived by other nations, directly affects our economy and has been doing so for the last 15 years or more.

When we are seen as strong, and determined in our strength, our allies are eager to trade with us. We find ready access to resources and markets throughout the world. Our adversaries find little opportunity to expand their sphere of influence and control. Because economic relations with us are important to other nations, we have economic leverage that is effective and can take the place of other, more drastic, measures.

When we are seen as weak, as is now the case, our allies look elsewhere for economic benefit and for strategic leadership. Our European friends orient pipelines, and pipedreams, to the East. We are unable to muster support for opposition to and sanctions against the adventuristic policies of our adversaries, their surrogates, and their puppets.

Whole blocks of the world are being denied to us, as is the case in Indochina, Afghanistan, the Horn of Africa, and even parts of Central America. When we lose access to the resources and markets of those countries, we and they lose the mutual benefits and profits of our trade. One way to illustrate the meaning of that loss is to state that we lose some of our capacity to care for our poor and unfortunate, while they lose the capacity to develop their economies so as to better the lot of their people.

One case in point is the prospect of oil in the South China Sea off the coast of Vietnam. There are thousands of other examples, many behind us and more in front of us, that have drastic effects on our economy.

I ask, Mr. President, is it compassion that is served by not doing what we can and should to slow down the communization of the world? I am referring to the possession of a realistic, bipartisan foreign policy; the possession of adequate military power and of the will to use it properly when justified; and the confidence in our constancy and ability that would permit allies and friends to use their own military power in our stead when necessary.

Mr. President, we cannot solve our budgetary and economic problems by ill-advised and shortsighted cuts in our defense spending. And we must not be blinded to the imperatives of national defense by the fear that we may have to defend ourselves. Our interests and those of our allies demand that we stand firm.

We dare not neglect our common defense now. Liberals as well as conservatives agree that the Soviet Union has acquired the capability, in a first strike, to destroy most of our people and most of our ability to strike back. We cannot rely for our continued existence upon the presumed good will of those who are avowedly committed to our destruction. We must be strong enough so that we can ourselves prevent, deter, that very real threat. Only then can we truly say that we have provided for the common defense.

We all agree, I believe, on the necessity to revise a pattern of Federal spending that has, in a relatively short time, given us a massive Federal deficit that grows each year. But each of us appears to believe that the cuts should come from someone else's program. And, if we believe what we read in the papers, each Member of Congress has a personal plan for revenue and expenditure that differs not only from that of the President but also from that of every other Member of the Congress.

I stand with the President. This does not mean that I do not care about the real social needs of our Nation, but if Government expands to the point at which it destroys the economy, it is the poor who will suffer most of all and suffer first.

We must confront the stark and urgent need to correct our Federal Government's recent unrealistic spending habit. We must make cuts in some good but not essential social programs, or we will surely perish. We must, at the same time, insure that our revenue collection function is properly and fairly administered.

I do not claim special wisdom or enlightenment about the current problems of high interest rates, about the meaning of a Federal deficit of this or that size or, indeed, of how one or another expert calculates what the deficit will be. The complexity of our economic problems is well illustrated, if by nothing else, by the fact that the experts, the economists, are able to agree on little other than that there is a problem.

But I do understand that the programs we have tried to implement over the past years have not been effective. Our decades-old fight against poverty has left that economic disease virtually unchanged.

During the last two decades, our country's attempt to turn poverty into plenty has produced a multibillion dollar welfare system. Between 1968 and 1979, welfare outlays more than quintupled. In 1979 alone, Federal, State, and local expenditures for just the 64 Federal categorical grant programs based on need totaled $89.9 billion.

Some maintain that, because the proportion of our people classified as poor has dropped from 22 percent in 1959 to 12 percent today, our war against poverty has been successful. In the absence, however, of Government assistance provided in a quantity many times greater than in 1959, the incidence of poverty would be almost as high today as it was then.

Mr. President, poverty programs have succeeded in giving poor people a handout, but they have not given them a "hand-up" to earn their own living and to keep themselves out of poverty. We have been treating the symptoms, not the disease.

Our so-called welfare system, including programs such as AFDC, food stamps, medicaid, and subsidized housing, serves people reasonably well during temporary hardship and provides an important floor for protection of the aged, the infirm, and the disabled. But it also creates a kind of bondage for some recipients, spawning new problems perhaps more harmful than those it is meant to solve.

Our tradition and our heritage do teach us to "love thy neighbor as thyself." We try to help those who are unfortunate and deprived. But if Government tries too much to be the Good Samaritan, it can easily become big brother.

If we love our neighbor more than we love ourselves, if we subsidize his idleness, if we underwrite his "copping-out," we deprive him of the opportunity to respect himself. We also strip him of his initiative and of the motivation for self-improvement. We thus guarantee an increasing number of poverty stricken people at sky-rocketing Government and social cost. If legislators knowingly use demagoguery and pork-barrel politics to provide to the underserving so as to win votes from a growing constituency of dependency, I believe they seriously betray their trust and the national interest.

Mr. President, the previous administration attempted to address the growing problem by "more of the same". The result was the enactment of the largest tax increases in American history. The higher levels of taxation strangled the economy. Every job that was lost because of that policy, every potential job that was never created, added to the unemployment and welfare rolls. The policy increased the cost of the so-called safety net, expanded Government expenditures, reduced Government revenues, and brought about larger and larger deficits.

Throwing money at the problem does not solve it. As Dr. Thomas Sowell of Stanford University has pointed out:

> A few years ago, someone calculated how much it would cost to lift every man, woman and child in America out of poverty by simply giving them money. It was one-third of what was being spent on poverty programs.

Each of us has his own horror story of a good program gone berserk, generally about a program dear to the heart of someone else. Each of these well-intentioned programs has proven to be but one more paving block on the road to economic hell.

And all of this hardly considers our enormous entitlements and the new ogre of "off-budget credit activity."

Mr. President, when it has been so compellingly demonstrated that the remedies of the past do not work, why do we continue to try them? It is as thoughtless for us to attempt to solve our current economic difficulties by old remedies as it would be for us to base our national defense on the biplane, the horse cavalry, and Old Ironsides.

By contrast, President Reagan seeks to address the basic economic problems of our country, to promote the general welfare, by remaining faithful to the principles of our free enterprise system. He seeks to set the stage for business to prosper by implementing an enlightened fiscal policy and by relaxing the grip of unwise, unnecessary regulation. Jobs are created by business, not by the Government. If our economy is to prosper, if our people are to have work, it is business that must provide the jobs.

I emphasize that budget cuts, reductions in specific programs, are not at all the same thing as cuts in the benefits the truly needy actually receive. The President is determined, as I am, to prevent people, both individuals and groups, from falling through the cracks when we try, as we must, to reduce Government spending and change the way our Nation responds to the needs of those who do indeed require our help.

If we are serious about helping the poor, what are we doing, individually and collectively, to help find a better way to do so, to help the President's generally valid program become a realistic detailed plan, to work with the Jaycees and civic groups, with the private sector, with churches, with other voluntary groups?

I often characterize the essence of our country, of our way of life, as "free enterprise times compassion." By "free enterprise" I mean not just entrepreneurial economy, but also the freedom to use personal choice in religion, to express one's views, to select and enjoy leisure pursuits, to choose one's vocation. By "compassion" I mean the Judeo-Christian and American tradition of preserving, respecting, and developing the individual.

In our system, rooted in and sustained by the ancient and established principles of free enterprise and compassion, the proper function of Government has always been seen as that of moderating between the contending demands of the two principles.

The Founding Fathers recognized, in one of those stunning instances of brilliant insight that occur so rarely in the long course of human development, that government should be a minimum, not a maximum, function. It is claimed that Thomas Jefferson first said, "That government is best which governs least." That is the fundamental principle underlying our Constitution.

Properly, government must do the minimum that is needed to insure that the dynamic of free enterprise does not trample compassion for the individual, and to insure that a false definition of compassion for individuals does not so constrain enterprise that it cannot operate freely.

President Reagan, in his state of the Union address, quoted a Democratic Governor who said, "The National Government should be worrying about arms control, not potholes." The Federal Government must seek to respond to the letter and spirit of federalism, not just a "new" federalism but the federalism that is at the heart of our constitutional system. My own State's Governor, a Democrat, says, "New Federalism is a call to give States the responsibility they should have with the idea they spend tax money better and more efficiently." I suspect that the Governors of the other States say about the same thing.

As the Governors are aware, the President seeks not an abdication of responsibility but a long overdue recognition and use of the increased ability, sensitivity, and sophistication of State governments in dealing with human needs. The President proposes, and most Governors accept, a continued essential Federal role for oversight of minimum welfare standards, civil rights, and pass through of resources to local governments.

Mr. President, the key question we confront is whether the Congress will even approach the President's program. Too many Members of the Congress ask more money than the President requested to fund the programs in which they have a special interest, programs all certainly well intentioned. They criticize the President for spending too much, for taxing too little, for a deficit that is too big. The President is roundly criticized for his efforts to try something different from what has just failed, yet his approach is the one most soundly rooted in the fundamental nature of our system.

And, Mr. President, inflation has slowed to the lowest rate in many years. Our unemployment rate, excruciatingly high, has nonetheless stabilized and is not now increasing. Interest rates have dropped. The experts now perceive that we are probably bottoming out and that things will soon get better. Even now, even with our current difficulties, the interest rates and the inflation that ravage business, the consumer, the elderly and those on fixed incomes, are far, far better than those left to us by the previous administration.

Yes, we are in a painful recession, but the President's program is not an artificial fix or a temporary bandaid. It is the solution. Mr. President, I implore my colleagues and all Americans to give that solution a chance to work. The President has said he wants to work with us, that he is firmly committed to his overall program but flexible on the specifics.

Instead of criticizing, instead of appearing to panic in the face of dire predictions of this or that awful consequence, instead of presenting the unseemly spectacle of flight in disarray before a parade of horrors, we should be rallying to the President's call to deal directly with the hard issues. We should be asking ourselves where else we can reduce spending, cut bureaucracy, increase efficiency, promote equity, respond to the interests of those who truly need our help, encourage business, counsel patience, and return responsibilities to our States and localities.

We in the Congress must find ways to motivate and stimulate the private sector to involve itself in our social problems, to allow business and the traditional voluntarism of our citizens to assume an increasing role in supporting individuals and enabling them to become productive members of our society. Private business and voluntary associations of our citizens should assume the active part in, and the responsibility for, much of what Government, in an excess of zeal, has tried inadequately and expensively to do. Congress must exercise its own initiative to bring about that result. That is what the President wants us to do.

We must fulfill our inescapable responsibility to provide for the common defense and to promote the general welfare.

I support our President. This is not a partisan position but one based on the urgent need of our Nation and the plight of its people. A majority of our people voted for his programs. For the sake of all our people, I urge my colleagues to support him by adhering to his budget request, by exercising patience, and by allowing the time required for his program to work.

RECOGNITION OF SENATOR PRYOR

The PRESIDING OFFICER (Mr. Mattingly). Under the previous order, the Senator from Arkansas (Mr. Pryor) is recognized for not to exceed 15 minutes.

FUN IN SUN

Mr. PRYOR. Mr. President, one day last week, a contituent of mine—who I suspect is an irate taxpayer—left a copy of an announcement in my office in Arkansas. It deals with something called a "Seminar for New Managers," sponsored by the Southwest Region Training Center of the Office of Personnel Management. The seminar is scheduled for May 9-May 21, 1982, at the Rolling Hills Golf Club in Fort Lauderdale, Fla. This is the third such seminar offered in fiscal year 1982. I ask unanimous consent that a copy of this notice from OPM be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. Mr. President, a member of my staff called the person listed as a contact for further information. He was informed that this person was not in the Dallas, Tex. regional office of OPM—because he was attending a similar conference for new managers being held at that time. This one was at the Sheraton Orlando International Airport Inn, a hotel located in Orlando, Fla., about 20 minutes from Disney World.

The seminar now being held in Orlando began on February 28 and runs through March 12. It is a residential seminar for new managers with a cost to the taxpayer of $1,350 per person. This covers room and board, per diem expenses, tuition and classroom material. Any travel costs incurred by the participants are additional, but they are also, of course, paid by the U.S. Government and the taxpayer. The seminar now under way in Orlando is being attended by 30 Government employees from a number of agencies: The Departments of Army, Navy, and Air Force, the Department of Health and Human Resources, Treasury, the Panama Canal Commission, the Bureau of Indian Affairs, the Bureau of Prisons, and the Department of Agriculture. Employees have traveled to Orlando from Maryland, Virginia, Washington, D.C., Missouri, Panama, Wyoming, Colorado, New Mexico, and Texas.

Mr. President, how widespread is this practice of flying Government employees to faraway luxury commercial resorts for training? During fiscal year 1981, at least five such 2-week residential sessions were held by the southwest region—three at the Bandera Guest Ranch in Bandera, Tex.—about 45 miles west of San Antonio. Each session was attended by about 40 participants. Two more sessions were held at the Rolling Hills Golf Club in Fort Lauderdale, one session attended by 18 and the other by 38 participants.

How much does one of these sessions cost the taxpayer, Mr. President? The cost of the contract for training at Rolling Hills was $25,429—plus air fare for each person, plus the cost of paying staff to conduct the training, and in some instances the use of contractors to do the training at about $180 or more per day.

Contracts signed with commercial facilities for other training sessions held by the southwest region have been as high as $35,000. There are also the hidden costs in service reductions resulting from the absence of these managers from their offices during the session.

The southwest region has also had an active schedule for fiscal year 1982 with five more training seminars scheduled. One was held at the Bandera Guest Ranch, Bandera, Tex. One is taking place now at the Sheraton Orlando, as I mentioned, at a cost not to exceed $24,555. Two more are to be held at the Rolling Hills Golf Club in Fort Lauderdale—one at a cost not to exceed $34,360.

How much is the Government spending on training each year? The southwest region—which I assume to be representative of the 10 OPM regions—conducted a total of 900 training sessions during fiscal year 1981. These sessions ranged in time from part of 1 day to 2 weeks. Many sessions were held at Government training facilities, but most others were held at resorts similar to those I have mentioned. The total cost of such training activities was approximately $2.4 million in fiscal year 1981. The total Governmentwide cost of training by all agencies, according to one informal estimate, was in excess of $1 billion in fiscal year 1981.

Why does the Government use outside facilities, when they have their own residential quarters? I was told that the Government only decides to go to a commercial facility to conduct its training when there are no comparable Government facilities available. When they decide to use a commercial site they must go through a competitive bidding process. They first set certain criteria such as costs, quality, ability to schedule, accommodations, location, transportation, and availability. Then they issue a request for proposals, but in the southwest region—since publishing the request for proposal in the Commerce Business Daily hardly ever yields any results—they supplemented it with a request for solications from 19 handpicked resort facilities. They received bids for the February seminar in Orlando, for example, from the following: Rolling Hills Golf Club, Fort Lauderdale; the Sheraton in Orlando; the Hilton at Palm Beach, Fla; the Holiday Inn at Hilton Head, S.C.; and the Holiday Inn at Jekyll Island, Ga. The price of use of the facility ranged from a high of $49,257 to a low of $26,796. For the May conference, which is about to take place, to be held at the Rolling Hills Golf Club, they received bids from the same five bidders, with Rolling Hills receiving the award at a bid of $24,498.

Mr. President, I am very concerned with the escalating cost of Government, as all of us are. At this time of fiscal austerity, every penny of Government expenditures must be spent in the wisest and most efficient possible manner. I do not question the view that some Government training is vital, but I do question the need to conduct training outside Government facilities—and at country clubs in faraway and exotic resorts.

I also question, Mr. President, the need for such training at this time when a great number of Federal employees are being RIF'd and furloughed. I question this when agency services to the public are being decreased at the same time. In the southwest region alone, the Office of Personnel Management recently announced that it will close one branch office, and a number of Civil Service Information Centers are being reduced or eliminated. OPM just last week announced a reduction in force of over 700 of its own employees, while continuing these very elaborate training sessions at the most exotic resorts across America.

Mr. President, I question the wisdom of these expenditures, and I request that an investigation of training be conducted immediately by the General Accounting Office.

I am asking the General Accounting Office, in particular, to look into the training activities of the Southwest region and then, of course, of the other nine regions of OPM.

I also call upon the Director of the Office of Personnel Management to reevaluate such training costs and consider alternatives that would mean retention of services and the savings of millions and millions of tax dollars.

EXHIBIT 1

U.S. OFFICE OF PERSONNEL MANAGEMENT,
SOUTHWEST REGION LETTER,
Dallas, Tex., February 17, 1982.

To: Heads of Activities, Administrative and Personnel Officers

SEMINAR FOR NEW MANAGERS—May 9-21, 1982

The Southwest Region Training Center will conduct its third fiscal year 1982 session of the "Seminar for New Managers" on May 9 through 21, 1982, at the Rolling Hills Golf Club, Fort Lauderdale, Fla.

The "Seminar for New Managers" is the Office of Personnel Management's two-week residential seminar at the base of our executive and management training core curriculum. Designed for managers who have recently assumed managerial responsibilities, this intensive training experience has been validated as a significant first step of our management development effort.

If you have additional managers who need this training, I urge you to contact our Regional Training Center for the purpose of purchasing additional spaces for our May session.

For further information, please contact Larry Embrey at 214/767-8241 or FTS: 729-8241.

EDWARD VELA, Jr.,
Regional Director.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a brief period for the transaction of routine morning business.

OPENING THE JAPANESE MARKET FOR U.S. MEAT

Mr. BENTSEN. Mr. President, I have spent a great deal of time on the floor of the Senate in recent weeks outlining the problems and opportunities facing U.S. agriculture in the area of international trade. I have pointed out the fact that in many cases American farmers and ranchers are getting the short end of the stick in international trade. We are being locked out of markets overseas by unfair trade practices, but the executive branch historically has not been willing to press the case for American agriculture by aggressively using the legal remedies available to us under the international trade agreements.

As the ranking Democrat on the International Trade Subcommittee and as cochairman of the Senate Export Caucus, I have been working to change our international trade policy and to encourage our representatives to stand up for our rights under international law.

Nowhere is such an aggressive policy more needed than in our trade relations with Japan. Japan enjoys an incredible $18 billion trade surplus with the United States, yet the Japanese have continually thwarted attempts by U.S. cattlemen and other industries to sell their products in that lucrative market.

Mr. President, last week I met with members of the board of directors of the U.S. Meat Export Federation for a very timely discussion of the international trade problems facing U.S. meat exporters. The chairman of the USMEF is Mr. George Feaster, a cattle feeder from Amarillo, Tex., and he has worked hard and effectively to promote U.S. meat exports. His efforts have been strongly supported by Texas and national producer groups and by the meat industry.

This meeting was particularly timely because of the fact that an important Japanese trade delegation was in town at that time. A major part of the message that Mr. Feaster and the other members of the USMEF board brought with them was the continuing problems that the cattle industry faces in trying to penetrate the thicket of nontariff trade barriers separating them from Japanese consumers.

Japanese consumers have proven to be eager to buy high-quality U.S. beef, and American cattle ranchers are most anxious to sell their beef, particularly in these times of lagging domestic demand and low prices. A breakthrough in access to the Japanese market would give the U.S. cattleman an important new market for his product.

It is the hope of the Senator from Texas that Mr. Esaki and the other members of this Japanese delegation will take back with them a message of deep concern on the part of the United States.

We are deeply concerned about the current trade deficit of some $18 billion which we have with Japan. We are even more concerned with the unfair and unlawful methods which the Government of Japan has used to achieve this tremendous trade advantage, and we are determined that we must achieve fair trade, not free trade which is free only to the Japanese who wish to sell in this country but not to the American company which wishes to sell in Japan.

I have made a series of speeches on the Senate floor outlining the importance of international trade to the American farmer, the problems which we are facing with violations of the international trade agreements, and the remedies which are available to this country for these problems. At my request, hearings on agricultural trade barriers were held in the International Trade Subcommittee, on which I am the ranking Democrat, to explore ways to combat trade barriers to U.S. agriculture exports.

The situation which we face with Japan is a classic example of the problems, and the potential solutions, which are to be found in international trade in agricultural products, and indeed in other products as well.

JAPANESE IMPORT QUOTAS

Japan maintains a system of import quotas on 22 categories of agricultural products. This system of import quotas is a clear and flagrant violation of the General Agreement on Trade and Tariffs, the GATT. In addition, U.S. agricultural products are also faced with a wide range of nontariff trade barriers which limit trade and add to the huge trade deficit which we have with Japan.

The potential benefits to hard-pressed U.S. farmers and ranchers of doing away with these trade barriers are obvious. The potential market for U.S. beef alone is estimated by the U.S. Department of Agriculture to be at least 200,000 metric tons within 5 years after liberalization.

The USMEF and its members have had a lot of experience in trying to penetrate the Japanese market. I worked closely with the USMEF and its members, many of whom are from my home State of Texas, during the multilateral trade negotiations which culminated in the Trade Act of 1979. At that time we won what the Japanese said were significant concessions of market access for U.S. beef. The Japanese increased their meat import quota for high-quality U.S. beef by 10,000 metric tons.

This may sound like a lot at first glance, but when I put a pencil to it I found that it only came to about one hamburger per Japanese per year. This is hardly a major breakthrough in the history of international free trade, which the Japanese profess to support so strongly and use so well to their advantage. Japanese imports had amounted to about one Big Mac per-person-per-year, and then they added a quarter-pounder.

OTHER TRADE BARRIERS

Japan is rightly famous for its nontariff trade barriers, and U.S. beef has to fight its way through a thicket of these barriers in addition to the quota restrictions.

Take the Livestock Industry Promotion Corporation, for instance. The LIPC is a quasi-governmental entity through which over 90 percent of our exports to Japan must go. The LIPC has done everything in their power to see that the U.S. cattle ranchers are not allowed to compete and develop a market for their products in Japan.

For instance, the LIPC keeps the price of U.S. meat at artifically high levels in order to discourage consumption and hold down consumer demand. A sirlion strip steak which sells for $4.00 per pound on the west coast sells for $4.50 per pound in Hong Kong, where it does not have to penetrate Japanese trade barriers. That same steak sells for about $15.00 per pound in Japan, even though the LIPC paid the same $4.00 per pound price for it on the west coast. The LIPC has a real racket going at the expense of the American cattleman and the Japanese consumer.

U.S. STEAKS ARE KEPT OUT

Japan brags quite regularly about the excellent job which they are doing of fulfilling their commitments under the trade agreements by buying the full quota amount of U.S. high-quality beef. On the surface they do indeed have an excellent track record in this area, particularly when compared to the very poor record of the European Community.

However, the LIPC belies these claims by keeping U.S. steaks out. The LIPC manipulates its purchases to fill most of the quota for high quality beef with less desirable cuts like short plate and chuck rather than the top quality loin cuts which we consider to be our best products. This satisfies the letter of the law, since the meat comes from choice and prime grade carcasses, but it is a flagrant violation of the spirit of the trade agreement. This manipulation hurts U.S. marketing efforts, which are aimed at selling U.S. beef as a top quality product, by labeling inferior cuts as top quality U.S. beef.

The extent of this manipulation is shocking. In a tender issued by the LIPC in December of 1981, only 6 percent of over 1,800 metric tons was allocated to strip loins. The other 94 percent was composed of short plates, square cut chucks, briskets, shoulder clods, and skirt plates—hardly what we would consider top quality cuts. Yet this entire tender was counted as part of the high quality beef quota, and a Texas rancher reading a Japanese press release would assume that that purchase was 1,800 tons of choice steaks.

RESTRICTIONS COST U.S. JOBS, MONEY

The Japanese have almost totally locked out our top-of-the-line meat. Top quality U.S. steaks, individually wrapped and vacuum-sealed, are the Rolls-Royce of the world of beef. They are a value-added product, and as such generate additional jobs in meat processing in this country—jobs that are now being done in Japan.

They are the most profitable item to the U.S. meat industry, and represent the most dollars to the hard-pressed American cattle rancher. The U.S. Department of Agriculture has estimated that if meat trade with Japan could be fully liberalized and the European Community quota filled, the U.S. cattle industry could more than triple our beef exports. This would be worth over $1 billion and would add about $25 per head to U.S. cattle prices under current conditions.

DIVIDE AND CONQUER

The Japanese have also engineered their meat import concessions in such a way as to cause strain between the United States and our friends the Australians, who are also major producers and exporters of beef. The Australians produce grass-fed beef, which is an entirely different product than the grain-fed U.S. beef. Japan is a major market for both United States and Australian beef. However, in making these token concessions to the United States by setting up quotas for our high-quality beef, the Japanese have maintained a tight and unchanging ceiling on their total beef imports by cutting back on the Australian meat quota.

Further liberalizations of this kind will not help the U.S. cattleman and should not be considered acceptable by the executive branch. We must push for total liberalization of the Japanese meat import system. Further concessions of this kind will not only needlessly anger our valued friends the Australians, but they also will not help the American cattle rancher in the long run. Japan is an important market for Australia, and if the Australians see themselves being squeezed out in favor of high-quality beef quotas they might just decide to create their own grain-feed beef industry in order to stay in this market.

Right now the United States is the only country in the world which is a significant producer of high-quality grain-fed beef. To understand the risks of losing that status we need only ask our soybean farmers what happended after the Nixon soybean embargo in 1973. That mistake caused the Japanese to pour over $1 billion into the development of a Brazilian soybean industry which is now a major competitor in a market which the United States use to dominate.

The Australians are major suppliers to the Japanese market, and they have as much to gain from Japanese trade liberalization as we do. The U.S. Department of Agriculture has estimated that Australian meat exports to Japan would increase even more than would U.S. meat exports following trade liberalization. In addition, elimination of the overall quota on total Japanese meat imports would end this contrived conflict between the United States and Australia and would allow each of us to market our separate products in an open and competitive market, just as the Japanese now do in our countries.

U.S. PRESSURE NEEDED

Japan is a grown, developed nation now, and it is time that they accepted some of the responsibilities of maintaining the open world trading system which they are so dependent on and from which they benefit so much.

The Japanese are masterful negotiators. They will talk and talk and ship and ship. They have excuses by the Toyota pickup-load.

I believe that U.S. negotiators have spent far too much time worrying about the concerns of other nations and far too little time worrying about the needs of U.S. farmers and ranchers. It is time that our State Department started working for the American farmer instead of the other way around.

We are asked to consider the political sensitivities Japanese politics and not to insist on our rights under the international trade agreements. Yet how much sensitivity to U.S. domestic politics have the Japanese shown in destroying the U.S. television industry, crippling the U.S. auto industry, and now in going gunning for U.S. high-technology industries such as semiconductors and computers?

The United States cannot and should not continue to pay nothing but lip service to this problem. We should insist on the open access to the Japanese market which we should have under the international trade laws, and we should use the remedies which we are legally entitled to under these laws to get this access. Failure to use these remedies makes a hollow mockery of them and only adds to the growing feeling that we cannot rely on the multilateral trade system.

MORE OPEN TRADE HELPS EVERYONE

The Senator from Texas understands how important international trade is to U.S. agriculture and to this Nation as a whole, and I want to build, not destroy, the international trade system.

I believe that a major test of the viability of the multilateral trade system will be the success of the United States and other nations around the world in gaining access to the Japanese market just as the Japanese have access to markets in other countries.

Our friends the Japanese must understand that we are their friends and that we value that friendship. We are not attacking their country if we file section 301 complaints or take other actions to secure our rights under the multilateral trade system.

We are only trying to make the multilateral trade system work for everyone, and thereby preserve it in the face of growing protectionist forces around the world that would tear it apart.

The American farmer is just as dependent on an open world trading system as is the Japanese industrialist, and I believe that the best interest of both our countries would be served by a fair and open trading system.

We are after trade, not aid. Given the opportunity, the U.S. farmer and rancher can both satisfy the demands of Japanese consumers for reasonably priced, high quality food and reduce the economic and political strains of the current $18 billion trade deficit.

I hope that such an opportunity will be forthcoming, and as cochairman of the Senate Export Caucus and ranking Democrat on the International Trade Subcommittee I will continue to make every effort to hasten its arrival.

Japan is a country which operates by consensus. They respect and understand the significance of a consensus, and I will do my part to build a consensus for trade liberalization in this country. This consensus is forming rapidly, and it will be ignored by Japan and our other trading parners only at great risk to our current multilateral system of international trade.

WOMEN IN UTAH: LESSER KNOWN HEROINES

Mr. HATCH. Mr. President, Utah's women have played and continue to play a critical economic, cultural, and social role in every sphere of Utah life and constitute a significant portion of the labor force working both in and out of the home. From the beginning they worked hand in hand with their husbands on farms, in businesses, and in the domestic trades necessary for the rearing of large families. In the annuals of Utah history, the names of a few women are heard repeatedly. These women have been used again and again in lesson and lecture as examples of strength. A few were strong and talented, often heroic, but many persons of less renown also merit attention. These individuals, too, gave support to their contemporaries. The personal histories of many of these women have been lost to us forever, but a few have been preserved to inspire us, both men and women, even to this day. Among them is Josephine Streeper Chase, whose personal diary reveals to us the day-to-day life of a pioneer wife, mother of 16, Sunday Schoolteacher, successful manager of a large household, and faithful church member. Her diary reveals a pioneer story of struggle, disappointment, sadness, laughter, and work. It bespeaks of weariness, love of children, surmounting doubt, artistic yearnings, and impatience with frustrated dreams. One spring day, she realistically ended the entry by writing, "but I see plainly, this earth is not heaven." Upon reaching the last summer of her life, this brave woman who had battled so long against bruises of spirit and misery of body was gravely ill. It was as if she literally willed herself to keep ahead of each day's work. On July 18, 1894, she wrote:

> Our paper said this morning that Utah was a State. There was a beehive at the heading and it was signed by Grover Cleveland, the President of the United States . . . well, I put our colors out and tied some willows and deer horns to the tree . . . our colors . . . red, white and blue.

Josephine was not alone in her hard work or earnest desire that things should be better. Women of many religious and ethnic groups who followed after her also labored in the hope that things could be made better—better for someone today and better for those who followed them.

Among the Greek immigrants who settled in Utah at the turn of the century, it is recorded that there was one "Magerou," matriarch of the first Greek families who came to work in Utah's mines. This woman was an experienced midwife, and as such, delivered many Utah babies. She was skilled in the folk cures of her native people and ministered to the psychological fears and physical ailments of the increasing numbers of immigrants who came to work in the mines. Steeped in the traditions of the old ways and skilled in the new, she nurtured all and contributed greatly to the integration of many into Utah life.

Similar to "Magerou," a number of women have emerged to lead particular groups in Utah. Among the Spanish-speaking people there were also women leaders, often known as "curanderas." One of these, Incarnacion Florez, was well known in Utah and the surrounding States for her cures. She practiced part art and part medicine, which she learned from five centuries of Spanish/Indian culture and which, for many Spanish-speaking people, provided the greatest fount of hope in the Anglo culture. From as far away as Texas people came to benefit from her healing powers which were inspired by a deep religious belief. She accepted no pay for her work and often provided food and shelter for the hungry and homeless. She was a unifying force, and a leader among her people.

The contributions of women in Utah's history are as various and colorful as the history of the State itself. Today, we would like to honor those women, both famous and not so famous, for the contributions they have made to Utah history. We should also be reminded by the examples of these women who never sought recognition, that our own actions should be driven not by a desire for notoriety or fortune, but by love of our fellow citizens. If we serve our Nation, our State, our neighborhoods, and families well, the rewards will be both personal and public.

Mr. STEVENS. Mr. President, is there further morning business?

The PRESIDING OFFICER. There is an order for a period of routine morning business not to extend beyond the hour of 12:30 during which Senators may speak for not more than 10 minutes each.

Mr. STEVENS. Mr. President, the leadership is informed that the Senator from Oregon (Mr. HATFIELD) and the Senator from Massachusetts (Mr. KENNEDY) wish to have a colloquy concerning proposed legislation at the hour of 12:15.

RECESS UNTIL 12:15 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 12:15 p.m.

The **PRESIDING OFFICER.** Is there objection?

There being no objection, the Senate, at 11:15 a.m., recessed until 12:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Stevens).

The **PRESIDING OFFICER.** The Chair, in his capacity as a Senator from Alaska, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. Abdnor assumed the chair.)

Mr. **STEVENS.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Is there further morning business?

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

SENATOR HARRISON A. WILLIAMS, JR.

The **PRESIDING OFFICER.** The clerk will report the pending business.

The assistant legislative clerk read as follows:

A resolution (S. Res. 204) expelling Senator Harrison A. Williams, Jr., of New Jersey, from the Senate.

The Senate resumed consideration of the resolution.

QUORUM CALL

Mr. **STEVENS.** Mr. President, it is our intention to again institute a quorum call. There will be a live quorum. If it is not responded to, we will have a motion to instruct the Sergeant at Arms to compel the attendance of absent Senators. It is our attention to start the consideration of this matter at 1 p.m. today.

Mr. President, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 24 Leg.]

1st Call

Abdnor
Biden
Byrd, Harry F., Jr.
Byrd, Robert C.
Dodd
Exon
Garn
Hatfield
Heflin
Inouye
Metzenbaum
Stevens
Weicker

The **PRESIDING OFFICER.** A quorum is not present. The clerk will call the names of the absent Senators.

Mr. **STEVENS.** Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of the absent Members, and I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Alaska. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **STEVENS.** I announce that the Senator from Kansas (Mrs. Kassebaum) and the Senator from Texas (Mr. Tower) are necessarily absent.

Mr. **CRANSTON.** I announce that the Senator from Louisiana (Mr. Johnston) and the Senator from Nebraska (Mr. Zorinsky), are necessarily absent.

The result was announced—yeas 93, nays 3, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—93

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Kasten
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Schmitt
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tsongas
Wallop
Warner
Weicker
Williams

NAYS—3

Goldwater
Proxmire
Quayle

NOT VOTING—4

Johnston
Kassebaum
Tower
Zorinsky

So the motion was agreed to.

The **PRESIDING OFFICER** (Mr. Stevens). With the addition of the Senators voting who did not answer the question call, a quorum is present.

The Chair states that the proponents on this resolution have now used 466 minutes; the opponents have used 501 minutes, according to the Parliamentarian.

Mr. **BAKER.** Mr. President, as I have said once before, I think our previous unanimous-consent agreement dealing with the allocation of time equally each day has been more honored in the breach than in the observance. But I think, altogether, the time allocation has worked itself out very well, so I am not greatly concerned about it.

Unless there is some indication by the managers on both sides that they would like to try to redress that imbalance, I suggest that we proceed, whatever the requirements of this day and subsequent days may require in terms of the presentations of the point of view of individual Senators.

I expect the Senate will be in session until 6 today, and in session tomorrow on this issue as necessary. The outlook for Friday is uncertain. While I have indicated previously that we would not be in session on Friday, I urge Senators to let me have a little more time to examine that prospect, so do not depend at this moment on not being in on Friday. I still hope that that will not be necessary. I thought I should give at least that advance notice to Members, that there is at least a possibility of that.

Mr. President, if I may speak on one subject just briefly, I should like to clarify the record.

I think I understand the pressure that the distinguished Senator from New Jersey is under, and I am sympathetic. I observed on television last night a remark by him which I understood to mean that he thought the Republican Conference had adopted a caucus position in support of either expulsion or some other result in this proceeding.

Simply for the sake of putting the record straight, I say to my friend from New Jersey and every Member of the Senate that that never happened.

There has never been a caucus position on this case. On the contrary, at every policy luncheon, at every meeting of our chairmen, at every meeting of the conference, there has been an admonition to "keep your mind open and to hear the arguments on this matter and not to make statements in public." I have hewed to that consistently.

I have checked the records of the conferences and the Policy Committee to make sure that that is universally so. It is so, and I simply want to say that for the record and for the benefit of my friend from New Jersey.

Mr. **WILLIAMS.** If the majority leader will yield, when I returned yesterday afternoon, I was given that information from a most reliable source, and then it was verified by a friend who happens to be a member of the cloth, the clergy, who had heard a report to that effect on the radio as he drove here from New Jersey.

That was my information, and the sources of the information have always been most reliable sources. I suggest that the majority leader would appreciate my response, having heard that. My response was deep disappointment, and I expressed that.

Mr. **BAKER.** I can understand the point of view of the Senator from New Jersey. Indeed, I would have felt that disappointment under similar circumstances. This is not meant to be a criticism of the Senator from New Jersey. I do think I understand something of his dilemma and the pressure and stress that he is under at this time.

However, I wanted this Record, the Congressional Record, to show that, indeed, there was never such a caucus and, on the contrary, there were consistent and multiple admonitions to Members on this side that they should not form or express a judgment on this matter prior to hearing the debate.

Mr. WILLIAMS. To follow up on that, I have seen Members of the Senate quoted to the effect that they had made up their mind. That, of course, was again part of my deep disappointment, that judgment had been arrived at in the minds of many before the full case had been discussed in this limited context of the Senate debate.

Mr. ROBERT C. BYRD addressed the Chair.

Mr. BAKER. I yield to the minority leader.

Mr. ROBERT C. BYRD. Mr. President, I certainly sympathize with the position taken by the distinguished Senator from New Jersey (Mr. Williams), as was indicated through the press last evening. I understand his frustration and his anger; if that had been the case, I think that we all would have been somewhat angered and disappointed. We do not think this is a partisan issue at all. We have discussed it in that manner in our caucus, and it is not a partisan issue. So, I have empathy for his feeling of outrage.

At the same time, I believe the majority leader when he says what he has said that there has been no discussion in his caucuses. I hope I am not misstating what he said. But, in any event, he says there has been no position taken by the caucus and that every member of the caucus has been left to make his own determination within his own conscience. If I am misstating the Senator, I certainly want to correct the record.

However, I will say this, and I will close: It would have been a disappointment on the part of all of us on our side of the aisle had the Republican caucus taken a position which would have been a partisan position in this matter, and I would have thought it would have been uncharacteristic of the majority leader, knowing him as I do and having experienced over this year and a half his extreme consideration of the wishes and the needs of the minority. He has gone further in consideration of the needs of my people than I would have gone in many instances.

I thought the situation referred to by Mr. Williams was very unfair, and I would have been very disappointed likewise and would have stated it. But I believe the majority leader when he says that the Republican caucus took no such position, and I am perfectly at ease with his statement in that regard.

As to a nose count, that is something else. I do not know of any nose count. There has been none on my side of the aisle. I have not ordered a nose count of votes. I do not know what the count is on this side of the aisle, but I think the majority leader is wise in having taken the floor to debunk any impression of a caucus position and to state for the Record what the facts really are.

Mr. BAKER. Mr. President, I thank the minority leader.

May I say that the caucus, meaning either the conference or the policy committee or the policy committee luncheon, has never been asked to take a position on this matter. They have never taken a position on this matter. There never has been any suggestion that they take a position on this matter and, indeed, to the contrary, there have been repeated admonitions from me and from others that Members should not take a position nor make a public statement in respect to this matter, the ultimate conclusion of this matter, until after the debate is finished on this floor. That is the reason why I wanted to make this statement at this time.

The reason I expressed some, I guess, facial concern when the minority leader began his remarks, when he said it never has been discussed in caucus, obviously it has been discussed. But in each instance when it was discussed my admonition was "Wait," and there was a universal and unexcepted view that that should not be the subject of a party caucus. It never was. Mr. President, I yield to the Senator from Utah.

Mr. GARN. Mr. President, I thank the majority leader.

I would only add to this that Senator Inouye is the Secretary of the Minority Conference, and I occupy the position of Secretary to the Republican Conference, and I further reiterate what the majority leader has said.

Under our rules, at least, it would be impossible for a Republican conference or caucus to take a position unless we resolved ourselves into a conference, and I would be the one who would call that particular conference.

To my good friend from New Jersey, who is the ranking minority member of the Banking Committee, with whom I have served there for years, we have not had a conference.

It would be literally impossible for us to take an official position because we have not held one during all of this time. I would have been the one to call one. So we just, from a procedural standpoint, we could not have held or taken a position on this because I have not even called a conference for that purpose to even talk about it.

Again, the majority leader in the policy luncheon, which is a discussion group, every week without fail, every Tuesday, has stated "I implore all of you not to take positions collectively or individually until this has been heard."

I thank the majority leader.

Mr. WILLIAMS. Mr. President, If I could just add one thing, if I might, if the majority leader will yield, my information was, as to the nature of the gathering that did discuss this question, different this morning. It was not that Senator Garn called a caucus, but it was in connection with a luncheon yesterday of the Members of the other side.

Mr. BAKER. Mr. President, if I may speak to that, that is the Republican policy luncheon held each Tuesday. That was not done yesterday at the policy luncheon. It was not done at any policy luncheon, at any conference, or any caucus.

I have asked the staff of the conference to supply me with the records since September. I have 16 times at 16 different luncheons admonished Republican members to not state a public position on this matter nor to make up their minds until after we have heard the debate. Sixteen times I have done it.

Now, it may be that the very act of admonishing Senators not to make up their minds has been fragmented and been suggested to others as a suggestion. But I want my friend from New Jersey to know it did not happen yesterday, it did not happen at any time, and will not happen in the future.

Mr. WILLIAMS. I thank the majority leader.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, before I proceed I would like to express my gratitude to all those who assisted me in this endeavor and, if I may, I would like to single out three staff assistants who have spent many hours, many days, and many weekends working on this matter. They are John Pingree, John Hardy, and Robert Alm, who was the assistant in charge.

Mr. President, over the course of the past week the Senate has laid aside all other business and focused its entire attention on the case of the Senator from New Jersey.

I believe that the Senate will always regard these days as having been well spent. Well spent because we have all had our attention focused on the very difficult subject of ethical standards which accompany our high office; well spent because we have discussed the conduct of the FBI which must, I believe, and will be, investigated; and well spent because we have allowed a longtime and much-cherished colleague to present to us all of the facts which he feels are important to our decision.

I hope that all of us, difficult as these days have been, will always regard this debate as a demonstration of the high sense of justice which is embodied in the Senate as an institution. And this afternoon, as we come close to the end of these proceedings, I wish to remind my colleagues of certain points which I feel essential to any decision in this case.

There are, to begin with, a few items which deserve further clarification. First and foremost, Mr. President, I believe that the Ethics Committee proceedings were fair. But that does not foreclose the raising of new evidence, even when that evidence involves witnesses who were available at the time of the committee hearing. As we know, the evidence in this matter has been dribbling out piece by piece, day by day, and week by week. As it comes out, we have new questions to ask old witnesses, and we have questions to ask new witnesses.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. INOUYE. I would be very happy to yield.

MR. ROBERT C. BYRD. Mr. President, there is no Member of this Senate who is more respected than the distinguished Senator from Hawaii (Mr. INOUYE), and I think that if there is any one individual who has stood out—there have been several—in this debate as a paragon of patience, consideration of his colleagues, fairness to both sides, integrity, and a person to be admired it is DANIEL INOUYE.

This may be his last presentation of the matter, I do not know. He may have other words to say. But I think he is entitled to better attendance than we have at this moment.

The Senate has been diligent in its attendance. There have been times when I have had to be called from the floor, for example, to speak with the Foreign Minister of Germany; I have had a problem of the possibility of a complete shutdown of the National Steel Co. plant at Weirton, W. Va., with a loss of jobs of 12,000 employees, so all of us at times have had to be absent from the floor.

But as I look around now I think we ought to have better attendance, and I hope the Senator will forgive me for interrupting him. I think he is entitled to better attendance by the whole Senate, and I do not say this to cast any reflection on Senators who cannot be on the floor now because there are many reasons why they cannot be.

What I would suggest, Mr. Majority Leader, is that if the distinguished Senator from Hawaii is willing to yield for a quorum, we have a live quorum and see if we cannot get the full attendance to hear what DANNY INOUYE is going to say. I think he is entitled to that.

So far as I am concerned, there is no speech in this debate which has been more impressive than was his opening statement. For him now to have half the attendance of the Senate, I think certainly does not create a good impression on any of us.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. INOUYE. I would be very happy to yield.

Mr. BAKER. I agree with the minority leader. He is entirely right. We have had good attendance until this moment, and now I will judge not more than 50 percent of the Senate is here.

This is an important presentation. It seems to me we have just two alternatives: One is to hope that those within the sound of my voice will come quickly to the floor so that we do not waste time, and the other is to attempt to persuade them to come through the tender mercies of the Sergeant at Arms.

I intend now, if the Senator will yield for that purpose, to suggest the absence of a quorum. I continue to hope it will not be necessary for it to go live and that consent will be given to rescind the call if it is clear that we have good attendance on the floor. Will the Senator yield so that I may suggest the absence of a quorum?

Mr. INOUYE. I would be happy to.

QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 25 Leg.]

Andrews
Armstrong
Baker
Baucus
Bentsen
Bradley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cochran
Cohen
Cranston
Danforth
Exon
Garn
Gorton
Hatch
Hatfield
Hawkins
Heflin
Helms
Humphrey
Johnston
Kennedy
Laxalt
Levin
Mathias
Matsunaga
Mattingly
McClure
Melcher
Murkowski
Nunn
Pell
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sasser
Schmitt
Specter
Stennis
Stevens
Wallop
Warner
Weicker
Williams

The PRESIDING OFFICER. A quorum is not present. The majority leader is recognized.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kansas (Mr. DOLE), the Senator from Iowa (Mr. GRASSLEY), the Senator from Kansas (Mrs. KASSEBAUM), and the Senator from South Carolina (Mr. THURMOND), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Maryland (Mr. SARBANES) and the Senator from Nebraska (Mr. ZORINSKY), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 90, nays 4, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—90

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kasten
Kennedy
Laxalt
Leahy
Levin
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Riegle
Roth
Rudman
Sasser
Schmitt
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Tower
Tsongas
Wallop
Warner
Weicker
Williams

NAYS—4

Goldwater
Long
Proxmire
Quayle

NOT VOTING—6

Dole
Grassley
Kassebaum
Sarbanes
Thurmond
Zorinsky

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. BAKER. Mr. President, I hope Senators will remain on the floor, mindful of the admonition of the minority leader that the Senator from Hawaii is one of the most respected Members in this body, if not, indeed, the most respected. We are to hear his remarks at this time. I urge all Members to remain on the floor the remainder of this day to hear him and other speakers.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Mr. President, I thank the majority leader for what he has said. Mr. Inouye is the Senator who is doing his best, out of conscience, deep conscience, to represent Mr. Williams. I think of all Senators who ought to be listened to, it should be Danny Inouye.

I thank all Senators for responding to the call.

Mr. INOUYE. Mr. President, I am overwhelmed by these good and kind words.

(The VICE PRESIDENT assumed the chair.)

Mr. INOUYE. Mr. President, it has been suggested that the new evidence that continues to dribble out day by day, week by week, really does not go to the heart of this case, that it does not alter the words of Pete Williams. I think we should keep in mind that his words were not spoken in a vacuum, that his words must always be read with the words of other individuals who were involved. It is to the words of these other individuals that this new evidence goes.

The heart of this case consists of the actions of Angelo Errichetti, the profane Mayor of Camden; Mel Weinberg, a supercon man; Anthony Amoroso, the FBI agent; and Harrison Williams.

The new evidence substantially affects the credibility and the motives of three of the four principal participants in this case. So, Mr. President, I suggest that if this evidence undermines the credibility of these participants or changes the context of these conversations or suggests a manipulation of events, it will go to the heart of this case, straight to the heart of this case. Because without these three—Errichetti, Amoroso, Weinberg—there is no context. Without these three—Amoroso, Errichetti, and Weinberg—there are no conversations to review. Without these three—Errichetti, Amoroso, and Weinberg—there is no case.

I know that all of us have read recent editorials and we have heard from our constituents that Pete Williams was convicted of crimes and, therefore, expulsion is the only remedy possible.

The Ethics Committee has said that the Senate should proceed independently of these convictions, and I agree. The convictions in Brooklyn are a house of cards that could collapse at any moment.

If the Senate's action is based on the trial court, and the trial court verdict is overturned, there will be nothing left except perhaps a Senate that looks foolish because we were in a rush to thrust an embarrassment from our midst. I believe that all of us who have spoken thus far would agree on at least this one proposition. It is the task of the Senate to judge our colleague solely on the evidence before us. And the Senate cannot and should not rest its decision or an initial judgment of a court in what will undoubtedly be a long and complex judicial process.

Mr. President, I know that such a view of this case will not win us any friends; I know that this view will be misunderstood by many of our constituents. But I believe that such a view will serve this body as an institution by maintaining the independence of our judgment of a colleague's behavior. It has been said many times that the Constitution commits that power into our hands and that we must not—we must not—delegate it to the judicial branch.

Much has been made of the acceptance by Pete Williams of stock certificates representing interest in three valueless dummy corporations—GTO, PRV, and PIT. Let us examine again the issue of value of these stock certificates, both from the standpoint of actual value, and from Senator Williams' perception of the value or potential value of these certificates. I think it is absolutely clear from the record that the three corporations and, consequently, the stock in these three corporations, had no actual value. No one argues with that. During the meeting of July 11, 1979, at which these corporations were purportedly formed—incidentally, a meeting that Senator Williams did not attend—an attempt was made to observe certain legal formalities. The corporations were, however, never legally incorporated and anyone who views the videotape of this meeting cannot help but think that the meeting was little more than ludicrous.

At the trial, the FBI agent, Mr. Amoroso, admitted that the corporations had no bank accounts, had no assets of any kind, had no registered agent, and that the stock in those corporations was worthless. Similarly, the Government's witness, Mr. Sandy Williams, the notably unsuccessful businessman and long-time political associate of Pete Williams, who agreed to testify against Pete for promise of immunity, also testified that the stock had absolutely no value.

After the close of the investigation against Pete Williams, the Justice Department itself recognized that the stock in these admittedly fictitious corporations had no value, but it decided not to bring a civil suit, because he had never received anything of value. We have been told that it matters not whether the stock actually had any value, but that what is important is what Senator Williams thought regarding the value or the potential value of the stock. I agree. His intentions are important. I think that we can get a good indication of what Senator Williams thought of the value of the stock from the way he treated these stock certificates.

Prior to the meeting during which the three corporations were purportedly formed and before receiving any paper, Pete Williams gave his lawyer a copy of the Senate Rules and asked him to review its provisions and to advise him as to whether he should disclose any interest in these corporations. He was advised by his lawyer that there was no necessity to disclose his ownership because the stock had no value.

After the incorporation meeting, the FBI agent, Mr. Amoroso, anxiously sought to arrange a meeting with Pete Williams to deliver these stock certificates. He succeeded in setting up a meeting through Pete Williams' lawyer. Pete Williams had indicated to his lawyer that he was not interested in receiving any stock because it was worthless, a belief entirely consistent with the advice of his lawyer. But, he said if they wanted to give him any stock, they could meet him at the Kennedy Airport at the lounge, the Northwest Airlines lounge, before his plane departed for Europe.

Incidentally, after meeting with Amoroso and the others, he went about introducing these FBI agents to his colleagues, who were there in the waiting room. This meeting was not arranged in some sleazy, dark corner or in some cellar of the airport. It was not a meeting arranged to deliver surreptitiously $18 million in stock certificates.

Upon receiving these stock certificates, these certificates that we have been told had a perceived value of $18 million, what did Pete do with them? He put them in his flight bag, where I would put my coughdrops and plane ticket. And it went through all these various customs points throughout the trip.

After returning to Washington, the same bag was just thrown on the floor in an office that he knew had been burglarized many times before. And, in fact, the Capitol Police record shows that, right after his return from Europe, his office was burglarized.

Remember, these $18 million certificates were not placed in a safe. Where would you put $18 million of stock certificates? In a flight bag on a floor? Or in a safe-deposit box? Or at least take them home?

The stock certificates lay untouched on his office floor for 5 months, until the existence of the stock was brought to his attention by an interview with FBI agents.

Is all of this—an indifference to receiving the stock certificates in the first place, the casual discarding of the certificates on the floor of an office which, incidentally, had been burglarized many times—is all of this consistent with the claim that Pete Williams believed the stock had a value of $18 million? You think about it. Is that the way any one of you would have treated stock that was valued at $18 million or, for that matter, $1,000?

Much has also been made of Pete Williams' alleged attempt to conceal his interest in the stock. It has been suggested that Pete Williams clearly intended to conceal his purported interest in the dummy corporations. But I suggest to all of you that a careful review of the statement made by Pete on tape seemed to me to be clearly inconsistent with such a claim.

If he had been so anxious to conceal his interest, why would he have indicated at various times that he intended to disclose his interest and thereby risk offending those who seemed intent on having him conceal his interest?

As early as May 31, 1979, well before the three corporations were purportedly formed, in a meeting attended by Senator Williams, Sandy Williams, Alex Feinberg, George Katz, Mel Weinberg, and the FBI man, Mr. Amoroso, Senator Williams, stated to those present—and this is from one of our tapes:

> My situation is this. I've got to, under the law, disclose an interest when I have an interest. But up until now there's been no defined interest, in what? In ideas basically. We've dealt with no corporate stock.

Alex Feinberg then stated, "But when and if you do."

Williams replied, "When that happens that's part of my law."

Alex Feinberg, Pete Williams' lawyer, knew that Senator Williams would never agree to conceal his interest.

In a brief conversation before the May 31 meeting and before Senator Williams had arrived at the scene—and this is on tape—Alex Feinberg stated in unequivocal words to Mel Weinberg:

> He can't, Christ. He'll ruin himself. He has to file a disclosure. If he files a false disclosure, he's guilty of perjury and he won't do it.

After May 31, 1979, despite persistent attempts by Government agents to get Senator Williams to conceal illegally his interest in the corporations, Senator Williams continued to indicate his intention not to hide any interest.

On September 11, 1979, in a meeting with Angelo Errichetti, Alex Feinberg, George Katz, Sandy Williams, Mel Weinberg, Amoroso, and others, Pete Williams stated he would pay taxes on any gain he might realize on the sale of the stock. This statement of intention caused considerable consternation.

As late as October 7, 1979, Senator Williams told Mel Weinberg and FBI agent Amoroso, "I am going to have to go public with something or other."

We have been asked to believe that Pete Williams intended to conceal his interest in these corporations. It would have been so easy for him to agree with those who were clearly bent on having him hide his interest, if it had been his intent to conceal his interest.

In light of the fact that Pete in his own way made known over a period of months his intention not to conceal his stock interest, I for one cannot believe he ever intended to conceal his interest.

In addition, I believe that the attention of the Senate was most emphatically directed to the tape of January 15, 1980. In fact, it has been characterized as the most important meeting. I was more than somewhat surprised by this characterization because, from the beginning, I felt that if there was any particular weak portion of this case, it was this January 15 tape.

I still believe that it is weak, and if this is the centerpiece of the case against Pete Williams, then I think that fact speaks volumes.

So if I may, I will take you through this tape very carefully. If it is the most important meeting, we should look at it very carefully, because I believe it is a clear demonstration of what has been wrong from the beginning with this investigation. I believe that it will begin to show all of you just how weak, if not nonexistent, the criminal case was, and why Senator Williams has insisted on appealing to the Senate for justice.

We began these proceedings, most of us, looking at him and saying, "Pete, you're guilty. You have to prove you are innocent," which is quite contrary to what I have been told was the democratic way—that you are innocent until proven guilty. But that has not been the case here. So to do him justice, let us go to this transcript and read it line by line. It is in part 6 of the trial proceedings, on page 348. That is where it begins.

Let me take you through this tape. This is the conversation between Pete and this Abdul Habib, the sheik.

The opening sequence on page 349 is simply an exchange of pleasantries: "How are you?" "I'm fine." "Sholem alechem."

On page 350, the sheik begins with a discussion of the titanium venture and the Senator's participation in that venture. The sheik then raises his desire for insisting on emigrating to the United States. This is the first link between the two, the mine and the immigration bill, page 350.

Up until then, we have no immigration bill. Senator Williams tells the sheik that there would have to be good reasons for such a bill and that certain criteria must be met. Read that page.

On page 351, Senator Williams notes that a good character is important, as well as a showing of personal hardship, if the immigrant is forced to return to his country. He is telling the sheik what the requirements are.

Then Pete begins to explore the background of the sheik's case.

On page 352, the Senator states his favorable impression of the sheik and continues on by asking him more questions about himself.

At the bottom of page 353, the Senator asked the sheik, "Do you know the Ambassador from Morocco?" Obviously, Amoroso does not. But when the sheik says, "Yes, I do," Pete Williams almost leaps up, leaps at the opportunity to get the information about this mutual friend through the sheik rather than pursuing this strained conversation. Look at the taped conversation.

It is at this point that the sheik abruptly switches back to the titanium mine. This switch in topics avoids the subject of the supposedly mutual friend and at the same time provides the second drawing together of these two subjects, the mine and the immigration bill.

For the next two pages, Pete Williams discusses the value of titanium deposits and the fact that nothing has been done to further the supposed venture.

It is at that point, at the bottom of page 355, that the sheik offers a bribe. The bribe, as it has been often stated, was clearly refused. "No, no, no, no."

It is at this point that this taped conversation is abruptly interrupted. While the prosecutor and the agents have said the interruption was not prearranged, I cannot help but comment on how incredibly fortunate the timing was because it cut off our opportunity to hear Pete's full explanation of his refusal. I can just see the agents in the back room scurrying around and saying, "This is not what we want on the tape."

Let us take a moment to picture this scene: A U.S. Senator has just been offered a bribe by a foreign dignitary, a foreign dignitary whom we have been led to believe can speak English but with some difficulty, who is not too familiar with our laws and our customs.

Now, Pete has a few moments to recover and reflect. The offer has been made, the interruption has been made. Should he have run out at this point and called the FBI? I just wonder how many of us would have at that point stood up, run out of the room, picked up the telephone and called the FBI and said, "Mr. FBI, I have just been offered a bribe?"

Should he resume his forceful denials and explain the stupidity of the sheik's action?

I doubt whether any of us would embarrass a foreign dignitary who purportedly is not familiar with our laws and our customs. So what alternative does he have? I would suggest that he had only one if he wished to remain gracious, and that was to change the subject from the immigration bill to something else, and that is precisely what he did.

On page 356, the next page, he changed the subject to the only other topic of a shared interest, and that was the titanium mine. He did not do so in order to link the bill and the mine. He did so in order to get as faraway from the bribe offer as possible.

At the end of his statement comes one of those phrases upon which much emphasis has been laid, and I am going to quote this very carefully:

> And the, and the, elements that I can help with, your, your personal situation. Er, I am very, I find it, er, a desirable thing to do for you personally. And it's part of creating something of value, bringing in that ore.

We have been told that this is the quid pro quo, a promise to invest for a promise to introduce a bill.

The question now arises did **Pete Williams** make such a promise? We cannot stop here. Conveniently we are asked to stop here, but I think we must go to the rest of the tape.

The next statement by **Pete Williams** clearly belies the so-called promise. The Senator insists on:

> Make sure the elements are there that would support legislation . . .

If he wanted to just introduce a bill, there was no necessity to pursue this questioning of prerequisites, his qualifications, his biographical sketch. Yet that is exactly what he did.

On page 357 **Pete** continues to press for more background, more detail on the sheik. This continues on page 358 when again the sheik brings up the titanium mine, and then on page 359 we again have one of those key passages which you are supposed to read literally. The sheik links the mine and the bill by saying, and this is the sheik now.

> Uh as long as possible for sure assured me er regard, er permanent residence. Er, business for titanium mine will be successfully concluded. End of, end of, er month.

According to the transcripts the Senator's response is supposed to be, "Yes." I do not know what he said "yes" to, but this is the big deal now. However, if you watch the tapes his response was not the affirmative response but rather the "yes" we all use in a conversation simply to keep the conversation going, "yes, yes, yes, yes," with a question mark.

So on page 360 **Pete** says:

> You can leave with my assurance that I will do those things that will, will bring you on for the consideration of permanency. Quite frankly I can't issue that. I cannot personally. Er, it, it is a law. And it has to be goes through the whole dignified process of passing a law. I can give you my pledge. I will do all that is necessary to get that to the proper decision. You see.

On page 361 **Pete** says:

> At the earliest time that we could get together. It would be it's, it's essential that I have a background of knowledge. And I, I can give you an absolute pledge I will do everything in my power to advance your permanency.

Consideration of permanence, proper decision, background of knowledge—these are not the words of a man promising an act. These are the words of a man responding to an inquiry by saying that he will see whether anything can be done within applicable rules and regulations.

This is not a way that a dishonest Senator would behave. This is not the way an unethical Senator would behave. I would like to suggest that this is the way all of us behave. If one wants a bill like this we ask him, and then we say we will do our best, but it is the law. It has to go through a process, that I cannot personally guarantee you.

I want to again express my surprise at the emphasis that this meeting has been given. If any meeting was harmless, if any tape was disposable, this was the one. I urge you all to carefully review this tape, and if you do, I think you will find what I said to be true.

I also believe this tape brings into sharp focus the problems with this expulsion resolution. In all of the previous cases where we had expelled a Senator, the evidence has been unequivocal. That such a measure of proof was used seems only fitting when the Senate was considering this extraordinary act of expulsion.

In the Bright and Blount cases the evidence was in the form of letters, and in all of the other cases it was a conduct of engaging in a rebellion. Whether this was by writing or by conduct the actions which were judged were unequivocal.

The case of Senator **Harrison Arlington Williams, Jr.**, is based on a much different foundation. This case is based almost entirely on the interpretation which we placed on conversation, interpretations. It is, therefore, much more difficult to state unequivocally what took place in these conversations. Whether we agree or disagree with the linguistic analysis that we heard last Thursday by Professor Shuy, it demonstrated, if it demonstrated nothing else, that a strong argument can be made by the lack of criminal or unethical conduct in these conversations on the part of **Pete Williams**.

If we must interpret, and if we must guess at, the meaning of words, phrases, and whole conversations, if the evidence is equivocal, then I say we should not employ the remedy of expulsion. This sanction of expulsion is too final to be used on equivocal evidence, and the case before us rests on an equivocal foundation.

Yesterday my distinguished friend from Alabama in his rebuttal suggested that I had stated in my opening remarks that the Senate should be expelling Members only in cases of treason and disloyalty. Such was neither the meaning nor the intent of my words. I am certain a careful reading of the **Record** will show that, and I am certain all of you will agree with me.

It is undisputed that the Senate has only expelled Members in the past for offenses of that type, and my characterization of those crimes was dastardly and sinister. Certainly I would also put murder in that category; I would put rape in that category; I would put the assassination of the President in that category; and the acceptance of cash bribes in that category. But what is the nature of the crime that is alleged here?

It is not rape; it is not murder; it is not assassination; it is not acceptance of a cash bribe. Here we have an accusation based on spoken words that invite multiple interpretations. We also have an accusation that requires us to read into the inner soul of the accused to specifically determine what he intended.

On the other hand, we have the clearcut cases of treason and disloyalty or, as my friend suggests, rape, robbery, and assassination.

On the other hand, here we have words that, I submit, generate reasonable doubt. We are called upon in this case to impose the most serious sanction, a sanction from which there is absolutely no retreat. It is final. And we are called to do this for the alleged commission of a crime based on a case filled with doubt and multiple plausible interpretation of the evidence. One which, if considered carefully and in its entirety, is so equivocal as to lead one to question seriously how a jury could have ever concluded that **Pete Williams** could have committed crimes beyond any reasonable doubt. The very nature of this vigorous and lengthy debate should demonstrate to all of us how difficult it is to be certain of the evidence.

Just recall yesterday, the confusion in the questions and the answers, the unanswered questions; add to this the unsubpenaed and now unavailable witnesses. How can we, under these circumstances, impose the most severe sanction, the sanction of finality?

The Constitution has been quoted many times. We know what the qualifications are: 30 years of age, 9 years a citizen, and a resident of the State he or she represents.

But now it appears that we may have added a fourth requirement. Now we may also be subject to a pass-fail test on our probity and our sense of ethics. This test is to be initiated by, and under the sole control of, the executive branch. I am certain that the Founding Fathers would surely not have countenanced such a malicious device. The integrity of the Senate is challenged by this investigation, and the Constitution compels us to reject its advance. And it compels us to that rejection, even if it means countenancing behavior which we would find repugnant.

Mr. President, this has been a most trying time for all of us. It has been a sad time.

For months, in preparation for the decision which we must ultimately make, Members have been conscientiously viewing these tapes. We have been reading the transcript of our Ethics Committee hearings, and studying the findings of the committee which underlie its recommendation of expulsion.

During the course of the deliberations that began last Wednesday, the distinguished chairman and vice chairman of the Ethics Committee have ably and, I must say, fairly explained why they believe the Senate must pronounce the ultimate penalty on our colleague, Senator WILLIAMS.

Along with some of my colleagues, I have tried to explain why such a drastic penalty is not only unwarranted, but may implicitly encourage a dangerous intrusion on the independence of the legislature by the executive branch.

Finally, the press has been reporting this sad episode since early February 1980, and has, within the past week, been quite explicit in its editorials and feature articles as to what the issues are, and what we should do. They have been telling us where our duty lies.

All of this, of course, is in the highest traditions of democracy—an open, robust and free debate.

After all of the facts and all of the points of view have been considered and deliberated, however, the time comes when each of us must make his or her decision.

Many years ago, Mayor Jimmy Walker of New York City said there are two things that we must do alone—die and testify. I would like to add a third for the Members of the Senate.

Each of us must decide the case of PETE WILLIAMS alone; without regard to the pain and suffering that we may have suffered, or the embarrassment we may have experienced; without regard to the pressures from the press; and without regard to the pressures of political expediency. We are the guardians of this institution, which was created by the Constitution.

In closing, I have some painful words. This has been a painful episode for all of us. After PETE WILLIAMS made his rather lengthy presentation, several Senators approached me, some called me at my home, to tell me that PETE blew it.

> He should not have talked so long. It was rambling. With the passage of every minute he was killing himself. He should have been a bit more humble. He should have gone on television. He appeared too arrogant. Jeanette should not have gone on TV.

Well, I believe that PETE WILLIAMS believes that he is innocent. Can we tell an innocent person not to speak up for himself? Are we to punish him because his presentation was rambling and not in the tradition of Daniel Webster? Are we to punish him because his wife believes in him?

Well, my dear colleagues, let us not punish PETE because he caused us pain and embarrassment, because editorials urge us to do so, or because it is the politically expedient thing to do. Or because he has not had the good grace to resign.

Thank you.

I yield to the Senator from Montana.

The VICE PRESIDENT. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, in our State of Montana, there is a part of its history when there was an era when punishment was administered to what some people conceived to be lawbreakers—not under lawful procedures, but by force, by gangs of self-righteous citizens. They called themselves the vigilantes. That era did not last long in Montana, but it is a type of activity outside the law that probably resulted in some innocent people being hounded out of the area or hung by a rope without the protection of due process of the law.

I am not proud of those episodes. But at times people who are otherwise decent and law-abiding citizens convince themselves that their goal of establishing justice could not wait the slowness of applying the law in its fullest measure.

Mr. President, I am not suggesting that our procedures here in the Senate or the procedures that the law provides for Senator WILLIAMS through the appellate process are not going to be fully fair and recognize all of his rights. Rather, I bring up this point about the episode of the vigilantes in Montana to give some indication through the course of history that, probably in all of the States, there have been many episodes where due process of the law to protect an individual's rights have been risked, jeopardized, or ignored.

I believe that our main function in the Senate proceedings on this resolution is to make certain that we follow what has been the best wisdom historically, to carefully and conscientiously keep due process as our ultimate goal in whatever determination we make concerning this resolution.

As to a simple censure motion as compared to an expulsion motion, let me state, for the very reasons that Senator CRANSTON outlined yesterday, I believe censure is necessary. As to expulsion now, it is hard to determine if we have seen all of the evidence. And I suggest right here at the outset of my remarks that there is a third possibility of censure now, accompanied with automatic expulsion if Senator WILLIAMS' court appeals do not result in a finding of his innocence as he asserts under oath.

Each of us would rather that we were on other subjects, on other matters. We would wish that the resolution before us had never existed or was behind us.

I firmly believe that there is desperate need for the Senate to be addressing the problems of the economy. We slip every day deeper into a recession that threatens to engulf more jobs, make more families poor or destitute, cause farm, ranch, and small business foreclosures, and bankrupt large businesses and institutions and decimate many of our basic industries.

All of this year so far the Senate, I will remind my colleagues, has spent practically all of its time debating whether or not to televise ourselves, and the rest of the time, other than that, dealing with a filibuster on busing.

The busing filibuster is over and I am personally ready to vote, as I told the majority leader, on the first day of the television debate—I am ready to vote for it and to get on to other matters.

Now we are on the Senate Ethics Committee resolution for expulsion of Senator WILLIAMS or to censure the Senator.

I am not yet ready to vote for expulsion because I am not sure of all the facts. I am not sure about the credibility of the evidence that has been presented because I am not sure of the credibility of those who gathered the evidence to present to the prosecutors, and eventually, the same evidence that went to the Ethics Committee. I am not sure that all of the evidence has been presented by the Justice Department.

I am not sure that the quality and credibility of the evidence can be judged without being assured that the quality and credibility of the Justice Department agents has been properly determined.

I suggest that, without those assurances, the fair and complete approach to the punishment to be meted out by the Senate upon Senator WILLIAMS would be a resolution of censure now, and automatic expulsion following failure of Senator WILLIAMS to gain reversal of his conviction through the appeals process. This resolution before us, unless amended, only deals with expulsion, and presumes no doubt of guilt of not only unethical conduct but also implies a verdict of the jury and the ruling thus far by Judge Pratt on due process is correct. Since the jury verdict, more evidence has been released by the Justice Department. Since the ruling on due process by Judge Pratt, more evidence has been submitted to him by the defense seeking to reopen Judge Pratt's ruling on due process.

That evidence, which has been alluded to in Monday's debate by the Ethics Committee chairman, may or may not be found significant to Judge Pratt. It concerns allegations of actions of the FBI agents in accepting gifts paid for by Weinberg, who was paid by the Justice Department at least $130,000 of taxpayers' money to assist in the FBI scam.

I shall not attempt to prejudge these allegations, but it is for these and other reasons that I ponder—indeed, I question—how well we understand the quality of the evidence against Senator WILLIAMS and the credibility of that evidence, which is not as clearcut as either the Ethics Committee resolution would lead us to believe or the public is led to believe by news accounts.

No independent review of the facts has been conducted. The Ethics Committee report is a simple recitation of Prosecutor Puccio's case, plus testimony submitted by Senator WILLIAMS and other witnesses. Basically, it is a case regarding Senator WILLIAMS which was presented by Mr. Puccio which was concluded almost a year ago.

Now, my colleagues, I ask your indulgence while I spell out to you my doubts, my feelings, and my yet unformed final judgment on this resolution of expulsion. I do so with some sense of political risk.

Sam Rayburn's well-known advice to Members of the House was pointed and blunt:

> The speech you never gave on the House floor will never come back to haunt you. The speech you have not given cannot hurt you.

Despite Rayburn's admonition, given before my time of service in the House and preceding my tenure here in Washington by several years, and despite understanding the soundness of the admonition, I am drawn strongly to present my views to you.

Both from the committee arguments or from the transcripts I note incomplete and conflicting evidence which creates doubts in my mind. And these doubts one by one, small as they are, are nevertheless like metal filings drawn toward a magnet. And like the metal filings, each of them individually small, when gathered on the magnet collectively grow in significance.

Those individual small doubts gathered together lead me to express my strong convictions on the seriousness of the question posed before the Senate on this matter of the resolution of expulsion of Senator HARRISON WILLIAMS.

And so I give the speech now that Sam Rayburn might have advised against.

My strong convictions on this matter concern two areas, two areas, not one—but two.

The first, of course, is the resolution of expulsion itself. But that is probably the lesser of the two areas. That is the lesser of my concerns. Senator WILLIAMS' expulsion recommended by the committee based on its review of the trial, and testimony the committee received after that would remove a friend from the Senate.

If he is guilty as the committee states—so be it. Unlike many of you, that would not cause me anguish. If he is guilty as the committee believes, I would bid Senator WILLIAMS "farewell" and go on to other matters. I would have some sorrow for him but I would have thanks for the committee's diligence. But there are continually flaws in the committee arguments and findings that keep unfolding, and that really have concerned me as to the conclusiveness of the evidence presented. Do we know and understand those unfolding facts? How are we to judge guilt?

The greater matter before us, the second matter, is the method used by the Justice Department to gather evidence and the presentation of that evidence by the Justice Department, and the withholding of evidence by the Justice Department, or the prosecutor, or the judge to convince a jury that Senator WILLIAMS should be convicted. The FBI scam used taxpayers' money—none of which WILLIAMS accepted. Justice Department methods in obtaining evidence, in my judgment, violated the law.

That is, that the Justice Department conspired to violate the law, that evidence was withheld by either the Justice Department or the judge, contrary to law, and that the depth of this quagmire of Justice Department illegal activities has not yet been gauged.

We have been told by the Ethics Committee that consideration by the Senate of Justice Department irregularities is for another time. It is my belief that that is an equal problem we face today with the WILLIAMS expulsion—and we cannot conclude the consideration of that problem until we consider the intertwining of Justice Department falseness and deliberate misleading of the public, the jury, and, indeed, the Senate itself.

We, the U.S. Senate, sit now as jurors hearing the evidence against Senator WILLIAMS.

I am certain that among us there are votes now for expulsion and votes for censure, and perhaps some votes that are undecided.

The majority of the Senate must vote for censureship or there will be none. Two-thirds or more of us must vote for expulsion or there will be none. We are all elected by a majority in our home States, and it is a majority of us by two-thirds who must now vote to unseat a Senator whom a majority of his constituents have seated for 23 years.

We do not welcome the chore before us, but each of us must now sit as would a juror in a criminal case.

A majority of you, my colleagues, are lawyers by profession. I am not. Those of you who are recognize how difficult our task is as jurors. In that vein, I feel that I may have somewhat of an advantage over most of you for, while I am not a lawyer, I have sat as juror before and I have applied the juror's oath to a case.

In every court in this country the judge instructs the jury—tells the juror that his "function is to determine the facts. They are the sole and exclusive judges of the facts."

Jurors are told to "disregard actions of the court during a trial, and that, if the jurors come to believe during the course of the trial that the court has expressed or intimated any opinion as to the facts, they should regard it." The law is that jurors are "to decide each case solely on the evidence in the courtroom. They must completely disregard any press, television, or radio reports which they have read, seen, or heard. Jurors are to put aside such matters and determine the facts without prejudice, fear or favor, solely from a fair consideration of the evidence."

I am not here to speak at length about due process, the law of entrapment, or to debate at length Judge Pratt's rulings at Senator WILLIAMS' trial on whether they were fair or unfair.

I am not here bound by the jury's verdict against Senator WILLIAMS in 1981. Nor are we bound by Judge Pratt's ruling on due process. You are not bound—none of us are—by these findings.

There is more evidence now than what was presented to the jury at the trial, and I shall speak more about that later.

Neither you nor I are bound by that verdict, for it is the interpretation of the evidence by 12 people who heard what Judge Pratt let them hear. And there was more to be heard than the jury at the Williams trial was allowed to hear by Judge Pratt.

We are 100 Members of the U.S. Senate now asked to judge the evidence before us. The Ethics Committee, in voting out their resolution to expel Senator WILLIAMS, is in essence sitting as a grand jury and filed these charges. But since filing the resolution, there are further questions about more and new evidence that keep arising.

The report of the Ethics Committee and their forceful presentation here has told us that conclusive evidence was presented, and that conclusive evidence, including video tapes of Senator WILLIAMS, provides high-quality evidence of the nature which requires expulsion. At this point, if all the evidence has been presented and my understanding of the evidence is clear, I for one must disagree with the Ethics Committee in their finding.

First, if the video tape evidence against Senator WILLIAMS were so strong, then the FBI would not have met after most of these video tape sessions and stated that the Senator had not yet committed a crime—or, as lawyers say, committed an "overt act in the conspiracy."

The case against Senator WILLIAMS lacks integrity on the part of the FBI. It lacks quality and credibility because of the perjury of its star witness, Mel Weinberg, and the lack of proper FBI control over its informant because of the non-arm's-length relationship between Weinberg and his supervising FBI agents.

I am concerned because the Ethics Committee has not conducted a truly independent investigation. Instead, we have been presented with a reiteration of the prosecution's case which, because of Judge Pratt's rulings, I believe to be flawed and will be reversed on appeal. They have drawn on trial transcripts and on testimony submitted by Senator WILLIAMS without actually testing by their own investigation the credibility and quality of the FBI evidence.

The committee is acting more like an appellate court reviewing the jury trial, receiving additional testimony, but not truly making an independent investigation on their own.

We are told that many of the total batch of tapes are not relevant because, if they were, the committee says the Williams defense would get them and demonstrate the exculpatory evidence. It bothers me when the committee chairman and ranking member brush aside 10 missing tapes on an explanation of Weinberg that they were stolen and that in any event there probably was evidence in them to help WILLIAMS.

I am disturbed by what was said by the committee chairman. On Monday he stated, "an alleged forged letter." "Alleged forged letter," I think, is a misstatement of fact. It was a real letter; it was a forged letter. It is not alleged.

Informant Weinberg was truly the Justice Department's person. They hired him, apparently paid him $130,000 as his share of the scam.

Errichetti was the mayor of Camden and does meet with Senators. It seems wrong and misleading to me to describe Errichetti as somebody who would not be meeting with Senators when, in fact, he was an elected mayor of Camden at that time. Of course he meets with Senators.

Mr. President, I do have to agree with the committee's statements about the lack of importance of the linguist's review. To me, it is not impressive as defense material.

But, really, Mr. President, if the committee did not know that the forged letter is fact and not allegation, it points up the real need and the value of an independent investigation.

It has been described that other Senators have been on the list.

Yet, on Monday, the chairman of the Ethics Committee suggested to this body that the Justice Department never really authorized a bribe to be offered to Senator THURMOND, and he suggested that really all they were doing was letting Congressman Jenrette further implicate himself by puffing as to what he, Jenrette, could provide to Weinberg and Amoroso. That point aroused my interest, so I spoke with Jenrette's attorney and was provided with actual trial transcripts.

We should remember that former Congressman Jenrette was first video taped talking about Senator THURMOND on January 7, 1980. The codefendant in the Jenrette trial was John Stow. As early as April 25, 1979, there was a taped phone conversation between Weinberg and Stow in which Weinberg asked Stow if he could "get" the Representative—Jenrette—and "You don't follow what I'm saying; like, we are financing something for, ah, a United States Senator?"

STOW. "Yeah."

WEINBERG. "Ah, there is no problem there. It was a 120 percent financing to be done. You got to have the juice behind you."

The building and business that Mr. Stow was trying to get financed was named after Senator THURMOND and that was discussed.

We should keep in mind that Weinberg called Representative Jenrette between January 1 and January 6, 1980, and said in that conversation that Tony—that was Amoroso—"was coming back from overseas and, that had been verified earlier," and to the effect that Jenrette had better get his stuff together as related to the Senator because Tony is tough.

Weinberg said: "Maybe you (Jenrette) can explain to Tony why you haven't got the Senator (THURMOND). So you better be at that meeting."

On January 7, 1980, Jenrette went to a meeting with Weinberg and Amoroso. In 2 weeks, U.S. Attorney Ruff called Heymann, Assistant Attorney General, Criminal Division, and said, "We believe Senator THURMOND should be offered a bribe for $100K." That was in late June.

Heymann testified in Federal court, under cross examination by Jenrette's attorney, that after just 15 minutes of thought, he authorized such a bribe figure. What happened?

I think it became clear that they could not approach Senator THURMOND and really did not get to him. He refused to meet them.

But you have to remember that, at February 2, 1980, just 3 weeks after this point in time, Abscam ventures were leaked to the press and so the Abscam scam was over.

I have been looking at some of the statements by the committee that occurred on Monday. My good friend, the chairman of the committee, says all involved need a chance to defend themselves, and indeed they do, considering what is before Judge Pratt right now—the allegations before Judge Pratt, which is an attempt to reopen the due process hearing by defense attorneys of Senator WILLIAMS. This is especially so because those allegations regard some of the agents involved in the scam.

Yes, they do need a chance to defend themselves. There may be a great deal of evidence considered on this, and it is now a matter before Judge Pratt, and that is exactly the point: The WILLIAMS charge cannot stand except on FBI evidence. The WILLIAMS conviction cannot stand except on FBI evidence. The continual hammering that we have had here during the past several days of the committee's reading of the conversation from transcripts of WILLIAMS and various of the FBI scam personages does not change that fact.

We have to understand how good this evidence is, how credible it is, and what quality it is. I cannot see myself doing the same, having the same types of conversation that are in those tapes, that Senator WILLIAMS had with those people. But that is not the point. The point is really this: Is all of the evidence in?

I want to address that point, setting aside all the months of Abscam arranged scenes and discussions and thoughts to involve Senator WILLIAMS in an illegal act prior to September 12, 1979. I want to go to that point in which Weinberg, hired by the FBI, asked Errichetti to forge a letter.

What does the letter say? It is dated September 11.

To whom it may concern:

In light of the fact that I am, at present, a stockholder in, and advisor to, the corporation which is involved in the mining and processing of titanium dioxide, I would be pleased to serve in the same capacity in the new corporation, which new corporation is purchasing the existing operation.

That is a forged letter. That is all it says. But it was obtained. It was discussed on September 12, asked for by the Justice Department through Weinberg of Errichetti on September 12.

Why September 12? Because a meeting on September 11, with Senator WILLIAMS on the tape, did not give any evidence of the needed overt act. So, in the discussion of September 14, the forgery having been accomplished by Errichetti, it was given to the FBI Agent Anthony Amoroso.

I hope all of you have noted the letter. I hope all of you have noted that it is a forgery. It is not alleged to be a forgery; it is a forgery. It is described as a forgery.

The Justice Department hired Weinberg to get Errichetti to forge the letter, to incriminate Senator WILLIAMS. There was no incriminating evidence, at least in the judgment of this FBI agent, against WILLIAMS at this point; or, if there was incriminating evidence, it was not viewed by those agents as being significant enough to go to a grand jury. They believed they needed the forged letter to make a charge against WILLIAMS stand up in court.

The question is this: Why does the Justice Department, through their hireling Weinberg, need a forged letter to present to another Justice Department agent posing as a sheik?

There are two possibilities. First, the forged letter was to be used as evidence against WILLIAMS at a trial.

Second, the forged letter may have been necessary so that the FBI Abscam group—this group—could convince their superiors, their higher-ups in the Justice Department—convince their superiors falsely that they had valid evidence on Senator WILLIAMS.

I suggest to all of you that those are the only two possibilities.

The explanation given by the vice chairman of the Ethics Committee, which I will get to in a moment, simply does not hold water. Both these points may be true, because the forged letter, known to be a forgery by Agents Amoroso and Brady, was logged in as FBI 1-A exhibit and put in a sealed envelope and taped.

A few days later, prior to September 27, Agent Brady filed a 302 report. He dictated it, it was typed, and the final date of filing was September 27. That report described the forgery and demonstrated the knowledge of Agent Brady and Agent Amoroso that the letter was forged and that it was obtained by Weinberg for them. I assume that the 302 report was known to others in the Justice Department. It was never presented to the grand jury but may have appeared at Senator WILLIAMS' trial in Government 134 exhibit file.

It is significant that the forgery may not have caused the jury as much concern as it does me.

On Monday, Senator HEFLIN stated the facts as he believed them to be concerning the letter asked for by Weinberg of Errichetti. The following is the nature of Senator HEFLIN's statement, that is, that the letter was forged by Errichetti, was asked for by the Justice Department through Weinberg, and was to be used against Errichetti. That is why the agents knew it was forged. Nevertheless, it was not used in the Errichetti trial, nor was Errichetti charged with forgery.

It was put in a file marked as an exhibit and sealed and taped, regarding WILLIAMS and then shows up in the Government's 134 exhibit file in Senator WILLIAMS' case, not in the Errichetti case.

What does Good say about this?

The transcript shows that in the due process hearings of June 22, 23, 24, and 25, 1981, in the case of the United States against WILLIAMS, in Judge Pratt's due process hearing, FBI Agent Good, who is running this scam testifying regarding obtaining evidence on WILLIAMS, when they could get it and what they considered valid evidence, was asked about the September 11 meeting, with WILLIAMS. It goes through several pages. Read it for yourselves. I am going to read Agent Good's direct answer under oath.

> For what reason was it felt necessary to get a letter from Senator WILLIAMS after the lengthy meeting that was videotaped on September 11, 1979?
>
> Answer: Additional evidence.

So they were using the letter not against Errichetti but against WILLIAMS. It does not show up in the Errichetti case. It never was intended to show up in the Errichetti case.

Only two answers are available as to why they wanted to get a forged letter. Why did the Justice Department get a forged letter to show to their own people? There are only two explanations. I will repeat: One was to put it in the file and save it, to see whether it could be used against WILLIAMS at his trial. The other explanation may be the more logical one—that those agents at that time, not having demonstrable proof of an overt act by WILLIAMS, wanted to convince their superiors that they were doing a pretty good job and to keep the scam going. Both explanations could be true.

However, an independent investigation, I believe, would have shown that the forged letter was placed in that FBI 1-A file on Senator WILLIAMS and later in the exhibit file on Senator WILLIAMS and never had anything to do with Errichetti. That is why I think it is important, and I stress that I do not believe we have had a significant or sufficient independent investigation of this forgery.

This causes me grave concern for another reason, because this forged letter bears out exactly what is demonstrated in the FBI internal memo from section chief, W. D. Gow to assistant director in charge, Francis M. Mullen, Jr., on November 27, 1979. The subject is Abscam, and the purpose is to provide results of a conference held this date. That is the purpose of the memo. What is the recommendation? None.

I will read from this report what referred to WILLIAMS. I will read from the Gow memo:

> Relative to the matter concerning U.S. Senator Harrison Williams of New Jersey, the following was decided:
>
> 1. It will be necessary to recontact U.S. Senator Williams in attempt to obtain an overt action on his part regarding his sponsoring of some type of legislation; i.e., tax cover for titanium mine; environmental standards for titanium mine and/or import quotas for titanium mine.
>
> 2. It was also suggested that attempts should be made to elicit from U.S. Senator Williams whether or not he wanted his shares hidden, through discussions concerning reporting of personal taxes and official acts that he promised to provide.
>
> If the above information is obtained, prosecutors at the meeting felt that they could prove that Senator Williams was in violation of Title 18, Section 201 USC and Conspiracy to Defraud the Government.

The two can go together. One is the forged letter in September, because they did not think they had enough and put it in a file and saved it. For what purpose? One of the two purposes I have described may be accurate, or perhaps you have another. But the Errichetti deal does not fit.

Then, a couple of months later, November, when the Gow-Mullen memo demonstrates that they really need to recontact WILLIAMS to get him to commit an overt act and suggest what attempts should be made, and what they should be.

There are two conflicting Justice Department pieces of evidence here. The first is forged, and the jury saw it and knew it to be a forgery, but they were never shown the 302 form and as a result they probably did not attach much significance to it.

The second is a memo of these Justice Department officers involved in the Abscam, stating that not sufficient evidence had been filed for a case against WILLIAMS. Knowledge of the second document was not available for the jury. It is available, however, for us and was available for the jury, but Judge Pratt did not allow it to be shown to the jury. It came to light to Senator WILLIAMS and the public in July of 1981, through Judge Penn, in another Abscam case, not from Judge Pratt.

This same Gow-Mullen memorandum refers to the evidence that had been collected by the FBI against Senator WILLIAMS, and Gow was the FBI section chief. It says, "We do not have an overt act." Then he sent a memorandum to Mullen, who was the assistant director in charge of the FBI investigation. It came to light only because Judge Penn admitted it as evidence in another Abscam case when he, Judge Penn, was considering due process.

But he would have allowed it to go to the jury had he known about it during the trial. The memorandum is dated November 27, 1979, and documents the Justice Department's belief at that time that, without an overt act, it had no case against Senator WILLIAMS.

On Monday, when Senator HEFLIN was giving the view of the Senate Ethics Committee, he stated that this exculpatory memorandum, even if it had been known to the defense at the time of the Williams trial, could not have been made available to the jury. Well, that may be his opinion and that may be Judge Pratt's opinion, but it is not Judge Penn's opinion.

I have spoken to the lawyers who participated in the defense of the Abscam trials, and there is a real doubt about this appraisal of the law, of this evidence not being available for the jury. First, that memorandum was released to the Jenrette defense by Federal Judge Penn under the Brady against Maryland legal principle which states that any evidence construed to be favorable to the defense shall be turned over to the judge or the defendant prior to the trial.

Judge Penn asked for Brady material to be submitted to him in camera, in secret, prior to the trial. Later, Mr. Jenrette was convicted, the Government turned over 23 documents that should have been turned over earlier. One of those documents was the Gow memorandum. Judge Penn immediately turned the document over to the defense under Brady, and permitted the defense to use it in its motion for a new trial, and in its due process motion. That is an admission in itself that the contents are admissible in the trial.

I would like to submit this for the record, Mr. President, the Brady against Maryland decision. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRADY V. MARYLAND

CERTIORARI TO THE COURT OF APPEALS OF MARYLAND

No. 490. Argued March 18-19, 1963.—Decided May 13, 1963.

In separate trials in a Maryland Court, where the jury is the judge of both the law and the facts but the court passes on the admissibility of the evidence, petitioner and a companion were convicted of first-degree murder and sentenced to death. At his trial, petitioner admitted participating in the crime but claimed that his companion did the actual killing. In his summation to the jury, petitioner's counsel conceded that petitioner was guilty of murder in the first degree and asked only that the jury return that verdict "without capital punishment." Prior to the trial, petitioner's counsel had requested the prosecution to allow him to examine the companion's extrajudicial statements. Several of these were shown to him; but one in which the companion admitted the actual killing was withheld by the prosecution and did not come to petitioner's notice until after he had been tried, convicted and sentenced and after his conviction had been affirmed by the Maryland Court of Appeals. In a post-conviction proceeding, the Maryland Court of Appeals held that suppression of the evidence by the prosecutor denied petitioner due process of law, and it remanded the case for a new trial of the question of punishment, but not the question of guilt, since it was of the opinion that nothing in the suppressed confession "could have reduced [petitioner's] offense below murder in the first degree." *Held.* Petitioner was not denied a federal constitutional right when his new trial was restricted to the question of punishment; and the judgment is affirmed. Pp. 84-91.

(a) Suppression by the prosecution of evidence favorable to an accused who has requested it violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution. Pp. 86-88.

(b) When the Court of Appeals restricted petitioner's new trial to the question of punishment, it did not deny him due process or equal protection of the laws under the Fourteenth Amendment, since the suppressed evidence was admissible only on the issue of punishment. Pp. 88-91.

226 Md. 422, 174 A. 2d 167, affirmed.

E. Clinton Bamberger, Jr. argued the cause for petitioner. With him on the brief was *John Martin Jones, Jr.*

Thomas W. Jamison III, Special Assistant Attorney General of Maryland, argued the cause for respondent. With him on the brief were *Thomas B. Finan,* Attorney General, and *Robert C. Murphy,* Deputy Attorney General.

Opinion of the Court by Mr. Justice Douglas, announced by Mr. Justice Brennan.

Petitioner and a companion, Boblit, were found guilty of murder in the first degree and were sentenced to death, their convictions being affirmed by the Court of Appeals of Maryland. 220 Md. 454, 154 A. 2d 434. Their trials were separate, petitioner being tried first. At his trial Brady took the stand and admitted his participation in the crime, but he claimed that Boblit did the actual killing. And, in his summation to the jury, Brady's counsel conceded that Brady was guilty of murder in the first degree, asking only that the jury return that verdict "without capital punishment." Prior to the trial petitioner's counsel had requested the prosecution to allow him to examine Boblit's extrajudicial statements. Several of those statements were shown to him; but one dated July 9, 1958, in which Boblit admitted the actual homicide, was withheld by the prosecution and did not come to petitioner's notice until after he had been tried, convicted, and sentenced, and after his conviction had been affirmed.

Petitioner moved the trial court for a new trial based on the newly discovered evidence that had been suppressed by the prosecution. Petitioner's appeal from a denial of that motion was dismissed by the Court of Appeals without prejudice to relief under the Maryland Post Conviction Procedure Act. 222 Md. 442, 160 A. 2d 912. The petition for post-conviction relief was dismissed by the trial court; and on appeal the Court of Appeals held that suppression of the evidence by the prosecution denied petitioner due process of law and remanded the case for a retrial of the question of punishment, not the question of guilt. 226 Md. 422, 174 A. 2d 167. The case is here on certiorari, 371 U.S. 812.[1]

The crime in question was murder committed in the perpetration of a robbery. Punishment for that crime in Maryland is life imprisonment or death, the jury being empowered to restrict the punishment to life by addition of the words "without capital punishment." 3 Md. Ann. Code, 1957, Art. 27, § 413. In Maryland, by reason of the state constitution, the jury in a criminal case are "the Judges of Law, as well as of fact." Art. XV, § 5. The question presented is whether petitioner was denied a federal right when the Court of Appeals restricted the new trial to the question of punishment.

We agree with the Court of Appeals that suppression of this confession was a violation of the Due Process Clause of the Fourteenth Amendment. The court of Appeals relied in the main on two decisions from the Third Circuit Court of Appeals—*United States ex rel. Almeida* v. *Baldi,* 195 F. 2d 815, and *United States ex rel. Thompson* v. *Dye,* 221 F. 2d 763—which, we agree, state the correct constitutional rule.

This ruling is an extension of *Mooney* v. *Holohan,* 294 U.S. 103, 112, where the Court ruled on what nondisclosure by a prosecutor violates due process:

"It is a requirement that cannot be deemed to be satisfied by mere notice and hearing if a State has contrived a conviction through the pretense of a trial which in truth is but used as a means of depriving a defendant of liberty through a deliberate deception of court and jury by the presentation of testimony known to be perjured. Such a contrivance by a State to procure the conviction and imprisonment of a defendant is as inconsistent with the rudimentary demands of justice as is the obtaining of a like result by intimidation."

In *Pyle* v. *Kansas,* 317 U.S. 213, 215-216, we phrased the rule in broader terms:

"Petitioner's papers are inexpertly drawn, but they do set forth allegations that his imprisonment resulted from perjured testimony, knowingly used by the State authorities to obtain his conviction, and from the deliberate suppression by those same authorities of evidence favorable to him. These allegations sufficiently charge a deprivation of rights guaranteed by the Federal Constitution, and if proven, would entitle petitioner to release from his present custody. *Mooney* v. *Holohan,* 294 U.S. 103."

The Third Circuit in the *Baldi* case construed that statement in *Pyle* v. *Kansas* to mean that the "suppression of evidence favorable" to the accused was itself sufficient to amount to a denial of due process. 195 F. 2d, at 820. In *Napue* v. *Illinois*, 360 U.S. 264, 269, we extended the test formulated in *Mooney* v. *Holohan* when we said: "The same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears." And see *Alcorta* v. *Texas*, 355 U.S. 28; *Wilde* v. *Wyoming*, 362 U.S. 607. Cf. *Durley* v. *Mayo*, 351 U.S. 277, 285 (dissenting opinion).

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[1] Neither party suggests that the decision below is not a "final judgment" within the meaning of 28 U.S.C. § 1257(3), and no attack on the reviewability of the lower court's judgment could be successfully maintained. For the general rule that "Final judgment in a criminal case means sentence. The sentence is the judgment" (*Berman* v. *United States,* 302 U.S. 211, 212) cannot be applied here. If in fact the Fourteenth Amendment entitles petitioner to a new trial on the issue of guilt as well as punishment the ruling below has seriously prejudiced him. It is the right to a trial on the issue of guilt "that presents a serious and unsettled question" (*Cohen* v. *Beneficial Loan Corp.,* 337 U.S. 541, 547) that "is fundamental to the further conduct of the case" (*United States* v. *General Motors Corp.,* 323 U.S. 373, 377). This question is "independent of, and unaffected by" (*Radio Station WOW* v. *Johnson,* 326 U.S. 120, 126) what may transpire in a trial at which petitioner can receive only a life imprisonment or death sentence. It cannot be mooted by such a proceeding. See *Largent* v. *Texas,* 318 U.S. 418, 421-422. Cf. *Local No. 438* v. *Curry,* 371 U.S. 542, 549.

We now hold that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.

The principle of *Mooney* v. *Holohan* is not punishment of society for misdeeds of a prosecutor but avoidance of an unfair trial to the accused. Society wins not only when the guilty are convicted but when criminal trials are fair; our system of the administration of justice suffers when any accused is treated unfairly. An inscription on the walls of the Department of Justice states the proposition candidly for the federal domain: "The United States wins its point whenever justice is done its citizens in the courts."[2] A prosecution that withholds evidence on demand of an accused which, if made available, would tend to exculpate him or reduce the penalty helps shape a trial that bears heavily on the defendant. That casts the prosecutor in the role of an architect of a proceeding that does not comport with standards of justice, even though, as in the present case, his action is not "the result of guile," to use the words of the Court of Appeals. 226 Md., at 427, 174 A. 2d, at 169.

The question remains whether petitioner was denied a constitutional right when the Court of Appeals restricted his new trial to the question of punishment. In justification of that ruling the Court of Appeals stated:

"There is considerable doubt as to how much good Boblit's undisclosed confession would have done Brady if it had been before the jury. It clearly implicated Brady as being the one who wanted to strangle the victim, Brooks. Boblit, according to this statement, also favored killing him, but he wanted to do it by shooting. We cannot put ourselves in the place of the jury and assume what their views would have been as to whether it did or did not matter whether it was Brady's hands or Boblit's hands that twisted the shirt about the victim's neck. . . . [I]t would be 'too dogmatic' for us to say that the jury would not have attached any significance to this evidence *in considering the punishment of the defendant Brady.*

"Not without some doubt, we conclude that the withholding of this particular confession of Boblit's was prejudicial to the defendant Brady. . . .

"The appellant's sole claim of prejudice goes to the punishment imposed. *If Boblit's withheld confession had been before the jury, nothing in it could have reduced the appellant Brady's offense below murder in the first degree.* We, therefore, see no occasion to retry that issue." 226 Md., at 429-430, 174 A. 2d, at 171. (Italics added.)

If this were a jurisdiction where the jury was not the judge of the law, a different question would be presented. But since it is, how can the Maryland Court of Appeals state that nothing in the suppressed confession could have reduced petitioner's offense "below murder in the first degree"? If, as a matter of Maryland law, juries in criminal cases could determine the admissibility of such evidence on the issue of innocence or guilt, the question would seem to be foreclosed.

But Maryland's constitutional provision making the jury in criminal cases "the Judges of Law" does not mean precisely what is seems to say.[3] The present status of that provision was reviewed recently in *Giles* v. *State*, 229 Md. 370, 183 A. 2d 359, appeal dismissed, 372 U.S. 767, where the several exceptions, added by statute or carved out by judicial construction, are reviewed. One of those exceptions, material here, is that "Trial courts have always passed and still pass upon the admissibility of evidence the jury may consider on the issue of the innocence or guilt of the accused." 229 Md., at 383, 183 A. 2d, at 365. The cases cited make up a long line going back nearly a century. *Wheeler* v. *State*, 42 Md. 563, 570, stated that instructions to the jury were advisory only "except in regard to questions as to what shall be considered as evidence." And the court "having such right, it follows of course, that it also has the right to prevent counsel from arguing against such an instruction." *Bell* v. *State*, 57 Md. 108, 120. And see *Beard* v. *State*, 71 Md. 275, 280, 17 A. 1044, 1045; *Dick* v. *State*, 107 Md. 11, 21, 68 A. 286, 290. Cf. *Vogel* v. *State*, 163 Md. 267, 162 A. 705.

We usually walk on treacherous ground when we explore state law,[4] for state courts, state agencies, and state legislatures are its final expositors under our federal regime. But, as we read the Maryland decisions, it is the court, not the jury, that passes on the "admissibility of evidence" pertinent to "the issue of the innocence or guilt of the accused." *Giles* v. *State*, *supra*. In the present case a unanimous Court of Appeals has said that nothing in the suppressed confession "could have reduced the appellant Brady's offense below murder in the first degree." We read that statement as a ruling on the admissibility of the confession on the issue of innocence or guilt. A sporting theory of justice might assume that if the suppressed confession had been used at the first trial, the judge's ruling that it was not admissible on the issue of innocence or guilt might have been flouted by the jury just as might have been done if the court had first admitted a confession and then stricken it from the record.[5] But we cannot raise that trial strategy to the dignity of a constitutional right and say that the deprival of this defendant of that sporting chance through the use of a bifurcated trial (cf. *Williams* v. *New York*, 337 U.S. 241) denies him due process or violates the Equal Protection Clause of the Fourteenth Amendment.

Affirmed.

Separate opinion of Mr. Justice White.

1. The Maryland Court of Appeals declared, "The suppression or withholding by the State of material evidence exculpatory to an accused is a violation of due process" without citing the United States Constitution or the Maryland Constitution which also has a due process clause.[6] We therefore cannot be sure which Constitution was invoked by the court below and thus whether the State, the only party aggrieved by this portion of the judgment, could even bring the issue here if it desired to do so. See *New York City* v. *Central Savings Bank*, 306 U.S. 661; *Minnesota* v. *National Tea Co.*, 309 U.S. 551. But in any event, there is no cross-petition by the State, nor has it challenged the correctness of the ruling below that a new trial on punishment was called for by the requirements of due process. In my view, therefore, the Court should not reach the due process question which it decides. It certainly is not the case, as it may be suggested, that without it we would have only a state law question, for assuming the court below was correct in finding a violation of petitioner's rights in the suppression of evidence, the federal question he wants decided here still remains, namely, whether denying him a new trial on guilt as well as punishment deprives him of equal protection. There is thus a federal question to deal with in this Court, cf. *Bell* v. *Hood*, 327 U.S. 678, wholly aside from the due process question involving the suppression of evidence. The majority opinion makes this unmistakably clear. Before dealing with the due process issue it says, "The question presented is whether petitioner was denied a federal right when the Court of Appeals restricted the new trial to the question of punishment." After discussing at some length and disposing of the suppression matter in federal constitutional terms it says the question still to be decided is the same as it was before: "The question remains whether petitioner was denied a constitutional right when the Court of Appeals restricted his new trial to the question of punishment."

The result, of course, is that the due process discussion by the Court is wholly advisory.

2. In any event the Court's due process advice goes substantially beyond the holding below. I would employ more confining language and would not cast in constitutional form a broad rule of criminal discovery. Instead, I would leave this task, at least for now, to the rulemaking or legislative process after full consideration by legislators, bench, and bar.

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[2] Judge Simon E. Sobeloff when Solicitor General put the idea as follows in an address before the Judicial Conference of the Fourth Circuit on June 29, 1954:

"The Solicitor General is not a neutral, he is an advocate; but an advocate for a client whose business is not merely to prevail in the instant case. My client's chief business is not to achieve victory but to establish justice. We are constantly reminded of the now classic words penned by one of my illustrious predecessors, Frederick William Lehmann, that the Government wins its point when justice is done in its courts."

[3] See Dennis, Maryland's Antique constitutional Thorn, 92 U. of Pa. L. Rev. 34, 39, 43; Prescott, Juries as Judges of the Law: Should the Practice be Continued, 60 Md. St. Bar Assn. Rept. 246, 253-254.

[4] For one unhappy incident of recent vintage see *Oklahoma Packing Co.* v. *Oklahoma Gas & Electric Co.*, 309 U.S. 4, that replaced an earlier opinion in the same case, 309 U.S. 703.

[5] "In the matter of confessions a hybrid situation exists. It is the duty of the Court to determine from the proof, usually taken out of the presence of the jury, if they were freely and voluntarily made, etc., and admissible. If admitted, the jury is entitled to hear and consider proof of the circumstances surrounding their obtention, the better to determine their weight and sufficiency. The fact that the Court admits them clothes them with no presumption for the jury's purposes that they are either true or were freely and voluntarily made. However, after a confession has been admitted and read to the jury the judge may change his mind and strike it out of the record. Does he strike it out of the jury's mind?" Dennis, Maryland's Antique Constitutional Thorn, 92 U. of Pa. L. Rev. 34, 39. See also *Bell* v. *State*, *supra*, at 120; *Vogel* v. *State*, 163 Md., at 272, 162 A., at 706-707.

[6] Md. Const., Art. 23; *Home Utilities Co., Inc.*, v. *Revere Copper & Brass, Inc.*, 209 Md. 610, 122 A. 2d 109; *Raymond* v. *State*, 192 Md. 602, 65 A. 2d 285; *County Comm'rs of Anne Arundel County* v. *English*, 182 Md. 514, 35 A. 2d 135; *Oursler* v. *Tawes*, 178 Md. 471, 13 A. 2d 763.

3. I concur in the Court's disposition of petitioner's equal protection argument.

Mr. Justice Harlan, whom Mr. Justice Black joins, dissenting.

I think this case presents only a single federal question: did the order of the Maryland Court of Appeals granting a new trial, limited to the issue of punishment, violate petitioner's Fourteenth Amendment right to equal protection? [1] In my opinion an affirmative answer would be required *if* the Boblit statement would have been admissible on the issue of guilt at petitioner's original trial. This indeed seems to be the clear implication of this Court's opinion.

The Court, however, holds that the Fourteenth Amendment was not infringed because it considers the Court of Appeals' opinion, and the other Maryland cases dealing with Maryland's constitutional provision making juries in criminal cases "the Judges of Law, as well as of fact," as establishing that the Boblit statement would not have been admissible at the original trial on the issue of petitioner's guilt.

But I cannot read the Court of Appeals' opinion with any such assurance. That opinion can as easily, and perhaps more easily, be read as indicating that the new trial limitation followed from the Court of Appeals' concept of its power, under § 645G of the Maryland Post Conviction Procedure Act, Md. Code, Art. 27 (1960 Cum. Supp.) and Rule 870 of the Maryland Rules of Procedure, to fashion appropriate relief meeting the peculiar circumstances of this case,[2] rather than from the view that the Boblit statement would have been relevant at the original trial only on the issue of punishment. 226 Md., at 430, 174 A. 2d, at 171. This interpretation is indeed fortified by the Court of Appeals' earlier general discussion as to the admissibility of third-party confessions, which falls short of saying anything that is dispositive of the crucial issue here. 226 Md., at 427-429, 174 A. 2d, at 170.[3]

Nor do I find anything in any of the other Maryland cases cited by the Court (*ante*, p. 89) which bears on the admissibility *vel non* of the Boblit statement on the issue of guilt. None of these cases suggests anything more relevant here than that a jury may not "overrule" the trial court on questions relating to the admissibility of evidence. Indeed they are by no means clear as to what happens if the jury in fact undertakes to do so. In this very case, for example, the trial court charged that "in the final analysis the jury are the judges of both the *law* and the facts, and the verdict in this case is *entirely* the jury's responsibility." (Emphasis added.)

Moreover, uncertainty on this score is compounded by the State's acknowledgment at the oral argument here that the withheld Boblit statement *would* have been admissible at the trial on the issue of guilt.[4]

In this state of uncertainty as to the proper answer to the critical underlying issue of state law, and in view of the fact that the Court of Appeals did not in terms address itself to the equal protection question, I do not see how we can properly resolve this case at this juncture. I think the appropriate course is to vacate the judgment of the State Court of Appeals and remand the case to that court for further consideration in light of the governing constitutional principle stated at the outset of this opinion. Cf. *Minnesota* v. *National Tea Co.*, 309 U.S. 551.

Mr. MELCHER. Second, the defense of entrapment was admitted in the Jenrette case. Now, you know, in order to prove a person guilty beyond a reasonable doubt, the Government must prove at the time the offer is made to participants in the crime the individual targeted must be ready, willing, and able to participate in this crime.

While it is true that the Gow memo was really a very thorough admission by the Justice Department itself as of the date of the memorandum, that was November 27, 1979, that Senator WILLIAMS was not ready and was not willing to participate in the crime being offered to him; consequently, that document was admissible to show that Senator WILLIAMS was not predisposed to be a criminal.

Finally, that document could have been used at trial to show how much zeal was used by the Justice Department in the pursuit of the Senator, and that would have been relevant evidence. I believe that, had I been a juror, that memo may well have caused me to vote not guilty on its contents alone.

Senator WILLIAMS presented evidence of good character at his trial. The Gow memo would have been helpful proof to confirm specific examples of good character in that an effective lawyer could have contrasted the conduct of certain Congressmen, whose conduct was also described as criminal in that memorandum, with that of Senator WILLIAMS whose conduct was described as noncriminal, and to me that is a pretty significant point.

Lawyers and judges and members of the Ethics Committee may argue over whether or not this exculpatory memorandum can be supplied as evidence to a jury. But we have no argument here in the Senate. We have the memo, we can read it, we can understand it, and it tells us that the Justice Department lacked a case against WILLIAMS on November 27, 1979, because they did not have evidence of overt acts by WILLIAMS.

We are here as Senators in the U.S. Senate to judge the guilt or innocence of another Senator of having committed a crime and this document has particular relevance not only to ourselves and our judgment on WILLIAMS but also regarding the outcome of the appeal of the jury verdict by Senator WILLIAMS.

Judge Pratt disallows the memorandum as evidence for that trial. Yet Judge Penn, another Federal judge in another Abscam case, allows the same document as evidence. Let us look at Judge Pratt's decision in the due process hearing while denying this document's importance:

> However, those opinions and the memoranda embodying them were not relevant to any of the specific issues the jury was called upon to decide in this case.

I find this opinion incredible on its face; the fact that the two jurors said—the two jurors sitting at that trial—that they would have reversed their conviction vote, reversed their vote for conviction, had they known about this and been able to have that piece of evidence present. How can a piece of evidence be irrelevant when it is so relevant to the jurors to the point that it would have changed their decision?

Tell me, my colleagues, those of you who are lawyers, does this not mean—this argument between two Federal judges, what should be admitted and what should not be admitted—either the appellate court or the Supreme Court will determine whether or not this exculpatory memorandum is allowed as evidence?

Then tell me also, my colleagues, particularly those of you who are lawyers, would you have preferred to set yourselves in the place of the appellate or the Supreme Court as a judge on the admission and the relevance of this memorandum as evidence?

Well, let us return to Judge Pratt. But, first of all, Judge Pratt in the Williams trial set aside from jury consideration the question of due process. Whether that was proper or not can be determined by subsequent actions of the defense in the appellate process. But it is clear that two jurors at the Williams trial that found WILLIAMS guilty, then months later, after reading the memorandum, stated that they would not have voted for conviction if they had been aware of the memo and its contents.

There is a reason for that, and I draw particularly to your attention, Senators, that the Government's case against WILLIAMS was laced with tapes that the Government contended were evidence of conspiracy on WILLIAMS' part.

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[1] I agree with my Brother White that there is no necessity for deciding in this case the broad due process questions with which the Court deals at pp. 86-88 of its opinion.

[2] Section 645G provides in part: "If the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the judgment or sentence in the former proceedings, and any supplementary orders as to rearraignment, retrial, custody, bail, discharge, correction of sentence, or other matters that may be necessary and proper." Rule 870 provides that the Court of Appeals "will either affirm or reverse the judgment from which the appeal was taken, or direct the manner in which it shall be modified, changed or amended."

[3] It is noteworthy that the Court of Appeals did not indicate that it was limiting in any way the authority of *Day* v. *State*, 196 Md. 384, 76 A. 2d 729. In that case two defendants were jointly tried and convicted of felony murder. Each admitted participating in the felony but accused the other of the homicide. On appeal the defendants attacked the trial court's denial of a severance, and the State argued that neither defendant was harmed by the statements put in evidence at the joint trial because admission of the felony amounted to admission of guilt of felony murder. Nevertheless the Court of Appeals found an abuse of discretion and ordered separate new trials on all issues.

[4] In response to a question from the Bench as to whether Boblit's statement, had it been offered at petitioner's original trial, would have been admissible for all purposes, counsel for the State, after some colloquy, stated: "It would have been, yes."

Those tapes that were made prior to November 27, 1979, and have been carefully reviewed by the FBI scam team and found to be lacking in proof, and specifically the tapes did not show WILLIAMS committing an overt act, which is the essential ingredient they knew they must have in order to go to the grand jury asking for an indictment.

Returning to the trial, but for the jury's verdict of guilt, Senator WILLIAMS' guilt, we would probably not be spending any time on the expulsion resolution.

I believe we might be considering a censure resolution, and I believe one is necessary. Yet I fear that what may be happening here in the Senate is that we are detrimentally relying on the momentum of the process, the process of a jury conviction, Judge Pratt's ruling on due process, and the Ethics Committee report and, believe me, that is momentum, and here we are just sort of wrapping it up. But the fact is that had one exculpatory memorandum been produced in the defense as required by the U.S. Supreme Court in Brady against Maryland as found by Judge Penn to be necessary, and whose view I firmly believe will be supported on appeal, there would have been no conviction in the Williams trial, and this momentum would not have been started.

Again, I repeat that two jurors have publicly stated that with this evidence they would have voted not guilty. They would not have convicted, but for that, there would be no conviction today.

We are told that the clincher in the evidence is the January 15, 1980, videotape, and that is evidence; in essence, a "smoking gun."

Mr. President, I understand the majority leader recommends a break here, a short recess, and I am willing to take it to this point and return afterward to the "smoking gun," since my friend from Missouri raised the point of "smoking gun" last night.

My friend from Missouri said "smoking gun" and then he said "smoking machinegun." I think that would be a good point to return to after the recess.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. MELCHER. Yes, I yield.

RECESS UNTIL 3:40 P.M.

Mr. BAKER. Mr. President, I have conferred with the managers on both sides. It appears that a recess of the Senate at this point would be in order. I ask unanimous consent that the Senate now stand in recess until the hour of 3:40 p.m.

The VICE PRESIDENT (presiding). Is there objection?

There being no objection, the Senate, at 3:21 p.m., recessed until 3:40 p.m.

[There was a disturbance in the gallery.]

The VICE PRESIDENT. The Sergeant at Arms will assist the Chair in achieving order.

The Senate is in recess.

Following the recess, the Senate reassembled when called [illegible] order by the Presiding Officer (Mr. GARN.)

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I assume it will take a few minutes to arrive at a quorum.

Mr. President, one Member has stated that perhaps we should confer with the National Highway Traffic Safety Administration. A fair amount of progress has been made on compulsory seatbelts. In my own mind, I can visualize the majority leader wanting seatbelts. It would improve the efficiency of the conduct of the Senate. [Laughter.]

Since such a resolution has not yet been adopted, and I have no authority to install them on my own, I have no alternative except to suggest the absence of a quorum.

Mr. President, before the clerk proceeds, the suggestion of the distinguished chairman of the Committee on Environment and Public Works, which has jurisdiction on such matters concerning such a resolution as I have just described, suggests, as an alternative, that we install with the seatbelts a set of airbags. [Laughter.]

Now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 26 Leg.]

Baker
Baucus
Bradley
Burdick
Cannon
Cochran
Cranston
Dole
Eagleton
Exon
Garn
Gorton
Grassley
Hawkins
Heflin
Helms
Humphrey
Inouye
Jepsen
Kassebaum
Kennedy
Long
Mattingly
McClure
Melcher
Metzenbaum
Pressler
Proxmire
Pryor
Roth
Rudman
Stafford
Symms
Tsongas
Wallop
Weicker

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nebraska (Mr. ZORINSKY) is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber who have not been recorded?

The result was announced—yeas 95, nays 4—as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—95

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Schmitt
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams

NAYS—4

Goldwater
Long
Proxmire
Quayle

NOT VOTING—1

Zorinsky

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators who did not answer the quorum call, a quorum is now present.

Mr. BAKER. Mr. President, as I announced earlier, I expect the Senate to remain in session until perhaps 6 o'clock this afternoon.

May we have order in the Senate, Mr. President?

The VICE PRESIDENT. The Senate will be in order. Senators will take their seats.

Mr. BAKER. I thank the Chair. I should hope that Senators who have statements to make would notify the two managers and give them an estimate of the time it will require so that we try to arrange a rational schedule for Members. I will not try to make any effort to limit debate. I am not suggesting a particular time to dispose of the pending amendment, but I think for the convenience of every Senator and in justice to Senator WILLIAMS and the committee that we ought now to try to establish the number of Senators who wish to speak and the length of time.

I would not be so bold as to suggest that some may wish to put their statements in the RECORD, but that is always a possibility. (Laughter.)

Mr. LEAHY addressed the Chair.

Mr. BAKER. Mr. President, before I yield to the Senator from Vermont, I believe Senator MELCHER will finish his statement, to be followed by Senator SPECTER, and then to be followed by Senator BRADLEY.

I yield to the Senator from Louisiana.

Mr. LONG. I sought to ask a question the other day, and I have a number of questions, not a great number, but I do have a few questions in mind relevant to that, and I would like to ask about the matter. I would address them to the chairman or the ranking member.

Mr. BAKER. May I suggest then that perhaps the Senator from Louisiana could be recognized after the Senator from New Jersey, and it would give us four Members then.

Mr. LONG. At some point, certainly at some point, before we limit debate, I would like to simply ask what I had in mind asking and, so far as I know, that will terminate my part in debate, if you call for the asking of questions.

Mr. BAKER. That is a good deal if I ever heard one.

Mr. LEAHY. Mr. President, I wonder if I might ask the distinguished majority leader this question. I had earlier mentioned to the floor leaders in this debate that I would like to speak for probably 10 or 12 minutes at most. I had understood the possibility and realized the probability that Senator SPECTER and, perhaps, Senator BRADLEY would follow Senator MELCHER, and I hoped that I might follow them, and I realized there was a time problem. I would like to ask for some indication if I might have 10 or 15 minutes to speak this afternoon.

Mr. BAKER. I am sure the Senator can. I would like to not get into the scheduling business.

May I ask the Senator from Vermont and other Senators to make their wishes known to Senator WALLOP and to Senator INOUYE, and whatever they arrange in that respect is eminently satisfactory to me.

One other question: May I inquire of the managers if there is any desire to allocate time on an equal basis between now and 2 o'clock tomorrow or leave it like it is and just do it as it occurs?

Mr. WALLOP. Mr. President, if the majority leader will yield to me, I think the way we have been going somehow or other it is working out. The Senator from Hawaii's time has exceeded the time of the Senator from Wyoming now so it seems to be working out.

I would think that if there was any intention on the part of the majority leader or another person to offer a tabling motion that both the Senator from Hawaii or his representative, and I might want a couple of minutes each to set the scene before such a vote would be taken. But otherwise I am content with the arrangement we have been following. It seems to be working reasonably well.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield to the minority leader.

Mr. ROBERT C. BYRD. I hope there will be no tabling motion offered. I feel that Senator CRANSTON is entitled to an up or down vote on his amendment. I feel the Senator from New Jersey is entitled to an up or down vote on the resolution and, of course, I would recognize any Senator's right to offer a tabling motion.

I simply want to express that we should have an up or down vote, and I would hope that I would have an opportunity to speak very briefly, 5 minutes, 10 minutes, or some such time.

Mr. BAKER. I am certain the minority leader would not only have that opportunity but that we will look forward to those remarks whenever he cares to make them.

I had no present intention, I might say to the minority leader, to offer a tabling motion. I think the matter will resolve itself. I once again state that I have no desire to push it. I have the leaders' desire to try to work out a schedule, as I am sure the former majority leader, and now minority leader will recognize, but I have no inclination to cut off debate on this issue.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. BAKER. Yes.

Mr. INOUYE. May I inquire as to the schedule the Senator has planned for tomorrow?

Mr. BAKER. Yes, I thank the Senator from Hawaii. I think under the circumstances, it would be best to change our schedule a little.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. on tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR SPECTER ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order, that the distinguished Senator from Pennsylvania (Mr. SPECTER) be recognized on special order for not to exceed 15 minutes.

The VICE PRESIDENT. Is this prior to the order for the recognition of Senator PROXMIRE?

Mr. BAKER. I was not aware that there was an order to that end. Yes; I amend the order in that respect.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that at the conclusion of the time allocated to the two leaders under the standing order, and the special orders as they may be provided for, that there be a period for the transaction of routine morning business of not longer than 10 minutes in length, in which Senators may speak for 1 minute each.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR THE RESUMPTION OF CONSIDERATION OF SENATE RESOLUTION ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that at the close of morning business that the Senate resume consideration of Senate Resolution 204.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, the net effect of that will be to put the Senate back on Senate Resolution 204 at some time around 10:30 a.m., and I hope——

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BAKER. Yes, I yield.

Mr. GOLDWATER. Does that mean we can hold no committee meetings after the Senate goes back to the resolution?

Mr. BAKER. No; it means that committee meetings, I will say to the Senator from Arizona, would be permissible until the hour of 12 noon.

Mr. METZENBAUM. Mr. President, will the majority leader yield for a question?

Mr. BAKER. Yes, I yield.

Mr. METZENBAUM. The other day the majority leader indicated we would have a late night tonight or tomorrow night. Will you give us some idea of what your plans are in that respect?

Mr. BAKER. I thank the Senator from Ohio. I do not plan to ask the Senate to stay beyond 6 o'clock this evening. It would be my hope, I will say to the Senator from Ohio, that we could get this matter disposed of prior to 6 o'clock on tomorrow. Thursday is our regular late evening, or course, and Senators are all on notice, and it is possible we may be late on any Thursday, but especially on this Thursday.

Mr. METZENBAUM. I thank the Senator.

SENATOR HARRISON A. WILLIAMS, JR.

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BUMPERS. The majority leader started off his statement, I understood him to ask, of the Senators who wanted to be heard. I did not see a show of hands. Can he give us some idea of how many people want to speak, if he knows?

Mr. BAKER. I cannot at this point, but rather than asking for a show of hands, I would hope in the next 15 minutes or so the two managers might be available for Members to indicate their needs, and then I will make a further announcement on that a little later.

Mr. President, I thank all Senators and I yield the floor.

The VICE PRESIDENT. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I am very much alarmed that we in the Senate are relying detrimentally on the momentum of the process of a jury conviction and Judge Pratt's due process hearing and the Ethics Committee report on expulsion.

Mr. MOYNIHAN. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order. Will Senators please take their places. The Senator from Montana cannot be heard.

The Senator will proceed.

Mr. MELCHER. On the matter of due process, which is so significant here, Judge Bryant is handling the case of one of the Abscam convicted former Congressmen; Judge Penn is handling the Abscam case of another former convicted Congressman. In both of those cases the judges have not yet ruled on due process, but Judge Pratt has ruled on due process regarding Senator WILLIAMS, even though in the case before Judge Bryant and in the case before Judge Penn there was no doubt of bribery, the money having been offered and the money accepted.

Not so in Senator WILLIAMS' case, however.

It seems odd to me that the momentum is here we have the convictions, and then the committee deal, and then the due process or put the due process in the middle, all created in Senator WILLIAMS' case, which has really given us sort of a push, a shove, toward adopting the committee report before the appeals process has been completed.

I point that out to you, Members of the Senate, because these other two Federal judges have not yet ruled on due process in the case of the two Congressmen who did take money, who undeniably were bribed.

Now, we are told that the clincher in the evidence is a January 15, 1980, video tape, and that is, in essence a "smoking gun." We are told that it has the evidence of the overt act. Without the cumulative effect of the previous tapes, this takes on a different meaning.

You probably have reviewed the January 15, 1980, video tape, and I have reviewed it. For apparently the first time the Justice Department at that time through the fake sheik, Agent Farhart, raised the question of Senator WILLIAMS introducing a bill, would he introduce a bill, to gain residency for the sheik.

Now, I do not reach the conclusion that there is a quid pro quo between Senator WILLIAMS discussing the possibility of a bill being passed to make it possible for the sheik's residency and the involvement of the sheik in helping to finance a mining venture. I believe, as Professor Blakey testified to the Ethics Committee—Professor Blakey is a law professor from Notre Dame and former chief counsel for Senator McClellan's Subcommittee on Investigation. Professor Blakey testified to the Ethics Committee that, rather than being incriminating of Senator WILLIAMS, the tape itself is exculpatory evidence of Senator WILLIAMS. Now, I happen to agree with that. I believe the scene was contrived to produce evidence on video tape, but it simply failed to produce that evidence.

Now, certainly fairminded individuals can draw different conclusions from viewing these tapes, but, as jurors in the Senate, we must consider the evidence independently of the judicial process.

But why all this effort on the part of the FBI to make sure that a Senator who had previously not committed an overt act was set up again and video taped?

I suggest that to anyone who has reviewed the Abscam cases it is apparent that the FBI sought to send a message to the U.S. Congress. On the House side of this hill the FBI easily had quick success and actually filmed statements about "bagmen" and elected officials stuffing money into their pockets and bags. On the other hand, it is equally as clear that the FBI wanted to get to a Senator. We know that because authorization for a payoff—not a meeting—it did not actually occur, so the offer was not actually made to the chairman of our Judiciary Committee.

That testimony, that evidence, that authorization for the funds, and he testified in court later on, was from Assistant Attorney General Philip Heymann. So that Senator was not involved in the thing to that point. He never was involved in anything, period. But it disturbed me, and I hope it disturbs you, all of you in the Senate.

I hope you are also fully disturbed, as I am, that there was a list, that the attempt was going to be made, if it was possible.

We also know that another Member of this Senate jury, those of us here, was video taped talking to the same Mel Weinberg and FBI Agent Amoroso. But he was not charged. He did not take money—though it was not even offered because a prosecutor who was monitoring the video session called in to Agent Amoroso and said, "Don't offer the money. Forget it. Call it off."

How many Senators were listed by the Justice Department for Abscam tryouts? Do we really know? How many Senators are on the FBI video tapes without knowing about it at all?

How would any of us look on video tape in this kind of a scam?

I am not trying to embarrass any of you. I am simply emphasizing how the FBI pursued three Senators, to our knowledge. To one, Senator THURMOND, they were ready to offer a bribe. Justice authorized money for a bribe to be offered if it worked out.

Yet, they could not get him to meet with them. He refused. To another Senator, they had the meetings, discussed his need for financial support and then shut off the meeting. Other Senators names apparently are on Justice-FBI lists for some sort of FBI scam.

Now, finally, we get over to the case of PETE WILLIAMS. What did he do? He refused the money repeatedly. What did the FBI do? Well, they got a forged letter, on an official Senate letterhead.

Now, what is going on? Are we supposed to view our Government, our Justice Department, as really making up lists?

Well, I will not want to board such a railroad train in disregard to due process. There must be truth and justice in this Chamber. We cannot rely on evidence that is perhaps not completely ever presented, still being withheld, some of it obviously gained in setting aside the law, shoving aside the law. It is sort of a crooked path littered with discredited evidence of the Justice Department-FBI scam, right here in the Senate, right here in the legislative body of this Government.

We make the laws that affect all Americans, the laws that apply to any person regardless of creed or religion or wealth. All of these laws apply to all of us and they apply to Senator WILLIAMS.

We are not prima donnas who are above the law and we are not as lawmakers subject to any greater rights or lesser rights than for all of the rest of the citizens for whom we write the laws.

Now, this frightens me because we have had a lot of momentum built up, a momentum toward, "Let's get this over." We have had the trial, the due process hearing, we have had the committee and their recommendation. What we really want to do is make sure that in these Senate proceedings, which sometimes cause me a lot of bewilderment and disbelief, we want to get to actually all the truth, the whole truth.

I have repeatedly heard and read that we have Pete Williams here before us during the past few days emotionally pleading his case. Well, I see Pete Williams as fighting.

He has lost his first round in the court. He seems to be virtually without support, yet he fights on and the spirit within him is that of a fighter, a real scrapper. He is not here begging us to do anything. He is telling us that he believes he is innocent. He wants a chance to prove that. He wants a chance to get a reversal, to appeal and get a reversal of that conviction.

Well, ours is really not a mission of mercy, but a solemn duty to insure that the Senate, in judging Pete Williams, does not evade the most rigorous oversight and investigation of the Abscam deal, the most rigorous investigation that we are capable of. We must clean up that mess and insure that those prosecutors and Justice Department officials who, by making their own rules of law threaten the Constitution, by shifting the law or shoving it aside, bending it. We must assure that their successors will be deterred from perhaps other like actions.

Has there not really been a fundamental assault on due process and the executive branch attacking the legislative branch?

Williams stands here today not as a supplicant but as a part of the history of Abscam. Will this process help us see, make us see, will it batter into our consciousness the need to see Abscam for what it really is—an ugly, frightening and insidious example of executive branch tyranny? At times, you think it is a soap opera, but it is a tyrannical soap opera in which members of the coequal branch of Government were lured and coaxed into the arms of a devil of a con man, Mel Weinberg.

It is an arrangement known only to those who created it as being illegal. It is presented—this scam on Williams—as a legitimate business venture. He looked, he listened, but he is convicted.

If the evidence is not all in, we in the Senate are still being scammed. The Senate is being used if we do not have all the evidence or if it is evidence that should really be viewed as lacking credibility. If we just capitulate and accept it all, we will have been forced by Abscam into wilfully helping tilt the balance of constitutional power in favor of the executive branch. And that is a branch of Government we are responsible for monitoring ourselves.

We may not understand the depth of the plot of the Justice Department principally because all the facts are not in, but to the extent that we do understand the depth of the plot of the Justice Department, we understand that, quite likely, because Pete Williams, who had nothing going for him, decided to take a stand and to fight. If he resigned in his silence, as many might have wished he had, most of us probably would never have been able to see, never have been able to realize this Justice Department involvement in Abscam. There are plenty of crooks and there is plenty of activity that is reprehensible. This would have remained hidden within the darkness which was deliberately perpetrated to hide all the Abscam operations.

It is impossible to believe that the fundamental constitutional mischief that is Abscam and Pete Williams' expulsion issue are unrelated or separable. They simply are not. They are brought together—they are intertwined. They are so inextricably tied in a knot together that to deal with expulsion without knowing of and fully understanding and investigating Abscam defies logic.

How many of you had heard about or even cared about the FBI's forged letter on the Senate's letterhead before Pete Williams raised the issue last week? Colleagues, we cannot have it both ways. We cannot on the one hand meekly assent to making Pete Williams the sacrificial lamb, while on the other hand launching a vigorous investigation of the very abuses that trapped Williams and that he has brought to our attention.

We are planning to investigate the executive branch principally because Pete Williams' trial, his appeal, and his persistence have brought the issue before us.

Had he chosen not to fight, if he had just given up after the trial, we would not fully realize the appalling imbalance that Abscam threatens to the system of checks and balances that keep this Nation free. I do not really believe that Pete Williams is fighting this fight just for his own survival. The man has already been convicted, he is already fighting in the courts.

The committee sought, they said, an independent investigation of Williams. Instead they relied on the trial transcripts and proceedings and some additional testimony. That was incomplete.

The FBI is involved in the trial transcript and in the subsequent proceedings. How much evidence is still to be seen? Certainly, not all of it is known right now. It certainly was not known when the committee recommendations were made, or when the committee adopted the resolution.

I understand that the committee vote on the resolution was sort of a compromise, which is disturbing to some Senators.

The committee drew almost exclusively from the trial record and from the trial judge's—Judge Pratt's procedures on due process. Yet Judge Penn and Judge Pratt seem to be on a legal collision course on appeal. Why rely on one judge's ruling and disregard the other?

There must be more. Are we going to know it all? Are we going to be allowed to get more of the facts?

I am sure there is more to know about the FBI and the Justice Department, and how this all came about to bring about the overt act.

Perhaps some of you feel Williams is guilty of a crime, but we cannot have it both ways.

We cannot have it both ways. We cannot say—as does the committee in the reports and arguments made here on the floor—that this Senate debate is totally independent of anything that occurred outside and then turn around and make the trial, the trial judge, and the prosecutor the basis for expulsion of Williams. I ask can we investigate Abscam—that includes the trial judge, the FBI, and the prosecutor—while at the same time using the very scenario created by the Abscam team and the events that followed as a justification for expelling Williams? Would our investigation of Abscam then become even a bigger force than Abscam?

Senators, there may be that many of you have already made up your minds to expel Williams. Why then are you sitting through this debate? Why have a charade?

As the committee says, this proceeding must be an independent one. The committee sought to make it an independent one. It should be independent of the prosecution. Our investigation should be independent of them. This is our matter. To expel Senator Williams without an adequate independent investigation tarnishes the Senate. I do not believe Senator Williams' rights have been fully protected since evidence has emerged from this quagmire, to which I referred in this statement.

It seems to me that it proves the weakness of the Ethics Committee case as being independent.

There is a scene from history I want to call your attention to; a scene based on real life from "A Man for All Seasons."

Like the attorney general, renowned lawyer and king's legal adviser Thomas More refused Henry the VIII's demands for a legal pronouncement on one of the king's marriages. Thomas More's legal opinion on that was very important to Henry the VIII.

His refusal—More's refusal—set Henry against his former friend and one of his leading counselors.

Henry plotted. He sent a secret agent to More's household to seek evidence to discredit More. He seeks employment—gets none at all.

But More's daughter, Alice, cries:

"He is a spy. Arrest him. Father, that man is bad."

More replied: "There is no law against that."

More's son-in-law Roper interjects: "There is. God's law."

More replied: "Then God can arrest him."

More adds at this point in soliloquy that he is not God and would never attempt to dispense God's law. The play then continues:

> MORE. "But in the thickets of (human) law, oh there I am a forester. I doubt if there's a man alive who could follow me there."
>
> ALICE (Exasperated, pointing after the spy). "While you talk, he's gone."
>
> MORE. "And go he should if he was the devil himself, until he broke the law."
>
> ROPER. "So now you'd give the devil benefit of law."
>
> MORE. "Yes, what would you do? Cut a great road through the law to get after the devil?"
>
> ROPER. "I'd cut down every law in England to do that."
>
> MORE (Roused and excited). "Oh? And when the last law was down, and the devil turned around on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws—man's laws, not God's—and if you cut them down d'you really think you could stand upright in the winds that would blow then? (Quietly) yes, I'd give the devil benefit of law, for my own safety's sake."

Sir Thomas More—in my church we call him Saint Thomas More—had no love for the devil.

He had love for the law and love for principle—for justice.

For our country's sake we should not allow all the laws to be cut down by the Justice Department—to set aside, bent—to gain what they have contrived to be seeking justice.

They have sought too hard, they have disregarded the law we have imposed here in the legislative branch to protect us all as citizens.

They have gone too far.

I do not believe there has been an adequate defense of the Justice Department action here in bending the law, in shoving it aside, to say that it is a process that sometimes you need to do enforce the law.

If they succeed in this striking down or bending of the law, like Thomas More, I believe it is a question of safety's sake and like More I ask "Can citizens stand upright in the winds blow then?"

Our prejudicies must step aside. We are neither Republican nor Democrat—Conservative or Liberal—we are citizens fortunate to sit here as elected Senators.

We must sit fairly—impartially as jurors—we must sit truthfully—all of these—fair—impartial—truthful.

As jurors of the intertwining of Abscam and Senator WILLIAMS.

If we cannot do that and do that now, this country is in trouble.

The evidence is not all in and not all unraveled.

There has been mention of a forged letter. I do not think that was properly investigated, especially in light of the Weinberg-FBI agents relationships that we now know.

I spoke of an exculpating memo, what relevance it has.

I spoke of the allegations that are now before Judge Pratt with WILLIAMS trying to reopen the due process hearing, those allegations that involve some of the people and the evidence, and which, therefore, make me wonder how credible the evidence is.

I spoke of momentum, the momentum of the conviction, and the due process hearing, the finding by Pratt, and the committee's recommendations and resolution. This substantial momentum has bothered me.

Then I spoke about Brady against Maryland and the lack of its application in this case but which Senator WILLIAMS was not allowed to use.

You know, Mr. President, these points are doubts that have come to me. They are small doubts, like metal filings that are drawn toward the magnet, one at a time. They are not much. They are individually small. But when they are put together, drawn together to the magnet, they give the magnet a different shape, a greater magnitude, because of that. I have this afternoon presented my remarks and my strong conviction that we have not heard all of this; that we have not heard the complete case and the appeals process should go forward; that we should allow that as part of due process which we, as lawmakers, as Senators, have the responsibility to uphold.

The VICE PRESIDENT. The Senator from Wyoming.

Mr. WALLOP. Mr. President, at some time, though perhaps not this evening, because we are going out early, I shall take some time to rebut some of the remarks of the Senator from California, especially with regard to the committee's proceedings. But in line with the fact that the majority leader had asked the Senator from Hawaii and myself to recognize certain other Senators who wanted to speak, I shall now yield to the Senator from Vermont (Mr. LEAHY) for remarks which he has sought to make on this matter before us.

Mr. LEAHY. I thank the Chair.

Mr. President, I understand from the distinguished chairman that Senator SPECTER is not going to speak at this point.

Mr. WALLOP. It is my understanding that Senator SPECTER did not wish to speak at this moment.

Did the Senator from Arkansas wish to remain on my list? I do not mean to pin him down.

Mr. PRYOR. If I may remain on the list.

Mr. LEAHY. I shall be brief, I tell my friend from Arkansas.

Mr. PRYOR. I may take a few moments or a short while to say something.

Mr. LEAHY. Mr. President, I rise on the floor today as 1 of the 100 who are allowed to speak and vote here. I speak as one who, along with my distinguished colleague (Mr. STAFFORD), has the privilege of representing the State of Vermont in the Senate. I am mindful of my predecessors from Vermont, especially the two greatest Vermont Senators we have here. Those two are, of course, Senator Justin Morrill, noted so well for his foresight, and Senator Ralph Flanders, a man known and respected for his courage during the witch hunt days of the 1950's.

Even though Vermont is the 14th oldest of our States, it has sent very few people to represent it here. My own predecessor, the very distinguished and much loved George Aiken, was elected to this body the year I was born. He then served in the U.S. Senate until I came here, 7 years ago.

I remember so well the feelings I had when I first came on this floor. During my years in Washington as a law student, just 10 years before, I would come up between classes to sit in the galleries and I would watch the Senate with awe, reverence, and respect and, quite frankly, a heartfelt wish to be a Member of this body. I saw the giants of the Senate at that time—Mike Mansfield, RUSSELL LONG, Everett Dirksen, Phil Hart, BARRY GOLDWATER, JOHN STENNIS, my dearly beloved friend, Hubert Humphrey—and so many others. I saw many people who are among my distinguished colleagues now—Senator KENNEDY, the distinguished Democratic leader, Senator ROBERT C. BYRD, Senator RANDOLPH, Senator THURMOND, Senator INOUYE. I think of Senators who were then who are no longer Members of the Senate—people like Senator Case, Senator Javits, Senator Church, and so many others I could name. I thought what an honor it would be to walk where these giants have walked.

All of this came back to me in a flood the day I took my oath of office on January 14, 1975.

I said, as each one of us has said when we began our terms, "I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office in which I am about to enter: So help me God."

Can anybody, in taking this oath of office, not realize that they are held to a higher standard? Can anybody who serves in this Chamber not realize that, by being 1 of the 100, they bear responsibility to themselves, to the

U.S. Senate, and especially to the Nation, and they bear a higher responsibility than the other 220 million citizens in this country? It is because of that higher standard that we are here today.

Throughout the days we have been listening to this case unfolding before the Senate, I have thought over and over and over of that higher standard. And last night, when I went home, after my children had gone to bed, I sat up and I went back through the notes I have taken through this whole episode. Then I started writing down some thoughts that I wanted to share with my colleagues today.

As all of us, I have to refer to my own experiences in life—not just as a Senator, but all other aspects as well—in coming to a conclusion.

In doing this, I suppose I reacted as any member of a jury would. Really, that is what we are. We are a jury. Each of us must bring our own lifetime of experience to making a decision. In my own case, one of the greatest experiences I can bring to bear is the fact that almost half of my adult life was spent as a prosecuting attorney.

I must tell my colleagues that that is an experience that has affected my thinking. It is an experience that I recollected so much last night, when I heard the distinguished Senator from Missouri (Mr. EAGLETON) speaking. I can tell you one conclusion I have reached. That is to denounce the efforts of the Government in this case, to denounce the use of a slimy person like the informant, Mel Weinberg, in this manner, to use this worm to bait a hook of entrapment. In fact, my experience as a prosecuting attorney makes it impossible to find a precedent for anything as egregious, as disgusting as was done in this case. I could think of no district attorney I have served with who would resort to such a slimy, sleazy operation to entrap somebody.

For that reason, I shall join with the Senator from California (Mr. CRANSTON) and the Senator from Alaska (Mr. STEVENS) in asking—not just asking, demanding—a full-scale investigation of the activities of the executive branch in this regard, because it is an activity that is reprehensible; it is inexcusable. I hope to God it will never by repeated in this country again.

But I am not here as a district attorney, I am here as a member of a jury, a jury made up of 99 people—99 Senators, whether great or ordinary. And we are the only 99 people available who can vote, here and now, in this Chamber.

We are the only 99 people able to vote in this matter who know what it means to take the oath of a Senator. We are, in fact, the only jury of his peers that Senator HARRISON WILLIAMS can have, because we are the only people on Earth eligible to vote who also have served in this Chamber. We are the only ones who know what it means to take that oath. But also, we are the only ones in this Chamber who know truly what it would mean to violate that oath.

Having listened to the facts of this case, I know that that oath was violated. It was violated by the Senator from New Jersey.

I know further that that violation was not one that can be redressed or punished by a motion of censure. I know, as so strongly stated by the distinguished Senator from Missouri and others, that censure is not the remedy.

Thomas Jefferson once said, "Sometimes it is said that a man cannot be trusted with the government of himself; can he then be trusted with the government of others?"

Senator HARRISON WILLIAMS was trusted with the government of others. I know as I stand here today that that trust was violated. I know that the faith of the Senate and the people has been breached.

The Constitution gives us the authority to determine the membership of our body. It gives us that authority to keep faith with the people of this country; but also, for the history of our country, to keep faith with the U.S. Senate, a body that I respect and love.

So I reached the very sad conclusion that there is only one remedy. That is to vote expulsion. That is the way I shall vote, Mr. President.

I yield back.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. LEAHY. I yield the floor.

Mr. WILLIAMS. I ask if the Senator will yield for a question or two.

Mr. LEAHY. Of course.

Mr. WILLIAMS. Because of your background as a district attorney, as a prosecutor, there are certain elements of this case, which were manfactured by the Government, that I would like to explore with you. I think that we could gain a further appreciation for the wrongdoing—as the Senator described, the sleazy wrongdoing—of Government operators, including the prosecutor.

Is the Senator familiar with the negotiations over a period of time that the prosecutor in my case entertained with others to write a book on Abscam, which was conditioned, as a coauthor said, on the conviction of WILLIAMS?

Mr. LEAHY. I am not only familiar with that, but also, when the suggestion was made that the prosecutor in the case of the distinguished Senator from New Jersey might be named a U.S. attorney for the District of Columbia, a matter that would come before the Judiciary Committee, on which I serve, I notified my distinguished chairman of that committee that I would want hearings, full hearings. I notified my staff that anything that might be up at that time would have to be set aside for those hearings, that I intended to spend every single second in those hearings, that I intended to ask very searching questions of Mr. Puccio.

I find his conduct—everything I have read about it—to be absolutely reprehensible. I think he is a man who has also violated his own oath of office. He is a man who does not deserve to be a member of our Government. Quite frankly, I do not think he is a man who deserves to be a member of the bar. I find his activity reprehensible, outrageous, disturbing. I would hate to see him stay as a member in any kind of governmental functions.

I said also that I do not feel at all that he is even entitled to be considered a member of the bar.

Those are my feelings as to the prosecutor in the case.

However, I also say that in this matter we still have within the rules—not only the rules of the Senate but also the obligations laid down to us as Senators—that we must determine this case under the facts. To that extent, while none of us would ignore a conviction or acquittal in this matter, it is a strict fact that conviction or acquittal becomes not relevant.

Mr. WILLIAMS. The Senator will agree with me, I am sure, that it is without any question that the standards that should guide us, the Members of the U.S. Senate, as in any public office, would be to say, "No," unequivocally, when a bribe was offered. There is no question about that.

Mr. LEAHY. Of course.

Mr. WILLIAMS. No. Aside from that. Just to know from your background as a prosecutor, is this proper prosecutorial conduct, to be not only in the "investigation" but also to be directing the operators who are doing the "investigating"?

Mr. LEAHY. I state again to the distinguished Senator from New Jersey, as I have stated before, that I find the conduct of Mr. Puccio throughout this matter, as well as the conduct of the other Government agents, to be reprehensible, to be without even responsibility. I feel, as Senator CRANSTON and Senator STEVENS have recommended, that it is a matter that should be looked into by the Senate. I feel it should. I feel that it is absolutely necessary. But that is not the issue before us today.

When we make that independent investigation by the Senate of the conduct of the Government in this case, I will address myself to those issues.

I have stated my own conclusions, based on the case of the distinguished Senator from New Jersey, and everything I have read about that. I have stated my own conclusions as to not only Mr. Puccio but also others involved with him.

I will not, however, debate specific items that they have done, beyond what I have stated already as to my attitude toward Mr. Puccio and the members of the Government.

Mr. WILLIAMS. I would like to have the Senator's view of Mr. Puccio, the prosecutor who had directed the investigation. He was hiding in another room, watching me, when an offer of money was made to me. A bribe was offered, and I said, "No, no, no, no"; and as I am just beginning to explain what the law is that guides us, an agent bursts in and interrupts me and prevents my full explanation—at the direction of the prosecutor in my case.

My question is: Is it part of objective, independent prosecution for a prosecutor to be directing agents from a hidden position and to send the agents in to stop a conversation just as it is revealing the absence of criminal intent, just as it is revealing innocence—the rejection of a bribe offer?

Mr. LEAHY. I state to the distinguished Senator from New Jersey, a man whose legislative record I respect and whose accomplishments I also respect greatly, that the matter before us today——

Mr. WILLIAMS. I can tell the Senator from Vermont that that was the very last time I saw any of these wretched people, when they had to do something to get me to be looking like a criminal. They offered a bribe, and I turned them down. It was the prosecutor of my case who stopped my opportunity to explain exactly why, because I was going to live under the law, as I said, "No, no, no."

That was the one time in this whole Abscam business of 13 months that anything directly was pointed to me as wrong, and the answer was immediate—"no."

To separate out the actions of the Government from my conduct in this particular is, in my judgment, to avoid my conduct. My conduct was clearly an unequivocal "no" to the bribe. This was so unacceptable to the prosecutor that he stopped me right in mid-speech, as I explained why I was not going to take a bribe. That was the last meeting.

You, Senator Leahy, will look at that record. You will note that the Government themselves said that meeting was needed because I had not done anything wrong. That meeting was needed to give me an offer of wrongdoing and it was at that moment there was no wrongdoing.

To avoid looking at the Government's action is to look at half the case, I submit to you very seriously, very earnestly.

I have raised my voice, and I have only raised it not in personal antagonism but in a depth of conviction that that tape said this man, this Senator, broke no laws, honored our standards, dignified this office.

I thank you for yielding for the question. I also made a statement, and I thank you.

Mr. LEAHY. Naturally, I would yield for either purpose.

I state this to the Senator from New Jersey: He is right when he says that is half the case. It is also, however, something that the Ethics Committee looked at, heard basically the same arguments the Senator has made, and made eloquently here. That is only part of the case. They decided unanimously, contrary to the position of the Senator from New Jersey, as I did.

I have stated my position to this body because I felt I should. I suspect that others will state their positions either way. Ultimately, each of us must come to his or her conclusion.

I must tell the Senator from New Jersey that I have gone over and over and over again the facts he has discussed. However, as with the Ethics Committee, all members of the Senate Ethics Committee, that was not adequate to convince me to vote otherwise.

Mr. WILLIAMS. I cannot resist another question.

If you, as a prosecutor, happened to be close to an investigation and you saw a person in conduct that would exculpate him from the crimes being investigated, would you stop him from exculpating himself or would you stay with an effort to see him inculpate himself?

Mr. LEAHY. I would, of course, give the person a chance to exculpate himself. I would consider that required by the oath of office of any prosecutor.

Mr. WILLIAMS. I thank you.

In your allegiance to the Ethics Committee's hearings and methods involving this case, and as you, more than any other member, described the egregious, evil—perhaps in later days to be found criminal—activity of Government operators, I say to you that what came to us from the Ethics Committee, as their consideration of this case, was the product of those individuals whose conduct you find so reprehensible.

Mr. LEAHY. Mr. President, I have gone well beyond the time that I have told my colleagues I was going to take. I feel that not much would be served by, in effect, reiterating what I said earlier, and I yield the floor.

Mr. WALLOP. Mr. President, the Senator from Hawaii has asked that I yield to the Senator from New Jersey (Mr. Bradley).

Mr. BRADLEY. Mr. President, for over 2 years, the Senate has lived with the events called Abscam. These 2 years have been sad ones for Senator Williams and his family, for the people of New Jersey, for the Senate, and for the thousands of Americans Senator Williams has helped through his legislative accomplishments.

No Senators have labored more on this issue than the Senate Ethics Committee which is charged with responsibility for the standards of the Senate. Since its report last August on Senator Williams, I have agonized over my own course of action.

I am grateful for the help and friendship Senator Williams extended to me as a new Senator. It was long my sense of him that his service to New Jersey was a testimony to his caring, and to his propriety.

Now, I have seen and heard Senator Williams on tape—attending seven meetings in five locations over 11 months in pursuit of Arab money for a company. I have seen and heard him saying "no problem" when asked if he could help the company obtain Government contracts. Most important, I have heard him accepting that company's stock certificates, which were endorsed in blank and which he said provided him with foundations for future independence. Nothing in this debate can change that final fact.

My personal conflict is complicated by what many say has been an abuse of power by the FBI—an abuse which constitutes entrapment or even an assault on the legislative branch by the executive. It is my hope that the Senate will conduct an investigation of Abscam.

But such an investigation cannot erase the ethical question before us with regard to Senator Williams.

I am not a lawyer. My reading of the extensive report of the Ethics Committee and the responses of Senator Williams has not been done with a lawyer's eye. My hearing of the past days' debate has not been done with a lawyer's ear. It is the business of the judiciary to say whether or not Senator Williams is guilty or innocent by judicial standards.

We are not judges. We are the Senate. It is our constitutional responsibility, as Senators, to assess our colleague's actions by standards we hold for ourselves.

Like each of you, I carry in my own heart and in my own head an idea of the standards a Senator of the United States should follow and exemplify. For whatever reasons or friendships, under whatever motivation or provocation—whatever may have been the inducement or the entrapment—Senator Williams' behavior did not meet the minimum standards expected of a U.S. Senator and the Senate must react.

What is the proper reaction? The Ethics Committee unanimously recommends expulsion.

A search for exact precedents yields none. In history, the 15 Senators who have been expelled were all expelled on grounds of treason. Three other Senators, whom committees of the Senate had recommended for expulsion after charges of bribery, either resigned or lost at the polls before the Senate could act on the recommendations. The Senate never has been asked to vote on the expulsion of a sitting Senator who has been convicted of such a felony—until now. If this should happen again, our determination will be the precedent.

The House of Representatives has expelled Members who have been convicted of certain felonies.

There is also instructive history in the Senate's action on Federal judges. When a Federal judge did not voluntarily resign after having been found to have taken illegal fees, these "high crimes and misdemeanors" were grounds for impeachment, conviction, and removal from office.

With that much example in mind and with Senator WILLIAMS' case under consideration, one must ask the following questions:

First. Have the Senator's actions reduced public confidence in elected officials?

Second. What is the point at which embarrassing behavior becomes unacceptable behavior with regard to the Senate's institutional integrity?

Third. Should one mistake nullify years of service?

Fourth. Should years of service nullify one mistake?

Fifth. Can any other Senator imagine doing in a similar situation just what this Senator has done?

Sadly for the Senate and for Senator WILLIAMS, my answers to these questions point only to expulsion.

Bribery inverts and mocks the democratic process turning it upon itself. Among other things, Senator WILLIAMS has been found to have taken a bribe.

Some of my colleagues have said to me that they believe censure would be a more appropriate remedy. But the issue here is not a minor one. It is at the core of democratic government—the faith people extend to political institutions.

To protect that faith, the Senate has created an Ethics Committee and has vested that committee with guardian responsibility for the standards of the Senate. A Senator should reject a recommendation of the Ethics Committee only if that recommendation seems very substantially unsupported by the evidence before the committee and very clearly inconsistent with the standards of the committee and the Senate. Nothing in this case, I am sad to say, suggests such exceptions to me. I will vote for expulsion.

The VICE PRESIDENT. Who yields time?

Mr. WALLOP. Does the Senator from Arkansas wish time?

Mr. PRYOR. I thank the distinguished chairman of the committee for yielding to me. I will not take very much of the Senate's time, and I apologize for rising this late in the afternoon. I have been a member of the Ethics Committee and have voted in committee for expulsion, and I wanted to let my colleagues know that after that vote I did reserve the right with my colleagues on the committee to vote later for a lesser penalty.

I would only say, first, my colleagues in the Senate, that I am not going to vote for that lesser penalty. I, too, like the Senator from New Jersey (Mr. BRADLEY) and others, will vote for expulsion of Senator WILLIAMS.

But I thought I would be remiss if I did not mention two or three factors that I think go to the heart of the matter before the Senate this afternoon. It was 25 months ago when we first turned on our televisions and opened up our newspapers and listened to our radios and found that one of our colleagues had been charged, in the press at least, with serious wrongdoing.

To be honest, I think that these leaks from the Justice Department—not to just one member of the media, not to just two members of the media, but to all of the media—probably at that moment brought us to a new low in public life.

I must say to my colleagues and friends on this floor and in the press that I was very disappointed when I saw the treatment given to someone whose trial date had not been set, where a grand jury had not met, and where no sort of inquisition had been called. When we saw these unofficial accusations on the night of February 2, 1980, the only issue in the minds of the public of this country relative to Abscam and to Senator WILLIAMS was not whether he was guilty or whether he was innocent. It was where we were going to build the scaffold and how high that scaffold was going to be constructed.

That was the mindset at the time, I think, on the part of the American people.

I would also, like to bring another matter to the attention of the Senate, because it has been brought up on three occasions during the process of this proceeding. That relates to another of our colleagues, Senator PRESSLER of South Dakota. Senator PRESSLER and I have discussed on many occasions his own particular situation. In no way do I want to jeopardize his position because, frankly, I do not think he is in jeopardy. I do want to explain to my colleagues a few of the facts of that investigation that have just come to light and made known in the last several hours. I do so with the permission of the chairman of the Ethics Committee (Senator WALLOP) and the vice chairman (Senator HEFLIN) because I think it is pertinent. It relates to the manner and the means by which the Justice Department has gathered certain information and shows us how these investigations started and how those facts were gathered.

On February 24, Senator PRESSLER had gone to a home in Northwest Washington, after he had been chosen to take the place of a Congressman from New Jersey who had not shown up at the FBI trap. Was there any reason whatsoever to believe that Senator PRESSLER had the propensity to take a bribe? Was there any reason whatsoever to believe that Senator LARRY PRESSLER of South Dakota—a person who served in Vietnam, was highly decorated, a Rhodes Scholar, a U.S. Senator—was on the take?

No; there was nothing, absolutely nothing, to indicate that Senator PRESSLER might be vulnerable.

I would also like to say that we had been led to believe that the Pressler matter was orchestrated and authorized by a so-called middleman. That is what I had been led to believe. That is what our colleagues had been led to believe.

During the process of the Ethics Committee hearings, we gave to Senator PRESSLER a letter that I will ask unanimous consent to have placed in the RECORD, a letter which totally exonerates our colleague, Senator PRESSLER, of South Dakota.

In this letter, we not only exonerated him, we also praised him for his integrity in this entire matter.

That letter was dated August 26, 1980. I ask unanimous consent, Mr. President, that this letter from the Ethics Committee be made a part of the record.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON ETHICS,
Washington, D.C., August 26, 1980.

Hon. LARRY PRESSLER,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PRESSLER: You asked the Senate Select Committee on Ethics to review the entire matter regarding your involvement in the Department of Justice operation known as "Abscam". There had been reports in the news media that you met with FBI undercover operatives. The Ethics Committee has made inquiries of officials of the Department of Justice, and recently viewed the FBI videotape of that meeting, which occurred on November 7, 1979.

We found nothing improper or unethical in your conduct. Although there was no specific offer of money, you repeatedly rejected suggestions that you might use your office in expectation of the payment of cash. Your rejections of the scheme were immediate, forthright and unequivocal. Your disapproval was typified by statements that you could not make any promises and that it would not be proper for you to do anything in return for a campaign contribution.

You have advised that you attended the November 7 meeting because you were informed by a campaign worker that some individuals were interested in making a contribution to your presidential campaign. We have been informed by the Department of Justice that you had not been under any suspicion. You were not a target of the operation, and you were taken to the meeting on an impromptu notion by the undercover intermediary. The agents in control had only a few minutes advance notice that you were due to arrive. We certainly agree with the opinion of FBI Director Webster that the circumstances were insufficient to obligate you to make a report of the matter.

Your conduct was exemplary. In this test of integrity, your action upheld the honor of the United States Senate.

Sincerely yours,
Howell Heflin,
Chairman.
Malcolm Wallop,
Vice Chairman.

Mr. PRYOR. I believe it to be the duty of the Ethics Committee when we find there has been wrongdoing, to bring the matter before this full body.

I also believe it must be our clear duty, as members of the Ethics Committee, to realize that we have a corresponding responsibility. When we find that some Member of this body might have been wronged, we should attempt to set the record straight. If we feel that individual has been wronged, we must do everything to clarify the record and to exonerate that individual. This is the reason I am spending this amount of time on Senator Pressler's case.

Mr. President, we have—and I would like to have it printed in the Record—a total exoneration of Senator Pressler from Judge Pratt, dated July 15, 1981. I will read only a couple of sentences of this exoneration. It states:

Pressler, particularly, acted as citizens have a right to expect their elected representatives to act. He showed a clear awareness of the line between proper and improper conduct, and despite his confessed need for campaign money, and despite the additional attactiveness to him of the payment offered, he nevertheless refused to cross into impropriety.

I ask unanimous consent to have this made a part of the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, July 15, 1981]

EXCERPTS FROM RULING BY FEDERAL JUDGE UPHOLDING THE JULY 15, 1981, ABSCAM CONVICTIONS

(Following are excerpts from the ruling by District Judge George C. Pratt in which he upheld convictions of seven Abscam defendants):

SELECTION OF "TARGETS"

Defendants argue that Abscam was "outrageous" because its selection of Congressional targets was arbitrary and unprincipled. Early in the first due process hearing, this court stated that in the absence of evidence to the contrary it would assume that there was no "probable cause" or even "reasonable suspicion" which might be used as a predicate for making a bribe offer to any of the defendant Congressmen. No evidence is before the court that any of the defendant Congressmen committed any prior similar violations or engaged in any course of conduct or other circumstances that would warrant suspicions of criminality in the conduct of their legislative affairs.

Under these circumstances, defendants argue, to permit targets to be selected by middlemen violated due process because it did not provide sufficient protection to the innocent. Both legally and factually, the argument fails. On the legal side, Judge Newman noted on the earlier appeal in Myers that the Constitution does not require reasonable suspicion before a Congressman may be made the subject of an undercover sting.

Factually, too, the argument is undercut by what happened with Representative Patten and Senator Pressler, who had been brought to the undercover agents by middleman Silvestri. Neither one apparently knew he had been brought before the sheik's representatives to be offered money in return for a promise of favorable legislative action. However, neither one was overwhelmed by the circumstances, and each declined the offer. *Pressler, particularly,* acted as citizens have a right to expect their elected representatives to act. He showed a clear awareness of the line between proper and improper conduct, and despite his confessed need for campaign money, and despite the additional attractiveness to him of the payment offered, he nevertheless refused to cross into impropriety.

The court is convinced that the defendant Congressmen appeared through a "self-selecting" procedure that involved the other defendants as well. The agents did not set out to offer bribes to any particular Congressman. They set no standards, established no criteria. Instead, the middlemen, Errichetti, Criden and Silvestri, carried the word that money was there for the taking by any Congressman who would promise to give legislative aid to the sheik's need for asylum in the United States. Weinberg's description of Abscam accurately characterizes what happened: "We put out the word that money was available, we had a honey pot and the flies came."

In short, on this record it is clear that those defendants who appeared and accepted bribes were not "targets" in the sense that any Government agent selected them for some sort of "honesty test"; instead, each was a willing volunteer seeking illegal and corrupt payments.

Mr. PRYOR. Mr. President, there is one more concern that I rise to address for just a few moments before returning to the Williams matter. As I have stated, it was always told or implied to us by the Federal Bureau of Investigation that some middle-echelon official had authorized the action against Mr. Pressler. The Ethics Committee was assured that some middleman had made this authorization, and the FBI was apologetic about it.

However, Mr. President, yesterday—whether it was done under the Freedom of Information law or what, I'm not sure—after 16 letters sent by Senator Pressler to the Department of Justice and the Federal Bureau of Investigation, and after 8 conferences with the Department of Justice, and after 2 years of begging and pleading to set the record straight—Mr. President, finally yesterday at 10:30 or 11 o'clock in the morning, Senator Pressler began to uncover the truth. We find that it was not a middleman, Mr. President.

I would like for this addendum, as it is called, dated November 7, 1979 to be made a part of the Record. Senator Heflin had no knowledge of this on Monday, when he stated this was a middleman. He corrected that Record yesterday and I felt the Record should be made clear because this may be the last opportunity.

The investigation, the attempt of a $50,000 bribe on Senator Pressler, was not authorized by a middleman. That authorization was made by William Webster, the Director of the FBI, who has maintained that no one who is in this business who is not the subject of a justified, official investigation is going to be looked at by the Bureau.

William Webster has signed this memorandum. It states:

On 11/7/79 at 11:25 a.m. Supervisory Senior Resident Agent (SSRA) John Goode, Hauppauge Resident Agency.

I think that is on Long Island. Senator Moynihan tried to teach me how to pronounce that a while ago, and I did not do a good job of it—

advised that Joseph Silvestri, a subject of this project, contacted UCA and indicated that he will be bringing U.S. Senator Larry Pressler, Republican, Humboldt, South Dakota, in place of U.S. Congressman William J. Hughes of New Jersey.

Inasmuch as authorization has been granted to expend $50,000 for the purpose of a bribe to Hughes, ITSP—Transportation Crimes Unit recommends that this authorization be extended to Pressler. John Jacobs, Strike Force Attorney, Eastern District of New York, will be viewing this meeting.

Now, my colleagues, in the bottom left-hand corner—you may view it if you so desire—in William Webster's handwriting, is written:

Try to be sure this new Senator—

Senator Pressler—

knows he's being paid (bribed).

I ask my colleagues, if Senator Pressler was not a subject of investigation, as the letter of February 6, 1981, from the U.S. Department of Justice indicates, why then was it William Webster himself who gave this authorization?

Mr. President, I ask unanimous consent to have printed in the Record other material relative to the Pressler file and to the Pressler case, because I think that it goes to the heart of the matter before the Senate today.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., February 21, 1980.

Hon. Benjamin R. Civiletti,
The Attorney General, Department of Justice, Washington, D.C.

Dear Mr. Attorney General: I would like to request some information which I feel is essential to protect myself in regard to the ABSCAM matter.

Let me first say that in my public statements I have been very supportive of the

FBI (see Los Angeles Times op ed article attached). I would also like to emphasize that my purpose in requesting this information is to have something on file which could be helpful sometime in the future if I should be up for a Federal appointment, or for election to office.

I would like to request the following:

1. A statement from you or the appropriate authority stating that I was not under any investigation or suspicion at the time I was interviewed by the ABSCAM operation.

2. I have noted that Director Webster has stated on several occasions that he was briefed before each Senator or Congressman came to the ABSCAM interviews. These press reports may not be accurate, but it was first notified of the potential interview at about 10:00 a.m. on the day of November 7. By the time the message got to my office it was close to 12:00 noon. It was not until nearly 3:00 p.m. that I agreed in principle to go to the house and subsequently went there at approximately 4:30–5:00 p.m. Thus, if the social contact who initiated the matter did it completely spontaneously and free of the FBI, it would have been virtually impossible for the Director to have had much notice of the time that I was going to the house. If I was a "wild card" in the whole scheme of things, the press reports would not seem to be accurate. If, indeed, the Director of the FBI was notified in advance and did a sort-of analysis before each Senator or Congressman was taken to the house, it leaves the question that if I were under no suspicion, why was the meeting not called off? I need clarification in this area.

3. To refresh my own memory and for my own protection, I would like to obtain a copy of the video tape of my interview. If I cannot obtain a copy of the entire video tape, perhaps I could obtain a copy with other persons blocked out for the purpose of protection or future prosecution of those persons or for the purposes of confidentiality. If that is impossible, I would like to request at least a transcript of what I said during the meeting.

In addition to the reason previously stated, another reason for specifically requesting this information is because of speculation by many newsmen on why I was selected to go to the house. I have presumed that it was sort of a "wild card", but the Director's statement that he carefully reviewed each case before the Senator or Congressman was interviewed makes it difficult for me to explain why I was involved. There is the general impression that some—or most—of the subjects of this investigation had been the subject of ongoing investigations or were under some suspicion. I do not want to prejudge any of my colleagues or any of the other subjects, but this question arises as a direct result of the statement by the Director of the FBI.

I should emphasize that the statements I have seen or heard have all been in the press area and, based on my own experiences, I do not always take everything that is in the press at complete final face value.

In future years, the whole thing could cast a shadow on my involvement in the first place, so a letter stating that I was not under any suspicion or investigation could be very helpful. If I was under suspicion I would very much like to know about. it.

Thank you for your fine cooperation and keep up your good work.

Best wishes for 1980.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

U.S. SENATE,
Washington, D.C., November 6, 1981.

Hon. WILLIAM FRENCH SMITH,
The Attorney General,
Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Per our telephone conversation of today, Friday, November 6, 1981, I am sending you certain material pertaining to my interest in the Abscam matter.

As you may recall, we met in your office last June 10, 1981, regarding the Abscam investigation. At that time, I asked to be furnished with material relating to me which developed as a result of this investigation. Based upon our visit, I was under the impression that such materials and tapes would be forthcoming.

As we discussed at that time, I was disturbed by the slowness of the Department, under your predecessors, in making clear the full extent of my involvement in this matter. The immediate purpose for our meeting was the fact that CBS Television had recently shown a copy of the videotape in which I appeared. I believe if this was available to a TV network, it certainly should have been provided to me; I do not even have a transcript of it.

As you know, I have been fortunate to have had a favorable accounting in the media of my actions in the Abscam investigation, and have received cursory letters from your predecessors indicating the propriety of my actions (copies enclosed). I have also been told by both Justice Department and FBI officials that my involvement in this matter was inadvertent rather than planned as a result of suspicions of previous misconduct. There is, however, a reoccurring suggestion that arises in the media that I was targeted for investigation. I have earlier provided you with examples of such speculation. It was, moreover, dismaying to hear FBI Director Webster further such implications in a recent broadcast. A copy of his statement is enclosed as is a copy of a letter I wrote to him on this subject. No response has yet been received to this letter.

Last week I contacted some of your assistants regarding the release of the material in question. I am concerned with what I believe to be a lack of understanding on their part.

Therefore, I would like to once again bring the details of my request to your attention. In addition to a letter from the Department of Justice outlining my involvement in this matter, along the lines which we discussed, I wish to be furnished with copies of all tapes—video and otherwise—documents and reports which were produced during the Abscam investigation. It has been reported in the press that I was mentioned in portions of the video tape other than that in which I personally appeared.

I believe that such a request is justified based upon the numerous disclosures to the media which have already occurred, the Freedom of Information Act, and the fact that investigations and criminal trials have now ended. Additionally, I think that such a request is reasonable based upon the comity between branches of government. As you know, I have refrained from criticism of the Department's actions in this investigation. Other, more objective observers have, however, questioned the propriety of the executive branch subjecting innocent members of the legislative branch to what some have described as unwarranted tests of virtue. Regardless of whether some individuals passed this test and turned down the temptation offered, there always remains the possibility of speculation as to why they were included in such an investigation.

I might add that at least fourteen Senators have asked me about my involvement in this matter in regard to the Harrison Williams debate that will soon be occurring on the Senate floor. If a question arises on the Senate floor regarding what happened to the other United States Senator or what were the facts involving the other U.S. Senator who was taped, I would like to be able to respond with a statement from you. I think it is in your interest and my interest that I do not have to say that the Justice Department has refused to give me any documents, tapes or that after repeated requests, I have been denied access.

As we earlier discussed, there is the additional possibility that in some future campaign or under consideration for some future job, I may suddenly learn of the existence of some document or paper or tape or reference that I did not previously know about. I think from a professional point of view, I certainly have a right to know of the existence of any papers or documents casting any light on this complex matter. At any rate, I would like to put this matter to rest as soon as possible.

Thank you for your cordial conversation and consideration of this matter. I enjoy working with you and your department on other matters separate from this. Let me say that I think you are doing us credit as Attorney General and I look forward to continuing working with you in the years to come.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

Mr. WILLIAMS. Will the Senator yield?

Mr. PRYOR. I would like to complete my remarks.

Mr. WILLIAMS. Just on the Pressler matter.

Mr. PRYOR. Yes, I yield.

Mr. WILLIAMS. I thoroughly agree that the Senator from South Dakota should have been exonerated. This should have been clearly stated from the very beginning. There is a transcript of the Senator's conversation with the Government agents which has been made available and I think it would be appropriate at this time to have the transcript printed in the RECORD to accompany these remarks. I agree completely with what the Senator from Arkansas has said and I believe a comparison can certainly be made between my particular case and the actions of the Senator from South Dakota.

Mr. PRYOR. I have no objection whatsoever to the transcript being printed in the RECORD. My point is that I want to show the exoneration of our colleague, Senator PRESSLER. I want to show that we have been given half truths about the Pressler matter. Finally, after 16 letters to the Justice Department and eight conferences, requests for the videotapes taken of Senator PRESSLER, still the Justice Department has not shown the courtesy or the common decency to supply those tapes. Mr. PRESSLER has seen these tapes only on CBS television.

Mr. BAKER. Will the Senator yield?

Mr. PRYOR. I yield.

Mr. BAKER. Just to set the record straight, the tapes, if I am not mistaken, were delivered to the Ethics Committee. At my request, the Ethics Committee delivered the tapes to Senator PRESSLER 2 days ago. So he does have the tapes.

Mr. PRYOR. I am very proud to have that information, because it has taken 2 years for our colleague, Senator PRESSLER, to obtain those video tapes. I hope the majority leader can fill me in and tell me that I am wrong on this point: That Senator PRESSLER has not been able to obtain in writing from the Justice Department, one, a letter of exoneration or, two, the reasoning behind the fact that he was targeted for a bribe.

Mr. CRANSTON. Will the Senator yield?

Mr. BAKER. Will the Senator yield to me?

Mr. PRYOR. I am proud to yield.

Mr. BAKER. If the Senator from California would permit me, the Senator addressed his inquiry to me. I see the Senator from South Dakota is on the floor and, of course, he can speak for himself. But I believe he does not have a letter from the Director of the FBI or from the Justice Department exonerating him completely on these charges. I believe that, too, was delivered in the last 2 days.

Mr. PRYOR. The timing of the delivery is very interesting, may I say.

Mr. CRANSTON. Will the Senator yield?

Mr. PRESSLER. We did not get the letter, but we were told it is on the way.

Mr. PRYOR. Maybe we ought to call the Postmaster General.

Mr. BAKER. I will tell you about that. That happened in my office. I met with the Assistant Attorney General, Senator PRESSLER, and others and, over a period of weeks, we negotiated the language of this letter.

I can tell you first he had a great deal of difficulty in getting it. He should have had it sooner. He is entitled to the letter, but he has not received it. An arrangement was made and the letter was dictated from my office to the Director of the FBI. I am not trying to get involved in this or make it a longer story than it is. But I want the record to show that that letter was authorized by the Justice Department and it was executed 2 days ago. It does exonerate the Senator from South Dakota of any duplicity, of any wrongdoing whatever.

Mr. CRANSTON. Will the senator yield?

Mr. PRYOR. I am glad to yield.

Mr. CRANSTON. I would like to state that if any Senators had any doubt about the need for an investigation of activities by the Department of Justice and the FBI directed against the Members of this body and of the other body, I hope that any such doubts will have been removed now due to the revelations by Senator PRYOR of what occurred without any justification at all in the targeting of Senator PRESSLER, and that there will be strong support for an immediate investigation pursuant to the resolution that Senator STEVENS and I will introduce following the conclusion of the Williams case.

Mr. INOUYE. Will the Senator yield?

Mr. PRYOR. I am glad to yield to the Senator.

Mr. INOUYE. Mr. President, I would like to say that the Senator from Arkansas has performed a great service. All I can say is shame, shame, shame.

Mr. PRYOR. I will not comment on that at this moment, but I would like to conclude because I have taken far too much of the Senate's time this afternoon.

I would like to conclude by saying that some of you may think that I have gotten off the track with the Pressler matter. But the problem with the matter before the Senate is that we have one respected individual and one respected institution that have committed a crime. Both are enormous transgressions not only against this Chamber and against this Senate but also against this country and what we have been led to believe about it.

I want to say that on September 3, when I cast that vote to expel from the Chamber a respected colleague and dear friend, Senator WILLIAMS, I did so not knowing if that was the right vote. I cast that vote having spent 2 years attempting to reconcile in my own mind and heart these two enormous wrongs. Which one was the greater, what was the punishment to be, and how severely would the punishment affect the persons and institutions involved?

I cast that vote on September 3, and I think my colleagues on the committee know that I attended virtually every meeting for those past 2 years. I feel almost like Errichetti, Weinberg, Feinberg, DeVito, and all of this cast of characters are a part of my everyday life now. In fact, this case has haunted me. My wife says it has driven me a little bit crazy. I think honestly and sincerely that we have a matter of great magnitude before us today regarding the penalty and the punishment of a dear friend. But, my friends, we have another matter and this may not be the day to solve it. It may not be the day to attack it. But it is a matter that should strike fear into the hearts of not just Senators. Generally, as has been said, we can take care of ourselves. But I am worried about John Smith, and I am worried about May Doe. They are defenseless. If the Federal Bureau of Investigation ever wants you, it is going to get you.

My colleagues, let me also say I would like to compliment Senator HEFLIN and Senator WALLOP for an outstanding, unselfish, patriotic job. I can attest to the fact that everything that took place in that Ethics Committee was done on a bipartisan basis. It was done with only one thing in mind, and that was to bring justice to bear.

Due process in the Ethics Committee was granted to Senator WILLIAMS. It is my opinion that if the strict definition of due process were not granted to Senator WILLIAMS in the trials and in the proceedings before it got to the Ethics Committee—maybe it did not, under the strict interpretation of the law—if it did not meet that test, it certainly would have been a callous disregard for the rights of a human being.

He was washed up on our shore with both arms broken, both legs broken, and now we are asked to cut off his head and rip out his heart.

This is not a pleasant moment for the Senate. There is no way that we can make the so-called right decision. The Federal Bureau of Investigation is not on trial. As I balance the interests, the equities, and look at what I have to do, I think at this point that the only thing we can do is vote to expel our friend Senator WILLIAMS from the Senate.

Mr. HAYAKAWA addressed the Chair.

The VICE PRESIDENT. Who yields time?

Mr. WALLOP. For what would the distinguished Senator seek time?

Mr. HAYAKAWA. I would like to ask the distinguished Senator from Hawaii if he will yield me a few moments.

Mr. INOUYE. I yield.

The VICE PRESIDENT. The distinguished Senator from California is recognized.

Mr. HAYAKAWA. I would like to quote remarks of my distinguished senior colleague from California.

> The Ethics Committee argues that expulsion is warranted regardless of the criminal proceedings.
>
> But I ask you: Would expulsion really be proposed, or would expulsion actually be our decision, if Senator WILLIAMS had been acquitted?
>
> I believe it is clear that it is the criminal case that has driven the Senate toward expulsion.
>
> As was pointed out so forcefully and eloquently by the Senator from Hawaii, there is no instance in which this body has expelled a Senator whose criminal conviction was still in the appellate process. In fact, the Senate in this century has permitted three convicted Senators to continue to sit until their appeals have been exhausted.
>
> * * * * *
>
> As Senator INOUYE declared last week, some Americans view Abscam as a grand success in ridding America of corrupt politicians.
>
> But you and I know, we know, as the Senator from Hawaii also noted, that there is much, much more involved in this case.
>
> If the Department of Justice can engage in illegal activities against Members of the U.S. Senate and get away with it, a threat

will be posed—not just to Senators—to every citizen in this land.

* * * * *

Unchecked abuse of executive branch investigative and prosecutorial power could escalate into despotism and the ultimate subservience, the subservience of Congress to the executive branch in derogation of the Constitution.

* * * * *

The most notorious instance is the infamous "enemies list" memorandum of Charles Colson in which he hints at a sting or scam-type operation against at least one Member of the Congress. There is also clear evidence of executive branch action in the 1960's and 1970's to produce political intelligence by use of electronic surveillance, including taps used against the Congress.

Toleration by us of the Government's actions in Abscam carried out under the previous administration would, in my view, invite its repetition under circumstances that could produce a disastrous blow to our constitutional form of government.

* * * * *

There is an old adage that two wrongs do not make a right.

The Senate is in danger of making two wrongs into still another wrong.

The Justice Department, I believe, was wrong in its handling of Abscam.

The Department's misbehavior should be fully investigated and publicly aired.

Senator WILLIAMS was wrong for going along to the extent that he did.

* * * * *

A vote of censure is justified at this time and would stand up, in logic and in fairness, no matter what the courts eventually do.

But a vote to expel at this time would be unfair because it would be premature.

These are Senator CRANSTON's words. I congratulate him on them.

I would like to add just a paragraph of my own.

Mr. President, we say in our prayers, I hope daily, "Lead us not into temptation."

Must we who are Members of the House and Senate revise that prayer to read, "Lead us not into temptation, especially let us not be led into temptation by the slimy crooks, the con men, and the hustlers hired by the Justice Department at our own, the taxpayers' expense, to lead us into temptation"?

The VICE PRESIDENT. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I believe the senior Senator from Mississippi wishes to be recognized.

Mr. STENNIS. Mr. President, I was going to speak in opposition to the distinguished Senator from Hawaii.

Mr. WALLOP. Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I shall not detain the Senate more than a few minutes.

As so many of our colleagues have said, and I am talking now to those who have come here in later years, Senator WILLIAMS has been almost an ideal Member of this body in many ways. I have sat here, near him, over 20 years. We have had the most pleasant talks and contacts from time to time—not a great deal of official contact, because our committees were different, but all the official and personal contacts that I have had with him were pleasant and warm, and I feel certain that has been the general order, the general tone, of his service here.

He has always maintained, so far as I know, a very high standard with reference to his work, his duties, his consideration of the problems of the people and our Government. He was attentive to those duties and, as far as I know, his work has been average and better in his committee and in his presentations here, on the floor.

So, after these tributes that have been paid, I would like to emphasize as an eyewitness in that field, that they are correct and the Senator deserves credit.

Out of this record of achievements that I have referred to, I am amazed and hurt at these disclosures in this case. I do not want to review all the facts in detail. I shall not point out all the particulars, the course of his conduct, the pattern of operations, his contacts with these unlikely and questionable people. He was always traveling the wrong road. The whole subject matter showed, on its face, that it was tainted.

The thing that hurts me about it is that he did not turn his back on it and spurn it and make tracks the other way and stay away. Instead, he would go back again and again and again. These connections and contacts with this crowd, that he says himself left a bad impression on him, extended over a period of some 18 months, I believe, took him into various States with them, all the way from New York to Florida, which includes some seven different locations.

Again, I say there is always the same tone, the same tune, the same theme, and it was related to something that was tainted, something that he might acquire in some vague way, some benefit somewhere in the future. So, much as I would like to, Mr. President, I cannot accept his plea of innocence.

I really hoped that he would have testimony that could be accepted along that line. He showed up at these places over this period of time with this motley crowd. As I have said before, the same general subject matter was under discussion, and always the same theme. This seemed always to concern something of expected value which might accrue in time. This stature just does not fit the pattern of a Member of this body, and I am driven to say that and to vote for expulsion.

Especially is that true when a man is intelligent, and has these fine qualifications that others have spoken of, and that I have found, that we find in Senator WILLIAMS. Great as our regret may be, under our form of government or under our Constitution, the status and image of the U.S. Senate is entrusted to the other 99 Members of us here, now, for the time being. It belongs not to us but to the people. It is the 99 remaining Members who will presently have to make this decision and carry this load of responsibility.

Mr. President, I want to say just a word with reference to the activities that went on. First, though, I feel very deeply that we are greatly indebted to these men who have carried on so well, so long, and so faithfully, all the way through, in handling this matter and presenting it here. It gives pride to me and makes the stature of them grow in this body, makes them stand very tall. I think the influence from it will do good a long, long time. I shall not stop to refer to each one of them particularly, but there have been fine presentations here. They have been lawyerlike and laymanlike and very high-level types of presentation.

I must say that Mr. MELCHER is the best witness I ever saw in many ways. Tremendous courage and endurance and willpower. It is sad to see this other that I refer to.

Mr. President, this activity of the FBI is a national disgrace. I am a former district prosecuting attorney and former district judge, and presided in a court of unlimited jurisdiction. I had some matters come up when I was judge that I could see—I thought I could see rather clearly—were tainted with some chicanery and trickery and connivance of some deputy sheriffs, and I just called in the attorneys for both sides, and defendants, and dismissed the case, dismissed the jury, and never did give any reason for it. It was not worth taking the field, except the district attorney, and he knew why I did it.

But the word got around. It is a contemptuous thing when one branch of a government—it does not make any difference what level—goes out among people and goes to thinking up crimes and thinking up what they can do among orderly people, whether they are Senators or not—I am talking about all the people—and entrapping. That is what it amounts to, as a practical matter, whether legally or not, to make out a crime there through their own conduct in part—in part—and then turn right around in the same breath and become prosecutors and try to carry the weight and dignity of the office that they hold, the department they belong to, and carry out their way what they have planned and schemed and contrived from the beginning. I say it is a national disgrace at whatever level it happens and whoever is connected with it, whoever is responsible. It must be dug out, must be written out by the firm, stern law of the land. The responsibility is right here with us.

I hope we can proceed to trying to follow better business for the Government. I can get around to now, maybe, for the Senate. But that is a must, and it is up to us to give a shining light and let this thing fashion its way in some solid, firm, exact, definite laws in this field—not for the protection of Members of the Senate, no, or Members of the House, no, but for the protection of all Senators.

It is something that just cannot be tolerated. There is an old maxim in equity, the chancery court of England, common law of England, that he who comes into chancery court must come with clean hands. Activities of the kind to which I referred are with hands that are unclean from the beginning to the end. I feel that we must, that in trying to do our duty here, we must do the same duty.

I want to especially thank, as well as highly compliment, the Senator from Hawaii (Mr. INOUYE) for the way he worked on this matter and the very fine manner in which he presented it on behalf of Senator WILLIAMS, both his presentation on the floor and the way in which he answered questions by Senators. He has rendered to the Senate a signal service of the highest order.

My thanks again to our colleagues and I hope that they will take this matter under consideration now and bring it to a vote.

Mr. BAKER. Mr. President, may I inquire of the managers if there are other Senators who wish to speak this evening? If not, it is now 3 minutes before 6, and I propose it is a good time to recess.

Mr. INOUYE. Mr. President, I gather that the Senator from Louisiana has several questions he would like to propound and the Democratic leader also wishes to be heard.

Mr. ROBERT C. BYRD. Mr. President, I do not need to be heard today.

Mr. BAKER. I thank the minority leader. Does the Senator from Louisiana wish to proceed this evening?

Mr. LONG. I have a few questions I would like to ask.

Mr. BAKER. By all means.

Mr. WALLOP. Mr. President, there are others on my list. I am certain that they will be heard tomorrow.

Mr. LONG. Mr. President, let me just say to the Senator that I think he has conducted himself in managing this matter, and I say the same thing of the Senator from Alabama (Mr. HEFLIN), in the finest tradition of the Senate. I do wish to ask the Senator about this matter.

I ask my colleague to refer to a chart under tab C in the book provided by the committee. That is this brown book, summary of excerpted data for reference during floor action on Senate Resolution 204. I am looking at the date 1976, opposite which appears the following:

U.S. TITANIUM CORP.

[in percent]

Penque-Williams, Inc., 56⅔.
Ernest Garrett, 33⅓.
Alan Toriello, 10.

U.S. TITANIUM CORP. (PROPOSED REORGANIZATION)

[in percent]

Sandy Williams, 22½.
Harrison Williams, 22½.
Ruth Garrett, 27.
George Katz, 10.
Alex Feinberg, 8
Alan Toriello, 10.

I should like to ask the Senator if, in the organization of these three succeeding corporations, the assets of the U.S. Titanium Corp., from either the 1976 line or the 1978 line—which I assume would be mainly options on the Piney River mine—whether or not those options were transferred into these 1979 corporations which are listed: PIT, Inc., PRV Enterprises, GTD, Inc.

Mr. WALLOP. This information is not clearly described in any of the documents Senator WILLIAMS provided to the committee or anything else before the committee, but it is probable that no formal transfers ever took place.

Mr. LONG. The reason I ask that question is that the chart that was set forth would give one the impression that the assets of the U.S. Titanium Corp.—I assume that those are options—were transferred into the other corporations.

Mr. WALLOP. They were set up for that purpose, to acquire the Georgia property. There was one to add the additional property to the Piney River mine.

Mr. LONG. The reason that causes me to ask that question is this: Would not there be a burden on anyone who would organize these three final corporations, in recognizing the fact that Senator WILLIAMS apparently had an interest in the U.S. Titanium Corp., to provide him with stock in the successor corporations?

Mr. WALLOP. I will yield to Senator HEFLIN on that question. As the Senator knows, I am not a lawyer. I do not know what is required in transferring from a corporation. I suspect the answer is yes, but I also suspect that was the intent with all these things before it all unraveled.

I think that is the situation that took place, as well as the obvious statements in the transcripts when they were talking about the resale. There was specific talk in the transcripts about assets.

I will ask my colleague, the vice chairman.

Mr. HEFLIN. Will the Senator restate his question?

Mr. LONG. My question is this, and if this is not correct, I should like to be informed of it: Assuming that this chart to which I made reference on tab C—assuming that these assets of U.S. Titanium Corp. were transferred into these three corporations that appear at the bottom, as the chart would suggest, did that not impose an obligation on those who organized these succeeding corporations to provide Senator WILLIAMS with the stock in the successor companies?

Mr. HEFLIN. First, as to the U.S. Titanium Corp., as to whether or not Senator WILLIAMS owned any stock in it, it is dependent on the trier of facts, whether it be the jury, or the court, or here, as to whether or not you believe the testimony of Sandy Williams. Sandy Williams, in effect, says so by the delivery of the Penque-Williams paper in 1976 as to that.

Assuming that Sandy Williams was correct in making that assumption, if he owned some interest in U.S. Titanium Corp. and there was a transfer of assets into these other corporations, it would depend on what the assets were and how the transfer would have occurred.

Technically, U.S. Titanium Corp. owned options, and then it becomes a little complicated. There is a Stone Foundation that had loaned money pertaining to those options and had in effect foreclosed them. It was a matter of then trying to—I believe the evidence will support this—there was an arrangement by which a redemption would be held.

I do not know technically, to answer your question, whether or not under the scheme of facts there would have been an obligation to have transferred stock into these new corporations. I do not believe I can correctly answer it. It could be under circumstances that the facts were so. On the other hand, it is possible that it could not be.

Mr. LONG. The reason I ask the question is that when reference is made to the stock that was given Senator WILLIAMS, if this stock was to a corporation succeeding that in which he had previously held stock, the thought occurs to me that it is quite different than if one were delivering stock in something in which he had not previously held an equity position.

Mr. WALLOP. There are a couple of things: First, as I did yesterday, I would point out to the Senator that the whole and very complex pedigree of all these corporations is on pages 1021 through 1026 of the investigation of Senator WILLIAMS, the volume 2 exhibits. It is a very complex thing. But one brief portion of the answer to you is as follows: U.S. Titanium was in default to the Stone Corp. Part of this money that was to be acquired under the loan was to be used to release the assets of U.S. Titanium, which Senator WILLIAMS had a part in by virtue of the gift letter.

I think it is fair to say that this was new stock in a new corporation that was being talked about, and the loan was the thing through which it would acquire real value.

Mr. LONG. I want to ask one further question.

Mr. HEFLIN. I have talked to staff. U.S. Titanium Corp. did own some property. They had also some options that had been foreclosed and may have had some redemption rights possibly about that. As to the property that they owned, in organizing and in transferring that property, if no consideration passed, no cash passed but it was to follow through as to the ownership of the stock, then there would have been some reason and some consideration to pass stock that was in Sandy Williams name on to him. If one-half of that were owned, if we were to believe that, then there would be, to answer your question, through the disguise of Sandy Williams, some obligation to deliver some stock or some value represented by the property that was owned by U.S. Titanium.

Mr. LONG. I thank the Senator.

Mr. WALLOP. Will the Senator yield just for a second? I do not want to interrupt the question.

Mr. LONG. I yield.

Mr. WALLOP. Mr. President, I ask unanimous consent that the memorandum submitted by special counsel, pages 1021 through 1027, be printed in the RECORD for the information of Senators. Not everyone has their books here, and it might help us, should this conversation carry through until tomorrow.

There being no objection, the memorandum ordered to be printed in the RECORD, as follows:

JULY 15, 1981.

MEMORANDUM

To: Senate Ethics Committee
From: Robert S. Bennett, Special Counsel.
Re: Evolution of Corporate Structure for Titanium Venture.

This memorandum, which is based upon certain evidence introduced in the Committee's hearing in this matter, describes the evolution of three corporations formed to engage in the various titanium mining and manufacturing operations in which Senator Williams allegedly had an interest.[1]

1. In 1971 Sandy Williams met Ronald Penque, the majority owner of Piocel Corp., a corporation engaged in marketing certain solid waste recycling technology in which it presumably held a proprietary interest. [Trial Transcript Volume 1, pp. 932-33]

2. In 1972, Sandy Williams and Penque formed Penque-Williams, Inc., a Delaware corporation. This corporation was apparently formed for the various purposes of earning a finder's fee on the possible sale of the Great Atlantic & Pacific Tea Company [Trial Transcript Volume 3, p. 2202], and buying and selling scrap plastic. [Trial Transcript Volume 1, p. 933] Each owned 50% of this corporation. [Trial Transcript Volume 1, p. 934]

3. In 1973, Sandy Williams and Piocel formed Piocel of New Jersey, a subsidiary of Piocel Corp., for the purpose of constructing, owning and operating a solid waste recycling plant in the New Jersey Meadowlands. Piocel Corp. owned 51% of this subsidiary, and Sandy Williams testified he gave Senator Williams half of his 49% interest in exchange for the Senator's agreement to assist the subsidiary in obtaining necessary approvals in New Jersey. [Trial Transcript Volume 1, p. 935]

4. In 1975, Penque-Williams purchased from Vance Wilkens an option to acquire an 84-acre plant site and 140 acres of mining property on the Piney River in Virginia. The original purpose of this transaction was to obtain a source for phosphorous, needed in the operation of the Piocel recycling plant. Sandy Williams testified that at this time he gave Senator Williams half of his 50% interest in Penque-Williams, Inc. in exchange for the Senator's agreement to help get this project off the ground. [Trial Transcript Volume 1, pp. 949-50]

5. Also in 1975, Biocel of Sussex County was formed as a subsidiary of Biocel Corp. for the purpose of constructing, owning and operating a solid waste recycling plant in Sussex County, New Jersey. Biocel Corp. owned 51% of this subsidiary. According to Sandy Williams, his interest in the remaining 49% was divided among his wife and son (13% collectively), Jeanette Williams, the Senator's wife (13%), Evelyn Feinberg, Alex Feinberg's wife (6½%), Elizabeth Evoy, Feinberg's partner's wife (6½%), and Joyce Toriello, wife of Alan Toriello who invested $50,000 in the venture (10%). [Trial Transcript Volume 1, pp. 940-41]

6. In 1976, United States Titanium Corp. was formed for the purpose of exercising the Penque-Williams, Inc. option to acquire the Piney River plant and mines. The focus of the venture had by this time shifted from phosphorus to titanium. Penque-Williams held 56⅔% of the stock of this corporation; Ernest Garrett, who had introduced Sandy Williams to the Stone Foundation which provided financing for the exercise of the option, received 33⅓% of the stock; and Alan Toriello received 10%. The Stone Foundation put up approximately $600,000, of which $400,000 went to Vance Wilkens as the purchase price for the properties, $100,000 went to Penque-Williams as a fee, and $100,000 to Garrett. [Trial Transcript Volume 2, pp. 1300-03] Evidently, the Stone Foundation acquired the properties and immediately sold them to United States Titanium Corp. for $1.2 million, with no cash down, taking back a mortgage and a pledge of the stock in United States Titanium Corp. as collateral. [Trial Transcript Volume 1, pp. 951-53, 956]

7. In 1977 United States Titanium Corp. defaulted in its mortgage payments to the Stone Foundation and the Stone Foundation took over the corporation. Penque evidently dropped out of the picture at this point. [Trial Transcript Volume 1, p. 956]

8. In 1978, a "reorganization" of the titanium venture was proposed, following the acquisition by Sandy Williams and George Katz, individually, of an option on an additional 400 acres of titanium mining property in the Piney River area. Sandy Williams and the Senator were to split 45%; Ruth Garrett, heir to Ernest was to receive 27%; George Katz, for his role in financing the option on the new property, was to receive 10%; Alex Feinberg, for protecting the Senator's interests and arranging meetings to solicit financing, was to receive 8%; and Alan Toriello was to receive 10% under this proposal. [Trial Transcript Volume 1, pp. 960-64]

9. In 1979, after Abdul Enterprises had agreed to finance the titanium venture, a three-corporation scheme was developed. PIT, Inc., a Virginia corporation, was formed for the purpose of acquiring and operating the 400 acre mine which was subject to the Sandy Williams-Katz option. PRV Enterprises, Inc., a Virginia corporation, was formed for the purpose of acquiring the 84-acre plant site and 140 acres of mining property owned nominally by United States Titanium Corp. and in substance by the Stone Foundation.[2] This is the plant site which Sandy Williams described at the September 11, 1979 meeting at the Hilton Hotel at JFK Airport as being susceptible to reconfiguration for titanium metal production. [Tape Transcripts (Volume 6), p. 247] GTD, Inc. was formed for the purpose of acquiring and operating a Savannah, Georgia titanium processing facility owned by American Cyanamid. This is the facility which Sandy Williams described at the September 11th meeting as being a source of cash flow from the manufacture of paint products from titanium dioxide. [Tape Transcripts (Volume 6), p. 247] Stock was issued in each of these corporations as follows:

Alexander Feinberg, 18% (endorsed in blank for delivery to Senator Williams).

Evoy and Feinberg, 18%.

Sandy Williams, 18%.

George Katz, 18%.

Angelo Errichetti, 28% (10% to be signed over equally to Tony DeVito and Mel Weinberg).

Errichetti, Sandy Williams, Katz and Feinberg were each elected directors of each of these three corporations. Errichetti was elected Chairman of the Board and President of each; Sandy, Vice President of each; and Katz, Secretary/Treasurer of each. [Tape Transcripts (Volume 6), pp. 144-50, 165-66]

10. In August 1979, Weinberg proposed selling the titanium venture to a second group of Arabs for $170 million, which would yield an immediate $70 million profit to the stockholders in the three existing corporations. In addition, these stockholders would retain an 18% interest in the acquiring entity. This was the subject of the September 11, 1979 meeting at the Hilton Hotel at JFK Airport, at which Senator Williams and the other stockholders in the three corporations described above approved the proposed transaction. [Tape Transcripts (Volume 6), pp. 209-88]

Mr. LONG. Will the Senator be so kind as to place in the RECORD the four pages to which he made reference?

Mr. WALLOP. That is what I have done.

Mr. LONG. I thank the Senator.

Mr. President, I should like to ask the Senator about one other matter.

Does the committee have any evidence or did any evidence come to the attention of the committee that would indicate that Senator WILLIAMS did anything more about the immigration matter than to make a promise or to say to the alleged sheik that he would do all within his power, or some words to that effect to help the sheik with his immigration problem? In other words, did the Senator contact an agent of the Government, to the knowledge of the committee? Did he seek the help of the Judiciary Committee in preparing a bill? Did he contact the legislative counsel or anything of that sort?

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[1] A chart and map illustrating the interrelationships among those corporations and their various interests, were introduced into evidence at the Committee hearing in this matter as Exhibits 43 and 44.

[2] There is some testimony that the 140 acres of mining property was owned by a corporation called Piney River Mines which was in turn owned by United States Titanium Corp. [Trial Transcript Volume 2, p. 1333]

Mr. WALLOP. I can answer. The answer to that is no. The whole thing broke 2 weeks later. If the Senator will recall the evidence as presented by the committeee, Senator WILLIAMS and the sheik left with a handshake on it, that the loan would be available within the month. Two weeks after that, it all unraveled; the whole thing became a matter of public knowledge.

Mr. LONG. The reason I ask the question is that even in 2 weeks, if the Senator were relying on the loan, one would think that he might have at a minimum contacted the legislative counsel to seek to have a bill prepared or contact some agency of Government about the possibility of obtaining a bill.

Mr. WALLOP. True. But, again, if you read the transcript of that January 15 tape, what took place was that he sought from the sheik's secretary the information that would be necessary before such a bill could be drafted. He did not possess the information. He was asking the sheik's secretary to provide that information for him.

One can only presume that his receipt of that information would have had to be preliminary to any kind of drafting of a bill. He did not even know whether the sheik was married, as you recall, and there were some bits of information that he sought.

Mr. LONG. Does the committee have any information that subsequent to that meeting that the Senator did anything with regard to obtaining information to move forward or anything of that sort?

Mr. WALLOP. None to our knowledge. I do not know. Senator HEFLIN, if he knows of anything—but none to our knowledge.

Mr. LONG. I thank the Senator.

Mr. WALLOP. Mr. President, it is my understanding that Senator SPECTER wishes to be recognized—does the Senator know how much time he will need?

Mr. SPECTER. Very briefly, and I thank the Senator from Wyoming.

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator PRESSLER had asked me to make a statement on his behalf. Although after I and others have participated in helping him obtain a letter from Director Webster of the FBI, the decision had been made not to include a statement regarding Senator PRESSLER in order not to inject Senator PRESSLER's situation into these proceedings, in the light of what has happened and some comments that have been made, Senator PRESSLER has now asked me to amplify on what has been said in a few particulars. I will be brief.

Senator PRESSLER was invited to meet with the FBI Abscam agents when he was looking for campaign contributions. When they sought to entice him to make commitments which could lead to illegal conduct he flatly refused and left the meeting. The video tape of Senator PRESSLER's meeting with the FBI Abscam agents demonstrates that he acted entirely properly. One statement capsulates it fully, when he said:

> In any event, it would not be proper for me to promise to do anything in return for a campaign contribution, so I would not make any promises.

Senator PRESSLER had gone to this meeting pursuant to a representation that he was to meet with PAC representatives.

Yesterday, after Senator PRESSLER and Senator BAKER and Senator BOSCHWITZ and Senator STEVENS and others had been trying for a very protracted period of time to get a response from the FBI, top Justice Department officials finally agreed that Director Webster would give a letter to Senator PRESSLER. That, as I say, had been in process for some 25 months. Director Webster was out of town yesterday, but the commitment is that Director Webster will send this letter to Senator PRESSLER.

DEAR SENATOR PRESSLER: This is in response to your letter dated October 8, 1981, requesting clarification of my comments broadcast by an ABC on September 22, 1981. In answer to a question about the Abscam investigation, I stated, "We're only investigating people who we have reason to believe are engaged or would like to engage in crime". That did not refer to you.

Based on my review of the facts and circumstances, there is no reason to believe "you were engaged or would like to engage in crime".

Sincerely yours,

WILLIAM H. WEBSTER.

I believe that the statement of Judge Pratt has already been quoted in the record, and there is a letter from Senator HEFLIN, then chairman, and Senator WALLOP, then vice chairman, of the Senate Ethics Committee which exonerates Senator PRESSLER after they had viewed the tape in full.

There are a few other statements of Senator PRESSLER on the tape which are worth repeating. He said: "You know I can't promise anything." He further said: "We can't make any promises." Senator PRESSLER further said: "You can't make a commitment to do anything in these campaigns. I wouldn't feel intellectually honest doing that."

The tape discloses that the FBI Abscam agents stopped short of making Senator PRESSLER a bribe offer. In the absence of the bribe offer or prime facie evidence of other illegal conduct on the part of the FBI Abscam agents with whom Senator PRESSLER met, there was nothing for Senator PRESSLER to report.

His meeting with the agents lasted for 26 minutes, at which time he terminated the meeting by rising and leaving the room.

An evaluation of the FBI's conduct in handling Senator PRESSLER's situation may well be the subject for another proceeding on the resolution to be offered by Senator STEVENS and Senator CRANSTON. Senator PRESSLER's experience with the FBI Abscam agents may be damaging to Senator WILLIAMS' position in that it shows that a Senator can say no and walk out. Whether the FBI's conduct toward Senator PRESSLER raises any support for Senator WILLIAMS' contentions, I think it is important to make a brief statement on the entrapment issue, as I view it, so that there will be no misunderstanding of my own position in discussing the FBI's conduct relating to the principal resolution as to Senator WILLIAMS.

I personally do not believe the entrapment issue is relevant to the pending resolution. In my experience the defense of entrapment has customarily arisen in criminal cases where drug addicts or those similarly situated have had their weak wills overborne by law enforcement officials to sell drugs to feed their habits, to some similar inducement.

In my legal judgment, the defense of entrapment raises no excuse for a sophisticated, experienced, well-educated public official to take a bribe whatever provocation, inducement, or enticement may be involved.

Mr. President, I now ask unanimous consent that the full transcript of the videotape of Senator PRESSLER with the FBI Abscam agents be printed and made a part of the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

TRANSCRIPT

The following is a transcript of a conversation on November 7, 1979 at Washington, D.C. Those involved are Joe Silvestri (JS), Larry Pressler (LP), Tony DeVito (TD) and Mel Weinberg (MW).

It should be noted that certain parts are inaudible and are so marked (IA).

TD. Hello. Hi, Joe, how's everything going?

JS. All right. Yourself? Who's this man?

TD. Oh, that's Ernie. You know Ernie. You talked to him on the phone.

JS. This is Senator Pressler.

LP. How are you? Glad to see you. How's it going? How's it going for you?

TD. Good. Fine.

JS. Good.

TD. You, you ran a little late, huh, Joe.

JS. Oh, listen. Pete was jammed up.

LP. It was my fault. I thought I had. . . .

JS. Jim is jammed up. I just left him. He can't do it 'til tomorrow morning.

TD. Is that right?

JS. Oh, unbelievable.

TD. Okay.

JS. I have to tell you something you're not going to believe. This man's running for President. Right now, he's running off to New Hampshire in an hour. He's in the primary up there.

TD. Is that right?

JS. That's right. I've got a question, take that pull away from me, I don't know if that's. . . .

MW. You're gonna, you're running for President in November?

JS. Yes.

LP. Yes.

JS. He really—when I heard that (inaudible), I said that's the man I gotta have.

TD. (Laughs.)

LP. I've been, I announced September 25th. I'm kind of a dark horse, but we're running to raise some issues that are important to us and also to get some experience and some exposure. We're gonna run, we'll be in the mini caucus in Florida, November 17th, and also we're gonna enter New Hampshire, Vermont, Massachusetts and Florida, then South Dakota where I'm from.

TD. Sure.

LP. So we'll have some delegates at the convention at worst. At best, maybe we'll do better.

JS. So I've invited the Senator to Atlantic City next week, introduce him to some of the bigger Republicans in our state. I happen to know a few. He's not sure if he can make it, but if he can make it, he'll be there.

LP. You know, next week is heavy. I'm heavy in Florida next week. I kind of budget my Senate duties in between trips to Florida. We have the November 17th mini convention down there, and I've been going down there a lot, but. . . .

TD. Well, that's where I'm from.

LP. Are you from Miami?

TD. Well, I live in Fort Lauderdale. I live on a boat, down in Fort Lauderdale, right. . . .

LP. Oh, do you?

TD. Yeah.

LP. Broward County, yeah, I . . .

TD. Yeah, right up, you know where Pier 66 is?

LP. Yeah.

TD. Yeah. That's were I have the boat, down there now.

LP. I just had a meeting with the delegates in, at the Rolling Hills Country Club, something like that—Rolling Hills.

TD. Okay, I think I know were it is.

MW. I know where that is.

TD. Yeah.

MW. Yeah.

LP. Rolling—I'm not saying it quite right, that Rolling something Hills.

TD. I think it, it originally . . .

MW. It was called the Rolling Hills.

LP. Yeah, and I was over in West Palm Beach. I had another meeting. I know Hamilton Forman down there, don't you know him or not . . . (inaudible—low tone).

MW. Did you explain our situation?

JS. I explained to him who your bosses are and what their fears are. The Senator's been concerned, the whole Senate is; the whole, the whole Congress is concerned.

TD. Well, yeah.

JS. I don't know how the hell, we pull the, the hostages away from the students without starting a war.

TD. Right.

JS. But he, everybody, today I've talked to a few people who know your problem and last week you didn't have a real problem. This week you do.

TD. Well . . .

JS. And the Senator understands that his . . .

TD. Well, I'm, we've always, like I say . . .

JS. I never believed it, Tony, honest to God.

TD. I, well, you understand, see, this is, you know, these guys are very, have a lot of foresight in knowing what their situations may eventually be. Okay? Now, I don't think the severity of what's happening right now is gonna apply to our people, but these guys wanna get the assurances, and they wanna have the right people on their side to be in a position that if it did happen, which might happen because if, you see, the way it's going right now with this, you know, this Iran thing, the guy could conceivably be put in that position, and when that happens he wants to know that the, he's got the right people, you know, lined up with him that are gonna go along with him, and get him into this country one, and number two, is make sure that they stay in this country. Okay, now. I don't know from what we've discussed before, okay, as far as the Congressmen are concerned, I know that they can introduce legislation and whatnot to bring somebody in or to keep him in while he's here and whatnot.

JS. Yeah.

TD. He's here and what, no, now this was a surprise to me (laughs), you know, you coming over here today. . . .

LP. Uh-huh.

TD. And, you know, I don't, like I say, Joe called and he knows, he knows you very well, he said.

LP. I'm sure you don't, you don't know anything about me, so . . .

TD. Right. Now, what I wanna know really is, you know, what kind of a position you're in and what, you know, what can you do for us in that, in that respect. I mean that's, that's. . . .

LP. Yeah. I don't even know precisely, well, for example, I'll give you a little bit of my philosophy. I don't even know how you feel about it, I just attended a meeting—they're asking people for advice on what to do about the Shah, and I said keep him here. And, we made a decision to bring him here and keep him here, and we're gonna have to gut it out over there somehow and get the, you know, and maybe that's contrary to, but, you know, we just have certain commitments, that if we let a sick guy in, you know, we're not gonna thow him out for, you know, if you submit to blackmail once you'll be submitting again and again. But that really isn't relevant to a problem that you're concerned about.

TD. Right. Well, you know, this is what I'm concerned . . .

JS. That's, that's a good move. You can tell your people you got a man who just voted to keep him here.

TD. Well . . .

JS. And not give him up because that, they're threatening us with sixty bodies.

LP. But they're considering, you know, sending him back to Mexico or something like that. I'm against even that, unless the Shah wants to go.

MW. Right.

LP. I mean, if you, and we made a decision, and it's gonna be gruesome over there, but, you know, I don't know if it would help any to send, you know, I don't know to settle, you're dealing with a bunch of crazy people over there in that case. But, do you foresee this, I mean, I need more information about the Middle East, very frankly, I don't know very much.

TD. Uh-huh.

LP. But my door is open, you know, I, I don't understand the whole situation as well as you obviously do, but I suppose people are nervous about if there is an overthrow or . . .

TD. Right.

LP. Or anything of this sort.

TD. Well, this is their, their concern. Their concern is basically that they feel, and I think the way things are going with, and Somoza, you've got the Shah here. And, although the emphasis would not be that, that great with these people as it is with Somoza and the, the Shah of Iran.

JS. We don't have a dictator.

TD. Right.

JS. Tony, Tony doesn't represent a dictator.

TD. Right.

JS. Just plain businessmen that are, you know . . .

TS. Ah.

LP. Are you doing business with United Arab Emirates, is that correct?

TD. Right, And that's where they're from, but, and what they're doin' is . . .

JS. (Inaudible.)

LP. (Inaudible.) Yes.

TD. See, they're spreading, a lot of their money all over the world, you know, and in different areas, and here again there's, there's a problem because you're not supposed to take a lot of this money out of the country, and they see the handwriting on the wall. That someplace along the line, they may have to just get out there, okay, and that's why they're, they're spreading a lot of their money around like, okay. No matter where they go, they'll be set, they'll have their money, their investments and whatnot will be there. This is the place that they're really gonna wanna come and stay. It's the best, I don't, I can't match another country to this country as far as, you know, being able to come here and do what you want, and . . .

LP. Sure.

TD. And, the freedom and whatnot. Now the only problem now is that they wanna get guarantees from people and they wanna line up the right people so that if and when there is turmoil . . .

LP. Sure.

TD. About they're being here, you know, they're gonna be accused of probably stealing all the money from the country, you know, that, that they're coming from.

JS. Which, which always happens everytime somebody . . .

TD. Right.

LP. They're gonna wanna, for example, even if they wanna home here, they have to get a visa or become an American citizen or they have to get permission to come into the country or something like that, I mean that's what they want in the bluntest terms.

TD. Yeah, the bluntest terms, the bottom line on this thing is what they want, is they wanna come to this country and they wanna be able to stay here and not get, you know, kicked out.

LP. UH-huh.

TD. Okay, over some reason . . .

LP. In the event of an overthrow or something like that.

TD. Right. In the event that there is a hue and cry from their country after they've left saying, hey, they've left and they've stolen everything and we want 'em, you know, we want 'em back, okay. Now my position is that I don't care whether they stole everything or not. My job is to make sure that they, you know, that they stay here. Okay. And in this light, that's what we're, you know, what we're trying to do is to line up the right people, who can be of service to 'em.

JS. Front runners.

TD. Right.

MW. Right

TD. Right. to make sure they're gonna stay here. Now, being a United States Senator, I don't know what you can do in that, in that vein, now. I, like I say, I was aware that, you know, the Congressmen could introduce legislation and apparently a lot of this has to go before Congress.

LP. Yeah.

TD. All right.

LP. You can't really introduce legislation any more. There's uh, except if there some kind of a, I mean, you have to give the reason now if the (inaudible) case, or something like that, there used to be a Congressman from New Jersey—what was his name? (Inaudible.)

JS. Yes.

LP. And he got into some kind of difficulty with introducing . . .

JS. Well, what they did, they set him up though, that was a mistake, he's gotten out of it, that's amazing, you know that.

LP. (Inaudible.)

JS. Helstoski was the name, right?

LP. Yeah. See, I was in the House before . . .

JS. Oh, okay, that's right, right, right.

LP. But, I knew him.

JS. They said he did something, what happened, you know, you're probably not up on it, and I didn't get a chance to tell you, but he . . . What happened is, we got lost in the Senate. We got separated, and I just met him right here in Georgetown, five blocks away, we didn't get a chance to talk about that aspect of it. I talked to his, Tony, I'll lay it very flat. I talked to his campaign manager, his treasurer, I had pledged to get him money to get through his campaign.

TD. Whose . . .

JS. The Senator. Simple as that. All right, that's, that's done. What a Senator can do.

TD. Now, oh, that's, that's something else now, that's . . .

JS. Right, what a Senator, no that's with us, what a Senator can do, and I've just found out today, 'cause we did the research, is actually ask for a private bill. You can sponsor a private bill for an individual.

LP. Uh-huh.

JS. For an individual, two, two individuals or whatever, a family.

LP. Yeah.

JS. And a private bill can have a termination date or be for a long lasting, and what they've done, they're read out on the, on the Senate floor, you know, in series. These are generally more than one at the same time, but the, the Congressman can ask you to do it.

LP. Yeah.

JS. I just went through it with Jim Florio.

LP. Yeah. Okay, then . . .

JS. But you have to pass the bill, you're the Senator. Has to be through the Senate, can no longer be through Congress. It was through Congress. Helstoski screwed that all up when he got into that trouble. So now they're saying you get five, ten, fifteen Congressmen, but it has to come through the Senate. It's a private bill just for, what did Jim call it, he call it an emergency visa.

LP. Well, why doesn't somebody introduce one for the Shah, for example, or (inaudible).

JS. Because I think we have that little implication of war, I think with these people we won't have any problems.

LP. Yeah.

JS. And what Tony's looking for is somebody like you to say yes, whatever I can do, whatever I can do, that's it.

LP. Yeah.

JS. As simple as that.

TD. Well, well (inaudible).

JS. And he wants you to say it, not me.

TD. Well, well, no, wait a minute. I don't want you to just say something, you know, because Joe said . . .

LP. Joe said it.

TD. Joe is giving you some information there. I would prefer that we do this thing in, you know, the right way. I wanna make sure that you can, you know, can really do something. And you don't seem like you're that sure of what you can do or not, and, and . . .

LP. Yeah. I can't promise anything, you know, 'cause . . .

TD. Well, you know, I would like to do this, I would like you to research this thing, and see what you can do for us, in that light.

LP. Yeah. It would be so hard to know because you'd have to, you'd have to persuade your colleagues, you know, and you'd have a reason. Course now, it would depend on the circumstances you know, like in my view we've treated our most faithful allies the worst in many cases. Whether it's Somoza, or the Shah, or whoever. It seems that the people who stand up for us get kicked in the teeth in the end. And, but, insofar as, I mean my door would always be open to entertain people's problems, but I can't, I've never looked into this matter, as a matter of fact, this is the first time I've known. I've no reason, if Jim Florio said that's the way it's done. But I don't know if we could really assure these people that one Senator or even the Senate would, you know, agree to this, you know, until they're presented with the matter, and I'm not being evasive. I'm just being very frank, because . . .

TD. Yeah, well . . .

LO. But let me research this, and I can at least tell you what the rules are.

TD. Okay. Well then, let, let me be perfectly blunt about this thing and frank. I, I'm sure Joe is, has mentioned this now, I don't care, we've got the money, okay, and we're willing to put out the money. (Telephone rings.) Excuse me.

Hello. Who? No, you've got the wrong number. Yeah. right. Okay.

We've got the money, okay, and like I said, and I told Joe, you know, $50,000 is no, you know, is no problem, putting that kind of money out. I don't care what you wanna call it, I don't care if you wanna call it a campaign contribution, you wanna call it, I don't, you know.

JS. The Senator doesn't even know that we, haven't even worked out the details with his people, and how it comes, and the whole bit and . . .

TD. Well . . .

JS. He needs money. There's no two ways about it. He's gonna run a big campaign, it takes money, and unfortunately he's not a wild man, that's where, where he's at. He's not gonna make a crazy declaration. But he's the kind of man you need, because everybody obviously respects him. I just went back and checked with Jim Florio, and Jim said he's gonna do one hell of a job. He's doing better than he thought he was doing.

LP. Well, but I'm not going to be like a President, I mean, I'm running for reasons, to get my name known, I'm a young Senator and so forth. And, I mean I would be surprised if I, I'm not saying I'm not going to be elected President, but we're gonna do well in some of the primaries.

JS. You're already gonna do fantastic and that's important, and this is the kind of man that's . . .

LP. But I don't wanna mis- (inaudible) what we do, we're trying to run a viable campaign and we, we do seek contributions, but we can't make any promises or any, you know, other than to listen and to be educated, but then to make a judgment, you know.

TD. Well, I . . .

LP. That's that's . . .

TD. I, I would think that at this stage, what I would prefer that you do, okay, so that we get this thing off on the right foot is maybe to research this thing and see what you really can do, okay? I, you know, because from what I see here now, is Joe has just given you this thing, in the last few minutes as to, you know, what, we're looking for, okay, and I don't like to surprise anybody with anything like that.

LP. Sure, yeah.

TD. They, I, I want you to know what this thing is about, you know, and what, what we're looking for and if . . .

LP. Yeah.

TD. I, I wanna give you the advantage of knowing and being able to research it and find out what you can do, if, if anything.

LP. Uh-huh. Sure, yeah.

TD. And, you know, . . .

LP. Sure, yeah, I'll, I'll be glad to do that and well, you know, like this one fellow in the Iranian embassy, he didn't they, they said up in New York Sunday Magazine that he'd been a member of SAVAC, whatever they call it, so that he was looking for a job here, and I just felt strongly that we should get him a job and finally got him a job with some international company, but, you know, the people who have been friendly to us and, you know, we should help 'em out as much as we can help them out.

JS. Absolutely.

LP. God, we help all our enemies out more than we help our friends, but beyond a commitment to that, I mean like I can't promise that I would introduce "X" bill for "X" person if something happens. I mean, that would be something that you wouldn't want either, because I don't even know if I can, you know, first of all I've gotta . . . .

TD. Well, why don't we do this. Why don't you find out what you can do. If you can introduce something like that. Now, we're even willing to go further into it by, by saying or doing, in order to cover you, okay, and put you in a better light, let's say, is investing some money, into finance, financing out in your area. Okay. Which would then give you a viable tool to utilize by saying well, the reason I'm, I'm helping out as far as he's concerned is because these people are investing money within my area, and I'm always interested in, in helping people within that area. In other words . . .

LP. Sure.

TD. What we're, what we would be in a position to do is, we would be in a position not only, uh, to financially . . .

LP. Sure.

TD. Take the responsibility but also to go further but to back you in your area by putting . . .

LP. Sure.

TD. You know, investing money there in some kind of businesses where later on if somebody were to say, well, you know, why the hell is this guy taking such an interest in the, in the Arab. Okay. Well, then your answer could be, you know, well, let's see, it's easy . . .

LP. Sure.

TD. He's investing in our state, he's investing in this area, and he's doing this . . .

LP. Helping constituents out . . .

TD. He's, he's helping our economy and whatnot, so, you know, we're taking that, the concern on our part. But I, you know, like I say, I don't want to rush you into anything, I think you oughta look . . .

LP. Yeah. No, I appreciate this meeting, it's of great interest to me because I can see their point of view, they're sitting there in a situation that's volatile, I don't know that it's all that volatile. I haven't had reports of that in the United Arab Emirates, not knowing very much about the domestic problems . . .

TD. Right.

LP. But I think maybe they're concerned about something that won't develop. What they're concerned about, if their government were overthrown and they, they got the . . .

TD. They gotta get the hell outta there is what they're concerned about, and they want someplace (laughs) . . .

JS. They have 640,000 people in the UAE, when I was, when I was there, and only 10,000 of them are Arabs.

LP. I see.

JS. So they could have an inner uprising for no reason of their own. They have Indian and Pakistani laborers who are sending their children to school there who will begin to believe that's their homeland.

LP. Yeah.

TD. Abu Dabi (phonetic), which is the capital . . .

LP. They're (inaudible).

TD. Didn't have any paved streets in '71. They now have three major hospitals and 58 highrises in one town that was a sandpit in the Gulf.

LP. Yeah.

JS. So they, they have that problem, you know, now when these people grow and get older they'll say, well, this is my country, I was born here, and they could certainly throw them out and that's, that's really their problem.

TD. Well . . .

JS. Their problem, and . . .

LP. Now, are there a lot of Iranians who are trying to come to the United States?

JS. Not that we know of. These people are not Iranians.

TD. Not now, no.

JS. We don't really know . . .

LP. But I mean, as a result of that, I see, you, I see, you're (inaudible).

TD. You know, like you, what happens I think and this happens, it's happening probably all over the world, as the economy grows in each country and people become educated, is when they start having more and more trouble, is because of the fact that people see what's going on, and they're more aware of it and they want, they want more and as a result, you know, they go after whoever is in power.

LP. Yeah. But, as a practical matter, I don't know, I don't think you're gonna be able to report back that there's any way of guaranteeing that like in five years from now if there is a coup d'etat or something, or they're thrown out, or the situation becomes unstable—I don't know if there's any way of guaranteeing that "X" number of people are going to do "X" things, you know, because I don't think, as I sit here, I've never looked into this, and I've never, I don't think that there's any way that, you know, you can introduce a bill cause if you introduced a bill then you have to get it passed, don't you. I mean you have to have . . .

JS. You have to have the rates, sure.

LP. You have to have 50, you have to have 51 Senators voting for it, and I would surely vote for anything that would help people, you know, who helped our country and who have been allies of ours and so forth, but it would be hard for you to give them a guarantee of this sort of thing other than to look at the records of people involved and, you know, my record has been one of, I've been on the side, I've taken sort of the Kissinger line, more or less, that in terms of treating some of our former allies much better in terms of, and, and that doesn't mean I agree with Kissinger in a lot of things, but he's taken a fairly strong stand for the Shah and for . . .

MW. Well, as long as you do your part to help them; I know there's no such thing as a guarantee.

LP. Yeah.

MW. Anyone knows that.

TD. Well . . .

MW. As long as you did your part to put the bill in (inaudible).

JS. Tony, we've been looking for an honest man, it's as simple at that, you know, the man who, who walked all over Greece for 25 years looking for an honest man. The Senator is telling you exactly the way it is, he's telling you he will be an ally for . . .

JS. Well. For allies, he's not gonna be an ally for a bum, you know, a dictator who took advantage of the people and put 'em to the stake every day or cut their hands off. He's the kind of man that you really need to take a lead if we ever get to that point. There's more people, we're (inaudible).

TD. Well, we're gonna get to that point, and what I'm saying is I wanna make sure that he's aware of what he can do and what he can't do, and I would rather . . .

LP. I'm not . . .

JS. You gotta, you gotta understand that every Senator is not an expert in every field. You're in SBA right, small business?

LP. Yeah, and Commerce . . .

JS. And Commerce and so on . . .

LP. Agriculture and . . .

JS. That's, that's what he would be the pro on if you get into that, he'll tell you how many dollars et cetera, et cetera. Hard to bring in every man, in fact I brought you an expert, believe it or not, he was a little senile, but he was an expert on immigration.

TD. I think he was a not senile. (Phone rings.)

JS. But he ran the whole Immigration Department for 15 years (laughs).

TD. (On phone) Hello. Yes. No. I'm, I'm in a meeting, I can call back later. Okay.

JS. Ah, the Senator . . .

LP. Let me (inaudible) 'cause I'd like to know what Florio, I'd like to know what the law on this, and I can find out from the Library of Congress.

TD. Why don't, I, I would appreciate doing something here.

LP. Listen. I'll do something for you, just a, I'm, I'm gonna have my staff prepare a memo—that means the Library of Congress—on what if a foreign citizen wants to enter the United States, his government's been overthrown, what is the policy of the United States government regarding that, regarding someone and, does it differ from different countries and so forth, I mean, what if some guy in Saudi Arabia suddenly decides he wants to become a U.S. citizen or wants to live in this country, what process, what are the different processes he can go through, that's something I should know, I'm curious to know it myself. And I'll give you a copy of it.

JS. All right, I'd appreciate it.

TD. Why don't, why don't we do that, and find out what, what you can actually do and then we'll sit down and have another, another meeting . . .

LP. Sure.

TD. On this and . . .

LP. Sure.

JS. Maybe do something on emergency visas, et cetera, that's what Florio had mentioned.

LP. Sure, but in any event . . .

TD. Okay.

LP. In any event, it would not be proper for me to promise to do anything in return for a campaign contribution, so I would not make any promises or any—I mean you can judge, you can hear my general philosophy and then you'll make a judgment, but I can't, you know, you can't make a commitment to do anything in these campaigns. Indeed, I would not feel intellectually honest doing that, you know, until I'm faced with the situation. So maybe that's, maybe that makes it impossible for you to, you know, to help out or to take steps and . . .

TD. Well, why don't, why don't we leave it at the point that, let's see what you come up with first.

LP. Sure.

TD. And then we'll . . .

LP. 'Cause I should know that.

TD. Okay.

LP. Anyway, I should and you probably already know (to JS).

JS. I don't know, I only . . .

LP. I'm sure Florio told you.

JS. I got a ten minute briefing there from Jim, and he said . . .

LP. Okay.

JS. He said, he's always happy to do it, and he said because, same thing, allies, but he said such a problem that we lose our allies at the wrong time in history . . .

LP. Yeah.

JS. And that emergency legislation to, to get a temporary visa at least to get 'em, you know, safe for a while until they can work out a long-range plan and green cards for the families that are no problem.

LP. Yeah.

JS. But, you can always, you can always save a man's family with a green card and you can get a year with a year (inaudible). I don't really know, but, you know, I'm, I'm gonna be a pro at it.

LP. There's, there are people who have, who have introduced special legislation, when, when they keep a maid in the country for a year longer, but that's become very suspect, you can introduce a special bill. If they're already here, it delays the procedure if they somehow have some kind of a work permit or something. I've heard of this and like every, every Senator and Congressman has got a, you know, a cleaning lady, a maid that he pays less than minimum wages to probably, and sometimes they're from a foreign country and their visa runs out, and there's a way to introduce a bill that will delay the machinery of, over at the, but that's become, so now there are people who check everybody who's introduced a special bill and they ask you what your purpose was, and so it's, it's not easy to do.

TD. Well, that's why I say that we would then be interested in investing with, within you, your area to show a reason why.

JS. That's right.

TD. You would then come in and say . . .

LP. Yeah.

TD. Well, say, well sure, I'm doing this, I told you why, because . . .

JS. 'Cause I don't know what they need.

TD. They're investing four million, five million dollars into our district . . .

JS. In a granary, in a granary.

TD. In a granary or . . .

LP. Most of the people out in South Dakota—they're mad about foreign investment but, you know, still . . .

TD. Well, you know . . .

JS. Maybe, maybe we could, we could fund a hospital . . .

LP. (Laughs.)

TD. (Inaudible) ain't that.

LP. Listen, I'm gonna have to go back to the Hill, 'cause we have the Senate (inaudible).

JS. Yeah, he's gotta . . .

TD. All right, why don't we do it that way and then . . .

JS. He's gotta . . .

TD. And then we'll, we'll get together all right? We'll get together on that.

(Conversation among parties—unable to discern who says what.)

LP. It was really nice to meet you anyway.

JS. I, I don't know what I told Marilyn. Did I ask Marilyn to pick us up?

TD. Let me get, I'll get who do you call it, you gonna, you're gonna drop . . .

JS. Wait a minute. Let me see if Marilyn is outside.

(Conversation among parties—unable to discern who says what.)

TD. Let me do it my way.

JS. How come you never do it my way. I keep bringing guys up.

TD. (Inaudible) the last time . . .

JS. When? Last time I brought a guy . . .

LP. Are you gonna ride along with us?

JS. Yeah. Is she going. Yeah, she's gonna take (inaudible) she's gonna lose.

TD. All right, go ahead, he'll take you.

LP. See you later.

TD. Okay.

LP. All right, we gotta run.

TD. We'll talk to you later.

JS. Okay, I'll have Jim here in the morning, ten o'clock.

TD. Why don't you give us a call a little later.

JS. Okay. Wanna go out and eat or something?

TD. I don't think so.

JS. All right.

TD. All right.

JS. What do you think?

TD. I like the guy.

JS. A real Senator.

MW. Okay. I didn't know we had any Senators that don't . . .

TD. What's that, she's gonna take him. . . .

Mr. SPECTER. I thank the Senator from Wyoming, and I yield the floor.

Mr. CRANSTON addressed the Chair.

The VICE PRESIDENT. Who yields time?

Mr. CRANSTON. Will you yield to me?

Mr. INOUYE. I yield to the Senator from California.

Mr. CRANSTON. I would like simply to point out in relationship to the Pressler case that this is a shocking example of misbehavior by the FBI. Senator PRESSLER was apparently targeted on the spur of the moment without any question of—let alone evidence—of a predisposition, of a willingness to commit a crime or any record of misdeeds on his part.

He walked out after an improper proposal was made to him.

There are those who have said or seemingly have felt that if you lead an unblemished life, you need not fear what the FBI might do to you. Here LARRY PRESSLER had done nothing to raise a question of any wrongdoing and certainly engaged in no wrongdoing upon the occasion that has been taped, and yet he has suffered as a result of the FBI's totally improper targeting of him.

There are those who say where that there is smoke there must be fire. So when suddenly LARRY PRESSLER's name appears in the headlines in connection with Abscam, people wonder about LARRY PRESSLER. I know personally from conversations with him over these many months that this has given him a great deal of concern and a great deal of anguish.

I am delighted that finally, after all this time and after all the persistence of many of our leaders in this body, the matter has finally been cleared up, and there are now no doubts to surround the reputation and the conduct of LARRY PRESSLER.

But this is a very clear and frightening example of what not only every Senator and every Member of the House, but every citizen, has to fear. What if this happened to some other citizen, as innocent as LARRY, what if such a citizen had gone through this same set of events and had not been a U.S. Senator and had not had other Senators who went to bat for him to seek to clarify the record—which now is finally clarified in Senator PRESSLER's case? But what chance does the ordinary citizen have, an innocent citizen who might never have recovered from such a sorry and sordid effort by the FBI and by the Department of Justice.

This revelation today is simply further evidence that we need to investigate what are the practices of the FBI and the Department of Justice, not to protect ourselves but to protect all the citizens of this country. Following that investigation I trust that we will take action that will reduce the danger that these totally improper actions will be taken again by the FBI and the Department of Justice.

● Mr. MITCHELL. Mr. President, I will vote for Senate Joint Resolution 204, expelling Senator WILLIAMS from the U.S. Senate. I cannot and will not vote for the lesser alternative of censure.

Article 2 of the U.S. Constitution expressly grants to each House of Congress the power to punish or expel its Members. Although this grant of power is clear, the Constitution provides little, if any, guidance with regard to the type of conduct for which such action is required by the Senate against one of its Members. The Constitution, by providing such a broad grant of authority, creates for each of us a serious responsibility. We must sit in judgment on the conduct of one of our Members. In so doing, we set a precedent which may be used against others. It is a duty which, by its very nature, rests heavily upon the Members of the Senate.

However, it is a responsibility and a duty that we cannot avoid. We have an obligation to the people of the United States to judge, to the best of our ability, the qualifications of a Member of this body who has been accused of violating his or her public trust. In discharging this responsibility, we must carefully evaluate Senator WILLIAMS' conduct with respect to the standards that we ourselves have established for our performance as Senators. It is our constitutional responsibility to decide whether Senator WILLIAMS has violated the code which was created by the U.S. Senate for the Members of the U.S. Senate. This is a different standard from that imposed on Federal courts and juries to decide whether Federal criminal law has been violated.

Before serving in this body, I had the privilege of serving as U.S. District Court Judge for the District of Maine. When I left the bench, I thought that I would never again face decisions as personally grave as those which I was forced to make with respect to the personal freedom of individuals who appeared before me accused of crimes for which imprisonment was the punishment. But the responsibility I feel today in casting a vote on this resolution of expulsion is a responsibility of equal personal gravity.

A review of the relevant historical precedents clearly shows that the Senate has consistently imposed the highest standards of moral and ethical conduct on its Members. We should not deviate from that course. It is imperative that we maintain strict adherence to those standards in order to preserve the integrity of the Senate and the confidence of the public in our integrity. Any attempt to weaken those standards will seriously weaken the institution itself.

I believe it to be a high honor and a privilege to serve the people of Maine and the Nation in the U.S. Senate. That honor and privilege carry with them a corresponding responsibility. Public office is truly a public trust.

No one forced me to enter the Senate. The same is true, I am sure, of every Member of the Senate. We all entered the Senate voluntarily, even eagerly. Having done so, we cannot shrink from meeting the high standards which have been established appropriately, for this institution.

The claims of improper conduct made against Senator Williams allege violations of the gravest nature. Senator Williams has been accused of violating the Code of Conduct of the Senate. He has been accused of making promises and representations to an FBI undercover agent that he would use his position, power, influence and relationships to foster the success of a business venture in which he had a financial interest, in exchange for the promise of a loan to that venture. Such conduct is a violation of law and of Senate rule 37.

If these allegations are true, as the Senate Select Committee on Ethics has determined, we have no choice but to vote in favor of the expulsion resolution.

I have carefully reviewed the evidence that has been presented to us by the Select Committee on Ethics. I have also carefully reviewed the materials that have been provided to us by Senator Williams. I have listened carefully to the lengthy debate on the Senate floor. Even if one views the evidence in the light most favorable to Senator Williams, one must conclude that his conduct did in fact violate the Rules of the Senate.

I do not intend to review here in detail the many facets of this case. I do, however, want to make several points that should be emphasized. I do not find the due process arguments raised by Senator Williams relating to the criminal trial of particular relevance to this Senate proceeding. We are not engaged in a criminal prosecution in the Senate. The enforcement of our criminal statutes is obviously a matter for the courts. Even if there were due process violations which could, in some way, affect the right of the Government to prosecute in a criminal tribunal, there is no legal or historical basis for concluding that the Senate's power to review the conduct of its Members is thereby restricted.

Of course, the Senate must now proceed in a manner which provides the due process to its Members that is appropriate to Senate proceedings. That has occurred. There has been no suggestion that such due process has not been fully accorded to Senator Williams in the Senate's proceedings in this matter.

We must, of course, act on the totality of facts. But we cannot, and should not, restrict our review because of the alleged improper conduct of other parties in the criminal case before the courts. If, as Senator Williams contends, agents of the U.S. Government overstepped their authority in their attempts to obtain a conviction, there is another more appropriate forum for the consideration of that claim. Our review here, at this time, should focus upon those actions of Senator Williams which reflect upon his ability to continue to serve as a U.S. Senator.

The evidence, even if viewed in the light most favorable to Senator Williams, shows clearly that he understood that his influence as a U.S. Senator was being used by others to achieve an economic benefit. It is uncontested that Senator Williams knew he was meeting with individuals, whom he thought were foreign nationals, in order to convince them to contribute money to a scheme which Senator Williams' friends believed could result in the advancement of their financial interest.

Further, I am wholly unpersuaded by Senator Williams' claim that he had no belief in the value of his own interest in the mining venture. The transcripts and tapes of the meetings compel the opposite conclusion. Plainly, Senator Williams believed that he could benefit from the success of the mining venture. He received an interest in corporations which he expected would operate the mining business. He participated in and approved the plans to hide his interest in the mining venture and, simultaneously, agreed to use his influence as a U.S. Senator to assist in obtaining Government contracts for that venture.

On the basis of these facts alone, I am compelled to conclude that Senator Williams knowingly and willingly participated in a scheme which violated, in several instances, rule 37 of the Standing Rules of the Senate relating to conflicts of interest. It may be true, as he alleges, that his conduct was initially the result of bad judgment. But the evidence clearly demonstrates that his participation in the scheme soon became not only unethical and improper, but also illegal. There is nothing in any of the materials I have reviewed which justifies his continued participation.

In my judgment, the evidence also shows that Senator Williams engaged in illegal acts, by violating the laws against conspiracy, bribery, receiving an illegal gratuity, conflict of interest, and interstate travel in aid of a racketeering enterprise. There may be some illegal act which would not necessarily be proper grounds for expulsion from the Senate. But when such illegal conduct involves a violation of the basic standards of ethics, honesty and integrity required of an elected representative of the people, then these illegal acts are appropriate grounds for expulsion. In this instance, this conduct involved the knowing use and abuse of the office of Senator for personal gain. It is, in my mind, sufficient and proper grounds for expulsion.

After carefully reviewing the evidence, I have concluded that Senator Williams' conduct in this manner was inconsistent with the conscientious performance of his official duties. I believe that Senator Williams actively encouraged the improper use of his influence as a U.S. Senator. I have also concluded that Senator Williams believed that he was advancing his financial interest by the use of his influence as a U.S. Senator. These conclusions have convinced me that I must vote for Senate Joint Resolution 204.

In addition to the actions of Senator Williams in this matter, I have carefully reviewed the allegations and the evidence concerning the actions of the Federal investigators. The information available about those actions does concern those of us who believe that the authority of the Government must be used only in conformity with the highest standards of integrity, fairness and due process. It is appropriate that this body examine the proper role of our Federal investigatory agencies in this matter to determine if abuse occurred and, if so, to prevent future abuses. However, in spite of our feelings or what we may find about the role of the FBI in this case, the facts relating to Senator Williams' conduct cannot change. The conduct of the FBI in this matter is a matter for consideration at another time. Today it is our duty to review the conduct of Senator Williams.

The facts clearly establish that Senator Williams violated the trust that was granted to him by the people of New Jersey; that he has misused his office in a manner which violated the criminal laws of the United States; that he has violated the Standard of Conduct established by this body for its Members; and that he has abused his privilege as a Member of this body. I must, and will, therefore, vote in favor of Senate Joint Resolution 204 and the expulsion of Senator Williams.●

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The majority leader.

Mr. BAKER. I believe no other Senator plans to speak this evening. I intend to ask the Senate to recess momentarily until 10 tomorrow morning, but before I do that and while we check one or two details I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Rudman). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

At 6:25 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 4482) to establish a U.S. Court of Appeals for the Federal Circuit, to establish a U.S. Claims Court, and for other purposes, with an amendment.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2160. An act to amend the Potato Research and Promotion Act.

ENROLLED JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following joint resolutions:

H.J. Res. 348. Joint resolution to provide for the awarding of a special gold medal to Her Majesty Queen Beatrix in recognition of the 1982 bicentennial anniversary of diplomatic and trade relations between The Netherlands and the United States; and

H.J. Res. 373. Joint resolution expressing the sense of the Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights at Geneva in February 1982.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred to the Committee on Agriculture, Nutrition, and Forestry:

H.R. 2160. An act to amend the Potato Research and Promotion Act.

MEASURE PLACED ON THE CALENDAR

Pursuant to the order of the Senate of December 10, 1981, the Committee on Energy and Natural Resources and the Committee on the Judiciary were discharged from the further consideration of the following bill; which was placed on the calendar:

S. 1937. A bill to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment and an amendment to the title:

S. J. Res. 140. Joint resolution designating February 11, 1982, "National Inventors' Day."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 149. Joint resolution to designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. Con. Res. 62. Concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America, on the celebration of its 70th anniversary.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. 2166. A bill to provide for the distribution within the United States of the International Communication Agency slide show entitled "Montana: The People Speak."

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 907. A bill to amend section 351 of chapter 18 of the United States Code to include Cabinet officers, and for other purposes (Rept. No. 97-320).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

J. Alan Johnson, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years;

William L. Lutz, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years;

David D. Queen, of Maryland, to be United States Attorney for the Middle District of Pennsylvania for the term of four years; and

Christian Hansen, Jr., of Vermont, to be United States Marshal for the District of Vermont for the term of four years.

By Mr. HATCH, from the Committee on Labor and Human Resources:

George S. Roukis, of New York, to be a Member of the National Mediation Board for the term expiring July 1, 1984.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PERCY, from the Committee on Foreign Relations:

Peter H. Dailey, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Peter H. Dailey.

Post: Ambassador (Ireland).

Contributions, amount, date, and donee.

1. Self: $3,000, June 1980, Republican Unity Dinner; $1,000 April 16, 1980, Reagan for President.

2. Spouse: $1,000, April 16, 1980, Reagan for President.

3. Children and spouses names: None.

4. Parents names: None.

5. Grandparents names: None.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Patricia A. Disney and Roy E. Disney: $2,000, June 1980, Republican Unity Dinner.

(The above nomination was reported from the Committee on Foreign Relations with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PERCY. Mr. President, from the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 1982, and, to save the expense of reprinting them on the Executive Calendar, I ask that they lie on the Secretary's desk for the information of Senators. (The list is reported as received with the exception of one nominee not reported with the list: Max L. Friedersdorf, of Florida.)

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

James W. Winchester, of Mississippi, to be Associate Administrator of the National Oceanic and Atmospheric Administration.

The following officers of the U.S. Coast Guard for promotion to the grade of rear admiral:

James Irwin, USCG.
Bobby F. Hollingsworth, USCG.
Edward Nelson, Jr., USCG.
Clyde E. Robbins, USCG.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that it be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MELCHER:

S. 2185. A bill to amend the Federal Land Policy and Management Act of 1976 and the Public Rangeland Improvement Act of 1978, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 2186. A bill to authorize the Secretary of the Interior to acquire certain lands by exchange at Indiana Dunes National Lakeshore in the State of Indiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HUMPHREY:

S. 2187. A bill to amend title 10, United States Code, to permit the appointment of a successor for any cadet at the Military Academy or the Air Force Academy or any midshipman at the Naval Academy who does not graduate from any such Academy with the class of cadets or midshipmen admitted with such cadet or midshipman; to the Committee on Armed Services.

By Mr. McCLURE (by request):

S. 2188. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowings for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 2189. A bill to amend section 1951 of title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Hatfield, Mr. Weicker, Mr. Pell, Mr. Tsongas, Mr. Cranston, Mr. Mitchell, Mr. Eagleton, Mr. Dodd, Mr. Stafford, Mr. Inouye, Mr. Huddleston, Mr. Leahy, Mr. Bumpers, Mr. Levin, Mr. Chafee, Mr. Moynihan, Mr. Riegle, Mr. Sarbanes, and Mr. Matsunaga):

S.J. Res. 163. A joint resolution on Nuclear Weapons Freeze and Reductions; to the Committee on Foreign Relations.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 2186. A bill to authorize the Secretary of the Interior to acquire certain lands by exchange at Indiana Dunes National Lakeshore in the State of Indiana, and for other purposes; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN FEDERAL LANDS TO THE STATE OF INDIANA

● Mr. LUGAR. Mr. President, I am introducing today a bill to transfer a 31-acre tract of land from the U.S. Government to the State of Indiana in exchange for the transfer of a 69-acre tract from the State of Indiana to the U.S. Government. The effect of the transfer would be to place ownership in the government which actually manages that tract. There would be no change effected in existing or future plans for managing either tract.

The 69-acre tract which the U.S. Government would acquire is presently being managed by the National Park Service for the protection of heron and their habitat and is within the 388-acre heron rookery at the Indiana Dunes National Lakeshore. The remainder of the heron rookery parcel is owned by the U.S. Government.

The 31-acre tract is within the Hoosier prairie unit of 331 acres and is presently being managed by the State of Indiana as a parking facility and for a visitor contact station. It is located in Schererville, Ind., Lake County, and is approximately 30 miles from the heron rookery parcel. The remainder of the Hoosier prairie unit is owned by the State.

The 69-acre tract which the Federal Government would acquire is appraised at $77,000. The 31 acres which the State of Indiana would acquire is appraised at $200,000. The sole reason for the difference in value is that it would be easier to develop the 31-acre site than it would be the 69-acre site, although commercial and residential construction is prohibited and no one intends to develop either site.

Although there is a difference in appraised values, the Federal Government would acquire a tract of great environmental value. The heron rookery parcel contains a portion of the Little Calumet River that provides good habitat for salmonid fish species and is utilized by fishermen.

The wooded section provides an excellent location for observation of woodland wildflowers and scientific study of great blue herons. The mesophytic forest of the heron rookery is the largest, highest quality, and most typical mesophytic forest in the national lakeshore.

The wildflower associations within the forested portion of this parcel are exemplary and the salmonid fishery is thriving. The established great blue heron rookery is the only one of its kind in the State that is receiving Government protection.

Although the Hoosier prairie unit is of great value for natural area preservation and scientific study, the 31-acre unit is the least valuable part of it. The State of Indiana has recently constructed a parking lot on the 31-acre tract, a testimony to its natural resource value.

An exchange of ownership of these two tracts would represent a net gain for both the State of Indiana and the U.S. Government and should not be barred simply because of artificial differences in appraisal values based on potential development which no one intends or plans to effect.●

By Mr. HUMPHREY:

S. 2187. A bill to amend title 10, United States Code, to permit the appointment of a successor for any cadet at the Military Academy or the Air Force Academy or any midshipman at the Naval Academy who does not graduate from any such academy with the class of cadets or midshipmen admitted with such cadet or midshipman; to the Committee on Armed Services.

APPOINTMENT OF SUCCESSORS FOR CADETS AND MIDSHIPMEN

● Mr. HUMPHREY. Mr. President, the nomination of young men and women to our Nation's service academies is one of the most important responsibilities of a U.S. Senator. The congressional nomination process provides the academies with those candidates best qualified for leadership positions in our military.

Yet, under special circumstances, a Senator may lose the opportunity to nominate the candidate of choice. A program adopted by the Academies, known as "administrative turnback" or "stop out," allows selected third classmen—sophomores—to leave an Academy for up to a year. This option is offered to a small number of desirable cadets or midshipmen who would otherwise resign from the Academy. Also, second—juniors—or third classmen may delay graduation due to medical or academic reasons or other hardship under the administrative turnback program.

However, when any cadet or midshipman elects to stop out from an Academy no vacancies are created. The cadet or midshipman remains charged to the Senator's five-vacancy allotment even though the cadet or midshipman has taken 5 years rather than 4 to graduate. But, if a first classman—seniors—elects to postpone graduation for whatever reason, the appointment of a successor candidate is not delayed.

The legislation I am introducing today will correct this inequity by amending title 10, United States Code. This measure provides that a cadet or midshipman is charged to a Member for 4 years or until the cadet is permanently separated from the Academy, whichever is less.

This legislation, which has already been sponsored in the House of Representatives by Congressman Gregg, will prevent Senators from being denied the opportunity to nominate the candidate of their choice under the circumstances previously outlined. The present inequity in the admininstrative turnback program requires immediate attention.●

By Mr. McCLURE (by request):

S. 2188. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowings for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

AUTHORIZATION OF APPROPRIATIONS FOR DEVELOPMENT OF PENNSYLVANIA AVENUE

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowings for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Pennsylvania Avenue Development Corporation, and I ask unanimous consent that the bill and the letter of transmittal that accompanied the proposal from Max N. Berry, Chairman of the Corporation, be printed in the Record.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 2188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Pennsylvania Avenue Development Corporation Act of 1972 (86 Stat. 1266, as amended, 40 U.S.C. 871), is amended further as follows:

(1) By striking in paragraph (10) of section 6, the figure "100,000,000" and inserting in lieu thereof "120,000,000.".

(2) By adding at the end of section 17(a), "There are futher authorized to be appropriated for operating and administrative expenses of the Corporation sums not to

exceed $3,250,000, each, for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988.".

PENNSYLVANIA AVENUE
DEVELOPMENT CORPORATION,
Washington, D.C., February 24, 1982.
Hon. GEORGE BUSH,
Vice President of the United States,
President of the Senate,
Dirksen Office Building,
Washington, D.C.

DEAR MR. VICE PRESIDENT: One of the three appropriation requests for the Pennsylvania Avenue Development Corporation presented in the President's Budget Appendix for fiscal year 1983 will require an increase in the authorized funding level. The Corporation's authorized level of borrowing from the U.S. Treasury for Land Acquisition and Development is presently $100,000,000; to date over $99,000,000 in borrowing authority has been appropriated.

Additionally, the Corporation's authorization for Salaries and Expenses' appropriations expires at the end of fiscal year 1983.

The enclosed draft authorization bill is respectfully submitted for your consideration and support, so that the PADC may be able to receive the additional budget authority it requires in fiscal year 1983 (for land acquisition) and in future fiscal years (for land acquisition and salaries and expenses).

The Office of Management and Budget has advised us that there is no objection from the standpoint of the administration's program to the submission of this draft legislation to the Congress, and that its enactment would be in accord with the President's budget.

Thank you.

Sincerely,

MAX N. BERRY,
Chairman.●

By Mr. THURMOND:

S. 2189. A bill to amend section 1951 of title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

LEGISLATION DEALING WITH EXTORTION

Mr. THURMOND. Mr. President, I am introducing today a bill to overrule the Supreme Court's 5 to 4 decision in *United States* v. *Enmons*, 410 U.S. 396 (1973), which held that the Hobbs Act (18 U.S.C. 1951) does not proscribe violent, extortionate activities by employees or union officials in the course of a labor dispute aimed at achieving a legitimate labor objective. This decision is illogical, unreasonable, and unrealistic. As I recently stated in a letter to Mr. Lloyd McBride of the United Steelworkers of America, the Court in the *Enmons* case, construing the definition of "extortion," "enthroned an irrational rule in Federal extortion law that would, for example, permit the kidnapping and execution of a company president to obtain . . . improved wages, fringe benefits, and working conditions during a legitimate strike."

Enmons sanctions the "labor dispute" version of the long-discredited "claim of right" excuse, sometimes urged in extortion and blackmail cases. This excuse holds that the legitimacy of the end—such as obtaining property to which one has some colorable claim—justifies any means to obtain it. Such a doctrine hardly provides a rational basis for the resolution of disputes in a modern civilized society in which there are adequate institutional alternatives.

Mr. President, suffice it to say at this point that the legislative history of the Hobbs Act does not support the *Enmons* decision. The Court ought to correct its own mistake, but that is unlikely. Accordingly, I hope my colleagues will favorably consider legislatively overruling the case.

Mr. President, I should point out that I personally would prefer to enact legislation to make it a Federal crime to use any serious violence—whether it involves the extortionate taking of property or simple disruption of business activity—to affect and interrupt commerce. S. 613, which I introduced last session, would have provided the broader, albeit more controversial, coverage. The administration and others feel more comfortable with the more modest Federal involvement in this important area embodied in this legislation. I am glad to accommodate these interests by placing this bill before the Senate for consideration.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1951 of title 18 of the United States Code is amended as follows:

(a) Subsection (b)(2) is amended to read as follows:

"(2) The term 'extortion' means the obtaining of property from another, with his consent, induced by use of actual or threatened force, violence, or fear thereof, or wrongful use of fear not involving force or violence, or under color of official right."

(b) Subsection (c) is amended to read as follows:

"(c) Nothing in this section shall be construed as indicating an intent on the part of the Congress—

"(1) to repeal, modify, or affect section 17 of title 15, sections 52, 101 through 115, and 151 through 166 of title 29, or sections 151 through 188 of title 45; or

"(2) to exclude Federal jurisdiction over the offenses defined in this section on the ground that the conduct is also a violation of State or local law, or that the conduct, if it involves force, violence, or fear thereof, takes place in the course of a legitimate business or labor dispute or in pursuit of a legitimate business or labor objective.

"(3) to chill legitimate labor activity by authorizing federal prosecution for offenses occurring during a labor dispute which do not involve extortion. Such excluded offenses shall continue to be subject to prosecution by State and local authorities having jurisdiction over them."

By Mr. KENNEDY (for himself, Mr. HATFIELD, Mr. WEICKER, Mr. PELL, Mr. TSONGAS, Mr. CRANSTON, Mr. MITCHELL, Mr. EAGLETON, Mr. DODD, Mr. STAFFORD, Mr. INOUYE, Mr. HUDDLESTON, Mr. LEAHY, Mr. BUMPERS, Mr. LEVIN, Mr. CHAFEE, Mr. MOYNIHAN, Mr. RIEGLE, Mr. SARBANES, and Mr. MATSUNAGA):

S.J. Res. 163. Joint resolution on nuclear weapons freeze and reductions; to the Committee on Foreign Relations.

NUCLEAR WEAPONS FREEZE AND REDUCTIONS

Mr. KENNEDY. Mr. President, it has been a decade since the U.S. Senate ratified the last treaty for the control of strategic nuclear weapons.

Today the arms race rushes ahead toward a nuclear confrontation that could well mean the annihilation of humanity.

We who live in this generation and serve in this Congress have the solemn responsibility to see to it that there will be others who live and serve here after us—that there will be a history to be written—and that they shall remember and honor us for taking what may be the last real chance to avert the last great war.

Let us recognize the stark truth: Humanity's final world war will be a war against the world itself—and all life will be the loser. Let us recall the warning of Abraham Lincoln about the stakes for America in another century—that his fellow citizens would nobly save or meanly lose this last best hope of Earth.

Now as we near the end of our own century, we shall save or lose the last best hope for an Earth of life, of progress, of laughing children, loving families, and human aspiration.

The only sure choice is for both sides to halt and then to reverse the nuclear arms race.

The only responsible choice is for us in the Senate to take a stand. There may be a temptation to be silent, but there is a higher obligation to speak out and to move forward on this issue.

So today Senator HATFIELD and I, together with a number of our colleagues, are introducing a joint resolution calling for American-Soviet agreement to a nuclear weapons freeze followed by major reductions in the nuclear arsenals of both nations, in a manner that enhances stability. An identical joint resolution is being introduced in the House by Representative MARKEY, Representative CONTE, Representative BINGHAM, along with more than 100 cosponsors.

In considering the choice before us, let us first ask—what are the consequences if we do not act?

Together, the United States and the Soviet Union stockpile a total of 15,000 strategic nuclear warheads—with nearly 4 tons of TNT for every man, woman, and child presently living on this planet.

Today the Earth itself is an endangered species. Two powerful nations now have the power not only to destroy one another, but to consume all the achievements of all past centuries and to incinerate the future itself. Yet each side continues to mount its megatonnage and calibrate its strategies for nuclear confrontation and conflict.

As an American, I believe we must maintain a national defense second to none, sufficient to deter any attack from any adversary. But I also believe that we are nearing a time when the world as we know it will be only a second away from nothingness. As Jonathan Schell wrote recently in the New Yorker:

> These bombs were built as "weapons" for "war," but their significance greatly transcends war and all its outcomes. They grew out of history, yet they threaten to end history. They were made by men, yet they threaten to annihilate man. They are a pit into which the whole world can fall—a nemesis of all human intentions, actions, and hopes.

And even if we are spared, even if the world somehow survives the continuing span of nuclear nightmare, the costs of it already shadow our other hopes—and again and again they will subvert our best intentions.

The world in an arms race is a world impoverished. And for America, the arms race cripples our capacity to do anything else. Today we are cutting immunization for children in order to finance the weapons that may someday kill them. Every new shelter for a missile means fewer homes for our families.

Every new warhead guidance system that can read enemy defenses means more schools where children will not learn to read. Every new escalation that could mean death at an early age across the Earth also darkens the golden years of our senior citizens now.

In the truest sense, this is not national security. Instead, the intensifying cost and increasing number of our weapons weakens the Nation. The arms race that could take all life already diminishes the quality of all our lives.

It is also an important aspect of our current economic distress.

If the administration passes their proposed military program, it will cost an additional $1.675 trillion in the next 5 years, according to their own estimates—and as much as $750 billion more than that, according to other estimates.

Under these conditions, it will be virtually impossible to balance the budget or to bring the economy back to full employment. The cost of the MX missile system by itself equals a quarter of the administration's estimate of their next budget deficit. The B-1 bomber alone will cost more than all the job training programs enacted by Congress in the past 20 years.

We can reduce military spending even without a mutual nuclear arms freeze. Our colleague Senator DOMENICI has proposed cuts of $20 to $25 billion over the next 3 years. But that is only a fraction of the potential gain from an agreement to stop the nuclear arms race. Such a freeze, by itself, could save $20 billion each year, and negotiated reductions could save billions more.

In short, the two greatest issues of our time—the prosperity of our economy and the probability of survival in the nuclear age—are inextricably intertwined. A process of mutual nuclear restraint is a necessary defense against the prospect of endless budget deficits.

But now the world hurtles quickly and recklessly in the opposite direction. The Soviets are in the midst of a massive nuclear build-up—which, in the near future, can be slowed down and then reversed only by a freeze followed by reductions. At the same time, from high places in our own country and Capital, we hear a proliferation of foolish talk about "winnable nuclear wars." Many experts agree with the conclusion of common sense—that this is an impossible notion, a replica of the dark calculations of Dr. Strangelove. The theory of winnable nuclear wars is the nuclear equivalent of the Kemp-Roth tax cut—with one critical difference: This time we would be gambling not only our economic wealth, but perhaps even existence itself. Those who propound such a theory show too much readiness to see it tried—and too little commitment to arms control.

In 1982, we must resolve that arms control will become more than rulemaking for a barely controlled arms race. The past administration's SALT initiative was stalled in the Senate, and the present administration's START initiative is stalled at dead center.

We need a new initiative—and the true starting point now is for the United States and the Soviet Union to stop and then reverse the nuclear arms race. We cannot afford to lose this opportunity. The essential conditions for a freeze now exist. The strategic power of both sides is at approximate parity. And with a freeze in place, we can at last begin a real reduction in our nuclear arsenals.

Let us be clear about what a freeze—and the reductions to follow—will and will not mean.

It does not mean acceptance of Soviet misdeeds in other areas. I reject the proposition that a firm stand on Poland will set back the cause of arms control. We do not enter a freeze or reductions of nuclear arms because we like the Soviets or they like us—but because both of us prefer existence to extinction.

Nor does the Kennedy-Hatfield resolution require trust by one side for the other. Every measure we would take depends on strict verification. Not only must the two sides decide when and how to implement the freeze, but they must give special attention to destabilizing weapons and insure that reductions occur in a manner that enhances stability and reduces the risk of nuclear war.

Our joint resolution does not call for unilateral action but for mutual agreement. The Soviet Union is now in the midst of a dangerous arms build-up—which can be slowed down and turned around only with a freeze followed by reductions. And the policy of this resolution will not weaken, but strengthen our defenses. Some of the resources that are freed can be reallocated to our conventional military forces, which is where we do need to do more.

Just as important, when the overall burden of military expenditures on the budget is lessened, our economy will improve. We will have resources for the revitalization of our industry and the restoration of our competitive position in the markets of the world. That is one of the great national security challenges for America in the 1980's, an area where our strength is being tested now.

The Kennedy-Hatfield resolution calls for "major, mutual, and verifiable" reductions "through annual percentages or equally effective means." Both George Kennan, our distinguished former Ambassador to the Soviet Union and Policy Planning Director under General Marshall and Dean Acheson, and Adm. H. G. Rickover, Director of Naval Nuclear Propulsion under seven Presidents, have argued eloquently and compellingly for deep cuts of at least 50 percent in the nuclear armories of both sides. These cuts could be achieved if we mutually agree to 7 percent annual reductions over 7 years under the percentage annual reduction approach—or alternative, equally effective approaches—proposed in our resolution and endorsed by the Senate Committee on Foreign Relations in 1979.

I am pleased to report that Ambassador Kennan has expressed to me his strong support for this initiative:

> Progress along the lines of the Kennedy-Hatfield resolution is absolutely imperative and urgent. It can no longer be delayed and it should supersede all partisan and self-serving considerations.

The course defined in the Kennedy-Hatfield resolution can also strengthen the NATO alliance, which has been strained by administration policies that appear hostile to arms control and which speak too casually of nuclear exchanges in Europe. The fastest way to fray the Western Alliance, and to encourage the disastrous course of unilateral disarmament in Europe, is to permit the perception that the United States is a barrier to mutual arms control. We must be the nation that clearly proposes, not opposes, progress on this issue. Ours must be the government that pursues common approaches to defense and arms control in concert with, instead of in isolation from our allies.

It has been more than a third of a century since the first nuclear cloud spread its grim shadow across the face of the Earth. I do not believe that we can go on as we have for another third of a century, without setting off the spark that could ignite that cloud again and consume the Earth in nuclear fire.

We do not have the time to wait, to temporize, to escalate, even as we pretend to be for restraint.

Now is the time, perhaps the last period of time we shall have, to insure that the world God made shall not be incinerated by weapons we have made.

As President Kennedy said at American University nearly 20 years ago, it is time "to examine our attitude toward peace itself. Too many of us think it is impossible. Too many think it is unreal. But that is a dangerous, defeatist belief. It leads to the conclusion that war is inevitable—that mankind is doomed—that we are gripped by forces we cannot control."

Twenty years later, it is time to break the deadlock that defeats efforts at arms control. It is time to take the first decisive step back from the brink, to put a freeze on the production, deployment, and further testing of nuclear weapons, and to negotiate major reductions in the massive arsenals on both sides—which is what the Kennedy-Hatfield resolution calls for. It is time, perhaps the final period of time we shall have, to move away from a strategy of annihilation and move forward to a strategy of peace.

Let us take what may be our last real chance to avert the last great war. Let us resolve to make the world safe for human survival.

Mr. President, I ask unanimous consent that the full text of our joint resolution, a list of original cosponsors in the Senate and the House, and a list of individual and organizational endorsements for the Kennedy-Hatfield initiative be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. J. RES. 163

Joint resolution on nuclear weapons freeze and reductions

Whereas the greatest challenge facing the earth is to prevent the occurrence of nuclear war by accident or design;

Whereas the nuclear arms race is dangerously increasing the risk of a holocaust that would be humanity's final war; and

Whereas a freeze followed by reductions in nuclear warheads, missiles, and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war;

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

1. As an immediate strategic arms control objective, the United States and the Soviet Union should:

(a) pursue a complete halt to the nuclear arms race;

(b) decide when and how to achieve a mutual and verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems; and

(c) give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

2. Proceeding from this freeze, the United States and the Soviet Union should pursue major, mutual and verifiable reductions in nuclear warheads, missiles, and other delivery systems, through annual percentages or equally effective means, in a manner that enhances stability.

SENATE COSPONSORS

Edward M. Kennedy (D-MA).
Mark O. Hatfield (R-OR).
Lowell P. Weicker (R-CT).
Claiborne Pell (D-RI).
Paul E. Tsongas (D-MA).
Alan Cranston (D-CA).
George J. Mitchell (D-ME).
Thomas F. Eagleton (D-MO).
Christopher J. Dodd (D-CT).
Robert T. Stafford (R-VT).
Daniel K. Inouye (D-HI).
Walter D. Huddleston (D-KY).
Patrick J. Leahy (D-VT).
Dale Bumpers (D-AR).
Carl D. Levin (D-MI).
John H. Chafee (R-RI).
Daniel Patrick Moynihan (D-NY).
Donald W. Riegle (D-MI).
Paul S. Sarbanes (D-MD).

HOUSE COSPONSORS

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William Clay (D-MO).
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James Oberstar (D-MN).
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Nick Joe Rahall (D-WV).
Michael Barnes (D-MD).
Barney Frank (D-MA).
Lawrence DeNardis (D-CT).
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Tom Lantos (D-CA).
Sidney Yates (D-IL).
Matthew McHugh (D-NY).
Romano Mazzoli (D-KY).
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David Evans (D-IN).
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Ted Weiss (D-NY).
John Seiberling (D-OH).
Leon Panetta (D-CA).
Gerry Studds (D-MA).
Jim Leach (R-IO).
Millicent Fenwick (R-NJ).
Al Swift (D-WA).
Mo Udall (D-AZ).
Fernand St Germain (D-RI).
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Charles Rangel (D-NY).
George Miller (D-CA).
Patricia Schroeder (D-CO).
Tony Coelho (D-CA).
Harold Hollenbeck (R-NJ).
Mervyn Dymally (D-CA).
Robert Matsui (D-CA).
Bruce Vento (D-MN).
Don Bonker (D-WA).
Albert Gore (D-TN).
Peter Rodino (D-NJ).
Brian Donnelly (D-MA).
William Ratchford (D-CT).
Paul Simon (D-IL).
Dennis Eckart (D-OH).
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Mark Marks (R-PA).
Dale Kildee (D-MI).
Doug Walgren (D-PA).
Tim Wirth (D-CO).
Jim Weaver (D-OR).
Henry Reuss (D-WI).
Don Pease (D-OH).
Pete Stark (D-CA).
Steve Neal (D-NC).
Don Edwards (D-CA).
Neal Smith (D-IO).
Ben Rosenthal (D-NY).
Barbara Mikulski (D-MD).
David Bonior (D-MI).
Louis Stokes (D-OH).
Charles Schumer (D-NY).
Margaret Heckler (R-MA).
Beryl Anthony (D-AR).
Pat Williams (D-MT).
George Crockett (D-MI).
Barbara Kennelly (D-CT).
William Brodhead (D-MI).
Mickey Leland (D-TX).
William Coyne (D-PA).
Gillis Long (D-LA).
Austin Murphy (D-PA).
Mario Biaggi (D-NY).
Stewart McKinney (R-CT).
Geraldine Ferraro (R-NY).
Claudine Schneider (R-RI).
Bob Shamansky (D-OH).
Joseph Addabbo (D-NY).
Stephen Solarz (D-NY).
Mike Synar (D-OK).
James Howard (D-NJ).
James Jones (D-TN).
Wyche Fowler (D-GA).
John Burton (D-CA).
William Green (R-NY)
Claude Pepper (D-FL).
Joe Early (D-MA).
Jim Blanchard (D-MT).
Bill Clinger (R-PA).

Manuel Lujan (R-NM).
Robert Traxler (D-MI).
Marty Russo (D-IL).

ENDORSEMENTS

The following individuals and organizations have endorsed the Joint Resolution on a Nuclear Freeze and Reductions, introduced by Senators Kennedy and Hatfield and Representatives Markey, Conte, and Bingham:

INDIVIDUALS

Dr. Herbert L. Abrams, Professor of Radiology, Harvard Medical School, and Chairman of Department of Radiology, Brigham and Women's Hospitals.

Ruth Adams, The Bulletin of Atomic Scientists.

Ed Asner, President, Screen Actors Guild.

Michael Allen, Attorney.

Robert Alperin, Director, Government Relations Task Force, National Nuclear Weapons Freeze Campaign.

Joan Baez, President, Humanitas International.

George Ball, Senior Managing Director, Lehman Brothers, and former Under Secretary of State.

Richard Barnett, Senior Fellow, Institute for Policy Studies.

Stuart J. Beck, Attorney.

Louis Rene Beres, Purdue University.

Dr. Paul Beeson, Co-Chairman, Physicians for Social Responsibility and Professor of Medicine, University of Washington.

Suzanne Berger, Professor of Physics, M.I.T.

Dr. Robert Berliner, Dean, Yale Medical School.

Leonard Bernstein, Composer-Conductor.

Hans Bethe, Nobel Laureate in Physics.

Richard L. Bowditch, Jr., Business Executive.

Dr. T. Berry Brazelton, Chief, Child Development Unit, Children's Hospital Medical Center.

Harvey Brooks, Professor, John F. Kennedy School of Government, Harvard University.

David Brower, Friends of the Earth.

Yvonne Brathwaite Burke, Former Member of Congress.

Jack Calhoun, Director for Government Affairs, Child Welfare League of America.

Barry E. Carter, Professor, Georgetown Law Center, and former Staff Member, National Security Council.

Hodding Carter, Public Broadcasting System, and former Assistant Secretary of State.

Dr. Thomas C. Chalmers, President, Mt. Sinai Medical Center and Dean, Mt. Sinai School of Medicine.

Abraham Chayes, Professor of Law, Harvard Law School, and former Legal Advisor to the U.S. Department of State.

Warren Christopher, O'Melveny and Meyers, and former Deputy Secretary of State.

Harlan Cleveland, Director, Hubert H. Humphrey Institute of Public Affairs, University of Minnesota, and former Assistant Secretary of State and U.S. Ambassador to NATO.

Clark Clifford, Clifford and Warnke, and former Secretary of Defense.

William Colby, Reid and Priest, and former Director, Central Intelligence Agency.

David Cortwright, Executive Director, SANE.

Norman Cousins, Author.

Teana Crassover, Executive Director, Nurses Alliance for the Prevention of Nuclear War.

Ned Crosby, Center for Democratic Processes.

Mark Curtis, President, Association of American Colleges.

Rear Admiral Thomas Davies, USN (ret), former Commander of Carrier Division, Chief of Naval Development, and Assistant Director, U.S. Arms Control and Disarmament Agency.

James K. Devlin, President and Chairman of the Board, U.S. Telephone Communications, Inc.

Paul Doty, Director, Program on Science and International Affairs, John F. Kennedy School of Government, Harvard University.

John Dow, Former Member of Congress.

Marion Edelman, President, Children's Defense Fund.

Russell Edgerton, Executive Director, American Association for Higher Education.

Peter Eisenman, Director, Institute for Architecture and Urban Studies.

William Epstein, Consultant to the Secretary General of the United Nations.

Philip Farley, Senior Fellow, Stanford Arms Control and Disarmament Program, and former Deputy Director, U.S. Arms Control and Disarmament Agency.

Frances Farenthold, Former President of Wells College.

Bernard T. Feld, Chairman, Executive Committee, Pugwash Conferences, Professor of Physics, M.I.T., and Editor, The Bulletin of Atomic Scientists.

George Feldman, Former U.S. Ambassador to Luxembourg and Malta.

Arnold Fege, Director, Governmental Relations, National Parent Teacher Association.

Joseph Filner, Noblemet International.

Dr. Stuart Finch, Chief, Department of Medicine, Cooper Medical Center, and former Director of Research, Radiation Effects Research Foundation.

Edwin Firmage, Professor of Law, University of Utah.

James L. Fisher, President, Council for Advancement and Support of Education.

Roger Fisher, Professor of Law, Harvard Law School, and former Consultant to the Assistant Secretary of Defense for International Security.

Randy Forsberg, Founder, National Nuclear Weapons Freeze Campaign.

William Foster, Former Director, U.S. Arms Control and Disarmament Agency.

Alton Frye, Senior Fellow, Council on Foreign Relations.

Senator J. William Fulbright, former Chairman, Senate Committee on Foreign Relations.

Robert L. Gale, President, Association of Governing Boards of Universities and Colleges.

Sister Alice Gallin, Executive Director, Association of Catholic Colleges and Universities.

Mark Garrison (F.S.O. ret.), Director, Center for Foreign Policy Development, Brown University.

General James Marshall Gavin, former U.S. Ambassador to France.

Dr. David Greer, Director of Community Medicine, Brown University College of Medicine.

Mary Grefe, Former President of the American Association of University Women.

Dr. Jack Geiger, Arthur C. Logan Professor of Community Medicine, City College of New York.

Marshall Goldman, Associate Director, Russian Research Center and Professor of Economics, Wellesley College.

C. Gus Grant, Vice-Chairman, Southern Pacific Communications, and President, Spacenet.

Dr. Lester Grinspoon, President, American Psychiatric Association.

Jerome Grossman, President, Council for a Liveable World.

Morton Halperin, former Deputy Assistant Secretary of Defense for Policy Planning and Arms Control.

Averell Harriman, Former Governor of New York, Under Secretary of State, and U.S. Ambassador to Great Britain and the Soviet Union.

Robert Heilbroner, New School of Social Research.

Terry Herndon, President, National Education Association.

Antonia Hernandez, Director, Washington Office of Mexican-American Legal Defense and Education Fund.

Dr. Howard Hiatt, Director, Harvard School of Public Health, Harvard University.

Stanley Hoffmann, Professor of Government and Chairman, Center for European Studies, Harvard University.

Townsend Hoopes, former Under Secretary of the Air Force.

Mildred M. Horton, Former Director, WAVES, Former President, Wellesley College.

Alan Houseman, Director, Center for Law and Social Policy.

Samuel Husk, Director, Council of Greater City Schools.

Dr. David Imig, Executive Director, American Colleges for Teacher Education.

Russell Jim, President, Affiliated Tribes of Northwest Indians.

Dr. Carl Johnson, Associate Clinical Professor of Preventive Medicine, University of Colorado Medical School.

David Jones, U.S. Student Association.

Alan Kay, President, Business Alert to Nuclear War.

Edy Kaufman, Department of Political Science, University of California.

George Kennan, Professor Emeritus, Institute for Advanced Studies, Princeton, and former U.S. Ambassador to the Soviet Union and Yugoslavia.

Coretta Scott King, President, the Martin Luther King Jr. Center for Nonviolent Social Change.

Kenneth Kenniston, Professor of Science, Technology and Society, M.I.T.

George Kistiakowsky, Professor Emeritus of Chemistry, Harvard University, and former Science Advisor to Presidents Eisenhower, Kennedy and Johnson.

Philip Klutznick, Former Secretary of Commerce.

Paul Kreisberg, Director of Studies, Council on Foreign Relations, and former Deputy Director, Policy planning Staff, U.S. Department of State.

Rear Admiral Gene R. La Rocque, USN(ret), Director, Center for Defense Information.

W. Anthony Lake, Professor of International Relations, Amherst College, and former Director, Policy Planning Staff, U.S. Department of State.

Dr. Alexander Leaf, Ridley Watts Professor and Chairman of Department of Preventive Medicine, Harvard Medical School.

Dr Philip R. Lee, School of Medicine, University of California.

Rear Admiral William Lemos, USN(ret).

James F. Leonard, Chairman of the Board, the Committee for National Security and former President, U.S. Association for the United Nations and Deputy Ambassador to the United Nations.

Wassily Leontief, Professor of Economics, New York University, and Nobel Laureate.

John W. Lewis, Director, Arms Control and Disarmament Program, Stanford University.

Dr. Robert J. Lifton, Professor of Psychiatry, Harvard Medical School.

David Linebaugh, Foreign Service Officer (ret), and former Deputy Assistant Director, the U.S. Arms Control and Disarmament Agency.

Sol Linowitz, former U.S. Ambassador to the Organization of American States and Special Envoy to the Middle East.

Henry Cabot Lodge, Former U.S. Ambassador to the United Nations and U.S. Senator.

Dr. Bernard Lown, Professor of Cardiology, Harvard School of Public Health and Co-President, International Physicians for the Prevention of Nuclear War.

Amory Lovins, Friends of the Earth.

Patrick J. Lucey, former Governor of Wisconsin.

J. Roderick MacArthur, Director, John D. and Catherine MacArthur Foundation.

Carl Marcy, Co-Director, American Committee on East-West Accord.

Jeanne B. Mattison, Co-Director, American Committee on East-West Accord.

Dr. John E. Mack, Professor of Psychiatry, Harvard Medical School.

Dr. Judd Marmor, Professor Emeritus of Psychiatry, University of Southern California School of Medicine.

George McGovern, former U.S. Senator.

Donald McHenry, Professor, School of Foreign Service, Georgetown University, and former U.S. Ambassador to the United Nations.

Thomas McIntyre, former U.S. Senator.

Leonard Meeker, Member, Board of Directors, Union of Concerned Scientists, and former Legal Advisor, U.S. Department of State.

Seymour Melman, Professor of Economics, Columbia University.

Dr. Karl Menninger, Menninger Foundation and Villages, Inc.

Matthew Meselson, Professor of Biochemistry and Molecular Biology, Harvard University.

Ronald E. Muller, American University.

Philip Morrison, Professor Physics, M.I.T.

Midge Miller, State Representative, Wisconsin.

Dr. David Nathan, Children's Hospital Medical Center.

Gaylord Nelson, Chairman, The Wilderness Society, and former U.S. Senator.

Paul Newman, Actor.

Edmund Pellegrino, President, Catholic University.

Rafe Pomerance, President, Friends of the Earth.

Edward Purcell, Professor of Physics, Harvard University, and Nobel Laureate in Physics.

George Rathjens, Professor of Political Science, M.I.T., and former Director of Weapons Systems Evaluation Division, Institute for Defense Analyses.

Robert Redford, Actor.

Rustum Roy, Materials Research Laboratory, Pennsylvania State University.

Eli Sagan, Author.

Carl Sagan, Astronomer, Cornell University.

Harrison Salisbury, Soviet Scholar and Author.

Erwin A. Salk, Attorney.

Dr. Jonas Salk, Founding Director and Resident Fellow, Salk Institute for Biological Studies.

John C. Sawhill, Director, McKinsey and Co., former President, New York University and Deputy Secretary of Energy.

Herbert Scoville, Jr., former Deputy Director for Research and Assistant Director of Scientific Intelligence, Central Intelligence Agency, and Assistant Director, U.S. Arms Control and Disarmament Agency.

Jane Sharp, Professor, Peace Studies Program, Cornell University.

Stanley K. Sheinbaum, Economist and Chairman, ACLU of Southern California.

Alan B. Sherr, President, Lawyers Alliance for Nuclear Arms Control.

Marshall Shulman, Director, Russian Research Institute, Columbia University, and former Senior Advisor to the Secretary of State.

Dr. Victor Sidel, Professor and Chairperson, Department of Social Medicine, Montefiore Hospital and Medical Center.

Adele Simmons, President, Hampshire College.

J. David Singer, University of Michigan.

Eugene Skolnikoff, Chairman of the Board, German Marshall Fund, and Director, Center of International Studies, M.I.T.

Ellie Smeal, Chair, National Organization of Women.

Gerard Smith, former Director U.S. Arms Control and Disarmament Agency, and SALT negotiator.

Roberta Snow, Executive Director, Educators for Social Responsibility.

Dr. Leonard Solon, Director, Bureau for Radiation Control, New York City Department of Health.

A. A. Sommer, Jr., Attorney.

Gus Speth, Georgetown Law Center.

Elliot Stein, Jr., Bastille Properties.

John Steinbruner, Director of National Security Studies, Brookings Institution.

Jeremy J. Stone, Director, Federation of American Scientists.

Alfred Sunberg, Associate General Secretary, American Association of University Professors.

William Tarlow, Executive, General Mills.

A. Stark Taylor, Jr., Chairman Emeritus, Dallas Cotton Exchange.

Alice Tepper-Marlin, Council on Economic Priorities.

Stephen Thomas, Integrative Biomedical Research.

Dr. Lewis Thomas, Chancellor, Memorial Sloan-Kettering Cancer Center.

Lester Thurow, Professor of Economics, M.I.T.

Richard Ullman, Professor of International Relations, Woodrow Wilson School, Princeton University, and former Editor, Foreign Policy Magazine.

George Wald, Professor of Physics, Harvard University, and Nobel Laureate.

Paul Warnke, Clifford and Warnke, former Director, Arms Control and Disarmament Agency and Chief SALT Negotiator.

Thomas J. Watson, Jr., former Chairman of the Board of I.B.M., Ambassador to the Soviet Union, and Chairman of the Arms Control and Disarmament Agency, General Advisory Committee.

Richard J. Weisberg, Attorney, Kissam, Halpin and Genovese.

Stanley Weiss, American Minerals, Inc.

Bernard Weissbourd, Metropolitan Structures.

William Wickersham, Executive Director, World Federalists Association.

Jerome B. Wiesner, Past President, M.I.T. and Science Advisor to President Kennedy.

Richard E. Wilson, Vice President for Governmental Relations, American Association of Community and Junior Colleges.

Adam Yarmolinsky, former Counselor to the U.S. Arms Control and Disarmament Agency.

Herbert F. York, former U.S. Negotiator for the Comprehensive Test Ban.

Andrew Young, Mayor of Atlanta, and former Ambassador to the United Nations.

ORGANIZATIONS

American Association of Colleges for Teacher Education.

American Association of School Administrators.

Business Alert To Nuclear War.

Center for Science in the Public Interest.

Child Welfare League of America.

Coalition for a New Foreign and Military Policy.

Committee for National Security.

Council for a Livable World.

Critical Mass Energy Project.

Educators for Social Responsibility.

Environmental Action.

Environmental Policy Center.

Federation of American Scientists.

Friends of the Earth.

Grey Panthers.

High Technology Professionals for Peace.

Institute for Defense and Disarmament Studies.

International Physicians for the Prevention of Nuclear War.

Lawyers Alliance for Nuclear Arms Control.

League of United Latin American Citizens.

Mexican-American Legal Defense and Education Fund.

National Coalition of Cuban Americans.

National Committee of the National Nuclear Weapons Freeze Campaign.

National Congress of American Indians.

National Council of La Raza.

National Tribal Chairmen's Association.

Nurses Alliance for the Prevention of Nuclear War.

Pugwash Conferences.

Physicians for Social Responsibility.

SANE.

Union of Concerned Scientists.

Wilderness Society.

RELIGIOUS SUPPORT*

Dr. Thelma Adaire, President, Church Women United.

Jimmy R. Allin, Former President, Southern Baptist Convention.

Father Thomas Ambrogi, Director of Social Justice, Archdiocese of San Francisco, CA.

American Friends Service Committee.

Bishop James Armstrong, President, National Council of Churches.

Association of American Catholic Colleges and Universities.

Baptist Joint Committee on Public Affairs.

Mrs. Helen I. Barnhill, Moderator, United Church of Christ.

Bishop George Bashore, United Methodist Church, Boston, MA.

Rabbi Leonard Beerman, Co-chair, Interfaith Center to Reverse the Arms Race.

Reverend Asia Bennett, Executive Secretary, American Friends Service Committee.

Rabbi Leonard I. Berman, Leo Baeck Temple, Los Angeles, CA.

Bishop Edwin Boulton, United Methodist Church, Dakotas Area.

Rabbi Balfour Brickner, Stephen Wise Free Synagogue, New York, NY.

Reverend Arie Brouwer, General Secretary, Reformed Church in America.

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* Institutional affiliation of individuals listed for identification purposes only.

Dr. Edward Brubaker, Executive for United Presbyterian Church, Synods of Mid America.

Bishop Joseph Brunini, Catholic Diocese of Jackson, MI.

Reverend Thomas M. Castlen, Associate Synod Executive, United Presbyterian Church, Cascades Presbytery, OR.

Reverend John Chapman, Associate Synod Executive, Synod of the North East, United Presbyterian Church of the U.S.A.

Bishop Otis Charles, Episcopal Diocese of Utah.

Clergy and Laity Concerned.

Bishop Wayne Clymer, United Methodist Church, 10.

Dr. William Sloan Coffin, Riverside Presbyterian Church, New York, NY.

Bishop James R. Crumley, Jr., President, Lutheran Church of America.

Robert E. Cuthill, Synod Executive, Synod of Lakes and Prairies, United Presbyterian Church in the U.S.A.

Mrs. Ruth Daugherty, President, Women's Division, United Methodist Church.

Reverend Robert Davidson, Moderator, General Assembly, United Presbyterian Church in the U.S.A.

Reverened Robert Delgado, Deputy Executive, Synod of Red River and Sun, (P.C.U.S. and U.P.C.U.S.A.).

Reverend John Dertz, Moderator, Synod of the Piedmont, United Presbyterian Church of the U.S.A.

Bishop Jesse R. De Witt, President, General Board of Global Ministry, United Methodist Church.

Reverend Robert Drinan, President, Americans for Democratic Action.

Dr. James M. Dunn, Executive Director, Baptist Joint Committee on Public Affairs.

Ted Engstrom, Chief Executive Officer, World Vision International.

Thom White Wolf Fassett, Associate General Secretary, United Methodist Church.

Fellowship of Reconciliation.

Finger Lake Peace Alliance, Geneva, NY.

Bishop Bernard Flanagan, Catholic Diocese of Worcester, MA.

Reverend Carl Flemister, Executive Director, American Baptist Association, New York Metropolitan Area.

Friends Committee on National Legislation.

Rabbi Joseph Glaser, Executive Vice President, Central Conference of American Rabbis.

Reverend Casper I. Glenn, Synod Executive, United Presbyterian Church in the U.S.A., Synod of Alaska-Northwest.

Rabbi Robert E. Goldburg, Rabbi Emeritus, Congregation Mishkan Israel, New Canaan, CT.

Reverend Billy Graham.

Reverend Richard Haverson, Chaplin, U.S. Senate.

Bishop Timothy Harrington, Catholic Diocese of Worcester, MA.

Reverend Timothy Healy, S.J., President, Georgetown University.

Reverend Theodore Hesburgh, S.J., President, University of Notre Dame.

Archbishop James Hickey, Washington.

Bishop Kenneth Hicks, United Methodist Church, AK.

Bishop Leroy G. Hodapp, President, Board of Church and Society, United Methodist Church.

Reverend William Howard, Immediate Past President, National Council of Churches.

Bishop William R. Houck, Catholic Diocese of Jackson, MI.

Bishop George Hunt, Episcopal Diocese of Rhode Island.

Archbishop Raymond Hunthausen, Catholic Archdiocese of Seattle, WA.

Archbishop Iakovos, Primate, Greek Orthodox Archdiocese of North and South America.

Mary Evelyn Jegen, S.N.D., Executive Director, Pax Christ, U.S.A.

Reverend Carroll D. Jenkins, Synod Executive of the Piedmont, United Presbyterian Church in the U.S.A.

Jesuit Social Ministries.

Reverend William A. Jones, President, National Black Pastors Conference.

Kenneth Kantzer, Editor, Christian Today.

Reverend Richard Killman, Director, Peacemaking Project, United Presbyterian Church in the U.S.A.

Leadership Conference of Women Religious in the U.S.A.

Reverend Gasper Lo Biondo, Executive Director, Jesuit Social Ministries.

Dr. Joseph P. Lowery, President, Southern Christian Leadership Conference.

Bishop Roger Mahony, Catholic Diocese of Stockton, CA.

Reverend C. J. Malloy, Jr., General Secretary, Progressive National Baptist Convention, Inc.

Rabbi Bernard Mandelbaum, Executive Vice President, Synagogue Council America.

Bishop Marjorie S. Matthews, United Methodist Church, WI.

Bishop Leroy Matthiesen, Catholic Diocese of Amarillo, TX.

Reverend Oscar McCloud, General Director, Program Agency, United Presbyterian Church in the U.S.A.

David E. Morris, Executive Presbyter, Prebytery of Northern Waters, United Presbyterian Church in the U.S.A.

Reverend Margaret Morris, Chairperson, Peacemaking Advisory Committee, United Presbyterian Church in the U.S.A.

Bishop Francis P. Murphy, Catholic Diocese of Richmond, VA.

National Council of Churches.

Reverend David W. Preus, Presiding Bishop, American Lutheran Church.

Dr. Eugene Pickett, President, Unitarian Universalist Association.

Bishop Anthony M. Pilla, Catholic Diocese of Cleveland, OH.

Dr. Avery Post, President, United Church of Christ.

Presbytery of New York, NY, United Presbyterian Church in the U.S.A.

Progressive National Baptist Convention, Inc.

Bishop Francis A. Quinn, Catholic Diocese of Sacramento, CA.

Bishop David Read, Episcopal Diocese of Louisville, KY.

Reformed Church in America.

Father Miles O'Brien Riley, Director of Information, Archdiocese of San Francisco, CA

Riverside Church Disarmament Program.

Reverend Joseph Roberts, Pastor, Ebenezer Baptist Church, Atlanta, GA.

Bishop Frank J. Rodimer, Catholic Diocese of Patterson, NJ.

Rabbi David Saperstein, Religious Action Center, Union of American Hebrew Congregations.

Rabbi Herman Schaalan, President, Central Conference of American Rabbis.

Rabbi Alexander M. Schindler, President, Union of American Hebrew Congregations.

Reverend Robert Seel, Executive Presbyter, Synod of the Southwest, United Presbyterian Church in the U.S.A.

Ronald Sider, President, Evangelicals for Social Action.

Rabbi Henry Siegman, Executive Director, American Jewish Congress.

Reverend Simon Smith, S.J., Jesuit Missions, Inc.

Reverend Robert F. Smylie, Association for Peace and International Affairs, United Presbyterian Church in the U.S.A.

Edward F. Snyder, Executive Secretary, Friends Committee on National Legislation.

Sojourners.

Howard Squadron, Esq., President, Conference of Presidents of Major American Jewish Organizations, and President, American Jewish Congress.

Bishop Walter F. Sullivan, Catholic Diocese of Richmond, VA.

Synod of the Southwest, United Presbyterian Church in the U.S.A.

William P. Thompson, Stated Clerk, General Assembly, United Presbyterian Church in the U.S.A.

Dr. Daniel Thursz, Executive Vice President, B'nai B'rith International Reverend John H. Tietjen, President, Christian Seminary-Seminex.

Dr. Eugene Turner, Synod Executive, Synod of the Notheast, United Presbyterian Church in the U.S.A.

United Methodist Church.

United Presbyterian Church, General Assembly.

Reverend Foy Valentine, Executive Director, Christian Life Commission of the Southern Baptist Convention.

Dr. Vernon B. Van Bruggen, Presbytery Executive, Presbytery of New Brunswick, Synod of the Northeast, United Presbyterian Church of the U.S.A.

Reverend Paul A. Wee, General Secretary, Lutheran World Ministries.

Bishop Frederik Wertz, United Methodist Church, Washington, DC.

Reverend Robert White, Minister for Social Issues, Reformed Church in America.

Reverend Francis X. Winters, S. J., Professor of International Relations and of Ethics, Georgetown University.

Rabbi Walter Wurtzberger, President, Synagogue Council of America.

Yeates County Area Council of Churches, Social Concerns Committee, Pennyan, NY.

Reverend H. Davis Yeuell, Synod Executive of the Virginias, Presbyterian Church in the U.S.A.

NUCLEAR WEAPONS FREEZE

Mr. HATFIELD. Mr. President, I am pleased to join with my esteemed colleague, Senator KENNEDY, this morning. We are relaunching a concept which I believe provides the most effective means of getting a grip on the nuclear arms race. The nuclear freeze is not the only avenue available to the arms control community. But I have felt, since I first introduced a virtually identical moratorium amendment to the SALT II treaty, that it is the only idea which makes sense on so many levels at once. It is time-sensitive. It recognizes that we are poised on the edge of a cliff known as strategic nuclear parity. It recognizes that need for an idea that is as simple as it is practical. It recognizes the urgency of dealing forthrightly with the specter of the mutual counterforce relationship between the U.S. and the

U.S.S.R., which is now in the process of crystallization.

We have entered an era in which remarkable scientific advances in weaponry have dramatically heightened strategic instability. Painstaking efforts at arms control are likely to be overpowered by the forces generated by mutual suspicion and technological weapons innovation.

We are rapidly approaching a decisive point of demarcation in the history of the nuclear arms race, the first-strike counterforce threshold. Once this strategic Rubicon has been crossed, the arsenals of both the United States and the Soviet Union will be assumed to be highly vulnerable to surprise attack. As a result, efforts to control the momentum and direction of the arms race will be vastly complicated; the possibility for accidental war will substantially increase.

The mistrust between the United States and the Soviet Union will continue to grow. The new strategic age will be characterized by a world bristling with time-urgent, offensive weapons entailing dramatic loss of effective human control over their use, the increasing transfer of such control to computers programed to respond in minutes to nuclear threats both real and imagined, and the movement of war technology into space. This strategic posture on both sides promises to be exacerbated further by unpredictable United States-Soviet geopolitical rivalry over increasingly scarce resources.

Like nitroglycerin coating a matchstick, this layering of military advances over global economic uncertainty will likely fuse into a volatile, potentially explosive whole.

These trends seem ominous and unmistakable. Only an innovative and unprecedented agreement between the Reagan administration and the increasingly embattled Soviet leadership can bring stability to the nuclear balance.

Instead of soberly assessing the strategic, political, and economic vulnerability of the U.S.S.R., the United States bemoans the death of U.S. strategic superiority. This self-destructive lament is increasingly reminiscent of the bomber and missile gaps of earlier decades. We again seem bent on elevating world perceptions of Soviet strategic power to underserved heights and unnecessarily weakening our own image in the eyes of our allies and enemies.

It is critical to note that 147 times within the past 20 months, U.S. computer malfunctions have signaled a Soviet strategic attack. Four of these incidents were severe enough to result in orders to strategic forces to increase their state of alert. On November 9, 1979, for example, a mistake caused by a programing error led to the signaling of a Soviet submarine-launched attack. According to Pentagon sources, it took 6 minutes for U.S. command authorities to make a positive identification of the mistake.

The fundamental failure of the SALT process rests with its inability to throttle the engine driving the arms race; it has failed to deal with weapons-related scientific advancement combined with a great increase in the number of warheads.

In 1960, both sides together had 6,500 nuclear weapons; today they have perhaps 16,000. By the time SALT II would have ended in 1985, there would have been 22,500-24,400 total strategic warheads. Little wonder that there was only a strange, half-hearted support for a document under which the nuclear arsenals would, in the name of "strategic arms limitation," be expanded beyond the present total, which has an explosive equivalent of some 1 million Hiroshima-sized bombs.

Along with the failure to control the number of weapons, the SALT process has been notably weak in addressing the technological breakthroughs that have begun to complicate the process of arms control. Like a paper clip holding together a charged circuit, the treaty offered at best a precarious solution to a fundamentally dangerous condition. Hence, even in a decade governed by SALT II, both sides would pass well beyond the first-strike counterforce threshold.

A decade shadowed by the high-tension brinkmanship of a first-strike world can be avoided. It will require, however, a historic decision to freeze the deployment of first-strike weaponry on both sides. It will also require an equally unprecedented decision to halt ongoing advances in weapons accuracy and realiability.

In short, it will require a nuclear moratorium.

The United States and the Soviet Union have never been as strategically equal as they are today. Congressional testimony from military experts makes reference to rough parity between the two countries. Moreover, this rough equality exists in a nuclear balance where neither side has yet acquired an effective first-strike capability. The new arms race will make mincemeat of the present strategic balance. This then is a moment of historic opportunity.

The Reagan administration should move forcefully, therefore, to place a moratorium on further testing, deployment and production of strategic systems at the heart of the SALT negotiating process. Such a proposal should then give way to the deeper cuts advocated by President Reagan. It would place a strict ceiling on the arms race while offering profound opportunities for nuclear stability.

A moratorium on further deployment of additional missiles and bombers would effectively prevent large numbers of additional warheads from entering the arsenals of either the United States or the Soviet Union. Such a limitation on warhead numbers, combined with the diminution of confidence in the accuracies of MIRV'ed land- and sea-based missiles, will effectively prevent either side from crossing the first-strike threshold.

The political, strategic, and economic benefits flowing from a moratorium agreement would be unprecendented. The United States would benefit from the moratorium concept because the agreement would prevent further deployment of existing or new-generation Soviet SS-18 heavy rockets, as well as the large SS-17 and SS-19 missiles. Combined with the loss of confidence in first-strike advantage, resulting from the ban on flight testing, this would substantially diminish the danger of a Soviet first-strike threat. This, in turn, would lessen the need for a complex and enormously expensive MX system. This would save the United States an absolute minimum of $50 billion, which could be redirected toward neglected U.S. conventional defense needs or our growing dependency on foreign oil. Additional costs savings associated with the moratorium would easily measure in the tens of billions of dollars through 1986.

The moratorium agreement would be a temporary firebreak, encircling and containing a weapons race threatening to rage out of control. Once the agreement had controlled armaments and technological advances at present strategic levels, the intervening years would be used to negotiate a specifically phased, balanced reduction of weapons. Particular emphasis should be placed on time-urgent MIRV'ed missile forces on both sides.

The moratorium benefits from its conceptual simplicity. The Carter administration experienced great difficulties in gaining the American people's acceptance of SALT II. The moratorium concept, on the other hand, has the inestimable political virtue of simplicity. Its benefits to mankind are readily apparent to mankind itself, rather than to only a select handful of scientists and strategic analysts. There would be no mistaking the moral implications of an agreement to stop the arms race, and an intense national and international campaign for ratification could be effectively mounted. To a world now cowering in the face of the awesome dangers and technological complexities of the arms race, a moratorium would symbolize hope.

Critics are likely to charge that the moratorium will be rejected outright by the Soviet Union. They will point to Soviet rejection of the so-called deep-cut proposal by the Carter administration in March 1977. Close analysis of this proposal, however, reveals that it was almost certainly interpreted by Soviet leaders as locking them into a position of strategic inferiority. A moratorium today would establish a far more equal strategic balance.

By signing a nuclear moratorium agreement, the superpowers would present themselves with the legal and moral authority so essential to attacking the problem of nuclear proliferation in the developing world.

The momentum which this simple but practical idea has gained in communities and houses of worship across the land is as heartwarming as it is inspirational. For it is a sad commentary on the health of our Nation that we remain numb, immobilized to this absolute threat to the Earth. As each day passes, we inch toward global suicide. We invest billions, our best minds, and God's precious resources to transform the greatest nightmare imaginable into reality. It must stop. Now. Only from this point can we begin the work of reducing and, finally, eliminating nuclear weapons. I say to my friends who think such an idea unrealistic, show me the realism in the mentality which now prevails and tells us that nuclear war is thinkable, containable, and survivable. Show me how it can possibly be justifiable to create weapons so destructive that sanction for the innocent is impossible. We stand by as children starve by the millions because we lack the capability and the will to eliminate hunger. Yet we have found the will to develop missiles capable of flying over the polar cap and landing within a few hundred yards of their destination. This is not innovation; it is a profound distortion of man's purpose on Earth.

We shall set our own course. President Eisenhower said, upon leaving office, that one of these days the people would make the governments of the world stand aside to let them have peace. We are taking a bold step in that direction today.

The Soviet Union and the United States are embarking on an arms race that will change the shape of strategic policy and enhance the possibility of nuclear war. This will be done in the name of strategic stability, but it is difficult to imagine a more tortuous path toward peace.

The nuclear path we are taking leads us through a precarious uncharted minefield. Leaders on both sides will inevitably be forced to make decisions over the continuance of modern civilization in brief moments of awesome tension: enormous numbers of weapons on Earth and in space will overwhelm meager efforts at arms control; weapons will have the capability of targeting and destroying the forces of the opposition in moments; the age will bristle with international tension over the acquisition of scarce resources and the proliferation of nuclear weapons to nations committed to defend their resources at all costs. Once surrounded by these dangers, it is possible that we could find our way safely out of this nuclear minefield. It is more likely that we would not.

But history has shown that moments of overreaching danger can also offer glimpses of unprecedented opportunity and hope. Doors remain open. Remarkable, unexplored opportunities exist. And if civilized man is increasingly frightened and anxious over the dangers of the modern age, it is also true that history has shown us to be graced with enormous reservoirs of energy and courage.

Our challenge now is to summon this courage and to renounce the growing sense of desperation that seems to close in on us all with each passing year. A future brilliant with the force of human energies and ideas awaits our decision to build the foundation of our survival.

Mr. President, I ask unanimous consent to have printed in the RECORD the first of a three-part series on nuclear war in the New Yorker, written by Jonathan Schell. It is an excellent, comprehensive article on the madness of nuclear war, and I urge my colleagues to read it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New Yorker, Feb. 1, 1982]

REFLECTIONS: THE FATE OF THE EARTH—A REPUBLIC OF INSECTS AND GRASS

Since July 16, 1945, when the first atomic bomb was detonated, at the Trinity test site, near Alamogordo, New Mexico, mankind has lived with nuclear weapons in its midst. Each year, the number of boms has grown, until now there are some fifty thousand warheads in the world, possessing the explosive yield of roughly twenty billion tons of TNT, or one million six hundred thousand times the yield of the bomb that was dropped by the United States on the city of Hiroshima, in Japan, less than a month after the Trinity explosion. These bombs were built as "weapons" for "war," but their significance greatly transcends war and all its causes and outcomes. They grew out of history, yet they threaten to end history. They were made by men, yet they threaten to annihilate man. They are a pit into which the whole world can fall—a nemesis of all human intentions, actions, and hopes. Only life itself, which they threaten to swallow up, can give the measure of their significance. Yet in spite of the immeasurable importance of nuclear weapons, the world has declined, on the whole, to think about them very much. We have thus far failed to fashion, or to discover within ourselves, an emotional or intellectual or political response to them. This peculiar failure of response, in which hundreds of millions of people acknowledge the presence of an immediate, unremitting threat to their existence and to the existence of the world they live in but do nothing about it—a failure in which both self-interest and fellow-feeling seem to have died—has itself been such a striking phenomenon that it has to be regarded as an extremely important part of the nuclear predicament as this has existed so far. Only very recently have there been signs, in Europe and in the United States, that public opinion has been stirring awake, and that ordinary people may be beginning to ask themselves how they should respond to the nuclear peril.

In what follows, I shall offer some thoughts on the origin and the significance of this predicament, on why we have so long resisted attempts to think about it (we even call a nuclear holocaust "unthinkable") or deal with it, and on the shape and magnitude of the choice that it forces upon us. But first I wish to describe the consequences for the world, insofar as these can be known, of a full-scale nuclear holocaust at the current level of global armament. We have lived in the shadow of nuclear arms for more than thirty-six years, so it does not seem too soon for us to familiarize ourselves with them—to acquaint ourselves with such matters as the "thermal pulse," the "blast wave," and the "three stages of radiation sickness." A description of a full-scale holocaust seems to be made necessary by the simple but basic rule that in order to discuss something one should first know what it is. A considerable number of excellent studies concentrating on various aspects of the damage that can be done by nuclear arms do exist, many of them written only in the last few years.

These include a report entitled "The Effects of Nuclear War," which was published in 1979 by the Congressional Office of Technology Assessment, and which deals chiefly with the consequences of a holocaust for the societies of the United States and the Soviet Union; the latest (1977) edition of the indispensable, classic textbook "The Effects of Nuclear Weapons," which is edited by Samuel Glasstone and Philip J. Dolan (hereafter I shall refer to it as "Glasstone") and was published jointly by the Department of Defense and the Energy Research and Development Administration, and which makes use of the government's findings from the bombing of Hiroshima and Nagasaki and from the American nuclear-test program to describe the characteristics and the destructive effects of nuclear explosions of all kinds; "Hiroshima and Nagasaki," a comprehensive study, carried out by a group of distinguished Japanese scientists and published here in 1981, of the consequences of the bombing of those two cities; "Long-Term Worldwide Effects of Multiple Nuclear-Weapons Detonations," a report on the global ecological consequences of a nuclear holocaust which was published in 1975 by the National Academy of Sciences (hereafter referred to as the N.A.S. report); a report of research conducted in 1974 and 1975 for the Department of Transportation's Climatic Impact Assessment Program on the consequences of manmade perturbances—including the explosion of nuclear weapons—of the earth's atmosphere; and "Survival of Food Crops and Livestock in the Event of Nuclear War," proceedings of a 1970 symposium held at Brookhaven National Laboratory, on Long Island, and sponsored by the Office of Civil Defense, the Atomic Energy Commission, and the Department of Agriculture, at which the effects of radiation from fallout on both domesticated and natural ecosystems were discussed. Drawing on these and other printed sources, and also on interviews that I conducted recently with a number of scientists, I have attempted to piece together an account of the principal consequences of a full-scale holocaust. Such an account, which in its nature must be both technical and gruesome, cannot be other than hateful to dwell on, yet it may be only by descending into this hell in imagination now that we can hope to escape descending into it in reality at some later time. The knowledge we thus gain cannot in itself protect us from nuclear annihilation, but without it we cannot begin to take the measures that can actually protect us—or, for that matter, even begin to think in an appropriate way about our plight.

The widespread belief that a nuclear holocaust would in some sense bring about the end of the world has been reflected in the pronouncements of both American and Soviet leaders in the years since the invention of nuclear weapons. For example, President Dwight Eisenhower wrote in a letter in 1956 that one day both sides would have to "meet at the conference table with the understanding that the era of armaments has ended, and the human race must conform its actions to this truth or die." More recently—at a press conference in 1974—Secretary of State Henry Kissinger said that "the accumulation of nuclear arms has to be constrained if mankind is not to destroy itself." And President Jimmy Carter said in his farewell address a year ago that after a nuclear holocaust "the survivors, if any, would live in despair amid the poisoned ruins of a civilization that had committed suicide." Soviet leaders have been no less categorical in their remarks. In late 1981, for example, the Soviet government printed a booklet in which it stated, "The Soviet Union holds that nuclear war would be a universal disaster, and that it would most probably mean the end of civilization. It may lead to the destruction of all mankind." In these and other statements, examples of which could be multiplied indefinitely, Soviet and American leaders have acknowledged the supreme importance of the nuclear peril. However, they have not been precise about what level of catastrophe they were speaking of, and a variety of different outcomes, including the annihilation of the belligerent nations, the destruction of "human civilization," the extinction of mankind, and the extinction of life on earth, have been mentioned, in loose rhetorical fashion, more or less interchangeably. No doubt, the leaders have been vague in part because of the difficulty of making reliable predictions about an event that has no precedent. Yet it seems important to arrive, on the basis of available information, at some judgment concerning the likelihood of these outcomes, for they are not the same. Nor, presumably, would the appropriate political response to all of them be the same. The annihilation of the belligerent nations would be a catastrophe beyond anything in history, but it would not be the end of the world.

The destruction of human civilization, even without the biological destruction of the human species, may perhaps rightly be called the end of the world, since it would be the end of that sum of cultural achievements and human relationships which constitutes what many people mean when they speak of "the world." The biological destruction of mankind would, of course, be the end of the world in a stricter sense. As for the destruction of all life on the planet, it would be not merely a human but a planetary end—the death of the earth. And although the annihilation of other forms of life could hardly be of concern to human beings once they themselves had been annihilated, this more comprehensive, planetary termination is nevertheless full of sorrowful meaning for us as we reflect on the possibility now, while we still exist. We not only live on the earth but also are of the earth, and the thought of its death, or even of its mutilation, touches a deep chord in our nature. Finally, it must be noted that a number of observers have, especially in recent years, denied that a holocaust would obliterate even the societies directly attacked. If this were so, then nuclear weapons, while remaining fearsome, would be qualitatively no different from other weapons of war, and the greater part of the nuclear predicament would melt away. (In the discussions of some analysts, nuclear attacks are made to sound almost beneficial. For example, one official of the Office of Civil Defense wrote a few years back that although it might be "verging on the macabre" to say so, "a nuclear war could alleviate some of the factors leading to today's ecological disturbances that are due to current high-population concentrations and heavy industrial production." According to a different, less sanguine view of things, this observation and other cheerful asides of the kind which crop up from time to time in the literature go well over the verge of the macabre.)

Anyone who inquires into the effects of a nuclear holocaust is bound to be assailed by powerful and conflicting emotions. Preeminent among these, almost certainly, will be an overwhelming revulsion at the tremendous scene of devastation, suffering, and death which is opened to view. And accompanying the revulsion there may be a sense of helplessness and defeat, brought about by an awareness of the incapacity of the human soul to take in so much horror. A nuclear holocaust, widely regarded as "unthinkable" but never as undoable, appears to confront us with an action that we can perform but cannot quite conceive. Following upon these first responses, there may come a recoil, and a decision, whether conscious or unconscious, not to think any longer about the possibility of a nuclear holocaust. (Since a holocaust is a wholly prospective rather than a present calamity, the act of thinking about it is voluntary, and the choice of not thinking about it is always available.) When one tries to face the nuclear predicament, one feels sick, whereas when one pushes it out of mind, as apparently one must do most of the time in order to carry on with life, one feels well again. But this feeling of well-being is based on a denial of the most important reality of our time, and therefore is itself a kind of sickness. A society that systematically shuts its eyes to an urgent peril to its physical survival and fails to take any steps to save itself cannot be called psychologically well. In effect, whether we think about nuclear weapons or avoid thinking about them, their presence among us makes us sick, and there seems to be little of a purely mental or emotional nature that we can do about it.

A part of our quandary may lie in the fact that even a denial of the reality stems from what is, in a sense, a refusal to accept nuclear annihilation; that is, a refusal to accept even in imagination what Dr. Robert Jay Lifton, the author of pioneering studies of the psychology of the nuclear predicament, has appropriately called an "immersion in death." As such, the denial may have intermixed in it something that is valuable and worthy of respect. Like active revulsion and protest against nuclear weapons, a denial of their reality may spring—in part, at least—from a love of life, and since a love of life may ultimately be all that we have to pit against our doom, we cannot afford thoughtlessly to tear aside any of its manifestations. Because denial is a form of self-protection, if only against anguishing thoughts and feelings, and because it contains something useful, and perhaps even, in its way, necessary to life, anyone who invites people to draw aside the veil and look at the peril face to face is at risk of trespassing on inhibitions that are a part of our humanity. I hope in this article to proceed with the utmost possible respect for all forms of refusal to accept the unnatural and horrifying prospect of a nuclear holocaust.

When men split the nucleus of the atom, they unleashed into terrestrial nature a basic energy of the cosmos—the energy latent in mass—which had never before been active in any major way on earth. Until then, this energy had been kept largely within the nucleus by a force known to physicists as the strong force, which is the glue that holds the nucleus of an atom together, and is by far the strongest of the four basic forces that determine the behavior of all matter in the universe. The strong force and what is called the weak force are chiefly responsible for the static properties of nuclei.

The two others, which, being outside the nucleus, had until the explosion of nuclear weapons been responsible for virtually all life and motion on earth since the earth's formation, four and a half billion years ago, are the electromagnetic force, which is responsible for, among other things, all chemical bonds, and the gravitational force, which is a force of attraction between masses. It is largely because strong-force reactions, in which the energy in mass is released, were almost entirely excluded from terrestrial affairs (one of the few exceptions is a spontaneous nuclear chain reaction that once broke out in a West African uranium deposit) and because weak-force reactions (manifested in the decay of radioactive materials) were inconspicuous enough to go mostly unnoticed that the two great conservation laws of nineteenth-century physics—the law of the conservation of energy and the law of the conservation of mass—appeared to physicists of that time to hold true. Nineteenth-century science believed that mass and energy constituted separate, closed systems, in which the amount of each remained forever constant, no matter what transformations each might undergo. It was not until twentieth-century physicists, pursuing their investigations into the realms of the irreducibly small and the unexceedably large, examined the properties of energy, mass, time, and space in the subatomic realm and the cosmic realm that mass and energy were discovered to be interchangeable entities. The new relationship was governed by Albert Einstein's laws of relativity and by quantum theory, and these—not to go deeply into theoretical matters—can be described as general physical laws of the universe, of which the Newtonian laws proved to be limiting cases. (It is because the limits included almost all the middle-sized phenomena readily available to human inspection that the need for more encompassing laws was not felt until our century.)

Broadly speaking, Newtonian physics emerged as a human-scale or earthly-scale physics, valid for velocities and sizes commonly encountered by human senses, while relativity together with quantum theory was recognized as a universal physics, valid for all phenomena. (Something of the uncanny quality of modern physics' violation of common sense—by, for instance, the concept of "curved space"—inheres in the seemingly ungraspable, and therefore "unreal," power of nuclear weapons, whose construction is based on the new principles.) Likewise, the laws of conservation of mass and energy held, to a high degree of approximation, for most then observable earthly energies, masses, and velocities but broke down for the energies, masses, and velocities in the subatomic realm. Einstein noted, "It turned out that the inertia of a system necessarily depends on its energy content, and this led straight to the notion that inert mass is simply latent energy. The principle of the conservation of mass lost its independence and became fused with that of the conservation of energy." Of mass in its slow-moving, relatively unenergetic terrestrial state, Einstein remarked, "It is as though a man who is fabulously rich [i.e., mass] should never spend or give away a cent [i.e., of its energy]; no one could tell how rich he was," and on that ground Einstein excused his nineteenth-century predecessors for failing to notice what he called the "tremendous energy" in mass. By comparison with the forms of energy active on earth during its first four and a half billion years, the amount of energy latent in mass was indeed tremendous.

The rate of conversion of mass into energy is given by Einstein's formula $E=mc^2$, or energy equals mass times the speed of light squared—a formula that has won what is, considering the fateful importance it has assumed for the survival of human life, a well-justified place in popular folklore. Since the speed of light is over a hundred and eighty-six thousand miles per second—the greatest velocity attainable by anything in the universe—the value in energy obtained from the transformation of even small quantities of mass is extremely high. For example, the amount of mass expended in the destruction of Hiroshima was about a gram—or one-thirtieth of an ounce. (The bomb itself, a complex machine, weighed four tons.) It would have required twelve thousand five hundred tons of TNT to release the same amount of energy. You might say that the energy yielded by application of the universal physics of the twentieth century exceeds the energy yielded by that of the terrestrial, or planetary, physics of the nineteenth century as the cosmos exceeds the earth. Yet it was within the earth's comparatively tiny, frail ecosphere that mankind released the newly tapped cosmic energy. In view of this scientific background, President Harry Truman was speaking to the point when, in his announcement that the United States had dropped an atomic bomb on Hiroshima, he told the world that "the basic power of the universe" had been harnessed for war by the United States, and added that "the force from which the sun draws its powers has been loosed against those who brought war to the Far East." The huge—the monstrous—disproportion between "the basic power of the universe" and the merely terrestrial creatures by which and against which it was aimed in anger defined the dread predicament that the world has tried, and failed, to come to terms with ever since.

It was fortunate for earthly life that it grew up sheltered from strong-force reactions and from the nuclear energies that they release; in fact, it is doubtful whether life could have developed at all on earth if it had somehow been conditioned by continuous strong-force reactions. These release enormous bursts of energy themselves, but they also set the stage for the protracted release of energy by the other nuclear force—the weak force—in the form of nuclear radiation. When an atomic nucleus is split, releasing energy, various unstable isotopes are produced, and these new nuclei, acting under the influence of the weak force, decay, emitting radioactivity into the environment. Most of the radioactivity that occurs naturally on earth is emitted by radioactive isotopes created in strong-force reactions that occurred before the formation of the earth—in early supernovae or at the beginning of the universe, when atoms were taking shape—and by new unstable isotopes that are the products of this radioactivity. (A smaller amount of radioactivity is being continually created by the bombardment of the earth with cosmic rays.) The original radioactive isotopes are like clocks that were wound up once and have been running down ever since. Their numbers have been decreasing as their nuclei have decayed and become stable, with each species dwindling at a precise and different rate. Left to itself, the planet's supply of radioactivity would, over billions of years, have gradually declined. But when man began to split the nuclei of atoms, in bombs and in nuclear reactors, he began to create fresh batches of radioactive materials, and these, like new clocks set ticking, emitted new radiation as they also began to dwindle away toward stability. (Testing in the atmosphere was banned by treaty in 1963—France and China did not concur and have since held atmospheric tests—but before that it increased the background radiation of the earth. As a result, the present annual per-capita radiation dose in the United States is four and a half percent above the natural background level for this country.) In general magnitude, the energy of radioactive emissions greatly overmatches the strength of the chemical bonds that hold living things together.

The vulnerability to radioactivity of genetic material, in particular, is well known. It is perhaps not surprising that when cosmic energies are turned loose on a small planet, overwhelming destruction is the result. Einstein was only one among many far-seeing people to express an understanding of this fundamental mismatch of strengths when he stated, in 1950, as he contemplated the likely detonation of a hydrogen—or thermonuclear—bomb (the first one was actually exploded, by the United States in the fall of 1952), that "radioactive poisoning of the atmosphere and hence annihilation of any life on earth has been brought within the range of technical possibilities."

The path of scientific discovery from Einstein's formulation, in 1905 for the conversion of mass into energy to the actual release by man of nuclear energy—a path in which the principles of quantum mechanics had to be developed and the basic structure of matter had to be unfolded—took several decades to travel. As late as the early nineteen-thirties, many of the best-qualified scientists had no notion that the nucleus of the atom could be fissioned. But in 1938 two Austrian physicists, Lise Meitner and Otto Frisch, correctly interpreting the results of some earlier experiments, announced that if uranium atoms were bombarded with neutrons they would split—or fission—into nearly equal parts, forming new elements and releasing some of their mass as energy, the amount being calculable by Einstein's renowned equation. The next step in obtaining usable energy from matter would be to bring about a chain reaction of fissioning uranium atoms, and this was undertaken in 1939 by the United States government, first under the auspices of an Advisory Committee on Uranium and later by the secret, multi-billion-dollar program known as the Manhattan Project, whose aim was to build an atomic bomb for use by the Allies in the Second World War.

When a uranium nucleus is split, it releases several neutrons at high velocity. In a chain reaction, the neutrons released split other nuclei, which, in turn, release other neutrons, and these neutrons split still further nuclei, and so on—in a series that ends only when the available material is used up or dispersed. In some substances, such as uranium-235 or plutonium-239, a spontaneous chain reaction will start when enough of the material—a quantity known as a critical mass—is assembled in one place. But a chain reaction does not necessarily make a bomb. For an explosion to occur, the reaction has to go on long enough for explosive energies to build up before the immensely rapid expansion of the fissionable material brought about by the energy released in the chain reaction terminates the reaction. The required prolongation can be produced by sudden compression of the fissionable material to a very high density. Then the neutrons, flying about among the more tightly packed atoms, will spawn a larger number of "generations" of fissioned nuclei before the chain reaction is halted by dispersion. Since the number of fissions increases exponentially with each new generation, a huge amount of energy is created very rapidly in the late generations of the reaction. According to Glasstone, the release of energy equivalent to one hundred thousand tons of TNT would require the creation of fifty-eight generations before the reaction ended, and ninety-nine and nine-tenths per cent of the energy would be released in the last seven generations. Since each generation would require no more than a hundred-millionth of a second, this energy would be released in less than a tenth of a millionth of a second. ("Clearly," Glasstone remarks "most of the fission energy is released in an extremely short period.")

In a fission reaction, energy is released in an expenditure of mass. Each atom contains a balance of forces and energies. Within the nucleus, the "tremendous energy" latent in mass is kept out of general circulation by the binding action of the strong force, holding the particles of the nucleus—its protons and neutrons—together. The strong force, however, is opposed by positive electrical charges that are carried by the protons in the nucleus and tend to drive the protons apart. The nuclei of the heaviest atoms, such as uranium and plutonium, are the least tightly bound together, because they contain the largest numbers of protons and so the electrical repulsion is greatest in them. (In fact, the presence of the disintegrative pressure of the electrical force within nuclei, which increases with the number of protons, forms an upper limit to the size of nuclei; there is a point beyond which they cannot cohere for any length of time.) Because of the relative weakness of the binding force in the heaviest nuclei, they are the best for fissioning. When the nucleus of an atom of uranium-235 is struck by a neutron, the binding grip of the strong force is loosed, electrical repulsion takes over, the nucleus divides, and its fragments are driven apart with an energy of motion which, in obedience to Einstein's equation, is equal to the amount of the mass lost times the speed of light squared.

Energy can also be released by fusion, which is the basis for the hydrogen bomb. To cause fusion, nuclei must be driven against one another with such velocity that the electrical repulsion between their respective protons is overcome and the strong force can act to bind them together into new nuclei. The best nuclei for fusion are the lightest—those of hydrogen and its isotopes and the elements nearest them in mass, because, having the fewest protons, they have the smallest amount of electrical repulsion to overcome. Dr. Henry Kendall, who teaches physics at the Massachusetts Institute of Technology and guides research in particle physics there, and who, as chairman of the Union of Concerned Scientists, has for many years devoted much of his time and attention to the nuclear question in all its aspects, recently described to me what happens in a fusion reaction. "Let a small rounded depression—or 'well,' to use the proper physical term—in a level board stand for a nucleus, and let a much smaller steel ball stand for a particle," he said. "If you roll the ball along the board at the well, it will travel down one side of the well, up the other, and out again. On the other hand, if you start the ball rolling at a point partway down one side of the well, it will rise to an equal height on the other side, then return to its starting point, and, barring other influences, continue to oscillate like that forever. This is a good representation of the bound state of the particle in the nucleus. The problem of fusion is to introduce the steel ball into the well from the outside and have it remain there in the bound state instead of shooting out the other side. It can do this only by somehow *giving up* energy. In fusion, we give the name 'binding energy' to the amount that must be given up for the outside particle to become bound in the well. A good example of this loss of energy occurs in the fusion of deuterium and tritium, two isotopes of hydrogen. The tritium nucleus contains one proton and two neutrons, and the deuterium nucleus contains one proton and one neutron, for a total of five particles. In the fusion of these isotopes, four of the particles—two neutrons and two protons—hang together very tightly, and are able to swat out the remaining neutron with incredible violence, thus getting rid of the necessary amount of energy. And this is the energy that a fusion reaction releases. Once the four other particles have done that, they can run around in their hole undisturbed. But in order for this or any fusion reaction to take place the nuclei have to be driven very close together. Only then can the strong force reach out its stubby but powerful arms in the giant handshake that fuses the nuclei together and unleashes the explosive energy of the hydrogen bomb."

Fission and fusion can occur in a great many forms, but in all of them mass is lost, the grip of the strong force is tightened on the products of the reaction, and energy is released. A typical hydrogen bomb is a four-stage device. In the first stage, a conventional explosion is set off; in the second stage, the conventional explosion initiates a fission reaction, which is, in fact, an atomic bomb; in the third stage, the heat from the atomic bomb initiates a fusion reaction; and in the fourth stage neutrons from the fusion reaction initiate additional fission, on a scale vastly greater than the first, in a surrounding blanket of fissionable material. In my conversation with Dr. Kendall, he described the explosion of an average hydrogen bomb to me in somewhat more detail. "The trigger," he said, "consists of a carefully fashioned, subcritical, spherical piece of plutonium, with a neutron-initiator device in its interior and a high-explosive jacket surrounding it. Things begin when detonators all over the sphere of the high-explosive jacket go off—as nearly simultaneously as the design permits. Now the high-explosive jacket explodes and sends a shock wave travelling inward in a shrinking concentric sphere, and gaining in force and temperature as it proceeds. When its leading edge reaches the plutonium core, there is an abrupt jump in pressure, which squeezes the plutonium in on all sides with great precision. The pressure makes the plutonium go from subcritical to supercritical. At this point, the neutron initiator fires, and the chain reaction begins. The trick is to compress the plutonium as much as possible as quickly as possible, because then more generations of nuclei will be fissioned, and more energy will be released, before the explosion, in effect, blows itself out. When that happens, all the energy from the plutonium trigger will have been released, and particles whose atomic identity has been lost will be boiling and surging in an expanding sphere whose temperature exceeds stellar level. In all the universe, temperatures of equal heat are to be found only in such transient phenomena as exploding supernovae. Now the fusion—otherwise known as the thermonuclear reaction, because of the extreme heat needed to initiate it—can begin. The fusion fuels—lithium and isotopes of hydrogen—fly around with such velocity that they can simply coast right into one another, spitting out nuclear particles as they fuse. This is not a chain reaction, but again the explosion is stopped by the expansion caused by its own heat. By the time that happens, however, the last stage—the fissioning, by neutrons released both by the fission trigger and by the fusion reaction, of the surrounding blanket of material, which might be uranium-238—is under way. There is basically no limit to the size or yield of a thermonuclear weapon. The only limits on a bomb's destructive effect are the earth's capacity to absorb the blast."

Whereas most conventional bombs produce only one destructive effect—the shock wave—nuclear weapons produce many destructive effects. At the moment of the explosion, when the temperature of the weapon material, instantly gasified, is at the superstellar level, the pressure is millions of times the normal atmospheric pressure. Immediately, radiation, consisting mainly of gamma rays, which are a very high-energy form of electromagnetic radiation, begins to stream outward into the environment. This is called the "initial nuclear radiation," and is the first of the destructive effects of a nuclear explosion. In an air burst of a one-megaton bomb—a bomb with the explosive yield of a million tons of TNT, which is a medium-sized weapon in present-day nuclear arsenals—the initial nuclear radiation can kill unprotected human beings in an area of some six square miles. Virtually simultaneously with the initial nuclear radiation, in a second destructive effect of the explosion, an electromagnetic pulse is generated by the intense gamma radiation acting on the air. In a high-altitude detonation, the pulse can knock out electrical equipment over a wide area by inducing a powerful surge of voltage through various conductors, such as antennas, overhead power lines, pipes, and railroad tracks. The Defense Department's Civil Preparedness Agency reported in 1977 that a single multikiloton nuclear weapon detonated one hundred and twenty-five miles over Omaha, Nebraska, could generate an electromagnetic pulse strong enough to damage solid-state electrical circuits throughout the entire continental United States and in parts of Canada and Mexico, and thus threaten to bring the economies of these countries to a halt. When the fusion and fission reactions have blown themselves out, a fireball takes shape. As it expands, energy is absorbed in the form of X rays by the surrounding air, and then the air re-radiates a portion of that energy into the environment in the form of the thermal pulse—a wave of blinding light and intense heat—which is the third of the destructive effects of a nuclear explosion. (If the burst is low enough, the fireball touches the ground, vaporizing or incinerating almost everything within it.) The thermal pulse of a one-megaton bomb lasts for about ten seconds and can cause second-degree burns in exposed human beings at a distance of nine and a half miles, or in an area of more than two hundred and eighty square miles, and that of a twenty-megaton bomb (a large weapon by modern standards) lasts for about twenty seconds and can produce the same consequences at a distance of twenty-eight miles, or in an area of two thousand four hundred and sixty square miles. As the fireball expands, it also sends out a blast wave in all directions, and this is the fourth destructive effect of the explosion. The blast wave of an air-burst one-megaton bomb can flatten or severely damage all but the strongest buildings within a radius of four and a half miles, and that of a twenty-megaton bomb can do the same within a radius of twelve miles. As the fireball burns, it rises, condensing water from the surrounding atmosphere to form the characteristic mushroom cloud. If the bomb has been set off on the ground or close enough to it so that the fireball touches the surface, in a so-called ground burst, a crater will be formed, and tons of dust and debris will be fused with the intensely radioactive fission products and sucked up into the mushroom cloud. This mixture will return to earth as radioactive fallout, most of it in the form of fine ash, in the fifth destructive effect of the explosion. Depending upon the composition of the surface, from forty to seventy per cent of this fallout—often called the "early" or "local" fallout—descends to earth within about a day of the explosion, in the vicinity of the blast and downwind from it, exposing human beings to radiation disease, an illness that is fatal when exposure is intense. Air bursts may also produce local fallout, but in much smaller quantities. The lethal range of the local fallout depends on a number of circumstances, including the weather, but under average conditions a one-megaton ground blast would, according to the report by the Office of Technology Assessment, lethally contaminate over a thousand square miles. (A lethal dose, by convention, is considered to be the amount of radiation that, if delivered over a short period of time, would kill half the able-bodied young adult population.)

The initial nuclear radiation, the electromagnetic pulse, the thermal pulse, the blast wave, and the local fallout may be described as the local primary effects of nuclear weapons. Naturally, when many bombs are exploded the scope of these effects is increased accordingly. But in addition these primary effects produce innumerable secondary effects on societies and natural environments, some of which may be even more harmful than the primary ones. To give just one example, nuclear weapons, by flattening and setting fire to huge, heavily built-up areas, generate mass fires, and in some cases these may kill more people that the original thermal pulses and blast waves. Moreover, there are—quite distinct from both the local primary effects of individuals bombs and their secondary effects—global primary effects, which do not become significant unless thousands of bombs are detonated all around the earth. And these global primary effects produce innumerable secondary effects of their own throughout the ecosystem of the earth as a whole. For a full-scale holocaust is more than the sum of its local parts; it is also a powerful direct blow to the ecosphere. In that sense, a holocaust is to the earth what a single bomb is to a city. Three grave direct global effects have been discovered so far. The first is the "delayed," or "worldwide," fallout. In detonations greater than one hundred kilotons, part of the fallout does not fall to the ground in the vicinity of the explosion but rises high into the troposphere and into the stratosphere, circulates around the earth, and then, over months or years, descends, contaminating the whole surface of the globe—although with doses of radiation far weaker than those delivered by the local fallout. Nuclear-fission products comprise some three hundred radioactive isotopes, and though some of them decay to relatively harmless levels of radioactivity within a few hours, minutes, or even seconds, others persist to emit radiation for up to millions of years. The short-lived isotopes are the ones most responsible for the lethal effects of the local fallout, and the long-lived ones are responsible for the contamination of the earth by stratospheric fallout. The energy released by all fallout from a thermonuclear explosion is about five per cent of the total. By convention, this energy is not calculated in the stated yield of a weapon, yet in a ten-thousand-megaton attack the equivalent of five hundred megatons of explosive energy, or forty thousand times the yield of the Hiroshima bomb, would be released in the form of radioactivity. This release may be considered a protracted afterburst, which is dispersed into the land, air, and sea, and into the tissues, bones, roots, stems, and leaves of living things, and goes on detonating there almost indefinitely after the explosion. The second of the global effects that have been discovered so far is the lofting, from ground bursts, of millions of tons of dust into the stratosphere; this is likely to produce general cooling of the earth's surface. The third of the global effects is a predicted partial destruction of the layer of ozone that surrounds the entire earth in the stratosphere. A nuclear fireball, by burning nitrogen in the air, produces large quantities of oxides of nitrogen. These are carried by the heat of the blast into the stratosphere, where, through a series of chemical reactions, they bring about a depletion of the ozone layer. Such a depletion may persist for years. The 1975 N.A.S. report has estimated that in a holocaust in which ten thousand megatons were detonated in the Northern Hemisphere the reduction of ozone in this hemisphere could be as high as seventy per cent and in the Southern Hemisphere as high as forty per cent, and that it could take as long as thirty years for the ozone level to return to normal. The ozone layer is crucial to life on earth, because it shields the surface of the earth from lethal levels of ultraviolet radiation, which is present in sunlight. Glasstone remarks simply, "If it were not for the absorption of much of the solar ultraviolet radiation by the ozone, life as currently known could not exist except possibly in the ocean." Without the ozone shield, sunlight, the life-giver, would become a life-extinguisher. In judging the global effects of a holocaust, therefore, the primary question is not how many people would be irradiated, burned, or crushed to death by the immediate effects of the bombs but how well the ecosphere, regarded as a single living entity, on which all forms of life depend for their continued existence, would hold up. The issue is the habitability of the earth, and it is in this context, not in the context of the direct slaughter of hundreds of millions of people by the local effects, that the question of human survival arises.

Usually, people wait for things to occur before trying to describe them. (Futurology has never been a very respectable field of inquiry.) But since we cannot afford under any circumstances to let a holocaust occur, we are forced in this one case to become the historians of the future—to chronicle and commit to memory an event that we have never experienced and must never experience. This unique endeavor, in which foresight is asked to perform a task usually reserved for hindsight, raises a host of special difficulties. There is a categorical difference, often overlooked, between trying to describe an event that has already happened (whether it is Napoleon's invasion of Russia or the pollution of the environment by acid rain) and trying to describe one that has yet to happen—and one, in addition, for which there is no precedent, or even near-precedent, in history. Lacking experience to guide our thoughts and impress itself on our feelings, we resort to speculation. But speculation, however brilliantly it may be carried out, is at best only a poor substitute for experience. Experience gives us facts, whereas in pure speculation we are thrown back on theory, which has never been a very reliable guide to future events. Moreover, experience engraves its lessons in our hearts through suffering and the other consequences that it has for our lives; but speculation leaves our lives untouched, and so gives us leeway to reject its conclusions, no matter how well argued they may be. (In the world of strategic theory, in particular, where strategists labor to simulate actual situations on the far side of the nuclear abyss, so that generals and statesmen can prepare to make their decisions in case the worst happens, there is sometimes an unfortunate tendency to mistake pure ratiocination for reality, and to pretend to a knowledge of the future that it is not given to human beings to have.) Our knowledge of the local primary effects of the bombs, which is based both on the physical principles that made their construction possible and on experience gathered from the bombings of Hiroshima and Nagasaki and from testing, is quite solid. And our knowledge of the extent of the local primary effects of many weapons used together, which is obtained simply by using the multiplication table, is also solid: knowing that the thermal pulse of a twenty-megaton bomb can give people at least second-degree burns in an area of two thousand four hundred and sixty square miles, we can easily figure out that the pulses of a hundred twenty-megaton bombs can give people at least second-degree burns in an area of two hundred and forty-six thousand square miles. Nevertheless, it may be that our knowledge even of the primary effects is still incomplete, for during our test program new ones kept being discovered. One example is the electromagnetic pulse, whose importance was not recognized until around 1960, when, after more than a decade of tests, scientists realized that this effect accounted for unexpected electrical failures that had been occurring all along in equipment around the test sites. And it is only in recent years that the Defense Department has been trying to take account strategically of this startling capacity of just one bomb to put the technical equipment of a whole continent out of action.

When we proceed from the local effects of single explosions to the effects of thousands of them on societies and environments, the picture clouds considerably, because then we go beyond both the certainties of physics and our slender base of experience, and speculatively encounter the full complexity of human affairs and of the biosphere. Looked at in its entirety, a nuclear holocaust can be said to assail human life at three levels: the level of individual life, the level of human society, and the level of the natural environment—including the environment of the Earth as a whole. At none of these levels can the destructiveness of nuclear weapons be measured in terms of firepower alone. At each level, life has both considerable recuperative powers, which might restore it even after devastating injury, and points of exceptional vulnerability, which leave it open to sudden, wholesale, and permanent collapse, even when comparatively little violence has been applied. Just as a machine may break down if one small part is removed, and a person may die if a single artery or vein is blocked, a modern technological society may come to a standstill if its fuel supply is cut off, and an ecosystem may collapse if its ozone shield is depleted. Nuclear weapons thus do not only kill directly, with their tremendous violence, but also kill indirectly, by breaking down the man-made and the natural systems on which individual lives collectively depend. Human beings require constant provision and care, supplied both by their societies and by the natural environment, and if these are suddenly removed people will die just as surely as if they had been struck by a bullet. Nuclear weapons are unique in that they attack the support systems of life at every level. And these systems, of course, are not isolated from each other but are parts of a single whole: ecological collapse, if it goes far enough, will bring about social collapse, and social collapse will bring about individual deaths. Furthermore, the destructive consequences of a nuclear attack are immeasurably compounded by the likelihood that all or most of the bombs will be detonated within the space of a few hours, in a single huge concussion. Normally, a locality devastated by a catastrophe, whether natural or man-made, will sooner or later receive help from untouched outside areas, as Hiroshima and Nagasaki did after they were bombed; but a nuclear holocaust would devastate the "outside" areas as well, leaving the victims to fend for themselves in a shattered society and natural environment. And what is true for each city is also true for the earth as a whole: a devastated earth can hardly expect "outside" help. The earth is the largest of the support systems for life, and the impairment of the earth is the largest of the perils posed by nuclear weapons.

The incredible complexity of all these effects, acting, interacting, and interacting again, precludes confident detailed representation of the events in a holocaust. We deal inevitably with approximations, probabilities, even guesses. However, it is important to point out that our uncertainty pertains not to whether the effects will interact, multiplying their destructive power as they do so, but only to how. It follows that our almost built-in bias, determined by the limitations of the human mind in judging future events, is to underestimate the harm. To fear interactive consequences that we cannot predict, or even imagine, may not be impossible, but it is very difficult. Let us consider, for example, some of the possible ways in which a person in a targeted country might die. He might be incinerated by the fireball or the thermal pulse. He might be lethally irradiated by the initial nuclear radiation. He might be crushed to death or hurled to his death by the blast wave or its debris. He might be lethally irradiated by the local fallout. He might be burned to death in a firestorm. He might be injured by one or another of these effects and then die of his wounds before he was able to make his way out of the devastated zone in which he found himself. He might die of starvation, because the economy had collapsed and no food was being grown or delivered, or because existing local crops had been killed by radiation, or because the local ecosystem had been ruined, or because the ecosphere of the earth as a whole was collapsing. He might die of cold, for lack of heat and clothing, or of exposure, for lack of shelter. He might be killed by people seeking food or shelter that he had obtained. He might die of an illness spread in an epidemic. He might be killed by exposure to the sun if he stayed outside too long following serious ozone depletion. Or he might be killed by any combination of these perils. But while there is almost no end to the ways to die in and after a holocaust, each person has only one life to lose: someone who has been killed by the thermal pulse can't be killed again in an epidemic. Therefore, anyone who wishes to describe a holocaust is always at risk of depicting scenes of devastation that in reality would never take place, because the people in them would already have been killed off in some earlier scene of devastation. The task is made all the more confusing by the fact that causes of death and destruction do not exist side by side in the world but often encompass one another, in widening rings. Thus, if it turned out that a holocaust rendered the earth uninhabitable by human beings, then all the more immediate forms of death would be nothing more than redundant preliminaries, leading up to the extinction of the whole species by a hostile environment. Or if a continental ecosystem was so thoroughly destroyed by a direct attack that it could no longer sustain a significant human population, the more immediate causes of death would again decline in importance. In much the same way, if an airplane is hit by gunfire, and thereby caused to crash, dooming all the passengers, it makes little difference whether the shots also killed a few of the passengers in advance of the crash. On the other hand, if the larger consequences, which are less predictable than the local ones, failed to occur, then the local ones would have their full importance again.

Faced with uncertainties of this kind, some analysts of nuclear destruction have resorted to fiction, assigning to the imagination the work that investigation is unable to do. But then the results are just what one would expect: fiction. An approach more appropriate to our intellectual circumstances would be to acknowledge a high degree of uncertainty as an intrinsic and extremely important part of dealing with a possible holocaust. A nuclear holocaust is an event that is obscure because it is future, and uncertainty, while it has to be recognized in all calculations of future events, has a special place in calculations of a nuclear holocaust, because a holocaust is something that we aspire to keep in the future forever, and never to permit into the present. You might say that uncertainty, like the thermal pulses or the blast waves, is one of the features of a holocaust. Our procedure, then, should be not to insist on a precision that is beyond our grasp but to inquire into the rough probabilities of various results insofar as we can judge them, and then to ask ourselves what our political responsibilities are in the light of these probabilities. This embrace of investigative modesty—this acceptance of our limited ability to predict the consequences of a holocaust—would itself be a token of our reluctance to extinguish ourselves.

There are two further aspects of a holocaust which, though they do not further obscure the factual picture, nevertheless vex our understanding of this event. The first is that although in imagination we can try to survey the whole prospective scene of destruction, inquiring into how many would live and how many would die and how far the collapse of the environment would go under attacks of different sizes, and piling up statistics on how many square miles would be lethally contaminated, or what percentage of the population would receive first-, second-, or third-degree burns, or be trapped in the rubble of its burning houses, or be irradiated to death, no one actually experiencing a holocaust would have any such overview. The news of other parts necessary to put together that picture would be one of the things that were immediately lost, and each surviving person, his vision drastically foreshortened by the collapse of his world, and his impressions clouded by his pain, shock, bewilderment, and grief, would see only as far as whatever scene of chaos and agony happened to lie at hand. For it would not be only such abstractions as "industry" and "society" and "the environment" that would be destroyed in a nuclear holocaust; it would also be, over and over again, the small collections of cherished things, known landscapes, and beloved people that made up the immediate contents of individual lives.

The other obstacle to our understanding is that when we strain to picture what the scene would be like after a holocaust we tend to forget that for most people, and perhaps for all, it wouldn't be *like* anything, because they would be dead. To depict the scene as it would appear to the living is to that extent a falsification, and the greater the number killed, the greater the falsification. The right vantage point from which to view a holocaust is that of a corpse, but from that vantage point, of course, there is nothing to report.

The specific train of events that might lead up to an attack is, obviously, among the unpredictables, but a few general possibilities can be outlined. One would be a wholly accidental attack, triggered by human error or mechanical failure. On three occasions in the last couple of years, American nuclear forces were placed on the early stages of alert: twice because of the malfunctioning of a computer chip in the North American Air Defense Command's warning system, and once when a test tape depicting a missile attack was inadvertently inserted in the system. The greatest danger in computer-generated misinformation and other mechanical errors may be that one error might start a chain reaction of escalating responses between command centers, leading, eventually, to an attack. If in the midst of a crisis Country A was misled by its computers into thinking that Country B was getting ready to attack, and went on alert, Country B might notice this and go on alert in response. Then Country A, observing the now indubitably real alert of Country B, might conclude that its computers had been right after all, and increase its alert. This move would then be noticed by Country B, which would, in turn, increase its alert, and so on, until either the mistake was straightened out or an attack was launched. A holocaust might also be touched off by conventional or nuclear hostilities between smaller powers, which could draw in the superpowers. Another possibility would be a deliberate, unprovoked preemptive strike by one side against the other. Most observers regard an attack of this kind as exceedingly unlikely in either direction, but the logic of present nuclear strategy drives both sides to prepare to respond to one, for the central tenet of nuclear strategy is that each side will refrain from launching an all-out first strike against the other only it if knows that even after it has done so the other side will retain forces sufficient to launch an utterly devastating counterblow. What is more likely, in the opinion of many, is a preemptive strike launched in the midst of an international crisis. Neither quite planned (in the sense of being a cold-blooded, premeditated strike, out of the blue) nor quite accidental (in the sense of being caused by technical failure), such an attack would be precipitated by a combination on one side or both sides of belligerency, reckless actions, miscalculation, and fear of a first strike by the other side. Each side's possible fear of a first strike by the other side has become an element of increasing danger in recent years. Modern weapons, such as the Soviet SS-18 and SS-19 and the improved American Minuteman III missile and planned MX missile, have a greatly increased ability to destroy enemy missiles in their silos, thus adding to the incentive on both sides to strike first. The peril is that in a crisis either side, fearful of losing the preemptive advantage, would go ahead and order a first strike.

It was during an international crisis—the Cuban missile crisis, in 1962—that the world apparently came as close as it has yet come to a nuclear holocaust. On that occasion, and perhaps on that occasion alone, a dread of nuclear doom became palpable not only in the councils of power but among ordinary people around the world. At the height of the crisis, it is reported, President John Kennedy believed that the odds on the occurrence of a holocaust were between one out of three and even. In the memoir "Thirteen Days," Robert Kennedy, the President's brother, who was Attorney General at the time, and who advised the President in the crisis, offered a recollection of the moments of greatest peril. President Kennedy had ordered a blockade of all shipping to Cuba, where, American intelligence had found, the Soviet Union was emplacing missiles capable of carrying nuclear warheads. Missile crews in the United States had been placed on maximum alert. Now, at a few minutes after ten o'clock on the morning of October 24th, two Russian ships, accompanied by a Russian submarine, had approached to within a few miles of the blockade. Robert Kennedy wrote in his memoir:

"I think these few minutes were the time of gravest concern for the President. Was the world on the brink of a holocaust? Was it our error? A mistake? Was there something further that should have been done? Or not done? His hand went up to his face and covered his mouth. He opened and closed his fist. His face seemed drawn, his eyes pained, almost gray. We stared at each other across the table. For a few fleeting seconds, it was almost as though no one else was there and he was no longer the President.

"Inexplicably, I thought of when he was ill and almost died; when he lost his child; when we learned that our oldest brother had been killed; of personal times of strain and hurt. . . . We had come to the time of final decision. . . . I felt we were on the edge of a precipice with no way off. This time, the moment was now—not next week—not tomorrow, 'so we can have another meeting and decide;' not in eight hours, 'so we can send another message to Khrushchev and perhaps he will finally understand.' No, none of that was possible. One thousand miles away in the vast expanse of the Atlantic Ocean the final decisions were going to be made in the next few minutes. President Kennedy had initiated the course of events, but he no longer had control over them."

Any number of future crises that would lead to an attack can be pictured, but I would like to mention one possible category that seems particularly dangerous. In the theory of nuclear deterrence, each side would ideally deter attacks at every level of violence with a deterrent force at the same level. Thus, conventional attacks would be deterred with conventional forces, tactical attacks would be deterred with tactical forces, and strategic attacks would be deterred with strategic forces. The theoretical advantage of matching forces in this fashion would be that the opening moves in hypothetical hostilities would not automatically lead to escalation—for example, by leading the side weaker in conventional forces to respond to a conventional attack with nuclear weapons. However, the facts of geography make such ideal deterrent symmetry impracticable. The Soviet Union's proximity both to Western Europe and to the Middle East gives it a heavy conventional preponderance in those parts of the world. Therefore, throughout the postwar period it has been American policy to deter a Soviet conventional attack in Europe with tactical nuclear arms. And in January 1980 President Carter, in effect, extended the policy to include protection of the nations around the Persian Gulf. In his State of the Union address for 1980, Carter said, "An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America. And such an assault will be repelled by any means necessary, including military force." Since the United States clearly lacked the conventional power to repel a Soviet attack in a region near the borders of the Soviet Union, "any means" could refer to nothing but nuclear arms. The threat was spelled out explicitly shortly after the speech, in a story in the New York Times—thought to be a leak from the Administration—about a 1979 Defense Department "study," which, according to the Times, said that American conventional forces could not stop a Soviet thrust into northern Iran, and that "to prevail in an Iranian scenario, we might have to threaten or make use of tactical nuclear weapons." The words of this study put the world on notice that the use of nuclear arms not only was contemplated in past crises but will continue to be contemplated in future ones.

It is possible to picture a nuclear attack of any shape of size. An attack might use all the weapons at the attacker's disposal or any portion of them. It might be aimed at military targets, at industry, at the population, or at all or some combination of these. The attack might be mainly air-burst, and would increase the range of severe damage from the blast waves, or it might be mainly ground-burst, to destroy hard targets such as land-based nuclear missiles or command-and-control centers, or to deliver the largest possible amount of fallout, or it might combine air bursts and ground bursts in any proportion. It could be launched in the daytime or at night, in summer or in winter, with warning or without warning. The sequence of events once hostilities had begun also lies open. For example, it seems quite possible that the leaders of a nation that had just suffered a nuclear attack would be sparing in their response, tailoring it to political objectives rather than to the vengeful aim of wiping out the society whose leaders had launched the attack. On the other hand, they might retaliate with all the forces at their disposal, as they say they will do. Then again, the two sides might expend their forces gradually, in a series of ad-hoc "exchanges," launched in an atmosphere of misinformation and intellectual and moral disorientation. The state of mind of the decision-makers might be one of calm rationality, of hatred, of shock, of hysteria, or even of outright insanity. They might follow coldly reasoned scenarios of destruction to the letter, and exterminate one another in that way. Or, for all we are able to know now, having at first hardened their "resolve" to follow the scenarios through to the end, they might suddenly reverse themselves, and proceed to the negotiating table after only incompletely destroying one another. Lacking any experience of what decisions human beings make under full-scale nuclear attack, we simply do not know what they would do.

Not surprisingly, predictions of the course of an attack are subject to intellectual fashion (there being nothing in the way of experience to guide them). In the nineteen-sixties, for example, it was widely believed that the most important attack to deter was an all-out one, but in the last few years the idea that a "limited nuclear war" might be fought has come into vogue. (The concept of limited nuclear war also had an earlier vogue, in the late nineteen-fifties, when some strategists were seeking an alternative to Secretary of State John Foster Dulles's strategy of "massive retaliation.") The premise of the limited-war theory is that nuclear hostilities can be halted at some new equilibrium in the balance of forces, before all-out attacks have been launched. In particular, it has been argued recently by nuclear theorists that the Soviet Union is now able to launch a devastating first strike at American bombers and land-based missiles, leaving the United States in the unfavorable position of having to choose between using its less accurate submarine-based missiles to directly attack Soviet society—and thus risk a direct attack on its own society in return—and doing nothing. Rather than initiate the annihilation of both societies, it is argued, American leaders might acquiesce in the Soviet first strike. But there is something dream-like and fantastic in this concept of a wholly one-way nuclear strike, which, while leaving intact the power of the assaulted country to devastate the society of the aggressor, would somehow allow the aggressor to dictate terms. What seems to have been forgotten is that, unless one assumes that the adversary has gone insane (in which case not even the most foolproof scenarios can save us), military actions are taken with some aim in mind—for example, the aim of conquering a particular territory. This imagined first strike would in itself achieve nothing, and the moment the Soviet Union might try to achieve some actual advantage—for example, by marching into the Middle East to seize its oil fields—two or three nuclear weapons from among the thousands remaining in American arsenals would suffice to put a quick end to the undertaking. Or if the United States retaliated with only ten bombs on Soviet cities, holding back the rest, the Soviet Union would suffer unprecedented losses while gaining nothing. In other words, in this scenario—and, indeed, in any number of other scenarios for "limited nuclear war" which could be mentioned—strategic theory seems to have taken on a weird life of its own, in which the weapons are pictured as having their own quarrel to settle, irrespective of mere human purposes. In general, in the theoretically sophisticated but often humanly deficient world of nuclear strategic theory it is likely to be overlooked that the outbreak of nuclear hostilities in itself assumes the collapse of every usual restraint of reason and humanity. Once the mass killing of a nuclear holocaust had begun, the scruples, and even the reckonings of self-interest, that normally keep the actions of nations within certain bounds will by definition have been trampled down, and will probably offer little further protection for anybody. In the unimaginable mental and spiritual climate of the world at that point it is hard to imagine what force could be counted on to hold the world back from all-out destruction.

However, it would be misleading to suggest that once one nuclear weapon had been used it would be inevitable for all of them to be used. Rather, the point is that once a catastrophe that we now find "unthinkable" actually commenced, people would act in ways that are unforeseeably by theorists—or, for that matter, by the future actors themselves. Predictions about the size and form of a nuclear holocaust are really predictions about human decisions, and these are notoriously incalculable in advance—especially when the decisions in question are going to be made in the midst of unimaginable mayhem. Secretary of Defense Robert McNamara probably said the last word on this subject when he remarked before the House Armed Services Committee in 1963, in regard to a possible defense of Europe, that once the first tactical nuclear weapon had been used the world would have been launched into "a vast unknown." Therefore, in picturing a Soviet attack on the United States I shall not venture any predictions concerning the shape and size of the attack, since to do so, it seems to me, would be to pretend to a kind of knowledge that we are incapable of. Instead, I shall simply choose two basic assumptions—using the word to mean not predictions but postulates. The first assumption is that most of the Soviet strategic forces are used in the attack, and the second is that the attack is aimed at military facilities, industry, and the population centers of the United States. I have chosen these assumptions not because I "predict" an attack of this kind, which is the most damaging of the attacks that appear to have a likely chance of occurring, but because, in the absence of any basis for confident prediction, and, in particular, of any reliable assurance that an attack would remain "limited," they are the only assumptions that represent the full measure of our peril. At the very least, they are not far-fetched. The first assumption is supported by many statements by leaders on both sides. The Soviet government, which, of course, is one of the actors concerned, has frequently stated the view that nuclear hostilities cannot be limited, and Defense Secretary Harold Brown also said, in 1977, that a nuclear conflict probably could not be limited. Concerning the second assumption, the significant point is that the fundamental logic of the strategy of both sides is, in McNamara's words, to hold not just the military forces of the other side hostage but also its "society as a whole." Just how the strategists on both sides achieve this is unknown, but it seems unwarranted to suppose that there will be much relief for either population in the merciful sentiments of targeters.

A further set of assumptions that influence one's judgment of the consequences of a holocaust concerns the possibility of civil defense. These assumptions also depend in part on certain circumstances that are unknowable in advance, such as whether the attack occurs in the daytime or at night, but they also depend on circumstances that are more or less built into the situation, and can therefore be predicted. The two main components of a conceivable civil defense against nuclear attack are evacuation and sheltering. In a protracted crisis, a country might seek to protect its population by evacuating its cities and towns before any attack had actually been launched; but, for a variety of reasons, such a strategy seems impracticable or useless. To begin with, an enemy that was bent on attacking one's population might retarget its missiles against people in the places to which they had fled. Also, during the days of evacuation people would be more vulnerable to attack than they were even in their cities. (Probably the worst assumption regarding evacuation would be that the attack came while evacuation was under way.) A further disadvantage of a policy of evacuation is that it would offer the foe a means of utterly disrupting the society by threats alone, since an evacuated society would be one that had stopped functioning for any other purpose. Shelters appear to be no more promising than evacuation. The Soviet missiles closest to the United States, which are stationed on submarines several hundred miles from our shores, can deliver their warheads on coastal targets about ten minutes after they are fired, and on inland targets a few minutes later. The intercontinental ballistic missiles, which are all launched from within the Soviet Union, would arrive fifteen or twenty minutes after that. The bombers would arrive in several hours. But, according to the Arms Control and Disarmament Agency, it requires fifteen minutes after missiles have been launched for the earliest warnings to be given to the population. Even assuming—very optimistically, I think—that it would take only another fifteen minutes or so for any significant number of people to become aware of the warnings and go to shelters, a surprise attack would indeed catch the great majority of people by surprise.

For most people, however, the lack of any opportunity to proceed to shelters would be without importance in any case, since shelters, even if they existed, would be of no use. It is now commonly acknowledged that economically feasible shelters cannot provide protection against the blast, heat, intense radiation, and mass fires that would probably occur in densely populated regions of the country—that such shelters could save lives only in places that were subjected to nothing worse than modest amounts of fallout.

Furthermore, there is a very serious question whether many people would survive in the long run even if they did manage to save themselves in the short run by sealing themselves up in shelters for several weeks or months. Finally, it seems worth mentioning that, whatever the potential value of shelters might be, most existing ones either are situated in places where they are useless (in large cities, for example) or lack some or all of the following necessary equipment for an effective shelter: adequate shielding from radiation; air filters that would screen out radioactive particles; food and water to last as long as several months; an independent heating system, in places where winters are severe; medical supplies for the injured, sick, and dying, who might be in the majority in the shelters; radiation counters to measure levels of radiation outdoors, so that people could know when it was safe to leave the shelter and could determine whether food and drink were contaminated; and a burial system wholly contained within the shelter, in which to bury those who died of their injuries or illness during the shelter period.

Systems setting up evacuation procedures and shelters are often presented as humanitarian measures that would save lives in the event of a nuclear attack. In the last analysis, however, the civil-defense issue is a strategic, not a humanitarian, question. It is fundamental to the nuclear strategy of both the Soviet Union and the United States that each preserve the capacity to devastate the population of the other after itself absorbing the largest first strike that is within the other's capacity. Therefore, any serious attempt by either side to make its population safe from nuclear attack—assuming for the moment that this could be done—would be extremely likely to call forth a strategic countermove by the other side, probably taking the form of increased armament. Since the extraordinary power of modern weapons makes such compensation quite easy, it is safe to assume that for the foreseeable future the population of each side is going to remain exactly as vulnerable as the other side wants it to be.

The yardsticks by which one can measure the destruction that will be caused by weapons of different sizes are provided by the bombings of Hiroshima and Nagasaki and American nuclear tests in which the effects of hydrogen bombs with up to sixteen hundred times the explosive yield of the Hiroshima bomb were determined. The data gathered from these experiences make it a straightforward matter to work out the distances from the explosion at which different intensities of the various effects of a bomb are likely to occur. In the back of the Glasstone book, the reader will find a small dial computer that places all this information at his fingertips. Thus, if one would like to know how deep a crater a twenty-megaton ground burst will leave in wet soil one has only to set a pointer at twenty megatons and look in a small window showing crater size to find that the depth would be six hundred feet—a hole deep enough to bury a fair-sized skyscraper. Yet this small circular computer, on which the downfall of every city on earth is distilled into a few lines and figures, can, of course, tell us nothing of the huyman reality of nuclear destruction. Part of the horror of thinking about a holocaust lies in the fact that it leads us to supplant the human world with a statistical world; we seek a human truth and come up with a handful of figures. The only source that gives us a glimpse of that human truth is the testimony of the survivors of the Hiroshima and Nagasaki bombings. Because the bombing of Hiroshima has been more thoroughly investigated than the bombing of Nagasaki, and therefore more information about it is available, I shall restrict myself to a brief description of that catastrophe.

On August 6, 1945, at 8:16 a.m., a fission bomb with a yield of twelve and a half kilotons was detonated about nineteen hundred feet above the central section of Hiroshima. By present-day standards, the bomb was a small one, and in today's arsenals it would be classed among the merely tactical weapons. Nevertheless, it was large enough to transform a city of some three hundred and forty thousand people into hell in the space of a few seconds. "It is no exaggeration," the authors of "Hiroshima and Nagasaki" tell us, "to say that the whole city was ruined instantaneously." In that instant, tens of thousands of people were burned, blasted, and crushed to death. Other tens of thousands suffered injuries of every description or were doomed to die of radiation sickness. The center of the city was flattened, and every part of the city was damaged. The trunks of bamboo trees as far away as five miles from ground zero—the point on the ground directly under the center of the explosion—were charred. Almost half the trees within a mile and a quarter were knocked down. Windows nearly seventeen miles away were broken. Half an hour after the blast, fires set by the thermal pulse and by the collapse of the buildings began to coalesce into a firestorm, which lasted for six hours. Starting about 9 A.M. and lasting until late afternoon, a "black rain" generated by the bomb (otherwise, the day was fair) fell on the western portions of the city, carrying radioactive fallout from the blast to the ground. For four hours at midday, a violent whirlwind, born of the strange meterological conditions produced by the explosion, further devasted the city. The number of people who were killed outright or who died of their injuries over the next three months is estimated to be a hundred and thirty thousand. Sixty-eight per cent of the buildings in the city were either completely destroyed or damaged beyond repair, and the center of the city was turned into a flat, rubble-strewn plain dotted with the ruins of a few of the sturdier buildings.

In the minutes after the detonation, the day grew dark, as heavy clouds of dust and smoke filled the air. A whole city had fallen in a moment, and in and under its ruins were its people. Among those still living, most were injured, and of these most were burned or had in some way been battered or had suffered both kinds of injury. Those within a mile and a quarter of ground zero had also been subjected to intense nuclear radiation, often in lethal doses. When people revived enough from their unconsciousness or shock to see what was happening around them, they found that where a second before there had been a city getting ready to go about its daily business on a peaceful, warm August morning, now there was a heap of debris and corpses and a stunned mass of injured humanity. But at first, as they awakened and tried to find their bearings in the gathering darkness, many felt cut off and alone. In a recent volume of recollections by survivors called "Unforgettable Fire," in which the effects of the bombing are rendered in drawings as well as in words, Mrs. Haruko Ogasawara, a young girl on that August morning, recalls that she was at first knocked unconscious. She goes on to write:

"How many seconds or minutes had passed I could not tell, but, regaining consciousness, I found myself lying on the ground covered with pieces of wood. When I stood up in a frantic effort to look around, there was darkness. Terribly frightened, I thought I was alone in a world of death, and groped for any light. My fear was so great I did not think anyone would truly understand. When I came to my senses, I found my clothes in shreds, and I was without my wooden sandals."

Soon cries of pain and cries of help from the wounded filled the air. Survivors heard the voices of their families and their friends calling out in the gloom. Mrs. Ogasawara writes:

"Suddenly, I wondered what had happened to my mother and sister. My mother was then forty-five, and my sister five years old. When the darkness began to fade, I found that there was nothing around me. My house, the next door neighbor's house, and the next had vanished. I was standing amid the ruins of my house. No one was around. It was quiet, very quiet—an eerie moment. I discovered my mother in a water tank. She had fainted. Crying out, 'Mama, Mama,' I shook her to bring her back to her senses. After coming to, my mother began to shout madly for my sister: 'Eiko! Eiko.'

"I wonder how much time had passed when there were cries of searchers. Children were calling their parents' names, and parents were calling the names of their children. We were calling desperately for my sister and listening for her voice and looking to see her. Suddenly, Mother cried 'Oh Eiko.' Four or five meters away, my sister's head was sticking out and was calling my mother. . . . Mother and I worked desperately to remove the plaster and pillars and pulled her out with great effort. Her body had turned purple from the bruises, and her arm was badly wounded that we could have placed two fingers in the wound."

Others were less fortunate in their searches and rescue attempts. In "Unforgettable Fire," a housewife describes a scene she saw:

"A mother, driven half-mad, while looking for her child, was calling his name. At last she found him. His head looked like a boiled octopus. His eyes were half-closed, and his mouth was white, pursed, and swollen."

Throughout the city, parents were discovering their wounded or dead children, and children were discovering their wounded or dead parents. Kikuno Segawa recalls seeing a little girl with her dead mother:

"A woman who looked like an expectant mother was dead. At her side, a girl of about three years of age brought some water in an empty can she had found. She was trying to let her mother drink from it."

The sight of people in extremities of suffering was ubiquitous. Kinzo Nishida recalls:

"While taking my severely wounded wife out to the riverbank by the side of the hill of Nakahiro-machi, I was horrified, indeed, at the sight of a stark naked man standing in the rain with his eyeball in his palm. He looked to be in great pain, but there was nothing that I could do for him."

Many people were astonished by the sheer sudden absence of the known world. The writer Yoko Ota later wrote:

"I just could not understand why our surroundings had changed so greatly in one instant. . . . I thought it might have been something which had nothing to do with the war—the collapse of the earth, which it was said would take place at the end of the world, and which I had read about as a child."

And a history professor who looked back at the city after the explosion remarked later, "I saw that Hiroshima had disappeared."

As the fires sprang up in the ruins, many people, having found injured family members and friends, were now forced to abandon them to the flames or to lose their own lives in the firestorm. Those who left children, husbands, wives, friends, and strangers to burn often found these experiences the most awful of the entire ordeal. Mikio Inoue describes how one man, a professor, came to abandon his wife:

"It was when I crossed Miyuki Bridge that I saw Professor Takenaka, standing at the foot of the bridge. He was almost naked, wearing nothing but shorts, and he had a ball of rice in his right hand. Beyond the streetcar line, the northern area was covered by red fire burning against the sky. Far away from the line, Ote-machi was also a sea of fire.

"That day, Professor Takenaka had not gone to Hiroshima University, and the A-bomb exploded when he was at home. He tried to rescue his wife, who was trapped under a roofbeam, but all his efforts were in vain. The fire was threatening him also. His wife pleaded, 'Run away, dear!' He was forced to desert his wife and escape from the fire. He was now at the foot of Miyuki Bridge.

"But I wonder how he came to hold that ball of rice in his hand. His naked figure, standing there before the flames with that ball of rice, looked to me as a symbol of the modest hopes of human beings."

In "Hiroshima," John Hersey describes the flight of a group of German priests and their Japanese colleagues through a burning section of the city:

"The street was cluttered with parts of houses that had slid into it, and with fallen telephone poles and wires. From every second or third house came the voices of people buried and abandoned, who invariably screamed, with formal politeness, '*Tasukete kure!* Help, if you please!' The priests recognized several ruins from which these cries came as the homes of friends, but because of the fire it was too late to help."

And thus it happened that throughout Hiroshima all the ties of affection and respect that join human beings to one another were being pulled and rent by the spreading firestorm. Soon processions of the injured—processions of a kind that had never been seen before in history—began to file away from the center of the city toward its outskirts. Most of the people suffered from burns, which had often blackened their skin or caused it to sag off them. A grocer who joined one of these processions has described them in an interview with Robert Jay Lifton which appears in his book "Death in Life":

"They held their arms bent [forward] . . . and their skin—not only on their hands but on their faces and bodies, too—hung down. . . . If there had been only one or two such people . . . perhaps I would not have had such a strong impression. But wherever I walked, I met these people. . . . Many of them died along the road. I can still picture them in my mind—like walking ghosts. They didn't look like people of this world."

The grocer also recalls that because of people's injuries "you couldn't tell whether you were looking at them from in front or in back." People found it impossible to recognize one another. A woman who at the time was a girl of thirteen, and suffered disfiguring burns on her face, has recalled, "My face was so distorted and changed that people couldn't tell who I was. After a while I could call others' names but they couldn't recognize me." In addition to being injured, many people were vomiting—an early symptom of radiation sickness. For many, horrifying and unreal events occurred in a chaotic jumble. In "Unforgettable Fire," Torako Hironaka enumerates some of the things that she remembers:

1. Some burned work-clothes.

2. People crying for help with their heads, shoulders, or the soles of their feet injured by fragments of broken window glass. Glass fragments were scattered everywhere.

3. [A woman] crying, saying "Aigo! Aigo!" (a Korean expression of sorrow).

4. A burning pine tree.

5. A naked woman.

6. Naked girls crying, "Stupid America!"

7. I was crouching in a puddle, for fear of being shot by a machine gun. My breasts were torn.

8. Burned down electric power lines.

9. A telephne pole had burned and fallen down.

10. A field of watermelons.

11. A dead horse.

12. What with dead cats, pigs, and people, it was just a hell on earth.

Physical collapse brought emotional and spiritual collapse with it. The survivors were, on the whole, listless and stupefied. After the escapes, and the failures to escape, from the firestorm, a silence fell over the city and its remaining population. People suffered and died without speaking or otherwise making a sound. The processions of the injured, too, were soundless. Dr. Michihiko Hachiya has written in his book "Hiroshima Diary":

"Those who were able walked silently toward the suburbs in the distant hills, their spirits broken, their initiative gone. When asked whence they had come, they pointed to the city and said, 'That way,' and when asked where they were going, pointed away from the city and said, 'This way.' They were so broken and confused that they moved and behaved like automatons.

"Their reactions had astonished outsiders, who reported with amazement the spectacle of long files of people holding stolidly to a narrow, rough path when close by was a smooth, easy road going in the same direction. The outsiders could not grasp the fact that they were witnessing the exodus of a people who walked in the realm of dreams."

Those who were still capable of action often acted in an absurd or an insane way. Some of them energetically pursued tasks that had made sense in the intact Hiroshima of a few minutes before but were not utterly inappropriate. Hersey relates that the German priests were bent on bringing to safety a suitcase, containing diocesan accounts and a sum of money, that they had rescued from the fire and were carrying around with them through the burning city.

And Dr. Lifton describes a young soldier's punctilious efforts to find and preserve the ashes of a burned military code book while people around him were screaming for help. Other people simply lost their minds. For example, when the German priests were escaping from the firestorm, one of them, Father Wilhelm Kleinsorge, carried on his back a Mr. Fukai, who kept saying that he wanted to remain where he was. When Father Kleinsorge finally put Mr. Fukai down, he started running. Hersey writes:

"Father Kleinsorge shouted to a dozen soldiers, who were standing by the bridge, to stop him. As Father Kleinsorge started back to get Mr. Fukai, Father LaSalle called out, "Hurry! Don't waste time!" So Father Kleinsorge just requested the soldiers to take care of Mr. Fukai. They said they would, but the little, broken man got away from them, and the last the priests could see of him, he was running back toward the fire."

In the weeks after the bombing, many survivors began to notice the appearance of petechiae—small spots caused by hemorrhages—on their skin. These usually signalled the onset of the critical stage of radiation sickness. In the first stage, the victims characteristically vomited repeatedly, ran a fever, and developed an abnormal thirst. (The cry "Water! Water!" was one of the few sounds often heard in Hiroshima on the day of the bombing.) Then, after a few hours or days, there was a deceptively hopeful period of remission of symptoms, called the latency period, which lasted from about a week to about four weeks. Radiation attacks the reproductive function of cells, and those that reproduce most frequently are therefore the most vulnerable. Among these are the bone-marrow cells, which are responsible for the production of blood cells.

During the latency period, the count of white blood cells, which are instrumental in fighting infections, and the count of platelets, which are instrumental in clotting, drop precipitously, so the body is poorly defended against infection and is liable to hemorrhaging. In the third, and final, stage, which may last for several weeks, the victim's hair may fall out and he may suffer from diarrhea and may bleed from the intestines, the mouth, or other parts of the body, and in the end he will either recover or die.

Because the fireball of the Hiroshima bomb did not touch the ground, very little ground material was mixed with the fission products of the bomb, and therefore very little local fallout was generated. (What fallout there was descended in the black rain.) Therefore, the fatalities from radiation sickness were probably all caused by the initial nuclear radiation, and since this affected only people within a radius of a mile and a quarter of ground zero, most of the people who received lethal doses were killed more quickly by the thermal pulse and the blast wave.

Thus, Hiroshima did not experience the mass radiation sickness that can be expected if a weapon is ground-burst. Since the Nagasaki bomb was also burst in the air, the effect of widespread lethal fallout on large areas, causing the death by radiation sickness of whole populations in the hours, days, and weeks after the blast, is a form of nuclear horror that the world has not experienced.

In the months and years following the bombing of Hiroshima, after radiation sickness had run its course and most of the injured had either died of their wounds or recovered from them, the inhabitants of the city began to learn that the exposure to radiation they had experienced would bring about a wide variety of illnesses, many of them lethal, throughout the lifetimes of those who had been exposed.

An early sign that the harm from radiation was not restricted to radiation sickness came in the months immediately following the bombing, when people found that their reproductive organs had been temporarily harmed, with men experiencing sterility and women experiencing abnormalities in their menstrual cycles. Then, over the years, other illnesses, including cataracts of the eye and leukemia and other forms of cancer, began to appear in larger than normally expected numbers among the exposed population. In all these illnesses, correlations have been found between nearness to the explosion and incidence of the disease.

Also, fetuses exposed to the bomb's radiation in utero exhibited abnormalities and developmental retardation. Those exposed within the mile-and-a-quarter radius were seven times as likely as unexposed fetuses to die in utero, and were also seven times as likely to die at birth or in infancy.

Surviving children who were exposed in utero tended to be shorter and lighter than other children, and were more often mentally retarded. One of the most serious abnormalities caused by exposure to the bomb's radiation was microcephaly—abnormal smallness of the head, which is often accompanied by mental retardation. In one study, thirty-three cases of microcephaly were found among a hundred and sixty-nine children exposed in utero.

What happened at Hiroshima was less than a millionth part of a holocaust at present levels of world nuclear armament. The more than millionfold difference amounts to more than a difference in magnitude; it is also a difference in kind. The authors of "Hiroshima and Nagasaki" observe that "an atomic bomb's massive destruction and indiscriminate slaughter involves the sweeping breakdown of all order and existence—in a word, the collapse of society itself," and that therefore "the essence of atomic destruction lies in the totality of its impact on man and society."

This is true also of a holocaust, of course, except that the totalities in question are now not single cities but nations, econsystems, and the earth's ecosphere. Yet with the exception of fallout, which was relatively light at Hiroshima and Nagasaki (because both the bombs were air-burst), the immediate devastation caused by today's bombs would be of a sort similar to the devastation in those cities.

The immediate effects of a twenty-megaton bomb are not different in kind from those of a twelve-and-a-half-kiloton bomb; they are only more extensive. (The proportions of the effects do change greatly with yield, however. In small bombs, the effects of the initial nuclear radiation are important, because it strikes areas in which people might otherwise have remained alive, but in larger bombs—ones in the megaton range—the consequences of initial nuclear radiation, whose range does not increase very much with yield, are negligible, because it strikes areas in which everyone will have already been burned or blasted to death.) In bursts of both weapons, for instance, there is a radius within which the thermal pulse can ignite newspapers: for the twelve-and-a-half-kiloton weapon, it is a little over two miles; for the twenty-megaton weapon, it is twenty-five miles. (Since there is no inherent limit on the size of a nuclear weapon, these figures can be increased indefinitely, subject only to the limitations imposed by the technical capacities of the bomb builder—and of the earth's capacity to absorb the blast. The Soviet Union, which has shown a liking for sheer size in so many of its undertakings, once detonated a sixty-megaton bomb.

Therefore, while the total effect of a holocaust is qualitatively different from the total effect of a single bomb, the experience of individual people in a holocaust would be, in the short term (and again excepting the presence of lethal fallout wherever the bombs were ground-burst), very much like the experience of individual people in Hiroshima.

The Hiroshima people's experience, accordingly, is of much more than historical interest. It is a picture of what our whole world is always poised to become—a backdrop of scarcely imaginable horror lying just behind the surface of our normal life, and capable of breaking through into that normal life at any second.

Whether we choose to think about it or not, it is an omnipresent, inescapable truth about our lives today that at every single moment each one of us may suddenly become the deranged mother looking for her burned child; the professor with the ball of rice in his hand whose wife has just told him "Run away, dear!" and died in the fires; Mr. Fukai running back into the firestorm; the naked man standing on the blasted plain that was his city, holding his eyeball in his hand; or, more likely, one of millions of corpses. For whatever our "modest hopes" as human beings may be, every one of them can be nullified by a nuclear holocaust.

One way to begin to grasp the destructive power of present-day nuclear weapons is to describe the consequences of the detonation of a one-megaton bomb, which possesses eighty times the explosive power of the Hiroshima bomb, on a large city, such as New York. Burst some eighty-five hundred feet above the Empire State Building, a one-megaton bomb would gut or flatten almost every building between Battery Park and 125th Street, or within a radius of four and four-tenths miles, or in an area of sixty-one square miles, and would heavily damage buildings between the northern tip of Staten Island and the George Washington Bridge, or within a radius of about eight miles, or in a radius of about eight miles, or in an area of about two hundred square miles.

A conventional explosive delivers a swift shock, like a slap, to whatever it hits, but the blast wave of a sizable nuclear weapon endures for several seconds and "can surround and destroy whole buildings" (Glasstone). People, of course, would be picked up and hurled away from the blast along with the rest of the debris. Within the sixty-one square miles, the walls, roofs, and floors of any buildings that had not been flattened would be collapsed, and the people and furniture inside would be swept down onto the street. (Technically, this zone would be hit by various overpressures of at least five pounds per square inch. Overpressure is defined as the pressure in excess of normal atmospheric pressure.)

As far away as ten miles from ground zero, pieces of glass and other sharp objects would be hurled about by the blast wave at lethal velocities. In Hiroshima, where buildings were low and, outside the center of the city, were often constructed of light materials, injuries from falling building were often minor. But in New York, where the buildings are tall and are constructed of heavy materials, the physical collapse of the city would certainly kill millions of people.

The streets of New York are narrow ravines running between the high walls of the city's buildings. In a nuclear attack, the walls would fall and the ravines would fill up. The people in the buildings would fall to the street with the debris of the buildings, and the people in the street would be crushed by this avalanche of people and buildings. At a distance of two miles or so from ground zero, winds would reach four hundred miles an hour, and another two miles away they would reach a hundred and eighty miles an hour.

Meanwhile, the fireball would be growing, until it was more than a mile wide, and rocketing upward, to a height of over six miles. For ten seconds, it would broil the city below. Anyone caught in the open within nine miles of ground zero would receive third-degree burns and would probably be killed; closer to the explosion, people would be charred and killed instantly. From Greenwich Village up to Central Park, the heat would be great enough to melt metal and glass. Readily inflammable materials, such as newspapers and dry leaves, would ignite in all five boroughs (though in only a small part of Staten Island) and west to the Passaic River, in New Jersey, within a radius of about nine and a half miles from ground zero, thereby creating an area of more than two hundred and eighty square miles in which mass fires were likely to break out.

If it were possible (as it would not be) for someone to stand at Fifth Avenue and Seventy-second Street (about two miles from ground zero) without being instantly killed, he would see the following sequence of events. A dazzling white light from the fireball would illumine the scene, continuing for perhaps thirty seconds. Simultaneously, searing heat would ignite everything flammable and start to melt windows, cars, buses, lampposts, and everything else made of metal or glass. People in the street would immediately catch fire, and would shortly be reduced to heavily charred corpses. About five seconds after the light appeared, the blast wave would strike, laden with the debris of a now nonexistent midtown. Some buildings might be crushed, as though a giant fist had squeezed them on all sides, and others might be picked up off their foundations and whirled uptown with the other debris. On the far side of Central Park, the West Side skyline would fall from south to north.

The four-hundred-mile-an-hour wind would blow from south to north, die down after a few seconds, and then blow in the reverse direction with diminished intensity. While these things were happening, the fireball would be burning in the sky for the ten seconds of the thermal pulse. Soon huge, thick clouds of dust and smoke would envelop the scene, and as the mushroom cloud rushed overhead (it would have a diameter of about twelve miles) the light from the sun would be blotted out, and day would turn to night. Within minutes, fires, ignited both by the thermal pulse and by broken gas mains, tanks of gas and oil, and the like, would begin to spread in darkness, and a strong, steady wind would begin to blow in the direction of the blast. As at Hiroshima, a whirlwind might be produced, which would sweep through the ruins, and radioactive rain, generated under the meteorological conditions created by the blast, might fall.

Before long, the individual fires would coalesce into a mass fire, which, depending largely on the winds, would become either a conflagration or a firestorm. In a conflagration, prevailing winds spread a wall of fire as far as there is any combustible material to sustain it; in a firestorm, a vertical updraft caused by the fire itself sucks the surrounding air in toward a central point, and the fires therefore converge in a single fire of extreme heat. A mass fire of either kind renders shelters useless by burning up all the oxygen in the air and creating toxic gases, so that anyone in the shelters is asphyxiated, and also by heating the ground to such high temperatures that the shelters turn, in effect, into ovens, cremating the people inside them. In Dresden, several days after the firestorm raised there by Allied conventional bombing, the interiors of some bomb shelters were still so hot that when they were opened the inrushing air caused the contents to burst into flame. Only those who had fled their shelters when the bombing started had any chance of surviving. (It is difficult to predict in a particular situation which form the fires will take. In actual experience, Hiroshima suffered a firestorm and Nagasaki suffered a conflagation.)

In this vast theatre of physical effects, all the scenes of agony and death that took place at Hiroshima would again take place, but now involving millions of people rather than hundreds of thousands. Like the people of Hiroshima, the people of New York would be burned, battered, crushed, and irradiated in every conceivable way. The city and its people would be mingled in a smoldering heap. And then, as the fires started, the survivors (most of whom would be on the periphery of the explosion) would be driven to abandon to the flames those family members and other people who were unable to flee, or else to die with them. Before long, while the ruins burned, the processions of injured, mute people would begin their slow progress out of the outskirts of the devastated zone. However, this time a much smaller proportion of the population than at Hiroshima would have a chance of escaping.

In general, as the size of the area of devastation increases, the possibilities for escape decrease. When the devastated area is relatively small, as it was at Hiroshima, people who are not incapacitated will have a good chance of escaping to safety before the fires coalesce into a mass fire. But when the devastated area is great, as it would be after the detonation of a megaton bomb, and fires are springing up at a distance of nine and half miles from ground zero, and when what used to be the streets are piled high with burning rubble, and the day (if the attack occurs in the daytime) has grown impenetrably dark, there is little chance that anyone who is not on the very edge of the devastated area will be able to make his way to safety. In New York, most people would die wherever the blast found them, or not very far from there.

If instead of being burst in the air the bomb were burst on or near the ground in the vicinity of the Empire State Building, the overpressure would be very much greater near the center of the blast area but the range hit by a minimum of five pounds per square inch of overpressure would be less. The range of the thermal pulse would be about the same as that of the air burst. The fireball would be almost two miles across, and would engulf midtown Manhattan from Greenwich Village nearly to Central Park. Very little is known about what would happen to a city that was inside a fireball, but one would expect a good deal of what was there to be first pulverized and then melted or vaporized. Any human beings in the area would be reduced to smoke and ashes; they would simply disappear. A crater roughly three blocks in diameter and two hundred feet deep would open up.

In addition, heavy radioactive fallout would be created as dust and debris from the city rose with the mushroom cloud and then fell back to the ground. Fallout would begin to drop almost immediately, contaminating the ground beneath the cloud with levels of radiation many times lethal dose, and quickly killing anyone who might have survived the blast wave and the thermal pulse and might now be attempting an escape; it is difficult to believe that there would be appreciable survival of the people of the city after a megaton ground burst. And for the next twenty-four hours or so more fallout would descend downwind from the blast, in a plume whose direction and length would depend on the speed and the direction of the wind that happened to be blowing at the time of the attack. If the wind was blowing at fifteen miles an hour, fallout of lethal intensity would descend in a plume about a hundred and fifty miles long and as much as fifteen miles wide. Fallout that was sublethal but could still cause serious illness would extend another hundred and fifty miles downwind.

Exposure to radioactivity in human beings is measured in units called rems—an acronym for "roentgen equivalent in man." The roentgen is a standard measurement of gamma- and X-ray radiation, and the expression "equivalent in man" indicates that an adjustment has been made to take into account the differences in the degree of biological damage that is caused by radiation of different types. Many of the kinds of harm done to human beings by radiation—for example, the incidence of cancer and of genetic damage—depend on the dose accumulated over many years; but radiation sickness, capable of causing death, results from an "acute" dose, received in a period of anything from a few seconds to several days. Because almost ninety per cent of the so-called "infinite-time dose" of radiation from fallout—that is, the dose from a given quantity of fallout that one would receive if one lived for many thousands of years—is emitted in the first week, the one-week accumulated dose is often used as a convenient measure for calculating the immediate harm from fallout. Doses in the thousands of rems, which could be expected throughout the city, would attack the central nervous system and would bring about death within a few hours.

Doses of around a thousand rems, which would be delivered some tens of miles downwind from the blast, would kill within two weeks everyone who was exposed to them. Doses of around five hundred rems, which would be delivered as far as a hundred and fifty miles downwind (given a wind speed of fifteen miles per hour), would kill half of all exposed able-bodied young adults. At this level of exposure, radiation sickness proceeds at the three stages observed at Hiroshima. The plume of lethal fallout could descend, depending on the direction of the wind, on other parts of New York State and parts of New Jersey, Pennsylvania, Delaware, Maryland, Connecticut, Massachusetts, Rhode Island, Vermont, and New

Hampshire, killing additional millions of people. The circumstances in heavily contaminated areas, in which millions of people were all declining together, over a period of weeks, toward painful deaths, are ones that, like so many of the consequences of nuclear explosions, have never been experienced.

A description of the effects of a one-megaton bomb on New York City gives some notion of the meaning in human terms of a megaton of nuclear explosive power, but a weapon that is more likely to be used against New York is the twenty-megaton bomb, which has one thousand six hundred times the yield of the Hiroshima bomb.

The Soviet Union is estimated to have at least a hundred and thirteen twenty-megaton bombs in its nuclear arsenal, carried by Bear intercontinental bombers. In addition, some of the Soviet SS-18 missiles are capable of carrying bombs of this size, although the actual yields are not known. Since the explosive power of the twenty-megaton bombs greatly exceeds the amount necessary to destroy most military targets, it is reasonable to suppose that they are meant for use against large cities.

If a twenty-megaton bomb were air-burst over the Empire State Building at an altitude of thirty thousand feet, the zone gutted or flattened by the blast wave would have a radius of twelve miles and an area of more than four hundred and fifty square miles, reaching from the middle of Staten Island to the northern edge of the Bronx, the eastern edge of Queens, and well into New Jersey, and the zone of heavy damage from the blast wave (the zone hit by a minimum of two pounds of overpressure per square inch) would have a radius of twenty-one and a half miles, or an area of one thousand four hundred and fifty square miles, reaching to the southernmost tip of Staten Island, north as far as southern Rockland County, east into Nassau County, and west to Morris County, New Jersey.

The fireball would be about four and a half miles in diameter and would radiate the thermal pulse for some twenty seconds. People caught in the open twenty-three miles away from ground zero, in Long Island, New Jersey, and southern New York State, would be burned to death. People hundreds of miles away who looked at the burst would be temporarily blinded and would risk permanent eye injury. (After the test of a fifteen-megaton bomb on Bikini Atoll, in the South Pacific, in March of 1954, small animals were found to have suffered retinal burns at a distance of three hundred and forty-five miles.) The mushroom cloud would be seventy miles in diameter. New York City and its suburbs would be transformed into a lifeless, flat, scorched desert in a few seconds.

If a twenty-megaton bomb were ground-burst on the Empire State Building, the range of severe blast damage would, as with the one-megaton ground blast, be reduced, but the fireball, which would be almost six miles in diameter, would cover Manhattan from Wall Street to northern Central Park and also parts of New Jersey, Brooklyn, and Queens, and everyone within it would be instantly killed, with most of them physically disappearing. Fallout would again be generated, this time covering thousands of square miles with lethal intensities of radiation. A fair portion of New York City and its incinerated population, now radioactive dust, would have risen into the mushroom cloud and would not be descending on the surrounding territory. On one of the few occasions when local fallout was generated by a test explosion in the multi-megaton range, the fifteen-megaton bomb tested on Bikini Atoll, which was exploded seven feet above the surface of a coral reef, "caused substantial contamination over an area of more than seven thousand square miles," according to Glasstone. If, as seems likely, a twenty-megaton bomb ground-burst on New York would produce at least a comparable amount of fallout, and if the wind carried the fallout onto populated areas, then this one bomb would probably doom upward of twenty million people, or almost ten percent of the population of the United States.

The "strategic" forces of the Soviet Union—those that can deliver nuclear warheads to the United States—are so far capable of carrying seven thousand warheads with an estimated maximum yield of more than seventeen thousand megatons of explosive power, and, barring unexpected developments in arms-control talks, the number of warheads is expected to rise in the coming years. The actual megatonnage of the Soviet strategic forces is not known, and, for a number of reasons, including the fact that smaller warheads can be delivered more accurately, it is very likely that the actual megatonnage is lower than the maximum possible; however, it is reasonable to suppose that the actual megatonnage is as much as two-thirds of the maximum, which would be about eleven and a half thousand megatons. If we assume that in a first strike the Soviets held back about a thousand megatons (itself an immense force), then the attack would amount to about ten thousand megatons, or the equivalent of eight hundred thousand Hiroshima bombs. American strategic forces comprise about nine thousand warheads with a yield of some three thousand five hundred megatons. The total yield of these American forces was made comparatively low for strategic reasons.

American planners discovered that smaller warheads can be delivered more accurately than larger ones, and are therefore more useful for attacking strategic forces on the other side. And, in fact, American missiles are substantially more accurate than Soviet ones. However, in the last year or so, in spite of this advantage in numbers of warheads and in accuracy, American leaders have come to believe that the American forces are inadequate, and, again barring unexpected developments in arms-control talks, both the yield of the American arsenal and the number of warheads in it are likely to rise dramatically. (Neither the United States nor the Soviet Union reveals the total explosive yield of its own forces. The public is left to turn to private organizations, which, by making use of hundreds of pieces of information that have been released by the two governments, piece together an over-all picture. The figures I have used to estimate the maximum capacities of the two sides are taken for the most part from tables provided in the latest edition of "The Military Balance," a standard yearly reference work on the strength of military forces around the world, which is published by a research institute in London called the International Institute for Strategic Studies.)

The territory of the United States, including Alaska and Hawaii, is three million six hundred and fifteen thousand one hundred and twenty-two square miles. It contains approximately two hundred and twenty-five million people, of whom sixty per cent, or about a hundred and thirty-five million, live in various urban centers with a total area of only eighteen thousand square miles. I asked Dr. Kendall, who has done considerable research on the consequences of nuclear attacks, to sketch out in rough terms what the actual distribution of bombs might be in a ten-thousand-megaton Soviet attack in the early nineteen-eighties on all targets in the United States, military and civilian.

"Without serious distortion," he said, "we can begin by imagining that we would be dealing with ten thousand weapons of one megaton each, although in fact the yields would, of course, vary considerably. Let us also make the assumption, based on common knowledge of weapons design, that on average the yield would be one-half fission and one-half fusion. This proportion is important, because it is the fission products—a virtual museum of about three hundred radioactive isotopes, decaying at different rates—that give off radioactivity in fallout. Fusion can add to the total in ground bursts by radioactivation of ground material by neutrons, but the quantity added is comparatively small. Targets can be divided into two categories—hard and soft. Hard targets, of which there are about a thousand in the United States, are mostly missile silos. The majority of them can be destroyed only by huge, blunt over-pressures, ranging anywhere from many hundreds to a few thousand pounds per square inch, and we can expect that two weapons might be devoted to each one to assure destruction. That would use up two thousand megatons. Because other strategic military targets—such as Strategic Air Command bases—are near centers of population, an attack on them as well, perhaps using another couple of hundred megatons, could cause a total of more than twenty million casualties, according to studies by the Arms Control and Disarmament Agency.

If the nearly eight thousand weapons remaining were then devoted to the cities and towns of the United States in order of population, every community down to the level of fifteen hundred inhabitants would be hit with a megaton bomb—which is, of course, many, many times what would be necessary to annihilate a town that size. For obvious reasons, industry is highly correlated with population density, so an attack on the one necessarily hits the other, especially when an attack of this magnitude is considered. Ten thousand targets would include everything worth hitting in the country and much more; it would simply be the United States. The targeters would run out of targets and victims long before they ran out of bombs. If you imagine that the bombs were distributed according to population, then, allowing for the fact that the attack on the military installations would have already killed about twenty million people, you would have about forty megatons to devote to each remaining million people in the country. For the seven and a half million people in New York City, that would come to three hundred megatons. Bearing in mind what one megaton can do, you can see that this would be preposterous overkill. In practice, one might expect the New York metropolitan area to be hit with some dozens of one-megaton weapons."

In the first moments of a ten-thousand-megaton attack on the United States, I learned from Dr. Kendall and from other sources, flashes of white light would suddenly illumine large areas of the country as thousands of suns, each one brighter than the sun itself, blossomed over cities, suburbs, and towns. In those same moments, when the first wave of missiles arrived, the vast majority of the people in the regions first targeted would be irradiated, crushed, or burned to death. The thermal pulses could subject more than six hundred thousand square miles, or one-sixth of the total land mass of the nation, to a minimum level of forty calories per centimetre squared—a level of heat that chars human beings. (At Hiroshima, charred remains in the rough shape of human beings were a common sight.) Tens of millions of people would go up in smoke. As the attack proceeded, as much as three-quarters of the country could be subjected to incendiary levels of heat, and so, wherever there was inflammable material, could be set ablaze. In the ten seconds or so after each bomb hit, as blast waves swept outward from thousands of ground zeros, the physical plant of the United States would be swept away like leaves in a giant gust of wind.

The six hundred square miles already scorched by the forty or more calories of heat per centimetre squared would now be hit by blast waves of a minimum of five pounds per square inch, and virtually all the habitations, places of work, and other manmade things there—substantially the whole human construct in the United States—would be vaporized, blasted, or otherwise pulverized out of existence. Then, as clouds of dust rose from the earth, and mushroom clouds spread overhead, often linking to form vast canopies, day would turn to night. (Those clouds could blanket as much as a third of the nation.) Shortly, fires would spring up in the debris of the cities and in every forest dry enough to burn. These fires would simply burn down the United States.

When one pictures a full-scale attack on the United States, or on any other country, therefore, the picture of a single city being flattened by a single bomb—an image firmly engraved in the public imagination, probably because of the bombings of Hiroshima and Nagasaki—must give way to a picture of substantial sections of the country being turned by a sort of nuclear carpet-bombing into immense infernal regions, literally tens of thousands of square miles in area, from which escape is impossible.

In Hiroshima and Nagasaki, those who had not been killed or injured so severely that they could not move were able to flee to the undevastated world around them, where they found help, but in any city where three or four bombs had been used—not to mention fifty, or a hundred—flight from one blast would only be flight toward another, and no one could escape alive.

Within these regions, each of three of the immediate effects of nuclear weapons—initial radiation, thermal pulse, and blast wave—would alone be enough to kill most people: the initial nuclear radiation would subject tens of thousands of square miles to lethal doses; the blast waves, coming from all sides, would nowhere fall below the overpressure necessary to destroy almost all buildings; and the thermal pulses, also coming from all sides, would always be great enough to kill exposed people and, in addition, to set on fire everything that would burn. The ease with which virtually the whole population of the country could be trapped in these zones of universal death is suggested by the fact that the sixty per cent of the population that lives in an area of eighteen thousand square miles could be annihilated with only three hundred one-megaton bombs—the number necessary to cover the area with a minimum of five pounds per square inch of overpressure and forty calories per centimeter squared of heat. That would leave nine thousand seven hundred megatons, or ninety-seven percent of the megatonnage in the attacking force, available for other targets. (It is hard to imagine what a targeter would do with all his bombs in these circumstances. Above several thousand megatons, it would almost become a matter of trying to hunt down individual people with nuclear warheads.)

The statistics on the initial nuclear radiation, the thermal pulses, and the blast waves in a nuclear holocaust can be presented in any number of ways, but all of them would be only variations on a simple theme—the annihilation of the United States and its people. Yet while the immediate nuclear effects are great enough in a ten-thousand-megaton attack to destroy the country many times over, they are not the most powerfully lethal of the local effects of nuclear weapons. The killing power of the local fallout is far greater. Therefore, if the Soviet Union was bent on producing the maximum overkill—if, that is, its surviving leaders, whether out of calculation, rage, or madness, decided to eliminate the United States not merely as a political and social entity but as a biological one—they would burst their bombs on the ground rather than in the air. Although the scope of severe blast damage would then be reduced, the blast waves, fireballs, and thermal pulses would still be far more than enough to destroy the country, and, in addition, provided only that the bombs were dispersed widely enough, lethal fallout would spread throughout the nation.

The amount of radiation delivered by the fallout from a ground burst of a given size is still uncertain—not least because, as Glasstone notes, there has never been a "true land surface burst" of a bomb with a yield of over one kiloton. (The Bikini burst was in part over the ocean.) Many factors make for uncertainty. To mention just a few: the relative amounts of the fallout that rises into the stratosphere and the fallout that descends to the ground near the blast are dependent on, among other things, the yield of the weapon, and, in any case, can be only guessed at; the composition of the fallout will vary with the composition of the material on the ground that is sucked up into the mushroom cloud; prediction of the distribution of fallout by winds of various speeds at various altitudes depends on a choice of several "models;" and the calculation of the arrival time of the fallout—an important calculation, since fallout cannot harm living things until it lands near them—is subject to similar speculative doubts.

However, calculations on the basis of figures for a one-megaton grounds burst which are given in the Office of Technology Assessment's report show that ten thousand megatons would yield one-week doses around the country averaging more than ten thousand rems. In actuality, of course, the bombs would almost certainly not be evenly spaced around the country but, rather, would be concentrated in populated areas and in missile fields; and the likelihood is that in most places where people lived or worked the doses would be many times the average, commonly reaching several tens of thousands of rems for the first week, while in remote areas they would be less, or, conceivably, even nonexistent. (The United States contains large tracts of empty desert, and to target them would be virtually meaning less from any point of view.)

These figures provide a context for judging the question of civil defense. With overwhelming immediate local effects striking the vast majority of the population, and with one-week doses of radiation then rising into the tens of thousands of rems, evacuation and shelters are a vain hope. Needless to say, in these circumstances evacuation before an attack would be an exercise in transporting people from one death to another. In some depictions of a holocaust, various rescue operations are described, with unafflicted survivors bringing food, clothes, and medical care to the afflicted, and the afflicted making their way to thriving, untouched communities, where churches, school auditoriums, and the like would have been set up for their care—as often happens after a bad snowstorm, say. Obviously, none of this could come about. In the first place, in a full-scale attack there would in all likelihood be no surviving communities, and, in the second place, everyone who failed to seal himself off from the outside environment for as long as several months would soon die of radiation sickness. Hence, in the months after a holocaust there would be no activity of any sort, as, in a reversal of the normal state of things, the dead would lie on the surface and the living, if there were any, would be buried underground.

To this description of radiation levels around the country, an addition remains to be made. This is the fact that attacks on the seventy-six nuclear power plants in the United States would produce fallout whose radiation had much greater longevity than that of the weapons alone. The physicist Dr. Kosta Tsipis, of M.I.T., and one of his students, Steven Fetter, recently published an article in Scientific American called "Catastrophic Releases of Radioactivity," in which they calculate the damage from a one-megaton thermonuclear ground burst on a one-gigawatt nuclear power plant. In such a ground burst, the facility's radioactive contents would be vaporized along with everything nearby, and the remains would be carried up into the mushroom cloud, from which they would descend to the earth with the rest of the fallout.

But whereas the fission products of the weapon were newly made, and contained many isotopes that would decay to insignificant levels very swiftly, the fission products in a reactor would be a collection of longer-lived isotopes (and this applies even more strongly to the spent fuel in the reactor's holding pond), since the short-lived ones would, for the most part, have had enough time to reduce themselves to harmless levels. The intense but comparatively short-lived radiation from the weapon would kill people in the first few weeks and months, but the long-lived radiation that was produced both by the weapon and by the power plant could prevent anyone from living on a vast area of land for decades after it fell. For example, after a year an area of some seventeen hundred square miles downwind of a power plant on which a one-megaton bomb had been ground-burst (again assuming a fifteen-mile-an-hour wind) would still be delivering more than fifty rems per year to anyone who tried to live there, and that is two hundred and fifty times the "safe" dose established by the E.P.A.

The bomb by itself would produce this effect over an area of only twenty-six square miles. (In addition to offering an enemy a way of redoubling the effectiveness of his attacks in a full-scale holocaust, reactors provide targets of unparalleled danger in possible terrorist nuclear attacks. In an earlier paper, Tsipis and Fetter observe that "the destruction of a reactor with a nuclear weapon, even of relatively small yield such as a crude terrorist nuclear device, would represent a national catastrophe of lasting consequences." It can be put down as one futher alarming oddity of life in a nuclear world that in building nuclear power plants nations have opened themselves to catastrophic devastation and long-term contamination of their territories by enemies who manage to get hold of a few nuclear weapons.)

If, in a nuclear holocaust, anyone hid himself deep enough under the earth and stayed there long enough to survive, he would emerge into a dying natural environment. The vulnerability of the environment is the last word in the argument against the usefulness of shelters: there is no hole big enough to hide all of nature in. Radioactivity penetrates the environment in many ways. The two most important components of radiation from fallout are gamma rays, which are electromagnetic radiation of the highest intensity, and beta particles, which are electrons fired at high speed from decaying nuclei.

Gamma rays subject organisms to penetrating whole-body doses, and are responsible for most of the ill effects of radiation from fallout. Beta particles, which are less penetrating than gamma rays, act at short range, doing harm when they collect on the skin, or on the surface of a leaf. They are harmful to plants on whose foliage the fallout descends—producing "beta burn"—and to grazing animals, which can suffer burns as well as gastrointestinal damage from eating the foliage.

Two of the most harmful radioactive isotopes present in fallout are strontium-90 (with a half-life of twenty-eight years) and cesium-137 (with a half-life of thirty years). They are taken up into the food chain through the roots of plants or through direct ingestion by animals, and contaminate the environment from within. Strontium-90 happens to resemble calcium in its chemical composition, and therefore finds its way into the human diet through dairy products and is eventually deposited by the body in the bones, where it is thought to cause bone cancer. (Every person in the world now has in his bones a measurable deposit of strontium-90 traceable to the fallout from atmospheric nuclear testing.)

Over the years, agencies and departments of the government have sponsored numerous research projects in which a large variety of plants and animals were irradiated in order to ascertain the lethal or sterilizing dose for each. These findings permit the prediction of many gross ecological consequences of a nuclear attack. According to "Survival of Food Crops and Livestock in the Event of Nuclear War," the proceedings of the 1970 symposium at Brookhaven National Laboratory, the lethal doses for most mammals lie between a few hundred rads and a thousand rads of gamma radiation; a rad—for "roentgen absorbed dose"—is a roentgen of radiation that has been absorbed by an organism, and is roughly equal to a rem.

For example, the lethal doses of gamma radiation for animals in pasture, where fallout would be descending on them directly and they would be eating fallout that had fallen on the grass, and would thus suffer from doses of beta radiation as well, would be one hundred and eighty rads for cattle; two hundred and forty rads for sheep; five hundred and fifty rads for swine; three hundred and fifty rads for horses; and eight hundred rads for poultry. In a ten-thousand-megaton attack, which would create levels of radiation around the country averaging more than ten thousand rads, most of the mammals of the United States would be killed off.

The lethal doses for birds are in roughly the same range as those for mammals, and birds, too, would be killed off. Fish are killed at doses of between one thousand one hundred rads and about five thousand six hundred rads, but their fate is less predictable. On the one hand, water is a shield from radiation, and would afford some protection; on the other hand, fallout might concentrate in bodies of water as it ran off from the land. (Because radiation causes no pain, animals, wandering at will through the environment, would not avoid it.) The one class of animals containing a number of species quite likely to survive, at least in the short run, is the insect class, for which in most known cases the lethal doses lie between about two thousand rads and about a hundred thousand rads. Insects, therefore, would be destroyed selectively.

Unfortunately for the rest of the environment, many of the phytophagous species—insects that feed directly on vegetation—which "include some of the most ravaging species on earth" (according to Dr. Vernon M. Stern, an entomologist at the University of California at Riverside, writing in "Survival of Food Crops"), have very high tolerances, and so could be expected to survive disproportionately, and then to multiply greatly in the aftermath of an attack. The demise of their natural predators, the birds, would enhance their success.

Plants in general have a higher tolerance to radioactivity than animals do. Nevertheless, according to Dr. George M. Woodwell, who supervised the irradiation with gamma rays, over several years, of a small forest at Brookhaven Laboratory, a gamma-ray dose of ten thousand rads "would devastate most vegetation" in the United States, and, as in the case of the pastured animals, when one figures in the beta radiation that would also be delivered by fallout the estimates for the lethal doses of gamma rays must be reduced—in this case, cut in half. As a general rule, Dr. Woodwell and his colleagues at Brookhaven discovered, large plants are more vulnerable to radiation than small ones. Trees are among the first to die, grasses among the last. The most sensitive trees are pines and the other conifers, for which lethal doses are in roughly the same range as those for mammals. Any survivors coming out of their shelters a few months after the attack would find that all the pine trees that were still standing were already dead. The lethal doses for most deciduous trees range from about two thousand rads of gamma-ray radiation to about ten thousand rads, with the lethal doses for eighty per cent of deciduous species falling between two thousand and eight thousand rads. Since the addition of the beta-ray burden could lower these lethal doses for gamma rays by as much as fifty per cent, the actual lethal doses in gamma rays for these trees during an attack could be from one thousand to four thousand rads, and in a full-scale attack they would die.

Then, after the trees had died, forest fires would break out around the United States. (Because as much as three-quarters of the country could be subjected to incendiary levels of the thermal pulses, the sheer scorching of the land could have killed off a substantial part of the plant life in the country in the first few seconds after the detonations, before radioactive poisoning set in.) Lethal doses for grasses on which tests have been done range between six thousand and thirty-three thousand rads, and a good deal of grass would therefore survive, except where the attacks had been heaviest. Most crops, on the other hand, are killed by doses below five thousand rads, and would be eliminated. (The lethal dose for spring barley seedlings, for example, is one thousand nine hundred and ninety rads, and that for spring wheat seedlings is three thousand and ninety rads.)

When vegetation is killed off, the land on which it grew is degraded. And as the land eroded after an attack life in lakes, rivers, and estuaries, already hard hit by radiation directly, would be further damaged by minerals flowing into the watercourses, causing eutrophication—a process in which an oversupply of nutrients in the water encourages the growth of algae and microscopic organisms, which, in turn, deplete the oxygen content of the water. When the soil loses its nutrients, it loses its ability to "sustain a mature community" (in Dr. Woodwell's words), and "gross simplification" of the environment occurs, in which "hardy species," such as moss and grass, replace vulnerable ones, such as trees; and "succession"—the process by which ecosystems recover lost diversity—is then "delayed or even arrested." In sum, a full-scale nuclear attack on the United States would devastate the natural environment on a scale unknown since early geological times, when, in response to natural catastrophes whose nature has not been determined, sudden mass extinctions of species and whole ecosystems occurred all over the earth. How far this "gross simplification" of the environment would go once virtually all animal life and the greater part of plant life had been destroyed and what patterns the surviving remnants of life would arrange themselves into over the long run are imponderables; but it appears that at the outset the United States would be a republic of insects and grass.

It has sometimes been claimed that the United States could survive a nuclear attack by the Soviet Union, but the bare figures on the extent of the blast waves, the thermal pulses, and the accumulated local fallout dash this hope irrevocably. They spell the doom of the United States. And if one imagines the reverse attack on the Soviet Union, its doom is spelled out in similar figures. (The greater land mass of the Soviet Union and the lower megatonnage of the American forces might reduce the factor of overkill somewhat.) Likewise, any country subjected to an attack of more than a few hundred megatons would be doomed. Japan, China, and the countries of Europe, where population densities are high, are especially vulnerable to damage, even at "low" levels of attack. There is no country in Europe in which survival of the population would be appreciable after the detonation of several hundred megatons; most European countries would be annihilated by tens of megatons. And these conclusions emerge even before one takes into account the global ecological consequences of a holocaust, which would be superimposed on the local consequences. As human life and the structure of human existence are seen in the light of each person's daily life and experience, they look impressively extensive and solid, but when human things are seen in the light of the universal power unleashed onto the earth by nuclear weapons they prove to be limited and fragile, as though they were nothing more than a mold or a lichen that appears in certain crevices of the landscape and can be burned off with relative ease by nuclear fire.

Many discussions of nuclear attacks on the United States devote considerable attention to their effect on the nation's economy, but if the population has been largely killed off and the natural environment is in a state of collapse "the economy" becomes a meaningless concept; for example, it makes no difference what percentage of "the automobile industry" has survived if all the producers and drivers of automobiles have died. Estimates of economic survival after a full-scale holocaust are, in fact, doubly unreal, because, as a number of government reports have shown; the nation's economy is so much more vulnerable to attack than the population that even at most levels of "limited" attack a greater proportion of the economy than of the population would be destroyed. An intact economic plant that goes to waste because there aren't enough people left to run it is one absurdity that a nuclear holocaust does not present us with. At relavitely low levels of attack, however, the more or less complete destruction of the economy, accompanied by the survival of as much as twenty or thirty per cent of the population, is conceivable. Since the notion of "limited nuclear war" has recently become attractive to the American leadership, it may not be digressive to discuss what the consequences of smaller attacks would be. Our knowledge of nuclear effects is too imprecise to permit us to know at exactly what level of attack a given percentage of the population would survive, but the fact that sixty per cent of the population lives in eighteen thousand square miles and could be eliminated by the thermal pulses, blast waves, and mass fires produced by about three hundred one-megaton bombs suggests some rough magnitudes. The fallout that would be produced by the bombs if they were ground-burst would very likely kill ten or fifteen per cent of the remaining population (it could lethally contaminate some three hundred thousand square miles), and if several hundred additional megatons were used the percentage of the entire population killed in the short term might rise to something like eighty-five. Or, to put it differently, if the level of attack on civilian targets did not rise above the low hundreds of megatons tens of millions of people might survive in the short term. But that same level of attack would destroy so much of the physical plant of the economy, and, of course, so many of the laborers and managers who make it work, that in effect the economy would be nearly one hundred per cent destroyed. (There is a tendency when one is analyzing nuclear attacks to begin to accustom oneself to such expressions as "a thousand megatons," and therefore to begin to regard lower amounts as inconsequential. Yet even one megaton, which contains the explosive yield of eighty Hiroshimas, would, if it should be dropped in the United States in the form of a number of small bombs, be an unimaginable catastrophe. Ten megatons—eight hundred Hiroshimas--would leave any nation on earth devastated beyond anything in our historical experience. A hundred megatons—eight thousand Hiroshimas—is already outside comprehension.)

As soon as one assumes that many tens of millions of people might survive the early stages of an attack, what are often called the long-term effects of a holocaust come into view; in fact, it is only when the imagined attack is reduced to this level that it begins to make sense to talk about many of the long-term effects, because only then will there be people left living to suffer them. The most obvious of these is injury. In an attack that killed from fifty to seventy percent of the population outright, the great majority of the survivors would be injured. In a limited attack, some people might try to make their way to shelters to escape the fallout, which would be less intense than in the larger attack but still lethal in most populated areas. (If we again assume ground bursts, and also assume that two thousand megatons have been used on military targets, then average levels of radiation around the country would be in the low thousands of rems. But in this case averages would have little or no meaning; actual levels would be very high in some places and very low or nonexistent in others, depending on targeting and weather patterns.) People who reached shelters and sealed themselves in in time might have a chance of survival in some areas, but a large number of people would have received lethal doses of radiation without knowing it (since exposure to radiation is painless) and would enter the shelters and die there, making life in the shelters unbearable for the others. With many people seeking to get into the shelters, attempts to decide who was to be allowed to enter and who was to be kept out would begin in bitterness and end in chaos. (In the nineteen-fifties, when Americans gave greater thought to the matter of shelters than they do now, some communities began to prepare to defend their shelters against intruders by arming themselves.) Also, the withdrawal into shelters of the uninjured or lightly injured portion of the population would be more consequential for the survivors as a body, because in a limited attack there might be a considerable number of people on the surface who would have had a chance of surviving if they had not been abandoned. The widespread use of shelters would therefore mean additional deaths; the injured or sick people would die unattended on the surface while the uninjured and healthy people hid underground.

The injuries from the attack would very likely be compounded by epidemics. Dr. H. Jack Geiger, who teaches community medicine at the School of Biomedical Education of the City College of New York, recently described to me the likely medical conditions after a limited attack. "The landscape would be strewn with millions of corpses of human beings and animals," he pointed out. "This alone is a situation without precedent in history. There would be an immense source of pollution of water and food. If you read the literature concerning natural disasters such as floods and typhoons, you find that there is always an associated danger of cholera or typhoid. The corpses would also feed a fast-growing population of insects and insects happen to be a prime vector of disease. Naturally, medical measures to fight disease would not be taken, since the blasts would have destroyed virtually all medical facilities. Nor, of course, would there be such elementary sanitary facilities as running water and garbage collection. Finally, the population's resistance to infection would have been weakened, since many would be suffering from sublethal radiation sickness and wounds. It would be impossible to devise circumstances more favorable to the spread of epidemics."

Strategists of nuclear conflict often speak of a period of "recovery" after a limited attack, but a likelier prospect is a long-term radical deterioration in the conditions of life. For a while, some supplies of food and clothing would be found in the rubble, but then these would give out. For a people, the economy—any kind of economy, whether primitive or modern—is the means of survival from day to day. So if you ruin the economy—if you suspend its functioning, even for a few months—you take away the means of survival. Eventually, if enough people do live, the economy will revive in one form or another, but in the meantime people will die; they will starve, because the supply of food has been cut off; they will freeze, because they have no fuel or shelter; they will perish of illness, because they have no medical care. If the economy in question is a modern technological one, the consequences will be particularly severe, for then the obstacles to restoring it will be greatest. Because a modern economy, like an ecosystem, is a single, interdependent whole, in which each part requires many other parts to keep functioning, its wholesale breakdown will leave people unable to perform the simplest, most essential tasks. Even agriculture—the immediate means of subsistence—is caught up in the operations of the interdependent machine, and breaks down when it breaks down. Modern agriculture depends on fertilizers to make crops grow, on machines to cultivate the crops, on transportation to carry the produce thousands of miles to the consumers, on fuel to run the means of transportation and the agricultural machinery, and on pesticides and drugs to increase production. If fertilizers, machines, transportation, fuel, pesticides, and drugs are taken away, agriculture will come to a halt, and people will starve. Also, because of the interdependence of the system, no sector of the economy can be repaired unless many of the other sectors are in good order.

But in a nuclear attack, of course, all sectors of the economy would be devastated at once. The task facing the survivors, therefore, would be not to restore the old economy but to invent a new one, on a far more primitive level. But the invention of a primitive economy would not be a simple matter. Even economies we think of as primitive depend on considerable knowledge accumulated through long experience, and in modern times this knowledge has been largely lost. The economy of the Middle Ages, for example, was far less productive than our own, but it was exceedingly complex, and it would not be within the capacity of people in our time suddenly to establish a medieval economic system in the ruins of their twentieth-century one. After a limited nuclear attack, the typical predicament of a survivor would be that of, say, a bus driver in a city who was used to shopping at a supermarket and found himself facing the question of how to grow his own food, or of a bookkeeper in a suburb who found that he must make his own clothing, not to mention the cloth for the clothing. Innumerable things that we now take for granted would abruptly be lacking. In addition to food and clothing, they would include: heating, electric lights, running water, telephones, mail, transportation of all kinds, all household appliances powered by electricity or gas, information other than by word of mouth, medical facilities, sanitary facilities, and basic social services, such as fire departments and police. To restore these essentials of life takes time; but there would be no time. Hunger, illness, and possibly cold would press in on the dazed, bewildered, disorganized, injured remnant of the population on the very day of attack. They would have to start foraging immediately for their next meal. Sitting among the debris of the Space Age, they would find that the pieces of a shattered modern economy around them—here an automobile, there a washing machine—were mismatched to their elemental needs. Nor would life be made easier for them by the fact that their first need, once they left any shelters they might have found, would be to flee the heavily irradiated, burned-out territories where they used to live, and to start over in less irradiated, unburned territories, which would probably be in the wilderness. Facing these urgent requirements, they would not be worrying about rebuilding the automobile industry or the electronics industry; they would be worrying about how to find nonradioactive berries in the woods, or how to tell which trees had edible bark.

Lastly, over the decades not only would the survivors of a limited attack face a contaminated and degraded environment but they themselves—their flesh, bones, and genetic endowment—would be contaminated: the generations that would be trying to rebuild a human life would be sick and possibly deformed generations. The actual doses received by particular survivors would, of course, depend on their circumstances, but some notion of the extent of the contamination can perhaps be gathered from the fact that if people came out of shelters after three months into an area in which the fallout would in the long run deliver a dose of ten thousand rems they would still receive about three percent of the total, or three hundred rems, over their lifetimes, with two hundred of those rems being received in the first year. I spoke to Dr. Edward Radford, who is a professor of environmental epidemiology at the University of Pittsburgh, and who was chairman from 1977 to 1980 of the National Academy of Sciences' Committee on the Biological Effects of Ionizing Radiations, about the medical consequences of such exposure. "The present incidence of cancer, exclusive of skin cancer, in the United States population is thirty per cent, and roughly seventeen per cent die of the disease," he told me. "Since the dose of radiation that doubles the cancer rate is about one hundred and fifty rems, we could expect that a dose of three hundred rems would cause just about everybody to get cancer of one kind or another, and perhaps half of them would die from it. In addition, the dose that is estimated to cause a doubling of the spontaneous-mutation rate—which now affects ten per cent of all births—is also one hundred and fifty rems, and therefore we could also expect genetic abnormalities to increase dramatically." Whether a human community could survive bearing this burden of illness and mutation is at best questionable.

In considering the global consequences of a holocaust, the first question to be asked is how widespread the hostilities would be. It is often assumed that a holocaust, even if it were full-scale, would be restricted to the Northern Hemisphere, destroying the United States, the Soviet Union, Europe, China, and Japan, but in fact there is no assurance that hostilities would not spread to other parts of the world. Both Soviet and American leaders believe that the rivalry between their countries has worldwide ideological significance, and in the name of their causes they might well extend their attacks almost anywhere. Furthermore, it takes very little imagination to see that once the superpowers had absorbed several thousand megatons of nuclear explosives each they would no longer be superpowers; indeed, they would no longer exist as nations at all. At that point, any sizable nation that had been spared attack—for example, Vietnam, Mexico, Nigeria, Australia, or South Africa—might, in the minds of the leaders of the ex-superpowers, become tempting as a target. It might suddenly occur to them that on a devastated earth mere survival would be the stuff of global might, and either or both of the ex-superpowers might then set about destroying those surviving middle-ranking powers that seemed closest to sharing the ideology of the enemy. Again, it is impossible to know what thoughts would go through the minds of men in caves, or perhaps in airborne command posts, who had just carried out the slaughter of hundreds of millions of people and whose nations had been annihilated in a similar slaughter (and it should always be borne in mind that sheer insanity is one of the possibilities), but it could be that in some confused attempt to shape the political future of the post-holocaust world (if there is one) they would carry their struggle into the would-be-neutral world. It could be that even now the United States has a few dozen megatons reserved in one contingency plan or another for, say, Cuba, Vietnam, and North Korea, while the Soviet Union may have a similar fate in mind for, among others, Israel, South Africa, and Australia. We also have to ask ourselves what the Chinese, the French, and the British, who all possess nuclear arms, and the Israelis, the South Africans, and the Indians, who are all suspected of possessing them, would attempt once the mayhem began. And this list of nuclear-armed and possibly nuclear-armed countries shows every sign of being a growing one.

Although it may seem inappropriate to mention "civilization" in the same breath as the death of hundreds of millions of people, it should at least be pointed out that a full-scale holocaust would, if it extended throughout the Northern Hemisphere, eliminate the civilizations of Europe, China, Japan, Russia, and the United States from the earth.

As I have already mentioned, there are uncertainties inherent in any attempt to predict the consequences of a nuclear holocaust; but when we try to estimate those consequences for the targeted countries it turns out that the readily calculable local primary effects of the bombs are so overwhelming that we never arrive at the uncertainties. Obviously, there can be no tangled interplay of destructive influences in society if there is no society; and the local primary effects are more than enough to remove society from the picture. This is why those observers who speak of "recovery" after a holocaust or of "winning" a nuclear "war" are dreaming. They are living in a past that has been swept away forever by nuclear arms. However, when it comes to inquiring into the global ecological consequences of a holocaust and, with them, the risk of human extinction, the uncertainties, and the political questions they raise, move to the fore. To begin with, this inquiry requires us to concentrate our attention on the earth. The earth is a compound mystery, for it presents us with the mystery of life in its entirety, the mystery of every individual form of life, and the mystery of ourselves, and all our thoughts and works. (Since we are earth-made, investigation of the earth eventually becomes introspection.) The reason for our ignorance is not that our knowledge of the earth is slight—on the contrary, it is extensive, and has grown in this century more than in all other centuries put together—but that the amount to be known is demonstrably so much greater. There is a sense, of course, in which knowledge can increase ignorance. By leading to fresh discoveries, knowledge may open up new wonders to our view but not yet to our understanding. Our century's discoveries in the earth sciences have increased our ignorance in just this sense: they have given us a glimpse of how much there is still to find out. Dr. Lewis Thomas, the noted biologist and essayist, has defined this ignorance in categorical terms, saying, "We are ignorant about how we work, about where we fit in, and most of all about the enormous, imponderable system of life in which we are embedded as working parts. We do not really understand nature, at all." Of all the things to be said in a discussion of the global effects of a nuclear holocaust, this is by far the most important: that because of the extent of what we know that we don't know, we are simply debarred from making confident judgments.

Since an awareness of the boundaries of present knowledge is a necessary part of science's effort to achieve precision and clarity, it is not surprising that the literature on global nuclear effects is littered with reminders of the fallibility and, above all, of the incompleteness of our present understanding. This appropriate modest, tentative spirit has perhaps been best summed up in the opening comments of the Office of Technology Assessment report, which states that the most important thing to know about a holocaust is not anything that "is known" but "what is not known." A similar acknowledgment of the importance of the unknown is implicit in a remark in a 1977 "interim" report by the National Academy of Sciences on the peril to the stratosphere from man-made disturbances in general. "It is unfortunately true," the report says, "that, accompanying very substantial overall progress, the recent development of our understanding of stratospheric chemistry has been dominated by major upheavals caused by the recognition of the importance of processes whose role either had not been properly appreciated . . . or whose rate coefficient had been grossly misjudged. . . . To say how many more major upheavals we should expect in the future is rather like trying to foresee the unforeseeable." The report goes on to note that as knowledge of the chemistry of the stratosphere has improved, it has turned out that "even with the largest computers it is not possible to represent the detailed three-dimensional motions in the atmosphere while including the detailed chemical reactions." Before the "upheavals," scientists seemed to "know" a good deal; afterward, they knew that they knew less.

Our ignorance pertains to the possibility of altogether unknown major effects of nuclear explosions as well as to the magnitude of the known ones and their infinite interactions. Like so much else in science, the discovery of what is known so far about the effects of nuclear explosions is a story of surprises, starting with the surprise that the nucleus could be fissioned at all. Perhaps the second big surprise was the extent of harmful fallout; this came to light in the fifteen-megaton test at Bikini in 1954, when, to the amazement of the designers of the test, fallout began to descend on Marshall Islanders and on American servicemen manning weather stations on atolls at supposedly safe distances from the explosion. It was not until this test that the world was alerted to the real magnitude—or, at any rate, to the magnitude as it is understood so far—of the peril from nuclear fallout. The next surprise was the extent of the effects of the electromagnetic pulse. Probably the most recent surprise has been the discovery, in the nineteen-seventies, of the peril to the ozone layer. Around 1970, a number of scientists became worried that the use of supersonic transports, which fly in the stratosphere and emit oxides of nitrogen, would deplete the ozone layer, and it occurred to two Columbia physicists—Henry M. Foley and Malvin A. Ruderman—that since nuclear weapons were known to produce nitric oxide in the stratosphere, the capacity of this compound for depleting the ozone might be tested by trying to find out whether ozone levels had dropped as a result of the atmospheric testing of nuclear weapons. The investigation was inconclusive, but it led the two men to worry about the fate of the ozone in the event of a nuclear holocaust. Their concern awakened the concern of other scientists, and in 1975 the National Academy of Sciences produced its report "Long-Term Worldwide Effects of Multiple Nuclear-Weapons Detonations," which attempted, among other things, to measure this peril. The sequence of events leading to our present awareness of this peril is illuminating, because it shows how a broad new development in scientific thought—in this case, the growing awareness in the nineteen-seventies of the vulnerability of the ecosphere to human intervention—brought to light an immense effect of nuclear weapons which had previously gone unnoticed. It is always difficult to become aware of one's ignorance, but as we try to give due weight to our present ignorance it can help us to recall that little more than a decade ago possibly the gravest global consequence of a holocaust which we now know of was totally unsuspected. Given the incomplete state of our knowledge of the earth, it seems unjustified at this point to assume that further developments in science will not bring forth further surprises.

The embryonic state of the earth sciences is one reason for our uncertainty concerning the outcome of a nuclear holocaust, but there is a moral and political reason that may be even more fundamental. Epistemologically, the earth is a special object. Scientific inquiry into the effects of a holocaust, like every other form of inquiry into this subject, is restricted by our lack of experience with large-scale nuclear destruction. But the lack of experience is not the result of neglect or accident, or even of our reluctance to face the horror of our predicament. In scientific work, experience means experiments, and scientific knowledge is not considered to be knowledge until it has been confirmed by experiment—or, at least, by observation. Until then, no matter how plausible a theory sounds, and no matter how dazzling it may appear intellectually, it is relegated to the limbo of hypothesis. But when it comes to judging the consequences of a nuclear holocaust there can be no experimentation, and thus no empirical verification. We cannot run experiments with the earth, because we have only one earth, on which we depend for our survival; we are not in possession of any spare earths that we might blow up in some universal laboratory in order to discover their tolerance of nuclear holocausts. Hence, our knowledge of the resiliency of the earth in the face of nuclear attack is limited by our fear of bringing about just the event—human extinction—whose likelihood we are chiefly interested in finding out about. The famous uncertainty principle, formulated by the German physicist Werner Heisenberg, has shown that our knowledge of atomic phenomena is limited because the experimental procedures with which we must carry out our observations inevitably interfere with the phenomena that we wish to measure. The question of extinction by nuclear arms—or by any other means, for that matter—presents us with an opposite but related uncertainty principle: our knowledge of extinction is limited because the experiments with which we would carry out our observations interfere with us, the observers, and, in fact, might put an end to us. This uncertainty principle complements the first. Both principles recognize that a limit to our knowledge is fixed by the fact that we are incarnate beings, not disembodied spirits, and that observation, like other human activities, is a physical process and so can interfere both with what is under observation and with the observer. Therefore, it is ultimately extinction itself that fixes the boundary to what we can know about extinction. No human being will ever be able to say with confidence, "*Now* I see how many megatons it takes for us to exterminate ourselves." To the extent that this check stands in the way of investigation, our uncertainty is forced on us not so much by the limitations of our intellectual ability as by the irreducible fact that we have no platform for observation except our mortal frames. In these circumstances, which are rudiments of the human condition, toleration of uncertainty is the path of life, and the demand for certainty is the path toward death.

We have had some experience of moral and political restraints on research in the field of medicine, in which, in all civilized countries, there are restrictions on experimenting with human beings; when the results might be injurious, laboratory animals are used instead. However, in investigating the properties of the earth we lack even any recourse that would be analogous to the use of these animals, for if we have no extra, dispensable earths to experiment with, neither are we in possession of any planets bearing life of some different sort. (As far as we now know, among the planets in the solar system the earth stands alone as a bearer of life.) And while it is true that we can run experiments in various corners of the earth and try to extrapolate the results to the earth as a whole, what is always missing from the results is the totality of the ecosphere, with its endless pathways of cause and effect, linking the biochemistry of the humblest alga and global chemical and dynamic balances into an indivisible whole. This whole is a mechanism in itself; indeed, it may be regarded as a single living being. Dr. Thomas, for one, has likened the earth to a cell. The analogy is compelling, but in one noteworthy respect, at least, there is a difference between the earth and a cell: whereas each cell is one among billions struck from the same genetic mold, the earth, as the mother of all life, has no living parent. If the behavior of cells is often predictable, it is because they exist en masse, and what a billion of them, programmed by their genetic material, have done a billion times the billion and first is likely to do again. But the earth is a member of no class as yet open to our observation which would permit the drawing of such inferences by generalization. When it comes to trying to predict its tolerance to perturbances, we are in the position of someone asked to deduce the whole of medicine by observing one human being. With respect to its individuality, then, the earth is not so much like a cell as like an individual person. Like a person, the earth is unique; like a person, it is sacred; and, like a person, it is unpredictable by the generalizing laws of science.

If we had no knowledge at all of the likely consequences of a holocaust for the earth, there would, of course, be no basis whatever for judgment. However, given the extent of what there is to know about the earth, it is no contradiction to say that while our ignorance is vast and, in a certain sense, irremediable (although, at the same time, the amount that we can and certainly will find out is also probably measureless), our knowledge is also vast, and that what we know is extremely alarming. Since in a global holocaust even the so-called local effects of the explosions may cover the whole land mass of the Northern Hemisphere, they may have secondary consequences that are truly global.

The destruction of estaurine life throughout the Northern Hemisphere and the radioactive poisoning of the local waters could cause general harm to life in the oceans. Ecological collapse on the land in large parts of the Northern Hemisphere could have large consequences for the climate of the earth as a whole. Loss of vegetation, for example, increases the surface reflectivity of the earth, and this has a cooling effect on the atmosphere. In heavily irradiated zones, the mutation of plant pathogens might create virulent strains that could, in the words of the 1975 N.A.S. report, "produce disease epidemics that would spread globally." The irradiated northern half of the earth would in general become a huge radioecological laboratory, in which many species would be driven to extinction, others would flourish and possibly invade unharmed parts of the earth, and still others would evolve into new and unpredictable forms.

But more important by far, in all probability, than the global aftereffects of the local destruction would be the direct global effects, the most important of which is ozone loss. The concentration of ozone in the earth's atmoshpere is very small—not more than ten parts by weight per million parts of air.

Yet the ozone layer has a critical importance to life on earth, because it protects the earth's surface from the harmful ultraviolet radiation in sunlight, which would otherwise be "lethal to unprotected organisms as we now know them," to quote Dr. Martyn M. Caldwell, a leading authority on the biological effects of ultraviolet radiation, in a recent article of his in *BioScience* titled "Plant Life and Ultraviolet Radiation: Some Perspective in the History of the Earth's UV Climate." I have already mentioned Glasstone's remark that without the absorption of solar ultraviolet radiation by the ozone "life as currently known could not exist except possibly in the ocean."

The 1975 N.A.S. report states, "As biologists, geologists, and other students of evolution recognize, the development of an oxygenrich atmosphere, with its *ozone layer, was a precondition to the development of multicelled plants and animals, and all life forms on land have evolved under this shield*" (italics in the original). B. W. Boville, of the Canadian Atmospheric Environment Service, has written that the ozone layer is "a crucial element to climate and to the existence of all life on earth."

Dr. Fred Iklé, who served as the director of the Arms Control and Disarmament Agency under Presidents Nixon and Ford, and now serves as Under Secretary of Defense for Policy under President Reagan, has stated that severe reduction of the ozone layer through nuclear explosions could "shatter ecological structure that permits man to remain alive on this planet." And a paper delivered at a United Nations-sponsored scientific conference in March, 1977, states, "The whole biological world, so dependent on micro-organisms, may, if doses [of ultraviolet radiation] increase, be in serious trouble."

As the passage from the N.A.S. report states, the beginnings of multicelled life are associated with the formation of an ozone layer. In the earliest stages of evolution, when there was little or no oxygen in the atmosphere, and no ozone layer—ozone (O_3) is formed when sunlight strikes oxygen (O_2) in the upper atmosphere—ultraviolet radiation, which would then have reached the surface of the earth relatively unimpeded, may have been one of the most important sources of the energy that built up the first biological macromolecules, about three and a half billion years ago.

But about two billion years ago, when those molecules had formed into single-celled organisms freed themselves from dependence on ultraviolet light as a source of energy by coming to rely instead on photosynthesis—a method of extracting energy from sunlight by making use of carbon dioxide and water, which were available everywhere in the environment, as they are today.

Photosynthesis was "probably the largest single step on the evolutionary path leading to the growth of higher life forms" (according to Dr. Michael McElroy, a physicist at Harvard's Center for Earth and Planetary Physics, who has done important new work in the study of the earth's atmosphere), and set the stage for terrestrial life as it exists today. For that life to develop, however, the genetic material, DNA, had also to develop, and ultraviolet light, as it happens, is particularly destructive of DNA, causing it to lose "biological activity," as Dr. Caldwell notes.

Furthermore, ultraviolet light inhibits photosynthesis, and thus on the earth of two billion years ago it placed another barrier in the way of what turned out to be the next step in evolution. And there was still another barrier to evolution in the fact that oxygen, a by-product of photosynthesis, was poisonous to existing organisms. At first, it is suggested, organisms solved their oxygen problem by fixing oxygen to ferrous iron—a procedure that would explain the existence of banded iron formations found in sedimentary rock that is some two billion years old.

But it was life's second solution to its oxygen problem—the development of enzymes capable of returning oxygen harmlessly to the environment—that proved to be the more successful one. It lifted the barriers to evolution just mentioned: by detoxifying oxygen it liberated life from its dependence on iron, leaving life "free to proliferate in the ocean, with rapid growth in oxygen" (McElroy); and by enriching the atmosphere with oxygen it assured the gradual creation of an ozone layer, which blocked out much of the ultraviolet radiation.

Once this was done, the way was cleared, in the opinion of some scientists, for the "eruptive proliferation of species" (Caldwell) that geologists find in the fossil record of the Cambrian period, nearly six hundred million years ago. A hundred and eighty million years later, in the silurian, life made a second leap ahead when, after more than three billion years in the ocean, it made its "dramatic appearance" (Caldwell) on land, and this leap, too, can be associated with the growth of the ozone shield, which, it is thought, around that time reached a density that would permit organisms to survive on land, without the partial protection from ultraviolet radiation which water affords.

If the formation of the ozone layer was one of the necessary preconditions for the "dramatic appearance" of life on land, then the question naturally arises whether heavy depletion of the ozone, by nuclear explosions or any other cause, might not bring about a dramatic disappearance of life, including human life, from the land. (Spray cans, incongruously, are one possible cause of harm to the ozone, because they put chlorocarbons into the atmosphere, and these are broken down by sunlight, releasing chlorine, which depletes ozone.) But that question, having been raised, is one of those which cannot be answered with confidence, given the present state of our knowledge of the workings of the earth.

Even the estimates of ozone loss that would be brought about by holocausts of different sizes are higly uncertain (in calculating some of these figures, the National Academy of Sciences found the largest computers insufficient)—as is made clear in the 1975 N.A.S. report, which found that the explosion of ten thousand megatons of nuclear weapons would increase the amount of nitric oxide in the stratosphere to something between five and fifty times the normal amount (a tenfold uncertainty is characteristic of calculations in this field), that it would (as has been mentioned) reduce the ozone layer in the Northern Hemisphere, where the report assumes that the explosions would occur, by anything from thirty to seventy per cent, and that it would reduce it in the Southern Hemisphere by anything from twenty to forty per cent. I recently asked Dr. McElroy what the current estimation of danger to the ozone layer from man-made oxides of nitrogen in general was.

"In the years after the N.A.S. report of 1975, the estimates of harm were lowered, but since about 1977 they have risen again," he told me. He went on to discuss a possible increase in nitrous oxide in the atmosphere brought about by, say, agricultural fertilizers. "At present, it is estimated that a doubling of the nitrous oxide in the troposphere, which becomes nitric oxide—one of the compounds that deplete ozone—after it reaches the stratosphere, would bring about a fifteen-per-cent reduction in the ozone. That is a higher estimate for the nitrous-oxide effect than the one made in 1975.

However, a nuclear holocaust would inject nitric oxide directly into the stratosphere, and in amounts much greater than would be produced, indirectly, by the twofold increase in nitrous oxide, and no one has done any study of the consequences for the ozone of these larger amounts in the light of the knowledge acquired since 1975.

But my guess is that the figures would not have changed radically, and that the estimates for ozone reduction by a nuclear holocaust given in 1975 would not be far off." In mid-1981, the first measurement of an actual reduction of the ozone layer was made.

The National Aeronautics and Space Administration reported "preliminary" findings indicating that ozone in a region of the stratosphere some twenty-five miles up—in the higher part of the ozone layer—had decreased at the rate of approximately half a per cent a year over the past decade. While this chilling discovery does not bear directly on the consequences of a holocaust for the ozone, it does tend to confirm the more general hypothesis that the ozone is vulnerable to human intervention.

The extent of the biological damage that would be done by various increases in ultraviolet radiation is, if anything, even less well known than what the increases caused by nuclear detonations might be, but the available information suggests that the damage to the whole ecosphere would be severe. One reason is that certain wavelengths of ultraviolet that are known to be particularly harmful biologically would be disproportionately increased by ozone reduction.

Moreover, the cause of the biological damage—increased ultraviolet radiation—would be similar everywhere, but the effects would be different for each of the earth's species and ecosystems. And the effects of those effects, spreading outward indefinitely through the interconnected web of life, are not within the realm of the calculable.

However, it is known with certainty that ultraviolet radiation is harmful or fatal to living things. In fact, precisely because of its abiotic qualities ultraviolet light has long been in use as a sterilizing agent in medical and other scientific work. The most comprehensive study of ultraviolet's effects which has been done so far is the Department of Transportation's Climatic Impact Assessment Program report "Impacts of Climatic Change on the Biosphere."

It states that "excessive UV-B radiation"—the part of the ultraviolet spectrum which would be significantly increased by ozone depletion—"is a decidedly detrimental factor for most organisms, including man," and continues, "Even current levels of solar UV-B irradiance can be linked with phenomena such as increased mutation rates, delay of cell division, depression of photosynthesis in phytoplankton, skin cancer in humans, cancer eye in certain cattle, and lethality of many lower organisms, such as aquatic invertebrates and bacteria."

Research concerning the effects of UV-B irradiance on specific organisms—and especially on organisms in their natural habitats—has been slight, and in a recent conversation Dr. Caldwell, who was chairman of the scientific panel that produced the Climatic Impact Assessment Program report, told me that not enough experiments have been done for anyone to generalize with confidence about the ultimate fate of living things subjected to increased ultraviolet radiation.

From the experiments that have been done however, it is known that, among mammals, human beings are especially vulnerable, because of their lack of body hair. Since some ultraviolet light reaches the earth in normal circumstances, human beings (and other creatures) have developed adaptations to deal with it.

The main adaptation in man is tanning, which helps to prevent sunburn. The susceptibility of fair-skinned people to these ailments and also to skin cancer is traceable to their relative in ability to tan, and one consequence of reduced ozone could be higher rates of skin cancer among human beings.

Of much greater seriousness, though, would be the temporary loss of sight through photophthalmia, or snow blindness, which can be contracted by exposure to heightened ultraviolet radiation and may last for several days after each exposure. Photophthalmia is, in the words of the 1975

N.A.S. report, "disabling and painful;" also, "there are no immune groups," and "there is no adaptation."

One can avoid photophthalmia by wearing goggles whenever one goes outside, but so far the world has made no provision for each person on earth to have a pair of goggles in case the ozone is depleted. However, if the higher estimates of depletion turn out to be correct, people will not be able to stay outdoors very long anyway. At these levels, "incapacitating" sunburn would occur in several minutes; if the reduction of the ozone reached the seventy-percent maximum that the report assigns to the Northern Hemisphere, the time could be ten minutes.

Moreover, the report states that in the months immediately following the attack ozone depletion could be even higher than seventy percent. "We have no simple way," the report observes, "to estimate the magnitude of short-term depletion." The ten-minute rule is not one that the strategists of "recovery" after a nuclear attack usually figure into their calculations.

If high levels of ultraviolet radiation occur, then anyone who crawls out of his shelter after radiation from fallout has declined to tolerable levels will have to crawl back in immediately. In the meantime, though, people would not have been able to go out to produce food, and they would starve.

A further possible harmful consequence—in itself a potential human and ecological catastrophe of global proportions—is that increased ultraviolet light would raise the amounts of Vitamin D in the skin of mammals and birds to toxic levels.

But the experimentation necessary to determine whether or not this sweeping catastrophe would occur has not been done. The 1975 N.A.S. report observes, alarmingly but inconclusively, "We do not know whether man and other vertebrate animals could tolerate an increased Vitamin D synthesis that might result from a large and rapid increase in (ultraviolet) exposure." The report "urgently" recommends further study of the question.

The skin of many mammals would be protected by fur or other covering, but their eyes would remain exposed.

In a recent lecture, Dr. Tsipis said that ozone reduction might bring about the blinding of the world's animals, and that this effect alone would have the makings of a global ecological catastrophe. I discussed the subject with Dr. Frederick Urbach, who teaches medicine at Temple University and is the editor of a volume titled "The Biologic Effects of Ultraviolet Radiation with Emphasis on the Skin," and who has conducted extensive research on the effect of ultraviolet radiation on animals. He confirmed that the peril to the eyes of animals is vast and real. "If you go much above fifty percent reduction of the ozone, the increase in ultraviolet radiation begins to do injury to the cornea," he told me.

"You get a bad sunburn of the eye. People don't usually get it, because at normal levels the anatomy of the face gives protection. But when there is snow on the ground the ultraviolet radiation is reflected back up into the eye. The problem is easily remedied by wearing glasses, but animals will hardly be able to do that.

There is a story—probably apocryphal—that when Hannibal crossed the Alps, where ultraviolet is more intense, some of his elephants went blind. When animals can't see, they can't protect themselves. A blind animal does not survive well in nature.

Repeated injury causes scarring of the cornea, and this would eventually make the animals permanently blind. We see this happening to the mice that we irradiate with ultraviolet wavelengths in the laboratory; after a while, they develop opaque corneas. In the event of ozone depletion, the same thing would happen not only to mammals but to insects and birds."

Sight and smell permit animals to find their way in the environment and to fulfill the roles mapped out for them by nature, and the loss of sight would throw the environment into disarray as billions of blinded beasts, insects, and birds began to stumble through the world. The disorientation of insects would be fateful not only for them but for plant life, much of which depends on insects for pollination and other processes essential to survival. Ultraviolet light is, in fact, known to play a role in many activities of insects, including phototaxis, celestial navigation, and sex identification, and an increase in ultraviolet light would no doubt impair these capacities. But plant life would in any case be under direct assault from increased ultraviolet radiation.

While confident generalization about the fate of plants has to be ruled out, experiments that have been performed with crops show that while some are quite resistant, others, including tomatoes, beans, peas, and onions, would be killed or "severely scalded," according to the N.A.S. report. Because ultraviolet radiation breaks down DNA, which regulates reproduction, and because it also represses photosynthesis, which is the chief metabolic process of plants, the direct effect of increased ultraviolet radiation on plant life is likely to be widespread and serious.

And because many species, the N.A.S. report states, "survive at an upper limit of tolerance," any increase in ultraviolet radiation is "a threat to the survival of certain species and accordingly to entire ecosystems."

The global damage to plants and the global damage to the insects are synergistic: the damage to the insects damages the plants, which, in turn, damage the insects again, in a chain of effects whose outcome is unforeseeable. On the question of the harm to the insects that would be caused by the harm to the rest of the ecosphere, Ting H. Hsiao, a professor of entomology at Utah State University, has written in the Climatic Impact Assessment Program report, "Since insects are important in the world's ecosystems, any changes in other components of the ecosystem could have an impact on insect populations.

Ultraviolet radiation is a physical factor that directly influences all biotic components of the ecosystem. . . . A change in abiotic factors, such as temperature, rainfall, or wind, associated with elevated ultraviolet radiation could profoundly affect behavior, biology, population structure, dispersal, and migration of insects." Dr. Hsiao's observations about insects and the ecosphere can, in fact, be generalized to include all global effects of a holocaust, for there are few that do not have potential large consequences for the character and severity of all the others.

The web of life in the oceans, perhaps more than any other part of the environment, is vulnerable to damage from increased ultraviolet radiation. John Calkins, of the Department of Radiation Medicine of the University of Kentucky, and D. Stuart Nachtwey, a professor of radiation biology at Oregon State University, remark in the Climatic Impact Assessment Program report that the experimentation that has been done so far, though it is inadequate, suggests that "many aquatic micro-organisms and invertebrates have little reserve capacity to cope with surface levels of solar UV-B." The organisms at greatest risk are the unicellular organisms that lie at the base of the marine food chain, and thus ultimately sustain the higher creatures in the oceans. Since the removal of an organism from the food chain can eliminate all the organisms above it in the chain, the loss of even part of the chain's base could have huge consequences. Once again, quantitative judgments are not possible, but such experiments as have been carried out make the danger clear. In the early nineteen-seventies, researchers discovered that even normal levels of UV-B radiation are harmful or fatal to many aquatic organisms if they are not permitted to descend deeper into the water or otherwise shield themselves from exposure. The finding is important, because it means that the question to be asked about increased UV-B radiation is not whether it would be biologically harmful but whether the intensity would be great enough to overpower the mechanisms of defense that organisms have built up over billions of years of evolution to deal with normal levels of ultraviolet radiation. The defense mechanisms include the screening of the DNA molecules with less critical molecules; enzymatic mechanisms by which damage done in the daytime is repaired at night; and delay of cell division (when cells can be most sensitive to ultraviolet radiation) until the nighttime. But fleeing, which can save some organisms from the ultraviolet peril, may get them into other kinds of trouble. In general, organisms find the niche in the environment that is best suited to them, and if they are suddenly forced to leave it they may die. Or, if they survive, they may destroy the ecological niche that permits some other species to survive. If a change in the environment occurs slowly, an organism may prove able to adapt, but a holocaust would bring a sudden change, and the usefulness of adaptation would be greatly reduced. A glimpse of a few of the complexities involved in ultraviolet stress is offered by some experiments that were done by Dr. Nachtwey and several colleagues on the unicellular alga called *Chlamydomonas reinhardi*. If the alga is resting near the surface of the ocean on a cloudy day, and the sun suddenly appears, it will dive for safety, and if ultraviolet radiation is at normal levels it will get deep enough fast enough to survive. But if the ozone has been decreased by as little as sixteen percent, the alga will be killed in mid-dive by the more intense ultraviolet rays. The crucial factor for *C. Reinhardi* turns out to be its swimming speed.

Because experimentation has been so slight, and because the complexities are so immense, both the Climatic Impact Assessment Program report and the N.A.S. report hold back from sweeping judgments about the fate of oceanic life as a whole in the event of severe ozone reduction, but at one point the N.A.S. report does state that "under extreme circumstances, certain habitats could become devoid of living organisms," and at another point, speaking of the global effects in their entirety, it states, "Large-scale detonations will create conditions sufficient to modify the oceanic environment, on a global basis, with a resultant modification of the marine biota. In areas of major perturbations this influence will be in the form of local or extensive extinctions or reduction in susceptible species, with a subsequent disruption of the normal food web."

A second global consequence of ozone reduction would be climatic change. The earth's climate, like the ecosphere as a whole, the 1975 N.A.S. report reminds us, is "holocoenotic;" in other words, it is a whole in which "any action influencing a single part of the system can be expected to have an effect on all other parts of the system." As is hardly surprising, the totality of those effects is unknown even for a single major climatic disturbance, and the N.A.S. report notes that "no adequate climatic models exist that would permit prediction of the nature and degree of climatic changes that might result from a large-scale nuclear event." Of the three large components of the earth's surface—land, sea, and air—the air is probably the most changeable. The parts of this delicately balanced whole include, among many others, the chemical composition of both the troposphere and the stratosphere; the temperature levels of the atmosphere and the degree of moisture at all altitudes; the temperature and reflectivity of the earth's surface; the circulatory patterns of the air; the circulatory patterns of the ocean currents; and the degree of retention of the earth's reflected warmth by the atmosphere, in the so-called greenhouse effect. Each of these parts could be disturbed by a holocaust, and the disturbance of any one would disturb many or all of the others. According to present thinking, a depletion of the ozone layer would simultaneously act to warm the surface of the earth, by permitting more solar radiation to reach it, and act to cool it, by reducing the layer's capacity to radiate back to earth the heat reflected from the earth's surface. But, according to the N.A.S. report, the cooling at the surface of the earth, which might last for several years, is expected to exceed the warming by, at most, an amount estimated (very tentatively, considering that "no adequate climatic models exist") at approximately one degree Fahrenheit. Temperature change at the surface, however, may be less important than temperature change elsewhere in the atmosphere. For example, cooling of the upper troposphere and of the lower stratosphere "is likely to be much larger" than cooling at the surface, and may cause alterations in the cloud cover, which would, in turn, influence the climate. This whole subject, however, is one of the many subjects that remain relatively unexplored. It is estimated that dust and smoke lofted by the explosions would add to the cooling by another degree Fahrenheit. Temperatures on earth can fluctuate tens of degrees in a single day, yet the net reduction of a couple of degrees in the temperature of the entire surface of the earth after a holocaust would be of great consequence. For example, it could cut the biological productivity of deciduous forests by as much as twenty per cent, shift the monsoons in Asia in a way that could be ruinous for both agriculture and ecosystems, and eliminate all wheat-growing in Canada. The N.A.S. report also mentions that climatic change identified as "dramatic" and "major," but not otherwise specified, "cannot be ruled out," and adds that although the change is likely to last only a few years, the possibility exists that it "may not be reversible." Greater reductions would, of course, have larger consequences. Another global consequence of the injection of oxides of nitrogen into the stratosphere by nuclear explosions would be pollution of the environment as these gases fell back into the troposphere. Nitrogen dioxide, for example, is one of the most harmful components of the smog that afflicts many modern cities, such as Los Angeles. It reacts with hydrocarbons present in the air above these cities, actually causing in the process some ozone formation. While ozone in the stratosphere is beneficial to human beings, ozone near ground level is not. It has been found not only to increase respiratory problems among human beings but to be harmful to some plant life. The formation of nitrogen dioxide, accordingly, is still another global effect of a holocaust whose consequences are not calculable. In addition, nitrogen dioxide is responsible in polluted cities for turning the sky brown, and after a holocaust it might happen that the sky of the whole earth would turn from blue to brown for as long as the pollution lasted (perhaps several years).

The known consequences of global contamination by stratospheric fallout (as distinct from the tropospheric fallout on the targeted countries) would seem great in comparison with anything except other nuclear effects, but against this backdrop they seem moderate—although, as usual, the state of knowledge precludes confident prediction. The stratospheric portion of the fallout is much less intense than the tropospheric portion, because it can remain in the atmosphere for several years, and by the time it descends to earth its radioactivity has declined to very low levels. The N.A.S. report estimates that a ten-thousand-megaton holocaust would deliver over the following twenty to thirty years a dose of four rems to every person in the Northern Hemisphere and a third of that to every person in the Southern Hemisphere, and would cause a two-per-cent rise in the death rate from cancer. The same doses would cause serious genetic disease to increase around the world by up to about two per-cent, with a noticeable but decreasing number of mutations appearing in the next thirty generations. There would, however, be "hot spots" in some parts of the world, where, because of certain patterns of weather, the doses of radiation would be many times as great. Also, the world would be contaminated with particles of plutonium, which would cause an as yet unestimated rise in the incidence of lung cancer. (All these effects, which were calculated by the N.A.S. in 1975 for a ten-thousand-megaton holocaust, would presumably be greater in a twenty-thousand-megaton holocaust.)

In recent years, scientists in many fields have accumulated enough knowledge to begin to look on the earth as a single, concrete mechanism, and to at least begin to ask how it works. One of their discoveries has been that life and life's inanimate terrestrial surroundings have a strong reciprocal influence on each other. For life, the land, oceans, and air have been the environment, but, equally, for the land, oceans, and air life has been the environment—the conditioning force. The injection of oxygen into the atmosphere by living things, which led to the formation of an ozone layer, which, in turn, shut out lethal ultraviolet rays from the sun and permitted the rise of multicellular organisms, was only one of life's large-scale interventions. The more closely scientists look at life and its evolution, the less they find it possible to draw a sharp distinction between "life," on the one hand, and an inanimate "environment" in which it exists, on the other.

Rather, "the environment" of the present day appears to be a house of unimaginable intricacy which life has to a very great extent built and furnished for its own use. It seems that life even regulates and maintains the chemical environment of the earth in a way that turns out to suit its own needs. In a far-reaching speculative article entitled "Chemical Processes in the Solar System: A Kinetic Perspective," Dr. McElroy has described the terrestrial cycles by which the most important elements of the atmosphere—oxygen, carbon, and nitrogen—are kept in proportions that are favorable to life. He finds that in each case life itself—its birth, metabolism, and decay—is chiefly responsible for maintaining the balance. For example, he calculates that if for some reason respiration and decay were suddenly cut off, photosynthesis would devour all the inorganic carbon on the surface of the ocean and in the atmosphere within forty years. Thereafter, carbon welling up from the deep ocean would fuel photosynthesis in the oceans for another thousand years, but then "life as we know it would terminate." Dr. McElroy also observes that the amount of ozone in the stratosphere is influenced by the amount of organic decay, and thus by the amount of life, on earth. Nitrous oxide is a product of organic decay, and because it produces nitric oxide—one of the compounds responsible for ozone depletion—it plays the role of regulator. In the absence of human intervention, living things are largely responsible for introducing nitrous oxide into the atmosphere. When life is exceptionally abundant, it releases more nitrous oxide into the atmosphere, and may thus act to cut back on the ozone, and that cutback lets in more ultraviolet rays. On the other hand, when life is sparse and depleted, nitrous-oxide production is reduced, the ozone layer builds up, and ultraviolet rays are cut back.

These speculative glimpses of what might be called the metabolism of the earth give substance to the growing conviction among scientists that the earth, like a single cell or a single organism, is a systemic whole, and in a general way they tend to confirm the fear that any large man-made perturbation of terrestrial nature could lead to a catastrophic systemic breakdown. Nuclear explosions are far from being the only perturbations in question; a heating of the global atmosphere through an increased greenhouse effect, which could be caused by the injection of vast amounts of carbon dioxide into the air (for instance, from the increased burning of coal), is another notable peril of this kind. But a nuclear holocaust would be unique in its suddenness, which would permit no observation of slowly building environmental damage before the full—and, for man, perhaps the final—catastrophe occurred. The geological record does not sustain the fear that sudden perturbations can extinguish all life on earth (if it did, we would not be here to reflect on the subject), but it does suggest that sudden, drastic ecological collapse is possible. It suggests that life as a whole, if it is given hundreds of millions of years in which to recuperate and send out new evolutionary lines, has an astounding resilience, and an ability to bring forth new and ever more impressive life forms, but it also suggests that abrupt interventions can radically disrupt any particular evolutionary configuration and dispatch hundreds of thousands of species into extinction.

The view of the earth as a single system, or organism, has only recently proceeded from poetic metaphor to actual scientific investigation, and on the whole Dr. Thomas's observation that "we do not really understand nature, at all" still holds. It is as much on the basis of this ignorance, whose scope we are only now in a position to grasp, as on the basis of the particular items of knowledge in our possession that I believe that the following judgment can be made: Bearing in mind that the possible consequences of the detonations of thousands of megatons of nuclear explosives include the blinding of insects, birds, and beasts all over the world; the extinction of many ocean species, among them some at the base of the food chain; the temporary or permanent alteration of the climate of the globe, with the outside chance of "dramatic" and "major" alterations in the structure of the atmosphere; the pollution of the whole ecosphere with oxides of nitrogen; the incapacitation in ten minutes of unprotected people who go out into the sunlight; the blinding of people who go out into the sunlight; a significant decrease in phososynthesis in plants around the world; the scalding and killing of many crops; the increase in rates of cancer and mutation around the world, but especially in the targeted zones, and the attendant risk of global epidemics; the possible poisoning of all vertebrates by sharply increased levels of Vitamin D in their skin as a result of increased ultraviolet light; and the outright slaughter on all targeted continents of most human beings and other living things by the initial nuclear radiation, the fireballs, the thermal pulses, the blast waves, the mass fires, and the fallout from the explosions; and, considering that these consequences will all interact with one another in unguessable ways and, furthermore, are in all likelihood an incomplete list, which will be added to as our knowledge of the earth increases, one must conclude that a full-scale nuclear holocaust could lead to the extinction of mankind.

To say that human extinction is a certainty would, of course, be a misrepresentation—just as it would be a misrepresentation to say that extinction can be ruled out. To begin with, we know that a holocaust may not occur at all. If one does occur, the adversaries may not use all their weapons. If they do use all their weapons, the global effects, in the ozone and elsewhere, may be moderate. And if the effects are not moderate but extreme, the ecosphere may prove resilient enough to withstand them without breaking down catastrophically. These are all substantial reasons for supposing that mankind will not be extinguished in a nuclear holocaust, or even that extinction in a holocaust is unlikely, and they tend to calm our fear and to reduce our sense of urgency. Yet at the same time we are compelled to admit that there *may* be a holocaust, that the adversaries *may* use all their weapons, that the global effects, including effects of which we are as yet unaware, *may* be severe, that the ecosphere *may* suffer catastrophic breakdown, and that our species *may* be extinguished. We are left with uncertainty, and are forced to make our decisions in a state of uncertainty. If we wish to act to save our species, we have to muster our resolve in spite of our awareness that the life of the species may not now in fact be jeopardized. On the other hand, if we wish to ignore the peril, we have to admit that we do so in the knowledge that the species may be in danger of imminent self-destruction. When the existence of nuclear weapons was made known, thoughtful people everywhere in the world realized that if the great powers entered into a nuclear-arms race the human species would sooner or later face the possibility of extinction. They also realized that in the absence of international agreements preventing it an arms race would probably occur.

They knew that the path of nuclear armament was a dead end for mankind. The discovery of the energy in mass—of "the basic power of the universe"— and of a means by which man could release that energy altered the relationship between man and the source of his life, the earth. In the shadow of this power, the earth became small and the life of the human species doubtful. In that sense, the question of human extinction has been on the political agenda of the world ever since the first nuclear weapon was detonated, and there was no need for the world to build up its present tremendous arsenals before starting to worry about it. At just what point the species crossed, or will have crossed, the boundary between merely having the technical knowledge to destroy itself and actually having the arsenals at hand, ready to be used at any second, is not precisely knowable. But it is clear that at present, with some twenty thousand megatons of nuclear explosive power in existence, and with more being added every day, we have entered into the zone of uncertainty, which is to say the zone of risk of extinction. But the mere risk of extinction has a significance that is categorically different from, and immeasurably greater than, that of any other risk, and as we make our decisions we have to take that significance into account. Up to now, every risk has been contained within the frame of life; extinction would shatter the frame. It represents not the defeat of some purpose but an abyss in which all human purposes would be drowned for all time. We have no rights to place the possibility of this limitless, eternal defeat on the same footing as risks that we run in the ordinary conduct of our affairs in our particular transient moment of human history. To employ a mathematical analogy, we can say that although the risk of extinction may be fractional, the stake is, humanly speaking, infinite, and a fraction of infinity is still infinity. In other words, once we learn that a holocaust *might* lead to extinction we have no right to gamble, because if we lose, the game will be over, and neither we nor anyone else will ever get another chance. Therefore, although, scientifically speaking, there is all the difference in the world between the mere possibility that a holocaust will bring about extinction and the certainty of it, morally they are the same, and we have no choice but to address the issue of nuclear weapons as though we knew for a certainty that their use would put an end to our species. In weighing the fate of the earth and, with it, our own fate, we stand before a mystery, and in tampering with the earth we tamper with a mystery. We are in deep ignorance. Our ignorance should dispose us to wonder, our wonder should make us humble, our humility should inspire us to reverence and caution, and our reverence and caution should lead us to act without delay to withdraw the threat we now pose to the earth and to ourselves.

In trying to describe possible consequences of a nuclear holocaust, I have mentioned the limitless complexity of its effects on human society and on the ecosphere—a complexity that sometimes seems to be as great as that of life itself. But if these effects should lead to human extinction, then all the complexity will give way to the utmost simplicity—the simplicity of nothingness. We—the human race—shall cease to be.—JONATHAN SCHELL.

● Mr. WEICKER. Mr. President, I join my colleagues in support of the joint resolution calling for a mutual, verifiable freeze on nuclear arms with the Soviet Union. The resolution's simplicity is also its strength. As a first step toward general disarmament, we must bring the arms race between the superpowers to a full stop.

In diplomatic circles, aside from the Geneva talks, there is an unearthly stillness on the subject of disarmament. The SALT negotiations are in limbo. The comprehensive test ban talks have been terminated. Discussion of a chemical weapons treaty has been broken off and antisatellite negotiations terminated.

Yes, the diplomats are silent. But in the distance we can hear the factories and defense plants churning out more nuclear weapons with every passing day. The Union of Concerned Scientists estimates that if the current buildup continues unabated, the United States and U.S.S.R. will amass nuclear arsenals that include 75,000 warheads with an explosive power approaching 2 million Hiroshima bombs; 10,000 missiles and bombers, double the number today, as well as a new generation of small weapons systems that could deliver thermonuclear warheads unverifiable by ordinary detection systems.

The United States alone is expected to spend $300 billion to stockpile missiles, aircraft, and bombs—$300 billion that is surely needed to rebuild our cities and revitalize our industrial base.

Elsewhere around the world, 10 or more nations, some of which are extremely unstable, are expected to join the nuclear powers.

As if this proliferation of nuclear weapons were not bad enough, we are also witnessing a perverse attitudinal change on the part of some strategists at the Pentagon. Ever since the explosions at Nagasaki and Hiroshima, the goal of the United States has been to deter nuclear war. Now, there is talk of fighting and winning one. In the President's fiscal year 1983 budget statement, we read that:

> U.S. defense policies ensure our preparedness to respond to and, if necessary, *successfully fight either conventional or nuclear war.* (Italics added.)

Whatever these strategists may think, anyone who has ever studied the subject knows that there is no such thing as a successful nuclear war. Any nuclear exchange, however limited, means the murder of millions of people, the breakup of civilization, and a fierce, if not fatal, blow to the ecology of the planet. Those who persist in contemplating a nuclear victory should be forced to read Jonathan Schell's frighteningly detailed description of a nuclear holocaust in the New Yorker.

When he accepted his Peace Prize in 1964, Martin Luther King, Jr., told the Nobel Committee:

> I refuse to accept the cynical notion that nation after nation must spiral down a militaristic stairway into the hell of nuclear destruction.

The American people do not accept that cynical notion any more than King did. And they are beginning to let us know it. From Vermont to California, citizens groups are calling for a halt to the arms race. Town meetings and State legislatures across the country have endorsed the idea of a nuclear freeze.

In my own State, the Connecticut Coalition for a Nuclear Arms Freeze has secured more than 30,000 signatures on its petitions and gained the backing of both houses of the legislature.

The joint resolution we are introducing today is a direct result of these grassroots efforts. It commits us to pursue a complete halt to the arms race, giving special attention to the deployment of destablilizing weapons which would make such a freeze more difficult to achieve. In words more vague than some of us would like, it commits us to finding a way and a time we can achieve this mutual freeze. For my part, I hope that can be done sooner rather than later. The premises and promises embodied in this resolution are noble ones. But they must be followed up with action. For if we do not get America back on the path to disarmament, we will most certainly travel down the road to destruction.

Johnathan Schell writes:

> In weighing the fate of the earth, and, with it, our own fate, we stand before a mystery, and in tampering with the earth we tamper with a mystery. We are in deep ignorance. Our ignorance should make us humble, our humility should inspire us to reverence and caution, and our reverence and caution should lead us to act without delay to withdraw the threat we now pose to the earth and to ourselves.

Mr. President, the nuclear gun we are holding is, in many ways, pointed at our own temple. Its trigger could be pulled by a saboteur or even an errant computer. I say to my colleagues, is it not time we put the gun away? And I urge them to support this joint resoluton.●

● **Mr. PELL.** Mr. President, I am pleased to join a number of my colleagues in sponsoring a resolution calling for the achievement of a mutual and verifiable freeze on nuclear weapons and for major, mutual and verifiable reductions in the nuclear arsenals of the United States and the Soviet Union.

I am deeply convinced that we must take steps on an urgent basis to bring the nuclear arms race to a halt and to reduce the size of the bloated nuclear arsenals with which the two sides threaten each other.

Unless we act now in cooperation with the Soviet Union to change our direction, a rekindled arms race could lead to a nuclear conflagration which would destroy our world. As Gen. David C. Jones, Chairman of the Joint Chiefs of Staff, told me during his testimony last November before the Foreign Relations Committee, an all-out nuclear war "would be the greatest catastrophe in history by many orders of magnitude." We must, above all, avoid such a catastrophe.

Yet, the distressing reality is that the United States and the Soviet Union are on a collision course that could lead to nuclear war. People in Western Europe and the United States have awakened to this danger, and a real transatlantic peace movement has developed. We have lived with the threat of mutual annihilation for over three decades. Yet despite the absence of direct conflict during that period and the fading memories of World War II, the fear of nuclear war is increasing, not receding.

The situation in which the United States and the Soviet Union now find themselves reminds me of a sailboat race that I saw off Newport last summer. Two large vessels were converging on each other at an alarming rate, and people on observation boats shouted warnings. Yet to my amazement and dismay, neither helmsman heeded the warnings, and consequently the boats collided. One of them was demasted, and the other was severely damaged.

We must avoid such a disastrous collision between the ships of state of the United States and the Soviet Union. We must be prepared to work with the Soviet leadership to alter the present collision course. The resolution which I and a bipartisan group of colleagues are introducing today charts a course which both sides could win—away from needless weapons competition and the prospect of nuclear catastrophe. As the ranking Domocratic member of the Committee on Foreign Relations, I intend to see that the committee gives this resolution careful and thorough consideration. I hope that other Senators will join us in this venture so that we can work together to set a course for a secure and stable peace.

I hope that the President of the United States will appreciate that the approach incorporated in this bipartisan resolution is consistent with his own efforts to achieve arms control. A nuclear freeze would reinforce and set the stage for success in the START talks. A freeze would also help insure that the achievements of SALT I and SALT II are not lost.

Mr. President, I have had the opportunity to hear the views of citizens on nuclear arms issues frequently in my own State, and also in other States. I have been struck and encouraged by the degree of understanding of nuclear dangers and by the growing determination among Americans to try to get something done to get the two sides off the present perilous course.

The depth of feeling was exemplified by an article in the March 4 Providence Journal. Nikki Salk, a 10th grader at Classical High School wrote:

> Many people don't wish to get involved, because they don't believe the nuclear arms race can be stopped. It does seem that there is no way to stop an almost certain nuclear war, but nuclear war will definitely happen if people don't get involved. Hope seems to be the only thing holding together the people already working for peace. Stopping the nuclear arms race is something that every human being in the world should make their number one priority. Otherwise, we face annihilation. I'm involved because I don't want to die.

Mr. President, I shall ask that Nikki Salk's essay be printed in the RECORD following my remarks.

Mr. President, in connection with the introduction of this resolution, I would like also to share some information on our nuclear programs prepared by the Congressional Research Service. The CRS researchers drew upon unclassified sources to tally selected nuclear armed missiles for which the administration is requesting funding for fiscal 1983, the number of warheads each missile is expected to carry, and the total number of warheads these warheads could deliver. The CRS then contrasted the warhead figures for selected U.S. systems with the total number of weapons estimated to be in the arsenals of Britain, France, and China, based on calculations by the International Institute for Strategic Studies in London. For reasons of classification, the CRS was able to tally only selected systems. They did not deal with sea-launched cruise missiles, bombs, artillery shells, and other nuclear munitions. I shall ask that these CRS charts be printed in the RECORD following my remarks.

The figures show that the United States is planning to fund systems in fiscal 1983 alone which will carry more nuclear warheads than France, Britain, and China have deployed. In fact the total for selected missile systems—1,317 to 1,461 warheads—is greater than the total deployments of France, Britain, and China combined.

The fiscal year 1983 figures show only the beginning of a massive new nuclear buildup, which, if unchecked, will lead to the deployment of thousands of new nuclear weapons. While some will replace existing systems, many—such as the thousands of air-, ground-, and sea-launched cruise missiles now in prospect—are new systems and will dramatically increase the totals.

The Department of Energy's budget presentation shows that fiscal 1983 funds are to be used for the production of eight weapons systems—warheads for the Lance, Trident I, Minuteman III, Pershing II, air-launched and ground-launched cruise missiles, an atomic artillery shell, and bombs. There is to be long-lead production effort on the warheads for the sea-launched cruise missile, the Standard Missile-2, and the 115mm artillery shell, and the MX, as well as another strategic bomb.

Budget outlays of $5.2 billion are being asked for atomic energy defense activities in fiscal 1983—an increase of more than half in 2 years. This will pay only for the warheads. The missile systems and aircraft to carry those warheads will cost tens of billions more.

The administration's program would have us building warheads at the rate of at least several a day—with no certain end in sight.

The strategic warheads now in our inventory—and there are more than 9,000 of them—range from several times to hundreds of times the explosive force of the primitive bombs which devastated Hiroshima and Nagasaki. The new warheads will be on improved and more advanced missiles and aircraft. The resulting force, if we proceed with current plans, will be vastly more deadly than our current force.

It should be clear that the future holds only continued insecurity at sprialing costs if we simply go along with current trends. We must not allow this opportunity to change the terrible present course pass us by.

The material follows:

[From the Providence (R.I.) Journal, Mar. 4, 1982]

A 10TH-GRADER'S ARGUMENT FOR HALTING THE NUCLEAR ARMS RACE

(By Nikki Salk)

People must call a halt to the nuclear arms race. The present climate of the world accelerates the arms race, and by doing so, brings the world closer to total annihilation. The governments of the world seem almost unaware of the most urgent problem facing people—the possibility of totally destroying all life on the planet. People, therefore, at a grass-roots level must mobilize to prevent this terrible apocalypse from occurring. Youth must realize that their futures are at stake and organize friends, relatives, and teachers to join an already-growing movement against this nuclear madness. Disarmament must come in four stages: a realization of the problem, a solution, the movement to combat the problem, and the implementation of the solution.

The nuclear arms race is not just between the U.S. and the Soviet Union, for over 35 nations currently possess nuclear-arms capabilities. This means that the problem of disarmament is even harder now than it was 30 years ago. A comprehensive nuclear arms negotiation would have to involve a large percentage of the world. Disarmament can and should be started unilaterally. However, since most governments refuse to perceive disarmament as a sole responsibility, multilateral negotiations on disarmament will probably need to be the long-run plan.

Current tensions in the world are bringing us closer and closer to a nuclear confrontation.

Talk of "counterforce" strategy and the concept of a limited nuclear war make the chances for a nuclear war even more possible. It is very unlikely that a nuclear war could be kept limited, because once a bomb is in the air, a whole retaliatory force might be sent by the other side.

Given that a nuclear war can't be won, the whole nuclear armaments industry is a waste of human and natural resources. For every billion dollars spent on the military, 20,000 more jobs could be created in the civilian sector.

Once the problem is realized, what is there to do about it?

The United States and the Soviet Union, the two largest producers of arms in the world, could effectively call a halt to the nuclear arms race.

Since governments obviously don't have the motivation to stop the arms race, there must be widespread public support for such a plan. Education is the key to making people aware of the real threat of nuclear war and its effects.

Creating nuclear-free zones, petitioning for a bilateral nuclear weapons freeze, and demonstrating in large numbers are some of the best ways to organize for disarmament on a grass-roots level. Youth also have a powerful stand to make for their very right to exist.

Nuclear-free zones can be brought about by legislative action. In a nuclear-free zone, there would be a banning of all testing, production, and planning for nuclear weapons. Existing stockpiles would also be eliminated. The proposal for such a nuclear-free zone could be put on a state referendum and, thereby, eliminate all nuclear weapons from that state. If even one state in the U.S. were to pass this referendum, other states might follow suit and eventually create a disarmed nation. It would be advantageous for the Soviet Union, because of the huge expense of arms, to create the same kind of nuclear-free zones in their own country. A nuclear-free zone is not some wild idea but, in fact, possibly the only first step to complete disarmament.

A bilateral freeze on nuclear weapons would halt all testing and production of nuclear weapons.

A petition calling for such a freeze has already been signed by many people across the country, but it is not being widely enough distributed.

The students and young people of the world are going to be the ones to stand up for their future. Radical action by students brought a new consciousness in the sixties—a consciousness which may sometimes seem to be dead but is actually just hidden in depressed minds. Wasted time and energy are spent on appearance, ego and drugs. This same energy could be used to fight for a better future or for any future at all. It can take just a few people to start a trend. A trend toward peace seems a very easy thing to bring into action. We can wear buttons, put on arm bands, and dye our hair for peace (growing it takes too long).

Just as we seek a way out through artificial substances, we can seek a way out by means of hope and mobilization for peace. Groups should be started in high schools and communities to make youth more aware. Films, books, and other educational materials should be passed around at meetings. Education of friends in school, brothers and sisters, parents, and teachers could be a key way to awareness.

Education and awareness are, therefore, the main way to get the public to be against nuclear war, thereby stopping nuclear war.

Stopping the nuclear arms race and preventing nuclear war is an extremely difficult thing to do. Many people don't wish to get involved, because they don't believe the nuclear arms race can be stopped. It does seem that there is no way to stop an almost certain nuclear war, but nuclear war will definitely happen if people don't get involved. Hope seems to be the only thing holding together the people already working for peace. Stopping the nuclear arms race is something that every human being in the world should make their number one priority. Otherwise, we face annihilation. I'm involved because I don't want to die.

ADMINISTRATION REQUESTS FOR SELECTED WEAPONS SYSTEMS

Weapon system	Number of missiles requested	Number of warheads per system	Number of deliverable warheads
ALCM	440	1	440
GLCM	120	1	120
M-X	9	[1] 10	90
Pershing II	91	1	91
Trident I	72	8-10	576-720
Total			1317-1461

[1] The M-X could carry 11 Advanced Ballistic Reentry Vehicles or 12 Mk 12A reentry vehicles, but is to be deployed with 10 reentry vehicles as long as both the United States and the Soviet Union honor the SALT II limit of 10 reentry vehicles per MIRVed ICBM.

NUCLEAR WEAPONS DEPLOYED BY FRANCE, GREAT BRITAIN, AND CHINA

Weapon system	Number of systems deployed [1]	Number of warheads per system	Total number of deliverable warheads
France:			
SSBS S-2/-3	18	1	18
MSBS M-20	80	1	80
Mirage IVA	33	1	33
Mirage IIIE	15	1	15
Super Standard	12	2	24
France and Great Britain: Jaguar	40	1	40
Great Britain:			
Buccaneer	30	2	60
Vulcan B-2	57	2	114
Polaris	64	[2] 1	[2] 64
China: [3]			
B-6/Tu-16	90	[4] 2	180
CSS-1	[5] 50	1	50
CSS-2	65-85	1	65-85
CSS-3	4	1	4

[1] Based on IISS estimated utilization rates—i.e., number deployed for nuclear mission.

[2] Great Britain's Polaris missile is armed with 3 MRV's, which are conventionally counted as one warhead.

[3] Information on China is not definitive. The IISS estimates that China now has a stockpile of several hundred nuclear weapons. It is not known whether China has warheads for every airplane. Excluded from these figures are fighter aircraft which might be used for tactical delivery of nuclear weapons.

[4] The Soviet Tu-16, after which the Chinese bomber is designed, can carry two nuclear bombs internally.

[5] IISS states that "some 50" CSS-1 are deployed, although they eventually be superceded by the new CSS-2 IRBM which are now operational.

THE NUCLEAR FREEZE INITIATIVE

Mr. CRANSTON. Mr. President, I am joining today with a number of my colleagues to cosponsor the Senate joint resolution calling for a negotiated bilateral freeze on nuclear weapons. I endorsed this approach to the immense nuclear dangers facing us all during San Francisco hearings of the Senate Foreign Relations Committee last January 20, and addressed the Senate on this issue last February 9. I wish to provide for the RECORD today the text of my opening statement from the January 20 hearing which endorses this important citizen-initiated proposal.

Opening Statement

I have long believed that there can be no more important issue for any of us than the question of how to achieve balanced, verifiable reductions in the superpowers' nuclear arsenals—and how ultimately to eliminate these terribly destructive forces altogether.

Arms control issues raise troubling questions of ethics. Is our theory of how to deter nuclear war—by assuring mutual assured destruction in the event of a nuclear attack—an ethical means of defense? Do we have any realistic alternatives under present circumstances?

Is it ethical—and necessary—to perfect and produce "enhanced radiation warheads"—"neutron bombs"—which kill more people but destroy less property than other nuclear weapons?

These are legitimate and troubling questions about which serious people disagree.

And serious people disagree, too, as to whether it would serve our national interests to seek to negotiate a fair, verifiable freeze on nuclear weapons production by the two superpowers, the United States and the Soviet Union—to be followed by mutual and sizeable reduction of present U.S. and U.S.S.R. nuclear stockpiles.

Many feel we must modernize and add to our nuclear arsenal to ensure that we have comparable capabilities with the Soviet Union before such a freeze and reduction can and should occur.

Others believe deeply that while some imbalances may exist, the sum total of our respective nuclear arsenals is so enormous—even obscene—that minor differences are of negligible importance to our security and that an immediate freeze and an early reduction would best serve our long term interests.

We are privileged to have in California some of the most thoughtful, skilled thinkers in our nation on the subject of nuclear arms control.

And I believe it is a tribute to our diversity as a state that these people come from such diverse professions as medicine, physics, academia and the clergy.

We will welcome speakers from each of these professions today.

It is my personal belief that it is a civic obligation of all thoughtful citizens to familiarize themselves with the details of the nuclear arms race.

We need to know how and why we got where we are today if we are to escape our current dilemma and halt what many fear is a drift towards nuclear confrontation.

The Soviet Union has 7,000 strategic nuclear weapons which it could launch within hours, most of them within minutes, and utterly destroy every American city and town with over 5,000 people.

The Soviets have 240 cities with populations greater than 100,000. Two American submarines could utterly destroy each and every one of these Soviet cities—and thus destroy the Soviet Union as a functioning society, within minutes. We have fifteen such subs on patrol at any given time. We also have 1,053 intercontinental nuclear missiles based in the United States which can reach Soviet targets. And hundreds of bomber aircraft. Plus thousands of nuclear weapons in Europe.

Of course, the Soviets have their overkill, too. And they are aggressively adding to their arsenal as are we.

The question is how do we stop this spiraling overkill arms race while protecting our national security and the security of our fragile planet.

I went to Moscow last September with a fellow committee member, Senator Charles Mathias of Maryland, to discuss arms control with Soviet leaders. We met with the Soviet military chief of staff, the foreign minister and other key advisors to Leonid Brezhnev.

We told the Soviets of the shock and dismay that certain of their actions cause in the West—their invasion of sovereign Afghanistan, their part in the harsh military repression in Poland, their support for aggression in Southeast Asia, their mistreatment of Soviet Jews, and their unrelenting military build-up. But we also shared with the Soviets our personal view that nothing can be more important than arms control, that we need to reach agreements in this vital area despite the many disagreements we have in other areas. It is because of these differences—which will persist—that we need arms control agreements with the Soviets.

And we heard from the Soviets too. They asserted that they do not seek nuclear superiority. They said they do not believe in a successful nuclear "first strike". They told us that they do not believe that nuclear war can be limited. They declared no one can "win" a nuclear war.

How then can we move forward?

I worked for three years in the Senate as the leader of a bipartisan group trying to inform key senators and produce a majority in support of the SALT II Treaty. But events made Senate ratification unattainable.

President Reagan, after many months of contradictory and sometimes belligerent statements on the subject of nuclear weapons and arms control, has responded to public outcry in Europe and rising concern at home by making new initiatives in the arms control area in so far as nuclear weapons stationed in Europe are concerned. He has not yet made clear his position on negotiations regarding U.S.-U.S.S.R. strategic weaponry.

The initiative taken by thousands of Californians to place a nuclear freeze referendum on the 1982 state ballot represents to me a desire to express the public will that this effort be hastened and intensified—to get a freeze in place from which to achieve reductions.

I do not usually become involved in state referenda.

But I feel compelled by the importance of this issue to say "Yes, I too believe we need to negotiate a balanced, verifiable freeze—and indeed reductions on U.S. and Soviet nuclear arsenals".

I understand that one can reasonably argue over the details. Will the U.S. be able to remedy perceived imbalances in the European theater? Will replacement of aging and dangerous nuclear systems with more modern, secure systems be permitted? These and other questions spring to mind.

But these are issues for U.S. and Soviet negotiators to resolve.

On the fundamental principle of negotiating a balanced, verifiable nuclear freeze my own view is clear: we need it and we need it soon. So I personally will vote for the freeze referendum.

Mr. MITCHELL. Mr. President, I am pleased to join with Senator HATFIELD and Senator KENNEDY in proposing this important nuclear arms control resolution.

The resolution states succinctly what I believe should be U.S. policy: That as an immediate strategic arms control objective, the United States and U.S.S.R. should pursue a halt to the arms race; should get on with the job of achieving a mutual and verifiable freeze on the testing, production, and deployment of strategic nuclear weapons; and should subsequently reduce their respective nuclear arsenals.

Over the past few months, several nuclear freeze resolutions have been offered and discussed, in town meetings throughout Maine and in the legislature. I have, until now, refused to support any of those resolutions because none of them met the three conditions I deem indispensable to any such resolution. Those conditions are:

First. The freeze must be mutual between the United States and the U.S.S.R.;

Second. It must be verifiable; and

Third. It cannot freeze the United States into a position of inferiority.

This resolution meets those conditions. Therefore, it has my support.

Mr. President, I believe deeply in a strong America. Plainly, American military strength plays an important role in deterring aggression. But maintaining and improving our strength is not inconsistent with reaching fair, balanced, verifiable agreements with the Soviet Union to first restrain the increase in the quality and quantity of nuclear weapons, and then, ultimately, to bring about a realistic reduction in the numbers of such weapons.

Over a century ago, Baron Von Clausewitz propounded the idea of war as an extension of diplomacy. He wrote:

> War is not merely a political act, but also a political instrument, a continuation of political relations, a carrying out of the same by other means.

The truth of that maxim is accepted and acted upon by governments today as it was in Von Clausewitz' time. There has been no decrease in man's willingness to resort to armed force when political means fail.

We need look only to Afghanistan and the Middle East and Poland for recent examples of this unfortunate reality.

Armed conflict between nations—and armed repression of dissent by totalitarian governments—remains, as it ever has, a method of settling international disputes and maintaining domestic calm.

That is a tragic commentary on mankind. It is an indictment of our inability to eliminate war as a method of settling disputes.

But there is a major difference between the environment in which Von Clausewitz wrote and the environment in which we live.

In the 19th century, wars could and did kill, maim, and mutilate human beings. Wars cost nations their treasuries. Wars strengthened the hatreds and deepened the divisions between peoples. But in the 19th century, no country, no person had the power to annihilate an entire city, an entire nation, an entire society, even the world as we know it. That is something we have the power to do today. Indeed, in the first hours of an all-out nuclear exchange, more human beings would die than have died in all the wars since the beginning of recorded history.

That makes Von Clausewitz' formulation of war as an arm of diplomacy dangerous.

Nuclear conflict is not and cannot be accepted in that way. Nuclear war would not be just another conflict. It presents for the first time the possibility of the ultimate holocaust. Nuclear war is and must remain unthinkable.

Nuclear weapons have made the notion of "winning" a nuclear war an anachronism. We must recognize that fact and incorporate it into our policies.

But this administration is moving in a different direction.

It seriously entertains the concept of utilizing certain types of nuclear weapons to fight a "limited" nuclear war. But is it likely that any conflict in which nuclear weapons are detonated would remain "limited"? Can there be any doubt that such an exchange would escalate out of control in a very short time? To the contrary, both the weight and accuracy of nuclear arsenals make it unlikely that a party to a low-level nuclear conflict would long remain unwilling to respond with even more destruction.

Our weapons delivery systems are increasingly sophisticated. Fewer and fewer of the judgments surrounding their detonation are in human hands. Targeting and guidance are computer operations. The remaining decision for human minds to make is the very basic one of using the weapons or not.

Not only must we take into account the uncertainty of the human response to a nuclear strike, there are major and growing technological complications as well.

Today, a scientific phenomenon called the "electromagnetic pulse" is raising questions about the effectiveness of our communications systems in responding to a nuclear strike. Transistors are susceptible to being damaged by the effects of a thermonuclear explosion in the air. Resulting electrical impulses may burn out vital metallic conductors. Our entire sophisticated computerized system of response rests on the ability of those communications systems to work and work perfectly. The chaos that could be caused, even at the military level, if communications were effectively disrupted, would make a mockery of all our elaborate retaliatory strategies.

The difference between conventional war, waged with conventional weapons against conventional targets, and the total destruction of our civilization, the annihilation of life, and the poisoning of the environment that would result from a nuclear war is not a difference of degree. It is a difference of kind. Mankind simply cannot afford a nuclear war.

Ever since the explosion of the first atomic bomb in the air over Hiroshima, man has known that this weapon was not merely an addition to the arsenal of war—it is a radical departure from it. The 36 intervening years have accustomed us to the existence of nuclear weapons. But we have not yet understood the reality and the finality of nuclear war.

Passage of this freeze resolution by Congress will help revive our national interest in true arms control, and will demonstrate to our own citizens and to foreign friends and foes that we perceive a halt to the nuclear arms race to be our most important foreign policy challenge.

The Congress needs to make its position known. Indeed, our constituents are demanding that we demonstrate leadship in this area.

We are today at a crucial decision point. Our technological advances have brought us to the point of developing and deploying a counterforce capability which is essentially identical to a first-strike force.

If we, and the Soviets, step across this technological boundary and fully deploy these weapons—a full-fledged first-strike capability on both sides—the control of nuclear arms will be immeasurably more difficult.

Our nuclear strategy is a strategy of deterrence, not of victory, because we know that in a nuclear holocaust, there can be no winners. There can only be survivors. In the words of President Kennedy, "the living will envy the dead."

But the deployment of a first-strike capability is a movement away from deterrence and toward the goal of nuclear victory. Not only is that goal illusory, each step toward it is fraught with incalculable danger for our world. It is a quantum leap in the nature of the nuclear arsenal, not merely an upgrading of existing weapons. It intensifies the conflict between ourselves and the Soviets, and it returns us to the hairtrigger world of the cold war period at its worst. And by destabilizing the world structure, it impels other nations toward nuclear capacity for what they perceive to be the sake of their own self-survival.

The SALT I treaty has expired. It did so in 1977, but the hope of a followup treaty then meant that the expiration was not a signal to abandon restraint.

Our inability to reach an agreeable SALT II treaty leaves both nations with no legal or agreed limits on their arsenals.

This not only vastly complicates the task of responding to the Soviet threat, it creates an impetus to take advantage of technological advances which are, themselves, destabilizing the existing relationship.

The United States is currently abiding by the terms of the negotiated SALT II agreement, even though it was not ratified and is not binding on either the Soviet Union or the United States. But the difficulty in finding a basing mode for the MX missile has again raised the possibility of pursuing a new ABM system to make the MX less vulnerable. It is unclear how long we can resist the temptation to ignore our informal, self-imposed restraint.

Last January, the Secretary of Defense suggested that extension of the ABM Treaty may not be automatic. He indicated that the administration may seek to build a larger ABM site than the treaty now permits. The Pentagon suggested the reactivation of the closed ABM site at Grand Forks, N. Dak. And the budget numbers bear out this trend: From a 1981 spending level of some $285 million for ABM research, the new budget for 1983 calls for $917 million. The ABM limitation was successful only because the technological shortcomings in the ABM's of the early 1970's gave neither side an advantage. But further development may well revive the illusory hope of making our weapons invulnerable, at a cost of billions of dollars and a less safe world. Is this the direction in which we should be going?

The imposition of martial law in Poland has created a particularly difficult climate for arms negotiations. But a difficulty need not become an insurmountable obstacle.

Yet, ironically, this administration has ignored almost every alternative kind of pressure and chosen the one with least effect on the Soviets: a massive and unprecedented military buildup without a serious effort to control the arms race.

Both the U.S.S.R. and the United States must deliberately retreat from the abyss which we now face. The Hatfield-Kennedy resolution begins the effort. We are saying that enough is enough. I applaud the leadership shown by Senator HATFIELD and Senator KENNEDY and I urge my colleagues to study and consider lending their support to this worthwhile declaration of national policy and intent.

The resolution clearly acknowledges the central reason for arms control—to enhance our security.

If, instead of calling for a halt to the arms race, we insist that successful negotiations must wait until we establish clear superiority—beyond equivalence—we will set up a condition under which no agreement can be possible. We should not, and will not, accept an arms agreement that leaves the Soviets with clear superiority. Can we expect them to agree to leave us in possession of clear superiority? If that is a precondition to a successful outcome, then the negotiations are already doomed.

The idea that we ought not negotiate with the Soviets until their behavior improves is illogical. It presumes that only when they accept our definition of good behavior can we talk. But if they accept our definition, there would be no need to talk, for there would be no arms race to control. It is precisely the fact of our disagreement that makes mutual and verifiable arms control imperative.

● Mr. CHAFEE. Today, I am pleased to cosponsor a resolution calling for efforts to bring about a mutual and bilateral freeze on nuclear weapons between the United States and the Soviet Union.

I have long favored endeavors to negotiate agreements limiting or reducing nuclear weapons because I believe that such agreements are in the national interest of the United States. While I am not wedded to the bilateral freeze as the only potentially successful approach to arms control, I do think it is an approach which has great promise and deserves to be explored through negotiations.

Support for an effort to pursue a bilateral freeze is in no way intended to undermine or call into question our efforts in Geneva to negotiate limits on intermediate-range nuclear forces. Neither should it be interpreted as calling into question our resolve to fulfill commitments to our NATO allies and to complete whatever modernizations of our own forces are necessary in the light of unconstrained Soviet developments. Still, this cycle of developing and deploying new systems and spending ever-increasing amounts of money on nuclear weapons must come to an end. We should strive for stability and equality in the forces of the two sides, at the lowest levels possible. A freeze may be a useful way to bring this about, and it is certainly worth pursuing at the negotiating table.

Therefore, we should move as rapidly as possible to the beginning of the START talks. It would be most appropriate if the possibility of a mutual and bilateral freeze was on the agenda for discussion. I hope our efforts here today will encourage such a development.●

ADDITIONAL COSPONSORS

S. 417

At the request of Mr. **Cranston**, the Senator from Maine (Mr. **Mitchell**) was added as a cosponsor of S. 417, a bill to amend title 38, United States Code, to provide a new educational assistance program for persons who enter the Armed Forces after June 30, 1981, to modify the December 31, 1989, termination date for the Vietnam-era GI bill, and for other purposes.

S. 635

At the request of Mr. **Heinz**, the Senator from New Jersey (Mr. **Bradley**) was added as a cosponsor of S. 635, a bill to effect certain reorganization of the Federal Government to strengthen Federal programs and policies for combating international and domestic terrorism.

S. 1342

At the request of Mr. **Melcher**, the Senator from North Dakota (Mr. **Burdick**), and the Senator from Montana (Mr. **Baucus**) were added as cosponsors of S. 1342, a bill to define the circumstances under which construction workers may deduct travel and transportation expenses in computing their taxable incomes for purposes of the Federal income tax.

S. 1629

At the request of Mr. **Cannon**, the Senator from Maine (Mr. **Mitchell**) was added as a cosponsor of S. 1629, a bill to amend the Communications Act of 1934 in order to encourage and develop marketplace competition in the provision of certain broadcast services and to provide certain deregulation of such broadcast services, and for other purposes.

S. 1698

At the request of Mr. **Denton**, the Senator from Georgia (Mr. **Nunn**) was added as a cosponsor of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

S. 1711

At the request of Mr. **Melcher**, the Senator from Montana (Mr. **Baucus**) was added as a cosponsor of S. 1711, a bill to authorize the Secretary of the Interior to engage in feasibility studies of various potential hydroelectric power projects, and to authorize the Muddy Creek Basin erosion control project in Montana subject to a finding of economic, financial and environmental feasibility.

S. 1758

At the request of Mr. **DeConcini**, the Senator from Minnesota (Mr. **Durenberger**) was added as a cosponsor of S. 1758, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

S. 1903

At the request of Mr. **Bentsen**, the Senator from Florida (Mrs. **Hawkins**) was added as a cosponsor of S. 1903, a bill to require the President to determine what activities now performed by the Federal Government could more efficiently be conducted by small business, and to prepare a schedule for transferring those activities to the private sector.

S. 1947

At the request of Mr. **Weicker**, the Senator from Florida (Mrs. **Hawkins**) was added as a cosponsor of S. 1947, a bill to improve small business access to Federal procurement information.

S. 2056

At the request of Mr. **Tsongas**, the Senator from Montana (Mr. **Melcher**) was added as a cosponsor of S. 2056, a bill to amend the Fair Labor Standards Act of 1938 to provide that blind persons may not be employed at less than the applicable minimum wage under that act.

S. 2160

At the request of Mr. **Mitchell**, the Senator from Maine (Mr. **Cohen**) was added as a cosponsor of S. 2160, a bill to amend title 38, United States code, to require the Secretary of Labor to make funds available to certain private nonprofit organizations to administer the disabled veterans' outreach program in certain States, and for other purposes.

SENATE JOINT RESOLUTION 133

At the request of Mr. **DeConcini**, the Senator from Hawaii (Mr. **Inouye**), the Senator from Maine (Mr. **Cohen**), the Senator from Illinois (Mr. **Dixon**), and the Senator from Indiana (Mr. **Lugar**) were added as cosponsors of Senate Joint Resolution 133, a joint resolution to authorize and request the President to designate August 14, 1982, as "National Navajo Code Talkers Day."

SENATE JOINT RESOLUTION 138

At the request of Mr. **Robert C. Byrd**, the Senator from Louisiana (Mr. **Long**) was added as a cosponsor of Senate Joint Resolution 138, a joint resolution to authorize and request the President to designate the week of April 18, 1982, through April 24, 1982, as "National Coin Week."

SENATE JOINT RESOLUTION 144

At the request of Mr. **Dodd**, the Senator from Maine (Mr. **Mitchell**), the Senator from Ohio (Mr. **Metzenbaum**), and the Senator from North Dakota (Mr. **Burdick**) were added as cosponsors of Senate Joint Resolution 144, a joint resolution declaring that it should be the policy of the U.S. Government to encourage unconditional negotiations for the purpose of achieving a cease-fire and a political settlement to the conflict in El Salvador.

SENATE JOINT RESOLUTION 145

At the request of Mr. **Heinz**, the Senator from Kentucky (Mr. **Ford**), the Senator from Michigan (Mr. **Levin**), the Senator from Kentucky (Mr. **Huddleston**), and the Senator from Georgia (Mr. **Mattingly**) were added as cosponsors of Senate Joint Resolution 145, a joint resolution authorizing and requesting the President to proclaim "National Orchestra Week."

SENATE JOINT RESOLUTION 149

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 149, a joint resolution to designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week."

At the request of Mr. METZENBAUM, the Senator from Maine (Mr. MITCHELL), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of Senate Joint Resolution 149, supra.

SENATE JOINT RESOLUTION 158

At the request of Mr. SYMMS, the Senator from Virginia (Mr. WARNER), the Senator from Idaho (Mr. McCLURE), the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. DENTON), the Senator from Georgia (Mr. MATTINGLY), the Senator from California (Mr. HAYAKAWA), the Senator from South Carolina (Mr. THURMOND), the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Tennessee (Mr. BAKER) were added as cosponsors of Senate Joint Resolution 158, a joint resolution expressing the policy of the Government of the United States of America with respect to the Government of Cuba.

SENATE JOINT RESOLUTION 159

At the request of Mr. ROTH, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 159, a joint resolution entitled the "White House Conference on Productivity Act."

SENATE JOINT RESOLUTION 160

At the request of Mr. HAYAKAWA, the Senator from Washington (Mr. JACKSON), the Senator from Georgia (Mr. NUNN), the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Florida (Mr. CHILES) were added as cosponsors of Senate Joint Resolution 160, a joint resolution to designate July 9, 1982, as "National P.O.W.-M.I.A. Recognition Day."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America on the celebration of its 70th anniversary.

SENATE CONCURRENT RESOLUTION 63

At the request of Mr. ROTH, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of Senate Concurrent Resolution 63, a concurrent resolution entitled "The All Taxpayers Assistance Resolution."

SENATE RESOLUTION 262

At the request of Mr. LEAHY, the Senator from Ohio (Mr. METZENBAUM), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. DIXON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Ohio (Mr. GLENN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Arizona (Mr. DECONCINI), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of Senate Resolution 262, a resolution to express the sense of the U.S. Senate support for energy conservation programs.

SENATE RESOLUTION 318

At the request of Mr. TSONGAS, the Senator from Colorado (Mr. HART) was added as a cosponsor of Senate Resolution 318, a resolution expressing the sense of the Senate concerning guaranteed student loans for graduate and professional students.

SENATE RESOLUTION 334

At the request of Mr. METZENBAUM, the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of Senate Resolution 334, a resolution to express the sense of the Senate disapproving the policy of the administration with respect to railroad retirement for fiscal year 1983.

SENATE RESOLUTION 335

At the request of Mr. PERCY, his name was added as a cosponsor of Senate Resolution 335, a resolution relative to the death of the Honorable Clifford P. Case, formerly the Senator from the State of New Jersey.

AMENDMENT NO. 1267

At the request of Mr. DECONCINI, the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Amendment No. 1267 intended to be proposed to S. 1080, a bill to amend the Administrative Procedures Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs; to provide for a periodic review of regulations; and for other purposes.

AMENDMENT NO. 1334

At the request of Mr. SYMMS, the Senator from Virginia (Mr. WARNER), the Senator from Idaho (Mr. McCLURE) and the Senator from Tennessee (Mr. BAKER) were added as cosponsors of Amendment No. 1334 intended to be proposed to S. 2179, a bill to amend the War Powers Resolution to require specific authorization before the introduction of any U.S. Armed Forces into hostilities in El Salvador, and for other purposes.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy and Mineral Resources to review the capacity, distribution, and status of the strategic petroleum reserve. This oversight hearing will be held on Thursday, March 25, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy and Mineral Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-4236.

ADDITIONAL STATEMENTS

THE MANAGEMENT OF OUR PUBLIC LANDS

● Mr. McCLURE. Mr. President, management of our public lands has long been a controversial issue which has spurred lengthy debates by my colleagues. In particular, Congress has spent a great deal of time on wilderness issues. The greatest debate spanned a decade when Congress began its work on a national wilderness preservation bill. Passed in 1964, the National Wilderness Preservation Act established a system by which lands would be protected permanently.

During consideration of the wilderness legislation, the House Interior and Insular Affairs Committee was reluctant to prohibit exploration and development for hardrock minerals and oil and gas. Therefore, the committee suggested controlled and supervised mineral development which ultimately was a compromise allowing mineral leasing and entry under the general mining laws to continue in wilderness areas until December 31, 1983. Until this deadline, the right to entry and development was guaranteed by statute and any valid existing rights, again by statute, are to be maintained even beyond that deadline.

Since enactment of the Wilderness Act and additional wilderness designations, 18 leases have been issued. Four of these leases were issued in 1972, one in 1973, one in 1974, three in 1978, four in 1979, and five in 1981. All but one of these leases straddle wilderness boundaries and represent a very small percent of total applications filed.

Mr. President, while I support preservation of selected lands, I believe it is in the best interest of this Nation to know, to the extent possible, what resources lie below the surface. It is essential for us to have this knowledge in order for us to be able to make informed judgments concerning resource values that might exist within these areas and the desire to preserve them.

I am troubled by a mineral crisis which is real, and even more concerned about the current movement to mask this reality. We are no longer living solely within our own borders, but we are continuing to build walls around us which will make us a vulnerable nation. We have before us today a real problem which is complicated by emotion. We cannot ignore public concerns and demands, just as we cannot ignore our own demands for national security. A vital part of our national security needs is a supply of strategic and critical materials. Access to these resources is a necessity and any decision by the people of this country and the Congress must not ignore this need.

For a long time I have been speaking about this issue and in February I reiterated my concerns to the Society of Professional Engineers and the Federation of Materials Societies. I ask that the article written by the Journal of Commerce on my comments be printed in the Record.

The article follows:

[From the Journal of Commerce, Feb. 3, 1982]

United States Urged To Stockpile Strategic Materials

(By Denise Lamot)

Washington.—Senate Energy Committee Chairman James McClure, R-Idaho, is convinced the United States must develop strategic stockpiles of materials and metals necessary for the country's economic and defense security.

The senator warned a colloquium sponsored by the Federation of Materials Societies and the Society of Professional Engineers Tuesday that the United States "has become an island nation" and has fallen prey to the same problems that led to empire building in the past to gain access to resources.

The country, he said, now depends on others for many of its most important resources. "We are no longer living within our own borders," he contended.

Chairman McClure likened the oil crisis that the United States underwent to what could occur if the country were faced with shortages in any number of strategic materials. And, he told the group, "we could much better get by without oil than with some of those materials."

He maintained in the new term to build a stockpile the country should purchase strategic materials from wherever it could in the near-term, but agreed "that will be a balancing act." If not, he cautioned, the country will continue to "build a vulnerability much like what we built for ourselves" with oil.

The chairman asked the group "whether we have looked at why we're building up military capability" and whether the nation was examining "what really is required for the security of this country."

He said foreign markets now provide "25 percent of U.S. industrial output," noting that much of the nation's gross national product is centered on service industries. But, he warned, "we have to have some basic industries (if we want to maintain our standard of living)."

Commenting on Interior Secretary James Watt's decision last month to postpone consideration of any oil or natural gas leasing in congressionally designated wilderness areas—despite a law on the books that permits such leasing through 1982—Sen. McClure argued the secretary's decision was politically based.

"The law says you can, but the people say you can't," he said, maintaining there was "paranoia" about what both Secretary Watt and the Reagan administration planned to do in regard to the environment.

"I still don't understand how slant drilling will affect wilderness areas," he said. Sen. McClure charged the Interior Department "has denied access to great areas of the United States where great amounts of strategic minerals may be found."

Although he acknowledged if the country were to be successful in creating a strategic materials policy, saying "we can't ignore public concern and demands," he added any program "can't simply be an emotional policy."

The chairman noted past attempts to build a strategic materials policy were "abortive" since other problems confronting Congress "had primacy." But he said he was a "cautious optimist" about what he called the halting progress Congress and the nation have made toward creating a strategic materials policy.

"I think things will get better in terms of discussion" of the problem, he said. Sen. McClure added he was not "wed" to his own proposal to develop strategic materials stockpiles. He told the group other, similar proposals warranted consideration, and that, combined, they may permit the creation of a strategic materials policy the country could follow.

YOU MAKE THE DIFFERENCE

● Mr. GRASSLEY. Mr. President, it is with great honor that I would like to share with my colleagues a speech written by Steve Kruse, a senior at Ogden High School in Ogden, Iowa. In his speech written for a district speech contest, Steve extolls the powers and principles of a single vote. He received an "I" rating for his work and I believe his words are worthy of our attention.

The speech follows:

You Make the Difference

In a "Winnie the Pooh" comic strip, two characters are assesing Poo's chances of winning an election. "You never know what will happen in an election year," says one. "The voters may do something competely unexpected . . . like vote." Another person once jokingly said, "What this country really needs is to get out the voters the way it gets out the candidates." These stories are not very far from the truth. The stay-at-home rate in off-year Congressional elections is disturbing; some 54.68 million—only 35.1 percent of those eligible—voted for Congress last time. Over 100 million watched the last Super Bowl game.

While it is true that a large voter percentage does not necessarily produce good government, it is also true that both individual citizens and the country as a whole have a great deal at stake in the election process. By not voting, individuals forfeit one of their most valuable opportunities to take part in and influence government, to make their voices heard. When a voter stays home, he or she increases the value of someone else's vote. Often the gainers are well-organized special—and single—interest groups, while the losers are those most in need of political representations—the poor, the uneducated, the racial minorities.

Life has become complicated. Good gets mixed up with evil, and mountains of laws and regulations and numbers and systems get in our way when we wish to make everything work as it should. When things go wrong, it becomes easy to give up, to blame other people and to do nothing. But still you have to be optimistic; your influence is much wider than you might imagine.

Occasionally, a few votes decide an election and determine public policy. A few years ago, the Democratic and Republican candidates running for state representative from Adams County in southern Pennsylvania wound up with 8551 votes each. Until the tie was broken by 14 votes in a recount, control of the entire Pennsylvania House of Representatives hung in balance, since each party had won 101 seats, not counting the deadlocked district. In Minnesota in 1962, the governorship was decided by just 91 votes.

You're just one person. Why should you vote when your vote will be just one of millions? You might just as well ask, when thousands of workers are required to assemble the rockets that blasted our men to the moon, what difference it would make if one of them shirked his or her responsibilities?

If you're one of the millions of no-shows on Election Day, then don't complain when government of the people, by the people and for the people becomes government of the few, by the few and for the few.

There are a number of practical ways in which you make your sincere effort count to the utmost. To begin with, keep yourself well informed about what is happening in Washington. Make yourself an authority on what new national laws and programs are being planned and promoted. Settle for nothing less.

Let your friends and associates know your views on present-day developments and on individual freedom. Your views are respected.

Become active in politics. Work through the political party of your choice to select, nominate and elect intelligent, sound-thinking men and women to public office . . . local, state, and national.

Keep in close touch with your elected representatives in Washington. Let them know where you stand on important legislative proposals, and why.

In a word, the practice of freedom—the preservation of freedom—is not a mere academic process, it is a doing process.

To preserve freedom, then, be up and doing. Exercise your leadership.

Let me take this moment to pass on to you a verse which fits into what is being discussed. It reads:

Look to the sea—
It is but one drop, multiplied.
Look to the land—
But one grain, repeated.
Look to the people—
It is but one person.
And that person—?
You and I—and others
We are one, and yet we are all.
We are enough.

Enough to accomplish what might be, what
must be.
For our strength, if it be pure, commands
ten, and many more—
Know yourself, Individual, and glory in
your strength.
For truly: It can conquer all!

Yes, America will be different because of you—and because of your sincere effort.

As President Ronald Reagan once said, "The decisions made in Government today are not just for today. The decisions made today will profoundly affect the future. Today's young people will live with the decisions made by people in Government today, which is exactly why young people should participate in elections and vote for the candidates who care about them. The men and women in office today will decide whether young people will be at war, whether they will be able to afford houses, whether there will be enough jobs and whether they will have the same opportunities for success which their parents and grandparents had. Elected officials will listen and will respond if they know that young people can elect them to or remove them from office. But it is up to young people and all people to do so at the ballot boxes. All people should vote—they must vote—they have too much at stake not to.●

10 YEARS AFTER THE VISIT TO CHINA

● Mr. TOWER. Mr. President, on February 28, 1982, former President Richard Nixon authored a column in the New York Times entitled "10 Years After the Visit to China." His views are especially interesting as he scans a decade of evolving United States-China-Taiwan relations. His viewpoint is worth reading not only by U.S. citizens but also by our friends in Taiwan and officials on the mainland.

The column follows:

[From the New York Times, Feb. 28, 1982]

10 YEARS AFTER THE VISIT TO CHINA

(By Richard M. Nixon)

Exactly 10 years ago, the Shanghai communiqué capped what I called, in a banquet toast after it was issued, "the week that changed the world."

At that time, many saw our opening to China through a haze of gauzy sentimentality, portraying it either as a belated recognition that the People's Republic of China existed or in pious homilies about the brotherhood of man. Not so. Nations act on the basis of hard-headed interests, not mushy sentiment. We entered into this new relationship with open eyes, and for calculated reasons of national self-interest. So did the Chinese. They needed us. We needed them.

The People's Republic of China had been our bitter enemy. But by 1972, Peking saw that it needed a strategic counterbalance to its threat from the north. This made us useful to the Chinese—if, taking our measure, they judged us to be strong and reliable over the long haul.

In China, we saw nearly a billion of the world's potentially most able people—a quarter of the world's population—strategically located, with a wealth of natural resources. The Sino-Soviet split had been a seismic event. The Chinese both hated and feared the Russians. If we could capitalize on this to build a new relationship with China, we might forge a new balance of forces that could better preserve peace and ensure both our and China's survival.

As we look at what brought us together 10 years ago, we see that what was important then is indispensable today.

In these 10 years, through an enormous arms buildup, the Soviet Union has moved from a position of inferiority to one of superiority to the United States in overall military strength. The relentless advance of Soviet-sponsored aggression has made ominous inroads in Asia, Africa, and Latin America. We need all the friends and allies we can get in order to check Soviet imperialism. So do the Chinese.

In 1972, the Taiwan issue was one of our principal obstacles. Because both sides recognized that other questions were of transcendent importance, we found a way around it by, in effect, agreeing to disagree.

The Taiwan issue is again causing rumblings of discord, particularly with regard to United States arms sales. Once again, it is vital that both sides avoid extremes. Some in this country insist that we can go as far as we wish in arming Taiwan—that Peking has no choice except to swallow its objections and stay with us. This is a dangerous delusion. Peking does have a choice, however unpalatable. China, like Russia, is still Communist. If it lost confidence in us, China could move back toward accommodation with Russia. This would be a tragedy, but tragedy, even self-inflicted, is no stanger to history.

Ironically, those who would thus jeopardize our relations with Peking do Taiwan no favor. Just as Israel's best interests are served if the United States has good relations with Israel's Arab neighbors, Taiwan is more secure if the United States rather than Russia has influence in Peking.

It would be the height of folly to try to "save" Taiwan at the cost of losing China. If China slipped back into the Soviet orbit, the balance of power in the world would be overwhelmingly shifted against us.

We must recognize that Taiwan is an extremely neuralgic issue for the Chinese. However, the Chinese must recognize that an American President cannot let himself be put in the position of being dictated to on a matter of United States policy. China must recognize our need for a policy that will respect our commitment to a peaceful resolution of the Taiwan issue.

The bottom line is that both sides must recognize the paramount importance of preserving the new relationship between the United States and the People's Republic of China. Neither of us must allow anything, including differences on Taiwan, to jeopardize this.

A weak China invites aggression. A strong, economically healthy China, playing a responsible role, is vital to the future of peace in the world. China today seems to be making some progress in becoming more Chinese and less Marxist, embracing capitalist-style incentives rather than continuing to wear an ideological straitjacket. If they continue on this course, they could become the major economic power in the world in the 21st century.

The Chinese are supple diplomats. Their leaders have a more sophisticated understanding of the Soviet threat than do many Europeans. Both we and they must ensure that we continue and expand what, together, we have begun during these 10 years.●

WHY ARE WE TRYING TO MAKE NICARAGUA A MINI-CUBA?

● Mr. PELL. Mr. President, today's press is full of reports on the administration's public revelation of its evidence that Nicaragua is engaged in a massive military buildup that allegedly threatens all of Central America. The senior administration spokesman is quoted as saying that the Nicaraguan military buildup is "vastly beyond any defensive need."

Yet, juxtaposed with this story in the Washington Post is a report that President Reagan has approved a $19 million covert action program to destabilize Nicaragua in an effort to bring down the Sandinista government. There are also reports in today's Post that Honduras is harboring several anti-Sandinista guerrilla groups and that Argentina has sent advisers or paramilitary squads to Central America to work against the Sandinista government of Nicaragua. These reports would seem to indicate that Nicaragua has some legitimate grounds for concern about an external threat.

Last month, I visited Nicaragua and came away deeply concerned that the United States may be making the same mistake in dealing with Nicaragua that it made in dealing with Cuba two decades ago. By isolating Cuba and acting to subvert the Castro regime, we contributed greatly to making Cuba an exporter of a particularly virulent brand of communism and driving that country into the arms of the Soviet Union. In short, we helped create a monster.

The administration, apparently having written off the Sandinistas as lost to communism, is now engaged in a fiery campaign to brand Nicaragua as a hemispheric renegade, a stooge of Cuba and the Soviet Union, and as a military threat to all of Central America. The administration's attempts to isolate Nicaragua and possibly to lay the groundwork, through intelligence releases like yesterday's, for action to topple the Sandinista government are ominously reminiscent of our earlier attitude toward Cuba.

Trends in Nicaragua are certainly bleak, but many basic freedoms persist, as does the possibility of redirecting Nicaragua toward becoming a more pluralistic society. But, even if Nicaragua becomes a Marxist state, all is not necessarily lost. Nicaragua could become a mini-Yugoslavia instead of a mini-Cuba, and it is largely in the United States' power to determine which course Nicaragua will follow.

Nicaraguan Government officials told me during my visit that they would like good relations with the United States. As evidence of their good faith, they said they would be willing to permit the creation of some kind of border patrol to insure that no weapons leave Nicaragua bound for El

Salvador. That offer should be accepted.

More importantly, the administration should open a diplomatic dialog with Nicaragua as part of a sincere effort to resolve differences. In this connection, a high-level Nicaraguan delegation is now in Washington with the express purpose of trying to improve relations with the United States. Yet Secretary of State Haig has refused to see the delegation. It is as if the administration is spoiling for a fight and is turning its back on any peaceful alternative.

In my view, the administration is embarked on a course which, if not reversed soon, will produce the very result that the administration wants to avert; namely, a Nicaragua actively engaged in subversion throughout Central America and solidly tied to Cuba and the Soviet Union. I left Nicaragua a month ago with a belief that the Sandinistas had not closed the door to reconciliation with the United States. But we are now perilously close to forcing the Sandinistas to conclude that they have no choice but to turn to Cuba and the Soviets for massive assistance.

Winston Churchill once said that "it is better to jaw, jaw than to war, war." It is time to start jawing and to stop the kind of talk that is perceived in Nicaragua as threats of war.●

SUPPORTING CRIME PREVENTION ORGANIZATIONS

● Mr. BIDEN. Mr. President, today I would like to pay tribute to a large segment of the American population that recognize we all have a responsibility to help make our homes and communities safe from crime. I have a great deal of respect for those Americans who are taking the initiative and asking "what can we do to help police respond to this Nation's crime problem," instead of the pessimistic and apathetic attitude that it is government's sole responsibility to protect the community.

Mr. President, I want to make it clear that I am not talking about vigilante groups or those that want to step outside the law in the name of crime control. I am talking about those people who look after their neighbor's home when they are away or are educating themselves and others about crime prevention.

During the week of February 7, 1981, I cosponsored with many of my colleagues National Crime Prevention Week. This year's observance was an appropriate time to reflect on the contributions that crime prevention can make in fighting crime when government, business, and civic groups join together in this effort. During this ceremony, Chief William L. Hart of Detroit received the first annual award from the National Crime Prevention Coalition for the outstanding work he has done to help neighborhoods in his city reduce crime through organizing and supporting neighborhood crime prevention programs.

The National Sheriff's Association estimates that from 6 to 8 million Americans are today participating in neighborhood watch programs. These are grassroots programs where citizens in their communities volunteer their time to help police curb crime in their neighborhoods.

An example of citizen involvement against crime is the crime reduction involvement means education (CRIME) program in Houston, Tex., which has the support of key criminal justice and political leaders in Texas. This group under the executive direction of Bob Kendrick, has in short order, been successful in educating citizens of all ages about the realities of crime and raising the conscience level of public officials to become publicly responsible and accountable on the crime issue.

An example of the business communities efforts in this area would be Burger King. Every Member of the Senate has received a letter from Ronald L. Pratt, senior vice president of Burger King supporting revisions to the criminal code that would reform bail and sentencing laws and improve the changes of our Federal law enforcement officers and prosecutors in arresting and convicting organized crime and drug trafficking criminals. The board of directors of Burger King and its chairman, Louis P. Neeb are demonstrating in Miami how interested corporations can work with government and civic groups such as the Miami Citizens Against Crime to take corrective action against a very serious and growing problem.

Finally, I would like to congratulate the National Citizens' Crime Prevention Campaign which has shown over the last 2 years that business, labor, government, and citizen organizations can unite and start to deal with the national crime problem. The campaign has the support of 50 national nonprofit organizations and Federal agencies that cover a wide spectrum of interests from the FBI to the AFL-CIO. It is this campaign that fostered the "McGruff" crime dog ads that are now recognized by millions of Americans as the symbol for doing something positive about crime. This symbol has been used by thousands of State and local government agencies and businesses to educate Americans how they can help prevent crime through cooperation with law enforcement and constructive individual and collective action.

These groups that I have mentioned are only a small segment of the thousands of organized groups that are working to reaffirm the traditional values of respect for law, individual responsibility, and concern for others. Mr. President, I take my hat off to these Americans.●

OSHA STATEMENT—ELIMINATION OF OFFICES

● Mr. MOYNIHAN. Mr. President, the administration's plan to close one-third of New York State's OSHA area offices on April 23 is an invitation to disaster. The area offices of Rochester, White Plains, and Brooklyn, scheduled for elimination, are responsible for the well-being of over 1.4 million workers. These closings renew my concern that New York State has been made to shoulder a disproportionate amount of this agency's budget reductions since more offices will be closed in the New York region than in any other. This is surely an unfair, and more important, unsafe burden that the workers in my State are being asked to bear.

Let me be very clear, these office shutdowns jeopardize the safety, health, indeed the very lives of thousands of workers in the New York region. As Chris Farrell, president of the Rochester Allied Building Trades Council recently said:

> OSHA has saved untold numbers of lives by its preventive measures in Rochester and elsewhere. [The closing of the Rochester office] is a direct threat on the lives of our working people by depriving them of the protection they all deserve.

Like any organization, OSHA is not flawless. Yet, as the facts clearly illustrate, tremendous strides have been made in creating safer workplaces for over 90 million American workers since the agency's creation in 1970. OSHA's programs and inspections helped reduce job-related injuries, illnesses, and deaths by over 15 percent between 1972 and 1979. The U.S. chemical industry, for example, generated 88,000 fewer workplace injuries during this period. Similarly, the Bureau of Labor and Statistics reports that the fatality rate in the construction industry declined by 22 percent between 1977-79.

Perhaps most important is OSHA's success in improving safety-consciousness through such programs as periodic workplace inspections and employer-employee training programs. In cutting OSHA's financial resources so severely, we crippled OSHA's effectiveness, and risk a return to the unsafe conditions that existed before its creation. In 1970, for example, 14,000 worker deaths and 2½ million disabilities resulted from job-related accidents, 300,000 new cases of occupational diseases developed, and 10 times as many person-days were lost from job-related disabilities as strikes. All of which have significantly decreased over the past decade. Worker deaths, for example, fell to below 4,400 in 1980.

During this period of fiscal austerity certain sacrifices surely must be made. But will these closings really result in savings. Workplace injuries and illnesses are expensive. According to the National Safety Council, workplace accidents last year cost our Nation $30.2 billion. That is 157 times the cost of OSHA's current budget.

And, surely, these figures ignore the most devastating cost of all: the incalculable cost of human suffering. Last week the President introduced a budget which slightly increases OSHA's overall budget. With that I am pleased. Yet the cutbacks and ensuing safety hazards still exist in fiscal year 1982. And the nationwide elimination of 9 area OSHA offices, 9 district offices, and 20 field offices is still scheduled for April of this year—leaving us with but 12,000 inspectors to cover over 3 million workplaces.

When Congress created OSHA 11 years ago, it created an agency with the worthiest of goals—the "appearance of safe and healthful workplaces nationwide." As we consider the rest of next year's budget, we must not lose sight of this goal—we must continue our struggle for safer workplaces for the workers of America.●

EXPORT-IMPORT BANK MAKES ECONOMIC SENSE

● Mr. HEINZ. Mr. President, a recent article in the Los Angeles Times, brought to my attention by Paul Hoboy of Hunter Engineering Co., says all that needs to be said about the need for a strong Eximbank and the erroneous economic assumptions upon which the administration is basing its bank policies. I ask that the text of the article be printed in the RECORD.

The article follows:

[From the Los Angeles Times, Feb. 1, 1982]

ECONOMIC ILLITERACY AT THE TOP—CRIPPLING EXPORT-IMPORT BANK AS BENEFIT FOR RICH HURTS UNITED STATES

(By Ernest Conine)

If advance word is correct, the budget that President Reagan sends to Capitol Hill next week will again seek a sharp reduction in funding for the U.S. Export-Import Bank.

It would be hard to find a clearer case of being penny-wise and pound-foolish.

Most Americans have probably never heard of the Export-Import Bank. That's a pity, because the Ex-Im could be of great help in preserving American jobs in the face of rising unemployment.

The bank is owned and operated by the U.S. government. Its function is to make or guarantee loans to foreign buyers of American-made goods on terms reasonably close to those offered by heavily subsidized European and Japanese competitors.

All the money is spent in this country. And, far from being a monstrous burden on taxpayers, the Ex-Im over the years has actually returned more than $1 billion in dividends to the U.S. Treasury.

Recently, the bank has been caught between the high interest rates at which it must borrow and the lower rates at which it must lend to compete with this country's trading rivals. It is now losing money for the first time in its history—an estimated $200 million in the current fiscal year.

Last year, when budget director David A. Stockman was drawing up lists of proposed cuts in social programs that benefit the poor, he shopped around for cuts in programs that benefit the "rich" to prove the Administration's evenhandedness.

Ex-Im was elected. At Stockman's urging, Reagan proposed massive cuts in the bank's lending authority for fiscal 1981 and 1982—proposals that fortunately were blunted by Congress. Even so, the Ex-Im has had to drastically curtail its operations.

Now the Administration is said to have decided on still another proposal for a $700 million cut in the bank's direct-lending authority and a $1.2 billion reduction in its loan-guarantee activities.

The idea the Ex-Im credits are a form of welfare for the rich at the expense of the poor is an extraordinary example of economic illiteracy.

Keep in mind that lending authority isn't the same as an appropriation. Ex-Im loans come out of taxpayers' pockets only to the extent that the bank's cost exceed loan repayments. The relatively small losses now being experienced are more than offset by the economic activity and the tax revenues generated by Ex-Im loans.

One of every nine manufacturing jobs in the United States is created and maintained by export sales. Government experts figure that every $1 billion worth of additional exports creates 50,000 taxpaying jobs; it follows that every $1 billion worth of lost sales translates into 50,000 fewer jobs.

Wharton Econometric Forecasting Associates, after studying the economic effect of a proposed Ex-Im loan to support the sale of U.S.-made equipment for a Buenos Aires subway, concluded that the project would result in a net gain to the U.S. government of $762 million over a 10-year period.

Critics point out that a disproportionate share of Ex-Im loans go to foreign customers of a relative handful of large U.S. companies. But that is because the sort of big-ticket items involved—commercial aircraft, nuclear power plants, steam turbines and the like—are made only by large companies.

Even so, a substantial portion of the loan money ends up in the pockets of smaller companies and their workers. More than 1,000 suppliers, for example, are involved in the manufacture of every nuclear power plant exported by Westinghouse.

Yes, the critics say, but these sales would be made anyway; these huge multinational corporations can take care of themselves.

This overlooks the realities of todays global marketplace.

While the United States has been squeezing its Export-Import Bank, foreign governments have been plunging ever more deeply into the business of subsidizing export interest rates substantially below those that can be offered by U.S. exporters.

In times past, U.S. companies enjoyed such a huge technological advantage that they could do quite well despite predatory financing by foreign competitors. Those days are over.

More often than not, the quality of U.S. and foreign equipment is about the same. The nod goes to the seller who can offer the best credit terms. (A 1% interest-rate differential can amount to tens of millions of dollars on the sale of a nuclear power plant or a fleet of airliners.)

U.S. exporters cite chapter and verse.

A French manufacturer won a $1.4 billion order for two nuclear plants in Korea when American companies were unable to match French government lending terms. That one order would have meant 33,000 man-years of employment for U.S. workers.

Egypt was ready to sign a $1.8 billion contract with an American consortium for the modernization of its telecommunications system when a European group offered more attractive financing terms. The Europeans got the contract.

Boeing Vertol appears on the verge of losing a $56 million helicopter sale to Norway because Aerospatiale of France offers financing at three percentage points lower.

The list goes on and on.

The Reagan Administration recognizes these realities, but is putting its faith in diplomatic efforts to persuade Japan and West European countries to abstain from predatory financing.

Progress was made in talks last October, but not enough. Negotiations will resume this month, but the United States, having unilaterally moved to cripple Ex-Im, is working from a weak negotiating position.

Some worried members of Congress are pushing a "war-chest" bill to strengthen the American hand by putting Japan and the Europeans on notice, in effect, that we are prepared to fight and win an interest-rate subsidy war if the negotiations fail to produce real results. But the Administration won't go along.

It's odd that Ronald Reagan, who understands that genuine arms reduction is more likely if the Russians know that the alternative is an arms race that Moscow can't win, is willing to practice unilateral disarmament in the vitally important export field.●

COMPETITION, NOT CARTELS—RECOMMENDATION OF THE JOINT ECONOMIC COMMITTEE IN ITS 1982 REPORT

● Mr. KENNEDY. Mr. President, at the end of last month, the Joint Economic Committee released its 1982 annual report on the economy, as required by the Employment Act of 1946. In this report, the Democratic members of the committee made 36 recommendations to improve the economy and put it on the track of noninflationary growth and full employment. Among the issues we tackled was the Reagan administration's retreat from deregulation and competition in the transportation industries and its moves to reimpose the cartel arrangements that existed in these industries until the late 1970's.

As even the current Chairman of the Council of Economic Advisers, Murray Weidenbaum, demonstrated during his career as an economist and professor at Washington University in St. Louis, economic regulation by the Federal Government of prices and entry conditions in our Nation's vital transportation industries is inflationary. By eliminating the natural forces of competition in these industries, such regulatory agencies as the Interstate Commerce Commission and the Civil Aeronautics Board prevented consumers from enjoying the competitive prices, good service, and innovative products available in industries guided by the free market.

As Professor Weidenbaum pointed out before taking office as CEA Chairman, deregulation of these industries and elimination of the cartel arrangements could provide a major contribution to the fight against inflation, while making new and better services available to those who use their products.

During the past administration, we made great strides toward achieving the kind of deregulation advocated by Professor Weidenbaum. President Carter did his part by appointing regulatory commissioners who believed in deregulation and who actively sought to reduce regulation of prices and entry conditions in the transportation industries. Congress contributed by enacting important deregulation statutes on airlines and trucking.

In his campaign speeches, President Reagan pledged to continue and even accelerate this progress toward free markets in regulated industries. Once in office, however, the President and his administration have moved to reimpose regulation.

In the trucking industry, the Reagan retreat from free market principles will have a serious impact on consumers. As in the 1982 report:

> In the area of transportation, ... the administration has reversed the progress toward free competition which had been made in previous years. The reversal is most egregious in the case of Interstate Commerce Commission regulation of the interstate trucking industry, as the committee was told by a bipartisan panel of witnesses at a hearing on November 13, 1981. The ICC, under President Reagan's newly appointed Chairman, Reese Taylor, has turned back the clock, back to the days when the Commission served the price-fixing and entry-retarding interests of the large truckers rather than that of the public at large.

Certain aspects of the airline industry are also being brought back under the protection of Federal regulation with grave consequences, as we point out:

> In the case of international air transport, particularly with respect to the North Atlantic traffic, the administration appears to have retreated from the determination of the previous administration to bring about an era of free and competitive pricing. On June 9, 1978, the Carter administration canceled the antitrust immunity for air carriers which had previously permitted them to fix prices under the auspices of the International Air Transport Association (IATA). The effect was to unleash a wave of competitive pricing behavior so that North Atlantic air travel prices today are lower in nominal dollars than they were in 1975, with enormous benefits to Americans seeking to travel overseas and to the national efforts against inflation.
>
> The Reagan administration has repeatedly refused to enforce the Carter administration's anti-price-fixing efforts, with the result that U.S. air carriers have now returned to IATA price-fixing forum. The effect will be higher prices and less scope for free competition.

This effort to reimpose price and entry regulation on our transportation industries not only violates campaign promises by President Reagan, it is also bad economics. It prevents competition, it permits cartel pricing, it contributes to inflation, and it hurts consumers. As the Democratic members of the JEC clearly state in the 1982 report, "This reassertion of special interest against the general welfare should be reversed at once."

In our report, we urge that President Reagan press the ICC to "return to a policy of free entry, free price setting, and free competition in the trucking industry" and that he appoint a promarket majority to the ICC. We also urge that "the administration should move promptly to reassert the rule of the market in air transport." Only by doing so will this administration remain true to its free market principles.●

LAWS COMBATING UNFAIR TRADE PRACTICES BY NONMARKET ECONOMIES NEED REFORM

● Mr. HEINZ. Mr. President, on January 29 the Subcommittee on International Trade of the Finance Committee held a hearing on my legislation, S. 958, to change the way our trade laws deal with unfair trading practices by nonmarket economies, primarily those in Eastern Europe and China.

In preparation for that hearing Ted Kassinger of the Finance Committee staff prepared an excellent memo explaining the problem, current law, and the provisions of my bill. Since this is a tremendously complex issue, anything that sheds light on the important questions inherent in it is most welcome. Mr. Kassinger's memorandum is clear and concise, and I commend it to my colleagues who want to better understand the intricacies of trade with nonmarket economies. I ask that the text of the memorandum be printed in the RECORD.

The memorandum follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., January 26, 1982.

MEMORANDUM

To: Finance Committee Members.
From: Finance Committee trade staff.
Subject: Hearing on Friday, January 29, on S. 958, a bill relating to pricing of imports from nonmarket economy countries.

S. 958 addresses the concern that U.S. trade laws do not adequately provide a mechanism for domestic industries to gain relief from injurious import competition involving nonmarket economy countries. It would repeal a section of the antidumping law that provides an alternative method of calculating the value of nonmarket economy products. Further, it would replace section 406 of the Trade Act of 1974, which authorizes relief from material injury caused in significant part by rapidly increasing imports from Communist countries. (Section 201, which provides for similar action for import surges of any source, will remain unaffected.) In a new section 406, S. 958 would create an "artificial pricing" remedy that would be used when insufficient information exists to determine reliably whether dumping or subsidization has occurred. "Artificial prices" would be prices below the lowest average adjusted price of free-market producers. The Administration is expected to testify generally in support of the bill.

BACKGROUND

The United States' commitment to an open world trading system, by adherence to the General Agreement on Tariffs and Trade and various bilateral agreements, traditionally has not discriminated between market and nonmarket economy countries. Indeed, the latter only have assumed important roles as U.S. trading partners in the last three decades. Between 1974 and 1980, for example, total trade tripled between this country and its principal nonmarket economy trading partners; U.S. merchandise trade ran a significant surplus ($5.43 billion in 1980). (See Tab E for detailed trade information.) Besides the trade benefits, this increased economic interaction is thought to provide political benefits through greater economic interdependence, particularly with Eastern European nations. Thus, the United States has encouraged participation by the latter in international trade and financial organizations.

Nevertheless, U.S. law takes cognizance of the special political and economic considerations resulting from such trading relations. "Nonmarket economy", "Communist", and "state-controlled economy" are variously employed in the trade statutes to differentiate certain nations in their status under domestic law. Most-favored-nation (MFN) tariff treatment, for example, is denied designated Communist countries. The Jackson-Vanik Amendment ties the granting of MFN treatment to certain Communist countries to their emigration policies. Section 406 of the Trade Act provides special safeguard relief from nonmarket economy imports. As these examples suggest, for either economic or noneconomic reasons U.S. law is specially structured to provide incentives or disincentives to trade with these fundamentally different economic regimes.

A particularly nettlesome problem of nonmarket economy trade is protection from unfairly priced imports. Imposition of dumping or countervailing duties is premised on the ability to determine home market prices and subsidies reflecting free market values; central planning (which may incorporate many noneconomic criteria) and lack of competition undermine that premise. As described in more detail below, U.S. countervailing duty law prescribes no special determinants for the amount of subsidization enjoyed by any particular nonmarket economy producer. An alternative calculus of foreign market value is provided in U.S. antidumping law for purposes of comparison with U.S. prices, but it has not proven widely acceptable administratively or substantively. In both cases, the normal investigative process becomes immersed in debates over comparative and constructive values that quickly lead to proposed determinations based on hypothetical rather than real transactions.

S. 958 (Tab A) proposes an alternative, simplified method of calculating the values necessary to apply the countervailing and antidumping duty laws to nonmarket transactions. It would repeal section 406 of the 1974 Trade Act, so that injury from import surges from these nations would be treated no differently than all other such cases (i.e., under section 201 of the Trade Act). The following sections describe pertinent existing law applicable to nonmarket economy imports, and how S. 958 would alter them.

EXISTING LAW

U.S. industries adversely affected by nonmarket economy imports may seek relief under Title VII of the Tariff Act of 1930 if the imports are unfairly priced (dumped or subsidized), or if fairly priced imports are increasing in a way requiring a sheltered adjustment period (sections 201 and 406 of the Trade Act of 1974). For easy visualization, included in Tab C are schematic representations of these remedies. Tab D outlines the remedy afforded by S. 958.

A. Dumping.—Antidumping duties may be imposed on imported products that are sold in the United States at less-than-fair value (LTFV) and threaten or cause material injury to a domestic industry or materially retard its establishment. The foreign market (fair) value of the merchandise is calculated normally according to a methodological hierarchy:

(1) home market prices reasonably adjusted for such differences as sales level, physical characteristics, etc.,

(2) prices of exports to third countries, similarly adjusted; or

(3) constructed value, based on adjusted material costs plus general expenses and profits.

Beginning in 1960, the Treasury Department (then vested with the administering authority) determined that none of these three methods were valid for goods produced in planned economies where the government, not the market, set prices to an extent fatally distorting the first three methods. Treasury thus applied a fourth test, the home market or export price of similar merchandise produced in a surrogate market economy country, or the constructed value in such a surrogate. The Congress codified this approach essentially in section 205(c) of the 1974 Trade Act, and carried it forward in current law by including section 773(c) in Title VII of the Tariff Act of 1930, added by the 1979 Trade Agreements Act. (See Tab B for the text of these and other pertinent provisions.)

Commerce Department implementing regulations do not illuminate what criteria are used to decide whether "the economy of the country from which the merchandise is exported is state-controlled to an extent that sales . . . do not permit a determination of foreign market value" under the first three tests. In practice, these countries have been the traditional Communist-dominated U.S. trading partners—Albania, Bulgaria, Czechoslovakia, East Germany, Hungary, People's Republic of China, Poland, Romania, the Soviet Union, and Yugoslavia. The fourth test is not automatically applied; if a producing enterprise within a nonmarket economy can demonstrate that market forces sufficiently control its operations (as through a joint venture, for example), use of a normal calculus of value is preferred. On the other hand, state enterprises in market economies are not subject to the fourth test at all.

Electric Golf Carts from Poland, a 4-year antidumping proceeding in the 1970's, perhaps best demonstrates the vicissitudes of the value calculations as they developed into current practice. A year after a complaint was filed in 1974, Treasury determined that Polish golf carts indeed were being dumped in the United States—sold at less than their fair value. Because there existed no home market for the carts, nor any significant third country market, and because to construct home market value did not seem feasible, Treasury adopted the export prices of a small Canadian golf cart manufacturer. Both the U.S. complainant and the Polish exporter disputed the methodology: The complainant argued U.S. manufacturers' prices should be used, while the exporter advocated adoption of studies showing that the constructed value of their carts produced under Canadian conditions precluded a finding of dumping. In any case, argued the Poles, the method failed to account for claimed advantages of its modern, efficient facility.

After an affirmative injury by the International Trade Commission (ITC), Treasury in 1977 proposed dumping duties based on the Canadian company's prices—but by this time, their production was too low to serve as a basis for determining foreign market value as a reference for the continuing stream of Polish imports. Treasury then proposed adoption of U.S. domestic prices as the standard. Because that standard effectively denied competitive access to the U.S. market (the C.I.F. costs of the imports, when added to the duties, put the Polish prices substantially above those of their U.S. competitors), in 1978 Treasury adopted still more regulations that serve as the basis for current practice. The regulations required that use of third country prices or constructed values was limited to free-market countries in a stage of comparable economic development.

Under this method, because there were no longer free-market producers outside the United States, Treasury constructed the value of the Polish golf carts as if they had been made in a market economy country at a stage of comparable economic developments—in this case, Spain. The discrete inputs comprising the Polish production process were identified, then valued in the Spanish economic milieu. The resulting constructed value became the foreign market value upon which dumping duties were assessed.

In 1979, when incorporating existing statutory authority for these regulations into the Tariff Act, the Finance Committee expressly refused to approve or disapprove this valuation procedure. The Treasury practice was carried forward into Commerce regulations. Despite continued usage, however, the regulations continue to be criticized. For example, it is arguable whether per capita GNP is a proper criterion of comparability (even if reliable GNP figures for nonmarket economy countries can be obtained), or whether one should assume that comparable development as a macroeconomic judgment allows the conclusion of comparable sectoral development, the essential basis of value construction. These and other considerations induced the GAO to conclude recently that "the combined effect of difficulties in the surrogate selection process, data verification, and the need for subjective adjustments makes the outcome of dumping cases involving a surrogate producer's product highly unpredictable and of limited economic validity."

B. Subsidies.—As a result of the Trade Agreements Act of 1979, two different sections of the Tariff Act of 1930 govern U.S. countervailing duty law. Section 701 provides for duties upon imported merchandise the manufacture, production, or exportation of which has been subsidized by a signatory of the Subsidies Code if a competing U.S. industry is materially injured or threatened with material injury, or is materially retarded in its establishment. For non-signatories, section 303 applies in essentially the same manner, except that dutiable merchandise may be subject to countervailing duties under this provision without a finding of injury to a U.S. industry.

Neither section of the countervailing duty law specially addresses the question of calculating subsidies associated with products manufactured or produced in or exported from nonmarket economy countries. Nor has any case been brought to test how the law would be administered in that situation. Under article 15 of the Subsidies Code, however, allegedly subsidized imports may be investigated under either the Dumping or Subsidies Codes. Thus, absence of sufficient data to establish the existence of a subsidy allows substitution of a LTFV determination, as if dumping were alleged. Although Commerce failed ultimately to promulgate proposed regulations that would have adopted this approach in U.S. practice, it remains an alternative. The parties, of course, would face the same administrative and substantive objections outlined above with regard to the dumping law if subsidies were calculated on LTFV basis.

C. Section 201.—Regardless whether imports are fairly priced, the GATT in article XIX recognizes that domestic industries may require temporary assistance to adjust to injurious competition caused by increasing import levels. Sections 201 and 406 of the Trade Act of 1974 embody this principle in domestic law. For a domestic industry to gain relief under section 201, the ITC must determine that imports are increasing in such quantities as to be a substantial cause of serious injury or the threat thereof. Upon an affirmative determination, the Commission recommends to the President appropriate relief, which may consist of increased tariffs, a tariff-rate quota, quantitative restrictions, or an orderly marketing arrangement. By majority vote the Congress may override a Presidential decision to deny relief.

D. Section 406.—Similar in concept and incorporating the same procedures as section 201, section 406 offers relief for "market disruption" caused by imports from Communist countries. Market disruption occurs when such imports are rapidly increasing so as to be a cause of material injury, or threat thereof. Thus, although the petitioner must demonstrate a rapid increase in imports rather than a mere increase, section 406 apparently offers a somewhat lesser injury standard, and it focuses on imports from specific countries.

Listed in Tab F are the few section 406 cases that have been decided thus far. None have resulted in relief, either because of negative determinations or the President's denial of relief. Because the complainant must show particular Communist-sourced imports as the cause of injury, it may in fact be more difficult to gain relief under section 406 than section 201. In any case, the basis of section 406—the feared danger of political manipulation of export surges by Communist governments—does not appear to have materialized, judging from the few cases brought. (Forty-five section 201 cases were brought between April 1975 and July 1981; seven section 406 cases were brought in the same period.)

S. 958—ARTIFICIAL PRICING

S. 958 would repeal section 406 and the fourth alternative test of foreign market value provided in section 773(c). In a new section 406, an "artificial pricing remedy would be offered to domestic industries competing with nonmarket economy country imports. (See Tab A).

The bill would encompass imports from countries "the economy of which, as determined by (Commerce), operates on principles other than those of a free market to an extent that sales or offers of sale of merchandise in that country or to countries other than the United States do not reflect the fair value of the merchandise." (Sec. 406(d)(i)). In substance this test is comparable to that in section 773(c); it differs from that of section 406 in that it is an economic, not political, test. Because the existence of a free market is determined without regard to sales of specific merchandise, a nation may be deemed to be a market economy even though trade in the product alleged to be artificially priced is carried on by a state-controlled enterprise. Nationalized steel companies in Europe, for example, thus would appear immune from changes of artificial pricing.

S. 958 provides that artificial pricing exists when the nonmarket economy product is imported "at a price below the lowest free-market price of like articles." (Sec 406(c)(2)). The "lowest free-market price" is the lowest average price charged for like articles by producers in a market economy. The price is adjusted "to ensure comparability," as under current law, and the market economy must be "appropriate" in terms of its pricing and production. (Secs. 406(d)(3-5)). If Commerce determines that artificial pricing exists, a duty would be imposed "in the amount necessary to offset the amount of such artificial pricing." (Sec. 406(a)). This concept of margin is comparable to the calculation of antidumping or countervailing duties.

By offering relief solely in the form of offsetting duties, S. 958 differs from current section 406 in that under section 406 duties are imposed to temporarily prevent or remedy the injury, and quantitive restrictions may be recommended. Relief under section 406 is available only for an adjustment period not exceeding eight years. On the other hand, the offsetting artificial pricing duties would be effective as long as the unfair pricing practices persisted. Relief under S. 958, unlike section 406, would not be subject to Presidential discretion.

On the other hand, the offsetting artificial pricing duties would be effective as long as the unfair pricing practices persisted. Relief under section 406 is available only for an adjustment period not exceeding eight years. But relief under S. 958 would not be subject to Presidential discretion.

The artificial pricing remedy would be available in the following circumstances. An investigation will be conducted upon petition alleging artificial pricing, unless there already is proceeding an antidumping or countervailing duty case or either of those duties are in effect. However, if in an on-going antidumping or countervailing duty investigation the respondent country fails to furnish sufficient verifiable information, the proceeding will be converted to an artificial pricing investigation. Conversely, if sufficient verifiable information is provided in an on-going artificial pricing investigation to determine either foreign market value or subsidization, the case will be converted into an antidumping or countervailing duty investigation as appropriate.

Section 406(a) of S. 958 would not require an injury determination as a prerequisite to the imposition of artificial pricing duties. Section 406(b)(3) merely provides that such an investigation will follow the same procedures as a countervailing duty investigation, but it would not require a showing of material injury for countries that have signed the Subsidies Code or made similar commitments. The material injury finding required by the antidumping law would be available only if the artificial pricing investigation were converted into an antidumping investigation as provided in section 406(c)(1)(A), and the respondent country is a party to the Dumping Code.

The GATT provisions on dumping and subsidization, as interpreted by the Codes, contemplate an injury determination before such duties are imposed. In accord with those agreements, U.S. countervailing duty law extends the injury test to parties to the Subsidies Code or countries undertaking similar commitments. The antidumping law extends the injury test unqualifiedly. To the extent artificial pricing is intended merely to provide a special calculus for the same unfair trade practices the antidumping and countervailing duty laws address, then the failure of S. 958 to provide for an injury determination in the same circumstances may place the United States in violation of its international obligations to nonmarket economy countries which otherwise would be entitled to it. This entitlement may derive from adherence to the Codes or other MFN obligations assumed by the United States. In addition, U.S. law offering protection from imports for pricing reasons, and current section 406 which will be replaced by S. 958, traditionally have required a showing of injury as a condition of relief.

By defining artificial pricing as pricing below the lowest adjusted average free-market price, S. 958 provides a benchmark price which may simplify greatly the administration of unfair pricing cases and provide certainty to nonmarket economy producers regarding whether their export prices are subject to challenge. Absent an injury test, however, the benchmark may serve also as a price floor precluding price competition from nonmarket economy sources, regardless of any real comparative advantage they may enjoy. In a concentrated free market tending towards monopoly prices, the preclusion of price competition may be undesirable.

The remaining provisions of S. 958 provide for assessment and collection of artificial pricing duties. By and large, these provisions parallel those found in Title VII of the Tariff Act of 1930.

AUBREY WHITELAW AND HISTORY

● Mr. DODD. Mr. President, determinists see history as the movement of vast impersonal forces over which individuals have little control. Others know better. They recognize that the decisions of human beings, their deliberate interaction, and coincidental crossings are essential to explaining why our past has unfolded just the way it has.

One person who could testify to the validity of that thesis is Aubrey H. Whitelaw of North Stonington, Conn. "Whitey" Whitelaw has lived more history than most people ever read about. In a recent interview with Greg Stone of the New London Day, he touched on some of his experiences in a manner that should be interesting to my Senate colleagues and all students of the history of our century. I ask that it be printed in the RECORD.

[From the New London Day, Jan. 31, 1982]

CONVERSING WITH HISTORY IN THE BACKWOODS

(By Greg Stone)

The voice crackled over the phone, pouring out history faster than the words could be recorded, weaving in and out of the past.

The speaker reached back to the early '30s, when Franklin Roosevelt was charting his political rise. Ronald Reagan was just getting out of college. Financeer Joseph P. Kennedy's pride and joy, Joe Jr. was studying at the London School of Economics and sharing an apartment with a student from North Stonington.

America was in the throes of the Depression. Russia was in the midst of a political purge directed by Joseph Stalin. A young economics teacher at Moscow University, Mikhail Suslov, was placed in charge of ridding the state of ideological and political impurities in the Ural Mountains region.

This week, 49 years later, we found ourselves observing the 100th anniversary of Roosevelt's birth. Reagan, now the conservative Republican president of the United States, delivered his first state-of-the-union message and numerous comparisons and contrasts were drawn between the 71-year old former actor and FDR. He was imitating Roosevelt's style to undo what the former president did.

Suslov died last Monday. The younger Joe Kennedy, who, his father had planned, would become the first Catholic president of the United States, was long dead, killed while on an air strike mission over the French coast in 1944. (His younger brother, Jack, turned out to be the first Catholic to occupy the White House.) Aubrey H. Whitelaw, the young political science student with whom Joe Kennedy shared quarters in London in the '30s, was back in North Stonington and on the phone.

The call came about as the result of Suslov's death this week. Two years ago, Whitey had written a piece on the Soviet Communist party's chief idealogist. It remained unpublished, and he had asked if the newspaper was interested in it. It described the Russian as "one of the most powerful enemies of the U.S.A."

Whitelaw is 71 and retired. He lives in a house in the North Stonington woods, off Rt. 184, where deer occasionally wander across his property. He is a writer. His favorite subject is politics, of which he has been an avid student for most of his life.

His age tells an interesting story, incidentally, as we note Roosevelt's centenary. The bright, young people who followed FDR into the New Deal in the 1930s are, like Whitelaw, in their 70s today if they still are alive.

Another interesting statistic came up in the conversation. When Whitelaw met Joe Kennedy Jr. in London, Joe's youngest brother, Teddy, was two months old. Today, the only surviving Kennedy son, at the age of 49, is one of the foremost figures in the modern Democratic Party Roosevelt bequeathed us.

Whitelaw and young Joe Kennedy became close friends in London. Kennedy talked about his one ambition in life with him: To be president. They also played rugby together. Whitey can remember attending parties thrown by European distillers awaiting the end of Prohibition in America. Joseph P. Kennedy, Sr., who was to become Roosevelt's ambassador to the Court of St. James, had invested heavily in Scotch distilleries.

Whitey became interested in political propaganda while a student at the University of Chicago in the '30s under the political scientist Harold Laslow. He later began applying his knowledge of the subject working for an intelligence-gathering, front organization for the government in the early 1940s.

One of his missions in those days was to feed information to the government about Nazi sympathizers in Congress. The information was used by FDR in a widespread attempt that election year to purge Congress of politicians who might be opposed to America's entering the war.

In another part of the world, Suslov, then in his 30s, was instructing guerrilla forces behind enemy lines in the northern Caucasus. When the United States entered the war, Whitey entered the U.S. Army.

Whitey was in his early 30s when Roosevelt died and the war ended. After the war, he turned to politics in Connecticut, serving as, among other things, executive assistant to the late U.S. Sen. Thomas J. Dodd.

In recent years, Whitey claims to have withdrawn from politics, and regularly shuns interviews.

"I've been out of things too long. You won't learn anything from me," is the pat reply.

This is utter nonsense, for Whitey Whitelaw is a walking, living political history book. Some smart historian of the New Deal should sit down with him for a couple months with a tape recorder. The only problem with that is that he'd probably never go for it.

The next best thing is to engage him in a conversation. Ask him, for starters, how he got on Ted Kennedy's mailing list. And ask him how he feels to have outlived Mikhail Suslov, one of the most dangerous men in the world.●

EXPORT TRADING COMPANIES ARE NECESSARY—V

● Mr. **HEINZ**. Mr. President, this final excerpt from Franklin Cole's article, "Establishing American Trading Companies," which appeared in the Northwestern Journal of International Law and Business, autumn 1980, identifies some shortcomings in the bill. Mr. Cole's shortcomings are those which will inhibit the legislation's effectiveness. By and large I agree with his list and would prefer a stronger bill. The constraints he refers to were included in the bill to reassure skeptics and those less familiar with how world trade works than Mr. Cole.

The material follows:

SOME SHORTCOMINGS IN THE ACT

It must be noted, that in addition to regulating a banking organization's relationship as an investor in or creditor of an export trading company, the Export Trading Company Act places restrictions on the operations of the non-banking export trading company itself, independent of its relations with any banking organizations. For example, the Act empowers the appropriate federal banking agencies to set standards by which any export trading company in which a banking organization has an ownership interest may take title to goods.[92] In particular, the agencies can establish inventory-to-capital ratios for those circumstances in which the export trading company may bear a market risk on inventory held.[93] Also, an export trading company in which a banking organization has an ownership interest cannot take positions in commodities or commodities contracts in securities, or in foreign exchange, other than as may be necessary in the course of its business operations.[94] Finally, the Act defines an export trading company as a company organized and operated "principally" to export U.S. goods and services and to facilitate their exportation by unaffiliated persons.[95] However, the word "principally" is ambiguous and could be read to restrict activities integral to the operations of a successful export trading company, but which are not specifically related to exporting.

By regulating the operational activities of a banking organization's non-banking affiliates, the Act departs from its previously principled grounds. As discussed above, the public policy of guaranteeing the soundness of banking organizations is already served by limitations on bank financial exposure in export trading companies.[96] The justification for limiting the business descretion of non-financial business corporations is neither as clear nor as persuasive as in the case of regulating financial institutions which are directly entrusted with the public's capital, and which are themselves limited in their dealings with the corporations whose discretion appears to be the cause of concern.

The extra control sought over export trading companies is understandable enough in itself. For example, the limitation on an export trading company's ability to take positions in commodities would prevent traders from engaging in purely speculative activities of which most of their investors would disapprove. However, it is in the province and discretion of the investors to ensure that adequate internal controls in an export trading company block activities that the investors may consider imprudently speculative. The failure of a non-financial business corporation is of principal concern to its shareholders. To the degree that its shareholders may be financial corporations, they are already under regulation. While the financial health of all American businesses is of concern to federal authorities, the federal mandate over banking organizations is properly exercised—as in the remainder of the Act—by limiting bank exposure in non-banking activities and by providing guidelines for the transactions between banking organizations and their affiliates.

The potential for restricting trading company activities under the terms of the Act "principally" to the exportation of U.S. goods[97] and the provision of export trade services[98] is worrisome. As discussed above, successful export trading companies are often involved in two- and three-way trade, and they both import and export goods in barter transactions.[99] These complex forms of trade have become increasingly important, and to restrict importing operations would cost the trading companies flexibility (including the capacity to arrange transactions so as to relieve currency deficits), would possibly close markets, and would certainly retard the export trading companies' absorption of the commerical experience needed to become competitive in the international marketplace.

Many of the advantages that trading companies would offer U.S. manufacturers in export transactions, including simplification of documentary and financial problems, are equally desirable on the import side. Indeed, experience shows that these advantages can be most fully exploited by traders who engage in both export and import. Trading companies that can confidently engage in export and import would more rapidly acquire the specialized knowledge and skills of international commerce and could be able to achieve better and more profitable use of their assets and their distribution networks. While the legislative history of the Act clearly recognizes that the business of export trading companies "may include some domestic trade, some import trade and some third-party international trade wholly outside U.S. commerce," the meaning of "principally" is clarified nowhere in the Act, nor are standards for the application of the term provided.[100]

NUCLEAR FREEZE AND REDUCTIONS

● Mr. **HART**. Mr. President, the introduction by Senators KENNEDY, HATFIELD, and others, of a Senate joint resolution urging the negotiation of a bilateral, United States-Soviet "freeze" on the testing, production, and deployment of nuclear weapons is a welcome recognition of the reawakening arms control movement.

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[92] § 105(d)(2). The appropriate federal banking agency may not impose standards for the taking of title which "unnecessarily disadvantage, restrict or limit export trading companies in competing in world markets." § 105(d)(3).

[93] § 105(d)(2).

[94] § 105(c)(3).

[95] § 103(a)(5). An export trading company is defined as a company doing business under the laws of the U.S. or any state and which is exclusively engaged in activities realted to international trade. § 105(a)(13). This definition does not permit export trading companies to engage in agricultural production, manufacturing, or in underwriting, selling or distributing securities. *Id.*

[96] *See* text accompanying notes 79-83 *supra.*

[97] U.S. goods are defined as tangible property manufactured, produced, grown or extracted in the U.S., in which the cost of imported raw materials and components shall not exceed 50% of the sales price. §103(a)(2). Fifty percent was chosen because it is the existing standard in the Internal Revenue Code for eligible "export receipts" of Domestic International Sales Corporations (DISCs). S. Rep. No. 735, 96th Cong., 2d Sess., 6 (1980).

[98] The term "export trade services" encompasses a wide variety of activities including consulting, international market research, advertising, marketing, insurance, product research and design, legal assistance, transportation, trade documentation, communication and processing of foreign orders, warehousing, foreign exchange, and financing. § 103(a)(4).

[99] *See* notes 28-29 and accompanying text *supra.*

[100] S. Rep. No. 735, 96th Cong., 2d Sess., 6 (1980). The Senate Committee on Banking Housing and Urban Affairs, in its report on S. 2718 stated that under § 103(5) a "presumption is established that on the average at least one-half of the company's total business . . . will be directly related to U.S. exports which must contain at least 50 per cent value attributable to the U.S." *Id.* Another standard, suggested by witnesses in the hearings for the Act, would measure the percentage of gross or net earnings of an export trading company generated directly in export trade. *See, e.g. S. 2718 Hearings, supra* note 4, at 103 (statement of Robert L. McCormick).

A bilateral agreement to "freeze" the nuclear arms race would be a powerful declaration of intent by the two superpowers. It would signal the commitment of the United States and the Soviet Union to bring to an end their mindless competition in nuclear weaponry. Such a commitment is vitally necessary if we are to avoid the greatest catastrophe in human history. The nuclear weapons "freeze" advocates are right when they say "enough is enough."

A negotiated freeze on the testing, production, and deployment of nuclear weapons is a valid objective for arms control. It is not, regrettably, an objective that can be easily attained. For example, opponents of the freeze will point out that a complete ban on the testing and production of nuclear weapons will be difficult to monitor through national technical means of verification, such as photo reconnaissance. Freeze opponents will also stress that a ban on deployment will prevent the procurement of new nuclear weapons systems, such as Trident submarines and Trident I missiles, which are seen to be both essential for deterrence and conducive to strategic stability. Finally, critics of the freeze will argue that a ban on the further development of nuclear weapons arsenals will simply rechannel the arms race into new and more dangerous areas, including accelerated antisubmarine warfare activities, thereby endangering our most secure second strike forces, the ballistic missile submarines.

Many of the technical difficulties posed by a nuclear weapons freeze might be overcome through patient, careful, and prolonged negotiations with the Soviet Union. I am increasingly convinced, however, that our traditional emphasis in arms control on the numbers of nuclear weapons is, by itself, an inadequate answer to the full range of complex problems we confront with respect to the nuclear threat. The imposition of a nuclear weapons ceiling, as welcome as such a step would be, does not address our most fundamental problem—the possibility that nuclear weapons might be used, either intentionally or through miscalculation. In a word, our most solemn obligation—to ourselves, to our children, and to all future generations—is the prevention of the use of nuclear weapons.

We need a fundamentally new agenda for arms control. As we pursue significant, verifiable, and mutual constraints on the numbers of nuclear weapons and their means of delivery, we must also mount a new and concerted effort to insure that not a single nuclear weapon is ever discharged in anger.

To achieve this goal, on February 24, I submitted Senate Resolution 323, which calls upon the United States and the Soviet Union to begin negotiations, without delay, on the prevention of the use of nuclear weapons. United States-Soviet strategic talks on prevention (STOP) would focus on three central objectives:

First, we must prevent the nightmare of nuclear war through accident or miscalculation. We should update and extend the 1973 bilateral agreement on the prevention of nuclear war to provide instantaneous and reliable notification on any accidental launch. And we and the Soviets must insure that our nuclear forces are maintained under tight and continuous control.

Second, we must prevent the use of nuclear weapons by third parties, including new nuclear weapons states and terrorists. In addition to the 5 nations which already possess nuclear weapons, 10 other countries either have the capability to produce such weapons today or will have the capability within 3 years. The number of nuclear weapons states could grow to 20 by 1990. And today, a new nightmare haunts us—the possibility that nuclear weapons may "trickle down" not only to nations but to terrorist groups. The dangers of nuclear proliferation underscore the need for a comprehensive U.S.-Soviet agreement to restrict the export of sensitive nuclear technologies and to safeguard those facilities already is existence.

Third, we must reduce the vulnerability of both sides' nuclear retaliatory forces to preemptive attack. Recent developments in nuclear weaponry have undermined the stability of the nuclear balance of terror. In recent years, both countries have acquired impressive counterforce and countersilo capabilities, which increase the temptation to strike first in a crisis. We and the Soviets must reverse this dangerous trend through mutual, enforceable agreement.

Finally, of course, we must continue to seek meaningful reductions in the overall numbers of nuclear weapons. As the "freeze" resolution also recognizes, a small force of secure and reliable nuclear weapons systems, tightly controlled, would constitute the best deterrent for both countries.

The limitation and reduction of all nuclear weapons—strategic, theater, and tactical—is a vital and necessary objective for arms control. But without a companion effort to prevent the use of these weapons, numerical constraints alone cannot save us from the holocaust of nuclear war.

The threat of nuclear war is emerging as the foremost problem of our time. We must seize this opportunity to reconstruct our arms control policy by broadening its focus to include not only the pursuit of numerical limits, but also, and more importantly, the prevention of nuclear blackmail, nuclear terrorism, and nuclear war.

I look forward to working closely with both my Senate colleagues and with arms control advocates of all persuasions on this, the most important problem we face.●

NATIONAL POW-MIA RECOGNITION DAY

● Mr. HUMPHREY. Mr. President, I am very pleased to cosponsor Senate Resolution 160, introduced on last Monday, March 8 by Senator HAYAKAWA, which designates July 9, 1982, as "National POW-MIA Recognition Day." I, like many Americans, am deeply concerned about the nearly 2,500 American citizens, primarily military personnel, who remain unaccounted for in Southeast Asia. I realize that a similar measure was enacted last year, designating July 17, 1981, as "National POW-MIA Recognition Day." However, I believe that continued congressional recognition of this situation is imperative, particularly in light of the fact that yet another year has passed since the signing of the 1973 Paris peace accords.

I would like to insert here a paper provided by the Joint Chiefs of Staff, prepared by USMC Col. L. R. Elwell, dated January 25, 1982, which outlines accurately the facts and figures of this situation's history.

The information follows:

CURRENT STATUS ON THE PRISONER OF WAR/MISSING IN ACTION ISSUE

1. Many Americans are unaware that nearly 2,500 servicemen are still unaccounted as a result of the Vietnam war. There were 2,553 military and 41 civilian Americans unaccounted for at "Homecoming" in 1973. The military included 96 prisoners of war (POW's), 1,178 killed in action—body not recovered, and 1,279 missing in action (MIA). The civilians included 25 missing and 16 presumed dead. Since then, 78 remains have been returned and most individual cases of those unaccounted for have been administratively reviewed. Cases reviewed have invariably resulted in a presumptive finding of death, based on data accumulated in the file and the additional criteria of a lapse of time without information to indicate the individual is still living. Therefore, as of January 1982, only 10 military personnel, of those unaccounted for, have not been presumed dead. These 10 cases are categorized as 1 POW (USAF) and 9 MIA (8 USAF, and 1 USMC).

2. The fact that only 10 cases remain active does not minimize the need to achieve the fullest possible accounting for the approximately 2,500 men whose fate remains in question. The debt owed to each serviceman who is unaccounted for, as well as to that individual's family is well known. Although this obligation can never be fully satisfied, every effort is and should continue to be made to achieve as extensive an accounting as possible. It should be emphasized that this is not just a humane gesture, but a responsibility due every serviceman, past, present, and future.

3. Since the end of the Vietnam war, there has been an ebb and flow of government and public interest in accounting for Americans missing as a result of the war. The DOD POW Policy Committee, which handled the POW/MIA issue prior to the end of U.S. involvement, became inactive shortly after the U.S. withdrew from Vietnam. However, in January 1980, an interagency group (IAG), which is comprised of representatives of the State Department, Office of the Secretary of Defense/International Security Affairs, Joint Chiefs of Staff, Defense Intelligence Agency (DIA), National Security Council, Subcommittee on Asian and Pacific Affairs/House Foreign Affairs Committee and the National League of POW/MIA Families, was established and has since been active. The main purpose of this group is to ensure that priority is given to the issue and that U.S. efforts are coordinated as we continue to press for resolution of the POW/MIA issue. The IAG is continuing the work started by the JCS to develop an explicit USG policy on the POW/MIA issue.

4. Although the Vietnamese claim to have released all POW's and to have been fully cooperative with the U.S. Government, the facts deny this claim. The SRV has returned 72 remains and has allowed Laos to return four remains, two of which were identified as not being American. However, the Vietnamese have refused to account for Americans who were known POW's. In some cases, they have even acknowledged holding specific individuals at one time or another. These circumstances clearly belie their present claim to have fully cooperated in resolving the status of these individuals.

5. Of greatest concern are the recurring reports of the sightings of caucasians currently held captive in Indochina. As more Indochinese refugees are interviewed, the frequency of live sighting reports has also increased significantly. We now have over 390 firsthand reports of live sightings under investigation. Additionally, over 250 second hand or "hearsay" reports are being investigated. Due to the number of reports of live sightings, the following USG public affairs response to queries about unaccounted Americans has been formulated: "There is an increasing number of reports that Americans may be held against their will in Indochina, but the U.S. government has thus far been unable to substantiate this information and priority effort will continue to be assigned to investigating these reports. The increasing possibility that Americans are still incarcerated in Indochina, nine years after the war has ended, underscores the importance of achieving an expeditious resolution to the entire PW/MIA issue.

6. One source testified that the SRV collected skeletal remains of Americans for many years and possessed, as late as early 1979, over 400 individual remains. This testimony has been substantiated by DIA and the witness has successfully passed polygraph tests. After first denying access to the building where the remains were reportedly stored, the Vietnamese, after several months, allowed reporters to visit the complex. As expected, no remains were found; however, DIA still considers this source valid.

7. Logically, successful resolution of the POW/MIA issue requires a number of specific actions: release of any live Americans presently being held; return of previously collected remains of U.S. personnel; search, recovery, and return of any additional U.S. remains; and a cooperative effort by the USG and Indochinese Governments in those cases where no remains exist or can be found. Additionally, fullest possible accounting requires priority attention to the issue and concerted interagency coordination of effort of all responsible U.S. Government agencies, as well as the active participation and cooperation of all concerned nations.

8. Although both the USG and the Vietnamese Government have tacitly agreed that the POW/MIA issue is humanitarian in nature and should be resolved regardless of political differences, the Vietnamese continue to link POW/MIAs to other considerations. History shows that the Vietnamese, in dealing with France on the return and accounting for missing French personnel, responded only when it was beneficial to their interests. Humanitarian ideals have had little significance; therefore, a new USG negotiation strategy is required. Although numerous demarches have been made to the Indochinese nations to this date, they have "stonewalled." The standard SRV response cites their inability to cooperate in search or accounting activities because their manpower is being fully utilized to defend against the threat of attack from the People's Republic of China (PRC). Recently, the Vietnamese have also stated that their people are reluctant to assist because of hostility over the "collusion" between the United States and the PRC.

9. The IAG is considering alternatives which may improve the possibility for achieving desired results and has concurred in the advisability of pursuing U.S. government, direct, high level participation in programs of public awareness of PW/MIAs. It is important to maintain the momentum generated during the last several months and to continue unrelenting pressure on the Indochinese nations, especially the SRV, with respect to resolving PW/MIA issues.

Mr. HUMPHREY. I want to emphasize the grief and profound sense of loss felt by the families of these POW's and MIA's. For 444 days, we tied up yellow ribbons for the 52 Iranian hostages, sharing the anxiety of the captives' families. At least we knew where the captives were, that they were alive. The families of the nearly 2,500 personnel in Southeast Asia have no such knowledge. Many of these families have experienced this anxiety for as many as 6,000 days.

A delegation headed by Deputy Assistant Secretary of Defense Richard Armitage recently visited Hanoi to underline the administration's concern with the missing personnel. Prompt passage of Senate Resolution 160 would be an important expression, to the Government of Vietnam as well as the people of this Nation, of this body's abiding concern for these missing Americans.●

WORKING OUR WAY THROUGH COLLEGE

● Mr. HART. Mr. President, today's Washington Post published a column by Mr. Denis Doyle which included very innovative ideas for increasing our Government's investment in human resources. Mr. Doyle has proposed providing Government assistance for education in return for time in service to the Nation.

This proposal to establish a national trust fund for higher education, together with a program of voluntary national service, is creative and thought-provoking, and worthy of national debate. I ask that the article be printed in RECORD at this point.

The article follows:

[From the Washington Post, Mar. 10, 1982]

Working Our Way Through College

(By Denis P. Doyle)

The single most important education program of the 20th century was the GI Bill. It underwrote the cost of education for hundreds of thousands of returning service men and women, easing their transition into civilian life and ushering in the greatest period of economic productivity in our history. It is no accident that a period of abundance followed the GI Bill. It was perhaps the largest single example of human capital investment in the history of man.

The terms of the GI Bill were straightforward: education benefits for time in service to the nation.

We are now confronted with a pressing need to revitalize America. The common thread is human capital, the educated men and women, who will make the wheels of post-industrial democracy turn. We face a real crisis in math, science, computer science and foreign language education. On the one hand, we are consuming our seed corn, stripping our high schools, colleges and universities of trained mathematicians, engineers, and scientists. On the other, we are a monolingual nation dealing with a multilingual world. As Rep. Paul Simon, author of "The Tongue-Tied American," points out, there are 10,000 Japanese businessmen in New York—all English speakers—and 1,000 American businessmen in Tokyo—all with translators. He observes wryly that you can buy in any language—but not sell.

The crisis is upon us, and it is being compounded by the administration's decision to further reduce higher education spending, without proposing a workable alternative. This is precisely the time when increases in human capital investment are most needed. It takes 20 years to train the next generation of engineers, scientists and linguists.

When Draconian cuts in student aid occur, The students hardest hit are middle class, the nation's most valuable manpower pool. The institutions hardest hit are the nation's private colleges and universities, an intellectual resource without parallel in the Free World.

Reductions in federal funding, then, will have the bizarre effect of weakening the nation's private higher education institutions, and limiting middle-class student access to higher education.

In post-industrial society, we must recognize that higher education is not conspicuous consumption; it is an investment. It is money in our national human capital bank even more lasting than money spent on physical capital formation.

There is a solution that this administration, the Congress, the public and the schools should examine, one that harnesses private initiative, market forces, and government in a powerful troika. And that is a GI Bill in reverse, first proposed by John Silber, the controversial president of Boston University. Instead of money for past service, funds would be made available prospectively.

The idea has two dimensions. First, long-term government funding would be made available to students for whatever school and program of study they choose, including graduate school.

Repayment would be achieved by one of two devices, or some mix of the two. In areas of national need—rural health care, or innercity teaching, for instance—doctors, nurses, and teachers could "work off" all or part of their obligation by service in designated areas.

For students who pursue careers in non-national-need areas, an income tax surcharge of several percentage points when the student enters the work place would recover costs. The surcharge would remain in effect until the student's obligation was discharged; or, in the interest of even greater human capital investment, students could be expected to repay an amount greater than the original advance.

For the past year, discussion about the federal education role has been so sterile as to invite cynicism. It has been limited to cut, squeeze and trim and an empty debate about the future of the Department of Education. Indeed, does anyone really care whether or not there is a Department of Education? Form should follow function, in government as in architecture, and we should be debating purpose, not process.

A proposal to create a national trust fund for higher education, together with a program of voluntary national service, is an idea worthy of national debate and one that could enlist widespread support.

Start-up costs would be significant—as much as $15 billion in the first five years—but the fund would become self-sustaining and would be simple to administer. In terms of national needs, it would be a bargain. Moreover, it recognizes the appropriate balance between private initiative and public responsibility; it relies on market mechanisms to place students and hold schools accountable, and promises to significantly stimulate human capital investment where and when it is most needed.

The question before us is simple: must we wait for a cataclysmic event like Sputnik before we address national education needs, or do we have the wit to plan for the future? ●

SECRETARY WATT ADDRESSES THE IOWA IZAAC WALTON LEAGUE

● **Mr. GRASSLEY.** Mr. President, last night in Des Moines, Secretary of the Interior James Watt spoke before a [illegible] Walton League C[illegible] received three standing ovations and the question-and-answer period which followed was lively and informative.

Mr. President, I commend the Secretary's speech to my colleagues and ask that excerpts be printed in the RECORD.

The excerpts follow:

EXCERPTS OF REMARKS BY SECRETARY WATT

First, is there anyone here who does not consider himself or herself an environmentalist? Anyone who raises a hand at this point is in the wrong meeting.

Now, how many hunters do we have here? How many fishermen—fisher persons?

Now, for a couple more questions.

How many of you hunt because that is the only means you have to put meat on the table? If you don't bag some birds or bring home the venison, the family goes hungry?

How many of you fish because that is the only means you have to put meat on the table? If you don't reel in some bass, catfish, crappie or whatever, the family goes hungry?

One of the major reasons you belong to the Izaak Walton League is that you like to fish and hunt and enjoy the outdoors in your leisure. Perhaps because it satisfies instincts within us all which hark back to times when our ancestors had to hunt and fish for survival. Perhaps it is just an excuse to get out of the hassle of everyday living and to be close to nature.

You are able to hunt and fish and hike in the outdoors for pleasure, for recreation or recreation. You can do so because you have adequate incomes to provide you with the time and the means to pursue these enjoyable, healthful and constructive pastimes.

I, too know something of the lure of field and stream.

My own experiences in hunting and fishing began on the family ranch in the High Plains of Wyoming where I grew up. My parents saw hunting and fishing as an essential part of life. It was a part of learning to appreciate the land, a part of learning that we have to take care of the land, its wildlife and its resources so the land in turn will continue to take care of us, and our children, and generations beyond.

When the time came, I taught my children this same appreciation for nature.

Most of my hunting was done as a youth. The game was not very abundant in Wyoming in those days because of droughts and other calamities. When I reminisce about hunting, it is mostly my youth I talk about. I haven't even had much time for target practice in recent years. I spend too much time dodging the political pot-shots of my critics. That isn't easy since most of them use scatterguns.

But I do go fishing when I get a chance. As a boy I fished with a willow stick and a string, and later I started trout fishing. In addition to fishing the lovely creeks, streams and lakes of Wyoming, I've taken advantage of occasional opportunities to drop a line for bass in Louisiana, for salmon off the coast of the Pacific Northwest and up in Alaska, for flounder in the Chesapeake, marlin in the seas off American Samoa, and even for bottom fish in the Red Sea. As time passes, the number and size of fish caught on these outings grow. That's one of the joys of fishing.

I'm not going to try to tell you that I am in a class with any of your outstanding fly [illegible] lure fishermen here in Iowa. But skill is [illegible]quired to love the activity.

[illegible]ters and fishermen were the original conservationists—environmentalists long before that word became fashionable. Organizations such as the Izaak Walton League were established by people who realized that if we are to continue to use our land, we have to do so in ways that will assure that the land and its wildlife renew themselves. J. N. "Ding" Darling—one of your members—was following this philosophy when he launched the Federal Duck Stamp Program almost a half century ago. This is one of the ways we have to give nature a helping hand to assure that these resources are cared for properly.

This certainly sums up my philosophy of stewardship—use the land and water resources as though we love them, harming them as little as possible so that the land and water will continue to help us meet our economic needs, help us to enjoy life more fully, help us to survive on Earth.

The stewardship philosophy of the Reagan Administration—my stewardship philosophy—is in tune with the hunters and fishermen of America. The natural resources of America are here for us to use for our needs—our economic needs, our recreational needs. Wise use will not diminish these values, but will enhance them. We are not destroyers but builders. We do not wantonly harvest the riches of the land. We do not decide resource questions without regard for our future or for the future of generations yet unborn.

Where this Administration differs from our critics is in our belief in the full stewardship equation—

We believe that use is a part of the equation, that you who hunt and fish can contribute to conservation, not undermine it.

We believe in management of natural resources and that hunters and fishermen are part of sound management.

We believe in your right of access to the public lands; your right to responsibly use and enjoy these lands. We don't think that we have to buy up and lock up huge parts of America and post it to keep you out to protect these lands. We trust you, and we believe that you and organizations like yours have been remarkably successful in instilling the environmental ethic in America.

I pledge to you that the Reagan Administration will oppose and fight those forces in Washington who would seek to halt hunting and fishing in our wilderness areas. Some of those purists that oppose my every move don't want explosions, like rifle shots, in the wilderness areas. I'll fight them.

We don't think that Washington, D.C., is the fountain of all wisdom. We don't think the Federal Government need dictate fish and wildlife management for Iowa or Illinois or Missouri or wherever. When you want a program or policy changed, you should be able to take your case down the road to the State Capitol to demand action—not travel hat-in-hand to Washington, D.C.

When I became Secretary of the Interior some 13 months ago, we were not using our natural resources wisely. We were not being good stewards.

There was too much air and water pollution, the national parks had been allowed to deteriorate, our wildlife ranges and refuges had been neglected, and our multiple-use lands had not been managed properly for the taxpayers and consumers of this generation and those yet to come.

Even though our public lands have tremendous potential for meeting our people's energy and strategic minerals needs, we were importing from foreign sources almost 40 percent of our crude oil needs and the majority of the strategic minerals needed for military might and industrial strength.

America was on a starvation diet even though our pantry of natural resources was overflowing. We were rapidly losing the economic vitality needed to sustain the environmental ethic which I believe in, which all of us here believe in.

Poor nations make poor stewards.

We can be a nation of environmentalists only if our citizens have jobs and incomes to support wise conservation. If you suffer economically to the point where you can no longer hunt, fish, hike—or even travel to the forests and streams—then your burning desire to conserve is going to dim quickly, and understandably so.

So I was determined to make changes at the Department of the Interior that would restore balance, so that we could begin making better use of natural resources in order to maintain the economic strength that is fundamental to sound environmental stewardship.

These changes have been made, and this has brought howls of protest from a few conservation organizations, including your paid staff in Washington. Fewer than a dozen—out of the 220-plus groups which deal with Interior—are trying to nail my pelt to the wall. I call them commercial environmentalists because they make a living off of being what you folks are out of a love for the land and its natural life.

It should not be surprising that some of these commercial environmentalists want a government which dictates from Washington. They become supporters of central government because it is in their self-interest to have power concentrated in Washington. Their prestige is diminished when decisions can be made in Des Moines, or even when we discuss issues with and listen to the states and citizens.

Let me give you a very quick summary of some of the major changes we have made at Interior these past 13 months.

One of the most important changes we have made is to refocus stewardship responsibilities on taking care of what we have.

For example, we have launched a program to repair and restore our National Park System which was neglected to a shameful degree. As the government reached out for more and more land, it did less and less to care for the parks we already had.

I said, let's begin taking care of the parks we have and go slow for a while in acquisition of parkland. While virtually all programs in the Federal Government were being cut back this year, I got a big increase in funding for park repair and maintenance. In the coming fiscal year, I am asking for $191 million for this effort. That is $36 million more than Congress gave us last year and more than twice what the Carter Administration asked for in 1982.

I have improved programs for the exploration and production of oil and gas both on land and under the sea, for coal leasing, for oil shale development, for tar sands, and for geothermal resources. In every case, we have been careful to maintain environmental protections.

These improvements are important because the Federal Government controls some 730 million acres—about one-third of America—and well over one billion acres of Outer Continental Shelf. Estimates are that 85% of the crude oil yet to be discovered in America is likely to come from the 540 million acres of public lands open to multiple use, as will 40% of the natural gas, 35% of the coal, 80% of the oil shale, nearly all of the tar sands, and substantial portions of uranium and geothermal energy.

We simply must have an orderly, phased development of these resources not only to meet our current economic needs but to avert crisis development in the future which would be devastating to the environment and to our liberties.

Already we are seeing results. We are cutting back on the drain of American dollars and jobs which occurs when we import huge amounts of energy.

During 1981, oil production on Federal lands rose from 427 million barrels to more than 470 million; natural gas production increased slightly to 5.8 trillion cubic feet, and coal production was up 31 percent to about 94.6 million tons.

We launched a good neighbor policy to work closely with the states and with users of public lands. Bureaucrats who once ran roughshod over state and local officials and over resource users have either changed their ways or have been asked to find other means of earning a livelihood. And when I say users of public lands, I mean hunters and fishermen and hikers and birdwatchers, as well as ranchers, loggers, oilmen and miners.

In addition to the 540 million acres of multiple use public lands, the Secretary of the Interior has responsibility for managing 72 million acres dedicated to national parks, 84 million acres set aside as wildlife refuges and ranges (an area twice the size of the six New England States). The Secretary also has responsibilities for various aspects of the 80 million acres of the Federal lands set aside as wilderness.

Recently I proposed to Congress a new approach for settling the muddled and overly-emotional debate about our wilderness system.

The 1964 law establishing the wilderness system provided for mineral leasing of such areas for 19 years. Under the bargain struck when the law was passed, the economic interests were to have their chance to locate and produce energy and minerals before areas were locked away forever. The Secretary of the Interior was supposed to deliver on this bargain, and over the years only about 50 leases have been granted in wilderness areas—about 10 by my immediate predecessor and five by me.

None of the leases approved since I became Secretary allows access or occupancy of the surface in the wilderness areas. The wilderness values cannot be disturbed.

Because of the furor over wilderness leasing, I imposed two moratoriums to give Congress time to sort out exactly what national policy changes should be adopted. When Congress did not respond, I proposed a solution. A change is needed because under present law, mining and drilling is permitted in the wilderness. There is no legal reason to deny a lease if proper environmental safeguards are in place.

In essence, we are asking that all wilderness areas and wilderness study areas be withdrawn from drilling or mining activity through the remainder of the century.

We are proposing some deadlines on wilderness decisions so that the process on Forest Service lands will be completed. Where Congressional deadlines are not met, areas under consideration for wilderness would be returned to their prior use which might include primitive areas, natural areas, wildlife management areas, or possibly multiple uses. They would not necessarily become available for mining or oil and gas drilling.

Our proposal is an effort at a compromise between two extreme positions—those who want wilderness closed now and forever and those who want another 20 years of exploration. As a compromise, there is the risk it will please no one, but it should.

Until the end of 1983, wilderness areas generally are open for mineral entry. Further, even after closure, any future Congress can decide to reopen. We propose a compromise: close wilderness now and specify a date, January 1, 2000, and leave Congress the choice of what to do thereafter. The date, we believe, would make it harder to reopen wilderness between now and the 21st Century.

Further, it is clear that wilderness areas would continue after the year 2000 with or without Congressional action and entry thereafter, while permissible, would require the Secretary of the Interior to promulgate regulations before that would occur.

The compromise we have proposed is similar to the one hammered out and adopted in December of 1980 in the Alaska Lands Act covering 56 of the 80 million acres in the Wilderness System. We thought it might be fair to apply the basic formula to the 24 million acres in the "Lower 48."

Our proposal calls for a continuous study of wilderness and proposed wilderness provided the means of doing so will not diminish the wilderness characteristics of the areas. By the end of the century our counry should have acquired substantial data upon which to make rational decisions about how to better protect the wilderness and at the same time meet our national needs for energy and minerals in the 21st Century.

This proposal also provides an essential safety valve to protect our national security. In the event of "urgent national need," the President could issue an order for the entry into a specific few acres of wilderness areas for the production of specific needed energy or minerals. Congress, of course, could countermand that order and is given time to do so.

This proposal would tone down the rhetoric and give time for emotions to cool so that we can better manage and protect these wilderness areas for the rest of the century. It gives this Nation time to clarify how we are to continue stewardship of these important areas in the 21st Century.

Of course, people who are making hay out of this issue do not want the rhetoric toned down; do not want emotions to cool; and, most of all, they seem to want to forestall the possibility of future deliberations based upon better information and more facts than we now have. They fear they may be proven wrong.

I am willing to trust the future generations of Americans to make wise decisions, especially if we take steps to see that they have better information upon which to make decisions. There's no reason for any of us to think that we are smarter or morally superior to those who will be the decision-makers of the next century.

We are a nation of environmentalists, but we must base our resource management decisions upon facts—upon good and complete information.

A study conducted for the U.S. Fish and Wildlife Service demonstrates that many Americans—despite the good work of organizations such as yours—still do not know much about animals or wildlife conservation issues. For example, only slightly over half the people surveyed knew that veal does *not* come from lamb. Seventy-five percent of the people surveyed did not know that the coyote is *not* an endangered species.

Residents of large cities showed extremely little knowledge of wildlife and conservation issues. People in large cities who knew the least about wildlife were the most opposed to hunting.

Unfortunately, there are those who play to the emotions of people who know little about wildlife. This makes it difficult for your organization and for me to do our work. We have to do a better job of educating people about wildlife and about conservation in general so that there is an understanding that managed use of resources—whether use be hunting, fishing, grazing, mining or drilling—is an essential part of the equation of stewardship.

My job as Secretary of the Interior requires me to play many roles. I am the chief environmentalist, the chief oil and gas driller, the chief wildlife manager, the chief coal leaser, the chief national park ranger, the chief dam builder, the chief purchaser of wetlands for migratory bird habitat, and even the chief Indian trustee, for America.

In other words, I must try to consider the broad public interest in all decisions I make.

It is my job to ask every time we are faced with a resource management decision: How will this affect the environment? How will this help create jobs? How will this impact on our national security?

In response to these questions, I have brought a year of change to the Department of the Interior, just as President Reagan has brought a year of dynamic change and progress for the entire government.

These changes are crucial so that we can restore America's greatness, so that we can protect our liberties, so that we can maintain our economy and our environment for ourselves and for untold generations to come.●

ORDER OF PROCEDURE ON THURSDAY

Mr. BAKER. Mr. President, I see no Senator seeking recognition. It has been a long day. We have an order for the Senate to convene at 10 o'clock tomorrow. It is the intention of the leadership to ask the Senate to return to Senate Resolution 204 at approximately 10:30. I will not ask for a live quorum to enforce attendance or take other such measures during the first hour or so of the session, since committees will be meeting and there was no prior notice of this change in our schedule.

I hope that Senators who have statements to make, however, will do so before the hour of noon, or thereabouts, because then we will begin to ask Senators to attend and respond to live quorums and votes to compel their attendance, as necessary.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 a.m. on tomorrow.

The motion was agreed to; and, at 6:26 p.m., the Senate recessed until Thursday, March 11, 1982, at 10 a.m.

EXTENSIONS OF REMARKS

SOCIAL SECURITY REFORM IN THE 97TH CONGRESS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. GRADISON. Mr. Speaker, I would like to submit for the RECORD an article I wrote that will appear in the April issue of the National Association of Manufacturer's Enterprise magazine.

SOCIAL SECURITY REFORM IN THE 97TH CONGRESS

One of the cornerstones of the Reagan Administration's economic program has been the drive to increase the efficiency of the government. Almost all programs have undergone extensive reevaluation in an attempt to assure that resources are allocated in the most effective way possible.

Social Security reform has become one of the top priorities for the 97th Congress because the system is quickly approaching bankruptcy. Not surprisingly, the overall form of the system which most Congressmen support is also the most efficient form.

In particular, it is more efficient to maintain the Social Security System in its original and present form as a wage-based insurance system that contains certain income transfer elements rather than to change to a welfare type system that is financed with general revenues. By a wage-based system, I mean that the amount of benefit payments is related to the amount of taxes paid into the system; in a welfare system benefits don't depend on the amount of a recipient's tax contribution.

Because Social Security benefits do depend on the amount of taxes paid into the system, incentives to work are much higher than in a welfare type system. The higher incentives lead to a stronger economy and in turn to higher government revenues.

Therefore, because of its wage-based nature, Social Security not only establishes a national insurance system but also achieves certain income redistribution objectives in a highly efficient way. Financing Social Security with general revenues would entail a significant movement towards a welfare type system. Its independent nature would be greatly weakened; its efficiencies would be lost.

The last major Social Security reform, the amendments of 1977, kept the basic system intact by raising taxes dramatically and slowing benefit increases. But as the 97th Congress began, significant legislative action was once again necessary to avert bankruptcy of the system. Given the large past increase in taxes, and the future increases already scheduled under the 1977 bill, further tax increases seemed an unwise way to save the system. This left only benefit cuts.

The first phase of movement toward that legislative objective in the 97th Congress began in the spring of 1981, as the House Subcommittee on Social Security attempted to develop a consensus on a bipartisan package of reforms. Mark-up of H.R. 3207, a long-term reform package introduced by Subcommittee Chairman J. J. Pickle, began in early May, after a long series of hearings and pre-mark-up sessions.

On May 12, President Reagan introduced his own set of 13 proposals to restore long-term solvency to the system. Some of the components of the Administration plan were drawn from representative Pickle's bill, but others were significantly different. The Administration selected some changes in order to reduce certain "welfare elements" deemed inappropriate for an insurance system. The Subcommittee's proposals, on the other hand, were philosophically less strong, but politically more attractive.

At the same time as he presented his proposals for long-term reform, the President also asked the Subcommittee to include certain reforms in the Omnibus Budget Reconciliation Act. Work on the Reconciliation Bill interrupted the Subcommittee's efforts to achieve long-term reform, but did result in the passage of certain benefit changes that were a compromise between the Administration's position and that of the Subcommittee. Phase I ended with the passage of the Reconciliation Bill.

Phase II began when the Social Security Subcommittee mark-up on H.R. 3207 resumed in June. By the end of July, the House Subcommittee had completed much of a long term reform bill. However, after the August recess, the House leadership suddenly decided not to allow a bill to come out of committee. Most likely this was political response to the Reagan victories on the tax and budget bills. Social Security seemed a promising issue to be exploited by Congressional Democrats. Yet, while House Speaker Tip O'Neill stated publicly in September that benefit cuts were not necessary because the system's financial needs could be met solely through interfund borrowing, Congressmen from both parties generally acknowledged that the crisis was more severe.

On September 24, the President stepped back from his earlier position by suggesting specifically the reinstatement of the minimum benefit and the establishment of a Presidential task force to study the options for reform. At that point, the House had already passed a bill, H.R. 4331, that restored the minimum benefit. The Senate, in response to the President's speech, passed a somewhat different version of that bill, and included in it a provision for borrowing among the trust funds. After some haggling between the two Houses, a final compromise bill was produced that allows interfund borrowing for 12 months and reinstates the minimum benefit for present beneficiaries. These steps by the 97th Congress and the President brought the second phase of Social Security reform to an end.

While the first phase began with a bipartisan spirit, it ended with party confrontation. The second phase involved hardening of positions on both sides, as each sought to gain politically, or at least to minimize losses. Finally we have come to a third phase where, I hope, we can put aside partisan differences and come to an agreement on a package of long-term reforms for the Social Security System.

The Presidential task force must report by December 31, 1982, the same day as interfund borrowing ends. Since the trust funds will be largely depleted by then, there should be strong pressure to produce a bill by the end of 1982, or shortly thereafter. A "lame duck" session of Congress, which would minimize the political obstacles to reform, is a strong possibility.

As a member of the Social Security Subcommittee, I have been involved closely in the long legislative battle to reform Social Security. I have tentatively prepared a comprehensive 8-point plan for saving the system that I believe is just and consistent with the previous bipartisan movement for reform.

There are several changes in the system which should have broad support. The first in this category of noncontroversial reforms is the separation of the trust funds from the general budget, thereby making them an off-budget item. Separation would keep benefit cuts from being interpreted as a way to help balance the budget, would help depoliticize the issue of reform, and would be a step away from using general revenues. Moreover, it would eliminate biases in the overall budget process because surpluses in the Social Security trust funds could no longer mask budget deficits. I have introduced a bill, H.R. 4773, to make this separation. It has the strong support of a bipartisan coalition ranging from Barber Conable to Claude Pepper.

The second component of my plan, the disability reforms contained in the Pickle bill, should also be included in this list of noncontroversial reforms. These have already been approved in subcommittee mark-up and involve slight savings.

Third, we also need to reform the administration of benefit payments to avoid payments to deceased persons, such as those amounting to approximately $100 million that were disclosed last September. I have also introduced a separate bill to accomplish this, H.R. 5188, but this death fraud reform should be included in any comprehensive package.

Fourth in my package is the coverage of Members of Congress and new federal employees under Social Security. Exclusion of these groups while the rest of society must participate cannot be justified.

Fifth, the benefit replacement rate, the relationship of income from Social Security to pre-retirement earnings, should be reduced from the 42 percent current level to its 39 percent historical level. This would correct a technical error in the 1972 legislation that allowed the replacement rate to rise.

Sixth, starting in 1990, the retirement age should gradually be raised to age 66. This should close the long term financial gap the system faces. Without such a change, the system cannot be maintained intact.

Seventh, interfund borrowing should be allowed, but only as part of a comprehensive, long-term plan.

While these seven provisions would provide sufficient short and long term financing in a not-too-troubled economy, it is im-

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

portant to provide the means of financing if very adverse economic conditions come to pass. As my eighth point, I propose the establishment of a trigger system for the COLA. When the combined trust fund reserves fall below a preset dangerously low level the COLA would be reduced from 100 percent of the change in the CPI to some specified lower percentage of the change in the CPI. Note this triggered COLA change would never lower benefits, but only would keep them temporarily from rising as quickly. Once in place, the trigger may never be used, but it provides important security for the system.

I believe that adoption of a bill containing these eight points would solve the problems of the system. There are, of course, other acceptable plans, but I feel that this one provides a compromise framework that could gain wide support.

Both Houses are well aware of the approaching crisis. It is my hope that Congress can now put aside the political differences which stopped meaningful Social Security reform from being passed last year. Then, and only then, can all the American people be assured of a healthy Social Security System.●

U.S. PARTICIPATION IN THE U.N. AND THE ANTI-ISRAEL CAMPAIGN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. KEMP. Mr. Speaker, today I am introducing a resolution in support of the integrity of the United Nations, cosponsored by my colleagues JONATHAN BINGHAM, BILL BROOMFIELD, BEN ROSENTHAL, CLAY SHAW, and CHARLIE WILSON.

For too many years, the podium of the United Nations has been employed by a large number of member nations to hurl invectives against democratic, pro-Western states while the oppression of the people in aggression-torn countries such as Afghanistan, Poland, and Vietnam is ignored.

No nation has been a more frequent victim of this shameful double standard than Israel. From the infamous resolution equating Zionism with racism, to the February 5, 1982, pronouncement that Israel "is not a peace-loving member state and that it has not carried out its obligations under the Charter," the members of the General Assembly have strained the fabric of honor and respectability that once was associated with that institution.

The United States may have contributed in part to this continuing degradation of the charter by failing to protest vigorously enough—or to act with sufficient resolution—in the face of such hypocrisy.

Now there is reason to fear that an effort may be underway to suspend Israel's participation in the General Assembly, or to expel Israel from that body, in plain contravention of the charter and the principles upon which the United Nations was founded.

I believe that the U.S. response to such a move by the General Assembly must be set forth clearly, in advance of any overt move against Israel, so that member nations fully understand the implications of their contemplated illegal act. In light of the imminence and severity of the threat against Israel and the integrity of the U.N. Charter, generalized warnings are not a sufficient deterrent. We must not shrink from stating forcefully and with specificity what action the Congress would pursue should the General Assembly make such a mockery of its original ideals.

Accordingly, my legislation provides that if the General Assembly illegally acts to suspend, expel, or in any other manner abridge the rights and privileges of membership of any democratic nation, the Government of the United States should suspend its participation in the General Assembly and withhold its assessed contribution to the United Nations until such time as the illegal act is rectified.

The full text reads as follows:

HOUSE CONCURRENT RESOLUTION IN SUPPORT OF THE INTEGRITY OF THE CHARTER OF THE UNITED NATIONS

Whereas the United Nations Charter clearly establishes the universality of the United Nations membership; and

Whereas the Charter further stipulates that United Nations members may be expelled or suspended by the General Assembly only "upon the recommendation of the Security Council"; and

Whereas a move by the General Assembly that would illegally deny any democratic state its credentials in the Assembly would be a direct violation of these provisions of the Charter: Therefore be it

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That if any democratic state is illegally expelled, suspended, denied its credentials, or in any other manner denied its rights and privileges in the General Assembly of the United Nations, the United States will:

(1) suspend its participation in the General Assembly and

(2) withhold its assessed contributions to the United Nations until this illegal action is rectified; and

Resolved further, That the Department of State is directed to communicate these concerns to the members of the General Assembly of the United Nations.●

THE TENNESSEE-TOMBIGBEE WATERWAY SHOULD BE COMPLETED

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. WHITEHURST. Mr. Speaker, so often those of us who do not live in the affected area are ignorant of the real benefits that flow from a public works project. It is significant that we never use the term "pork barrel" for projects in our own districts.

Earlier this year, I had an opportunity to visit old friends in Corinth, Miss., and while I was there I took the occasion to make both an aerial and a ground inspection of the nearby section of the Tennessee-Tombigbee Waterway project. Quite frankly, I had not been sympathetic to this project in the past, primarily because of the high cost. However, I am frank to say that I am greatly impressed by the progress that has been made toward completion, and the potential for economic growth that it presents to the people in Tennessee, Mississippi, and Alabama, as well as Kentucky and Florida.

Futhermore, it would be madness to halt funding at this point, when construction is so far advanced toward completion. I am therefore delighted to share this view with my colleagues and to urge that at the appropriate time we provide the necessary funds to complete it. I fully concur with the statement in the March 1981 progress report that,

> To slow or halt construction of the Tennessee-Tombigbee Waterway would be an unconscionable breach of faith to all its potential beneficiaries.

Thank you, Mr. Speaker.●

POOR POLICY AND EROSION BANKRUPT FARMING

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to bring to my colleagues' attention yet another indication that there is growing awareness throughout the country of the dangers of soil erosion. I include in the RECORD, a recent story by Mr. Neil Sampson, vice president of the National Association of Conservation Districts, which recently appeared in the New Farm magazine.

Mr. Sampson relates the impact of the budget cuts proposed by the President in Federal soil conservation programs and their ultimate impact on our never-ending effort to stem the loss of this most important of our natural resources.

As we talk about the financial problems facing agriculture, the controversies surrounding the management of federally owned natural resources, and other environmental issues, it is equally important to recognize the role that the Federal Government must play in arresting the tremendous loss of our productive soils. Mr. Sampson very vividly explains the issues involved and I hope that my colleagues will read and think about his remarks.

The article follows:

POOR POLICY AND EROSION BANKRUPT FARMING

(By Neil Sampson)

American agriculture is headed straight for bankruptcy. The signs are primarily financial and environmental. The number of farm and farm business failures and foreclosures is growing at a shocking rate. Soil erosion, farmland conversion, water and soil quality problems are reaching epidemic proportions.

Farm financial problems and soil erosion are directly related. When agriculture is operating in the red, there are only two sources of reserve capital with which to cover losses: the bank accounts and credit ratings of farmers themselves, and the fertility and strength of the soil.

Farmers are trying to survive financially by farming the land as intensively as possible, extracting as many bushels as they can, and hoping that the returns will cover expenses. In the process, the land is likely to be damaged, often permanently. As the inherent productivity of the land drops, it costs more and more to extract each bushel, tightening the financial noose. All too often, however, there is little choice. It is either abuse the land this year and try to hold on for one more year, or go broke now.

Without farm profits, only government subsidies can keep farmers solvent. But few people seriously believe that there could (or should) be federal subsidies of the scale needed to offset the billions of dollars being lost by farmers who produce grain for more than $5 per bushel, then sell it for $3.50. Today's market, dominated by exports and world prices, is strangling American farmers. It must be changed. We must sell less abroad, but for a fair price.

Despite considerable evidence that federal soil and water conservation programs need revamping, there remains much to be done before effective action in Washington seems likely. Much work has already been done. The long-awaited Resource Conservation Act (RCA) proposal is being circulated by Agriculture Secretary John Block, an avowed supporter of more effective conservation programs. The 1981 Farm Bill contains several new conservation sections.

But one thing is still lacking: a broadly conceived policy outlining national food, agriculture and resource goals and objectives. The frustration of trying to design either farm or conservation policy without any vision of what is needed brings to mind the Alice in Wonderland admonition that if you don't know where you are heading, it matters little which direction you take or the pace at which you proceed.

In his RCA proposal, Block told the Senate that USDA had found "a potential for tremendous pressure on America's soil and water resources . . . soil erosion that is reducing upstream flood damages." "These effects alone," he noted, "could bring a significant increase in the cost of producing and buying food and fiber." Calling the resource problems "serious," Block urged Congress to help, "Identify the most pressing and urgent problems and take the most effective action we can devise to address them."

Meanwhile, back in the real world at USDA, agency managers are facing Reagan-ordered 1982 budget cuts that would, if allowed by Congress, result in a 25 percent to 30 percent reduction under 1981 program levels. In 1983, the budget scenario gets even grimmer, with rumors abounding in Washington that the internal budget worksheets used by staffers at the Office of Management and Budget show all federal resource conservation programs, in all departments, completely abolished by 1984. At USDA, sources say, initial 1983 budget proposals show a near-half reduction, with some programs going completely into block grants, others slashed in half or simply disappearing.

What that means, it appears, is that despite public concern for the current state of the nation's soil and water resources and strong public support for public spending to keep the nation's agricultural lands productive, the Reagan Administration could end up slowly strangling those efforts. Without national goals to focus upon, there is little chance to overcome the current push to reduce federal spending in all but the defense programs. Such efforts will, we are told, revitalize the economy and strengthen our ability to defend ourselves.

The irony of such policies is that the stalemate on farm policy, coupled with totally inadequate funding for an effective soil and water conservation effort, is potentially the most serious threat to national strength today.

Soil erosion rates—by some indications the highest and most damaging in history—must be dramatically slowed, then reversed. The conversion of a million or more productive acres into non-farm uses each year must be stopped.

These problems, difficult and complex as they are, must be treated together, not separately. They must be debated in the context of a set of policy goals that looks forward and establishes a vision of what the American food and agricultural system should produce—and not produce—to the benefit of both farmers and consumers.

That is not a matter for consideration sometime in the next decade; it is an urgent issue for 1982. The issue is not whether we will have some farms go out of business—but whether the nation's economy can much longer tolerate the biological deficit financing that currently characterizes agriculture. The time is now, before either economic or environmental conditions reach a critical stage that precludes rational thinking and debate. The RCA proposal and the Farm Bill only start that process. Now it is up to the people to insist that Congress get on with it.●

PROPOSES GIVING FEDERAL CHECKS LIFE OF ONLY 6 MONTHS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. ASPIN. Mr. Speaker, on Monday I introduced legislation to help the financially troubled social security system, by giving Federal checks a lifespan of 6 months.

Right now, a Government check is negotiable for ever and ever. Hundreds of millions of dollars are tied up in checks issued more than a year ago and that may never be cashed.

This causes two difficulties.

First, an estimated $200 million has been debited from the social security fund for these old and uncashed checks. That is money that is no longer earning interest for the fund, since the fund is now buying Treasury notes that pay 13 percent a year.

Second, social security checks that are cashed go back into a giant Government mill. The Social Security Administration never knows which of its checks have been cashed and which have not. Checks may be mailed to a person and indefinitely go uncashed. Nobody in the Social Security Administration is alerted to the fact. The person may have died and the checks ought to be stopped. On the other hand, the person may have become senile and need help. If the Social Security Administration saw the returned checks that are cashed, it could take action—stopping the uncashed checks to the deceased and putting local social services in touch with a senile citizen.

My bill, H.R. 5745, would declare that Federal checks have a lifetime of 6 months, which is standard for commercial checks. The Social Security Administration can then recoup any losses from checks that simply disappear into a void, as many do and always will when you are dealing with more than 30 million checks a month.

I have also written the Treasury Department urging it to restructure its check issuing system so that checks issued on behalf of the social security funds will be returned to the Social Security Administration.

The sums we are talking about are not large enough to cure all the problems of social security funding. In fact, they are really a drop in the bucket of a $140 billion-a-year-plus system. But that does not mean we should ignore them. First, every little bit helps. Second, when there is a clear and obvious botchup—as we have with checks left to float in oblivion—the Government has a responsibility to take corrective action.

Federal checks had a restricted lifetime until 1957. As the Treasury entered the early days of computerization, it found the old system of sorting checks by issuing agency to be a problem while outdated checks presented for cashing could not be handled by primitive equipment. The Treasury asked for the change in the statutes in 1957, consolidating all Federal accounts into one massive system and eliminating the expiry time on negotiability.

That change solved the problems faced by a primitive computer system. But it has caused others. Computer technology has advanced a great deal in the last quarter century. It is time we eliminated the problems caused by the 1957 changes.●

NATIONAL CONSTRUCTION INDUSTRY WEEK

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. SKEEN. Mr. Speaker, the National Society of Professional Engineers (NSPE) has commended the action of Congress in establishing the week of February 28-March 6 as National Construction Industry Week.

The National Society of Professional Engineers is composed of 80,000 members in 54 State and territorial affiliated societies engaged in all facets of construction. This includes those responsible for the design and manufacture of building materials and equipment; those in engineering design firms engaged in the design of buildings, structures, and facilities; those in construction and subcontracting firms responsible for the actual construction; and those employed by public and private owners of constructed facilities.●

SOLVING FARM PROBLEMS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, March 10, 1982, into the CONGRESSIONAL RECORD:

SOLVING FARM PROBLEMS

The depression-like conditions in the housing and automobile industries are well-known, but Americans are becoming increasingly aware of the acute problems faced by farmers. Two consecutive years of unprofitable operations have pushed many farmers to the brink of economic disaster. The prospects for a quick recovery are not good.

The basic problem has been one of rising production costs and falling crop prices. In 1981, good weather and more planting led to a bumper crop which, when combined with a soft economy world-wide and slack exports, depressed commodity prices. Those prices fell every month in 1981 (the first time such a thing has happened since the Great Depression), closing out 13 percent lower than in 1980. At the same time, production costs continued to rise. They went up approximately 10 percent in 1981 after an unusually steep climb in 1980. Fertilizer, seed, fuel, and interest rates were all up sharply. It now costs a farmer half again as much to produce his commodities as it did only four years ago.

The cost-price squeeze has caused a dramatic decline in net farm income. After a good year in 1979, farmers in 1980 saw their net income, adjusted for inflation, plummet to the lowest level since the Great Depression. Net farm income slid even lower in 1981 to a level of about $19 billion. There may be a further decline this year.

Several specific steps to help the farmer pull through these hard times should be given serious consideration. We might broaden his access to credit, expand storage facilities for his crops, increase his opportunities for work off the farm, help him improve his marketing techniques, and expand his direct contact with consumers. However, the two most important steps to assist him are more difficult: We must boost agricultural exports and bring interest rates down.

Over the past decade, exports have become the mainstay of our farm economy. Two of every five acres harvested in the United States last year produced for the export market. Our farmers have set twelve export records in twelve years despite a performance last year that was not as strong as had been anticipated. Although several factors—such as growth of the world's population, rising demand for better diets in other nations, and less foreign land which can be committed to the production of food—indicate more exports for the American farmer over the long term, he may face ups and downs in demand during the next few years. For example, a thirteenth farm export record will probably not be set this year. We must be more active than ever in our work to promote farm exports.

First, we must improve our access to markets in other countries. This means opposing the massive export subsidies used by the European Economic Community in an effort to undersell us abroad. It also means that we should try to lower barriers to our exports, such as those now in existence in Japan. At the same time, we should be cautious about the tendency to protect our domestic industries with unfair restrictions on imports since such restrictions could well lead to retaliation against our farm exports. We must expand our programs to develop markets and provide commercial loans as we orient those programs more toward the developing nations of Latin America, Asia, and Africa, nations which soon will replace Japan and the developed countries of Europe as our principal buyers.

Second, we must improve our ability to deliver our farm products to markets abroad. This means that we do a better job of maintaining our agricultural infrastructure and cutting regulations which create domestic barriers to our exports. It also means that we should strive for more efficiency in the export sector, perhaps by stimulating export programs among co-ops or by promoting export trading companies.

Third, we should try to minimize erratic fluctuations in export demand, fluctuations which have led to considerable variation in net farm income over the past decade. The pursuit of bilateral purchase-supply agreements with Mexico, the Soviet Union, and the People's Republic of China is very helpful in this connection. Embargoes, which have damaged our reputation as a reliable supplier and prompted our customers to look elsewhere for their purchases, basically should not be used to achieve foreign policy goals.

Farming is capital-intensive, and farm debt has nearly doubled in the past five years. Those farms with large borrowing relative to assets, mainly beginning and fast-growing ones, have been hit hard. Defaults and delinquencies are up sharply.

It is clear that an assault on high interest rates is the other major action we need to take. High interest rates are the major cost production burden carried by our farmers. Interest costs last year were up 19 percent over the 1980 level, with farmers paying almost as much for money as they paid for their fuel and labor combined. Outlays for interest reached $19 billion in 1981, an immense sum equal to net farm income that year.

It is my view that the federal budget deficit is a primary cause of high interest rates. The deficit undermines investors' confidence in the economy and forces the federal government to borrow an excessive amount, thus crowding others out of credit markets and driving interest rates up. As long as the federal government must borrow heavily to finance the deficit, interest rates will stay high.

The present economic program of the Reagan Administration depends on a loose fiscal policy (the deficit is huge) and a tight monetary policy (the supply of money is growing very slowly and interest rates are high). The difficulty with such a program is that it throws onto monetary policy the entire burden of the fight against inflation. This approach is exactly the reverse of what it should be. What is needed is a fundamental shift in the mix of fiscal and monetary policies. Our goal should be to tighten fiscal policy (move the budget rapidly toward balance) so that monetary policy can be relaxed (the supply of money can be allowed to grow somewhat more rapidly). One important result of such a shift would be a decline in the interest rates which are proving to be so harmful to farmers.●

IN THE BEGINNING—NOT GOD, BUT THE IRS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. HANSEN of Idaho. Mr. President, in the beginning was not God, but the Internal Revenue Service. Then came God with His great celestial construction project—the creation of Heaven and Earth.

It had to be so, else who would have collected the taxes to pay for all the Federal inspections—or who would have furnished the W-4's to determine the withholding tax of those white-collared heavenly paper shufflers and those blue-collared working angels. And certainly God could not be relied on to file those quarterly employer taxes without being made to feel the awesome power of the IRS.

Since the best way to get a taxpayer's attention is to smash the person next to him, the IRS went after Satan. They seized his possessions, including his last suit of clothes, and embarrassed him so badly that he is still a ripe red.

The biggest problem the IRS had with old Belzebub's estate was how to dispose of that kind of hot property which was on the wrong side of the tracks, populated with spiritual slum-dwellers, not suited for development, and infested with rats.

And God was impressed—impressed that the IRS could kick the devil out of things like that.

But deep down, over the years, God has had to smile because the IRS has never had much luck in getting good value for property they seize from taxpayers. In fact, since there was no sale for the devil's land, the IRS has been doing their best ever since to give the people hell.

So, if the IRS regulated the Creator and creation, and expanded the devil's work, who would daresay they are not qualified to be the czar of religion on Earth. Who has more of an original claim to qualify and regulate your churches and religious schools? After all, there is no known weapon so awesome as an IRS-manned qualification checklist equipped with an exemption and deduction weapons system powered by audit and locked onto target by a W-4 guidance system.

Lo, if the days of Earth are numbered and fire is to be her end,
Will it come as one last desperate ploy because an IRS seizure pends?●

THE FAIR-SOCIETY FANTASY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. WHITEHURST. Mr. Speaker, I am quite certain that the readership of Newsweek exceeds that of the CONGRESSIONAL RECORD, but in the thought that there might be a segment of the reading audience of this journal that missed the March 15 issue of Newsweek, I think it worthwhile to give them the pleasure of one of the best satires that I have seen in a long time.

In a day when we take our rights to unbelievable ends, Mr. Jack P. Rawlins, who teaches English at California State University, Chico, has produced a remarkable deflating essay. He is to be commended for such a piece of erudite writing.

Mr. Speaker, I ask that his article, "The Fair-Society Fantasy," be included in the RECORD.

THE FAIR-SOCIETY FANTASY

Perhaps we got off on the wrong foot when our Founding Fathers declared that "all men are created equal" and didn't stop to define their terms.

Whatever the origin, the plan was conceived in humanity and with the best of intentions. Certain populations, it was evident, were being treated unfairly. Something would have to be done to rectify the situation. Since the people refused to perfect themselves, the Federal government would legislate them into perfection. Fairness by Federal mandate and Supreme Court precedent became the American way of life.

Once we became practiced in the art, we widened our field of vision. Not only blacks were treated unfairly. Injustice was, in fact, all around us. Chicanos, Italians, Indians and other groups suffered, too. Women were victims of a subtle kind of unfairness that paraded itself as privilege.

In our newfound wisdom, we realized that there is no group that is not the victim of some prejudice, disenfranchisement or injustice. Vietman veterans are wished into never-never land by a nation that has made them a symbol of something we want to forget. The rich are abused by *paparazzi* and a graduate income tax. The fat are disowned by the fashion industry. Ex-convicts are stereotyped as criminals. People think all old people dodder.

LOGISTICS

By the '70s we realized that unfairness is institutionalized in our ways of seeing and fabricating the world. Standard English condemns women to second-class citizenship by its decree that the impersonal individual shall be called "him," and it associates "black" with evil and fear. Curbs and stairways are unfair to those in wheelchairs who can't negotiate them. Right-handed drinking fountains and scissors discriminate against lefties. The deaf, the mute and the mentally retarded find the door to full citizenship blocked as much by the logistics of circumstance as by bigotry.

And, in fact, if you squint just right, fairness itself is unfair, if you know what I mean—hence affirmative action, that mind-boggling invention that decrees that the only way to rectify past unfairness is to be unfair to those who benefited from it.

All these injustices and more our government has taken upon itself to correct, mainly by publishing an ever-growing list of criteria that shall not be considered in interpersonal relations if one wants to hold on to one's Federal funding. The list now includes race, sex, age, religion, national origin, English-language skills, criminal record, any objective test score or any subjective personal opinion. It was even suggested not long ago that it was unfair to consider intelligence as a factor in selecting Supreme Court Justices, though this was thought extreme—an idea whose time has not come. This list of things not to be considered may in retrospect prove to be the prime symbol of American social morality in the twentieth century.

Now, I'm not against any of this in principle, and in fact the problem with fairness by legislation is that it's impossible for a decent person to stand up and say, "I'm against treating people fairly." Would that everyone treated everyone wonderfully. The problem is not in the spirit of the thing; the problem is in the working out of the thing. Fairness by legislative fiat doesn't work, and the reason why is not far to seek. In a world where fairness is prescribed by law and enforced by the courts, the law becomes meddlesome, dangerously subjective, infinitely convoluted and picky, the courts become hopelessly overburdened and the people become habitually litigious.

I recently gained some insight into the business of fairness when I gave an essay assignment to my college freshman composition class. I asked them to tell me about a time they were treated with extreme unfairness. The results were eye opening. One student told about the time he failed to qualilfy for a national scholastic award and his school principal refused to give him the award anyway, even though the student, whose mother was on the school board, threatened to get the principal fired. Another wrote of the time he killed two people in a car accident apparently caused by his carelessness, and his parents took his car keys away for a time thereafter. No joke. The point I took from these and similar tales was that fairness is a treacherous concept that beguiles the average freshman, lobbyist or congressman who uses it.

What really is fair? I don't know—in fact it has been quite the work of my youth and adulthood to figure it out, and all signs are that it will occupy my old age as well. I only wish my government shared my sense of our limited wisdom about it. Fairness is simply not a workable legal concept. It's like niceness that way—and I half expect to hear any day now that the government has passed a new law requiring us all to be nice.

NUMBERS

The freedom to be unfair may be an inalienable right, of man as well as nature. How I embrace my fellow men and women, or if I ever manage to at all, is my business. It is the business of life to devise personal solutions to such great human problems. It is beyond both the wisdom and the power of our government to prescribe national solutions to them. Our governmental programs designed to insure fairness are finally little more than a national disaffection with human judgment and an embracing of calculation in its place. Judgment is too susceptible to abuse and error; caluculation is clean. We no longer judge our colleagues in higher education; we tote up their numbers. No one is responsible for the answer to a problem in mathematics.

I welcome the responsibility and demand the right of judging. I'll pay for it by granting others the right to judge me in their wisdom. That's a high price to pay, but the price of legally mandated goodness is much higher. These days, as I act out the Federal statutes on doing right by others, I feel like those people who try to learn to dance by buying a mail-order kit, putting down the footprints on their living-room floor and then moving their feet from number to number in accordance with the instruction manual. I'm not sure what to call the lockstep, stilted shuffle we end up doing, but it isn't dancing.●

INITIATIVE—HELPING AMERICA HELP ITSELF

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. GUNDERSON. Mr. Speaker, "You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot further the brotherhood of man by encouraging class hatred. You cannot build character by taking away man's initiative and independence."

Though spoken more than a century ago, these words of Abraham Lincoln poignantly describe the dilemma our Nation faces in the 1980's. How do we rekindle the initiative and independence seemingly so abundant in earlier generations of Americans?

To help address that question, I sponsored a series of meetings during November and December in each of 16 counties in the Third District of Wisconsin. The voluntarism theme, "If not us, who?" assumed new meaning as members of my staff and I analyzed the effects of 1982 budget reductions in each county. I invited social service directors, Office of Aging commissioners, civic leaders, and clergy members. In addition, we invited all interested citizens to attend. We identified the most pressing needs in each county, leaving those who attended to carry the message back to their friends and neighbors.

Since then, my office has followed up on these meetings, receiving reports on what different people and groups are already doing to spur volunteer action and meet local needs. I will share with you information about these projects through several extensions of remarks during the next 4 weeks.

A question frequently asked last fall was: What has happened to the volunteer spirit that helped build this country? One candid social service employee offered a suggestion. Many years ago people in the country did provide organized assistance to their less fortunate neighbors—including food, clothing, and friendly support.

"But then the word spread that help was no longer needed," she said. "The Federal Government would provide assistance of all kinds through paid professionals."

Well, we all know that help is needed once again. Federal deficit projections demonstrate that we simply cannot afford to sustain the level of Federal assistance created during the past several decades. Yet, by the same token, Congress cannot wash its hands of these concerns.

While volunteer activity can never be considered a complete substitute for an entire Federal program, it certainly can be a viable supplement. That is why we must urge our constituents to help one another in whatever way possible.

In my district, volunteers assist AFDC families with managing their budgets, planning well-balanced, inexpensive meals, and improving their work habits. This program has helped build self-sufficient, financially independent families. But much remains to be done.

No Federal program can fund the human initiative and independence Mr. Lincoln described. That will only happen when neighbor reaches out to neighbor, household to household, congregation to congregation.

Mr. Lincoln also said: "You cannot help men permanently by doing for them what they could do for themselves." In reaching that end, we share an obligation to help all Americans learn to help themselves.●

LEGISLATION PRESERVING THE INTERNATIONAL ENERGY PROGRAM

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. CORCORAN. Mr. Speaker, today myself and my colleagues on the Committee on Energy and Commerce, the gentleman from North Carolina (Mr. BROYHILL) and the gentleman from Ohio (Mr. BROWN) are introducing legislation to once again extend the deadline of the antitrust defense necessary to maintain the participation of American oil companies in the International Energy Agency.

As my colleagues know well, we have extended this antitrust defense time after time due to the importance we all place in the commitment of the United States to uphold our obligations to the international energy program. In fact, we have extended this deadline so often that it has become almost a "semiannual" event for us.

The current law would have this antitrust defense expire on April 1, 1982. The bill, S. 1503, just passed by both the House and the other body, would extend this antitrust defense to July 1, 1983. There is considerable speculation, or I should say, hope, that S. 1503 will not become law.

Therefore, it becomes important that we stand ready to assure the continuation of this antitrust defense so essential to the continuation of the International Energy Agency program itself.

Mr. Speaker, as you know we have handled this very matter expeditiously before, most recently passing an extension by voice vote on suspension. I am confident we can move quickly with this legislation as well.

How can I be so sure we can move quickly enough to adopt this legislation before the current deadline of April 1, 1982?

Before the deadline was "April 1, 1982" it was "September 30, 1981". When did we in the House extend it? September 29, 1981. There was just 1 day to spare and yet this matter is so noncontroversial 1 day was time enough.

I would like to quote from the remarks made by our colleague on the committee, the gentleman from California (Mr. DANNEMEYER) on September 29 with regard to the importance of this antitrust defense and the international energy program. His comments apply equally to the bill we introduce today:

> As indicated by the testimony previously given before the Subcommittee on Fossil Fuels by the Department of Energy, Department of Justice, and the Federal Trade Commission, the extension of this limited antitrust defense is vital for the successful operation of the voluntary oil sharing scheme under the international energy program. The IEA's oil sharing program is available in the event that there is at least a 7 percent shortfall of crude supplies in the IEA countries. The oil sharing agreement is the backbone of the IEA members' commitment to help each other mitigate the ills of a serious oil supply shortfall.
>
> Thirteen U.S. firms are voluntarily involved with the IEA, as coordinators to carry out oil allocations during such an emergency. These firms would not be able to conduct the kind of coordination required by the IEA if this limited defense from antitrust laws were not in effect.
>
> Of course, this bill does nothing whatsoever to limit the many safeguards provided in EPCA, including the requirement that representatives of the Department of Justice and the FTC be present at all IEA meetings of the oil companies involved.

If my colleagues wish further information, I refer them to our committee's report 97-254 on the previous extension bill, S. 1475.

Thank you, Mr. Speaker. If and when S. 1503 is returned by the President without his approval (and he is not overturned by two-thirds of each House) we can now be ready without a moment's delay to assure the preservation of the international energy program.●

A TRIBUTE TO AYN RAND, CHAMPION OF INDIVIDUAL LIBERTY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. PAUL. Mr. Speaker, one of the greatest Americans of our time died last Saturday—Ayn Rand, renowned author and champion of individual liberty.

Ayn Rand was born in the Soviet Union and lived through the Bolshevik Revolution. She came to this country because, she said,

> The United States was the first moral society in history.

That morality, which is embodied in our system of constitutional and limited government, is the bedrock of America's greatness.

> The United States believed that man's life is his right—

Rand wrote,

> . . . that a right is the property of an individual, that society as such has no rights, and that the only moral purpose of a government is the protection of individual rights.

In her four novels, as well as innumerable speeches and published essays, Rand explored in tremendous depth the nature and essential morality of freedom. She understood—as did our Founding Fathers—that the one indispensable characteristic of a free society is a recognition of the primacy of individual rights.

> If a society is to be free, its government has to be controlled,

Rand observed. In these days of expanding government power and control over our lives, we would do well to remember these sobering words.

Ayn Rand believed unflinchingly in freedom, and although I did not agree with all of her opinions, the contribution she made to our free society is incalculable. So is our debt to her.●

SOVIET USE OF CHEMICAL WEAPONS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. **BROOMFIELD**. Mr. Speaker, I am bringing to the attention of my colleagues an article that appeared in the March 9 edition of the New York Times regarding Soviet use of chemical weapons in Afghanistan. The article cites State Department testimony that clear proof now exists of Soviet violations of international law concerning use of chemical weapons.

I urge my colleagues to take note of these accusations. The Soviet threat in this area is increasing. It demands both a strong U.S. defensive program against the use of chemical warfare, and an active international initiative to focus world attention on the issue. The article follows:

U.S. ACCUSES SOVIETS OF POISONING 3,000—SAYS USE OF CHEMICAL WEAPONS ON AFGHANS VIOLATES TREATY

(By Richard Halloran)

WASHINGTON, March 8.—The Reagan Administration asserted today that Soviet forces had killed at least 3,000 people in Afghanistan with poison gas and other chemical weapons in violation of an international treaty the Soviet Union signed.

Deputy Secretary of State Walter J. Stoessel Jr. told the Senate Foreign Relations Committee that the information came from Afghan Army defectors who had been trained by the Soviet Union in chemical warfare and from refugees in Pakistan who purportedly were victims of chemical attacks.

"As a result of chemical attacks, 3,042 deaths attributed to 47 separate incidents between the summer of 1979 and the summer of 1981 have been reported," Mr. Stoessel said. He said the number was based on conservative analyses and was reliable.

A State Department intelligence official, Deputy Assistant Secretary Philip H. Stoddard, who accompanied Mr. Stoessel to the hearing, said, "We think the actual total of numbers killed by chemical weapons was considerably higher.

In his testimony, Mr. Stoessel said, "Analysis of all the information available leads us to conclude that attacks have been conducted with irritants, incapacitants, nerve agents, phosgene oxime and perhaps mycotoxins, mustard, lewsite and toxic smoke."

He said, "Afghan military defectors have provided information on chemical weapons containing lethal nerve agents, where they were stockpiled and where and when they have been used." Mr. Stoddard said some of the defectors were Afghan officers trained in chemical warfare by the Soviet Union.

Mr. Stoddard, in testimony and later in a telephone interview, said the sources of information included the defectors refugees in Pakistan who said they had seen chemical attacks, doctors who said they had treated victims of chemical attacks, victims who said they had survived attacks and journalists who had been in Afghanistan.

He said, however, that they had no samples, no pictures and no cannisters or bombs. "Nobody can put on the table a projectile or bomb," he said, although the United States has been trying to obtain one.

TOLL MAY BE HIGHER

"Since you don't have a sample," he said, "you look at the symptoms." He said that analysts took all the reports of chemical attacks, arranged them in clusters around an alleged incident, then checked the reports against each other in an effort to corroborate them.

Mr. Stoddard said reports not measuring up to stringent criteria were not used. He said further details would be made public later and the number of deaths might be twice the 3,042 reported today.

Mr. Stoddard also later cleared up confusion about Mr. Stoessel's testimony that the Soviet Union began the chemical attacks in the summer of 1979. The Soviet thrust into Afghanistan came on Dec. 27, 1979. Mr. Stoddard said that Afghan forces trained and equipped by the Soviet Union conducted the first few chemical attacks, but he said he did not know how many.

Mr. Stoessel said that the United States had brought up the issue of chemical warfare in Afghanistan with the Soviet Union several times at different levels, which he did not specify, and that Moscow had denied using the weapons.

A CHANGE OF POSITION FOR UNITED STATES

The United States has several times accused the Soviet Union of using chemical weapons in violation of a pact signed in Geneva in 1925. But today's testimony, the officials said, was the most specific allegation made against the Soviet Union.

Publicizing information supporting the charges of Soviet use of chemical weapons in Afghanistan is a reversal for the Reagan Administration. Just last week officials in the Defense Intelligence Agency, in the International Security Agency in the Defense Department and in the State Department said they had no evidence that Soviet forces used chemical weapons in Afghanistan.

Why the position was changed was not clear. President Reagan has just decided that the United States will resume production of chemical weapons and has asked for a substantial increase in the military budget for such weapons.

To focus American attention on the Afghan situation, Mr. Stoessel said, President Reagan plans to sign a measure on Wednesday declaring the first day of spring Afghanistan Day. Afghans celebrate the day as the beginning of the new year.

INCREASE IN REFUGEES REPORTED

Mr. Stoessel suggested that the number of Afghan refugees had increased from two million to three million in recent months. He said: "About three million Afghan refugees have fled their homeland seeking freedom, principally in neighboring Pakistan. Almost one-fifth of the pre-invasion population of Afghanistan—the largest group of refugees in the world—has so voted with its feet."

He also asserted, without citing a source, "There are thousands of political prisoners. We have frequent reports of torture, of summary executions and a long list of other violations which testify to the brutality of the Afghan regime and its Soviet masters."

Mr. Stoessel further testified, again without citing a source, that Soviet troops had recently subjected Kandahar, Afghanistan's second largest city, "to a savage artillery and air bombardment in which hundreds of innocent civilians lost their lives."

"After the bombardment," he continued, "Soviet forces entered the city and engaged in wanton looting and killing among the civilian population. Many of the city's buildings were severely damaged; two-thirds of its population fled."●

DEAN F. CLANCY, COLORADO'S WINNER IN VFW VOICE OF DEMOCRACY CONTEST

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. **KRAMER**. Mr. Speaker, the Colorado winner of this year's VFW Voice of Democracy contest is a young man from my district, Dean F. Clancy. Dean is a senior at Overland High School in Aurora, Colo. Based on the theme of "Building America Together," Dean has eloquently expressed his thoughts on his love for America and his willingness to take part in the labor of building America. Invoking the image of the unfinished pyramid on the back of the dollar bill, Dean emphasized the fact that the work of building America is never finished and that "We must build, for the work of freedom is too important to leave that Great Pyramid unfinished." At this time, I would like to insert Dean's moving entry into the CONGRESSIONAL RECORD.

"BUILDING AMERICA TOGETHER"

Although it may seem ironic, the first image that came to my mind when I approached the theme, "Building America Together," was of the Great Pyramid. No, not the familiar pyramid in Egypt, but the pyramid engraved on the back of every $1 bill. If you've seen it, you'll know that it's an unfinished building, with 13 steps and the number 1776 inscribed on its base. Above the pyramid floats a mysterious, radiant eye and an inscription in Latin. Turning to my encyclopedia, I discovered that I was correct in thinking that the pyramid represented America. The single eye of Providence watches over it, and the Latin phrase, annuit coeptis, means, "He has favored our undertaking."

I began to think, and I realized that, truly, America is a building, that Providence has favored our undertaking, and that we must continue building America together.

America's foundation, if you will, is not any structure of wood or stone, but is found in pieces of paper—The Declaration of Independence, The Constitution. When the

Founding Fathers penned those famous documents, they built a framework to last the centuries—an ideal that could weather these past two hundred years and stand stronger today than when they were written. Yet, as a young American, I have often neglected the sacrifice needed to ensure the survival of that foundation. I realize now that I can't ignore the thousands who made the Supreme Sacrifice so that our way of life might continue. In a sense, those brave men were builders in history's greatest and most ambitious project—freedom. Every time we Americans go to the voting booth in an election, or actively participate in government, we're helping to strengthen that foundation; we are serving to prove that America's patriots have not died in vain—that their ideals are our ideals, too.

It's too easy to take the fruits of liberty for granted. I know, because I live in a prosperous, free country—a country where, after many years and many wars, men still give their blood, sweat, and tears to further my freedom. Like the Great Pyramid, America is strong and secure. Surely Providence has blessed our nation. Once, America was a band of unfortified colonies on the Atlantic coast, still just an idea. Today, America is a vast land that looks on two oceans and most of a continent. Today, America is my home, and though I have never visited other lands, I wouldn't live anywhere else. In my heart I know that America is still the "land of the free and the home of the brave". America is a place where men succeed by their own labors, unhindered by tyranny or oppression.

I'm always amazed whenever I see people pledging allegiance to the Flag. I wonder, how can so many people in a country so vast pledge their loyalty to a flag, a mere ideal? Yet, when the Flag is raised, I too feel a chill run down my spine, and a desire to show my love for America.

If we are to continue building America together, we must be willing to do what our predecessors have done to further the American ideal. We have to serve, if it be in government, the bearing of arms, or even merely voting at election time. The word together means we must have unity of purpose, and I know that my part is as vital as any other. I can't hope to see the building of America continue without a willingness to take part in the labor. Freedom does not come without sacrifice, I have learned, nor prosperity without labor.

The next time you glance at the back of a one dollar bill, remember the Great, unfinished, Pyramid, the number 1776, the all-seeing eye of Providence, and that He has favored our undertaking. That Great Pyramid—America—wouldn't stand without the sacrifices of liberty-loving men. And don't forget—as I can never forget—that we are building America together, and that the rest of the world is watching our labors with the greatest interest.

We can't stop the work now. I can't, nor can any American. We can't pause. We cannot fail. We must build, for the work of freedom is too important to leave that Great Pyramid unfinished.●

OBSTRUCTIONIST BUREAUCRATS THWART INCREASED FUNDING FOR VOA-RFE/RL

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, with the imposition of martial law, Polish authorities moved quickly to disrupt the free flow of information. The Polish language service of Radio Free Europe was jammed at a much heavier rate than ever before. Information about events in Poland—normally broadcast throughout the country—was greatly reduced by the cutting of telephone and telex communications with foreign countries. Regional radio and television broadcasting monitored by the West was stopped, and only state-controlled operations were allowed to continue.

Clearly, these acts were intended to undermine all resistance to the military takeover and to insure that Poland's "new birth of freedom" would be destroyed in its infancy.

In view of this, it is unquestionable that America's national interest requires quick action to reestablish—through the facilities of the Voice of America and Radio Free Europe/Radio Liberty—a network of communications within Poland.

On January 5, 1982, Secretary of State Alexander Haig, U.S. International Communications Agency Director Charles Wick, and the Chairman of the Board for International Broadcasting, Frank Shakespeare, responding to these needs, sent a letter to President Reagan urging him to provide $15 to $20 billion extra for a crash program to upgrade Radio Free Europe. Another $280 million was recommended to build more powerful transmitting stations for RFE/RL, as well as the Voice of America.

To date, this letter remains bogged down in bureaucratic lethargy and inaction.

In an article appearing March 5, 1982, in the Washington Post entitled "Dead Letter," columnists Rowland Evans and Robert Novak point out that 2 months after the letter was sent to President Reagan, "It lies dormant in White House files—the victim of bureaucratic inertia."

During the campaign, President Reagan criticizing then President Carter on October 7, 1980, for starving RFE/RL said, "a Reagan-Bush administration will turn this sorry situation around."

Unfortunately, obstructionist bureaucrats are thwarting the implementation of President Reagan's programs and, as a result, are undermining the democratic political process of this country.

I commend this article to my colleagues as follows:

DEAD LETTER

(By Rowland Evans and Robert Novak)

A Jan. 5 letter stamped "secret" from Secretary of State Alexander Haig to President Reagan, urging emergency funds for Radio Free Europe to reach captive Poland, two months later lies dormant in White House files—the victim of bureaucratic inertia.

That the president himself probably never read it and certainly did not study its importance is another melancholy example of how tardily democratic government reacts to unexpected crises. Here was an opportunity—informing Polish patriots shackled by martial law—to be grasped by cutting bureaucratic corners and bypassing staff lethargies. The same opportunity would have produced instant decision in the Kremlin.

But in the Reagan White House, corners are not easily cut. The letter from Haig—cosigned by Reagan's old friend, Charles Z. Wick, head of the International remains submerged in the White House bureaucracy.

RFE, which broadcasts from Munich to Eastern European Soviet satellites, proved its ability to penetrate a Polish news blackout in August 1980. The Communist government's first reaction to Solidarity's uprising in Gdansk was to cut all communications out of that Baltic seaport. Down in the coal-mining regions of Silesia, party first secretary (and Politburo member) Zdzislaw Grudzieu said publicly the "only" information that even he had of the electrifying movement in Gdansk came from RFE.

Haig's Jan. 5 letter informed Reagan that a key purpose of martial law in Poland was to impose the silence of the grave throughout the country by cutting all communications. Leaders of Solidarity not in jail would be blind and deaf.

RFE, operating on its same budget of the past five years, managed to increase Polish broadcasts from 19 to 24 hours a day for a week after marital law. But is was forced back to 19 hours by inadequate funds and staff fatigue. Soviet jamming signals are under no such financial restraints. Ten Soviet-based jamming transmitters are going full blast against RFE's Polish broadcasts and transmissions to the Soviet Union by Radio Liberty.

Haig, Wick and Shakespeare told the president in their long-ago letter that RFE and RL must be given at least $15 million to $20 million extra for a crash program to modernize their dilapidated Munich studios, upgrade transmitting signals and hire extra staff. They also asked an additional $280 million to build more powerful transmitting stations for RFE and RL, as well as the U.S. government's Voice of America.

But in the Reagan White House, even letters from Al Haig to Ronald Reagan are routinely deflected into the system, in this case the National Security Council staff and the Office of Management and Budget. Haig's letter was no exception, despite the Polish crisis and Reagan's campaign attack against President Carter for starving RFE and RL ("a Reagan-Bush administration will turn this sorry situation around," Reagan promised Oct. 7, 1980).

White House aides claim mitigating circumstances: that the new budget was locked up before Haig's letter arrived; that it contained no careful "justification"; that in the transition of William P. Clark's succeeding Richard V. Allen as NSC director, the NSC was understandably in a state of confusion.

The truth is simpler. Normal operating habits of the U.S. government, even at its loftiest levels, lack flexibility for command decisions. That condition is exacerbated in the Reagan White House by the phalanx of palace guards surrounding and protecting the Oval Office from the outside world.

The president has been privy to only one brief meeting on the need for emergency RFE financing. When it came up then, both chief of staff James Baker and counselor Edwin Meese, neither of whom knows much about Poland, wanted full OMB justification.

"They sent it into the glue factory," one official told us, even though the cost is a small fraction of a single B1 bomber ($250 million). RFE's value in informing Polish patriots about what their marital law leaders are doing is worth a fleet of B1s. That simple conclusion would be reached by Reagan in an instant—if he were asked.●

IRS A THREAT TO FREE PRACTICE OF RELIGION

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, there is great concern for the dangerous challenge to the first amendment guarantee of freedom of religion arising from recent legislative proposals and Federal court decisions. The administration's ill-considered legislative effort and the February appeals court decision, in fact, create an Internal Revenue Service control over church schools and even religion itself through the tax exemption process.

The original Reagan action in January 1982 to remove the IRS from its emerging role as czar of religion was well taken and the reversal of this decision is wrong, whether done by Congress or by the courts.

The IRS has been creeping into the social reform enforcement business for many years and began in 1975 requiring schools to state that they are nondiscriminatory in order to keep their tax-exempt status. When that agency made its ill-famed presumptuous and secretive move to broaden its control over, as well as "discriminate" against, private schools, I was the congressional "whistle blower" who exposed the effort which prompted quick temporary blocking action by the Congress. However, permanent congressional protection is essential, especially in view of this newest attack on first amendment rights.

When leading national church school officials, broadly representing bipartisan social interests, held their first major press conference in February to challenge the administration's legislation, I was the only congressional spokesman—and I plan to continue to speak out for religious freedom.

It now appears the main thrust of this unwarranted proposal intruding on the rights of religious schools has been blunted, but we must continue to strongly urge its defeat and initiate additional efforts to offset the court's unfortunate ruling.

My legislation, the Taxpayer Protection Act (TPA), H.R. 4931, is the best weapon to permanently end the IRS threat to the free practice of religion and any unacceptable Government determination of favored and unfavored religious doctrine through the dangerous and arbitrary use of tax exemptions.

The TPA not only will stop IRS abuses against citizens in tax collection, but it specifically forbids the IRS from making any determination or definition of religion as spelled out in the Bill of Rights of the U.S. Constitution.

Mr. Speaker, the Taxpayer Protection Act (H.R. 4931) already has broad congressional support, and I strongly encourage those Senators and Congressmen who are yet uncommitted to become early sponsors of this much needed taxpayer relief legislation.

I also strongly encourage immediate committee action in both the House and Senate with adequate opportunity for the people, indeed the victims of the IRS, to be heard—and the subject should be confined to the operating procedures and questionable tactics of the IRS, not a distortion which forces testifiers to waive their personal rights and thus become a diversionary target to shift the spotlight from the wayward ways of the IRS.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL: MIKHAIL SALMAN

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. FAUNTROY. Mr. Speaker, it is with continuing concern that I join my distinguished colleague from New York, Congressman NORMAN F. LENT, in the 1982 congressional call to conscience on behalf of Soviet Jewry.

Today, I wish to call the attention of my colleagues to the plight of Mikhail Salman, a refusenik who has been denied his human right to emigrate from the Soviet Union.

Mikhail Salman first applied to leave the Soviet Union and immigrate to Israel in 1978. At first he was granted an exit visa. The exit visa was later rescinded on the grounds that he was leaving his parents behind.

It should be noted that Mr. Salman is a member of the Cultural Seminar in Leningrad against which the KGB has been waging an increasingly bitter campaign. On May 15, 1981, Mr. Salman was arrested and held in custody for a week and threatened with the charge of "parasitism." Mr. Salman is in ill health and his situation warrants our attention and should be on the agenda of our diplomats when meeting with representatives of the Soviet Union.

Finally, we in the Congress must continue to speak out on human rights from a global and universalistic perspective. We must address the plight of victims of human rights abuses, whether they be victims of the left or the right. We must be concerned about the disgraceful human rights situation in racist South Africa, the oppression in Haiti, and un-American bigotry that is becoming all too fashionable here at home. I am confident that Mikhail Salman suffering from the concrete oppression in the Soviet Union would comprehend and agree with the ethical imperative of human rights for all people.●

LEGISLATION TO BAR FURTHER CUTS IN THE PELL GRANT STUDENT AID PROGRAM FOR THE NEEDY

HON. JIM DUNN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. DUNN. Mr. Speaker, today I am introducing a resolution that calls for no more cuts in the Pell grant program. Representatives DAUB, GUNDERSON, LEACH, WORTLEY, JOHN DUNCAN, COOPER EVANS, and SCHNEIDER are joining me in sponsoring this measure.

The administration's fiscal year 1983 budget requests that budget authority for Federal postsecondary student aid programs be reduced from the estimated level of $6.4 billion in fiscal year 1982 to $4.3 billion in fiscal year 1983, a decrease of $2.1 billion. Reductions in fiscal year 1983 from the current program are proposed for every student assistance program, including a $879 million decrease in the Pell grant program.

The Pell grant program is the largest need-based student aid program providing assistance in the form of grants to undergraduate students who demonstrate financial need. The program uses a federally established need analysis system to determine a student's eligibility for an award and is considered the foundation program of Federal student aid for needy undergraduates. This is because the determination of the student's need for other student assistance is based on the amount of Pell grant award.

Under the administration's proposed 1983 budget, the Pell grant program would suffer the greatest dollar loss of any student financial assistance program. In fiscal year 1981, the total Federal obligation for the Pell grant program was estimated at $2.346 billion. Congress then enacted a rescission request to the level of $2.188 billion for fiscal year 1982 with a maximum award of $1,600, reducing the funding to $1.4 billion, a 40-percent reduction from fiscal year 1981 to fiscal year 1983. In Michigan, this would mean a decrease in Pell grant funds from $91 million in fiscal year 1981 to $54.6 in fiscal year 1983.

In human terms, this means that 1 million students will be eliminated from the Pell grant program. Currently, students from families with incomes up to about $25,000 qualify for some Pell grant. Under the administration's proposed 1983 budget, only students whose family incomes are $15,000 or less will qualify.

Tom Scarlett, the director of financial aid at Michigan State University in my district, gave me some specific cases which show how the proposed cuts affect different family situations:

The first is a family of five, including two parents. Two children are in college, the first at MSU and the second in a military academy. The father works in a warehouse. The family's gross income in 1981 is $23,000; $17,000 equity is held in the home.

In school year 1981-82, the MSU student receives $3,500 in aid. It is projected that under the proposed cuts, that student will receive $1,100 less in 1983-84.

The second example is that of a family of five including two parents. The father is a teacher and the mother a part-time secretary. Their 1981 gross income is $16,000. They hold $27,000 equity in their home.

In school year 1981-82, their child at MSU receives $3,800 in aid. It is projected that under the proposed cuts, that student will receive $1,500 less aid in 1983-84.

The final example is that of a family of six, including two parents. Two children are in college, one at MSU and one at the University of Michigan. A third child will be attending college next year. The father works at a store. The mother is a homemaker. In 1981, the family's gross income is $19,000.

This year, the student in question receives $3,600 in aid including work-study. It is projected that under the proposed cuts, that student will receive $2,300 less, including the loss of work-study.

There is no doubt that Congress must be fiscally responsible in formulating the 1983 budget. However, the budget should not be balanced on the backs of needy students. If we are to preserve a safety net for the poor, the Pell grant program should be included in it.

I urge my colleagues to join in supporting this resolution.●

CONGRESSMAN FROST CALLS FOR FAA EXPLANATION OF BAGGAGE CHECKING PROCEDURE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. FROST. Mr. Speaker, on March 4, I mailed the following letter to Mr. J. Lynn Helms, Administrator, Federal Aviation Administration in Washington. The letter is self-explanatory.

House of Representatives,
Washington, D.C., March 4, 1982.

Hon. J. Lynn Helms,
Administrator, Federal Aviation Administration, Washington, D.C.

Dear Mr. Helms: As one of the many members of the Texas Congressional delegation who travel regularly between National Airport and Dallas/Fort Worth Airport, I was extremely concerned to learn that a homemade bomb was checked through by a passenger on Braniff Flight 111 on March 2 and was not detected by airport security devices.

According to published reports, an active duty military enlisted man placed a bomb containing one pound of explosives, two pounds of gunpowder, and a substantial number of nails in his wife's suitcase. The suitcase passed undetected through security at both National and Dallas/Fort Worth Airports and was discovered only when the woman began unpacking after reaching her destination in Wichita Falls, Texas.

I am requesting that you conduct a full investigation of this incident immediately. During that investigation, I would like to have some questions addressed and the answers reported to me in written form. The questions are as follows:

Why is checked baggage not X-rayed or passed through metal detectors the way carry-on baggage is? Since these screening procedures are not used with checked baggage, what security procedures are? Were your standard procedures used in this case? If they were not, why not? If they were used, what changes will be made in the future to ensure that this incident does not recur with more tragic consequences?

Thousands of Americans fly daily and they all rely on the FAA for the tightest possible security. I am not suggesting that Braniff Airlines is in any way responsible for an incident that could have occurred on any route served by any airline. The implications of this affair are serious enough to warrant a full-scale investigation and I look forward to receiving the answers to my questions.

Thank you for your assistance.

Sincerely,

Martin Frost.

In response to this letter, the Washington Post reported on March 5:

Probe Urged of FAA Bomb-Finding System

A Texas member of Congress, concerned that a homemade bomb slipped past National Airport security in the baggage of a Dallas-bound commercial airplane, called yesterday for a full-scale investigation of bomb-detection procedures by the Federal Aviation Administration.

Democratic Rep. Martin Frost, in a letter to FAA Administrator J. Lynn Helms, said that the nation's passenger flights may have "a severe security problem." His comments were provoked by the arrest of an Andrews Air Force Base mechanic who was charged with attempting to destroy a commerical airplane by hiding a bomb in his wife's suitcase.

According to FBI agents, Airman 1st Class Martin Thomas Bradley, 27, placed a plastic explosive device in his wife's suitcase before it was checked in the hold of Braniff Flight 111 last Tuesday morning. The bomb was not discovered until Staff Sgt. Mary Jo Bradley arrived at Sheppard Air Force Base in Wichita Falls, Tex.

"The fact that I and many other members of Congress from Texas use that particular flight brings the impact that much closer to home," Frost said in the letter. An aide to Frost noted that Rep. J.J. Pickle (D-Tex.) was on the same Braniff flight one day before the bomb incident.

And, in my own 24th Congressional District, the Fort Worth Star Telegram editorialized on March 10 as follows:

Tighter Security Needed

A terrifying and potentially disastrous incident that occurred last week, when a suitcase containing an armed, live bomb was transported undetected aboard two separate airplanes from Washington, D.C., to Wichita Falls, points out a serious lapse in airport security measures.

The bomb—containing a plastic explosive, two pounds of black gunpowder, 16 blasting devices, paper and a quantity of two-inch nails—was in a suitcase owned by Air Force Staff Sgt. Mary Jo Bradley. Her husband, an airman first class, was accused of placing the bomb there and has been charged with attempted destruction of an aircraft and transportation of explosives in interstate commerce.

The bomb was not in Sgt. Bradley's carry-on baggage, which is subject to X-ray examination at the airport, but was in a suitcase she checked for storage in the planes' luggage and cargo compartments. The bomb-laden suitcase cleared whatever detection procedures were in effect at Washington National Airport, where she originally boarded her flight, and at Dallas/Fort Worth Airport, where she changed to a commuter flight to Wichita Falls.

Checked baggage is "normally not X-rayed," a spokesman for the Federal Aviation Administration said, "though we do have other procedures for screening luggage."

And what are those "other procedures?"

A spokesman at D/FW, claiming that X-ray examination of such luggage would be too time-consuming, said, "We spot-check some bags and most airlines have a policy that they won't accept luggage unless the person checking it has a ticket to the final destination."

That is a very lackadaisical attitude to adopt toward a matter as serious as the safety and security of the flying public.

The intense scrutiny to which passengers and carry-on luggage are subjected is easy to justify in view of the harrowing experiences the nation's airlines went through prior to the implementation of such measures. This latest incident indicates that security procedures for checked luggage needs to be tightened, also.

I am hopeful that Mr. Helms will provide this Nation with assurance that checked baggage at airports throughout the United

States is checked for explosives so that a possible repeat experience of this kind will not result in more tragic consequences.●

IRA AMENDMENT WILL BOOST HOUSING AND MORTGAGE INDUSTRIES BY STIMULATING INDIVIDUAL SAVINGS

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday March 10, 1982

● Mr. SAWYER. Mr. Speaker, buying a home today has become more of a dream than a reality for our young people. The unstable economy has made buying a home so out of their reach, a way must be found to put the ability back in their grasp. So, today I have introduced an amendment to the individual retirement account tax provisions. This bill will be a shot in the arm for two of our ailing, but essential, national businesses: the homebuilding industry and the mortgage lending institutions. The homebuilding industry is facing a staggering market. The February monthly report of the National Association of Realtors states, "Sales are at their lowest rate in more than a decade. By every measure the dimensions of this downturn are staggering and greatly surpass any of the other housing cycles in the post World War II period." This news is devastating in light of the deteriorating situation facing mortgage lending institutions. More than two-thirds of the federally insured savings and loans, most of the mutual savings banks, and a major portion of the secondary market for housing loans experienced large losses in 1980 and 1981.

My amendment attempts to ease this situation by permitting a consumer to withdraw IRA contributions and earnings prior to age 59½ when the withdrawn funds are used to purchase a principal home. This legislation is designed to accomplish three goals:

First, the amendment will encourage saving by young people who are currently hesitant to open IRA accounts because they foresee the need for major capital investments, such as the purchase of a home, as a priority over saving for retirement.

Second, the amendment will increase the amount of funds deposited in mortgage lending institutions by young people investing in IRA accounts, thereby supplying much needed funds with which to make additional mortgage loans.

Third, this amendment will boost the homebuilding industry by bringing more consumers into the buying market through increased savings and financing.

Under this amendment to the individual retirement account provisions in the tax code, the consumer may withdraw IRA contributions and earnings prior to age 59½ when:

First, the withdrawn amount is used to purchase a principal home,

Second, the custodian of the IRA account for 3 years prior to the withdrawal is a mortgage lending institution, and

Third, the custodian has written notice of the consumer's intent to withdraw IRA funds under this provision 60 days in advance.

The amount withdrawn will be taxed as ordinary income. The tax liability for the amount withdrawn will be spread equally over 10 years, the first 10 percent of tax liability being due in the year that the home ceases to be used as a principal residence or when the individual reaches age 59½, whichever occurs first.

The statistics and the very real frustration of my constituents convinces me that this amendment is more than just a good idea. This bill is necessary. I welcome cosponsors to this legislation, and I urge its speedy addition to our tax laws.●

STUDENT AID PROGRAM

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. ECKART. Mr. Speaker, the Reagan administration has pulled the plug on student aid with a proposed education budget for fiscal year 1983 that could put college out of reach for thousands of young people.

The President is proposing a student aid program which is 50 percent below the level of the current academic year. I personally am becoming increasingly concerned by reports from universities in my district depicting what will happen to students there if Mr. Reagan's Federal aid proposals become reality. In addition, I am troubled by letters from Cleveland area students that are pouring into my office on a daily basis.

A special report which I requested from the Ohio Student Loan Commission to analyze and assess the impact of guaranteed loan changes in the package is instructive. The report compares the struggling student to a drowning person in need of a life preserver, and charges that certain features of the Reagan program would turn out to be "a life preserver filled with lead." Mr. Speaker, I request permission to insert a copy of this report into the RECORD. I would also like to share with you some figures which illustrate the sheer magnitude of Ohio students who will be affected by the cutbacks: At Cleveland State University, 813 graduate and professional students took out guaranteed loans this year; at Case Western Reserve University's School of Medicine, 74 percent of the students depend on GSL's; 1,611 Ohio State University graduate students in the health professions used the GSL program; 1,318 students at John Carroll University applied for loans; 106 students received a loan at Notre Dame College of Ohio; and 207 students depended upon the GSL program at Lakeland Community College.

Mr. Speaker, I have one question for the President: Where are these young people supposed to come up with the money to attend college or even finish their college educations? While I feel that parents and the students themselves do have primary responsibility for assuming educational costs, I believe it is naive to assume that these parents and students can finance the institutional losses created by massive Federal and, in Ohio, State cutbacks. In a letter from Cleveland State University which I received yesterday, concerned financial aid counselors echoed this question. They wrote that:

> The parents of our student body typically hold blue collar jobs and struggle simply to make ends meet and avoid extended layoffs. Over 78 percent of the CSU students already work full or part-time jobs while they attend classes.

These counselors are upset; they feel the Reagan administration is telling students that:

> The development of their minds, the refinement of their skills, their potentials and their futures are expendable.

I, for one, believe educated and skilled people are absolutely indispensable to America's goal or rebuilding her economy and becoming prosperous. And I will be working with a bipartisan education task force to insure that our most precious resource, our young people, does not get lost in the budgetary shuffle.

OHIO STUDENT LOAN COMMISSION,
Columbus, Ohio, February 18, 1982.

The G.S.L. program has always played the role of "safety net" for those students who could not qualify for adequate funding through other sources of assistance; while students have always found our program less attractive than the various grant and scholarship programs, it has always been an open alternative. As the eligibility for student loans is cut further and further, the alternative is eroded to the point that the "safety net" has a number of gaping holes through which eligibile deserving students are certain to fall.

Before getting to a specific discussion of the latest proposal, I need to establish some parameters for you with respect to the numbers that our projections are built on. The most recent calendar period for which statistics are available—1981—is really too atypical for purposes of comparison. People came out of nowhere to apply for loans last summer, anticipating that open access was about to end, and as a result, we recorded a tremendous loan volume: $316 million in guarantees compared to $200 million in 1980 for approximately a 60 percent increase. For this reason, we have used 1980 as our base year for volume projections. This probably understates the impact of the proposed cuts, but it also insulates us from accusations of overstating them.

Increase the "origination fee" charged on new loans from 5 percent to 10 percent.

The same arguments that applied to the imposition of the 5 percent origination fee apply to the proposed doubling of the fee; while it does effect an immediate reduction in the amount of federal support required to finance the program, it also means that student borrowers end up with less money to pay for their educations. The 118,474 students who participated in our program in 1981 borrowed an average of $2,667.55 each. ($316,035,782 divided by 118,474.) This meant that each of those hypothetical average students had their $2,667.55 loans reduced by $133.38 (5 percent) to $2,534.17. A 10 percent origination fee would reduce that same hypothetical borrower's loan by $266.76 to $2,400.79. A great number of our graduate and professional students borrow the full $5,000 of their eligibility; these students would face an immediate $500 reduction in the net proceeds of their loans with a 10 percent origination fee. Students also must pay a guarantee premium on their loans. While the percentages and methods of calculation vary from state to state, Ohio charges 1 percent per annum through the grace period of the loan. This would typically mean a total fee of somewhere between 1 percent and 5 percent. By combining our guarantee premium with the proposed origination fee for a "worst case" example, a student beginning graduate school could borrow $5,000 but only receive approximately $4,250. The $750 reduction can seem relatively insignificant when viewed on the larger scheme of things, but to the graduate student who may literally be pinching pennies to pay the heavy costs involved in his or her education, the loss could very well make the difference in the ability to continue.

Even so, the origination fee, whether at 5 percent or at 10 percent, is one of the less odorous of the proposed changes in that it does not have an adverse impact on loan availability. If the GSL program could be likened to a life preserver thrown to drowning students, the 10 percent origination fee would insure that the life preserver still gets thrown, it just requires the drowning student to help inflate it. There is a tremendous difference between offering expensive assistance and not offering any assistance at all. We believe that the alternative, the choice of whether or not to borrow, must be retained.

Apply the need analysis to students at all income levels and limit loans to those students who will qualify after taking into account family contributions and other financial aid (e.g., Pell Grants, G.I. bill.)

The second proposal, the requirement that all applicants show "need" in order to obtain GSL's, is not a new idea. Congress passed a law requiring a needs analysis for all applicants, effective July 1, 1972, but the resultant political heat was so great that the requirement was lifted just a month later, on August 18, 1972, with a return to the income cap eligibility criterion. The idea wouldn't go away, however, and we saw the needs analysis requirement re-imposed just about six months later, on March 1, 1973. The requirement was kept in effect this time until June 2, 1974, when we once again returned to the income ceiling qualification.

There are two significant areas of concern with respect to a needs test, one practical and one philosophical. From the practical standpoint, a universal needs analysis requirement works a real administrative hardship on all parties concerned. One of the strong points of the GSL program has always been an ability to provide assistance in fairly short order, but the requirement that needs tests be filed can quickly make a three-month application turnaround time pretty common. The mountains of paper involved soon clog the application pipeline and many students don't get their applications approved until after tuition deadlines are past.

From the philosophical viewpoint, "need" can be a terribly difficult figure to derive with any consistency or equity. "Need" has no identity independent of that given it in the law or regulations, and I have yet to see a needs analysis system that, in my view, provided an accurate measure of a family's ability to support a post-secondary student. Needs analysis was originally conceived of as a rationing device for scarce grant and scholarship money; rather than meeting the "need" of any applicants, it simply distributed the available pot of money among the applicants in accordance with their relative need. The application of such a standard to the GSL program, without some fairly major modifications to the underlying assumptions and tenets, will not meet the actual need of the people who turn to the program for help. My point, I guess, is that the regulatory action that establishes the parameters of "need" is almost more important than the requirement that a needs analysis be performed.

Allow graduate and professional students to borrow only under the auxiliary loan program and increase the loan limits under the auxiliary loan program for these students from $3,000 to $8,000 per year and from $15,000 to $40,000 for all years.

The next proposal has probably generated more fear and anguish in the academic community than all of the others combined. In Ohio we see consistently between 15 percent to 16 percent of our annual volume made up of graduate and professional students who, because of their higher borrowing limits, account for 25 percent to 30 percent of our annual volume. The wholesale elimination of graduate and professional students from GSL eligibility would, therefore, have a rather dramatic impact on Ohio's students.

The proposal goes on to provide higher borrowing limits for graduate and professional students in the PLUS program, but there are again both practical and philosophical points to weight in considering such a move. Nationwide, the PLUS program is just becoming operational. We will begin operations in Ohio on March 1, but it will probably be a couple of months before the program is truly functional, and our lending community has not yet given any clear indication of how supportive they will be of this new lending vehicle. It doesn't really make sense to close off one source of assistance until there is some certainty that there are alternatives; in a year or two, we may be in a position to judge the viability of the PLUS program as an alternative rather than a supplement—but we can offer no certainty at this point in time that graduate and professional students would be able to receive the required levels of assistance, either in Ohio or on a national basis.

This proposed change also constitutes a significant philosophical shift in the provision of financial assistance to this class of students. As you may know, the interest in the PLUS program is not subsidized by the federal government. This means that although graduate and professional student borrowers would qualify to defer principal repayment until after graduation, the interest on the loans would be the responsibility of the borrower over the life of the loan. To again posit a worst-case example, a graduate student who borrowed the full $8,000 set forth in the President's proposal would immediately be obliged to make interest payments of $93.33 a month. If we project four years of enrollment and borrowing for that same student, he or she would be making monthly interest payments of $373.33 during the last year of study. A student who reached the $40,000 ceiling contained in the President's proposal would face monthly interest payments of $466.66—this from a full-time student. The student would then commence repayment of principal and interest after leaving school. The hypothetical student who reached the $40,000 debt level—and I can promise you that some will—would face a monthly payment in excess of $620 for ten years. Even if the PLUS program offered a certain financing alternative to graduate and professional students, I believe that it is unconscionable to offer them no alternative but a practically unmanageable debt. To return to the life preserver metaphor I used earlier, I would have to characterize this proposal as a life preserver filled with lead.

Although the Department of Education has indicated that 23 states have the legal authority and other necessary structures in place to begin making Auxiliary Loans, only 14 states are making loans to parents—while 3 of these 14 states are also making loans to independent undergraduate and graduate students or their spouses—under the provisions of the Education Amendments of 1980 and the Omnibus Budget Reconcillation Act of 1981.

Increase the insurance premiums paid on GSL's to the Federal Government by: increasing the premium charged lending institutions in the Federally Insured Loan program, which insures 5 percent of all new loans, from 0.25 to 1.0 percent, and initiating a reinsurance premium charged State and private guarantee agencies, which insure 95 percent of all new loans, equal to 50 percent of the annual income which these agencies earn from insurance premiums they charge participating lending institutions.

The next proposal contains two items, one of which would affect us and the other not. The increase in the federal guarantee premium would not affect Ohio students, as the F.I.S.L. program does not operate in Ohio. The second item, though, would take half of the Commission's guarantee premium income, and we are more than a little concerned with the idea. One point that I would make, though, is that the proposal itself shows a complete misunderstanding of how the guarantee fee mechanism works. The proposal's references the "insurance premiums they charge particiating lending institutions; guarantee premiums are not paid by lending institutions, they are paid by the student borrowers. The proposal would have the net effect of increasing the costs carried by the borrower. Guarantee agencies have fixed and growing expenses, and most of them rely on guarantee premium income to meet portions of those expenses. The loss engendered by a 50 percent reduction in guarantee premium income would force some agencies to increase their charges to students and jeopardize the continued operation of others. If the purpose of this proposal is to shift some of the burden of reinsurance costs to the states, we would favor a mechanism that would pass on the highest portion of these costs to the agencies that most benefit from reinsurance. Our default rate here in Ohio is less than 2 percent, which means that we have made very little demand on the federal reinsurance mechanism. A flat percentage assessment on loan volume would put Ohio and other diligent states in the position of subsidizing the losses of other less successful states, and Ohio students, who have a history of paying their loans back, would have to help pay the bills for students in other states who may not have as good a record. Of all the proposed changes, I think that this one shows the least common sense.

Limit special allowance interest benefit payments to in-school and deferment periods plus a two-year period following graduation or withdrawal from school (exclusive of deferment periods).

Finally, we have two areas of concern with respect to the last proposed change: the potential impact on student borrowers and the probable effect on participating lenders. The effect of this proposal would be to convert the 7 or 9 percent loans obtained by students during their period of enrollment into market-rate credit two years after leaving school. If this proposal had been in effect in 1981, borrowers would have seen the interest rate on their loans jump from 7 or 9 percent to nearly 20 percent. The difference in payments would be terrific, and it's easy to envision the kinds of problems that would result; two years after leaving school, most borrowers are pretty well settled into the early stages of their careers, and are struggling to balance their incomes and expenses. To then throw them a "curveball" like this would drive many of them into delinquency, default, and bankruptcy.

From the perspective of the lending institution, this proposal represents yet another example of the failure of the federal government to recognize the administrative impact of a naive proposal. The guaranteed Student Loan Program is already one of the most complex programs that a lender can become involved with, and any proposal such as this one, which would assign a different interest rate to every borrower, would be a tremendous disincentive to participation. I know that the administrative difficulties attached to a particular proposal cannot be the overriding factor in judging the merit of the proposal, but in a program like ours, which relies on commercial lender participation for funding, it cannot be so blatantly ignored.

From the perspective of the Ohio Student Loan Commission, the cuts made to our program last fall have yet to prove their effectiveness; everyone knew that cuts were coming, and people came out of the woodwork to get loans, which has kept our volume somewhat low since the changes went into effect. What little evidence we do have indicates that the current eligibility standards are limiting loan access to those students with a genuine need. The following is a summary of the income data collected from Ohio applicants since last October 1:

Adjusted gross income	Number of notes disbursed on or after Oct. 1, 1981	Percent of total
0 to $15,000	21,612	92
$15,001 to $20,000	462	2
$20,001 to $25,000	463	2
$25,001 to $30,000	477	2
$30,001 to $35,000	201	9
$35,001 to $40,000	104	6
$40,001 to $45,000	51	1
$45,001 to $50,000	16	1
$50,001 up	30	1
	23,416	100

We won't be in a position to provide adequate statistics on program reductions until this time next year, after we've been through a complete cycle of academic year applications. Any substantial cuts before that time run the risk of doing permanent damage to our educational system and pushing many students irretrievably out of their educational endeavors.●

A. EDWARD KLEINSCHMIDT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Ms. OAKAR. Mr. Speaker, one of northeast Ohio's foremost civic leaders has passed away. Edward Kleinschmidt, founder and publisher of the Garfield Heights Leader, one of our finest newspapers, was noted for his compassion and concern to our community.

I personally extend my heartfelt sympathy to his family and friends. The following is an article concerning his many accomplishments during his lifetime:

[From the Garfield Heights Leader]

A. E. KLEINSCHMIDT

Early Saturday morning, February 27th, August Edward Kleinschmidt passed away in Marymont Hospital where he had spent much time during the past five months due to cancer. He was at home four days prior to going to Marymount for the last time on Friday, February 26th.

He is survived by wife Alma (Lembke); sons, Frederick C. and William E., seven grandchildren and two great-grandchildren. He was buried from St. John Lutheran Church, Garfield Heights, where he was a member for many years. Interment is at Lutheran Cemetery.

August E. Kleinschmidt was born April 25, 1908 and baptized two days later. He was the second youngest of twelve children born to Ferdinand and Florentina (nee Strunk) Kleinschmidt. His father died in 1913. His mother remarried in 1915 and died in 1946.

Mr. Kleinschmidt worked for the Nickel Plate, New York Central, Pullman Co., and Boston & Maine railroads, a total of 23 years service accumulated.

He founded the Garfield Heights Leader in February 14, 1946 with Al F. Blazey. Due to illness, he purchased Mr. Blazey's interest in 1948.

He was instrumental in publishing three Garfield Heights City directories—1948, 1954 and 1957. He gave up this venture when the Ohio Bell Telephone Co. issued its Garfield Heights Suburban telephone director. The Leader city director, including phone numbers had been given Free to its subscribers.

In 1976, celebrating our Nation's Bi-Centennial, he co-authored a Garfield Heights Historical Book

Augie, as he was known to all his acquaintances, was a Charter member of the Garfield Heights Kiwanis Club Club (1951) and the Garfield Height Rotary Club when it was founded in 1955. He served as President of the Rotary Club in 1966-67 . . . Assisted in organization the Pullman Co. credit Union—was its treasurer for three years.

He served as chairman of the Audrey Durda fund—to raise money to pay for hospital and doctor expenses—close to $10,000. An explosion injured her while she was baking in the kitchen. We were able to pay, and settle the bill in full, for 30¢ on the dollar.

He was Chairman of the Outerbelt South Freeway (now I-480). Our committee had suggested an alternate route, which was accepted over the proposed route via McCracken Road.

He was Chairman of the Garfield Heights Rescue Wagon committee, which raised $10,000 to purchase the city's second rescue wagon. The first rescue wagon, a funeral hearse, had been donated by the John R. Lawrence American Legion Post 307.

He was advisor and co-chairman of the 100th Anniversary of St. John Lutheran Church, Cable Ave., in 1978.

He was Chairman of the 50th-51st anniversary committee—confirmands and graduates of St. John Cable Ave. parochial school.

He was a member of the 125th anniversary committee—St. John Lutheran Church, Granger Road.

He assisted in organizing the Senior Citizens of St. John, Garfield Hts., in 1974.

Mr. Kleinschmidt was a notary public for 40 years; his license not being renewed in August, 1979.

Among Augie's civic activities, he was Secretary of the Garfield Hts. Zoning Commission, a member of the new Garfield Hts. City Hall, and President of the Garfield Hts. Republican Club, 1945. He later also became Republican Ward Leader for Garfield Heights.

In 1980 (May 10th), assisted in organizing the Elder-Berries of Epiphany Lutheran Church, Northfield, Ohio. He became the group's first Program Chairman.●

VOICE OF DEMOCRACY CONTEST WINNER

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, I wish to submit the winning speech by an Alaskan high school student for the annual Veterans of Foreign Wars Voice of Democracy Contest. Each State is required to select a representative based on a speech written on the theme: "Building America Together." Miss Shanna Schweigert, of Fairbanks, Alaska, was selected from the 250,000 students who nationally competed for the chance to come to Washington for the final judging. This program, begun in 1958, is one of the finest scholarships offered to high school students. Along with a trip to Washington, each contestant receives the opportunity to compete for one of the five scholarships totaling $32,500, to be awarded on March 30, 1982. By drawing a parallel between the building of the country, America, and the building of the word, America, Shanna formulates the outstanding speech quoted as follows:

VOICE OF DEMOCRACY CONTEST WINNER

Our country, America, is based on several different ideals, just as the word, America, is made up of or built with letters. Each letter may represent one of the ideals our country was based upon; thus by building or putting together the letters to form the word America, the ideals are added to each other, building the country, America.

A. A stands for ancestors, the people who came to this continent and added their views and beliefs to help in the construction of our country. These ancestors do not just include the forefathers of our country who fought and died for their beliefs, it also includes any immigrants who came to this country and worked for their freedom as indentured servants for example.

These ancestors had a dream, the dream that anyone who wished could improve their status in life. Materialism, M, is this idea that everyone can gain material wealth and possessions. The opportunity to have this materialism is the right of everyone.

That leads us to the letter E, which represents equality. This idea is still prevalent in that everyone in the United States is equal. We all have the equal opportunities to do as we wish, to improve our status in life, and to believe what we want, all within the law, of course.

The right and the opportunity to believe what we want. This includes Religion, or R, the right to freedom of religion, and the practice or non-practice thereof, is guaranteed to citizens of this country by the Constitution of the United States. Many of the ancestors who came to America, did so for religious freedom, the Puritans for instance, and the authors of the Constitution incorporated this idea into that document.

This freedom to believe religiously as one wishes goes along with a larger idea, that of the right to be an individual. I represents individualism, a concept which is very important. To be an individual means to do, feel or say as you wish. Your own beliefs, not those of others.

In incorporating this and all of the other factors basing the constitution into that document, the authors of the Constitution cooperated and compromised, both of which are represented by the letter C. To show how important this cooperation has been to the founding or building of our country, is the example of the Revolutionary War. If all of the colonists had not cooperated with each other, then there would not have been an organized movement against the Mother country.

The last letter of the word America is A, which may be seen to represent ambition. Ambition which has been necessary for anything to have been accomplished. The ambition, or drive to establish a country governed by a Constitution which allows the people their own views.

Therefore, just as the word America is begun and ended with the letter A, the ancestors of our country and the ambitions they possessed are the building blocks of our great country, and as long as that ambition exists, we will keep building both the word and the country America, together.●

WOMEN'S CITY CLUB OF NEW YORK SPEAKS OUT AGAINST REAGAN'S SENSELESS MILITARY BUILDUP

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an eloquent and important position statement by the Women's City Club of New York, opposing the Reagan administration's senseless and costly military buildup. The Women's City Club of New York is a 67-year-old nonpartisan civic and educational organization of 800 members including professionals, business people, and volunteers in community service.

The Reagan administration is engaged in on unplaned, senseless, $1.6 trillion, 5-year military buildup while at the same time it is dismantling the entire range of human service programs. Yet, as the Women's City Club of New York notes in its statement:

> Our Nation's true defense rests not on military "overkill" but on a strong, healthy people, with adequate food, shelter, education and work. There can be no "common defense" in a nation split by poverty, rising unemployment and neglect of social problems.

By ignoring the fact that strong social and economic structures are vital to a strong national defense, the Reagan administration is transforming America into a bankrupt war machine.

I commend the Women's City Club of New York's perceptive statement to the attention of my colleagues:

POSITION STATEMENT

The Women's City Club of New York feels compelled to speak out against the way in which the present administration raises and spends our money: a vast buildup of weapons for war; the shortsighted dismantling of the entire range of human service programs; a tax program that benefits the rich and penalizes the poor; and a national debt which is out of control—all of this while tensions mount at home and abroad.

Our Nation's true defense rests not on military "overkill" but on a strong, healthy people, with adequate food, shelter, education and work. There can be no "common defense" in a nation split by poverty, rising unemployment and neglect of social problems.

Since the war in Vietnam ended, an increasing amount of our national budget has been appropriated for national defense—from $97.5 billion in 1977 to $260 billion projected for 1983. At the same time the national deficit has grown from $44.9 billion in 1977 to a projected annual level of $100 billion or more. With each increase in the national debt, which is now nearing $1 trillion, we incur a huge increase in the debt service. This debt service now constitutes the second largest expenditure after that for the military.

Each new weapon in our arms race means an increase in destructive power until we now stand at the point where the reciprocal use of these weapons can destroy all life on this planet. These terrifying arsenals do not protect us from the danger of over-reaction to perceived crises, threats and counterthreats. Rather, they act to escalate the possibility of war.

The emphasis on weaponry has the further effect of distorting our economy and contributing to an unprecedented increase in inflation. The need for national economies is clear, but the budget promoted by this administration does not reduce Federal costs. It shifts those costs from social programs to an already staggering and ever increasing military outlay.

We are convinced that the road to peace lies not through arms but through patient international negotiations. We urge all Americans to insist on the reordering of national priorities now.●

RICHMOND COLLEGE OF LONDON, ENGLAND

HON. ARLEN ERDAHL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. ERDAHL. Mr. Speaker, as a member of the Education and Labor Committee and of the Foreign Affairs Committee in the House, I am very much interested in international education. A former constituent of mine, Mr. Gale R. Mitchell, has informed me of an interesting and unique college, Richmond College, the American International College of London, England.

Richmond College was established in 1972. It is an independent, nonprofit international liberal arts college operating in the American system of higher education.

However, the unique aspect of the college is that, even though it is American, it is also international. Some 500 students are enrolled from over 50 nations. The students come from Africa, the Far East, the Middle East, Latin America, and North America. The faculty has an international flavor, though the majority is American or British. The curriculum, based on American undergraduate models, offers traditional majors but all have received intercultural and international emphasis as befits the mission of the college.

In a world that is increasingly interdependent, but in which the United States is still called on to exercise leadership in keeping with its stature among nations, it is most encouraging to find American educators and an American institution preparing young men and women to make significant contributions to the futures of their countries and to international cooperation.

Richmond College stands as a special kind of institution with the potential for becoming an American model of international education and in this way contributing to peace through understanding.

This past December, Richmond College received full accreditation from the Middle States Association of Colleges and Schools. Because Richmond College is American, is licensed to award degrees by the Educational Institution Licensure Commission of the District of Columbia, and because it is now fully accredited by the appropriate American accrediting body, I feel it is appropriate to call attention to its unique role as an American institution of higher learning situated in London, and to congratulate its board of trustees, its board of academic governors, its president, and the faculty and staff on the occasion of accreditation.

I would like to further extend my remarks by inserting a reprint of an article which appeared in the American, the only newspaper printed in Great Britain for all Americans.

RICHMOND COLLEGE ACCREDITATION: EXPATRIATE EDUCATION EXPANDS

Accreditation of Richmond College, the American International College of London, in December means that for the first time a "free standing" American-based institution of higher education in the UK has received professional certification.

Dr. William Petrek, president of the two-campus, four-year college, said accreditation expands the opportunities for higher education for children of expatriate American families in this country. The accreditation also heralds an effort by the college to maintain a more prominent profile in the expatriate community, he indicated.

The school has already begun a series of lecture courses on English civilization for adults who have recently arrived in the London area, and it is promoting the potential its curriculum has for adults who wish to continue their education in areas such as business administration, economics or politics. But what Americans and American businesses may especially be noticing in coming months is an increased effort by Richmond College to develop the program financially.

EXPANDING CURRICULUM

"We're going to go into fund-raising," Petrek said, explaining the drive will include plans to create scholarships to be used at the school, fund science and computer curricula, and by 1983 initiate a modern language program that will fill the gap left by similar programs that are rapidly becoming defunct in many stateside colleges and universities.

Those language programs could include Russian, Chinese, Arabic, and Japanese. They are the languages that are frequently fund-starving public and private institutions in the United States, but they are at the same time the languages Americans most need in terms of expanding business relations, Petrek explained. He believes the plan has the potential to attract students from the United States when they find it difficult to enroll in the programs domestically.

The curriculum at Richmond College (the Washington DC-licensed school is not the only accredited American college in the UK, Petrek noted, but it is the only one that is not a "trunk campus" of an American institution to be accredited) will also emphasize its international nature in the future, the president said. He believes that will encourage American businesses to aid the college in the development of the curriculum because they could eventually benefit from graduates who have been trained in an international atmosphere. Approximately 20 per cent of Richmond students are American.

"The social consciousness of American (business) organizations is well developed now," Petrek said. "They're going to recognize what we're doing. We're going to find mutual interests as we discuss things.

"There's no way to prepare that young American for the 21st century unless they're internationally educated. We'd (American businesses) be doing much more business if we were more interculturally aware."

While Petrek stopped short of saying the Richmond plans would be emulated by, and the model for, other institutions of higher learning, the former DePauw and Hofstra educator is public about their potential that Richmond College's resources in students, faculty and location put it at the forefront of what he calls "international education in an American mold."

"We're ahead of the market," he said.

For Americans in Britain who have children approaching college age—and there are a number of family men who "in terms of their career are hitting that stage" the Richmond president says—the accreditation opens up new possibilities for their offspring.

Upon graduation from an American-format high school or a British school, the student can study at Richmond for a period before transferring to an American institution with the assurance that credits from Richmond will be transferable.

Gale Mitchell, external affairs deputy for the college, said the alternative of attending an American college in Britain eliminates problems posed by a large distance between the family and student. Mitchell believes accreditation will lead to more expatriate enrollment at Richmond during the first year or years of the students' college career.●

GEORGE SMITH, TEXAS ENTREPRENEUR

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. LELAND. Mr. Speaker, I would like to take a few moments today to share with you the experiences of a modern-day Horatio Alger hero. I speak of Mr. George Smith, a constituent of mine and owner of the largest black-owned company in the oil industry.

Black Enterprise magazine has called Smith a pipe dreamer. The reference, of course, is a play on words since the Smith Cos. are an organization of pipeline distribution and service firms. Yet it also is appropriate in a more obscure way. Smith is a man who made his dreams a reality. What is more, he shares that dream with others.

For this determined Texan, the climb has not been easy. Mr. Smith began working full time in the third grade after he dropped out of school to help support his mother and five brothers and sisters. From the beginning, he experienced racism in the form of peer intimidation, unequal wages, and undesirable tasks. Rather than succumbing to such overwhelming forces, Mr. Smith worked his way to become vice president of the company, learning as much as he could along the route.

Then he felt it was time to forge his own path. He formed Smith Pipe Testing & Service Co. The venture was a gamble. Mr. Smith refused to apply for Government assistance and the resources for his business consisted of $44,000 worth of excess pipe that he bought on credit from Conoco, $4,000 in savings, and his wife's teaching salary.

Now there are three Smith Cos. Last year the organization earned a gross profit of $48 million. Mr. Smith has six buildings in Houston and sales offices in Bakersfield, Oklahoma City, and New Orleans. Still looking ahead, he hopes to see his firm one day listed among the Fortune 500 companies.

One may also find Mr. Smith sharing the dream that he made happen. He travels from classroom to classroom across the country telling black children that they, too, can succeed. They can overcome the invisible barriers of prejudice and poverty. He is, after all, living proof.

So in the spirit of Mr. Smith and as a tribute to him, I would like to share with you the following articles from the Austin American Statesman and Black Enterprise about Mr. George Smith:

[From the Austin American Statesman, Aug. 30, 1981]

BLACK OILMAN CREDITS SUCCESS TO INNOVATION

HOUSTON.—When George Smith was a child cleaning outhouses in rural Livingston to earn money to feed his family, he dreamed of being a doctor.

But Smith, who had to drop out of school in the third grade, now owns the largest black-owned company in the oil industry. The Smith Companies, a pipeline distributor and service firm, grossed $48 million last year.

"Two of my teachers are still living, and I think they would both verify that I could have been that doctor, had I gone on in school," said Smith, 55. "But you know what? I'm religious—I'm not a fanatic—and I believe that somehow this was in God's plan. There are many good black doctors in this country. But there ain't many good black businessmen."

Smith had always had plans for himself, and they did not include staying poor.

That's what eventually led him to take $4,000 in savings and start his own pipe testing company in 1974. For a time, the family lived on the salary Smith's Wife earned as a teacher while he plowed his earnings into the business.

"There has never been anyone born into worse poverty than me," he said. "If I was walking in the street and I saw someone I knew, I would back up so they wouldn't see the holes in my pants."

So Smith worked his way through a series of jobs, eventually graduating from cleaning outhouses to working as a clerk for the Missouri-Pacific Railroad.

The $1.46-an-hour he made there wasn't bad for a black man in 1950. But Smith, then 24, saw men who had been there for 10 years making the same wages he did.

"I didn't see no future in the railroad," he said. "I felt that if I was going to do better, then I had to start all over again. And I had to start on a job that didn't pay none, but that it was left up to me how far I could go."

So he went to work for a pipeline testing company for 46 cents an hour less. His boss said he could work as many hours as he wanted.

That meant a lot to Smith, who was putting his wife through college and had a child. He worked between 60 and 90 hours a week.

In his new job, Smith came up with an innovation that eventually helped him launch his business. He thought of it while working with a crew that tested pipeline strength with water. The plug that sealed the pipe weighed 250 pounds and took four men to handle.

Smith told his boss he saw no reason to use such a heavy plug. At his suggestion, the company developed a device that weighed about 25 pounds and sped the testing process fivefold.

"Hard work will get anybody places," he said. "I don't care who you are."

Smith spends a good bit of his time spreading that view to school groups.

He said one 10-year-old boy he met on a plane claimed to remember that Smith had spoken at his school several months before.

"Tell me something that I said," Smith challenged him.

"He said, 'You told me that I could be anything I wanted to. My color didn't have nothing to do with it, as long as I was willing to work hard and didn't expect somebody to do something for me that I could do for myself.

'"You told me that it was left up to me whether I would be a success or a failure, and that in order to do that, I had to always have integrity, and I had to be able to imagine what I wanted to be and have the ambition. You told me that I could do it.'

"Well, I'd made an impression on him. And you know, he made an impression on me, too. 'Cause he let me know, you know, that my speeches were not in vain."

[From Black Enterprise, September 1980]

George Smith's $6 Million Dollar Payoff on a Pipedream

(By Phil W. Petrie)

(Unschooled, poor much of his life, and the product of a female-headed family, George Smith would hardly seem a likely candidate to change one of America's most powerful industries—the oil industry. And yet, if his pipe dream comes true, he will.)

In 1973, when Egyptian armies attacked Israel and oil shipments to the Western world were restricted by Egypt's Arab neighbors, the US stumbled into what was termed an "energy crisis."

The 1973 embargo "was not the first occasion on which oil deliveries from the Middle East had been cut off," says John Blair in his provocative book, "The Control of Oil." "It was, however, the first occasion on which the curtailment was accompanied by an explosion in prices." From then on the price of oil, like oil itself, spurting up from the earth's bowels, leaped skyward.

And a new class of potentates—spending lavishly and sometimes foolishly—of much darker hue than such earlier oil magnates as the Rockefellers and Mellons entered the world oil scene.

Houston, the center of the US oil industry, rose in population to take its position as the fifth largest city in the country. Oil became synonymous with wealth. The American contingent of the Seven Sisters—Exxon Corp., Gulf Oil Corp., Mobil Oil Corp., Standard Oil of California (Chevron), and Texaco Inc.—in 1973 had combined revenues of $50 billion. By 1977 that had tripled.

But oil per se is useless unless it can be raised, refined, and distributed to its users. Basic to all these tasks is a simple longitudinal cavity, pipe. The word itself is an echoic one originating from the chirping and "peeping" of birds. But when the pipe is filled with oil the peeping is about dollars. Oil pipe and supply is a billion-dollar industry. Oil gushing from the silver of steel yields so much money it is termed "black gold"—an inherent contradiction.

So too, it would seem, is the participation of blacks in the oil industry, especially as entrepreneurs. The soaring profits from black gold are destined for, and gobbled up by, white companies. But not always. Enter 51-year-old George V. Smith, pipe dreamer.

Smith is the president of, in fact the owner of, three companies: Smith Pipe Testing & Service Company, Continental Inspection Company, and Smith Pipe & Supply, Inc. He has supply stores (warehouses for his inventory) in Houston and Bakersfield, California. There are sales offices in Bakersfield, Oklahoma City, and New Orleans. He has six buildings in Houston and 40 company cars. Last year Smith's companies grossed $6 million. And for the first six months of this year they have already more than doubled their income to $14 million. Overall, Smith expects his companies to gross $20 million by December. Smith, however, eschews profit for the sake of profit.

"My goal is not only to make money," he says, "but to build a company that employs 500 people and grosses about $100 million a year. Seventy percent of the people I hire will be black. We need to quit talking about 'making' somebody hire us and hire ourselves."

Could this be just another pipe dream? Smith, a talkative man who speaks through folk sayings and aphorisms that resonate with the tones of a shouting Baptist preacher, offers a quick denial.

"They're not pipe dreams but the reality of using pipe to make millions. I don't know a reason in the world that I can't do what I say I can. With the people I have right now [80 employees] I expect to gross $15 to $17 million. But I won't use the profit for myself, I'll plow it right back into the company."

To hear Smith speak so nonchalantly about millions of dollars, one would think he was to the manner born. Not so.

George Smith came to Houston early in 1951, poor and seeking a place to build a dream. He saw then that oil would make Houston one of America's great cities, and he left his $27-a-week porter's job in Livingston, Texas, and headed for Houston. In his mind, he now says, was always the thought that "there will be lots of work in Houston." Work was something that George Smith had grown comfortable with at an early age.

At five years old he was doing odd jobs and contributing to the family's welfare—not because it was a desired exercise in self-development, but because a deserted mother with six children needed all the support she could get.

When Smith was eight, education fell from him like a shooting star, fading before one can gauge its glory. He began working full time. The third grade would be all he'd ever know of school.

But Smith knew common labor, his constant companion since he was five. It was with joy—unabashed—that he took a job in 1951 as a laborer with Sid Culbertson, a pipe maintenance company in Houston. Finally, George V. Smith was in the oil industry. Little did it matter that he—as did all black men—received less for his labor than whites who performed the same job. He had been given a chance and it was his task, he felt, to take advantage of it.

The pipe and supply industry, like many others, have relegated certain jobs to blacks. If the job is dirty, hot, grimy, low-paying, no matter the industry, blacks are there. And Smith was in such a spot in pipe testing.

Before oil companies put their pipes in the ground to bring up oil, or stretch them overland to deliver oil, the pipes must be tested and evaluated to see if they can stand the pressure to which they will be put. A contractor can't risk ruining a multimillion-dollar oil strike because $200,000 worth of pipe fell apart. This testing is generally conducted by a hydrostatic process (with liquids/water). In the old days the pipes were filled with water then plugged with huge rounds of iron. Of course this was a messy job. It was done outside, where mud, oil, water, and splintered pipe sometimes even made it hazardous. After the pipes are tested they may have to be straightened, cleaned, threaded, or refurbished. Brawn is needed, of course, to move around the pipes. For such a messy and strenuous job black men are often called upon.

But Smith thought this a challenge. Taking his text from Konstantin Stanislavski, the famous Russian actor who decreed that there were no small parts only small actors, Smith sought to make pipe testing an art.

"Whatever you do," he says, "I believe you ought to do your best. You may not be able to do it better than someone else but you can damn sure try."

His effort at pipe testing raised the state of the art to new levels. First, he questioned the use of heavy iron blocks to close the pipes. Then he began capping them with lighter material rather than stuffing them with iron. As a result, pipes could be tested faster and with greater efficiency. Smith was an innovator in the industry. Before him, testing was done one way, after him it was done another. Smith's rewards? Only the outrage of white workers who went so far as to threaten his life. No increase in pay. No recognition for his innovation. But considering the times it's not surprising that Smith didn't expect either.

His talent was not lost on those in positions of power in the pipe testing industry and when Sid Culbertson folded, Smith was quickly hired by Atlas Pipe, a new company. Smith stayed at Atlas 18 years making its pipe testing division one of the best in the business.

But as Smith's reputation swelled so, too, did the racism he encountered. First of all, there was still the matter of unequal pay. Second, Smith and his crew were not allowed to operate the machinery that was used in their work. If the machines broke down, Smith says, he and his crew had to take them off the customer's premises to repair them. Third, and perhaps the most chilling to the soul, Smith was obliged to train young whites to be his boss.

"It was bad back then," Smith exclaims. "Even now, I can't get business because I'm black. But then it was rough. One time we were doing a job that would take us about seven weeks to finish. It was in a small far north Texas town. There were no living or eating accommodations for blacks, so we had to eat cold cuts three times a day, and during mid-January freezing weather we stayed in a shack with no heat. The owner of the town's laundromat let us eat in his establishment until some white women threatened to stop patronizing the business."

The "back then" Smith refers to was in the 1960s, another time but hardly another century.

Smith's talent couldn't be denied and eventually he was made a field supervisor. This, his employer felt, was a smart move. It kept Smith out of the office. Yet, he was given a promotion, albeit as his employer told enraged white workers, at "nigger wages."

Finally, after 18 years at the company, Smith had had enough. He quit. It wasn't racism, or low wages that pushed him into action. It was boredom.

"I had learned everything there was to know about pipe," Smith says none too modestly. "There was nothing else I could do out in the field. So I asked to come into the office. I knew they wouldn't allow me to be a salesman. But I could head quality control. My boss said no to that because he felt no white man would work under me. Nothing happened and I left. There was no room for me to grow."

The growth at his next company was spectacular—at least in terms of the times. He was given a position as salesman and was in charge of purchasing all the company's oil-field materials. Few customers would see him but that didn't keep Smith from continuing to call on them. Eventually, he was made a vice president of the company.

It would seem that the story would end here, another tale of rags to riches, or in this case rags to recognition. But it doesn't. For in the back of George Smith's mind was the gnawing belief that he should go into business for himself. "If I could do it for others," he says, "I could do it for myself, for my family."

He discussed it with his wife, Evie, a woman Smith says has been his anchor for over 31 years and who with her teacher's salary would support the new venture.

In 1974 he started his first company, Smith Pipe Testing and Service. Smith borrowed no money from banks to begin his company and shunned the Small Business Administration.

"If I made it," Smith proclaims, "it would be because I did it, not me and the bank, not me and the government. I wanted to be able to tell black youth that they can stand with the best in this country. If they say they can't do something because they're uneducated, I'd say look at me, I finished the third grade; if they say they can't do it because they're poor, I'd say, I started out poor as a church mouse; if they say there's prejudice around, I'd tell them that I've known racism."

With his personal savings he paid four employees, four members of his former crew. Of them Smith says, "they came with me when I had nothing. They've stuck it out through some pretty rough times. I was touched when they offered to join me. They're not only damn good workers, they're damn good men. So long as I have a company, they have a job."

Slowly, and perceptibly, Smith Pipe Testing Service grew. The testing equipment increased from one hydrostatic unit to five. Still, George Smith felt that he wasn't doing all that could be done in testing. In 1975 he founded Continental Inspection Company, enabling him to provide electronic testing. With his two companies, Smith provides the full range of testing, from hydrostatic testing to electronic inspection.

Still, all was not well, at least as far as Smith was concerned. Pipe testing remained a job whites could relegate—although reluctantly—to blacks. And if his dream of a $100 million company was to come true, Smith would have to broaden his base and sell pipe as well as test it.

Taking that leap from testing to selling is like moving from the sideshow to the main arena. None of the major pipe manufacturers—US Steel Corp., Youngstown Sheet & Tube—had ever used blacks as distributors. George Smith vowed to change all that. In 1976 he became a full-line distributor for Youngstown Sheet; a year later US Steel was added. But getting the distributorship is one thing, selling the pipe is another.

"When I first started selling pipe, some purchasing officers actually laughed at me. But I kept going back to them. I've crisscrossed this country time and time again. Everybody in the industry knows me 'cause I keep going back to them. I went to one company seventeen times before they bought pipe from me, and then they only bought $1,200 worth of pipe. That didn't pay my expenses. I went back an eighteenth time. Before the day was over, I had a $250,000 order."

Smith now has nine salesmen helping him to sell pipe. One, Calvin Douglass, is black. "He was the only black in sales with the experience I needed," Smith says. "The two of us may be the only black salespersons in the pipe and supply industry. Calvin used to work for Youngstown but now he heads my Bakersfield office. I'm lucky to have gotten such a fine person as young Calvin. He's good."

Smith would like to have more young blacks like Calvin Douglass, but confides that he can't find youths willing to start at the bottom and undergo the training he requires. "I don't know what it is," he says. "They all want to start at the top."

Starting at the top certainly is not the way Smith's two sons and daughter will enter the family company. All members of the Smith family work for the company but in various capacities with increasing responsibility.

"One day this will be theirs," Smith says, "but they must know the business. Before my sons can come inside [the office] they must work out in the fields, in testing. Not as some summer job either. They got to stay out there two or three years. By that time they'll know the testing business and will come inside." One might add, to start at the bottom all over again.

By doing this Smith feels that his family will know the business, will appreciate it, and keep it going. He wants to give his family more than money. He wants to leave a heritage, show that a black family, graced with love and support for each member, can reap profits far beyond money. The three companies that George Smith has built stand as the visible—and profitable—manifestations to his efforts. They are the testament to a dream fulfilled.●

BILL GREEN INTRODUCES NATIONAL THEATER WEEK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. GREEN. Mr. Speaker, today I am introducing a resolution to designate the week beginning June 7, 1982, as National Theater Week.

The theater is one of our Nation's finest cultural and educational resources. It also generates significant economic benefits, by providing jobs, tourism, and other assets. It is entirely appropriate that we focus attention on the institutions, organizations, and individuals that bring theater to Americans throughout our country by designating a week in their honor. This week will make us realize that our theater is perhaps the best in the world, and will also pay tribute to the thousands of individuals in professional theater companies, high schools, colleges and universities, and community theaters that work to bring the stage alive for audiences across the land.

The American theater is not only a cultural resource, but also an educational resource. The theater provides access to great literary works, and a means to nurture talent and self-expression. To put it simply, the theater—whether a large Broadway theater in Manhattan, or the stage of a small town—enriches us personally and improves the quality of life in our communities.

A nation's greatness is measured in her cultural achievements. The American stage truly graces our country, and we should recognize its contributions by designating a week hailing its strength and vitality. Eleven State arts councils, 48 theatrical organizations, and almost 100 theaters from 35 States across the country have endorsed the idea. I hope a majority of my colleagues will join us in celebrating American theater by cosponsoring this bill. My colleagues may be interested to know that a similar measure has already been introduced in the Senate by Senator Exon. Mr. Speaker, I submit my bill to be printed at this point in the Record.

H. J. Res.——

Whereas many Americans have devoted much time and energy to advancing the cause of theater;

Whereas the theaters of America have pioneered the way for many performers and have given them their start in vaudeville and stage;

Whereas theater is brought to Americans through high schools, colleges, and community theater groups as well as through professional acting companies;

Whereas citizens of America have been called upon to support the theater arts in the Nation's interest; and

Whereas many individuals and organizations are hailing the strength and vitality of the theaters of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 7, 1982, shall be proclaimed "National Theater Week" throughout the country, and all citizens are urged to support this effort with assistance to theaters throughout the country.●

OUR UNSAFE BRIDGES

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. NOWAK. Mr. Speaker, one of the most serious problems confronting our national transportation network is the deteriorated condition of our vehicular bridges. It has been estimated that of 524,966 bridges in this country, 2 in 5 require major repair or replacement. The Federal Highway Administration estimates currently it will cost in excess of $40 billion to meet existing needs.

Just recently the New York State Department of Transportation reported the 234 bridges in a 4-county area that includes my hometown in Buffalo, N.Y., are "structurally deficient."

In recent years, the Congress has begun a sustained effort to meet these bridge needs through an expanded replacement and rehabilitation program. A recent article in Parade magazine offered an excellent summary of this problem and our need to persevere in steadily correcting it.

During these times of budgetary restraint, we must continue to find the wherewithal to meet the infrastructure needs of our country. A sustained commitment to adequate levels of funding for bridge modernization will pay dividends not only in safe and smooth transportation but in jobs for the hard hit domestic steel and construction industries.

The article which appeared in Parade on February 28, 1972 follows:

OUR UNSAFE BRIDGES

(By Jack Harrison Pollack)

Every other day, a bridge falls, sags or buckles somewhere in the U.S. And many needless deaths and injuries result from crashes on bridges—often the result of unsafe guardrails, say bridge authorities in both the federal government and private industry.

Bridge collapses and accidents are even more serious today than when PARADE spotlighted the nationwide problem three years ago ("Our Bridges Are Falling," Jan. 7, 1979). A combination of inadequate inspection and enforcement, budget-trimming and neglect on the part of Congress and state and local governments continues to aggravate this longstanding (but deteriorating) situation.

There are no reliable national statistics on how may people die or are injured every year in bridge collisions and collapses in the U.S. And only the dramatic bridge accidents make headlines:

On New York's 99-year-old Brooklyn Bridge last June 28, two steel cables—among the dozens badly needing replacement—suddenly snapped and whipped down. One killed a young man who was strolling across the damaged wooden walkway. The bridge is scheduled to be rehabilitated, and some of the work has begun, using city funds.

On the Sunshine Skyway in Tampa, Fla., on the stormy morning of May 9, 1980, a 609-foot freighter rammed into a support pier of the bridge, which had suffered three other vessel collisions since 1977. Swiftly, more than half of the concrete roadway's center section crumbled. Eight vehicles plunged 150 feet into Tampa Bay. Five, including a Greyhound bus, sped over the fallen bridge after its collapse, witnesses testified. Thirty-five persons died. The official National Transportation Safety Board report estimated the damage at $30 million and blamed the tragedy in part on a "lack of a structural pier protection system" and "lack of a motorist warning system . . ."

In a foggy rain, an overcrowded school van slid off an old, one-lane wooden bridge near Hermanville, Miss., last Dec. 17. The van plunged into a creek 9½ feet below and burst into flames. Four youngsters and one adult died, and four persons were hospitalized.

School buses, in fact, no longer carry pupils over many such bridges. Children often must walk across them first and wait on the other side to reboard the empty buses.

Of the nation's 524,966 bridges, two in five require major repair or replacement, the Department of Transportation's Federal Highway Administration (FHWA) reported to Congress last year. They range from narrow, old plank bridges over rural creeks to modern steel and concrete spans crossing wide city waterways.

The government estimates that 223,200 bridges are either "structurally deficient" or "functionally obsolete." Of these, only 61,500 are on the federal-aid system; the remaining 161,700 state and local bridges are not.

"The condition of the nation's bridges is bad and getting worse," says engineer Dean L. Morgan of the Highway Users Federation, a national coalition of 450 safety-promoting industries and associations. And while every state has its too-old or too-weak spans, more than half of the nation's failing bridges, according to the federation, are in 10 states: Illinois, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, New York, North Carolina and Texas. Texas has the most unsafe bridges (15,197 out of 41,454), Missouri the next most (13,813 out of 20,911), and North Carolina has the largest percentage (75.7 percent are unsafe).

Other states with an unusually large number of unsafe bridges include Pennsylvania, Tennessee, Kentucky, Florida and Washington (because of the 1980 Mount St. Helens eruption), says the American Association of State Highway and Transportation Officials. Its executive director, Francis B. Francois, says that many cities—including Cleveland, Pittsburgh, Kansas City, New York, Milwaukee, Chicago, St. Louis, Rochester, N.Y., Detroit and Boston—face serious bridge problems.

You can—and should—find out about bridge conditions in your locality and, if you're planning a trip, in areas you'll be visiting (see the suggestions offered at the end of this article).

Donald S. Knight, executive director of The Road Information Program (TRIP), a highway research organization in Washington, D.C., warns: "From 1982 on, more and more of our aging, deteriorating bridges will have to be closed unless we act now."

Bridges wear out with age. The average useful life of a bridge is 50 years, and three out of four in the U.S. are more than 45 years old. Some 25,000 still in use were built before 1900. Those predating the automobile age and weakened by weather and erosion were designed to serve lighter, slower traffic. Design and construction materials were not standardized until 1935.

Constant usage likewise deteriorates bridges, especially with today's heavy axle loads and high-speed traffic. The salt poured on bridge decks and adjoining roads to melt ice and snow eats through steel beams and breaks even reinforced concrete, as does the acid in pigeon droppings. Oklahoma is now testing on 23 bridges a new deicing chemical spray that has been used in Germany for 10 years.

Partly because some bridge designers have emphasized esthetics more than safety, two-thirds of bridge guardrails in the U.S. fail to meet recommended safety standards, charges the National Transportation Safety Board. "About 1300 persons die each year in crashes involving bridge barrier systems." James B. King, the board's former chairman, told a Senate subcommittee on transportation in April 1980.

"If guardrails are included, the figure is closer to 2000," adds the board's safety specialist, Lynne Smith.

For example, on Feb. 18, 1981, a bus veered across I-95 near Triangle, Va., jumped a guardrail, struck a bridge parapet and fell into a creek 25 feet below. The driver and 10 passengers were killed, and 13 were injured.

On other bridges, inadequate lanes, narrow clearances, faulty approaches or outmoded alignment make passage dangerous. Locally, some are known as "suicide bridges," especially after cars, buses and trucks collide on them and kill people. This is no surprise. A study 10 years ago by M. H. Hilton of the University of Virginia, now a senior engineer with the Virginia Highway and Transportation Research Council, found that when a 23-foot bridge was widened to 40 feet, accidents were reduced by up to 95 percent.

One rarely hears about near-misses on bridges. Last July, on the Woodrow Wilson Bridge that crosses the Potomac between Maryland and Virginia on I-95—which this writer found to be patched up like an old quilt—a large deck hole from eroded concrete revealed the water below through an open support pillar, forcing the bridge's temporary closing. The concrete had also loosened on a bridge that takes U.S. 50 over the highly traveled Baltimore-Washington Parkway. Falling debris damaged moving cars before that bridge was temporarily closed.

"Today, about a third of the nation's bridges are closed or posted for reduced vehicle weights, and all require extensive rehabilitation or replacement," reports TRIP.

Bridge closings, of course, have disruptive side effects. The resulting detours often create traffic jams, impeding travel for ambulances, fire trucks and other emergency vehicles. Disgruntled residents have even been known to sue authorities over the inconvenience (to them) of a bridge closure. But in Louisiana, Illinois and elsewhere, officials have ordered unsafe bridges torn down.

Even people who don't use bridges are affected. When delivery trucks are required to make long detours around closed or weight-restricted spans, the extra gasoline and employee time costs are generally passed on to the consumer. "The prices of local goods and services have been boosted as much as 25 percent by bridge closings and weight postings," says TRIP's Donald Knight.

U.S. Steel estimates that the 5-ton weight limit of the weak Thompson Run Bridge in Duquesne, Pa., near one of its plants, compels the company's 350 trucks to detour 18 miles daily one way, boosting its operating costs by $1.2 million annually in extra fuel and labor expenses.

Inadequate or irregular inspections and enforcement are probably the greatest causes of sudden bridge failure, even though checkups have increased somewhat in recent years. Inspection can now be far more scientific than in the old days when local politicians merely walked on the ice during the winter freeze to gaze at a bridge's understructure. Today, there are sophisticated portable devices—including acoustic crack detectors, magnetic crack finders, "electronic black boxes," "snoopers" and others—that help to uncover hidden defects.

Unfortunately, such equipment isn't being used widely or often enough. "Some states and local governments are not inspecting their bridges at least every two years as required, and some local governments not at all," Milton J. Socolar, Special Assistant to the U.S. Comptroller General, reported last year.

New York City's elevated West Side Highway, before it was closed in 1973 after a truck went through the deck, had gone without an intensive inspection of its eroding main girders for a generation.

"The inspection problem is aggravated by a longtime shortage of trained, qualified inspectors," observes John C. Grant, president of the nonprofit Ocean Learning Institute in Palm Beach, Fla. Less than half of the nation's counties have qualified staff personnel to inspect their bridges thoroughly. Often they must hire outside consultants. A crash training program for local bridge inspectors is now being offered by the Federal Highway Association. Probably the best-inspected bridges are operated by independent or semi-autonomous bodies that can spend their toll revenues on frequent inspections and repairs.

Enormous funds are needed to safeguard our more than 200,000 deficient or obsolete bridges. To replace or rehabilitate all of them, the government estimates, would cost $41.1 billion, half of it for those on the federal-aid system.

Congress has made a modest start in aiding states under its Highway Bridge Replacement and Rehabilitation Program, launched after the 1967 collapse of the Silver Bridge over the Ohio River, which claimed 46 lives. Renewed in 1978 as the Surface Transportation Assistance Act, which expires next Oct. 1, it authorizes about $1 billion a year in federal funds for bridge correction. At least 65 percent must be spent for bridges on the federal-aid system, and 15-35 percent for those off of it. This is the first time that Uncle Sam has appropriated money for local bridges. Although the federal matching share was raised to 80 percent, many states and local governments have been reluctant or unable to pay the other 20 percent. And President Reagan's recent recommendation that the federal bridge program be turned back to the states could, if approved by Congress, lead to even tighter pinches in state budgets.

In addition, the Secretary of Transportation has $200 million available annually in "discretionary funds" for bridge replacement or rehabilitation. Through Dec. 31, 1980, 45 bridge projects were selected for federal financing, including 27 recommended by Congress.

Many deteriorated bridges are not federally financed, the government says, because they lack a "legislative history"—that is, they were never specifically named in earlier Congressional appropriations.

By contrast, two months ago. Congress appropriated $60 million—the full agency-recommended amount—to repair the Woodrow Wilson Bridge in Washington, D.C., which is the only bridge owned by Uncle Sam on the interstate highway system. Many lawmakers drive across it to and from the Capitol.

The General Accounting Office, the government's fiscal watchdog, recently issued a critical report titled "Better Targeting of Federal Funds Needed To Eliminate Unsafe Bridges." It charged that "bridges most in need of attention are not always selected"; that "states and local governments are not fully complying with national standards for bridge inspection"; and that even some government agencies, such as the National Parks Service, Forest Service and Bureau of Land Management, which collectively operate about 14,000 bridges, do not always comply with their own inspection standards.

Even bridge building requires constant vigilance. A controversy raged over the quality of the steel used on the span over the Mississippi River between McGregor, Iowa, and Prairie du Chien, Wis. The bridge was rebuilt.

At today's rate of rehabilitating about 2,000 bridges a year, it could take more than a century to bring all up to standard. Certainly, bridge correction is expensive. But continued inflation at the curent rate would more than double the cost in 10 years, experts predict.

"The very least we should do now," urges Dean Morgan of the Highway Users Federation, "is to modernize all bridges on the federal-aid system." One immediate benefit would be thousands of new construction-related jobs.

And safer trips.

WHAT YOU CAN DO

1. To find out if bridges in your area, or an area you plan to visit, are potentially unsafe, write or call the local or state transportation department or automobile club.

2. If you suspect that a bridge is hazardous, write or call your local transportation department. Don't assume that someone else has already done so. You'd be helping more than yourself.

3. Local and state lawmakers must know your feelings about bridge problems to allocate funds for repairs or replacement. Tell them.

4. To receive more information about national bridge problems, write to: Public Affairs Office, U.S. Federal Highway Administration, Dept. P., 400 Seventh St., S.W., Washington, D.C. 20590; or The Road Information Program (TRIP), Dept. P., Suite 401, 1899 L St., N.W., Washington, D.C. 20036.

OUR 18 WORST BRIDGES?

These 18 major bridges (in terms of repair costs) urgently need replacement or rehabilitation, according to state requests. As of mid-January, they were still without government financing, officials of the Federal Highway Administration informed Parade.

State, bridge, and total cost

	Millions
Arizona, Little Colorado River Bridge	$9.7
California, Russian River Bridge at Preston	24.1
Colorado, 20th Street Viaduct	25.1
Connecticut, Charter Oak Bridge	183.6
District of Columbia, Whitehurst Freeway	58.6
Georgia, U.S. 17-SR 25/Savannah	51.4
Illinois, U.S. 67/Mississippi River	80.0
Iowa and Illinois, U.S. 34/Mississippi River	30.0
Kansas, West Kansas Avenue Bridge	31.9
Maryland, U.S. 50 over Choptank at Cambridge	51.0
New York, Brooklyn Bridge	105.0
North Dakota, Four Bear Bridge	23.9
South Carolina, Cooper River and Town Creek Br	155.4
Texas, State Hwy. 87/Neches River (Rainbow Bridge)	60.0
Texas, State Hwy. 358/Cayo Del Oso	11.6
Washington, Hood Canal Bridge East Half	77.9
Washington, Ebey Slouth Bridge	120.8
Wisconsin and Minnesota, Stillwater Bridge (Route 64)	61.9

WOMEN'S HISTORY WEEK

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Ms. FERRARO. Mr. Speaker, I am delighted to join my colleagues in recognizing the many valuable contributions women have made to the growth of our Nation as we observe Women's History Week. I particularly want to commend my good friend, the gentlewoman from Maryland, for her leadership in this effort.

Women's History Week gives us an opportunity to take special note of the contributions women have made in America's history. It is both unfortunate and encouraging that we are observing Women's History Week. Unfortunate because 206 years after the birth of the Republic, it is still necessary to call special attention to the role that has been played by a group that makes up a majority of our population. Encouraging, because at last that role is getting the attention it deserves. I look forward to the day when the equality of the sexes will be taken for granted, and there will be no more need for a Women's History Week than for a Men's History Week.

One measure of the progress that American women have made is our numbers here in the U.S. Congress. Since Jeanette Rankin was first elected from Montana in 1916 and Hattie Wyatt Caraway won election to the Senate from Alabama in 1932, growing numbers of women have served.

The steady increase in the number of women who hold political office is a result of changes in attitudes held by men and women about women's role. These changing attitudes are both a cause and a result of women's progress.

As we observe Women's History Week, it is apparent that standard American history is woefully inadequate in reporting women's contributions. As young women become more aware of the strong tradition of active involvement by women in public affairs, there is a growing willingness to become active themselves. Their increased activity then spurs others to probe deeper into women's role in America's past, and the drive to get involved today and the interest in past achievements become mutually reinforcing.

Earlier I mentioned Hattie Caraway as the first women ever elected to the U.S. Senate. But she was not the first woman ever to serve in the Senate. That honor goes to Rebecca Latimer Felton.

On November 21, 1922, Ms. Felton, then 87 years old, was appointed to the Senate by the Governor of Georgia, a man who had opposed the suffrage movement. She served only 1 day, but took advantage of the opportunity to proclaim her appointment as a great advance for women. Said Ms. Felton, "The word 'sex' has been obliterated from the Constitution. There are now no limitations upon ambitions of women."

It is ironic that 60 years after Ms. Felton celebrated the "obliteration" of the word "sex" from the Constitution, her successors are fighting to include it, for precisely the same reasons.

While the fight for equal rights under the Constitution has not yet been won, we have certainly made great strides since the ERA was first introduced just 1 year after Rebecca Felton served in the Senate.

Since the time of Jeannette Rankin, the number of women who have served in Congress has risen to 108, the newest being the gentlewoman from Connecticut (Ms. KENNELLY).

The increase in the numbers of women in Congress has changed the emphasis on women's role in history from the traditional view, which has us busily sewing flags, healing our country's war wounded, and generally staying behind the scenes. Over the past half century, we have seen women moving into prominent positions, making policy, taking the lead on issues of concern to them.

A history of Congress in the 20th century will include the achievements of women like Margaret Chase Smith, Maurine Brown Neuberger, Edith Nourse Rogers, Martha Wright Griffiths, Leonor Sullivan, and Edith Green.

In the past 10 years, more women than ever before have come to Congress. While we are still badly underrepresented based on our percentage of the entire population, the 21 women now in Congress is the most there has ever been. I am confident the trend toward more women winning election to public office, including Congress, will continue, and the history of women in America will get more of the attention it deserves.

Finally, I want to pay tribute to a contemporary of ours whose vital presence, compassionate concern for the welfare of her fellow Americans, and sense of justice has been an enriching experience for us all. I am speaking of our colleague and my fellow New Yorker, Congresswoman SHIRLEY CHISHOLM. Her leaving will certainly create a void, but her legislative contributions leave a record that stands as a challenge and an inspiration for those of us who remain to continue the fight she has fought so long.●

COAL SLURRY PIPELINES

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. CLINGER. Mr. Speaker, the House will soon be considering legislation, H.R. 4230, to provide Federal eminent domain for coal slurry pipelines. The March 1 edition of the Pittsburgh Press calls attention to the need for slurry pipelines in an article entitled "Time to Pipe Coal." Mr. Speaker, I would like to offer this article for the RECORD so that my colleagues can become more familiar with the reasons why this Nation needs coal slurry pipelines.

[From the Pittsburgh Press, Mar. 1, 1982]

TIME TO PIPE COAL

More than half the electricity used by Americans is generated from coal. The cost of moving coal from mine to powerplant is a major factor in the "light" bills millions receive every month.

That cost is higher than it needs to be. But for 20 years, the railroads—which carry 65 percent of all the coal mined in the country—have been blocking the only feasible alternative to the large-scale transport of coal between inland states.

The alternative is to pulverize coal, mix it with water or some other liquid and send the resulting slurry through pipelines.

The only operating coal slurry pipeline pumps 4.8 million tons of coal a year from Arizona to Nevada at a cost less than half what it would be if shipped by rail.

There could be more such pipelines, but the railroads won't let them cross their tracks.

Bills in both houses of Congress would grant coal-slurry pipelines the right of eminent domain, similar to that granted oil and gas pipelines during World War II (also over rail-industry opposition).

Yet for some curious reason, the Reagan administration has taken the position that this would be an unwarranted federal intrusion into a matter better left to the states.

That's curious, because coal pipelines clearly involve interstate commerce and it was the federal government which granted railroads their rights of way back in the 19th century.

The railroads have tried to justify their opposition by pointing out that many Western states are already short of water.

This is a smokescreen. Not only can slurry be made with oil or methanol but the latest development is to put powered coal in capsules and propel them with air pressure.

Coal-slurry pipelines would introduce some much-needed competition into the business of transporting coal and would lower prices for consumers. Congress should pass the legislation giving them the chance.●

BARRIER ISLANDS AND HURRICANES

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. EVANS of Delaware. Mr. Speaker, the fact that many populated areas on our Atlantic and Gulf of Mexico coasts have not experienced direct hits by hurricanes in a number of years is both a blessing and a curse. It is certainly a blessing that many of our residents have been able to avoid the tremendous cost in terms of human suffering and property losses that inevitably accompanies major hurricanes. On the other hand, it may prove to be a curse in that hurricanes are inevitable and their absence has lulled many people, who live on—or want to live on—the coast, into a false sense of security.

In the words of Neil Frank, Director of the National Hurricane Center, "We are more vulnerable to the hurricane than we have ever been in our history."

The problem is especially acute on the many barrier islands and similar geologic areas that line most of our Atlantic and gulf coasts. These areas are being urbanized at a rate of about 6,000 acres per year, and in some cases, construction is now taking place on what used to be open channels or inlets and storm overwash areas.

One of the serious issues raised by such rapid development is the ability of public officials to evacuate residents and visitors of such areas when a

storm is coming. An article in the Christian Science Monitor reported that it would take 14 to 17 hours to evacuate 900,000 people from one area on the gulf coast of Florida and that reliable hurricane forecasts can only be made 12 hours or less in advance.

Mr. Speaker, I have introduced legislation, the Coastal Barrier Resources Act, H.R. 3252, that would prohibit most Federal expenditures and forms of financial assistance on presently undeveloped coastal barriers. Development of these storm- and hurricane-prone areas should be a matter of individual choice, and my legislation does not prevent a private land owner from developing his property as he sees fit—so long as he bears the full cost and risk. It should not be the role of the Federal Government to subsidize development of these areas, nor should the taxpayers' dollars be used to encourage individuals to locate in hazardous areas.

The approach embodied in H.R. 3252 makes sense from the standpoint of saving tax dollars as well as saving lives and property.

Because the matter of hurricanes and barrier islands has been of considerable interest, I ask that an article apprearing in the Christian Science Monitor on May 5, 1981, and an article appearing in the Washington Post on February 15, 1982, be printed in the RECORD.

U.S COASTAL BUILDUP MAKES HURRICANE EVACUATION HARDER

(By Gil Klein)

As more and more Americans relocate to the Sunbelt states of the lower Atlantic and Gulf coasts, they bring with them potential vulnerability to a major problem—hurricanes.

So worried federal and local safety officials are beginning to take action to minimize the impact of the problem before it happens.

Recent studies completed by the US Army Corps of Engineers show that thousands of people could be stranded if a hurricane should strike many of the densely populated low areas along those coasts. Yet it is into such areas that many newcomers are heading.

In fact, about 50 percent of the people moving to Florida will be living in places that are flood-prone during a major hurricane. Moreover, the vast majority of people living in the state now have never experienced a hurricane, and officials are concerned they may not understand its destructive power.

The most vulnerable area probably is the Keys, where preliminary studies have shown that it would take up to 24 hours to evacuate everyone on that string of islands to high ground before a major hurricane hit.

Almost as vulnerable is the Tampa Bay area, where hundreds of thousands of people live on barrier islands and lowlands.

Col. James Adams, district engineer of the Army Corps of Engineers in Florida, says evacuations studies have pinpointed the problems facing local governments with an approaching hurricane. Now, he says, solutions have to be found.

The corps will be using the information it has gathered to try to curb the growing problem, Colonel James says. One way will be to set more stringent requirements for new construction on barrier islands.

"It is likely that during the processing of a [construction] permit application, discovery that the proposed activity would stress an already overburdened evacuation route might lead to not granting a permit," he says.

Developers on barrier islands will be required to show that they have taken evacuation into account in their plans, he says—whether it means providing more bridges or constructing high-rise buildings to withstand the wind and storm surge of a hurricane.

But a continued education of people living in dangerous areas also will be required to ensure that they do not do foolish things when a hurricane approaches, James says.

"If each child received four hours of hurricane education each year for Grades 1 through 12," he says, "when that child leaves high school, his preparation is intrinsic and his reaction predictable."

A study completed by the corps and a local planning agency found that evacuation of the Tampa Bay area would mean moving up to 900,000 people and would take between 14 and 17 hours, whereas reliable hurricane forecasts can be made only 12 hours or less in advance.

Neil Frank, director of the National Hurricane Center in Miami, told local and federal officials gathered for the National Hurricane Conference in St. Petersburg recently that "the Tampa Bay area is one of the most difficult areas to evacuate in the United States because of the high concentration of people living on barrier islands."

Adds Roland Eastwood, director of the Southwest Florida Regional Planning Council: "Each year, the population on barrier islands increases, but the number of roads and bridges stays the same. That means an increase in the evacuation time."

And, he says, "People who live on barrier islands generally are retired, older . . . and they are not the best drivers, especially in emergency situations. These will be the people evacuated first.

Mr. Eastwood, whose agency compiled a hurricane evacuation plan for the Fort Myers area, is concerned that mass confusion could occur if a hurricane should suddenly veer toward that city. There have been no hurricane drills there, he says, so people in the command centers will not know each other. Police officers will never have seen the traffic control plans until the day the emergency happens. The evacuees will never have been to their destinations.

Guy Daines of the Pinellas County (St. Petersburg-Clearwater area) Department of Civil Emergency says his county government would have no choice but to issue an evacuation order 17 hours in advance of the time a hurricane was predicted to hit land, even though the chance that it would veer away from his area would be high.

"We have to ensure that people understand that we may have to cry wolf," he says, "but that by crying wolf, we may save people's lives."

NATION SAID FACING HURRICANE DISASTER

(By Philip J. Hilts)

The East and Gulf Coasts are due for a major natural disaster, according to Neil Frank, the nation's chief hurricane forecaster.

Developers, home buyers and local governments have all but ignored the possibility of killer storms. The development of some dangerous barrier islands means that "we are more vulnerable to the hurricane than we have ever been in our history," said Frank, director of the National Hurricane Center.

"Poor building codes, out-of-date evacuation plans and overdevelopment are setting the stage for a major disaster," Frank told the Senate subcommittee on environmental pollution recently.

People have a feeling of security because the country has not suffered a killer hurricane in a populated area in about 30 years, Frank said. He said he believes that federal disaster aid should not be offered to those who build knowing that their apartments or houses are in danger of being wiped away.

Some examples of the danger he cited:

The worst single disaster in American history was a hurricane that hit Galveston Island on the Texas coast and killed 6,000 people in one swipe across the island at the turn of the century.

Now, where those 6,000 were, tens of thousands of people live during the hurricane season. At the spot where the 6,000 were killed, a 17-foot seawall was built to protect the town of Galveston. The seawall has protected the city, but recently a developer put up a condominium on a sandbar in front of the seawall, and more are scheduled to be built, Frank said.

In 1938 a hurricane hit West Hampton Beach on Long Island. "There were 179 homes on the barrier island before the storm," Frank said. "Only 26 remained after the storm. I visited Hampton Beach in 1979 and counted 900 homes in that same area."

In 1954, there were 357 homes on a barrier island on the North Carolina coast, near Wilmington, called Long Beach Island. After Hurricane Hazel only five remained. Now, there are 2,000 homes on the same spot, Frank said.

Other better known and dangerous areas are Hilton Head, Seabrook and Kiawah Islands off the South Carolina coast. Those islands were hit by the center of a storm in 1893 and wiped clean. About 2,000 died.

Frank said there are few city evacuation plans and in every case where the problem has been studied it was found that people could not be evacuated in time. The National Hurricane Center can give about 12 hours of warning of a severe hurricane.

"There are 70,000 people in the Florida Keys today and their escape route is a narrow two-lane road with 50 bridges . . . . It would take 20 hours to evacuate," Frank said. That estimate does not take into account what would happen if there was an accident blocking the one escape route.

"Recent comprehensive evacuation studies for [the] area around Fort Myers, Fla., show it will take between 20 and 30 hours to evacuate . . . for Tampa Bay and Galveston Bay [there would be] evacuation times in excess of 20 hours."

The danger in a hurricane, contrary to the popular idea, is not so much from wind and rain, but from "storm surge." Nine of 10 people who die in a hurricane drown in the storm surge, Frank said.

The winds of the hurricane push up a great dome of water before it, perhaps 50 miles long. The rising water does not slam in like a tidal wave, but instead rises like a quick tide to flood coastal areas, sometimes reaching 20 to 25 feet above sea level. On top of this are powerful five-foot waves.

Since barrier islands are most often only about five feet or so above sea level, a major hurricane's storm surge can put an island under 10 to 20 feet of rushing water plus the five-foot waves. Few structures can survive it, Frank said, and no building code is written to take it into account.

Frank said that between 1900 and 1974 a total of 126 hurricanes struck land on the Atlantic and Gulf coasts. Of those, 52 were "major storms" with winds above 110 mph and a storm surge often over 10 feet.

In the 20 to 30 years since any of these hurricanes hit a heavily populated island, the barrier islands' populations have "skyrocketed," he said, making the next one to strike a populated island likely to be the nation's single worst disaster.●

WHY IS THE JAPANESE ECONOMY PULLING AHEAD? BECAUSE WE PAY FOR THEIR DEFENSE

SPEECH OF

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. RICHMOND. Mr. Speaker, at the end of World War II, the economy of Japan was in shambles and the words "made in Japan" identified cheap, shoddy copies of American-made goods.

Today, the Japanese economy is one of the wonders of the world and the words "made in Japan" identify goods that are generally of the highest quality, innovative and often significantly less expensive than American goods.

Not only have the Japanese caught up with the United States, in many industries they have surged ahead of us and the question is, why?

While the answer to this is not a simple one, there are at least two reasons why the Japanese have been able to beat us in industry after industry.

First, the Japanese have virtually walled out foreign competitors from the Japanese market through an impenetrable net of tariff and nontariff barriers. Their domestic industries are nurtured within their own closed borders. They are given government aid and the time needed to develop into world class competitors before meeting world class competition. In our trade relations with Japan, America is little more than an economic colony. They export highly manufactured luxury goods to us and in exchange we are permitted to ship them whatever raw materials their economy needs as well as much of the grain and unprocessed food needed to support their food processing industries.

To correct this inequity, I recently introduced H.R. 5814, the Fair Trade with Japan Act which would force the Japanese to open their markets to American manufactured goods or else lose their right to ship unlimited quantities of their luxury manufactured goods here.

Even if the unfair trade practices of the Japanese were abolished, however, American industry would still suffer an immense disadvantage because of the second inequity in our economic relations with Japan—the Japanese spend only a fraction of what we spend on defense and instead rely on us to defend them. As a result, they are able to devote a much larger share of their nation's output than we are to investment, research, and development and other activities that give their industries an advantage over ours.

In other words, because we bear the burden of defending not only ourselves but the Japanese as well, we are giving them the wherewithal to undercut American industry and throw American workers out of jobs.

Here are some of the basic facts of defense spending in the United States and Japan, according to the International Institute for Strategic Studies:

Although total output of our economy is only twice the output of the Japanese economy, we spend 16 times as much on defense as the Japanese do.

During 1980, on a per capita basis, we spent about $650 per person in this country for defense, while the Japanese spent only $75 per person.

Almost a quarter of our Federal budget goes for defense, compared to just over 5 percent of the Japanese Government's budget.

Finally, the Japanese spend less than 1 percent of their gross national product on defense, while we devote more than 6 percent of ours.

What the Japanese save on defense goes into business investment. According to the United Nation's Monthly Bulletin of Statistics, during 1979 the United States devoted only 18 percent of its gross domestic product to gross fixed capital formation while the Japanese devoted 32 percent of their GDP to investment.

As a result, the Japanese economy has grown from 4 percent of ours in 1951 to almost half the size of ours today. With a population half ours, this means that the average Japanese family today has a living standard as high as that of the average American family.

Since 1960, the productivity of the average American worker has gone up about 80 percent. During the same time, the productivity of the average Japanese worker has gone up almost 400 percent.

While we have been living with rampant inflation, the Japanese have enjoyed much more stable prices. For example, in 1979, when consumer prices rose more than 13 percent here, prices in Japan rose less than 4 percent.

Unemployment is much less of a problem for the Japanese. Unemployment amounts to less than 3 percent in Japan compared to almost 9 percent here.

Much of this economic advantage accrues to Japan because of the umbrella of protection afforded by our defense spending. While we channel our billions into missiles, tanks, bombers, and warships, the Japanese can channel their billions into semiconductors, robotics, computerized assembly lines, R. & D., and up-to-the-minute factories and machinery.

There are many ways in which the Japanese can begin to share the burden of their own defense and thus remove the special advantage their industries have over ours. For example, they could simply reimburse us for what we spend on their defense. Or they could pay the operating and maintenance costs of our 7th Fleet which defends the Japanese islands. Or they could increase the share of their GNP which goes for foreign aid and assistance, thereby increasing their responsibility for improving economic conditions around the world.

And even though the Japanese bear the lowest tax burden of all the industrialized countries, they could significantly increase their contribution to their own defense without raising taxes 1 yen simply by reducing or eliminating the massive subsidies for agriculture that absorb a large part of their Government spending. Right now, the Japanese waste $20 billion per year subsidizing inefficient farmers and protecting them by keeping out American imports.

The American farm sector is the most productive in the world and could supply food to Japan at a small fraction of the cost to Japanese farmers. But Japan is highly selective in what it imports from the United States, keeping out many products, especially processed agricultural products, that would compete with powerful farm interests. American beef is kept out, even though Japanese housewives pay more than four times the U.S. price for Japanese beef. The quota for American citrus is minuscule, even though Japanese oranges ripen at a time when American oranges are not readily available and, therefore, would pose no competitive threat. We could supply rice at $400 per ton compared to Japan's cost of almost $1,300 per ton, but American rice is banned. Why this insanity? Because the Japanese legislature (Diet) has not been redistricted since 1949 and rural interests continue to dominate the Diet, despite a massive shift in the population to urban centers.

By switching their $20 billion farm subsidies into defense spending, the Japanese could begin to shoulder their own defense burden while lowering consumer prices and without increasing taxes. It is up to us, however, to make them do it.●

SOUTH AFRICAN MYTHS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an excellent article by Mr. Donald Woods, which recently appeared in the New York Times and which dispels many of the myths propagated by South Africa's supporters to justify our support for the Pretoria government. Mr. Woods, a South African journalist who was banned and whose newspaper was ordered closed for criticism of the Government's racial policies, escaped from his country 4 years ago.

The administration justifies its tolerance of brutal human rights violations by the South African Government by claiming that South Africa is a bastion against communism, a vital supplier of strategic minerals to the West, a supporter of the Allies during World War II, and a government which presides over blacks who are materially better off than blacks anywhere else in Africa. Mr. Wood's article shows all these claims to be false.

As Mr. Woods notes:

> Surely, most Americans, armed with all the facts, would not long continue to allow their country to be branded as allies of international bullies.

I commend Mr. Woods' important article to the attention of my colleagues.

[From the New York Times, Mar. 1, 1982]

SOUTH AFRICAN MYTHS

(By Donald Woods)

The regime of Gen. Wojciech Jaruzelski, the Polish leader, has much in common with that of Prime Minister Pieter W. Botha of South Africa.

Crackdowns on trade unionists, imprisonment of dissidents without trial, rigid state control of television and radio, censorship of the press on certain topics, bans on freedom of movement and expression—these are characteristics of both regimes. Especially common to both is a deep dread of due process of law, as if nothing were more to be feared than a dissident's right to an open trial.

It is because of such similarities, and because both regimes represent values diametrically opposed to American ideals of individual liberty, that black South Africans ask why the United States urges sanctions against Poland and vetoes sanctions against South Africa. The more cynical among them say that the inconsistency relates to returns on investment. They claim that Americans care more about cash than human rights—a challenging accusation that puts friends of America in the position of the Chicago kid during the White Sox bribery scandal of 1919 who pleaded with his favorite player, "Shoeless" Joe Jackson: "Say is ain't so, Joe!"

Americans' lack of awareness of the full horrors of apartheid suits the South African Government, which has spent several hundreds of millions of dollars propagating certain misconceptions abroad that, though not all directly relevant to apartheid, are used to mitigate excesses of apartheid.

One is the claim that black South Africans are materially better off than blacks anywhere else in Africa—although ascertainable statistics on per capita gross national products indicate that they come 13th in Africa, after blacks in Kenya, Nigeria, Gabon, Ghana, Algeria, Tunisia, Niger, Cameroon, Libya, Ivory Coast, Zimbabwe, and Botswana.

The grinding poverty in many rural South African areas, which have among the world's highest incidences of the malnutrition diseases kwashiorkor and marasmus, must be seen to be believed, and the infant-mortality rate among rural blacks is a sickening indictment of a rich country.

Another myth is found in the implication that the Afrikaner Nationalist administration in Pretoria deserves special consideration from the Western democracies for having supported the Allies in World War II. The opposite is true: The party's leaders were pro-Nazi, and their attacks on Prime Minister Jan Christiaan Smuts' administration for supporting the Allies are all on record, complete with anti-Semitic sentiments that today are swept under the carpet for expediency.

In claiming that South Africa is a significant bastion against Communism, the Government propagates yet another myth. In fact, the apartheid regime, which constantly markets its anti-Communism abroad, is a continuing embarrassment to the democracies and a propaganda "plus" for the Soviet Union in its pitch to the third world.

Then there is the well-nurtured belief that South Africa's strategic minerals are vital to the West and cannot be obtained elsewhere. A detailed two-year study by the United States Senate's Subcommittee on African Affairs, published in 1980, shows this claim to be substantially inaccurate.

There are of course other products exported by the South African myth-factory, occasionally well-packaged in wrappings of half-truth rather than blatant untruth in order to create confusion.

The Government promotes the idea that white-ruled South Africa is militarily invincible against any challenge by blacks, that black South Africans are too ethnically disunited to mount and sustain such a challenge, that apartheid is being reformed to an extent that obviates armed conflict.

Some myths are about to be tested by events, judging by the increasing incidence of sabotage and industrial strikes in the cities and the escalation of guerrilla attacks in rural areas, which could presage the final challenge to Africa's last surviving white Government.

What should the response of the United States be? Surely, at least, a strict neutrality rather than any tacit alliance with tyranny. How would it look to a watching world if a President, more than a century after Abraham Lincoln, shows tolerance for a regime that subjects most of its people to political and economic slavery imposed through 317 laws based on skin pigmentation?

Surely, most Americans, armed with all the facts, would not long continue to allow their country to be branded as allies of international bullies.

A convincing reply is needed, and soon, to those who defame the United States by ascribing its foreign policies to materialistic greed.

Say it ain't so, Uncle Sam.●

AFGHANISTAN DAY, MARCH 21

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, [illegible]rch 10, 1982

● Mr. BROOMF[illegible]r. Speaker, it was my pleasure to be in attendance today when President Reagan signed a proclamation making March 21 Afghanistan Day. The proclamation demonstrates U.S. support for the indigenous freedom fighters in Afghanistan, fighters who stand in opposition to Soviet aggression.

In a further expression of our support, the President announced that the March 22 flight of the Spaceship Columbia will be dedicated to these brave people.

It is important that we commemorate March 21 as Afghanistan Day. The United States, along with our European allies and friends throughout the world, must continue to make the Soviets understand that we will not tolerate the unprovoked occupation of Afghanistan by 100,000 Soviet troops. We must continue to let the Soviets know that we will always condemn Communist intervention into the affairs of any country. Afghanistan, having been an independent and nonalined nation prior to the Soviet attack and occupation, is a particularly poignant case. And lastly, by commemorating Afghanistan Day, we send a signal to the Afghan people that we have not forgotten their plight, that we symbolically stand with them in their fight against Soviet aggression, and that we have deep empathy for the enormous refugee problem that has been created as a result of Soviet warfare in Afghanistan.

I am truly pleased that the President has named former Secretary of State William Rogers, chairman of this national commemoration and that my colleagues and the President have worked in concert to establish March 21 as Afghanistan Day. It serves as a reminder of the basis on which our own country was founded and declares what we stand for internationally.

Mr. Speaker, at this point in the RECORD, I wish to include the texts of the President's remarks and the Afghanistan Day proclamation:

THE WHITE HOUSE,
March 10, 1982.

REMARKS OF THE PRESIDENT AT SIGNING CEREMONY FOR AFGHANISTAN DAY

The PRESIDENT. I can't help but—say thank you all very much—but I can't help but recall that I was in Iran on the day that the first coup took place by the Soviet Union and their overthrow there of the government.

I take particular satisfaction in signing today, a Proclamation authorized by Joint Resolution No. 142, which calls for the commemoration of March 21st as Afghanistan Day throughout the United States.

This Resolution testifies to America's deep and continuing admiration for the Afghan people in the face of brutal and unprovoked aggression by the Soviet Union.

A distinguished former Secretary of State, William P. Rogers, is coordinating the observance of Afghan Day in the United States. He not only has my strong support but that of former Presidents Carter, Ford and Nixon and former Secretaries of State Muskie, Vance, Kissinger and Rusk.

The Afghans, like the Poles, wish nothing more, as you've just been so eloquently told, than to live their lives in peace, to practice their religion in freedom and to exercise their right to self-determination.

As a consequence, they now find themselves struggling for their very survival as a nation. Nowhere are basic human rights more brutally violated than in Afghanistan today.

I have spoken on occasion of the presence of unsung heroes in American life. Today, we recognize a nation of unsung heroes whose courageous struggle is one of the epics of our time. The Afghan people have matched their heroism against the most terrifying weapons of modern warfare in the Soviet arsenal.

Despite blanket bombing and chemical and biological weapons, the brave Afghan freedom fighters have prevented the nearly 100,000-strong Soviet occupation force from extending its control over a large portion of the countryside.

Their heroic struggle has carried a terrible cost. Many thousands of Afghans, often innocent civilians, women and children, have been killed and maimed. Entire villages and regions have been destroyed and depopulated. Some three million people have been driven into exile. That's one out of every five Afghans. The same proportion of Americans would produce a staggering 50 million refugees.

We cannot and will not turn our backs on this struggle. Few acts of international aggression have been so universally condemned. The United Nations has repeatedly called for the withdrawal of Soviet forces. The Islamic Conference, deeply troubled over this assault in Moslem religion, has four times condemned the Soviet occupation. The non-aligned movement has added its voice to the demands for withdrawal of foreign troops. Most recently, as you've been told, the European Parliament took the leadership in advancing the idea of a worldwide commemoration of Afghanistan Day.

On behalf of all Americans, I want to thank the members of the European Parliament for this action and welcome today the participation of Egon Klepsch, Vice President of the European Parliament and his distinguished colleagues.

I also want to express the hope that people the world over will respond with eagerness and determination. And in that connection, I want to express my particular appreciation that we're joined here today by members of the Parliaments of Japan, Kenya, Panama, Thailand and Austria.

We must go beyond public condemnation of the Soviet puppet regime in Kabul to bring relief and an early end to the Afghan tragedy.

We have a human responsibility to the Afghan refugees. The United States has given generous support to the U.N.'s refugee effort. And I'm pleased to announce today an additional commitment of $21.3 million-worth of food. This contribution will bring the total U.S. support for the refugees to over $200 million in the past two years. But I ask that all Americans supplement these funds with personal donations to organizations which work with Afghan refugees and the cause of a free Afghanistan. [Applause.]

Beyond this, the United States is determined to do everything politically possible to bring the Soviet Union to the negotiating table. We and our allies have made clear that Afghanistan will remain a central issue in U.S. government and East-West relations as long as Soviet forces continue to occupy that nation.

We have used, and will continue to use, every available opportunity, including the last meeting between Secretary Haig and Soviet Foreign Minister Gromyko, to urge the Soviets to enter into genuine negotiations for peaceful settlement of the Afghan crisis.

In that spirit I want to address the claim made by the Soviet Union—that its troops entered Afghanistan and must remain there as a result of foreign intervention against the Kabul government. The world is well aware that this is nothing more than propaganda designed to divert international attention from the sordid reality. The foreign interference in Afghanistan comes from the nearly 100,000 Soviet armed invaders. [Applause.]

The United States has consistently followed a policy of noninterference in Afghanistan's internal affairs. We similarly supported the non-alliance character of the previous Afghanistan government.

The fire of resistance in Afghanistan is being kindled and sustained not by outside forces but by the determination of the Afghan people to defend their national independence.

We and most other members of the international community have repeatedly stressed to the Soviets both publicly and privately that we have no objectives in Afghanistan beyond those set forth in the U.N. General Assembly resolutions. These are the withdrawal of the Soviet forces, the free exercise of self-determination for the Afghan people, the restoration of Afghanistan's non-alliance status, and the safe and honorable return of Afghan refugees to their homes.

Unfortunately, the Soviet Union has to date rejected all attempts to move toward an internationally acceptable solution. In 1980 it refused to receive emissaries of the Islamic Conference, who was to travel to Moscow to discuss a political solution. In 1981 it was the British foreign minister who was rudely rebuffed when he presented a very sensible proposal of the European community for a two-tiered international conference which is still on the table.

Finally, the Soviets have evaded the issue, insisting that the U.N. Secretary General seek a solution in Kabul, Islamabad, and Tehran rather than at the source of the aggression in Moscow.

The Soviet Union bears a grave responsibility for the continuing suffering of the Afghan people, the massive violations of human rights and the international tension which has resulted from its unprovoked attack. The Soviet Union must understand that the world will not forget—as it has not forgotten the peoples of the other captive nations from Eastern Europe to Southwest Asia—[applause]—who have suffered from Soviet aggression. [Applause.]

This is the meaning of Afghanistan Day, that the Afghan people will ultimately prevail.

Coincidentally, the day after Afghanistan Day, this country plans to launch the third Columbia space shuttle. Just as the Columbia, we think, represents man's finest aspirations in the field of science and technology, so too does the struggle of the Afghan people represent man's highest aspirations for freedom. The fact that freedom is the strongest force in the world is daily demonstrated by the people of Afghan.

Accordingly, I am dedicating on behalf of the American people the March 22d launch of the Columbia to the people of Afghanistan. [Applause.]

And in that same spirit I call on all Americans to observe Afghanistan Day in their thoughts, their prayers, their activities, and in their own renewed dedication to freedom. With the help of those assembled here today, the unanimous backing of the Congress and the support of the American people, I'm confident that this day will mark a true celebration and not just for freedom in Afghanistan but for freedom wherever it is threatened or suppressed the world over. [Applause.] Now, I shall sign the proclamation. [Applause.]

AFGHANISTAN DAY

(By the President of the United States of America)

A PROCLAMATION

In December 1979, the Soviet Union invaded Afghanistan without provocation and with overwhelming force. Since that time, the Soviet Union has sought through every available means, to assert its control over Afghanistan.

The Afghan people have defied the Soviet Union and have resisted with a vigor that has few parallels in modern history. The Afghan people have paid a terrible price in their fight for freedom. Their villages and homes have been destroyed; they have been murdered by bullets, bombs and chemical weapons. One-fifth of the Afghan people have been driven into exile. Yet their fight goes on. The international community, with the United States joining governments around the world, has condemned the invasion of Afghanistan as a violation of every standard of decency and international law and has called for a withdrawal of the Soviet troops from Afghanistan. Every country and every people has a stake in the Afghan resistance, for the freedom fighters of Afghanistan are defending principles of independence and freedom that form the basis of global security and stability.

It is therefore altogether fitting that the European Parliament, the Congress of the United States and parliaments elsewhere in the world have designated March 21, 1982, as Afghanistan Day, to commemorate the valor of the Afghan people and to condemn the continuing Soviet invasion of their country. Afghanistan Day will serve to recall not only these events, but also the principles involved when a people struggles for the freedom to determine its own future, the right to be free of foreign interference and the right to practice religion according to the dictates of conscience.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate March 21, 1982, as Afghanistan Day.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

RONALD REAGAN.●

H.R. 5421 COMES TO PHONE CONSUMERS' RESCUE

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. MOTTL. Mr. Speaker, in this era of rapid expansion and diversification in the Nation's telecommunications industry, I feel it is important that we provide protection for the consumers' rights in policy decisions that directly affect their pocketbooks. H.R. 5421 provides the mechanism for insuring that residential telephone users have a voice in national telecommunications policies and protection from exorbitant local phone rate increases.

The National Telecommunications Consumers Board Act would create a nonprofit corporation supported by the collection of voluntary membership dues from residential telephone consumers. Membership invitations would be included along with monthly telephone bills. These dues will then be used to hire a staff of attorneys, accountants, and other experts who will represent telephone consumer interests before ratemaking bodies, courts, the FCC, and other public forums. Let me stress that no tax revenues are used and no government bureaucracy is created. The consumer board will stand or fall on its own enterprise.

Individual residential telephone users simply do not have the money or time to represent user interests as forcefully as telephone companies represent themselves. The effectiveness of a consumer utility board will come in part from its mere existence as a deterrent against antiratepayer actions and in part from the activist role it will play as a public interest litigator.

I urge my colleagues to lend your support to this innovative concept by cosponsoring H.R. 5421. Thank you.●

PROBLEMS OF WILD HORSE AND BURRO MANAGEMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today to bring sound management principles and commonsense to a program that has grown out of control and threatens the future productivity of rangelands and public lands in the West. Through amendments to Public Law 92-195, I hope the Congress can once again let the professional land management experts cope with the problem of wild horse and burro management. The present law, passed in the spirit of high emotionalism with little relationship to fact, has fostered an intolerable overabundance of wild horses and burros whose populations have led to unmanageable levels, disrupting ecosystems and displacing the native wildlife and flora and fauna. At a time when this Congress is attempting to cut spending in programs for people, we are spending $2,000 a day to feed horses and burros that have been rounded up with no adoption demand. At present, the BLM has no alternative for excess horses and burros but to destroy and bury them, and the budget considerations and decreased adoption demand has impeded their removal. The BLM, in concurrence with independent studies now underway, estimate appropriate levels for wild horses and burros to be around 30,000; because of Public Law 92-195's inflexibility, those levels have grown to around 60,000. This situation, in light of its destructive capacity for Western grazing lands, parks, wildernesses, and the like, must be corrected. My amendments, like those introduced in the other body by Senator McClure, would seek to institute a program which recognizes the growing problem, and provide relief through better management. The amendments would authorize a study of the environmental damage caused by wild horses and burros, analyze their demographics, and allow the BLM flexibility in their programs, while maintaining the "Adopt-a-Horse" program. I would hope that the Members of the Congress will address this matter expeditiously, in an effort to head off a crisis in management of wild horses and burros, and can support this legislation as it winds its way through committee and toward the floor. Thank you, Mr. Speaker.

H.R. —

A bill to make certain amendments to Public Law 92-195 relating to the protection of wild free-roaming horses and burros

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of Public Law 92-195 relating to the protection of wild free-roaming horses and burros is amended by—

(1) striking out "; and that these horses and burros are fast disappearing from the American scene." and inserting in lieu thereof a period; and

(2) by inserting at the end thereof the following: "It is also the policy of Congress that a healthy wild free-roaming horse and burro population base shall be sustained and that rangeland resources shall be protected for the benefit of wild free-roaming horses and burros, wildlife, and livestock.".

Sec. 2. Section 3 of such Act is amended—

(1) in the fifth sentence of subsection (a) by striking out "at the minimal feasible level and" and inserting in lieu thereof "in accordance with the resource management objectives for the area established in land use plans. Such plans and activities";

(2) in subsection (b)(2)(B) by striking out "*Provided*, That, not more than four animals may be adopted per year by any individual unless the Secretary determines in writing that such individual is capable of humanely caring for more than four animals, including the transportation of such animals by the adopting party" and inserting in lieu thereof "*Provided*, That not more than two animals may be adopted per year by any individual";

(3)(A) in subsection (b)(2)(C) by striking out "destroyed in the most humane and cost efficient manner possible." and inserting in lieu thereof "sold or destroyed in the most humane cost efficient manner possible: "*Provided*, That after the sale, the excess wild free-roaming horses and burros become subject to all State and local humane laws, and all Federal humane laws other than this Act.";

(B) in subsection (b)(2) by adding at the end thereof the following flush material:

"Revenue from the sale or adoption of excess wild free-roaming horses and burros authorized by section 3(b)(2) shall be deposited in the appropriate account of the agency from whose lands the excess animals were removed in order to reimburse the agency for costs related to removal, sale, private maintenance, habitat improvement, and studies for the general welfare of wild free-roaming horses and burros.";

(4) in subsection (b)(3) by striking out "January 1, 1983" and inserting in lieu thereof "January 1, 1985";

(5) in subsection (c) by striking out "upon application by the transferee to grant title to not more than four animals" and inserting in lieu thereof "to grant title";

(6) in subsection (d)(1) by striking out "pursuant to subsection (c) except for the limitation of subsection (c)(1) of this section" and inserting in lieu thereof "at sale or pursuant to subsection (c)"; and

(7) in subsection (d) by striking out the semicolon and "or" in clause (4) and all of clause (5) and inserting in lieu thereof a period.

Sec. 3. Section 7 of such Act is amended by striking out "The Secretary of the Interior" and inserting in lieu thereof "Notwithstanding the provisions of any other Act, the Secretary of the Interior".

Sec. 4. Section 8 of such Act is amended—

(1) in clause (1) by striking out "willfully" and inserting in lieu thereof "knowingly";

(2) in clause (4) by inserting after "horse or burro" the following: "without authority from the Secretary";

(3) in clause (5) by adding after "remains thereof" the following: "without authority from the Secretary"; and

(4) in clause (6) by striking out "willfully" and inserting in lieu thereof "knowingly" and by adding at the end thereof the following: "Any person who previously has been convicted of a violation of this section or any Federal, State, or local humane laws shall, upon conviction of an offense punishable pursuant to this section, be subject to a fine of not less than $5,000 and not more than $10,000, or imprisoned for not more than two years, or both.".

Sec. 5. Section 9 of such Act is amended in the second sentence by striking out "a public hearing" and inserting in lieu thereof "public notification".

Sec. 6. Section 11 of such Act is amended by striking out the first sentence and inserting at the end of such section the following: "Administrators of other Federal lands not subject to the provisions of this Act shall consult with the Secretary before removing unbranded and unclaimed horses and burros under their jurisdiction. Upon request and to the extent that manpower and scheduling permit, the Secretary is authorized to remove such unbranded and unclaimed horses and burros in accordance with section 3 (b) (2) of this Act.".●

SERIOUS PROBLEMS IN HEALTH CARE FINANCING ADMINISTRATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. FORD of Michigan. Mr. Speaker, I am informed quite reliably I believe, that the Health Care Financing Administration (HCFA) is about to reduce its work force by almost 300, this month. It is expected that HCFA will let another 600 to 700 people go at the beginning of next October.

Two things concern me about this news. In the first place, I am informed that a majority of the positions scheduled to be abolished are in HCFA's Office of Direct Reimbursement, a component of the agency which performs claims review and payment for certain health care providers. The net result of this shift is that, at the same time that civil servants are laid off, private insurance carriers will have to add staff, since the work will simply be contracted to them. The saving, if any, of this "contracting-out" of reimbursement will surely be trivial. While HCFA will be able to point to a reduction in "administrative costs" due to this part of the RIF, those costs will simply appear at another point in the budget: contractor reimbursement.

Second, Mr. Speaker, I would point out to the Members that, at the very moment that HCFA is in the final stages of reducing its work force by a total of almost 1,000 employees, it is about to ask the Congress for 2 new programs: a so-called medicare voucher program which will require several hundred new staff for its implementation, and the federalization of the entire medicaid program, which will probably entail the hiring of 1,000 additional new employees.

Meanwhile, the Government will have paid millions of dollars in severance benefits, continuation of health benefits, and accrued annual leave payout to almost 1,000 civil servants, many of whom will be eligible for reinstatement, if the plans outlined above come to fruition. In the interim, however, many of these civil servants will suffer needless pain and hardship to serve the cosmetic purpose of making it seem that this administration is saving money when, in fact, the reverse may well be the ultimate result.

One continues to wonder about this matter as about so many that this administration has dealt with in the past 14 months, whether the administration really knows the difference between window dressing and real solutions. The present instance is hardly reassuring.●

THE OLDEST TRANSPORTATION INDUSTRY

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. RATCHFORD. Mr. Speaker, it is my pleasure to rise and pay tribute to the oldest industry in Meriden, Conn., the railroad station. One of my most distinguished constituents, Mr. James M. S. Ullman, has written an article tracing the history of the railroad in Meriden, which is over 143 years old.

The railroad is the oldest mass transportation system in this country. Yet, President Reagan has persistently made attempts to eliminate funding for Amtrak, which provides rail passenger services in this country. My constituent, Mr. Ullman, has written an excellent article explaining how the forefathers of Meriden located this town near the station so that everyone would have the benefits of mass transportation.

Mr. Ullman is a multitalented gentleman. He has had a successful law practice for the past 22 years, also is actively involved in the National Association of Rail Passengers, and the historic Valley Railroad. He realizes that we cannot afford to abandon the rail system. I believe that the text which follows clearly states why the 97th Congress must provide funding for the most efficient transit system in this Nation, the passenger railroads.

OLDEST MERIDEN BUSINESS STILL ON THE RIGHT TRACK

(By James M. S. Ullman)

Question: What commercial downtown Meriden enterprise has been in business every day since November, 1838? Answer: The railroad. Indeed, the railroad is the senior citizen of downtown Meriden, steaming along for the last 143 years and still going strong! As a matter of interest, the "downtown" is locationwise where it is today because when the railroad came to town, "downtown" moved from Broad Street to be near the railroad depot. While those born after 1940 may not know it, the railroad was in Meriden (as elsewhere) the centerpiece of the community. "Down at the Depot" was synonymous with "where the action was".

Many interesting things have happened at the Meriden station. In 1906, the Liberty Bell itself, on a tour of the East, and en route to Boston stopped in Meriden where thousands jammed the area of the Main Street railroad crossing to see the historic artifact of American history mounted on a flatcar for public view.

During the Second World War, when Prime Minister Churchill came through town on a train from Ottawa, the train's decreased speed approaching the crossing captured the Prime Minister's curiosity and, with war-time security requiring drawn curtains, he lifted his in time to see Meriden and for all at the station to see him.

Then, of course, there was that memorable moment (seen in person by the writer) when General Douglas MacArthur, came through Meriden after his controversial recall. While standing on the platform of the observation car, he noticed a Meriden man who had served on his staff and broke his erect military bearing and attempted with great enthusiasm to reach over the rail and grasp the hand of the Meriden resident.

Many famous people have spoken here from the trains, amongst them Woodrow Wilson and Marshall Foch. Do you remember when Connie Mack and his Philadelphia Athletics came to Meriden to play the Insilco's? Usually, the team came in two Pullmans which were uncoupled from a regular train and placed on the siding just opposite the present station.

It's interesting to note that Meriden has had three stations over the last 100 years. The 1882 station, a huge structure, took up most of the space which is bordered by the present canopy and the widened State Street, back into the Hub's parking lot. This grand structure was demolished in 1942 and replaced by a red brick Colonial style station which, for present day passengers on their way to Boston was the model for the existing Route 128 station.

The present station, which is modest by any standards at least had the distinction of welcoming the historic Freedom Train in 1976. And on the evening of September 29, 1972 the re-inauguration of the Montrealer (Amtrak's Washington to Montreal overnight train) also passed through town.

As in days gone by, people showed up at the station to celebrate the reinstitution of this Prohibition-era train which was started up to afford thirsty Americans an opportunity to go to Canada and have a legal drink! Interestingly enough, railroadmen still call this train the "bootlegger".

During the last ten years we've seen a concerted effort to maintain and improve the service here. The State has purchased a new fleet of Budd cars, known as SPV 2000's, which have supplanted the 1948 style self-propelled cars. The "Banker's Express" has been restored, giving the Meriden community, an early morning (7:10 a.m.) direct, no-change at New Haven, train to New York City with a direct return from Pennsylvania Station at 5:37 p.m.

In addition, the Boston-Chicago train, an ancestor of the New England section of the "Twentieth Century Limited" (America's most elegant train) has been restored so that it's possible for a Meriden resident to take a train to Springfield, Mass., and then travel westward to Albany, Buffalo, Cleveland and Chicago on Amtrak's Lake Shore Limited.

Curiously, in mid-November of 1927, floods decimated the New York Central Railroad and for days Meridenites saw the "Twentieth Century Limited" and other crack New York-Chicago trains pass through Town on the detoured route.

More improvement is necessary. The key to successful railroad service in Meriden (which would make the station a center of activity and a drawing point from surrounding cities, all of which nave no rail passenger service) is extending the present trains which terminate at Springfield to Boston. Actually, the introduction of through-service to Boston from Meriden would be of great interest to Red Sox fans because the tracks run so close to Fenway Park that a stop at the ballpark would be possible!

Oddly enough, we in Meriden don't realize how lucky we are to have train service about every two hours to New York—giving us 14 trains a day in Meriden. Cleveland, by contrast, has only two trains a day and such major cities as Nashville and Des Moines (cities larger than Meriden) have no trains at all.

For those who think that trains are a thing of the past, history, in one of its notable twists of fate, may very well return the railroad back to its preeminent position in transportation. With reports out of the Middle East every day indicating a return to a gas crisis, more trips of the future may begin with the magic words, "All Aboard". All of this should work to our advantage in downtown Meriden as we may become a transportation center for the Towns that surround us. So, fire up the boilers number nine . . . "The Meriden Special" is comin' on down the line, bound for the future!●

DECLARATION OF SLOVAK FREEDOM

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. DWYER. Mr. Speaker, on Saturday, March 13, 1982, the citizens of the Raritan Bay area in New Jersey will be commemorating the 43d anniversary of the Declaration of Slovak Freedom.

It is a most significant date in the ongoing, historical struggle in the captive nations' quest for freedom.

The Slovaks are a proud people and rightly so, cherishing that all-too-brief period as an independent state. In the waning months of World War II, the arrival of Soviet troops and subsequent events abruptly ended that autonomy but not the vision and inheritance that is uniquely Slovakia.

And, despite their present status as part of the Soviet bloc—an oppressive presence they vehemently despise—the Slovaks remain proud and committed to their rich culture and heritage.

We have been privileged in this Nation—in our own area—to reap the benefits of that culture and the powerful inspiration of Slovak self-determination beyond these shores.

As the flag is raised in a most fitting tribute to the Slovak dream 43 years hence, we should all take pause in humble recognition of Slovak nationalism and all that it signifies.●

SAVE COLLEGE AID PROGRAMS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. FRANK. Mr. Speaker, one of the grave mistakes which Congress made last year was enacting the very deep cuts in student assistance programs advocated by the Reagan administration. This year, the President is seeking to have us compound that mistake by cutting even further into these programs. The result of these cuts is that many students from working class families are being foreclosed from any higher education at all; many, many others from moderate- and middle-income families are virtually denied any choice in the sort of education they will seek; nationally, our efforts to improve productivity by educating a work force for the kind of jobs that will be important in the eighties and nineties is undercut. And many of our colleges and universities will find themselves forced to resort to a form of economic segregation which is educationally unsound.

The Walpole Times recently editorialized, very cogently, against these cuts. One point in particular which the Walpole Times made ought to be stressed:

> Today's students should not be punished for the failures of yesterday . . . rather than eliminating the loan program today, the nation should begin an aggressive campaign to collect the money it is owed, going as far as criminal prosecution of the most recalcitrant deadbeats if need be. That effort could pay for many college educations without hurting taxpayers.

I agree with the Walpole Times that we should not be penalizing today's young people because of a set of past failures in a program. We can certainly design methods of enforcing the pay back provisions of the student loan program without denying the thousands of young people in Massachusetts and to hundreds of thousands across the country, the chance for the best higher education they are intellectually equipped to receive.

Mr. Speaker, I wish to share this editorial with my colleagues.

[From the Walpole Times, Mar. 4, 1982]

SAVE COLLEGE AID PROGRAMS

Whether or not a day of lobbying in Washington by college students from Massachusetts and around the country on Monday had any effect is impossible to say from this distance.

But what the students set out to do, persuade national leaders that they ought to salvage student financial aid programs devastated by Reagan administration budget cuts, is something that must be of concern in hundreds of Walpole homes.

With the costs of higher education skyrocketing, especially at private colleges, the average student and his or her parents find it more and more difficult to afford a college education. The aid that the federal government has for years made available to students from poor, middle income, and even upper income families has now been eliminated or sharply curtailed.

Thousands of students may no longer be able to afford college. Others, who had considered education in a private institution, will seek space in public colleges and universities, making opportunities in those institutions harder to come by. Private colleges without large endowments will weaken. Many will perish. Families will have to make ever greater sacrifices to afford college at all.

The various progams of student assistance were established because a well educated populace is essential in a complex and technological age. Budget cuts that will weaken our colleges and universities and keep many bright students from developing their skills hurts the entire nation.

One of the arguments used to defend the elimination of the loan program is that many students have left school and never repaid their loans. That argument fails in two respects.

First, today's students should not be punished for the failures of yesterday. Second, rather than eliminating the loan program today, the nation should begin an aggressive campaign to collect the money it is owed, going as far as criminal prosecution of the most recalcitrant deadbeats if need be. That effort could pay for many college educations without hurting taxpayers.

One of the ironies of the cutbacks is that they come from an administration that is on record favoring tuition tax credits. Those credits would allow those who could afford tuition in the first place to get help from the government. Eliminating college loan and grant programs leaves those who most need government help without it.

The Reagan administration has been charged as being one that favors the rich against the poor and the middle class. The cuts in aid are another piece of evidence that the charge is not without substance.

Anyone who has benefited from a loan program, has a child that has, or has a child that may, or cares about the future of higher education in a democratic society should insist that Congress and the President reestablish those programs before the next tuition bills come due.●

PAPAGO INDIAN WATER RIGHTS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. STUMP. Mr. Speaker, when the House considered H.R. 5118, the Southern Arizona Water Rights Act of 1981, I voted against the bill. I offer the following as an explanation of my vote.

The decisions on the allocation of water resources in Arizona, and the West, are decisions which are vital to our very existence. To insure our future, supply and consumption of water must be balanced. Any allocation of limited water resources must be predicated on the understanding of that balance.

The Papago Indian tribal water claim issues addressed in H.R. 5118 do not, in my opinion, result in permanent water allocation solutions. Rather, precedents are established which would extend Indian reserve rights to ground water, as well as allow the tribe the authority to sell reserve rights water off the reservation, an authority the tribes do not currently have. To convert water acquired through the reservation doctrine into a commodity which can be bartered or sold abrogates the very basis and purpose for the reservation doctrine, namely, that the waters are intended for use solely on the reservation.

Arizona, and the West, cannot afford the consequences of either circumstance.

The issue of Indian water rights and claims is far too large with far too many implications to be resolved piecemeal through congressional generosity in individual legislative settlements to Indian tribes. While we do not readily know the scope and implications of the issue, we do know, for example, that in Arizona, if each tribe were granted enough water to irrigate irrigable reservation lands, the claims would be three times the total water supply available for use in Arizona.

The issue demands a comprehensive, rather than individual, review of all Indian and non-Indian water claims and needs for the State by a commission which can identify the problems and develop a responsible resolution to strike the necessary balance to insure the future availability of water for all facets of Arizona.●

CONTEMPT CITATION AGAINST INTERIOR SECRETARY WATT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. SYNAR. Mr. Speaker, last June the House Energy and Commerce Subcommittee on Oversight and Investigations, of which I am a member, began to investigate the treatment of U.S. energy companies in Canada and the issue of Canadian reciprocity under the Mineral Lands Leasing Act. I became actively involved in that investigation, because of my belief that the Canadian national energy plan was encouraging takeover attempts of American energy concerns by Canadian companies.

In the course of our investigation, the subcommittee requested from the Department of the Interior certain information related to the Mineral Lands Leasing Act, to determine whether that law provides the United States with an adequate vehicle to deal with this sensitive problem, and whether the act in its present form was being administered properly by the Secretary of the Interior.

Mr. Speaker, what has transpired since the beginning of our investigation is too lengthy to outline in detail. But let me say, briefly, that since last summer, we have encountered a serious lack of cooperation on the part of the Interior Department, including the outright refusal by the Secretary to provide the subcommittee with certain information it needs, and a failure to respond to certain subcommittee questions. Some documents were subpenaed by the subcommittee, and eventually Secretary Watt, on behalf of the President, asserted executive privilege over 31 documents.

Because of the Secretary's failure to comply with the subcommittee subpena, the subcommittee and now the full Energy and Commerce Committee were compelled to approve a resolution citing Secretary Watt for contempt of Congress. Unless the administration decides to relinquish the documents still being withheld from the subcommittee, the contempt resolution may come before the full House for consideration.

This is not a political issue, and it should not be a partisan issue. It has nothing to do with James Watt's personality, his politics, or his policies, although some have suggested this is the case. Do not believe it.

Nor should you be swayed by the suggestion that Secretary Watt is merely "in a tough situation" caught between a congressional subpena and a Presidential assertion of executive privilege. This tough situation is of Mr. Watt's own making and there is a very simple way of getting himself out of it: he can release the documents and comply with the subpena.

The third most frequently used argument against this contempt citation is that the Secretary has substantially complied with the subpena by turning over most of the documents. Substantial compliance with a congressional subpena is not good enough, and we all know it. If that criteria were used to judge compliance with other congressional subpenas, we could very well end up receiving nothing of real substance or importance from the executive branch. The number of documents, as a percentage of the total, has no consequence whatsoever. By withholding any documents, the Secretary has failed to comply with the subpena. It is as simple as that.

As Members of this body know, the Congress has a constitutional right to virtually any information it needs from the executive branch. In this instance, Secretary Watt is trying to withhold from Congress what is for the most part routine, nonsensitive information developed by midlevel bureaucrats. It has nothing to do with national security or any consultations between the President and his closest advisers. In fact, President Reagan had never seen any of the documents until the day he asserted executive privilege over them.

As elected representatives of the people, charged with the responsibility of overseeing the implementation of the laws we enact, we now have an obligation to assert, not our privilege but our right by law to have those documents. It has nothing to do with who occupies the White House or who serves as Secretary of the Interior. The only question is whether we are serious about protecting the integrity of the congressional oversight process. We cannot buckle under on this issue without setting a dangerous precedent for future congressional investigations.

Chairman DINGELL has captured the essence of the problem when he states:

> What seems to be emerging is a pattern of obstructionism by this Interior Department to legitimate requests for information . . . If the materials denied the Subcommittee in this instance can be covered by executive privilege, then Congress can be denied access to virtually any information in the possession of the executive branch. That cannot be tolerated.

This pattern of obstructionism, as the chairman calls it, has been faced not just by the Oversight and Investigations Subcommittee. Another subcommittee on which I serve, the Environment, Energy, and Natural Resources Subcommittee, has also been denied routine information from the Department of the Interior as well as access to Interior employees, during the course of its own investigation on another issue. In addition, two Interior subcommittees are facing the same problem with Secretary Watt.

Mr. Speaker, the San Jose Mercury News recently ran an editorial on this matter, wherein they state, "Congress and the President are eyeball to eyeball, and it's time for the President to blink." I agree with them, and hope the President will release the documents and avoid this confrontation.

For the benefit of my colleagues, who may be called upon to consider this resolution, I insert the editorial in its entirety at this point:

THE CONTEMPTIBLE JAMES WATT

Time is running out for President Reagan and his Interior Secretary, James G. Watt, to back away from a pointless and potentially damaging constitutional confrontation with Congress.

For reasons which are obscure, the President appears bent on picking an unwinnable fight with Congress over an issue that isn't worth the political capital the struggle will cost him on Capitol Hill. Congress and the President are eyeball-to-eyeball, and it's time for the President to blink.

The point of no return could be reached today, when the House Energy and Commerce Committee meets to consider whether to cite Watt for criminal contempt of Congress.

The Energy and Commerce subcommittee on oversight and investigations recommended by an 11-6 vote on Feb. 9 that Watt be cited for contempt; he had refused to answer eight subcommittee questions and had failed to provide a dozen (Watt says seven) documents subpoenaed by the committee. Even the subcommittee's ranking Republican member, Rep. Marc Marks of Pennsylvania, voted for the contempt citation.

Last Friday, Watt answered the subcommittee's questions, in writing; but he's still stonewalling on the documents, asserting an executive privilege claimed by President Reagan last Oct. 14.

If the Energy and Commerce Committee goes along with its subcommittee, Secretary Watt's chances of going to jail are theoretically good because the contempt citation against him will go to the full House, where the majority Democrats have the votes to pass it.

The whole, unnecessary brouhaha stems from Watt's refusal to give Congress the information it needs to determine whether Canada is giving American investors a fair crack at the Canadian energy field.

The Mineral Lands Leasing Act of 1920 provides that only American companies can prospect on federally owned lands. If Canadians, for example, hold shares in those American companies, then Canada must permit American investors to buy into Canadian energy companies.

All the House Energy and Commerce Committee wanted to know was whether this law, administered by the Interior Department, was being followed and, if so, whether it was working well or needed revision.

Nobody can figure out why Watt decided to defy Congress over this relatively innocuous matter or why the president backed him with a claim of executive privilege, thus jeopardizing the Republican White House's dwindling clout with the Democratic-controlled House.

The documents in question are, from all reports, mid-level memoranda, circulated to the Cabinet council but not directly to the President. Nor, according to State Department officials who should know, do they contain any sensitive foreign policy deliberations, the revelation of which would embarrass the United States in its relations with Canada.

Why, then, the confrontation?

In the opinion of Rep. John Dingell, D-Mich., chairman of the Energy and Commerce Committee, "what seems to be emerging is a pattern of obstructionism by this department (Interior) to legitimate requests for information . . . If the materials denied the subcommittee in this instance can be covered by executive privilege, then Congress can be denied access to virtually any information in the possession of the executive branch. That cannot be tolerated."

Indeed, it can't, and if President Reagan pushes this constitutional confrontation to a test before the Supreme Court, he will almost surely lose. That is the view of Professor Raoul Berger of Harvard Law School, one of the nation's leading constitutional scholars and author of the 1974 work, "Executive Privilege: A Constitutional Myth."

Congress has a constitutional right to the materials Watt is withholding, Berger says, because Congress has the constitutional responsibility for making laws and seeing that they are carried out.

Executive privilege isn't absolute; the Supreme Court has said so twice since 1974, and if President Reagan pushes the point, the court may be forced to add a third decision to that string. The President should back off while there is still time.●

IN SUPPORT OF SOVIET PRISONERS OF CONSCIENCE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. GARCIA. Mr. Speaker, Congressmen ZEFERETTI, FISH, DOWNEY, and I are most concerned with the plight of Soviet Prisoners of Conscience. Their incarceration violates the Helsinki accords and the United Nations' Universal Declaration of Human Rights.

Two cases in particular demand the attention of Congress: Those of Aleksei Murzhenko and Yuri Federov. In December of 1970, Murzhenko and Federov were sentenced to 14 and 15 years, respectively, in a strict labor camp for their involvement in an aborted attempt to hijack a plane to Israel. Neither Murzhenko nor Federov are Jewish; they were attempting to aid Jews in their efforts to emigrate. They are the only participants in that unsuccessful effort to escape who now remain in prison. Murzhenko and Federov are charged with treason, anti-Soviet activities, and other crimes, although their only real offense was attempting to emigrate and aid others in doing so.

We deplore the injustices perpetrated on Murzhenko and Federov, but our most immediate concern is for the personal welfare of these two men. Their health is deteriorating rapidly, as they suffer from various diseases including tuberculosis, kidney illness, and ulcers.

We are therefore working for their release on grounds of human rights and international law. To this end, we have initiated letters to the Soviet leadership cosigned by many of our colleagues in the House, requesting their immediate release. We, as Members of the U.S. Congress, must maintain a virgil on the chronic Soviet breach of international agreements on basic human rights.●

FATHER DONALD KEITH HUMMEL "CITIZEN OF THE YEAR"

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. GUARINI. Mr. Speaker, on Saturday, March 13, 1982, Rev. Donald Keith Hummel, associate pastor of St. Cecilia's Roman Catholic Church in Kearny, N.J., will be honored by the Knights of Columbus and will receive the 1982 Citizen of the Year Award.

This award is most appropriate because this dynamic young man has given completely of himself to God and his community in so many ways. Ordained as a deacon in 1977, Father Hummel, in addition to his priestly duties, teaches at St. Cecilia's High School, where he is department chairman of religious studies, co-moderator of the student council, and part-time chaplain of West Hudson Hospital. He was ordained a priest on May 27, 1978.

This year will mark Father Hummel's 25th year in the Boy Scouts program, wherein he started as a Cub Scout in 1957, rising through the ranks to receive the Eagle Award in February 1964. He continued his interest in Boy Scouting as an adult and served as a member of the Hudson Hamilton Council.

In 1978 he received the St. George Award from the Archdiocese of Newark's Catholic Committee on Scouting; in 1975 he received the Bronze Pelican Award and served as program camp director at Camp Glen Gray, BSA, from 1972 through 1976.

A graduate of St. Aloysius Grammar School, he won honors at St. Benedict's Preparatory School in Newark and served as president of the Catholic Interscholastic Coordinating Council in 1966-67.

His college career included a degree in 1971 from Providence College, Providence, R.I., and a graduate degree in psychology from Montclair State College, where he was honored by the National Psychology Honor Society. From 1974 to 1977 he completed graduate studies at the Immaculate Conception Seminary in Darlington, N.J. His field education included campus ministry at Ramapo College and pastoral ministry to the sick at various Bergen County institutions during 1976 and 1977. He has taught at East Orange Catholic High School, taken part in St. Benedict's prep summer theater and has been involved in physical fitness programs working in camp and recreational programs for almost all of his adult life.

Some of the organizations and activities he has been involved in include:

American Mensa Limited.

Phi Sigma Tau (National Philosophy Honor Society).

Psi Chi (National Psychology Honor Society).

St. Benedict's Prep Alumni Association (1967-present).

Providence College Alumni Association (1971-present).

Providence College Club of New York (1971-present).

Montclair State College Alumni Association (1973-present).

National Eagle Scout Association.

Greater New York Blood Program.

Holy Name Society (various parishes as per assignment).

National Federation of Priests' Councils.

The Academy of Malt Scotch Whisky—lifelong Fellow.

South Greenville Clergy Association.

West Side Development Association.

Cursillo—Candidate—November 1976 (Adult Retreat Experience) Spiritual Director—February 1979.

Search—Team Member March 1976 (Youth Retreat Program).

Our Lady of Mercy Softball Coach (Jersey City).

Priest Experience (Retreat/Dialogue program).

Fishers (Hudson County C.Y.O. Youth Retreat Program).

Seekers (Our Lady of Mercy, Jersey City) Youth Retreat Group.

Iota Eta Pi—Member, sometimes Officer, including President.

In 1979-80 he was spiritual adviser of the Hudson County CYO, which is dedicated to clean minds and healthy bodies for almost 100,000 school children. He has served as CYO moderator at St. Cecilia's Parish; for the Kearny Firemen's Mutual Benefit Association he has served as chaplain; since 1979 he has been a member of the North Arlington Community Council; his duties as an advisory board member of the West Hudson Meals on Wheels program brings his compassion to the homes of the disabled for the program of nutrition and companionship.

In 1981 this ambitious and dedicated young man received the Archbishop's Scouters Award, and during the same year served as a chaplain at the Fredericksburg, Va., Boy Scout Jamboree.

In 1980 Father Hummel was selected as one of the outstanding young men of America by the Jaycees. He is now chaplain of the Kearny Volunteer and Emergency Rescue Squad.

As a priest in the Roman Catholic Church he indeed lives up to R. F. Sample's observation:

> A Christian church is a body or collection of persons, voluntarily associated together, professing to believe what Christ teaches, to do what Christ enjoins, to imitate his example, cherish his spirit, and make known his gospel to others.

Through his love of art, he indeed shows that music is a universal language of mankind. His lifetime is an excellent display of what can be accomplished by the courage to aspire to many of life's challenges by helping to develop brotherhood, character, friendship, hope, happiness, love, and patriotism.

I must commend his work with and for the Boy Scouts of America. He is helping to plant the seeds today of the sturdy oaks of Americans who must lead, guide, and defend our Nation in the path of freedom we all cherish.

I urge Father Hummel to keep up his good work in this area, for it was Phillips Brooks who said:

> Nobody knows what a boy is worth, and the world must wait and see; for every man in an honored place, is a boy that used to be.

I wish to also congratulate the St. Cecilia Council Knights of Columbus on this year of the 100th anniversary of the founding of this organization which has done so much for so many throughout the world.

To Father Hummel—continue your work providing opportunity and social justice. As our beloved Pilgrim of Peace, John Paul II, said in his October 3, 1979, speech at Battery Park, N.Y.:

> Freedom in justice will bring a new dawn of hope for the present generation as it has done before; for the homeless, for the unemployed, for the aging, for the sick and the handicapped, for the migrants and the undocumented workers, for all who hunger for human dignity in this land and in the world.

I am asking my colleagues to join my sentiments of admiration for the true human goodness and greatness Father Hummel possesses.●

IGOR GUBERMAN

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. PEYSER. Mr. Speaker, I would like to bring to the attention of my colleagues another example of human rights violations in the Soviet Union. Igor Guberman is a Soviet Jew who is presently languishing in a strict regime labor camp in the Soviet Union.

In December 1978, Guberman and his family applied for emigrations to Israel and was refused. Soon after he submitted his application Guberman was approached by KGB agents who wanted him "to keep an eye on emigrating Jews and to denounce and prepare provocations against Jewish activists." Guberman refused and refused again when the proposition was repeated to him time after time. Finally, on August 13, 1979, Guberman was arrested. He was falsely charged with the illegal purchasing and selling of icons. For many years he has been collecting these medieval relics which, incidentally, is not forbidden under Soviet law. That, however, seems to have been the pretext for the KGB to bring criminal charges against him. Yet, when KGB agents searched his apartment, they were solely interested in Guberman's notebooks, manuscripts and letters from Israel. When asked why they were not taking the icons, they replied that the icons were of no value. Despite this, Guberman was sentenced to 5 years, of which he served the first 9 months of his sentence in various prisons. Presently, he lives with his wife and young son in a "free settlement, under guard" to "labor for the national economy" in Rybinsky Rayon in Siberia.

Thursday, March 11, marks the second anniversary of the "trial" and conviction of Igor Guberman, my adopted prisoner of conscience. The U.S.S.R. has confiscated his property and continues to deny him his basic human rights. I am here today to draw the attention of all Americans to the plight of this young man and to urge that they contact Soviet officials to press for his release. The free world must continue to protest actions such as these and do all we can to condemn the Soviets' noncompliance with internationally recognized human rights standards.●

THE ADMINISTRATION'S MISMANAGEMENT OF THE ECONOMY

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. MOFFETT. Mr. Speaker, the administration's mismanagement of the economy has become so great that virtually every segment of the business community is now speaking out against it. In stark contrast to the showers of praise that preceded and followed the passage of the Reagan tax and budget program last year, we are now confronted by increasing criticism of the deepening recession and endless, spiralling deficits.

There is a consensus among economists and businessmen nationwide that the deficits created by Reaganomics will render any recovery from the current recession weak at best. As the Government incurs hundreds of billions of dollars in new debt, it will absorb as much as one-half of all the credit available in the economy. These deficits are the direct consequence of the administration's excessive and inequitable slashes in the revenue base of the Government combined with a spectacularly wasteful Pentagon budget.

The specter of ever-increasing deficits has kept interest rates at very high levels—levels so high that many businesses are unable to borrow money to invest in the future. Rather than inspiring a huge new surge of investment, Reaganomics has led to a significant crisis of confidence among investors, as reflected in the 150 point drop in the stock market since the Reagan administration took office. Indeed, as the leaders of the Nation's savings institutions have put it, these "high interest rates are creating an economic and financial crisis in this country." I would like to enter in the CONGRESSIONAL RECORD the complete text of a recent statement by the presidents of the leading savings institutions of the country, in which they called for a fundamental reversal of the economic plans of this administration. I think it notable that they want a reversal of two of the fundamentals of Reaganomics—by advocating a slowdown in defense spending and by increasing taxes. The text of their statement follows.

JOINT STATEMENT OF AMERICAN BANKERS ASSOCIATION, MORTGAGE BANKERS ASSOCIATION OF AMERICA, NATIONAL ASSOCIATION OF HOME BUILDERS, NATIONAL ASSOCIATION OF MUTUAL SAVINGS BANKS, NATIONAL ASSOCIATION OF REALTORS, U.S. LEAGUE OF SAVINGS ASSOCIATIONS

Prolonged high interest rates are creating an economic and financial crisis in this country. In order to bring interest rates down, immediate action must be taken to reduce massive federal budget deficits. More than anything else, it is the spectre of an overwhelming volume of deficit financing which haunts housing and financial markets and poses the threat of economic and financial conditions not seen since the 1930s.

Given these circumstances, there is no alternative to: (1) slowing down all spending, not excluding defense and entitlement programs; and, if necessary, (2) deferring previously enacted tax reductions or increasing taxes. In order to have the necessary impact on financial markets, these actions should be taken prior to any increase in the ceiling on the federal debt.

Even with these actions, the restoration of financial stability and safety will be a prolonged process. It is necessary, therefore, to adopt immediate but temporary measures to address the critical problems of the industries which finance, market and produce housing for American families. These industries have unfairly borne the brunt of destructively high interest rates. Unless immediate and effective short-run measures are adopted, the continued devastation of these industries will, directly and indirectly, aggravate the federal budget deficit and greatly increase the prospect of a general economic and financial crisis.

In times of past crises in this nation, our political leaders have come together in a bipartisan manner to develop effective solutions in the common interest. Our nation is at such a time now. There will be no political winners if the Administration and the Congress fail to accommodate differences and cooperate in dealing with current serious economic problems. The threat to our nation demands prompt, effective and bipartisan action.

Llewellyn Jenkins,
President, American Bankers Association.

Robert B. Masterton,
Chairman, Mutual Savings Banks.

James F. Aylward,
President, Mortgage Bankers Association.

Julio S. Laguarta,
President, National Association of Realtors.

Fred Napolitano,
President, National Association of Home Builders.

Roy G. Green, *President, U.S. League of Savings Associations.*●

THE JESSE PHILIPS FOUNDATION ESTABLISHES THE LOUIS WOZAR INTERNATIONAL RELATIONS FUND

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. HALL of Ohio. Mr. Speaker, in this time of increased emphasis on understanding and communications between the citizens of the United States and of other nations throughout the world, I feel it is appropriate that we recognize a truly significant contribution to world peace and international relations through the Sister Cities Program. That contribution has been made by one of America's leading businessmen from my city of Dayton, Ohio—Jesse Philips, chairman and chief executive officer of Philips Industries, Inc.—in honor of another leading businessman also from Dayton, Ohio—Louis Wozar.

In recognition of the 25th anniversary of the U.S. Sister Cities Program, the Jesse Philips Foundation has established an endowment called the Louis Wozar International Relations Fund. Income from the fund will be used to assist U.S. cities to establish affiliations with sister cities throughout the world. This private sector initiative will assist Sister Cities International, the nonprofit national association for the U.S. Sister Cities Program, to strengthen its service to cities in the United States and abroad by assisting them in the development of meaningful Sister City links. The establishment of this fund is extremely critical to the future growth and viability of the Sister Cities Program and represents significant contribution to those efforts. This kind of private commitment to the Sister Cities Program, coupled with resources made available to the program through the private sector office of the International Communication Agency, represent a crucial investment in international relations through citizen action and community involvement.

The U.S. Sister Cities Program is committed to the goal of enhancing global understanding by encouraging and serving Sister City relationships between U.S. communities and communities throughout the world.

Today millions of Americans are extending the hand of friendship and cooperation to people in other countries through the Sister Cities Program. Some 720 U.S. cities are now affiliated with 960 cities in 77 other countries. American cities in the program represent every section of the country and every size. These cities and their citizens are actively involved in a wide range of mutual programs in areas of educational, cultural, youth, technical, professional, business and trade exchanges. These private, local, volunteer efforts contribute directly to the foreign relations of the United States.

The Sister Cities Program offers an efficient and continuing framework through which individual Americans can tell the real story of America to the people of other lands. But, the Sister Cities Program is not a one-way street. Its purpose is true friendship, which requires mutual respect and understanding of other people. Today, more than ever, we need to understand the character, mood, and aspirations of the people of other nations.

During the 1970's the U.S. Sister Cities Program increased by 100 percent. As the program begins its second 25 years in 1982, the potential for growth throughout the 1980's is even greater. The Louis Wozar International Relations Fund established by the Jesse Philips Foundation will enable Sister Cities International to meet the challenge of that growth.

In establishing this endowment, Jesse Philips stated:

> The Sister Cities Program is indeed a great success story. And, success stories aren't always easy to come by. The Sister Cities Program is unique because it offers an opportunity for citizen volunteers to become involved in the process of international relations—a process that is critical to a stable and peaceful world community. Lou Wozar believes in this concept and for the past twenty years he has devoted his personal talents and professional expertise, as a Volunteer, to something in which he deeply believes—the Sister Cities Program. For six years he served as president of Sister Cities International and currently holds the position of Chairman of the Board. He is a living example of the true meaning of the word "volunteer" and his contribution to the growth and success of the Sister Cities Program has been extraordinary.

In tribute to Jesse Philips, Sister Cities International president Richard Neuheisel, stated:

> The establishment of this fund is extremely critical to the future of the Sister Cities Program and is remarkable evidence of private sector support. Jesse Philips is a leader, a statesman, a man of determination and a man of vision. His business achievements are phenomenal. His record of accomplishment in a broad range of civic, educational and cultural endeavors is extensive. We welcome his interest in and concern for expanding opportunities for peoples of the United States and peoples of other nations to increase their understanding of each other through communication and cooperation. We salute Jesse Philips and we are honored by his contribution to international understanding and world peace through the establishment of the Louis Wozar International Relations Fund.●

PROPOSED CHANGES IN THE MEDICAID PROGRAM

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. MIKULSKI. Mr. Speaker, I recently received an excellent letter from the assistant secretary for medical care programs in the State of Maryland, Ms. Adele Wilzack. While the letter was written before the official presentation of President Reagan's budget, it speaks clearly and pointedly to the harsh issues we are grappling with now. Assistant Secretary Wilzack discusses proposed changes in the medicaid program, and graphically depicts the effect of these changes on the State of Maryland, on recipients, on their families, and on other payors and providers.

I believe this letter should be required reading for every individual concerned with the provision of quality health care in our country. It spells out the clear and present danger that we face when an administration develops changes solely to appease a magical god of "reduced federal spending." It means that costs are merely shifted to other payors less able to absorb those costs, or that services are simply eliminated. It means that we begin to dismantle and weaken, bit by bit, the vital health care system which is the foundation of a strong and prosperous nation.

I would like to insert Assistant Secretary Wilzack's letter, as I know that many of my colleagues will face similar situations with the medicaid programs of their States.

I would like to note that Maryland has the extreme good fortune of having an individual such as Adele Wilzack to provide the creative and responsible leadership necessary for these times. Ms. Wilzack is consistently praised for her knowledge, her competence, and her compassion. People at all levels in the State—consumers, families, providers, institutions, and government leaders—benefit from her exceptional work. I extend my sincere wish that my colleagues in other States will have the good fortune to have comparable individuals working in their State administration.

DEPARTMENT OF HEALTH AND
MENTAL HYGIENE,
Baltimore, Md., February 6, 1982.

Hon. BARBARA MIKULSKI,
Member of Congress,
Baltimore, Md.

DEAR CONGRESSWOMAN MIKULSKI: As the Director of the Maryland Medical Assistance Program, I have many serious concerns about the Medicaid changes that the Reagan Administration reportedly will propose for fiscal years 1983 and 1984.

I have two major overriding concerns about all of the Administration's proposals. One is that they do not address the problem of rapidly escalating health care costs. Rather, they simply pass these costs on to another party (state governments, recipients, other payers, etc.). My second concern is that there is no evidence of a real consideration of service access of quality. The only apparent concern is with cutting costs.

In discussing the fiscal year 1983 proposals, it must be kept in mind that severe funding reductions are already in place. The Omnibus Reconciliation Act of 1981 specifies a 4% reduction in federal Medicaid matching funds to states in fiscal year 1983. Because of the Health Services Cost Review Commission, Maryland's loss is expected to be 3%, or about $9 million. All of the Administration's new cost saving proposals for fiscal year 1983, therefore, are in addition to this cut.

The first five proposals for saving the federal government Medicaid funds all would increase the costs of the states. The first would reduce the federal matching rate for all services for the Medically Needy (aged, blind and disabled persons and families with dependent children who do not receive Aid to Families with Dependent Children or Supplemental Security Income grants), and for optional services for the categorically eligible (AFDC and SSI recipients) by 3%. For Maryland, this would mean a federal matching rate of only 47%, rather than 50%, for more than one-half of all the Program's payments for services for federally-eligible recipients.

The optional services include intermediate care facility services (which account for approximately one-half of our total nursing home payments), services provided in state hospitals and other state facilities, pharmacy services, dental services, vision care, durable equipment, podiatry, medical day care, personal care, and others. Most of these are non-institutional services which are less costly and less restrictive alternatives to institutional care. Medical day care and personal care, in particular, are recently established alternatives to nursing home care. Any reductions in these services would reduce our recipients' access to care and either cause their health status to deteriorate or, if they receive the needed services from institutional providers, cause Program costs to increase.

The second Administration proposal would eliminate the federal match for Medicare Part B buy-in for people who are enrolled in both Medicare and Medicaid. This would shift the entire cost of the premium for Part B to the state, and would require states to decide whether continued participation in Part B was cost effective.

The third proposal would eliminate the special federal matching rates for family planning services and state certification activities. Since the state must continue these functions, the only impact is that the state must use its own funds to replace the lost federal funds.

The fourth proposal would create a combined welfare administration block grant for Medicaid, AFDC and Food Stamps. The amount of the grant would be 95% of the federal payments for these activities in fiscal year 1982. This would be a classic case of "penny wise and pound foolish". At a time when improved administration and increased management efficiency are absolutely essential, in order to reduce fraud and abuse, minimize claims processing and eligibility determination errors, and improve utilization review and third party recoveries efforts, reducing administrative resources is totally illogical. Improved administrative capabilities have been proven cost effective in many areas. Our Recoveries unit, with a budget of $500,000 in fiscal year 1981, recovered $8.2 million from liable third parties. The additional funds used to contract with the Professional Standards Review Organizations for intensified utilization reviews have had a dramatic impact on the use of hospital inpatient services. We also will need additional administrative resources to implement a Medicaid Management Information System, which will greatly improve our administrative capabilities and save the Program additional money in future years.

The fifth proposal would require states to achieve a zero percent eligibility error rate be fiscal year 1986. The allowable error rate for fiscal year 1983, which now is set by the Michel Amendment at 4%, would be reduced to 3%. This proposal also would apply to AFDC and Food Stamps. We are working diligently to reduce our error rate by identifying causes of errors and correcting them and by developing new eligibility regulations which will simplify the eligibility determination process. However, a zero percent error rate is totally unrealistic, especially when funding for administrative expenses is being reduced.

The total federal savings in fiscal year 1983 from these five proposals is estimated to be about $2 billion. Maryland historically has received roughly 1.5 percent of all federal Medicaid funds. Therefore, if Maryland suffers a proportional share of the cuts, it stands to lose around $30 million in federal funds from these proposals in fiscal year 1983. This would be in addition, as I noted before, to the approximately $9 million that we will lose as a result of the Omnibus Reconciliation Act of 1981.

The other three Reagan Administration proposals for reducing Medicaid costs in fiscal year 1983 would produce savings for both the federal and state governments. This would be accomplished by shifting the costs to the Medicaid recipients, their families, and other payers and providers.

The first of these proposals would allow states to require adult children of institutionalized Medicaid recipients to contribute to the cost of their parents' care, and to place liens against the house or other real property of Medicaid recipients in long-term care institutions. To the extent that contributions are received from family members, Medicaid costs would be reduced. This also could work as an incentive for family members to continue to care for the patients at home or to look for less costly alternatives to nursing home care. The Governor's Medicaid Cost Containment Task Force included this as one of its cost containment recommendations in its interim report. This proposal could, however, impose severe financial burdens on families of nursing home patients and would be very unpopular. Maryland state law currently prohibits this requirement so that it, as well as the Social Security Act, would have to be amended. If this requirement were implemented, and if there were widespread resistance to it, it could be quite difficult to enforce. The proposal to allow states to place a lien against the home or other real property of a Medicaid recipient, if it were implemented in Maryland, would have an impact primarily on those recipients expected to stay in the institution less than six months. For those who are expected to be institutionalized for more than six months, the home is considered an available asset under current policies.

The second proposal would require cost-sharing by Medicaid recipients. For all outpatient services, including all private office visits, there would be a $1 per visit copayment for the categorically eligible and a $1.50 per visit copayment for the medically needy. For inpatient hospital services there would be a $1 per day copayment for the categorically eligible and a $2 per day copayment for the medically needy. I have great concerns about the impact that these copayments would have on access to service. Copayments on outpatient services tend to prevent some necessary, as well as unnecessary, care from being received. If needed care is delayed, the person's health status is likely to deteriorate, and the Program may pay more if the person eventually becomes hospitalized for a condition that could have their utilization of inpatient care than their outpatient care, the inpatient copayment requirement will have little impact on hospital utilization and will produce a relatively insignificant amount of savings. Its main impact will be to impose a severe financial burden on recipients with extended hospitalizations.

If states were given the option of imposing copayments, rather than being required to do so, the only service on which we would consider imposing a copayment would be hospital outpatient services. In fiscal year 1981 our average payment per hospital outpatient and emergency room visit was $62.45, while the average payment per physician office visit was $17.14. If the same services (particularly primary care services) are available in the community in less costly settings, such as private physicians' offices and community health centers, a copayment on hospital outpatient services could encourage a shift to the less costly alternatives. Although we would prefer other means of accomplishing this objective, such as providing incentives to recipients who use other sources of primary care or being allowed to pay a reduced rate for hospital outpatient services, a copayment would be one of the alternatives considered.

The final Medicaid proposal for fiscal year 1983 would shorten the automatic extension of Medicaid eligibility for those people who lose AFDC benefits because of increased earnings from the current four months to one month. This would be another disincentive, in addition to those already enacted in the Omnibus Reconciliation Act of 1981, to AFDC recipients to find employment.

The Administration estimates that these three proposals would save $600 million in fiscal year 1983. If Maryland maintains its proportion of the total, it could save about $9 million in state expenditures through these measures. The financial burden of this $9 million, and the matching $9 million that the federal government would save, would be shifted to Medicaid recipients, their families, other health care payers, and providers.

In addition to these Medicaid proposals, many of the Medicare proposals would have a financial impact on the Maryland Medicaid Program. More than 40,000 Medicare beneficiaries are also covered by Medicaid in Maryland. Any proposal that would increase premiums, deductibles, or co-insurance for Medicare beneficiaries, or that would reduce their coverage, would increase Medicaid expenditures by the same amount.

The major Administration proposal for medicaid for fiscal year 1984 is, of course, the "swap". As President Reagan presented it in his State of the Union address, the federal government would take over responsibility for administering and financing the Medicaid program and the states would be given responsibility for administering and financing the AFDC and Food Stamp programs.

Traditionally, the states and social welfare advocates have supported the federalization of all income maintenance functions, including Medicaid and Food Stamps. They have argued that poverty is primarily a national problem, the result of national economic and social conditions and trends, and that it should be addressed, therefore, at the national level. The federal government originally became involved in these functions because states could not or would not carry them out. Federal participation has helped to reduce the discrepancies in assistance between the rich and the poor states, and has helped assure that at least a minimum standard of support is maintained. The major problem with turning public assistance programs over to the states is that the states with the greatest need for public assistance for their citizens are precisely those states least able to afford to provide it.

I have several reservations about this swap proposal. One concerns the financing. Our estimates of the costs of the three programs involved vary greatly from the Office of Management and Budget estimates released last week. We estimate that if the swap had been in effect in fiscal year 1981, Maryland would have suffered a net loss of $57 million. Our estimates for fiscal year 1982 (based on the budget appropriation) and fiscal year 1983 (based on the Governor's budget allowance) show a net state loss of nearly $18 million in fiscal year 1982 and over $20 million in fiscal year 1983. This compares with an OMB estimate that Maryland would have a net gain of $59 million in fiscal year 1984. It appears that the only way Maryland would benefit financially from this swap, as the OMB estimates, would be if the AFDC and Food Stamp programs were cut significantly between now and 1984, and the state did not maintain current coverage levels with its own revenues.

From a programmatic point of view, I have additional concerns about a federal takeover of Medicaid. In the past year and a half, we have taken a number of responsible steps to overcome a huge deficit in our Medicaid Program. The critical financial problems of the Program were brought under control without having to resort to reductions in eligibility or the elimination of benefits. Considering the efforts of the Administration in the past year to cut Medicaid in particular and health care in general, a federal takeover of Medicaid could result in a less rational and responsible approach to containing costs.

If Medicaid is federalized, there undoubtedly would be a standardization of eligibility and benefit provisions. Given the Administration's strenuous efforts to cut costs in social programs, and the relatively broad coverage in Maryland, standardization could cause some current Medical Assistance recipients in Maryland to lose coverage entirely and the others to lose some benefits. The state-only recipients (who do not currently qualify for federal reimbursement) most likely would lose their coverage, as may some of the Medically Needy. These groups account for more than one-half of all Medical Assistance expenditures in Maryland. If the benefit package were limited to the current mandatory services, the remaining Medicaid recipients could lose such benefits as intermediate care (about one-half of all nursing home care in the Program), pharmacy services, dental care, vision care, and many others. The Administration also may cut program costs by reducing payments to some providers, as it is proposing to do to hospitals under Medicare. This could have a devastating effect on certain hospitals, particularly inner-city hospitals. It also could severely harm, if not destroy, Maryland's system of prospective rate-setting by the Health Services Cost Review Commission.

One of the major questions would be whether states could use their own money to supplement this federal Medicaid Program. If Maryland had the ability and the willingness to do so, could it pay the federal government to broaden the scope of its Medicaid Program to maintain current levels of coverage? If not, the state would have to establish a complete parallel program to provide Medicaid recipients with some extra services, or to provide coverage to people who would lose eligibility entirely (such as the state-only recipients and possibly some Medically Needy enrollees). A parallel program would be extremely confusing to recipients and providers, adminstratively cumbersome and costly.

These are some of my concerns with the swap proposal and a few of the issues that need to be resolved. The most important consideration is that whatever system is developed for administering and funding the Medicaid program provide the most comprehensive coverage possible as efficiently as possible to medically needy people in Maryland.

Sincerely,

ADELE WILZACK,
Assistant Secretary,
Medical Care Programs.●

PROHIBITING THE PRESIDENT FROM EVADING CONGRESSIONAL REVIEW IN PROVIDING MILITARY ASSISTANCE TO EL SALVADOR

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. STARK. Mr. Speaker, the bill I am introducing today would prohibit the use of the special authorities contained in sections 506(a), 610(a), and 614(a) of the Foreign Assistance Act of 1961 as amended, in order to provide military assistance for El Salvador during the remainder of fiscal year 1982 and fiscal year 1983.

The President has been evading congressional review in his effort to give military assistance to El Salvador—more than 65 percent of the U.S. aid to El Salvador since the resumption of military assistance has been provided under section 506(a), which requires no congressional approval. The $55 million in military assistance which President Reagan provided El Salvador on January 29, 1982, under 506(a), represents a more than 200-percent increase over the $26 million already authorized and appropriated for fiscal year 1982. Moreover, since the President was granted great flexibility in the use of the special authority in 1979, 97 percent of the funds have gone to El Salvador. This excessive exercise of 506(a) for El Salvador must be halted immediately. President Reagan should be using the regular authorizations process for controversial military assistance to El Salvador.

Section 506 authorizes the President to order the drawdown of defense articles from the Department of Defense to provide emergency military assistance to foreign countries and international organizations, providing he finds that there is an unforeseen emergency requiring immediate action and the emergency cannot be met by use of the Arms Export Control Act or any other provision of law. The amount of military assistance provided under 506(a) is not to exceed $75 million for fiscal year 1982 and also for fiscal year 1983. Sections 610(a) and 614(a) of the Foreign Assistance Act comprise the President's primary authority to transfer funds from one program to another and to waive restrictions imposed by the act.

The history of the special authority reflects the degree and nature of Presidential flexibility which Congress has concluded was justified at various times. During the period between 1976 and 1979, Congress virtually prevented the use of the special authorities, because of concern over the war in Southeast Asia and the use of the special authority to continue the bombing of Cambodia. Since the restrictions were eased during the 96th Congress, 506(a) has been used five times: Thailand, $1.1 million; Liberia, $1 million; El Salvador, $5 million; El Salvador, $20 million; El Salvador $55 million. The use of the special authority for El Salvador has deviated from past usage in frequency and quantity. I think it is obvious that Congress must intervene again.

According to the State Department, the unforeseen emergency for which the $55 million was to be used, resulted from the need to replace the aircraft lost by the Salvadoran military in the January 27 attack by guerrillas on the Ilopango Airbase. However, by looking at the items which the United States provided, it is obvious that the United States has done much more than merely respond to the Ilopango attack. Congress must insure that the President does not use major grants of discretionary authority merely to bypass Congress and congressional procedures on controversial issues, as he appears to have done in the case of El Salvador. If the furnishing of emergency military assistance to El Salvador is truly important to the national interest in fiscal year 1982 and fiscal year 1983, the President can come to Congress for authority.

I urge my colleagues to join me in the effort to prohibit the President from using the special authorities to provide military assistance for El Salvador during the remainder of fiscal year 1982 and during fiscal year 1983. This is the best way to insure that the President does not interpret the grants of discretionary authority in an overly broad manner. If the President believes that military assistance is necessary for El Salvador, he can come to the Congress, explain why—and how the Government of El Salvador expects to earn the support of its people. This request can then be debated in the normal legislative process. The possibility of war and U.S. involvement in El Salvador is too important to be left to discretionary funds available to the President—it should be the subject of clear and decisive notional debate and information sharing.●

YOUNG HOUSTONIANS LIVE ON KIBBUTZ

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. LELAND. Mr. Speaker, I would like to tell my colleagues about a successful program in Houston. The kibbutz internship program has, for the past two summers, sent Houston high school students to Israel. Young people from inner city Houston have lived with families in Haifa. They have studied Hebrew and the politics and lifestyles of the Middle East in courses set up by Rabbi Robert Samuels in Israel. They toured northern Israel for 3 days, spent a week in Jerusalem, and then camped in the Sinai desert for a week. The highlight of the trip, though, has been the 3-week stay in the kibbutz where the lifestyle is completely democratic, based on sharing and community, rewarding people for their contributions, giving them certain rights because of their contributions.

The returning interns have expressed a variety of positive experiences. Some say their career goals have changed. Some say their entire philosophy of life has changed. Others enjoyed the kibbutz so much that they have made plans to go back.

I would like to congratulate all 20 of the interns for serving as outstanding representatives of the Houston community. The 1980 interns included: Sonja Baker, Kelle Carter, Richard Cheung, Kevin Cole, Anthony Collins, John Garcia, Tanja Greene, Selandras Jackson, Paul McCall, and Joanne Rogers. The 1981 interns included: David Babineaux, John Brown, Kimberly Higgs, Christine Kim, Anthony McBride, Yolanda Osborne, Patricia Perry, Rhonda Radliff, Willie Rios, and Ismael Trevino.

I think programs of this type can do much to educate our young people and lead us to a more comprehensive understanding of other cultures and international relations in general.

In order to promote this type of program and in hopes of it being duplicated by my fellow colleagues in Congress, I offer the following article from the Austin American-Statesman of October 18, 1981:

[From the Austin American-Statesman, Oct. 18, 1981]

TEENS LEARN ON VISIT TO ISRAEL

(By Gayle Reaves)

Ten teen-agers from Houston's inner city didn't spend last summer moping around the house, sacking groceries or going to the beach.

Instead, the climbed an Israeli hill and swam in a pool of rainwater. They camped in the Sinai Peninsula and snorkled in the Red Sea. They walked the streets of Haifa in the early morning and celebrated Shabbat in the homes of Israeli friends.

They picked rocks out of Israeli date fields for six hours a day, and at the end of the day, they watched movies alongside Israeli soldiers carrying submachine guns. At night, even in the city, they slept with open windows and no fear of crime.

The heat reached 120 degrees many days during those six weeks. Except for that similarity, the teens said, Houston was a faint, polluted, materialistic, memory literally half a world away. Most of the teens had never been out of Texas or ridden in a jet.

This is the second summer the urban teens—black, brown, white, Oriental—have become the most welcome guests ever to visit Kibbutz Yahel. The unusual program is the brainchild of Houston Rep. Mickey Leland.

Ismael Trevino made the trip this year. His accent is that of his Mexican-American neighborhood, but the words are those of one whose world has grown far beyond a particular set of streets.

"I look at things differently now. I take time and really think about things. I'm not as materialistic, I guess you'd say. Here, people look down on somebody if they just have an old jalopy for a car. I don't do that so much anymore," he says, "and I found out there are a lot of things over there (in the Middle East) that could really turn the world around."

Leland couldn't have said better what he'd hoped the program would do.

"In 1977 I went to Israel with a tour group, and the thing that most impressed me was the kibbutzim," Leland said. "We saw several different ones and stopped overnight at two of them. I was thoroughly impressed with the whole lifestyle. It was completely democratic, based on sharing and community, rewarding people for their contributions, giving them certain rights because of their contributions."

Leland considered living on a kibbutz for a summer. However, the chance to run for Barbara Jordan's seat in Congress came along, and Leland thought instead of setting up a program for black teens in his district. He met with Jewish and black friends. The result was the Mickey Leland Kibbutz Internship Program.

For two summers, the program has sent Houston high school students to Israel between their junior and senior years. Arrangements in Israel are made by Rabbi

Robert Samuels, brother of a Houston man involved in the program.

A committee raises the $15.000 the program costs each year. ("We're still in the hole," Leland says.) From the 80 to 100 applications sent them by counselors and principals of the 15 high schools in Leland's district, the committee picks 20 students who are interviewed by Leland.

He makes the final selection based, he says, "on leadership, ability to communicate and what I would call the quality of their individualism," which translates to their ability to fend for themselves and as part of a group for six weeks.

Sue Smith, Leland's Houston staffer who coordinates the program, says the program is designed for culturally and economically deprived students, but those guidelines aren't rigidly followed.

"It was first designed for black kids. But, especially for us, it was very hard to be selective along those lines, so we just put all the applications together," she said. The first summer, the group included seven blacks, one Chinese, one Mexican American and one Anglo. The mix was similar this summer.

Leland is high on the program, but he's not nearly as excited as the teens. "The kids come back totally different people," he says.

Christine Kim, 18, is a senior at Houston's High School for the Performing and Visual Arts. Before the trip, she had planned to study journalism.

But, she says, "it really made me snap . . . to how much power the media has. It made me angry that I have been manipulated all these years into thinking things about Israel that I no longer believe any more. It made me really think about what I'm getting into in journalism."

Now she's thinking about studying religion or philosophy in college and wants to go to a school that will give her a chance to get back to Israel in an exchange program.

Kimberly Higgs, 17, from the Houston High School for Health Professions, still plans to be a doctor. But after seeing Israel and being part of a kibbutz, "I now feel I want to take out some time in my life and do things for people," she said.

In Haifa the students spent 10 days with Israeli families. They studied Hebrew and the politics and lifestyles of the Middle East in courses set up by Samuels. The group took a three-day tour of northern Isreal, spent a week in Jerusalem, then headed for a week's camping trip in the Siani desert and a three-week stay in the kibbutz.

Texas may be famous for its hospitality, but the three teens interviewed said their state can't compete with the welcome given by the Israelis. Ismael especially remembers nights spent talking to new Israeli friends and the closeness he felt with his adopted Israeli family.

As for coming back home, as Kimberly said, "You went over there, and became a new person, and you want to be that person back here, too. But it's virtually impossible . . . In Israel you never go shopping . . . This society is just too different."●

CONVENTION II

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. GARCIA. Mr. Speaker, from February 10 through 14, 1982, 150 high school students from more than 50 schools across the country arrived in the Capitol. They were here as participants in Convention II, which has been called "the most exciting and rewarding adventure a high school student can participate in." I am proud to say that Carlos Serrano, one of my constituents, and a student at Alfred E. Smith High School in the Bronx, was a delegate to this year's program.

Convention II is a nonprofit organization that was begun 7 years ago with the intent of changing the prevalent idea that studying Government is a dull and dry affair. With the Constitution as a base, Convention II presents students with a forum in which they can debate and resolve constitutional questions, present amendments, form committees and caucuses, and learn first-hand how our system works. As Boris Feinman, chairman and founder of Convention II puts it, participation in this program results in "young people acquiring the habit pattern of involvement and participation in the political process: locally, nationally, and internationally."

Convention II regards the Constitution as a living document. Feinman notes that constitutional issues permeate domestic discussions. Pick up a newspaper any day and you will find that the issues involving the Constitution dominate the national domestic news: balanced budgets, equal rights, separation of church and State, abortion, authority of the President to conduct foreign affairs, campaign spending, the right to strike; all of these are basically constitutional issues.

Accordingly, we direct the attention of our future leaders—the high school students—to the Constitution. We invite them to set up an organization of young people, run by young people, to set the tone, select their issues, and run their discussions. It is an advice and consent situation. Elected and nonelected people offer advice, but the delegates to Convention II—the young people—determine the consent. Education for citizenship involvement is what Convention II is all about.

Programs such as this one are an important learning experience for our students, and can be a deciding factor when it comes time for them to choose a career. Let us wish this year's delegates and all future delegates continued success.●

CONFERENCE ON NUCLEAR "FREEZE"

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. CONTE. Mr. Speaker, there is no advantage to be gained by continuing this spiraling buildup of nuclear weapons. It is extremely wasteful and dangerous. It is mutually beneficial for both the United States and the Soviet Union to stop this buildup right in its tracks.

The nuclear arms race is an economic and military catch 22—the more we expend to become secure, the more they spend to make us insecure—to overcome this insecurity we expend more and this results in more insecurity. It is a situation which has placed our two nations in extreme jeopardy of mutual destruction and drains us both of vast amounts of valuable resources.

At one time, we had a decided advantage. Nuclear weapons were an economic as well as strategic windfall at the end of World War II. We got more bang for the buck and these weapons were much cheaper than training and maintaining divisions of men. Now our advantage is gone and we cannot get it back. The total dedication of all of our Nation's resources to stockpiling more nuclear weapons would not change the fact that the Soviet Union could destroy the fabric of our society even after we had obliterated theirs. Our whole Nation has been coming inevitably to this realization over the past decade.

No matter how much we detest totalitarianism with its repression, denial of liberties and economic miseries, we must conclude that a nuclear war can do nothing to correct these evils—in fact, a nuclear war would release untold new evils as mankind would at best, revert back to a tribal existence if not total extinction.

So we are offering this resolution—not to change our resolve for a strong defense—not to back away from our belief that repression is the enemy of freedom—not to give the Nation over to the idea of peace at any price—rather, we are offering the superpowers a chance to seize upon the opportunity to stop a never-ending, dangerous, expensive dedication of resources to an unfruitful, meaningless exercise in one-upmanship.

The time is right for this proposal. We believe that it will not interfere with any of the ongoing or planned efforts of the administration in the area of nuclear arms limitation and reduction. In fact, if there is a favorable response, this could just be the action that will enhance the chances for meaningful talks further down the road.

Therefore, I hope that the rest of Congress together with the over 100 Members of the House and the Senate, as well as the administration and the rest of the Nation, will get behind this resolution to let the rest of the world know how serious we are about resolving the threat of nuclear annihilation.●

EDUCATION: A RECOMMITMENT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. PANETTA. Mr. Speaker, "soap and education," noted Mark Twain, "are not as sudden as a massacre, but they are more deadly in the long run." Francis Bacon, with no mention of hygiene, observed: "Knowledge is a power." Both Twain's wit and Bacon's brevity serve to remind us today that quality education with equal opportunity for all is the very foundation of the strength of our democracy and the health of our economy. There is simply nothing more important than an educated and productive citizenry.

I am greatly concerned over the President's proposal to reduce Federal education support by 41 percent over the next 3 years. In fact, a policy pursuing massive reductions in educational and research resources is completely inconsistent with the kind of solutions we need to meet our present problems.

When America enjoyed a postwar productivity boom, our expanding economy allowed Government to seek and define need rather than forcing it to set priorities. We as a nation are currently on the threshold of making important decisions that will have long-term economic, political, and social effects. We face the dilemma of matching limited resources to expanding needs. Economists look at the effects of every policy in three ways: The short run, the long run, and the very long run. However, when a student once asked economist John Maynard Keynes why he consistently ignored the third case, Keynes replied: "In the very long run we are all dead." Well, the very long run is upon us and some of us are still here. It is time for creative solutions to current problems. Most of all, it is time to set priorities. Education, I believe, must be a priority. Any social policy that ignores this simple fact, by pursuing quick-fix education cuts—in an attempt to bolster the economy—is both shortsighted and counterproductive. The President's 1983 education budget has a third strike against it: The proposed cuts are inarguably inequitable and threaten our commitment to equal educational opportunity.

Even as I speak the Federal Government is paying less than 10 cents of every education dollar spent in this country. Since most Federal money supplements State and local funding, it may not seem to be a major call of alarm that the President has proposed to chop 41 percent of the branches off the Federal educational tree over 3 years. It is not unfair to ask basic questions: Should we spend over $3 billion to help 5 million poor children read and add? Is it necessary to pay over $600 million to help teach 17 million teenagers electronic circuitry and welding? Can we justify appropriating over $800 million every year to instruct the three R's to 4 million handicapped children nationwide? To answer these questions we have to look at the facts. Since the scale of such ambitious Federal programs can make any cost/benefit analysis of them practically incomprehensible in human terms, I would like to discuss three hypothetical but not atypical children.

Nancy is in the fourth grade. Her family's income falls in the bottom third of the American income scale. Since her skills are below the average for children her age, Nancy receives special remedial assistance from a teacher whose salary is paid funds from title I of the Elementary and Secondary Education Act. Conceived 16 years ago to help close the educational gap for children living in poor districts, title I is now such a basic part of the American school system that most people take it for granted. Before Nancy, over 90 million disadvantaged children from over 87 percent of the Nation's 16,000 school districts have benefited from title I programs. Living in California, Nancy is one of 85 percent of those children known to be eligible and in need of title I services to be actually enrolled in a title I program. If the President is successful in reducing title I funding by nearly $1 billion—a one-third single-year cut, Nancy's school district and the State of California would face the devils choice of reducing services by over $100 per child or providing aid to only 65 percent of those known to be needy.

The annual cost to the Government for improving the mind of one disadvantaged child such as Nancy is about $500. If Nancy is allowed to remain in a strong title I program, recent Federal studies predict that she will have significantly higher test scores than those children who are not—but should be—enrolled in a title I program. When as a result of a better education Nancy graduates from high school to become a productive, taxpaying citizen, the difference to the Government is an average net gain of $200,000 over her life time. Thus, title I funds, helping Nancy to climb that educational ladder, served both to increase the tax base of society at large and develop the potential of a single individual. If instead Nancy were cut from title I programing, the chances are greatly increased that she would slide through the broken rungs, that the Government would end up delivering transfer payments to support Nancy and her children, and that Nancy would never snap the vicious cycle of proverty and illiteracy.

At a recent news conference the President observed that "in this time of great unemployment there were 24 full pages of classified ads of employers looking for employees. What we need is to make more people qualified to go and apply for those jobs, and we are doing everything we can in that regard."

Yet, even though the President appears to acknowledge that most unemployment is structural and has pledged to attack the problem, he has—as the New York Times declared in a recent editorial—"emasculated" Federal job training programs, large and small, despite the fact that over 1 million people have joined the unemployment lines since November 1980 and a majority of Americans, according to a recent Newsweek poll, feel that job training funds should be increased. Similarly, a Gallop study revealed that the American public, recognizing the need to upgrade the skills of our workforce, desires more vocational education programs in their schools. While the Nation is facing a massive skilled-labor shortage and vocational education is already experiencing difficulty in meeting these demands, the President has proposed that vocational and adult education programs take a 32.4-percent reduction from the level of services provided last year.

While State and local funds support the daily vocational operations, the Federal support—minimal but essential—keeps vocational education on the cutting edge of the new technology. If we whittle away at the Federal vocational role, we all lose. For example: David is a high school senior enrolled in an advanced electrical engineering class funded through vocational resources. A recent Ohio State University study found that David can expect to make 12 percent more in his lifetime than those students denied vocational education training. Thus, David replaces every tax dollar invested in him 2 years after his graduation. In succeeding years the Government collects dividends on its original investment, the economy benefits from increased worker productivity, and David enjoys a higher standard of living, providing greater opportunity for his children.

Declaring that every child has the right to a "free and appropriate education," Congress passed Public Law 94-142, the Education for All Handicapped Children Act, 6 years ago to end past handicapped education policy of exclusion, segregation, and warehouse programing. The President's proposal to cut handicapped education resources by 31 percent for the 1982-83 school year would force the State of California to weigh paying $55 less per child against dropping 6,000 students from the program entirely. What is gained when one handicapped child is denied equal educational opportunity? Once again it is illuminating to study a single case. Recently, the mother of a severely handicapped child testified before a House committee. We can call him Alex: Alex's specialness has cost the taxpayers about $44,000 thus far. Because of the help he receives now, he will not later need SSI, special housing, food stamps, medicaid, or other assistance. He will probably pay $80,000 worth of taxes if he works 40 years at minimum wage—nearly double what he has cost the Government. Yet the greatest savings realized by society is the amount that the Department of Health and Human Services estimates would be necessary to institutionalize a boy like Alex—including maintenance, medical, and rehabilitation services—for the rest of his life: $4,000,000. Tax dollars used to allow a handicapped individual to lead a vocationally independent life are perhaps the most cost-effective funds our Government spends.

In the necessary effort to contol Federal spending, we must remember as F. D. R. declared, that "the school is the last expenditure upon which America should be willing to economize." Federal money—for elementary and secondary education programs like title I, vocational, and handicapped education—is essential to fill the educational cracks left between areas paved by State and local funding. There is a national interest in insuring that children like Nancy, David, and Alex do not fall through those gaps to become less capable adult members of society, weakening both the strength of our democracy and the vitality of our economy.

This budget does more than threaten our commitment to strong elementary and secondary education. While the price of higher education has increased between 13 and 20 percent in the past year, the President's 1983 budget proposal unravels the educational fabric at both ends by slicing 1983-84 financial aid funding to half of its present level. Pell grants for disadvantaged students are cut by 40 percent. A 28-percent cut to the work study program destroys 250,000 job opportunities nationwide, while four programs are entirely eliminated: supplemental grants, direct loans, State student incentive grants, and the health profession student loan. Further restrictions are placed on the already restricted guaranteed student loan program (GSL), making it more expensive for undergraduates to borrow. All of America's 1.2 million graduate students are denied access to the GSL program. At least one-half of these students are entirely dependent on their GSL. If this proposal were adopted, the State of California alone would lose $132.6 million in financial aid resources and 198,803 individual awards to California students would never be made. Nationwide the loss of over 2.4 million awards would force hundreds of thousands of students to either drop out of school or change their academic plans.

Ironically, such drastic cuts to Federal financial aid programs would actually cost the taxpayers more money. It costs about $8,000 per year to educate a single undergraduate—at either a private or public school. Suppose (title I funds are saved and) our title I prodigy, Nancy, excels, eventually to be accepted to fine private and public universities alike. If her loan package includes a $2,500 GSL, the Government pays about $375 for interest per annum. Add to this an $800 Pell grant and the total Government expense is $1,175. Private schools depend greatly on the strength of their own private endowment. If Nancy attends the private university, the private sector and the student, Nancy, pay the difference between $1,175 and $8,000. If she attends the public university, where tuition is always relatively much lower, the State's taxpayers absorb this difference. In other words, a little bit of Federal aid can allow Nancy to attend a private institution where the bulk of her educational expenses are paid by nonpublic funds.

As student aid is cut, it is estimated that 15 to 20 percent of the private enrollment will shift from private to public schools—saddling the taxpayers with an even greater share of the education burden. States—already crippled by growing need and shrinking resources—would have to distribute fewer public-education dollars among more students, forcing a growth in disparity in the quality of public and private post-secondary education. The intolerable social side effect of the President's prescription is an increasingly segregated educational system channeling the children of lower- and middle-class families to crowded State-run institutions, and the children of wealthy homes to elite private institutions.

Should Nancy wish to continue down the educational path in pursuit of a graduate degree, she would meet a roadblock head on: the President has eliminated all graduate GSL's. Even if she could obtain private loans at market interest rates, Nancy could expect to own a $50,000 debt along with her doctorate. Between 1970 and 1980 the number of Ph. D.'s in physics graduating from American universities has already dropped by almost half. Should Nancy, through a combination of might and miracle, manage to overcome the educational obstacle course created by the President's proposal to receive her doctorate, there is very little chance that she could pursue either pure research or remain in academia to train the next generation of scholars. The educational foodchain is snapped.

Corporation support could not even begin to make up the difference in lost financial aid resources. As Dr. Edward E. Davis, Jr., the president of the Exxon Research and Engineering Institute noted, "even if the industrial support for university research is tripled, it would not equal the proposed cut to these funds in just 1 year." Michael I. Sovern, president of Columbia University, recently issued this caveat in a New York Times article:

> If the budget cutters have their way, tomorrow's little band of Ph. D.'s will consist of the scions of the wealthy, another handful that the best-endowed universities can afford to support, and a larger number supported by taxpayers at public colleges and universities. Though our graduate scholars have a glorious past—leading the Nation in a century of unparalleled advances in research—whether they have a future depends upon the continued resistance of Congress to an unbelievably short-sighted proposal.

In our search for the best route to economic recovery, we must never forget the economic role of brain power. As MIT economist Lester Thurow so accurately states: "Nobody can build a high-quality economy with low-quality components." The rate of return on human capital over time exceeds the rate of return on physical capital. The urgency of upgrading our human resources is more evident than ever as the United States economy shifts toward service professions and high-technology industries. We are already experiencing a shortage of highly skilled people. At the same time, the Soviet Union, our political competitor, and Japan, our economic competitor, are sharply stepping up both their spending and educational standards to maximize the potential of their youth. With only half of our population, Japan now graduates more engineers than the United States.

Presently, we have slipped to 10th among nations in per capita gross national product. The President's proposals to slash student aid—as well as title I, vocational and handicapped education—merely exacerbate this trend. When a high technology industry is in danger of losing out to the competition, it does not cut research and development programs—it expands them. Economist Eli Ginzburg describes the economic bottom line: "The skill, dexterity and knowledge of the population has become the critical input that determines the rate of economic growth." Every dollar we spend on improving literacy generates $6 for our gross national product. Statistics also show that the undereducated are overrepresented by threefold in the unemployment lines, on the welfare rolls, and in our Nation's prisons, where 60 percent of the inmates have had fewer than 12 years of education. We must invest in our most valuable resource: the American people. Ours and ours alone is the ability to educate out of poverty, hunger, and transgression.

As John F. Kennedy said, "The power of the budget is the power to choose." Although our choices contain more grey than black or white, in a world defined by guns and butter it gives one pause to note that title I receives less funds than the Defense Department spends in 66 hours. In fact, the President's entire proposed 1983 education budget is but equal to the cost overrun of the B-1 bomber. Over 29 years ago Dwight D. Eisenhower instructed us that the cost of a modern bomber is this: "a modern brick school houses in more than thirty cities." The budget is more than a mere juggling of revenues and expenditures—it reflects the values, the hopes and the goals of a society. Let us choose education.

We have made great educational strides. In the 100 years to 1970, the percentage of American high school graduates rose from 2 to 80 percent. In just the last 16 years, the completion rate for black Americans jumped from 40 to 75 percent. But we have not yet begun to educate. We have won two great wars in this century, patrolled the seas, conquered the skies, and touched the moon. We have met the necessities of the past. Let us now attack the challenges of the future. A liberal education is democracy's most potent weapon for peace. I cannot stress forcefuly enough that as the pie shrinks, we all must become just that much more political, more active, and more vocal. More than ever, the bell tolls for thee. As Jefferson said, "If a nation expects to be both ignorant and free, it expects what never was and never will be." Educational claims are strong—we must never let them be crushed by stronger clients.

Let us recommit ourselves today to the understanding that "liberty without learning is always in peril, and learning without liberty is always in vain." That the obligation for education is none other's than our own. And that our hope, our goal, and our fight for quality education, with equal opportunity for every American, will never be a dream deferred.●

A CALL FOR A HALT TO THE NUCLEAR ARMS RACE

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. MOFFETT. Mr. Speaker, today I have joined with over 120 of my colleagues in calling for a freeze in the nuclear arms race. I am proud to be a part of this effort to reverse the madness of the nuclear weapons buildup.

Over 20 years ago, former President Eisenhower warned that:

> Nuclear-tipped missiles place all of us . . . but thirty minutes from Armageddon—tonight, every night, every hour of every day. There is no spot on earth assured of safety from obliteration. Controlled, universal disarmament, he said, is the imperative of our time.

Since those prophetic words were uttered, we have seen the advent of the Minuteman missile program, submarine-launched missiles, MIRVs, MARVs, and cruise missiles. We have seen the SALT treaties negotiated, only to fall apart under the Reagan administration. And now we are witnessing the production of a whole new generation of destabilizing nuclear weapons: The MX missile, the submarine launched Trident II missile, the neutron bomb and the B-1 bomber. We hear key administration officials talking about preparing to fight a nuclear war, and claiming that the United States could recover from a nuclear exchange in a few years. It is little wonder that the American people are becoming increasingly frightened by this dangerous turn of events.

The steady escalation of the nuclear arms buildup brings us closer and closer to the day of our nuclear self-destruction. While the military planners rationalize the expansion of our nuclear arsenal and the development of advanced technology atomic weapons with arguments that they add to our nuclear deterrent, the lessons which history has taught us about the inevitable outcome of any arms race stand ready to be repeated.

The increasing sophistication, accuracy, and speed of our nuclear weapons systems increases the temptation for preemptive first strikes. This is especially true in the face of mounting world tensions and the growing complexity of international relations.

The increasing complexity of our growing nuclear forces increases the likelihood of an accidental launch of nuclear weapons. The series of false alerts generated by our NORAD attack warning system in late 1979 and 1980 highlights this potential catastrophe. Further, the Pentagon has yet to correct the problems which made these mistakes possible.

The American public is very aware of the dangers of nuclear war. And it is becoming apparent that the Reagan nuclear buildup, rather than contributing to our national security, is actually making us more vulnerable to the horror of nuclear holocaust. The administration's lipservice to arms control and hints at strategic arms reduction (START) talks are not reassuring. With both sides possessing enough nuclear arms to destroy each other several times over, there is little point in engaging in a process of haggling over specific weapons systems or maneuvering for petty advantages in an arena where millions of lives are at stake. The sanest answer to the present danger is an unconditional, immediate, and mutual freeze on the testing, production, and development of new nuclear weapons. This proposal could be easily verified, would help protect us from new destabilizing technologies, and would lay the groundwork for mutual reductions in our nuclear arsenals. That is what my colleagues and I are calling for today.

Mr. Speaker, there is a growing movement among the people of this country today which demands that we stop this suicidal nuclear arms race. I hope that Congress will possess the courage and foresight to enact our call for a halt to the arms race.●

ADMIRAL WARNS OF WASTE IN MILITARY SPENDING

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. MILLER of California. Mr. Speaker, the exorbitant waste in our military budget is one of the major sources for the record-spending deficit projected for fiscal year 1983.

Only a year ago, the General Accounting Office found $15 billion in waste, fraud, and duplication in the Pentagon's programs. Just a few weeks ago, the president of one of the largest defense contracting firms admitted that he had rarely seen a defense contract which did not include at least 40 percent waste, redtape, and overruns.

But certainly some of the most telling criticisms have come from the distinguished Adm. Hyman G. Rickover, whose 60 years of leadership in the Navy will soon be commemorated in a congressionally ordered gold medal. A more appropriate honor, I am sure Admiral Rickover would admit, would be serious effort by Congress to reduce excessive and unnecessary military spending. I want to share some of Admiral Rickover's recent congressional testimony with my colleagues.

ADVICE FROM ADMIRAL RICKOVER

In 1980 Congress reversed a long standing government policy by giving universities and small businesses title to inventions developed at government expense. Now patent lobbyists are pressing Congress to extend that giveaway practice to large contractors. This would generate more business for patent lawyers but, in the process, will promote even greater concentration of economic power in the hands of the large corporations which already get the lion's share of the government's research and development budgets.

In the late 1960s Senator William Proxmire, Congressman Henry Gonzalez, and former Congressman Wright Patman were instrumental in enacting legislation requiring the establishment of cost accounting standards for defense contracts and a Cost Accounting Standards Board to set these standards. In 1980 Congress eliminated the Cost Accounting Standards Board by cutting off its funding. And today, defense contractor lobbyists are promoting legislation that would give the Office of Management and Budget authority to waive or amend the standards. I predict that within a few years the standards established by the Cost Accounting Standards Board will have been watered down to the point that they will be worthless.

In the late 1960s and early 1970s Senator William Proxmire, Congressman Jack Brooks, and Congressman Joe Minish were at the verge of getting congressional approval of legislation which would strengthen the Renegotiation Board and make it an effective means of recouping for the U.S. taxpayer any excessive profits made on defense contracts. By 1976 defense contractor lobbyists had persuaded Congress to let the Renegotiation Act expire. Three years later, in 1979, Congress cut off funding for the Renegotiation Board, which promptly went out of business. This left only the profit-limiting provisions of the Vinson-Trammell Act as legal authority for recovering excessive profits under defense contracts. In the fiscal year 1982 Defense Authorization Act, Congress rescinded the profit-limiting provisions of the Vinson-Trammell Act, leaving nothing in its place to protect the public except a few weak and wholly inadequate provisions which apply only during war or national emergency.

Perhaps it is not possible to make significant improvements in defense procurement. It is an arcane subject in which defense contractors, who have a strong financial interest in such matters, tend to be most influential.

I have attached as part of my prepared statement a list of recommendations for improving efficiency and economy in the Defense Department. Not all of my recommendations are procurement-related. The organizational structure of the Defense Department itself promotes inefficiency as do many of the policies and practices of the military. . . .

I gave these recommendations to the Director of the Office of Management and Budget last spring when I met with him. I have seen no evidence of action within the Executive Branch to implement any of these recommendations. Once again, it will have to be Congress that takes the initiatives.

I also recommended that the Joint Economic Committee assign a high priority to addressing the problems growing out of the increasing power and influence of large corporations in our society. If our free-enterprise, capitalistic system is to survive, it is incumbent upon corporate executives to exercise greater self-restraint and to accept moral responsiblity for their actions, many of which appear to be having a negative influence on our economy and our society.

A preoccupation with the so-called bottom line of profit and loss statements, coupled with a lust for expansion, is creating an environment in which fewer businessmen honor traditional values; where responsibility is increasingly disassociated from the exercise of power; where skill in financial manipulation is valued more than actual knowledge and experience in the business; where attention and effort is directed mostly to short-term considerations, regardless of longer-range consequences.

Political and economic power is increasingly being concentrated among a few large corporations and their officers—power they can apply against society, government, and individuals. Through their control of vast resources these large corporations have become, in effect, another branch of government. They often exercise the power of government, but without the checks and balances inherent in our democratic system.

With their ability to dispense money, officials of large corporations may often exercise greater power to influence society than elected or appointed government officials—but without assuming any of the responsibilities and without being subject to public scrutiny.

Woodrow Wilson warned that economic concentration could "give to a few men a control over the economic life of the country which they might abuse to the undoing of millions of men." He stated purpose was: "To square every process of our national life again with the standards we so proudly set up at the beginning and have always carried in our hearts." His comments are apropos today.

Many large corporations, because of their economic power and influence, have ready access to high-level government officials who, although not always familiar with the subtleties of the issues presented to them, all too often act without consulting their subordinates. This undermines the subordinates and does not always protect the interests of the taxpayer. Some large defense contractors know this and exploit it.

In the business world itself, many corporate executives, aided by shrewd, high-priced lawyers, seek to evade moral and legal liability for the companies they own and control by insulating themselves from the details

Executives at corporate headquarters often can control their subsidiaries and draw out profits without assuming responsibility for contract obligations. This is the so-called corporate veil through which profits and cash can flow upward to corporate headquarters, but which cuts off financial or legal liability.

Where reponsibility is increasingly divorced from authority, traditional business values tend to be lost. Contracts often become meaningless. It used to be that a businessman's honor depended on his living up to his contract—a deal was a deal. Now, honoring contracts is becoming more a matter of convenience. Corporations are increasingly turning to high-priced law firms which, by legal maneuvering, obfuscation, and delay can effectively void almost any contract—probably even the Ten Commandments. Under these circumstances government contracts with some large companies are binding only to the extent the company wants to be bound.

Ever since the fomous *Santa Clara County* versus *Southern Pacific Railroad* case in 1886, the Supreme Court has accorded corporations, which are considered "persons" in law, the rights of individuals under the Fourteenth Amendment.

I submit that if a corporation is to be accorded protection as a natural person under the Fourteenth Amendment, then all the obligations incumbent on "natural persons" ought also to be binding on corporations. And, since a corporation acts through its officials, they should be held personally liable for illegal corporate acts.

Woodrow Wilson explained the problem this way:

"I regard the corporations as indispensable to modern business enterprise. I am not jealous of its size or might, if you will but abandon at the right points the fatuous, antiquated, and quite unnecessary fiction which treats it as a legal person; if you will but cease to deal with it by means of your law as if it were a single individual not only, but also—what every child may perceive it is not—a responsible individual."

If we are ever to get corporations to act as a "responsible individual," to use Wilson's phrase, we will need to attach full responsibility to the human beings who speak and act for it.

Certainly the profit motive is and should be the driving force in the capitalist system—the free-enterprise system is based on it. However, in today's large corporations, managerial performance too often is measured solely in financial terms. In their world of financial statements, statistical reports, stock certificates, tender offers, press releases, and so on, managers of large corporations often lose sight of the men, materials, machines, and customers of the companies they control. Preoccupied with reports and numbers rather than people and things [they tend] to oversimplify operating problems and their solutions. Further, by focusing too strongly on so-called bottom-line results, corporate officials can generate pressures that cause subordinates to act in ways they would not consider proper in their personal affairs.

Under pressure to meet assigned corporate profit objectives, subordinates sometimes overstep the bounds of propriety—even the law. The corporate officials who generate these pressures, however, are hidden behind the remote corporate screen, and are rarely, if ever, held accountable for the results.

In recent years, several major Navy shipbuilders when faced with large projected cost overruns resorted to making large claims against the Navy. These large claims were greatly inflated and based on how much extra the contractor wanted rather than how much he was actually owed. Ignoring their own responsibility for poor contract performance, they generated claims which attributed all the problems to government actions and demanded hundreds of millions of dollars in extra payments—enough to recover all their cost overruns and yield the desired profit.

Sometimes the claims were many times the desired objective so that the company could appear to be accommodating the Navy by settling for a fraction of the claimed amount.

In evaluating these claims I found numerous instances of apparent fraud. I documented these instances in great detail and, in accordance with Navy directives, sent these so-called reports of fraud to my superiors, recommending that they be referred to the Justice Department for investigation. Other Navy officials made similar reports. The Navy, after carefully reviewing these reports, formally referred them to the Justice Department.

In the 1970s the Navy referred the claims of four large shipbuilders to the Justice Department for investigation. The Justice Department, however, seems incapable of dealing with sophisticated procurement fraud—or perhaps [was] undesirous of doing so. After nearly a decade of work, the status of the Justice Department's record in these cases is as follows:

Litton was indicted four years ago for fraud, but the Justice Department has taken no action to try the case.

The Justice Department conducted a lengthy investigation of Lockheed claims but did not issue an indictment. By now, the statute of limitations has expired.

After investigating General Dynamics for four years, the Department of Justice recently announced they could find no evidence of criminal intent, although the claims were almost five times what the Navy actually owed.

The Newport News investigation was recently dealt a serious blow when the Justice Department split up the investigating team and assigned the leading investigators other work. This happened shortly after they had reported their findings in the Newport News case and had asked the department for more help to track down other promising leads.

I believe the grossly inflated claims to which the Navy was subjectd during the past decade are an outgrowth of the philosophy that in some companies "anything goes" in meeting the profit objectives set by senior corporate officials.

While profit figures may be a convenient basis to assess management performance, they can be manipulated, particularly in the case of large corporations with their various businesses. Drucker, the management expert, once said: ". . . Any accountant worth his salt can convert any profit figure into a loss or vice versa if given control of the accounting definitions all unquestionably 'within the limits of proper acounting practice.' "

Through "creative" accounting, a large company can tailor its financial statements to convey to stockholders, and others, a picture quite different [from] that warranted by the company's performance. Some large corporations have been able to generate optimistic financial reports even when they were near the point of bankruptcy.

By assuming, in their accounting, that they would be awarded large claim payments from the government, some shipbuilders, year after year, where able to report to the public increasing profits—even record profits—at the same time they have been reporting to senior defense officials hundreds of millions of dollars in potential losses. They simply assumed for financial reporting purposes that, through claims, the Navy would end up having to pay for all cost overruns.

The reason I mention these problems is to question an increasingly popular notion: namely, that the so-called forces of the marketplace are enough to motivate large corporations to act responsibly and exercise self-restraint.

Businessmen regularly complain that overregulation by government inhibits their freedom and accomplishments, yet it is the very acts of some of them that have made the regulation necessary. Adolf Berle perceptively observed that when business threatens to engulf the state, it forces the state to engulf business.

The notion that we have a self-regulating, free-market economy that will itself prompt a high standard of ethical business conduct is not realistic in today's complex society. Those who advocate exclusive reliance on the market do disservice to capitalism, since the result is often increased government intervention, the very antithesis of their goal. On the other hand, the destruction of capitalism and the establishment of complete state control are inimical to economic and political freedom.

The survival of our capitalist system therefore depends on finding a proper middle ground between these two extremes.

I believe that businessmen must treat government regulation realistically, rather than with instinctive opposition. Much of government regulation is essential to protect the public against the recurrence of past abuses, and because it is unrealistic to expect any group to truly police itself. Businessmen must face the fact that regulation is inevitable. Blind opposition to all regulation detracts from the valid complaints business may have about the excesses of regulation.

Often the largest business—those least subject to the restraints of free enterprise—are the most outspoken advocates of the capitalist, free-enterprise system as an effective safeguard against these excesses. They want the public to believe that they behave in accordance with the free-enterprise system when in fact they escape many restraints of that system. Consistently they lobby against new government regulations. They herald the virtues of competition and the marketplace as if they were small businessmen subject to these forces. Yet at the same time, they lobby for government—that is, taxpayer—assistance in the form of tax loopholes, protected markets, subsidies, guaranteed loans, contract bailouts, and so on.

Businessmen should vigorously advocate respect for law because law is the foundation of our entire society, including business. Few areas of society are as dependent on law as in business. The law protects such essential rights of business as integrity of contracts. When businessmen break the law, ignore or destroy its spirit, or use its absence to justify unethical conduct, they undermine business itself as well as their own welfare.

They should be concerned with the poor record of law enforcement as it relates to them. They should be concerned about the double standard where an ordinary citizen is punished more severely for a pretty crime than corporate officials convicted of white-collar crimes involving millions of dollars.●

TRIBUTE TO JOCK WHITNEY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. GREEN. Mr. Speaker, the International Herald Tribune recently marked the passing of John Hay "Jock" Whitney and ran an excellent editorial noting his achievements. A man of exemplary spirit and charity, Mr. Whitney spent 77 years of his life making his mark on this country. As a soldier, financier, ambassador, publisher, and philanthropist, he led the way with innovations setting examples for those around him. His good deeds will long be remembered in the hearts of those he touched. Jock Whitney, a long-time resident of my district, was an asset to this society and will be sorely missed. I feel it is appropriate that a tribute be made at this time, commend this editorial to my colleagues' attention, and insert it in the RECORD at this point:

JOHN HAY WHITNEY

John Hay Whitney's life was long, varied and public. He was famous when he was young and he had four major careers before he died. The list of his public activities fills several columns of this newspaper: Indeed, it filled a recent book. The list of his private acts of kindness and generosity is written nowhere but in the hearts of his friends. Yet none of this defines him. He was not his careers, as some men are: He was himself.

In a curious way, this very rich man, who lived a life so different from the common man's, mirrored our century and the American sense of where we are.

He was born in 1904 into an important family that had a settled conviction they were "the best people." They owed a public duty. When America was abounding with wealth and health and youthful certainties, so was he. When we gave the roaring party that preceded the Depression, he was up near the band. When we fell in love with the movies, he was one of those who led the way toward finding color, toward finding excellence.

It was no accident that he prodded David Selznick into producing "Gone With the Wind." Just before World War II, it defined movies for us and, as Selznick said, Jock Whitney was the man whose confidence and steadiness was the background against which it could be produced.

When America went to war, Jock put his fortune in the care of others and volunteered. When America came home, before we knew consciously that our old ways were permanently shaken, he made two prescient decisions: to put his money in businesses that would help society: to join the serious public debate of his times, helping Dwight Eisenhower become president, and becoming a diplomat.

And just as our society began to see itself in terms of "media," he came to newspapers and editing. He bought the New York Herald Tribune and this newspaper when they were deeply in trouble. He could not save the New York paper. He always considered that the greatest disappointment of his life. This paper he assured of longevity by bringing in others to share the ownership. for all the newspaper people who ever came to work with him, he was the sure, steady background against which they could do their best. For a generation, he had defined what the Herald Tribune is.

He was troubled by the problems of social inequality in America. He gave away millions, quietly, to back new ideas in housing and schooling and work.

He would not abide the maudlin quality of some farewells. He had a dread of people saying thank you. In his last illness, racked with pain and the indignities of medical attention, he turned to his wife and said, "Poor Betsey, this must be awful for you."

He was at the end what he always wanted to be and never thought he had become—a privileged witness to our times providing a sure, steady background for others to do their best.●

STATEMENT OF CONGRESSMAN DAVID F. EMERY ON HOUSE CONCURRENT RESOLUTION 281

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. EMERY. Mr. Speaker, on Thursday, March 4, 1982, I introduced

House Concurrent Resolution 281, a resolution expressing the sense of the Congress that we must maintain a strong commitment to a safe hazardous waste management system.

Each year, 42 million tons of hazardous waste are generated in the United States. Acknowledging that the unregulated disposal of this dangerous waste would be an irresponsible action, Congress enacted the Resource Conservation and Recovery Act of 1976—RCRA. The tasks delegated to the Environmental Protection Agency for management of the safe disposal of hazardous waste material is an enormous one, but the national experience of Love Canal in New York and of toxic pollution at other hazardous waste disposal sites around the country show that such sites may pose a serious threat to public health and safety. It is therefore extremely important that the EPA set up a safe hazardous waste disposal system as was mandated in the RCRA.

On May 19, 1980, the EPA published its final regulation (subpart N, section 265.314, 40 CFR), which prohibited the disposal of containerized liquid hazardous wastes in landfills as a means of minimizing the potential for adverse human health and environmental impacts. The use of landfills for the disposal of liquid containerized hazardous wastes has never been recognized as the most adequate means of handling such disposal. Quoting from the Federal Register of May 19, 1980, "Hazardous Waste and Consolidated Permit Regulations," written by the EPA itself:

> Drums eventually degrade, allowing liquids to escape. When drums collapse and create voids, they can cause slumping and subsidence of the cover. This may increase the infiltration of precipitation and can also result in the escape of wastes through cracks or fissures in the final cover. Furthermore, there is no assurance that the liquid waste will be fully absorbed in surrounding material. It is difficult to predict the absorbent capacity of a material buried in a landfill. For example, the absorbent material itself may have decayed by the time a drummed liquid is released or may have already been saturated with moisture from another source (such as infiltration or moisture from the decay of organic wastes). Liquid wastes released from a drum also will most likely form channels from the point of leakage rather than be evenly absorbed. In addition, it is impossible to predict when drums will fail in a landfill environment. This is a particularly critical uncertainty in that failure could occur after the post-closure care period when facility maintenance and groundwater monitoring are no longer performed. . . . For these reasons, EPA believes that a prohibition on placing containerized liquid waste, or waste containing free liquids in landfills will provide more effective control than the proposed operating restrictions.

In my home State of Maine, residents have become increasingly concerned with the adequacy of protection against damage to their health caused by hazardous waste disposal. In the past 2 years we have learned of extensive damage to groundwater systems in Winthrop, Gray, and Saco, to name a few, as a result of inadequate dumping of hazardous wastes in landfills. The longer term health effects of groundwater contamination may not be known for some years.

The May 19, 1980, proposal allowed an extension of 12 months beyond the usual 6-month period allowing compliance with the regulation. The EPA delayed the date for compliance because it felt that owners and operators of facilities would need longer than 6 months to find alternatives to landfill disposal of containerized liquid hazardous wastes. Industries were given until November 19, 1981, to comply with this regulation.

On February 25, 1982, the EPA again extended the deadline for compliance by another 90 days, so that a minimum of a full 2 years will have gone by before any regulation will have been enforced.

This action seriously impedes our pursuit of a safe hazardous waste management system, and will not be adequately compensated for by the proposed amendment whose drawbacks are already acknowledged by the EPA in its most recent comments in the Federal Register, February 25, 1982, pages 8307 to 8313. It is entirely possible that this proposed amendment, by allowing up to 25 percent of the total volume of a landfill for the placement of containerized liquid hazardous wastes, will not achieve the necessary minimal level of protection. The effectiveness of landfills in preventing toxic pollution has by no means been determined, and conclusive evidence on state of the art disposal technology will certainly not be available before the new regulations would be put into effect. It is not unreasonable, therefore, to believe that an additional delay might be forthcoming.

The goal of the hazardous waste program has been, and should continue to be, to reduce future risks to public health and the environment by insuring environmentally sound treatment, storage, and disposal of hazardous wastes.

My resolution reaffirms a strong congressional commitment to the proper handling of hazardous wastes and the maintenance of safe storage sites. I am submitting a copy of House Concurrent Resolution 281 for the RECORD, and urge my colleagues to join as a cosponsor.

H. CON. RES. 281

Concurrent resolution expressing the sense of the Congress with respect to the promulgation of regulations regarding the management and storage of hazardous wastes

Whereas recent experiences at Love Canal in New York and at other sites have demonstrated the potential for severe human health and environmental impacts from improper landfilling;

Whereas it is a goal of the United States to reduce future risks to public health and the environment by ensuring environmentally sound management, treatment, storage, and disposal of hazardous wastes;

Whereas the Environmental Protection Agency is charged with establishing national standards to ensure proper handling of hazardous wastes from manufacture to disposal;

Whereas the current Environmental Protection Agency regulations generally prohibit the disposal of containerized liquid wastes or wastes containing free liquid in landfills because containers may fail in a landfill environment;

Whereas extending the deadline for compliance with such current regulations during consideration of proposed revisions to such regulations represents a retreat from the commitment to enacting adequate health and safety standards; and

Whereas any proposed regulations should be based on standards which protect the health and safety of the environment, rather than solely on a cost-benefit analysis: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Environmental Protection Agency should maintain a strong commitment to the proper handling of hazardous wastes and the proper maintenance of hazardous waste storage sites; and

(2) the Administrator of the Environmental Protection Agency should maintain and enforce existing regulations regarding the management of containerized liquid hazardous wastes until such time as any new or revised regulations become effective.●

EL SALVADOR

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1982

● Mr. EVANS of Delaware. Mr. Speaker, last week the House passed with my strong support House Concurrent Resolution 226, which expresses the sense of Congress that the President should press for a safe and stable environment for free and open democratic elections in El Salvador.

The only legitimate and honorable solution to the situation in El Salvador is to let the voice of the people be heard. Yet free and open elections can never take place as long as the fighting continues between the government and rebels. The present environment is not conducive to the democratic process. That is why we must support both elements of this resolution—guaranteeing free and open democratic elections and pressing for unconditional discussions among the major political factions. We cannot have one without the other; and without both, the bloody struggle, which threatens the lives of all Salvadorans, will not end.

This resolution is entirely consistent with our own values as a nation. We have long called for democratic governments, freely elected, that reflect the will of the people they represent. By supporting free elections scheduled to take place in El Salvador on March 28, we will be demonstrating a positive degree of consistency that will do much to bolster our credibility in the entire Caribbean basin. By supporting unconditional discussions among the major political factions, we can help create an atmosphere in which these values of self-determination can prosper.

The United States must continue to support the principle of liberty. We must insure that El Salvador is free to determine her own destiny. We simply will not accept foreign powers, or their agents, forcing their will on other nations—whether they are in the Caribbean or any other place. We must also denounce the violent suppression of human rights, whether it stems from the government or from the rebels. Our support for the principle of liberty must be strong and consistent.

By offering to act as mediator among the conflicting factions, President Portillo of Mexico has opened one avenue that could contribute to ending the fighting. This unprecedented offer should be pursued, since a solution can only become permanent if it has multilateral, rather than unilateral, support.

The importance of El Salvador to our national security and to our economy should not be underestimated. This nation lies in the very center of the Caribbean basin, an area vital to the economic well-being of our own Nation. Nearly one-half of all our foreign trade passes through this region. Approximately 70 percent of all our imported oil comes through the Panama Canal or the Gulf of Mexico. And almost half of the materials determined to be strategic and critical to our security and our economy, such as bauxite for aluminum and manganese for hardening steel, must pass through the Caribbean region.

President Reagan has recently presented a policy to deal with this area that will further the interests of peace and freedom. His six-point program of free trade; tax incentives for U.S. investment; economic and security assistance; technical help and training; cooperation with Canada, Mexico, and Venezuela; and special measures to assist the U.S. Virgin Islands and Puerto Rico is a sound and effective route to follow. The assistance mix of $5 of economic aid for each $1 of military help is especially appropriate to our best interests, and to the pressing needs of the people in El Salvador and the whole region.

All of us in this Chamber and this Nation want an end to the killing and destruction in El Salvador. The first step toward real peace in that country is free, open elections. This resolution deserves our support, the elections deserve our support, and, most importantly, the people of El Salvador deserve our support.●

LET'S SQUELCH THOSE MSHA-OSHA TRANSFER MYTHS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. ROUSSELOT. Mr. Speaker, last December, both the House and the Senate overwhelmingly supported an amendment to the continuing appropriations resolution for fiscal year 1982 which effectively transferred Federal safety and health jurisdiction for the sand and gravel, stone, clay, colloidal phosphate industries, and for surface construction from the Mine Safety and Health Administration (MSHA) to the Occupational Safety and Health Administration (OSHA). On recorded votes in both chambers, Congress took remedial action to correct a situation which has been extensively debated for over 3 years. The continuing resolution will expire on March 31 and it is important that any myths being created about this transfer be dispelled in order to insure that the will of the Congress will be remembered.

Since the effective date of the continuing resolution, December 15, 1981, the Congress has been bombarded with false and misleading information concerning the effect of the MSHA transfer amendment. The most recent of these materials is filled with so many inaccuracies and distortions that it is a disservice to the Congress. I am therefore, compelled to set the record straight.

The regulation relief provided by the MSHA rider to the small businesses that comprise the affected industries has been the one bright spot during this time of great economic hardship. This relief has in no way compromised the health and safety of the employees. Virtually all of the industries are continuing to operate strong safety programs as required by Federal statute.

The letters and fact sheets that Members of this body have received over the past 2 months purport to reflect the true situation surrounding the MSHA to OSHA transfer for sand, gravel, stone, clay, and other mining operations. Below you will find my rebuttal to these gross distortions. I hope that after reading this information, Mr. Speaker, my colleagues will see the true effect of the transfer and will put into perspective the squawking that has been blemishing the benefits of the MSHA-OSHA transfer.

Today I would like to discuss the positive impact this transfer has had on the sand and gravel industry and rebut the accusations that indicate safety has been jeopardized in this industry. I will have a series of CONGRESSIONAL RECORD inserts during the next 2 weeks which will discuss the other affected industries.

A. SAND AND GRAVEL MINES ARE SAFE

The statistics concerning the safety of the sand and gravel operations were maintained until December 15 by the Mine Safety and Health Administration. MSHA publishes quarterly accident and fatality statistics which have consistently shown sand and gravel operations to be among the safest of all forms of mining. MSHA provides its data to the Bureau of Labor Statistics for its annual publication "Occupational Injuries and Illnesses." In addition to compiling MSAH's statistics, BLS also incorporates statistics received from OSHA and releases a composite reflecting all major divisions of the private sector. (Please look at a copy of a BLS release (81-526) dated Nov. 18, 1981, Occupational Injuries in 1980.")

The industries which were affected by the transfer are classified in the category under Mining titled "Nonmentallic Minerals, Except Fuels," which once and for all puts to rest the specious claim that the occupational injury rates for the sand and gravel industry are particularly poor when compared with rates for the other segments of U.S. industry.

B. SENATOR BUMPERS' STATEMENT CONCERNING SAND AND GRAVEL MINES AND SEARS AND ROEBUCK

From the BLS release discussed above, it is easy to see that general merchandise stores such as Sears have incident rates 50 percent higher than those of the sand and gravel industry. Please note that in BLS's description of its computation that the statistics include fatalities. Senator BUMPERS' statement was accurate when it was made. It is accurate today. It is interesting to observe that the so-called factsheet prepared by the United Steelworkers of America extracted data from various tables and sources rather than simple rate information that can be used to make an informed and independent judgment. The BLS report is the only one which compares like figures rather than selected data that results in a classic apples and oranges situation.

C. MSHA LAW DESIGNED FOR COAL MINES

The 1977 Mine Safety and Health Act was passed in reaction to a series of coal mine disasters. The legislation is an amendment of the 1969 Coal Mine Safety Act and, to this date, still has three of its five titles applicable exclusively to coal operations. In many cases the 1977 legislation added the words "or other mines" whenever the word coal appeared in the original legislation. Additionally, the 1977 Act repealed the Federal Metal and Nonmetallic Mine Safety Act of 1966.

Provisions of the 1977 law affect all types of mines. It is true that there are separate safety and health standards (five categories) for various types of operations, but it is equally true that there are at least 20 sets of regulations for all types of mines. The listing follows:

30 CFR Part 40 Representative of Miners;
30 CFR Part 41 Notification of Legal Identity;
30 CFR Part 43 Procedures for Processing Hazardous Conditions Complaints;
30 CFR Part 44 Rules of Practice for Petitions for Modification of Mandatory Safety Standards;
30 CFR Part 48 Training and Retraining of Miners;
30 CFR Part 50 Notifications, Investigation, Reports of Accidents, Injuries, Illnesses, Employment, and Coal Production in Mines;
30 CFR Part 2700 Federal Mine Safety and Health Review Commission—Rules of Procedure;
April 24, 1978—Interpretive Bulletin;
30 CFR Part 100—Civil Penalties for Violations of the Federal Mine Safety and Health Act of 1977;
30 CFR Parts 85 and 85a—National Institute for Occupational Safety and Health—Implementation of Federal Mine Safety and Health Act of 1977;
MSHA-OSHA Interagency Agreement, March 29, 1979;
30 CFR Part 11-Respiratory Protection Devices;
30 CFR Parts 15, 16, and 17—Explosives and Related Articles;
30 CFR Parts 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29—Various Electrical Standards;
30 CFR Part 45—Independent Contractor;
January 3, 1979—Official Interpretations;
January 31, 1979—Official Interpretations; and
May 22, 1979—Official Interpretations.

E. SAND AND GRAVEL EXTRACTION SIMILAR TO CONSTRUCTION

In sand and gravel extraction you dig a hole to remove material to process it. In construction you dig a hole to remove material so that you may pour foundations, footings, basements, and so forth. In both cases equipment to dig the hole includes dozers, loaders, scrapers, shovels, cranes, and similar equipment. While the processing of the sand and gravel is different from erecting a structure, the type of tradesmen involved in both operations are the same. The safety and health considerations for both types of operations are very similar.

F. THE LEGALITY OF TRANSFERRING JURISDICTION ON APPROPRIATIONS MEASURES

This issue was raised extensively prior to December 15. Clearly it is moot at this point. OSHA has assumed jurisdiction (attached see joint MSHA-OSHA press release). Additionally, legal precedent is documented in research prepared by the American Law Division, Congressional Research Service of the Library of Congress.

As a matter of fact, the United Steelworkers of America have recognized the legality of the transfer—in exercising their rights under OSHA regulation 1910.20 "Access to Employee Exposure and Medical Records." The safety and health department of the union in addressing a request to a sand company acknowledged this jurisdiction by writing.

> As you are aware, your facility is currently under the jurisdiction of the Occupational Safety and Health Administration (OSHA).

F. OSHA STANDARDS ARE APPLICABLE TO SAND AND GRAVEL OPERATIONS

OSHA's general industry standards and the Act's general duty clause provide very adequate standards under which safety and health conditions may be judged at sand and gravel operations. The history of coordinated development of standards between Federal agencies is far greater than opponents to the transfer would have Members of the Congress believe. MSHA's predecessor agency, the Mining Enforcement and Safety Administration (MESA), which was located in the Department of the Interior, signed a memorandum of understanding with the Occupational Safety and Health Administration in 1974 which, in part, established "a procedure to coordinate and adapt safety standards promulgated under the Occupational Safety and Health Administration of 1970 which have significant application to working conditions in mines subject to the Federal Metal and Nonmetallic Mine Safety Act of 1966." It further provided that—

> When OSHA receives information suggesting unsafe or unhealthful working conditions in an area for which MESA has authority for employee safety and health, OSHA will forward that information to MESA for appropriate disposition.

And further—

> When MESA receives information suggesting unsafe or unhealthful working conditions in an area for which OSHA has authority for employee safety and health, MESA will forward that information to OSHA for appropriate disposition.

That agreement remained in effect and operation until enactment of the 1977 legislation. At that point the new agency, MSHA, and OSHA again signed a similar agreement which remains in effect today. For 8 years the responsible Federal agencies have worked together and identified safety and health hazards and have promulgated standards directed to eliminate those hazards. There are appropriate standards within OSHA.

G. THE AMENDMENT DOES NOT EXCLUDE SAND AND GRAVEL WORKERS FROM EFFECTIVE SAFETY AND HEALTH PROTECTION

The argument being advanced by the opponents to the transfer that the action effectively excludes a substantial number of sand and gravel workers from Federal safety and health protection is a blatant misstatement of the facts and is contrary to arguments advanced that the industry is not safe. The Occupational Safety and Health Act puts the responsibility for a safe and healthy workplace directly on the individual employer. Nothing may exempt a covered employer from that responsibility. The covered employees may complain directly to the appropriate State or Federal OSHA agency without fear of discrimination. Additionally, any employer is subject to special or separate inspections concerned with specific OSHA investigations.

The great misunderstanding stems from what was originally known as the Schweiker amendment—more recently referred to as the Byron amendment—which has been attached to Department of Labor appropriations bills. That amendment which is still in effect today and incorporated in the continuing resolution exempts certain employers from routine inspections if they meet two conditions. These two conditions are: One, the employer has 10 or fewer employees, and two, the Bureau of Labor Statistics certifies that the standard industrial classification category applicable to that employer has an occupational injury and illness rate less than 7 per 100 employees. The sand and gravel SIC code is 14 and, as can be seen in table 2 of the BLS release, the rate is less than 7. Please note that the seven cutoff is less than the average for the entire private sector for both 1979 and 1980.

H. GROUPS OPPOSED TO MSHA TRANSFER

The United Steelworkers of America have gone to great lengths to identify and portray various groups as opposed to the MSHA to OSHA transfer for the sand and gravel industry. Incredibly, virtually none of these groups represents in any significant manner the employees of the sand and gravel industry—including the United Steelworkers. The labor unions that do represent the organized portion—substantially less than 50 percent—of this industry have been silent or inactive on this issue. Some locals have actually supported the transfer legislation.

The only industry organization opposed to MSHA transfer is the National Limestone Institute, whose members appear to be seriously divided on the question as evidenced by the fact that the other major trade association for the stone industry—the National Crushed Stone Association—is a principal proponent of the transfer effort. NLI has consistently supported major changes in the Mine Safety and Health Act that to date are totally unacceptable to the United Steelworkers. To imply that the two groups are of one mind on the issue is ridiculous.

As for the members of the House and Senate Appropriations Committees, the record is even more clear. A majority of members from both committees supported the transfer amendment on House and Senate recorded votes.

Finally, the position of the Reagan administration on MSHA transfer is ambiguous at best. Assistant Secretary for MSHA, Ford B. Ford, was permitted to express his opposition to the transfer proposal last fall without it being construed as the official position of the administration. OMB and the White House prohibited Secretary Donovan from sending a letter to the Hill opposing the transfer until very late last year. Even now it is unclear whether or not this is an official administration position or merely that of the Department of Labor. Needless to say, career employees of MSHA and DOL continue to have a vested interest in maintenance of the status quo.

I. MSHA HAS WORKED TO SAVE LIVES

It is true that under MSHA during the last 2 years the number of fatalities has declined in the sand and gravel industry. It is also true that under the previous act the fatality rate for the sand and gravel industry had been declining and that enactment of the 1977 law broke the 5-year trend of declining fatalities and that for 2 years the number of fatalities increased. The recent decline in fatalities has little bearing on MSHA's activity, since for the 2 years involved, the sand and gravel industry, which is closely alined with construction, has seen a decline in production and a corresponding decline in the number of man-hours worked by employees. To attribute the recent decline in fatalities to MSHA is a specious argument.●

BUDGET, FEDERAL DEFICIT, AND MONETARY POLICY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1982

● Mr. MILLER of California. Mr. Speaker, as the chorus of dissent from the administration's economic program grows within the President's own party, and virtually everywhere else, the time has come to talk frankly to the American people about the budget, Federal deficits, and monetary policy.

In an article in the current issue of the New Republic, Prof. John Kenneth Galbraith illustrates the catastrophic impact of the administration's restrictive monetary policy on the recession, industrial productivity, and international finance.

Every Member of this Congress—Democratic and Republican alike—knows that we must chart a new path to economic recovery and fiscal stability. Professor Galbraith provides us with incisive directions which each of us should heed.

[From the New Republic, Mar. 7, 1982]

THE BUDGET AND THE BUST

[By John Kenneth Galbraith]

On the consequences of President Reagan's budget I find myself in harmony with the great majority of other economists and the instincts of the American people at large. Indeed, for the first time in my professional life, stretching now over half a century, there is a broad unity of view extending from Wall Street and the conservative economists of the American Enterprise Institute to my liberal co-religionists. All manifest a concerned opposition to the economic design being offered for the year 1983 and thereafter.

The surface concern is with the deficits that are being projected: $91.5 billion in 1983, similarly massive figures for the years following. This concern has been deepened by the imaginative funding of the figures to get the deficit down to the stated levels. It is likely that the gap between revenues and real expenditures will be much greater; indeed, the reliance on monetary policy to curb inflation ensures it. The sound instinct of the American people is that deficits of this magnitude are unwise and dangerous. Nor do I believe that people accept as a defense that all budget problems—indeed, all economic problems—are the inheritance of previous Administrations. This, the archaeological alibi, must never be taken seriously. All Administrations, of whatever political color, must be held firmly responsible for what happens in their own time. Otherwise, one day, some imaginative economist will attribute his failures to the erroneous economic framework established by Alexander Hamilton.

The problem of the deficit lies deeper than in the fact that more money is spend than received. It lies in the constraints and contradictions that this imposes on other economic policy.

Specifically, in an economy with a strong tendency to inflation, there are only three countering lines of policy. One is direct restraint on wages and prices in the highly organized sector of the economy. This the Administration eschews. The second is restraint on inflation through the budget. This the prospective deficit denies, as one cannot sink and swim at the same time, so one cannot have a large budget deficit and fiscal restraint at the same time.

There remains only monetary policy as an agent against inflation. Prayer aside, it is the only recourse. That a flaccid fiscal policy places the burden on monetary policy the Administration does not deny. It so affirms. This year's "Economic Report of the President" says flatly that a "deficit financed by money creation will have persistent inflationary consequences." These inflationary consequences, it follows, can only be avoided by a firm refusal of the Federal Reserve to allow such money creation: in short, by rigorously stern monetary policy.

Here we encounter the first of the contradictions. Control of the money supply, the essence of monetary policy, is far more difficult than once imagined by its advocates. But if the effort is sufficiently pressed, it will work. It is working now. The question is the cost. There is no mystery in how monetary policy works against inflation. It works by restraining bank lending and the subsequent bank deposit and other money creation, and the spending therefrom. It does this primarily through high interest rates; these put the price of credit beyond the reach of would-be borrowers. From the constraint imposed on lending comes reduced spending for capital and consumer goods, a recession in economic activity, and, if not lower prices, at least a lessened rate of inflation. That has been the effect of the policy in these last months. The recession we now experience was not an adventitious or accidental thing. It was the scheduled result of the policy we are now using against inflation, for it is through a recession such as we are now experiencing that monetary policy works.

A further contradiction in the budget prospect will now be obvious. The budget deficit, as currently projected, assumes an expansion in real output in calendar year 1983 of 5.8 percent. But if inflation is to be controlled, the monetary policy will have to be sufficiently restrictive so as to deny any considerable expansion in output. Perhaps, as in these last months, it will require a contraction in output. (Inflation is not a one-time thing that, once extruded from the system, is like some poison gone for good.) The effect of the restrictive money policy that the deficit requires will, in turn, cut down on tax revenues and increase payments under the various entitlement programs—and thus increase the deficit. There is nothing hypothetical about this prospect. It is precisely what has happened in Britain as the British government has followed similar budget policies with a similar reliance on monetary policy. Economics is not a compassionate thing. It does not deal gently with those who pursue such basically contradictory policies.

A recession has a restraining effect on spending in general and thus on prices. But monetary policy also has a more specific effect on those industries that are particularly dependent on borrowed money—what are coming to be called the credit-sensitive industries. Thus it works generally on the auto industry by causing fewer people to buy cars. But it has a more specific effect by cutting back, through high interest rates, on lending for the purchase of cars. It also raises the cost of credit to dealers and thus the cost of carrying inventory, with the further effect of putting some out of business. These effects we shall continue to have so long as we are forced by deficit financing to rely on monetary policy to dampen inflation—for that, to repeat, is the way it works.

There is a similar selective effect on the other credit-sensitive industries. Reduced demand from the recession acts against farm prices in general, with ancillary and highly visible effects on the farm equipment industry. The policy similarly singles out the housing, construction, and real estate industries, and small business in general, where the failure rate last year reached the highest level, one year excepted, since the Great Depression. This is the way monetary policy is working and is meant to work. These are the consequences we must expect if budget deficits require a continued reliance on monetary policy as the alternative to severe inflation.

We have heard much from liberals and the trade unions of the effect of monetary policy on employment—of the social cruelty of a policy that works by making unemployment the restraining influence on wages, and that, at the most optimistic, promises unemployment in the range of 8 percent of the labor force. (It would be much less painful to have a direct restraint on wages rather than the sanguinary, indirect restraint of the present monetary policy.) But the cruelty of the policy extends also to car dealers, home builders, construction firms, merchants, and farmers. This is small business; most small-business people are Republicans; they have often been called the backbone of the party. No one can accuse this Administration of sparing its own.

This is the policy and punishment that, in the absence of any fiscal restraint, will have to be continued and intensified in the months ahead—the policy that is made necessary, always assuming that inflation is to be contained, by the deficits.

There are three further consequences of the present policy. First, it is from borrowing for investment that we get improvement in productivity. High interest rates squelch such investment, especially by smaller enterprises. The recession by which monetary policy suppresses inflation also has an adverse effect on productivity. There is no mystery as to why this should be so. It is when business is expanding and firms are operating at or near capacity that new plant is wanted and new investment made. New plant is almost always more efficient than old. The years of high interest rates have, in virtually all countries, been years of low productivity gains.

A continuation of the monetary policy that the prospective large deficits will require will also have a deeply damaging effect on the international financial system. The high interest rates here draw funds from the other industrial countries. In defense, they are forced to raise their interest rates. In such fashion we export our economic policy—including the associated unemployment and recession—to our friends abroad. This is no hypothetical prospect: in recent weeks, the British Chancellor of the Exchequer, the German Chancellor, the head of the Bundesbank in Germany, the President of France, the Belgian Prime Minister, and the Prime Minister of Canada have all expressed deep concern, verging on anguish, over our policy. Rarely have we promoted such unity. If our policy continues, the European countries, acting through European monetary arrangements now in place, will be strongly tempted to control capital outflows, therewith to lower their interest rates and thus get control over their own policy. Few European leaders wish to see the world economic system broken in two; but many would accept it as an alternative to the disastrous policies that Washington's fiscal policy is otherwise forcing upon them.

Finally, the deficits now in prospect and the countering monetary action make nonsense of the talk of a supply-side economics—of a vigorous expansion in the economy unleashed by the tax cuts. This was always an exceptionally dubious design. But not even the most ardent advocates, men who have shown that they will believe anything, can suppose that there can be a vigorous supply-side expansion in combination with tight monetary restraint to control inflation. Those who so suggest, were they doctors, would tell an obese patient with a large appetite that he had only to eat a great deal more in order to grow thin. This is an economics guided not by what is right, but by what people looking for a painless life prefer to hear.

Let it be noted that it is no case for the present budget that governments in the past deliberately resorted to deficit-financing. The deficit-financing of the Depression era was undertaken when prices were falling and interest rates at all-but-nominal levels. The massive deflationary tendencies of the time allowed, indeed required, both an easier monetary policy and an expansive fiscal policy. The case of the Kennedy-Johnson tax reductions is also cited. That too was a time of nearly stable prices and of low interest rates; and with the tax reduction of that time also went pressure on the Federal Reserve to lower interest rates. No lessons from these periods are applicable to a time when inflation is a central concern and when fiscal irresponsibility enhances the emphasis on monetary policy.

Let me now turn to remedies—to what needs to be done. I shall pass over the proposed cuts in social and other civilian expenditures. Much has been said about this and about the consequences. This expenditure, much of it on behalf of the poorest of our people, is not wasteful, dishonest, or out of control. Rather, it is the expression of compassion and concern that all modern industrial states have manifested for the least protected of their citizens. Our expenditures for this purpose have not, in relative terms, been high; in relation to gross national product they have been lower than those of the other major industrial countries with the exception of Japan. It is such expenditure that has tempered the rough edges of the economic system and helped ensure its survival. Social tranquility is not less important for conservatives than for liberals. It serves all.

The military budget does call for comment and action. All know of the factors that determine its scale; some of them having nothing to do with defense. To the calculation of military need is added what serves bureaucratic interest, what serves the competition between the services, and what serves, often at military cost, the technical dynamic of gadgetry—the belief that whatever is technically more arcane is always better. To this is added the large influence, which no one denies, of the weapons firms. Finally there is the protection that comes from political fear. In this day and age motherhood can be criticized; but mention Russia and the bravest men, politically speaking, take to the hills.

There is a question as to whether military expenditures at their present and projected levels add to our national strength. The history on this matter is persuasive. During the 1970s we spent, in round figures, a hundred billion dollars annually on the defense establishment, for a total for the decade of roughly a thousand billion (in constant 1976 dollars). Capital in this magnitude could be used for arms; it could be used for private capital investment; it could not be used for both. If an appreciable part of this outlay had gone into the improvement of our industrial plant—as it would have, had it not been requisitioned by the government—no one can doubt that the American economy would be stronger today. And from this stronger economic position would have come, in turn, the economic primacy and political prestige that were enjoyed in the early years following World War II. It was economic, not military, strength on which the American world position then depended.

There is striking empirical evidence of the industrial effect of the arms race, as I have argued recently in the Bulletin of Atomic Scientists. In modern times the American competitive position has declined, specifically in relation to that of Germany and Japan. We are not, it is generally believed, less intelligent than the Germans or Japanese. The American raw material and energy base is not less good—indeed, it is far better. Germany spends more per capita on social services than does the United States; Japan does not spend greatly less. The difference is that the Germans and Japanese have been using their capital to replace old civilian plant and build new and better plant. The United States has been using much more of its capital for industrially limited or sterile military purposes.

Through the 1970s the United States used from 5 to 8 percent of its gross national product for military purposes. The Germans during this decade used between 3 and 4 percent—in most years relatively about half as much. The Japanese in these ten years devoted less than 1 percent of their gross national product annually to military use. In 1977, a fairly typical year, American military spending was $441 per capita; that of Germany was $252 per capita; that of Japan a mere $47 per capita.

It was from the capital so saved and invested that a substantial share of the civilian investment came which brought these countries to the industrial eminence that now so successfully challenges our own. Again the figures are striking. Through the 1970s our investment in fixed nonmilitary and nonresdential investment ranged from 16.9 percent of gross national product to 19 percent. That of Germany began where ours reached its peak, it ranged upward from 20.6 to 26.7 percent of gross national product. The Japanese range in these years was even greater--from 31 percent to a towering 36.6 percent. The investment in improvement of civilian plant was broadly the reciprocal of what went for weapons. No one looking at these figures can doubt that our military spending has been at cost to our industrial eminence and to the prestige and influence that go therewith. Certainly no one looking at these figures from the past can view the projected increases in the military budget with equanimity. The Administration itself affirms in the "Economic Report of the President" that these increases will be at cost to private capital formation. Is it really sensible to sacrifice our industrial eminence to a military budget that comprises so many elements so slightly related to any valid national concept of security? Lurking at the back of much past defense calculation has been the notion that we could somehow spend the Soviet Union into submission. It is a thought we can no longer tolerate, if, indeed, we ever could.

So, by all means, let us freeze the military budget along the lines proposed by Senator Ernest Hollings. Let us then have a serious look for savings—a look at the rehabilitation of those two old battleships, museum pieces both; at the B-1 bomber with its four or five years of useful survival; at aircraft carriers that in modern conflict would have to be rushed to the nearest harbor and might not make it; at the massive overkill in the strategic forces. And let there be serious pressure for an arms control agreement. (The issues here, needless to say, go beyond economics to survival.) The military budget has a highly leveraged relationship to the civilian budget. A modest reduction in marginal military gadgetry frees a large number of dollars for civilian need or for covering the deficit. We would be wise to use this leverage to the full.

However vigorous and sustained the movement on the military budget, the deficit, or some of it, will remain. That means taxes must be raised. Let there be no flinching at this prospect; and let there be no doubt on one basic and indispensable point. Higher taxes are far better for the economy than higher interest rates. Investment, productivity, and economic growth are consistent, or can be made consistent, with higher taxes.

They cannot be reconciled with the high interest rates which are the alternative.

There should be prompt repeal of the corporate tax concessions, including the transfer of tax credits. I would also make a strong case for the windfall tax on gains from oil and gas deregulation. But the obvious and practical action is to defer the tax reductions schedule for this coming summer and for a year hence. Nothing would have a more immediate and positive effect. There would be a prompt rally in the stock market; interest rates would fall and bond prices would rise; economic activity in the credit-sensitive industries would respond. I am never sanguine about economic predictions, including, and perhaps especially, my own. This one I make with a confidence that would be widely shared.

I urge two final points. Let us be very careful about any action, however disguised by rhetoric, which praises local responsibility or a new federalism and which transfers costs to state and especially to local governments. All public action must take account of one of the major features, one can say flaws, of the American fiscal system. The government of the United States, with its access to diverse tax sources and the tendency of its revenue sources to keep abreast of inflation, is by nature one of the best-financed units of government anywhere in the world. And, over the last half-century, nothing has been so persistently evident and so grievously underestimated as the costs of operating the modern large city at any tolerable level of safety, decency, and compassion. When people live in close juxtaposition, the costs of government go up exponentially. And they go up on a tax base that, unlike the taxable resources of the federal government, is circumscribed. We have already had, in the last budget, a major shift in fiscal responsibility from the best-financed unit of our system of government to the ones in the greatest inherent difficulty. It is a path on which we should proceed no farther. So to proceed will not strengthen local governments; it will weaken them. The new federalism, there is little doubt, is a singularly transparent device for shifting public costs away from the personal and corporate income tax bases of the federal government, with the particular incidence on the affluent, to the more regressive sales and property tax bases of states and localities.

Mr. David Stockman, with admirable candor, said last year that the concept of supply-side economics and its associated rhetoric were a cover for the reduction of income taxes in the upper brackets. That conservatives should seek a reduction in the upper-income tax brackets is not remarkable; no less than liberals, conservatives have their constituency. What is not forgivable is that conservatives should disguise their purposes behind supply-side or new federalist rhetoric. Plain speech is proper to people of all political faiths.

Conservatives especially should not accept the deficit in its prospective magnitude. There is room for ideological difference on how public services should be financed. There is no room for difference on the question of whether or not it should be financed. Deficits on the scale now projected effectively remove all freedom of economic action and commit the government to a monetary policy that we are learning—as the British have learned—is painfully repressive and potentially disastrous.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 11, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 12

8:00 a.m.

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on S. 2133, providing for the redevelopment of the Mount St. Helens national volcanic area in Washington.

3110 Dirksen Building

9:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Resources Administration, Department of Health and Human Services.

1224 Dirksen Building

Judiciary

Agency Administration Subcommittee

To hold joint hearings with the Committee on Labor and Human Resources on S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Department of Energy all functions relating to research regarding the health effects of radiation on human beings to the Department of Health and Human Services.

4232 Dirksen Building

Labor and Human Resources

To hold joint hearings with the Committee on the Judiciary's Subcommittee on Agency Administration on S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Department of Energy all functions relating to research regarding the health effects of radiation on human beings to the Department of Health and Human Services.

4232 Dirksen Building

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Food and Drug Administration, Department of Health and Human Services, and the Farm Credit Administration.

1223 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the U.S. Trade Representative, Legal Services Corporation, and the Commission on Civil Rights.

S-146, Capitol

Commerce, Science, and Transportation

Consumer Subcommittee

To resume hearings on proposed legislation unifying and clarifying the product liability tort law.

235 Russell Building

Foreign Relations

East Asian and Pacific Affairs Subcommittee

Closed briefing to discuss a General Accounting Office report on U.S. defense programs in Thailand.

S-116, Capitol

Select on Intelligence

Budget Subcommittee

To hold closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine export lending activities of the Commodity Credit Corporation, focusing on overdue payments to the U.S. government and private banks by Poland and other Soviet bloc nations.

324 Russell Building

Appropriations

Energy and Water Development Subcommittee

To hold hearings to review water research and development programs of the U.S. Army Corps of Engineers with regard to proposed budget estimates for fiscal year 1983.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the office of Inspector General and the St. Lawrence Seaway Development Corporaton of the Department of Transportation, and the Architectural and Transportation Barriers Compliance Board.

1318 Dirksen Building

Armed Services

Preparedness Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year

1983 for the Department of Defense, focusing on Army, Navy/Marine Corps and Air Force guard and reserve operation and maintenance programs.
224 Russell Building

Armed Services
Sea Power and Force Projection Subcommittee
To continue open and closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on CINC, Southwest Asia/Rapid Deployment Joint Task Force.
1224 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Finance
To continue hearings to further discuss budget proposals for fiscal year 1983 for those programs which fall within its legislative jurisdiction, focusing on certain spending reductions.
2221 Dirksen Building

Governmental Affairs
To hold hearings on the nomination of Frederic V. Malek, of Virginia, to be a Governor of the U.S. Postal Service.
3302 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To continue hearings on terrorist and intelligence activities of the Cuban government, focusing on the Cuban threat worldwide with special focus on Latin America and the United States.
2228 Dirksen Building

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizations for the Railroad Financial Assistance Program, Department of Transportation.
235 Russell Building

Finance
Health Subcommittee
To resume hearings on the effectiveness of the End Stage Renal Disease (ESRD) program, focusing on the equity and effectiveness of the prospective reimbursement rate structure.
2221 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the National Transportation Safety Board.
1318 Dirksen Building

1:30 p.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority, focusing on report from Joint Economic Committee.
6202 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for elementary and secondary education and education block grant programs, Department of Education.
1114 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the Department of Energy research and development programs, focusing on fossil energy, conservation and renewable energy.
3110 Dirksen Building

MARCH 16

9:00 a.m.
Armed Services
Tactical Warfare Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Air Force tactical programs.
212 Russell Building

Foreign Relations
Arms Control, Oceans, International Operations, and Environment Subcommittee
Open and closed hearings on United States and Soviet civil defense programs.
4221 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
2175 Rayburn Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Commerce, focusing on the Office of the Secretary, general administration, and the Economic Development Administration.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
6226 Dirksen Building

Labor and Human Resources
To hold hearings on S. 1929, proposed Comprehensive Smoking Prevention Education Act of 1981.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Consumer Product Safety Commission and the Office of Revenue Sharing (New York City loan program).
1318 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for impact aid, vocational and adult education, libraries and learning resources programs, Department of Education.
1114 Dirksen Building

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the capacity, distribution and status of the strategic petroleum reserve.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Finance
To hold hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

Governmental Affairs
To resume hearings to review the President's proposals on New Federalism.
3302 Dirksen Building

10:30 a.m.
Select on Indian Affairs
To hold hearings on S. 1894, permitting Indian tribes to enter certain agreements for the disposition of tribal mineral resources.
357 Russell Building

11:30 a.m.
Foreign Relations
To hold hearings on the nominations of James L. George, of Maryland, to be Assistant Director, Bureau of Multilateral Affairs, Robert T. Grey, Jr., of Virginia, to be Deputy Director, and Norman Terrell, of California, to be Assistant Director, Bureau of Nuclear Weapons Control, all of the U.S. Arms Control and Disarmament Agency.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for education for the handicapped, rehabilitation services and handicapped research programs, Department of Education.
1114 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority, focusing on entitlement programs and controllability of the budget.
6202 Dirksen Building

MARCH 17

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.

1224 Dirksen Building

Armed Services

Tactical Warfare Subcommittee

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Air Force tactical programs.

212 Russell Building

Labor and Human Resources

Employment and Productivity Subcommittee

To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.

2175 Rayburn Building

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Soil Conservation Service, Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation, Department of Agriculture.

1318 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Oceanic and Atmospheric Administration, International Trade Administration, and the U.S. Travel and Tourism Administration.

S-146, Capitol

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1983 and 1984 for the National Bureau of Standards, Department of Commerce.

235 Russell Building

Labor and Human Resources

Labor Subcommittee

To resume hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, educational research and training activities overseas, Department of Education.

1114 Dirksen Building

Budget

To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority, focusing on tax expenditures.

6202 Dirksen Building

Finance

To continue hearings to review the administration's tax proposals for fiscal year 1983.

2221 Dirksen Building

Select on Intelligence

Budget Subcommittee

To resume closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

Select on Indian Affairs

To hold hearings on the Department of the Interior's proposal for the use and distribution of Wichita and Caddo Indian judgment funds awarded by the U.S. Court of Claims.

6226 Dirksen Building

1:30 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.

1224 Dirksen Building

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To holding hearings on proposed supplemental appropriations for fiscal year ending September 30, 1982, for foreign assistance, focusing on the Caribbean basin initiative.

S-146, Capitol

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To holding hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Education, Fund for the Improvement of Post-Secondary Education (FIPSE), and education statistics, Department of Education.

1114 Dirksen Building

Energy and Natural Resources

Energy Research and Development Subcommittee

To resume oversight hearings on the Department of Energy research and development programs, focusing on nuclear energy, other than breeder reactor programs.

3110 Dirksen Building

Select on Intelligence

Budget Subcommittee

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

MARCH 18

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for conservation programs of the Department of Energy.

1224 Dirksen Building

Budget

To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority, focusing on defense programs.

6202 Dirksen Building

Governmental Affairs

To resume hearings on Senate Resolution 231, providing for an inventory of U.S. assets, to estimate their market value, identify which are unneeded and can be sold, and recommend legislative and administrative actions to streamline the liquidation process.

3110 Dirksen Building

Labor and Human Resources

Employment and Productivity Subcommittee

To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.

4232 Dirksen Building

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Office of Transportation, Agricultural Cooperative Service, and the Packers and Stockyards Administration, Department of Agriculture.

1318 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Patent and Trademark Office, Scientific and Technical Research Service, and the Minority Business Development Administration.

S-146, Capitol

Commerce, Science, and Transportation

To hold oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.

235 Russell Building

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings, in closed session, on proposed legislation authorizing funds for the National Aeronautics and Space Administration.

6226 Dirksen Building

Judiciary

Agency Administration Subcommittee

To resume hearings on S. 1775, making the Federal Government liable for constitutional torts and generally the exclusive defendant in all tort suits involving Government employees acting within the scope of their employment.

5110 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for special

institutions, Howard University, departmental management (salaries and expenses), and the Office for Civil Rights, Department of Education.
1223 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

Governmental Affairs
To resume hearings to review the President's proposals on New Federalism.
3302 Dirksen Building

Select on Intelligence
Budget Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

2:00 p.m.
Select on Intelligence
Budget Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

MARCH 19

9:00 a.m.
Labor and Human Resources
*Employment and Productivity Subcommittee
To hold hearings on productivity in the American economy.
4232 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
To continue oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.
235 Russell Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on the Department of Energy research and development programs, focusing on energy research, inertial confinement fusion, nuclear materials security and safeguards, and environmental protection.
3110 Dirksen Building

10:00 a.m.
Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

2:00 p.m.
Select on Intelligence
Budget Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

MARCH 22

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Telecommunications and Information Administration, Department of Commerce.
235 Russell Building

10:00 a.m.
Energy and Natural Resources
To hold hearings to discuss natural gas policy and regulatory matters, including related proposals modifying existing law.
3110 Dirksen Building

MARCH 23

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Holocaust Memorial Council, and the Bureau of Land Management of the Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of the Census, National Telecommunications and Information Administration, and the Economic and Statistical Analysis.
S-146, Capitol

Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for weather programs of the National Oceanic and Atmospheric Administration, Department of Commerce.
235 Russell Building

Select on Indian Affairs
To hold oversight hearings on the statute of limitations relating to Indian affairs.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Veterans' Administration.
1224 Dirksen Building

Energy and Natural Resources
To continue hearings to discuss natural gas policy and regulatory matters, including related proposals modifying existing law.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

MARCH 24

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Helsinki Commission, Board for International Broadcasting, Japan-United States Friendship Commission, Arms Control and Disarmament Agency, and the International Communication Agency.
S-146, Capitol

Finance
International Trade Subcommittee
To hold hearings on S. 2094, proposed Reciprocal Trade and Investment Act, and other related measures.
2221 Dirksen Building

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Internal Revenue Service's taxpayer assistance programs.
6226 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the National Highway Traffic Safety Administration of the Department of Transportation, and the Interstate Commerce Commission.
1318 Dirksen Building

Governmental Affairs
To resume hearings to review the President's proposals on New Federalism.
3302 Dirksen Building

MARCH 25

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Indian Education, Navajo and Hopi Indian Relocation Commission, and the Pennsylvania Avenue Development Corporation.
1114 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Farmers Home Administration, Rural Electrification Administration, and the Office of Rural Development Policy, Department of Agriculture.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for international organizations, International Communication Agency, and the Chrysler Loan Board.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Science Foundation.
235 Russell Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for

fiscal year ending September 30, 1982 for the Federal Highway Administration of the Department of Transportation, and the Office of the Secretary of Transportation.
1224 Dirksen Building

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings to review the capacity, distribution and status of the strategic petroleum reserve.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Governmental Affairs
To hold hearings on S. 1932 and H.R. 2098, bills establishing an Office of Inspector General in each of the Departments of Defense, Justice, and Treasury and in the Agency for International Development, and on other related measures.
3302 Dirksen Building

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Secretary of Agriculture, to review the general agricultural outlook, and to review the overall budget for the Department of Agriculture.
1114 Dirksen Building

MARCH 26

9:00 a.m.
*Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for the U.S. Coast Guard, Department of Transportation.
235 Russell Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Government in the operation of U.S. payment systems.
5302 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 29

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for the food stamp program.
324 Russell Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Civil Aeronautics Board.
1318 Dirksen Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review proposed authorizations for the safe drinking water program.
4200 Dirksen Building

MARCH 30

9:00 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings to review budget proposals for fiscal year 1983 for energy conservation programs of the Department of Energy, focusing on State grant, research and development, and solar energy programs.
3110 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Foreign Agricultural Service, Food for Peace program (Public Law 480), Office of International Cooperation and Development, Agricultural Marketing Service, and the Federal Grain Inspection Service, Department of Agriculture.
1318 Dirksen Building

Commerce, Science and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on title X of the Public Health Service Act relating to health aspects of teenage sexual activity.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the U.S. Coast Guard of the Department of Transportation.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

10:30 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation Subcommittee
To hold oversight hearings on the implementation of the Resource Conservation Act (Public Law 95-192).
324 Russell Building

Veterans' Affairs
To hold hearings to receive Veterans of Foreign Wars legislative recommendations for fiscal year 1983.
318 Russell Building

MARCH 31

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for strategic petroleum reserve and Naval petroleum reserves of the Department of Energy.
1114 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on activities of the National Highway Traffic Safety Administration, Department of Transportation.
235 Russell Building

Judiciary
Agency Administration Subcommittee
To resume hearings on S. 1775, making the Federal Government liable for constitutional torts and generally the exclusive defendant in all tort suits involving Government employees acting within the scope of their employment.
5110 Dirksen Building

Labor and Human Resources
To hold hearings on proposed authorizations for certain health programs of the Department of Health and Human Services.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To continue hearings to review proposed authorizations for the safe drinking water program.
4200 Dirksen Building

Governmental Affairs
To hold hearings on the substance of S. 1724, proposed Federal Employees' Compensation Act Antifraud Amendments of 1981.
3302 Dirksen Building

APRIL 1

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Commodity Futures Trading Commission, to review budget proposals for the Department of Agriculture's Inspector General, and agricultural aspects of the General Accounting Office.
1318 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on expanding employment opportunities for older workers in the private sector.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.
1224 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommitte
To hold hearings on proposed budget estimates for fiscal year 1983 and pro-

posed supplemental appropriations for fiscal year ending September 30, 1982, for the U.S. Railway Association, and Conrail.

S-128, Capitol

Select on Indian Affairs

To hold oversight hearings on the implementation of indirect costs and contract provisions of the Indian Self-Determination and Education Assistance Act (Public Law 93-638).

6226 Dirksen Building

APRIL 2

9:30 a.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To resume hearings on productivity in the American economy.

4232 Dirksen Building

APRIL 13

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for the railroad safety program, Department of Transportation.

235 Russell Building

10:00 a.m.

Environment and Public Works

Water Resources Subcommittee

To resume hearings on S. 810, prescribing a system of user fees to be levied on commercial transportation on inland waterway projects; amendment No. 32 thereto, expediting the construction of inland waterway projects, and assuring that the users of such projects repay a fair percentage of the cost of such works; amendment No. 637, clarifying the intent of the bill, and related measures.

4200 Dirksen Building

APRIL 14

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Supreme Court, Securities and Exchange Commission, Federal Maritime Commission, and the Federal Trade Commission.

S-146, Capitol

Labor and Human Resources

To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.

1114 Dirksen Building

Environment and Public Works

Environmental Pollution Subcommittee

To hold oversight hearings to review current funding status of programs of the Endangered Species Act.

4200 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.

1114 Dirksen Building

APRIL 15

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the land and water conservation fund, and to receive testimony from congressional witnesses.

1318 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Judiciary, International Trade Commission, and the Marine Mammal Commission.

S-146, Capitol

Labor and Human Resources

To hold hearings on proposed authorizations for the National Science Foundation.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.

1224 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.

1114 Dirksen Building

Select on Indian Affairs

To hold oversight hearings on the tribally controlled community college program.

6226 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.

1114 Dirksen Building

APRIL 16

9:30 a.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To resume hearings on productivity in the American economy.

4232 Dirksen Building

APRIL 19

10:00 a.m.

Environment and Public Works

Environmental Pollution Subcommittee

To resume oversight hearings to review current funding status of programs of the Endangered Species Act.

4200 Dirksen Building

APRIL 20

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services, and the Geological Survey, Department of the Interior.

1318 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of State, focusing on the Office of the Secretary and administration of foreign affairs.

S-146, Capitol

Labor and Human Resources

Business meeting, to consider proposed legislation authorizing funds for health programs and the National Science Foundation.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.

1224 Dirksen Building

Environment and Public Works

Business meeting, to consider pending calendar business.

4200 Dirksen Building

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for foreign assistance activities of the Department of the Treasury.

1318 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.

1114 Dirksen Building

APRIL 21

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Small Business Administration, Federal Communications Commission, Equal Employment Opportunity Commission, and the Maritime Administration.

S-146, Capitol

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Federal Railroad Administration of the Department of Transportation, and Amtrak.

1318 Dirksen Building

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on S. 1889, authorizing funds for fiscal year 1983 and 1984 for the establishment of a national institution to promote international peace and resolution of international conflict.

4232 Dirksen Building

APRIL 22

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.

1318 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain related programs.

S-146, Capitol

Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold hearings on promoting voluntarism in America.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.

1114 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.

1114 Dirksen Building

APRIL 23

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.

1114 Dirksen Building

*Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Urban Mass Transportation Administration, Department of Transportation.

1318 Dirksen Building

APRIL 26

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Federal Aviation Administration of the Department of Transportation.

1318 Dirksen Building

APRIL 27

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.

1318 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.

1224 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

Environment and Public Works

Business meeting, to consider proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.

4200 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

APRIL 28

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings to receive testimony from congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for certain transportation programs.

1318 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Department of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

APRIL 29

9:00

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.

1318 Dirksen Building

9:30 a.m.

Judiciary

Criminal Law Subcommittee

To resume hearings on proposals providing for a ban on the manufacture or sale of nonsporting handguns, mandatory sentences for the use of a firearm in committing a felony, and preclearance procedure for the sale or transfer of any handgun.

Room to be announced

*Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold hearings on the extended family.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings to receive testimony from Congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 on certain transportation programs.

1224 Dirksen Building

10:30 a.m.

Veterans Affairs

To hold hearings to receive AMVETS legislative recommendations for fiscal year 1983.

Room to be announced

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

APRIL 30

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings to receive testimony from Congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for certain transportation programs.
1318 Dirksen Building

MAY 3

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 5

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 7

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 11

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

MAY 18

10:00 a.m.
Appopirations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation providing for the appointment of special magistrates to serve each Indian reservation over which the United States exercises criminal jurisdiction under existing law.
6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans' Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

CANCELLATIONS

MARCH 11

10:00 a.m.
Select on Indian Affairs
To hold hearings on H.R. 3731, extending the period of time, in which the Secretary of the Interior shall prepare and submit to Congress a plan for the use and distribution of Indian judgment funds, within 1 year after appropriation; to be followed by a business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
424 Russell Building

APRIL 29

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on community social support systems.
4232 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, March 11, 1982*

The House met at 11 a.m.

The Reverend Timothy M. Dolan, priest of the Archdiocese of St. Louis, Mo., and currently at Catholic University of America, Washington, D.C., offered the following prayer:

We will use this morning Bishop John Carroll's "Prayer for Civil Authorities" of November 10, 1791:

We pray Thee, O God of might, wisdom, and justice! through whom authority is rightly administered, laws are enacted, and judgment decreed, assist with Thy Holy Spirit of counsel and fortitude the President of the United States, that his administration may be conducted in righteousness, and be eminently useful to Thy people.

Let the light of Thy divine wisdom direct the deliberations of Congress, and shine forth in all the proceedings and laws framed for our rule and Government, so that they may tend to the preservation of peace, the promotion of national happiness, and may perpetuate to us the blessing of equal liberty.

We pray for all judges, magistrates, and other officers who are appointed to guard our political welfare, that they may be enabled, by Thy powerful protection, to discharge the duties of their respective stations with honesty and ability.

We recommend likewise, to Thy unbounded mercy, all our fellow citizens, that they may be blessed in the knowledge and sanctified in the observance of Thy law; that they may be preserved in union, and in that peace which the world cannot give, and, after enjoying the blessings of this life, be admitted to those which are eternal. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

FATHER TIMOTHY MICHAEL DOLAN

(Mr. YOUNG of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Missouri. Mr. Speaker, our guest chaplain this morning is Father Timothy Michael Dolan who was born and raised in St. Louis, and now is a priest of that archdiocese. He is currently a doctoral candidate in American Catholic history at the Catholic University of America here in Washington. He gave the "Prayer for Civil Authorities" composed by John Carroll, the first bishop of our country, in November 1791.

PROPOSED CUTBACKS IN FEDERAL STUDENT FINANCIAL AID

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEYSER. Mr. Speaker, when we talk about student aid, we generally have been talking about major universities, graduate schools, and many people have felt, schools in the Northeastern part of the country.

I met this week with the eight public 4-year-school colleges in Mississippi, Alcorn State University, Delta State University, Jackson State University, Mississippi State University, Mississippi University for Women, Mississippi Valley State University, University of Mississippi, and University of Southern Mississippi.

Every one of these schools have indicated they will be devastated if the Reagan cuts on student aid go through.

Mr. Speaker, in every section of the country universities, colleges, and students are all counting on this U.S. Congress to reject the proposed cuts of this administration.

LEGISLATION TO PROHIBIT CERTAIN FOREIGN MILITARY SALES

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I am introducing legislation that would prohibit foreign military sales to countries in the Middle East that refuse to endorse the Camp David peace process. It is as simple as that.

The United States invested a tremendous amount of effort and prestige into designing and constructing a framework for peace in the Middle East. The Camp David process brought together Israel and Egypt at the negotiating table. While the process of creating a lasting and comprehensive peace treaty has been slow and frustrating, the process is going on and Egypt and Israel are not shooting at each other.

The Camp David peace process would be stronger and more durable if other nations in the region agreed to it. Recognition of the State of Israel cannot be a large price to pay for an end to the bloodshed that has engulfed the region. We should use what leverage we have to bring other countries into the process. Military arms sales seems to me to be about the best leverage we have.

Obviously, adoption of this legislation would have prevented the sale of AWACS to Saudi Arabia. And prompt action on this legislation will bar the sale of Hawk missiles to Jordan. Although there are no other plans that I know of to sell arms that would be prohibited by this legislation, there is no telling with what countries we may now be negotiating for the sale of arms.

Our foreign policy must be based on eliminating strife throughout the world. I can think of no better way than through bolstering the Camp David peace process in the Middle East.

YOUNGSTOWN-WARREN-ASHTABULA AREA DOES SOMETHING ABOUT HIGH INTEREST RATES

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, today I want to commend some of my fellow citizens of Ohio for a creative and innovative effort to break the deadly cycle of recession and inflation. If anyone has any doubt that high interest rates and the tyranny of the prime rate are the chief cause of the present recession, then I invite them to look at Ohio.

Like my own district of Greater Cleveland, Mahoning County and Trumbull County of northern Ohio are among the most economically depressed areas in the Nation, due to declining steel production, the closing of

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

tire factories, and other industries related to auto production, and a construction industry that is at a standstill.

I want to applaud a public-spirited group of citizens from the Youngstown-Warren-Ashtabula area in Ohio for deciding to do something about this situation. I also want to commend my colleague in the House, Congressman LYLE WILLIAMS, for the support and encouragement he gave to this remarkable experiment, better known as the 12.9 Campaign.

A few weeks ago the Auto Dealers Association of Northeastern Ohio, after reflecting on the sad state of their current sales, approached their local banks about a temporary "amnesty" in interest rates on loans for new autos. I am happy to report that all of the local commercial banks agreed to the experiment, and a deal was struck: For 3 weeks the banks agreed to finance auto loans at a 36-month rate of 12.9 percent and a 4-year rate of 14 percent, a considerable reduction from the current prime rate of 16.5 percent. Thirteen local banks participated in the amnesty. Eighty local auto dealerships participated. The experiment began on March 1, and today, the Auto Dealers Association announced that the banks had agreed to extend the period for 1 week. Their car sales quadrupled.

ELECTRONIC AND COMPUTER TECHNICIAN TRAINING INCENTIVE GRANTS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I am introducing today legislation to help relieve the country's serious shortage of electronic and computer technicians by stimulating the training of 80,000 new technicians annually through a partnership of industry and government. Although unemployment is high, the Labor Department reports a wide range of opportunities for electronic technicians, computer programers, and operators. These skilled jobs remain unfilled because our vocational education system is falling behind recent technological advances in the job market. Little or no investment has been made in the last decade in high technology programs such as robotics, fiber optics, laser technology, and computer-assisted design and manufacturing. Even the news from Silicon Valley is bad. Dr. Elizabeth Useem, of Northeastern University, notes in her recent study, "Education and High Technology Industry: The Case of Silicon Valley":

> If schooling in Silicon Valley is any example, the "new industrial revolution" may unfold a bit more slowly and unevenly than anyone thought.

Much has been written about the Nation's shortage of engineers. According to J. Fred Bucy, president and chief operating officer of Texas Instruments, Inc.:

> The electronics industry normally requires four technicians for every three engineers or scientists. . . . The demand for technicians today is even greater than the demand for engineers in this industry, and this trend will continue throughout this decade and into the 1990's.

The Department of Labor projected a demand for 1.4 million new electronic and computer technicians over the next 10 years, even before the recent growth in military spending.

Without an increase in training opportunities, American companies will be forced to look abroad for expansion opportunities. This export of jobs can be avoided, if we heed the advice recently offered by three University of California, Berkeley, professors to the Joint Economic Committee, as part of a study of the semiconductor industry:

> Our government's education task should be seen broadly, . . . We must go beyond expanding the supply of engineers and physicists; we must give all citizens more of the technical skills they will need to live in a new age.

The vocational education system, working in close partnership with industry, is well suited to meet this task.

To encourage this partnership, I am introducing the Electronic and Computer Technician Vocational Education Incentives Grants Act. The act will offer each State an opportunity to expand electronics and computer technician training through an increase in Federal support, contingent upon State and industry commitments. Each State's allocation will be determined by the existing formula of the Vocational Education Act. Initial grants will be limited to States which commit at least 2 percent of their existing vocational education basic grant funds to programs funded under this act. Second year grants will be limited to States making a 4-percent commitment. Beyond the second year, a 6-percent contribution will be required. To assure strong industry participation and the relevance of the training to real job opportunities, programs will be required to receive at least 25 percent of their proposed budgets from the computer and electronics industry.

With the enactment of this legislation, the vocational education system will take a major step toward producing more workers with the skills required by these rapidly evolving industries. The jobs are waiting. With the passage of this act, the workers are on the way.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT, TUESDAY, MARCH 16, 1982, TO FILE REPORT ON H.R. 4326, SMALL BUSINESS INNOVATION DEVELOPMENT ACT OF 1981

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight, Tuesday, March 16, 1982, to file a report on the bill (H.R. 4326) to amend the Small Business Act to strengthen the role of the small, innovative firms in federally funded research and development, and to utilize Federal research and development as a base for technological innovation to meet agency needs and to contribute to the growth and strength of the Nation's economy.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

UNEMPLOYMENT IN DALLAS-FORT WORTH METROPLEX

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, unemployment is now spreading into areas generally considered to be recession proof.

I represent a district in the Dallas-Fort Worth metroplex and it is not exactly the boom area it was before the recession. Unemployment in the area rose from 3.9 percent in December to 5.4 percent in January.

At the General Motors plant, which is located in my district, 900 of its 4,500-person work force were permanently laid off in December. Another 3,000 have been off the job for 5 of the first 9 weeks of 1982. And just 3 days after returning from a 2-week layoff recently, those 3,000 were told they would be out of work the week of March 22.

Braniff Airlines, another major employer in the area, employed 15,000 workers 2 years ago. Now, only 9,500 of those original 15,000 still have a job. And those lucky enough to be working recently were forced to defer 50 percent of their salaries for 1 week or lose their jobs.

Braniff is facing such serious cash-flow problems that its continuation is not at all certain.

Mr. Speaker, unemployment has climbed to 8.8 percent nationwide and all indications are that the picture will get worse before it gets better. Any claims by the Reagan administration that the recession is localized in a few areas fly in the face of what is happening in my district and in other sunbelt areas. Interest rates must come down and they must stay down. And if the President cannot tear himself away from his economic policy that does not work, then he needs to yield to Congress and let us bring this situation under control.

U.S. TERRITORIES HEADING FOR ANOTHER LOSS

(Mr. SUNIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SUNIA. Mr. Speaker, the U.S. territories may be heading toward another loss. This time a loss in standing, which I fear can lead to a loss in recognition and eventually programs.

We have learned that in a recent effort to economize at the Department of Education under Public Law 95-134, the territories are being removed from the Office of the Assistant Secretary for State and local educational programs all the way down to the discretionary funds initiative program.

At that level, Mr. Speaker, the territories will be buried. After the Department level, you come down to divisions, below that there are sections. Under each section are chapters. The territories will be in chapter 2, as one of the operations thereunder. And there we will remain buried unless the Director has a change of heart.

I am submitting a letter that our Territorial Caucus wrote to Secretary Bell on this issue for inclusion in the RECORD, as follows:

WASHINGTON, D.C.,
March 8, 1982.

Hon. TERREL H. BELL,
Secretary of Education, Department of Education, Washington, D.C.

DEAR MR. SECRETARY: We understand that through our efforts to achieve greater fiscal economy by consolidating under P.L. 95-134, the territories stand to lose our voice in the Department of Education. We have learned that by consolidating, we are being removed from the Office of the Assistant Secretary for State and Local Educational Programs all the way down to the Discretionary Funds Initiative Program, a Chapter 2 operation in a section of a division of the Department. This organizational shift effectively buries the territories.

The territories need access on a policy-making level within the Department of Education. Although we have consolidated, the programs covering us are dispersed. Our insular area programs will not function without the access we have enjoyed in the past. This access, and consequently our educational programs, is already fizzling out under the Department's reorganizational plans.

For these reasons we urge you to keep territorial responsibility in the Office of the Assistant Secretary for State and Local Educational Programs. Your favorable consideration of our request is crucial to the survival of the territorial education programs.

Sincerely,
ANTONIO WON PAT,
Chairman, Subcommittee on Insular Affairs.
RON DE LUGO,
Chairman, Territorial Caucus.
FOFO SUNIA.

A GRIM PICTURE

(Mr. SHARP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHARP. Mr. Speaker, the recent national statistics on unemployment were grim for many people in this country, but for those of us in Indiana they were considerably worse. In my own district, where I represent 12 counties, many of them semirural, only one had less than double-digit unemployment, going as high in several counties as 17, 18, 19, and 20 percent of our people out of work. As we all know, these kinds of statistics do not represent the entire reality of the rapidly eroding incomes of people on our farms and in our small businesses, as well as in our factories.

Mr. Speaker, the people in my area have by and large been very patient and supportive of the administration in waiting to see if, in fact, a new kind of policy could dramatically make a difference in this country. They were willing to let the promise stand. They were willing to hear the promise and see if it would work, but I find considerable growing disenchantment with what has become very clearly a very tight monetary policy, very high interest rates, and very high deficits that were wholly unexpected by the people in my area.

Regrettably, the recent budget and the projections for the next 4 years do not show any kind of real improvement on the deficit question. Therefore, it is imperative and incumbent upon us in Congress that we take the bull by the horns and we develop a coalition along bipartisan lines that can produce a budget for this country that will project clear-cut reductions in deficits over the next several years and will also address the critical human needs that are now growing.

□ 1115

CONGRESS SHOULD GET BACK TO WORK NOW

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, most economists will say today that we are not going to have economic recovery until interest rates come down. They will also say that interest rates are not coming down as long as this cloud of uncertainty hangs over the financial markets as to what this Congress is going to do about budget deficits.

I think it is perfectly obvious also that this uncertainty will not be removed until Congress acts on the 1983 budget. Today, Mr. Speaker, as you know, we have done little, if anything, in this body.

I know you are thinking right now, "This freshman here does not understand how things work around here."

Well, Mr. Speaker, our farmers do not understand how things work around here either, and they are on the verge of bankruptcy. They need their credit right now, and they need lower interest rates now. Small businessmen of northeastern Indiana do not understand how things work around here; they need action now. Our realtors, builders, and auto dealers need action right now.

Mr. Speaker, I think it is time to end this congressional layoff, recall Congress, and get this place back to work.

WHY NOT CONSIDER SUBSTANTIVE ISSUES NOW?

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, we meet today concluding another laborious week of doing the Nation's business. I think it might be well to review the substantive business we have accomplished in the House so far, because it will not take very long.

This week we managed to accomplish the Potato Research and Promotion Act. That is the sum total of the substantive business done by this House this week. You are quoted, Mr. Speaker, in the paper as saying that antibusing, for instance, is a bill that could be brought to the calendar immediately, and will be delayed until later on this year. Of course, I suppose later on in the year we will be told that we just do not have the time and we are too busy.

I begin to ask on the questions of the budget, the question on busing, why not now? Why not slip some real business onto the House Calendar, or is what we have been doing the best we can do? If so, Congress needs some new leadership.

CONGRESS MUST SPEED UP ITS PROCESS IN DEALING WITH THE ECONOMY

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, and colleagues, today 54 Members of this body signed a letter to the Speaker asking that we get on with the task at hand in solving the economic problems facing this country. I do not need to spend any time telling the Members about those problems, such as high interest rates, unemployment, that are facing us.

I do not think that this ought to be taken in a partisan sense. There certainly is rather, I think, a serious cry here for urgency. Every day this Congress fails to deal with the economic issues facing us is a day when more farmers have to put their farms up for auction because they cannot get the money to plant their crops. It is a day when more small businessmen have to go and file bankruptcies because they cannot stand to make it anymore in this economy.

Certainly, there is probably enough blame to go around for all of us for the reasons we have the economic problems that we have in this country today. Certainly, all of us have our concerns and reservations about certain parts of the President's budget, but if we are to be an equal branch of this Federal Government, then I think it is time that we get on with the task at hand, to start solving our problems, because if we do not, we are doing an injustice to the people that elected us to come here.

We have been accused of being a million-dollar Congress. If we do not speed up the process of dealing and solving these problems, I tell the Members that the greatest waste, fraud, and abuse in the Federal Government will be right here in the Congress of the United States.

CONGRESS SHOULD TAKE SAME CUTBACKS AS IT ASKS AMERICAN PUBLIC TO TAKE

(Mr. DUNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNN. Mr. Speaker, I take the well of the floor today to talk about something that happened yesterday. For the first time in anyone's memory, this House refused to approve the committee funding level. It was pulled from discussion by the Democratic leadership, pulled largely because of an effort by myself and another freshman, JIM COYNE.

We have been accused of stopping the congressional process, doing it for grandstanding. I simply want to make the point that we did not do it for grandstanding. We are not interested in stopping the democratic process, but this freshman Republican class is sincere in its belief that if we are going to ask our constituents to pull back, the least we can ask of this body is not to increase funding for itself. I do not think that is too much to ask.

I sincerely implore the Democratic chairmanship to go back, take another look, ask for the same cutbacks for ourselves that we are asking of the American public.

REPUBLICAN MEMBERS SHOULD COMPLAIN TO PRESIDENT AS WELL AS TO DEMOCRATIC LEADERSHIP

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I was interested to learn that some 50 Members of the House on the other side have written a letter to you asking for more action on the floor. As you know, Mr. Speaker, there are certain matters that I think should be brought to the floor for action, and we will talk about them later today, but I wish those Members who wrote you would also send a copy of the letter at least, or maybe a special letter of their own, to the President. It is the President's budget that has $120 billion of deficit in it, and if they are concerned, as most of us are, about the plight of the small businessman, the plight of the small farmer, high interest rates and a high deficit, then that is where some action needs to be taken, instead of intransigency, unwillingness to consider alternatives, dismissing out of hand other options, and in fact they are running the risk about their complaints, of being called sob sisters.

I do not think they ought to be called sob sisters by the President or anyone else, but I think the problems cannot be addressed until this administration is willing to act reasonably on the budget deficit that they have proposed.

ANTIBUSING MEASURE SHOULD BE BROUGHT TO HOUSE FLOOR IMMEDIATELY

(Mr. MOORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. MOORE. Mr. Speaker, on March 2, the other body passed landmark legislation to bring balance to the use of court-ordered busing.

It did so initially in September by a margin of 60 to 39, reaffirmed its decision in February by a vote of 59 to 38, and after months of consideration it finally passed S. 951 by a vote of 57 to 37 earlier this month. This historic action now shifts to the House of Representatives the responsibility to consider action to limit busing as well. Will we have that opportunity?

S. 951 reached the Speaker's table on Thursday, March 4 This is 1 week ago today. Under normal circumstances a Senate bill is taken from Speaker's table upon request of the Chairman of the Committee of Legislative Jurisdiction the same day of its arrival or no later than the following day. Normal circumstances have not been followed thus far with S. 951. It is our clear duty and responsibility to now consider the Senate action notwithstanding our own earlier passage of H.R. 3462 as a means to authorize functions of the Department of Justice for the current fiscal year. The first step in this process is timely referral of S. 951 to a proper committee.

On March 9, the gentleman from Ohio (Mr. MOTTL) joined me in delivering a letter to the Speaker to announce our intention to introduce a resolution to have S. 951 taken from the Speaker's table and brought to the House floor immediately for consideration. We did so in the presence of information that S. 951 would otherwise remain at the Speaker's table for an indefinite period and the will of the House would be denied by one individual's control over a measure overwhelmingly approved by the other body. Such inaction we said would bring discredit upon the House and the democratic process.

It has now been reported that the Speaker will hold the bill at the table until the chairman of the Judiciary Committee asks for it. While there have been some assurances voiced that the bill will eventually be referred to committee, there is no assurance that the bill will be referred any time soon, and there exists the strong possibility that the bill will continue to languish at the Speaker's table for some time to come before it is referred. Therefore, we have no alternative but to proceed to move to take the bill from the Speaker's table.

Therefore, today the gentleman from Ohio (Mr. MOTTL), the gentleman from Florida (Mr. BAFALIS) and the gentleman from Kentucky (Mr. HUBBARD) join me in the introduction of the resolution to, we trust, provide a fast track for legislative consideration and we believe approval of the antibusing provisions in S. 951.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for 1 minute for the purpose of inquiring of the distinguished majority whip the program for next week.

Mr. FOLEY. Mr. Speaker, will the distinguished Republican leader yield?

Mr. MICHEL. I will be happy to yield.

Mr. FOLEY. Mr. Speaker, at the conclusion of certain unanimous-consent requests which will be made today, we will conclude the legislative business for today, and the House will not meet tomorrow. We will meet at noon on Monday. There is no legislative business scheduled. Tuesday, the House will meet at noon to consider the Private Calendar and the Special Consent Calendar. We will have seven bills under suspension of the rules.

They are:

H.R. 3260, Hoboken pier bill;

H.R. 2329, U.S. courts' jurisdiction for Cherokee claims;

H.R. 4491, D.C. sales tax exemption for Capitol Historical Society;

H.R. 3345, technical amendments to United States Code, title 35;

H.R. 4468, Secret Service zones of protection;

H.R. 4688, Military Personnel and Civilian Employees' Claims Act; and

H. Con. Res. 290, to reaffirm to the people their insurance on savings deposit accounts.

On Wednesday, the House will meet at 3 p.m., and there is no legislative business scheduled. We will ask permission to meet at 10 o'clock on Thursday for recorded votes on suspension bills debated on Tuesday.

Any further program, of course, will be announced later, and this is subject to the usual reservations.

Mr. MICHEL. Did I understand the gentleman to say a request would be made to come in at 10 o'clock on Thursday?

Mr. FOLEY. Yes.

Mr. MICHEL. And that recorded votes on suspensions then would be postponed from Tuesday until Thursday?

Mr. FOLEY. The distinguished leader is correct.

Mr. MICHEL. I thank the gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, does the gentleman share my concern when I looked at the schedule for next week, that once again we have none of the substantive legislation that this House needs to accomplish on the calendar for next week, and yet we are gradually coming to the point where we only have a few weeks of the legislative session left. If we take a look at the schedule as proposed, we are coming down to the final few days of the legislative session, and yet this week we had no legislative bills; the previous week we had no legislative bills; now, it looks as though next week is going to have little or no legislative bills with real substance.

Mr. MICHEL. Let me respond to the gentleman. No. 1, Tuesday is Illinois primary day. One could say that is a selfish interest on the leader's part, but it has been rather traditional for some of the significant States to have this day off.

Wednesday is St. Patrick's Day, and I do not need to go into a long dissertation on what the tradition has been.

So far as having a lot of legislative agenda, I think the most important thing for us to do is come to grips with the budget. The continuing resolution is the last of March. My personal inclination is to get the first concurrent budget resolution and appropriations bills and Clean Air Act, and maybe several others, and I am not altogether sure that there will be all that much more on the legislative platter that this gentleman would like to see enacted.

That does not say that because we are not meeting on the floor of the House, that there are not people meeting very seriously, trying to pull some threads from diversified forces around here together to come to grips with that very important thing called the budget.

So, I do not think we can make a judgment of the effectiveness of what this House or the other body is doing by the number of hours we actually spend here on the floor as distinguished from what some of us have to do behind the scenes, off the floor, to bring something substantial here to the floor for a vote.

Mr. WALKER. Will the gentleman yield further?

Mr. MICHEL. Yes.

Mr. WALKER. I thank the gentleman for yielding.

The question I think arises though, that in a large proportion of those days we have left are a number of primary days as well. There are a whole series of primary days throughout the rest of the year that also impact on the schedule, let alone the recesses that we have scheduled.

As I pointed out earlier in a 1-minute speech, the Speaker announced that later on in the year we are going to take up the antibusing provisions that came out of the Senate. The question that I have is, Why not take it up now when we do not have anything on the schedule?

The gentleman from Georgia mentioned on the floor, we have got the regulatory reform bill up. I think the gentleman would probably share my concern that that is an issue we ought to be debating. If they are in the process, I do not see any reason why we could not be scheduling them in some of these days when we have nothing on the schedule.

□ 1130

Mr. MICHEL. The point of the gentleman is well taken. I am not altogether familiar with the two issues specifically that he refers to, whether or not the committees have concluded their work to that state of preparation to bring them to the floor of the House.

If that were the case, yes, I think I could buttress the gentleman's argument, but there are orderly procedures that normally have to be pursued, particularly as far as committee work is concerned, and I think we have to wait for those committees to do their work.

Mr. WALKER. I mentioned those two bills specifically because I was admonished by the gentleman from Washington last week when I raised these concerns that we ought to stick to the orderly procedures. The two bills I mentioned are bills within the orderly procedures of the House that could be brought up. I understand both of those could be scheduled for legislative business.

There are other bills that I think are substantive measures which should be moving as well. But those two in particular are actions that we could be taking if they simply were put on the schedule.

I thank the gentleman.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. I certainly would like to concur with the statement that the distinguished Republican leader has just made in response to the questions from the gentleman from Pennsylvania, and also to state that, a matter well known to the Members of the House, that the budget process itself puts the emphasis during this particular period of the legislative year on the committee work, and committees are indeed meeting.

The schedule is adjusted to give committees more time to meet at this time than after the 15th of May when the first budget resolution is adopted, when our committee schedules change, and our House schedule changes to accommodate more legislative work on the floor.

I should also, with the indulgence of the gentleman from Illinois, like to read the words of one of our great forebears, James Madison, who said:

> It will be of little avail to the people that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man who knows what the law is today can guess what it will be tomorrow.

I think we should reflect on the fact, as I mentioned last week in a colloquy, that it is in the great conservative tradition of both parties that the laws be wisely made rather than they be made by volume and number alone.

It is to me extraordinary that some of our colleagues—not the distinguished gentleman from Illinois, whose positions I applaud—have taken the point that somehow volume of legislation alone, the mere processing, as if it were a commodity of legislative bills, is how to judge this Congress.

I think many of us have learned that that has been the mistake of the past and should not be the guide for the present or the future.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I guess I am forced to yield.

Mr. WALKER. I thank the gentleman.

Because I want to go on record as agreeing with the gentleman from Washington on volume of legislation, and I think it raises the question about a lot of the things that we run out here under suspension and we run out here under unanimous consent.

We are accumulating huge volumes of things of no substance. I think that raises a question. But I point out one other thing. If we have no business to do, and if the gentleman is correct that we really do not need to be meeting, because there are no bills that we should be working on, then why be holding these sessions? Why schedule sessions?

A lot of people out in the country are becoming suspicious that the schedule is being made to accommodate the $75 a day due Members of Congress under the new tax provision. Why even have these sessions if we do not have legislative business? Why not then just schedule time when we do have actual business to do and then I would be very glad to——

Mr. **FOLEY**. Mr. Speaker, will the gentleman yield?

Mr. **WALKER**. I yield to the gentleman from Washington.

Mr. **FOLEY**. I thought I had tried to make the point that the Congress has more to do than merely meet on the floor, that the committees of Congress are meeting, should meet, and that the sessions of Congress are held in great part to permit those committees to meet and, as the gentleman knows, because he is a constitutional scholar, a recess for more than 3 days requires the concurrence of the other body.

I find it difficult to know sometimes how to satisfy the criticisms because we hear reports that those recesses that are scheduled are going to be opposed by some Members. So we are trying to follow the orderly process of legislation, adhere to an emphasis on the quality of legislation, and give precedence to the Budget Act and the continuing resolution, the appropriations bills, those items that will be very taxing and very evident on our schedule in a matter of a few weeks.

I wonder if the distinguished gentleman would be willing to yield to the chairman of the Agriculture Committee who would like to make a comment?

Mr. **MICHEL**. I yield to the gentleman from Texas (Mr. de la Garza).

Mr. **de la GARZA**. I appreciate the gentleman yielding and I had no intention of getting into this discussion, but I think it has gotten out of hand and it is absurd that some of the Members who know better—I am not speaking directly of my distinguished colleagues here—are leading people to believe out there that we are not working because the House is not in session or because we did not have a bill that day.

There are two subcommittees meeting now on the Agriculture Committee. Two subcommittees met yesterday all day. The full committee met the previous day. I cannot leave my office before 7 or 8 o'clock in the evening and I do not finish with the work of my constituency, and it just galls me for some Member to come up here and say we are not working because the House is not in session because we do not have a bill on the floor.

Now, I do speak of my distinguished colleague that somehow the $75 a day has to do something with it. Shame on the gentleman for even thinking that, that we are not working here. I do not have enough time to eat a sandwich at noon for the work that I have to do as committee chairman, my constituency, all of the Members with the subcommittees, and I think the people out there ought to know that we are working, that we are working daily, 12, 14, 15 hours, and the work of the Congress should not be measured as Mr. Madison and the gentleman from Washington (Mr. Foley) and the gentleman from Illinois (Mr. Michel) said, by volume.

We would be better off if we passed fewer bills for some of the bad ones we pass around here. But I do not want it to get by, at least for myself or the members of the Agriculture Committee that we are not working, that we are not taking care of the people's needs with the Government, the monster it has grown to be. We spend more time fighting the bureaucracy and then to be accused that someone somehow is thinking of income tax or something like that, that is totally absurd and should not even be a part of this discussion.

Mr. **WALKER**. Mr. Speaker, will the gentleman yield?

Mr. **MICHEL**. I am not sure whether I am happy that I even asked for the program, but I will be happy to yield.

Mr. **WALKER**. I thank the gentleman for his indulgence and for yielding.

I just point out it is a rather spurious argument to say that because the committees are meeting the House has to meet. We all know that the House does not have to be in session for the committees to meet. The committees can go ahead and meet and I would agree, certainly, that the committees are working, and that is where we should be putting in our time, if that is where the legislative business is really being done.

What I am suggesting, however, is that the schedules that we keep coming up with here on the floor do not really reflect that. If we are working in committees, let us work in committees and not have House sessions which are scheduled for no purpose whatsoever.

Mr. **MICHEL**. I would make only one final observation, and the gentleman knows that we have a thing around here called the morning hour or at least similar to what is held over in the other body. Members do take the occasion for 1-minute speeches that they might think are important for their own purpose in expressing a point of view on both sides of the aisle.

I think Members have taken advantage of that occasion from time to time. I would not want to just summarily foreclose them from that opportunity, whatever they might have in mind saying.

There are good arguments that the gentleman makes in support of this position. I might say, as I felt all along, that when we do have at least some advance warning for our Members, for example, that this week or that week there are going to be many days off, that Members with their travel plans could be much more secure in knowing that they are going to be able to spend 2 or 3 days back in their district, which I am sure the gentleman would agree is a very important part of this process for each and every one of us, and I want to continue the kind of dialog I think we have begun to get here over the last year or so in more specifically giving the Members that assurance that when they do leave that they are not going to be caught unawares by someone who simply for his own personal aggrandizement or selfish reasons, for building a record, or whatever, would put all of the Members in jeopardy.

I think we have to keep that in mind and I am grateful for the gentleman being as candid as he has been with the leader on this side from time to time in scheduling the program and I hope that will continue.

Mr. **FOLEY**. I thank the gentleman from Illinois for his comments and we, too, very much appreciate on this side his cooperation as the distinguished Republican leader.

ADJOURNMENT TO MONDAY, MARCH 15, 1982

Mr. **FOLEY**. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday next.

The **SPEAKER** pro tempore (Mr. Young of Missouri). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. **FOLEY**. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. LEVITAS. Mr. Speaker, reserving the right to object, I reserve the right to object in order to raise the question about H.R. 746, the Regulatory Procedure Act of 1982, or the so-called regulatory reform legislation that was reported out of the Judiciary Committee on February 25 of this year.

It is a bill which deals with the process of regulatory reform, Mr. Speaker, and was one of the four major points in President Reagan's agenda that he outlined in his address to the Congress in 1981.

It is a matter of tremendous importance and interest. It has been around for quite a while. And while I agree totally with the distinguished majority whip that we do not want to adopt a policy of judging this Congress on the basis of the volume of legislation or, as he has described it in the past, a dog-a-day bill is not the way to operate. And I certainly subscribe to the idea that frequently the less legislation we have the better, and I think the distinguished Republican leader has conducted himself not only as an advocate of the Republican position, but as a statesman in handling this legislative agenda.

But I am talking about the regulatory reform legislation which is out of committee, which is available for action and is a major piece of public policy that this House ought to be dealing with.

I have written a letter to the distinguished and respected and revered chairman of the Judiciary Committee, today, asking him to seek a rule on this matter, and I would just like to get some assurances under my reservation from the leadership that that bill will be moved expeditiously.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman. I think the gentleman knows that the leadership on both sides of the aisle proceed with the orderly and normal processes of the House. I share the gentleman's interests in the particular legislation—we are cosponsors, he and I of this bill.

As the gentleman pointed out, it has only been within the last 2 weeks that the bill has been reported from the Judiciary Committee and it is not unusual for a piece of legislation of this magnitude to require some additional time before it reaches the floor.

It has, as the gentleman pointed out, been under consideration for some time. It is a very important significant bill, but I cannot tell him that there is any dictate that the bill will be requested for consideration by the Rules Committee. I am satisfied that it will be considered and that the gentleman's interest and that of others will be given an opportunity for expression on the floor in due course.

Mr. LEVITAS. Further reserving the right to object, Mr. Speaker, I would like to thank the distinguished majority whip for his statements, his comments, and his assurances.

As I am sure the gentleman knows, I think many of us in this body consider this to be a very important piece of legislation.

It had been my intention, Mr. Speaker, to object to dispensing with the business on Calendar Wednesday next so that some legislation could be brought to the floor, but I note that it is March 17, that it is not only my mother's birthday, but my father came to this country from Dublin, Ireland. So it has a double meaning for me.

I would not dare object at this point but we will have no doubt a discussion of a similar nature next week, and I would hope that we could get some more specific assurances.

Mr. FOLEY. If the gentleman will yield further, I hope that in the meantime, the gentleman who is well versed in the rules of the House, will review the procedures of Calendar Wednesday prior to considering objecting to the unanimous-consent request.

In any case, I thank the gentleman for what I understand is a withdrawal of his reservation.

Mr. LEVITAS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. MICHEL. Mr. Speaker, reserving the right to object, and I failed to ask, do we assume then that the funding resolutions would not come up next week?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. No, I cannot give the gentleman that assurance absolutely. However, I believe that it is more likely that the funding resolution will come up the week after next.

Mr. MICHEL. If it did at all, it would not be before Thursday, would it?

Mr. FOLEY. No, it would not be before Thursday, and the announced schedule is firm as to that particular question.

Mr. MICHEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

SPECIAL CONSENT CALENDAR DAY ON TUESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that there be a special Consent Calendar Day on Tuesday, March 16, 1982.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1145

HOUR OF MEETING ON THURSDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House meets on Thursday next, March 18, 1982, it convene at 10 a.m.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

FIRST ANNUAL REPORT BY DEPARTMENT OF ENERGY ON FEDERAL COORDINATION IN DEVELOPMENT OF BUILDING ENERGY CONSERVATION STANDARDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs and the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Thursday, March 11, 1982.)

NATIONAL AGRICULTURE DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 148) to proclaim March 18, 1982, as "National Agriculture Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. DE LA GARZA. Mr. Speaker, reserving the right to object, under my reservation of objection let me yield to the distinguished gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Mr. Speaker, I rise in strong support of Senate Joint Resolution 148. I joined with Mr. DE LA GARZA, of Texas, in introducing House Joint Resolution 404, an identical resolution on this side of the Congress. As you know, in excess of 215 Members have cosponsored House Joint Resolution 404. I believe this strong support indicates an appreciation on the part of the Members and the American people for the contribution to our country's economy and the health and well-being of its people that is provided by our farmers, producers, and those who are otherwise involved in the farm sector providing us with our food and fiber. Our agricultural sector provides us the largest and most nutritional diet in the world for the least cost.

Compare the record of this country, if you will, with that of the U.S.S.R. In the United States today 2 percent of the people are involved in agriculture as compared to the 11 percent of the population in the Soviet Union who are involved in agriculture. And in the process, the U.S.S.R. produces less food.

Another relevant comparison is 14 percent of the disposal income of Americans that is spent for food, whereas 35 percent of the disposal income of the citizens of the U.S.S.R. is spent for food. I might add that the amount, quality, and nutritional value of that food is far less in the Soviet Union than it is in the United States.

We have without question the most productive farm sector in the world. While productivity of the worker in other areas of the American work force has been declining, in recent years the productivity of the farmworkers has consistently increased. This has permitted us to have a $15 billion positive food trade balance this year, and here again if I may compare that with the U.S.S.R., that country racks up an $8.1 billion negative food trade balance.

To further illustrate this, let me point out how many minutes it takes in each country for a worker to earn enough to purchase the following commodities:

	U.S.S.R.	U.S.
1 lb. beef	60	16
1 lb. bread	8	4
1 dozen eggs	71	6

I perhaps should also point out that one of our principal trade competitors in the world, Japan, has a record of 174 minutes to earn enough to purchase 1 pound of beef. These are but some illustrations of the substantial contributions made to the economy of this country and the well being of its people by rural America.

I want to express my appreciation to those who make up the Agriculture Council of America for giving publicity and impetus to Agriculture Day. I want to join with them and with my colleagues here in the House in encouraging every American to celebrate the week-long schedule of projects and events commencing with Agriculture Day, Thursday, March 18, and carrying over the weekend.

I am proud to have joined with others since 1973 in supporting the annual observation of Agriculture Day. I believe the celebration of this has helped to carry the message of the contributions farmers make to the well-being of this country to all consumers, be they in small towns, large cities, or the suburbs of this country. I want to urge all of those in our educational system this year to carry the message of Agriculture Day to those in their classrooms and in their communities.

Finally, in the future I hope we may be able to explore the possibility of making the observations of Agriculture Day a part of permanent legislation. My initial thought on the matter is that perhaps the day itself could be celebrated on a Sunday with events following that day for an appropriate period of time—perhaps up to a week. I am hopeful that my colleagues in the House would support such an endeavor.

Mr. **DE LA GARZA**. Mr. Speaker, I associate myself with the words of the distinguished gentleman from Virginia (Mr. **WAMPLER**).

Mr. Speaker, the House's action today in passing Senate Joint Resolution 148, resolution to proclaim March 18, 1982, as National Agriculture Day, is a welcome recognition of the importance of agriculture to our Nation.

The legislation was introduced recently by me and by the ranking minority member of the House Agriculture Committee, Congressman **WILLIAM C. WAMPLER**, of Virginia, and by more than 230 other Members of the House. This heavy and thoroughly bipartisan demonstration of support indicates that the Congress understands and appreciates the significance of a healthy agriculture to a healthy national economy.

Agriculture, including farmers, farmworkers, and all the other participants in the food and fiber chain, is the Nation's largest and most productive industry. A healthy farm economy, working with efficient agribusiness industries, is the foundation of a healthy national economy. If the general economic recovery we all seek is to be complete and effective, it must include recovery in agriculture.

Only a comparative few of our people live on farms, but everyone else is deeply affected by what happens in agriculture. Congress and our citizens will make better and sounder national policy decisions if the public gets all the facts about this cornerstone industry.

That is why we have adopted this resolution—to help spread understanding of agriculture. One of the truly effective methods of spreading that understanding has been the annual observance of Agriculture Day. The observance is coordinated by the Agriculture Council of America, a nonprofit, bipartisan organization devoted to communicating the facts about modern agriculture, and Secretary of Agriculture John Block will join in this year's observance.

The resolution we have adopted adds the emphasis of formal Government recognition to the efforts which are already underway to make 1983 National Agriculture Day an effective observance.

Agriculture Day is celebrated in local communities all around the Nation—in schools, in exhibits, in tours, and in ceremonies of many kinds. There will be proclamations and recognition of the day by many mayors, Governors, and other officials. Millions of Americans will be given a refresher course in how American agriculture works, and how the superior productivity of our agriculture compares with the food systems in other countries.

The 1982 observance which our resolution supports will bring together farmers and ranchers, farm and commodity groups and many other organizations for a united effort to speak to the American people.

Mr. Speaker, I withdraw my reservation of objection.

● Mr. MORRISON. Mr. Speaker, I am a proud sponsor of National Agriculture Day and I want to give proper recognition to the farmers who contribute to making the United States the best-fed Nation in the world.

Agriculture is the Nation's biggest industry and the Nation's largest employer. Farming itself uses 3.7 million workers—as many as the combined payrolls of transportation, the steel industry and the automobile industry.

U.S. farmers produce not only enough for us, but also enough to make large quantities of farm products available for international trade. We export more farm products than anyone else in the world. Each dollar received from agricultural exports stimulates another $1.05 worth of business activity for the rest of the economy.

Although we sometimes hear otherwise, family income buys considerably more food today than 30 years ago, because agriculture has become more efficient and because consumer incomes have risen faster than food prices.

Agriculture is the heartbeat of America and I am proud to be a part of the pulse running through this Nation.●

The **SPEAKER** pro tempore. Is there objection of the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 148

Whereas agriculture is this Nation's most basic industry, and its associated production, processing, and marketing segments, together provide more jobs than any other single industry; and

Whereas the productivity of American agriculture is a vital ingredient in our strength as a nation, both domestically and on the world scene; and

Whereas to maintain a healthy agriculture it is necessary that all Americans should understand how agriculture affects their lives and well-being, and should be aware of their personal stake in an abundant food and fiber supply: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 18, 1982, is hereby proclaimed "National Agriculture Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OFFICIAL RECOGNITION TO INTERNATIONAL BALLET COMPETITION

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 361) to grant official recognition to the international ballet competition, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

Mr. DUNN. Mr. Speaker, reserving the right to object, I wonder if the gentleman would explain this legislation a little bit to me?

Mr. GARCIA. Yes; I would be delighted to do that if the gentleman would yield.

Mr. DUNN. I yield to the gentleman from New York.

Mr. GARCIA. Mr. Speaker, House Joint Resolution 361 grants official recognition for the international ballet competition to be held in Jackson, Miss., under the sponsorship of the Mississippi Ballet International, Inc., as the official competition within the United States, and this organization and its participants as the official representatives of the United States in the international ballet competition cycle, which originated in Varna, Bulgaria, in 1964, and rotates among the cities of Varna, Bulgaria; Tokyo, Japan; Moscow, U.S.S.R.; and Jackson, Miss.

Mr. DUNN. Mr. Speaker, I thank the gentleman from New York (Mr. GARCIA) for his explanation.

Mr. Speaker, my original intention was to object to this to highlight what my distinguished colleague, the gentleman from Pennsylvania, and I have addressed and have been talking about virtually all week, and that is the activities that the U.S. Government is involved in such as ballet days versus what we really should be involved in, and that is solving the economic problems.

There are relatively few tools available to me as a freshman to make my point to this body, and objecting to such requests might be one of those tools. Nevertheless I am going to withdraw my reservation of objection and not object, but I sincerely implore the Members of this body that at some point I am going to have to stand up and say that enough is enough on ballet days and other associated items. As good as such things may be, we have got to concentrate on the issues that face us.

These are not normal times, and we cannot go on tradition in this body. We are under very unusual circumstances.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. DUNN. I am glad to yield to the gentleman from New York.

Mr. GARCIA. Mr. Speaker, I would just like to say to the gentleman from Michigan (Mr. DUNN) that this subcommittee handles from 500 to 600 resolutions per year, and we try to accommodate the Members in this Chamber for their wishes in their respective communities. I would be among the first to tell the gentleman, yes, there are some resolutions that come through this Chamber that I do not particularly care for or agree with, but nevertheless, as a consideration to those Members who represent those respective communities, I think it is important.

Just let me say about ballet that I believe that a strong part of this country is culture, and there is nothing as beautiful and, as far as I am concerned, as important as to maintain that culture which we have in this country.

I am delighted, because I am from the city of New York and we have our Lincoln Center, and it is good to know that there are other parts of the country that are equally interested in culture as it pertains to our respective States. So, in the case of this particular resolution, I feel strongly that the State of Mississippi should be granted this recognition, and especially my colleague from the city of Jackson, the gentleman from Mississippi (Mr. DOWDY), who has worked so hard to get this through.

Mr. DUNN. Mr. Speaker, I thank the gentleman for those words, and I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 361

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States recognizes the international ballet competition held in Jackson, Mississippi, under the sponsorship of the Mississippi Ballet International, Incorporated, as the official competition within the United States, and this organization and its participants as the official representatives of the United States in the international ballet competition cycle, which originated in Varna, Bulgaria, in 1964, and rotates among the cities of Varna, Bulgaria; Tokyo, Japan; Moscow, Union of Soviet Socialist Republics; and Jackson, Mississippi.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL MEDIC ALERT WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 272) to authorize and request the President to issue a proclamation designating April 4 through 10, 1982, "National Medic Alert Week", and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 272

Whereas approximately forty million Americans, nearly one-fifth of our Nation's population, are afflicted with diabetes, heart conditions, epilepsy, allergies, or other medical problems the symptoms of which, in emergency situations, are difficult to detect or are not readily associated with such medical problems; and

Whereas many such Americans suffer avoidable injury or death each year because of the delay which is frequently involved in the proper diagnosis and treatment of such hidden medical problems in emergency situations; and

Whereas special emergency identification and information services are available which are designed with the needs of victims of such hidden medical conditions specifically in mind; and

Whereas these emergency identification and information systems have been credited with saving the lives of more than two thousand people afflicted by hidden medical conditions each year: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 4 through 10, 1982, "National Medic Alert Week", and calling upon the people of the United States and upon interested associations and organizations to observe such week with appropriate ceremonies and activities.

Mr. GARCIA. Mr. Speaker, House Joint Resolution 272 designates April 4 through 10, 1982, as "National Medic Alert Week." Forty million Americans, nearly one-fifth of our Nation's population, are afflicted with diabetes, heart conditions, epilepsy, allergies, or other medical problems the symptoms of which, in emergency situations, are difficult to detect or are not readily associated with such medical problems. Many Americans suffer avoidable death or injury because of delay in proper diagnosis and treatment of such hidden medical problems in emergency situations.

The Medic Alert emergency identification and information system has been credited with saving the lives of more than 2,000 people afflicted by hidden medical conditions each year.

This bill has been cosponsored by over 218 Members of the House.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous matter, on Senate Joint Resolution 148, House Joint Resolution 361, and House Joint Resolution 272, the joint resolutions just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

A TRIBUTE TO THE LATE HONORABLE CLIFFORD P. CASE OF NEW JERSEY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Forsythe) is recognized for 60 minutes.

Mr. FORSYTHE. Mr. Speaker, the subject of this special order is a gentleman who has been revered in this town for many, many years.

At the outset I want to yield to the dean of our New Jersey delegation, the gentleman from New Jersey, (Mr. Rodino), who joins me in this special order today. The gentleman is one of the few men who really knew Cliff Case since he first came to Congress. I yield at this time to the dean of our delegation.

Mr. RODINO. Mr. Speaker, I thank the gentleman for yielding.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the life, character, and public service of the Honorable Clifford P. Case, deceased.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RODINO. Mr. Speaker, I applaud the gentleman from New Jersey (Mr. Forsythe) for taking this time.

Mr. Speaker, I would like to say that with the passing of Clifford Case we have lost a man of wisdom, of compassion, and of vision.

From the day he took his seat on the Rahway Common Council in 1938, until last Friday when he left us forever, Clifford Case never stopped fighting for justice, equal opportunity, and basic human rights for all people. He was a man whose 9 years in this House and 24 years in the Senate epitomized two things—dignity and dedication.

I held a great affection for my old friend, and he was a tremendous inspiration to me during the three decades we served together. When, I came to Congress in 1949, Cliff Case was in his third term as a New Jersey Congressman and had already earned the reputation as an independent-minded man of principle. When he won election to the Senate in 1954, Cliff used his extraordinary intellect and energies to become one of those rare public figures who defines statesmanship in an era. Clifford Case was a man of conscience whose public stands on so many issues really did chart the course of history for our Nation in the postwar period. He believed early on that Americans should be protected from devastating medical bills in their old age, so he became the only member of his party in the Senate to actively push for President Kennedy's medicare bill. He was convinced that America's working men and women needed better protection against indecent and dangerous conditions in the work place, so he was one of the few voices in his party for the Occupational Safety and Health Act. He was an important member of a bipartisan coalition which worked to pass the landmark civil rights legislation of the sixties. He was also an outspoken advocate of worldwide human rights long before it became popular. He grasped at an early stage the powerful meaning human rights would have for all of us, and he never stopped his efforts on behalf of the oppressed of the world. His work as an original member of the Helsinki Commission on Security and Cooperation, and his chairmanship of Freedom House—an international human rights monitoring organization—after he left the Senate, have greatly contributed to human rights advancement.

As a member of the Senate Foreign Relations Committee, Cliff Case defined what we mean by "bipartisanship." When it came to America's international positions or our national security, there were no Democratic or Republican priorities, according to Cliff Case. Only American priorities. And when he felt that our policies should be changed, he did not hesitate to act.

He criticized the continuation of the Vietnam war, and he authored landmark legislation—which we now refer to as the Case Act—to prevent unwise military involvement abroad. The act requires the President to give Congress 60 days notice of any decision that could involve the country in a foreign affairs situation that might be contrary to the wishes of Congress or the public.

During the great Senate clamor over the Panama Canal Treaties—when rhetoric ran high—it was Clifford Case who, quietly but effectively engineered two compromise amendments which bolstered our Nation's security and maintained a good faith international agreement. One amendment assured the right of the United States to send troops to defend the canal after our jurisdiction ends in the year 2000; and the other assures the U.S. naval passage through the canal during an emergency.

Clifford Case's vision and intellect won him the admiration of heads of state from all over the globe. But I do not think any of their feelings could have topped the fondness which New Jersey citizens held for their senior Senator. After winning an extremely close election to the Senate his first time around, Cliff Case rolled up three consecutive landslide victories. Some have called him the "patrician Senator" for his gentlemanly demeanor. But I cannot think of a man of greater sensitivity toward the needs and hopes of the people of his State than Cliff Case. Born in the town of Franklin Park, N.J., and graduated from Rutgers, the State university, he was also an active trustee at Rutgers for many years—and after he left the Senate, became a lecturer at the Eagleton Institute of Politics at Rutgers. His New Jersey roots ran deep, and New Jerseyites loved him deeply.

Speaking personally, I have never known a more decent human being than Clifford Case. He taught us how to live with dignity, and how to serve the people with integrity and honor.

I join with his wife Ruth, the rest of his family, and all the citizens of New Jersey in mourning the loss of this giant of a man.

I hope that as we honor Cliff Case today we can learn from the man and his principles which helped to chart a certain portion of our Nation's history—for they are timeless in their simplicity and strength.

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Mr. FORSYTHE. I thank the gentleman from New Jersey for his comments.

Mr. RINALDO. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from New Jersey.

Mr. RINALDO. I thank the gentleman for yielding.

Mr. Speaker, today I join my colleagues in noting with great sadness the death last Friday of Clifford P. Case, the former senior Senator from New Jersey, and a close personal friend.

Senator Case lived many years in Rahway, N.J., which is in the congressional district that I represent, and near my hometown of Union. I became friendly with the Senator early in my career, and over the years came to admire and respect his enormous abilities, as did most New Jerseyites.

It can be fairly said that Senator Case was an honor to the State and was incredibly popular. He first came to Washington in 1944 as a Member of the House of Representatives. He served in the House until 1954 when he was elected to the Senate by the narrowest of margins. However, he went on to set new records with his reelections in 1960, 1966, and 1972. As a reflection of his popularity among the voters, he received nearly 64 percent of the vote in the 1972 election, for a plurality of 780,000 votes.

His reputation was earned by his independence of thought, great intellectual scope, and quiet dignity. In his unassuming, but effective manner, he was a pragmatist who gained widespread recognition in international affairs as a ranking member of the Foreign Relations Committee. He long championed international human rights, and civil rights at home.

In politics he found scope for expression of a prodigious talent to serve his fellow man, and even after he left office, he continued his public service to the benefit of all of us.

Looking back over his career, we can say that Senator Case had an opportunity to contribute creatively and constructively to the welfare of the Nation and that he was equal to the task.

He was a man of principle and compassion who served with distinction. I mourn his passing.

Mr. FORSYTHE. I thank the gentleman from New Jersey for his comments.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I thank my colleague, the gentleman from New Jersey, for yielding, and I want to commend him and the dean of our delegation, Peter Rodino, for taking a special order to honor this great American and great New Jerseyan.

Mr. Speaker, today we mourn the death and celebrate the memory of Senator Clifford Case, a man who gave 34 years of his life to the service of our Nation. Clifford Case was one of those rare individuals who truly served out of conviction, not for personal aggrandizement, and he tirelessly fought for his convictions throughout his long career. From his days in the fifties as head of the Fund for the Republic, defending civil rights and liberties from the encroachments of McCarthyism, to his work in the late seventies to limit executive power, Case worked to preserve the most basic treasures of our Nation—freedom, justice, and democracy.

He worked for freedom by tirelessly fighting attempts to usurp the rights of individuals. During his service in the House of Representatives, he worked to bring freedom to more of the world's populace, by liberalizing U.S. immigration law. At great political risk, he resisted the allies of Senator Joe McCarthy who would limit debate and condemn without fair hearing those who did not toe a narrow line of conservative anticommunism. And he defended the civil rights of those whose freedoms had been limited by social injustice.

In the same way, he insured that justice would prevail in this land. One of the earliest manifestations of this was his backing of the antilynching bill in the House. That such legislation was needed reflects badly on the state of criminal justice in our Nation just a few decades ago, and reminds us of the immense progress which courageous leaders like Clifford Case have wrought.

Finally, Senator Case worked to preserve our democracy. He did this by supporting that most basic institutions of our society, the Constitution, by contributing his tireless efforts to our political system, and by working for a sound and nonpartisan foreign policy which would advance the reputation of the United States as a nation, fair and reasoned in its dealings with the world. Clifford Case was a decent, honorable, capable and compassionate human being.

Our Nation depends on the contributions of individuals of excellence. Senator Clifford Case was one of these men, a man with the dedication to pursue what was right. The Congress and the Nation will greatly miss him.

Mr. FORSYTHE. I thank the gentleman for his comments.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank my colleague for yielding.

Mr. Speaker, I think it is particularly fitting that the dean of our Republican delegation in the House of Representatives would have taken this time in which a memory of a great Senator could be brought to the Congressional Record and to the people of this Nation.

We all knew Cliff Case. I started working for him as a volunteer in his campaign in 1954 and worked in primary and general campaigns until he was defeated 4 years ago. In all that time, the people of the State learned to trust him, as indeed everybody who knew him trusted him. He was an honor to the State. He was an honor to the Congress. He served in the House and he served in the Senate, and he lived up to the highest ideals of what a citizen should be able to expect from those who presume to sit in these Halls. He never let them down.

I do not think everybody agreed—and certainly I did not—with all of the Senator's votes. Who does agree all the time with any one human being? But I think all of us, even when we differed, knew that he cast those votes in what he truly believed to be the public good. I think he was aware of what Abraham Lincoln said in difficult times in this country: "To do the right as God gives us to know the right."

Cliff Case was a God-fearing man, the son of a minister; Cliff Case was a devoted husband, and he gave an example in that respect too. He taught us a lot about probity and dignity and a sense of justice and the high qualities that are needed for somebody who sits in the United States Senate.

I think it is a fine thing that both sides of the aisle, my Democratic colleagues, as well as those who belong to his party, are speaking today as candidly and as fully as we are. There was nothing ever to hide here. There was nothing but what he seemed to be: A trustworthy, honorable, intelligent and compassionate man, an honor to the Senate and to this House in which he served, to the State he represented and to the Nation.

Mr. FORSYTHE. I thank the gentlewoman for her comments.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Speaker, I wish to congratulate the gentleman from New Jersey (Mr. Forsythe), as well as our dean, Congressman Rodino, for taking this special order.

Mr. Speaker, many of us in the New Jersey congressional delegation were fortunate to have worked long and closely with Senator Clifford P. Case. His death Friday saddened all of us and we offer our most heartfelt condolences to his family.

Statesmanlike, decent, and persistent are the adjectives that first come to mind as we remember Clifford Case. His legislative and political records contain example after example of the courageous stands he took on controversial issues. His approach to problems was always thoughtful and deliberate, no matter how volatile the subject.

I had occasion to work with Senator Case on many issues of concern to New Jersey. Both he and his staff were always well-prepared and knowledgeable. Whether we were talking about civilian employment at Fort Monmouth or beach erosion, we would not look for a Democratic or a Republican solution, but for the best solution for the State. He was one of the principal reasons Members from New Jersey always maintained our sense of purpose through many legislative battles that could have otherwise fractured the unity of the delegation.

When Clifford Case promised, he also delivered and the chief beneficiaries were the people of the State of New Jersey.

I would like to include for the RECORD an editorial in the Daily Register of Shrewsbury, N.J., which accurately and eloquently summarizes Senator Case's illustrious career. The editorial follows:

[From the Shrewsbury (N.J.) Daily Register, Mar. 8, 1982]

Former Sen. Clifford P. Case, who died last Friday of lung cancer at the age of 77, was a scholarly and effective statesman, a compassionate lawmaker who fought for civil rights and social legislation, and the conscience of the liberal wing of the Republican Party. He served this state with distinction in the Senate for 24 years, and brought distinction to the Senate by his service.

In four decades as an elected official—as a Rahway councilman, a New Jersey assemblyman, a member of the House of Representatives and a U.S. senator—Clifford P. Case was guided by the principle that a public office is a public trust. He never betrayed that trust. When he left the U.S. Senate after his defeat in the 1978 GOP primary by the conservative Jeffrey Bell, it was with an unblemished record for honesty and integrity.

His liberal voting record and his unswerving adherence to voting his convictions appealed to voters across the political spectrum: much of his support came from Democratic and independent voters. His political independence—he voted against several key Nixon administration programs and three Nixon appointees to the Supreme Court, and voted to override a Nixon veto of funds for day care centers—spurred controversy within the GOP. But he believed strongly that as a senator he held an "independent responsibility" that did not entitle him "to act as a doorstep" to the president.

A quiet, thoughtful man, he had considerable political influence. He was one of relatively few senators to serve on two major committees; he was the ranking Republican on the Foreign Relations Committee, where he was an outspoken advocate of a bipartisan foreign policy, and the second ranking Republican on the Appropriations Committee. He was a dove on Vietnam, and a leader on the effort to stop the bombing and pull American troops out of Indochina. Long a staunch supporter of Israel, he cochaired a coalition last year opposing the sale of AWACS fighter planes to Saudi Arabia.

He was an ardent fighter for civil rights legislation at home, and was among the first in the Senate to denounce the witchhunting of Senator Joseph R. McCarthy. He was also a champion of human rights abroad; he served on the Helsinki Commission, and for the past two years had been chairman of the board of Freedom House, a non-profit organization that strives to promote freedom world-wide.

He pushed for congressional reform, financial disclosure and environmental legislation long before those became popular issues. Through his nominations, U.S. attorneys were appointed for New Jersey who rooted out corrupt politicians of both parties. He led the successful fight against moving basic training from Fort Dix and his efforts helped establish the Gateway National Recreational Area.

New Jersey was fortunate to have been represented by Clifford P. Case, a courageous, wise, and decent man. He will be missed.

Mr. FORSYTHE. I thank the gentleman from New Jersey for his comments.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I want to thank my good friend, the gentleman from New Jersey, for yielding to me, and I want to commend him for taking this time, because Cliff Case was a great American. He was a noble statesman; he was a man of purity and integrity. I had the good fortune of serving with Cliff. I have been here 24 years now, and I served with Cliff during that whole period of time. I went to many conferences with him, with the Senate and the House on appropriation matters. Cliff Case was one of my idols. When I first came here I worked with him. I always used to look up to Cliff, and he always gave me good, sound advice. You never could go wrong listening to Cliff Case. I worked with him on Republican platforms. We were attacked from the right and we were attacked from the left, but Cliff and I would be in there. I would hang in there with him, always down the middle. Anything that was good for America, Cliff Case was for it.

We remember Cliff as a Republican interested in helping his fellow man. He was always concerned with people: Civil and human rights at home and across the globe, his work on the Helsinki accords and the important War Powers Act. His list of accomplishments for our Nation goes on and on as well: Helping in the creation of the medicare program and the Occupational Health and Safety Administration. Cliff was someone truly concerned for his fellow man.

We missed him when he did not come back in 1978, but we will miss him even more now. The memory of what he did for our Nation and mankind, however, will always be remembered.

One of the nicest things you could say about a man is that he is a good man. In my book, Cliff Case was a good man.

Mr. FORSYTHE. I thank the gentleman from Massachusetts for his comments.

Mr. Speaker, it is also with sadness that I rise today to honor Senator Clifford Case who honorably served our great State of New Jersey for 9 years here in the House and 24 years in the Senate. His death grieves me deeply; I will miss his friendship.

I knew Cliff for over 20 years and respected him from the first time I met him. He had that sort of effect on people, even though he was an unpretentious, "plain folks" type of man. He was a wonderful man to know.

He was a loyal Republican, but he had his own notion of what the Republican Party should represent and would not sacrifice his personal convictions for political expediency. This independence won the respect of leaders and members of both parties, although it also cost him some of the credit he should have received from the Republican Party. However, there was many a conservative Republican who gladly welcomed having Cliff at his side at election time.

During the years when our terms in Congress overlapped, we worked together on many projects of mutual concern to New Jersey. We both fought long and hard to convince the Army that Fort Dix should continue to function as a basic training installation. We were not completely successful in our battle until last year and, though Cliff was no longer serving in the Senate at the time, I am convinced that without his support in earlier years we would not have survived to win our fight last year. Another area in which his support was invaluable and his leadership was most outstanding was in the drafting and passage of legislation protecting the Pinelands.

Throughout his life Cliff Case was dedicated to the just treatment of the individual at home and abroad. In the House of Representatives he worked to enact legislation to liberalize the U.S. immigration policy and for the enactment of civil rights legislation. In the Senate he served on the Foreign Relations Committee and on the Appropriations Committee where he continued his efforts for human and civil rights. Cliff was an original member of the Helsinki Commission on Security and Cooperation and a stalwart supporter of the State of Israel. He also coauthored legislation during the Vietnam war which is commonly known as the Case Act, which curbs the power of the President to wage war. The Case Act requires that the President give Congress 60 days notice of any administration decisions that could involve the United States in a foreign affairs situation which might be contrary to the wishes of Congress or the public.

He also worked diligently for the enactment of the medicare program, and the Occupational Health and Safety Act, as well as strongly supporting mass transit.

I have lost a good friend and a wise counselor. Our Nation has lost a man whose voice was always compassionate and honest. We will all miss his integrity and courage.

My wife, Mickey, and I extend our deepest sympathy to Ruth. We remember fondly the happy times we shared with Ruth and Cliff and we offer our prayers and best wishes to Ruth and the family in the difficult days ahead.

● Mr. MINISH. Mr. Speaker, it is my sad duty to express my grief and that of the people of the 11th District of New Jersey on the death of the Garden State's distinguished former Senator and its senior statesman, Clifford P. Case. Senator Case's active career of five decades of public service did not cease when he left office in 1979; he continued to follow his convictions and work for the good of New Jersey and America. As recently as last year, he played a vigorous leadership role in the effort to defeat the sale of the AWACS to Saudi Arabia. Clifford P. Case continued to work for the public good out of office as he had worked so long as a public servant.

It was Senator Case's personal character which enabled him to be such an outstanding Senator. He was not at all a partisan man; he was a patroit, and he was also a kind and decent human being. I feel that I have lost a personal friend, and I think many New Jerseyites who never had the privilege of meeting or working with Senator Case share this sense of loss. His absolute integrity, his legislative skill, his warmth, and his wisdom were great assets to our State and our Nation. Clifford P. Case was genuinely loved and respected, and the Garden State can be proud of the memory of a great Senator and a great man.●

● Mr. RHODES. Mr. Speaker, I was saddened to learn of the death last Friday of former Senator Clifford P. Case. Although he served most of his congressional career in the Senate, he was a Member of the House when I came to Washington in 1952. Clifford Case was an extremely able legislator, with a vast breadth of knowledge on domestic and foreign issues.

Clifford Case and I cosponsored legislation to establish a national drivers' registration to provide local jurisdictions with notification of license revocation nationwide. That legislation was enacted into law and remains on the books today.

A Republican who received widespread support from Democrats, Senator Case was dedicated to the preservation and promotion of the ideals which he held.

Senator Case had a long and distinguished public career. His influence in the fashioning of public policy continues to be felt and will continue far into the future.

Mrs. Rhodes joins me in conveying sincere sympathies to the Senator's wife and his family.●

● Mr. DWYER. Mr. Speaker, we rise today in tribute to a man of the highest caliber, an individual who served his State and Nation with distinction, Clifford Case.

Wisdom, fairness, dedication, compassion, foresight, courage—all these and more—come to mind when we consider his countless contributions to our State and Nation. More than anyone in recent memory, Clifford Case embodied all that is New Jersey.

New Jersey is special. Senator Case knew that and lived it, exhibiting an intimate knowledge of our people, our needs and our history, then effectively combining that allegiance with an international commitment to justice for all.

I knew this not as a colleague, but as a citizen who felt privileged to have this distinguished public servant representing my interests in the Congress.

His positions were based on principle rather than political expediency. A man of vision, Senator Case was often ahead of his time, courageously taking unpopular stands that later proved to be right on target.

His accomplishments were substantive and tangible. He was on record as a spokesman for human rights early on as an original member of the Helsinki Commission. He opposed the U.S. involvement in Vietnam long before it became fashionable to do so. He saw the inequity of racial injustice and worked diligently to correct it.

Senator Case achieved all this, and much, much more, without the fanfare so often connected with this business of politics. His quiet effectiveness—pure competence—is an inspiration to us all.●

● Mrs. ROUKEMA. Mr. Speaker, I am saddened by the passing of one of New Jersey's most distinguished and honorable public servants, Senator Clifford Case. The Senator's death is mourned by all New Jerseyites, particularly those of us who had come to know and respect his unique public service.

I never had the pleasure of serving with Senator Case, who retired from the Senate in January 1979 after a most distinguished 33-year career in the House and Senate. Nevertheless, I know him well through his enviable record of achievement. The impact of his ideas on the citizens of New Jersey and the citizens of the United States will be felt for years to come. His was an independent and intelligent voice on foreign affairs; he was a national leader on the formation of the medicare program and the Occupational Safety and Health Act, and he was one of our most committed activists on the issue of civil rights. Clifford Case will be remembered for the causes he championed.

Those of us who came to know Senator Case in his later years soon realized that he was an institution in the U.S. Senate, a man respected by Senators from both sides of the aisle. To put it quite simply, when Clifford Case spoke, the Senate listened.

Mr. Speaker, in an era when so many people are disillusioned with government and politics, Senator Case will be remembered for the integrity and achievement of his long and honorable career.●

● Mr. GUARINI. Mr Speaker, it is with a great feeling of loss for New Jersey and the United States that I address this Chamber today. On Friday, March 5, former U.S. Senator Clifford Case of my home State died at the Georgetown University Hospital here in Washington.

Senator Case leaves behind a legacy of accomplishment, stature, and character that is the hallmark of the great men who have served this country. For 33 years he toiled in the House and Senate to better the plight of his fellow citizens. His views and work on civil and human rights showed him to be a visionary who promoted long before it was popular the issues that many Americans today take as given.

Senator Case was a compassionate man who was able to draw upon his own experience in shaping his legislative views. His work was such that he earned the respect of Republicans and Democrats alike. Throughout his 33 years in Congress he worked selflessly for the citizens of this Nation and his fellow people of New Jersey.

After Senator Case left office, he continued to stay active. Most notable was his strong opposition last summer to the President's plan to sell AWACS to Saudi Arabia.

Born at Franklin Park, educated at Rutgers and Columbia, a councilman of Rahway, a four-term Congressman, and a four-term Senator, the people of New Jersey will miss their devoted servant. My respect to his survivors, especially his wife Ruth, and my respect to the accomplishments of this remarkable man.

I want to thank my fellow delegation members, Mr. RODINO and Mr. FORSYTHE, for giving me this opportunity to express myself today on the life and accomplishments of Clifford Case.●

● Mr. COURTER. Mr. Speaker, I rise to pay tribute to the late Senator Clifford P. Case, who served the Nation with honor and distinction and who will long remain a source of deep pride for the citizens of New Jersey.

Clifford Case was an uncommon man who served the residents of New Jersey and the citizens of our Nation in the greatest tradition of the U.S. Senate. As a member of Senate Foreign Relations Committee he was a leader and champion of international human rights questions, and was equally active in such areas as the Middle East peace process, bringing an honorable conclusion to our involvement in Southeast Asia, and promoting the role of Congress in being a partner with the executive branch in the formulation of our national security policies. In terms of domestic policymaking, he was a champion of health care programs and rights for the disadvantaged and the aged. Additionally, he showed exceptional concern for the workingman by his leadership role in the passage of the Occupational Health and Safety Act. Clifford Case was and will be remembered as a beloved, honest, hard working and devoted public servant who did everything in his power to improve the chances for world peace and make life just a little bit better for all of us. There are so few and precious men like Clifford Case in our society in any given era, and his warmth, humility, and genius will be missed by our entire Nation. I will certainly miss him as a mentor and close friend. Thank you, Mr. Speaker.●

● Mr. ADDABBO. Mr. Speaker, along with all my colleagues I was greatly saddened to hear of the recent death of our friend and former colleague, Clifford Case. It is with sorrow and honor that I rise today to pay tribute to a fine Congressman and Senator, as well as a good and respected man.

Clifford Case's political career spanned more than three decades; 10 years in the House of Representatives, and 24 years in the Senate. A rendition of his accomplishments in his many years of public service would be both lengthy and impressive.

As a Member of this body, he earned our respect and admiration for his tireless efforts in support of social and civil-rights legislation. As a Senator and ranking Republican on the Foreign Affairs Committee, he was a strong spokesman for a bipartisan foreign policy and one of the Senate's strongest supporters of the State of Israel.

His clearheaded reasoning and keen judgment proved to be invaluable in all his committee assignments; Clifford Case exemplified the virtues of dedication and concern for his constituents and America as a whole. We were all impressed by his uncompromising conscience and his preference for honest independence rather than political expediency.

We will all miss Cliff Case, but we are grateful for having had the privilege and pleasure of working with him. My deepest sympathies go out to his family for their great loss.●

● Mr. FASCELL. Mr. Speaker, until 1978, Senator Clifford Case served the Republican Party, New Jersey, and his country for 32 years in the U.S. Congress. Noted for his quiet integrity and courtesy, Senator Case was also a steadfast and courageous advocate of issues in which he believed.

Senator Case combined respect for individual rights—in his early support for civil rights at home and abroad—with a concern for individual responsibility. Senator Case's first vote in the House opposed making the House Committee on Un-American Activities a permanent House committee; his first House speech was to attack a racist speech by one of his colleagues.

Senator Case believed that public officials should truly be responsible instruments of the public will. As one of the earliest critics of McCarthy in the Senate, Senator Case showed his concern with McCarthy's abuse of public trust and individual rights. As one of the strongest advocates of individual responsibility, Senator Case was instrumental in establishing annual financial disclosure statements for Senators and other high public officials. As a staunch supporter of civil rights, Senator Case insisted that Supreme Court nominees meet high standards, including sensitivity to human rights.

His concern for human beings was not limited to the governmental or domestic sphere: Senator Case was first in the Senate to urge a ban on atmospheric testing of nuclear weapons. Before it was fashionable, Senator Case called for an end to the war in Vietnam.

In 1975, Senator Case was instrumental in the establishment of the Commission on Security and Cooperation in Europe to monitor compliance with the human rights provisions of the 1975 Helsinki Final Act. Congresswoman MILLICENT FENWICK introduced a bill in the House to set up the Helsinki Commission on September 9, 1975. As soon as Senator Case saw the bill introduced by his Republican colleague from New Jersey, he eagerly supported the CSCE Commission and introduced the Senate version of the bill on November 17, 1975. Senator Case guided the bill through the Senate Foreign Relations Committee which unanimously passed the bill on April 13, 1976.

On May 5, 1976, the Senate debated the bill to establish the CSCE Commission. During that debate, Senator Case said:

> In a variety of ways over the years, Congress has shown its concern for the protection of human rights . . . (and) has demonstrated its feelings that the well-being and rights of individual human beings must be considered in shaping foreign policy. The bill establishing a special commission to monitor compliance with the 1975 Helsinki Accords is another expression of the legitimate concern with the fate of human beings around the world . . . By approving the Commission, we will make clear our continuing concern about human rights.

On June 3, 1976, President Ford reluctantly signed into law the bill which established the CSCE Commission. Despite strong opposition from the Republican administration which feared congressional interference in foreign affairs, Senator Case was a strong advocate of the Commission. For 2 years, I had the pleasure of working closely with Senator Case on the CSCE Commission. I had the opportunity to see Senator Case at work: His firm and skillful advocacy of issues; his gentle and persistent concern for individual rights.

In naming Senator Case as a public member to the U.S. delegation to the 1980 Madrid CSCE meeting, President Carter expressed public awareness of the Senator's unique contributions to the Helsinki process and to international relations, particularly human rights. Indeed, his close attention to all aspects of the Madrid meeting, but particularly human rights questions, made a significant contribution to the work of the U.S. delegation.

As a final mark of the enduring respect and genuine affection in which I will always hold Senator Case, and in recognition of his major contributions to the CSCE Commission, I would like to end by quoting from a speech in the Senate by Senator Case on May 5, 1976:

> To nudge the Soviet Union in certain directions by firmly and persistently reminding Moscow both publicly and privately of the commitments it has undertaken in signing the Helsinki document. This is likely to be a difficult and wearisome process, one that calls for patience, firmness, and an ability to accept a good deal of frustration.

I think our colleagues will join me in paying tribute to the political realism, humanity, and insight of Senator Clifford Case of New Jersey.●

● Mr. WAXMAN. Mr. Speaker, I join to pay tribute to former Senator Clifford Case, who was and is a source of personal inspiration to me.

Senator Case's political career was characterized above all by his deep personal integrity. In 9 years of service in the House of Representatives, and 24 in the Senate, Mr. Case distinguished himself both in his concrete political accomplishments, and in his unwavering commitment to humanitarian causes. His courage and his moral sensitivity made him a leader in social and civil rights legislation, and a moderate but influential voice in foreign affairs. His unflagging efforts in these areas contributed to the creation of such significant legislation as the medicare program, the Occupational Health and Safety Act, and the War Powers Act.

It is a sad irony that he was defeated in 1978 by the same narrow partisanship he was able to overcome in his first race for the Senate in 1954, when he became a target of the McCarthyites. Senator Case's talent and his dynamism will be sorely missed. And I believe we will miss his independence and his unwillingness to compromise his values even more.●

● Mr. FAUNTROY. Mr. Speaker, it is with a sense of honor that I rise today to pay tribute to the late Clifford Case, the former Senator from New Jersey. The death of this committed, spirited, and compassionate man is a deep loss for all Americans.

Clifford Case was possessed of courage and morality. He cared deeply about our Nation and all its people. During his 24 years in the Senate he worked vigorously to see laws enacted which benefited a board spectrum of society. I remember in particular the key role he played in enactment of the medicare program. And his concern for people did not end at our Nation's borders. Senator Case was an original member of the Helsinki Commission on Security and Cooperation. He was among the first to speak out against the Vietnam war, and coauthored the legislation which ended our Nation's involvement in that conflict.

I know the American people join us in our expression of sympathy to the family of Senator Case; and let us vow today to carry out our work in the Congress in the footsteps of his example.●

● Mr. HOLLENBECK. Mr. Speaker, this is a time for reflection.

I can recall my first meeting with Cliff Case. It was in 1966 at a county rally and I was a candidate for local office, my first campaign. Of course, I'd heard of him and read about him. Everyone said that he was first elected because of a pig farmer named Krajewski but that he was a great vote getter now. So all of us running were happy with him heading the ticket.

But many people there did not know Cliff Case the man, and many of them were less than enchanted with his philosophy. In fact, there was almost a "we'll embarrass him tonight" attitude permeating over the crowd. Well, Cliff stood there that evening in his rumpled brown suit and blue shirt and talked of his love for America, his concern for people and his convictions as to what he saw our party standing for. And he received a standing ovation.

Since that evening I had occasion to call upon his advice and counsel on several occasions as I held various public positions. He gave it sincerely and frankly to me as he did to others. And one of the many impressive traits of the man was that he seemed to follow the careers of those of us who sought his counsel. I shall never forget a moment on an afternoon when he traveled from Washington to New Jersey in a near hurricane in the fall of 1980 to appear at a labor rally for me. He said to me,

> Son, I'm proud of you. I see you're making the same friends I have, and the same enemies too.

I shall always cherish those words as words of praise from a man who felt so deeply and compassionately for human beings and their rights and dignity and who fought so hard in the causes of peace and justice.

Another moment remains fixed in my memory. Shortly before the 1978 primary, we shared a plane ride back to Washington after a rally on his behalf. We were the only passengers. Relaxing, he explained to me the philosophy he had adopted and lived up to for the past 30 years. I can only paraphrase it because I do not have his eloquence. It was a simple philosophy of kindness, courtesy, and unwavering, unselfish compassion for, and understanding of all the people of this society and a dedication to world peace. I hope his goals and that philosophy will not be forgotten. I, for one, will never forget.●

● Mr. ROE. Mr. Speaker, it is both with much sadness in my heart and pride that I rise today to salute the memory of Senator Clifford P. Case of New Jersey.

This great man's passing marks much more than a personal loss to myself. His death indeed represents a tragedy for the people of New Jersey and the Nation as well.

For Cliff Case was a man of the people. Their concerns and fears were his own and he expressed them so eloquently from both the floor of this Chamber and the Senate. He will be especially remembered as a loud and clear spokesman for the voiceless members of our society—the poor and the victimized.

During the 1960's, Cliff Case was out front in the tough fight to obtain passage of strong civil rights legislation. One of his greatest achievements was his successful fight on the Senate floor that helped insure passage of the landmark Civil Rights Act of 1964. Later, as a member of the Appropriations Committee, Senator Case made sure the funds were available to put teeth into that vital legislation.

Even though Cliff Case and I were not members of the same political party, we shared many common concerns and beliefs. Foremost in both our minds was what we could do to best serve the people of our State. Cliff would always be the first one to cast party lines aside, roll up his sleeves and say, "Let's get it done for New Jersey."

He was a man of wit, charm, and grace who gave true meaning to the word integrity. New Jersey has lost a beloved son. I am most proud to have called Cliff Case my friend.●

☐ 1215

THE PAPUA NEW GUINEA CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McCLOSKEY) is recognized for 5 minutes.

● Mr. McCLOSKEY. Mr. Speaker, it is time to abandon our contention that we can control fishing in our own 200-mile zone while still claiming the right to fish for tuna within other nations' 200-mile zones.

We face a small but important foreign policy crisis, with an extremely dangerous potential.

In the past several weeks, a California-based U.S.-flag purse seiner, fishing within Papua New Guinea's 200-mile fisheries zone was seized for fishing without a Papua New Guinea license, the same kind of license the United States routinely requires of foreign vessels within our 200-mile zone.

The case was tried in Papua New Guinea and the U.S. vessel was found to have violated Papua New Guinea law which requires confiscation of the unlicensed vessel and its equipment as well as its catch, in this case 600 tons of tuna, collectively worth an estimated $13 million.

This occurrence points up the outdated nature of our Fisherman's Protection Act (FPA) (Public Law 90-482) enacted in 1967 at a time when the United States actively opposed any country's right to claim more than a 3-mile coastal sea. The FPA also has an incredibly deleterious and dangerous impact on our relationships with friendly nations who understandably resent what appears to them to be an arrogant and imperialistic policy, to wit:

> What is within our 200-mile zone is ours, but what is within your 200-mile zone is ours, too, if it is tuna.

Tuna constitutes roughly 7 percent of the world's fishing commerce in dollar value.

Note what the Fisherman's Protective Act now requires: Under the act, the United States must now prohibit the importation of all tuna into our country from Papua New Guinea. These sanctions go into effect automatically unless immediate steps toward conciliation are taken.

By imposing these sanctions it is expected that operations of two tuna companies based in Papua New Guinea will fail, with exports of tuna which have totaled as much as 50,000 tons, worth $50 million a year, lost to these companies and Papua New Guinea.

The largest of these companies is the American firm, Star Kist, the other a smaller Japanese fishing company. Both employ over 1,000 Papua New Guineans. Papua New Guinea will lose over $3 million per year in export taxes plus at least $10 million per year in expenditures to local merchants within the country.

Papua New Guinea and Star Kist have been negotiating the construction of a large tuna cannery which may go by the boards as a result.

Papua New Guinea is properly incensed over the combination of our tuna industry's refusal to abide by Papuan New Guinea law and the resulting imposition of U.S. sanctions.

Since we passed our own 200-mile law, largely for conservation purposes, it seems arrogant in the extreme for us to deny small countries the right to exercise a similar conservation ethic for a single resource within their economic zones, often a resource proportionately far more valuable to their economies than our fisheries are to our $3 trillion economy.

We, for example, claim the right to conserve migratory species as marlin, but deny others the right to conserve migratory tuna.

Ninety nations already claim jurisdiction over all fishing activities in their 200-mile zones and the United States is virtually isolated in continuing to deny coastal State jurisdiction over tuna.

There is a far greater danger, however, vis-a-vis our continuing efforts to deny expansion of Soviet influence in the Pacific Basin.

The island nations of the South Pacific have become increasingly incensed. They include traditional U.S. friends such as Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, New Zealand, Palau, Tonga, Tuvalu, Solomon Islands, Vanuatu, and Western Samoa.

Following the Soviet invasion of Afghanistan, Soviet efforts to court support among these nations were effectively blocked.

Now, however, these nations can hardly be blamed if they retaliate by refusing to allow our nuclear vessels and aircraft to transit their 200-mile jurisdictions which cover most of the central and western Pacific Ocean.

These South Pacific nations have, until now, been among our closest friends and have supported us on many international issues of great importance. Even now, Fijian troops are maintaining the peace in the troubled Middle East. A continuance of strongarm tactics against a small country such as Papua New Guinea may endanger longstanding friendships far more valuable to us than a slight increase in tuna costs through acceptance of licensing fees by our tuna industry.

I suggest that this matter requires the immediate attention of the administration at the highest level, and that our committees of jurisdiction should hold hearings forthwith to try to avoid irreparable damage to our relationships with the independent nations of the South Pacific.

Three courses of action are available:

First, we can repeal the Fisherman's Protective Act;

Second, we can declare jurisdiction over the tuna which migrate within our declared fisheries zones, thus placing us in the same position as other nations, and accepting foreign nations' jurisdiction over tuna within their 200-mile zones; and

Third, we can immediately implement the provisions of our 200-mile legislation which mandates that regional or international agreements shall govern the management of highly migratory species.

I suggest that the United States, on this latter point, should convene and host a meeting of the Pacific island nations involved. Our goal would be to create a regional treaty following the pattern for regional cooperation in the management of highly migratory species recently set by the signing of the Nauru Fisheries Agreement.

By taking such positive steps, we will demonstrate the willingness of the United States to cooperate fairly and justly in the conservation and management of international fisheries stocks and to encourage the rational use of such resources by our own fishermen while still helping the small developing nations of the world to make use of, and prosper from the use of, their own natural resources.

We may also avert a renewed Soviet penetration into an area fully as important to us as the waters of the Caribbean which are presently the focus of sizable U.S. investment and national security actions.●

VERMONTERS' MESSAGE TO THE WORLD

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. JEFFORDS) is recognized for 5 minutes.

● Mr. JEFFORDS. Mr. Speaker, on the first Tuesday of this month, the State of Vermont sent a message to the rest of the country and the world. Today I am introducing a concurrent resolution which brings that beacon to Washington.

Although I had to cast my local votes by absentee ballot this year, the national attention which focused on our Vermont town meetings served as a reminder of what a special place our State is. The actions of my friends and neighbors last week were a major newsstory on network television, and in newspapers across the country, from the New York Times to the Los Angeles Times. The headlines told us that 161 Vermont towns had adopted a resolution calling for a nuclear arms freeze. While the resolution had been defeated in 18 towns and tabled in 13 others, the movement which began last year with 18 Vermont communities passing the resolution was clearly gathering a head of steam.

To their credit, the national media avoided the usual temptation to do cute feature stories about what is sometimes perceived outside the Green Mountain State as a quaint Yankee tradition. The focus was on sober, intelligent deliberation of the most important issue facing humanity today, the avoidance of nuclear war.

The prospect of nuclear devastation is so terrifying that it has almost been a taboo subject in the past. Our natural human tendency is to not think about it, and to accept as a matter of blind faith that world leaders will make the right decisions.

Vermonters have sent a necessary signal to the rest of the Nation. Local communities can and must have the ultimate jurisdiction over every issue that significantly affects them. As important as it is that wise decisions be made on local matters such as schools, roads, fire and police protection, those decisions will make no difference if the Earth is destroyed.

Even more importantly, a message has been telegraphed to the world that Americans want peace. The free and open expression of opinion at Vermont's town meetings, which is not possible in, say, the Soviet Union, drove home that message with greater eloquence than any political leader or diplomat could hope to muster.

There are, of course, at least two sides to every issue, and one of the attractions of town meetings is that all of us are free to express any quibbles we may have. I have some reservations about the specific wording of the Vermont nuclear arms freeze resolution which I think are worth mentioning.

I question, for example, whether it is appropriate to totally separate the issues of nuclear and conventional weapons. While nuclear war would mean terror on a greater scale, conventional war is more likely. In addition, the present balance of power in Europe is a mix of nuclear and conventional weapons, and I am not convinced that the nuclear threat can be reduced unless all weapons in the mix are negotiated together. Accordingly, the concurrent resolution I am introducing today calls for not only a freeze on the testing and production of nuclear warheads and delivery systems, but also for reductions in those arsenals and in conventional forces.

Honest questions can be raised as to whether the American people should insist on specific instructions of this kind at a time when the strategic arms reduction talks are proceeding in Geneva. Taken literally, such instructions could conceivably obstruct other constructive first steps. I am sure a great many of those who voted against the Vermont resolution did so because of these pragmatic concerns, despite a strong desire for peace. And that is why my bill is a concurrent resolution, not a joint resolution. It is not binding, it does not have the force of law, but rather it is a vehicle for the expression of opinion.

My legislation and the Vermont resolution both acknowledge that a mutual good-faith effort is needed. They are statements that our side must be ready and anxious to make that good-faith effort, although real progress toward world peace will require a similar commitment from the Soviets. The significance of this message overshadows any specific questions I have raised about the wording of the Vermont resolution. Vermonters have let it be known that we will do whatever we can to assure that there will be a future for the human species and that we expect the same commitment from our own political leaders.

Vermonters have often been in the forefront in insisting that we have a say, at the State and local levels, on issues that affect our lives. In the past, we have directly confronted many issues before other Americans recognized their importance. Notable examples are land development, nuclear power and waste, and a wide range of environmental concerns. Our actions in the past have provided a constructive model for others. If we can be now, once again, the world just might become a safer place to live. I am proud to be carrying this torch from the hills of Vermont to the Nation's Capital.

In closing, I want to commend my two friends from the State of Massachusetts, Messrs. Conte and Markey, for their fine work on legislation in this area, as well as Members of the other body who have joined in the cause.●

AMERICAN SALUTE TO CABANATAUN PRISONER OF WAR MEMORIAL DAY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. McCollum) is recognized for 5 minutes.

Mr. **McCOLLUM**. Mr. Speaker, today, I have introduced a resolution entitled "American Salute to Cabanataun Prisoner of War Memorial Day" with 75 original cosponsors. Forty years ago next month, 36,000 Americans were captured by the Japanese during the fall of Bataan and Corregidor in the Philippines in one of the most tragic episodes in World War II.

Along with the Filipinos captured by the Japanese, these Americans were forced to march without food, water, or medicine for up to 10 days on the "Bataan Death March" to Camp O'Donnell, an interim prisoner-of-war camp. 10,300 people—including women and children—died during that march.

The survivors of this appalling march were then taken to Cabanataun (Ca-ban-a-ta-wan) a prisoner-of-war camp in central Luzon. Their treatment was extraordinarily cruel and inhumane—and 3,000 more people died at the hands of their captors between May of 1942 and February of 1945. Finally, on September 2, 1945, the remaining prisoners were liberated. Of the 36,000 who had been captured 3 years before, only between 6,000 and 7,000 survived to win their freedom.

Today, 40 years later, there are 3,015 living survivors of this tragedy. For these Americans, I introduced a resolution to honor their bravery and personal strength on April 12 of this year. Also President Ferdinand Marcos of the Republic of the Philippines (a Bataan survivor himself) has proclaimed April 12 as the "Ruby Reunion for Peace," in the Philippines and has invited all Americans who fought to defend the Philippines to return for a week-long celebration of this important event in both our histories. He has also agreed to allow a memorial to be built in memory of the Americans who died at Cabanatuan. Though the memories are painful, it is important that we do not forget those who suffered such inhumanity during a tragic period in our history. Those survivors who are living as well as the families of those who did not survive will deeply appreciate our salute.

The text of the resolution follows:

H.J. Res. —

Joint resolution providing for the designation of April 12, 1982, as "American Salute to Cabanataun Prisoner of War Memorial Day"

Whereas, April 9, 1982, is the 40th anniversary of the fall of Bataan and Corregidor in the Philippines to the Japanese Imperial Army during World War II;

Whereas, approximately 36,000 Americans were captured by the Japanese at the fall;

Whereas, these Americans, along with Filipinos captured by the Japanese, were forced to march without food and water for up to 10 days on the "Bataan Death March" to Camp O'Donnell, a prisoner of war camp;

Whereas, the International War Crimes Commission reports that 10,300 people, including women and children, died on that march;

Whereas, the survivors of that march, along with other Americans and Filipinos captured by the Japanese in the Philippines, were taken to a prisoner of war camp in central Luzon named "Cabanataun";

Whereas, the treatment of prisoners of war at Cabanataun was extraordinarily cruel and inhumane and resulted in the death of over 3,000 American prisoners of war during the period beginning May 1942 and ending February 1945;

Whereas, the prisoners of war at Cabanataun were liberated on September 2, 1945;

Whereas, of the 36,000 Americans who were captured at the fall of Bataan and Corregidor, only between 6,000 to 7,000 survived until such date of liberation;

Whereas, approximately 3,015 Americans who survived the Bataan Death March and imprisonment at Cabanataun are living today: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is directed to issue a proclamation designating April 12, 1982, as "American Salute to Cabanataun Prisoner of War Memorial Day" and calling on the people of the United States to observe such day with appropriate ceremonies and activities.

GENERAL LEAVE

Mr. **McCOLLUM**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to place their comments on the subject of my special order today in the Record.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE UNITED STATES AND NICARAGUA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Bonior) is recognized for 60 minutes.

Mr. **BONIOR** of Michigan. Mr. Speaker, I rise this afternoon to address the issue of Central America and U.S. allegations with respect to Nicaragua that have been revealed this past week.

With its $263 billion in fiscal year 1983 defense budget, its hundreds of millions of citizens, its massive geographical reach, there can be no doubt in the minds of people of this country and of the world community about the massive might of the United States of America. That might seems even larger when it is locked in battle with a country like Nicaragua, which has 2.5 million citizens, about half the population of the greater Washington, D.C., area; is smaller than many of our 50 States, has a gross per capita income of very marginal level, is presently without an effective Navy and without an effective Air Force.

That is why there is something almost absurd in the spectacle that we have witnessed this week, the spectacle of this administration focusing its energies and its attention on Nicaragua. Indeed, the contrast in scale tells only part of the story, for Nicaragua is struggling to recover not merely from a recent revolution and war but also from a massive earthquake and a staggering economic debt.

Nicaragua has made mistakes. We made mistakes after our Revolution and there will be mistakes made by Nicaragua in the future. Nicaragua may, in fact, represent some danger to stability in the region, although I have yet to be convinced of that.

These are not the issues, though. The issue is whether the threat posed by Nicaragua or the mistakes made by

Nicaragua justify this tragic combat we watch, justify the administration's apparently unalterable conviction that Nicaragua stands at the center of the region's problems.

The issue is whether in the end we must look elsewhere for the explanation to this administration's actions. Perhaps their preoccupation with Nicaragua is better explained as the desperate efforts of a major power to justify an increasingly vulnerable foreign policy. Perhaps their preoccupation with Nicaragua is better explained as the desperate effort of a faltering administration to bolster its constituency on the right. Perhaps the sour economic climate in this country is responsible for the increased attention on Nicaragua.

I do not know, but I do know that Nicaragua may have made errors; but if we measure the errors of Nicaragua, if we lay them side by side with what might be called the errors of our own administration, which seem greater to me, if we look at our conscience and assess the factors that play in Central America, who would we conclude poses the greatest threat to the stability of the region, Nicaragua or the present administration?

Nicaragua has agreed to conclude nonaggression pacts with its neighbors. Nicaragua has agreed to establish joint border patrols with the Hondurans. Nicaragua has agreed to peace negotiations with El Salvador.

In contrast, this administration to date has rejected every one of those proposals that have been put forward by President Lopez Portillo and other leaders of governments throughout the world.

Mr. Speaker, I rise today, to call for a sense of balance and scale.

I ask you to give close and careful attention to the administration's charges and evidence, but I also ask you to place those charges and evidence in the context of the Central American region.

I ask you to give close and careful attention to the administration's policies, but I also ask you to place those policies in their proper context.

Most of all, I ask you simply to remember of what we speak and to keep in mind what Nicaragua really is, a small country in a turmoil-ridden region, a country as I indicated is without an air force, without a navy, the size of half the population of the Washington, D.C., area.

It is important in this debate, it seems to me, to understand the history of Nicaragua and our involvement there. Throughout the debate on this issue there has been a notable lack of sense of history in this administration and in the media.

HISTORY OF U.S. INVOLVEMENT

I would like for just a second, if I might, to go over our involvement in that country from 1838 when Nicaragua was broken off from the Central American Confederation and formed as a state.

In the 1850's, a Tennessean by the name of William Walker, "Filibuster William Walker," as he was known, traveled to Nicaragua, conquered the country, established a slave state and ruled from 1856 through 1857.

During the early part of the 19th century, the United States invaded Nicaragua with marines on numerous occasions, and put president after president in power in Nicaragua.

The United States backed conservative Adolfo Diaz for president from 1911 to 1917.

U.S. marines were deployed along the railroad in Nicaragua in September of 1912.

U.S. marines occupied Nicaragua from 1927 to 1933.

The United States put Anastasio Somoza in power in the 1930's and continued his power in Nicaragua until the July revolution of 1979.

Our involvement has been clear. It has been massive, and it is no wonder the Nicaraguans feel threatened and concerned by the actions of this administration.

THE CREDIBILITY OF ADMINISTRATION CHARGES

I would like to turn, if I could, briefly to the charges that have been made by this administration over the past year with respect to Nicaragua.

In February of 1981, the administration paraded a group of diplomats throughout the Western and Latin American world, holding up a white paper, a white paper that showed Nicaragua's complicity in the war in El Salvador. It was taken to the capitals of Latin America, Western Europe, anywhere we could find allies to listen; but shortly thereafter it became clear to the American public and the international community that that white paper contained many inaccuracies.

The Wall Street Journal in a report debunked much of the information that was contained in the white papers. A State Department official told the Journal that the sources for what was to be the major document justifying U.S. policy in Central America were unknown and unverifiable, that much of the information was "misleading" and "overembellished."

The Washington Post did another series of articles that basically reiterated these criticisms. What we had was an administration whose policy in Nicaragua was soon discredited.

That lack of credibility has characterized the administration's policy to this day. Last week Secretary of State Haig told us that the arrest of a Nicaraguan in El Salvador was "irrefutable proof" that Nicaragua was sending guerrillas to help overthrow the Government there. It now appears that man in question is a student on his way home to Managua from school in Mexico, and the Mexicans have granted him asylum.

Regardless of the reasons for this single Nicaraguan's presence in El Salvador, the incident illustrated the errors in perception and judgment that are being made by an administration that is overly eager to justity its ill-considered policies in the region.

Similarly, Secretary Haig again stumbling over his feet, waved pictures of Miskito Indians in northeast Nicaragua being burned, and said that the Sandinista government was responsible for these atrocities.

Soon thereafter it was revealed that those pictures, from a Paris newspaper, were taken 5 years earlier and were bodies that were burned during the reign of Anastasio Somoza and not the Sandinistas.

Another example. The administration came out and said, well, we are going to build airstrips in Honduras and in Colombia to deal with the problems in Nicaragua and Central America and to stabilize our presence there.

It was not 2 days later that the Ambassadors of those respective countries indicated that they had no knowledge of U.S. involvement in airstrips in their nations.

Now we learn that this administration as far back as last November OK'd $19 million in Central Intelligence Agency funds to destabilize, through covert activities, the Government of Nicaragua—a government that this Nation is at peace with, a government that we recognize, a government that has taken no hostile actions against the United States.

The administration last night did not deny those stories. In fact, Secretary Haig, Secretary Weinberger, and President Reagan refused to deny the stories yesterday when interviewed by the press. Both the Washington Post and CBS News have independently confirmed them.

What we have here, it seems to me, is a manipulation of this Congress, of the media, and the American people, by an administration whose foreign policy is faltering, by an administration which is desperate to try to make sense out of an incoherent policy in Central America.

□ 1230

Let me, if I could, turn very briefly to a final charge. The charge that has been circulated throughout this country recently, the idea that increases in Nicaragua's military pose a substantial threat to this Government and to the region.

With technological splendor, the administration proves that Nicaragua is expanding its military. But that fact was conceded by all and never in doubt.

The real questions are the reason for the expansion and its purpose. The Tuesday briefing avoided both.

How can a country of 2½ million people, without an effective navy or air force, pose the threat that has been outlined by this administration? And, I remind us all, the administration is not the only one making assertions.

When asked about their air power, Jaime Wheelock said the Army of Guatemala is about 30,000 men, that of El Salvador, 35,000. He said:

> Those nations have modern warplanes, but we do not have an air force, being limited at present to two old Spanish propeller airplanes, to two T-33 jets inherited from Somoza, approximately two helicopters, and some small planes used for crop dusting.

That is the big threat in Central America?

The administration points to Soviet tanks that are so obsolete that they would make our M-1 tanks look good. Then we have the airstrips allegedly being expanded for Mig jets that will eventually be placed in Nicaragua. Today's paper indicates that the United States during the Somoza regime helped to finance the expansion of those airstrips through international monetary funds.

One thing after another, one story debunked after another, and we wait with bated breath tomorrow to hear the next chapter of the story of how Nicaragua destabilizes the Western Hemisphere. Allegedly tomorrow the administration will bring forth some pilots from Nicaragua who defected to Honduras, and they will come here and testify about the great buildup in Nicaragua. I hope the press is a little more explicit in explaining to the public how that presentation is made. I am looking, and the American people are looking, for concrete and verifiable evidence which will show that the Nicaraguan Government has been directly involved in the El Salvadoran war.

I do not think we are going to find that proved tomorrow. What we will find is a sort of sideshow, but we wait with bated breath to hear the administration's new string of evidence.

THE MISKITO INDIAN AFFAIR

Let me, if I could, turn very briefly and mention the human rights violations that have been alleged against the Government of Nicaragua. Allegations of human rights violations in Nicaragua must also be placed, it seems to me, in the context of the conflicts and conditions of the region.

The administration has alleged that the treatment of the Miskito Indians makes Nicaragua the greatest violator of human rights in the region. Without condoning the relocation of these Indians, I think we must note the hypocrisy of the administration's charges on these issues.

Nicaragua claims the Miskitos needed to be moved for their own safety; revelations that the CIA planned a covert operation along the Honduran border indicates that region is indeed, a potential, if not actual, site of armed conflict. People have been murdered because of the incursions of some of Somoza's former National Guard who have attacked across the Honduran border.

Administration's condemnation of human rights violations, it seems to me, should begin with the extreme violations of such countries as Guatemala, where the Government has engaged in a ruthless campaign of extermination, and 70,000 Indians have fled to Mexico.

The administration has manipulated evidence on this subject before. The recent photographs I mentioned were cited by Haig as examples of genocidal actions against the Miskito Indians. Yet they turned out to have been taken in 1978 under the Somoza regime.

Finally, let me mention that the Nicaraguan Government has invited international observers into the area, including the OAS Advisory Commission. There have been reporters from this country that have gone down there. It is openly done. This is not the case of the incident which is wrapped in secrecy and hidden from international attention.

CONCLUSION

Congress cannot sit idly by while the administration seeks, on the basis of such paltry evidence, to aggravate the conflict in Central America by destabilizing a regime that has support of the vast majority of its people. Congress cannot sit idly by while the administration abandons the international convention on nonintervention.

I wait, as I said, with interest the evidence of Nicaraguan aggression promised by the administration for tomorrow. I have been waiting for a year. The American people are prepared to extend the administration one last chance to justify its actions, to prove its claims.

If the administration cannot deliver convincing evidence, I will pursue every feasible avenue, including the introduction of legislation next week, to bar the use of funds in support of covert activity against Nicaragua, a country that we have peace with, that we have diplomatic relations with.

I realize this is an extraordinary step, but these are extraordinary times, and if the administration will not exercise prudence in Central America, Congress and the American people will.

The central question is, Who is the aggressor? On every score I have been unable to conclude that Nicaragua is the aggressor. We are involved up to our ears in El Salvador in terms of arms. We may soon be involved up to our ears in the corrupt dictatorship in Guatemala. And now we are in up to our ears in trying to overthrow the legitimate Government of Nicaragua. Throughout, we have neglected the counsel of countries like Venezuela and Mexico to negotiate peace.

We are headed for disaster in this region, and if the American people and this Congress do not wake up to the fact that this Nation is headed for a catastrophe very soon, a catastrophe that may involve the use of American troops. We are going to find ourselves—and I hate to use the parallel because I think in many instances it is not accurate—but we are going to find ourselves in another situation that closely parallels that of Southeast Asia.

Mr. Speaker, I would ask that the media of this country start focusing in on the evidence, and the manner of its presentation, because I do not think the evidence bears the fruit that the administration wishes for. I hope the media will help the American people not only to closely scrutinize what is being said, but also how it is being said, when it is being said.

It is not a coincidence that Mr. Haig is going to do his show and tell it tomorrow at 3:30, to catch the weekend news when the Congress is not in session and cannot react. It is no coincidence that they parade around these things and keep the Nicaraguans on the defensive day after day after day.

This is a highly orchestrated propaganda effort by the administration, which unfortunately the media of this country to a very large degree is buying hook, line, and sinker.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I would like to commend the gentleman for bringing up this subject at this time. There may be some activities going on in Nicaragua which are not in the best interests of Central America or the United States, but with the threats that the administration has leveled against Nicaragua ever since it took office, we will never know.

If the United States, with all of its might and power, threatens the hell out of some little country, why would they not take steps to increase their military defenses? It could very well be that 90 percent or even 100 percent of what is going on in Nicaragua in terms of strengthening their armed forces is the result of the very threats that have been leveled against them by this administration, and given the past history, including the history of Nicaragua itself, which includes the fact that the United States installed the Somoza family dictatorship many years ago, it is understandable that the regime there would take actions to prepare itself for some similar activity in the future.

Of course, now with rumors being spread that we are going to encourage Argentina—Argentina of all countries, a military dictatorship whose record on human rights is absolutely abominable, where you have to go back to the days of the Nazis to see anything comparable to it outside of the Soviet Union itself, and probably not even there—and yet to think that the United States would put itself in bed with a regime in Argentina in an attempt to topple a country that by no stretch of the imagination can threaten the United States security, just blows the mind.

I commend the gentleman for taking this opportunity to say some things that needed to be said about this incredible, disgusting effort to use military forces which will cost far, far more in just plain dollar terms than the kind of economic aid that would help the moderates and help promote peace and tranquility and well being in Central America, including Nicaragua.

Mr. BONIOR of Michigan. I thank the gentleman for his comment, and I think his adjective of "disgusting" to characterize our getting in bed with Argentina is about as accurate as could be, given the situation.

It was not just Somoza that we helped put in power. Earlier, I went through the history or our involvement in Nicaragua, from the fact that we established a slave colony there in the 1850's; the fact that we killed their leader, Sandino; the fact that marines invaded in 1903, and 1912. The fact that marines were there from 1927 to 1933. These people have an absolute right; they would be irresponsible if they did not arm themselves given the magnitude and the rhetoric that is being voiced by this administration with respect to their survivability as a nation.

For the United States the consummate interventionist in this region, to raise its voice in the way that Secretary Haig and the administration has is inconscionable.

The deafening silence that has followed the continuation of U.S. covert activity, is even more unconscionable in this country. Nineteen million dollars in covert activities. What kind of nonsense is this? To destabilize a country that we are at peace with? It is absolute insanity.

Mr. SEIBERLING. Would the gentleman yield further?

Mr. BONIOR of Michigan. I yield.

Mr. SEIBERLING. If we want to drive the Nicaraguans into the arms of Cuba and the Soviet Union, we could not do a better job than what the administration is doing now. The regime was there before this administration came in, and while our relations with them were rocky, we were beginning I think, to make some progress in strengthening the moderate elements in that country and developing a relationship that would make possible eliminating any likelihood that they would be driven into the arms of the Soviets or the Cubans. But, the minute the threats started, and the minute there was talk about resorting to military action, if necessary, what would be the reaction of any government that had this kind of threat? They would look to the other side and see what help they could get. It just seems to me that that was almost a self-fulfilling prophesy when Mr. Haig and President Reagan started to make those kinds of dire predictions.

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Mr. BONIOR of Michigan. The gentleman is right. I think it is important for the Members of this body to understand that Nicaragua is a pluralistic society economically. Sixty percent of the country is controlled economically in the private sector. The Sandanista government has just reached an agreement with the private sector on a package of economic incentives which will strengthen the mixed economy.

Just when things start to blossom and start to take shape, we have to drive a wedge with the threat of covert intervention, as the gentleman has indicated. That is the real tragedy.

The real tragedy is that we do not know how to cooperate with the region. The real tragedy is that we only know how to use the big stick. The real tragedy is that we have not matured as a nation diplomatically in the last 100 years.

I thank the gentleman for yielding.

Mr. Speaker, as my colleague can see, I can get very frustrated and excited about this issue. I get frustrated because I think this country knows better. This country is capable of doing much better and understanding much more. This is what drives me to frustration and to vent my anger on the House floor.

I think there are positive signs that we should be looking at. Certainly the Lopez Portillo peace initiative is a positive sign. In general, it seems to me we ought to start lowering the rhetoric, and that includes, myself, I suspect, and I will try to heed my own words the next time I speak before this body. We need to get both sides in this issue to start talking to each other rather than yelling at each other, listening to each other rather than shooting at each other, and if we do that, I think there are prospects for peace in the region.

But peace requires an understanding that Nicaragua and El Salvador are countries that want respect, demand respect, before they will give respect. To that end I would hope that this administration reviews its policy before it gets the United States of America and its sons and daughters involved more deeply in a war which we will, it seems to me, come to regret in the future.

EXTENSION OF DUTY SUSPENSIONS ON BICYCLE PARTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, I am today introducing legislation that would extend the suspension of duty on certain bicycle parts not presently manufactured domestically. Those parts are brakes, three-speed hubs, multiple freewheel sprockets, and catterless-type crank sets.

Because of the absence of American-made component parts, many of our domestic bicycle manufacturers are forced to rely on foreign sources of supplies for essential parts. One such company is the Schwinn Bicycle Co. of Chicago which is located entirely within my congressional district. Unless the suspension of the duties is continued, our manufacturers will be assessed a duty of 11.6 percent on these imported parts while their foreign competitors will be able to bring assembled bicycles made from the same parts into this country at a duty rate of only 5.5 percent. This tariff differential represents a competitive advantage that is enjoyed by foreign manufacturers.

The American bicycle manufacturers must purchase these parts abroad in any event. Therefore, the duty suspension eliminates the need to inflate the price of the bicycle to the consumer because of the duty.

My bill seeks to extend the duty suspensions on these parts until close of June 30, 1986. The duty suspension on bicycle parts has been in effect since 1971. The bill also removes from the duty-free categories click stick levers.●

SPEAKER O'NEILL BEFORE THE NATIONAL NEWSPAPER ASSOCIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. WRIGHT) is recognized for 5 minutes.

● Mr. WRIGHT. Mr. Speaker, I am pleased to include in the RECORD the remarks of Speaker O'NEILL before the National Newspaper Association:

REMARKS OF SPEAKER THOMAS P. O'NEILL, JR., NATIONAL NEWSPAPER ASSOCIATION, MARCH 11, 1982

As newspapermen and women, you know there is one subject on the mind of the American people. That subject is the economy.

You know something else. You know that the crisis facing our country is not simply a crisis on Wall Street. It is not simply a problem of numbers of economic reports. It is a challenge to the very foundations of our American society.

Three days ago, I had the opportunity to see America's economic crisis in its full and brutal reality. In the city of Detroit, I saw people facing not just an economic downturn, not a recession, but a full-fledged depression. I saw that depression in the closed businesses, in the faces of people themselves.

When one visits cities like Detroit, one realizes that the national jobless figures do not tell the whole story. They do not tell about the millions of discouraged American workers who have simply given up, who do not even look for work anymore, and who do not even get counted in the official unemployment rate.

The monthly jobless figures do not tell something else. They do not tell what joblessness is doing to basic American industries, like the auto industry and the housing industry. They do not tell what unemployment is doing to whole communities—like Detroit, where the jobless rate is 15 percent, to Saginaw, where the rate is 16 percent, to Muncie, Ind., and Modesto, Calif., where the figures are even higher.

As Speaker, I travel a great deal through communities like these. I have the opportunity to see how the country's economic crisis is hurting people—average hard-working people who have been working all their lives. The pain those families feel does not show in the overall jobless figures. It does not show the frustration of blue collar workers, who face a jobless rate of 13 percent, of construction workers who face an incredible 18-percent unemployment rate. It does not show the desperation of farm families facing their worst economic straits since the 1930's.

This is not a pretty picture, but it is time that the administration faced up to it. It is time this administration faced up to the economic facts of life: that we are not dealing with some temporary problem with interest rates, or the stock market. We are dealing with a direct threat to our country's economic security.

As I speak to you this morning, this land of ours is under assault—not by a military attack, but by an economic attack. That attack is robbing us of our jobs, robbing us of our economic well-being, robbing us of our American dream.

If you look at our country's history, it is easy to see what has made us great over the years. It has not been our military strength. It has been our great economic advantage. Forty years ago, when Adolph Hitler looked across the seas, he counted our ships and our planes and our tanks—he thought he had taken our measure—and he thought he had us beat.

But Hitler made one fatal mistake. He counted our weapons, but failed to count our industrial strength. He failed to take account of our country's great productive capacity, our ability to produce what we needed, our ability to meet any economic challenge that confronted us.

Today our country is being attacked in our very economic heartland. Our basic industries, even our agriculture is facing real depression. Even our high-technology industries, in the semi-conductor and other new fields, industries which we need to produce new job opportunities, are facing a new and brutal economic challenge from abroad.

The fundamental question facing us today is not whether Ronald Reagan wins politically, or whether Tip O'Neill wins. It is not whether the Republicans win or the Democrats win. The real question is whether this country does the right thing economically, whether we overcome our economic threat—or whether we are overcome by it.

Last year, the Congress gave President Reagan all that he asked for.

He asked for the 5-10-10, Kemp-Roth tax cut and he got it.

He asked for the 10-5-3 depreciation allowances for business, and he got it.

He asked for major cuts in domestic programs, some $37 billion in cuts.

He asked for more defense spending and he got that too, the largest military build-up in our history.

There was only one problem: the program never added up. In David Stockman's own words, it never quite "meshed." Big tax cuts and big defense spending increases added up to something quite different than the President had promised: they added up to big deficits—the biggest in history; they added up to tight money, high interest rates, and the worst unemployment since the 1930's.

All of this resulted from a basic contradiction in the administration program.

On the one hand, the administration promotes a fiscal program of big tax cuts, big defense spending, and big deficits.

On the other hand, the Federal Reserve Board—with the continued blessings of the administration—presses a tight money policy, a policy designed to wring inflation out of the economy the hard way—through tight money, high interest rates, slowed production, and finally recession. In other words, the administration has put one foot on the gas, and another foot on the brakes. The result has been a lot of engine noise, a lot of frustration, a lot of groaning, and no forward movement whatsoever.

All the corporate tax breaks in the world are not going to encourage investment as long as interest rates continue to bob, up and down, from one unacceptable level to one even more unacceptable level. All the leasing provisions, and the write-offs in the world are not going to justify borrowing when the price of borrowing is the shirt off your back.

The President seems to forget the simple truth that the American economy drives the Government far more than the Government drives the economy. As long as interest rates remain high, the economy will not grow. The deficits will not go down.

Right now, it is clear as a bell that the economy is not responding.

The national jobless rate has climbed to almost 9 percent.

The Nation's leading economic indicators have fallen for the ninth straight month.

The stock market has dipped below the 800 level.

The President can try to pass the buck on these problems.

He can try to blame Congress—but he faces one problem: Congress gave him everything he asked for.

He can try to blame the legacy of the past 40 years, but people are in no mood to blame the problems of the 1980's, the problems Ronald Reagan freely accepted when he took office, on Franklin Roosevelt!

Whether he admits it or not, the No. 1 problem of the Reagan administration, the problem of this recession, is a problem created by the Reagan administration itself. It is the direct result of a contradictory policy of big tax cuts, big defense spending, big deficits, and tight money.

One of the President's principle goals has been to promote savings. Last October, the Government initiated the all-savers certificates. What has been the effect? What happened? When the people were given their October tax break, their first reaction was to save. Within months, however, they found it necessary to spend the extra money, and personal savings dropped to 1980 levels.

There was as a similar foul-up on the corporate side. The administration argued that by giving tax breaks to corporations, it could encourage greater investment. Faced with recession, tight money, and high interest rates, businesses took those tax breaks and spent them not on new, productive investments but by buying up other corporations.

It is clear that the administration's economic program is not working. Businesses are getting major tax breaks, but these breaks are not being translated into increased savings and investment. The Government is financing big tax cuts with higher and higher deficits, but these deficits are helping to depress the economy still further.

So where do we go from here?

The first thing we have to understand is how we got here in the first place.

Last year, the President pushed through a radical budget program and a radical fiscal policy. Very few Americans understood what was in that policy. Very few knew about the cuts in social security. When they did, they rebelled against them. Very few people knew about the student loan cuts. When the students learned about these cuts, the campuses came alive with protest again. Very few people knew that the Reagan Kemp-Roth tax cuts primarily benefited those in the top income brackets. That too has begun to sink in.

Even fewer people learned what was in the Democratic alternative.

The record shows that the Democrats offered a reasonable and balanced alternative to the Reagan economic program. We offered a budget program that achieved major savings but which avoided the excesses of the Reagan budget. We offered a tax program that provided major tax relief—particularly to those in the middle income brackets, but which avoided the fiscal nonsense of Kemp-Roth. The Democratic program added up to greater fairness, lower deficits, lower interest rates, and better economic prospects across the board.

Unfortunately, many Americans were not even aware of the Democratic alternative. The reason is that much of the Washington press paid little attention to the substance of the Democratic package. But the record speaks for itself. Anyone who covers the Congress knows full-well that the Reagan economic program could never have come to a vote if the House majority had not offered a proposal of its own. Under our committee system, the only way an administration proposal can even come to a vote is in the form of a substitute or an amendment to a bill reported out by one of our committees. That is exactly what happened last year. That is exactly what will happen this year.

But if we are going to meet the country's economic challenges, the answer will come not in a confrontation, but in a spirit of compromise.

Earlier this week, the President met with a group of Republican Senators and said that it was "time to get our sabers and charge."

I think, if I were the President, I would say that it is time to get my pocket calculator out. It is time to forget his supply-side superstitions and start looking at the real world. It is time to adjust his program to economic reality.

The President sees today's economic challenges as a test of strength, between him and the Democrats. As long as he persists in that kind of attitude, as long as he keeps his political saber drawn, I see no hope for compromise.

Compromise is never an easy road, but politics is the art of compromise.

It is time for the President to forget about victories.

His program is not working and it is time for a mid-course correction.

In the interest of the Nation, we, the Democrats, want to work for a solution. We do not merely want to dialog. We want action.●

FULL INSURANCE FOR PUBLIC FUND DEPOSITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. Dicks) is recognized for 5 minutes.

● Mr. DICKS. Mr. Speaker, I am today introducing a bill to provide 100 percent insurance for public funds deposited in any federally insured financial institution.

Most States currently require that public fund deposits, whether they be from the State government or from units of local government, be secured by pledged collateral. Such collateral is essentially in the form of Federal, State, and local government obligations. The problem is that thrift institutions are prohibited from pledging government obligations as collateral. The result is that the majority of public funds—nearly 99 percent as of 1975—are deposited in commercial banks. Savings and loan associations and mutual savings banks are restricted in their participation in this market by the current limit of $100,000 on insurance coverage.

My bill eliminates this inequity, allowing all federally insured financial institutions to compete equally for these deposits.

The Congress has considered this proposal in the past. Previous legislative efforts were not successful in part because of a lack of information on the effect of increased insurance on the State and local bond markets and on the housing industry. This void has now been filled. On January 20, 1977, the Advisory Commission on Intergovernmental Relations (ACIR) issued a report entitled "The Impact of Increased Insurance on Public Deposits." This study explores the ramifications of my proposal, and makes certain recommendations.

Among those recommendations, the ACIR report suggests:

> That the appropriate Federal agency insure the full amount of public deposits in commercial banks, savings and loan associations, mutual savings banks, and credit unions.

The report goes on to state:

> Full deposit insurance for public funds would result in better service and higher returns on deposits of governments because of the wider competition for such deposits.

Mr. Speaker, we are talking about billions of dollars of the American taxpayers' money which is effectively limited in choice of depositories. At a time when the Nation is experiencing a severe shortage of housing funds, it is particularly important that we take every step possible to insure that the institutions which specialize in mortgage lending are competing on an equal footing. It is ridiculous that the insurance available for public fund deposits is no higher than that available to the individual saver. Through the imposition of this limitation, we are preventing the savings and loans and mutual savings banks from competing for a pool of funds which exceeds $88 billion. As of June 1981 more than $83 billion of that was invested in commercial banks. S. & L.'s and mutuals had less than $5 billion—less than 6 percent of the total amount available for investment.

In sum, Mr. Speaker, we need to enlarge the investment opportunities for this large pool of funds. In a climate of banking deregulation, equal competition is the watchword. My bill helps to equalize the players. Thank you.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Lee) to revise and extend their remarks and include extraneous material:)

Mr. McCloskey, for 5 minutes, today.

Mr. Jeffords, for 5 minutes, today.

Mr. McCollum, for 5 minutes, today.

Mr. Walker, for 60 minutes, March 17.

(The following Members (at the request of Mr. Bonior of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. Bonior of Michigan, for 60 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Coelho, for 5 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mr. Wright, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Lee) and to include extraneous matter:)

Mr. Petri.

Mr. Campbell.

Mr. Findley in two instances.

Mr. McCloskey.

Mr. Evans of Delaware in two instances.

Mr. Beard.

Mr. Lowery of California.

Mr. Gingrich.

Mr. Parris.

Mr. Erdahl.

(The following Members (at the request of Mr. Bonior of Michigan) and to include extraneous matter:)

Mr. Moffett.

Mr. Shamansky in two instances.

Mr. Mineta.

Mr. Foglietta.

Mr. Corrada.

Mr. Rostenkowski.

Mr. Peyser.

Mr. Dyson.

Mr. Dan Daniel.

Mr. Waxman.

Mr. Fascell in six instances.

Mr. Stark in two instances.

Mr. Vento.

Mr. Simon in two instances.

Mr. Roe.

Mr. Hoyer in two instances.

Mr. English.

Mr. LaFalce.

Mr. Biaggi.

Mr. Wyden.

Mr. Walgren.

Mr. Guarini.

ADJOURNMENT

Mr. BONIOR of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 47 minutes p.m.) under its previous order, the House adjourned until Monday, March 15, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3360. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983 and 1984, and for other purposes; to the Committee on Energy and Commerce.

3361. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to extend for 3 years the authorization for appropriations for refugee assistance, to make certain improvements in the operation of the program, and for other purposes; to the Committee on the Judiciary.

3362. A letter from the Assistant Attorney General, Department of Justice (Legislative Affairs), transmitting a draft of proposed legislation to amend title 18 of the United States Code; to the Committee on the Judiciary

3363. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to authorize job training programs for welfare recipients, economically disadvantage out-of-school youths, and other persons who are in particular need of such training to obtain productive employment in the private sector of the Nation's economy, and for other purposes; jointly, to the Committees on Education and Labor and the Judiciary.

3364. A letter from the Assistant Attorney General, Department of Justice (Legislative Affairs), transmitting a draft of proposed legislation to amend section 1963 of title 18, United States Code, and the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) to provide for the criminal forfeiture of the proceeds of racketeering activity, to provide for the sanction of criminal forfeiture for all felony drug offenses, to facilitate forfeitures in drug-related and racketeering cases, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

3365. A letter from the Director of Central Intelligence, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, system, and for other purposes; jointly, to the Committees on Armed Services, the Judiciary, and Permanent Select Committee on Intelligence.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. H.R. 2528. A bill to amend the Economy Act to provide that all departments and agencies may obtain materials or services from other agencies by contract, and for other purposes; with an amendment (Rept. No. 97-456). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN (for himself and Mr. Conte):

H.R. 5804. A bill making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes; to the Committee on Appropriations.

By Mr. ALBOSTA:

H.R. 5805. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. BEARD:

H.R. 5806. A bill to establish an Inspector General in the Tennessee Valley Authority; to the Committee on Public Works and Transportation.

By Mr. BIAGGI:

H.R. 5807. A bill to authorize the appropriation of an additional amount of $50 million to alleviate the human suffering arising from the earthquakes in southern Italy in late 1980; to the Committee on Foreign Affairs.

By Mr. BRODHEAD:

H.R. 5808. A bill to amend the Internal Revenue Code of 1954 to provide that certain elderly individuals will not be required to make payments of estimated tax; to the Committee on Ways and Means.

By Mr. CLAUSEN:

H.R. 5809. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. DICKS:

H.R. 5810. A bill to provide for full insurance of public funds deposited in federally insured banks, thrift institutions, and credit unions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DOWNEY (for himself and Mr. Frenzel):

H.R. 5811. A bill to reduce the tariff on caffeine; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 5812. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for the training of skilled labor-short industries; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 5813. A bill entitled the "Land Value Protection Act"; to the Committee on Agriculture.

By Mr. EVANS of Iowa (for himself, Mr. Napier, and Mr. Skeen):

H.R. 5814. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax interest on certain loans used to purchase soil conservation tillage equipment, and to provide additional tax incentives with respect to such equipment; to the Committee on Ways and Means.

By Mr. GARCIA (for himself, Mrs. Chisholm, Mr. Crockett, Mr. Clay, Mr. Weiss, Mr. LeBoutillier, Mr. Roe, Mr. Dymally, Mr. Mitchell of Maryland, Mr. Mineta, Mr. Richmond, Mr. Dan Daniel, and Mr. Lundine):

H.R. 5815. A bill to amend chapter 215 of title 18, United States Code, to provide for assistance of counsel to grand jury witnesses and to otherwise improve grand jury procedures; to the Committee on the Judiciary.

H.R. 5816. A bill to amend chapter 215 of title 18, United States Code, to provide for recording of grand jury proceedings, and for other purposes; to the Committee on the Judiciary.

H.R. 5817. A bill to amend chapter 215 of title 18, United States Code, to provide for dismissal of indictments under certain circumstances, and for other purposes; to the Committee on the Judiciary.

By Mr. KILDEE:

H.R. 5818. A bill to provide for the continuation of the National Diffusion Network; to the Committee on Education and Labor.

By Mr. LOTT:

H.R. 5819. A bill to amend title 28 of the United States Code to confer exclusive Federal appellate jurisdiction, with respect to State cases involving the death penalty, upon the U.S. Supreme Court; to the Committee on the Judiciary.

By Mr. MILLER of California (for himself, Mr. Beilenson, Mr. Corrada, Mr. Dymally, Mr. Edgar, Mr. Edwards of California, Mr. Fazio, Mr. Florio, Mr. Foglietta, Mr. Gejdenson, Mr. Gore, Mr. Kildee, Mr. Mitchell of Maryland, Mr. Mottl, Mr. Murphy, Mr. Panetta, Mr. Richmond, Mr. Roybal, and Mr. Stark):

H.R. 5820. A bill to amend the Vocational Education Act of 1963 to make incentive grants to the States for electronic and computer technician vocational education programs; to the Committee on Education and Labor.

By Mr. PANETTA:

H.R. 5821. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. PARRIS:

H.R. 5822. A bill to direct the Administrator of the Federal Aviation Administration to study the feasibility of using arresting gear at National Airport; to the Committee on Public Works and Transportation.

By ROSTENKOWSKI:

H.R. 5823. A bill to suspend until the close of June 30, 1986, the duty on certain bicycle parts; to the Committee on Ways and Means.

By Mrs. SCHROEDER:

H.R. 5824. A bill to prohibit foreign military sales to any country in the Middle East which has not declared its willingness to adhere to the Camp David accords; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska (for himself, Mr. Marlenee, Mr. Cheney, and Mr. Craig):

H.R. 5825. A bill to make certain amendments to Public Law 92-195 relating to the protection of wild free-roaming horses and burros; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. CONTE (for himself, Mr. Markey, Mr. Bingham, Mr. Tauke, Mr. Forsythe, Mr. Lowry of Washington, Mr. Long of Louisiana, Mr. Hamilton, Mr. Rodino, Mr. Addabbo, Mrs. Fenwick, Mr. Udall, Mr. Leach of Iowa, Mr. Solarz, Mr. Anthony, Mr. St Germain, Mr. Kastenmeier, Mr. Beilenson, Mr. Waxman, Mrs. Chisholm, Mr. Edgar, Mr. Conyers, Mr. Foglietta, Mr. Mavroules, Mrs. Heckler, Ms. Ferraro, Mr. McKinney, Mr. Moffett, Mr. Fauntroy, Mr. DeNardis, Mr. Richmond, Mr. Hollenbeck, Mr. Moakley, Mr. Marks, Mr. Clay, Mr. Bedell, Mr. Lehman, Mrs. Schneider, Mr. Albosta, Mr. Oberstar, Mr. Brown of California, Mr. AuCoin, Mr. Rahall, Mr. Barnes, Mr. Frank, Mr. Garcia, Mr. Lantos, Mr. Yates, Mr. McHugh, Mr. Mazzoli, Mr. Boland, Mr. Evans of Indiana, Mr. Ford of Michigan, Mr. Sabo, Mr. Weiss, Mr. Seiberling, Mr. Panetta, Mr. Studds, Mr. Swift, Mr. Savage, Mr. Peyser, Mr. Shannon, Mr. Wyden, Mr. Mottl, Ms. Oakar, Mr. Wolpe, Mr. Phillip Burton, Mr. Ottinger, Mr. Harkin, Mr. Dellums, Mr. Mitchell of Maryland, Mr. Gejdenson, Mr. Rangel, Mr. Miller of California, Mrs. Schroeder, Mr. Coelho, Mr. Dymally, Mr. Matsui, Mr. Vento, Mr. Bonker, Mr. Gore, Mr. Donnelly, Mr. Ratchford, Mr. Simon, Mr. Eckart, Mr. Ford of Tennessee, Mr. Kildee, Mr. Walgren, Mr. Wirth, Mr. Weaver, Mr. Reuss, Mr. Pease, Mr. Stark, Mr. Neal, Mr. Edwards of California, Mr. Smith of Iowa, Mr. Rosenthal, Ms. Mikulski, Mr. Gray, Mr. Bonior of Michigan, Mr. Stokes, Mr. Schumer, Mr. Williams of Montana, Mr. Crockett, Mrs. Kennelly, Mr. Brodhead, Mr. Leland, Mr. William J. Coyne, Mr. Murphy, Mr. Biaggi, Mr. Russo, Mr. Shamansky, Mr. Synar, Mr. Green, Mr. Pepper, Mr. Early, Mr. Blanchard, Mr. Clinger, Mr. Lujan, Mr. Traxler, Mr. John L. Burton, Mr. Fowler, Mr. Jones of Oklahoma, Mr. Hughes, Mr. James K. Coyne, Mr. Minish, Mr. Smith of New Jersey, Mr. Dixon, Mr. Howard, Mr. Regula, Mr. Horton, and Mr. Dicks):

H.J. Res. 434. Joint resolution calling for a mutual and verifiable freeze and reduction in nuclear weapons; to the Committee on Foreign Affairs.

By Mr. McCOLLUM (for himself, Mr. Hyde, Mr. Hutto, Mr. Bowen, Mr. Lagomarsino, Mr. Chappell, Mr. Weber of Ohio, Mr. Smith of New Jersey, Mr. Oxley, Mr. Watkins, Mr. Fuqua, Mr. Stangeland, Mr. Murphy, Mr. Bafalis, Mr. McDonald, Mr. McClory, Mr. Pepper, Mr. Boner of Tennessee, Mr. Moorhead, Mr. Dymally, Mr. Santini, Mrs. Holt, Mr. Vento, Mr. Dornan of California, Mr. Markey, Mr. Bailey of Missouri, Mr. Alexander, Mr. Frost, Mr. Sunia, Mr. Skelton, Mr. Porter, Mr. Brown of Colorado, Mr. Rudd, Mr. Sawyer, Mr. Brodhead, Mr. Dunn, Mr. Broomfield, Mr. Albosta, Mr. Fary, Mr. Foglietta, Mr. Tauke, Mr. Dorgan of North Dakota, Mr. Roberts of South Dakota, Mr. Frenzel, Mr. Atkinson, Mr. Edgar, Mr. Martin of North Carolina, Mr. Hollenbeck, Mr. Montgomery, Mr. Roemer, Mr. McDade, Mr. Frank, Mr. Yatron, Mr. Young of Florida, Mr. Fowler, Mr. Daniel B. Crane, Mr. Aspin, Mr. Guarini, Mr. Fauntroy, Mr. Forsythe, Mr. Gingrich, Mr. Grisham, Mr. Shamansky, Mr. Jones of North Carolina, Mr. Butler, Mr. Dreier, Mr. McGrath, Mr. Corcoran, Mr. McCloskey, Mr. Leach of Iowa, Mr. Rodino, Mr. Wampler, Mr. Michel, Mr. Coats, Mr. Walker and Mr. Moore):

H.J. Res. 435. Joint resolution providing for the designation of April 12, 1982, as "American Salute to Cabanatuan Prisoner of War Memorial Day"; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H.J. Res. 436. Joint resolution to designate the week of April 18 as "National Architecture Week"; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN:

H. Con. Res. 286. Concurrent resolution expressing the sense of the Congress that there should be no new withholding tax on interest and dividend income; to the Committee on Ways and Means.

By Mr. JEFFORDS:

H. Con. Res. 287. Concurrent resolution expressing the sense of the Congress that the United States and the Soviet Union should pursue an immediate halt to the nuclear arms race and an eventual reduction in the number of nuclear weapons and the size of conventional forces; to the Committee on Foreign Affairs.

By Mr. MOORE (for himself, Mr. Mottl, Mr. Bafalis, and Mr. Hubbard):

H. Res. 387. Resolution providing for the consideration of the bill (S. 951) to authorize appropriations for the Department of Justice for the fiscal year ending September 30, 1982; to the Committee on Rules.

By Mr. PANETTA:

H. Res. 388. Resolution amending the Rules of the House of Representatives to decrease the amount of outside earned income which a Member may have in 1982; to the Committee on Rules.

H. Res. 389. Resolution to amend the Rules of the House of Representatives to require a recorded vote upon final passage of legislation that adjusts the pay of Members, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of Oklahoma:

H.R. 5826. A bill to provide for the reinstatement and validation of U.S. oil and gas lease numbered W-24153; to the Committee on Interior and Insular Affairs.

By Mr. HUNTER:

H.R. 5827. A bill for the relief of In Hong Song and spouse, Sung J. Park; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mrs. Heckler, Mr. Flippo, Mr. Napier, Mr. Ford of Michigan, Mr. Mazzoli, Mr. Blanchard, Mr. Beard, Mr. Evans of Iowa, Mr. McCurdy, Mr. Savage, Mr. Mitchell of Maryland, Mrs. Roukema, Mrs. Martin of Illinois, and Mr. Foglietta.

H.R. 100: Mr. Fascell, Mr. Hughes, Mr. Pepper, Mr. Schumer, and Mr. Whitehurst.

H.R. 1005: Mr. Bevill.

H.R. 1193: Mr. Minish and Mr. Blanchard.

H.R. 1932: Mr. Barnes.

H.R. 1948: Mr. Corcoran.

H.R. 3252: Mr. Nelligan, Mr. Porter, and Mr. Garcia.

H.R. 4460: Mr. Stokes and Mr. Yates.

H.R. 4467: Mr. Vento.

H.R. 4588: Mr. Bonior of Michigan, Mrs. Bouquard, Mr. Clinger, Mr. Coats, Mr. Daschle, Mr. Dixon, Mr. Dorgan of North Dakota, Mr. Edgar, Mr. Dymally, Mr. Fary, Mr. Fazio, Mr. Findley, Mr. Forsythe, Mr. Frank, Mr. Frenzel, Mr. Hoyer, Mr. Hubbard, Mr. Hughes, Mr. Jacobs, Mr. Lehman, Mr. Leland, Ms. Mikulski, Mr. Nowak, Mr. Oberstar, Mr. Railsback, Mr. Rangel, Mr. Richmond, Mr. Rosenthal, Mr. Studds, Mr. Walgren, Mr. Weaver, Mr. Wyden, and Mr. Yatron.

H.R. 4807: Mr. Shuster, Mr. Wirth, and Mrs. Roukema.

H.R. 4808: Mr. Mavroules, Mr. Dannemeyer, Mr. Scheuer, Mr. Daniel B. Crane, Mr. Ratchford, Ms. Fiedler, Mr. Wilson, Mr. Bevill, Mr. Winn, Mr. Rudd, Mr. Minish, Mr. Neal, Mr. Lott, Mr. Hollenbeck, Mr. Spence, Mr. Donnelly, Mr. Emery, Mr. Davis, Mr. Mitchell of New York, Mr. Young of Alaska, Mr. Oberstar, Mr. Gejdenson, Mr. Smith of New Jersey, and Mr. Luken.

H.R. 5146: Mrs. Bouquard.

H.R. 5150: Mr. Dickinson and Mr. Barnes.

H.R. 5362: Mr. Addabbo, Mr. Bedell, Mrs. Collins of Illinois, Mr. Corrada, Mr. Dwyer, Mr. Ertel, Mr. Fary, Mr. Foglietta, Mr. Forsythe, Mr. Howard, Mr. Minish, Mr. Richmond, Mr. Rodino, Mr. Roe, Mr. Roth, Mr. St Germain, Mr. Schumer, Mr. Washington, Mr. Wortley, Mr. Wyden, Mr. Zeferetti, Mr. McDade, Mr. Dyson, Mr. McKinney, and Mr. Walgren.

H.R. 5469: Mr. Schumer.

H.R. 5486: Mr. Moffett.

H.R. 5507: Mr. Brown of Colorado, Mrs. Chisholm, Mr. Coelho, Mr. Corrada, Mr. D'Amours, Mr. Dan Daniel, Mr. Davis, Mr. de la Garza, Mr. Evans of Georgia, Mr. Fazio, Mr. Fish, Mr. Foglietta, Mr. Forsythe, Mr. Frenzel, Mr. Gingrich, Mr. Hagedorn, Mr. Hatcher, Mr. Hertel, Mr. Hiler, Mr. Hopkins, Mr. Horton, Mr. Howard, Mr. Hughes, Mr. Long of Maryland, Mr. Lowry of Washington, Mr. McClory, Mr. Pease, Mr. Rosenthal, Mr. Roth, Mr. Roukema, Mr. Sunia, Mr. Smith of Pennsylvania, Mr. Whitehurst, Mr. Wilson, Mr. Young of Alaska, Mr. Mitchell of Maryland, and Mr. Robert W. Daniel, Jr.

H.R. 5514: Mr. Albosta, Mr. Blanchard, Mr. de la Garza, Mr. Derwinski, Mr. Ford of Michigan, Mr. Hertel, Mr. Hughes, Mr. Murphy, Mr. Oberstar, Mr. Petri, Mr. Porter, Mr. Richmond, and Mr. Florio.

H.R. 5535: Mr. Hightower, Mr. Gejdenson, Mr. Martin of North Carolina, Mr. Edgar, Mrs. Fenwick, and Mrs. Bouquard.

H.R. 5639: Mr. Mitchell of New York.

H.R. 5729: Mr. Duncan, Mr. Fazio, Mr. Coelho, Mr. Forsythe, Mr. Frost, and Mr. Panetta.

H.R. 5731: Mr. Mitchell of Maryland

H.J. Res. 225: Mr. Ratchford, Mr. Forsythe, Mr. Hunter, Mr. Badham, Mr. Dyson, Mr. Kramer, Mr. Daniel B. Crane, Mr. Won Pat, Mr. McCollum, Mr. Duncan, Mr. Regula, Mr. Jeffries, Mr. Kindness, Mr. Gingrich, Mr. Mitchell of New York, Mr. Porter, Mr. Bailey of Pennsylvania, Mr. Whitehurst, Mr. Luken, Mr. Pepper, Mr. Pursell, Mr. Corcoran, Mr. DeNardis, Mr. Hansen of Idaho, Mr. Yatron, Mr. Williams of Ohio, Ms. Oakar, Mr. Akaka, Mr. Stanton of Ohio, Mr. Dornan of California, Mr. Perkins, Mr. Brooks, Mr. Evans of Georgia, Mr. Zablocki, Mr. Stenholm, Mr. Stangeland, Mr. Rinaldo, Mr. Gejdenson, Mr. Gore, Mr. Frenzel, Mr. Howard, Mr. Hendon, Mrs. Heckler, Mr. McCurdy, Mr. Fithian, Mrs. Schneider, and Mr. Roybal.

H.J. Res. 272: Mr. Gunderson.

H.J. Res. 316: Mr. Yates, Mr. Clinger, Mr. Martin of New York, Mr. Akaka, Mr. Hoyer, Mr. Dornan of California, Mr. Dixon, Mr. Hansen of Utah, Mr. Coats, Mr. Mineta, Mr. Wolf, Mr. Whitehurst, Mr. Napier, Mr. Gephardt, Mr. Santini, Mr. Daniel B. Crane, Mr. Foley, Mr. Andrews, Mr. John L. Burton, Mr. Miller of Ohio, Mr. Williams of Ohio, Mr. Mottl, Mr. Sam B. Hall, Jr., Mr. Roth, Mr. Gradison, Mr. Hiler, Mr. Fary, Mr. Patterson, Mr. Brown of California, Mr. Conable, Mr. Biaggi, Mr. Dymally, Mr. Long of Maryland, Mr. Jacobs, Mr. Edgar, Mr. Bowen, Mr. Boner of Tennessee, Mr. Leland, Mr. Wolpe, Mr. McCloskey, and Mr. Deckard.

H.J. Res. 344: Mrs. Roukema.

H.J. Res. 385: Mr. Stratton, Mr. Fountain, Mr. Green, Mr. Vander Jagt, Mr. Martin of New York, and Mr. Solomon.

H.J. Res. 424: Mr. Rosenthal.

H.J. Res. 427: Mr. Gingrich.

H.J. Res. 428: Mr. Benedict, Mr. Hance, Mr. Wilson, Mr. Edwards of Alabama, Mr. Blanchard, Mr. Kogovsek, Mr. Patterson, and Ms. Ferraro.

H. Con. Res. 222: Mr. McDade and Mr. Beard.

H. Con. Res. 245: Mr. Wirth, Mr. Wyden, Mr. Bonior of Michigan, Mr. Edgar, Mr.

MATTOX, Mr. JOHN L. BURTON, Mr. RICHMOND, Mr. LEACH of Iowa, Mr. ST GERMAIN, Mr. GARCIA, Mr. YATES, Mr. SEIBERLING, and Mr. SCHUMER.

H. Con. Res. 271: Mr. EDGAR, Mr. DYSON, Mr. SEIBERLING, Mr. EDWARDS of California, Mr. FAZIO, Mr. DENARDIS, Mr. GRAY, Mr. WOLPE, and Mr. WON PAT.

H. Res. 264: Mr. MCEWEN.

H. Res. 332: Mr. HUGHES, Mr. ADDABBO, Mr. MATSUI, Mr. BONKER, Mr. DAVIS, Mr. DOWNEY, Mr. SMITH of Pennsylvania, Mr. SCHEUER, Mr. GORE, Mr. BINGHAM, Mr. DYSON, Mr. VENTO, Mr. LONG of Maryland, Mr. HOYER, Mr. MINETA, Mr. SIMON, Mr. SKELTON, and Ms. MIKULSKI.

H. Res. 362: Mr. ROEMER, Mr. DAUB, Mr. PARRIS, Mr. SMITH of Alabama, Mr. PORTER, Mr. KINDNESS, Mr. JAMES K. COYNE, Mr. HARTNETT, Mr. JEFFORDS, and Mr. SOLOMON.

H. Res. 375: Mr. GORE, Mr. FLORIO, Mr. BONIOR of Michigan, Mr. STUDDS, Mr. KILDEE, Mr. UDALL, Mr. RATCHFORD, Mr. DASCHLE, Mr. HERTEL, Mr. DOWNEY, Mr. BARNES, Mr. DORGAN of North Dakota, Mr. WEAVER, Mr. LOWRY of Washington, Mr. MCGRATH, Mr. FOGLIETTA, Mr. SYNAR, Mr. CONYERS, Mr. SMITH of Pennsylvania, Mr. VENTO, Mr. SCHEUER, Mr. RODINO, Mr. LANTOS, Mr. ZEFERETTI, Mr. STARK, Mr. MARKEY, Mr. HOWARD, Mr. HUGHES, Mr. BEDELL, Mr. FROST, Mr. MOTTL, Mr. JONES of North Carolina, Mr. NEAL, Mr. ERTEL, Mr. MITCHELL of Maryland, Mr. HOLLAND, Mr. DIXON, Mr. MATTOX, and Mr. DE LUGO.

SENATE—*Thursday, March 11, 1982*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Almighty God of justice and truth, gracious Father of love and mercy, we invoke Thy presence and blessing upon the Senate as it confronts the heavy issue of this day. Grant to each Senator special grace to accept the resolution of a matter which will be painful and sorrowful however it ends. Thank Thee, Lord, for faithful men and women who are prepared to do the hard thing, the right thing, in the assurance that truth and justice are their own reward and guarantee equity to all.

Help them to see that history will record this as one of the great hours in the annals of the Senate: that the word of God clearly promises that "God works in everything for good to those who love Him, who are called according to His purpose." As they faithfully discharge their solemn duty, distasteful though it be, may they find in the sanctuary of their souls the peace and love of God. We pray this in the name of Him who is the way, the truth, and the life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The **PRESIDENT** pro tempore. The majority leader is recognized.

Mr. **BAKER**. I thank the Chair.

THE JOURNAL

Mr. **BAKER**. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. **BAKER**. Mr. President, there are two special orders for this morning. I have no need of my time under the standing order, except to say that it is my sincere hope, it is my desire and determination, to finish the Senate debate on Senate Resolution 204 during this day.

As I indicated on yesterday, Thursday is the regularly scheduled late evening of the Senate. Senators should be on notice that, if necessary, the Senate will be in late today.

Mr. President, I ask unanimous consent that I may reserve the remainder of my time under the standing order until the expiration of the time allocated to Senators under the special orders heretofore entered.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **BAKER**. I thank the Chair.

RECOGNITION OF THE ACTING MINORITY LEADER

The **PRESIDENT** pro tempore. The acting minority leader is recognized.

Mr. **PROXMIRE**. Mr. President, I ask that the time of the minority leader be added to my special order. I have been told that that is acceptable to the minority leader.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

(Mr. WARNER assumed the chair.)

THE THREAT OF NUCLEAR DESTRUCTION AND WHAT WE CAN DO ABOUT IT

Mr. **PROXMIRE**. Mr. President, Jonathan Schell has written a remarkable series of articles in the New Yorker magazine entitled, "The Fate of the Earth." Mr. Schell discusses the terrible prospect that mankind may destroy himself. Too few of us have faced the fact that life on Earth has changed since the first nuclear explosion destroyed human life in 1945. In the ensuing 37 years we have accumulated a nuclear arsenal that can destroy all life, all life on this planet.

Jonathan Schell puts it this way:

> Since July 16, 1945, when the first atomic bomb was detonated, at the Trinity test site, near Alamogorda, New Mexico, mankind has lived with nuclear weapons in its midst. Each year, the number of bombs has grown until now there are 50,000 warheads in the world, possessing the explosive yield of roughly 20 billion tons of TNT, or 1,600,000 times the yield of the bomb that was dropped by the United States on the city of Hiroshima, in Japan, less than a month after the Trinity explosion. These bombs were built as "weapons" for "war," but their significance greatly transcends war and all its causes and outcomes. They grew out of history, yet they threaten to end history. They were made by men, yet they threaten to annihilate man. They are a pit into which the whole world can fall—a nemesis of all human intentions, actions, and hopes. Only life itself, which they threaten to swallow up, can give the measure of their significance.

That nuclear arsenal lies in the possession of the world's great superpowers—the United States of America and the Soviet Union. Our arsenal has grown so immensely in power that we could literally destroy, end, finish, forever all mankind and very possibly all forms of life on the planet. It could happen next year or next week or tomorrow or at 5 o'clock this afternoon. Every living thing on Earth could perish.

The threat is very real. Of nuclear weapons Schell writes:

> Our species is caught in the same tightening net of technical success that has already strangled so many other species. The peril of human extinction, which exists not because every single person in the world would be killed by the immediate explosive and radioactive effects of a holocaust—something that is exceedingly unlikely, even at present levels of armaments—but because a holocaust might render the biosphere unfit for human survival, is, in a word an ecological peril.

And yet the prospects for our survival are not so bleak that we cannot take action, in time, to determine our fate—our own destiny.

A few days ago, Carl Sagan, the renowned scientist, came to my office to discuss the space program. He left with me a paper he had written on this same subject. In that paper, he said this:

> And on our planet what has evolved is not just life, not just grass or mice or beetles or microbes, but beings with a great, soaring, passionate intelligence, with a capacity to anticipate the future consequences of present actions, with the ability even to leave their home world and seek out life elsewhere. What a waste it would be if, after four billion years of tortuous biological evolution, after the deaths of trillions of slightly maladapted organisms so a few, like us, could be superbly adapted, if after all this the dominant organism on the planet contrived its own annihilation. I look at the fossil record and I see that after flourishing for 180 million years, the dinosaurs were extinguished. Every last one. There are none left. No species is guaranteed its tenure on this planet. And we've been here for only about a million years, we, the first species that has devised the means for its self-destruction. I look at those other worlds, cratered, airless, cold, here and there coated with a hopeful stain of organic matter, and I remind myself that an astonishing thing has happened here. The Earth is an anomaly; in all the solar system, it is, apparently, the only inhabited planet. We are rare and precious because we are alive, because we can think. How privileged we are to live, to influence and control our future. I believe we have an obligation to fight for that life, to struggle not just for ourselves, but for all those creatures who came before us, and to whom we are beholden, and for all those who, if we are wise enough, will come after us. There is no cause more urgent, no dedication more fitting for us than to strive to eliminate the threat of nuclear war. No social convention, no political system, no economic hypothesis, no religious dogma is more important.

The administration has announced that it will seek the approval this year of this Congress—us—for the production of thousands and thousands more nuclear warheads. We could blast not only the Soviet Union but everything on Earth right now into eternity. Why the additional power of death and destruction at a cost of billions of dollars? Those who advocate the additional nuclear production sincerely believe that additional nuclear force points the way to greater military strength and such an awesome power that our great adversary with all their power would recognize that even if they hit us first with wave after wave of nuclear bombs and destroyed every living American on the surface of the Earth we could strike back from silos beneath the Earth, or from the skies in planes that carry immense nuclear destruction at all times, or from beneath the oceans from our fleet of submarines—each one of which could destroy many major cities in the U.S.S.R.—and we have 39 of such submarines.

They contend—sincerely that if we pile up sufficient nuclear power we can intimidate the U.S.S.R. in the certain knowledge that an attack on the United States from the Soviet Union would only result in mutual suicide. Now does the construction of this colossal arsenal of death and destruction really give us more security?

Put yourself in the position of the U.S.S.R., they face a country that has more nuclear weapons than they have. So what would you do in that position when you see us race ahead to produce thousands of additional warheads? Would you feel driven to the bargaining table to negotiate on our terms from a perceived position of weakness? Of course not, you would do what the Soviet Union certainly will do, you would produce your own additional arsenal, 17,000 nuclear warheads, or maybe 30,000 or 40,000.

Mr. President, this arms race has become absolutely insane. We have to find a way to stop it. We have to negotiate a verifiable end to this insanity. Every year additional nations beyond the U.S.S.R. and the United States join the nuclear club and can boast of a capacity to wage nuclear war. Today seven nations have that capacity. Within 10 years that number will double. If nuclear war does not break out to destroy all of mankind by 10 years from now, we can expect the nuclear club to continue to grow. By the year 2000 at least 20—maybe 25—nations may have this terrible power—if, of course, mankind still dwells on this planet in the year 2000, and do not bet on it.

Hear Schell discuss the consequences of our folly:

> Our modest role is not to create but only to preserve ourselves. The alternative is to surrender ourselves to absolute and eternal darkness: a darkness in which no nation, no society, no ideology, no civilization will remain; in which never again will a child be born, in which never again will human beings appear on the Earth, and there will be no one to remember that they ever did.

If Jimmy the Greek or Lloyds of London were giving odds on our survival, the chances might be 50-50 that we would have a nuclear war that would destroy life on Earth. No one would make that kind of bet, of course, because if you bet on nuclear war, and won, you would not be here to collect your winnings. But think of it—year after year—the odds on human life continuing on this planet become shorter. And what are we doing about it? Almost nothing, Mr. President.

I think some people somewhere may have the impression that the executive branch or the U.S. Senate or some kind of a commission with some real power has gone to work on this terrible problem. The grim news is that we have a commission at work on the gold standard; we have commissions at work on how to solve our social security problem; but no one today really is working with the Soviet Union and other nuclear nations on ending this suicidal arms race.

As Jonathan Schell points, out, it makes us sick to think about it or talk about or listen to others who talk about it. So we forget it. We feel we can do nothing about it. We feel emabarrassed that we would be viewed as misguided idealists, impractical dreamers, maybe even "rather be red than dead" traitors to our country if we discuss this most urgent and terrible and vital of problems. Listen to Schell:

> Anyone who inquires into the effects of a nuclear holocaust is bound to be assailed by powerful and conflicting emotions. Preeminent among these, almost certainly, will be an overwhelming revulsion at the tremendous scene of devastation, suffering, and death which is opened to view. And accompanying the revulsion there may be a sense of helplessness and defeat, brought about by an awareness of the incapacity of human soul to take in so much horror. A nuclear holocaust, widely regarded as 'unthinkable' but never as undoable, appears to confront us with an action that we can perform but cannot quite conceive. Following upon these first responses, there may come a recoil, and a decision, whether conscious or unconscious, not to think any longer about the possibility of a nuclear holocaust * * *

Mr. President, it is time we stopped this grim and terrible fact of life and death on Earth and faced it squarely.

It is true we have ongoing discussions over force levels—nuclear force levels—in Europe, strategic arms reduction talks. The President did make a sincere effort in that direction, for which he deserves credit. Those talks seem to be going nowhere fast. And with each passing week, new technological developments make arms control more and more difficult to achieve. And now, now we must think about arms control in space as well as on Earth. The arms race is about to jump from its earthbound shackles and devour a new environment.

So, Mr. President, I have written the Foreign Relations Committee of the U.S. Senate; I have written the Armed Services Committee of the Senate; I have written the Secretary of State and the Secretary of Defense, and I have asked them to specify in detail what they have done to make progress to end this nightmare and to begin the painful steps toward stopping nuclear proliferation and the suicidal arms race between the United States and the Soviet Union.

We have a thousand excuses for not taking any action: we must catch up with the Russians first; we must protect U.S. business interests overseas; if we do not sell nuclear products someone else will; now is not the time; this is not the place; wait until international conditions are better; wait for someone else to make the first move; we cannot interfere in the internal affairs of another country; wait until after the elections; if only there had been no invasion of Afghanistan. It goes on and on.

Mr. President, we will be making these same excuses the hour before nuclear war breaks out—unless we put aside our politics, our concerns over prestige, our war gaming calculations, and, in concert make a determined effort to find a solution to the nuclear menace.

Without such a worldwide effort soon, we may well test out the theory that the human race is but one rather unsuccessful form of life.

Jonathan Schell concludes by laying out the alternatives for us:

> Two paths lie before us. One leads to death, the other to life. If we choose the first path—if we numbly refuse to acknowledge the nearness of extinction, all the while increasing our preparations to bring it about—then we in effect become the allies of death, and in everything we do our attachment to life will weaken: our vision, blinded to the abyss that has opened at our feet, will dim and grow confused; our will, discouraged by the thought of trying to build on such a precarious foundation anything that is meant to last, will slacken; and we will sink to stupefaction, as though we were gradually weaning ourselves from life in preparation for the end. On the other hand, if we reject our doom, and bend our efforts toward survival—if we arouse ourselves to the peril and act to forestall it, making ourselves the allies of life—then the anesthetic fog will lift: our vision, no longer straining not to see the obvious, will sharpen; our will, finding secure ground to build on, will be restored; and we will take full and clear possession of life again.

Let me quote from Carl Sagan, who agrees by saying:

> There is no issue more important than the avoidance of nuclear war. Whatever your interests, passions or goals, they and you are threatened fundamentally by the prospect of nuclear war. We have achieved the capability for the certain destruction of our civi-

lization and perhaps of our species as well. I find it incredible that any thinking person would not be concerned in the deepest way about this issue.

Mr. President, those are the issues. The threat is clear. The solutions are clear. The need is clear. But it is not clear that we have the will to take the necessary action to safeguard humanity from extinction. We have the intelligence, the logic, the technology, and the justification to solve this problem. Let us use these resources before it is too late.

Mr. President, when I say "let us" I mean let the U.S. Senate, let this body. This is the great legislative body of this country. This is the legislative body that has the prime jurisdiction over treaties, the principal responsibility in foreign policy, the major responsibility along with the House for our military posture. This is the body that will entertain the request of the President for additional nuclear warheads.

I am not saying, and I do not think any sane, reasonable, realistic person would argue, that we should engage in unilateral disarmament or a unilateral freeze; of course not. We should work and work with all our might and all our main toward persuading the Soviet Union to work with us for a mutual, verifiable end to nuclear arms production. It is extremely hard to do, but there is no evidence we are making any effort in that direction.

Mr. President, a few days ago, one of the preeminent military officers to have served this Nation, Admiral Rickover, made his valedictory appearance before a congressional committee. I had the great honor of chairing the subcommittee of the Joint Economic Committee before which he appeared. Admiral Rickover has done more to provide a nuclear deterrent and nuclear power than perhaps any other man. He is the father of our nuclear navy. I think we all recognize that the one truly invulnerable deterrent that we have are our great nuclear submarines. Admiral Rickover, with his great intelligence and his knowledge of the capability of nuclear power, said that: "We will probably blow ourselves"—meaning all mankind—"up"; we will probably destroy mankind. Probably, not certainly. We can, if we use our intelligence and work with all our might, survive, but it will take that kind of determination.

Mr. President, there has been no greater test of a species. It is our decision, our destiny, our children's world to preserve.

Mr. SPECTER subsequently said: Mr. President, I compliment the distinguished Senator from Wisconsin on his very timely remarks about the nuclear issue. It is unfortunate that such extraordinary remarks are given to an empty Senate Chamber, but it is necessary because our colleagues are engaged in other business. Senator PROXMIRE speaks obviously only for the RECORD because of the absence of listeners. If he is correct, there will be no one to read the RECORD, and even as I make these complimentary remarks, he has departed to other pressing business.

RATIFICATION OF HOUSE JOINT RESOLUTION 373 IS NOT ENOUGH

Mr. PROXMIRE. Mr. President, on March 4 the Senate passed House Joint Resolution 373, which expresses the sense of Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate. The resolution further stated that these issues should be among those raised at the 38th meeting of the United Nations Commission on Human Rights.

This is a most timely resolution. As Senator PELL pointed out, over the past few years, the persecution of Soviet Jews has increased on a number of fronts. The number of Jews permitted to emigrate has substantially diminished. Dissident Jews have been harassed, and arrested on trumped-up charges. Those attempting merely to engage in religious worship are also harassed.

At the time, Senator BOSCHWITZ noted that passage of this resolution would:

> Send a signal to the Soviet Government that the U.S. Congress is deeply concerned about its continued persecution of its Jewish citizens.

Mr. President, I certainly agree that passage of a joint resolution will send a signal to the Soviet Government. However, the U.S. Senate is also sending a signal to the Soviet Government and the world by failing to ratify the Genocide Treaty, which declares genocide of a national, ethnical, racial, or religious group an international crime.

The Soviet Union ratified this treaty in 1954. Since that time, on numerous occasions, the Soviets have laughed in our faces when we have brought up their human rights abuses. They argue that if we were sincerely concerned and committed to human rights, we would ratify this treaty. We must ratify the Genocide Treaty, and thus prevent the Soviets from accusing us of disregarding human rights.

Mr. President, I am happy to yield such time as I have available to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator from Wisconsin. I shall be a moment here.

SENATOR HOLLINGS ALTERNATIVE BUDGET PROPOSAL

Mr. HOLLINGS. Mr. President, the President has, just this week, invited Members of Congress to submit alternative budget proposals. I accepted that invitation nearly a month before it was made. Now, however, I have sent the President a copy of that plan with an explanation and the details. I ask unanimous consent that my letter to the President, together with supporting attachments be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 10, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On your visit to Capitol Hill yesterday, you invited members of Congress to submit any alternative budget plan that could be considered comprehensive and a serious proposal. I herewith submit such a plan in detail. It has received serious consideration by the Republican leadership and the banking, business and financial communities have commented with approval. Our tragic situation is that the business community is refusing to take advantage of the supply-side business tax cuts of last year until it can be assured that deficits are reduced and the government will not be elbowing it out of the capital market. The Federal Reserve will not permit the money growth necessary for an expanded economy until Congress adopts a more restrictive fiscal policy. There is no intimation that either authority has approved this plan. But when asked what would happen to interest rates if this approach were adopted, the noted economist Alan Greenspan said that interest rates would drop "immediately" and the Chairman of the Federal Reserve Board said they would drop "substantially."

All of our economic experts have stated that the problem for Congress is not the recession but chronic high interest rates which will persist as long as projected deficits loom large. This demands dramatic and immediate action on the high interest rate front. This can be obtained by deferring the individual 1982 tax cut, providing for a 5% tax cut in 1983; and if interest rates permit, increasing this to 10% in 1983 or 1984. The business tax cuts—the supply-side of Reaganomics—are left undisturbed. Defense received a $37 billion increase in fiscal year 1981 and a $33 billion increase is projected for fiscal year 1982. The plan calls for phasing in this $70 billion add-on through 1983 and provides that the O & M accounts for readiness be held harmless to inflation in fiscal year 1983. If the B-1 is rescinded, no massive contract terminations are required. This alternate budget plan calls for an annual real growth in the defense budget of about 5.5% for 1980 through 1985, and a 12% real growth in procurement for 1981, 1982 and 1983. Finally, entitlement benefits are not cut. It is the cost of living adjustment increases that are frozen for fiscal 1983 with a Social Security reform plan that will resume COLA's in the ensuing years and at the same time reestablish the fiscal integrity of the fund.

This plan puts us on the glide-path towards government in the black by 1985. Deficits will be eliminated, interest rates will fall, industry will invest, employment and productivity will increase and the economy will grow and compete. But the sacrifice and tough decisions necessary to adopting a package of this kind cannot happen without your approval. Most members feel that they now have good voting records for defense, Social Security and tax cuts. Certain it is that they will not be maneuvered into a posture of anti-defense, anti-tax cut and anti-Social Security knowing that such an approach as I have outlined will be voted by you. In short, unless you note your approval in the next two weeks, the necessary climate for fiscal discipline will never jell. The authorizing committees are now signaling budget increases rather than budget cuts and if the President is telling the people that his plan is working, it just needs more time, then the Congress will opt for patience rather than sacrifice. A bipartisan coalition necessary to solve the problem will never form. This will indicate to the American people that not only is the economy out of control but its government in Washington has reached a paralysis.

Sincerely,

ERNEST F. HOLLINGS.

HOLLINGS PLAN

[By fiscal year, in billions of dollars]

	Outlays			
	1982	1983	1984	1985
Baseline revenues	631	652	701	763
Baseline outlays	740	809	889	971
Baseline deficits	−109	−157	−188	−208
Deficit reduction measures				
Revenue changes				
Forgo July 1982 10-percent tax cut				
Reduce July 1983 10-percent tax cut to 5-percent	8	35	49	64
Repeal indexing				
Repeal leasing	1	3	4	6
Total revenue changes	9	38	53	70
Spending changes				
Cost-of-living adjustment (COLA) freeze July 1982, reform beginning Oct. 1983	4	19	28	37
Forgo Oct. 1982 Government employee pay raise—provide 5-percent raise in 1983 and 1984		6	8	11
Defense—freeze budget authority in fiscal year 1983, 5-percent real growth in purchases in fiscal year 1984, fiscal year 1985		7	19	23
Management savings—half of administration proposals		10	12	12
Interest savings from lower deficits and interest rates	1	10	33	55
Total spending changes	5	52	100	138
Total deficit reduction	14	90	153	208
Deficit/surplus	−95	−67	−35	0

SPENDING UNDER THE HOLLINGS PLAN

[By fiscal year, in billions of dollars]

	Outlays	
	1982	1983
Function		
Defense	190	203
International	11	12
Science and space	7	7
Energy	6	5
Environment	13	12
Agriculture	14	8
Community development	5	3
Transportation	21	21
Regional development	9	8
Education and training	27	27
Health	77	88
Income security	249	250
Veterans	24	24
Justice	5	5
General government	5	5
Fiscal assistance	6	7
Interest	102	118
Allowances		−4
Offsetting receipts	−34	−43
Total	736	756

HOLLINGS FISCAL YEAR 1983 DEFENSE FREEZE PROPOSAL

The Hollings fiscal year 1983 plan freezes budget authority at fiscal year 1982 levels. Outlays increase in fiscal year 1983 because no prior year rescissions are required other than $2.1 billion (BA) for B-1. This means no massive contract terminations.

The plan takes the enormous real growth (22%) given defense in fiscal year 1981-82 and stretches it out over 36 months rather than 24—reducing real growth to 17% over the three years or an average annual growth of 5.7% per year.

O. & M.

Hollings 1982:	
Budget authority	61.5
Outlays	60.3
Hollings 1983:	
Budget authority	65.0
Outlays	63.8
Reagan 1983:[1]	
Budget authority	69.4
Outlays	68.0
Difference (Hollings-Reagan):	
Budget authority	−4.4
Outlays	−4.2

[1] Reagan's fiscal year 1983 request levels assume no fiscal year 1982 program supplemental and are based on CBO reestimates.

NOTE.—Hollings' fiscal year 1982 totals assume no program supplemental and rescission of B-1 funds.

O&M readiness is held harmless to inflation. This provides for O&M real growth of over 13% or 4% per year since fiscal year 1980.

Reductions from the President's request would be primarily in non-readiness areas such as real property and base maintenance, central supply and maintenance activities, and personnel support and administrative functions.

President's increases in O&M were across-the-board. The Hollings plan would realign these by requiring the establishment of priorities.

Procurement

Hollings 1982:	
Budget authority	63.0
Outlays	44.3
Hollings 1983:	
Budget authority	59.6
Outlays	51.9
Reagan 1983:[1]	
Budget authority	89.5
Outlays	56.5
Difference Hollings-Reagan:	
Budget authority	−29.9
Outlays	−4.6

[1] Reagan's fiscal year 1983 request levels assume no fiscal year 1982 program supplemental and are based on CBO reestimates.

NOTE.—Hollings' fiscal year 1982 totals assume no program supplemental and rescission of B-1 funds.

The plan provides for over 35 percent real growth in procurement for fiscal year 1983 over fiscal year 1980 or an average of nearly 12 percent real growth per year.

The reductions from the President's procurement request would come from the B-1 and MX basing money and from an assortment of programs depending upon DoD and Congressionally-set priorities regarding carriers, number of Trident subs, MX missile, AH-64, numbers of CG-47s, attack subs, frigates, and the mix and buy levels for planes such as F-14 and F-13, F-15 and F-16.

R. & D.

Hollings 1982:	
Budget authority	19.7
Outlays	18.4
Hollings 1983:	
Budget authority	20.0
Outlays	19.3
Reagan 1983:[1]	
Budget authority	24.3
Outlays	21.9
Difference Hollings-Reagan:	
Budget authority	−4.3
Outlays	−2.6

[1] Reagan's fiscal year 1983 request levels assume no fiscal year 1982 program supplemental and are based on CBO reestimates.

NOTE.—Hollings' fiscal year 1982 totals assume no program supplemental and rescission of B-1 funds.

The plan provides for over 17 percent real growth in R&D for fiscal year 1983 over fiscal year 1980 or an average of nearly 6 percent real growth per year.

The reduction in R&D could come from systems such as the B-1, MX, and by holding basic technology and advanced development to their fiscal year 1982 levels.

Military retired pay

Hollings 1982:	
Budget authority	15.0
Outlays	15.0
Hollings 1983:	
Budget authority	15.8
Outlays	15.8
Reagan 1983:[1]	
Budget authority	16.5
Outlays	16.3
Difference (Hollings-Reagan):	
Budget authority	−0.7
Outlays	−0.5

[1] Reagan's fiscal year 1983 request levels assume no fiscal year 1982 program supplemental and are based on CBO reestimates.

NOTE.—Hollings' fiscal year 1982 totals assume no programs supplemental and rescission of B-1 funds.

A freeze is placed on military retired pay COLA. The COLA resumes in fiscal year 1984 at the lower of the CPI minus 3% or the level of the government pay raise.

Military/DOD civilian pay raise

Hollings 1982:	
Budget authority	5.6
Outlays	5.5
Hollings 1983:	
Budget authority	
Outlays	0.1
Reagan 1983:[1]	
Budget authority	4.1
Outlays	4.1
Difference (Hollings-Reagan):	
Budget authority	−4.1
Outlays	−4.0

[1] Reagan's fiscal year 1983 request levels assume no fiscal year 1982 program supplemental and are based on CBO reestimates.

NOTE.—Hollings' fiscal year 1982 totals assume no program supplemental and rescission of B-1 funds.

A one-year freeze assumed for military and civilian pay raises. The pay raise resumes in fiscal year 1984.

Other

Hollings 1982:	
Budget authority	49.6
Outlays	46.2
Hollings 1983:	
Budget authority	54.0
Outlays	52.3
Reagan 1983: [1]	
Budget authority	59.2
Outlays	56.2
Difference (Hollings-Reagan):	
Budget authority	-5.2
Outlays	-3.9

[1] Reagan's fiscal year 1983 request levels assume no fiscal year 1982 program supplemental and are based on CBO reestimates.

NOTE.—Hollings' fiscal year 1982 totals assume no program supplemental and rescission of B-1 funds.

Includes military personnel, military construction, family housing, defense-energy efforts, revolving and management funds and other miscellaneous items.

The reductions mostly come from military construction and Energy-Defense activities. They would still have real growth fiscal year 1983 over fiscal year 1980 of 75% and 8% respectively.

The reductions would require a one year, across-the-board slowdown in construction projects and nuclear weapons production activities.

Total national defense

Hollings 1982:	
Budget authority	214.4
Outlays	190.1
Hollings 1983:	
Budget authority	214.4
Outlays	203.2
Reagan 1983: [1]	
Budget authority	263.0
Outlays	222.9
Difference (Hollings-Reagan):	
Budget authority	-48.6
Outlays	-19.8

[1] Reagan's fiscal year 1983 request levels assume no fiscal year 1982 program supplemental and are based on CBO reestimates.

NOTE.—Hollings' fiscal year 1982 totals assume no program supplemental and rescission of B-1 funds.

HOLLINGS PLAN FOR FISCAL YEAR 1984-85

Hollings provides for a minimum of 5% real growth in defense purchases and readiness for each year.

Mr. HOLLINGS. In my letter, I told the President of my deepest concern that the business community is deferring the investment we need because of the enormous deficits now predicted. I reminded him that many of our best economic experts are saying it is not the recession that is causing our worst economic problems. It is the high interest rates growing out of the terrible budget deficits.

Then I described to him the elements of the alternative plan I have described to my colleagues today. It is a plan that can eliminate deficits, reduce interest rates, spawn industrial investment, and help to expand our economy and the job market. It is a program that would still provide $88 billion for health programs, $24 billion for veterans programs, $250 billion for income security and $27 billion for education and training. All that could be done and more under my budget plan while still spending $203 billion for defense in fiscal 1983. The plan can put us on the glidepath toward Government in the black by 1985.

But no matter how well my proposal might work, no matter how much other budget proposals might improve the one we were offered in February, none of it can be done without the President's help.

He is the most visible figure of the Government. He has great strengths as a communicator, and now has the opportunity to demonstrate the statesmanship we expect of Presidents. The Congress needs his cooperation and I ask it today.

Samplings of public opinion are showing a growing lack of faith in the February budget, but it is a faith we can reclaim if we make changes now. This is not the time to stand on theory. This is the time to talk and be practical.

So I ask the President for that, in the honest belief that, without joint White House/congressional efforts, we cannot get the job done. That would be a tragedy and together, we can avoid it.

Mr. President, on February 10, I introduced an alternative budget. Within days, at least three Republican members of the Senate Budget Committee developed separate proposals. These are all realistic, good-faith efforts to reduce the $157 billion deficit more effectively and more equitably than the administration's budget does.

Unfortunately, the President's reaction so far has been to travel the country accusing the Congress of trying to wreck his budget. The fact is, Congress is trying to pick up the pieces and produce a bipartisan package to demonstrate equity to the taxpayer, restore business confidence, and sharpen the competitive edge of the American economy.

Each of the alternate Senate budget proposals includes changes in at least three major areas: taxes, entitlements, and national defense. I want to go over my plan briefly today to show exactly what it is intended to do.

If the plan is approved, it could cut the deficit to $67 billion in fiscal 1983, reduce it to $35 billion in fiscal 1984, and balance the budget by 1985. I view it as a practical attempt to rescue the Reagan program from its own excesses. My plan is not painless. But it is fair, containing neither special preference nor inflicting extreme burdens on anyone.

First, it would defer the increase in defense spending proposed for fiscal 1983 by the President, and permit 5 percent real growth in fiscal 1984-85. This will provide for needed improvements in national defense, but it does it without bursting the seams of the budget we are trying to mend.

Second, the plan defers the cost-of-living (COLA) adjustments in entitlement programs. There is no doubt that social security, for example, faces a troubled future. But we serve neither the system nor the beneficiaries if we let an inflated economy trigger automatic increases that further threaten the well-being of both. Automatic adjustments of social security were not even a regular feature of social security until 1975. Before that, there was no automatic-pilot approach to cost-of-living increases. If we freeze the COLA for 1 year while developing reforms under social security and other entitlements, we can save $88 billion. And I want to make it clear that AFDC, food stamps, medicare, and medicaid are not—not—included in this proposed freeze.

Third, we need to forgo the July 1982 tax cut and reduce the July 1983 tax cut from 10 percent down to 5 percent. If that is done, we could save $8 billion in fiscal year 1982, $35 billion in fiscal year 1983, $49 billion in fiscal year 1984, and $64 billion in fiscal year 1985. It is the Kemp-Roth notion of massive tax cuts that has dried up the revenues and caused the Mount Everest deficits the President had pledged to erase.

There are additional features of my proposal, including giving up the Federal pay raise and less interest on the national debt. But I would like to say an extra word about the Kemp reaction to the Hollings plan.

Several days ago, the Washington Post ran a story on my plan that suggested that Data Resources, Inc., had cranked the plan through its computer model of the economy and came up with negative results. The fact is Data Resources did not arrive at negative results because DRI did not run my plan through its computer. In fact, when Dr. Eckstein, the head of DRI, was asked at a March 1 budget committee hearing if they had run the Hollings plan through its computer, Dr. Eckstein said, flat out, "No, it has not."

Mr. President, I can tell you what really happened. The staff at the Treasury Department took the DRI model and put into it what they thought was my plan. They were wrong. The Treasury numbers ended up in the hands of the House Republican Conference, chaired by JACK KEMP, which then turned around and took credit for a special report on the disastrous effect of the Hollings proposal. If anyone wants to check out the facts as I have given them, all they have to do is look at the February 23, 1982, CONGRESSIONAL RECORD. The whole special study is right there on page 2194.

Now I expect some good, honest debate on how to repair the 1983 budget. But anyone who would play fast and loose with the facts as was done in this case, is the same type who would blow out the light in Diogenes' lantern, and then rub the ashes in his face.

In contrast to the Kemp study, the Congressional Budget Office has looked at my plan and found that:

A reduction in the Federal budget deficit during the projected economic recovery would lessen the likelihood of a serious clash between monetary and fiscal policy, characterized by higher interest rates, and weaker economic growth than projected by the CBO.

In the long run, easier credit conditions would facilitate more investment and economic growth.

There is a possibility that inflationary expectations would improve dramatically, resulting in substantially lower interest rates and faster economic growth.

If my proposed deficit-reducing policies were to have a favorable impact on expectations, the outcome in both the short run and the long run could be considerably better than is shown by traditional analysis.

We need a bipartisan consensus to get the ox out of the ditch, and that will require not just bold initiatives from the Congress but also bold leadership from the White House. We are nearing decision time in the Senate Budget Committee and a deadlock would compound a serious problem into an actual disaster. I would not expect the President to embrace all the specifics of any of the existing budget alternatives, but I do expect him to become a cooperative partner in developing a reasonable budget.

Mr. President, to help in the effort to devise workable options, I want to discuss in detail today one element of my plan, the subject of national defense.

Neither the authors of other budget alternatives nor I, dispute the need for accelerated defense spending. But the budget deficit imposes a speed limit. We cannot push the accelerator all the way to the floor and not expect to face a stiff fine, payable in ever-increasing deficits and runaway interest rates. We can, instead, restore our defenses at reasonable speed, still arrive at our goal on time, and do so while keeping both hands on the wheel.

The defense portion of my alternative budget underscores my longstanding belief in preserving the peace through a strong defense. My proposal in no way retreats from strength. If anything, it underscores the fact that this country is serious about the quality of our military and equally serious about strengthening our economy to produce what we need in the defense sector. All areas of the economy must sacrifice if the economy is to recover. If defense is immune to budget sacrifice, we risk losing public support for the necessary defense buildup. What we are doing in effect, is preserving the defense program by stretching out its growth.

This defense plan would freeze fiscal year 1983 budget authority at the fiscal year 1982 levels while allowing for 5 percent real growth in defense purchases in fiscal years 1984 and 1985. Outlays are not frozen because no prior year rescissions are required other than the B-1. This means, and this is important, that there will be no massive contract terminations as some have suggested. The plan covers all areas of the defense budget, O. & M.; procurement; R. & D.; military retired pay; the military and DOD civilian pay raises, and other items ranging from military construction and family housing to defense-energy efforts. It overlooks none of the defense essentials and it treats them all fairly when you consider the substantial, but necessary, increases in defense spending since 1980.

To get a more complete picture of the elements of my plan, I will go through each of them in more detail.

OPERATIONS AND MAINTENANCE

My plan would provide $65 billion in budget authority and $63.8 billion in outlays for fiscal year 1983. This compares with the Reagan fiscal year 1983 proposal of $69.4 billion in budget authority and $68 billion in outlays. The Hollings plan represents a savings of $4.4 billion in budget authority and $4.2 billion in outlays from the Reagan budget.

Under my alternative, O. & M. readiness is held harmless to inflation in fiscal year 1983. This level would still provide real growth of 13 percent over fiscal year 1980 or an average of 4 percent per year. Reductions from the President's request would come from nonreadiness areas such as real property and base maintenance, recruiting and advertising, central supply and maintenance activities, and personal support and administrative functions. While the President's request increases O. & M. across the board, my plan would require setting priorities.

The key here is readiness, and, like the President, I am vitally concerned that readiness be maintained. My alternative does that while deferring noncritical increases.

PROCUREMENT

The Hollings plan provides $59.6 billion in budget authority and $51.9 billion in outlays for fiscal 1983. The Reagan fiscal 1983 program calls for budget authority of $89.5 billion and $56.5 billion in outlays. My plan results in budget authority savings of $29.9 billion and outlay savings of $4.6 billion.

Under my plan, we would forego the purchase of the B-1 and give serious consideration to cancellation or delay of the MX since no basing mode has been selected for this missile. The reductions from the President's request would not come from only these items but from a range of defense programs depending upon the priorities set by the DOD and the Congress. These include the size and numbers of carriers in the budget, numbers of Trident subs, AH-64, numbers of Aegis cruisers, patrol frigates, and attack subs, and the mix and buy levels for planes such as the F-14 and F-18, and F-15 and F-16.

Overall, this defense procurement package provides 35 percent real growth for fiscal 1983 over fiscal 1980, or an average of nearly 12 percent real growth per year.

This is a more select package than the White House proposal. The President's defense package opts for a scattergun approach to procurement in the hope that, by aiming high and broad, we will end up hitting the target. I think we must take better aim.

There is a job to do and it will require some sacrifice. If we can temporarily slow the growth in retirement programs while helping to produce a healthy economy, these sacrifices will be well made.

MILITARY/CIVILIAN PAY RAISES

By forgoing the pay raise, we can save $4.1 billion in budget authority and $4 billion in outlays from the Reagan plan for fiscal year 1983. The pay raise would be resumed in fiscal year 1984.

Mr. President, I am not singling out military personnel or DOD civilians in asking them to give up a pay raise. All Government employees would forgo a pay raise this year. It is a very direct step Government employees can and must take to help push down the deficit.

OTHER DEFENSE ACTIVITIES

Included under this heading are military construction, military personnel, family housing, defense-energy efforts, revolving management funds, and other miscellaneous items. In fiscal 1983, my proposal allows budget authority of $54 billion and outlays of $52.3 billion. This compares with the Reagan plan of $59.2 billion in budget authority and $56.2 billion in outlays. And this results in savings of $5.2 billion in budget authority and $3.9 billion in outlays.

These reductions are primarily derived by keeping the listed activities at 1982 levels except for the military personnel account which would be held harmless to inflation.

This program would freeze the defense budget at fiscal year 1982 levels, yielding $214.4 billion in budget authority. Outlays in fiscal year 1983 will be $203.2 billion, up from the fiscal year 1982 total of $190.1 billion. For fiscal years 1984-85, the plan allows a minimum of 5 percent real growth for defense purchases. In short, we would stretch out the substantial increases given defense in fiscal year 1981-82—

22 percent real growth—to fiscal year 1983. Thus, they will occur over 36 months rather than 24 months. And we still provide for real growth of 6 percent per year—fiscal year 1983 over fiscal year 1980.

What I have proposed is not a Democratic alternative to a Republican budget. It is, instead, a fairly robust matching of what we must do with what we can afford.

Defense spending must be prudently managed. That is a fact acknowledged in the plan offered by Senator Domenici. But the need for prudence in defense has support outside the Congress, as well.

On February 26, Jack L. Rivkin, president of Paine Weber Mitchell Hutchins, Inc., was quoted in the Washington Post. Here, from a letter he wrote to the President, is part of what he had to say:

> * * * While I agree with the policy of increased defense expenditures, the level of defense spending proposed in the fiscal year 1983 through 1987 budget is beyond the capacity of the defense industry to absorb and will ultimately lead to a failure by this administration to achieve a lower inflation rate, renewed capital investment in the private sector and its other economic goals.
>
> You are now proposing to substitute the defense industry for basic industry as the engine to fuel inflation.

The Business Roundtable, representing the Nation's largest corporations has also taken a dim view of the projected Reagan defense budget. According to news reports, the Roundtable has adopted a position that, "the deficits cannot be addressed adequately without major permanent spending cuts, including cuts in the indexed entitlement programs and a slowing of the defense buildup".

Mr. President, the budget alternatives originating in the Senate do not arbitrarily single out defense to bear the sacrifice of restoring the economy. Far from it.

The budget alternatives seek to make revisions in the proposed personal tax cut on the theory that we cannot balance the budget by cutting off adequate revenues.

The budget alternatives deal with entitlement programs, asking beneficiaries to give up an automatic cost-of-living increase on the theory that increases triggered by an inflated economy are a present threat to the entitlement programs themselves.

And these budget alternatives stretch out and rationalize defense spending on the theory that no matter how much you might be willing to spend, you can only buy so much in a given year. As evidence of that, I would point to the $33.8 billion in unobligated balances for defense at the end of fiscal 1982 which grows to $43.1 billion under the projected Reagan defense budget for fiscal year 1983.

It is not easy to say to a general that we cannot give him the thousand planes he wants. It is hard to tell an admiral we cannot give him a thousand ships. Yet, I cannot help but recall the stories about Lincoln's generals who constantly complained because they never had enough troops or equipment. If current requests are based on the ultimate worst-case assessment of Soviet intentions, they may be no more valid than defense requests based on a benign view of Soviet policy.

What we need is precise defense planning, based on the aims of the United States and based on what we actually need to defend ourselves.

I thank the distinguished Senator from Wisconsin.

RECOGNITION OF SENATOR SPECTER

The **PRESIDING OFFICER**. Under the previous order, the Senator from Pennsylvania (Mr. Specter) is now recognized for a period not to exceed 15 minutes.

S. 2190--VOLUNTEERING IN GOVERNMENT ACT OF 1982

(Introduced by Mr. Specter for himself and Mr. Durenberger.)

Mr. **SPECTER**. Mr. President, this morning I wish to introduce a bill relating to voluntarism.

Mr. President, the Independent Sector, a national forum to encourage giving, volunteering, and not-for-profit initiatives, estimates that the dollar value of time volunteered by Americans is now at a record high of over $64 billion a year.

On January 26, President Reagan, in his state of the Union address, noted the administration's efforts "to mobilize the private sector--to bring thousands of Americans into a volunteer effort to help solve many of America's social problems." In fact, last year the President appointed a blue-ribbon President's Task Force on Private Initiatives. On December 2, 1981, he called on that task force "to help rediscover America—the America where rich tradition of generosity began with simple acts of neighbor caring for neighbor."

There is widespread interest in volunteering for public service. Nation's Cities Weekly on February 1 published a special supplement, "Voluntarism in the Cities." The Wall Street Journal recently carried a lead editorial on the subject.

I propose that we enlist a part of our enormous resource of talented American volunteer services in the Federal Government and its departments and agencies to supplement the services of paid employees.

Already, several such volunteer programs now exist in Federal agencies. A recent business newspaper headlined that "SBA May Rely More on Retired Executives." This Service Corps of Retired Executives, better known as SCORE, has proved to be a highly successful program of management assistance by retired executives.

The National Park Service, since 1968, has operated a successful volunteer program of park guides "to help visitors understand both the national and human history of an area." In fact, one need go no farther than Great Falls National Park to see these unpaid volunteers hard at work on weekends leading walks for park visitors on a variety of subjects ranging from nature study to geology. A single one-page application is all that is required to enroll. Even teenagers help at Great Falls.

The U.S. Forest Service was authorized to operate a similar program by Congress in 1972. The Service also seeks our retirees, professionals, housewives, students, and teenagers as volunteers. The Forest Service, in 1980, used volunteers in 10 major activities, whose service, converted to monetary value, amounted to over $8 million. Forest Service officials advise that this program is now of growing importance to the Service, having increased in volunteers from 12,000 in 1979 to over 16,000 in 1981. These volunteers supplement and aid paid Federal employees; they do not replace them. They serve as hosts at campgrounds, provide mounted patrols in the back country, and help agency staffs in a variety of ways.

A British observer recently observed that "Americans are asking more and more of a Government they trust less and less." Increased volunteering in Government ranging from services in health clinics, prisons, and Federal hospitals to cutting and maintaining fire breaks in the forest would not only supplement existing public services, but would be enriching to the volunteers and the organizations participating. A better understanding of the problems of conducting public affairs would also be learned.

It is intended that the volunteers assisting under this act may supplement rather than replace the work of paid Government employees. The only cost would be for incidental expenses.

The Volunteering in Government Act of 1982 would authorize and encourage Federal and civilian agencies to seek out volunteers as individuals and through nonprofit organizations to supplement a variety of Government services.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

The **PRESIDING OFFICER** (Mr. Stevens). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill is as follows:

S. 2190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Volunteering in Government Act of 1982".

SEC. 2. The Congress finds that—

(1) many citizens with a wide range of expert abilities, both as individuals and as members of service organizations, are anxious to assist the Government help other citizens in many ways; and

(2) many citizens desiring to provide such assistance are frustrated because of uncertainty on how to assist.

SEC. 3. (a)(1) Notwithstanding section 3679(b) of the Revised Statutes, the head of each department or agency of the United States is authorized, without regard to the civil service classification laws, rules, or regulations and without compensation, to recruit, train, and accept the services of volunteers for or in aid of any activity of the respective department or agency which such department or agency head determines is appropriate for volunteer action. In determining activities appropriate for volunteer action under the preceding sentence, a head of a department or agency of the United States shall give priority, where applicable, to any activity relating to health clinics, maintenance of trails and related facilities in national parks and forests, schools, prisons, veterans services, customs or immigration centers, treatment centers, housing, financial counseling, emergency services, or law enforcement.

(2) The head of each department or agency of the United States is authorized to enter into an agreement with any volunteer organization which is a nonprofit corporation for the purpose of obtaining the services of such nonprofit corporation for any activity of the respective department or agency which such department or agency head determines is appropriate for volunteer action. Such agreement may include an agreement to lease a Federal structure at nominal expense if such nonprofit corporation agrees to maintain such structure at its own expense.

(3) No individual employed by a department or agency of the United States immediately before the date of enactment of this Act may be dismissed and no service-type contract in effect immediately before the date of enactment of this Act may be impaired as a result of the exercise of the authorities contained in this subsection.

(b) For purposes of subsection (a), the term "volunteers" includes individuals or corporations described in section 501(c)(3) of the Internal Revenue Code of 1954.

SEC. 4. The head of each department or agency of the United States is authorized to provide for expenses incidental to carrying out the activities described in section 3, including expenses for transportation, uniforms, lodging, and subsistence.

SEC. 5. (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For purposes of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

SEC. 6. Nothing in this Act may be construed as modifying or superseding any other provision of law relating to volunteer programs which is in effect immediately before the date of enactment of this Act.

SEC. 7. In carrying out the provisions of this Act, each head of a department or agency of the United States is authorized to use in any fiscal year not to exceed 1 percent of the funds appropriated for administrative or operating expenses of such department or agency for such fiscal year.

SEC. 8. On January 1 of each odd-numbered year, the Director of the Office of Personnel Management shall prepare and transmit a report to the Congress on the progress achieved in implementation of this Act.

Mr. DURENBERGER. Mr. President, it is a pleasure to join my distinguished colleague from Pennsylvania, Senator ARLEN SPECTER, in introducing legislation to permit and encourage the Federal Government to take advantage of the great resource of volunteer talent that exists in this country today.

Voluntarism has received tremendous attention in recent months, particularly as we have seen government and other institutions face the harsh reality of shrinking budgets and erosion in purchasing power brought on by that vicious thief, inflation.

But while it has become fashionable to recognize and even champion the cause of voluntarism as though it were a new phenomenon, the fact is that voluntarism is a tradition as old as our Nation. Our independence was won by volunteers; our most important social changes have come when volunteers recognized a need and started a reform movement; and during much of this country's history, our most important public services have been provided by volunteers.

Our President has propelled the significance of voluntarism to the top of the national agenda, calling in his state of the Union address for a mobilization of the private sector "to bring thousands of Americans into a volunteer effort to help solve many of America's social problems."

I am proud to be a member of his Task Force on Private Sector Initiatives charged with the task of helping "rediscover America—the America where rich tradition of generosity began with simple acts of neighbor helping neighbor."

The irony of that discussion, however, and the reason why Senator SPECTER and I have cosponsored this bill, is evident: While many of us in and out of the Federal Government have long recognized and promoted the value of volunteers to achieving meaningful and significant social objectives—and have been quite able to document the benefits of voluntarism where it has been encouraged—Federal law, except for a few notable exceptions, has prohibited volunteers from participating in the myriad of worthwhile Federal programs that surely would benefit from the energy, talent, and enthusiasm that dedicated volunteers could apply to these social efforts.

While we increasingly prescribe voluntarism to other institutions as a way of building program strength and expanding services to our citizens, we have been reticent about accepting that prescription on behalf of the Federal Government itself. That, in my view, has been a mistake.

To be sure, the Federal Government in several significant ways has flirted over the years with encouraging voluntarism—and with notable success, I think.

Congress has authorized Federal dollars to support private volunteer efforts. It has, through the creation of Federal programs, seen the great satisfaction and rewards that can come from a Foster Grandparents program, a Peace Corps, a Young Volunteers in ACTION, RSVP, and more. Through legislation, we have sought to encourage voluntarism with tax incentives.

What has been lacking is a willingness on the part of the Federal Government to accept, let alone encourage, the most important dynamic that voluntarism has to offer: The direct exchange between institution and eager, talented, and well-motivated citizens—the exchange of volunteers coming into partnership with government and government workers going out as volunteers in partnership with their communities. This bill addresses part of that exchange.

Many of my friends in the private sector increasingly recognize that the value of their contributions programs lie less in writing a check than in providing a personal exchange between talented members of their businesses and social institutions that benefit from their experience and expertise.

That same principle, in part, applies to what we hope to accomplish with this bill. The opportunity for exchange between talented volunteers and Federal workers in areas where those volunteers—without displacing the efforts of paid Government employees—can instead supplement their efforts for the greater good.

I am aware of only two Federal programs that permit volunteers to compliment the paid efforts of Federal employees. Both programs, which employ volunteers to work in our parks and forests, have been notable successes.

In the words of Adam Smith, we should view those experiments as happy experiences that worked. Having experimented and succeeded we would be foolish not to go on.

This legislation, Mr. President, is one step toward advancing that exchange of human talent. Bringing the volunteer in—we have now only to recognize and encourage the volunteer efforts of our own Federal employees to extend that exchange outward as well.

SENATOR HARRISON A. WILLIAMS, JR.

Mr. SPECTER. Mr. President, late yesterday afternoon, near the close of the business of the Senate, as we were considering the resolution with respect to Senator Williams, I made a few remarks on behalf of Senator Pressler. As I said at that time, Senator Pressler asked me to make a statement on his behalf which I had prepared, but then the decision had been made not to present that prepared statement, so as not to interfere with the resolution with respect to Senator Williams.

However, when other comments were made, Senator Pressler asked me to make a few comments, which I did. In reading the Record this morning, I think it appropriate that the full text of the statement I had prepared should have been inserted in the Record. The statement reads as follows:

STATEMENT ON BEHALF OF SENATOR LARRY PRESSLER

Mr. President, our distinguished colleague, Senator Larry Pressler, has asked me to speak on his behalf concerning his brief contact with the FBI on Abscam, as that incident may relate to the resolution on Senator Williams; or, more directly, because Senator Pressler wants all his Senate colleagues to know the full details of his noninvolvement, and this is the one occasion when so many Senators are focusing intently on Abscam.

His name has been mentioned in the debate on the resolution on Senator Williams, and many of our colleagues have expressed curiosity over what actually happened with respect to him.

In short, he was invited to meet with the FBI Abscam agents when he was looking for campaign contributions. When they sought to entice him to make commitments which could lead to illegal conduct, he flatly refused and left the meeting. The video tape of Senator Pressler's meeting with the FBI Abscam agents demonstrates that he acted entirely properly. One statement at that meeting by Senator Pressler capsulates his commendable conduct when he said:

> In any event, it would not be proper for me to promise to do anything in return for a campaign contribution, so I would not make any promises.

Just yesterday Senator Pressler, Senator Baker, and I were advised by top Justice Department officials that the FBI will put in writing that there was no reason to believe that Senator Pressler was "engaged or would like to engage in crime" which was essentially the FBI's standard for targeting. This response follows more than 2 years of efforts to obtain such a statement from the FBI by Senator Pressler with the assistance of Senator Baker, Senator Boschwitz, Senator Stevens, and me.

Senator Pressler's clean bill of health is documented by the FBI itself, by the judge who presided at Abscam trials and by the Senate Ethics Committee. The letter promised yesterday by the Justice Department to Senator Pressler from FBI Director Webster, who was out of town, is to read as follows:

> Dear Senator Pressler: This is in response to your letter dated October 8, 1981, requesting clarification of my comments broadcast by ABC on September 22, 1981. In answer to a question about the Abscam investigation, I stated, "We're only investigating people who we have reason to believe are engaged or would like to engage in crime". That did not refer to you.
>
> Based on my review of the facts and circumstances, there is no reason to believe "you were engaged or would like to engage in crime".
>
> Sincerely yours,
>
> William H. Webster.

Senator Pressler was complimented, as well as cleared, by U.S. District Judge George C. Pratt in the opinion of the court upholding the convictions of seven Abscam defendants. Judge Pratt declared:

> Pressler, particularly, acted as citizens have a right to expect their elected representatives to act. He showed a clear awareness of the line between proper and improper conduct, and despite his confessed need for campaign money, and despite the additional attractiveness to him of the payment offered, he nevertheless refused to cross into impropriety.

The propriety of Senator Pressler's conduct is further established by a letter dated August 26, 1980, from Senator Heflin and Senator Wallop, then chairman and vice chairman respectively, of the Ethics Committee, as follows:

> U.S. Senate,
> Select Committee on Ethics,
> *Washington, D.C., August 26, 1980.*
>
> Hon. Larry Pressler,
> *Washington, D.C.*
>
> Dear Senator Pressler: You asked the Senate Select Committee on Ethics to review the entire matter regarding your involvement in the Department of Justice operation known as "Abscam". There had been reports in the news media that you met with FBI undercover operatives. The Ethics Committee has made inquiries of officials of the Department of Justice, and recently viewed the FBI videotape of that meeting, which occurred on November 7, 1979.
>
> We found nothing improper or unethical in your conduct. Although there was no specific offer of money, you repeatedly rejected suggestions that you might use your office in expectation of the payment of cash. Your rejections of the scheme were immediate, forthright and *unequivocal. Your disapproval* was typified by statements that you could not make any promises and that it would not be proper for you to do anything in return for a campaign contribution.
>
> You have advised that you attended the November 7 meeting because you were informed by a campaign worker that some individuals were interested in making a contribution to your presidential campaign. We have been informed by the Department of Justice that you had not been under any suspicion. You were not a target of the operation, and you were taken to the meeting on an impromptu notion by the undercover intermediary. The agents in control had only a few minutes advance notice that you were due to arrive. We certainly agree with the opinion of FBI Director Webster that the circumstances were insufficient to obligate you to make a report of the matter.
>
> Your conduct was exemplary. In this test of integrity, your action upheld the honor of the United States Senate.
>
> Sincerely yours,
>
> Howell Heflin,
> *Chairman.*
> Malcolm Wallop,
> *Vice Chairman.*
> *Senate Select Committee on Ethics.*

The background for Senator Pressler's meeting with the FBI Abscam agents arose as a result of his fundraising activities. As disclosed by Senator Pressler, his fundraising coordinator was contacted on the morning of November 7, 1979, by an acquaintance who said that there were some businessmen who wanted to make a campaign contribution. A meeting was arranged and Senator Pressler was driven that day to a house on W Street NW., in Washington, D.C. They stopped en route to the house to pick up another individual who turned out to be the middleman in setting up the meeting. It is, of course, not unusual to leave Capitol Hill to discuss or accept campaign contributions because of legal restrictions on such activities on Federal property.

The middleman in this case presented Senator Pressler to the Abscam agents as someone he had met just a few moments before. The middleman did not represent that Senator Pressler had an inclination to commit a crime.

Last week, after numerous requests as disclosed by a sequence of letters which will be made part of this record, Senator Pressler finally received a copy of the video tape of that meeting involving him, the FBI agent, and two other individuals. That tape is available for anyone to see. Any review, of the videotape would lead the viewer to concur in the conclusion of the Senate Ethics Committee that Senator Pressler's conduct was exemplary. Some of the key phrases used by Senator Pressler in responding to the FBI agent's suggestions are very significant:

> You know I can't promise anything.
>
> We can't make any promises.
>
> You can't make a commitment to do anything in these campaigns. I wouldn't feel intellectually honest doing that.

The tape discloses that the FBI Abscam agents stopped short of making Senator PRESSLER a bribe offer. In the absence of a bribe offer or prima facie evidence of other illegal conduct on the part of the FBI Abscam agents when Senator PRESSLER met, there was nothing for Senator PRESSLER to report to anyone.

Senator PRESSLER's meeting with the Abscam agents lasted for 26 minutes, at which time he terminated the meeting by rising and leaving the room.

An evaluation of the FBI's handling of Abscam with respect to Senator PRESSLER may be the subject for inquiry on another occasion under the resolution offered by Senator STEVENS and Senator CRANSTON. Senator PRESSLER wants the entire matter to be open to public scrutiny. So that the public record will be complete, unanimous consent will be asked at the conclusion of this statement for including in the record all correspondence between Senator PRESSLER and the Department of Justice and the FBI as well as the transcript of the video tape.

Senator PRESSLER's experience with the FBI Abscam agents may be damaging to Senator WILLIAMS' position in that it shows that a Senator can say no and walk out. As to whether the FBI's conduct toward Senator PRESSLER raises any support for Senator WILLIAMS' contentions, I think it is important to make a brief comment on the entrapment issue, as I view it, so that there may be no misunderstanding on my position on that subject as it relates to Senator WILLIAMS' defense.

I personally do not believe the entrapment issue is relevant to the pending resolution on Senator WILLIAMS. In my experience, the defense of entrapment has customarily arisen in criminal cases where drug addicts or those similarly situated have had their weak wills overborne by law enforcement officials to sell drugs to feed their habits or some similar inducement. In my legal judgment, the defense of entrapment raises no excuse for a sophisticated, experienced, well-educated public official to take a bribe, whatever provocation, inducement or enticement may be involved.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

THE STATE OF THE AGRICULTURAL ECONOMY

Mr. ABDNOR. Mr. President, the Department of Agriculture recently projected a $16 billion net income for agriculture in 1982. In 1967 dollar terms this $16 billion becomes approximately $5.5 billion and therefore represents the lowest farm net income ever recorded in any year, including those of the Great Depression years. And 1982 is not an aberration but consistent with a 10-year trend beginning in 1973. Let me illustrate with the following table:

U.S. real net farm income in 1967 dollars

	Billion
1930-34 (yearly average)	6.9
1973	25.1
1975	15.2
1978	13.5
1980	8.1
1982 (projected)	5.5

For the third year in a row farmers will have to cope with cash-flow problems by rescheduling debt payments, taking on more debt, postponing large capital expenditures, and/or liquidating assets. Farm debt has nearly doubled in the past 5 years and the farm sector's debt to net income ratio has almost tripled over the past 3 years. In 1973 $1 of net income supported only $2 of debt. Today $1 of net income must support over $12 of debt. The real value of farm assets has also declined for 2 consecutive years. On an asset base of $1 trillion, a $16 billion net income yields a rate of return of only 1.6 percent. Again let me illustrate:

[Dollars in billions]

	Farm debt (current dollars)	Farm debt to net income ratio	Value of farm assets (1967 dollars)
1973	65.3	1.96	315.1
1974	74.1	2.84	359.5
1975	81.8	3.34	341.1
1976	90.4	4.83	357.5
1977	102.6	5.58	389.4
1978	119.3	4.50	406.1
1979	136.1	4.16	446.7
1980	157.9	7.93	462.0
1981	174.5	7.62	441.8
1982	194.5	12.16	431.9

There were several other parallel trends in agriculture during the decade of the 1970's: First, the number of farms declined from 2.7 million to 2.3 million; second, the size of farms grew from 390 acres to 450 acres; third, while farm debt more than tripled, the average value of farm assets exploded from $115,000 per farm to $400,000 per farm; fourth, farm productivity went up almost 20 percent, largely attributable to a 24-percent decline in labor and increases of 25 percent in machinery and 40 percent in the use of chemicals; fifth, total farm output climbed 30 percent; sixth, while domestic demand remained relatively constant, exports went from 60 million tons to 162 million tons and the value of those exports rose from $7 billion to $40 billion; and seventh, Government payments to farmers were more than halved. Clearly, the U.S. farm sector has been able to survive the last 3 years due primarily to three factors: productivity gains, expanding exports and, perhaps, unrealistically inflated asset values. Many experts contend that the future holds only relatively marginal gains in both productivity and exports and, as a consequence, a more realistic realinement of the value of farm assets.

Congress must realize that a major restructuring of the U.S. agricultural sector is taking place. The important questions to consider are, first, what kind of Federal actions should be taken, if any, to influence this restructuring process; second, what is agriculture going to look like during and following this restructuring; and, third, what are the implications of agricultural restructuring on the rest of the U.S. economy and world food supplies? The attention of the administration, Congress, and the best professional minds in the country need to be focused on these and other critical issues.

As chairman of the Agriculture and Transportation Subcommittee of the Joint Economic Committee, this past year I initiated a series of hearings on "The Importance of Agriculture to the U.S. Economy." Secretary of Agriculture John Block; Dr. Murray L. Weidenbaum, Chairman of the Council of Economic Advisers; U.S. Trade Representative Bill Brock, and Robert D. Hormats, Assistant Secretary of State; and Frederick Schultz, Vice Chairman of the Federal Reserve Board, all made presentations. During separate appearances before the Joint Economic Committee by Secretary of the Treasury Regan, Secretary of Commerce Baldrige, and Chairman of the Federal Reserve System Paul Volcker, I called attention to the importance of agriculture and its present depressed economic condition. With the assistance and support of other members of the Joint Economic Committee, a chapter on the economic condition of American agriculture was inserted in the committee's annual report. Following my remarks I am inserting the texts of my opening statements as well as the agricultural chapter of the annual report of the Joint Economic Committee.

Much more needs to be done. I am announcing today a comprehensive congressional initiative to develop recommendations for a program for agricultural economic recovery. During the next several weeks five subcommittee hearings will be held.

The first hearing will take place March 29, including several former Secretaries of Agriculture. Secretaries Bergland, Butz, Hardin, and Brannan have agreed to appear. In view of their experiences as Secretary of USDA, these witnesses will be able to provide unique perspectives on the evolution of U.S. agriculture, its contribution and relationship to the United Staetes and world economies, its present economic condition, and its future potential.

Following this hearing with the former Secretaries, Secretary Block will appear to give his reaction to comments made by the former Secretaries and to relate the administration's initiatives contributing to agriculture's economic recovery.

There will be no economic recovery of agriculture as a result of governmental initiatives alone. The direct and continuing involvement of many private interests will be required as well. The subcommittee's third hearing will seek input and guidance from private agriculture commodity promotion organizations. These groups have much to contribute to the enhancement of exports through the provision of technical assistance and market promotion.

For our fourth hearing, several of the most knowledgeable agricultural economists in the country will be invited to testify. These experts on all aspects of agriculture will be asked to address methods and prospects for agricultural economic recovery.

Finally, for the fifth hearing, we plan to invite a panel of farm editors representing different agricultural regions of the country. These journalists are the eyes and ears of rural America and have a special perspective and indepth knowledge of the current social as well as economic condition of the agricultural community.

While the contributions of these illustrious witnesses will not assure agricultural economic recovery, the Congress and the administration will learn a great deal from their insights, guidance, and suggestions. Following these five hearings the subcommittee will prepare a summary report which will include findings, conclusions, and, most importantly, preliminary recommendations. During the summer the subcommittee will conduct a series of field hearings to receive public input and reaction to these preliminary recommendations. Hopefully, by late summer the subcommittee can publish a report forming a basis for administration and bipartisan congressional support to implement any and all necessary action to insure the continuing economic viability of U.S. agriculture.

Mr. President, I ask unanimous consent that my statements be printed in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Statement of Senator James Abdnor at the Joint Economic Committee Annual Hearings, January 26, 1982

I am pleased to join my colleagues in welcoming you to this hearing, Mr. Volcker.

As a spokesman for the agriculture sector of our economy, I realize both the contribution this sector makes to the overall economy, and the particular dependency this sector has on credit conditions.

Assets in agriculture now amount to almost $1 trillion, nearly 90 percent of the value of all manufacturing assets in the U.S. debt amounts to around $2 hundred billion. If that was financed at, say, an average of 10 percent the service on that debt would be $25 billion annually, which is roughly equal to net farm proprietors' income. It alarms me that the cost of credit could be such a high figure relative to income. Over the past 25 years, the agriculture sector has undergone a heavily capital-intensive transition, adding great burden to new entrants to this industry.

Our highly productive and efficient agriculture sector distributes benefits to all other sectors. On the macroeconomic level, our exports result in a $29 billion net trade surplus in agriculture, making it the largest positive net contributor to our balance of payments problem. Needless to say, this contribution has a tremendous impact in terms of direct and indirect spending effects.

While this export business is extremely valuable, our food growers have produced an apparent surplus and prices have plummeted in the past year. As a matter of fact, while the overall producer price index increased slightly last year, the grain index dropped 12 percent, livestock went down 14 percent, and other agriculture commodities fell as well. While wages and salaries increased 10.4 percent and transfer payments were up 13.2 percent in 1981, farm proprietors' income fell almost 6 percent from the previous year's low level. Incidentally, this income category was the only major one to decline in 1981.

A paradox is revealed in noting that the portion of income devoted to food purchases in America is the lowest of all major countries. Where we devote around 16 percent of our income to food, people in Europe typically pay out 25 to 30 percent of their income. In some Communist countries that figure reaches almost 50 percent.

It is obvious that having food available cheaply and in abundance has freed countless economic resources for alternative use in providing for consumers' wants. My intention, Mr. Volcker and members of the committee, is to give agriculture its due recognition. For too long our Nation has taken agriculture for granted. We cannot afford to neglect our most important industry.

Last month, your associate, Frederick Schultz, Vice Chairman of the Federal Reserve, appeared before my JEC Agriculture and Transportation Subcommittee to share his perspective on the role the financial sector plays in the agriculture economy. With so many changes in financial instruments and other innovations to facilitate money and credit transactions, with deregulation of financial services around the corner, with changes in Government lending practices and with the prevailing uncertainty in the financial market place, I ask you, Chairman Volcker, to give your attention to farm issues that often escape public notice.

In closing, I would like to share two quotes which in my opinion describe well the importance of agriculture to our political and economic system:

"Our agriculture system is the most productive in the world and it exhibits one of the highest productivity growth rates of any sector of the U.S. economy. Agriculture output has increased nearly 70 percent since 1950, while total input use has increased by only 2 percent. This stellar performance has provided the consumers of this Nation with a low cost but readily available, high quality food supply . . ." (John R. Block, Secretary of Agriculture, before the House Committee on Agriculture, March 31, 1981)

". . . The greatest economic and political problem facing our nation is the supply of food." (Leonid I. Brezhnev, in a speech before the Communist Party Central Committee as reported by the New York Times, November 17, 1981)

Statement of Senator James Abdnor at the Joint Economic Committee Annual Hearings January 27, 1982

I am pleased to join my colleagues in welcoming you to this hearing, Mr. Regan. Yesterday this committee had the honor of hearing from Mr. Volcker of the Federal Reserve system. I took that opportunity to impress upon Mr. Volcker the potential disastrous consequences to our political as well as economic systems of the continuing economic deterioration of American agriculture. I now take this opportunity to convey that same impression to you, as a representative of the administration.

Visualize, if you will, the following scenarios that could develop if agriculture was not the strong sector that it historically has been.

Suppose agriculture was not providing our economy with a balance of payments net surplus of $29 billion as it did in 1981. Without that surplus, our overall international trade deficit would have been a dismal $60 billion. How would a payments deficit of that magnitude affect the strength of the dollar on the world financial markets? How would that lack of trade affect the demand for other goods and services otherwise purchased by the agriculture sector with trade surplus funds? What other indirect effects would be caused by a trade disruption?

Next, suppose food prices had not stabilized in 1981, caused in part by plummeting prices absorbed by farmers. How would our inflation fight have fared if food costs rose as fast as housing or energy costs?

Along this line of food costs facing consumers, suppose that American consumers did not devote 16 percent of their income to food purchases, as they do, but rather had to devote 20 or 30 percent such as consumers in Western Europe pay. Since food is a necessity, I would guess that families would have to divert the funds used to purchase other goods to the purchase of food. Look at the resources our economy has free to use in the provision of other goods and services because food is a bargain, compared to what those in other nations pay.

To strike a sobering picture, if food purchased comprised 22 percent of income, instead of just 16 percent, and if other purchases remained constant, all of our Nation's personal savings would be eliminated. In that sense, the efficiency of America's farmers is providing the means for America's consumers "to have their cake and eat it, too," to live the style to which they've become accustomed and yet to set aside the savings required for capital investment needed to spark economic recovery.

In another light, just imagine how many millions of jobs would be lost in the growing, storing, transporting, processing, merchandising, and marketing of food alone if the United States wasn't the leading and most efficient food growing Nation in the world.

Finally, with so much talk about enormous deficits, try to imagine a current year deficit $40 billion greater than any estimate you have heard. It has been reported that the Soviet Union provides its farmers $40 billion-per-year in subsidies. Imagine what stress would be placed on our economy and social structure if we had to absorb that kind of government intervention.

Mr. Secretary, I have a responsibility to my State and to our country. I cannot let agriculture's needs pass unrecognized. Last night, our President in the state of Union address, barely mentioned agriculture, and then only in passing. The industry that flourished before the industrial revolution has kept pace with that revolution and has contributed more than its share in providing continuing growth in wealth and well-being. The current recession is not new to our agriculture sector. It never recovered from the one that started in 1980. It is my intention as a member of the Joint Economic Committee to cause my colleagues, in the Congress, the administration, and the American people to recognize that agriculture makes a significant contribution to our economy at large. All people benefit through raised standards of living resulting from the productivity gains in agriculture. I hope that the scenarios just stated help to illustrate the contribution we have come to take for granted. We cannot let the world's finest agriculture system deteriorate, and I am determined to promote sound Government policy to this vital industry to survive, and hopefully, to prosper once again.

STATEMENT OF SENATOR JAMES ABDNOR AT THE JOINT ECONOMIC COMMITTEE, U.S. INTERNATIONAL TRADE POLICY, FEBRUARY 10, 1982

I am pleased to join my colleagues in welcoming you to this hearing, Mr. Baldrige and Mr. Brock.

Over the last several weeks I have asked administration officials to try and visualize the condition of the U.S. economy today without the contributions of the American farmer.

What kind of an inflation rate would there have been in 1981 had farm prices not plummeted?

How many millions of jobs would be lost in the growing, storing, transportation, processing, merchandising, and marketing of food alone if the United States was not the leading and most efficient food growing nation in the world?

What would the impact on savings and investment be if American consumers did not devote 16 percent of their income, as they do, to food purchases, but rather had to devote 20 or 30 percent such as consumer in Western Europe pay?

The topic today is U.S. International Trade Policy. U.S. agricultural exports have climbed from $7.0 billion in 1970 to $43.8 billion in 1981, a 526-percent increase. Agricultural imports during this same period, however, increased by only 202 percent, from $5.7 billion to $17.2 billion. Agricultural exports as a percent of total U.S. exports were 16.8 percent in 1970 and 19.1 percent in 1981. As a further contribution to our economic viability, agricultural imports as a percent of total U.S. imports declined from 14.6 percent in 1970 to 6.7 percent in 1981. Had agricultural exports grown at the same rate as all other U.S. commodity exports we would now be looking at a 1981 trade deficit of over $40 billion rather than $26 billion. I shudder to think of the economic implications of that. For fiscal year 1982 the Department of Agriculture forecasts an export value of $45.5 billion, less than a 4-percent increase over 1981. In order to accomplish this, according to the USDA, America will have to export 10 percent more commodities. This is because prices are expected to decline by 6 percent.

If this agriculture forecast proves correct, what other export sector of our economy can pick up the slack? How will we prevent a further deterioration in our already embarrassing balance of trade? Thank you.

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The economic activity generated by farm products as they flow through our economic system accounts for a full 20 percent of this Nation's gross national product and makes agriculture this Nation's largest industry and employer. For example a $1 million export sale of wheat generates almost $5.5 million of direct, indirect, and induced business activity. Agriculture's assets today are nearly $1 trillion, almost nine-tenths as large as the combined assets of all manufacturing corporations in this country. The 23-million plus people who are employed in agriculture and related businesses—the growing, storing, transporting, processing, merchandising, and marketing of all farm commodities—make up a fifth of the Nation's labor force. The product of one out of every 3 acres harvested is exported, resulting in farm exports exceeding imports by $28 billion; the largest positive net contributor to our balance of payments.

U.S. families spend only 16.5 percent of their incomes for food, by far the lowest percentage of any country in the world, freeing billions of dollars of income for the purchase of other goods, savings, and investment. Agriculture is also a big consumer, using enough steel to account for 40,000 jobs in the steel industry and enough electricity to power all the homes in New England, Maryland, Kentucky, and Washington, D.C. farmers annually purchase $14 billion of farm machinery and $13 billion of fuel.

The primary risk-takers in agriculture are the owners of America's approximately 2.4 million farms. Perhaps the most striking characteristic of present-day farming is that, in the aggregate, nonfarm income earned by farm families exceeds what they earn from farming. In fact, only 1 in 12 farm families depend entirely on farming for income. Nonfarm sources of income have helped the agricultural sector to adjust to volatile demand and supply situations and wide swings in farm prices and incomes. But, at the same time farming is now, more than ever, influenced by those economic conditions which impact the typical city wage-earner such as social security taxes, unemployment insurance and, of course, unemployment itself.

Agriculture is an inherently unstable business. Natural forces—weather, pests, diseases—coupled with market uncertainty and instability arising from changing economic and political events throughout the world, more often than not, dictate the farmer's fate. This was certainly the case in 1981 when unusually favorable growing conditions, resulting in record production levels for virtually every major product, was coupled with generally unfavorable economic conditions in the United States and in major U.S. trading countries. Net farm income before inventory adjustment is expected to be about $19 billion for 1981, a 13-percent decline from 1980.

Farm income levels for 1982 will depend on the timing and strength of economic recovery in the United States, political, economic, and trade policies of major U.S. trade partners and, of course, the weather, both in the United States and in other countries. Agriculture has already had 2 consecutive years in which net farm income in constant dollar terms has been lower than at any time in more than 40 years. While strong U.S. economic recovery in 1982 will be a significant contributor to reversing this disastrous trend, there is no guarantee that agriculture will fully share in the benefit; farmers were not helped much by the last "recovery" in 1980-81. Actions must be taken to insure that agriculture is a full participant in the next recovery.

The Reagan administration has taken important steps to aid the agricultural economy. The net income position of U.S. farmers will be improved in 1982 as a direct result of several provisions of the Economic Recovery Act of 1981. That act affects farms in three highly important areas: First, a 23-percent reduction during the next 2 years in marginal income tax rates, with tax brackets indexed for inflation starting in 1985; second, a reduction in the maximum capital gains tax rate from 28 percent to 20 percent; and third, limiting the imputed interest on land sales between family members may now be limited to 7 percent for tax purposes. These excellent provisions are in addition to those contained in the recently enacted four year farm bill, which is expected to provide U.S. farmers with an estimated $11 billion of benefits. However these actions will still fall far short of assuring farmers an adequate income. This important sector of our economy requires continued surveillance and possibly further action to assure its viability.

RAILROAD RETIREMENT FUNDS CANNOT BE IMPOUNDED

Mr. SASSER. Mr. President, I rise to discuss a recent opinion sent to me by the General Accounting Office (GAO) on the subject of impoundment of railroad retirement funds.

On December 17, 1981, I requested an advisory opinion of the General Accounting Office about whether dual benefit payments to railroad retirees could be reduced to a level below that authorized in the continuing resolution.

Under the railroad retirement amendments included in the omnibus reconciliation legislation, the Railroad Retirement Board, beginning October 1, 1981, was required by law to limit these dual benefit windfall annuity payments so that they did not exceed actual appropriations.

For this windfall to be fully paid, the appropriation for the separate payment account would have to be $440 million for fiscal year 1982. The Railroad Retirement Board issued checks for October and November 1981 assuming an appropriation of $350 million. This represented a reduction of 21 percent in this component of their retirement check.

Now this is not the first time the administration has tried to make reductions in this account. On November 17 of last year the Board decided to delay the issuance of the windfall component of the retirement checks for December due to the uncertainty of an appropriated level in the continuing resolution. Therefore, the windfall portion of the checks were not mailed until the middle of December.

It was at this time that the Office of Management and Budget maintained that this payment was subject to an additional 12-percent cut per the President's September request of across-the-board reductions in appropriated accounts. This level of appropriations would have assumed monthly annuities based on a level of $308 million, rather than the $379 million actually appropriated by Congress. Thus, recipients would have received a 33-percent reduction in their windfall annuities.

At this point it became readily apparent to me that the administration was preparing to make an administrative reduction in an entitlement program. This clearly would constitute a breach against the Impoundment and Control Act and amount to nothing less than an illegal impoundment.

On December 17 I sent a letter to the Comptroller General asking the Government Accounting Office to look into this matter and issue an advisory opinion on the legality of such an administrative reduction.

If in fact the dual benefit account was an entitlement, the annuities must be paid in accordance with the amount appropriated by Congress. Any attempts to arbitrarily reduce these payments would be illegal.

The GAO opinion was released on Friday, March 5, and substantiated my contentions. The opinion contains three major points:

First. Under the Omnibus Reconciliation Act of 1981, dual payments have to be allocated so that they would not exceed the amount appropriated for them. It is significant to note that none of the changes in the Reconciliation Act changes the basic entitlement provisions concerning persons eligible to be paid benefits, including dual benefits, under the Railroad Retirement Act of 1974.

Second. Dual payment provisions are entitlements for which the Government must make outlays to eligible retirees. These benefits fall squarely within the exception for mandatory obligations and outlays provided in the Impoundment Control Act and neither the President nor anyone else may withhold any portion of these payments.

Third, the Railroad Retirement Board has no authority to issue allocation regulations using any amount less than the full amount appropriated to the dual benefits payments account for a fiscal year.

The reason I have gone into such great detail and taken such an intense interest in this subject is because it reflects a certain attitude on the part of the administration—an attitude which led directly to the passage of the Impoundment and Control Act.

This attitude is worrisome and dangerous—dangerous because of its legal implications, worrisome because we do not know of other programs or instances in which this attitude has manifested itself.

There are other reasons why this decision is significant. First, it sets forth the guidelines under which this account should be considered. In no uncertain terms this account is an entitlement and benefits may only be changed by the Congress.

Second, the current continuing resolution will expire at the end of this month. This is an issue which can be expected to arise again. Let there be no doubt and let this serve as fair warning that any attempts to illegally impound funds by this administration or any other will not be tolerated by this Senator or this Congress.

I would only hope that this particular situation is not indicative of the way in which this Government conducts its business. Such conduct is reprehensible and not conducive to good government. The American people deserve better.

Mr. President, I ask unanimous consent that my December 17 letter to GAO and their advisory opinion of February 5 be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., December 17, 1981.
Hon. Charles A. Bowsher,
Comptroller General, U.S. General Accounting Office, 441 G Street NW., Washington, D.C.

Dear Mr. Comptroller General: I hereby request an advisory opinion on the legality of reducing dual benefit payments to railroad retirees to a level below that authorized in the second continuing appropriation resolution, without legislation that directly specifies such a policy. Although the Office of Management and Budget has decided not to implement the proposed reduction in the December payments, such a decision was reached only after considerable Congressional pressure. The purpose of this request is to determine whether this proposed OMB reduction or any similar future action is, in fact, legal.

General revenue appropriations to fund dual benefit payments were authorized by the Railroad Retirement Act of 1974. This Act coordinated railroad retirement and social security benefit payments to eliminate certain duplications considered a so-called "windfall" by the Railroad Retirement Board for dual beneficiaries.

Under the Railroad Retirement amendments included in the Omnibus Budget Reconciliation legislation, the Railroad Retirement Board, beginning October 1 of this year, was required by law to limit these dual benefit annuity portions so that they do not exceed the actual appropriations. The Reconciliation Act also stipulated that these benefits be paid from a special Dual Benefits Payments Account, to be funded from general revenues in an effort to relieve the regular Railroad Retirement Account of these dual benefit costs.

For these "windfall" benefits to be fully paid, the appropriation for the separate account would have to be $440 million for fiscal year 82. The Railroad Retirement Board has been issuing checks for October and November, assuming an appropriation of $350 million. This represents a reduction of 21% in the dual benefit portion of the annuity.

On November 17, the Board decided to delay the issuance of the dual benefit component for December due to uncertainty of the appropriations level in the Continuing Appropriations Resolution. OMB maintained that this payment was subject to an additional 12 percent reduction per the President's September request of across-the-board reductions in appropriated accounts. Following this course the payments would reflect a pro rata monthly share based on an appropriations level of $308 million rather than the $350 million assumed in the continuing resolution.

Yet, it is abundantly clear that Congress has intended that a level of $350 million be considered a bare minimum and not a ceiling for funding. The Senate passed an amendment to the continuing resolution calling for an additional $90 million to this account. Subsequently, the House-Senate conference stipulated an additional $45 million, thus making the appropriated level $395 million. This resolution was vetoed by the President and therefore the previous resolution calling for a funding level of $350 million was assumed until December 15.

This account has always been an entitlement, and, therefore, attempts by the OMB to arbitrarily reduce this account across-the-board by an additional 12 percent would constitute an illegal impoundment. Title X of the Impoundment and Control Act of 1974 31 USC 1401 specifically outlines the procedures through which impoundment can be effected.

I am under the impression that the actions contemplated by the OMB with respect to the Dual Benefit Payments Account were at best highly questionable and suspect and may have been illegal. A clarification of the aspects of this case may prevent similar confusion in the future. As time is of the essence in this matter, I would appreciate a swift response to this inquiry.

In advance, I thank you for your efforts in this matter. Please let me know if I can be of further assistance.

Sincerely,
Jim Sasser, *U.S. Senator.*

Comptroller General
of the United States,
Washington, D.C., March 5, 1982.
Hon. Jim Sasser,
U.S. Senate.

Dear Senator Sasser: This is in response to your request for our opinion concerning the legal authority of the Office of Management and Budget (OMB) to reduce dual benefit payments to railroad retirees to a level below that authorized in the Second Continuing Appropriation Resolution, Pub. L. No. 97-85, 95 Stat. 1098, November 23, 1981. In your request you state that OMB originally proposed to impose the President's request of a 12 percent across-the-board spending reduction on the dual payments for December, but later abandoned this effort. While the Second Continuing Resolution has expired, you request our opinion in the event that OMB considers any similar spending reduction of dual benefit payments in the future. We have concluded for the reasons given below that the proposed reductions would not have been authorized had they been attempted.

Prior to 1975 certain individuals could be eligible on a single employment record for both railroad retirement pensions and social security retirement benefits and receive separately calculated benefits under each program. See 45 U.S.C. § 228c (1970). In the Railroad Retirement Act of 1974, the benefits were changed so that social security insurance benefits were to be subtracted from railroad retirement benefits. Railroad Retirement Act, 45 U.S.C. § 231b(a) (1976). However, the Congress preserved dual benefits for certain individuals who met the coverage requirement prior to 1975. See, e.g., 45 U.S.C. § 231b(h) and § 231c (e) and (h) (1976). These dual benefit payments were intended to partially offset the reduction in an effort to place beneficiaries in a position similar to that which existed before the two systems were integrated.

In the Omnibus Budget Reconciliation Act of 1981 (the Reconciliation Act), Pub. L. No. 97-35 § 1122(c) and § 1124, 95 Stat. 638-9, August 13, 1981, Congress further modified the dual benefit provisions by creating a separate Dual Benefits Payments Account from which dual benefits are to be paid and providing that this account be funded by a direct appropriation rather than from the Railroad Retirement Account. Under this arrangement dual payments would have to be allocated so that they would not exceed the amount appropriated for them. It is significant to note for the question presented that none of the changes in the Reconciliation Act changes the basic entitlement provisions concerning persons eligible to be paid benefits, including dual benefits, under the Railroad Retirement Act of 1974. For example, 45 U.S.C. § 231a(a) (1976) provides as follows:

"(1) The following-described individuals, if they shall have completed ten years of service and shall have filed application for annuities, shall, subject to the conditions set forth in subsections (e), (f), and (h) of this section, be entitled to annuities in the amounts provided under section 231b of this title—* * *"

We have studied the dual payment provisions of the Railroad Retirement Act of 1974, 45 U.S.C. §§ 231 et seq. as amended by the Reconciliation Act, id., and have concluded that the payments in question are entitlements for which the Government must make outlays to eligible retirees. Although the Reconciliation Act, id. at 95 Stat. 638, made some changes in the method of funding the dual payments under the Railroad Retirement Act—for example, if the appropriation is less than 100 percent, there must be an equitable division of appropriated funds among those eligible to receive payments—it did not change the essential "entitlement" nature of the payments. The Railroad Retirement Act still requires payment to those eligible for such payment under 45 U.S.C. § 231a(a)(1), as quoted above, and the other sections under which dual benefits arise even though the total amounts paid may be limited to the amount appropriated. Therefore, it seems to us that these benefits fall squarely within the exception for mandatory obligations and outlays provided in the Impoundment Control Act, 31 U.S.C. § 1400 (1976), and neither the President nor anyone else may withhold any portion of these payments.

In response to our request for comments on this opinion, OMB raised two issues. First, OMB sought clarification of our statement that Pub. L. No. 97-35 "* * * did not change the essential 'entitlement' nature of the payments." OMB believes we may have suggested that "a beneficiary has a legitimate claim to a payment in excess of that provided pursuant to the provisions of Section 7(c) of the Railroad Retirement Act (45 U.S.C. § 231(b)), as amended by Section 1122(c) of the Reconciliation Act * * *." OMB asserts that such a view is contrary to the last sentence of Section 7(c) as added by Section 1122(c) of the Reconciliation Act, id. at 638, which provides:

"Notwithstanding any other provision of law, the entitlement of an individual to an annuity amount under section 3(h), 4(e), or 4(h) of this Act or section 204(a)(3), 204(a)(4), 206(3), or 207(3) of Public Law 93-445 for any month in which the amount payable to such individual is allocated under the regulations prescribed by the Board under this subsection shall not exceed the amount so allocated for that month to such individual."

The following provisions were added to Section 7(c) by Section 1122(c) of the Reconciliation Act prior to the last sentence cited by OMB:

"* * * and payments of annuity amounts made under sections 3(h), 4(e), and 4(h) of this Act and under sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445 shall be made from the Dual Benefits Payments Account. In any fiscal year, the total amounts paid under such sections shall not exceed the total sums appropriated to the Dual Benefits Payments Account for that fiscal year. The Board shall prescribe regulations for allocation of annuity amounts which would without regard to such regulations be payable under sections 3(h), 4(e), and 4(h) of this Act and sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445 so that the sums appropriated to the Dual Benefits Payments Account for a fiscal year so far as practicable, are expended in equal monthly installments throughout such fiscal year, and are distrubuted so that recipients are paid annuity amounts which bear the same ratio to the annuity amounts such recipients would have received but for such regulations as the ratio of the total sums appropriated to pay such annuity amounts bear to the total sums necessary to pay such annuity amounts without regard to such regulations."

In summary, the amendment to section 7(c) provides that (1) dual benefit payments are to be made from the Dual Benefits Payments Account; (2) dual benefit payments are limited to the total amount appropriated to the Dual Benefits Payments Account for any fiscal year, and (3) the Railroad Retirement Board is required to issue regulations to allocate the dual benefits so that the recipient payments are divided equally throughout the year and that they are based on a ratio of the total amount appropriated over the sum which would have been required to pay in total the full benefits had there been a large enough appropriation.

As we read these additions to Section 7(c), the Railroad Retirement Board has no authority to issue allocation regulations using any amount less than the full amount appropriated to the Dual Benefits Payments Account for a fiscal year. It is clear from this provision, including the last sentence, that recipient entitlements are limited by the annual appropriation and the Board's allocation regulations.

As we stated earlier, we do not see these provisions as changing the essential nature of the payments as entitlements. We note in this regard that the Conference Committee in its report, H. Rep. No. 97-208, Book 2 pp. 866-67, July 29, 1981, as well as the language of the Reconciliation Act itself, as quoted above, continue to refer to the dual benefits as "entitlements." That is, beneficiaries are "entitled" to the amounts specified by statute, even though the statutorily mandated amounts might be reduced by the availability of appropriations. Under this arrangement, payments, once appropriated, may not be withheld or reduced as part of a deferral or rescission action since such action is precluded with respect to entitlements by the Impoundment Control Act, supra.

The second issue raised by OMB contains a more fundamental disagreement. The OMB response states:

"* * *[W]e respectfully disagree with the conclusion that the provisions of 31 U.S.C. 1400 establish permanent limitations upon the authority provided by the Impoundment Control Act of 1974, a position which the Comptroller General shared with this Office in 1977, but one from which your office appears to have receded in recent months. (Compare Review of the Impoundment Control Act of 1974. After 2 years, June 3, 1977, pp. 10-11 with B-200685, July 30, 1981, p.2.)."

We recommended repeal of 31 U.S.C. § 1400 in our 1977 report, Review of the Impoundment Control Act of 1974 After 2 years, OGC-77-20, June 3, 1977, because we believed its purpose to be transitional. However, Congress did not adopt our recommendation and the provision remains a part of the law. Accordingly, we have interpreted 31 U.S.C. § 1400(4) (the fourth disclaimer) to give force to its words.

The Impoundment Control Act provides at 31 U.S.C. § 1400 as follows:

"Nothing contained in this Act, or in any amendments made by this Act, shall be construed as—

"(4) superseding any provision of law which requires the obligation of budget authority or the making of outlays thereunder."

In B-198103, February 19, 1981, we applied the fourth disclaimer to an attempt by OMB to reduce a mandate on staff allotment to the Veterans Administration. Also, in B-200685, April 13, 1981, Enclosure II pp. 18-22, we discussed with approval the application of this provision by several United States District Courts that were addressing a post-Impoundment Control Act impoundment of the Federal-Aid Highway Trust Fund. Thus, as noted by OMB, B-200685, July 30, 1981, does represent our view that the fourth disclaimer does not permit withholding of funds prior to Congressional action on a rescission proposal where outlays are mandatory. We conclude that since the dual benefit payments under § 1122(c) of the Reconciliation Act are mandatory entitlement payments to recipients based on an allocation of a fixed appropriation, they are expressly removed by the fourth disclaimer from any authority given the President under the Impoundment Control Act.

Sincerely yours,

MILTON J. SOCOLAR,
(For Comptroller General of the United States).

THE MONTREAL PROTOCOLS NOS. 3 AND 4

Mr. **DECONCINI**. Mr. President, the Montreal protocols are little more than an attempt to exempt the business of international airline passenger service from the requirement of acting responsibly and within the law of torts. The protocols reflect effort on the part of airlines to limit their own liability for an airline disaster, at the expense of the traveling public. The airlines do not require this limit for their economic survival and are simply asking consumers to insure them against their own negligence.

The protocols would put an absolute limit of $117,000 on the liability an airline could incur for causing the death or injury of a passenger. This would be supplemented by a $200,000 insurance policy paid for by a surcharge to the passenger of $2 per flight. Maximum recovery, therefore, of $317,000 per passenger is provided. This is well below what many passengers could expect to recover in normal civil lawsuits with no limit on liability. Not only would the protocols limit liability where the airline was negligent, the protocols would limit liability where the airline was grossly negligent, and even in cases of willful misconduct.

Our American system of jurisprudence has always held a wrongdoer is responsible for his actions. As a public policy, the law of torts creates incentives to act in a safe and responsible manner. The protocols remove that incentive, and give the airline passenger nothing in return but a $2 charge for insurance to cover the airline. These protocols are designed to benefit a small group of airlines at the expense of the traveling public. They are not in the national interest, and I cannot support them. I urge my colleagues to oppose these protocols when they are brought to the floor.

RAILROAD RETIREMENT BOARD SHOULD NOT BE ABOLISHED

Mr. SASSER. Mr. President, I rise today to offer my wholehearted support for Senate Resolution 334, which I have cosponsored with my distinguished colleague from Ohio (Mr. METZENBAUM). This resolution expresses the Senate's opposition to the administration's proposal to abolish the Railroad Retirement Board and further reduce the dual benefit portion of the retirement annuity.

If enacted, the administration's proposal would have the effect of making all subsequent rail employment directly covered by social security, beginning in October of this year. All remaining benefits, except what is commonly referred to as "windfall" benefits, would be administered by a federally created Private Rail Industry Pension Corporation. This proposal would also effectively eliminate 76 field offices around the country.

Mr. President, I am opposed to this proposal for a number of reasons. First of all, the social security system is currently operating under severe strain. It has problems with its computers, is understaffed, and behind schedule on workload. It appears to me that one thing we do not want to do at this time is burden it with a heavier caseload. Adding another 1.5 million participants to the system would only exacerbate existing problems.

Second, a question which must be addressed is the ability of the rail industry to fully finance the present level of benefits through a payroll tax in light of the diminishing number of railroad employees and the serious problems confronting the Nation's economy. While the administration maintains that individuals would not receive lower private pension benefits, a recent Congressional Research Service report indicates that dismantling the railroad retirement system could lead to cuts in benefit levels for both current and future retirees.

By defederalizing the railroad retirement system, an agreement between rail management and labor to reduce benefits could lead to a cut in current benefits and not just the future benefits of as yet unretired workers. It is important that we in Congress realize the need to fulfill the obligations made to those who have planned their retirement around benefits earned after many years of hard work. It is simply unfair for us to pull the rug out from under any group of retirees. The director of the Railroad Board Office in Nashville, Mr. Lawrence J. Larocque, recently made a statement that most clearly sums up this sentiment:

> One thing elderly people are concerned about is knowing how much money they can depend on.

I have talked with many elderly citizens in my State and this is one of their principal worries.

A final consideration must be given to the nature of the various railroad retirement offices around the country. These offices provide specialized services to rail retirees and it would be most difficult to replace the services these people have come to rely upon. In my State alone, there are 3 offices providing information and service to almost 21,000 retirees.

Mr. President, the President's fiscal year 1983 budget also contains a recommendation which would reduce the dual benefit payment account of the railroad retirement annuity by $29 million, reducing these benefits by 6 percent in addition to the 15-percent reduction made in last year's budget cuts. This recommendation is made despite repeated efforts by many in this body to maintain a level of full funding for this entitlement program at $440 million.

I do not know what the President has against railroad retirees, but it appears as though the administration will go to great lengths to see that their benefits are reduced. I would like to ask the administration if this is any way to run a railroad.

Mr. President, let me just add a word about this so-called "windfall" benefit. This benefit was created in 1974 to avoid penalizing retired railroaders whose benefits were cut by the amount of their monthly social security checks. Prior to the Railroad Retirement Act of 1974, entitlement to benefits from social security and railroad retirement resulted in unintended benefit advantages for some beneficiaries.

The social security benefit formula favors lower career-average earnings. Many employees with eligibility for benefits under both railroad retirement and social security received some of the favorable advantages from social security intended for workers with lower career average wages.

The total benefits these employees received from both systems was higher as a result of the enhancement of the social security benefit even though these employees did not actually have the low career-average wages for which that enhancement was intended. Had their total earnings been combined, calculated, and paid under either system, their total benefits would have been lower. This difference is currently referred to as a "windfall."

Under the railroad retirement amendments included in the omnibus budget reconciliation legislation, the Railroad Retirement Board, beginning October 1, 1981, was required by law to limit these dual benefit "windfall" benefits to amounts that are actually appropriated by the Congress. Presently, we have appropriated $379 million for that account. This has meant a cut of some 16 percent in these payments to railroad retirees. Certainly these retirees have suffered significant reductions in these duly earned benefits and should not be cut any further.

Mr. President, I urge expeditious action on Senate Resolution 334.

DEATH OF FORMER SENATOR CLIFFORD CASE

Mr. WEICKER. Mr. President, I was very much saddened by the death of my former colleague, the distinguished Senator from New Jersey, Clifford Case. Like the man he helped draft for the Presidency in 1952, Cliff Case stood for fairness and moderation in the Republican Party.

During his 34 years in Congress, he steadfastly opposed the ideologues of the far right. In 1954, he risked losing his first campaign for the Senate by calling for Joe McCarthy's ouster. In retrospect, his position was undoubtedly the right one. At the time, however, it did not win him any popularity contests in the party.

The fact is that Cliff Case was always more concerned with being right than with being popular. Popular he was, though, with the people of New Jersey. Five terms in the House and four in the Senate attest to that.

In Clifford Case, the voters of his State knew they had a man of high moral principle who would speak his mind. As the ranking Republican on the Foreign Relations Committee, Senator Case fought for a balanced and bipartisan foreign policy, shaped as much by the Congress as by the President. His opposition to CIA covert activities and U.S. involvement in Indochina, his support of the Panama Canal treaties, and his push to curb Presidential war powers drew fire from some conservative critics. So did his prolabor positions. Nor was it a simple matter for him to urge party leaders to live up to their heritage as the party of Lincoln and embrace the civil rights movement. He did though, and did it willingly.

Despite pressures to conform, Clifford Case refused to fit any mold other than the one he carved out for himself. When accused of acting more like a Democrat than a Republican, Cliff Case had a ready answer. "I am a Republican, and I believe in the Republican Party," he said. "But I have my own convictions as to what the Republican Party should stand for, and I intend to fight for them as hard as I can. And I will not be driven away from my republicanism simply because some Democrats happen to agree with me on certain issues—and some Republicans do not."

Fortunately for the Republican Party as well as the country, Cliff Case was not driven away. His courageous example will long serve as an inspiration to us all.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

SENATOR HARRISON A. WILLIAMS, JR.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 204) expelling Senator HARRISON A. WILLIAMS, Jr., of New Jersey, from the Senate

The Senate resumed consideration of the resolution.

Mr. WALLOP. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. In the course of this debate, I have emphasized my strong conviction that the substitute resolution for censure is inappropriate. I have done so because I believe that there can be no compromise with bribery, with influence peddling, and with conflict of interest. In fact, when one reads and listens to the strong words of criticism of Senator WILLIAMS' conduct embodied within the substitute resolution the only appropriate sanction is that of expulsion.

After listening to the debate over the last several days where my colleagues have expressed their views on this matter, it is even clearer to me, as it must be to all of us, that expulsion is the only appropriate remedy. To vote for expulsion is not to bend to the political winds, it is not to curry favor with the press, and it is not to enhance our own political positions at the expense of a colleague. To vote for expulsion is to do the right and ethical thing.

It would be damaging to this institution if the signal that we give to the Nation is that the conduct of which Senator WILLIAMS is so clearly guilty is only deserving of his censure. Is there any one of you who would want to set such a precedent—and make no mistake about it, this is a precedent setting matter before this body? If this is done, the American people will believe, and rightly so, that we have breached our trust and commitment to them; and, equally important, we would have done a great disservice to this institution—to those who served in this body in the past, to those who will serve in this body in the future, and to each of us, who knows in his or her heart of hearts that the right and ethically just thing to do is to vote for expulsion.

There have been many comments critical of law enforcement agents, but that is an issue for another day. It is totally illogical to allow Senator WILLIAMS to become the beneficiary of any such wrongdoing. I would hope that judgments as to others will be made only after a fair and thorough investigation, when those who have been criticized have the same opportunity as Senator WILLIAMS to confront the allegations against them.

For these reasons, my colleagues, I am sad to say that we must defeat the resolution that proposes censure as the appropriate sanction. Based upon the evidence which has been presented in this forum, based on the careful and time-consuming investigation of your Ethics Committee, which did conduct its own independent investigation, there is no other choice but to support the resolution of expulsion.

Mr. President, I suggest the absence of a quorum, with the time to be charged equally to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT REGARDING THE REMARKS OF MR. CRANSTON

Mr. WALLOP. Mr. President, while I do not intend to reiterate at any length the reasons for which the Ethics Committee rejected the measure now being recommended by the distinguished Senator from California, I do feel obliged, as chairman of that committee, to clarify a number of points for the record.

First, the Senator from California suggested that there are transcripts of tapes which the Ethics Committee did not publish which bear upon the matter before us. Let me assure every Member of this body that your committee made available to Senator WILLIAMS' counsel all tapes and transcripts in its possession, and permitted Senator WILLIAMS every opportunity to introduce any tapes or transcripts he desired at the hearing we held in this matter. Senator WILLIAMS, through his counsel at the time, Kenneth Feinberg, availed himself fully of that opportunity.

It is my understanding that the transcripts cited by Senator CRANSTON were available to Senator WILLIAMS from the time of his criminal trial. They evidently were not introduced in his defense—either in court or at the Ethics Committee's proceedings—because of the inferences adverse to Senator WILLIAMS which can be drawn from them. Those inferences are, in my opinion, more plausible than the hypotheses now asserted to neutralize their literal content. Also, the transcripts in question, even accepting Senator WILLIAMS' view of them, go to the issue of targeting, not the issue of Senator WILLIAMS' misconduct. I have already stated my views on both the relevance and the merits of Senator WILLIAMS' contentions that he was targeted and will not reiterate them here.

Second, I also must take issue with Senator CRANSTON's assertion that the impetus for expulsion of the Senator from New Jersey is his criminal conviction rather than his ethically repugnant conduct. It is simply not true that the Ethics Committee was driven to its recommendation of expulsion by the conviction of Senator WILLIAMS. In fact, while a jury verdict had been returned in Senator WILLIAMS' criminal case at the time of the Ethics Committee's deliberations in this matter, his post-trial motions—for a new trial based on prosecutorial error, and for dismissal on due process grounds—were still pending before Judge Pratt, and no judgment of conviction or sentence had yet been entered.

Ironically, it was Senator WILLIAMS who at that time urged the committee to wait for Judge Pratt to rule, on the theory that the jury verdict might be dismissed and no judgment of conviction entered against him. Because your committee believed, then as now, that the Senate must act in this matter independently of the judiciary, we proceeded with our deliberations regarding Senator WILLIAMS' conduct; and our recommendation of expulsion was, and is, intended to stand irrespective of the outcome of Senator WILLIAMS' criminal case, at any stage of the judicial proceedings.

Third, Senator CRANSTON's statement of the undisputed facts of this case viewed in the light most favorable to Senator WILLIAMS strikes me as a compelling case for expulsion. Even by Senator CRANSTON's account, Senator WILLIAMS engaged in a conflict of interest by knowingly and willfully permitting an outside business activity with which he was associated, and in which he had or expected to have a financial interest, to use his name and office in a manner inconsistent with the conscientious and proper performance of the official duties of a U.S. Senator. As I stated on the floor on Monday, the Congress has already spoken as to the proper sanction for this kind of gross misconduct when committed by an official of the executive branch: such an official is by statute rendered incapable of holding any office of honor, trust, or profit under the United States. [18 U.S.C. §203(b)] I share Senator EAGLETON's conclusion that it would discredit the Senate were we to adopt a double standard and invite a Member clearly guilty of such improprieties to continue to serve in this body.

Moreover, Senator CRANSTON would have us find, by his substitute resolution, that Senator WILLIAMS knowingly and willfully permitted others to believe he was willing to corrupt his office by obtaining Government contracts for a venture in which he had an interest which he intended to conceal. While the substitute resolution is silent on the question whether Senator WILLIAMS actually intended to use his influence to obtain Government contracts—a question which your committee answered in the affirmative—even if you conclude he did not, you still must conclude at a minimum that Senator WILLIAMS was a willing participant in a scam to con the sheik. Given the universal contempt in which Mel Weinberg has been held for precisely such conduct, it would hardly pass muster for the Senate to condone such conduct in one of its own Members.

Finally, let us look briefly at the implications of the particular conflict of interest in which Senator WILLIAMS engaged in this case, which falls not on the sometimes undefined perimeters of the prohibition against conflicts in both our own rules and Federal law, but rather squarely within their bounds. When asked at the hearing whether he intended to help get Government contracts, the Senator responded, evasively, that there was "no possibility of Government contracts out of Piney River, no possibility at all . . . The Government is not going to in any way contract for the product of Piney River." [Hearing Transcript at 143.] This response is at odds with the reality that the U.S. Government is a substantial purchaser of titanium, a strategic metal, stockpiles of which were critically low during the time of the events in question. As the Stockpile Report to Congress for that period reveals, the Office of Plans and Preparedness had greatly increased the goal for stockpiling titanium sponge. [Hearing Exhibit HAW-53.] And as Senator HART stated in floor debate on December 19, 1979—while the events in question were unfolding—with respect to the Strategic and Critical Materials Transaction Authorization Act of 1979:

> We do not need silver for the National Defense Stockpile. We will not use silver bullets in the next war. We should sell the silver and use the proceeds to buy critically needed materials such as cobalt and titanium. [125 CONGRESSIONAL RECORD S 19141 (daily ed.) December 19, 1979.]

I submit to you that Senator WILLIAMS' misconduct strikes at the very heart of his public trust, and at the honor of this institution. Censure, while not a mere slap on the wrist, is an insufficient sanction in the face of such misconduct. I must respectfully oppose the substitute measure offered by my distinguished colleague from California, which in my view represents a wholly inadequate half-measure for dealing with an extreme abuse of the high public office to which Senator WILLIAMS was elected.

Mr. WALLOP. Mr. President, I suggest the absence of a quorum, the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BAKER. Mr. President, in a moment, I intend to try to announce the schedule of the Senate for the remainder of this morning and this afternoon. I must contact the minority leader and advise him of this arrangement before I move the request, but may I describe it now, as I understand it.

Assuming that the minority leader has no objection, I will shortly ask the Senate to recess until 12:45 p.m. When the Senate reconvenes at 12:45, all Senators are urged to be in attendance. The first order of business will be the suggestion of the absence of a quorum. At approximately 1 o'clock, or as soon as a quorum is assembled, in any event, it is hoped that the Chair will recognize either the Senator from California (Mr. CRANSTON) or the Senator from Hawaii (Mr. INOUYE) as they may prefer.

It is my understanding that, thereafter, the Senator from New Jersey (Mr. WILLIAMS) will seek recognition.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. BAKER. Yes, Mr. President.

Mr. INOUYE. That is satisfactory to me.

Mr. BAKER. Mr. President, that is as far as I can go at the moment, but I think that, based on implications of that statement, I am sure all Senators must now understand the importance of their attendance here.

Mr. President, I am advised now that the minority leader has heard this proposal and has no objection to it.

RECESS UNTIL 12:45 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 12:45 p.m.

There being no objection, the Senate, at 11:13 a.m., recessed until 12:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STEVENS).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Alaska, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 27 Leg.]

Dodd
Gorton
Inouye
Mathias
Matsunaga
Pryor
Stevens

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to require the attendance of absent Senators, and I ask the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—97

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Schmitt
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—3

Goldwater
Proxmire
Quayle

So the motion was agreed to.

The VICE PRESIDENT. With the addition of Senators voting who did not answer the quorum call, a quorum is present.

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The majority leader.

Mr. BAKER. Mr. President, if I may have the attention of the Senate for a moment—may we have order, Mr. President?

The VICE PRESIDENT. The Senate will be in order.

Mr. BAKER. I suggest this procedure, Mr. President: My remarks in respect to the schedule will be very brief, at which time, I hope that the Chair may recognize either the Senator from Hawaii or the Senator from California, as they may prefer; that they may control the time, then, or control the matter of yielding the floor to other Senators.

I hope that remarks at this point will be kept at an absolute minimum. It is my anticipation that the Senator from New Jersey will have a statement to make, after perhaps a colloquy between the Senator from California and the Senator from Hawaii. I urge that Members consider that he is entitled to do that in his time and in his way and that remarks, to the extent that they can, should be done after the remarks of the Senator from New Jersey.

There will be ample time this afternoon, Mr. President, for any additional remarks that Members may wish to make.

Mr. President, I yield the floor.

Mr. McCLURE. Mr. President, before the Senator yields the floor, will he yield for a question?

Mr. BAKER. Yes, Mr. President.

Mr. McCLURE. I wonder if it might be appropriate that Senators who wish to do so may be permitted to file a statement as if given in full rather than stating it. There may be some of us who would like to do so.

Mr. BAKER. Yes, Mr. President. I make that request.

The VICE PRESIDENT. Without objection, it is so ordered.

(Statements submitted in accordance with the foregoing order follow:)

Mr. SYMMS. Mr. President, in one's life there arises many difficult and demanding decisions.

Certainly, in our position as U.S. Senators we are called upon, as a matter of course, to weigh many factors and make decisions that will affect our fellow citizens and country for years to come.

The matter of Senator Williams adds a dimension to the problem of decisionmaking with which we in the Senate are not often concerned—the conduct of a fellow Senator and his fitness to continue to sit in this body.

The decision of whether to vote for expulsion of Senator Williams has been difficult. But after many hours of viewing videotapes of the Abscam investigation, poring over transcripts and proceedings of the Senate Ethics Committee investigation of the matter, considering the information supplied me by Senator Williams himself, and finally the Senate floor debate on the motion to expel, I have concluded that Senator Williams' conduct is not in keeping with the public trust which the office of U.S. Senator demands.

For that reason I support the resolution for expulsion and will so vote.

Mr. LEVIN. Mr. President, Harrison Williams was tempted by the FBI. But Harrison Williams too readily gave in to that temptation. He was not drugged or overwhelmed.

Abscam has the stench of FBI and prosecutorial abuse we should investigate in great depth and with great determination. But Harrison Williams' activities also have an odor because he never lost his free will and he willingly entered into a scheme, offered to use his office and did use his office for personal future gain. In doing so, he was disloyal to the institutions of this country perhaps even more surely than Senators who were earlier expelled for their disloyalty to the institutions of our Government.

Pete Williams probably would have acted for his friends and constituents without personal benefit, without stock being placed in his name, hidden or otherwise. Indeed he probably set out to do it that way. But he did not end up doing it that way because of his own weakness and his own friendships. He was prevailed upon to accept stock and secrete it. That the stock had no present value is irrelevant. It had potential value and Harrison Williams set out to help achieve that value. He actively attempted to obtain a loan to a company in which he held a hidden interest, as a major part of which efforts he repeatedly expressed a willingness to use his influence to obtain Government contracts for that company and, in fact, he used his office and his influence in his efforts to obtain a loan for that company.

Pete Williams set out to accomplish two goals in this debate, first to avoid expulsion and second to alert us to executive branch misdeeds.

While he is not achieving the first goal, we should all be indebted to him for taking on the second task. He has achieved that goal and this Senate is alerted as never before to the dangers to a free people of FBI wrongdoing. But again, unhappily, the issue is not the FBI agents' conduct. That would make our task easier. Hopefully, their day of judgment will come. It is Pete Williams' conduct which we must ultimately judge.

Discerning Pete Williams' motives is not the only difficult challenge we face. Our own motives must be challenged as well. God forbid any of us should consider the political benefits and detriments, conveniences, and inconveniences to ourselves in judging this matter.

As much as I would like personally to find a way for Pete Williams to continue with us, I cannot in good conscience do so. I will vote for expulsion because of his lack of fidelity to, his disloyalty to, this noble institution of democratic government to which we are sworn to protect.

While Pete Williams will not be our colleague any longer, he will continue to be our friend. And his contribution to a better life for millions of Americans will be cherished long after this sad episode is behind us. And so will Danny Inouye's brave and brilliant defense be remembered whenever any of us present here look back upon these wretched and wrenching days in March of 1982.

Mr. President, while I agree with the conclusion of the Ethics Committee and with its recommendation that Senator Williams be expelled from this body, I am, however, concerned enough with the precedential nature of their reasoning to offer an amendment designed to make it clear that we are expelling Senator Williams because his actions violated our rules and code of conduct. This amendment makes clear that we are not judging the legal issues involved in the Williams matter. In the expulsion resolution before us, there is language which holds that we find Senator WILLIAMS violated the rules and code of conduct of the Senate. So far, so good. But the resolution also states that we find that he violated the laws of the United States. I do not believe this latter finding is appropriate.

For much of this debate we have been told repeatedly that we are engaged in a legislative act here and not a judicial one. In his opening comments, for example, Senator BAKER made it clear that "what the Senate is doing is considering a resolution, not conducting a trial." He also went on to explain some of the differences between such a legislative act as opposed to a legal one. For example, he indicated that ex parte communication would be allowed here and, most significantly he indicated that "debate will occur without hindrance of the restrictive evidentiary and procedural rules that apply in a judicial contest."

The same procedural point was made by Senator HEFLIN in his opening statement. He argued then that—

> What appeals court judges * * * or even the U.S. Supreme Court say regarding technical legal issues is of no consequence to us. It does not bind us nor is it relevant to the ultimate issue before us: Does the conduct of Senator WILLIAMS fall so short of the standards we would want to impose as to warrant disciplinary action?

Senator HEFLIN expanded on this point in later sections of his opening statement. In dealing with the propriety of using evidence which may have been formed, to one degree or another, by illegal and improper entrapment tactics employed by the FBI, he examined the legal precedents and found that "the U.S. Supreme Court has ruled that in noncriminal cases you do not apply the exclusionary rule. * * *" On the basis of that finding, Senator HEFLIN concluded that—

> Even assuming the Government's investigation of Senator Williams violated his due process rights, it is submitted that in light of the foregoing review of the purposes and limitations of the exclusionary rule in the judicial setting, the adoption of a similar rule by this committee in this proceeding would be unwarranted and unwise.

These statements lead me to draw two conclusions: First, this is a legislative and not a judicial proceeding, and second, as a result, we have been asked to look at the tactics of the FBI only in an effort to discover what impact those tactics had on Senator WILLIAMS' state of mind and not in an effort to discover if the tactics had tainted the evidence gathered to such a degree that it ought not be a factor in our decisionmaking.

This last point, a critical one I believe, is substantiated by the arguments made before the committee by Senator WILLIAMS' counsel, Kenneth Feinberg who said that "Abscam per se, is not an issue before this committee, and that allegations of Government misconduct . . . are not issues for this committee." The same point was made by the committee's special counsel who indicated at the hearings that "while issues regarding the conduct of these other people—that is, the Government investigators and prosecutors—may be appropriately decided by the courts, they are not relevant before the Ethics Committee."

Thus, Mr. President, we are asked not to consider or reach a judgment about potential legal arguments raised by the investigation of this case.

Yet I would submit that when this resolution compels us to find that Senator WILLIAMS violated the laws of the United States we are being asked to make a legal finding rather than a legislative one. And we are being asked to make that legal determination at the same time that we are being asked not to consider all the available legal evidence.

In that context, I would call the attention of my colleagues to the report of the Ethics Committee. In that report, there is a section describing the legal criteria which must be met prior to finding the defendant guilty of violating the laws of the United States. And in each of those legal criteria you will find, on pages 29 through 33 of the report, that one of the criteria is that "the accused was not the victim of entrapment."

In a legal sense, then, the question of whether Senator WILLIAMS violated the laws of the land hinge on the question of whether his actions were the result of improper governmental behavior. That is the question in the courts. We should not intrude ourselves there. And it is precisely that question which we are told is irrelevant to our determinations, again except to the extent that those tactics impact on Senator WILLIAMS' state of mind.

I have concluded on an ethical level that entrapment cannot be used to minimize or rationalize the impropriety of Senator WILLIAMS' behavior. But on a legal level, I am convinced that this body has not—and ought not—place our blessing on the process by which the evidence was gathered. We have not made a judgment—in fact we have been asked not to make a judgment—about the issue of entrapment.

Again that entrapment issue must be resolved before one can conclude that Senator WILLIAMS is guilty, in a legal sense, of the crimes with which he is charged.

My question, then, is how can we conclude—as this resolution compels us to—that Senator WILLIAMS violated the "laws of the United States" when we have specifically precluded, in the context of this debate, a complete, a legal examination of the entrapment issue?

While we should not include the finding that Senator WILLIAMS violated the laws of the United States, we should conclude that he violated our code of conduct and our rules, and on the basis of that finding we can and should apply the ultimate sanction of expulsion. That sanction is the proper one for us to apply. But this amendment makes it clear why we have taken that course.

The inclusion of the words that we find HARRISON WILLIAMS violated the "laws of the United States" in this resolution makes our decision to expel Senator WILLIAMS less than clear and less than sound. We really cannot make that finding until the appeals process has run its course and unless we made a determination of the entrapment issue—something, again, which we have properly been asked not to do in the context of this resolution.

Mr. President, I happen to be an attorney. I believe in the logic of the law. I am concerned that we are reaching a legal judgment in this resolution. Accordingly, the Senate ought to strike the words "violated the laws of the United States" from this resolution and then vote to expell Senator WILLIAMS for what he really stands charged with and what has really been proven against him—violating the rules and code of conduct of the Senate and bringing the Senate into disrepute.

My amendment strikes the legal finding in the resolution. It retains the rest. And with the rest retained we have more than ample ground to adopt this expulsion resolution. As Senator HEFLIN said "had Senator WILLIAMS been found not guilty or were his conviction to be overturned on an appeal, it would still be possible for him to have violated the Senate's code of conduct."

That is precisely what he did and that is precisely why he ought to be expelled. But, let us not adopt a resolution finding that he has violated the laws of the United States when that is still a live issue before the courts and while that is an issue which we have been asked not to examine here in the Senate.

I ask that the text of my amendment be printed in the RECORD at this time.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

> Page 1, line 5, strike the words "the laws of the United States and".

Mr. McCLURE. Mr. President, each of us, by our vote, will publicly state our conclusion but I believe we should also state our reason for that vote.

None of us can fail to have compassion for a person whose own judgment has led to conduct which so obviously transgresses the standards which our individual and collective judgment requires.

There are those who seek to use this occasion to condemn our law enforcement agencies. They have already pronounced judgment. They, like the hanging judge who wants to have a fair trial before the hanging want to have a hearing. But make no mistake, they seek not an inquiry to discern the facts; they want an inquisition to punish the guilty.

Others would excuse Senator WILLIAMS, and seek censure rather than expulsion. Perhaps there are some who would excuse him completely as they would have the court dismiss the criminal case. At least the latter would be consistent—but wrong.

If he is to be censured, for what wrong is he to be censured? If his conduct demands censure what is that conduct? It cannot be because he accepted money; because he specifically refused in the one instance it was offered. It cannot be because he sought to help constituents, because each of us does that daily. No, if he is to be censured it is because he sought to use his office not to help others but to help himself. Some essential facts are beyond dispute, and indeed, are not disputed. Senator WILLIAMS offered to use his office to further an enterprise in which he held an interest. He intended to conceal that fact and took steps to do so. He clearly hoped that enterprise would succeed and that his interest would have value. In short, he violated the statutes of the land and the rules of the Senate. Censure is not an appropriate response.

I viewed the tapes and reviewed the transcripts of the hearing and I reserved judgment pending our debate on this resolution. But, Mr. President, I have heard nothing that removes these facts and therefore must conclude that I must vote for expulsion.

SENATE RESOLUTION 204

Mr. **MATHIAS**. Mr. President, the Williams resolution requires that each Senator make not only an objective study of the hard facts, but a subjective reconstruction of events as they unfolded and were perceived by Senator WILLIAMS in a sequential perspective. The fact that much of the case is fictional complicates the process, but does not totally obstruct it. The sheik is only a character in a cheap drama, but the emotions he evoked and the temptations he dangled were very real. The shares of stock that were discussed so earnestly may have been worthless, but the response they motivated was clearly substantial.

It is a scene in which reality is distorted by wisps of mist and fog generated by the stagehands. In short, it is the usual situation in which facts are fiction and thoughts are material.

There is a mine at Piney River in Virginia and core borings do confirm the presence of titanium ore and other minerals. Its owners had actually asked Senator WILLIAMS to help them develop this resource, but their combined efforts had not been crowned with success. While these efforts were being made, the theatrical enterprise known as Abscam was being organized by some amateur actors in the Federal Bureau of Investigation in New York.

That two such different enterprises should intersect with such tragic consequences seems to be a stroke of fate that rivals the plots in classical Greek drama. Surely, none of the principals in either activity anticipated the ultimate results of their actions nor even expected to meet each other along the way.

In every great marine disaster there is an atmosphere of inevitability that is horrifying, but we know that every collision of ships at sea could actually have been avoided by a change of course of 1° or a change of speed of 1 knot. There is a similar air of predestination about the encounter of the Piney River Mine and Abscam, but rationally, we are aware that there were many opportunities to avoid the joining of these plots and to escape the fatal consequences of the joinder.

Without any volition on either side, Piney River and Abscam met in Camden, N.J., and that is where the story begins. The mayor of Camden was aware of the lure being trolled by Abscam and told Senator WILLIAMS about it. The prospect of abundant capital for investment was just what the Piney River Mine needed and Senator WILLIAMS immediately recognized its potential as the solution to a constituent's problem.

Had events been maintained at the level of constituent casework, there would be no grounds for the adoption of a resolution of expulsion. But there was soon an escalation that changed the character of the scene.

The catalyst was the renewal of the suggestion, dormant since 1976, that an interest in the Piney River Mine should be given to Senator WILLIAMS to secure his interest and to reward his efforts. This was one of the obvious points at which a different reaction would have produced a far different evolution of the story. The suggestion could have been rejected and the subject dropped. If the interest in the mine was genuinely believed to be worthless, then such a gesture would have been an exercise in virtue without cost or sacrifice. The gesture was not made.

The agreement to accept an interest in the mine generated further decisions. The first was the need to discuss registration of the stock so as to assure Senator WILLIAMS' ownership, but without publishing to the world the fact that the role of the Piney River Mine had been altered from a constituent case to a personal proprietary project. The discussions of this delicate dilemma provided another opportunity to change course and avoid the dangers that were clearly apparent to the parties, as their conversation makes clear.

The agreement was made to deliver to Senator WILLIAMS stock certificates endorsed in blank by the owner of record. There then arose the necessity to actually produce the stock and physically place it in the hands of Senator WILLIAMS. This arrangement was sufficiently unorthodox to raise further questions about how such an undisclosed interest could be jeopardized by sales of other stock interests and how it could be voted in corporate meetings. That was another moment at which the nature of the deal was an automatic alarm that signaled deepening danger.

It is perhaps useful to recall that these transactions took place between Senator WILLIAMS and his associates on the one hand, who apparently accepted everything at face value, and the Abscam actors on the other hand, who clearly believed nothing. But it is essential to an understanding of the case to realize that, at this stage, Senator WILLIAMS thought he was conducting a serious negotiation and his reactions have to be assessed in the light of that judgment and not with the hindsight of knowing that it was all sham.

It is hard to credit the later assertions that the stock was without value and that the deal should be ignored because it was without consideration. The long and detailed discussions about the treatment of the stock tend to rebut such statements and the failure to refuse a share implies that it must have been worth taking so much trouble.

The stage was thus set for the crucial scenes. In order to induce the phony sheik to invest in the Piney River Mine, there was a series of offers by Senator WILLIAMS to exert his personal and official influence to obtain Government contracts and to voluntarily assist in the enactment of private immigration legislation. There was a refusal to accept a money bribe for the private bill, but its mitigating effect is somewhat diluted by the glittering prospect of millions of dollars of profit contrasted with a probable paltry payment of cash to the tune of several thousand dollars. The elements of the act were thus all present: A personal pecuniary interest, an official with the ability to intervene, and an offer by that official to do so in a way that may generate personal gain for him.

It is advanced as a defense that the Abscam caper was foolish, wasteful, reprehensible, and dangerous. These and other criticisms of Abscam can be accepted as valid without affecting the validity of the charges upon which the resolution is based. The creation of an organization such as Abscam does indeed demand some thoughtful review of the purposes it was designed to achieve and the manner in which it was expected to operate and the persons against whom it was intended to be targeted. But as the transaction was thought to be bona fide on one side, the fact that it was not does not invalidate the reaction of that side. The fact that the other side was not bona fide makes it seem hard to base a conclusion on such a sorry story, but simply to forget the whole thing is harder.

The inescapable conclusion is that we are here dealing with two separate sets of errors, mistakes, and delinquencies, and that neither of them can or should be forgotten. Some facts and some characters are common to both, but each situation is independent of the other and each requires an individual assessment and judgment. Resolution 204 addresses one of them. The other case should be addressed in a new and different proceeding and I hope that it will be.

Mr. BAUCUS. Mr. President, for 6 days the Senate has heard the debate on this motion. We have heard the arguments of the Ethics Committee, and we have heard Senator WILLIAMS' side of the case.

Now, as we near the point when all of us must vote, I would like to express my thoughts on this tragic episode.

There are two issues before us: The conduct of the FBI and the conduct of Senator WILLIAMS. Both are legitimate areas for Senate inquiry.

Was the FBI's conduct in the Abscam investigation responsible? Do Abscam and the activities of the executive branch raise questions about the separation of powers between Congress and the executive branch?

In my view, these are questions that deserve a complete and thorough investigation by Congress.

But, I do not think this is the time or the place for that discussion. The important question I believe we must address is whether Senator WILLIAMS' conduct was appropriate.

I have viewed the tapes, and I have listened to hours of debate on the Senate floor. I can only conclude that Senator WILLIAMS' conduct is not fitting for a Member of the U.S. Senate. Therefore, I intend to vote for the motion to expel Senator WILLIAMS.

It is never easy to make this kind of decision. PETE WILLIAMS is a friend and a fellow Democrat. His legislative record is an outstanding tribute to his compassion and commitment to building a just society for all Americans.

Nor do I stand here to be "holier than thou." All of us are human. All of us make mistakes.

But, public officials, officeseekers, and the public must be assured that the U.S. Senate will continue to set the highest standard for the conduct of its Members.

I do not believe we can ignore the evidence that has been presented here. We cannot walk away from the fact that our responsibility is to uphold the integrity of the U.S. Senate. I do not believe that anything short of a vote for expulsion will satisfy that duty.

Mr. SIMPSON. Mr. President, I want to, at this moment, thank deeply my fine colleague from Wyoming, MALCOLM WALLOP. Never have I seen him perform more masterfully than he has on this critical issue. I have known him for many years. We served together in the Wyoming legislature in Cheyenne. Never has he been more impressive, fair, and forthright. His powerful presentation of the facts along with his colleague, HOWELL HEFLIN of Alabama, a man who was elected to the Senate when I was, and a fine personal friend also, was an extraordinary example of careful preparation and an extraordinary attention to due process.

I wish to make only one comment on the final remarks of PETE WILLIAMS which were completed with great grace and extraordinary poignancy. I listened in a most fascinated manner to the comment that it was this Senate that should feel guilt and this Senate that was under indictment. I thought to myself as I listened to that that I had no feeling of communal guilt. I had no sense that all of us were under indictment in any form. I had no sense that each of us were on trial. I do not say that in any pompous way or with any expression that I am above the fray or that I have not erred and strayed. I have missed the mark many a time in fact, I can assure you that I can tell you a great deal more about the imperfections in my life but I have a bit of difficulty expressing all of my perfections.

But the real issue should be kept in mind. The issue was not really whether the FBI did wrong or whether the FBI did right, or whether the court heard the proper evidence or did not hear the proper evidence, or whether the judgment on appeal will be overturned or whether it will stand. The issue is: Did this man bring discredit upon the U.S. Senate by his conduct and his actions? I personally have spent many hours reviewing the tapes, the transcripts, and the testimony and have made the decision very clearly in my own mind that he did, indeed, violate that standard of ethics of the U.S. Senate. I have not enjoyed the position of being a judge, but I did not choose to shirk my duty either. It was a tough one and I must admit that I was puzzled throughout as to why he perhaps did not resign prior to this time—but he is a scrapper and he is a man who believes deeply in his cause.

So the issue to me is not one of entrapment, or abuses, or a system of government "run amuck" and all of those things—which we should indeed conscientiously pursue and examine—the issue is very clear as to how to resolve that in the future. Through the reams of testimony and the hours of video taping, the extraordinary course of criminal and civil hearings and trials and depositions, and through all the endless tonnage of verbiage on all sides, there was one word that would have solved it all—one word that would have prevented all of the embarrassment and the anguish. That one word was "No." The utterance of it at any point in the entire tawdry proceedings would have assured that the last 6 days of anguish would not have been before us.

Here is a man who has enjoyed every shred of due process that this remarkable Government of ours can provide and that process is still continuing. This persistent return to the issue if investigatory activities, to methods, to procedures, are but diversions and distractions. There is not one of us in this Chamber who should feel any sense that the Senate is somehow lessened through this activity of this one man. Indeed, in my mind this has been the Senate's finest hour in the 3 years I have set in this body. To listen to my colleagues on both sides of the aisle, to hear the sincerity and intensity and the depth of their remarks, to hear the powerful statement of TOM EAGLETON—whose remarks sucked all of the air out of this Chamber the other evening. Powerful stuff, indeed. To hear the authentic and sincere statements of BILL BRADLEY, DAVE PRYOR, MALCOLM WALLOP, HOWELL HEFLIN, and so many more. The objective we were seeking gave me no sense of pleasure. But the guidance of the process by our most extraordinary majority leader, HOWARD BAKER, and the masterful presentation of "the defense" by DAN INOUYE and AL CRANSTON, gave me a very good feeling about this entire system. Because through all of the differences there was this courtesy, and this desire to avoid the final pain by this extraordinary adherence to due process and "letting the Senate run its course."

In resigning, PETE WILLIAMS did the right thing. Each of us, with our own innertracking systems, know that is correct. Each of us with our down-deep sense of our inner gyroscopes and our internal guidance systems know in our heads and hearts and guts that that was the best result.

So the tough decision made by PETE WILLIAMS removed us all from the final anguishing decision—and that is well—but let it be recorded that no one should believe that we as a Senate were ready not to make that decision—and make it correctly, cleanly, and clearly.

I am very proud to be a Member of this body—to serve in this place—with these people. It is indeed bigger than all of us—and our egos. This Senate—"working its will"—gives me good feelings about the future of this land. In the same moment it has been a solemn and sorrowful occasion marked—as are all of the great tragedies and dramas of the world's previous history—with nearly equal portions of triumph and disaster. I was pleased that I was able to be here to see it played out. My deep feeling is that I will be a better Senator because of it.

Thank you, Mr. President.

Mr. SASSER. Mr. President, it has been my intention up to this point to support Senate Resolution 204, recommending the expulsion of Senator HARRISON WILLIAMS from the U.S. Senate.

I understand now that it is Senator WILLIAMS's intention to resign from his Senate seat in order to spare the Senate the difficulty of voting for his expulsion.

We have been involved in a long and painful process during the past few months. I commend the members of the Senate Ethics Committee and my Senate colleagues for pursuing this matter in such a fair and painstaking manner.

This issue has been particularly difficult because of the questionable actions of the Federal Bureau of Investigation in carrying out their investigation of Senator WILLIAMS. No one can countenance or support the nature of the activities entered into by the FBI in conducting this very important and sensitive investigation.

The incident raises important constitutional questions regarding the relationship of the executive branch to the legislative branch. The concerns of this body have rightly been aroused over the very questionable tactics used in the Williams investigation.

I have appreciated my association with Senator WILLIAMS during my term in the Senate. I have found him an articulate spokesman. He is an effective and hard-working legislator, and his commitment to his beliefs is heartfelt and sincere.

It is certainly not easy to go through the process of investigating, trying, and judging a fellow Member of Congress. However, Congress is granted the power by the U.S. Constitution to govern the activities and the conduct of its Members, and we have voted for ourselves a code of conduct which we are each responsible for upholding.

None of us are above the Senate and the laws that govern it. Despite the long and impressive legislative record of Senator WILLIAMS it is against these laws that he must be judged.

Arduous and careful deliberation, a complete examination of the evidence and the allegations, led the Senate Ethics Committee to recommend unanimously the expulsion of Senator WILLIAMS. I believe that the evidence supports this decision.

Therefore, should Senate Resolution 204 come to vote, I will support expulsion.

Mr. THURMOND. Mr. President, the serious matter that has been before the Senate these last 6 days derived from one of the most difficult, but also most important, responsibilities bestowed on the Senate by our Nation's Founding Fathers in the U.S. Constitution: Judging the fitness of its Members.

Article 1, section 5, clause 2 of the Constitution provides that:

> Each House [of Congress] may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Pursuant to this constitutional responsibility, the Senate has prescribed rules for its proceedings and to guide the conduct of its Members. It has agreed to a Senate Code of Official Conduct, drafted by a select committee which I was privileged to cochair. It has created the Permanent Select Committee on Ethics and charged that committee with the task of receiving and investigating "allegations of improper conduct which may reflect upon the Senate, violations of law, and violations of the Senate Code of Official Conduct * * * relating to the conduct of individuals in the performance of their duties as Members of the Senate. * * *."

With regard to the charges of misconduct, violations of Federal law, and violations of Senate rules by Senator HARRISON A. WILLIAMS, JR., of New Jersey, the Ethics Committee has thoroughly investigated and considered the matter. The committee reported the disciplinary resolution which has been before the Senate since March 3 and concluded that the egregious nature of the violations warranted expulsion of Senator WILLIAMS from the Senate. Thus, it then became the grave and painful task of the full Senate to judge the conduct of one of its Members against the necessarily high standards expected of elected public officials who are given the privilege and honor of serving in this body.

Mr. President, the Ethics Committee based its recommendation of expulsion—the most severe sanction available—on its finding that Senator WILLIAMS knowingly and willfully used his official position to further a business venture in which he and close friends had a financial interest in violation of Federal law and the Senate rules. The committee also found that Senator WILLIAMS endeavored to conceal his financial interest in violation of the financial disclosure provisions in the Senate rules.

Although he has appealed, Senator WILLIAMS now stands convicted by a jury of all nine counts of Federal law violations on which he was indicted, including the serious offenses of bribery, conspiracy, receiving an illegal gratuity, conflict of interest, and interstate fraud in aid of racketeering. He has been sentenced to 3 years imprisonment and the payment of a $50,000 fine. Moreover, the trial judge has denied Senator WILLIAMS' motions to set aside the verdict and dismiss the indictment, which Senator WILLIAMS based on questions of due process and related violations.

Mr. President, as I understand the thrust of his defense, Senator WILLIAMS maintains that, at most, he is guilty of errors in judgment and that he never intentionally engaged in any illegal conduct. He maintains that his statements and promises, which were recorded by the FBI on audio and video tape, were nothing more than excessive boasting and posturing designed to help his constituent friends pursue legitimate interests, and that he never actually intended to use his office to influence the granting of Government contracts, or to keep a foreign citizen in this country, or for any other illegal purpose. However, as the committee pointed out, to accept these contentions either strains the credulity of reasonable persons, or it necessarily leads to the conclusion that the Senator willingly participated in a scheme to defraud a foreign citizen into investing funds based on a false belief that the Senator would use his position to help the venture succeed. In either event, a fundamental violation of ethical standards would have occurred.

Senator WILLIAMS has also focused on the alleged over-zealous actions of FBI agents, FBI informants, and other Justice Department employees. I first addressed this concern in a speech on the Senate floor on February 20, 1980, shortly after the Abscam investigation became public. At that time, I expressed sharp disagreement with those who were attempting "to make the FBI and the Justice Department the villains in this scenario," and further stated that the Federal law enforcement authorities were right in vigorously pursuing the investigation wherever the evidence led, even if it led to Members of Congress.

Senator WILLIAMS and the other congressional Members caught in Abscam have had an adequate opportunity to raise before trial courts the issues of due process violations, entrapment, and related questions. Although the trial judge has disagreed with the Williams' claims, the Senator will have an opportunity to further pursue these questions in his appeal.

Moreover, Mr. President, in my view, whether the FBI and the Justice Department acted improperly in this and other Abscam cases—and there may have been some improprieties—is only tangentially relevant to the central question that has been before the Senate. Senators can weigh these concerns about the propriety of Abscam as a factor if they wish, but the paramount concern was whether Senator WILLIAMS acted in accordance with the public trust reposed in him.

The public office bestowed on each Member of Congress is a high honor, a special privilege, and a precious trust that demands a high standard of diligence and the utmost integrity. The Senate as an institution cannot function effectively with the confidence and respect of the American people unless Senators are willing to respect and, as required by the Constitution, enforce these necessarily high standards.

Mr. President, after very carefully considering the relevant evidence touching on this matter, it is my view that the Ethics Committee conclusion is warranted and that expulsion from the Senate would have been an appropriate disciplinary action. In this Senator's opinion, this case would have required a much more severe disciplinary action than did two previous cases before the Senate in which I participated. In 1967, I voted against censuring Senator Thomas Dodd of Connecticut, who was accused of converting campaign funds to personal use. As I probed the evidence in that case, my judgment was that there was insufficient evidence that Senator Dodd intentionally deceived or defrauded any of those who had given money to help alleviate his difficult financial situation. The evidence in that case also showed that Senator Dodd contributed more of his own funds to his campaign than he later received back in contributions, so that there was no net personal gain to him.

Similarly, in the 1979 Talmadge matter, I opposed the "denunciation" of the then Senator from Georgia because the Ethics Committee had not found any intentional or willful wrongdoing. Rather, the committee based its disciplinary recommendation on a finding that Senator Talmadge carelessly intermingled campaign contributions with other funds and negligently violated other recordkeeping and reporting requirements.

In the present case, unfortunately, the accused Senator appears to have knowingly and intentionally engaged in a far more serious pattern of illegal conduct that involved the use of his office, position, and influence to enrich himself and his friends. Not only are the improprieties more serious in the Williams case, but in this instance, the Senator has been the subject of a Federal criminal prosecution, has been found guilty of multiple felony counts, and has been given a prison sentence.

The precedents of Senate disciplinary actions make clear that neither a prosecutable offense nor a finding of guilt are prerequisites to an expulsion action. Additionally, precedent and a rational consideration of the matter supports expulsion as an appropriate Senate response in cases involving bribery or blatant conflict of interest, such as the jury and the Ethics Committee found to have occurred here.

Mr. President, this has been neither a pleasant nor an easy task, considering that Senator WILLIAMS has been my colleague and friend in the Senate for 23 years. While we have had our philosophical differences, I have known him to be an able Senator who has undoubtedly made numerous contributions to his State and the Nation. It is my conclusion, however, that there is sufficient basis for the Ethics Committee finding that he has engaged in illegal and ethically repugnant conduct that tends to bring the Senate into dishonor and disrepute.

When the Senate finds serious misconduct by one of its Members, such as has occurred in this case, it has the power and responsibility to withdraw from that Member the privilege of serving in this body. It is my carefully considered judgment that the facts in this case would have warranted withdrawal of that privilege from Senator WILLIAMS. Thus, I was prepared to concur in the recommendation by the Ethics Committee that he be expelled from the U.S. Senate and to so vote had it been necessary for that question to be put before the Senate.

Under the circumstances, I believe the Senator from New Jersey made the correct decision to resign from the Senate, and I wish him well in his personal life in the future.

The VICE PRESIDENT. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I yield 4 minutes to the Senator from New York.

Mr. MOYNIHAN. Mr. President, it was my intention yesterday to seek the floor following the statement by the distinguished Senator from Arkansas (Mr. PRYOR). However, others wished to speak directly to the specifics of this statement and I judged it best not to interrupt, even though I had hoped, in effect, to extend his remarks.

I do so now, briefly.

I should have voted for expulsion, and for the reasons set forth by the Committee on Ethics.

However, I wish to record my judgment that that is the lesser of the two matters before us; the most easily disposed of, a matter of equal salience among the public as within the Senate.

The great harm that has come to Senator WILLIAMS, howsoever without precedent, is nonetheless harm to an individual.

Senator PRYOR, preceded by Senator CRANSTON, Senator LEAHY, and others have raised the issue of the far greater injury which may have been done to the Senate by the conduct of the Department of Justice. This concerns the fate not of an individual, but of an institution, of a constitution.

In his opening statement, the very distinguished Senator for Hawaii, Mr. INOUYE, took note that there was an attempt—to be sure an abortive attempt, and an attempt withal—by the Department of Justice to involve me and Senator Javits in this "sleazy" enterprise, as it has been called by more than one Senator in the course of this debate.

Specifically, on September 10, 1979, Melvin Weinberg told a convicted swindler, one William Rosenberg:

> Javits we would definitely like and we'd like Moynihan.

Rosenberg was lying when he said he had been in touch with us. He later confessed to all this, and also pleaded guilty to conspiracy to bribe a Member of the House of Representatives. He was attempting to scam the scammers. He explained to Weinberg that Senator Javits had only a short time remaining in his term. Weinberg responded:

> Well, we'll buy him for 2 years then.

The video tape of this exchange was shown at the trial of Representative Kelly, here in the District of Columbia, on December 12, 1980. As I understand it, this was done at the behest of the defense attorneys, who having been informed by the Government that Rosenberg had confessed that he was lying, sought to show that some of these matters had been conducted with a high irresponsibility. As I reported to the Senate early in this debate, Mr. Rosenberg had also represented himself as being able to reach retired Senator Kerr, of Oklahoma, then nearly 17 years dead.

Reporters at the Kelly trial promptly went to their telephones to call my office. Immediately on hearing of the Weinberg-Rosenberg exchange, I called Judge Webster, Director of the FBI, to ask what on Earth was going on. Someone I had never heard of, much less ever met, had been told by Weinberg to offer me $50,000 and Senator Javits $25,000 for some unknown purpose. Judge Webster's first words to me in reply were: "Were you complimented?"

Surely, Mr. President, there can be no condoning such levity in a matter so grave. I made this clear to Judge Webster. I asked—I insisted—that he come to see me in my Senate office, and bring with him Philip B. Heymann, then Assistant Attorney General in charge of the Criminal Division.

This meeting took place 1 week later, on December 19. At the time I stated to Judge Webster and Professor Heymann that it seemed to me that they had embarked on an enterprise of the gravest constitutional import, that they had introduced into the practice of the American Government police behavior which the world associates with corruption, tyranny, dictatorship, and worse. I stated that I understood that they had behaved from the best of motives, but I added that I did not sense from their responses to my questions that they had any sense of the constitutional regions they had invaded. What, I repeatedly asked, did they think Madison would have thought of their behavior?

Subsequently, on January 5, and again on January 19, I wrote to Mr. Heymann setting forth my concerns. Copies of my letters were sent to Senators WALLOP and HEFLIN, and also to Mr. Civiletti and Judge Webster. As I reported to the Senate on Thursday, I received from Charles B. Renfrew, Deputy Attorney General, on January 27, 1981, a letter stating that all of Mr. Rosenberg's allegations about having been in touch with Senator Javits and I were lies, and that he had so confessed. Judge Renfrew regretted "any inconvenience Mr. Rosenberg's remarks may have caused. * * *" However, much as I respect them as individuals, none of the persons in the Department of Justice with whom I spoke or corresponded, appeared to me to have any real understanding of the matters I was trying to raise. So far as memory serves, I never even received a reply to my letters to Professor Heymann. It may be that letters came and got lost in my office maze; this does happen. But not often.

The more then, Mr. President, do I wish to declare my intense support for the inquiry which is proposed by Senator STEVENS and Senator CRANSTON.

If we do not protect the Senate from abuse of power by the executive branch, we cannot protect the citizenry from the same abuse. No greater responsibility confronts us.

Mr. INOUYE. Mr. President, I yield what time is necessary to the Senator from California.

Mr. CRANSTON. I thank my friend and colleague very much.

Mr. President, as the matter of Senator HARRISON WILLIAMS draws to a close, I think it would be well to step back for a moment and see what has been a direct consequence of the ordeal that each Senator and particularly the Senator from New Jersey has gone through over the past 10 days.

Many Senators—indeed, perhaps most Senators—strongly believed at the outset, and may continue to believe, that Senator WILLIAMS should, in the words of our colleague from Missouri (Mr. EAGLETON), have "had the good grace and good judgment to withdraw from this body. * * *" I can understand that viewpoint and the desire of all Senators to have avoided this most unpleasant task of having to sit in judgment on a fellow Member so many of us have known well and worked with closely over so many years.

Senator WILLIAMS' persistence has forced this body to confront this matter head on. We have had to deal with the conduct of Senator WILLIAMS and the conduct of the executive branch. Senator WILLIAMS has had his fair chance to try to convince us that he was free from wrongdoing and had not dishonored his office.

He was entitled to his day—his days—in the Senate to seek vindication, and he has had that opportunity.

But something else, of the greatest importance, has been accomplished due to Senator WILLIAMS' insistence on pursuing this matter as he has.

And that is that the Senate has come face to face with the enormity of misconduct and impropriety by the Department of Justice and the FBI in the entire Abscam operation.

Had this matter not been brought to the floor and pursued with vigor and steadfastness by Senator WILLIAMS and Senator INOUYE, the scope of executive branch misconduct might never have been brought to the attention of the Senate as a whole and to the attention of the American people.

That clearly has happened now, and last night's revelations regarding the outrageous targeting of Senator LARRY PRESSLER in Abscam have placed the capstone on the horror story of pervasive Government misconduct throughout all phases of this dangerous and unguided undercover operation.

It is now incumbent on the Senate to proceed with a full Senate investigation as is provided for by the resolution I and others will introduce shortly.

I am confident that the Senate will adopt such a resolution swiftly and that Senator WILLIAMS' lonely fight against overwhelming odds, over these 6 days, will have been the reason a full investigation will be undertaken, as I am confident it will be undertaken.

Thus, after disposition of the Williams matter, there will remain before the Senate another task. That matter is the question of executive branch misconduct in connection with the Abscam operation.

In my statement Tuesday and my statement last week, I detailed events which demonstrate that Abscam was an undercover operation totally out of control of the Department of Justice. I do not think our constitutional democracy can tolerate an out-of-control undercover operation.

I say that not only because of the separation of powers concerns which many of us share but because of the impact of lawless Government action on the average citizen against whom it might be directed.

At the same time, it is important to stress that undercover operations are necessary for effective law enforcement. Undercover operations can be, and normally are, carried out successfully with due regard for the rights of the innocent as well as for the guilty. And there is nothing about an undercover operation that necessarily leads to the use of wrongful means to achieve desirable ends.

The resolution we are proposing is not an attack on undercover operations.

The resolution we are proposing is not an attack on the Department of Justice.

The resolution we are proposing is not an attack upon the FBI.

As I said Tuesday, the Department of Justice and the FBI perform a crucial and generally praiseworthy role in our Government and in the lives of our people. But no institution is perfect, and no institution avoids error.

The resolution we are proposing provides for a Senate investigation of what went wrong in Abscam and how it went wrong.

If there were ever any doubts that Abscam went wrong and how badly it went wrong, they were removed by yesterday's revelation by the Senator from Arkansas (Mr. PRYOR) that the attempt to bribe our colleague Senator LARRY PRESSLER was done on the spur of the moment with the express approval of the Director of the Federal Bureau of Investigation, William H. Webster, and that it was done without the slightest evidence of—of apparent concern about whether there was any evidence of—prior conduct by Senator PRESSLER that would even suggest a predisposition on his part to engage in criminal activity.

As the Senator from Hawaii (Mr. INOUYE) said about the matter: "Shame, shame, shame."

This shocking disclosure alone fully justifies the investigation we are calling for.

But, as all Senators know, there is much more—much, much more—to justify this probe.

My questions about the Government's performance include:

The extent to which the Justice Department itself was being deluded—not by any means in the Williams case only—by Mel Weinberg, the con man who was masterminding the entire undercover operations, and the extent to which adverse statements by others about Senator WILLIAMS and other Government targets may have been manufactured by Weinberg and relied on by the Government.

The extent to which the U.S. Government was itself compromised by Weinberg.

The extent to which there were gaps in tape transcriptions, what might be found when the gaps are filled in, if possible, and what can be learned of untaped and undocumented conversations.

The extent to which allegations of misconduct were and were not fully investigated by the Justice Department.

The extent to which there was a failure of supervision over Weinberg with respect to his taping activities and his other activities.

The extent to which Weinberg was led to believe that any of his compensation depended upon convictions.

The extent to which there was any effort to cover up improper or illegal Government activities in connection with Abscam.

The extent to which other Senators and Members of Congress were targets of Abscam and, if so, the circumstances and the criteria under which the decisions that they be targeted were made and on whose recommendations and with whose approval, including instances where no reasonable basis existed for suspecting prior improper activity by the target of such activities or predisposition on the part of the target.

The extent to which the full scope of executive branch misconduct—from chief Abscam perpetrator Mel Weinberg, the field FBI agents and their supervisor in the field, through the field office supervisor, to the Justice Department's strike force and the responsible officials at Justice Department headquarters—may have compromised the investigation and prosecution of Senator **Williams** and other Abscam defendants.

The extent to which executive branch misconduct that is found to have occurred was approved by or known to the top officials of the Justice Department and the FBI.

As I stressed Tuesday, when the pervasive nature of the misconduct of the executive branch throughout this process is cited, that is not a partisan concern. The Justice Department's actions in connection with the undercover operation and indictment all occurred under a prior administration, as did any failure to investigate adequately the initial allegations of impropriety in the operation. The actions with regard to the trials themselves occurred only very early on in the present administration. More recent actions are the responsibility of the present leadership of the Justice Department.

In addition, to concerns that any of us would have about Government misconduct directed against any citizen, there are special reasons for concern when those actions are directed by the executive branch against another, coequal branch of Government. The preamble that our resolution carries spells out the concerns that Senator **Stevens** and I, and Senator **Inouye**, and Senator **Garn** who have joined us as original cosponsors, I have about this aspect, as follows:

Whereas the investigation and report of the Select Committee on Ethics of the Senate in the matter of **Harrison A. Williams**, Jr. have revealed substantial allegations of improprieties in connection with activities by the Executive Branch of Government that were allegedly designed to create improper conduct on the part of Members of Congress of the United States, including instances where no reasonable basis existed for suspecting prior improper activity by the target of such activities or predisposition on the part of such target;

Whereas prosecutions arising out of the so-called Abscam undercover operation by the Department of Justice have also revealed allegations of such substantial improprieties;

Whereas serious allegations have also been made in recent years about improper use of Executive Branch investigative and tax resources to develop information relating to Members of Congress and that could be used in attempts to compromise them;

Whereas the Constitution of the United States establishes the Congress of the United States as a branch of Government coequal with the Executive Branch, and the doctrines of separation of powers and checks and balances that inhere in this Constitutional structure are fundamental to the foundation of the Government of the United States under the Constitution;

Whereas Executive Branch action in connection with investigation and prosecution of Members of Congress may be carried on in such a way as to compromise or impair the Constitutionally-established independence and integrity of Congress itself;

Whereas, if substantiated, the allegations of improprieties in connection with Executive Branch action arising out of the Abscam undercover operation and other Executive Branch activities to develop information which might be used in attempts to compromise Members of Congress may disclose a substantial danger to the maintenance of the separation of powers and checks and balances inherent in the Constitution of the United States;

Whereas unchecked abuse of Executive Branch investigative and prosecutorial power with respect to another Branch of the Government may permit an escalation of such abuses that could lead to despotic action by the Executive Branch in derogation of the Constitution of the United States; and

Whereas a thorough and independent investigation by the Senate of the United States is necessary to determine the facts with respect to the exercise of such Executive Branch power, to determine whether a danger to the independence and integrity of another Branch of the Government exists or has existed as a result of such exercise, and whether, and if so what, protections should be established against such Executive Branch abuse of power.

Whereas unchecked abuse of Executive Branch investigative and prosecutorial power with respect to another Branch of the Government may permit an escalation of such abuses that could lead to despotic action by the Executive Branch in derogation of the Constitution of the United States; and

Whereas a thorough and independent investigation by the Senate of the United States is necessary to determine the facts with respect to the exercise of such Executive Branch power, to determine whether a danger to the independence and integrity of another Branch of the Government exists or has existed as a result of such exercise, and whether, and if so what, protections should be established against such Executive Branch abuse of power.

Specifically, our resolution provides for a Senate committee investigation of the executive branch of the Government with respect to activities conducted by it in connection with the Abscam undercover operation and with any other operation or activities allegedly designed to create improper conduct or corrupt practices on the part of members of another branch of Government or to develop information that might be used in attempts to compromise those members, with a view to determining whether abuses of executive power have occurred that threaten the independence and integrity of another branch of the Government under the Constitution.

The resolution directs that a final report be submitted to the Senate not later than July 1, 1983.

Mr. President, let me note that the crucial point here is to have a thorough and impartial Senate investigation of what really happened in connection with Abscam and related executive branch activities. My view that there clearly were serious errors and serious wrongdoing need not be accepted by the Senate in order for it to adopt the resolution calling for this investigation.

The resolution we propose points to the allegations of seriously improper activities, and I think it is undeniable that these allegations are extensive, credible, and very substantial. Some could prove to be unfounded, however.

We owe it to the Senate as an institution, we owe it to the reputation of the Department of Justice and the FBI, we owe it to the constitutional doctrine of separation of powers and checks and balances, and finally, we owe it to the American people to find the truth and to bring it out.

We need to get the facts and to take action to avoid any repetition of the abuses of executive branch power that occurred in Abscam.

We owe it to the maintenance of our rights and freedoms under the Constitution to uncover the extent to which they have been and are in jeopardy.

We need to resolve the allegations and remove the cloud of doubt and uncertainty.

A thorough, impartial investigation is, I am convinced, the best way, the fairest way, to do that—for all parties concerned.

I urge prompt and favorable action on our resolution.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. No. We have agreed that in order to expedite matters, we are not going to yield at this time. The floor goes back to Senator INOUYE.

The VICE PRESIDENT. The Senator from Hawaii.

Mr. INOUYE. Mr. President, may I assure my friend from New Jersey that Abscam will be investigated, and to that end I pledge myself.

Dear friend, I bid you farewell and God speed, and to you and Jeanette, God bless you.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I will take just a few moments to explain the reason I have joined the distinguished minority whip in sponsoring the resolution. It calls for investigation into the allegation of impropriety so far as the executive branch is concerned in the Abscam matters.

As a former U.S. attorney, I was familiar with what I thought were the controls on the use of informers and informants and the use of sting-type operations. As we went through the Williams documents and, parenthetically, I do think that the Williams documents brought these to the forefront, it became apparent that the controls had gone awry.

Senator PRESSLER asked me if I would look at the file the FBI had given to him on the Abscam operation. This was some time ago.

I might say that I urged him not to address the Senate in connection with the pending resolution matter, because I have separated the resolution before us from the future investigation of the executive branch on such operations. I emphasize it is not just the FBI. As far as I am concerned, the whole mechanism of the Department of Justice including the U.S. attorney, is involved.

However, I asked Senator PRESSLER not to address the Senate in connection with the pending matter so that we might save the examination of the Pressler matter to highlight the problem highlighted in our resolution to be considered at a later time.

Since the issue was raised last night, I again want to point out that those of us who looked through the records the FBI delivered, discovered a total absence of any control or monitoring mechanisms to determine whether there was reason to believe that a crime would be committed.

Mr. President, one does not send an undercover agent into a coffee after church to see whether he can sell heroin. This instance demonstrates, above everything else, the necessity for control mechanisms on the use of the very unfortunate type of people we have to use in connection with criminal investigations.

I became convinced, and I joined the distinguished Senator from California on that basis, that something had to be done, not just for the Senate and the Congress; I think it will be misconceived if the public thinks that, having had the unfortunate task of listening to this evidence about Senator WILLIAMS, we have decided we want to investigate the Justice Department.

The whole reason is that the control mechanisms are there for everyone. If they fail in connection with a Member of the Senate, who has the power of his office, the protection of his colleagues, and the advantage of being in a separate branch of Government from the executive branch, then what is happening to the individual citizen?

My motivation came from these concerns. I think the Senate ought to keep that in mind. It is not just for the purpose of protecting the Members of the legislative body. It is for the purpose of protecting all citizens.

Having been the first person to comment on the floor of the Senate about my good friend, PETE WILLIAMS—I remember the day I received word of the Abscam operation; it was here in the well, when our present majority leader was not present--having been close to him and to Jeanette, I can only state my sorrow at what is going to happen now. But I do think that the Senate and Senator WILLIAMS have lived up to the traditions of the Senate and that we are witnessing history today.

Mr. INOUYE. Mr. President, I yield to the Senator from Utah.

Mr. HATCH. I thank my friend and colleague from Hawaii.

Mr. President, I have served with PETE WILLIAMS only 5 years but rather intimately. I think that nobody feels more deeply about this issue than I do. At the outset, I commend both Senators WALLOP and HEFLIN for their capable and fair handling of this matter, this long ordeal that many of the rest of us did not have to go through from their perspective. This has been a wrenching experience.

I compliment Senator INOUYE for the tremendous dignity he has brought to this body's consideration of this matter.

I have, of course, personal feelings for Senator WILLIAMS and his wife, Jeanette.

As we all know, there have been two major parts to this issue.

As to whether Senator WILLIAMS has violated the rules of ethics of the Senate to such an extent as to justify expulsion, the only thing I want to say is that I associate myself with the remarks of the distinguished Senator from Missouri (Mr. EAGLETON). That is the way I feel after considering carefully all the evidence. In my mind, the evidence indicates that Senator WILLIAMS has not met the standards of ethical conduct and that he should be expelled.

The second question is perhaps equally important, and maybe more important, when you consider the needs of a great society like ours—that is, with regard to the criminal case, was the Government conduct so outrageous as to constitute a violation of the due process requirement of this country's Constitution. This is a legal question entirely separate from the ethical question I just discussed.

I have read every aspect of this matter. I have looked at it as carefully as I can. My answer to the first question is "Yes, he should be expelled;" my answer to the second question is "Yes, due process rights have been abridged."

As you know, I have a strong feeling about, and I give strong support to, the Justice Department, the FBI. I think Director Webster is one of the great men of this country. However, there is no question in my mind that what they did in this matter and the way they did it should never happen again to any other citizen in this country.

Whenever, as enunciated in the Sorrells case, the Government participates in "creative activity" or "repeated and persistent solicitations"—and there was a lot of "creative activity" in this case, not to mention "repeated and persistent solicitations" of an illegal nature—especially where there was no initial predisposition to commit crime and, throughout most of the activities, no predisposition to commit crime at all was demonstrated by this evidence but a constant leading by Government agents—then the prospect of a violation of the due process clause arises.

Much as all of us are grieved today, as important as Senator WILLIAMS is as a friend, as a human being, in the Second Circuit Court of Appeals he represents every person in America. This is a landmark case. Senator WILLIAMS can help assure due process for every American by taking his case to the Second Circuit Court of Appeals. I, for one, hope that great circuit, which has long been known as the greatest circuit in this country, will carefully weigh these facts and not let emotions or publicity or editorials or anything else interfere or inhibit its reading of those facts as they affect due process rights.

I think, and I certainly hope, that they reverse the case on that basis, because the due process implications of this case are more important than Senator WILLIAMS, you, or I, or anybody else in this room today.

This concept is vital to our individual freedoms and rights.

Mr. President, for the last several days, we have attended to the weighty duty of judging one of our colleagues. For me personally, this responsibility has been arduous. On the one hand, I recognize that Senator Harrison A. Williams, Jr. has involved himself in activities that, judged by the loftier standard of ethical conduct required of those who represent the people of the United States in this body, warrant discipline designed to preserve the integrity of the Senate. On the other hand, I am appalled at the outrageous tactics employed by the FBI in pursuit of a conviction at all costs even if those costs were counted in terms of constitutional rights deprived and pressure exerted on the doctrine of the separation of powers.

Throughout this debate, therefore, I have listened in the hope that we could assure the American people that the Senate requires the conduct of its Members to remain beyond reproach and, at the same time, we could send a clear message to Federal law enforcement officials and Federal courts that the Senate requires their conduct to remain clearly within bounds of constitutional propriety. To honor these two important principles, I feel the obligation to vote to expel Senator Williams. Regardless of my decision to expel on the question of ethical conduct, however, I feel compelled to arise today in defense of the inviolable principles of due process enshrined in the language of the fifth amendment to our Constitution. The law enforcement officials who handled this matter have given little regard to the guarantees of this amendment and the courts who sanctioned that conduct have failed to prove worthy of the trust placed in them to act as the guarantors of individual rights. Therefore, I feel compelled as chairman of the Subcommittee on the Constitution to call the Senate's attention to the question of whether the demands of due process were met by the officials who led the Abscam investigation. A jury has convicted Senator Williams, but that verdict is suspect and likely to be overturned on appeal if the tests for due process have not been satisfied.

We understand well the principle that certain positions of trust require a higher and unblemished standard of conduct. Indeed that concept is the basis for the resolution under consideration today. In essence, the Constitution imposes the same lofty standard upon those who enforce and uphold the law. Law enforcement officials may not stoop to the level of the criminal in order to apprehend criminals. The revered Justice Louis Brandeis gave us an excellent summary of the consequences of lawless law enforcement in his writings:

> In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious.
>
> If the Government becomes a lawbreaker, it breeds contempt for law; it invites anarchy. To declare that in the administration of criminal law the end justifies the means—to declare that the government may commit crimes in order to secure the conviction of a private citizen—would bring terrible retribution.
>
> Against this pernicious doctrine this court should resolutely set its face. *Olmstead* v. *U.S.* 277 U.S. 438 (1928).

I would only amend his statement by adding that this body, the Senate, must also resolutely set its face against Government misconduct in the pursuit of lawbreakers.

The wise framers of our constitutional rights understood this principle. They authored language recognizing that law enforcement activities can become themselves illegal if they pose a jeopardy to our cherished national values of liberty.

The First Congress added the Bill of Rights to our foundational document. Those rights clarify that law enforcement is illegal if it compels an individual to "be a witness against himself"—fifth amendment—or if it involves an "unreasonable search or seizure"—fourth amendment. The Bill of Rights further grants every "person" within its purview full protection against any Government conduct, including overzealous law enforcement techniques, that deprives "life, liberty or property without due process of law"—fifth amendment.

Due process is, in short, a term with a rich constitutional and historical background. It clearly includes fair trials, fair hearings, and the like. In addition, fundamental fairness extends to the conduct of a criminal investigation. Due process "inescapably imposes an exercise of judgment upon the whole course of the proceedings—resulting in a conviction—in order to ascertain whether they offend those canons of decency and fairness which express the notions of justice of English-speaking peoples even toward those charged with the most heinous offenses." *Malinski* v. *New York*, 324 U.S. 401, at 416-417.

The historical meaning to be attributed to the general words "due process of law" is best derived from the Highest Court of this land which has been entrusted with the duty of weighing these legal distinctions to protect the individual rights guaranteed by the Constitution. The four Supreme Court cases with a direct bearing on the case of Senator Harrison A. Williams, Jr., are *Sorrells* v. *United States*, 287 U.S. 435 (1932), *Sherman* v. *United States*, 356 U.S. 369 (1958), *United States* v. *Russell*, 411 U.S. 423 (1973), and *Hampton* v. *United States*, 425 U.S. 484 (1976). These decisions are controlling in this case. As the Court said in the *Russell* case (411 U.S. at 433):

> We decline to overrule these cases. Sorrells is a precedent of long standing that has already been once examined in Sherman and implicitly there reaffirmed.

In other words, these cases are interlocked and represent related statements on the reach of due process when overreaching Government conduct appears to have created or imposed upon the defendant a willingness, not otherwise evident, to commit a crime. This principle is most succinctly summarized by the Court in Sorrells:

> A different question is presented when the criminal design originates with the officials of the Government, and they implant in the mind of an innocent person the disposition to commit the alleged offense and induce its commission in order that they may prosecute.

The continued validity of this legal test is further evinced by its verbatim reiteration in two subsequent Supreme Court holdings, *Sherman*, 356 U.S. at 372 and *Russell*, 411 U.S. 434. Thus, these thrice repeated words capture the essence of the law applicable to every citizen in the courts of the United States.

Mr. President, this judicial standard empowers courts to reject as unconstitutional those investigative procedures that so intolerably intrude upon the conduct of an individual as to exert undue pressure to commit crimes that would otherwise never occur. The proper role of Government enforcement agents is to detect existing or potential criminality, not to foster crime for the purpose of obtaining a conviction. This view is restated as a test of impermissible conduct in other language of the court, condemning Government techniques by which, "The criminal design originates with the officials of the Government and they implant in the mind of an innocent person the disposition to commit the alleged offense and induce its commission in order that they may prosecute." *Sorrells* v. *United States*, 287 U.S. 435, at 442 (1932).

Since Sorrells most clearly captures the controlling law under consideration today, it merits more discussion. In the Sorrells case the defendant was asked three times by a prohibition agent, who posed as a tourist, if he could get some liquor for the "tourist." The defendant refused twice but acceded on the third attempt. He was paid $5 by the agent and later arrested for violating the National Prohibition Act and subsequently convicted of the offense. The Supreme Court reversed the conviction and applied its own legal test as follows:

> It is clear that the evidence was sufficient to warrant a finding that the act for which the defendant was prosecuted was instigated by the prohibition agent, that it was the creature of his purpose, that defendant had no previous disposition to commit it but was an industrious, law abiding citizen, and that the agent lured defendant, otherwise innocent, to its commission by repeated and persistent solicitations. Id. at 441.

Chief Justice Hughes, writing for the majority, stated further that "the predisposition and criminal design of the defendant are relevant" (287 U.S. at 448). However "the controlling question," he maintained, is "whether the defendant is a person otherwise innocent whom the Government is seeking to punish for an alleged offense which is the product of the creative activity of its own officials." Note those words: "creative activity of its own officials" (287 U.S. at 251).

It is already perhaps becoming evident that the jury verdict in the Williams case is not likely to survive a closer scrutiny under the constitutional tests enunciated by the Supreme Court in Sorrells. "Creative activity" and "repeated and persistent solicitations," both forbidden by the Supreme Court, seem to describe precisely the activities of the FBI in the Abscam affair. Moreover, no evidence has been presented to show that Senator WILLIAMS had any predisposition in advance of those creative activities to participate in any form of wrongdoing. I raise these points because this may call into question the sufficiency of due process rulings in this case. The verdict against Senator WILLIAMS may not be able to withstand due process challenges.

With this as our introduction, I propose that we examine some of the other cases relevant to the reliability of the jury verdict in the Williams case, that we compare that case law with the facts before this body, and finally, that we draw an independent conclusion about the evidentiary weight to be afforded that verdict.

In the case of *Sherman* v. *United States,* 356 U.S. 369, (1958), the Supreme Court overruled the defendant's conviction for selling narcotics. From the undisputed testimony of the Government's witness, it appeared that a Government informant had met the defendant at the doctor's office where both were being treated to cure narcotic addictions. The Government informant requested the defendant to obtain illicit drugs which they could share. The defendant was reluctant to do so, but the informant persisted. At length the defendant made several small purchases of narcotics and gave the informant half of the purchased amount. He was immediately apprehended and charged with several grave drug offenses. The Court clarified that the Government could not escape responsibility for its informant's actions even though he was not receiving compensation for his information. The celebrated Judge Learned Hand issued the first major opinion in the Sherman case. *United States* v. *Sherman,* 200 F. 2d 880 (2d Cir. 1952). His ruling, since cited with approval several times by the second circuit (see *U.S.* v. *Viviano,* 437 F. 2d 295, 298 (1971); *U.S.* v. *Anglada,* 542 F. 2d 296, 298 (1975); *U.S.* v. *Swiderski,* 539 F. 2d 854, 857 (1976)), established in clear terms the primary element to be considered in judging this type of case:

> Was the accused ready and willing without persuasion and was he awaiting any propitious opportunity to commit the offense. 200 F. 2d at 882.

The words "without persuasion" deserve special attention.

Thus, the Sorrells and Sherman cases present two basic criteria for evaluating the facts before us. In the first place, the demands of due process as enunciated in these cases require some showing of predisposition on the part of the defendant prior to the Government involvement that justifies its later actions to ensnare the individual in the process of crime that would have been committed anyway in the absence of the Government participation. The second test suggested by these pivotal cases is best articulated by the Sherman case:

> No matter what the defendant's past record and present inclinations to criminality, of the depths to which he has sunk in the estimation of society, certain police conduct to ensnare him into further crime is not to be tolerated by an advanced society. 356 U.S. at 382-2.

This clarifies that at some point the police conduct so clearly overreaches the bounds of propriety that it disqualifies any attempts to acquire a conviction, regardless of evidence of predisposition.

In other words, Government behavior itself, independent of the defendant's predisposition, must accord with our longstanding regard for principles of law and justice.

This brings us to the Russell case. In that case, an undercover narcotics agent offered the defendant an essential ingredient in the manufacture of methamphetamine—speed. The ingredient was difficult to obtain but was legally available. The agent observed the manufacture process and contributed the essential ingredient in return for a share of the illicit drug. The defendant was subsequently arrested and convicted. The Supreme Court affirmed the conviction only because "law enforcement conduct * * * stopped far short of violating that 'fundamental fairness, shocking to the universal sense of justice mandated by the due process clause of the fifth amendment'." Id. at 432, quoting *Kinsella* v. *United States ex rel. Singleton,* 361 U.S. 234, at 246 (1960). Justice Rehnquist explained that the agent's actions neither entitled the defendant to the entrapment defense nor deprived him of due process because he was clearly predisposed to commit crimes. The defendant was engaged in the illegal drug manufacture both before and after the agent's involvement. Although the supplied ingredient was scarce, it could have been obtained legally elsewhere, and subsequently was.

Although the facts of the Russell case did not present a violation of due process, the Supreme Court made it very clear that the Constitution requires the dismissal of any case where "the conduct of law enforcement agents is so outrageous that due process principles would absolutely bar the Government from invoking judicial processes to obtain a conviction * * *" *United States* v. *Russell,* 411 U.S. 423 at 432.

In summary, the pivotal Supreme Court cases in this field of constitutional law suggest two basic tenets for validity of a conviction. The first focuses on the intent of the defendant; that is, was he disposed to commit a crime in the absence of the Government enterprise. The second focuses upon the Government conduct itself; that is, was the Government conduct so "outrageous" as to warrant rejection of any action against the defendant. This test examines such factors as the "creativity" of the Government enterprise and "repeated and persistent solicitations."

Drawing upon this legal outline provided by these court decisions, I propose that we now consider the facts of this case in more detail to determine the likelihood that the jury verdict in the Williams case may run afoul of higher principles of law. While Senator WILLIAMS may be expelled for violations of the Senate's ethical code, the Senate's expulsion must not be construed as indicating the slightest degree of tolerance for due process violations.

The facts in this case relative to predisposition to commit a crime in the absence of Government inducement overwhelmingly rebut the notion that Senator WILLIAMS fit into the Russell situation where the defendant was engaged in crime before and after the Government's meager participation. Instead all available evidence points to the conclusion that the Senator contemplated no wrongdoing in advance of the government's entry into this case, but was trapped like Othello in a web worthy of Iago.

The undertaking of an investigaiton of Senator WILLIAMS and his friends was based on the offhand remark by Errichetti that Alex Feinberg was Senator WILLIAMS' "bagman." (Trial transcript, hereinafter "T," 1230.) The truth of this assertion was never questioned. FBI files contained no evidence to support it. Indeed, we have heard no conclusive evidence in these Senate Chambers, nor was any conclusive evidence presented at trial, to indicate that Senator WILLIAMS was, to use Learned Hand's words, "ready and willing without persuasion" to engage in a scheme of corruption. Undertaking an elaborate undercover plot on the flimsy intuition of law enforcement officers that they might be able to find such corruption if they looked long and hard enough is precisely the kind of police activity deemed improper by Judge Friendly in *United States v. Archer*, 486 F. 2d 670, 675 (2d Cir. 1973).

HARRISON A. WILLIAMS, JR., had been a U.S. Senator from New Jersey for 20 years when his name was mentioned by Errichetti. His record was not questioned. The prosecution officer in the trial, who was one of the supervisors of the investigation, admitted that they "had no reason to question the integrity of Senator HARRISON WILLIAMS," (due process hearings, hereinafter "DP" 413) and FBI Special Agent Good acquiesced in the statement that, in the Williams matter, they "were starting with a clean slate." DP 784. The court itself has stated that it presumes that there was no basis in the Senator's past history for the investigation. DP 418. Despite the total absence of any reason to suspect Senator WILLIAMS, the FBI authorized Weinberg to pursue a lengthy investigation, and to expand it into illegal activities.

This already casts considerable doubt on the character of this investigation. Indeed the investigation seemed more intent upon securing a conviction against a Senator than upon avoiding any prospect of tainting the reputation of an innocent man. Perhaps the promise by Weinberg, the chief FBI conman, to secure "four cases" (T 1227) in exchange for probation from an earlier conviction does more to explain the motivations for this enterprise than does any nonexistent suggestion that Senator WILLIAMS was predisposed to commit crime.

Errichetti's offhand remark occurred in the midst of a transaction between Weinberg and Errichetti in an attempt to get the mythical sheik to invest in gambling properties. Later when Senator WILLIAMS was visiting with Mayor Errichetti, the mayor mentioned that he was aware of a group of individuals with plenty of investment capital. The Senator expressed interest in securing funding for a perfectly legitimate business.

When the Government learned of the possible business deal and that Senator WILLIAMS might have some interest in the affair, they requested a meeting the following day. We must understand that at this point the Senator was only referring to his friends a prospect for a legitimate investment arrangement. The Government, however, quickly discarded the legitimate business deal and began laying the groundwork to convert it into a criminal plan. The Government's first undertaking in the meeting with Errichetti and Feinberg, to whom Senator WILLIAMS had relayed the message about possible funding, was to learn if the Senator had an interest in the venture. (Senate Committee Print, Pt. 6, p. 2.)

Rather than pursuing the true nature of this interest, which could have been perfectly legitimate, the Government lured Senator WILLIAMS to come to Florida on March 23, 1979, and meet the sheik, where it could continue to weave this vague interest in a worthless mine into its own criminal plan. Errichetti, obviously at the suggestion of Weinberg, told Feinberg that the sheik—the source of the money—would be on his yacht in Delray Beach, Fla., in the near future, and was going to give a party in Errichetti's honor. Errichetti thought it would be a very nice thing if Feinberg and Senator WILLIAMS would attend and meet the person who could provide the much wanted financing. T 3577.

WILLIAMS did not ask to go to Florida. The trip was instigated by Government initiative. Moreover, as far as WILLIAMS knew at this point, the mining venture was perfectly legitimate—it bore no relation to the Government. He also knew that financing to get it operational was badly needed. While he may have been unwise and unwary in accepting the invitation, he did nothing wrong in seeking further information for his friends.

It was at this point that the first suggestions arose that Senator WILLIAMS would be involved in obtaining financing. That suggestion, however, came from the Government, not from the Senator or even from his friends.

MW. You're not gonna be connected no way with it, right?

AF. Not up—not—no—

HW. Well, only because they're my—so close to Alex, and, and Sandy.

MW. Alright, is there any way that uh, between us, that they can use the Senator's name, uh he endorses it?

AF. You mean on the, the Piney River thing?

MW. Yeah, I'm not talking about endorsing Pine—you know, just that.

HW. Sure.

MW. Use his name.

HW. Sure.

MW. Huh?

HW. Yeah.

AF. Yeah, You can say that he has invest—he has faith—

HW. Yeah, I went down there a couple of times.

AF [continuing]. That he has faith in—

(Senate, Committee Print, Pt. 6, p. 20.)

The Senator's involvement was, from the outset, clearly the Government's idea, not the Senator's. Moreover the Senator's assertion that he has faith in the enterprise suggests no impropriety.

A few days later, April 3, 1979, the Government drastically escalated the stakes in this venture. Weinberg spoke in terms of $70 or $80 million. Still the Senator had said nothing more than that he had faith in the venture. Neither the Senator nor his friends had even mentioned Government contracts in the first 3 months of communications between the Government and businessmen.

The first fatal recommendation that Government contracts should play a role in the negotiations came, of course, from the Government. In other words, as this pattern is developing, every step along the path to criminal activity originates with the Government. This conversation occurred on April 23, 1979:

MW. Alright, now what about uh, let me ask you a question. There's a lot of government contracts that, ya know, on the chemicals.

SW. Right.

MW. Now, can Williams get us the bids on them?

SW. Well, I don't know about that. The main thing is with this Cyanamid thing. . .

MW. Yeah.

SW. They've got customers they've had for twenty, thirty and forty years.

MW. Right.

SW. And if established business and, of course, big big people that buy are paint manufacturers.

MW. Right.

SW. And if we wanna increase our business, we'll have to, we'll have to go into like Sherman-Williams and people like that and try to get their business away from somebody else.

(Senate Committee Print, Pt. 6, p. 375.)

The Government approach is none too subtle. The Government wants to link the deal to Government contracts. As this passage indicates, Sandy Williams forthrightly changed the conversation to the subject of legitimate business competition. Once again, we must query, why did not this response put an end to the investigation? What was the Government intent upon proving? They seemed to have every indication over a period of several months that no wrongdoing was contemplated by Senator WILLIAMS or his friends. Dissatisfied with Sandy Williams response, Weinberg telephoned Feinberg with the same suggestion. And again a day later he raises the subject still again with Feinberg. In fact, twice in the same day the subject is pursued with Feinberg. Finally, Feinberg agrees to check on the chances of getting involved with Government contracts.

Still it was solely the Government's idea to shift the purpose of this funding venture away from a private contract into the Government contracts arena. Moreover the suggestions have to be repeated time and again before they are reluctantly accepted. Neither Feinberg or Sandy Williams had ever anticipated that Government contracts would play any role in their business.

Later in that same conversation, Feinberg mentions that the Senator plans not to put any stock into his own name and disclose the interest. Weinberg's reply is informative:

MW. That's in the mine though. But on the other thing there he, in fact you say we may put the 20 percent in his name even. I don't think he can though.

TD. Well, if he puts . . .

AF. I don't know, we haven't decided yet. We're gonna both examine the law involving his side investments which he . . .

MW. I don't think he can.

AF. He can put it in his wife's name or someone else.

MW. They could chase that too fast.

TD. Yeah.

MW. Come on, your're an attorney, you know that.

AF. I know that.

TD. Any, anything that he puts . . .

AF. I'm not sure that he's forbidden (IA).

MW. Sure he is if he's going to get us open doors. Come on, you know that's a conflict of interest. He'll be sitting with Nixon out in Clements there.

AF. (Laughs)

(Sen. Comm. Print, Pt. 6, p. 55.)

Weinberg, facing the spectre of losing his case if the Senator discloses his interests, intimates that the Senator cannot put the interest in his own name.

Later on the same day, Senator WILLIAMS, Sandy Williams, and George Katz joined Feinberg, Weinberg and DeVito in the Hotel Pierre dining room. This is the first time that Senator WILLIAMS appears in the picture since the meeting on the yacht in Florida on March 23. Senator WILLIAMS confirmed Feinberg's earlier observations about his proposed course of action.

HW. I've got a—my situation in this. I've got to uh I'm under a law that make me disclose an interest when I have an interest. But up until now there's been no defined interest. In what? An idea basically. Because there's no corporate stock.

AF. But when and if you do——

(Sen. Comm. Print, Pt. 6, p. 57)

Remember that the Senator knows nothing of any talk about Government contracts. He is treating this as a private business deal and disclosing it in accordance with proper procedures. Where, I ask you, is the predisposition to commit crime? The investigation has been underway for months and the only suggestions of wrongdoing have come from the Government.

That evening, the Government takes the next step in its scheme. Weinberg increased the pressure on the Senator to get involved by encouraging the issuance of stock in a new corporation in which the Senator would have a hidden interest.

MW. You got to give me a name to put the Senator's shares in.

AF. I'll take care of that.

MW. Yeah, but you gotta get it to me, what name we're gonna put it in because I gotta put it in in front of the board.

AF. I understand that before you go back. I'll have it all worked out.

MW. Alright. So you gotta think of a name. Cause you can't put it in his name. Forget it.

(Sen. Comm. Print, Pt. 6, pp. 59-60.)

Note once again that this is all Weinberg's scheme, not the Senator's or even Feinberg's. Left to their own devices, we can only assume that the Senator and his friends would have pursued the legitimate business deal they had in mind. Without regard for their own intent, however, Weinberg forged ahead with his plot to involve Senator WILLIAMS. This much evidence would already discredit the jury finding in the WILLIAMS case due to a lack of predisposition to engage in illicit activities, but there is more to follow.

At this point, Weinberg resorted to one of his most prevalent tactics: exploitation of the Senator's friendships to pressure him into Weinberg's chosen course. On June 7, 1979, Weinberg secures an agreement from Feinberg to apply pressure on the Senator to make a commitment to help get Government contracts. The following day, Weinberg urges Errichetti to "straighten out" Senator WILLIAMS. (Sen. Comm. Print, pp. 406, 408.) On the same day, George Katz is also employed to work a commitment out of the Senator. In the process of this conversation, Weinberg reveals his real reasons for the WILLIAMS investigation:

GK: He's not a guy, he's not a doer, you know, quietly behind the scenes, you know, he, uh, may move a little bit, uh (IA) got a lot of confidence in him and Sandy gots lots and lots of confidence, but let me tell you this here between you and me, he's in a very, very powerful position here, the committees that he heads, you understand?

MW: Yeah.

GW: But he doesn't use that power for any advantages.

MW: Oh, how can we make him use it?

Feinberg, Ex. E, June 10, 1979, p. —; emphasis supplied. (Not reproduced in Sen. Com. Print.)

Weinberg wants to make the Senator abuse his office whether the Senator has a preformed intent to engage in corruption or not.

Following this conversation, Weinberg has several other discussions with the Senator's friends. These talks all have the same theme: The friends must convince the Senator to follow the Government's illicit plan. Pause a moment and consider this scenario to date. The protracted efforts required to get the Senator into a compromising position suggest the difficulty of enticing the Senator into wrongdoing. If he were inclined to commit the crime in advance of the Government involvement, the Government undercover workers would have undoubtedly needed to do nothing more than hint about opportunities to secure profits. This was not the case. The evidence tends to confirm that the Senator was not a predisposed criminal.

The next step was the suggestion by Tony Amoroso, appearing as Tony DeVito, that the Senator should meet personally with the sheik. (Senate Committee Print, Pt. 6 pp. 73-75). In advance of that coaching incident, however, it is important to remember that Weinberg held a meeting with Errichetti, Katz, and Feinberg to be sure that the Senator's friends would exert the proper kind of pressure on Senator WILLIAMS. Each step of this plan was carried out carefully by the Government agents who are supposed to apprehend criminals, not create them.

This brings us to the June 28, 1979, audio tape. On this tape, we hear 31 propositions instructing Senator WILLIAMS to blow his own horn and tell how influential he is. Twenty-eight of these propositions are made by Mel Weinberg and 7 by Angelo Errichetti. For example:

MW. How high are you in the Senate. He's interested in your.

AE. Wants your background.

HW. Um hum.

MW: He's interested in you, how high are you in the Senate, you're fifth in position.

HW. Um hum.

AE. Chairman of Whatever.

MW. Who you know in the Senate can do you favors.

HW. Um hum.

MW. Uh, how important you are.

MW. Without, without you there is no deal. You are the deal. You put this together. You worked on this and you can get, you got the government contracts. Without me there is no government contracts. You know the names to mention. (IA) tell him (IA) He aint' gonna say a word to you. His secretary, ah his secretary, his interpreter is gonna be there to introduce us.

MW. But you gotta stress upon how important you are. You're positioned in the Senate.

AE. Utilizing, utilizing—

MW. The influence—

AE. as going—

MW. influence that you have to use to get the contracts.

HW. Um hum.

MW. Alright? That you're the important man.

HW. Um hum.

MW: That's all he's interested in.

(Sen. Comm. Print, Pt. 6, p. 96.)

Apparently due to his fears that the Senator might not perform according to his plan, Weinberg essentially told the Senator exactly what he expected him to say to the sheik. Weinberg essentially tried to put damaging words in the Senator's mouth by convincing him that this was all insignificant "puff" talk and that the Senator must talk because the sheik is ashamed of his English:

MW: Now when it comes to your shares, you tell him you own 18%. You're puttin' 'em in Alex name. Alex is gonna endorse the back and give you a certificate back.

HW: Um hum.

AE: That's a true.

MW: When you're ready—when you leave the Senate, whatever time you leave, you put your name, you're the owner.

HW: Um hum.

MW: O.K.?

HW: O.K.

MW: And that's it, it goes no further, its all talk, all [e.d.]. That's all he wants to hear.

HW: Right.

MW: He's not gonna open his mouth. He speaks bad English and he's, he's ashamed of how he speaks believe it or not.

HW: But he understands.

MW: Oh, he understands perfectly. He has been primed and double primed. It's a walk-through. You should be out of there in twenty minutes.

HW: What does he know about the properties? Does he——

MW: Don't—not even mention it. He's not inter—he's not—let me tell you he's interested in you. We're getting the money because of you. (Sen. C.P. 6, p. 97.)

It is interesting to note that the Senator only introduces three topics in this entire discussion. Each of those are questions: "Is the metal the big thing?" "What's the deal with Yassir going to be, just loans?" Senator WILLIAMS is clearly the least informed party in all of these meetings. This lack of understanding is exploited by the Government agents as they coach him in appropriate responses without answering his questions.

Immediately after this coaching session and before its impact had subsided, the Senator is ushered into the meeting with the sheik. Senator WILLIAMS states in his trial that Weinberg had convinced him:

> That it might well be important for this man from the Middle East to exaggerate and make an impression of importance. T 4305.

The fact that Senator WILLIAMS was influenced by Weinberg's demands in the coaching session is most clearly illustrated by two passages:

> I went part way on this. And I looked at it this way. And from—a man from another land, meaning a person who has an office as I have, I would have imagined it would be impressive to him to know whom I—who I associate with.
>
> I went into the next meeting upstairs and did tell him some of the people I know, who I associate with in the government. Quite frankly, it's not bragging; it's just a fact of life. It might sound that way, that I was boasting of my associations. T 4314.

Even a cursory reading of the transcript of the Senator's meeting with the sheik reveals that he did indeed follow Weinberg's instructions to impress the sheik with his position. Even in this session, however, it is important to realize that the Government did not relinquish its leadership. Thirteen of the twenty-two topics discussed are introduced by DeVito: "Your strength," "Sheik is impressed," "You move things," "How to conceal it best," "No environmental problems," "How your share is distributed," and so forth. Five topics, nearly all of the "horn-blowing" variety are introduced by Errichetti. Only two topics are actually raised by the Senator. In both of these instances, the Senator tried to recap some of the history of their relationship.

In short, an analysis of this conversation suggests that the agendas of the Government agents were the aspects of the discussion to which most time was devoted.

A linguistic analysis of this conversation performed by Dr. Roger Shuy of Georgetown University traces extensively the development of this discussion, noting that DeVito raises Government contracts, seniority, and influence. Errichetti elaborates on the position theme. When DeVito tries, however, to insinuate that his influence might be used to manipulate, the Senator cuts it off with a terse "That's all I want to tell you now." In conclusion, Dr. Shuy states:

> From this tracing of suggestions of influence by DeVito and Errichetti, it is possible to see how otherwise admirable characteristics such as strength and position are first transformed into connections and influence (including government contracts) and later into manipulation and control (including a hint of covert behavior) by DeVito. Linguistically this is important, for conversation requires an agreement on the meanings of words. When they are redefined in this way, the discourse meaning is subject to question.

In short, the meeting with the sheik was carefully orchestrated, directed, and carried out by the Government and its agents. The conversation which is described as the "heart of the government's case" T. 5199, was clearly the product of coaching by the Government agents. Even at that, the results are somewhat ambiguous. Although the Senator does talk about his relationships with the President and the Vice President and so forth, he never unequivocally states that he will peddle his influence. In its court brief the Government relies heavily on the following exchange:

> TD: Well, then, there—in that respect, then, with you being in that position and the contracts, and, uh, the like would not be a problem.
>
> HW: No problem. No. In a situation where we can just sit around and describe, they'll see, it will come to pass. Sen. Comm. Print Pt. 6, pg. 112.

In the first place, DeVito's comment cannot be read to refer to Government contracts; he says only "contracts." Moreover the Senator appears to be talking in a different context. This could be because he heard DeVito to say "contacts." The "r" sound, according to Dr. Shuy, is among the hardest in the English language to distinguish. If the Senator heard "contacts" not "contracts," this could explain his unrelated discussion about the ease with which he can "bring to pass" conversations with top national leaders.

The other exchange upon which the Government relies heavily proceeds as follows:

> TD: And he feels that with you behind this thing, with the people you know, the ah government contracts, available you know, this whole—thing
>
> HW: Right through
>
> TD: — is that you can move all these things . . .

In the first place, we should note that it is disputable that the Senator said "right through" at all. The camera is not on the Senator or Errichetti at that point and both have deep voices. Even conceding that the Senator uttered those two words, however, the meaning is still ambiguous at best. Once again, he could have understood "government contracts" as Government "contacts." This would have been a natural progression from DeVito's reference to the "people you know." Even beyond that, we have to note that the Senator utters his two words before DeVito completes his sentence. At the moment the Senator utters "right through", DeVito has not yet produced the predicate with the meaning of "moving contracts right through." The verb "move" does not appear until after the Senator speaks.

What else could he have meant, you ask? Perhaps it is plausible that he was speaking of the people he knows and Government contacts, from the ones he knows "right through" Government contacts.

In any event, this entire event was staged by the Government. In that case, we should, and a court would be required to, construe any ambiguities in the favor of the Senator. From that vantage point, I think we have to wonder if the "heart of the Government's case" really convicts Senator WILLIAMS beyond a reasonable doubt. With all these uncertainties piled on top of each other, I must seriously doubt it.

After the June 28 meeting Feinberg took all the steps to set up the three corporations. We must recall that these corporations were still, however, empty shells with no assets. Thus, the shares of stock were worthless until financing was really obtained. Weinberg insisted that the Senator be given his stock in person. They were not content to have certificates issued in the name of Feinberg and endorsed in blank. They clearly were still trying to build an air-tight case and must have felt that they were far from that objective. They insisted upon putting something tangible directly into the Senator's hands. This resulted in the August 5, 1979, airport meeting. This was the Government's plan, not Senator WILLIAMS' plan. In fact, I must ask again: What in this case has been planned by the Senator? We have seen nothing that indicates the Senator was playing an active part in carrying out a well-devised criminal scheme. Instead I get the picture of a man harried by the impossible schedule of a Senator simply allowing himself to be swept along in this plot by Government planning and some corrupt friends. Ask yourself once more– have

I seen any evidence of predisposition? How is this case going to stand up under the scrutiny of the Sorrells-Sherman-Russell predisposition test? On the other hand, ask yourself if you have seen evidence of "creative activity" and other forms of "outrageous" Government conduct which might satisfy the alternative test? Any Senator who perceives the legal problems I foresee for the jury verdict in this case must surely join me in an effort to distinguish our vote based on ethics from the due process questions which are not yet finally resolved by the courts.

At this juncture in the development of this affair, the Government devised a further plan to concoct a second group of Arabs who would buy the stock at a large profit. This, however, was not communicated to the Senator until after his stock was delivered to him. We could well accept his account of acceptance of that worthless stock as simply an acceptance of worthless stock. Any value that the stock might have acquired was manufactured by the Government after the Senator had accepted it.

The next meeting was held at the Hilton Hotel at the Kennedy Airport on September 11, 1979. It was attended by nearly all the players in this drama, Feinberg, Errichetti, Sandy Williams, Katz, and five Government agents. Senator WILLIAMS does not enter the meeting until it has been underway for a considerable period of time. In the 18 topics raised before the Senator's arrival, the major theme is to get the Senator's approval for their plan. They all seem to realize the difficulty at this late date in the scheme of getting the Senator to consent to help acquire Government contracts. This suggests that he has not yet made that commitment at any earlier stage. Moreover their best efforts to get a clear-cut commitment in this 11th hour meeting fall short. Once again, the Government agents led the meeting prior to the Senator's arrival and tried to set the stage in such a manner as to leave the Senator no graceful escape.

At the outset of the meeting with the Senator, Errichetti announces that this is simply an unofficial meeting; he used the term "hypothetical" three times. In reality, this aspect of the meeting seems designed simply to get the Senator to relax his guard. Although the Senator is more active in this conversation than all the rest—he introduces 23 topics, 15 of the topics he introduces are in questions. Senator WILLIAMS is still the least informed member of the group.

This meeting is too long to cover word for word, but I think we can isolate some of the exchanges in this meeting to discover that Senator WILLIAMS is still unwilling to compromise himself. Repeated attempts are made by various parties to get the Senator to agree to help acquire Government contracts even after the sale. Weinberg's agenda is clarified by his introduction of this key topic:

> ". . . the new owners want to keep you on and keep ya, give ya the 18 shares ya had to hold."

He is obviously hinting that the Senator would remain with the new owners of the firm. The Senator objects:

> There are lots of problems . . . with what you're suggesting for me. This looks as though I'm getting into an employment situation and I can't do that.

While the Senator continues to ask questions about what his friends expect him to do, Weinberg seeks another opportunity to pressure the Senator for his "OK." He states:

> The whole thing depends on you and the government getting the contracts for us cause the whole thing depends on it. You're the one that's gotta give the ok to do it.

This is craftily worded to insinuate that the Senator will be the one who destroys his friend's dreams if he does not acquiesce. This is pressure of the worst kind. Nonetheless the Senator does not answer and room service interrupts.

Several minutes later, Weinberg relentlessly returns to his agenda: "If you don't feel easy with it, Pete, let us know." By this time the men are eating and the topic wanders to the food. Once again the Senator ducks the pressure by remaining silent.

The next time the Senator's approval is broached, DeVito is trying his hand at getting a commitment. He asks if the Senator has talked to any one in the Government about titanium. The Senator affirms that he has and that there is a shortage and then he changes the topic to a discussion of the continuing relationship problem: "The only thing is the big owners won't be us, they'll be the big owners but we'll have a continuing interest." Thus the Senator diverts his perspective, of a continuing interest that he does not want to support with his commitment to help with contracts.

Suddenly Feinberg interrupts the discussion and proposes a motion: "Unofficially, that is the motion, all those in favor." At this point the transcript reports that Sandy Williams, the Senator, Errichetti, and Katz voted aye. Dr. Shuy contends, to the contrary, that his trained ear does not hear Senator WILLIAMS' vote. The group clearly did not think it had received the Senator's approval either because Weinberg feels compelled to reintroduce the topic.

"We are not going any further until we get your OK." The Senator's terse response is: "right." This answer cannot fairly be construed as agreement with the group's proposal. In fact, all the Senator has said is that he agrees with Weinberg's proposition, namely that they will go no further without the Senator's OK. Despite the relentless pressure, the Senator is essentially affirming that he will not agree to something that endangers his honor. If the Senator had meant to communicate his approval for the group's plan, he would have said instead "I give the OK" or "alright, you have it." His response is a clear indication that the Senator does not give his approval at that time.

This exchange is very revelatory. Although Weinberg tried five times, and DeVito once to get Senator WILLIAMS to accede to the plan designed to benefit his friends, they utterly fail. This not only completely refutes the notion that the Senator was predisposed to commit crime, it suggests that he was actively avoiding it despite the best efforts of the Government team of entrapping agents.

Once again we should remember that the Government is making elaborate preparations to induce the Senator to make commitments. Moreover the Senator comes into these meetings unsuspecting. With regard to the question of whether Senator WILLIAMS agreed to the sale, I think we can agree that some ambiguity remains. There is talk of how the profits will be treated which later elicit the Senator's comments about paying taxes. This seems to indicate that the group felt a sale was possible. On the other hand, the confused record is far from clear. One aspect of the matter, however, is eminently clear: Senator WILLIAMS did not consent to arrange Government contracts at this meeting for those present or for the potential buyers. Everything from his concern about an "employment situation" to his fears about a "continuing interest" indicate that he very deliberately avoided that commitment, despite the enormous pressures exerted to get this clear approval.

Another segment of this meeting is important to understand the intentions of Senator WILLIAMS:

> M.W. That's your problem. I'll get you money that you have no taxes on, alright?
>
> G.K. Well, then ya can't front it, then ya can't use it.
>
> M.W. Well, sure ya can ya go over there—you wanna take it and ship it to another bank in the islands or anyway you wanna do it. You don't need—
>
> G.K. How ya gonna bring it into this country so that you can invest it?
>
> A.F. There's another way—
>
> A.E. But you pay taxes on it.
>
> G.K. Let me ask you this.
>
> T.D. Just bring it in and pay taxes on it.
>
> U.V. Pay taxes—
>
> A.F. Whatever you take in—If you brought it all in at once, the tax would kill ya.
>
> H.W. When you wanna get greedy and make more money with the money you got (IA).
>
> A.F. That's right.
>
> H.W. Yeah.
>
> A.F. Pete—
>
> H.W. If you want to be that greedy.

A.F. As I understand it, listen to me a minute.

H.W. I think its the smart way for a guy like me to go by the way—

G.K. Yeah.

M.W. That's the only way to go—

H.W. For me to—

M.W. That's the only way—

H.W. And its useful—

A.F. Yeah.

H.W. Yeah.

M.W. This way. any any—

H.W. You know out in the open, I mean ya—

A.F. Right.

H.W. Yeah—something useful—

A.E. And, and what he said its up to each person as individuals.

G.K. You mean the smart way for you to have it over here is what you said.

(Sen. Comm. Print, Pt. 6, pp. 268-270.)

But Senator Williams responded that the thing to do was:

H.W. Right, pay the taxes.

(Sen. Comm. Print, Pt. 6 p. 270.)

The notable point is that Senator Williams announced his intention to pay taxes on any gain. This is far from the criminal's natural instinct to hide the fruits of his crime. The Senator expressed that he would handle this business venture "out in the open." It is hard to conceive of a wrongdoer who would want to announce, particularly from the very visible pulpit afforded any senator, that he had earned several million dollars in exchange for an agreement to acquire Government contracts. This statement completely contradicts the Government's plan to pervert his intentions. Once again, I inquire: Where is the predisposition?

This flaw in their case apparently did not escape the notice of the team of Government agents conspiring against the Senator. Every time an element of their case was weakened, they took great pains to manufacture some ploy to rehabilitate their suit. The sole intent of the October 11, 1979, meeting. The Senator expressed his intention to "go public with something or other." Senate Committee Print, Pt. 6, p. 329. The agents explain, however, that the whole deal "probably will not go through" if he handles it that way. Rather than give direct approval to their, note I say, their plans to hide his interest, the Senator merely leaves it up to them to deal with the matter. As you might expect, the Government proceeded to deal with the Senator in the worst possible light.

A corollary effort to rehabilitate their case brought about an embarrassing problem for the Government. Weinberg delegated Errichetti to get a letter from Williams stating that he would secure Government contracts for the new owners. On September 14, 1979, Errichetti delivered a forged letter and boasted about his ability to accomplish this mission. Senate Committee Print, Part 6, pages 434-7. DeVito praised Errichetti saying that he had "missed his calling in life." Senate Committee Print, Part 6, pages 440-1. This was a clear forgery; I do not question the Government's reasons for acquiring it. I do wonder, however, why the Government does not reach the obvious conclusion that anyone who would commit forgery simply to advance his own scurrilous reputation might have set up the Senator from the outset.

The final chapter in this pathetic tale is the fabled "asylum scenario." On January 7, 1980, Weinberg called Feinberg and said the shiek had a small favor to ask the Senator. Nothing more was described. The Senator had no reason to believe that this favor entailed anything unlawful. In fact, well into the discussion about immigration legislation, the Senator need not have suspected any foul play. On the contrary, his reaction to the sheik's overtures was to explain the legislative process, the need for a showing of good cause, and the role of both Houses in the decision. Moreover, in striking contrast to the other Congressmen indicted in Abscam, the surprised Senator emphatically refused the bribe:

R.F. I, I will for, for your help, er, assistance and assistance—I would like to give you, er, you know, some money for, for permanent——

H.W. No.

R.F. —residence

H.W. No, no, no. This, this is when I work in that area, that kind of activity, it is purely a public not er, no.

Id. at 8-9. (Sen. Comm. Print, Pt. 6, pp. 355-56.)

Four times he repeats his impassioned denial. This is a remarkable incident. We have learned from this review of the evidence that Senator Harrison A. Williams, Jr., is a gentleman, if nothing else. Perhaps sometimes he is too much of a gentleman. Rather than offend other friends or Government agents who might seem to be making illicit offers, the Senator prefers to avoid confrontation. He skirts the issue in the hope that the assailant will get the message that the Senator is not interested. On this occasion, however, he is not afforded the luxury of a graceful evasive exit; without warning, he is confronted with the green of thousands of dollars of cash. No other Abscam defendant resists that blatant temptation. Moreover, he rejects the offer forthrightly at the risk of offending the sheik who is indispensable to the business venture his friends are relying upon. I might add that this is the only case in which the fictitious sheik himself proffered the bribe. Ask yourself: Is this act by Senator Williams the conduct you would expect from a predisposed criminal? Is this what you would expect from an individual concerned about garnering the favor of the sheik in order to obtain his approval for an illicit investment? Remember that all this is happening just between the Senator and the sheik in a room the Senator presumed to be occupied only by a foreigner who spoke broken English. If ever there was an alluring temptation, this could be it. Yet the Senator reflected great honor on the Senate and dishonor on those Government officials who had contrived to test his veracity by rejecting the offer.

This meeting as you know, however, raises other fundamental questions. This is the only meeting personally monitored by the future prosecuting attorney, Thomas Puccio. In conjunction with others, he apparently devised an error-free system to cast the Senator in a bad light. If the Senator agreed to arrange for permanent residency, the sheik was to offer the cash. If the Senator refused, then all talk of cash was to cease and instead the sheik would link the overall titanium deal to the introduction of a private bill.

Within seconds of the Senator's refusal to accept the bribe and just as the Senator was offering an exonerating explanation, the video tape was cut off. The reason the tape was cut off was that the sheik was taking a phone call from an agent who was monitoring the meeting from an adjoining room. He wanted the Senator to be more specific about his intentions on the immigration bill. Still another call came later when the sheik was unsuccessful in eliciting an incriminating comment from the Senator. Despite these repeated attempts, the Senator continued to discuss the legislative process in a legitimate manner by pointing out that he could not personally dictate the outcome of the legislation, but that he would see that the sheik got consideration. In the context of the surprise bribe offer, the Senator's comments are most plausibly construed as only a commitment to pursue the normal legislative process:

You can leave with my assurance that I will do these things that will, will bring you on for consideration of permanency. Quite frankly I can't issue that * * * I cannot personally. Er, it, it is a law. And it has to be goes through the whole dignified process of passing a law. I can give you my pledge. I will do all that is necessary to get that to the proper decision. (S.C.P. 6 P. 360.)

To fault the Senator for this exchange is to overlook the context of this discussion. The Senator was anxious to leave the tainted atmosphere and realized that the easiest way to make a quick escape was to offer the sheik some hope of a favorable outcome. After some time, he accomplished this purpose without compromising his honor. It makes no sense to contend that the Senator somehow sullied his public trust by making an illicit commitment to the sheik. If the Senator had been disposed to exchange his legislative prowess for some kind of gain, he would have taken the cash he was offered moments earlier. Instead he simply agreed to see that the sheik got proper consideration.

Viewed from another vantage point, however, this entire incident is very disturbing. The Government had complete control of the most convincing evidence in the case, the video tapes. This control becomes most evident when the tape is abruptly cut seconds after the Senator firmly refuses to accept money from the sheik. Taken in conjunction with the overall pattern of intervention and manipulation in this case, this could indicate an effort to eliminate exculpatory evidence. To the extent the interruption was purely coincidental, it is not likely to raise constitutional concerns; but if it indicates a further instance of Government manipulating facts to acquire a conviction at all costs, due process will not tolerate such abuses.

I am sure my colleagues understand, Mr. President, that my arguments here do not represent any particular affinity for the general views and votes of the Senator from New Jersey. The times we have agreed on vital legislative issues, either in the Labor Committee or on the Senate floor, could almost be numbered on one hand. Nor do my legal judgments on the application of the Constitution to the facts of this case offer any excuse for some of the Senator's indiscretions in this matter. Senator WILLIAMS was clearly indiscreet in not learning of the full implications of his dealings with the "Arabs" in this case and in not severing relations with his "friends" who induced him to pay a role in this matter. Nonetheless he did not embark on any questionable activity without the prior instigation of Government agents who set the operation in motion. Further, the length of the investigation, the persistence of the Government in its solicitations of Senator WILLIAMS and the enormous sums of money discussed as an enticement evince that the Government's conduct may have transgressed the permissible bounds of law enforcement drawn by the due process clause.

As I mentioned earlier, Mr. President, the length of this investigation also suggests potential impropriety. If an individual is inclined to commit a crime, the officers would probably need do nothing more than offer an opportunity. Yet in this instance, the meetings and phone calls span months. Moreover the size of the supposed bait is adjusted upward to astronomical figures during this period. The criminal suggestions are repeated and repeated from different sources. Such an effort is only required when the target of the investigation resists the suggestions and offers. This constant probing is further colored by the recognition that the Senator thought he was merely helping constituents who were dealing with Arabs whose way of doing business does not match the ethical standards of the Western World. The first time he met the sheik, for instance, the Senator thought he was attending a party honoring Mayor Errichetti. For another example, the Senator suggested a convenient place to pick up the stock only after the Government insisted that he must receive it personally. He may never have requested or accepted stock without the Government insistence.

Finally, it was even the Government that suggested that the stock be put in another's name when they learned directly from the Senator that he intended to fully disclose the transaction and to pay the taxes on it. At every crucial juncture, when every element of criminality was at stake, the Government's recommendations, directions, suggestions, or requirements provided the missing links to barely satisfy the literal reading of the law for a violation.

We should keep in mind that the Senator took no money. He made no improper contacts, filed no false reports, and in no way profitted personally from his participation in this matter. Although he may have bragged to some degree under Government coaching, he forcibly stated that he would not take a monetary bribe, the he would disclose any earnings, and that he would pay taxes on the business deal—hardly the conduct of an official trying to hide illegal dealings.

In this case, the Government has clearly posed an inordinate risk of instigating crimes which would not otherwise have been committed. This is called into question by a whole succession of facts in this case. For instance, the Government hired a convicted felon to run its investigation and promised him greater compensation for success. The fourth circuit spoke directly to this issue in 1961:

> Nothing is more oppressive and shocking to the conscience than a prosecution promoted by agents provocateurs whose victim, innocent of criminal purpose, has been lured and corrupted into a course of crime as a pretext to subject him to penalties * * *
>
> Clearly the two decisions of the Supreme Court do not hold that the Government may not use ingenuity and disguise to secure evidence of crime, rather, what is prohibited is Government instigation of criminal conduct which would otherwise not occur. *U.S.* v. *Sizer*, 292 F. 2d 596, 599 (1961).

My reading of the evidence in this case finds nothing that suggests the criminal conduct would have occurred in the absence of Mel Weinberg's infiltration. Ask yourselves: Do you really think Senator WILLIAMS would have committed any wrongdoing without instigation from Weinberg? Thus, on the Government conduct theory, uniquely linked as it is to the presence of an agent provocateur as well as on the predisposition theory, the jury verdict in this case is suspect on due process grounds.

The important due process claim stemming from outrageous Government conduct warrants the consideration of a few other precedential cases. First, we should weigh the factors involved in the case of *U.S.* v. *Twigg*, 588 F. 2d 373 (1978). In Twigg, a convicted felon was engaged by the Government as an agent provocateur to infiltrate drug distribution networks. The Government agent in Twigg, like Weinberg in the immediate case, pursued his assignment with relish. He went beyond locating existing crime to instigating it by funding and founding a laboratory to manufacture illicit drugs. When his partners then attempted to market the product of their joint venture, they were reported and apprehended. The Court condemned this conduct on the basis:

> The nature and extent of police involvement in this crime was so overreaching as to bar prosecution of the defendants as a matter of due process of law. (Id. at 377.)

Is this Williams case really unlike the Twigg case? In Twigg, the product of the Government's fabrication was a drug laboratory; in Williams, the product of the Government's fabrications was a sophisticated financial transfer scheme. Beyond that superficial distinction, the cases are substantially similar.

In *United States* v. *West*, 511 F. 2d 1083 (1975) the third circuit enunciated a similar doctrine:

> When the government's own agent has set the accused up in illicit activity by supplying him with narcotics and then introducing him to another government agent as a prospective buyer, the role of government has passed the point of toleration. (Id. at 1085.)

Pardon my rhetorical question again, Mr. President, but are there many differences in that fact pattern and the present Williams case except that the product bought and sold was a stock option, not an illicit drug? Otherwise they are strikingly similar: The Government agent in both sets up the enterprise and then introduces him to the prospective buyer who just happens to be another Government agent.

The ninth circuit has established a similar precedent. In *Greene* v. *U.S.* 454 F. 2d 783 (1971), that court overturned a conviction stemming from the illegal manufacture of alcohol. The ruling stated:

> We do not believe the Government may involve itself so directly and continuously over such a long period of time in the creation and maintenance of criminal operations, and yet prosecute its collaborators * * * when the Government permits itself to become enmeshed in criminal activity, from beginning to end, to the extent that appears here, the same underlying objections which render entrapment repugnant to American criminal justice are operative. (Id. at 787.)

Since the Williams case will be tried in the second circuit, however, we would profit to examine any precedents in that circuit. in *United States v. Archer* 486 F. 2d 670 (1973), the Government set out to uncover corruption in New York City's criminal justice system by employing a Federal agent to pose as a potential consumer of corruption. The simple plan called for the arrest of the agent, after which he would make overtures to judicial officials that he was willing to pay to escape trial. The second circuit was able to decide this case on other grounds but went to great lengths to explain the Supreme Court rulings discussed earlier in this speech relative to due process and to state:

> We are not sure how we would decide this question if a decision were required * * * there is certainly a limit to allowing governmental involvement in crime * * * Our intuition inclines us to the belief that this case would call for application of Brandeis' observation in Olmstead. Id. at 676.

Although the court managed to find narrower grounds to dismiss the verdict, it did acknowledge the applicability of due process in a case less protracted and elaborate than WILLIAMS presents. The court also alludes to another complicating factor which it would be willing to consider:

> Yet the Government agents displayed an arrogant disregard for the sanctity of the State judicial and police processes. Id. at 677.

This is a hint that the court would take a dim view of a law enforcement body trying to subject a separate branch of Goverment, the judiciary, to scrutiny. This is directly applicable to the Williams case where the law enforcement conduct is again directed at another branch of Government, which has the responsibility to police itself.

In light of Archer's favorable disposition toward the due process cases that have formed the basis for the Greene, West, and Twigg rulings, it is safe to expect the due process issues in this case to receive favorable consideration in the second circuit.

Perhaps in cursory fashion, I could also comment on the rulings made on some of these issues by the trial court judge. Judge Pratt did not really consider the issue of predisposition as an element of the fundamental rights to be protected by legal determinations of the court. He simply stated that the jury had found against the Senator on this issue. While the jury may have convicted the Senator without regard to the predisposition issue, the court has the responsibility to determine if that verdict is appropriate and the standard for that determination involves questions of predisposition. Accordingly, the second circuit will no doubt examine anew the evidence to ascertain if it shows that the Senator was sufficiently predisposed to justify the elaborate law enforcement scheme that elicited his misbehavior.

With regard to the outrageous conduct due process defense, Judge Pratt also may have overlooked some of the most basic considerations. For instance, he dismissed any implication that the coaching might have had an influence over Senator WILLIAMS' conduct because the Senator mentioned during the trial that the coaching did not override his own will. Despite the Senator's perception on the witness stand that the coaching was ineffective, the fundamental point involved is that the Senator was not aware that he had been influenced to make statements he would not otherwise have made. The transcripts of the coaching tape and the Senator's meeting with sheik show that he repeated, many times almost verbatim, what he was coached to say. That the Senator did not feel his will was overborne is only testimony as to the effectiveness of the coaching, not a final legal determination that the coaching was appropriate law enforcement conduct.

The coaching incident must be weighed independent of Senator WILLIAMS' comments about its effectiveness to determine if it is constitutionally permissible law enforcement conduct. The second circuit, with an eye to Archer, Russell, and the other precedents, will make that determination.

Judge Pratt also saw no impropriety in the sudden cutoff of the video tape when the Senator was declining the bribe. In Judge Pratt's eyes, the denial was on the tape and still the jury convicted. The missing explanations, potentially exculpatory conversations, did not override the jury determination in his view. Again, Judge Pratt seems to rely on the jury's judgment when his responsibility is to weigh the constitutional validity of the Government's conduct and its effect on the Senator's disposition to commit a crime. This determination must be made independent of any considerations other than the overreaching principles of our Nation's foundational document. The second circuit will undoubtedly undertake to do what Judge Pratt did not.

In conclusion, Mr. President, I would like to emphasize again that two principles are at stake today—two principles that must be considered and decided separately on different grounds. I do not question the authority of the Senate to expel one of its own for failure to live up to the high standards of senatorial conduct. Moreover, I hope that no other Senator will question our obligation to insure that law enforcement conduct meets the high standards set by the Constitution.

The decision on the first of these matters will be decided when we vote to discipline Senator WILLIAMS. I will cast my vote to expel only after the deepest soul searching and reconsideration of all the facts we have heard.

The decision on the constitutional matter will undoubtedly be construed by some as a part of that same vote. That would be an error. I hope that no one here today will fail to distinguish between the Senator's judgment on ethical grounds and the Senate's insistence that the due process clause be honored. I hope that we can, by our speeches and other signals, convey that we will not look with the least degree of tolerance upon law enforcement conduct that shows little respect for our constitutional due process guarantees. If we can accomplish both of our objectives today, then the hours spent in this debate will be well spent and we will be able to speak proudly of our role in this historic process.

Mr. INOUYE. Now, I yield to the senior Senator from the State of New Jersey, the Honorable HARRISON ARLINGTON WILLIAMS, JR.

Mr. WILLIAMS. I thank my dear friend, the Senator from Hawaii, for so much. I would not be here, feeling as I do, without his volunteering to associate with me in the task that I undertook some time ago. That task was to reveal to the Members of this great institution just what Abscam was all about. I am so grateful to know that he will pursue the problems we have all seen in the handling of an operation that was, in truth, Government run amok.

To my colleagues, I will say a few words, maybe a few more words, to reflect how I feel. I have appreciated your attention as I have addressed myself to this over the days that we have been in session.

In this Chamber I must say that the chairman and the vice chairman of the Select Committee on Ethics, and some others who have urged me to resign, indicating that I would otherwise be expelled, have brought me to a position where I must say that if I had believed for a moment that my resignation would prevent this distinguished body from becoming involved in the vile history of Abscam, I would have resigned long ago and spared all of this pain that we feel. I would have bid farewell to this peerless institution, which I have served to the best of my ability, with selfless devotion and for a long period of time—23 years. But I could not acquiesce in this matter.

My resignation would not have prevented the U.S. Senate from being touched by Abscam; not only because one of its Members was involved, but because the Senate itself was on trial. I wanted this body to stand and to be heard in objecting to the excessive zeal of law enforcement agencies and, thereby, protect the rights of individual Senators and, indeed, Senator STEVENS, all Americans.

Will we be indignant over the unprecedented assault on the legislature by another branch of Government? Or will we remain silent, unable or unwilling to respond to the likes of a Mel Weinberg, con man extraordinaire, and the threat that Abscam poses to the balance that our founders built into our form of government?

Mr. President, I sought not only my own personal vindication but also the reaffirmation of a fundamental principle of our Nation—that individual citizens, whether they be laborers, businessmen, or, yes, U.S. Senators, shall not be given criminality tests by law enforcement officials.

As an individual I will be tireless in defending my innocence from such heinous conduct as the FBI has practiced against me; I shall continue to pursue my remedies through the system of justice, with full confidence that my innocence will be proved and my integrity restored.

But this is not a court of law. The U.S. Senate is a different forum, and we, as Senators, have a far more important purpose today. As U.S. Senators, we hold positions which confer upon us special obligations and responsibilities which originate from the Contitution.

It is because I am a Senator that I did not surrender easily to convenience and resign. As Senators, I am sure you understand the gravity of this decision and how it would bind those who will serve in this Chamber long after Abscam is forgotten.

Considering this matter, I did not wish to see the Senate bring dishonor to itself by expelling me. We who have been privileged enough to serve in the Senate are guardians of the fundamental freedons and institutions, so basic to our democracy, through which those freedoms are secured.

As Members of the U.S. Senate, we have each taken a solemn oath to protect the sovereign integrity of this body as an independent institution of Government.

Mr. President, from this institutional perspective it is not only PETE WILLIAMS who stands accused or indicted; it is all of us, the entire Senate. In Abscam, it is the Senate that stands accused and intimidated by another branch of Government to whom we may be forever subordinated and subjugated unless we are successful in our resistance.

The chairman of the Select Committee on Ethics has stood before this body and, to a degree, sheltered the FBI and its malcontents from criticism in his prosecution of me. In so doing, I believe he makes the next Abscam easier and more legitimate. By deflecting the attention of my colleagues away from that agency's invasion of our collective rights and privileges, I believe further undercover investigations, using extralegal techniques, are invited and encouraged.

After all, if I could be targeted for observation, investigation, and prosecution by the questionable and outrageous law enforcement techniques which have been documented in this case, then what is to prevent any Senator or any public official, for that matter, from becoming victimized by ruthless con artists bearing hunting licenses conferred by law enforcement officials? These tactics must be investigated and evaluated, and the Senate must fully understand Abscam and its implications before it can weigh my actions and question my innocence. Not to do so condones what has happened in this sordid case and erodes our responsibilities as U.S. Senators.

I wrote these words before I heard the words of Senator CRANSTON, before I heard the words of Senator INOUYE. Having heard these leaders whom we respect so completely and admire so much, and who have been joined by Senator STEVENS, Senator HATCH, and Senator GARN, some of the words that I have written here again were put on this paper before I heard what I have just heard now.

Having heard that, and knowing that the Senate of the United States understands the major problem that was brought before us by Abscam, and apart from personalities, having now indelibly made these statements of commitment to pursue, to discover, to examine, and then commit our Nation to the protections that will insure that this does not happen again—and again I must say it is not just the U.S. Senate these protections must be built for, they must be built for the Nation—this kind of action, proceeding without predicate, reaching out to try to tempt innocent people with no background of crime into criminal activity, has indeed, I fear, become nearly epidemic. I have observed it in some law enforcement in the State of New Jersey, a State that I have had the honor to represent here in the Senate for better than 23 years. And I have observed it in the House for some time, too. It is the most chilling thing that we could observe, and you have observed, through this case.

So I come to a decision, knowing of your commitment. I come to a decision to now pursue my personal situation with full resolve that I will be exonerated of any wrongdoing, vindicated of the charges and the verdict, because I know I violated no laws.

Certainly, I know, as you know, mistakes were made; still, they were not venal at all, pursued only in the customary activity of a member of a political organization in an effort to reach out and be helpful to others.

In that process, I exercised poor judgment; I know it was minor indeed: What was major was the fact that an appearance was created that brought me before the criminal courts. A trial was conducted that was incomplete because it excluded and withheld from me the evidence I later discovered which corroborated my innocence.

Now I have brought the battle here. It was a vow I made when I first discovered that I was a target in Abscam; that I would fight the wretchedness, the rottenness of this kind of operation whenever I had an opportunity. This was an opportunity. It has been hard—an ordeal for me; but I confronted it with resolve and without embarrassment. I brought it to you knowing that before it was through, the major problem presented by this kind of activity would be understood and this body would do what I knew and felt so deeply it must do; and that is to conduct an investigation that will eliminate this kind of activity in this great free land of ours.

A little bit more, my friends. Carrying this message over 2 years has been long, hard, and difficult for me, for my wife, for my family, and for my staff. I would be incomplete if I did not say that to us came hosts of people who understood and gave us their support.

I would like to include in the RECORD not all of the communications I have received but some that will be symbolic of the thousands upon thousands of communications of understanding and support that we have received. I ask unanimous consent, Mr. President, that they be gathered and printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
December 1, 1981.

Hon. HARRISON WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Yesterday, as you know, Congressman Florio conceded the gubernatorial contest to Mr. Kean, and, as a direct consequence, the United States Senate postponed any action on your situation until after Mr. Kean takes office.

Although I am currently working in Washington, I am still a registered voter in New Jersey and my family and I have always supported you. Therefore, it greatly saddens me to ask you to consider stepping aside before Mr. Kean's inauguration to insure that the Democrats keep the seat.

I am sorry because you are, and have been, a fine Senator and I have always been proud of New Jersey's Senatorial delegation. Many times when our State was the subject of derision, I could point with pride to our Senators. Your treatment by the so-called "powers-that-be" has, in my opinion, been exceedingly shabby and you have my sympathy.

Unfortunately for you and for us, the Republican Senate appears to be determined to wrest the seat. Of course, I do hope you will be exonerated—but judging from the Senate's action yesterday—does this seem likely? As a staunch Democrat, I would not enjoy giving Mr. Kean the opportunity to appoint one of his Republican cronies.

I understand that the decision is ultimately yours and that it is extraordinarily complicated and difficult. Again, my heart is with you and I wish you the strength you will need.

Sincerely,

Patricia W. Fisher.

[Telegram]

Newark, N.J.,
March 5, 1982.

Hon. Harrison A. Williams,
U.S. Senate,
Washington, D.C.

This AFL–CIO Council representing over 40,000 members respectfully request that you oppose any vote to expel Senator Harrison A. Williams from the U.S. Senate. The outrages deceptive scheme entrapment perpetuated against this dedicated public servant is indelibly stamped as a blight upon our American standards of justice.

Alfred A. Fontana,
President, Union County AFL–CIO.

Norfolk, Mass.,
August 26, 1981.

Hon. Harrison A. Williams,
U.S. Senate,
Washington, D.C.

Dear Sir: I read with great heartache of your travail with the Abscam situation. I sit in prison for a crime that I did not do, but I have experienced how evidence can be created to convict an innocent person.

All I can offer to you is my best wishes and hopes are with you. I know for you and your entire family that it must be so disheartening and energy robbing. Please do not let it destroy you and your family. It is a tragic fact that if the situation were to change even as I write it will never undo the lasting damage done to you and yours.

There is something very evil about a system of Government that stoops to a practice more blatantly evil than those it seeks to capture. When we must fear our Government more than our neighbor then we all are in deep danger. Though we have a Constitution, it is only as good as those who enforce it. I fear there is an evil hungry lion loose among the herd of American zebras.

So please keep your strength up, fight the good fight and remember there are those out here who have gone through such agonies as you are suffering now.

Best wishes, sincerely,

Henry R. Basch.

Dairy Queen-Brazier No. 2,
Roswell, N. Mex., September 7, 1981.

Senator Harrison Williams,
U.S. Congress,
Washington, D.C.

Dear Senator Williams: Have been reading about your problems with the Abscam investigations. I don't usually write to anyone, but felt you could use all the support you could get at this time. Seems like they were out to get you at any cost and I hope you have the energy and ability to prove your innocence. Just don't let them get you down!

I am not of the same political party as you, but right is right and it appears that someone has overstepped normal investigative procedures.

Keep on fighting & good luck.

Yours very truly,

John D. Cummings.

Washington Street,
Malone, N.Y., March 1982.

Hon. Harrison Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: The enclosed letter to you is written by my 97 year old sister. She has followed your case and she is very much disturbed about the unjustness you have received.

I also enclose a clipping which I sent to the Malone Telegram four or five weeks ago.

My sister likens the Abscam to her raccoon story.

My husband was a great supporter of you and I am sorry he is not alive to be writing.

Sincerely,

Marjorie Ladd Saxe.

[Mailgram]

Watsonville, Calif.,
February 17, 1982.

Hon. Harrison Williams,
U.S. Senate,
Washington, D.C.

On your behalf and appreciation the following mailgram has been sent to Senator Cranston.

Someone must defend Senator Harrison Williams against false charges and conviction. If not you, who? As a former farm worker he did more for improving my lot than the Senate and House combined in the 1970's. Am convinced that Williams is a scapegoat for governmental intrusion and secret activity. You could be next in line.

Strongly suggest that your office and that of Jack Anderson combine to throw the covert operators for a loop by defending Senator Williams. May prove to be good politics.

Sincerely,

Joe Clarahan.

Talladega, Ala.

Hon. Harrison Williams,
Senate Office Building,
Washington, D.C.

Dear Mr. Williams: I have followed you for years and I'm pleased with your many years of service to our great country. Rest assured we still trust you and we are sorry for such treatment from people that should have known better.

We have two daughters living and working in Washington, D.C. So we are very interested in your welfare.

Praying for you.

Sincerely,

Daisy W. Hamby.

Seattle, Wash.,
February 10, 1982.

Dear Senator Williams: I do not know an awful lot about the Abscam case but I do feel you are being unjustly treated and I do hope you are cleared of all charges.

It is very disheartening to do a good job for one's country through the years and then have friends and associates turn their backs. It is at times like this that the comfort and knowledge of God's love can really help.

Incidently, my husband had surgery for a double hernia today so I hope you both recover quickly!

Sincerely,

Barbara Barmuta.

[Telegram]

Clifton, N.J.,
March 5, 1982.

Hon. Harrison A. Williams, Jr.,
Senate Office Building,
Washington, D.C.

District Council Northern N.J. UFCW, AFL-CIO, representing 130,000 members request that you act to refrain the Senate from acting on Senator Williams matter until the Senator is allowed to exercise his right of appeal within our court system.

John T. Niccollai,
Secretary Treasurer.

Somerville, N.J.,
March 4, 1982.

Senator Harrison A. Williams, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: Your letter of April 28, 1981, in reply to my concern as to the tentative legislation about the money market mutual funds, is gratefully appreciated.

You have my vote of confidence, despite the hearings of the Senate Ethics Committee and your Abscam conviction, and I wish to commend you for your courage against expulsion from the United States Senate.

As one of your constituents, I deeply regret these proceedings; I deplore the hardness of heart of those who have perpetrated greater crimes. I know that you do not deserve to be subjected to greater indignities and notoriety, especially since you have suffered more than anyone can imagine. In any case, it is my firm conviction "that the punishment does not fit the crime." This is especially so, when we realize (at least I do!) the paramount importance of the Scribes and Pharisees against Jesus of Nazareth. You have it!

I am, therefore, reminded of how His enemies failed numerous times to ensnare Him in His speech with captious questions. On this particular occasion, they presented to Him a woman taken in adultery and exposed her publicly. They knew the penalty for such was stoning to death. If the Law of Revenge (Talion) were to be followed to the letter, the outcome is clear. Therefore, Jesus wrote with His finger in the sand, to wit: "He that is without sin among you, let him cast the first stone." As a result, the accusers of the notorious woman sinner, penitent and saint, left the scene to their own greater embarrassment. I hope that this can be said of your accusers for any "Political Adultery" which you may be (in effect) responsible. As it was said of this great Woman Saint "many sins are forgiven her because she has loved much"—may it also be said of your 26 years of service to your constituents in the State of New Jersey.

Lastly, although this letter may have no value or importance in this matter, nevertheless you are still "the good and faithful servant" whom we admire. It is indeed most regrettable that yours is being a test case for all those who were never apprehended for far greater crimes of disloyalty and treason. May my own experiences console you in this hour of great trials: "A man's own enemies are those of his own household." All the best, Senator!

Very respectfully yours,

Rev. John J. Tomalonis.

February 17, 1982.

Dear Senator Williams, Pete: Today I just wanted to say to you, "I love you" because you are the nicest man I have ever met on this Earth. When I first started working for you I was very cynical about my first marriage and it was only through watching your goodness and kindness to the lowest that I started to believe again in humanity. I use to say to myself, "This is the best man I have ever known next to Jesus."

My New Year's Resolution was to tell someone every day that I love them; my quest is the wisdom of happiness; and my motto is, "If you have Love in your Heart, you always have something to give."

It has changed my life. I have made so many friends and even if I lose my case and end up with nothing, I know I will survive. I will fight with my last breath for what I think is right, though.

I know you have love in your heart and you have always had something to give a lot of us, whom you have given so much, are fighting for you in our own way, and we won't give up.

I'm so sorry you have been ill. I hope you and Jeanette are better by now. If you need me, I will come there.

I would be honored to do anything I can to help. I am as close as your phone.

Love you,

NINA.

[Telegram]

MIDLAND PARK, N.J.,
March 10, 1982.

Senator HARRISON WILLIAMS,
Capitol One D.C.

Don't give up, our prayers and hopes are with you, public opinion messages sent by us to Senators involved.

MIMI and PETER SARTHOU.

[Mailgram]

(Copy of telegram sent to Senator Malcolm Wallop, Washington, D.C.)

HOWELL TOWNSHIP, N.J.,
May 4, 1981.

Senator HARRISON WILLIAMS,
Washington, D.C.

DEAR SENATOR: I feel that an injustice has been done to our Senator Harrison Williams and I hope you will remember his past performance as a Senator. He was a great man.

Mr. and Mrs. MICHAEL ARDITO.

[Mailgram]

(Copy of telegram sent to Senator Howell Heflin, Washington, D.C.)

HOWELL TOWNSHIP, N.J.,
May 4, 1981.

Senator HARRISON WILLIAMS,
Washington, D.C.

DEAR SENATOR: I feel that an injustice has been done to our Senator Harrison Williams and I hope you will remember his past performance as a Senator. He was a great man.

Mr. and Mrs. MICHAEL ARDITO.

LETTERS AND PETITIONS IN SUPPORT OF SENATOR WILLIAMS

Following is a list of names of some of those individuals from across this nation who have signed letters and petitions on behalf of myself during the Abscam ordeal.

NEW JERSEY

Richard Lynch; vice president emeritus, New Jersey State AFL-CIO.

Orlando Abbruzzese; Somerset County Democratic Chairman.

Joseph Davenport; Salem County Democratic Chairman.

Vincent Rigolosi; Bergen County Democratic Chairman.

George Host; president, Warren-Hunterdon Central Labor Council.

Harry Pappas; Union County Former Democratic Chairman.

Alfred Fontana; president, Union County Central Labor Council.

Henry Hill; president, Cumberland County Central Labor Council.

John Rose; Cumberland County Democratic Chairman.

Steve Hornik; Monmouth-Ocean Central Labor Council, president.

Chris Jackman; Speaker of the Assembly; Executive Board, New Jersey AFL-CIO.

John Sudia; Democratic Chairman, Carteret.

Tom Farrell; business manager, Bricklayers Local No. 8, Neptune.

Vincent Yuliano; president, Laborers Local No. 54, Madison.

Sal Sadano; vice president, Laborers Local No. 54, Madison.

Henry Helstoski; former Congressman.

Alphonse Stanzione; Ocean County Democratic Chairman.

Anthony Amalfe, Union County Democratic Chairman.

Nicholas Venezia; Middlesex County Chairman.

John Fiorino; Monmouth Democratic Chairman.

Roy Hyman; Atlantic County Democratic Chairman.

Tom Dunn; Mayor, Elizabeth.

Francis Witt; Gloucester County Democratic Chairman.

CALIFORNIA

Bill Thom; Orange County Democratic Alliance, Chairman.

Mike Horn; Imperial County, California Democratic Party Chairman.

Haden Crites; 3rd Assembly District Democratic Party Chairman.

Vertus Smith; Butte County Democratic Party Chairman.

Victory Schaub; Humboldt County Democratic Party Chairman.

Phyllis Nelson; Merced County Council, Democratic State Central Committee.

Robert Ash; California Democratic State Central Committee.

Eva Harryman; Glen County Democratic Chairman, 1st Assembly District Chair.

Jack Rooney; Lake County Democratic Vice Chairman, State Central Committee.

Lee Torr; Democratic State Central Committee.

Carl Valencia; California Democratic Party State Central Committee.

Elizabeth Bombert; Democratic State Central Committee.

Angelo Pazello; Democratic State Central Committee.

Moran Carr; Democratic State Central Committee.

Philip Nelson; State Democratic Central Committee.

John Wever; Tarzana Board of Directors, B'nai B'rith.

Sal Lopez; Chairman, Kings County Democratic Party.

Corbett Bagley; field representative, Laborers Local #1184.

Clyde Cable; financial secretary, Carpenters Local #1752.

Muriel Thomas; 1st Assembly District Chairman.

Bruce Hotchkiss; Madera County Chairman.

Cleesta Delaney; Democratic State Central Committee.

Gerald Hill; Democratic Party State Central Committee.

VERMONT

Norman Dupre; President, Vermont State Building Trades and business agent, Plumbers Local #693, Burlington.

WASHINGTON

Steve Franks; branch agent, Marine Engineers Union, District 1, Pacific Coast District, Seattle.

Dick Taylor; business representative, International Molders and Allied Workers Union, AFL-CIO/Central Labor Council, Washington State Local #158, Seattle.

Keith E. Brown; president, Puget Sound Council of Lumber Workers, Seattle.

Larry Weldon; IBT Local #741, Seattle.

Gery Clune; assistant business manager; Street Pavers and Tunnel Workers Local #440, Seattle.

George J. Lucker; financial secretary and businesss manager, Bricklayers and Allied Craftsmen, Local #2, Seattle.

Senator William S. Day; former Speaker of the House of Representatives, and former State Senator, state of Washington; president, International Association of Chiropractors, Spokane.

Charles Kilbury; Chairman, Franklin County Democratic Central Committee; former Washington State representative, PASCO.

Senator Gordon Walgren; former State Senator and Majority Leader of the Senate, state of Washington, Bremerton.

John M. Fischer; former Washington State Representative, Edmonds.

Rita Cleary; chairman, Lewis County Democratic Central Committee, Centralia.

Lorraine Maris; Publisher, Forks Forum-Peninsula Herald, Forks.

Jim Schindler; Secretary-Treasurer, IBT Local #227, Seattle.

NEW JERSEY

Marshall Smith, District President, Paperworkers Union, Philadelphia and South Jersey.

Donald Kennedy, President, Mercer County Building Trades Council, N.J.

Al Wurf, President, New Jersey AFSCME.

Jim Gratten, President, Building Trades Council, Monmouth-Ocean Counties, N.J.

Howard J. Williams, PAC, United Food and Commercial Workers #56, Camden.

Edward McQuaid, Intl. Rep., UDCW #56, Camden, New Jersey.

ALABAMA

Barney Weeks, President, State AFL-CIO, Alabama.

Mr. Albright, President, Alabama State Building Trades Council.

ARKANSAS

Raymond Weeks, President, Little Rock Building Trades Council, Arkansas.

Joe Woodson, President, State Building Trades Council, Arkansas.

CALIFORNIA

Butch Gilmore, Business Agent, Laborers #506.

Ken Scott, Financial Secretary, Carpenters #25, Los Angeles.

Bill French, Financial Secretary, Carpenters #1052, Los Angeles.

Gordon Franco, Business Representative, Millmen #262, San Jose.

Gray Spallone, Business Manager, Carpet & Linoleum Workers #1288, San Jose, California.

K. L. Holmes, Business Representative, Millmen #1495.

Frank Kopachy, Secretary-Treasurer, Carpenters #1497, Los Angeles.

K. L. Holme, Business Representative, Millmen #1495.

Vince Aloise, IBT #315, Contra Costa, California.

Al Costa, IBT #853, Oakland, California.

Jim Woodbury, Hodcarriers #234, San Jose.

Jerry Payne, Laborers #371, Santa Rosa.

Bill Dorsey, Secretary, San Joaquin Building Trades, Stockton.

George Brown, Business Manager, Carpet and Linoleum Workers, San Francisco.

COLORADO

Charles Griffin, Director, District 3, United Rubber Workers, Denver.

KENTUCKY

Ray Crider, President, State AFL-CIO, COPE, Kentucky.

LOUISIANA

Nat LeCour, International Vice-President, AFT, New Orleans.

John Bourg, President, Baton Rouge Central Labor Council.

Johnny L. Hodges, President, Building Trades Council, Baton Rouge.

Mitchell LeDet, Secretary-Treasurer, Teamster Joint Council #93, New Orleans.

MARYLAND

Edward Hays, Chairman, Wicomico County Democratic Committee, Maryland.

Phil Reid, Democratic State Central Committee, Caroline County, Maryland.

John Wolfgang, Delegate, General Assembly District 28, Maryland.

James Agnew, State Chairman, American Agricultural Movement, Md.

Lee Ison, President, 23rd Dist. Democratic Club, Prince George's.

David A. Sweeny, Rockville, Maryland.

MINNESOTA

Richard Anderson, President, Minnesota Society of Professional Engineers.

Francis C. Lyon, Treasurer, USWA #2127, St. Paul, Minnesota.

MISSISSIPPI

Thomas Knight, Secretary Treasurer, State AFL-CIO, Mississippi.

Stanley Byrd, Secretary-Treasurer, Mississippi Gulf Coast Building Trades Council.

MISSOURI

John Weller, President, State AFL-CIO, COPE, Missouri.

MONTANA

Mitch Mihailovitch, President, State Building Trades Council, Montana.

NEW MEXICO

Neil Gonzalez, Executive Secretary, AFL-CIO of New Mexico.

NEW YORK

Frank Conklin, Vice President, Alexander & Alexander, New York.

Fernando Oliver, Executive Director, Small Business, Bronx Community College, New York City.

Rev. James Cokley, National Chaplain, Scottish Rite, 33rd Degree Mason.

Henry Kaltun, Area Representative, Human Resources Development Institute, AFL-CIO, New York, New York.

Michael J. Marino, Executive Board, Member, Phillips Regular Democratic Association, Queens, New York.

Richard Lowicki, President, Petroleum Trades Employees Union, ILA local 419, New York.

Jose Torres, President, Puerto Rican Civic Rights Assn., Immediate Past Senior National Vice President, LULAC, New York.

Bill Slattery, President, USWA # 12457, Syracuse, New York.

Stephen Bracken, President, IBEW # 854, Tonawanda, New York.

James Wallace, Chief Steward, Upstate Division, IBEW # 313, Albany.

Lou Gaeta, Business Manager, Laborers International Union # 20, New York City.

Pete Pavlisak, Business Manager, Laborers # 7, Binghamton.

George McDonald, Vice President, TWU # 100, New York City.

Dr. Benjamin Watkins, Mayor of Harlem, New York City.

OHIO

Amos Jackson, President, Laborers International Union #265, Cincinnati.

Robert Farrington, Executive Secretary, Building Trades Council, Columbus.

Charles Pinzone, Executive Secretary, Building Trades Council, Cleveland.

PENNSYLVANIA

Charles Adamese, Painters #997, Philadelphia.

Gerry Taylor, President, Paperworkers #35, Jenkintown.

Richard Knott, President, Paperworkers #326, Lebanon.

Robert Good, USWA #3733, Grievance Committee, Berks County.

George Dietrich, Legislative and Education Ctte., USWA 3733.

Louis Zohner, Legislative and Education Ctte., USWA 3733.

Norman Rickert, Legislative and Education Ctte., USWA 3733.

Eugene Deysher, Legislative and Education Ctte., USWA 3733.

Richard Steffy, Legislative and Education Ctte., USWA 3733.

Robert Meredith, Sr., Legis. and Education Ctte., USWA 3733.

Anthony LaScala, Legislative and Education Ctte., USWA 3733.

Raymond Lutz, Legislative and Education Ctte., USWA 3733.

Robert L. Lascamd, Jr., USWA 5655, Berks County.

Chris Weiner, USWA 5655, Berks County.

Richard Nelson, USWA #6996.

Donald Glass, Legislative & Education Committee, USWA 5655.

Blair J. Shingle, USWA 5996.

Joe Naser, USWA 5996.

William Straub, USWA #5996, Berks County.

Darlene Woll, USWA 5996, Berks County.

Art Baver, USWA 5996.

Robert Leindach, USWA 5996.

Joseph Tinari, USWA 5996, Berks County.

Gary E. Hagy, President, North Berks County Democratic Club.

USWA Local 2599, as a body, by Nicholas Kiak, President, Bethlehem, Pennsylvania.

PENNSYLVANIA

Loretta Hoffmann, Allied Democratic Clubs of Berks County, Pa.

Charlotte Eyrich, Allied Democratic Clubs of Berks County, Pa.

Catherine Willman, Allied Democratic Clubs of Berks County, Pa.

Charles Husson, Allied Democratic Clubs of Berks County, Pa.

Bernadette Gardecki, Allied Democratic Clubs of Berks County, Pa.

Naomi Moyer, Allied Democratic Clubs of Berks County, Pa.

John Gricoskie, Allied Democratic Clubs of Berks County, Pa.

Dorothy Korn, Allied Democratic Clubs of Berks County, Pa.

Ann E. Klopp, Allied Democratic Clubs of Berks County, Pa.

Richard and Stella Kramer, Allied Democratic Clubs of Berks County, Pa.

Emma McGowan, Allied Democratic Clubs of Berks County, Pa.

JoAnn Rahauser, Allied Democratic Clubs of Berks County, Pa.

TEXAS

Robert Banks, International vice president, Roofers, Houston.

WASHINGTON, D.C.

Juanita Kennedy Morgan, Exec. Secy., National Black Women's Political Caucus.

WASHINGTON

Dean Hendricks, Business Agent, Sheet Metal Workers No. 99, Bremerton, Washington.

WEST VIRGINIA

Allen Fisher, President, State Building Trades Council, West Virginia.

VIRGINIA

Chester Carter, Virginia Representative, American Agriculture Movement, Stony Creek, Virginia.

SOUTH CAROLINA

Ray Stepp, President, Western Carolina Central Labor Council and Financial Secretary, Tennessee-North and South Carolina Pipe Trades Council.

Harry Childs, Business Agent, Plumbers and Pipefitters #391, Greenville, S.C.

TENNESSEE

C. W. Russell, President, Nashville Building Trades Council.

John Riddle, Jr., Business Agent, IBEW Local #934, Blountville.

NEBRASKA

Earl Oliver, President, Omaha Building Trades Council.

(Organizational Affiliations for Identification Purposes Only).

NORTH CAROLINA

James Eades, Member, Executive Committee, Iredell Co. Young Democrats.

To the United States Senate

We, the undersigned, condemn the entrapment and harassment methods of Abscam. If a constitutional democracy is to continue to function in this country, these sorts of operations must be rooted out. In that light, we call on the United States Senate to conduct a real investigation of this sordid affair until such an investigation is concluded.

ALABAMA

O. G. Bradford, Business Agent, Aluminum, Brick and Clay Workers Union Local 200, Muscle Shoals, Alabama; President, Tri-Cities Labor Council, Alabama.

Henry Jenkins, International Vice President and Southern Regional Director, Retail, Wholesale and Department Store Workers Union, AFL-CIO, Birmingham, Alabama.

ALASKA

Eric Worthington, Vice President, International Brotherhood of Electrical Workers Local 1547, Anchorage, Alaska.

CALIFORNIA

Lee Kearney, Secretary-Treasurer, Intl. Brotherhood of Teamsters Local 952, California.

Al Green, Democratic State Central Committee, Stockton, California.

Executive Committee, Imperial County Democratic Party, California.

Walt Kallinen, Carpenters Local 25, Los Angeles, California.

Fred Taylor, Financial Secy., Carpenters Local 710, Long Beach.

COLORADO

Lou Florez, Business Representative, Intl. Union of Operating Engineers #1, Denver, Colorado.

ILLINOIS

Ron Thelin, President, Illinois State Conference of Plasterers and Cement Masons, Chicago, Illinois.

Dean Turner, Secretary, Illinois State Conference of Plasterers and Cement Masons, Troy, Illinois.

Mike Derrico, President, Chicago and Vicinity Council of Plasterers and Cement Masons.

Bill Coffey, Secretary-Treasurer, Laborers International Union Local 32, Rockford, Illinois.

INDIANA

Bill Eyre, Business Manager, Laborers International Union Local 204, Terre Haute, Indiana.

Howard Ludwig, Business Agent, Plasterers and Cement Masons Local 92, Anderson, Indiana; President, United East Central Indiana Building and Construction Trades Council.

Vince Panepinto, President, Northern Indiana Building and Construction Trades Council.

IOWA

Miguel Teran, State Chairman, League of United Latin American Citizens (LULAC), Iowa.

Don Lewis, Business Representative, Laborers Local 1140; Executive Board, Iowa State Building and Construction Trades Council, Council Bluffs, Iowa.

Earl McGrane, Former Chickashaw County Democratic Executive Committee, Ionia, Iowa.

MICHIGAN

Robert "Buddy" Battle III, Director, Region 1A, United Auto Workers, Detroit, Michigan.

Tom Turner, President, Metropolitan Detroit AFL-CIO.

NEW HAMPSHIRE

Ray Moran, President, Plumbers and Pipefitters Local 3, Manchester, New Hampshire.

NEW JERSEY

Hon. Francis J. McManimon, State Assemblyman, Mercer County, New Jersey.

Hon. Buddy Fortunato, State Assemblyman, Essex County, New Jersey.

Fred Stecher, President, Essex-West Hudson Central Labor Council, New Jersey.

NEW YORK

Jan Pecora, Alfred E. Smith Democratic Club, Democratic District Leader, 62nd Assembly District, Part A, New York City.

Charles Martelli, Secretary-Treasurer, Intl. Brotherhood of Teamsters Local 814, New York City.

Hon. George Begany, Mayor, Buchanan, New York.

Eugene Bennett, Secretary-Treasurer, Intl. Brotherhood of Teamsters Local 272, New York City.

J. R. McGovern, General Manager, Brotherhood of Railway Carmen, Local 886, New York City.

John Fratta, Democratic District Leader, District No. 62-B, New York, New York.

Warren Selvaggi, Business Manager, Intl. Brotherhood of Teamsters Local 20, Bronx, New York.

Jim DeRosa, Business Manager, Roofers Local 8, Brooklyn, New York.

George Babcock, President, Nassau and Suffolk Counties Building Trades Council; President, Suffolk County District Council of Carpenters.

Ken Mulheisen, American Federation of Grainmillers, Local 36, Buffalo, New York.

NEBRASKA

Diana Schimek, Chairwoman, Nebraska Democratic Party.

Arlie F. Heald, President, Lincoln Building Trades Council; President, Nebraska Conference of Electrical Workers; Executive Board, Nebraska AFL-CIO.

OHIO

Ed Devol, President, Crawford County Central Labor Council.

Miles Priest, President, Wayne Holmes Labor Council, Ohio.

William Kelly, President, Sandusky Labor Council, Ohio.

PENNSYLVANIA

Dmitri Sweekuk, President, Montgomery County Central Labor Council, Pennsylvania.

Guy Mahoney, President, Fayette County Central Labor Council.

John Bryan, President, Clinton County Central Labor Council.

Local 289, Bakery and Confectionery Workers, Reading, Pennsylvania, as a body.

Linsen Bigler, President, Bakery and Confectionery Workers 289, Reading, Pennsylvania.

Ronald Diehl, President, Westmoreland County Central Labor Council, Pennsylvania.

John Clinemeyer, President, Blair and Bedford Counties Central Labor Council, Pennsylvania.

Gary Duckett, President, District 4, United Food and Commercial Workers, Pennsylvania.

Jim Kenney, President, District 5, United Food and Commercial Workers, Pennsylvania.

SOUTH CAROLINA

Rev. Ralph W. Canby, President, Progressive Baptist Convention, Sumter, South Carolina.

TEXAS

Sandra Esparza, National Youth President, League of United Latin American Citizens, (LULAC), Houston, Texas.

WASHINGTON

Don Liddle, National President, Inland Boatman's Union of the Pacific, Seattle.

Brian Dougherty, Financial Secy. and Business Agent, Roofers and Waterproofers Local 54, Seattle.

Robert Kahl, Financial Secy. and Business Agent, Roofers and Waterproofers Local 54, Seattle.

John Battles, Port Agent, Sailors Union of the Pacific, Seattle.

Edgar W. Phipps, Business Agent, IBT Local 130, Seattle.

Marc Earls, President, Service Employees Intl. Union 6, Seattle.

Archie Swift, Business Agent, Intl. Brotherhood of Teamsters, 741, Seattle.

Lynn Larsen, Business Agent and Political Action Coordinator, Intl. Union of Operating Engineers, Local 286, Renton.

Herb Loedell, Business Manager, Washington and Idaho District Council of Laborers, Seattle.

Malcolm McCormick, Business Manager, Boilermakers Union Local 10, Seattle.

Thomas T. Soules, Executive Committee, International Association of Port Authorities; Former President, American Association of Port Authorities; Former Port Director of Boston and San Francisco, Seattle.

R. E. Johnson, Chairman, Reagan Campaign Committee, Benton County (Richland).

WYOMING

Wanda Hitchcock, Chairwoman, Wyoming Democratic State Central Committee.

MASSACHUSETTS

Jim Daley, President, Fitchburg Building Trades Council; Business Manager, Laborers International Union Local 39, Fitchburg.

Bob Vachon, Business Agent, International Brotherhood of Electrical Workers Local 256, Fitchburg.

Paul Madden, Business Manager, Plumbers and Pipefitters Local 12, Boston.

VERMONT

Robert Lancetoto, Chairman, Civil Rights Committee, United Steelworkers of America Local 5518, St. Johnsbury, Vermont.

CONNECTICUT

Anthony Inorio, Business Manager, Laborers International Union Local #455, New Haven, Connecticut.

James Clementi, President, Laborers International Union Local 455, New Haven, Connecticut.

Hon. William Riley Dyson, State Representative, 94th District; President, Connecticut Legislative Black Caucus, New Haven, Ct.

Frank Perrelli, President, New Haven Building Trades Council; President, Painters Local 186, New Haven.

John Landolfi, Business Agent, Plumbers and Steamfitters Local 349, New Haven, Connecticut.

James L. Acampora, Recording Secy., National Assn. of Letter Carriers, Br. #19, New Haven, Connecticut.

Mario F. Ferrara, National Association of Letter Carriers, Br. #19, New Haven, Connecticut.

Stephen Castracane, Business Agent, Bricklayers Local 6, New Haven, Connecticut.

Anthony Limisani, Business Agent, Carpenters Local #24, New Haven, Connecticut.

Richard Apozda, Organizer, Intl. Brotherhood of Electrical Workers, Local #90, New Haven, Connecticut.

KANSAS

Robert Tilton, Chairman, Kansas Democratic Central Committee, Topeka, Kansas.

Mr. WILLIAMS. And to us came a man that I knew of although I had never been in his church. I heard him as he preached to his audience through the medium of radio. He is a man who has not agreed with all of my, we will use the word, "liberal" approaches to some of the social and economic issues facing the country, but who has an abiding, deep conviction that what happened to me was wrong. Rev. Carl McIntyre lives with the messages of God each day. He has been following us and has talked to us. In the words of Proverbs, "It is an abomination for the kings to do wickedness, for the throne is created in righteousness." And from the Bible he has found messages from God directed to the evils that were created here.

He worked on a statement last night that was prompted by something that was said by the junior Senator from California, my dear friend, Senator

HAYAKAWA. Yesterday the esteemed Senator from California, Senator HAYAKAWA, brought us a quotation from the Lord's Prayer found in the Sermon on the Mount, Gospel of Matthew, chapter 6. It was, "Lead us not into temptation."

Mr. President, the time has come I believe for me to open up an important question that we are faced with today. It has not thus far been discussed or even so much as mentioned on the floor, but it has been very much in my heart and on my mind.

Maybe some of you in this institution saw the full page ad in the New York Times on February 25, which was endorsed by clergymen around our country. This ad raised the question of the place of the state under God and what He requires of the state. It was endorsed by ministers from many States. At that time, it said on its banner head, "Don't Expel Senator WILLIAMS."

We have talked about many things here. Especially have we discussed the very structure of our Government and the sacred division of the three branches and the responsibility we have to maintain this without fracture. But the concern which these clergymen have raised is a matter that is deep in the hearts and affections of people throughout our country. The text under the title of the ad is, "It is an abomination to kings to commit wickedness." And this, again, is taken from Proverbs, chapter 16, verse 12.

We are dealing here with an abomination on the part of the Government and these preachers have risen to let their voices be heard in this land on the issue in which we are involved at this very hour.

After coming now to the close of the debate, I would like to introduce for inclusion in the RECORD this ad that I have mentioned.

There being no objection, the ad was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 25, 1982]

[An advertisement]

DON'T EXPEL SENATOR WILLIAMS!

BEWARE WHEN YOUR GOVERNMENT BECOMES A CRIMINAL AND SETS OUT TO MAKE OTHER CRIMINALS

"It is an abomination to kings to commit wickedness."—Proverbs 16: 12.

The United States Senate, March 3, 1982, will consider expelling Senator Harrison A. Williams of New Jersey who for 23 years has served as an honored member. February 16, Judge George C. Pratt, U.S. District Court, Uniondale, L.I., sentenced the Senator to three years in prison and $50,000 fine for his conviction in the ABSCAM entrapment.

Abscam, an action of the FBI of the Justice Department, in a premeditated sophisticated plot and conspiracy enticed the senator into a chamber of hidden cameras, offered him a bribe, told him lies, created a phantom sheik and various falsehoods to get him to commit a crime.

Proverbs 17:23: "A wicked man taketh a gift out of the bosom to pervert the ways of judgment." Abscam did this. For the government to undertake such criminal conduct presents to the American people the most serious challenge they have faced as a free people. The purpose of government is to protect its people, not to ensnare, deceive, and entrap them.

SOLOMON QUOTED

Again Solomon said, "He that deviseth to do evil shall be called a mischievous person." This characterizes Abscam. Again, "There shall be no reward to the evil man." The court is now rewarding Abscam for their evil deeds.

It is the duty of the government to apprehend and punish criminals in their own crime. But for the government to move into the area of creating criminals and generating crime places it under the severest condemnation of Almighty God. In this area there are the plain teachings of the Bible, which apply both in the Old and the New Testament. And the Confession of Faith in the Protestant churches describes the duty we know of the civil magistrate to do good.

"If a ruler hearken to lies, all his servants are wicked" (Proverbs 29:12) and, "Whoso causeth the righteous to go astray in an evil way, he shall fall himself into his own pit" (28: 10). This action of the government now involves the three branches under the Constitution. It was the executive that initiated the abomination. Abscam has taken its self-contrived evidence into the Federal Court—the judicial branch—where the judges are now divided on the whole operation. Now the legislative branch is confronted with a frightful decision. To have such evidence conceived in fraud and deception accepted in Federal Court as a basis of denying men their liberty and sending them to prison enters the realm where the most repressive of dictators have enticed, entrapped their opponents and had their judges dispose of them.

ROMANS CHAPTER 13

In the New Testament, Romans, chapter 12: 3, 4, the Apostle declares that "rulers are not a terror to good works, but to the evil." But when the rulers create the evil, they become the servants of Satan. The Apostle said that the state is "the minister of God to thee for good." He is a "minister of God, a revenger to execute wrath upon him that doeth evil." For the rulers to create evil and then execute their wrath leaves every citizen without security.

This whole development is aggravated by virtue of its direction against the representatives of the people. It is also further dignified and made more heinous when the FBI, which is supposed to deal with criminals, is the agent that created criminals. This in itself aggravates the evil. The American people are not paying their taxes to support the entrapment of their duly elected representatives.

The Westminister Confession of Faith in its chapter on the Civil Magistrates says: "God, the Supreme Lord and King of all the world, hath ordained civil magistrates to be under him over the people, for his own glory and the public good: and, to this end, hath armed them with the power of the sword, for the defense and encouragement of them that are good, and for the punishment of evil doers."

GENERAL SYNOD

The 45th General Synod of the Bible Presbyterian Church meeting in Cape May, N.J., October, 1981, unanimously adopted a lengthy statement saying: "To use the powers of government to expose criminals and evildoers who have initiated their own evil works is one thing which must be done for the protection of the life, liberty and good order, but to build a kingdom on ABSCAM principles and actions is to destroy decency, order, and instead, honor lying, tempting, stealing, fraud and wickedness itself."

The American Christian Action Council in its fall meeting in Annapolis, October 13, 1981, by resolution declared, "Abscam constitutes an action on the part of the United States government which uses the power of government in unlawful and sinful ways."

The American people have never given any authority to any branch of government to use any power to destroy our citizens.

The Justice Department even sought a favorable court and shifted jurisdiction to New York where the judge refused to admit certain evidence favorable to Williams.

Now a member of that jury has made an affidavit that he would not have voted to convict Williams if that evidence had been admitted.

ABSCAM REJECTED

Abscam and everything that it has produced should be rejected, and forever prohibited.

Who now would bring the FBI to justice for all the mischief of this conspiracy? Williams would never be before his fellow Senators except for this Abscam trickey.

The offense against our founding fathers with the enshrinement of these high ideals in our Constitution and, most of all, the repudiation of the standards of God Almighty for the people must not be permitted to stand. Abscam must go; the Senator must stand and be freed.

The entanglements are so deep that corruption by the government can seem to be an ingredient of justice. The crime of Abscam under God is overarching, and the whole structure of deceit should fall.

This crime is not just against Senator Williams. It is against every senator serving the American people and the people who elected them. There is not a senator who has ever sat in Congress who has not sought to help people who came to him with all manner of requests, favors which are innumerable. They involve visas, promotions, contracts, appointments, dinners, and constituents who in recent years have been getting large sums of money for civil rights groups, union organizations, colleges and universities, foreign governments and even churches. Can there then be a clear conscience on the part of the Senators who are now called upon to vindicate Abscam? To attempt to separate senatorial ethics from this conspiracy validates the conspiracy and in the truest sense of the words of Jesus Christ, this is a matter of heart and conscience before God in the soul of every Senator. May they search their memories. "He that is without sin among you, let him first cast a stone" (John 8: 7). Should not Senator Williams whom Abscam sought to fool, and disgrace, be offered every consideration and compassion? He is declaring with all his might that he is defending "truth and justice." All should do this.

SENATORS ON NOTICE

Each Senator is hereby placed on notice that the same thing could happen to him. For in the high realm where they move with their kindness, graciousness, friendliness, openness and their responsibility to help the people, their actions can be misjudged and their motives misconstrued. The benefit must always be given to such superiors as men who are serving their country rather than to an unsuspecting government conspiracy to create crime with which to injure the entire Senate. They do favors, even reciprocal and numerous actions which involve their re-election for the satisfaction of the people they serve.

In Watergate there was a break-in by the government to find some papers, a president had to resign. Now the Justice Department entraps men in high places to make them criminals and it goes scot-free and is even honored for this "abomination." The Justice Department has inverted its obligation to society.

Every judge in every court is accountable to God, who is the Supreme Judge of men and nations. God has said, "Righteousness exalteth a nation: but sin is a reproach to any people" (Proverbs 14: 34). How can a nation expect any reduction of crime when the highest administrators of justice scheme to corrupt their highest leaders?

PROPHET OF ISRAEL

The prophet of Israel, Hosea, reported the words of God against the "iniquity of Ephraim" and "wickedness of Samaria: for they commit falsehood . . . And they consider not in their hearts that I remember all their wickedness: now their own doings have beset them about; they are before my face. They make the king glad with their wickedness, and the princes with their lies" (Hosea 7: 1-3).

May the Senators not make Abscam glad. May there be no fear or hiding in the vote. "When the wicked rise, men hide themselves: but when they perish, the righteous increase" (Proverbs 28: 28).

Above the presiding Vice-President in the Senate chamber are the words carved in stone, "In God we trust."

"The righteous man wisely considereth the house of the wicked: but God overthroweth the wicked for their wickedness" (Proverbs 21: 12).

BIBLE TEXTS APPLICABLE TO ABSCAM

"Draw me not away with the wicked, and with the workers of iniquity, which speak peace to their neighbors, but mischief is in their hearts" (Psalm 28: 3).

"When the righteous are in authority, the people rejoice: but when the wicked beareth rule, the people mourn" (Proverbs 29: 2).

"They that forsake the law praise the wicked: but such as keep the law contend with them" (Proverbs 28: 4).

"A froward man soweth strife: and a whisper separateth chief friends. A violent man enticeth his neighbour, and leadeth him into the way that is not good. He shutteth his eyes to devise froward things: moving his lips he bringeth evil to pass" (Proverbs 16: 28-30).

"Shall the throne of iniquity have fellowship with thee, which frameth mischief by a law?" (Psalm 94: 20).

"An ungodly witness scorneth judgment: and the mouth of the wicked devoureth iniquity" (Proverbs 19: 28).

"A wise king scattereth the wicked, and bringeth the wheel over them" (Proverbs 20: 26).

"He that saith unto the wicked, Thou art righteous; him shall the people curse, nations shall abhor him: But to them that rebuke him shall be delight, and a good blessing shall come upon them" (Proverbs 24:24, 25).

"The prince that wanteth understanding is also a great oppressor: but he that hateth covetousness shall prolong his days" (Proverbs 28: 16).

"In the transgression of an evil man there is a snare: but the righteous doth sing and rejoice" (Proverbs 29: 6).

"Treasures of wickedness profit nothing: but righteousness delivereth from death" (Proverbs 10: 2).

"As a roaring lion, and a ranging bear; so is a wicked ruler over the poor people" (Proverbs 28: 15).

"When the wicked are multiplied, transgression increaseth: but the righteous shall see their fall" (Proverbs 29: 16).

"The wicked desireth the net of evil men: but the root of the righteous yieldeth fruit" (Proverbs 12:12).

CLERGYMEN ENDORSERS:

Carl McIntire, Collingswood, New Jersey, President, International Council of Christian Churches; Joseph Downs, Pastor, Kaimuki Community Church, Honolulu, Hawaii; Lynn Gray Gordon, Germantown, Pa., Chairman of Commission on International Affairs, International Council of Christian Churches; Earle White, Merchantville, New Jersey, Associate General Secretary of the Independent Board for Presbyterian Foreign Missions; James Blizzard, Cape Canaveral, Florida, Director, Gateway to the Stars;

James Shaw, Cherry Hill, N.J., Director of International Christian Relief; Glenn Rogers, Cape May, N.J., President, Shelton College; Howard Carlson, Elkins Park, Pa., Director of Tell-Mardikh Studies; John Mills, Allen Park, Michigan, Director, Faith Bible Hour; James Pond, Greenville, S.C., Field Director of the Independent Board for Presbyterian Home Missions; Irwin Steele, Philadelphia, Pa., Latin American Secretary of the Associated Missions; Burton Toms, Brooklawn, N.J., Faith Christian Schools;

Arthur Froehlich, Maitland, Florida, Central Florida Christian Schools; Richard Curry, Elkins Park, Pa., Vice-President and Treasurer, Faith Theological Seminary; Darrell Hagler, York, Pa., Bible Presbyterian Church; Frank Mood, Collingswood, N.J., Director of Reformation Gospel Press; Emmanuel Peters, Nanuet, New York, Pastor of Bible Presbyterian Church; Paul Cunningham, Waynesboro, Pa., Antrim Faith Baptist Church; Hobart Bennett, El Paso, Texas, Pastor Emeritus Bible Presbyterian Church;

Robert Anderson, Tacoma, Wash., Pastor Bible Presbyterian Church; Yang Ik Kim, Long Beach, Calif., Pastor Bible Presbyterian Church; R. K. Hodge, Santa Barbara, Calif., Independent Church; John Stormer, St. Louis, Mo., Author, "None Dare Call It Treason"; Mel Perry, Nashville, Tenn. Bible Presbyterian Church; Clyde Field, Cape May, N.J., Professor, Shelton College; Bob Spencer, Atlanta, Georgia, Metropolitan Baptist Church; William Bearson, Minneapolis, Minnesota, Pastor, Bible Presbyterian Church;

John Battle, Elkins Park, Pa., Professor, New Testament, Faith Theological Seminary; Morris McDonald, Cherry Hill, N.J., President, American Christian Action Council; Gary Johnson, Charleston, W. Va., Deputation Secretary, Independent Board for Presbyterian Foreign Missions; Jim Nicholls, Washington, D.C., Radio Consultant;

A. K. Everett, Magee, Miss., President Methodist Protestant Conference; Robert Gray, Westchester, Ill., Westchester Bible Church, IFCA; David Bovard, New Castle, Pa., Secretary of the Associated Missions; John Dekker, Baltimore, Md., Defense of Truth Broadcast; Wes Auger, Greenville, S.C., Evangelist; Arthur Melanson, Audubon, N.J., Joy of the Lord Broadcast.

IN GOD WE TRUST

Sponsored by the International Council of Christian Churches. Contributions may be sent to ICCC, Collingswood, New Jersey 08108. Phone: 609-858-0700.

Mr. WILLIAMS. I know that it is felt by many that I am a sacrificial lamb for political purposes. I do not know. I describe myself differently—as a person driven, driven by a conscience that said it had to be done.

With all that has been said before I spoke, I recognize that there is an understanding, an awakening. There will be in the future, for all of the people of our 50 States, a promise that there will be a protection offered to them for their security and liberty.

My personal situation, let me say to you, my friends, I believe time, history and Almighty God will vindicate me and the principles for which I fight and have fought here in the Senate. And I will be vindicated before the people of our land.

I would like to include some other materials that I think for the historical record should illuminate the debate that has come to us and the activities, the actions, the parts of Abscam that deal with me, and so I ask unanimous consent.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REBUTTAL OF SENATOR HEFLIN'S CRITIQUE OF DR. SHUY'S LINGUISTIC ANALYSIS OF THE TAPES

Mr. Heflin's cursory review of Dr. Shuy's analysis errs in so many points that it is difficult to know where to begin. One can have great sympathy with Senator Heflin's problem, however, since he had so little time to think about the issue.

Senator Heflin asks, "if you do not accept that I was attempting to say 'I will get Government contracts,' then what was all that talk about the Secretary of State, etc." Had Senator Heflin been able to understand Dr. Shuy's report he could have seen that Dr. Shuy describes and makes a significant difference between bringing up a topic and responding to a question. Rules of conversational politeness require a person who is asked who he knows in the executive branch to respond to the question. This is exactly what I did.

ROLE OF LINGUIST

Senator Heflin observes that he does not think a linguist can change the actions that go to the heart of an issue. I agree. Dr. Shuy agrees also. His task was to analyze the tapes, not change them.

STOCKS

Senator Heflin also says that no linguist can refute the fact that I accepted shares of stock to Europe and brought them back. No linguist would want to do this, since the tapes which he analyzed did not contain such information.

LEGISLATION

Senator Heflin also says that no linguist can refute the words pertaining to permanent residency. "I give you my pledge I will do everything in my power to advance your permanency." There is no need to refute these words. Dr. Shuy's analysis points out that these words, when seen in the entire context from which Senator Heflin wrenches them, that the meaning of these words is to indicate to the sheik that I was willing to help the sheik put together the information necessary for the sheik to make the application necessary for such consideration. No linguist would refute a handshake, if one exists. But it is the linguist's job to analyze, from context, what the handshake really means, what it is a handshake for.

BOASTING

Senator Heflin suggests that if one is to believe Dr. Shuy's analysis of the tapes, that I am "conning" the sheik. Senator Heflin conveniently overlooks the reason for all these greetings in the first place: To obtain a loan for the proposed business venture. If every effort made by every business man to obtain a legitimate loan is considered "conning", then "conning" this is. I am certain that even Senator Heflin would not agree to this conclusion.

Senator Heflin points out there is, in these tapes, a great deal of talk and that the sheik was impressed. Senator Heflin's statement belies a failure in understanding of surreptitious taping done by the FBI. Whether or not the sheik was impressed, two things must be understood.

(1) The sheik was in on this. No matter what was said, the sheik's ability to be impressed is irrelevant. Even if he were impressed, it was fake.

(2) Even if the fake sheik were impressed in a fake situation, one must carefully observe who was making the statements that were impressing him.

LINGUISTIC METHODOLOGY

Senator Heflin raises the issue of facial expression. It is true, as Dr. Shuy himself observes, that facial expression is critical for complete analysis. This gets at the issue of ambiguity once again, where there is ambiguity, neither the prosecution nor the defense has access to all the information necessary. A linguist makes his analysis with whatever information the FBI provides. But this lack of the best possible information also works against Senator Heflin's analysis or counter-analysis as well, and makes his objection irrelevant.

Senator Heflin makes the accusation that Dr. Shuy's analysis contains unsupported conclusions and selective methodology—"playing up exculpatory statements while totally ignoring inculpatory ones." Senator Heflin criticizes Dr. Shuy's analysis for being about language rather than about conduct. An analysis of conduct or behavior would not be linguistic analysis but something else.

Why would Senator Heflin criticize a linguistic analysis for not being some other kind of analysis? Dr. Shuy's analysis did not "play up" the taking of stock certificates at the JFK Airport because there was no reason for a linguistic analysis to believe that there is anything illegal or unusual in accepting worthless stock certificates in a worthless corporation, especially since I was on my way to Europe, I had other things on my mind, I did not acknowledge receipt of the certificates and I did not thank the agents for the certificates. Since this 11 minute and 50 second meeting was audio taped, we must rely on the agents' own words about my non-verbal behavior. What did they say? "Be sure not to lose it, Pete." What can one infer about my attitude toward these certificates? That I was totally unimpressed.

Dr. Shuy's analysis does not note, as Senator Heflin would have it, that I "took something of value" simply because there is no evidence here that the stocks were of any value. Wouldn't a person who had received stock certificates ask something about their value? Request information about their nature? Say thank you? Mention their monetary value?

TOPIC INTRODUCTION

Senator Heflin argues that Dr. Shuy places undue emphasis on who introduces a topic. Yet it is the topics a person introduces which reveal his agenda. Senator Heflin stretches logic beyond tolerance when he misstates Dr. Shuy's position as, "Few topics: no guilt." This is not what the analysis shows. Senator Heflin has misstated the report entirely. Then Senator Heflin constructs a straw man, pseudo-analogy about Speaker A and Speaker B which presumably disproves Dr. Shuy's point.

What is particularly interesting is that Senator Heflin does not find an example of his position in the tapes themselves but, instead, is forced to construct one entirely out of his imagination. Then Senator Heflin attempts to discredit Dr. Shuy's careful linguistic analysis by attaching it to his own fictional caricature.

OUTSIDER

Senator Heflin also confuses the meaning of "outsider" at great lengths. He attempts to discredit Dr. Shuy's evidence from the tapes that I was an "outsider" to the events going on in the 50 tapes in which I did not participate. Senator Heflin cites as counter-evidence to Dr. Shuy's analysis, that I spoke knowingly about titanium. It is true that I had studied up on titanium and mining. But that is not what I was an outsider to. I was an "outsider" to the illegal schemes going on behind my back, not to a knowledge of titanium.

In fact, Senator Heflin's point works against his own position. The topic of titanium is one which I could talk about. It was perfectly legal, perfectly honest. Why not bring it up?

GOVERNMENT CONTRACTS

Senator Heflin admits that I did not introduce the topic of getting Government contracts but that I am accountable for my responses when the topic was raised. Dr. Shuy's report gives accounts to all of the charges made by the Ethics Committee in this area. My responses are, indeed, important. Senator Heflin argues that the fact that 60% of my responses are requests for information "neither excuses nor disproves one's willingness to engage in it." He says, "uninformed does not mean disinterested." Senator Heflin observes that Dr. Shuy "ignores questions which are textually incriminatory." He cites my question:

"How are we doing on owning (the plant)?" Yet Senator Heflin fails to show how such a question is even remotely incriminating. The whole purpose was to get a loan to own a plant. Nothing was happening. What is more natural than to ask "What is happening" to those who are insiders to that information?

To state that such a question is inculpatory is stretched to such an extent that Humpty Dumpty was undoubtedly right: "Words mean what you want them to mean: nothing more, nothing less."

The second presumably incriminatory question cited by Senator Heflin was: "We're selling out on our investment?" It is difficult to imagine why a request for clarification made by me, can be considered incriminating. This sentence is, essentially, "Do you mean to say that we are now planning to sell our investment before we even get it?"

CONTAMINATION

Senator Heflin likewise misunderstands the linguistic principle of contamination. It is not Dr. Shuy's position that it is the video tape evidence which produces such contamination, as Senator Heflin alleges. What listeners and viewers must be very careful about is being contaminated when watching it. Senator Heflin's misperception of Dr. Shuy's analysis is that the professor is against video tapes. Nothing could be further from the truth.

Senator Heflin notes that all the Senators have had the opportunity to view the tapes and transcripts have been provided. Transcripts, however, are unable to represent features of spoken language, such as (1) intonation (which carries anger, sarcasm, flippancy, disbelief, etc.) (2) pauses (different pause length carries different meaning) (3) overlap (people talking at the same time, an important indication of whether or not one person has even or could even hear the other person.)

Senator Heflin is unaware of the many kinds of contamination which these tapes contain. For example, the danger that the contamination of the agents repeating the words hidden and secret when I was saying blind trust and declare has to the listener, to the jury, to the Senate itself. Senator Heflin's argument that the analogy of the contamination principle is that it is limited to one event.

POOR TAPE QUALITY

Senator Heflin says that nowhere is it demonstrated other than by assertion that I was prejudiced by the poor tape quality. Again, the point is missed. The prejudice of poor quality tape, by Senator Heflin's own concession, is that the later viewer who, because he must view tapes of poor quality, cannot get a true picture of the meeting.

SELECTIVE TREATMENT

Senator Heflin makes much of Dr. Shuy's omission of my saying "I would work my arrangement, my situation, with Alex Feinberg," and "I'm not gonna be in this situation forever." Senator Heflin claims that this is incriminating yet fails to say how. It is not true, as Senator Heflin maintains, that a "clear incriminating inference can be drawn from this statement." Dr. Shuy did not address this issue because it is not a relevant issue to be addressed.

Senator Heflin also errs in claiming that Dr. Shuy's analysis omitted the Sheik's garbled effort to link the presumed (but wrongly presumed) agreement to sponsor legislation with achieving the loan. Senator Heflin is in error in saying that Dr. Shuy's analysis did not treat it. It did so, on pages 106-107. It was addressed again in his open letter to the Senators which was read on the Senate floor. This issue was also directly addressed by Senator Inouye on the floor yesterday afternoon. It was concluded both by the linguistic analysis and by Senator Inouye, that no link was made, no agreement to sponsor legislation was made by me, and, of course, I then did not agree to link sponsorship of the legislation with the loan. After the embarrassment of the bribe offer, I did what anyone of you would do. I rejected it. Then there is the telephone interruption. After the sheik returns, I retreat to a safe harbour as a topic of conversation—why I was there in the first place: (1) to get the loan, and (2) to discover what the favor was that I was going to be asked. Now I know this, so I repeat both of these topics. There can be no quid pro quo on these two topics since the agreement on the loan was made before the favor of legislation was even brought up (on page 350) while the passage which Senator Heflin says links these two topics is on page 356, six pages later.

LAX TOKEN AGREEMENTS

Senator Heflin takes issue with established linguistic knowledge that uh-huh does not signify agreement. He also prefers the transcript rendition of um-hum (phonetically in error, as the transcript often is) with the accurate uh-huh. He also cites my uh-huh to Weinberg's "we want to keep it a secret." Senator Heflin, or his aide, errs in reading the text at this point. Weinberg has made two consecutive statements: "We want to keep it a secret" is followed by second statement: "And nobody's going to buy unless they know who the other partner is." At this point, I said uh-huh. The recency principle, cited in Dr. Shuy's analysis, makes clear the fact. That when one speaker makes two or more statements, the other speaker's response is invariably to the last, or most recent, one. Senator Heflin, then is in error when he claims that I am responding to Weinberg's "we want to keep it a secret." All other reference which Senator Heflin makes to lax-token uh-huh responses are equally in error. Senator Heflin does not show evidence of knowledge of how English discourse works in such situations.

OMISSIONS IN SHUY ANALYSIS

Senator Heflin also errs in saying that Dr. Shuy omitted a significant agreement in the brief August 5 meeting at the airport. Careful analysis of P. 186, cited by Senator Heflin, will show that I am not agreeing that "blank stock certificates are the way to go." The text of the passage clearly shows not that I am agreeing to this. In fact the words cited by Senator Heflin do not even appear on this page. Senator Heflin believes the words say that I agreed to the blank certificates. Careful listening (or reading) of this passage shows that I am acknowledging what DeVito and Weinberg are telling me and not agreeing to the proposition that "blank certificates are the way to go."

HIDDEN INTEREST

Senator Heflin also falls into the contamination problem when he describes the October 7 meeting as one in which I am discussing a blind trust "to conceal my interest." Senator Heflin refers to my statement, "nobody knows nothing", by wrenching it from context and distorting my meaning, and creating an illusion of criminality. What I said was: "Now if its a blind trust er, uhh that's the way for my purpose. I, I will find a way to . . . make that kind and nobody knows nothing." (P. 337) It is perfectly clear to those who know about blind trusts that the person who "knows nothing" about what happens with the stock is the person who holds It. I may not have said this eloquently but there is no other meaning which makes any sense in the context in which the statement was made.

GOVERNMENT CONTRACTS

Senator Heflin observes that the June 28 meetings with the sheik is "replete with discrete and unmistakable references to Government contracts." Senator Heflin's statement carefully disguises the fact that there are a total of two discrete references to Government contracts (one by DeVito and the other by Errichetti). As for "unmistakable references, Senator Heflin is forced to infer any such references (including references to Government, Federal and other such terms wrenched from context).

A careful analysis of all such uses of these terms, when seen in their context, makes it abundantly clear, as Dr. Shuy's analysis shows, that there is no connection to the concept of Government contracts in any of these. It appears that Senator Heflin would have you believe that any reference to Government or Federal is an act of illegality.

Likewise even in the coaching tape just prior to this conversation, which I admitted to have heard in my testimony at trial, a total of two (2) mentions of Government contracts occur, both made by Weinberg. Weinberg also used the word contracts once.

COACHING

If it is unclear to Senator Heflin what Dr. Shuy's analysis concludes about coaching, let it be clear now. 28 coaching directions were made by Mel Weinberg. 27 of these directions were introduced by the agent and the agent provocateur. My five statements, which have sometimes been taken to indicate boasting, are all responses to questions asked me. This is an important distinction. None of the scripted coaching statements were uttered by me.

Senator Heflin argues that Dr. Shuy does not successfully demonstrate that absence of topic introduction equates with innocence. It was never intended to. Discourse analysis does not have as its purpose to declare innocence or guilt. It is simply a descriptive, analytical tool to aid in determining exactly what the agenda of the speaker is. The topics a person introduces in a conversation are the clearest indications of what they want to talk about, their agendas. Such topics are the clearest indications of a person's intentions. Senator Heflin's objection that Dr. Shuy's analysis shifts in interpretation (once, for example, I introduce 26 of the 72 topics—in the September 11 tape) from an "outsider's" and "uninformed" is inherently illogical.

Dr. Shuy clearly points out that 60 percent of the topics introduced by me were requests for information about what I did not know. This fact is entirely consistent with my role as an "outsider" and not, as Senator Heflin suggests, a change in interpretation.

RESPONSE ANALYSIS

Senator Heflin asserts that Dr. Shuy's analysis of my responses is inaccurate. Senator Heflin, or his assistant who claims linguistic ability but who is not even a member of the Linguistic Society of America and is an unknown name among linguists, pretends to have expertise in an area in which he has none. Senator Heflin's or his assistant's opinions on what my topics really are, are naive, in error and self-serving in every case.

SUMMARY

Senator Heflin attacks the linguistic analysis of Dr. Shuy as an invalid intellectual exercise. The one person on the Senate floor who is academically qualified to make such a judgment is Senator Hayakawa. Senator Hayakawa said on this very Senate floor, after the reading Dr. Shuy's summary letter to the Senators, that he was impressed with the analysis and that he thought it was exhaustive, and accurate and correct.

Senator Heflin complains that Dr. Shuy's analysis is to "micro" and not "macro" enough. In this he demonstrates a lack of ability to distinguish between "micro" and "macro" analysis. Topic analysis and response analysis are "macro" analyses. They deal with the larger context. Dr. Shuy's analysis was "micro" on the major points which were raised in the court trial and in the report of the Senate Ethics Committee.

Senator Heflin's opinions about Dr. Shuy's linguistic analysis of these tapes lacks credibility and authority. Senator Heflin bends and warps my statements by insisting, without evidence and without the support of the context in which the words were uttered, that they mean something different from what they say. Such opinions are wrong. They are dangerous to the future of all of us. They bespeak, very clearly, the danger that it is already 1984, that thought control is already with us. That people can be found guilty when their intentions and actions speak clearly that they are innocent. I argue that our country cannot afford to let this happen. Dr. Shuy's analysis of these conversations is a new approach to determining the truth of what video and audio tape evidence can reveal.

JANUARY 6, 1981.

Subject: Abscam—Production of Supplemental Information to Defense Counsel.
To: Philip B. Heymann, Assistant Attorney General, Criminal Division.
From: Irvin B. Nathan, Deputy Assistant Attorney General, Criminal Division.

Within the last two weeks, two Assistant United States Attorneys in New Jersey, Edward Plaza and Robert Weir, have reported their recollections of certain statements that were made approximately a year and one-half ago by government officials and FBI undercover operations, Plaza and Weir claim that these statements would be considered inconsistent with testimony given in pre-trial proceedings in Philadelphia and in the Myers trial in Brooklyn. The statements relate to Mel Weinberg, with whom Plaza and Weir have had a longstanding antagonistic relationship.

Plaza and Weir are the two Assistants, who along with their then superior USA Robert Del Tufo, complained bitterly in the early summer of 1979 that they were not assuming a greater role in the Abscam operation. At that time they argued repeatedly that the past successes of USA's Lacey, Stern, and Goldstein in their district required that their office take over major parts of this public corruption investigation; otherwise, they argued, the public would see the investigation as a vote of no confidence by the Department in the New Jersey office. Efforts to accommodate their concerns proved unworkable, in large part because of strong personality conflicts between Plaza and Weir, on the one hand, and John Good, Tony Amoroso, and Mel Weinberg on the other. Weinberg, in particular, was suspicious of the motivations of the New Jersey prosecutors. We, of course, have no evidence of any basis for these suspicions. However, Weinberg's subjective belief did color his relationship with representatives of the New Jersey office.

In December 1979 Plaza was the principal author of the so-called Del Tufo memorandum. The memorandum severely criticized certain of Weinberg's actions in connection with the Senator Harrison Williams investigation, and it reproached the FBI's Long Island office for its purported lack of control over Weinberg. The Del Tufo memorandum was produced in camera for several of the judges who presided over Abscam cases.

Plaza and Weir were also the Assistants to whom in the fall of 1979 primary responsibility was assigned for preparing the matters involving New Jersey Commissioner Kenneth McDonald and New Jersey State Senator Joseph Maressa so that a decision on whether to charge either could be reached. By June 1980, it was apparent that very little, if any, work had been done on those cases. It was therefore decided to take the cases away from Plaza and Weir and to assign them to two attorneys in the Department's Public Integrity Section. Of course, these attorneys have continued to report all of their activities to the current United States Attorney, William Robertson. The decision to reassign was not made because of Plaza and Weir's past criticisms, but because of their apparent inability to move the cases. Plaza and Weir have attributed their inability to move the cases to the unwillingness of Weinberg and the FBI to assist them.

Notwithstanding this background, we must consider Plaza and Weir's latest allegations fully on the merits.

TAPES AND REPORTS

Plaza and Weir say that the government should turn over to defendants' counsel six tape recordings and two FBI 302 reports. They state that the conduct exhibited by Weinberg in these materials is relevant to various defenses that the defendants have raised. A list of these items is attached as an appendix to this memorandum. Three of the six tapes record Mayor Errichetti; they were provided to his counsel last August in advance of the Myers trial. As a result of a ruling by Judge Pratt, these three tapes were also made available to the other defendants' counsel in that case. Counsel can use the tapes in the upcoming due process hearing, which is scheduled to begin at the completion of the Lederer trial.

The remaining three tapes were made in early March 1979 and do not record anyone indicted in the Abscam cases. The Brooklyn Strike Force has reviewed these tapes again, in light of the Plaza and Weir assertions. The tapes relate primarily to allegations against Senator Williams that are not part of the indictment in his case, and I am informed that they contain nothing remotely exculpatory. However, in an excess of caution, I recommend that these three tapes be provided to Senator Williams' counsel and to counsel for the other defendants in the Williams case. The tapes do not relate to any other proceeding, and I therefore see no basis for producing them to other counsel. I am also informed by the Brooklyn Strike Force that the two 302 reports also do not contain exculpatory material, and that the substance of them has already been made known to defense counsel in the Williams case. They should be treated like all other 302's: not producible, except as 3500 material when the author has or is about to testify.

CONVERSATIONS

The conversations which Plaza and Weir recall relate to three subjects: (1) meetings at which comments were made to the undercover operatives regarding their conduct; (2) meetings at which the monetary compensation of informant Weinberg was considered; and (3) meetings at which gifts allegedly received by Weinberg from Abscam targets were discussed. In many instances, the recollections of Plaza and Weir concerning these conversations are not the same as those of other participants. Following receipt of the substance of Plaza and Weir's recollections, Tom Puccio debriefed all of those allegedly quoted by Plaza and Weir. All of the contrary recollections reported in this memo are the result of Puccio's debriefing and report to me. While these matters are clearly peripheral to any of the critical matters in the Abscam litigation, I recommend, again out of an abundance of caution, that at the earliest opportunity the substance of the differing recollections of the participants be provided to defense counsel in all of the Abscam cases.

A. Discussions with undercover operatives:

I am informed by Puccio that on August 9, 1979, government lawyers and undercover operatives met at the suburban Atlantic City home of Lawrence Schneider, Special Agent-in-Charge of the FBI's Atlantic City office. At the meeting were: Plaza, Weir, Amoroso, Special Agent Ernie Haridopolous, Special Agent Martin Houlihan, Special Agent Bruce Bradley, Special Agent Schneider and Weinberg. The group discussed, among other things, Weinberg's conduct during his June 28, 1979 meeting with Senator Williams.

1. It is undisputed that at the meeting Weinberg defended his conduct as necessary to the success of the investigation. Plaza and Weir suggest that Weinberg said something to the effect that unless he put words in other peoples' mouths, the government would have no case. Weinberg and others present deny this. They say that Weinberg said that he knew how to talk to people, that he knew how to draw them out, and that his knowledge was essential to the investigation.

2. Plaza and Weir recall that Weinberg, Amoroso and Haridopolous stated that in their view it was unwise to tape-record preliminary conversations, such as that between Weinberg and Senator Williams. Weinberg, Amoroso, Haridopolous deny that they made this statement. Special Agent Schneider, a long-time friend of Plaza, says that he does not recall Weinberg, Amoroso and Haridopolous making such a statement. However, he does recall that in jest he (Schneider) told Plaza that if Plaza did not like the tapes, there was a proper solution: "We can simply stop tape recording." All present do remember Plaza and Weir recommending that, if possible, the operatives should tape every conversation. All present also recall that Plaza told Weinberg and Amoroso that any conversations that were not recorded should be documented in 302 reports. Plaza and Weir recall that Amoroso said that he would attempt to do so, but that he noted that the press of many meetings made this difficult.

3. Plaza and Weir recall Weinberg, Amoroso, and Haridopolous saying that they had taped the Weinberg-Williams meeting on the instruction of Strike Force Attorney Lawrence Sharf. They also recall that the three said that Sharf had instructed Weinberg as to what he should tell Senator Williams on that occasion. Weir and Plaza further recall that at a later date Tom Puccio denied that Sharf had given directions as to what Weinberg should say at the meeting. Weinberg, Amoroso, and Haridopolous deny ever stating that Sharf had instructed Weinberg on what to say at the Williams meeting. In defending his conduct at the meeting with Williams, Weinberg undoubtedly related to Plaza and Weir that he had consulted with Sharf. But most importantly, Sharf, Good, Amoroso and Weinberg all emphatically deny that Sharf ever told Weinberg what to say at the Williams meetings; they also deny that Sharf gave any special instructions to tape the meeting. They claim that the meeting was taped in accordance with usual procedures and that Sharf and confirmed prior to the meeting that it would be taped. Sharf and fellow Strike Force lawyer John Jacobs further recall at some later date cautioning Weinberg and Amoroso against the kind of conversation had with Senator Williams on the 28th.

4. Plaza and Weir recall that on October 4, 1979, at a meeting with agents in Newark, New Jersey, John Good told Plaza that his remarks to Weinberg were "jeopardizing" the investigation. Good confirms that he made such a statement because Plaza's constant abrasive and personally abusive remarks were impeding Weinberg's ability to function effectively.

5. Plaza and Weir recall that during the fall of 1979, they told Weinberg on a number of occasions that he should refrain from repeating conduct such as occurred at the Williams meeting. Even if these statements were made, I am informed that Weinberg would not have considered Plaza and Weir his supervisors with authority to instruct him on how to carry out his work for the FBI.

B. Weinberg's compensation

1. Plaza and Weir recall that at a meeting on May 14, 1980, in the Department of Justice in Washington, Agent John Good said that Weinberg had been paid $15,000 for his work in the McDonald-Errichetti case. They also recall that Good said that Weinberg would be paid a lump sum at the end of Abscam, contingent upon the success of the prosecution. Good recalls saying that he told Weinberg that at the end of all of the cases he (Good) would make a recommendation for a final bonus payment; that the bonus would be based on a variety of factors; but that he could not promise Weinberg either a specific amount or that the Bureau would authorize a bonus. Weinberg has testified publicly concerning his expectations of a bonus. As to the $15,000 payment, while Good may have made the statement attributed to him, FBI records indicate that the payment was made for several reasons, including Weinberg's work in the McDonald-Errichetti case, the substantial risks he had undertaken in unrelated organized crime investigations, and the recovery of large amounts of property, including stolen certificates of deposit and similar items.

2. Weir recalls that at a May 29, 1980, meeting at the Department of Justice, I stated that Weinberg would receive a lump sum payment for his Abscam work. Weir recalls my saying that the payment would be based upon the number and the status of indicted officials and would not be conditioned upon the success of the prosecution. Because the Criminal Division does not control the method or amount that the FBI pays its operatives, I never stated what the Bureau would do with regard to Weinberg's compensation. I do recall making known my recommendation that Weinberg's total compensation should be determined prior to the commencement of any of the Abscam trials. I never indicated to the Bureau what criteria should be used in determining Weinberg's compensation.

C. Alleged gifts to Weinberg

Plaza and Weir's assertions about alleged gifts to Weinberg by Abscam targets come from three sources: George Katz, a defendant in the Williams case; Joseph DiLorenzo, Errichetti's nephew and a witness for the defense in the Myers case; and Martin F. McKernan, the Camden City Attorney who works for Mayor Errichetti. Because these individuals are either defendants or closely allied with defendants, it is difficult to understand how the information that these individuals possess imposes any reporting obligation on the government. Nevertheless, I set out below what they allege that government officials said in response to this information.

1. Plaza and Weir say that in a June 10, 1980 interview, DiLorenzo told them that he gave Weinberg the following gifts: a videotape recorder ($900), a stereo ($1200), a microwave oven, and three color television sets. DiLorenzo said that Errichetti told him that these gifts were for the sheik. DiLorenzo also stated that on April 1, 1979, he and Errichetti delivered an attache case to Weinberg at a rest area on a Long Island expressway. Apparently these statements are consistent with DiLorenzo's testimony on behalf of Errichetti at the Myers trial.

2. At Weir and Plaza's direction, Special Agent Houlihan corroborated that DiLorenzo had purchased the appliances on the dates and at the locations that he had specified.

3. Camden City Attorney Martin F. McKernan told Houlihan that he had written a letter for Errichetti to be included with the gifts to the sheik.

4. At a June 12, 1980, meeting at the Justice Department, Weir recalls reporting DiLorenzo's statement. Weir recalls that Puccio said in response that he knew that Weinberg had received a microwave oven and that he would have the oven removed from Weinberg's home. Puccio denies making that statement. Puccio recalls that at some point he indicated his awareness that Weinberg had a microwave oven in his home and that he requested an inquiry into the circumstances of Weinberg's acquisition of the oven. Puccio reports that he subsequently learned that Weinberg purchased the microwave from J.C. Penney's and that Weinberg had a payment book showing his installment payments for the oven.

5. Weir recalls that at a meeting subsequent to June 12, 1980, I said that Weinberg had produced a receipt evidencing his purchase of the microwave oven. I recall no such conversation. I have never seen, nor reported on, any documentation regarding any property purchased by Weinberg or allegedly given him by Abscam targets. Weir may be confusing Puccio and me on this matter.

6. Weir and Plaza also report that in a May 20, 1980, interview Anthony Torcascio, a proposed casino manager for the Atlantic City Penthouse Hotel and Casino, told FBI agents that Weinberg had asked him for a remote controlled television set and for gold watches for the sheik. Torcascio refused to provide such gifts.

CONCLUSION

As stated earlier, it is not immediately apparent that Plaza and Weir's recollections have any significance for Abscam defense counsel. However, Plaza and Weir obviously believe that their recollections are of significance, or they would not have brought them to our attention. In order to prevent future claims that we withheld from defense counsel even remotely pertinent information, I recommend that we provide the substance of this memorandum to all defense counsel.

Mr. WILLIAMS. I would say that my wife, almost daily, refers me to St. Paul's letter to Timothy and his description of his fight. My wife has described it in terms of a description of "our fight."

"I have fought a good fight, I have finished my course, I have kept the faith."

So it is with sorrow I leave friends here in the Senate that I have enjoyed so much. But we know I go out in good health and good spirit and do not leave the friends that I have here who meant so much to me.

I have given the best I had to the U.S. Senate. I leave with sorrow, yes, but resolve, too, to be with you, with all of you, as we continue our mission, public or private, to strengthen this land of ours and make it better—make it better for the people that we are elected to serve.

I thank the Senate as I announce my intention to resign. I have made that decision. I leave in good spirit, good heart, and strong resolve to continue the things that I believe in and feel deeply about, worked all my life with, and enjoy. I feel no stain. I have been strengthened. I thank you, all of you.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, we have witnessed a very courageous act by a man who has lived through a difficult time. It would not serve a good purpose for me to elaborate now on my feelings on this subject, my sympathy for Senator WILLIAMS and his family, nor to go beyond these simple remarks.

We wish you well.

I wish to express my appreciation to the distinguished chairman of the Ethics Committee and the equally distinguished vice chairman of the committee, to every member of the Ethics Committee, and, indeed, every Member of the Senate, for undertaking something personally difficult, institutionally difficult, and ultimately difficult, which has now culminated in the statement of intention by the Senator from New Jersey.

Mr. President, I believe Senators on both sides of the aisle have conducted themselves with honor and with dignity, as has the Senator from New Jersey.

Mr. President, I yield to the distinguished minority leader.

Mr. ROBERT C. BYRD. Mr. President, for months we have known that this moment was coming. We have watched with compassion, with hope, disappointment, and finally sorrow, as Senator WILLIAMS wrestled to free himself from his dilemma.

As we watched the Abscam trials, as we reviewed the evidence, as we listened to the arguments offered here over several days, we knew that we were not a dispassionate audience. By oath of duty and constitutional responsibility, we are charged with protecting and preserving the Senate's reputation and its character from defamation and disrepute.

None of us was elected to this body because he or she is an angel or a saint. It is incumbent upon each of us, upon whom has been imposed the highest public trust, to strive to the utmost to be faithful to that public trust. We must set the example of a higher standard than that which is required of the average citizen. To do more would require us to be angels. To do less would be unfaithful to the trust. It would erode the confidence of the American people and our Constitution.

The Roman Empire fell largely because the citizens of Rome lost faith in the Roman Senate. The citizens of Rome lost faith in the Roman Senate largely because they lost faith in the men who bore the title of Senator.

After years of cynicism, after Watergate, after rumors and whispers of wrongdoing in high places, the American people have been watching intently to see how we would deal with the charges of misconduct in our own midst.

Frankly, some of our fellow citizens scoffed that we demand of others a pound of flesh but punish ourselves only with the stroke of a feather duster.

During these past several days the Senate has been on trial in a tragedy that has no heroes. Certainly, the Justice Department can claim no heroics in plotting the events that would not have occurred without the Justice Department's and the FBI's creation. Nevertheless, as reprehensible as the FBI's conduct and the Justice Department's conduct appears to have been, the fact remains that the Senate, fulfilling its responsibilities under the Constitution, was rapidly coming to what, in my judgment, was to be the most severe punishment set forth under the Constitution.

By any objective standard, HARRISON WILLIAMS has made contributions to my work as the leader of the majority and as the leader of the minority. He has made contributions to the work of his other colleagues, to the Senate, to New Jersey, and to the United States that are worthy of the appreciation of all.

Yet, the Senate was fast coming to that inevitable decision. The decision that Senator WILLIAMS has reached is the right decision. Sorrowful though it is, he has chosen to take a course that we all respect.

This is a sad moment for the Senate, for his friends, for his wife Jeanette, for his colleagues, and, most of all, for PETE WILLIAMS.

These days have been trying days for all Members, and again, most of all, for PETE WILLIAMS, but not least of all for those six members of the Ethics Committee who have, for so many months, shown a special dedication and faithfulness to duty which is incumbent upon all who serve this body.

I commend them. I commend the distinguished majority leader (Mr. BAKER), and I commend the very distinguished Senator from Hawaii (Mr. INOUYE).

As my colleague PETE WILLIAMS prepares to depart from the Senate today, I want to say to him that the future is not without hope. Sometimes the ways of providence are inscrutable. He, referring to scriptural passages, has touched us all. One day we should be able to see and know what today we can only behold. If there is a wideness in God's mercy like the wideness of the sea, then we shall discover the heart of the Eternal is wonderfully kind and understanding and forgiving.

The VICE PRESIDENT. The majority leader.

Mr. BAKER. Mr. President, I yield to the Senator from Hawaii.

Mr. INOUYE. Mr. President, I send a communication to you as President of the Senate.

The VICE PRESIDENT. The Chair has examined the communication from the Senator from New Jersey. It appears to be a letter of resignation. The clerk will read the letter and have it entered into the Journal.

The legislative clerk read as follows:

U.S. SENATE,
Washington, D.C., March 11, 1982.

Hon. GEORGE H. W. BUSH,
President of the Senate,
U.S. Capitol, Washington, D.C.

MY DEAR MR. PRESIDENT: I herewith tender my resignation as a Member of the United States Senate from New Jersey, to become effective at the close of business on Thursday, March 11, 1982, and request that the Governor of New Jersey be so notified.

Respectfully yours,
HARRISON A. WILLIAMS, Jr.,
U.S. Senator.

The VICE PRESIDENT. The letter will lie upon the table and the Governor of New Jersey will, accordingly, be notified.

The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I yield now to the distinguished chairman of the Committee on Ethics.

Mr. WALLOP. Mr. President, I thank the majority leader and the Senate. With the resignation of Senator WILLIAMS on the floor of the Senate this afternoon, there is neither victory nor defeat. This afternoon, the Senate has passed through yet another of the innumerable gates of history. It passed through with compassion, courage, and a sense of honor.

Nothing any Senator can now say will increase the Senate's outrage nor decrease its anguish. We have dealt as only we are entitled to deal with the standards of service in this body.

We have witnessed through the debate, personal courage, putting our honor above friendship, our institution above politics.

No one sought the role of defender of our reputation, or accuser of Senator WILLIAMS, but the Senate collectively has risen to the demand thrust upon it. There is no doubt what the Senate was prepared to do. There is no doubt that it would have done it.

It behooves us now to get back to the inexhaustible interests of the public we serve, secure that its thrust in us and our institutional integrity have been served with honor and courage.

I thank the majority leader.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, I should like to yield the floor in the anticipation that the minority leader may seek recognition in order to yield to the distinguished vice chairman.

I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Alabama (Mr. HEFLIN).

Mr. HEFLIN. Mr. President, I thank the Senator.

Mr. President, as we all know, by the act of resignation, Senator WILLIAMS has spared us a painful and distasteful vote; not, however, before requiring that in this proceeding we engage in lengthy—and sometimes painful and distasteful—debate.

There may be those who say, "Why didn't PETE WILLIAMS resign earlier, and spare the Senate 5 days of debate and countless hours of study, which could have been better devoted to more constructive matters"? To those critics, I would respond in two ways:

First, Senator WILLIAMS' decision to resign was for him alone to make, at a time of his choosing, and for reasons of his choosing. I can imagine no decision more excruciatingly painful, more agonizing, more emotionally wrenching, especially in light of his love for this institution, a love nurtured over the course of 23 years. Moreover, I genuinely think, as I said when we began last Wednesday, that Senator WILLIAMS believes he has been wronged, been victimized by the Government, and has fought long and hard for what he believes in. For that fight, based on conviction, I believe he deserves our respect, irrespective of what we may think about his conduct on tape in this sordid matter called Abscam.

Second, I also truly believe this institution and the American people are stronger because we have had this debate. As a boy, my Methodist minister father taught me that strength comes from adversity, from challenge, from being put to the test. This is true of individuals, and it is true of institutions.

So I believe that we are all the stronger, that by discussing and debating standards of ethical conduct, do's and don'ts, rights and wrongs, constitutional obligations, and procedural due process, we as Members of the Senate, and we as the American people, are the beneficiaries of this process.

To you, Senator WILLIAMS, may our good Lord bless and keep you.

Mr. WILLIAMS. Thank you.

RECESS UNTIL 3:00 P.M.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 3 p.m.

There being no objection, the Senate, at 2:16 p.m., recessed until 3 p.m.; whereupon, the Senate reconvened when called to order by the presiding officer (Mr. GORTON).

ORDER TO INDEFINITELY POSTPONE S. RES. 204

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I ask unanimous consent that Senate Resolution 204 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I yield to the distinguished chairman of the Ethics Committee, the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I thank the majority leader. I will take but a few minutes of the Senate's time.

I wish to state, in closing the debate on Senate Resolution 204, there was no victory and no defeat. I reaffirm that. I must take a moment to pay my utmost respects to the following members of the staff of the Select Committee on Ethics and the Office of Special Counsel, Mr. Bennett, without whose diligence, discretion, concern, assistance, and counsel the efforts of our committee would have been more difficult, more painful, and more time consuming than they already were.

They labored, each of them, without regard to hours spent or personal time passed by.

From the Office of the Special Counsel: Robert Bennett, Alan Kriegel, David Schlitz, Judy Hubbard, and Lynn Shamp.

From the Office of the Select Committee: Brack Valentine, Bonnie Parker, Donald Sanders, Paul Colborn, John Saxon, Margaret Blackston, Susan Krakower, Emily Williams, Wilson Abney, William Canfield, Clendon Lee, Mary Hudon, Mary Lucke, Annette Gillis, Anne Miskovsky, Marie Mullis, Eileen Oberman, and Lindsay Hooper.

In particular, Mr. President, I wish to pay tribute to Robert Bennett, special counsel of the committee. When we hired him, as we knew we must, the vice chairman and I laid a very strong charge on him. We did not want somebody making a reputation at the expense of the Senate. We did not want somebody who had another agenda but the one we sought to assign him. We wanted somebody who would promise devotion to the task, discretion with the press, a sense of fairness to Senator Williams and whatever counsel he may have had, and his total effort to seek justice and truth.

Mr. President, Mr. Bennett kept that promise. On behalf of the Senate and the committee, I thank him.

To the vice chairman, Senator Heflin, to Senators Eagleton, Pryor, Helms, and Mattingly: I salute you all for hours of intellectual and emotional attendance to the issue we faced. The Senate owes each of you a debt of gratitude for your courage and your ability to withstand anguish and pressure from within and without.

It was obvious to those who witnessed this debate on the floor how much of a struggle it was to each member of that committee to fulfill his obligations to the Senate and his obligations to a friend and colleague, Senator Williams.

To Senator Inouye goes my deep respect for a job well done.

You picked up the obligation of the Senate to provide our own with no less privilege of the right to counsel than all Americans possess, and you did it well and with eloquence. The task was accomplished and the Senate has witnessed justice done with fairness because of your commitment.

Mr. President, no victors, no vanquished, but the Senate stands proud, and it should, in its own eyes and in the eyes of the public in dealing with the trust thrust upon it by the Constitution, a trust which could not and ought not to have been passed to any other entity.

Nobody has enjoyed it, nobody sought it, but they confronted it. They confronted it and came out, perhaps, if there was a winner in all of this, a winner as an institution because the Senate measured up to what the American public ought to expect.

Mr. President, I yield the floor.

Mr. HEFLIN. Mr. President, my colleagues, I want, before closing this chapter in Senate history, to praise a man who I have come to respect deeply as a man of conviction, fairness, intelligence, and professionalism. That man is Malcolm Wallop.

As you all know, this matter is extremely complicated, with many complex factual, legal, and constitutional issues. Senator Wallop, as many of you may also know, is not a lawyer. While we have joked about this—my colleague from Wyoming views it as an advantage—I must say I have been impressed with his ability over the period of 2 years to digest, analyze, and interpret the mass of evidence and myriad of issues.

I have already praised his handling of this matter in a nonpartisan and fair way. I must simply state at this juncture that he has demonstrated remarkable mental agility and a capacity for hard work, in a thankless task as our chairman.

Most importantly, he has—as much as anyone on the committee and, I dare say, as much as anyone in this body—championed the notion of a higher standard of conduct.

While we sit on different sides of the aisle, while we do not agree on all issues, and, in fact, while we have, at times, disagreed on questions which have arisen in the current matter, I must sincerely say that I have only the deepest respect and affection for my distinguished colleague and chairman.

Mr. President, a respected former Member of this body, John F. Kennedy, wrote a Pulitzer prize-winning book entitled "Profiles in Courage." Were the late President in this Chamber yesterday, I believe he would have concluded, as did I, that we witnessed a remarkable profile in courage not seen in this Chamber in many years. I am referring to my distingushed colleague, the junior Senator from New Jersey, Bill Bradley.

Senator Bradley and I are both members of the same class, that of 1979. In the 3 short years we have served together, I daresay he has become the most active, the most studious, the most respected member of that class, especially in his work on the Finance Committee. He has played a key legislative role which belies his freshman status. So, separate and apart from the Williams matter, I have nothing but the highest regard for him.

His courageous and statesman-like conduct in consideration of Senate Resolution 204, however, is a story which has not been told. Many months ago, I told Senator Bradley that there were ample precedents for recusal in such disciplinary matters. For example, when charges were made in the press—which later proved untrue—about my colleague from Alabama, Senator Stewart, I recused myself from consideration in Ethics Committee deliberations. Likewise, in a similar instance, Senator Helms recused himself when charges which later proved groundless were brought against his colleague from North Carolina, Senator Morgan. Moreover, in the vote resulting in denunciation of Senator Talmadge, his colleague, Senator Nunn, voted "present." So recusal is an accepted, legitimate, understandable course of action under such circumstances.

Senator Bradley informed me, though, that his constituents were entitled to know where he stood on this issue, so he would not follow that course.

Yesterday afternoon, Mr. President, prior to the speech by Senator Bradley, I was informed by my distinguished colleague from Hawaii—and I trust Senator Inouye will not mind my repeating this—that there was a 99-percent chance Senator Williams would follow the course of resignation. Knowing the difficult burden weighing on Senator Bradley's mind and heart, I pulled him aside and informed him of what Senator Inouye had told me.

What he told me I will never forget. He said:

> No, Howell. This matter has been with me for 25 months. The folks back home deserve to know where I stand. I have made up my mind, and I could never live with myself if I did not go through with what I have to do.

Mr. President, we have, indeed, received mail from New Jersey criticizing Pete Williams to a high degree, saying "Throw him out." But I cannot tell you how many countless telegrams and letters we have received from New Jersey citizens and voters—labor union heads, party officials, lawyers, average citizens, even members of the clergy—saying "Don't expel Senator Williams" and citing his long record of compassionate service, telling us of the millions of people whose lives are personally enriched because of Pete Williams.

In case it is not obvious to my colleagues, Bill Bradley did not stand to gain, politically, with many, many voters in New Jersey by supporting expulsion. Moreover, he gave a speech which, for the reasons cited, he did not have to give. He could have sat quietly, refusing to commit himself, and let his colleague gracefully resign. But he did not, and I submit no more courageous speech has been given, no more courageous stand taken, in this Chamber in many, many years.

We all know Bill Bradley stands tall. But now, Mr. President, in my eyes, he stands 10 feet tall.

Mr. WALLOP. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. WALLOP. May I add my wholehearted agreement to what the Senator from Alabama has just said. That was indeed a courageous and an admirable event that we witnessed here yesterday afternoon. It could not possibly have been easy for any reason, whether it had been politically popular or not, to have done what he did in the presence of all and in the presence of his colleague. I certainly agree with the Senator from Alabama.

Mr. President, while I have his courtesy in having yielded to me, may I say to him that, while I have indeed tested and jested with him about lawyers and nonlawyers, without his legal expertise, our committee certainly could not have functioned as fairly and as de-cently, as intelligently, and gracefully as it did and I salute him for it.

Mr. HEFLIN. Mr. President, I would be remiss if, at some point before termination of these proceedings, I did not say a few words about the job done by the staff of the Ethics Committee. As in any endeavor in the Senate, staff members have played a significant role in preparing us, not only for debate on Senate Resolution 204, but at every stage of this proceeding.

I have already singled out our special counsel, Bob Bennett, and his associate, Alan Kriegel, for a professional, fair, and thorough job. I wish at this point to acknowledge and thank all the members of the staff of the Ethics Committee who have, at one time or another, pitched in to help in this protracted matter.

I want to pay special recognition to two of the counsel to the committee: Don Sanders, who supervised the Williams investigation and Paul Colborn, who worked closely with him, who have spent literally hundreds of hours reading trial testimony, interviewing witnesses, reviewing documents and exhibits, and doing legal research and drafting. Likewise, Wilson Abney, another counsel to the committee, has worked a considerable amount of time on this matter, and Anne Miskovsky, our press secretary, has done a most competent job in dealing with the press.

The entire operation has been under the supervision of our able staff director, Braxton Valentine.

Mr. President, I want to pay particular recognition to a fellow Alabamian, John Saxon also counsel to the committee. I have worked very closely with him, even on weekends and at night. He has, indeed, some rare skills. He has the ability to relate ideas to words and express language in a rare, superb manner. He has an incisive mind that can quickly go to the root of a matter, and he has a retentive mind that can recall isolated facts and nonisolated matter quickly. His help has been immeasurable to me and to all of the members of the Ethics Committee during this entire period of time that we have spent on this matter.

To all of these individuals, and the entire staff, I want to say for the Record that the committee owes them a debt of gratitude for their capable and dedicated service, as, perhaps, does the entire Senate.

Mr. President, I should like merely to mention two final things and to do that briefly. One pertains to what was printed by the Ethics Committee. In the debate, there was some indication that there were certain films that were not printed by the Ethics Committee. I think it might be fair to recite that when the Ethics Committee began to organize for its hearings, our special counsel got with counsel for Senator WILLIAMS and they agreed on a method of testimony, a method of presentation, in which each had the right to introduce whatever he desired to introduce.

They agreed that all of the due process hearings before Judge Pratt should be introduced, all of the testimony in the exhibits, including the tapes, that were at the trial, and that either side had the right to introduce any other tapes or any other matters that they wanted to. The decision as to whether or not they became a part of the record at the Ethics Committee hearing was made by the counsel for Senator WILLIAMS. He had the right to put anything in the record that he wanted to. It would have been printed if it had been so selected.

Mr. President, in addition to that, the opportunity to present any witness was given to Senator WILLIAMS in this instance and he had the right to call any witness that he wanted to.

One other matter I want to mention is the matter pertaining to the Government contracts and whether competitive bidding was in order. There were some statements indicating that some of this was not in testimony. However, there were witnesses called by the defendant in regard to this: A Prof. Harold Petrowitz, who is a professor of law at American University; also, there were some members of Senator WILLIAMS' staff who were called. While there was no question that competitive bidding would have been the normal course of events, there were exceptions given as to whether or not negotiation as to contracts was to take place.

There was testimony to the fact that the strategic stockpiling of certain metals had some different language pertaining to competitive bidding in that there were only one or two suppliers of titanium sponge in the United States. So there was a lot of testimony, pro and con, in regard to that issue.

Mr. President, I would be remiss if I did not, at some point, mention the issue of Government misconduct.

I need not, and will not, recite the litany of supposed abuses. Many of these allegations do suggest, at least on their face, that the Department of Justice and the FBI engaged in misconduct—maybe even more than a little misconduct.

But while we have tried to be careful not to rush to judgment regarding the conduct of Senator WILLIAMS, neither should we rush to judgment regarding conduct of the Government. The Government is entitled to due process, to be heard on all these issues. Yes, it deserves investigation, and I support a full, vigorous oversight investigation by this body, into all elements involved in Abscam. But let us not in our haste to condemn them throw the baby out with the bath water.

In this regard, I wish to associate myself with the powerful and eloquent remarks of my colleague from Missouri, Senator EAGLETON. Law enforcement authorities do have, with great frequency, to resort to the use of informants, of sources—many of whom are not lily-pure, many of whom subscribe to the Angelo Errichetti school of "How To Win Friends and Influence People."

So while I support the effort to detect Government misconduct where it existed, and establish guidelines for its prevention in the future, let us likewise recognize the validity of this type of investigation as necessary in our ever vigilant fight against the forces of crime.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

THE FOREIGN MINISTER OF PAKISTAN

Mr. MATHIAS. Mr. President, the Constitution of the United States may vest authority in the Congress to confer citizenship, but in 1977 three brave men made themselves our fellow citizens for all time by an ordeal of courage, conscience, and compassion. They are Ardeshir Zahedi, then Ambassador of Iran; Ashraf Ghorbal, Ambassador of Egypt, and Sahabzada Yaqub Khan, then Ambassador of Pakistan. These three, themselves devout Moslems, walked alone into the national headquarters of B'nai B'rith where a group of Hannafi Moslems were holding a number of hostages and threatening them with bodily injury and death. By quiet persuasion and by the force and dignity of their own personalities the three Moslem Ambassadors brought an end to these dangerous troubles. Since that day, they have been our brothers.

It is, therefore, with more than casual interest that we have learned that Ambassador Khan, now the representative of Pakistan in France, has been recalled from Paris to assume the office of Foreign Minister. His service as Ambassador to the Soviet Union and to France since he left Washington has further expanded his personal knowledge of the world and his personal acquaintance with the principal actors on the world stage. His continued success has been a source of pleasure to his friends, but his elevation to the office of Foreign Minister should give us both hope and confidence as well.

Yaqub Khan has taken part in great affairs since he was a very young man. He was aide-de-camp to Lord Mountbatten, last Viceroy of India, and subsequently to Mohammed Ali Jinnah, first Governor General of Pakistan. Thus he was present at the moment of his country's birth and a close observer of the forces that brought it about. Americans, who hope to maintain a friendship with both Pakistan and India and to see them friendly to each other, may take heart from the fact that he has worked constructively with his Indian neighbors in the past and may do so in the future.

But the real basis for confidence in Yaqub Khan's ability to fulfill the office of Foreign Minister is not so much in his experience, wide as that has been, or whom he knows, impressive as the roster of his friends may be, but rather in his own quality as a human being.

Unlike many public men, he has not let the pressure of daily events prevent him from philosophic reflection on why things are as they are and how things may change.

As a result of this rare capacity to think in comprehensive terms about human affairs, he is likely to be able to suggest creative solutions to problems that have resisted solution by mechanical methods.

In a recent conversation, he was describing for me the history of a nation that spanned many centuries. He reflected on the fact that this nation had always embodied an ideal that transcended its physical boundaries, that the idea of nationality was larger than the geography of the nation. Thus, he could explain otherwise inexplicable events, but, more importantly, he is able to speculate with intelligence on the course that the Nation's peculiar character may lead it to adopt in the future and so he is able to propose action that is anticipatory and responsive.

About a year before the fall of the Shah of Iran, he sat with me on a hillside in the rolling Maryland countryside and shared his vision of what could happen in Iran and why he thought so. In fact, what did occur was so exactly what he had foreseen that his might have been the voice of a genuine oracle. While no human can always be right, it is encouraging to know that some among us can at least be right at times.

His interests are, however, not all consumed by affairs of State. His wife, Tuba, is his match in wit and intelligence and they take great pride in their children, one of whom, Sahabzada Samad, is a student in the United States at Brown University. He has been a gifted horseman throughout his life like many of his countrymen. When he has come to Maryland to observe the progress in the improvement of the breed, he has been able to predict which steeplechasers would be first over the bars with the same accuracy that he forecasts the ebb and flow of the tides of history.

In many ways, Sahabzada Yaqub Khan is the man who has proved Rudyard Kipling to be wrong when he said "East is East and West is West and never the twain shall meet."

Yaqub Khan is a citizen of the world who knows both, is comfortable in both, can contribute to both and is aware of his obligation to both. In him the twain have met and we can be glad of it.

The friends of Yaqub Khan will wish him satisfaction and fulfillment in his new duties as Foreign Minister of Pakistan and success in his efforts to preserve the peace of the world.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business, not to extend past 3:45 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIFFORD P. CASE

Mr. MATHIAS. Mr. President, Cliff Case once said that he thought Beethoven's Hymn to Joy from the Ninth Symphony was so near perfection that he wished no one would sing Schiller's words. At one level, the remark expressed Cliff Case's devotion to pure music. More basically, perhaps, it revealed a facet of his character which made words unnecessary when he knew the tune. His convictions did not require renewal or reminder.

Senator Case was not reluctant to speak and he was certainly not unable to speak. He was, instead, economical with speech and therefore what he said had added weight and credibility. He did not confuse eloquence with endurance.

Independence was another strong element of his personality, and he perserved it carefully. Once, when progressive Republicans were considering a slate of candidates for party office within the Republican caucus in the Senate, he declined to be nominated despite his seniority and his popularity. The grounds for declining any party preferment to which he might have been entitled were that it might impair his independence and he was convinced that his independent judgment was worth more than any prestige that could flow from entering the party leadership.

His legislative activity, his foreign policy positions, his brilliant victories and his honorable defeats are too well known to need repetition today. A special word about his devotion to the ideal of the State of Israel as the ultimate refuge of justice is always appropriate.

There was no sham or pretense about Clifford Case. He would not even bother to embellish his voting score by casting votes that he considered unnecessary and foolish. During late night sessions of the Senate, he was always present while the business was serious. But, when fatigue and confusion took over and the procedure became redundant and unprofitable, he would not hesitate to walk out. He rejected cant and empty rhetoric even though the rejection cost him a point or two on his attendance record. When that time came, usually close to midnight, he would tilt his head and say "Good night, Sonny, I am going home to Ruth!"

It is a good thing to remember that even the U.S. Senate needs to be objectively observed and assessed from time to time. When it is found wanting, each of us cannot only make a judgment, but also can take personal and individual action to register that judgment. It is an example to be noted and followed.

And now Clifford Case has once more said in his jaunty way "Good night, Sonny!" But it is only at the end of a long and fruitful day and when a record that enhances the honor of the Senate is written in full.

Mr. President, I ask unanimous consent that a poem by Archibald MacLeish, which was read at Senator Case's funeral, be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 9, 1971]

ON A PUBLIC OCCASION

(By Archibald MacLeish)

Rinsing our mouths with praise . . .
Tin cup,
limestone spring in the cool of the mintbed

Earlier generations knew this place,
made their way through the fern. We have forgotten it:
we have kept to the streets too long, tongues
stale, hearts thirsty.
Listen to me!
God's will in the world if we could learn it,
test it on our lips, would taste of priase.
Why else should the world be beautiful? Why should the
leaves look as they do, the light, the water?
Rinsing our mouths with praise of a good man . . .

I say what I mean. I do not say
a good man in a bad time.
All times are bad when the man fails them.
I say:
A good man in a time when men are
scarce, when the intelligent foregather,
follow each other around in the fog like
sheep, bleat in the rain, complain
because Godot never comes, because
all life is a tragic absurdity—Sisyphus
sweating away at his rock, and the rock
won't—because freedom and dignity . . .

Oh, weep, they say, for freedom and dignity!
You're not free: it's your grandfather's itch you're scratching.
You have no dignity: you're not a man,
you're a rat in a vat of rewards and punishments,
you think you've chosen the rewards: you haven't:
the rewards have chosen you.

Aye! Weep!
Rinsing our mouths with praise of a good man
in a time when men are scarce, when the Word
chirps like a cricket on the cellar floor
on the stone—when the mind maunders . . .
A good man! Look at him there against the time!
He saunters along to his place in the world's weather,
lights his pipe, hitches his pants,
talks back to accepted opinion.
Congressional Committees hear him say:
"Not what you think: what you haven't thought of."
He addresses Presidents. He says:
"Governments even now still have to govern:
no one is going to invent a self-governing holocaust."
The Pentagon receives his views:
"science," he says, "is no substitute for thought.
Miracle drugs perhaps; not miracle wars."
Adviser to Presidents, the papers call him,
Adviser, I say, to the young.
It's the young who need competent friends, bold companions
honest men who won't run out,
won't write off mankind, sell up the country,
quit the venture, jibe the ship.
I love this man.
I rinse my mouth with his praise in a frightened time.
The taste in the cup is of mint,
of spring water.

NORTHERN KENTUCKY FIGHTS A SLUGGISH ECONOMY

Mr. FORD. Mr. President, less than 2 years ago, a major steel plant closed in northern Kentucky, leaving more than 1,000 people unemployed and severely depressing an already sluggish local economy.

But this area did not take the news sitting down. Instead, it came out fighting to put the plant back to work.

Local business and labor community leaders met the challenge head on and developed a proposal to start anew with the manufacturing of pipe tubular steel. With a little encouragement, Federal and State government agencies rallied in support of the plan to reopen the plant under the new name of Newport Steel.

The various elements of the plan fell in place and now, after the initial reopening, the company is expanding its operation.

This kind of perseverance provides another stirring example of how hard work and good ideas can bring about success. I commend the Newport Steel Co. and everyone involved for what they have done to bring about this success story. The real beneficiaries here are the local people who can now enjoy steady employment and plan for a better future.

I agree with a recent editorial in the Cincinnati Enquirer that said the story of Newport Steel is the kind that should be told often and with enthusiasm in Washington. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Cincinnati Enquirer, Feb. 28, 1982]

Newport Steel: New Company Is Constant Source of Good News

Newport Steel Corp. seems just to keep rolling right along, and that's good news indeed for Northern Kentucky's work force and economy.

The firm, which emerged from the ruins of Interlake Steel less than a year ago, has announced that it will stick by its plans to open a second mill despite a pronounced downturn in the industry. The cost of the new mill, targeted for opening in the second quarter of this year, has been pegged at $28 million.

Spokesmen for Newport Steel have been optimistic in their outlook for the U.S. steel industry in general and their own operation in particular. They feel the downturn will prove a temporary, short-lived interruption, and that business will begin to pick up again in the spring.

Meanwhile, Newport Steel plans to make the most of the lull by using the slack time to build its own inventory, something the company has not been able to do during the recent period of high demand. A fuller inventory will put the firm in a better position to fill orders for large customers.

So the story continues, happy and with no end in sight. The new plant will benefit the local economy and employment picture by adding about 120 new jobs to the nearly 600 that have been created since startup.

Newport Steel's is the kind of story that should be told often and with enthusiasm in Washington, Frankfort and anywhere there are doubts about the efficacy of planning, good management and American business.

BUDGETARY TACTICS

Mr. FORD. Mr. President, an editorial in the Washington Post for Saturday, March 6, 1982, was entitled, "Budgetary Tactics." While its contents do not deal directly with the subject of a 2-year budget cycle, I believe there is an inescapable implied relationship.

The editorial notes that on March 31 the continuing resolution expires; that still to be passed is the final 1982 budget resolution, which was due to be passed last September; that soon the first 1983 budget resolution must be adopted, and finally, lurking in the uncertain future, is the related necessity of further raising the statutory debt limit.

The editorial further notes, "That does not leave much time for a great deal of work, if Congress is to come up with a specific proposal that differs substantially from Mr. Reagan's." That is the connecting link which I believe makes this editorial significantly relevant to those of us who believe we will soon have to deal with the question whether time constraints, among other considerations, dictate that we should, if not must, go to a 2-year budget cycle.

Clearly, S. 1683, which would establish a 2-year period for budget and appropriation activity, does not pretend to solve all of our budget and fiscal problems. Certainly it would not directly deal with the principal concerns highlighted in the Post editorial. But the plain fact remains that the shortage of time contributes to some of these problems, and lengthening the time we have to budget and appropriate will ease many of these problems.

I ask unanimous consent that the Post editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 6, 1982]

Budgetary Tactics

You can hardly be expected to follow the budget game without a program. The following paragraphs attempt to outline the stages that are likely to be important in the next several months, and the tactical positions that seem to be developing.

On March 31, the continuing resolution expires. You may recall that Congress was never able to agree on several of the 1982 appropriations bills and, in the final convulsion last fall, kept the money flowing with a compromise that extends only through the first half of the fiscal year. It's likely that both houses will vote for a simple extension, but the measure covers the controversial areas of health, education and welfare, and it's possible that enough deficit-fearing senators will balk to block passage.

A more likely source of trouble is the matter of the final budget resolution setting spending limits for the current fiscal year. In passing it last fall, Congress simply ignored the fact that actual spending is running at least $40 billion above its legally binding limit. Now, if the budget process is to be kept intact, Congress must adopt a revision that approves an uncomfortably large deficit for 1982.

Congress, however, also needs to approve a first budget resolution for the next fiscal year—the one that's the subject of the current quarrel with the president. In the Senate, the target date for this event is March 3; in the House it's April 15. That doesn't leave much time for a great deal of work, if Congress is to come up with a specific proposal that differs substantially from Mr. Reagan's.

Last year, as the result of close negotiations between Reagan administration officials and Republican senators starting right after the election, the budget process got off to a fast start. This year, the administration went its own way and congressional support for the Reagan budget is currently nil.

If all goes as planned—and much may not—the congressional alternatives will face their first tests in the April votes on the budget resolution. If there is strong bipartisan support for the alternatives—and if the administration is still sitting on the sidelines—the next play may well come when, sometime in May, federal spending pushes the federal debt over the limit currently set by law.

Failure to raise the debt ceiling would cause a chaotic shutdown of many government operations and possible panic in the financial markets. House and Senate leaders see the debt ceiling bill as an opportunity to turn the tables on the administration, forcing it to accept the budget and tax changes that Congress wants—just as the administration forced Congress to accept further budget cuts by closing down the government last fall. One possible danger here is the temptation to overload the debt ceiling bill with too many conditions to be passable. Another is a simple collapse of support for any budget, between the people who won't vote for the spending cuts and those who won't vote for the deficit.

Despite the acknowledged perils, momentum behind a congressional alternative is currently strong. Voters are genuinely worried, and many Republicans—who worked diligently to advance the administration's program last year—are stung by the president's current strategy of lobbing brickbats at them from the safe distance of his western tour. More important, responsible people in both parties realize, as the administration apparently does not, that the alternative is a stalemate over the budget—and, for the country, that is the greatest danger of all.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Is there further morning business?

Mr. BAKER. Mr. President, it is my intention to ask the Senate to proceed to the consideration next of Senate Resolution 333, the resolution providing funding for committees for the year 1982.

I do not wish to do that until the minority leader is on the floor. I understand he is perhaps on his way to the floor. So before we go out of morning business and so that I can consult further on that subject, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. STEVENS at this point relating to the introduction of legislation are printed under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER. The hour of 3:45 p.m. having arrived, the time for morning business has expired.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. McCLURE. Mr. President, I ask unanimous consent that morning business be extended for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

THE HANDLING OF ABSCAM BY THE DEPARTMENT OF JUSTICE AND THE FBI

Mr. McCLURE. Mr. President, perhaps this is not the time to open the debate which will ensue with respect to the activities of the Department of Justice and the agents of the FBI in handling the Abscam matter but, as a matter of fact, that debate was already opened before we had disposed of the Williams matter.

As a matter of fact, if I understood correctly, one of the major arguments with respect to the substitution of a censure for that of expulsion was based upon the wrongdoing of the FBI, and most of the argument that I heard in support of the resolution of censure was not in support of Senator WILLIAMS but in condemnation of the actions of the FBI.

Mr. President, I am concerned about that idea because it seems to me that we again are falling into the trap of making judgments before having heard the evidence.

Throughout the entire proceedings we were asked to withhold judgment of Senator WILLIAMS until we had viewed the tapes, until we had reviewed the transcripts, until we had heard the arguments, until we had heard the judgments on the floor of the Senate by the various people who were involved in the discussion of the various aspects of the Williams case. I did so. I viewed the tapes, I looked at the transcripts, I heard the arguments, I reserved my judgment until it became very clear to me that there was no other fact than the fact that Senator WILLIAMS had involved himself in promoting a private enterprise, using his office to do so, in the hope or expectation that that enterprise in which he held an interest would prosper and that his interest would grow in value. That, Mr. President, was undisputed.

Now to say that we should, without having heard the evidence, come to the conclusion that the FBI is somehow at fault, that Senator WILLIAMS was not at fault, that indeed the Government, the Senate, the courts, and the jury had been somehow misled by a super con man scamming everybody in sight is to say also that the Senate itself has been wronged, either fallen error to being misled by Mel Weinberg or that indeed we acted without appropriate evidence for the action that was being taken and that was so obviously going to be taken in the expulsion of a Member of the Senate.

And it would also demean the committee that, after having spent months and months of time reviewing the evidence, hearing the witnesses, and listening to the arguments, had concluded, based upon the same evidence that there was wrongdoing that led them to unanimously recommend expulsion.

So there was something more in this case than just wrongdoing of the FBI. And let us not allow ourselves to be postured before this country as being fearful of disclosure of wrongdoing by people in high places. Let us not indulge ourselves in sympathetic extensions of some kind of exculpatory notion toward Senator WILLIAMS that leads people to conclude that it is not the investigation of wrongdoing that so much concerns us as the fear that it might be found among some of us.

This cannot be and shall not be viewed as an exercise on the part of the Senate to shield ourselves from inquiry. And some of those unguarded comments that were made earlier today lead me to make these statements at this time.

The FBI certainly may have made mistakes. There may have been procedural safeguards that could have been installed or that should have been installed or that were there and were not followed. But that does not say that the wrong was not committed or that we are beyond investigation or that the FBI cannot use tactics of that kind in the investigation of undercover crime, because every one of us knows that at times that is the only way they catch the drug dealer, the pusher, the organized criminal, the person who is involved in peddling influence who certainly is not going to do that openly and who certainly is going to conceal that activity as best he can.

The committee of inquiry, the Ethics Committee in this case, deserves better than that kind of condemnation. The FBI deserves a more careful inquiry into what it is it has done right or wrong before we rush to a judgment that indeed they have been wrong.

I think, Mr. President, without posing as an expert in what happened in Abscam but with some experience in law enforcement, having been a prosecutor for 6 years, a city attorney for 13 years, and I have also been on the other side of the table in criminal actions defending those who were accused of crime and exerting every lawful right that I could exert on their behalf, sometimes successfully and sometimes unsuccessfully arguing the merits of the shadow of a doubt that we must apply in criminal cases, I must remind the Senate that based upon what I have heard and what little I know about the Abscam cases, Senator WILLIAMS was not the target. Senator WILLIAMS was brought in because he was implicated by a man who was targeted for investigation. What would you have the Department of Justice do if a Member of the U.S. Senate is implicated by someone else who is under investigation? Have them rush away from them saying, "Oh, no; you cannot touch him. That is too high. That fellow is too important; he is too strong to touch. We should stop the investigation now, lest we find something wrong."

Senator PRESSLER was not targeted. There was another who was and the informant, a middleman, who was doing the work in that case, substituted Senator PRESSLER for someone who was targeted for investigation. And perhaps there was wrong in not having stopped the proceedings and scrubbed that operation immediately. But I listened yesterday as Senator **Pryor** made the comment about the notation by Mr. Webster on the foot of that decision sheet, that he said, "We are out to get Senator **Pressler**. Let's make sure we nail him," when, as a matter of fact, that was a procedural safeguard designed to protect those who might be subject of investigation by saying, "Be sure that you do not get that kind of an offer from somebody who is not involved in any wrongdoing."

And so we have somehow, in the emotions of the "Good Ole Boy" club to which we all belong, the emotions of trying to be kind to somebody who obviously has transgressed and is going to be punished by expulsion to be nice in the face of that very unpleasant situation that we had. We are turning the evidence on its head to make it appear to be something that it is not. And we are even in danger not of protecting the innocent, not of helping Senator **Williams**, not of protecting the institution of which we are a part, we are in danger of having the American public conclude that we are on a witch hunt now to destroy the effectiveness of the FBI and to make certain the FBI never again investigates one of us.

Mr. President, that would be more damaging to us than any of the wrongs that have been done by Senator **Williams** and for which he paid the high price of resignation today.

Thank you, Mr. President.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON BUILDING ENERGY CONSERVATION STANDARDS—MESSAGE FROM THE PRESIDENT—PM 117

The PRESIDING OFFICER laid before the Senate the following message from the President, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the requirements of Subtitle H of Title V of the Energy Security Act (42 U.S.C. 8286b), I hereby transmit the first annual report covering calendar year 1980 prepared by the Department of Energy on the federal coordination of factors and data used in the development of building energy conservation standards. The period covered by the report precedes my term of office.

Ronald Reagan.

The White House, *March 11, 1982.*

REPORT ON NUCLEAR NONPROLIFERATION FOR 1981—MESSAGE FROM THE PRESIDENT—PM 118

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

My policy statement on nonproliferation and peaceful nuclear cooperation last July highlighted the key elements of continuity in United States policy to prevent the spread of nuclear explosives and those areas where we need to adopt new directions or different approaches. We will continue our efforts to strengthen the nonproliferation regime and the framework for peaceful nuclear cooperation, and we look forward to working closely with Congress toward these shared objectives.

I am pleased to submit the fourth annual report called for by Section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242). This report which covers calendar year 1981 has been prepared by the Department of State in collaboration with other concerned departments and agencies.

Ronald Reagan.

The White House, *March 11, 1982.*

PRESIDENTIAL APPROVAL

A message from the President of the United States reported that on March 10, 1982, he had approved and signed the following enrolled joint resolution:

S.J. Res. 142. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

ENROLLED JOINT RESOLUTIONS SIGNED

The VICE PRESIDENT announced that on today, March 11, 1982, he signed the following enrolled joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

H.J. Res. 348. Joint resolution to provide for the awarding of a special gold medal to Her Majesty Queen Beatrix in recognition of the 1982 bicentennial anniversary of diplomatic and trade relations between the Netherlands and the United States; and

H.J. Res. 373. Joint resolution expressing the sense of the Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the 38th meeting of the United Nations Commission on Human Rights at Geneva in February 1982.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2923. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report on Federal alcohol-related activities for fiscal year 1980; to the Committee on Labor and Human Resources.

EC-2924. A communication from the Secretary of Education, transmitting, pursuant to law, copies of the executive summary report of the study, "Projections of Non-English Language Background and Limited English Proficient Person in the United States to the Year 2000"; to the Committee on Labor and Human Resources.

EC-2925. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report on programs affecting the youth labor market; to the Committee on Labor and Human Resources.

EC-2926. A communication from the Secretary of Education, transmitting a draft of proposed legislation to amend title IV, part B of the Higher Education Act of 1965; to the Committee on Labor and Human Resources.

EC-2927. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a request for a supplemental appropriation for fiscal year 1982 that was transmitted to the Office of Management and Budget, Executive Office of the President; to the Committee on Rules and Administration.

EC-2928. A communication from the Acting Executive Secretary to the Secretary of Defense, transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for October through December 1981; to the Committee on Small Business.

EC-2929. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation to amend the Land and Water Conservation Fund Act, to provide for the administration and utilization of recreation fees, and other purposes; to the Committee on Energy and Natural Resources.

EC-2930. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of Army's proposed letter of offer to Israel for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Service.

EC-2931. A communication from the Acting Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, the annual report on special pay for duty subject to hostile fire for calendar year 1981; to the Committee on Armed Services.

EC-2932. A communication from the Secretary of the Army, transmitting, pursuant to law, a report stating that five Army weapons systems had exceeded a baseline unit cost by more than 25 percent; to the Committee on Armed Services.

EC-2933. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report stating that six Air Force weapons systems had exceeded their baseline unit cost by more than 15 percent; to the Committee on Armed Services.

EC-2934. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Saudi Arabia for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2935. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Mission Effectiveness of the AV-8B Harrier II Could Be Improved If Actions Are Taken Now"; to the Committee on Armed Services.

EC-2936. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Navy's F/A-18 Expected To Be an Effective Performer But Problems Still Face the Program"; to the Committee on Armed Services.

EC-2937. A communication from the Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, the defense manpower requirements report for fiscal year 1983; to the Committee on Armed Services.

EC-2938. A communication from the Secretary of Commerce transmitting a draft of proposed legislation relative to management and operation of a civil land remote sensing satellite system; to the Committee on Commerce, Science, and Transportation.

EC-2939. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act; to the Committee on Commerce, Science, and Transportation.

EC-2940. A communication from the Acting Assistant Secretary of the Interior, transmitting, pursuant to law, a report on and request to execute a drainage and minor construction contract for the Gila project, Arizona; to the Committee on Energy and Natural Resources.

EC-2941. A communication from the Chairman of the Advisory Council on Historic Preservation transmitting, pursuant to law, comments of the Council on the proposed construction of Interstate Highway 90 through Wallace, Idaho; to the Committee on Energy and Natural Resources.

EC-2942. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, the second biennial report relative to the Outer Continental Shelf lands; to the Committee on Energy and Natural Resources.

EC-2943. A communication from the Administrator of the Environmental Protection Agency transmitting a draft of proposed legislation to extend the Safe Drinking Water Act for 2 years; to the Committee on Environment and Public Works.

EC-2944. A communication from the Fiscal Assistant Secretary of the Treasury transmitting, pursuant to law, the report on inventory of nonpurchased foreign currencies as of September 30, 1981; to the Committee on Foreign Relations.

EC-2945. A communication from the Railroad Retirement Board transmitting, pursuant to law, its report on a proposed new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2946. A communication from the Director of the Central Intelligence Agency transmitting a draft of proposed legislation to authorize appropriations for the Agency for fiscal year 1983; to the Select Committee on Intelligence.

EC-2947. A communication from the Director of the International Communication Agency transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2948. A communication from the Secretary of the Federal Trade Commission transmitting, pursuant to law, the report for calendar year 1981 on the Commission's activities under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2949. A communication from the Administrator of the Veterans' Administration transmitting, pursuant to law, a report on the Administration's administration of the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2950. A communication from the Chairman of the National Capital Planning Commission transmitting, pursuant to law, the report of the Commission on Freedom of Information activities for calendar year 1981; to the Committee on the Judiciary.

EC-2951. A communication from the Assistant Attorney General for Legislative Affairs transmitting a draft of proposed legislation to facilitate the forfeiture of property utilized in, and obtained as a result of, racketeering and major drug related crimes; to the Committee on the Judiciary.

EC-2952. A communication from the Secretary of Education transmitting, pursuant to law, the annual report on progress being made toward the provision of a free appropriate public education to all handicapped children; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McClure, from the Committee on Energy and Natural Resources, without amendment:

S. 901. A bill to preserve and protect the Georgetown waterfront for the recreational use of the public (Rept. No. 97-321).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself and Mr. Durenberger):

S. 2190. A bill to authorize each head of a department or agency of the United States to establish a program to use the services of volunteers within his department or agency; to the Committee on Governmental Affairs.

By Mr. HAYAKAWA:

S. 2191. A bill for the relief of In Hong Song, and Spouse, Sung J. Park; to the Committee on the Judiciary.

By Mr. COHEN:

S. 2192. A bill to restore unemployment compensation for ex-members of the armed services; to the Committee on Finance.

By Mr. MITCHELL:

S. 2193. A bill to amend the Tariff Act of 1930 to provide greater access to antidumping and countervailing duty proceedings, and for other purposes; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. Levin):

S. 2194. A bill to impose quotas on the importation of automobiles from Japan during 1982, 1983, 1984, and 1985; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2195. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control, Mamaroneck and Sheldrake River basins, New York, and Byram River, Conn.; to the Committee on Environment and Public Works.

By Mr. HUMPHREY:

S. 2196. A bill to allow the criminal and civil forfeiture of real property under the Comprehensive Drug Abuse Prevention and Control Act of 1970; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. Roth, Mr. Moynihan and Mr. Durenberger):

S. 2197. A bill to amend the Internal Revenue Code of 1954 to make certain sales of fuel for use in a taxicab exempt from tax, to make permanent the provision for refund of taxes paid on the sale of fuel for use in a taxicab, and for other purposes; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. Grassley and Mr. Chafee):

S. 2198. A bill to amend the Internal Revenue Code of 1954 to improve taxpayer compliance, and for other purposes; to the Committee on Finance.

By Mr. HAYAKAWA (for himself, and Mr. Cranston):

S. 2199. A bill to amend the Internal Revenue Code of 1954 relating to the treatment under the DISC rules of fungible products marketed through peeling arrangements of cooperative associations; to the Committee on Finance.

By Mr. STEVENS:

S.J. Res. 164. A joint resolution proposing an amendment to the Constitution of the United States to provide that the compensation and allowances of Members of Congress shall be established biennially by the Supreme Court of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRANSTON (for himself, Mr. Stevens, Mr. Inouye, Mr. Garn, Mr. Hatch, Mr. DeConcini, Mr. Melcher, Mr. Hayakawa and Mr. Johnston):

S. Res. 337. A resolution providing for an investigation and report by the Committee on Rules and Administration regarding the propriety of executive branch activities allegedly designed to create improper conduct on the part of, or to develop information that might be used in attempts to compromise, Members of Congress of the United States; to the Committee on Rules and Administration.

By Mr. CRANSTON (for himself, Mr. Stevens, Mr. Inouye, Mr. Garn, Mr. Hatch, Mr. DeConcini, Mr. Melcher, Mr. Hayakawa and Mr. Johnston):

S. Res. 338. A resolution providing for an investigation and report by a standing or select Senate Committee regarding the propriety of executive branch activities allegedly designed to create improper conduct on the part of, or to develop information that might be used in attempts to compromise, Members of the Congress of the United States; to the Committee on Rules and Administration.

By Mr. MOYNIHAN (for himself, Mr. Robert C. Byrd, Mr. Mathias, Mr. DeConcini, Mr. Proxmire, Mr. Bradley, Mr. Cannon, Mr. Ford, Mr. Inouye, Mr. Burdick, Mr. Pryor, Mr. Pressler, Mr. Boren, Mr. Cohen, Mr. Johnston, Mr. Dixon, Mr. Sarbanes, Mr. Levin, Mr. Hatch, Mr. Hart, Mr. Warner, Mr. Harry F. Byrd, Jr., and Mr. Murkowski):

S. Con. Res. 68. A concurrent resolution regarding membership in the United Nations General Assembly; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. Durenberger):

S. 2190. A bill to authorize each head of a department or agency of the United States to establish a program to use the services of volunteers within his department or agency; to the Committee on Governmental Affairs.

(The remarks of Mr. Specter on this legislation appear earlier in today's Record.)

By Mr. COHEN:

S. 2192. A bill to restore unemployment compensation for ex-members of the armed services; to the Committee on Finance.

UNEMPLOYMENT COMPENSATION FOR EX-MEMBERS OF THE ARMED FORCES

● Mr. COHEN. Mr. President, I am pleased to introduce legislation that would restore unemployment compensation benefits for veterans who have honorably served their country. This bill would correct inequities enacted last year as part of the Omnibus Budget Reconciliation Act.

To effect savings in the federally financed unemployment compensation for ex-servicemen (UCX) program, Congress approved several changes in the eligibility of former service members to collect unemployment compensation. Unfortunately, while the law needed to be tightened, Congress went too far and created unfairness in its attempt at reform. The reconciliation act establishes new requirements that prevent honorably discharged veterans with excellent records from receiving unemployment benefits simply because they chose not to reenlist. An individual receiving a general discharge who did not measure up to reenlistment criteria is, however, permitted to collect unemployment. In effect, the new law penalizes those veterans who have served their country honorably and effectively but who are unable to immediately find new civilian jobs. More than 110,000 veterans are expected to be denied benefits in fiscal 1982 under the new criteria.

When the results of the new law became apparent, veterans' organizations, several Members of Congress, and the General Accounting Office all criticized the unfairness of the new restrictions. I heard from many Maine veterans who had not been informed of the change in the law and suffered financial hardship because they were ineligible to receive benefits, despite being unable to find employment.

Military service managers interviewed by the General Accounting Office pointed out several differences between civilian and military employment which cause the new law to be unfair to former service members. Unlike most civilian jobs, enlistment in the service is a contract for a specified period, and it is not desirable for all who enlist to make careers of the military. Second, it is difficult for service members to have access to the civilian job market near their place of residence as they are often stationed far from their homes. A veteran returning to his hometown may be unable to find new work immediately.

The legislation that I am proposing would eliminate the inequities in the existing law, while strengthening the eligibility requirements that existed prior to passage of the reconciliation act.

My bill would require an individual to have a full 2 years of active, continuous military service and to be discharged or released under honorable conditions in order to qualify for UCX benefits. Also, a former service member could not begin to receive unemployment compensation until the fifth week following his separation from the military. This 4-week waiting period provides an incentive for veterans to seek employment immediately and answers the concern that some former service members might apply for unemployment compensation and not really seek employment until their benefits expire. Finally, veterans would be permitted to receive no more than 13 weeks of benefits. These provisions are modeled on language included in legislation approved by the House last December, the Miscellaneous Revenue Act of 1981, and introduced by several Members of the House of Representatives. I hope that my bill's similarity to the House-passed bill will enable the Senate to quickly rectify the problems in current law.

Mr. President, I believe that the restrictions imposed by my bill would meet the concerns of those who feel that the UCX program was too lax prior to the passage of the reconciliation bill last year. At the same time, it would insure that our veterans, to whom we owe so much, are given some assistance in their transition to the civilian work force.

The present rate of unemployment means that it will be even more difficult for former service members to find suitable civilian employment upon leaving the military. That is why it is imperative that we act quickly to implement more equitable eligibility requirements for the UCX program.●

By Mr. MITCHELL:

S. 2193. A bill to amend the Tariff Act of 1930 to provide greater access to antidumping and countervailing duty proceedings, and for other purposes; to the Committee on Finance.

ACCESS TO UNFAIR TRADE PRACTICE PROCEDURES ACT

● Mr. MITCHELL. Mr. President, the legislation that I am introducing today will provide much needed reform in our laws governing relief from unfair trade practices. The changes proposed in this bill will greatly reduce the costs for industries using the existing antidumping and countervailing duties statutes.

Current law imposes substantial costs, particularly legal fees, on firms seeking relief from subsidized import competition or from dumped imports. For many small firms, those costs have become prohibitive, effectively putting statutory relief from unfair trade practices out of their reach. Therefore, my bill is designed to improve the access of small and financially strained domestic firms to the antidumping and countervailing duty statutes.

It is necessary to understand the important role played by the laws governing antidumping and countervailing duty actions, which are contained in title VII of the Tariff Act of 1930. The general goal of U.S. trade policy is to promote free trade. An open trading system will tend to produce the greatest economic benefits for all concerned. Trade patterns will largely be determined by the comparative advantages each country enjoys.

Certain actions by foreign governments and producers can substantially alter such trade patterns, however. Provision of subsidies by foreign governments or the sale of imports below their fair market value can give foreign products an unfair competitive advantage in U.S. markets. These trade-distorting actions not only result in lost sales and employment in the United States, but they undermine support for free trade.

Congress clearly recognizes the problems posed by subsidized and unfairly priced imports. According to the Senate report on the Trade Agreements Act of 1979, "Subsidies and dumping are two of the most pernicious practices which distort international trade to the disadvantage of United States commerce." To remedy these practices, title VII of the Tariff Act of 1930, with substantial amendments by the 1979 act, allows for the imposition of countervailing duties, to offset the value of foreign subsidies, and antidumping duties to offset the difference between the fair market value and the U.S. price.

The amendments made by the 1979 act largely made U.S. laws conform to codes negotiated under the multilateral trade negotiations. In addition, specific changes in the handling of title VII cases were enacted. While many improvements were made, problems have become apparent that were not foreseen when Congress considered the act.

One of the most serious of these problems is the added cost to domestic petitioners in title VII cases. Much of this added cost is due to excessive litigation that is not required to fulfill the intent of Congress when the 1979 Trade Act was passed.

Industries in my home State of Maine have confronted this problem directly as they have sought relief from unfair trade practices. The potato, fishing, and wood products industries are all feeling the effects of subsidized imports.

The New England fishing industry has a history of frustration in getting relief from subsidized Canadian imports. The nature and magnitude of Canadian subsidies to its fishing industry are well documented in several published reports. Thus, it is not surprising that the U.S. industry was successful in three separate petitions in convincing the Federal Government that it had to compete with subsidized imports. Unfortunately, on each of those occasions, the countervailing duty was waived.

As a result of many changes made by the 1979 act, including elimination of the discretionary waiver of countervailing duties, the current countervailing duty statute is much better suited to the concerns of the fishing industry. However, as a result of a continued high level of Canadian imports and the costs of the three unsuccessful efforts in seeking relief, the industry's financial resources are depleted. Even though the Canadian Government continues to subsidize its fishermen, our domestic industry does not know if it can bear the costs of what has become a very expensive procedure to obtain relief.

The potato industry has had similar problems. Imports of seed potatoes from Canada have more than tripled in recent years, seriously impairing the health of Maine's potato growers. Reports of government subsidies available to Canadian growers have been widely publicized, but the Maine industry has delayed seeking relief because of the cost and complexity of title VII cases.

The industry is currently benefiting from a factfinding investigation by the International Trade Commission. While this will be useful and will relieve the growers of part of the costs of seeking import relief, the industry still faces substantial costs once it files an antidumping or countervailing duty petition.

The purpose of the antidumping and countervailing duty laws is not served if small firms in industries that are not well organized and do not have substantial financial resources to draw on are effectively denied import relief. In fact, in many cases the weak financial condition of the industry is directly related to the level of subsidized or dumped imports.

I believe that this problem can be solved by modifying the current antidumping and countervailing duty laws without changing the underlying policies adopted in the 1979 act.

Perhaps the most important reason for the increased costs is that, as a result of the 1979 act, antidumping and countervailing duty proceedings have become more litigious. This is largely a byproduct of desirable changes that have increased opportunities for domestic petitioners to participate in the proceedings and to seek judicial review of agency decisions. My legislation would preserve these advantages and yet reduce the overall costs of the process.

The first section of my bill would change the standard for the ITC preliminary determination of injury. This determination is an important step in title VII cases. If the injury determination is negative, the entire investigation stops. On the other hand, positive determination is a necessary step in getting interim relief prior to the conclusion of the case.

The current standard requires the ITC to determine whether there is a "reasonable indication" of injury from imports. This bill would change the standard to one of "sufficient indication" of injury. Although this may appear to be a minor change in the wording of the statute, it would have a significant effect on this stage in the process.

The reason for the change is that the "reasonable indication" standard has resulted in exceedingly expensive preliminary determinations by the ITC. Often at this stage the ITC requires information from the domestic industry that is actually sufficient for making a final determination. Providing this information is an expensive burden on domestic firms. Also, substantial legal resources must be devoted to this stage of the proceedings.

I do not believe that Congress intended that the ITC preliminary determination be such a crucial stage, nor do I believe that our international agreements require it. In the 1979 act, Congress contemplated a more modest threshhold, not the active investigation that it has now become. The language of the antidumping code and the subsidies code refers to "sufficient evidence" of injury. This phrase is intentially broad, and the proposed change should be consistent with the intent of the code language.

Under the "sufficient indication" standard, the ITC could make preliminary determinations of injury if the petition from the domestic industry contained information that, if proven, would demonstrate injury in accordance with statutory standards, and that the agency was at the time not aware of any conflicting information of sufficient force to demonstrate that those allegations were frivolous, fabricated, or plainly inaccurate.

The second section of the bill addresses the costs imposed by judicial review of agency determinations in title VII cases. As I stated earlier, one of the benefits of the recent changes is the greater access to the courts by domestic petitioners. Unfortunately, this has also increased the prospective costs of seeking import relief, thus discouraging some firms or industries from filing petitions. Over half of all final determinations are appealed to the courts, so the petitioner can expect significant costs after the agency proceedings are finished.

My bill would assign responsibility of review to the Court of Customs and Appeals. Currently, this responsibility rests with the U.S. Court of International Trade. This latter court is a trial court, so foreign parties are tempted to exploit the costly procedures available in courts of original jurisdiction, even though the only purpose of judicial review is to judge the lawfulness of agency action. However, since U.S. Court of International Trade decisions are appealable, a domestic industry that won in the agency may have to defend the favorable decision twice under present law.

This change would make judicial review of title VII cases similar to review of other administrative proceedings. Most importantly, it would provide for more efficient judicial review at a lower cost.

The final section of my bill would create within the administering authority, which is now the Commerce Department, an independent office to advise and, in some cases, to argue at the agency level on behalf of domestic petitioners who, because of their financial condition, are unable to prosecute fully antidumping or countervailing duty cases.

Under current law both the Commerce Department and the ITC assist domestic petitioners by providing information that may be helpful to their cases. The Government may also self-initiate cases on behalf of domestic interests.

However, title VII cases involve substantial litigation in which advocacy as well as information is essential. Also, the self-initiation action has not been used significantly to assist small, financially pressed firms. Under the bill, an internal ombudsman would be available in certain cases to provide both counsel and advocacy at critical points in administrative proceedings.

I believe that these recommended changes are a responsible solution to the problem of excessive costs of seeking relief from unfair trade practices. I welcome further recommendations on other solutions to this problem.●

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 2194. A bill to impose quotas on the importation of automobiles from Japan during 1982, 1983, 1984, and 1985; to the Committee on Finance.

IMPORT QUOTAS FOR JAPANESE CARS

● Mr. RIEGLE. Mr. President, I am introducing today a bill that would reduce the level of Japanese auto imports to 14 percent of U.S. sales, the market share that Japanese manufacturers achieved in 1978 and 1979. These temporary limits would remain in effect through 1985, the period needed to allow American manufacturers to complete their investment in new products and machinery.

I believe that Congress should enact this bill promptly as part of a broad national strategy to return the U.S. auto industry to health.

Senator LEVIN has joined me as an original cosponsor of the bill.

Mr. President, this bill would require the Secretary of Commerce each calendar quarter to prepare an estimate of U.S. auto sales for the subsequent 6 quarters and for the calendar year during which the estimate is being made.

The bill would then limit the number of Japanese cars entering the U.S. market during calendar years 1982 through 1985 to 14 percent of the Commerce Department's forecasts of total domestic sales. The import limitations would be adjusted each quarter to reflect changes in projected U.S. sales.

Mr. President, this legislation is needed first, because the voluntary export agreement of the Japanese manufacturers clearly has failed to hold Japanese auto sales to 16.8 percent of U.S. sales, as promised. In fact the Japanese captured 22 percent of the American market during 1981 and, in the first 2 months of 1982, the Japanese share rose to 24.1 percent.

If this legislation had been in effect during 1981, sales of U.S.-built automobiles would have risen by 600,000 units, over 140,000 Americans would have been working rather than on the unemployment rolls, and our huge trade deficit with Japan would have been reduced by $3 billion. That would have brought significant relief to States and communities across the country that are experiencing extreme hardship as a result of the depression in the automobile industry.

Second, the bill is needed for the United States to take control of decisions that are vital to our long-term economic and strategic strength. For over 3 years now, the U.S. Government has remained essentially passive while America's most basic industry has been reeling under ominous pressures. The administration has issued words of warning to the Japanese, but they have relied on the 1981 voluntary agreement which permits the Japanese unilaterally to decide the share of our market that they will take. The procedures for calculating the second year import ceiling under the agreement are still under discussion. Unconfirmed reports indicate that the Japanese have decided to ship 1.68 million cars into this country during the second year of their agreement, a level that would let them retain a huge 24-percent market share. The Japanese have yet to agree to any limitation for a third year.

Third, the bill is needed to reduce the damage that is being done to the U.S. economy. Auto worker unemployment has been rising steadily for over 6 months and is now back to the 250,000 peak reached in August 1980. As a direct result, another 375,000 are jobless in related industries. The financial impact of the auto slump is daily forcing thousands of supplier firms, including major steelmakers, closer and closer toward the brink of bankruptcy.

In November 1980, the International Trade Commission found that increased imports were causing the severe injury to the domestic auto industry, which the escape clause of the General Agreement on Tariffs and Trade requires for import restrictions. However, a majority of the ITC found that the restrictiveness of U.S. law did not permit them to take remedial action. I strongly objected at the time to the failure of ITC to take firm action against the Japanese trade invasion.

No other country would permit its government to stand idly by in the face of such an important economic threat. Other auto producing countries have taken firm action to cut Japanese imports long before their domestic industries suffered injury to the extent that the U.S. industry has. The United States will delay similar action only at our great peril.

Mr. President, this legislation is by no means the only step Congress should take to bring the domestic auto industry back to health. I have introduced other legislation to provide targeted tax incentives for the purchase of new fuel efficient cars. Also, it is essential that the high interest rates be brought down and the economic policy that is producing those high rates must be changed in order to bring auto sales back to normal levels. Congress must also ease unnecessary regulatory burdens.

The temporary but effective import limitations which this bill would enact must be part of any national strategy to help the auto industry. The bill would insure that a sufficient share of the benefits of any economic recovery will go to produce jobs in the United States and not just to increase America's huge auto trade deficit with Japan.●

By Mr. MOYNIHAN:

S. 2195. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control, Mamaroneck and Sheldrake River Basins, N.Y. and Byram River, Conn.; to the Committee on Environment and Public Works.

CONSTRUCTION OF CERTAIN FLOOD CONTROL PROJECT

● Mr. MOYNIHAN. Mr. President, I rise to introduce a bill to authorize the Army Corps of Engineers to construct a flood protection project along the Mamaroneck and Sheldrake Rivers in Westchester County, N.Y. The corps has studied the project extensively. It is technically and economically feasible. The responsibility is with the Congress to authorize the project. The residents of the area have been extremely patient in the face of constant danger of flooding.

This project is long overdue. In September of 1980, while I was the chairman of the Water Resources Subcommittee, I offered the Mamaroneck and Sheldrake Rivers project as an amendment to S. 3170, the rivers and harbors omnibus bill of the 96th Congress. Although the subcommittee accepted the amendment, the full Committee on Environment and Public Works never considered S. 3170. In the absence of administration guidance and support for water legislation, S. 3170 was never enacted by Congress.

The Chief of the Corps of Engineers in his April 4, 1979, report to the Secretary of the Army recommended construction of this project. With regard to the town of Mamaroneck, the Chief stated that the Board of Engineers, his technical advisory committee, found that the proposed project for the town of Mamaroneck portion of the larger project could not be part of the Federal project and instead must be carried out by the local interests. I do not agree with this judgment and have therefore included in the authorization language the town of Mamaroneck project segment.

The prospect of passage of this bill is at best uncertain at this time. It has been 6 years now since the last Corps of Engineers' water project was authorized. Our Federal water program has come to a complete halt. Nothing happens. This is in part because the Northeast has been systematically excluded from the program. There no longer is the necessary political consensus to support new construction work.

I have joined Senator PETE V. DOMENICI of New Mexico in advocating a new approach to the selection and funding of water projects. Under our bill, the National Water Resources Policy and Development Act (S. 621), projects such as the Mamaroneck flood control project could be funded directly by New York State with Federal assistance. We would not have to wait for Congress to authorize individual water projects. Instead, funds would be allotted to States. States would in turn determine their most pressing water needs and apply a percentage share of their own funds to construct the project.

Mr. President, I ask unanimous consent that the legislation I introduce today be printed in the RECORD along with an excerpt from the Chief of Engineers report of April 4, 1979, describing the project and recommending project construction.

EXCERPT FROM THE REPORT OF THE CHIEF OF ENGINEERS, APRIL 4, 1979

Subject: Mamaroneck and Sheldrake Rivers Basin and Byram River Basin, New York and Connecticut.

The District and Division Engineers recommend authorization for construction of local protection projects at the Village and Town of Mamaroneck, New York along the Mamaroneck and Sheldrake Rivers, and in the Town of Greenwich, Connecticut and Village of Port Chester, New York along the Byram River.

The proposed plan to protect the Village of Mamaroneck consists of tunnel diversion of the Sheldrake River and channel modification with levees along the Sheldrake and Mamaroneck Rivers. The proposed project would protect portions of the village from the standard project flood. Other areas would be protected from the 100-year and 200-year flood events.

A rectangular concrete channel is proposed on the Sheldrake River to protect the Town of Mamaroneck from the 100-year flood. The proposed project includes a stilling basin, a drop structure, and tie back levees at the upstream limit. The proposed plan for the Byram River consists of channel modification and levees. Two pumping stations with associated ponding areas and drainage facilities would be necessary to handle interior runoff. The plan would provide protection against a 100-year flood.

The District Engineer estimates the total costs for the Village of Mamaroneck project at $32,669,000; the Town of Mamaroneck project at $1,737,000; and the Byram River project at $4,475,000. The costs are based on December 1976 price levels.

Average annual charges, based on an interest rate of 6⅜ percent and a 100-year period for economic analysis, are estimated at $2,117,000, $114,000, and $309,000 for the Village of Mamaroneck, Town of Mamaroneck, and Byram River projects, respectively.

The District Engineer estimates average annual benefits for these projects at $2,850,000, $213,000 and $488,000, respectively. The resultant benefit-cost ratios are 1.3, 1.9, and 1.6, respectively.●

By Mr. HUMPHREY:

S. 2196. A bill to allow the criminal and civil forfeiture of real property under the Comprehensive Drug Abuse Prevention and Control Act of 1970; to the Committee on the Judiciary.

FORFEITURE OF REAL PROPERTY

● Mr. HUMPHREY. Mr. President, today I am introducing legislation which will give this country's law enforcement agencies a vital weapon in the war against drugs. I wholeheartedly commend the efforts of this administration to tighten up law enforcement, to include the use of military resources to assist in the effort, and to authorize the spraying of paraquat for eradication of the domestic marihuana crop. The legislation I am introducing today will permit the forfeiture of real property when it is used in the furtherance of drug trafficking. The most important aspect of this legislation is that it will place the large growers of marihuana in this country on notice that they are subjecting their fields to forfeiture.

I would like to insert in the RECORD newspaper articles which painfully exhibit the dimensions of domestic marihuana production. According to the Drug Enforcement Administration (DEA), in 1980 domestic production of marihuana was between 700 and 1,000 metric tons. Of this number, only approximately 187 metric tons of marihuana were destroyed through joint State and Federal efforts. U.S. suppliers provide 7 percent of the marihuana consumed domestically with an approximate value of between $1 and $2 billion. Indeed, in several States marihuana is among the State's leading cash crops.

Unless we take action immediately, through legislation at both the Federal and State level, to eliminate the enormous profits and relatively minor risks of these growers, we cannot hope to reduce marihuana production in this country. It is my fervent hope in pursuing this legislation that the threat of forfeiture will induce domestic growers to produce crops other than marihuana.

In addition to providing a disincentive to growers in the United States, it is imperative that this country send a signal to its neighbors. We are asking other nations to spray their domestic marihuana fields with paraquat, to pursue vigorous eradication and enforcement techniques, and to halt their export of controlled substances. We cannot ask this of our neighbors with any credibility unless we are willing to address the reality of the magnitude of our own domestic production.

The recent statement by the DEA that they have approved the use of paraquat for eradicating domestic marihuana crops was a most welcome one. This position, and more importantly its implementation, will be a strong indication to our neighbors that we are serious about eliminating the production of illicit marihuana in the United States.

Law enforcement needs the weapons to fight the drug war on three fronts: Through people, drugs, and profits. Although the Comprehensive Drug Abuse Prevention and Control Act currently provides the means to arrest drug traffickers and confiscate their illicit drugs, the forfeiture provisions contain a serious omission in neglecting to include land used in drug trafficking and production. The bill I am introducing will rectify this omission by providing law enforcement agents the vital ability to seize the land used for marihuana production, as well as its warehousing and related activities.

In addition to providing for the forfeiture of land used for growing, processing, or distributing illicit drugs, the bill clarifies current law by insuring that real property may be seized when it is being used in a continuing criminal enterprise in the pursuit of profits from drug trafficking. This provision will provide another means to attack large-scale, profitmaking enterprises engaged in the illegal manufacture and distribution of marihuana.

Naturally, there are instances when an owner of land is unaware of activities taking place on land he has rented or otherwise conveyed. The legislation provides that in this event, the owner of the land is protected from forfeiture.

This country has always placed the highest value on preserving an individual's rights to property from governmental intrusion and I fully support these protections. However, when land is openly and flagrantly being used to produce illegal substances, protections for an individual responsible for such illegal activities must necessarily be diminished. I urge my colleagues to support me in this critical effort.

Mr. President, I ask unanimous consent to insert in the RECORD the articles mentioned earlier in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 13, 1980]

CALIFORNIA MARIJUANA FARMS YIELD A BILLION-DOLLAR HIGH

(By Pamela G. Hollie)

LOS ANGELES.—On tracts hidden away in the mountains and forests of the northern coastal counties and in containers arranged boldly on big-city backyard patios, California seems abloom with marijuana these days. Though cultivating marijuana is a felony, the weed is plentiful and profitable. Indeed, except for cattle, milk and cotton, marijuana earns more than any agribusiness, more than $1 billion annually. In no other state is more marijuana smoked and produced, authorities say.

In part because the stakes are so high, cultivating marijuana is becoming an increasingly violent way of making a living. In the last three years, two persons have been killed and a number of gunfights and kidnappings have been attributed to disputes among growers. Not long ago, an observation plane carrying four sheriff's deputies was fired on by a sniper, presumably an angry grower. One of the deputies, who were being trained to spot marijuana from the air, was wounded in the attack.

Law enforcement agencies have staged a number of raids. Last fall, in one suburban county southeast of Los Angeles, more than 40 tons of marijuana were cut down or burned. This year, California Attorney General George Deukmejian has promised an even tougher crackdown. With a Federal grant, helicopters and specially trained deputies, a task force will concentrate on several counties, including Humboldt and Mendocino in the north, which are recognized as the state's principal growing areas.

NECESSITY MOTHERS AN INVENTION

The trade in marijuana is unregulated and untaxed, and there appear to be few counties that do not produce at least $1 million worth of marijuana annually. Estimates of the size of the state crop vary widely, and only one county reports marijuana in its agricultural statistics. Mendocino County conservatively estimated the street value of its 1979 crop at $1.2 million. The business has become so profitable that the Internal Revenue Service has decided to start trying to collect some of the unreported income from growers. Agents already have started files on some of those allegedly in the business.

California owes much of the growth of its marijuana industry to Mexico's efforts, begun in 1976, to stop the trade there by spraying marijuana fields with the poison paraquat. Mexican marijuana continued to flow north, but an increasing number of California users feared lung disease from paraquat-tainted pot and turned to the domestically grown product. California growers—who typically harvest and sell leaves to dealers who then peddle one-ounce bags on the street—now supply about 30 percent of the marijuana smoked in the state. There is not enough to export.

In the last five years, California growers have developed their own potent weed called California sinsemilla—Spanish for "without seed." Growers found that when pollination occurs, the female plant uses some of its tetrahydrocannabinol—the active ingredient in marijuana—to produce seeds. By preventing pollination, the growers force the plants to store the surplus THC in superpotent buds. California sinsemilla is recognized by users as superior to the old Mexican marijuana and sells for up to $200 an ounce, compared with about $40 an ounce for regular marijuana. When raids reduce the supply, the price goes even higher.

Some northern California communities have come to depend on the crop. In Gaberville, a little town in Humboldt County where new businesses have opened and the growers have made political allies and gained financial clout, the townsfolk don't talk to strangers about the area's crop. "Don't need no publicity," said Ted Kogan, a nine-year resident of the area.

The more firmly entrenched the industry becomes, the more state law enforcement officials doubt that their eradication efforts will succeed. Last year, officials estimated that they destroyed less than 10 percent of the estimated crop. What is more, marijuana cultivation simply does not have a high priority with most local law enforcement officials. The Humboldt County District Attorney, Bernie DePaoli, says that the stiffest penalty he will seek for a large grower—one in the $300,000 cash drop bracket—is a year in the county jail.

Except for the state's raids on growers, little has been done to rid California of the crop. Prosecutions are rare and difficult, since the fields are seldom owned by the grower and, unless a grower is caught during harvesting in the fall, possession is often hard to prove. The marijuana isn't easy to find. Many fields are tucked away in rugged state parks. Some growers cultivate as many as 50 small plots.

In addition, marijuana growers have become a new sort of folk hero in California. Hiding out in the mountains and the deserts, they are often romanticized as refugees from the cities who have eked out a life in the wilderness fighting poachers, lawmen and the elements. Of course, many growers are nothing of the sort, but rather practical businessmen and blue collar workers.

Growing even one marijuana plant is a felony in California, even though possession of an ounce is but a misdemeanor, an offense about as serious as a traffic ticket. Pro-marijuana groups are trying to change the law. They would like to see cultivation for personal use legalized. Alaska is the only state which has such a law.

The California legislature, however, has resisted any change. Although an estimated 7 million people—about 42 percent of the state's adult population—have smoked marijuana, legislation introduced by Assemblyman Willie Brown, Jr., a San Francisco Democrat, to allow an adult to grow marijuana for personal use failed in the last session of the legislature. An initiative proposition, supported by the National Organization for the Reform of Marijuana Laws, a group based in Washington, D.C., failed to make the November ballot in California.

Such setbacks, however, do not affect the big growers, who would get no protection from such changes. For them, the battle will be won or lost in the fields.

[From the Chicago Tribune, Oct. 5, 1981]

OKLAHOMA FARMERS UP TO EARS IN POT

MUSKOGEE, OKLA.—Marijuana is growing as high as an elephant's eye in the eastern third of Oklahoma, casting an ever-widening shadow over the heart of the Bible Belt.

Law enforcement officials said the problem is so serious that a state that likes to brag about the height of its corn now has an international reputation as a producer of common and high-grade "sinsemilla" (seedless) marijuana.

In McIntosh County, state and local authorities have destroyed 60 tons of 10- to 15-foot-high marijuana plants so far this year.

Federal drug agents who recently borrowed a helicopter to look for crops in rugged northeastern Oklahoma found seven fields in two days.

Walter Zablocki, director of the Tulsa office of the U.S. Drug Enforcement Administration, said the agents happened to spot two of the fields while they were looking for fuel for the helicopter.

The clandestine farming operations and crops that bring several million dollars an acre have infuriated some law-abiding folks in the poorest region of Oklahoma.

"People here tend to be very rural. Religion is important," said John Walton, assistant district attorney in Muskogee County. "We like to think that we're the first people to wave the flag and show up for a 4th of July parade. People are incensed about this."

Two Muskogee County farmers have been convicted of growing marijuana during the last year. A third is awaiting trial.

Fred Means, chief of enforcement for the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, worked for several months as an undercover agent in eastern Oklahoma two years ago in the state's largest investigation of marijuana cultivation. The investigation resulted in 37 indictments.

"Our conclusion is that what we had seen was the tip of the iceberg," Means said.

Farming methods have become increasingly sophisticated during the last five years, Means said. Many growers use in-place irrigation systems. Some are importing exotic seeds from foreign countries.

State agents who arrested one Morris, Okla., grower last month found listening devices in the suspect's marijuana field. Homemade bombs being built in the barn were apparently to be placed as mines in the same field.

Growers connected to large-scale distribution rings, unemployed "dopers," and wheat and corn farmers tempted by the weed's tremendous profit potential have all entered the Oklahoma marijuana cultivation market.

State agents have traced Oklahoma-grown marijuana to Illinois, California, Washington, North Dakota, New Jersey, Mississippi, Florida, Texas, and other states.

Law enforcement officials list Oklahoma and such southern states as Tennessee, Arkansas, and Georgia as chief producers of the country's domestic marijuana.

Eastern Oklahoma is special because of its central location, sparse population, and the climate, soil quality, and availabilty of water in foot hills of the Ozark Mountains.

The same feature that has discouraged legal farmers—remoteness—is the one that attracts marijuana growers. Lush as most of northeastern Oklahoma is, much of the area is, inaccessible except by plane.

[From the Chicago Tribune, Oct. 19, 1981]

OUT-OF-STATERS FLOCKING TO NEBRASKA TO PICK MARIJUANA

OMAHA.—They come in airplanes and four-wheel drive vehicles, bearing special maps and wearing camouflage fatigues. They are marijuana hunters, and their target is the low-grade pot that grows wild along Midwestern fence rows and ditches.

The illegal marijuana harvest in Nebraska is on again and State Patrol officers say the pace this year is "hot and heavy."

Lt. Robert Clinkenbeard, head of the patrol's drug division in eastern Nebraska, said arrest statistics indicate that out-of-staters are doing most of the pot picking and taking the crop with them to be mixed with high-grade imported marijuana before it's sold.

Clinkenbeard said 436 people have been arrested for picking pot in Nebraska since 1975 and only 126 were Nebraskans.

He cited these incidents in the last two months:

Four people from Maine and a Massachusetts man were arrested along Int. Hwy 80 and 33 duffle bags stuffed with 1,455 pounds of "Nebraska ditch" were seized along with $4,000 in cash, two cars, and a van.

Twelve people from New York, Oregon, Hawaii, California, and New Mexico were charged with various drug law violations after several were arrested on a Nebraska farm that authorities suspect was rented solely for pot harvesting.

Near Lincoln, four Georgians were arrested in a field and 150 pounds of freshly picked pot seized. Authorities had been tipped that some people who had harvested in Nebraska before were back for more.

Clinkenbeard said that last year alone, 125 people were arrested for harvesting marijuana and almost two tons of pot worth an estimated $2 million were seized along with a $12,000 airplane and 26 vehicles valued at $64,000.

The harvesters are using ever more sophisticated methods. "For instance, they're using expensive police scanners, 50-channel programmable scanners. You're talking a lot of money here," Clinkenbeard said.

Nebraska road maps with prime marijuana areas marked are being sold around the country, he said. To avoid arousing the suspicions of local residents, some harvesters rent farmhouses.

"We've found these spots where they've had marijuana spread on all the floors of these old farm places to dry. Some use them as a place to store the stuff," Clinkenbeard said.

Authorities have also been finding garbage compactors used to compress wild marijuana into crude bales, he said. "They're kind of innovative in their dealings, so it keeps us on our toes trying to keep up with the latest trends."

Despite the evidence of ever more active domestic pot harvesting, federal officials say they're too busy trying to keep tabs on imports to help Nebraska or other Midwestern states.

"Our 2,000 agents are scattered extremely thin," Horton Heath, a spokesman for the Drug Enforcement Administration, said at the agency's headquarters in Washington. "They are not in a position to be able to aid the states in their domestic programs . . . and I don't see that situation changing.

"We rely on reports from the states . . . Most of the knowledge and effort that goes on in this building is in connection with the international marijuana traffic. That's serious enough."

Heatn said most marijuana available in the United States is grown in Colombia and enters this country most commonly through Florida. Other sources are Jamaica and Mexico. "About 7 per cent of it is grown domestically," Heath said.

Sophisticated smokers of marijuana shy away from wild marijuana, Heath said. Levels of THC—tetrahydrocannabinol, the chemical compound that gives pot its kick—in wild marijuana are just one half of 1 per cent.

"It's rather amateurish just to pick up wild marijuana unless it's being used to adulterate other stuff," Heath said. "Wild marijuana isn't of much interest to marijuana users."

Clinkenbeard says, however, that THC levels are unimportant to the people who travel thousands of miles to harvest Nebraska's wild weed most of which comes from the hemp plants the federal government encouraged farmers to grow in World War II.

[From the New York Times, Sept. 6, 1981]

VIRGINIA BATTLING BUMPER CROPS OF MARIJUANA

Richmond, September 5.—Law enforcement officers in Virginia, using informers and aerial reconnaissance, have opened a drive against marijuana growers who the police say have been cultivating larger and larger fields.

In the past six weeks, the Virginia police have seized thousands of marijuana plants, mostly in isolated areas. At the peak of the harvest season, with two weeks left before frost sets in, a race for new fields is on between the growers and the police.

Large-scale marijuana farming is new to Virginia, according to Dennis W. Robertson, special agent in charge of the State Police Narcotics Bureau. Until this year, most marijuana that the police found in Virginia was grown in small quantities for personal use. Now, Mr. Robertson said, "It's taken a turn away from this—they're growing it to sell."

Growing large amounts of marijuana is a felony punishable by a prison term no shorter than five years and no longer than 30 years.

COPTERS AND PLANES SCAN FIELDS

For six weeks, Mr. Robertson said, the state police have had a helicopter or an airplane searching for marijuana fields for about six hours a day, guided often by information supplied, sometimes for a price, by "concerned citizens."

Since mid-July, narcotics agents and sheriff's officers have raided at least "one good" field of marijuana a week, Mr. Robertson said. It takes 18 to 22 weeks for a marijuana crop to mature.

A harvested crop of home-grown marihuana, he said, brings a street price of $200 a pound; Colombian marijuana sells for $450, and a variety called sinsemilla sells for $2,000 a pound. It was sinsemilla that the police say they believe they found growing on a rented, 30-acre farm in Scott County, southwestern Virginia.

More than 15,000 plants were seized in Scott County Tuesday, and a warrant was issued for two men, believed to be from Pennsylvania or Rhode Island, who rented the farm. Mr. Robertson says a majority of the marijuana farmers arrested have been from outside the state. A Scott Sheriff's Department deputy said the men rented the farm in January for $7,000, adding, "You could have bought the farm for that."

The state police and local sheriff's deputies raided fields in the last two months in Craig, Nelson, Warren, Floyd and Gloucester Counties. On Aug. 24, the authorities said they found a field with 500 marijuana plants in Craig, in the southwest. In a barn nearby, they said they also found 20 pounds of marijuana being processed, and arrested two persons. In Gloucester in the Tidewater area, the police destroyed 8,500 marijuana plants in July. On Aug. 15 in Nelson near Charlottesville, sheriff's deputies swept four acres of marijuana plants. The landowner was arrested later.

NOT JUST IN THE BACK COUNTRY

In Floyd County in the southwest, 800 plants were uprooted by the police. On Aug. 17 and 19, in King George County near Fredericksburg, the police seized 2,000 plants. In Warren County in the southwest, on Aug. 22, the police recovered more than 1,000 pounds after raiding a field.

The raids have not been confined to the back country. In Virginia Beach, on Aug. 23, the police spent a weekend arresting 180 people for growing marijuana in apartment complexes, apparently for personal use.

The out-of-state marijuana growers, Mr. Robertson said, seek largely inaccessible areas.

AGENT SCENTS MOONSHINERS

The narcotics agent said that in Floyd County, it appeared that moonshiners were tending marijuana fields, although none have been arrested. "Some old moonshine money is going into pot growing," he said.

Marijuana growers' efforts, he said, have "just kind of steamrolled."

"The more we looked," he said, "the more we found. We realized we were finding so much we changed our priorities enough to start finding more. We're geared up for it."●

By Mr. MATSUNAGA (for himself, Mr. Roth, Mr. Moynihan, and Mr. Durenberger):

S. 2197. A bill to amend the Internal Revenue Code of 1954 to make certain sales of fuel for use in a taxicab exempt from tax, to make permanent provision for refund of taxes paid on the sale of fuel for use in a taxicab; to the Committee on Finance.

EXEMPTION OF CERTAIN TAXICABS FROM EXCISE TAX ON FUEL

Mr. MATSUNAGA. Mr. President, on November 9, 1981, Senators Roth, Moynihan, and Durenberger, joined me in introducing S. 1830. That bill would exempt qualified taxicabs from the Federal excise tax on fuels and obviate the payment-refund mechanism.

Today we are introducing an improved bill to achieve the same administrative simplification. The new bill, like S. 1830, would extend this benefit to taxicabs operating in jurisdictions which prohibit ride-sharing, provided the taxicab company policy itself did not forbid shared transportation. The new bill would also make permanent the taxicab fuel tax exemption. The current refund mechanism would otherwise terminate at the end of this year.

Our bill has a House counterpart, H.R. 5166, which was introduced on December 10, 1981. The House bill would take effect after December 31, 1981. To move in parallel with the House sponsors, we have provided for the same effective date in our bill.

I ask unanimous consent that the text of the bill be printed in the Record immediately following my statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION OF TAXICABS FROM TAX ON SALE OF FUEL.

(a) Exemption From Tax on Gasoline.—

(1) In general.—Subpart A of part III of subchapter A of chapter 32 of Internal Revenue Code of 1954 (relating to manufacturer's excise tax on gasoline) is amended by redesignating section 4084 as section 4085 and by inserting after section 4083 the following new section:

"SEC. 4084. EXEMPTION OF SALES FOR TAXICAB USE.

"(a) In General.—Under regulations prescribed by the Secretary, the tax imposed by section 4081 shall not apply in the case of gasoline sold for—

"(1) use by the purchaser—

"(A) in a qualified taxicab (as defined in section 6427(e)(2)(B)), and

"(B) while such taxicab is engaged exclusively in furnishing qualified taxicab services (as defined in section 6427(e)(2)(A)), or

"(2) resale by the purchaser for use—

"(A) in a qualified taxicab (as defined in section 6427(e)(2)(B)), and

"(B) while such taxicab is engaged exclusively in furnishing qualified taxicab services (as defined in section 6427(e)(2)(A)).

"(b) Registration Requirement.—If any gasoline is sold by any person for use as a fuel in a taxicao, it shall be presumed for purposes of this section that a tax imposed by section 4081 applies to such sale unless the purchaser is registered is such manner (and furnishes such information with respect to the use of the gasoline) as the Secretary shall by regulations provide."

(2) Clerical amendments.—The table of sections for subpart A of part III of subchapter A of chapter 32 of such Code is amended by striking out the item relating to section 4084 and inserting in lieu thereof the following:

"Sec. 4084. Exemption of sales for taxicab use.

"Sec. 4085. Cross references."

(b) Exemption From Tax on Diesel Fuel and Special Motor Fuels.—

(1) In general.—Subsection (g) of section 4041 of such Code (relating to exemptions from tax on diesel fuel and special motor fuels) is amended by inserting after paragraph (4) the following new paragraph:

"(5) with respect to the sale of any liquid for—

"(A) use by the purchaser—

"(i) in a qualified taxicab (as defined in section 6427(e)(2)(B)), and

"(ii) while such taxicab is engaged exclusively in furnishing qualified taxicab services (as defined in section 6427(e)(2)(A)), or

"(B) resale by the purchaser for use—

"(i) in a qualified taxicab (as defined in section 6427(e)(2)(B)), and

"(ii) while such taxicab is engaged exclusively in furnishing qualified taxicab services (as defined in section 6427(e)(2)(A))."

(2) Registration requirement for tax exemption.—Subsection (i) of section 4041 of such Code (relating to registration requirement for fuel tax exemption) is amended by inserting "or a taxicab" after "aircraft".

(3) Technical and conforming amendments.—Subsection (g) of section 4041 of such Code is amended—

(A) by striking out "and" at the end of paragraph (3), and

(B) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and".

(c) Effective Date.—The amendments made by this section shall apply to sales of fuel after December 31, 1981.

SEC. 2. MAKING PERMANENT THE PROVISIONS FOR REFUND OF TAXES PAID ON SALE OF FUEL FOR TAXICABS; AMENDING THE DEFINITIONS OF QUALIFIED TAXICAB SERVICES AND QUALIFIED TAXICAB.

(a) Making Permanent the Provision for Refund of Taxes Paid on Sale of Fuel for Taxicabs.—Subsection (e) of section 6427 of the Internal Revenue Code of 1954 (relating to refund of taxes paid on sale of fuel for taxicabs) is amended by striking out paragraph (3).

(b) Amending the Definitions of Qualified Taxicab Services and Qualified Taxicab.—

(1) in general.—

(A) Qualified taxicab services.—Clause (ii) of section 6427(e)(2)(A) of such Code (defining qualified taxicab services) is amended to read as follows:

"(ii) is not prohibited by company policy from furnishing (with consent of the passengers) shared transportation."

(B) Qualified taxicab.—Clause (iii) of section 6427(e)(2)(C) of such Code (defining qualified taxicab) is amended by striking out "or equal to" and inserting in lieu thereof "75 percent of".

(2) Effective date.—The amendment made by this subsection shall apply to sales of fuel after December 31, 1981.

By Mr. DOLE (for himself, Mr. Grassley, and Mr. Chafee):

S. 2198. A bill to amend the Internal Revenue Code of 1954 to improve taxpayer compliance, and for other purposes; to the Committee on Finance.

TAXPAYER COMPLIANCE IMPROVEMENT ACT OF 1982

Mr. DOLE. Today, Senator Grassley and I, along with cosponsors, including the distinguished Presiding Officer (Mr. Chafee), are introducing the Taxpayer Compliance Improvement Act of 1982. Mr. Conable, the distinguished ranking minority member on the Ways and Means Committee, is introducing the bill in the House next week. Coupled with additional IRS funding, this bill will raise over $20 billion during the next 3 years by improving the ability of the IRS to collect taxes already owed under present law. This measure will be the first comprehensive reform of our voluntary compliance system since 1954. By avoiding a broad extension of mandatory withholding, it also represents a fundamental redirection of our tax administration system and philosophy of tax collection.

Hearings on the bill are already scheduled for March 22 before the Finance Subcommittee on IRS Oversight.

Although America's taxpayers have a record of compliance unequalled anywhere else in the world, compliance rates have been falling. Under the administration's budget, if there were perfect compliance with the Federal income tax laws, the 1983 deficit would be only $7 billion and by 1984 there would be a $10 billion surplus. Perfect compliance is only a theoretical ideal, however, because the cost of securing such compliance would be unacceptably high.

Our bill generates $20 billion of additional revenue between 1983 and 1985 without imposing new taxes or creating excessive paperwork burdens. Improved compliance is not achieved under our bill through the controversial interest and dividend withholding proposal. Instead, our bill improves information reporting and levies stricter penalties on those who violate the Federal tax laws.

In addition to raising needed revenue, improved compliance will help restore public confidence in our Federal Government and our tax system. At a time when all of our citizens are being asked to share the sacrifice of substantial budget cuts, we cannot tolerate the current levels of tax fraud.

THE EXPANDING COMPLIANCE GAP

There has been enormous growth in the income tax compliance gap—the difference between what the Federal Government was owed and what it collected. That gap grew from $21 billion in 1973 to $76 billion in 1981. If unchecked, the compliance gap would increase to $102 billion by 1985. Moreover, that growth reflects increasing percentages of unpaid tax.

THE THREE PRINCIPAL COMPONENTS

The compliance gap has three principal components: Individuals' unreported and underreported legal income, unreported and underreported corporate income, and illegal income. Approximately 84 percent of the compliance gap, according to the IRS' most recent figures, is attributable to underreporting of individuals' legal income. Only 11 percent is due to underreporting of illegal income and only 5 percent is attributable to the corporate sector. The bulk of the noncompliance is thus by individuals, according to the IRS, and with respect to legal source income.

Compliance is highest for wages—in excess of 99 percent according to the IRS. Farm income has the second highest compliance rate—92 percent. Capital gains has an estimated compliance rate of only 56 percent. Entirely off the chart are tips and illegal source income with average compliance rates of less than 20 percent.

The measures we propose today fall into three principal categories. First are measures which improve the operation of our information reporting system. Second, the bill provides a new system of penalties when taxpayers refuse to comply with the information reporting system or the general tax laws. Third, a progressive voluntary withholding system is applied to pensions.

I would like to note at the outset that these proposals generally do not substitute a mandatory withholding system for a working information reporting system and do not do so in particular with respect to interest and dividend payments. I believe such proposals may be premature until we have seriously tried to improve our information reporting system.

IMPROVED INFORMATION REPORTING

The information reporting system now suffers from three principal flaws.

NEW INFORMATION

First, important and necessary information is not made available to the IRS and to taxpayers filing returns. Information reporting on interest and dividends, for example not only apprises the IRS of the income a taxpayer receives but also reminds the taxpayer during the crucial tax filing season of these amounts. Four principal areas would be dealt with by this bill. First, information reporting would be extended to all interest bearing instruments—including Federal obligations and bearer bonds. Second, low-cost information reporting on capital gains in commodities and securities transactions would be required from the highly computerized securities and commodities brokerage industry. Third, State income tax refunds would be reported to taxpayers—reducing the $330 million revenue loss associated with such payments. Fourth, tips paid over by large employers based upon credit card invoices would be subject to information reporting.

MORE ACCURATE INFORMATION

The key to the IRS information reporting system is the matching of third party reports—like form 1099's on interest and dividends—with the returns filed by taxpayers. This system is important because it allows the IRS to monitor taxpayer compliance without imposing unnecessary burdens on taxpayers' time and money through involved office and audits. Such matching virtually requires that the taxpayer's own return and the information return contain accurate social security numbers. Yet in 1979, the last year for which the information is available, 7.8 percent of form 1099's—a total of 5,668,416 returns—had no social security numbers at all. Over 13 million information reports on interest had no social security numbers—5.9 percent. Approximately 10 percent more of each category of returns had incorrect social security numbers. Tracking down the correct social security number is either very expensive or, in many instances, simply impossible. A combination of new penalties and withholding for taxpayers who do not comply will substantially reduce this serious problem.

USING THE INFORMATION RECEIVED

The third problem that the IRS faces is an inability to handle the information it receives. This problem, too, has several components. One dimension of the problem is resources. Budget cutbacks at the IRS have reduced its ability to process the information it receives. Although the administration's proposal to increase compliance funding for the IRS is important, none of that money will be allocated to data processing. We urge the administration to include in its 1984 and 1985 budgets higher funding to process the information this bill would make available. Even without such additional funding, however the new and more accurate information will boost compliance significantly. Equally important are the regulatory reform changes made by this bill. Under our bill, the IRS would be required to issue promptly regulations interpreting new statutory provisions, thus better enabling taxpayers to comply voluntarily with the Federal tax laws.

A related problem is information returns filed on paper. The bill would give the IRS express authority to require persons filing large numbers of returns to file on magnetic tape and related formats. Such requirements would accelerate and increase the efficiency of processing such returns.

Finally, because of concerns that the IRS has all too often collected information without being able to process it, this bill would require the IRS to make a comprehensive examination of its information returns and their processing and report back to the Congress the results of that study by next spring.

II. PENALTIES AND INTEREST

The second principal type of remedy proposed by the bill would be a comprehensive revision of the penalty and interest system. In addition to imposing meaningful penalties on taxpayers who do not comply with the requirements of our information reporting system, the bill would make six major changes to that system.

COMPUTATION OF INTEREST

Current law offers taxpayers unintended and unwarranted interest bonanzas. Recently, the opportunity to receive interest at 20 percent on net operating losses for up to a full year has received special attention. Taxpayers entitled to a refund can adopt a similar strategy and receive interest at up to 20 percent on their money for up to 3 years. The Federal Government ought not pay 20 percent interest in such instances, and these loopholes will be closed.

COMPOUNDING OF INTEREST

Currently, only simple interest accrues on refunds and deficiencies. Despite the 1981 increase in the rate of interest, the failure to compound interest provides taxpayers with a strong incentive to delay settlement of controversies. Beginning in 1983, interest will be compounded semiannually.

INTEREST RATES

A matter that has deeply concerned Senator GRASSLEY is the failure to provide a realistic measure of the interest rate under the formula of the 1981 Act. This bill reflects those concerns. If enacted, it will insure that interest rates conform to economic reality. Beginning in 1983, interest rates will be adjusted semiannually to the average prime rate over the prior 6 months.

MINIMUM PENALTY FOR FAILURE TO FILE

Currently, a taxpayer must pay a penalty for the late filing of a tax return only if he owes tax. Of the 6 million late filers, many are owed refunds. Thus, they will pay no penalty at all. Nevertheless, it costs the IRS on average almost $100 to identify and secure a return from a nonfiler. Our bill will reimburse the Federal Government for the cost of securing a return from a nonfiler by imposing a minimum penalty of $100.

TAX SHELTER PENALTY

A problem that has long concerned the IRS and the bar is the need to restrict the ability of well-advised taxpayers to take unsupportable positions on their returns while gambling that their tax return will not be audited. Even if audited, such taxpayers can generally rely on the advice of their adviser to defeat a penalty. Our bill would change the sophisticated calculations of such high-income, well-advised taxpayers. In the case of a very substantial underpayment of tax arising out of an item that had not been fully disclosed on the tax return, a 10-percent penalty would be imposed. A substantial underpayment of tax must exceed $5,000 for individuals and $10,000 for corporations. No showing of negligence or fraud would be required.

CORPORATE OFFICER FRAUD PENALTY

The bill would adopt a proposal made last year by the tax section of the New York State Bar Association and permit the civil fraud penalty to be assessed against a responsible manager, lawyer, or accountant of a corporation who commits tax fraud on behalf of his corporate employer. Although current law allows the Government to send such an individual to prison, a civil fraud penalty may operate as a more efficient deterrent.

III. VOLUNTARY WITHHOLDING ON ANNUITIES

Currently, taxpayers receiving annuity distributions from pensions may elect voluntary withholding. The substantive tax law is complex, and many taxpayers mistakenly believe that all amounts received are nontaxable. Because no progressive withholding rate charts are available, taxpayers cannot compute the amount that ought to be withheld to avoid either overwithholding or the need to make estimated tax payments. Not surprisingly, few taxpayers elect in. The compliance gap for pension distributions is already approximately $3 billion, and projected to grow very sharply.

We believe that taxpayers ought not to be required to be subject to withholding on annuity distributions if they do not so choose. On the other hand, annuities are generally taxable, and, as for wages, taxpayers ought to be allowed to avoid making estimated tax payments. Thus, a progressive withholding table will be provided. Withholding will apply unless the taxpayer elects out.

Lump sum distributions are subject to special fixed tax rates. In the case of taxable lump sum distributions, it therefore appears entirely appropriate to apply a mandatory withholding system unless the taxpayer makes a qualified tax-free rollover of the proceeds.

INDEPENDENT CONTRACTORS

Earlier this Congress I introduced S. 8, a bill that provides a broad safe harbor for the definition of independent contractors. I continue to work toward a solution to the fundamental problems of equity and of compliance for independent contractors. We are close to agreeing on a bill and I hope to introduce a bill with safe harbors and information reporting—and without general withholding very soon.

PROCEDURAL AND OTHER MATTERS

A number of other issues have been suggested for our careful study in the course of our efforts to improve taxpayer compliance. I am, frankly, disappointed that we have been unable to address the small but corrosive problem of noncompliance with respect to criminal source income. I do not rule out the possibility that we may agree on such proposals as part of this bill. I also do not rule out the possibility that we will address the problem of partnership audits—after the changes made by this bill in the creation of a penalty for substantial underpayment of tax and the compounding of interest, probably the most important tax shelter strategy that we may adopt. And there are other technical procedural matters that ought perhaps to be addressed as well.

CONCLUSION

The bill represents a dramatic departure from prior strategies to deal with the rapidly growing compliance gap. Without imposing broad-based withholding and without a massive increase in audit coverage, the bill will substantially increase compliance with the Federal tax laws. The bill offers a balanced package, weighing taxpayers' interest in a limited paperwork burden and in privacy with the clear need to collect revenues. Our efforts to narrow the projected budget deficits and maintain confidence in the integrity and the equity of our Federal tax laws should insure that these proposals receive careful attention.

Mr. President, I just suggest, while we all search for ways to find more revenues, or at least ways to lower the deficit so we might lower interest rates, areas we should not overlook are those areas where people with income do not report that income and pay no tax at all. This is what this bill will address.

We hope that if, in fact, the bill stays intact and passes the Congress this year, hopefully by midyear; that is, by 1984, we could raise as much as $9 billion per year. That revenue would come from some individuals, partnerships, corporations, who have not paid the taxes they owed because they did not report their interest income, did not report their dividend income, did not report their capital gains, in some cases, did not report large tips. In other cases people overdeduct and overestimate their expenses and they, too, will be dealt with by this bill. I believe that this proposal has a great deal of merit.

I also wish to thank the distinguished Commissioner of the Internal Revenue Service, Roscoe Egger, for his help in addressing this problem and to thank the Assistant Secretary of the Treasury, John E. Chopoton, as well as Senator GRASSLEY's staff, the committee staff and the joint committee staff and all others who I think will have an interest in this legislation.

It is my hope that there will be a number of other cosponsors. It is a totally nonpartisan or a bipartisan effort.

I ask unanimous consent that the bill be printed in the RECORD and that a technical explanation prepared by the staffs of the Joint Committee on Taxation and the Committee or Finance follow the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Taxpayer Compliance Improvement Act of 1982".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—ADMINISTRATIVE PROVISIONS

SUBTITLE A—REPORTING REQUIREMENTS

SEC. 101. TRANSACTIONS INVOLVING CERTAIN OBLIGATIONS.

(a) REPORTING OF INTEREST ON UNITED STATES AND CORPORATE BEARER OBLIGATIONS.—

(1) INTEREST.—Subparagraph (A) of section 6049(b)(1) (defining interest) is amended to read as follows:

"(A) interest on evidences of indebtedness (including bonds, debentures, notes, and certificates) issued by the United States or any agency or instrumentality thereof or a corporation;".

(2) ORIGINAL ISSUE DISCOUNT.—Subparagraph (C) of section 6049(a)(1) (relating to requirements of returns) is amended to read as follows:

"(C) which is a corporation (or the United States or any agency or instrumentality thereof) that has outstanding any bond, debenture, note, or certificate or other evidence of indebtedness as to which there is during any calendar year an amount of original issue discount (within the meaning of section 1232(b)) aggregating $10 or more includible in the gross income of any holder,".

(3) CONFORMING AMENDMENT.—Section 6049 is amended by adding at the end thereof the following new subsection:

"(d) SPECIAL RULES RELATING TO UNITED STATES.—

"(1) UNITED STATES TREATED AS PERSON.—For purposes of subsection (a), the term 'person' shall include the United States or any agency or instrumentality thereof.

"(2) PAYMENTS BY THE UNITED STATES.—In the case of payments made by the United States or any agency or instrumentality thereof, officers and employees of the United States or any agency or instrumentality thereof having information with respect to such payments shall, under regulations prescribed by the Secretary, make the returns and statements required by this section.".

(b) RETURNS OF BROKERS.—

(1) REGULATIONS TO BE PRESCRIBED.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury or his delegate shall prescribe regulations under section 6045 of the Internal Revenue Code of 1954 which require commodities and securities brokers to make the returns described in such section with respect to transactions in their capacity as such brokers.

(2) REPORTING WITH RESPECT TO CERTAIN SALES AND TRANSFERS.—In the regulations prescribed in accordance with paragraph (1), the Secretary of the Treasury or his delegate shall require that in any return required to be filed under such regulations there shall be included information with respect to any sale or transfer before maturity of any bond or other evidence of indebtedness other than any sale or transfer by a corporation of any—

(A) Treasury bill with a maturity of not more than 1 year, or

(B) bond or other evidence of indebtedness of a corporation which—

(i) is not required to be registered with the Securities and Exchange Commission, and

(ii) has a maturity of not more than 1 year.

(c) PENALTY FOR FAILURE TO FILE SECTION 6045 RETURNS.—Paragraph (2) of section 6652(a) (relating to returns relating to information at source, etc.) is amended by inserting "required by section 6045 (relating to returns of brokers) or" before "required".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for filing of which (including extensions) is after December 31, 1982.

SEC. 102. STATE AND LOCAL INCOME TAX REFUNDS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by adding at the end thereof the following new section:

"SEC. 6050E. STATE AND LOCAL INCOME TAX REFUNDS.

"(a) REQUIREMENT OF REPORTING.—Each individual who—

"(1) is charged under the laws of any State or political subdivision thereof with refunding State or local income taxes (within the meaning of section 164(a)(3)); and

"(2) with respect to any person during any calendar year makes payments of, or credits or offsets, refunds of such taxes aggregating $10 or more,

shall make a return according to the forms or regulations prescribed by the Secretary, setting forth the aggregate amount of such payments, credits, or offsets, and the name and address of the person with respect to whom such payment, credit, or offset was made.

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Every person making a return under subsection (a) shall furnish to each person whose name is set forth in such return a written statement showing—

"(1) the name of the State or political subdivision thereof, and

"(2) the aggregate amount of refunds, credits, and offsets to the person shown on the return.

The written statement required under the preceding sentence shall be furnished to the person during January of the calendar year following the calendar year for which the return under subsection (a) was made.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by adding at the end thereof the following new item:

"Sec. 6050E. State and local income tax refunds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments of refunds, and credits and offsets made, after December 31, 1982.

SEC. 103. REPORTING OF CHARGED TIPS

(a) IN GENERAL.—Subsection (e) of section 6041 (relating to section not applying to certain tips) is amended to read as follows:

"(e) SECTION DOES NOT APPLY TO CERTAIN TIPS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to tips with respect to which section 6053(a) (relating to reporting of tips) applies.

"(2) CHARGED TIPS.—

"(A) IN GENERAL.—In the case of an employer other than a small employer, paragraph (1) shall not apply to charged tips which are paid over by such employer to an employee.

"(B) SMALL EMPLOYER.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'small employer' means with respect to any calendar year an employer who normally employed 5 or fewer employees during the preceding calendar year.

"(ii) AGGREGATION OF EMPLOYEES.—Under regulations prescribed by the Secretary, rules similar to the rules of subsections (a) and (b) of section 52 shall apply.".

(b) CONFORMING AMENDMENT.—The last sentence of section 6001 (relating to notice or regulations requiring records, statements, and special returns) is amended by inserting ", records necessary to comply with section 6041 by reason of section 6041 (e)," after "charge receipts".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to tips paid over by an employer to an employee after December 31, 1982.

SEC. 104. INFORMATION RETURNS.

(a) METHOD OF REPORTING BY LARGE PAYORS.—Section 6011 (relating to general requirement of return, statement, or list) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) FORM OF REPORTING MUST BE MACHINE PROCESSABLE IN CERTAIN CASES.—The Secretary may by regulations require any person required to file a return under this title to file such return in such form (including magnetic media in the case of any person required to file multiple returns) as the Secretary determines necessary to make such return capable of being processed by such equipment as will be used by the Secretary.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for filing of which (including extensions) is after December 31, 1982.

SUBTITLE B—MODIFICATION OF INTEREST PROVISIONS

SEC. 111. INTEREST COMPOUNDED SEMIANNUALLY.

(a) IN GENERAL.—Subchapter C of chapter 67 (relating to determination of rate of interest) is amended by adding at the end thereof the following new section:

"SEC. 6622. INTEREST COMPOUNDED SEMIANNUALLY.

"In computing the amount of any interest required to be paid under this title or section 2411(a) of title 28, United States Code, by the Secretary or by the taxpayer, such interest shall be compounded semiannually.".

(b) CONFORMING AMENDMENTS.—

(1) Section 6601(e) (relating to applicable rules) is amended by striking out paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) The table of sections for subchapter C of chapter 67 is amended by inserting after section 6621 the following new item:

"Sec. 6622. Interest compounded semiannually.".

(3)(A) The heading for subchapter C of chapter 67 is amended by inserting "; Compounding of Interest" after "Rate".

(B) The item relating to subchapter C in the table of subchapters for chapter 67 is amended by inserting "; compounding of interest" after "rate".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest accruing after December 31, 1982.

SEC. 112. DETERMINATION OF RATE OF INTEREST TO BE MADE SEMIANNUALLY.

(a) IN GENERAL.—Subsection (b) of section 6621 (relating to determination of rate of interest) is amended to read as follows:

"(b) ADJUSTMENT OF INTEREST RATE.—

"(1) ESTABLISHMENT OF ADJUSTED RATE.—If the adjusted prime rate charged by banks (rounded to the nearest full percent)—

"(A) during the 6-month period ending on September 30 of any calendar year, or

"(B) during the 6-month period ending on March 31 of any calendar year,

is at least 1 percentage point more or less than the interest rate in effect under this section on either such date, respectively, then the Secretary shall establish, within 15 days after the close of the applicable 6-month period, an adjusted rate of interest equal to such adjusted prime rate.

"(2) EFFECTIVE DATE OF ADJUSTMENT.—Any adjusted rate of interest established under paragraph (1) shall become effective—

"(A) on January 1 of the succeeding year in the case of an adjustment attributable to paragraph (1)(A), and

"(B) on July 1 of the same year in the case of an adjustment attributable to paragraph (1)(B).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to adjustments taking effect after December 31, 1982.

SEC. 113. RESTRICTIONS ON PAYMENT OF INTEREST FOR CERTAIN PERIODS.

(a) INTEREST WITH RESPECT TO DELINQUENT RETURNS.—Section 6611(b) (relating to period for which interest on refunds is paid) is amended by adding at the end thereof the following new paragraph:

"(3) LATE RETURNS.—Notwithstanding paragraph (1) or (2), in the case of a return of tax which is filed after the last date prescribed for filing such return (determined with regard to extensions), no interest shall be allowed or paid for any day before the date on which the return is filed.".

(b) NO INTEREST IF RETURN NOT IN PROCESSABLE FORM.—Section 6611 (relating to interest on overpayments) is amended by redesignating subsection (i) as subsection (j) and by adding after subsection (h) the following new subsection:

"(i) NO INTEREST UNTIL RETURN IN PROCESSABLE FORM.—For purposes of subsections (b)(3)(B), (e), and (h), a return shall not be treated as filed until it is filed in such form as may be processed by the Secretary.".

(c) NO INTEREST ON REFUNDS CAUSED BY CERTAIN CARRYBACKS UNTIL CLAIMS FILED BY TAXPAYER.—

(1) NET OPERATING LOSS AND CAPITAL LOSS CARRYBACKS.—Paragraph (1) of section 6611(f) (relating to refund of income tax caused by carryback or adjustment for certain unused deductions) is amended by striking out "prior to the close of the taxable year in which such net operating loss or net capital loss arises" and inserting in lieu thereof "before an application under section 6411 or a claim for credit or refund is filed with respect to such overpayment".

(2) CREDIT CARRYBACKS.—Paragraph (2) of section 6611(f) is amended by striking out "before the close of such subsequent taxable year" and inserting in lieu thereof "before an application under section 6411 or a claim for credit or refund is filed with respect to such overpayment".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) sh[illegible] apply to returns filed after the 30th day after the date of the enactment of this Act.

(2) SUBSECTION (c).—The amendments made by subsection (c) shall apply to payments of interest made after the date of the enactment of this Act with respect to interest accruing after March 11, 1982.

SUBTITLE C—PENALTY PROVISIONS

SEC. 121. FRAUD PENALTY ON CORPORATE DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS.

(a) IN GENERAL.—Section 6653 (relating to failure to pay tax) is amended by inserting after subsection (e) the following new subsection:

"(f) FRAUD PENALTY IMPOSED ON CORPORATE DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS.—

"(1) IN GENERAL.—If 1 or more directors, officers, employees, or agents of a corporation knowingly participated in any fraud which resulted in a part of any underpayment of tax by such corporation, then there is hereby imposed on all such individuals an aggregate penalty equal to 50 percent of the amount of such part. Except as provided in paragraph (2), each individual described in the preceding sentence shall be jointly and severally liable for any penalty imposed under this paragraph.

"(2) $100,000 limitation per individual per return.—The amount of the penalty imposed under paragraph (1) with respect to any individual with respect to any return shall not exceed $100,000.

"(3) Knowing participation.—For purposes of this subsection—

"(A) In general.—Knowing participation in fraud includes only participation with respect to which such individual knew, or should have known, that such participation would result in an underpayment of tax.

"(B) Certain activities included.—Participation in fraud by an individual includes—

"(i) ordering a subordinate (whether or not an officer or employee of the corporation by which the individual is employed) to participate in such fraud, or

"(ii) knowing of, and not attempting to prevent, participation by such a subordinate in such fraud.".

(b) Statute of Limitations.—Subsection (c) of section 6501 (relating to limitations on assessment and collection) is amended by adding at the end thereof the following new paragraph:

"(8) Fraudulent conduct of corporate directors, officers, employees, and agents.—In the case of a penalty imposed under section 6653(c), the penalty may be assessed, or a proceeding in court for collection of such penalty may be begun without assessment, before the later of—

"(A) 6 years after the last day prescribed by law (determined with regard to extensions) for filing the return of the corporation to which such penalty relates, or

"(B) in the case of any such return with respect to which an agreement is in effect under paragraph (4), 1 year after the last day on which the tax may be assessed, or a proceeding in court may be begun without assessment, under such agreement.".

(c) Effective Date.—The amendments made by this section shall apply with respect to returns the due date for filing of which (including extensions) is after December 31, 1982.

SEC. 122. MINIMUM PENALTY FOR EXTENDED FAILURE TO FILE.

(a) In General.—Subsection (a) of section 6651 (relating to failure to file tax return or to pay tax) is amended by adding at the end thereof the following new sentence: "In the case of a failure to file a return of tax imposed by chapter 1 within 60 days of the date prescribed for filing of such return (determined with regard to any extensions of time for filing), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, the addition to tax under paragraph (1) shall not be less than $100.".

(b) Conforming Amendments.—Section 6651(c)(1) (relating to additions under more than one paragraph) is amended—

(1) by inserting "(but not below $100 in any case in which the last sentence of subsection (a) applies)" after "reduced" in subparagraph (A), and

(2) by inserting "(determined without regard to the last sentence of such subsection)" after "paragraph (1) of subsection (a)" in subparagraph (B).

(c) Effective Date.—The amendments made by this section shall apply to returns the due date for filing of which (including extensions) is after December 31, 1982.

SEC. 123. RELIEF FROM CRIMINAL PENALTY FOR FAILURE TO FILE ESTIMATED TAX WHERE TAXPAYER FALLS WITHIN STATUTORY EXCEPTIONS.

Section 7203 (relating to willful failure to file return, supply information, or pay tax) is amended by adding at the end thereof the following new sentence: "In the case of any person with respect to whom there is a failure to pay any estimated tax, this section shall not apply to such person with respect to such failure if, by reason of section 6654(d), there is no addition to tax under section 6654 with respect to such failure.".

SEC. 124. FAILURE TO FILE INFORMATION RETURNS OR SUPPLY IDENTIFYING NUMBERS.

(a) Minimum Penalty for Failure to File Information Returns.—Subsection (a) of section 6652 (relating to failure to file certain information returns, etc.), as amended by section 101(c), is amended to read as follows:

"(a) Returns Relating to Information at Source, Payments of Dividends, Etc., and Certain Transfers of Stock.—

"(1) In general.—In the case of each failure—

"(A) to file a statement of the aggregate amount of payments to another person required by—

"(i) section 6041(a) or (b) (relating to certain information at source),

"(ii) section 6042(a)(1) (relating to payments of dividends aggregating $10 or more),

"(iii) section 6044(a)(1) (relating to payments of patronage dividends aggregating $10 or more),

"(iv) section 6049(a)(1) (relating to payments of interest aggregating $10 or more),

"(v) section 6050A(a) (relating to reporting requirements of certain fishing boat operators), or

"(vi) section 6051(d) (relating to information returns with respect to income tax withheld), or

"(B) to make a return required by section 6045 (relating to returns of brokers) or required by section 6052(a) (relating to reporting payment of wages in the form of group-term life insurance),

on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid (upon notice and demand by the Secretary and in the same manner as tax), by the person failing to file a statement referred to in subparagraph (A) or failing to make a return referred to in subparagraph (B), $50 for each such failure, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $50,000.

"(2) Penalty in case of intentional disregard.—If one or more failures to which paragraph (1) applies are due to intentional disregard of the filing requirement, then with respect to such failures—

"(A) the penalty imposed under paragraph (1) shall not be less than an amount equal to—

"(i) in the case of a return not described in subparagraph (B), 10 percent of the aggregate amount of the items required to be reported, and

"(ii) in the case of a return required to be filed by section 6045, 5 percent of the gross proceeds required to be reported, and

"(B) the $50,000 limitation under paragraph (1) shall not apply.".

(b) Increase in Civil Penalty on Failure to Supply Identifying Numbers.—Subsection (a) of section 6676 (relating to failure to supply identifying numbers) is amended to read as follows:

"(a) Civil Penalties.—

"(1) In general.—If any person who is required by regulations prescribed under section 6109—

"(A) to include his identifying number in any return, statement, or other document,

"(B) to furnish his identifying number to another person, or

"(C) to include in any return, statement, or other document made with respect to another person the identifying number of such other person,

fails to comply with such requirement at the time prescribed by such regulations, such person shall, unless it is shown that such failure is due to reasonable cause, pay a penalty of $50 for each such failure, except that the total amount imposed on such person for all such failures during any calendar year shall not exceed $50,000.

"(2) Penalty for intentional disregard.—If one or more failures to which paragraph (1)(C) applies are due to intentional disregard of the inclusion requirement, then paragraph (1) shall be applied with respect to such failures—

"(A) by substituting '$100' for '$50', and

"(B) without regard to the $50,000 limitation.".

(c) Withholding of Tax in Certain Cases.—Section 3402 (relating to withholding at source) is amended by adding at the end thereof the following new subsection:

"(s) Extension of Withholding to Certain Individuals Where Identifying Number Missing or Incorrect.—

"(1) In general.—If, in the case of a return described in subparagraph (A) (other than clause (vi)) or subparagraph (B) of section 6652(a)(1), a qualified payee with respect to such return—

"(A) fails to provide a required identification number, or

"(B) provides an incorrect required identification number,

then the person required to file such return shall deduct and withhold from the amount of any payment required to be included in such return a tax equal to 15 percent of such amount.

"(2) Amounts and periods of withholding.—

"(A) Failure to supply number.—In the case of a failure described in paragraph (1)(A), the tax under paragraph (1) shall be deducted and withheld on any amount which is paid during any period during which a required identification number has not been provided (or during the 7-day period following such period).

"(B) Incorrect identification number.—In the case of an incorrect required identification number described in paragraph (1)(B), the Secretary shall notify the qualified payee that the qualified payee has 60 days to correct such number. If the qualified payee fails to correct within such 60-day period, the tax under paragraph (1) shall be deducted and withheld on any amount which is paid during the period—

"(i) beginning on the 8th day after the date the Secretary notifies the payor that the payee has an incorrect required identification number, and

"(ii) ending on the 8th day after the date the Secretary notifies the payor that such number has been corrected.

"(C) Minimum amount required before withholding.—No amount shall be deducted and withheld with respect to any payment required to be included in any return described in paragraph (1) unless the aggregate amount of such payment and all previous payments during the period for which such return covers exceeds the minimum amount which must be paid before such return is required to be filed.

"(3) Definitions and special rules.—For purposes of this subsection—

"(A) Qualified payee.—The term 'qualified payee' means any person with respect to whom a payment is made if such payment is required to be included in any return described in paragraph (1), other than—

"(i) the United States or any agency or instrumentality thereof,

"(ii) any State or political subdivision thereof,

"(iii) an organization which is exempt from taxation under section 501(a), or

"(iv) any foreign government or international organization.

"(B) Required identification number.—The term 'required identification number' means an identifying number which is required to be furnished under section 6109.

"(C) Payments.—The term 'payments' includes amounts other than payments which are required to be included in any return described in paragraph (1).

"(D) Amounts for which withholding otherwise required.—No tax shall be deducted or withheld under this subsection with respect to any amount for which withholding is otherwise required by this title.

"(E) Application for numbers.—The Secretary shall prescribe regulations for exemptions from the tax imposed by paragraph (1) during periods during which a person is waiting for receipt of a required identification number.

"(F) Amounts required to be included in returns.—The determination as to whether a payment is required to be included in any return described in paragraph (1) shall be made without regard to any minimum amount which must be paid before a return is filed.

"(G) Coordination with other sections.—For purposes of this chapter (other than subsection (n)), and so much of subtitle F (other than section 7205) as relates to this chapter, payments of amounts to a qualified payee shall be treated as if they were wages paid by an employer to an employee.".

(d) Effective Dates.—

(1) The amendments made by subsections (a) and (b) shall apply to returns the due date for the filing of which (including extensions) is after December 31, 1982.

(2) The amendment made by subsection (c) shall apply to amounts paid after December 31, 1983.

SEC. 125. PENALTY FOR SUBSTANTIAL UNDERSTATEMENT.

(a) In General.—Subchapter A of chapter 68 (relating to additions to tax and additional amounts) is amended by redesignating section 6660 as section 6661 and by inserting after section 6659 the following new section:

"SEC. 6660. SUBSTANTIAL UNDERSTATEMENT OF LIABILITY.

"(a) Penalty Imposed.—

"(1) In general.—If, in the case of a return of tax imposed by chapter 1 for any taxable year, the underpayment of tax with respect to such return exceeds the greater of—

"(A) $5,000, or

"(B) 10 percent of the amount of tax required to be shown on such return,

then there shall be added to the tax shown on such return an amount equal to 10 percent of such underpayment.

"(2) Corporations.—In the case of a corporation other than an electing small business corporation (as defined in section 1371(b)) or a personal holding company (as defined in section 542), paragraph (1) shall be applied by substituting '$10,000' for '$5,000'.

"(b) Underpayment Defined.—For purposes of this section—

"(1) In general.—The term 'underpayment' has the same meaning given such term by section 6653(c).

"(2) Reduction for underpayment attributable to disclosed items.—The amount of any underpayment determined under paragraph (1) shall not be greater than the amount which would be determined if the disclosed items had been properly included in the return.

"(3) Reduction for underpayment due to valuation overstatements.—The amount of any underpayment under paragraph (1) (determined with regard to paragraph (2)) shall be reduced by that portion of the underpayment attributable to a valuation overstatement to which section 6659 applies and which is not a disclosed item.

"(c) Disclosed Item Defined; Application With Fraud Penalty.—For purposes of this section—

"(1) Disclosed item.—The term 'disclosed item' means any item which is described in the return, or in a statement attached to the return, in a manner adequate to apprise the Secretary of the nature and amount of such item.

"(2) Application with fraud penalty.—If any penalty is assessed under section 6653(b) for an underpayment of tax with respect to a return, no penalty shall be assessed under this section with respect to such underpayment.".

(b) Conforming Amendment.—The table of sections for subchapter A of chapter 68 is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 6660. Substantial understatement of liability.

"Sec. 6661. Applicable rules.".

(c) Effective Date.—The amendments made by this section shall apply to returns the due date for filing of which (including extensions) is after December 31, 1982.

Subtitle D—Withholding on Deferred Income

SEC. 131. WITHHOLDING ON CERTAIN DEFERRED INCOME.

(a) In General.—Chapter 24 (relating to collection of income tax at source on wages) is amended by adding at the end thereof the following new section:

"SEC. 3405. SPECIAL RULES FOR CERTAIN DEFERRED INCOME.

"(a) General Rule.—For purposes of this chapter (and so much of subtitle F as relates to this chapter), any payment of a qualified distribution to an individual shall be treated as if it were a payment of wages by an employer to an employee.

"(b) Election Not to Have Section Apply.—

"(1) Nontotal distributions.—

"(A) In general.—An individual may elect with respect to any calendar year not to have the provisions of subsection (a) apply to any portion of any qualified distribution received by such individual from a payor during such calendar year which is not part of a total distribution.

"(B) Time and manner of election.—

"(i) In general.—An election under subparagraph (A) shall be made by notifying the payor of such election at such time and in such manner as the Secretary may prescribe by regulations.

"(ii) Notice of right to elect.—Notice of the right to make an election under this section shall be given to the recipient at such times as the Secretary shall prescribe by regulations.

"(C) Period of election remaining in effect.—An election under subparagraph (A) shall take effect at such time as the Secretary may prescribe by regulations and shall remain in effect for the calendar year for which made unless revoked earlier.

"(2) Total distributions.—In the case of a qualified distribution which is part of a total distribution, the provisions of subsection (a) shall not apply to that portion of such qualified distribution with respect to which the individual receiving such distribution notifies the payor, in such form and manner as the Secretary may prescribe, that such portion will not be includible in gross income by reason of a qualified rollover.

"(c) Amount Withheld in the Case of Total Distributions.—In the case of a qualified distribution which is part of a total distribution—

"(1) In general.—Notwithstanding section 3402, the Secretary shall prescribe tables or computational procedures for purposes of computing the amount of tax to be withheld under subsection (a) which are based on the amount of tax which would be imposed on such distribution under section 402(e) if—

"(A) the recipient elected to treat such distribution as a lump sum distribution (within the meaning of section 402(e)(4)(A)), and

"(B) such distribution were attributable solely to active participation after December 31, 1973.

"(2) Special rule for distributions by reasons of death.—In the case of qualified distributions from or under an eligible retirement plan described in subparagraph (A), (B), or (C) of subsection (g)(3) which are made by reason of a participant's death, the Secretary, in prescribing tables or procedures under paragraph (1), shall take into account the exclusion from gross income provided by section 101(b) (whether or not allowable).

"(d) Maximum Amount Withheld.—The maximum amount to be withheld under subsection (a) on any qualified distribution shall not exceed the sum of the amount of money and the fair market value of other property (other than employer securities of the employer corporation (within the meaning of section 402(a)(3)) received in the distribution.

"(e) Liability for Withholding.—

"(1) In general.—Except as provided in paragraph (2), the payor of a qualified distribution shall deduct and withhold, and be liable for, payment of the tax required to be deducted and withheld under this section.

"(2) Plan administrator liable in certain cases.—In the case of an eligible retirement plan described in subparagraph (A), (B), or (H) of subsection (g)(3), paragraph (1) shall not apply and the plan administrator shall deduct and withhold, and be liable for, payment of the tax unless the plan administrator—

"(A) directs the payor to deduct and withhold such tax, and

"(B) provides the payor with such information as the Secretary may require by regulations.

"(f) Rollovers of Amounts Withheld.—

"(1) In general.—If—

"(A) any tax is deducted and withheld under subsection (a) on a qualified distribution which is part of a total distribution, and

"(B) the entire amount of such qualified distribution (other than the amount of such tax) is not includible in gross income by reason of a qualified rollover,

then there shall not be includible in gross income that portion of the amount of such tax with respect to which the recipient, before August 15 of the calendar year following the calendar year in which the distribution was made, takes such actions as are necessary (as determined under regulations prescribed by the Secretary) to have such portion treated as a qualified rollover.

"(2) Inclusion in income of amounts not rolled over.—If a recipient does not take the actions described in paragraph (1) with respect to any portion of the tax described in such paragraph, the amount of such portion shall be includible in gross income in the taxable year in which the qualified distribution of which it was a part was made.

"(g) Definitions.—For purposes of this section—

"(1) Qualified distribution.—The term 'qualified distribution' means any distribution or payment—

"(A) from or under an eligible retirement plan or commercial annuity, and

"(B) which is includible in the gross income of the recipient for the taxable year of the recipient in which it is received or any preceding taxable year.

"(2) Total distribution.—

"(A) In general.—The term 'total distribution' means the distribution or payment (within 1 taxable year of the recipient) of the balance to the credit of the individual on whose behalf the recipient is entitled to such distribution or payment.

"(B) Special rule for accumulated deductible employee contributions.—For purposes of subparagraph (A), accumulated deductible employee contributions (within the meaning of section 72(o)(5)(B)) shall be treated separately in determining if there has been a total distribution.

"(3) Eligible retirement plan.—The term 'eligible retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from taxation under section 501(a),

"(B) an annuity described in section 403(a),

"(C) an annuity contract described in section 403(b),

"(D) a plan described in section 405(a),

"(E) an individual retirement account described in section 408(a),

"(F) an individual retirement annuity described in section 408(b),

"(G) a retirement bond described in section 409, or

"(H) a plan described in section 301(d) of the Tax Reduction Act of 1975.

For purposes of this paragraph, a trust, plan, account, annuity, or bond shall be treated as described in a subparagraph of this paragraph if it at any time was, or determined by the Secretary to be, described in any such subparagraph.

"(4) Commercial annuity.—The term 'commercial annuity' means an insurance or annuity contract issued by an insurance company licensed to do business under the laws of any State.

"(5) Plan administrator.—The term 'plan administrator' has the meaning given such term by section 414(g).

"(6) Qualified rollover.—The term 'qualified rollover' means a rollover described in section 402(a)(5), 402(a)(7), 403(a)(4), 403(b)(8), 405(d)(3), 408(d)(3), or 409(b)(3).".

(b) Filing of Reports.—

(1) In general.—Section 6047 (relating to information concerning certain trusts and annuity and bond purchase plans) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) Reports by Employees and Plan Administrators.—The Secretary may by regulations require that the employer maintaining, or plan administrator (within the meaning of section 414(g)) of, an eligible retirement plan described in subparagraph (A), (B), (D), or (H) of section 3405(g)(3) make returns and reports regarding such plan to the Secretary, to the participants and beneficiaries of such plan, and to such other persons as the Secretary may prescribe by regulations. Such reports shall be in such form, made at such time, and contain such information as the Secretary may prescribe by regulations.".

(2) Section 6041.—Section 6041 (relating to information at source) is amended by adding at the end thereof the following new subsection:

"(f) Section Not to Apply to Certain Payments.—This section shall not apply to payments which are required to be included in returns and reports under section 6047(e).".

(c) Conforming Amendments.—

(1) Section 31(a)(1) (relating to credit for wage withholding for income tax purposes) is amended by inserting "or 3405" after "3402".

(2)(A) Paragraph (1) of section 3402(o) (relating to extension of withholding to certain payments other than wages) is amended—

(i) by inserting "and" at the end of subparagraph (A),

(ii) by striking out subparagraph (B), and

(iii) by redesignating subparagraph (C) as subparagraph (B).

(B) Paragraph (2) of section 3402(o) is amended—

(i) by striking out subparagraph (B), and

(ii) by redesignating subparagraph (C) as subparagraph (B).

(C) Paragraph (3) of section 3402(o) is amended—

(i) by striking out "an annuity or", and

(ii) by striking out "annuity payments or" in the heading.

(D) Paragraph (4) of section 3402(o) is amended—

(i) by striking out "an annuity or" in the matter which precedes subparagraph (A) thereof; and

(ii) by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) shall take effect with respect to payments made more than 7 days after the date on which such request is furnished to the payor.".

(3)(A) The table of sections of chapter 24 is amended by adding at the end thereof the following new item:

"Sec. 3405. Special rules for certain deferred income.".

(B) The heading for chapter 24 is amended by inserting "And Certain Deferred Income" after "Wages".

(d) Effective Date.—The amendments made by this section shall apply to payments made after December 31, 1982.

TITLE II—RULES AND REGULATIONS; PAPERWORK REDUCTION

SEC. 201. TIME FOR PRESCRIBING RULES AND REGULATIONS; REPORT.

(a) Regulations To Be Timely Prescribed.—Section 7805 (relating to rules and regulations) is amended by adding at the end thereof the following new subsection:

"(d) Expedited Rules and Regulations.—In the case of any rule or regulation required by any amendment of, or addition to, this title made after the date of the enactment of this section, the Secretary shall prescribe such rules and regulations as soon as possible.".

(b) Report by Secretary.—The Secretary of the Treasury shall report to the Congress annually with respect to—

(1) any delays in issuing regulations required by changes in the Internal Revenue Code of 1954 and the reasons for such delays, and

(2) any progress made in eliminating such delays.

(c) Effective Date.—The amendment made by this section shall apply to regulations pursuant to amendments of, and additions to, the Internal Revenue Code of 1954 made by this Act or made on or after the date of the enactment of this Act.

SEC. 202. PAPERWORK REDUCTION.

(a) In General.—Section 7852 (relating to other applicable rules) is amended by adding at the end thereof the following new subsection:

"(f) Paperwork Reduction.—Chapter 35 of title 44, United States Code, shall not apply to any collection of information requirement contained in any rule or regulation enforcing any provision of this title or to any information collection request which the Secretary determines to be authorized by any provision of this title or any such rule or regulation.".

(b) Effective Date.—The amendment made by subsection (b) shall be effective as of April 1, 1981.

SEC. 203. REPORT ON FORMS.

Not later than March 31, 1983, the Secretary of the Treasury or his delegate shall study and report to the Congress methods of modifying the design of the forms used by the Internal Revenue Service to achieve greater accuracy in the reporting of income and the matching of information reports and returns with the returns of tax imposed by chapter 1.

TECHNICAL EXPLANATION OF S. 2198, THE TAXPAYER COMPLIANCE IMPROVEMENT ACT OF 1982

Overview

The "Taxpayer Compliance Improvement Act of 1982" will reduce non-compliance through a series of provisions designed to encourage complete and accurate reporting of income and deductions. The bill includes provisions improving information reporting, increasing penalties for non-compliance, adjusting the methods under which interest is computed and substantially revising the withholding rules for pension distributions. Interest on bearer obligations and obligations of the United States, charge tips, transactions involving securities and commodities, and State and local income tax refunds would be subjected to new reporting requirements. The bill's penalty provisions include: a minimum penalty for extended failure to file returns; a substantial increase in the penalty for failure to supply taxpayer identification numbers or to file information returns, and withholding in cases of continuing violations; a 10-percent penalty for any substantial underpayment of tax where the items giving rise to the underpayment were not disclosed on the return; and a penalty on corporate officers who commit fraud with respect to their corporation's tax. The interest proposals include provisions for adjusting interest rate payable by or to the Treasury, and compounding such interest, semiannually.

Interest on bearer instruments and obligations of the United States

Under present law, the definition of interest permits the Secretary to provide that interest includes interest on bearer evidences of indebtedness issued by a corporation. The Secretary has not exercised this authority. Further, interest as presently defined in the statute, does not include interest on obligations of the United States or its agencies or instrumentalities. There is, therefore, no requirement for reporting of interest on bearer obligations or obligations of the United States.

The bill expands the information reporting requirements of present law to include interest (including discount on original issue) on all corporate obligations including bearer obligations and interest (including discount on original issue) on obligations of the United States and its agencies and instrumentalities. The mechanics of such reporting will be prescribed under regulations. These new reporting requirements will apply to interest payments reportable on returns, the due date for filing of which is after December 31, 1982.

Information returns brokers

Present law requires that every person doing business as a broker make a return, when required under regulations by the Secretary, showing customer names such other information as the Secretary may require with respect to business transacted for such customers. There are, currently, no regulations issued under this section.

The bill will direct the Secretary to issue regulations with respect to commodities and securities brokers under the provisions of present law. It is contemplated that the broker will be required to report only information acquired in the course of his business. Thus, if the broker has all information necessary to compute gain and loss, it will be required to include such information. Absent such information, the broker will be required only to report the proceeds of sale. These new regulations will also include reporting on the sale or transfer before maturity of any bond or any corporate evidence of indebtedness in bearer form or any Treasury obligations held by individuals will also be subject to such reporting.

These regulations must be issued within six months of enactment of the bill. The first returns under these new regulations will relate to transactions occurring in 1983.

Information reporting on State and local income tax refunds

Refunds of State or local income taxes that were deducted in a previous taxable year are includable in a taxpayer's gross income to the extent the deduction gave rise to a tax benefit. Under present law, there is no requirement that an information return for such refunds be filed with the United States or that persons receive information statements on those refunds during the tax filing season.

The bill will require information returns for State and local tax refunds of $10 or more be filed, reporting the amount of the payment, credit or offset, the taxpayer's name and the taxpayer's identification number to the Internal Revenue Service. It is anticipated that States may satisfy such obligations through voluntary information exchange agreements. A statement with respect to such return must be furnished to the recipient of the refund during January of the year following the year in which the refund is made. This new requirement will apply to refunds, credits, and offsets after December 31, 1982.

Reporting of charged tips

Under present law, an employee who receives tips in excess of $20 in cash or its equivalent in the course of his employment must report all such tips in a monthly statement furnished to his employer. The employer must generally take these tips (but no others) into account in determining the amount of tax to be withheld from the employee wages. No other reporting requirements are imposed on employers with respect to tips.

Under the bill, any employer (other than a small employer) who pays over to an employee more than $600 of charge tips in any taxable year will be required to report those tips to the Internal Revenue Service. Withholding on these charge tips (to the extent not paid over to other employees under pooling arrangements) will be required, as under present law, when the employee reports them together with other tip income to the employer. The amount reported by an employee on his tax return may be different, of course, from that reported by the employer because of pooling and other tip sharing arrangements. Small employers, who are defined as persons who normally have employed five or fewer employees during the previous calendar year, will be exempt from this reporting requirement. The new rules will apply to charge tips paid over to employees after December 31, 1982.

Form of information returns

In general, returns required by the tax laws must be made according to the forms and regulations prescribed by the Secretary. As a general rule, these returns must be in written form except that in certain cases, the return may be made by filing the required information on magnetic tape or other medium, provided that the prior consent to the Commissioner is obtained. There is no statutory or regulatory requirement that any particular sort of return be filed on magnetic tape or in other machine readable form. Under present law, if a taxpayer submits an incomplete or unprocessable return, the Internal Revenue Service must either reject the return as not properly filed or accept the return and pay interest on any overpayment refunded to the taxpayer if processing requires more than 45 days.

The bill clarifies the authority of the Secretary to require that returns be in a form that will permit their prompt and efficient processing including the filing of information returns in machine readable form or on magnetic media (in the case of persons filing multiple returns). These provisions will apply beginning in 1983.

Interest to be compounded semiannually

Under present law, interest payable to or by the United States under the tax law is not compounded. Instead, interest is computed on a single basis.

Under the bill, all interest payable under the Internal Revenue Code will be compounded semiannually. This provision will apply to interest accruing after 1982. Thus, the interest computation rules of Internal Revenue Code will reflect standard commercial practice.

Determination of rate of interest to be made semiannually

Under present law, the rate of interest to be paid on underpayments, on overpayments, and for other purposes, must be established by the Treasury no later than October 15 of any year, based on the average predominant prime rate; that is, the rate quoted by commercial banks to their preferred customers for short-term loans, during September of that year, effective January 1 of the following year.

Under the bill, interest rates will be determined semiannually and will be based on the average adjusted prime rate charged by commercial banks during the six-month period ending September 30 (effective January 1 of the succeeding calendar year), and March 31 (effective July 1 of the same calendar year). The amendment will be effective for adjustments taking effect after December 31, 1982.

Restrictions on payment of interest on certain refunds, etc.

In general, under present law, interest on refunds, credits and offsets runs from the date of overpayment, which is usually the last date prescribed for filing the particular return. Further, under present law, if an overpayment of income tax is refunded within 45 days after the last date prescribed for filing the return, or if later, within 45 days after the date of the return is filed, no interest is payable on the overpayment.

Under the bill, no interest will be paid on overpayments shown on late returns for any day before the date on which the return is filed. Likewise, an overpayment resulting from a net operating loss carryback or credit carryback will be deemed not to have occurred prior to the date a claim is filed for such overpayment. Under the bill, for purposes of the payment of interest on overpayments, a return will not be treated as filed until it is filed in processable form. The amendments made by this provision will be applicable to interest paid after enactment except that interest accruing prior to March 11, 1982, would not be affected.

Fraud penalty on corporate directors, officer, employees and agents

Under present law, a director, officer, employee or agent of a corporation who knowingly participates in fraud with respect to the corporation's tax liability may be subject to a criminal penalty but is not subject to any civil fraud penalty with respect to the corporation's underpayment of tax.

The bill will impose a new civil fraud penalty on corporate directors, officers, employees or agents, who knowingly participate in fraud that results in an underpayment of tax by the corporation. Such directors, officers, employees, or agents, will be jointly and severally liable for a penalty equal to 50 percent of the part of the corporate underpayment due to fraud, but the amount that can be collected from any one individual will not exceed $100,000. Participation giving rise to this penalty will include ordering a subordinate to participate in a fraud or condoning the participation of a subordinate in fraud. This civil fraud penalty could be asserted at any time before the later of six years after the due date of the corporate return (including extension) or one year after expiration of any extension of the statute of limitations on the corporation tax. The new penalty applies to returns due to be filed after December 31, 1982.

Minimum penalty for extended failure to file

Under present law, if a taxpayer fails to file a tax return on the date prescribed (with extensions of time for filing), a penalty is imposed based on the amount of any underpayment of tax for the year. The penalty is 5 percent of the underpayment per month, or fraction thereof, while the failure continues, but not more than 25 percent in the aggregate. Thus, no penalty is imposed on the taxpayer if there is no underpayment for the year or if a refund is due. Likewise, no penalty is imposed if the failure is due to reasonable cause and not due to willful neglect.

The bill will add a new minimum penalty for the extended failure to file any income tax return. If an income tax return is not filed within 60 days of the date prescribed (with extensions), the penalties for failure to file could not be less than $100. Also, this minimum penalty will not be imposed if the failure to file the return is due to reasonable cause. The penalty will apply to returns due after December 31, 1982.

Criminal penalty for failure to file estimated tax

Present law imposes a criminal penalty for willful failure to pay any estimated tax at the time required by law. A person convicted of such willful failure is guilty of a misdemeanor and may be fined not more than $10,000 or imprisoned not more than one year (or both), together with costs of prosecution. Such penalty may apply even if no civil penalty can be assessed.

The bill provides that any person who fails to make any estimated tax payment will not be subject to the criminal penalty for such failure if the person is not subject to the civil penalty for failure to pay estimated tax.

Failure to file information returns or supply identifying numbers

Present law imposes a penalty on any person who fails to file on the date prescribed (with extensions) information returns relating to certain information at source, payments of dividends of $10 or more, payment of patronage dividends of $10 or more, payments of interest of $10 or more, reporting requirements of certain fishing boat operators, income tax withheld, or payments of wages in the form of group-term life insurance. The penalty is $10 for each such failure, but the total for all such failures during a calendar year can not exceed $25,000. The penalty is not imposed if the failure is due to reasonable cause and not to willful neglect.

Also, present law imposes a penalty of $5 per failure on any person who is required by regulations to include his taxpayer identification number (TIN) in any return, statement or document, to furnish his TIN to another person, or to include in any return or statement made with respect to another person the TIN of such other person, and who fails to comply with such requirement at the time prescribed. The penalty is not imposed if the failure is due to reasonable cause. In practice, this penalty is rarely, if ever, imposed.

The bill will increase the penalty for failure to file the information returns noted above to $50 per failure, the total amount for all such penalties for any calendar year can not exceed $50,000. The bill will also require a minimum penalty for such failures if the failures are due to intentional disregard of the filing requirements. In such circumstances, the penalty could not be less than 10 (5 percent in the case of reports of brokers) of the aggregate amount of the items not properly reported.

In addition, the bill will increase from $5 to $50 (but not to exceed $50,000) the penalty for a person who fails (1) to include his TIN in a return, (2) to furnish his TIN to another person, or (3) to include, in any return or statement filed or made with respect to another person the TIN of such other person. In the case of the third type of failure, the bill will impose an increased penalty on any filer who intentionally disregarded the requirement to include a payee's TIN on a return; such filer will be subject to a penalty of $100 per failure, with no limit.

Also, the bill provides for withholding at source at a tax rate of 15 percent if a taxpayer fails to supply a TIN or supplies an incorrect TIN to another person who must file a return with respect to payments to the taxpayer. If the TIN was not supplied, the payor-filer would start withholding when aggregate payments to the taxpayer for the calendar year exceeds any threshold requiring the reporting of such payments. If the TIN was incorrect, the payor would start withholding upon notice from the Secretary that the taxpayer has failed to supply the correct TIN within 60 days. Such withholding generally would continue as long as the taxpayer failed to supply or correct his TIN.

Finally, the bill will provide that the penalty for failure to include a TIN on a return will not apply, if the penalty for failure to file an information return applies. The penalty provisions apply after December 31, 1982. The withholding rules will apply only for payments made (or other amounts reported) after December 31, 1983.

Penalty for substantial understatement

Under present law, a penalty is imposed for failure to pay tax shown on a return or required to be shown on a return, or for failure to pay tax if any part of any underpayment is due to negligence or civil fraud. These penalties either are not imposed if the failure is due to reasonable cause, or require the Service to carry a positive burden of proof. Reasonable reliance on the advice of tax counsel generally will prevent application of the fraud and negligence penalties.

The bill will add to the Code a new penalty for substantial underpayment of tax arising out of items not disclosed on the taxpayer's return. In the case of an individual, an understatement of tax liability will be substantial only if it exceeds the greater of $5,000 or 10 percent of the amount of tax required to be shown on the return. For corporations, the understatement will be substantial only if it exceeds $10,000 or 10 percent of the tax required to be shown on the return. The new penalty will be 10 percent of that part of any underpayment of tax arising from an undisclosed item. This new penalty may apply to an underpayment in addition to the negligence penalty but will not apply if a fraud penalty is imposed. An item will be considered disclosed only if information in the return, or an attachment to the return, is adequate to appraise the Secretary of the nature and amount of the item. This penalty will apply to returns after December 31, 1982.

Withholding on pension payments

Under present law, income tax generally is not withheld from amounts paid to an employee or beneficiary under a tax-qualified pension, profit-sharing, or stock bonus plan, under a tax-sheltered annuity program or under an IRA (an individual retirement account or annuity or a U.S. retirement bond). Also, payments under a commercial annuity contract are not generally subject to withholding tax. Tax is required to be withheld, however, if a voluntary withholding request by the recipient is in effect with respect to the annuity.

Under the bill, in the case of a qualified plan, tax may generally be withheld on a voluntary basis from taxable benefit payments (typically, annuity payments) as if those payments were wages paid by the plan. In the case of certain total distribution of benefits, however, tax would be withheld under special rules designed to reflect the 10-year forward income averaging and capital gains treatment provided for lump-sum distributions.

In the case of a tax-sheltered annuity program, an IRA, or a commercial annuity contract, the bill provides that tax would be withheld on taxable payments on a voluntary basis, as if those payments were wages.

Under the bill, no tax would be withheld from benefit payments (other than total distributions from qualified plans) if the recipient elects not to have the withholding tax apply. Such election may be made for any reason. In the case of a total distribution from a qualified plan, the withholding tax would not apply if the recipient provides notice that the distribution will be rolled over, tax-free, to another qualified plan or to an IRA.

Regulations and paperwork reduction

Under present law (Paperwork Reduction Act of 1980), information collection requests must be referred to the Office of Management and Budget for approval. The OMB has taken the position that this requirement applies to Treasury Regulations as well as to tax forms.

Under the bill, the Paperwork Reduction Act of 1980 would not apply to any rule or regulation promulgated under the Internal Revenue Code or to any information collection request that the Secretary determines to be authorized by the Code or by any rule or regulation. Furthermore, the bill would require the Secretary to report annually to the Congress concerning any delays in issuing regulations required by changes in the Code, and the reasons therefor.

Report on forms

The final provision of the bill requires the Secretary, no later than March 31, 1983, to study and report to the Congress methods of modifying the design of the forms used by the Internal Revenue Service to achieve greater accuracy in the reporting of income and the matching of information reports and returns with the actual tax returns.

Mr. GRASSLEY. Mr. President, I am proud to introduce this measure with the distinguished chairman of the Senate Finance Committee, Mr. Dole. The introduction of this measure culminates hours of exhaustive research by the staff of the Senate Finance Committee, my own personal staff and representatives of the Internal Revenue Service, Treasury, and the Joint Committee on Taxation. Without all of their efforts, the introduction of this bill would not have been possible.

This measure is particularly important because it takes a comprehensive look at our revenue collection system and makes dozens of small refinements to make sure that individuals and corporations pay the tax they already owe. If this measure is enacted it will result in a $20 billion revenue increase in 3 years without raising taxes. While the additional Federal revenues are of critical importance in our efforts to balance the budget, the larger issue of fairness must be addressed. Before Congress considers increasing taxes, I think it is imperative that we collect taxes from those who already owe them. Why increase taxes on those already complying with the law?

This measure attacks the problem of noncompliance in a very comprehensive way. Consistent efforts in this direction will improve taxpayer confidence in the system and increase voluntary compliance. These are very real gains which will be discussed in the context of this bill before my Subcommittee on Oversight of the Internal Revenue Service on March 22, 1982.

By Mr. HAYAKAWA (for himself and Mr. CRANSTON):

S. 2199. A bill to amend the Internal Revenue Code of 1954 relating to the treatment under the DISC rules of fungible products marketed through pooling arrangements of cooperative associations; to the Committee on Finance.

LEGISLATION TO ALLOW MEMBERS OF FARM COOPERATIVES TO FORM DISC'S

Mr. HAYAKAWA. Mr. President, I am today introducing legislation, with my senior colleague from California (Mr. CRANSTON) to allow a farmer that markets his produce through a cooperative to form a Domestic International Sales Corporation (DISC).

A DISC is a corporation, formed to promote export sales of goods produced in the United States, that enjoys certain tax advantages if it meets the requirements set forth in the Internal Revenue Code. Among those tax advantages is the deferral of up to 50 percent of its taxable income each year. Such an advantage is intended to encourage American producers to increase their export sales so U.S. goods will be truly competitive in the world market.

Currently, a farmer who exports a portion of his crop is entitled to organize a DISC through which to market those sales. However, a farmer who participates in an agricultural cooperative is not permitted to set up a DISC—even though the same crop is produced and the same percentage of that crop is exported.

Mr. President, this situation constitutes an inequity that is beginning to undermine our export sales of farm produce. As a result, the huge farm conglomerates that are able to export their crops alone, not only maintain an advantage over the smaller farmers who participate in co-ops because of their size, but have the added advantage of forming DISC's. This DISC bias in favor of larger producers, therefore, acts as a disincentive for exports. In this time when the U.S. trade deficit is rising, we need to encourage every size farm to participate in the export market. One way to achieve the goal of additional exports is to expand DISC use to farm cooperatives.

I understand that the IRS maintains that farmers who participate in a cooperative cannot accurately identify exactly what percentage of his crop was included in the export sales of the entire co-op.

However, it is not reasonable to use this argument to forbid all co-op members from forming DISC's. The bill I am introducing allows co-op members to form DISC's and to consider the same percentage of the total crop exported by the co-op as the percentage of his crop that was exported.

In this way, no bias is made against farmers of any size, and all are encouraged to increase export sales.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 993(c) of the Internal Revenue Code of 1954 (defining export property) is amended by inserting before the last sentence the following new sentence: "In applying subparagraph (B), fungible products which are marketed through pooling arrangements of a cooperative association, as defined in section 15(a) of the Agricultural Marketing Act of 1929 (12 U.S.C. 1141j(a)), shall be deemed export property (if otherwise qualified under this subsection) to the extent that such products are sold in export pursuant to the requirements of subparagraph (B), and each member of such pool shall be considered as a producer of export property (if otherwise qualified under subsection (d) of this section) to the extent of his ratable share of such exported products, based upon his contribution of products to the pool; and a cooperative marketing the products of its patrons shall be deemed, for the purposes of this section, to be acting as the agent of such patrons, regardless of any formal transfer of title to the cooperative."

(b) Paragraph (2) of section 993(d) of such Code (relating to producer's loans) is amended by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, where a borrower markets fungible products through pooling arrangements of a cooperative association, as defined in section 15(a) of the Agricultural Marketing Act of 1929 (12 U.S.C. 1141j(a)), his receipts of sale proceeds from the pool shall be deemed to be derived from the sale of products outside the United States in the same proportion that sales of the pool outside the United States bear to total sales of the pool."

(c) The amendments made by this Act shall apply to sales, exchanges, and other dispositions made after June 30, 1982, in taxable years ending after such date.

By Mr. STEVENS:

S.J. Res. 164. Joint resolution proposing an amendment to the Constitution of the United States to provide that the compensation and allowances of Members of Congress shall be established biennially by the Supreme Court of the United States; to the Committee on the Judiciary.

ESTABLISHMENT OF CONGRESSIONAL SALARIES BY THE SUPREME COURT

Mr. STEVENS. Mr. President, I send to the desk today a constitutional amendment which I hope can resolve a dilemma Congress has faced continuously since 1789. That dilemma is the establishment of the levels of congressional compensation.

Congress has changed its rates of pay 24 times since 1789. Every change or attempted change has been agonizing. The fear of public reaction, press distortion, and personal conscience blows this decision totally out of proportion. In fact, in reality, it is an unfair burden to place on individuals who have dedicated their lives to public service.

Members of Congress are like a board of directors of the world's largest corporation. Yet, we do not seem to be able to determine how to establish congressional pay and deductions. What is reasonable to some is unreasonable to others. It is a no-win proposition. No one votes for a public official because he votes to raise his pay. But, many try to use such a decision against us.

The arguments for and against pay adjustments never change.

For instance, I want to call the Senate's attention to an 1873 debate regarding raising Members' salaries from $5,000 to $7,500:

> Mr. WHITTHORNE. I believe that in the present condition of the country, embarrassed with a heavy debt, and that debt increasing the burden resting upon the shoulders of the people, who are now complaining of the weight of that burden, it is our duty to take it off instead of adding to its weight, more especially adding to its weight in the direction of benefiting ourselves.
>
> I opposed this, regarding it as a selfish vote.
>
> Mr. BUTLER of Massachusetts. By no means; I am simply endeavoring to fix the rate of pay at what I know a man economically living here with his family can live upon. My amendment covers nothing more and a little less. I do not believe that a man is bound to come to Congress and get into a back room in the third story of a boarding-house, climbing up two or three flights of stairs at night when his duties for the day are done. I think he ought to live as he does at home and receive enough to pay his family expenses and to educate his children. Now, that cannot be done on less than $7,500. I am certain every man here ought to have his living expenses, and that is my experience of the cost of living here. I am ready to go to my constituents on that, and I know that they get their money in the hardest way.
>
> I know that the people of this country are not half so much troubled about what sala-

ries we get as about what we do. If we can be in a condition so that we can feel easy here to do our duty we can better serve our constituents.

Two hundred years of circuitous debating is enough. We can and must resolve this. It is obvious Congress is totally inept at making such decisions. An independent body with no interests other than good government must be authorized to make these judgments. Yet, simply establishing such a body by legislation has proved inadequate. The Federal Salary Act of 1967, which authorized an independent commission to meet every 4 years and to recommend to the President rates of pay for, among others, Members of Congress, has been unsuccessful. Congress has specifically withdrawn this delegation of authority and continuously denied itself increases that these independent commissions and various Presidents have recommended.

Establishing independent commissions or tying pay adjustments to other formulas has not and will not resolve the pay dilemma. The only feasible way to bringing reason to this whole process is to totally remove Congress from the decision, and a constitutional amendment is the sole vehicle which can approximate a permanent and irreversible delegation of authority.

The one group in the Constitution most isolated and protected from political considerations is the Judiciary. It stands to reason, therefore, that the wisest and most apolitical delegation of such compensation setting authority would be one to the Supreme Court. Agreeably, it will be a unique and rather peculiar function for the Court. But, what better place to transfer this function. Congress will have no control over the Court's decisions affecting congressional compensation. If the Court deems it is the best interest of the Nation to raise congressional salaries, so be it.

If the reverse is true—and I must emphasize, if the reverse is true—and the Court decides not to raise salaries or to reduce them, that would be their authority.

I believe the congressional image is tainted more by the arguing among ourselves over this issue than anything else. We can finally put these issues to rest.

I urge Members of the Senate to review this proposal, to take it seriously, and, I hope, to move it quickly.

Mr. President, I call the attention of the Senate to the fact that my proposal changes the Constitution so as to require the Supreme Court on the first day of December of each even numbered calendar year—to fix the rate of compensation which shall be payable to Members of Congress for the next 2 years, and also to establish a limitation, if any, on the amount of deductions which may be allowed to Members of Congress under Federal income tax laws for expenses incurred by them away from home.

Now, those rates established by the Supreme Court could not be affected by the Members of Congress. Congress would have no authority to enact any law which reduced or increased the rights or amounts or limitations fixed by the Supreme Court under this authority. The amounts that would be necessary to make the payments required by the Supreme Court's decision would be appropriated automatically by the constitutional amendment I propose.

Mr. President, I do hope this will receive early consideration by the Judiciary Committee. It is a matter I think we must get on its way. It will take several years to go through the ratification process.

If Members of Congress agree with me, it would remove from Congress one of the most vexatious issues in which I have been involved in my 14 years' service here in the Senate.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 164

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE

"SECTION 1. Effective on the first day of December of each calendar year which is equally divisible by two, the Supreme Court shall fix the annual rate of compensation payable to Members of Congress, and shall establish the limitation (if any) on the annual amount of deductions which may be allowed to Members of Congress under the Federal income tax laws for expenses incurred by them while they are away from their homes. The rates, amounts, and limitations so fixed or established shall remain in effect until they are subsequently adjusted by the Supreme Court under this Article. Members of Congress shall be entitled to receive compensation at the rates so fixed, to be reimbursed for expenses up to the amounts so fixed, and to claim such deductions subject to the limitation (if any) so established; and the Congress shall have no authority to enact any law which reduces or increases the rates, amounts, or limitation so fixed or established.

SEC. 2. The Supreme Court, in carrying out its duties under section 1 of this Article, shall consult with and utilize the services of such persons or groups as the Supreme Court determines to be appropriate.

SEC. 3. There are appropriated for each fiscal year such sums as may be necessary to make payment to Members of Congress for expenses within the limits fixed hereunder. There shall be established in the Treasury a special account where amounts so appropriated shall be deposited and from which funds so deposited shall be disbursed.

Mr. STEVENS. I yield to the majority leader.

Mr. BAKER. Mr. President, this will not take long. I commend the assistant majority leader for his statement. I think it is a good approach. It has its faults but I think it is one of the most important things we have to do, to do something of this sort. I think it is the best thing we can do because the Congress is institutionally incapable of setting its own salary, and I think, therefore, we must address it in the fundamental way suggested by the distinguished Senator from Alaska.

Mr. STEVENS. I thank the distinguished majority leader.

ADDITIONAL COSPONSORS

S. 1698

At the request of Mr. DENTON, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

S. 1814

At the request of Mr. JEPSEN, the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of S. 1814, a bill to amend title 10, United States Code, to require the Secretary concerned to comply with the terms of certain court orders in connection with the divorce, dissolution, annulment, or legal separation of a member or former member of a uniformed service and which affect the retired or retainer pay of such a member or former member, and for other purposes.

S. 1958

At the request of Mr. DOLE, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to provide for coverage of hospice care under the medicare program.

S. 2000

At the request of Mr. DOLE, the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 2000, a bill to amend title 11, United States Code, to establish an improved basis for providing relief under chapter 7, and for other purposes.

S. 2107

At the request of Mr. LEVIN, the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2107, a bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security

Act by reason of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, to extend from August 1985 to August 1986 the month before which any such entitlement terminates, and to require the Secretary of Health and Human Services to notify all individuals who are entitled to child's benefits under title II of the Social Security Act for the month in which this act is enacted of the changes made in the eligibility for, and the amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this act.

S. 2150

At the request of Mr. LEVIN, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2150, a bill to amend the Social Security Act to provide that the amount of any unnegotiated social security check shall be returned to the trust fund from which the check was issued.

S. 2155

At the request of Mr. KASTEN, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of S. 2155, a bill to require a foreign country be declared to be in default before payments are made by the U.S. Government for loans owed by such country or credits which have been extended to such country which have been guaranteed or assured by agencies of the U.S. Government.

S. 2159

At the request of Mr. DANFORTH, the Senator from Oregon (Mr. PACKWOOD), the Senator from Arizona (Mr. GOLDWATER), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of S. 2159, a bill to amend the Bankruptcy Act to provide that judgment debts resulting from a liability which is based on driving while intoxicated shall not be discharged.

SENATE JOINT RESOLUTION 72

At the request of Mr. HAYAKAWA, the Senator from North Carolina (Mr. EAST), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of Senate Joint Resolution 72, a joint resolution proposing an amendment to the Constitution of the United States with respect to proceedings and documents in the English language.

SENATE JOINT RESOLUTION 159

At the request of Mr. ROTH, the Senator from Indiana (Mr. LUGAR), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Joint Resolution 159, a joint resolution entitled the "White House Conference on Productivity Act."

SENATE RESOLUTION 299

At the request of Mr. WEICKER, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of Senate Resolution 299, a resolution to designate May 4, 1982, as "International Franchise Day."

SENATE RESOLUTION 325

At the request of Mr. DIXON, the Senator from Maine (Mr. MITCHELL), the Senator from Maine (Mr. COHEN), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of Senate Resolution 325, a resolution expressing the sense of the Senate that a supplemental appropriation should be enacted to restore full funding of the WIN program.

SENATE RESOLUTION 327

At the request of Mr. MOYNIHAN, the Senator from Maryland (Mr. SARBANES), the Senator from Iowa (Mr. GRASSLEY), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Resolution 327, a resolution to designate March 1982 as "National Eye Donor Month."

SENATE CONCURRENT RESOLUTION 68—CONCURRENT RESOLUTION RELATING TO UNITED NATIONS MEMBERSHIP

Mr. MOYNIHAN (for himself, Mr. ROBERT C. BYRD, Mr. MATHIAS, Mr. DECONCINI, Mr. PROXMIRE, Mr. BRADLEY, Mr. CANNON, Mr. FORD, Mr. INOUYE, Mr. BURDICK, Mr. PRYOR, Mr. PRESSLER, Mr. BOREN, Mr. COHEN, Mr. JOHNSTON, Mr. DIXON, Mr. SARBANES, Mr. LEVIN, Mr. HATCH, Mr. HART, and Mr. WARNER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 68

Whereas the United Nations was founded on the principle of universality of membership; and

Whereas the Charter stipulates that United Nations members may be suspended by the General Assembly only "upon the recommendation of the Security Council"; and

Whereas any move by the General Assembly that would illegally deny Israel or any other democratic state its credentials in the Assembly would be a direct violation of these provisions of the Charter: Now, therefore be it

Resolved, by the Senate and House of Representatives of the United States in Congress assembled, that if Israel or any other democratic state is expelled, suspended, denied its credentials, or in any other manner denied its rights and privileges in the General Assembly of the United Nations, the United States will:

(1) suspend its participation in the General Assembly; and

(2) withhold its assessed contribution to the United Nations until this illegal action is reversed; and

Resolved further, that the Secretary of State is directed to communicate to the member states of the General Assembly of the United Nations what the Congress has herein resolved.

RESOLUTIONS RELATING TO INVESTIGATIONS OF ALLEGED IMPROPRIETY IN EXECUTIVE BRANCH ACTIVITIES REGARDING MEMBERS OF CONGRESS

Mr. CRANSTON (for himself, Mr. STEVENS, Mr. INOUYE, Mr. GARN, Mr. HATCH, Mr. DECONCINI, Mr. MELCHER, Mr. HAYAKAWA, and Mr. JOHNSTON) submitted the following resolutions; which were referred to the Committee on Rules and Administration:

S. RES. 337

Whereas the investigation and report of the Select Committee on Ethics of the Senate in the matter of Harrison A. Williams, Junior, have revealed substantial allegations of improprieties in connection with activities by the executive branch of Government that were allegedly designed to create improper conduct on the part of Members of Congress of the United States, including instances where no reasonable basis existed for suspecting prior improper activity by the target of such activities or predisposition on the part of such target;

Whereas prosecutions arising out of the so-called Abscam undercover operation by the Department of Justice have also revealed allegations of such substantial improprieties;

Whereas serious allegations have also been made in recent years about improper use of executive branch investigative and tax resources to develop information relating to Members of Congress and that could be used in attempts to compromise them;

Whereas the Constitution of the United States establishes the Congress of the United States as a branch of Government coequal with the executive branch, and the doctrines of separation of powers and checks and balances that inhere in this constitutional structure are fundamental to the foundation of the Government of the United States under the Constitution;

Whereas executive branch action in connection with investigation and prosecution of Members of Congress may be carried on in such a way as to compromise or impair the constitutionally established independence and integrity of Congress itself;

Whereas, if substantiated, the allegations of improprieties in connection with executive branch action arising out of the Abscam undercover operation and other executive branch activities to develop information which might be used in attempts to compromise Members of Congress may disclose a substantial danger to the maintenance of the separation of powers and checks and balances inherent in the Constitution of the United States;

Whereas unchecked abuse of executive branch investigative and prosecutorial power with respect to another branch of the Government may permit an escalation of such abuses that could lead to despotic action by the executive branch in derogation of the Constitution of the United States; and

Whereas a thorough and independent investigation by the Senate of the United States is necessary to determine the facts with respect to the exercise of such executive branch power, to determine whether a danger to the independence and integrity of another branch of the Government exists or has existed as a result of such exercise, and whether, and if so what, protections should be established against such executive branch abuse of power: Now, therefore, be it

Resolved, That (a)(1) it is the purpose of this resolution to provide for the conduct by the Committee on Rules and Administration, as part of its responsibility to make a continuing study of the operation of the Congress, of an investigation of the executive branch of the Government with respect to activities conducted by it in connection with the Abscam and Brilab undercover operations and with any other operation or activities allegedly designed to create improper conduct or corrupt practices on the part of Members of another branch of the Government or another level of Government or to develop information that might be used in attempts to compromise such Members, with a view to determining whether abuses of executive power have occurred that threaten the independence and integrity of another branch of the Government or the sovereignty of another level of Government under the Constitution of the United States, and, if such abuses are found to have occurred, what new congressional legislation or administrative or other remedies are necessary or appropriate to insure that there is no repetition of such abuses.

(2) The Committee on Rules and Administration shall submit to the Senate not later than July 1, 1983, a report on its findings arising out of such investigation along with any recommendations for new congressional legislation (including legislation relating to corrupt practices) or administrative or other action that it considers necessary or proper in light of such findings, may also submit to the Senate such interim reports as it considers appropriate.

(b) Until funds are specifically made available by the Senate for the conduct of the investigation provided for in subsection (a), the Committee on Rules and Administration shall be authorized to make such expenditures out of the contingent fund of the Senate, upon vouchers approved by the chairman of such committee, as it considers necessary to the proper conduct of its responsibilities under this resolution.

S. Res. 338

Whereas the investigation and report of the Select Committee on Ethics of the Senate in the matter of Harrison A. Williams, Junior, have revealed substantial allegations of improprieties in connection with activities by the executive branch of Government that were allegedly designed to create improper conduct on the part of Members of Congress of the United States, including instances where no reasonable basis existed for suspecting prior improper activity by the target of such activities or predisposition on the part of such target;

Whereas prosecutions arising out of the so-called Abscam undercover operation by the Department of Justice have also revealed allegations of such substantial improprieties;

Whereas serious allegations have also been made in recent years about improper use of executive branch investigative and tax resources to develop information relating to Members of Congress and that would be used in attempts to compromise them;

Whereas the Constitution of the United States establishes the Congress of the United States as a branch of Government coequal with the executive branch, and the doctrines of separation of powers and checks and balances that inhere in this Constitutional structure are fundamental to the foundation of the Government of the United States under the Constitution;

Whereas executive branch action in connection with investigation and prosecution of Members of Congress may be carried on in such a way as to compromise or impair the constitutionally established independence and integrity of Congress itself;

Whereas, if substantiated, the allegations of improprieties in connection with executive branch action arising out of the Abscam undercover operation and other executive branch activities to develop information which might be used in attempts to compromise Members of Congress may disclose a substantial danger to the maintenance of the separation of powers and checks and balances inherent in the Constitution of the United States;

Whereas unchecked abuse of executive branch investigative and prosecutorial power with respect to another branch of the Government may permit an escalation of such abuses that could lead to despotic action by the executive branch in derogation of the Constitution of the United States; and

Whereas a thorough and independent investigation by the Senate of the United States is necessary to determine the facts with respect to the exercise of such executive branch power, to determine whether a danger to the independence and integrity of another branch of the Government exists or has existed as a result of such exercise, and whether, and if so what, protections should be established against such executive branch abuse of power: Now, therefore, be it

Resolved, That (a)(1) it is the purpose of this resolution to provide for the conduct by a standing or select committee of the Senate of an investigation of the executive branch of the Government with respect to activities conducted by it in connection with the Abscam and Brilab undercover operations and with any other operation or activities allegedly designed to create improper conduct or corrupt practices on the part of Members of another branch of the Government or another level of Government or to develop information that might be used in attempts to compromise such Members, with a view to determining whether abuses of executive power have occurred that threaten the independence and integrity of another branch of the Government or the sovereignty of another level of Government under the Constitution of the United States, and, if such abuses are found to have occurred, what new congressional legislation or administrative or other remedies are necessary or appropriate to insure that there is no repetition of such abuses.

(2) The standing or select committee conducting the investigation provided for in paragraph (1) shall submit to the Senate not later than July 1, 1983, a report on its findings arising out of such investigation along with any recommendations for new congressional legislation or administrative or other action that it considers necessary or proper in light of such findings, and may also submit to the Senate such interim reports as it considers appropriate.

(b) Within 15 days after this resolution is agreed to, the majority and minority leaders of the Senate shall either (1) jointly designate a standing committee of the Senate to conduct the investigation provided for in subsection (a), or (2) recommend to the President of the Senate members to be appointed to the select committee authorized under section 2. If the majority and minority leaders designate a standing committee of the Senate to conduct such investigation, it shall be the duty of such standing committee to conduct such investigation; and if such leaders recommend to the President of the Senate Members to be appointed to the select committee authorized under section 2, is shall be the duty of such select committee when appointed to conduct such investigation.

(c) Until funds are specifically made available by the Senate for the conduct of the investigation provided for in subsection (a), the standing or select committee conducting such investigation shall be authorized to make such expenditures out of the contingent fund of the Senate, upon vouchers approved by the chairman of such committee, as it considers necessary to the proper conduct of its responsibilities under this resolution.

Sec. 2. (a)(1) That, in the event that the majority and minority leaders of the Senate determine that the investigations provided for in the first section of this resolution should be conducted by a select committee of the Senate established for the purpose of conducting such investigation, there is hereby established a select committee, to be known as the Select Committee on Preservation of Congressional Independence (hereinafter in this section referred to as the "select committee").

(2) The select committee established by this resolution shall consist of seven Members of the Senate, four of whom shall be appointed by the President of the Senate from the majority Members of the Senate upon the recommendation of the majority leader of the Senate, and three of whom shall be appointed by the President of the Senate from the minority Members of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee and shall be filled in the same manner as original appointments to it are made.

(3) Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are members of the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall serve at the same time as chairman or ranking minority member of any other committee referred to in paragraph (4)(e)(1) of rule XXV of the Standing Rules of the Senate.

(4) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

(b) The select committee is authorized and directed to do everything necessary or appropriate for the purpose of conducting the investigation provided for in the first section of this resolution. For such purpose, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction; (2) to make expenditures from the contingent fund of the Senate as provided for in this section; (3) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate; (4) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (5) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions which it is authorized to investigate; (6) to require by subpena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions which it is authorized to investigate; (7) to require by subpena or otherwise the production for its consideration or for use as evidence in its investigation any books, checks, canceled checks, correspondence, communications, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions which it is authorized to investigate; (8) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in such person's character as a witness during such person's appearance before it, or in respect to the willful failure or refusal of any officer or employee or former officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or employee or former officer or employee of any such person or entity, to produce before the committee any books, checks, canceled checks, correspondence, communications, documents, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (9) to take depositions and other testimony on oath anywhere within the United States or in any other country; (10) to produce the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (11) to use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency; (12) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate the facilities or services of any members of the staffs of such other Senate committee or subcommittee whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to conduct the investigation provided for in the first section of this resolution; and (13) to have access through the agency of any members of the select committee, chief majority counsel, chief minority counsel, or any of its investigatory assistants jointly designated by the chairman and the ranking minority member to any data, evidence, information, reports, analysis, documents, or paper relating to any of the matters or questions which it is authorized to investigate in the custody or under the control of any department, agency, officer, or employee of the executive branch of the United States Government having power under the laws of the United States to investigate alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the select committee to prepare for or conduct the investigation provided for in the first section of this resolution.

(c)(1) Subpenas may be issued by the select committee acting through the chairman or any other member designated by such chairman, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(2) In preparing for or conducting the investigation provided for in the first section of this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the Senate by section 6002 of title 18 of the United States Code or any other Act of Congress regulating the granting of immunity to witnesses.

(d) The select committee shall submit to the Senate not later than July 1, 1983, the final report described in subsection (a)(2) of the first section of this resolution. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

(e) The expenses of the select committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee. The provisions of rule XXVI and XXVII of the Standing Rules of the Senate shall apply to the operation of the select committee except to the extent inconsistent with the provisions of this resolution.

Mr. CRANSTON. Mr. President, on behalf of myself and my distinguished counterpart, the assistant majority leader, Senator STEVENS, and Senators INOUYE, GARN, HATCH, DECONCINI, MELCHER, HAYAKAWA, and JOHNSTON, I submit for appropriate reference two versions of a resolution requiring the conduct of a Senate investigation of executive branch activities in connection with the Abscam operation and related activities.

I want to explain that one of these resolutions would provide for the investigation to be carried on by the Rules Committee. The other version would provide that the two leaders, the majority and minority leaders, would designate a standing committee or make appointments to a select committee—which the resolution would authorize—to carry on this investigation.

I stated in my remarks earlier today all the reasons why we must have such an investigation of abuses of power and allegations of abuses of power by the executive branch, targeted against the Senate, the House, and Members thereof. I will not amplify those reasons at this time.

I would point out, however, one additional matter. That is that the scope of the investigation to be undertaken would extend to Federal executive branch operations targeted against public officials in State and local government, or candidates for such offices, such as the undercover Brilab and Abscam operations. This expanded scope was the result of a suggestion to me this afternoon by the Senator from Louisiana (Mr. JOHNSTON).

I urge very speedy action by the Rules Committee in considering these resolutions. It is very important that we move very, very swiftly to deal with this immense problem.

Mr. STEVENS. Mr. President, I join with the distinguished Senator from California, ALAN CRANSTON, in sponsoring these resolutions. It provides for an investigation of the propriety of activities promoted by the executive branch allegedly designed to compromise members of the coequal branches of government. In addition, it is designed to protect the delicate balance of power between the branches of government. Critical to the existence of democratic government is a strong concept and practice of the separation of powers. These resolutions serve as a mechanism to insure strength and independence of the branches of government.

No branch of government should have the opportunity or power to intimidate another branch. James Madison wrote in No. 48 of the Federalist Papers—

> It is agreed on all sides that the powers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments. It is equally evident that none of them ought to possess, directly or indirectly, an overruling influence over the others in the administration of their respective powers. It will not be denied that power is of an encroaching nature and that it ought to be effectively restrained from passing the limits assigned to it. After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary, the next and most difficult task is to provide some practical security for each, against the invasion of the others. What this security ought to be is the great problem to be solved.

The resolutions we offer today direct a standing committee of the U.S. Senate to investigate alleged abuses of power by the executive branch in the recent Abscam activity. A written report on the findings of the findings of this investigation must be submitted not later than July 1, 1983. There exists, a number of questions associated with the Abscam ordeal including the desirability, legality, and efficacy of one branch of Government attempting to coerce and entice members of another branch into unethical conduct. Such activity is not healthy for it disrupts the balance of power as envisioned by the Founding Fathers of our Nation. The very purpose of creating an independent legislative branch was to create a system of checks and balances. Every effort should and must be made to protect this carefully designed balance of power.

Mr. President, I view the value of these resolutions through the lens of the Constitution. Articles I, II, and III clearly provide for separate, yet equal, branches of Government. I urge you to give serious consideration to these resolutions.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PRODUCTIVITY AND EMPLOYMENT

Mr. QUAYLE. Mr. President, the Senate Subcommittee on Productivity and Employment will hold a hearing on "The Productivity Problem: Implications for International Competitiveness and Future Employment Opportunities," on Friday, March 19, 1982, at 9 a.m. in 4232 Dirksen Senate Office Building. Mr. John J. Sheehan, United Steelworkers of America; Dr. Robert Crandell, the Brookings Institution; Dr. Donald Barnett, the American Iron and Steel Institute; and Dr. Joel Hirschhorn, Office of Technology Assessment, are scheduled to testify first. Mr. David Dallop, Sperry Corp.; Mr. M. Eugene Merchant, Cincinnati Milacron; Dr. Edward Schuh, University of Minnesota College of Agriculture; and Mr. Edgar G. Davis, Eli Lilly & Co., will follow.

For further information contact Ms. Diann Howland of the Senate Subcommittee on Employment and Productivity at 224-6306.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a hearing to receive the report of the Joint Economic Committee on Monday, March 15, at 1:30 p.m., in 6202 Dirksen Senate Office Building. Congressman HENRY S. REUSS is scheduled to testify.

For further information contact Nancy Moore of the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing to discuss entitlement programs and controllability of the budget on Tuesday, March 16, at 2 p.m., in 6202 Dirksen Senate Office Building. Dr. Jack Meyer, American Enterprise Institute; the Honorable Richard S. Schweiker, Secretary of Health and Human Services; Dr. Barry Bosworth, Brookings Institution; Dr. Rita Campbell, Hoover Institute; and the Honorable Hastings Keith will testify.

For further information contact Nancy Moore of the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing to discuss tax expenditures on Wednesday, March 17, at 10 a.m. in 6202 Dirksen Senate Office Building. John Chapoton, Department of the Treasury; Emil Sunley, Deloitte Haskins & Sells; Charls Walker, Charls Walker Associates; and Gerry Kurtz, Paul, Weiss, Rifkind, Wharton & Garrison are scheduled to testify.

For further information contact Nancy Moore of the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing to discuss defense and the first concurrent resolution and receive testimony of Senator JOHN TOWER on Thursday, March 18, at 9 a.m., in 6202 Dirksen Senate Office Building.

For further information contact Nancy Moore of the Senate Budget Committee at 224-4129.

ADDITIONAL STATEMENTS

THAILAND CELEBRATES A BICENTENNIAL

● **Mr. HAYAKAWA.** Mr. President, Thailand is celebrating a birthday this year.

Coming so closely after our own bicentennial, we can appreciate the pride the Thais feel commemorating both the establishment of Bangkok as their capital and the founding of their remarkable dynasty—the Chakri—now a constitutional monarchy.

As we wish Thailand a happy birthday, let us pause and recall the crucial role Thailand plays in the world today. Through growing industry, it has become the linchpin for the thriving Association of Southeast Asian Nations (ASEAN). Its strategic location makes it a natural link in the sealanes between the Indian and Pacific basins. However, it is immediately threatened by Vietnamese aggression and challenged by the need to cope with the tragedy of hundreds of thousands of Indochinese refugees within its borders.

Mr. President, the April issue of Asia, the magazine of the Asia Society, joins in wishing Thailand a happy birthday with an article entitled "Thailand Celebrates a Bicentennial." I want to share the article with my colleagues and ask that it be printed in the RECORD.

The article follows:

THAILAND CELEBRATES A BICENTENNIAL

Thailand is throwing itself a yearlong birthday party, and the Thais are again displaying their rarely matched talent for sanuk, the art of having a genuinely good time. Traditional folk plays, modern pop concerts, colorful exhibitions and pageants, boisterous village fairs, and stately city processions dot the calendar. But moments of solemnity and national stock-taking also intrude because 1982 represents a milestone in Thailand's history. Coming close on the heels of the American Bicentennial, this is the year of the Rattanakosin Bicentennial, which commemorates not only the establishment of Bangkok as Thailand's modern capital but, more importantly, the founding of one of the world's most remarkable dynasties—the Chakri.

The grandest celebrations of the year will take place in April, for it was on April 6, 1782 that the illustrious General Chakri, who took the kingly name of Rama I, founded the dynasty. Fifteen days later he made Bangkok—then a small fishing and trading village—his seat of power and began a building program rivaling that of Thailand's earlier capitals.

The move across the Chao Phya River from the short-lived capital of Thonburi was both strategic and symbolic, signifying a fresh start for a land recently devastated. In 1767 a Burmese invasion has left the magnificent capital of Ayutthaya in ruins, the king dead, and thousands of Thais killed or enslaved. An escaped general saved the day, driving the Burmese out and making himself king, but he subsequently went mad. Only with the ascendancy of Chakri did the turmoil end.

Bangkok, "Village of the Wild Plums," was soon transformed into the royal capital Krung Rattanakosin. Though foreigners still call the city Bangkok and Thais now know it as Krungthep ("City of Angels"), the bicentennial emphasizes the name Krung Rattanakosin, which means the residence of the Chakri monarchs and the Emerald Buddha. Rama I had earlier retrieved this much-revered Thai statue from 200 years of exile in Laos. Ensconced in a temple within the Grand Palace grounds, the 23-inch jade image remains a symbol of nationhood and Thai Buddhism and is the object of special veneration during the bicentennial year.

Rama I and the eight chao jivit ("lords of life") that followed him from a spectacular line. They were, variously, gifted composers and poets (one translated Shakespeare into Thai), reformers who abolished slavery not long after it was abolished in the United States, and modernizers who introduced some of the best in Western science and technology. The earlier kings contained the powerful Burmese and expanded the realm through force of arms, while the more recent rulers used deft diplomacy to ward off the great Western powers who were carving up chunks of Asia for themselves. Thanks to the Chakris, Thais today can boast that theirs is one of the few "third world" nations never to have suffered the colonial yoke. Today's dedicated and multitalented monarch, King Bhumibol Adulyadej or Rama IX, is widely regarded as the chief bulwark against threats to Thai society in the last quarter of the 20th century.

This splendid historical record and the great popularity of the current king have encouraged the Thai people to celebrate the Chakri, bicentennial or not. But the government is now trying to channel this spirit into strengthening traditional virtues and combating contemporary ills. Though tourist income will be welcome during 1982, the bicentennial is conceived as primarily inward-turning.

It is hoped that the Rattanakosin emphasis on Buddhism—the bedrock of Thai society—will counter growing lawlessness and the spiritual laxness often accompanying rapid modernization. Buddhist ceremonies of homage and merit-making will play a central role in the year's festivities. National pride and unity, which are necessary to face the internal Communist insurgency and hostilities with neighboring Indochina, are also being fostered. Cultural exhibitions, large-scale restorations of historical landmarks, and a mini-mountain of Rattanakosin literature are all part of this attempt. The government has encouraged the private sector, domestic and foreign, to sponsor various "Rattanakosin projects," many of them designed to aid Thailand's rural poor. Special rallies, parades, and athletic events will bolster public awareness, while numerous construction projects and tree plantings inside of Bangkok and out will provide permanent monuments to the event.●

DISSENTING VIEW ON FOREIGN AID

● Mr. EAST. Mr. President, our neighbor to the north has long been generous, as has the United States, in aiding underdeveloped nations. However, generosity has its limits. People in both nations are increasingly concerned about the waste of billions of dollars in foreign aid.

Two talented young Canadian researchers, Paul Fromm and James P. Hull, have recently written a book entitled "Down the Drain?: A Critical Re-Examination of Canadian Foreign Aid." This book is filled with carefully documented examples of waste and fraud in the Canadian foreign aid program.

A review of this important book appeared in the Cambridge (Canada) Daily Reporter on July 7, 1981. I ask that this book review be printed in the RECORD.

The material follows:

[From the Cambridge Daily Reporter, July 7, 1981]

DISSENTING VIEW ON FOREIGN AID

(By Vincent Egan)

One of the most notable features of the Reagan Administration in Washington, so far, has been its zeal for slowing down, or halting, the growth in government spending.

Unfortunately, Canadians can find no parallel in Ottawa. Although excessive public spending is generally regarded as inflationary, and today's inflation is about as high as anyone can remember, the Trudeau government shows little interest in spending cuts.

On the contrary, Prime Minister Pierre Trudeau has been displaying almost an obsession for spending more and more of the public's money in the highly controversial field of foreign aid.

According to Paul Fromm and James P. Hull, co-authors of Down The Drain? (Griffin House; 159 pages; $5.95), Canada already gives nearly three times more per capita in foreign aid than does the United States.

But is widely expected that Trudeau will be arguing for much larger foreign-aid contributions at the western economic summit conference beginning in Ottawa July 20.

At first glance, the case for more foreign-aid spending may appear to be noble and virtuous, while to dissent may seem to be mean-spirited and stingy.

On closer examination, however, the issue isn't quite that clear-cut.

The foreign-aid lobby is well financed and efficiently organized, with strong backing from the political left.

The potential recipients aren't necessarily the starving children of popular image, but more typically the powerful and wealthy leaders of one-party governments, or astute business promoters in the client countries.

In between is a fairly typical Ottawa bureaucracy, the Canadian International Development Agency (CIDA). A typical charge made against it is that it attempted to give away a ship that wouldn't float.

But without getting into examples of waste—with which the book by Fromm and Hull is over-loaded—it seems apparent that there's a basic flaw in Canada's approach to foreign aid:

Our programs tend to favor poor countries, such as Tanzania, which are poor chiefly because their governments are inefficient. Our aid props up such regimes, without alleviating the inefficiency that's at the root of their poverty.

"The primary responsibility for the problems of the Third World, and for the solving of those problems, lies with the people and the leadership of the Third World," Fromm and Hull contend.

Here are some of their suggestions for foreign-aid reform:

Canada should consider specializing in one facet of foreign assistance, such as quick-response disaster relief.

Priority should go to nations friendly to Canada, such as the new governments that have recently replaced socialist governments in Jamaica and Dominica.

No aid should be considered for nations politically hostile to Canada. (Communist Czechoslovakia received a $300 million Canadian loan to build a sulphate mill, while Cuba—which sends thousands of troops to Africa to fight Africans—received $2.5 million to finance the modernization of three airports.)

Canada should respond positively to Third World complaints about Canadian tariff barriers that prevent access to our markets.

The purpose of foreign aid, the authors say, should be its own abolition—not to "support aid bureaucrats at home, and brutal and corrupt elites abroad."●

EL SALVADOR

● Mr. HAYAKAWA. Mr. President, in a penetrating article appearing in the February 26, 1982, edition of the Washington Post, Stephen Rosenfeld provides clear evidence that the situation in El Salvador is not hopeless.

Mr. Rosenfeld reports that the atmosphere of the capital city of San Salvador is not that of a war-torn nation. Business is operating; civic services are functioning; people are going about their normal tasks. More importantly, despite the war, the ravaged economy, and the admitted shortcomings of the Duarte government, the people appear "determined not to be intimidated by the war."

In interviews with peasants, Rosenfeld found a strong conviction that the land reform must succeed. While he concedes that the program faces "great difficulties of both concept and execution," he was impressed by the peasants' determination to seize their opportunity after centuries of neglect and oppression. Similarly, Rosenfeld found that the new middle class did not identify with the old, discredited oligarchy, and was committed to working for the betterment of the new society. In Rosenfeld's view, this class was "more sober, realistic, and respectful of the need for change in their context than, say, most Israelis and most white South Africans."

Finally, the article points out that the Government, businessmen, and the common man all believe that the elections will be a benchmark in Salvadoran history. They may not stop the fighting, but in the view of one man Rosenfeld interviewed, the elections are "not a solution but a first step to repair the law and our own self-respect."

As Rosenfeld concludes, all is not lost in El Salvador. The people are making a valiant effort to rise above the war. In my view, it is important that the United States maintain its present course in order that El Salvador has the opportunity to determine its own future.

Mr. President, I ask that Mr. Rosenfeld's article, "El Salvador Refuses To Be Intimidated by Its War" be printed in the RECORD.

The article follows:

EL SALVADOR REFUSES TO BE INTIMIDATED BY ITS WAR

(By Stephen S. Rosenfeld)

SAN SALVADOR.—Where is the war, I wondered, driving in from the airport past jeep patrols and kids carrying wood on their heads and finding, on a soft Saturday evening, a certain loneliness in the streets but an unmistakable tranquillity as well. Where is the war that, according to our TV, is crackling hotter daily in El Salvador, reducing the country to death and desperation, numbing the survivors?

And on Sunday: at the altar where Archbishop Rivera y Damas reads a scholarly sermon followed by a prudent homily, and strolls to the rear of his bullet-pocked cathedral for a friendly chat with the foreign press, which is there just in case.

In the afternoon: a walk through the high-rent district of stores and newly walled homes around the Camino Real Hotel; and an eclair at a well-kept shopping center where police with guns at the ready drift through; a raucous go-kart competition in a parking lot.

Evening: dinner in his elegant, guarded home with a government minister, a reformer who says with a shrug that he does not know "whether I will get it from the left or the right." His 17-year-old daughter, to fulfill a new high school requirement, is doing 300 hours of volunteer social work—at a military hospital. Another guest, a Venezuelan, is investing millions in a gasohol plant. The minister's wife runs a small family factory, notwithstanding occasional guerrilla-inflicted power outages. She tells of a recent dance, her circle's first in several years, from which she returned home "exhausted and euphoric."

My first impression is of a country, or at least a city, making do with an almost startling normality. Missing are the tension and decay and the sense of fugitive time evident in, say, a Beirut or Kinshasa. En route I had heard, in Miami, complaints of that city's street lights not being replaced; in San Salvador they are shining. A woman reports she had fled with her children in the worst of the urban terror of 1980 to Boston, but she has now returned: "It's safer here." Repeatedly, people shake their heads in awe at the doggedness of commuters in improvising ways to get to work on time even though the guerrillas have burned 1,200 buses in two years.

The guards, the guns, the soldiers, the walls, the peepholes—and, on the farms, the wire and the patrols—all that I expect of a country at war. What I do not expect are the traffic jams, the early-morning joggers, the fresh billboards, the uneventful 50-kilometer drives in the countryside, the traditional soccer craze, the tennis exhibition.

The chief of the rural police observes proudly that "the subversives," as the guerrillas are called, threatened among other things to prevent the fields from being sown and harvested. But though sugar cane has been burned (tie a burning rag to a cat's tail), two crops a year come in. Most of the 130 power pylons destroyed have been rebuilt, he says. All 600-plus kilometers of railroad track are open—though locomotives are still blown up—except for one bridge whose collapse Lloyds paid off on as an accident.

There is terrible war in this country, or a terrible condition of violence in which perhaps more than 30,000 civilian lives have been lost in two years. The word at the Camino Real bar is that for $20 any cab driver will take you to view a body, bound, at roadside. The press corps murmurs that heads are being cut off again. Never move hastily in the presence of anyone with a gun, a newcomer is warned. A quarter of a million refugees, mostly peasants, are spread through the country.

The economy is bleeding: international reserves gone, most foreign investors scared off, no new national investment, a brain and skill drain, unemployment soaring. Some of this is laid to the world tides—prices of coffee, sugar and cotton are down. Another part, business leaders insist, is due to failings of national economic policy. The cruelest share, still, is that of the guerrillas.

But "the story" is not just the war. The story is the pervasive determination not to be intimidated by the war, and the resourcefulness of all kinds of people in coping. This may be one of those preposterous journalistic impressions, but it is mine.

The peasants, being peasants, endure. I took a small sample in a day visiting newly formed cooperatives in Sonsonate province in the eastern part of this Massachusetts-size country, and in a meeting with responsible officials of the big independent peasants' union. They were people with gnarled rural faces, limited formal education, ready grins and a formidable courage and will to make the fledgling agrarian reform work for them.

One union leader told me threats from right-wing death squads had forced him to send his family to Guatemala. "Never before in the life of the country did anyone care for the peasants. We were parentless, ashamed to say we came from the countryside," another organizer said.

From a dozen interviews with peasants, I concluded that the reform is facing great difficulties of both concept and execution—and these peasants are determined to make it succeed. They do not say, first the war, then the land. They say, the land, now.

The size, vigor and sophistication of the middle class belies the unexamined view I had brought to El Salvador of a sleepy, underdeveloped country. These were not, I was regularly told, members of the "oligarchy," a discredited class and certainly a class whose members are fading from open association with it. The middle class are people of skills and means, given privately to volunteering that they have made grevious mistakes of commission and neglect but hoping not to balance the retention of some privilege against service to a new society.

I have had intense talks with 20 or so of these people. It is not clear, to them or to me, whether their catch-up effort is too little and too late. But they strike me as more sober, realistic and respectful of the need for change in their context than, say, most Israelis and most white South Africans. They will have no truck with "subversives," although some confidentially wonder if they should not, and they are convinced they are a target of "international communism." But at the same time, they concede the existence of the raw social injustice that characterizes their country to this day. A civilian in the junta has one son a captured guerrilla, another apparently still in the mountains.

I write this not having yet met the man, Roberto d'Aubisson, regarded by many Salvadorans as the leader of the incipiently fascist element supporting the death squads. He heads the new law-and-order party formed to contest next month's elections. The idea that an anti-democrat could profit from the country's first reasonable democratic procedure in 50 years strikes many people as ironic.

The elections are the most conspicuous evidence of the aching for normality that impels . . . well, who? The government and the establishment are pushing the elections hard: "Not a solution but a first step to repair the law and our own self-respect," a businessman puts it. To some in the junta, the elections are a ticket for more American aid; to the reconstructed middle class, an atonement; to the military, or so the minister of defense assured me, a fulfillment of the reformist coup of Oct. 15, 1979; and to the peasants and workers . . . no one really knows. Nothing says more of the apparent appeal of the elections to the common people, however, than the ferocity of the left's attempt to spoil them by burning voting documents, threatening voters with death, and so on.

In brief, there is an agony here, and there is an attempt to rise above the agony in many personal and public ways. From many Salvadorans I have heard a complaint, expressed politely at first and then with gathering bitterness, that the American people have been misled by the media to think that only the agony exists and that it exists on account of the rapacity of a ruling elite that blames international communism for its travail. "The foreign press looks only for corpses," a peasant, leader of a cooperative, declared to me. "But we are fighting for the future. We do not want to feel we are fighting alone."●

CUTS IN DEFENSE

● Mr. GOLDWATER. Mr. President, it is shocking and disturbing to hear the many voices around the country being raised calling for drastic cuts in our defense budget. We are now well on the way to completing the tactical warfare hearings before my subcommittee on these tactical programs. I can assure my colleagues, and every interested person in this country, that there is waste in the defense budget, just as there is waste in any budget of any size in this Nation. However, I see no way that sizable cuts can be made in the defense budget without harmful effects to our country.

Many listeners may not want to believe this, but the Soviets are fast getting into a position of military superiority where they can, in effect, blackmail us at any time they care to. At the present time, they outnumber us in tanks at a ratio of about 5 to 1; aircraft, 5 to 1; in manpower, well over 5 to 1, and they are fast approaching superiority on the seas. The Soviet superiority, in almost any category of military weaponry we want to choose, is frightening. And, even more dangerous, is their growing ability in space while we seem to be going the other way. All of these factors have caused me to make the comment I made about blackmail.

The other day, I was dumbfounded to hear that the U.S. Chamber of Commerce had called for extensive cuts in defense. I do not know who does their homework for them nor do I know where they get the ideas that the cuts can be made. I would like to hear from that organization specifically as to just where they would make these cuts. My subcommittee is working on reductions in several areas, but I must be frank and say that any reductions we make will be very, very small.

As an example, when you realize that the United States is buying just enough aircraft in this year's budget to take care of attrition, to put it simply, we only are building enough aircraft to take care of the natural losses in peacetime. In the face of these facts, one can begin to gather the dilemma that our military is placed in. While I have no doubt that these convictions about defense cuts come from honest, sincere people who want cuts made, I also have no reason to doubt that a lot of this stimulus is coming from those people who would do anything to see a weakened United States.

I would ask that my fellow Senators look very carefully at our position in the world and the threats to our Nation before they commit themselves to unspecified, large cuts in the defense budget.●

THE VOLUNTEER FORCE—SETTING THE RECORD STRAIGHT

● Mr. COHEN. Mr. President, in recent weeks, there have been several articles critical of the All Volunteer-Force.

The Defense Department has prepared rebuttals to the suggestions that the quality of the All-Volunteer-Force is bad and that it is unduly costly. The Pentagon's material provides some information concerning the status of today's force which I believe will be of great interest to my colleagues and all who read the RECORD.

At this point, I include in the RECORD the Defense Department information for the benefit of my colleagues:

GENERAL COMMENTS

Those few who agree that a military draft is needed, must recognize that many past AVF problems have been the result of the lack of commitment to the measures essential to its success. In the mid 1970's that commitment began to decline:

The caps placed on military pay in 1975, 1978 and 1979 caused real military pay to decline about 20 percent from its 1972 level by 1980.

In 1976 the GI Bill was terminated while federally-sponsored scholarship programs expanded rapidly. These scholarship programs, coupled with large-scale increases in CETA job offerings to youth, served to make military service less attractive.

Many of our military members were asked to do the jobs of civilians in addition to their own, when the number of civilians was reduced for economy reasons.

Cuts in operational funds resulted in a force that was less trained and less ready.

A number of in-service benefits programs were reduced and many others were reviewed for reduction or elimination.

Congress imposed substantial reductions in the recruiting budget.

The negative attitude toward military service that had begun during the Vietnam conflict was perpetuated by media articles like Anderson's, which denigrated both the quality of enlistees and the quality of life of service members.

The cumulative effect of these factors led many service members and prospective recruits to believe they should expect the worst from military service. These negative expectations grew into a serious decline in enlistment and retention by the late 1970's.

This Administration has taken definite steps to reverse these trends. However, the neglect of almost a decade cannot be reversed in a single year. With the help of Congress, we have raised compensation levels, enhanced educational benefits, restored recruiting budgets to earlier levels, and initiated major innovations in recruiting and personnel management.

These initiatives, combined with the President's firm commitment to a strong national defense, his leadership in rekindling patriotism and his support for the All Volunteer Force, will greatly enhance its chance of future success. Already, under the President's leadership, the quality of the people enlisting and reenlisting in our Armed Forces is making marked improvement, and in many respects is as good as or better than it has ever been.

More and more the American public is recognizing the valuable contribution to national security being made by our men and women in the military.

[From an article in Parade magazine, Feb. 14, 1982]

POINT AND COUNTERPOINT

[Graphs and charts mentioned, not reproduced in the RECORD.]

POINTS

Too many qualified people are leaving the services.

COUNTERPOINTS

A draft would result in more qualified people (draftees) leaving service after their obligated term of service. First term enlistment rates have been consistently higher under the All Volunteer Force than under the draft, and were the highest ever in fiscal year 1981. Career reenlistment rates for all services were also up in fiscal year 1981, although these rates since 1973 are more comparable to those of the draft era. (Tab A)

As a result, DOD now has the largest percentage of its force in the career category since 1970. Reenlistment successes have allowed the Army to raise recently its eligibility standards for reenlistment.

POINTS

Too few of sufficient quality are volunteering to serve.

COUNTERPOINTS

DOD uses two indicators of personnel quality—educational attainment and achievement on enlistment tests.

POINTS

Our all-volunteer forces are ill-trained and ill-educated.

COUNTERPOINTS

Educational attainment

The education levels of the active duty force compares favorably to those of the civilian labor force. Only 9 percent of the active force do not possess high school diplomas compared to 27 percent for the civilian labor force. This favorable comparison also holds for our new recruits where 85 percent of all 18 to 23 year old enlisted accessions in fiscal year 1981 were high school graduates versus 74 percent for the same aged youth in the civilian sector. In fact, in fiscal year 1981 DOD recruited a higher percentage of high school diploma graduates than ever before, even during conscription. (See Tab B).

Achievement on enlistment tests

All potential recruits take DOD enlistment tests made up of 10 subtests that are linked to success in training. Four of these subtests, called the Armed Forces Qualification Test, or AFQT, have become a key indicator of recruit quality and "trainability."

The statistics provided in Tab C show that fiscal year 1981 was a very good recruiting year; fiscal year 1982 is proving to be even better (especially for the Army); and, the test scores for Army combat arms recruits are showing great improvements.

POINTS

Many of our GI's are functionally illiterate, which means it's almost impossible to teach them to operate the weaponry.

COUNTERPOINTS

The reading level of the force has improved markedly since fiscal year 1977. In fiscal year 1981 the average Army non-prior service accession has a ninth grade reading level with the DOD overall average at 9.7. This is an increase of nearly two reading grade levels since fiscal year 1977.

POINTS

GI Joe can't read. Almost 40 percent of the Army's junior enlisted personnel read below the 5.5 grade level, which is "functionally illiterate" by United Nations' standards. A startling 23 percent can't read as well as kids in the third grade. One soldier in 50 doesn't have sufficient grasp of English to be able to understand orders. More than half can't comprehend manuals that have been rewritten to the seventh grade level.

COUNTERPOINTS

Other Anderson data are also incorrect:

2.5 percent of all Army junior enlisted people read below the 5.5 grade level—not 40 percent.

Less than 0.5 percent of all soldiers read below the third grade level—not 23 percent.

Fewer than one soldier in 500 lacks English enough to understand basic orders—not 1 in 50.

Parade asked the Army in mid-January to check out the numbers. The Army provided the correct information within a few days. the correct information was ignored.

POINTS

Nine out of every ten who operate and maintain the Army's tactical nuclear weapons in Europe flunked basic tests of their military skills. The percentage of incompetents with other functions was almost as high . . .

COUNTERPOINTS

The test results referred to in the article were the initial results of the Army's skill qualification tests in 1977-78. Test scores for those years (the first years the tests were given) were low. Two primary factors were the cause: poorly designed tests and inadequate preparation for the tests. Substantial improvements have been made in test results since 1978. In fiscal year 1981, 89 percent of soldiers taking the tests passed.

POINTS

In NATO competitions, hand-picked American crews finish dead last with dismal regularity.

COUNTERPOINTS

The statement on the Army's performance in tank gunnery competition is outdated and misleading. The Army did do poorly in its first try in international competition in the late 1970's. However, it scored higher than most nations in the most recent tank gunnery competition. The United States Army finished first in a recent NATO competition among armored cavalry units. The Army also finished first in a recent helicopter competition that included Communist as well as NATO nations. in addition, the US Air force has generally done quite well in various NATO competitions.

POINTS

The Army reserves, now 120,000 below wartime strength, are worse off. All but one Army Reserve or National Guard combat unit were found to be unfit for fighting.

COUNTERPOINTS

Army National Guard and Reserve strength is improving dramatically. In fiscal year 1981 alone Army Guard and Reserve strength increased 42,000. By the end of fiscal year 1981 the Army Selected Reserve strength had almost recovered the losses experienced since the beginning of the AVF. As a result, the number of Army National Guard and Reserve combat units whose readiness is limited by personnel shortages has been greatly reduced. We expect these trends to continue.

POINTS

Seventy percent (of the combat officers) also reported problems with discipline and abuse of alcohol and marijuana.

COUNTERPOINTS

This 1979 report may have been taken out of context. For example, combat arms officers were asked if a discipline problem had occurred in their unit in the past six months. As measured by courts martial, desertions and unauthorized absences (AWOL), indiscipline has declined substantially since the Vietnam war and is now roughly similar to the peacetime rates experienced during the 1960's when the draft was in effect.

The use of alcohol and marijuana in the military is a reflection of the use of those substances in the civilian sector. DOD has consistently stressed detection and punishment for drug and alcohol offenses. As a result, the percent of junior enlisted people using drugs, except for those using marijuana, has dropped since 1974. For marijuana the usage rate remains at about the 1974 level.

POINTS

Pentagon projections see blacks, for example, making up 43 percent of the Army's enlisted personnel by 1982.

COUNTERPOINTS

Defense is very proud of its long-standing policy of recruiting the right person regardless of race or creed. The military has long been a leader in providing equal opportunity for all qualified individuals who can do the job. Thus, it is not surprising that minority youth have been attracted to and perform very well in the military.

Although it is impossible to predict accurately the percent of the force that will be black in fiscal year 1983, the statistics provided in Tab D show that the 43 percent projection is incorrect and overstated. In fact, the percent of black enlisted people in the Army has declined from 30 percent in fiscal year 1980 to 27 percent in fiscal year 1981 and the percentage of blacks enlisting in the Army in the first quarter of fiscal year 1982 also shows a decline over fiscal year 1981.

POINTS

Secretary Alexander instituted "unisex" basic training—but lowered the physical fitness requirements to accommodate women recruits.

COUNTERPOINTS

Physical standards for enlistment are identical for men and women and have not changed over the past five years. The reference to lowered physical fitness requirements pertains only to standards the Army expects its recruits to achieve during initial training. This is not to say that the requirements are easier for one group or the other to attain. For example, men have greater upper body strength than do women. To require women to do as many push-ups or pull-ups as men makes no sense and says nothing about the physical fitness of women. The physical activities required of women during recruit training are just as stringent as the activities required of men, and are appropriate for the jobs to which they will be assigned.

POINTS

The American people should know that nine of 16 active divisions are rated unfit for combat.

In six of 11 US-based divisions, the troops are rated as "not combat ready."

COUNTERPOINTS

These statements which allegedly reflect combat readiness of Active Army divisions are totally inaccurate. The current status of Active Army divisions is substantially better than that portrayed. The exact status is classified.

[Enclosure 2]

ACTIVE DUTY REENLISTMENT RATES [1]

	First term		Career		Total	
	Fiscal year—		Fiscal year—		Fiscal year—	
	1981	1980	1981	1980	1981	1980
Army	55.0	50.6	72.6	69.3	66.7	62.2
Navy	41.7	36.7	72.8	67.0	54.6	48.2
Marine Corps	26.6	73.2	73.8	50.4	43.2	35.4
Air Force	42.9	35.8	86.1	81.8	65.8	60.0
Total DOD	43.0	39.1	76.5	70.5	60.5	55.4

[1] Regular reenlistments as a percentage of eligibles

EDUCATIONAL ATTAINMENT FISCAL YEAR 1981 ACTIVE DUTY MILITARY COMPARED TO U.S. MALE POPULATION

[Percent]

Educational Level	Civilian male population [1]			Military personnel		
	Labor Force [2]	Non labor force [3]	Total	Total	Officers	Enlisted
College graduate	19	8	16	14	92	2
Some college	17	14	16	8	5	9
High school graduate	37	23	36	69	3	79
Nonhigh school graduate	27	55	32	9	0	10
Total	100	100	100	100	100	100

[1] 18 years and older

[2] Employed or unemployed

[3] Retired, unable to work because of illness, in school or otherwise not looking for work

EDUCATIONAL ATTAINMENT

[Male and female—18 to 23 year olds]

Fiscal Year 1981 accessions	Nonhigh school graduate	GED high school equivalency	High school diploma graduate or above
Army	13	2	85
Navy	9	11	80
Marine Corps	11	4	85
Air Force	2	7	91
Total DOD	9	5	85
1981 Youth	22	4	74

COMPARISON OF AFQT CAT IV NON PRIOR SERVICE (NPS) ACCESSIONS FOR FIRST QUARTERS OF FISCAL YEAR 1982 AND FISCAL YEAR 1981

AFQT CAT IV [1]	Number in thousands		Percent of NPS accessions	
	1st Quarter 1982	1st Quarter 1981	1st Quarter 1982	1st Quarter 1981
Army	5.2	9.4	18	39
Navy	2.1	2.8	12	14
Marines Corps	.6	1.7	8	20
Air Force	1.1	1.6	6	9
Total DOD	9.0	15.5	13	22

[1] Percentile scores of 10 to 30. All other accessions obtained higher scores

QUALITY OF NPS ACCESSIONS IN THE ARMY COMBAT ARMS

[Percent]

	Fiscal years	
	1981	1980
High school diploma graduates	72	41
AFQT CAT I-III [2]	70	37
50th percentile or above on AFQT	39	18

[1] Percentages based on total NPS Accessions in Army Combat Arms

[2] Percentile scores of 31 to 100

BLACKS IN THE ACTIVE ENLISTED FORCE

[Fiscal year 1981 and 1980]

	Numbers		Percent	
	1981	1980	1981	1980
NPS accessions:				
Army	32.2	47.7	27	30
Navy	11.5	11.8	13	13
Marine Corps	7.3	9.7	18	23
Air Force	10.8	10.8	14	15
Total DOD	61.8	79.6	19	22
Total end strength:				
Army	232.4	229.2	30	30
Navy	57.9	54.2	11	10
Marine Corps	37.9	38.9	20	21
Air Force	73.0	79.5	13	14
Total DOD	401.3	401.8	19	20

BLACK ACTIVE DUTY NPS ACCESSIONS

[First quarter fiscal year 1982 results]

	1st quarter fiscal year 1982		1st quarter fiscal year 1981	
	Number [1]	Percent	Number	Percent
Army	7.4	26	6.9	29
Navy	2.4	13	2.6	13
Marine Corps	1.3	16	1.8	21
Air Force	2.8	16	2.6	15
Total DOD	13.8	19	13.8	20

[1] In thousands

[Enclosure 3]

MAKING THE VOLUNTEER FORCE WORK—THE MOST IMPORTANT MANPOWER PROBLEMS HAVE LITTLE TO DO WITH THE WAY WE BRING PEOPLE ON BOARD

(By Lawrence J. Korb)

On June 30, 1973, Dwight Elliot Stone assumed an important, if little recognized, role in modern American history. He was the last American to be drafted into the armed forces before the All-Volunteer Force (AVF) became a full-fledged reality. The decision to institute the AVF was not made quickly or lightly. Over several years a presidential commission, a DoD commission, several congressional panels, and many outside experts studied various alternatives to the draft. There was little doubt at that time that the eventual decision reflected a broad national consensus against conscription and in favor of all-volunteer armed forces for the United States. Yet today the future of the now-eight-year-old AVF has become the subject of heated debate.

From a policy point of view, however, the AVF *vs* conscription debate somewhat misses the point. The most important military manpower questions for the 1980s are rather: are we recruiting and retaining enough high-quality people to meet our national security requirements, and what steps must we take to ensure that we will be able to do so throughout the decade? Starting with these two questions, we can focus on problems and solutions. In contrast, in the AVF *vs* conscription debate, each side tends to assume that the other course is fraught with problems and doomed to fail and that its own preferred course is relatively problem-free. The hard reality is, however, that many military manpower problems are not a function of the way in which people are brought into the armed services; switching from one accession system to another may leave some of these critical problems untouched.

Let me make my own predilections clear at the outset. President Reagan, Secretary Weinberger, and I all believe that relying wholly on volunteers is the right way and, if we do it properly, a sound way to structure our armed forces in peacetime. As philosophical conservatives, we are opposed to unnecessary governmental intrusion into the lives of American citizens. As officials sworn to protect America's security, we will do just that. But we would *prefer* to protect America's security without resorting to conscription, which in the past not only has *forced* people against their wishes to spend two years of their lives in the military, but has also unfairly taxed all draftees for this involuntary service by paying them dismal wages. I think we can make the AVF work—if we are willing to pay a fair price for it.

In answering the two key policy questions I cited above, let us look first at the active force and then at the Reserves. For the active force, end-strength, recruitment, and retention are the principal considerations. What is the record so far?

ACTIVE FORCE

End-strength

In every year of its existence, the AVF has either achieved the congressionally authorized end-strength or been no more than one percent short. It is true that during the post-Vietnam era, end-strengths were gradually reduced because of budgetary shortages, congressional restrictions, and changes in force structure. Nonetheless, maintaining our numerical objectives so well without any resort to conscription was no mean achievement. This is the only time in our nation's history that we have built a large peacetime standing force exclusively with volunteers.

Recruiting

Fiscal Year 1979 was the first year in which AVF recruiting did not meet planned goals; in fact, it was 7 percent short. However, because fewer people left the military that year than were expected to, overall end-strength was only 1 percent below authorization. But there is no doubt that FY 79 was the worst recruiting year in the history of the AVF. Fortunately, the picture has brightened since then.

In FY 80, the services not only met their recruiting goals, but were able to make up for the previous year's shortages. This success was attributable largely to three factors: relatively high unemployment rates, particularly among youth; some recruiting innovations; and the Army's willingness to accept large numbers of high school dropouts and people who scored comparatively low on the entrance aptitude tests. As for FY 81, numerical objectives have been met, with significant improvements in the education level and aptitude test scores of recruits: 81 percent high school graduates in FY 81, compared with 68 percent in FY 80; 82 percent in the top three entrance test score categories in FY 81, compared with 69 percent in FY 80.

This latter point usefully leads us away from the *numbers* of recruits to the *quality* of recruits. The issue of quality has become one of the stickiest and most argued in the entire grand debate about the AVF. Quality is difficult to assess and even more difficult to predict, whether one is talking about military personnel, workers in the private sector, or students, for that matter.

It is a product of both individual traits—intelligence, skill, motivation, loyalty, integrity—and situational variables—training, leadership, the work or school environment, group or unit *esprit*. In the civilian sector, some estimate of the quality of the workforce can be inferred from the quality of the product, although other important factors such as design and materials are usually not the responsibility of the workers. In the armed forces, where the ultimate "product" is victory in war, it is almost impossible, short of an actual war, to measure the real and relevant quality of military manpower.

Thus, like any institution which has to screen large numbers of applicants and select those most likely to succeed (as, for example, a college or professional school does), the military uses imperfect, surrogate measures of quality—specifically in this case, education level and aptitude test scores.

While educational standards vary widely from high school to high school and fluctuate over time both nationally and for individual schools, earning a high school diploma does seem to indicate a greater adaptability to military life.

Over time and across services, there has been a fairly consistent relationship between education level and first term attrition: a non-high school graduate is twice as likely as a graduate not to finish the initial term of enlistment in the service.

Only about 20 percent of high school graduates do not complete their first enlistment, whereas about 40 percent of non-graduates do not. Now this does not prove that high school graduates necessarily make better soldiers than non-graduates. Indeed many non-graduates make excellent soldiers, sailors, airmen, and marines. But given the increasingly high cost of training new servicemembers, it is far more efficient to take high school graduates whenever we can.

From 1977 through 1979, DoD had progressively less and less success in recruiting high school graduates. The sharpest decline in high school graduate accessions, in late 1977, coincided with termination of the GI Bill. Beginning in early 1980, the numbers came back up, and the situation continues to improve this year for all the services. Indeed, the percentage of high school graduates among new recruits in FY 1981—81 percent—is the highest in the history of the AVF and is 10 percentage points above the AVF average.

The second measure used to assess potential quality and to predict successful performance in the military is the entrance aptitude test. The use of formal, standardized tests in military service has a long history, going back to World War I. Over the past 65 years, many different psychological and aptitude tests have been used to screen candidates for military service.

Since January 1, 1976, all applicants for enlistment have taken the Armed Services Vocational Aptitude Battery (ASVAB), a set of 13 subtests measuring a variety of abilities. Scores on the various ASVAB subtests serve both to determine overall eligibility for military service and to screen applicants for assignment to particular military job skills. Scores from three subtests (word knowledge, arithmetic reasoning, and space perception) are combined to form the Armed Forces Qualification Test (AFQT), which determines eligibility for enlistment. Various combinations of individual subtest scores are used to assign applicants to different skill training programs. Except for an approximately three-year period in the early to mid-1970s, the AFQT has been used since 1950 to screen applicants and also to track and compare recruits over time.

ARMED FORCES QUALIFICATION TEST (AFQT) CATEGORIES

AFQT category	AFQT percentile score	Level of trainability
I	93-99	Well above average
II	65-92	Above average
IIIA	50-64	Average
IIIB	31-49	Average
IV[1]	10-30	Below average
V[1]	1-9	Well below average

[1] Not eligible for enlistment: Category IV non-high school graduates; all category V.

Despite their long history, standardized tests in the military are not immune to the problems and criticisms of standardized testing in general. One needs only to look at the continuing controversy about the worth, fairness, and efficacy of the Scholastic Aptitude Test (SAT) to realize that disputes about the AFQT are not unique phenomena. Nonetheless, the AFQT has proven to be a useful device for screening and comparing applicants in terms of certain very basic abilities.

AFQT raw scores are calibrated into percentile scores which correspond to the baseline population—all persons who served in World War II. The average score for this base line group is 50; an applicant with a 70 on the AFQT today scores better than 69 percent of all officers and enlisted personnel in uniform during World War II. Percentile scores are grouped into categories.

A recent error in calibrating the AFQT produced higher scores for many individuals than they should have been given. As a result, the services accepted large numbers of people who would not have been eligible to enlist had their scores been calibrated properly. Particularly at the lower end of the scale, the error had significant consequences. Whereas we originally believed that 6 percent of all DoD recruits in FY 80 were in Category IV, in fact 31 percent were; in fact, 50 percent of all Army FY recruits were in Category IV. For sake of reference, it should be noted that 30 percent of all World War II military personnel were in Category IV and Category V, and that 39 percent of all DoD non-prior service enlisted recruits in 1952 (44 percent for the Army) were in Category IV.

Research is not yet complete on the actual job performance of those recent recruits who under proper standards would have been ineligible. We do, however, now have a new, correctly calibrated AFQT. The services have also raised their enlistment standards, and Congress has, unnecessarily and unwisely we think, legislated restrictions on the percentages of Category IV applicants and of non-high school graduates we can accept in future years.

Recent initiatives, such as the October 1980 pay package, innovative recruiting strategies, and a test program of enhanced educational benefits have yielded significant improvements in the quality profile of new recruits. The table below compares recruiting results in FY 81 with FY 80, for DoD overall and for the Army.

Before leaving this issue of quality, I want to emphasize several points. While education level and AFQT scores are helpful (but imperfect) screens for quality among the hundreds of thousands of applicants for military service each year, these two measures tell us very little about the quality of the total force. They provide some estimate of the potential capabilities of new recruits, but they cannot measure the quality of seasoned personnel. Lack of a high school education and low aptitude scores would indicate, for example, that a given recruit is not a promising candidate for a sophisticated radar technician's job. But education level and AFQT score indicate nothing about the practical worth *today* of a career soldier, who has had basic training, several advanced schools, and eight to 10 years of on-the-job experience.

Neither of these measures has absolute meaning. Sadly, American society today contains hundreds of thousands of high school graduates who read at elementary school levels. A standardized test score freezes an individual in time, and, if misused, can judge an individual's career and potential on the basis of what he or she did on a written test one Saturday morning many years ago.

ENLISTED RECRUITING EXPERIENCE—FISCAL YEAR 1980-81

	All services		Army	
	1980	1981	1980	1981
Percent, high school graduates among male recruits	65	79	49	78
Percent category IV	31	18	50	31

Having said all of this, I nonetheless believe that the military should continue to prefer candidates with higher education levels and higher test scores. We know also that we will always have to accept many recruits who rank lower in these measures; with good training, proper leadership, and enough experience, however, they can become highly effective members of the armed forces.

The challenge for the 1980s is to design and implement a set of monetary, educational, and other incentives to attract sufficient numbers of high quality recruits, while providing the amount and the kind of advanced training, leadership, and field exercises to maintain a high degree of readiness and combat effectiveness for the entire force. A return to the draft would be no panacea; no legally or politically feasible system of conscription is going to produce a force consisting exclusively of Category I and II high school graduates. Any plausible system for bringing people into the military—voluntary or compulsory—will inevitably produce a rough cross-secton of American abilities, with the very highest and the very lowest always being underrepresented. If we can keep quality up under the AVF, then I'll place my bet on the willing volunteer, rather than the reluctant draftee.

In FY 81, all services met or exceeded their qualitative and quantitiative recruiting goals. The Army achieved the largest increase in quality, enlisting nearly 20 percent more high school graduate males than it enlisted, FY 80, and enlisting less than half as many non-prior service recruits who scored in the lowest acceptable category on the entrance exams. In FY 82 this momentum is expected to continue as a result of the recent increases in compensation and improvements in enlistment incentives and recruiting resources. In FY 83, the congressional restrictions on recruits' education levels and AFQT scores will become tighter, and we won't have a good estimate of how difficult this will be until the year before.

For the longer term, other problems present themselves. Most importantly, the cohort of 18-year-old males is expected to decline over the rest of the decade. Compared to FY 75 levels, this population, which constitutes our prime recruiting pool, will in FY 85 be 9 percent smaller and in FY 87, 13 percent smaller. This will prove a difficult, but not insurmountable challenge. We can keep end-strength up if we continue to recruit more women into the military, if we use more civilians to do non-military but necessary jobs at our bases and installations, if we keep military pay competitive with civilian pay, if we can provide enhanced educational benefits, and if we can increase retention of training personnel already in the service.

Retention

This is the number one manpower problem we face. The heart and soul of any military organization is the career force—those experienced men and women who train, who lead, who inspire. Here too, the AVF *vs* conscription argument misses the point. The composition of the career force is almost completely independent of the way in which we bring people into the military for their first term. We have a serious problem in retaining careerists, and a draft wouldn't solve that.

The problem is not the size of the career force, that is, those with more than four years of service. In fact, under the AVF we have benefited from consistently high first-term reenlistment rates—averaging about 37 percent since 1975.

The current rate is three times the FY 70 rate. The area of concern is the mid-career force—those with more than 10 years of service—especially in certain critical job skills. Low first-term reenlistment rates during Vietnam (a not surprising phenomenon in itself) coupled with declining second and third reenlistment rates since the mid-1970s has produced a force dangerously short of mid-career, senior enlisted personnel. In contrast with reenlistment rates for first-termers, career reenlistment rates dropped from 81 percent in 1974 to 68 percent in 1979, well below the 1970 figure.

The reasons for this sharp decline are not at all obscure—pay scales increasingly less competitive with the private sector (in stark contrast to the explicit assumptions behind the AVF) and a general deterioration in the living conditions for military personnel and their families. Military pay kept pace with the civilian sector only for the first two years of the AVF. Pay caps in 1975, 1978, and 1979 yielded military pay in 1980 that was 20 percent below what it was in 1972. The gap between military and civilian pay had widened so much that even last year's 11.7 percent raise left military pay still somewhat behind its 1972 relationship to civilian pay. The end result has been a vicious cycle in which mid-career shortages force those mid-career personnel who stay in to work longer hours, serve longer overseas tours of duty, and, in the case of the Navy, have more frequent and longer tours at sea—thus discouraging many of them from reenlisting again.

The 1980 pay raise and other initiatives have tried to interrupt this cycle, and results are now beginning to be realized. Career reenlistment rates climbed to 76.5 percent at the end of FY 81. (At the same time, the reenlistment rates among first-termers have increased to 39 percent in FY 80 and to 43 percent in FY 81.)

We have also paid more attention to quality of life both here and overseas, and this means, among other things: more and better housing, improved medical care, and enhanced recreational facilities. But it will take a long time to repair the cumulative damage of these shortages. You don't produce a seasoned first sergeant overnight, and you can't pick up 20,000 experienced petty officers in a year. We are moving in the right direction, but we must sustain the momentum. The military pay raise for FY 82, an enhanced package of educational incentives (to be designed in light of the results of a comprehensive experimental program we conducted over the past year), renewed attention to living conditions and quality of life—all are necessary, all cost money, and are all worth the price. The only question is, are we willing to pay for it?

Two other issues warrant some consideration here—women in the military and the representativeness of the force.

In 1972, women constituted 1.5 percent of the armed forces; today, 8.5 percent. Dramatic increases in the number of military women are the result of two developments—the women's movement throughout our society and the All Volunteer Force. This expansion of opportunities for women in the military has been good for women, and it has been good for the military. Ethically, it is right, and pragmatically, if we are to maintain the AVF while the male youth population is shrinking, it is wise.

Our experience so far is that women exhibit the same range of competence as their male counterparts. Military women have proven themselves dedicated, effective, and professional. Nonetheless, largely in response to the serious concerns of combat-seasoned military leaders, we are conducting a comprehensive and systematic review of the role of women in the military. Our experience with, and our commitment to, women in the military is relatively rare among nations, and it has been largely (and during the post-1972 expansion exclusively) a peacetime experience. Yet the ultimate issue regarding women in the military is indeed the ultimate test of a military force—combat. In the interests of national security, we cannot ignore either the perhaps uncomfortable reality that very few nations have had even limited experience with women in combat or the concerns of those who have led, and in the event of war would have to lead, our forces in combat.

Thus, we are reviewing the recruitment, assignment, utilization, readiness, and mission capability aspects of women in the military. I cannot prejudge the results of this review. Our conclusions will be reached on the basis of hard evidence and sound analysis, not biases one way or the other.

MILITARY COMPENSATION INITIATIVES ENACTED FOR FISCAL YEAR 1981

Across-the-board increases:

11.7 percent increase in basic pay, BAS, BAQ.

Additional 10 percent BAS increase.

Equity improvements:

Variable housing allowance (VHA) for CONUS.

Family separation allowances for E-4 and below BAQ for single E-7 and above.

CHAMPUS improvements:

Special and incentive pays:

Increased flight pay by 25 percent.

Increased sea sub-pay rates.

Expanded bonus authority—Higher Ceilings, zone C eligibility.

Expanded sea pay:

Further sub-pay increase.

The second issue is how representative the armed forces are of American society as a whole. The question is raised in two ways—practical and ethical.

I, for one, reject the "practical" concern based on the notion that soldiers, sailors, airmen, and marines from certain socioeconomic backgrounds or of some races or from particular regions of the country will be less willing or able than their comrades in arms to defend America or American interests in any or certain war scenarios. This argument is specious at best, bigoted at worst. Based on our experience in past wars and based on what I know firsthand of those in uniform today, I personally see no grounds for concern along these lines.

The ethical concern is, *in theory*, more well-founded. The burden of defending an entire society should not fall disproportionately on any one group or segment of that society. I say that knowing full well that virtually no army in history has been *fully* representative of the society it defends.

We have conducted numerous surveys and studies of the representatives of the force.

The truth belies the popular myth. In terms of socioeconomic status, the very highest and the very lowest brackets are underrepresented in the enlisted force, but otherwise it is quite representative. Geographically, we are getting a proportionate share of recruits from all regions and all states. Our most recent major study compared 18-21-year-old military personnel with their contemporaries in the civilian workforce. The findings will be surprising to many. Among males:

The percentage of high school graduates is about the same,

The educational and occupational distributions of their parents are virtually the same,

Their marital status distribution is the same,

Their health profiles reveal no differences, and

Their mental abilities are very similar.

For women, the backgrounds and abilities of young servicemembers are *higher* than those of their civilian counterparts.

In terms of race, the minority composition of the armed forces began to grow during the Vietnam War, and it has increased more rapidly under the AVF. It is important to note two facts: first, that since 1973 all recruits were volunteers, not draftees, and, second, higher percentages of black youth meet the standards for enlistment now than before. Improved educational opportunities for blacks have, I think, yielded higher aptitude scores for blacks.

During this same period, however, unemployment rates for black youth have become very high. In my opinion the military offers blacks and other minorities better opportunities for training and advancement than does much of the civilian sector. It is no surprise, therefore, that large numbers of blacks are joining the service and making a career of it.

At the same time, the equity issue persists: no group should have to bear a disproportionate share of the burden of defending, or, in the event of war, a disproportionate share of the casualties. I do not believe we are at the former stage yet, nor do I foresee it in the future. As for the latter, a major war would in all likelihood stimulate a draft, and racial balance among military personnel, including casualties, would be quickly restored.

RESERVE FORCE

During most of the life of the AVF, senior DoD officials focused on the active forces and thought of the Reserves as a mere adjunct. Only recently have we begun to look seriously at our Reserve problems, and only very recently have we begun to do anything about them. The decline and the problems of the Reserves are not a function of the AVF; rather, they are primarily the product of poor management decisions in DoD. In the past couple of years, we have made some real progress in Reserve matters, and, I am convinced, this long overdue corrective action can continue in the AVF environment.

The Selected Reserve constitutes a significant portion of the combat power and support capability of our total force—for example, the Army Reserve components' eight divisions, 20 separate combat brigades, and four armored cavalry regiments. Throughout most of the 1960s and 1970s, Selected Reserve strength decline, from 953,000 in 1964 to 799,000 in 1978. In the past few years, the curve has swung upward, so that today, Selected Reserve strength is over 850,000. Enlistment and recruitment bonuses, educational incentives, increased recruiting resources, full-time professional recruiting staff, and increased Reserve drill pay—all contributed to this growth. Between now and 1987, we plan to add another 136 000 to the Selected Reserve.

The Individual Ready Reserve (IRR) is our principal source of pretrained individuals to fill out active and Reserve units and to replace casualties in the event of a war. Because it consists of former active duty personnel competing their full military obligation, the size of the IRR is a function of the size of the active force and the length of the enlistment obligation. Thus, the IRR suffered a dramatic decline in the post-Vietnam years, from 1,229,000 in 1973 all the way down to 356,000 in 1978—a 70 percent drop in five years! But here too the curve is up; the IRR now stands at 413,000 and we project 456,000 in 1982. Despite this improvement, the Army alone is still short one-quarter of a million trained individual reservists.

We simply have no hope of expanding the IRR sufficiently without spending real money to do it. The cost-free options have been tried, but don't do the job. We expect to work with the Congress over the next year to develop a package of enlistment bonuses, other incentives, and longer service obligations to fill these frustrating and potentially dangerous shortages.

CONCLUSION

As this essay has, I hope, made clear, it is my belief, a la Mark Twain, that the rumors of the death (or even the terminal illness) of the AVF are premature. We have made considerable progress with the active forces under the AVF; notably less progress with the Reserves.

We are, as I said earlier, moving in the right direction, but we cannot ease up on the gas. The military pay raise this year was essential. Educational incentives must be enhanced. Quality of life must be improved and maintained. The Reserves, in particular, must be strengthened.

Last year, the President appointed a Military Manpower Task Force, chaired by Secretary Weinberger. We are hard at work reviewing the adequacy of military compensation and incentives; educational benefits; current manpower readiness; effectiveness of training, leadership, and discipline; enlistment standards; recruiting and retention efforts; and Selective Service registration.

The All-Volunteer Force, in my view, has been successful. The mandate of the Military Manpower Task Force, and my own agenda in DoD, is to identify and solve its problems in order to make it function even better in the future. With the cooperation of everyone in DoD—civilian and military, active and Reserve, men and women—and with support from the senior officials of the Administration and from the Congress, I believe we can and will succeed.

COST OF CONSCRIPTION

Question. What are the costs associated with a return to the draft? Would a return to the draft save any more?

Answer. A return to the draft may not save significant amounts of money. In fact under most reasonable assumptions it could be about $2 billion more expensive. This increase assumes that competitive pay levels would be maintained for draftees and others in the "first-term" of military service because of the fact that we would have to initially induct up to 15 percent of the 18-year-old male population. In addition we would be obliged to provide liberal education benefits comparable to those in the pre-1977 GI Bill. Although some money would be saved by the elimination of enlistment bonuses and by significant reductions in recruiting, these and other savings would be overwhelmed by the additional training costs, increased turnover and lower skill levels than those recently accessed (i.e. FY 1981). Only if Congress determined that first-term pay be drastically reduced, to about three-fourths of the Federal minimum wage, would a return to the draft "break-even" with current AVF costs.

Background. Detailed cost items are in the attached table.

FISCAL YEAR 1982 DOD COST IMPACTS FROM A RETURN TO THE DRAFT

[In millions of dollars]

Major cost item	Current AVF	Draft	Net change
Recruiting advertising [1]	970	120	−850
Enlistment bonuses	131	0	−131
Reductions in various service programs [2]	90		−90
First term pay [3]	8,400	8,400	0
Reenlistment bonuses [4]	579	700	+121
Educational benefits GI bill [5]	14	2,500	+2,486
Increased training and other Army personnel turnover costs [6]		360	+360
Total net change from AVF to draft			+1,896

[1] Reflects reductions to pre-Vietnam levels, the last draft experience without effects from a conflict.

[2] Such as replacing contract and Federal civilians with military recruits in mess hall and grounds maintenance functions.

[3] Basic pay, allowances (cash and in-kind) for grades E-1 through E-4 with 2 or less years of service. No reductions assumed in keeping with DOD policy that competitive pay levels would be maintained in either a draft or an AVF.

[4] Since historical experience shows that draftees are generally not motivated to make the military a career, this increase would be necessary to sustain a career force.

[5] Costs in a draft are those accurring from an obligation to provide benefits comparable to those of the pre-1977 GI bill, and would be funded by VA.

[6] Such as increased PCS costs, increased physical/mental testing, and increased staffing for selective service and military examining/reception stations. ●

A CREDIBLE MILITARY DETERRENT

● Mr. GOLDWATER. Mr. President, in a recent issue of National Defense magazine, the distinguished columnist Holmes Alexander presented some thoughts about warfare, weapons and power which all of us should understand. In spite of our deep-seated desire for peace, the inescapable fact remains that in this less-than-perfect world, the United States must maintain a credible military deterrent. Not only should this be a credible deterrent, but we should not be ashamed of it nor should we be hesitant to admit its ultimate purpose. The reason for our tactical and strategic weapons is to persuade any potential enemy that the result of their misadventures would bring unacceptable risks to them. The weapons systems we build and deploy are there for one purpose—to wage and win a war. As soon as we accept this basic proposition, the better we will understand ourselves and the need for a strong military.

Mr. President, I ask that this article be printed in the RECORD.

The article follows:

The Rough Rider and the Atomic Admiral

(By Holmes Alexander)

Standing there in Groton, Connecticut on Veterans Day '81 in the chilly bleachers to cover the commissioning of the world's most powerful underwater warship, U.S.S. *Ohio*, Trident Class nuclear supersubmarine, I subdued the mischievous fancy of skidding backwards in time to another dockside, Hoboken in 1915, which I'd read about in terms of sardonic comedy.

Dare I imagine that this sleek, gray, enormous denizen of the deep has been retrofigured into the laughable steamship Oscar II, Henry Ford's "peace ark?" With a passenger list of peaceniks and crackpots, it sailed off to cancel the Great War and, as Ford told reporters, "get the boys out of the trenches by Christmas."

If my imagination indulged such frolic, I would blame it on the ceremonial speakers—all except one, Admiral Hyman G. Rickover. They were peace-mongering in the same spirit sans the sincerity of the Tin Lizzie's inventor who was embarking for The Hague to tell the likes of Hohenzollern, Romanoff, Poincare, Lloyd George and Churchill to break up their squabble and go home.

Vice President George Bush, a Navy combat pilot of World War II, called the tune by hailing the U.S.S. Ohio as "an instrument not of war, but of . . . peace." He was preceded and followed by military, industrial, ecclesiastical, and political celebrities who stroked their harps on the same theme: that—or so was my impression—this 24 MIRV'd missilehurler, a scientific marvel of maritime warfare, was more than anything else a symbol of *Pax*.

Wishful thinking is fine and dandy, and unless there were a Tass reporter among us, peace on earth was the heart's desire of everyone present. Pretending an untruth is a lot more dangerous in national policy than speaking with dread candor. I felt an immense relief when we heard from Admiral Rickover, the no-nonsense creator of our 137-nuclear ship Navy. My cold-handed notes, which I later checked with his office, caught the guts of his brief address which laid it on the line for friend and foe:

"Once, at a warship launching," said Rickover, "I was asked the purpose of the ship. I replied 'To strike fear and terror in the hearts of the enemy.'

"I was on board the *Ohio* during her first sea trial," he continued. "I observed the skill and dedication of her crew. I can therefore affirm that no enemy can feel other than 'fear and terror' with this ship at sea. . . ."

Our country is long past the time of growth and the necessity which drives nations into wars of conquest, not always for some nefarious reason. We discovered America's mature nature when we expended our genius in the inventions and crafts of civilized progress in this century. We have fought only to preserve our own liberty and that of others in Europe and Asia. We have been, if anything, quixotic rather than aggressive. If we formerly misadventured into imperialism, that was long ago, and we have voluntarily made amends. No country on earth had behaved better than ourselves in bringing Hawaii and Alaska into statehood, received Puerto Rico into the partnership of commonwealth and kept our word by releasing the Philippine archipelago to become a self-governing republic. Recently, and perhaps not altogether wisely, we gave away our valuable possession of the Panama Canal.

There is some jeopardy, however, in this sort of generosity. It can be misunderstood by others. It can be misleading to ourselves. One of our presidents had his oratory twisted out of context when he said "There is such a thing as being too proud to fight." From that time on in the Wilson administration, and not by mere coincidence, American ships and American lives were treated as fair game by German U-boats when this century was in its teens, and as soon as we disarmed after World War I, the idea went abroad that, because we were so enamoured of materialism and talked so fondly of peace, we had become flaccid and decadent.

It is certainly true that today we arm ourselves with expensive and ultimate weapons for self-defense and the defense of liberty in weaker neighbors. Nevertheless, the constant yammer of love-that-peace cannot be good for American morale. It is an alluring temptation for the jealousy and tyranny that are out there in the Real World.

It happens that while flying to and from the commissioning of the U.S.S. Ohio I used the air time to catch up on reading a book that is no longer new but not obsolete in its capacity of making Americans proud. The Path between the Seas by David McCullough is, of course, the story of how American capitalists, engineers and medical scientists built the Panama Canal which we lately relinquished doubtless to our future regret. Back there at the turn of the century the United States undertook a project at which Europeans had failed and which was widely regarded as impossible. When some alumni of Yale University thought it clever to spoof the Harvard man, President Theodore Roosevelt, about digging himself into a corner, he answered.

"Tell them I intend to make the dirt fly."

The technology of nuclear science is another undertaking which is alarmingly costly in money and manpower. It is likely that no other nation has equal capacity to manage atomic energy for uses in peace and war. How fitting it was that Rickover spoke with much the same earthy realism of Theodore Roosevelt!

The projects to which the Rough Rider and the Atomic Admiral addressed themselves—the sea-to-sea Canal and the U.S. fleet that is nuclear engined-and-armed—are different in kind but much alike in magnitude. The same must be said of these two leaders whose words and actions leave no doubt of their meaning.

T. R. could have been speaking of them both in a letter he once wrote to a correspondent.

"I believe in a strong executive. I believe in power. . . ."●

THE THREAT OF DEMOCRATIC DESPOTISM

● Mr. EAST. Mr. President, in recent weeks we have seen a great deal of controversy over tax exemptions for private schools that allegedly discriminate on the basis of race.

One constructive contribution to the study of this issue has recently come from Russell Kirk, professor, lecturer, author, editor, and distinguished man of letters. For more than 10 years now, the Government has been using a public policy rationale to justify its denial of tax exemptions to some schools. Professor Kirk shows how easy it will be for the Government to expand this rationale into a tool that could force all private institutions to conform to its standards of orthodoxy.

Mr. President, I invite my colleagues to note the comments of Professor Kirk as we proceed to consider legislation affecting private schools. To this end, I ask that his letter to the editor of the Wall Street Journal of February 18, 1982, be printed in the Record at the conclusion of my remarks.

The letter follows:

The Threat of "Democratic Despotism"

To the Editor:

May I offer comments on the Feb. 2 editorial-page article by Chester E. Finn Jr. and Neal E. Devins, "Reagan, Discrimination and Private Schools"?

For the most part I am in agreement with the argument of these Vanderbilt writers. I grow uneasy, nevertheless, when they write, "But there are limits beyond which no institution may go if it seeks the slightest succor or approval by the society. Racial discrimination is beyond those limits. Not many schools engage in it, to be sure, but President Reagan should not have given them even momentary encouragement."

Why is only racial discrimination beyond those limits? Why not sexual, or religious, or economic, or political, or intellectual discrimination? Because, I suppose, in recent years the "civil rights" activists won the political battle against segregation of schools so that racial discrimination now is disapproved by the federal government, and presumably by the majority of Americans.

But a few years from now, society may be persuaded to regard as unworthy of "the slightest succor of approval" certain convictions and practices of independent schools now tolerated. So this question arises: Must independent schools be compelled to comply with whatever policy or prejudice of "society" (that is, practically speaking, the federal government) may happen to prevail in this year or that? In particular, must church-related and religious schools, First Amendment or no First Amendment, expect to trim their sails to catch the moment's wind of political doctrine?

Once it is conceded that "society's approval" must be accorded only to such independent schools as submit to governmental direction, and once "society's approval" is interpreted to mean discriminatory taxation, the power to destroy—why, the way is opened for all sorts of follies and harassment. The ominous tendency of democracies, as Tocqueville remarks, is toward elimination of all intermediate groups and voluntary associations, so that there may remain at last only the huge nation-state and powerless mass of little subordinated individuals. This Tocqueville calls "democratic despotism."

Using the Internal Revenue Service to enforce conformity of independent schools to some vague "social conscience" is a large stride toward democratic despotism. It may be foolish to exclude children from certain private schools on the basis of color. But nobody is compelled to submit himself to such schools. Everywhere there exist public and independent schools open to all comers. No great social mischief is worked by the survival of a few schools, or clubs, or other voluntary and private organizations, that prefer one ethnic strain over another.

There still flourish Protestant colleges where I, as a Catholic, would not be invited to teach. Should those colleges be compelled by IRS, on pain of cancellation of tax-exemptions, to pursue vigorous policies of "affirmative action," recruiting Catholic professors? No, they shouldn't.

Among the schools harassed by IRS is First Presbyterian Church Day School, in Jackson, Mississippi. This school never has adopted a policy of deliberately excluding black pupils; neither has it actively recruited such pupils; its students are children of members of the church's congregation. This case, Green v. Regan, awaits argument in the United States Court of Appeals for the District of Columbia. Anyone who takes the trouble to read the directives and inquiries sent by the IRS to the First Presbyterian Church Day School may find the tone and substance of these communications startling. Here is the inception of an invasion of religious liberty by government officials more ominous than any other church-state conflict in America during this century.

The General argument advanced by IRS in Green v. Regan is grimly interesting. In effect, IRS declares that the first clause of the First Amendment notwithstanding, "federal public policy" demands the ending of all racial discrimination; therefore measures seemingly extraordinary are justified; and religious tenets must make way for this amorphous "federal public policy." Why quibble, then, about the Bill of Rights?

The consequences of this interesting doctrine, or dogma, of the primacy of "federal public policy" may turn out to be unpleasant, a few years from now, for those liberals who today zealously discriminate against discriminatory schools.

So, before the end of the century, we may find gentlemen writing after this fashion: "But there are limits beyond which no institution may go if it seeks the slightest succor or approval by the society. Radical political teaching is beyond those limits."

Or, perhaps alternatively: "Superstitious indoctrination in a 'transcendent' or 'revealed' religion is beyond those limits. Not many schools engage in it, to be sure, but President Goneril should not have given them even momentary encouragement."

RUSSELL KIRK.[1]

THE LAW OF THE SEA TREATY

● Mr. EAST. Mr. President, the United States has resumed its participation in the negotiations for a treaty on the Law of the Sea. Along with many of my colleagues, I have grave reservations about the wisdom of the treaty that has been drafted. As Senators PRESSLER and LONG pointed out last Monday, specific provisions of the draft treaty would compromise both the sovereignty of the United States and its future economic development.

I think it important to emphasize as well, however, the degree to which the entire treaty, as it is presently conceived, runs counter to the American view of government. Our Founding Fathers created a system of checks and balances because they understood how easily even the best of men are moved from the proper course by unlimited power. It was only when they saw that the American Government was to be a limited one that the people of this country ratified the Constitution. This treaty by contrast would invite us to surrender our sovereign rights to an international organization without giving us any firm assurances that that organization will not abuse its power.

Because such important constitutional principles are at stake, I would like to share with my colleagues an article from the November/December 1981 issue of Regulation magazine entitled "Mining the Seas for a Brave New World." In it Dr. Walter Berns, a nationally recognized expert on constitutional law at the American Enterprise Institute, discusses how alien the ideals of those who drafted the Law of the Sea Treaty are to the basic principles of our democratic republic. Mr. President, I ask that this article be inserted in the RECORD:

The article follows:

MINING THE SEAS FOR A BRAVE NEW WORLD

(By Walter Berns)

Under established international law, we are entitled to mine the seas even as we might fish them. Elliot Richardson himself, who was President Carter's special representative for the UN Law of the Sea Conference until October 1, 1980, acknowledges that deep seabed resources may be recovered by any state or its nationals in "an exercise of a traditional high-seas freedom." Thus, as matters now stand, without the Law of the Sea Treaty, "nations can license their own nationals to mine the deep seabed and can reciprocally agree to respect the licenses granted by other nations." Nevertheless, last year the United States came to the very brink of approving the treaty and agreeing to relinquish this right to the international entity the treaty would create.

That poses an obvious question. Why should the United States, possessed of both the legal right to mine the seas and the technological and financial capabilities needed to do so, cede that right to an authority that will be governed by others? What is striking is how Richardson answers this question. He explains that other countries, and especially the so-called developing or third-world countries, are not happy with the current international law on this subject, and that we must therefore acquiesce in their demand that it be superseded by the new treaty. After all, in this one world, they outnumber us.

What is also striking to me is that such one-world sentiment continues to exist among us. At a meeting earlier this year, attended by representatives of various organizations that make it their business to follow United Nations affairs, I found—much to my surprise—people who continue to promote the case of world government. I was surprised not so much by their presence as by the fact of their continued existence. For some reason—with hindsight I now see that it was merely because I had myself long since ceased to pay any attention to the issue—I had assumed that the world government enthusiasts had become discouraged by their evident lack of success and had turned to other good causes (such as saving Planet Earth or Newfoundland's baby seals).

I had done my best to discourage them. Back in the 1950s, I had argued that, whatever its constitution or nominal form and regardless of its organizing principle (fear of atomic annihilation or some statement of the brotherhood of man), any world government would almost certainly be a worldwide tyranny. I said it was folly to assume, as the proponents did, that a world government would be a liberal democracy, a judgment supported by the fact that even then there were relatively few liberal democracies in the world. Free government, I wrote, is difficult to establish even under the most propitious circumstances, and without mutual trust, literate populations and, to cite one other condition, a tradition of obedience to the rule of law, it would be impossible to maintain. This was the argument and I thought it persuasive. But, as an antecedent of subsequent events, it was probably not so persuasive as one episode in the life of what was then the largest of the world-government organizations, the United World Federalists.

According to the published account in the Journal of Politics, the Federalists were indeed united on the need for a "global government able to enforce law (in the sense of 'domestic law') on individual violators," as well as in the opinion that, "given a certain amount of good will and political education," such a global government was possible. They also agreed that the "only practicable form for such a world government was the federal form." Unfortunately (for them at least), they could not agree as to "how such a world federation was to be brought about, which of the present states should be founding members, and what powers should be constitutionally delegated to it." In the course of trying to resolve their differences on these secondary issues, the members became "enraged," accusing each other of "political immaturity" and demanding that the charters of affiliated groups be revoked. The upshot was a series of schisms that left the parent organization with only half its membership.

This ought to have been a sobering experience, especially for those directly involved in it (and it ought to have provided a valuable lesson for anyone involved today in "global negotiations"). Setting out to unite the people of the entire world under a single government, they quickly learned that they could not even unite themselves. Yet, despite the example of the no-longer United World Federalists, there are still people—world federalists, planet-earthers, or whatever—who hope to bring about a genuine government of the world, if only by stages, by establishing regulatory regimes over this or that piece of the world and this or that aspect of international commerce. And all this despite the evidence of what the United Nations has become.

What it has become is "a dangerous place" for the likes of the United States. In 1955, it comprised some fifty nations and, on the whole, its dominant spirit was that of the liberal democracies; now it comprises more than three times fifty nations and the liberal democracies are a beleaguered and, by the standards that govern it, a despised or ridiculed minority. It is to such a league of disparate nations that the proposed Law of the Sea Treaty would have us yield the significant sovereign rights we now possess and are fully capable of exercising. The Seabed Authority would be dominated by nations contemptuous of our institutions and liberties, yet envious of our wealth.

Having nothing to lose and, in theory at least, everything to gain, these ascendant and developing nations began the seabed negotiations by demanding too much, even for our acquiescent negotiators. But the treaty as amended is a compromise, it is said, and one we can accept. It is a compromise between the demands of the developing countries, which look upon the resources of the high seas as part of "the common heritage of mankind" and, as such, to be reserved for an international equivalent of a government monopoly, and the position of the industrialized countries, which seek to guarantee the right of equal access through "a licensing system for all qualified seabed miners, whether private corporations or state entities."

Enough has been written in this journal to enable readers to judge for themselves whether the seabed provisions of the treaty represent a fair compromise between the parties. (See "One OPEC Is Enough" by Northcutt Ely in this issue and "A Global Straitjacket" by Richard Berryman and Richard Schifter in the previous issue.) I wish to address the theoretical assumptions and underpinnings of the treaty. By advocating ratification, Richardson would have us accept the developing nations' understanding of "the common heritage of mankind" as well as the legal consequences that flow from it. That understanding is the principle embodied in the treaty, and even the particular terms of the compromise reflect it. It is a pernicious principle.

My colleague, Robert A. Goldwin, has demonstrated that properly understood a resource that is part of mankind's common heritage is a resource that is owned not by everybody but by nobody ("Locke and the Law of the Sea," Commentary, June 1981). It is nobody's property because nobody has appropriated it, which is to say, nobody has made it his own; and until somebody has made it his own it is worthless, worthless to mankind in general and to men in particular. But, by accepting this so-called compromise, Richardson acknowledges a property right in mankind and, what is more, agrees that mankind has, or should have, a juridical personality through which that right may be exercised. The Seabed Authority would be a kind of mini-world government.

It is puzzling that nobody seems to have understood that by ratifying the Law of the Sea Treaty, we the people of the United States would be doing, formally at least, nothing essentially dissimilar to what we did in 1787-88. On that celebrated occasion we ordained and established the Constitution of the United States, ceding to the United States our individual natural rights to govern ourselves; that is, we relinquished the legislative, executive, and judicial powers each of us possessed in the state of nature and by natural right. We did so because, as we acknowledged in the Declaration of Independence, we knew that the natural rights with which we were equally endowed could not be enjoyed or secured in our natural condition. ("To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.") Precisely in order to secure our rights, we yielded them (but not all of them) to the government we constituted in 1787-88 and under which we have lived for almost 200 years.

So, too, it is now proposed that we relinquish our natural and internationally recognized right to appropriate unowned minerals by ceding it to another government that we, in the company of the rest of mankind, are constituting. But who are the "we" constituting the government over seabed mining, and who were the "we" who constituted the government of the United States?

The "we" constituting the International Seabed Authority are (or would be), in principle, all the world's states, comprising, in the words of the Book of Common Prayer, "all sorts and conditions of men" and, more to the point, all sorts and conditions of governments: tyrannies, despotisms (both benign and malign, and most of them unfriendly to the United States), and a pitiful handful of liberal democracies. It was a different sort of "we" who constituted the government of the United States.

In the course of the 1787 constitutional debates when various delegates suggested that we were thirteen peoples, James Wilson of Pennsylvania insisted that, with the meeting of the First Continental Congress, Pennsylvanians were no more, Virginians were no more, et cetera. "We are now," he said, "one nation of brethren." This may have been something of an exaggeration; yet, as Tocqueville was to point out shortly thereafter, the Americans were a homogeneous people on the whole; as he put it, the citizens of Maine and Georgia, separated by a thousand miles, had more in common than those of Normandy and Brittany, "separated only by a brook." Even so, what is significant is that, despite their common language, their common memories, their common heritage, and their common aspirations, the Americans of 1787 constituted a government that is characterized by *distrust.*

Men are not angels, Madison said in Federalist 51, and although popular and regular elections should be the primary control on the government, "experience has taught mankind the necessity of auxiliary precautions." These precautions took the form of the various institutions built into the very structure of government and familiar to everyone who has had so much as a high school civics course: a complex system of representation, checks and balances, separation of powers and, for one more example, an independent judiciary. Together, these institutional devices were designed to prevent government by simple majorities of the people. The Americans of 1787 did not trust even themselves—though they had, in 1776, declared themselves "one people."

Against this background, the willingness of some of their descendants to accept the structure that would be established under the seabed treaty cries out for an explanation. There would be an Assembly in which the United States (along with all signatory countries) would be represented and, if the UN General Assembly can serve as a guide, regularly outvoted. There would be a thirty-six-member Council, similar to the UN's Security Council (but without a veto provision), which would take some decisions by consensus, some by a three-fourths vote, others by a two-thirds vote, and still others by a vote of a simple majority—and on which the United States might or might not be represented. (The Soviet bloc, on the other hand, would be guaranteed at least three seats.) And there would be a Seabed Disputes Chamber consisting of eleven members selected from among the members of the International Tribunal for Law of the Sea—on which, again, the United States might or might not be represented. One provision, however, is very clear: since nations would contribute funds to the Seabed Authority in proportion to their UN assessments, some 25 percent of the money would come from the United States. On that point the world was indeed united.

Speaking before the American Mining Congress in September 1980, Elliot Richardson made much of the fact that the "rules, regulations, and procedures of the Authority will have been developed by the Preparatory Commission before the treaty enters into force. . . ." This would be more reassuring if the views of the United States with respect to the "rules, regulations, and procedures" were guaranteed a fair hearing during the meetings of this commission. Richardson assured the Mining Congress that the commission would proceed carefully and that "experts will have more influence in [it] than in the Law of the Sea Conference itself." That is an interesting admission. But what he does not say, because he cannot honestly say it, is that our "experts" would have an influence commensurate with their expertise or, indeed, that they would be our experts, not only by nationality but by inclination. We cannot know the answers to these questions until after the treaty is ratified. What is even more disquieting is that these "rules, regulations, and procedures" can be changed by consensus in the Council (on which the United States might or might not be represented), and as Northcutt Ely points out, the judicial tribunal of the Seabed Authority would be forbidden to declare such change ultra vires. In short, this quasi-government would have a judiciary, but this judiciary would not have the sort of review power on which we have come to depend for protection from official misconduct.

One can understand why the Soviet Union supports the treaty. One can understand why the third-world countries support it. One can even understand why Canadian Prime Minister Trudeau supports it enthusiastically: There are provisions in it protecting Canadian minerals from having to compete in the world market with those that might be scooped from the seabeds. Besides, Trudeau seems to be eager to become a leader of the third world—what better platform from which to shake an admonitory finger at the United States?—and to do whatever is required, by way of national economic policy, to make Canada eligible for membership in that group. But it passeth all understanding why an American should support it.

As Gary Knight of Louisiana State University has pointed out, the treaty is seen by its friends as the first step in the campaign to implement the New International Economic Order, that "grandiose plan for massive redistribution of political and economic power from the north to the south." With the treaty, the principle for this redistribution would be in place and its implementation would follow as circumstances permit: we are part of one world called mankind; wealth is the "common heritage of mankind"; the United Nations or the Seabed Authority or some other broad international entity speaks for mankind; and, with the cooperation of the Soviet Union, the third world controls these organizations. (In the actual event, of course, the power and wealth would go not to the third-world countries but, rather, to the self-selected third-world elites.)

This brave new world is not what the United World Federalists had in mind. They wanted a government similar to the one they already enjoyed, a government that secured the rights of man even as it guaranteed the peace. They too readily assumed that the rest of mankind shared these goals, but, as anyone familiar with the UN knows, the spokesmen for the rest of mankind—by which I mean the mankind living outside the liberal democracies—have an inflated idea of rights (or, at least, their rights) and a parochial idea of peace (a war of national liberation does not breach the peace).

Fortunately, with the new mood in Washington, there is little danger that the United

States will sign the present treaty and, if the administration does sign it, scarcely any possibility that it will be approved by the constitutionally required two-thirds vote of the Senate. We can thank an earlier and wiser generation of Americans for that auxiliary precaution.●

ADMINISTRATION OPPOSES LEGISLATIVE VETO

● Mr. DANFORTH. Mr. President, when the Senate takes up the regulatory reform bill, S. 1080, an attempt will be made to amend the bill to include a legislative veto provision. I will move to table that amendment.

All Senators should be aware that the administration strongly opposes the inclusion of any legislative veto provision in the regulatory reform bill. Just yesterday I received a letter from the Vice President informing me that the President "believes that the Senate should not consider the legislative veto at this time because of the constitutional issues raised by the veto that are currently near resolution in the courts."

I agree. In my view, the legislative veto is a mistake under any circumstances—but it is particularly unwise for the Senate to attempt to write a legislative veto proposal into law when the Supreme Court is so close to deciding the constitutionality of the veto mechanism. Even though the cases before the courts concern veto schemes different from the proposal which will soon be presented to the Senate, it is simply prudent for us to consider the Court's counsel on the veto concept before we act.

Mr. President, I will have a great deal to say on this matter when the regulatory reform bill is before the Senate. At this time, I simply ask that the Vice President's letter be printed in the RECORD for the information of my colleagues.

The letter follows:

THE VICE PRESIDENT,
Washington, March 10, 1982.

Hon. JOHN C. DANFORTH,
U.S. Senate,
Washington, D.C.

DEAR JACK: The Laxalt-Leahy Regulatory Reform bill, S. 1080, is scheduled to be considered by the Senate in the very near future. As you know, we strongly support Senate passage of this legislation, and we have worked with Senators Laxalt, Leahy and Roth on additional amendments to this legislation which we also support.

We are, however, concerned about an amendment which may be offered to the bill to provide for some form of a legislative veto for agency rulemaking. As the President has recently said to one of the veto's sponsors, the Administration believes that the Senate should not consider the legislative veto at this time because of the Constitutional issues raised by the veto that are currently near resolution in the courts. In view of the recent Court of Appeals decision in the FERC case (which is now on appeal to the Supreme Court), the Court may well provide definitive answers by June to these Constitutional questions in the *Chada* case now pending before it. The Administration therefore believes that further Congressional consideration of the issue should occur only after the Supreme Court has provided more guidance in these cases to Congress and the Executive.

Accordingly, the Administration strongly supports your efforts to defer consideration of any legislative veto provisions.

Sincerely,

GEORGE BUSH.[1]

ENERGY IN PERSPECTIVE

● Mr. HUDDLESTON. Mr. President, I commend to the attention of my colleagues an editorial entitled "Energy in Perspective" from the Washington Post of March 10. The editorial concludes:

> To abandon conservation programs and dismantle research efforts now is to save small amounts of federal dollars at a very large longer-range cost to the economy. And, hopeful talk about the end of the energy crisis ignores the painful lessons of the past decade.

I heartily agree. The current glut of oil notwithstanding, we still are importing over 5 million barrels of oil each day at an annual cost of over $60 billion. This is a serious drain on our economy and leaves us dangerously vulnerable to future oil supply interruptions.

Yet, the Reagan administration is proposing to dismantle the Department of Energy and to drastically cut Federal support of vital energy programs. The administration is proposing an 81-percent reduction in fossil energy research and development, a 95-percent reduction in energy conservation programs, cuts in solar and renewable fuels technologies, and repeal of energy tax credits.

The Reagan administration looks instead to the private sector and the free market system to solve our energy problems.

Unfortunately, however, the energy market no longer operates according to traditional economic rules, and has not since OPEC first used oil as a weapon in the early seventies.

The weapon before was an embargo, but there is a more subtle weapon which OPEC can use. As long as OPEC has the ability to set its oil prices at a level below the alternatives which we would otherwise develop and use, there is no way that the private sector will develop an energy alternative to oil imports without Government sharing or ameliorating the risks.

Further, the free market does not even begin to reflect the extent of inflation, unemployment, and national risks which must be factored into the cost of every barrel of imported oil. These are factors that the private sector is not likely to consider in their corporate decisions, but they are factors which Government cannot ignore.

I ask that the Washington Post editorial, "Energy in Perspective," be printed to the RECORD.

The editorial follows:

ENERGY IN PERSPECTIVE

Ever since 1973, the energy policy pendulum has swung with depressing regularity from crisis to glut and back again. A steady resting point somewhere between has not been reached. That would be a point at which transient fluctuations in oil prices were not jarring and where American policy would accept the reality of a permanent shift from $3-a-barrel oil to $30-a-barrel oil.

Currently, we are in the glut phase. The combined effects of the 1979 oil price doubling and the current recession—themselves related—have cut deeply into demand. Producers are being forced to drop prices sharply. And once again we hear that the energy crisis is over. It isn't. Economic recovery alone would soak up much of the excess in today's oil market. Another war or revolution in the Persian Gulf—which any prudent person would have to consider possible—could swiftly send the oil-importing nations back into crisis.

In the United States, imports have dropped by half in the past couple of years. Domestic production is up, and consumption is down. The administration uses this improved outlook to buttress its case for dissolving the Department of Energy. But the appearance of reduced vulnerability to another oil supply interruption is deceptive and dangerous.

Some important changes in American energy use have occurred. The price of oil has been decontrolled, the strategic petroleum reserve is finally being filled, industry is using energy much more efficiently and the gas guzzler is an endangered species. But on the other hand, the price of natural gas is still artificially low, consumers still have no reliable source of help for reducing energy use in their homes and apartments, mass transit facilities compared with those of any other advanced nation are terrible, and the lack of a substantial gasoline tax helps to keep that from changing.

Nevertheless, the Reagan administration argues that higher energy prices have led to energy conservation and that there is therefore no reason for further federal support of research and other conservation programs. But the real issue is how much of what would be economically beneficial is not happening, and will not happen, under current policies. Do most types of energy use—technologies for supply and distribution, consumer information, manufacturing processes and the rest—reflect the reality of expensive energy or the past history of cheap energy?

The answer varies by sector. Large businesses with access to expertise and capital have adjusted well. Most other sectors have not. In residential and commercial buildings, which consume a quarter of all the energy used in this country, only a tiny fraction of the economically desirable savings is being captured.

In short, a good beginning has been made, but it is only a beginning. To abandon conservation programs and dismantle research efforts now is to save small amounts of federal dollars at a very large longer-range cost to the economy. And hopeful talk about the end of the energy crisis ignores the painful lessons of the past decade.●

THE PRESIDENT'S BUDGET

● Mr. GARN. Mr. President, as we consider this year's budget proposals, to the accompaniment of the agonized cries and handwringing of the born-again budget balancers, I believe it is important that we keep the matter of budget cuts in its proper perspective. James J. Kilpatrick has made a useful contribution to that effort in a recent Washington Post column.

To those who charge that the proposed 1983 budget contains nothing for the poor and elderly, Mr. Kilpatrick suggests simply an examination of the figures. Even accounting for inflation, it is readily apparent that this slashed and heartless budget proposes to spend more on social programs and entitlements than ever before.

For example, over $382 billion will be spent on non-social-security entitlement—more than the entire Federal budget in 1976. The Department of Health and Human Services alone will spend $20 billion more than last year, an increase of 8 percent, making it the third largest budget in the world—after the United States and Soviet Union. Medicare and medicaid spending alone will be up $6 billion. As Mr. Kilpatrick points out, spending for social security, medicare, and other related programs will be more than double the 1978 levels. "If this is cruelty," he says, "it is a curious kind of cruelty." I suggest that honesty should preclude us from referring to these levels as "cuts." Rather, we are simply, and necessarily, trying to control their growth.

Those who refuse to see that we have bought more goverment than we can afford ought to get busy showing us why a return to the irresponsible fiscal policies of the past will produce any different results now than they did before. To simply denounce budget deficits while advocating increases in social spending to be offset by cuts in defense spending is an exercise in political opportunism. Such posturing still fails to address the deficit problem, which can only be solved by controlling the "uncontrollables".

Mr. President, I ask that Mr. Kilpatrick's column be printed in the RECORD, and recommend it to all of my colleagues.

The column follows:

. . . And Quit Howling About the Budget

(By James J. Kilpatrick)

Critics of President Reagan's budget for 1983 seem to be voicing two principal complaints—first, that further cuts in social programs are unbearable, and second, that the prospective deficit is intolerable. Neither complaint has merit.

To listen to the agonized cries from the liberal left, one might suppose that the president had no purpose in mind but to grind the faces of the poor—that he advocates starvation, illiteracy, rotting teeth, and the mass eviction of elderly couples from their humble abodes. Mr. Reagan is being depicted as a cruel and heartless monster who delights in slashing, destroying, undermining and hitting hard. A contributor to the editorial page of The Wall Street Journal charges that the president's budget "makes it clear that the needs of our poorest people are his least concern."

Suppose we look at the figures. The food stamp program provides a useful example. The program got off the ground in 1965 with an outlay of $35.6 million. By 1970 the outlay was $577 million. As recently as 1975, which was not so very long ago, food stamps cost the taxpayers $4.7 billion. In 1980, just two fiscal years ago, the program topped $9 billion. For 1983, Mr. Reagan proposes $10.3 billion.

Some of this mind-boggling increase of course is owing to inflation. In constant dollars, the growth is not quite so alarming. But when that factor has been fully discounted, a program of phenomenal dimensions remains. More than 19 million persons will be receiving food stamps under the president's "slashed" and "heartless" recommendation.

Housing subsidies provide another example. In 1977, just five fiscal years ago, federal outlays for housing assistance came to $3 billion. For 1983 Mr. Reagan proposes housing assistance of $8.9 billion. If this is cruelty, it is a curious kind of cruelty.

Are the elderly being tossed to the wolves? In 1978, just four fiscal years ago, Social Security, Medicare and other programs amounted to $103.9 billion. For 1983 these same benefits would amount to $209.6 billion. On the down the road, in 1987, the benefits are fixed at $283.3 billion. The Office of Management and Budget asserts that the average elderly couple, retiring next year, stands to receive $15,700 in tax-free benefits. Would the president's critics provide vastly more?

Look. The most dismaying aspect of this criticism lies in what it tells us about ourselves. We have drifted a long way from the old moorings—from self-reliance, local responsibility, the virtues of can-do and make-do. Whole generations of middle-income Americans used to get their higher education without guaranteed loans and Pell grants. There was a time, and it wasn't so long ago, when our people survived without 95 million subsidized meals every day. To the extent that Reagan's budget nudges us back toward the old initiatives, the budget ought to be praised and not condemned.

The 1983 deficit is estimated at $92 billion. It probably will be higher. Congress has a high obligation to reduce the figure by selective tax increases and by further cuts in spending—including defense spending. But to cry that a $92 billion deficit is "intolerable" is to lose a sense of perspective. The sum represents about 3.1 percent of our gross national product, not greatly beyond the 2.9 percent of 1977 and 1980 and much lower than the 4.5 percent of 1976. As a percentage of total federal spending, the prospective deficit is less than we somehow tolerated in 1975 and 1976.

None of this is to say that Reagan's budget is cast in stone. It is arguable that in some areas, he is attempting to cut too much too soon for local government and the private sector to adjust to the changes. No one is happy about a $92 billion deficit. But neither should we accept the calamity-howling as if catastrophe truly lies ahead. This budget moves *in* sound directions. Subject to minor course corrections, it ought to be adopted.●

A CHILDREN'S DEFENSE BUDGET

● Mr. BAUCUS. Mr. President, as we evaluate President Reagan's proposed budget for fiscal year 1983, we must not lose sight of our national goals. We must not get lost in the many pages of statutes and legislation and forget what we are trying to achieve.

We are here as Members of this Congress to pursue a sound economy; to promote the well-being of all of our citizens; to legislate responsibly. We are not here to promote the interests of special groups over the interests of the public. We are not here to make only easy, politically expedient decisions to further our personal popularity.

I am disturbed with the legislative agenda proposed by President Reagan in his budget for fiscal year 1983. The hard decisions are not being made; careful analysis and improvement of the infrastructure of government programs are not being carried out; and the public interest is not well served.

The projected deficit is much too high, and will only exacerbate our critically high interest rates. Yet, in this budget we see even more severe cuts in many of the same domestic spending programs that were cut last year, while military spending continues to skyrocket.

The Children's Defense Fund just published an important analysis of how these new budget cuts will affect our Nation's most precious and fragile resource—our children. This study shows how twisted our priorities are if we go along with all of these proposals.

I urge my colleagues to examine this study, to see how many millions of dollars are being misallocated into unnecessary military spending. The Defense Department is spending taxpayers' money to vaccinate the pets of military personnel while 35,000 low-income children go without the most basic childhood immunizations. The taxpayer subsidizes top-level staff at the Pentagon an average of $12.06 per person per lunch, while for each of those lunches 40 low-income children go without midmorning juice and crackers in daycare centers.

Mr. President, I ask that this short excerpt from "A Children's Defense Budget: An Analysis of the President's Budget and Children" be entered into the RECORD.

The excerpt follows:

A Children's Defense Budget: An Analysis of the President's Budget and Children

BOMBS OVER BABIES

The unfair and budget busting favoring of rich over poor had been compunded by the transfer of hardearned dollars and benefits from poor and working families to the military. Since President Reagan asserted in his State of the Union address that "it would be foolish to pretend there is any program that cannot be made more efficient and economical," we challenge him to make good his words across the board.

Major military weapons systems have a tendency to cost a lot more than the Defense Department (DOD) says they will. DOD usually blames this on lack of money which forces them to buy fewer items for which they are charged more. In other words, if the military could spend more, then everything would cost less. Since this is a difficult idea, we will offer a simple example. The Air Force originally planned to buy 7 E-4 Advanced Airborne Command Posts at $69 million apiece. Since they did not have enough money to buy all seven, they had to settle for just six at $206 million each.

The effect of such unit cost increases is awesome. In fiscal year 1980, 54 major military weapons systems had annual cost increases, excluding those due to changes in quantity, engineering requirements, or simple inflation, of more than $12.3 billion dollars. Simple inflation brought the total to over $34.2 bilion dollars in one year. If this problem had been brought under control by fiscal year 1982, none of President Reagan's $35 billion dollars in domestic program cuts might have ben needed. If the Administration and Congress can begin this year to bring unit costs and military procurement practices under control, millions more children will not be denied the essential food, health care, and schooling they need to grow up and be productive citizens.

The following cost overruns for military weapon systems far exceed any documented fraud and abuse in any social programs for the poor. Yet neither the Reagan Administration nor the Congress has taken sufficient steps to examine and curb military inefficiency before hurting the poor or increasing military spending.

[Dollars in millions]

Weapon system	Increase in unit costs (percent)	Current cost each
A-10 aircraft	116	$7.2
EF-111A aircraft	115	32.3
F-15 aircraft	93	19.0
F-16 aircraft	46	13.4
AH-64 helicopter	56	10.7
UH-60A helicopter	161	5.4
IFV personnel carrier	88	1.1
XM-1 tank	19	1.9
F-14 naval aircraft	82	23.0
F/A-18 naval aircraft	36	21.6
FFG-7 frigate (ship)	227	212.3
AIM-54A/C Phoenix missile	112	9.7

The cost overruns just in these dozen systems, (small in the universe of weapon system cost overruns) adds up to a sum which could finance much of the children's survival and human capital development program the nation needs in order to begin to regain our competitive military and economic position in the world.

Who's going to repair the complicated airplanes and weapons systems on which we are spending billions if we are not developing an adequate pool of skilled laborers among our young? How are we going to stay ahead of the Soviets if we do not have the best possible pool of trained military minds and strategists? How are we going to produce the linguists, the scientists, and the mathematicians we need to outstrip our Japanese competitors if we are abnegating all federal responsibility for ensuring equal educational opportunity for our young?

The cost increases in the A-10 strike aircraft alone have already totaled over $3.2 billion, more than enough to restore all of President Reagan's cuts in Medicaid.

The overruns in the EF-111A total more than $700 million, more than enough to replace the remaining cuts in all the child health programs.

F-15 cost increases total over $6.8 billion. That could pay for the whole of AFDC in fiscal year 1983 without any cuts.

The cost increases in the AH-64 Army helicopter total more than $2 billion, enough to restore all the President's cuts in compensatory education, both enacted and proposed.

The XM-1 tank is a special case. In September 1980 it was $1.73 million. By December 1980, the unit cost had risen to $2.55 million, an annual rate of increase of 372 percent. That single 3-month period raised the total cost of the current program by $5.8 billion dollars. Since then the Army has announced that, because of deficiencies in the XM-1 transmission and fuel consumption, the tanks will have to be accompanied to battle by bull-dozers (to dig holes in which the tanks may hide) and military gasoline trucks (to refuel the tanks). Estimates of the cost of these military companions for our youngest tank have ranged upwards of another billion dollars. If President Reagan will merely leave in place the Adoption Assistance and Child Welfare Act of 1980 (which he is trying to repeal) he will save enough money to pay for the XM-1's caretakers.

Like every American, we are committed to a strong national defense and military able to respond firmly and fully to any external threat. But we do not equate loyalty to our nation's security with unquestioning acceptance of every military expenditure. In 1953 Dwight David Eisenhower warned:

"Every gun that is made, every warship launched, every rocket fired signifies . . . a theft from those who hunger and are not fed, those who are cold and are not clothed.

"This world in arms is not spending money alone.

"It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children."[1]

And how blatant was this theft in the fiscal year 1982 budget where money was taken from needy children while military expenditures, even nonessential ones unrelated to national defense, went untouched. Read these examples carefully. They are only the tip of the iceberg.

President Reagan proposed an additional $3 million cut in the childhood immunization program for fiscal year 1982 which would eliminate immunizations for 75,000 children at risk. In fiscal year 1983 he plans to cut $2 million more. The Defense Department spends $1.4 million on shots and other veterinary services for the pets of military personnel. Additional millions are spent on the transportation of military pets when personnel are transferred. If the veterinary benefits for military pets were eliminated, 35,000 low income children could be immunized instead.

For fiscal year 1981 and fiscal year 1982, President Reagan rescinded and proposed cutting a total of $23.9 million from the Preschool Incentive Grants for handicapped children which serves more than a quarter of a million handicapped 3 to 6 years olds. In fiscal year 1983 he is proposing to effectively eliminate the program through a block grant and further cuts. These children are given early instruction in learning and communication skills so that they will be able to benefit from later schooling. The General Accounting Office has estimated that almost half of all messages sent over Defense department teletype nets are routine non-priority messages better sent by mail at a savings which would total $20 million a year. The excess teletype machines could be donated to programs for deaf children, thus further increasing savings.

President Reagan eliminated the Child Nutrition Equipment Assistance program that helped child care centers and schools in low-income areas buy the kitchen equipment needed to serve hot lunches and breakfasts to eligible low-income children and saved $15 million. The Army plans to spend $58 million to give away industrial machines, most of them new (e.g. five 2,000 ton capacity, four-stage mechanical forging presses, 166 power lathes, etc.), to defense contractors free. The $58 million is for the Army to pay to move and install the equipment. If it sold the equipment instead on the open market, and returned the proceeds to the Treasury, perhaps the $58 million dollars and more could be put back into the school lunch program which about 2,000 schools have eliminated because of budget cuts.

The State of Virginia has fewer than 160 full time homemaking aides serving more than 2,500 aged, blind, disabled persons and families with handicapped children at home. The Pentagon has 300 personal servants tending to fewer than 300 senior officers, none of whom reports himself seriously disabled. Virginia's program costs about $1 million a year. The Pentagon's program costs over $5 million a year. President Reagan cut Virginia's program by more than a third; he increased the Pentagon's program by 15 percent.

Secretary of Defense Weinberger has a private dining room at the Pentagon at which only about 100 persons are eligible to dine. It has a staff of 19 and each meal served costs the diner an average of $2.87 and the taxpayers an additional $12.06. President Reagan forced the low-income children of working mothers in child care centers to give up their mid-morning supplement of juice and crackers. Each time Secretary Weinberger or one of his select associates has lunch, 40 of those low-income children must go without orange juice or milk. More than 1 million mid-morning supplements for low-income children now to be lost each year could be restored if Secretary Weinberger and his colleagues ate in other Pentagon dining rooms, or contracted with a private food company to run his private dining roon on a self-sustaining basis. If four other Pentagon executive dining rooms (one each for the Army, Navy, Air Force, and the Joint Chiefs) were also run on a self-sustaining basis, this would provide an additional 3.7 million mid-morning servings of juice to low-income children in Head Start and day care centers.

Presdient Reagan cut the Child Care Food program 29 percent in fiscal year 1982 and is proposing an additional 20 percent cut in fiscal year 1983.

While we do not begrudge the military all morale boosting or recreational outlets, it does seem to us that the amounts and efficiency of nonessential services need to be weighed against the loss of civilian essentials. Americans given presidential sermons on "belt-tightening" want only equity in sacrifice. But that is hardly what is occurring. The Memphis Naval Air Station might give up its riding stable; the Albany, Georgia Marine Logistics Base its golf course; and the Mountain Home Air Base its bowling center. Similarly military welfare might be limited to the neediest within their ranks before more cuts are made in welfare programs for needy children. There is no need, for example, for military reservists who are also federal employees to receive full pay from both sources during summer training and their regular vacation besides. Merely limiting payments to the higher of civilian or military pay would save $60 million in fiscal year 1983. This is enough to pay for the entire summer food program for poor children the Administration proposes to eliminate.

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[1] Address, "The Chance for Peace" delivered before the American Society of Newspaper Editors, Apr. 16, 1953.

THE REAGAN BUDGET ROBS THE FUTURE AND WILL COST RATHER THAN SAVE MONEY

The Reagan Administration has led the American public to believe that social programs for poor children and families are the cause of federal budget deficits and inflation. He has preyed on the fears and resentments of those Americans who want to believe that most welfare recipients cheat (they don't) and implied that if we just end fraud and abuse in these programs, we will solve our economic problems.

What he has not told the American public is that 70 percent of the welfare "cheats" he is ridding us of are children. It is also children who will suffer most from across the board cuts in food stamps and Medicaid. Because the President is philosophically opposed to raising taxes or delaying the enormous tax giveaways in the Economic Recovery Tax Act; to price controls on health or energy costs; is practically committed to price increases on sugar and other foods; and will find it hard to attack Social Security again—at least right away—he has simply boxed himself in so that he has no one else to attack but needy children and families. He is therefore mindlessly undermining the very preventive programs that will yield the nation the greatest long-term savings and productivity: education, preventive health and dental care, child nutrition, job training, child care, and preventive services which help keep families together.

This is the time to invest in rather than turn our backs on children, as the Reagan Administration is doing. Spending billions more on weapons of death at the expense of tools of life for children and families is not the road to peace, stability, growth, and productivity, either within or without.

In 2010—28 years from now when many of us in our late thirties, forties, and fifties, will be moving toward or be of retirement age—there will be more elderly people per worker and fewer children as we become an increasingly aging society. Each worker will become more important as fewer become available to support more older dependents. That potential 2010 worker was recently born or is about to be born.

One in five of them was born poor and one in four will depend on the AFDC we are cutting through the bone at some point in his or her lifetime.

One in two will grow up in a family where all parents work and often face inadequate, even harmful child care arrangements. We are cutting child care.

One in three has never seen a dentist, and one in seven lacks access to preventive health care. Their numbers will grow, along with costly remediative medical costs, as a result of short-sighted cutbacks in medicaid, maternal and child health, and community health centers.

One in four will drop out of school before they graduate and will not be able to read and write and compute well enough to read the want ads or fill out the applications for the rapidly shrinking number of unskilled jobs. Millions more are going though an education system that has not prepared itself to respond to the new demands of an information economy and increasingly competitive world.

One in two will grow up in a single-parent family, one-third of whom will be poor. But these are the families President Reagan is beating into the ground through severe across-the-board cuts in Medicaid, AFDC, food stamps, energy and housing assistance, child care, and jobs.

Almost 600,000 a year are being born to teenaged mothers, many of whom have gone without prenatal care which greatly increases the likelihood of producing babies of low birth weight or with birth defects. Yet we are slashing the family planning funds to avoid more pregnancies, and the support services to help them remedy their mistake and avoid lifelong dependency.

500,000 are going unnecessarily homeless, in costly foster and institutional care, denied the nurturance and family stability that every child deserves. And President Reagan would cut new protections and funds to help them grow up in a family.

These Reagan policies will cost billions in future remediation (medical costs, foster and institutional care, court costs, jails); in services (welfare dependency, social services); and in lost productivity (joblessness, untrained minds and unhealthy bodies). And they will cost us more than we can measure as we stray from our historical path of becoming a decent and disciplined society.

All Americans are going to have to face up to needed changes and sacrifices if we are going to lead in a world in which the United States can no longer exercise effortless superiority. But regaining our competitive economic and political leadership position vis-a-vis the Japanese and others requires our hunkering down and making hard choices in this period of recession. These include adequate education and training for a baby boom generation for which we did not adequately plan. We must strengthen our managerial, industrial, and educational capacities so that we can outthink and outproduce our competitors. In order to do this, we must invest in, not cut, the human "supply side".●

MR. PAUL NITZE: THE RIGHT MAN FOR A TOUGH JOB

● Mr. GARN. Mr. President, in January of this year, the Washington Post printed an article by Mr. Chalmers M. Roberts, entitled, "Nitze: Right Man for Geneva?" All-in-all, it was a good commentary which supported the position that Mr. Nitze is, indeed, the right man for the job.

I was recently contacted, however, by Mr. Charles Burton Marshall, a longtime associate of Mr. Nitze, who asked me to help in clarifying some of the specific points raised in the article of Mr. Roberts. This clarification relates to the views of Messrs. Nitze and Charles E. Bohlen. Since Mr. Nitze, himself, asked Mr. Marshall to provide this clarification, I am happy to be of assistance.

Therefore, Mr. President, I ask that the article, "Nitze: Right Man for Geneva?," and Mr. Marshall's letter of clarification to Mr. Roberts, be printed in the Record.

The material follows:

[From the Washington Post, Jan. 12, 1982]

Nitze: Right Man for Geneva?

(By Chalmers M. Roberts)

The first quotation summarized "the fundamental design of the Kremlin" as it was described in NSC-68, the famous 1950 Truman administration document on American policy in the Cold War era. NSC-68's principal author was Paul H. Nitze. The second quotation is from "Strategy in the 1980s," an article in the fall 1980 issue of Foreign Affairs magazine. Its author also was Nitze.

Now Paul Nitze is the chief American delegate at the negotiations with the Soviet Union on intermediate range nuclear weapons in Europe, which are to be resumed today in Geneva. One question raised about him is whether this consistency of view toward the Soviet Union is that "foolish consistency" that Emerson called "the hobgoblin of little minds" or the rock of principle on which American policy must and should be based. In short, is Nitze the right man for the job?

The Nitze viewpoint, as expressed in the two quotations, has always been disputed. At the time of NSC-68, Charles E. ("Chip") Bohlen, a leading Kremlinologist, felt, as he later put it, that the Soviet Union "was largely motivated by its interests as a national state, and that the idea of spreading communism was secondary to such considerations."

For decades Ronald Reagan's rhetoric has followed the Nitze view, but in putting forward his Nov. 18 negotiating proposals, President Reagan was assuming agreements are possible based on Russian as well as American national interests. Certainly Reagan's rearmament plans are designed to motivate the Kremlin to find virtue in control and reduction of armaments. Nitze argued in his 1980 article that "the United States and the West must play for time in many threatened areas . . . while making a major effort to build up their overall strength" until what the Communists term "the correlation of forces" has "become more favorable than it is today."

A canvass of some of those who worked with Nitze during SALT I and SALT II, the strategic arms talks, produces agreement that he a dogged, insistent, no-nonsense negotiator, that he knows well the interrelationship between theater and strategic nuclear forces, and that he knows both the diplomatic intricacies and the complex military hardware involved in the current negotiations. It is a fact that no American still active has had the broad range of experience in the national security area Nitze has. He has served in high State and Defense department jobs, at innumerable conferences and on many panels in and out of government, as well as at universities and think tanks. He served on the U.S. Strategic Bombing Survey at the end of World War II in both Germany and Japan, and in the latter job saw both Hiroshima and Nagasaki firsthand.

A man of wealth (investment banking), accomplished pianist, active Maryland farmer and outdoorsman, Nitze, who will be 75 this week, is a tough-minded intellectual little given to small talk.

Five years ago, when many were calling nuclear war "unthinkable," Nitze, in a letter to the editor in The Post, wrote: "It could be that war between major powers is 'thinkable'" and "if so, we should think about it, carefully, consistently and with all the foresight and prudence of which we are capable." When Jimmy Carter nominated the non-cold Warrior Paul Warnke to head the Arms Control and Disarmament Agency, Nitze led the assault against him in a fashion many thought downright brutal.

Nitze was the Defense Department representative during the SALT I negotiations, and he spoke for its ratification by the Senate. He resigned from the SALT II delegation in mid-1974, during Watergate, because he didn't like the treaty then apparently about to be consummated. With Eugene Rostow, now his titular boss as head of ACDA, and others, Nitze set up the committee on the Present Danger, a small group that turned out to be the treaty's most effective opponent. Nitze believed it would give the Soviets the strategic preponderance "on the basis of which," as he once put it, "they can aspire to lay down the direction of events to Soviet advantage and, step by step, to achieve eventual Soviet triumph."

SALT I showed that Nitze would support an admittedly less-than-ideal treaty. SALT II, over which he hemmed and hawed in hopes it might be improved by amendments, showed him to be a tough opponent once he made up his mind. This time he is the man in charge, and anything he wants to come to terms on with the Russians most likely would be hard to beat back in Washington.

And why did he take the job? Aside from that view of the Soviet Union that drives him so relentlessly, Nitze reportedly now feels he has a live negotiation and that there now are good reasons on both sides why it might be possible to reach an agreed conclusion, and even reach it rather expeditiously. That clearly runs against the current conventional wisdom, which foresees long and fractious negotiations. But, if it works out, it would be the crown of Nitze's career.

CHARLES BURTON MARSHALL,
Arlington, Va., February 1, 1982.

Mr. CHALMERS ROBERTS,
Editorial Department, The Washington Post, Washington, D.C.

DEAR CHALMERS: Your January 12 column, which I have just read with great interest and approval in general, prompts this comment on one particular. The matter in mind concerns Nitze's and Bohlen's respective views about the Soviet Union. Your column alleges a basic difference between them and seeks to demonstrate it by selective citations. I think otherwise and rely both on citations and recollections.

My acquaintance with both began soon after my becoming staff consultant to the House Committee on Foreign Affairs in the spring of 1947. I heard them from time to time in executive sessions during the next three years, and occasionally conversed with them. I entered the State Department as a member of the Policy Planning Staff—of which Nitze was then Director—on June 1, 1950. Thenceforth Nitze and I have been in many collaborations. I suppose we know each other's ideas about as thoroughly as any two persons anywhere. Bohlen was called from duties as Minister at Paris for a month's consultation in the Department soon after the outbreak of war in Korea. I was a participant in many interchanges involving Nitze and him during that month. Bohlen returned to State in early 1951 to become counselor and the Department's representative on the NSC senior staff. I was involved in many dozens of interchanges with him in the next two years. I saw him only occasionally—probably no more than ten times in all—following his departure for Moscow as Ambassador in the spring of 1953.

I was given the then classified file on NSC/68 to study on my first day on the Policy Planning Staff and noted especially its words on "the fundamental design of the Kremlin." I quote them as published in "Foreign Relations," 1950, Vol. I, p. 238:

> The fundamental design of those who control the Soviet Union and the international communist movement is to retain and solidify their absolute power, first in the Soviet Union and second in the areas now under their control. In the minds of the Soviet leaders, however, achievement of this design requires the dynamic extension of their authority and the ultimate elimination of any effective opposition to their authority.
>
> The design, therefore, calls for the complete subversion or forcible destruction of the machinery of government and structure of society in the countries of the non-Soviet world and their replacement by an apparatus and structure subservient to and controlled from the Kremlim. To that end Soviet efforts are now directed toward the domination of the Eurasian land mass. The United States, as the principal center of power in the non-Soviet world and the bulwark of opposition to Soviet expansion, is the principal enemy whose integrity and vitality must be subverted or destroyed by one means or another if the Kremlin is to achieve its fundamental design.

I read at the same time a parcel of commentaries on NSC/68—among them notably Bohlen's memorandum of April 25, 1950, and especially his remarks on the portion above quoted. I quote those remarks as published in the same volume of "Foreign Relations," p. 222.

> It is open to question whether or not, as stated, the fundamental design of the Kremlin is the domination of the world. If by this is meant this is the chief purpose and, as it were, the raison d' etre of the Kremlin, this carries the implication that all other considerations are subordinate to this major purpose and that great risks would be run for the sake of its achievement. It tends, therefore, to over-simplify the problem and, in my opinion, leads inevitably to the conclusion that war is inevitable, which then renders the statement of our objectives, i.e., the frustration of the Soviet design by peaceful means and the possibility of bringing about thereby a reorientation of Soviet policy to an extent which would permit the peaceful coexistence of the two systems [sic]. I think that the thought would be more accurate if it were to the effect that the fundamental design of those who control the U.S.S.R. is (a) the maintenance of their regime in the Soviet Union, and (b) its extension throughout the world to the degree that is possible without serious risk to the internal regime. I do not wish to belabor [sic] this point since it is obviously better to over-simplify in the direction of greater urgency and danger than it is to over-simplify [on] the side of complacency when dealing with Soviet intentions.

It seemed to me then that Bohlen had read into the document things that were not in it and that the language he thought would be "more accurate" was for all practical purposes equivalent to the language he was criticizing. I sought elucidation on the point of difference from my new colleagues and was told that they were as mystified as I was. One of them conjectured that Bohlen had commented on the basis of assumption and without actually having read the draft. I dismissed the conjecture as preposterous at the moment. Bohlen's memoir—"Witness to History," published 23 years later—says, however, on page 290 in reference to NSC/68: ". . . I did not study the paper until I returned in 1951." It appears that my skeptical colleague had a point.

The question of there being a basic difference between Bohlen's approach and the one reflected in NSC/68, in which Nitze had had the preeminent role, bobbed up several times in interchanges during Bohlen's sojourn in Washington following the outbreak of war in Korea. The notion surfaced also during his two years as counselor beginning in early 1951. Again and again the rest of us—I included—insisted to Bohlen that the distinctions, if indeed there really were any, involved nuances so slight as to be virtually indiscernible. Bohlen doggedly insisted that the differences, even if elusive, were substantive and important, as anyone knowledgeable of Soviet arcana—as the rest of us implicitly were not—would understand. Bohlen would also remark from time to time that the pertinent concept in NSC/68 had misled Secretary Acheson into a mistaken belief that the attack on Korea represented the first item on a Soviet schedule for world conquest by force. The rest of us with matching regularity rebutted both the alleged cause and the alleged effect. Bohlen's "Witness to History" preserves the idea for posterity, however.

These recollections would mislead you if they suggested acrimony. Nothing of the sort was ever manifested. The point at issue was marginal to the problems at hand. The prevailing aura was agreement. Bohlen and the formulators of NSC/68 were actually as one in postulating the primacy—as a Soviet goal—of the regime's continuity within the areas under its dominion. Also, Bohlen and the formulators were as one as to Soviet Union's enduring purposes concerning the world in general and as to Soviet hostility toward the United States. On the latter aspects, I do not presume to repeat things that I heard Bohlen say many times in privileged interchanges. I only invite attention to what Bohlen's 1973 memoir says in the last few pages of its chapter 15. A few sentences suffice:

> What caused the cold war? My view is quite simple. . . . The cold war can be traced to the seizure of power by the Bolshevik wing of the Russian Social Democratic Party in 1917. . . . Bolsheviks believed in the inherent wickedness of capitalism, which they regarded as merely an instrument for the exploitation of the workers, and in the inevitability of the triumph of Communism over capitalism. Thus any capitalist society was not only an enemy but also an enemy that had overstayed his time on the historical scene. It did not make any difference what the capitalist countries did; the mere fact that they were capitalist made them the object of continuous hostility on the part of the Soviet rulers. . . .
>
> . . . The word "Bolshevism" may sound outdated to some historians; in fact it is still an accurate term to describe the particular political philosophy that has guided Soviet leaders to this day.

The cold war was turned against America as part of the basic and unwavering hostility which the Bolsheviks have always displayed against capitalist countries. The United States was selected as target number one simply because it was the chief source of power left in the non-Communist world after the war.

. . . Any action we have taken . . . is judged on the basic premise that all capitalism is evil and anything good that comes out of it is only apparently so. This is the basis for the cold war.

It seems fashionable to conclude that the cold war is over. I do not see how anyone can reach this conclusion if he takes the trouble to read the Soviet press or speeches of Soviet leaders and to examine the daily drumfire of Soviet propaganda that is directed against the United States.

Too bad that your column did not specifically compare NSC 68 and Bohlen's views concerning the primacy of the regime's continuity as a Soviet goal and did not give the gist of Bohlen's views on Soviet hostility toward other systems in general and toward the United States in particular—but then, alas, it would have been necessary to jettison a good portion of the column.

I am still puzzled as to what impelled Bohlen's enduring insistence on some important, even if inexpressible, distinction between his own approach and that of NSC 68. A possible explanation is that given by Dean Acheson on page 347 of Present at the Creation, citing Paul Y. Hammond's thorough study of the genesis of that policy paper. That explanation postulates a purpose to defend professional turf—that is to say, to uphold Foreign Service ascendancy in the field of policy on the basis of assumed possession of a store of incommunicable wisdom. Maybe so—but I know no way of entering into other people's minds.

Sincerely,

BURT MARSHALL.●

IMMIGRATION AND U.S. UNEMPLOYMENT

● Mr. HUDDLESTON. Mr. President, last week unemployment in the United States reached 8.8 percent and most experts agree that it will increase further before it starts to fall. However, even when it does come down, it probably will not return to the level we considered as full employment a few years ago.

All of those who are concerned about U.S. unemployment in both the short and long run should be aware of the impact immigration has upon domestic unemployment and the cost of that unemployment.

The Federation for American Immigration Reform has recently circulated a factsheet which shows how uncontrolled immigration affects unemployment. I ask that this factsheet be printed in the RECORD.

The material referred to is as follows:

[From the Federation for American Immigration Reform, February 1982]

UNEMPLOYMENT

At times of high unemployment, immigrants and American workers compete directly for scarce jobs; the major impact of high levels of legal and illegal immigration is displacement of American workers. With continuing institutionalization of illegal immigration, illegal as well as legal immigrants advance in the job market, and compete for better jobs at higher pay.

1. U.S. unemployment in January 1982 was 8.5 percent, 9.298 million. Unemployment among Hispanic Americans was 12 percent, .724 million; among Black Americans, 16.8 percent, 1.874 million; and, among teenagers, 21.7 percent, 1.872 million.

2. Well over one million legal and illegal immigrants entered the United States in each year of the late 1970's. Legal immigration rates were: 1977, 462,315; 1978, 601,442; 1979, 526,000; 1980, 808,000. (Source: Immigration and Naturalization Service for 1977-1978, estimates of the Select Commission on Immigration and Refugee Policy for 1979-1980.) It is impossible to determine the exact number of illegal immigrants who entered the United States, but the Reagan Administration Interagency Task Force on Immigration estimated that, conservatively, 500,000 people were permanently added to our population each year through illegal immigration, and hundreds of thousands more illegal immigrants in a circular flow worked part of each year in the U.S.

3. Half of all new jobs created in the late 1970's went to legal and illegal immigrants. About one million legal and illegal immigrants entered the work force each year of the late 1970's (source: Edwin Reubens, City University of New York, testimony before the Select Commission, October 29, 1979), while about 2,000,000 new jobs a year were being created by the economy.

4. "A change of only one percentage point in unemployment can alter a (federal budget) deficit up or down by some $25 billion." Ronald Reagan, State of the Union message, January 26, 1982. The Congressional Budget Office estimates a one point increase in unemployment automatically increases transfer payment outlays by about $7 billion, about $7,000 per unemployed person. (Source: David North, Enforcing the Immigration Law, The New TransCentury Foundation, Washington, D.C., 1980.)

5. "In Chicago, aliens seized in recent months were found to have average earnings of more than $9,000 a year while working for plastics and electronics companies, foundries, meat-packing plants, rubber products manufacturers, snack food and candy producers and the like." John Crewdson, "Illegal Aliens Are Bypassing Farms for Higher Pay of Jobs in the Cities," New York Times, November 10, 1980.

6. "The Immigration and Naturalization Service also compiled yearly statistics on the types of industries which employ illegal aliens and the level of pay. It should be noted that these statistics do not include all of the illegal aliens who were employed when apprehended. It includes only those cases where the INS has positive proof of employment. Almost two thirds of the illegals who were employed were working at wages over $3.25 and many of these held jobs paying over $7.25 an hour." Senator Walter D. Huddleston (D-Ky), Congressional Record, July 9, 1981.

7. In Houston, a recent Rice University study found that one third of all workers in commercial construction were illegal immigrants, making wages between $4 and $9.50 an hour. The study concludes that American workers are inevitably being displaced. (Source: Professor Donald Huddle, Department of Economics, Rice Univ.)

8. "Industry executives and union specialists say that illegal aliens may account for more than half the assembly-line work force in many of the dozen or so plants in and around Los Angeles and south of the city in Riverside and Orange Counties. . . . Mr. Bluto [of the U.A.W.] said assembly-line employees of the recreational vehicle plants in southern California earned an average wage of $4.25 an hour. He also said this was about $2 an hour less than the average wage earned by workers doing the same work in northern California, where there are fewer illegal immigrants." Robert Lindsay, New York Times, May 4, 1980.

9. The majority of illegal immigrants work in cities, in light and heavy industry, construction, and the service sector. Fewer than half of apprehended illegals work in the agricultural sector. (Source: INS apprehension statistics.) Other studies find fewer than a quarter of illegal immigrants work in agriculture. (Source: David North and Marion Houston, The Characteristics and Role of Illegal Aliens in the U.S. Labor Market: An Exploratory Study, Washington, D.C., Linton and Company, 1976; and Maurice D. Van Arsdol, Jr., Joan Moore, David Heer, and Susan Paulvir, Non-Apprehended and Apprehended Undocumented Residents in the Los Angeles Labor Market, U.S. Department of Labor Research Contract No. 20-06-77-16, October 1978.)

10. An Ohio University report for the Department of Labor "found that a majority of the young people would be willing to take low-paying jobs in such areas as fast food restaurants, cleaning establishments, supermarkets as well as dishwashing. A substantial number of the young people surveyed said they would work at below the minimum wage. The survey suggests that the younger the worker the lower the wage and level job he or she is willing to accept. It also indicates that young minority group workers will take lower level work than young white workers." (Source: The New York Times, February 28, 1980.)

11. A Los Angeles Times survey published April 7, 1981, found that "the widely accepted notion that some jobs are so menial only illegal aliens will take them is untrue. . . . Among unemployed people interviewed, 75 percent said they would apply for jobs paying between $3.35 an hour, the legal minimum, and $4.50 an hour. More than 48 percent of unemployed Americans surveyed said they would seek restaurant jobs and 40 percent said they would apply for garment industry jobs. Both industries employ large numbers of illegal aliens. . . . The public's perception of the number of Americans willing to take menial jobs is far different from the reality, the poll showed. Nearly half (48 percent) of those polled said that illegal aliens take only those jobs that Americans won't accept, while 40 percent believe Americans can be found to do the jobs, and 12 percent said they weren't sure. Yet the poll showed a large majority of the unemployed said they would take such jobs—nearly 5 million people."

12. "It is false to say American workers cannot be found for all of the jobs filled by undocumented workers. The truth is that there are millions of American workers in all of these low-paying occupations already. The job market in which they (the illegal aliens) compete is highly competitive, with a surplus of people vying for a shortage of jobs, no matter how undesirable the jobs may be. . . . One of the lowest estimates of the number of illegal workers in the United States is 4 million. If only half, or 2 million, of them are in jobs that would otherwise be

held by U.S. workers, eliminating this displacement would bring unemployment down to 3.7 percent [as of December 1979], below the 4 percent full-employment target set by the Humphrey-Hawkins Act." Ray Marshall, the Los Angeles Times, December 2, 1979.●

TENNESSEE MUNICIPAL LEAGUE AND THE NEW FEDERALISM

● **Mr. SASSER.** Mr. President, a Committee on Governmental Affairs hearing held today focused attention on local governments and how they would fare under the New Federalism initiatives proposed by President Reagan.

Mayor Randy Tyree of Knoxville, Tenn., testified before the committee on behalf of the Tennessee Municipal League. His analysis of the New Federalism proposals and the underlying principles he endorses will, I believe, be helpful to my Senate colleagues and others in their consideration of these issues.

The 1982 International World's Fair and Energy Exposition, which I am sure most of you are planning to attend, is being held in Mayor Tyree's city of Knoxville. The already successful fair is a tribute to the good planning that the mayor has done at the local level. The exposition is also an example of what intergovernmental cooperation can achieve. The Federal, State and local levels of government contributed to the final product.

In fact, Mayor Tyree reported to me that the world's fair is running "ahead of schedule and under budget" at this time. With a track record like that I would say that we should heed the advice of the mayor in public policy matters of equal importance, such as the New Federalism.

His thoughtful presentation of the point of view of Tennessee city officials on the assumptions and basic principles of President Reagan's New Federalism should be carefully considered by my colleagues as we should continue the debate on the New Federalism.

I ask that Mayor Tyree's testimony on behalf of the Tennessee Muncipal League be printed following the conclusion of my remarks.

The testimony follows:

TESTIMONY OF HON. RANDY TYREE

TENNESSEE MUNICIPAL LEAGUE—10 PRINCIPLES FOR A NEW FEDERALISM REVISING PROPOSALS BY PRESIDENT REAGAN

Summary

A sound New Federalism should:

(1) Turn back control to state or local governments actually administering public service programs.

(2) Earmark a percentage of the federal income tax permanently, subject to "sunset" review in ten to fifteen years, for distribution to state and local governments, on a fair formula, at present (1972) levels of federal aid.

(3) Officials of local government, through their National and State Associations, should be consulted on New Federalism by the President and Congress, and the State Governors and legislators.

Ten principles of sound New Federalism

1. The President's New Federalism proposal should eliminate using it as a device to cut the budget for the 44 programs, to be shifted to state-local governments, by $5 billion from 35.2 billion in 1982 to $30.2 million in 1983.

2. The exchange of programs among the federal, state and local governments should be characterized by functional logic.

3. Federal fiscal assistance should continue to equalize in part the higher and lower tax raising capacity of the 50 states; Tennessee has only 81 percent of the tax capacity of the average state due to low per capita income.

4. Any shift of federal program financing to state-local governments should include a permanent earmarking, subject to "Sunset" review, of a percentage of the federal income tax instead of a temporary trust fund from federal excise and oil taxes.

5. The President's revenue package to compensate state-local governments for the cost of 44 turnback programs is derived 60 percent from the oil profits tax, and 40 percent from excises, and will produce only $250 million annually in Tennessee, and leave the state with a $450 million gap.

6. The President's plan to derive 40 percent of the temporary trust fund and eventual turnback taxes to fund state-local obligations is unacceptable because the federal excise taxes on alcohol, cigarettes, gasoline, etc. are capped on a per unit basis and do not reflect price increases and inflation; from 1978-81, the federal excise taxes rose only 5 percent while the income tax rose 35 percent and inflation 30 percent.

7. Any maintenance of effort under the New Federalism should apply to the federal government as well as the states.

8. City and county governments, through their national and state associations, should be full partners in discussions at the federal and state levels about the local impact of New Federalism.

9. The states should not swap off state financial obligations to the federal government (medicaid, transportation, food stamps, AFDC, etc.—at an annual state saving of some $768 million) by swapping a give-a-way of federal aid for city-county programs amounting to $488 million in 1981.

10. New Federalism should provide that federal funds for city-county programs turned back to the states should be passed through to local units on a formula basis—either a modified general revenue sharing formula, or other consensus formula.

Summary of TML Recommendations: The President's New Federalism proposal should be revised not only to turn back control to state and local governments actually administering public service programs, but to earmark a percentage of the federal income tax permanently, subject to sunset review for distribution to state and local governments, on a fair formula, at present levels of federal aid. Officials of local government, through their state and national associations, should be consulted on New Federalism by the President and Congress, and the States.

There are five major assumptions underlying President Reagan's New Federalism.

(1) The federal government has grown too large, too costly, and too intrusive, and its operations need to be overhauled and streamlined;

(2) "Grass roots" governments are best equipped to diagnose and deal with problems;

(3) The states are willing and able to assume greater responsibility for the administration and financing of needed programs;

(4) State and local officials will have a more cooperative and positive relationship than in the past; and

(5) The appropriate roles of different levels of government can be identified, and functions reassigned, in a reasonably systematic manner.

In February 1981, TML adopted a policy statement endorsing some of the basic principles that the President has now incorporated as assumptions into his New Federalism proposal: shifting decisions on program priorities from the federal level to state and local officials; consolidating categorical aids into shared taxes or block grants; reducing administrative and overhead costs of federal programs; sharply curtailing federal regulatory intrusions; and providing a transition period for adjusting to intergovernmental revenue and program shifts.

In short, the Tennessee Municipal League finds that it has already endorsed some of the New Federalism proposals but opposes others. Realizing further that an intensive round of negotiations has already begun in an effort to reach a consensus on the final form of New Federalism, TML proposes the following basic principles as a guide.

1. The New Federalism should not be utilized as a federal budget-cutting device. We believe that President Reagan's original proposal for turning back 44 federal programs to state and local governments in FY 1984 would not be a fair swap in light of his 1983 budget recommendations. Specifically, the President wants to cut federal spending for these 44 programs from the present level of $35.2 billion to only $30.2 billion in FY 1983—a reduction of $5 billion. When horse trading, it is not fair for one fellow to starve his horse before making the actual exchange. The turnback proposal appears to be an effort by the President to do two things: (a) Get the federal government out of the grant-in-aid business; and (b) Balance the budget, or reduce the budget deficit, on the backs of the states and local governments. We believe that federal funding for local programs should continue indefinitely at a level equal to current federal aid, with substitution of local for federal control through federal shared taxes and block grants without strings. No cuts should be made in these programs in the FY 1983 budget.

2. The New Federalism should be characterized by functional logic. Any exchange of programs, functions, and responsibilities between the federal government on one hand and state and local governments on the other should be well thought out. It doesn't make logical sense for the federal government arbitrarily to take over some basic welfare and income maintenance programs but leave others to the states. All poor and needy persons, especially the elderly and young children, should be assured of a minimum benefit level which would not be dependent upon the wealth of the state. This same sorting out of functions between the federal government and the states should be accompanied by a similar discussion of the appropriate reassignment of state and local government functions and responsibilities.

3. The New Federalism should recognize and make adjustments for the differences in fiscal capacity among states. The federal role in providing fiscal assistance to individuals and the state and local governments evolved, in part, because only the national government is in a position to equalize dif-

ferences among states. Tennessee, which has a tax raising capacity of only 81 percent of the national average due to low per capita income, has traditionally benefited from federal equalizing policies. Our state would be a big loser in any exchange of functions unless our lower fiscal capacity is taken into account. For instance, Tennessee would lose $135 million on the proposed Medicaid for AFDC/Food Stamps swap. This loss would be offset only temporarily by larger authorized drawdowns from the trust fund. The White House has noted the need for an equalizing formula to hold harmless the 24 states that would lose on the swap, but so far no such formula has been forthcoming.

4. Any New Federalism shift of federal program responsibilities to states and local governments should include a permanent funding mechanism subject to sunset review. President Reagan has proposed a permanent turnback of federal programs to the states, but has provided only a temporary trust fund from which to finance those programs. Tennessee municipalities now receive about 16.1 percent of their operating revenues from the federal government. This portion of their budgets would be protected only temporarily by pass-through requirements during the 1984-88 transition period. After 1988, the 44 federal programs (including general revenue sharing) would cease to exist and there would be no more state-to-local pass-through requirements. Under the Administration's present proposal, Tennessee cities and towns would have much of the devolved program responsibilities after 1988, but without any assurance whatsoever of sharing in the revenue sources being turned back to the state.

5. Under the New Federalism, the funding sources for the programs being turned back should be ones from which the state and local governments could reasonably be expected to derive adequate revenues. President Reagan has proposed a trust fund from which to compensate the state and local governments for the cost of the 44 programs being turned back to them. Sixty percent of that trust fund is made up of federal taxes on windfall oil profits. Because the windfall oil profits tax is a federal tax, the revenues derived from it can be shared with all the states. Once that tax source is relinquished, however, only a handful of oil producing states will be able to tap that source of revenue. When the trust fund phases out in 1988, Tennessee will shoulder the burden of some $700 million in costs for the 44 federal programs. If the state reenacts all the federal excise taxes as state taxes at the present rate, Tennessee could generate approximately $250 million in revenues. Not being one of the major oil producing states, we could generate no revenues from windfall oil profits. This would leave Tennessee with an enormous gap of $450 million which would have to be closed by imposing substantial new state taxes or by making unconscionable program cuts.

6. The New Federalism should permanently earmark a percentage of the federal income tax to be returned to states and local governments to fund the 44 turnback programs and to offset state losses from the Medicaid-AFDC/Food Stamps swap. The federal excise taxes on telephones, gasoline, liquor, beer, and tobacco proposed to be turned over to the states are regressive taxes with very slow rates of growth. In the three-year period 1978 to 1981, federal excise tax collections rose about 5% while inflation rose more than 30%, and individual income tax collections rose more than 35%. The excise taxes that the President wants to turn over to the states are the poorest possible source of revenue from which to finance needed programs. They are based on a unit of volume instead of price, and do not respond to inflation which drives costs up for governmental operations. On the other hand, the federal income tax is the fairest, most elastic, and most progressive tax in the nation. The Reagan turnback proposal will result in the shifting of the burden of financing the 44 devolved programs from the high-yield and regressive state and local taxes. In Tennessee this means an increased dependency upon state and local sales and excise taxes and local property taxes. For local governments, trying to raise an amount equal to present federal aid from regressive state and local taxes, based on inability to pay, replacing progressive taxes, based on ability to pay, is totally inequitable.

7. Any maintenance of effort requirements under the New Federalism should apply to the federal government as well as to the states. David Stockman, Director of OMB, has been quoted as saying that states would be required to maintain specified benefit levels for AFDC and Food Stamp recipients after the swap. However, there has been no mention of any required maintenance or hold harmless level for Medicaid benefits. If the federal government, after the swap, cuts Medicaid below existing state levels, there will be tremendous pressure placed on the state to restore those benefits by supplementing the federal payment. Also, publicly-owned hospitals, which usually wind up with the charity patients, will be pushed to assume even more responsibility for indigents. Further, such a tax structure which taxes the poor more, at higher rates, and the rich less, at lower rates, will not produce revenues adequate for the level of services demanded by urban communities. The permanent earmarking of a percentage of the federal income tax to pay the state-local cost of turnback programs would be an ideal solution.

8. Representatives of local governments should be involved, as full partners, in discussions at the federal and state levels about the final form of the New Federalism. Congress, or the President, should set up a commission comprised of representatives of the national associations of local government officials to advise on the local governments aspects of the New Federalism. The National Governors Association, the National Conference of State Legislatures, and other state groups are completely incapable of representing local government interests and needs in the vitally important negotiations that will determine the form of the New Federalism. Similarly, local governments should be fully represented on any state board or commission which advises on the administration of, or makes allocations of funds under, the federal turnback programs. The President has noted in his remarks on the need for the New Federalism that local governments have become the administrative wards of the federal government. It will be defeative of the President's purpose if, under his proposals, local governments become instead the wards of state governments. Municipalities and counties form an integral part of the federal system. The same considerations of equity and consultation that the states are receiving should be applied also to local governments. The very success of the New Federalism hangs upon the willingness of the federal and state governments to extend to local government, as a partner in a new federal system, broad rights of local self government by citizens and elected leaders.

9. Any federal-state transfer of functions or programs under the New Federalism should take into account the local government consequences of that swap. Governor Alexander has suggested a counter-proposal for a swap with the federal government. He would swap federal assumption of the major state financial obligations under federal aid programs (Medicaid, AFDC, and Food Stamps—at a cost of $668 million) in return for a state-local takeover of federal aid programs for local governments (education, sewage disposal, community development and facilities, economic development, public housing, general revenue sharing, etc.). This counter-proposal, if accepted, could be potentially disastrous for Tennessee local governments. The Governor should avoid trying to buy more federal dollars for state budget relief by giving away city and county federal aid dollars. See the attached table which shows that city and county governments received 62% or $488.4 milion of general use federal aid in 1981.

10. Under the New Federalism, federal funds allocated for local government programs being turned back to the state should be passed through to municipalities and counties on a formula basis, utilizing a modified version of the general revenue sharing formula, or some other consensus formula. Local governments are fearful that if funding sources for the 44 programs being turned back are simply given to the state in the form of "super revenue sharing", as proposed, local needs will be addressed only after the state has taken care of its own budgetary priorities. This may result in little or no funding for local needs and priorities. Categorical aids to local government, both direct and state channeled, should be converted to shared taxes distributed on a formula basis among states, and to local governments within states. Only those programs needed to meet problems above the norm should be retained as block grants or categorical aids. This will return maximum control to the citizens and elected officials of local governments that directly administer public services. An alternative would be to return federal turnback funds to states based on their record of actual historical use of categorical grants. In Tennessee, the 335 city and 95 county governments must raise and spend some $5 billion in 1982 to meet their public service responsibilities—the state only $4.25 billion, and this state sum includes some $1 billion in state aid spent by local governments. Budgetwise, these local governments are greater than state government. They urgently need and deserve full protection!

President Reagan's New Federalism is a highly challenging concept which presents a welcome opportunity to develop creative solutions to very complex public sector problems. As a practical matter, however, his original proposal simply creates more problems than solutions for local governments. Tennessee municipal officials hope the President will rethink this proposal, in consultation with state and local government officials, in a good faith effort to eliminate its obvious inequities and to thereby, in the spirit of partnership, work to build a stronger and more efficient federal system.

TENNESSEE ALLOCATIONS FOR STATE AND CITY/COUNTY FEDERAL AID, FISCAL YEAR 1981

[In thousands]

New Federalism Programs for turnback to the States, cities/counties	Federal aid State	City county direct	Federal aid State channeled	Total Federal aid State local
Rehabilitation services	$21,459			$21,459
Vocational and adult education	19,872		$14,599	34,371
State block grant (ECIA, ch 2)	7,863			7,863
CETA	36,000	$18,000	18,000	72,021
WIN	3,468			3,468
Low income home energy assistance	25,560			25,560
Emergency assistance	0			0
Child nutrition			96,026	96,026
Child welfare	4,241			4,241
Foster care	2,547			2,547
Runaway youth	199			199
Child abuse	156			156
Social services block grant	28,369		15,000	43,369
Legal services	7,108			7,108
Community services block grant (community action agencies)	7,744			7,744
Prevention block grant (predecessor programs)	1,522			1,522
Alcohol, drug and mental health	7,499			7,499
Primary care block grant (primary care health centers)	9,400			9,400
Maternal and child health	7,805			7,805
Primary care research and development				0
Black lung clinics	421			421
Migrant health clinics	0			0
Family planning	4,679			4,679
Women, infants, and children (WIC)	27,890			27,890
Grants in aid for airports		8,892		8,892
Primary highway system	32,961			32,961
Rural and small urban transportation			10,566	10,566
Urbanized area transportation			10,619	10,619
Bridges	9,929		5,346	15,275
Construction safety	6,600		2,700	10,623
Other highways	4,048			4,048
State and community highway safety	2,222		1,000	3,222
Highway related safety grants	528			528
Interstate transfers—highways				0
Appalachian highways	22,218			22,218
Urban mass transit		26,664		26,664
Rural water and waste disposal grants		27,357		27,357
Water and sewer facility loans		26,940		26,940
Community facility loans		8,999		8,999
Community development block grant		62,013		62,013
Urban development action grants		7,224		7,224
Waste water treatment grants		42,092		42,092
OSHA State grants (operational grants)	1,069			1,069
General revenue sharing (local grants)		86,841		86,841
Total	303,375	315,041	173,356	792,340

Note.—Total city/county aid—$488,397. Percentage of total: State—38 percent; local—62 percent.

EMBARGO OF LIBYAN OIL IMPORTS

● Mr. MITCHELL. Mr. President, President Reagan has taken the proper course of action in imposing an embargo on Libyan oil imports, and in discontinuing our exports of high technology to Libya.

I applaud the President's action wholeheartedly. It is high time that the United States take serious action against Libya, whose training and financing of terrorist organizations and activities is well known and well documented. By continuing to purchase over half of the oil produced in Libya, the United States has been helping to finance the schemes and actions of Libya and its leader, Colonel Qadhafi.

The State Department acknowledged yesterday that there has been no change in Libya's behavior. Under Colonel Qadhafi's leadership, Libya continues to make all-out efforts to destabilize countries friendly to the United States. Last year Qadhafi ordered an attack on U.S. aircraft even though they were flying over international waters. Qadhafi is known by U.S. intelligence to have schemed in an attempt to send assassination teams to the United States to murder U.S. Government officials.

Under 12 years of Qadhafi rule Libya has gained world attention as an exporter of two things—terrorism and petroleum. The latter is used to finance the former. By ending our purchases of Libyan oil, the United States has the power to cut deeply into Libya's pocketbook.

Last October I supported an amendment to the foreign assistance authorization bill for fiscal year 1982, which would have resulted in a complete phaseout of Libyan oil, and would have sought similar action by our allies. At the time, the administration was not prepared to support that amendment.

Mr. President, although the United States is economically vital to the prosperity of Qadhafi's regime, and the maintenance of Libya's reputation as the patron saint of terrorists, Libyan crude is not crucial to the United States. In fact, Libya provides the United States with just 2 percent of all the petroleum which we consume, and only 5 percent of the petroleum we import.

Mr. President, the administration has spoken at great length about its commitment to halt terrorism. The embargo against Libya announced yesterday by President Reagan is concrete action, in support of that commitment. I commend the President for his action.●

JORDANIAN ARMS SALE SHOULD NOT PROCEED

● Mr. SASSER. Mr. President, I recently cosigned a letter with a number of my colleagues indicating my extreme concern about the possibility of advanced weapons sales to Jordan. I am increasingly apprehensive about the impact that these particular sales—of advanced F-16 fighter aircraft and Hawk mobile missiles—could have on the strategic and tactical balance of forces in the Middle East.

I am apprehensive for a variety of reasons, not the least of which is Jordanian King Hussein's view of the prospect and desirability of peace in the Middle East. In the March 15 edition of U.S. News & World Report, King Hussein was quoted in an interview. When asked if Jordan would ever join the Camp David peace process, the King replied:

> What peace process? I believe the end is in sight for Camp David with the Israeli withdrawal from Sinai. The Palestinian autonomy proposals will never work.

The ominous tone in King Hussein's remarks does not lead me to conclude that Jordan will be a willing and constructive partner in bringing a peaceful resolution to the critical problems of the region.

Furthermore, the official Jordanian attitude about Egypt's phenomenal efforts at peacemaking under Anwar Sadat left much to be desired in terms of Jordanian support for U.S. goals and initiatives. Consider the further comments by King Hussein from the March 15 U.S. News & World Report interview.

> Q. Would the return of Egypt to the Arab world strengthen this Arab consensus you say you seek?
>
> A. The fact that the situation developed where Egypt did not play its role in the Arab family has caused me great pain. I hope and pray that before too long this will be rectified and Egypt will once again resume its rightful position and responsibilities. But in the end we have to form a sort of collective cooperation among the overall majority of Arab States.

What "role in the Arab family" did Egypt fail to play in attempting to make peace with Israel? The role of participating in a jihad, or holy war, against Israel? The revelation of the depth and pervasiveness of the idea that Israel must cease to exist as a state, even among Arab States we are now calling moderate, is disturbing in itself, though it is no surprise. The surprise to me, Mr. President, is that the administration seems so eager to pursue arms deal after arms deal with nations committed to the destruction of Israel, it is counter to every tenet of American policy.

I have repeated over and over again in this body my arguments in favor of maintaining our traditional reliance on the strength and stability of Israel as the linchpin of our policies in the Middle East. During the F-15 debate in 1978, the AWACS/F-15 enhancement debate of last year, and in a series of lesser battles over the future of U.S. policies and priorities in the Middle East, I and many of my colleagues have cautioned about the undercutting of Israel in the Middle East—not because of tradition, and not simply for the very real and important moral and political commitments to which we are properly bound; but for the security and stability of the region itself.

These issues have recently been addressed in a letter to President Reagan from 12 American Jewish organizations and 108 local Jewish community relations councils. I would commend their comments to the attention of colleagues, for these remarks go right to the point. I ask that the letter, including all cosignatories, be printed in the RECORD.

The letter follows:

NATIONAL JEWISH COMMUNITY
RELATIONS ADVISORY COUNCIL,
New York, N.Y., February 23, 1982.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR PRESIDENT REAGAN: We have been gratified by your own deep personal commitment to the security of Israel and, therefore, we were pleased that you reaffirmed America's unique bond with Israel in your letter of February 16, 1982 to Prime Minister Begin, assuring him of your intention to maintain Israel's qualitative technological military edge in the region.

Nevertheless, as the presidents of 12 national American Jewish organizations and 108 local Jewish community relations councils, member agencies of the National Jewish Community Relations Advisory Council, we are as one in our alarm that the United States, rather than acting to stem the massive arms build-up in the Arab world, continues to be a major purveyor of weaponry. Such a policy endangers peace in the region, threatens the security of Israel, and undermines the long-term interests of the United States.

Nor have the 8.5 billion dollar arms sale to Saudi Arabia and the recent approach to Jordan yielded concessions that advance peace in the Middle East. Jordan remains adamant in its rejection of the Camp David framework as does Saudi Arabia. Indeed, Saudi Arabia just rejected assurances you gave to the Senate pertaining to the use of the F-15s and AWACS as well as U.S. proposals seeking to strengthen U.S. strategic capabilities in the region.

Mr. President, it is, indeed, time to "redirect" our policy in the Middle East away from the sale of arms to unstable and uncooperative regimes. Rather, what is called for is a reassertion of unambiguous support for those reliable allies, like Israel, which have demonstrated the sincerity of their desire for peace by negotiating and signing treaties that have entailed great national risk and sacrifice, and which clearly recognize the Soviet-inspired threat to their own and United States' national interests in the region.

Sincerely,

NATIONAL AGENCIES

Maynard I. Wishner, President, American Jewish Committee;

Maxwell E. Greenberg, National Chairman, Anti-Defamation League of B'nai B'rith;

Donald S. Slaiman, President, Jewish Labor Committee;

Shirley I. Leviton, President, National Council of Jewish Women;

Julius Berman, President, Union of Orthodox Jewish Congregations of America;

Goldie Kweller, President, Women's League for Conservative Judaism;

Howard M. Squadron, President, American Jewish Congress;

Jack J. Spitzer, President, B'nai B'rith;

Robert Zweiman, National Commander, Jewish War Veterans of the U.S.A.;

Rabbi Alexander M. Schindler, President, Union of American Hebrew Congregations;

Marshall Wolke, President, United Synagogue of America;

Beverly Minkoff, National President, Women's American ORT; and

Bennett Yanowitz, Chairman, National Jewish Community Relations Advisory Council.

COMMUNITY AGENCIES

Herman Rogovy, President, Akron Jewish Community Federation;

Joan Rosenstein, President, Greater Albany Jewish Federation;

Paula Karmiol, Chair, Community Relations Council of Jewish Community Council of Albuquerque;

Ned Shulman, Chair, Community Relations Council of the Jewish Federation of Allentown;

Ted Fisher, Chair, CRC, Atlanta Jewish Federation;

Paul Gardner, President, Irwin Salmanson, Chair, CRC, Jewish Community Council of Austin;

Rabbi Seymour Essrog, President Baltimore Jewish Council;

Martin Strelzer, Chair, Jewish Community Relations Committee of the United Jewish Community of Bergen County (NJ);

Stanley Bard, Executive Director, Jewish Federation of Broome County (NY);

Warren B. Kohn, President, Jewish Community Council of Metropolitan Boston;

Phyllis Weinstein, Chair, CRC, Jewish Community Council of Birmingham;

Helen Wasserman, Chair, CRC, Jewish Federation of Greater Bridgeport;

Gail C. Kaplan, President, Jewish Federation of Greater Buffalo;

Harriet B. Narens, President, Jewish Federation of Canton;

Marilyn Flanzbaum, Chair, CRC, Jewish Federation of Central New Jersey;

Samuel Steinberg, Chairman, Jewish Community Relations Committee of Charleston;

Robert Schrayer, Chairman, Public Affairs Committee of the Jewish United Fund of Metropolitan Chicago;

Dr. Malcolm Bernstein, President, Jewish Community Relations of Council of Cincinnati;

Lawrence M. Bell, Chairman, CRC, Jewish Community Federation of Cleveland;

Dr. Hilel Salomon, Chair, Community Relations Council of the Columbia Jewish Welfare Federation;

Ir Owen Kane, Chairman, Community Relations Committee of the Columbus Jewish Federation;

Martin Gant, President, Connecticut Jewish Community Relations Council;

Arnold Sweet, Chair, Jewish Community Relations Council of the Jewish Federation of Greater Dallas;

Dr. Peter Romanow, Chair, CRC, Jewish Federation of Greater Danbury;

Lawrence W. Burick, Chair, Community Relations Council of the Jewish Federation of Greater Dayton;

Michael D. Goodman, Chair, CRC, Jewish Federation of Delaware;

Fred Lorber, Chair, Jewish Federation of Greater Des Moines;

Marian Shifman, President, Jewish Community Council of Metropolitan Detroit;

Jule Zimet, Chair, Jewish Community Relations Committee of El Paso;

Richard A. Levick, Chair, Jewish Community Council of Erie (PA);

Mrs. Robert Mitchell, Chair, CRC, Flint Jewish Federation;

Irving R. Friedman, Chair, CRC, Jewish Federation of Greater Ft. Lauderdale;

Hortense Deifik, Chair, Jewish Federation of Ft. Worth and Tarrant County;

Jeffrey Mines, Chair, Community Relations Committee of the Jewish Federation of Greater Hartford;

Elaine Pittell, Chair, CRC, Jewish Federation of South Broward (FL);

Harold Goldstein, Chair, CRC, Jewish Federation of Greater Houston;

Alan Goldstein, President, Indianapolis Jewish Community Relations Council and Indiana Jewish Community Relations Council;

Dr. Ronald Elinoff, President, Jacksonville Jewish Federation;

Dr. Charles Fliegler, Vice President, Community Relations Committee of the Jewish Federation of Greater Kingston (NY);

Stanley V. Goldin, Chair, Jewish Community Federation of Greater Long Beach and West Orange County;

Rabbi Jacob M. Ott, Chairman, Community Relations Committee of the Jewish Federation Council of Los Angeles;

Toni Goldman, President, Jewish Community Federation of Louisville;

Fred Gants, Chair, Madison Jewish Community Council;

Pat Chafetz, President, Memphis Jewish Community Relations Council;

Jacqueline K. Levine, Chair, Jewish Community Federation of Metropolitan New Jersey;

David Fleeman, Chair, Greater Miami Jewish Federation;

Jerome Safer, President, Milwaukee Jewish Council;

Robert Latz, President Jewish Community Relations Council—Anti-Defamation League (JCRC-ADL) of Minnesota and the Dakotas;

Morris Werthan II, President, Jewish Federation of Nashville and Middle Tennessee;

Lillian Schwartz, Chair, Jewish Federation of Greater New Bedford;

Martin Gant, Co-Chair, CRC, Dr. Gustave Sirot, Co-Chair, CRC, New Haven Jewish Federation;

Lawrence Tisch, President, Jewish Community Relations Council of New York;

Gary Motin, Chair, CRC, Jewish Federation of Eastern Connecticut;

Michael Berenson, Chair, Jewish Federation of Greater New Orleans;

Sheldon Tenenbaum, Chair, Savannah Jewish Council;

E. D. David, Chair, CRC, Jewish Federation of Newport News-Hampton;

Dr. Barry Einhorn, Chair, CRC, United Jewish Federation of Tidewater, Va.;

Marge Bornstein, President, Jewish Federation of North Jersey;

Gerald S. Ogan, President, Jewish Federation of North Shore (Mass.);

Howard and Joan Cohen, Chair, CRC, Jewish Federation of Northern Middlesex County;

Marilyn Kurtz, Chair, CRC, Jewish Federation of Greater Norwalk;

Madeline Cornblum, Chair, Jewish Community Relations Council of the Greater East Bay (Oakland);

Sydney Osten, Chair, ADL/CRC of the Jewish Federation of Omaha;

Audrey Kagel, Chair, CRC, Jewish Federation of Orange County;

Rabbi Larry Halpern, Vice President, Jewish Federation of Greater Orlando;

Elsie Leviton, Chair, CRC, Jewish Federation of Palm Beach;

Larry Griminger, Chair, CRC, Jewish Federation of Peoria;

Joseph Smuckler, President, Jewish Community Relations Council of Greater Philadelphia;

Irwin Harris, Chair, CRC, Greater Phoenix Jewish Federation;

Dr. Gordon Saskin, Chair, CRC, Jewish Federation of Pinellas County;

Frederick Frank, Chair, Community Relations Committee of the United Jewish Federation of Pittsburgh;

Arden Shenker, Chair, CRC, Jewish Federation of Portland, Oreg.;

Harvey Klee, Chair, CRC, Jewish Federation of Raritan Valley;

Robert A. Riesman, Chair, CRC, Jewish Federation of Rhode Island;

Irving Blank, Chair, CRC, Jewish Community Federation of Richmond;

Carolyn Zaroff, Chair, CRC, Jewish Community Federation of Rochester;

Rabbi Amram Prero, Chair, Sarasota Jewish Federation;

Steve Fishbein, President, Sacramento Jewish Community Relations Council;

Isadore Rosenfeld, Chair, CRC, Jewish Federation of St. Joseph Valley;

Harvey Schneider, President, Jewish Community Relations Council of St. Louis;

Malcoln Steinberg, Chair, Jewish Community Relations Council of the Jewish Federation of San Antonio;

Dr. Warren Kessler, Chair, Jewish Community Relations Council of the United Jewish Federation of San Diego;

Neil Golub, President, Jewish Federation of Greater Schenectady;

Jack Plotkin, President, Scranton-Lackawanna Jewish Council;

Dr. Michael Schufler, Chair, CRC, Jewish Federation of Greater Seattle;

Arnold Lincove, President, Shreveport Jewish Federation;

Richard D. Aronson, President, Jewish Federation—Community Council of Southern Maine;

Dr. Jacob Farber, President, Jewish Community Relations Council of the Jewish Federation of Southern New Jersey;

Gloria Schwartz, President, Springfield Jewish Federation (Ill.);

David Schneider, Chair, Jewish Community Council, Oklahoma City;

Alan Curtis, President, Springfield Jewish Federation (Mass.);

Joanne Weisman, Chair, CRC, United Jewish Federation of Stamford;

Henry Leahmann, Vice President, Syracuse Jewish Federation;

John Bloomfield, President, Community Relations Committee of the Jewish Welfare Federation of Toledo;

Joan Keats, Co-Chair, CRC, Rose Levenson, Co-Chair, CRC, Jewish Federation of Greater Trenton;

Carol Karsch, Chair, Anti-Defamation League—Community Relations Committee of the Tucson Jewish Community Council;

Phyllis Fist, Chair, Tulsa Jewish Community Council;

Bert Silver, President, Jewish Community Council of Greater Washington;

William Slumowitz, Chair, CRC, Jewish Federation of Greater Wilkes-Barre;

Harold Cotton, President, Worcester Jewish Federation;

John P. Moyer, Chair, Jewish Community Relations Council of the Youngstown Area Jewish Federation;

Jesse Feldman, Chair, Jewish Community Relations Council of San Francisco;

Alvin Frank, Chairman, Jewish Community Relations Council of Greater San Jose;

William G. Levi, Chair, Jewish Community Relations Bureau of Greater Kansas City;

Michael Barker, Chair, CRC, Federation of Jewish Agencies of Atlantic County (NJ); and

Cecily Eidelhoch, President, Jewish Community Council of Utica.●

IN SUPPORT OF S. 1992, A BILL TO EXTEND THE VOTING RIGHTS ACT OF 1965

● Mr. JEPSEN. Mr. President, I rise today to formally support the extension of the Voting Rights Act of 1965. The Senate has before it a bill which, in my opinion, addresses the central voting rights issues of interest to all directly concerned. Specifically, the bill would preserve the integrity of the key enforcement provisions which over the years have sought to safeguard the constitutional rights of citizens to vote freely and without fear of reprisal or under duress.

Equally important, the bill contains language which would allow those States with no recent practice of discrimination to "bailout" of Federal preclearance requirements if they have fully accepted minority participation in the political process.

Mr. President, this bill is a bill of fairness, of equity, and most importantly, it is a bill which offers justice and hope to the rights of voters—in those jurisdictions with a history of ingenious efforts to limit voter rights—and also to State and local jurisdictions to escape the scrutiny of the Federal Government.

There is the possibility that amendments to the bill will be offered. I will decide upon them if and when they come up for debate and vote. However, the central issue of how to protect the voting rights of American citizens and the rights of State and local governments has been addressed in what I believe to be a fair and equitable manner.

Mr. President, this young Nation of ours has marched the long and winding roads toward freedom. We have crossed great oceans to be free, we have fought a Civil War, and two great World Wars in the pursuit of preserving freedom.

In short this Nation has come too far to turn back its long quest for freedom, or to give the slightest impression to a watching world, that we are fatigued or unconcerned about a fundamental American freedom, the right to vote. We must continue to put forth a strong signal to all Americans, black, white, brown, or yellow, and to the world, that freedom in America is still our strongest source of strength, and that we will not hesitate to insure that every American is guaranteed a right to exercise his or her fundamental freedoms.

Mr. President, I am pleased to be a cosponsor of S. 1992 and I am confident that all freedom-loving citizens of my State will join me in support of this act.●

RUSSIAN AND CUBAN AGGRESSION IN THE WESTERN HEMISPHERE AND ELSEWHERE

● Mr. SYMMS. Mr. President; today Dr. Fred Ikle, Under Secretary of Defense for Policy, appeared before the Subcommittee on Security and Terrorism of the Senate Committee on the Judiciary to testify concerning Russian and Cuban aggression in the Western Hemisphere and elsewhere.

Dr. Ikle's testimony is, I believe, particularly important and ought to be brought to the attention of the Senate and the people.

Accordingly, I ask that Dr. Ikle's testimony of this morning be printed in the RECORD at the conclusion of these remarks. I also submit for the RECORD an excerpt from recent testimony of the Chairman of the Joint Chiefs of Staff, Gen. David Jones, and a quotation by CIA Director William Casey.

The material follows:

TESTIMONY BY THE HONORABLE FRED C. IKLE

CUBA AND THE USE OF TERRORISM

Mr. Chairman, I am pleased that you invited me to appear before your committee. You have asked me to discuss, among other things, the role of Castro's Cuba in promoting violence, terrorism and armed opposition movements. The purpose of such Cuban intervention in other countries is to undermine governments that seek economic and social progress within a democratic framework, or to extend the global reach of the Soviet military establishment, or both.

With its population of less than 10 million and a land area of about 44,000 square miles, Cuba is involved globally—providing military and technical advisors and assistance thousands of miles away in Libya, Iraq, South Yemen, Angola, Ethiopia, the Congo, Mozambique and Vietnam, among others. Castro currently has about 60,000 Cubans serving overseas, including 35,000 military and 25,000 civilian technicians, most involved in construction activities but many involved in subversion. Cuba has about 20,000 troops in Angola alone and about 12,000 troops in Ethiopia.

Given these farflung interventions, Cuba's military capability is obviously far in excess of any defensive needs. Its army of 225,000 includes 9 active and 18 reserve divisions. These figures do not include hundreds of thousands of reserves, militia, and other paramilitary forces which in many instances are better trained and equipped than the regular armed forces of other Caribbean countries. Cuba has 650 tanks, over 200 Mig fighters in its air force, including a recently arrived second squadron of Mig-23's. Cuba's navy includes 50 torpedo and missile attack boats, two attack submarines, and a frigate.

Overall, 2.3 percent of Cuba's population is in the regular armed forces, and about one of every 20 Cubans participates in some kind of security mission. By comparison, Mexico—with seven times Cuba's population—maintains regular defense forces half the size of Cuba's and involving less than two tenths of one percent of its people. We, in the United States, have less than one percent of our people in the Regular Armed Forces.

How does Cuba sustain such large forces on a faltering economy? It relies—as it has for 20 years—on the Soviet Union to keep it afloat. In 1981, the Soviets provided $3 billion in economic assistance, and at least $500 million in military assistance. (Show chart #1) the U.S.S.R. sent three times more military equipment to Cuba in 1981 than in 1980 and more than in any year since 1962. The U.S.S.R. shipped about 66,000 metric tons into Cuba in 1981.

Why is the Soviet Union willing to expend such resources on Cuba? Because the Soviets realize the importance of their position in Cuba as a threat to the Atlantic Alliance more fully than do many Americans and more fully than do most Europeans. Moscow knows that, in time of war, half of NATO's supplies would come through our Gulf ports. They are aware that 44 percent of all foreign tonnage, and 45% of the crude oil for the U.S., pass through the Caribbean. They understand the importance of the Panama Canal and the South Atlantic sea lines of communication that carry about two-thirds of West Europe's petroleum and nearly half of our imports. But perhaps more importantly, the Soviets seek to change our southern borders from the peaceful conditions of the past by building potentially hostile forces in Central America and the Caribbean. They may expect that we will have to divert our attention and forces from other interests elsewhere. It is high time, Mr. Chairman, that our allies overseas begin to recognize this strategy.

The construction of a naval facility, and an airbase capable of accommodating advanced jet aircraft, in Grenada is a highly visible ongoing Cuban project. In December 1981, Grenadian Minister of National Mobilization, Selwyn Strachan, publicly boasted that Cuba will eventually use the new airport in his country to supply troops in Angola. And ominously he added that because of its strategic location, the airport may also be used by the Soviet Union.

By relying on Cuban mercenaries as surrogates, the Soviets are able to carry out their interventionist policies without risking the hostile reaction from the U.S. and the Third World that direct involvement of Soviet troops and personnel would engender.

Latin America provides an excellent microcosm of how the Soviet-Cuba partners operate in tandem. As U.S. advisors with Latin American countries were cut back from 516 in 1970 to 70 in 1981, the Soviet-Cuban team has operated together to keep the communist presence at a high level. In 1981, the Soviets and Cubans had 50 times as many military advisors in Latin America as did the United States; Mr. Chairman, fifty times as many. (Show chart #2) Moreover, from from 1962 to 1981, the Soviets provided more than twice as much security assistance to Latin America as did the U.S.—roughly $4 billion for the U.S.S.R. compared to about $1.5 billion for the U.S.

We need not wonder that totalitarianism is making inroads; it is receiving far more support than democratic pluralism. Not only fifty times as many military advisers, but a far higher level of military assistance. (Show chart #3)

Mr. Chairman, the Castro regime is linked to the Soviet Union, not only through its tools, but also through its methods. Castro has not only been armed with all this weaponry by his Soviet masters, he has also been inspired and tailored in the methods of totalitarianism by the experts in Moscow. I would like to illustrate this for three issues that are of central concern to this committee:

First, the use of terrorism to spread totalitarian control has been practiced in strikingly similar fashion by the Soviet Union and by Fidel Castro.

Second, the use of deception, particularly deception to mislead Western media, has been developed to a fine art both by Castro and by the Soviets.

Third, there is the destruction of the chances for democratic elections by the entrapment of Western democracies into alleged negotiations which become a process for the totalitarians to seize the monopoly of power.

Let me add some more details to describe each of these three practices:

First, on *terrorism*. A great deal of the current debate has been about the question of Soviet control over various terrorist groups. This is of course a question of some importance. However, it is by no means the only important issue in determining Western policy towards terrorist groups of the "left," or the "right." In the first place, terrorism is an assault on the most basic human rights, an attack on civil society. In the second place, terrorism is usually associated with a political program. It is a device for seizing power and maintaining it, foreclosing for the indefinite future any substantial expansion of elementary political liberties. Third, even if terrorist "armies" are not directed from Moscow, their acts may lead to the expansion of Soviet influence and control, and indeed in some cases they aim precisely at destabilizing a government, allied or otherwise associated with the United States, at detaching it from the open Western World and forcing it into the closed Soviet orbit.

For example, one of the most dangerous and most neglected of all the terrorist movements, the Armenian Secret Army for the Liberation of Armenia (ASALA), has formally announced that its strategy is to gain control of the eastern third of Turkey, to "free" it, so called, from the Turkish Government, and to unite it with the Armenian Soviet Socialist Republic. This is an area of the world which is of course critically important for the eastern Mediterranean and the southern region of NATO. It is also critical for Egypt and Israel and the rest of the Middle East.

It does not matter very much whether the Armenian Secret Army is directly commanded by Moscow. It is an efficient and brutal executor of the murder of innocent civilians. It has intimidated governments allied with Turkey and law abiding Armenian communities as well. If it were to be successful in its aims it would lead directly to the expansion of the Soviet Union. Perhaps more than any other terrorist movement it illustrates the irrelevance of some of the issues that have preoccupied the debate in the West on terrorism. Whether the Armenian terrorist movement is acting on its own, or under Moscow's direction, if it succeeds, it will come down to the same thing. Here lies a lesson for our current concerns in Central America.

Let me turn now to the related question of deception. Marxist guerrillas in Latin America have been largely recruited from the upper and middle classes and the student population. They use deception to make it hard for domestic or foreign intelligence agencies and—an important point—even harder for the press to identify and track them. The guerrillas disguise themselves as peasants (Che Guevara has some candid and cynical descriptions of this tactic) and sometimes as government soldiers. Government uniforms serve as cover for an assault on the government, or as cover for terror against the population in their campaign to destabilize the country and have the government forces blamed for terror. It serves to confuse domestic and foreign opinion. And the terrorists disguised as peasants can lead even a carefully controlled government counter attack to be misdirected at the real peasants, or appear to be misdirected to media observers when it hits guerrillas in peasant costume.

Marxist guerrillas using terror to inspire counter terror and to disrupt civil society create a catch 22 situation for any regime attempting to improve civil rights, and specifically to introduce elections. The guerrillas say that fair elections are impossible in a situation of great civil disorder while they do everything they can to create such disorder.

Guerrilla disguises include not only their dress, but also their words. Rebel leaders argue for negotiations and "political solutions," instead of an election. The phrase "political solution" should be understood as a code word for a coalition—sometimes encouraged by friendly as well as hostile outside powers—in which the rebel leaders will dedicate themselves ruthlessly to eliminate all other members of the coalition, and in particular those who favor progress towards a representative government and in civil rights. The "broad based" coalition will then narrow to the rebel leaders themselves.

Guerrilla leaders in Latin America sometimes sound like Democrats when they protest oppression of freedoms in current traditional authoritarian societies, or even in democracies. This should not confuse us. Castro, for example, has been entirely frank in identifying democracy as an "anachronism." Speaking in Chile at the time of Allende, he said that anachronisms such as elections, congress, and freedom of the press, are doomed by history. They "exist as long as the people do not have enough strength to change them.

This leads to my third point, Mr. Chairman, the substitution of alleged negotiations for genuine elections so as to eliminate the possibility of free elections even thereafter. This was the method chosen to cover-up the Stalinization of Eastern Europe; and this is the method now being peddled in this country—including, Mr. Chairman, here on Capitol Hill—to cover up the Stalinization of Central America.

Far too often have the governments of the great democracies used their influence to press moderate leaders into coalitions with Marxists, where they were unlikely to survive since the Marxists were intent on seizing the monopoly of force. Sometimes we trusted Marxist assurances that liberty would be introduced in due time—as Harry Hopkins relied on Stalin's assurances about freedom in Poland. Sometimes, eager to get Soviet cooperation on other matters, we used a coalition as a face saving way of abandoning support for Democracy. So—at the close of World War II, American and British leaders gradually pressed the Polish Government in exile in London, which included Socialists and a wide range of political views, to enter the Soviet controlled Lublin government with the result we see persisting four decades later. Something similar happened in each of the six East European countries.

In Rumania, for example, the allied powers meeting in Moscow in December 1945, agreed that the government should be broadened to include members of the opposition, but the opposition leaders that counted were excluded at the insistence of the Soviet Union. The two opposition parties were "represented" by two carefully selected nobodies. The coalition government then proceeded to exclude them by giving them no ministerial portfolios, and then by excluding them from cabinet meetings. The

United States and the United Kingdom protested to no avail. An election was eventually held under general conditions of intimidation, with the inevitable outcome. Then a mass trial of 91 dissidents modeled on the Moscow trials.

When Somoza was replaced in Nicaragua by the Sandinistas, the OAS was promised there would be elections. Now these elections have been indefinitely postponed and the repression of opposition groups and of freedom in Nicaragua is going on with full force.

Constraints on civil rights, poverty, inequality, and inequities all too frequently exist in developing societies. They are now, however, the cause of Marxist attempts to overthrow the government, and when the Marxist guerrillas succeed, they do not improve civil rights; they worsen them. Nor do they improve the economic situation. Cuba had one of the highest per capita incomes in Latin America before Castro. Castro's economic policies have been an unmitigated disaster. And in Eastern Europe the economic failure of the Communist economic bloc is plainly visible today.

We know that Cuban subversive activities are not confined solely to El Salvador. Cuba has coordinated clandestine support organizations in Honduras, Costa Rica and Guatemala. Cuban subversive activities have surfaced in virtually every Caribbean Basin country. Even Mexico, which has had the most friendly relations with Cuba, has not remained untouched by Cuban subversion.

In South America, Cuba provides advice, safe havens, communications, training, and some financial support to many clandestine organizations that employ violence, including Colombia's M-19, Uruguay's Tupamaros, Argentina's Montoneros, and Chile's Mir.

The Cubans became involved with known arms smugglers in supplying the Nicaraguan revolutionaries prior to the ouster of Somoza in July 1979. Finding that connection to be mutually profitable, the Cubans expanded their ties to include known drug smugglers who had the contacts and equipment necessary to facilitate arms shipments. One of the Colombian drug dealers was involved on behalf of Havana in a clandestine shipment of arms to the Colombian M-19 in an operation that involved hijacking a Colombian cargo plane. Cuba provided the funds used by the dealer to purchase the arms and transport them to Colombia. In return, Cuba facilitated the drug dealer's marijuana traffic to Florida. Just recently, this drug dealer was arrested in Mexico after he had arrived there with $700,000 which the Cubans had given to him to purchase arms for the Colombian M-19.

The Cuban connection with the PLO is well documented. In recent years, there have been dozens of contacts between Cuba and PLO leaders. In fact, on 17 November 1981, PLO leader Yasir Arafat sent a message to Castro reaffirming his support for Cuba.

Before concluding, let me try to dispose of a fallacy about our relations with Castro, that is fairly common in Europe and even has its defenders here. It is sometimes argued that Fidel Castro became a pawn of Moscow out of necessity—that he has been hostile to the United States simply in reaction to our hostility towards his regime. Implicit in this line of thinking is that if we would only be nice to him, and try to understand him, he would moderate his behavior.

The previous administration made a significant effort to improve U.S. relations with the Castro government. If opened an "interest section" in Havana and permitted the Cuban Government to do the same in Washington. It relaxed travel restrictions on Cuban diplomats and lifted the restrictions on vessels which had called at Cuban ports (allowing them subsequently to visit U.S. ports). The Carter administration also encouraged increased cultural exchanges, lifted the ban on travel by U.S. citizens to Cuba, and permitted the resumption of charter flights between Cuba and the United States.

It is worth recalling the response of Fidel Castro to those friendly overtures. During the Carter administration, Castro increased the number of Cuban military personnel in Angola by more than 40 percent—from about 14,000 to 20,000. He introduced the Cuban presence in Ethiopia, reaching a high of 17,000 men in 1978. He initiated a massive effort to subvert non-Communist regimes in Latin America. These actions hardly support the contention that a more conciliatory approach by the U.S. to U.S.-Cuban relations will make Castro our friend.

Mr. Chairman, some of your distinguished colleagues, in both Houses, seem to be suggesting that we should deny help to the Government of El Salvador, a government that is now trying to hold genuine elections and to build and protect a democratic order. Some suggest that instead of elections, there should be "negotiations," a compromise with those who are ideologically opposed to the very idea of elections.

I wonder if those who offer such counsel know what sort of precedent they are suggesting. They are saying President Truman made a mistake in supporting the Government of Greece against the Communist terrorists, and that we should have had "negotiations" to bring the totalitarians into power—like in the rest of Eastern Europe. They are saying that it was a mistake for Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, and Carter to support Israel against the terrorist onslaught, and that instead we should have negotiations with the PLO.

This is the large issue of principles, Mr. Chairman, that is at stake.

OPEN HEARING: HOUSE BUDGET COMMITTEE

Congressman Kemp: "You talked about the global threat, General Jones. I wanted to ask you is it not true with those MiG-23 jets on the docks of Cuba and with new helicopters in Cuba and a massive infusion of military equipment by the Soviets into Cuba, that there is a de facto if not a de jure violation by the Soviet Union of understandings that this country has ever had with them and the whole Monroe Doctrine approach to the U.S. foreign policy in that part of our backyard?"

General Jones: "Unfortunately, Mr. Kemp, the agreements that came out of the 1962 missile crisis are so vague that they can be interpreted different ways, and we interpret it as a violation. The Soviets do not interpret it as a violation. In my judgment, they have gone beyond the 1962 Accords and have gone beyond clearly the Monroe Doctrine in Central America. They are now the dominant military power in the Caribbean by a wide margin. They are building up Nicaraguan arms to be the dominant military power in Central America."

Q. Does what is happening now in Cuba violate the 1962 Kennedy-Khrushchev agreement ending the missile crisis?

A. Oh, sure it does because the '62 agreement said the Soviets would send no offensive weapons, and it also said there would be no export of revolution from Cuba. The agreement has been violated for 20 years.—U.S. News & World Report, March 8, 1982.●

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, has the time for morning business expired?

The PRESIDING OFFICER. It has. Morning business is closed.

AUTHORIZATION FOR EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. BAKER. Mr. President, I am advised that this request is cleared on the minority side.

I ask unanimous consent that the Senate now proceed to the consideration of Senate Resolution 333, the omnibus committee funding resolution of 1982.

Mr. FORD. Mr. President, I am authorized to state on behalf of the Democratic leader, who is in a very important meeting in his office as it relates to Weirton Steel, that there is no objection on the minority side as it relates to the consideration of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 333) authorizing expenditures by committees of the Senate.

The Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, I observe the distinguished chairman of the Rules Committee is present. I would inquire if he is ready to manage this bill.

Mr. MATHIAS. We are prepared to go forward.

Mr. BAKER. Could I inquire also of the distinguished chairman how much time is anticipated the Senate will require to dispose of this measure?

Mr. MATHIAS. Let me say to the majority leader that if it were up to the chairman of the Rules Committee, I promise him we would dispose of the matter in about 5 minutes. However, I am told that others wish to speak and I am somewhat at a loss to estimate how much time they would take. We anticipate at least one amendment, which may require a rollcall vote. I would think we would all be gratified if we could conclude this matter before the end of the day.

Mr. BAKER. I thank the chairman.

Mr. President, I see the Senator from North Carolina is not only on the floor but has the podium before him. Could I inquire if that signifies he may wish to participate in this debate?

Mr. MATHIAS. That is what I would call an ominous sign.

Mr. HELMS. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. HELMS. I would say I did not place the podium here and its being here is deceptive. I would propose that on the amendment that I intend to offer it be something like 10 minutes or 20 minutes, equally divided.

Mr. MATHIAS. Let us not cross that bridge quite yet.

Mr. FORD. Will the distinguished majority leader yield?

Mr. BAKER. I yield to the distinguished ranking member of the committee.

Mr. FORD. I say to the leader that as far as I know on this side there are no amendments. We were under the impression we could proceed in a very quick manner. Under the circumstances, and having some knowledge of the amendment that is going to be proposed by the distinguished Senator from North Carolina, I think it would take a little longer than 10 or 20 minutes to explain. Therefore, I do not want to agree to any time limit as it relates to that amendment.

I had hoped no amendments would be proposed because the committee, along with several chairmen, deliberated quite some time relating to this amendment. We thought we had exercised the best judgment we could. Obviously, we did not.

Therefore, I would hope that we could ask the Senator from North Carolina to maybe see the light here with us and instead of playing dominoes—because once he triggers something, others are triggered; the minute he makes one change, others are changed. We thought we had the chairman reasonably happy and would be very hopeful that he would talk himself into joining the chairman and I in supporting this piece of legislation.

Mr. BAKER. Mr. President, let me withdraw from this simply by saying it appears that no time agreement is likely at this point. There will perhaps be an amendment to the resolution and I anticipate at least the possibility of a rollcall vote. So Senators who may be listening in their offices and hear this should be on notice that the day is not yet over and there may be at least one rollcall vote before it is.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I would say, Mr. President, to my able friend from Kentucky that I certainly intend to do no violence to anything that I believe him to be interested in in connection with this resolution. My proposal is to save the taxpayers some money. We will discuss it and there will be no ill feelings on the part of the Senator from North Carolina if the Senate rejects his amendment.

But this Senator is inclined to believe that the Congress of the United States ought to take its lumps in terms of operating expenses.

I say to my able chairman, the distinguished Senator from Maryland, that I am even at this moment doing a little modifying of my amendment, but that will not take long. And I will be glad to proceed as rapidly as possible.

Mr. MATHIAS. If it is agreeable to the Senate, I would propose that the Senator from Kentucky and I discuss the proposal as it has been made by the Rules Committee very briefly and by that time other Members of the Senate may be prepared to join in the discussion.

Mr. President, today we begin consideration of an original resolution which would fund committees of the Senate for the fiscal year beginning March 1, 1982.

Let me first thank the Senator from Kentucky, the ranking minority member of the Rules Committee, for his close attention and his cooperative spirit, without which, of course, it would have been absolutely impossible to bring any resolution to the Senate today.

I also at the very outset should express my appreciation to the staff of the Rules Committee on both sides, because there is a great deal of detail work—work of a kind that very few people enjoy, looking at long lists of figures, adding and subtracting—which the staff undertook.

I personally am very grateful for their investment of time and interest.

This resolution was sent to the Senate by the unanimous vote of the Rules Committee. It reflects the unanimous decision of the Committee on Rules and Administration to recommend to the Senate there be no aggregate increase over last year in overall spending by the Senate committees.

So that is where we started. We started in the first place with a philosophical decision that the aggregate committee budget should not increase for the coming year, zero increase. That is what we were aiming at.

The leadership on the Republican side supported that position. I will leave it to my good friend from Kentucky to state his leadership position, but, certainly, I was not aware of opposition to that.

So the goal upon which there was very general agreement was to hold the line as far as the committee budgets were concerned.

Senators will recall that last year we achieved a remarkable overall reduction of 10 percent in cost in the authorizations for committees. Our attempt this year was to protect those savings, to protect them for the taxpayers of the United States, to protect them as a symbol that Government can go from year to year without growing in cost.

Senators will note that unlike previous years we do not have before the Senate a separate budget resolution for each committee. Once we had committed ourselves to the concept of a zero increase in the aggregate, we consolidated the individual committee resolutions into a single resolution. So what is before us today is a document in which all committee budgets are included section by section. In addition, I would call attention to the accompanying comparative chart in the Rules Committee report which shows committee budget experience since our reductions in spending at the beginning of 1981.

A question will arise, and I am sure it is going to come up during the course of today's debate, why not just repeat the figures of last year? Why not just committee by committee adopt the same budget that we had in the past year? That would give you the committee's goal of a zero increase.

Well, I would hope that the Rules Committee's rationale for increases or decreases would be self-evident to Senators when they study the chart. Briefly, the committee did take a look at increases in committee spending and decreases in committee spending over the past several years so that we could ascertain the trends in each committee. We tried to make realistic estimates for administrative expenses in committee budget submissions.

We looked, very frankly, at unexpended balances in the previous committee fiscal year, and we took into account the plans for oversight, for legislative review activities, in the coming year. It does not require any prophetic vision to know that some committees are going to be extremely busy in this coming year on economic problems, with the current fiscal problems in the country.

On the other hand, we made at least some judgments that some committees will not need to be as busy at this particular time of the year. That is a subjective judgment. We could be wrong in it. At least we made an attempt to see which committees were genuinely likely to have greater burdens imposed upon them in the coming year and which might be able to be slightly less strained in the given social and economic condition of the country.

So what we did was to then make a deliberate, conscientious decision among the committees as to how the aggregate moneys available, which had already been determined, should be divided.

I do not claim that we have it right in every case. Members of the Senate may be able to make suggestions as to how it can be adjusted. I think I can speak for the Senator from Kentucky on this case as well as myself in saying if this can be improved, we are anxious that it be improved. But it is going to be difficult to improve it without abandoning the goal of a zero increase or without going back to the simply mechanical method of doing next year what we did last year. We did not want to simply run the Xerox machine on last year's figures. That takes away all the judgmental quality of the recommendations embodied in the resolution.

I do, Mr. President, want to call attention to the first clause in the resolution because this clause is an adaptation of a budget control technique that has been successfully used in our consideration of the concurrent resolutions on the budget. It sets the aggregate Senate committee funding at the same level that it was last year, because that was the unanimous decision of the Rules Committee, the same level as last year, $41,936,869.

The only request that I make today is that any Senators who wish to propose amendments to the Rules Committee recommendations propose conforming amendments which will preserve the goal of a zero increase in aggregate committee spending. It seems to me that is the primary concern here today. I would respectfully suggest that any amendments that are to be offered should conform to that goal or should be very promptly rejected by the Senate.

I am sure the ranking minority member, the Senator from Kentucky, can comment after this very brief description of the resolution and I hope he will do so.

The **PRESIDING OFFICER** (Mr. CHAFEE). The Senator from Kentucky.

Mr. **FORD**. Mr. President, it is very difficult to follow the distinguished and articulate chairman of our Rules Committee. I compliment him on what he has been able to do. I am distraught that after we have worked so hard it appears that our work will be challenged.

Mr. President, today we have before us the task of authorizing the annual funds for our Senate committees. When we deem it necessary, as we did last year, and again this year, to make reductions, or deny increases, in the requests submitted by the individual committees, this is a difficult and painful task.

My colleagues will recall that last year, consistent with a statutory mandate requiring overall reductions of 10 percent in the expenditures of the Senate, the Rules Committee and the Senate approved resolutions for committee expenditures which in the aggregate totaled 10 percent in reductions.

This year our committee determined that economic conditions dictated that we make every effort to hold the line on total Senate committee spending. On top of last year's reductions, and in the face of substantial inflation and 5-percent cost-of-living salary increases, this was not an easy goal to achieve.

However, with the cooperation and understanding of all the committees, and the diligent application of the efforts of all members of the Rules Committee, the Rules Committee accomplished this result. The resolution reported to the Senate, Senate Resolution 333 in the aggregate, equals the amount authorized last year for all committees. Under this resolution some committees will receive a portion of requested increases. Other committees will receive less than they received last year. For all committees, these are extremely tight budgets and we know it.

It may well be that, despite every effort to stay within its budget, a committee will find it cannot meet its responsibilities without additional funds. If this does happen, I, for one, can assure such committee that a request for supplemental funds during the fiscal year will receive the careful consideration of this member of the Rules Committee.

Mr. President, I know that the times we are in do not lessen the volume or importance of the work that must be done by our committees and the Senate. We are asking for real sacrifices by our committees, and it will not be easy for them to do their jobs within the limitations imposed. But I urge my colleagues to make the effort. The public deserves no less from us.

I join the chairman of the Committee on Rules and Administration in urging support for the resolution as reported.

Mr. President, we can play with these figures endlessly. There are obviously countless ways to redistribute the agreed-upon total of funds for committees in 1982. But there is no one perfect way to redistribute. I believe the careful work of the committee should not be upset by hasty action on the floor. I support the chairman in urging the approval of Senate Resolution 333, as has been reported and is now before the Senate for consideration.

I yield the floor, Mr. President.

Mr. **HELMS**. Mr. President, I have an amendment at the desk which I call up and ask to have stated.

The **PRESIDING OFFICER**. The clerk will state the amendment.

UP AMENDMENT NO. 827

(Purpose: To provide that expenditures authorized for each committee be the same for the period covered by the resolution as for the preceding year)

The **PRESIDING OFFICER**. The Senator from North Carolina.

Mr. **HELMS**. Mr. President, I have an amendment at the desk which I call up and ask to have stated.

The **PRESIDING OFFICER**. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposed an unprinted amendment numbered 827.

Mr. **HELMS**. I ask unanimous consent that further reading be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 7, strike out "$1,607,807" and insert in lieu thereof "$1,554,400".

On page 10, line 8, strike out "$2,102,840" and insert in lieu thereof "$2,029,259".

On page 11, line 13, strike out "$2,213,000" and insert in lieu thereof "$2,166,000".

On page 12, line 21, strike out "$2,118,200" and insert in lieu thereof "$2,063,200".

On page 13, line 25, strike out "$2,404,912" and insert in lieu thereof "$2,333,100".

On page 23, line 20, strike out "$4,046,000" and insert in lieu thereof "$4,004,000".

On page 27, line 6, strike out "$784,438" and insert in lieu thereof "$748,630".

On page 30, line 15, strike out "$597,710" and insert in lieu thereof "$567,324".

Mr. **HELMS**. Mr. President, I shall be very brief.

As a member of the Committee on Rules, I applaud most of what the committee did. I further confess that I attended as many of those meetings as I could and I certainly agreed with the principle that committees should spend, in the aggregate, no more than they did for fiscal year 1981. But the more I looked at the juggling of the figures within the parameters of that aggregate total, the more I became convinced that, in the first place, the proposal now before us is essentially unfair to those committees which operate prudently and have done so for a period of years.

Second, I see an opportunity to save the taxpayers $408,994 by further reducing the proposal now before us.

The Committee on Rules unanimously proposed cuts for 10 committees, including the Senate Committee on Agriculture, Nutrition, and Forestry, of which I happen to be chairman. I readily agreed to the reduction in funds for my committee, even though I believe it to be demonstrated that the Committee on Agriculture, Nutrition, and Forestry has operated with a high degree of prudence over the years. As a matter of fact, each time that I have appeared before the Committee on Rules in my capacity as chairman of the Agriculture Committee, the Rules Committee has been good enough to compliment my committee for its frugality.

Incidentally, Mr. President, the Committee on Agriculture is one of the major committees, yet I believe it is one of the least expensive to operate.

Mr. President, here is where we are with this resolution, Senate Resolution 333. The Rules Committee unanimously proposed cuts for the Appropriations Committee, the Banking Committee, the Budget Committee, the Commerce Committee, the Governmental Affairs Committee, the Judiciary Committee, the Rules Committee, the Small Business Committee, the Intelligence Committee, and the Agriculture Committee. At the same time, the Rules Committee, through the pending legislation, proposes to increase slightly funds for the Committees on Armed Services, Energy, Environment, Finance, Foreign Relations, Labor, Veterans' Affairs, and Indian Affairs.

What I am proposing, Mr. President, and all I am proposing, is that we accept the Rules Committee recommendation with respect to those committees whose funding has been cut; and as to those committees whose funding has been increased, merely adjust the funding for each of those committees downward to the level of fiscal year 1981.

Mr. President, I hope that no Senator will seriously suggest that any committee will be frustrated by the amount of the proposed cuts under the Helms amendment. Armed Services, for example, would be reduced by $53,407. The Energy Committee would be reduced by $73,581; Environment Committee, $47,000; Finance, $55,000; Foreign Relations, $71,812; Labor, $42,000; Veterans' Affairs, $35,808; and Indian Affairs, $30,386. That comes to a total saving to the taxpayers, Mr. President, of $408,994.

I submit that every committee identified herein can easily save the stipulated amount. We are asking everybody across this country to tighten their belts. We are constantly saying that the times are difficult and that we must reduce Federal spending. So let us do that to the extent suggested in the amendment offered by the Senator from North Carolina.

Mr. MATHIAS. Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I rise to oppose the amendment of the Senator from North Carolina, but let me say before I oppose it that what it has going for it is its sponsor. The Committee on Rules looked very carefully—I might even say critically—at the operation of the Committee on Agriculture, Nutrition, and Forestry. We scrutinized it. And the conclusion of the members and staff of the Committee on Rules, after that scrutiny, was that the Agriculture Committee was being run so well that we could not find any way to suggest further economies or efficiencies. So, with that kind of record, I think whatever the Senator from North Carolina has to say on this subject deserves to be listened to.

Mr. HELMS. I thank the Senator.

Mr. MATHIAS. Now, Mr. President, the Senator from North Carolina will observe that I said it deserves to be listened to.

Mr. HELMS. Yes.

Mr. MATHIAS. I did not say I think it deserved to be accepted. I hope the Senate will not accept this amendment.

As I said earlier today, Mr. President, the recommendations of the Committee on Rules were predicted on judgments. I do not claim that those judgments are infallible; I do not think the Senator from Kentucky would claim that they are infallible. They were the best estimates we could make of what committees needed. Therefore, we did propose some very modest increases.

Armed services, for example, has been a very frugal committee over the years and we proposed the munificent sum of $53,407—at a time when armed services is going to be faced with a gigantic increase in the defense budget. Even if we do not approve all the President has requested, it is still going to be clear that armed services is going to face a major increase in its activities.

The Committee on Finance has been a frugal committee. We approved the large sum of $55,000. We went overboard for the Finance Committee, we recommended $55,000 additional for them. If any committee of this Congress in the history of the Republic has more to worry about this year than the Finance Committee, I do not know what it would be—looking a budget deficit of about $120 billion right between the eyes, faced with the necessity of raising some additional revenue, and trying to close the budget gap. I do not think $55,000 is a great deal to add to the budget of the Finance Committee.

The chairman of the Committee on Labor made a very eloquent plea for some small additional increase.

The chairman of the Veterans' Committee faces a growing task, one that, perhaps more than any other task of the entire area of government, can be absolutely predicted to grow with no question of being wrong, because the veterans are here, they are alive, they are on the ground, and they are surely growing older and moving into the age areas where they are going to need the services of the Veterans' Administration.

Mr. SIMPSON. Mr. President, will the Senator from Maryland yield for a moment?

Mr. MATHIAS. I am happy to yield to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, the chairman of the Rules Committee treated the Veterans' Affairs Committee in a most extraordinarily fair fashion. The hearings before that committee are always marked by his good grace, and we are most appreciative.

Let me add just one dimension to what he says. What he says is true, but believe this, and this is an amazing statistic: 12.5 million veterans will attain the age of 65 in 2 years and at that time will be eligible for every service of the veterans health care system, regardless of their net worth or their income.

That will keep us alert for a little while, as we now come to issues of new construction, benefits, and compensation for our remarkable veterans.

But we are going to try to turn the major attention of the Senate to our service-connected disabled veterans and then pay more careful attention to the eligibility requirements of those non-service-connected disabled, those who served only 3 or 4 or 5 months and still receive a number of VA benefits.

Those are tough issues. The Senator from Maryland knows well the forces that come to bear and we will do our best to deal with them in a balanced manner.

Mr. MATHIAS. I thank the Senator from Wyoming, the chairman of the Veterans' Committee.

However, I point out the very modest nature of the increase he has received, $35,808. If all of that were to be invested in salary, he might be able to hire one mature responsible professional—might be. So, it is not really a great aggrandizement of the Veterans' Affairs Committee.

What the Senator from North Carolina says is absolutely true. We would save the taxpayers $408,994 if we were to adopt his amendment.

I think what we have to ask the Senate is what it would cost the taxpayers in not being able to deal efficiently and, most important, effectively with the problems of this country.

There have been many complaints that this is a stingy budget. I have felt less popular among my colleagues since this resolution was reported by the committee than at any time since I have been a Member of the Senate. There is practically no one who is happy with it.

I should point out that there are some people who, in effect, are double losers under this budget.

The Appropriations Committee actually requested a decreased budget to start with; and under the resolution, we further cut them by $5,000. The Budget Committee requested a decrease to start with, and we cut them by $40,000.

So, committees of that sort, which already were willing to take a cut, are double losers. We know that.

That was not an easy thing to do. The chairmen of those committees objected very vehemently.

We have the case of the Governmental Affairs Committee, which had requested no increase, which we cut $240,000. I can assure the Senate that that was not a popular recommendation, at least in some quarters.

The chairman of the Judiciary Committee requested an increase of

$350,000. We actually cut his budget by $469.

So, it has not been easy to reach the point that we have reached. It also has not been done blindly. It has been done in an attempt to cut the cloth according to the pattern.

To the extent the Members feel that we have been successful, I hope they will support the committee and reject the amendment.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. HELMS. Mr. President, will the Senator yield to me?

Mr. FORD. I yield to the Senator from North Carolina.

Mr. HELMS. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I see no point in prolonging the discussion on the pending amendment. I believe and hope I have made my point.

I say again for the record that the pending amendment offered by the Senator from North Carolina proposes to accept the cuts recommended in the pending measure—that is to say, the amendment accepts the cuts related to the Agriculture Committee, Appropriations, Banking, Budget, Commerce, Governmental Affairs, Judiciary, Rules, Small Business, and Intelligence. Those come to a total of $357,484.

The pending amendment offered by the Senator from North Carolina goes further than the recommendation of the Rules Committee in regard to the Armed Services Committee, Energy Committee, Environment Committee, Finance, Foreign Relations, Labor, Veterans' Affairs, and Indian Affairs.

So, in sum total, Mr. President, the Senator from North Carolina, by his amendment, is recommending that we save $408,994.

Mr. President, it is late in the afternoon, and I know that a number of Senators have already departed. I do not want to cause them to miss a rollcall vote, so I am willing to have this amendment considered on a voice vote.

Mr. MATHIAS. Mr. President, I appreciate the consideration of the Senator from North Carolina. It is typical of his courtesy toward Senators, typical of the courtesy that he has always exhibited toward me personally.

I sympathize with his objectives in offering this amendment. I should like to see us save $408,000, too. I wish there were some way to do it. But, as the Senator from Kentucky knows, we have been under severe pressure from every committee that has been cut, and even from some who were not cut but did not get all they asked for.

We have looked into the complaints, and we find that, by and large, the complaints are justified; that if we go below the zero increase figure that we have recommended, we can get to a point where we will damage the effectiveness of the committees.

Again, I want to say that I think the Senator from North Carolina is correct in the goal. As I said earlier, he has demonstrated in his own administration of the Agriculture Committee that he knows what he is talking about.

We cannot say that he has not been there because, very clearly, he has been there. However, when we get right down to the final word, it seems to me that we should try to stick with this careful judgment of the Rules Committee.

I believe I should also note, finally, that not only in this amendment but also in several earlier versions of it that the Senator from North Carolina had under consideration, he proposed to exempt the Agriculture Committee from any possible profit, from any possible enhancement of their budget.

So it is a disinterested move on his part. But I hope we can dispose of it on a voice vote without any further discussion, unless the Senator from Kentucky wants to say something.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I am prepared to move on to a voice vote, and I thank the distinguished Senator from North Carolina for saying that he did not want to prolong it.

I would like to say that we made good savings in this proposal because we held the line for last year, and with inflation and with the increase, modest increase, of 5 percent for your employees—and you must have good employees or you would not be able to run such a good committee—so I think that is squeezing from that budget pretty good.

But I will also say to my colleagues that we have to look at what Senator STROM THURMOND did last year as he related to the reduction of the Judiciary Committee. By giving that large cut, he was allowing some committees the ability not to take the 10-percent cut, and so we will have to look at some committees last year that did not take their 10-percent cut, and now we are giving them the same thing they had last year, and they were not bruised by a 10-percent cut last year.

So as we make this judgment or this judgmental call as to what committees will be living under the the greatest pressure, Armed Services, the largest expenditure of funds ever, and growing, and we need that expertise; in Finance, always, I hear the cries, "Reduce interest rates, reduce the deficit, get us back on the right track, we are off of it." So Finance is going to be charged with that.

As we listen to the distinguished Senator from Wyoming as he talked about how many million veterans will become 65 and that they will need to work with them, and we want to cut them $35,000. Is that not something for 12.5 million veterans, $35,000 off their budget?

I hope my colleagues will not agree to this amendment. I ask them to vote accordingly against it.

I thank the Senator and I thank the Chair

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

Mr. HELMS' amendment (UP No. 827) was rejected.

The PRESIDING OFFICER. Who seeks the floor? Are there further amendments?

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 333) was agreed to as follows:

S. RES. 333

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution of 1982".

AGGREGATE AUTHORIZATION

SEC. 2. In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized in the aggregate $41,936,869, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,309,000, of which amount not to exceed $2,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,780,310, of which (1) not to exceed $5,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,607,807, of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,563,411, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,645,961 of which amount not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,161,746, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,102,840, of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,213,000, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,118,200, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,404,912 of which amount not to exceed $18,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,432,426, of which amount (1) not to exceed $68,725 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud and the use of offshore banking facilities to carry out criminal objectives;

(E) riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States;

(F) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(iii) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(G) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(H) the efficiency and economy of all branches and functions of government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this subsection, the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1982, through February 28, 1983, is authorized, in its, his, or their discretion (A) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to holding hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(4) All subpenas, contempt proceedings, and related legal processes of the committee and its subcommittees authorized under S. Res. 361 of the Ninety-sixth Congress, second session, and S. Res. 57 of the Ninety-seventh Congress, first session, including the subpena enforcement and contempt proceeding against William Cammisano, are authorized to continue.

(d) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(e) Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,398,223 of which amount (1) not to exceed $80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) The committee shall report its findings, together with such recommendations for legislation or other action as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,046,000, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,243,833, of which amount not to exceed $15,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $897,000.

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $784,438.

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the special committee under this section shall not exceed $901,946, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the special committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, approved May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,728,106, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, and in exercising the authority conferred on it by such section, the Select Committee on Indian Affairs is authorized from March 1, 1982, through February 28, 1983, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $597,710, of which amount not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as its deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1983.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries paid at annual rate.

REPEALER

SEC. 22. Senate Resolution 289 of the Ninety-seventh Congress, agreed to February 8, 1982, is repealed.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 5 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, there will be no more rollcall votes today.

ORDERS FOR MONDAY, MARCH 15, 1982

ORDER FOR RECESS UNTIL MONDAY

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 noon on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR RIEGLE

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order on Monday that the distinguished Senator from Michigan (Mr. RIEGLE) be recognized on special order for not to exceed 15 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, what is the business pending before the Senate at the conclusion of morning business?

The PRESIDING OFFICER. The business pending before the Senate is S. 391 to amend the National Security Act of 1947, the Agent Identities Act.

Mr. BAKER. Which is the unfinished business?

The PRESIDING OFFICER. That is the unfinished business, it is the pending business.

Mr. BAKER. Yes.

Mr. President, on Monday next it is anticipated that debate will proceed on that measure. I do not anticipate at this time that it will be possible to complete debate and consideration of the agent identities bill on Monday, and I expect that it will go over until Tuesday at the earliest. I will have further announcements to make, Mr. President, on Monday as to the future schedule of the Senate.

Mr. President, while we now assess the situation to see whether there is other business that can be transacted on this day, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, MARCH 15, 1982

Mr. BAKER. Mr. President, I have conferred with the distinguished minority leader, who has no further business to transact this afternoon.

I see no Senator seeking recognition. In a moment, I shall ask the Senate to recess, under the order previously entered, until Monday next.

Before I do that, however, I ask unanimous consent that, after the recognition of the two leaders under the standing order and the recognition of any Senators under special order, there be a period for the transaction of routine morning business of not more than 1 hour in length, in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, the Senate will not be in session on Friday. We shall convene at 12 noon on Monday next, according to the order previously entered. After the recognition of the two leaders under the standing order, the Senator from Michigan (Mr. RIEGLE) will be recognized under a special order for not to exceed 15 minutes.

After the execution of the special order, there will be a period for the transaction of routine morning business of not more than 1 hour in length, in which Senators may speak for not more than 5 minutes.

At the close of morning business, Mr. President, the Senate will resume consideration of the agent identities bill, S. 391. It is not anticipated that the Senate will be in a position to complete that bill on Monday.

RECESS UNTIL MONDAY, MARCH 15, 1982

Mr. BAKER. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 12 noon on Monday.

The motion was agreed to and, at 5:18 p.m., the Senate recessed until Monday, March 15, 1982, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 11, 1982:

DEPARTMENT OF STATE

James L. Malone, of Virginia, to be Ambassador at Large in connection with his appointment as Special Representative of the President of the United States for the Law of the Sea Conference, and Chief of Delegation.

IN THE NAVY

The following-named rear admirals of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

LINE

Lemuel Owings Warfield
Russell William Gorman
Joseph Francis Callo, Jr.
Raymond Roger Couture
James Burnett Reap
John Rodney Grubb
LeRoy Vincent Isaacson
Vincent Joseph Anzilotti, Jr.
Francis Neale Smith
George Clark Sayer

MEDICAL CORPS

John Francis Kurtzke
John Peter Connelly

SUPPLY CORPS

Thomas Gerald Lilly
Delbert Harry Beumer

CHAPLAIN CORPS

Emmett Owen Floyd

CIVIL ENGINEER CORPS

Thomas Smothers Maddock

DENTAL CORPS

William Harris Molle

IN THE NAVY

The following-named commanders of the U.S. Navy for permanent promotion to the grade of captain in the various staff corps, as indicated, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Captain

Blair, Sidney Martin
Bloys, James Arthur
Bobert, Duwayne H.
Coleman, Patrick Bernard
Courington, Frederick W.
Daly, Richard George
Daniels, Robert K., Jr.
Gay, Madison Waller
Gold, Robert Stanley
Harrison, Richard Edward
Hazen, Steven Joel
Hill, George E.
Iacolucci, Joseph Peter
Jacobs, Eugene Gardner
Karols, Kenneth E.
Kingsbury, Robert C.
Kirkorowicz, Gregory B.
Lewis, Paul Elwood, II
Marcom, Rodney Albert
Obrian, John T.
Peters, Norman Eugene
Rao, Bolar Rama
Rasmussen, Eric Allen
Schmidt, Donald William
Walsh, Thomas Emmett, Jr.
Weatherly, Thomas Lee
Wells, Arthur Fred, Jr.
Whitecotten, Glenn L.
Wilcox, Martin Waldo

SUPPLY CORPS

Captain

Abbott, Gerald William
Baker, Charles Edmund, Sr.
Bednar, Edmund Joseph
Beer, Robert Oakley, Jr.
Bondi, Peter Albert
Bratschi, Gilbert Wayne.
Butler, Paul Kyle
Carre, Darwin Beach, Jr.
Casanova, Kenneth Evello
Chalupsky, Raymond Jerome.
Chappell, Ralph Latham
Conser, Richard Lewis.
Conway, James D
Davidson, James Patrick.
Falconer, Douglas William
Fellows, Fred Yates, III
Fitzgerald, Thomas Patrick
Fleming, James A., Jr.
Grant, Robert David
Harms, Herbert Martin.
Harrington, Phillip Henry
Harshbarger, Eugene Burks.
Hensley, Norman Wesley
Kavanaugh, John Thomas.
Kosch, Charles Arthur
Krehely, Donald Edward.
Lamade, John Steele
Mandel, Allan Lee.
Marshall, William Baker, III
Maxon, Bruce Ethan.
McClure, John Marvin
Mendez, Ramon Eduardo
Morgan, George Parker, Jr.
Moum, Jerry Davis
Nyenhuis, Keith Eugene
Parks, Leonard Cranford
Parrott, Ralph Condron
Perrill, Fredrick Eugene
Phillips, James Donald
Redman, William Ernest, Jr.
Ringberg, David Allen
Ryland, Charles Wayne
Sapera, Leonard Joseph
Scharff, Richard Darrell
Schultz, Robert Arthur
Sherman, Bruce Leslie

Standish, John Alden
Steen, George Samuel, Jr.
Suter, David Floyd
Szalapski, Jeffrey Paul
Trbovich, George Melvin
Treanor, Richard Craig
Tully, Albert Paul, Jr.
Upton, Thomas Hugh, Jr.
Weaver, Edwin Richard, Jr.
Whitman, Carl David
Wooten, John Francis
Young, Robert Reese
Zumbro, Sherrod Branson

CHAPLAIN CORPS

Captain

Clark, Alfred Marion
Cram, Norman Lee, Jr.
Doyle, James Michael
Hall, John Louis
Johnson, Thomas Frederick
Kirk, Alston Shepherd
McNeil, John Roland
O'Donnell, Joseph Francis
Radasky, Robert Michael
Thompson, Joseph James
Westling, Lester Leon, Jr.

CIVIL ENGINEER CORPS

Captain

Black, Dorwin Clay
Buffington, Jack Eugene
Camden, Edward Brydges
Chapla, Paul Anthony
Drennon, Patrick William
Fowler, George Edward, III
Frauenfelder, Henry Roger
Garbe, Warren Murray
Heffernan, Thomas John
Jensen, Allen Halvor
Morrison, Paul Albert
Rugless, James Michael
Schwirtz, Henry John
Street, Clifford Gail
Wells, Donald Raymond

JUDGE ADVOCATE GENERAL'S CORPS

Captain

Adam, Warren H.
Berkley, Robert C.
Brush, James Dillon, II
Carroll, Paul F.
Cassel, Carl J.
Derocher, Frederic George
Horst, Carl Henry
Kjos, Wendell Arthur
McCoy, Dennis Frederick
Powell, George Butts, Jr.
Rapp, Michael Duer
Riddle, Ervin A.
Roach, Joseph Ashley
Watson, Thomas C., Jr.

DENTAL CORPS

Captain

Commette, Joseph P., Jr.
Harper, Richard Huber
Hellman, Larry Frank
Lucas, Michael Stuart
Mansfield, Thomas Wallace
Peru, Charles Blaine

MEDICAL SERVICE CORPS

Captain

Biesiadny, Lawrence Louis
Chatelier, Paul Richard
Dasler, Adolph Richard
Furry, Donald Edward
Harris, George Stanley
Heller, Billy Lee
Morin, Richard Albert
Owens, Norman Kenneth
Palmer, David Deforest
Price, Hudson Bryan
Skelly, Robert Stanley
Warren, Phyllis Imogene

NURSE CORPS

Captain

Agrell, Diane Judith
Barkus, Phyllis Margaret
Carroll, Maria Kathryn
Clinton, Bobbie Kay
Cope, Patricia Ann
Hudak, Geraldine Joyce
Newquist, Alice Moyer
Redo, Anne Marie McCaughey
Reynolds, Ann Darby
Wills, Jacquelyn Sue

THE JUDICIARY

Robert E. Coyle, of California, to be U.S. district judge for the eastern district of California vice Myron D. Crocker, retired.

William T. Hart, of Illinois, to be U.S. district judge for the northern district of Illinois vice John Powers Crowley, resigned.

John A. Nordberg, of Illinois, to be U.S. district judge for the northern district of Illinois vice Bernard M. Decker, retired.

Walter E. Black, Jr., of Maryland, to be U.S. district judge for the district of Maryland vice Edward S. Northrop, retired.

Michael A. Telesca, of New York, to be U.S. district judge for the western district of New York, vice Harold P. Burke, retired.

DEPARTMENT OF JUSTICE

W. Asa Hutchinson, of Arkansas, to be U.S. attorney for the western district of Arkansas for the term of 4 years vice Larry R. McCord, term expired.

Robert W. Merkle, Jr., of Florida, to be U.S. attorney for the middle district of Florida for the term of 4 years, vice Gary Louis Betz.

Richard H. Still, Jr., of Georgia, to be U.S. attorney for the northern district of Georgia for the term of 4 years vice William L. Harper, resigned.

Frederick J. Hess, of Illinois, to be U.S. attorney for the southern district of Illinois for the term of 4 years, vice James R. Burgess, Jr., term expired.

Charles H. Gray, of Arkansas, to be U.S. Marshal for the eastern district of Arkansas for the term of 4 years (reappointment).

IN THE NAVY

The following-named temporary lieutenants of the U.S. Navy for permanent promotion to the grade of lieutenant in the line and various staff corps, as indicated, pursuant to title 10, United States Code, section 5589, subject to qualifications therefor as provided by law:

LINE

Abbruzzese, William C.
Ackerman, John W.
Adams, James P., Jr.
Adams, Orland I.
Addison, Leroy E., II
Adkins, Edward J.
Albury, Merrill C.
Allen, Duke D.
Allensworth, Timothy
Alston, Moses D.
Andersen, Richard E.
Anderson, Kenneth S.
Arnold, Charles D.
Arsta, Charlie L.
Asbury, Virgil W.
Atchison, Laurence J. H.
Attebury, Ervel E.
Atwood, Jack D.
Aultman, William R.
Austell, Theodore, Jr.
Bagley, Raymond C.
Bailey, Bruce
Bailey, Dallam
Baker, Robert D.
Bales, James L.
Barclay, Bruce M.
Barger, David L.
Barger, Edward B., Jr.
Barnett, Donald R.
Barnett, Eben E., II
Barry, Michael J.
Bauder, John T.
Beach, Frank A.
Beane, William L., Jr.
Beatty, Jonathan T.
Beavers, James E.
Bennett, Rex G.
Berkheimer, Thomas E.
Berner, Mark D.
Best, Thomas H., Sr.
Biegler, Loren W.
Bigelow, Jerry B.
Bishop, Emory L.
Bissonnette, John R.
Blackie, John A.
Blackmore, Thomas O.
Blair, Richard
Blausey, Arthur E.
Bocchino, Alfred J.
Bond, David L.
Bonnette, John E.
Book, Roy L.
Borszich, Everett P.
Bottorff, Jerry L.
Bowman, Bruce E.
Boyar, John A.
Boyce, Richard A.
Boycourt, Ivon G., Jr.
Boyle, Robert J.
Bradley, Karl F.
Brandt, Donald E., Jr.
Branson, Jack R.
Braswell, Maccarthur, D.
Brayman, Thomas E.
Bregg, Gerald B. W.
Breland, Don
Breslin, Joseph J., III
Briggs, L. J.
Briggs, Terry G.
Briley, Earl D.
Brink, John H.
Brinkley, George W.
Brissette, Richard J., Jr.
Brittingham, Robert P.
Brobjorg, James C.
Bromaghim, Ward M.
Brosh, Lawrence D.
Browning, Harold D.
Bryce, Francis P.
Budway, Edward J.
Bullard, Bobby J.
Burrows, Gerald E.
Busch, Danny G.
Butler, Dorniece
Cage, Bemjamin L.
Cain, James M.
Calabrese, Geoffrey J.
Callaway, James R.
Calhoun, Michael A.
Campbell, David B.
Caramello, Joseph J.
Carawon, Bruce C.
Carlson, Murl N.
Cart, Harold E.
Cary, John D.
Casper, J. Kip
Cassoutt, James M.
Castle, William R.
Cayse, James F.
Chambers, James D.
Clark, Robert L.
Clayborne, Earl K.
Clayburn, Michael W.
Clements, David L.
Coarsey, John R., Jr.
Cobb, David L.
Coday, Harold G.
Coffman, Bert U.
Coleman, Arthur D.
Coleman, Robert W.
Coley, Anthony A.
Collins, Jerry I.
Colman, Hubert E.
Comfort, Terrence J.
Conahan, Francis C.
Conklin, Kenneth J.
Connell, James L.
Cooper, Charles W.
Cope, James O.
Cordray, David R.
Cornwell, William J.
Couch, William S.
Cox, Travis B.
Crabtree, Richard E.
Craig, Lewis J.
Cranford, James W.
Crawford, Charles H.
Crist, Howard R.
Crossland, Joseph L., Jr.
Crouch, Thomas H.
Culberson, Arthur L.
Curtis, Harold R.
Cutter, Arthur E., Jr.
Dalrymple, John E.
Datson, Dick
Daugherty, Duane L.
Daugherty, Michael A.
Davidson, James E.
Davis, Billy G.
Davis, Clayton R.
Davis, Levi
Davis, Lloyd D.
Davis, Robert E.
Davis, Terry T.
Davis, William H.
Dazelle, Kirk W.
Delorme, John M.
Denam, Harvey E.
Deseve, Darryl D.
Dickerson, Larry G.
Dillingham, John M.
Donnelly, John P.
Dooling, Franklin J.
Downs, Joseph O.
Doyle, David M.
Drewes, Kenneth N.
Duncan, David L.
Dungca, Patricio P.
Dunn, James P., Jr.
Dunn, Robert K.
Duran, Luis M.
Duryea, George W.
Eccleston, John M.
Elliott, Boyce W.
Elliott, James A.
Elrod, Albert W., Jr.
Enos, Russell W., Jr.
Ephraim, Richard
Eubanks, Vernon R.
Evans, James M.
Evans, Thomas L.
Fahrenkrug, Thomas P.
Fairchild, David R.
Farley, David E.
Farr, Craig L.
Fenton, Don J.
Fenton, William C., Jr.
Feuillerat, Robert A.
Fichte, Siegfried
Fitzsimmons, William M.
Flaherty, Gerry A.
Flinner, William W.
Flint, Robert C.
Florida, Frank E.
Fluck, John D.
Foley, Lee M.
Fone, Raymond B.
Forgays, Reginald E.
Fortson, Frank S., III.
Fowler, Gene G.
Fowler, William S.
Fox, Ronald G.
Frazer, Neil S.
Frederick, Herbert E.
Free, James R., Jr.
Freegard, Sidney B., Jr.

Freeman, James B.
Fuller, William J.
Furst, David E.
Galen, Howard E., Jr.
Garon, Norman G.
Gascho, Gerald G.
Gates, Franklin C.
Geithmann, Gary R.
Gentry, Ronald E.
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Glencoe, Thomas M.
Glidden, Eric S.
Glow, Dennis N.
Godwin, Jackie E.
Goins, Donald R.
Gold, William L.
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Gosselin, Charles L., Jr.
Gracia, Javier
Granlund, Richard
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Greene, Ronald M.
Greer, Arthur W.
Greer, Bernard
Griffin, John L., Jr.
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Guidry, Dell J., Jr.
Gunter, Danny C.
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Hall, Randal R.
Hallman, Lyston L.
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Harris, Robert R.
Hartman, Thomas T.
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Hickson, Dewey W.
Hieber, Raymond A.
Hightshoe, Ronnie L.
Hill, Thomas G.
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Hudgen, Earther L.
Hulse, Reynold N.
Hulsing, Russell D.
Hummel, Robert W., Jr.
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Hunt, Roy L.
Hurdle, Daniel C., Jr.
Hurst, Ernest W.
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Johnson, Lester
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Johnson, William S.
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Jones, Ronald D.
Jones, William J.
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Jordan, Edwin M.
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Kirst, Alfred O.
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Butler, Louis E.
Candanoza, Jose R.
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Treziok, Walter C.
Vasta, Alfio J.
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EXTENSIONS OF REMARKS

THE FUTURE IS LONGER THAN 1 FISCAL YEAR

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. SIMON. Mr. Speaker, the Subcommittee on Postsecondary Education has been holding hearings on the impact of the administration's fiscal 1983 education budget on postsecondary institutions, parents, and students. During the subcommittee's hearings, we have heard from a distinguished group of college presidents including our former colleague, Dr. John Brademas, president of New York University. One of the most important statements received by the committee was the testimony Peter K. Warren, chairman, PepsiCo International and chairman of the Council of Governing Boards of Independent Colleges and Universities in New York State. Mr. Warren was speaking on behalf of himself and 3,000 trustees of private institutions in one of our Nation's largest States.

I want to call Mr. Warren's testimony to the attention of my colleagues and acknowledge PETER PEYSER's excellent work in bringing Mr. Warren to my attention. Let me quote briefly from Mr. Warren's testimony before the subcommittee during our March 5 hearing in New York City:

> There is too often a tendency to obscure fiscal issues by describing proposed changes as "adjustment," be they add-ons or subtractions. That terminology has been employed by the Administration to describe the federal student aid revisions it has presented to the Congress.
>
> What we are discussing here is by no stretch of the imagination a mere adjustment. It is a radical funding reduction predicated on a radical change in federal policy.
>
> To better understand this, allow me to share with you some figures compiled by our State Education Commissioner, Gordon Ambach. They may better enable us to perceive the order of magnitude of the changes proposed in federal student aid just for New York State.
>
> For the 1982-83 academic year, we are considering a withdrawal from New York of $459 million of federal funds for student aid. This would represent an elimination or reduction of federal aid presently being provided to 200,000 students in this state.

Mr. Warren's assessment of the effect of the administration's higher education budget proposals on student access and institutional diversity are clear. I also believe his assessment is accurate and representative of people in the business community who have spoken out on this issue. We should not sacrifice the long-term interests of the Nation for short-term savings. As Dr. Kenneth Ryder, president of Northeastern University, told the subcommittee, "The future is longer than 1 fiscal year."

The testimony follows:

TESTIMONY BY PETER K. WARREN, CHAIRMAN, PEPSICO INTERNATIONAL CHAIRMAN, COUNCIL OF GOVERNING BOARDS

I appreciate this opportunity to discuss with you the subject of federal investment in higher education. I am here as chairman of the Council of Governing Boards. The Council is comprised of some 3,000 trustees of independent colleges and universities in New York State. We are business people, professionals and civic leaders.

While we are generally in sympathy with the Reagan Administration's goal of strengthening our economy by reducing the proportion or our national product consumed by government expenditures. Our intimate concern and experience with the financing of postsecondary education leads us to the conclusion that the Administration's proposed federal student assistance withdrawals not only go counter to that goal, but will in fact affect those very people that need and deserve help the most.

Not only would the proposed student aid cuts generate what we believe would be an increased overall tax burden for support of higher education, we are equally convinced they would lead to:

A retreat from progress made in voluntary integration,

A weakening of the manpower pool so vital to the defense or our nation,

A setback for American industry when this country is struggling to compete in the international marketplace.

And we certainly believe that President Reagan was right last year when he said in his speech at Notre Dame, "If ever the independent colleges and universities are replaced by tax supported institutions, the struggle to preserve academic freedom will have been lost."

There is too often a tendency to obscure fiscal issues by describing proposed changes as "adjustment," be they add-ons or subtractions. That terminology has been employed by the administration to describe the federal student aid revisions it has presented to the congress.

What we are discussing here is by no stretch of the imagination a mere adjustment. It is a radical funding reduction predicated on a radical change in federal policy.

To better understand this, allow me to share with you some figures compiled by our State Education Commissioner, Gordon Ambach. They may better enable us to perceive the order of magnitude of the changes proposed in Federal student aid just for New York State.

For the 1982-83 academic year, we are considering a withdrawal from New York of $459 million of federal funds for student aid. This would represent an elimination or reduction of federal aid presently being provided to 200,000 students in this state.

The following academic year, another $201 million will be lost in federal student aid by those enrolled in New York's colleges and universities. That will eliminate or further reduce federal support for another 200,000 students in this state alone, a total of 400,000 New York students impacted over two years, according to the Commissioner's analysis of the President's proposals.

It would be unrealistic to assume that all of the students now receiving federal support in New York are truly needy. But it would be even more unrealistic to assume that the mis-users and the abusers of federal student assistance represent a majority of those now receiving such grants and loans.

My own experience in discussions with fellow trustees and financial aid administrators at independent campuses around our state would lead me to believe that far fewer than ten percent of students now receiving federal assistance would lose that aid if a strictly need-based criterion were in force.

But let us assume for the sake of argument that fully 25 percent or one-quarter of all students in New York now receiving federal aid do not need that aid. This would allow us to reduce Commissioner Ambach's 400,000 students in New York to 300,000 whose federal assistance would be wiped out or reduced over the next two academic years.

There are only one million students in our entire postsecondary system including all of the state university, the city university, the private-proprietary schools and the more than 100 campuses of the independent sector. What the administration proposes, therefore, is a withdrawal of federal resources which would adversely affect one out of three students in our system. That is radical surgery. There are many trustees like myself who have serious doubts the American Acadamy could survive such an operation.

To first address the point that these proposed student aid reductions would increase rather than decrease the total tax burden for higher education . . . Like most corporations and individuals, we measure tax burden based upon the total of federal, state and local levies. Unlike other vital public services where a dollar of state and local tax expenditures might replace a dollar withdrawn by Washington, in higher education much more than a dollar would be required from the states and other sources to fill the gap.

The reason for this larger state and local contribution is that a significant proportion of our higher education enrollment is in independent colleges and universities: 20 percent nationally, over 40 percent in New York State. The independent sector will be most disproportionately impacted by the proposed federal student aid cuts. It is the sector whose students rely most heavily on federal assistance, the sector receiving minimal state appropriations.

Leaving aside university-based research contracts which are largely defense and health related, federal expenditures for postsecondary education follow a pattern of 96 cents for student aid and the balance for institutional support. However, in state and local expenditures the configuration is exactly the opposite: 96 cents goes to institutional appropriations for state universities

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

and community colleges, only four cents for student aid.

Government assistance for students is and should be based upon relative financial need. Students at independent campuses today represent essentially the same income profiles as their peers enrolled at government-operated institutions. But their need is greater because their tuition charges are much higher. (Here in New York the tuition ratio is about four-to-one.)

Since the actual institutional costs are approximately the same for both sectors, the difference in resource support is essentially the taxpayer subsidy for government-operated campuses at the state and local level. But here the ratio of support is much more than four-to-one. State and local tax subsidy per student in the government-operated sector compared to the independent sector is at least double that disparity. Here in New York the average annual tax levy outlay for each student at state-operated campuses is approximately $6,500 while the state provides about $800 per year for each student enrolled in the independent sector. And that eight-to-one ratio is less than in other states where substantially less is provided for needy students attending independent institutions.

Thus, as federal student aid is withdrawn, and hundreds of thousands of middle and low income families find their resources inadequate to meet the large tuitions required by independent colleges and universities, we will witness a massive and inexorable shift in enrollments to government-operated institutions. Under the existing state and local patterns of higher education appropriations, we will see a huge increase in tax levy support. I say this because I believe it is politically inconceivable that elected officials at these levels of government would permit a sharp decline in collegiate access within the constituencies they serve.

It is perhaps arrogant for a layman to suggest to elected officials that it would be politically unrealistic to anticipate that the states would permit collegiate access levels to decline precipitously in the face of federal student aid withdrawals. I happen to believe it is true. Like it or not, American families today have come to expect that their children will have reasonable opportunity to attend college regardless of parental income. It was a challenge articulated by President Eisenhower to which every Congress since his administration has made solemn and substantial commitment. It has become part of our way of life.

Professor Murray Weidenbaum, chairman of the Council of Economic Advisors, was questioned recently on the point of state and local tax levies for higher education rising in excess of the reductions in federal student aid support. He responded that this Administration believes higher education is essentially a state and local concern and it was therefore appropriate for Washington to sharply curtail its expenditures in that area.

Dr. Weidenbaum was subsequently asked by the president of a predominantly Black institution if the same doctrine held with regard to institutions like his. The President's chief economic advisor responded in the negative, taking pains to assure his questioner that the Administration would make adequate provision for our Black colleges and universities.

With all due respect, I find those replies at least inconsistent. The Eisenhower Doctrine on higher education did not introduce a federal takeover of state and local responsibilities with regard to management and delivery. On the contrary, it specifically aimed its policy recommendations to provide equal opportunity for students to overcome barriers to access caused by family economic circumstance. It also deliberately cautioned against the federal government invading the states' constitutionally guaranteed responsibility for oversight and management of higher education institutions within their borders. To now suggest that proposed reductions in student support are to protect the higher education sovereignty of the states is a red herring and utter nonsense.

The federal government does have a proper role in assisting Black colleges, but it does so because there remains the cruel correlation between race and economic circumstance. And I feel free to state that proposition because the corporation I serve happens to be a leader in the private sector's efforts to assist those institutions.

But if the federal government has an obligation to help needy students enrolled at predominantly Black institutions, by what logic can the federal government deny assistance to needy students—regardless of color—enrolled at other institutions?

This leads to my second point, that the proposed student aid reductions will cause a retreat from the voluntary integration levels achieved by American higher education since Sputnik. No other segment of our society—with the exception of professional athletics—can match what we observe today on the American campus.

Dr. Kenneth Clark, a distinguished scholar and a member of the New York Board of Regents, sees a scenario resulting from the federal student aid cuts which will move less affluent students from independent campuses to government universities and, in turn, push out the largely minority populations who have been the victims of disadvantaged elementary and secondary educations. These are the most recent additions to participation in American higher education and represent our best hope for permanently breaking the poverty/welfare cycle.

It would be a tragedy for our country were Dr. Clark's fears to be realized. It would also be a tragedy if the states respond as I expect and expand government institution enrollments to accommodate low and middle income students forced out of independent institutions.

Today the enrollments of these independent campuses, in New York and throughout the country, are as integrated as our government-operated institutions. Because they are integrated, enlightened federal and state policies, combined with generous institutional and philanthropic support, allow students from less affluent families to exercise choice. It is a voluntary integration system and it works.

If federal student aid is withdrawn in the order of magnitude being suggested by the Administration, we will be returning to the dark decades when independent higher education was available only to the economically privileged. We will have de facto segregation by income and therefore segregation by race.

National defense is what triggered the post-Sputnik federal support of student access to college. It is still an important consideration. The sophisticated weaponry of today is already beyond the capabilities of our military manpower resources. Providing more federal appropriations to train those in the armed forces will not meet our country's manpower defense needs for the future. We need a reservoir of highly educated and trained young men and women who will provide a long-term capability that would realistically have to be respected by our potential adversaries. Hardware alone will not do that job. Cutting access to our colleges and universities would put a crack in that reservoir which would be costly, perhaps impossible, to patch should America face a future crisis requiring rapid mobilization.

My final point is that the federal retreat from higher education is bad news for American business. I have some knowledge of international corporate competition. But you need not be professionally engaged in the field to understand that this country's industrial infrastructure needs an enormous infusion of educated and technologically sophisticated personnel if it is to be effective in the international race. We need to strengthen the institutions in this country which generate and transmit new knowledge—our colleges and universities. The federal student aid withdrawals do the opposite.

In conclusion, I come from a company for which the word challenge is important. I also represent a group of citizens for whom that concept has special meaning. The trustees of higher education in America are not freeloaders. They are making enormous effort to meet the challenge confronting their institutions. On most of the boards of independent campuses, we represent the major conduit to corporate and philanthropic support. We are out there with the college presidents and their development officers shaking the proverbial tamborines. And we give of our own resources as well.

Year after year most of us have the bitter task of passing along to parents and students the bad news about tuition increases to offset the higher costs of running our institutions. And despite what some might think those parents and students are not freeloaders. For most of them it takes a great deal of sacrifice on their part to supplement the federal, state and institutional student assistance that is provided at independent campuses.

Gentlemen, please remember and impress on your colleagues in the Congress that:

More than 60 percent of the twelve million college and university students in this country depend on federal assistance—to supplement—and I underscore the word—the financial contribution made by his or her families from income and savings, as well as the student's individual effort through summer or after school jobs.

And while it is right to insist that every student contribute whatever can be afforded before receiving help—having done that to withhold help is wrong and wasteful of the talents we will always desperately need.

Our greatest resources is the young men and women of this country who—if given the opportunity for upward mobility—will repay us all a thousand fold in the future.

Therefore, on our behalf, yours and mine, as well as theirs, I hope you will do everything possible to insure that the present level of federal student aid is maintained and refined to assure that adequate support goes to the truly needy.

To do that—requires that the federal government:

Continue to make loans available to every student who shows genuine need.

Restore the cuts in the Pell grants and the related supplemental educational opportunity grant programs.

Increase the college work study program, which makes it possible for students to find jobs in a tight economy—so that they, too, can contribute.

The trustees and the Corporations they represent—the individual institutions and the respective states, as well as the students and their families, will, I know, each share a part of the burden. But we need your help.●

IN SUPPORT OF THE ECONOMY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. GINGRICH. Mr. Speaker, the following editorial reminds us how fortunate we are to live in the United States. Last December 10, 1981, WGST radio in Atlanta aired this editorial. I'm glad they reminded the folks of my district that our economy is superior to most. We may have problems, but I know we can beat them. Here is that excellent editorial. I hope both the media and the public will take this to heart.

AMERICAN ECONOMY IS STILL KING

It seems ironic that so many Americans are running around these days like Chicken Little hollering that the sky is falling . . . at the very time when foreign investors are gaining more confidence than ever in this country. Recession is a stupid word—simply because it causes people to lose confidence in the future and for the moment forget that all economy and business is cyclical. The inflation rate which caused so much turmoil last year is falling dramatically, and high interest rates are coming down rapidly. The fact is that the American economy is still king of the hill. Our standard of living is the highest in the world and certain of our vital industries, like farming, textiles, and even electronics hold a commanding position in international trade. Retailers are finding christmas shoppers buying more selectively this year . . but buying. And the smart retailers, advertising quality, and performance are again reaping the benefits of this biggest buying season of the year. Foreign investors understand the resiliency of the American economy and the stability of the dollar which is why overseas capital has been flowing into the United States. In increasing amounts the last few years. The media pays too much attention to the doomsayers and the 'survivalists' and not enough attention to the movers and the doers."

REAGANOMICS IS AN OLD IDEA DRESSED UP

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. VENTO. Mr. Speaker, several weeks ago the New York Times printed an essay "In Praise of Recession" by William Safire, its conservative political spokesman and former major figure in the Nixon administration. I want to call this essay to the Members' attention because we now have public admissions not only from David Stockman, but from Bill Safire, that the Republican's new idea is really an old idea, the dressed-up economics of McKinley and Hoover. These old ideas hold that the wage earner must pay for economic stability with his job. And Safire even suggests that the worker should sit back and savor its benefits. The man or woman who losses a job, or the small businessman who goes bankrupt, should be content in the knowledge that their personal sacrifice will help the wealthy and the economically strong improve their living standard.

The inescapable conclusion from a reading of Stockman's conversations with a Washington Post reporter, and now Safire's essay, is that Republicans believe that bringing on the Great Depression was a noble act; a harsh but necessary corrective.

I wonder why we hear so little from Mr. Safire's colleagues who filled the news columns and airwaves with brave forecasts about Reagan's new idea. We can only hope that they will see the error of their ways and start telling the American public the truth—that there is nothing new about these warmed-over economic policies of J. P. Morgan and Andrew Mellon.

We were on the threshold of really new economic thinking when cancer deprived us of the leadership of Hubert Humphrey. The Humphrey-Javits legislation, the Balanced Economic Growth Plan, looking toward comprehensive growth and development would have made a real difference.

There are ways that a democratic society can allocate resources without an unreasonable loss of economic freedom.

Any rational person would agree that there should be limits on the marketplace. No one believes that an enterprising, unscrupulous person ought to be able to sell cancer producing drugs or foods, or that manufacturers ought to be able to pollute air and water without limit. Rules of competition must be established.

Recognizing this, we should be able to draw some intelligent restraints on the use of credit and capital that will avoid the human suffering that Bill Safire praises.

America occupies a unique place in a world of 5 billion people. It has enormous human potential. It has raw materials to produce the good life for centuries to come and it can match resources and potentials efficiently and intelligently. If we do this, we can provide for the national security, too.

We simply cannot use our great land resources for overproducing goods that are really unnecessary. We cannot use raw materials in products that do people no good at all.

The question is this: Is there a way to preserve freedom while we do this? I am talking about a system that will produce a much more efficient use of resources. Stockman and Safire types will poison the debate over this question by urging that nothing but a tight-money induced recession "works." Are we going to accept this? No.

I believe that with proper allocation and planning, we can relieve pressures on the credit markets without the suffering that the Reagan administration is bringing about.

Republicans say that intelligent efficiency in allocating resources is too difficult. But they are wrong.

I have urged for several years that we should begin to study and measure economic elements that are meaningful. We need an information and analysis system. We need more information—not less—on what is going on in our economy. We do not really know, for example, how to define money much less how to define, increase, and allocate the amount of credit necessary to increase productivity.

President Reagan's ideas are not new. New ideas are found within the Democratic Party. And despite the variety of ideas held by Democrats, there is a common theme—that human intelligence and creativity can achieve more than undirected market greed. And that all citizens can have economic security. And, finally, that all elements of society will make equivalent economic sacrifices when such sacrifices are necessary.

The article follows:

[From the New York Times, Feb. 8, 1982]

IN PRAISE OF RECESSION

(By William Safire)

WASHINGTON.—Hardly anybody has a good word for recession these days, and nobody at all expounds upon the blessings of unemployment.

Whatsamatter, the sensitive reader will ask, is this man bonkers? Is he not aware of the widespread human misery reflected in 16 percent out of work in Michigan, the despair of a person who wants to work but is forced to go on the dole, the shattered dreams of entrepreneurs forced into bankruptcy?

Granted. The spasm of iconoclasm that follows does not remove me from the front ranks of the sympathetic, especially since I still have a job and others unfairly bear the brunt of unemployment. But if we are about to have a ring-a-ding recession, let us at least understand its purpose and savor its benefits.

The greatest danger to our economy—to free enterprise, prosperity, personal freedom and the American Way—was and is inflation. For nearly a decade, unprecedented spurts upward in the cost of living have undermined our system, halted the traditional rise of our standard of living and reduced our ability to compete in the world.

Worse, the seeming intractability of inflation has warped American values, mocking the thrifty and rewarding the profligate. Life on the double-digit merry-go-round has turned businessmen into crapshooters and workers into squirrels on a treadmill.

Worst of all, chronic inflation wiped out the value of life savings, inflicted cruel surprises on those dependent upon life insurance and turned the expected serenity of retirement into a rat race. Not even the indexation of Social Security could compensate the elderly for the ravages of inflation.

Now we come to misery's bottom line: the tens of millions who were impoverished and betrayed by inflation far out-number the millions who have been slammed up against the wall by unemployment. If the sum of human misery is what we are trying to reduce, the battle against inflation must take priority over the battle against unemployment.

Hold on: no political figure would be willing to make that statement. On the contrary, politicians of every persuasion insist that no unemployment should be planned and that the trade-off between inflation and unemployment is outdated, unnecessary and brutal. Indeed, supply-side theory held out a painless way to reduce inflation, baking expanded pies for the free-lunch counter.

The reality is that nobody knows how to slow inflation without inducing recession. Nobody knows how to reduce inflation without stimulating unemployment.

Inviting recession is what the Reagan Administration and the Federal Reserve have been doing, denying it all along. Opposition economists who permitted the growth of inflation are making loud protests at the only method capable of bringing it down, short of subverting economic freedom.

The anti-inflation campaign is working, thanks in large part to the unpleasant fact that a great many workers are not working. The availability of labor holds down costs and the fear of loss of employment improves productivity. Putting this into words may be a no-no, but the result of the recession is an inflation rate currently under 6 percent.

The Reagan budget for next year assumes the continuance of that 6 percent inflation rate. That would restore soundness to the American economy and end the betrayal of the thrifty. To achieve this, Reaganomists foresee an unemployment rate of 8 percent (actually they see 9 percent, but they shave a point to show optimisim). The unspoken decision is to suffer high unemployment to break inflation's back.

What's the alternative? Controls and jawboning have proven useless. The liberal answer is to treat unemployment as the greater evil, to reflate and go off to the inflationary races again, condemning retirees to a new round of suffering. It's Hobson's choice—no choice at all.

That is why the recession strategy (don't call it that!) must be maintained. We may vilify Paul Volcker's villainy to our hearts' content, but we must not quit while we are winning.

The recession is doing its job. If ever there were a good time for hard times, now is that time. The real sacrifices being made by the unemployed must not be in vain.

Contrary to conventional wisdom, the size of the deficit does not ultimately determine interest rates. After years of negative interest rates (less than the inflation rate), we are now seeing unrealistic interest rates (8 percent over the inflation rate); when it becomes apparent that the President and the Fed will see this recession through, interest rates will settle to the normal 3 to 4 percent over inflation. With inflation under 6 percent, we will resume single-digit interest.

Then—and not as soon as Reagan budgeteers predict—we shall have an orderly resumption of growth. Then we shall look back on the recession of 1981-1983 as the harsh but necessary corrective.

We can all join the chorus that rails at recession and denounces unemployment, because that is the political and compassionate thing to do. But in today's primitive state of the economic art, let us remember that there can be no slowing down without a slowdown, no solid recovery without a period of pain.●

NATIONAL WOMEN'S HISTORY WEEK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mr. HOYER. Mr. Speaker, I am pleased to join my colleague and fellow Marylander, Congresswoman BARBARA MIKULSKI, in a salute to the women who have contributed so much to this country. This is the first time the Nation has celebrated Women's History Week together, and I urge my colleagues to participate fully in this event.

Our history has always been filled with the faces of women, but they have most often been pictured as strong and sturdy helpmates, a worthy portrait to be sure, but not as creators and doers in their own right.

I am happy to represent, in this Congress, the great State of Maryland, a State which is named for a woman, Henrietta Maria, Queen consort of Charles I. Indeed, five of our counties are named for women who all had a place in Maryland history. Anne Arundel County is named for Lady Anne Arundel, wife of Cecilius Calvert, second Lord of Baltimore and founder of the Colony of Maryland; Caroline County is named for Lady Caroline Eden, sister of the last Lord Baltimore; Queen Anne's County is named for Queen Anne of England; St. Mary's County is named for the mother of Jesus Christ; and Talbot County is named for Grace Talbot, sister of Cecilius Calvert.

One name, however, is not recorded on any maps or charts, but her influence and impact on our State may have been greater than all the rest. I speak of Margaret Brent, an early colonist who challenged the traditional roles of women at the time and became adviser, friend, and finally attorney and executor to Leonard Calvert, Governor of the Colony of Maryland.

Margaret Brent came to the land known as St. Mary's, Md., in 1634 with several of her brothers and sisters. As a 37-year-old matron, she carried with her a patent from Lord Baltimore for land in the New World. This caused much consternation among the men of the assembly, but they finally granted her the right to own land and she and her sister, Mary, built Sisters' Freehold in St. Mary's.

During this time Margaret Brent became a trusted friend and adviser to the Governor, Leonard Calvert, brother of Lord Baltimore. She also began acting as an attorney for her brother who had also settled in the area. As a single woman and the only female landowner in the region, she was subject to much public scrutiny and mistrust. In fact, one of the members of the assembly unsuccessfully attempted to pass a law that would have disenfranchised any woman who did not marry, which would have stripped her of her land. Despite these efforts, Margaret Brent prospered, bought more land and became noted throughtout the Colony for her talents as a financier.

Support for Lord Baltimore's claim over Maryland in the fighting known as Claiborne's Rebellion in which Margaret Brent's home became a stronghold against the rebels, further enhanced her role and she became the heiress and executrix of the estates of Governor Calvert. It was during this time that Margaret Brent went to the general assembly and applied for the right to vote there. She asked for a vote for herself, as one of the largest landowners in the region, and for a second vote as the attorney for Lord Baltimore.

This effort was the first time in America that the claim was made that it was a woman's right to sit and vote in a legislative assembly. Margaret Brent told the assembled body,

> Let the woman that hath equal risks with you have an equal voice in the government itself.

Such a radical notion was too much for the assembly. Margaret Brent, after spending most of her adult life in St. Mary's, went to the Virginia Tidewater to join her brother's family. She died there in 1671.

Margaret Brent deserves to be noted among the great founders of this country. Her determination, her abilities, her profound dedication to the Catholic faith, her courage—all mark her as one of America's most outstanding citizens of any age. Her story joins those of many other women from our State—Rachel Carson, noted environmentalist and author; Rosa Ponselle, one of the foremost opera singers of our time; Elizabeth Seton, the first American canonized as a saint; Harriet Tubman, abolitionist; Edith Hamilton, classical scholar and interpreter of the works of Plato; Billie Holliday, jazz and blues singer par excellence—whose accomplishments can only serve as an example to us all.

Maryland history is rich with the stories of notable women, and with those whose lives were perhaps more anonymous but whose contributions in the home, in the fields, and in our business, medical, and educational communities was and is equally praiseworthy.

At the same time, we must realize that while Maryland is a leader in championing the equal rights amendment, sex discrimination continues to be felt in these last decades of this century.

We must take the opportunity of Women's History Week to look at our ancestors, to see the development and roots of our own families, the accomplishments of our mothers and grandmothers, our sisters and aunts. In schools, churches, libraries, and meeting halls across this country, Women's History Week is focusing on the full range and depth of the contribution of women to our society.

We in Maryland have much to be proud of in our heritage, and we can only be richly rewarded for the increased recognition that National Women's History Week can provide us.●

ENGLISH INTRODUCES LAND VALUE PROTECTION ACT

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. ENGLISH. Mr. Speaker, a disaster has struck the farm belt and it's not hail, floods, or drought this time. The disaster is 3 consecutive years of low commodity prices coupled with soaring production costs.

In past years, farmers have been able to withstand short-term reduction in income by borrowing against farm equity. Unfortunately, that short-term cure will not fix what has become a potentially terminal problem.

My office is receiving calls daily from farmers who cannot meet their obligation to the Farmers Home Administration—the lender of last resort.

These farmers are caught in a cashflow squeeze that will not end until interest rates come down or they begin to receive a fair price in the marketplace. That prospect is not on the horizon. USDA's own economists believe that farm income could be down another $1 to $3 billion in 1982. Recent declines in farm prices have pushed the parity index down another 1 percent to 56 percent, the lowest level since it averaged 58 percent in 1932, the worst year of the Depression for the Nation's farmers.

Land prices have already begun to decline and if action is not taken and taken quickly, this Nation must face the prospect of losing thousands of family farmers.

During debate on the Reagan administration's farm bill, I proposed an amendment that would have given farmers an incentive to cut back on production, thereby giving farmers a shot at fair prices and at the same time save the taxpayers $1.7 billion. The administration opposed this amendment because it removed too much of the Agriculture Secretary's discretion.

I proposed another amendment to the farm bill that would have placed a moratorium on foreclosure by the Farmers Home Administration. This amendment, too, was strongly opposed by USDA. Under Secretary Frank Naylor pledged that "the full range of existing authorities will be used to help such farmers get back on an orderly repayment schedule."

If, however, USDA has implemented this policy—many farmers in my district have yet to be notified. Instead farmers are being notified that if they don't pay up now they can expect legal action shortly.

Denying these family farmers an opportunity to get their heads above water is likely to result in panic, farm sales, rapidly declining land prices—and ultimately the ownership of food-producing acres in the hands of a few large corporations.

Lower interest rates and increased commodity prices are the obvious solution to farmers' problems. The administration, however, has been unwilling to come to grips with the farmers' situation and take steps necessary to avert another huge carryover of grain.

For this reason, I am introducing the Land Value Protection Act. This bill provides for deferrals on repayment, and a moratorium on foreclosures of Farmers Home Administration farm loans.

Ideally, a proposal such as this would contain some flexibility for the administration. In fact, the Secretary of Agriculture already has the discretionary authority to take the necessary steps. Unfortunately, the Secretary has been unwilling to use that authority and instead seems to be heading in the direction of more foreclosures and more forced liquidations.

Therefore, this proposal would remove the Secretary's discretion whenever foreclosures and forced liquidations reached 1 percent in a State.

Admittedly, this bill is a band-aid, but it is a band-aid that may function as a life-support system for many of this Nation's struggling farmers.

The text of the bill follows:

H.R. 5813

LAND VALUE PROTECTION ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 331A of the Consolidated Farm and Rural Development Act is amended by (1) inserting, before the text thereof, the designation "(a)", and (2) adding at the end thereof new subsections (b) and (c) to read as follows:

"(b) With respect to farm real estate, farm operating, and emergency loans, and loans made under the Emergency Agricultural Credit Adjustment Act of 1978, the Secretary is directed, during any period in which the agricultural sector in any State is suffering economic distress, to take action within the State with respect to the deferring of principal and interest and foregoing of foreclosure which the Secretary is authorized to take under subsection (a) of this section. For purposes of this subsection, a 'period in which the agricultural sector in any State is suffering economic distress' is a period (1) beginning on the date on which the total of forced liquidations and foreclosures of outstanding loans of the types described in the preceding sentence made, insured, or held by the Secretary in the State exceeds one per centum of all outstanding loans within a given fiscal year, such types made, insured or held by the Secretary in the State, and (2) ending 12 calendar months thereafter.".

"(c) That upon the expiration of such deferral of payment of principal and interest and foregoing of foreclosure directed by the Secretary, the Secretary shall make available to the borrower, upon the borrower's request, procedures whereby the loan can be reamortized or rescheduled to provide equitable repayment terms consistent with the borrower's farm and financial situation. Any such reamortized or rescheduled loan shall bear interest at a rate not in excess of the rate of interest originally charged on the loan. Interest that accrues during the deferral period on the loan shall bear no interest during or after such period.

SEC. 2. The provisions of section 1 of this Act shall become effective upon enactment.●

HELP FOR THE HEARING IMPAIRED

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. WALGREN. Mr. Speaker, as Pennsylvania's ranking member of the Health Subcommittee, I am pleased to join in recognizing April as "Telecaption Month" in Pittsburgh.

Closed-captioned television is an important technological advancement that helps to bring to our hearing-impaired citizens the full value of television programing in the United States and the world. First introduced in 1980, closed-captioned television permits subtitles to appear on specially equipped TV sets. Programs that are closed-captioned have these subtitles hidden from most viewers, but the hearing-impaired can activate a special device to see subtitles on the television screen.

Over 16 million Americans are hearing-impaired, and each of us can expect some hearing difficulty as part of the aging process. I believe that the hearing-impaired are entitled to the same educational and recreational opportunities available to those fortunate to have full hearing ability. Closed-captioned television is an excellent technological advancement to promote that equality.

As we celebrate Telecaption Month in Pittsburgh, I want to urge each of us in the Congress to redouble our efforts to protect our disabled citizens from the unfairness of proposed budget cuts. As a long-time supporter of Public Law 94-142—Education for All Handicapped Act—I question the conscience of a government which adds $35 billion in new funds to our $220 billion military budget while simultaneously reducing Public Law 94-142 funds by 25 percent, down to $771 million.

What some military general might regard as a mere trifle to cover office expenses are really critical dollars which mean the future for our disabled children.

There are other ways that we in the Congress can help our hearing-impaired citizens, and I want to urge my colleagues to join in supporting two measures which have been introduced in the House. The first measure, H.R. 1595, would provide a tax credit for hearing-impaired citizens to help cover part of the costs of purchasing closed-captioning devices. The second measure, H.R. 375, would require our telephones to be manufactured in a way which permits their use by people with hearing impairments. Both these measures deserve support.

I hope my colleagues in the House of Representatives will join me in helping more Americans become aware of new technological advances which open new doors for our fellow citizens.●

A SCARY SHORTAGE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. LaFALCE. Mr. Speaker, many prescient observers of the American scene have noted that our Nation is fast becoming more of a service-oriented society and less reliant upon industrial manufacturing. While there may be definite improvements in the quality of working life for people entering service sector jobs, we, as a nation, cannot help but be concerned about the erosion of our industrial base.

This erosion is due, in no small part, to a severe shortage of the number of qualified engineers who are available to take jobs in American businesses and academia. Michael I. Sovern, president of Columbia University, has noted that:

> The nation's universities are producing lawyers and business-school graduates at an unprecedented rate and scientists and scholars in diminishing numbers.

Ultimately, no society, with an economic base relying upon manufacturing (or even on providing services), can succeed without an adequate number of trained scientists and engineers. The tools which are needed to make commerce operate effectively are constantly changing and become rapidly obsolete.

If the United States is to remain at the cutting edge of the technology revolution, we must have the basic ingredients for improved technological capabilities. The main ingredient is brainpower—adequately trained men and women—and we are in dangerous short supply in the area of scientifically trained workers. An editorial in the March 15, 1982 U.S. News & World Report elucidates this serious shortage of qualified engineers. I cannot overemphasize the importance of the message this editorial conveys and I commend it to my colleagues.

A SCARY SHORTAGE

(By Marvin Stone)

It's not the liveliest issue around, but it's a serious one nevertheless: We should be taking more notice of the near-disastrous shortage of engineers in the country.

Some members of Congress have already noticed. So has former Vice President Walter Mondale. In a recent conversation with this magazine's staff, he zeroed in on "the deterioration of what we have assumed to be centers of superb excellence in research and development and education. . . .

"I have talked to four or five of our leading high-technology firms," he reported. "There's one thing you hear wherever you go: 'Not enough engineers. We're stealing each other's engineers. . . .' There is a very severe crisis there." Present trends, he declares, "cripple the long-term future of our nation."

The decline includes not only a shortage of engineers, but a shortage of teachers of engineering and a shortage of talent, on average, in those teachers presently teaching.

In the 1960s, engineering was steadily expanding. But late in that decade a bust in the West Coast aerospace industry so glutted the job market that, according to Henry Petroski, a graduate professor at Duke University, "engineering soon became about as popular on college campuses as Vietnam."

When demand for engineers surged upward again, enrollment ballooned. Unready undergraduate programs could accept, in some cases, only 1 of every 6 or 7 applicants. Good candidates for graduate classes were few; high salaries lured away the best of the B.S.'s.

Not only that, but many of the most able teachers followed the golden trail into industry. In bare numbers, some 2,000 teaching vacancies recently remained unfilled.

Why is the engineer shortage so important? Because, in a high-technology society racked by fierce international competition, engineers' performances can decide the survival or withering of an industry—prosperity and paychecks or unemployment and hunger.

As it happens, the role of this gilt-edged profession can be traced through the story of the memory chip. A sliver of silicon the size of a baby's thumbprint, a single memory chip can store up to 64,000 bits of information for use of the computer in which it is installed. Once the statement might have been made that the memory chip carried the flag of U.S. industrial leadership. But somehow the Japanese gained the reputation, temporarily at least, of making a better product. The Japanese share of sales crept up from 20 percent to 40 percent and now 60 percent.

L. J. Sevin, founder of an important semiconductor company, expounds one reason: "The American lead in memory was so thinly based." In 1978, he says, two big U.S. producers had between them no more than "a dozen top engineers designing products. That was our American lead. Japan's got engineers to burn."

Engineering lag is related to a long-recognized falloff in U.S. research while Japan, West Germany and France scored gains based on increased effort in the field. Despite such defeats, the administration has felt compelled to withdraw much of federal support for science and engineering education. The idea is that industry should pick up the tab. But, so far as engineer training is concerned, the prize contribution has been 15 million dollars from Exxon. Welcome though it may be, educators refer to that contribution as a drop in the bucket.

Against such a background, Representatives Don Fuqua (D-Fla.) and Doug Walgren (D-Pa.) have introduced a remedial bill. It would set up a council to work out a consistent policy toward engineering, technical and scientific manpower, and at the same time offer federal funds to match private, state or municipal money put into training programs.

When everything is being cut to the bone, it is hard to urge restoration of a specific funding program. But letting the future die is a scary way to salvage the present.●

PARRIS SEEKS SAFETY MEASURES FOR NATIONAL AIRPORT

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. PARRIS. Mr. Speaker, as you know, I have been a frequent critic of National Airport. I consider it the most unsafe airport in the country.

I have said that National was an accident waiting to happen. I do not say that anymore.

I do say that Congress and the Federal Aviation Administration must work together to make National safer so that another accident like the one we had on January 13 will not reoccur.

Basically, there are two primary problems at National. One is overcrowding. The number of flights in and out of the airport each day, approximately 400 flights daily, makes National one of the busiest airports in the world.

The other problem is the length of the main runway, which, at 6,870 feet, is not only the shortest runway of any major airport but is even shorter than many runways at smaller airports such as Madison, Wis., and Lafayette, La.

I have talked several times since January 13 with Drew Lewis, the Secretary of Transportation, and I am hopeful that we will be able to work out either voluntarily or through the implementation of a new metropolitan airports policy, a method of transferring a substantial percentage of the present National traffic to Dulles. I will continue to work toward that goal.

The problem of the short runway requires a different approach.

Even if we are successful in our efforts to reduce traffic congestion at National, I do not feel it is realistic to think that National will be closed. Therefore, I believe the Federal Aviation Administration must address the problem of the short runway at National in a way so that pilots, like the pilot of Air Florida flight 90, will have the option of aborting their takeoff or controlling their landing should that become necessary.

I have today introduced legislation that will require the Federal Aviation Administration to conduct, within 120 days of its enactment, a study on the feasibility of installing arresting gear at both ends of National Airport's main runway. My legislation directs the Administrator of the FAA to report to Congress on the results of this study, and if installation of arresting equipment is found to be feasible, to begin installation at National Airport no later than December 1, 1982.

The use of aircraft arresting systems is not new. In fact, arresting systems were certified by the FAA for use at both military and civilian airports as long as 20 years ago. Arresting devices are presently in operation at several U.S. Air Force bases in this country and at commerical airports in a number of foreign countries.

There are two types of arresting systems that I believe the FAA should consider for use at National. One is a pop-up cable system that is recessed into the runway. The second is a large net that lies across the end of the runway and upon activation is capable of stopping a 220,000-pound aircraft traveling at 140 knots with no damage to the aircraft and little discomfort for the passengers. Either of these systems, had they been operable last January, would have allowed the pilot of Air Florida's Palm 90 to abort his flight without going into the icy Potomac.

Many of my colleagues use National Airport. I hope the next time they use National, they will take a moment to reflect upon the need for safety at this facility.●

A BILL TO ESTABLISH AN OFFICE OF INSPECTOR GENERAL IN THE TENNESSEE VALLEY AUTHORITY

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. BEARD. Mr. Speaker, today I am introducing legislation which would establish an Office of Inspector General in the TVA. The Inspector General's Office will be empowered with audit and investigative responsibilities, fraud and abuse detection, and oversight of efficiency measures, and will report deficiencies and abuses to the Congress and agency heads with recommendations for correction.

Since 1976, 16 statutory Offices of Inspector General have been established. The need for this type of office and the overwhelming support of Congress was evidenced in 1978, when the Inspector General Act of 1978 passed by a vote of 388 to 6. Indeed, these offices have met our expectations. The GAO informs us that agency costs questioned by the IG's have totaled $1.4 billion—approximately seven times the cost of employing and supporting IG offices. One highly successful Inspectors General reports that his investigators save the Government an average of $90,000 annually and his auditors an average of $150,000 per year, over a 4-year period. A former Deputy Director of the OMB stated:

> Certainly the Inspectors General and the audit function has paid for itself many times over in the past and it will, I'm sure, do even better in the future.

Of perhaps greater significance is the deterrent effect these offices provide. Well publicized investigations, indictments, and convictions undoubtedly discourage persons disposed to engage in fraudulent activities from doing so. This type of deterrent was revealed when an IG investigation of emergency program fraud resulted in a conviction—after which some 300 persons repaid moneys obtained through padded travel claims.

The impetus for IG's was provided by a series of congressional investigations, one of which revealed that the audit and investigative activities of the Department of Agriculture reported directly to the managers of the programs being investigated. Clearly, few problems are resolved when the perpetrators themselves are given responsibility for corrections. Recently, I learned that we have again asked the proverbial fox to guard the chicken coop. Reports of TVA fraud, waste, and mismanagement are referred to the upper echelons of TVA management—hardly an objective group.

Currently, improprieties within the TVA are reported to the GAO fraud task force, who then relays the reports back to TVA management. The problems with this system are twofold: First, many potential informants are hesitant to report examples of mismanagement, realizing that these reports are routed back to their employer; second, that which is reported would appear to receive little attention from TVA management. Since 1979, only 28 cases have been reported to the GAO, and 17 of the 28 have been classified "unsubstantiated" by TVA. In one trip to my district I hear more than 28 cases of TVA mismanagement. In addition, many of these so-called unsubstantiated cases are by no means incidental—in 1979 it was reported that TVA facilities and equipment were being used to support the operation of a privately owned business; in 1980 it was reported that TVA had buried $250,000 to $350,000 worth of copper at a nuclear powerplant site, and a number of reports have revealed that TVA vehicles are being used for personal business.

When the Tennessee Valley Authority was created by the Congress as an independent Federal corporation in 1933, the generation of electric power was considered secondary to navigation and flood control. TVA has, however, evolved into the Nation's greatest consumer of steam coal and the largest producer of electricity. TVA involves itself in construction, industrial development, power generation, energy research and development, and more. It produces and distributes electricity to about 2.8 million customers through 160 municipal and cooperative electric systems in seven States. It directly services 50 large industrial customers and several Federal installations. TVA's power operating revenues totaled $3.2 billion in fiscal year 1980. Power bonds and notes worth $10.8 billion were outstanding as of September 1980. As of last month, TVA employed 45,500 persons.

Without doubt, the Tennessee Valley Authority is an enormous institution. I can see no reason why TVA should be exempt from the tried and tested Inspector General system.

Mr. Speaker, I am inserting the entire bill in the RECORD at this time:

A bill to establish an Inspector General in the Tennessee Valley Authority

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 32. (a)(1) In addition to any other officers of the Corporation, there shall be in the Corporation an officer with the title of 'Inspector General' who shall be appointed for a term of seven years by the President, by and with the advice and consent of the Senate, solely on the basis of integrity and demonstrated ability and without regard to political affiliation. The Inspector General shall report directly to, and be under the general supervision of, the board, and shall not be under the control of, or subject to supervision by, any other officer of the Corporation.

"(2) Neither the board nor any other officer or employee of the Corporation shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit, investigation, or inspection.

"(3) There shall also be in the Corporation a Deputy Inspector General who shall be appointed for a term of seven years by the President, by and with the advice and consent of the Senate, solely on the basis of integrity and demonstrated ability and without regard to political affiliation. The Deputy Inspector General shall assist the Inspector General in carrying out his duties under this section and shall, during the absence or temporary incapacity of the Inspector General, or during a vacancy in that office, act as Inspector General.

"(4) The Inspector General or the Deputy Inspector General may be removed from office by the President only for neglect of duty, or malfeasance in office. The President shall communicate the reasons for any such removal to both Houses of Congress.

"(5) The Inspector General shall be compensated at the rate payable for level IV of the Executive Schedule and the Deputy Inspector General shall be compensated at the rate payable for level V of the Executive Schedule.

"(b)(1) It shall be the duty and responsibility of the Inspector General—

"(A) to supervise, coordinate, and provide policy direction for auditing, investigative, and inspection activities relating to the promotion of economy and efficiency in the administration of, or the prevention or detection of fraud and abuse in, programs and operations of the Corporation;

"(B) to determine the extent to which such programs and operations are consonant with the purposes of this Act, and in compliance with the provisions of this Act;

"(C) to make recommendations for correcting deficiencies in or improving the programs and operations of the Corporation; and

"(D) to keep the board and the Congress fully and currently informed, by means of the reports required by subsections (c), (d), and (h) and otherwise, concerning problems, abuses, and deficiencies relating to the administration of programs authorized by this Act, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action.

"(2) In carrying out his duties and responsibilities, the Inspector General shall give particular regard to the activities of the Comptroller General of the United States in relation to the Corporation, with a view toward avoiding duplication and insuring effective coordination and cooperation.

"(3) In carrying out his duties and responsibilities, the Inspector General shall report expeditiously to the Attorney General whenever he has reasonable grounds to believe there has been a violation of Federal criminal law.

"(c) The Inspector General shall, not later than November 30 of each year, prepare a written report summarizing the activities of his office during the immediately preceding fiscal year. Each such report shall include—

"(1) an identification and description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Corporation disclosed by such activities;

"(2) a description of recommendations for corrective action with respect to significant problems, abuses, or deficiencies identified and described under paragraph (1); and

"(3) a summary of matters referred to law enforcement authorities and the extent to which prosecutions and convictions have resulted.

"(d) The annual report of the Inspector General shall be furnished to the board not later than November 30 of each year and shall be transmitted by the board to the President, the President pro tempore of the Senate, the Speaker of the House of Representatives, and each Member of Congress from Alabama, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia, within thirty days after the receipt of the report, together with a report by the board containing any comments it deems appropriate. The board shall make copies of each annual report available to the public upon request and at a reasonable cost within sixty days after its transmittal to the Congress.

"(e) In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, is authorized—

"(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Corporation which relate to programs and operations with respect to which the Inspector General has responsibilities under this section;

"(2) to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

"(3) to require by subpena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this section, which subpena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court;

"(4) to have direct and prompt access to the board when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

"(5) to select, appoint, and employ such employees as may be necessary for carrying out the functions, powers, and duties of the Inspector General, which employees may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

"(6) to obtain services of consultants at daily rates not to exceed the equivalent rate prescribed for grade GS-18 of the General Schedule by section 5332 of title 5, United States Code; and

"(7) to the extent and in such amounts as may be provided in advance by appropriation Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

"(f)(1) Upon request of the Inspector General for information or assistance under subsection (e)(2), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General, or to an authorized designee, such information or assistance.

"(2) Whenever information or assistance requested under subsection (e)(1) or (e)(2) is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the board without delay.

"(g) The board shall make available to the Inspector General appropriate and adequate office space at offices of the Corporation.

"(h) The Inspector General—

"(1) may make such additional investigations and reports relating to the operations of the Corporation as are, in the judgment of the Inspector General, necessary or desirable; and

"(2) shall provide such additional information or documents as may be requested by any committee or subcommittee of either House of Congress with respect to matters within its jurisdiction.

"(i) Notwithstanding any other provision of law, the reports, information, or documents required by or under this section shall be transmitted to the board and to the Congress, or committees or subcommittees thereof, by the Inspector General without further clearance or approval.

"(j)(1) The Inspector General may receive and investigate complaints or information from an employee of the Corporation or any person having business with the Corporation concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. The Inspector General shall establish a telephone line which shall be available toll-free for the purpose of receiving complaints and information from any such employee or person.

"(2) The Inspector General shall not, after receipt of a complaint or information from an employee or any person having business with the Corporation, disclose the identity of the employee or person without the consent of the employee or person, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

"(3) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to an Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.".●

EDUCATION: OUR BEST INVESTMENT

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. EVANS of Delaware. Mr. Speaker, I do not support the administration's proposed funding cuts in education programs for fiscal year 1983 because I believe they will have a significant negative impact on education in our Nation.

Last year this Congress fulfilled the mandate of the American people and took the first major steps toward a fundamental redirection of Federal Government policies. We successfully implemented major components of the administration's economic program that will result in an easing of our excessive tax burden and a reduction in the percentage growth of Federal spending. This plan is fundamentally sound, and the broad thrust of the program presents our only opportunity for real economic recovery.

As in any plan this sweeping in nature, some unintended consequences, counterproductive to our objectives, are possible. The underlying tone behind the administration's proposals has been one of willingness to work with the Congress to refine and improve the budget so that we might better meet our objectives. I believe Congress and the administration need to work together to narrow the budget deficit and also insure that our efforts are fair to all Americans. We must avoid singling out any one segment of our population to bear a disproportionate share of the burdens associated with fighting unemployment, high interest rates and inflation.

With this in mind, I believe it is appropriate to focus our attention on our education programs. The proposed fiscal year 1983 budget targets an excessively large share of the needed cuts in spending on education, especially in light of allocations of funding for other budget areas.

Overall, the fiscal 1983 request for all education programs represents a reduction of some $2.1 billion compared to last year, and a 32-percent reduction from the level of just 2 years ago. Title I of the Elementary and Secondary Education Act programs—designed to assist State and local education agencies in providing compensatory education services for disadvantaged students—faces a 36-percent cut. Handicapped and vocational education face cuts of 27 and 45 percent respectively from the 1980 levels.

In higher education, the administration has proposed that the guaranteed student loan program be changed so that graduate students are eliminated from eligibility. They have doubled the loan origination fee to 10 percent, required a needs analysis for all loans and raised the interest rate to market rates 2 years after the student enters repayment status. The Pell grants program for poor and lower middle income students would be cut 40 percent. College work-study efforts would be reduced 28 percent, and three major programs—supplemental grants, national direct student loans, and State student incentive grants—would be eliminated.

Our commitment to education has a long and proud history. It has been carried by Republican and Democratic administrations who have long agreed that education is the best investment we can make in the future of our Nation. Throughout this commitment we have made, and I have firmly supported, efforts to better target resources to those students who really need them. For example, instances where wealthy individuals invest their low-interest student loans in high-yield securities to make a profit run completely counter to our objectives. This is simply an unreasonable use of the scarce resources available for these programs. We have made significant strides in cracking down on these abuses, and need to continue on this course.

As we review the latest budget proposals, we must be careful to avoid emasculating education programs in our efforts to better target them. For instance, over 50 percent of all graduate students in the United States borrow through the GSL program. The administration's plan to declare them ineligible would mean that over 600,000 graduate students would face the prospect of less money next year for an increasingly expensive education. In the Pell grant program, the administration's proposals would remove more than 1 million students from eligibility—almost one-third of current recipients. Assistance would be unavailable for those students from families that earn more than $14,000 a year. It is important to keep in mind that most of our public 4-year colleges cost more than $4,000 each academic year. Therefore, under these latest proposals, a family just over the eligibility line could be forced to spend up to 25 percent of their annual income—before taxes—to send a student to college.

We should not for 1 minute back away from the objectives or the broad thrust of the administration's comprehensive economic program. What Congress should do is point out how this program can be made more effective by insuring it is fair and equitable. There are alternatives to blindly slashing the education budget, alternatives such as closing tax loopholes that allow wealthy individuals and corporations to escape paying taxes and stretching out our planned increases in defense spending to ease the burden on next year's budget. I have also proposed that Congress more closely identify opportunities to legislate changes in existing programs that can save billions in tax dollars without hurting people. For example, I have had a hand in two proposals of this nature:

The Coastal Barrier Resources Act, which I introduced in the House and which Senator JOHN CHAFEE introduced in the Senate, would get the Federal Government out of the totally unnecessary business of subsidizing private development of fragile, storm-prone barrier islands. Passage of this legislation could save as much as $500 million a year for the next two decades.

Improvements in the Bankruptcy Reform Act of 1978, which I have cosponsored with Congressman BILLY LEE EVANS, would close loopholes that have led to serious abuse of the bankruptcy statutes. Passage of this bill could easily bring the Treasury a billion dollars a year in what are presently forgone revenues.

Neither of these legislative initiatives hurt people truly in need while helping to narrow the budget deficit. There are obviously many others equally sound that would bring a new measure of equity and fairness to the comprehensive economic program.

The administration's plans to cut back substantially in education programs are inconsistent with the need for a well-educated, well-trained citizenry. The high standard of living all of us enjoy in this country, the technological breakthroughs that enhance our national security, and our ability to feed not only ourselves but to also send food to undernourished people around the world, all stem from our commitment to education.

It is useful for us to look at other nations to see how they approach this issue. Japan and Germany—two nations that compete very effectively in the world economy—have not lost sight of the importance of education. Over the last 15 years, these two nations have doubled their output of scientists and engineers. During the same period Japan and Germany expanded their foreign trade, substantially raised the standard of living for their citizens and experienced economic growth rates that led the world. On the other hand, in 1980 the number of American students graduating with a Ph. D. in physics, for example, declined to 985 from 1,740 just 10 years earlier.

Twenty-three years ago, President Eisenhower started us on the path to placing a quality education in the hands of all Americans, regardless of their financial circumstances. Administrations of both parties have carried on this effort, recognizing the rewards of placing our resources behind effective education programs.

I believe we must continue this bipartisan support and avoid any erosion in our long commitment to education. We will not be serving the future of our Nation by cutting beyond the fat and into the muscle and bone of our educational programs.●

VOICE OF DEMOCRACY CONTEST

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. HOYER. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a voice of democracy contest. This exemplary effort enables thousands of school children across our great Nation to express their ideas on what democracy means to them. This year more than 250,000 secondary students participated in the contest competing for the five national scholarships which are awarded as top prizes.

This year's theme for the contest was entitled "Building America Together." I am particularly proud, Mr. Speaker, that this year's winner from the State of Maryland is Mr. William Scott Baker, a constituent from Mitchellville, Md., in my own Prince George's County. William is currently a senior at the Riverdale Baptist School in Upper Marlboro, Md. He is currently the president of the student government association at his school as well as being captain of the school's varsity soccer team. William plans to pursue a career in theology upon graduation from high school.

Mr. Speaker, I know you and the other Members of the House of Representatives will want to join me and the citizens of the Fifth Congressional District in congratulating William Scott Baker for his outstanding contribution. I am pleased to share his theme with the Members of this body:

1981-82 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM MARYLAND WINNER—WILLIAM SCOTT BAKER

I have five minutes. Five minutes to lay down what I believe is the way for us to build America together. Impossible? Well not really, because I see the principles as being very basic. Principles that have been there all along. One philosopher of our day said this, "The more complex the question, the more basic the answer, not simple, just basic."

So, how do we build America? Well, first I think we need to understand where America's strength lies. Is it in our National Security or in our Economic System? While these may be some of the foundation blocks of our country, the mortar that holds them together, is the people. The building of America will take place in her people.

While considering this, I came across the work of a very perceptive writer. In his story, a young girl with unusual insight, was helping a friend who was having some personal problems. The girl saw through the surface symptoms to the root causes and confronted her friend: "Do you know your whole problem Charlie Brown? You're wishy-washy. You're going to grow up, marry a wishy-washy girl, and have a whole flock of wishy-washy kids. Charlie Brown you've reached new heights of wishy-washydom." Charles Schultz's simple comic strip has taught a great lesson; the importance and the influence of a person's character.

It was the values of the people that brought this nation into existence and established her on a solid foundation. It was in that atmosphere and with those values that a few God-fearing men worked so diligently to out-line the Constitution of the United States. It will be those same values that will enable us to keep on building; to keep on making a stronger country. A Frenchman who was in our country during those early years, said this: "America is great, because America is good. When America ceases to be good, America will cease to be great."

With the qualities of honesty, respect, diligence, responsibility, mercy, purity, a desire for peace and a love and fear of God, we will dream. And therein lies our power. "Where there is no vision, the people perish," we read in the book of Proverbs, but it goes on to say, "When desire cometh, it is a tree of life."

Think back two years. Do you remember the Winter Olympics? I can see the television in my mind as I watched the United States hockey team shock the world and win a gold medal. I mean to tell you, I was excited; the whole country was excited. We had good reason to be proud of those young men. They were men of vision. They had a dream.

Do you remember that August afternoon in 1963 when Martin Luther King stood in Washington before a crowd of thousands as millions watched by television. He raised his head and spoke those immortal words, "I have a dream!"

But dreaming wasn't the end, their actions made their dreams realities. Thomas Carlyle wrote, "Conviction is worthless unless it is translated into conduct." Many people will dream, but it will be those that work and sacrifice to make their dreams realities that will build this nation.

I believe in the "Law of the Harvest: What you plant you grow; what you sow you reap." We must plant our dream of a stronger, better America into the hearts of every individual in this country. And then we must be willing to do something about it. It is then that the United States will flourish like never before.

What better example do we have than the signers of the Declaration of Independence? They had a vision; a dream so strong that when it came to great personal risk, they counted the cost and supported it anyway.

Dreams will lift this nation. Dreams that come from people of character and integrity. With people who remember the values we started with, we can build America. I believe that.

An anonymous author wrote:

If there is virtue in the heart;
There will be beauty in the character.
If there is beauty in the character,
There will be harmony in the home.
If there is harmony in the home.
There will be strength in the nation,
And if there is strength in the nation,
There will be peace in the world.
Carry the Dream.●

THE 1980 SOVIET GRAIN EMBARGO

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. FINDLEY. Mr. Speaker, the deterioration of economic conditions in the Nation's farm sector is of concern to us all. As Congress and the administration grapple with ways to provide relief to this troubled and vital sector of our economy, I think it is appropriate to look back on one of the major factors contributing to our present problem: The 1980 Suspension of Grain Sales to the Soviet Union.

With today's troubled political situation in Eastern Europe, we frequently hear people say that we should take stronger action against the Soviets. Too often, that talk contains references to grain embargoes.

While I in no way condone recent Soviet aggression in Eastern Europe, Afghanistan, or elsewhere, I think it is useful to assess the costs of the last embargo in considering future actions of that nature.

The National Corn Growers Association recently commissioned a study of the costs of the 1980 embargo. I commend to my colleagues' attention a summary of that report, entitled, "Effects of the 1980 and 1981 Limitations on Grain Exports to the U.S.S.R. on Business Activity, Jobs, Government Costs, and Farmers."

SUMMARY

1. The President's action of January 4, 1980, suspending or stopping shipments of agricultural products to the Soviet Union, directly affected 13 million metric tons (mmt) of corn, 4 mmt of wheat and 1.3 mmt of soybeans and meal that was destined for the U.S.S.R. in the 1979-80 shipping season. U.S. exports of those products in the 1980-81 season (July 1, 1980 to June 30, 1981) and subsequent years were also substantially reduced. While these effects at first were partly offset by increased exports to other countries losses to industry, the government, and farmers were substantial.

2. The principal effects of the action outside the farm sector itself were on inland transportation, ocean shipping, labor use, the U.S. balance of payments, federal expenditures, and personal income.

3. Estimates of direct losses and costs in the affected sectors include these sectoral impacts:

Reduced value of inland transportation—$120 to $175 million,

Reduced value of ocean shipping—$240 to $365 million,

Balance of payments losses of up to $2.5 billion arising directly from lost exports, and up to $1.9 billion arising from lower unit values of all U.S. grain exports in 1980 and most of 1981.

Direct U.S. government costs of $1.5 billion for acquisition of additional commodities, and $1.0 billion for interest, storage, and handling arising from owning the commodities for a period of years.

Additional target price payments to wheat farmers of $375 million.

The most important impacts, however, were those that take into account not simply the above sectors that were directly affected, but producer and consumer sectors on a national basis. There we estimate losses of $11.4 billion in overall national output, 310,000 jobs, and $3.1 billion in personal incomes earned in the United States.

IMPACT OF LOST EXPORTS TO THE U.S.S.R. IN 1980 ON THE U.S. ECONOMY

	Nationwide losses in—		
	Output (millions)	Employment (number of workers)	Personal income (millions)
Corn	$6,863	189,630	$1,806
Wheat	3,014	79,508	856
Soybeans	1,568	40,635	445
Total	11,445	309,773	3,107

4. Indirect, intangible, and future effects of both the 1980 action and its unofficial resumption in 1982 have far reaching implications for the United States.

The United States has become the residual instead of the principal supplier of agricultural products to the Soviet Union.

The United States may export only very small tonnages or perhaps no grain at all to the U.S.S.R. in some future years under certain economic and political conditions.

It will be very difficult to negotiate a favorable U.S.-U.S.S.R. grain agreement in view of export availabilities from other countries.

Encouraged both by an expanding world grain market in the 1970's and by U.S. "stop and go" export policies, other exporting countries have increased both their transport and loading capabilities and their grain production.

5. A general trade embargo banning the export of U.S. goods to the Soviet Union in 1982 would almost inevitably cut off or seriously reduce this trade for many years. Such an action would be inherently an action whose direct impacts would fall principally on the farm sector and allied industries, since most of our exports to the U.S.S.R. are of farm origin.

If such an action prevented the shipment of 24 mmt or 945 mil. bu. or corn over three years, plus 12 mmt or 441 mil. bu. of wheat and 3 mmt or 110 mil. bu. of soybeans, before it could be ended in (say) 1985, the overall economic costs would be as shown in the table below.

IMPACT OF LOST EXPORTS TO U.S.S.R. IN 1982–85 ON THE U.S. ECONOMY

	Nationwide losses in—		
	Output (millions)	Employment (man-years)	Personal income (millions)
Corn	$16,588	458,346	$4,365
Wheat	11,474	302,731	3,260
Soybeans	4,814	124,740	1,368
Total	32,876	885,817	8,993

●

INTRODUCTION OF GRAND JURY REFORM BILLS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. GARCIA. Mr. Speaker, today I am introducing three bills to reform selected aspects of the Federal grand jury system. The bills call for the establishment of certain procedural safeguards for witnesses summoned to testify before grand juries. These safeguards are required because grand juries today no longer effectively perform their original function, that of a buffer between Government and its citizens. Although grand juries were established originally to protect citizens against unwarranted prosecution, our citizens can no longer fully rely on grand jurors to provide this protective function. There is ample evidence indicating that today Federal prosecutors are effectively in control of grand jury proceedings, with grand jurors often serving merely as "rubber stamps" for prosecutors seeking indictments. Much of the evidence in this regard has already been presented to Congress in 1978 when hearings were held on Senator Abourezk's grand jury reform bill.

As a result of the potential for abuse in grand jury proceedings, certain reforms should be enacted to insure that grand jury witnesses have access to some of the same constitutional protections that are a matter of right in all other stages of the criminal justice process. Concerns have been expressed in the past that by allowing counsel in the grand jury chamber there is the risk of turning the grand jury from an efficient investigatory proceeding into a drawnout "minitrial." The bill introduced today, however, addresses this concern by strictly defining the role of counsel. The attorney may provide advice to the witness, but he is not permitted to address the grand jury or otherwise participate in the proceeding. Moreover, the bill permits the court to remove counsel if his presence results in any delay or impediment of the proceedings.

It should also be noted that several States have already granted grand jury witnesses the right to have counsel present during the proceedings. By all accounts, this procedure has worked well. It has been endorsed by the American Bar Association, which considers it a key to reforming existing inequities in the grand jury system.

The first bill introduced today will also require that proper notice of rights be given to witnesses summoned to testify before a grand jury. Witnesses would be notified of their right to counsel, their privilege against self-incrimination, and the subject matter of the grand jury investigation. Some of these notifications are already covered in Justice Department guidelines. However, they are included in the bill to insure compliance.

Mr. Speaker, the second bill I am introducing today will require that complete and accurate records be kept for all the grand jury proceedings, except for that body's secret deliberations, and that the portion of the record on which an indictment is based be made available to the indicted defendant for his inspection before trial. These requirements have a twofold purpose: the records will permit a defendant to prepare a proper defense for his trial and will help to limit possible abuses on the part of the prosecutor. Several States already have similar provisions for pretrial disclosure of grand jury testimony. California has had a full-disclosure policy since 1897 with apparently no detrimental results.

The third bill introduced today will prohibit Federal prosecutors from presenting illegally obtained evidence to the grand jury and will require prosecutors to inform grand jurors that heresay evidence may not be used to support an indictment. Under current practice, indictments may be obtained as a result of heresay, illegally obtained, or otherwise inadmissible evidence. Although these kinds of evidence may be excluded later at the time of trial, a defendant's motion to quash the indictment is rarely successful. The result is that a defendant may undergo all the pain, trouble, and expense of a public trial despite a lack of evidence that is admissible at trial. The prohibitions against the introduction of illegal evidence or the use of heresay evidence for indictment should help to insure that defendants are not brought to trial without just cause.

The first of the three bills introduced today would grant a witness appearing before a grand jury the right to have an attorney present in the grand jury chamber for the purpose of ongoing advice and counsel and would permit the court to appoint an attorney for those witnesses financially unable to obtain one on their own. Witnesses testifying before grand juries are faced often with difficult decisions carrying serious consequences. Depending on the circumstances of the case, a witness appearing before a grand jury may be subject to findings of contempt, to prosecution for perjury, or run the risk of self-incrimination. Because of the complexity of the law regarding testimonial privileges, lay persons testifying before grand juries cannot look out intelligently after their own best interests by themselves. The presence of knowledgeable counsel is indispensable to insure that witnesses rights are properly safeguarded at all times.

Currently, attorneys are not allowed in the grand jury chamber. A witness who wishes to consult with counsel must rise after he is questioned and step outside the chamber to seek his attorney's advice. This procedure, however, is highly prejudicial to the witness and does not provide him with the ongoing legal assistance he requires. In addition, the current arrangement of stepping outside the chamber for consultation is very impractical and disruptive. Witnesses have been known to rise literally hunderds of times to seek their attorney's advice, with the resulting delay and disruption of proceedings.

As an additional important safeguard against unwarranted indictments, the third bill also empowers the district court, upon the request of the indicted defendant, to dismiss an indictment if the record of the grand jury proceedings reveals a lack of evidence admissible at trial. The court's power to review the validity of indictments should prevent unfounded indictments from reaching the trial stage.

Mr. Speaker, in introducing these three bills I am aware that the present tendency in this country regarding reforms of the criminal justice system is to strengthen the power of Government to combat crime. I too believe in the need to provide our law enforcement officials with all the necessary authority to perform their duties effectively and not to hamstring them unnecessarily. But I also believe that our citizens have a concurrent right to some basic constitutional protections to safeguard them from potential abuses of governmental power. Therefore, with this in mind, I ask my colleagues in the House to join me in an examination of the grand jury system and the enactment of the long-overdue reforms presented before you.●

POST OFFICE PROBLEM

HON. BOB SHAMANSKY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. SHAMANSKY. Mr. Speaker, I have had many encounters as a U.S. Congressman with the U.S. Post Office. One particular problem, while it pertains only to a post office in my district, may illustrate a more generic difficulty faced by other Members of Congress as they deal with the U.S. Post Office. I would like to share with my colleagues my letter to Postmaster General Bolger regarding the Westerville, Ohio, post office:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 24, 1982.

Mr. WILLIAM F. BOLGER,
Postmaster General, U.S. Postal Service, Washington, D.C.

DEAR POSTMASTER BOLGER: Extended delay by the U.S. Postal Service and the U.S. Postal Service's Board of Governors prompts me to urge your immediate action regarding construction of a new post office in Westerville, Ohio.

It is vital to note that the population of Westerville was 12,350 in 1970, and 23,347 in 1980, which represents an increase of about 100 percent. The physical facilities are grossly inadequate for such a growth.

Since taking office, I have requested that the project be renewed forthwith. Some progress has been made in site examination and selection, although not as rapidly as the residents of Westerville deserve. However, slow action threatened to dissolve into no action at all with the announcement by the Postal Service Board of Governors of a moratorium on new construction in 1981.

In response to this untimely announcement I requested that Mr. Robert L. Hardesty, Chairman of the Postal Service Board of Governors, release the funds earmarked for the Westerville Post Office. I reiterated to him as I have to several other U.S. Postal Service officials that ". . . the responsibility for the ongoing problems in Westerville lies with the U.S. Postal Service, and the people of Westerville should not have to wait any longer."

Mr. Hardesty's response on August 10, 1982, was unacceptable. He insisted that ". . . while we regret the need for this moratorium, recent actions of the Postal Rate Commission with regard to our rate requests and other actions relating to postal finances have caused the Postal Service Board of Governors to impose this curtailment . . . In the interim, the Postal Service will continue to provide adequate service to our customers in the Westerville area."

The residents of Westerville and I rejected this explanation. We do so because the delay occurred due to the Postal Service's "dropping it between the cracks," as colorfully stated by one of the U.S. Postal Services executives. Since the Westerville project dates from 1975 at the latest, it logically should be exempt from a moratorium on new construction.

Subsequently you overturned the Postal Rate Commission's decision against rate increases, yet the construction moratorium inexplicably remains. There can no longer be a convincing claim that the money just is not there, when we know that other "later" post offices are being built.

It is significant that the revenues produced by the Westerville Post Office in fiscal year 1980 and fiscal year 1981 in the three accounting periods shown below reflect an increase great enough easily to cover the construction cost of a new post office in Westerville:

Accounting period	Fiscal year 1980 (15 cent stamp)	Fiscal year 1981 (20 cent stamp)
2 (Oct. 31-Nov. 27)	$173,286	$398,424
3 (Nov. 28-Dec. 25)	286,347	504,530
4 (Dec. 26-Jan. 27)	337,644	400,338

I urge the U.S. Postal Service to take immediate action in earmarking and releasing existing funds to the Westerville post office project. In addition, the steps necessary to reach the construction stage should be continued and accelerated. Your consideration of this matter and timely response will be appreciated greatly.

Sincerely,

BOB SHAMANSKY.●

WOMEN'S HISTORY WEEK

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1982

● Mrs. SNOWE. Mr. Speaker, I take great pride in participating in this special order commemorating Women's History Week. Last year this Congress officially recognized the importance of calling attention to the role women have played in history by designating the week beginning March 8 as Women's History Week. As a cosponsor of this resolution, I share in the hope that the important contributions of women will be made known to all Americans. I offer my special appreciation to BARBARA MIKULSKI, the original sponsor of the resolution, and to the cochairs of the congressional caucus on women's issues, PAT SCHROEDER and MARGARET HECKLER, for arranging this special order.

This past decade has seen a flourish of interest and academic pursuit in the area of women's history. I want to take this opportunity during Women's History Week to call your attention to the accomplishments of several very special women from my home State of Maine.

Maine has a long tradition of strong and independent women in politics who have served as a source of strength and inspiration to those of us who have also chosen to pursue public service in the State and Federal Government. Margaret Chase Smith, whose tenure in the U.S. Congress exceeds that of any other woman, served in the U.S. House of Representatives from 1940 to 1949 and in the U.S. Senate from 1949 to 1973.

Margaret Chase Smith said:

> If I am to be remembered in history, it will not be because of legislative accomplishments but for an act I took as a legislator in the United States Senate when on June 1, 1950 I spoke in the Senate in condemnation of McCarthyism at a time when the then junior Senator from Wisconsin had the Senate paralyzed with fear that he would purge any Senator who disagreed with him. That speech is known as the declaration of conscience.

But Margaret Chase Smith also earned distinction and the respect of her colleagues for her self-reliance, her firm grasp of the complexities of the Federal budget, and her astounding physical stamina. She worked long and hard to upgrade the position of women in the military. In her early years in the House she won a battle to give women regular status in the armed services rather than reserve status. She was also to be nicknamed "Mother of the Waves" after introducing legislation to create that organization.

Senator Smith announced her intention to seek her party's nomination for the Presidency in 1964, saying, "I have few illusions and no money, but I'm staying for the finish. When people keep telling you you can't do a thing, you kind of like to try it." In the final tally at the convention, Margaret Chase Smith—Maine's favorite daughter candidate—had more delegate votes than anyone else except the GOP nominee himself, Barry Goldwater.

When Senator Smith retired, the Senate was left without a single woman in its ranks. "I'd hate to leave when there is no indication another qualified woman is coming in," she said. "We've built a place here for quality service." The memory of her important contributions remains to serve as an example for us all.

I also want to call your attention to another notable woman in Maine's political history, whose important contributions have not been given the recognition they deserve. This woman is Gail Laughlin, born Abbie Hill Laughlin in Robbinston, Maine, on May 7, 1868. Gail Laughlin vowed at the age of 12 "To study law and dedicate my entire life to the freeing of women and establishing their proper place in this 'man's world.'" Until her retirement at the age of 82, Gail Laughlin—lawyer, suffragist, feminist, and State legislator—worked persistently to fullfill this dream, rewriting old laws, submitting new ones for passage, and demolishing legal barriers to women's emancipation.

After graduating from Portland High School in 1836 with honors for receiving the highest grades, she earned the money to put herself through college and law school, graduating from Cornell University with an LL.B. in 1898. She practiced law and campaigned on behalf of the National American Woman Suffrage Association around the country before returning to Maine in 1924 to share a law practice with her brother in Portland.

When she was approached by a delegation of club women to consider running for the State legislature, Laughlin welcomed the political challenge, believing that by holding office she could assist all the women of Maine, rather than just a small list of clients. She ran first in 1929. Winning easily, she went on to serve three terms, making her presence known as a ready speaker who stated her views pointedly, but with a sense of humor. Among the many bills submitted by Laughlin that became law, several were aimed directly at improving the quality of women's lives. these included a law raising the marriage age for girls from 13 to 16 and an act designed to prevent the commitment of women to mental institutions solely on their husband's testimony. She was also instrumental in organizing the State department of health. In other areas, Laughlin favored a billboard control law and related measures to preserve and beautify State resources.

Today Maine has the fourth highest percentage of women in the State legislature in the Nation. The girls and young women of Maine will never be without outstanding role models in the area of politics as long as we continue our efforts to bring women's history into its rightful place in the history of this country.

In other fields of endeavor, Maine is proud of a number of women, although time permits me to mention only a few. One such woman is Marguerite Yourcenar, who has been residing on Mount Desert Island since 1950. Madame Yourcenar was born in France, but has called Maine her home for over 30 years. She holds the distinction of being the first and only woman to be admitted to the French Academy, a royal institution designed to maintain the purity of the French language. Election to the academy is one of the highest honors a writer can receive. She is well known for her historical novels written in French, including "Memoirs of Hadrian," "The Abyss," and "Coup de Grace."

In the field of the arts, I am glad to acknowledge Louise Nevelson, a sculptress who was raised in Rockland, Maine. Ms. Nevelson is well known all over the world for her work, particularly her wood block sculptures.

I am proud to be able to commemorate Women's History Week by calling your attention to some of the special contributions that have been made by women from my State, although I sincerely hope such recognition of their important accomplishments is never confined to one week out of the year. I also hope that Women's History Week will be a time when we reflect upon the lives of those women whose names we will never know. To imagine what it must have been like to be a pioneer woman facing daily hardships that are inconceivable to us today or what it was to be a black woman living in slavery gives us an important historical perspective for thinking about our own lives. Although often said, it is no less true today to say that we have to know where we have been, to know where we are going. That is why Women's History Week is important.●

BAD BUSINESS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. McCLOSKEY. Mr. Speaker, a pending bill, the Small Business Innovation Act (H.R. 4326), has passed one of our committees by a 40 to 0 vote, but under closer scrutiny, has begun to draw the opposition of some of the most thoughtful editorial writers in America.

Some sample opinions, from the Washington Post, National Journal, San Francisco Chronicle, and Peninsula Times Tribune:

[From the Washington Post, Mar. 4, 1982]

BAD BUSINESS

When a bill passes the Senate by a 90 to 0 vote you can conclude that one of two things happened: either the measure was viewed as essential to the republic, or no one was paying attention. In the case of the Small Business Innovation Development Act—now working its way through the House—no one in the Senate seemed to be on deck.

Small businesses have accounted for most of the job growth and a large part of the technological progress over the last decade. That being the case, you might ask why more help is needed—especially since the tax bill passed last year was designed to encourage investment and risk-taking. The proponents of the measure argue, however, that small business could contribute still more if it were assured a larger share of federal research and development money. Hence the proposed legislation.

The more generous House Small Business Committee bill would earmark 3 percent of the R&D budgets of the 13 largest federal agencies for small business. This would be more than $1.5 billion annually after the program had been phased in.

The whole dismal history of government procurement preferences and set-asides would suggest that, despite the program sponsors' good intentions, the desired boost to innovation is far more likely to end up as a prop for shaky ventures. In many agencies the program would quickly degenerate into another pesky set-aside for firms that can, by means fair or foul, become eligible—not a hard thing to do in a program that covers firms with as many as 1,000 workers.

Most government R&D—particularly in the large domestic agencies—is simply not the sort of thing that sustains unrecognized geniuses. As a result, it is also likely that the burden of meeting an agency's 3 percent quota for innovative research would fall heavily on that sometimes small part of the budget that funds basic research. This worries the universities and medical schools.

The American Electronics Association—whose predominantly small-firm membership is presumably just the sort of beneficiary the program has in mind—says that the last thing it needs is another complication in the already Byzantine government procurement process. The electronic firms aren't against government help—they'd like more tax breaks instead. But they are right in insisting that government could help worthy small businesses a lot more by streamlining its procurement process, speeding up its bill-paying and increasing—not reducing—the amount of open competition.

[From the National Journal, Feb. 13, 1982]

DON'T DO US ANY FAVORS

(By William J. Lanouette)

It isn't often that a trade association representative appears on Capitol Hill to refuse federal largess. But that's just what Randy Knapp, a spokesman for the American Electronics Association, did last month. "We have strong feelings about the bill before you," Knapp said, "though unfortunately not those its authors intended."

Knapp was addressing members of the House Science and Technology Committee on Jan. 28 at a hearing on the proposed Small Business Innovation Development Act (H.R. 4326). "Mr. Chairman," he said politely, "the proponents of this bill are trying to help young high-technology companies. They are trying to help us. We sincerely appreciate that. . . . , but please don't do it."

This bill would set aside 3 percent of federal research and development money exclusively for contracts with small firms. And "small," while not specifically defined in the bill, generally means those firms that are independently owned, do not dominate their fields and have no more than 500 employees. About 80 percent of the association's 1,400 members employ 500 people or fewer. Knapp himself is chairman, president and chief executive officer of Wespercorp, a high-technology company in Tustin, Costa Mesa and San Diego, Calif., which employs about 180 people. In short, his is just the sort of firm the lawmakers have in mind.

Why, then, are the association members balking? After all, the Senate passed a similar though less costly bill (S. 881) last December by a 90-0 vote. The House version, the Congressional Budget Office estimated, would set aside more than $400 million for small business during the next fiscal year and almost $2 billion by fiscal 1986.

Quite simply, the association's members are fed up with the strings attached to federal contracts. Despite the obvious benefits, they just don't think they're worth the bother. After all, about 6.8 percent of federal research and development funds already go to small firms. Unlike other trade associations that represent small companies, the electronics group isn't worried about an anti-small-business bias among federal bureaucrats. It's just concerned about what Knapp calls "the unbelievable complexity of the federal procurement process itself."

Knapp and his electronics association colleagues cite more than 80 "separate socioeconomic programs, special interest set-asides, preferences, enforcement responsibilities and other miscellaneous 'good ideas' that Congress has passed over the years, which, taken together, account for a horrendous paperwork muddle." These include preference for mops and brooms made by the blind, noise pollution controls, Indian labor preferences, buy-America requirements for ships and defense products and restrictions on research performed on dogs. (For a report on small-business legislative goals, see NJ, 9/26/81, p. 1720.)

The problem with such set-aside programs, as Knapp sees it, is that they distort the market, cause inefficiencies and frequently result in Uncle Sam's paying higher prices for goods and services. "Fundamentally," Knapp said, "we oppose political intervention in the marketplace on behalf of special interests—even if it is ours. . . . We do not believe companies can be made more competitive by being sheltered from competition."

Instead of seeking set-asides, the association is after tax credits and deductions. These, the group argues, are more efficient ways to direct capital to specific goals.

It's not that enhanced technical development is an unworthy goal, Edwin V. Zschau, chairman and president of System Industries Inc., testified on behalf of the electronics association. But it just is not the sort of thing that can be forced. Instead, he said, it must be fostered, and federal tax breaks are a better way to achieve what mandatory government set-asides are supposed to accomplish.

Furthermore, he told the committee, the Adminstration's tax reduction legislation will generate huge amounts of risk capital that will naturally flow to innovative firms, among them small research and development companies.

To be sure, the association's unusual posture has created political waves. Sen. Warren Rudman, R-N.H., appeared before the House committee last month to criticize opponents of the small-business set-asides concept. Rudman is a co-sponsor of the Senate version of the bill, which the Administration strongly prefers to the House bill.

First, Rudman criticized representatives of universities and hospitals that conduct research, arguing that their opposition is based on the desire to garner more direct federal aid for their own facilities. Then he turned on the electronics association, accusing it of being the tool of large business. Rudman counted 16 of the 23 companies represented on the association's governmental affairs and government procurement committees as big enough to be listed on the New York Stock Exchange and another two on the American Stock Exchange. "Thus," the New Hampshire Senator said, "any statement by the representatives of the [association] to the effect that they represent a cross section of the small-business community is misleading at best. The association represents and is controlled by major corporate interests."

Not so, says Kenneth C. O. Hagerty, the association's vice president for government operations. He concedes that such firms are represented on the committees Rudman named but explains that the decision to oppose the bill was made first by the association's small business committee, then unanimously endorsed by its board.

Hagerty thinks the lopsided vote for the bill in the Senate was a sign that few people had really focused on it. "It's become a litmus-paper test for support of the small-business community," Hagerty said.

Maybe so. But if the debate is at all protracted, this bill could also become a referendum on set-asides. And in the climate that prevails today, the association's heresy could become the rallying point around which the business community continues its assult on federal red tape.

[From the San Francisco Chronicle, Mar. 10, 1982]

HIGH-TECH SPURNS A SUBSIDY

A bill going through Congress with a 90-0 endorsement in the Senate and 40-0 in a House Committee would seem reasonably sure to become law. Still, we trust present signs that enough congressmen are waking up to what's in it and will stop it for what it is: a dubious multimillion dollar diversion of federal research funds.

H. R. 4326 would require federal agencies whose research and development budgets exceed $100 million (there are quite a few of these) to set aside 3 percent for Small Business Innovation Research programs (SBIR). The House Small Business Committee believes small businesses aren't getting their share of federal R & D funds. So it wants to set up a program to allocate subsidies that will enlarge the smalls' portion. The Congressional Budget Office estimates it will cost $38 million a year to manage the applications and deal out the money.

Lo and behold, the American Electronics Association, representing 1800 hightechnology businesses, some large, 80 percent small, a great many of them in Silicon Valley, is fighting the bill. "Fundamentally," says the AEA, "we oppose political intervention in the marketplace on behalf of a special interest—even if it is ours."

Such an extraordinary opposition has attracted the interest and support of Representative Pete McCloskey, R-Palo Alto, who observes, "This may well be the first-known instance of a trade group opposing its immediate self-interests."

The point AEA's leadership makes is that small high-tech businesses are already getting a fair shot at R & D contracts with government agencies, that they have in their employ 5.5 percent of all R & D scientists and engineers not working for the government, and that they're receiving 6.8 percent of federal R & D contract dollars. Q.E.D., says AEA, that a mandated, government-wide Small Business Innovation Research program would be wasteful and costly and is unnecessary.

The Association of American Universities, members of which do most of the nation's basic research, are against this subsidy, too. President Donald Kennedy of Stanford, testifying in Washington, warned against diverting federal funds appropriated for research "of the most fundamental long-range sort" (i.e., university basic research) to serve an entirely different purpose, promoting product innovation. Already savaged by Stockman cuts into research funds, the universities can't be happy at seeing 3 percent more set aside out of reach.

If the Congressmen don't stop H.R. 4325 when they vote in committee today and on the House floor later this month, it will probably be up to President Reagan to ride once again to the rescue of small business from the trammels and paperwork of bureaucracy and by veto to get "government off its back."

[From Peninsula Times-Tribune, Feb. 23, 1982]

THANKS, BUT NO THANKS

How strange that a bill guaranteeing small businesses more than $400 million in government contracts would be opposed by a trade association representing mostly small businesses. Even stranger is the trade association's uphill lobbying battle: the Senate has already approved the bill by a 90-0 vote.

At issue—albeit late in the game—is the Small Business Innovation Development Act. The Palo Alto-based American Electronics Association, about 80 percent of whose membership qualifies as "small business," has joined forces with Stanford University and other major universities in opposing the bill. We support their efforts and promise them a Comeback of the Year award if they can stop the locomotive of support the bill enjoys.

The proposal, at first blush, is almost too attractive to resist: It would set aside 1 percent of federal agencies' research and development funds for contracts with small firms. Throughout American history, after all, shoestring entrepreneurs and garage-based inventors have supplied the world with amazing new technology and understanding.

Supporting small business is indeed a great idea, but the method proposed in this bill would present such a tangle of red tape and inequity that its benefits would soon be outweighed by its aggravations.

The funds would be allocated, by any of the federal agencies with research and development funding, to small businesses in contracts between $50,000 and $100,000 each, as "feasibility studies." One percent of the $40 billion now available for federal R&D contracts comes to $400 million. That means the government would have the task of funding 5,000 separate contracts each year, or one contract for every six small-business engineers or scientists in the country. The new bureaucratic costs of administering the program would be awesome, and hardly the sort of costs a leaner government should be enthusiastic about.

The set-asides small businesses would further erode the declining federal support of basic scientific research, most of which is conducted at universities such as Stanford. In principle, it would seem fair to let a small enterprise take a crack at a scientific breakthrough, but it shouldn't be tried at the expense of unique research, such as Stanford's high-energy physics work at the linear accelerator.

The underlying issue here is the philosophy of set-asides in the government procurement process. Set-asides do prove themselves worthy of the extra red tape when they advance important social or economic goals. When minority contractors were consistently being overlooked regardless of the quality of their construction bids, for example, a set-aside for minority contractors helped establish minority businesses in a new and growing field.

But is a small-business set-aside necessary? According to the AEA, about 5.5 percent of the nation's private engineers and scientists work for small businesses. Last year 6.8 percent of the federal R&D contract dollars were awarded to small businesses. It hardly seems the small-business scientist is being overlooked now.

The danger of a set-aside is that it interferes with open competition. If all contracts are open to all bidders, the government is assured of the highest-quality performance available, which is its duty to its taxpayers. When a quota must be met, the quality of the contracts is usually lowered in order to satisfy whatever special conditions have been imposed. When there is no apparent need to bring small businesses more into the procurement arena than they already are, why distort the free-market system?

Small business is an endearing American institution, and for that reason both Democrats and Republicans in the House will probably carry this bill to victory. It seems a waste of time, though, in view of more pressing national problems, because small business seems to be holding its own already in the competition for government contracts.●

MOUNT SINAI HOSPITAL SUCCESS STORY

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. WYDEN. Mr. Speaker, through my longstanding involvement with senior citizens, I have seen firsthand that skyrocketing medical bills are placing an intolerable burden on this group and on all Americans.

I recently introduced H.R. 5083, a prospective reimbursement bill that will provide hospitals with incentives to hold down costs. In my pursuit of this goal, I came across an outstanding example of hospital efficiency.

Mr. Samuel Davis, director of Mount Sinai Hospital, of New York City, has dramatically turned around the deteriorating financial situation that existed when he came to that hospital, with no sacrifice whatsoever of the quality of services provided. Quite the contrary, health care and services at Mount Sinai have been significantly upgraded.

Encouraged by this refreshing instance of efficiency, I am delighted to share it with you. An article published by the Research Institute of America outlines this success story.

HOW TO ESCAPE FROM THE "ABC" BUDGET TRAP

A NEW TECHNIQUE TEACHES DO-IT-YOURSELF COST CONTROL

When Samuel Davis went to New York City's Mount Sinai Hospital as director in 1975, he faced a grim financial outlook: soaring expenses, an unwieldy deficit, income that was steadily falling behind the rate of inflation.

Today, the deficit is down from $4.7 million to $1.7 million. The hospital now operates on a cash-flow, break-even basis and is approaching a pure break-even financial position. No programs or services have been eliminated—in fact, some have been added. And the nursing and house staffs have actually grown to meet patient demand.

How did Davis do it? It was obvious when he joined the hospital administration that costs had to be cut sharply across the board. In his words, "When you have insufficient fuel for an inefficient machine and you can't get more fuel, you have to become efficient." But it was equally obvious that when he got down to specifics, the point would be hard to sell.

The first reminder of that came when a ceiling of slightly less than $3 million was set for the next capital budget—and the medical department chairmen submitted requests for equipment, renovations and alterations totalling $14 million.

Faced with a similar situation, many managements resort to "ABC" budgeting to decide who gets what. Through alliances, bargaining and compromise, the top executive group placates the most powerful and politically adept managers, then sends down a final budget against which there's no appeal.

But this approach can lead to endless skirmishes, particularly when professional, scientific or technical departments are involved. To them, the phrase "cut back" is a red flag. The message is easily interpreted as an order to put dollars and cents above high professional standards and, on that note, the battle is joined.

The experts vigorously defend their bailiwicks, insisting that cost-cutting efforts be focused elsewhere. Management then fights for its right to manage. When the professionals know that they are the lifeblood of the organization—that, without them, there'd be nothing left to manage—it's a war they often win without a shot.

Davis, however, had neither the time nor the inclination to do battle, "I felt the thing spoke for itself," he says. Yet the question remained: How do you get people to listen?

Out in The Open/ Davis decided on a sharp departure from tradition, aimed at getting genuine agreement instead of compromise. His technique can be adapted by virtually any organization. Here are the basics:

(1) Get away from one-on-one budgeting. In Davis's opinion, the only way he could get department chairmen to cooperate was to bring all of them in on the budget discussions and decisions. He wanted everything out in the open. There would be no individual conversations about budget requests. There would be no secrets. What was in the kitty, what every department wanted, what it finally got—and why—would be known to each unit.

(2) Start wherever you can start quickly. Since the capital budget requests were the first to come in, Davis used those to launch the new process, so that no one could delay confronting economic reality. Instead, people had to learn to live within their means immediately. First step was to:

(3) Show them the whole picture. Each one of the approximately 1,500 capital budget requests, ranging from a $96,000 gamma camera to a $200 dictating machine, was fed into a computer. The printout—over two inches thick—then went to all department chairmen. Using a code for "Must have," "Should have," "Would be nice to have," they were asked to rate not only their own items but those of every other unit as well.

Not surprisingly, the time involved in this analysis inspired an outburst of complaints. But management pointed out that professionals are better qualified to judge each other's needs than administrators are—and pointed again to the $11 million gap between funds at hand and budgeted items. Next step was to:

(4) Bring department heads together to hammer out a consensus. Once the printouts were rated and collated, a "Capital Budget Forum" was set up. Consisting of medical department chairmen or their delegated representatives, the forum alone would debate and decide where the available capital funds should go. Evening sessions were scheduled every other week and it was announced they would continue until the forum has approved a final budget.

How did it work? Just the process of going through the printouts sharpened the department chiefs' financial scalpels. Of $6.2 million requested for medical equipment, only $200,000 was labeled top priority by the majority—and that was before debate began. The $4.2 million worth of items rated "Should have" were drastically scaled down during the subsequent discussions, with the money available going largely to requests that would directly affect the hospital's ability to care for its patients.

Example: One department engaged in a top-priority project put a top priority on word-processing equipment the project would use. Other departments disagreed, the request was eventually dropped—and the project succeeded without it.

As Time Goes By/It took six months for that first forum to reach a consensus. By now, the process is considerably less lengthy and painful. And is has been extended to operating budgets, so that current expenses are given the same rigorous scrutiny. Even emergency expenditures from the contingency funds Davis controls must be accounted for to the appropriate forum later on.

An unexpected bonus of the new system has come in the small savings that people now spot on their own: One department discovers it has unused equipment it can lend to another; a surgeon suggests a new, less expensive suture; the medical staff decides to save $50,000 a year by substituting a less expensive antibiotic for an unneeded, high-cost drug in the formulary.

This has come about, Davis believes, because participants in the various forums have learned to talk to, and trust, one another. But it's a development that's possible, he wants, only when:

Everyone at the forum has the authority to vote, on the spot, for the department he or she represents. Delegates sent as stand-ins for department chairmen cannot go back to consult with their bosses, thus holding up all the others—and allowing time for politicking.

People who complain to top management that they must have funds a forum vetoed are sent to discuss the matter with their department heads, learn only from them why the decision is final.

Observation: "Instead of making unilateral decisions," Davis says, "executives here manage the process of making decisions." The result is not only that everyone now accepts the economic realities but also that organizational, rather than departmental, goals have been reaffirmed. For example, funds for nonmedical equipment unrelated to patient care went from 47 percent of the equipment budget to 10 percent within five years. Good medicine financially—and professionally as well.●

TRIBUTE IN HONOR OF PETE PETRELLA, ARTIST AND DEVOTED FAMILY MAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. BIAGGI. Mr. Speaker, almost 2 years ago, in an old but still majestic theater within a seemingly wornout section of the city of Baltimore, I had the very personal and wonderful pleasure—along with my family and several dear friends—of witnessing the graduation from the University of Baltimore Law School of my elder son, Richard. It was a marvelous day for all, and I would trust that each of you has had occasion to feel the tremendous sense of warmth and pride for your family that accompanies such an event.

That ceremony was memorable in another, yet very similar, respect as well. Addressing the graduates was a very learned, accomplished, and certainly sensitive justice from the Baltimore area. Her message to those eager, budding lawyers had an unusual personal perspective. Essentially she told them that, despite their credentials, their lofty ambitions, and their soon to be noted achievements, they were "nothing" if they didn't have time for their families. Such a simple yet very powerful message, and one so true. It was very well received that day, and certainly has application among us all, no matter the urgency of our commitments and the always limited time constraints. It is, after all, familial love which makes us what we are, and guides us through our lives.

Mr. Speaker, I have known a very dear man who embodied the message of familial love. He was Frank (Pete) Petrella, also known as Peter Savage, the coauthor of the book "The Raging Bull," which portrayal of the life story of former middleweight boxing champ Jake LaMotta won Robert DiNiro an Academy Award for best actor in 1980. He was, even more importantly, Pete, whose loving concern for his family made him a pervasive influence on their lives.

Pete Petrella passed away a short time ago, and his passing has left a tremendous void among all those he loved. At the services, his brother Joe presented a very touching and moving eulogy, acknowledging the meaning of the gift of Pete Petrella. I would like to share the love and gratitude of that message with you here today, and have you envision the personage of this great man. I would like to briefly share with you some of the successes of those he loved, and who helped shape and frame his life. They are a family of commitment to service, whose achievements have been born out of love for one another.

EULOGY TO PETE

(By Joseph Petrella)

Our brother Pete was larger than life. He was the most dominating individual one could know. He became the focus of attention whenever he entered a room. He commanded everyone's attention both by his physical appearance and by the strength of his personality.

He was incredibly complex and yet so compellingly simple. He was a product of the streets—a man who had to learn to live by his wits—a man who could be brutal, even violent, and yet he was none of these things. He was soft, sensitive, caring— a "pussycat." Deep down he longed only to live and be loved.

He never got past the ninth grade of school. He was, what we in education today would call an incorrigible disruptive child. Yet he tested out at near near genius I.Q. and he became a successful writer, businessman, and show business personality. He read constantly—always seeking to improve himself and those around him. He was truly a self-made man.

Peter Savage was not really Peter Savage. He wasn't even Pete. He was Francesco Salvatore Petrella—born in a small town in Calabria in Southern Italy. He came to the United States when he was six and in the 55 years that he was here he lived the eqivalent of at least ten full lives.

He carried much of the old country with him. He believed in the tradition that preached that the oldest son was responsible for all the others. To my sister Rose, who was 18 years his junior, he was more of a father than a brother.

This paternalistic view of his was very hard for us to accept. We resented what we saw as his interference in our lives. And yet all of us knew that he would always be there just a phone call away—ready to help—ready to do anything for the family he loves so dearly. We will miss the security that that knowledge gave us. To us, big brother Pete was a combination of Superman and Captain Marvel. He could make things happen and we never asked how.

He was the handsomest of men. He prided himself on his physical appearance. He was an extremely gifted athlete—a man who could never grow old. At 61 he had the physique of a man half his age . . . and if Robert DiNiro, whom he loved dearly, ever chooses to play his life—he would not have to gain a pound. He would only have to dye his hair white.

Pete was driven in everything he did. He did not know the meaning of the word "relax" and that is probably what killed him. Frank Petrella also known as Peter Savage was really not Superman. He was a vulnerable and troubled man who had been dealt some severe blows by life but he fought to persevere. This super-macho, aggressive, driving, compulsive man was really not that hard to please. He would have given all of his achievements and all of his successes for only one thing—the health and security of his loved ones.

Yes, he loved us all each in a special and unique way. His love for his wife, Eleanor, grew throughout their almost 29 years of marriage. His relationship with his children, Peter and Paula, was a very precious one. He cared deeply for our parents. Sister Rose and brother-in-law Vic were very special to him. He was a loving if somewhat overly demonstrative brother with Tony, Armond, and me. He adored his many nieces and nephews. Somehow they, the younger ones, understood and indeed often witnessed that this tough, domineering uncle of theirs would cry openly at the drop of an emotional word or at any festive occasion. Brothers Tony, Armond and I dubbed him, "One-Beer Pete."

So I find it necessary to say these few words because to us he was so much more than Peter Savage—show business personality. Oh, there is so much more that could be added but rather I will close by saying to him . . .

"Pete, Frank, husband, son, father, brother, uncle, cousin, friend—we send you to your eternal rest but know wherever you are that we truly understood your message of familial love. Know that we cherish it and we will carry it with us throughout our own lives.

"You will be missed more than you could ever have known. You were, and you will continue to be, larger than life!"

The loss of Pete Petrella is dearly felt by his loving wife, Eleanor, who now carries on the family business, Ace High Fashion, in the Bronx. His legacy of strength and purpose also rests with his two children, Peter and

Paula. Peter, graduate of Lehman College, Bronx, manages the family dress factory in his father's place. Paula, an honor student, plans to enter college this fall and study law. Mother, Erminia, and father, Egidio, 85 and 86 years old, still live in the Bronx, where they had moved after originally settling in Brooklyn.

A retired New York City police officer, brother Anthony was much decorated during his 25 years with New York's finest. Forced to retire on a line-of-duty disability, he was awarded a certificate from the honor legion on the police department, capping a police career which also earned him four "Excellent Police Duty" awards and three grand jury letters of commendation. In 1976, Anthony Petrella was given a commendation award for an off-duty arrest in which he removed a loaded gun from a youth on a city bus after a gang-related shootout. He now devotes his time to volunteer work with neighborhood teenage boys in the Belmont Avenue-Fordham Road section of the Bronx.

Brother Armond has always worked in close association with his brother Pete in the film industry, and is presently working in the family dress factory. A Navy veteran, Armond gives his time to work with autistic children in a local hospital on weekends.

Rose and Victor Davi, sister and brother-in-law of Pete's, are dress contractors, who own the Gay Lady Dress Co., founded by Pete and his father Egidio in 1954. They also own Sew Fine Fashions, and the Belvedere Dress Co., which contains the largest cutting room in Bronx and Westchester Counties. Rose and Vic are also active in the community.

Brother Joe, principal of Casals Intermediate School in the Bronx, is widely respected as an educator throughout the New York area and the Nation. Among his many distinctions is a Fulbright grant for special study in 1975, and service as a representative, panelist, and workshop leader at national education conventions. Joseph Petrella has served as president of the Junior High School Principals Association of the city of New York from 1978 to 1980. Recently during the summer of 1981, he was supervisor of training programs for promotional policy for the chancellor of the New York City school system.

Love, service, commitment, and achievement, all hallmarks of the Petrella family, and standards by which they have lived their lives.

At the time Pete Petrella passed away, he was working on the production of "Portrait of A Woman's Soul," a screenplay he had written and which he had also hoped to direct. I was always very personally proud that he had completed a screenplay on my life, which he had also hoped to bring to fruition. In 20 years of devoting his life to entertainment excellence, he wrote many works and won a number of distinctions, earning him wide respect in the film industry and memberships in the Screen Actors Guild and the Directors Guild of America.

To the loving family he left behind, we express our deepest sadness at their great personal loss. We commend them for their strength of purpose and achievement. We trust that they will enjoy happiness and success as Pete would have wanted, and for which he had devoted so much of himself. Pete Petrella was a remarkable man. May he now enjoy an eternal reward for all the wonderful qualities he shared with so many.●

PALMETTO BUSINESS FORUM

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. CAMPBELL. Mr. Speaker, during recent days we have heard a great deal of negative rhetoric about the President's programs. Member after Member has said he took the President's suggestion and asked his constituents how they felt about the way things were going and the answer they most often heard was "terrible." I would like to take this opportunity to offer a different point of view. This week I received a telegram from the Palmetto Business Forum, an organization composed of the principal officers of 28 South Carolina headquartered firms. Their message was clear—they are willing to continue to support the President's programs and urge Members of Congress to continue our efforts to reduce Federal spending and cut the deficit.

Mr. Speaker, I would like to offer this telegram for the Record so that my colleagues can recognize this outstanding organization.

[Telegram]

Palmetto Business Forum,
Spartanburg, S.C., March 9, 1982.

Hon. Carroll Campbell, Jr.,
Capitol,
Washington, D.C.

Dear Honorable Campbell: The Palmetto Business Forum is an organization composed of the principal officers of 28 South Carolina headquartered firms. Overall our businesses are sluggish but we are all primarily concerned with the longer term future of our enterprises and the Nation and the security of jobs of our people. In our meeting today, we unanimously voted to urge you to remain steadfast in support of your economic program which has not been given enough time to work. We support your defense program. We further urge you to continue your efforts aimed at further reducing the growth of Federal spending especially indexed entitlements.

Francis M. Hipp, Chairman, the Palmetto Business Forum. Other members of the Palmetto Business Forum are: Mr. Gayle O. Averyt, chairman, Colonial Life & Accident Insurance Co., P.O. Box 1365, Columbia, S.C. 29202, Mr. Rufus C. Barkley, Jr., president, Cameron & Barkley Co., P.O. Box 10067, Charleston, S.C. 29411, Mr. P. Henderson Barnett, president, Greenwood Packing Co., P.O. Box 188, Greenwood, S.C. 29646, Mr. W. W. Bruner, chairman, First National Bank of South Carolina, P.O. Box 111, Columbia, S.C. 29202, Mr. W. T. Cassels, Jr., president, Southeastern Freightlines, Inc., P.O. Box 5887, Columbia, S.C. 29250, Mr. Hugh M. Chapman, chairman, C. & S. National Bank of South Carolina, Columbia, S.C. 29222, Mr. James A. Chapman, Jr., chairman, Inman Mills, P.O. Box 207, Inman, S.C. 29349, Mr. H. William Close, chairman, Springs Mills, Inc., P.O. Box 70, Fort Mill, S.C. 29715, Mr. Charles W. Coker, Jr., president Sunoco Products Co., P.O. Box 160, Hartsville, S.C. 29550, Mr. Robert E. Coleman, chairman, Reigel Textile Corp., 25 Woods Lake Rd., Suite 800, Greenville, S.C. 29607, Mr. John M. Hamrick, chairman, Hamrick Mills, P.O. Box 48, Gaffney, S.C. 29342, Mr. Francis M. Hipp, chairman, The Liberty Corp., P.O. Box 789, Greenville, S.C. 29602, Mr. W. W. Johnson, chairman, Bankers Trust of South Carolina, P.O. Box 448, Columbia, S.C. 29202, Mr. James G. Lindley, chairman, South Carolina National Bank, 1241 Main St., Columbia, S.C. 29226, Mr. Ellison S. McKissick, Jr., president, Alice Manufacturing Co., Inc., P.O. Box 369, Easley, S.C. 29640, Mr. Buck Mickel, chairman, Daniel International Corp., Daniel Building, Greenville, S.C. 29602, Mr. Roger Milliken, president, Milliken & Co., P.O. Box 3167, Spartanburg, S.C. 29304, Mr. Walter S. Montgomery, Jr., president, Spartan Mills, P.O. Box 5784, Spartanburg, S.C. 29304, Mr. Ben R. Morris, president, the State Record Co., P.O. Box 1333, Columbia, S.C. 29202, Mr. Richard H. Pennell, president, Metromont Material, P.O. Box 1292, Spartanburg, S.C. 29304, Mr. Jerome J. Richardson, president, Spartan Food Systems, Inc., P.O. Box 3168, Spartanburg, S.C. 29304, Mr. James C. Self, president, Greenwood Mills, Inc., P.O. Drawer 1017, Greenwood, S.C. 29646, Mr. Robert P. Timmerman, president, Graniteville Co., P.O. Box 128, Graniteville, S.C. 29829, Mr. Robert M. Vance, chairman, Clinton Mills, Inc., P.O. Drawer 1215, Clinton, S.C. 29325, Mr. E. Craig Wall, Jr., president, Canal Industries, Inc., P.O. Box 830, Conway, S.C. 29526, Mr. John A. Warren, vice chairman and president, Carolina Energies, Inc., P.O. Box 6317, Columbia, S.C. 29260, Mr. Wilson C. Wearn, chairman, Multimedia, Inc. P.O. Box 1688, Greenville, S.C. 29602, Mr. John G. Wellman, Sr., chairman, Wellman Industries, Inc., P.O. Box 188, Johnsonville, S.C. 29555, Mr. Arthur M. Williams, chairman, South Carolina Electric & Gas Co., P.O. Box 764, Columbia, S.C. 29218.

George D. Johnson, Jr.,
Secretary.●

PUBLIC EDUCATION: AN INSIDER'S PERSPECTIVE

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. LOWERY of California. Mr. Speaker, the biggest "infrastructure" challenge for this country in the next decade is not the billions needed for railroads, highways, and energy. It is the American school system, from kindergarten through the Ph. D. program and the postgraduate education of adults.

Recent studies on what makes schools effective have all pointed to the importance of good leadership in both the individual school and the school system. This perhaps is obvious, but what may not be so obvious is that good leadership in our public schools is fast becoming a scarce commodity.

To illustrate, I would like to share some very telling commentary that appeared in the San Diego Union, from Mr. Don Jackson, a former assistant principal at San Ysidro Middle School and personal friend. As Mr. Jackson implies, our Federal education policy is in need of an overhaul when our teachers and administrators spend less time educating and more time complying with Federal rules and regulations:

[From the San Diego Union]

PUBLIC EDUCATION: AN INSIDER'S PERSPECTIVE

(By Don Jackson)

How can a man find a more rewarding career by switching jobs and taking a heavy loss?

Don Jackson says he accomplished it by leaving a post as an assistant principal at a public junior high school to take the No. 2 job in a private elementary school here.

He said he took a substantial loss in pay and 13 years of retirement benefits in a change last fall from San Ysidro Middle School to Warren-Walker School in Ocean Beach.

Warren-Walker was started 50 years ago this month by Nellie Walker. Its levels range from kindergarten to seventh grade. It has graduated 9,000 students, has a current enrollment of 215 and a waiting list.

Jackson says of the new job: "I don't have the state telling me to conjure up ways to spend thousands of dollars. I don't have the government telling me to fill out all sorts of forms."

And, he says, he has escaped from some other irritants:

"With state money, we hired teachers' aides. They should have done things like correct papers and supervise on the playgrounds.

"But teachers shifted part of their work to the aides, who had not been trained to teach. Most of them were housewives looking for extra money."

Jackson was at San Ysidro Middle School one year. For seven years before that he was vice principal of Sunnyslope Elementary School in Imperial Beach. Earlier, he spent five years as a music specialist in South Bay public schools.

He is working toward a doctorate in education at USIU.

"Another thing that annoyed me," Jackson said, "was discovering that my daughter, attending the sixth grade in a San Diego public school, had wasted a year there.

"She could read but she couldn't tell you what she had read. She hadn't been called on enough to put the words into sentences. She and my son now are at Warren-Walker, making straight A's.

"Seventy-five percent of the time, the public school teacher was letting the students grade their own papers. My daughter never brought home any homework, because none was assigned. I visited the classroom three times with permission of the principal."

Jackson said: "In the public sector, you can't get rid of a bad teacher. They always are transferred.

Most teachers in public schools are excellent. The trouble is, a few bad ones spoil things for the rest of them.

"In the South Bay, we had a teacher who was tying a child to a chair. They tried to get rid of her but couldn't because of the tenure system.

"Legal procedures are so complicated and so expensive, the administrators finally give up trying to get rid of an incompetent teacher.

"The situation involving my daughter was due to neglect by one teacher. These things cast negative hues on other teachers, and it's a shame.

"A teacher is protected by the union through legal advice. A lot of tax money is being spent battling the union. It may be unintentional, but the union is working against the education process.

"They do it by keeping the administrator from making the decisions he was trained to make. Most administrators have been excellent teachers. As administrators, they become the enemy of the teachers who encouraged them to go into administration."

Jackson added: "Public school teachers do a very good job within the limits placed upon them. Methods of teaching are left up to the individual teacher—also the contents of the material—simply because the principal must give all his time to his office.

"There is a three-year probationary period for public school teachers. But the laws are so structured, it is as hard to get rid of an incompetent one as it is a tenured teacher.

"I am trying to say the situation is not the fault of teachers for administrators. It is the system. The sytem is too big.

"There is only one way we can get out of the public education dilemma. That is by breaking down the monstrous school districts into small neighborhood schools and letting the principals and schoolteachers do it their way

"I am glad I got out of it. I left under honorable circumstances. At one time, I planned to apply for a district principalship. But in the end, I chose to leave.

"You won't find a public school administrator who will tell you what I have. But I can. I have the security of the business world."

Mr. Jackson and I are not suggesting that the Federal role in education must be passive or that the Government should abandon its legitimate concerns about the quality of American education. Rather, the Government should pursue a far more effective and concentrated role in helping our schools and colleges improve their performance, while simultaneously shifting educational decisionmaking back to the State and local levels, hence, eliminating most of the enormous paperwork and administrative burden.●

IN MEMORIAM TO THE HONORABLE MARY CRAPELLI AUGUSTO OF PATERSON, N.J., OUTSTANDING COMMUNITY LEADER, NEWSPAPER PUBLISHER AND GREAT LADY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. ROE. Mr. Speaker, the residents of our Eighth Congressional District and State of New Jersey deeply mourn the loss of a great lady, outstanding community leader, cofounder of the Emilio Augusto Publishing Co., and good friend, the Honorable Mary Crapelli Augusto, who went to her eternal rest on February 13, 1982. I ask you and our colleagues here in the Congress to join with me in silent prayer to her memory with the deepest of appreciation for her lifetime of good deeds on behalf of our people—particularly the disadvantaged and needy. I know you will want to join with me in expressing our most sincere condolences to her husband Emilio, daughter Cesarina Earl, son-in-law Eugene Earl, grandson Douglas, and granddaughter Adrienne.

Mr. Speaker, there is so much that can be said about this American citizen of Italian birth who came to our country, adopted New Jersey and the city of Paterson as her home and as a veteran of the depression years and poverty-stricken areas brought hope and strength to so many, many people through the richness of her wisdom in the publication of one of our most prestigious Italian-American news weeklies, "La Voce Italiana" (The Italian Voice).

Through the writings of the people who knew her best the story of a remarkable lady and the magnificent legacy she provided our people through her compassion and benevolence to her fellowman can best be told. With your permission, Mr. Speaker, I insert at this point in our historic journal of Congress a profile of Mary Augusto published in La Voce Italiana and authored by her daughter, Cesarina A. Earl, as follows:

MARY AUGUSTO: A BRIEF BIOGRAPHY OF A REMARKABLE LADY

(By Cesarina A. Earl)

Sixty-two years ago a girl eighteen years of age first set foot on American soil, at Ellis Island, New York. Mary Crapelli was one of many new immigrants who arrived from Italy to begin a new life in the U.S. in 1920. She was met by her two brothers, who hustled her off to Coney Island and the amusements of Luna Park, which made a lasting impression.

It wasn't long before Mary learned to speak English, attending night classes while working in various factories in Paterson. Eventually she moved to Brooklyn, where she resided for numerous years, while working for an Italian newspaper in New York. She became a U.S. Citizen, and returned once to her native Calabria, Italy, to visit her mother in 1928.

Hard times lay ahead, as she returned to find the depression had hit the U.S. Mary lived with relatives in the Paterson area, and operated a candy store on lower Ellison Street until in 1932 she married Emilo Augusto, with whom she had worked in N.Y. at the newspaper office five years earlier.

They decided to begin their own newspaper in Paterson, an Italian-American weekly, which they called "La Voce Italiana" (The Italian Voice), and it is now in its fiftieth year of publication.

During the depression years, quite often it was necessary to barter with merchants, who would exchange their goods for advertising and exposure in the new publication. Mary became known as a "Go-getter" as she solicited space for her newspaper, and in actuality she always kept up the pace until her final hour.

In 1947, because she saw many needs of Paterson's citizens going unanswered, Mrs. Augusto became the first woman to declare her candidacy for mayor of the City of Paterson. At the time she was a Justice of the Peace, and was well known in the People's Park area of the city for the campaign she lead to keep open P.S. No. 16, the school her daughter had attended, which was slated to be closed. She organized many PTA's throughout the city, and always pleaded the cause for underpaid teachers.

For years Mary spoke her mind in a column known as "The Parrot."

In a civilian capacity, Mary served her country during W.W. II by working in a defense plant in East Paterson, (currently the site of Marcal Paper Products). In order to learn to grind the precision air plane parts she had to produce, it was a prerequisite that she master a difficult course, which saw many drop-outs, however Mary perserved and completed the studies each day went off to Wrights wearing her overalls and carrying a lunch pail. She worked the late shift, returning home after 11:00 P.M. During the day, she tended her "Victory Garden."

When the U.S. entered the war, Italy was not an ally nation. "La Voce Italiana" was established on Cross and Elm Streets. Mary was an anti-Fascist who opposed Mussolini, and immediately offered the services of her paper to the U.S. Government. A letter of appreciation received from President Roosevelt exists among her souveniers.

The savings from working in Wrights Aeronautics provided the Augustos with enough money to purchase the site on Mill Street where La Voce has been published since the mid-40's. There would be no more paying rent and before long Mary actually became a woman of property in Paterson. To her, the multiple-dwelling houses she owned seemed as castles. Many times if a tenant complained she felt they had no grounds, as they were fortunate enough to have a roof over their heads. This attitude stemmed from her humble beginnings in Calabria, Italy where she frequently spoke of the six Crapelli children living and sleeping in one room, and of the earthquakes and starvation. One of her brothers was killed in an earthquake that destroyed their domicile, during the first decade of this century.

Her life in Southern Italy having been no bed of roses, Mary developed first hand compassion for immigrants and the poverty-stricken. During the mid fifties, Mary worked for the Welfare Dept. of the City of Paterson, and on many occasions her good heart reached out to assist individuals who were destitute, but could not receive immediate assistance. While employed at the Welfare Dept., Mary attended evening classes to learn Spanish, in order to better communicate with welfare clients. Needless to say, she found it invaluable, as more and more of her tenants were of Spanish origin.

Whenever asked why so many Italians would leave a country as beautiful as Italy to come to America and struggle as she did, her answer was a simple one "To earn a piece of bread." Mary loved America, because here she found fulfillment. Opportunity existed and she grabbed it whenever possible. One of her favorite sayings, when translated from Italian, states: When one door closes, a larger one opens. She believed this, just as on a cold winter day a shivering bird believes in spring.

Throughout her career, Mary always supported the activities of the Italian Societies and Federations in Paterson, such as the Christopher Columbus Society, the Alfano Association, etc. Frequently she appeared at the head table and was introduced along with the other notables. During the terms of Governors Meyner and Hughes, Mary received many invitations to Morven even though she was a Republican and they were Democrats. She never drove a status-symbol automobile, as all she needed were four wheels to get her around, and drive she did until three days before her death.

On Oct. 30, 1975, Mary became the victim of a violent crime. It was a miracle she survived the attack, which occurred in front of her home in Paterson.

While a gun was pointed at her head, she received repeated blows to the scalp from brass knuckles. She was kidnapped and thrown from her car and left to die, bleeding profusely from the injuries. Fortunately she was saved by an unknown man from the Sandy Hill area of Paterson, where she had been dumped. When she arrived at the emergency room at St. Joseph's Hospital, over 40 stitches were required on her scalp, and she remained hospitalized for more than a month. It actually took several years for her to recover, but once an elderly person has been brutally attacked and robbed, the fear lives on forever. In the matter of her attackers, they were apprehended, eventually tried, convicted and sentenced. Ever since the mugging incident, to quote the prosecutor, ". . . he put a cane in her hand."

Psychologically, Mary never did fully recover from the Oct. 30th mugging, and physically a change in her was evident. However, she was accustomed to living at a fast pace, and she would not slow down.

Even as she departed this life, there was no warning, no lingering illness, no history of a heart ailment. Like an earthquake, she hit us fast and left us all in shock. For those left behind, the aftershocks will be felt for a long time to come.

Mr. Speaker, may I also add the following tribute to Mary Augusto authored by a longtime personal friend of her and her husband Emilio, Alfred Weiss, who speaks for all of us who had the good fortune to know Mary. I know I am pleased and honored to have been numbered amongst her many, many friends.

A TRIBUTE TO MARY AUGUSTO

(By Alfred Weiss)

Mary Augusto's life should be a model for our lives, her principles a beacon for our principles. Her shining story should be written, studied and venerated.

Each of us who knew Mary has deeply personal reasons for esteem and affection. At least three aspects of her life merit universal acclaim. With firm assertiveness, she declared and demonstrated the worth and the dignity of women, workers, and Italian-Americans.

Mary's battle for women's rights was the much larger struggle for human rights. Side by side with men and women—not in competition, not in conflict—she first earned recognition and respect and then rightfully demanded them—for herself, for all women, for all people.

Living in industrial areas among working people, Mary always worked. She enjoyed work and was proud of the products of her labors. Those who are eager to retreat or retire from productive activity should consider the pleasure and satisfaction she derived from remaining busy at her profession all her life.

One of Mary's missions was to perpetuate and to share with everyone the splendors of her cultural heritage. She, in turn, zealously shared other people's cultural and ethnic heritages. She recognized and helped many of us to recognize that out of awareness of, respect for, and interest in our own and other people's heritages comes the unique wonder of being an American.

Let us celebrate Mary Augusto's life and be grateful that it was a long life. Let us mourn her death because her work and her joy in her work were not yet finished. Let us pray tribute to this wonderful woman by following the admirable example she set for all of us.

Mr. Speaker, there are many, many other commendations that could be cited on behalf of Mary Augusto's lifetime of achievements and she will always be remembered for the warmth of her friendship and the quality of her leadership in unselfishly and willingly guiding and helping others in her quest for improved living conditions, dignity, and the highest standards of excellence for her fellowman. She will be sorely missed by all of us and I do trust that her family will soon find abiding comfort in the faith that God has given them and in the knowledge that their beloved, the Honorable Mary Crapelli Augusto, is now under His eternal care. May she rest in peace.●

SENTENCING PROVISIONS OF H.R. 5703

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. CONYERS. Mr. Speaker, the Criminal Code Revision Act of 1982, H.R. 5703, which I introduced on March 3, is substantially similar in form and substance to H.R. 6915, the Criminal Code Revision Act reported by the full Judiciary Committee during the 96th Congress. H.R. 5703, however, differs from that bill and its twin of this Congress (H.R. 1647) in a number of significant areas. Many of the changes from the bill of last Congress appeared in H.R. 4711, which I introduced in October, while others are the result of recent hearings and comments on H.R. 1647 and H.R. 4711. Today I would like to address the ways in which the sentencing provisions of H.R. 5703 differ from those in H.R. 1647.

1. GREATER ENCOURAGEMENT OF THE USE OF ALTERNATIVES TO PRISON

After many years of service on the Judiciary Subcommittees on Crime and Criminal Justice, I am thoroughly convinced that prisons do not rehabilitate. This fact, coupled with the extraordinary cost of imprisonment, inescapably leads to the conclusion that imprisonment should be used only for those who represent a danger to the safety of other persons. This is true regardless of whether the danger is caused by physical violence or by life-endangering corporate activities. In today's criminal justice system, however, prisons too often are full of persons who have committed only property crimes. Among the changes made by H.R. 5703 in order to remedy this problem, two stand out. First, prior to imposing sentencing, a judge is required to consider every sentencing alternative in order of increasing severity, and to impose the first such sentence sufficient to meet the purposes of sentencing. An explanation of the reasons for the rejection of less severe alternatives must appear in the record. Such a provision has repeatedly been recommended by the American Bar Association. Second, the bill explicitly authorizes work in community service as a condition of a sentence of probation or conditional discharge.

2. ADDITIONAL AND MORE SEVERE SENTENCES FOR WHITE-COLLAR AND CORPORATE CRIME

One of the results of the lack of sentencing alternatives in the current criminal justice system is that a judge, in sentencing a white-collar criminal, is often faced with the alternatives of imprisonment or a mere slap on the wrist. In sentencing corporations, the judge is even more restricted, since corporations cannot be imprisoned. Fine levels, established decades ago when the dollar was worth more, are completely inadequate. H.R. 5703 authorizes fines of $1 million for corporate felonies, and $100,000 for corporate misdemeanors.

It also permits fines to be leveled at an amount twice the pecuniary gain a defendant received from an offense, or twice the loss in property or cost of bodily injury suffered by the victim. Defendants may be required to notify the victims of an offense of the conviction, thus facilitating a victim's quest for restitution. In order to insure a corporation's compliance with conditions of conditional discharge, the court is permitted to appoint a special master to oversee corporate operations. Finally, a court may require as a condition of probation that a corporate officer refrain from similar employment during the term of probation.

3. DELETION OF THE PROPOSED "GUIDELINES" SYSTEM OF SENTENCING

Previous criminal code bills in both Houses have included sentence systems that, to varying degrees, limit the discretion of a judge through the establishment of sentencing guidelines. Testimony from numerous witnesses has convinced me that the implementation of such a system would create two serious dangers: First, that political pressure would result in an escalation of sentences under the guidelines, leading to an increase in prison population, with all the concomitant losses in human and economic resources. Second, I am greatly concerned that any effort to remove discretion from judges will merely place that discretion in the hands of the prosecutor who, through charging and plea bargaining decisions, can determine the sentence to be imposed. I hope that, through careful deliberations, we may avoid such results. To do so, however, it is important that we have more information on the operation of such systems. Numerous States are currently experimenting with various forms of "guidelines" and "determinate" sentencing systems. The results of such experimentation should become apparent in a short period of time. Inasmuch as sentencing reform is not an emergency, it would make considerable sense for Congress to delay enactment of a new system, and confine itself to reform of procedures and the creation of sentencing alternatives, until it has the necessary data to make an informed decision. H.R. 5703 takes this approach.

4. ABOLITION OF THE FEDERAL DEATH PENALTY

Current Federal criminal law provides only one death penalty which is arguably enforceable: Death may be imposed for airplane hijacking that results in the death of any person. I voted against that provision when it was enacted, and continue to believe that it is both unwise and unconstitutional. Therefore, I proposed in H.R. 5703 to abolish that sentence, and replace it with the term of life imprisonment. In addition, H.R. 1647 carries forward the current, unenforceable, death penalty for espionage. H.R. 5703 also replaces that sentence with one of life imprisonment.●

IMPORTS FROM OVERSEAS

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. DAN DANIEL. Mr. Speaker, there is an attitude abroad in this country which is deeply disturbing to many of us in this body. Our constituents are being hurt, and hurt badly, by imports from overseas. They want something done to ease this pain, for in many instances the wounds are near-mortal.

Certainly this Member can understand the feeling. I come out of an industry which has been under assault from foreign imports almost since the echo of the last shot of the Second World War died.

There are demands heard almost daily that this body do something, and as the list of affected industries grows longer, the calls for relief will become more irresistable.

I am a firm and dedicated believer in free trade. It was unrestricted and unhampered trade with other nations which set our young Nation's feet on the road to prosperity. There have been no times in our history, to my knowledge, when trade restrictions have served the national interest or the interest of the working men and women of this country.

It becomes difficult, however, to continue to support free access to markets when one of the nations which has prospered for three decades because of this free access is failing to meet its responsibilities within the family of free nations.

Relying on article 9 of its Constitution, Japan has serenely—almost cavalierly—ignored its obligation to provide for the defense of itself and of free world interests.

This article states in part that—

> The Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling disputes . . . Land, sea and air forces, as well as other war potential, will never be maintained.

Well, forever is a long, long time, and conditions have changed dangerously since these words were written. The highest court in Japan has ruled that self-defense forces do not violate the Constitution.

In the area of trade, Japan's performance can truly be described as "miraculous." It has risen literally from the ashes of war to a position of preeminence not likely to be bested for a long time. Yet in truth, Japan did not achieve this status alone. It was done with a considerable assist from the United States.

Since the end of the Second World War, we have given Japan almost $4 billion in economic and military assistance—some grants, some loans, but all substitutes for commitment of their own funds.

And Japan benefits from considerably more than economic aid. From 1945 until 1976, using article 9 as its excuse, Japan has basked in the economic sun, counting on the protection of the U.S. defense umbrella, should the need arise. That umbrella has served Japan's interests quite well.

In 1980, Japan devoted less than 1 percent of gross national product to defense; in fiscal year 1982, spending will be increased by 7.75 percent—still less than 1 percent of GNP.

Japanese expenditures for defense rank eighth in the world—behind the U.S.S.R., the United States, the People's Republic of China, West Germany, France, Britain, and Saudi Arabia.

From the standpoint of manpower and materiel, the Japanese self-defense force is ill prepared and equipped for any kind of prolonged engagement, or for anything more than a token land invasion. If there is any question of this, consider the fact that in September 1976, when a Mig-25 landed at a Japanese airbase, the wheels had hit the ground before the Japanese could locate and intercept it.

No one argues that Japan should rebuild the kind of military force which existed prior to 1941. There is no need for anything like that.

But to ignore the realities of the 1980's is foolhardy.●

A TRIBUTE TO CONGRESSMAN T. JAMES TUMULTY (1918-81)

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. GUARINI. Mr. Speaker, I would like to pay tribute, perhaps belatedly, to a former Member of the House of Representatives from the 14th District of New Jersey. T. James Tumulty was one of New Jersey's most capable and colorful individuals. Born in Jersey City on March 2, 1918, T. James, as he was called with great affection and respect died on November 23, 1981.

He was educated at St. Aloysius Parochial Grammar School, Xavier Preparatory School, Fordham University, and obtained his law degree from John Marshall Law School in Jersey City, in 1939. T. James was best known for his knowledge of government and was held in high esteem both nationally and internationally as an orator. As a member of the debating team while at John Marshall Law School, T. James traveled to England and debated at both Cambridge and Oxford Universities.

After his admission to the New Jersey State Bar in 1940, T. James became active politically, and on occasion took on the vaunted Democratic Party leader, Jersey City's Mayor Frank Hague.

Ultimately he settled his differences with Hague and was sponsored for the office of assemblyman and was elected to the New Jersey Assembly. He also served for many years as a member of the Jersey City Law Department.

During World War II, beginning in 1943 he served with the U.S. Army from where he received a medical discharge in 1944.

Upon resuming public life he continued to serve in the New Jersey legislature becoming Democratic minority leader. In 1944 he was elected to the U.S. House of Representatives in the 14th District where he distinguished himself as a witty and capable debater.

In 1956, because of the Republican landslide under the leadership of Dwight Eisenhower, Tumulty failed to win the election. In 1965 he became corporation counsel of the city of Jersey City and continued in that post until he was appointed to the New Jersey Superior Court where he served as a judge until 1972 when ill health forced him to resign.

It is regretful that this gregarious, active, capable individual was confined in a nursing home because of his health from 1972 until November 23, 1981 when he passed away.

In his quarter of a century of active political life, T. James Tumulty accumulated many friends and many foes, which his enemies acknowledged and respected. His great wit and charm as a public speaker is still remembered. His ability to turn rapier-like sharpness into disarming coyness during debate was indeed a sight to behold. His fine mind and intellect is still remembered because he was exceedingly well read, especially in his favorite area, namely, the great works of literature.

T. James Tumulty enjoyed people and enjoyed public life and was a great believer in St. Augustine's observation:

> That faith is to believe what we do not see and the reward of this faith is to see what we believe.

He believed in sharing the troubles of others providing inspiration, courage, and energy, urging others to bear their burdens and meet life's difficulties bravely.

I had the occasion to visit him while he was at the Jewish Hospital and Rehabilitation Center of New Jersey, and at that time he quoted Leslie M. Shaw's:

> The most unhappy man or woman on earth is the one who rises in the morning with nothing to do and wonders how he will pass the day.

He was involved in many political conflicts, but after the rhetoric and smoke of battle cleared he never held a grudge against the opponent. He was born for his generosity and kindness to the downtrodden, and was held in the highest regard by members of the press, and delighted in quoting Horace saying,

> The truly generous is the truly wise and he who loves no others lives unblessed.

A rotund individual, he loved gourmet food and delighted in quoting Sir Raleigh that "the difference between the rich man and the poor man is this, the former eats when he pleases and the latter when he can get it."

It was indeed unfortunate that his congressional career was cut short by the election defeat in 1956. He truly loved being a Member of Congress which was the pinnacle of his career.

According to his cousin and my friend, former N.J. State Senator Joseph W. Tumulty, it was no secret that he grieved greatly over that defeat and even though he achieved success following elections and went on to become a superior court judge, his real interest was in the U.S. Congress.

T. James Tumulty was a member of a prestigious family. He was the nephew of Joseph P. Tumulty who was the confidant and personal secretary to President Woodrow Wilson both while he was Governor of New Jersey and during his 8 years in the White House.

T. James suffered a paralytic stroke in 1972 and this was most regrettable, according to his cousin, as he was considering resigning as a New Jersey superior court judge and reentering the political life. T. James Tumulty considered politics as the science of government and so earnestly yearned to work in that area.

Had he been blessed with good health, many of his Hudson County friends feel certain that he would have returned to public life and have been reelected to the Congress or the U.S. Senate where he would have undoubtedly finished his career.

Perhaps what T. James loved more than politics was his family and his Irish heritage. On many occasions he waxed eloquent quoting from the Irish playwrights, authors, and poets such as William Yates, George Bernard Shaw, Oscar Wilde, the controversial Brendan Behan. He relished speaking about Sameul Beckett, who won the Nobel Prize for literature.

Just before his death, T. James quoted poignantly from J. M. Barrie:

> The life of every man is a diary in which he means to write one story, and writes another; and his humblest hour is when he compared the volume as it is with what he vowed to make it.

It is therefore appropriate, I believe, on the eve of St. Patrick's Day, the patron saint of Ireland, the heritage of which T. James Tumulty loved, that my colleagues join me in this tribute to former Congressman T. James Tumulty, indeed a legend in his own time.

T. James was one of us, and I am certain he will be pleased with this tribute and this Irish blessing:

May earth rest easy over you . . .
When at the last you live under it . . .
May earth rest so lightly over you . . .
that your spirit may be out from under it
quickly and up, and off, on its way to God.●

SUPPORT FREEZE ON NUCLEAR WEAPONS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. GREEN. Mr. Speaker, I was pleased to join over 100 of my colleagues in cosponsoring H.J. Res. 433, a resolution calling for a joint U.S.-U.S.S.R. freeze on strategic nuclear armaments, to be followed by mutual reductions in our arsenals.

This resolution offers the superpowers an opportunity to end the arms race, and I hope the support it has gained signals to the administration that the American people are serious about arms control. Recently, I received petitions from thousands of New Yorkers who support this movement. For the benefit of my colleagues, I insert my remarks upon accepting these petitions in the RECORD at this point:

REMARKS BY REP. BILL GREEN ON NUCLEAR ARMS CONTROL, MARCH 7, 1982

I am very pleased to be here today to accept the petitions of the thousands of New Yorkers who support a freeze on nuclear arms. I am very impressed by the volume of support you have gathered, and commend your efforts to focus attention on what is the most crucial issue facing us today—human survival.

Simply put, the alternative to arms control is Armageddon. The hard reality of nuclear weaponry is that, if used, it can destroy the world in moments. Too often we talk about arms control in abstract terms like parity, verification, and throw-weight. Most of us don't know what these terms mean, and the words obscure what is really at stake when we negotiate arms levels.

What is at stake is the world as we know it. If a one-megaton bomb (a bomb eighty times larger than the one we dropped on Hiroshima, and one-twentieth the size of a Soviet bomb some strategists speculate would be targeted on New York City) was dropped 8,500 feet above the Empire state Building, everything between 125th Street and Battery Park would be flattened. The awesome Manhattan skyline would simply disappear. Glass and metal between Central Park and Greenwich Village would melt. In all five boroughs newspapers and other dry substances would ignite. Human beings literally would be vaporized. This horror cannot be exaggerated. And this is what is at stake when we talk about nuclear arms control.

Public awareness of this madness is growing. The public outcry against nuclear armaments in Europe is well-known, and spreading to America. I support and welcome this development. I was a strong supporter of SALT II as a reasonable means of reducing arms levels, and regret its passage in the Senate is unlikely. I also endorse the President's so-called "zero option" for decreasing armaments in Europe. His initiative was a bold step.

However, I would urge the Administration not to "link" strategic talks in Geneva with events in Poland. As much as we strongly disapprove of martial law in Poland, the Geneva talks are crucial and should not be postponed.

The Administration also reasons that we must build up our armaments before negotiating arms reductions with the Soviets, in order to negotiate with them from a position of strength. However, I feel the Administration's program for defense is to a large degree wasteful and inefficient. Strong defenses are important, but our buildup to date has been very indiscriminate. We are buying weapons we do not need. I have been an active and vocal opponent of strategically unnecessary and enormously costly weapons like the MX missile and the B-1 bomber. Spending our limited fiscal resources on these wasteful weapons does not contribute to our defenses, and is unreasonable at a time of domestic cutbacks. To postpone meaningful arms control until these unnecessary weapons are operational is absurd.

I have cosponsored H. Con. Res. 151, a measure which expresses the sense of Congress that nuclear war is the greatest danger the world faces, and that protecting human life requires preventing nuclear war. To accomplish this, the resolution calls on the President to propose that the U.S. and the U.S.S.R. promptly begin negotiations to achieve substantial reductions in their nuclear arsenals. The President is also to propose a conference of all nations having a nuclear capability to develop a plan for annual reduction of their nuclear arms until all arms are eliminated.

A bilateral freeze on nuclear weapons would be an excellent first step toward eliminating nuclear weapons. Just as the actions of the U.S. and the U.S.S.R. propel the arms race, so can their actions provide leadership in stopping the arms race. A freeze would be an ideal means for the Soviets and the U.S. to show their commitment to preserving world peace.

Some would say these goals are too naive and idealistic. But I say arms control is the most practical goal we can set for ourselves. Ever growing nuclear stockpiles endanger our very lives and divert our limited resources to unproductive and dangerous purposes. We can scarcely set our sights too high.

I look forward to working with you on bringing control to our nuclear arsenals. We need moral and political leadership from every citizen if we are to avert a nuclear holocaust. I want you to know that I intend to share this petition with President Reagan and enlist his support for immediately negotiating with the Soviets for meaningful arms reductions. Working together, we can make this world a much safer and saner place.●

ABOLISH THE DEPARTMENT OF EDUCATION

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. ROUSSELOT. Mr. Speaker, for some time now, many of my colleagues and I have been stating that the Federal Government would be better off without the Department of Education. Finally, we are seeing evidence that the majority of the American people and the administration agree with us. The Federal Government does not belong in the education business.

Today, my office received 454 individual petitions from my constituents in California calling for the abolishment of the Department of Education. It is likely that a great many of you received these petitions also. We have a President and an administration who agree with us and have begun dismantling the Department of Education in the 1983 budget. It will be replaced with the Foundation of Education Assistance. This is a constructive and positive proposal and the President deserves our wholehearted support on this one.

My constituents are concerned over the immense amount of money the Federal Government is spending for the Department of Education—$15 billion in 1980. That is a lot of money for Federal control of education. Since the beginning of the Department of Education, the education of our children has not improved. As a matter of fact, our teachers have just become bogged down complying with Federal paperwork. Let us give our State and local school boards a chance—they know what is best for our children—the Federal bureaucrat does not.

Let us do what our constituents want us to do. Let us bring education home where it belongs.

For your information, I have included a copy of one of the petitions I received today. I believe they say it as well as I can:

OFFICIAL PETITION TO THE U.S. HOUSE OF REPRESENTATIVES

Whereas: The federal government's Department of Education bureaucracy spent $15 billion of our tax dollars in 1980.

Whereas: The Department of Education is almost totally controlled by the Union officials from the National Education Association Teachers Union (NEA).

Whereas: Department of Education funds have been used to promote unionism in all public schools, to promote federal control over all local schools, and even to pay for meeting halls which are totally controlled by NEA Union Officials.

Now therefore: I ask you to use your influence to keep control of schools where it should be: *at the local level.* And I further ask that you support legislation to shut down the Department of Education.●

THE CAR RACE

HON. BOB SHAMANSKY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. SHAMANSKY. Mr. Speaker, I would like to share with my colleagues my article which appeared in the New York Times, February 1, 1982.

The article follows:

[From the New York Times, Feb. 1, 1982]

TO JOIN THE CAR RACE

(By Bob Shamansky)

WASHINGTON.—Volkswagen of Wolfsburg, West Germany, is whizzing past General Motors, Ford, and Chrysler of Detroit in the race to develop the world's next generation of fuel-efficient automobiles.

Can the United States do better than the West Germans in producing such cars? Emphatically, yes—but only if our Government subsidizes a contest, open to all American industries, for the design and test-marketing of such a vehicle.

Volkswagen has developed a diesel-engined car that gets 90 miles per gallon on Environmental Protection Agency tests and 70 miles per gallon in everyday use. One special feature is a flywheel that captures and stores energy during stops, say, for lights, until that energy is recalled to start the car moving again. This Volkswagen should be ready for marketing in about three years.

The stakes for the United States in this race are enormous: the survival of our biggest manufacturing enterprise, the economic and social health of the Midwestern industrial heartland, and an even worse deficit in our balance of trade if we lose. Already, imports—excluding American-style cars from Canada—take nearly 27 percent of the new car market.

The Battelle Memorial Institute, in Columbus, Ohio, a nonprofit, private research institute, conducted automotive and energy studies well before Volkswagen announced plans for its new vehicle. The research showed that the United States can build a four-passenger vehicle with a normal luggage load that can get 100 miles to 105 miles per gallon with a diesel engine and 80 to 86 with a gasoline engine. The car can sell for $6,000 in 1981 dollars, can have a median life of 100,000 miles, can meet all environmental and safety standards, can use existing technology like the flywheel, and can be developed in three to five years.

Aren't our auto companies working to beat the West Germans—and the Japanese, who certainly are not sitting on their hands—in this race? There is no indication that they are. At hearings held in Detroit in July by a panel of the House Science and Technology Committee, no evidence was presented by any company that it even believed that such a car was a practical goal. Our auto makers will be lucky to recoup the tens of billions of dollars invested by them in getting their cars up to the 20-to-40 mile-per-gallon range.

Who will develop such a vehicle if our automobile companies won't? Dr. Sherwood Fawcett, president of Battelle, testified in Detroit that his firm trusted its research enough to invest $20 million of private funds in developing such a vehicle—if there were a practical way to test-market the vehicle once it was developed by the private sector. He believes that various American companies would also invest their own funds under similar circumstances.

How could such a car, once designed, be test-marketed? The United States Government buys its military aircraft from competing manufacturers who spend their own money developing planes to meet specifications established by the Pentagon. Let us apply the same principle of competition to develop this badly needed new car.

The Government should establish a contest open to all American companies that want to invest their own funds to develop an auto to meet the specifications that will enable them to outdo the European and Japanese competition in the next round.

As with military aircraft, any firm whose entry met the specifications would recoup the costs of developing such a car from the Government. The firm with the best entry also would get the additional financial encouragement of having the car built in sufficient numbers to be test-marketed on a scale large enough to establish public acceptance. The test-marketing would be crucial because prototypes by themselves are only half the story.

Today, there are fewer American manufacturers in the automobile field than ever before. Yes, they have competition, but the competitors are European and Japanese. For reasons that graduate schools of business administration will be seeking to explain for years to come, our auto makers apparently have lost their touch when it comes to innovation.

A competition open to all American companies would offer the only practical way of bringing the nation's engineering and manufacturing skills to bear in the race. Government assistance to business does, indeed, have a checkered history. However, if Government-financed competition is indispensable in order to build the cars of tomorrow—and I believe it is—we must go ahead soon. The cost to the Government of conducting a valid test in the market would be known in advance. The money would be spent only after the private sector had invested its own funds for development. The potential benefit to the nation, if we succeeded, would far exceed any public-sector investment.

(Bob Shamansky, Democrat, represents the 12th District of Ohio, which includes Columbus, in the House. He is a member of the Science and Technology Committee.)●

A TRIBUTE TO OUR BLACK FLAG OFFICERS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. FOGLIETTA. Mr. Speaker, last week, Washington, D.C. played host to a distinguished gathering. Secretary of Defense Weinberger, the Joint Chiefs of Staff, the Secretaries of the Army and Navy, and the other 2,000 Americans attending, had come together to honor the 76 black generals and admirals who have served in our Armed Forces. This was the first such occasion of its kind in the history of our Nation, and I am privileged to have had the honor of representing not only my district in Philadelphia, but also my colleagues in the House of Representatives. I would like to share my remarks with my colleagues.

It is a privilege and an honor for me to be here with you tonight. I know that I speak for all of my colleagues in the House of Representatives when I offer my praise of your achievements, and my thanks for your dedication. It is because of people like you that our Nation is secure tonight.

As we gather to pay tribute to our black flag officers, I feel it only appropriate that we recognize the contribution of every black American who has given himself in military service. Somehow, it seems that our history books have forgotten the contributions of blacks to our country.

Somehow, it seems that many people have forgotten the black servicemen who did not come home from our wars. And perhaps saddest of all, many Americans managed also to forget those blacks who did come back.

You are a living example of achievement, having reached the top of your profession. You have dedicated your lives to make this land safe, to keep us strong—not so that we can go to war, but that we might remain at peace. I know that every person in this room, many of whom are schooled in war, wants no part of war. That every time we are trained to kill, we hope never to kill. That as we have a duty to militarily serve our country, we pray that our children will not need to so serve. Your willingness to sacrifice for our country gives hope to all of us who want the United States to remain the greatest Nation in history. Let that hope be realized in peace.

For my part, I pledge you my support in guaranteeing you the wherewithall, the supplies, and the money, that you must have to fulfill your mission—to protect this land. As a Member of Congress, I offer you my partnership in meeting your needs. I am an advocate of reform—but reform does not mean less defense, it means better defense. It means defense with weapons that work. Defense with soldiers that are adequately trained. Defense with weapons that are most cost effective, so they will be available in sufficient numbers when needed.

This tribute, coming as it does in Black History Week, is a part of our national commitment to honoring our black generals and admirals; men and women to whom we have given a terrible trust—you are charged with keeping this land free, with making it a place where we can pursue our dreams.

Your are leaders and examples for all Americans. On this night, when finally we pay you our respect and our thanks, I can only add my voice. You have turned in a job well done—but the job has only begun.

Tonight's program is a beginning. One day I hope to participate in a program which honors all flag officers and generals of every race and creed; which honors all veterans of every religion and color. I hope that you too, will work toward that goal—a goal of honoring all Americans who like yourselves, are working to preserve our way of life, and in fact, to make this great Nation an even greater place in which to live. Thank you and God bless you.●

WINNING A STAKE IN AMERICA

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. EVANS of Delaware. Mr. Speaker, I rise to commend a new private sector jobs training initiative, "Winning a Stake in America." This bold program has been undertaken by the life and health insurance companies of America, with other representatives of the business community.

In a recent meeting several Members of Congress have agreed to work with the chief executive officers of the insurance companies, to examine new approaches to job training through a private-public partnership. Together we will closely review any proposed jobs training legislation, drawing on the vast experience of the private sector to insure a successful approach to a vital issue.

Initiatives such as the one undertaken through the Center for Corporate Public Involvement will allow us to avoid many of the mistakes of the past, while insuring that hope and opportunity remain central to the American dream.

I ask unanimous consent to include in the CONGRESSIONAL RECORD a summary of the program, "Winning a Stake in America."

SUMMARY

Building upon a 15-year program of public involvement by its companies, the life and health insurance business, working in partnership with other business organizations, has committed itself to help stimulate and support voluntary community initiatives designed to help train and place more hard-to-employ disadvantaged citizens in permanent, private-sector jobs.

The initiative will concentrate particularly upon hard-to-employ disadvantaged youth and young adults, single low-income women with children, and those with special problems such as ex-offenders and drug abusers.

Working at the community level in tandem with other businesses, the schools, civic and community-based organizations, labor, and local and state governments, this initiative by life and health insurance companies will attempt to help:

(1) Identify hard-to-employ disadvantaged citizens in a community who can be placed in private jobs through improved job information, training, and placement;

(2) Inventory private job openings in a community for which hard-to-employ disadvantaged citizens can be recruited and trained;

(3) Improve opportunities for hard-to-employ disadvantaged citizens to gain basic skills required in private jobs;

(4) Help hard-to-employ disadvantaged citizens with special problems such as low-income single women with children, ex-offenders, and drug abusers, cope with these problems as a pre-condition to finding and holding a private job;

(5) Provide pre-job exposure of hard-to-employ disadvantaged citizens to the requirements of the private job market and workplace so that they can gain the know-how and confidence required to find and hold a job; and

(6) Assist businesses in providing compensatory on-the-job training and counseling to help hard-to-employ disadvantaged workers upgrade their jobs and income.

Life and health insurance companies can bring five special strengths as partners in voluntary community initiatives to deal with the problems of the hard-to-employ disadvantaged citizen:

Leadership from company chief executives and other officers to galvanize a special community-wide or company-sponsored initiative;

Volunteered time from employees and affiliated agents to help provide instruction, counseling, information, job placement, and administrative and financial management for a community-wide or company-sponsored initiative;

Investments in job-creating commercial, industrial, and residential projects that provide special opportunities to train hard-to-employ young adults while permanently improving the job base and physical well-being of communities and neighborhoods;

Financial contributions to community education, training, counseling and placement projects and day care drug and alcohol abuse, and ex-offender rehabilitation programs; and

Company hiring and personnel development programs designed to place and train more hard-to-employ disadvantaged citizens in jobs within the life and health insurance business.

The Center for Corporate public Involvement, working closely with such organizations as the National Alliance of Business, the Committee for Economic Development, the American Bankers Association, the U.S. Chamber of Commerce, National Association of Manufacturers, the National Institute for Work and Learning, and the Academy for State and Local Government, will provide information and technical advice on request to any company planning and implementing its own program or participating in a community-wide effort. A team of expert consultants convened by the Center will be available to any company on call.

The Center will also serve as a clearinghouse and regularly disseminate information useful to companies, monitoring and reporting on their experience and progress.

The director of the center is Mr. Stanley G. Karson, 1850 K Street NW., Washington, D.C., 20006 (202) 862-4047. Additional information is available through the center.●

INCOME TAX PAYMENTS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. PEYSER. Mr. Speaker, it has been my practice since first entering the Congress to insert my total taxes paid each year in the RECORD. For the year of 1981, I paid a total of $19,830 in local, State, and Federal taxes.

I might say at this point that it is my hope that we will defer the scheduled 10-percent tax cut. While I am as hard pressed financially as any middle-income family with children in school, I think it is far more important for our overall well-being to defer this tax cut of 10 percent to reduce the deficit in the national budget and to lower interest rates.●

CUSTOMS SERVICE MAKES LARGEST COCAINE SEIZURE IN HISTORY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. FASCELL. Mr. Speaker, the U.S. Customs Service seized 3,748 pounds of cocaine, with a street value of $950 million, at Miami International Airport yesterday. The seizure was due to the alertness of a single customs inspector, Mr. Al Tagliaferro, and he certainly deserves our highest commendation for this achievement.

However, such seizures are normally the result of the work of dozens or more agents, months of investigative work and the cooperation of a number of Federal, State and local agencies working together. It requires a strong, on-going commitment at the highest levels of Government of the personnel, equipment and resources to make a dent in the huge illegal drug business in the United States.

The administration has recently assigned a Federal task force to south Florida to attack the related problems of crime, narcotics trafficking and illegal immigration which have afflicted this community. The task force has pledged a temporary influx of scores of additional agents and money into the State of Florida for this purpose and this is indeed welcome and long-awaited.

However, this response has not yet gone into action and the seizure yesterday was not a result of this effort, since the additional agents are not expected to arrive until next week. In addition, the administration has made it clear that this concentrated effort can only be maintained on a temporary basis.

Mr. Speaker, it is clear that while this effort is under way and the "heat" is on, there probably will be a temporary reduction in the volume of drug traffic. This is fine and I am all for it. However, past experience has shown that as soon as the extra agents are removed from the area, it comes right back. This happened when the Carter administration assigned a special drug task force to south Florida and it seems logical that it will happen again this time.

The only way to insure a definitive success in putting a stop to this insidious problem is to increase, rather than reduce, the budgets of our Federal law enforcement agencies, including the FBI, DEA, Coast Guard, and Customs Service, along with INS, so they can carry out their investigations and enforcement activities with constant pressure and continuity. A 6-month, or even a year-long effort is helpful. It's certainly better than no concentrated attack at all. But it is simply not enough. I urge our colleagues to keep this in mind as we consider budget and appropriations measures in the months to come.

I believe as strongly as anyone that we must cut Federal spending and the outrageous deficit being proposed by this administration. But we cannot balance the budget at the expense of the health and physical safety of our citizens who are being terrorized by the criminal activities of the narcotics industry.●

THE PERSONAL SIDE OF GSL CUTS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. GARCIA. Mr. Speaker, today I am introducing for the RECORD a letter from a student in my district expressing the personal effects of cuts in the graduate student loan program. Too often, we as representatives of the people fail to understand the personal significance of the decisions we make regarding cuts in social programs.

Here elegantly expressed by Cristino Orengo, Jr., a student from my district in the South Bronx, are the questions and concerns many of my colleagues never hear or address themselves to. I urge my colleagues to read the following letter and consider the personal consequences students all over this country face as a result of further reducing educational programs.

BRONX, N.Y., *February 1, 1982.*

Hon. ROBERT GARCIA,
House Office Building,
Washington, D.C.

DEAR MR. GARCIA: I am writing this letter to your offices in response to the New York Times article on Sunday, January 31st of this year in which it outlines President Reagan's proposal to discontinue financing of the Graduate Student Loan Program as part of his budget cutting proposals for the next fiscal year.

Having lived in the South Bronx for the better part of eighteen years I have become impervious to many of the fears endemic to this region, yet upon reading of this proposal I am truly afraid. I am afraid because I am one of the fortunte few who was accepted to law school, one step in my aspirations to become an attorney. To understand my fear you must also understand the responsibility I bear in being a source of pride for parents who have a son who as a recent Oberlin College graduate, is the first college graduate in their respective families and is now an accepted member of Boston University's School of Law. This represents a spectacular achievement for people who never went beyond the fourth grade in Puerto Rico. My parents do not understand budget cutting proposals or supply side econometrics but they do understand that if I do not get sufficient financial assistance such as a GSL loan I will not be able to attend law school, a situation they will only perceive to be a failure on their parts for not being able to provide the funds themselves. Mr. Garcia, how do I explain to my parents that it is not their fault that I cannot attend law school if this proposal goes through the House? Mr. Garcia, tell me how to explain to my parents that I intend to study the mechanisms of serving justice when the Executive branch of our government will effectively deny that very same justice to thousands of law, medical, and business students by cutting their main source of financial aid? And finally Mr. Garcia, will you tell me how I can tell my parents that this country's graduate schools are not the exclusive bastions of the very rich, and not for the likes of us, when even I will not believe it if this legislation is passed?

I appeal to you Mr. Garcia on behalf of myself and the many other student constituents of your District to vote against this proposal as well as rally your influential support on our behalf.

Thanking you in advance, I remain,
Sincerely your,
CRISTINO ORENGO, Jr.●

FATHER TANZOLA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. WOLF. Mr. Speaker, I would like to share my sympathy with the gentleman from Wisconsin, Congressman SENSENBRENNER, for the loss not only of a valuable member of his staff, but of a good friend to us all. I have known Father Tanzola since 1978 and his death came as a shock to all who knew him.

Father Tanzola was a multifaceted individual. Not only was he actively involved in civic affairs but a large part of his energy was devoted to the cataloging and preservation of the world's valuable manuscript collections, a typically selfless cause.

Father Tanzola was a warm, gentle, and loving person: The type of individual who would totally give of himself without expecting anything in return. He was an inspiration to all of us who knew him. Father Tanzola will be deeply missed. I am happy to have been one of those fortunate enough to have known him.●

ENDOWMENT BUDGET PROPOSALS

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. MOFFETT. Mr. Speaker, the President's fiscal year 1983 budget has been receiving quite a lot of press coverage lately. There is hardly a section of that budget proposal which has not startled, dismayed, or otherwise galvanized both Congress and the public at large. The deficit is extraordinary. The defense budget is a behemoth. The student financial assistance proposal is a disaster. And those are just a few of the concerns being raised.

Last year, when the administration was threatening the Endowment for the Arts and the Humanities with extinction, its supporters made it very clear that the arts are not a frivilous pastime. Although some of my colleagues may consider the endowments as inessential, the arts centers they help to support are in integral part of a community's financial well-being. It is the small organization which is now threatened by the fiscal year 1983 budget proposals for the endowments and I think it important that we examine this problem closely.

I therefore commend to your attention an excellent analysis of the proposed endowments budget as it affects the smaller art groups, written by Mr. Frank Merkling, chairman of the Commission on the Arts in New Milford, Conn. This thoughtful commentary should be kept in mind as the budget process continues. Please remember that the demise of a small art organization is yet another service lost to the community. On another, perhaps higher level, such a demise may well mean the loss of striking new talent, and the ability to appreciate it.

[From the News-Times (New Milford, Conn.), Feb. 26, 1982]

ARTS BUDGET AX FELLS TWIGS, NOT TREES

(By Frank Merkling)

Guess who's going to suffer most from the continued application of supply-side economics to the arts?

Why, the little fellow, of course.

A front-page article in The New York Times last week predicted that whereas large arts organizations will not be hit too hard by proposed cuts in the budget of the National Endowment for the Arts, smaller ones will "tend to play it safe" when they are not forced to shut down altogether.

Thus an instititution like the Metropolitan Opera, which relies on federal funds for perhaps 5 percent of its budget, stands a better chance of surviving further cuts than a local dance or theater group that may depend on the endowment for as much as 25 percent.

The endowment proposes a reduction of almost 30 percent—from $143 million to $101 million—over the current figure, itself a reduction of almost 19 percent over the figure for 1980-81.

In other words, in two years the amount of support from Washington has been cut nearly in half.

This at a time of double-digit inflation and a general hesitancy on the part of the private sector to pick up the tab.

If President Reagan thinks that business, for example is going to rush to the aid of the little arts organization, he may have another thought coming.

According to The New York Times article, the withdrawal of "the imprimatur of Government support" from the arts may well cause business to seek its tax deductions—a percentage already reduced by the Economic Recovery Tax Act of 1981—via other channels, notably social-service programs.

(The Tax Act, which lowers the rate at which corporations may claim a deduction, is expected to result in the loss of a colossal $18.3 billion in charitable contributions over a three-year period.)

Sounds like the good old domino effect, doesn't it?

Whatever you choose to call it, arts administrators are digging in for a rough time.

They expect to have to cater to the consumer, his purchasing power already down, by programming more items of a sure-fire nature and by taking fewer chances on experimental ventures.

In Connecticut, the American Shakespeare Theatre and the Connecticut Ballet have filed for bankruptcy. The Hartford Stage Company "may be forced to drop large-cast plays and its lunchtime theater series," the Times reports.

Other valuable projects that stand in jeopardy are touring companies, performer training and school programs, all of them deemed essential to the development of artists and audiences for the future.

Since the group hit hardest by all of this is nonprofit theater, whose operating expenses increased last year by almost 23 percent, no one is likely to suffer more from the proposed cuts than the American playwright.

Perhaps suffering is good for the soul, or at least good for artistic creation.

One thinks of Henry Moore's drawings of the London Underground during the air raids in World War II, of Italy's masterly postwar films, of the recent dramas of black experience by Ntozake Shange and Athol Fugard.

The performing arts are another matter, though. How are we going to see new plays, hear new symphonies, enjoy new perceptions of movement by a Paul Taylor or a Twyla Tharp unless there are people around to put them on?

Don't look to the state arts councils to pick up the tab, either.

The New York State Arts Council may be lucky—Gov. Hugh Carey proposes cutting its allotment from $32.5 million this fiscal year to $32.4 million next year—but Connecticut's Commission on the Arts is fighting to keep its current budget of only $866,254 (down from a high of $1.3 million two years ago) from being sliced still further.

Through its ConnTours program the Connecticut commission, like those of other states, has in addition received federal funds to underwrite as much as 33⅓ percent of an organization's fee for a local performance, thus disseminating music and dance and children's theater among communities that otherwise could not afford them.

Needless to say, if less is being channeled from the top there will be less to trickle down to the community level.

And so it goes. The little fish is going to be in trouble when the pond dries up—not the shark or the whale, which can always be relied upon to thrash its way closer to mainstream sources of supply.

How undemocratic can you get?●

SOUTH KOREA

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. BONKER. Mr. Speaker, last week the Government of South Korea announced it was granting amnesty to over 300 political prisoners in order to celebrate the first anniversary of the inauguration of President Chun under the new Korean Constitution. As one who has been critical of that Government's human rights record, I welcome this amnesty. It is a step in the right direction and one that should be followed by other similar acts in the near future.

I specifically welcome the reduction of the sentences of the popular political leader Kim Dae Jung and his associates. I look forward to the day when he and the other political prisioners are released.

It is my hope that in order to further the unity of South Korea and the reconciliation of the Korean people, President Chun will continue on this course until all political prisoners are free.●

STATEMENT OF THE FORTHCOMING VISIT OF PRESIDENT SIAD BARRE OF SOMALIA

HON. ARLEN ERDAHL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. ERDAHL. Mr. Speaker, on Wednesday, March 10, 1982, the state visit of the President of the Democratic Republic of Somalia, Maj. Gen. Siad Barre, began.

May I take this opportunity to welcome the President to the United States and assure him that we, in the Congress, are willing to work for cordial and fruitful relations between his country and the United States and that we support the administration's policy in this respect.

We have understanding of his many problems in the economic field due to the influx of close to 2 million refugees from the Ogaden and are conscious of his legitimate defense needs.

We also hope that through patient negotiations and mutual restraint the area could be spared of further warfare and peace can be achieved in this strategic part of the world.●

A FOUR-POINT PROPOSAL FOR ECONOMIC RECOVERY

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. HEFTEL. Mr. Speaker, the time has come for Congress to take serious actions to correct the disastrous policies that were set in motion last year. The President's program of large tax cuts and a massive defense buildup has produced an expansionary fiscal policy likely to yield triple-digit budget deficits into the foreseeable future. The prospect of these huge deficits guarantees that the Federal Reserve Board will continue its restrictive monetary policy, extinguishing hopes of an early recovery from the current recession.

In fact, I am afraid that existing economic policies will only aggravate and prolong our present malaise. Tight money and large deficits have squeezed credit dry, and have boosted real interest rates to record levels. Unemployment, bankruptcies, and inventories are near postwar highs. Credit sensitive industries such as housing and autos are careening toward disaster. Our savings and loan institutions are hard pressed, and many are near ruin. Our Nation is floundering in an economic morass.

We must now give serious consideration to new ideas for economic revitalization. Central to the success of any new program is close cooperation and coordination among the President, Congress, and Federal Reserve Board. However, we will never achieve this cooperation without a comprehensive program that directly attacks large deficits, high interest rates, economic uncertainty, and lagging productivity while insuring a low rate of inflation over the long term.

As a member of the House Ways and Means Committee, I want to share with my colleagues some proposals that I believe merit serious attention. I present these proposals as a four-part package because only a comprehensive approach to solving our economic problems will work. Briefly, we must first take drastic action to reduce the looming budget deficits; second, we should adopt an explicit incomes policy that uses tax incentives (and disincentives) to apply direct downward pressure on prices, which would restrain inflation while encouraging increased productivity; third, the President, Congress, and Federal Reserve Board should begin immediately to work in a cooperative effort to coordinate monetary and fiscal policies; fourth, we must replace the inefficient and wasteful tax breaks given to business last summer with an efficient program of immediate asset expensing and targeted refundable tax credits.

Mr Speaker, the details of this proposal follow:

SLASH THE DEFICIT

The need to reduce the gaping budget deficits proposed by the Reagan administration is widely recognized in Congress. Dramatic actions are needed to bring the budget under control, thereby easing Government credit demands, lessening pressure on interest rates. Proposals by Congressmen **PANETTA**, **GEPHARDT**, **MINETA**, and **WIRTH** are promising steps in the right direction. Using these and other ideas as a start, Congress must develop a realistic alternative to the Reagan plan.

INSTITUTE A WAGE-PRICE POLICY

At the heart of the present high interest rates and economic stagnation is widespread uncertainty over future economic conditions. This uncertainty, coupled with the tight money policies of the Federal Reserve, has dried up funds for crucial long-term investment. As a result, the liquidity position of many businesses and institutions is extremely shaky.

Under these conditions, an explicit policy which directly attacks the causes of economic uncertainty is necessary to complement the actions of the Federal Reserve. Specifically, a "second lever" is needed on inflation, so that the Federal Reserve can liberalize its monetary policy without triggering a new round of stagflation. This second lever is a wage-price, or incomes policy, which applies direct downward pressure on wages and prices, and controls inflation while improving productivity.

One such proposal deserving further consideration is a tax-based incomes policy (TIP) proposed by a number of economists—most recently by Laurence Seidman of Swarthmore College. A TIP would exert direct pressure on wages and/or prices using our tax system, without the need for rigid controls and large bureaucracies.

A TIP might work as follows. A guidepost for annual price increases would be established by the Government at, say 4 percent. A sliding scale for the corporate income tax would then be established to reward or penalize corporations' price behavior relative to this guidepost. The program would be mandated for the 2,000 largest corporations who account for roughly half of the gross national product and would be optional for all other firms.

For example, if a company increases its prices by an annual average of 4 percent, meeting the guidepost, it might be taxed at a 36-percent rate. For every 1-percent increase in excess of the guidepost, its tax rate might rise by 5 percent; for every 1-percent increase below the guidepost, its tax rate might be reduced by 3 percent. A company which raised its prices by only 2 percent would thus be taxed at a 30-percent rate; an 8-percent annual price increase would lead to a 56-percent tax rate. It, therefore, becomes increasingly unprofitable for a company to raise its prices. Thus, a TIP directly discourages inflationary behavior.

To control cost inflation, performance-based compensation (PBC) should be mandated to more closely link wages to prices and productivity. One such PBC plan could be adapted from a recent proposal by economist Daniel J. B. Mitchell of UCLA. For all corporations subject to the TIP, the Government would require that a certain percentage of yearly employee compensation, say 30 percent, be subject to a performance-based formula geared to annual net corporate profits. The remaining percentage, 70 percent, would be considered the base wage, independent of the company's year-to-year financial condition.

Consider a negotiated annual wage increase of, say 6 percent, at Company X. If the company experienced a poor year, the PBC formula might yield only a 2-percent allowable wage increase. The employees would then receive an overall wage increase of 4.8 percent—6 percent times 0.7 plus 2 percent times 0.3 equals 4.8 percent. If the company, instead, had a good year, the same PBS formula might yield a 10-percent increase, and overall wages would increase by 7.2 percent—6 percent times 0.7 plus 10 percent times 0.3 equal 7.2 percent. Employees would thus have a direct stake in the profitability of their company. To make the program more attractive to workers, a $250 to $500 annual tax credit could be provided for each PBC participant.

A TIP/PBC program would encourage both business and labor to hold down price increases and improve productivity. The initial costs of this program could be defrayed by revising certain controversial elements of the recently enacted tax law such as the "safe harbor leasing" provisions and the oil windfall profit tax exemptions. The benefits of this incomes policy would be immediate and positive. The Fed would no longer be alone in the inflation battle and would consequently be able to loosen its grip on credit, thus lowering interest rates. As a permanent program, TIP/PBC would dramatically lower inflationary expectations, and encourage long-term, productivity-boosting investments.

COORDINATION OF FISCAL AND MONETARY POLICIES

In concert with the TIP/PBC program, the President, Congress, and Federal Reserve should develop a binding agreement on the proper conduct of monetary policy. The Fed, in exchange for deficit reductions and the TIP/PBC program, should agree to loosen its grip on the money supply, easing credit and promoting economic growth. Money supply targets could be matched to wage-price guidelines and deficit projections, allowing credit to expand in proportion to fiscal conditions. Such a coordination between fiscal and monetary policies is absolutely essential if we are to lower interest rates, reduce economic uncertainty and guide our economy onto a stable growth path.

BUSINESS TAX REFORM

The recently enacted accelerated cost recovery system (ACRS) should be repealed in favor of immediate expensing, which is more efficient, equitable and cost effective. Whereas ACRS biases capital spending in favor of certain investments with no inherent economic justification, expensing provides equal treatment to all tangible assets. Moreover, expensing is significantly less costly than ACRS, since it does not subsidize unproductive investments. Expensing was offered as an alternative to ACRS last year by me and my fellow Democratic colleagues on the Ways and Means Committee, and should be offered once more as the failure of ACRS becomes increasingly evident.

In addition, the "safe harbor leasing" provisions should be repealed in favor of targeted refundability. Unlike leasing, refundability requires no horsetrading among "lessors", "lessees", and innumerable brokers and dealmakers. Refundability eliminates the middleman and, instead, provides 100 percent of the benefits to the intended recipients. Under this system, companies with no tax liabilities would apply directly to the Internal Revenue Service for cash refunds of the unused credits or deductions. Refundability, unlike leasing, can be easily structured to aid only deserving companies—simple rules could be established for eligibility, according to company profitability, size, and earnings history. As a result, refundability would more directly, equitably and efficiently address the needs of America's unprofitable and rapidly growing companies.

CONCLUSION

Mr. Speaker, never has there been a more pressing need for bold, innovative ideas to revitalize our economy. As the failure of Reaganomics becomes increasingly apparent, we in Congress must have the courage to offer viable, constructive alternatives. I offer the program just outlined as one such alternative. I urge my colleagues to consider this proposal as the start of a constructive bipartisan dialog. None of us—neither Democrats nor Republicans—can long accept the status quo of economic stagnation.●

EL SALVADOR

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. FINDLEY. Mr. Speaker, I am extremely concerned by the continued presence of U.S. military trainers in El Salvador. I believe that the functions they are performing could be carried out adequately by civilian contractor personnel or by military training of Salvadoran soldiers in the continental United States.

Maintaining a U.S. military training team in El Salvador only offers a tempting target for terrorists and indicates the likelihood of an ever-deepening U.S. military involvement. Yet, it is clear that public sentiment in the United States opposes direct American military intervention in El Salvador.

I would urge the administration, once the Salvadoran elections have occurred on March 28, to remove the U.S. military training team from El Salvador and find other means to extend its support to the democratically elected representatives of El Salvador.●

NATIONAL INTERNATIONAL LANGUAGE WEEK

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. CORRADA. Mr. Speaker, in recognition of the importance of foreign language training in completing a rounded education, the President has designated March [illegible] through 14 as "National Foreign Language Week." The United States cannot ignore the need for a populace which can carry on an exchange of ideas with the peoples of other countries and other cultures.

As the elected representative of over 3.2 million Spanish-speaking American citizens, I can testify to the importance of maintaining a store of human capital which can communicate successfully with persons of divergent linguistic backgrounds. Puerto Rico is proud to claim widespread bilingualism among its inhabitants, due in a large part to the emphasis on English language instruction beginning in the early grades.

As technology improves, commercial and economic ties strengthen, and cultural interchanges draw the nations of the world together, the United States must insure that the future generation of its citizens are sent well equipped into the complexities of their environment. Each person must be given the opportunity to grasp concepts and communicative skills necessary to understanding and effectively dealing with members of other cultures.

As the emphasis in education during the Kennedy years focused on science and technology, our schools must also strive to regain the dedication to excellence in language skills. We must not permit our Nation to become inadequate in the ever increasingly crucial realm of international affairs and only by actively encouraging a renewal of interest in foreign language instruction can we hope to compete with other nations.

Mr. Speaker, soon the House will consider H.R. 3231, the National Security and Economic Growth Through Foreign Language Improvement Act, which is designed to enhance U.S. national security and our competitiveness in international markets by encouraging the study for foreign languages. I would hope that my distinguished colleagues would support this legislation, as it would specifically address the interests we defend in celebrating National International Language Week.

The United States must break away from its sense of isolationism and recognize the benefits of an active interaction with other nations, as well as the ramifications of deterioration of language skills to the security of our country. We must do all in our power to actively support programs of language instruction and to provide motivation for continued study in this field among our students.●

INDEXING IRA ACCOUNT LIMITS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. PETRI. Mr. Speaker, as one who supported liberalization of individual retirement accounts (IRA's), I was pleased that several tax law changes, including universal eligibility and higher contribution limits, were adopted last year.

One further change should be made. We need to protect last year's IRA gains from erosion through inflation. Two thousand dollars of IRA contributions per year may be an adequate limit in 1982, but 10 years from now inflation may cut the value of that limit in half. People who have been led to make a longrun commitment to providing their own retirement income may gradually find that the contribution limits are inadequate to support that commitment.

Accordingly, last Thursday I introduced H.R. 5741, which would index IRA contribution limits for inflation beginning in 1983. This bill uses the indexing mechanism adopted for individual income tax brackets in last years's tax bill.

The only major objection to this bill will probably be the revenue loss it would eventually cause for the Treasury. However, close examination reveals that in the short and intermediate term, Government revenue losses are more than matched by private capital increases.

For example, this year it is estimated that there will be $20 billion of IRA contributions nationwide, of which $7 billion, or 35 percent, will be new savings; that is, savings that otherwise would not have been made. On the other hand, the $20 billion is excluded from taxable income, so the revenue loss to the Treasury is $20 billion times the average marginal tax rate paid by those making the IRA contributions. If their average marginal rate is 35 percent, the revenue loss is $7 billion, exactly balancing the new capital raised. If their average marginal rate is less than 35 percent—which occurs in 1982 at a taxable income of $32,000 to $37,000 for a childness married couple—there will be a net gain of funds for the capital markets.

After the currently scheduled individual income tax rate cuts are completed next year, the top rate will be only about 38.5 percent. Thus if 35 percent of IRA contributions continue to be new savings, the revenue loss from this bill will be more than offset by increased private capital formation.

This is a simple bill, and I urge my colleagues to support it. I also ask that the bill be printed in the RECORD at this time.

H.R. 5741

A bill to amend the Internal Revenue Code of 1954 to adjust the dollar limitations on the deduction for retirement savings for increases in the cost of living

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 219 of the Internal Revenue Code of 1954 (relating to retirement savings) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) INFLATION ADJUSTMENTS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1982, each of the provisions referred to in paragraph (2) shall be applied by increasing each dollar amount contained therein by the inflation adjustment for such calendar year. Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $10.

"(2) PROVISIONS AFFECTED.—For purposes of paragraph (1), the provisions referred to in this paragraph are:

"(A) Subsections (b)(1)(A), (b)(4)(A)(i), and (c)(2)(A)(i) of this section.

"(B) Subsections (a) and (b) of section 408 and the first sentence of section 408(d)(5)(A).

"(C) Subsection (a)(4) of section 409.

"(3) INFLATION ADJUSTMENT.—For purposes of this subsection, the inflation adjustment for any calendar year is the percentage (if any) by which—

"(A) the CPI for the preceding calendar year (as defined in section 1(f)(4)), exceeds

"(B) the CPI for calendar year 1981 (as so defined)."

(b) The amendment made by this subsection shall apply to taxable years beginning after December 31, 1982.●

TURKEY RUN FARM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. WOLF. Mr. Speaker, I want to share with my colleagues the outstanding work being done by a group of civic leaders in Virginia's 10th Congressional District to save Turkey Run Farm. Just over a year ago in response to concern about the possible closing of this re-created 18th century working class farm the Friends of Turkey Run Farm, Inc., was formed. Since June 7, 1981, this nonprofit, tax-exempt foundation has operated Turkey Run Farm in cooperation with the National Park Service. What follows is a newspaper article which appeared in the Loudoun Times Mirror regarding the effort to create an endowment to secure the long-term support needed for this quality educational program. I want to commend Dr. Claude Moore and the many division chairmen of the drive to create this endowment for their generosity on behalf of the children of the greater Washington, Maryland, and Virginia area.

The article follows:

FARM GETS $250,000 OFFER

The Friends of Turkey Run Farm, Inc., have announced a fund drive campaign to match a $250,000 challenge made by Dr. Claude Moore, 89, of Loudon County for the purpose of creating an endowment fund to provide income for the McLean area farm's future operation.

Moore has agreed to invest $250,000 to underwrite the farm if the group can raise a like amount by April 30.

Supporters of Turkey Run Farm joined by Sen. John Warner and 10th District Representative Frank Wolf met at Evans Farm Inn in McLean to honor Claude Moore, a former radiologist, Loudon County farmer and honorary president of the National Wildlife Federation, and to kick off the group's fund drive.

"The Claude Moore challenge represents the second phase of the campaign to save Turkey Run Farm," said Dr. Joseph Harsh, president of the "Friends" organization and chairman of the History Department at George Mason University.

"Dr. Moore's challenge will be a test of the degree of community support for the farm," said Congressman Wolf. "I am hopeful a successful campaign will support the farm well into the future."

Sen. John Warner was enthusiastic about the prospects for the fund drive.

"As former administrator of the Bicentennial, I am aware of the ability and willingness of the American people to support valuable projects like Turkey Run Farm and I believe this particular effort will be met with tremendous success," Warner said.

Turkey Run Farm is a working re-creation of an 18th-Century colonial farm. It is located on 120 acres just behind the Central Intelligence Agency off Rt. 193 in McLean. Because of budget restrictions, the National Park Service was forced to close the farm briefly last March. But the farm had become so popular, especially for grade school field trips, that local leaders and citizens formed the Friends of Turkey Run Farm, Inc., a tax exempt foundation, and were able to raise enough money to keep it open.

The honorary chairmen of the campaign are Mrs. George Bush, wife of the vice president, Mrs. Charles Robb, wife of Virginia's Governor, and Warner and Wolf.

Chairmen of divisions of the fund drive announced at the breakfast meeting are: Donald S. Beyer, Jr., automobile division; Peter Browning, restaurant division; William D. Cremins, legal division; Milton Drewer, Jr., banking division; Bill Flood, corporate division; Robert S. Goralski, energy division; Janet Green, women's organization division; Joseph Harsh, historian division; Claiborne B. Morton, local business division; Milton Peterson, area developer division; David P. Palonscar, service clubs division; Peter Stefanon, accounting division; and Walter R. Wenk, D.D.S. dental division.

Alice Starr of McLean has been hired as executive director for development by the "Friends" to coordinate the fund raising effort.

The Farm has been closed during the winter months and is scheduled to reopen April 3.●

HUMAN RIGHTS—THE SOVIET UNION—LEV ELBERT, THE RIGHT TO EMIGRATE

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. BONKER. Mr. Speaker, as a member of the Congressional Call to Conscience Vigil on behalf of Soviet Jewry, I would like to add my voice to my colleagues in Congress on behalf of a particular individual—Lev Elbert, a Soviet refusenik. I called my colleagues' attention to Lev's case last June, when I urged the Soviet Union to allow him and his family to emigrate from the Soviet Union to join his relatives in Israel. He has been refused a visa in 1976, 1978, and 1980, and he has been harassed, arrested, and detained, and slandered. His wife Hanna, a cardiologist, was mugged and beaten. Lev, who is a civil engineer, lost his job.

As I said last June, Lev Elbert stands as a living reminder of the Soviet Union's unceasing violations of the U.N. Declaration on Human Rights, and the 1975 Helsinki Final Act. He symbolizes for me the power of the human spirit to defy the great weight of Soviet bureaucracy and repression.

It is my great hope that the Soviet authorities will allow Lev Elbert and his family to leave the Soviet Union and end their campaign of abuse and repression against him and all other individuals seeking to exercise their right to emigrate.

I wish to thank my distinguished colleague from New York, Representative NORMAN LENT, for chairing the Congressional Vigil for Soviet Jews this year, and for bringing the many cases to the attention of the Congress.●

NEIGHBORHOOD SCHOOLS

HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. BAFALIS. Mr. Speaker, the Senate has given this body a great opportunity to give the American people what they want—control over the fate of their children.

On March 2, the other body passed—and sent to us—legislation designed to bring balance to the use of court ordered, forced school busing.

This is what the American people want. Public opinion poll after public opinion poll has shown conclusively what the American people, black and white, want their children to have an opportunity to go to their own neighborhood schools. After all, that is why most parents select a home; they want good schools for their children. And they do not want them bused for miles just to satisfy the social conscience of a Federal judge.

But, the question now arises: Will this body have a chance to act on this vital legislation?

The bill in question, S. 951, reached the Speaker's table last Thursday, March 4, a full week ago. And there it sits still.

Under normal circumstances, a bill passed by the Senate and sent to the House is taken from the Speaker's table the same day it arrives, or no later than the following day. It is taken from the table at the request of the chairmen of the committee with legislative jurisdiction over the bill.

Unfortunately, the legislation in question is now under the jurisdiction of the House Judiciary Committee—and that committee has shown a definite reluctance to allow this matter to be discussed, let alone brought to the floor for a vote.

Therefore, I have joined with the gentleman from Louisiana (Mr. MOORE), the gentleman from Ohio (Mr. MOTTL) and the gentleman from Kentucky (Mr. HUBBARD) in introducing a House resolution which we hope will provide this body with an opportunity to debate and approve this much needed legislation.

Believe me, this step was not taken lightly. But this question of who is to exercise ultimate authority over our schools—the parents or the courts—is too vital, too crucial to be allowed to wither away on the Speaker's table.

If this body fails to exercise its right to discuss and debate on the floor of this Chamber the vital issues facing our Nation, then it is failing to carry out its duty to the American people.

For that reason, I sincerely hope this Chamber will soon have an opportunity to vote on S. 951—and to settle once and for all whether the neighborhood school concept is alive and well.●

A TRIBUTE TO LOUIS GOLDSTEIN

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. DYSON. Mr. Speaker, I rise to pay tribute to the accomplishments of a Marylander who will be celebrating his 69th birthday on March 14.

Louis Goldstein has dedicated long hours in his job as the comptroller of Maryland's treasury. In this position he has demonstrated that hard work and a sincere liking for people is in the best interests of the State of Maryland. Elected in 1958, he has been reelected in 1962, 1966, 1970, 1974, and 1978.

His dedication to Maryland public service did not start with this position. From 1937 to 1942 he served as an elected delegate from Calvert County to the Maryland General Assembly. This service was interrupted from 1942 to 1946 when he enlisted in the U.S. Marine Corps. Entering as a private, he was discharged as a first lieutenant after distinguished service in the Asiatic and Pacific theaters.

Back from the war, he once again returned to the legislature. In 1947 he was elected as a State senator to represent the people of Calvert County. In this seat he served as the majority leader from 1951 to 1955 and president of the Senate from 1955 to 1958. He also served as a member of the legislative council from 1947-1958 and was its chairperson between 1955 and 1958.

Louis Goldstein's illustrious career in politics evolved during his student days at Washington College in Chestertown, Md. Although he was a chemistry major, his friendship with Scott Beck, the son of State Senator Beck, sparked the flame of politics within him. Realizing the untapped potential of this young college student, Senator Beck urged him to attend law school instead of his planned career in medicine. He followed the Senator's advice, receiving his J.D. degree from the University of Maryland School of Law.

His dedication to Maryland is not only seen in his elected posts. He served as the president of the National Association of State Auditors, Comptrollers and Treasurers in 1969. He has also served as a delegate or alternate to 10 Democratic National Conventions, and was a member of the platform and resolutions committee at the 1964, 1968, 1972, and 1976 conventions.

While Louis Goldstein has had an illustrious career in politics, his contributions to Maryland have not been confined to it. He is active in veterans, charitable and civic organizations. He has also been an active alumni of Washington College. He serves as its chairperson of the board of visitors and governors of Washington College.

Washington College, Morgan State University, Western Maryland College, and the University of Baltimore have each awarded Mr. Goldstein honorary doctorate degrees, and he has received the President's Medal from Mount St. Mary's College as well as additional awards for his interest in education, historic preservation, promotion of tourism, outstanding management and conservation.

A beloved Calvert County "native son," he is an avid duck and goose hunter, tree and tobacco farmer and a conservationist. He is also interested in historic preservation and is considered somewhat of an authority on Maryland history.

Mr. Speaker, Louis Goldstein epitomizes the State of Maryland. I join with his wife, Hazel, and with his three children, Philip, Louisa, and Margaret Senate, in wishing him a very happy birthday.●

CONGRESSMAN BEILENSON SPEAKS ON UNITED STATES-SOVIET RELATIONS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1982

● Mr. SIMON. Mr. Speaker, one of the quiet, solid, thoughtful Members of this House is our colleague, ANTHONY C. BEILENSON of California. Like all of you, I listen when TONY BEILENSON talks, because what he says makes sense.

Recently, he spoke to the Los Angeles World Affairs Council about our relationship with the Soviet Union. His message is a voice of reason where passion dominates policymaking rather than reason.

My colleagues in the House and Senate will not necessarily have to agree with every sentence in it or every word he utters. But I believe that any thoughtful American who reads this will sense the wisdom of a more balanced approach to foreign policy. Our foreign policy is now designed to satisfy our emotional needs, rather than our national interests.

The speech follows:

THE UNITED STATES AND THE SOVIET UNION: TOWARD A MORE REALISTIC FOREIGN POLICY

(By Congressman ANTHONY C. BEILENSON)

Along with many other people, I've been uncomfortable with much of the Reagan Administration's foreign policy during the President's first year of office.

It has seemed to me that its attitude toward the Soviet Union was too hostile, too provocative. The President has more than taken a hard line toward the Russians; he has often been, I think, unnecessarily belligerent, such as when he said, "They reserve unto themselves the right to commit any crime, to lie and to cheat."

Although there were some softenings—the lifting of the grain embargo, the opening of the TNF negotiations, it was mostly an unrelieved political and ideological hard-line—which has, I think, made it even more difficult than usual to deal usefully with the Russians and has, in the bargain, alarmed our own allies and strained our relations with them, as well.

The key element in our foreign policy in recent years has been and must continue to be our relations with the Soviet Union. Difficult and vexing as it certainly is, we must continue to search out the ways and means of co-existing with them on this planet until the time comes when, hopefully, they develop into a better neighbor in the world. But our relations now are more strained than they have been in a great many years; we are barely talking to each other (we had no ambassador there for the first ten months of last year), and there is more mistrust and misunderstanding between us--and thus more potential danger—than at any time in at least 20 years.

The basis of what little foreign policy this Administration has articulated is largely a renewed Cold War mentality—everything is seen in East-West terms; "the President and his advisers," in the words of Raymond Aron in this month's edition of "Foreign Affairs," "perceive a Soviet presence underlying all the turmoil which disturbs mankind around the world."

Without running through a list of all the Administration's foreign policy positions, a glance at even a few suggest the avenues down which such a world view leads us:

It leads us into situations we shouldn't be in—in El Salvador, where we are, supposedly, "drawing the line against communism in Central America"—and thus gets us drawn into a civil war that is a revolution of the poor rather than a test between communism and anti-communism, and where the opposition consists of many more Catholics, Christian Democrats and middleclass professionals than Marxists.

And it leads to an arms sales policy to nations who promise they "will stand with us against Russia."

We propose to sell Pakistan $3 billion in arms because they're neighbors of Afghanistan—although we know that 85 percent of their troops and war materiel are on the *Indian* border: and we are thus virtually destroying our relations with India.

We are sending AWACS and F-15's to Saudi Arabia so they will stand with us against the Russians—but the Saudis themselves insist that the primary threat to them is Israel! Most upsetting of all is the total absence of a policy for the Middle East—we are simply sending in arms, which is no substitute for a coherent foreign policy.

Our human rights policy has been skewed so that we are now against human rights violations in "totalitarian" countries (i.e., communist countries) but not in "authoritarian" countries—because they are our friends—especially dictatorships of the right down in South America and elsewhere that we now get along with.

And, the Administration position on nuclear arms control is, to put it charitably, ambivalent: the head of the Arms Control and Disarmament Agency and the chief negotiator of ACDA are both personally opposed to arms control agreements with Russia. Our position again is one of "linkage"—we will not negotiate on strategic arms control so long as we disapprove of Soviet actions in Poland, or elsewhere.

And our hard-line policy has led to serious difficulties within the Atlantic Alliance. Our relations with our NATO allies—the immensely important cornerstone of our foreign policy—were not awfully good during the previous Administration, but they are now bad and getting worse. The prime aim of Soviet diplomacy is the breaking up of the Atlantic Alliance, and if the Administration does not want to preside over the dissolution of NATO, it is going to have to start responding to European concerns to a greater degree than it has thus far.

Our allies in Western Europe believe more in detente, and less in confrontation, than we do.

There is less confidence on their part in our judgment when we tend to focus on the evils of communism—of the Soviet Union and its proxies, of Cuban aid to Latin American revolutionaries—and there is a loss of confidence when there is careless talk from Washington about "winnable" nuclear war, and about "limited" nuclear war—limited, that is, to Europe.

As Flora Lewis wrote recently in the New York Times, "denouncing the Soviet menace no longer converts people to admiration of America and trust in its leaders. They know the bad news about Moscow. They are looking for good news, of prospects for peace, reduction of the arms race, effective management of social and economic problems . . . The President must demonstrate that he and his government understand the great issues facing the world and are doing their best to deal with them."

But our policy these days does consist very much of "denouncing the Soviet menace."

If you in fact believe that Russia causes all of the problems of mankind, then I suppose you are stuck with believing that our job is to defeat Soviet objectives, and that we should get involved in all trouble spots where we think we see Russian adventurism, or where the result will seem to us to favor the Soviet Union.

And in that case, I suppose you might agree with Defense Secretary Weinberger that we need a huge defense build-up because, "We have to be prepared to launch counter-offensives in other regions and to exploit the aggressor's weaknesses wherever we might find them . . . We must be prepared for waging a conventional war that may extend to many parts of the globe."

In other words, as Frank Church has said, forty years after the fact, the Reagan Administration is getting the country ready for the Second World War!

But if you don't think that Russia causes all the problems of mankind, if you recognize that there may be other problems in the world—problems of nationalism, political repression, religious upheaval, regional conflicts, poverty and over-population and the instability they bring—then you tend to pursue policies that speak to these problems and not limit yourself to simple reactions to perceived Soviet initiatives.

You are able, in other words, to pursue your own interests in the world.

Unfortunately, we are now following a foreign policy based on the Reagan Administration's view of the world.

And the situation, in their eyes, seems also to be one in which the Russians are winning and in which the Russians are stronger than we—where we are in a position of military inferiority.

But is that correct? what are the realities?

I would suggest that the outlook for us is not nearly so bleak as the President seems to feel it is—in fact, it's a good deal more worrisome for the Russians.

We should try to understand the Russians and how the world looks to them—not in order to excuse them, or sympathize with them—but to understand them; it might help us properly evaluate the nature of the threat they pose to us.

The Russians have concerns, fears and grievances on their mind, too.

The view from Moscow is not reassuring—nor has it been for some time now.

At home, Russia faces problems with its Eastern bloc allies—most of whose economies are in serious trouble; some of whom are refusing to increase their defense spending as the Russians have requested; and all of whose military authorities are quite aware that it is the Polish military—and not the Polish communist party that is playing the leading, central role in Poland today.

The Soviets are becoming increasingly concerned, obviously, about their ability to hold together their Eastern European empire.

They have minority problems: the Russians themselves are now less than fifty percent of the population of the U.S.S.R.

They have productivity and labor problems, housing and food shortages, growing consumer expectations.

They have an aging, conservative leadership and fouled-up bureaucracy that stifles economic progress.

And beyond their borders, they are losing, rather than gaining, strengthen and influence.

In Europe, Spain and Portugal are succeeding with their democratic governments and both are firmly in the camp of the Western Nations; West European armed forces are stronger and better prepared than they were a few years ago—and U.S. forces in Western Europe are now more heavily armed and mechanized.

In Africa, after years of economic and diplomatic efforts, the Russians have influence in only three countries out of 53, and in one of them Angola, the Cuban troops who are there are being used to protect Gulf Oil's facilities (all of Angola's oil is sold to the West!).

In Asia, the world's most populous nation, China, has moved closer to the U.S., and Soviet-Japanese relations are extremely poor.

The Russians are becoming increasingly isolated in a world that is hostile to them politically and close to them geographically.

We have Canada and Mexico as neighbors—they have a 5,000 mile border with China, plus Iran, Afghanistan, the NATO countries, Japan and the Warsaw Pact nations whose support, in a time of hostilities, they cannot count on. As someone has said, "Fortunately, it is the Soviet Union and not the United States, who is surrounded by hostile communist countries!"

And they are confronted with four nuclear powers arrayed against them, and more likely to concert their efforts against them than at any time since World War II.

We are rightly concerned about Soviet adventurism and intervention in the Third World—but it needs to be put in perspective.

Moscow's failure—the split with China; expulsion from Indonesia, Egypt, Sudan and Somalia; the loss of influence in Ghana, Iraq, Guinea, Nigeria, Mali and Zaire—countries where Soviet influence was once accepted but has since been repulsed; and

Its loss of support from the Communist parties of Western Europe—most recently the Italian and Spanish Communists—all add up to an enormous loss of influence, which far outweighs its few successes.

And, most of its successes are probably temporary: even now, for example, Vietnam—in serious economic straits—is seeking a move toward ties with the U.S.; and

In Ethiopia, relations are badly strained and the Russians are hated by the people there—just as the Americans were when we were there!

And, in Afghanistan, they have been unable to curb the widespread insurgency despite a costly commitment—they control only Kabul (the capital), and they are learning a lesson similar to the one we learned in Vietnam: that there are limits on their ability to use military force successfully, even in a poor, neighboring country. And, in the process, they have earned the condemnation of most of the Third World.

When you get right down to it, Russia is very much alone in the world.

While we have strong and powerful allies throughout the world, what allies do they have?—six Eastern European puppet states, whom they cannot trust; plus Vietnam, Cuba, Ethiopia, Angola, Libya, Mozambique, South Yeman and, while it is occupied, Afghanistan.

And that's about it! Who'd want to trade positions with them?

In addition to their concerns about internal economic problems, and worries about being able to keep control of their Eastern European allies, they also are fearful about what they perceive to be external threats to their security.

They are perhaps most concerned about our policy of "playing the China Card" and what they see as our tilt toward China, and, noting their long border with China, argue that they could not tolerate another hostile government along the 1,700 mile border with Afghanistan—hardly an adequate excuse for their invasion of Afghanistan, but possibly a real insight into their insecurities.

And, while we considered Afghanistan the last straw—and even Jimmy Carter abandoned detente while Soviet troops remained in that unhappy country, it's also relevant to point out that when the Soviets invaded

Afghanistan the trade, technology transfers, and arms control offers—many made in the Nixon-Kissinger years in the 1972 Trade Agreement—as promised rewards for Soviet restraint, had still not materialized: neither expansion of Export-Import Bank credits, nor conferral of most-favored-nation trade status had been granted—and the Soviets felt that we had reneged on the terms of the '72 agreement, and that they had nothing to lose in terms of benefits from us if they were to invade Afghanistan.

They were, and are, extremely concerned about our scuttling of the SALT II Treaty after they had negotiated it through three American administrations; and they are concerned about our unilateral abandonment of the Indian Ocean arms control negotiations of two years ago.

They saw our willingness to send a half million U.S. troops halfway around the world to Vietnam to within 1,800 miles of their borders (and many tens of thousands of our troops to Korea, just a few hundred miles from their own borders)—can you imagine our response if they were to send 500,000 troops to intervene in a civil war in Central or South America?

They see us going ahead with a new MX missile that was ostensibly designed to be mobile and thus invulnerable, only for us to be planning—until yesterday—to emplace them in existing, vulnerable silos—and they plausibly conclude that the new weapon is, in fact, a first-strike weapon that threatens their own nuclear deterrent in just the same way the Pentagon says heavy Soviet missiles threaten the U.S. deterrent. They may be even more alarmed than we since many more of their missiles (three-fourths) are land-based, and thus vulnerable, while the U.S. deploys far more of its inter-continental missile force on invulnerable submarines.

They are concerned about the NATO decision to deploy U.S. medium-range nuclear missiles in Western Europe because they feel that the number of theater nuclear weapons is now in balance—they are especially concerned about those of our missiles which can hit Russia and thus, from their point of view, are the equivalent of strategic weapons (none of their TNF can hit the U.S.), and

They are most worried about the Pershing II missiles which we plan to deploy in West Germany and which can reach Moscow in only five or six minutes, which means that a well-executed first strike could wipe out the entire Soviet leadership and much of their command and control system as well.

And the cruise missiles we shall be deploying by the thousands in and around Europe will also not be able to be seen until they reach their target nor, because of their small size, will their numbers be known or verifiable to the Soviets.

In sum, the "American threat" is as real to them as the "Soviet threat" is to us.

It helps, I think, to look at these things—it gives a better perspective to our relative situation in the world, and it helps one see that some of the imagined problems are more manageable and less frightening than we often are led to believe.

The same thing is true about our military situation vis-a-vis the Russians.

Without any major reversal or precipitous shift in the balance of power between East and West, Mr. Reagan proposes to double the budget for defense expenditures over the next five years (a total of $1.6 trillion)—and a cost by 1986 of $1 billion a day for defense—in the stated aim of seeking military superiority over the Russians, which is probably not possible.

And the President proposes to go ahead with this enormous expenditure of money—and this huge arms build-up,

Despite the fact we're already, with our NATO allies, outspending the U.S.S.R. and its Warsaw Pact allies by more than $20 billion a year for defense (and almost 40 percent of their expenditures are for weapons and forces for their 5,000-mile Chinese border);

Despite the fact that we and our NATO allies have 600,000 more men under arms than the U.S.S.R. and the Warsaw Pact countries—and fully half their combat-ready forces are stationed on the Chinese border, not in Central Europe. And a great many of their troops in Central Europe are drawn from Eastern European states—and their reliability is thus very uncertain.

Despite the fact that we have a good many more nuclear warheads than they;

Despite the fact, for example, that the nuclear warheads carried on one U.S. submarine could destroy every large and middle-sized city in Russia—and we have 41 such submarines.

Plus 356 B-52 Bombers, each of which can carry several nuclear bombs;

Plus 1,054 ICBM's, most of them with multiple warheads.

The Reagan Administration's alarming outcries about U.S. vulnerabilities, its constant denigrations of our defense capabilities and exaggerations of Soviet power, do not reflect the overall military balance which exists, and are probably harming our security. As former Defense Secretary Harold Brown remarked, "We remain the military equal of or superior to the Soviet Union . . . and those who suggest the United States is weak and helpless not only are playing fast and loose with the truth, they are playing fast and loose with U.S. security."

Plunging ahead into this spending spree—

Without having first formulated, or even articulated, an underlying defense or national security strategy that the defense build-up is supposed to implement, is not the way to go about strengthening our national security.

What is important is how we spend the money, and what we spend it for—not simply how much we spend.

There are some things we need to do: we need to concentrate on training, maintenance and readiness of existing forces rather than on the continued mindless procurement of more and more complicated and costly weapons systems—we would get dramatically more military effectiveness for a lesser amount of dollars.

What we don't need are such things as—

Three nuclear aircraft carrier groups (at a cost of $7 billion apiece).

Four old battleships being brought out of mothballs at a cost of $½ billion apiece—which would probably be sunk in the first 10 minutes of a war with Russia.

A revived B-1 bomber at a cost of $400 million apiece—although it will be obsolete 3 years later (the Defense Department admits that it will not be able to penetrate Soviet air-space by the end of this decade)—and although next year our B-52's will start to carry cruise missiles.

And a new strategic weapons race in the absense of SALT talks.

One last word on this subject: when we talk about military spending we would be wise to keep in mind a lesson we should have learned in recent years that—

More arms won't necessarily make us more secure.

Despite our great military strength, and our thousands of nuclear weapons, we were unable to prevent any of our recent major foreign policy set-backs:

Vietnam
Loss of Iran by our ally, the Shah
Quadrupling of oil prices by OPEC
Taking of our hostages in Iran
Death of our friend, Mr. Sadat

Nor could our Department of Defense be usefully used to prevent the Russian invasion of Afghanistan or the imposition of martial law in Poland.

These are things worth thinking about when we are asked to double our defense budget.

Our preoccupation with reacting to what Russia does, our tendency to view the whole world with a Cold War perspective, often keeps us from doing things we ought to be doing in our own interest in other areas as well.

There are a number of initiatives we should be undertaking that would, I think, serve our interests:

We should concentrate on working to bring about settlements in difficult, dangerous and volatile regions of the world whose potential explosiveness may drag the U.S. and U.S.S.R unintentionally into confrontation (Middle East) or where continued internal unrest and civil war afford Russia or her surrogates opportunities to cause mischief and to drag the U.S. into unwarranted and unnecessary involvements (Central America—where we should be strongly supporting the efforts of other regional nations such as Mexico and Venezuela and Costa Rica to effect political solutions).

Rather than seeking a means to intervene in Central America as a way of demonstrating U.S. toughness toward Russia, it would be wiser to make real efforts to coordinate policy with the other powers of the region in order to try to deal with revolutionary change.

And, seeking an overall peace settlement in the Middle East between the Arab nations and Israel is the most productive diplomacy we can practice to counter possible Soviet expansion of influence in that important area.

We should seek normalization of relations and rapprochement with Vietnam, Angola, and Cuba.

If we are really worried because these countries appear to be in the Soviet column, why not try to woo them over to our side—or at least to a position of neutrality?

Both Angola and Vietnam are seeking closer relations with us; Cuba has done so in the past and would, I think, quickly do so again if we gave them the chance. Our embargo of Cuba has left is entirely dependent on the Soviet Union, and there is no way we can have any leverage on it in the absence of any economic and diplomatic ties.

And, while we're at it, an intelligent policy would include a real effort to improve our relations with India—the world's largest democracy and second largest country, and the biggest power in South Asia. Our shared democratic values and ideals make a closer relationship both sensible and desirable, and an added dividend would be our gaining a friend with great Third World influence.

We should again be a champion of human rights in all parts of the world—we should express as much outrage, for example, at the imprisonment of labor and political leaders in South and Central American countries as we have done, quite properly, over that of Lech Walesa in Poland. Ironically, and tragically, we are talking loudest and criticizing most harshly those countries where it does the least good, and we are keeping quiet about political imprisonment and torture by regimes we consider friendly—where we could have enormous influence in mitigating those inhuman practices.

A concern for human rights is, in the words of Jimmy Carter, "a natural and historic American trait and also a valuable tool for building our own spirit and meeting the totalitarian challenge among millions of people in other nations who hunger for liberty and justice. . . . The strongest weapons in the American arsenal are our ethical and moral values based upon the fair treatment of human beings here and abroad."

We should make better use of those weapons.

And always, we should keep in mind that our comparative advantage over the Soviets lies not in building weapons, but in the strength of our economy, our ability to use foreign aid as an arm of our diplomacy, and to maintain alliances with those who share our values.

We should concentrate on improving our economy and our ties with our allies.

Both are big subjects and can't be dealt with here—but both are crucial, and must be tended to.

Most important of all, our preoccupation with maintaining a posture of implacable hostility, distrust and confrontation keeps us from recognizing, and working to resolve, those interests and concerns we happen to share with the Soviet Union.

We must remain strong—but just as important, we must learn to be firm and consistent with the Soviets—so they come to accept us as reliable partners in detente and so they know what we expect of them and what we consider unacceptable behavior.

Soviet behavior depends, in the words of Alexander Dallin, "in large measure on how the U.S. and its friends behave, what they say, and how Moscow perceives and interprets their purposes and policies." Excessive volatility of American foreign policy tends to undermine the mutual credibility that is a necessary foundation of successful relations and negotiations.

One necessary part of a wise foreign policy is to start dealing daily and in depth with the Soviet Union on a whole series of differences between us. The better we become at talking out these differences, the less likely either of us is to make a dangerous mistake.

We should pursue dialogue at all levels in order to clarify interests and sensitivities and to manage situations where U.S. and Soviet interests, influence and presence overlap.

This should include regular, periodic meetings between our two defense secretaries and between our Secretary of State and their foreign minister—and more frequent meetings between working groups from Defense and State—and it should include the establishment of a permanent, joint crisis-management group (such as has been proposed by Senator Sam Nunn) to serve as a mechanism to help prevent the mistaken or accidental use of nuclear weapons by either of the two superpowers, and to help prevent the retaliation by one of our countries or the other in the mistaken notion that one was at fault in the event of the use of a nuclear weapon by a terrorist organization or Third World country.

We should increase our cultural relations and economic ties with the Soviet Union and Eastern European countries.

Trade and financial relationships serve as buffers and serve also as links between East and West in times of tension and crisis when practically everything else is divisive.

It is probable that Poland's huge debt of $27 billion has been a crucial factor in dissuading Moscow from direct military intervention. The Soviet Union would then either have had to help repay Poland's obligation or share the responsibility for a default, which would ruin its own credit as well as impose enormous new burdens just to keep Poland going.

Increased cultural exchanges with communist and Third World countries means more Fulbright scholarships and International Visitor Program appropriations, not less.

By turning away thousands of future leaders from all over the world, we deprive ourselves of a great national advantage—the attraction a free society, and particularly its academic institutions, holds for people from other countries. These programs have brought this country more influence and good will in the world than any comparable outlay of taxpayer money in the last twenty to thirty years.

We should be pursuing a strong nuclear non-proliferation policy. Unfortunately, this administration has largely abandoned our earlier efforts in this area and is concerned mainly with being a "reliable supplier" of nuclear fuels, technology and equipment.

The greatest risk of use of nuclear weapons is by countries other than the two superpowers—or by terrorist groups—and the Russians have long been more serious about this than we. We can and should be partners in pursuing policies to discourage the adding of fifteen or twenty additional countries to the nuclear club over the next few years.

Lastly, nuclear arms control is the most important issue in the world in terms of human survival—and a shared interest in avoiding an all-out nuclear war is the central element of U.S.-Soviet relations.

The United States should be doing something about starting to move again with the Russians with respect to strategic nuclear arms limitations—and not let it seem to the rest of the world, quite correctly, that the Russians seek limitations but we do not.

It was absolutely foolish of us—it was a profound error—for this Administration to allow the Soviets to appear to much of the world—and especially to the peoples of Western Europe, our most important allies—to be the champions of arms control while we had to be dragged to the conference table.

We should be proposing any number of initiatives to the Soviets:

Immediate equal reduction of nuclear weapons of all categories (as proposed by George Kennan); or

A mutual, verifiable freeze on all further testing, production and deployment of nuclear weapons and delivery systems, which would make possible the "negotiations leading to a definite, verifiable reduction in strategic nuclear weapons" that President Reagan has called for.

Or, we should get back to SALT II, with some changes, if necessary; or, if not, a SALT III that builds on it. The main elements of the SALT II Treaty were agreed to by previous conservative Republican Presidents and are overwhelmingly favorable to the U.S. in terms of our present and future security interests. We have never had a public explanation by this President or his Administration as to why this Treaty was being scrapped.

In any case, this Administration's decision to postpone SALT talks because of Soviet actions in the world is absolutely the wrong thing to do.

We need to do away with the concept of "linkage". An arms control treaty should only be negotiated on the basis of whether it's good for our security interests—it's not a favor to the Russians, and it should not be dependent upon their behavior in other areas.

In fact, the need for SALT limitations is probably greater when tensions arise because of the misbehavior of the Russians in some other field.

We expect them to misbehave—that's why we need treaties to regulate their behavior in such a vital area as nuclear arms. If they behaved well—and if we trusted them—we wouldn't need SALT agreements: we don't seek them with the British or the French!

If the U.S. continues to shun strategic arms negotiations, and builds up our nuclear forces as the Administration proposes, we commit ourselves to ten or fifteen years of an unnecessary, dangerous, and highly inflationary nuclear arms race in which the Soviets will certainly keep pace with us. And we will be no more secure at the end of it.

Our attempts to achieve strategic superiority are completely meaningless. Any nuclear arms build-up by us will be matched—as it always has been—by the Soviet Union, and will result in thousands of additional Soviet nuclear warheads that will be targeted on the United States.

With almost ten thousand intercontinental nuclear weapons, the United States is not in any way inferior to the Soviet Union or subject to Soviet coercion; what we have is nuclear parity—a stalemate which neither side can break without committing suicide.

Under these circumstances, the only rational policy is to take the initiative in proposing arms control agreements. Any further nuclear arms build-up is insane.

One final word. I want us—I think it's important for us—to feel good about ourselves again—about what we are doing here at home, and around the world—and what we stand for in our own eyes and in the eyes of others.

We've got to stand for something.

We no longer are perceived by others or by ourselves, for that matter, as a nation that stands up against oppression, tyranny and human cruelty wherever they may be found.

We do not appear to the rest of the world, even to our own allies, to be a peace-loving or at least a peace-seeking people.

We are fast forfeiting any kind of moral leadership we once had.

By playing down the importance of arms control and nuclear non-proliferation, ignoring under-developed countries and backing off from human rights stands, we jeopardize the future support not only of our allies throughout the world but, more importantly, our own people. When we do these things, we surrender the most powerful weapon of the West—the arsenal of principles.

We must start acting again like a great and a free people.●